1880-006
Nansemond Co. (Suffolk)

Chancery Causes: B.F. Cutchin & Co. et al vs Admx of James A. Parker et al

West, Wellons

Costs

Clk.	$7.50
Attys. Fees	16.50

Costs

B. F. Cutchin Exr Int. from 1st July 1876 to 1 Aug. 1880 — 4 y. 1 m.		164 03
costs		40 18
		9 10
		$213 31
P. B. Baker Int. from 1 July 1876 to 1 Aug. 1880 — 4 y. 1 m.	$140 58	
	34 42	
	7 85	$182 77
		$396 08
costs		35 00
		$431.05

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Anna H. West, formerly Anna H. Parker, and as such, Administratrix of James A. Parker, deceased; H. J. West and Anna H. West, his wife, Henry M. Parker and Lizzie V. Parker, the last named being an infant, under twenty-one years of age

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in September *next, to answer a Bill in Chancery, exhibited against them in the said Court by* B. F. Culchen Jr and S. L. Wellons, merchants and partners, trading under the name and style of B. F. Culchen & Co; and P. B. Baker, who sue for themselves and all other creditors of James A. Parker, deceased

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th *day of* August *— 1879, in the* 104th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

B. F. Catchin & Co: Lal

20 } Summons in Chy.

Anna H. Cook, formerly Anna H. Parker, as such admx. of James A. Parker, decd Lal

Feby Sekts: Ruled, 1879

Geo: B. Keil. Keys 133.

Ex. Ch. Practice Summons.
Aug 25th 1879.

Anna H. Cook formerly Anna H. Parker as such admx. of James A. Parker, decd

H. F. Wells

Anna H. Cook

H. M. Parker

Virginia:

At Rules, held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 1st day of September, 1879.

B. F. Critchin Jr. and S. L. Wellons, merchants and partners, trading under the name and style of B. F. Critchin & Co.; and P. B. Barker, who sue for themselves and all other Creditors of James A. Parker, deceased . . . . . Complainants.

Against } In Chancery

Anna H. West, formerly Anna H. Parker, and as such, administratrix of James A Parker, deceased; H. J. West, and Anna H. West, his wife; Henry M. Parker and Lizzie V. Parker: the last named being an infant, under twenty-one years of age. Defendants.

On the motion of the Complainants, by Counsel, Peter B. Prentis is appointed guardian ad litem to Lizzie V. Parker, the infant Defendant, 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

1879. Septr. 1st. I acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis, g.d.: ad litem

B. F. Critchlow & Co: Def.

vs } In Chy.

Anna M. Wood, formerly
Anna M. Parker, adm. as such
adm: of James A. Parker,
dec'd Def.

Order appointing Gdn: ad litem

B. F. Cutchin &c. et als

vs

Jas. A. Parker's personal rep. et als.

This cause came on this day to be heard on the bill of the complainants and the answer thereto of the defendants, Henry M. Parker, Anna H. West, and Lumia V. Parker by her guardian ad litem and was argued by counsel.

On consideration whereof the court doth order adjudge and decree that after giving the notice required by law, one of the commissioners of this court proceed to take an account of the transactions of the said Anna H. West (formerly Parker) as administratrix of the estate of Jas. A. Parker, deceased.

Also an account of the indebtedness of the said Jas. A. Parker died, together with an account of the annual and fee simple values of the real estate in the bill and answers and other proceedings mentioned, and report the same together with any matters deemed pertinent to himself to this court.

A notice of the time and place of taking

the said accounts to be published once a week for four successive weeks in some convenient newspaper shall be equivalent to personal service of such notice on the parties.

B. F. Ketchin et al
vs
Jas. A. Parkerson et al

Decree

April Term 1880.
To be entered.

B. F. Critchin Exr.

vs.

Jas. A. Parker's Personal Rep. &c.

This cause came on this day to be heard on the Bill of the Complainants, Taken for con= fessed as to the adult defendant Henly M. Parker on whom process had been duly executed he still failing to appear answer demur and plead. and on the exhibits filed with said Bill and the answers of H. F. and Anna H. West, and the answer of Lu= na V. Parker an infant under the age of twenty one years of age by Peter B. Pruitt her guardian ad litem and was argued by counsel.

On consideration whereof this cause is continued with leave to the defendant Henly M. Parker to file his answer ~~within~~ ~~ninety~~ days from the date of this de= cree.

Cutchin Geo,

vs,

Parker's Admr. &al

Nansemond County
Circuit Court
October Term 1879
Decree
To be entered

Gibson.

We consent to this decree

W. J. Kelly for defts,
R. A. Rawles for Pltff.

B. F. Crutchin Hes. Sal

vs.

