

1853-032

SOUTHAMPTON COUNTY
CHANCERY PAPERS

POPE

VS. POPE v al, by v c v al
5/1853

other surnames: Edwards,
Briggs, Barham, Brittle,
Clard

~~27~~ 27.

Pope

v } Papers

Popes

1853 May Term

Popu

~ { Stat: Rules

Popes

Harrison P Pope

against

Rufel P. & Joseph B. Pope

1852 March 22nd Summons issued

" April. R. Summons returned Executed

" R. 28th Bill filed. Benj. C. Pope appt.^d gov. ad litem. Ans of infants A. Rep.
thereto. cause set for hearing as to them. Decree nisi in Offce. Edwards & Briggs

Popes Gov.
w } Bill

Popes

1852 Apr. 28

At. J. P. Pope
Recd

To The Hon Richard H. Baker, Judge of the
Leicester Court of Southampton County -

Humbly complaining sheweth
unto your honor, your orator Harrison P. Pope
that he intermarried with Miss Virginia A. Ed-
wards in the year 1846 - That she was seized,
at the time of her marriage, of about six
hundred acres of land, that since that time
she has departed this life, leaving two sur-
viving children, to wit, Russell P. and Joseph B.
Pope, of the ages of about four years and one
year. Your orator is advised that he is en-
titled as tenant by the curtesy, to the said land
for and during his life. He avers that
the reversionary interest which his children
have in this land is their entire estate.
He believes, that it will be to his own and
to their interest that a portion of the said
land, to wit, about two hundred and sixty
acres, should be sold - It is ^{now} all woodland
and yields ^{little or} no rent. Your orator represents
that he has qualified in the County Court
of this County as guardian to his infant
children and executed a bond in the
penalty of \$ a copy of which is
herewith filed and prayed to be taken as
a part of this bill.

Your orator prays that your honor will
appoint a special Commissioner to make
sale of the above portion of land (as it
can now be sold on advantageous terms)
and as he is without relief save only

x that your honor would make Russell & Joseph B. Pope
& Peter Edwards & Stanley Briggs parties defendant
to this bill & compel them as well answer to make as if
they had been more specifically interrogated.
in a Court of Chancery that your honor
will all other orders ^{made} as equity may
dictate & the nature of the case may
require, and as in duty bound he
will ever pray &c. Marion P. Pope

Personally appeared before me a
Justice of the peace in and for the County of
Southampton, & State of Virginia Marion P.
Pope and signed, and made oath that the
facts contained in the foregoing bill are true
so far as he knows or believes.
Given under my hand & seal this 27th day
of April AD 1852.

Ben E. Pope JP

Popes Son

is } Anor.

Popes

Rev. E. Pope & Co
Charters

The separate answer of Ben E Pope
next friend and guardian ad
litem to Russell P and Joseph B.
Pope, to a bill of Complaint filed
against them by Harrison P. Pope.

This defendant saving now and always
all advantages that may be taken of the errors
defects and insufficiencies of the said bill, for
answer to as much thereof as he is advised it is
material for him to answer, says, that he
knows no objection to the appointment of
a commissioner to make sale of the land
mentioned in the said bill as prayed for but
on the contrary thinks it will be to the ad-
vantage of those interested - The land ex-
posed in the bill yields no rent at all,
being altogether wood land.

Having answered he prays to be
hence dismissed.

Ben E. Pope

Personally appeared before me, a Jus-
tice of the peace in and for the County of South-
ampton, State of Virginia, Ben E. Pope, and
made oath that the before written Answer
was true so far as he knows or believes,
Given under my hand & seal this 26th April AD 1853

Saml B. Harris J. P.

Virginia - Southampton County - Court

Personally appeared before me Benja
B. Kindred . . . , a Justice of the Peace for the County and
State of Virginia. John Edwards and Samuel Briggs, and
made oath that the facts stated in the foregoing answer
are true so far as they know or believe: And signed the
same. Given under my hand and seal This 8th day
of November A.D. 1852.

Benj. B. Kindred JP

Pope
as John
Pope

The separate answer of Peter Edwards
and Nancy Briggs to a bill filed against them,
by Harrison P. Pope, guardian for Rufell P and
Joseph B. Pope.

These defendants, saving now and
always hereafter, all advantages that may be taken
of the defects and insufficiencies contained in the
plaintiff's bill, for answer to so much thereof as they
are advised it is material for them to answer,
say, That they admit the facts and allegations
made in the said bill; That they would be the
heirs to the said Rufell P and Joseph B Pope in the
event of their death, and after the death of the said
plaintiff, Harrison P. Pope; and that they have no
objection whatever to the decree prayed for, for the
sale of the said land, but on the contrary believe
it would be to the benefit of the said Rufell P
and Joseph B Pope that such sale should be made.

And having answered they pray to be
hence dismissed.

