

1893-55

Southampton County Chancery - Pope and Darden

vs Murfee, Talne et al

real estate be sold & money
applied to debt.

Pope, James A.
Darden, James D.

Wotford, Della
" , Isham
Murfee, Robert
" , Exum
" , Clinton
Minors { " , Drucilla
" , Angeline
Prince, J. B.
(G. A.)

To
The Honorable L. W. Hill Judge of
the Circuit Court of Southampton County

Your complainants Jas. A. Pope and
Jas. S. Darden late merchants trading
and doing business as Pope & Darden and
Ed. Day respectfully represent, that
Allen Murfee some time in the year 1886
departed this life leaving some little per-
sonalty and a small tract of land contain-
ing about 10 acres (all woodland) and
valued at \$67.⁵⁰ with the following as
his heirs and distributees at last: Jane
Murfee (widow) Della Wofford formerly
Murfee, Robert, Emma, Blinton, Drusilla
and Angelina Murfee, the last three infants.
That letters of Administration upon the
estate of the said decedent were granted to
J. S. Moore at the Nov. Term 1886 of the
County Court as will appear by refer-
ence to a copy of the said letters of admin-
istration herewith filed as exhibit "A".

Your orators farther state that the debts
proved against the estate amount in the
aggregate to \$457.³⁹ as of Nov. 1st 1887.
while the funds in the hands of the Adm.
reached only \$136.⁰⁰ about 28% of the indet-
edness. That your complainants Messrs
Pope and Darden had proved against the

said estate the decedent's bond of \$494.00 and Ed. Day also one of your orators had proved against the said estate his bond of \$20.00 with interest, which bonds are here filed marked respectively "6" & "7". That your Complainants on their several bonds received only about \$28.00 leaving still due on the Pope & Darden bond about \$43.00 as of March 25th 1889 and on the Ed Day's bond about \$20.00 as of July 25th 1889. all of which will appear by reference to copy of the decree Decr. Term 1887 Ex parte Allan Murfer Admr &c. filed herewith as exhibit "X".

Your orators further say that the tract of 10 acres more or less herein referred to, appears on the land books as belonging to Allan Murfer decd. and Ed Day one of your present orators, jointly, but that the same is an error and the entire property belongs to the estate of the decedent, the said Ed Day having sold all the interest he had therein to a third party some years ago, when the tract contained about 20 acres which sale disposed of all the interest of your complainant leaving the remaining ten acres as the absolute property of the decedent, although nothing is of record evidencing the same.

Your orators believe and therefore

charges that the rents and profits of the real estate of the decedent to wit: the 10 acres herein before referred to, which is all the real estate belonging to the said decedent, will not in five years pay the debts chargeable upon the same and therefore your orators are entitled to have the said real estate sold and the proceeds applied after payment of costs &c to the discharge of your complainants debts.

In tender consideration whereof and forasmuch as your complainants are without remedy said in this honorable Court, they pray that Jane Murfree, Sella Watford & Scharl Watford her husband, Robert ^{Exr.} Clinton, Drucilla and Angeline Murfree be made parties defendants to this bill and required to answer the same, (an answer under oath being waived) that a proper guardian ad litem be appointed to defend the interest of the infant defendants, Clinton Drucilla and Angeline Murfree, who shall answer this bill under oath: that the said real estate be sold and the proceeds applied to the payment of your complainants debts, that all proper orders and decrees may be entered and inquiries directed: and that such further general and special relief may be granted to your orators as the nature of their case may require or to equity may seem meet. * And your orators will ever pray &c.

Jas. L. McLemore pr.

* Notice is here given, that the Court will be asked to allow a reasonable fee to Counsel conducting this cause.

Ex parte Allen Morphe
order

Exhibit "A"

Southampton County Court Nov Term 1885.

On the motion of R. W. Moore, who made oath and together with James A. Pope, his security, who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of three hundred dollars, (which is ordered to be recorded) conditioned according to law, certificate is granted him for obtaining letters of Administration on the Estate of Allen Murfree deceased in due form, And on his further motion J. A. Pope R. M. Hart & H. B. Kindred are appointed appraisers, who being first duly qualified, will appraise the Chattel Estate of said deceased, and return the same under their hands as the law directs.

A Copy

Teste B. F. McLenore C. C.

Hope & Darden et al.
7th & answer of
Infants
Murphy's Heirs.

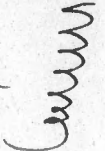
J. D. Prince Gdn
ad litem.

