

1870 - 09

Southampton County - Chancery - Parker, Wm. Est. Vs. Parker, Lucy. Estate

"Settlement of Estate"

James I. Parker
Executor Est.
Lucy Parker

James I. Parker -
Exec Est -
Lucy Parker

3 Sons -
James
Robert
William

Parker

~ } Papers

Parker

Feb. 12. 1870- Injunction is granted according to the prayer of the within Bill; but the effect of this order is to be suspended until the Complainant Wm. Parker shall enter into a bond with good ^{security} ~~the Circuit Court of~~ in the penalty of Three thousand dollars, in the Clerk's office of Southampton County, Conditioned according to Law.

Bennj. B. Foster

To the Clerk of the Circuit Court of
Southampton County

1870 Feb. 12th 12:11 PM Geo. Sp. 1042

Parker
vs
Picea & Whit-
Parker & Co

R. B. Foster

To The Honorable ~~E. P. Peters~~ ^{Hustings} Judge of the Circuit
Court for the County of ~~Sussex~~ ^{City of Washington} in Chancery

Humblly Complaining sheweth unto your Honor your orator Wm M Parker, That in the year 1859 Lucy Parker, his mother died, ^{after} having made and published her last will and testament, which has been duly recorded and that James T. Parker qualified as her Executor as will appear from a copy of the orders herewith filed, marked (1) and prayed to be taken as parts of this bill. That James T. Parker sold the Chattel Estate and took bonds from the parties for their purchases - That your Orator was entitled to a portion of the Estate of his mother, and at the sale bought several articles, for which he executed his bonds to James T. Parker Executor as aforesaid - That James T. Parker has brought suit upon these several bonds, obtained judgements and issued executions - as will appear from copies herewith filed, marked (2). That James T. Parker has never rendered any account of his Executorial proceedings, but has constantly refused to do so, until a suit in Chancery was instituted against him by your Orator in the Circuit Court of Sussex County; that the accounts ordered to be taken in that suit are not yet complete, but your Orator is advised and charges and verily believes, that there will be a very large amount due him when the accounts are properly adjusted and stated. That the accounts would have been settled before

now, but for the removal of the Commissioner in Chancery by Military Orders - That your Orator is advised ^{that} charges that James T. Parker Executor as aforesaid is likely to become insolvent and if this money, which is now due him as Executor, by your Orator is collected, your Orator will in all probability lose his portion of his mother's Estate. That the securities to James T. Parker's Executorial bond, are your Orator, ^{and} Robert M. Parker his brother, who (the latter) resides in Alabama, & who has no Estate in this State & that your Orator is informed & believes that he is insolvent, In this State of affairs if the said James T. Parker Executor as aforesaid is allowed to collect the said Executions, which he is proceeding to do, they having been already levied upon the personal property of your Orator ^{and} the sale thereof advertised, irreparable loss will accrue to your Orator. Your Orator believes ^{that} if justice be done him in the settlement of the Executorial accounts before alluded to, the portion due him as one of the heirs of his mother and which ought to be now in the hands of James T. Parker Executor as aforesaid, will nearly or quite offset the said Executions of fifa, which have been issued against him. In tender consideration of all which, & inasmuch as your Orator is without remedy in the premises save in a Court of Equity; as this Honorable Court is, To the end that Justice may be done, your Orator ^{that J. T. Parker made a party deft to this} therefore humbly prays, ^{that} your Honor will ^{be compelled to answer the allegations thereof.} make an order, restraining and enjoining the said James T. Parker, his agents, attorneys, or others from further proceedings towards the collec-

tion of the said Executions of fifa - and grant such other and general relief as Equity may dictate and the nature of the case may require & as in duty bound he will ever pray
May it please the Court so

Prince p. 9

State of Virginia

Sussex County Court:

This day personally appeared before me, J. H. Van Antken, a Justice of the Peace for the said County, Mr. Parker and made oath that the facts as stated in the above bill are true to the best of his knowledge & belief. Given under my hand this 3rd day of July, 1870.

