

1907-18

Southampton County

Chancery

Porter, J. H. vs

Murphy, C. E. et al.

Partition if possible
or sale, and proceeds
divided among parties
entitled

Jordan, Bettie
Jordan, Harry

Murphy, Allan
Murphy, Frazella
Murphy, Mark
Murphy, John
Murphy, Claude E.
Murphy, Helen
Murphy, Nathaniel
Murphy, Lillian

Bill of Complaint

Postler, J. H.

vs.

Murphy, C. E. et als -
1906. 1st Rules. filed

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of Southampton County:-

Your complainant, T.H. Porter, vendee of Hettie Jordan and Harry Jordan, respectfully represents:

That about eight years ago, during the year 1898, John Jordan died ^{intestate} and possessed of a tract of land containing eight acres, more or less, located in Boykins, Magisterial District, Southampton County, Va., adjoining the lands of your complainant, J.H. Corbitt and others, leaving a widow surviving him, Sarah Jordan, ^{who is now dead} and as his heirs at law Lillie Jordan, who married C.E. Murphy, Hettie Jordan and Harry Jordan; that he is the vendee of the entire interest of Hettie Jordan and Harry Jordan, and that during the year 1904, Lillie ^{formerly Jordan,} Murphy died, intestate, leaving the following children, all of whom are under the age of twenty one years, surviving her; Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy;

That the said real estate is ^{not} as he believes susceptible of division in kind among the parties entitled thereto, but your complainant desires a partition of the same if the same can be had in any of the methods prescribed by law, and if the same can ^{not} be so divided or partitioned, your complainant believes, and here states, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and sale of the residue.

In tender consideration whereof, and forasmuch as your complainant is without remedy save in a court of equity where all such matters are properly cognizable, to the end therefore that justice may be done, he prays that C.E. Murphy, Allan Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claude E. Murphy, Helen Murphy, ~~and~~ Nathaniel Murphy and Flotilla Murphy may be made parties defendants ~~w~~ to this bill, and compelled

to answer the same, though answer under oath is expressly waived, that some fit and proper person be assigned guardian ad litem to defend the interest of the infant defendants to this suit, all of whom with the exception of C.E.Murphy are under the age of twenty one.

That an order may be entered referring this matter to one of the commissioners of this court to ~~enquire~~ inquire into and report whether the real estate mentioned can be divided in kind among the parties entitled thereto in any of the modes prescribed by law, and that your Honor will grant all such other and further relief, general and special, as to equity may seem meet, or the nature of the case may require.

Notice is hereby given that the Court will be asked to allow reasonable attorney's fees to plaintiff's counsel out of any funds that may come under the control of this Court.

And as in duty bound &c. May it please the Court &c.

Joel B. Prince f.c.

Porter, L. H. Tender etc.

- vs? Report of Commr. Story -

Murphy, C. E. et al.

1907. January 9. Filed -

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

 * Porter, T. H., Vendee, etc. *
 * vs.) Report of Commissioner in Chancery. *
 * Murphy, C. E. et als. *
 * *****

COMMISSIONER'S OFFICE.

Courtland, Southampton County, Virginia,

November 23rd, 1906.

TO THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

The undersigned, Commissioner, begs to submit to the Court the following report:

That at the October, 1906, term of the Circuit Court of Southampton County, Virginia, a decree of reference was entered in the above styled suit, a copy of which said decree is herewith filed; that your Commissioner has been requested to take, settle and report to Court, the several matters, as directed by said decree:

That on the 19th day of November, 1906, he issued notices against the several parties, plaintiffs and defendants, to the said suit, notifying them that he would, on the 23rd day of November, 1906, at his office, in the town of Courtland, Southampton County, Virginia, take and settle the several accounts and matters directed by the said decree; that the said notices were returned to your Commissioner, service having been duly acknowledged by all of the parties in interest:

