

1861-03

Southampton Chancery

Estate settlement

Bryant, James D. (admi.) vs. Williams + Murjee
estate of Williams, Spratley S. securities:

Murjee, Wm.

Edwards, Allen

Gillette, Joseph G.

55. ~~54~~ 54.35

Williams adm

v. } Papers

Murphy adm

1861 May

64m

Williams' son.

as. Bill -

Murphy. Son.

1859 March Rules

To The Hon^{ble}. Rich^d. St Baker, Judge of the
Circuit Court of Southampton County:

Sitting in Chancery.

Humbly. Complaining, Sheweth
unto your Honor, your orator, James D. Bryant, agent of Spradly
& Williams and.

That his intestate, during his lifetime was engaged in
mercantile business, with William Murphy jr. in the firm
of Lusk and - and the business was conducted under the firm
and style of Williams and Murphy: and had been so conducted
for a long time;

That Spradly Williams, departing this life, in the great
lossing his partners, surviving - who by virtue of his rights
as surviving partner, took possession of all the goods - Books,
accounts, and assets of every kind belonging to the social
firm; amounting to a large sum.

That the said Williams Murphy jr. after possessing himself
of the social effects, and before he had, settled up the partnership
transactions departing this life, and Williams Murphy qualified as
his representative - and in that character took possession of
all the personal estate, of his intestate, including the undivided
effects of the late firm of "Williams & Murphy".

That at the time of Murphy's qualification, he entered into
Bond ~~and security~~, in the penalty of \$5,000 - with Joseph E
Bellin and Allen Edwards his securities, as will appear, by a copy
of the bond herewith filed (1) and, prayed to be taken
as a part of this bill.

That your orator has called on the said Wm Murphy
agent of Wm Murphy jr. to come to an account, and settle with
with your orator of the transactions of his intestate Wm Murphy jr.
as surviving partner of the late firm of Williams & Murphy,
and to pay over whatever balance may be due to your
orator as agent of Spradly & Williams - but he has failed
to comply, alleging, that his accounts, are now, before
a court of the Circuit Court of Southampton County, and in

due course of settlement; but your orator is not satisfied with this excuse - especially as the attributes of Williams are pressing him for a final settlement of his transactions, which he is preventing from effecting, Murphy has settled with him.

In your consideration of all which, and for as much as your orator, is wholly amidst in the premises, save by the aid of a court of Equity, where matters of this sort are alone cognizable and admissible. So the End therefore that Justice may be done in the premises - your orator prays that the said Wm. Murphy and of Wm. Murphy jr. Joseph E. Sullivan & Allen Edwards. May be made defendants to this bill - and compelled to answer its allegations fully and veraciously - as much so, as if the same interrogated specially; That William Murphy, senior before a court of this Court. an account of all the funds, belonging to the firm of Williams & Murphy, which came to his indebted hands as well as an account of his transactions as surviving partner; also an account showing the effects which came to his own hands, as one of Murphy, belonging to the said firm; Also an account of his transactions as one of Murphy; and that whatever balance, on such settlement, may be ascertained to be due to your orator, may be assessed & paid; and that your Honor will grant such other further & general relief, in the premises, as the case may require, and as Equity may seem proper. And your orator will ever pray &c.

Chambliss B. Hopkinson for

Williams ad.

{ Ex. with Bill

Murphy ad.

Y

Know all Men by these presents that we William Murfee Allen Edwards
and Joseph C. Gillette, are held and firmly bound unto the
Commonwealth of Virginia in the sum of five thousand
dollars to the payment whereof we bind ourselves our heirs exec-
utors and administrators jointly and severally, firmly by these
presents. Sealed with our Seals and dated this 20th day of
June, one thousand eight hundred and fifty three.

The condition of the above obligation is that whereas the above bound
William Murfee hath this day qualified as administrator of
William Murfee dec^d in the County Court of Southampton by entering
into this Bond and taking the oath required by Law.

