

1885-21

Southampton County - Chancery -

Oape, Joseph N.
vs.

Oape, Ben E.
Exors

"20 small infants share of"
Estate

Oape, Geo C.

Schultz, James E.
Executor for

Oape, Joseph N. +
Oape, Geo C.

Muegrand, George N.

Cardon, J. J.

Whitworth, J. J.

Cardon, J. D. +

Meyrick, Wm. A. Exors
of Estate of

Oape, Ben E. decd

Oape, Caroline R.

Cardon, George E.

Cardon, Martha R. Ex
Adm

Little, J. G. +

Little, Fannie R. Ex
Adm

Barham, Wm. B.

Harvard, Josephine F.

Cardon, Jas. D.

Meyrick, Wm. A.

Meyrick, Jas. D.

Barnes, Joseph +

Barnes, Ella Ex
Adm

Whitworth, J. J. +

Whitworth, Sallie Ex
Adm

Prince, Geo W. +

Prince, Annie Ex
Adm

Oape, Carrie C.

vs. (Oape Joseph N. +
Oape, Geo C.

Pope's Edw.

or. 3 Decree.

Pope's Exors

Nov. term 1885-

To be entered-

Geo. B. Brown,
✓

W. J. Sullivan, p. q.

Pope's l'dw. }
Decree.

or.

Pope's Exors: re.

This day this cause came on to be further heard upon the paper formerly read, and upon the statement of J. E. Shubert, l'dw. of Jas. N. and Geo. C. Pope, showing that he has paid to Caroline R. Pope, the sum of \$1200.⁰⁰ for each of said wards, in pursuance of a decree herein entered at the Nov. term 1880 of this Court, & was argued by Counsel. On consideration whereof, it appearing to the Court that all has been done that was deemed or is necessary to be done in this cause, the Court doth adjudge, order and decree that the same be removed from the docket -

Popei Gdu (2)

us 3 Dec

Popei Gdu

Nov Term

1880

To be entered.

Geo. Blow

Pope's Exor &
vs 3 Decree

Pope's Exor

This day this cause came on to be further heard on the papers formerly read, and the report of Comr. Tyler filed during the term, to which there is no exception and was agreed by Council. On consideration whereof the Court doth approve and confirm the said report, and the Court being of opinion that the interests of the infants Jos N & Geo b Pope will be promoted by their entering into the proposition as submitted in the bill of the Complainant J. Sebrille, Esq. doth adjudge order and decree that J. Sebrille, Esq. son of J. Jos N. Pope, be and he is hereby authorized to pay to Caroline R Pope the sum of \$1200, out of the funds in his hands belonging to his said ward. and a like sum as son of Geo b Pope. out of the funds in his hands as son of said Geo b Pope. But the said son will not pay the said amount, until the said C. R. Pope shall sign an instrument in writing binding herself not to renounce the will of her husband or in the event that she shall, that she will repay the same with interest.

Popei Kou &
in 3 ~~decrees~~

Popei Kou &
~~~~~

Report of  
Comr Tyler  
~~~~~

To the Hon Judge of the Circuit Court
of Southampton.

The undersigned to whom was
referred for enquiry report, whether it
was to the interest of the share devisees
under the will of B. & Pope, and especially
the infants Jos N. & Geo. C. Pope to assent
to the proposition of the widow of B. & Pope
as set forth in the bill of the Complainant,
respectfully submits the following
report.

That he has examined J. B. Prince,
Wm. Briggs and Geo. N. Murphy, the
last of whom is one of the Exors of B. & Pope
decd, and all of whom are acquainted
with the history & facts of the case -
and from their affidavits which I
herewith return, and from my own
conclusions, I have no hesitancy
in saying to the Court, that the afore-
said proposition of the widow is of
interest to the infants - Should this
proposition not be consummated, there
must be some very tedious litigation
about the settlement of the Estate of B. & C.
Pope, attended with heavy costs,
and the final result in the opinion
of your Court will be that the interests
of the infants Jos N. & Geo. C. Pope must

suffer. The consummation of the proposi-
tion of the widow as set forth in the
bill, leads to an easy, ~~quick~~ & economi-
cal settlement of the Estate, and one
in which all parties in interest are
deeply interested. I therefore recommend
to the Court that the authority as asked
for by the Gods of Jos N & Geo b Pope
be granted - all of which is respectfully
submitted.

James R Tyler
Commissioner in Chancery.

