

1830-014

Chancery Causes: Ann Moody, widow of Isaac Moody vs Mechen Fearn & Thomas D. Ripley

Isle of Wight County

↓ d

Other SURNAMES: PARR, Vellines,
Battin, Bedgood, Young

Moody & Co
7 3/4 City
Fearn & Co

File this at Dept. of

September 7th 1829 Bill filed

March 2^d 1830 leave given
to amend the bill to make
other parties. Bill thereupon
filed - 1st Sup^{ts} H. H. H. H. H.
H. H. H. H. H.

Aug. 2nd 1830 Interloc. decree
of Fearn

September 6th 1830 Report of
H. H. H. H. H.

November 2^d 1836 report of
H. H. H. H. H.

to \$20.00 for 21/2

your complainant alleges that Thomas
Ripley by an ex parte order of the County
Court as she is loco (luc) of her own know-
-ledge she can't say what is the truth, had
a part of the land purchased of her late
husband set aside to her but in & six or
the Court or persons who acted as better
by or without an order of Court she
did not give him a just price
but the fact gives to her a
very inadequate and unjust and it was
done without her consent and without
her being before the Court (if indeed the
Court made any order, in tender coun-
-sation whereof and for as much as she
is remedied in the premises, and by
the aid of your worship, she prays, that
the said election stand and the Bishop

maybe more defendants tottis, being
upon their oath, he consents to answer
this Bill, as fully and effectually as if the
same were again repeated. It is
that's more especially interrogated - Is
the said she prays that your worship, the
premises considered will decree and
allotment to her of dower in the land
held by the defendants or purchased by
them or either of them of said David
Moody and that you will decree
the rent to which she is justly entitled, &
grant such other and further relief as
may be consistent with equity. She prays
the Court's cost of this Bill.

C. Atkinson p. 5

To the County Court of Sh of N.Y. in
Chancery sitting. humbly complaining,
showeth unto your worship now or at the
Ann Moody widow of Isaac Moody
That the said Isaac Moody was her husband
and at the time of their marriage he
was seized and possessed of in fee as, as of
plots of inheritance, to several tracts
of land in said County of Sh of N.Y.
which he after wards conveyed to her
her relinquishment of dower
which she now claims and is entitled
to have dower. The said Isaac Moody
expired the life estate on or about the
day of ¹⁸²⁷ ~~admitted~~ ^{admitted} and as the
purchaser holds in fee the said Isaac
her late husband have denied her
the ~~rights~~ to which by law she was
justly entitled, she claims of them out
from the death of her late husband
when he right accrued. now or at the
further state that in the lifetime of the
said Isaac Moody he sold one tract
or more to me then I and by deed
of record in the County Court of
Sh of N.Y. a copy of which is hitherto
annexed marked A and is prayed to
be considered as a part of this bill,
and that the said Isaac Moody also
conveyed another tract or piece of land
to Thomas D. Ripley.

by deed of record in the County Court of
Sh of N.Y. an office copy of which
is hitherto annexed and prayed to be
considered part of this bill. His marked
B. all the steps requested the said Isaac Moody
refused to give him dower & the other purchasers
have refused to assist him dower
~~which is contrary to Equity~~
consideration of her dower.

The Clerk of the County
Court of the State of New York
County of Hamilton

is - and your oratrix has leave to refer
to the said from reply ^{William} & reply
to the said Battin, and to the said
to which this is an amendment, &
prays that the same may be consid-
-ered as a part of this bill - and
she prays that the said Mr Battin
may be made a defendant to this
suit & be compelled to come down
in the same affidavit to his affidavit
to your oratrix; that your oratrix
will never be sworn and not
any order or decree in the premises
- in which may be consistent
with equity and good conscience
- ^{that the said Battin may answer this bill} -
- ever - she prays that the County
with of spa com. & directed to
may issue do -
Attest more p. 3

Learn D^r. I am on the one hand in
Moody & Villiam, reply to this - file it
and let spa in charge issue to make
Mr Battin a new party defendant,
recollct that the spa must have
an order in it that the same
will be taken for confessed & cons-
- to defendant shall answer in
4 months - let the spa issue forth -
- with and be returnable on the
first Monday in April 1830 -
I beg your immediate attention
to this subject -

Yours respectfully
A. Atkinson
March 6 1830

In the case Sup^r Court of Chancery in John
Kerwin - issue immediately a spa for
James H. Moody and Nathl. Rogers on
behalf for the plaintiff - Attest p. 3