Jas. A. Parker's Per. Rep. Sal.

On the motion of the Plaintiffs by their counsel, the Court dotte order that this cause be and the same is hereby dismissed

Cutchin Heo Sal.

vs.

Jas. A. Parker's Per Rep. Sal.

Saund Co. Cir. Ct.
October Term 1880
Order
To be entered
Geo. T. Bloss.

We consent to this order.
R H Rawles atty
for Pltff.

Wilbur J. Kilby atty.
for defendants

Entered O.B. No 1-
p-490

The Hon. Geo. Blow. Judge of the cir-
cuit court of Nansemond County.

The answer of defendants H. T. West and
Anna H. West to bill in chancery
exhibited against them by B. F. Batchin Jr.
and S. L. Wellons merchants and partners
trading under the firm and style of B. F. Batchin
& Co and P. B. Baker.

The defendants answering ~~saith~~ say
That it is true as alleged in said Bill
that judgements were obtained in the
said circuit court against the said
Anna H. Parker Administratrix of James
A. Parker dec'd in favor of B. F. Batchin & Co
for $164.03 with interest as alleged and
in favor of P. B. Baker for $140.50 with
interest as alleged: that the said judgements
(nor any part of them) have not been paid: that
there is no personal property in the hands of
Anna H. West, formerly Anna H. Parker, out of
which to pay them: that the said Anna H.
West, formerly Parker, has since her qualification
as said Administratrix married H. T. West:
that the said James A. Parker dec'd left
real estate as set forth in said bill:
that the heirs at law of the said James A. Par-
ker are his children, Henry M. Parker and

Lunia V. Parker. But your ~~Orators~~ defendants would state that Anna H. West is entitled to dower in the said real estate of James A. Parker decd. That the county court of Nansemond county appointed commissioners to lay off and assign her dower but that they found it impracticable to divide the said real estate in kind: that these defendants believe that it cannot be divided in kind so as to lay off the said dower without great injury to the said estate. Therefore your defendants are willing that the said estate shall be sold and upon such sale they would respectfully ask that the said Anna H. West (formerly Parker) be given her dower in money out of the proceeds of such sale and out of the remainder they believe that the said judgments ought to be paid. And having answered &c

H. T. West sign here

Anna H. West sign here

B. F. Cutcheon & Co. Ltd

vs } In Chy.

James A. Parker's Admx. Ltd

Answer of H. J. Wash
and Anna H. Wash

A Judgment obtained in the Clerk's Office of the Circuit Court of Nansemond County, and confirmed at a Court held and closed for the said County, on Saturday, the 12th. day of April, 1879.

P. B. Baker . . . . . Plaintiff.

Against } In Trespass on the Case, in Assumpsit

Anna H. Parker, Administratrix of James A. Parker, deceased. . . . . Defendant.

The Judgment obtained at the Rules not having been set aside, and the Plaintiff being now entitled to a final judgment: it is therefore Considered, that the Plaintiff recover against the Defendant, One hundred and forty dollars and fifty cents, the sum in the declaration mentioned, with interest thereon at the rate of Six per Centum per annum, from the 1st. day of July, 1876, till paid, and his Costs by him, about his suit in this behalf expended: To be levied of the goods and Chattels of the decedent, in the hands of the Defendant, to be administered.

Costs: $7.85

Fi: Fa: Apl: 26th: 1879

A Copy:

Teste:

Peter B. Prentis. Clerk.

Memo:

The foregoing Judgment was founded on an open account.

Teste:

Peter B. Prentis. Clerk

P. B. Baker
vs } Chy Judgt.
James A. Parker's Admx:

Exhibit P.
filed with the
answer of Healy
and Lunie V.
Parker

A Judgment obtained in the Clerk's Office of the Circuit Court of Nansemond County, and Confirmed at a Court held and closed for the said County, on Saturday, the 12th: day of April, 1879.

B. F. Cutchin, Jr. and S. L. Wellons, merchants and partners, trading under the firm and style of B. F. Cutchin & Co: . . . . . Plaintiffs.

Against } In Trespass on the Case

Anna H. Parker, Administratrix of James A. Parker, deceased. . . . . Defendant.

The Judgment obtained at the Rules not having been set aside, and the Plaintiffs being now entitled to a final judgment: it is therefore considered, that the Plaintiffs recover against the Defendant One hundred and Sixty-four dollars and Three cents, the sum in the declaration mentioned, with interest thereon, at the rate of Six per centum per annum, from the 1st: day of July, 1876, till paid, and their Costs, by them, about their suit in this behalf expended: To be levied of the goods and chattels of the decedent, in the hands of the Defendant to be administered.

