

1885. 22

Southampton County Chancery -

Pope, Bettie v Jennie

vs Pope, Virginia A etals

sale of real estate
- monies to be divided

Minors { Pope, Harrison P.
" , Newit H.
" , Mary J.
" , Abner S.
Prince, J. B.
GAL

Paper

141

is { Stat: Rules

Paper 4.

In Southampton Circuit Court.

Bettie J. Pope & Jennie B. Pope. Plaintiffs
against

Virginia A. Harrison P. Heintz H.

1884. Mary J. and Abner S. Pope. all minors Defts
Nov 12. Summons to Aple Rules--

In
Chancery

Aple Rules. L.B. Prince assigned Gow ad litem to infants.
Bill filed and answer of Gow ad litem.
Gow Replication &c--

May. Cause set for hearing--

Papas

is 3 Decu
Pope

Nov Inm 1885

50 be entered

Geo. Blod,

✓

Papas
vs
Pope
1

3

Decree

This day this cause came on to be heard on the papers formerly read, and the report of J. B. Prince, Commissioner filed Octo: 14th 1885, to which there is no exception and was argued by Counsel. On Consideration whereof, the Court doth confirm the said report, and nothing further appearing to be done in this cause it is ordered that the same be dismissed from the docket.

Popes
or $\frac{3}{3}$ Report of
Pope. Conis

1888. Oct 14
Filed. L.B.P.

Pope

3 Report of Comr I.B. Priner

Pope.

In this suit. your Comr submits the following report. I sold the 1/2 acre of land in the proceedings mentioned - Sept 21. 1885, at Jerusalem by public auction and at said sale Mrs Bettie J. Pope became the purchaser - by bidding therefore the sum of \$40. The sale is a good one and I recommend its confirmation

By Cash of purchaser.

\$40.00

To commissions - 2.00

" papers 1.00

" Auctioneer 2.00

" Clerk fees & Exhibits 7.50

" Commissioner's fee 10.00 paid T.B. F. Midemore

" Taxed atty fee 16.50

" Witnesses 1.00

\$40.00

There is nothing further to be done in this cause except to confirm the sale & make deed to purchaser.

Respectfully submitted

Oct 14. 1885.

To Judge C. S. Ct. 3
Sampson 3

I.B. Priner

Comr.

Received Sept 21. 1885 of L.B. Prince Counsel in Chancery
Suit of Pope vs. Pope's - two orders - Auctioneer
fee for selling land in said suit.

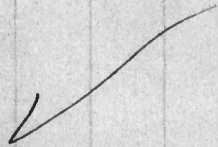
Watkins & Stillman

Popes
us } Deere
Popes, &c;

May Term 1884
To be entered.

Geo. B. Brown,







Popes
vs } Decree.
Popes, &c.,

This cause came on this day, to be heard on the bill, the exhibits filed, the answer of the infant defendants by J.B. Prince their guardian ad litem, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that a Commissioner of this Court enquire whether partition of the land in the proceedings mentioned can be conveniently made, and if not, whether the entire subject can be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interest therein may entitle them to, or whether the interests of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the entire subject, or allotment of part and sale of the residue, and report to Court, and the said Commissioner will also enquire what is the full simple value of the said land and report to Court, together with any other matters which he may deem pertinent, ^{to be stipulated} or which may be required to be so stated by any other interested party, and the said Commissioner will return the evidence upon which he bases his opinion to the Court.

Popes
vs } Decree,

Popes

This day this cause came on to be further heard on the papers formerly read, upon the report of Commissioner B. A. McLenore filed August 1st 1884, and was argued by Counsel. On consideration whereof, and it appearing to the Court ^{that} the real estate in the bill mentioned is indivisible in kind and that the interests of the parties entitled there to would be promoted by a sale thereof, and no exception being filed to said report, the Court doth approve and confirm the same, and doth adjudge, order and decree, that J. B. Prince be and he is hereby appointed a Special Commissioner to sell the said real estate for cash, after having given reasonable notice of the time and place of sale by written advertisement at two or more public places in Southampton County, ^{and that he} execute to the purchaser a deed with special warranty therefor, and report his proceedings under this decree to Court. But the said J. B. Prince is not to proceed to act under this decree as such Commissioner until he shall have entered into bond, with personal security, before the Court or the Clerk

thereof in vacation, to be approved by the Court, or Clerk, in the penalty of \$100, and Conditioned and payable as prescribed by Law; and the said Commissioner shall not advertise the sale of the said real estate without first obtaining a Certificate from the Clerk that the bond required by this decree has been executed, and appending such Certificate or a copy thereof to the advertisement. - And the said Commissioner is directed to report his proceedings under this decree to Court.

