

1880-010

Chancery Causes: J.

J. A. Cutchin & ut vs Jesse D. Council, William E. Barnes &

State of Wright County

George W. Council

other surnames: Young

In The County Court of Ischew-
County, The 6th day of May 1861.

On motion of Jesse D. Annicie,
he is appointed guardian
of many Alice Annicie
orphan of James M. Annicie
decd: and Thompson, with
William E. Barnes, and
Geo. W. Corns in his securities
who justified, entered into
and acknowledged a bond
in the penalty of \$1600⁰⁰ with
a condition according to
law. Ordered that said
bond be recorded.

Attest

Teste.

W. A. Edwards Clk for
M. A. Younger.

J. D. Ammer's
qualification
as gov. of
Mary A. Ammer

Copy of order
of May 11. 1861

6

Due for copy 15¢

Know all men by these presents
that we Jesse D. Cummins, Geo.
W. Cummins, and William
E. Burges are lawfully and
firmly bound unto the
Commonth. of Virginia in the
sum of Eight thousand Dollars,
to the payment whereof well &
truly to be made to the said
Commonth. of Virginia, we
bind our selves and each of
us, our heirs and each of our heirs
executors and administrators
jointly and severally firmes
by these presents. Sealed with
our seals, and dated this 6th day
of May 1861 in the 85th year
of the Commonth.
The condition of this obligation
is, that if the said Jesse D. Cummins

who has this day qualified as the guardian of Mary Alice Bonnell orphan of James M. Annine decd: by appointment of the County Court of Isle of Wight County. I have faithfully discharged the duties of his office of guardian aforesaid, then this obligation to be void, else to remain in full force.

James D. Annine *(seal)*

W. E. Barnes *(seal)*

Geo. W. Annine *(seal)*

In the County Court of Isle of Wight County
May 6th 1861. This bond was accepted and
ordered to be recorded.

Teste. W. D. Younger

Attesty Teste

W. A. Edwards D. C.

Annine J. D.

{ Bond on
given of
D. M. A. Annine

Annine

Annine

Attesty

"

For copy 30

Know all men by these presents
that we Geo. W. Currie Jesse D.
Currie, Alfred B. Butler and
W. C. Barnes are here and
firmly bound unto the Community
of Va. in the sum of Twelve Thousand
Dollars for the payment thereof
wee and they to be made to the
said Community of Virginia,
we bind ourselves and each of
us, our and each of our heirs
executors and administrators
jointly and severally firmly by
these presents. Signed with our seals
and dated this 3^d day of June
1861. in the 85th year of the Community.
The condition of this obligation is,
that if the said Geo. W. Currie &
Jesse D. Currie who have
this day qualified as the Executors
of James M. Currie decd. shall
faithfully discharge the duties
of their office of executors then

This obligation to be void, else to
remain in full force.

Geo. W. Currier *seal*

J. D. Currier *seal*

A. R. Butler *seal*

W. A. Barnes *seal*

In the County Court of Schoharie
County, June 3^d 1861, this bond
was presented & admitted to record.

Teste.

Attesty

A. D. Young c.c.

Teste. W. A. Edwards D.C.

born in Scotland
and L.D.
copy of bond
as recd. of
L.D. in
L.D. in
L.D. in
L.D. in

"B"

For copy 30

In the County Court of Suffolk
County the 3^d day of June 1861.

The last will and testament
of James M. Amiee died: which
set for contest today was read
and put in court; and Joseph B.
Amiee, the Contestant refus-
ing further to contest the same.
The Court doth order that the said
Joseph B. Amiee pay to the
Executors of said James M.
Amiee their costs by them
about said Contest in this
behalf expended, and the
said will being proved by the
evidence of Edgar Bowles and
Benjamin Ely the subscribing
witnesses, and ordered
to be recorded, and on
the motion of Geo. W. Amiee
and John D. Lounice the
executors named in said

wice, who made oath and
with Alfred R. Butler and Wm.
E. Barnes their securities,
who justified, entered into &
acknowledged a bond in
the penalty of \$1200⁰⁰ with
condition according to law.
Antifiduciar of probate is granted
them on said wice in due form.
Ordered that said bond be recorded
and that W. E. Barnes, Benj. Aley, Edg or
Rowes & A. R. Butler or any three of them
after being duly sworn appear in
the next or next report.

Attest

Teste. W. B. Edwards D.C.

