

1856-011

Chancery Causes: S. Junius Wilson, for & c VS George R. Atkinson, adm<sup>r</sup> of Benjamin F. Clarke

Dale of Wright County

other surnames: [Clarke  
& Wilson], [Bloodgood &  
Company], Bloodgood, Gray,  
Whitehead, White, Moore,  
Williams, Mercer, Thomas,  
Powell, Hodsdon, Jordan,  
[Herman & Company], Herman,  
Adams, Halstead, Southall,  
Murphy, Sprattley, Wills,  
[Thomas & Adams], Bullock,  
Williford, Hayden, Whitfield,  
Holstead

To the Honble Peck & H. Baker, judge of the Circuit Court of Law & Equity for the  
county of Isle of Wight, in Chancery sitting, humbly complaining sheweth unto your  
wisdoms honor, S. Junius Wilson who swears as well in his own, as in behalf of others the creditor  
of one Benjamin F. Clarke Senr. That some time in the year 1844, a partnership was  
formed between your orator and the said Benj F. Clarke, for the purpose of trade and  
merchandizing, which was carried on in the town of Smithfield of the said county  
under the name and style of Clarke and Wilson from 1844, till the  
1<sup>st</sup> of October 1848, when the same was dissolved by mutual consent. At the dissolution  
for the object of winding up, or closing the business of the late firm, a considerable  
number of claims, accounts, bonds &c, due the firm were taken by each of the members  
of the firm, for collection & the payment of the debts due from the firm, a list or  
<sup>or a duplicate thereof,</sup> schedule of which, signed by both, your orator & Clarke were taken, and which  
duplicates, are now in the possession of your orator, and George R. Atkinson the admin-  
istrator of Clarke. your orator will also remark that the "books" of the firm were also  
retained by Clarke, containing the accounts &c against the debtors, in which  
Book or Ledger, Clarke afterwards doing business in his own name, continued  
his accounts against the former customers which greatly embarrasses the  
settlement of the partnership affairs. your orator further states that in January  
1851, he and Clarke in attempting to close their affairs, and taking as data  
the amount of claims taken as aforesaid by each one, found that Clarke  
was then indebted to Wilson in the sum of \$1204.38, or in other words S. J. Wilson  
was the firm was indebted to S. J. Wilson in \$748.78: and Clarke was indebted  
to the firm of Clarke & Wilson in \$1562.38 - 1/2 of which two sums, that being the  
proportion of each, or the interest of each - make the said sum of \$1204.38.  
as will appear by the "accounts then exhibited - marked 'Ch. & W.' on which statements  
a paper marked "Z" was signed by the parties as evidence of the state of things  
then existing - all of which are herewith filed as parts of this bill. By the said  
exhibit "Z" it will be perceived that it was understood as a part of the arrange-  
ments between them, tending to close their affairs, that Clarke should pay  
a debt due from the firm to Bloodgood & Co. & others. your orator alleges  
that he had paid himself the debt to Bloodgood & Co. - as will appear  
by a receipt on the bond therefore signed or marked, "R" herewith filed - amounting  
to \$81.98 with Int, till Oct. 10<sup>th</sup> 1851 the time of payment, and the said  
Clarke is indebted to him that much in addition to the sum above  
stated. Since the partial settlement aforesaid, the said Benjamin F.

Clarke has departed this life, he believes in June, or July, 1851, leaving his estate much embarrassed and it is said insolvent - George R. Atkinson has qualified as the administrator, see the order of his qualification, and has taken possession of his estate and now holds the same. Your orator states that very many of the original claims due to Clarke & Wilson, uncollected by him have passed and are now in the hands of his administrator, and very many more changed, or the accounts bonded & made payable to B. F. Clarke alone - which fact your orator charges cannot change the nature of the funds - that such are nevertheless the funds of the firm, and your orator contends and insists that such funds, and all that can be identified as funds of the firm, in the hands of G. R. Atkinson his admin., shall be & as they ought to have been, applied toward the payments of the debts due from the firm, and your orator who has paid the same, of the former class, your orator will mention them to wit.

a note. prop. 500. dated 20 April 48. to Ed. Sullivan. Bond. W. H. Gray date April 3. 48 prop. 3.10 - ditto to Hunt Gray date 8 Feb. 46. prop. 4.97. one to S. B. Whitcomb prop. 7.74 one to J. S. White prop. 10.00. one to W. Lewis & Williams exp. 22.47 prop. 10.07. & one to Dr. Williams acct. 10.98. one to Geo. Mercer prop. 34.27. & others - all of which are still on their face payable to Clarke & Wilson. There viz., a bond to Nat. Bond date Sept. 27. 49 prop. 85.55. a bond to Geo. S. Rodden date 10. Nov. 1849, containing the sum of \$38.70. due to Clarke & Wilson. - also a note to Charles Samuel a note to B. S. Gray - a note to Margaret Powell & others - are claims either in whole or in part originally due to Clarke & Wilson, but which as above stated were taken, or bonded. as payable to Clarke alone - all of which appear by the Books & the list (or duplicates thereof) taken as above - & these claims are now in the hands of G. R. Atkinson the admin. of Clarke - your orator charges all these former claims are still the property of the firm - and are liable first to the payment of the partnership debt - and he prays that the same be so applied as all other which may be in the hands of his admin. - your orator prays that said Atkinson admin. of Clarke may be restrained from paying out the same, otherwise than to your orator, or that the Court shall direct. Your orator further states that he has called on the said Atkinson for a settlement

