1844-018 SOUTHAMPTON COUNCIL CHANCERY PAPERS

MURFEE et al VS. MURFEE et al

1/1844

other SURNAMES: Story, Crumpler, Kemp

~~H~~ 23.

Munce Xo

v. } Papers

Storys adm:

1817. Nov: Dieres

Clk	$ 6.56
Shff	3.00
Com.	5.00
Law	16.66
Tax	75
	$ 31.97

Munfee &c

v Statement.

Storys adm. &c

a decree may be
Entered for the amt. found
due by the Comm.rs Report
in Munfee admrx. &c. v.
Story & Commissioners
reserving liberty &c.

R. H. Baker

William Murfee in his own right and also as admor: Nancy Murfee dec^{d}

against

Simon Murfee admor: of Samuel Story dec^{d} and also in his own right & James W Murfee.

1843 July 18th Subpoena issued returnable to August Rules -

" August Rules - Subpoena returned executed - Bill filed.

" October " Answer of Defts: Simon Murfee in his own right & as admor: of Samuel Story dec^{d} filed. Gen: Rep thereto - Cause set for hearing as to the Defts. James W Murfee -

" December " Cause set for hearing as to the Defendant James W Murfee -

1844 May Term. Decree for account.

" October 24th Report -

Mun fund.-

2 3 Bill in Ch. & Exhibits

Mun fund.-

936 words

Rds

To the Hon. Judge of the Circ. Sup. Court of Law & Ch. for the County of Southampton - on the Chancery side of said Court -

Your complainant William Murfee, in his own right; and also as as adm. of Nancy Murfee decd. humbly shews, that sometime since in the year 1830 Samuel Story formerly of the county aforesaid qualified as guardian at law to your complainant & and the said Nancy Murfee and executed his bond, with James B Murfee and Simon Murfee as his securities, in the penalty of two hundred dollars, for the due and proper discharge of the trust as guardian aforesaid - which will appear from a certified copy of the bond hereunto filed and prayed to be taken as part of this bill. Your complainant also shews that subsequently, the said Samuel Story departed this life and the said Simon Murfee qualified as his administrator and the said Nancy Murfee has also since died and your complt: qualified as her administrator

Your complainant would represent that by an account rendered before Master Commissioner Cobb, confirmed and recorded, some time in January last (1843) it appears that the said guardian was in debt to your complainant and the said Nancy Murfee, his wards, in the sum of forty dollars and 37 3/7/100 - each. with Int. thereon from the 25th day of August 1830 till paid. - that your complainant has never received the amount found due by said account or any part of it - although he has frequently intreated the adm. of his guardian, the said Simon Murfee to pay it - all of which is contrary to justice and equity - In tender consideration of all which - Your complainant prays, that

(which will appear by a copy of said account hereunto filed)

the said Simon Murfee, in his own right- and also as adm: of the said Samuel Blony and James U. Murfee, may be made defendants to this bill- and that the said defendants answer the premises &c. and be compelled by decree, to pay to your complainant the sum of $80-74/7- with Interest from the 25th day of August 1830- till paid, which he is entitled to receive from the account before alluded to- Your complainant prays such other and general relief as may be necessary and proper, to have justice and equity done in the premises. And he will as in duty bound ever pray &c—

Ridley & Goodwyn
for Complt

Musgr
no. } Depts.
Strongs a Dns. &c. } Ans mo.

Chas fr. Dept.

1813 October Rules.

To the Hon.ble Judge of the Circuit Sup.r Court of Laws & Chan.y for the County of Southampton.

The Answer of Simon Morgan in his own right and as adm.r of Samuel Story dec.d to a bill of Complaint exhibited in this Court against him and others, by William Morgan in his own right and as adm.r of Nancy Morgan dec.d—

This respondent saving and reserving unto himself all benefits &c. to Demurrer to the said bill as he is advised it is material for him, to answer and says.— That he admits, the qualification of Samuel Story as Exec.r of the Complt. and Nancy Morgan and the receipt of the sums charged in the Complt.s bill. He also admits, the death of Story and his qualification, as his adm.r but does not in justice to the estate of his intestate consent to pay the sums charged to be and by the Complt. accounts filed with the bill Because the Complt.s and his testator were the family of Samuel Story, during the whole time, he was their Guardian, was supported and clothed, and had no means of paying for this support and maintenance, except, the sums mentioned in the Complt.s bill, that being the only estate to which they were entitled.— And your Respondent further saith, That the small sum of £40.17. was proved totally inadequate consideration for your support— Your Respondent, is aware that your Honor will not regard the account filed by the Complt. an account made up on the part of the Complt. without any notice to your Respondent, and which is totally unreasonable neither allowing Counsel fees & Clerks. or any credit for Memorandums furnish