James M. Ammer
Clerk
Order of Quairi.
Cation of Arture
Jan 21. 1864

De for copy 304

I, James M. Converse of the County
of Schofield and State of Virginia
do make, ordain, constitute and
appoint this to be my last will
and testament in manner and
form following to wit:

1st It is my will and desire that all
of my just debts be paid.

2^d It is my will and desire that my
executors see all of my lands
and plantations where I now
live on a credit of 3 or 6
years, by the purchaser giving
bonds with approved security
bearing interest from date.

3^d I leave to my daughter Mary
Allie Converse until she is
of lawful age, all of my negro
namely, Jacob, Alfred, Sam, Har-
ris, Jerry, Willis, Edney, Elinga,
Zorads, Jimmie, Martha, Indiana
and five and their future progeny
together with the proceeds of all

of my land and plantation
and all the remainder
of my Charles estate, money
bonds &c. Should my daughter
Mary Allie Corns live
to be of a age, or have a lawful
living heir, then in that event,
I give and bequeath to her, all
the property and money named
above to her & her heirs forever.
Should my daughter Mary
Allie Corns die under
lawful age, or without a lawful
living heir, then in that event,
I give and bequeath to my 2
brothers Geo. W. Corns and
John D. Corns all the property,
money &c, named above, to be
equally divided between them
and their heirs forever.

I give to the guardian of my
daughter Mary Allie Corns
the right to live out the negroes

in the State of Virginia, or
any of the Southern or Western
States as he may think best
for her interest.

Lastly, I do nominate and
appoint my two brothers Lewis
W. Connel and Jesse D. Connel
my whole and sole executors
to this my last will & testament,
hereby revoking and annulling
all other and former wills by
me heretofore made. In witness
whereof, I have hereunto set
my hand and affixed my
seal this 22^d day of March
Eighteen hundred & sixty one.

Teste.

James M. Connel ~~test~~

Edgar Bowles

Benjamin Eley

In the County of Loudoun at
Annandale, May 6th 1861. A writing
purporting to be the last will and

Testament of James M. Converse
decd: dated on 22^d day of March
1861. was produced in Court
by Jesse S. Converse and George
W. Converse the Executors therein
named, in order to be proved
whereupon, and on hearing
the said Executors as well as
Joseph S. Converse who appeared
by L. B. Stor, as his attorney
it is ordered that the said will
be contested on the first day of
the next term of this Court.

And at another Court held for
said County on the 3^d day of
June 1861. the said will of the
said James M. Converse decd:
which was set for contest today,
was produced in Court; and
Joseph S. Converse the Contestant
refusing further to contest
the same, the Court doth order
that the said Joseph S. Converse

pay to the Executors of James
M. Linnell their costs by them
above said Artist in this
behalf expended, and the said
will being proved by the evidence
of Edgar Bawls and Benjamin
Ely the subscribing witnesses
thereto and ordered to be allowed,
And on the motion of Geo. W. Linnell
and John D. Linnell the execu-
tors named in said will (who
made oath) and together with
Alfred B. Butler and William
E. Barnes their securities, who
justified, entered into, and
acknowledged a bond in the
penalty of \$12000⁰⁰ Condition
according to law, certificate
of administration is granted them
on said will in due form.
Ordered that said bond be
allowed, and that William
E. Barnes, Benjamin Ely, Edgar

Rowe and Alfred R. Butler
or any two of them after
first being duly sworn
administer the oath and make report
to Court.

Teste

Henry

Teste

A. J. Younger

W. A. Edwards D.C.

Received for his
witness
Henry

"X"

For per copy \$1.05

Cutcheri Day
vs J In Chancery
Council vol

On the motion of the
Plaintiffs by their attorney this case
is dismissed

Cutler's Day
is John Chancery
Commeil del

1880 - Octo Lem

Order of dismission
by Regt - Commel

To be entered

Geo. B. Stone


(Entered 2)

Catchers all up

• Council at 10

Can studies of the
system at 10 Council at 10
Council at 10 Council at 10
Council at 10 Council at 10
Council at 10 Council at 10

Catharine at age
14
Commence

Order of the Grand

To be entered

Geo. B. H.

Entd. 13

X 2

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Jep. H. Council late guardian of*
Mary Alice Council, and George W. Council, William
C. Barnes and Benjamin Eley

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *September* next to answer *the bill in*
chancery of J. A. Cuthbert and Mary Alice
his wife, vs. Council.

of a plea of ~~_____~~ for \$ ~~_____~~ Damages \$ ~~_____~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *22^d*

day of *August* 187 *9*, in the *104th* year of the Commonwealth.

