1866 ~ 09 Southampton C. Linard, Jacob vs Murfee, Leslie Et

E F Murfee
E W Masenburg

James W Murfee
Admr
+ others dy.

Simon d Wyse &
& } Bassers
Mursers adm &c

Genova 4ª

Am: bill.

Marseilles ditto 8ª

1860 Aug. 22.

To the Hon Richard H Baker Judge of the Circuit
Court for the County of Southampton

In Chancery

Humbly complaining sheweth unto your
Honor your complainant Jacob Lemon
& Narcissa his wife Edward F Mansfield and
E W Mapenberg. That sometime in the year
1858 Lydia Mansfield the mother of the said
Narcissa Lemon & Edward F Mansfield died
intestate seized and possessed of a small personal
estate valued at about $60 and leaving
the following children her distributees to wit;
your complainant Narcissa Lemon Edward
F Mansfield and James W Mansfield Eliza Olivia
Edwards, Nancy who is intermarried with
Willis Lawrence and Mary who is intermar-
ried with Richard Barnett. That at the
term 185 of the county court of Southamp-
ton James W Mansfield qualified as administra-
tor of the said Lydia Mansfield and took
according to law with
his security and proceeded to administer the
estate. That there were no outstanding debts
against the estate of the said Lydia Mansfield
and all debts due to her have been long
since collected. That the said E F Mansfield
[redacted] all
his interest in the estate of the said Lydia
Mansfield to the said E W Mapenberg as
will appear from a copy of his deed to the said
Mapenberg herewith filed marked (A)
and prayed to be taken as a part of this
bill. That the said James W Mansfield made
various purchases and applied to settle the
estate of the said Lydia Mansfield and to pay

ours to your Complainants the amounts to which they are entitled as her distributees thereof as well knowes that there are no outstanding debts

In tender consideracon of all which ought in as much as they are without remedy in the premises except in a Court of Equity to the end therefore that justice may be done they pray that James W Marsh in his own right and as Admr of Sylvia Marsh, Eliza Oliver, Willis Lawrence and Nancy his wife Richard Bamett & Mary his wife may be may appear to this bill and answer the allegations thereof, that the said James W Marsh may be directed to bill an account of his transactions as the Admr of Sylvia Marsh to your Commissioners of this Court and to pay over to your Complainants the amount to which they are entitled and grant such other and general relief in the premises as Equity may dictate, and as in duty bound they will ever pray &c

Chamblis & Mapson Sols
for Plffs

To the Hon. Richard H Baker Judge of the
Circuit Court for the County of Southampton
Humbly complaining shew unto your
Honor your Complainants Jacob Lemon and
Narcissa his wife Edward T Maupin and
Edward Maupin that sometime since they
filed their bill in this Court against James
W Maupin in his own right and as administra-
tor of Lydia Maupin Eliza Oliver, Willis Lemon
& Nancy his wife and Richard Barnes & Mary
his wife praying that James W Maupin should
be directed to render an account of Richard
Barnes as administrator of Lydia Maupin
and pay to your Complainants the amount
to which they might be entitled as distributees
of said Lydia Maupin which said original bill
is hereby referred to and they pray that it may
be taken as part of this supplemental
bill - That the said James W Maupin had
rendered an account of his transactions as ad-
ministrator aforesaid before a Commissioner
of this Court of Southampton which
notice to the Complainants a copy of which
is filed with this answer to the original bill
and which is prayed to be considered as part
of this supplemental bill - Your Complainants
further shew that they have a right to examine
and falsify the said account and that the
said account is erroneous in this par-
ticular to wit that the administrator has been
allowed for burial & funeral expenses an amo-
unt which the Complainants insist should
not exceed $185.18 cts & yet is amounted
only to $634.23 - That the said account
is erroneous in as much as the administra-