Costs $9.10 } A Copy:

Fi: Fa: Apl: 26th: 1879 } Teste:

Peter B. Prentis. Clerk

Memo:

The foregoing Judgment was founded on an open account.

Teste:

Peter B. Prentis. Clerk

B. F. Culchin & Co.
vs Copy Judgt.
James A. Parker's admx.

Exhibit
O
filed with the
answer of Henly
M. & Lunnie V.
Parker

At a Monthly Court held for Nansemond County, the 8th: day of January, 1877.

On the Motion of Anna H. Parker, the widow of James A. Parker, dec'd: it is ordered, that Thomas J. Kilby, Jacob Lanshe, Thomas H. Hines, John J. Nunney and D. W. Deans (any three of whom may act) proceed to assign unto her and the infants Children of said deceased, Homestead, in the Estate of which the said deceased died seized and possessed, and make report to Court.

A Copy:

Teste:

Peter B. Prentis. Clerk.

Virginia:

Nansemond County, to wit:

This day, personally came before me, Jno: H. Wright, a Notary Public, for the State & County aforesaid, Thos J. Kilby, Jacob Lanshe & Jno: J. Nunney, three of the within named Commissioners, who made oath that they would discharge the duties assigned them in the within order to the best of their Knowledge and ability.

Given under my hand, this 1st: day of March, 1877.

Jno: H. Wright.

Notary Public.

Nansemond County, to wit:

To the Hon'ble Court of Nansemond County:

The undersigned Commissioners appointed by the said Court to assign unto Annie H. Parker, widow of James A. Parker, deceased, and the Children of the said deceased, Homestead,

in The Estate of which the said James A. Parker died, seized and possessed, and report the same to Court, beg leave to report that the Comrs proceeded on the first day of March, 1877, to perform that duty. In making the necessary examination of the affairs and value of the estate of the said James A. Parker, of whom the said Annie H. Parker is widow, we find the whole of the real estate has been valued by Commissioners appointed to assign Dower to the said Annie H. Parker at the sum of two Thousand five hundred and forty dollars (2540:00), of which eight hundred and forty-six dollars and sixty-seven cents ($846:67) was assigned for her Dower, which left a balance of real estate to the value of Sixteen Hundred and ninety-three dollars and thirty-three cents ($1693:33). The Commissioners also find that the appraised value of the personal estate of said deceased to be the sum of Six hundred and thirty-seven dollars and forty cents ($637:40).

The Commissioners also find that the articles embraced in the value of personal estate, which is allowed to the family under the Law, Commonly called the poor law, and which has been set apart to the family of said deceased, to amount to the sum of Three hundred and thirty-eight dollars and twenty five cents ($338:25). The Commissioners also find that there are three notes due by the said James A. Parker dec'd to the Farmers Bank of Nansemond, wherein the benefit of the Homestead is waived, and which must be paid by the said Annie H. Parker, Admx. of said deceased, amounting, the said three notes, to about $205:00.

The Commissioners also find that the burial expences of deceased, taxes unpaid and other expences, which superceeds the Homestead law, to be about One hundred and ten dollars

($110:00), which several sums being deducted from the amount of the personal estate, say $637.40, absorb all of the personal estate, and fifteen dollars & 85 cents, over.

The amount of Real Estate, after deducting the amount of Dower assigned, is Sixteen hundred and ninety-three dollars and thirty-three cents ($1693:33), and deducting the fifteen dollars and eighty-five cents from the balance of the real estate, will leave a balance of Sixteen hundred and seventy-seven dollars and forty-eight cents, to be applied to the Homestead of the said Annie H. Parker.

The Commissioners therefore assign the balance of the Estate, to wit: Sixteen hundred and seventy-seven dollars and forty-eight cents ($1677:48) to the said Annie H. Parker, widow of the said James A. Parker dec'd and his Children, as their Homestead in said Estate. The Commissioners are informed by the Administratrix, that no debts are due to the Estate, so far as she knows.

All of which is respectfully submitted

Thos. J. Kelly
J. F. Nonney
Jacob Lawshe
Comrs.

A Copy:
Teste:
Peter B. Prentis. Clerk.

Annie H. Parker

in § Homestead

Estate of James A. Parker, dec'd

(Copy Report)

Exhibit M.
filed with the
answer of Henley
M. and Lunie V.
Parker

The further answer of Lunie V. Parker an infant under the age of twenty-one years by Peter B. Prentis, her guardian ad litem, assigned to defend her in this suit, and the original answer of Henley M. Parker, as well as the joint and several answers of said Henley M. Parker and said Lunie V. Parker by her said guardian ad litem, to a Bill of Complaint exhibited against them and others in the Circuit Court for the County of Nansemond, by B. F. Cutchin Exr. and P. B. Baker, Com= plainants.

