

1884 - 29

Southampton County - Chancery

Pape, J. J.
et al

vs

Pape, Emeline A.
et al

"Partition of practically of
not, Salt, and proceeds
distributed"

Pape, Caroline A.
Pape, Morrison
Pape, Shepard +
Pape, Charles
Pape, J. P. Ikin
not found

Pape, Mary Ella
Pape, Robert A.
Pape, Tom G.
Pape, Catherine +
Pape, Benjamin A.

spondents saving and reserving &c. for an
swer to said bill, say - That they are
all infants, and know nothing of the facts
as alleged in said bill, and being such, they
submit their interest to the protection of this Hon-
orable Court - And having answered they pray
hence to be dismissed -

J R Tylor
per ad litem

J B Prince p d

Paper & Bill &
07 3 Exhibits
Paper & others

1879 April 18th

J B Prince p a

To the Hon. Geo. Blow, Judge of the
Circuit Court of Southampton
In Chancery,

Complaining sheweth unto your
Honor your Complainants, F. J. Pope
and Corinne O. Pope, Stevenson Pope
Sheppard Pope, and Charles M. Pope, the
last three minors by F. J. Pope their next
friend, That during the year 1843 Matthew
R. Pope departed this life, after having
made and published his last will and
testaments, which was duly admitted
to probate at the April Term 1843
of the County of Southampton, That
according to item 4th of said will
the Testator loans to his wife Dixey
Pope the plantation wherein he
then lived during her natural
life, and after her death he devises
the same to his father Nathan Pope
in fee - That the said Dixey Pope has
departed this life and also said Na-
than Pope - That the said Nathan Pope
died intestate leaving the following
heirs at law, to wit: Ellerby Pope
a son, who is also dead, leaving
the following descendants F. J. Pope
and Corinne O. Pope, both adults

Amos S. Pope, who is also dead
leaving the following as his heirs
at law & distributees, as to this property - Emeline A Pope his widow, Mary
Ella, Robt A. Wm R. Leatherine E, and
Benjamin A Pope - all minors
Newerson Pope who is also dead
leaving one child - Newerson Pope
a minor Sheppard Pope who is also
dead, leaving one child, Sheppard
Pope a minor, Madison Pope who
is also dead leaving one child
Charles M Pope a minor. Oward
Pope and Riddick Pope, each of
whom by Deed recorded in the Clerk's
Office of Southampton conveyed their
interest in said land to J. P. Pope
& Corinne O. Pope. That the said
tract of land is in the opinion of your
Complainants not susceptible of par-
tition ~~among~~ the parties thereto entitled
and that it is necessary to sell the
same in order that a division may
be effected, In Consideration of all
which, and inasmuch as your
Complainants are without remedy
save in a Court of Equity where
matters of this kind are properly to
be heard. To the end that justice

may be done, your Complain-
ants pray That Emeline A Pope
Mary Ella Robert A. Wm R.
Catherine E. and Benj A Pope, the last
five infants, under the age of twenty
one, be made parties defendant to
this bill, and Compelled to answer its
allegations, That some fit and prop-
er party may be appointed Guardian
ad Litem to defend the interest of
of the infant defendants. That partition
in kind of said land be made if practicable, but
if not practicable, that the same may be sold and
the proceeds thereof properly distributed, and that
your Honor will grant such other further general
and special relief, as the nature of this case
may demand or to Equity may seem meet.

And as in duty bound your Complain-
ants will ever pray &c, May it please
the Court &c

J B Prince per q

The joint and several answers of Mary
Ella, Robt A. Wm R. Catherine E. & Benj A Pope
all minors, by J. R. Tyler, their fdr ad litem to a
bill of Complaint exhibited against themselves
and Emeline A Pope in the Circuit Court of
Southampton by G P Pope & others, These re-

spondents saving and reserving cc. for an
swer to said bill, say: That they are
all infants, and know nothing of the facts
as alleged in said bill, and being such, they
submit their interest to the protection of this Hon-
orable Court - And having answered they pray
hence to be dismissed -

J B Tylor
per ad litem

J B Prince p. d.

