

1858-019A SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER

VS. SMITH'S EXECUTOR etal (2)
11/1858

Other surnames: Cobb, Harrison,
Butts, Jones, Saunders, Gardner,
Vaughan, Dardan, Hello, Williams,
Murfee

37 24 27 33

(3)

Parker

~ } Papers

Smiths Exr. Co

Parker

& } Stat. Rules.
 }

Smiths Co & Co

	22.44
	7.22
	29.66
	7.20
letk	30.86
stt	16.50
Saw for	16.00
	63.36
Or. pulp.	2.50
	65.86

James A Parker an infant of tender years by William Murfee his next friend
against

Henning M Smith Exor. of Henning T Smith, Wm M Jones Exor. of James Cobb, Matthew
W Vaughan, Seth D Williams admor. of Edwin Harrison, William Saunders and Mary his
wife, Samuel Kello adm. of Maria Parker, ^{Harrison Cobb &} Samuel R Gardner of Godwin Parker.

1855 Aug. 8th Summons in Chy. issued retble to September Rules.

Sept. Rules. Sum. ret. Ex. on Henning M Smith, M W Vaughan, S D Williams &
Kello
Godwin Parker, & Wm M Jones - Henry Saunders & wife not residents - Bill filed -

Decree nisi v. Defts Smith Exr, Jones Exr, Vaughan, Williams ad. Kello adm. & Godwin Parker
but discontinued as to H. Saunders & wife against whom no bill is filed
Process awarded against Deft. William Saunders & wife.

" October R. ^{1st Monday} Summons v. Saunders & wife ret. Executed - Bill taken for confessed against
Smith Exr, Smith, Jones Exr, Cobb, Vaughan, Williams adm. Harrison, Kello adm. of
Parker Cobb & Gardner & Godwin Parker - Decree nisi v. Deft. Wm Saunders & wife.

" Oct. R. - Last Monday in. Bill taken for confessed v. Defts. Saunders & wife - & cause set for
hearing &c.

" Oct. T. Ans. of Deft. Vaughan by leave. good rep. thereto.

1856 Nov. Leave to amend bill.

1857 Mar 31st Amended bill. Sum. issued. Retble. to last Monday in April next.

" Apr. R. (Last Monday) Sum. ret. Ex. on H. M. Smith ad., S. D. Williams adm. Sam.
Kello adm., Godwin Parker, Mary Geo. W Rosetta Cobb, J. M. Gardner, Math.
W Vaughan, W. M. Jones Exr, J. Cobb, Wm Saunders wife & Dempsey Darden adm.
Decree nisi v. Defts. Smith, Williams, Kello, Parker, Mary Cobb, Vaughan, Jones, Saunders
& wife. & Darden ad.

" June R. Bill taken for confessed as to Defts Smith, Williams, Kello, Parker, Mary Cobb, Vaughan
Jones & Darden.

" Nov. Decree for act.

1858 No. Decree by consent

Parker
is
Smith & Co

1855 Sept. Rules-

To the Hon. Richard H Baker Judge of the Circuit Court for the
County of Southampton In Chancery

Humbly complaining shew unto
your Honor your Orator James H Parker an infant
of tender years & William Musker his next friend
That several years since his father Harrison Parker
died after having made and published his last will
and testament; and that Henning Smith Matthew
Langham and Harrison Cobb the Executors therein named
qualified according to law and gave bond with
Edward Harrison Lemuel B. Dodson their secur-
ities - That the said Harrison Parker left one son
Edward Parker a half brother of your Orator, a widow
Maria Parker the mother of your Orator, and that your
Orator was a posthumous child - That soon after
the death of Harrison Parker, his widow the said
Maria Parker died and Henning Smith qualified
as her adm^r - That sometime afterwards the said
Edward Parker, by Wiley Parker his next friend
instituted a suit in the Circuit Court for the County
of Southampton against the said Executors of his father
and their securities for a settlement of their ac-
count and for the recovery of the balance due
him to which suit your Orator & his guardian
ad litem Edward Butler and Henning Smith
adm^r of Maria Parker were made defendants, and
after the usual interlocutory orders, it was ad-
judged ordered and decreed on the 6th day of April 1842
that Henning Smith, Matthew Langham, Harrison
Cobb Edward Harrison and Lemuel B. Dodson
out of their own estates pay to Henning Smith
adm^r of Maria Parker, to Edward Parker and to
your Orator therein called Harrison Parker
the sum of \$392.96 each, with interest on \$295.67 $\frac{2}{3}$

part thereof from Decr 31st 1840, but the said decree was
not to be carried into effect until refunding bonds
were given, all of which will appear from a copy
of the record of the said suit herewith filed marked
(A) and prayed to be taken, as a part of this bill
Your Orator has heard that the said sum of \$392.90
has been paid to Edwin Parker, but does not know
it to be true. Your Orator charges that the sum is
directed to be paid to him and to Henning J Smith
adm^r of Maria Parker has not been paid on any
part of them and that they are now due. That Henning
J Smith died notoriously insolvent after making his
last will and testament, and Henning J Smith quot-
ified as his Exor, and the estate of Maria Parker was
committed to Saml. Kellogg Jff. of the Court of Southamp-
ton, that Harrison Cobb died intestate and James Cobb
qualified as his adm^r, and that the said James Cobb
has since died after making his last will & testament
and Wm. Jones the Exor therein named has qualified
and the estate of Harrison Cobb has been committed
to the said Kellogg Jff. as afore said; that Edwin Har-
rison has died and Seth S. Williams has qualified
as his adm^r, that Lemuel N. Larson has died and
Nancy Larson his widow qualified as his admin-
istratrix, and the said Nancy Larson having since
intermarried with Henry Saunders, the estate
of the said Lemuel N. Larson has been com-
mitted to the said Kellogg Jff. as afore said, all of
which will appear from copies of the orders of the
Court of Court of Southampton herewith filed
marked (B) In consideration of all which
and in as much as your Orator is without remedy in
the premises except in a Court of Equity, to the end
therefore that justice may be done he prays your Honor

to make Henning J Smith Exor of Henning J Smith, Wm. Jones
Exor of James Cobb, Matthew to Langdon, Seth S
Williams adm^r of Edwin Harrison, ~~Henry~~^{William} Saunders
and Nancy his wife, Saml. Kellogg adm^r of Maria Parker
Harrison Cobb & Lemuel N. Larson and Edwin
Parker Defendants to this bill and compel them
to answer the allegations thereof, and that the
said sum of \$392.90 with interest as aforesaid
may be paid to your Orator, and that such other
and further relief in the premises may be
granted as Equity may dictate, and as in due
course he will ever pray &c

Chas. H. J. & Messrs. H. J.
for Plaintiff

Parker by 21
 as Amundsen Bill
 Smith's Envs 21

1857 March 31st

To the Hon^{ble} Richard H Baker Judge of the Circuit Court for
the County of South Carolina In Chancery