community  
ent of the partnership affairs, & to apply the funds in his hands in the way his intestate was bound, or promised to do. But the said Atkinson has refused, stating the difficulty in his way, and that his own safety required the interposition of this humble Court, a course which was advised by him. Your orator prays that, as he is without adequate remedy, save in this humble Court &c. the said George R. Atkinson admin. of Reg. F. Clarke be made a party defendant to this bill & that he be compelled to answer the same. That he render before a commissioner of this Court an account of the transactions of his intestate as one of the firm of Clarke & Wilson: and produce all the papers, books, &c. vouchers &c. which may be required for a full settlement of the transactions of the said firm, and the debts of the partners after dissolution &c. that he produce all the claims which belonged to the said firm, or which can be identified as forming a part thereof, though now existing in other forms or securities - that he render an account of his own transactions as admin. of Clarke, and a decree be entered for so much as may be found due to your orator, either as claimant against the community fund, or as a creditor independently against his intestate, so that there be a final settlement of his transactions as admin. - that all creditors of the intestate be allowed to come in &c. and grant all other & necessary relief which may be most and best in the premises - & the Court do so.

J. Purvis, Wilson

By  
D. H. Whelfield his atty

S. J. Wilson  
by W. Hill

G. R. Atkinson adm. of Clark

Sept. rule, 1852 bill &  
filed & decur nisi.

Oct. rules 1852. bill  
taken for certified &  
causes set for hearing.

Octo. 1852. Decur. O. 13. p. 291.

May 1853 case? for apt.

Octo. 1853 case? for apt.

May 1853. case? Sept. filed

Octo. 1855 Decur for distribution  
O. 13. p. 63.

Octo. 20. 1856 - final decur.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Sale of Wright* County, Greeting:

You are hereby commanded to summon

*George B. Atkinson*  
*Administrator of Benjamin F. Clarke Esq.*

to appear at the Clerk's Office of our Circuit ~~Superior Court of Law and Chancery~~ for  
*Sale of Wright* County, 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*  
in the said Court, by *J. J. Wilson for himself*

*and other creditors.*

And ~~unless the said Defendant~~ shall answer the said Bill within two months thereafter,  
the Court will take the same for confessed, and decree the matter thereof accordingly.  
And this ~~shall in no wise omit~~, under the penalty of £ 100.

And have then there this Writ.

WITNESS, *N. S. Harvey* Clerk of our said  
Court, at the Courthouse, the *21* day of *July 1882* ~~1881~~, and in the  
*77th* year of our Foundation.

*N. S. Harvey Co.*

(One Copy to be delivered each Defendant.)

S. James Wilson

m. 3<sup>rd</sup> Decr. 1852  
J. C. W.

Geo. B. Atkinson

com. of B. H. Clarke

To August 1852

Whitfield copy.

Presented by Atkinson  
a true copy to George  
B. Atkinson

Lucy T. Hall chff-  
26/52

The deposition of J. Powell taken before me to be used  
as evidence in suit depending in Circuit Court of said  
of Night County between Solomon Wilson and George  
R. Johnson none of B. P. Clarke deceased

J. P. Powell being first duly sworn deposes that he  
saith; that he was indebted to Clarke & Wilson by notes  
at the time said firm was dissolved, ~~the~~ about the sum of  
seventy five dollars. That he afterwards, <sup>tried</sup> as he supposes by  
an entry on Clarke's ledger, on the 25<sup>th</sup> day of September 1869  
gave a note payable to Clarke in which was included  
the amount due to Clarke and Wilson, which note has  
since been paid to the administrator of said Clarke  
and further thus deposement saith not,

N. J. Powell

Sworn to and subscribed before me

Geo. H. Hittman

A. R. Purcell  
Depository

Note & L. 154.77  
af ~~44~~ 3.5 —

At. 199.12  
13.61  
202.73

95. —

338  
188

202.93  
192  
204.88  
95.00

Ar. and 192

109.88

27.72

190

28.62

(A)

443. 18

198.18  
8.72  
16.16  
1.5

James P. Jordan & Nathaniel P. Powell

The Deposition of Margaret Powell, taken on the 27<sup>th</sup> day of September 1884 before George R. Atkinson a Commissioner of the Circuit Court of Isle of Wight County to be read in evidence in a suit in chancery depending in said Court between J. F. Wilsons plaintiff and George R. Atkinson administrator of Benjamin F. Clarke and others defendant.

Margaret Powell being first duly sworn deposes and says that she was indebted to B. F. Clarke in a certain sum that in the fall or spring of the year before he died I paid him ninety five dollars and then owed him about one hundred and nine dollars. Which I have since paid to his administrator George R. Atkinson. That she has no knowledge of the Paper marked (A) and filed herewith and further this Deposition taken at Margaret Powell

James P. Jordan being duly sworn deposes and says that he knew B. F. Clarke and was well acquainted with his handwriting and has no hesitation in saying that he believes that the paper marked (A) and filed with these depositions is in said Clarks handwriting.