J. H. Van Antken J.P.

Parker

2 } Ex: with bill
5 }

Parkers Ex

121

Southampton Circuit Court. May Term 1869
James T Parker Exor. of Lucy Parker de.

against
W. M. Parker.

Deft.

} In Debt
Deft.

The judgment obtained at the Rules not having been set aside and the Plaintiff being now entitled to a final judgment it is therefore considered that the Plaintiff recover against the Defendant One hundred and twenty five dollars the debt in the declaration mentioned, with legal interest thereon from 25th December 1853 till paid and his costs by him about his suit in this behalf expended.

Deft's Costs \$7. 63.

A Copy

Teste

L R Edwards DC

(Fi. fa. Spend. Nov. 20. 1869)

Southampton Circuit Court. May Term 1869
James T. Parker Exor. of Lucy Parker

against
W. M. Parker

Deft.

} In Debt
Deft.

The judgment obtained at the Rules not having been set aside and the Plaintiff being now entitled to a final judgment it is therefore considered that the Plaintiff recover against the Defendant One hundred and fifty dollars, the debt in the declaration mentioned with legal interest thereon from 1st day of January 1859 till paid and his costs by him about his suit in this behalf expended.

Deft's Costs \$7. 63.

A Copy

Teste

L R Edwards DC

(Fi. fa. Spend. Nov. 20. 1869)

James T Parker Exor. of Lucy Parker

Mr. M. Parker against

Piff's costs \$7.63

Alfred

Teste, L. R. Edwards D.C.

James T Parker Exor: of Lucy Parker

against
W. M. Parker

Puff's Costs \$7.63.

A. Copy

Test, G. R. Edwards & Co

Southampton Circuit Court May Term 1869.

Benj A Bailey who sues for the benefit of James T Parker

against

Mrs M. Parker.

Plff

} In Debt

Def.

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant fifty five dollars, the debt in the declaration mentioned, with legal interest thereon from the 28 May 1853, till paid and his costs by him about his suit in this behalf expended

Plffs costs \$7. 68

Attest -

(S. fa. fa. Nov 20. 1869)

Teste. L. R. Edwards Clk.

Southampton Circuit Court May Term 1869.
James T Parker Exor. of Lucy Parker
against
W. M Parker
Plff } In Debt
Def

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant One hundred and fifty dollars, the debt in the declaration mentioned, with legal interest thereon from 1st day of January 1856 till paid and his costs by him about his suit in this behalf expended

Plffs Costs \$7. 63.

(Jcfa issued Nov. 20. 1869) A Copy Test S. R. Edwards DC

Southampton Circuit Court May Term 1869
James T Parker Exor. of Lucy Parker
against
W. M Parker
Plff } In Debt
Def

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant One hundred and ^{thirty} ~~fifty~~ dollars, the debt in the declaration mentioned, with legal interest thereon from the 1st day of January 1858 till paid, and his costs by him about his suit in this behalf expended

Plffs Costs \$7. 63

(Jcfa issued Nov. 20. 1869) A Copy Test S. R. Edwards DC

Southampton Circuit Court - May Term 1869
 James T Parker Exor. of Lucy Parker
 against
 W. M. Parker
 Plff } In Debt
 Deft }

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is therefore considered that the plaintiff recover against the Defendant One hundred and fifty dollars, the debt in the declaration mentioned, with legal interest thereon from 1st day of January 1868 till paid and his costs by him about his suit in this behalf expended.

Plffs costs \$7.63 -

At Copy

Teste

L R Edwards JLC

(Fi fa issued Nov 20. 1869)

Southampton Circuit Court May Term 1869.
 James T Parker Exor. of Lucy Parker
 against
 W. M. Parker
 Plff } In Debt
 Deft }

The judgment obtained at the Rules not having been set aside and the plaintiff being now entitled to a final judgment it is considered that the plaintiff recover against the Defendant Seventy eight dollars & nine Cents the debt in the declaration mentioned, with legal interest thereon from 1st day of August 1860 till paid and his costs by him about his suit in this behalf expended.

