

1882-12

Southampton County Chancery

Gillette, W. P. + Ella

vs Pope, Edith E. (et als)

land sale ^{to} settle an estate

{ Pope - R. A.
" - Wm. R.
" - C. E.
" - Benjamin
Hants

Edwards, L. R.
G. A. L.

their rights to the protection of this Court.
And having assumed foray hence to be
dismissed &c.

J. B. P. P. P.

L. R. Edwards.

Adm as Clerk

Guillette & Co
vs Reed & Whitely
Poplar & others

1881 October Rules

J. B. P. P. P.

To the Hon Geo: Blow Judge of the Circuit
Court of Southampton. In Chancery.
Complaining sheweth unto Your
Honor, Your Complainants, W.P.
Gillette & Ella his wife, who was
formerly Ella Pope, and a daughter
of Amos S. Pope decd. that during
the year 1877 Amos S. Pope departed
this life after having made and
published his last will and testament
which was duly admitted to probat
at the March Term 1877 of the
County Court of Southampton. a copy
which said order of probat is herewith
filed, marked (A) as an exhibit in
this bill. That the said Pope left as
his devisees, Your Complainants,
and Edith E. Pope, his widow, and
the following children, all minors.
R. A. Pope, Wm R. Pope, C. E. Pope and Benj
A. Pope. That in the 2nd section of his
said will, the said Pope devises the
home tract of land to his widow
during her life or widowhood
and gives all his children equal
interests in his Estate, after the payment
of his debts and some specific bequeaths,
as will more fully appear from a
copy of said will herewith filed, marked

(B.) as an exhibit in this bill. That all the debts and specific legacies have been paid. That your Complainants are advised that they have a vested interest in said land. and that they are of opinion the said land cannot be divided in kind among the parties entitled. That the balance of the land whereof A. S. Pope died seized have been sold by his Exors by authority of the will of said Pope. That your Complainants desire to realize whatever their interest in the said land is. In consideration whereof and inasmuch as your Complainants are without remedy in the premises, except in a Court of Chancery, where such matters are properly cognizable, to the end therefore that justice may be done, they pray that Edith E. Pope, R. A. Pope Wm R. Pope C. S. Pope and Benj A. Pope, the last four minors, may be made parties defendants to this bill and compelled to answer the allegations thereof. That some fit and proper party may be assigned guardian ad litem to defend the infant defendants.

That an order may be entered
appointing Commissioners to enquire
and report to Court, whether the said
land is divisible in kind or not.
what is its real value, in the event
it was not subject to the life interest
of Edick & Pope, and what is its
value subject to said interest.
and if it should appear that the said
land is not susceptible of partition in
kind, that the same may be sold
and the proceeds divided among
the parties thereto entitled, and that
Your Honor will grant such other further
general & special relief as to equity
may seem meet or the nature of
this case may demand. And as
in duty bound &c.

J. B. Pined Jr.

The Joint and Several answer of R. A.
Pope, Wm R. Pope, C. E. Pope & Benj A. Pope, all minors
by L. R. Edwards their guardian ad litem, to a bill of
complaint exhibited in the Circuit Court of South-
ampton against themselves & others, by W. P. Gillen
& Ella, his wife.

These respondents saving & reserving &c. for
answer to said bill say. That they are
infants and know nothing of the facts in
said bill. And being such, they submit

their rights to the protection of this Court.
And having answered pray hence to be
dismissed &c.

J. B. Pomeroy p.

L. R. Edwards.

Adm ad litem

Greene vs
3 Reed & Whit
Pope & others

1881 October Rules

J. B. Pomeroy p.

Exhibit (A)

Southampton County Court February Term 1877.
The last Will and testament of Amos S Pope decd. was
proved by the oaths of Benj P Knight Francis E Will-
iams & E A Drury the Subscribing witnesses thereto,
and ordered to be recorded. And on the motion of
Franklin P Pope, the Executor therein named, who
made oath according to law, and together with Benja-
E Worrell his security, who justified an oath as to
his sufficiency entered into and acknowledge a
Bond in the penalty of Ten thousand dollars condi-
tioned as the law directs, which bond is ordered
to be recorded. Certificate is granted the said Fran-
klin P Pope, for obtaining a probat of the said will
in due form.

Exhibit (B)

In the name of God amen I Amos S Pope of the
County of Southampton and State of Virginia,
being of sound and disposing mind, do hereby
make my last Will & testament in manner and
form following.

First Item after the payment of all my just debts
and funeral expenses, I bequeath to my wife Edith
E Pope, during her natural life, as while my widow,
the farm upon which I now reside, lying on the
West side of the public road leading from Cross-
Keys to Jerusalem.

Second Item, I require my Executor to pay to my
Son Robert Amos Pope, Five Hundred Dollars
(\$500) with interest from my death, being a legacy
received the heirs of Abner K Stephenson.

Third Item, I give to my Daughter Catherine E

Popu. and my son Benjamin Ashby Popu. are
Hundred Dollars each. in currency, desiring to
give them that amount, over and above either of
my other children.

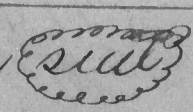
Fourth Item. I desire that all my children remain
with my wife. and be Educated as properly as my
estate will permit. and each one to have an equal
proportion of the remainder my estate of every kind.

Fifth Item. In event of my moneyed Estate not
being sufficient. to pay my just debts. I desire
my Executor to sell to best advantage (privately if
possible) my farm upon which Green Smith
(Colored) now resides. and the Gray tract on which
Mrs Jane Gray now resides. also a small piece of
Twenty four acres more or less upon which Amy
Popu now lives.