Humbly complaining sheweth unto
your Honor your Orator James H Parker an infant
of tender years who son of Wm Parker his next
friend that sometime since he filed his bill
in this honorable Court to revive and enforce a decree of
the April term 1842 in favor of your Orator & Maria
Parker against the Executors of his father and their ex-
ecutors, to wit: Will. Hemming, John Smith Esq of Hemming
& Smith one of said Executors, Saml Kello Adm^r of Harrison
Cobb another of said Executors, and Matthew Thompson the
surviving Executor, together with Saml Kello Adm^r of
Samuel N Parsons one of said executors, Leith &
Williams Executors of Edwin Harrison the other executor,
Wm Lawrence, & said Maria, his wife & Saml Kello Adm^r
of Maria Parker, ^{2 Edwin Parker, John H. Smith Esq & J. Cobb} were made Deft^s - which said bill
is hereby referred to and prayed to be taken & considered
as part of this amended bill. That your Orator
has been advised it is material the distributees &
heirs at law of Harrison, Cobb, Edwin Harrison and
Samuel N Parsons should be made parties to his suit
That Edwin Harrison heirs & distributees are his widow
Mary Harrison of North Carolina & his children Hannie Harrison an
infant of North Carolina, & James L & Charles C Harrison,
and Margaret who is married with Wilson Jordan
and died and the said Wilson Jordan having also died
Samuel Jordan has qualified as his administrator
That the heirs & distributees of Harrison Cobb are his widow
Mary Cobb & his children Geo. W Elizabeth and Noelle Cobb the last three
infants, That the heirs & distributees of Samuel N Parsons
are his widow who has been married with Wm Parsons & his
children James M, Margaret & Samuel Parsons the last two
infants - In due consideration of all which it is as much
as his is without remedy in the premises save in a Court

of Equity & says that Henning M Smith Eric & Henning J
Smith Wm M Jones Eric & James Cobb Matthew D Thompson, Seth
Williams ^{adm.} & Edwin Harrison, Ben Samuels & Nancy his wife
Samuel (Wm?) & Maria Porter Harrison Cobb & Benjamin
Sellers, Edwin Porter, Mary, Hannis, James & Charles C
Harrison, Benjamin Jordan, Adm? & Wilson Jordan, Mary
Geo. W. Elizabeth & Noelle ^{Chs}, James M, Margaret & Lemuel
Sellers may be made Defs to this bill, that some first prefer-
ence may be made provisioned there. That an order of publica-
tion may be made against the absent Defs, and all other
necessary orders, and that the said decree may be revised
and such other & permanent relief granted in the premises
as Equity may dictate, and as in and to be well and may

Chen. blif & Mafer. ten
per 100

Parker
as 3
Smith & als

Answer of Matthew W. Vaughan

Filed by him Nov. 7. 1855

The answer of Matthew W Vaughan to a bill in chancery
filed in the Circuit court of Southampton by James H
Parker who was by Wm Murphy his agent against him
Smiths ex- Cobbs Ex- and others

This defendant for answer to the said bill
or as much thereof as he is advised it is material for him
to answer answering says, that the plaintiff did obtain
the decree as alleged ^{against} ~~from~~ This defendant and the others
named in his bill to recover from them the sum named
But This defendant further answering shows that
Hemming T Smith Harrison Cobb and himself qualified
as executors of Harrison Parker dec^d That the plaintiff
James H Parker was a posthumous child and that
H. T. Smith qualified as the guardian of the said
plaintiff in the county court of Southampton, This
defendant states further that Smith was both ex- of
Harrison Parker and guardian of his son James
H Parker, and the executors of Harrison Parker paid
to him as guardian of James H Parker the amount
named in the plaintiffs ^{bill} which the said plaintiff
has recovered from them, This defendant states further
that the said plaintiff has instituted a suit against
Hemming T Smith his guardian and his securities
and that the plaintiff must look to that court for
relief as the said guardian has received the money
and having fully answered This defendant prays hence
to be ~~discharged~~ with his costs wa M. W. Vaughan

chances for debt

Southampton County to wit

This day Matthew W Vaughan
personally appeared before me a justice of the peace for the
above said county and made oath that the allegations of the
above bill are true given under my hand and seal this
21st day of September 1855 William Bowers J. P. *(seal)*

Parker

2 } answer of
P. Harrison a day.

Smith Co. 

To the Hon. Judge of the Circuit Court of the
County of Southampton -

Answer of Seth D Williams answer of Edwin Harrison
to a bill of complaint exhibited against him and others in
said Court by James H Posters by Williams Murfee his next-
friend -

This respondent saying, and reserving &c. in answer
to said bill, says - that it is true he qualified as the adminis-
trator of the said Edwin Harrison, who it appears was one of
the securing in the executorial bond, executed by W. F Smith
M. W. Vaughan and Harrison Cobb as executors of Harrison
Posters - That there is at this time a suit depending in this
Court against him as administrator as aforesaid in form of the
writ and distributing of the said Edwin Harrison, for the
final settlement of his accounts and recovery of the balance in
his hands should there be found any due - This respondent further
states that he has sometime since paid out all the assets of the
said Harrison that came into his hands, and that he never knew
of the existence of the plaintiffs claims until the summons
issued in this cause, was executed upon him - And having
answered pray hence to be dismissed the Court with his costs in
this behalf expended -

S. D. Williams by

M. S. Goodenough his atty

Saunderston County to wit.

This day personally appeared before me a Justice of the
peace of the County aforesaid, Seth D Williams who made
oath that the facts stated in the above answer are true to the
best of his knowledge and belief - Given under my hand this
9th day of November in the year 1855 -

William Bowers J. P.

Parker } answer of
as }
Smith } Infants

The answers of Geo W. Moselle, and Elizabeth Cobb infants Defts by
L R Edwards their guardian ad litem, to the bill of Complaint
filed against them & others by James A Porter, who sues by
Vernon for his next friend

These Defendants saying & asserting to for answer
to the said bill or so much thereof as they are advised it is
material or necessary to make answer unto, answering
say, that they know nothing of the matters stated
in said bill and being informed they submit their rights
to the protection of the Court, and pray leave to be dismissed
Charles H. Mappes attorney for

Parker }
as }
Smiths Ende }
Deer

Parker
vs
Smiths Executors } Deane

The bill of the complainant having been taken for confessed at the rules as to the defendants Henning M Smiths Executor of Henning, J Smith and James Kello administrators of Harrison, Cobb and Wm Harrison and all the defendants still failing to appear and answer the said bill the cause came on to be heard on the bill of the complainant and exhibit is therewith filed and was argued by counsel; on consideration whereof the court doth adjudge order and decree that a commissioner of the court take an account of the transactions of Henning J Smith as the guardian of James H Parker and an account of the transactions of Henning M Smith as the Executor of Henning J Smith and report the same to court with any matters specially stated, deemed pertinent & himself or which he may be required so to state by any of the parties

Park, 2 Dec
Smith's Guide
Nov. Term 1858

To be entered
R. H. Baker

Parker

2

} Decr.

Smith & Co

}

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioner Howard made pursuant to the order of the November Term 1857. to which report there is no exception on consideration whereby the Court confirming the said report doth approve over and decree that the Defendant is Mary, George W, Elizabeth and Rosella Cobb ^{jointly} pay to the Plaintiff the sum of \$500 with interest from this day, and that the Defendant James C Harrison, Mary E Harrison & Laura Harrison pay to the Plaintiff each the sum of \$125.00 with interest from this day, and that the Defendant Wm M Jones and Susan Ann his wife pay to the Plaintiffs the like sum of \$125.00 with interest from this day and that each of the parties to this suit pay their own costs by them in this behalf expended

✓
Parker

2 } Sum. Chy.

Smiths Ex. 4

1855. September Rules

Exm

Executed on Henning
M Smith Mathew W.
Vaughan Seth D.

Williams by delivering
to each a Copy of the
within Aug. 20th 1855
Given Parker Ex. 31st 1855
And on Samuel Wells

Sept-1st 1855—

J. C. Edwards Sept.
for G. Wells Shff.

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon *Henning M Smith Exor. of Henning J. Smith dec? ~~Hen J. Smith~~*
Jones Exor. of James Little *Matthew W. Vaughan. Seth D. Williams* *admor. of Edwin Harrison*
Henry Saunders & Mary his wife. Paul Kelle admor. of Maria Parker. Harrison Cobb & Samuel R
Sardner & Godwin Parker

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *September next* ——— to answer
a bill in Chancery exhibited against *them & others* — in our said Court by —

JAMES M. PARKER an infant of tender years by William Murfee his next friend —

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *8th* day of *August*. 1855 in the *80th*
year of the Commonwealth.

L. R. Edwards *llh*

The Commonwealth of Virginia :

Transmitted
To the Sheriff of ~~Southampton~~ County, Greeting :

We command you to summon *William M Jones Esq: James Cobb dec? & Henry Saunders*
& Nancy his wife —

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *September* next — to answer
a bill in Chancery exhibited against *them & theirs* — in our said Court by

James M Parker an infant of tender years by William Murfee his next friend

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *8th* day of *August* — 1855 in the *80th*
year of the Commonwealth.