that he only charged him £14.10 per
account & sale when it should no
public sale but allowed the property &
in totall which was & ought to be more than
£14.10 & he taking & procuring a fraudu-
lent sale. That said account is further erroneous
in as much as the commissions is allowed
a payment of £48.03 made to Richard
Barnett on a claim not justly due, and in
many other particulars
In tender consideration & all which
and in as much as your Complainant
can without discovery in the premises ex-
pect in a Court of Equity to the end that
that justice may be done they pray that
James & Thurpe in his own right and as
admrs of Edw & Lydia Thurpe, William
Laurence & Nancy his wife Elijah Olive
and Richard Barnett & Mary his wife may
be made Defendants to this Supplemental
bill and answer the all premises that they
may & the Commissioners may be directed to
as aforesaid and account & the Defendants &
James & Thurpe as admrs of Edw & Lydia
Thurpe with leave for your Complainant
to amend & further as the nature and
grant of the cause shall require may
the premises considered may vouchsafe and
as in duty bound they will ever pray &c

Chambliss & Mayo, Solrs
for Plffs

Lenow dah

vs Z Stanton

Munson admr de

to Alexander Bell

1860 November 9th.

The joint and sveral answer of Jams R. Munger in his own right and as administrator of Lydia Munger, deceased, Eliza A. Alvin, Willis R. Lawrence and Nancy his wife, and Richard Daniel Tallman his wife, to an Amended and Supplemental bill, filed against them in the Circuit Court of Southampton County, by Jacob Leon & others

These respondents for answer to said amended bill, or so much thereof as they are advised it is material for them to make answer to, answering say that it is untrue and willfully untrue that your respondent Jams R. Munger admr. &c. filed, settled his account, a copy of which is filed with the original bill in this cause, without notice to the complainants; On the contrary, as they well know, the said account was settled by Commissioner Howard, after due notice given, and in compliance with all the requirements of the law.

These respondents further deny that the sum of $185.18 was improperly expended; the same was for funeral and funeral expenses, and for an inclosure erected around the grave of the intestate, her husband, and the infant child of the complainant C. F. Munger, by the positive instructions of

the intestate by sea Munfee himself in his life time —

These respondents further say that the several articles of chattle property which belonged to the intestate was worth more than the amount with which the admr has charged himself, viz $ 14.10, or that they were "taken by persons at private sale"; they were sold publickly and at auction, and brought their full value.

The claim of $ 48.05 said to be due Richard Daniel was a just claim against the Estate, and is a moderate one for the services rendered, and is sustained by a proper voucher —

And having fully answered these respondents pray to be hence dismissed with their costs &c.

Jas. H. Munfee
Willis W Lawrence
R. Barnett

Southampton County to wit — Sworn to before me by James W Munfee this 8 day of November 1860 —

Joshua Parsons J.P.

Simon Ellis &c
Exhibit with Bill.

Marfies admr &c

(A)

30.f

Know all men by these presents that I Edward F Murfee hereby constitute and appoint E.W. Mapsenburg my attorney in fact to collect, sue for, recover and receipt for all sums of money which may be due or coming to me from the estate of my mother Lydia Murfee dec'd and when collected to retain the same and apply it in part payment of a debt due from me to him. Witness my hand & Seal this 23d of March 1859.

E. F. Murfee (Seal)

Southampton County In the Clerks Office March 23d. 1859.
This Power of attorney from E. F. Murfee to E.W. Mapsenburg was acknowledged by the said Murfee and admitted To Record.

Teste.

L.R. Edwards Clk

Mosby

Teste. L.R. Edwards Clk

Lenox Wife Dag
vs
Answer
Munfer admr. Dag

:

of S. B. Munfer
admr &c

1860 May 2. filed by Lenox

The Answer of James. B. Munfer in his own right, and as administrator of Lydia Munfer deceased, to a Bill of Complaint Exhibited against him and others in the Circuit Court of Southampton County by Jacob Lemon & wife and others —