Commissioner's fee \$5.00 $\frac{3}{4}$
Chgd & Pleffs. $\frac{3}{4}$

I hereby signify my acquiescence in
an arrangement - whereby Jas. E. Schell
Guardian of Jos. R. + Geo. C. Pope, infant-
children of my husband B. E. Pope, agrees
to pay me twelve hundred dollars for
each of the two wards, being their pro-
rata of the amount agreed upon to be
paid me, in lieu of what I would derive
by a formal renunciation of my husband's
will and I do hereby obligate to refund
the sum thus paid me in the event
of my renouncing said will hereafter.
Given under my hand this 25th day of
January - 1881 - Caroline R. Pope

Virginia: Southampton Co,

Co-wit: J. Wm. Beaton

a Notary Public for the County in the State
aforesaid Certify that Mrs. Caroline R. Pope
whose name is signed to the above writing bearing
date January 25th 1881 - has acknowledged the same
before me in my County aforesaid - Given under my
hand this 25th day of January 1881 J. Wm. Beaton N.P.

Popes Son (2)
as 3 Dec

Popes Son &
Nov Jan 1880

To be Entered

Geo. Brown.


Pope's Son &c.

vs Decree.

Pope's Son

This day this Cause came on to be heard on the bill of Complainants, the answer of the infants by Wm. Briggs their Son ad litem, the answer of the Exor of R. E. Pope decd, the answer of Caroline R. Pope, the answer of the share devised ^{with other copy to said Complainants} of R. E. Pope decd, the Exhibits filed and was argued by Counsel. On consideration whereof, the Court doth adjudge order & decree that a Comr. of this Court enquire report whether in his opinion it is to the interest of the infants for H. & Geo. C. Pope to accede to the proposition of the widow of R. E. Pope as set forth in bill of Complainants, and the said Comr. will report the evidence upon which his opinion is based.

Received of Jas. E. Sibree, Esq.
of Los. N., & Geo. C. Pope, the sum of
Twelve hundred dollars for each of
the said wards, the said sums having
been paid to me by said J. E. Sibree, Esq.,
in pursuance of decree entered at Nov. term
1880, of Circuit Court of Southampton, in cause
of Pope's Adm. vs. Pope's Exors. - on ass. of
Compromise therein mentioned.

C. R. Pope

Popei Lida
n. 4 Statute of
Lida
Popei Lida

21

Hon. Geo. Blow, Judge Circuit
Court of Southampton -

Pursuant to a decree entered by
the Circuit Court of Southampton,
at the Nov. term 1880 thereof, in
the Chancery Cause of Pope's Adm.
vs. Pope's Exors, I have paid to
Caroline R. Pope the sum of twelve
hundred dollars for each of my
wards Geo. N. and Geo. C. Pope,
and have taken her receipt for
the same which I herewith file -

Respectfully submitted,

J. E. Sebrall Esq
for Jos. N. & Geo. C. Pope

Pope's Guardian
 or } Sta. in Chg
 Pope's Executors &c

1880

To October Rules &c. &c.
 Executed by delivering
 Copies of this Summary
 to all Defendants except
 to Wm Prince wife & Son
 & Barnes wife
 Wm Pegg & Son
 Samuel & Samuel & Son

827
 267
 846
 147

005
 21
 887
 24

Oct. 1. 1880. I acknowledge Legal Service of this
 writ.
 Henry Prince wife
 Joseph Barnes wife
 by J. P. Prince & Son atty.

The Commonwealth of Virginia:

To The Sheriff of Southampton County:

Greeting:

We command you to summon: Geo. W. Musgrave, J. J. Darden, J. J. Woodard, J. D. Darden, Wm. A. Myrick, Erns Ben. E. Pope and Caroline R. Pope, Rufus E. Darden & Martha R. his wife, Theo. J. Little & Fannie R. his wife, Wm. B. Barham, Josephine F. Hayward, Jas. D. Darden, Wm. A. Myrick, Joseph D. Myrick, Joseph Barnes & Ella his wife, J. J. Woodard & Sallie his wife, Geo. W. Prince & Annie his wife, Carrie C. Pope, Joseph N. Pope & Geo. B. Pope the last two minors by ~~W. C. Briggs~~ ^{their guardian} to appear at the Clerk's Office of our Circuit Court for Southampton County, at the Rules to be holden for the said Court on the first Monday in October next to answer a bill in chancery exhibited against them in our said Court by James E. Sebrall Guardian of Joseph N. Pope and Geo. B. Pope. and have them there this writ.

Witness Littleton R. Edwards Clerk of our said Court at the Court House this 27th day of September 1880. in the 105th year of the Commonwealth.

L. R. Edwards C. C.

The Affidavits of J. B. Prince, W. W. Briggs,
& G. N. Murphee, the last of whom is the
one of the sons of B. E. Pope deceased.

Personally appeared before me, J. B. Prince,
W. W. Briggs, & G. N. Murphee and made
affidavit as follows.

That they have examined into the
proposition as submitted by Caroline
R. Pope, the widow of B. E. Pope, deceased, to
the shore devisees, and we are
decidedly of opinion that it is decided-
ly to the interest of all the parties
and especially to the infants John &
Gerrit Pope that the said proposition
should be consummated. Given under
my hand Nov 9. 1888.

