1869-010

HERBERT S. ELEY ETC. VS ADMR OF JAMES THOMAS PARKER ETC

1869
CHANCERY CAUSES

NANSEMOND COUNTY

SURNAMES: SMITH,

Costs

| | |
|---|---|
| Clerk | ₶ 15:00 |
| Atto: L | 31.00 |
| Sheff: | 3.00 |
| Coroner | 10:00 |
| | ₶ 59:00 |

Costs

Hubert S. Eley who
sues &c

Report of
Commissioner
and
Exhibits.

vs

Edwin Smith admr
of J. Thos Parker et al

---

Completed and filed in
my office July 20th 1866
Jas. E Jenkins
Commr

Suffolk Va Oct 23rd 1866 Rec'd of John K Kelly
atto Ten dollars Commissioners fees in the Suit
of N. S. Eley Lothey & Edwin Smith admr of James
Thomas Parker dec'd in the County Court of Nansemond
County for Commissioners report

Jas. E Jenkins
Commr Co Ct Nans'd Co Va

Commissioners office
Suffolk Va July 20th 1866

To the County Court of Nansemond County

Your Commissioner to whom has been referred the decretal order of your honorable body in the suit of

Hubert. S. Cley who sues for himself and all other Creditors of Jas. Thomas Parker decd who may make themselves parties hereto on the usual terms } Plaintiff

Against } In Chancery

Edwin Smith administrator of James Thomas Parker deceased. Burwell R Smith and Sarah ann his wife, Wm J. Smith Sarah J. Smith George T., Ella, and Burwell Smith the last five being infants. } Defendants

bearing date May 14th 1866 directing certain accounts therein to be taken, respectfully reports,

That on the 11th day of June 1866 notice of the time and place for taking the accounts therein directed was duly posted at the front door of the Court house of your County and so remained posted for thirty days; a copy of which is filed herewith and marked (C) and that notices were duly served upon the parties therein and the guardian ad litem of the infant defendants

That on the 19th day of July 1866. at his office aforesaid the parties appeared, when after examination of the vouchers and evidences of debt, then submitted, and ~~the examination~~ of witnesses produced sworn and examined, he

has made up, taken and settled the follow
ing accounts viz

First an account of the transactions of Ed
win Smith as administrator of James Thomas
Parker dec$^{d}$, embracing a statement of all
moneys he had received or became chargeable
with during the periods embraced therein (as
will more fully appear by said account filed
A herewith And marked A) together with the
vouchers in support of the disbursements. That
he finds a ballance of One hundred and
forty four dollars and forty Eight Cents ——
to be due by the said administrator to the said
estate on the 10$^{th}$ day of September 1866 (having
settled same up to that day it being the Septem
ber Term of your Court) with interest thereon from
that day. That the account is supported by sat
isfactory Vouchers and that the said administra-
tor has given bond as the law requires, the penalty
whereof and the securities are deemed fully suf
-ficient.

Secondly an account of the debts and de
-mands due by said decedent as will more
fully appear by said account filed herewith
B and marked (B) all of which are debts of
the same class and dignity and (no debt of
superior dignity appearing to be due) come under
the head of debts of the Fourth Class as provided
by the Code of Virginia, and amount with the
interest thereon to the 10$^{th}$ day of September 1866
to the sum of One Thousand Eight hundred and
Eighty Eight dollars and one cent.

Thirdly. an account of the land whereof said
decedent died possessed with its annual
and fee simple value which is as follows.

Decedent died possessed of a small tract
of uncleared wood land lying off from the
road near Somerton, Va
, in the rear of the farm of Burwell R Smith
with, as your Commissioner judges from the tes-
timony before him about Two hundred and
fifty dollars and no more, (its fee simple value)
subject, as it should be sold, ~~subject~~ to the dower
of the Widow of said decedent. It has not been
rented out, and its annual rent would be
nothing, no person being willing to rent it.

Your Commissioner would further add
that in taking an account of the debts due
by said deceased, two claims in favor of Bur.
-well R. Smith, for one hundred dollars ~~each~~
with interest ~~respectively~~ from Jany 1$^{st}$ 1865
and ~~Jany~~ 1$^{st}$ 1865 and for fifty dollars with
interest from July 1$^{st}$ 1865 for keeping old and
infirm negroes belonging to said decedent, originally, were presented with proper vouchers of
the service rendered, which your Commissioner
refused to allow, because, first, those negroes
he is advised were freed by the proclamation
of the President of the United States on the 1$^{st}$
day of January 1864, and being within the
Federal lines during the late war were under
the Control and should have been (as they would
no doubt) have been supported by the authori-
ties of the United States Government in the same
manner that others were provided for; and there
fore no legal or proper charge upon the estate of
said decedent. (over)

Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

James. E. Jenkins
Commissioner

Commissioners Fees
$10.00/100.

Hubert. V. Clay who sues &c
vs
Commissioners Report.
James Roma, Parker adms &c

Complaint and Petition filed in my office July 20th 1915.
Jas. E. Jenkins
Comm'r.

(C)

Commissioners Office
Suffolk Va June 7th 1866.

