

1878-24

Southampton County - Chancery

Pape, Herod vs Pape Simon, et al

To divide real property

Edith Pape,
married

Nathan B. Parnum

Elyahut Pape
married

Wm. Bryant

Lira J Pape
married

Francis Wright

Simon J Pape

Herod Pape

In the worshipping County Court of Southampton
In Chancery

Humbly Complaining sheweth unto your
worships your orator Herod Pope, of ancient City of
the said County, and respectfully represents as follows -
that his father, Simon Pope, departed this life in the
year 1841, intestate -

that the said Simon Pope was seized and possessed,
at the time of his death, of a small tract of land
lying and situate in the said County, and is supposed to
contain one hundred and seventy one acres more or less,
which is bounded by the land of James S. Darden, Amos
S. Pope, Francis Williams, and the lands belonging to the
heirs of Phillip S. Celand deceased and of James Celand
deceased -

That the said Simon Pope left as his only
heirs at law his children to wit, Edith Pope (who
has intermarried with Nathan B. Turner)

Elizabeth B Pope (who has intermarried with Wm R Bryant)

Siva J. Pope (who has intermarried with Francis Knight)

Simon J. Pope, and your orator - all of whom are
adults of full age -

Your orator is desirous of having a division
of the said real estate among the heirs ^{or title} thereto ac-
cording to their respective legal rights - He believes
that a division in kind is not practicable without
injury to the interests of the said parties - and as he
is without remedy save in a Court of Chancery as this
is where matters of this kind are properly cognizable
he therefore prays that your worships would make the
parties above named parties defendant to this Bill, to wit,

Nathan B. Turner & wife Edith, Wm R Bryant & wife Elizabeth B,
Francis Night & wife Siva T, and Simon T. Pope, and
Compel them to answer the allegations therein contained &
that your worships would appoint a special commis-
sioner with authority to sell the said real estate on
such terms as may be considered advantageous to
the heirs - &c

that your worships would grant such other
and several relief as equity may dictate, and
the nature of the case may require -

And as in duty bound your orators believe
pray &c.

Ino J. Kindred
Prayed

The Joint and several answer of
Nathan B. Turner & wife Edith Wm R Bryant & wife
Elizabeth B - Francis Night & wife Siva T -
and Simon T. Pope, -
to a Bill filed against them in the County Court
of Southampton County, by Herod Pope.

These Defendants for answer to &
much of the said Bill as they are advised it is
material for them to answer - say

that the facts are true as stated in the Com-
plainant's Bill in far as they know -

that they have no objection to a Decree to
make sale of the real estate therein mentioned for
the purpose of effecting a division, believing that a
division in kind is impracticable -

and having answered they pray to be dismissed

Ino J. Kindred
Prayed

Herod Pope

Simon T. Pope & others } Diverse

This Cause was this day docketed by leave of
Court and Consent of parties and by the like leave and Consent
Came on to be heard on the Bill, the Answer of the Defen-
dants with Replication thereto and was argued by Counsel:
On Consideration whereof the Court doth advise order
and decree that Ino J. Kindred be appointed a
special Commissioner for the purposes - that the said
Commissioner sell to the highest bidder at public auc-
tion at the Court House of this County, on some Court-day,
having duly advertised the same, at three public
places in the neighborhood, in which the real estate in
the proceeding mentioned is situated and at the said
Court House on some Court-day, preceding the day of sale,
the tract of land of which Simon Pope died seized
and possessed, lying and situate in the County of South-
ampton, supposed to contain one hundred and seventy one
acres more or less and is bounded by the lands of James D.
Darden, Amos S. Pope Francis Williams and the lands
belonging to the heirs of Phillip S. Bland deceased and of
James Bland deceased - that the said Commissioner sell
the same on a credit of twelve months except suf-
ficient in cash to defray the expenses of obtaining and
executing this Decree taking a bond, with sufficient per-
sonal security from the purchaser, bearing interest from
the first day of January next at the rate of ten per cent
till the whole of the purchase money is paid, the pur-
chaser to have the discretion to pay the whole of the pur-
chase money in cash - And the said Commissioner of

directed to report his proceedings under this order to the Court
in order to a final decree.

But the said Complainant shall not pro-
ceed herein until he shall have executed in the
Clerk's office of the Court bond with sufficient per-
sonal security, in the penalty of Two thousand
dollars, conditioned for the faithful performance of
the duties herein enjoined.

