1870 – 11 Southampton County – Chancery Narflet, G.W. vs Smith, Mosby Est

"Creditors Suit"
Sale of Real Property
To pay debts

John Moore –
Administrator

~~53 54 55 57 58 42 105~~

Killy p. f.

A. W. Noblet adm
&c

v. Chancey

John Moore admr
of Moody Smith dec
sel:

Cir: Ct. Pendleton Co.

Norfleet &c

v

Moody Smith, ad &c

& Exhibits

filed with Bill

Kirby p. q.

A. W. Moffett, who
sues &c.

vs Bill

John Moore admr.
of Mordy Smith dec.
dal.

1866 April Rules

Cir. Ct. South.

To the Hon: Richard H. Baker, Judge of the Circuit Court of Southampton County.

Complaining, shew unto the Court your Complainant A. W. Noblett, who sues for himself and all other creditors of Moody Smith dec'd. who may make themselves parties hereto on the usual terms.

Your Complainant respectfully represents to the Court and says, That one Moody Smith departed this life in the said County on or about the ____ day of ____ 1862, Intestate, leaving as his heirs at Law his wife, Nancy F. Smith, and one Infant child named John N. Smith —

That John Moore qualified in the County Court of Southampton on the 20th day of October 1862. and duly took upon himself the burden of settling said estate, as will appear by a duly certified copy of the order of Court granting such administration, filed herewith & marked (A.).

That the said Moody Smith died possessed of a tract of land in said County containing one hundred and eighty five acres, more or less, and joining the Lands of John Moore, Wm. A. Mapenburg & others, and in which land the said Nancy F. Smith has Dower.

That the said Moody Smith died

indebted to your Complainant as follows— to wit: The sum of ₰58.79, with Interest from the 3d. day of January 1860, and the sum of ₰51.18, with Interest from the 10th. day of March 1862, as will appear by two Bonds filed herewith & marked (B. & C.).

That the personal estate of said deceased is wholly inadequate to pay the debts due by him, and that the Land aforesaid will have to be sold for that purpose, and which your Complainant prays may be done.

In Consideration whereof and as this Court has jurisdiction to grant all proper relief, To the End your Complainant may, That John Mowe administrator of Moody Smith, Nancy H. Smith (widow) and John A. Smith, Infant, may be made Defendants hereto, and be compelled to answer the allegations herein— That Dower in said Land may be assigned to the said Nancy H. Smith; That the accounts of John Mowe administrator aforesaid may be duly settled— That the Land aforesaid may be sold and the proceeds applied to pay your Complainants' demands and that all further relief may be granted Consistent with Equity &c.

John R. Kilby p. q.

Norfleet &c

v

Smith's adm'r &c.

Answer of
Defendt Defts.

1866 April Rules

The answer of John A. Smith, an Infant by L. R. Edwards his guardian ad litem to a Bill in Chancery exhibited in the Circuit Court of Southampton County by A. W. Noblett who sues &c against John Moore admr. of Moody Smith dec'd. &c.

This Respondent says, that the facts set forth in said Bill, are true so far as he knows or believes, but being an Infant and incapable of properly defending himself, he submits all his Interests in the premises to the Court and prays that no order or decree may be made in the cause inconsistent with his rights.

Signed L R Edwards Gdn A

On demand, I promise to pay A. W. Norfleet or order, the sum of fifty one ——— dollars and eighteen cents, for value received. Witness my hand and seal this 10th day of March 1862

Witness.

Moody Smith

SEAL

SEAL



Southampton County Court October 20th 1862

On the motion of John Moore who made oath and together with Wm E Gay, his security, who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of fourteen hundred dollars, conditioned according to Law, certificate is granted him for obtaining letters of administration on the estate of Moody Smith decd in due form.

A Copy

Teste D R Edwards Clk

$5879 Chamberlin Va. Janry 2 1860



One day after date I Promise to

Pay to the Order of A. W. Norfleet

Fifty eight 59/100 Dollars

Without defalcation or stay of execution; with Interest from date

for Value received. Witness my hand and seal

Witness,

D. M. Holland Moody Smith

Norfleet

vs } Sum. Chy.