These Respondents reserving to them= selves the benefit of all just exceptions to the said Bill, for answer thereto, or to so much thereof as they are advised that it is material they should an= swer, the said Lunie V. Parker by her said guardian ad litem, and said Henley M. Parker in his own proper person, answer and say:—

That true it is, James A. Parker, late of said County, died at the time alleged in said Bill, leaving as therein stated as his heirs and dis= tributees, the parties therein named to wit: these Respondents, his children Lunie V. Parker

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and Henley M. Parker, and his widow Anna H. who has since married H.T. West and is now the latter's wife; That said Henley M. Parker is an adult and said Lunie V. Parker an infant who will not be twenty one years of age until the 18th. day of November 1880. That said Anna H. widow of said James A. Parker became his Administratrix in due course of law on the 13th. day of September 1876 (although no evidence of it is filed with said Bill), and proceeded to administer his personal assets: that no account of her transactions as said Administratrix has yet been rendered as it should be; that these respondents are not advised as to what debts of said James A. Parker, if any, she has paid: And that said James A. Parker died intestate, although the fact is not stated in said Bill.

That true it is, as stated in said Bill, said James A. Parker died seized and possessed of a small tract of land situated partly in the Town of Suffolk, and partly in Nansemond County, containing twelve or thirteen

acres, more or less, and bounded on the North by Kirby Street of said Town on the East by the lands of Sarah L. Wellons and E. W. Beale and by Wellons Street, on the South by the A. M. & O. Railroad and on the West by the land of Jacob Lawshe, its fee-simple value being according to assessment $1700. and also of a small tract of land of 8 or 10 acres on the West side of Somerton road in said County and about 4 miles from Suffolk, its fee simple value being according to assessment $21.00 - making a total of real estate valued at $1721.00.

That said Anna H. as the widow of said James A. Parker is entitled to dower in said land.

That true it is, the said Complainants, B. F. Culclasure &c. as alleged in said Bill, on the 12th. day of April 1879, obtained their judgment on their claim ~~on their~~ against said James A. Parker for $164.83 with interest from the 1st. of July 1876 till paid and $9.10 costs in the Circuit Court of said County, and true it is, that said Complainant, P. B. Baker, obtained his judgment at the same time and in the

same Court as his claim against said James A. Parker for $140.50 with interest from the 1st. of July 1876 till paid and $7.85 costs, and true it is, so far as these Respondents are informed, said judgments have not been satisfied or paid in whole or in part by said Administratrix or any other person as alleged in said Bill. But, said judgments having been obtained against said Administratrix since the death of said James A. Parker and not against said James A. Parker in his lifetime, these respondents utterly deny that said judgments are liens upon the real estate aforesaid of said James A. Parker, or that they have any priority or advantage over any other outstanding claim against said Jas. A. Parker, whether reduced to judgments or not since his death. And these respondents say that the claim of said Complainants that said judgments are liens on said real estate under the Statute law of Virginia, is utterly unfounded.

And these Respondents say that the outstanding debts, now unpaid and due by said James A. Parker or his estate, do not exceed in the aggregate $150.00 exclusive of the claims aforesaid of said Complainants, and with the latter, do not exceed the sum of $500. principal and interest together; and that the rents and profits from the real estate aforesaid will ~~rent an~~ reach the sum of $175. or $200. annually, or the total sum of $875. or $1000. in five years. — a sum quite sufficient and ample enough to pay all said debts in five years after payment of 1/3 of said rents and profits to said Anna H. to which she is entitled by reason of her dower in said real estate: ~~and~~

These Respondents, therefore, say that the prayer of said Complainants in their said Bill for a sale of said real estate, with a view to applying the proceeds to the payment of said debts, should not be granted, but that said land should be rented out (if any thing at all should be done with it), and the rents and profits applied in satisfaction of said debts. And

especially shewed this cause be pursued (if any at all) as their interest in said real estate, is all the property or means possessed by these Respondents, who are poor and dependent and have no home, except on said real estate, and who must look to their small interest in said land for their income, maintenance and support and in fact, for their future comfort and living, and to be deprived of said interest in said real estate by an unnecessary sale thereof, will be a great hardship on these Respondents.

XX That the debts against said Jas. A. Parker are small, as these Respondents are advised, because said Anna H. as Administratrix in the cause of her administration has paid off and discharged the most of them, as her account will shew when properly stated.