L.R. Edwards *bb*

~~~~~
The Commonwealth of Virginia:

Transmitted
To the Sheriff of ~~Southampton~~ County, Greeting:
We command you to summon *William M Jones Exor: James Cobb dec: & Henry Saunders*
& Nancy his wife

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *September next* to answer
a bill in Chancery exhibited against *him & others* in our said Court by

James M Parker an infant & tender years by William Murfee his next friend

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *8* day of *August* 185*5* in the *80th*
year of the Commonwealth.

L R Edwards dec

~~~~~

Executed - and a true copy of the within
Summons in Chancery delivered to William
M. Jones Exor. of James Cobb decd.
Henry Saunders & Nancy his wife are
non residents of my County.

J. T. Kelly Shff.

J. Parker

& } Sum. Chy.

Smith Exor

1855 September 2nd

Stammond

~~~~~
The Commonwealth of Virginia:

To the Sheriff of ^{Nansemond} ~~Southampton~~ County, Greeting:
We command you to summon *William Sanders & Nancy his wife*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court, on the first Monday in *October next* — to answer
a bill in Chancery exhibited against *them & others* — in our said Court by

James H Parker an infant of tender years by William Murfee his next friend

~~~~~

and have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *3rd* day of *September* — 185*5* — in the *80*
year of the Commonwealth.

