

Washington Co., Virginia Ended Chancery Causes 1891-017

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Selected documents transcribed or abstracted Dec. 2013 by Diana Powell

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[Jacket Cover]

Richard Montgomery's Adm }
vs } Bill
Snodgrass & wife & others }

1870	Dec.	Bill filed
1871	January	_____
1871	Feb.	_____
1871	April	court set for hearing
1871	April	decree & con[tinued]
1871	Sep	con
1872	Apl	con, Sept con
1873	Apl	order directing Comr Cosby to take an a/c & con
1873	August 20	Commissioner report filed
1873	Oct.	con
1874	Jan	order con, May con, Oct. con
1875	Jan, May, Octr	con
1876	Jan, May, Oct.	con
1877	Jan.	con
1891	January Term	Final order

[Complaint – transcribed - filed Dec. 1870]

To the Hon John A. Kelly Judge of the Circuit court of Washington County:

Humbly complaining herewith unto your orators W.S. Ryburn & James Keys Administrators of Richard Montgomery deceased – that said Richard died intestate leaving no wife & no lineal descendant – his brothers & his sisters being his heirs at law. Some of [the] heirs are in this state or died here & have personal representatives known to your orators. Others are non-residents. His sister Susan is a resident of Tennessee & your orators have paid her a portion of her interest in the estate. Jane Montgomery & Mary Montgomery sisters & heirs at law of Richard Montgomery lived & died in Washington County. Isaac A. McQuown is the Administrator of Jane & your orator W.S. Ryburn is the Administrator of Mary. Peter Clark, of Washington County, married Margaret a sister of Richard Montgomery, who died – Peter Clark is still living. With these heirs your orators can settle & can pay out what is due each.

But Nancy one of the daughters who removed married Abram Snodgrass, went with her husband to the West many years ago & your orators have not been able after the most diligent search & inquiry to find out anything about them. Your orators do not know whether they are alive or dead, nor whether, if dead, they left heirs.

Another sister named Elizabeth married Wilson Scott. They also removed to the West long ago – nor can your orators learn anything about them or of them. Thomas Montgomery a brother went west & died leaving heirs who are unknown to your orators.

Your orators have in hand now about \$ _____ [left blank] due to Snodgrass & wife & the same sum due to Scott & wife & the unknown heirs of Thomas Montgomery. As they are unable to pay this money out & do not want to be responsible for it at interest, they come into equity for relief. Besides what they now have ready to pay over, there are two claims now being prosecuted one against Robert Edmondson [Sr. ?] & one against the estate of John S. Caldwell. If these claims are realized there will be a further sum for distribution.

Your orators want to settle up the estate & can't do it because they can't find all the heirs & distributes. Being without remedy at law, the prayer of your orators is that Abram Snodgrass & Nancy his wife, Wilson Scott & Elizabeth his wife, the unknown heirs of Thomas Montgomery, Susan McClure, Peter Clark, Isaac A. McQuown Administrator of Jane Montgomery deceased, W.S. Ryburn Administrator of Mary Montgomery deceased be made parties defendant to this bill & answer on oath, that a decree be entered allowing your orators to pay into court the sums now due or hereafter becoming due (if any) to Snodgrass & wife, Scott & wife & the unknown heirs of Thomas Montgomery & that a receiver be appointed to receive & loan out the same & that general relief be extended in the pro_____.

Johnston & Trigg

[Joseph T. Campbell appointed Receiver]

On motion of plaintiffs, cause set for hearing... there is a fund in the hand of the Admr of Richard Montgomery which is not susceptible of distribution... funds should be loaned out at interest... Joseph T. Campbell appointed receiver, executing bond in double the amount of the fund... Campbell to receive the fund and loan it out with good security.

