

1842-008

SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER, By Trust

VS. PARKER'S EXECUTORS et al
4/1842

Other surnames: Harrison,
Gardner, Smith, Vaughan, Cobb

Parker by Y^e

v: } Papers.

Parkers Com^{rs} Y^e

841 July - Bill filed & new Sp^{ce} to

Harrison Parker -

Aug. Sp^{ce} ret^d - "not found" Edw^d O.

Bulls. assigned for W to infants -

Sep. Dem^t & joinder - answers of H. T.

Smith Harrison Cobb & Matthew W

Vaughan & infant Dft filed L.R.^s

the Ch^{rs} -

Oct Decree for accounts.

1842 Feby. 28th Rept^d.

Apr. Decree for Y^e

" " Dec^{ree}

April 1842.

Setts Costs - \$6.84

Diff^s - " 5.50

Com - " 5.00

Law for Hax 17.41

\$ 34.75

Park (an eight)
or 3 Birds
Smiff 80 1 exhibit
Parker error

1841 July Rules.

in July only
1841

at p. 25
(2898 words)

To the Judge of the Circuit Superior Court
of Law and Chancery for the County of South
-ampton, in Chancery sitting, humbly complais
shows to your honor, your orator Gervin
Packu, an infant who sees by Wiley
Packu his next friend - that the said Gervin
-win is an infant son of ~~Wiley~~ Harrison Packu
who departed this life in the County of South
-ampton on or about the day of
Sept 1837, having first made his last will
and testament which has been recorded in
the County Court of Southampton, an office
copy of which will is hereto annexed, marked
A, and is prayed to be taken as part of this
bill. Before the said Court in the month of
July. 1837, Reuvy J. Smith, Matthew W
Vaughan and Harrison Cobb who in
the will were named executors, qualified
to the said will, as will appear by said
exhibit, and in that character possessed
themselves of, or by due diligence could have
possessed themselves of a very valuable
estate of the testator, amounting to the sum
of \$¹⁰⁰⁰ and upwards - that the ~~last~~ said
executors, before the said Court, executed a
bond in the penalty of \$5000, conditioned
according to law, with Reuvy Harrison
and Samuel Garrison of Southampton
their sureties, as will appear by the copy
of said bond herewith filed, marked
B, a part of this bill. When the testator
saw, he had a wife whose name was
Mariah Packu who was then pregnant of
a child who was born after the death
of the testator, and whose name is

The said William widow of the said deceased & her
 executor as your orator is advised
 has now returned an inventory of the estate
 or in law they are bound to do, nor have
 they settled the estate and paid to your
 complainant the estate to which he is
 entitled under the will. The said execu-
 tor have returned to the County Court of
 Southampton an ex parte account of their
 transactions, which your orator believes
 and charges to be erroneous, incomplete
 and unjust in many respects, in as
 much as they have charged the estate with
 large sums of money paid to themselves
 or retained, on open account, without
 any evidence of their being due from the
 testator, and they have failed, neglected
 and refused to exhibit the books of their
 testator so that the amt. in their hands
 might be ascertained, and have mana-
 ged the estate to the prejudice of your
 orator. He charges that the testator had
 at his death a large quantity of timber,
 staves, and lumber of various kinds
 for which the account have not
 accounted -

The said report is reported to the County Court of Southampton part of which an office copy is hereto annexed marked A and prayed to be taken a part of this bill is erroneous in many respects besides those aforesaid - one objection is that the executor has charged, and the Com. who settle the account have ~~charged~~ ^{allowed} 5 per cent Commission upon the receipts (Com. amounting to \$54.19) when by a failure to apply to the Court from which their power emanates, within 2 years from qualification &c. to appoint a Com. to settle and adjust ~~this account~~ ^{the Com. was forfeited.} on the estate of their testator - and 3 or 4 or a hundred charges, that the said executor did not within 2 years from their qualification, and so in like manner in every 2 years thereafter, as the laws strictly apply to the Court from which their power emanates, to appoint a Com. or Comrs. to settle, settle and adjust this account on the estate committed to their charge, and that if they in fact did perform such duty, yet they did not within 6 months from the date of such order, cause their accounts to be settled before such Com. & the account is settled and adjusted to return to the Court according to the 8th section of the act of the general assembly of Virginia entitled "an act entitled" and act to amend the act entitled "an act to amend into one ~~the several acts~~ ^{the several acts} concerning

wills, the distribution of intestate estates,
and the duty of executors and administrators,"
passed February 10. 1825 - and therefore they
are not entitled to the Court's charge on
the account &c as aforesaid & all the
and to which they object. The executors
qualified on the 20th of Feb'y: 1837, and the
of is not until the 15th June 1840, &
no one made for settlement until the
16th Dec. 1839 -

Your orator is anxious to have the said estate
of the testator settled, and has often applied
to the said executors to come to a settlement
and pay over what might be found to
be due him, but they have refused to
do so. At the end therefore that relief
may be had, and for as much as he is at
law without remedy, and can be relieved
only in a Court of Equity, Your orator prays
that the said Henry T. Smith, deceased
W. Vaughan and Harrison Cobb executors or
administrators, and Mariah Parker, their
successors to them, and Henry T. Smith
administrator of Mariah Parker's estate;
and the said Harrison Parker who is
an infant, may be compelled on oath
to answer the premises fully and distinctly,
and by a decree of the Court may be required
to render a full and perfect inventory of
all the chattels, rights and credits, persons,
of lands sold of the said testator Parker at
the time of his death, according to law,

and to exhibit before a Commissioner of the Court
all the books, papers & accounts of the testator
Harrison Parker, and to account for all
monies received from sales of real or
personal estate, from debts to the estate or
in any other way, or for monies lost by their
neglect, and to exhibit all debts and
claims still due to the testator's estate, &
that they pay to Your orator what sum
shall be found to be ~~due~~ owed to him,
on a proper statement and adjustment
of said transactions and debts, & that
You will grant to Your orator all other
and further relief to which he may
be entitled, and appoint some fit
person or persons to the infant's executor,
that the said executors may be examined
by the Court on oath if necessary, &
and duly bound hereunto pray &c.