564

Am. & Pope

1873

Simon J. Pope

Attorney

Decree

1864 Sup. Decree filed

Oct. Decree annulled

Received by Court Clerk

Case No. 137 to 1573.

1874 June Decree

1874 May Report & Decree

Pope
vs. 3 Report &
Popes Receipt

Filed May 8. 1877

1878 May. Final decree

Pope

or 3 Report- of Comm. Prince.

Pope Keir

In this Cause, your Comm. submits the following report. That pursuant to decree entered at Feb'y Term 1875, he has withdrawn the bond due 21 Nov: 1875 - collected the same, and paid out to the parties their respective shares. The following will show how much each one was entitled to, after paying costs that had accrued.

Bond of W.R. Bryant & others.	\$500.
Dt from 21 Nov 1874 to Jan'y 1. '76	33. 33
	<u>\$533.33</u>

By bal in my hands per report filed Dec'r 28. 1874.	3. 80
	<u>\$537.13</u>

1875-Dec'r 19. 20 p'd J.D. Knudsen - (Ref't)	15.00	25.00
" Aug 16. " " Auctioneer	10.00	
		<u>512.13</u>

1/5 to W.R. Bryant	102. 42 3/5	<u>\$512.13</u>
1/5 " Nathan B. Turner	102. 42 3/5	
1/5 " Francis Knight	102. 42 3/5	
1/5 " Simon J. Pope	102. 42 3/5	
1/5 " Heros Pope	102. 42 3/5	

The receipts of the above parties or their agents are herewith returned.

July 28. 1876.

Recpty submitted

So J. C. St

J.B. Prince Com.

Loucheim

84

Pope
in $\frac{1}{3}$ Report
of
Pope sale

Decr 28. 1874

Pope's $\frac{3}{4}$ Report of Com: Prince.
vs
Pope's Adm'r &c.

In this Cause, your Commission respectfully reports, that pursuant to decree entered in this Cause, at the Oct: Term 1874, he advertised & sold the land in proceedings mentioned Nov 21. 1874, and at the sale Wm R Bryant, Herod Pope, Henry J. Pope became the purchaser, by bidding therefor the sum of fifteen hundred & sixty dollars. The purchaser paid in cash \$60 - Expended as follows -

To Commission -	\$40.20	
" Attor fee	<u>16.00</u>	<u>56.20</u>
To Bal in hands of Com ^r .		3.80

The purchaser executed three bonds of five hundred dollars each, due in 1, 2 & 3 years - for deferred payments, that are herewith returned. The purchaser are entitled to $\frac{3}{5}$ of the purchase money, consequently I demanded no personal security. The sale was an excellent one, and I recommend its confirmation.

Decr 28. 1874,
To Judge Civ. Ct.
Southampton.

Respy submitted

J B Prince
Special Comm.

Pope

vs 3

Pope's

Report of Court

Primer

Filed May 8. 1877

Pope
is 3 Report of Com^r Prince
Pope &c.

In this cause your Com^r
reports as follows. That he has
withdrawn from the papers,
the remaining two bonds of
W.R. Bryant & others for \$500 Each,
dated Nov 21. 1874, & due respectively
two & three years after date. That the
said Bryant & others have failed to
pay the same & I have not been
able to collect it. Your Com^r
therefore asks that the said Bryant
be summoned to the next term
of this Court to show cause, if
any he can why the real estate
in the proceedings mentioned
should not be used.

Respectfully submitted.

May 8. 1877.

J. B. Prince
20 Jnoy Cir Ct.
Southampton.

Popie
 & } Comd. Bond
 Popes

Know all men by these Presents, That we
Joseph B Prince & Joseph H. Prince

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of

Two thousand & dollars

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 16 day of November A. D. 1874

The condition of the above obligation is such that if the above bound

Joseph B Prince as Commissioner appointed by a decree of the Circuit Court of Southampton County rendered at the October Term of the Circuit Court of Southampton County ¹⁸⁷⁴ in a suit in Chancery therein pending in which Herod Pope & Simon Pope ^{others} Defendants

under said decree and any further order of said Court in said Cause

shall faithfully discharge the duties of his 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 delivered }

in presence of the Court. }

J. B. Prince (Seal.)
J. H. Prince (Seal.)
(Seal.)
(Seal.)

Nathan H. Turner
Recd

Statement of money collected by J.B. Prince
Comp from W.R. Bryant. for share of
real estate formerly belonging to
Simon Pope's estate in favor of Nathan
H. Turner.