James R. Taylor
Commissioner in Chancery.

Pope's Gdn

vs $\frac{3}{4}$

Pope's Hon & others

Answer of the
Executors

Filed Nov: 5th: 1880

The Answer of G. N. Musgrave, J. J. Darden
 W. A. Myrick, J. D. Darden & J. J. Woodard
 Executors of B. E. Pope decd to a bill of
 Complaint filed in the Circuit Court of
 Southampton by J. E. Sebell for of Jas. N.
 Geo. B. Pope vs themselves and others.
 These respondents for answer to
 said bill say -

That it is true, as alleged in said bill
 that they are the Executors of B. E. Pope
 decd. and the other facts as set forth
 in the said bill are also true.

Respondents further say that they have
 made a careful estimate of the value
 of the Estate of their testator and below
 give the result of their investigation.

Acct of Solvent Personal Bonds & Int. \$104662.00

Public Securities & Int. 100000.00

Premiums on Pub. Securities 6000.00

Acct from Pope & Musgrave - 4500.00

Int accruing to May 1, 1881.

Time of final settlement - 10000.00

Net proceeds of crops, rents &c 2500.00

Chattel Estate - 5500.00

Sale of land in Sussex - 1000.00

\$234162.00

Less Costs of Administration &

Specific legacies & debts - } 10000.00

Amount in hands of Executors for distribution. \$224162.00

Aunt brot over. $2/ \$224162.00$
 The value of Doneer in } $\$112081.00$
 \$27500 - real Est. } $\underline{5247.00}$

Aunt widow would realize by } = $\$117328.00$
 renouncing-.

Respondents further show aunt
 widow receives under provisions
 of will-.

$1/3$ mixed Est. $\$74720.00$
 1016 acres land = value - 10000.00
 Chattel Est on same, 3000.00
 " " on other farm $\underline{800.00}$

$\underline{\$88520.00}$

Difference in favor of renouncing
 will-.

$\underline{\$28808.00}$

Respondents do not mean to say that these
 figures are strictly accurate - but they
 do intend to say that the final results
 will not materially differ from our
 investigations-.

Respondents would further say that
 they have heard that the widow of their
 testator has offered not to renounce the
 provisions of the will of her husband,
 if the share devisees or some one for
 them would pay her \$24,000-; and so far
 as these respondents are advised, it does
 seem to them to be to the interest of the said
 devisees to accede to the said proposition

Now having answered they pray hence

to be dismissed.

J. J. Woodard
Jas D. Darden
J. S. Darden
Wm A. Myrick
C. W. Musgrave

Nov. 2nd 1880, Southampton County Va wit-

Personally appeared before
me J. J. Woodard, Jas. D. Darden, Jas. S. Darden
& Wm A. Myrick and made affidavit-
that the facts as stated in the foregoing
answer are true so far as they know
or believe, given under my hand
this 2nd day of Nov, 1880

R. E. Darden N.P.

Virginia: Southampton County

Go-wit: Personally appeared
before me Wm. Beaton a Notary Public for the
County in the State aforesaid; D. G. N. Musgrave
and made oath that the facts as stated in
the above writing is true to the best of his
knowledge and belief - given under my hand
this 3rd day of November 1880 -

Wm. Beaton N. P.

Paper's Exam
as
Paper's Exam

Exhibit E

Dec 25th

Southampton County Court
August Term 1880.

The Court doth appoint James C. Sebrall Guardian of Georgie M. Pope, Ben E. Pope, Joseph H. Pope, & George L. Pope orphan children of George L. Pope dec. and thereupon the said James C. Sebrall together with Wm. H. Sebrall, E. J. Reese Wm. P. Sebrall, W. H. Briggs, James R. Kello and C. C. Vaughan, his securities, (who justified on oath as to their sufficiency) entered into and acknowledged a Bond in the Penalty of Thirty Two Thousand Dollars, conditioned as the Law directs. Which Bond is ordered to be recorded

A. copy:

Deot: J. A. Blythe Dep. Clerk

The Answer of Caroline R. Pope, to a bill of Complaint Exhibited in the Circuit Court of Southampton against herself and others by J. E. Sebell, Son of J. N. & Geo. B. Pope.

This respondent for answer to said bill says - That the facts as set forth in said bill, so far as they relate to her are true -

That she has determined to renounce the provisions of the will of her late husband B. E. Pope dec'd, unless the share devisees will pay to her an amount approximating what she would get by renouncing - and this amount she has fixed at \$1200. to the share - there being twenty shares - The answer of the Executors of her husband filed in this suit clearly shows what she would get by renouncing, and this respondent is satisfied of its correctness. ~~If that~~ ~~to some~~ sum she requires is paid her, she is willing to stand to the will - and having answered, she prays hence to be dismissed with her costs.