Archd. Atkinson
attorney for the plaintiff

Aug 18/84

Parker
20 } Demmeier
Parker's Executors

Filed Aug. 18/84

Godwin Parker by Wiley Parker his next friend: Plff.
Against
Jury Ch.

Hening T. Smith, Mathew H. Vaughan, Harrison Cobb Executors
of Harrison Parker decd and others. Defendants.

These Defendants by protestation, not confessing any of the matters and things contained in the said bill to be true, as therein alleged; say that they are advised by their Counsel, that the Complainant's said bill is insufficient, and to which, by the rules of this Hon. Court, these Defendants ought not to be compelled to make or give any answer; and for Cause of Demurrer thereunto these Defendants sheweth, that it appears by the said bill that the same is exhibited against these Defendants, and against H. T. Smith as admors of Mariah Parker decd for several distinct matters and Causes, in some whereof as appears by the said bill, these Defendants or a part of them at least, are not in any manner interested or concerned by reason of which distinct matters, the said Complainant's said bill is drawn out to a considerable length, and these Defendants are compelled to take a copy of the whole thereof, and by joining these Defendants and distinct matters together which do not depend on each other, in the said bill, the pleadings, orders & proceedings, will in the progress of the said suit be intricate & prolix, and these Defendants put to the unreasonable & unnecessary charges in taking Copies of the same; altho several parts thereof no ways relate to or concern them; for which reason, and for the great uncertainty, obscurity, and unintelligible manner in which the said Bill is drawn, these Defendants do demur thereto, and they pray the judgment of this Hon. Court whether they shall be compelled to make any farther or other answer to the said Bill and they humbly pray to be dismissed from hence with their reasonable Costs on this behalf sustained &c.

Douglas J.D.

Douglas & D

Parker

is

Parker acts

} Defendants answers

1841 Aug: 18.

The answer of Henning Smith, Mathew W Vaughan, and Harrison Cobb, Executors of Harrison Parker died to a Bill of Complaint exhibited against them in the Circuit Supr Ct of South Chi. for Southampton County; by Wiley Parker the next friend of Godwin Parker, an infant under the age of Twenty one Years

These Defendants saving and reserving to themselves, now and at all times hereafter all manner of benefit and advantage of exception to the many errors, uncertainties, and insufficiencies in the said Complainant's said bill of Complaint contained; for answer thereto, or unto so much thereof as these Defendants are advised, is material or necessary for them to make answer unto, answering say. That it is true Harrison Parker made and published a last will & Testament, and that these Defendants duly qualified as his executors, and took and returned testamentary from the County Court of Southampton County

That these Defendants moved have distributed the estate of the said Testator in strict accordance with the provisions of the said will; but after the Death of the said Harrison Parker a Posthumous son was born, of which his wife was ensient at the time of his death: Under these circumstances, these Defendants applied to the Hon-orable County Court of Southampton, sitting as a Court of Chancery, for advice and instruction; and these Defendants in fact say, that they have proceeded to settle & distribute the estate of the said Testator, according to such advice and instructions, and that a large sum ^{has been paid into} has come to the honor of Wiley Parker as the legal guardian of Godwin Parker, nearly or quite amounting to his Distribution share —

These Defendants moved also shew that they have returned an inventory and appraisement of the estate of their Testator as in law they were bound to do; which Inventory is herewith filed marked A and prayed to be taken as a part of this answer. These Defendants moved also shew, that they have duly returned an Audited account of their transactions

ad executors of Harrison Parker dies which account re-
mained in the office the time prescribed by law, & to
which no exceptions were taken; and these Defendants
ask to know if the said Complainant shall be permit-
ted to disturb the said Audited account, unless he
can discharge and falsify the same.

These Defendants moved show that the large quantity
of lumber, timber & staves set forth in the Complainant's
bill was duly sold & the proceeds of sale accounted
for, and that the same was only approved
to the sum of \$15⁰⁰/₁₀₀ - as will appear by the Inventory
and appraisement herewith filed. These Defendants
admit that they retained the Debts due from their
testator to each one of them respectively, as in law they
were justified in doing, and that each one of them
produced before the Commissioner, who audited, stated
and settled their respective accounts, such proof as to
satisfy the said Commissioner that said claims were
just & proper & still due & unpaid; and these Defen-
dants do individually & jointly ^{each on for himself} declare that the amount
allowed by said Commissioner to each one singly, was justly
due & owing. These Defendants do declare that they
have at all proper times, been willing and ready
to exhibit the books of their Testator, and that they
at all times desired an investigation of the same.
These Defendants admit that they may not have
settled their accounts within two years, but they moved
show that a heavy suit was pending against the
estate of their Testator, and their wish was to await
the result of said suit; and then have a final
settlement of the said estate & pay over the same to the
proper legal claimants; and they were induced
to this course by the promises of Wiley Parker the legal
Guardian of Godwin Parker, and who now dies as the
next friend of said Godwin Parker, the said Wiley
Parker assuring them that no exceptions would be
taken if the accounts were settled within a

named and limited period; which was accordingly
done; and these Defendants rely upon the fact
that their accounts have been audited, stated, and
settled before a Commissioner; and no exceptions
were taken & filed to the item allowing Commissions -
All which matters and things, these Defendants are
ready to over maintain & prove, as this Honorable
Court shall award & humbly pray to be hence dis-
missed, with their reasonable Costs and Charges on
this behalf wrongfully sustained &c.