Paper & Bill &
57 Exhibits
Paper & others

1879 April Rules

J B Prince p. a

Matthew R. Pope's

Will

In the name of God Amen. I Matthew R. Pope of the County of Southampton being of sound mind and memory and being Deeply Impressed with the shortness of life and the certainty of Eternity do make this my last will and testament in the following manner. 1st my will is for my tract of land called by the name of Williams Land containing one hundred and sixty acre more or less. to be sold for the purpose and sole use of paying my just debts also one Negro woman Harriet & her Boy Chied Ben to be sold and the sale to go to pay my just debts if any should be owing. 2nd I send to Catherine Joyner half acre of Land including the house where ~~she~~ now lives during her life only. 3rd I give to my wife Sisey Pope one Negro boy Ellick and one Negro Boy Elbert to her & her heirs forever 4th I send to my wife Sisey Pope the plantation whereon I now live after the half acre comes out sent before to Catherine Joyner also one Negro boy William to her during her natural life only then after her death I give the same plantation & same boy to my Father Nathan Pope & except the half acre first sent to Catherine Joyner during her life after my wife's death & Catherine Joyner's death Nathan Pope is to have the plantation & Boy William to him & his heirs forever -

5th I give to my wife Sisey Pope & her heirs all my stock of all kinds. house hold & kitchen furniture and every thing that may belong to me not given away before but if any debts should be to pay, she must see such things as she can spare & pay all my debts and then all that may be left. I give to her my wife Sisey Pope & her heirs forever. 6th I do hereby appoint my wife Sisey Pope my Executor to this my last will & testament revoking all former wills heretofore made by me. Whereas I have hereunto set my hand & seal this 21st day of March 1843

Teste

Matthew R. Pope *(Signature)*

Richard Sarden

P. D. Beckman

Jiles ^{his} Pope
mark

At a Court held for the County of Southampton the 17th day of April 1843. The Last Will and Testament of Matthew R. Pope was proved by the oaths of Richard Sarden Peter D. Beckman & Jiles Pope the subscribing witnesses thereto and ordered to be Recorded. And on the motion of Sisey Pope the executrix therein named who made oath and together with Richard Sarden & Benjamin E. Pope her securities entered into and acknowledged a bond in the penalty of four thousand dollars, conditioned as the law directs.

certificate is granted her for obtaining a
probah of the said will in due form

Teste:

J.R. Edwards clerk

At. Copy:

Teste: J.E. Sebrall A.O.

Pope Jr.
vs $\frac{1}{3}$ Final
Report
Pope

1884. Apr 21. Filed

Pope vs

vs { Report of Comr. F. P. Pope.

Pope

In this cause, your Comr. submits the following report.

That he has distributed the money in his hands arising from the sale of the real estate in the proceedings mentioned as follows.

By net amt.

448.20

To be divided into 7 parts.. = \$64.03=.

Myself & sister are the assignees of
Richard & Oswald Pope = 2 shares \$128.06

We are heirs of Ellenly Pope = 1 .. 64.03

To Fred Madison Pope's heirs - 1 .. 64.03

" " A. S. Pope's Estate 1 .. 64.03

I have retained in my hands the amounts due
Newson Pope & Shepherd Pope - because they are
both indebted to me in larger amounts than
I owe them. All of which is respectfully
submitted. There is nothing further to
be done in this suit.

Respectfully
Submitted.

The amt. due Est of A. S.

Pope I have paid to myself
as Exor of A. S. Pope dec'd.

F. P. Pope.
Comr.

A. P. Pope

Comr.