Sixth Item. I desire all my perishable property to
be sold to best advantage. at the discretion of my
Executor.

Seventh Item. In event that my son by my last wife
Benjamin Ashby Popu. will not be legally entitled
to an equal share in my life Policy money. due at
my death from Piedmont & Arlington Insurance
Company. then I desire my Executor to ^{pay} him equal
to each of my other children. out of my estate.

Eighth Item. I hereby constitute and appoint my
Nephew Franklin P Popu. my sole Executor. to
carry out the provisions of this my last will.
without being required to give security. Witness my
hand & seal this 23rd day of January Eighteen hundred
& Seventy Seven (1877).

Amos S. Popu 

We the undersigned Witnesses do certify that we were present & witnessed the signature of Amor S Popu. to this his last Will, and we signed in the presence of each other.

Ben F Knight
Francis E Williams
E A Drury

At a Court held for the County of Southampton, at the Courthouse thereof, on the 19th day of February A.D. 1877, This last will and Testament of Amor S Popu died was proved by the oaths of Benja F Knight Francis E Williams and E A Drury the Subscribing witnesses thereto, and ordered to be recorded. And on the motion of Franklin P Popu, the Executor therein named, who made oath according to law and together with Benja E Bouell, his security (who justified an oath as to his sufficiency) entered into and acknowledge a Bond in the sum of Ten Thousand Dollars conditioned as the law directs, which Bond is ordered to be recorded. Certificate is granted the said Franklin P Popu for obtaining a probate of the said Will in due form.

Teste L R Edwards Ck

Copy

Teste L R Edwards Ck

Gillette + Wife

2m J. S. S. Clerk

Pope's

1881 Sept. Ruled

Executed by delivering
E A Pope, R A Pope, C A Pope,
R Pope, C E Pope + Dugan A
Pope each a copy of
this Summons on the
18th day of August
1881.

Deleg. Sec. Wm. D. G.
for W. W. Briggs, S. H. H.

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

We command you to summon *Edith E. Pope, R. A. Pope, Wm R. Pope,*
C. E. Pope and Benj^o A. Pope, (the last four Infants.)

if to be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of said county at the
Rules to be holden for the said Court on the first Monday in *September next to answer*
a Bill in Chancery exhibited against them in our
said Court by W. F. Gillette and Ella his wife

and have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court at the Court house

this *11th* day of *August* 188*1*, in the *10th* year of the Commonwealth.

L. R. Edwards

Gillette scope

or 3

Pope for them

~~~~~

Report of Commrs.

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Handy day for me

Slide P.D.

Gillette v. Pope

vs. Report of Commissioners.

Pope & others

In this cause your Commissioners respectfully submit the following report. That they know the land devised by A. S. Pope to his widow for life, well, & live near the same. That the same could not be divided in kind among his children without great wiping to the shares of all. and that a sale is the only way a division could be effected with any kind of fairness.

The buildings alone are worth as much as the land, and there is no way of dividing them. The land in our opinion, would sell for \$5000. if there was no life interest in it. but subject to Mrs Pope's life interest we think it worth \$3000. We recommend a sale for partition.

Respectfully submitted

Francis E. Williams

Simon Y. Pope

Henry Ferguson

B. F. Knight

F. T. Hill

To Judge Circuit

County of Southampton

Gillite strip
vs 3 Deane
Pope's others

Nov Jan
1891.

To be entered

Gillette v. Pope
as 3d series.
Pope v. others.

This day this cause came on to be heard on the file of the Com-
plaints, the answer of the
infant defendants by L. R. D.
words their Gen solicitor, the exhibits
filed and was argued by counsel.
On consideration whereof, the Court
doth advise order & decree that par-
tition be made of the real estate in
the proceedings mentioned - and for the
purpose of effecting such partition, the
Court doth appoint B. F. Knight, Henry
Tupper, Frank Hill, Nathan Pope &
Frank Millman, Commissioners, (any
three of whom may act,) who will
proceed to allot $\frac{1}{5}$ of the real estate in
the Home place of A. S. Pope decd to W. P. Gillette
& Lea, his wife - $\frac{1}{5}$ to R. A. Pope - $\frac{1}{5}$ to Lem
R. Pope - $\frac{1}{5}$ to L. & E. Pope and $\frac{1}{5}$ to Benj. A. Pope.
But if in their opinion partition of the
said real estate is impracticable, the
Commissioners will so report, with their
reasons. And the said Commissioners
will report what is the value of said
real estate in fee, not subject to the
life interest of the widow of the said Pope -
and what is its value subject to said
interest.

Guillette's work
in 3 Deere
Hoper.

May Term 1882

To be entered.

Geo. W. Blod.

Collecte scribe
in 3 Deere
Papers.

On motion of the plaintiff this
suit is ordered to be removed from
the docket.

109

Gillette & wife
r } Stat. Rules

Popes

In Southampton Circuit Court

M. P. Gillette and Ella his wife Plaintiffs
 against
 Edith E. Pope, R. A. Pope, Wm. R. Pope, C. E. Pope
 & Benjⁿ A. Pope, the last four infants Defendants

In Chancery

1881 Summons issued

" Sep. R Summons returned Executed

" Oct. Bill filed. S. R. Edwards assigned for ad litem to infant Defs
 Answer of infants. G. Rep: thereto. D. Nisi to adult Defs

" Nov. Bill taken for Confessed as to adult Defs and cause set for
 hearing &c.

1882 May - Dismissed