James P. Jordan

Nathaniel P. Powell being first duly sworn deposes and says that he knew the late B. F. Clarke, and was well acquainted with his handwriting, and has no hesitation in saying the paper alluded to in the above depositions.

Nathaniel P. Powell



By a decree of the Circuit Court of the County of Wright  
County rendered on the 19<sup>th</sup> day of October 1855 in  
a suit depending therein between Solomon James Wilson  
Plaintiff and George R. Robinson as administrator of Benjamin  
B. Clarke deceased the following accounts were referred  
to a Commissioner of the Court to set forth an  
account of the transactions of George R. Robinson as  
administrator of B. B. Clarke deceased and an  
account of the transactions of B. B. Clarke and  
J. J. Wilson in settlement and closing of the business  
of the firm of Clarke & Wilson since the dissolution  
of said firm 3<sup>rd</sup> an account of all funds, monies, ac-  
counts and claims which are now in the hands of  
said administrator of Clarke <sup>belonging to the said firm</sup> and 4<sup>th</sup> an account  
of the existing <sup>debts</sup> against the firm and the estate of said  
Clarke. The Commissioner of the Court not hav-  
ing complied with the direction of said Court by request  
of parties the undersigned has acted as Commis-  
sioner, and having issued necessary notices, has as  
soon as he could obtain information necessary to do  
so, stated the following accounts, to wit an account  
of the transactions of George R. Robinson as administra-  
tor of B. B. Clarke and found a balance of thirteen  
hundred and forty one dollars and twenty seven cents  
due by the said administrator on the 3<sup>rd</sup> day of May  
1855. In stating this account the administrator was  
not then charged with interest, as he could not dis-  
burse the funds in his hands until the decision of  
this case and he has at all times been ready to settle.  
Account (B) shows the amount of funds, monies,  
accounts and claims in the hands of said adminis-  
trator of Clarke belonging to said firm, to amount to  
\$394.<sup>75</sup> The evidence establishing these claims is derived  
from the books of said Clarke and Clarke and Wilson  
and from the depositions returned hereunto.  
He has also stated an account showing the amount  
of debts due by said B. B. Clarke and Clarke  
& Wilson and found the debts of Clarke with inter-  
est thence to May 1<sup>st</sup> 1853 to be \$6811.<sup>13</sup>/<sub>100</sub> and the debt  
of Clarke & Wilson to be \$2147.<sup>15</sup>/<sub>100</sub> including interest to the  
same date. In the debts due by Clarke is included the  
sum of \$1959.<sup>35</sup> which is the amount due by him as

one of the firm of Clarke & Wilson, being one half  
of the sum due by him to the said firm and  
one half of the amount due by the firm to J. J.  
Wilson all of which is shown by accounts, Bonds  
Returned hereunto. ~~All of which is properly~~  
~~submitted.~~ In stating account B the undersigned  
has followed the agreement between B. B. Clarke &  
J. J. Wilson and has stated the amounts as due on  
the first day of October 1855.

George R. Robinson

Some employees in stating and reporting foregoing  
accounts examining evidence and taking depositions  
forty times \$30.<sup>00</sup> per charges to J. J. Wilson  
Geo. R. Robinson

821.14 824 14

93425

92028

Continued

1854  
May 5 By Exp and Commissions on \$1.50 1.54  
" Balance due the Estate p Robert 939 24

1855  
May 5 Repaid John E Adams 940 70  
" 5 Exp and Commissions on 13 30  
" Balance due the Estate, 23 21  
1341 27

1378 78

Continued

1853  
May 5 By Balance due the Estate p Robert 911 88  
" this sum of W F S Conwell 9 85  
" " " " James Schallman 9 81  
" " " " J C Thomas 9 19

1854  
May 5 By Balance due the Estate p Robert 940 73  
" this sum of James Thomas 939 26  
" " " " John E Adams 24 09  
" " " " Jos D Woodley 13 30  
" " " " Mrs E Punsbury 19 73  
" " " " John R Hollister 5 21  
" " " " John D Adams 30 45  
" " " " A L Byrdine 9 00  
" " " " R H Kattner 12 44  
" " " " Mills Daniel 13 74  
" " " " John W Cawson 40 07  
" " " " Jas Gale 19 50  
" " " " John R Housden 9 47  
" " " " Rolt H Whitjess 47 18  
" " " " Willis Wilson 36 76  
" " " " A P Young 44 07  
" " " " L H Hall 7 19  
" " " " Geo. W. T. 12 37  
" " " " Mary Woodley 12 60  
" " " " J H Jordan admr 38  
" " " " L Wagoner 18 13  
" " " " C B Bann 5 45  
" " " " C Thomas 1 13  
" " " " 2 94

1378 78

(B.)

