1851-007 Chancery Causes: James J. Moody vs Joseph B. Whitehead, gdn, Emanuel Moody's admr, et al
Isle of Wight County

other SURNames: Copeland, Parr Bland, Young, Gray, Morrison, Peirce, Tynes, Batten, Baltin,

James Moody

vs: } In Chancery.

I. B. Whitehead adm.
of Edm.d Moody dcd.

(Whitfield.)

Assgnd under 1849 Bill
& exhibits filed. Spa. eq.r

Oct.o. rules 1849.
adm.r of Edm.d Moody adm.
James Moody, gon.
James Moody, adm.r &
Isaac B. & Ro. Moody, adm.
& guard. resp.ly

Feby rules 1850 Set for
hearing.

May term 1850. f. 246.

Sept. 12th 1850 Set. for
Comm.r Eighth Oct.r Inst.

Oct.o Term 1850 rem.d to Ch. 254.

May Term 1851. Final
decree. A. 12. f. 263.

To the hon^ble Rich^d H. Batten Judge of the circuit Superior court of Law & Chancery for the county of Isle of wight: In Chancery sitting: Humbly complaining sheweth unto your honor, Your Orator James I. Moody, that he is the only surviving Son and heir at Law of James Moody who departed this life in the year having a considerable real & personal estate, and two children as his Heirs and Distributees at Law, to wit George B. Moody and your orator: that one Joseph Copeland qualified as the administrator of the said James Moody dec^d.

and upon the death of said Copeland which took place about the year,

One Joseph B Whitehead qualified as the administrator "de bonis non" of the deceased James Moody the father of your orator; and also as guardian to the said George B Moody and your orator James I Moody, who died intestate under the age of 21 years & without Issue

and afterwards upon the death of the said George B Moody, the said Joseph B. Whitehead qualified as the admr^x of the Goods, chattels &c: estate of the said George B Moody dec^d, as will appear by the several Orders of qualification &c: marked "A. B. C." & &c: herewith filed and prayed &c: your orator having attained his majority, sometime in the year 1848: to wit:

has repeatedly called upon & urged upon the said Joseph B. Whitehead admr^r and guardian as aforesaid to settle his transactions, preparatory to, and with the view of, a final settlement of his duties, actings & doings & all transactions as guardian to your orator, and to pay over to your orator whatever property of all kind, money &c which of right belong to your Orator; but the said Joseph B. Whitehead as guardian as aforesaid has as constantly refused, and for reasons which will be found in the following facts and circumstances. By a copy of the last will and Testament of One Emanuel Moody (herewith filed and prayed to be taken as a part of this Bill) – your honor will perceive, that one Emanuel Moody of the County aforesaid departed this life in the fall of the year 1827, after having made &c, his "will" bearing date the 12^th Sep^r 1827, and admitted to record in the proper Office, on the 5^th Nov^r 1827, on which day the executor therein named qualified as the Law directs – the said Executor, to wit, James Moody being the father of your orator. By the 1^st Item of said "will" the Testator gives to his sister ~~Wilmouth Batten~~ Martha Parr, the sum of $50. your orator charges that as far as he is advised this legacy, nor any of the others mentioned in the said will have ever been paid, that Martha Parr married One Jordan Parr and then died, her husband surviving her, and he has since died; and on their estates, administration has been granted to One Joseph M Parr, as will appear by copies of the "Orders" herewith filed marked "Z." &: By the 2^d Item of said Will, the testator gives $50. to Wilmouth Batten the wife of One Williams Batten who has survived his wife Wilmouth Batten who has since died – And By

The 3d Item, the Testator gives $50 to his brother Isaac B. Moody who, surviving his brother Emanuel has died and Joseph B. Whitehead is his administrator.

By the 4th Item the sum of $50. is given to William B. Moody who, surviving the testator, has also since died and one James Chapman qualified as his administrator.

By the 5th Item, he gave to his nephew and niece Robt. T. and Mary Ann Moody twenty five Dollars each. Robert T. Moody, surviving his Uncle Emanuel, has died and Joseph B. Whitehead is his admr &c.

By the 6th Item, he gave to Elizabeth A Bland $50. she afterward died, her husband William Bland surviving her and he dies, and Joseph B. Whitehead is his & her admr.

By the 7th Item the testator lends to his brother James Moody (your orators father) - during his life all of his negroes, viz, Amy and her child William Henry, Esther and her child Charles Edward, and boy Merit - and the increase of females; upon the condition that if James Moody, his brother, should have a child, or children to arrive to the age of twenty one years of age, the negros loaned to his brother, at his death, are given to such child or children (if not they are to be free &c).

And lastly after paying his just debts & funeral expenses the testator gives "all the" "Balance of (his) property of whatever nature or kind to his brother, (the said) James Moody" &c -

your orator charges that on the death of his father, James Moody the Extr of Emanuel Moody One Nathaniel Young qualified as the admr with the will annexed of the said Emanuel Moody, as more at large appears by a copy of the same herewith filed as a part of this bill &c, and entered his official Bond on the 5th May 1848, with Davis Gray as his security; and that the said Nathl Young has since died, and one N.B. Young has qualified as his executor; and also has the said Davis Gray died and one Edwin Morrison has qualified as his Extr. And upon the death of the said Nathl Young, one Joseph B Whitehead qualified (as he now is the) administrator with the will annexed of said Emmanuel Moody dec'd. your orator charges that the death of James Moody Extr of Emanuel Moody occurring so soon after the death of the testator and the consequent qualification of Nathaniel Young as admr de bonis, that nearly all, if not indeed the whole of the Estate of Emanuel Moody came to his hands to be administered, at least the issue & each of the negroes, Amy, William Henry, Esther and Charles Edward, & boy Merit; and the increase of females were in the possession of said Nathl. Young as admr as aforesaid of Emanuel Moody dec'd; and he the said Nat. Young as admr sold the said slaves (all of them) ostensibly to pay the debts of said Emanuel Moody.

Your orator further states as true the following facts: (which contain the main point or subject of this bill) - Viz: That the said Emanuel Moody in his lifetime intermarried with one Frances Peirce the daughter of Mildred and John Peirce: that John Peirce died, and from & out of his slaves, his widow Mildred had her "thirds", the remainder in & to which, to wit the Dower slaves - was in Frances the wife of Emanuel Moody and her brother one Spencer Peirce - during such a state and relation of parties &c, Frances died, her husband the said Emanuel Moody surviving her; whereby as your orator alleges the right to the negroes held as the "thirds" or "Dower slaves" of Mildred Peirce his mother in law - vesting in his wife Frances, in remainder, by law, vested in her husband the said Emanuel Moody, and on his death transmissible and was transmitted to his representatives, to be held by them for the use and purposes of administration, or for the objects of his, the said Emanuel Moody's "Will"; and your orator alleges that the said interest in remainder in the said slaves, by the will of Emanuel Moody, did, certainly by the residuary clause (if not by 1st Item) thereof - pass to, and of right vested in James Moody your orator's father, either as specific or Residuary Legatee. Mildred Peirce the tenant in Dower of said slaves, is now alive probably, or was, about the year 1841 or 1842, when by some arrangement made by Joseph B. Whitehead as the admr of Emanuel Moody, but to protect the interest of his ward, your orator; a division of said Dower negroes was had on a certain allowance being made to the widow who gave them up for such purpose. Whereby as your orator is informed, the following negroes, Isaac, Dick, Diana, Mary & two children fell to the said Joseph B. Whitehead as admr de bonis of Emanuel Moody dec'd; and that Mary & her two children were thereafter sold by a decree of the County Court of Isle of Wight; to raise money to pay the amt to be given to Mildred Peirce in fee, in lieu of her dower in the whole number of the slaves. your orator doubts not, from the circumstances at the time, that this arrangement by the said Whitehead was the best thing which could be done. Thus your orator charges as true, that the slaves, Isaac, Dick, and Diana and the increase of Diana, were given up to Joseph B. Whitehead as admr of Emanuel Moody dec'd, and that he has continued to hold and hire them out, as the property of said Emanuel Moody. your orator charges that according to the will of Emanuel Moody, the said slaves and the accruing hires &c: should have been vested in & held by Joseph B Whitehead as admr of James Moody, and then to Joseph B. Whitehead as guardian to your orator the said James I. Moody, son of said James Moody dec'd

