

1846-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

HART and Wife VS. MOORE

11/1846

other SURNAMES: Newsome

28 17.

Hart & wife

r. } Papers

Moore

1846 Nov. Bill dismissed

Hart & wife

v. } Stat. Rules &c

Moore

Augustus W Hart and Rebecca Hart his wife formerly Newson
against
Henry Moore.

1845 Jan. 27: Subpoena $\mathcal{J}^e$ issued returnable to February Rules.

" Feby Rules. $\mathcal{S}p^a \mathcal{J}^e$ returned not found - Bill filed & new $\mathcal{S}p^a \mathcal{J}^e$ awarded

" March " $\mathcal{S}p^a \mathcal{J}^e$ returned executed -

" May " Set for hearing.

" Nov. 1. Decree for account

1846 Mar. 24 - Report of exceptions filed thereto.

Hart & Wife
no 3
Honey Moon

Bill

1845 Febry Rider

To the Honorable Richard H Baker judge of
the circuit superior court of law and chancery
for the county of Southampton

Humbly complaining your
complainants conjunctly W Hart and Rebecca
Hart his wife formerly Newsome shew unto
your honor that on the 20th of November 1837
Henry Moore qualified as the guardian of
Rebecca Hart who was then Newsome in the county
court of Southampton that he remained her
guardian until some time in the year 1844
(about February) ^{when} she intermarried with conjunctly
W Hart. your complainants further shew unto
your honor that during the time of his
guardianship of the said Rebecca he wasted
the estate of his ward by expending and
that too without the sanction of the court
considerably more than the profits of his
ward's estate to such an extent that at the
conclusion of his guardianship he brings the
estate of the said Rebecca in his debt whereas
your complainants are fully convinced that
had he have managed the estate in a proper
manner there would have been a large
amount due from him to the estate for
by an account rendered by the said Henry
Moore of his transactions as guardian of the
said Rebecca before a commissioner of the
county court of Southampton and returned
to December Court 1844 (a copy of which account
is herewith filed and prayed to be taken as a
part of this bill) it appears that the profits
of the estate amounted up to the 31st of

December 1843 to the sum of \$9.50.14⁰⁰ that he
had received \$418.37⁰⁰ principal that he expended
for the personal expenses of the ward alone
the sum of \$1245.84⁰⁰ up to July 31st 1844
and for expensive negroes and medical bills the
sum of \$551.53⁰⁰ making the aggregate of
expenditures far exceed the profits of the estate
Do. Tender consideration whereof and inasmuch
as your complainants are wholly without
remedy except in a court of equity they therefore
humbly pray that your honor would make the
said Henry Moore party defendant to this
bill and compel him as full and perfect
answer make to the allegations therein contained
as fully and unequivocally as if he had been
themselves more specially interrogated and that
your honor would decree that the said
Henry Moore render an account of his
guardianship of the said Rebecca Hart formerly
Mansome before a commissioner of this
honorable court and pay back to your
complainants whatever sum of money he may
be found upon such settlement to have expended
beyond the profits of the estate of the said
Rebecca and that your honor would grant
such other and general relief the premises
considered as equity may dictate and the
nature of their case may require and as in
duty bound your complainants will ever pray &c

Parker & Shaver P. q.

Debit for an account

To be entered

1845

1845 November Term

Augustus W. Hart & wife

vs. 3

Henry Moore

It appearing to the court that more than two months have elapsed as well since the filing of the plaintiffs bill as since the service of the subpoena upon the defendant Henry Moore and he still failing to appear and answer on motion of the plaintiffs by their attorney this bill is taken for confessed as to the defendant Henry Moore and thereupon this cause came on this day to be heard on the bill, exhibits filed and the arguments of the plaintiffs counsel. On consideration whereof the court doth adjudge order and decree that the defendant Henry Moore guardian of Rebecca Hart formerly of the same name render an account of his guardianship of the estate of the said Rebecca Hart his exors before a commissioner of this court who is directed to examine state and settle the same and report the same to this court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated.