Smithe adm[r]

1866 April Rules

Executed Mar. 27.
1866 by delivering them
a copy.
E. L. Story D. Sh.
for S. Tello Sh.ff



The Commonwealth of Virginia. To the Sheriff of Southampton County Greeting
We command you to Summon John Moore admr. of Moody Smith dec'd Nancy F.
Smith & John B. Smith

to appear at the Clerks Office of our Circuit Court of Southampton County at the Rules to be holden for the said Court on the first Monday in April next to answer
A. W. Norfleet who sues for himself & all other creditors of Moody Smith dec'd
who may make themselves parties on the usual terms.

And have then there this Writ. Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 21st day of March 1866 in the 90th year of the Commonwealth

L R. Edwards Clk

Norfleet

vs 3 Comrs. Notice.

Smith's auditor &c

Executed June 20th. 1826
by delivering a copy of
within to each.

E. L. Clay Dept
for S. Kello Shff

Commissioner's Office
Jerusalem, May 29th 1866.

To

A.W. Norfleet, who sues for himself and all other creditors of Moody Smith dec'd. who may make themselves parties hereto on the usual terms. Pl'ffs. 3

against

John Moore, administrator of Moody Smith, Nancy F. Smith, widow and John A. Smith, infant. Defts 3

You are hereby notified that I have fixed on the 17th day of July 1866, to take and state at my office in the town of Jerusalem, the following accounts:-

1st. An Account of the transactions of John Moore administrator of Moody Smith dec'd.

2nd. An Account of the debts and demands due by the said Moody Smith, or his estate, and their priority.

3rd An Account of the real estate of which the said Moody Smith died possessed and its annual and fee simple value.

required to be taken by the Decree of Southampton Circuit Court rendered on the 2nd day of May 1866, in a suit in Chancery depending in said Court, in which you are parties plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery for said Court, the day and year first aforesaid.

Henry S. Howard, Com'r.

To

The Sheriff of Southampton County to execute 3

1869 Nov. 15th Rec'd of John R. Kirk
Com. five dollars for crier upon the
sale of Moody Smiths Land on
this day sold under decree of
Court.

R. A. Barham

any other Decree he may be required to execute in this Cause. —

Clk $11.29
Shff 3.50
Com 20.11
Att 15.00
#50

A Copy.
Teste, L.R. Edwards D.C.

Norfleet
v.
Smith's adm'r &c
Copy decree

1869 May
Clk
Shff
Com
Law

$11.29
3.50
20.00
15.50
#50.29

Southampton Circuit Court May Term 1869.

A. W. Norfleet &c. Pffs.

against

In Chancery

John Moore adm'r. of Moody Smith decd. & others Defts.

This Cause came on this day to be again heard on the papers formerly read & on the report of Commissioner Howard Wade pursuant to the Decree of the 9th May 1866, to which report no exception has been filed, & was argued by Counsel, On Consideration whereof the Court doth adjudge, Order & decree, that John R. Kilby, who is hereby appointed a Commissioner for that purpose, proceed to Sell before the Courthouse door of Southampton County, on some Court day, at auction on a Credit of Six Months, with interest from date, (except for a Sum sufficient to pay costs & charges of Suit & Sale, which will be cash,) the Lands whereof Moody Smith died possessed, (Subject to the Dower of Mrs. Nancy T. Smith Widow of said deceased therein,) & described as a tract of Land in Southampton, containing one hundred & Eighty five acres, more or less, & adjoining the Lands of John Moore, Dr. Wm. A. Mapsburg & others, having first given twenty days previous Notice of such Sale by advertisement at the Court house door of said County & other public places, taking from the purchaser bond & good Security & retain the title till the further Order of Court, & return said Bond & Make a report to Court. But no Sale is to be Made under this decree till the said John R. Kilby shall execute a Bond in the Clerk's Office of this Court, before the Clerk thereof, in the penalty of $800. payable to the Commonwealth of Virginia, Conditioned for the faithful discharge of the duties required of him under this Decree &

Nuttall &c
vs
Commonwealth
&c

Bond by Smith adm
&c

1869 Dec 20

1870 June 24 Rec'd of the Clerk of Southampton Circuit Court the Bond of W. A. Mapenburg for five hundred and ninety two dollars & twenty one cents. filed herein, as directed to be delivered by Decree of May Court 1870.