Received Dec: 21st 1883
of A. P. Pope as Trustee of
Sale of land formerly
belonging to Mrs Diza Pope
said the sum of Sixty
Dollars, and Five Dollars
allowed to pay Jas. B. Pines
fee as atty^r in being
in full for the amount
due me on sale of said
land as heir of my
father Madison Pope said
witness A. H. Pope

Paul E. Nelson

F. M. McClann

Julia G. Brookfield

Recd March 26th 1884 of
A. P. Pope ninety six Dollars
and ~~two~~ cents it being the
amount due me on sale of
land formerly belonging to
Mrs Diza Pope decd. and sold
by him as trustee.

Corinne C. Myrick.

Received Oct 18. 1880 of F. P. Pope
twenty six dollars in full
of fee in Chancery suit
Pope vs Pope & others - Circuit
Court of Southampton.

A. B. Heine

L. B. Rainer
to B. Reck
J. P. Pope

J. J. Pope, & Corinne O. Pope, Cherson, Shep-
pard Pope & Chas. M. Pope, the last three in-
fants by F. O. Pope their next friend
To Clerk Circuit Court Southampton Co.
Fees in this suit vs Pope \$4.96
L. B. Edwards C. C.

Mr.^s Diza Pope

1879.

To JAMES E. SEBRELL, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	STATE TAX.		COUNTY LEVY.		SCHOOL TAXES.		TOTAL TAX.
	50c. on \$100.		40c. on \$100.		COUNTY. 10c. on \$100.	DISTRICT. 5c. on \$100.	
To 226 acres of Land, value \$632. ⁸⁰	3	17	2	52	63	32	664
" Personal Property, value, . . . \$							
" Capitation Taxes, ...							
" Income, ... \$							
Total, ...							
Fee Bills, ...							
5 per cent. additional, ...							
Total, ...							

Received payment 29 day of

Nov

1879

Jas. E. Sebrell Treasurer.

T. A. Pope,

1879

To James R Tyler; Commr. in Chancery &
" taking Depositions, Report &c in the
Chancery suit of Pope vs. Pope & als. \$5.00
James R Tyler
Commissioner.

Pope & others

75 } Wm in ch

Pope & others

1879: April: Rules

o M m. 19

Executed Mch 31st 1879 by
Relinquishing of fees to Mrs
E. A. Pope & J. P. Pope
acting Guardians for M. E. R. a
H. R. B. B. a Pope & others
for W. W. Wiggins & others

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon Emaline A. Pope, Mary Ella Pope, Robert A. Pope, Wm. R. Pope, Catherine Pope & Benj. A. Pope, last five minors to appear at the Clerks Office of our Circuit Court for Southampton 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 F. P. Pope, Corinne O. Pope, Neverson Pope, Shepherd Pope, Chas. M. Pope, the last three minors by F. P. Pope their next friend Pltffs.

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of our said Court, at the Court House this 19th day of March 1879 in the 103 year of the Commonwealth. S. R. Edwards C. C.

The Commonwealth of Virginia:

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU, That you Summon *Lewis Marks, James Scarborough and*
J. P. Pope

J. R. Tyler a Commissioner in Chancery of the Circuit
to appear before the Judge of our Court of Southampton County, at the Court-house,
on the *7th* day of *August* Term next to testify and the truth to say
on behalf of *J. P. Pope and others*

Chancery Suit
in a certain matter of controversy in our said Court depending and undetermined between

Said Pope & others

Plaintiff and

Emeline A. Pope & others

Defendant .

And this *Shery* shall in no wise omit under the penalty of £100, and have then there this writ. Witness,
J. R. Tyler Commissioner in Chancery
~~LITTLETON R. EDWARDS, Clerk of our said Court at the Court-house,~~ this *15th* day of *July*

1879, in the

104th

year of the Commonwealth.

