

1879-09

Southampton County Chancery

Ellis, Samuel ^{vs} Murrey, Walter ^{et al}

"Partition Suit"
To divide property

Samuel Ellis +
Anna Ellis ^{his}
Wife

Walter Murrey
Emmett Murrey
Frank Murrey

Plat inside

Ellis wife &

vs 3

Murphy's Heirs &

Piece & Exhibits

1879 April Rules

J. B. Pomeroy.

To the Hon^{ble} Geo. Blows, Judge of the Circuit
Court of Southampton. In Chancery,
Complaining Sheweth unto your Honor
your complainants Saml Ellis and Anna
his wife, formerly Anna Murfee, and John
Murfee as follows. That during the year
1864 Allen Murfee died intestate, leaving
the following heirs at law & distributees,
to wit, your complainant Anna Murfee, now
wife of Saml Ellis, John Murfee, Emmett,
Walter & Frank Murfee, lost three minors.
That at the time of his death the said Allen
Murfee was seized in fee simple of a
large tract of land in Southampton
County, containing ^{acres,} more
or less. That his widow Bettie E. Murfee
has had her dower assigned to her.
That your complainants think & charge
that the balance of the said land is
susceptible of partition among the heirs
and they desire their share, assigned
to them. In consideration whereof, and
inasmuch as your complainants are
without remedy, except in a Court of Equity,
where such matters are properly cogniza-
ble. to the end therefore that justice may be
done, they pray that Walter, Emmett & Frank
Murfee, ~~lost~~ minors, be made parties
defendant to this bill & compelled to answer

the allegations thereof: that some fit and proper party be assigned guardian ad litem to defend the interests of the infant defendants - That partition may be made of the land of which Allen Murfee died seized, among the parties thereto entitled, if the same is practicable: but if not, then that said land may be sold, and the proceeds distributed among the parties according to their respective interests, and that Your Honor will grant such other further, Special and general Relief as to Equity may seem meet or the Nature of this case may require - And as in duty bound your Complainants will ever pray &c. - May it please the Court &c.

J.P. Rucker p. q.

The Joint and Several answer of Emmett, Walter, & Frank Murfee, all minors, by J.R. Tyler, their Guardian ad litem, to a bill of Complaint exhibited in the Circuit Court of Southampton against them by Samuel Ellis & others.

These respondents, saving & reserving &c. for answer to said bill say - That they are minors, and know nothing of the facts alleged in said bill - and being such, they submit their interests to the protection of this Honorable Court, and having answered, they pray hence to be dismissed &c.

Pamier p. d

J.R. Tyler.

Adm. ad litem

to Wh. O. (8) 1st: N 4 E 307 to a point in Path near Wh. O. (10)
 a Cor for Lot No. 2-3; thence same Course 368 to R.O.
 (10) 1st: N 5 1/2 E 286 to R.O. (10) 1st: N 4 E 387 Pine (10); same
 768 Wh. O. (10); same 400 Sugar (10); N 2 1/2 E. 283 R.O. (10);
 N 7 E 130 R.O. (10); N 4 E 192 Wh. O. (10); N 6 E 384 to Forked
 Sugar (10) on N side of the Run of Johnny on Pond Swamp
 a Cor for this land & P. S. Cobb in the line of Jas. Drury's
 E. L. thence up said Swamp to a Rock at the corner
 of a little branch (Maple & 13th - not marked)
 a Cor for Lot No. 1-2; thence continue up swamp
 to the mouth of a little branch; thence up said
 branch to 2 Blk gum (8-8) Cor in land; thence
 having 13th 1st: N 5 E 222 Pine (10) 1st: S 83 1/2 W
 432 P.O. (2); S 17 1/2 W 117 P.O. (2); S 55 1/2 W 247 P.O. (10);
 S 77 1/2 W 700 Pine (10); N 87 W 302 Pine (10) 1st: S 66 1/2 W
 100 Pine (10); same 417 P.O. (10); S 85 1/2 W 303 P.O. (10);
 same 300 Pine (10); S 74 1/2 W 200 Path; S 86 1/2 W 283
 R.O. (10); N 80 1/2 W 223 Pine (10) near Pond a Cor for
 this tract & P. S. Cobb in the line of Jas. Drury's E. L. thence
 along S. line S 18 1/2 E 903 to 2 Pines (6-6) 1st: S 20 E 343
 Pine (10) 1st: S 19 E 374 Pine (10) on Path; S 18 1/2 E 373 Pine (10);
 S 19 E 344 Pine (10); S 18 1/2 E 374 Pine (10) 1st: S 20 E
 545 Pine (10); S 12 E 294 Pine (10) 1st: S 20 1/2 E 237 Pine
 (10) Cor for Lot No. 1 & down; same 146 Pine (10);
 S 21 1/2 E 300 Pine (10); S 36 E 431; same 203 Pine (10);
 on Path; thence S 30 E 673 to Point in Path; thence the
 Path S 30 1/2 E 532; S 36 E 676 to the Beginning;