Copies 90
to } Decree

Copies cc.

May: Term 1885-

To be entered.

Yrs Blom

Entered 120

Popes

vs } Court's Report

Popes

1884. Augt. 1st filed -

Commissioner's Office
Jerusalem 7^a.

July 14th 1884

To the Circuit Court of Southampton County.
Pursuant to a Decree of the Circuit Court
for the County of Southampton - entered at
the May Term 1884, in a certain Chancery
suit depending in said Court, under the
style of "Popes vs Popes". The undersigned,
one of the Commissioners of the said Court -
to whom was referred the taking of the sev-
eral accounts, called for by said Decree -
begs leave to report: That on the 17th day
of June 1884 - he issued Notices to the parties,
Plaintiff and Defendant, requiring them
to appear before him, at his Office, in
Jerusalem, on the 14th day of July 1884 -
at which time and place, he would pro-
ceed to take the accounts as aforesaid,
which Notice has been returned duly ex-
ecuted - and is herewith returned: That he
also issued Subpoenas against Jas. D. Darden
and J. B. Prince, requiring them to attend
the taking of said accounts, as witnesses -
That said Subpoenas have also been returned
duly executed, and are herewith returned -
That the ~~said~~ Depositions of said witnesses
have been taken, subscribed and sworn
to before the Commissioner, and are here-

with returns, and prayed to be taken as a part of this report, to which the attention of the Court is specially invited.

The Commissioner begs leave to state further, that upon the evidence of the witnesses above referred to, and upon his own knowledge, that partition of the land in the Bill and proceedings mentioned, cannot be made among the parties interested. in as much as there is only one-half-acre of land, and seven legatees! And as no party has expressed a willingness to take the land, paying therefor, a reasonable price to the parties entitled thereto. Your Commissioner respectfully recommends a sale of the entire subject, and the proceeds arising therefrom, be distributed according to law. Believing the interests of all parties concerned would be promoted thereby. -

The Commissioner would state further, that upon the evidence before him, and upon his own knowledge of the land in question, that the "fee simple" value of said Estate, is not more than one hundred dollars -

Respectfully Submitted

B. F. McLenore

Commissioner

Commissioner's fee \$10.00 - paid B. F. M.

Chg to Plaintiffs -

Witness fees -

J. D. Darden 50.00

J. B. Prine 50.00

Chg Plaintiff

The Depositions of Jas D. Darden & others
taken before me. B. J. M. Leonard, a Commissioner
in Chancery for the Circuit Court of the
County of Southampton, on the 14th day of
July 1884. to be read as evidence in a
certain "Chancery Suit" depending in the
said Court. in which Bettie T. Pope &
Jennie B. Pope are Plaintiffs and Virginia
A., Harrison B., Newitt Co., Mary J. and
Abner S. Pope. minors. by J. B. Prince, their
Guardian. Ad litem, are Defendants.

The Witness, Jas D. Darden, being duly sworn,
deposes as follows.

Q: What is your age & where do you reside -
and do you know the parties to this suit?

A: My age is thirty seven years. reside in
Southampton County - near Newsom's Depot -
and know the parties to the suit.

Q: Do you know the land in the proceedings
mentioned?

A: I do.

Q: Do you think partition of the land can
be made between the parties entitled thereto?

A: ~~It cannot~~ I do not. there is only ^{one} ~~one~~
acre of the land. and upon which the
Gin house stands.

Q: Do you think the interest of the parties
would be promoted by a sale of the land.

and the proceeds of same divided among
the parties entitled thereto.