Plffs costs \$7.63

At Copy

Teste

L R Edwards JLC

(Fi fa issued Nov 20. 1869)

Parker

Parker
v { Injun bond

Parker

In the Name of God Amen; I Lucy Parker of the County
of Southampton and State of Virginia, do make and bequeath this
my last Will and Testament in manner and form as follows;
Item 1st, I give to my son William M. Parker, all of my land &
Estate and two beds and furniture.

" 2nd I give to my son Robert M. Parker, my Negro man
John, and two beds and furniture.

" 3rd I give to my son James Parker, Seven (700) hundred
dollars with interest from the 3rd day of November 1853.

" 4th The balance of my Estate I wish sold and the money
arising therefrom, after the payments of my debts and
funeral expenses to be equally divided between my
three sons above named.

Lastly I, do hereby appoint my three sons James, Robert
and William Parker, Executors to this my last
will, In testimony of which I have hereunto
set my hand and Seal this 4th day of December
1854.

Signed and acknowledged Lucy Parker, 
in the presence of
James E. Peters
Wm E. Princes

At a Court held for the County of Southampton, October
17th 1859, This last will and testament of Lucy Parker
did was publicly proved by the oath of James E. Peters,
one of the subscribing witnesses thereto and the same is
continued for further proof. And at a Court held for

The said County November 21st 1859, This last Will and Testament
of Lucy Parker decd. was this day wholly proved by the Oath
of W^m E. Prince, another Subscribing Witness thereon and was
Ordered to be recorded, And Robert M. Parker and William
M. Parker, two of the Executors therein named appeared in
Court, and refused to take upon themselves any part of the
burden of the execution thereof; At the Motion of James
F. Parker, the other executor therein named, who made
Oath and together with Robert M. Parker & William M.
Parker, his Securing, (who justified in Oath as to their
Sufficiency,) entered into and acknowledged a bond in
the penalty of Ten Thousand dollars, conditioned
according to law, Certificate is granted the said
James F. Parker, for obtaining a probate of
the said Will in due form.

Teste, L R Edwards, Ck

Attest

Teste,

James R. Tyler, J.C.

Know all men by these presents that we W^m M Parker

are held and firmly bound unto James T Parker Executor of Lucy Parker *de* in the just and full sum of three thousand dollars, To be paid unto the said James T Parker Exor: as aforesaid his certain attorney, his executors, administrators and assigns: for the payment whereof well and truly to be made we bind ourselves our heirs, executors, administrators and assigns jointly and severally firmly by these presents. Sealed with our Seals and dated this day of

A D 1877

The condition of the above obligation is such that whereas, the above bound W^m M Parker hath obtained from Benj. B Foster Judge of the Hastings Court of the City of Norfolk an injunction to stay, until the further order of the Circuit Court of Southampton County all further proceedings to wrd the collection of the several executions sued out of the Clerks Office of the said Circuit Court of Southampton County upon judgments obtained in the said Court in favor of the said James T Parker Executor of Lucy Parker *de* against the above bound W^m M Parker Now if the said W^m M Parker shall pay the judgments aforesaid referred to, and all such costs as may be awarded against him, and all such damages as shall be incurred in case the injunction be dissolved then the above obligation to be void or else to remain in full force and virtue.

Seal

Seal

Seal

In the Clerks Office Southampton Circuit Court day of

1877

This bond was acknowledged by the obligors thereto; and

the securities thereto made oath before me that

estate after the payment of all just debts worth the sum of three thousand dollars penalty of said bond.

Parker

v } Stat. Rules

Parker

In Southampton Circuit Court.

Wm. M. Parker

against

James T. Parker

1870 Feb. 12th Bill & or. for Inj. filed & pa. & Inj. Issued

Nov. 1. Dismissed

Parker
or 3 Pieces
Parker

Nov Term 1870

To be returned.

Geo. B. How

Parker

vs. 3 Decem.

Parker

This day this Cause came on to be heard on the plea bill, which has been taken for confessed as to James T. Parker, exhibits filed & general replication thereto, and was argued by Counsel - and on the motion of the plaintiff, it is ordered by that Court that this Cause be dismissed.