

1895-28

Southampton County Chancery -

Bailey, J. E. vs Pope - J. B. et al

sell property to divide

Minors { Pope, Abner S.
" , Harris M. P.
" , Mary J.
" , Virginia A.
" , Newitt H.
" , Virginia A.
Prince, J. B.
GAL

Bailey
W. { In Chambers
Pope

Rice & Exhibits

\$100. 00 Arthur
James -

W. J. Silver, p. 2.

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

Humbly complaining sheweth unto
your Honor your Complainant J. E.
Bailey that the late J. B. Pope in his
life-time and your Complainant
were seized and possessed of a
certain tract or parcel of land, with
its appurtenances, including store-
house, Gin House &c., situated at
Branchville station on the S. & R. R.
containing $5\frac{3}{4}$ acres, more or less, and
adjoining the lands of J. E. Pule,
Lawson Bealer & others; and being so
then & jointly seized & possessed,
sometime during the year 1884, the said
J. B. Pope departed this life, leaving a
last will and testament whereby he
gave & devised his interest in the
said tract or parcel of land to his son,
Abner S. Pope, and in certain con-
tingencies to Harrison P. Pope, 'Newit
'B. Pope, Virginia A. Pope & 'Mary J. Pope
all infants of tender years, all
which will more fully appear from
a copy of said last will & testament
herewith filed, marked "A" as an exhibit

in this cause. Your complainant further states that the said tract or parcel of land is in his opinion susceptible of partition between the parties entitled thereto; but, if it be not, then your complainant desires the same to be sold & the proceeds distributed between the parties according to their respective interests therein. In consideration whereof, and inasmuch as your complainant is without remedy save in a Court of Equity where such matters are peculiarly cognizable, your complainant prays that Abner D. Pope, Harrison D. Pope, Newit B. Pope, Virginia A. Pope, & Mary J. Pope be made parties defendant to this bill & compelled to answer its allegations; that some fit & proper person be appointed guardian ad litem to defend the interests of said minors; that the Real Estate may be divided between the parties aforesaid, and your complainant's portion allotted them; and in case it be not susceptible of division that the same may be sold, and the proceeds divided between the parties entitled thereto, and that Your Honor will grant such

further & general relief as the nature
of the case may require or to Equity
may seem meet -

And your Complainant will ever pray &c.

W. J. Sebrice, p. q.

The joint several answers of Abram S. Pope,
Harrison D. Pope, Newton B. Pope,
Virginia A. Pope & Mary J. Pope - infants,
by J. B. Prince their guardian ad litem
to a bill in Chancery exhibited against
them by J. E. Bailey in the Circuit Court
of Southampton County -

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

J. B. Prince, Jd. ad litem.

Bailey
or. { Seere-
Pope

Nov. Term 1884.

To be entered—

• Geo. S. Brown
—

Entered

100

Bailey
or. { Decree -
Pope

This cause came on this day to be heard upon the Complainant's bill, ^{Exhibit - Herewith} the filed answer of the infant defendant by J. B. Preece their guardian ad litem & was argued by counsel - On consideration whereof, the Court doth adjudge, order & decree that Geo. E. Beaton, J. J. Woodard & Wm. Harris who are hereby appointed Commissioners for the purpose, having first been duly sworn, do proceed to lay off & divide the Real Estate in the bill mentioned & described, into two equal parts, having regard to quality & quantity, and assign one of said two parts to J. E. Bailey and the other of said two parts to Abner J. Pope. But if said Commissioners should find it impracticable to divide said land between the aforesaid parties or should be of opinion that the interest of said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the Court, and also, what in their opinion is the fair simple value of the whole of the Real Estate in the bill mentioned - And in either case, they are required to

report their proceedings under this order
to the Court.

Branchville Virginia, Southampton County

May 2nd 1885.

To the Hon Judge Southampton Circuit Court.