A: I do.

Q: What do you think would be a fair
price for the above property? in fee simple?

A: I think it worth about \$100.

and further this deponent says not -
Jas D Dardue

The witness J. B. Prince, being duly sworn
deposes as follows -

Q: What is your age. Where do you reside -
and do you know the parties to this suit?

A: My age is forty years - reside near Je-
rusalem - in this County, and know the
parties to the suit -

Q: Do you know the land in the proceedings
mentioned?

A: I do.

Q: Do you think partition of the same, can
be made among the parties entitled
thereto?

A: I do not. - There are seven parties
interested & only $\frac{1}{2}$ acre of land -

Q: Do you think the interest of the parties
entitled thereto would be promoted by a sale
of the entire property, and division of the
proceeds?

A: Yes, I do.

Popes

vs

Notice

Popis

1884.

July 10"

Executed by deliver-
ing Copies of this
Notice to the within
named Parties, on
the 10th day July 1884.

P. Caron deputy
for W. W. Briggs Sff.

Commissioner's Office,

Jerusalem, Va. June 17th 1881 -

To Bettie T. Pope & Jennie B. Pope -

Pitts.

Against

Virginia A. Harrison P. Hewitt H.

Mary J. & Abner S. Pope - all minors -

Exrs.

You are hereby notified that I have fixed upon the 14th day of July next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit: Whether or not Partition of the land in the proceedings mentioned, can be conveniently made - and if not, whether the entire subject can be allotted to any party who will accept it - and pay a reasonable sum of money therefor to the parties entitled thereto. or whether or not it will be to the interest of the parties, to make sale of the entire subject or by allotment of part and sale of residue. Also the fee simple value of the said land. Together with any matter specially stated, deemed pertinent by himself or which he may be required to so state by any of the parties interested.

required to be taken by a decree of Southampton Circuit Court rendered at the May term, 1884, in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

B. L. McLemore

Commissioner.

To the Sheriff of Southampton County to Execute.

Southampton Circuit Court May Term
1884

Popel

vs } Decree

Popel vs

This day this cause came on to be heard on the bill, the exhibit filed the answer of the infant defendants by J. B. Prince their guardian ad litem, and was argued by counsel. On consideration whereof the Court doth adjudge order and decreed that a Commissioner of this Court enquire whether partition of the land in the proceeding mentioned can be conveniently made and if not whether the entire subject can be accorded to any party who will accept it, and pay therefor to the other parties such sums of money as their interest therein may entitle them to or whether the interest of those who are entitled to the subject or its proceeds will be promoted by a sale of the entire subject or allotment of part and sale of the residue and reports to Court and the said Commissioner will also enquire what is the fee simple value of the said land and report to Court together with any other matters which he may

deem pertinent to be stated or which may
be required to be so stated by any other inter-
est party and the said Commissioner will
return the evidence upon which he bases
his opinion to the Court.

A. L. Lundy

Teste J. B. Pruned lls

the
138 } Decred
the

Jan 14-

May term 1884

A. L. Lundy

Popes

vs }

Sp a

Popes

1884. July 14"

Executed July 19"
1884. by delivering
Copies of this Sp'a
to the within named
parties.

P Canon deputy
for W W Gregg & Co

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon

Jas D. Dandridge and J. B. Prince

to appear before the

B. F. McLeary
Judge of our *Circuit*

Court of Southampton County, at the Courthouse

thereof, on the *14th* day of *July* Term *1884* to testify, and the truth to

speak on behalf of *Bertie T. Jennie B. Pope*

in a certain matter of controversy in our said Court depending and undetermined between

Bertie T. Jennie B. Pope plaintiffs and *V. A. H. P. Pope & others*

defendant, and this *they* shall in no wise omit under penalty of law.

And have then there this writ.

B. F. McLeary
WITNESS, *J. B. PRINCE*, Clerk of our said Court, at the Courthouse, this *17th*

day of *June*, 188*4*, in the *108th* year of the Commonwealth.