and your orator claims the same as his property in manner & form aforesaid, and has repeatedly called upon the said Jos B Whitehead as admor & Exor of James & Emanuel Moody; and as his guardian to your Orator to settle with him, as well in regard to the said slaves, as to other matters pertaining to his duty and responsibility as guardian; but he has as constantly refused, alleging that he holds said slaves as the exr & admor de bonis non of Emanuel Moody, and as these slaves of right belong to your orator as distributee of his father James Moody, came to the said James Moody as residuary legatee, and therefore liable to the said legacies mentioned in the will of Emanuel Moody, all of which your orator insists is contrary to equity &c: for he charges that if these said slaves should be deemed to have come, or the right & title to the same, by the Residuary clause of said will, they would have been, or the interest thereto, and at the time resting in Remainder, liable to payment of the debts of the testator before the special legacy of the negroes, specifically bequeathed in the 7th Item, could be taken, and if the Admor young chose to sell those in the 7th Item which could not be taken for the payment of the legacies mentioned then surely it is but justice to your orator to have those given in the Residuary clause, as far as possible substituted in place of those in the 7th Item, this would have been the state of things, if the said young had done his duty legally, and such two would have been the condition of the legacies — that is to say, the legatees could not have proceeded to have payment out of those negroes mentioned in the 7th Item — your orator prays that Joseph B Whitehead as guardian to your Orator, as admor de bonis of Emanuel Moody dec'd, & of James Moody, as admor de bonis of James Moody dec'd; as admor of Isaac B Moody, as admor of Robt B Moody, as admor of Elizabeth A Reland and admx of William Reland; as admor of George B Moody, dec'd, be made party defendant to this Bill & be compelled to answer the same on his corporal oath, and if necessary render an account of his transactions as admor in the several rights in which he is sued especially of Emanuel & James Moody; and render before a commr of this court an account of his transactions as guardian to your Orator &c: Grant a decree for the amt found to be due. That William Rutter in right of his wife Wilmuth dec'd; and Joseph M Parr as admor of Jordan & Martha Parr dec'd; and James Chapman as admor of William B. Moody dec'd; and Nathaniel P young as Exor of Nathaniel Young dec'd, be also made and admin de bonis non as Exor of Davis Gray be made Defendant to this suit, and answer the same if necessary &c: and that N P. young Exor of N. Young dec'd render an account of the transactions of Nat. Young as admor de bonis of Emanuel Moody dec'd: and set forth in full the particulars connected with the sale of the several negroes mentioned in the 7th Item of said will of E. Moody dec'd: and also that Mary A. Moody be made party defendant to this Bill.

your orator charges that he is without remedy save in this honble Court, where &c &c:

your orator prays that the Court will grant the decrees & orders above mentioned; and all other relief which may be meet & proper in the premises and grant the Writs of Subpa &c.

Robt Whitfield Pr

Comm.ᵗ Moody's admᵒ

Answer

Moody
v.
Ely &c.

Moody's answer &c.

Octo. 1. 1849 filed

ent to submit the whole matter to the discretion of this honble
rules on the statute of limitations as a bar to the payment of the several legacies pleading as to all intents as if the same were pleaded &c. &
court. your respondent therefore holds the said slavis Isaac
Dick & Deanna as the property of Emmanuel Moody and
is willing to distribute the same as this honble. Court shall
decree; and having answered prays same to be dismissed
&c.

Jos. B Whitehead

State of Crisfield County to wit

Jos. B Whitehead admr. de bonis non
of Emanuel dec'd personally appeared before me a justice
of the peace for the county aforesaid and made oath, that
the facts in his answer above contained are true as
far as he knows or believes, given under my hand and
seal this 1st day October 1849

Jno Edmunds Seal'd

The Answer of Joseph B Litchford administrator de bonis non of Emanuel Moody dec'd.

To a Bill filed &c sworn and sub by James T Moody in the cir. sup. Court of Law and Chy for the county of Pike & sought.

This respondent as admor de bonis non, with the will annexed of Emanuel Moody dec'd saving and reserving &c: answers &c: says that it is true, as is alleged in said Bill that he is the administrator de bonis of said E Moody dec'd, and that his qualification was subsequent to the death of Matt'l Young a preceding admor de bonis non of said E Moody, this respondent further states, that the history of the manner by which this respondent as admor of E Moody dec'd obtained possession of the negroes Isaac, Dick, Diana, and Mary & her two children (with the reasons for the sale of Mary & her two children) being the interest of his testator, E Moody in right of his wife Frances, in & to the dower slaves of Mildred Pierce, as stated in complainants Bill is in the main correct, that under said deer referred to in the Bill he paid the following sums out of the purchase money of the said negroes Mary & her two children viz: to Henry L Lyons in right of Spencer Pierce difference in division eighty seven dollars forty cents to Mildred Pierce twenty two dollars and ninety cents also for a difference in division and that he further paid said said Mildred Pierce the sum of eighty three dollars and twenty five cents for her dower right in said slaves And that the reason why this respondent does not further repeat the facts and circumstances connected with said transaction is that no claim antagonistic to the right in which he holds said slaves is set up; but all parties admit that he holds the same in his capacity of admor of E Moody dec'd, and differ only as to the mode under the will of E Moody, that the said slaves shall be distributed; and as all the interests under said will are represented in this

Jas. Moody's admr.

Answer

Moody
vs. Ejectment.

Moody's admr &c.

Oct. 1. 1819 filed

remainder to his child or children if any that should arrive to the age of 21 years were sold by the Sheriff of Isle of wight County during the administration of one Nath.l Young admor of said E. Moody dec.d as is alledged for the payment of debts of said Emme Moody. Without questioning the necessity for such sale; still it is obvious that the duty of said Young was to have sold the property or interest bequeathed in the residuary clause for the payment of debts, before he permitted the sale of the specific legacies of Negroes in 7.th Item; And as the negroes in the 7.th Item being specific legacies could not be taken to pay the said pecuniary legacies, but were preferred to them, it is but just and equitable, that the said Isaac, Dick, & Diana, should be substituted in the place of those sold which were given to the said James Moody by the 7.th Item of said will, How then can the wrong doing, or permitted wrong doing of Admor Young, change the practical operation of said will, and the interests of those claiming under it, and make the same more favourable to the pecuniary Legatees than the obvious intentions of the testator designed. This respondent therefore insists that this honorable court shall decree the said slaves Isaac Dick & Diana, with the accruing hire to be the property of Jas. Moody dec.d. And having answered prays hence &c.

Wm Whitehead admor

Isle of wight County to wit:

This day Joseph B Whitehead admor de bonis non of Jas Moody dec.d personally appeared before me a justice of the peace for the county aforesaid and made oath that the facts in his answer above contained were true to the best of his knowledge & belief Given under my hand & seal this 1st day October 1849.

Wm Clements J.P.

The Answer of Joseph B Whitehead administrator de bonis non of James Moody dec^{d}, To a bill filed in the circuit Superior court of law and chancery for the county of Isle of Wight Vs Heirs & als by James I Moody.