Now if the Said William Murfee shall faithfully discharge
the duties of his Said office or trust as administrator
according to Law, then this obligation to be
Void, else to remain in full force and Virtue.

Signed Sealed and delivered
in the presence of the Court

William Murfee
Allen Edwards
Joseph C. Gillette

Seal
Seal
Seal

At a Court held for the County of Southampton on the 20th day of
June 1853. This bond was acknowledged by the obligors
therein named.

Teste

A Copy. Sub. A. R. Edwards to be

A. R. Edwards to be

Williams adv

r

Murfee adv

1860

May et. Decr

To be entered.

R. H. Baker

Williams adw

v.

Murfee adw &c

This cause came on this day to be again heard on the papers formerly read and on the Report of Com Howard made pursuant to the decree of the 3^d of May 1859, to which no exception has been filed and was argued by counsel; on consideration whereof the Court adopting that view of the said report disallowing Commissions to the said Wm Murfee adw. &c. doth adjudge order and decree that Jas. D. Bryant adw of Spratly L. Williams decd. recover of Wm Murfee adw of Wm Murfee Jr. decd. the sum of \$235.70 with Interest on \$182.35 paid thereof from 24th of September 1859; and that the plt. as such adw. recover of Wm Murfee as adw. as aforesaid the costs of this suit; and liberty is reserved to the plt. to apply for further relief against the securities of said Wm Murfee as adw of Wm Murfee Jr. decd. should this decree prove unavailing -

Williams corn?

2 $\frac{1}{2}$ bushels

Marfus corn? 2.

May Co. 1861

To be Entered

R. H. Baker

Williams & sons?

is

Stevens

Marpis & sons?

This day this cause came on again to be heard on the papers previously read and on a copy of the execution issued on the decree rendered in this cause at the May Term 1860 from which it appears that said decree provided for the amount of \$93.20 on consideration whereby the Court doth adjudge and decree that James D Bryant & sons of Spratley Williams & sons of Joseph & Simeon and Allen & sons the sum of \$235.70 with interest on \$182.35 paid therefrom the 24th of September 1859 subject to a credit of \$93.20 paid on the 20th day of March 1861

Williams' admor.

vs 3 Commissioners
Report.

Munroe admor y.

1859 Oct 7th Ret.

Williams & Murfee.

In account with Wm Murfee adms of Wm Murfee Jr. Surviving partner.

1853					D.	Cr.
June	21	By Cash found in hand				1096.58
"	"	" " rec ^d of Jacob Turner				5.47
"	"	" " " John Sykes				2.13
July	8	" " " W. J. Barham				18.66
"	10	" " " R. N. Cant				7.90
"	"	" " " W. N. Dringgoole				27.06
"	18	" " " J. M. Arnold				15.33
"	"	" " " Martha Scott				3.00
August	8	" " " H. S. Howard				76.90
"	15	" " " John Camp				44.40
"	"	" " " Wm. J. Jones				141.40
"	"	" " " Edwin Turner				10.00
"	"	" " " J. D. Knight				6.31
"	"	" " " Albert Price				2.21
"	"	" " " P. Holloman				3.67
"	18	" " " Thos. P. Briggs				12.19
Sept.	19	" " " Rebecca Briggs				36.29
"	"	" " " Giles Pope				6.00
"	24	" " " E. R. Williams				26.00
Oct.	1	" " " Jane Henderson				10.00
"	"	" " " Jos. Turner				1.00
"	12	" " " Theophilus Lamb				31.69
"	17	" " " George Johnson				8.99
"	"	" " " Saml. Barham				5.90
"	"	" " " John Howe				33.02
"	"	" " " Jas. J. Biddle				7.74
"	"	" " " M. L. Gray				59.13
"	"	" " " E. Bishop				26.66
"	"	" " " A. Matthews				8.33
"	"	" " " Wm. H. Bishop				14.00
Nov.	5	" " " James W. Parker				437.34
		Amount carried forward				1774.50