1876.

July 1. By amt due you as per
Report. \$102.42
In Int for one year. 6.14

\$-10-8.56

Received Decr 19. 1876. of J.B. Prince
Comp. One Hundred Eight 56/100
dollars in full of above statement.

Nathan H Turner
By B F Thayer his
attorney in fact

Mr Joseph. B. Prince - you will
pleas pay to Benjamin. F. Knight
all the money that you collect from
the estate of Simon Pope
his receipt to you will be good as
I have made him my lawful agent
in the state of Virginia
July the 3rd 1844 - H. D. Knight

Received July 28. 1876
of J. B. Prince Compt

One Hundred Six dollars in
full of amt due from first
payment.

Ben F Knight
agent for
F. D. Knight

W. D. Knight

State of Louisiana }
Parish of Rapides }

Be it Known that

I, Nathan H. Turner a resident of the Parish of Rapides, State of Louisiana, do hereby appoint Benjamin F Knight of Southampton County, State of Virginia my lawful agent to transact any business for me the same as if I was present in person, with full power of Attorney to collect any moneys due me in said State of Virginia and to sign my name in accepting for the same and to do and transact any and all business for and in my name with any person or persons in said State of Virginia.

Given under my hand this the 15th day of November A D 1876, before the

undersigned Authority in the

Parish and State aforesaid } Nathan H. Turner

F. B. Amnden Justice of the Peace

James H Rausdell
Ck 9th Ind Dist Court
Rapides Pa La



Received Aug 16, 1845 of L. B. Prince
Court in suit of Simon Pope's Estate, ten
dollars, fee for auctioneering land.
Peleg Greenwood Fryer

Received December 19th 1875, of
Joseph B. Prince Commissioner to sell
land belonging to the heirs of Simon Pope,
under decree of Circuit Court (Pope vs
Pope's) fifteen dollars in full for
obtaining decree for sale of said land

Geo J. Knudsen
Atty at Law,

Received Jan'y 1. 1876 of J. B. Smith
Coun: in the Chancery suit of Pope vs
Pope's Heirs - one hundred & two $\frac{42 \frac{31}{100}}$
dollars in full of our portions of
1st bond due by W. R. Bryant & others
for purchase of land formerly
belonging to Estate of Union Pope
dece^d.

Witness as to Henry Pope
M^r M^r Clayton

Wm R Bryant
Henry Pope
Simon T Pope

Receipt of
W. H. Bryant
Herod. Pope
S. J. Pope



Pope
in 3

Pope

Report of
Comr Prince
& Receipts

Final Distribu-
tion -

Pope's heirs
vs $\frac{2}{3}$ Report of Comr J.B. Prince
Pope &c.

In this cause your Comr submits
the following report.

That he has collected the two bonds
of Wm R. Bryant & others for the purchase
of the land formerly belonging to
Simon Pope & distributed the same
among the parties entitled.

(2) Bonds. Each \$500 \$1000.00
Int from Nov 21. 1874. to Nov 5. 1877. 177.50
\$1177.50

20 pds blks each \$6.14.

Am't retained for future lts 10.00. 16.14

To be divided in five shares. 5) 1161.36
\$ 232.27 $\frac{1}{5}$

Total to be divided \$1161.36

$\frac{1}{5}$ to Wm R. Bryant.	232.27 $\frac{1}{5}$	
$\frac{1}{5}$ to Nathan H. Duncanson	232.27 $\frac{1}{5}$	
$\frac{1}{5}$ to Francis D Knight	232.27 $\frac{1}{5}$	
$\frac{1}{5}$ to S. J. Pope.	232.27 $\frac{1}{5}$	
$\frac{1}{5}$ to Herod Pope.	232.27 $\frac{1}{5}$	1161.36.

The receipts of the several parties or their
agents are herewith returned. I have
made the purchasers a deed. & there is
nothing further to be done in this suit.

To Judge Circuit Ct. Rept submitted.

Soi ampton.

J.B. Prince
Comr

Jan 25. 1838.