Douglas Jr D.

Southampton County to wit:

This day personally appeared before me Henning
J Smith, Mathew R Vaughan, and Harrison Cobb,
Parties to the above answer, and made oath to the
truth of the facts as there set forth to the best of
their knowledge and belief. Given under my
hand & seal this 16th day of August 1841 -

Wm A Spark J.P.

Parker
4 } Infants Anns.
Parker's Eucts

1841 September Rules.

The answer of Harrison Parker an infant of tender years by Edward Butts his Guardian ad litem appointed to defend him in this suit; to a bill of Complaint exhibited against him to-wit by Wiley Parker the next friend of Godwin Parker &c

The said Defendant, saving to himself all manner of advantage of exception to the many errors, uncertainties, and other imperfections in the said Bill of Complaint contained, for answer thereto, or to so much thereof as this Defendant is advised is material for him to make answer to, answering by his said Guardian says; That he is a stranger to all and singular the matters and things in the said Bill of Complaint contained; other-
-wise than this Defendant has heard, that Harrison Parker his father died before the birth of this Defendant leaving a will, in which no provision was made for this Defendant, by bond settlement or otherwise, but in which this Defendant was pretermitted - And this Defendant being an infant of tender years, sub-
-mits himself to the judgment of this Honourable Court; and humbly hopes that what right or title he may have to the real or personal estate of his deceased Father, shall be protected and saved to him &c &c.
Without that &c &c - - -
Edw D Butts
Douglas J.D.

So: ampton County to wit:

This day personally appeared before me Edward Butts Guardian ad litem of Harrison Parker an infant of tender years; and made oath that the above answer was true to the best of his knowledge & belief &c. Given under my hand this 26 day of August - 1841 -
H. J. Smith (C.P.)

Parker X

3/3 Dec 1890

Parker exor. # 10

submitted to the C.D.

To be entered

R. H. Baker

Parker & P. Parker and d.

This cause came on to be heard on the 13th
of the 1st, and ^{decrees} ~~decisions~~ of the depts. applica-
-tion, and exhibits filed, and was argued
by Counsel for consideration whereof the Ct.
~~with~~ ^{and} ~~the~~ ^{the} ~~advs.~~ ^{advs.} ~~order~~ ^{order} and ~~decree~~ ^{decree} that a Comr. of
this Court take an ap. of the transactions
of Henry S. Smith, Matthew W. Vaughan, &
Harrison Parker executor of Harrison Parker decd.
in taking which ap. the Comr. is to receive on
prima facie correct, ~~subject to be~~ ^{the ap. reported}
by the execs: to the County Court of S.ampton, a
copy of which ap. is filed by the p.pts, with the
bill and marked A (except however that
the Commissioners in taking such ap. shall not allow
the executor of Harrison Parker any commissions for
managing the said estate. &c.

And the Court took further order, that the
said commissioners shall state on ap. showing
the share respectively of the distributees, legatees
and of the widow of Harrison Parker decd.:
in the balance that may be found due
from the said executor. & the Comr. is to
make a rpt. with any matters ~~seemed~~
pertinent by himself, as required by the
parties to be stated &c.

We acknowledge service of the within notice.

Jan^y. 18/1842

E. Butts.

E. Harrison

Copy left at the house of H. T. Smith Feb 4/1842

Lemuel D. Gardner

Comrs Office Jerusalem Jan^y 8th 1842

The parties interested in the settlement of the fore-
going account are requested to attend at my office
at the Court-house on Friday the 18th day of February
next by Ten O'clock A.M. with their vouchers and
accounts for examination & settlement

Geo. W. Comr

Banked

Copy David

Johns Exr^s &c

for Commission

Southampton Circuit Court November 1st 1841

Gedwin Parker an infant who dies by Wiley Parker
his next friend -

Plff

Against

Henning T Smith Matthew W Vaughan and Harrison
Cobb Executors of Harrison Parker dec'd. Gedwin Harrison
Samuel R Gardner Henning T Smith administrators of
Mariah Parker deceased and Harrison Parker an
infant by Edwards Butts his Guardian ad litem. Defs

This cause came on to be heard on the bill of the plaintiff and demurrer and
answer of the defendants and exhibits filed and was argued by counsel
on consideration whereof the Court with overrule said demurrer and with
adjudge order and decree that a Commissioner of this Court take an
account of the transactions of Henning T Smith Matthew W Vaughan and
Harrison Cobb executors of Harrison Parker deceased in taking which account
the Commissioner is to receive as prima facie correct the account reported
by the executors: to the County Court of Southampton a copy of which account
is filed by the plaintiffs with the bill and marked A, except however that
the Commissioner in taking such account shall not allow the Executors of
Harrison Parker any Commission for the managing of said estate. And the
Court with further order that the said Commissioner shall state an account
showing the shares respectively of the distributees and legatees and of the
widow of Harrison Parker deceased in the balance that may be found due
from the said Executors - and the Commissioner is to make a report with
any matters deemed pertinent by himself or required by the parties to be stated -