This respondent Joseph B Whitehead admor "de Bonis non" of James Moody dec^{d} saving and reserving &c. for answer &c; answers and says that it is true as is alleged in said bill that he is the admor de bonis non, of said James Moody dec^{d} the donee of certain slaves mention in the 7th Item of Emmanuel Moody's will and also residuary legatee there of; and the father of said complainant, James I Moody. Your respondent recognises as true the transactions mentioned in said Bill relating to the recovery of certain negroes, Isaac, Dick, Diana, and Mary & two children (Mary & 2 children sold) by Joseph B Whitehead admor de bonis non of E Moody dec^{d} and the now holding of them by that is to say the three first named, by the said Whitehead admor subject to the last will & testament of said Emmt Moody dec^{d}; Your respondent further says that the said negroes Isaac, Dick, & Diana &c, of right belong to the intestate, James Moody dec^{d}, and claims the same, and notwithstanding they may have come to the estate of James Moody dec^{d}, by & through the residuary clause of the will of Emmanuel Moody dec^{d}, the same cannot be used by said admor E Moody for the payment of the several pecuniary legacies mentioned in the several items of said will. Your Respondent state that the several negroes, mentioned in the 7th Item of said will, & loaned for life to said James Moody dec^{d}

Isle of wight - to. to. wit.

This day Jos. B. Whitehead admor. of Robert G. & Isaac B. Moody and William & Elizabeth A. Blunt personally appeared before me a justice of the peace for said county and made oath that the facts in answer within contained are true as far as he knows or believes given under my hand & seal this first — day October 1849.

Wm Chamberlayne [seal]

Isaac B. & R. G. Moodys adms.
Attachment
Moody & Co.
vs.
Moody's admr. &c.
Oct. 1. 1849 filed

The joint and separate Answer of Joseph B Whitehead
as admr de bonis non of Isaac B Moody as admr of Robert F
Moody as admr of Elizabeth A and William Bland &c
To a bill filed in circuit superior court of law and chy.
for the county of Isle of wight, By James I Moody
This respondent as admr. as aforesaid, having and reserving &c; for answer &c; answers and says, that he is the admr. of the goods chattels &c. of the said Isaac B Moody, Robert F Moody, Elizabeth A and William Bland - All of whome this respondent alledges, and believes survived the testator Emanuel Moody decd. and were legatees of the several sums mentioned in said bill; and under the last will and testament of the said Emanuel Moody decd. This respondent as Administrator as aforesaid, xx ~~aforesaid~~ adopts as true, the possession and the manner of obtaining the possession of the several negroes, Isaac Dick & Diana by Jos. B. Whitehead admr. of Emt. Moody dec as is set forth in the said bill and answer of the said admr of Emt. Moody; But denies the claim set up by the said complainant, that the same should be turned to him; but says that the same should be sold by the said admr. of Emt. Moody and the proceeds applied to the payment of the several legacies and the interest which has accrued on them bequeathed in the several items in the said will among which is the legacies, to the said Isaac B. Moody, Robert F Moody and Elizabeth A Bland deceased; and having answered prays mence to be dismissed &c.

J. B. Whitehead admr

Written Opn for Moody

Reply Answer

Moody
vs
Ely

Moody's Demur. Sust.

Octo. 1. 1859 Filed

wishes & shall ever stand ready to pay the legacies in said will of C
already & deliver them over to the complainants distributees of this
testator James Moody dec'd which so far as this respondent is
concerned is submitted to this honorable court, and which consti-
tutes the main if not the only subject of controversy or cause of
of this suit, & the sole object to his settling his transactions as
guardian to the complainants. And having answered
fully as required to be desired with &c,

W. W. Whitehead adm

Isle of Wight county, to wit:

Joseph B. Whitehead guard to Jas. S. Moody this
day personally appeared before me a justice of the peace for the county
aforesaid & made oath that the facts in his answer above contained
are true as far as he knows & believes given under my hand
and seal this 1st day of October 1849

Jno. Clements J.P.

The Answer of Joseph B Whitehead guardian to James I Moody, To a Bill filed vs him & als. by said James Moody &c, This respondent saving & reserving &c: for answer &c: answers & says that it is true as is alleged in said bill that he is the legally qualified guardian to the said Jas. I Moody the son of Jas Moody dec.d or was, until the attainment of his majority as set forth in said Bill, That this respondent admits he has not settled his transactions as guardian to the said complainant hitherward, for the reasons submitted in the answer of this respondent as Admor of bonis non of Emmanuel Moody dec.d; which is also referred to in said Bill; and that he cannot settle the same until the points which form the chief matter of this suit shall be previously decided, to wit, whether the negroes willed by said Whitehead as admor. of E Moody dec.d, should go under the will of said testator, to Jas Moody dec.d, & through him to his son the complainant who according to the requirements or conditions is now entitled to the negroes mentioned in the 7th Item of the will of said E Moody dec.d, he the said complt. having attained the age of 21 years and being the heir of James Moody the donee or tenant for life of said slaves in said will (7 Item) This respondent believes the facts as stated in said Bill are generally true, but that he has always understood, and believes, that the negroes mentioned in said bill as being sold by said late Sheriff, were not sold by him, but were sold by the Sheriff of said County for the payment of debts as stated in the bill, And this respondent further says that the facts relating to the manner in which this respondent as admor of E Moody obtained possession of the negroes viz Isaac, Dick, Diana, & Mary & her two children (Mary & two children sold) being the interest of said E Moody, in right of his wife & to the slaves of said Moore are true & correctly stated; And that this respondent now holds the said negroes Isaac Dick & Diana as the representatives of Emmanuel Moody dec.d subject to the decision of this court - whether

8th of March 1820 - which all
actions, suits and matters, at law
or in Equity founded upon or
touching any Executors, Administrators,
Guardians, Committees of Lunatics
and Lunatics, Sheriffs, Deputy Sheriffs,
Sergeants, Deputy Sergeants, Coroners,
Deputy Coroners, and other persons acting
in a fiduciary character either
public or private, shall be instituted
and brought within two years
next after the right to bring such
action shall have accrued and
not afterwards &c. &c.
and the defendants in this
cause rely upon the said
statute as a bar to the action
demanded of them complained.

Enjoined

& Allowed

N. P. Young

To the Honorable Richd H Baker
Judge of the Circuit Superior Court of Law
and Ch. for the Right Circuit in
Ch. sitting - The joint and separate
answers of Nathl P. Young adm
of Nathl. Young and of Rebecca
Mc Kinney exr of Davis Gray dec.
to the bill of complaint of Wm
Ray Jr. Joseph B. Nicholas and
Wm Jones Murray & others exrs of
the defendant Jno Nathl -
They defendant for answer say
the said Young says his adm
of Nathl Young who was the
admr de bonis non with the
will annexed of Emanuel Mc Kay
and the said Rebecca Mc Kinney
says he is the exr of Davis Gray.
That the said Nathl Young on
the 5th of Mch 1828 before the Court
Court of Ord of Right to qualified
as the admr of said Murray Jones
& bound in the penalty of $300
with the said Davis Gray as his
surety - That the defendant Nathl
P. Young is the admr of Nathl.
Young the elder dec'd and the
Rebecca Mc Kinney is the exr of
Davis Gray - and the said Young
states that his intestate died insolvent
and the defendants for further answer
say that they plead the act of the
General Assembly entitled "an
act for limitation of actions &c.
persons acting in a fiduciary
character and their securities &
for other purposes" passed on the

James Moody
vs
Chas. in Chy.

Jos: B. Whitehead
guar: of Jas. Moody
& alg.

Ex Acct. Nicely 1849
Whitfield Sol.