In any event, whether said real estate be rented out or sold to pay said debts, these Respondents deny the right ~~the right~~ of said Complainants to claim, as they do in their Bill aforesaid, that a

XX But these Respondents do not admit, but on the contrary deny that it is now, or that it will ever be necessary to sell said real estate to pay said debts of Jas. A. Parker, or that said real estate can be rented out at present, or before this Respondent Lunie V. Parker becomes 21 years of age for the purpose of paying said debts, as the right so to do has not & will not accrue to said Complainants, prior to that time, as these Respondents will hereinafter shew.

reasonable fee should be allowed out of said Jas. A. Parker's estate, from the rents, and profits & proceeds of sale thereof, to their counsel for the services of said counsel in their behalf in the prosecution of this suit, merely because it purports to be a general creditors, suit, or for any other reason, and do pray that said fee be not allowed and that no compensation out of said estate be allowed said counsel, other than the usually taxed fee of $15.00 allowed by law, because these respondents are informed and so state, that by agreement between said Complainants and their counsel, the latter ~~is~~ is to be paid for ~~their~~ his services to the extent of one-half of the claims of said Complainants ~~Plaintiffs~~, B. F. Critchlow Hes. & P. B. Baker, when the same shall have been paid, which said one-half of said claims will amount to more than $150.00, which will be adequate compensation for the services of said counsel in a suit ~~of~~ & like this. And these Respondents do protest against, and object to, the allowance of any fee, other than as stated above,

to the counsel of said Complainants, or to said Jas. A. Parker's estate being required to pay the same in any manner, shape, or form.

And these Respondents further state that at the motion of said Anna H. while she was the widow of said Jas. A. Parker, to wit, on the 8th. day of January 1877, Commissioners were appointed by the County Court of Nansemond County to assign unto her and the infant children of said Jas. A. Parker, a homestead in the estate of said Jas. A. Parker; that said Commissioners, after having been duly sworn, proceeded to assign & did assign said homestead; that said homestead so assigned, embraced all the estate of said Jas. A. Parker not otherwise disposed of, and consisted ~~only~~ of all the interest in all the said land or real estate of said Jas. A. Parker, over and above the dower interest of said Anna H. therein, - which said homestead, said Commissioners valued at the sum of $1677.48 (a sum much too large and nearly equal to the assessed value of said land), as will appear by a copy of the order

of said Court appointing said Commissioners, and a copy of their Report duly and properly authenticated filed hereunto as part of this answer and marked exhibit M, which said Report was confirmed and admitted to record in the Clerks office of said County Court on the 9th of April 1877.

That ever since said 9th. of April 1877, said homestead has been a good and valid estate, remaining for the benefit of ~~said~~ ~~this~~ said Anna H. so long as she remained the widow of said James A. Parker, and this infant Respondent, Lunie V. Parker, jointly, and, ~~his~~ ever since the marriage of said Anna H. to H. P. West, her present husband, has remained for the benefit of ~~said~~ this Respondent, Lunie V. Parker, and is now hers and will remain hers until she ~~he~~ reaches the age of twenty one years on the 18th. of November 1880 to the exclusion of said Anna H. and this Respondent Henley M. Parker and against any execution, judgment, demand, claim or debt whatsoever in favor of any person against said James A. Parker, or his estate

where the homestead is not waived, and that said homestead cannot be subjected in any way to the payment of said Jas. A. Parker's debts, which do not waive said homestead, until this Respondent Lunie V. Parker attains the age of 21 years, on the 18th. of November 1880, nor does the right accrue to ~~any such~~ the any creditor of said Jas. A. Parker to commence any suit or other proceedings to subject said homestead to the payment of any such debt until after this Respondent Lunie V. Parker shall have reached the age of 21 years and said homestead estate for her benefit shall have ceased and determined.

And these Respondents say that the judgments aforesaid of said complainants are founded on open accounts, which do not waive the homestead, as may be seen by exhibits O. & P. filed with this answer, and that said Complainants have no right to subject said homestead to the payment of their said claims, so long as this Respondent Lunie V. Parker continues under the age of twenty one years, and that

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at the time the suit issued in this suit, the ~~said Complainants~~ right to begin said suit had not accrued nor has it accrued at any time since, nor will it accrue to said Complainants until after said Lizzie V. Parker attains the age of 21 years, when ~~her~~ said Prospectus estate ~~prise~~ ceases.

These Respondents pray, therefore, that the Bill of the Complainants and this suit may be dismissed.

And having fully answered, these Respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

Lizzie V. Parker,
by Peter B. Prentis, her guardian ad litem
Hemley M. Parker

Virginia
Nansemond County, to wit.