In obedience

to order and decree Circuit Court November

Term 1884, In Chancery Suit Bailey vs Pope,

we the undersigned Commissioners appointed

by said Court to lay off & divide the real

estate in the bill mentioned in said suit,

situate at Branchville &c, after being duly

sworn according to law beg leave to submit

the following, as follows. We divide the

said real estate into six lots,

Lot No. 1 as per drawing enclosed featuring

County 77 feet, & running from a oak tree near

S & Peter's Store nearly west 422 feet to a large dead

oak tree, thence nearly South to a pine stump 40 feet

thence nearly East ^{478 feet} from pine stump to a

Elm tree on said County road, containing

nearly one half an acre more or less valued at

\$300.00 dollars. Lot 2 featuring County road

and S & RRR, West ^{from beginning} 268 feet, running from an Elm

tree on County road ^{S. W.} to an oak tree on S & RRR -

thence 273 feet from said oak tree S. W. to a plot

near Engine house - thence N E from said plot to a

pine stump 87 feet, then East from said pine

stump 432 feet to an Elm tree on County road.

place of commencement -
Containing 1 $\frac{1}{4}$ acres more or less valued

at \$2000.00 dollars, Lot No 3, fronting
S&KKK, running from an oak tree West-
114 feet, to a Stob, thence from said Stob
nearly due North ³⁰² ~~243~~ feet to a Stob near Engine
house, thence N W ¹¹³ ~~76~~ feet to a Stob, thence
nearly South ~~378~~ feet to a Stob on S&KKK,
thence from said Stob East 114 feet to oak tree place of commencement -
Containing ~~little~~ over $\frac{1}{2}$ acres more or less valued at
\$475.00 dollars, Lot No 4, also fronting

S&KKK, running West from a Stob 98 feet
to another Stob, along side said S&KKK, thence
from said Stob nearly due North 420 feet, thence
East from said Stob 196 feet, to another Stob
thence nearly due South 360 feet to said
Stob on S&KKK, ^{place of commencement} Containing $\frac{1}{5}$ acre more
or less valued at \$425.00 dollars,

Lot, 5- also fronting S&KKK, running from
a Stob on said S&KKK, 229 feet along side
said RRoad West to a Stob Corner line,
Car & Holland's Est., thence from said Corner
620 feet nearly due North, along side Car & Holland's
Est-land, to a ^{Stake on path} Sweet-gum tree, thence S.E.
from said ^{Stake in path} Sweet-gum 258 feet, to a Stob,

thence from said Stob 449 feet, nearly
South by West to a Stob on the said
S&KKK, ^{place of commencement} Containing $2\frac{3}{4}$ acres more
or less - valued at \$500.00 dollars,

Lot No 6. Commencing at a Sweet gum
tree ^{on old path}, running nearly North along side of the

Bailey
Mr. $\frac{1}{2}$ Report.
Pope

Land, of Carr Holland³⁶⁸ Est- 368 feet-, to
a pine stump, Corner line Carr Holland³⁶⁸ Est- &
J E Peete, thence East 69° 0' feet along side
land J E Peete, to a ^{maple} stump near old buggy track,
thence S. W. 73 feet from said stump to a large
dead oak Tree Corner line Lot¹ No 1 & 2, thence
also 40 feet S. W. to a pine stump Corner line Lot¹
1 & 2, thence also due S. W. 95 feet to a stake
near Engine house Corner line Lots No 2 & 3.
thence from said stake, North West
40 2 feet, along side lots No 3, 4 & 5,
to the said tract from point of
Commencement containing 3 $\frac{1}{3}$ acres
more or less, valued at \$300.00
dollars. Total valuation ^{of said property} \$4000.00.

We the Commissioners are of opinion
that Lot No 2 is equal in valuation
to all the other lots combined viz Lot¹ No 1
No 3. No 4. No 5. & No 6. One of the
parties interested, being under age, and having
no representative present, we the Commissioners
deemed it but fair, that the parts,
should be drawn ^{for}, which resulted in
Lot No 2 being drawn for Abner S Pope
and the others, viz Lots No 1. 3. 4. 5 & 6
drawn for J E Bailey. Respectfully Submitted.

{ Geo B Beaton }
{ J J Woodard }
{ William Harris }
Commissioners

Bailey
11. Decree.
Pope

Nov. term 1888

To be entered

Geo. H. H. H.
✓

Done by the parties, H. H. H.

