E Stone

Do

Received 3 Jany 1860

{Recopy made
at Sydney}

Probate Court, Hamilton County, Ohio,

Cincinnati, 30 December 1859

Mr Sellick Boughton Esqr.

The exceptions filed by you to the last account of J. P. Atwater Executor of Ethan Stone decd are not on file the last time you were here and made application to the Court for an order explanatory of the one entered disposing of those & other exceptions, I think you had the original exceptions, filed by you, to exhibit to the judge, among copies of other papers belonging to you, and that by mistake, you took it away with your copies. Please examine your papers & see if you have it & send it up,

Respectfully
Dan. Heider
Dep. Clk

I send you Saturday, 8. p.m.

inclosed a paper which I suppose is the one you want, I got it with other papers from among Mitchels papers. I never had it (for any purpose) to my recollection at the Court, house, I suppose it was the draft of his exceptions, but, as I am not aware it will ever be wanted, & as you seem to wish it to complete your files I send it inclosed

I did not get yours, till too late, to bring or send it, before your office will close & as I must leave here, Sabbath Eve at 11 I inclose it to be sent to you on Monday

yours &c

S. Boughton

J. Boughton

In the matter of the Estate of Ethan Stone deceased

Exceptions to

The accounts of the Executor

John P. Atwater

First The executor has neglected to place the monies of the estate collected by him, from time to time, in a situation to accumulate from time to time for the benefit of the estate, as he might & ought to have done. he might with safety have placed them in a situation so that they would have drawn interest of six per cent unless drawn out within ninety days & if not so drawn there have added the interest to the principal & continued it thus from three months to three months till the 17 of August 1859 if he had. The accumulation would have been much larger than is now claimed

What is now claimed is as follows there has made & will on the hearing be presented to the Court on the hearing an account charging the executor with six per cent on respective sums received from the times of their respective receptions to the end of the current year ... to bring the ... of the year to the 10th of May which makes the year more than 12 months

Then crediting him with interest with his payments & expenditures from the time of the payments respectively to the end of the year, then striking the balances & charging interest on that & his receptions

of Monies from their respective receptions to the end of the year
& the debit side in like manner & to the same period
& so on from year to year to the 10th of May 1856
Thence the amount of Money taken from the estate
& expended by the executor in the purchase of Stocks
with the interest thereon from the respective times
when taken amounting to $32075 is taken out of the
balance for the present & set aside & the remaining accounts
are carried on to the 11th of August /59. & the balance
struck & then the $32.075, with simple interest
accruing to the agreement is added to that balance & it is
respectfully submitted to the Court, that under all the
circumstances of this case, as they do & will then appear is no
more than reasonable.

It is true said Alwater has credited the estate with some
small amount or amounts of money received by him as
interest on deposits & otherwise, but the accounts to be pro-
duced on this subject are intended to be & it is believed
are so. reason that he is not charged with any interest contained
in his accounts except with interest due the estate on
contract & debts due the estate.

He has also been instrumental in inducing the tenants
to disregard the ~~the~~ terms of payments of their rents,
by extending the quarterly & half yearly payments to annual
payments, to save himself trouble in receiving them in small
payments collecting them in that way & greatly lessening the amt
of money which ought to have been collected much easier & placed in
a situation to accumulate as above & he has not caused the tenants to
pay interest for that forbearance except to the amount of less than $50
in allowance the he has he has not credited the estate with it

Second Exception

The Executor, has charged the estate $200 per year each paid Mrs, Farrar for her board, some of the charges are $4.00 per week, it is insisted that $4.00 per week for her board is a fair and full compensation for her board. When the person boarding furnishes house with taxes paid by him bed & bedding &c. but in this Mrs Farrar furnished all these things herself & they must lessen the value of her board at least one third this boarding commenced April 28/52 and ended Dec 16/58 making in all 6 years & 7½ months which at $200 per year is $1325.00 deduct ⅓ for furnishing house &c &c 381.00

and it reduces the boarding bill to $944.00

but this is not all of the objection to this part of the account of said Executor the exception then is this; that immediately after death of the testator, an agreement or agreements was made between the said Atwater Louisa Pease & Mary Farrar by which they should contribute & make common stock to the expences of living & all keep house & live together as heretofore, from & out of this common fund & this was ~~continued untill the death of Mrs Farrar & that the Estate~~ should be charged as above for Mrs Farrar board, & by which he would derive a profit to himself by having no rent to pay for his family & he thereby saved in house rent alone from three to $500 besides he ought to have got an order to sell the house & lot on Vine Street in May/59 when it would have sold much better than ~~August~~ Oct. when it was sold & it would at least have saved the estate the interest on $4590 = to $675.00 in stead of which he continued to occupy the house till 1st May

1859 & then left it unoccupied. it could have been rented till Sold during the period for which it might remain un Sold for the sum of $84 dollars per Month or More & the Said Alleater Should be Charged that price while he ocupied because he ocupied it And Kept others out & for the remainder of the time to the sale because he neglected to Sell or rent it. The time is from Dec 16/58 to Augt 17/59 & the Amount thus lost Should be charged to the Said Alleater & the Amount is $672 & he Should account for it besides the above a sale in the first part of May /59 Would have saved the necessity of the payment of the taxes he Says $544.67 & So he Should not be allowed to retain that Some

