

1820-028 Chancery Causes; Beln of Josiah Cowper, alias Josiah C. Parker vs Josiah Parker's admors & al

Jble of Wright County

other surnames: Baker,  
Pierce

Couper vs. Parker & Son  
or J. Bill

Parker admor. & Hensley

<sup>82</sup>  
Sept 2 1814 Bill filed &

Decr 1814 Decree nisi

Feb 4 1815 Parker ans filed

Decree nisi set aside & the cause as  
to Parker is set for Trial by consent

May 1820 dismissed with  
leave to replead in 3 months

~~the lands~~ so appropriated as ~~applied~~ by the dec<sup>r</sup>. I now  
actually & in the most part lying in an  
inactive & unproductive situation - or by  
any other means whatever the said debts,  
& all others have absolutely expired  
unless by a decree of a Court of Equity.

In further consideration therefore being  
reminded in the premises, except by the  
interposition of Chancery jurisdiction,  
with the end, that the said parties or  
such of them as y<sup>t</sup>. worship, deem proper  
without further delay, comply with the  
manifest intentions of the testator as aforesaid,  
y<sup>t</sup>. court<sup>s</sup> pray, y<sup>t</sup>. worship, to decree  
that ~~that~~ a sale of such, so much of the  
real property of the said ~~house~~ <sup>park</sup>  
as shall be sufficient, to rebuild the  
Mills aforesaid in a permanent &  
valuable manner - & also, that shall be  
deemed necessary for the proper repairs of  
the Mansion house on the Mchlisfield  
& that the proceeds be applied accordingly ~~to the~~ <sup>to the</sup>  
estate - that the debts answered by ~~the~~ <sup>the</sup> ~~estate~~  
all is paid, on their oaths, - That y<sup>t</sup>.  
worship make such other & further order  
& decree in the premises as may comply  
with equity & the nature of the case - &c.

Done, at Long  


Cooper Guards  
3 / { Ben  
Neway Court Hill

To the worshipful Court of Litchfield County in Chancery  
sitting, humbly complaining sheweth to y<sup>e</sup> worshipful  
your orator William Soule, Guardian of Josiah Parker  
Merrin called Josiah C. Parker, <sup>an</sup> infant, and devisee  
of Josiah Parker dec<sup>d</sup>. That sometime in y<sup>e</sup> year of  
the said Josiah Parker departed this life having first  
duly made and executed by last will and testament,  
which was duly proved and recorded in the Court  
aforesaid ~~an~~ attested copy of which is now hereto  
present, shays to be taken & considered a part of  
his will. And your complainant further states, that  
among other valuable property, the said Josiah Parker  
at the time of his death, left in the County of Litchfield  
a valuable farm called Wick fields, the place  
of his late residence, for which, ~~some~~ considerable  
improvements ~~made~~ with taste & elegance were  
erected and made, and whereunto with ~~in~~ the  
adjacent Mills called the Cypress Mills seems  
to have constituted by the will of the deceased,  
his favorite property. And y<sup>e</sup> Court further  
represents that the said Mills, when in good  
order and repair, ~~at that time~~ <sup>were</sup> an worth, worth, then  
the thousand dollars or thereabouts. But that the  
said Mills have been ~~greatly~~ <sup>rapidly</sup> ~~greatly~~ <sup>rapidly</sup> growing  
into a state of decay, from the death of the s<sup>d</sup> testator  
some time, from the want of timely repairs,  
are absolutely in so ruinous a condition, that  
it has been with much difficulty, that the  
compt<sup>r</sup> has with his small means been able to ~~sustain~~  
different

The mill was from falling - indeed at this time it is a fact -  
notorious, that there is not a trace, that a cap will  
a flood gate, but ~~is~~<sup>is</sup> absolutely, in the way, as thereby  
not only to threaten the whole ~~mill~~<sup>building</sup> with destruction,  
but also to prevent the customers from  
hauling themselves, or their grain in it - admitting  
water sufficient under its present condition could  
be held for the necessary purposes of grain.