To the County Court of Ch of Mg it
sitting in Chancery - humbly con-
-plaining sheweth unto your honors
your oratrix Ann McCoy - that she did
once about the day of, a d 1829
exhibit her bill of complaint against
in this Court against Abner Gillies
Thomas Ripley and others (as above) to the
thing to ~~be~~ have her same set apart
and allotted to her in the lands
~~conveyed~~ ^{conveyed} by Isaac McCoy her father -
-banded to Jordan part & sold & given
-chosen by Ripley and Gillies as
aforesaid, & to which she had never
relinquished her right of dower, as
in and by the said proceedings & original
bill filed and had in the same case
and now remaining on in this Court
may more fully and at large appear
and which your oratrix craves leave
to refer to - and your oratrix by way
of supplement or amendment, ~~ethers~~ ^{ethers}
chape that the said Ripley and Gillies
or one of them has some time since
by act of bargain and sale conveyed
the same lands to one William
Batten in whose possession the same now

Enacted

Sept 7th 1829 for Dr. godwin & Co

Money

to

Mean end

Spec in 664

Althorp at

for Compt.

The Commonwealth of Virginia to the Sheriff of
Isle of Wight County, Grating; We command you to
summon Meekam Heath, Thomas D. Ripley and
Abraham Vellines

to appear before the Justices of our county court at the
courthouse on the first Monday in September next to
answer a bill in Chancery exhibited against them by
Ains Moody widow and relict of Isaac Moody died;
and unless they shall answer the bill in four months
the bill will be taken for confessed and the court will
do every the matter thereof accordingly
and this they shall in no wise omit under the penalty
of \$100 each, and have them then this writ. Witness
Nathaniel Young Clerk of our said court at the courthouse
the 17th day of August 1829 in the 34th year of the
Commonwealth

Nathl Young
Clerk

Executed March 9th 1839

Albert S. Shreve &
for L. Johnson

Moody

vs

Spa: in bky.

Batten

Attention att^d
for Compt^d.

C

The Commonwealth of Virginia to the Sheriff of
Isle of Wight County Greeting; we command you to
summon William Batten Junr

to appear before the Justices of our county Court at the
Courthouse on the first monday in April next
to answer a bill in Chancery exhibited against
him by Ann Moody widow and relict of of Isaac
Moody deceased and until he shall answer the
bill in four months the bill will be taken for confessed
and the court will decree the matter thereof accord-
ingly

and this he shall in no wise omit under the penalty
of \$100 and have then then this writ; Witness
Nathaniel Young Clerk of our said court at the
courthouse the 2^d day of ^{March} August 1830 in the 51th
year of the Commonwealth

Nathl Young
Clerk

Moody

W

Deera

Tram Road

Albany

In Solers Night County August Court 1830

Ann Moody

Complainant

against

Meekum Fearn, Thomas D. Ripley, Abraham

Vellines and William Batten

Defendants

In Chancery

This cause in which the bill of the complainant is taken as confessed against the defendants Ripley & Vellines & Batten, upon whom the decretal order in this cause seems to have been served, came on to be heard again on the bill of the complainant and exhibits filed and was argued by counsel. On consideration whereof the court doth adjudge order and decree that John Phillips, Edwin Mumble, and Menak W. Chapman or any two of them with the aid of a surveyor if required, do attol and set apart to the plaintiff Ann Moody widow of Isaac Moody, in full and equal third part of the real estate whereof Isaac Moody aforesaid was seized in his lifetime, and to which the plaintiff did not relinquish her right to dower and which was conveyed by trust deed to Jordan Burr for the benefit of Thomas D. Ripley and Abraham Vellines, and which is now in the possession of deft. Batten, and which tract contains by estimation 100 acres, and is the deed to the trustee described as bounded by the lands of John Harris, William Gaskins, William Batten senr, James Tomlin decd. Meekum Fearn &c. having regard to quality and quantity, and make report to this court in order to a final decree.

Attest Teste Nathl. Young R.

Now granted to the annexed ~~decreed~~ decree of the Court of Probate
- Wright County, bearing date August Court 1830 - to wit: settled,
with the undersigned. have laid off and allotted to Ann Moody
Widow of Isaac Moody dec'd. as her right of Dower in a certain
more or less parcel of land which said Isaac Moody in
his life time, in trust ^{conveyed} deeded to Jordan Parr for the benefit
of Thomas D. Rihley and Abraham Vellies, in which deed
the said Ann Moody, the Widow of the said Isaac Moody
did not relinquish her right of Dower - to wit: beginning
at a stake in the road, thence to a mulberry tree, thence
down a row of Apple trees, to a sweet gum standing
in the hedge row, thence running a long a line of maple
trees to John Herring's line, thence running a long said
Herring line to the road, thence up the road to a stake
standing on the road near the gate, thence running up
the bank to a cherry tree near the crib from thence
to the first Station - Given under our hands, this
1st day of September 1830 -