Jas R Tyler
Commissioner in Chancery

Pgs 2
Pgs 1 & others

1879 August 7th

Executed Aug 6th 1879 by
delivering a copy to
J. P. Pope, Jan Scarborough
and Secy Mark
Newell Harris
for W. H. Briggs

Copy

20

Copy of also

Copy of also

Aug 7th

James Smith
J. 17. 1870

Southampton Circuit Court
May Term 1879

Pope Pltff In Chy
vs
Pope & others Defs

This cause came on this day to be heard on the bill of Complaint, the answer of infant defendants by J. R. Tyler their Guardian ad litem, Exhibits filed, replication to said answer and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree, that a Commissioner of this Court make the following enquiries, whether partition can be made of the lands in the bill mentioned amongst the parties thereto entitled or not, and if the same cannot be conveniently made whether the entire subject can be allotted to any interested party who will accept it and is willing to pay therefor to the other parties such sums of money as their interest therein may entitle them to; The said Commissioner will also report, the evidence upon which he bases his report, together with the real value of the lands on any matter specially stated

At Copy
Teste: D. C. Sebrall D.C.

The depositions of Lewis Morter and James Scarboro taken before me, James R. Tyler, a Commissioner in Chancery, for the Circuit Court of Southampton County, pursuant to the notice hereto annexed, on the 7th day of August A. D., 1879, between the hours of 6 A. M. and 6 P. M. to be read as evidence on behalf of J. P. Pope & others ~~in~~ in a certain suit in Chancery, depending in the said Circuit Court of Southampton County.

Question State whether, in your opinion, it will be to the interest of the parties to sell the tract of land of which ^{Pisa} ~~William~~ Pope died seized and possessed?

Answer We think it will be to the interest of the parties to sell the land; the building bring ^{out of} ~~without~~ repair and then bring no one to keep them in good condition. And we, also, think that partition cannot be made of the land amongst the parties thereto entitled, nor that the entire subject can be allotted to any interested party. And further these deponents say not.

Jas. R. Scarbrough
 Lewis Morter

State of Virginia: }
Southampton County } To wit;

I, James R. Tyler, one
of the Commissioners in chancery of the Circuit
Court of said County, do hereby certify that the
forgoing Depositions were duly sworn to and
subscribed before me at the time & place mentioned
therein. Given under my hand this 7th day of
August 1879.

James R. Tyler
Commissioner.

Gas R. Scarborough } each 50cts
Lewis Marks }

Commissioner's fee for taking Depositions
Entering Witnesses attendance &c }
\$5.00 charged to Plaintiffs. }

Commissioner's Office,
Jerusalem, Va.

August the 9th 1879.

To the Circuit Court of Southampton County,

Pursuant

to a decree of the Circuit Court of Southampton County entered at the May Term 1879, in the Chancery Suit therein pending wherein T. P. Pope & others are Plaintiffs and Emeline A. Pope and others Defendants, the undersigned, One of the Commissioners of the said Court, to whom was referred, "Whether partition can be made of the Lands in the bill mentioned, amongst the parties thereto entitled or not, and if the same cannot be conveniently made, whether the entire Subject can be allotted to any interested party, who will accept it and is willing to pay therefor to the other parties such sum of money as their interest therein may entitle them to." Your Commissioner respectfully submits the following report, That he has taken the Depositions of several parties in order the better to ascertain whether it appeared to the interest of all the parties concerned to see the real Estate in the proceedings mentioned, which evidence is returned with this report That Your Commissioner is of Opinion from such evidence, that said real Estate is not susceptible of partition amongst the parties thereto entitled & that it is necessary to see the same in order that a division may be effected. That the entire Subject cannot be allotted to any interested party, who will accept it, and is willing to pay therefor to

the other parties such sum of money as their
interest therein may entitle them to.
That the said real Estate is worth the sum of

Respectfully Submitted,
James R. Tyler,
Commissioner.

Depositions

Page

No.

Report of

Page & also

Commissioner Tyler.

1879. August 18th

Bohe
or 3
Bohesothers

Report of
Comr. F.P. Bohe

May 4, 1880

Pope

or 3 Report of Comr. F. P. Pope.