Attest Teste. L R Edwards Clk

Packer pfd

in 2/3

Smith Dr

Rough account
for the Com

Decree gives interest to
Int: what is incorrect
correct in this subject
Hence have it returned

R. H. B.

Apr 1. 1862

Goodwin Parker an infant who sees, by Wiley Parker
his next friend or Henning T. Smith, Matthew
W. Vaughan, and Harrison Cobberson: of Harrison
Parker decd: Rowin Harrison, Lem. R. Gardner,
Henning T. Smith admors: of Mariak Parker
decd: and Harrison Parker an infant by
Rowin Butts his next friend -

This cause came on again to be heard
on the paper, formerly read and the report
of the Comr. made pursuant to the order
of the 1st of Decr. 1841, to which no exception
has been filed, and was agreed by course
in consideration whereof, the Court doth
adjudge, deem and order, that Henning
T. Smith, Matthew W. Vaughan and Har-
rison Cobb, Rowin Harrison & Lemuel
R. Gardner out of their own estate, pay
to Henning T. Smith admors: of Mariak Parker
and \$392.90 with int^{er} ^{on \$295.67 2/3 part thereof} from the 31st of Decr.
1840 till paid - and to Goodwin Parker ^{on \$295.67 2/3 part thereof} a like sum of \$392.90 with int^{er} ^{on \$295.67 2/3 part thereof} from
like time ^{till paid} and to Harrison Parker \$392.90
with int^{er} ^{on \$295.67 2/3 part thereof} from 31st Decr. 1840 till paid &
that the afts. pay to the complain't his
costs in this behalf expended &
But the said Goodwin Parker, Henning T. Smith
admors: of Mariak Parker and Harrison
Parker are not to have the benefit of this
decree until each of them, or some person
for him, shall execute to the said Henning
T. Smith, Matthew W. Vaughan & Harrison
Cobberson: of Harrison Parker decd: a
~~bond in tenor to and to the said court~~
bond in the penalty of \$785.80, with good
security, conditions to ~~pay~~ ^{pay} ~~refused~~ ^{refused} and
proportion of any debt or demand that may
hereafter arise against the estate of Harrison
Parker decd: together with the costs attending
the same which bond shall be filed in this

Caup—

Parker by W^m

in Esp^{ce} in (copy)

Smith & ad

1841 July Rules.

Executed by delivering a
true copy to each

July 1/1841

Pease Drury sup of

Thos^d Mellow Skiff

1669
25
1741

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Henning J. Smith. Malheur W. Vaughan. Harrison Lebl. Edwin Harrison. Lemuel Gardner & Henning J. Smith admt. of Maria Parker dec'd*

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 *July* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Godwin Parker an infant suing by Wiley Parker his next friend*

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* 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 *21st* day of *June* 18*41*, in the *65th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

c

b.5.6

Parker

to { Sp. in lchz

Smith 700

1841 August Rules.

not found
also Quincy sup of
Chas. Parker Esq

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Harrison Parker an infant*

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 *August* next, to answer a Bill in Chancery exhibited against *him & others* in the said Court by

Godwin Parker an infant being by *Wiley Parker his next friend*

And unless *he* shall answer the said Bill within ~~four~~ ^{two} 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 *5* day of *July* 18*41*, in the *66* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Parker
vs. $\frac{1}{2}$ Comd
Parker's Report

Filed February 28/1842

The Estate of Harrison Parker dec^d.

In account with Henning T. Smith, H. Cobb & M. W. Vaughan Exors.

		Dr	Cr	Int.
1837	By amount of receipts this year		3100 20	
	To amount of disbursements	1404 49		
	Commissions on receipts off	134 19	1250 30	
Dec 31	Balance due the Estate		\$1849 90	
1838	To amount disbursed this year		200 69	
Dec 31	Balance due the Estate		1649 21	
	Interest on the balance of 1837			110 99
1839	To amount disbursed this year		286 92	
Dec 31	By balance due the Estate		1362 29	
	Interest on the balance of 1838			98 95
1840	By amount of receipts this year		38 76	
Dec 31	By Balance due the Estate		1323 53	
	To amount disbursed this year		436 50	
	By Balance due the Estate		887 03	
	Interest on the balance of 1839			81 73
	By Interest account		291 67	
	Balance due the Estate		\$1178 70	

with Interest on \$887.03 part thereof from December 31/1840 till paid.

The Com^r. is directed to take an account of the transactions of the defendants Henning T. Smith, Matthew W. Vaughan & Harrison Cobb executors of Harrison Parker dec^d, in taking which account the Com^r. is to receive as prima facie correct the account reported by the executors to the County Court of Southampton, except however the Com^r. shall not allow the executors of Harrison Parker any Commissions for the managing of said estate -

The Com^r. in stating this account has omitted to give the items stated in the account referred to, as reported to the County Court but has merely stated the amount of the annual receipts and disbursements; which gives a balance due the estate on the 31st day of Dec^r 1840 of Eleven hundred seventy eight dollars 7¹⁰/₁₀₀ (\$1178.70)

The Comr. will here remark that the Comr. who reported the said account to the County Court, applied the annual interest improperly, as he applied the interest so far as it went to the discharge of the disbursements, the statement in that respect is corrected.