This Respondent, saving and reserving to himself all just exception to the said bill for its many errors, and mistakenly, for answer thereto, or to so much thereof as he is advised it is material to make answer to, answering says, that it is true that Lydia Munfer, the mother of this respondents, died intestate in the County of Southampton on or about the 5th day of March 1859, seized and possessed of a small personal estate, leaving as her distributees the persons, (her children) named in said Bill, six in number; It is also true that this respondent qualified as her administrator, before the County Court of said County on the 21st day of March 1859, and has proceeded to administer her estate according to Law; But it is not true that there are "no outstanding debts" against the Estate of the said Lydia Munfer, as the Complainants allege; on the contrary she owed sundry small debts, which together with her funeral expenses and the costs and charges of administration have been paid by this respondent; This respondent further states that in compliance with the expressed wish and desire of his said intestate, he caused a set of grave-stones to be placed over her grave, which cost the

modical sum of $43.68, and your respondent, by like official direction of the said Lydia Munger, well known to the Complainants, caused to be erected around the spot where her remains, and those of her deceased husband the Rev: Simon Munger, and the deceased Child of the Complainants and E. F. Munger, his burial, a plain monument, for which this respondent has also paid out of her estate. There are now no claims against the estate of his intestate known to this respondent, and he believes there are none due to the Estate.

This Respondent has no knowledge of the convenance or assignment from C. F. Munger to C. B. Mapenburg, referred to in the Bill, except what is disclosed by the said Bill and the Exhibit A. filed therewith;

It is ultimately and emphatically untrue as the Complainants state, that this respondent has refused to settle the Estate of the intestate, and to pay over to the parties entitled, their respective shares of the said Estate; On the contrary this respondent states that he settled an account of his transactions as administratrix as aforesaid, on the 2d day of September 1859, before Henry S. Howard, a Commissioner of Southampton County Court, a copy of which marked A. is filed herewith as an exhibit with this answer and on the 7th day of November 1859 he paid over to the defendants Eliza A. Olivia, A. Barrett and Mary his wife and to B. B. Lawrence and Nancy his wife each, their respective portion, of the balance of $142.03 thereby ascertained to be in his hands, amounting to the sum of $23.67 1/6 Cts, being of the said Lydia; And your respondent further states that on the same day, to wit on the said 7th day of November 1859, he tendered, to the said Jacob Lemon, and to the said E. B. Mapenburg agents of C. F. Munger, (This was my Signature) dec'd, the latter sum of $23.67 1/6 which they severally refused to receive, without alleging any reason whatever for such refusal: And this respondent, in view of the premises, submits that he ought not to be charged with interest or costs in the premises; And having fully answered he prays to be hence dismissed with his costs.

Jas. N. Mansfield
in his own right & as admr &c

County of Sanguin to wit.

Jas. N. Mansfield this day personally appeared before me and made oath that the facts stated in the foregoing answer are true to the best of his knowledge and belief. Given under my hand this 27th day of April 1860

L. L. Brockenbrough J.P.

Lenox Smith &c
vs Ans. of
Chicago adm.

Eliza A. Olmsted

1860 May 2 filed by Lenox.

The Joint and Separate Answer of Eliza A Ohier, Richard Daniel and Mary his wife, and W. B. Lawrence and Stacey his wife, to the bill of Complaint Exhibited against them and others, in the Circuit Court of Southampton County by Jacob Lemon & wife & others—

These respondents saving and reserving to themselves all benefit of Exception to the said Bill, for answer thereto, or to so much thereof as they are advised it is material for them to make answer to, Answering say they admit that Lydia Thorpe, the Mother of your female respondents died intestate at or about the time stated, in the Bill, Seized and possessed of a small personal estate, and that James B. Thorpe qualified as her administrator—

But these respondents deny that the said intestate owed no debts; On the contrary she owed several small debts, which with the necessary funeral expenses, and the costs of proving Store and inclosure, & properly directed by her, though they were settled only at a most reasonable price, nearly exhausted her whole estate—