L R Edwards Clk

~~~~~

Executed - and a true copy of the within
Summons in Chancery delivered to
William Saunders and Nancy his wife.

H. H. Kelly Sheriff

Saunders

2 { Sims. Chy.

Smiths Ex. & Co.

1853 October Rules

W. Saunders

The Commonwealth of Virginia,

To the Sheriff of ~~Southampton~~ County, GREETING.

We command you to summon *Wm M. Jones Exor. of James Cobb*

to appear ^{at} before the ~~clerk's~~ *Office* of our ~~Circuit~~ Court of said County, at the ~~Court House~~ *Place to be holden for the said Court*, on the first day ~~of Monday in October next~~ *term next of the said Court* to answer a bill in chancery exhibited against him ~~tothers~~ *in our said Court by James A Parker an infant of ten or years by William Murfee his next friend*

and have then there this writ.
the Court House, this *3^d*
year of the Commonwealth.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
day of *September* 1855 in the *88th*

L. R. Edwards Clk

Executed and a true copy of the within
Summons in chancery delivered to
William M. Jones Esq. of James Cobb
decd.

St. H. Kelly Shiff.

Packed

to { James Kelly

Smiths Esq.

1855 October Rules

Mansewood

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING

We command you to summon *Henning M. Smith Esq. Henning J. Smith, Matthew W. Vanykhan, Seth O'Williams adm. Edwin Harrison de? Saml Kells adm. of Maria Parker de? of Harrison Cobb de? & of Samuel R. Gardner de?, Godwin Parker, Mary, Mahrie, James S. Charles C. Harrison, Mary, Geo. W. Elizabeth, & Rosetta Cobb, James M. Margaret, & Samuel Gardner*

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 ^{last} ~~first~~ Monday in *April* — ^{the original & amended.} next, to answer & bills in Chancery exhibited against *them & others* . in our said court by

James H. Parker an infant of tender years who sues by Wm Murfee his next friend -

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court at the Courthouse, this *31st* day of *March* 185 *7* in the *81st* year of the Commonwealth.

L R Edwards

Executed on Henry W Smith adms St J Smith.
 Seth Williams adms Edwin Harrison. Sam Kells
 adms Mariah Parker & Harrison Cobb et al. of
 Lemuel Gardner. Goodwin Parker. Mary. Geo. W
 & Rosetta Cobb. & James M. Gardner by delivering
 each a copy of this Summons. Mary Hannah
 James S. & Charles C Harrison Margaret &
 Lemuel Gardner Not residents of my County.
 I went to the residence of ~~Mr. W. W. Wigg~~ ^{Mr. W. W. Wigg} ~~shff~~

of Mark W. Vaughan and the
 not being found there I left a copy of this
 Summons with Mrs. Vaughan
 his wife and gave information
 to her of its purport. She
 being a member of his
 family and over 24 years
 of age

Wm W Wigg-shff

20

Parker

to { Sum. copy

Sum. copy

1857 April Rules. Last Monday.

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of ^{Southampton} ~~Southampton~~ County—GREETING :

We command you to summon *W^m M. Jones Exor. James Cobb. W^m Saunders & Nancy his wife
& Dempsey Dardent admr. Wilson Darden*

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 ^{the original and amended} next, to answer ~~a~~ bill
in Chancery, exhibited against *them & others* — in our said court by *James H. Parker an*
infant of tender years who sues by W^m Murfee his next friend

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, the *31st* day of *March* 1857 in the *81st*
year of the Commonwealth.

L. R. Edwards

Bunker

to { Lane, Chy,

Smiths Ex. Co

1857 April Rules & last Monday &

Sanborn

Executed April 8th 1857 and a true
 copy hereof Delivered to Wm. H. Jones
 Mr. Sanborn & wife & Dempsey H.
 Darcen, each, J. R. Savage Aff.

Parker

2 { Depositions

Smiths Exor W

Handed in by H. J. Howard Com. Sep 21st.
1855.

Deposition of Jesse Cobb Taken by consent at the office
of W^m B. Shands in Jerusalem Southampton County.
the 21st day of September 1835, to be read as evidence
in favour of Matthew W. Vaughan in a certain suit
now pending in the Circuit Court of Southampton County
between Jas H. Parker by W^m Munroe his next
friend plaintiff and Henning J. Smith Ex^r of Maria
Parker dec^d. Matthew W. Vaughan yet^rs defendants.

The Deponent Jesse Cobb having been first duly sworn
on the holy Evangelists of a Almighty God, deposes
and says as follows. I and Mr. Matthew W. Vaughan
went down to Mr. Henning Smith's to settle with him,
and Mr. Smith said he did not have time then that
he had started away - that he was obliged to go down
to Mr. Guyner's to meet two gentlemen there and if
he did not go then they would leave & he would
have to ride down to Meherrin to see them. And
Mr. Matthew W. Vaughan asked Mr. Smith
for a receipt to show that he (Vaughan) was clear
of all responsibility to Harrison Parker's estate.
And Mr. Smith said that he could not do it
then, but would do it - that he ought to have
done so before & ought also to have given one
to Harrison Cobb who was also one of the
Executors of Harrison Parker.

Question by Defendants Counsel. How did Henning
Smith then say he held this money?

Answer. That he (Smith) held it as guardian
of James Harrison Parker.

Question by Defendants Counsel. Did you
not understand from Henning Smith that all
the money he had received from Harrison
Parker's estate he then held it as guardian
of James Harrison Parker?

Answer. I so understood him to say.
And further this deponent saith not.

Jeffre Cobb

Sworn to and subscribed before Henry S. Howard one of the
Commissioners of the Circuit Court of Southampton
County, at the time and place mentioned in the
 foregoing caption.

Henry S. Howard, Comm.

The Plaintiff's Counsel excepts to this Deposition
so far as it relates to the Declarations of
Nehemiah T. Smith

Henry S. Howard, Comm.
September 21st 1833 }

Commissioner's fee 75¢ }
Said by M. W. Vaughan }
Henry S. Howard, Comm.

Parker

2 } Aff. Dr.

Smiths Ex. Dr.

Posterior 2 de los Amigos de

Not for the Com. & W. A. 1;

This day I W. M. Foster being appeared before me
a justice in & for the said County and made
oath that Mary Harrison & Hannis Harrison
are not residents of the Commonwealth of
Virginia - Given under my hand this 28-
y March 1857

G. Henderson 90

Parker

v } Dr. Pult

Smiths Ex. v

Copy posted at front door of
C^t House Aug. 6th 1857

At Rules held in the Clerk's Office of the Circuit Court of Southampton County
on the first Monday in August 1857.

James A Parker an infant of tender years by W^m Murphey his next friend. Plff.

against

In Chancery

Henning M Smith Exor. of Henning J. Smith. W^m M Jones Exor. James Cobb, Matthew
W. Vaughan, Seth D Williams adm. Edwin Harrison, William Saunders & Nancy his wife
Samuel Kello adm. Maria Parker, Harrison Cobb & Lemuel R. Gardner, Godwin Parker,
Mary, Nannie, James J & Charles B Harrison, Demsey Darden adm. of Wilson Darden,
Mary, George W, Elizabeth & Rosetta Harrison, James M. Margaret & Lemuel Gomer.

The object of this suit is to recover the amount due to the plaintiff from Henning J.
Smith his late guardian. And affidavit having been made that the defendants Mary &
Nannie Harrison are not residents of this State, it is ordered that they do appear within
one month after due publication of this order and do what is necessary to protect their
interest in this suit. and that a copy of this order be published once a week for four
successive weeks in some newspaper published in the City of Norfolk and posted
at the front door of the Courthouse of this County on the first day of the next County
Court thereof.

A Copy

Teste L R Edwards Clk

A T RULES held in the Clerks Office of the Circuit Court of Southampton county, on the first Monday in August, 1857,

James H Parker, an infant of tender years, by
Win Murrie, his next friend, Pl'f

Against
Henning T Smith, Executor of Henning T Smith,
Wm M Jones, Executor of James Cobb, Mat-
thew W Vaughan, Seth D Williams, Adm'r, Ed-
win Harrison, William Saunders and Nancy,
his wife; Samuel K Ho, Adm'r, Maria Parker,
Harrison Cobb and Lemuel R Gardner, God-
win Parker, Mary Annie, James T, and Charles
C Harrison, Demsey Darden, Adm'r of Wilson
Darden, Mary, Geo. W. Elizabeth and Roset a
Cobb, James M, Margaret and Lemuel Gardner
Defts.

IN CHANCERY.

The object of this suit is to recover the amount due to the Plaintiff from Henning T Smith, his late guardian.—And affidavit having been made that the defendants Mary and Nannie Harrison are not residents of this State, It is ordered that they do appear within one month after the publication of this order and do what is necessary to protect their interest in this suit, and that a copy of this order be published once a week for four successive weeks in some newspaper published in the city of Norfolk and posted at the front door of the Court house of this county on the first day of the next county court thereof.

A Copy—Teste:

L R EDWARDS, C.C.

au 14—54w

OFFICE OF THE SOUTHERN ARGUS,

NORFOLK, VA. 14 September 1857.

J. Abraham Leonard—one of the publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the case of *James H. Parker an infant &c. vs. Henning T Smith & others*—

pending in the Circuit Court of the County of Southampton has been published once a week for *four* successive weeks in the said newspaper, commencing on the *14th* day of August 1857.

A. Leonard.

Charge of pub. \$5.=

Copy Record

Parker

v. { Exh. with bill

Smiths Ex & Co

At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 6th day of April 1842 -

Be it remembered, that heretofore, to wit, on the 21st day of June 1841 Godwin Parker an infant suing by Wiley Parker his next friend sued out of the clerks Office of the Circuit Superior Court of Law and Chancery aforesaid a subpoena and decree nisi against Henning T Smith, Matthew W Vaughan, Harrison Cobb, Edwin Harrison, Samuel Gardner & Henning T Smith, admors of Maria Parker dec^d. which subpoena and decree nisi with the return thereon made is in the words and figures following to wit