Bailey

vs. $\frac{3}{4}$ Deere.

Pope

This day this cause came on to be further heard upon the papers formally read, upon the Report of Geo. E. Beaton, J. J. Woodard, and William Harris, Commissioners appointed by a decree herein entered, of the partition of the land in the proceedings mentioned, to which Report there is no exception, & was argued by Counsel. On consideration whereof, it appearing to the Court that in the partition made by the said Commissioners, lot No 1, fronting County road 75 ft., running from an oak tree near J. E. Pickett's store nearly West 1132 ft. to a large dead oak tree, thence nearly South to a pine stump 40 ft., thence nearly East 432 ft. from pine stump to an Elm tree on said County road, thence North 75 feet to point of beginning - containing nearly $\frac{1}{2}$ acre, more or less, & valued at \$300.00, the boundaries to which will be more clearly seen in plat herewith filed, And lot No 3 fronting D & RRR, running from an oak tree West 114 feet to a stob, thence from said stob nearly due North 273 ft. to a stob near Engine house, thence N.W. 96 ft. to a stob, thence nearly South 360 ft. to a stob on the D & RRR, thence from said stob East 104 ft. to point of

beginning, containing about $\frac{4}{5}$ acre, more
or less, valued at \$475.⁰⁰ ^{the boundaries of which} And lot
No. 4 fronting S+RRR, running west
will more fully appear in plat herewith filed

No. 4 fronting S+RRR, running west
from a stob 87 ft. to another stob, along
side the S+RRR, thence from said stob
near N. 420 ft., thence East from said
stob 96 ft. to another stob, thence nearly
due South 360 ft. to point of beginning, con-

taining $\frac{4}{5}$ acre, more or less, valued at
\$425.⁰⁰ ^{the boundaries of which will more fully appear in plat} And lot No. 5, fronting S+RRR
herewith filed,

running from a stob on said S+RRR
219 ft. along said S+RRR to a stob corner
line Carr Hollandi Est. thence from
said corner 570 ft. nearly due North to
a sweet gum tree, thence S.E. from said
sweet gum 210 ft. to a stob, thence from
said stob 420 ft. to place of beginning,

containing $2\frac{3}{7}$ acres, more or less, valued
at \$500.⁰⁰ ^{the boundaries of which will more fully ap-} And lot No. 6 Commencing at
sweet gum tree on old path, running
near in plat herewith filed

sweet gum tree on old path, running
nearly North along the land of Carr
Hollandi Est., 369 ft. to a pine stump,
corner Carr Hollandi Est. & J. E. Pute,
thence E. 690 ft. along land of J. E. Pute
to a stump on old boggy track,
thence S.W. 40 ft. from said stump to
large dead oak tree, thence 4 ft. S.W.
to a pine stump corner lots no 1 & 2, thence

S.W. 87 ft to stob near Engine house, thence
from said stob N.W. 402 ft to said
sweet gum point of beginning -
Containing $3\frac{1}{3}$ acres more or less & valued
at \$300. ^{or the boundaries of which will more fully appear} fell to the share of the plain-
in plat heretofore filed tiff, J. E. Bailey; And lot No. 2, fronting
County Road and the S. & R.R.R. West from
Crossing 240 ft, running from an
Elm tree on County Road S.W. to an
oak on S. & R.R.R., thence 273 ft. from
said oak tree N.W. to a stob near
Engine house - thence N.E. from said
stob to a pine ~~stump~~ 87 ft., thence E. from
said pine stump 432 ft. to Elm tree on County
road, the point of beginning containing $1\frac{1}{4}$ acres,
more or less & valued at \$2000. ^{or the boundaries} fell to
of which will more fully appear in plat heretofore filed the share of the defendant Abner S. Pope, the
Court doth adjudge, order & decree that said report
of said Commissioners be confirmed & that the
partition in manner aforesaid made
be held firm & stable. ~~And that the Court doth~~
~~further adjudge, order & decree that the said~~
~~Commissioners be authorized to employ a competent~~
~~surveyor to lay off by metes & bounds the lots afo-~~
~~mentioned in above partition & make plat of the~~
~~same which said plat shall be filed among~~
~~the papers in this cause.~~ And it is further
ordered that the costs of this suit be proportionally

Bailey
11. Decree.
Pope

Nov. term 1885

To be entered

Geo. A. Howard
✓

Done by the Justice Clerk

Bailey
4 } Dec 20
Tape

Nov. Term 1884

Albany

Southampton Circuit Court Term
Term 1884
Bailey vs. Pope
Pltff. vs. Deesed
In Chancery
Sed. V.

