

1843-008 SOUTHAMPTON COUNTY
CHANCERY PAPERS

PARKER'S EXECUTORS vs. PARKER

10/1843

other surnames: Smith, Vaughan,
Cobb, HARRISON

Parkers Errors

to } Papers

Parker

1843 Oct. Injurious perpetuated in
part & deposited as to the balance of.

1843

October Term

Dy's Costs

Colk. — \$8.57

Saw. — 16.66

\$ 25.23

Parkers Exors

vs. } Statement.

Parker

1843.

Mar. 6th Inj. awarded.

" 8. bond & security given subps. issued.

Apr. 7th S. R. Edwards assigned gov
ad libitum to Dpt.

" 8. Ans. filed - Mo. to dissolve
overruled & leave given petrs. to
amend their bill.

Southampton County Court

Personally appeared before me a ^{Judge of the general court} ~~justice of the peace~~
~~for the County of Southampton~~ ^{Matthew W. Vaughan & Harrison Cobb} Henning J
 Smith, ~~one of the complainants in the within bill of~~
 review and vacation, and made oath that the facts
 stated in the said bill upon their own knowledge are
 true, and the facts stated upon the information
 of others they believe to be true - given under my hand
~~and seal at the County of Southampton~~
 this 2^d day of ^{March} ~~February~~ 1843.

An injunction is awarded &
 on condition that the compts
 Henning J. Smith, Matthew W. Vaughan
 & Harrison Cobb execute bond with Rich. H. Baker. Real
 security as usual in such
 cases - Rich. H. Baker
 To the Clerk of Mar: 6. '43
 S. Co. of

Smith & others

vs

Baker & H

Bills of review and
 vacation

Parker & Branch

(9613 words)

To the honorable Richard H Baker judge of the circuit
superior court of law and chancery for the county of
Southampton in chancery sitting

Humbly complaining thereunto your honor, your complac-
ments Henning J Smith, Matthew W Baughan & Harrison
Esq Executors of Harrison Parker deceased, Edwin
Harrison, Henning J Smith admors of Maria Parker dec^d

and Harrison Parker an infant under the age of twenty
one years, by his next friend

That in the year

Edwin Parker, by Wm
Parker his next friend, exhibited his bill in this honor-
able court against your complacments, for the purpose
of recovering his distributive share of his father's the
said Harrison Parker's estate, to which he was entitled
as one of the legatees under the will of the said Harrison
Parker, and of surcharging and falsifying an account
returned to the County court of Southampton by the said
Executors, of their transactions as Executors, and the
honorable court being of opinion that the said ac-
count had not been made out upon proper principles
particularly in allowing commissions to the said Executors,
by an interlocutory decree pronounced at the October
term of the said court 1841, ordered the said account &
directed that a commissioner of this court should take
an account of the transactions of the said Executors upon
their testator's estate, & among other things allowing
the said commissions - That in obedience to this inter-
locutory decree, commissioner held made a report to this
court at the term

reforming the
account which had been rendered by the said Executors
& finding a balance due the estate, by the said Executors of
\$ 1178 ⁷⁰/₁₀₀ with interest upon \$ 887 ³/₁₀₀ paid thereof from the
31st of December 1840 till paid, to which no exceptions being
filed, a final decree was pronounced against them at
the term of this court for the sum of \$ 1178 ⁷⁰/₁₀₀

your complainants by that the record of the suit, referred to, may be considered as a part of this bill. Marked A.

^{Exors of Garrison Parker aforesaid}
your complainants, allege that the said decree as they hope, to come, is manifestly unjust, and is for a much larger amount than was actually due by them to the said, ^{estate} and they then beg leave to offer your honor, to an office copy of an account made out, in obedience to an order of the county court of Southampton, made in

by Wm M Lewis commissioner, which was made out subsequent to the account complained of in the said bill, & which shows a balance of only \$427 ⁸⁵/₁₀₀ and which shows the real amount due by the said Exors to their testator's estate. This account was returned to the clerk's office, but by mistake was not recorded, and misplaced so that that no reference was had to it, by commissioner Lewis, or by the court in rendering a final decree - your complainants Exors as aforesaid all ways knew and insisted that there was great error in this decree as to the amount, directed to be paid by them, but from their unskillfulness in business, and from the circumstances that the report of commissioner Lewis was not before them they were unable, to shew either before the commissioner or the court in what the error consisted - Fortunately however the said report, since the said final decree & very recently, has been ^{accidentally} discovered among the papers in the clerk's office, and will at once remove all difficulty from the case - It has been admitted to record, by the county court of Southampton, and so was referred to as a part of this bill. Marked B -

your complainants further shew that they have applied out, to the said Wiley Parker as the next friend of the said Garrison Parker to demand the said decree against them, its manifest errors, and injustice, & earnestly urged him, not to persist in enforcing it, but he has altogether refused to comply with their then reasonable request & ~~has~~ ^{has} ~~refused~~ ^{refused} to comply with their then

of the whole sum directed to be paid by them as aforesaid But as it is now it please your honor, that he ~~is~~ ^{is} ~~refusing~~ ^{refusing} and conspiring with others, insists upon prosecuting the said decree, whereby they are in danger of paying a large amount of money to pay which they do not justly owe & which would be altogether unreasonable and against good conscience -

your complainants charge that the said decree ought to be reversed by this honorable court, and reversed for the errors therein covered since the rendition thereof on the merits, and by means of the report of commissioner Jones aforesaid - and by the mistake in rendering up the same - and that in the mean time, and until the cause shall receive the further judgment of this honorable court the said Garrison Parker, and Wiley Parker his next friend, and ^{all} other persons whatsoever, ought to be restrained by the injunction of this honorable court from prosecuting the said decree, or proceedings aforesaid - and therefore ^{they pray} that the said Garrison Parker (who being an infant under the age of twenty one years, a guardian of his person, is prayed to be appointed to defend him in this suit) may be made defendant to this bill with all proper words to charge them, and that he may be compelled to answer the particulars and allegations therein set forth fully & unceasingly month & that the said cause and decree therein pronounced bearing date the day of may be reversed by this honorable court & that the said decree may be reversed, for the reasons and causes of the errors herein set forth & that in the mean time and until the cause should be reviewed that the said defendant may be restrained from prosecuting the said decree or proceedings in the said original suit & that the commonwealth's writ of ^{habeas corpus} may issue commanding &c - & your complainants will ever pray &c

Parker & French Jrs

Smith & Co

in Answer

Parker

1862 April 8

to the Judge of the Circuit Superior Court of law
and chj. In southampton County. -

The answer of Godwin Parker an infant, by
Littleton R Edwards, guardian as returns
to the infant of or said, to the bill of complaint
exhibited against him in said Court by
Kunning W. Smith & others -

This defendant saving & for answer says
he is an infant of very tender years, and
incapable of protecting his interest which
he submits to the care of the Court -
He denies the allegations in the Bill to
return and calls for proof - And
for fear the answer, he says that he
by protestation, not confessing any of the
matter and things in the said bill to return,
as therein alleged, says that he is advised
by that the bill of the ~~plaintiff~~ ~~is~~ ~~affi-~~
-cient, and the defendant doth demur
thereto, and insists that the bill ought
to be dismissed with costs - He asks the
Court to uphold the injunction of the
Plffs: and dismiss with costs &c.
(signed, J. R. Edwards)

County of southampton Feb. This day
L. R Edwards before me made oath
that the foregoing answer is true so
far as he knows - sworn and
my hand as a justice for said County
this 8 day of apr. 1843

(Signed,

J. W. Mansbury 990

Smith & Co.

