

1835-020

Chancery Causes. Margaret Parker, widow of Josiah Parker vs William H. Parker &

Isle of Wight County

Jesse H. Parker, by & c

other SURNAMES. Price,  
Wilkinson, Whitfield,  
Patrick

Maryann Parker

1834

103

3<sup>rd</sup> Aug

Mrs. A. Parker v. M<sup>rs</sup>. A. Parker Dist<sup>ct</sup>

July 1<sup>st</sup> 1833 Bill exhibits filed

October 8<sup>th</sup>: 1833 Joseph to Whitehead subpoena  
you: action to defend the infants

December 2<sup>nd</sup>: 1833 answers of Jas. B.

Whitehead, you: action filed. Cause set for  
hearing as to all the parties

May 6<sup>th</sup>: 1834 decree for assignment of  
dower &c.

January 5<sup>th</sup>: 1835 Com: rept. &  
returned & filed

State of the year.

Back

Margaret Parker

vs. <sup>Wm. H. Parker</sup> Will &c

Wm. H. Parker & wife A.  
Parker.

July 1<sup>st</sup> 1833 Bill & exhibits filed

October 8<sup>th</sup> 1833 Joseph B. Whitbread  
appointed gen. counsel to defend the  
infants.

December 2<sup>nd</sup> 1833 answers of  
J. B. Whitbread gen. counsel filed.  
& cause set for hearing as to  
all the parties.

May 6<sup>th</sup> 1834 decree for a sign  
inlet of dam. & an decree in  
Ch. order book 291 page 28.

January 5<sup>th</sup> 1835 Com. & rights  
for infant & filia.

May 6<sup>th</sup> 1835 Com. & ref. cause.  
& decree that J. B. Whitbread  
pay to the infants \$1000 per year to  
the 31<sup>st</sup> of Dec. annually during her  
life time in lieu of her dower in the  
land of J. B. Whitbread & the same  
to be paid by W. H. Parker & Co.

belonging, of which the said testator died seized & possessed, without  
being chargeable to pay rent for the same until her said  
dower should be assigned, yet your orator since the  
death of the said testator has been kept out of the possession  
of the said manor house & messuage or plantation and  
all other the said real estate by the said children and  
divisors of the said testator, and your orator since his  
death hath often applied to the said William H. Parker &  
Esq. A. Parker in a friendly manner & desired them to  
make an assignment of ~~these dower~~ in the real estate  
aforesaid and to give to your orator an account of the  
rents and profits thereof since the death of their father -  
and your orator well hoped that the said Wm. H. Parker &  
Esq. A. Parker would have complied with such his requests.  
But so it is, &c. - In Your consideration  
whereof & for as much as matters of this nature are not  
properly cognizable in a court of equity. To the end therefore  
that the said William H. Parker & Esq. A. Parker, by some form  
as they are infants, ~~to~~ be appointed a special guardian to  
defend them in this suit, may upon their corporal oath, true  
and perfect answer make to all & singular the premises, or  
fully & particularly as if the same were here again repeated  
and interrogated, and that the said Wm. H. Parker & Esq. A. Parker  
may each, set forth a schedule or account of the real estate  
received by them or either of them under the will of, or otherwise  
from the said, Serial Parker deceased, that an account may  
be taken of the said real estate, as also of the rents and  
profits thereof: and your orator prays that the said Wm. H.  
Parker & Esq. A. Parker may be decreed to make an  
assignment of her dower in the said real estate, that a  
conveyance for that purpose may issue, and that they  
may pay to your orator what upon the balance of the  
said account to be taken of the rents & profits, shall appear  
to be due to her: and your orator prays that she may  
have such further & other relief in the premises as to your  
Honor shall seem meet - may it please &c.