An account of all funds, loans, accounts and  
Claims in the name of the administrators of  
Benjamin H. Clarke belonging to the firm of Clarke  
and Wilson,

|                                     |               |        |
|-------------------------------------|---------------|--------|
| Am't raised from James Thomas       | 4 33          |        |
| " " " Thomas Williams               | 4 13          |        |
| " " " Giles J. Whitney              | 2 75          |        |
| " " " Mills Russell                 | 2 55          |        |
| " " " S. W. Vernal                  | 3 75          |        |
| " " " S. P. Jordan                  | 15 36         |        |
| " " " B. J. Gray                    | 4 26          |        |
| " " " Margaret Powell               | 127 80        |        |
| " " " R. C. Williams                | 9 85          |        |
| " " " A. F. Powell                  | 74.38         | 291 14 |
| Bond due by Joseph Mercer Principal | 34 27         |        |
| Mint Gray do                        | 4 97          |        |
| A. J. Gray do                       | 3 10          |        |
| E. Bullen do                        | 5 38          |        |
| Part of Bond " A. W. Burgess        | 1 75          |        |
| Ape " " A. Williams                 | 2 40          |        |
| " " " J. Bond                       | 1 15          |        |
| " " " A. W. Branch                  | 6 86          |        |
| " " " Mrs. Adams                    | 1 19          |        |
| " " " F. J. Wmble                   | 3 0           |        |
| " " " W. W. White                   | 4 6           |        |
| " " " F. A. Bond                    | 1 00          |        |
| " " " W. C. Brown                   | 5 0           |        |
| " " " S. W. Purcell                 | 2 19          |        |
| " " " W. H. Coley                   | 4 25          |        |
| " " " S. J. Gordon                  | 85            |        |
| " " " S. H. Brown                   | 3 0           |        |
| " " " W. J. Brown                   | 3 25          |        |
| " " " W. G. Bagwell                 | 23 18         |        |
|                                     | <u>143.79</u> |        |

(C.)

An account of the debts due by Benjamin H. Clarke

|                                                                 |                |         |
|-----------------------------------------------------------------|----------------|---------|
| are owed to John E. Thomas                                      | run in         |         |
| Int due on the 14 <sup>th</sup> May 55.                         | 751 13         | 2751 13 |
| one note to Herman Lee                                          | 411 16         |         |
| Int from Apr 22 1831 to May 16 1835                             | 100 39         | 311 35  |
| one bond due to Herman Lee                                      | 89 50          |         |
| Int from March 10 <sup>th</sup> 1831 to May 16 55               | 22 53          | 112 33  |
| one note to E. W. Moore                                         | 91 64          |         |
| Int from Apr 18 1831 to May 16 55                               | 23 75          | 118 39  |
| one note to Blomberg Lee                                        | 802 54         |         |
| Int from Apr 19 <sup>th</sup> 1831 to May 16 <sup>th</sup> 1835 | 192 60         | 993 11  |
| one note due John E. Thomas (Bal)                               | 19 70          |         |
| Int from Jan 1 55 to May 16 <sup>th</sup> 1835                  | 3 78           | 23 68   |
| an account due due J. A. Heald as per rent                      | 43 83          |         |
| Int from Jan 1 1832 to May 16 <sup>th</sup> 1835                | 7 87           | 53 70   |
| an account due due J. A. Heald as per rent                      | 73 00          |         |
| Int from Jan 1 1832 to May 16 1835                              | 15 18          | 90 18   |
| an account due Thomas Murphy                                    | 23 37          |         |
| Int from May 1 <sup>st</sup> 1831 to May 16 55                  | 4 13           | 31 32   |
| an account due S. J. Spalding                                   | 9 15           |         |
| Int from May 1 <sup>st</sup> 1831 to May 16 55                  | 2 19           | 11 34   |
| an account due Jos. White                                       | 91 85          |         |
| Int from Jan 22 51 to May 16 1835                               | 33 50          | 115 45  |
| amt due to S. J. Wilson (not included)                          | 1939 33        | 1959 33 |
| an account due to Thomas Williams                               | 46 01          |         |
| Int from Apr 23 1831 to May 16 <sup>th</sup> 1835               | 11 03          | 57 09   |
|                                                                 | <u>6811 13</u> |         |

E

An account of the debts due by Clarke & Wilson  
amt due to S. J. Wilson as shown in ap. to 2147 45

~~• Average of the debts due by Delaware & Missouri~~

1813.53

Nelson

u. 4 bars. npt.

Clarke, com.

May 1893 filed

An Account showing the amounts due by Benjamin A. Clarke deceased and the per data shown of their several debts paid to his executor by the administrator out of the assets in his hand pursuant to a decree of the Circuit Court of the State of North Carolina rendered at the October Term 1855 in a suit depending therein between J. James Wilson Plaintiff and Henry R. Robinson administrator of Benjamin A. Clarke deceased defendant.