Your Compt. also states, that the valuable ~~mill~~ mill,  
 for similar causes of inattention, & decay, has  
 not been worked in the last three years - and  
 that the mill stands also in the want of necessary  
 repairs ~~it~~ is in great hazard of giving  
 way, after large water-falls, thereby subjecting  
 the whole mill site to imminent danger.  
 And your Compt. states, that in consequence of the  
 inattention ~~to~~ of "defendants" to this valuable property -  
 the accidents ~~property~~ - the proceeds arising from  
 which, would otherwise ~~be~~ a secured, have been  
 considerable, have been ever since the  
 death of the testator, ~~opening~~ opening in value & are  
 now scarcely sufficient to pay the necessary  
 expenses attending the mill. That he by duly  
 qualified guardian to his child & devisee,  
 as appeared by government sufficient security  
 to the court, for the faithful execution of such  
 trust. And your Compt. further represents, <sup>that</sup> having  
 so qualified ~~the~~ <sup>the</sup> ~~state~~ <sup>state</sup> to his ward, fully &  
 faithfully, to represent to the ~~defendants~~ <sup>defendants</sup> ~~from time~~  
 to time the ruinous condition of the property aforesaid

The consequent want of pecuniary, to enable him to maintain & educate his said ward in that way, & to that extent which must have been the wish & intention of the testator & which, from the value of the estate, might most certainly have been the case. In which but for the decay & neglect of this <sup>selection of the</sup> productive part of the estate, he believes he should have been fully able to have done. — But now, such is my ill place of worship, such his applications & circumstances, have uniformly been treated with contempt, & totally disregarded, <sup>by the said</sup> in vain has he from time to time since the death of the testator, applied to Joseph Baker the agent with the will annexed of 5<sup>th</sup> Dec. 1841, to either to be permitted with the necessary funds for the purposes of ~~the~~ rebuilding the mill, or for carrying on due time, the further & waste if not total destruction of this valuable part of the estate; & to enable him to not only protect & secure a solid benefit for his ward, but also to draw the better means, for his <sup>proper</sup> support & education. Altho' the said Joseph seems expressly ~~authorised~~ <sup>by the said</sup> ~~author~~ <sup>author</sup> under the will annexed, to dispose of certain parts of the testator's real estate to be applied to such improvements. — Joseph also states that he has frequently, but with little success applied to a certain Thomas Price, who with Ann P. P. Cooper are also under the will of the deceased fully authorised to make sales of such other parts of his estate, particularly

his report that worth <sup>a part of which is not to answer the said party's bill</sup> in case such sale should be  
made necessary for the improvement of this his favorite  
& most valuable property in all of which &  
in the interests of his grandson & devisees.

& yet ample further states that the said Lord Baker  
Administrate as above said of the said Thomas being  
and the said Ann P. P. Cooper <sup>that he paid Apple & Pine & etc.</sup> who are pay  
be made dependent to this bill of complaint,  
not at all regarding by not request & application  
as above said ~~but from time to time~~ <sup>the</sup> ~~the~~ <sup>the peculiar</sup> situation of his ward as above said,  
or the obligations which clearly arise under  
the will of the sd testator - in regard to the  
improvement of his favorite property - but  
combining & fraudulently intending towards  
this court - & actuated as they completely believe  
~~in their refusal as above said~~ <sup>a spirit</sup> ~~in their refusal as above said~~ <sup>a personal hostility against</sup> themselves conscious  
of an unhappy misunderstanding in his  
family, than from a deliberate & dispassionate  
view of the present ruinous condition of the  
property - & the serious & consequent injury that  
already & they & still may befall the said  
~~have not only from time to time failed to~~  
make such necessary sales & appropriations  
as ~~required~~ <sup>required</sup> ~~by the said will~~ - nor have they in any other  
way made such necessary repairs either towards  
the Mills or above - at the mansion house the late  
residence of the decedent now fast going into decay  
in the want of such attention: But the said Mills to  
be funded by the necessary sale of some of the lands of

The Answer of Joseph B. Baker administrator with the will annexed of Josiah Parker deceased to a Bill of complaint exhibited against himself and Thomas Pierce in the county court of Isle of Wight by William Couper guardian to Josiah Couper otherwise called Josiah C. Parker an infant - Complainant.