Executor
C & L Ballard Dr
for Jos. Eley Shff
27th July 1849

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight ***County, Greeting:***

You are hereby commanded to summon Joseph B. Whitehead gdn. of Jas. Moody, and the said Jo. B. Whitehead as admr. of Mrs. A. Moody, Elizabeth A. Bland, William Bland, and also as admr. de bonis non of James Moody, and also as admr. of George B. Moody, and as admr. de bonis non with the will annexed of Emanuel Moody, also as admr. of Isaac B. Moody, & Robert I. Moody - Joseph M. Pard admr. of Jordan Pard and Martha Pard, Wm. Bailey in right of his wife Elizabeth - James Chapman admr. of Wm. B. Moody - N. P. Young admr. of N. Young also goon dmr. of Edwd. Moody, and Edwin Menzies exor. of Davis Gray dec.

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 August next, to answer a Bill in Chancery, exhibited against them in the said Court, by James J. Moody

And unless the said Defendant 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 them shall in no wise omit, under the penalty of £ 100. each

And have then there this Writ.

WITNESS, N. P. Young Clerk of our said Court, at the Courthouse, the 17th day of July 1849, and in the 74th year of our Foundation.

N. P. Young Jr. Clk.

(*One Copy to be delivered each Defendant.*)

Moody

vs

Whitehead

Report

Sept. 12th 1855 filed

1847

Jan	1	To this sum, balance due the Guardr. last year		$ 138 28
Apl	10	" paid M. I. Langhorn for Boots in 1846		2 25
"	"	" Cash advanced the Ward		2 00
Sept	"	" paid Wm Jordan Dyckg.	Land Tax	2 18
Dec	31	" paid M. I Langhorn for Boots		1 25
"	"	" paid Reuben Butler for clothing		10 91
"	"	" paid Thos I. Davies for tuition		6 00
"	"	" 5 ₰ cent Commr. on $ 50. receipts		2 50
"	"	" Interest on $ 138:28 one year		8 29
				$ 173 66

1847

Dec	31.	By this sum for Rent of Land this year	$ 50 00
"	"	By this sum, balance due the Guardian ₰ debit	123 66
			$ 173 66

1848

Jan.	1	To this sum, balance due the Gov: last year		$ 123 66
Sept	"	" paid Sheriffs — Ticket & Land Tax		3 53
Dec	31	" 5 ₰ cent Commr. on $ 50. receipts		2 50
"	"	" Interest on $ 123:66. one year		7 32
				$ 137 01

1848

Dec	31	By this sum for rent of Land this year	$ 50 00
"	"	By this sum bal: due the Guardr. ₰ debit	87 01
			$ 137 01

Due the Gov: 31st December 1848 $ 87.01

In the Circuit Superior Court of Law & Chancery for the County of Isle of Wight, held the 17th day of May 1850

James I. Moody . . . . . Plaintiff

against

Joseph B. Whitehead Guardian of James I. Moody - Others . . . . . Defendants

In Chancery - for the settlement of the said Joseph B. Whiteheads Guardianship of said James I. Moody & for other purposes -

Dr. James I. Moody . . .

In Account with Joseph B. Whitehead Guardian . Cr.

1846				1846			
Jan 1	To this sum due the Guardian Paccount re- ported to the County Court of Isle of Wight		$ 120 77	Apl	By this sum, given by Blightfoot to assist in building the Wards house		$ 10 00
	" paid A. Atkinson for Brick Work done on the Farm of the Ward, in 1845		6 25	Dec 31.	By this sum for Rent of Land		50 00
Mar 24	" paid A W. Norsworthy for clothing furnished G B Moody dec'd the Wards brother in 1842.		4 97				
July 17	" paid Riddick Folk, for plastering & underpining house on Wards Farm in 1845		7 50				
	" cash advanced the Ward		2 00				
Sept	" paid Wm Jordan Sheriff Said Tax		3 16				
Oct 6	" paid James P. Jordan, bal. of Acct. for articles furnished J. Coffin Pr. for G B Moody - Wards bro:		27 38				
Dec 31.	" paid Reuben Butler for Merchandize		16 57				
"	" " 5 ℘ cent Comm[s] on $ 50: 00 receipts		2 50	"	" By this sum balance due the Guardian		$ 138 28
"	" " Interest on $ 120: 77 one year		7 24				$ 198: 28
			$ 198 28				

Isle of Wight County August 10th 1850

James I Moody Plt. } In Chancery
against
Jos: B Whitehead Gen. of James I Moody & others

Pursuant to an order of the Circuit Superior Court of Law & Chancery for the said County made on the 17th day of May 1850 - after giving notice to the parties interested in the said suit - which notice is herewith filed marked N. - I proceeded to make up an account of Joseph B Whiteheads transactions as Guardian of said James I Moody, from papers & vouchers laid before me at Mr R[obert] Whitfields Office in Smithfield on Saturday the 10th of August 1850 in the presence of the said Whitfield Atto. for said Moody - among other papers laid before your Comr. were office copies of accounts of the said Whiteheads transactions as Guardian as aforesaid, which were examined & found to be correct - The account reported to the County Court shews the sum of $120:77 for the year 1845. due to the Guardian - that sum your Comr. has brought forward into this account: & on the 31st of December 1848 when the said Whiteheads transactions as Guardian, as aforesaid ceased - the said James I Moody is found to be indebted to the said Joseph B Whitehead the sum of Eighty seven dollars & one cent, with Interest thereon from the 1st of January 1849 till paid - the said sum of $87.01 was created on account of expenditures made by the Guardian to erect a dwelling house on the Farm of said Moody - to supply the place of one burnt down - All of which is submitted to the Court -

B Lightfoot Comr.

Comrs. fee, charged to Plt.
Time employed 8 hours - $8.00
for giving notice 1.00
$9.00

Isle of Wight County - Barth: Lightfoot made Oath before me a Justice of the Peace for the said County that the time charged for this report is just & true. - Given under my hand &c

M. Wrenn J.P.

In the estate of Emanuel Moody

with 3 settlement

Joseph B. Whitehead admr

May 5th 1837 filed

for exceptions

Moody

vs. } Chy. rept. of
} Com. Settlement

Whitehead

May 8th 1837. filed.

Dr The Estate of Emanuel Moody In account with

		Principal	Interest
1847			
December 31	To 5 ₰ cent Commissions on $107.50 receipts	5 37	
"	" Balance due the Estate ₰ contra	360 40	35 40
		$365 77	$35 40
1848			
December 31	To 5 ₰ cent commissions on $115.00	5 75	
"	" Balance due the estate	469 65	57 02
		$475 40	$57 02
1849			
December 31	To paid Clerks tickets in suit of Moody ex Moody adm^r Sale	8 13	
"	" " 5 ₰ cent commissions on $140.00 receipts	7 00	
"	" Balance due the Estate	594 52	85 19
		$609 65	$85 19
1850			
December 31	To paid Lawyers fee in suit of Moody ex Moody adm^r Sale	37 50	
"	" 5 ₰ cent Commissions on $156.00 receipts	7 80	
"	" Balance due the Estate	705 22	120 86
		$750 52	$120 86

Cr Joseph B Whitehead his administrator de bonis non &c

		Principal	Interest
1846			
December 31	By balance due the Estate ₰ account Rendered	$258 27	$19 91
1847			
December 31	" Interest on $258.27 one year		15 49
"	" " hire of Isaac for year 1847	52 50	
"	" " hire of Dick " " "	35 00	
"	" " hire of Diana " " "	20 00	
		365 77	35 40
1847			
December 31	By balance due the Estate ₰ debit	$360 40	$35 40
1848 December 31	" Interest on $360 40 one year		21 62
"	" " hire of Isaac for year 1848	60 00	
"	" " hire of Dick " " "	35 00	
"	" " hire of Diana " " "	20 00	
		$475 40	$57 02
1849	By Balance due the estate ₰ contra	$469 65	$57 02
December 31	" Interest thereon to date		28 17
	" Hire of Isaac for year 1849	60 00	
	" hire of Dick " " "	55 00	
	" hire of Diana	25 00	
		$609 65	$85 19
1850	By Balance due the Estate ₰ contra	$594 52	$85 19
December 31	" Interest thereon to date		35 67
	" hire of Isaac for year 1850	65 00	
	" hire of Dick " " "	66 00	
	" hire of Diana " " "	25 00	
		$750 52	$120 86

Commissioners Office Smithfield March , 1861.