The joint and several answers of
Clinton, Dorothea and Angeline Muske
infants under twenty one years of age, by
J.B. Prince their guardian ad litem to
defend them in a certain suit in Equity
in which Pope & Arden & others are
Plaintiffs and Jane Muske & al are de-
fendants.

For answer to the said Bill the said
infant defendants by their said guardian
ad litem answer and say; That being
infants of tender years they know nothing of
their true interest, relative to the subject
matter of the Bill of Complaint. They there-
fore ^{the protection of} confide their interest to the ~~Care~~
of this Court, and having fully answered
they pray hence to be dismissed with their
reasonable costs &c.

J.B. Prince
Guardian ad litem.

Pope + Darden Jr.

Dr  Sum:

Murphy + als:

1891. 2 April Rules

Car: let:

McLemore pay.

Executed April 18th 1891
by delivering a copy of
this ~~document~~ to each of
the within named parties
R. D. Moore depts
for J. W. Williams

Shiff.

the 1st

1891

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Jane Murfee. Robt Murfee. Exum Murfee. Della Watford (sisterly Murfee). Isham Watford. Clinton Murfee. Dorcilla Murfee. the last two being infants over the age of 14 years. + Angelina Murfee, an infant under 14 years of age. by J. B. Paines, their Ed in as litum.

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 *3^d* Monday in *April 1891* ~~next~~, to answer a Bill in Chancery exhibited against *him* in our said Court by *Jas. A. Pope. and J. D. Darden*

late merchants, trading and doing business as Pope & Darden. and Edmund Day.

And this *They* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *13th* day of *April*, 1891, in the 11th year of the Commonwealth.

Teste: *B. F. McLemore* C. C.

Jas. L. McLeunior
Pope & Sardus vs
Murphy's Heirs -

to }

COMMISSIONER'S
BOND.

Commonwealth.

housand
with out
of or by
pligation
severally
we find
Dollars

Know all men by these Presents, That we, Jas. L. McLeann
and B. F. McLeann

are held and firmly bound unto the Commonwealth of Virginia, in the sum of
Two hundred and fifty Dollars,
to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind
ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally,
firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation,
and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by
virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our
seals, and dated this 27th day of August one thousand
eight hundred and ninety two.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Jas. L. McLeann
shall faithfully perform the duties of his office or trust, as Special Com-
missioner
under a decree of the Circuit Court of the County of Southampton
pronounced on the 6th day of May, 1892, in the suit therein
depending under the name and style of "Pape & Darden & Murfee's
Heirs"

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

Jas. L. McLeann
B. F. McLeann



In the Clerk's Office of the Circuit Court of the County of Southampton.

This day B. F. McLeann

surety, on the above bond, made oath before me, _____ Clerk
of the _____ Court of the _____ of _____
that his estate, after the payment of all his just debts, and those for which he is bound as
surety for others and expect to have to pay, 5 worth the sum of two hundred
and fifty dollars.

Given under my hand this 27 day of Aug, 1892.

Teste: B. F. McLeann Clerk.

Ex parte Allen Munger

Decree

Exhibit "X"

Southampton County Court Dec Term 1891.

Ex parte Allen Murfee's Administrator,

This day this cause came on again to be heard on the report of J. B. Parker Commissioner of accounts on A. D. Moore Administration account of the debts proved against the said estate made pursuant to an order of the Circuit Court of Southampton entered at the May Term and the said account having lain one term of this Court and no exception having been filed the Court confirming the said report doth adjudge, order and decree that A. D. Moore administrator as aforesaid out of the assets of \$136⁰² in hands pay it out as follows. To John L. Syllies on bond \$83¹³ to Pope & Darden \$18⁰⁰ to Ed. Day \$8⁶⁵ to J. B. Syllies on account \$9²⁷ to Knight & Hallen \$4³¹ to C. L. Barden \$4²³ to Vaughan & Co. \$2⁹⁷ to Vaughan & Co. \$1⁸⁶ to W. H. Deal .75¢ to Frank Vick .75¢ to P. E. Williams .65¢ to J. E. Bailey .49¢ to L. L. Beaton .36¢ to L. H. Williams .63¢ and to Peter Everett .32¢.

A Copy

Attest B. P. McLeMORE C. C.

Pope & Darden
v. J. Deere
Murphy's Heirs

To be entered.
Nov. 11 1892
C. W. J.