1853		Amounts brought forward	
Nov 8		By Cash rec ^d of C. D. Jones	
" 21		" " " John Cobb	
Dec 1		" " " L. B. Murrell	
" "		" " " Herod Dofe	
" 2		" " " H. B. Kinney	
" 6		" " " R. P. Meaton	
" 10		" " " H. B. Bitts	
" 15		" " " James Bird	
" "		" " " Giles Dofe	
" 19		" " " Wm ^t M. Evans	
" "		" " " S. Cobb	
" "		" " " Selah Edsworth	
" "		" " " Ditts	
" "		" " " D. W. Cobb	
" 26		" " " Wm ^t J. Cobb	
" "		To paid Richard Darden	250 00
1854			
Jan 3		By Cash rec ^d of Rob ^t Whitehead	
" 6		" " " James H. Schell	
" 7		" " " A. Lindsey	
" 16		" " " S. W. Cobb	
" "		" " " N. S. Howard	
" "		" " " H. B. Kinney	
" "		" " " Parker, & Sonson & Co	
" "		" " " Robert Hicks	
" 17		" " " R. H. Blythe	
" 23		" " " Wm ^t H. Whitehead	
" "		To paid Decmoy, Labin Cade & Co	155 89
" "		" " " M. L. Hallwell & Co	200 00
Feb 1		By Cash rec ^d of Stephen Henderson	
" 14		" " " Susan Lamb	
" "		" " " A. N. Thomas	
" 20		" " " Humphreys	
" "		" " " Lucy Griffin	
" "		Amounts carried forward.	605 89 4084 34

1994 50
29 60
66 88
2 35
3 57
21 76
32 34
38 45
6 81
5 31
1 56
5 24
32 76
20 00
133 57
27 90
26 57
141 98
3 00
12 16
40 42
27 82
825 00
160 73
33 49
70 00
102 38
190 00
13
49 14
9 05
605 89 4084 34

1854		Amounts brought forward	605 89 4084 34
Feb 20		By Cash rec ^d of O. Morris	13 44
" "		" " " Wm ^t H. Nicholson	50 04
" "		" " " E. A. Williams	107 37
" "		" " " Thomas Elay	18 04
" "		" " " G. A. W. Dawson	85 75
" "		To cash paid M. L. Hallwell & Co.	152 95
" 22		" " " John W. Munroe acct	19 68
" "		" " " Ditts bond	587 91
Mar 20		" " " Allen B. Munroe	67 88
" "		By Cash rec ^d of S. R. Shing	441 39
" "		" " " Jordan Whitehead	18 08
" "		" " " Thomas Smith	22 00
" "		" " " Hartwell McNeill	19 37
" "		" " " A. R. Blevins	15 00
April 12		" " " Henry Blevins	81 03
" 14		" " " K. L. Gray	11 62
" 17		" " " E. Jones	3 50
" "		" " " James Bailey	11 72
May 3		" " " Lucy Travis	1 00
" 4		" " " R. L. Vick	23 32
" 15		" " " Wm ^t Kitchen	61 63
" 20		" " " T. J. Mahone	38 68
" "		" " " M. L. Gray	134 28
" 26		" " " James Mayler	38 23
" "		To paid E. Anderson	138 51
" "		" " " E. W. Maysenbury	7 66
" "		" " " Sheriff for tickets	9 58
June 19		By Cash rec ^d of F. W. Briggs	21 72
" "		" " " C. A. Hicks	37 97
" "		" " " S. B. Harrison	6 31
" "		" " " Wm ^t Seutehins	40 19
" "		" " " Joseph B. Davis	23 70
" 21		To Commissions on \$5000.82	350 34
" "		By Balance due Williams & Munroe	2989 34

[illegible]