Edwin Hamble

John Phillips
Chapman

Moody

is 3 Dura

Heard & Co

Sole of Night County March Court 1830

Ann Moody

Complainant

against

Mechem Fearn & Thomas D. Ripley

and Abraham Villines

Defendants

In Chancery

The Subpoena and nisi decree in this cause having been returned, executed, and the defendants having failed to answer the bill of the complainant is taken for confessed, and the cause came on to be heard on the bill and exhibits filed and was argued by counsel, on consideration whereof the court doth adjudge order and decree that Edwin Morille, William C. Edwards, Eliza Whitley and John Phillips or any three of them with the aid of the county surveyor, if required, do also proceed to allot and set apart to the plaintiff as widow of Isaac Moody aforesaid one full and equal third part of the tract of land conveyed by Isaac Moody in trust to one Ralph Bedgood to secure a debt due to John B. Young, ~~and~~ which land has since ^{been} conveyed by the said trustee, Bedgood by virtue of a sale to Mechem Fearn the present holder, which tract by estimation contains eighty five acres be the same more or less, in which said allotment the said commissioners are to have regard to quality and quantity, and on the motion of the plaintiff leave is given to amend the bill and make new parties defendants, and it is further more adjudged that the cause be continued as to other matters to be hereafter decided, and that the commissioners make report to the court

Attest

John B. Young D.
Clerk

Subscribed to the annexed decree of the Court in Essex
County, bearing date March Court 1830, to us directed
as the undersigned have proceeded, to certify and set a part
to the plaintiff, Mrs. Moody, Widow of Isaac Moody decd.
as her right of dower, in a tract of land conveyed by
Isaac Moody in trust to one Ralph Bedgood to have
a tract due to John B. Young, and which land has since
by deed been conveyed by the said trustee, Bedgood in virtue of
a bill to me from the present holder, which tract by
estimation contains eighty five acres be the same more or
less, in which land the said Mrs. Moody Widow of Isaac
Moody as aforesaid did not relinquish her right of dower
as shown to wit, Beginning at a pine a corner tree of
Batten and Westray, thence running a long a line of marked
trees, nearly a West course to the road to the Black Oak
Oak, standing on the road, thence down the road to
Westray's line, thence running a long Westray's line to the
first station. Given under our hands this first day of
September 1830 - - - - -

Edwin Wamble
John Phillips
Elisha Whittier

Ann Moody ———— court
in ———— 3 ch +

William Team & Thos. Skiffy and
Abraham Tillins x ———— left

~~The case came on to be heard
on the 11th of the month~~

+ The subpoena and nisi were in this
case having been returned executed
and the defendants having failed
to answer, the plea of the couple
is taken for confession and the case
came on to be heard on the
11th and exhibits filed and was
agreed by Counsel on considera-
tion whereof the Ct. doth agree
over and award that +

~~and~~ ~~that the said~~ ~~Commissioner~~ or any 3 of them
with the aid of the County Surveyor, if required
so also proceed to allot and sit apart
to the ⁴peff. as evidence of peace &
Moorey aforesaid one full and entire
third part of the tract of land convey-
ed by Isaac Moorey in trust to one
Ralph Bidgood to secure a debt due to
John B. Young, and which land has
since by and been conveyed by the
said, trustee, Bidgood by virtue of a
sale to Ebenezer Pease the present
holder which tract by estimation
contains 85 acres be the same more
or less in which said allotment
the said cows are to have regard to
quality and quantity and for on the
order of the peff. there is given to and the price
and note new paper is given out
and it is further agreed that
the same be sold as to other matters to be
hereafter agreed that the cows be sold to the

Isaac Moody of said
~~county~~ was seized in his
lifetime & to which the
Jcft. did not assent, &
he ~~was~~ right to recover
which was conveyed by
grant and to Isaac par
for the benefit of Thomas
De Riple and Abram Willm
& which ~~was~~ is now in the
possession of Asst. Batten
which tract contains
by estimation 100 acres &
is in the deed to the trustee
described as bounded by
the lands of John Berry,
Mr Gaskin, Mr Batten or
James Tomlin and T. Allen
Team & having regard to
quality and quantity
I make up to this A
in order to ~~the~~ ~~the~~ ~~the~~
both also

Moody
- 3 acres
Team & others

Ann Moody

vs

Leechman Fear, Thomas
Shirley and Abraham
Yellins & Wm Battin

~~This cause came on~~
~~again to be heard on~~
~~the 1st of Feb, 1851~~

This cause in which
the title of the complaint
is taken or confessed
against the defendants
Shirley Yellins & Battin