Continued: same number & slightly right & down

The within Plat represents the Division of the land
 of John B. Murree decd. - situated in Southampton
 Co. Virginia, adjoining the lands of Arden H. Thompson
 B. A. Pitt & others - bounded as follows:

Beginning in the Path in front of the dwelling
 - P. S. Pitt's line; thence along said line S 37 1/2 E 407 to
 a Point where a ditch crosses the Road - a Cor for the house
 and the share of Anna Ellis & H. H. Murree; thence same
 Course 725; thence same 388 a Point in Path (10) 1st:
 S 10 1/2 W 700 Sugar & R.O. in this line; thence said S. line
 S 8 1/2 E to Pine Stump (30) 1st: R.O.; thence S 80 1/2 E P.O. (10);
 S 38 1/2 W 2 Pine (10); same 410 Pine (10); same 180 Pine (10);
 S 77 1/2 E 205 R.O. (10); S 86 1/2 E 343 to Cor (10) 1st; thence S 11 E
 531 Pine (10); S 10 E 152 Pine (10); S 4 1/2 E 345; S 12 E 210 Pine
 (10); S 19 1/2 E 286 Pine (10); S 13 1/2 E 232 Pine (10) near Path;
 same 606 Pine (10); S 4 E 324 Pine (10); S 12 1/2 E 203
 Pine (10); S 13 E 1020 Pine (10) at fence; S 22 1/2 E 315 Pine;
 S 23 E 103 Pine (10); same 684 to Blk gum (10) 1st: R.O.
 Pond; S 30 1/2 E 160 to Center of Road, a Cor for this tract
 & Dr. H. in S. line; thence the Road N 46 1/2 E 1676
 to a Cor (10) 1st; thence having Road N 36 1/2 W 1707 Pine
 (10); N 2 1/2 E 239; same 576 R.O. (10); N 1/2 W 190 R.O. (10);
 N 4 1/2 E 370 P.O. (10); N 2 1/2 E 497 Blk gum (10); N 4 E 103 Blk
 gum (10); N 2 1/2 E 176 P.O. (10); N 3 1/2 E 760 R.O. (10); N 4 1/2 E 34
 Pine (10) Cor for the 2 shares & E. A. Murree in Dr. H. line
 N 1 1/2 E 700 R.O. (10) Cor for Dr. H. & B. A. Pitt in this line; thence
 to line N 4 E 11-5 Dr. H. (10); N 4 1/2 E 704 Kickapoo (10);
 S 10 E 242 R.O. (10); N 6 E 228 Pine (10) at N side