(3) Receipts on other side
J.B. Prince

Received Jan'y 26. 1878 of J.B. Pomeroy
Comr. the sum of two Hundred &
thirty two 27/5 dollars. the same being
the amount to which each of us
is entitled under the distribution
made on the other side of this sheet.
from the last bond for purchase
of land formerly belonging to
Estate Simon Pope decd.

Witness as to decd Pope.

Wm. Parker

Wm. R. Bagant

Simon S. Pope

Herb. Pope
mark

Herod Pope. Nathan B. Turner & wife & J. B. Prince
1874 To Clerk Southampton Circuit Ct Dr
To fees in suit for sale Simon Popes land to May 1875
including future costs. 3 6 14
S. R. Edwards lb

Statement of money collected by J. B. Prince
Cmr in Chancery Suit Pope & Pope -
Circuit Court, Southampton - in
full of amt due Nathan H. Turner.
(2) Bonds Each \$500 - 1000.

Int from Nov 21. 74 to Nov 5. 1877. 177.50
1177.50

Charges to fee

To pair Chas. Lehet. 6.14

" amt retained for costs 10.00 16.14

To be divided into five shares. 5 / 1161.36

amt due Nathan H. Turner. \$232.27.

Received Jan'y 25. 1878 of J. B. Prince
Cmr Two Hundred thirty two ²⁷/₁₀₀
dollars in full of above.

Nathan H. Turner
by Ben F. Bright his attorney
in fact

Rept of
Nathan H. Turner

Rept of
Francis D. Smith
"

Statement of money collected by
J. B. Paine Comr in Chancery with
Pope & Pope. Circuit Court. Southamp-
ton - in full of amt due Francis D.
Knight.

(2) Bonds. Each \$500.	\$1000.
Int from Nov 21. 74. to Nov 5. 1877.	<u>177.50</u>
	1177.50

Charges.

To paid Ches Telch - 6.14

.. amt returned for costs. 10.00 16.14

To be divided into 5 shares 5 1161.36

Int due F. D. Knight. 232.27

Received Jan'y 24. 1878 of J. B. Paine
Comr. Two Hundred thirty two 27/100
dollars in full of above statement.

Ben F Knight
agent for Francis D. Knight

County Court for Southampton County
October Term '67 - In chancery -

Herod Pope

Simon Pope & others } Deere (Amended)

This Cause, this day, Came on again to be heard on the papers formerly read & the petition of Jno. D. Rinder to be excused from acting as Commissioner in this Cause: And the Court, on Consideration thereof and argument of Counsel, ordering that ~~the said Rinder~~ ^{the said Rinder} ~~be excused~~ ^{be excused} ~~from acting as Commissioner~~ ^{from acting as Commissioner} ~~in this Cause~~ ^{in this Cause} ~~And that the same duties~~ ^{And that the same duties} ~~be imposed upon him~~ ^{be imposed upon him} ~~as were~~ ^{as were} ~~imposed upon the said Rinder by the Court~~ ^{imposed upon the said Rinder by the Court} ~~ordered at the last term of this Court~~ ^{ordered at the last term of this Court}.

Herod Pope
11 3
Venian Pope & others

Amended Decree

1867 Oct 6th

Pope
w⁴ 3 Dec
Pope

May Term 1877

To be entered,

Geo. Blod.

Pope
vs 3 Deere.

Pope's 4.

This day this Cause came on to be further heard on the papers formerly read & the two reports of Comr. Prince filed during the term - to wit, one report, dated July 28. 1876, reporting distribution of the first bond due by W.R. Bryant & others, together with the vouchers, and one report dated May 8. 1877, reporting failure of W.R. Bryant to pay second bond, both filed during the term, and was argued by Counsel. On consideration whereof, the Court confirming both of said reports, no exceptions being filed thereto, doth & doth order & decree that W.R. Bryant be summoned to the next term of this Court to show cause if any he can, why the real Estate, in the proceedings mentioned, of which he became the purchaser, should not be resold, for the deferred payments.

Circuit Court
Southampton County -

Pope vs Pope

This cause was, this day, again heard on the papers formerly read, & was argued by Counsel On Consideration whereof, & it appearing to the Court that nothing further is necessary to be done herein it is ordered that the same be dismissed from the docket, subject to be restored thereto on the motion of any party interested.

Pope vs Pope

Decree

June Term 1874

To be entered

Geo. V. Blod

Jan'y 19. 1836.