Hart & wife

v. } Copy Deed

Moore.

March 19th 1846

Southampton Vicar's Superior Court. November the 8th 1845.
Augustus W Hart and Rebecca Hart his wife formerly Newsom Defts.

against
Henry Moore

(In Chan-
Deft. Scery).

It appearing to the Court that more than two months have elapsed as well since the filing of the plaintiffs bill as since the service of the subpoena on the defendant and he still failing to appear and answer. On motion of the plaintiffs by their attorney their bill is taken for confessed. And thereupon this cause came on this day to be heard on the bill, exhibits filed and the argument of the plaintiffs Counsel. On consideration whereof the Court doth adjudge order and decree that the defendant Henry Moore guardian of Rebecca Hart formerly Newsom render an account of his guardianship of the estate of the said Rebecca Hart his ward before a Commissioner of this Court who is directed to examine State and settle the same and report the same to this Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated.

At Copy.

Teste.

L R Edwards 

1/4 ac & up

of sea

More

1846 Nov Nov

Hart and wife
2^d } In chg

More

This day This cause came on again to be heard by consent
of parties on the papers formerly read, the report of
Commissioner Gooday was made pursuant to an order made
on the 8.th day of Novr 1845, and the exceptions
thereto filed and was argued by Counsel. On
consideration whereupon the Court overruling the
exceptions, it is decreed and ordered that the plaintiffs
bills be dismissed, each party paying their own
costs -

Hart & Miller

to 2 Sp^o. in Ch^y.

Maure

1845 February Rules.

Not found

B W Goodwyn deputy
of David B Hines Sheriff

246. sp.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Henry Moore

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer a Bill in Chancery exhibited against ~~him~~ in the said Court by *Augustus A. Hart and Rebecca's wife*

And unless *he* shall answer the said Bill within ^{*four*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *27th* day of *January* 1845, in the *69th* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

1846

Hart v. Hart

s. } Sp. in Chy-

Moore

1845 March Rules

Executed

By Wm. L. Wynn deputy of
Saml B. Hines Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Henry Moore*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *him* in the said Court by *Augustus W Hart and Rebecca his wife* -

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *3^d* day of

February 184*5*, in the *69th* year of the Commonwealth.

J R Edwards

[One Copy to be delivered each Defendant.]

Hart & wife

to $\frac{5}{3}$ Pomeroy notice

Moore

March 19th 1846

the acknowledge service of the within notice

Augustus, W. Hart

Peter L. Hart

Henry Moore -

Hart & wife
i 3/4 Poms: et al
Moore

March 19th 1846

Commissioners Office

Feb. 17th 1846

Augustus W West and Rebecca his wife and Henry Moore

You are hereby notified, that pursuant to an order of
the Circ-Sup: Court for the County of Dorsetshire, made
on the 8th of November 1846; I shall on the 19th day of March next
at 10 o'clock, at the Commissioners office in Jerusalem
proceed to take the account therein required, at which
time and place you are requested to attend with the ne-
cessary evidence

W. S. Goodwyn

Comm: in Charge

Hart & wife
as { Eruptions
More

Made 24/1846

Augustus W Hart & wife
vs
Henry Moore

Exceptions taken by the Plaintiff
to the report of Mr. Goodwyn one of the Master
commissioners of this Honorable Court of Henry
Moore's transactions as guardian of Rebecca Moore

1st That the said commissioner in the
settlement of the said account has allowed the guardian
for expenditures running considerably over the annual
profits of the ward's estate

2nd That he has allowed the whole of the
profits and some of the principal of the ward's
estate to be applied to some of the personal
expenses and not to all the expenses of the ward
having expressly excluded medical accounts

Whereupon the said Plaintiff
do except to the said master commissioner's
report and appeal therefrom to the judgment
of this Honorable Court

Perken & Chanda

The exceptions must be overruled - 1st because, the amt. Rec^d
from the former Guardian, was derived from the profits of the
ward's estate, & when the ward rec^d the annual income, of his
or her estate, in subsequent years. The Guardian may see the
accumulated profits of previous years -

2nd The Guardian paid sums (which were properly charge-
able on the principal of the ward's estate -) more than
sufficient to absorb all the money Rec^d by him, which

caused no any rent be considered principal -

3rd The expenditures, are extremely moderate, for a
ward, of the condition and age of Rebecca Moore
and ought properly to be allowed -

Maryborough. for Sept.

