

1885-30

Southampton County Chancery- Underwood, Thomas et al vs Pope, Martha

divide estate, giving the widow's
dower first.

Underwood, Elizabeth V.
Crutchlow, Sarah J.

Pope, Martha J.
" , Addel A.
" , Milissa F.
Minors

Edwards, S. R.
GAL

13

Woolworth & Co

Is 3 Dec

Pop & Co

Geo Blow

May Term 1885-

To be returned

120

Discharge

Underwood & als

vs B

Decree

Pope & als

This day This cause
came on again to be heard on the
papers formerly made and was argued by
counsel and it appearing to the court that
more than seven years have elapsed since
the last order entered in this cause
the court doth adjudge order and decree
that the same be removed from the
docket with leave to any party
interested to reinstate the same on ten
days notice to the opposite party

Southampton County Court, August Term 1872.

Thomas Underwood & Elizabeth T. his wife, who before
marriage was Miss, Walter J. Crutchfield & Sarah
J. his wife, who before marriage was Miss - Eliza
Against

Maria J. Pope and Adeline A. and Miligan T. Pope
two infants by S.R. Edwards their Guardian ad litem.
Pops.

By Consent of parties this day this Cause came on to be heard
in the Plaintiffs Plea, the Separate answer of Maria J. Pope, the
answer of the infant Defendants Adeline A. and Miligan T. Pope by their
Guardian ad litem and general replications thereto and was argued by Counsel;
on Consideration whereof the Court doth adjudge, Order and decree, That
Harrison T. Pope, Amos S. Pope and John Pope, who are hereby appointed

Special Commissioners for that purpose, shall after having given reasonable
notice to the parties interested proceed first to ascertain Maria J.
Pope, as her dower in a tract of Land lying in Southampton
County containing by estimate 300 acres, whereof Elizabeth
Pope did Seign & possess, two thirds part thereof in value,
having regard to quality and quantity and divide the residue
of the said tract of Land into four equal parts having regard
to quality & quantity & allot one Share to Thomas Underwood &
Elizabeth T. his wife, one Share to Walter J. Crutchfield & Sarah
J. his wife one Share to Adeline A. Pope and one Share to Miligan
T. Pope, and the said Commissioners and Surveyors authorized
& empowered to employ a Competent Surveyor if necessary to
assist, to be paid by the parties interested, and they will return
the plat if any be made, along with their report to

this book, in order to a further desc.

Copy

Best

James R. Taylor, A.C.

Underwood v. also

vs 3 Decem

Pope v. also

By consent of parties this day this cause came on to be heard on the plaintiffs bill the separate action of Martha & Pope, the action of the infant defendants Adeline and Melisa & Pope by their guardian ad litem and general replication thereto and was argued by counsel on consideration whereof the court doth adjudge order and decree that Harrison P. Pope, Amos S. Pope and John Pope who are hereby appointed special commissioners for that purpose shall after having given reasonable notice to the parties interested proceed first to allot to Martha & Pope as her dower in a tract of land lying in Southampton containing by estimate 300 acres whereof Elisha Pope died seized and possessed one third part thereof in value having regard to quality and quantity and divide the residue the said tract of land into four equal parts having regard to quality and quantity and

allot one share to Thomas Underwood and
Elizabeth & his wife, One share to
Walter & Conchelow and Sarah & his
wife, One share to Adeline A Pope
and one share to Melisa F Pope
and the said commissioners are hereby
authorized and empowered to employ
a ^{competent} surveyor if necessary to
assist to be paid by the parties interested
and they will return the plat if any
be made along with their report to
this court in order to a further decree

Popu was

ads 3

Wendwood was

Answer of the
infant defendants

The answer of Adeline A. and Meliza
& Pope two infants by L. R. Edwards
their guardian ad litem appointed
for that purpose to a bill in chancery
in the county court of Southampton
by Thomas Underwood and als vs them is als

This defendant for answer to the said
bill or as much thereof as he is advised
it is material for him to answer,
answering says that he knows nothing
of the allegations of the plaintiffs bill
but submits the interests of his wards
to the care of this court whose peculiar
duty it is to protect the rights of infants
and having fully answered prays leave
to be dismissed with his costs etc.

