

1859-018

SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDWARDS

VS.

POPE and Wife et al

12/1859

other surnames:

Briggs

Starapha Edwards

m

BE. Pope & wife & two Eliza

Dierce

1859 Sept. Dierce filed

#

Nov. Report

Dec. 11 Conf.

Shorthampton County Court
Chancery
September term 1859

Humbly complaining she is to
your worship, youratrix Narcissa Edwards, widow
of Peter Edwards deceased, that her ~~said~~ husband
the said Peter Edwards departed this life in the year
1859, having previously duly executed his last will and
testament which was admitted to probate in the County Court
of said County at the last (August) term thereof - a copy of
which will is herewith filed (marked A) & prays to be
taken as part of this bill - the provisions of which said
will for the benefit of youratrix, she has wholly
and entirely renounced.

Youratrix states that her said husband
was seized and possessed at the time of his death of a
large real estate and of a large number of
negro-slaves, to one third of which real estate and
negro-slaves youratrix is advised she is entitled
to, for and during the term of her natural life -

By the said will specific legacies were bequeathed
and devised to Caroline Pope, (wife of Ben E Pope) and
to John E. Briggs.

As youratrix is anxious to have her dower
assigned to her in the said real estate and negro-slaves
she therefore humbly prays your worship to make
Ben E. Pope and his wife Caroline Pope and John E. Briggs
parties defendant to this bill and Compel ^{them} full answers
to make to the allegations herein contained - and

that your worship would grant a decree appointing discreet
and proper persons as commissioners to allot and assign to her
her dower in the said land and slaves - and grant such other
and several relief as equity may dictate and the nature of her
case may require - and as in ~~and~~ ^{and} she will ever pray.

Jas. H. Hinde Attorney for Narcissa Edwards

The separate answer of Ben E. Pope and his wife Caroline Pope and of Mrs E. Briggs to a bill filed against them in the County Court of Southampton County, by Narcissa Edwards, widow of Peter Edwards deceased, at the September Term thereof 1857.

These defendants, saving to, for answer to so much of the said bill as they are advised it is material for them to answer, say that they have no objection to the decree prayed for; but on the contrary desire it themselves individually, - and having answered pray to be hence dismissed &c.

Jno I. Kindred
Attorney for the above defendants
B E Pope & wife and Mrs E Briggs -

Narcissa Edwards

Ben E Pope & wife, Caroline Pope, and Mrs E Briggs

This cause came on this day to be heard on the ~~said~~ bill the answer and replication thereto, together with Exhibit files, and was argued by Counsel - One consideration whereof the Court doth adjudge, order and decree that Joseph H. Prince, Benja B. Kindred, James R. Joyner, William S. Francis and Nathan N. Thomas be and they are hereby appointed special Commissioners for the purpose, (any three of whom may act) - That they take with them a Competent Surveyor and as early as convenient proceed to assign to Narcissa Edwards, widow of Peter Edwards ^{one} third in value of the real estate of which the said Peter Edwards died seized exclusive of the maiden-land to which she may be entitled in fee-simple and exclusive of the specific bequest of real estate which was devised by the said Peter Edwards to Mrs E. Briggs but which latter however is to be taken into a consideration and estimation of the value of the ~~whole~~ of the said real estate in order to arrive at the said one third in value - The said Commissioners so acting are to have a just and proper regard to wood-land and cleared-land -

And the said Commissioners so acting are further ordered to allot to the said Narcissa Edwards, one just third in value of the negro-slaves of which Peter Edwards died possessed not allotting to her any negroes specifically bequeathed to any one by the said Peter Edwards' will, but taking them into the estimation to arrive at the value of the whole of the negro-slaves of which he so died possessed; and having a proper regard in the

allotment of the said dower in the said negroes, to age
and sex and whether child-bearing women or not
and such other circumstances as may tend to arrive
at a just and fair allotment - and the said Com-

~~And the said Commissioners are directed to~~
~~directed to report to the Court in order to a final~~
~~decree.~~

Commissioners are allowed to take bonds from either of the
parties interested ^{for small amounts} in order to equalize the said division
of slaves.

And the said Commissioners are directed
to report to the Court in order to a final decree.

Edwards

~ { Rep.