Rich. H. Parker

P. L.

To the Honorable the Judge of the circuit superior court  
of law and chancery for the county of Isle of Wight in  
chancery, sitting humbly complaining sheweth unto your  
Honor your oratrix Margaret Parker widow and relict of  
Josiah Parker deceased, that the said Josiah Parker, being  
singed and possessed of a considerable real estate, duly made  
and published his last will and testament, which has since been  
proved and recorded, and departed this life so singed & possessed  
about the month of December in the year 1832: by the  
said last Will and testament the said testator bequeathed  
to your oratrix a small sum of money together with some  
other rights or interests to which he had or pretends to  
have title & of which a more full account may be seen  
by reference to the said last will and testament: the said  
testator left two sons, his only children, to wit, William H.  
Parker & Jesse A. Parker and died singed & possessed of several  
valuable tracts of land: to his said son William H. Parker  
he ~~devised~~ he devised his tract of land containing  
acres, which he purchased of Cartwright Price, Copeland Parker  
and Henry Williamson: to his said son Jesse A. Parker the said  
testator devised the tract of land containing acres, which  
he purchased of William Whitfield & Judea Patrick: and your  
oratrix states that the said William H. Parker & Jesse A. Parker  
soon after the death of the said testator entered upon & took posses-  
sion of the whole real estate of which the said testator died  
singed & possessed and received the rents and profits thereof:  
and your oratrix further sheweth that afterwards, to wit, on  
the day of in the year 1833, she signified her unwill-  
ingness, according to law, to take or accept the provisions made  
for her by the said will, or any part thereof, and did then  
and there renounce all benefit which she might otherwise  
claim by virtue of the same: an attested copy of the said  
last will and testament with a certificate annexed thereto  
showing the renunciation of its provisions by your oratrix as  
aforesaid, is here referred to and prayed to be considered as  
a part of this bill: your oratrix charges that she is en-  
titled to dower, that is to say, one third part, for life, of all  
the real estate of which the said testator died so singed &  
possessed having regard to quantity and quality: your oratrix  
further charges that she was entitled to remain & continue  
in the mansion house & the mesuages & plantations thereto

deposited in the knowledge of others, he takes  
it to be true, from records my hand has  
the 26<sup>th</sup> day of November 1833.

Wm. A. G. (2)

December 2 no 1833 / 1833

Wm. A. G.  
Parker  
Parker's  
Parker's

to the wife of the said defendant, and by her to the wife of  
The joint and separate answer of William A. Parker  
and Sarah A. Parker infants, by Joseph B. White  
- has then recited as follows to the wife of  
complaint against them and other exhibited  
by Mayant Parker - Their defense and say  
to answer, say that they are infants of very  
tender years, to wit the said William of the age  
of - and Joseph of the age of - years, &  
know nothing about the matters charged  
in the complainant's bill, and ask the Court  
to protect their intent; they say that the  
plaintiff is entitled according to his prayer,  
demand strict proof of the allegations  
in the bill, and ask that the complainant  
bill be dismissed with their costs by them  
in this behalf sustained and -  
Testimony N. D.

County of Ohio of the 1st of May 1844. This day before the  
undersigned justice for the said County, came  
D. M. White who made oath that the  
foregoing answer is true so far as it depends  
on his own knowledge, that so far as it

Recd June 25. 1833

Wm. Parker  
per J. E. G. G. G.

Parker

15.

Sp. in Chy.

Parker & Co

26 July Rules 1833

Parker p. 9.

# The Commonwealth of Virginia,

To the Sheriff of *Isle of Wight* County, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *William A. Parker*  
and *Isaac L. Parker*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle-of-

Wight, at the Court-House of Isle-of-Wight County, on the first <sup>*Monday in July*</sup> ~~day of~~ ~~term~~ next; \*

\* *that being a holiday*  
to answer a bill exhibited against *them*

in the said Court, by *Margaret Parker*

and unless the said defendant~~s~~ shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly. And this *they* shall in no wise omit, under the penalty of £100 *each* and have then there this writ: Witness NATHANIEL YOUNG, Clerk of our said Court, at the Court-House, the *14<sup>th</sup>* day of *June* 1833, and in the *5<sup>th</sup>* year of the Commonwealth.

*Nathl Young*

Enter the scene  
but as prompt  
to be considered at  
the end of the act  
of the scene  
B.

Parker v. Parker.

