

1873-007 Chancery Causes: Samuel Betts, for & c VS Augusta B. Moody & al, by & C
Isle of Wight County

To the Worshipful County Court of Isle of Wight County
in Chancery sitting:

Humbly complaining sheweth
tht to the Court your complainant Samuel Betts, in
right of his wife Sabelia B. Betts, one of the heirs at
law and distributees of Leroy A. Moody dec'd that on
or about the 22nd day of December 1862, the said Leroy
A. Moody died intestate in the County above
said leaving as her heirs at law and distributees
of her estate, the said Sabelia B. Betts, wife of the
said Samuel Betts, and four infant-children
to wit: Augustus B. Moody, Emma E. Moody, Al-
bert S. Moody and Anna Moody. That at the
time of her death the said Leroy A. Moody was
possessed of two slaves, to wit: one old negro woman
one Luekey, and one girl Isabella: That the said
slaves at the death of the said intestate descended
to the said distributees of her estate, but that
they cannot be divided in kind equally be-
tween the said distributees. Your complainant
is informed and so charges that he is entitled
to have one fifth part of the value of said slaves:
That he is without remedy at law and com-
monly or be relieved by this worshipful Court of Chan-
cery where matters of this sort are cognizable. It
is and your complainant prays that the

said Augusta B. Moody, Emma E. Moody, Albert
 B. Moody and Anna Moody infant distribu-
 tes of the said intestate, by some one appointed
 their guardian and litens to defend them in
 this suit, may be made parties defendant to
 this bill and be required to answer the same, and
 that by the decree of this Court a Commissioner
 may be appointed to sell the said slaves and
 distribute the proceeds according to law, and
 that such other and further relief may be
 granted as to the Court may seem meet and
 may consist with the equity of the case,
 and no complaint will ever foray &c.

Geo. T. Clarke J.

13th Feb 1863
 #17
 1863

11th Feb 1863

10th Feb 1863

9th Feb 1863

8th Feb 1863

7th Feb 1863

6th Feb 1863

5th Feb 1863

4th Feb 1863

3rd Feb 1863

2nd Feb 1863

1st Feb 1863

31st Jan 1863

30th Jan 1863

29th Jan 1863

28th Jan 1863

To the Worshipful County Court of Isle of Wight
County in Chancery Sitting:

The joint and several
answers of Augusta B. Moody, Emma C. Moody,
Albert B. Moody and Anna Moody by N. P. Gony
their guardian ad litem to the bill of complaint
in said Court exhibited by Samuel Betts in
right of his wife against them. The defend-
ants, jointly and severally answering, say
that they know nothing of the matter in
said bill alleged: that they are infants under
twenty one years of age, and submit their
interests in the premises to the protection of
this Worshipful Court of Chancery, and having
answered they pray leave to be dismissed.

N. P. Gony,
JON. A. L. C.

Samuel Belts

Receipt

\$300.96⁷⁵

July. 30th 1863. Received of Geo. T. Clarke, special
Commissioner under a decree, of Sale of Wight-
County Court, pronounced on the 5th day
of July. 1863, in the case of Betts & Wife Vs.
Augusta B. Moody et als. two bonds with good
security to each, amounting to three hundred
dollars and ninety six cents, given for the
purchase of two negroes belonging to the es-
tate of Loney A. Moody dec^d and sold pursuant
to said decree Samuel. Betts

Nov 2^d 1864 Rec^d of N. P. Young Esq
 Clerk of the County Court of San Diego
 County four bonds of Joseph A. Stalling
 of \$500.95¹ each with interest from
 Jan'y 10th 1863 which I am ordered
 by decree of this Court entered at
 the Oct. term, to collect of said Stalling.
 Geo. T. Clarke Secy.

Bells of Wife

Dec 1st 1864

Proved et al.

Commissions

Report

—

Wm. J. Young

San Diego

In pursuance to a decree of the Worshipful County Court of Isle of Wight County, pronounced on the 5th day of January 1868, in the case of Bernard Betts & Wife vs. Augustus B. Moody et al. I, George T. Clarke, Special Commissioner therein named for the purpose, have proceeded to sell at public auction, the two regions, viz: Suckey and Isabella, belonging to the estate of Lucy A. Moody dec^d and to take bonds therefor; and do make this my report and respectfully submit it to the said Court.