"The Commonwealth of Virginia: To the Sheriff of Southampton County. Greeting: We command you that you summon Henning T Smith, Matthew W. Vaughan, Harrison Cobb, Edwin Harrison, Samuel Gardner & Henning T. Smith admors of Maria Parker dec^d. To appear at the clerks 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 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 them here this writ. Witness Littleton R Edwards clerk of our said Court, at the Courthouse this 21st day of June 1841 in the 65th year of the Commonwealth

L. R. Edwards Clk

Return " Executed by delivering a true copy To each July 1/1841 - Jeph Drury Depy for Tho^s Preble Sheriff "

At another day, to wit, at Rules held in the clerks office of the said Circuit Superior Court of Law and Chancery on the first Monday in July in the year 1841 came the Plaintiff by his Counsel and filed his bill - which bill with the exhibits therein referred to is in the words and figures following, to wit,
"To the Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton in chancery sitting - humbly complaining Shews to your honor, your orator Godwin Parker, an infant who sues by Wiley Parker his next friend - that the said Godwin is an infant son of Harrison Parker who departed this life in the County of Southampton on or about the day of AD. 1837 having first made his last Will and Testament which has been

recorded in the County Court of Southampton, an office copy 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 Feby. 1837 Henning 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 \$ and upwards - That the said executors, before the said Court executed a bond in the penalty of \$6000, conditioned according to law, with Edwin Harrison, and Lemuel Gardner of Southampton their securities, as will appear by the copy of said bond herewith filed, marked A, as part of this bill - When the testator died he had a wife whose name was Mariah Parker who was then enscint of a child who was born after the death of the testator whose name is the said Mariah widow as aforesaid is dead & Henning J. Smith is her administrator. The said Smith & Co. Executors as your Orator is advised has never returned an inventory of the estate as 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 Executors have returned to the County Court of Southampton, an exparte 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 accounts, 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 amount in their hands might be ascertained, and have managed 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 admins have not accounted - The said exparte acc. reported to the County Court of Southampton (and of which an office copy is hereto annexed marked A, and prayed to be taken as a part of this bill is) erroneous in many respects besides those aforesaid - One objection is that the Executors have charged the Comr. who settled the account have allowed 5 per Cent commissions upon the receipts (Coms. amounting to \$154.19 when by a failure to apply to the Court from their powers emanated, within 2 years from qualification &c. to appoint a Comr. to settle and adjust their accounts on the estate of their testator the Comr. was forfeited - And your orator here charges that the said Executors did not within 2 years from their qualification, and so in like manner in every 2 years thereafter, as the law directs as to the

(2)
Court from which their powers emanated, to appoint a Comr. or Coms. to settle and adjust their accounts on the estate committed to their charge; and that if they in fact did procure such order, yet they did not within 6 months from the date of such order cause their accounts to be settled before such Comr. & the account be settled and adjusted to return to C^t. according to the 8th section of the act of the General Assembly of Virginia entitled "An act entitled 'An act to amend the act entitled 'An Act reducing into one the several Acts concerning Wills, the distribution of intestates estates, and the duty of Executors and Adminors.' passed February 16. 1825 and therefore they are not entitled to the Coms. charged in the account &c. as aforesaid settled and to which they object - The Executors qualified on the 20th of Feby. 1837 and the acc. is not settled until the 15th June 1840 & no order made for settlement until the 16th Decr 1839 -

Your orator is desirous to have the said estate of the testator settled, and have 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. To 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 Henning J Smith, Matthew W Vaughan and Harrison Cobb executors as aforesaid and Edwin Harrison & Lemuel R Gardner securities for them, and Henning J Smith administrator of Mariah Parker dec^d. 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 & proceeds of land 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 their Testator Harrison Parker, and to account for all monies received from sales of real or personal estate, from dues 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 testators estate, & that they pray to your orator whatever shall be found to be due to him on a proper settlement and adjustment of said transactions and doings, & that you will grant to your Orator all other and further relief to which he may be entitled, and appoint some fit person gon ad litem to the infant defendant - that the said executors may be examined by the Comr. on oath if needful & as in duty bound he will pray &c.

Arch^d. Atkinson attorney
for self

Exhibits. A.

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 my last Will and Testament in manner and form as follows: First: I give to my wife during her natural life one half of that Carr tract of land taking that portion adjoining the Britt tract - also the Britt tract - the tract purchased of Hemming J Smith and a small piece purchased of Harrison Cobb - I also give her two negro girls by name Ginny 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, two choice beds and one years provisions - 2^d I give to my son Bodwin 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 lands in Southampton County not already disposed of and which I give to my son Bodwin one third of the amount arising from the sale of my perishable 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 Bodwin Parker to him and his heirs forever. 4th the piece of land which comes to my wife lying in Gates County I wish my Executors 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 Bodwin - I constitute and appoint my friends Hemming J Smith, Matthew Vaughan and Harrison Cobb my Executors -

Signed and sealed
in the presence of }
Wm A Spark
John A Darden
John Moore Jr.

Harrison Parker (Seal)

At a Court held for the County of Southampton the 20th day of February 1837.

This last Will and Testament of Harrison Parker dec. was proved by the oath of John A Darden and John Moore Jr witnesses thereto and ordered to be recorded. And on the motion of Hemming J. 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 probate of said Will in due form.

Teste L.R.C Edwards Clk

Know all men by these presents that we Hemming J Smith, Matthew W Vaughan, Harrison Cobb, Edwin Harrison and Samuel Gardner are held and firmly bound unto James D. Masonburg, James Mayett, William Briggs and Samuel Drury 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 1837.

The Condition of the above obligation is such that if the said Hemming J 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 to 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 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 well and truly administer according to law and make a just and true account of their 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 shall charge then the above 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)

D^r The Estate of Harrison Parker dec^d.

In acc^t with H. J. Smith, H. Cobb and M. W. Vaughan Executors

1837			D ^r	Cr.
Mar	1	To paid Tho. C. Jones per act.	10 00	
	"	" " Calvin I. Bingham	45 67 1/2	
	"	" " Benj. Drury per rec. (for preaching)	10 00	
Sep	4	" " Mary J. Harrison	38 00	
"	15	" " Wm. W. Jones 2 bonds	68 04	
	19	" " Abram Riddick "	194 91	
	"	" " Dr. Wm. A. Spark acct.	65 00	
	23	" " James Wells "	15 32 1/2	
Nov	17	" " Saml. Drury "	6 25	
	"	" " Phillips Sides "	50 64	
	26	" " Elisha Darden bond	104 15	
	"	" " D. M. " do	11 30	
	"	" " William Atkinson acct.	18 27	
	"	" " Jas. R. Williams "	75	
	"	" " Bath. Pitman "	50	
	"	" " Jos. C. Smith " for coffin	20 00	
	"	" " Harrison Hare bond	342 46	
	29	" " Wm. J. C. Harrison acct.	30 28	
Dec	9	" " Elisha Darden	3 75	
	29	" " William Edwards bond	215 00	
1838	Jan	1 To 5 pr. C. Commers on receipt	154 19	
	"	" balance for Contra	3100 20	
1837	Sep	1 By amount of sales due this day	3030 12 1/4	
	"	" cash rec ^d from Jos. C. Smith	37 00	
	"	" " " from Wm. P. Croft	10 92 1/4	
	"	" " " from Wiley Parker	16 40	

	"	"	from Wells & Murfee	5 00
	"	"	from William Edwards	75
				3100 20
1838	Jan	1	By balance to debit	1695 71
"	"	"	By balance to debit brought forward	1695 71
	4		To paid Edwin S. Hart per acct.	3 00
Feb	19	"	" " Tho. S. Benton "	107 16
"	"	"	" " James Radcliff "	2 00
Mar	19	"	" " L. R. Edwards bond	43 50
"	"	"	" " Hardy Hawks acct.	1 00
"	"	"	" " Geo. Spruce "	8 00
Apr	3	"	" " Jas. Vaughan "	9 75
May	24	"	" " Jos. C. Smith "	24 28
				200 69
1839	Jan	1	By interest on the balance of 1837 - 1 Apr. 4 mo.	135 65
	"	"	" balance due the Estate	15 04
1839	Jan	10	" paid J. B. Schmitt Shff.	47 11
"	"	"	" " J. W. Cronell acct.	20 50
"	"	"	" " J. D. Williams "	3 81
"	"	"	" " Wm. W. Wells "	2 38
"	"	"	" " Jeph. Cobb (per J. Denson, Gardner)	6 75
"	"	"	" " Bryant Holland	1 50
"	"	"	" " Jas. Lawrence	3 50
"	"	"	" " Jeph. Cobb	13 50
May	17	"	" " Anthony Vaughan bond	17 88
June	1	"	" " Jos. Freeman "	14 39
"	"	"	" " Harrison D. Moore "	5 58
"	"	"	" " Tho. Vaughan acct.	10 00
5	"	"	" " Orron Vaughan "	7 50

		Wm P. Croft		15 00	
Oct 15	"	Wm White	"	57 60	
	"	Wiley Parker &c.	"	59 92	
1840				286 92	
Jan 1	By interest on the balance of 1838.	1 Yr.	97 84	189 08	
	"	Balance due the estate		1441 59	
Feb 24	To paid Harrison & Wood		5 00		
