R48-006 Chancery Causes. Robert B. Person, by &c. vs James M. Jordan, extor of Burwell Person &
Anthony Person.

Isle of Wight County

other SURNAMES. Lightfoot

18

R. B. Person &c
Thos. A. Person &c } Bill in Chancy.
vs
I. M. Jordan &c of
Burnett Person dec'd &c

April rule 1848.
Bill &c. filed.

June rule 1848. Set for hearing.

Oct: Term 1848. Decree find in 2 D. p. 218. +

this honorable Court shall direct, may be made against the said executor with liberty for a similar decree against the said Anthony Person Security as aforesaid should the decree against the said executor not be satisfied & that such other & further relief may be had as consists with equity & the nature of the case &c

Hayden p.q. —

to make up an a/c of the transactions of said ~~Executrix~~ Sandars as executor of the estate of B Person decd - pursuant to which order the said Commissioner returned to the said Court an a/c herewith filed as a part of this bill & marked Exhibit "B" which a/c as appears from said exhibit was filed at the January Term 1848 for exceptions & not being excepted to was at the March Term of said Court confirmed & ordered to be recorded - the said a/c brings up the executorial transactions of said executor as late as the 31st December 1847 - at which date as the said a/c shows the said executor was in arrear & indebted to the said estate in the sum of $ 517.98 of which amount $ 217.90 was principal bearing interest from dec 31st 1847 & $ 300.08 interest - your complainant believes & so charges that the said executor has paid & satisfied all claims against the estate of his testator & the interests of the estate do not require the said executor longer to retain the said surplus assets in hand - that your said complt is greatly in need of the said balance for the education & maintenance of his ward whose interests are suffering for want of the same - that the said executor though frequently required to settle with your complainant has ever refused & still refuses so to do, in violation of his said duty as executor & contrary to equity & good faith, in tender consideration whereof & as far as much as your complainant is without remedy at law & can only be relieved by the order of this honorable Court, your complainant prays that the said Samuel McSandars executor as aforesaid & the said Anthony Person may be made defendants to this suit & answer all & singular the allegations of this bill & that by a decree of this honorable court the said executor may be required to show any errors in said a/c if he can, & that whether any other or further a/c may be necessary & so that the said a/cs may be made up by the commissioner of this Court & a decree for the nett balance due by said a/c marked Exhibit "B", or such further balance as may be found to be due by such other a/c as

To the Honorable Richard H Baker Judge of the Circuit Superior Court of Law & Chancery for the County of Isle of Wight—

Humbly complaining sheweth unto your Honor, your complainant Robt B Person, by Thos H Person his testamentary Guardian & next friend, that about the year 1842, one Burwell Person late of said County departed this life having previously made & published his last will & testament, which after his death was duly admitted to probat, to wit at the Nov Term 1842 of the County Court of Isle of Wight— A copy of the said will & the certificate of probat, duly attested are herewith filed as a part of this bill marked Exhibit A. The said testator Burwell Person by the said will gave & devised his estate both real & personal, (with the exception of a specific legacy of Jane Patrick, & a money legacy in lieu of his commissions to his executor James M Jordan,) to his son & only child Robert B Person, then & still an infant— That by the said will the said testator appointed your complainant Guardian of the said legatee & devisee the aforesaid Robert Person, & vested in him full power & authority to manage his property in any way he might think desirable— That your complainant as appears by exhibit B, herewith filed as a part of this bill duly qualified as testamentary Guardian of said Robert Person & has ever since & is now acting as Guardian of the said Robert, managing the property of said ward for his benefit & advantage, so far as he has been able to obtain possession of the same— The James M Jordan having been nominated as executor by the said last will & testament of the testator, duly qualified as such as appears by the clerk certificate annexed to exhibit A. The said executor with one Anthony Person as security entered into an executorial bond conditioned as the law directs, a copy of which Bond marked Exhibit C is herewith filed as a part of this bill— The said executor proceeded to take into possession the personal assets of the said testator for administration & at the term of the County Court of Isle of Wight the said executor obtained an order from said Court authorizing Barth Lightfoot as commissioner

Thomas H. Person
Gdn of A. M. Person
vs
Spain Chy:
James M. Jordan et al:

To April rules 1848
Hayden Clk

I do hereby certify that on the 25th day of March 1848. I delivered a true copy of the within to A. Person and on the 28th I delivered a copy to Jas M. Jordan

E. L. Ballard. S. I.
Jos. Clk & Mstr

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

You are hereby commanded to summon James M. Jordan Exor: of Daniel Person, dec'd and Anthony Person

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for Isle of Wight County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer a Bill in Chancery, exhibited against them in the said Court, by Robert A. B. Person by Thos M. Person his Pdn & next friend

And unless the said Defendants shall answer the said Bill within two months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. And this they shall in no wise omit, under the penalty of £ 100.