Reys Woman Suckey, sold for	\$ 125.00
" 2nd Isabella " "	" 1355.00
Counsels fee for decree	\$ 10.00
5 pr. ct. Com. on first \$300.	15.00
2 pr. ct. Com. on remaining \$1260.	25.20
Sherks fees	5.00
Net proceeds	1504.80
	<u>\$1560.00</u>
	\$1560.00

Net proceeds, \$1504.80 divided into five equal parts of \$300.96⁺ and bond ^(with) good security taken for said part. Given under my hand this 10th day of Jan'y. 1868.

Geo. T. Clarke, Com^r.

Bell's et al.

vs.

Proved et al.

Comm. Report

Pursuant to a decree of the Worshipful County Court of Isle of Wight County, entered on the 5th day of October 1863, in the case of Betty & Wife v. Moody et al., I, George T. Clarke, special commissioner, appointed under a decree therein of January 5th 1863, for the purpose of selling certain negroes in the said decree mentioned and named in the said decree of October 5th 1863, for the purpose of collecting the money due on the bonds for the sale of said negroes; have proceeded to withdraw from the Clerk's Office of this Court, the said bonds, and to collect of Joseph A. Stallings, the purchaser of the said negroes, the amounts due on the said bonds, and do hereby make this my report to the said Court—

4 bonds for \$300.96 ⁴ each	\$1203 84
Interest from July 10 th to Oct. 30 th 1863	22 05
Entire due for collection &c.	
of the above amount—	} 40.00
Clerk's fee	7.50
Balance in my hands	1178.39
	\$1225.89 \$1225 89

Given under my hand this 31st day of October 1863.

Geo. T. Clarke Commr.

To the County Court of Sale of Wright County:
Pursuant to a decree of the County
Court of Sale of Wright County, entered on the
7th day of December 1863, in the case of
Bills & wife v. Moody et al., in which
the undersigned is ordered as special
commissioner appointed under a for-
mer decree in the same case, to pay
over to the lawful guardians of the dis-
tributees of Lucy A. Moody, dec'd. the a-
mount of money which he then held in
his hands as such commissioner and if
it should appear that the said
distributees had no lawful guardians
to receive said money, then to petition
even Judge of a Circuit Court for an
order to invest the same according to
law, your commission having expired
it that the said distributees had no
lawful guardians to receive the said
money, petitioned Judge Richd. W. Baker
and obtained from him an order
to invest the said money and

proceeded to invest the same in a
Confederate States 5 per cent registered
bond, number 802, serial bearing date
July 28th 1864, payable to the order
signed as such commr. Genl. Commr.
had in hand belonging to said fund the
sum of

\$1178.39^y
fee for obtaining order from judge 30.00
leaving \$1148.39^y

in hand due the said fund. That
your commr. could not invest any
fractional part of \$100. and therefore
he had to invest the said sum of \$1200.⁵⁰
which became \$51.61^y and into thereon at
5 per cent from and after July 28th 1864 due
from the said fund to your commr.

Your petitioner also states that the order
from Judge Butler under which he
invested the said money accompanies

this report and is numbered B. and he
says that this may be made a part of
this report and recorded with the same

Geo. S. Belcher

B.

Upon the petition of George T. Clarke, as special commissioner to sell certain negroes belonging to the estate of Lucy A. Moody dec^d and to collect the money for the same, according to an Act of the General Assembly of Virginia, passed on the 5th day of March 1863, it is ordered that the said commissioner be authorized to invest the said sum of \$1178. 89⁴ or such part thereof as may be in his hands at the date of this order, of the property and money of the estate of the said Lucy A. Moody dec^d, in interest-bearing bonds of the Confederate States or of the State of Virginia, taking the bonds or certificates if practicable in his name as such special commissioner and with due diligence collecting the interest thereon, and making a proper application thereof

Given under my hand this day of
186 in vacation as Judge of the Circuit Court for the County of Wight County

Order for investment-
of money by Geo. J. Clarke
Special Commissioner Vt.

B.

Betts wife

Ms. 3 Bk. Sept.
of investment.

Moody R.

May 2^d 1864 filed

Samuel Betts in right
of his wife,

vs.

Moody et als.

Ptff.

Defts.