To. Hubert S. Eley who sues for himself and all other Creditors of Jas Thomas Parker deceased who may make themselves parties hereto on the usual terms Plaintiff

Against } In Chancery

Edwin Smith admr of Jas. Thomas Parker decd Burwell R Smith and Sarah ann his wife Wm J. Smith Sarah Jr Smith George T. Ella and Burwell Smith the last five being infants Defendants

You are hereby notified that I have fixed upon Thursday the 19th day of July 1866 to take and state the following accounts at my office

First - an account of the transactions of Edwin Smith as administrator of Jas Thomas Parker decd.

Second - an account of the debts and demands due by said deceased or his estate and their dignity

Third an account of the land whereof said deceased died possessed and its annual and present value; together with any other matters deemed pertinent or that any of the parties may require so to be stated

Which accounts are required to be taken by a decree of the County Court of Nansemond County rendered on the 14th day of May 1866 in a cause in Chancery therein depending in which you are parties plaintiff and defendant, at which time and place you are required to attend - and should the same not be completed on that day, an adjournment from day to day will be made 'til completed.

Given under my hand as Comm'r in Chancery of the County Court of Nansemond County the day and year first herein aforesaid.

James. E Jenkins
Comm'r County Court Nans'd Co

At a Monthly Court held for Nansemond County
the 14th: day of May 1866.

Hubert S. Eley. who sues for himself and all
other Creditors of Jas: Thomas Parker deceased who
may make themselves parties hereto on the usual terms Plaintiff

against & In Chancery.

Edwin Smith administrator of James Thomas Parker.
deceased, Burwell R. Smith and Sarah ann his wife.
Wm J. Smith. Sarah J. Smith. George S. Ella and Burwell
Smith. the last five, being infants . . . . . Defendants

This Cause, came on this day to be heard on the Bill taken for confessed
as to
~~as~~ the adult defendants, on whom process had been duly served, they
still failing to appear and answer, and on the answer of the infant-
defendants, by Peter B. Prentis their guardian ad litem, with general
replication thereto, and was argued by Counsel: on consideration whe-
reof the Court doth adjudge order and decree that a Commissioner of this
Court take the following accounts:

First: an account of the transactions of Edwin Smith as administrator
of Jas: Thomas Parker deceased.

Second: an account of the debts and demands due by said deceased,
or his Estate, and their dignity.

Third: an account of the land, whereof said deceased, died possessed,
and its annual and fee simple value, and make report to Court, with
any matters specially stated, deemed pertinent by himself, or that any
of the parties may require to be so stated.

A Copy:
Teste:

Peter B. Prentis. Clerk

Thursday 19th July

All Available Text Successfully Captured

Hubert S. Eley, who sues
&c

vs Copy Decree May Court
1866

James Thomas Parker's
admr. &c.

~~Webb Exhibit (C)~~

With Exhibit C -
attached

Jas. E Denkins
Comm

The estate of J. Thomas Parker dec'd in a/c
With Edwin Smith administrator

| 1863. | | | Dr | Cr |
|---|---|---|---|---|
| Oct. | | To p/d Clk on qualifying as adm'r and giving bond | 2 50 | |
| Dec | 12 | " " Bur R. Smith auctioneer | 2 00 | |
| Jany 1864 | 31 | " " Appraisers | 3.00 | |
| Mar | 2 | " " Sheriff tax on land | 1 20 | |
| | | By a/c of Sales. | | 39.13 |
| | | " Jackson Reed's note secured by deed of trust on his land and supposed to be good for $50, with interest from Jan 3/63 | | |
| | | Note 50.00 | | |
| | | Int to Sept 10/64. (3y. 8m. 7d) 11 06 | | 61 06 |
| | | " Jackson Reed's note also secured and supposed to be good | | |
| | | payd Jany 4th/63 50.00 | | |
| | | Interest fr. same to Sept 10/64 11.05 | | 61.05 |
| | | To Comm's on $161 24/100 5 p/ct. | 8 06 | |
| | | " Bal due the est as aforesaid | $144 48 | |
| | | | $161 24 | $161 24 |
| 1864 Sept | 10 | By balance due the estate | | $144 48 |

E & O.E

James E. Jenkins
Commissioner
Cty Ct. Nau's Co.

Est of J. Thomas Parker

In a/c with

Edwin Smith admr.

---

Exhibit A.

---

Completed and filed in my office July 20/66

Jas. E. Jenkins
Commr.

J. Thomas Parker

Dr. To J. C. Goodman

Jan 1st 1862

To Medical services rendered $25.00

Received May 11th 1869 of Edwin Smith Admr. of J. Thomas Parker Decd. Twenty dollars and fifty seven cents in full of my quota of the balance remaining in hands of said Edwin Smith Admr. as aforesaid

J. C. Goodman

On demand we promise to pay James D. Holland the just and full sum of one hundred and eight dollars and thirty five cents good and lawful money of Virginia for value received of him which we bind ourselves and heirs J.C. jointly and severally as witness our hands and seal this the 22 of December 1860

Witness
Beverly Holland

James, J. Parker Seal
Seal

Rec'd from Edwin Smith
Admr. of Lt. Thomas Pat-
ten dec'd the sum of Nine-
teen dollars and thirty
six cents in full pay-
ment of the within
note, being 53.1 cents
to the dollar.
Aug. 21st
1868