		Rents Unaccounted for
Third Exception		
As to rents in arrear either uncollected or if collected not Credited on the Accounts Of the Executor		
Vondal		
Rent $36 due Jany 1 July 1 ½ yearly		
Rent Accrued from Jany 1/52 to July 1, 59	$270.00	
Paid	261 00	9 00
Hancock & Cooper Harolds lease Bryants		
Rent $18. quarterly March 1 June 1 Sept & Dec		
In arrears, March 1/52 $6,00 thence to June 1/59	136.50	
Paid	118.45	18 05
Wright & Andrews lease to Woods		
Rent $18.00 quarterly Jany 1st April 1 July 1 Oct 1st		
In arrear April 1.52 $13 52 thence to July 1/59	144.00	
Bigalo Paid	126 00	16 00
Rent $39 quarterly March 1 June 1 Sept 1 Dec 1		
Rent March 1/52 to June 1/59	282.75	
Paid	263.00	19.75
Wm L Smith (Franklin)		
Rent 39$ quarterly March 1 June 1 Sept 1 Dec 1		
In arrears March 1/52 $67.50 thence to June 1/59 $282.75	350.25	
Storrs Township Paid	292.95	57 30
D F Goodhue (Reynolds lease)		
Rent $40.00 ½ yearly March 1 Sept 1		
rent from March 1/52 to March 1/59	280.00	
Error Goodhue has fully Paid	240 00	40 00
deducted, at the close over...		160 10

John Ziegler — Amount brt forward			160.10
Rent $80. quaterly Jany 1 April 1 July 1 Oct 1			
Rent in arear April 1/52 455 00			
rent from April 1/52 to July 1/59 580 00 =	1035.00		
Paid	831.82	203	18
S P Chase			
Rent $97 50 Rent in arear April 1/52 146 25			
Rent thence to April 1/59 682 50	828 75		
Note if the rent is payable quaterly as it probaly is the un accounted for rent belongs to the estate is $28.35 — Paid	436 60	$392	15
Frederic Kline			
Rent $47 25 quaterly Jany 1 April 1 July 1 Oct 1			
Rent in arear April 1/52 $47 25 thence July 1/59 is $ 342.56 in all	389.81		
Paid	351.62	38	19
Philip Monrath rent $50 Feby 1 May 1 Augt &c			
Rent in arear May 1 52 $362 00			
rent from May 1/52 to My 1/59 362.50	724.50		
Paid	574.75	149	75
J Donovan Rent $80.			
Rent May 1/52 in arear $ 250.00			
rent from May 1/52 to Augt 1/59 580 00	830.00		
Paid	567.00	263	00
		$1206	67
	Deduct A. Goodhue	40	00
		$1166	37

It is respectfully claimed that the Executor should stand charged with the said sum of $1166.37 with interest from the respective times when they were or ought to have been collected according to the clames on that subject mentioned in Exception No 1.

~~It will be observed that none of this stock or debts are~~

The strong probability is that nearly all the said ammounts of rent have been paid & that there falling short in the accounts is because the payments have ~~have~~ not been entered on the books and accounts rendered

4th Exception

Each & every of the charges for Counsel fees from & including the charge of $100. by Messrs Worthington & Mathews, in April & May 1856 the charge is July 10/56 these services were performed under these circumstances said John P. Atwater was charged on the part of the other residuary legatees with having taken some thirty thousand dollars more or less of the monies of the estate & laid it out in purchase of railroad stocks & bonds purchasing them in his own name & for his own use

It was well understood he could not repay the money but was willing to give all the security he could to account for it he did so. Messrs Worthington & Mathews were his Counsel in getting at adjusting the amount thus used Mr Groesbeck was the counsel for the other part the amount was ascertained the securities offered examined & approved the amount ascertained & the agreement of the 10th May /56 & mortgages & pledges of the stocks themselves taken as security the whole transaction was amicable no threats of any description either to degrade or turn him out were made till some weeks after all this Matter was entirely ended. It is true that shortly after this Selleck Boughton commenced & in the cause of some 5 or 6 weeks got the accounts & other papers prepared or nearly so to institute proceedings to turn him out the reason of which was that if he remained & the stocks in stead of of raising as anticipated should fall that he said Boughton at that time apprehended he would do as he has ever since been doing, that is to endeavor to retrieve his loses at the expence of the estate

neither the estate or any person intending rightly to administer it needed Counsel to perform their duties all the Counsel here named in accounts if paid at all, has except the charges prior to the $100 charge has been & is a charge for services rendered to John P Atwater (if rendered at all) by Counsel which aided him in his endeavors to injure the estate & those entitled to it instead of benefitting them no vouchers are produced no items given there is no information given as to in what proceedings the bills it might have, been the services if any to any body, were performed for John or for John P Atwater on a litigation with John Doe It would seem It is whatever else it may be) a contrivance like the $1500 a year salary contrivance, to make the estate pay his loses in his stock gambling operations

5th Exception

There yet remains $300. on the note of Henry Pease mentioned in the inventory & this is wholly unaccountable for it is neither collected or returned as uncollectable. And the Executor should be ordered & compelled to pay it.