Saml. Story, the Guardian in his Petition to the Compt. and to many Suits, and prays your Honor to direct an account of the Transactions of Samuel Story, as prayed, to be rendered before a Com. & this Court and if any thing should be found due the Compt. your Respondent is prepared to pay it. But (as he knows will be the case) it should be found, That the Compt. and the said Nancy should owe estate the Compt. represents. as indebted to Samuel Story. This he prays your Honor to allow to him to the same to him

Your Respt. having fully given answers, prays to be hence dismissed, with his costs. &c and duty bound &c

Your Respondent further states, that your Honor will not entertain the Chancellor Court. Claims of the Compt. against him, as he has long since, in July 1837, settled his Trans actions, as Adm. of Saml. Story, and paid over to the Legatees of S. Story the estate to whom the Compts. claims if any for Negroes - since much as your Compt. now Sues of any claims under a short time Comes against Story's estate. & having now fully answered the Bill prays to be hence dismissed.

Chambliss for Respt.

S. Hampton County To wit.

This day Simon Snipes, personally appeared before me, a justice of the peace for the County aforesaid, and made oath that the facts contained in the foregoing answer (according to the best information he can obtain) are true, given under my hand this 18 day of Sept. 1843.

Robt. G. Giffin J. P.

Number

1 ⅓ Dozen

Number

To be entered
R H B

1844 May Term

Murfee
v
Murfee } Decree

This day this cause came on to be heard on the bill & exhibits, Answer of the defendant Simon Murfee and examinations of witnesses, and was argued by counsel, on consideration whereof the Court doth order that Simon Murfee adm: of Saml. Story decd render an account of the guardianship of the said Story of William Murfee and Granny Murfee before Comm: Cobb, who is directed to ascertain, settle and report the same, together with any matter deemed pertinent by himself, or that may be required to be stated by either of the parties

Munfie

v. } Co Dueres

Storys assn.

Notice to aug 15th

Southampton Circuit Superior Court May Term 1844

William Murfee in his own right and as administrator of Nancy Murfee dec'd Pltff
against
Vernon Murfee administrator of Samuel Story dec'd and also in his own right
and James N Murfee

Defts

This day this cause came on to be heard on the bill and exhibits answer of the defendant Vernon Murfee and Examination of Witnesses and was argued by counsel on consideration whereof the Court doth order that Vernon Murfee administrator of Samuel Story dec'd do render an account of the Guardianship of the said William Murfee and Nancy Murfee before Commissioner Cobb who is directed to audit settle and report the same together with any Matter deemed pertinent by himself or that may be required to be stated by either of the parties

A Copy Test J R Edwards Clk

I acknowledge 15th June 1844
the service of the within

Wm. B. Murfee

Aug 14th 1844 Wm Murfee

Murfee
vs
Co. order
Attachment
Harris adm Holcombe

Southampton Circuit Superior Court May Term 1844

William Murfee in his own right and as admr
of Nancy Murfee dec^d Plff.
vs
Simon Murfee admr. of Samuel Story dec^d
and also in his own right & James W. Murfee Defts

In Chy

This day this cause came on to be heard on the bill and exhibits answer of the defendant Simon Murfee and examination of witnesses and was argued by counsel. On consideration whereof the Court doth order that Simon Murfee admr of Sam^l Story dec^d do render an account of the Guardianship of the said William Murfee and Nancy Murfee before Comr. C.M. who is directed to audit settle and report the same, together with any matter deemed pertenent by himself or that may be required to be stated by either of the parties

A Copy
Teste L. N. Edwards C.M.C

Comrs Office Jerusalem July 8th 1844

The parties interested in the accounts directed by the above order of the Court, are required to attend at the Court house in the Town of Jerusalem on Thursday the 15th day of August next by ten O'Clock A.M. with their vouchers accounts and testimony for examination and settlement