The Comr. in the second place is directed to make up an account showing the shares respectively of the distributees and legatees and of the widow of Harrison Parker decd, in the balance that may be found due from the said executors, which is done in the following form.

1840

	Debit	Credit
Decr 31 By amount due the estate of Harrison Parker	\$887.03	291.67
1/3 assigned to the widow of Harrison Parker	295.67 2/3	887.03
" ditto interest	97 22 1/3	1178.70
By Godwin Parker proportion ditto	392.90	
By Harrison Parker ditto	392.90	1178.70

Respectfully Submitted
 Luc. C. Comr.

Comr. fee \$300
 Exp. (Deputy) for
 4 Notices 2.00
 \$7.00

Southampton County to Mr.
 This day James Massenburg per-
 sonally appeared before me as
 Justice of the peace of said
 County and made oath that
 Henning T. Smith acknowledge
 service of this notice August
 16/1842 John R. Williams
 August. 19th 1842 Harrison Cobb
 September 26th 1842 and Matthew
 W. Vaughan October 8/1842
 Given under my hand this
 2nd day in November 1842

E. B. Clandor

James by
 to
 H. T. Smith
 Mr. W. Vaughan
 H. Cobb
 J. R. Williams

4th

264

Matthew Harrison Cobb
 J. R. Williams
 T. 19
 within notice of 16
 N. T. Smith
 J. T. 8. 1842
 W. Vaughan

MESSRS. *Winney J. Smith, Matthew M. Daughan, Harrison Cobb & John R. Williams* TAKE NOTICE, That I shall, by my Attorney, move the Judge of the Circuit Superior Court of Law and Chancery for South Carolina County on the 4th. day of October term next for a judgment and award of execution on your forfeited forthcoming or delivery bond, executed by you to me on the 22^d. day of June 1842, in the penalty of *seven hundred and forty six dollars and thirty four Cents*

conditioned as the law directs, with which condition you, and each of you, have failed to comply.

Yours, &c.

Godwin Parker an infant who
and by *William Parker* his next
friend

Aug. 16/1842

271.576
 16.29.42
 18
 22
 17.19

Parker pp
 " 3
 Parker eng
 exhibit
 A. Atkinson Eng
 atts. at Genl
 Smith's
 W.D.

Jerusalem Va
 May 27

|||||

Dr The Estate of Harrison Parker decd.

For acco with H. J. Smith H Cobb and M W Vaughan Executors

		Dr	Cr
1837			
Mar 1	To p ^r Tho ^s & Jones pr rect.	10 00	
"	" " Calvin C Binkum	45 67 1/2	
"	" " Benja Devany p rect (for preaching)	10 00	
Apr 4	" " Mary J Harrison	38 00	
15	" " Wm M Jones (two bonds)	68 00	
19	" " Abiam Riddick	194 91	
"	" " Dr. Wm A Spurr acct	65 00	
23	" " James Mills	15 32 1/2	
Nov 17	" " Saml Drew	6 25	
"	" " Phillips and Lely	50 64	
26	" " Elisha Dardens bond	104 15	
"	" " ditto ditto ditto	11 30	
"	" " William Atkinson acct	18 27	
"	" " Jno R Williams	75	
"	" " Catha Titmon	30	
"	" " Jos C Smith (for Coffin)	20 00	
"	" " Harrison Hare bond	312 26	
29	" " Wm W C Harrison acct	30 28	
Dec 9	" " Elisha Dardens	3 75	
1838	29	" " William Edwards bond	215 00
Jan 1	To p ^r Cont Currents and rect	142 19	
"	" balance p Contra	1695 71	
1837		3100 20	
Sept 1	By amount of duty due this day	"	3030 12 1/2
"	" Cash rec ^d from Jos C Smith	"	35 00
"	" " " from Wm P Croft	"	10 92 1/4
"	" " " from Wiley Parker	"	16 40
"	" " " from Mills Minsfor	"	5 00
"	" " " William Edwards	"	78
1838			3100 20
Jan 1	By balance to debit	"	1695 71
"	" By balance to debit brought forward	"	1695 71
4	To p ^r Edwin C Hart pr rect	3 00	
Feb 19	" " Tho ^s & Benton	107 16	
"	" " James Rueliff	4 00	
Mar 19	" " L R Edwards bond	43 50	
"	" " Hardy Rueliff acct	1 00	
"	" " Geo Spitz	8 00	
April 3	" " Jno Vaughan	9 75	
May 24	" " Jos C Smith	24 28	
1839		200 69	
Jan 1	By interest on the balance of 1837 - 1 yr. & mo.	135 65	65 54
"	" balance due the Estate	"	1630 67