Packer

John & Co.

1843 Oct Genl.

Yours a receipt
even to the extent
of the money
we collect ~~that~~
and it is a
credit that the N.H.
acknowledges to have
received on the 6 Nov.
1843 in part of \$40
31. Gent. appears to
the receipt of Wily
Packer & Co. of London
for the same
receipt please
a a

Henning J. Smith, Matthew Vaughan
and Marion Colburn Harris -
Godwin Parker -

This cause came on to be heard on
the bill, answer and exhibits filed
and was argued by counsel; On
consideration whereof the Court doth
by consent, decree that the injunction
granted on the 5th of March 1863, to
restrain the payment of an execution
from the Circuit Superior Court of
Law and chj. for ~~the~~ Southampton
County issued on the 11 Nov: 1862, in favor
of Godwin Parker and in favor of
the pffs: for the sum of \$946.34 cents
to be discharged by the payment of the
sum of four hundred and seventy three
dollars and 17 cents with legal interest
thereon from the 2^d Jan: 1862, to be
paid, he disposes as to the ~~balance~~
sum of three hundred dollars &
seventy six cents with interest thereon
from the 1 January 1860 to be paid,
and perpetuates as to the balance
and the Court doth adjudge that
the pffs: pay to the defendant
his costs by him in this suit expended.

Barker
 { Copy
 Barker & Co.

Deb.	\$300.26.
Int. from 1 January 1840 to 6 March 1840	60.54
rents	7.52
	\$ 368.32
Damages at 10 p. cent. from March 6 th to Nov. 3 ^d 1843	14.72.

Southampton Circuit Superior Court November 3rd 1843

Henning S Smith, Matthew W Vaughan, & Harrison Cobb executors, of Harrison Parker.
de^d. Edwin Harrison, Henning S Smith administrators of Harrison Parker de^d and
Harrison Parker an infant under the age of twenty one years. - *Plffs*
against
Godwin Parker. *Def.*

In Chancery

This cause came on to be heard on the bill, answer and exhibit, and was argued
by Counsel. On consideration whereof the Court doth by consent, decree that the
injunction granted on the 6th day of March 1840 to restrain the payment of our
execution from the Circuit Superior Court of Law and Chancery for Southampton
County issued on the 11th November 1842 in favour of Godwin Parker an infant
against the plaintiffs for the sum of \$946.34 cents. to be discharged by the payment of
the sum of four hundred and seventy three dollars and 17 cents with legal interest thereon
from the 22^d June 1842 till paid be dissolved as to the sum of three hundred dollars
and twenty six cents, with interest thereon from the 1st January 1840 till paid, and
perpetuated as to the balance - And the Court doth adjudge that the plaintiff pay to
the Defendant his Costs by him in this behalf expended

Attest Teste J R Edwards ckl

Parkers Exrs

v. { Geo: Order
Parker

Southampton Circuit Superior Court November 3rd 1843.

Hemming T Smith, Matthew W Vaughan & Harrison Cobb executors of Harrison Parker dec.
Edwin Harrison, Hemming T Smith administrator of Marietta Parker dec. and Harrison
Parker an infant under the age of twenty one years by his next friend. Deft.
against
Godwin Parker by Wiley Parker his guardian next friend Deft.

This cause came on to be heard on the bill, answer and exhibits filed and was argued
by Counsel. On consideration whereof the Court doth by consent decree that the Injunction
granted on the 6th of March 1843 to restrain the payment of any execution from the
Circuit Superior Court of Law and Chancery for Southampton County issued on the 11th
November 1842 in favour of Godwin Parker and infant against the plaintiffs for the
sum of \$946.34 cents. To be discharged by the payment of the sum of four hundred &
seventy three dollars and 17 cents with legal interest thereon from the 22nd June 1842
till paid, be dissolved, as to the sum of three hundred dollars and twenty six cents, with
interest thereon from the 1st January 1840 till paid, and perpetuated as to the balance
and the Court doth adjudge that the plaintiffs pay to the Defendant his costs by him in
this behalf expended.

Defendants Costs \$25. 23 cents.

Attest

Teste

L R Edwards Clk

To enjoin the defendant and Wiley Parker his next friend their agents, attor-
 nies and all others from further prosecuting a decree of the Circuit Superior
 Court of Law and Chancery for Southampton County pronounced at the
 Term thereof 1842 in a Suit in Chancery therein depending
 between Godwin Parker an infant suing by Wiley Parker his next
 friend ~~Jeff~~ against Henning T Smith, Matthew W Vaughan, Harrison
 Cobb, Edwin Harrison, Lemuel R Gardner, Henning T Smith adms. of
 Maria Parker dec'd & Harrison Parker Deft. by which among other
 things it was decreed & ordered that Henning T Smith & Matthew W
 Vaughan, Harrison Cobb, Edwin Harrison & Lemuel R Gardner out of
 their own estates pay to Godwin Parker the sum of \$392.90 Cents
 with interest on \$295.64 2/3 Cents part thereof from 31st December 1840
 till paid & costs. The plaintiffs having given bond with security accord-
 -ing to Law.

Teste J R Edwards Ck

C.S.C.

Parker's Error

2. J. P. & J. W.

Parker

1840. April Rules.

Not found

J. Mendenhall & J.
 W. Everett

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Godwin Parker

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in

April —

next, to answer a Bill in Chancery exhibited against *him* in

the said Court by *Heming J Smith, Matthew W Vaughan and Harrison Cobb executors of Harrison Parker dec^d, Edwin Harrison, Heming J Smith administrator of Eliza Parker dec^d and Harrison Parker an infant under the age of twenty one years by* *his next friend*

And unless *he* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *8th* day of *March* 1843, in the *16th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Receipt

Sale of boy Henry for \$250 due Octo. 19th 1841.

Interest 2 yrs & 15 days

	250..00
	30..62
$\frac{1}{2}$	<u>\$280..62</u>
	\$140..31

Recd. Nov: 3: 1843. from Manning T. Smith one of the Exors.
of Harrison Parker decd. the sum of One hundred &
forty dollars & thirty one Cents it being in part a Judgment
obtained in the Circuit Sup. Court of Law & Chancery for
the County of Southampton.

Wiley Parker Jr

113.67
42.00
30.00
2 9.6-54
482.23

Parkers Exors. &c

v. } Exhibit with bill

Parker

(A)

(1)
At a Circuit Superior Court of Law and Chancery
for Southampton County holden at the Courthouse of
said County on the 6th day of April 1842.