Jas C.M. Comr

Munfee

7 Decem

Munfee adm:

To be entered

R. H. B

Munfee
v
Munfee adm: } Circ-Sup-Court. Oct: Term 1844

This day this cause came on again to be heard on the papers formerly read, the report of the Commissioners, to which there is no exception and examinations of witnesses. And was argued by counsel. On consideration whereof the Court doth adjudge ordain and decree that Simeon Munfee adm: of Samuel Stone dec'd as aforesaid pay unto the plaintiff William Munfee in his own right the sum of $25.71/100, with Int: thereon from the 1st January 1838, and to the said William Munfee as adm: of Stancy Munfee dec'd, the sum of $25.71/100, with Int: thereon from the same date, together with the costs of this suit. And liberty is reserved to the plaintiff, in case the above sums of money fair to be made of the said Munfee adm: as aforesaid, to proceed against the other parties in this suit.

656

Murfie

v. } Sp. in Chy.

Storys adm: &c

1843 August Rules.

Executed

J Massenburg Sh of
Wk Everitt Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Simon Murfee admr: of Samuel Story decd and also in his own right and James W Murfee

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 them in the said Court by William Murfee in his own right and also as admr: of Nancy Murfee decd

And unless they shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this they 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 18th day of July — 1843, in the 68th year of the Commonwealth.

L R Edwards clk

[*One Copy to be delivered each Defendant.*]

Marcus Y
to Yeaton
Storys adr

Filed April 30. 1844

Mr. Wm. Crumpler in his right and as adm. of Nancy Crumpler dec'd will take notice that I shall on monday the 29th inst. between sunrise and sunset at the residence of Edward C. Crumpler proceed to take the depositions of Edward C. Crumpler and others to be read as evidence in a suit depending in the circuit superior court of law and chancery for the county of Southampton in which you are plaintiffs, and I and others are defendants at which time and place you may attend if you think proper. And if from any cause should fail to take said depositions I shall adjourn from day to day until they shall be taken.

Simon. Crumpler
adm of Sam[illegible]

April 20th 1844

April 27. 1844 This day Rich'd Barrett personally appeared before me and made oath that he had delivered to Wm Crumpler a copy of the above notice

Wm A Spark J.P.

Murfee &c

v. } Deposition

Geo: Camps.

Storys adm

Sworn to before me N. J. Smith J.P.
Nov. 4. 1844.

Hampton County Court.

This day personally appeared before me N. J. Smith a Justice of the peace for the aforesaid County Edmund H Murfee & made oath that the annexed notice was delivered to Wm Murfee

Given under my hand this 4th day of Nov. 1844

N J Smith (J.P.)

Mr. Wm. Murfee. Take notice that I shall proceed on the 4th day of November next; between sunrise, and sunset at my own residence in So. amptons county. Virginia. to take the depositions of George Kemp, and others to be read as evidence in a suit now depending in the Circuit superior Court of law, and Chancery in the county of So. amptons Virginia in which you are Plaintiff, and I as Admr. to the Wills annexed of Samuel Story dec'd am Defendant; and if from any cause I am prevented on the aforesaid day I shall proceed from day to day until they are taken; at which time, and place you can attend if you think proper. given under my hand this 30th day of October 1841

Simon. Murfee Admr

The Clerk of Southampton Co
Virginia

Munroe &c
v } Deposition
Storys exor

Came to hand Sealed Apl. 30th
1844.

The deposition of Edward B Crumpler Morgan Wells & Martha M. Crumpler taken this 29th day of April 1844 between the hours & hours at the Residence of Edward B Crumpler agreable to the annexed notice to be read in evidence in a suit depending in the Circuit Superior Court of Law & Chancery for the County of Lancaster

On Chancery Side thereof William Murphy in his own right & as adm. of Nancy Murphy dec'd Pltff

Simon Murphy adm. of Samuel Story dec'd defendants

The Pltff in this Cause came voluntarily and said that he was born in either 1817 or 18 and he went to Saml. Story in 1824 or 25 & stayed until said Story's death The Pltff also says that Nancy Murphy was 12 or 13 years old when she went to live at Saml. Story & remained there until the said Story's death The deft was present & agreed that this should be read in evidence