Teste:

B. F. McLeary

Clerk

Paper

or } leaves Bond

Paper

1885. Sept: 19

Know all men by these Presents, That we *I.B. Pruce and*
Mr. Turner

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

The One Hundred 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *19* day of *September* A. D. 18 *85*

THE CONDITION of the above obligation is such that if the above bound

*I.B. Pruce, who was appointed
a special Commr. by a decree of
the Circuit Court of Southampton
in the bankruptcy suit therein
depending styled Pope vs Pope -
for purposes therein specified*

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

I.B. Pruce

Mr. Turner



Pope's

or { Summons

Pope 4th

~~~~~

1884 Apr Rules

~~~~~

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Virginia A. Harrison P. Hunt
H. Mary J. and Abner S. Pope - all
infants

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *April* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *Bettie T. Pope and Jennie B. Pope*

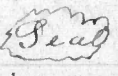
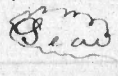
And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *12* day of *March*, 188 *4*,
in the *108th* year of the Commonwealth.

Teste J. B. Prince C. C.

This Deed made and entered into this 28th day of May in the year of our Lord one thousand eight hundred, and seventy four between, R. P. Pope and Sally A. his wife of the County of Southampton State of Virginia of the one part and R. P. Pope of the same County & State of the other part, Witnesseth, that the said R. P. Pope and Sally A. his wife for and in consideration of the natural love and affection they bear to the said R. P. Pope have granted and bequeaths unto him the said R. P. Pope, his heirs and assigns forever, one certain lot of land situate lying and being in the aforesaid County and State immediately in front of R. P. Pope's residence, containing about ten acres more or less, commencing at a cedar post in Crawford's road seventy yards west of R. P. Pope's front gate thence a straight line South to a cedar post at James J. Darden's line thence east across the road about one hundred and forty yards to a cedar post, thence North a straight line to a cedar post in the mill road thence up the mill road West to the beginning, and bounded South by the lands of Jas. J. Darden, and all other points by R. P. Pope's land to have

and to hold the above described tract or
lot of land unto him the said R. P. Pope his
heirs and assigns forever, excepting one half
acre which half acre the said H. P. Pope
and Sallie A. his wife doth grant & bequea-
th to the said R. P. Pope and H. B. Pope
jointly for the purpose of erecting a
cotton gin on said half acre the said
half acre to be selected at any point
in the ten acre lot. the said R. P. Pope,
and H. B. Pope may desire to erect said
gin to have and to hold the above named
half acre jointly unto them the said
R. P. Pope and H. B. Pope, their heirs &
assigns forever in witness whereof the
said H. P. Pope and Sallie A. his wife have
hereunto set their hands and seals this day
and year above written.

H. P. Pope 
Sallie A. Pope, 

State of Virginia
County of Southampton to wit:

I John H.
Sebrell a Commissioner in Chancery
for the County and Circuit Courts of
Southampton County do Certify that
Harrison P. Pope, whose name is signed to
the above writing, bearing date 28th day of

May A.D. 1874, personally appeared before
me in my said County and acknowledged
the same to be his act and deed,
Given under my hand this 28th day of
May A.D. 1874.

J. M. Sebrell,

Com'r in Chancery

State of Virginia.
County of Southampton to wit: I John,

J. M. Sebrell, a Commissioner in
Chancery for the County and Circuit
Courts of Southampton County, do cer-
tify that Sallie A. Pope, wife of Harrison
P. Pope, whose names are signed to the
above writing bearing date 28th day of
May A.D. 1874, personally appeared
before me in my said County and
being examined privately and apart
from her husband and having the
said writing fully explained to her
acknowledged the same to be her act
and deed and that she does not wish
to retract it. Given under my hand
this 28th May, A.D. 1874.

J. M. Sebrell,

Com'r in Chancery
" " "

Southampton County. In the Clerk's
Office May 30th 1894.

This Deed of Gift from H. P. Pope and wife
to R. J. and L. B. Pope was this day received
and together with the certificates, hereto
annexed admitted to record.