To the Circuit Court of Isle of Wight County

Pursuant to a decree of the Circuit Court of Isle of Wight County rendered on the 19th of October 1858, in a suit in chancery depending in the said court between James J Moody, plaintiff and Joseph B Whitehead administrator of Emanuel Moody and others, defendants the undersigned one of the commissioners of the said court, to whom was referred for settlement, by said decree the account of Joseph B Whitehead's administration of the estate of Emanuel Moody deceased and Joseph B Whitehead's administration of the estate of James Moody deceased and to report to the court &c as the 8th day March 1861 the parties aforesaid appeared before your Commissioner, and he thereupon examined vouchers stated and settled the foregoing account of Joseph B Whitehead administration of the estate of Emanuel Moody deceased up to the 31st day of December 1856 and on that day found a balance of $82,608 due from the said administration to the said estate of which the sum of $120,81 is interest

Given under my hand as Commissioner of said Court the day and year first aforesaid

Geo K Atkinson

Time employed by Commissioner in examining vouchers and in stating and reporting the foregoing account Seven hours

Fee Charged to James J Moody

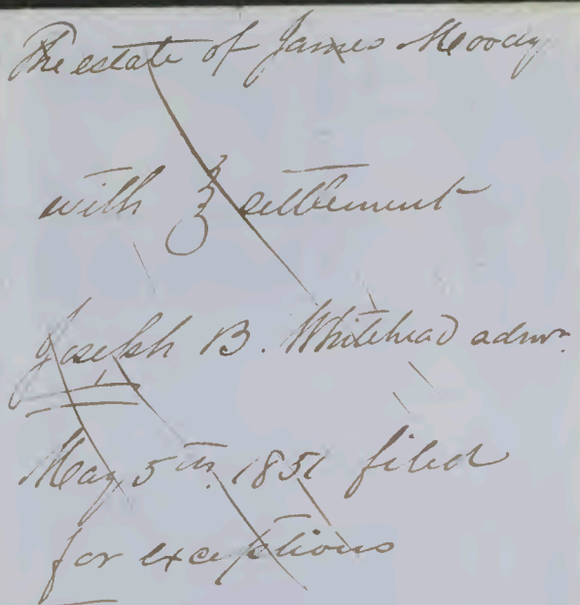
George K Atkinson Com

Isle of Wight County to wit

George K Atkinson one of the commissioners of the Circuit Court of said County this day personally appeared before me a justice of the peace of said county and made oath that he was diligently employed not less than 3 hours in performing the services for which the fee stated in the foregoing report is charged

Given under my hand this 8th day of March

$10.62½


Re estate of James Moody
with Will annexed
Jacob B. Whitehead admr.
May 5th 1851 filed
for exceptions

Dr The Estate of James Moody deceased

1850
December 31 To 5 p cent Commissions on $826 08 $41 30
" Balance due the Estate 784 78
$826 08

In account with Joseph B White Exr & Administrator Cr

1850
December 31 By this sum received from Emanuel Moodys admrs bond $826 08
$826 08

Commissioners Office Newport March 1851

To the Circuit Court of Isle of Wight County

Pursuant to a decree of the Circuit Court of Isle of Wight County entered on the 17th day of October 1850 in a suit in Chancery depending in said Court between James F Mercer and Joseph B Whitehead Administrator of Emanuel Mercer and Administrator of James Mercer deceased Plaintiffs and the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said decree the accounts of the said Joseph B Whitehead as Administrator &c of the estate of Emanuel Mercer & James Mercer reports to the Court that on the 5th day of March 1851 the parties appeared before your Commissioner and he having examined vouchers and states and settled the foregoing account of the said Joseph B Whitehead as Administrator &c of the estate of James Mercer dec'd to the 31st day of December 1847 and on that day finds a balance due from the Administrator to the estate of $34.78 Given under my hand as Commissioner of said Court the day and year first aforesaid

Time employed by Commissioner in stating and reporting the foregoing account 3/4 of an hour $1.75

Fee charged to James F Mercer

Isle of Wight County to wit

I Wm Mallett one of the Commissioners of the Circuit Court of Isle of Wight do certify that the parties appeared before me at the time & place in the caption of the said account mentioned that I was obliged to stay at Newport not less than 3/4 hour in performing the services for which the fee is charged & that the cost of the foregoing report is charged

Given under my hand this 5th day of May 1851.

Wm Mallett JC

Mr Day

7

Whitbeck

&

Lewis

To be enlisted

R H. Baker

May Co. 1860

under before a Court of this St. on
of the transactions of Sd. St.
the said Jacob Moody - in taking
which accts the Court to take
prima facie correct all such
Financial accounts as have been
rendered to the Court of this St.
right and accepted by the same;
and the said Court is directed to
examine, state & settle the Sd. Ofs. &
make report to this St. in order to a
final decree -

agreed by consent of the
parties to this suit, that the
slave Dick Isaac Deana
and their hire, ~~[illegible]~~ less
than the value of those so
as aforesaid specifically
bequeathed by Revd Moody
should pay his debts and
the Ct. doth also order that the
Jos. B. Whitehead and J. F.
Moody give delivery of the
said slaves, Isaac Dick &
Deana to the plff. James
I Moody, upon the said Moody
executing a bond to the said
Joseph B. Whitehead and
James Moody, as aforesaid Revd Moody
in the penalty
of $1500 conditioned to refund
his due proportion of any debts
or demands that may hereafter
arise against the estate of Revd James Moody
together with the costs of suit, this
and the Court doth also order that
the said Joseph B. Whitehead

on the b[illegible] the complt. the
[illegible] Joseph B Whitehead
[illegible] being of Ewd Moody
[illegible] adms. of Jas.
Moody, and as adm. of
Joseph B Moody, Robt Gillon
& Wm Blount and Elizabeth
his Wife & Wm Blount and the said
Joseph B Whitehead & Jas
Gillon Moody, and
the [illegible] of Walter P.
Young son of Walter Young
[illegible] Edwin Mossin
ep on the Pais Gray, replica
-tion filed and issue
by consent of parties.
-tion & Court being
duly advised that the statute of limi
-tations pleaded by the defendts
Walter P. Young & adm
of Walter Young, & Edwin Mossin
-son son of Pais Gray, constitute
-ute a bar as to them & the causes
of the complt as to them, and that
the statute of limitations pleaded
by Joseph B. Whitehead as adm
of Ewd Moody & Jas. Moody
is a bar as to the said causes against
the recovery of the several
legacies, refers to 5th
to 6th items in Testator in
the will of Ewd Moody
decd. and the Court being
also of opinion that the slaves
Isaac, Dick & Diana and the
issue of the said Flavy, and
the increase of the Femely
thereof held by the said Jos.
Whitehead as adm of Ewd
Moody belong & ought to the
estate of Jas Moody, and
are to be distributed as such
slaves subtituted for those
slaves who were sold to pay
the debts of Ewd Moody and
specifically bequeathed in
the will of Ewd Moody - it being

James Tillotson Adm'r

Jos. B Whitehead &c. &c. Pl'ffs

On motion of the opposite to the P. young and Edwin Morris of adm'r of Stathe Young dec'd it appearing to the Court that the Defendants in this cause are not inhabitants of this State but reside beyond the limits thereof and it appearing that the Defendants in this cause have been duly served with process of Subpoena and that they have failed to appear and file their answers, this cause is taken for confessed as to them and this cause coming on to be heard on the bill and exhibits and proofs