The above facts was admitted before me at the time & place above mentioned Given under my hand this 29th day of April 1844

H. T. Smith (C.P.)

The deposition of George Kemp taken
this day before me according to the
annexed notice at the residence of
Lemon Murphy

the deponent after having been sworn
to answer such questions as may be
hostled him

1st Quest by defts did you not make the
Coffin of Nancy Murphy
Ans. I did

2 Quest by defts. Did I not pay you for
the Coffin of Nancy Murphy
Ans. you did pay me this
George + Kemp
Three dollars in my hand + c
this 4th day of Nov. 1844
H. T. Smith (J.P.)

Littleton R Edwards Esq

Jerusalem

Southampton

Jan 18 1844

Free
Stamp Office

The deposition of Sam. R. Munsee taken at his store in Norfolk Va. this 28th day of Oct. 1844 according to the annexed notice by me Eba Hackerld Justice of the peace for Norfolk Borough

The deponent saith that Wm. Munsee commenced going to school to him, the deponent in his school in the year 1827 from Mr. Sam. Story's dec'd and continued to go until 1830 inclusive, learned to read and write and ciphered to Reduction He was very regularly at school during the whole time and the deponent believes that he, Wm. Munsee made as good time as any scholar in the school. The deponent further says that his tuition was paid out of the school fund, and that he, Mr. Wm. Munsee, was boarded and clothed during the whole time by the said Sam. Story dec'd

Questions by the Plaintiff's Solicitor Munsee = Would you have Boarded & clothed Wm. Munsee either of the years for Twenty five dollars? The Deponent answers NO = What do you think it was worth per year? Answer, Not less than Thirty dollars — Question Did not Nancy Munsee Sister of William Munsee die at the late Residence of Samuel Story dec'd within a few months (say twelve months) after Samuel Story — Answer = She did — Question. Do you

know Who paid her expences of burial? Answer I do not — Question - Had she any Estate? Answer, She had no Estate except her part of the Proceeds of the Sale of a Lot at old South Quay which was about Twenty five Dollars -

Farther this Deponent Saith Not -

Wm. B. Murfee

I Charles A Sheild Justice of the Peace for the Borough of Norfolk hereby Certify that the foregoing Deposition was this day made on Oath and Subscribed to before me by James W Murfee — Given under my hand & Seal this 28th day of October 1844 —

Chas A Sheild (Seal)
JP

Mr William Murfee take notice that I shall proceed on the 28th day of this present month between sunrise and sunset at the store of James W. Murfee in the borough of Norfolk to take the deposition of James W. Murfee to be read as evidence in a suit now depending in the circuit superior court of law and chancery in the county of Southampton and state of Virginia in which you are pltff and I as admr to the will annexed of Samuel Story decd am defendant and if from any cause I am prevented on that day I shall proceed to take it on the next day at which time and place you may attend if you think proper given under my hand this 22nd day of October 1844

Simon Murfee admr to the will annexed of Samuel Story Decd

Octr 25th 1844.

This day personally appeared before me R. T. Barrett & made oath, that he delivered a copy of the within notice to William Marsh on the Date above mentioned. Given under my hand the Date above written.

N. M. Pabell J.P.

Munford &c
vs
Story, admr &c

Comrs
Report

1844 ~~September~~ October 4th

Southampton Circuit Superior Court May Term 1844

William Murfee in his own right, and as admenistrator of Nancy Murfee decd — Plaintiff — In Eq

vs

Simon Murfee admr. of Samuel Story decd and also in his own right & James W. Murfee — defts.

The plaintiff and the defendant Simon Murfee admr. of Samel Story attended before the Comr. on the 15th day of August 1844 agreeably to notice

The plaintiff claims the amount of a bond in his own right received by Samuel Story decd his Guardn, which it appears was his proportion of the sales of a tract of land sold under a decree of the County of Southampton by commission-ers therein appointed, amounting to $25.71 2/7 and due the 24th day of March 1834 with interest thereon from oct 1834 at which time it appears it was admitted by the parties present the said Samel Story died. The plaintiff also claims the same amount and payable at the same time, as the pro-portion due his intestate Nancy Murfee decd with interest thereon from the said time say October 1834 till paid — It was admitted by the parties that the plaintiff went to live with his said Guardn Samel Story about the first of the year 1825 and that Nancy Story decd went to live with him the said Guardn about the latter part of the year 1827. the deft thinks a little earlier - and the defendant claims board of the aforesaid wards from the times above stated till the death of the said Guardian which was as before stated in October 1834. The defen-dant admits that he found no account among his intes-tates papers charging his said wards with board, yet he claimed the board from the time the said wards went to live with their Guardn till his death, but has neglected to furnish the Comr. with any such account