Entered

Tape & Darden
vs.  Deane
Murphy & Son

This day this cause came on again to be heard on the papers formerly read and upon the report of Special Comr. J. L. McLemore of the sale made in pursuance of the decree entered herein at the May Term 1892, to which there are no exceptions and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that the said report be confirmed, and that said Comr. McLemore execute to the purchasers deed with special warranty for the land purchased, and out of the purchase money reported in his hand, pay first the expenses of this suit and then distribute the remainder among the creditors reported in Comr. D. F. McLemore's report filed herein Apr. 20. 1892. and said Court will return his report along with his receipts to Court in order for final decree.

Pope & Darden
n. 3 Deer
Murphy's heirs

1893 Nov.

To be returned.

CMT

Pope & Darden

N. 3

Decree

Murphy's heirs

This day this cause came on again to be heard upon the papers formerly read and upon the report of special Commissioner J. L. W. Lemon reporting disbursement offered in his hand, supported by vouchers & the execution to the purchaser of a deed with special warranty for the tract of land in the bill mentioned & was argued by counsel. On consideration whereof the Court doth adjudge order & decree that the said report be and the same is hereby confirmed & nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

Received of J. L. McLemon
Special Comm. \$12¹⁶
Twenty & 16/100 Dollars
Same being my share
of funds deriving
from sale of land
of Allen Murphy

Nov 21st 92
Witness
J. M. Howard

Ed X Day
his
mark

26.21
12.16
38

55.00
38.37
16.63

Writ 20. Apr 70. 28. 18. 1.00. 35. 15. 15. Cpm in 9

54:50-15-1.44-40-25-25-25-72-1.74

pd B. F. M. Loan 8.71

Thff pd J. W. W. Shff 5.00

Lawy. p. J. W. 6.50

Loan B F M pair B F M. 2.50

55.00
26.21

28.79

Bank Cash

55.00
40.21

14.79

~~22.71~~
2.50

25.21
15.00

40.21
1.50

41.71

Rec'd of J. R. McLemore Spl.
Cavir. Fourteen + 88.00 Dollars same
being my distribution share case of
Pope & Darden vs. Murfrees heirs.
Nov. 21/92. Pope & Darden
J. R. M.

\$2⁵⁰
Rec'd of Jas. R. McLemore Spl. Cavir.
Pope & Darden v. Murfrees heirs Two + 50^{cts}
Dollars fee as Auctioneer seeing land
Octo 1/92
J. L. Gillette

Pope & Darden
 vs. ~~Report of Spl. Comm.~~
 Murfee's heirs. J. L. McLeamon

Amount paid from Sale of land	}	55.00
Sold under decree of May Term 1892		
Comm on \$55.00		\$2.75
Total Costs of suit		22.71
" " Auctioneer		2.50
" " Ed. Day, Distributor		12.16
" " Pope & Darden (plaintiff)		14.88
		\$55.00 \$55.00

Respectfully Submitted
 J. L. McLeamon
 Special Comm.

Pope & Darden
vs. 3 Report
Murfeis heirs

J. L. M. Lemoore
Spec. Court.

filed Nov. 6. 1893

Your Deans would state that in accordance with
order of Nov. Term 1891, he has received and with
official testimony to the purchase, the purchase
price having been paid in full.

Respectfully Submitted
J. L. M. Lemoore
Spec. Court

Pope & Darden

vs.

Dee

Murphy's Hand.

1892. Hay Farm Linc. Ct.

To be returned.

C. W. St.

May 6, 1892

Entered

Pope & Darden
v. 3 Deceit
Murphy's heirs.

This day this cause came on again to be heard upon the papers formerly read & upon the report of Commr to J. McLennan filed April 20. 1892 to which there is no exception, and was argued by Commr. On consideration whereof & it appearing from the said report that the rents & profits of the land in the bill mentioned will not in five years pay the debts reported against the same. doth adjudge & order and decree that J. L. McLennan, who is hereby appointed a special Commissioner for the purpose, proceed after 30 days notice of the time & place of sales posted in at least three public places in the County to sell the said land ^{subject to the widow's dower interest therein} for cash, making to the purchaser deed with special warranty for the same. & said Commr will report to Court. But before the said Commr shall proceed to act under this decree he shall enter into bond before the Clerk of the Circuit Court, ^{with approved security} in penalty of \$250. Conditional for a faithful performance of the decree, & a certificate from the Clerk that the bond has been executed, shall be appended to his notice of sale.

Land sold to Pope & Darden for \$55.00
Oct. 1. 92

Pope & Darden
vs. Deere
Munroe's Heirs

1891. may Term at Ch
To be entered.
CWH

Ent. page 62

Pope & Darden &c.
v.  Decece.