This Cause came on this day to be heard on the Roll, Answer of the ~~defendant~~ debts by their guardian assigned to defend them in this suit, and the will of Josiah Parker filed as an Exhibit in this cause, and was argued by Counsel, on consideration whereof the Court doth adjudge order and decree that Bartholomew Signford, Watson P. Jordan, Samuel Womble and James R. Wilson & Samuel P. Jordan or any three of them, to be aided by a competent sworn Surveyor, if found necessary, proceed to allot and set apart unto the Compt. as and for her dower, by meter and bounds, one full and equal third part of the real Estate in the Will mentioned, whereof Josiah Parker her late husband died seized and possessed, situate in the County of Isle of Wight, having due regard to quantity as well as quality -

In making the allotment and apportionment of dower as herein directed, the Compt. or such of them as may act will so govern themselves, as to cause the infant devisees to contribute proportionably from the lands devised to them, as far as to produce as little loss as practicable to them, but at the same time to have a due and proper regard to the right and intent of the Compt.

and the Court doth further adjudge order and decree, that one of the Comrs of this Court, make up an account of the rents and profits of the real Estate, whereof the said Tutor Josiah Parker died seized and possessed, shewing particularly the rents and profits of the mansion house, and the mesuages or plantations thereto belonging, of which the said Tutor died seized and possessed, and shewing by whom the rents have been received, as well as the amount thereof; and make report of his proceedings to this Court ~~in order to a final decree~~ with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated -

Isle of Wight County to wit

We the undersigned after giving notice to the parties concerned, met according to appointment for the purpose of assigning unto Margaret Parker (the complainant) Widow & Relict of Josiah Parker decd. her dower in the Lands of which the said Josiah Parker died seized & possessed - but we were prevented from doing so, in consequence of an agreement made and entered into in writing, & hereto attached & prayed to be considered as a part of this report wherein J. W. Whitehead Guardian to the Orphans of said Josiah Parker decd. agrees & binds himself to pay to the said Margaret Parker the annual sum of twelve dollars for & during her life time <sup>in lieu of her dower</sup>; in consideration of which the said Margaret Parker relinquishes all her right & Interest to the children & heirs of said Josiah Parker, in & to all the real estate of said Josiah Parker - by  
Given under our hands this 30th day of December 1834

Barth Lightfoot  
Sam<sup>l</sup>. P. Landon  
W. Noble

Parker  
vs.  
Dixie  
Parker vs. Dixie

January 5th 1835 ret<sup>d</sup>

At a Circuit Superior Court of Law and chancery continued and held for  
the county of Islip the sixth day of May one thousand eight hundred  
and thirty four

Margaret Parker

against

William A. Parker & J. A. Parker

Plaintiff

In Chancery

Defendants

This cause came on this day to be heard on the bill, and answer of  
the infant defendants by their guardians assigned to defend them in this cause,  
and was argued by counsel, on consideration whereof the court doth adjudge order  
and decree that Bartholomew Lightfoot, Watson P. Jordan, Merd Wemble James  
R. Wilson, and Samuel P. Jordan or any three of them, to be aided by a compe-  
tent sworn surveyor if found necessary, proceed to allot and set apart unto the  
complainant, as and for her dower, by miles and bounds, one full and equal  
third part of the real estate in the bill mentioned, whereof Josiah Parker her  
late husband died seized and possessed, situate in the county of Islip, having due regard to quantity as well as quality. In making the allotment and  
apportionment of dower as herein directed, the commissioners or such of them as  
may act, will so govern themselves and to cause the infant dowers to contribute  
proportionably from the lands devised to them, so far as to produce as little loss  
as practicable, but at the same time to have a due and proper regard to  
the right and interest of the complainant, and the court doth further adjudge  
order and decree, that one of the commissioners of this court, make up an  
account of the rents and profits of the real estate whereof the said testator  
Josiah Parker died seized and possessed, showing particularly the rents and  
profits of the mansion house, and the out-lying or plantation thereunto belonging,  
of which the said testator died seized and possessed, and showing by whom the  
rents have been received, as well as the amount thereof, and make report of his  
proceedings to this court with any matter specially stated, deemed pertinent by  
himself, or which may be required by the parties to be so stated.