John R. Kilby Com'r

To the Circuit Court of Southampton County.

The Undersigned respectfully reports to Court, That pursuant to the Decree of said Court, made on the day of May 1869 in the cause therein pending wherein a. W. Mapleburg &c. is plaintiff and John Mme adm of Moody Smith dec'd. & others, are defendants, he proceeded to advertise for sale the Land in Southampton County of which Moody Smith died seized, containing 185 acres, more or less — subject to the Dower therein of the widow of said dec'd.) & did on the 15th day of November 1869 (being Court day) sell, before the Court house door of said County, on the terms named in said Decree, the Land aforesaid when the same was purchased by Dr. W. a. Mapleburg for $ 690:00 of which there was rec'd in cash & paid as follows —

To 5 per cent Com. on $ 300 —	$ 15.00	
" 2 Dr. on $ 375.	9.50	
" J. H. Barham. Com's par.	5.00	
" Clerk	11.29	
" Sheriff	3.50	
" Com. (Stamps)	20.00	
" atto. fee.	15.50	
" for Deed &c.	5.00	82.79
over —		$ 592.21

Amo. Ret. in #592.21

For which Wm A. Mapenburg
as aforesaid executes his Bond
payable six months after date, with
interest from date which is filed
herewith

No title is retained [illegible] the further
order of Court.

Respectfully submitted

John R. Kilby, Comr.

Mr Barnes
&
Mordy Smith

Suffolk Va. Feby 25th 1870

Jno. R. Kilby Esq.
Suffolk Va.

Dear Sir:

Herewith I hand you statement of notes given by Mordy Smith together with securities &c., in reference to which I spoke to you a few days since —

Very Respy. &c.

D. C. Barnett
for Wm. M. & B. —

One (1) Note given by Moody Smith Due Dec. 25th 1857
Amount $15.00 – Securities Joshua Crumpler & Aug. Crumpler –

One (1) Note given by Moody Smith Due Dec. 25th 1858
Amount $20.00 – Securities – Joshua Bettin & A. M. Horfleet
Credit Feby. 15th 1860 by $20.00 leaving interest on first Amt. due

One (1) Note given by Moody Smith Due Dec. 25th 1859
Amount Twenty five (25) dollars – Security – Jas. H. Parker

One (1) Note given by Moody Smith Due Dec 25th 1860
Amount Forty four (44) dollars – Security – Jethro Cobb –

One (1) Note given by Moody Smith Due Dec. 25th 1861
Amount Forty (40) dollars – Security – Warren Edwards –

Norfleet

v. } Stat: Rules

Smiths adm: &c

1869 May

Clk	$ 11.29
Stff	3.50
Com.	26.00
Law	

6

In Circuit Court. Southampton County.

A W. Norfleet, who sues for himself & all other creditors of Moody Smith dec^d who may make themselves parties hereto on the usual terms.

against

John Moore administrator of Moody Smith, Nancy F. Smith (widow) & John H. Smith (infant)

1866 March 21st. Summons issued returnable to April Rules.

" April R. Summons ret^d Executed. Bill filed. D.R. Edwards assigned guardian ad litem to infant Defts. John H. Smith. Answer of infant. Gen. Rep. thereto. Decree Nesi &c. Defts. Moore adm^r & Nancy F. Smith

" 4th Last Monday, Bill taken for confessed &c. Defts. Moore adm^r & Nancy F. Smith. & Cause for hearing &c.