Murphy Heirs.

This day this cause came on to be heard upon the bill taken for ^{confiscated} as to the ~~adulter~~ answer of the infant defendant by J. B. Pinner then for ad litem, general replication thereto and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court take and settle the following accounts: an account of the debts outstanding against the estate of Allen Murphy dec'd with their dignities and priorities. ^{+ what amounts if any have been paid on them.} 2^d An account of all the real estate whereof the said Murphy was seized at his death together with its annual & fee simple value. 3^d Whether or not the rents and profits of the said land will in five years pay the debts against the same. all of which the said Court will report together with any other matters specially stated deemed pertinent by himself or required to be stated by any interested parties And by Consent of parties given in open Court this is made a vacation Cause.

On Demand The 20th day of March 1880
I owe and promise to pay or cause to be
paid Ed Day the sum of twenty - dollars
Money borrowed as witness my hand and
seal This 14th day of Febry 1880.
Allen M. Huxford

Witness

Ed Day

NEWSOMS', VA.,

June 19th 1883

For and in consideration of

Thirteen bags (1¹²/₁₀)

Tons of

Double Eagle

Phosphate

Delivered to me by

POPE & DARDEN

I hereby promise and agree to

deliver to them at

Baylines Depot Va.

on or before the

first

day of

November

1883

Five Hundred and twenty (520)

pounds of Merchantable, Middling Cotton, well and

securely baled, and in the event of failure so to deliver said cotton to pay to the said POPE & DARDEN the sum of

Sixty Nine dol

\$

99¹⁰/₁₀₀

Dollars, and

I

do hereby waive the benefit of

my

homestead exemption as to this debt.

Witness my hand and seal this the

19th

day of

June

1883.

Witness:

Jas L. McLevin

Allen Newfee

(SEAL.)

(SEAL.)

Stat of Cast in Suit of
Cape & Darden & Murfrees heirs
Filed Clerk J. M. 96.

Filing Report.	15
Diaries	96
Lat Cast	40
Filing away papers	25
	11.6

Changed to
J. L. McLeamore
Spe Carr

Tape & Barden
v 3 Report of
Sale
Murphy's Heirs -

J. L. McLucas
County.

Pope & Darden
v. 3

Report

Murphy Trust &c.

Your Court appointed at the
Magisterium 1892 of this Court to see the
lot of land belonging to the estate of
Allen Murphy ^{subject to the widow's dower interest therein} does beg to report that
after duly advertising the same as direc-
ted by said decree, it was sold on the
1st day of Octo 1892 to the highest bidder
at Newmans Dr. and at the said sale
Pope & Darden became the purchaser
by bidding therefor the sum of \$50.⁰⁰ that
being the highest bid. and paid to your
Comm. the cash for the same.

The lot of land is small unimproved
and poor. and therefore your Court think
the price adequate and therefore recommend
that it be confirmed -

Respectfully Submitted
Jas. F. DeLeonore
Spl. Commissioner

Octo. 5/92

Pope & Darden ¹⁷⁶ Y.

4" ^{mm} Stat: Ruler

Murlee's Heirs-

Jas. A. Pope and Jas. D. Darden.
late merchants, trading and doing
business as Pope & Darden, and
Edmund Day } Peff
against

Jane Murfee. Robt Murfee.
Ezra Murfee. Della Watford,
formerly Murfee. Isham Watford.
Clinton Murfee. Drucilla Murfee,
the last two being infants over the
age of 14 years - & Angelina Murfee,
an infant under 14 years of age -
by J.B. Paine, their Edm as litem. of

1891. Apr 13. Process if? to 2^d Apr Rule.

" 2^d Apr Rule. Process Executed - Bill & Ex:
filed. J.B. Paine Apr?
Edm as litem - decree
 nisi v. adults.

" 1 May " Bill taken for Confessed
as to adults. answer
of Edm as litem filed.
Genl Resp and Cause
set for hearing

COMMISSIONER'S OFFICE,

Courtland 7th

JERUSALEM,

March 21

1892

To the Creditors of the Estate of

Allen Murfee

deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ *by decree of the Circuit Court*
~~Administrator of the estate of the said~~ *of Southampton County* ~~deceased,~~
I have appointed the *20th* day of *April* *1892* ~~next~~, at my Office, for receiving
proof of debts or demands, against the said decedent or his estate, at which time and place you are
required to attend.