This day Henly M. Parker appeared in person before me a Notary Public in and for the County aforesaid in said State and made oath that the matters in the foregoing ~~bill~~ answer stated as of his own knowledge are true and those stated upon

information of others he believes to be true

Given under my hand this 13th. day of March A.D. 1880.

Wilbur J. Kilby
Notary Public

Answer of
Henley M. and
Lonnie N. Parker

vs.

Parker's Admx. etal

Sur Chy.

Kutchin Reg. etal.

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To the Circuit Court of Nansemond County, Virginia

The Answer of Louie V. Parker, an infant, under the age of twenty-one years, by Peter B. Prentis her guardian ad litem, to a Bill in Chancery exhibited in said Court by B. P. Cotchan & Co. & al., against her & others:

This Respondent says, that the facts set forth in said Bill are true, so far as she knows: but, being an infant, and ignorant of her rights in the premises, submits the same to the Court; and prays, that no order or decree may be made in the premises, inconsistent with her rights.

Signed,

Peter B. Prentis, Gdn. ad litem

B. F. Eidchen Co. Lal.

vs } In Chy.

Anna H. West, formerly,
Anna H. Parker, and as such,
Exx. of James A. Parker, dec'd
Lal.

Answer of Infant

FI FA.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:

WE COMMAND YOU, that of the Goods and Chattels of James A. Parker, deceased, in the hands of Anna N. Parker, his administratrix, to be administered

in your bailiwick, you cause to be made the sum of One hundred and forty (140) *Dollars and* fifty (50) ——— *Cents, with interest thereon at the rate of* Six — *per centum per annum, from the* 1st. *day of* July ——, 1876, *till paid, which* P. B. Baker

lately in our Circuit *Court of Nansemond County, recovered against* her, for damages

Also, Seven (7) *Dollars and* eighty-five (85) *Cents, which to the said* P. B. Baker

in the same Court were adjudged for his *cost, by* him *about* his *suit in that behalf expended; whereof the said* Anna N. Parker, admx: as aforesaid *is*

convict, as appears to us of record, and that you have the same at the Clerk's office of our said Circuit *Court, at Rules directed by the law to be held in and for Nansemond County, on the first Monday in* July *next, to render unto the said* P. B. Baker

of the Damages *and costs aforesaid. And then and there have this writ.*

Witness. PETER B. PRENTIS, *Clerk of our said Court, at his office, this* 26th. *day of* April, *in the year of our Lord* 1879, *and in the* 103rd. *year of our Independence.*

COSTS:

Clerk	$3,85 Chas. P. B. P.
Attorney	2,50
Sheriff	.50
~~*Witness*~~	
W. T.	1,00 Chas. P. B. P.
	$7.85

Teste:

Peter B. Prentis C. C.

a copy

Teste, Peter B. Prentis. Clerk C.

P. B. Barker
Copy
Fi: Fa:

Anna M. Parker, admx &
James A. Parker, dec'd

20 July Rules, 1879

Come to hand
1st: Inst 10 o'clock
J. L. F.
D.

"D"

1879
w/e. Cl.
Off: Jud

1879. July 7th: Returned & Recorded. Peter B. Prentis Clerk

Pro B. Jud. pages . . 1 2 4
Ex. B. " " Civ Co. 5-7

I, Peter B. Prentis Clerk of the District Court in and for the County of Rules, do hereby certify the within execution to be a true copy taken from the original.

Witness my hand and official seal this 20th day of July A.D. 1879.

Peter B. Prentis Clerk

A Judgment obtained in the Clerk's Office of the Circuit Court of Nansemond County, and confirmed at a Court held and closed for the said County, on Saturday, the 12th. day of April, 1879.

P. B. Baker . . . . . Plaintiff.

Against } In Trespass on the Case, in Assumpsit

Anna H. Parker, Administratrix of James A. Parker, deceased . . . . . Defendant.

The Judgment obtained at the Rules not having been set aside, and the Plaintiff being now entitled to a final judgment: it is therefore considered that the Plaintiff recover against the Defendant, One hundred and forty dollars and fifty cents, the sum in the declaration mentioned, with interest thereon, at the rate of six per centum per annum from the 1st. day of July, 1876, till paid, and his costs, by him about his suit, in this behalf expended: To be levied of the goods and chattels of the decedent, in the hands of the Defendant, to be administered.

A Copy:

Teste,

Peter B. Prentis. Clerk.