Attest Testes

Nathl Young C. S. J.  
" " "

Heere

to be entered

to be entered

Entered 5<sup>th</sup> May 1838

Parker v Parkers. This Cause came on again to be heard on the papers formerly read, and the reports of the Commissioners made pursuant to the order of the sixth day of May 1834, to which no exceptions were filed, and was argued by Counsel, on consideration whereof, and by consent of the parties, the Court doth confirm the ~~said~~ report of the said Commissioners hitherto ~~made~~ appointed to make allotment of dower, on the lands of Isaac Parker dec'd. altho no assignment of dower has been made on the said lands, in consequence of an agreement & contract, under seal, dated the 30<sup>th</sup> day of December 1834. entered into between the Complainant and Joseph B. White - head guardian of the infant depts, which agreement and contract, the Commissioners refer to, as attached to their report & by which contract the said Joseph B. White agreed and bound himself to pay to the complainant the sum of twelve dollars annually, during her life time, which she agreed to accept in lieu of her interest, claim and demand in and to the lands of Isaac Parker her late husband - and do further decree that the defendants pay unto the plff. the costs incurred by her in the prosecution of this suit -

x the 6 May 1834)

Isiah Parkers.

Will

Alapay

Fee - .58 cents

that I have devised to my two sons, to Margaret B Davis -  
the slaves, I have devised to them I give to the managers -  
directors or the legal agents of the chartered fund of the Metho-  
-dist Episcopal Church on condition they send them to  
Liberia - In case the said managers <sup>or</sup> of the chartered  
fund should refuse to take said slaves, I give them to  
Margaret B. Davis -

7<sup>th</sup> I give and bequeath all the money which all my said  
children should have in case all die before marriage  
or arriving <sup>at</sup> lawful age, to the managers, directors  
or legal agents of the chartered fund of the Methodist  
Episcopal Church, on condition that they apply three  
fourths of the interest to the support of the preachers  
who may be from time to time be appointed to the  
new Smithfield Circuit, and the other fourth to be  
equally divided between Wyll's sabbath school society  
for the use of the school, and the trustees of Wyll's  
meeting house, for the purpose of repairing and ren-  
-dering comfortable said house -

8<sup>th</sup> In case my wife should attempt to buy any property  
at my sale for less than its appraised value, I direct my  
executor herein after named to make her give the ap-  
-praised value, and should any loss occur by his re-  
-doing, it is to be borne by my estate -

9<sup>th</sup> I do hereby constitute and appoint my friend Joseph  
B. Whitehead sole executor to this my last will and tes-  
-tament and I also appoint him guardian to my sons  
Wm. H. Parker and Isaac A. Parker, -

In testimony <sup>whereof</sup> I have hereunto set my hand and seal  
this fourth day of July in the year 1832 -

Signed, Sealed and ack<sup>d</sup>

Josiah Parker - *(Signature)*

in presence of -

Charles E. Reynolds -

Ann E. Weston -

William Weston -

*(Signature)*

At a court held for Suffolk county the 3rd day of De-  
cember 1832 The foregoing will was presented in court as &  
for the last Will and testament of Josiah Parker. duly by  
Joseph B Whitehead the Executor therein named, who  
made thereto according to Law, and the same being  
proved by the oaths of Charles E. Reynolds and Wm. Weston  
two of the witnesses thereto and was ordered to be recorded.

Teste

Nathl. Young Clerk S. A. K.

A Copy Teste

Nathl. Young Clerk

In the name of God Amen I Josiah Parker of the county of Isle of Wight and state of Virginia being of sound mind and memory do make and ordain this to be my last will and testament, hereby revoking all other wills and testaments ~~agrees~~ heretofore made by me.

Imprimis I give and bequeath to my wife Margaret Parker all the interest which I may have acquired in and to the land and slavery which she had in possession when I married her. under the will of her former husband John M. Cawson and at her death to descend according to the provisions of the said Cawson's will. I also give <sup>& bequeath to</sup> my wife three hundred dollars to buy her corn, pork & other necessaries to her and her heirs ~~forever~~.

2<sup>d</sup>. I give and bequeath to my son W<sup>m</sup> H. Parker all the land I purchased of Cartwright Price Copeland Parker and Henry ~~Williamson~~ <sup>Williamson</sup> and the following slaves to wit, Sam Rose and child Rounta Lady Rob. and Margaret for my mahogany bureau all my books and my silver watch to him and his heirs forever.