6th Exception

There is a parcel or piece of land lying vacant in Stows township long ago known to the Executor to belong to the Estate & he has neglected to take any measures to sell or have it sold & he should be charged with its value & keep it as his own

7the Exception 2 charges as follows 1859 March 28 Cost of Western trip to notify Boughton heirs $57.13 May 15 Costs of Eastern trip for same purpose $53 68

There are several objections to these charges
First It does not appear that any such trips were made
Second If there was: that the interest of the estate required that they should be made
Third If he did perform the trips it was for this purpose, to wit: by a long tissue of false & fraudulent representations to induce said persons to believe that the matters of the estate were so badly managed by their attorney or attornies employed by them that suits would ensue & the settlement of the estate be long delayed used up and there by induce them to sell out to him & revoke the powers of attorney for sums equivalent to very little more than half the value of it & less than half what its value would

have been had he done his duty in the premises half as well as the attorney thus vilified had done & then was doing his & theirs at the expense & damage of that class of the legatees they got some ten or more thousand dollars more to make up his loss by means of his gambling in stocks the monies of the estate in his hands

8th Exception

None of the items in his last (called by him his 6th but in fact his 7th account) account commencing Augt 12 & ending October 20 have any reference to vouchers and it is from this to be presumed he has none & the whole ~~debit~~ side excepted to for that purpose & this executrix is informed & believes none of them have in fact been paid but as it is possible I may be mistaken & will make exception to the objectionable items

9 Exception

paid H Fees recording 450 & it is believed there is a similar charge in one of the probate. if so they are expenses for the probate business of John P Atwater for the purpose of ~~some~~ ~~of the~~ disparaging some of the legatees

10th Exception

Executor Charge from Augt 11 to 12th $4.16 this was the performing of the Job. provided for & included in the agreement forced from us by the fear that we should get nothing unless we allowed his Monstrous Charge of $1500 a year & interest amounting to about $12.000 when 12000 cents was more than he ever ought in common justice to have had taking all his conduct into consideration

11th Exception

Collecting $431,54 $43,15 This by the order was to be reasonable compensation, & of necessity included accounting for & pay it into Court this he has neither done nor does he intend to do it unless possibly on terms, the effect of which would enable him as the result of his most monstrous & fraudulent conduct in relation to the estate generally, but more especially the rights of the Boughton heirs. this refers to what his said to have done on his famous Eastern & Western trips & his misconduct since which is the result of it or designed to protect his pretended claim based on his monstrous miss conduct on those 2 trips The Bill of Stansbury Gholson & Taft & Perry in here are embraced in the 4th Exceptions

12th Exception

By a previous order or agreement (there being none made) he can have nothing,

He has himself repudiated & then violated all the general rules of quantum meruit (a reasonable compensation for services rendered), by charges of $1500 a year & interest amounting in all to some $12000 for services never rendered for services he never was capable of performing. knowing he had no right to & pending there were exceptions and cross petition to his petition setting forth his misconduct, and threats to law it with the money of the estate till there was not a dollar left; & that he would inevitably be turned out he began to operate through Keys on the timidity of Jackson & avail himself the absence of Pease & the acquiescence of A R Dutton Esqr having in fact at that time no authority to act) as a representation of 2/3 of the Boughton heirs & assuming himself (though without right) to act for four & two thirds more of the eleven Boughton heirs & for the moment claiming that he showed such overwhelming majority, & then commenced proceedings to have the division made his $12.000, this as it were (although a most outrageous transaction) Compelled the remaining Boughton heirs to assent to it & it done & Confirmed by the Court & must be obeyed. This was doubtless Conceded by all who voluntarily assented in the belief that this $12 000 would gorge his appetite till the estate was settled. those who did Consent but not Voluntarily thought otherwise & that getting so much would, instead of gorging, only whet his appetite to get about as near as much more by Claiming large sums for Council just as above & this claim for $2754 for services scarcly worth $20 & many other Charges shews that his appetite for plunder has been strenghened instead of being satiated. an appetite which will never be satisfied till he has pitched from the estate the whole amount he abstracted from it to gamble in stocks.

13th Exception

Each every & all of the Balances & sums of money on hand & ready to be divided or otherwise discribed in his accounts are excepted to because they do not set forth the truth & whole truth on the subject

14th Exception
The following entries are
Excepted to

1st Amt. retained by the Executor to pay the tax on Vine Street property $ 544.64

Let the Executor pay it over to purchaser of the property less by interest till it will be needed & put that into the estate instead of taking it to Boston with him

As to the tax on the land in Storrs. It is worth selling he ought to have sold it long ago but having neglected that let him sell it now subject to the back taxes & bring the balance into Court instead of keeping it as he has hereto done & taking over the money with him forgetting to bring it back. See the Sureties for it. It is a duty incumbent on us to save the sureties. See the sureties If the executor compels us to do it we shall not flinch from it but is a man fit for a trustee that will resort to such a measure or compel his cestui que trust to do it.

