

1856-039 SOUTHAMPTON COUNTY
CHANCERY PAPERS

STEPHENSON

VS. POPE + al

12/1856

Other surnames: Edwards

Stephenson

to { Bell & anor. to

John

1856 Dec. Date added

#

clerk's fee p^a

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Stephenson

to

Wm. J. Bell

Pope's

Decree

To the Worshipful County Court of Southampton.

In Chancery -
December term 1856.

Humbly complaining sheweth unto your worships your orator Abner K. Stephenson of the said County, that John D. Stephenson lately departed this life intestate, ~~leaving behind~~ seized and possessed at the time of his death of certain real estate, several negro slaves, perhaps eight or ten in number and other personal estate, and leaving as his only heirs at law your orator the said A. K. Stephenson, a brother of the whole blood, and two infants Russell Putnam Pope and Joseph B. Pope (the children of Virginia A. Pope, who was the only child of Elizabeth Edwards, who was a sister of the whole blood of the said decedent).

Your Orator represents to your worships that he is anxious to have a division of the said slaves of which the said decedent died possessed, and as he is advised that he would be entitled to one half of them, and the said Russell and Joseph Pope to the other half in equal shares, and as such division could not in the opinion of your orator, be effected equally and justly in kind, therefore your orator humbly prays that your worships would grant a decree appointing a commissioner to make sale of the whole of the said slaves, on

such terms as your worship may prescribe, for the purpose of making a fair and just division —

That your worship would appoint a guardian ad litem to the said Russell and Joseph Pope, and compel them thereby as true and perfect answer to make to the allegations herein contained as if they had been thereunto more specially interrogated —

That your worship would grant such other and general relief as equity may dictate, and the nature of his case may require and, as in duty bound your orator will ever pray &c.

Ans J. Kindred
p q

The Answer of Russell P. Pope & Joseph B. Pope (by Harrison P. Pope their guardian ad litem) to a bill filed against them by Abner K. Stephenson.

These defendants, saving now and always all advantages that may be taken to the defects of the foregoing bill, for answer to so much as they are advised it is material for them to answer, say, that they have no objection to the decree prayed for, but on the contrary desire it, especially as they believe a sale of the said slaves will be to their benefit — and having answered pray to be hence dismissed.

Ans J. Kindred atto
pro defd.

Southampton County Court - In chancery -
December term 1856.

Stephenson
vs J. Decree.
Pope's

This Cause, this day, was docketed by leave of Court and consent of parties, and was heard on the bill, the answer thereto and replication, and was argued by counsel — On Consideration whereof the Court doth adjudge order and decree that Jno S. Kindred, who is appointed a special Commissioner for that purpose, sell at public auction, having given due notice thereof by advertisement, for cash or on a credit as he may deem best, the whole of the negro slaves of which John D. Stephenson lately died possessed, and if he should sell on a credit taking bonds with sufficient personal security — That of the net proceeds after defraying the expenses of obtaining and executing this decree he pay to Abner K. Stephenson one half and the other half in equal shares to Russell Putnam Pope and Joseph B. Pope, or assign to the said parties the bonds for the said sale for these amounts respectively.

But the said Jno S. Kindred is not to proceed to the discharge of the duties enjoined by this decree until he shall have executed, in the Clerk's office of this County,

bind with sufficient personal security, in the penalty of eight thousand dollars conditioned for their faithful performance.

And the said Commission is directed to report to the Court in order to a final decree.

KNOW ALL MEN BY THESE PRESENTS, That we

Davis Barrett

John F. Kindred

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *Eight thousand* Dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *22^d* day of *December* A D. 185 *6*

The Condition of the above Obligation is Such, That if the above bound

John F. Kindred who has been appointed Commissioner in the trust of Stephenson against Pope. by the County Court of Southampton

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, Sealed and delivered in the
presence of the Court. }

John F. Kindred 

Davis Barrett 