These respondents wholly deny that the said James B. Thorpe administered, but refused, so far at least as they are concerned, to settle the said Estate, and pay over to them their respective portions of the same, And they do not believe that he ever so acted as to any of the parties interested— On the contrary the said James B. Thorpe, before the end of the year of the intestates death, to wit about the month

of September 1859, duly settled his account as such adm, before the Commissioner of the County Court of Southampton County, and on the 7th day of November 1859 paid over to these respondents, each the share of the balance thereby ascertained to be in his hands, to which they were respectively entitled — And these respondents hereby declare their entire satisfaction with the said account, and acknowledge to have received from the said adm'r in full all that they are entitled to in the premises — And having fully answered they pray to be hence dismissed with their costs &c

R. Barrett

County of Southampton to wit —

This day personally appeared before me Jos. D. Gillette J.P. and made oath that the matters and things stated in the foregoing answer are true to the best of his knowledge and belief.

Jos. D. Gillette J.P.

Lydia Mudge's
Administration Accounts

Hosey

Clerk's Comm's for said Estate
me by Check
Henry S. Howard D.C
& Commissioners

Comm'rs Certificate
on
Mrs. Mudge admr.

D. Allowed

Com. of Mr. admr.

The Estate of Lydia Murfee deceased
In account with James M. Murfee Ins Administrator

1859		Dr	Cr
March 21	By Cash found in the house after the death of Decedent		18 05
" "	To Cash paid Benjamin Devany for preaching funeral	5 00	
" "	" " " " A. E. Hall for Coffin &c	47 00	
" "	" " " " Thomas Harcum account	1 50	
" 22	" " " " Richard Barnett "	48 05	
" "	By Cash received this Day Amount of Annuity due by Willis M. Lawrence & others to Col. being 12/16 months		27 08
May 2	" " from the Administrator Amount of Bond & Interest		535 00
May 3	" " Amount of Account of Sales due this Day		14 10
" "	To Cash paid Dr. Wm. A. Masenburn Medical bill	82 50	
" "	" " " " A. M. Naffleet for burial articles	11 00	
" "	" " " " Gillette & Pretlow account	1 20	
" "	" " " " Administrator "	13 00	
June 4	" " " " John D Cooper for Set of Grave Stones &c	113 68	
Aug 25	" " " " Samuel H. Hodges for Iron Rail & Stonework around grave &c	116 00	
" 29	" " " " Richard Barnett account	12 79	
	" Commissions on $107.25 at 5 per centum	5 46	
Sept. 25	" paid Taxes	5 52	
" "	" " Clerks Ticket	2 25	
" "	" " Clerks Ticket for recording Inventory & Account of Sales	1 00	
" "	" " Commissioners fee for making up this account, postage & for a copy of the same	5 00	
	Amounts Carried forward	458 95	634 25

1859	Sept. 2	D	Amount brought forward	458	95	634	33
"	"	"	D° paid Robt. Baker Jr. account	5	00		
"	"	"	D° paid Clerks fee for recording Exhibit	3	00		
"	"	"	" Amount of account due admor retained	26	25		
"	"	"	" balance due estate	142	03		
				634	33	634	33
"	"	"	By balance due estate brought down with interest thereon from this day till paid			142	03

Respectfully Submitted
Henry S. Howard Comm.

Commissioner's Office,

Jerusalem, ---------- 18

To the County Court of Southampton County.

Your Commissioner reports to Court that James W. Mintree the Administrator of Lydia Mintree has exhibited before him a statement of all moneys received by the said Administrator or with which he had become chargeable or had disbursed, during the periods embraced in the foregoing account, together with the vouchers in support of the disbursements. That he finds a balance of ($ 142.03) One hundred and forty two dollars and three cents to be due by the said Administrator to the said Estate on the 2nd day of September 1859, with interest thereon from that day. That the said account is supported by satisfactory vouchers, and that the said Administrator has given such bond as the law requires, the penalty whereof and the securities thereto are sufficient in the opinion of the Commissioner.

That the said Administrator was embraced in the list of Fiduciaries posted up at the front door of the Court House of Southampton County, on the first day of September Court last, and now on this day, (ten days having elapsed since the same was thus posted up,) the foregoing account is made up and completed.