Peter Edwards

Nancy Briggs

Popes for

" } Deposition

Popes

36.1 11 11 11

Filed Apr. 28 1852.

Deposition
Pope

The deposition of John Barham, Charles E. C. Bittle and C. D. Barham, - - - - -
taken at Pope's Store in the County of Southampton, on
the 29th day of April A.D. 1852, by the mutual con-
sent of parties and without notice to be read as
evidence in a suit now pending in the Circuit Court
of Southampton in which Harrison P. Pope, guardian
of his infant children, Russell P. & Joseph B. Pope, is plain-
tiff and Russell P. and Joseph B. Pope (infants) by their
next friend & guardian ad litem Ben E. Pope, are de-
fendants - the said guardian ad litem being present.

John Barham having first been sworn
upon the Evangelists of Almighty God, says and deposes
as follows -

I am well acquainted with the land
desired to be sold by H. P. Pope as guardian of his
children - It yields no rent at all being entirely
wood land - It is a small piece of land,
and could not be advantageously made a set-
tlement. I am entirely of the opinion that it
would be to the interest of his infant children
for the Court to decree a sale of it. H. P. Pope
is already in very independent circumstances,
if not wealthy, and is improving his pecuniary
condition annually.

John Barham

Charles E. C. Bittle having first been duly
sworn upon the Evangelists of Almighty God says

that he entirely concurs in the above statement made by John Barham.

Charles E. Brittle

W. D. Barham having been sworn, says & deposes as follows - I entirely concur with Mr. Brittle in the statement made by Mr. Barham.

W. D. Barham x

The foregoing depositions of John Barham, Charles E. Brittle & W. D. Barham, were taken sworn to and subscribed before me a Justice of the peace at the time & place mentioned in the caption. Given under my hand & seal this 29th day of April AD 1852

Ben H. Pope J. P. Seal

The foregoing depositions of Mills
Pope & Phillip Island, taken by art. 17, were
taken sworn to and subscribed before
me the day of the place & manner mentioned
in the caption.

Given under my hand & seal this
2nd day of November AD 1852.

Carver A. Watson Jr.

Pope &
vs Pope &c
Depositions.

Filed Nov. 4 1852

The deposition of Mills Pope & Phillip
J. Leland

taken at The Cross Keys in the County of Southampton, on
Tuesday the second day of November AD 1832, by mu-
tual consent of the parties and without notice, to be
read as evidence on behalf of the plaintiff in a cer-
tain suit now pending in the Circuit Court of said
County in which Harrison P Pope, guardian of Russell P
and Joseph B Pope is plaintiff and The said minors R P
and Joseph B Pope and others are defendants — Taken in
presence of Ben E Pope the guardian ad litem.

Mills Pope and Phillip J. Leland
_____ having been duly sworn upon
The Evangelists of Almighty God depose as follows —

I know the land which Harrison P. Pope
owns and which belonged to his wife (now deceased) be-
fore her marriage with Mr. Pope. It certainly can
not yield much rent as a large portion of it
is uncultivated — It lies several miles, perhaps four
or five miles, distant from Mr. Pope's residence.

The whole of the land does not I suppose, exceed
220 - acres in quantity. The rent would be
nothing it being nearly all woods —
the land would sell for a sum which
rent on which at five per cent, would
exceed the annual rent, very much ex-
ceed it as the land would now sell to
advantage. The rent could not exceed
\$20.00 ^{or \$2000} — The land would sell for 3 per cent
I suppose — further I can not say. Mills Pope

Phillip J. Leland

Popes Go?

is } Same. Chy.

Pope

1852 April Rules

Executed by

Delivering a true

Cope to Peter Edwards

~~Wm. P. + J. B. P.~~

+ Nancy Briggs

W. P. Pope Go?

The Commonwealth of Virginia:

To the Sheriff of the County of Southampton, GREETING:

We command you to summon Russell P. & Joseph B. Pope & Peter Edwards & Nancy Briggs

to appear at the Clerk's Office of the Circuit Court — of the County of Southampton, at Rules to be holden for said Court, on the first Monday in

April - next, to answer a bill in chancery exhibited against them in our said Court by Harrison P. Pope guardian of Russell P. and Joseph B. Pope

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, this 22^d day of March A. D. 1852, in the 7^{6th} year of our Independence.

L. R. Edwards *llb*

Pope

to } Exhibit with bill

Popes

KNOW ALL MEN BY THESE PRESENTS, That we *Harrison P. Pope. Ben. E Pope*

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *twelve hundred* —
dollars to the payment whereof, we bind ourselves, our heirs, executors
and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this
15th day of *March* — 1852.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound *Harrison P. Pope*
who has this day qualified as guardian of Rufel R & Joseph W Pope his
infant children

in
~~such~~ the *County* Court of Southampton shall faithfully discharge the duties of said office or trust,
according to law. Then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the }
presence of the Court.

H. P. Pope

Ben. E Pope

Attest

Teste.

L R Edwards