Be it remembered that heretofore to wit on the 21st day of June 1841 Came
Goodwin Parker an infant suing by Wiley Parker his next friend, and drew
out of the Clerks Office of said Circuit Superior Court a Subpoena and
decree nisi against Henning I Smith, Matthew W Vaughan, Harrison
Cobb, Edwin Harrison, Lemuel R Gardner & Henning I Smith adm^{rs} of
Maria Parker dec^d. which Subpoena & decree nisi together with the return
thereon made is in these words and figures to wit.

The Commonwealth of Virginia. To the Sheriff of Southampton
County Greeting: We command you that you summons Henning I Smith
Matthew W Vaughan, Harrison Cobb, Edwin Harrison & Lemuel Gardner &
Henning I Smith adm^{rs} of Maria Parker dec^d. To appear at the Clerks
Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first
Monday in July next, to answer a Bill in Chancery exhibited against
them in the said Court by Goodwin Parker an infant suing by Wiley Parker
his next friend. And unless they shall answer the said Bill within two months
hereafter, the Court will take the same for confessed, and decree accordingly.
And this they shall do on pain of \$100. And have
then there their writ. Witness, Littleton R Edwards, Clerk of our said Court,
at the Court-house, the 21st day of June 1841, in the 65th year of the Common-
wealth.

L. R. Edwards Clk.

Return" Executed by delivering a true copy to each July 1st 1841. Jesse Drury.
Dept: of Thomas Rutledge Shff "

And afterwards, to wit. at Rules holden in the Clerks Office of the said Circuit
Superior Court on the first Monday in July in the year 1841, came the plaintiff
by his counsel and filed his bill in these words.

To the Judge of the Circuit Superior Court of Law and Chancery for the
County of Southampton, in Chancery sitting, humbly complaining thereof
to your honor, your orator Goodwin Parker, an infant who sues by Wiley
Parker his next friend, that the said Goodwin is an infant son of Har-
rison Parker who departed this life in the County of Southampton on
or about the day of AD 1837 having first made his last
will and testament which has been recorded in the County Court
of Southampton, an office Copy of which will is hereto annexed mark-
ed (A) and is prayed to be taken as part of this bill before the said

Court in the month of February 1837. Henning J Smith Matthew W. Vaughan and Harrison Cobb, who in the will were named executors, qualified to the said will, as will appear by said exhibit, and in that character proposed themselves of, or by due diligence could have proposed themselves of a very valuable estate of the testator, amounting to the sum of \$. and upwards, that the ^{said} executors, before the said Court, executed a bond in the penalty of \$6000., conditioned according to law, with Edwin Harrison and Samuel Gardner of Southampton their securities, as will appear by the copy of said bond herewith filed, marked (A) as part of this bill, when the testator died, he had a wife whose name was Maria Parker who was then enscint of a child, who was born after the death of the testator, and whose name is the said Maria widow as aforesaid is dead of Henning J. Smith is her administrator. The said executor as your orator is advised has never returned an inventory of the estate as in law they are bound to do, nor have they settled the estate and paid to your complainant the estate to which he is entitled under the will, the said Executors have returned to the County Court of Southampton an ~~exhaustive~~ account of their transactions, which your orator believes and charges to be erroneous, incomplete and unjust in many respects, in as much as they have charged the estate with large sums of money paid to them selves or retained, on open account without any evidence of their being due from the testator, and they have failed, neglected and refused to exhibit the books of their testator so that the amount in their hands might be ascertained, and have managed the estate to the prejudice of your orator, He charges that the testator had at his death a large quantity of timber, staves and lumber of various kinds for which the ~~comr~~ have not accounted.

The said ~~exhaustive~~ account reported to the County Court of Southampton and of which an office copy is hereto annexed marked (A) and prayed to be taken as part of this bill is erroneous in many respects besides those aforesaid - one objection is that the executors have charged, and the Court who settled the account have allowed 5 per cent Commissions upon the receipts. (Comr? amounting to \$15th 19 when by a failure to apply to the Court from which their powers emanated within 2 years from qualification &c. to appoint a Comr to settle and adjust their accounts in the estate of their testator, the commissions was forfeited and your orator here charges that the said executor did not within 2 years from their qualification, and so in like manner

in every 2 years thereafter, as the Law directs apply to the Court from which their powers emanated, to appoint a Comr or Comrs to state, settle & adjust their accounts in the estate committed to their charge, and that if they in fact did procure such order, yet they did not within 6 months from the date of such order, cause their accounts to be settled before such Comr & the account so settled (and adjusted to return to Court according to the 8th section of the act of the General Assembly of Virginia entitled "an act entitled act to amend the act entitled "an act reducing into one the several acts concerning wills, the distribution of intestates estate, and the duty of executors and comrs." passed February 11th 1828" and therefore they are not entitled to the Comr's charges in the account so as aforesaid settled and to which they object. The executor qualified on the 20th of February 1837. and the a/c is not settled until the 15th June 1840 & no order made for settled until the 16th December 1839. Your orator is anxious to have the said estate of the testator settled, and have often applied to the said executors to come to a settled and pay over what might be found to be due him, but they have refused to do so to the end therefore that relief may be had, and for as much as he is at law without remedy, and can be relieved only in a Court of equity, your ^{orator} prays that the said Henning J Smith, Matthew W Vaughan and Harrison Cobb executor as aforesaid, and Edwin Harrison & Samuel R Gardner securities to them, and Henning J Smith administrator of Maria Parker ~~dec'd~~ and the said Maria Parker who is an infant, may be compelled on oath to answer the premises fully and distinctly, and by a decree of the Court may be required to render a full and perfect inventory of all the chattels, rights and credits, & proceeds of land sold of the said testator Parker at the time of his death, according to Law and to exhibit before a Commissioner of the Court all the books, papers & accounts of the testator Harrison Parker, and to account for all monies received from sales of real or personal estate, from debts to the estate or in any other way, or for monies lost by their neglect, and to exhibit all debts & claims ^{and to exhibit all debts & claims} still due to the testator estate & that they pay to your orator what ever shall be found to be due to him on a proper statement and adjustment of said transactions and doings & that you will grant to your orator all other and further relief to which he may be entitled, and appoint some fit person guardian ad litem, to the infant defendant that the said Executors may be examined by the Comr on oath if

necessary & as in duty bound he will pray
Arch. Atkinson
Attorney for R.P.

Exhibit A.

In the name of God Amen: I Harrison Parker of Southampton County State of Virginia being in low health, but of sound and disposing mind, do make and declare this my last will and Testament in manner and form as follows: First I give to my wife during her natural life one half of that Carr tract of land taking that portion adjoining the Bull tract also the Bull tract the tract purchased of Henning T Smith and a small piece purchased of Harrison Cobb. I also give her two negro Girls by name Ginny and Leah during her life but should she prefer to have them sold, she may do so taking one third of the amount for which they may sell in full simple I also give to her and her heirs forever one bay horse two choice hells and one year provisions (2^d). I give to my son Godwin one negro boy by name Henry to him and his heirs forever (3^d). The residue of my estate I wish sold with the exception of my land in Southampton County not already disposed of which I give to my son Godwin one third of the amount arising from the sale of my perishable estate I give to my wife the remaining two thirds together with that arising from the sale of my negroes after the payment of all my just debts. I give to my son Godwin Parker to him and his heirs forever (4th) The piece of land which comes to my wife lying in Guilf. Cty. I wish my executors hereafter to be named to have sold and request that my wife will make the necessary deed to the purchaser the money arising from the sale I give to my son Godwin. I constitute and appoint my friends Henning T Smith Matthew Vaughan & Harrison Cobb my executors.