This Respondent saving and reserving to himself all benefit and advantage of exceptions to the many errors, uncertainties and false allegations in the complainants said Bill contained, for answer thereto, answers unto so much thereof as is material for him to answer unto. He answers & says: That having taken upon himself the office of administrator with the will annexed of the late Josiah Parker, he has proceeded, as far as circumstances & the situation of the estate would admit, to comply with the injunctions of the will of his testator: That the lands owned by your respondents testator in the states of Ohio & Kentucky, and the county of Randolph in the state of Virginia, having been directed to be sold, specially for the payment of debts, he has exhausted much care and attention on that subject, but the remote situation of the Property, and the consequent embarrassments and difficulties attending the same have prevented his finally making sale thereof, except the Kentucky lands, the Proceeds of which have been received and applied in discharge of his Testators debts. Your respondent admits, that the water mill <sup>still</sup> devised to the Infant complainant, is in a very ruinous condition & that if it were in good order and repair, he believes, it would be a source of Profit and emolument to the said devisee - That he has frequently applied to by the said

William Cooper for funds to be applied towards repairing the said Mill: But your respondent knowing that the estate was involved in many difficulties, and owed debts to considerable amount, & believing that to have complied with this repeated solicitations of the said William Cooper, would be an act wounding a disreputable as well to the wishes of his Testator as to that care and circumspection which ought to be observed by a Person acting in a representative capacity, he refused.

That in making up this determination, your respondent seriously declares, that he was influenced by no motive of hostility Personal hatred or ill will, but by reasons, which he believes, were calculated as well to facilitate the objects of his Testator as to make Proper and harmless the actings and doings of your respondent. Your respondent further represents, that the Cases before referred to, one tract lying in the state of Ohio, one other tract in the state of Kentucky, and the last in the county of Randolph in this State, are the only real estates directed by the will of his Testator to be sold for the Payment of debts: that should he not be able finally to dispose of the lands in Ohio and in the county of Randolph, of which there is at Present some little doubt, the funds now in his hands probably would not be sufficient to meet the demands upon the estate; in which event, the Property lying in the Borough of Starfolk, in Portsmouth & in Gosport, which can be sold with the consent and approbation of Thomas Pease, & Ann P. P. Cooper, your respondent conceives, should be sold not for the Purpose of repairing the Mill, but to discharge the debts which may remain due and unpaid. Should however, your worships decide, that the lots or tracts of land last alluded to, be sold for the Purpose of repairing the said Mill, your respondent submits

the Propriety of designating some worthy and trusty Person to transact the business for and on behalf of the Infant complainant, so that the Proceeds of the said lots or Parcels of land may be applied with certainty and effect. Your respondent conceives that he has fully, and unequivocally answered all the material allegations in the complainant's said Bill of complaint. He denies all fraud and combinations, & Prays to be heard & dispensed with his reasonable costs and charges in this behalf most wrongfully sustained.

Stamford County, Va.

Joseph B. Baker appeared before the subscriber a Justice of the Peace for this County aforesaid, that the allegations contained in the foregoing answer, so far as they depend upon the actings and doings of the said Joseph B. Baker are true, and so far as they depend upon the actings & doings of others, he believes them to be true.

Given under my hand this 29 day of January  
— 1815.

Hardy Cropp, J. P.

Bakewell

ads.

Cowper

Answer.

