

1845-023 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER VS. SMITH et al

11/1845

Other Surnames: Hart,
Harrison, Cobb, Devany,
Bower, Everill

~~22~~ ~~23~~ #9.

Parker by Ye

n: } Papers.

Smith Ye

1845 Nov. Bill dumped

Letk - \$6.22

Shft 2.50

Com - 2.50

Car & 17.41

\$28.63

352

72

198

6.22

Parker by J^r

& } Statement

Smith J^r

1843.

June R. Subpoena ret.^d Executed. bill
filed.

Aug: Cause set for hearing.

Oct. T. Decree for account.

1844

May - Continued.

Nov. T. Decree app^d of Comm. Howardyn
to take the account directed
at October Term 1843.

1845

May - Continued.

" Oct 4 Report.

" Nov. T. Bill dismissed & ft to
pay just costs.

Parker p. 10.

in 2/3 B. 10.

Smith p. 10.

May 18/3.

At the p. 10.

(696 words)

To the Judge of the Circuit Superior Court of Law
and Chancery for Southampton County, in
Chg: sitting - humbly complaining, I sheweth
to the Court your complainant Horatio
Parker an infant, who is by Wiley Parker
his next friend - that sometime about the
20th of March 1839, one Henry T. Smith of
Southampton County, qualified as the per-
-son of the complainant, and went
by horse together with John B. Hunt, Esq. in
Harrison and Harrison Cobb as his sureties
in the penalty of five thousand dollars,
which bond was made to Henry A. Bessy,
Clerk of the County Court of Southampton
then sitting - which bond is of record in
the County Court of Southampton; of which
an office copy is hereto annexed and
is, and the same is prayed to be consid-
ered part of this bill. Your orator charges that
the said Smith in the capacity of his
guardian did collect and receive
large sums of money, from rents of
lands, hire of slaves, & other sources,
to a very large amount, to wit, to the
value of \$^{10,000}, and upwards, for
all which the said Smith has my bills
and failed to account as he should
long since have done. Your orator has
applied to the said H. T. Smith to require

him to come to a settlement of his trans-
-actions especially as he the said Smith
has agreed to be the petitioner of your
complainant, but as it is may it
please your Honor the said Smith
has refused to comply with the said
reasonable request, all which is contrary
to equity and good conscience.
In tender consideration whereof, I
for as much as he is without remedy
in the premises, except in this Court,
he prays that the said H. F. Smith,
Whitcomb Hart, Lewis Harrison &
Harrison Co. may be mandated
-ants to this Bill, and be compelled
fully to answer the same, and that
you will compel the said Smith
to come to a settlement of his finan-
-cial transactions aforesaid, and
that he and his sureties be made
to pay whatever upon settlement
shall be determined or other, and
that you will make any other order
in the premises, that may comport
with Equity &c. Attorney for

Parker

v. } Geo. Deere

Smith & Co

20th March - 1844 -

Southampton Circuit Superior Court - October 31st 1843.

Godwyn Parker an infant who sues, by Wiley Parker his next friend. Plff.

against

Henning T Smith John De Hart, Edwin Harrison & Harrison Cobb

Defts.

In Chancery

The Subpoena in this cause having been executed and the bill filed more than two months and the defendants having failed to answer On motion of the Complainant by his attorney the same is taken for confessed as to them. and the cause coming on to be heard on the bill and exhibits filed, was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that the defendant Henning T Smith render before Littleton R. Edwards a Commissioner appointed for that purpose an account of his transactions as guardian of Godwyn Parker the Plaintiff, which said account the Commissioner is directed to examine, state and settle and to the Court report with any matters specially stated deemed pertinent by himself or which either of the parties may require to be so stated -

November the 8th 1844 -

For reasons appearing to the Court the order made in this cause on the day of October 1843. appointing Littleton R. Edwards a Commissioner to take an account is set aside and William T. Godwyn is appointed to execute the aforesaid order and to make report -

A Copy

Teste.