And have then there this Writ.

WITNESS, Nath.l P. Young Clerk of our said Court, at the Courthouse, the 21st day of March 1848, and in the 72d year of our Foundation.

N. P. Young Jr.

(One Copy to be delivered each Defendant.)

To be entered.

R. H. Baker

Entered

Robert B Person cplt
by Thos H Person Pltfs next friend
vs
James M Jordan Exr of Burwell Person } Decree

The Bill having been filed & the Subpoena executed more than two months on the defendants James M Jordan Exr of Burwell Person dcd & Anthony Person & they having failed to answer the same is taken for confessed as to them; And the cause coming on to be heard on the Bill & exhibits filed & was argued by counsel the Consideration whereof this court doth adjudge order & decree that James M Jordan Exr of Burwell Person dcd pay to the Plaintiff the sum of Five Hundred & Seventeen Dollars Ninety Eight Cents, with interest on Five Hundred & Seventeen Dollars Ninety Cents part thereof from dec 31st 1847 till paid but the Pltff is not to have the benefit of this decree until he or some person for him shall enter into a bond with sufficient security in the Clerks Office of this Court payable to the defendant James M Jordan exr of Burwell Person dcd in a penalty equal to double the sum decreed to be paid the Pltff with condition to refund his proportion of any debts or demands which may afterwards appear against the estate of his testator & the costs attending the recovery of such debts or demands. And the Court doth further adjudge order & decree that the Parties pay their respective costs - And Liberty is reserved the Pltff to obtain such further decree against Anthony Person security of the said Executor as may be necessary -

Person Edw: of Person
ps: Ch.

Person' exor. Defs:

Exhibit (B) filed with
Pltff: bill.

Thomas N. Person's
Bond to Court as Gdn. of
Ro: B. Person

Copy

Exhibit C

KNOW ALL MEN BY THESE PRESENTS, That we Thomas H. Person

are held and firmly bound unto Josiah Hollemon, Jno. P. Thomas, James M Jordan and A. E. Wynn, Gentlemen Justices of the County of Isle of Wight County now sitting, in the sum of Fourteen Thousand Dollars; to the payment whereof, well and truly to be made to the said Justices, and their successors, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents: Sealed with our seals, and dated this 1st day of May A. D. 1843.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the above bound Thomas Person his heirs, executors, and administrators, shall well and truly pay and deliver, or cause to be paid and delivered, unto Robert B Person

orphan of Burwell Person all such estate or estates, as now is, or are, or hereafter shall appear to be due to the said orphan when, and as soon as he shall attain to lawful age, or when thereto required by the Justices of the said County Court, as also keep harmless the above named Justices, their, and every one of their heirs, executors, and administrators, from all trouble and damages that shall, or may arise about the said estate, then the above obligation to be void; otherwise, to remain in full force.

Witness,

Thomas H. Person SEAL.

SEAL.

SEAL.

GUARDIAN'S BOND.—Printed at the Office of the Farmers' Register, Petersburg.

The Estate of

Burwell Poisson Esq

with (Settlement)

James M. Jordan Esq.

Exhibit A No 1

Dr. The Estate of Burwell Person Ded. In additional account with James W. Jordan Executor Cr.