3<sup>d</sup>. I give and bequeath to my son Jesse A Parker all the land I purchased of Malkinson Whitfield and Ludea Patrick and the following slaves to wit, Peter Tom Elloes Nancy, Dister, Dacey, Emily and Margaret the elder to him and his heirs forever.

4<sup>th</sup>. All the rest and residue of my property of whatsoever kind or nature it may be, I direct to be sold and after paying my just debts and the legacy bequeathed to my wife to be equally divided between my two sons William H. Parker and Jesse A Parker, and should I have any bonds or money by me at the time of my death, I direct that said bonds and money may be equally divided between my two sons above named.

5<sup>th</sup>. In case my wife should have a <sup>child</sup> ~~wife~~ living by me at my death or be pregnant, I direct that each of my said children should pay to said child the sum of four hundred dollars which ~~sum of~~ <sup>is</sup> eight hundred dollars is to revert to my said children in case said child should die before he or she marries or arrives <sup>at</sup> the age of twenty one years.

6<sup>th</sup>. In case all my children die before they arrive ~~at~~ <sup>to</sup> twenty one years of age or marry. In that case I give all the land

Certificate of Gov. B.  
Whitcher's qualification  
as exor. of Gov. Parker  
Recd.

Isle of Wight County, Court.

I do hereby certify that the Court held for the said county the 3<sup>rd</sup> day of December 1832 The last will and testament of Simeon Perkins decd: was presented in court by Joseph B. Whitcomb the executor therein named who made oath thereof according to law; and entered into and acknowledged a bond in the penalty of Fifteen thousand dollars conditioned as the law directs, and having given security satisfactory to the court; certificate was granted him for obtaining probat thereof in due form. — Given under my hand this 2<sup>nd</sup> day of July 1833

M. C. Edwards Jy. C.  
" CC "

Certificate of Margaret  
Parker's renunciation  
of her husband's will

Isle of Wight County, to wit,

I do hereby certify that a court held for the said county the  
the 11th day of February 1833 Margaret Parker widow and relict of Josiah Parker died.  
personally appeared in open court and renounced all the provisions made for her in the  
last will and testament of the said Josiah Parker died: Given under my hand this  
2<sup>nd</sup> day of July 1833.

H. C. Edwards J. C.  
"Cf"

Articles of an Agreement made and entered into this 30th day of December 1834.  
Between Margaret Parker Widow and Relict of Josiah Parker decd. of the one part, &  
Joseph B. Whitehead Guardian to William H. Parker and Jesse A. Parker Orphans of  
Josiah Parker decd. of the other part: — Whereas the said Joseph B. Whitehead  
Guardian as aforesaid hath agreed and binds himself to pay annually to the said  
Margaret Parker the sum of Twelve dollars & Year, during the lifetime of the said  
Margaret Parker, which annuity she agrees to receive in lieu of her dower in  
the Lands of which her late husband Josiah Parker decd. seized and possessed:

And the said Margaret Parker in consideration of the annual payment of the said  
sum of twelve dollars (for & during her lifetime), relinquish's to the Children & heirs of the  
said Josiah Parker decd. all her right title Interest claim and demand in and to  
the Lands of said Josiah Parker decd. — And the said Jos. B. Whitehead Guardian  
as aforesaid, and the said Margaret Parker, authorize and requests the Commissioners  
who were appointed by the Superior Court of Land & Chancery for the County of Seelye right  
to assign unto the said Margaret Parker, dower in the Lands of said Josiah Parker decd.  
to certify this agreement & Contract to the said Court: In Witness whereof the parties  
to these presents have hereunto set their hands & Seals the day & year above written.

Witness

Barth. Lightfoot  
Jas. Milly

Margaret Parker

J. B. Whitehead guard. (Seal)  
To Josiah Parker's orphans

25 *Spec*  
 100 *doct*  
 or *atto*  
 100 *sect. 1*  
 50 *Rule*  
 15 *fe. vide*  
 26 *extinct*  
 50 *decre*  
 37 *copy*  
 36 *cont.*  
 or *fil. com. rpt*  
 26 *fil. agreement*  
 36 *decre*  
 25 *copy*  
 100 *spec.*  
 30 *costs*

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426

38 *copy writ*

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484

73 *writ tax*

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3.59 *clerk*

16.66 *atto.*

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\$22.25

60 *Stff.*

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\$22.85