Caroline R. Pope

Southampton Co. Tourist.

Personally appeared before me

Caroline R. Pope whose name is
signed to the foregoing answer
and made affidavit that the
same is true to the best of her
knowledge & belief - Given under
my hand Nov 2. nd 1880.

J. B. Preece N.P.

Pope's Gen

in 3

Pope's Gen & Co.

Answer of
Caroline R. Pope

Filed Nov 5: 1880

~~100~~ 100 107 77
~~92~~ 94 89
Popes Bon 61

or 2 Stat. Rules

Popes Exos

In Southampton Circuit Court

James E Sebrill Guardian of Joseph A & Geo. E Pope both
minors Plaintiff.

against

George A Messinger, J. J. Darden, J. J. Woodard, J. D. Darden & Wm.
A Myrick Executors of Bm. E Pope dec. Caroline R Pope, Rufus E Darden
& Martha R his wife J. G. Little & Fannie R his wife Wm. B Barham,
Josephine F Howard Jas. D Darden, Wm. A. Myrick Jas. D Myrick
Joseph Barnes & Ella his wife J. J. Darden, J. J. Woodard & Sallie his
wife Geo. M Prince & Annie his wife Carrie E Pope, Joseph A &
Geo. E Pope last two minors. Defendants.

1880 Sept 27 Summons issued

Oct. 10 Sum. Executed - Bill filed W. M. Briggs assigned
Bm. ad litem to infant Defts: Joseph A & Geo. E Pope - Ans^r of
Infants. Genl Rep. thereto. Decree nisi to adult Defts.

" Nov 10 - Bill taken for confessed as to adult Defts & Cause set for hearing
as to adult & infant Defts &c

" J. Decree &c

I Ben E. Lake of the County of Southampton
and State of Virginia, do make and ordain
this my last Will and Testament, hereby
revoking all former Wills made by me, in
manner and form following:

- 1st. As soon after my death as may seem best to
them, I wish my executors, who I shall
hereinafter name sell either for cash or on
time as may seem best to them, the whole of
my Chatted and perishable estate of every
kind, except that hereinafter ~~disposed~~ of.
I wish them also to sell at their discretion
allowing them three years to do so, all the
Lands I may own at my death, except such
as I shall hereinafter otherwise dispose
of, and to be sold on reasonable terms,
say one third for cash, the balance in
two and three years time, with interest
from day of Sale, and to be well
secured, and to be sold either privately
or publicly, I wish them also to close
all the Deeds of Trust or Mortgages I
may have due me at my death, at
their discretion either for cash or on
time, and when the property so conveyed
in their opinion is worth my debt I
wish them to bid to the amount of my
debt and in so doing, if it falls on
their hands, they shall be allowed two
years to dispose of same, either privately
or publicly for cash or on time, using
their discretion.

2nd I give to my wife Caroline R. Pope the whole of the Tract of Land on which I live, with all the improvements thereon including the place where James R. Darden now lives, in all some thousand to Twelve Hundred acres, all my Household & Kitchen Furniture at my Homestead, all my Stock of every kind farming utensils, Carriages, Buggies, Hames & Wagons, carts, crops of every kind except my cotton that may be on hand or in course of cultivation and Apple Brandy, if over oil & Bbl. shall be on hand at my Homestead, only: this I do, to avoid any sale at my residence after my death; I also give to my said wife one third part of all my monied and chattelled estate I mean one third of the chattelled estate, otherwise than that at my Home Place, which I above give to her and her heirs forever.

3rd I give to Rufus E. Darden one Bond which I now hold against him of Four Hundred and Sixty one ¹⁵/₁₀₀ Dollars dated and due Oct 2nd 1871 if not paid at my death.

4th I give to Miss Rebecca A. Loberman in currency Two Hundred Dollars to her and her heirs.

5th I give to Patsey Pope my present Cook and former slave, Two Hundred Dollars

in currency to her & her Heirs.
6th I give to ~~my~~^{my nephews} James D. Darden and William P. Myrick my nephews jointly my Store House at Newsons Depot with the Land attached as follows, commencing at the Rail Road in a line with the Railing on the east side of the House now occupied by Rufus E. Darden thence running down said Railing nearly South a straight line within sixty feet of the Ice House, thence east to the County Road supposed to contain some two or three acres of land. Together with the piece of Land or parcel of Land I purchased of Elbert H. Ferguson & wife lying on the Chappel Road leading from Newsons Depot to Vicks Church, supposed to contain some Twenty Eight acres, to them and their Heirs.

7th I loan to Martha R. Darden the wife of Rufus E. Darden and all the children she may have living at my death and to be used or managed by her for the benefit of herself and family, during her life time, all the balance of the Lands and improvements, say buildings &c which I purchased of Dacey Neal, E. C. Maget and wife, Joseph H. Barham &c and at the death of the said Martha R. Darden I give the same, to her then

living children, to be equally divided
between them, to them and their heirs
forever.