This cause came on this day to be heard upon the complainant's bill, exhibits therewith filed, the answer of the infant defendant by J. B. Prince their guardian ad-litem & was argued by counsel. On consideration thereof, the Court doth adjudge, order & decree that Geo. E. Beaton, J. J. Woodard & Wm. Harris who are hereby appointed commissioners for the purpose, having first been duly sworn, do proceed to lay off & divide the Real Estate in the bill mentioned & described, into two equal parts, having regard to quality & quantity, and assign ^{one} of said two parts to J. E. Bailey and the other of said two parts to Abner S. Pope. But if said commissioners should find it impracticable to divide said

land between the aforesaid parties or should be of opinion that the interest of said parties would be more promoted by sale of the same, in such case they are required to report the facts upon which their opinion is based to the Court, and also, what in their opinion is the fee-simple value of the whole of the Real Estate in the bill mentioned. And in either case, they are required to report their proceedings under this order to the Court.

Copy

Test. J. B. Prince Clk.

V^a Southampton County to wit.

I W^m R. Hart a Justice of the County aforesaid do hereby certify that Geo. E. Beaton J. J. Woodard and W^m Harris personally appeared before me and were duly sworn as Commissioners to divide the real estate of ~~John W. Harris~~ J. E. Bailey & Abner S. Pope infant son of J. B. Pope dec^d in accordance with a decree of our last Circuit Court Nov^r term 1884 in my County aforesaid.

this 2nd day of May 1885

W^m R. Hart J. P.

Surveyors:
Accl:

J.B.P.'s Est-

^y
J. E. Bailey

Boykins vs 11-7-1885

J.B. Pope's Est.

Dr.

To H.B. Kindred

11-7 To Surveying & Dividing land \$50.00

Bailey

at Y Summons

Popeo J.

1884 Aug Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Abner S. Harrison P. Nevitt
H. Virginia A. & Mary J. Pope - all
infants - by J.B. Prince Gov ad
litem*

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 *August* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *J.E. Bailey*

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *29* day of *July*, 188*4*,
in the *109th* year of the Commonwealth. *Teste. J.B. Prince C.C.*

Bailey
or. $\frac{1}{2}$ notice.
Pope

Sept 25. 1884

I acknowledge
service of within notice
J. B. Pinner
his attorney

20

J. B. Prince, guardian ad litem
for Abner D. Pope - Harrison P. Pope,
Newitt H. Pope, Virginia A. Pope & Mary J. Pope -

Take notice that on the 26th day of
Sept. 1884 I shall apply to the
Judge of the Circuit Court of
Southampton County, at his residence
in the city of Norfolk, for an order
in the Chancery cause of Bailly
vs. Pope, now depending in said Court,
appointing Commissioners to lay off
and divide the Real Estate
in the Bill mentioned.

J. E. Bailly,

By Counsel.

11

Bailey 152 112

or } Stat Rules

Pope Jr

In Southampton Circuit Court.