Harrison Parker

Signed and sealed
in the presence of

Wm A Sparte }
John A. Darden } At a Court held for the County of Southampton the 20th day of
John Moore Jr. } February 1837. The last Will and Testament of Harrison Parker deceased was proved by the oaths of John A Darden and John Moore Jr. witnesses thereto and ordered to be recorded. And on the motion of Henning T Smith Matthew Vaughan and Harrison Cobb the executors therein named who made oath and together with Edwin Harrison and Samuel R Gardner their securities entered into and acknowledged a bond in the penalty of six thousand dollars. Conditioned as the law directs certificate is granted them for obtaining a probat of said Will in due form
Teste J R Edwards Ck

Exhibit A

Know all men by these presents that we Henning T Smith Matthew W Vaughan Harrison Cobb Edwin Harrison and Samuel R Gardner are held and firmly bound unto James D Mafenburg James Magr William Briggs & Samuel Drury Gentlemen Justices of the Peace for the County of Southampton now sitting in the sum of six thousand dollars to the payment whereof well & truly to be made unto the said Justices and their successors 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 20th day of February 1837. The Condition of the above obligation is such that if the said Henning T Smith Matthew W Vaughan and Harrison Cobb Executors of Harrison Parker deceased do make a true and perfect inventory of all and singular the goods chattels and credits of the said deceased together with an inventory of the real estate which is subjected to the control of the said Executors which have or shall come into the hands possession or knowledge of them the said Executors is into the hands possession of any other person or persons for them and the same so made, do exhibit to the County Court of Southampton at such time as they shall be thereto required by the said Court and the same good chattels and credits and real estate do well and truly administer according to said & make a just and true account of their acting and doings therein when thereto required by the said Court and further do well and truly pay and deliver all the legacies contained and specified in the said will as far as the said goods chattels and credits and real estate will extend according to the value thereof and as the law shall charge then this obligation to be void or else to remain in full force.

Signed Sealed & delivered
in open Court

Henning T Smith (Seal)
M. W. Vaughan (Seal)
Harrison Cobb (Seal)
E. Harrison (Seal)
Samuel R Gardner (Seal)

Exhibit (A)

Dr The Estate of Harrison Parker dec^d
In Account with H T Smith H Cobb & M. W. Vaughan Executors

1837.		Dr		Cr	
March	1	To paid Tho Jones for Recpt	10 00		
		" " Calvin C Binkham	45 67 1/2		
		" " Benj Devany for rec. (for procees)	10 00		
Sept	4	" " Mary J Harrison	38 00		
	15	" " William M Jones (two bonds)	68 04		

Pursuant to the order of the Court hereto annexed your com^{rs} having stated, settled and adjusted the executorial account of Henning T Smith, Matthew W Vaughan and Harrison Cobb on the estate of Harrison Parker dec^d find a balance as above stated of one thousand and forty three dollars and eighty five and a half cents due said decedent's estate with interest thereon from the first day of January 1840, until paid. Respectfully submitted Given under my hand the 15th day of June 1840.

Wm M Jones

At a Court held for the County of Southampton the 20th day of July 1840. This account Current of Henning T Smith, Matthew W Vaughan and Harrison Cobb's Executorial proceedings on Harrison Parker's Estate was returned & ordered to lie on file for exceptions. And at a Court held for the said County on the 17th day of August 1840, the said account having lain on file one term and no exceptions being filed was confirmed and ordered to be recorded.

Teste J R Edwards Ck

Copy

Teste J R Edwards Ck

And process of subpoena and *deem nisi* was awarded against the Defendant Harrison Parker returnable to the first Monday in August next which Subpoena and *deem nisi* together with the return thereon made is in the words and figures following to wit:

"The Commonwealth of Virginia, To the Sheriff of Southampton County Greeting; We Command you that you Summons, Harrison Parker an infant to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, 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 & others in the said Court by Godwin Parker an infant suing by Wiley Parker his next friend. And unless he shall answer the said Bill within the month thereafter, the Court will take the same for confessed, and decree accordingly. And this he shall in no wise omit, under the penalty of \$100. And have then there this unit. Witness, Littleton R Edwards, Clerk of our said Court, at the Court house, the 5th day of July 1841, in the 66th year of the Commonwealth

J R Edwards Ck

"Return, Not found. Jesse Drury Dep^y of The Puttler Shff"

And at another day to wit. At Rules holden in the Clerk's Office aforesaid on the first Monday in August in the year 1841. On the motion of the plaintiff by Counsel, Edwards Butts is assigned guardian *ad litem* to the infant defendant Harrison Parker to defend him in this suit.

(3)

And at another day to wit. At Rules holden in the Clerk's Office aforesaid on the first Monday in September in the 1841, the defendants Henning T Smith Matthew W Vaughan & Harrison Cobb Executors of Harrison Parker dec^d filed a demurrer to the plaintiff's bill, and the said defendants and the Defendant Harrison Parker by Edwards Butts his guardian *ad litem* filed their answer to the plaintiff's bill, which demurrer and answer are in the following words & figures to wit:

"Godwin Parker by Wiley Parker his next friend

Plff.

against

Henning T Smith Matthew W Vaughan & Harrison Cobb Executors of Harrison Parker dec^d & others

In Chancery

Defts

These Defendants by protestation, not confessing any of the matters and things contained in the said bill to be true, as therein alleged, say that they are advised by their Counsel, that the complainant's said bill is insufficient, and to which, by the rules of this Hon^{ble} Court, these Defendants ought not to be compelled to make or give any answer; and for cause of Demurrer thereto these Defendants shew, that it appears by the said bill that the same is exhibited against these Defendants; and against H T Smith as administrator of Maria Parker dec^d for several distinct matters and causes, in some whereof as appears by the said bill, these Defendants be part of them at least; are not in any manner interested or concerned by reason of which distinct matters the said complainant's bill is drawn out to a considerable length, and these Defendants are compelled to take a copy of the whole thereof and by joining these Defendants and distinct matters together which do not depend on each other, in the said bill, the pleadings, orders & proceedings, will in the progress of the said suit be intricate & prolix, and these Defendants put to the unreasonable & unnecessary charges in taking copies of the same; altho several parts thereof no ways relate to or concern them; for which reason, and for the great uncertainty, obscurity, and unintelligible manner in which the said bill is drawn, these Defendants do demur thereto, and they pray the judgment of this Hon^{ble} Court whether they shall be compelled to make any further or other answer to the said Bill and they humbly pray to be dismissed from hence with their reasonable costs on this behalf sustained &c

Douglas p^r

The answer of Henning T Smith, Matthew W Vaughan and Harrison Cobb, Executors of Harrison Parker dec^d. to a Bill of complaint exhibited against them in the Circuit Superior Court of Law and Chancery for Southampton County: by Wiley Parker the next friend of Godwin Parker, an infant, under the age of twenty one years.