N. P. Young clk.

Catchin, wife

25. } Sum. in
} chg,

Council Gen. 1879

// To Sept. Rules 1879.

C. A. Edwards

Executed by delivering
to the within named
J. D. Council Gen. W,
Council Gen. W. & E,
Barnes each a true
copy of the within
Summons. ^{King Elmy is dead} Aug. 27
1879
C. A. Edwards Dep. for
L. B. Edwards Siff,

To the Honorable George B Blow Judge
of the Circuit Court of Isle of Wight
County,

The Answer of Jesse D Council
as late Son of Mary Alice Council ~~as~~ Executor of
James M Council decd to the Bill of
Complaint in said Court exhibited by
J. J. H. Culbertson and Mary Alice his wife
against him ~~as~~,

This Defendant saving
and reserving to himself all and every
right of exception to the many errors
and imperfections in said Bill con-
tained, for answer thereto, or to so much
thereof as he is advised it is material
or necessary for him to answer, answer.
my copy.

1st That he admits to be true the allega-
tions of said Bill charging that this
defendant qualified ^{one of} as the Executor
of said James^m Council and as Guar-
dian of Mary Alice the daughter of said
testator one of the aforesaid complainants;

2nd This Defendant alleges that the bond
of Henry B Council was when taken
a good and solvent bond and became
insolvent by the exigencies of the War
without the laches of this defendant

This Defendant entirely and utterly denies each and every allegation of said Bill charging that this defendant "beguiled" or "unduly persuaded" the said Mary Alice "into accepting the said bond in part satisfaction of the amount due her" by this defendant; and this defendant further denies that the said Mary Alice was beguiled or unduly persuaded as aforesaid by any person or persons at the instance of this defendant or in his interest, or with his knowledge or acting on his behalf;

On the contrary this defendant solemnly avers that the said Mary Alice before taking said bond was fully informed that the said bond was worthless and that she was under no obligation to receive the same and after being so informed the said Mary Alice said that she was willing to take the said bond and did not wish this defendant to loose it and that the said Mary Alice voluntarily, freely willingly and of her own accord, took the said bond in part payment as aforesaid without any persuasion inducement or influence made or held out by

4th

this defendant or any one on his behalf, after she the said Mary Alice was informed that the said bond was worthless and that she was under no obligation whatever to take the same. That this Defendant and the maker of said bond are both blood connections of the said Mary Alice, they being both her uncles, of the full blood.

5th

This Defendant denies all and every allegation of error in said Bill alleged in the ~~in~~ settlement with the said Mary Alice therein mentioned.

And this Defendant having answered prays hence to be dismissed with his costs in this behalf most unreasonably expended, and he will ever pray &c

x J. J. Connell

State of Virginia
Isle of Wight County

Town

I C B Hayden — a Notary

Public for the county aforesaid do certify
that Jesse D Councill personally ap-
peared before me in my said county
and made oath to the truth of the
statements contained in his foregoing
answer.

Given under my hand this 5th day of
January AD 1880

C B Hayden

Notary Public

Critchfield et al

vs

Councill et al

Answer

of

Jesse D Councill

Filed Jan. 5th 1880

Virginia:

In the Circuit-Court of Isle of Wight County,
To the Honorable George Blow, Judge of the
said Court:

Humbly Complaining, sheweth
unto your Honor, your complainants,
J. J. A. Cutchin and Mary Alice, his wife
(née Cornicell) of the County of Isle of Wight,
the following case.

First: Sometime in the year 1860, James
M. Cornicell of the said County of Isle of
Wight, who was the father of the aforesaid
Mary Alice Cutchin, departed this life,
leaving a considerable estate consist-
ing of both real and personal property,
having however first made his last will
and Testament, leaving as his only heir at
law and devisee the said Mary Alice, who
was his only surviving child: a copy of
which said will is herewith filed and is
prayed to be taken as a part of this "Bill"

Second: Under the said will and by appoint-
ment therein made George W. Cornicell and
Jesse D. Cornicell qualified as the executors of
said James M. Cornicell deceased, giving their
a copy of which bond is herewith filed, marked B. per part of this bill
bond with approved security according to law.

Third: On the 6th day of May, 1861, Jesse D.
Cornicell one of the said Executors above named

X-ut- "A"

X-ut- "B"

qualified as the guardian of said Mary Alice Cornicell (now Lutchin) giving his bond as required by law in the penalty of \$16000⁰⁰, with William C. Ramey and George W. Cornicell, his sureties therein, a copy of which bond is herewith filed marked "B" and is also prayed to be taken as a part of this bill.