15th
Exception

There was or should have been on hand after the distribution ten thousand dollars on hand on the 12th day of August 1859 instead of $411.05 as he has in his account last filed

16th C4 Upton

Returned to pay charges of Probate Court re order of Mortgage $100 00 this is excepted to because he as pay has paid it before now with the sum less than $500 probably $2 but this with all his other propositions to return for the that & the others Matters shews that return means that he intends by returning to contrive to acquire the fee simple of all the money thus returned and to the fund requisite to make up the loss of the $30 000 lost by reason he did not leave it where he ought

E Stone &c

Received 3 Jany 1860

(Copy made 4 Jany)

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Ethan Stone dec'd Estate

Enter 18 Dec 1860

16 m 461

1 p 509

\- Probate Court of Ham. Co. Ohio -

In the matter of the Estate of Ethan Stone deceased: -

It is hereby ordered by the Court, that J. P. Atwater, Executor and Trustee of the Estate of Ethan Stone dec'd, whose Report is filed in this Court this day ~~18th day of December A.D. 1860,~~ - pay over to Augusta M. Stone the sum of $1382.49 and to Henry Pease the sum of 460.85.

In all the sum of $1843.34, this said last mentioned sum, being the amount of monies remaining in the hands of said Executor, subject to distribution, after deducting the full amount of said Atwaters charges for services as Executor & Trustee, and all other charges of collection and expenses, as set forth in said Atwaters Report, filed as above ~~set forth~~, - it appearing to the Court that the said sum of $1843.34 is the full amount of monies now due said Augusta M. Stone and Henry Pease from said Atwater Executor & Trustee -

Ethan Stone

dec^d

1860 (?)

Enter^d 8 Dec 1860

16 m 428

In the matter of the estate
of Ethan Stone dec'd

Wm P Atwater
the Executor of said estate having
this day filed in this Court a
full description & list of the
real estate belonging to said
estate for record It is ordered
by the Court that the same be
recorded in this Court and the said
Exr requiring it is ordered that
a certified copy of same be furnished
him

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Estate of Ethan Stone

Exceptions to the Executors Account

Filed Jan 29' 1861

Vol 1 P 509

Exceptions heard Feb 16th
3 pm

In matter of Ethan Stone Estate } Hamilton County Court of Probate

{ Exceptions to the Executors account –

Augusta M. Stone a beneficiary under the will of Ethan Stone and entitled to three fourths of the income of the one fourth part of the said estate now remaining in the hands of said Executor and invested according to a former order of this Court – excepts to the account of the said Executor filed in this case – Dec 1860 –

1st She excepts to the allowance of \$210 per year charged for his commissions and services to be paid out of said income – as charged in said account –

2d She excepts to the allowance of \$84.69 charged as compensation of the said Executor from August to December 1859 – as charged in said Account –

3d She excepts to the proceedings of the said Executor in not investing the cash on hand on the filing of a previous account for the benefit of the beneficiaries of the said Will –

Augusta A. Stone
by Fayette Smith –

No. 176

Ethan Stone

EXECUTOR'S

ACCOUNT CURRENTS

Filed and Suspended Jany 7th 1862

Allowed & Confirmed March 3rd 1862

Recorded Vol 14 page 416

Docket No 1 pg 509

No 176

Account of John P Atwater
Executor & Trustee of E Stone
One year to Decr 14 1861

Account current and
Vouchers filed and
suspended Jany 7th 1862
Alex Paddock Prob Jdg
Albert Paddock Dpy Clk

Mm 338 No 18

allowed & confirmed
March 3rd 1862

Recorded Vol 04 page 416

Doc 1 page 509

have invested properly, correctly and to good advantage all the money devolved upon me to invest The preceding is a correct statement of my account, and in full, to my best knowledge and belief

John P Atwater

State of Massachusetts
Suffolk
City of Boston } ss

Dec 26 1861

Subscribed and Sworn to
Before me

[illegible]
Comr for the
State of Ohio

Second report of John P Atwater, Executor of Ethan Stone to the Probate Court of Hamilton County Ohio in relation to the quarter of Ethan Stone Estate remaining in the hands of the said Executor

First

Supplementary and completing the report filed Decr 18 1860 and relating to the income

				Dr		Cr
			Balance against Exr on filing report Decr 1860			1843 34
			Recd of S P Chase in full for rent to Oct 1 1860			97 50
			Recd accrued interest for delayed payment of the same			2 50
			Recd of P Munrath 6 mos rent to Nov 1 1860			37 50
			By order of Probate Court credited to the income for the year ending Decr 14 60 and also for the 6 mos next ensuing that is, to June 14 1861 being in all one years interest on $727 42			43 64
Dec	18	1860	Paid to Augusta M Stone	1382 49 ✓		
May	10	1861	Paid to Augusta M Stone	52 65 ✓		
Oct	3	1861	Paid to Augusta M Stone	28 11 ✓	1463 25	
Dec	18	1860	Paid to Henry Pease	460 85 ✓		
May	11	1861	Paid to Henry Pease	17 35 ✓		
Oct	3	1861	Paid to Henry Pease	9 37 ✓	487 77	
Dec	18	1860	Probate Court Bill		9 75 ✓	
April	1	1861	Probate Court Bill		13 66 ✓	
June	7	1861	Bill of Stephenson & Noyes		50 ✓	
			Loss (probably) in making change or fractions		5	
					2024 48	2024 48

I claim that I have paid the beneficiaries of my trust, to wit, Augusta M Stone and Henry Pease in full and have satisfied all their just demands of whatever kind for income from me, as Executor of Ethan Stone to December 14 1860 and have further paid them 6 mos interest on $727 42 from Dec 14 1860 to June 14 1861, as above stated