Rec'd of Clerk Circuit Court, one bond
for \$500. due Nov 24 1895- by W. K. Bryant
Herod Pope Union T. Pope.

Jan'y 15, 1877.

L. B. Price
Comm.

Recd of Clerk Circuit Court
Londonhampton two bonds for \$500.
Each, against W. R. Bryant, Herod
Pope & Simon J. Pope. Each dated
Nov 21. 1874. on demand respectively
two & three years after date.

J B Prince
Comm

4-25-18

de la Enlenda

Feb'y Decr 1893-

John

Three

14/10/20

1176

Pope

3 Decree -

Popes

This day this cause came on to be further heard on the papers formerly read, & the report of Comr L.B. Prince filed Decr 28. 1874, reporting sale of Real Estate in the proceedings mentioned - and was argued by counsel. On consideration whereof, the Court doth & give order & decree that the said report be & the same is hereby confirmed, no exceptions being filed thereto. And the Court doth further decree that the said L.B. Prince, said Comr, receive from the Clerk of this Court the bond of Wm. Bryant & others filed with his report, collect the same as they become due & pay to the parties thereto entitled - and make report to Court.

Herod Pope

vs $\frac{3}{3}$ amended decree.

Simon J. Pope &c.

On the motion of Wm. R. Bryant, and Elizabeth B. his wife, who was formerly Elizabeth B. Pope, and who are parties interested in this cause, this cause is ordered to be restored to the docket. And it being suggested to the Court that Pely Coroon, who was appointed a Commissioner in the place of Jno. J. Kindred to execute a decree entered in this cause at the Sept: Term 1867 of the County Court of Southampton, has not given any bond & refuses to give the same: the Court doth adjudge order & decree that the decrees of the County Court entered at Sept Term 1867, and Oct: Term 1867 be amended, so that the same shall be as follows: that J. R. Prince be & he is hereby appointed a special Commissioner for the purpose. that he expose to sale the real estate whereof Simon Pope died seized after giving 20 days public notice of time place terms of sale upon the following terms, to wit - Enough Cash to pay expenses of suit & sale - the balance on a credit of one, two & three years, Equal annual installments, the purchaser to execute bonds with approved security, carrying

interest from day of sale, and the
title to be retained for the deferred payments.
And in case the purchaser should desire
to pay cash for the said real estate,
the Commr is hereby authorized to receive
the same. But the said Commr will not
proceed to execute this order, until he
shall have entered into bond in the
Clerk's office of this Court, in the penalty
of two thousand dollars, conditioned
to faithfully execute this and any
further order of this Court in this
Cause; and said Commr is ordered to
make report to Court of his proceedings
under this order to Court.

170
Heriot Pope

my 3 Decree

Simon J Pope Jr.

Oct Term 1874

To be entered.

W. J. W. W.

Pope
vs 3 Decree.

Popes

This day this cause came on to be further heard on the papers formerly read and was argued by Counsel. On consideration whereof, and it appearing to the Court that Wm. K. Bryant the purchaser of the land in the proceedings mentioned, has been summoned to appear at this term of the Court, to show cause why the said land should not be resold for the purchase money - and he failing to appear & show any cause, the Court doth with a judge order & decree that unless Wm. K. Bryant or some one for him shall within 30 days from this date, pay the balance of the purchase money for the land in the proceedings mentioned, then that J. B. Parnie Comr, sell the same, after twenty days notice of time & place, upon following terms, $\frac{1}{2}$ cash - balance on credit of twelve months, the purchaser to give bond with approved security, carrying interest from day of sale, still retained for further order of Court

Now the Court doth further decree that
if said Bryant shall pay the balance
of the purchase money within the time
before specified, then that J.B. Miner
Cons. or assign, execute to him
a deed with special warranty for
same. And the said Miner will
make report to Court of his actions
under this order.

Pope
in 3 Decree
Pope
Nov Term 1877
To be entered
Geo. B. Blod.

Pope
as $\frac{1}{3}$ decrees
Pope

May Term 1878
To be entered.

Geo. B. Brown.

Pope

in / Deane

Pope

This day this cause came on to be further heard on the papers formerly read, the report of Comr. J.B. Prince, filed Jan'y 25. 1898, and was agreed by Council.

On consideration whereof & no exceptions being filed to said report the same is hereby confirmed.

Nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket with leave for any interested party to reinstate the same upon motion.