(6) Interest of the parties, specially stated: That your Commissioner, at the time and place and for the purposes set forth in the said notice to parties, which is herewith filed, proceeded to take the depositions of H. L. Smith, C. E. Murphy, C. E. Worrell and T. H. Porter, to aid him in framing this report, which said depositions are herewith filed and made a part of this report:

Your Commissioner would further report:

(1) As to division of the real estate:

The real estate, fully set forth in the bill and proceedings in this cause mentioned and described, cannot be divided among the parties in interest without practically destroying its entire value:

(2) As to who will take the subject matter:

T. H. Porter, one of the parties in interest, is willing to pay the sum of Thirty-Three & 33/100 (\$33.33) Dollars, for the property in question, and your Commissioner would respectfully recommend to the Court that the offer of T. H. Porter be accepted, as in his opinion, it will be to the interest of the parties to thus dispose of the said property:

(3)

This is covered by the foregoing statement:

(4) As to liens:

Your Commissioner finds no liens of record, binding the said property, either for delinquent taxes or otherwise:

(5) As to values:

(a) The fee-simple value is about Thirty (\$30.00) Dollars:

(b) The property has no rental value:

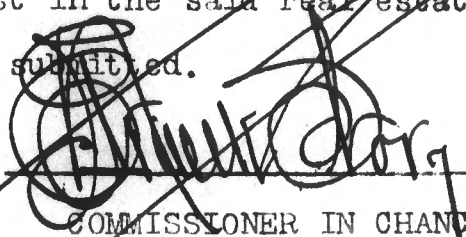
(6) Interest of the parties, specially stated:

T. H. Porter, an undivided two-thirds ($2/3$) interest:

Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy, children of Lillie Murphy, formerly Jordan, now deceased, are jointly seised and possessed of the remaining

one-third ($1/3$) interest in the said real estate.

Respectfully submitted.


COMMISSIONER IN CHANCERY.

Commissioner's Fee Five (\$5.00) Dollars.

H. L. Smith, C. E. Worrell, C. E. Murphy and J. H. Porter,
were duly taken, subscribed and sworn to before me, at the
liberal place and for the purpose designated in the
to parties, hereto annexed; that at the taking of the said
depositions, Joseph B. Prince, Attorney for T. H. Porter and
C. E. Murphy, and W. J. Sebrell, Guardian ad Litem to the
Infant Defendants, were present.

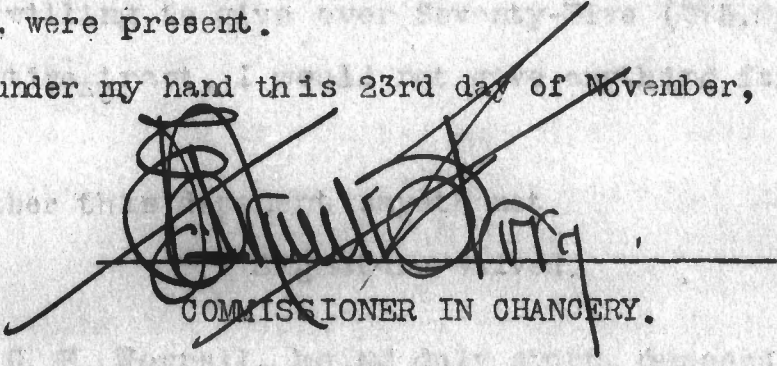
Given under my hand this 23rd day of November,
1906.


COMMISSIONER IN CHANCERY.

STATE OF VIRGINIA, {
Southampton County, {to-wit:

I, E. Frank Story, a Commissioner in Chancery, to whom has been referred the matter of framing a report in the suit of Porter, T. H., Vendee etc. vs. Murphy C. E. et als., now pending in the Circuit Court of Southampton County, Virginia, as directed by a decree of the said Court, entered in the said suit on the 15th day of October, 1906, do hereby certify that the depositions hereto appended of H. L. Smith, C. E. Worrel, C. E. Murphy and T. H. Porter, were duly taken, subscribed and sworn to before me, at the time and place and for the purpose designated in the notice to parties, hereto annexed; that at the taking of the said depositions, Joseph B. Prince, Attorney for T. H. Porter and C. E. Murphy, and W. J. Sebrell, Guardian ad Litem to the infant defendants, were present.