Teste L. R. Edwards. Ck

A Copy

Teste J. B. Prince. Ck

"C"

Memo:

Copy Deed of Gift from H. P. Pope wife to
R. P. + J. B. Pope, recorded May 28th, 1874,
mark it "E"; and also will of J. B. Pope re-
corded in 1884, mark it "F," & file in bill
Pope vs Pope.

Pohes

~ }
55 }

Pohes

In the name of God amen I Joseph B. Pope of the County of Southampton and State of Virginia being of sound mind and memory. Blessed be God for same do make and publish this my last will and testament

Item 1st I give and devise unto my wife Jennie B. Pope my home house farm situated in about one mile of Chawsons Depot also the tract of land known as the Henry Joyner Place to have and to hold during her life and after her death, I give and devise in fee simple the same to my son Abner Stephenson Pope. The Henry Joyner place above alluded to is at present occupied by Dick Artis as a tenant.

Item 2nd I give and bequeath unto my said wife Jennie B. Pope one third of my entire personal Estate including money bonds notes securities and Chattels Expects household and Kitchen furniture and any interest that I may have in store, ~~not~~ including the land and buildings or any ~~interest~~ interest that I may have which is considered personal Estate but I give it to her that is all that is included in this item (2nd) with this special request and injunction that in case there should be any part or portion of the above bequeathed,

(Item 2nd) either principal or interest on principal or any increase whatsoever of said item 2nd in kind or otherwise; left at her death that she the said Jennie S. Pope give it to my son Abner S. Pope or equally divide it between him and any other children that may be born unto us and to effectually execute the said request and injunction my desire and last request of my said wife is that should she marry again after my death before such marriage, that she make a will disposing of the property included in this item as I have requested her.

Item 3^d I give and devise unto my son, Abner S. Pope the whole of the Stephenson Place tract of land half of which I inherited from my Uncle Abner K. Stephenson and purchased the other of my Brother K. S. Pope. I give and devise unto my said son, Abner S. Pope my interest in the land & buildings at Branchvilles the piece of land at Chewson's Depot containing about two thirds of an acre also any lands or interest in lands that I may own at the time of my death not otherwise herein disposed of or devised. I also give and bequeath to my said son, Abner

I Give, all of my personal Estate and
 the proceeds of such that may be sold
 after my death not given to my wife
 in item the 2nd. I mean by this my whole
 Estate both real and personal not otherwise
 herein disposed of I give devise and beq-
 ueath all of said Estate included in
 this Item, (item 3rd) to my said son Abner
 I Give in fee simple should he arrive at
 the age of twenty one years, (21) or should
 he marry before that age and have
 lawful issue in either of these events
 I give to him in fee simple but not
 otherwise, the income of all the Estate
 both real & personal given unto my son
 Abner may be expended by my Executors
 or personal representatives or by his (Abner's)
 Guardian on his Education and other
 expenses necessary for such, and according
 to his Station and Standing in life but
 be it understood by said Executors or
 Guardian that no more than is enough
 and necessary for such purposes, as afore-
 said shall be so expended and I leave
 it to the prudent judgement of the
 above named party or parties to judge
 of how much shall be so expended: the
 balance or remainder of said incomes as
 above said I wish to be invested by

my personal representatives or my son
 Abner, Guardian, or next friend, in real
 Estate individual bonds secured by
 real Estate City bonds railroad bonds
 or in some good & safe investment which
 in their judgment they may deem secure
 the same to be deemed as principal and
 I give it to my son Abner with the
 contingencies and conditions as above
 written and described in this deed. (3d)
 I desire my personal representatives to
 have my son Abner well educated & kept
 at school until he is 21 years old if
 circumstances so admit and to impress
 upon him the importance of preparing
 himself for some good profession or
 occupation my wish and desire is &
 I enjoin it on my personal representatives
 or Abner's Guardian that he shall never
 be sent to any ~~seminary~~ sectarian school of any
 description or denomination, and while
 he is under the control and natural
 guardianship of his mother or any
 person who may have control of him
 my desire & wish is that they shall never
 send him to a school where the tenets
 of any particular denomination are
 taught or any teacher or governor.

employed who would teach or instill in him the doctrines of any particular church, and I wish the same regarded and observed, as to any children that may be born unto us.