Pope to

1859 Nov.

Southampton County Court, September 19th 1859.
Mareisa Edwards Plaintiff

against
Ben E. Pope & his wife Caroline & John E. Briggs Defendants

This cause came on this day to be heard, on the bill, the answer, and replication thereto, together with exhibit filed, and was argued by Counsel. - On consideration whereof the Court doth adjudge, order and decree that Joseph H. Prince, Benj. A. B. Kintred, James R. Joyner, William S. Francis and Nathan M. Thomas be and they are hereby appointed Special Commissioners for the purpose, (any three of whom may act) that they take with them, a competent Surveyor and as early as convenient proceed to apportion to Mareisa Edwards widow of Peter Edwards one just third in value of the real estate of which the said Peter Edwards died seized exclusive of the maiden land to which she may be entitled in fee simple, (and exclusive of the specific legacy of real estate which was devised by the said Peter Edwards to John E. Briggs, but which latter however is to be taken into a consideration and estimation of the value of the whole of the said real estate in order to arrive at the said one third in value. - The said Commissioners so acting are to have a just and proper regard to woodland and cleared land.

And the said Commissioners so acting are further ordered to allot to the said Mareisa Edwards one just third in value of the negro-slaves of which Peter Edwards died possessed not allotting to her any negroes specifically bequeathed to any one by the said Peter Edwards's Will, but taking them into the estimation to arrive at the value of the whole of the negro slaves of which he so died possessed; and having a proper regard in allotment of the said dower in the said negroes to age and sex (and whether child-bearing women or not and such other circumstances as may tend to arrive at a just and fair allotment) - and the said Commissioners are allowed to take bonds from either of the parties interested for small amounts in order to equalize the said division of slaves. - And the said

Commissioners are directed to report to this Court in order to a
final decree.

Attest,

Henry S. Howard, Clk.

Nanipa Edwards
vs. 3 Comrs
Pope & Report

In the above case your commissioners have
 leave to report, that they proceeded to assign the
 widow Narcissa Edwards $\frac{1}{3}$ of said Peter Edwards
 land, the meter & boundaries we deem it unnecessary
 to specify, as we are required to report by both
 parties (Bry: E. Pope and Narcissa Edwards) that the
 said Narcissa Edwards has sold her interest in
 the land to said Pope. signed by

B. E. Pope

Narcissa Edwards

We agree the within statement showing the
 division of the slaves belonging to said Peter
 Edwards' estate.

The ^{valuation of the} negroes given to John E. Briggs & Caroline P. Pope
 (Marked A) is a part of our report & shows that
 the widow Narcissa Edwards was entitled \$6139.55
 less \$200 amt: received too much out of the land
 leaving \$5939.55. We assigned the following negroes
 to the widow.

Jef	-	\$1330.
Lythy & child	-	1200.
Judy & child	-	1400.
Heggin	-	500.
Harry		85.
Richmond		350.
Bytha	-	1160.
		\$6025
		5939.55
		\$85.45

giving \$85.45 too much.

In the slaves at the residence of the deceased Marked (B),
 the valuation was \$29025. Deduct \$5939.55 the value of
 the negroes assigned for dowry in the negroes given to Briggs &
 Pope, leaves \$23085. $\frac{1}{3}$ to widow \$7666.66, we assigned
 the following slaves

Henry Woodard	\$1500.	} George Turner	\$720.	} Peter	\$1060		
John	1340.		Tom		1360	Charles	970
	2840.				2080.	Patience	580
					\$2610		

Total	\$7530
Ant: in negroes from Briggs	85.45
Benj: E. Pope to pay	7615.45
	57.21
	<u>\$7666.66</u>

The balance of the negroes were assigned to Benj: E. Pope in right of his wife Caroline. All of which is respectfully submitted.

November 12. 1859

Joseph H. Prince	} Comrs.
Nathan N Thomas	
Wm. S. Francis	
James R. Joyner	

(A)

Appraisement of the negroes at John E. Briggs
belonging to the estate of Peter Edwards decd. and
which were specifically bequeathed by sd. Edwards to
said Briggs and Caroline J. Pope.

Names of negroes

Sam	(old man 70 years old)		\$100.00
Jef	65	" "	16.00
Mariah	woman 55	" "	80.00
Aaron	man 45	" "	800.00
Frank	53	" "	350.00
Henry	" 38	" "	832.00
Miles	25	" "	1240.00
Hampton	boy 16	" "	1460.00
Allen	" 10	" "	846.00
{ Amorette	woman 34 & three children		1960.00
{ Leah 8 Emma 6 & Sam 3			
Little Mariah	girl 18		1260.00
Rosa	" 16		1180.00
Adeline	15		1010.00
{ Augy	woman 21 & 3 children		1940.00
{ Lee 5, Charlotte 2, & Junius 4 weeks			
Lyzia	girl 10,		740.00