Given under my hand this 23rd day of November, 1906.


COMMISSIONER IN CHANCERY.

Witness H. L. Smith, being duly sworn, deposes as follows:

Q. State your name, age, residence and occupation, and do you know the parties to this suit?

A. H. L. Smith, 31 years, Southampton County, near Boykins, farming, and I know the parties to this suit.

Q. Please state whether or not you are familiar with that tract of land in the bill and proceedings mentioned?

A. I am well acquainted with the tract of land.

Q. In your opinion could this property, two-thirds of which Mr. T. H. Porter now owns, be divided in kind among the parties entitled thereto?

A. It could not be conveniently divided in kind.

Q. What do you consider would be a fair value in cash for the interest of C. E. Murphy and the heirs of Lilly Murphy?

A. Thirty (\$30.00) Dollars would be a fair price.

Q. Do you not think that if Mr. Porter is willing to pay Thirty (\$30.00) Dollars for this interest, it will be more than the property would bring if it were sold at public auction?

A. Yes, I think it is worth more to him than anybody else.

Q. Please state what you consider the fee-simple value of this entire tract, and what the rental value would be?

A. I would not be willing to give over Seventy-Five (\$75.00) Dollars for the entire tract, I would not give anything for the rental value.

And further this deponent sayeth not.

Signature waived.

Witness C. E. Worrell, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation, and do you know the parties to this suit?

A. C. E. Worrell, fifty-five years, Southampton County,

farming, and I know the parties to this suit.

Q. Are you familiar with the real estate in the bill of the complainant in this cause mentioned and described, which I have just read to you?

A. Yes, I am familiar with the real estate.

Q. Please state whether or not this real estate could be conveniently divided in kind among the parties entitled thereto.

A. No, I do not think it could be divided in kind.

Q. If the same can not be thus divided and no interested party will take the entire property, and pay to the other parties interested such sums as their interest therein will entitle them to receive, what do you consider would be a fair cash value for the interest of C. E. Murphy and the heirs of his wife, which is a one-third interest in the entire property.

A. I do not know, I think Mr. Porter has offered more than the value, Thirty (\$30.00) Dollars, it is worth more to him than it would be to me because it adjoins him.

Q. Do you think if Mr. Porter will give Thirty (\$30.00) Dollars for this interest it will be a good sale?

A. Yes, I think so.

Q. If the entire tract of eight acres were put up, what do you think it would sell for?

A. Well, like it lies I think Mr. Porter has offered more than it is worth, although it is worth more to him than anybody else.

Q. How much do you think the entire piece would rent for?

A. Like it stands, I don't think it would rent for more than Seven or Eight Dollars a year.

Q. And further this deponent sayeth not.

Q. Do you bind yourself? Signature waived.

Court shall see fit to direct a sale to you. For this the party

Witness C. E. Murphy, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation and do you know the parties to this suit?

A. C. E. Murphy, forty-three years. Boykins, Virginia. farming, and I am the only adult defendant to this suit.

Q. Do you think the piece of land described in the bill of the complainant in this cause, can be conveniently divided in kind among the parties in this cause?

A. No I do not think it can.

Q. What are you willing to take so far as you are concerned, and interested?

A. I am willing to take Thirty-Three & 33/100 (\$33.33) Dollars.

Q. Are you willing to take a commuted life right in this and pay the balance to your children?

A. I am.

Q. Is this land yielding any rental value at all now?

A. No.

And further this deponent sayeth not.

Signature waived.

Witness T. H. Porter, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation and do you know the parties to this suit?

A. T. H. Porter, thirty-three years, Southampton County, farming, and I am the plaintiff.

Q. Please state what you are willing to give for the entire interest of C. E. Murphy and the heirs at law, of Lilly Murphy?

A. \$33.33.

Q. Do you bind yourself to give this amount, provided the Court shall see fit to direct a sale to you, for this interest?