|                                                                                       |            | Amt of Debts. Per data shown<br>paid |      |    |  |
|---------------------------------------------------------------------------------------|------------|--------------------------------------|------|----|--|
| John E. Thomas                                                                        | 2731.13 27 |                                      |      |    |  |
| Int on 2000. <sup>00</sup> from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup> 1855 | 13.00      | 2796.13                              | 476  | 79 |  |
| Herman Heo                                                                            | 511.55     |                                      |      |    |  |
| Int from May 16 <sup>th</sup> 55 to Dec 1 <sup>st</sup> 1855                          | 13.26      | 324.91                               | 89   | 47 |  |
| Herman Heo                                                                            | 112.33     |                                      |      |    |  |
| Int on 89. <sup>80</sup> from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855        | 2.92       | 115.23                               | 19   | 60 |  |
| E. W. Moore                                                                           | 118.59     |                                      |      |    |  |
| Int on 94. <sup>64</sup> from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855        | 3.07       | 121.66                               | 20   | 70 |  |
| Blorugood Heo                                                                         | 995.16     |                                      |      |    |  |
| Int on 808.54 from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855                   | 26.08      | 1021.22                              | 174  | 18 |  |
| John E. Thomas                                                                        | 2368       |                                      |      |    |  |
| Int on 19. <sup>70</sup> from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855        | 64         | 24.32                                | 4    | 14 |  |
| John B. Hallstead                                                                     | 33.70      |                                      |      |    |  |
| Int on 43.83 from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855                    | 14.2       | 35.12                                | 9    | 38 |  |
| The heirs & assigns of Thomas H. Southall                                             | 70.18      |                                      |      |    |  |
| Int on 75. <sup>00</sup> from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup> 1855   | 2.44       | 92.42                                | 15   | 76 |  |
| Thomas Murphy                                                                         | 31.82      |                                      |      |    |  |
| Int on 25.57 from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup> 1855               | 82         | 32.34                                | 5    | 50 |  |
| Albert G. Sprattley                                                                   | 11.34      |                                      |      |    |  |
| Int on 7. <sup>15</sup> from May 16 <sup>th</sup> to Dec 1 <sup>st</sup> 1855         | 29         | 11.63                                | 1    | 99 |  |
| Louise Miles                                                                          | 115.65     |                                      |      |    |  |
| Int on 71. <sup>85</sup> from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup> 1855   | 2.95       | 118.63                               | 20   | 18 |  |
| Thomas L. Adams                                                                       | 37.09      |                                      |      |    |  |
| Int on 46. <sup>04</sup> from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup> 1855   | 1.49       | 35.33                                | 9    | 97 |  |
| J. James Wilson                                                                       | 885.60     |                                      |      |    |  |
| Int on 133. <sup>71</sup> from May 16 <sup>th</sup> 1855 to Dec 1 <sup>st</sup>       | 19.39      | 905.19                               | 154  | 38 |  |
|                                                                                       |            |                                      | 1002 | 01 |  |
| Amount due by Clarke's Estate                                                         | 1341.27    |                                      |      |    |  |
| Amt Cash                                                                              |            |                                      | 53   | 03 |  |
| Paid J. J. Wilson                                                                     |            |                                      | 391  | 16 |  |
| Int on 775. <sup>08</sup> to Dec 1 <sup>st</sup> 1855                                 |            | 1.96                                 |      |    |  |
|                                                                                       |            | 1345.23                              | 1345 | 13 |  |

This account is respectfully submitted

Henry R. Robinson atty.

Melvin

v. 3 Pts.

Chlor. H. i. adust.

Filed Oct. 18. 1856

Wilson

m. { Dec 20

Black's acc.

To be entered

L. A. Baker

Oct. 12, '72

Wilson

U.

Seance.

Clarke adms. } The Recd of the Compt. in this case having  
been regularly taken for certified at rules in the dependent  
this cause came on this day to be heard

on the papers, bills, ~~and~~ & exhibits &c, and was argued by  
Counsel; on consideration whereof, the Court doth, order, adjudge  
and decree that the following accounts be taken by a  
Commissioner of this Court:

- 1<sup>st</sup> An account of the transactions of George R. Atkinson ~~adms~~  
of B. F. Clarke &c.
- 2<sup>d</sup> An account of the transactions <sup>of</sup> Benj. F. Clarke & S. Wilson  
in settlement of the <sup>business</sup> of the firm of Clarke  
& Wilson - between the dissolution of the said firm -
- 3<sup>d</sup> An account of all ~~paid~~ <sup>received</sup> funds, accounts & claims which  
are now in the hands of said ~~adms~~ <sup>adms</sup> of Clarke, belong-  
ing to the said firm; and the Commissioner is empowered to examine  
the books, ledgers &c, of the said firm, and of Clarke -  
and <sup>what</sup> all such other matters as may be required to be stated  
by the parties, or deemed pertinent by the Commissioner to  
be stated -
- 4<sup>th</sup> An account of all debts ~~and~~ <sup>due</sup> owing by and against said  
firm, and the estate of B. F. Clarke.

At a Circuit Court Continued and held for the County of  
Salem Wight, on the 19th. day of October 1852.

Solomon Junius Wilson Complainant

Against

3 In Chancery

George R. Atkinson Admor; of Benjamin F. Clarke. Deft.

The bill of the Complainant in this cause having been  
regularly taken for confessed at rules against the Defendant  
this cause came on this day to be heard on the bill and  
exhibits filed, and was argued by counsel, on consideration  
whereof the Court doth adjudge, order and decree that  
the following accounts be taken, by a Commissioner of this Court:  
1st. An account of the transactions of George R. Atkinson, ad-  
ministrators of Benjamin F. Clarke died.