" May 7. Decree for accounts

Oct 6 Report

1867 May. Decree for Sale

" Dec. Repeal of Sale

1870 May Decree to collect &c.

" Nov. Decree final

Norfleet

vs 3 Comm's Report

Smith's admr. & als

1866 Oct. 6 Returned

The estate of Moody Smith Dec'd
In account John Moore, his administrator

1862		Dr		Cr		Int.
Dec 16	By Amount of account of Sales of chattel estate			1222	76	
	To paid John Moore for superintending farm after the death of the intestate & before the qualification of the admr	60	00			
Nov.	" " J. D. Mapsenburg for Corn furnished estate	15	00			
"	" " Sheriff Fees	29	24			
Dec	" " N. H. Blow auctioneer	5	00			
"	" " James Vaughan appraiser	1	00			
"	" " M. W. Vaughan "	1	00			
"	" " W. A. Mapsenburg "	1	00			
"	" " John M. Gunley Clerk	5	00			
1863 Mar	" " Godwin Parker for bacon	3	55			
June	" " Clerk's fees	1	50			
"	" " Com'r. J. W. Parker fees	10	00			
	" Commissions on $1222.76 @ 5 per cent	61	13			
Oct. 20	" Balance due estate	1029	34			
		1222	76	1222	76	
" "	By Balance due estate brought down			1029	34	
Nov 18	To paid Jos. E. Gillette's admr under order of Southampton County Court made at the Sept. Term 1863 on return of the administration account & the account of Debts & Demands	29	04			
		29	04	1029	34	

1863					
Nov 18	Amounts brought forward	39	04	1029	34
" "	To said Wm Eley under order of Southampton County Court made at the Sept Term 1863 upon the return of the administration account & the account of the Debts & Demands	145	46		
" " " "	Saml. F. Joyner under order of Southampton County Court made at the Sept Term 1863 upon the return of the administration account & the account of the Debts & Demands	15	24		
" 27	" Amount invested this day in a Confederate Bond, under an order of Southampton County Court made at the September Term 1863 directing the admr. to pay certain Debts proved before a Commissioner provided the Creditors would receive payment in Confederate money the only funds in the hands of the admr. & if they would not direct him to invest the amount in interest bearing Stock of the State of Virginia or of the Confederate States.	800	00		
" " "	Balance due estate	39	60		
		1029	34	1029	34
" "	By Balance due estate brought down in Confederate money, which amount the admr retained in hands to pay contingent expenses & taxes & has become worthless.			39	60

Respectfully Submitted, Henry S. Steward Comr.

An Account of the debts and demands due by the said Woody Smith or his estate and their priority.

Creditors Attorneys	1st Class	$	cts		
Kilby	To A. M. Norfleet Bond for	58	79		
	" Interest from 3d Jany 1861 to 7th Nov 1866	20	56		
				79	35
Kilby	To A. M. Norfleet Bond for	57	18		
	" Interest from 10th March 1862 to 7th Nov 1866	14	30		
				65	48
Kilby	To Richard Barrett Bond for	15	00		
	" Interest from 25th Dec 1857 to 7th Nov 1866	7	97		
				22	97
Kilby	To Richard Barrett, Bond for	20	00		
	" Interest from 25th Dec 1858 to Feby 15th 1860	1	37		
	Due Feby 15th 1860	21	37		
	Credit Feby 15th 1860	20	00		
	Balance due Feby 15th 1860	1	37		
	" Interest on same from Feby 15th 1860 to 7th Nov. 1866		54		
				1	91
Kilby	To Richard Barrett Bond for	25	00		
	" Interest from 25th Dec 1859 to the 7th Nov 1866	10	30		
				35	30
Kilby	To Richard Barrett Bond for	25	00		
	" Interest from 25th Dec 1859 to the 7th Nov 1866	10	30		
				35	30
	Amount Carried forward			240	31

	Amount brought forward			2410	31
Kelly	To Richard Barrett, Bond for	44	00		
	" Interest from 25th Dec 1860 to the 7th Nov 1866	15	48		
				59	48
Kelly	To Richard Barrett, Bond for	40	00		
	" Interest from 25th Dec 1861 to the 7th Nov 1866	11	67		
				51	67
Mass.	To James Wills Bond for	760	00		
	" Interest from 26th Dec 1855 to 28th Nov 1857	87	65		
	Due 28th Nov 1857	847	65		
	Credit 28th Nov 1857	120	00		
	Balance due 28th Nov 1857	727	65		
	Interest to 5th Jany 1859	48	19		
	Due 5th Jany 1859	775	84		
	Credit 5th Jany 1859	31	95		
	Balance due the 5th Jany 1859	743	89		
	" Interest on same from 5th Jany 1859 to the 7th Nov 1866	305	22		
				1049	11
	To Pretlow, Vick & Co. Account	18	29		
	" Interest from 1st Jany 1861 to the 7th Nov 1866.	6	37		
				24	66
	" Jenny Smith Open Account	85	00		
	" Interest from 1st July 1858 to the 7th Nov 1866	42	59		
				127	59
	Amount Carried forward			1542	82