These Defendants saving and reserving to themselves, now and at all times hereafter all manner of benefit and advantage for exception to the many errors, uncertainties and insufficiencies in the said Complainant's said bill of complaint contained; for answer thereto, or unto so much thereof as these Defendants are advised is material or necessary for them to make answer unto, answering say, That it is true Harrison Parker made and published a last will & testament, and that these Defendants duly qualified as his executors, and took out letters testamentary from the County Court of Southampton County. That these Defendants would have distributed the estate of the said Testator in strict accordance with the provisions of the said Will, but after the death of the said Harrison Parker a Posthumous son was born, of which his wife was ensient at the time of his death; under these circumstances, these Defendants applied to the Worshipful County Court of Southampton, sitting as a court of Chancery, for advice and instruction; and these Defendants in fact say, that they have proceeded to settle & distribute the estate of the said Testator, according to such advice and instructions and that a large sum has been paid into the hands of Wiley Parker as the legal guardian of Godwin Parker, nearly or quite amounting to his distributive share - These Defendants would also show that they have returned an inventory and appraisement of the estate of their testator as in law they were bound to do; which inventory is herewith filed marked (A) and prayed to be taken as a part of this answer - These Defendants would also show, that they have duly returned an audited account of their transactions as executors of Harrison Parker dec^d. which account remained in the office the time prescribed by law, & to which no exceptions were taken; and these Defendants ask to know if the said Complainant shall be permitted to disturb the said Audited account, unless he can sue charge and falsify the same - These Defendants would show that the large quantity of lumber, timber & staves set forth in the Complainant's bill was duly sold & the proceeds of sale accounted for, and that the same was only appraised to the sum of \$15,700 - as will appear by the inventory and appraisement herewith filed. These Defendants admit that

they retained the debts due from their testator to each one of them respectively, as in law they were justified in doing, and that each one of them produced before the Commissioner, who audited, stated & settled their executorial accounts, such proof as to satisfy the said Commissioner that said claims were just & proper & still due & unpaid, & these Defendants do individually & singly each one for himself declare that the amount allowed by said Commissioner to each one singly, was justly due & owing. These Defendants do declare that they have at all proper times, been willing and ready to exhibit the books of their Testator, and that they at all times desired an investigation of the same. These Defendants admit that they may not have settled their accounts within two years, but they would show that a heavy suit was pending against the estate of their Testator and their wish was to await the result of said suit; and then have a final settlement of the said estate & pay over the same to the proper legal claimants; and they were induced to this course by the promises of Wiley Parker the legal Guardian of Godwin Parker, and who now sues as the next friend of said Godwin Parker, the said Wiley Parker assuring them that no exceptions would be taken if the accounts were settled within a named & limited period; which was accordingly done; and these Defendants rely upon the fact that their accounts have been audited, stated, and settled before a Commissioner; and no exceptions were taken & filed to the item allowing commissions. All which matters and things these Defendants are ready to aver maintain & prove, as this Honorable Court shall award & humbly pray to be hence dismissed, with their reasonable costs and charges on their behalf wrongfully sustained &c.

Douglas P.D.

Southampton County to wit

This day personally appeared before me Henning T Smith Matthew W Vaughan and Harrison Cobb, parties to the above answer, and made oath to the truth of the facts as there set forth to the best of their knowledge and belief, Given under my hand & seal this 16th day of August 1844.

Wm. A. Spark J.P.

Inventory and appraisement of the property belonging to the Estate
of Harrison Parker dec'd this 25th February 1837

1 white sow & 4 pigs \$7.00 1 spotted do & 3 do \$7.00	16 00
1 white cow \$4.00 2 common red steds \$1.25	5 25
1 small dog 15 ^{cts} 1 crib 25 ^{cts}	" 40
1 Apple mill and pump \$7.00 1 still \$50.	57 00
1 Dutch fan \$8. 1 Box 12 ^{cts} 30. Empty hushad @ 50 ^{cts}	23 12
18 Empty barrels @ 25 ^{cts} 1 Barrel vinegar \$1.00	5 50
1 Litch \$2. 8 Bushels white peas 50 ^{cts}	6 00
1 Gun trucks 25 ^{cts} 1 cart & wheels \$8.00	8 25
1 cart & wheels \$3.00 6. 1 st choice sheep \$1.25 6. 2 nd do. \$1.00	16 50
1 Double & single op 30th 75 ^{cts} 1 Sow & 5 pigs \$7.00	7 75
1 Sown & harness \$5.00 1 Bush potatoes planting 50 ^{cts}	5 00
7 th of the skin \$20. Skin flat & 2 canes \$7.	27 00
1 half bushel. and sheep till 30 th 1 barrel horn \$70.	90 00
1 Bay horse \$60. 1 Gray Pony \$50. 3 bee hives \$1.00	113 00
1 red cow \$5.00 1 white do \$4. 16 pigs 75 ^{cts}	21 00
1 listed sow & 6 pigs \$10. 1 black cow & calf \$10.	20 00
1 Brown sow \$10. 1 white ditto \$5.00	15 00
1 Set of black smiths tools \$35. 1 Set of bells \$2.00	37 00
2 Shubling hoes 75 ^{cts} 1 lot of hinges & staples for \$2.	3 50
4 boxes trumping \$4. 27 th Iron 5 ^{cts}	5 54
1 Steel trap \$1.00 1 Guano Horn \$5.	6 00
1 Double gige & harness \$15. 1 single ditto & ditto \$10.	25 00
3 bridles saddles & mountings for \$15.	15 00
1 Dog chain 25 ^{cts} contents of the printing \$4.	4 25
3 Pales 1 griddle 1 spider. 2 crows 1 pen 1 bottle & pot racks \$5.	5 00
1 Barrel mine \$10. 1 barrel vinegar \$1.	11 00
2 huckles \$1. 3 pig skins & 2 tubs for 62 ^{cts}	1 62
1 Mahogany table and ends \$20. 120 alms do \$6.	26 00
1 set of window chains \$5. 10 th flag ditto \$3.	8 00
1 Looking glass \$15.00 1 pr and Irons \$4.	2 80
11 Books \$3. 1 Bureau \$10. 1 Gun \$15.	28 00
1 Buffet and contents \$15. 1 bed & furniture \$30.	45 00
1 Clock \$4. 1 pr and Irons shawl & long 75 ^{cts}	40 75
3 candle sticks \$1. 1 walnut Table \$5.	6 00
1 Small Table \$2.50 5 arm chairs \$1.25	3 75
5 window chain \$2.50 1 bed & furniture \$25.00	27 50
Carried up	\$741 04