1839	Jan	10	"	J ^r J ^r H. G. Smith	Dr	27	11		
	"	"	"	J ^r W. Brown	accs	20	90		
	"	"	"	J ^r D. Williams	"	3	81		
	"	"	"	W ^m M. Wells	"	2	38		
	"	"	"	J ^r Cobb (Superior of Henry Gardens)	"	4	75		
	"	"	"	Bruce Holland	"	1	50		
	"	"	"	J ^r Lawrence	"	3	50		
	"	"	"	J ^r Cobb	"	13	30		
May	17	"	"	Anthony Vaughan bond	"	27	88		
June	1	"	"	J ^r Freeman	"	14	39		
	"	"	"	Harrison D. Moore	"	5	38		
	"	"	"	Thos. Vaughan	accs	10	00		
	"	"	"	Orrin Vaughan	"	7	50		
	"	"	"	W ^m F. Croft	"	15	00		
Oct	15	"	"	W ^m White	"	37	40		
	"	"	"	Wily Parker accs	"	39	92		
						286	92		
1840	Jan	1		By interest on the balance of 1839. 197		97	84	189	08
				Dr balance due the estate		Dr	"	1441	39
"	Feb	24		To J ^r Harrison D. Moore		5	00		
	"	"	"	E. Butler (land tax)		7	22		
	"	"	"	E. Butler bond		7	44		
				And Carr? forw?		Dr	19	66	
				amounts brought forward		89	66	1441	39
				To paid J ^r E. Smith		36	77		
June	10	"	"	clocks fees		5	00		
	"	"	"	Harrison Cobb accs		165	52		
	"	"	"	H. J. Smith	"	120	20		
	"	"	"	Thos. Harcourt	"	2	81		
	"	"	"	Abner Richards bond		28	73		
	"	"	"	Peter Edwards	accs	40	48		
	"	"	"	Allen Edwards	"	11	93		
	"	"	"	Common fees		6	00		
				By Cash for M. W. Vaughan bond		"	"	38	14
				" Cash for M. W. Vaughan accs					67 1/2
				To balance for Contra		1043	85 1/2		
						1480	35 1/2		

By balance due the Estate

Pursuant to the order of the Court herewith annexed your Commr. having stated settled and adjusted the executorial account of Henning J. Smith Matthew W. Vaughan and Harrison Cobb on the estate of Harrison Parker dec^d. find a balance as above stated of one thousand and forty three dollars and eighty five and a half cents due said decedents estate with interest thereon from the first day of January 1840 until paid. Respectfully Submitted.

Given under my hand the 15th day of June 1840

W^m M. Jones

At a Court held for the County of Southampton the 20th day of July 1840
This account current of Henning J Smith Matthew W Vaughan and
Harrison Cobbs Executorial proceedings on Harrison Parkers estate was
returned and ordered to lie one Term for exceptions. And at a Court
held for the ^{said} County on the 17th day of August 1840 the said account having
lain one Term and no exceptions being filed was confirmed and ordered to
be Recorded.

Teste L. R. Edwards Clk
3

Copy

Teste.

L. R. Edwards Clk

In the name of God Amen: I Harrison Parker of Southampton County State of Virginia being in low health but of sound and disposing mind do make and ordain this as my last will and Testament in manner and form as follows. First I give to my wife during her natural life ^{also the Dittmer} one half of that part of Land taking that portion adjoining the Britt tract the tract purchased of Henning T Smith and a small piece purchased of Harrison Cobb I also give her two negro boys by name Jimmy and Leah during her life but should she prefer to have them sold she may do so taking one third of the amount for which they may sell in fee simple I also give to her and her heirs forever one bay horse the choice best and one goat provisory. (2^d) I give to my son Godwin one negro boy by name Henry to him and his heirs forever (3^d) The residue of my estate I wish sold with the exception of my land in Southampton County not already disposed of and which I give to my son Godwin one third of the amount arising from the sale of my personal estate I give to my wife the remaining two thirds together with that arising from the sale of my negroes after the payment of all my just debts I give to my son Godwin Parker to him and his heirs forever. (4th) The piece of land which comes by my wife lying in Gates County I wish my executor hereafter to be named to have sold and request that my wife will make the necessary deed to the purchaser the money arising from the sale I give to my son Godwin. I constitute and appoint my friends Henning T Smith Matthew Vaughan and Harrison Cobb my executors -

Signed and sealed
in the presence of }
Wm A Spurr
John A Durdan
John Moore jr

Harrison Parker (Read)

At a Court held for the County of Southampton the 20th day of February 1857
This last will and Testament of Harrison Parker dec^d was proved by the oath of John A Durdan and John Moore jr witnesses thereto and ordered to be Recorded.
And on the Motion of Henning T Smith Matthew Vaughan and Harrison Cobb the executors therein named who made oath and together with Edwin Harrison and Samuel R Gardner their securities entered into and acknowledged a bond in the penalty of six thousand dollars Conditioned as the law directs Certificate is granted them for obtaining a probat of said will in due form -

Teste L R Edwards & Co
3

Knew all men by these presents that we Henning T Smith Matthew W Vaughan Harrison Cobb Edwin Harrison and Samuel Gardner are held and firmly bound unto James Dellapenbury James Mudgett William Briggs and Samuel Dacey Gentlemen justices of the Peace for the County of Southampton now sitting in the sum of six thousand dollars to the payment whereof well and truly to be made unto 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 20th day of February 1857
The Condition of the above obligation is such That if the said Henning T Smith

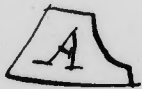
Matthew W. Vaughan and Harrison Cobb Executors of Harrison Parker deceased do
make a true and perfect inventory of all and singular the goods Chattels and Credits of
The said deceased together with an inventory of the real estate which is subjected to
The Control of the said executors which have or shall come into the hands possession
or knowledge of them the said Executors or into the hands or possession of any other
person or persons for them and in the same so made, do exhibit to the County Court
of Southampton at such time as they shall be thereto required by the said Court and
the same goods Chattels and Credits and real estate do sell and truly administer accord-
ing to Law and make a just and true account of their 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 then this obligation to be void
or else to remain in full force -

Signed sealed and delivered
in Open Court }

H. J. Smith (Seal)
M. W. Vaughan (Seal)
Harrison Cobb (Seal)
E. Harrison (Seal)
Samuel R. Gardner (Seal)

Inventory & appraisement of
Harrison Parkers estate

Attest



Parker
" { Exhibit with ans. of affs.