	Amount brought forward			1542	82
	To Gillette & Bretlow Bond	19	05		
	" Interest on same from 21st Dec 1857 to the 1st Nov 1866	10	12		
				29	17
	To Gillette & Bretlow Bond	7	41		
	" Interest on same from 21st Dec 1856 to the 1st Nov 1866	4	31		
				11	72
	To Gillette & Bretlow Bal. account	52	41		
	" Interest on same from 12th March 1860 to the 1st Nov 1866.	20	83		
				73	24
	To 10 & Cap Balance on two bonds	10	94		
	" Interest on same from 1st Sept 1863 to the 1st Nov 1866	2	07		
				13	01
	To Joseph E. Gillette Bal	2	69		
	" Int from 1st Sept 1863 to 1st Nov 1866		51		
				3	20
	Total amount of Debts all of 4th Class.			$1673	16

Respectfully Submitted Henry S. Steward, Comr.

An Account of the real estate of which Moore Smith died possessed and its annual and fee simple value.

	Annual Value		Fee Simple Value	
	$	cts	$	cts
Tract of Land containing 75 acres	75	00	600	00

Respectfully Submitted
Henry S. Steward, Comr.

Commissioner's Office,
Jerusalem, Sept. 19th 1866

To the Circuit Court of Southampton County:

Pursuant to a decree of the Circuit of Southampton County, rendered on the 2nd day of May 1866 in a suit Chancery depending in the said Court between A.W. Norfleet who sues for himself and all other creditors of Moody Smith dec'd who may make themselves parties hereto with the usual terms plaintiff and John Moore administrator of Moody Smith, Nancy H. Smith widow and John H. Smith infant defendants, the undersigned one of the Commissioners of the said Court to whom was referred for the settlement and taking by said decree: 1st An account of the Transactions of John Moore as administrator of Moody Smith dec'd. 2nd An account of the debts and demands due by the said Moore Smith or his estate and their priority, and 3rd An account of the real estate of which the said Moody Smith died possessed and its annual and fee simple value, reports to the Court that on the 29th day of May 1866, he issued notices against the several parties aforesaid, requiring them to attend the settlement and taking of the said accounts, before him at his said office, on the 17th day of July 1866 which were directed to the Sheriff of Southampton County, to execute and by him returned duly executed, and at the same time posted a notice at the front door of the Courthouse of Southampton County. At which time the Commissioner not being able to complete the said account adjourned the same from time to time till this day, when he made up and completed the foregoing accounts, which accompanies with the notices, Decree &c are herewith returned.

Given under my hand, as Commissioner aforesaid the day and year first aforesaid.

Com'rs Fee $20.

Henry S. Stovall, Com'r.

Inflict

v

Moody Smith Ed

Petition of
Letitia A. Gay
admx of John E. Gay
dec'd
filed
May 21. 1870

To the Judge of the Circuit Court
of Southampton County

The undersigned Lillian A.
Gay admx of Wm E. Gay dec'd. states
to the Court, that under proceedings
had in this Court in a cause
therein pending wherein A. W.
Norfleet &c. is plaintiff & John Moore
admr of Moody Smith dec'd & others
are defendants, the Lands of said
Moody Smith have been sold
& the money now ready for distri-
bution. That the said Moody Smith
is indebted to said W. E. Gay his Intestate
in two Bonds & one executed by said
Moody Smith & Warren Edwards for
$75. dated 28 Dec 1861 & due 25th
Dec 1862 & one for $70. executed by said
Moody Smith & James H. Parker. dated
29th. Dec 1860 & due 25th Dec 1861.
as nee appear by said Bonds filed
herewith — That these Debts
have not been reported heretofore
among the list of Debts against
said Moody Smith & now he prays
that the same may be allowed to
participate in the distribution of
said Estate —

Lillian A Gay
admx Wm E. Gay dec'd

2d. May 1870

Ap. Bonds

(See Docket
May Court
1870.