Given under my hand, as a Commissioner of the ~~County~~ *Circuit* Court of Southampton County, the day and
year first aforesaid.

B. F. Mc Lennan

Commissioner.

In Southampton Circuit Court.
May Term 1891.

Pope & Sardin &c.

vs. 3 Dece.

Murphy's Heirs

This day this cause came on to be heard on the bill taken for confessed as to the adults, the answer of the infant defendants by J. B. Prince their guardian ad litem, &c. replication, threats and was argued by counsel.

On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court take and settle the following accounts: An account of the debt outstanding against the estate of Allen Murphy decd. with their dignities and priorities & what amounts if any have been paid on them

1st An account of all the real estate when of the said Allen Murphy was seized at his death together with its annual & the simple value.

2nd Whether or not the rent and profits of the said land will in five years pay the debt against the same. All of which the said Commr. will report together with any other matters specially stated deemed pertinent by himself or required to be stated by any interested party. And by consent of parties given in open Court this is made a vacation case.
Attest Teste B. F. H. Limon C. C.

COMMISSIONER'S OFFICE,

COURTLAND, VA., March 21 1892

To Jas. A. Pope & J. D. Darden - late merchants -
trading as Pope & Darden. & Edmund Day.

(and)
James Murfee - Robt Murfee - Exum Murfee -
Beella Watford and Isham Watford.

You are hereby notified that I have fixed upon the 20th day of
April next, if fair, if not, the next fair day thereafter (Sunday

excepted), to take and settle, at my office, the following accounts, to wit:

- 1st An account of the debts outstanding against the estate of Allen Murfee, dec'd. - Their dignities and privities. and what amounts have been paid upon them, if any.
 - 2^d An account of the real estate whereof Allen Murfee died seized, together with the annual and fee simple value.
 - 3^d Whether or not the rents and profits of said real estate were, in five years - pay the debts on the same.
- with any other matter specially stated. deemed pertinent &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the November term, 1891, 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.

B. F. McLeura Commissioner.

To the Sheriff of Southampton county to execute.

Paper & Garden state
vs. De Repark

Munster Heirs.

1892. Apr 20 filed

1.1111

2.50
2.50

5.00

55.
265
250

1.111

An account of the debts outstanding against
the estate of Allen Murphy dec'd showing what amounts
have been paid on the same. as proved before me
April 20th 1892.

A. Bond due Pope & Darden, Nov. 1. 1883		49 40	
Int to Nov. 1. 1887.		<u>11 85</u>	
		61 25	
1887	On		
Nov	1. By ans. from Ed. Moore adm.	<u>18 17</u>	
		\$ 43.08	
1892			
May	1. To Int on \$43 ⁰⁸ 4 yrs + 6 ms.	<u>11 62</u>	\$ 54.70
A. Bond due Ed. Day, Mar. 20. 1880.		20 00	
Int to Nov. 1. 1887.		<u>9 00</u>	
		29 00	
1887	len		
Nov.	1. By ans. from R.D. Moore adm.	<u>8 65</u>	
		20 35	
Int to May 1. 1892.		<u>5 49</u>	\$ 25 84
Totally debts - - -			<u>\$ 80.54</u>

An account of the annual and fee simple value of the real estate of which Allen Murphy died seized and possessed.

A tract containing 10 acres
situated near Stevenson's Depot
- ~~All woodland~~

Annual value	Fee Simple
15.00	\$75.00

Commissioner's Office.
April 20. 1892

Your Comm. begs to submit the following report in the case of Pope & Dardur vs. Murphy & others to whom the taking of the several accounts as indicated by the annexed notice, was referred.

1st. That notices were served on the several parties in interest advising them of the taking of the several accounts required by the decree. And that an account of the debt and of the fee simple value of the real estate is here returned, ~~that there being none of the said 10 acres open or arable land.~~ the annual value is at this time nothing \$15.00 per year.

2nd. That having ~~no~~ annual or rental value, ^{of \$15.00} and there having been proved against the estate debts amounting to \$80.00 Your Comm. is constrained to report that the rent and profits of the land will not in six years pay the debt, ^{or cost} on the same - and therefore most respectfully recommends that the same be sold.

Your Comm. would also report that the widow of Allen Murphy is still living & entitled to dower in said land.

Commissioner's fee.
\$2.50

Respectfully Submitted.
B. A. McLeod
Comm. in Chancery

Paper of Garden state
vs. Le Raport

Murphy's Heirs.

1892. April 20 filed

1.1111

2.50
2.50

5.00

55.
25.
25.
50