Rebecca Sturson
Guardian account

Postscript

i } Comar. Report-

Moon

March 24/1846

Rebecca Aensome

In account with Henry Moore Guardian

		G		Dr	
1838					
Decls:	31	By rent of land & hires of negroes	132	30	
		To personal expenses			132 30
		" price Dr Musgroves adm: med. bill			29 00
		" " Dr Peebles "			21 00
		" " for expensine negroes			15 00
		" Balance due the Guardian	66	00	
1839			197	30	197 30
Decls:	31	" Bal: due the Guardian brot down			66 00
		" rent of land & hires of negroes	138	30	
		" Amt recd: of J. B. Chamblip from guardian	325	53	
		To amt: paid for expensine negroes			15 00
		" " for personal expenses			138 30
		By bal: due the word			244 53
1840			463	03	463 03
Decls:	31	By bal: due the word brot down	244	53	
		" rent of land & hires of negroes	167	22	
		To amt: paid personal expenses			167 22
		" " for expensine negroes			25 00
		" " Midwife fees			2 00
		By bal: due the word			215 53
1841			211	75	211 75
Decls:	31	By bal: due the word brot down	215	53	
		" rent of land & hires of negroes	140	02	
		To personal expenses			140 02
		" price for expensine negroes			25 00
		" " Dr Chablon med: act:			1 50
		" " Dr Musgroves adm: "			27 69
		" " Dr Eldridge "			66 90
		" " Dr Peebles "			14 00
		By bal: due the word			60 44
1842			355	55	355 55
Decls:	31	By bal: due the word brot down	60	44	
		" rent of land & negro hires	217	30	
		" Your proportion of 11 acres of land sold	13	33	
		To price I Aensome for keeping old negro during life			100 00
		" " Do do for expensine negroes.			20 00
		" " R. Murrell for do " do.			40 00
		" " V. A Brown. med: act			8 00
		" " personal expenses.			130 00
		By bal: due the Guardian	26	93	
			318	00	318 00
		Car forward			

1843

Decr: 31 To bal due the Guardian last year
 " Rent of land & negro lines
 " Your proportion of sale of mill
 " personal expenses
 " paid for expensive negroes
 " " Dr M. C. C. act:
 To bal due the Guardian

		26	93
108	25		
79	51		
		108	25
		20	00
		21	00
18	42		
206	18	216	18

1844

Decr: 31 To bal due the Guardian last year
 " paid Dr Parsons med. bill
 " " " Buttrman "
 " " " Ains
 To balance due the Guardian

		18	42
		35	00
		6	20
		6	36
		65	98

with Dr Parsons from this day till paid

Respectfully submitted
 W. S. Goodwyn
 Comr.

Coms: for \$6.50 }
 chd. to A. N. Hart }
 W. S. Goodwyn Co:

Commissioners Office - Jerusalem
 March - 19th 1846

The Commissioner has here to state specially that he examined the vouchers placed into his hands by the Guardian in connection with several accounts heretofore returned to the County Court to which exceptions were filed. He found that the guardian had expended a large amount more than the annual profits of his ward's estate for the support of his ward including taxes, Charters & bills &c. The Comms: in the above account has credited the guardian only for the profits of his ward's estate for the purpose of defraying such expenses. The Comms: was directed by the plaintiff's counsel to allow all medical accounts, and all charges for nursing, expensive negroes, which items consume the whole of the principal monied estate of the ward and leaves a balance due the guardian as above