2nd. An account of the transactions of Benjamin F. Clarke  
and S. J. Wilson in settlement and closing of the business  
of the firm of Clarke and Wilson, since the dissolution  
of said firm, 3rdly. an account of all funds, bonds,  
accounts and claims which are now in the hands  
of said administrators of Clarke, belonging to the said  
firm, And the Commissioner is empowered to examine  
the books, Ledger &c of the said Firm and of the  
said B. F. Clarke. Fourth an account of all debts  
existing against firm, and the estate of the said  
Clarke, and report such other matters as may be  
required to be stated by the parties or deemed pertinent  
by the Commissioner to be stated.

A Copy

Teste

N. D. Younger.

(24)

Wilson

vs. 3/4 of the

Clarke's adm<sup>r</sup>

==

Hilson  
r  
Clarke.

This cause came on this day to be heard on  
the ~~Hill, Amm, replication, answer~~ <sup>papers formerly read</sup>  
and the report of Commissioner George R. Atkinson, to which  
no exceptions have been filed and was agreed by counsel  
On Consideration whereof the Court ~~with~~ <sup>the</sup> confirms said  
Report: and ~~with~~ order, adjudge and decree, that the  
said ~~George R. Atkinson~~ <sup>may be G. R. Atkinson</sup> adm<sup>r</sup> of Benjamin Clarke esq,  
the sum of \$291.10 the amt collected <sup>by him</sup> belonging to the late  
firm of Clarke & Hilson, <sup>sales transferred to said G. R. Atkinson</sup> and the ~~sum of~~ <sup>insaid report</sup> uncollected claims  
reported <sup>to be</sup> the sum of \$103.79 in his hands: and the Court  
balance ~~is~~ <sup>in his</sup> the administrator's hands, with further  
order, that after paying the costs of this suit, that the  
said administrator distribute the balance in his  
hands as administrator pro rata among <sup>the following</sup> all the  
Creditors of the said Clark esq, - ~~reported in Account (Ct.~~  
~~first reducing the debt of \$1959.33 due the said Hilson~~  
~~by the sum of \$145.58~~ <sup>to</sup> Geo E. Thomey \$2731.13 ~~with~~  
interest on \$2000 part thereof from the 10<sup>th</sup> of May 1855. to Herman  
\$60 \$311.55 with interest on \$411.10 part thereof from the same  
date - to the same \$112.33. with int. on \$89.80 a part thereof  
from same date. to E. G. Ellison \$118.59 with int. on \$94.64 part thereof  
from the same date. to Edward J. O'Connell \$995.14 with int. on \$802.33  
from the same date. to Geo. E. Adams \$23.08 with int. on \$19.70 from  
same date. to Geo. E. Heston \$53.70 with int. on \$43.88 from same  
date - to the heirs of J. H. Smith \$90.18. with int. on \$75.00. part  
thereof from the same date. to Thomas Murphy \$31.52 with int.  
on \$25.87 <sup>a part thereof</sup> from the same date. to A. J. Spradley \$11.34 with int. on \$9.15 from  
same date. to Jacob Mills Representative \$113.65 with int. on \$91.85 from same date:  
to Thomas & Adams \$57.09 with int. on \$48.04 a part thereof from same date  
to D. S. Wilson \$885.60 with int. on \$633.71 a part thereof from same date  
I make report thereof to the Court.

\* in part satisfaction of the partnership debt, due from the  
said firm to said Wilson -

Memo. of  
Clarke. D.

Sum

To be entered

R. H. Baker

Oct. Co. 1855.

---

Cont.

15

Memo seen

Clark ad

Oct. Co. 1886

---

To be entered

R. H. B.  


21<sup>st</sup> East

Nelson

V

become

Clark. Adm.

This cause came on again <sup>the day to be</sup> to be heard  
on Roberts formerly, <sup>read</sup> and <sup>on</sup> the report of George  
K. Atherton adv. of Burg. Is. Clark & Co., made  
in pursuance of the order entered herein at the  
October term 1855 - to which no exceptions have  
<sup>been</sup> filed, and was argued by counsel. On consider-  
ation whereof the court doth order, ~~adjudge~~ <sup>adjudge</sup>  
and decree, ~~that~~ that the said Report be confirmed

"A"

"A"

Wilson

m. } Chy.

Clark, adm.

---

S J Wilson

| 1848.                                                     | Account with Clarke & Wilson Dr | Cr        |
|-----------------------------------------------------------|---------------------------------|-----------|
| By amount capital furnished                               |                                 | 1575 45-  |
| To amount drawn out                                       | 1407 96.                        |           |
| " Goods taken when partnership was dissolved              | 1120 30                         |           |
| " Bonds & notes taken as cash " " " "                     | 1147 18                         |           |
| " Accounts " " " " " "                                    | 388 89.                         |           |
| By cash paid for Clarke & Wilson                          |                                 | 2802 65-  |
| To interest drawn etc. (over <del>dis</del> in last item) | 16 50                           |           |
| By over charge of Goods.                                  |                                 | 444 76    |
| To Avery Hobbs account                                    |                                 | 3 75-     |
| " Error in calculation of interest on Parker's bond.      |                                 | 1 00      |
|                                                           | \$4080 83.                      | \$4827 61 |
|                                                           | 746 78.                         |           |
| By Balance due by Clarke & Wilson                         | \$4827 61                       | \$4827 61 |

"B"

Wilson

or: 1/2 by

Clarke, adw.