scale
10 chains = 1 inch



Lot No. 2 = $113\frac{3}{4}$ Acres

J. F. Murree.

Lot No. 1 = 142 Acres

Walter M. Murree

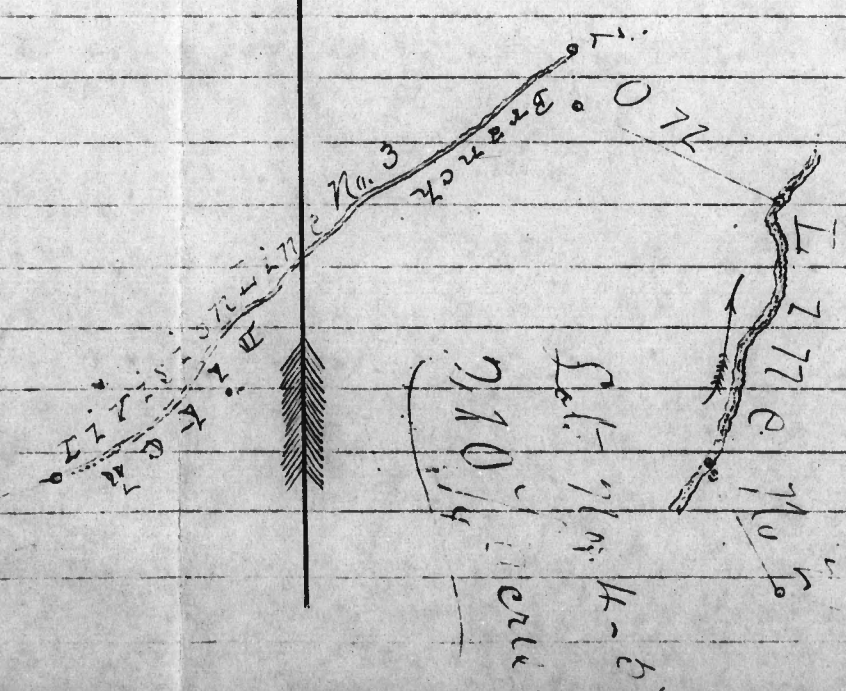
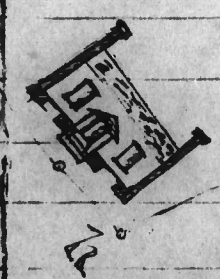
Division Line

(No tree) Cor. in Path

Lot No. 3 = $117\frac{1}{2}$ Acres

Lot No. 4 = 200 Acres

E. A. Murree



Lot No. 4 = 210 Acres

Pine (1) Cor.

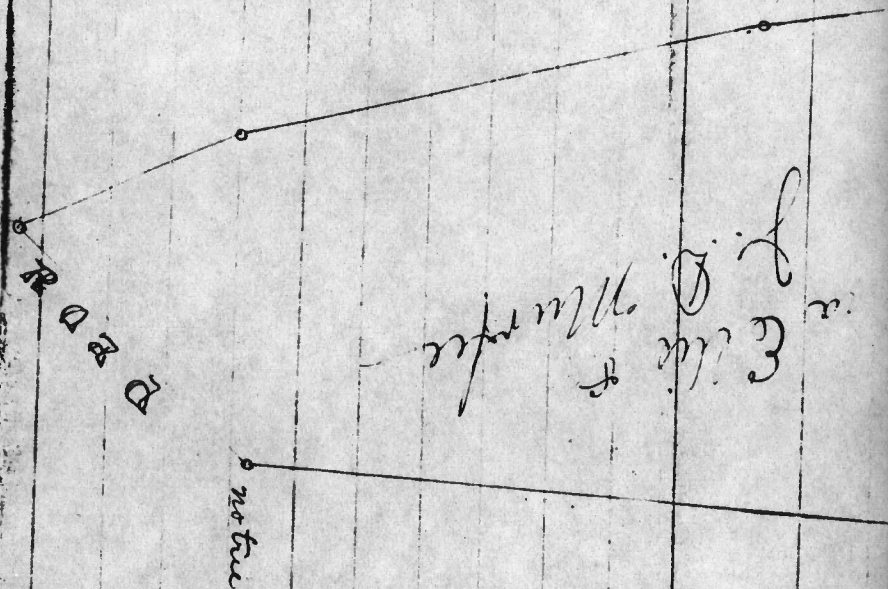
Plat of the
Division of the Lands
of

A. B. Murfee decd.

Sept. 1879 -

R.

1879. No. Term.



Division Line No. 2 - Between Lot No. 2-3 - the Lower
+ Lot No. 1 - Beginning near the Copd, in Path -
B. D. D. line - a Cor for Lot No. 2-3; Thence the Path
S 57° W 420; S 85° W 835; N 75° W 740; S 89° W 346;
S 66° W 594 to Cor for Lower + Lot No. 2; Thence S 66° W
381; S 77° W 370; S 84° W 550; N 87° W 270; to Cor
for Lot No. 2-2; Thence N 61° W 294; S 83° W 678;
S 80° W 763; N 79° W 566; S 76° W 427; S 24° W
645; S 31° W 575; S 28° W 356; S 34° W 840 to
Center of Path; Same 0.25 to Cor for Lot No. 1 +
Lower