Lond

Income for the year ending December 14 1861

		Dr	Cr
	One years interest on 4 Little Miami RR Bonds		240
	One do 1 Cincinnati Bond		60
	Nine mos rent lot 70 to Aug 1 1860		27
	One year rent lots 46 to Nov 1 61 & 47 to D 1 11		58 75
	One years rent of half lot 29 to Dec 1 61		16 38
	One years rent of SP Chases lot no Stores to Oct 1 11		97 50
	6 mos rent P Munrath lot no Stores to May 1 11		37 50
	6 mos on the Reynolds lot to April 61 & 6 mos to May 1 61 on part of the 7 Queen lot		27 50
	One years rent lot 66 to D 1 61		39
	One years rent to Oct 1 61 Cyrus Coffin lot		15
	One years dividends on $7550 Little Miami Stock being dividends 30 & 31 for June & Decr 61		604
	One years interest on S S Jones note to July 1 11		60
	One years interest on James Roots note to Nov 1 61		15
	One years rent of lot 95 to Nov 1 61		16 56
	One years interest on $11040 33 notes of W.H Harrison & Co being 3 notes		662 42
	Credited by Eqr interest on $300 from June 14 1861 to Novr 20 61 $7 8 on $400 from June 14 61 to Nov 30 61 $11 07 Int on $27 42 from June 14 61 to Dec 5 61 77 cts		19 14
	One years interest on A Tafts note for $3000		180
	Int on note of A F Perry for $3000 from Oct 2 61 to D 1 61		19 50
	Bill of Gilmore Dunlap & Co	5 32	
Nov 4	74 days of accrued interest paid by Eqr on $1050 United States Treasury notes at 7 3/10 interest	15 54	
20	93 days same on $300 same	5 58	
30	103 days same on $400 same	8 24	
D 5	108 same on $50 same	1 08	
23	126 same on $30 same	1 26	
	Paid H S Stone on account of services rendered	32 71	
		69 73	2187 75

	Dr	Cr
Brought up	69 73	2187 75
Charge of Eqr for one years services from Dec 14 1860 to Decr 14 1861	200	
Recording mortgage to A F Perry	90	
	$ 270 63	2187 75

Rents due and uncollected		
P Menrath 6 mos from May 1 61 to Nov 1 '61		37 50
J Doran 6 mos on the Reynolds lot from April 1 '61 to Oct 1 61 & on the F Queen lot from May 1 '61 to Nov 1 61 6 mos		27 50
W S Andrews one year from Oct 1 60 to Oct 1 '61		18
Lot 70 3 mos from Aug 1 61 to Nov 1 61		9
East half of lot 29 one year from Dec 1 60 to Dec 1 '61		16 36
		$108 36

Third

Statement in relation to the investments of the principal since my last report

			Dr	Cr
Oct	20	61 Notes of W H Harrison & Co for $1217 04 $2868 75		4085 79
		On hand as stated in last report		727 42
Oct	22	'61 Loaned to A F Perry and secured by a second mortgage on his house and lot on Mt Auburn	3000	
Nov	4	United States Treasury Notes drawing 7 3/10 per cent interest & bought through Gilmore Dunlap & Co	1050	
	20	United States Treasury notes of the same kind	300	
	30	United States Treasury notes of the same kind	400	
Dec	5	United States Treasury note of the same kind	50	
	23	United States Treasury note of the same kind	50	
		Additional on hand		47 35
			$4850	4860 76

Thus there is a balance against me for investment $10 76 which is too small in amount to be invested to any advantage. With the exception of that amount I claim that I

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Estate of
Ethan Stone decd

Filed Feby 25 1863
Alex Paddock
Prob Judge
Men 362 Vol 20

Costs of entry paid by
Perry

In the matter of John P Atwater Executor Ethan Atwater deceased on his application for advice concerning investment in United States Government Securities

On petition of John P Atwater Executor of Ethan Atwaters last will &c for advice concerning investments in United States Government Securities it is ordered that until further directions said Atwater may invest for said trust fund any monies coming to his hands belonging thereto in United States Government Securities at current rates and his investments already made in said Securities meet the approbation of this court

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Est o P Atwater

Application for advice

Filed Feby 25 1863
Alex Paddock
Prob Judge

Vol 1 Page 509

To the Hon Judge of Probate of Hamilton County Ohio

John P Atwater Executor of the Estate of Ethan Stone deceased represents that by the will of said Stone he is charged with the duty of investing his receipts from a portion of said estate known as the ministerial quarter all the particulars relating thereto being stated on the records and files of this court heretofore made

That in the performance of his said duty of investing he has deemed it safe and expedient to invest recently in Government Securities of the United States in what are called Seven and ~~two third~~ three tenth Bond and in five twenties

That he daily expects to receive three thousand dollars belonging to said fund for re investment and other sums from time to time and knows no better investment if it meet the approbation of this court than United States Government Securities either of the kinds before named or in Six per cent Bonds of the U S due in 1881 at current rates and he desires to be advised by this court whether such investments already made are approved and whether a further investment in government Securities at current rates would be meet the approbation of this Court John P Atwater