The Comr. is therefore under the impression the plaintiff should recover of the defendant admr &c the said sum of $25.71 7/7 with interest thereon from the 24th day October 1834 till paid: and that he also recover of defendant admr &c

the sum of $25.71 2/7 as the proportion to which his intestate Nancy Marfee dec'd was entitled with interest from October 24th 1834 the time that Sam'l Story the Guardn died till paid

Respectfully Submitted
Jer. Cobb Comr.

Comr's fee Aug 15 2 Hours
Sept 18 3 do
$5.

Charged to the pl'ff.

Murfee

Exhib. with Bill

Royal Arm Ofc

Murfee's Exhn.
Williams Bond
Justice

A. Copy

(38 cts)

Know all men by these presents that we Samuel Story James W Mearsee and Simon Mearsee are held and firmly bound unto James Mynich Alexander P Peale Joseph J Leland & Wm B Goodwyn Gentlemen Justices of the Peace for the County of Southampton now sitting in the sum of two hundred dollars dollars to the payment whereof well and 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 16 day of august 1830

The condition of the above obligation is that if the above bound Samuel Story his Executors and administrators shall well and truly pay and deliver unto William & Nancy Mearsee orphan of Richard Mearsee deceased all such Estate or Estates as now is or are or hereafter shall appear to be due to the said orphan when and as soon as they shall attain to lawful age, or when thereto required by the Justices of the said Court; and also keep harmless the above named Justices and their and every of their heirs Executors and administrators from all trouble and damages which shall or may arise about the said Estate; then the above obligation to be void or else to remain in full force and virtue

Signed sealed and delivered in the presence of the Court

Samuel Story Seal
Jas W. Mearsee Seal
S Mearsee Seal

Copy Teste J R. Edwards Clk

Marshall

Exhibit with Bill

Augt 28th 1805

William Nancy
Musters Guard
acct.

A Copy

(1805)

William Mansfr & Nancy Mansfr Minors
In account with Samuel Story Guardian

It appears that Saml Story Guardian to the above named minors orphans of Richard Mansfr decd received their proportions of a lot of land sold under a decree of the County of Southampton called old South Quay; the bonds for which had been deposited in the Clerks Office by the Comrs and were paid over to the said Guardian by James Rochelle the late Clerk, each bond amounting to $40.37½ each therefor the balance due to each of the minors William and Nancy Mansfr is $40.37½ with interest thereon from the 25th day of August 1830 till paid.

Comrs fee $4.00 Charged to the Wards

Respectfully Submitted
Jere Cobb Comrs

At a Court held for the County of Southampton the 19th day of Decr 1842 This account of Samuel Story Guardianship of William & Nancy Mansfr was returned & ordered to lie one term for exceptions. And at a Court held for said County the 16th day of January 1843 the said Account having lain one term & no exceptions being filed was confirmed & ordered to be Recorded.

Teste L R Edwards Clk

A Copy

Teste L R Edwards Clk

Murfee

v. 1/5 Exhibit

Storys com. 8

Southampton County Court. June 19th 1843.

On the motion of William Murfee who made oath and together with Jesse Cobb and George W Murfee his securities entered into and acknowledged a bond in the penalty of One hundred and fifty dollars conditioned as the law directs. Certificate is granted him for obtaining letters of administration on the estate of Nancy Murfee dec'd in due form.

A Mosby

Teste. P R Edwards clk

Southampton County Court. January 19th 1835

On the motion of Simon Murfee who made oath and together with James D Massenburg. and Carr Bowers his securities entered into and acknowledged a bond in the penalty of twenty thousand dollars conditioned as the law directs Certificate is granted him for obtaining letters of administration on the estate of Samuel Story dec'd with his will annexed in due form.

A Mosby

Teste. P R Edwards clk