Copy

$75.00

On demand the 25th of Dec. next we promise & bind ourselves our heirs & to pay Wm E. Gay & John B. Wiggins Guardian of the heirs of Richard Parker dec'd. the just sum of seventy five dollars & cents for the hire of negro man Limas the said negro is to be kept & returned on the 25th of Dec 1862 with customary clothes — As witness our hands and seal this 25th Dec 1861

Moody Smith (seal)
Warren Edwards (seal)

Copy

$70.50

On demand the 25th of Dec. next we or either of us promise & bind ourselves to pay Wm E. Gay and John B. Wiggins Guardian of the orphans of Richard Parker dec'd. the just sum of seventy dollars & fifty cents for the hire of negro man Limas for year 1861. which negro is to be kept & returned on the 25th of Dec. next with customary clothing & a hat & blanket. As witness our hands & seal this 29th of Dec. 1860.

Moody Smith (seal)
James N. Parker (seal)

Witness

A. W. Naffet &c

vs

Moody Smith adm

Report of

Payments

Cr. &c

Tab. m r

& Checks

& Statement

Southampton Circuit Court, May Term 1870

A. W. Norfleet who sues for himself and all other Creditors of Moody Smith dec'd &c — Plffs.

Against

John Moore adm'r of Moody Smith, Nancy F. Smith Widow and John St. Smith an Infant — Defts.

In Chancery

This Cause came on this day to be heard on the papers formerly read and on the report of Sales made by John R. Kilby, Commissioner pursuant to the Decree of May Term of this Court 1869, (to which report there is no exceptions,) and on the petition of Littleton A. Gay, adm'r of Wm E. Gay dec'd — this day filed and was argued by Counsel, on Consideration whereof the Court doth, confirm the said Report and doth adjudge, Order and decree, that John R. Kilby as Commissioner as aforesaid, receive of the Clerk of this Court, (who will deliver the same to him on his filing a receipt therefor,) the Bond of Wm A. Mapsburg for Five hundred and Ninety two dollars and twenty one cents, filed in the Cause, and collect the same with the interest due thereon, and make to the said Wm A. Mapsburg a Deed with Special Warranty in the usual form, for the real Estate sold under proceedings had in this Cause, and out of the said money pay any Costs that may remain unpaid, and then pay the balance ratably to the several Creditors of the said Moody Smith dec'd — as reported in Commissioner Howard's Report of the 19th of Sept. 1866, and to the debts due said Littleton A. Gay adm'r of Wm E. Gay dec'd — this day filed, to wit, Seventy dollars with interest from the 25th day of Dec. 1864, and Seventy five dollars with interest

from the 25th day of December 1852, till paid, and no step taken
to enjoin - and the said Littleton A. Gay and as aforesaid, is
allowed to withdraw the said original Bonds, this day filed
with his said petition and leaving only Certified Copies of the
same in their stead.

A Copy
Teste
James R Tyler, D.C.

42

Norfleet.
& } Copy Decree
Smiths Exrs

Sd Bonds &
Petition
and D.C.

To the Circuit Court of Southampton County.

The undersigned reports to the Court, that pursuant to the decree of May Term 1870 of said Court he received of the Clerk of said Court, the Bond of Wm. A. Mapsenburg of $592.21, therein referred to, & has collected the same & all Interest due thereon, and made to the purchaser (Wm. A. Mapsenburg) of the land sold, a deed with special warranty, in the usual form, and has paid out the proceeds to the parties, as directed by said decree - and as the following statement and receipts will show.

By Wm. A. Mapsenburg's Bond $592.21
" Int. from 15 Nov. 1869 to 15th Oct. 1870 — 11 mos. 32.57
Total $624.78

and paid ratably as follows.