A. I do.

Q. What did you pay for the interest of Hettie Jordan and Harry Jordan, each?

A. I paid \$33.33.

Q. Please state why you are anxious to buy this property?

A. Because I have a good big farm there of about six hundred acres, this little piece cuts me off from the road at one point.

And further this deponent sayeth not.

Signature waived.

Present, Joseph B. Preince, Attorney for T. H. Porter, C. E. Murphy, and W. J. Sebrell, guardian ad litem.

(6) Any other matter arising out of this case or required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 10th day of October, 1906, in a suit in Chancery, brought by the said Court, in which you are parties, plaintiff and defendant, or which may hereafter be required to be taken.

Witness my hand and seal this 10th day of October, 1906.

Attest:
this 10th day of October, 1906.

To the Sheriff of Southampton County,
Virginia, to execute.

To T. H. Porter, Vendee of Hettie Jordan and Harry Jordan, C. E. Murphy, Allan Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy, the last eight infants, by W. J. Sbrell, their guardian ad litem;

You are hereby notified that I have fixed upon the 2nd day of November, 1906, to take and settle, at my office, in the town of Courtland, Southampton County, Virginia, the following accounts, to-wit:

(1) Whether the real estate mentioned in the said bill can be conveniently divided in kind, among the parties entitled thereto:

(2) If the same can not be thus divided, whether any party will take the entire subject matter and pay to the other parties interested such sums as their interest therein may entitle them to:

(3) If the same can not be conveniently divided in kind, and if no party will take the entire property and pay the other parties such sums as their interest therein may entitle them to, whether the interest of the parties will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue:

(4) Whether there are liens binding the said land for delinquent taxes, or otherwise:

(5) The annual and fee-simple value of the said land:

(6) Any other matter deemed pertinent by the commissioners or required to be stated by any party in interest, required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 15th day of October, 1906, in a suit in Chancery, depending in the 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 Circuit Court of Southampton County, Virginia, at my office, in the town of Courtland, in county and State aforesaid, this 19th day of November, 1906.

COMMISSIONER IN CHANCERY.

To the Sheriff of Southampton County, Virginia, to execute.

T. H. Porter, Vendee of Hettie Jordan and Harry Jordan,

vs.

C. E. Murphy, Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy, the last eight infants, by W. J. Sebrell their guardian ad litem.

FIRST DECREE:

This day this cause came on to be heard on the bill of the complainant, taken for confessed, as to C. E. Murphy, on whom process has been duly served, and he still failing to appear and plead, answer or demur, and on the answer of the eight infant defendants, Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claude E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy, by W. J. Sebrell, their guardian ad litem, duly assigned at rules according to law, with general replication thereto. Upon consideration whereof, and upon the consent, in writing, of all the parties to this cause made in term, the ^{infants} defendants by their guardian ad litem, it is ordered that this cause be submitted to the Judge of this Court for such decisions and decrees therein, in vacation, as might be made in term.

On consideration whereof, the Court doth further adjudge, order and decree that it be referred to one of the commissioner of this Court to inquire and report:

(1) Whether the real estate mentioned in the said bill can be conveniently divided in kind, among the parties entitled thereto:

(2) If the same cannot be thus divided, whether any party will take the entire subject matter and pay to the other parties interested such sums as their interest therein may entitle them to:

(3) If the same cannot be conveniently divided in kind, and if not party will take the entire property and pay

the other parties such sums as their interest therein may entitle them to, whether the interest of the parties will be promoted by a sale of the entire property, or by an allotment of part and sale of the residue:

(4) Whether there are liens binding the said land for delinquent taxes or otherwise:

(5) The annual and fee-simple value of the said land:

(6) Any other matter deemed pertinent by the commissioner or required to be stated by any party in interest.

