

1838-128 SOUTHAMPTON COUNTY
CHANCERY PAPERS

POPE, By Friend VS. POPE

4/1838

See also: Pope, By friend v. Pope, 1837-43

Paper by Y^d

" Papers—

Pope

1837 March - Will filed - Sp^a. Co^d

" July - Set for hearing—

" Oct. Cr. for Dist. to pay m^t for
— of the fall^y — term^d—

1838 Apr. Dismissed

Mary Pope by her next friend
J. S. French
vs { Bill in Chancery
Peter Pope

July 11th 1837

1837 July. Set for hearing &c

To the Honorable Richard H. Barker Judge of the
Circuit Superior Court of Law and Chancery for
the county of Southampton: Humbly complaining

the County of Southampton. Humbly complaining
Your Gratia Mary Pope, who sues by her next friend
~~James S. French~~
~~James S. French~~, on a petition by her Council sheweth
unto your Honor that sometime in the year she in-
-termarried with Peter Pope of this County, ~~parting herself~~
~~that in every way, she was adding to the misery of her~~
~~family and her own~~. For some time her situation was agreeable
enough, but latterly she has had cause for much and
grievous complaint. Your Gratia states that four chil-
-dren are the offspring of her marriage with Peter Pope
and although she has conducted herself in every res-
-pect as a dutiful wife, kind obedient and affectionate
to her husband, attentive and even devoted to her chil-
-dren; yet, nevertheless the most secularous endeavours
on her part to please, have not even secured her a
safe asylum in the house of her husband. She feels
deeply mortified at having to give publicity to her sorrows
but the fear of bodily injury to herself, and a sacred duty
to her children demand that she should do so. Your
Gratiae therefore alleges that the said Peter Pope is constant-
-ly excited by drink, and in his treatment towards her is
actuated by the most brutal and savage spirit. That he
has repeatedly turned her out of his house, and kicked her
from his doors forcing her to pass the night in the woods
at inclement seasons of the year - that he has often
choked her, until she was in the act of suffocating - that
he has often inflicted blows upon her, and even beaten
her with a cowhide in a brutal and cruel manner
giving her as much as fifty lashes at a time. That
in consequence of one of those cruel beatings she has lost
the use of one arm, and one entire side, and has again
within a short time past been kicked from his doors
with her children, and ordered never to return. This

treatment your Petitioner does she has borne as patiently
as she could for years; but that now she is a wanderer
with her ^{infant and} helpless children, all unprotected and unpro-
-vided for. That she has been denied the privilege of
entering her husband's house, and sees no hope of a
reconciliation. In tender consideration whereof, and for
as much as your Petitioner is without remedy, save by
the intervention of this Court, she humbly prays that your
Honor would decree her a divorce a mensa et thoro
award to her a separate and suitable maintenance
and restore to her as far as practicable the rights of
property which by marriage she conferred on the said
Peter Pope, and so dispose of the custody and guardianship
and provide for the maintenance of her children by the
said Peter Pope as to you may seem just and proper.

Your Petitioner further states that the said Peter Pope after declaring
his intention of leaving this State for Texas, and removing
thither with his property, and has already begun to make
preparations for doing so, wherefore she further prays
that your Honor would issue a restraining order prohi-
-biting him from doing so until the determination of
this suit, and that you would also decree Pendente Lite
the payment of such a sum out of his estate, weekly, month-
-ly, or quarterly as may be sufficient for the maintenance
of herself and children, and that you would also decree
the payment of the further sum of ^{James} ~~to her~~
~~\$1,000~~ ^{to her} her mat. fund. to enable her to prosecute this
suit to a successful termination. In conclusion she
prays process of subpoena against the deft. Peter Pope to compel
him to answer upon oath to all the matter charged in the
bill, and that your Honor would grant such further and
general relief as the nature of the case may seem to de-
mand, and for this she ever prays &c

Funch
p. v.

This day personally appeared before me ~~Peter Mary Pope~~
Saml. B. Hines J. P. of the County of Southampton Mary
Pope and made oath that the allegations contained
in the foregoing Bill are true
Saml. B. Hines

An order may be entered requiring the
def't to pay to the next friend of the pet'r the
sum of twenty dollars forthwith, and for her
maintenance quarterly, the further sum of
fifteen dollars, pending this, sent to commence
on the 10.th day of November 1887, until the
further order of the court.

Baker.

J. E. Dwyer

J. E. Dwyer

1887 Apr 10th

Mary Pope
vs. In Chancery
Peter Pope

Upon application of J. S. French counsel
for Mary Pope, now suing for divorce and alimony, it was
ordered by the ~~Chancery~~ Court that Benjamin Griffin Shiff
to whose possession the estate of Peter Pope has been
committed by virtue of an injunction issued out
of the County Court of Southampton pay over
to J. S. French her next friend the sum of fifty Dollars
^{until further order of the Court} annually for her maintenance, to be paid in quarterly
payments, the first payment to be made instantly
and the first annual payment to be applied by the said
J. S. French ~~to~~ in discharge of the expenses necessarily
incurred by her in the prosecution of this suit
unless the said Peter Pope should show cause
to the contrary

le 5. 6

Pope

" { Sp^a in Chy

Pope

1837 March Rules

Executed by delivering
a true copy ~~to~~ ^{the} ~~Harrison~~

1/1837

Harrison & Pope and of
Benj^o Greiffen & off

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Peter Pope*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *him* in the said Court by

Mary Pope by her next friend James I. French

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *23^d* day of *January* 1837, in the *61st* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Affidavit of
Jesse Drewry

Pope by H

^{or}
Pope

1837 Oct 21st

Pope
vs. Cheney
Pope

This day personally appeared before me a Justice of the Peace for Southampton County, Depe Cheney, who being duly sworn to testify as to the value of Peter Popes Estate sayeth that he has for some time managed the affairs of the said Peter Pope - and that his personal estate after the payment of his debts is worth about one hundred and fifty dolls - and that he also has a tract of land containing from one hundred & fifty to two hundred acres - and furthermore owns some land in N. Carolina which he obtained by his wife, but how much he does not know, the tract last mentioned is supposed to be valuable

Given under my
hand and seal this 31st day of Oct 1837

Saml B. Davis