K	fwd	To A.W. Ambler on	$	79.35	$ 26.45		
K	fwd	" same "		65.48	21.83		
K	fwd	" Richd. Barrett "		22.97	7.66		
K	fwd	" same "		1.91	.63		
K	fwd	" same "		35.30	11.76		
K	fwd	" same "		35.30	11.76		
K	fwd	" same "		59.48	19.83		
K	fwd	" same "		57.67	17.23		
	fwd	" Jas. Wills "		1049.11	349.70		
K	fwd	" Sutton, Vick & Co "		24.66	8.22		
		cond. on	$	1425.23	$ 474.97	$	624.78

	and. bot. on			$ 1425	23	474.	97	624.	78
	to Penney Smith	on		127.	59.	42	56		
1c	paid " Gillette & Pullen	"		29	17	9	73		
1c	paid " same	"		11	72	3	91		
1c	paid " same	"		73	24	24	41		
1c	paid " Wm E. Gay	} Littleton A. Gay	"	13	01.	4	34		
1c	paid " Dr.		adm "	94	63	31	54		
1c	paid " Dr.		"	92	40	30.	80		
1c	" Jn. E. Gillette		"	3	20.	1	06	623	32
				$ 1870	19				
								1	46
	" additional costs paid							1	46

Respectfully submitted

John R. Kilby

Comr.

1870 Oct. 25 Rec'd of John R. Killy, Comr.
the several sums due as per above report -
John R. Killy, atto. for all the parties
except Jas. Giles, [redacted]

W W Dr 1995 57
for D Lewis Sheff
Admr Jas Wills

Littleton A. Gay adm. of Wm. E. Gay
dec'd. 1 Debt #70:00
Int from 25th Dec 1861
to 7th Nov: 1866, 4y. 10m. 12ds 20.43
#90.43

Loaned #75:00
Int. from 25th Dec 1862
to 7th Nov: 1866 17.40 — 92.40
#182.83

Norfolk.

= Com. bond.

Smiths ser

Know all men by these presents that we John R Kilby & W H Parker

are held and firmly bound unto the Common=
wealth of Virginia in the just and full sum of Eight hundred dollars, to the payment
whereof well and truly to be made to the said Commonwealth we bind ourselves, our heirs,
executors and administrators jointly and severally firmly by these presents. Sealed
with our seals and dated this 17 day of December A.D 1869

The Condition of the above obligation is such that whereas by a decree of the
Circuit Court of Southampton County rendered at the May Term thereof 1869 in a
Suit in Chancery therein depending between A.W. Norfleet & pl'ff and John
Moore admr. of Moody Smith dec'd & Defendants, the above bound John R Kilby
was appointed Commissioner to make Sale of certain real estate therein described.

Now if the said John R Kilby shall faithfully discharge the duties required
of him under the said decree and under any other decree he may be required to
execute in the said Suit then the above obligation to be void or else to remain
in full force and virtue.

John R. Kilby (Seal)

Wm H Parker (Seal)

stated, deemed pertinent by himself or which any of the parties may desire to be so stated

Norbert A
v
Annetta Agw
1906
Mary Ct. Decree
To be entered
R. H. Baker

Norfleet

v

Smither admr &c.

This cause, in which the process had been duly executed on the admt defts, and they still failing to appear and answer, came on to be heard on the Bill of the Complainants taken for confessed as to said admt defendants, and on answer of the infant defts by L. R. Edwards their guardian ad litem, with formal replication thereto and on Exhibits filed with said Bill and was argued by Counsel: On Consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court take the following accounts —

1st an account of the transactions of John Moore as admr of Moody Smith and —

2. an account of the debts and demands due by said Moody Smith or his estate and their priority.

3. an account of the real estate of which said Moody Smith died seized and it annual and fee simple value, and make report to Court with any matter specially

Norfleet

v. Z Co. Deed

Smiths' ass P

Southampton County Circuit Court May 2d 1866.

A.W. Norfleet who, sues for himself and all other creditors of Moody Smith dec'd who may make themselves parties hereto on the usual terms Pff

against } In Chancery

John Moore administrator of Moody Smith, Nancy F. Smith, widow, and John H. Smith infant. Defts

This cause in which the process has been duly executed on the adult defendants, and they still failing to appear and answer, came on to be heard on the bill of the Complainant taken for confessed as to the said adult defendants and on answer of the infant defendant by D R Edwards their guardian ad litem, with general replication thereto and on exhibits filed with said bill and was argued by Counsel On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court take the following accounts.