141

Amount brought up	741	04
1 Bed and furniture \$15. 1 ditto & ditto \$30.	45	00
1 wash Stand \$4. 1 bed and furniture \$15. 1 ditto ditto \$15.	34	00
1 wash Stand \$1. 1 small round table \$2.00	3	00
1 Small looking glass 50 ^{cts} 1 chest \$1.50	2	00
1 Trunk 75 ^{cts} 2 paunches & harness \$15.00	2	25
2 ploughs \$1. 4 plough hoes \$1.50 2 do do \$1.50	4	00
1 new ground butter \$1.50 11 washing hoes for 50 ^{cts}	2	00
1 pr wedges 75 ^{cts} 1 pr trace chains 50 ^{cts}	1	25
Steadyards gimlet and old cast \$1.00	1	00
1 Set of tools \$25.00 1 Do Do 50. 4 hand saws for \$2.00	5	00
1 lot of shingles drawing knife ad. dice & pin \$2.50	2	50
Prace & bits \$1.25 5 augers \$2.00	3	25
2 hatchets 75 ^{cts} 4 axes \$2.	2	75
1 Blue Kettle \$1. work bench \$1.50	2	50
2 Deminghons \$1. 1 Keg of paints 25 ^{cts}	1	25
1 Box 50 ^{cts} 4 Bottle Varnish 2	2	50
1 lot of timber \$150 1354 feet plank @ \$1. pr Hhd	13	04
1 Red Bull \$8. 11 Cows @ \$5.00	63	00
1 negro man Elisha	7	00 00
1 ditto boy Isaac	5	00 00
1 ditto do Henry	3	00 00
1 ditto woman Kate	3	00 00
1 ditto Girl Ginny	2	00 00
1 ditto Child Lamb	75	00
1 Bed \$7 10 th \$8. 1 chest 75 ^{cts} 1 ditto 75 ^{cts}	16	50
2 Trunk \$2.00 7 chains \$2. 1 Set erecting 50 ^{cts}	4	50
1 Sown \$2 1 Spinning wheel \$1.	3	00
1 Set trumping \$3.00	3	00
	\$3035	33

James Wells, Jefe Cobb
William P. Corp.

Southampton County to wit?

This day personally appeared before me
James Wells, Jefe Cobb and William P. Corp and qualified to act, accor-
ding to the within order. Given under my hand and seal this 16 day
March 1840

H. J. Smith

At a Court held for the County of Southampton the 16th day of March 1840
This Inventory and appraisement of Harrison Parker's estate was this
day returned and ordered to be Recorded

Teste L.R. Edwards Ck

Attest

Teste L.R. Edwards Ck

The answer of Harrison Parker an infant of tender years by Edwards
Butts his Guardian ad litem appointed to defend him in this suit.
to a bill of complaint exhibited against him by Wm. Parker the
next friend of Godwin Parker &c.

The said Defendant, saving to
himself all manner of advantages of exceptions to the many errors,
uncertainties, and other imperfections in the said bill of complaint
contained, for answer thereto, or to so much thereof as the Defendant
is advised is material for him to make answer to, answering by his said
Guardian says. That he is a stranger to all and singular the matters
and things in the said Bill of complaint contained; otherwise than
the Defendant has heard, that Harrison Parker his father died
before the birth of this Defendant leaving a will, in which no provision
was made for this Defendant, by land settlement or otherwise, but in
which this Defendant was pretermitted. And this Defendant being an
infant of tender years, submits himself to the judgment of this Court
and humbly hopes that what right or title he may have
to the real or personal estate of his deceased father, shall be
protected and done to him &c &c without that &c &c

Edw & Butts

Douglas p.d

Southampton County to wit.

This day personally appeared before me
Edwards Butts Guardian ad litem of Harrison Parker an infant of tender
years; and made oath that the above answer was true to the best of his
knowledge & belief &c Given under my hand this 26th day of August
1841

A. J. Smith JP

To which answers the plaintiff replies general.
And at another day to wit. At a Circuit Superior Court of Law & Chancery
held for the County of Southampton on the 1st day of November 1841
This cause came on to be heard on the bill of the plaintiff and demurrer
and answers of the defendants replication and exhibits filed and was argued
by Counsel on consideration whereof the Court didth overrule the said demurrer
and didth adjudge, order and decree that a Commissioner of this Court
take an account of the transactions of Henning T Smith Matthew W
Vaughan and Harrison Cobb Executors of Harrison Parker deceased in
taking which account the Commissioner is to receive as prima facie
evidence the account reported by the Executors, to the County Court of
Southampton a copy of which account is filed by the plaintiffs with
the bill and Marshal, &c, except however that the Commissioner in
taking such account shall not allow the Executors of Harrison Parker
any Commissions for the managing of said estate, And the Court didth
further order that the said Commissioner shall state an account
showing the shares respectively of the distributees and legates and of the
widow of Harrison Parker deceased in the balance that may be found
due from the said Executors. And the Commissioner is to make a report
with any matters deemed pertinent, by himself, or required by the par-
ties to be stated.

The Estate of Harrison Parker dec^d

In Account with Henning T Smith, M Cobb & M W Vaughan Exors

1837.			Dr		Cr	Int
		By amount of receipts this year			31 00	20
		To amount of disbursements	14 04	49		
		" Commissions on receipts off	154 19		1250 30	
Deer	31	Balance due the Estate			\$ 1849 90	
1838		To amount disbursed this year			200 69	
Deer	31	Balance due the Estate			1649 21	
		Interest on the balance of 1837				110.99
1839		To amount disbursed this year			286 92	
Deer	31	By balance due the Estate			1362 29	
		Interest on the balance of 1838				98.95
1840		By amount of receipts this year			38 76	
Deer	31	By balance due the Estate			1323 53	
		To amount disbursed this year			436 50	
"	"	By balance due the Estate			887 03	

Interest on the balance of 1837

By Interest account

Balance due the Estate

291	67
1178	70

81.73

with Interest on \$887.03 from December 31/1840 till paid

The Court is directed to take an account of the transactions of the defendants Stanning J Smith, Matthew W Vaughan & Harrison Cobb executors of Harrison Parker dec'd. in taking which account the Court is to receive as prima facie correct the account reported by the executors to the County Court of Dorchester, except however the Commissioner shall not allow the executors of Harrison Parker any commissions for the managing of said estate. The Court in stating this account has omitted to give the items stated in the account referred to as reported to the County Court but has merely stated the amount of the annual receipts & disbursements, which give a balance due the Estate on the 31st day of December 1840 of Eleven hundred twenty eight dollars 70^{cts} (1178.70).

The Commissioner will here remark that the Court who reported the said account to the County Court, applied the annual interest improperly as he applied the interest so far as it went to the discharge of the disbursements the statement in that respect is correct.

The Commissioner in the second place is directed to make up an account showing the shares respectively of the distributees & legates and of the widows of Harrison Parker dec'd. in the balance that may be found due from the said executors, which is done in the following form:

Decr 31	By amount due the estate p acc ^t	Princ	Interest
		\$ 887.03	- 291.67
	1/3 assigned to the widow	\$ 295.67 2/3	887.03
	" ditto interest	97.22 1/3	\$ 392.90
	By Godwin Parker's proportion	ditto	392.90
	By Harrison Parker	ditto	392.90
			1178.70

Respectfully Submitted
Jere Cobb Comr.

Comr's fee \$ 5.00

Exp Drury for

4 Notices } 2.00
\$ 7.00

5th

And now at this day to wit. At a Circuit Superior Court of Law & Chancery held for the County aforesaid, on the day and year first aforesaid to wit the 6th day of April 1842.