James R Holland
By Jesse Holland

On Demand we promise to pay Beverly Holland
the just and full sum of Twenty Six dollars
and Twenty nine cents good and lawful money
of Virginia for value received of him which
we bind our Selves Jt & severally and Singularly
as witness our hands and Seal This the 3 of
November 1865

Witness
James & R Holland

James J Parker (Seal)
(Seal)

Aug. 24th 1868 Rec'd
from Edwin Smith
Admr of J. Thomas Pad-
dock dec'd the sum of four
dollars and sixty seven
cents in full of the with-
in, being 467 cents to the
dollar

B. Hollaman

To the Circuit Court of Nansemond County

The Undersigned respectfully reports to Court, that pursuant to the decree of the 21st of April 1868 made in the cause, pending in said Court, wherein Hubert S. Eley &c. is plaintiff & Edwin Smith adm'r of Jas. Thomas Parker & others, are Defendants, he has received of the Clerk of said Court the Bond of Wm Jasper Smith filed in said cause & have collected the same, and made a deed to the purchaser for the land sold, with special warranty in the usual form.

The Undersigned, also as the adm'r. of Jas Thomas Parker has also the sum of $143.92, which belongs to the same parties, and now to save further delay the same is now brought on here & accounted for - The following Statement will show his proceedings

By amo. of Wm Jasper Smith's Bond $124.00
Int. from the 9 Dec 1867 to
9 June 1868 ) 3.72

By amo. in the hands of
Edwin Smith as adm'r of
J. Thomas Parker, on settlement
of account, received, now brought
here for distribution 143.92

Cont'd on $271.64

By amo: brought in #271.64

To amo. for Deed stamps to purchaser 5.00

Balance #266.64

and which has been distributed as follows —

| | | | |
|---|---|---|---|
| To Hubert S. Eley per act. | #48 | 91 | |
| " Jno. C. Goodman " | 4 | 57 | |
| " Jas. R. Holland " | 19 | 36 | |
| " Burch Holland " | 4 | 69 | |
| " Miss E. Dauphtry " | 17 | 36 | |
| " Same " | 7 | 59 | |
| " Mrs W. Laurence " | 29 | 69 | |
| " I. R. King " | 12 | 70 | |
| " I. R. King Heo " | 6 | 35 | |
| " Same " " | 4 | 47 | |
| " Edwin Smith " | 59. | 25 | |
| " Wm R. Laurence " | 17 | 88 | |
| " Ben R. Smith " | 33 | 38 | #266.20 |

Respectfully submitted

Edwin Smith Com.

1869 Sept. 15 Rec'd of Edwin Smith
Com the several sums set opposite
our name amounts due in above
case.

| | | |
|---|---|---|
| John R. Kelly | atty for Hubert S. Eley | $ 48.91 |
| John R. Kelly | " " Mills E. Daughty | 24.95 |
| John R Kelly | " Ina W. Lamica | 29.69 |
| John R Kelly | " J. R. King | 12.70 |
| John R Kelly | " J. R. King Sh. | 6.35 |
| | Same " | 4.47 |
| John R Kelly | " W R Lamica | 17.88 |
| Edwin Smith | — | 57.25 |

Eley &c
vs Case
Report

Parker &c

1849
Septr: 15th: Filed

1867 Dec. 23d. Rec'd of Ed. Smith, Com'r.
the sum of six dollars for advertising
sale of Land of Jos. Nimon Parker
under Decree of Court.
#6.

W. B. Wellons
for J. Thompson Whitley

At a Monthly Court held for Nansemond County,
the 15th day of October 1867:
Hubert S. Ely who sues for himself and other
creditors of Jas Thomas Parker, deceased.... Plaintiff.

against } In Chancery.

Edwin Smith, administrator of James
Thomas Parker deceased Burwell R. Smith
and Sarah Ann his wife: Wm. J. Smith
Sarah J. Smith, Geo. D. Ella, and Burwell
Smith, the last five being infants Defendants.

This cause came on this day to be again heard on
the papers formerly read and on the order of Nan-
semond County Court transferring this cause
from that Court, and on the Report of James
E. Jenkins Commissioner, made pursuant to
a decree of said County Court of the 14th of May
1866, to which report there is no exception and was
argued by Counsel: on consideration whereof
the Court being of opinion, that the interests of
all parties, will be promoted and none injured
by a sale of the real Estate described below, doth
adjudge order and decree that Edwin Smith (who
who is appointed a Commissioner for that purpose), proceed to sell
the land in the proceedings named and described as a tract
of land of which the said James Thomas Parker died
seized and possessed in Nansemond County containing
Three Hundred acres more or less and adjoining
the lands of Samuel R. Hunter, J. J. Parker (of Willey)

and others that he make the said Sale at the Court House door of Nansemond County, on some Court day, on a credit of six months with interest from date, except for a sum sufficient, to pay the costs of suit and expenses of sale which will be in cash and he hand to those entitled to any from the purchaser, Bond and good security and retain the title till the purchase money is paid. That said land be sold subject to the Dower right of Mrs Sarah Ann Smith therein unless she shall in writing consent, to a sale of her Dower therein, in which event the said Edwin Smith Commissioner as aforesaid may sell the entire title to said land, and that in making such sale he give notice thereof by advertisement at the court house door of Nansemond County and other public places and once a week for four successive weeks in the "Christian Sun" a news paper published, and make report to Court; But before such sale shall be made, he the said Edwin Smith, shall execute in Bond, in the Clerks office of this Court, before the Clerk thereof, in the penalty of Six Hundred Dollars, conditioned for the faithful execution of this decree and of any other decree that may be made in the cause.