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

Henry S. Howard. Commissioner.

Copy, Test. Henry S. Howard, Comm.

Kenny Keys &c
vs
J Carr's Notice
Mayfee's admr &c

Executed the within notice on F. M. Mayfee March 4th 1861 by handing him a copy

James A Ficken D.S.
for
Wm M Hume S.H.C.

SOUTHERN ARGUS PRINT, NORFOLK.

Commissioner's Office,

Jerusalem, February 23rd 1861

To Jacob Lenow & Narcissa, his wife, E. F. Murfee and E. W. Massenburg - - - Plaintiff

against

James W. Murfee in his own right & as administrator of Lydia Murfee dec'd & others Defendants.

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 19th day of March 1861, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts: An Account of the Transactions of James W. Murfee as Administrator of Lydia Murfee.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 9th day of November 1860, in a Suit in Chancery depending in said Court, in which you are parties Plaintiffs 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.

Henry J. Howard, COMMISSIONER.

Sanquier

To the SHERIFF of ~~Southampton~~ County to Execute.

Franklin Apr 8 1861

This will certify that I desire that out of the proceeds of my Mothers estate an equal share of the cost of enclosing the Burying Ground at the Homestead

E. F. Murfee

Executed March 6th 1861 on all of parties except James W Murfee & E. A Massenburg, by delivering them a copy of the within Notice.

G. W. Wicks
Sh'ff

Pennsylvania
vs
Louis Blake
Bruce's Answer
&c

Filed March 15th 1861

SOUTHERN ARGUS PRINT, NORFOLK.

Commissioner's Office,

Jerusalem, February 23rd 1861

To Jacob Lenox & Narcissa his wife, E. F. Murfee & al. Plaintiffs

against

James W. Murfee in his own right & as administrator of Lydia Murfee dec'd, Willis W. Lawrence & Nancy his wife, Richard Barrett & Mary his wife and Eliza Oliver Defendants

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 19th day of March 1861, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts:

An Account of the transactions of James W. Murfee as administrator of Lydia Murfee.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 9th day of November 1860, in a Suit in Chancery depending in said Court, in which you are parties Plaintiffs 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.

Henry S. Stuard, COMMISSIONER.

To the SHERIFF of Southampton County to Execute.

Excecution on James D Murpee 17th Feby
1860 by handing him a copy of the within

James A Fishes DS
for
Tom M Hume SH

The Commonwealth of Virginia,

To wit

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON James W Murfee in his own right & as admr: of Lydia Murfee dec^d

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 him & others in our said Court by Jacob Senor & Narcissa his wife Edward F. Murfee & E. W. Mapenburg

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 9 day of February 1850; in the 84 year of the Commonwealth.

L R Edwards clk

Lewis Lynch &c

v.

Same Chy.

Marshall's Dec'd

1860 March Rules

Executed March 1st 1860 by delivering each of them a copy of the within Summons.

Geo. Void

D.S.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Willis W Lawrence & Nancy his wife Richard Barrett & Mary his wife & Eliza Oliver

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 & others in our said Court by Jacob Lenor & Narcissa his wife Edward F. Murfee & Edward W Mayenburg

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 9 day of February 1850, in the 84 year of the Commonwealth.

L R Edwards clk

Simon Snyder &
Sam'l Bell
vs.
Murfee et. al.
1860 September Rules

Executed Aug 29th 1860 on James W
Murfee by handing him a copy
of the within

James A. Fisher D.S.
for
Wm M Hunt S.H.C.

Fi. fa. issued

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON James W. Murfee in his own right and as administrator of Lydia Murfee dec'd

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 September next, to answer an amended bill in chancery exhibited against Henry Vothers in our said Court by Jacob Lenow & Narcissa his wife Edward F. Murfee & E. W. Massenburg

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 22d day of August 1860, in the 85th year of the Commonwealth.

L R Edwards Clk

Lenow & wife & als

vs Z Comm's Report.