J. R. Edwards Clk

to the Ent.
Parker

to

Smith

1844 Nov. Term

Parker & Smith - For reasons appearing
to the Court, the said order in this
suit on the day of October 1863,
appointing Lett R Edward a com.
to take an app, is set aside and
Mr. J. J. [illegible] is appointed
in [illegible] the [illegible] order and
made up.

Parker p^{re}

Smith

Norham

for the d.

To be returned

R. H. B.

1848 October Term

Goodwin Parker an infant, suing by
Wiley Parker his next f. o. 10ff.

Henry J. Smith, John A. Hart
David Harrison Harrison Co'tts & Co's

The ^{Bill} in this case having been ~~ad.~~ ^{ad.} of
the ~~subpoena~~ ^{Bill} filed more than 2 months
and the defendant having failed to
answer - On motion of the complai-
-ants by their attorney, the same is taken
in confes. as to them - and the cause
comes on to be heard on the Bill & li-
-berty filed, ~~is~~ ^{is} agreed by counsel; on
consideration whereof, the Court doth
adjudge, order and decree that the
defendant Henry J. Smith answer
before a Com. of this Court, ~~and~~ ^{and}
account of his transactions, or
fraudulent of Goodwin Parker the
10ff.

which said of the said Com. is directed
to examine, state & settle, & to the Court
report with any matters specially stated,
seems pertinent by himself or
joined by the parties &

1845. Nov. 18th
Parker
2 } Decree
Smith

Order
Smith

1845. Nov. 18th

Porter

2

Smith

Decree

Nov. Term 1845-

This day this cause came on again to be heard on the papers formerly read and the report of the Court: much pursuant to an order of Ct. or: 8th-1844. to which no exceptions have been filed; and was argued by Counsel on Consideration: where of the Court confirming said report and expressing no opinion as to the liability of the plaintiff for the balance due thereon in some other form of action, doth adjudge, order & decree that the plaintiff be dismissed and that the defendant pay to the plaintiff his costs expended in the prosecution of this suit.

C.S. 6

Parker by J

to } Spain Chr

Smith J

1843 June Rules

AT: ~~Existent~~
~~Ma~~
~~W. Everett~~

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting;

We command you that you summon *Herring T Smith. John D Hart. Edwin Harrison and Harrison Cobb*

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 *June* — 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 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 *April* 1843, in the *6th* year of the Commonwealth.

L. R. Edwards *clg*

[One Copy to be delivered each Defendant.]

Nansemond County To Wit:

This day Ro: R. Pientis personally appeared before me, a Justice of the Peace in and for the County aforesaid, and made oath that he did on the 18th day of March 1845, deliver this notice to Wiley Parker. Given under my hand this 4th day of April 1845.

(Jm: Sumner) J.P.

This notice was continued to the 22^d Sept: 1845- of which the parties had notice - Commr.

Pantm
2
Smith
Justice

20th March - 1844 -
Continued to
Sept: 22^d - 1845 -

Southampton Circuit Sup. Court. Oct: 31st: 1843 -

Godwyns Petrus an infant; by Wiley Putnam his next friend. Plff
against^r

Hemming, J. Smith, John D. Wat., Edwin Hemison, Hemison & Co. Defs

Wm. A. Chancy

The above named parties are notified, that pursuant to
an order of the Circuit Sup. Court of Saco & Chancy
for the County of Southampton, pronounced at Newburgh
June 1844, I shall, at the Commissioners office in New
-saline, on the 20th March 1844, proceed to take the account
therein required, at which time and place the parties
are required to attend with the necessary witnesses.

William J. Godwyns.
Com: in Ch -

March: 15th 1844

Partin

2 } Coms: Report-

Smith & c.