A Copy. Teste.

Peter B. Prentis. Clerk.

Costs
Clerk. $15.00
Attorney. 31.00
Sheriff. 3.00
Commr 10.00 Paid by W.R.K. for J.E.J. Commr
$59.00

Hubert S. Eley, who sues &c
Wm & Co: Decree
James Thomas Archer's Admr

In the Circuit Court of Nansemond County

The Undersigned, Edwin Smith, Comr.
reports to Court that pursuant to the annexed
decree of the 15th of October 1867, made in the
cause therein pending wherein Hubert S. Eley
&c is plaintiff and Edwin Smith admr &c
Jas. Thomas Parker and others are defts,
he proceeded to advertise the land named
in said decree whereof James Thomas Parker
died seized, and make sale thereof at auction
~~at the same~~ before the Court house door of
said County on the 9th day of December 1867
(being Court day) ~~before the Court house~~
~~door of said County~~, on the terms named
in said decree, when Wm Jasper Smith
became the purchaser at the price of
Two hundred dollars (then) $200.00
of which there was owing in cash 76.00
$124.00
and paid the same as follows —
To P. B. Printis, clerk $15.00
" Jno. R. Kelly Atty 31.00
" the Sheriff 3.00
" Jno. R. Kelly for Jas.
E. Jenkins, Comr $10.00
" 5 per cent Comr. 10.00
" said W. B. Wilson, adv. 6.00
" " B. R. Smith Crier 1.00
$76.00

and

For the deferred payment he took the Bond of Wm Jasper Smith, with F. W. Hunter and J. R. King security dated 9th Dec 1867 & payable six months after date with Interest from date, and which is filed herewith

Respectfully submitted

Edwin Smith Com.

Dec. 20 1867.

Recorded in Book 4 Page

1867 Dec. 20th Rec'd on costs as above

John R Kelly, Atty $31.00

John R Kelly for J. E. Jenkins, Com 10.00

Peter B. Prentiss. Clerk $15.00

Thebert S. Ely &c
vs
Com. refusal
of
Va &c
&
A. Thomas Parker's Adm'r

1867. March 25. Filed.
Clk.

1868. June 8th: Rec'd of Peter B. Prentis, Clerk, the Bond of Wm. Jasper Smith, F.W. Hunter & J.R. King for $1124. & referred to in the within Return.

Edwin Smith Comr

**The Commonwealth of Virginia,**

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Edwin Smith, Administrator of James Thomas Parker deceased, Burwell R. Smith and Sarah Ann his wife, Wm. J. Smith, Sarah J. Smith, George T. Ella and Burwell Smith the last five being infants

to appear at the Clerk's Office of our County Court, for the County of Nansemond, on the first Monday in April next, 1866, being rule day, to answer a supplemental bill in chancery, exhibited against them by Hubert S. Eley, who sues for himself and all other creditors of Jas: Thomas Parker deceased, who may make themselves parties hereto on the usual terms.

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 28th: day of March 1866, and in the 90th: year of the Commonwealth.

Peter B. Prentis. Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

R. Ely. Esq.

Robert S. Ely

vs

Erwin Smith, Edmund F. Parker & Jas. Thomas Parker

In Chancery

To the Clerk & Master

Sir

Please issue Subpoena to Answer Complainants Bill of Complaint exhibited in the above entitled cause returnable on the first Monday in May next.

Solicitor for Complainant

Filed March 29th 1866.

Wm. Ely Clk

(Subpoena issued March 30th 1866 Wm. Ely Clk)

The within Summons was executed by delivering a copy of the same to each of the within named Defendants, on the 29th day of March 1866.

Wm Ely Shff

An account of the debts and demands due by Jas Thomas Parker dec'd or his estate and their degrees taken in obedience to decree of Ch'y Ct of Nans'd Co of June 7/66.