Parkers Exor.

Inventory and appraisement of the property belonging to the estate of
Harrison Parker dec'd This 26th February 1837

1 white sow and 2 pigs	off 9.00	1 spotted do and 3 do	off 7.00	16	00
1 white bear	off 4.00	2 Common bea steds	off 1.25	5	25
1 small box	15 [¢]	1 Crib	25 [¢]		40
1 Apple mill and press	off 7.00	1 Still	off 50	57	00
1 dutch pan	off 5	1 Box 12 [¢] 30 Empty hogsheds	2 50 [¢]	23	12
15 Empty barrels	2 25 [¢]	1 Barrel vinegar	off 1.00	5	30
1 Litter	off 2	8 Bushels white peas	30 [¢]	6	00
1 New shuck	25 [¢]	1 Cart and wheels	off 6.00	8	25
1 Cart and wheels	off 3.00	6 1 st Choice sheep	off 1.25 6.2 nd Do.	16	30
1 Double and single ox yokes	75 [¢]	1 sow and three pigs	off 7.00	7	75
1 Loom and harness	off 5.00	1 Bush. potatoes planting	50 [¢]	5	00
1/2 of the skin	off 20	Skin flat and 2 Canes	off 9	29	00
1 hoop bucket and sheep bell	50 [¢]	1 Barrel horse	off 90	90	50
1 Bay horse	off 60	1 Grey Pony	off 30	3	00
3 bee hives	off 1.00			113	00
1 Red sow	off 5	1 white ditto	off 4 - 16 pigs	75 [¢]	21 00
1 Listed sow and 6 pigs	off 10	1 Black cow and calf	off 10	20	00
1 Brown sow	off 10	1 white ditto	off 5	15	00
1 Set of black smiths tools	off 35	1 Set of bolts	off 2.00	37	00
2 Grobbling hoes	75 [¢]	1 Set of hinges and staples	for off 2.00	3	50
4 Boxes trumpany	off 4	23 " Iron	5 [¢]	5	54
1 Steel trap	off 1.00	1 grind stone	off 5	6	00
1 Double gizz and harness	off 15	1 Single ditto and ditto	off 10	25	00
3 Bridles saddles and Martingales	for off 15			15	00
1 Dog chain	25 [¢]	Contents of the pantry	off 4	4	25
3 Tubs 1 Windsor 1 Spider 2 Ovens	1 pair 1 Kettle and pot racks	off 5		5	00
1 Barrel wine	off 10	1 barrel vinegar	off 1	11	00
2 Huckleys	off 1	3 piggins and 2 tubs	for 62 [¢]	1	62
1 Mahogany Table and ends	off 20	1 Walnut do	off 6	26	00
1 set of window chairs	off 5	1 Dr: fluz ditto	off 3	8	00
1 Looking Glass	off 1.50	1 pr. and Irons	off 1	2	50
11. Boxes	off 3	1 Bureau	off 10	1	00
1 Burn	off 15			28	00
1 Buffet and Contents	off 15	1 Bed and furniture	off 30	45	00
1 Clock	off 40	1 pr and Irons shod and long	75 [¢]	40	75
3 Canella sticks	off 1	1 Walnut Table	off 5	6	00
1 Small Table	off 2.50	5 arm chairs	off 1.25	3	75
5 Windsor	off 2.50	1 Bed and furniture	off 25.00	27	50
Carried up				741	04
Amount brought up				741	04
1 Bed and furniture	off 15	1 ditto and ditto	off 30	45	00
1 wash stand	off 4	1 Bed and furniture	off 15	1	00
1 ditto ditto	off 5			34	00
1 wash stand	off 1	1 Small round Table	off 2	3	00
1 Small looking glass	50 [¢]	1 Chest	off 1.50	2	00
1 Trunk	75 [¢]	2 pannels and harness	off 1.50	2	25
2 ploughs	off 1	2 plough hoes	off 1.50	2	00
2 do do	off 1.50			4	00

1	Newground Cultivator \$1.50 11 wedding keys for 50¢	2	00
1	pr wingz 75¢ 1 pr iron chains 50¢	1	25
	Wetguard jumbut and old coat off.	1	00
1	Set of tools \$2.50 1 Do Do 50¢ 2 hand saws for \$2.00	5	00
1	Set of chisels crowing knife adze spin \$2.50	2	50
	Brazer and Brills \$1.25 5 augers \$2.	3	25
2	Hatchets 75¢ 2 Axes \$2.	2	75
1	Blue Kitch \$1. work bench \$1.50	2	30
2	Smigohney \$1 1 keg and paints 25¢	1	25
1	Box 50¢ 2 Bottles Varnish 2	2	50
1	Set of timber \$1.50 1354 feet Plank @ \$1. for 1400	15	75
1	Red Bull \$5. 11 Cows @ \$5.	63	00
1	Negro man Elisha	700	00
1	ditto boy Isaac	500	00
1	ditto do Henry	300	00
1	ditto Merriam Cuth	300	00
1	ditto Githl Henny	200	00
1	ditto Child Saml	75	00
1	Box \$7. 1 Do \$8. 1 chest 75¢ 1 ditto 75¢	10	50
2	Trunks \$2. 7 Chairs \$2. 1 Set Crochery 50¢	4	50
1	Spinn \$2 1 Spinning wheel \$1.	3	00
1	Set Turnspary \$3.	3	00
		\$3035	33