Item 4th In the event and contingency that there should be another child born unto my wife and myself, I give devise and bequeath unto such child the place on which I reside i.e. The Home place and the Henry Joyner Place after my wife Jennie B. Lopez death the same that was given to my son Abner should I have no other child and disposed of in item the first (1st) to which reference is made and in consideration that I give Abner the Stephenson tract which I consider much more valuable than my home place such child so born I give one third more of my personal Estate than to Abner which can be determined after my wife is settled with. My interest in the real Est at Branchville and the tract of land at Steversons devised to my son Abner under head of item the third, in the event as before said that I should have another child born unto my wife and myself I devise the property at Branchville that is my interest in the real estate there

Page 6

to Abner and ~~and~~ the piece or tract of land
at Newson's to such child so born as above
said

Should either Abner or the child,
that may be born as aforesaid die before
they are 21 years old and without lawful
issue the entire property above and before
given or devised shall go, and I give it
to the one that may survive and arrive
at the age of 21 or leave lawful issue if
there be any child so born I wish it edu-
cated and the same instructions and
conditions observed and carried out as
regards Abner and fully expressed under
head of item the third,

Item 5th Should and in the event my son Abner
or any child born hereafter unto myself
and wife die before arriving to the age
of twenty one years and without issue
that is to say should I have no child to
live to be twenty one years of age and
should there be no lawful issue of such
then the whole, an entire property both
real and personal given and devised
in this instrument except such personal
estate as was devised in fee to my wife,
Jemima P. Popo under head of item
the 2nd I give and devise as follows, viz:

My Bowd Place and the Henry Joyner Place devised to my wife for her life under item the 1st I give and devise said tracts of land to my Stephen Harrison Pope and should he die under 21 years of age and without issue I devise the same to my Nephew Hewitt Harris Pope.

The Stephenson Place farm I give to my Nephew Hewitt Harris Pope and should he die before he is twenty one years old and without issue the same I devise & give to my Nephew Harrison P. Pope and should both my Nephews die under 21 years of age and without lawful issue I devise said land to my Nieces Virginia Ann and Mary J. Pope The land of Newson and Branchville may be sold and the proceeds divided as my personal property now to be disposed of viz;

I wish my entire personal property not given to my wife to be divided into nine (9) equal shares my two nieces Virginia and Mary I wish to give and do bequeath 3 shares each my Nephew Harrison P. Pope I give 2 shares, and my other Nephew Hewitt P. Pope I give one (1) share making the total 9 shares the aforesaid children mentioned in item the 5th this (item) are the children of my brother C. P. Pope deceased

by his wife Letitia T. Pope; and the property given under this head both real and personal is given only in the event and contingency that I should have no child by my wife to live to be twenty one years old and that there is no lawful issue of any. If I should have any child to arrive at such age as above, said or such child should die with lawful issue then this item (5th) is void and of no effect.

Article 6th

I appoint my Cousin Jas. L. Darden and my friend J. B. Trice my legal executors and representatives to carry out and execute this my last will and testament and they can either give a joint bond of qualification or qualify separately but should they choose to qualify by giving a joint bond I desire the Court to require no securities to said bond after my estate is settled I hope one or both of them would act as guardian for my children. I have a high regard as to the integrity and business capacity of both and hope and believe they will do what they can to carry out my wishes and desires as expressed herein. I give my secretary left me by my father H. T. Pope, who is

Last will to my half Brother Thos J Pope
 this is the only instance in which I have
 mentioned any of my half sisters or brothers
 not because I love them less, for I can assure
 them of my attachments but because
 they are well provided for and with good
 prospects of more.