This Cause came on again to be heard in the papers formerly read and the report of the Commissioner made pursuant to the order of the first day of November 1841, to which no exception has been filed, and was argued by counsel: on consideration whereof the Court doth adjudge, order and decree that Stanning J Smith, Matthew W Vaughan & Harrison Cobb, Godwin Parker and Samuel R Gardner, out of their own estates pay to Stanning J Smith administrator of Maniah Parker deceased the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two thirds cents part thereof from the 31st day of December 1840 till paid, and to Godwin Parker a like sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two thirds cents part thereof from the 31st day of December 1840 till paid, and to Harrison Parker the sum of three hundred and ninety two dollars and ninety cents with legal interest on two hundred and ninety five dollars sixty seven and two thirds cents part thereof from the 31st day of December 1840 till paid, and that the defendants pay to the complainant his costs in this behalf expended. But the said Godwin Parker, Stanning J Smith administrator of Maniah Parker deceased and Harrison Parker are not to have, the benefit of this decree until each of them or some person for him, shall execute to the said Stanning J Smith, Matthew W Vaughan and Harrison Cobb, executors of Harrison Parker deceased, a bond in the penalty of seven hundred and eighty five dollars and eighty cents with good security conditioned to refund due proportion of any debts or demands that may hereafter arise against the Estate of Harrison Parker deceased together with the costs attending the same which bonds shall be filed in this Cause.

clk \$ 6.84

Shff 5.50

Com 5.00

Exp 17.41

\$ 34.75

Exp 68
35.43

Attest

J. R. Edwards Clk

113.67

42.00

30.00

296.54

482.21

^B
Account Current of

Harrison Parkers Est.

Parkers Exors.

Exhibit with bill

Parker

(B)

427-85
150
1/2 577.85
288.92
17.33.52
52.00.56

288-92
52
340

El

Dr The Estate of Harrison Parker dec'd

In account with W. J. Smith W. Cobb & M. W. Vaughan Executors

				Cr	
1840 Jan 1	By balance due the estate as per return			1043	85
" "	" an overcharge made in last return			x 59	92
" "	" Cash rec'd from M. J. Whitney			19	37
" "	" " rec'd from Jesse Gardner			1	00
" "	" " rec'd from Patsy Edwards				75
" "	" " rec'd from A. Reddick			43	34
				1168	23
" "	" To paid sheriffs ticket	4	37		
" "	" Coler's ditto	1	69		
" "	" Edw B Hunter admr W. D. Hodges	20	00		
" "	" Samuel Douglas ditto	10	00		
" "	" Harrison Cobb Surd for M. A. Farling	52	89		
" "	" Sally Johnson	1	87 1/2		
" "	" Mariah Parker for support of Amy and her negro	100	00		
" "	" for support of Henry in 37	20	00		
" "	" Do Do " 38	20	00		
" "	" Do Do " 39	15	00		
" "	" Do Do " 40	10	00		
" "	" Mariah Parker specific in sale negroes ^{negro's de} legacy in	113	67		
" "	do do do Horse	42	00		
" "	do do do Bed	30	00		
" "	" Mariah Parker's specific legacy in the personal sale	296	54		
" "	" Commd fee	3	00		
" "	To balance per Contra	427	85 1/2		
				1168	23
1840 Jan 1	By balance to debit			427	85 1/2

In obedience to an order of the County Court of So. Carolina your Commd having stated and settled the adm account of W. J. Smith & others with the Estate of Harrison Parker dec'd find a balance as above stated of four hundred & twenty seven dollars and eighty five and a half cents due the estate with interest thereon from the 1st day of January 1840

Respectfully submitted
William M. Jones

At a Court held for the County of Southampton the 20th day of February 1843
This Account Current of H. J. Smith H. Cobb & M. W. Vaughan's Executors
on the Estate of Harbison Parker dec'd.
proceeding, was returned and ordered to lie on the table for objections.

Teste Lth Edwards C^lrk

Harrison Parker
Account Current.

13

A. C. Py

Parkers of or of

v v } Exhibit with bill

Parker

Dr The Estate of Harrison Parker decd
In account with G. J. Smith G. Ebbel M. W. Vaughan & Co

1837					
March	To paid Tho C Jones for rect	10	00		
"	" Calvin C Bingham	45	67 1/2		
"	" Benja Devany for rect (for preaching)	10	00		
Sept 6	" Mary J Harrison	38	00		
15	" Wm M Jones (two kinds)	68	04		
19	" Abram Reddick "	194	91		
"	" Dr Wm A. Spark acct	65	00		
23	" James Webb "	15	32 1/2		
Nov 17	" Saml Drewry "	6	25		
"	" Phillips & Giles "	50	64		
26	" Elisha Garden bond	104	15		
"	" ditto ditto	11	30		
"	" Wm Atkinson acct	18	29		
"	" Jno. R. Williams "		75		
"	" Leatha Pitman "		50		
"	" Jos C Smith for C. H. H. "	20	00		
"	" Harrison Hare bond	342	40		
" 29	" Wm & E. Harrison acct	30	28		
Dec 29	" Elisha Garden	3	75		
29	" Gilham Edwards bond	215	00		
1838 Jan 1	To 5 per Cent Comm on ditto	154	19		
"	" balance for Contra	1695	71		
		\$3100	20		
1837 Apr 1	By amount of sales due this day			3030	12 1/2
"	" Cash recd from Jos C Smith			37	00
"	" from Wm P Crop			10	92 1/2
"	" from Wiley Parker			16	40
"	" from Wells Murfee			5	00
"	" from Gilham Edwards			75	
				3100	20
1838					
Jan 1	By balance to debit			1695	71

1838					
Jan 1	By balance to debit brot forward			\$1693	71
" "	To paid Edwin & Clark for acct	3	00		
Feb 19	" Thos & Benton "	10	7	16	
" "	" James Rad Cliffe "	4	00		
Arch 19	" I R Edwards bond	43	50		
" "	" Hardy Rawls acct	1	00		
" "	" George Spiers "	8	00		
April 3	" Jno Vaughan	9	75		
May 26	" J S & Smith	24	28		
		200	69		
1839 Jan 1	by interest on the balance of 1837/14 me	135	65	63	14
" "	" balance due the estate			\$1630	67
1839 Jan 10	To paid J. H. Seabell shff	47	11		
" "	" J. W. Cronel acct	20	50		
" "	" J. D. Williams "	3	87		
" "	" Wm. M. Wells "	2	38		
" "	" Jefe Cobb (assignee of Deming Enders)	6	15		
" "	" Bryant Holland "	1	50		
" "	" Jno Lawrence "	3	50		
" "	" Jefe Cobb "	13	15		
May 17	" Anthony Vaughan bond	17	88		
June 1	" Jas Freeman "	14	39		
" "	" Garrison D Moore "	5	58		
" "	" Thos Vaughan acct	10	00		
" 5	" Owen Vaughan "	7	50		
" "	" Wm P Croft "	15	00		
Oct 13	" Wm White "	57	60		
" "	" Wiley Parker sen ,	59	92		
		286	92		
1840 Jan 1	by Interest on the balance of 1838/39	97	84	189	08
" "	" balance due the estate			\$1441	39
1840 Feb 24	To paid Garrison D Moore	5	00		
" "	" E Butts (Land tax)	7	22		
" "	" E Butts bond	7	44		
" "	" amount carried forward	19	66		

				amt ~~due~~ the estate brot forward		\$1441	39
1840 Feb 24	amount of debits brot forward	19	66				
" "	To paid J. S. Smith	36	77				
1840 June 10	" Clerks fees	5	00				
" "	" paid Garrison Cobb account	165	52				
" "	" W. J. Smith "	120	20				
" "	" Thos Gleasons "	2	81				
" "	" Abram Reddick bond	28	13				
" "	" Patsy Edwards Do	40	48				
" "	" Allen Edwards Do	11	93				
1840 June 15	" Commor fee	6	00				
" "	" by Cash pd M. W. Vanguans bond					38	14
" "	" Cash pd M W Vanguans acct						62 1/2
1840 June 15	To balance for Contra	1043	85 1/2				
		1480	35 1/2				
						1480	35 1/2
1840 June 15	By balance due the estate					\$1043	85 1/2