James I. Moody

vs

Copy Decree

I. B. W. Richeson & Admr. of

E. Moody &c

N

of the several Legacies refered to in the first to the sixth item inclusive, in the Will of Emanuel Moody dec'd. & the Court being of opinion that the slaves Isaac, Dick & Diana & the heirs of said slaves & the increase of the Females thereof held by the said Joseph B. Whitehead as Admor. of Emanuel Moody belong properly to the estate of James Moody & are to be distributed as such, being substituted for those slaves which were sold to pay the debts of Emanuel Moody & specifically bequeathed in the Will of Emanuel Moody: It being agreed by consent of the parties to this suit that the slaves Dick, Diana & Isaac & their heirs are less than the value of those so as aforesaid specifically devised by Emanuel Moody dec'd & sold to pay his debts: And the Court doth also order that the said Joseph B Whitehead Admor of James Moody dec'd deliver over the said slaves Isaac, Dick & Diana to the plaintiff James I. Moody upon the said Moodys executing a bond to the said Joseph B Whitehead Admor. of Emanuel Moody dec'd & as Admor. of James Moody in the penalty of fifteen hundred Dollars conditioned to refund his due proportion of any debts or demands that may hereafter arise against the estates of said James Moody & Emanuel Moody together with the costs attending the same —

And the Court doth also order that the said Joseph B. Whitehead render before a Commissioner of this Court an account of his transactions as Guardian of the said James I Moody; in taking which account the Commissioner is to take as prima facia correct subject to be surcharged & falsified all such ~~accounts~~ Guardian accounts as have been reported to the County Court of Isle of Wight & accepted by the same — & the said Commissioner is directed to examine state & settle the same & make report to this Court, with any matters deemed pr. in order to a final decree —

A Copy Teste A P Young Clk
A Copy Teste B Lightfoot Com.r

Isle of Wight County Commissioners Office July 5th 1850

The parties interested in the foregoing decree, will take notice that I have appointed Saturday the 10th day of August inst to carry into effect the said decree: on which day at 9 O'clock A.M. they will attend at Mr Robert B Whitfields Office with their papers & evidence —

B Lightfoot Com.r

Service of notice acknowledged
W W Whitehead
Robt B Whitfield
Atty for Plaintiff

In the Circuit Superior Court of Law & Chancery for the County of Isle of Wight May 17th 1850 —.

James I. Moody ... Complainant

against

Joseph B Whitehead Guardian of James I. Moody, & the said Whitehead as admr: of Mary Ly Moody, Elizabeth Beard, William Beard, James Moody, Emanuel Moody, George B. Moody, Isaac Moody & Robert I Moody & Joseph M. Parr, admr. of Jordan Parr and Martha Parr decd: William Battin & wife, James Chapman admr. of William B. Moody decd: N. P Young admr: of N Young decd: who was admr: of Em. Moody decd: de bonis non, & Edwin Morrison exor: of Davis Gray decd: Defendants — In Chancery —

On motion of N. P Young admr. of Nath. Young decd: & Edwin Morrison executor of Davis Gray decd: & by consent of parties, their answers are filed, & it appearing that the Subpoena in this cause against Joseph M. Parr admr: of Jordan Parr, and Martha Parr decd: and Wm Battin & wife, Wilmouth Battin, James Chapman admr: of Wm B Moody decd: Joseph B Whitehead admr: of Margaret Moody decd: & Mary Ly Moody have been executed more than two Months & they failing to appear & file their answers, this cause came on to be heard by consent of parties on the bill of the Complainant, the answers of Joseph B Whitehead admr: de bonis non of Emanuel Moody and as admr: of James Moody & as admr: of Isaac B. Moody, Robert I. Moody, Wm Beard & Elizabeth Ly Beard & the said Joseph B Whitehead as Guardian of James I. Moody, and the answers of N. P Young admr: of Nath. Young decd: Edwin Morrison exor: of Davis Gray, replications thereto filed, and was argued by Counsel: On consideration whereof & by consent of parties, the Court doth adjudge that the Statute of limitations pleaded by the Defendants N. P. Young admr. of Nath Young decd: & Edwin Morrison executor of Davis Gray decd: constitute a bar as to them against the demand of the Complainant against them: & that the Statute of limitations pleaded by Joseph B Whitehead as admr of Emanuel Moody & James Moody is a bar in their favor against the recovery

James L. Moody

vs. } Co. Deed.

Geo. B. Whitehead assd. &c.
of Edwd Moody dcd.

Came to hand July 15th 1850
BL

Notice for settlement at
the Regr Whitfields Office on
Saturday the 10th of August
1850

limitations pleaded by the defendants Natl. P. Young admr. of Natl. Young dec'd, & Edwin Morris executor of Davis Gray dec'd. constitute a bar as to them against the demand of the complainant against them; and that the statute of limitations pleaded by Joseph B. Whitehead as admr. of Emanuel Moody and Jams Moody is a bar in their favor against the recovery of the several legacies refered to in the first to the sixth item, inclusive, in the will of Emanuel Moody dec'd. — And the Court being also of opinion that the slaves Isaac, Dick and Diana and the hires of said slaves, and the increase of the females thereof, held by the said Joseph B. Whitehead as admr. of Emanuel Moody belong (subject to the estate of Jams Moody, and are to be distributed as such, being substituted for those slaves which were sold to pay the debts of Emanuel Moody, and specifically bequeathed in the will of Emanuel Moody. It being agreed by consent of the parties to this suit, that the slaves Dick, Diana and Isaac and their hires are up these the value of those as aforesaid specifically devised by Emanuel Moody, and sold to pay his debts. And the Court doth also order that the said Joseph B. Whitehead admr. of ~~Emanuel~~ Jams Moody, deliver over the said slaves Isaac, Dick and Diana to the plaintiff Jams S. Moody, upon the said Moody executing a bond to the said Joseph B. Whitehead admr. of Emanuel Moody, and as admr. of Jams Moody, in the penalty of fifteen hundred dollars, conditioned to refund his due proportion of any debt or demand that may hereafter arise against the estate of said Jams Moody and Emanuel Moody, together with the costs attending the same.

And the Court doth also order that the said Joseph B. Whitehead under before a Commissioner of this Court, an account of his transaction as guardian of the said Jams S. Moody, in taking which account the Commissioner is to take as prima facia correct, subject to be surcharged and falsified, all such guardian accounts as have been reported to the County Court of Isle of Wight and accepted by the same; and the said Commissioner is directed to examine, state and settle the same, and make report to this Court with any matters deemed by him in order to a final decree.

A Copy.

Teste

W. P. Young C.C.

In the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, May 17th 1858.

James I. Moody ..... Complainant

against

Joseph B. Whitehead guardian of James I. Moody, and the said Whitehead as admor. of Mary A. Moody, Elizabeth Bland, Wm Bland, Jamy Moody, Emd. Moody, George B. Moody, Isaac Moody & Robert I. Moody, and Joseph M. Parr admor. of Jordan Parr and Martha Parr decd.; Wm. Batten & wife, James Chapman admr. of Wm B. Moody, N. P. Young admor. of N. Young decd. who was admor. of Emd. Moody decd., de bonis non, and Edwin Morrison executor of Davis Gray decd. ..... Defendants.

In Chancy.