1855		Amounts brought forward	17 84 28	58 72 65	
June 31	To	Commissions on \$270 46	135 20		
"	"	" Clerk's fees	4 00		
"	"	" " Corner Cobb	16 00		
"	"	" " S. L. Williams' adm ^r	19 66 58 1/2		
"	"	Amount retained as ad ^r of Wm ^r Murfee	29 66 58 1/2		
			58 72 65	58 72 65	
1857		By Cash of Samuel Yoke's account		4 96	
"	"	" " " Sarah Ellsworth's estate		25 00	
"	"	" " " John Yates trustee		82 05	
	To	Commissions on \$120.07 et al			
		5 per cent	5 60		
"	"	" paid Clerk's tickets	4 45		
"	"	" " Costs on Accounts	60		
"	"	" " Commissions & fee	3 00		
"	"	" " Clerk's ticket	1 00		
Sept. 24	"	balance due firm	97 36		
			112 01	112 01	
"	"	By balance due firm brought down		97 36	
"	"	To amount retained as ad ^r of Williams Murfee dec ^d	48 68		
"	"	" Amount due Sprattley L. Williams this day	48 68		
			97 36	97 36	
"	"	By balance due Sprattley L. Williams and this day brought down		48 68	
1858	July 20	By Cash of Henry Oberry		20 87	
"	"	To paid G. W. Bunker's account			
		Omitted interest account	2 84		
Sept 24	"	Commissions on \$20.87	1 04		
"	"	Amount retained this day as ad ^r of Wm ^r Murfee	8 49		
"	"	By Interest on \$48.68			2 92
"	"	Amounts carried forward	12 37	69 55	2 92

1858	Sept 24	Amounts brought forward	12 37	69 55	2 92
"	"	By balance due Sprattley L. Williams this day	57 18		
"	"		69 55	69 55	2 92
"	"	By balance due Sprattley L. Williams brought down		57 18	2 92
Sept 24	"	By Interest on \$57.18 one year to this day			3 43
"	"	By balance due Sprattley L. Williams, this day	57 18		
"	"		57 18	57 18	6 35
"	"	By balance due Sprattley L. Williams brought down		57 18	6 35
"	"	" balance due Sprattley L. Williams' estate this day with interest on \$57.18 part thereof from this day till paid		63 53	
		Respectfully Submitted,			
		Henry S. Howard, Com ^r			

The Commissioner says as will be seen from the report that this amount was not settled within six months after twelve months from the date of the qualification of William Murfee the ad^r of William Murfee the surviving partner of Williams and Murfee and that if the administrator be not allowed commissions on the receipts prior to that time (the twelve months before the settlement of the same) which question the Commissioner does not decide, but at the instance of Counsel submits the same to the Court, the balance due Sprattley L. Williams' estate (instead of \$63.53. the above balance,) will be \$235.70 on the 24th of September 1859 with interest on \$182.35 from that day till paid -

Respectfully Submitted, Henry S. Howard, Com^r

The Estate of William Murfee deceased
In account with William Murfee administrator

1853			D	Cr	
June 25	To paid N. M. Thomas	50			
Aug 8	" " James R. Jagers & Co.	49 93			
Sept 19	" " William Boyd	12 60			
Dec 19	" " W. A. Musgrave	15 00			
" "	" " Mary Murfee	167 00			
" 25	By amt of Sales due this day			2125 34	
1854	" Amt recd of Robt Higgins			3 26	
Jan 16	To paid Susan Williams	10 25			
Feb 22	" " Mary Murfee	41 61			
March 20	" " Allen B. Murfee	82 13			
May 4	" " Sheriff for taxes	2 78			
" "	By amt recd from Sheriff			10 00	
June 16	To paid Carter Lamb	1 00			
" 22	" " Commissioners fee	1 50			
" "	" " balance due admor.			159 70	
		384 30	384 30		
" "	To balance due admor. brought down	159 70			
1855	Jan 15	" paid James W. Murfee	5 25		
" "	" " John W. Murfee assignee of Thomas M. Newson	16 21			
Feb 19	" " Jane W. Gorton note	69 85			
" "	" " Sheriff tickets	8 65			
June 30	" " Wm. A. Williams and	6 26			
" "	By amt recd of A. S. Jones & Co			30 90	
" "	" " " " Mansfield & Hicock			100 29	
" "	" " " " George Bryant & Co			4 00	
" "	" " " " James Sagan			18 10	
" "	" " Your proportion of balance due the firm of Williams & Murfee			1966 58	
	To Commissions on \$2119.87	105 99			
	Amounts carried forward	371 91	2119 87		