The Commonwealth of Virginia to the Sheriff of Isle of Wight  
County greeting: you are hereby commanded to Summon  
Joseph B. Baker Administrator with the will annexed of Isaac Parker <sup>decd.</sup> and Thomas  
Pierce  
to appear before the Justices of our County Court of Isle of Wight  
at the Court house of the said County on the first Monday  
in March next, to answer a bill in Chancery exhibited  
against them by Isaac L. Parker, formerly called Isaac Bowser infant  
son of William Bowser by the said William Bowser his Guardian

And that they shall in no wise omit under the penalty of  
£100 each — and have them this Writ. Witness  
Nathaniel Young Clerk of our said Court at the Court-house  
the 13<sup>th</sup> day of November 1813 in the 38<sup>th</sup> year of  
the Commonwealth.

Nathl. Young  
Clerk

Executed on Thomas Pierce Joseph  
B Baker no Inhabitant -

Josiah Holleman Dy  
for James Johnston Sh

Conquer Goss fine

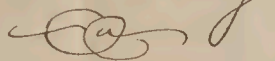
Spa in City

41

Bakers corner: fine

Recess for complete

The commonwealth of Virginia to the Sheriff of Nansemond  
County greeting, we command you to summon Joseph B. Baker  
administrator with the will annexed of Josiah Parker decd. to  
appear before the Justices of our county court of Islesworth  
on the first monday in October then and there to answer  
a bill of complaint exhibited against him by William  
Bowyer as guardian to his son Josiah B. Parker in the said  
court — and have then there this writ Witness Nathaniel  
Young clerk of our said court of Islesworth, at the court  
house this 8<sup>th</sup> day of September 1844 In the 38<sup>th</sup> year of the  
Commonwealth

Nathl. Young  


Page 68  
Parker of 18.10

vs.

18. Sp. 2 in

Chy —

Parker adnor.

Executed  
Dorsey Douglas  
of  
for  
Washington Smith  
ff-

Parker vs. Cooper

vs. Decease vs.

Parker vs. Cooper

Shire of Wight County N.C. - On this day Josiah Holliman  
Deputy Sheriff of the county aforesaid  
appeared before me a Justice of the Peace for the  
county aforesaid, and made oath, that he did  
on this day deliver a true copy of the within  
Decease unto Joseph B. Baker, and  
Thomas Pierce. Given under my hand  
this 2<sup>d</sup> day of Jan'y 1815.

John Lawrence

Attest to the above Thomas Pierce  
Deputy Sheriff of the County of Wight  
N.C. 13  
for Justice of the Peace  
John Lawrence  
1815

Jud of Wright County J<sup>ts</sup>

December Court 1844

Levi C. Baker formerly called  
Levi C. Baker infant son of William  
Baker by the said William C. Baker his  
guardian .. .. . Comp et

against

Joseph L. Baker attor. with the wife  
accused of Levi C. Baker dead &  
Thomas J. Pierce

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The defendants having failed to file  
their answer to the bill by copy introduced  
in the case against them by the complainant in this  
case. It is ordered that unless the defendants  
appear here at February Court next and  
file their answer that judgment will be  
entered for the complainant against them  
as provided in the prayer of the said bill.