*A Copy. Teste. D. F. M. Lunsford & Co.
By. Eubank D. Brown, Secy.*

Answer of W. J. Seville,
Guardian ad Litem
to the Infant Defendants

RATHMORE PARCHMENT 1906

W. J. Seville

*
* Porter, T. H. *
* *
* vs. *
* *
* Murphy, C. E. et als. *
* *

The answer of W. J. Sebrell, Guardian ad Litem, to the infant defendants, Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy and Flotilla Murphy, to a bill in equity exhibited against them, in the Circuit Court of Southampton County, Virginia, by T. H. Porter.

The guardian ad litem answers and says, that he knows nothing of the truth or falsity of the statements contained in the said bill, but prays that the Court will, in all respects, fully protect the interest of the said infants.

And now having fully answered the said bill, your respondent prays to be hence dismissed, with his reasonable cost in this behalf expended.

W. J. Sebrell.
GUARDIAN AD LITEM.

J. H. Porter
} Stat of Rules:
Murphy et. als

J. H. Porter, ~~Guardian~~ of Kettie Jordan
and Harry Jordan.

E. E. Murphy - Allan Murphy -
Frozilla Murphy - Mark Murphy -
John Murphy - Glend E. Murphy
Hellen Murphy - Nathaniel Murphy -
and Florella Murphy - The last
Eight infants - by W. J. Sebrell their
Guardian ad litem

1906. Sept 12th Process issued to 1st Oct: Rules.

" 1st Oct: Rules: Process returned Executed.

Bill filed filed - W. J. Sebrell
assigned as Gdn ad litem
to Infant Defendants.

1906. 2nd Oct: Rules: Bills taken for Confessed.

as to Adult Defendants
& Cause set for hearing.

Porter J.H. Vander

vs. —

Murphy et als.

The separate answer of
G.E. Murphy.

Porter, T.H., Vendee &c.,

vs.

Murphy et als.

The answer of C.E. Murphy, defendant, to the bill of complaint exhibited against him and others by T.H. Porter, Vendee &c., in the Circuit Court for the County of Southampton.

This defendant, now and at all times hereafter, saving and reserving to himself all benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties and insufficiencies in the said bill contained, for answer thereto, or to so much thereof as he is advised it is material he should answer, answering sayeth:

That he has a curtesy right in the tract of land in the bill and proceedings mentioned, that is in the part which was the share of Lettie Murphy, who was Jordan, and that he considers for this interest thirty dollars a good and fair price.

At any rate he is willing to accept this for his interest, commuted according to the mortality tables, and the balance of said thirty dollars, shall be paid to his children, who are children of Lettie Murphy, who was Jordan, and who was his wife. This offer has been made by T.H. Porter who is the owner of two of said shares, this being the only remaining share, and he hopes this honorable Court will see fit to confirm said offer and sale.

And now having fully answered the complainants bill, &c., this respondent prays hence to be dismissed with his reasonable costs in this behalf expended, and he will ever pray &c.