W. S. Goodwyn Comr.

Rebecca L. Newsome

Guardian Account

Hank's Wife

✓ { Exhibit with Bill

✓ More

Southampton Sept Court 1844

The Report of the Comr of Henry Moores transactions as Guardian of Rebecca L. Newson has been sent back to the Comr. with instructions to Report 1st the profits of the wards personal estate 2nd what amount was expended for the personal of the ward and 3rd expenses incurred for the support of the negroes including therein the sum paid physicians for medical services rendered

A

			Dr	Cr
	an account of the profits of the wards estate			
1838	By Rent of land this year	" "	72	30
	By Negro hires ditto	" "	60	00
			132	30
	To Coms on \$132. 30 ff		6	62
Decr 31	Nett profits this year			\$125 88
1839	By Negro hires this year	\$	88	30
	By Rent land ditto		50	00
			138	30
	To Coms on \$138 30		6	92
Decr 31	Nett profits this year		131	38
	Nett profits for 1838 & 1839			257 46
1840	By hires of negroes this year		70	00
	By Rent of land ditto		97	22
			167	22
	To Coms on \$167. 22 ff		8	36
Decr 31	Nett profits this year		158	86
	Nett profits for 1838 1839 & 1840	\$		416 32
1841	By hires of negroes this year		70	00
	By Rent of land ditto		70	00
			140	00
	To Coms on \$140. 00 ff		7	00
			133	00
Decr 31	By interest on \$323. 53 received of J. R. Chumley, Decr 31 1839 to this day 2 nd Yrs	\$	42	00
	By Balance of profits for this year		175	00
	Carry forward			175 00
				\$519 40

1841	Decr 31	By Balance brought forward	\$	"	579	40
1842		By negro hires this year			142	30
		By Rents land ditto			74	80
					217	30
		To Com on \$217.30 off			10	86
					206	44
		By interest on \$325.33 one year			20	33
		By interest \$13.13 for sales land for acct			79	
		By profits this year			2217	76
Decr 31		By Balance of profits for 1838-1839-1840-1841 and 1842		"	819	16
1843		By Cash recd of Westbrook			7	14
		By negro hires this year			98	35
		By Rent land			10	00
					115	39
		To Com on \$115.39 off			5	76
					109	63
		By interest on \$325.33 one year			20	33
		By ditto on 13.33 ditto			79	
		Net Profits this year			130	93
Decr 31		Net profits up to this day			\$930	11
		By amount of principal received all the interest on which is included in the above account as profits to acct				
1839	Decr 31 st	received of Jas R Chamblee late Islander	\$	325	33	
1841	Decr 31 st	Dr for sales land			13	33
1843		" ditto sales mill			74	31
		Nett amt principal recd	\$	413	37	
		(B.)				
		3 rd account of the personal expenses of the ward				
1838		To paid J. W. Parker board & tuition			84	44
		" " Taxes Nichols			2	37

Decr 31	1839	To R. Darden acct		9	87	
		To Nett amt personal expenses this year	\$	96	38	96 38
		" paid W. C. Parker ditto		3	00	
		" " W. Bowers acct		2	00	
		" " I. Benswanger "		4	00	
		" " J. C. Nichols "		10	00	
		" " Taxes Nichols "		4	31	
		" " Barham & Kindred "		1	13	
		" " J. Treguard "		1	75	
		Nett expenses this year		28	39	28 39
Decr 31	1840	Nett expenses to this day				\$125 27
		To paid W. C. Parker ditto		10	00	
		" " W. D. Clark acct		22	49	
		" Cash advanced for J. J. Jernier		3	00	
		" paid taxes this year		1	42	
		" " N. W. Thomas acct		8	00	
		Nett expenses this year	\$	46	91	46 91
Decr 31	1841	Nett expenses to this day	\$	"	"	172 18
		To paid S. Mason & his Board		31	78	
		" " W. A. Jones tuition		10	60	
		" " J. S. Persons for board in 1832		80	40	
		" B. ditto do " 1833		45	68	
		" C. ditto do " 1834		42	87	
		" " Barham & Kindred acct		17	60	
		" " J. D. Westbrook "		139	88	
		" " J. S. Ramsey "		27	63	
		" " late Nichols		2	90	
		Nett Expenses this year & Nett disbursements to this day		359	36	359 36
		Carried forward				331 54
Decr 31	1841	To Balance b't forward		"	"	331 54
	1842	" paid D. Hunsom acct		16	25	
		" " ditto for board		60	00	
		" " ditto sundries for bill		27	77	
		" " J. D. Westbrook acct		89		