Fourth: Your complainants further state that on the 4th day of December, 1878 the said Mary Alice Lutchin, attained the age of twenty one years, and on the 19th day of December, in the year 1878, the said Jesse D. Cornicell, her guardian as aforesaid, had what purported to be a final settlement with her, taking from her a receipt in full and discharge, which said settlement was duly made up by N. P. Young Esq., Commissioner of accounts for the County Court of this County, a copy of which is herewith filed marked "D" and is prayed to be taken as a part of this bill.

Your Complainants allege that when the said settlement was made that the said Jesse D. Cornicell paid over to the said Mary Alice a certain bond executed by Henry B. Cornicell, the 4th day of December, 1867, for \$218.37, on which a payment amounting to \$156.17- was made on the 2nd day of November 1867, to the Executor aforesaid, and after-

Ex. Pt. "3"

wards. to wit: on the 14.th day of February, 1871, the said bond was by an endorsement thereon signed by George W. Cornice one of the aforesaid Executors duly assigned to the said Jesse D. Cornice the aforesaid guardian of the said Mary Alice, and was by him on the 23rd day of December, 1878. paid over to his said ward as representing the sum of \$228.43 - see endorsement thereon assigning the same to her - the said bond being herewith filed marked "8" - as a part of this bill. And your complainants allege that at the time the said bond was paid over to the said Mary Alice the same was utterly worthless, the maker thereof having been notoriously insolvent for several years, and that the said Mary Alice was beguiled and unduly persuaded into accepting the said bond in part satisfaction of the amount due her by her said guardian, the payment of which will appear by Court. Young's report of settlement above mentioned. Your complainants allege that the said Jesse D. Cornice guardian as aforesaid, never attempted so far as they know to collect the amount of said bond and that the said guardian well knew at the time he assigned the same to his late ward on the attainment of her majority as a part of the

sum found to be due by him to her that the bond was utterly worthless, and that he had no justification at law or in equity for requiring her to accept as so much current money, the insolvent bond aforesaid. Your complainant says further that the said Jesse D. Cornicell was exceedingly derelict in the performance of his duty as guardian of the said Mary Alice in this - first - in receiving and accepting the said bond from the aforesaid executor if it was not then solvent, and secondly that whether solvent or not he made no effort at law to collect the same during the entire term of his guardianship and hence his final settlement is liable to be, and should be, surcharged and falsified - falsified in this, that he, the said guardian in the final account and settlement herewith filed, is credited with having paid over to the said Mary Alice a certain bond, the balance on which is estimated to be \$228.43 and the said Mary Alice is charged with having received the same when in fact the said bond should never have been presented to the said Cornicell as any part of the solvent assets of his Ward's estate - and surcharged for various errors of omission in his said settlement.

as will be duly shown to your Honor. and your complainants are informed that the said Jesse D. Cornice, late guardian as afeference of the said Mary Alice, together with his bondsmen are liable to your complainants for the damage innung to them through his neglect and that judgment may be decreed against the obligors in the said ^{the full perpeity of their said bond} ~~guardian bond~~ for ^{to be discharged by the payment of} the said sum of \$228.43 together with all interest due thereon and the costs by your complainants about their complaint ~~expenses~~ in this behalf expended. and your complainants say that no part of the said sum of \$228.43 has ever been paid to them or either of them.

In Tender consideration whereof, forasmuch as your complainants are remediless in the premises, come by the aid of a Court of Equity: where matters of this sort are alone and properly cognizable your complainants pray that the said Jesse D. Cornice and William E. Barnum and George W. Cornice be made parties defendant to this bill. and required on their several and respective corporal oaths to answer the same according to the best and utmost of their respective knowledge and belief and full, true di-

act and perfect answer make to the matter aforesaid and that as fully as if the same were here repeated, and they particularly interrogated thereto, and more especially that the said defendant Jesse D. Cornicell may in manner aforesaid answer and set forth whether —

1st: Did you not know that the aforesaid bond of H. B. Cornicell representing when you paid it over to Mary Alice Cornicell (now the wife of J. J. A. Butcher) your late ward, the sum of \$228.43 was utterly worthless?

2nd: Did you ever make any effort to collect the same according to law? and if so where are the proofs?