C. E. Murphy

Report of Spl. Comr.

~~~~~

Porter, Vendure

vs.

Murphy et als-

May 11, 1907 Filed

Porter, Vendure,

vs. Report of Spl. Commr.  
Murphy et als.

To The Hon. Robt. R. Prentiss, Judge of  
the Circuit Court of Saint Hampton County -

In the above styled cause your  
Commissioner, Joseph B. Pruice, begs to  
report that in accordance with a  
decree entered in the said cause on the  
21st day of January, 1904, he executed  
to J. H. Porter a deed for the interest of  
C. E. Murphy and the eight infant defend-  
ants, and received the amount of the  
purchase money, viz, \$33.33, which,  
in further accordance with said  
decree he turned over to C. E. Murphy  
father of said infants, as will appear  
from his receipt herewith filed.

The Commissioner has also paid  
all costs incurred in this suit.

It appearing, that nothing further  
remains to be done in this suit, the  
Commissioner respectfully begs a decree  
dismissing the cause from the docket -

Respectfully submitted

Joseph B. Pruice -

Special Commissioner

Received Feb'y. 18th, 1907, of Joseph B.  
Prince, Spl. Commr. in the Chancery  
cause, Porter, Vender &c vs.

Murphy, B.E. & also, Fifty-Three &  
33/100 Dollars, in full of the  
amount received by said Prince  
for my curtesy interest & the interest  
of the children of Lillie Murphy,  
decd., in the price of land  
conveyed to said Porter, in the  
said suit.

L.E. Murphy

I certify that I know L.E. Murphy  
to be the father of the  
children in the bill of proceeding  
mentioned. J. H. Porter



Feb. 19<sup>th</sup> 1907

Received from Joseph B. Prince  
Five and 00/100 Dollars.

Commissioner's fee in suit, Porter, Vendee  
etc. vs. Murphy et al.

\$5. 00/100

E. Frank Story  
per Ruth M. Oliver.

36  
15  
51

Porter, Venner & Murphy

Sum 25-26-18-10-18-1.00-35.15

Filing Answers. 30.

" Comrs Report 15-2 Decree 200-72.

40-25- Fictive Costs. 50.

Paid. B. F. M bill 4.78

Shff. 1.50

Paid. Jos. B. Pina Lark 16.00

Comr E & Story 5.00

Paid. E. Frank Story  
R. M. C. \$ 26.78

Final - 1907 -  
Decree

✓ Porter, Vendor &c

vs.

Murphy et als.

In Term, on the 20 day  
of May, 1907.

Enter this,  
*Robert C. Smith*

Entered -

P. 337.

*Princed*

JOSEPH B. PRINCE

Courtland, Va.

May 1907

Porter, Vendee &  
vs. Decree  
Murphy, et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Joseph B. Ruice, Special Commissioner, to convey the interests of C. E. Murphy, and the eight infant defendants to J. H. Porter, filed May 11th, 1909, showing the collection of the purchase money for said interests, viz., \$33.<sup>33</sup>, and payment of same to C. E. Murphy according to a former decree in this cause, and was argued by counsel.

On consideration whereof the Court doth confirm the said report of said Special Commissioner Joseph B. Ruice, and it appearing that the costs of this suit have also been paid, and that there remains nothing further to be done it is ordered that it be removed from the docket.

Porter, Assignee

vs. Spain, Chy.

Murphy et. als.

1906 1st. Oct. Rules.

Executed by serving

Capt. of the Writter and

C. E. Murphy def. 22/

B. E. 22/

Def. 22/

J. L. Sullivan atty.

I hereby acknowledge  
legal service of this  
process.

W. J. Schell,

Edm. ad litem

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# THE COMMONWEALTH OF VIRGINIA.

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TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON....C...E...Murphy, Allan..Murphy,.....  
Frozella..Murphy...Mark..Murphy,...John..Murphy,...Claude..E...Murphy,.....  
Hellen..Murphy,...Nathaniel..Murphy..and..Flotilla..Murphy,...the..last..eight  
Infants...by..W.J..Sebrell..their..guardian..ad-litem.....

.....  
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 ..October..1906.....  
~~next~~, to answer a Bill in Chancery exhibited against....them.....  
in our said Court by.....T...H...Porter...assignee of Hettie..Jordan..and..  
Harry..Jordan.....

.....  
And this...they...shall in nowise omit under penalty of law. And have then there this  
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this  
12th... day of ...September....., 190.6., in the <sup>131</sup> year of the Commonwealth.

Teste :

*B F McLeMore*, c. c.

---

Porter, L.H.

To, { Second Decree  
Murphy et als.

In term, on the 26<sup>th</sup>  
day of Jan.  
1907,

Enter This -  
Robert R. Mearns

Entered in  
Q. M. p. 310.

T.H.Porter, Vendee of Hettie Jordan and Harry Jordan,

vs. Second Decree.