Southampton County to wit: { James Wells Jefe Cobb
 { William B. Croft

This day personally appeared before me James Wells Jefe Cobb and Wm B. Croft and qualified to act according to what within was given under my hand and seal this 16th day March 1820
 M J Smith

At a Court held for the County of Southampton the 16th day of March 1820
 This Inventory and appraisement of Harrison Parkers estate was this day returned and ordered to be Recorded

Test L R Edwards Clk
 Attest J R Edwards Clk
 3

Parker

~ 3

Parker

Chas. O. L.

reels of
the case

Multi-fariousness of

The principle to be deduced from the
leading cases on this point is, that a
bill in several persons must relate to
matters of the same nature, and have
a connection with each other, and
in which all the parties are more or
less concerned, the thing itself in
respect to the general subject of the
case may be distinct - 6 Johnson ch
ap. 159 - Brinkley v Brown
2 Robinson practice 278 -

As to Contempts - the statute of 1824
"1825 - Chapter 8. Section 8 - forbids the
allowance of costs, expenses or
made in 2 years for supp. 217.
Tolson & Leigh Reports 271 -
Woodson v Garnett -

Packer

7 3/4 Packer
Packer 1000

Jeff: attorney

Goodwin

Packer, an inf. writ by Wiley Packer
his next of kin, vs. Henry T. Smith, decd.
McNay & Hadden, Executors of
Harrison Packer, & Edwin Harrison and
Levi Garrison surtins - and vs.
admn: of Packer and: and:
an inf. -

The object of this suit is to recover the share
to which the pff: is entitled, of the estate
of Harrison Packer his father, to surchge
and falsify the af. returned ex parte, to
the Co. Ct. of S. D. Supton - the objections are
1st that Court are allowed the error when
in truth they were entitled to none or
they did not comply with the law or
to sell within 2 years which is a
wholesome provision; the Court therefore
must be stricken out -

2 - The error: have retained for themselves
large sums of money, claiming to be
an open of: without any proof -

3 - The personal estate is not all
accounted for -

4 - The sale of the real estate is no
where accounted for -

for these and other reasons the said
af. ought to be opened & reformed.

A. Atkinson p. y

The estate died in 1837, & was over for
an of until 1860. - as to Court his
allowance in Supplement to Revised Codes 217 -
6 Leighs Report 271. Woods error: in James

The p^lff: asks for an ap^t with instructions
to the below Commissioners - to require
evidence of the claims of the executors
in the account, and that the executors should
ap^t for the whole estate that came to
their hands to be administered - a. a

George W Parker one of the obligors within named made oath before me that after
the payment of all his just debts & personal liabilities he is worth the sum of Seven
hundred & eighty five ^{89/100} dollars. This 16th day of May 1842

L R Edwards Clerk
Clerk Sup. Ct. Sampson

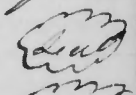
Parker

v. } Refund of bond

Parkers Exors.

Know all men by these presents that we Mr Wm Parker and George W Parker both of the County of Warren are held and firmly bound unto Henning T Smith Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker deceased in the just and full sum of seven hundred and Eighty five dollars and eighty Cents to be paid unto the said Smith, Vaughan, and Cobb Executors as aforesaid their certain debt owing their Executors administrators or assigns, for the payment whereof well and truly to be made we bind ourselves our heirs Executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 16th day of May 1842

The Condition of the above obligation is such that whereas by a decree of the Circuit Superior Court of Law and Chancery for the County of Southampton, pronounced on the 6th day of April 1842 in a suit depending therein between Godwin Parker an infant who sues by Wiley Parker his next friend Plaintiff and Henning T Smith Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker deceased Edwin Harrison Lemuel R Gardner Henning T Smith administrators of Marcus Parker deceased and Harrison Parker an infant by Edward Bullock his guardian. et aliam defendants it was decreed and ordered that the said Henning T Smith Matthew W Vaughan and Harrison Cobb Edwin Harrison and Lemuel R Gardner do pay to the said Godwin Parker the sum of three hundred and ninety two dollars and ninety Cents with legal interest one thousand and ninety five dollars each seven and two thirds Cents part thereof from the 31st day of December 1840 till paid. But the Godwin Parker is not to have the benefit of the said decree until he or some person for him execute to the said Henning T Smith Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker deceased a bond in the penalty of seven hundred and Eighty five dollars and Eighty Cents with good security Conditioned to refund due proportion of any debts and demands that may hereafter arise against the Estate of Harrison Parker deceased together with the Costs attending the recovery of such debts. Now if the said Godwin Parker shall refund due proportions of any debts and demands which may hereafter appear against the Estate of the said Harrison Parker deceased and the Costs attending the recovery of such debts then the above obligation to be void or else remain in full force.

Wiley Parker 
George W Parker 