1st. An account of the transactions of John Moore as administrator of Moody Smith dec'd.

2d An account of the debts and demands due by the said Moody Smith or his estate and their priority —

3d An account of the real estate of which the said Moody Smith died possessed and the annual and fee simple value. and make report to Court with any matter specially stated deemed pertinent by himself or which any of the parties may desire to be stated.

Mosby

Teste D R Edwards CC

Influenza

vs

Smith's administrator

1869

May. ct. Decree

Order Entered

E. S. Pitts

Moffett &c. vs. Smith's adm'r &c

This cause came on this day to be again heard on the papers formerly read & on the Report of Com'r Howard, made pursuant to the Decree of the 2d. May 1866; to which report no exception has been filed, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that John R. Kelly ~~Sheriff of Southampton County~~ John Moore, who is hereby appointed a Com'r for that purpose, proceed to sell before the Court house door of Southampton County, on some Court day, at auction, on a credit of ~~two~~ six months, with interest from date (except for a sum sufficient to pay costs & charges of suit & sale which will be cash), the land whereof Mordy Smith died possessed (subject to the Dower of Mrs. Nancy H. Smith widow of said deceased therein), and described as a tract of land in Southampton, containing one hundred and eighty five acres more or less and adjoining the lands of John Moore Dr. Wm. A. Mapsenburg & others — having first given twenty days previous notice of such sale by advertisement at the Court House of said county & otherwise as he deems proper taking from the purchaser Bond & good security & retain the title till the further order of Court, and return said Bond & make report to Court.

But no sale is to be made under this decree till the said John R. Kelly shall execute a Bond in the Clerk's office of this Court, before the Clerk thereof in the penalty of $800 — payable to the Comth. of Va. and conditioned for the faithful discharge of the duties required of him under this decree & any other Decree he may be required to execute in this cause

several creditors of said Moody Smith
decd. as reported in Comr. Howard's
report of the 19th of Sept. 1866, and to
the debts due said Solicitor & Guy
adm'r of Wm E. Guy decd. this day filed
to wit $70. with Interest from the 25th
day of Dec. 1861. & $75, with Interest
from the 25th day of Dec. 1862 till paid
and make report to Court — and the said
Solicitor A. Guy adm'r aforesaid is
allowed to withdraw the two said
original Bonds this day filed with
his said petition on leaving duly
certified Copies of the same in their
stead.

Moody Smith's
Adm'r
1870
May 21. Decree
Rec'd Bonds 25.

Inplest &c.

vs

Moody Smith's adm &c al

This cause came on this day to be heard on the papers formerly read & on the report of sales made by John R. Kelly, Commissioner ~~made~~ pursuant to the decree of ~~the~~ May Term of this Court 1869 - (to which report there is no exception), and on the petition of Littleton A. Gay adm of Wm E. Gay dec'd this day filed, and was argued by Counsel;

On consideration whereof the Court doth confirm the said Report & doth adjudge, order & decree that John R. Kelly as Commissioner as aforesaid receive of the Clerk of this Court (who are hereby ordered to pay the same to him on his filing a Receipt therefor) the Bond of Wm A. Mapenburg for $592.21. filed in the cause & collect the same with all Interest due thereon, and make to the said Wm A. Mapenburg a deed with ~~special~~ ordinary warranty, in the usual form for the real estate sold under proceedings had in this cause, and out of the said money pay any costs that may remain unpaid, and then pay the Balance ratably to the

Norfleet &c.

v

Moody Smith

adm

1870
Final
Nov. Ct., Decree

To be entered.

Geo. Blow

Inglett &c

vs

Smith &c.

This cause came on this day to be again heard on the papers formerly read & on the Report of John R. Kilby, Com'r. made pursuant to the decree of the May Term 1870 of this Court, to which report there is no exception now argued by Counsel. On consideration whereof the Court doth confirm the said Report and doth adjudge, ordain & decree that the proceedings had in the cause be confirmed & made binding & final between the parties, & nothing more remaining to be done in this cause, it is ordered that the cause be removed from the Docket.