Wm. C. Baker

John David & Co

I Josiah Parker of the County of Isle of Wight and State  
of Virginia do make this my last will and testament, that  
is to say, — 1<sup>st</sup> I give to my daughter F. P. Couper the  
following Negroes, Sabinah, Edward, Charlotte, Albert,  
Sidney, and Patience, to her and her heirs forever, also the  
following Articles of Furniture viz<sup>t</sup> an Elegant set of cut  
glass imported from London with the initials of her name on  
them; Also all the French plate in my house, and all the pic-  
tures and frames except the military ones, and all the old  
plate sound or unsound that belonged to her mother at the  
time I married her; Also Her flock of six cows including her  
own, six ewes, a sow and pigs, five beds, including what  
she has had made herself, and the best Mahogany bed-  
stead and the Black Walnut bedstead which I generally  
sleep on myself with one Common Bedstead, together with  
all the furniture generally attached to them, Also a small  
plate of pompadour Colored save China, and a broken set  
of penciled China; Also my harp, Piano forte, and all the  
Musick, — All the Above Articles I give to her and her heirs  
forever. — Also two hundred and fifty Dollars in Cash to  
be paid her by my Executor in the manner she may require;  
I also lend to my said daughter the use of my dwelling house,  
Garden, Yard, new Stable and Stable loft, Also the use of my  
Negroes Isaac and Edy as long as she chooses to remain on the  
place; But if she leaves it, they then must revert to the person  
to whom the land is given, as hereafter Mentioned, —

I also allow her the use of firewood, fencing, stuff, Tailing, pas-  
-turage for her stock and such fruit as she may choose necessary  
to be eat in the House. — I also give to her One hundred pounds  
a Year, to be paid her out of my Estate by my Executor, quarterly,  
to her order on the 1<sup>st</sup> day of January next

in the mean time all my Estate is to be kept entire except such portion as my Executor with the Advice of my daughter may think it to the Interest of my estate to have disposed of.

2<sup>nd</sup> All the rest of my Estate both Real and Personal, I give to my grand-son Josiah Couper who is to take the s<sup>r</sup> name of Parker. — 3<sup>rd</sup> I constitute and appoint my god-son in law Joseph B. Baker of the County of Nanaimo and my Executor to this my last Will and Testament with full power to dispose of all my lands in the State of Ohio and Kentucky and also in Randolph County in Virginia; — Also my proportion of the lots in the City of Washington purchased of Stoddard by Luke Wheeler, John Couper and Company and it is my desire that the said property may be disposed of as soon as possible and the residue of the money arising from the sale of the same after first paying my just debts, may be applied to the improvements of my Isle of Wight Estates.

It is also my Will and desire, that all or any part of my houses and lots situate in the Towns of Norfolk Portsmouth and Gosport be sold, provided my daughter and Thomas Peice of the Town of Smithfield shall think it proper, and for the benefit of my Estate to be so; And the Money arising from the sale thereof to be used in the improvement of my Estates in Isle of Wight or in the purchasing such other Estate or property as may be most for the benefit of my aforesaid grand-son.

Josiah Couper, who I again declare to be my whole and sole legatee of all my Estate real and personal except what has <sup>been</sup> otherwise above disposed of, on the express condition of his taking the s<sup>r</sup> name of Parker. — Given under my hand and Seal at Macclesfield Isle of Wight County this Eighth day of March One thousand eight hundred and Ten.

In presence of

Thomas Peice, Rich. H. Baker

Joseph T. Pitt — James B. Southall

Josiah Parker



That no doubt may arise respecting my Intention in giving an hundred pounds a year to my daughter, I hereby declare that it is intended by me to continue it for and during her life.

James B. Southall }  
Thomas Peice }

Josiah Parker

At a Court held for Isle of Wight County the 2<sup>d</sup> day of April 1810, the foregoing Will was presented in Court and proved by the Oaths of Thomas Peice and James B. Southall, Witnesses thereto and ordered to be recorded, time allowed the Executor therein named to qualify when he should think fit. — And at a Court held for the said County the 7<sup>th</sup> day of May 1810, Joseph B. Baker the Executor named in the said Will came into Court and Refused to take upon himself the burthen of the Execution thereof. — And on the motion of the said Baker who made Oath thereto according to Law, and who together with Thomas Peice and Thomas Hancock his securities entered into and Acknowledged their Bond in the penalty of Twenty thousand dollars with Condition as the Law Directs, Certificate is granted him for obtaining letters of Administration with the Will Annexed of Josiah Parker dec<sup>d</sup>. in due form.

A Copy

Teste

Nath<sup>l</sup>. Young Clk<sup>c</sup>