Division Line No. 2 - Between the 2 Shares (No 4-5-1)
Lot No. 3 + the Lower - Beginning at a Pine (8) Cor
for the 2 Shares (No 4-5-1) + Lot No. 3, in Ar. 4. N. 7. 12
line; Thence N 74° W 392 to Bay (8); Same 570 to
Dogwood (6) Cor; Thence N 24° W 418 Pine (20) d; Same
332 Pine (2) N 32° W 0.53 to Bay (5) Cor in a little branch
thence down Branch to ash (6) Cor; Thence using Branch
N 63° W 17.28 Pine (8) Cor; Thence N 5° W 225 to a
Birch (4) on Branch, Cor for the 2 Shares + Lower; Thence
Same 30.60 to a Point - in Division line No. 1, a Cor
for Lot No. 3 + Lower - Division Line No. 3, Beginning
the 2 Shares + Lower - Beginning in Division Line No. 2,
at Birch on Branch Thence along Branch to Birch; Thence
along ditch to the Road, Cor for 2 Shares + Lower

Division Line No. 4 - Between Lot No. 1-2;
Beginning at Knoll on Swamp; Thence along a Branch
to Pine (2) at Head; Thence S 16° W 295 Pine (8); S 27° W
494 Pine (8) d; Same 165 - Pine (2); S 26° W 184; S 27° W
200; S 30° W 154; Same 15-2; S 32° W 110; S 36° W 123
Pine (8); S 33° W 352 to Division Line No. 1; Cor for
Lot No. 1-2 -

E. J. Kindred

Commons report
Murfee Land

1879 Nov. Term

To the Circuit Court for Southampton Co. Va.

We the undersigned commissioners pursuant to an order directed to us, have viewed the lands belonging to the heirs of J B Murfee dead, and have made a division of same as represented by the plat herewith submitted. One of the parties having bought another share, we assigned two shares to J B Murfee and Anna S. Ellis formerly Murfee without running any dividing line marked on the plat Nos 4 & 5 containing $210\frac{1}{4}$ acres, and adjoining the lands of P. S. Thomas, W B Seegh, and C N Musgrave. We allotted No. 3 to E A Murfee containing $117\frac{1}{2}$ acres, adjoining the lands of C N Musgrave and B F Fox. We allotted No 2 to J. F. Murfee, $113\frac{3}{4}$ acres, adjoining the lands of B F Fox and the estate of James Henry dead. We allotted No 1 to Walter M. Murfee, 142 acres adjoining the lands of P. S. Thomas and the estate of James Henry dead. The above contains 205 acres. Total number of acres $788\frac{1}{2}$. Respectfully submitted Nov 1st 1879. We estimate the value of the whole farm at two thousand dollars.

C N Musgrave
Jas H Barnes
J M Blaney

Southampton Circuit Court
May Term: 1879

Ellis & wife

vs

Murphy & others

Decree

This day this cause came on to be heard on the bill of Complainants, the answer of the infant Defendants Emmett, Walter & Frank Murphy by J. R. Tyler their Guardian ad litem, with general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree, that partition be made of all the lands whereof Allen Murphy died seized, except that portion assigned to his widow for Dower, as follows to wit: $\frac{1}{5}$ to Saml Ellis and Anna his wife $\frac{1}{5}$ to John Murphy. $\frac{1}{5}$ to Emmett Murphy $\frac{1}{5}$ to Walter Murphy & $\frac{1}{5}$ to Frank Murphy and for the purpose of effecting such partition the Court orders that Geo. St. Musgrave, Jas. W. Meland, and James H. Barnes who are hereby appointed Commissioners for that purpose do assign or allot to the several parties before named, the respective shares before mentioned by metes & bounds and the said Commissioners if necessary are authorized to employ the services of a Competent Surveyor, and if partition cannot be conveniently made, then the said Commissioners will report that fact

to Court, and also whether the entire
subject can be allotted to any inter-
ested party, who will accept it and
is willing to pay therefor to the other
parties such sums as their interest
therein may entitle them to. The said
Comrs will also report the Real
value of the land with any other
matters deemed pertinent by them-
selves or required by the parties.