Pope sother

In this cause your Comr. begs leave to submit the following report. That pursuant to decree entered in this suit at Nov: Term 1879, he advertised the land in the proceedings mentioned & sold the same at Jerusalem for \$570. B. E. Morrell became the purchaser. The purchaser has not complied with the terms of sale. but is prepared to do so. He desires however to pay the whole sum in cash. I recommend Confirmation of the sale and also recommend that the purchaser be allowed to pay all the purchase money at once. I have paid no expenses except. All of which is respectfully submitted.

May 4, 1880.

F. P. Pope

Commissioner

To Judge Circuit Court.

Souhampton.

Pope
at $\frac{1}{2}$ Deane.
Pope & others.

Nov Term 1849

To be entered,

Geo. Blow.

Pope
vs $\frac{1}{3}$ Deere.

Pope & others

This day this Cause came on to be again heard on the papers formerly read, the report of Comr Tyler filed Aug 18. 1849, with the depositions of witnesses, and was argued by counsel. On consideration whereof, and no exceptions being filed to said report, the same is hereby confirmed. And the Court doth further adjudge order and decree that F. P. Pope, who is hereby appointed a Special Comr for the purpose, sell the real estate in the proceedings mentioned upon the following terms to wit - one half cash. the balance on a credit of twelve & eight teen months, the purchaser to give bonds with approved security carrying interest from day of sale, and the title to be retained for the deferred payments. But the said Comr will not proceed to execute this decree until he shall have returned into bond before the Clerk of this Court in the penalty of \$2000. with security to be approved by him, conditioned to faithfully execute this and any further decree in this Cause. And the said Comr will report his proceedings to Court.

~~77~~ ~~78~~ ~~80~~
78. ~~79~~ ~~80~~
Pipe No 48 64

or } Stat. Rules

Pipe No

In Southampton Circuit Court.

F. P. Pope and Corinne O Pope, Newerson Pope, Sheppard Pope and Charles M Pope, the last three minors by F. P. Pope their next friend Plaintiffs

against

Emaline A Pope, Mary Ella Pope, Robert A. Wm R. Catharine E. and Benj. A Pope, the last five infants under the age of 21. Defendants.

1879 March 19th Summons issued returnable to April Rules

" April 18th " returned executed on E. A Pope & F. P. Pope acting Guardian for M. E., R. A. Wm R., & B. A. Pope - Bill filed -

J. R. Tyler assigned Gen. ad litem to infant Deft. Answer of infants -
Genl. Rep. D. Wise to Dft E. A Pope.

" May 1st Genl. Rep. to answer of Infants. Bill taken for confession as to Deft. E. A Pope Cause set for hearing 14th.

" " To Decree to ascertain if land can be divided in kind & if
" Nov 18th Report & decree to.

1880 May " Report & decree Confy sale &c.

" Nov " Report & decree

Pope

vs

Popesorthers

Report of Commr
J. P. Pope,
with Repts

Nov 5. 1880

Pope

vs $\frac{2}{3}$ Report of Comr. F. P. Pope.

Pope & others

In this cause your Comr. submits the following report.

That pursuant to decree of May Term 1880, he has received from B. E. Warrell the whole of the purchase money for the land in the proceedings mentioned and executed to him a deed with special warranty for the same.

By amt of purchase -		\$570,
To Commissions -	19.20	
" for attorfee.	26.00	
" " tax acct.	6.64	
" " Comr. Tyler.	5.00	
" " clerk.	<u>4.96</u>	\$ 61 .80
Balance -		\$448 .20

The decree of May Term 1880, directs how this balance shall be disposed of.

Nov 5. 1880.

Respectfully submitted

F. P. Pope

Comr.

by J. B. Price

To Judge Circuit Court, }
Southampton }

^{Livingston County}
Southampton County: In the Clerk's Office Nov. 17th
1879. This Bond was acknowledged by
F. P. Pope and Reij. E. Worrell the obligors
therein and Reij. E. Worrell the surety
thereto justified on oath as to his
sufficiency, the said Bond is admitted
to record.