		To Cash advanced for your order	5 00				
		" paid S D Westbrook acct.	89				
		" " James James post-master	2 71				
		" " S D Westbrook acct.	39 18				
		" " Come in \$323.33 Recd of S R Chamblee in 1839 milled	16 27				
		entirely ditto 3 years	2 92				
Dec 25	1843	Total expenditures this year	413 74	413 74			
		Total amt of Expenditures to this date		\$943 31			
		To paid Postage acct.	2 00				
		" " Clerk Supra	2 67				
		" " S H Prince alto	5 50				
		" " W M Dugger acct.	6 60				
		" " W A Jones Comr	3 00				
		" " your pro taxes on R Newsons est.	1 14				
		" " O P Turner acct.	3 00				
		" " tax on land	1 78				
		" " Peblee & Mason acct.	13 37				
		" " ditto do	72 34				
		" " J J Drury	62 03				
		" Cash advanced at sundry times	10 00				
		Total expenditures this year	\$187 63	187 63			
Dec 31	1844	Total expenditures to this day		\$1132 96			
		To Cash \$5 of D Newson	5 00				
		" paid J Williams acct.	5 00				
		" " W C Parker alto	10 75				
		Carry forward	20 75	1132 96			
1844		To amounts land forward	\$20 75	1132 96			
		" paid J W Murrell alto	2 30				
		" " J B Worrell your pro surveys	4 30				
		" fee for dividing land	4 30				
		" " O B Oland for board & drinks	66 00				

		" " Mrs Kennedy acct	4	86		
		" " D R Newson for shoes	2	00		
		" " Clarke school	4	67		
		" " I Abbott Comr	7	30		
		Total expenditure this year	112	78	112	78
July 3		Total amt disbursed to this date			1243	74

6.

1838	3 ^d	expensive Negroes & medical bills paid				
	To	paid J T Oland adm Doct Murgraves	29	00		
		Medical bill				
	" "	for expensive Negroes	13	00		
	" "	Doct Peblee Medical Bill	21	38		
Dec 31		Total amt paid this year	\$	" "	65	38
1839	To	paid R Murrell for expensive Negroes	13		15	00
Dec 31		Total amt paid to this date	\$		80	38
1840	To	paid J James for Medical bill	4	00		
	" "	R Murrell for expensive Negroes	25	00		
		Total amt disbursed this year	\$	29	00	29 00
		Total amt disbursed to this day	\$	" "	109	38
1841	To	paid Doct Shubert Med bill	1	30		
	" "	J T Oland Doct Graves ditto	47	69		
	" "	Mrs A Person Doct Oland ditto	66	90		
	" "	Doct Peblee do	14	00		
	" "	Mrs Newson for expensive Negroes	25	00		
		Total amt disbursed this year	\$	133	09	133 09
Dec 31		Total amt disbursed to this date			264	97
1841	To	amount brought forward	\$	" "	264	97
Dec 31						
1842	"	paid D Newson for into an do				
		Negro during life	100	00		
	" "	Doct Orris A Brown Med bill	8	00		
	" "	R Murrell for expensive Negroes	40	00		
	" "	D Newson ditto	20	00		
		Total amount disbursed this year	168	00	168	00