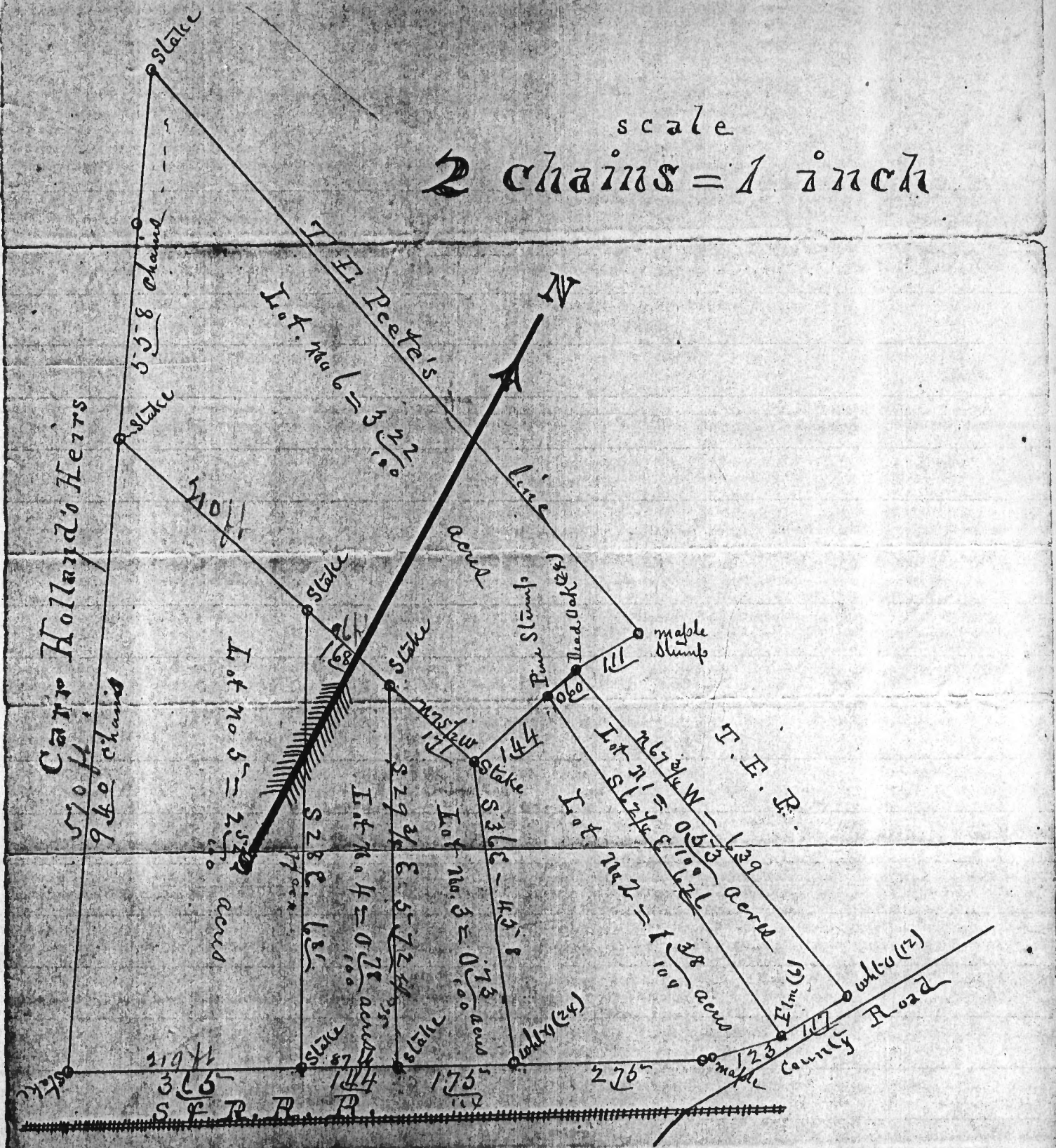
J. E. Bailey	Pltff.	} In Chancery.
against		
Abner S. Harrison P. Hunt H.		
Virginia A. & Mary J. Pope		
all minors.	Defts	

1884

July 29. Summons issued to Aug Rules.

Aug. Rules. Bill & Exhibits filed. L. B. Prince assigned as
ad litem to defts. Answer of Infants defts
filed. Genl. Replication checked. Decree nisi
vs defts.

Sept Rules. Cause set for hearing as to defts.



The above Plat represents the lands of E. Bailey, and J. A. Pope's Estate - as Divided by Commissions Geo. E. Beaton, J. J. Woodard and Wm Harris - Said lands are situated on S. F. R. R. at Branchville Depot - containing in six lots - Nine and $\frac{66}{100}$ (9 $\frac{66}{100}$) Acres

Surveyed Oct 7 - 1885 -

Kindred Simon

Original Plat Examined
and recorded in Current Plat Book 19
Page 60

August 20, 1993