Pursuant to the order of Court herewith annexed your Commor having stated settled and adjusted the executorial account of Henning J Smith Mathew W Vaughan and Garrison Cobb on the Estate of Garrison Parker decd find a balance as above stated of one thousand and forty three dollars and eighty five and a half Cents due said decedents estate with interest thereon from the first day of January 1840 until paid

Respectfully Submitted
 Given under my hand the 15 day of June 1860
 William M. Jones

At a Court held for the County of Southampton the 20 day of July 1840 This account Current of Henning J Smith Mathew W Vaughan and Garrison Cobb Executorial proceeding on Garrison Parkers Estate was returned and ordered to lie on term for Exceptions and at a Court held for the said County on the 17 day of August 1860 the said account having lain on term and no Exceptions being filed was confirmed and ordered to be recorded

Teste I R Edwards Cely
 Alosy Teste I R Edwards Cely

Parker

Smith

notes for the

Image —

by C. A. Atkinson

atw. to Parker

~~Parker, Smith & Parker~~ ^{defendants} ~~Smith & Parker~~

In the year 1861, the ~~plaintiff~~ ^{defendants} instituted a suit in equity, against the ~~plaintiff~~ ^{defendants} seeking a settlement of the ~~plaintiff's~~ ^{defendants'} accountorial transactions of the ~~plaintiff's~~ ^{defendants'} estate. The defendants, answer the Bill and filed a copy of a settlement in Co. Ct.

On 1 Nov. 1861, a decree was pronounced directing the settlement of the accountorial transactions, with instructions to receive that as prima facie correct, subject to be searched and falsified as oft as the Court should allow the error of Harris or Parker any commissions for the managing of the said estate.

an account made up by Cor. Cobb, no exceptions filed and on 6 April 1862 a decree was rendered that the debts pay to Henry T. Smith and Mariah Parker (the widow of H. T. Smith) \$392.90 with int. on \$295.07 from 1 Jan'y 1860 to the present

To Mariah Parker, the sum of H. T. Smith - a like sum, and a like sum to the ~~plaintiff~~ ^{defendants} for the same in Parker's execution if any, forth with bonds taken and then the defendants got an injunction or bill of review - as to the grounds urged for the relief, is that Cobb did not take into the account of settlement a report made by Jones, which has been returned to Court but not recorded, or found when the settlement took place and they urge that that account was right. This account of Jones relied upon by the ~~plaintiff~~ ^{defendants} Smith and others is marked B. & filed with the Bill - that account makes the ~~plaintiff's~~ ^{defendants'} error inattentive to the estate - \$427.85

on 1 Jan'y 1860 with int. from that day till paid - The Court has decided that the Court allowed in Jones's account should be stricken from the account, and

that should be done on the 1 Jan 1838
when Commissioners were charged to
the state in favor of the executor. &
of course that sum should carry into
-rest from 1 Jan 1838 - thus -

amt. found by Jones of - \$427.85
Comr. to be added 15h. 19
put on the Comr. to 1 Jan 1848
18h 0 - say 2 years - \$600.32

Divide this between Jones in
parkin & his brother Harrison } 300.26
(the widow & his heirs entitled
to carry over. even the note
to carry interest from 1 Jan
1840 till paid. -

It is true that if Jones a/c last found
made up & found to be in the bill of
review he correct except as to the
Comr. - the sum in Oct 38 last was
erroneous - ~~but in finding~~
~~that~~ and Parkin in order to put
an end to the matter is willing
that the sum shall be appt. with
and others in his favor for \$300.26
with int. from 1 Jan 1840 till paid.
instead of the original sum of
Oct 38 for \$392.90 with interest
from 31 Dec. 1840 - making a loss to
Parkin of about \$74.00 that the
injunction should be dissolved as to
\$300.26 with interest from 1 Jan 1840
till paid & perpetuate as to the residue.
& Smith & Co. to pay at this time for Parkin
costs of the injunction.

Southampton County To wit

This day personally appeared before me a Justice of the peace and made oath that his Estate was worth after paying all his just debt the sum of nine hundred & thirty four dollars and twenty cents. Given under my hand this 8 day of March 1843.

Lease Parker, J.P.

Parkers Exor &c

v. } Injov. bond

Parker

\$734.20

Know all men by these presents that we Stanning T Smith
Matthew W Vaughan Harrison Cobb and Jesse Cobb,
are held and firmly bound unto Godwin Parker by his next friend and
Guardian Wiley Parker, in the just and full sum of nine hundred
and thirty four dollars and twenty cents, to the payment well and
truly to be made unto the said Godwin Parker by Wiley Parker his
next friend as aforesaid his certain attorney his Exor. admr. or
assigns. We bind ourselves our heirs Exors. & admrs. jointly & severally
firmly by these presents. Sealed with our seals and dated this
8th day of March 1843.

The Condition of the above obli-
-gation is such that whereas the above bound Stanning T Smith
Matthew W Vaughan and Harrison Cobb hath obtained an In-
-junction from the Judge of the Circuit Superior Court of Law and
Chancery for Southampton County to stay until the further order
of the said Court, all further proceeding in a decree of the Circuit
Superior Court of Law & Chancery for the County of Southampton
rendered on the 6th day of April 1842 whereby it was among
other things decreed that Stanning T Smith Matthew W Vaughan
& Harrison Cobb, Edwin Harrison & Lemuel R Gardner, out of
their own estates pay to Godwin Parker the sum of three hun-
-dred and ninety two dollars and ninety cents with legal in-
-terest on two hundred and ninety five dollars and eighty seven and
two thirds cents from the 31st day of December 1840
till paid and the costs. Now if the said Stanning T Smith
Matthew W Vaughan & Harrison Cobb shall well and truly
pay and satisfy the decree aforesaid and also all such costs
as shall be awarded against them, and all such damages as
shall be incurred by them, in case the Injunction aforesaid shall
be dissolved, then the above obligation to be void or else to
remain in full force and virtue.

Witness
Jesse Parker


Stanning T Smith (SS)
Matthew W Vaughan (SS)
Harrison Cobb (SS)
Jesse Cobb (SS)