[Commissioner Report]

To the Hon. John _ Kelly, Judge of the Circuit Court of Washington County:

The undersigned appointed a Commissioner in the case of Richard Montgomery's Admr vs Snodgrass & als to report the amount of the balance of the funds in the hands of Joseph T. Campbell, the Receiver in said case and to whom due and in what amounts, begs leave to report as follows:

The amount of the balance of the funds in the hands of Joseph T. Campbell Receiver as aforesaid is \$436.48 as of date the 12th of May 1871, and is due the heirs of Richard Montgomery, deceased in the following amounts, vis:

To Charles Scott there is due	\$44.70 2/3
To Mitchell Scott	\$44.70 2/3
To Nancy Ann Scott	\$44.70 2/3
To Nancy J. Ferguson	\$134.12
To Thomas Montgomery	\$134.12
To Susan McClure	<u>\$ 34.12</u>
	\$436.48

The Admr W.S. Ryburn has paid the following amounts to the heirs of Richard Montgomery dec'd vis:

To the Admr of Mary and Jane Montgomery each	\$134.12
To Peter Clark who married Margaret Montgomery	\$134.12
To Susan McClure formerly Montgomery	\$100
Leaving as above stated due her	\$34.12

Satisfactory proof was laid before your Comr to establish the fact that Charles Scott, Mitchell Scott and Nancy Ann Scott are the legal heirs of Elizabeth Scott, formelry Montgomery and now deceased, who married Wilson Scott, and that Nancy J. Ferguson is the legal and only heir of Nancy Snodgrass, now deceased, who married Abram Snodgrass.

Your Commissioner will further state that the costs of the suit, and the amount due your Comr for taking this account ought to be apportioned between the parties equally to whom the balance of the fund is coming.

The costs of suit and Comrs fee are \$28.75
Comr fee \$5.00

Respectfully submitted
L.T. Cosby Comr

[Order]

This cause came on this day to be heard upon the papers formerly read and the Report of Commissioner Cosby filed upon the 28th day of August 1873 – and was argued by Counsel, and there being no exceptions to said report, it is hereby confirmed.

And it appearing to the Court that there is in the hands of Joseph T. Campbell, Receiver, the sum of \$436.48 as of date the 12th of May, 1871 – which said sum is due the parties named in Commr Cosby report, and in the amounts therein named. On consideration whereof the Court doth order that said Receiver, out of the fund in his hands first pay the costs of this suit, that he retain a commission of 5% on the amount in his hands, and after deducting said commission & cost ____ from the amounts due the parties, respectively named in Commr Cosbys report, that he pay the balance to the said parties or their attys taking a receipt for the same. That said Receiver report his proceedings to this Court and this cause is continued.

[Order - abstract]

Receiver Joseph Campbell died without rendering an account of the funds in his hands. The court appoints L.T. Cosby, one of the Commissioners to take an account of the transactions of said Campbell.

[Order]

This cause came on again this day to be heard upon the papers formerly read, the report of L.T. Cosby Receiver filed Dec. 5, 1879 showing the he has collected as Receiver in this cause the sum of \$80.64 and was argued by counsel. On consideration whereof and there being no exceptions to said report the same is confirmed. And it is adjudged, ordered and decreed that said L.T. Cosby Recvr pay said sums to those legally entitled thereto as follows: costs of suit to be taken by the clerk; to D. Trigg atty \$25.00 and of the residue pay Mrs. Susan McClure 1/7, Abram Snodgrass who married Nancy Montgomery 1/7, Charles, Mitchell & Nancy Ann Scott children of Elizabeth Scott (born Montgomery) each 1/21, Thos Montgomery 1/7, Peter Clark who married Margaret Montgomery 1/7, W.S. Ryburn Adm of Mary Montgomery 1/7 and I.A. McQuown Adm Jane Montgomery 1/7 and report his action to this court this cause is continued

Susan McClure, dec'd heirs live in Hawkins Co. Tenn
Abram Snodgrass Indiana
Thomas Montgomery

[Order]

By a decree entered in the case of Montgomery's Admr vs Snodgrass & wife & others on the 11 Oct. 1883 as Receiver I was directed to pay... [fractional shares listed as in previous order]. I have paid as follows:

To L.T. Cosby Clerk of Cir Court	\$10.00
Same as Commissioner	\$ 5.00
D. Trigg atty	\$25.00
Recev as Commissions	\$ 4.33
I.A. McQuown admr	\$ 7.00
W.S. Ryburn adm	\$ 7.00
J.M. Clark exor of P. Clark	\$ 7.00
Chas, Mitchell & Mary Ann Scott	\$ 7.00
Margaret White, heir of Susan McClure	\$ 3.50

The fund in my hands is due Abram Snodgrass & Thomas Montgomery - \$21.14 in my hands... considerable costs have accumulated... what does the court wish done with the funds?

L.T. Cosby
Receiver

[Order]

This cause came on to be heard this day upon the papers formerly read, & the report of L.T. Cosby, Receiver filed Dec 15, 1890 & was argued by counsel. Upon consideration whereof said report is confirmed and it appearing from said report that said Receiver has a small fund in his hands due to Abram Snodgrass & Thomas Montgomery or their heirs, who can't be found – It is therefore ordered that said Receiver after paying the costs due the clerks mentioned in said report pay the balance to John G. Kreger, the Clerk of this Court who is directed to deposit same in the Exchange & Deposit Bank on an interest bearing certificate to be paid to said parties or their representatives should they hereafter appear and show themselves entitled to same, and this cause is now stricken from the docket with leave to any one hereafter upon proper notice to have same reinstated.

[Peter Clark Affidavit - abstracted]

October 8 1872 Peter Clark of Washington County, Virginia made notarized statement that he was acquainted with Elisabeth Montgomery who married Wilson Scott in Washington Co. on or about 1820. She was a sister of Richard Montgomery deceased who died during the early part of the late War, in Washington County. Wilson Scott and Elisabeth Scott moved at an early date to Fayette Co., Indiana and are now both deceased. They were the parents of Mitchell Scott, Charles Scott and Nancy Ann Scott who are the legal heirs in the estate of Richard Montgomery dec'd which was administered by Co. W. Ryburn & Mr. Keys. He [Peter Clark] purchased their interest in the real estate of Richard Montgomery in 1868.

[William H. Houston Affidavit - abstracted]

Sept. 6, 1872 William H. Houston of Fayette Co., Indiana states before Gilbert Trusler, Clark of the Circuit Court, that he is acquainted with Charles Scott and has been almost the entire life of Charles Scott. Charles Scott is the son of Wilson Scott and Elisabeth Scott formerly Elisabeth Montgomery, daughter of Richard Montgomery, dec'd. Elisabeth died about 1830 in Fayette County, Indiana. Their children were: Charles, Nancy Ann & Mitchel Scott, all of whom are living. Wilson Scott, the father died in Fayette Co., Indiana about 1846. James [sic] H. Houston was born & lived in Washington Co., Virginia and was well acquainted with the family of Richard Montgomery.

William H. Houston [sig]

[William Snodgrass Affidavit - abstracted]

June 28, 1873 William Snodgrass of Owen Co., Indiana states before Clerk of the Circuit Court that he is a brother of Abraham Snodgrass, dec'd. Abraham's wife was Nancy Montgomery of Washington Co., Virginia. They married in Washington County on or about 1827. Nancy Snodgrass died about the year 1854, leaving one child, a daughter Elisabeth Anne Snodgrass who was the only heir of Nancy Snodgrass. Elisabeth Anne Snodgrass married William H. Smith on or about June 28th, 1849. They were the parents of one child, a daughter named Nancy J. Smith and at the death of Elisabeth Anne Smith, Nancy J. Smith was the only child living of that marriage. Nancy J. Smith, granddaughter of Nancy Snodgrass and Abraham Snodgrass dec'd married John M. Ferguson in Cass County, Indiana on or about August 20, 1868 and is a resident of Logansport, Cass Co., Indiana