| | | | | |
|---|---|---|---|---|
| 1862 | | | | |
| May 1 | | A. S. Eley's note v J. T. Parker | $275 00 | |
| | | Int from May 1/62 to Sept 10/66. (4y. 4m. 9d) | $ 71 91 | $ 346. 91 |
| 1862 | | | | |
| Jan. 1 | | John C. Goodman's a/c v same. | $ 25 00 | |
| | | Int from Jan 1/62 to Sept 10/66. (4y. 8m. 9d) | $ 7 04 | $ 32. 04 |
| 1862 | | | | |
| March 1 | | Jas. R. Holland's note v same | $ 108 00 | |
| | | Int fr. Mar 1/62 to Sep 10/66 (4y. 6m. 9d | $ 29 33 | $ 137. 33 |
| 1862 | | | | |
| Jan 1 | | Beverly Holland's note v same | $ 26. 00 | |
| | | Int fr. Jan 1/62 to Sep 10/66 (4y. 8m. 9d.) | $ 7. 32 | $ 33. 32 |
| 1860 | | | | |
| Dec 18 | | Mills E. Daughtrey's note v same | $ 95 00 | |
| | | Int fr. Dec 18/60 to Sep 10/66 (5y. 8m. 23d) | $ 28 16 | $ 123 16 |
| 1860 | | | | |
| Feb 13 | | Jonas W Lawrence's note v same | $ 150 00 | |
| | | Int fr Feb 13/60 to Sept 10/66 (6y. 6m. 28d) | $ 60. 63 | $ 210. 63 |
| 1860. | | | | |
| Dec 1 | | Mills E Daughtrey's note v same | $ 40 00 | |
| | | Int fr. Dec 1/60 to Sept 10/66. (5y. 9m. 9d.) | $ 13. 86 | 53 86 |
| 1862 | | | | |
| Jan 1 | | Jas R King's note v same | $ 70 22 | |
| | | Int fr. Jan 1/62. to Sept 10/66. (4y 8m. 9d.) | $ 19. 86 | 90. 08 |
| 1860 | | | | |
| Jan 1 | | J R King & Co's note for. | $ 32. 16 | |
| | | Int fr Jan 1/60 to Sept 10/66 (6y. 8m 9d) | $ 12 91 | 45 07 |
| 1860 | | | | |
| Jan 1 | | J R King & Co's note for | $ 23. 69 | |
| | | Int fr. Jan 1/61 to Sept 10/66 (5y 8m 9d.) | $ 8. 08 | $ 31. 77 |
| 1860. | | | | |
| Dec 31 | | Edwin Smith's note v same for | $387 50 | |
| | | Int. fr. Dec 31/60 to Sept 10/66. (5y. 8m. 10d.) | $ 132 40 | |
| | | Credits Off. | $ 519. 90 | |
| | | Jan 1/63. $20.64. apl 1/65 $6 750 = $ 8.14 | | |
| | | Int on $20.64 for 3y. 8m. 10d. — $ 4.67. | | |
| | | " " 6 750 " 1y. 8 " 10d. — $ 1.82 | $ 99. 67 | $ 420. 23 |
| 1861 | | | | |
| apl 4 | | Wm B Lawrence's note v. same | $ 94 90 | |
| | | Int fr. apl 4/61 to Sept 10/66 (5y 5m. 4d.) | $ 31. 91 | $ 126 81 |
| 1863 | | | | |
| Dec 31 | | Burwell R. Smith (Keeping negroes.) | $ 100. 00 | |
| | | Int fr Jan 1/64 to Sep 10/66 (2y. 8m 10d) | 16 17. | |
| 1861 | | | | |
| Jany 8th | | Burwell R. Smith Note | 90. 00 | |
| | | Int fr. Jany 8th/61 to Sep 10/66 (5y 8m 2d) | 30 63 | $ 236 80 |
| | | | | $ 1888. 01 |

Over

Amt brought forward $1888.01

E & O. E

James E Jenkins
Commissioner
Ky Ct. Claims Co.

(B)

Hubert S. Eley et al

vs } Acct of debts due by decedent (Exhibit B.)

Edwin Smith admr of Jas. Thos. Parker

---

Completed and filed in my office July 20/66

Jas. E Jenkins
Commr

Bond made by Jas. Hume, Parker
& Hubert S. Ely for $375.00
with Int. from 1. May 1862.

Lost by fire 7th Feb. 1866. being burnt
when Clerk's office was burnt.

KNOW ALL MEN BY THESE PRESENTS, That we Edwin Smith and John R. Kelly

*are held and firmly bound unto the* COMMONWEALTH OF VIRGINIA, *in the just and full sum of* Six Hundred *dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this* 11th: *day of* November *in the year one thousand eight hundred and* Sixty-seven, *and in the* 92nd *year of the Commonwealth.*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Edwin Smith, who was by a Decree of the Circuit Court of Nansemond County pronounced on the 15th: day of October 1867, in the Cause of Hubert S. Eley, who sues &c vs Edwin Smith, Admr: of Jas Thomas Parker decd & al. appointed a Commissioner to make sale of certain Real Estate, in said Cause described, shall faithfully discharge his duties as such Commissioner, under said decree and of any other decree that may be made in said cause

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence )
of )

Edwin Smith SEAL.

John R Kelly SEAL.

SEAL.

SEAL.

SEAL.

Edwin Smith. Comm$^{t}$.

To } Bond

Commonwealth.