B. J. Clarke

1848

In account with Clarke & Wilson

Dr Cr

By amount deposited as capital

1575 00

To amount drawn out

1110 21

" Goods taken when partnership was dissolved

1374 94

" Bonds & notes " " " "

1327 88

" Accounts " " " " "

1007 96

By Cash paid for Clarke & Wilson

1626 20

To rent of store balance of year after dissolution @ \$100 per annum

25 00

" hire of wagon " " " " " @ \$75

18 75

" License for seven months

14 58

By Cash of Williams

15 74

\$4879 32 / \$3216 94

To Balance due Clark & Wilson

1662 38

\$4879 32 / \$4879 32

Clark Wilson  
print

Received the within  
amt of S James Wilson  
Say six hundred &  
eighty one 98<sup>100</sup> dolls  
Worcester Oct 10. 1851  
681. 98<sup>100</sup> B. Woodard  
p. Worcester

Exhibit

"R" }



\$681 <sup>98</sup>/<sub>100</sub>

One day after date We promise to pay to  
Bloss & Co order or Assigns, ~~Sid~~  
Hundred & eighty one Dollars and 98 Cents, for value received;  
for which payment, well and truly to be made, We bind ourselves our Heirs,  
Executors and Administrators, jointly and severally, firmly by these presents; as witness our  
hand and seal this 24<sup>th</sup> day of October 1848.

TESTE,

  
~~John A. Re~~  
~~James Wilson~~

SEAL

SEAL

We Benjamin F Clarke and Solomon J Wilson formerly merchants and partners, trading under the style of Clarke & Wilson, do hereby acknowledge that we have examined our partnership account and find that on the 1<sup>st</sup> day of October 1848, the date of the dissolution of our partnership the said Benjamin F Clarke was indebted to the said Firm in the sum of sixteen hundred and sixty two dollars and thirty eight cents with interest from the 1<sup>st</sup> day of October 1848 and that the said firm of Clarke & Wilson was indebted to the said Solomon J Wilson in the sum of seven hundred and forty six dollars and seventy eight cents with interest from the 1<sup>st</sup> day of October 1848. We further acknowledge the said firm of Clarke & Wilson was indebted to Bloodgood & Co in the sum of six hundred and eighty one dollars and ninety eight cents with interest from the 24<sup>th</sup> day of October 1848; to Thomas & Adams by note due 1848 for the sum of

and also by an account for the sum of

I the said Benjamin F Clarke promise to liquidate and pay off the said debts to Bloodgood & Co and to Thomas & Adams in part payment of the amount due by me to the said firm of Clarke & Wilson and payments which shall be made by me on the debts to Bloodgood & Co & to Thomas & Adams are to <sup>be</sup> credited on the amount due by me to Clarke & Wilson, on the date of each payment. And I said Benjamin F Clarke bind myself and heirs to pay to the said Solomon J Wilson one half of of the amount due to him by Clarke & Wilson to wit the sum of Three hundred and seventy three dollars and 39 cents it being my share of the amount of the amount due to him by said late firm and also one half of what may be due by me to the said late firm of Clarke & Wilson after I shall have liquidated & paid off the said debts to Bloodgood & Co and Thomas & Adams. Witness our hands and seals this 31<sup>st</sup> day of January 1851.

Beste  
Geo H Atkinson.

B F Clarke - Seal  
Solomon J Wilson - Seal

B F Clarke's  
bond ~~on~~ ~~to~~ ~~the~~ ~~amount~~  
Solomon f Wilson.

Wilson  
on 3 bly  
Clarke's adm.

Exhibits in the case

"Z"

S. J. Wilson  
Receipt  
to Charles Adams

Memorandum of George R. Robinson administrator of  
Benjamin A. Clarke deceased, the sum of two hun-  
dred and ninety one dollar and sixteen cents as of  
the 16<sup>th</sup> day of May 1855, in full of the amount in his  
hands belonging to Clarke & Nelson, and also the sum  
one hundred and fifty four dollars and thirty eight  
cents in full of my private share of my claim against  
said Clarke, as of the first day of December 1855, and  
also the following accounts and bonds due to Clarke  
& Nelson, in his hands and uncollected. Jonah Percer  
Bond \$34.27 Mont Gray Bond \$4.97 Rob Gray \$3.10 E Bellock \$3.57  
R H Beazley \$6.25 A Villars \$1.75 J Barton \$2.40 L W Branch  
\$1.15, E Bradshaw \$6.86. Thos Edwards \$1.19 J J Wamble 30¢ St White  
46¢ J. Swift \$1.00 W L Barnes 50¢ G W Bagnall \$2.59 W H Clegg \$4.25  
J A Iraan 85¢ J W Anson 50¢ W J Thomas \$3.25 W S Bagnall  
\$23.18, all which was decreed to be paid me by a decree  
of the Circuit Court of the of North County rendered on the  
16<sup>th</sup> day of May 1855 in a suit depending thereon between  
J J Nelson and Clarke's administrator. The claim due by  
Bagnall has been paid me in money by the said G R Robi-  
son he having collected the same of Bagnall since the date of  
said decree

S. James Wilson

Received as of the 1<sup>st</sup> day of December 1855 of George R. Atkinson  
armr of Benjamin F. Clarke dec<sup>d</sup> Six dollars and Thirteen cents  
being the pro rata share of the amount due me by said Clarke  
also five dollars and twenty five cents the pro rata share due  
my wards Stephen and James Southall by said Clarke, ordered to  
be paid by a decree of the Circuit Court of Salt of Wright County  
made on the 18<sup>th</sup> day of October 1855. Alice Ann Mallory

By S. J. J. Wilson  
Cgt.