3/	13814.00
	4604.66
3/	18418.66
	\$6139.55
	200.00
	5939.55

Deduct for the amount received
too much in Lanco

The amt. to which the widow
is entitled is the negroes specifically
bequeathed to John E. Briggs & Caroline J. Pope

B

Valuation of the negroes at the residence
of Peter Edwards dec^d taken The 27th Sept. 1859

Names of negroes	Value	\$	¢
Harry (old negro man about 70 years old.)	85.		
Richmond (" " " " 55 " ")	350.		
Jacob (" " " " 51 " ")	650.		
Big Henry (" " " " 55 " ")	600.		
Isaac (" " " " 52 " ")	1030.		
Charles (" " " " 50 " ")	970.		
Britton (" " " " 45 " ")	1150.		
George (" " " " 40 " ")	720.		
Jeff (" " " " 43 " ")	1330.		
Cornelius (" " " " 35 " ")	1420.		
Henry Woodard (" " " " 27 " ")	1500.		
Henry Reese (" " " " 25 " ")	1500.		
Ben (" " " " 35 " ")	1520.		
Frezzin (" " " " 32 " ")	500.		
Sandy (" boy " " 21 " ")	1120.		
Junius (" " " " 14 " ")	1410.		
Olive (" woman " " 45 " ")	650.		
Mary (" " " " 20 " ")	1220.		
Judy & child & son (" " " " 16 " ")	1400.		
Lytha (" girl " " 12 " ")	1160.		
Lytha & child & Mary (" woman " " 38 " ")	1200.		
Tom (" boy " " 15 " ")	1360.		
John (" " " " 13 " ")	1340.		
Peter (" " " " 10 " ")	1060.		
Saline (" woman " " 45 " ")	580.		
Louisa (" " " " 28 " ")	960.		
Maurin (& 3 children Anthony, Thim & Bob) 25	2240.		
	<u>29025</u>		

Peter Edwards

Will

Copy

In the name of God Amen, I Peter Edwards
of Southampton County and State of Virginia, being of
Sound mind and memory, and considering the
uncertainty of said and transitory life; do therefore make
ordain, publish and declare this to be my last Will and
Testament, that is to say, first after all my lawful
debts are paid and discharged, the residue of my
Estate real and personal, I give bequeath and dispose
of as follows (To Wit.)

I give and bequeath unto John C. Briggs all of my lands on
which the said Briggs now lives, better known as the old
plantation and all other tracts adjoining the same,
belonging to me, together with all their improvements,
also negroes, Sam, Cordy, Jeff, Frank, Jack, Aron, Henry,
little Maria Hampton, Amorette & family and their present
and future increase, Addeline, Liddia, Lear and Alice,
I also give him all the debts which he now or may
owe me, my request is that he should support and take
good care of his mother Nancy Briggs during her life.
I give and bequeath unto my Daughter Caroline Pope,
the wife, of Benjamin Pope, the following Slaves, Maria, and
family and their present and future increase, Miles, Anika, Angy,
Rock and Allen, and also Thirty Thousand dollars, to be raised
out of the moneyed part of my Estate.

All the balance of my Estate, real & personal, which I
have not personally disposed of, I leave unto my beloved wife
during her natural life, After ~~the~~ death of my wife I give
and bequeath it to my daughter Caroline Pope, the wife of Benja
C. Pope. I hereby appoint John C. Briggs and Benja C. Pope to be
my Executors to this my last Will and Testament, and revoking
all others which I may have made, Given under my hand and Seal
This 10th day of April 1855 and in the presence of three witnesses,
Witness

Edward P. Turner,
James R. Scarborough }

Peter Edwards

Seal

At a Court held for the County of Southampton, August 15th 1859
This Last Will and Testament of Peter Edwards dec'd was this day
proved by the oaths of Edward P. Turner and James R. Scarborough
the Subscribing witnesses thereto and thereupon ordered to be
recorded. And in the motion of Benjamin C. Pope and
John E. Briggs the Executors therein named who made oath
and together with Harrison P. Pope, George C. Pope,
W^m E. Myrick Francis T. Bidley, George H. Mansgrove
and W^m S. Francis their Sureties (who justified on
oath as to their Sufficiency) entered into and
acknowledged at and in the penalty of one hundred and
fifty thousand Dollars, Conditioned according to Law
Certificate is granted them for obtaining a probate of
the said will in due form.

Teste

J. R. Edwards Clk