8th I give to Caroline F. Darden the wife of
Richard J. Darden all the claims I may
hold against her or her Husband
Richard J. Darden at my death and
Five Hundred Dollars in currency, all
to be held, managed and given away
by her, by Will or otherwise, I also loan
her during her life for the support of
herself and family, The tract of Land
I purchased of Robert S. Petrow and wife
of Indiana, said to contain 585 acres
lying in the County of Southampton
being the place on which she ~~now~~ lives to
be controlled by her during her life
and at her death, my Will is, if Richard
J. Darden is then living, that he hold ^{and}
receive the annual Rents or benefits of
said farm, during his life, and at the
death of ~~the said~~ both, I give said
Tract of Land and improvements to
the then living children of Josephine
F. Howard, to be equally divided
between them, to them and their heirs
forever.

9th I give to Benja. Woodard the son of
Jefferson J. Woodard my Gold
Watch and chain if I have one
at my death

10th I loan to Romine Sebrell the wife of John A. Sebrell all that Tract of Land which I purchased of John Mann as Trustee known as the Edward L. Robinson farm, containing something over nineteen hundred acres lying in Amelia County, State of Virginia during her natural life and at her death, if she shall have a child or children or grand children of a child or children living at her death, I give the same to such child or children or grand children, to be equally divided between them, to them and their heirs forever, but if the said Romine Sebrell shall die leaving no child or grand child then I give said Tract of Land and improvements in Amelia County, Virginia to the children of James D. Parden to be equally divided between them, to them and their heirs forever.

11th I wish and my Will is that all the Bonds Accts and claims of every kind whatsoever, and all other Property of any and every kind not herein before disposed of, belonging to me shall be divided into Twenty equal shares, Three of which shares I hereby give to Sally J. Woodward, the wife of Jefferson J. Woodward, to her and her heirs forever.

12th I give to James D. Rarden, Three of the aforesaid Seventy Shares, to him and his heirs forever.

13th I give to Josephine D. Harwood, Two of the aforesaid Seventy Shares, to her and her heirs forever.

14th I give to William B. Barham Two of the aforesaid Seventy Shares, to him and his heirs forever.

15th I give to William T. Myrick Two of the aforesaid Seventy Shares, to him and his heirs forever.

16th I give to Enea D. Barnes, the wife of Joseph Barnes one of the aforesaid Seventy Shares to her and her heirs forever.

17th I give to Joseph H. Myrick, one of the aforesaid Seventy Shares and to be held by his Father William E. Myrick, as Trustee for him.

18th I give to all the children, Martha A. Rarden may have living at my death, one of the aforesaid Seventy Shares to be equally divided between them, to them and their heirs forever.

19th I give to Annie M. Prince, Carrie C. Pope, Joseph N. Pope, and George C. Pope Jr. All children of George C. Pope are. Four of the aforesaid Seventy Shares to them and their heirs forever, to be divided equally between them, but if either Carrie C. Pope, Joseph N. Pope or George C. Pope shall die before me, then I wish the portion

of such one, or what it would have
drawn from my estate to be paid to
the other two equally, to them and
their heirs.

20th I give to Fannie S. Little, the wife
of Theo. L. Little one and the last of
the aforesaid Twenty Shares, to her ^{and}
her heirs, and if the said Fannie S. Little
~~shall~~ ^{shall} die leaving no child, or should
die before me leaving no child, in
either event I give the aforesaid one
share to Theo. L. Little to him ^{and} his heirs.

21st I do hereby constitute and appoint as
Executrix my wife Caroline R. Pope,
^{and} as Executors my friends George C.
Musgrave, Jefferson J. Woodard, James
J. Darden, James D. Darden, and
William A. Myrick to this my Last Will
^{and} Testament, and I do hereby auth-
orise and request the Court before
which this Will may be offered for
Probate &c, to allow all or any three
of them, to qualify as Executors
without giving any Security whatever,
I also wish my said Executors to divide
the whole amount of my estate, as
equally between themselves as they
well can. Witness my hand ^{and} seal this
fifteenth day of November 1879.

Bessie Pope (seal)

I request the Court not to require my Executors
to give a joint Bond, but for each one.

to give his individual Bond for the amount he may probably take possession of

Ben E Pope Seal

codicil to this my Last Will and Testament as written by me, the 15th day of Novr. 1879.

Whereas, I did in said Will, in section the 18th, give to the children of that Martha R. Darden, the wife of Rufus E. Darden, should have living at my death, one of the Twenty shares of my monied estate, ~~Now~~ to be equally divided between them.

I now direct and request my Executors to pay over the aforesaid one share, to the aforesaid Martha R. Darden, at the time of paying over other Legacies, for her to hold and control for the use and Education of her said Children at her discretion, my said Executors to require of the said Martha R. Darden on payment ^{to her} of same, nothing but her Receipt to them, in full for said share.