Teste: L. R. Edwards C. C.

A. Copy Teste:

L. R. Edwards C. C.

(Cooky)

Pope
Worrell
Bond
Pope &

Know all Men by these Presents, That we F. P. Pope & P. E. Worrell

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two Thousand Dollars, 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. And we, the obligors herein, hereby waive the benefit of our Homestead Exemption as to this obligation.

Sealed with our seals, and dated this 17th day of November
A. D. 1879

The condition of the above obligation is such, that ~~if the above bound~~ whereas
in a suit in chancery depending in the
Circuit Court of Southampton County
wherein F. P. Pope & Caroline O. Pope & others
were Plaintiffs, and Emaline A. Pope & others
Defendants, by a decree entered in said
Suit on the 7th day of November 1879, the above
bound F. P. Pope was appointed Commissioner
for certain purposes therein mentioned
Now if the said F. P. Pope

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

Signed, sealed and delivered in }
presence of ~~the Court.~~ }

F. P. Pope [SEAL.]

Benj. E. Worrell [SEAL.]

_____ [SEAL.]

_____ [SEAL.]

Pope
vs 3 Decree
Pope vs others

Nov Term 1880

To be entered.

Geo Blow-

Pope
vs 3 decrees }

Pope v others

This day this cause came on to be further heard on the papers formerly read, the report of Commr. J. P. Pope, filed during the term, reporting collection of the Purchase money from B. E. Warrell, execution of a deed to said Warrell, with some disbursements supported by proper vouchers, to which report there is no exception, and was agreed by Council. On consideration whereof, the Court doth approve and confirm the said report.

Pope &c III
vs 3 acres
Pope &c

May Term 1879

To be entered

Geo. T. Brown.

Pope vs
3 Decree
Pope & others

This Cause came on this day to be heard on the bill of Complainant, the answer of infant defendants by J. R. Telfer, their Guardian ad litem, Exhibits filed, replication to said answer, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that a Com'r of this Court make the following enquiries, whether partition can be made of the lands in the bill mentioned, amongst the parties thereto entitled or not, and if the same cannot be conveniently made, whether the entire subject can be allotted to any interested party, who will accept it and is willing to pay therefor to the other parties such sums of money as their interest therein may entitle them to. The said Com'r will also report, the evidence upon which he bases his report, together with the real value of the land or any matter specially stated,

Pope
or 3 Decree
Pope & H. H. H.

May Term
1880.

To be entered.

Geo. B. Snow.

Pope

vs 3 Decree.

Pope & others

This day this Cause came on to be further heard on the papers formerly read and the report of Comr. H. P. Pope filed May 4. 1880. reporting sale of land to B. E. Warrell and was argued by Counsel. On consideration whereof and no exceptions being filed to said report, the sale therein reported is hereby confirmed.

And the Court doth adjudge order & decree that H. P. Pope, Special Commissioner, receive from B. E. Warrell the sum of \$510 - with interest thereon from the day of sale - and after the same is paid that he execute to the said Warrell a deed with special warranty for the land in the proceedings mentioned. The Court doth further decree that the said Comr., after paying the costs of this suit, including the attorney's fee, distribute the balance of the purchase money among the parties entitled according to their respective interests, and make report to Court.

~~34~~ ~~27~~ ~~43~~
Pope &c -

or. $\frac{1}{2}$ Diene.

Pope &c 22

Nov. Term 1884

To be entered

Pope &c. }
Mr. - } Decree.
Pope &c }

This day this cause came on to be heard upon the papers formerly read & the report of Comr. F. P. Pope ^{filed, Apr. 21st 1884} showing disbursement of funds ^{to which report there are no exceptions} and was argued by counsel. On consideration whereof, the Court, confirming the said report, and nothing further remaining to be done in this cause, doth adjudge, order and decree that the same be removed from the docket.