Thurs. 3 adm. & als

1861 April 29th

The Estate of Lydia Thurber deceased
In account with James W. Thurber her Administrator

1857		Dr		Cr	
March 31	By Cash found in the house after death of Decedent			68	05
" "	To Cash paid Benjamin Devany for preaching funeral	5	00		
" "	" " paid A. E. Hall for Coffin &c.	47	00		
" "	" " " Thomas Harcum account	6	50		
" 22	" " " Richard Barrett "	48	05		
" "	By Cash received this day amount of annuity due by Willis W. Lawrence & others to date (being 36 months)			37	08
May 2	" " from the Administrator amount of bond & Interest			535	00
" 3	" " " Amount of Account of Sales due this day			14	10
" "	To paid Dr W^m A. Maspenberg Medical bill	82	50		
" "	" " " A. W. Haskell for burial articles	11	00		
" "	" " Gillette & Bridon account	1	20		
" "	" " Administrators "	13	00		
Aug. 29	" " Richard Barrett "	12	79		
Sept. 2	" Commissions on $1109.35 at 5 per centum	5	46		
" "	" paid Taxes	5	52		
" "	" " Clerks ticket	2	25		
" "	" " Clerks ticket for recording Inventory & Account of Sales	1	00		
" "	" " Calvin Howard	5	00		
	Amounts Carried forward	246	37	634	23

1859							
Sept. 2		Amounts brought forward	246	27	634	23	
"	"	To paid R. H. Baker Jr. amount	5	00			
"	"	" " Clerks fee	3	00			
"	"	" " Administrator account for expenses &c	36	25			
"	"	" balance Due	354	71			
			634	23	634	23	
"	"	By balance due estate brought down with interest thereon from this day till paid			354	71	

Respectfully Submitted
Henry J. Howard, Comm.

Commissioners office
Jamesdale, April 29th 1861.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of Southampton County, rendered on the 9th day of November 1860, in a certain suit in Chancery depending in said Court between Jacob Lenow & wife & others Plaintiffs, and James M. Musser in his own right & as administrator of Lydia Musser & others Defendants, the undersigned one of the Commissioners of the said Court to whom was referred for settlement an Account of the transactions of James M. Musser as administrator of Lydia Musser dec'd. reports to the Court that on the 23d Day of February 1861, he issued notices requiring the said parties to attend the settlement of the said account before him at his said office on the 19th day of March 1861. which were returned to your Commissioner duly executed. That the parties aforesaid appeared before your Commissioner in obedience to said notices and by consent of parties the settlement of said account was adjourned to the 16th day of April 1861, when your Commissioner made up the foregoing account.

The Commissioner further reports to the Court that after the completion of the said account he retained the same in his office ten days for the examination of the parties which with the Decree notices and the examination of the Witness is herewith returned.

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

Henry J. Howard, Comm.

Dinon &c

3 Exceptions to
Com. &c. Report

Murfree Atty &c

1861 August 13. filed.

Lenoir &c

v

Munfers Admr &c al

This account is excepted to for the following reasons

1st for errors apparent in face—

2d for making no allowance whatever for Enclosing Cemetery Yard, and for tombstone—

3d Because it was agreed prior to the last Court, between the Counsel for plaintiff & defendants, that the taking of the account should be postponed & continued, and by reason of that agreement the testimony on which the defendants Exceptions rely was not before the Commissioner.

R H Baker jr
for defendants

To Jacob Linon and Nancy his wife, Edward F. Murfee, and R W. Mayo Esq-

Take Notice, That we shall proceed on the 12 day of April 1861 and between the rising and setting of the sun, at the office of R H. Baker jr in the City aforesaid.

to take the deposition of Saml H. Hodges, Geo. D. Cowper & others -

to be read as evidence in the suit now depending on the Chancery side of the Circuit Court of Southampton County-

in which you are — plaintiffs and we are ——— defendants, And if, from any cause, the said deposition should not be taken, or, being begun, should not be concluded, at the time and place above named, the same will be taken, or the taking continued, at such other time and place as may then be appointed,—adjourning from time to time, and from place to place, as often as may be necessary.