JH Copy:

Teste: JH Sebrall A.C.

Telling wife
20-
Cops Sebrall

Mc wpa-yc

Commissioners
Report-

Dividing land

Executed Mch 31st 1879 by
delivering a copy to
Emmett Vatterbank
Murfees (Minors)

at Harrisburg
for W. W. Harris

Ellis Swift

} } In ch
—

Murfees

1879. Apr. 2nd

Mar 30

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

*We command you to summon Emmett - Walter & Frank
Murfee, minors*

*to appear at the Clerks Office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on April next to answer, a bill in
Chancery exhibited against them in our
said Court by David Eddis & Anna his wife
& John Murfee*

*and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this 20th day of March 1879
in the 10³ year of the Commonwealth. J. R. Edwards C. C.*

117

112

Collis & Wife

at } Stat: Rules

Murfee & Co

1879 Nov. Removed from
the Docket

Leik

1 6.44

Stiff

1 50

H.B. Kinschick Sum. -

Comr: 3 - - - -

Fee 1:-

\$6.50

In Southampton Circuit Court.

Samuel Ellis and Anna his wife formerly Anna Murfee, and John
Murfee Plaintiffs

against
Emmitt ^{Walter} and Frank Murfee minors Defendants

1879 March 20th - Summons issued returnable to April Rules.

" April 10th " returned Executed - Bill filed James R. Tyler
assigned Gen. ad litem to infant Defendants - Answer of infants. Gen.
Rep.

" May " Cause set for hearing 10th

" " 5th Decree for division of

" Nov " Report confirm^d & cause removed from Docket

Ellis Swift
vs 3 Deers
Murphy & others

Nov Term 1849

To be entered.

Geo. W. Slo. D.

Ellis wife

vs 3 Decree.

Murphy v.

This day this cause came on to be further heard on the papers formerly read and the report of Commissioners appointed by the decree of May term 1879, of the partition of the lands in the proceedings mentioned, among the several parties entitled thereto, agreeably to the terms of the said decree, and was argued by Counsel. On consideration whereof, it appearing to the Court, that in the partition made by the said Commissioners, lot no: 1. embracing 142 acres fell to the share of Walter M. Murphy, lot no: 2 to J. H. Murphy, containing $113\frac{3}{4}$ acres. lot no 3. to E. A. Murphy, containing $117\frac{1}{2}$ acres. Lots no 4 & 5. to J. D. Murphy + Saml Ellis and Anna his wife, containing $210\frac{1}{4}$ acres. It is adjudged ordered and decreed that that the said report be confirmed. no exceptions being filed thereto. and that the partition in manner and form aforesaid made, be held firm & stable. And it is further ordered that this suit be removed from the docket. at the costs of all the parties hereto equally.

Ellis & wife
vs { Dea
Murfeiskens &c

May Term 1879

To be entered

Geo. T. Blow

Ellis & wife
vs 3 Decree
Murfee & others

This day this cause came on to be heard on the bill of Complainants, the answer of the infant Defendants, Emmett, Walter & Frank Murfee, by J. R. Tyler their Guardian ad litem, with general replication thereto and was argued by Counsel. On consideration whereof the Court doth a judge order and decree, that partition be made of all the lands whereof Allen Murfee died seized, except that portion assigned to his widow, for dower. As follows to wit $\frac{1}{5}$ to Saml Ellis and Anna his wife $\frac{1}{5}$ to John Murfee, $\frac{1}{5}$ to Emmett Murfee $\frac{1}{5}$ to Walter Murfee & $\frac{1}{5}$ to Frank Murfee and for the purpose of effecting such partition the Court orders that Geo. N. Chesgrave, Jos. W. Bland and James H. Barnes, who are hereby appointed Commissioners for that purpose, do assign or allot to the several parties before named the respective shares before mentioned by metes & bounds and the said Commissioners if necessary are authorized to employ the services of a competent sur

beyor; And if partition cannot
be conveniently made, then the said
Commissioners will report that fact
to Court, and also whether the en-
tire subject can be allotted to
any interested party who will
accept it and is willing to pay
therefor to the other parties, ^{such sum} as
their interest therein may entitle
them to - The said Court will also
report the Real value of the land
with any other matters deemed
pertinent by themselves, or requir-
ed by the parties -