And whereas I did in my aforesaid Will, give to Joseph H. Pope and George C. Pope, children of George C. Pope dec^d in section the 19th, a portion of my monied estate, Now if my Executors can get a good and responsible Guardian for the said

two children, then pay over their portions
 to said Guardian. But if no good
 Guardian can be gotten, then I
 wish my Executors to invest each of
 their Legacies, in my said Will in
 United States Bonds, even if they can
 do no better than to take, Three per
 cent interest, bearing Registered Bonds
 and the Bonds to be registered in the
 names of the children, if it can be done,
 it is better to take Bonds the Principle
 of which will not be due until
 after said children will be
 twenty one years old, I would prefer
 Dr George A. Musgrave attend to
 arranging this matter, I do all this to
 relieve my Executors from embarrassment
 and confusion, the interest on said
 Bonds can be paid to the acting Guardian
 of said children, annually to help
 defray the expenses of said children,
 if they should not get a legal Guardian.
 Given under my hand ^{and seal}, this
 13th day of December 1879
 Ben E. Pope (seal)

Second Codicil to my Last Will and
 Testament. as written by me Nov: 15: 1879

Whereas the Legacy I gave Joseph H.
 Myrick in that Will, I requested my
 Executors to pay over the same to his
 Father William C. Myrick as Trustee

for him, but I now fully authorize and request my said Executors to pay the same over to the said Joseph D. Myrick, his father believes he will take care of it. I wish and will, that my Executors may before they convert all my estate into money, as directed, under the eleventh section of my Will, hand to Rufus E. Varden, a Bond I hold against him for Four Hundred and Sixty one ¹⁵/₁₀₀ Dollars dated and due October 2nd 1871 and the interest thereon, this Legacy I omitted in my Will of the 15th Nov: 1879. but I now give it to him and his heirs and I desire my executors, in the settlement of my estate to consider this Bond as money belonging to my estate, that my wife may get her portion of same. Given under my hand and seal this 1st day of January 1880.

Ben E. Pope (seal)

At a Court held for the County of Southampton, at the Court house thereof, on the 19th day of April 1880. This last Will and Testament of Ben E. Pope & the codicils thereto annexed were produced in Court in order to be ~~proved~~, and there being no subscribing witnesses to said Will and codicils, Wm. H. Briggs and John J. Kindred were sworn and severally deposed "That they are well acquainted with the handwriting of said Ben E. Pope

Teste :-

A happy Taste!

A copy Teste: J. A. Dythe N.C.

Pen E. Popis
Will:

224000

20/1/2000/56
12

Exhibit
A.B. & D.

Fee \$3.25

Pope's 4th

or 3

Pope's 4th or 3rd

Answer of
Share divisions.

Filed Nov 5th: 1880.

But admitting that the provision for the widow, made in the will, comes in the event of her renunciation go to respondents, who are the share creditors. Still the proposition made by the widow is to the interest of the share creditors. To illustrate.

Total estate in hands of Exors. \$224,162

By renouncing widow gets $\frac{1}{2} =$ \$112,081.

Leaving \$112,081 to be divided into

20 shares - which makes

a share of its value of \$5,604.00

Value of real estate assigned to widow

as her dower - in case of

renunciation comes to about \$10,000.

Subject to her life Int. - Present value -

Age of widow 56. Expectation of life 34.34.

18 years -

2

Sum of real estate to be

6566,

divided into 20 shares -

Value of 1 share - \$328.

Value of share in money 5604.00

Total value of share \$5932.00

In any event, should widow renounce is \$5932.00

Value of share by acceding to widow's

proposition - as seen on pag 2.

6272.00

Difference in any event in favor of

widow's proposition to share is \$340.

The joint and Several answer of Martha R. Darden,
Fannie L. Little, W^m. B. Barham, Josephine F. Howard,
Jas. D. Darden, Sallie G. Woodard, W^m. Dollyrick
and others to a bill of complaint exhibited in
the Circuit Court of Southampton County against
themselves and others by Jas. E. Sebell & others,
These respondents for answer to said bill say,

That the facts as set forth in said bill are
true - and that they are willing to accede to
the proposition of Caroline R. Pope, widow of
B. E. Pope dec^d, which is as follows - That if the
Share devisees under the will of said Pope
will pay her \$1200. to the share or \$2400 -
then she will not renounce the provisions of
said will - otherwise she will - Respondents
are satisfied that it is to the interest of all the
Share devisees to pay this amount, and submit
a statement below, that they think will satisfy
this Court, that they are right in their conclusions -

