1857-021 SOUTHAMPTON COUNTY CHANCERY PAPERS

POPE vs. POPE et al

12/1857

other surnames: Darden

Lope
vs Deweese
Pope's

57 - December Term

1857 Dec Decree as filed

To the worshipful Court of Southampton County — In Chancery —
December term 1857

Humbly complaining sheweth unto your worships your orator Oswald Pope, that his father and mother, Nathan Pope and Nancy Pope, departed this life heretofore intestate, leaving together with other property a negro woman slave Lavinia or "Vena" — that all the other property descended to the heirs of the said Nathan & Nancy has heretofore been disposed of by deeds or other legal methods — that the said Nathan & Nancy left several children, all of whom will hereinafter be mentioned by name, as their heirs at law.

Your Orator therefore humbly prays that there may be appointed some suitable person as a special Commissioner with directions to make sale of the said negro slave for the purpose of effecting a division among the parties entitled thereto — Your orator is advised that himself Newsom Pope Madison Pope Sheppard Pope Reddick Pope and the heirs at law of Elliza J Pope, (lately deceased) leaving a widow Martha Pope and two children Franklin Pope and Corrine Pope, the two last ~~being~~ named being infants of tender years, are entitled to the said negro slaves in equal portions, that

is to say one sixth to each — Amos S. Pope having heretofore received the whole of his interest in the slaves belonging to the estate of the said Nathan and Nancy

Your orator therefore prays that the said parties may be made defendants to this bill and as likewise the administrator of the said Elliza J. Pope and compelled to answer its allegations — that your worships would grant such other and general relief as equity may dictate and the nature of this case may require and as in duty bound, he will ever pray &c

Jno I Kindrad
Complt

The several joint answer of Newman Pope — Madison Pope — Shepherd Pope — Reddick Pope — and James I Darden admr of Elleba J. Pope dec'd — and Martha Pope widow of the said Elleba & Franklin Pope & Corrine Pope — the last two named (infants, by L R Edwards their guardian ad litem). to the bill exhibited against them by Oswald Pope, in the County Court of Southampton County.

These defendants, saving &c for answer say that they have no objection to the sale &c by a decree as prayed for, but on the contrary desire it believing it will be to the interest of all parties concerned.

And having answered pray to be hence dismissed —

Jno I Kindrad
Solt

Southampton County Court — December term 1857 / 1858

1857.

Pope
&
Pope's
} Decree

This cause this day came on to be heard on the bill the answer of the adult defendants in their proper person and of the infant defendants by L R Edwards (who is hereby appointed their guardian ad litem) together with the replication thereto and was argued by counsel: On Consideration whereof the Court doth adjudge and decree that Jno I Kindred be and he is hereby appointed a special Commissioner with authority and directions to sell at Auction for cash or on a credit by taking bond with sufficient security carrying interest from date as in his judgment may seem most advantageous to the interest of the parties concerned, having ~~given~~ duly advertised ~~and~~ the negro woman Lavinia or "Vena" lately in the possession of Elliba I Pope and the property of himself and others hereinafter named — And the said Commissioner after paying the expenses of taking and executing this decree is directed to pay over the net proceeds or assign a bond therefor as follows, viz — one equal share to Oswald Pope one to Newsom Pope one to Madison Pope one to Shepherd Pope one to Reddick Pope and the other or remaining one share or one sixth to pay over as follows viz one fifth thereof to the widow of the said Elliba I Pope and an

equivalent to the said widow of her right of dower in the said slave, and the remaining four fifths of the said share in equal portions, to Franklin Pope and Lorraine Pope, only Children of the said Elliba J Pope. But Should it appear to the said Commissioner that this last share or one Sixth before directed to be paid over to the heirs of the said Elliba J. Pope, is necessary for the payment of his just debts, under the laws of this State authorizing a personal representative to sell negro-slaves for that purpose, then the said Commissioner is directed to pay over the last named share to the administrator of the said Elliba J. Pope.

But the said Commissioner shall not proceed to the discharge of the duties enjoined by this decree, until he shall have executed in the clerk's office of this Court, bond, with sufficient security in the penalty of two thousand dollars, conditioned for the faithful performance of the said duties.

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

Pope
vs
Pope's
Decree

1857 Dec Ct

Know all men by these presents that we John S. Kinred, Thomas N. Biggs

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five 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 15th day of January A.D. 1858

The Condition of the above obligation is such that if the above bound John S. Kinred who is appointed a Commissioner by a decree of the County Court of Southampton County rendered at the December Term 1857 in the cause of Peter vs Peter to make Sale of a Negro woman named Lavinia & "Vina" and for other purposes therein described.

Shall faithfully discharge the duties of this 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 S. Kinred (Seal)
Thos. N. Biggs (Seal)
(Seal)
(Seal)