Costs $7.85

Fi. Fa. April 26th. 1879

P. B. Baker
vs
City Judgt
James A. Parker's Admr.

C

FI FA.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY, Greeting:

WE COMMAND YOU, that of the Goods and Chattels of James A. Parker, deceased *in the hands of* Anna H. Parker, his administratrix to be adminis-
tered.

in your bailiwick, you cause to be made the sum of One Hundred and Eighty four (184) *Dollars and* Three (3) *Cents, with interest thereon at the rate of* Six *per centum per annum, from the* 1st: *day of* July *, 1874, till paid, which* B. F. Leitelein Jr. and S. L. Wellons, merchants and partners trading under the firm & style of B. F. Leitelein & Co.

lately in our Circuit *Court of Nansemond County, recovered against* her, for damages

Also, Nine (9) *Dollars and* Ten (10) *Cents, which to the said* B. F. Leitelein & Co

in the same Court were adjudged for Their *costs by* them *about* Their *suit in that behalf expended; whereof the said* Anna H. Parker, Admx. as aforesaid is

convict, as appears to us of record, and that you have the same at the Clerk's office of our said Circuit *Court, at Rules directed by the law to be held in and for Nansemond County, on the first Monday in* July *next, to render unto the said* B. F. Leitelein & Co.

of the Damages *and costs aforesaid. And then and there have this writ.*

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 26th: *day of* April *, in the year of our Lord 1879 . and in the* 103rd *year of our Independence.*

COSTS:

Clerk	$5.10 (paid) P. B. Prentis
Attorney	2.50
Sheriff	50
Witness	
W. T.	1.00 paid. P. B. Prentis
	$9.10

Teste: Peter B. Prentis C. C.

A copy, Teste, Peter B. Prentis. Clerk

(over)

"B"

B. F. Cutchin & Co

23 { Copy of Fi: Fa }

Anna M. Parker admx: of
James A. Parker, decd

20 July Rules, 1879

Came to hand
1st: May 10 o'clock
J. L. T.
S

1879
Aff: Prod:
Affd. Def-

1879 July 7th: Returned & Recorded
Pelin B. Prentis clerk

Pro. B. No 1- page 124
Ex B. " " 57
Cur. Co

I can find no property upon which to levy this writ of execution
or any part thereof

J. L. Tucker, Sheriff,
City of Norfolk

A Copy: Teste,
Pelin B. Prentis Clerk

A Judgment Obtained in the Clerk's Office of the Circuit Court of Nansemond County, and confirmed at a Court held and closed for the said County, on Saturday, the 12th: day of April, 1879.

B. F. Critchen Jr and S. L. Wellons, merchants and partners, trading under the firm and style of B. F. Critchen & Co: . . . . . Plaintiffs.

against } In Trespass on the Case

Anna H. Parker, Administratrix of James A Parker, deceased. . . . . Defendant

The Judgment obtained at the Rules not having been set aside, and the Plaintiffs being now entitled to a final judgment: it is therefore considered, that the Plaintiffs recover against the Defendant, One hundred and sixty-four dollars and three cents, the sum in the declaration mentioned, with interest thereon, at the rate of six per centum per annum, from the 1st: day of July, 1876, till paid, and their costs by them, about their suit, in this behalf expended: to be levied of the goods and chattels of the decedent, in the hands of the Defendant, to be administered.

A Copy:

Teste,

Peter B. Prentis. Clerk.

Costs $9.10

Fi: Fa: Apl: 26th: 1879

B. F. Colchin Ho:
vs
Ezekiel Judge
James A. Parker's Admr.

"A"

B. F. Cutcheon & Co Sol.

[illegible]

[illegible] } 4 Exhibits filed
with the Bill

Jas. A. Parkers Pet. Sol.

To the Hon. Geo. Blow. Judge of the Circuit Court of Nansemond County, Nansemond County to wit:

Humbly complaining sheweth unto your honor your orators B. F. Catchen Jr and Sam L. Wellons merchants and partners Trading under the firm and style B. F. Catchen & Co, and who sue for themselves and all other creditors of the said Jos A Parker dec'd not having come in on the usual terms and contribute as P. B. Baker, as follows:

Your orators represent and say That on the 12th day of April 1879 at the Circuit Court of said County the said B. F. Catchen & Co obtained a judgement in said court against Anna M. Parker administratrix of James A. Parker decased for $164 03/100 with interest from the 1st of July 1876 till paid and $9 10/100 costs on which judgement a writ of fi fa was duly issued from the clerk's Office of the said court directed to the said sheriff of the said County returnable to said Office which was placed in the said sheriffs hands to be executed and was on the return day thereof returned by the said sheriff with the following return thereon to wit:

"I can find no property on which to levy the execution or any part thereof"