	"	E. Butts (Land tax)	7 22		
	"	E. Butts bond	7 44		
		Ant. bond forward	19 66		
		Ant. brot. forward	19 66	1441 59	
	To paid Jos G. Smith		36 77		
June 10	"	clerks fees	5 00		
	"	Harrison Cobb acct.	165 82		
	"	H. J. Smith	120 20		
	"	Thos. Harcum	2 81		
	"	Abram Riddicks bond	28 73		
	"	Patsy Edwards do	40 48		
	"	Allen Edwards	11 93		
15	"	Commons fee	6 00		
	By cash fr. M. W. Vaughan bond			38 14	
	"	Cash fr. M. W. Vaughan acct.		62 1/2	
	"	To balance for Court	1043 85 1/2		
			1480 35 1/2		
	By Balance due the Estate			1043 85 1/2	

Pursuant to the order of Court heretofore entered your Comrs. 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 15 day of June 1840. Wm. M. Jones
At a Court held for the County of Southampton the 20 day of July 1840.
This account current of Henning J. Smith, Matthew W. Vaughan and Harrison Cobb Executorial proceedings on Harrison Parkers estate was returned and ordered to lie over term for exceptions. And at a Court held for the said County on the 17 day of August 1840. the said account having lain over term and no exceptions being filed was confirmed and ordered to be recorded.
Teste. J. R. Edwards Clk

Copy
Teste. J. R. Edwards Clk

And on the motion of the Plaintiff a subpoena and decree nisi was awarded against Harrison Parker a defendant therein named returnable to the first Monday in August next: which subpoena and decree nisi together with the return thereon made is in the words and figures following to wit.

"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 clerks 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 by 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 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 them shown this writ.
Witness Lethem R. Edwards Clerk of our said Court at the Courthouse the 5 day of July 1841 in the 66 year of the Commonwealth.
J. R. Edwards Clk

Return - "Not found. Jesse Drury Depy. of Thos. Drifton Shff."
And at another day to wit. At Rules held in the Office of the Circuit Superior Court of Law and Chancery aforesaid on the first Monday in August 1841. On the motion of the Plaintiff by Counsel Edwards Butts was assigned guardian ad litem to the infant Defendant.

Harrison Parker to defend him in this suit.

And at another day to wit: At Rules held in the Office aforesaid on the first Monday in September in the year aforesaid, the defendants filed a demurrer to the plaintiffs: which demurrer is in these words.

" Godwin Parker by Wiley Parker his next friend
against

Plffs

} In Chy.

Henning F Smith, Matthew W Vaughan, Harrison Cobb Executors of Harrison Parker dec. & others Defts
These defendants by protestations, 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 show that it appears by the said bill that the same is exhibited against these defendants and against H. F. Smith as admor. of Mariab Parker dec. 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 further or other answer to the said bill and they humbly pray to be discharged from hence with their reasonable costs on this behalf sustained by.

Douglas p. D.

And the plaintiff joined in the said Demurrer.

The defendants Henning F. Smith, Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker dec. and Harrison Parker by Edwards Butts his guardian ad litem

also filed their answers to the plaintiffs bill, which answers and the exhibits therein referred to are in the words and figures following to wit.

"The answer of Henning F. Smith, Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker dec. to a bill of complaint exhibited against them in the Circuit Super. Ct. of Law & Ch. for Southampton County, by Wiley Parker the next friend of Godwin Parker an infant under the age of twenty one years.

These defendants saying 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 it is material or necessary for them to make answer unto, answering say, That it is true Harrison Parker made and published a last Will and Testament, and that these defendants duly qualified as his executors, and took out letters testamentary from the County Court of Southampton County. That these defendants would 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 as posthumous son was born, of which his wife was insent at the time of his death: under these circumstances, these defendants applied to the Worshipful 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 instruction, and that a large sum has been paid into the hands of Wiley Parker, as the legal guardian of Godwin Parker, nearly or quite amounting to his distributive share. These defendants would also show 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 would also show, that they have duly returned and audited account of their transactions as Executors of Harrison Parker dec. which account remained in the Office the time prescribed by law & to which no exception was taken; and these Defendants ask to know if the said Complainant shall be permitted to disturb the said audited account, unless he can discharge and falsify the same.

These Defendants would 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, and that the same was only appraised to the sum of \$15.⁷⁵ 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 Executorial accounts, such proof as to satisfy the Commissioner that said claims were just & proper & still due and unpaid: and these Defendants do individually and singly each one for himself declare that the amount allowed by the said Commissioner to each one singly, was justly due and 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 would shew 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 sues as the next friend of said Godwin Parker, the said Wiley Parker assuring them that, no exceptions would be taken if their 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 same allowing Commissions.

All which matters and things, these Defendants are ready to aver, maintain & prove, as this Honourable Court shall award & humbly pray to be hence dismissed, with their reasonable costs & charges on this behalf wrongfully sustained &c. Douglas P.D.

Southampton County to wit: This day personally appeared before me Henning Smith, Matthew W. 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.

M. A. Spark J.P.

The answer of Harrison Parker an infant of tender years by Edwards Butts his guardian ad litem appointed to defend him in this suit to a bill of complaint exhibited against him and

others 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 said bill of complaint contained otherwise 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 submits 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 P.D.

Southampton County to wit: This day personally appeared before me Edwards 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 knowledge & belief &c. Given under my hand this 26th day of August 1841. H. J. Smith J.P.

To which answers the Plaintiff replied generally.

The following is a copy of the exhibit filed (marked A) with the answer of the Defendants Smith, Vaughan & Cobb Exors of Harrison Parker dec^d.

Inventory and Appraisement of the property belonging to the estate of Harrison Parker dec^d this 25th February 1837.

1 White Sow and 4 pigs	\$9.00.	1 Spotted do and 3 do	\$7.00	16 00	
1 White Cow	\$4.00.	2 Common bed Steads	\$1.25	5 25	
1 Small box	15¢.	1 Crib	25¢.	40	
1 Apple Mill and press	\$7.00.	1 Still	\$50	57 00	
1 Dutch pan	\$8.	1 Box 12¢	30 Empty hogheads	50¢.	23 12
18 Empty barrels	25¢	1 Barrel Vinegar	\$1.00	5 50	
1 Sifter	\$2.	8 Bushels white peas	50¢	6 00	

1 Pair Shucks 25¢ 1 Cart and wheels \$8.00
 1 Cart and wheels \$3.00 - 6. 1st choice sheep \$1.25 - 6. 2^d do. \$1.00
 1 Double single Ox yoke 75¢ 1 Sore & three pigs \$7.00
 1 Loom tharns \$5.00 - 1 Bush. potato plantings 50¢
 1/2 of the Pen \$20. 1 pair flax + 2 canes \$9.
 1 half bushel sheep bell 50¢ 1 Sore horse \$90.
 1 Bay horse \$60. 1 Gray pony \$50. 3 Ber hines \$1.00
 1 Red Sow \$5. 1 White do \$4. 16 pigs 75¢.
 1 Sister Sow & 6 pigs \$10. 1 Black cow + calf \$10.
 1 Brown Sow \$10. 1 White do \$5
 1 Set of Blacksmiths tools \$35. 1 Set of bells \$2.00
 2 grubbing hoes 75¢ 1 Set of hinges and staples for \$2.00
 4 Boxes trumpany \$4. 29th Iron 5¢.
 1 Steel trap \$1.00 1 Ground Stone \$5.
 1 Double gill tharns \$15. 1 single ditto. and ditto \$10.
 3 Saddles, bridles and Mountain gales for \$15
 1 Dog chain 25¢ contents of the pantry \$4.
 3 Pales 1 quiddle 1 Spider 2 Ovens 1 Pan 1 Kettle 1 Pot racks \$5
 1 Barrel Wine \$10. 1 Barrel Vinegar \$1.
 2 Hackles \$1. 3 Piggins & 2 tubs for 62¢
 1 Mahogany Table and ends \$20. 1 Walnut do. \$6.
 1 Set of Windsor chairs \$5. 1 do. flay ditto \$3.
 1 Looking glass \$1.50 1 do. And Irons \$1.
 11 Books \$3. 1 Bureau \$10. 1 Gun \$15
 1 Buffet and contents \$15. 1 Bed and furniture \$30.
 1 Block \$40. 1 do. And Irons Shovel Hongs 75¢
 3 Candle sticks \$1. 1 Walnut Table \$5.
 1 Small table \$2.50. 5 Arm chairs \$1.25
 5 Windsor chairs \$2.50. 1 Bed furniture \$25.00

barred up

8 25
 16 50
 7 75
 5 00
 29 00
 90 50
 113 00
 21 00
 20 00
 15 00
 37 00
 3 50
 5 54
 6 00
 25 00
 15 00
 4 25
 5 00
 11 00
 1 62
 26 00
 8 00
 2 50
 28 00
 45 00
 40 75
 6 00
 3 75
 27 50
 741 04

Amount brought up

1 Bed of furniture \$15. 1 Ditto and ditto \$30.
 1 Wash Stand \$4. 1 Bed and furniture \$15. 1 ditto ditto \$15.
 1 Wash Stand \$1. 1 Small round table \$2.
 1 Small looking glass 50¢ 1 Chest \$1.50
 1 Trunk 75. 2 Sponges and tharns \$1.50
 2 Ploughs \$1. 4 Plough hoes \$1.50 2 do do \$1.50
 1 New ground butter \$1.50. 11 Wreeding hoes for 50¢.
 1 do. Wedges 75¢ 1 do. trace chains 50¢
 1 Studyards gimlet and old cot \$1.
 1 Set of tools \$2.50 1 do. do. 50¢ 4 hand saws for \$2.00
 1 Set of Chisels, drawing knife and die spin \$2.50
 1 Brace & Bits \$1.25 5 Augers \$2.
 2 Hatchets 75¢ 4 Axes \$2.
 1 Blue kettle \$1. Work bench 4th \$1.50
 2 Demijohns \$1. 1 Key Spoints 25¢
 1 Box 50¢ 4 Bottles Varnish 2.
 1 Set of Timber \$1.50 - 1354 feet planks @ \$1 per ft.
 1 Red bull \$8. 11 Cows at \$5.
 1 Negro man Elisha
 1 ditto boy Isaac