On motion of Nath. P. Young admr. of Nath. Young decd. and Edwin Morrison Executor of Davis Gray decd., and by consent of parties, their answers are filed; and it appearing that the subpoena in this cause vs. Joseph M. Parr admor. of Jordan Parr and Martha Parr decd.; and Wm. Batten and wife Wilmouth Batten, James Chapman admr. of Wm B. Moody decd.; Joseph B. Whitehead admr. of Margaret Moody decd. and Mary A. Moody have been executed more than two months, and they failing to appear and file their answers, this cause is taken for confessed as to them; and this cause came on to be heard by consent of parties, on the bill of the complainant, the answers of Joseph B. Whitehead admor. de bonis non of Emanuel Moody, and as admor. of James Moody, and as admor. of Isaac B. Moody, Robert I. Moody, Wm Bland, and Elizabeth A. Bland, and the said Joseph B. Whitehead as guardian of James I. Moody, and the answers of Nath. P. Young admor. of Nath. Young decd, Edwin Morrison executor of Davis Gray, replications thereto filed, and was argued by counsel; On consideration whereof, and by consent of parties, the Court doth adjudge that the Statute of

Moody
v
Deere
Whitehead

To be entered
R. H. Baker
Oct. 10. 1850

James I. Moody

vs.

Joseph B. Whitehead adm^r Emmanuel Moody & als.

This cause came on again to be heard on the papers formerly read and the report of commissioner B. Lightfoot to which no exception has been filed and was agreed by counsel; On consideration whereof the court by consent of parties doth confirm said report and adjudge & order and decree that Joseph B. Whitehead admr de bonis of Emmanuel Moody and as administrator de bonis of James Moody dec^d settle an account of his transactions before a commissioner of this court; and distribute the fund ~~in his hands~~ they over from the said ~~Administrator~~ Joseph B. Whitehead as admr. of said Emmanuel Moody & James Moody dec^d to the Complainant James I. Moody the complainant, as well as the negroes Isaac, Nick & Diana (their increase) and their hires as set forth on the terms prescribed in the order entered in this cause on the 17th day of May 1850. but no distribution of the estate of the said Emmanuel & James Moody dec^d shall be made unless the execution of refunding bonds as the law in such cases provides - in the penalty prescribed in and by the said decree of the 17th day of May 1850

Jas: D. Moody.

vs: Co. decree of acts. 1853.

Moody's admr: bals:

At a Circuit Court continued and held for the County of Lafayette on the 19th. day of October 1850.

James S. Moody Complts.

vs. In Chancery

Joseph B. Whitehead admr. of Emanuel Moody dcd. Defdt.

This cause came on again to be heard on the papers formerly read and the report of Comr. B. Lightfoot to which no exception has been filed, and was argued by counsel. On consideration whereof the Court by consent of parties doth confirm said report and adjudge order and decree that Joseph B. Whitehead admr. de bonis non of Emanuel Moody and as administrator de bonis of James S. Moody dcd. settle an account of his transactions before the Comr. of this Court and distribute and pay over the funds found due from the said Joseph B. Whitehead as admr. of said Emanuel Moody & James Moody dcd. to the complainant James S. Moody as well as the negroes Isaac, Dick and Dianna their increase and their hires as set forth in the terms prescribed in the order entered in this cause on the 17th. of May 1850. But no distribution of the estate of the said Emanuel & James Moody shall be made until the execution of spending bonds as the law in such cases provides in the penalty prescribed in and by the decree of the 17th. of May 1850.

A Copy

Test

W. D. Gormley cd.

Moody

v

Whitehead

To be entered

R A Baker

May co. 51.

Encl.

Moody

vs.

Moody, admor &c

This Cause came on again to be heard, on the papers formerly read, and the Reports of the Commissioner to which no exceptions having been made, and was argued by Counsel; On consideration whereof, the Court ~~confirming said~~ doth confirm said Report; and it appearing by a receipt of the Plff filed this day in the Cause that the sum of four hundred and ninety four dollars and fifty cents hath been paid by the said Whitehead admor of James Moody dec'd to the said plaintiff, it being in part of the sum or balance due (to wit $785.73, from the said Administrator, as by the Reports aforesaid appears. which leaves the balance of two hundred and ninety one dollars and ninety three cents still owing from the said Jos B. Whitehead admor of James Moody dec'd. The Court therefore orders and decrees that the said Joseph B. Whitehead pay to the said James Moody, the Complainant, the sum of two hundred and ninety one dollars and ninety three cents, with Interest from the 31st December 1850, till paid - but this order and decree is suspended until the said Moody executes to the said Whitehead admor as aforesaid refunding bond as hereinbefore directed. execution on Jos. B. "

Emanuel Moody's Will
copy

Moody
vs.
Moody's adm.r &c.

Ex. Ct. folio with Petn. &c.

X&c

In the Name of God amen I Emanuel Moody of the County of Isle of Wright and State of Virginia being of Sound and disposing Mind and Memory thanks be to Almighty God, but weak in body do make Constitute publish and ordain this to be my last will and Testament in manner and form following Viz

1st. I Give and bequeath to my Sister Martha Parr fifty dollars to Her and her heirs forever ——

2nd. I Give and bequeath to my Sister Wilmoth Ballen fifty dollars to her and her heirs forever —

3rd. I Give and bequeath to my brother Isaac B Moody fifty dollars to him and his heirs forever —

4th. I Give and bequeath to my brother Wm B Moody fifty dollars to him and his heirs forever —

5th. I also devise to my nephew and niece Robert I. Moody and Mary Ann Moody Children of Nathaniel Moody twenty five dollars each to be bestowed on them in education by my executor herein after named —

6th. I Give and bequeath to my Sister Elizabeth a. Bland fifty dollars to be paid her in five equal annual payments by my executor herein after named —

7th. I lend to my brother James Moody during his natural life all my Negroes namely Amy and her child William Henry, Esther and child Charles Edmond and boy Merill and the future increase of the females — If my brother James should leave a child or children to arrive to the age of twenty one years of age the negroes loaned him at his death, I Give to them or any of them which may be living, to them and their heirs forever, But if there should be no such child or children my will and desire is that my negroes all be Set free at their discretion or chose any person or persons for their master they may think proper —

8th. After paying my Just debts and funeral expenses, all the balance of my property of whatever nature or kind I Give to my brother James Moody to him and his heirs forever —

9th. Lastly I nominate and appoint my brother James Moody my executor to this my last will and Testament: In Witness whereof I have hereunto set my hand and affixed my seal this 13th day of September in the year one thousand eight hundred and twenty seven —

Signed Sealed and ackn.d
In presence of
George B Copeland
Merill Gray
Sam.l Cansell

Emanuel Moody (Seal)

At a Court held for Isle of Wight County the 5th day of November 1827 the foregoing Will was presented in Court by James Moody the Executor therein named who made oath thereto according to Law, and the same being proved by the oath of George B Copeland, Merill Gray and Samuel Cansell the witnesses thereto and ordered to be recorded — and on the Motion of the said Executor who together with Samuel Cansell and Exum Ely his securities entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the Law directs, Certificate was granted him for obtaining probat thereof in due form of Law —

Test

Nath.l Young

A Copy Test

J. P. Mills D.C.

Nath^{l} Young admor: debonis
non, with the will annexed
of Emanuel Moody ~~dec'd~~

May 5th 1828

Moody
vs. } Eq^{ty}
Moody's adm^{rs} &c.

Eq^{t} filed with
Pet^{n}. bill.

X&

Shields & Ashburn, Printers.

Executor's or Administrator's Bond, with the will annexed, binding Real Estate by Will of Testator.

