

3^d That the Court refused to permit important testimony to go to the Jury upon the trial of the Issue which ought to have been laid before the Jury.

Edm: J. Lee Counsel for the
Petitioner W. Decem^r 1812

Edmund J. Lee being Counsel for the Heirs of George Carter dead in the said depend-
ing in the Orphans Court of the County of Alexandria in their names against John
B. Cutting & Sally his Wife to set aside the Will of Sally Carter deceased the validity of which
Will was lately determined in the Circuit Court of the District of Columbia for the County
of Alexandria made Oath in Open Court that when the Issue was tried as directed by
this Court London Carter the Guardian of the said Heirs of George Carter was not
present at the trial that he hath since the trial of the said Issue discovered
other Witnesses who were not examined as Witnesses at the trial and who
than the Conversation with them could have proved material circumstances which
were important to the Issue, the Witnesses who he has understood can give ma-
terial testimony are the following to wit Richard M. Scott, Charles J. Love, Mary
Ann Martin and others. Doctor Dougherty, Richard M. Scott this affiant hath
reason to believe ^{well from} that he knew Sally the Testatrix and he was always of opinion
that she had not a sound and disposing mind, and that Charles J. Love who knows
her better than Mr. Scott would have proved that she was not in his opinion of a
sound & disposing mind during his acquaintance with her affiant states that he
has reason to believe that Mr. Martin will prove conduct on the part of Sally
Carter which showed she did not possess a sound & reasonable mind. That he did
not know of these witnesses at the time of the trial of the Issue & therefore it is true he
caused a Subpoena to be issued for Richard M. Scott after the Jury was impaneled
but for the purpose of examining him as a witness and this he did, not because he
knew Mr. Scott could prove any material fact but did it from mere suspicion he
might give material testimony. That he does not know nor has he any reason to be-
lieve that London Carter knew of the said witnesses, unless known of Charles J.
Love, if he did Mr. Carter did not inform this affiant of Charles J. Love
being a witness.

This affiant hath understood that the said Sally Carter died in the County of
Stafford in the State of Virginia and had resided in that County some time before
her death; this affiant does not know that the said Sally Carter at the time of
her death or since had any property in the County of Alexandria District of
Columbia

Edm: J. Lee

Know all Men by these presents that we Elizabeth Temple and Mordecai
Miller are held and firmly bound unto George Gilpin Esq. Judge of the Orphans
Court for the County of Alexandria in the District of Columbia and his successors
in office in the sum of one thousand dollars to the payment whereof well and truly to be
made to the said Judge and his successors in office we bind ourselves our heirs Executors
and administrators jointly and severally firm by these presents sealed with our seals
and dated this 9th of February 1813

The Condition of the above obligation is such that if the above bound Elizabeth
Temple Guardian of Peter Win Carter (Orphan of Wm Carter dec^d) her Executors and
administrators do and shall well and truly pay and deliver unto the said Orphan
all such Estate and Estates as now is or hereafter shall come to the hands and posses-
sion of the said Guardian when the said orphan shall attain lawful age or when
thereto required by the said Court, and also shall well and truly save harmless and in-
demnify the said Court and his successors in office from all trouble and damage that shall
or may arise about the said Estate this obligation to be voidable to remain in full force
sealed & delivered
in presence of }
New Moore

Elizabeth Temple
Mordecai Miller

At a Session of the Orphans Court for the County of Alexandria in the District of Columbia the 9th day of February 1813 the parties to this bond acknowledged the same to be their act and deed and it was ordered to be recorded

Test Alex^r. Moose Reg^r

Know all Men by these presents that we Elizabeth Simple Henry Nicholson and Mordecai Miller are held and firmly bound to Geo. Gilpin Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in office in the sum of five hundred dollars to which payment well and truly to be made to the said Judge and his successors in office, we bind ourselves executors and administrators jointly and severally, jointly by these presents, sealed with our seals and dated the 9th day of February 1813

The Condition of the above obligation is, That if the said Elizabeth Simple Administratrix of the goods chattels and credits of Elizabeth Wood deceased do make a true and perfect inventory of all and singular, the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of her the said Administratrix or into the hands and possession of any other person or persons for her, and the same so made do exhibit unto the said Orphans Court when she shall be thereunto required by the said Court. And such goods chattels and credits do well and truly administer according to law, and further do make a just and true account of all her actings and doings therein when thereunto required by the said Court; and all the rest of the said goods chattels and credits which shall be found remaining

upon account of the said Administrator, the being first examined and allowed by the Judge of the said Court for the time being, shall deliver and pay unto such persons respectively, as are entitled to the same by law. And if it shall hereafter appear that any last will and testament was made by the deceased and the same be proved in Court and the Executor obtain a certificate of the probate thereof, and the said Administrator do in such case being required render and deliver up her letters of administration, then this obligation to be void else to remain in full force

Sealed & Delivered
in presence of }
the Court

Elizabeth Simple
Henry Nicholson
Mordecai Miller

At a Session of the Orphans Court for the County of Alexandria in the District of Columbia the 9th day of February 1813 The parties to this bond acknowledged the same to be their act and deed and it was ordered to be recorded

Test Alex^r. Moose Reg^r

Know all Men by these presents that we Mary Butler and Jacob Curtis are held and firmly bound to George Gilpin Esquire Judge of the Orphans Court for the County of Alexandria in the District of Columbia and his successors in Office, the sum of four hundred dollars, to the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally jointly by these presents Sealed with our seals and dated this 29th day of March 1813

The Condition of the above obligation is such is such that if the above bound Mary Butler Guardian of Susan Butler her Executors and Administrators do and shall well and truly pay unto the said Orphan all such Estate and Estates as now is or