1843

Dec

1844

Nett amount disbursed to this day
To paid Doct McCabe dentist 31 00
" " for Expensive Negroes 40 00
Nett amt disbursed this year 71 00 71 00
Nett amt disbursed to this date " " 303 77
To paid Doct Persons neg bill 35 00
" " Doct Beckman do 6 20
" " Doct News do 4 36
Nett amount disbursed this year 47 36 47 36
Nett amount, disbursed to this date 351 33

account (A) will show the interest and profits of wards estate also at the foot the principal account B will show the amount necessarily disbursed for the support of the ward. Notes A B C. paid John A Person was first paid by said Persons to Mrs Newsom for board and then paid back to him by Guardian Note D. was for balance due the said John Person for advancements for articles &c furnished the ward before she had Guardian and while he acted as the agent of her Father's estate account C shows the amount disbursed for medical bills and expensive Negroes

As interest was calculated in the former Reports the Comr thinks it proper to state a general acct upon the several balances D. cannot forward

Rebecca Newsom her account with Henry Moore &

1838

Dec

31

	Dr	Cr	Int
By nett amt of profits for acct A			125 88
To disbursed this year B	96 33		
" ditto C	65 88		
	162 21	76	
	125 88		
To Balance due the ward	36 88		

1839

Dec 31

1840

By Receipts this year for acct A " " 131 38
To amt disbursed " B 28 39
" " " " C 15 00
" interest in the bal of 1838 2 21 82 48
By Balance due the ward 49 10
By Receipts this year for acct A " " 158 84
To amt disbursed " B 46 91
" " " " C 39 00
By interest the Bal of 1839 " " 21 94 210 90
" " " " 75 41

Dec 31

1841

By Balance due the ward 134 99
By Receipts for acct A " " 175 08
To amt disbursed " B 359 31
" " " " C 155 09
By interest in the balance of 1840 " " 8 09 514 45
358 16

Dec 31

1842

To Balance due the Guardian 196 29
By Receipts this year for acct A " " 227 76
To amt disbursed " B 413 77
" " " " C 168 00 227 76
358 16

Dec 31

1843

To Balance due the Guardian 350 25
Int in the balance of 1841 " 11 77
Carry forward 362 02
Dec 31 To amt bnt forward 362 02
By profits this year for acct A " " 130 95
To amt disbursed this year B 187 65
" ditto " " C 71 00 820 74
130 95

Dec 31

1844

To Balance due the Guardian 468 79
" interest in the bal of 1842 33 9 112 78

Dec 21 By interest on the principal
 To Balance due the Guardian
 interest thereon from this date till paid

47	36
883	11
25	10
\$858 04	

with

By Balance of principal due the ward
 with interest from the same date till paid

\$418 37

Respectfully Submitting

Jesse Cobb Clerk

Comd for \$6.50 charged
 to the Jeff. W. Ward

At a Court held for the County of Southampton on
 the day of December 1845 this account of Henry
 Morris Guardianship of Rebecca J. Newman was returned and
 ordered to be in Term for exceptions

Teste J R Edwards
 Attest Jesse J R Edwards Clerk

Exceptions overruled
& Bill dismissed
each paying his
own costs.

R. H. B.

W. H.

The defendants counsel have stated facts in the first place of which there is no evidence in the pleadings in fact upon looking over the former guardians account it will be found that Henry Moore received from him over two hundred dollars as principal and he received nearly one hundred dollars for sale of land during his guardianship.

It is settled law that a guardian has no right to expend more than the profits of the wards estate for ~~his~~ his support and maintenance without an order from court first obtained for that purpose but the commissioner in his report has applied all the profits and large amount of principal of the wards estate to her personal expenses, medical accounts, and expensive negroes, now should not some at least of the medical bills be included in the wards personal expenses she had negroes it is true for whom some of these bills might have been contracted but not all for some are dentists bills and it could hardly be supposed that these were contracted on account of the slaves.

The principle of law is but little affected by the situation in life which the ward may have occupied.

Parker & Chandler