In Chancery

This cause, in which the complainant, Samuel Betts this day filed his bill and on his motion N. P. Gorry was appointed guardian ad litem to the infant-defendants Augusta B. Moody, Emma B. Moody, Albert B. Moody, and Anna Moody and the said guardian ad litem having filed the answers of the said defendants; came on to be heard upon the said bill and answers, and was argued by counsel, in consideration whereof the Court doth adjudge, order, and decree, that Geo. T. Clarke, (who is hereby appointed a special Commissioner for the purpose) do proceed, after having given due notice thereof to sell on a credit of six months, (except for so much as will be required to pay expenses of suit and sale which shall be in cash) the slaves in the said bill mentioned and after deducting said expenses, to take five bonds of equal principal, with good security, for the remainder and deliver one of these bonds to the said Samuel Betts,

and one to each of the lawful guardians
of each of the said infants, Augusta B.,
Emma E., Albert B., and Anne Woody
and take receipts therefor, and if there be no
such guardians to make return thereof to
this Court. But the operation of this decree
shall be suspended until the said
Geo. T. Clarke, Commissioner as aforesaid,
shall have given bond in this Court
with good security in the penalty of
two thousand dollars conditioned for
the faithful performance of this decree.

Rough Decree

Betty L. Hoyle
u. J. Leese
Moody

of the said Joseph A. Stallings the
money due thereon, both principal and
interest (and the said Commissioner is
hereby authorized to receive the same in
Confederate money) and to pay over
the same to the lawful guardians of
Augusta B. Moody, Emma E. Moody, Al-
bert G. P. Moody & Anna R. Moody and
equal proportions, and take their
receipts for the same and file the said
receipts in Clerk's Office of this Court.
And if the said Augusta B. Moody,
Emma E. Moody, Albert G. P. Moody &
Anna R. Moody shall have no law-
ful guardians the said Geo. Clark
Commissioner as aforesaid shall hold
the said money subject to the future
order of this Court.

Bills & wife

vs.

Inwoody et. als.

Plffs

Defls

In Chancery

This cause came

on this day to be again heard upon the papers formerly read; and upon the report of Geo. T. Clarke, special Commissioner herein before appointed under a decree of this Court, entered on the 5th day of January 1863, for the sale of certain negroes therein mentioned; and was argued by counsel:

Whereupon the Court, confirming said report, doth adjudge, order, and decree that the said Geo. T. Clarke, special Commissioner as aforesaid, do proceed to withdraw from the Clerk's Office of this Court (by leaving with the Clerk his receipt for the same) the bonds of Joseph A. Stallings, the purchaser of the said negroes, sold under the said former decree, which are now due and yet unpaid, and to collect

Bills & Wife
vs.
Moody et al.

Plffs }
Defts } In Chancery

This cause came on this day to be again heard upon the papers formally read and upon the report, bearing date October 31st 1863, of Geo. Clarke, special commissioner appointed under a decree herein of January 3rd 1863, for the purpose of selling certain negroes in the said decree mentioned, and named in a decree herein of October 5th 1863, for the purpose of collecting the money due on the bonds for the sale of the said negroes, to which report no exception was filed; and was argued by counsel: Whereupon the Court, confirming said report, doth adjudge order and decree that the said Geo. Clarke, Commissioner as aforesaid, pay unto the lawful guardian of Augusta B. Moody \$294.59³/₄, which sum is one fourth part of the amount appearing by the said report of the said commissioner to be in his hands; to the lawful guardian of Emma E. Moody \$294.59³/₄, to the lawful guardian of Albert S. P. Moody \$294.59³/₄, & to the lawful guardian of Anna Moody \$294.59³/₄, taking receipts from the said guardians for the same, and file the said receipts in the Clerk's Office of this Court with the papers of this case. But if it shall appear to the said Commissioner, that the said minors, Augusta B. Moody, Emma E. Moody, Albert S. P. Moody and Anna Moody, or any one or more of them, have no lawful guardians, then the said commissioner, is hereby directed and ordered to petition some judge of a Circuit Court in this State, for an order allowing him, the said commissioner, to invest ^(according to law) the whole of the above mentioned money, (or such part thereof as there may be no lawful guardians to receive) and having obtained such order from a judge of some Circuit Court as aforesaid, the said commissioner shall invest the said money in prudence thereof.

Bills & Wife

vs.

Moody et al.

Dunn

To be entered

W H Casey

July 3rd 1875

To be arranged

Levenson

D.

$$\begin{array}{r} 37.50 \\ 1.082/3 \\ \hline 30000 \\ 2500 \end{array}$$

$$\begin{array}{r} 325- \\ 37150 \quad 3(7500 \\ 2500 \\ \hline 40175- \end{array}$$

$$\begin{array}{r} 2(1\frac{1}{2}) \\ 1\frac{1}{3}(06\frac{1}{2}) \\ \hline 02\frac{1}{6} \end{array}$$

$$\frac{3}{6} \times \frac{1}{1} \quad \frac{4}{6} = \frac{2}{3}$$