In testimony thereof I hereunto set my
 hand and Seal and do publish and
 declare this to be my last will and
 testament and that it was wholly written
 and composed by my self alone, this 28th
 day of August in the year of our Lord
 one thousand Eight Hundred and Eighty
 three (1883)

Joseph B. Pope ^{Em} Seal

At a County Court held for the County
 of Southampton, on the 18th day of Feby:
 1884, A writing purporting to be the last
 will and testament of Jos. B. Pope, deceased
 was produced in Court by Joseph C.
 Prince and James D. Darden the
 Executors therein named and there
 being no subscribing witnesses thereto
 Jos. L. Barham, and James D. Darden
 were sworn and severally deposed that
 they are well acquainted with the hand
 writing of the testator and verily believe

the said writing and the name thereto.
subscribed to be wholly written by the testator
own hand, whereupon the said writing is
ordered to be recorded as the true last
will and testament of the said Joseph
P. Pope, decd.

And on the motion of Jos. B. Prince and
James S. Darden the Executors therein named
who made oath according to law entered
into and acknowledged a bond in the penalty
of Forty thousand dollars conditioned as
the law directs. (but without security
The testator requesting that none should
be required and the Court requiring none)
which bond is ordered to be recorded,
Certificate is granted the said Jos. B. Prince
and James S. Darden for obtaining a
probate of the said will in due form,
And upon their further motion Herod
Pope (Chas. Knight and James G. Bryant
are hereby appointed appraisers who
being first duly qualified will appraise
the personal Estate of the said
decedent and return the same
under their hands as the law directs

Teste J. B. Prince lsg

A. Lofey Teste J. B. Prince lsg

Pope
vs 3 Bill, &c.,
Pope

1884 April Rules.

Parker, &c.

To the Honorable George Blaw, Judge of
the Circuit Court of Southampton County,
In Chancery.

Humbly complaining, sheweth unto
your Honor, your complainants, Bettie
J. Pope and Jennie B. Pope, as follows:

That R. P. Pope and J. B. Pope were
in their life time seized and possessed of
certain real estate lying in the County
of Southampton, conveyed to them jointly
by Deed of Gift from H. P. Pope wife, and
recorded in the Clerk's Office of Southamp-
ton County, May the 28th, A. D., 1874, a
copy of which is herewith filed, marked
Exhibit "E", and prayed to be read as a
part of this bill; That being so seized and
possessed, the said R. P. Pope, some time dur-
ing the year, A. D., 1882, departed this life
intestate, leaving Bettie J. Pope, his wife,
one of your complainants, Virginia A.
Harrison P. Hewitt H. and Mary J. Pope,
infants under 21 years of age, and under
14 years of age, as his only heirs and dis-
tributives; and the said J. B. Pope being so
seized and possessed, some time during
the year, A. D., 1884, departed this life,
having made his last will and testa-
ment, a copy of which is herewith filed,
marked "F", and prayed to be read as a part

of this bill, and leaving Jennie B. Pope, his wife, the other one of your Complainants, and Abner S. Pope, and infant under 21 years of age, and under 14 years of age, as his only devisees and distributees. Your Complainants state, and verily believe, that the said real estate is not susceptible of partition among the parties entitled thereto, and not being susceptible of such partition, your Complainants desire that the same may be sold and the proceeds divided among the adult and infant parties according to their respective rights; the shares of the infants to be held as directed by the statute in such case made and provided.

Forasmuch, therefore, as your Complainants are remediless save in a Court of equity, they pray that the said Virginia A. Harrison P. Hewitt H. Mary J. and Abner S. Pope may be parties defendants to this bill, and be required by their guardian ad litem to answer the same on oath; that J. B. Prince be appointed guardian ad litem to protect the interests of the infant defendants in this cause; that the said real estate be sold and the proceeds divided among the parties entitled

thereto; that all orders and decrees be made that may be proper in the premises, and all other, further, general and special relief as in the premises may be just and right may be granted.

And your complainants will ever pray,

Wm. H. Parker, f.c.

The joint and several answer of Virginia A. Harrison P. Hewit H. Mary J. and Abner S. Pope by J. B. Prince their guardian ad litem to a bill in Chancery exhibited against them, in the Circuit Court of Southampton County, by Bettie J. Pope and Jennie B. Pope.

These respondents saving and reserving for answer to said bill say that they are infants and being such know nothing of the facts alleged in said bill. They therefore, submit their rights to the protection of this Court, and having answered pray hence to be dismissed, &c.,

J. B. Prince, G'dn ad litem