1870126 SOUTHAMPTON COUNTY CHANCERY PAPERS POPE and Wife vs. THOMAS etal

12/1870

other surnames; Claud

623

Pope duriss
vs 3/3 Bill & answers
Thomas &c " "

1870 Nov. Decree as filed &c
" Dec. Rep. & Confm.

Price & C.

To the Honorable Joseph W. Urquhart, Judge of the County Court of Southampton — In Chancery.

Humbly Complaining, showeth unto Your Honor, your Complainants Robt. S. Pope & Mary E. his wife, that Philip Bland ~~was~~ the father of your complainant's wife, was in his lifetime seized & possessed of considerable real estate lying in the County of Southampton, containing about — acres and being so thereof seized & possessed, some time in the year 186- departed this life intestate leaving your complainant's wife, Mary E. Pope, formerly Mary E. Bland, Fayetta Thomas, who was the wife of D. H. Thomas, and who has since died, leaving a child, and John P. Bland, his only children & heirs at law. That the said Jno. P. Bland is an infant under the age of twenty ~~one~~. That your complainant further states, that the said real estate is, as he believes, susceptible of ~~division~~ partition among the parties entitled thereto; but if it be not, then your Complainant desires it to be sold, and the proceeds distributed among the parties, in proportion to their respective interests therein.

In tender consideration of all which, and inasmuch as your Complainants are without remedy in the premises, save in a Court of Equity, where matters of this kind are peculiarly Cognizable, to the end therefore that justice may be done, he pray that D. H. Thomas & Jno. P. Bland, may be made parties defendant to this bill

compelled to answer the allegations thereof: that a proper Guardian ad litem be assigned the infant defendant to defend his interest in this suit: that the said real estate be divided between the parties aforementioned entitled thereto, and your Complainants portion allotted to them; and in case the said real estate be indivisible in kind, that the same may be sold & the proceeds justly distributed, and that such other, further & general relief may be afforded as the nature of this case may require & to Equity shall seem meet. And as in duty bound, your Complainants will ever pray &c.— May it please the Court &c.—

Prince P.Q.

The answer of D.H. Thomas to a bill of complaint filed against himself & others by R.S. Pope & wife, in the County Court of Southampton County.

This defendant, saving & reserving &c. for answer to the said bill, or unto so much thereof as he is advised it is material to answer, answering says: That he admits the facts as alleged in the complainants bill to be true, and has no objection to the granting the prayer of said bill. And having answered, he prays hence to be dismissed with his costs &c.—

Signed

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The answer of Jno. P. Bland, an infant by L.R. Edwards, his Guard. ad litem, to a bill of complaint filed against himself & others by R.S. Pope & wife, in the County Court of Southampton County.

This defendant, saving &c. for answer to the said bill, or unto so much thereof as he is advised it is material to answer, answering says: That he is an infant, and knows nothing of the facts above alleged. and being an infant, he submits his rights to the protection of this Court. and having answered he prays hence to be dismissed with his Costs &c.

Signed L.R. Edwards

Guardian ad litem

Pope dissa
vs 33 Decree
Thomas &c

Nov Term 1870

To be entered.
J. W. Wrightsart Judge

Pope & wife
vs 3 Decree.
Thomas &c

This day this cause was docketed by consent of parties & leave of the Court, and the complainants filed their bill, and on their motion L.R. Edwards is assigned & admitted to the infant defendant, Jno. P. Bland, and thereupon the said Guardian ad litem filed the answer of the said infant, and the said D.H. Thomas filed his answer, to which answers the plffs replied generally, and the cause coming on to be heard, by the like leave & consent, upon the bill, the said answers, general replication thereto, was argued by Counsel. On consideration whereof the Court doth adjudge order & decree that partition be made of the several parcels of land of which Philip Bland died seized: ~~to wit~~: and for the purpose of effecting such partition, the Court doth order that Charles Knight, Amos Pope, Cadmus Barrett, Lewis Martin & Mills R. Gray, any three of whom may act, who are hereby appointed Commissioners for that purpose do proceed to lay off & divide the said real estate into three equal parts, having regard to quality & quantity, and assign one of said three parts, to D.H. Thomas, for his life - one third part to R.S. Pope & Mary E. his wife, and one third part to Jno. P. Bland. And the said Commissioners are required to report their proceeding under this order to Court, in order to a final decree.

Pope & wife
et 3 Sons
Thomas &c

A Copy

Southampton County Court.
November Term 1870.

Pope & wife
vs
D. H. Thomas &c.

This day this cause was docketed by consent of parties & leave of the Court & the Complainants filed their bill & on their motion L. R. Edwards is assigned Guardian ad litem to the infant defendant Jno. P. Bland & thereupon the said Guardian ad litem filed the answer of the said infant, and the said D. H. Thomas filed his answer, to which answers the plaintiffs replied generally, and the cause coming on to be heard, by the like leave & consent, upon the bill, the said answers, general replication thereto was argued by Counsel. On Consideration whereof the Court doth adjudge order & decree that partition be made of the several parcels of land of which Philip Bland died seized. And for the purpose of effecting such partition the Court doth order that Charles Knight, Amos Pope, Cadmus Barrett, Lewis Mack & Miller R. Gray, any three of whom may act, who are hereby appointed Commissioners for that purpose, do proceed to lay off & divide the said real estate into three equal parts, having regard to quality & quantity, and assign one of said three parts to D. H. Thomas for his life; one third part to R. S. Pope & Mary E. his wife, and one third part to Jno. P. Bland. And the said Commissioners are required to report their proceedings under this order to Court in order to a final decree.

A Copy Teste,

James R. Taylor, D.C.

Report confirmed
& ordered to be recorded
J. W. Wrightnhart
Judge
Dec. Term 1870

We the undersigned Appointed by the County Court of Southampton County, at the November term 1870, did on the 28th day of Nov. 1870, Proceed to divide the Land of which Philip Bland died seized and possessed, into Three equal parts, Having regard to quality and quantity, Putting all the Land North of the Barrows Road known as the Abner R Stephenson tract supposed to Contain One Hundred and fifty Acres as one third of the Value of the Whole tract which third was drawn by John P Bland (2nd) We alloted to the Buildings as we suppose Fifty Acres of Land Commencing at a gate South of the House at a Little Pond running North up a Little Branch to an old Fish pond, thence West to Simon Pope line, thence down said branch to the beginning Which third was drawn by Robt S Pope and Mary E his wife (3rd) We allowed to third part the Balance of the tract of Land supposed to Contain Two Hundred and Fifty Acres Which third was drawn by W H Thomas for his life — Very Respectfully Submitted

Chas E Knight

Amos S. Pope

Lewis Marks

Mills his X R Gray mark

R. C. Barrow