Nov: 11$^{th}$ 1867 Entered & filed

An Account of the debts and demands due by Jas. Thomas Parker decd or his Estate and their dignity, taken in obedience to decree of Cty Ct of Nans Co: of June 7/66.

| | | | | | |
|---|---|---|---|---|---|
| 1862 May | 1 | H.S. Eley's Note vs J.S. Parker | | 275 00 | |
| | | Int: from May 1/62 to Sept: 10/66 (4y. 4m. 9d) | | 71 91 | 346 91 |
| 1862. Jan | 1 | John C. Goodman's a/c vs Same | | 25 00 | 48.91 |
| | | Int: from Jan 1/62 to Sept: 10/66 (4y. 8m. 9d) | | 7 04 | 32 04 |
| 1862. March | 1 | Jas R. Holland's Note vs Same | | 108 00 | (4.87) |
| | | Int: fr: Mar 1/62 to Sep 10/66 (4y. 6m. 9d) | | 29 33 | 137 33 |
| 1862. Jan | 1 | Beverly Holland's Note vs Same | | 26 00 | (19.36) |
| | | Int: fr: Jan: 1/62 to Sep: 10/66 (4y. 8m. 9d) | | 7 32 | 33 32 |
| 1860. Dec | 18 | Mills E. Daughtrey's note vs Same | | 95 00 | (6.69) |
| | | Int: fr: Dec 18/60 to Sep: 10/66 (5y. 8m. 23d) | | 28 16 | 123 16 |
| 1860. Feby | 13 | Jonas W. Lawrence's Note vs Same | | 150 00 | (17.36) |
| | | Int: fr: Feb: 13/60 to Sept: 10/66 (6y. 6m. 25d) | | 60 63 | 210 63 |
| 1860. Dec | 1 | Mills E. Daughtrey's Note vs Same | | 40 00 | (29.69) |
| | | Int: fr: Dec 1/60 to Sept: 10/66 (5y. 9m. 9d) | | 13 86 | 53 86 |
| 1862. Jan | 1 | Jas: R. King's Note vs Same | | 70 22 | (7.59) |
| | | Int: fr: Jan: 1/62 to Sep 10/66 (4y. 8m. 9d) | | 19 86 | 90 08 |
| 1860. Jan | 1 | J. R. King & Co's Note for | | 32 16 | (12.70) |
| | | Int: fr: Jan 1/60 to Sep 10/66 (6y. 8m. 9d) | | 12 91 | 45 07 |
| 1861. Jan | 1 | J.R. King & Co's Note for | | 23 69 | (6.35) |
| | | Int: fr: Jan. 1/61 to Sept: 10/66 (5y. 8m. 9d) | | 8 08 | 31 77 |
| 1860. Dec | 31 | Edwin Smith's Note vs Same for | | 387 50 | (4.47) |
| | | Int: fr: Dec 31/60 to Sept: 10/66 (5y. 8m. 10d.) | | 132 40 | |
| | | Credits: of } | | 519 90 | |
| | | Jan 1/63 $20.64 c/f 2.1/65 - $67.50 = | $88.14 | | |
| | | Int: on $20.64 for 3y. 8m. 10d — | 4.17 | | |
| | | " " 67.50 " 1y 8m 10d — | 6.86 | 99 67 | 420 23 |
| 1861. Apl. | 6 | W.R. Lawrence's note vs Same | | 94 90 | 57.25 |
| | | Int: fr: Apl: 6/61 to Sept 10/66 (5y. 5m. 4d) | | 31 91 | 126 81 |
| 1863. Dec | 31 | Burwell R. Smith (Keeping negroes) | | 100 00 | (17.88) |
| | | Int: fr: Jan 1/64 to Sep 10/66 (2y. 8m. 10d) | | 16 17 | |
| 1861. Jan | 8 | Burwell R. Smith Note. | | 90 00 | 33.38 |
| | | Int: fr Jany: 8th/61 to Sep: 10/66 (5y. 8m. 2d) | | 30 63 | 236 80 |
| | | | | | $1888 01 |

The within is an extract from the report of Commissioner James E. Jenkins filed in the Chy. Court of Hubert S. Ely, vs. same &c vs Edwin Smith. Admr. of J. Thos Parker decd &al.

Teste,

Peter B. Prentis. Clerk
of Circuit Court of Nansemond County.

Hubert S. Ely, exhr. same &c
vs
Co. Exhibit of Letter &
Jas Thomas Parker's Account &c

Eley H. N. Parker's adm'r &c

This cause came on this day to be again heard on the papers formerly read & on the Report of Edwin Smith, Commissioner made pursuant to the decree of the 21st of April 1868 — to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth confirm the said report and doth adjudge, order & decree that the proceedings had in this cause be confirmed & that the cause be removed from the Docket.

Eley &c
v.
Parker adm

1869

Act. of
Final Decree
To be Entered
E. P. Pitts

Entered

At a Monthly Court held for Nansemond County, the 8th: day of April 1867

Hubert S. Eley, who sues for himself and all other Creditors of Jas: Thomas Parker deceas'd, who may make themselves parties hereto on the usual terms . . . . . Plaintiff

Against } In Chancery

Edwin Smith, Administrator of James Thomas Parker deceased; Burwell R. Smith and Sarah Ann, his wife; Wm: J. Smith, Sarah J. Smith, George T. Ella and Burwell Smith: the last five, infants . . . . . Defendants

It appearing that this suit has remained pending in this Court more than one year: it is ordered, that the same be removed to the Circuit Court of this County.

