

1806-038

SOUTHAMPTON COUNTY
CHANCERY PAPERS

POPE VS. ATKINSON

8/1806

Other surnames: Atkinson,
Denson

H. Pope } No 107.
vs } Bill
Atkins }

The Clerk will file copy
of deed in this from records

Aug. 1800
Bill filed

To the honorable Justices of Southampton County, in Chancery
Sitting, humbly Complaining sheweth unto the Court, your Orator
Hardy Pope, That your Orators father, Hardy Pope, departed
this life, after having made and published his last will and
testament, about the year 1790, or 1791. By his said will
which was duly established according to law, he devised to
your Orator, a plantation known by the name of Hardy Pops
~~Manors~~ plantation, containing about four hundred and
ninety three acres; but if your Orator died without marriage
Leaving a child, the said land was to go to Nancy Pope and
her heirs forever. That Your Orator from falling into habits
of intemperance, became the dupe of many cunning and designing
persons, who, taking advantage of his unguarded moments, success-
fully strip^d him of all his property, of which he had obtained
^{without a reasonable or just compensation} possession. That one William Atkins who had intermarried
with the said Nancy Pope, was seemed to signalize himself
under the mask of friendship; in the use of cunning and
deceitful arts and ways, calculated and intended to entrap,
ensnare and strip your Orator of his property. That said
William taking undue advantage of intemperate and unguarded
moments, and under pretensions of great and active friendship, and
by means of circumvention and cunning arts, overreached your
Orator and persuaded him into ~~a contract~~ the execution of a
deed of bargain and sale, by which, for the sum of £58.3.0, your
Orator is made to convey to him the said William the said land,
which in fact is worth to your Orator at least two thousand dollars.

A Copy of which deed, for greater Certainty, is herunto annexed, and prayed to be considered as a part of this bill. Your Orator begs leave to state to the Court, that the bargain or contract was, not only, founded in fraud, cunning and circumvention; but also that the deed of conveyance is not made in conformity to said agreement. By the agreement, as far as your Orator can remember or is informed, Atkins was to pay five hundred dollars to your Orator, in part of which sum he was to pay a balance, then unascertained, to one Joseph Benson; and beside the five hundred dollars to be paid in cash to your Orator as aforesaid. The said Atkins was to secure to your Orator a comfortable maintenance for his, your Orator's life; such a maintenance as he the said Atkins himself enjoyed. Such seems to have been something like the overtures made by said William to your Orator; to which he probably consented; though that consent was not fairly obtained. The deed herunto annexed was left blank as to sum ~~the~~ and was only intended to lay the foundation of a special deed which was to contain covenants whereby to secure to your Orator the said Considerations, of \$500- and maintenance for life &c. - Under promises of such a deed your Orator was induced to sign the one herunto annexed which, at the time was totally blank as to the Consideration money &c. - Your Complainant believes that said Atkins has paid said Benson £58.3.0- for account of your Orator, which he has placed in the deed, since its execution, as the only Consideration, has ^{not} paid for to your Complainant any other which he knows of, and has not only refused to furnish your Orator with such a maintenance as he promised and an appearance, by bond or otherwise of its continuance for life, but has actually, driven him from the house and threatened to beat him if he returned, and refused to render any justice to your Orator, while he the said William holds the full possession and use of the land and premises aforesaid.

Intend Consideration whereof and forasmuch as your Orator is only and properly relievable in a Court of equity, whose peculiar province it is to relieve against frauds &c. to the end therefore he prays that said William Atkins be made a defendant to this bill of Complaint, and on oath full, true, and perfect answer make to all and singular the allegations it contains, as fully as though they were here again repeated and interrogated. That, the said deed may be cancelled, ~~and~~ annulled and set aside as fraudulent and your Complainant restored to his honest possession, upon his refunding to said defendant whatever he may be in advance for your Orator. Or that he the defendant be compelled to a Special Compliance with his contract, and make any other or further order or decree in the premises which may be consistent with justice and equity. May it please &c.

Barber for Complainant

By way of Supplement to the foregoing bill, your Complainant Hardy, further States, that said defendant has sundry articles of Chattel property, of his in possession, which he claims under the said Contract, altho: admitting it was a valid one. Could not comprehend said ~~of~~ articles. Notwithstanding which he holds on them and intirely refuses to deliver them up or account for them to your Complainant. A list of such of them as are remembered by your Orator, is herunto annexed & prayed to be made, considered and taken as a part of this bill. - Barber. - 102

Prose
by
Atkinson
Spec
in
Channing

To August 1803

15 July 1803

Executed By
Wendell Sluff
for
Robert Goodwyn Sluff

The Commonwealth of Virginia to the Sheriff of Southampton
County greeting You are hereby Commanded to
Summon William Atkinson to appear before the
Justices of our County Court of Southampton at the
Court house of the said County on the third
Monday in August next to Answer as well
in Chancery exhibited against him by Hady
Pope and this he shall in no wise omit under
the penalty of one hundred pounds and hence
then there this was Witness Your truly Clerk of
our said Court - this 11th day of July 1805
and in the 30th Year of the Commonwealth

Yours truly
J. M. Ketchum

Account
of Sundries

An Account of Mandy Popes property
January 15th 1805

1 Walnut Chest - 1 poplar ditto - 1 Small trunk
1 Feather Bed and furniture - 1 tick and stead
1 Iron pot 2 Kettles - 1 W. Wheel - 1 W. I. Wedges - 2 G. Hoes
1 W. Steel yards 1 Reel 3 Sheep 1 Large trunk 2 Tables
1 dozen Churns 1 bung borer 3 Earthen plates 5 pewee plates 3 dishes
2 Basons 1 duff 2 H. eggs
1 Shade 1 Hand 1 Wheel 1 bread bag 2 salt tubs 1 Coffee pot 1 Churn
1 old Case 1 hammer 1 G. Adze 1 bung. borer 2 Augers 1 C. basons
one little bowl 1 Milk pot 1 Tray 1 Wood Sifter 1 W. W. blades
1 Lark 1 hourmany Mortar 1 Spice ditto 1 large pitcher 2 pickle potts
1 W. Money Scales some G. Wheel ^{Cult.} Hons 1 pan 1 Hopper 1 Hoggen
1 pan handle W. Cards 2 tin Horns 2 Iron pot Rocks
1 knife box 2 G. Stones