1855					
June 30	Amounts brought forward	371 91	2119 87		
" "	To Interest on the balance of 1854	9 58			
" "	" " Clerk's fee	1 50			
" "	" " Commissioners fee	3 00			
" "	" " Commissions omitted to be charged in former account	11 23			
" "	" " balance due estate	1722 65			
		2119 87	2119 87		
" "	By balance due estate brought down		1722 65		
Dec 24	To paid William H. Williams				
" "	wife's proportion of estate & interest to this day	443 14 1/4			
" "	" " John W. Murfee's proportion of estate & interest to this day	443 14 1/4			
" "	" " Allen B. Murfee's proportion of estate & interest to this day	443 14 1/4			
" "	" " Chester J. Murfee's proportion of estate & interest to this day	443 14 1/4			
" "	By Interest on 1722.65 to this day		49 92		
		1772 57	1772 57		
1857	Sept. 24	By cash received from firm of Wm. A. Williams & Murfee			
" "	To Commissions on \$48.65	2 43			
" "	" paid Commissioners fee	3 00			
" "	" " Clerk's fee	1 00			
" "	" balance due estate	42 25			
		48 68	48 68		
" 1858	Sept 24	By balance due estate brought down		42 25	
" "	" cash received from firm of Williams & Murfee			8 49	
	Amounts carried forward			50 74	

1858	Sept. 24	Amounts brought forward		50 74	
"	"	To Commissions on \$8.49	42		
"	"	By Interest on \$42.25			2.53
"	"	To balance due estate	50 32		
			50 74	50 74	2.53
"	"	By balance brought down		50 32	2.53
1859	Sept. 24	" Interest on \$50.32 to this day			3.02
"	"	To balance due estate	50 32		
			50 32	50 32	5.55
"	"	By balance due estate brought down		50 32	5.55
"	"	" Interest brought in		5 55	
"	"	By balance due estate this day with interest on \$50.32 part thereof from this day till paid.		55 87	

Respectfully Submitted
 Henry S. Howard, Comr.

The Commissioner says again that if the administrator be not allowed commissions on his receipts upon the amounts due the firm of Williams & Murfee & not settled in the time required by law of Administrators (which as said before is submitted to the Court) the balance due the estate instead of the above on the 24th day of September 1859 will be \$212.60 with interest on \$169.34 from that day till paid.

Respectfully Submitted
 Henry S. Howard Comr.

Commissioner's Office
 Jerusalem October 6th 1859.
 To the Circuit Court of Southampton County.
 Pursuant to a Decree of the Circuit Court of Southampton County, rendered on the 3rd day of May 1859, in suit in

Chancery depending in the said Court between Williams' Admors & Murfee's Admors. &c. the undersigned on after the Commissioners of the said Court to whom was referred for settlement by said decree 1st An account of the transactions of William Murfee as Administrator of William Murfee Jr. dec'd. 2^d An account of the transactions of William Murfee Jr. as surviving partner of himself and Spratly L. Williams deceased reports to the Court that on the 16th day of June 1859, he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts, before him, at his said office on the 20th day of July 1859, which were returned to your Commissioner duly executed. That the parties aforesaid appeared before the Commissioner in obedience to the said notices and he thereupon made up the foregoing accounts. The Commissioner reports that William Murfee Jr. died not very long after Spratly L. Williams and consequently the business of the firm was settled up by William Murfee his Admors. as the surviving partner which account is reported by the Commissioner. The Commissioner further reports that after the completion of the said accounts he retained the same in his office ten days for the examination of the parties which with the decree and notices are herewith returned.

Given under my hand as Commissioner aforesaid this 6th day of October 1859.
 Comr's fee \$30.00
 charges
 Henry S. Howard, Comr.