William Snodgrass [sig]

[John M. Ferguson Affidavit - abstracted]

July 3, 1873 John M. Ferguson states before a Notary Public for Cass County, Indiana that he is the lawful husband of Nancy J. Ferguson, formerly Nancy J. Smith, who he married on or about 20 Aug. 1868 in Cass Co., Indiana. Nancy J. Smith was the sole heir of Elisabeth Anne Smith her mother. Elisabeth Ann Smith was a daughter, and the only child of Nancy Snodgrass, wife of Abraham Snodgrass, dec'd. Nancy Snodgrass, prior to her marriage was Nancy Montgomery, and the sister of Richard, Henry & John Montgomery dec'd of Washington Co., Virginia

John M. Ferguson [sig]

[Samuel A. Smith Affidavit - abstracted]

June 5, 1873 Samuel A. Smith states before a Notary Public for Pulaski County, Indiana that he was well acquainted with Nancy Snodgrass, formerly Nancy Montgomery of Washington Co., Virginia, and Abraham Snodgrass, both deceased. Nancy Snodgrass was the mother of one child, a girl named Elisabeth Anne Snodgrass, who was the only child living at Nancy's death. On or about 28 June 1849 Elisabeth Anne Snodgrass married William H. Smith in Pulaski Co., Indiana. They had one child, a daughter named Nancy J. Smith, who was the only child living at the death of Elisabeth Anne Smith. Nancy J. Smith married, on Aug. 20th, 1868 in Cass Co., Indiana, John M. Ferguson. They are both now living near Logansport, Cass County, Indiana.

Samuel Smith [sig]

[Nancy Fudge Affidavit - abstracted]

Oct. 3, 1872 Nancy Fudge states before a Notary Public for Smyth County, Virginia that she was acquainted with Elisabeth Montgomery who married Wilson Scott in Washington Co., Virginia on or about the year 1820. Elisabeth was the sister of Richard Montgomery, deceased who died during the early part of the late War in Washington Co., Virginia. Wilson Scott and Elisabeth Montgomery Scott were the parents of Mitchell Scott, Charles Scott and Nancy Anne Scott. Wilson Scott and Elisabeth Scott are deceased. Mitchell Scott, Charles Scott and Nancy Anne Scott are still living based on letters recently received. They are the legal heirs of the estate of Richard Montgomery deceased which was administered by Col. Wm Ryburn & ___ Keys. Nancy Fudge is the sister of Wilson Scott.

Nancy Fudge [sig]

[David M. Smith Affidavit - abstracted]

June 17, 1873 David M. Smith states before a Notary Public for Pulaski Co., Indiana states that he is acquainted with Nancy J. Ferguson who married John M. Ferguson [follows with statements about Nancy's parents, etc.; no relationship to David Smith provided]

[Receiver's Bond - abstracted]

Joseph T. Campbell by decree of the circuit court of Washington Co. at the April term 1871 was appointed Receiver Joseph T. Campbell and E.M. Campbell bound in the amount of \$800

Joseph T. Campbell [sig]

E.M. Campbell [sig]

[Smith-Snodgrass Marriage License - abstracted]

27 June 1849: license issued at Pulaski Co., Indiana for the marriage of William H. Smith and Elizabeth A. Snodgrass; filed 15 July 1849 by John Huston, M. Gospel who certified that he married William H. Smith and Elizabeth Snodgrass on 5 July 1849

[Nancy Ann Scott Power of Attorney - abstracted]

4 September 1872 Nancy Ann Scott at Fayette Co. Indiana appointed L.H. Douglas of Columbia, Fayette Co., Indiana her lawful attorney to receive the amount due her as a legal heir in the estate of Richard Montgomery deceased

Nancy Ann Scott [sig]

[Charles Scott Power of Attorney - abstracted]

4 September 1872 Charles Scott at Fayette Co., Indiana... as above
Charles Scott [his mark]