No. 174

Ethan Stone

EXECUTOR'S

ACCOUNT CURRENT

Filed and Suspended Jany 15th 1864

Allowed & Confirmed Mar 7th 1864

Recorded Vol 17 page 428

Docket No 1 page 509

75

No 176

Third Report of J P Atwater

Exr & Trustee to Dec 14 1862

Ministerial Quarter

Filed & Suspended
this 3rd Jany 1863
Alex Paddack Pro Judge
By J McGerard pro Depy Clk

Min 192 Vol 20

allowed & confirmed
Mar 2nd 1863

Recorded Vol 15 Page 415
Doc 1 Page 509

Third Report of John P Atwater Executor of Ethan Stone to the Probate Court of Hamilton County Ohio in relation to the quarter of Ethan Stone Estate remaining in the hands of said Executor

First — Supplementary and completing the report filed January 7 1862 and relating to the income

		Dr	Cr
1	Balance against Ex for on filing report		
	January 7 1862		1191 7 12
	Rents then uncollected but since paid viz		
	P Munn the $37 50 I Dom n $ 7 W S A drews		
	$ Lot 7 $9 East half l 9 $16 36 total		108 36
	Income money used for the interest on purchase of		
	the 7 30 U S bonds as rep March 6 6		33 70
	Paid Augusta M Stone $14 3 $114 86		
	$12 & $6 7 total	153 23	
	Paid Henry Pease $466 7 $3 & $4 9 $2 total	311 40	
	Paid to H S Stone	30	
	Paid Notary Public for certifying account	1	
1	Paid Probate Court for filing account	4 5	
		$2059 18	$2059 18

I claim that I have paid the proper parties and also whom I claim are the beneficiaries of my trust to wit Augusta M Stone and Henry Pease in full and have further satisfied all their just demands of whatever kind for income from me as Executor of Ethan Stone to December 4 1861

Second — Income for the year ending December 14 1862

		Dr	Cr
6	mos interest on 4 Little Miami bonds due May 6		0
6	mos interest on Little Miami bonds due Nov 1 6		
	less $3 6 reserved by the Co for United States tax		116 40
1	years interest to Nov 1 6 on one Cincinnati bond		60
	G A Smith rent one year to wit Lot 6 Nov 1 6		
	$ 76 and lot 7 to D 1 6 $ 7		5 76
	J B Coffin rent 1 year to Oct 86		5
	D A Powells rent 1 year to D 1 6 Lot 9		16 56
	Jan Franklin rent 1 year to Dec 6 W		
1	half of lot 66		39
1	John & Mary Smith on half lot 9 1 year to D 6		16 38
	Azel Lok Jenkins Jon to Sept 1 6 W 1 h f lot 29		12 28
			44 38

	Cr / Dr	Dr / Cr
Philip Allen the 3 m to F 1 6		18 75
Joseph Don an 9 mos on the S K Reynolds lot		
to July 1 6 an on part of the F Qu n lot to A 1 6		41 25
Mrs A dison 6 mos to May 1 62		18
Recd March 6 6 interest on $ 5 U S tr any notes or bonds due Feb 9 6 $67 but of this there was paid A K Stone & H P ase $33 7 on ount of me one of year ding D 1 61 (as before t te) leaving to be credited		33 82
6 mos interest due A 19 6 on $ 8 U S treasury notes (7 00) or bonds		67 32
One years interest on note of S S Jones to July 1 6		60
1 year and 3 days interest on note of W H Harmon & Co $25647		17 8
do $423		9
do $3 662 6		221 39
Little Miami R R Co dividends 2 33 34 $377		132 30
1 years interest on note of James Root to Nov 1 6		15
Note of A Taft being for interest due D 13 6		180
20 days interest on $3 pai by A Taft		10
Note of A F Perry for interest due D 4 6		180
Paid H S St on ount of year services ful $ 5 ing the balance due him an on oun of this year ending D 6 $ 79	5 32	
Charge of Ex cutor for services for l year to Dec 14 186	200	
Expense the to purchase of U S bonds unt one be no	3 70	
Notary Public and Commiss ner charge	1	
	$230 02	$2623 96
Balance in Ex cutor D 2 1862		939 4

Rents due and un colle ted

S P Chase one year	97 50
Joseph Don an 3 months	13 75
Mrs A dison 6 months	18
Age bah Jenkins 3 months	410
W S Andrews one year	18

Philip Mu H 9 months | 56 25

Total of tenants in arrear | 207 60

Third Statement relative to the investment of the Principal and of money received since my last report

		Dr	Cr
Oct 20 62	Re payment of the notes of W H Harrison & Co		
	$ 8685 75 $4231 $3662 64		6954 54
	Remaining over from last year		10 76
Nov 11 6	Loaned to A Taft for 4 years at 6 per cent interest and secured by mortgage on his house and lot on Mt A burn thus being the note and mortgage in favor of the estate and in all amounting to $60	30 0	
	Cost of Exchange on New York on $39 9 6	4 94	
N 66	Paid Clark D ge & Co New York for $3950 Uncle St tes 5/2 year 6 per cent bonds number as follows N 1412 $1000 N 141 4 $1000 No 1 $10 Nos 4887 4 88 889 4890 489 489 4893 4894 4895 $100 ch N 2 $ 0	3949 60	
		6954 54	$ 965 30

Re ai ing in Executors hands for investment $10 76 With the exception of the amount I claim that I have invested properly and to good advantage all the money devolved upon me as Executor to invest

The preceding ... statement of my account ... true to my best knowledge and belief John P Atwater

H S Stone
181 Mc St

THE STATE OF ~~OHIO~~ Connecticut }
~~HAMILTON~~ New Haven COUNTY

P ... ~~Judge of the Probate Court~~ Commissioner for Ohio ... state of Connecticut ~~said County~~, John P Atwater Exr — of the Estate of Ethan Stone deceased ... ACCOUNT CURRENT of the ... Ethan Stone deceased ... first ...