C.E.Murphy, Allen Murphy, Frozella Murphy, Mark Murphy, John Murphy, Claude E.Murphy, Helen Murphy, Nathaniel Murphy, and Flotilla Murphy, the last eight infants by W.J.Sebert, their guardian ad litem:

This day this cause came on to be further heard upon the papers formerly read, and upon the report of Commissioner, E.Frank Story, filed January 9th, 1907, to which report no exceptions have been taken and was argued by counsel.

Upon consideration whereof, the court being of opinion from the said report, and the depositions therewith filed that the interest of the parties, ~~will be promoted by sale of the interest of C.E.Murphy, husband of Lillie Murphy, deceased, and of the eight infant defendants~~ <sup>heirs at law of Lillie Murphy</sup> will be promoted by allowing the plaintiff, T.H.Porter, who owns a two thirds interest in said property, for the sum of \$33.33, to take the said property at this price, doth hereby appoint Joseph B.Prince as special commissioner to make to the said T.H.Porter a deed with special warranty for the interest of the said parties in the tract of land in the bill and proceedings mentioned, and doth further ~~authorize~~ <sup>direct</sup> the said Joseph B.Prince, before he shall execute said deed to collect from T.H.Porter the full amount of the purchase price, viz., \$33.33

But before the said Joseph B.Prince, as commissioner, shall proceed to collect the said purchase money in this cause and execute a deed for the said property, he shall execute before the Clerk of this Court a bond a bond in the penalty of \$60.00, with security to be approved by the said Clerk, conditioned to faithfully perform his duties under this, or any subsequent decree in this cause. And after due execution of the <sup>duties</sup> imposed by this decree the said commissioner will make further report to Court.

And it further appearing that the amount of money which will be due the eight infant defendants, heirs at law of

Lillie Murphy, and the interest therein of C.E.Murphy, her husband, will be less than one hundred dollars, and that C.E.Murphy is <sup>the</sup> ~~the~~ father, of the said infants, and that he is willing to accept his interest in this way, the court doth adjudge, order and decree that the said special commissioner pay to the said C.E.Murphy, the infants being under the age of discretion, the said \$33.33, for the education, maintenance and support of said infants.

1  
Porter, J. H., Vendue  
vs. Deane.  
Murphy, C. E. et al

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In Term, Oct. 15,  
1906.

Enter this:-

Robert C. Alantis

Entered in

U. S. B. - p. 293.  
We consent -

Geo. B. Prince, atty for  
J. H. Porter & C. E. Murphy

W. S. Sebrley  
Guardian ad litem

T. H. Porter, Vendee of Hettie Jordan and Harry Jordan,

vs.

C. E. Murphy, Allen Murphy, Frozella Murphy, Mark Murphy,  
John <sup>B</sup>Murphy, Claud E. Murphy, Helen Murphy, Nathaniel Murphy  
and Flottilla <sup>Murphy</sup>, the last eight infants, by W. J. Sebrell, their  
guardian ad litem.

FIRST DECREE:

This day this cause came on to be heard on the  
bill of the complainant, taken for confess<sup>ed</sup> as to C. E. Murphy,  
on whom process has been duly served, and he still failing  
to appear, and plead, answer or demur, and on the answer of  
the eight infant defendants, Allen Murphy, Frozella Murphy,  
Mark Murphy, John Murphy, Claude E. Murphy, Helen Murphy,  
Nathaniel Murphy and Flotilla Murphy, by W. J. Sebrell, their  
guardian ad litem, duly assigned at rules according to law,  
with general replication thereto, <sup>consideration whereof</sup> ~~and upon the consent in~~  
writing, <sup>the infant defendants by their guardian ad litem</sup> of all the parties to this cause made in term, it  
is ordered that this cause be submitted to the Judge of this  
Court for such decisions and decrees therein, in vacation,  
as might be made in term.

On consideration whereof, the Court doth further  
adjudge, order and decree that it be referred to one of the  
commissioners of this Court to inquire and report:

(1) Whether the real estate mentioned in the said  
bill can be conveniently divided in kind, among the parties  
entitled thereto:

(2) If the same can not be thus divided, whether  
any party will take the entire subject matter and pay to the  
other parties interested such sums as their interest therein  
may entitle them to:

(3) If the same can not be conveniently divided in  
kind, and if no party will take the entire property and pay  
the other parties such sums as their interest therein may

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