3 By what means was she induced to accept the same in part-satisfaction of the amount due her by you as her guardian?

and that it may be decreed by this Court that the said Jesse D. Cornicell, ^{late} guardian as aforesaid of the said Mary Alice Butcher together with this Co-obligor in said bond to wit: William E. Barner and George W. Cornicell are liable to the said Mary Alice and J. J. A. Butcher in the full penalty of their bond to be discharged on the payment of the aforesaid sum of \$228.43 with interest and costs. and that execution may issue therefor. And that you from will grant unto your complainant

into such justice and general relief
as may be consistent with equity - and
the case requires

And your complaisance will ever
be my friend

C. H. Conway Jr. G.

J. J. A. Leitch & Co
vs E. E. Chaney

Oct. Ch. 1880.
Dismissed.

Jesse D. Council vs

'Bill'

Sept. Rules, 1879.

'Bill' & exp. filed -

Sept. and Oct. miss.

" Sept. Except B.

Elig & abates on return,
in being read.

Octo. Rules - Bill

taken for confessed
and set for hearing

Octo Ch. 1879. Leave
to Council Office
Receiver.

Dr Mary Alice Bourcier
In Account with James D. Bourcier 90c.

1878

Sept.	To Dr. F. W. Palmer - Dentist	15 00
Nov.	" " Taxes for 1878.	19 50
Decr.	" " Standen salary for clothing other necessaries.	65 84
	" Cash to Ward in June	6 25
	" Do. for November	5 00
	" Bonds of Ward of Mrs.	42 00
	" Commis. on \$4000 recpts.	2 00
	" retained to pay commission and chg. for this acct. &c.	4 00
Decr. 4	" Balance per Contra	1576 45

1878

May 3 -	By bal. due Ward on last acct.	1585 61
Decr. 4	" paid on same of months	50 49
	" rent of land for 1878	40 00

\$1676 10 \$1676 10

1878.

Decr. 4.	Balance due Ward this on her attaining 21 years of age.	\$1576 45
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Received Decr. 19th 1878. from James D. Bourcier
my late son. the sum of Fifty three dollars
and sixteen cents and forty five cents.
it being the balance found due me on the
above account, which I have examined &
believed to be correct, with int. included on
said balance to this day.

Wm. B. Nelson.

R. J. Selby.

Mary A. Bourcier

Legimus. Abbie, Deo freight costs.

January 1st 1879.

To the County Court of said County.

Your Commission. reports to the Court that on the 2^d day of December last Jesse D. Lawrence gov. of Mary Allie Lawrence exhibited before him a statement of an the money she had received become chargeable with or had disbursed during the period involved in the foregoing account together with the vouchers for the disbursements. That your Commission. included the said guardian in the list of fiduciaries whose accounts were before him for settlement which was posted at the Court House on the first day of the last term of this Court, and on the day of this report, ^{having} made up and completed the said account found a balance of \$1576.45 due from the said guardian. He is said word on the 4th day of December 1878, when she attained the age of 21 years, which said balance was on the 19th of December 1878 paid to the words as shown

by her receipts herewith reported
the excess of expenditures over
the income of the ward was
allowed under an order of
the said Court.

Given under my hand as Clerk
of accounts of said County
the day and year first aforesaid.
N. P. Young Clerk.

In the County Court of Isle of
Wight County the 3rd day of
February, 1879. The foregoing acct.
of the transactions of Jesse
D. Lawrence as gov. of Mary
Allen Lawrence and receipts
of payments having been
filed in the clerk's office
for one month and no objection
being filed thereto was confirmed
by the Court and ordered to
be recorded.

Teste.

W. A. Edwards D. C.
N. P. Young Clerk

Attest

Teste.

W. A. Edwards D. C.

Mary A. Linnell
In acct. with

James D. Linnell got

18

For per copy 60[¢]

Pay the within to
 Mary A Council
 without recourse
 to me
 Dec. 19th 1878
 A. Council

218035

33

Pay the within to
 Mary A Council
 without recourse
 to me
 Dec. 19th 1878
 A. Council

Pay the within to
 Mary A Council
 without recourse
 to me
 Dec. 19th 1878
 A. Council

Dec. 19th 1878
 Paid. Paid. Paid. 1228.48

~~\$218 3/4~~
~~1860~~

Kindly days after date we promise to pay unto
Geo. M. Council & Japh D. Council, exacts for
James M. Council, decd., the sum of two hundred &
eighteen dollars & 3/4 cts. for value recd.; for which we
bind ourselves, our heirs &c firmly by these presents.
Witness our hands & seals this 4th of December, 1861.

Wm

Harry, Council