KNOW ALL MEN BY THESE PRESENTS, *That we* Nathaniel Young and Davis Gray

are held and firmly bound unto Benjamin Drew, Charles Mann, Josiah Holleman and William H. Ballard

Gentlemen, Justices of the Court of Isle-of-Wight County, now sitting, in the sum of Three hundred *Dollars, to which payment 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* 5th *day of* May *one thousand eight hundred and* twenty eight *and in the* 52nd *year of the Commonwealth.*

THE CONDITION of this obligation is such, That if the said Nath^{l} Young ~~Execut~~ ~~of the last will and testament~~ de bonis non "Administrator" with the will annexed," of Emanuel Moody deceased, do make a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, together with an inventory of the real estate within this Commonwealth, which by the said will may be subject to his authority, and which have or shall come to the hands, possession or knowledge of him the said Nath^{l} Young or into the hands or possession of any other person or persons for him, and the same made, do exhibit to the County Court of Isle-of-Wight at such time as shall be thereto required by the said Court, and the same goods, chattels and credits and real estate, do well and truly administer according to law, and make a just and true account of his actings and doings therein, when thereunto required by the said Court; and further do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels and credits and real estate will extend, according to the value thereof, and as the law shall charge him; then this obligation to be void or else to remain in full force.

Signed, sealed and delivered in open Court.

Wm C. Edwards

Nath^{l} Young

Davis Gray

☞ See 1 Act of Assembly on this subject, passed 16th February, 1825.

A Copy Teste

J. P. Mills D.C. I.W.C.

In the County Court of Isle of Wight March 6th 1849.

On motion of Joseph B. Whitehead who made oath and with A. W. Norsworthy his security entered into and acknowledged a bond in the penalty of $200. conditioned according to law, Certificate of administration is granted him on the estate of George B. Moody dec'd.—

Copy.

Teste

S. P. Young Jr. D.

D.

Moody
Ex
vs.
Moody's adm'r &c.
Ex'n. A. W. & D. fil'd
with Papers.

In the County Court of Isle of Wights May 5th 1828.
On motion of Joseph F. Copeland who made oath,
administration with the will annexed is granted
him on the estate of James Moody dec'd. and thereupon
A. he gave bond in the penalty of $6000. conditioned
according to law, with Samuel Cahill, Wm Davis
and Wood Gray his securities.

Copy. Teste

N. P. Young c.c.

In the County Court of Isle of Wight September 4th 1843.
On the motion of Joseph B. Whitehead who made oath as
the law directs, and with Archr. Atkinson his security,
B. who justified, entered into and acknowledged a bond in
the penalty of $3000. conditioned according to law, Certificate
is granted him for obtaining Letters of administration
de bonis non with the will annexed, on the estate
of James Moody dec'd.

Copy.

Teste N. P. Young c.c.

In the County Court of Isle of Wight March 6th 1843.
James Moody came into Court & made choice of
Joseph B. Whitehead as his guardian; and thereupon
the said Whitehead with Richard Reynolds his
C. security entered into & acknowledged a bond in
the penalty of $500. conditioned according to law.

Copy.

Teste

N. P. Young c.c.

Moody

vs. Foley.

Moody's answ. to

Eath. B. & J. filed

& the Pltf's. bill.

In the County Court of Isle of Wight March 6th 1849.

On the motion of Joseph M. Parr who made oath, and

(G.) with Pleasant Slagg his security entered into and acknowledged bond in the penalty of $100. conditioned according to law, Certificate of administration is granted him on the estate of Martha Parr dec'd.

Copy.

Teste

A. P. Young c.c.

In the County Court of Isle of Wight March 7th 1842.

On the motion of Joseph M. Parr, who took the oaths required by law, and with Henry H. Wrenn and Joseph

(B.) Parkinson his securities, entered into and acknowledged a bond in the penalty of $1200. conditioned according to law, Certificate of administration is granted him on the estate of Jordan Parr dec'd.

Copy.

Teste

A. P. Young c.c.

James Moody

with 3 Co. Gdw. ad.

I. B. Whitehead his gd.

For com. Highfort

fee .04 ¢

1845					
Feb. 11.	To paid Jams P. Jordan one act. vs. Ex. Moody	$	27	00	
Mch.	" " for 4789 feet of timber sawed on Orphans land to rebuild the dwelling house which was burnt		47	89	
	" This sum for hauling timber for house		13	75	
	" This amount for timber furnished by Gdo. for 5th house		5	62	
	" " " for bricks furnished		3	00	
Oct.	" " " for lime to build chimney		5	30	
"	" " " for hand hire to make mortar & tend brick layer		3	50	
"	" " " for hire of boy 5 days		2	15	
"	" " " paid for 1500 laths		1	87	
"	" Horse cart and boy three to haul laths & mortar		3	00	
Dec.	" paid Mont Gray for Tuition		8	00	
"	" " Clerk Office			48	
"	" " Land Tax and levy		3	00	
"	" " Nine Tyres for building house		11	00	
"	" " Nelson Hawks for Shingles		11	00	
"	" " Mont Womble for nails &c.		20	87	
" 21	" 5 per cent Comn. on $30. receipts		1	50	
" "	" This sum to pay the Clerk for order for settlement		3	00	
" "	" " for making up this act.		2	50	
		$	240	94	
1845					
Jany 1.	By This sum balance due last year		90	17	
Dec. 31	By This sum for rent of land		30	00	
" "	By This Sum balance due the guardian		120	77	
		$	240	94	

Isle of Wight County May 26th 1846.

Pursuant to the annexed order of the Court of said County, I have examined, stated and settled an account of Joseph B. Whitehead guardian to of James Moody, orphan of James Moody dec'd. from Jan 1st 1845 and find the said James Moody indebted to his guardian the said Joseph B. Whitehead, the sum of one Hundred and Twenty dollars and Seventy Seven Cents, with interest from the 31st day of December 1845. The said sum of $120.77 was credited in consequence of the said J. B. Whitehead having to build a dwelling house on the land of his ward to supply the place of the one recently burnt down.

Teste. Joseph B. Whitehead Comr.

In the County Court of Isle of Wight) June 1st 1846 This act. was returned & filed for exceptions. And in the said Court on the 3d August 1846. The same was confirmed & ordered to be recorded.

Teste

A. P. Young cc

Teste. A. P. Young cc.

James Moody orphan of James Moody dec'd.
In account with Joseph B. Litchfield Guardian

1843			
Dec. 31	To paid Mint Womble for clothing	$ 8	75
" "	" " Br: Geo: Moodys Taxes	2	36
" "	" 5 P. cent com. on $77.30 receipts	3	86
" "	" Balance due the ward pr. contra	62	33
		$ 77	30
1843			
Dec. 31	By this sum for rent of land, after deducting the Taxes for 1842.	77	30
1844		$ 62	33
Jan. 1	To paid Tax on land for 1843	3	24
Aug. 5.	" paid Geo: W. Holland's admr. on bond due from brother Geo. Moody's est.	12	23
" "	" Clerks Tickets	1	05
" 10	" paid Jno. Morrison for clothing	4	84
" "	" " Morrison & Hodsden for Hats	3	13
" "	" " Jno. Morrison for goods furnished Geo. Moody	1	09
" "	" " Dr. A. G. Bayless medl. bill & cash loaned Geo. Moody	84	00
" "	" " Tax on land for the year	3	91
Dec. 31	" " Mint Womble for clothing	12	05
" "	" 5 P. cent com. on $166. receipts	8	00
" "	" balance due the orphan pr. contra	90	17
1844		$ 226	00
Jan. 1	By this sum balance due last year.	$ 62	33
Dec. 31	By this sum for rent of land in 1843	80	00
" "	By this sum for rent of land this year	80	00
" "	By interest on $62.33 one year	3	70
		$ 226	00

Rec'd of Jas B Whitehead admr of James Moody four hundred & ninety four dollars fifty cents in part of the sum of seven hundred & eighty five dollars twenty three cents found due me from A. Whitehead admr of A. J. Moody made by Comm Alabama up to Dec 31. 1850. This Jany 1. 85-1.

Jas. J. Moody

To a
Robt Whitfield