March 22 1861.

James D. Murfee adm of
Lydia Murfee dec'd & others
by their Counsel

The Depositions of Saml H. Hodges & others taken before me, L. W. Urquhart a Notary Public, for the City of Norfolk, pursuant to notice hereto annexed at the office of R. H. Baker jr, in the City of Norfolk, on the 12th day of April 1861, between the rising & setting of the sun, to be read as evidence on behalf of Jas W. Murfee Administrator of Lydia Murfee decd, & others, in a certain Suit in Chancery, now depending in the Circuit Court of Southampton County, wherein Jacob Lenow & others are plaintiffs & Jas W. Murfee, Administrator of Lydia Murfee decd, & others are defendants

Present

R. H. Baker jr Counsel for Defendants

Saml H. Hodges being duly sworn on the Holy Evangelists of Almighty God deposeth & saith as follows,

1st Question Please state your residence & occupation -

Answer I reside in Norfolk City - am president of the Atlantic Iron Works Company & engaged largely in the Blacksmith business -

2d " Did you perform any work for Jas W. Murfee Administrator of Lydia Murfee decd - if yea, when; what work was done: at what price: & state whether it was done at an economical price or otherwise -

Answer I did, on the 20th July 1859, erect an iron railing around some graves near Franklin Depot

one of which Mr Murfee told one was his mothers - The size of enclosure, 13 ft 6 in by 18 ft, cost, including stone work, & labour $169.00 - a less less price than usual -

3d Question Please describe the locality of the place where the work was done - whether exposed situation or not -

Answer It was in an open field

4th " State, who paid for the work done

Answer Jas W. Murfee Administrator of Lydia Murfee -

5th " Have you not considrable experience in enclosing grave-yards & places of burial? - if yea, state what, in your opinion, & with due regard to durability, is the cheapest & most permanent kind of enclosure - -

Answer I have considerable experience in such work & am satisfied that a plain wrought-iron enclosure, such as that referred to, is the best & cheapest -

6th " Did or did not said Administrator, in contracting with you, to do said work, stipulate that it should be done in as plain & economical a manner as practicable? -

He did - & was particularly close in making the bargain -

7th question Please state the difference if in cost & durability between a suitable wooden enclosure & an iron one such as above described -

Answer I presume such wooden one would cost about one half as much to erect it, as the iron one. But a wooden enclosure would hardly stand longer than 10 years whilst an iron one would last for 100 years. And further this deponent saith not -

Sam'l H. Hodges

State of Virginia
City of Norfolk, to wit

I, J. W. Urquhart, a Notary Public for the City of Norfolk, in the said State of Virginia, do hereby certify that the foregoing depositions were duly taken, sworn to & subscribed before me at the time & place mentioned therein -
Given under my hand this 12th day of April 1861 -

J. W. Urquhart
Notary Public

Notarial Fee $5.00

economical price or otherwise -

Answer I did, on the 20th July 1869, erect an iron railing around some graves near Franklin Depot

Lenox & Ulster R.R.

vs. } Summ. Chy.

Morses &c &c

1860 Sept Rules

Executed August
29th 1860 by delivering
them a copy of the
within summons

G. W. Vick
D.S.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Eliza A Oliver. Willis Lawrence & Nancy his wife & Richard Barrett & Mary his wife

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 September next —, to answer an amended bill in chancery exhibited against them & another. in our said Court by

Jacob Lemon & Narcissa his wife. Edward F. Murfee & E. W. Massenburg

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 22d day of August - 1860, in the 85 year of the Commonwealth.

LR Edwards clk

Lemon Hulse &c

v } Stat. Rules.

Murfees adm &c

In Southampton Circuit Court.

Jacob Senour and Narcissa his wife, E. F. Murfee & E. W. Mapenburg

against.