October 4/1843

Godwin Posters orphan of Harrison Posters died:

In account with Henning J Smith Guardian

1837			Dr.	Cr.	Int-
Sept 20	To paid William McGone for board &c.		63 81		
	" " William Harrison account		10 65		
	" " for hat		2 25		
	By your proportion of rent of land this year			44 25	
	" " rent of Swampstake fishery			6 00	
	To commissions on \$50.25		2 51		
Decr 31	By balance due the Guardian			28 97	
			79 22	79 22	
1838	Balance brought down		28 97		
	Paid J Barnes & J Smith for board &c.		57 20		
	" Tuition fee		22 08		
	" Nottingham for hat		3 00		
	" Wiley Posters by M. B. Whitehead		10 00		
	" B. Holland for trimming orchard		5 00		
	By your proportion rent of Old Place			20 02	
	" " Do " Carr Place			15 30	
	" " " Swampstake fishery			6 00	
Decr 31	To commissions on \$41.52		2 07		
	Interest on balance of 1837				1.73
	Balance due Guardian			86 80	
			128 32	128 32	
1839	Balance brought down		86 80		
	Paid Chertton & McElister		3 25		
	" " Tuition fees &c.		13 00		
	" " Wiley Posters by M. B. Whitehead		15 00		
	" your proportion for trimming orchard		2 50		
	" Thomas G Benton account		37 26		
Decr 31	" your proportion for sails &c.		7 50		
	By your proportion rent of Old Place			30 00	
	" " Do " Carr Place			37 87	
	Units cor. forward		165 31	67 87	1.73

1839

Decls: 31	Assets list: forward	166	31	67	87	7.73
	By rent of Swamp State fishing			6	60	
	" Timber for 19.000 shingles			4	75	
	To commissions on \$18.62	3	93			
	Interest on bal: of 1839					5.20
	By balance due the Guardian			90	62	
		169	24	169	24	
1840	Balance due the Guardian but down	90	62			
	Interest	6	93			
Jan 1	Balance due the Guardian	\$ 97	55	with Interest:		
	on \$90.62 from this day till paid					

The Commission is directed by N T Smith the former guardian of Godwin Porten to state specially, that he was applied to by Wiley Porten to permit him to qualify as guardian of Godwin Porten, which he refused to do giving as his reasons, that he had expended for his ward more than the profits and interest of his estate, and the only method by which he could reimburse himself, was to retain the guardianship and apply the subsequent receipts to that purpose that Wiley Porten agreed that if he would permit him to become the guardian, he would see him paid whatever balance was found due him, upon which Smith consented to give up the guardianship and Wiley Porten qualified. - The Commission also states that Wiley Porten and his ward Godwin Porten, who is now of full age, examined the several items of the above account in his presence, and admitted them all to be correct, except the several credits for rent of land, and one of them promised to attend before the Comm: and have them corrected, which he failed to do - The above reasons influenced the Commission to report a balance against the ward -

all of which is respectfully submitted

M. S. Goodwyn

Comm: in Ch -

Comm: fee - 2.50

Chs to Wiley Porten \$

M. S. Goodwyn

Copy in Comm: Ch 1/1840

Particular by No . . .

to  Exhaust with Mill

Smith & Co.

29.

Gov. Bond

Spec in ch
to decay mch
18th 3 -

Know all men by these presents, that we Henning J Smith
John D Hart Edwin Harrison & Harrison Cook are held and firmly
bound unto Benj^d Devany Carr Bennett William L Everett and Jesse
Parker Gentlemen justices of the county court of Southampton now
sitting, in the sum of Five thousand dollars: to the payment whereof
well and truly to be made to the said justices and their successors,
We bind ourselves, and each of us, our and each of our heirs Executors
and adm^{rs}, jointly and severally firmly by these presents Sealed
with our seals, and dated this 20 day of March A D 1837

The Condition of This Obligation is such, that if the above
bound Henning J. Smith his Executors, and administrators shall
well and truly pay and deliver, or cause to be paid and delivered unto
Joshua Parker orphan of Harrison Parker all such Estate or Estates
as now is, or are hereafter shall appear to be due to the said orphan
when and as soon as he shall attain to lawful age, or when thereto
required by the justices of the said County Court, as also keep
honorably the above named justices, their and every one of their heirs
Executors and administrators, from all trouble and damages that
shall, or may arise about the said Estate then the above obligation
to be void; otherwise, to remain in full force

H. J. Smith (Seal)

John D Hart (Seal)

E Harrison (Seal)

Harrison Cook (Seal)

Attest

Teste

J R Edwards Secy