 1 ditto do Henry
 1 ditto Woman Kate
 1 ditto girl Ginny
 1 ditto child Saml
 1 Bed \$7. 1 do. \$8. 1 Chest 75¢. 1 ditto 75¢
 2 trunks \$2. 7 chairs \$2. 1 Set crockery 50¢
 1 Loom \$2. 1 Spinning wheel \$1.
 1 Set trumpany \$3.

741 04
 45 00
 34 00
 3 00
 2 00
 2 25
 4 00
 2 00
 1 25
 1 00
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 2 75
 2 50
 1 25
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 15 04
 63 00
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 16 50
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 3035 33

James Wells. Jesse Cobb William P. Crofs.

Southampton County to wit: This day personally appeared before me James Wells. Jesse Cobb and Wm P. Crofs and qualified to act according to the within order. Given under my hand and Seal This 16th day of March 1840. H. J. Smith

At a Court held for the County of Southampton the 16th day of March 1840 This Inventory and Appraisement of Harrison Parkers estate was this day returned and ordered to be recorded. J. R. Edwards Clk

At Copy. J. R. Edwards Clk

And at another day to wit: At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 1st day of November 1841. This cause came on to be heard on the bill of the plaintiff and demurrer and answers of the Defendants and exhibits filed and was argued by Counsel: On consideration whereof the Court doth overrule said demurrer and doth adjudge, order and decree that a Commissioner of this Court take an account of the transactions of Henning J. Smith, Matthew W. Vaughan and Harrison Cobb executors of Harrison Parker dec^d 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 plaintiff with the bill and marked A, except however that the Commissioner in taking such account shall not allow the Executors of Harrison Parker any Commissions for the management of said estate. And the Court doth 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 so stated.

And on the 28th day of February 1842 the Commissioner reported the following accounts.

"The Estate of Harrison Parker dec^d

On account with Henning J. Smith, H. Cobb & M. W. Vaughan Exors

1827		Dr.	Cr.	Int.
	By amount of receipts this year		3100	20
	To amount of disbursements	1404	49	
	" Commissions on receipts off.	154	19	1250 30

Decr	31	Balance due the Estate	1849	90	
1838		To amount disbursed this year	200	69	
			1649	21	
		Interest on the balance of 1837			110.99
1839	1	To amount disbursed this year	286	92	
Decr	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	
Decr	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 paid thereof from December 31/1841 till paid.

The Court is directed to take an account of the transactions of the Defendants Henning J. Smith, Matthew W. Vaughan & Harrison Cobb executors of Harrison Parker dec^d in taking which account the Court is to receive as prima facie correct the account reported by the executors to the County Court of Southampton, except however the Court shall not allow the Executors of Harrison Parker any Commissions for the management of the Estate.

The Court 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 Decr. 1840 of Eleven hundred seventy eight dollars 70/100 (1178.70).

The Court with here remarks that the Court 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 correct.

The Court 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 dec^d in the balance that may

be found due from the said executors which is done in the following form
 1840 Dec 31 By amount due the Estate p^d a/c

Prim.	Interest.
\$887.03	291.67
	<u>887.03</u>
	1178.70

1/3 assigned to the widow
 ditto interest.

\$295.67 2/3
97.22 1/3 \$392.90

By Godwin Parker proportion ditto

392.90

By Harrison Parker ditto

392.90 1178.70

Respectfully Submitted

Come for \$5.00

Info Downy for & notice 2.00 } \$7.00

Jas. Cobb Clerk

And at another day to wit: At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 6th day of April 1842 This cause came on again to be heard on the papers formerly read and the report of the Commissioner made pursuant to the order of the first day of November 1841 to which no exception has been filed and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that Henning J. Smith, Matthew W. Vaughan and Harrison Cobb, Edwin Harrison and Samuel R. Gardner out of their own estates pay to Henning J. Smith administrator of Mariah Parker dec^d the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two third cents part thereof from the 31st day of December 1840 till paid, and to Godwin Parker a like sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars seven and two third cents part thereof from the 31st day of December 1840 till paid and to Harrison Parker the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two third cents part thereof from the 31st day of December 1840 till paid. and that the Defendants pay to the Complainant his costs in this behalf expended. But the said Godwin Parker, Henning J. Smith administrator of Mariah Parker deceased 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 J. 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 or demands that may hereafter arise against the estate of Harrison Parker deceased together with the costs attending the same which bonds shall be filed in this cause.

Plaintiffs costs \$35.43.

In pursuance of the above decree the following bond was entered into by Wiley Parker for Godwin Parker. to wit.

"Know all men by these presents that we Wiley Parker and George W. Parker both of the County of Hanover are held and firmly bound unto Henning J. Smith, Matthew W. Vaughan and Harrison Cobb Executors of Harrison Parker dec^d 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 attorney, 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 15th 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 J. Smith, Matthew W. Vaughan and Harrison Cobb executors of Harrison Parker, Edwin Harrison, Samuel R. Gardner, Henning J. Smith administrator of Mariah Parker deceased and Harrison Parker an infant by Edwards Butts his guardian ad litem it was decreed and ordered that the said Henning J. Smith, Matthew W. Vaughan and Harrison Cobb, Edwin Harrison and Samuel R. Gardner pay to the said Godwin Parker the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two third cents part thereof from the 31st day of December 1840 till paid. But the said Godwin Parker is not to have the benefit of the said decree until he or some person for him execute to the said Henning J. 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 to remain in full force.

Wiley Parker (Seal)

George W. Parker (Seal)

George W. Parker one of the obligors to the within bond 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 ⁸⁷/₁₀₀ dollars. this 16th day of May 1842.

L. R. Edwards Clerk

Cir. Supr. Ct. Southampton

And thereupon a writ of Fieri Facias was sued out on behalf of Godwin Parker upon the aforesaid decree which writ with the Sheriff's return thereon is in the words and figures, to wit:

The Commonwealth of Virginia: To the Sheriff of Southampton County: Greeting—
We command you that of the goods and chattels of Henning J. Smith, Matthew W. Vaughan and Harrison Cobb Edwin Harrison & Samuel R. Gardner late in your bailiwick you cause to be made the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars Sixty Seven & two third cents part thereof from the 31st day of December 1840. till paid which Godwin Parker an infant who sues by Wiley Parker his next friend lately in our Circuit Superior Court of Law and Chancery for Southampton County hath recovered against them by a decree of the said Court, also thirty five dollars and forty three cents which to the said Godwin Parker an infant who sues for & in the same Court were adjudged for his costs by him about his suit in that behalf expended: whereof the said Smith &c. are convicted as appears to us of record. And now you shall have executed this Writ. make known at the Clerk's Office of our said Circuit Superior Court of Law and Chancery at the Rules to be holden for the said Court on the first Monday in August next. And have shewn there this writ. Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 17th day of May 1842. in the 60th year of the Commonwealth.

L. R. Edwards C. C.

Return—Seized on one negro man slave named Silas f. c. bond taken for future and herewith returned

James Mapsenburg Depy of
Will. L. Everett Sheriff

The forthcoming bond referred to in the above return is in the words and figures following, to wit:

"Know all men by these presents that we Henning J. Smith, Matthew W. Vaughan, Harrison Cobb and John R. Williams are held and firmly bound unto Godwin Parker an infant suing by Wiley Parker his next friend in the just and full sum of Nine hundred and forty six dollars and thirty four cents to the payment whereof well and truly to be made to the said Godwin Parker an infant who sues by Wiley Parker his next friend his certain attorney, his executors, administrators or assigns: we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 22nd day of June one thousand eight hundred and 42.

The Condition of the above obligation is such that whereas Godwin Parker an infant who sues by Wiley Parker his next friend hath sued out of the Circuit Superior Court of Law and Chancery for Southampton County a writ of Fieri Facias against the goods and chattels of the above bound Henning J. Smith, Matthew W. Vaughan, Harrison Cobb, Edwin Harrison & Samuel R. Gardner upon a judgment obtained in the said Court, which writ, with the legal costs attending the same amounts to the sum of four hundred & seventy three dollars Seventeen cents. And whereas James Mapsenburg Depy for W. L. Everett Sheriff of the County of Southampton by virtue of the said writ, to the Sheriff directed hath taken the following property belonging to Henning J. Smith, Matthew W. Vaughan and Harrison Cobb to satisfy the same to wit one man slave named Silas and the said Henning J. Smith, Matthew W. Vaughan and Harrison Cobb being desirous of keeping the said property in his possession until the day of sale of the same hath tendered the above bound John R. Williams as security for the forthcoming and delivery thereof on the day and at the place of sale agreeable to an act of Assembly in that case made and provided. Now if the above bound Henning J. Smith, Matthew W. Vaughan, Harrison Cobb or either of them, do and shall deliver the aforesaid property to the said W. L. Everett Sheriff or either of his deputies at the Courthouse of the said County on the 15th day in August next that being Court day and the time and place appointed for the sale, then and there to be sold to satisfy the said Godwin Parker an infant who sues by Wiley Parker his next friend his execution aforesaid: then the above obligation to be void or else to remain in full force.