A Copy: Teste, Peter B. Prentis. Clerk

Hubert S. Eley. who sues
by
Copy order of Co: Co:
removing Cause to
Cir: Co:
vs
Edwin Smith, Admr: of
Jas: Thomas Parker dec'd Dal:

Eley &c. vs. Parker &c

This cause came on this day to be heard on the papers formerly read, & on the Report of Edwin Smith made pursuant to the decree of the 15th Oct.o 1867, to which report there is no exception, and was argued by Counsel. On consideration whereof the Court doth Confirm the said Report and doth adjudge, order and decree that the said Edwin Smith receive of the Clerk of this Court (who is ordered to pay the same to him) the Bond of Wm Jasper Smith and others of $124. filed in the cause, and collect the same, and out of the proceeds pay any costs remaining unpaid, and then pay the remainder ratably to the several creditors of said James Thomas Parker as reported by Com.r Jenkins in exhibit "B" of his Report filed in the cause, and make a deed to the said Wm Jasper Smith the purchaser of the real estate sold by authority of this suit, with special warranty in the usual form, and make report to Court.

Eley &c
vs.
Parker &c

1868
April Court
Decree
To be entered
R. H. Parker

Entered

Ely &c.

v.

Parker admr &c.

This cause came on this day to be heard on the Bill, taken for confessed as to the absent defendants, on which process had been duly served, they still failing to appear and answer, and on answer of the present defendants by Peter B. Curtis, guardian ad litem, with general replication thereto, and was argued by Counsel. On Consideration whereof the Court doth adjudge, order & decree that a Com. of this Court take the following accounts — 1st an account of the transactions of Edwin Smith as admr of Jas. Thomas Parker dec'd, 2d. an account of the debts and demands due by said deceased at his estate and their priority — and 3d. an account of the land whereof said deceased died possessed, and it's annual & sensible value, and make Report to Court with any matters specially stated deemed pertinent by himself, or that any of the parties may require to be so stated

Eley
v

Parkes admtx

1866

May Ct. Decree

Entered

Eley &c. v. Parker's adm'r

This cause came on this day to be again heard on the papers formerly read & on the order of Nansemond County Court transferring this cause from that Court, and on the Report of James E. Jenkins, Com'r, made pursuant to a decree of said County Court of the 16th of May 1866; to which report there is no exception and was argued by Counsel: On consideration whereof, the Court being of opinion that the interests of the parties will be promoted & none injured by a sale of the real estate described below with adjudged, orders and decrees that Edwin Smith (who is appointed a Com'r for that purpose) proceed to sell the land in the proceedings named, and described as a tract of land of which the said James Thomas Parker died possessed, in Nansemond County, containing three hundred acres, more or less, and adjoining the lands of Lem'l R. Hunter, J. T. Parker (of Willis) & others - that he make the said sale at the Court house door of Nansemond County, on some Court day on a credit of six months with interest from date, (except so much sufficient to pay the costs of said proceedings of sale which will be in cash & be paid to those entitled), taking from the purchaser Bond & good security & retain the title till the purchase money is paid: That

the said Land be sold subject to the Dower right of Mrs. Sarah Ann Smith therein unless she shall in writing Consent to a sale of her Dower therein, in which event the said Edwin Smith, Com'r as aforesaid will sell the entire title to said Land: and ~~the Court doth adjudge, order & Decree that Edwin Smith Com'r aforesaid as aforesaid~~ upon the Credit aforesaid sale expires, proceed to collect the proceeds of such sale, and pay to said Sarah Ann Smith ~~one sixth part thereof in fee simple in lieu of her Dower therein (if she elects to waive her Dower), &~~ the Balance, together with the rents & profits, which appear to be in the hands of said Edwin Smith Com'r as aforesaid, unto Francis Parke Esq said Com'r Aforesaid, upon the interest thereon from the 10th September 1866, pay ratably to the several debts allowed & reported by said Com'r Aforesaid, report as due by said Decree: and that the said Edwin Smith as Com'r aforesaid on the payment to him of the purchase money aforesaid by the purchaser of said real Estate, make said purchaser a deed therefor in the usual form for with special warranty in the usual form, and make report of his proceedings to Court.

that in making such sale he give notice thereof by advertisement at the Court house door of Nansemond County and other public places, & once a week for four successive weeks in the Christian Com'r a newspaper published in Suffolk for four successive weeks, and make report to Court.

But before such sale shall be made he the said Edwin Smith shall execute a Bond in the Clerk's Office of this Court before the Clerk thereof in the penalty of $600. conditioned for the faithful execution of this Decree & of any other Decree that may be made in the cause.

Eley &
vs

Packenadow Jail

1867

Oct. Decree

I to be entered.

R. H. Baker

Entered

Virginia.

At Rules held in the Clerk's Office
of Nansemond County Court, on
Monday, the 2nd: day of April 1866.

Hubert S. Eley, who sues for himself
and all other creditors of Jas: Thomas
Parker deceased, who may make them-
selves parties hereto on the usual terms. Plaintiff

Against } In Chancery

Edwin Smith, Administrator of James
Thomas Parker deceased, Burwell R.
Smith and Sarah Ann, his wife: Wm:
J. Smith, Sarah J. Smith, George T. Ella
and Burwell Smith: the last five being
infants . . . . . Defendants.

On the motion of the Plaintiff, by Counsel, Peter B Prentis is appointed guardian ad litem, to defend the in-fant defendants, in this suit: and it is ordered, that notice be given the said guardian of his appointment, by serving on him a copy of this order.