J. L. Hodgson Sheriff

And your orators further state that on the 12th day of April 1879 at the circuit Court of said County, P. B. Baker obtained in said court a judgement against the said Anna H. Parker administratrix of Jas. A. Parker deceased for $140.50 with interest from the 1st day of July 1876 till paid and $7 85/100 costs on which said judgement a writ of fi fa was duly issued from the clerks office of the said court directed to the sheriff of the said County returnable to said clerks office which was placed in the hands of the said sheriff to be executed and was on the return day thereof returned by the said sheriff with the following return endorsed thereon to wit: "I can find no property upon which to levy the within execution or any part thereof" Copies of which said judgements and fi fa's and returns as herewith filed marked respectively "A" "B" "C" "D" and prayed to be taken as a part of this bill.

Your orators further state that the said James A. Parker departed this life some time in the year 1876 leaving a widow (the said Anna H. Parker) and two children, the said Henry M. Parker and

Lunie V. Parker one of which is now of age and the other about 19 or 20 years old: that soon after the death of the said James A. Parker, the said Anna H. Parker duly qualified as his administratrix according to law and applied the personal and chattel property which came in her hands and which was not exempt, to the payment of a few of his smaller debts: that your orator obtained judgement against her as administratrix as aforesaid, for debts due them by the said James A. Parker: that since, the said Anna H. Parker married H. T. West who is also made a party to this suit: that the heirs of the said James A Parker died are the two children, Henry M. and Lunie V.; and Anna H. Parker, now Anna H. West who is entitled to dower: that the said James A Parker died seized and possessed of a certain tract of land situated within the town of Suffolk containing 12 acres more or less, bounded on the East by Wellons street and the lands of Mrs S. L. Wellons and E. W. Beale, on the West by the lands of Jacob Lawhi, on the South by the A. M. & O. R Road, on the North by Kelly Street

with which he now stands assessed and taxed according to the land book of Monumental County

inheritance from his father's estate and *
which he ~~purchased from~~

~~by deed duly recorded in the Clerks office of said County and which a copy of which is herewith filed marked "E" and prayed to be taken as a part of this bill~~. Now your orators state that they are advised that their judgements no part of which have been paid are liens under the Statute Law of Virginia on the said real estate — that the rents and profits of the said real estate will not satisfy the said judgements in fee.

In tender consideration whereof forasmuch as your orators is remediless in the premises save by the aid of a Court of equity where matters of this kind are alone and properly cognizable your orators pray that the said Anna H. West, H. T. West, Henry M. Parker in their own proper persons and the said Lunie S. Parker by a guardian ad litem assigned to her be made parties defendant to this bill and required on their corporal oaths to answer the same according to ~~that~~ the best of their knowledge & belief as fully and particularly as if the statements of this bill were ~~how~~ again repeated.

and the said defendants there to
specially interrogated*; that the said
real estate may be sold and after
paying to the said Anna H. Neil what
she may be entitled to as dower, the
balance may be applied to the payment
of your orators' debts*, and that your
honor will grant unto your orators
such further and general relief as
may be consistent with equity and the
case requires. And your orators will ever
pray &c

Wright & Rawles p.q.
Attorneys for P. B. Baker
and B. F. Catchin & Co:
P. B. Baker
B. F. Catchin Jr

Virginia Nansemond County, to wit;
This day personally appeared before me R.H.
Rawles a Notary Public for the county aforesaid
P. B. Baker and B. F. Catchin Jr a member of the
firm of B. F. Catchin & Co and made oath that
the several allegations in the foregoing bill
they believe to be true. Given under my hand
this 22nd day of August 1879.

R.H. Rawls N.P.

* That as this is a general creditors suit the court will allow the plaintiffs attorneys a reasonable fee for their services

* and 2 as Junior to settle an account of the transactions & administration of the estate of said Jos. A. Parker deceased

Wright & Rawlet. Sol.

B. F. Culchin & Co: & al:

vs

In Chy:

James A. Parker's Ex'd:
Resp: & al:

Bill

Nansemond Cir: Co:

B. F. Culchan & Co. Lal.

vs } In Chy:

James A. Packard Def. Rep: & al:

1879. Aug: 25th: Sumd. in Chy: Issued to Septr: Rules, 1879.

" Septr: 1st: Bill & Exhibits filed

" " " Answer of adult defts: filed. Guard: of the

" cause set for hearing, as to them -

" " " Peter B. Pierce, after a gde: ad litem to

infant defendant, who filed her answer

to which there was a Guard: ad litem. & the

cause set for hearing:

Oct: " " Order authorizing dfts. to file their answer

in 90 Days:

Chy: Notes