H. J. Smith (Seal)

M. W. Vaughan (Seal)

Harrison Cobb (Seal)

J. R. Williams (Seal)

Signed, Sealed and delivered
in presence of
J. Mapsenburg

And at another day to wit: At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 2^d day of November 1842 came the plaintiff by his attorney and moved the Court for an award of execution against Henning J. Smith, Matthew W. Vaughan, Harrison Cobb and John R. Williams upon the aforesaid forthcoming bond. And it appearing to the Court that the Defendants have had legal notice of this motion they were solemnly called but came not. Therefore it is considered by the Court that the plaintiff may have execution against the Defendants for four hundred and forty six and thirty four cents the penalty of the said bond and his costs by him about this motion in this behalf expended. And the said Defendants in Mercy &c. But this execution is to be discharged by the payment of Four hundred and Seventy three dollars Seventeen cents with legal interest thereon from the 22^d day of June 1842 till paid and the costs.

Plffs Costs \$6.44.

The execution which issued upon the above judgment, together with the return thereon made is in the words and figures following to wit:

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting— we command you that of the goods and chattels of Henning J. Smith, Matthew W. Vaughan, Harrison Cobb & John R. Williams late in your bailiwick you cause to be made the sum of Nine hundred & forty six dollars thirty four cents which Godwin Parker an infant who sues by Wiley Parker his next friend lately in our Circuit Superior Court of Law and Chancery for Southampton County hath recovered against them by motion on a forthcoming bond. Also six dollars and 44 cents which to the said Godwin Parker by &c. in the same Court were adjudged for his costs by him about his suit in that behalf expended; whereof they are convicted as appears to us of record. And how you shall have executed this writ make known at the Clerk's Office of our said Circuit Superior Court of Law and Chancery at the Rules to be holden for the said Court on the first Monday in February next. And have then shew this writ.

Witness L. R. Edwards Clerk of our said Court at the Courthouse this 11th day of November 1842 in the 67th year of the Commonwealth. L. R. Edwards Clk.

Memo: This execution may be discharged by the payment of four hundred and Seventy three dollars Seventeen cents with legal interest thereon from the 22^d day of June 1842 till paid and costs

Jest. L. R. Edwards Clk.

No Security of any kind to be taken. L. R. Edwards Clk.

Sheriffs Return. "Injoined - Will. J. Sebrill Dy. of Will. S. Everett Shff."

And on the 5th day of December 1853 the following decree or order was filed among the papers in this cause
"Southampton Circuit Court November 3^d 1843.

Henning J. Smith, Matthew W. Vaughan & Harrison Cobb executors of Harrison Parker dec^d.
Edwin Harrison, Henning J. Smith administrators of Maria Parker dec^d and Harrison Parker an
infant under the age of twenty one years

against
Godwin Parker

Plffs
Def^s } In Chancery

This cause came on to be heard on the bill, answer and exhibit and was argued by Counsel: On consideration whereof the Court doth by consent, decree that the injunction granted on the 6th day of March 1843 to restrain the payment of an execution from the Circuit Superior Court of Law and Chancery for Southampton County issued on the 11th November 1842 in favour of Godwin Parker an infant against the plaintiffs for the sum of \$946.34 cents to be discharged by the payment of the sum of four hundred and Seventy three dollars and 17 cents with legal interest thereon from the 22^d June 1842 till paid be dissolved as to the sum of three hundred dollars and twenty six cents with interest thereon from the 1st January 1840 till paid and perpetuated as to the balance. And the Court doth adjudge that the plaintiffs pay to the Defendant his costs by him in this behalf expended.

A Copy. Jest. L. R. Edwards Clk.

And thereupon the Plaintiff sued out another execution upon the judgment on the forthcoming bond aforesaid which execution with the endorsements and return thereon made is in the words and figures following to wit:

The Commonwealth of Virginia. To the Sheriff of Southampton County. Greeting: we command you that of the goods and chattels of Henning J. Smith, Matthew W. Vaughan, Harrison Cobb and John R. Williams late in your bailiwick you cause to be made the sum of Nine hundred and forty six dollars and thirty four cents which Godwin Parker an infant suing by Wiley Parker his next friend lately in our Circuit Superior Court of Law and Chancery for said County hath recovered against them by motion on forthcoming bond. Also seven dollars and fifty two cents which to him in the same Court were adjudged for his costs by him in that behalf expended - and also fourteen dollars Seventy two cents to which he is entitled for damages by occasion of the said Smith & others retarding the execution of the judgment aforesaid by an Injunction. Whereof the said Smith, Vaughan, Cobb and

Williams are convict as appears to us of record. And how you shall have executed this writ, make known at the clerks office of our said Court at the Rules to be holden for the said Court on the first Monday in February next And have them there this writ. Witness Littleton R Edwards Clerk of our said Court at the Courthouse this 5th day of December 1843 in the 6th year of the Commonwealth.

L. R. Edwards Ck

Mem^o. This execution may be discharged by the payment of three hundred dollars and twenty six cents with legal interest thereon from 1st day of January 1840 till paid and the damages within mentioned and the costs -

Teste. L. R. Edwards Ck

The interest between the 6th March 1843 & 3rd November 1843 is not to be calculated, the damages within mentioned being in lieu thereof.

Teste L. R. Edwards Ck

The plaintiff acknowledges to have received in part of this execution the sum of One hundred forty dollars 31 cents on 4th November 1843 as per Receipt of Wiley Parker guardian of Godwin Parker -

L. R. Edwards Ck.

Sheriffs Return - "Satisfied" Will. J. Sebrell Dy of Will. L. Everett Shff.

Copy of the Record

Teste. L. R. Edwards Ck

Clks fee for this transcript of the Record \$7.22.

\$7.22.

Copy Record
J. Parker
to: { Cash with bill
Clerks & J. P.

Parker

& } Ex. with Bill

Smith's Exp. & for

(15)

At a Monthly Court held for Hansamond County, the 8th.
day of July 1850.

The Last will and Testament of James Cobb deceased,
was proved by the oaths of H. H. Cobb, Timothy C. Langston
and Saml. S. Shingfield, the subscribing witnesses
thereof, and was ordered to be recorded: And on the motion
of William W. Jones, the Executor therein named, who
made solemn affirmation according to law, and with
James Barnes and Timothy C. Langston, his securities,
who justified, entered into and acknowledged a bond
in the penalty of three thousand dollars, conditioned
according to law: Certificate is granted him for
obtaining a probat of the said will in due form.

A Copy:

Teste, Peter B. Perntis. Clerk.

Parker

2 } Exh with Bill

Smiths Ex R

Southampton County Court - March 19th 1855.

On the motion of W^m Murfee guardian of James M Parker it is ordered that the unadminis-
tered estate of Harrison Cobb dec^d be committed to the hands of Saml Kello Sheriff of this
County to be administered according to law -

A Copy

Teste L R Edwards Clk

Southampton County Court March 19th 1855.

On the motion of W^m Murfee guardian of James M Parker it is ordered that the unad-
ministered estate of Maria Parker dec^d be committed to the hands of Saml Kello Sheriff
of this County to be administered according to law.

A Copy

Teste L R Edwards Clk

Southampton County Court January Term 1859.

On the motion of Henry J. Smith who made oath and together with Harrison Cobb
and Matthew W Vaughan his securities entered into and acknowledged a bond in the penalty
of One thousand dollars conditioned as the law directs certificate is granted him for
obtaining letters of administration on the estate of Maria Parker dec^d in due form

A Copy

Teste.

L R Edwards Clk

Southampton County Court. June the 19th 1854

On the motion of Henning M Smith the executor named in the last Will and Testament of Henning J Smith dec^d who made oath & together with Benjamin D Smith and Abram Riddock his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of twenty thousand dollars conditioned as the law directs, certificate is granted the said Henning M Smith for obtaining a probat of the said Will in due form. Liberty is reserved to the other Exor: to join in the said probat when he shall think fit -

A Copy

Teste. L.R. Edwards Clk

Southampton Circuit Court. November 7th 1850.

On the motion of Seth D Williams who made oath according to law and together with Harrison D Moore, Merit J Davis and John B Jenkins his securities, who justified on oath as to their sufficiency, entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the law directs, certificate is granted the said Seth D Williams for obtaining letters of administration on the estate of Edwin Harrison dec^d in due form.

A Copy

Teste. L.R. Edwards Clk