Should the widow of B. E. Pope renounce the provisions
of his will, respondents are advised, the said Pope
will have died intestate as to the money estate
left his widow - so that after deducting her
one half of such estate, which she gets by
renouncing, the other one half would descend to
his heirs at law, The heirs at law of said
Pope consist of seven, brothers & sisters and their
descendants - to wit - Martha J. Barham

and Caroline F. Darden two living Sisters -
 B. P. Pope, J. B. Pope, Hattie, Lallah, Charlie, Thomas &
 Lula, Pope - descendants of H. P. Pope a dec'd brother
 Annie, Carrie John Ben Georgie - Jos. N & Geo. C. Pope
 descendants of George C. Pope a dec'd brother
 Sallie J. Woodard descendant of a deceased Sister
 Jos. L. W^m B. Martha & Fannie Barkham descendants
 of a deceased Sister
 W^m A. Jos. H. & Ella allyrick descendants of a
 deceased Sister

Respondents are Satisfied that the
 Statement made in the answer of the Exors of
 B. P. Pope Shows accurately enough for all practical
 purposes the true status of the estate of said
 Pope and we adopt their figures.

Value of Est. in their hands for distribution
 under the will \$ 224162.00

one third to widow 74720.00

To be divided into 20 Shares \$ 149442.00

Value of a Share \$ 7472

amt. widow requires to a

Share - not to renounce \$ 1200

Value of a Share after

paying the \$1200. \$ 6272

The above calculation is upon the assumption that
 the will stands and the Share devisees accede to
 the proposition of the widow.

Respondents Submit that Should there be a

renunciation by the widow the Shares cannot be worth \$6272,00 but will be materially diminished - Statement below will substantiate this -

Value of estate in hands of Exors	\$224162,00
one third under will to widow	74720 00
	<u>\$149442,00</u>

Widow by renouncing gets

$\frac{1}{2}$ of \$149442,	=	\$74720
$\frac{1}{2}$ of \$74720,		<u>37360</u>
		112080

Leaving under the will \$74720 - to be divided among the Share devises - and the sum of \$37360 - which is one half of married estate left widow under will to descend to heirs at law -, of whom there are Seven or their descendants -

Value of Share after renunciation from money disposed of under the will, one twentieth of \$74720 - or \$3736 -

The Sum of \$37360 divided among Seven heirs at law, would give \$5337- to each heir.

Jos. N. Pope & Geo. C. Pope the minors who are each given a Share under the will would each get one seventh of \$5337- or \$762 -

Add. Share under will	3736
after renunciation	<u>\$ 4498</u>

Respondents admit, for the sake of showing that in no event could their Shares be after re =

renunciation, what they would be by acceding to proposition of widow, that the whole of real estate devised to widow would in case of renunciation pass to the 20 Share devisees -

Value of Share after renunciation as above not including real estate devised to Widow \$4498-

Real estate value, at \$10000-

one twentieth to each Share

Total value of Share in any event Should widow renounce \$4998-
500-

Total value of Share by acceding to proposition of widow, as above \$6272-

Difference to Share in favor of proposition made by widow \$1274

These statements respondents believe are perfectly trustworthy and they hope it will be the pleasure of the court to authorize the Guardian of Jos. N. & Geo. C. Pope to enter into the arrangement with the widow of B.E. Pope - And having answered - they pray hence to be dismissed &c. - as per 5-.

J. J. Woodard

Sallie J. Woodard

R. E. Darden

Martha R. Darden

G. W. Prince

Annie M. Prince

Carrie C. Pope

W. B. Barber

Geo. D. Darden

Wm. A. Myrick

Joseph H. Myrick

Joseph, J. Barnes

Ella J. Barnes

Josephine F. Howard

Sworn to before me Nov 4, 1880.

J. B. Prince JP

Pope's Guardian
17 3 Bill & Exhibits
Pope's Errors

1880 October Rules

Sevrell & Sevrell p. 9.

To the Hon. Geo. Blow, Judge of the Circuit
Court of Southampton County.
— In Chancery —

Humbly complaining sheweth unto your
Honor your Complainant James E. Schell
Guardian of Joseph N. Pope, C. Pope, both
minors as follows: That during the
year 1880 Benj. E. Pope departed this life af-
ter having made & published his last will
& Testament which was duly admitted to probate
at the April Term of the County Court,
1880, and Geo. N. Musgrave, J. J. Darden, J. J.
Woodward, J. D. Darden and Wm. A. Myrick, the
Executors therein designated, qualified
as such at the same term of the Court, and
Caroline R. Pope the Executrix therein named
refused to qualify, all of which will more
fully appear from Certified Copies of the
orders of probate, qualification and re-
fusal to qualify, herewith filed marked
"A", "B" & "C" - and prayed to be taken as
parts of this bill - That the said B.
E. Pope, under Item — of his will de-
vised to Joseph N. Pope and Geo. C. Pope
each, one share of his monied Estate
That the said B. E. Pope, devised to Mar-
tha R. Darden wife of Rufus E. Darden
one share, to Fannie A. Little, wife of Theo