Williams aom²

W²
Mafusaom²

Station T

Williams and

is

Statement

Murphy

Wm Murphy is to be credited in this
case with \$106.23 paid June the
2nd 1860 to the counsel of the Plaintiff
by E W Matherburg Trust for Wm
Murphy -

Nov. Term 1860 Chas. H. Matherburg
att. for P. H. H.

Southampton County to wit;

E W Matherburg certifies that Wm
Murphy is insolvent as witness

his hand this 8th of November 1860

E W Matherburg

Williams' adm

v { Stat. Rules

Murfes adm

lck

\$ 7.96

\$ 8.26

Stff. . . . 3.50

Com. 30.00

Law 1- 16.50

\$ 58.26

In Southampton Circuit Court.

James D. Bryant admo. of Spradley & Williams de^d

Plff

against
William Murfee admo. of Wm Murfee jr. Joseph E. Gillette & Allen Edwards de^d.

- 1859 Feb'y 22^d. Summons issued retble: to March Rules.
" March R. Summons ret^d Ex^t? Bill filed & Decree nisi & Affs.
" Apr^l " Bill taken for confessed
" " (Last Monday) Cause set for hearing &c.
" May. 5. Decree for account.
" Oct 7. Rept.
1860 May. 5. Decree 1st v. Murfee admo. with leave &c.
1861 " " Decree v. Edmundson & Gillette.

Williams' adm

n. } Sum. bky.

Murphy adm

1859. March Rules

Executoc March 1st
1859. on Allen Edwards
+ Wm Murphy by delivering
them a copy. I went to the
residence of Jos E. Gillette
on the same day he being
from home I left a copy
with his wife, who is
a white member of
his family over 16 years
old, and explained its
purpose.

J. W. Vick Deputy
for Wm W. Briggs shiff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *M^r Murfee adm: of Wm. Murfee Jr. Joseph E. Gillette & Allen Edwards*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *March next*, to answer a bill in chancery exhibited against *them* in our said Court by

James D Bryant adm: of Spradley Williams dec.

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *22nd* day of *February* 185*9*, in the *83rd* year of the Commonwealth.

L R Edwards

ATTEST

ATTEST

Witness my hand and seal of office at the City of New York, this 1st day of June, 1864.

Williams adms

Munroe adms

Testified by Deponent and party at City of New York

W. W. Briggs

ATTEST

Commissioner's Office,

Jerusalem, June 16th 1859

To James D. Ray and adm^r. of Spratly L. Williams dec^d. Plaintiff
against
William Mumfee adm^r. of William Mumfee Jr. Joseph E.
Villetie & Allen Edwards. Defendants.

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 30th day of July 1859, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts:

- 1st An account of the transactions of William Mumfee as administrator of William Mumfee Jr. dec^d.
- 2^d An account of the transactions of William Mumfee Jr. as surviving partner of himself and Spratly L. Williams deceased.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 3rd day of May 1859, in a Suit in Chancery depending in said Court, in which you are parties Plaintiff and Defendants; at which time and place you are required to attend.

GIVEN UNDER MY HAND, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Nancy S. Howard, COMMISSIONER.

To the SHERIFF of Southampton County to Execute.

X
Williams' admor. ^T

Musfa's admor. ^P

May Co. 1859.

To be entered.

R. H. Baker

William adm

m.

3

Murphy adm The bill of the Complainant having been regularly taken for copy at the rule, as to the defendants, Wm Murphy adm of old Wm Murphy, and J. E. Keller & Allen Bond and they state failing to appear & answer, this cause came on this day to be heard upon the bill of the Complainant, and Exhibit filed therewith, and was argued by counsel; on consideration whereof the Court doth adjudge adm & decree that a Commission of the Court take the following affidavits viz

1. An account of the transactions of Wm Murphy as adm of Wm Murphy jr deceased
2. An account of the transactions of the said Wm Murphy jr as surviving partner of himself and Spotsley L. Higgins deceased -

Which accounts the said Commission is directed to state forth and to the Court report together with any matter specially stated & demanded pertinent by himself or which may be required by either party to be so stated -