~~Battin~~ upon whom
the secret order in
this cause seems to
have been served, came
on to be heard again
on the 1st of the month
~~the 1st of Feb~~ and
exhibits filed for as
agreed by Court order
consideration whereof
the Court both adj. order
said decree that

John Phillips, & again
Wm. W. & Kenah K
Chapman or any 2
of them with the aid
of a surveyor, if required,
do all and sit apart
to the 1st of Jan
Moody one witness
of Isaac Moody
one full & legal
third part of the
real estate whereof

cloudy

on 3/4 term

Term of

Moody - - - 1834:
against

such from & other expenses

This case came on again to be heard
on the papers formerly read & the reports
of Coun. made in pursuance of the order
of the of 18 & of the ^{day of} 1830, to which no
exceptions have been filed & was agreed
by Counsel; on consideration where-
of the Court both confirm the said reports
and order that the same stand firm
and absolute between the parties
in the case, that the plff. hold for
his life as he does on the lands affixed
or appear by each of said reports, &
the Ct. both further more adj. ord. &
decree that the defendant pay to
the plff. he certifies in his behalf
expenses -

Moody
to ^{copy} deed of trust
Pass for Ripley &c

Alcopy

[Signature]

said Jordan Parr his heirs executors and administrators to the only
purpose and behoof of him the said Parr his heirs executors and
admins forever upon this special trust that provided the said
Isaac Moody his heirs executors and admins shall fail to pay to the
said Thomas L Ripley & Abraham Villius their heirs executors
admins or assigns the aforesaid sum of One hundred and
fifty dollars on or before the said first day of Sept 1827. that
then and in that case the said Jordan Parr his heirs executors or
admins shall at the request of said Thomas L Ripley and
Abraham Villius their heirs executors admins or assigns proceed to
sell at public auction the aforesaid tract or parcel of land with
its appurtenances and also the aforesaid personal property
for ready money after advertising the same at least ten days
previous to the day of sale and out of the proceeds of the sale
of the aforesaid tract or parcel of land & appurtenances &
also the aforesaid personal property first pay all cost and
charges attendant upon such sale then pay to the said
Thomas L Ripley and Abraham Villius their heirs executors
admins or assigns the amount of the aforesaid promissory note
And the surplus of the sale of the aforesaid tract or parcel
of land and appurtenances and also the aforesaid personal
property if any pay to the said Isaac Moody or his legal
representative - In witness whereof the parties to these
present have hereunto set their hands and affixed their
seals this day and year first above written

signed sealed and acknowledged by Isaac Moody Seal
in the presence of Thomas L Ripley Seal
John P Thomas Seal
John Sykes Seal
Joseph M Parr Seal

File of might County Clerks Office July 2nd 1827 The foregoing
deed of trust was acknowledged in the Clerks Office by Isaac
Moody Thomas L Ripley Abraham Villius and Jordan
Parr the parties thereto, and admitted to record

Attest

John Young

This Indenture made this 2nd day of June in the year of
Christ eighteen hundred and twenty seven between Isaac Moody
of the first part Thomas L^d Ripley & Abraham Villines of the
second part and Jordan Parr of the third part all of the
county of Isle of Wight and State of Virginia. Whereas the
said Isaac Moody stands justly indebted unto the said
Thomas L^d Ripley and Abraham Villines in the sum of
one hundred and fifty dollars due by promissory note bear-
ing date the 19th day of June 1827 and made payable the
first day Sept 1827 and whereas the said Isaac Moody is
willing and desirous to save keep harmless and indemnify
the said Thomas L^d Ripley and Abraham Villines in the
aforesaid debt Now this Indenture witnesseth that for
and in consideration of the premium and also for the future
consideration of the sum of one dollar lawful money of
Virginia to the said Isaac Moody in hand paid by the
said Jordan Parr at and before the making & delivery of
these presents the receipt whereof is hereby acknowledged by him
the said Isaac Moody have granted sold aliened and offe-
red and confirmed and doth by these presents grant bar-
gain sell alien and confirm unto the said Jordan
Parr his heirs execs and admors one certain tract or
parcel of land Situated lying and being in the county
and State aforesaid containing by estimation one hun-
dred Acres be the same more or less and bounded by the lands
of John Herring Wm Gaskins Wm Batten Senr James Tom-
lin and M^r Fearn and also the following personal property
to wit four beds and furniture, three pine chests, two lewies one
stear one cart and wheels one bay mare one apple Mill
four trunks one W^h Table two black walnut Tables two Rhds
and one dozen barrels to hew and to hold the aforesaid
tract or parcel of land, together with all and singular the
appurtenances therunto belonging or in any wise apper-
taining and also the aforesaid personal property unto the