James W. Murfee in his right & as adms: of Lydia Murfee dec'd Willis W. Lawrence & Nancy his wife, Richard Barrett & Mary his wife & Eliza Oliver

1860 Feby 9 Summons issued

" " Mar. R. Summons ret'd Ex'd. Bill filed & Decree Nisi v. Defts

" " Apl R. Bill taken for confessed.

" " " (Last Monday) Cause set for hearing.

" May T. Answ. of Defts. Leave given Plffs to amend their bill & cause remanded to Rules &c.

" Aug 22d. Sup: bill filed & Sum's issued.

" Sept. R. Sum. ret'd Ex'd. Decree Nisi v. Defts

" Oct. " Bill taken for confessed.

" " " (Last Monday) Cause set for hearing &c

" Nov T. Decree for dect.

1861 Apr. 29. Report.

1866 May T. Decree &c

Leonora wife &c
2 } Sons
Manfuscom.

Lenox & wife &c

&

Mapes adm^x &c

Bill

This day this cause came on again to be heard on the papers formerly read and on the report of Commissioners Howard made pursuant to the order of the November Term 1860 to which report there is no exception and was argued by Counsel on consideration whereof this Court doth adjudge and decree that the said report be confirmed and that James W Mapes adm^r of Ely Mapes pay to Jacob Lenox and Narcissa his wife the sum of $37.61 with interest from the 2d day of September 1859 and to E W Mapes trustee assignee of E F Mapes the like sum of $37.61 with interest from the 2d day of September 1859

Simons & wife &c
vs
Marsh admr &c

This day this cause came on to be heard on the bill answer of the Defendant James W Marsh in his own right and as administrator of Lydia Marsh the answer of Eliza A Oliver Richard Bamford & Mary his wife & W W Laurence & Nancy his wife to the said bill on the supplemental bill the answer of James W Marsh in his own right and as administrator of Lydia Marsh Eliza A Oliver Richard Bamford & Mary his wife and W W Laurence & Nancy his wife to the said supplemental bill this day filed in court and exhibits and was argued by counsel on consideration whereof the Court doth adjudge order and decree that one of the commissioners of this Court do state and report an account of the transaction of James W Marsh as administrator of Lydia Marsh with any matters specially stated and pertinent & necessary or which he may be required so to state by any of the parties to bring the account marked

x filed with the answer of the said James
W Marsh to be prima facie correct but
liable to be surcharged and falsify
d any of the items

Thomas Wright &c
vs
Bruce & others
Mar. Co. 1860
To be entered
P. F. B.

Lenow &c

vs. Decree

Munger adm &c

May 3. 1866

Taken & filed

R. H. Baker

A

We consent to this decree

Chamblis & Mapenberg

R H Baker jr

for defendants

Lenow & wife &c

vs

Murfee adm &c

This cause came on this day to be again heard upon the papers formerly read, upon the report of Comr. Howard made herein pursuant to the decree of November term 1860, and upon the exceptions taken to the said report by the defendants, and was argued by Counsel. Upon consideration whereof the Court being of opinion that the said exceptions are well taken, doth sustain the same, and adopting the report of Commissioner Howard which is filed as Exhibit X with the answer of the said administrator, as the true account of said Administrators transactions, doth adjudge and decree that James R. Murfee administrator of Lydia Murfee deceased, do, upon the Executor to him by the parties, of the proper refunding bond, pay out and distribute the balance of $142.03 with interest thereon from the 2d day of September 1859 till paid, (that being the amount ascertained by said report to be due from him to his intestate estate) after first paying any remaining cost of this cause, to the following persons and in the following proportions to wit: to Jacob Lenow & Narcissa his wife one sixth part

thereof, with interest from the 2d day of
Sept 1859 to be paid, to E W Pepperday
agent of J T Mercer, the like proportion
with like interest; to Eliza A Oliver
the like proportion with like interest;
to Richard Bantle and Mary his wife
the like proportion with like interest;
to W. W Lawrence and Nancy his wife
the like proportion with like interest;
and to himself the said Hon. W Mercer
in his own right the like proportion, with
like interest -