Sworn ... before ... Charles ... A D 1862

C ... Lorenzo ...
~~Probate Judge~~
Commissioner for Ohio within and for the state of Connecticut ...

John P Atwater Exr

No. 176

Ethan Stone

EXECUTOR'S

ACCOUNT CURRENT

F l d and Su p nd d Feb 18th 1865

Allow d & Conf med 186

R rd d of 20 pag 179

D k t N 1 pag 509

No 176

Mass Probate Court
Ethan Stone

Account current
Filed and suspended
Febry 18th 1865
E Woodruff Prbt Jdg
Albt Paddock Dpy Clk
Min 426 Vol 25
Allowed & confirmed

Recorded Vol 21 P 179
Doc 1 Page 509

Fifth Report of Helen P. Atwater Executrix of Ethan Stone, late of Cincinnati, Hamilton County, Ohio, to the Probate Court of the same County, in relation to the quarter of Ethan Stone's Estate remaining in the hands of the said Executrix

First		Supplementary to the report filed January 15. 1864. and relating to income	$ cts		$ cts
		Balance against the Executrix as then stated			2247 09
January	16	1864. Paid to Augusta M. Stone	1685 32		
do		do Paid to Henry Pease	561 77		
			$2247 09		$2247 09

When I filed that report there was due from S. P. Chase October 1. 1863 one year and six months rent viz $146.25. This amount has since been collected and paid over, to wit, three quarters of it to Augusta M. Stone and one quarter of it to Henry Pease.

I claim that I have paid the proper persons who have any lawful or just claims to the money above stated, namely to Augusta M. Stone and Henry Pease in full and have satisfied all their just demands or claims for income from me, as Executrix of Ethan Stone, to December 14. 1863.

			$	cts
Second		Income for the year ending December 14. 1864.	$	cts
		Balance from amount received for Probate Court fee of last report		20
		One years rent of lot 46 from Geo. A. Smith to Nov 1. 1864	23	75
		One year rent of lot 47. from Geo. A. Smith to Dec 1. 1864	27	
		West half of lot 47. Azariah Jenkins to Dec 1. 1864	16	38
		Lot in Storrs Township one year S. P. Chase to Oct 1. 1864	97	50
		Philip Mannrath 6 months to May 1. 1864	37	50
		Joseph Scrivens rent one year in the S. K. Reynolds lot to Oct 1. 1864 & for part of the F. Quinn lot to Nov 1. 1864	55	
		James Brandon rent one year to Dec 1. 1864	39	
		Cyrus Tiffin's rent for one year to Oct 1. 1864	15	
		Note of A. Tapp for interest due Dec 13. 1864	180	
		Interest for one year on note of A. Tapp to Dec 1. 1864	150	
		Interest one year on the note of Geo. B. Jones to Feb 1. 1864	60	
same	5	1864. Rec'd the interest due Feb 19. 1864 on the 7 3/10 U. S. Treasury notes in gold	73	

Proceeds from sale of the same			46	77
Interest on the 5–20 U. States bonds due May 1. '64 (gold)			126	
Proceeds from sale of the same			109	25
Interest due July 1. 1864. on $3000 U.S. bonds due 1881 (gold)			90	
Proceeds of sale			129	
Interest on the 7 3/10 U.S. notes 142 days to conversion into bonds			56	59
Interest on 5–20 U.S. bonds due Nov 1. 1864			126	
Proceeds of sale of the same			216	39
One year interest on $4000 L.M.R.R.C. bonds ~~[illegible]~~			240 ~~[illegible]~~	~~[illegible]~~
One year interest on $1000 Cincinnati bond			60	
Two dividends of 5 per cent on $7550 Little Miami RR. Company stock ~~$7550~~			755	
Two dividends of 5 per cent on $1500. L.M.R.R. stock			150	
Rec'd for fractional share of the same			9	75
Government tax on $200.	16			
Probate Court bill	4	10		
Expense of converting bonds		35		
Government tax on the Little RR Co bonds interest	7	50		
Reserved for Probate Court bill	5	00		
6 per cent on $4419 38 being the compensation of the Executor for the year ending Dec 14 1864	265	16		
January 1864. Stock dividend of twenty per cent on $7550 Little Miami Rail Road stock payable and due in stock. (Certificate issued)			1500	00
	298	41	$4419	38

Considering the $1500. stock of the Little Miami Rail Road Company as money there is a balance against the Executor $4120.97. From this sum is to be deducted any further bill, if any, of the Probate Court for matters arising from this report, and also Attorneys fees if any. Three quarters of the amount remaining goes, by Will of E. Stone, to Mrs A.M. Stone and one quarter to Mrs Henry Pierce. Mrs A M Stone has received an advance by me, on this account, as Executor $500.