6.44  
5.82  
11.96

Received Dec 1<sup>st</sup> 1855 of George R. Titman amount of Benjamin H. Clarke deceased nine dollars and seventy seven cents in full of the pro rata share of the amount due me by said Clarke, ordered to be paid to us by decree of the Circuit Court of Isle of Wight County, rendered on the 18<sup>th</sup> day of October 1855 in a suit depending therein between J. H. Wilson and Clarke administrators.

• Thomas S. Adkins

Received Dec 1<sup>st</sup> 1855 of George R. Titman amount of Benjamin H. Clarke deceased four dollars and fourteen cents in full of the pro rata share of the amt due me by said Benjamin H. Clarke, ordered to be paid by a decree of the Circuit Court of Isle of Wight County, rendered on the 18<sup>th</sup> day of October 1855 in a suit depending therein between J. H. Wilson and Clarke administrators.

John C. Adams  
Raymond Wooding  
D

Dec 1<sup>st</sup> 1833 Received of George R. Alkison Administrator  
of B F Clarke the following sums under decree in the  
Cause of S. J. Wilson & others v. B F Clarke's Adm<sup>r</sup> of  
Oct Term 1835, for E W Moore & Co, Twenty dollars,  
& Seventy cents, for Quich Mills Representative, Twenty  
dollars & Eighteen cents, for Bloodgood & Co, One Hun-  
dred & Seventy Four dollars, & Eighteen cents. —

C. B. Hayden

Received Dec 1<sup>st</sup> 1885 of George R. Atkinson administrator of  
of B. F. Clarke dec'd one dollar and ninety nine cents, the pro  
rata share of the amount due me by said Clarke and  
ordered to be paid by a decree of the Circuit Court of Isle  
of Wight County rendered on the 18<sup>th</sup> day of October 1885 in a  
suit depending therein between J. Nelson and Clarke admr

A. L. Spratley

Recd Dec 1<sup>st</sup> 1833 of George R. Chapman administrator  
of Benjamin R. Clarke dec<sup>d</sup> four Dollars and fifty cents  
in full for the pro rata share due Thomas Murphy out of  
the assets of said Clarke, decreed to be paid by a decree of  
the Circuit Court of Dist of Wight County rendered on the 18<sup>th</sup>  
day of October 1832, in a suit depending therein between J. H. C.  
Smith and Clarke adm<sup>r</sup>.

Jno<sup>l</sup> J. Murphy  
for Thos J. Murphy

Morphology Receipt

Received Dec 1<sup>st</sup> 1835 of Geo. R. Whinnan administrator of Benjamin H. Clarke dec<sup>d</sup> one hundred and nine dollars and seven cents being the amt due Hermann & Co in full for their pro rata share of the assets of said Clarke decreed to be paid by a decree of the Circuit Court of Cole of Wright County rendered on the 11<sup>th</sup> day of 1835 in a suit depending therein between J. Wilson and Clarke administrators

R. M. Phelps atty  


J E Thomas  
Receipt  
Walter's Estate,

Received December 1<sup>st</sup> 1853 of George R. Atkinson administrator  
of Benjamin H. Clarke deceased the sum of Four Hundred  
and Twenty Six Dollars and Seventy nine Cents in full  
of the pro rata share decreed to be paid me out of the assets  
of said Clarke, by decree of the Circuit Court of Isle of Wight  
County, rendered on the 17<sup>th</sup> day of October 1853 in a suit depending  
therein between I former Heir and Clarke's administrator  
John E. Thomas

Received as of the 1<sup>st</sup> December 1855 of George R. Atkinson admr  
of B. F. Clarke deceased two dollars and nineteen cents  
the pro rata share of the amount due me by said Clarke or-  
dained to be paid by a decree of the Circuit Court of Isle of  
Wight County rendered on the 18<sup>th</sup> day of October 1855 in a suit  
depending therein between J. F. Wilson and Clarke admr.

J. H. Southace

219  
230

Received as of the first day of December 1855 of George R. Atkinson  
admr of B. F. Clarke dec<sup>d</sup> two dollars and nineteen cents  
the pro rata share of the amt due me by said Clarke ordered  
to be paid by a decree of the Circuit Court of Isle of Wight  
County rendered on the 18<sup>th</sup> day of October 1855 in a suit depending  
therein between J. F. Wilson and Clarke admr

J. H. Southace

for J. H. Southace

230

Received Jan'y 23<sup>rd</sup> 1856 of Mrs. <sup>Adm'r B. B. Clarke</sup> Robinson, <sup>Mrs. Hollis</sup>  
and thirty eight cents in full of Mrs. John's share of  
cost due me out of assets of B. B. Clarke deceased de-  
creed to be paid by decree of Probate Court of Isle of  
Wight County on the 18<sup>th</sup> Octr 1855. Jno. L. Holstead