4. Little one share, to Wm. B. Barham
two shares, to Josephine F. Howard two
shares, to James O. Darden three shares,
to Wm. A. Myrick two shares, to Joseph O.
Myrick, one share, to Ella Barnes, wife
of Joseph Barnes one share, to Sallie
Woodward, wife of J. J. Woodward three
shares, to Annie Prince, wife of Geo. W.
Prince, one share, and to Carrie C. Pope
one share, as will more fully appear
from a certified copy of said will
herewith filed marked "D" and prayed
to be taken as a part of this bill. That the
said B. E. Pope under Item — devised
to his widow Caroline R. Pope, one third of
his monied Estate, the tract of land upon
which the said B. E. Pope died, the Chattel Estate
thereon, a portion of the Chattel Est upon an-
other farm, as will more fully appear from
said will, a copy of which is herewith filed
as has been stated, That the said Caroline
R. Pope, the widow of said B. E. Pope, has be-
come dissatisfied with the provisions of
said will, so far as she is concerned and
has expressed a determination to renounce
the same, unless the devisees above
mentioned will pay her in money an
amount approximating what she would
realize by renouncing the said will

That the said B. E. Pope left no child;

That from an Estimate prepared carefully by the Executors of said B. E. Pope, the net value of said Pope's monied Estate is about \$22,500.⁰⁰ and the value of the Dower of his widow in his real Estate is about \$6,000.⁰⁰ That the value of the Estate left his widow under the will, is \$8,800.⁰⁰ and the difference between what ^{get under the will, from what she would ~~get~~} she would realize by renouncing is about \$30,000.⁰⁰ These facts will be made more apparent from the evidence filed in the papers in this suit. That the said Caroline R. Pope has offered & agreed, that if the said Devisees be forementioned, shall pay to her the sum of \$1200.⁰⁰ to the share, which amounts to the sum of \$24,000.⁰⁰ - there being twenty shares. That she will not renounce the provisions of said will - That all of the aforesaid Devisees, except the two for whom your Complainant is Guardian, are willing and anxious to accede ~~ed~~ to the said proposition, because they are satisfied that it is to the interest of all that the said arrangement should be consummated, in which opinion your Complainant concurs, but that your Complainant is advised that it is his duty to seek the intervention of a Court of Equity. That your Complain-

and qualified as Guardian of Jor. N. and
Geo. C. Pope at the Term of the County
Court 1880. as will more fully appear
from a copy of his qualification here
with filed marked "A." & prayed to be ta-
ken as a part of this bill.

In consideration of all which and
inasmuch as your Complainant is without
adequate remedy in the premises except in a Court
of Chancery where such matters are cognizable
to the end therefore that justice may be done
your Complainant prays that, George N. Mus-
grave, J. J. Darden, J. J. Woodward, J. Darden
Wm A. Myrick, Executors of Ben E. Pope dec'd Car-
oline R. Pope, Rufus E. Darden Martha R
his wife, T. H. Little Fannie R. his wife, Wm
B. Barham, Josephine F. Howard, Jas. N.
Darden Wm A. Myrick, Jos. A. Myrick
Joseph Barnes and Ella his wife, J. J.
Woodward Lallie his wife, Geo. W. Prince
& Annie his wife, Carrie C. Pope
Joseph N. & Geo. C. Pope, the last two mi-
nors be made parties defendant to this
bill & compelled to answer its allegations

that some fit & proper person be as-
signed Guardian ad Litem to defend
the interest of the infant defendants.
and that if your Honor shall be sat-
isfied from the facts and evidence furnished

in this case, that it is to the interest of the infant defendants Jos. & Geo. C. Pope, for whom your Complainant is Guardian, to go in to the arrangement as heretofore set forth, with the widow of said B. E. Pope, That an order may be entered authorizing and empowering your Complainant as Guardian as aforesaid to pay to the said Caroline R. Pope the said sum of \$1200.⁰⁰ out of the share left Jos. M. Pope, and the same amount out of share left Geo. C. Pope, and that your Honor will grant such other, further general or special relief, as the nature of this case may require or to Equity may seem meet, and as in duty bound your Orator will ever pray &c
May it please the Court &c

Schell & Schell
P. V

The first or several answer of Jos. & Geo. C. Pope, both minors by W. W. Briggs their Guardian ad litem to a bill of Complaint exhibited in the Circuit Court of Southampton Co. against themselves & others by Jas. E. Schell, Guardian
These respondents saving

and reserving &c. for answer to said
Bill or unto so much thereof as it is
material for them to answer, say, That they
are infants, and being such know nothing
of the facts as stated in said Bill, they
therefore submit their rights to the protection
of this honorable Court & having answered
pray hence to be dismissed &c.

W. W. Briggs
per ad litem