1845						1845				Dwelled	Dist.
Jany.		To paid Mint Womble account			13 87	Jan.	1	By this dawn balance due the estate for settlement 31st Dec. 1844		1360 49	81 63
"		" paid I. I. Blount & Co. "			5 49			By this dawn an error in former settlement in the addition of receipts for 1843	3	51 71	
"		" paid Simmons Womble "			3 00			By interest on bills from 31st Dec. 1843 to 31st Dec. 1845			6 20
"		" paid Clerk tickets "			6 371	Aug.	215	By amount of Wilson Jones bond		129 87	
"		" paid land Tax for 44 & 45			4 45	Dec.	31	By this dawn for sale of old negro woman omitted in former settlement	3	13 50	
Dec.		" paid Comm. Sightfoot ticket			7 50	"	"	" By interest on bills from 31st Dec. 1843 two yrs.			1 50
"	31	" This dawn balance due the estate		1507 00	170 94	"	"	" By interest on $1360.49 one year			81 63
				$1547	57 170 94					$1547	57 170 94
1846						1846					
May.	5	To paid I. P. Wills bills for Person Gdn.			657 85	Jany.	1	By this dawn balance due The Estate		$1507	09 170 94
Aug.	18	" paid Thomas H. Person Gdn. to R. P. Person			200 00	Dec.	31	By int. on $1507.09 one year			90 42
"	"	" paid land Tax			1 78						
Dec.	31	" Balance due the estate per contra		645 46	361 36						
				$1507	09 261 36					1507	09 261 36
1847											
July	19	To this dawn paid Anthony Person agent for Penny Person with int. from May 1843	3	$250	58	1847 Jany.	1	By this dawn balance due last year		$645	46 261 36
Oct.	15	" paid Anthony Person agent		138	53						
Dec.	31	" This dawn to pay the Clerk for recording &c		2	21.5						
"	"	" This dawn to pay for making up this act.		6	00						
"	"	" Balance due the estate per contra		217	90 300 08	Dec.	31	By Int. on $645.46 one year			38 72
				$645	46 300 08					$645	46 300 08

Due the Estate 31st Dec. 1847 Princ. $217.90
Wills Int. 300.08
$517.98

Isle of Wight County December 31. 1847.

Pursuant to an order of the Court of said County, I have examined state and settled an additional account of James M. Jordans transactions on the estate of Burwell Person Dec. from vouchers and other papers laid before me, and find that the said James M. Jordan (the Executor) is indebted to the estate of the said Burwell Person Dec. the sum of five hundred and seventeen dollars and ninety eight cents, with interest on two hundred and seventeen dollars and ninety cents (paid thereof) from the 1st. of December 1847 till paid. In a former settlement of the said Jordans transactions on the estate of said Person, reported to this County Court of Isle of Wight the 1st. day of September 1845, the Commissioner made an error in the addition of the receipts for 1843. of $51.71. That sum is brought into this account. The Executor failed to account for the sale of an old negro woman which he sold for $12.50. That sum is also brought into this account.

All of which is submitted to the Court.

Barth: Sleightsford Comr.

In Isle of Wight County Court January 3d. 1848 This account was reported to Court and ordered to be filed for exceptions: And in the same Court March 6th. 1848. the same having been filed for two Terms and no exception filed thereto, was confirmed and ordered to be recorded.

Teste

A. P. Young c.c.

C.I.W.

Teste

A. P. Young c.c.

Person

v. [illegible]

London

Know all men by these presents, that we Anthony Person - A Vellines are held & firmly bound unto Jas M Jordan Exr of Burwell Person in the sum of $ 1035.96 - to the payment whereof, well & truly to be made to the said James M Jordan his exrs or assigns, we bind ourselves & each of us, our heirs exrs & admrs jointly & severally, firmly by these presents. Sealed with our seals & dated this 1st day of Jan 1848

The condition of the above obligation is such, that whereas, by a decree of the Superior Court of Chancery for the County of Isle of Wight pronounced on the 14th day of Oct - 1848, in a suit depending therein between Robert B Persons by Thomas A Person his Guardian next friend Pltff & James M Jordan Exr of Burwell Person decd, & Anthony Person his security Defendants it was ordered that the said James M Jordan Exr as aforesaid do pay to the said Pltff, the sum of Five Hundred & Seventeen Dollars Ninety Eight Cents, with interest on Two Hundred & Seventeen Dollars & Ninety ~~Cents~~ part thereof from dec 31st 1847 till paid, on the said Pltff or some one for him entering into a refunding bond, with security, conditioned as the law directs. Now if the said Robert B Person shall refund due proportions of any debts & demands which may hereafter appear against the estate of the said Burwell Person decd & the costs attending the recovery of such debts, then the above obligation to be void, otherwise to remain in full force & virtue.

Anthony Person (Seal)
Ab. Vellines (Seal)

517.98
2
1035.96