John P. Atwater

THE STATE OF OHIO, }
HAMILTON COUNTY. } SS.

Personally appeared before me the undersigned **Judge of the Probate Court** *in and for the said County,* J P Atwater Executor

of the Estate of Ethan Stone *deceased, who upon oath* *deposeth and saith that the annexed* **Account Current** *of the Personal Property of the said* Ethan Stone *deceased, is in all respects just and true, according to the best of* his *knowledge.*

Sworn to and subscribed before me, this 18th *day of* Feby *A. D. 186*5

Edwd Woodruff
Probate Judge.

By Altz Paddock
Deputy Clerk.

John P. Atwater

John P. Atwater New Haven Conn.

No. 176

Othaw Stone

EXECUTOR'S

ACCOUNT CURRENTS

Filed and Suspended Jany 20th 1866

Allowed & Confirmed Jany 20th 1864

Recorded Vol 22 page 99

Docket No 1 page 309

No 176

Ham Probate Court
Ethan Stone

Account current
filed and suspended
Jany 20th 1866
E Woodruff Prob Jdg
Albt Paddack Dpy Clk
Min 88 Vol 28
allowed & confirmed

Recorded Vol 22 P 93
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Rent one year lot 127 McClusky to Oct 1. '65		18
Rent of Cyrus Coffin one year to Oct 1. 1865		15
One year rent Lot 95. to Dec 1. '65 D. A. Powel		16.56
Note of A. Taft for interest due Dec 13. 1865		180
Interest for one year on note of A Taft to Dec 1. 1865		180
Interest one year on Cincinnati bond		60
Two dividends on stock of the Little Miami R R Co		755
	Dr	
Executor charge for one year to Dec 14. 1865	200	
Deduction for Probate Court bill	~~5~~	
U. S. Gov Income tax on $200	20	
Charge of Commissioner	2	
	227	2632.80

Balance $2405.80. to be distributed as follows

To Mrs A. M. Stone 3/4 $1804.35

To Henry Pease 1/4. 601.45

The State of Connecticut }
New Haven County } S.S. New Haven Jany 13th 1866

Personally appeared before me the undersigned Commissioner for the State of Ohio in and for the State of Connecticut John P. Atwater, Executor of the Estate of Ethan Stone deceased who upon oath deposeth and says that the within and foregoing Account Current of the personal property of the said Ethan Stone deceased is in all respects just and true according to the best of his knowledge.

Sworn to and subscribed before me this 13th day of January AD 1866

Samuel H. D. Bristol
Commissioner for Ohio within and for State of Connecticut

John P. Atwater
Executor of Ethan Stone

Sixth annual Report of John P. Atwater Executor of Ethan Stone late of Cincinnati, Hamilton County, Ohio, to the Probate Court of the same County in relation to the quarter of Ethan Stone's estate remaining in the hands of the said Executor.

First. Supplementary to the report filed Feb 18. 1865

At the time of filing that report there ~~[illegible]~~ were due rents as follows Lot 70. Anderson $36. P. Münrath $37.50 Lot 127 Andrews $18. Lot 95 D.A. Powell $16.56. Half lot 29 Elizabeth Smith's heirs $16.38.

These several amounts have since been paid and distributed to wit 3/4 of the amounts to A.M. Stone and 1/4 to Henry Pease.

Feb 21. 1865. By order of the Probate Court, issued that day, I paid over to A.M. Stone $1965.72. and also delivered to her twenty three shares of the capital stock of the Little Miami R.R. Co.

Feb 27. 1865. I paid also by the same order, to Henry Pease $686.24 and delivered to him seven shares of the capital stock of the Little Miami RR Co and herewith submit the vouchers.

Second. Income for the year ending December 14. 1865

		Cr	
21	Feb. '65. The Jan. coupons on $5000 U.S. bonds due '81	150	
21	Feb 65. Premium on the same net	142	50
27	May '65. The May 1 coupons on $4,200 U.S. 5.20 bonds	126	
27	May '65 Premium net	39	
2	May Int due May 2. '65 on $4000 Little Miami R.R. bonds less $6. tax	114	
1	July '65. July coupons on $5000 U.S. bonds due '81	150	
1	July '65 Premium net	53	32
1	Nov 65. Coupons on $4,200 U.S. 5.20 bonds	126	
1	Nov net premium	51	60
2	Nov. Int due on $4000 Little Miami R R Co bonds less Gov tax $6.	114	
	Rent one year lot 46 Stone's subdivision Geo A Smith to Nov 1. 1865	23	76
	Rent one year Lot 47 Geo A. Smith to Dec 1. 65	27	
	Rent one year on W. half lot 29 to Dec 1. 65. Azubah Jenkins	16	38
	Rent on E. half lot 29 six months	8	16
	J.P. Chase rent one year to Oct 1. '65	97	50
	P. Münrath's rent one year to Nov 1. '65	75	
	Joseph Donivan's rent one year on lots to Oct 1 & Nov 1. '65	55	
	Rent one year W. half lot 66 to Dec 1. '65 James Tranter	39	