Teste,

Peter B. Prentis. Clerk

1866. April 2nd: I acknowledge service of the foregoing order and that I have received a copy hereof.

Peter B. Prentis.

gdn: ad litem

Hubert S. Eley &c
vs order subpfg
Jas. Thomas Parker's
Admor: &c

The Joint and Separate answer of
Wm. J., Sarah J., Geo. T., Ella S. Burnell
Smith, Infants, by P. B. Prentis their Gd.
ad litem, to a supplemental Bill in Chancery exhibited
in Nansemond County Court by Hubert S. Ely
&c. against Edwin Smith admr. of Jas. Thomas
Parker dec'd &al.

These Respondents say that so far as
they know or believe, the facts and statements
set forth in said Bill are true, but being
Infants, and incapable of protecting their
right, in the case, themselves, submit all
their Interest, in the cause to the Court
and pray that no order or decree may
be made in prejudice thereto.

Signed,

Peter B. Prentis.

Gdn. ad litem

Hubert S. Eley &c

vs.

Jas. Thos. Parker's
adm'r &c.

Answer of
Infant defts.

1866
April 2d: Filed.

To the Worshipful Court of Nansemond County.

Complaining shew unto the Court your Complainant Hubert S. Eley, who sues for himself and all other Creditors of Jas. Thomas Parker dec'd. who may make themselves parties hereto, on the usual terms.

Your Complainant sheweth unto the Court, that he exhibited his original Bill in Chancery in this Court and filed the same at January rule, last (1866) against Edwin Smith, administrator of James Thomas Parker dec'd, and Burwell R. Smith and Sarah Ann his wife, and Wm. J. Smith, Sarah J. Smith, Geo. D., Ella & Burwell Smith, the last five being Infants — Stating, That the said James Thomas Parker died on or about the [blank] day of December 1863, Intestate and leaving as his heir at law, his mother, now the said Sarah Ann, wife of Burwell R. Smith ~~Smith~~, and his brothers and sisters of the half blood, the said Wm. J., Sarah J., Geo. D., Ella, & Burwell Smith, Infants.

That Edwin Smith duly qualified in the County Court of Nansemond County on the [blank] day of [blank] 1865, a copy of the order of Court granting such administration was filed as an exhibit with the said original Bill — That the personal estate of said deceased was very small and wholly inadequate to pay Your Complainant's demand, and that the real estate whereof

the said Jas. Thomas Parker died possessed would have to be sold for that purpose — That the said Jamey Thomas Parker died possessed of a tract of Land in Nansemond County, containing three hundred acres, more or less, & adjoining the Lands of Levi R. Hunter, J. D. Parker (of Willis,) and others, — That and in which the said Sarah Ann, had right of Dower. the said Intestate was indebted to your Complainant the sum of $275. due by Bond, with Interest from the 1st day 1862 which Bond was filed as an Exhibit with said original Bill.

And praying, That the accounts of the said Edwin Smith as adm. aforesaid might be duly settled — That the Land aforesaid might be sold, subject to the Dower therein of said Sarah Ann Smith; That an account of all debts due by said Deceased might be had, and that the personal and real estate aforesaid might be applied to pay the same — That the process may duly issued (and returned executed, & the answer of the Infant Defendants, by P. B. Prentis their guardian had been duly filed & replication thereto & that as to the adult defendants, Your Complainants bill had been taken for confessed and the cause had been set for hearing & placed on the Court Docket of said Court — But

so it is, Your Complainants, say, That on the 7th day of February 1866, the Clerk's Office of said Court and all its records, together with the record of said cause, was destroyed by fire; and now Your Complainant files this supplemental Bill — In Consideration whereof, and as this Court has power to grant all proper relief — To the End Your Complainant may, That the said Defendants aforesaid to said original Bill may be made Defendants hereto, summons, the same — and That all the relief prayed for by said original Bill as herein set forth, may be granted, and that all further relief may be granted Consistent with Equity &c.

John R. Kelly p. t

Kelly p. q

Hubert S. Eley &c.
suppl.
vs
Rice

Edwin Smith admr. of
Jas. Thomas Parker dec'd
&al:

Co. or Assn?

Hubert S. Eley &c

vs § Chy: Notes

Jas: Thomas Parker's admr: &c:

1866. March 28th: Summ: in Chy: issued to Apl: Rules 1866

" April 2d: Suppl: Bill filed — Confidential Decree vs adult defts:

" " " P.B. Prentis, apptd guar: ad litem to infant defts: who filed their answer to which their [illegible] was a gen: replic: Cause set for hearing as to them.

" May 7th: Confidential Decree confirmed & cause set for hearing, on mins: of pl'ffs: atto:

" " 14th: Decree for accon:

" May 13th Report filed [illegible]

1867. April 8th: Cause having remained pending more than a year, removed to Cir: Co:

" " 19th Continued

" Octo: 15th Decree for Sale

" Nov. 11th: Comm'r Bond & Special Oath filed,

" Decr 23d. Report of Sale filed

[illegible]

1868. Apl: 21st Decree to Collect & distribute & make deed &c Octo: 14th Continued

1869. Apl: 21st: Continued

" Sept: 15th: Report filed (Octo: 11) Final Decree

Chy. Notes