Thomas J. A.

Received by consent

Thomas Comins for
the plaintiffs

Pope nals

ads 3

Midwest nals

Annun of M.S. Pope

The separate answer of Martha J Pope
to a bill in chancery in the county
court of Southampton by Thomas
Underwood is als as she is als

This defendant for answer to the
said bill or as much thereof as she is
advised it is material for her to answer
answering says that she believes the
allegations of the plaintiffs bill are
substantially true and she desires
that her claim may be allotted to her
in the said tract of land and having
fully answered prays her to be
dismissed with her costs etc

Shanda J. A.

Reviewed by consent

Shanes Couser
for the plaintiffs

cto. ~~#~~ 14.

Underwood J.
v } Rept.

Underwood

1873 Nov. 17th

State of Virginia }
County of Southampton }

In obedience to the annexed order and decree we the undersigned Special Commissioners appointed by the Court of Said County at August Term 1872. After due notice met upon the premises whereon Elisha Pope died seized and possessed, and after allotting to Martha J. Pope her dower containing about fifty acres including the dwelling and out houses; proceeded to divide said land and make partition between and among Thomas Underwood and Elizabeth V. his wife, Walter S. Cruchlow and Sarah S. his wife, Addele A. Pope and Malissa F. Pope tenants in common of the lands descended to them as Children and heirs at law of Said Elisha Pope deceased. Whereupon we have made and do hereby make the following appropriations among the respective Claimants in severally.

Lot N^o 1 Wholly encumbered by dower containing dwelling & out houses is allotted to Thomas Underwood and wife Elizabeth V. Bounded as follows.

Beginning in the center of Newson's road opposite a persimmon tree thence S. $74\frac{1}{2}^{\circ}$ W. 68 poles to a pine thence S 22° W $60\frac{1}{2}$ poles to a pine thence S. $6\frac{1}{2}^{\circ}$ W 12 poles to a black gum near the mouth of a small Branch in Pond Branch Corner for Lot N^o 2. thence down Pond Branch to the Swamp thence down the Swamp to the road thence up the road to the first Station containing about forty acres.

Lot N^o 2 is allotted to Malissa F. Pope Beginning at a gum in Pond Branch Corner for Lot N^o 1. thence up the run of the west fork of a small Branch to a Maple

in George Popes line thence along said Popes line to the Swamp thence down the Swamp to the mouth of Pond Branch thence up the run of Pond Branch to the first station containing by estimation forty (40) Acres

Lot N^o 3 is allotted to Addele A. Pope. Beginning in the center of Newsoms Road opposite a small Persimmon tree corner for Lot N^o 1. thence along the dividing line S. 74 $\frac{1}{2}$ ° W. 68 poles to a pine thence S. 22° W. 60 $\frac{1}{2}$ poles to a pine thence S. 62° W. 12 poles to a Black gum in Pond Branch corner for Lot N^o 2. thence up the run of the west fork of a small Branch to a large Maple in George Popes line thence along said Popes line to a Stake corner for Lot N^o 4. thence the dividing line S. 68° E. 59 poles to the center of Newsoms Road opposite a Sweet gum corner for Lot N^o 4. thence along the road to the first station containing by estimation forty (40) acres partially encumbered by dower

Lot N^o 4. in Shop tract is allotted to Walter J. Cruchlow and wife Sarah J. Beginning in the center of Newsoms Road opposite a sweet gum corner for Lot N^o 3 thence the dividing line S. 68° W. 59 poles to a Stake in George Popes line thence said Popes line N. 24 $\frac{1}{2}$ ° W. 31 $\frac{1}{2}$ poles to a corner thence Popes line S. 58° W. 41 $\frac{1}{2}$ poles to a Post corner thence N. 30° W. 46 $\frac{1}{2}$ poles to center of Road thence along the road to a fork at the Shop thence along the fork to the first station containing by survey (39 $\frac{1}{2}$) thirty nine and one half acres; Which said lands are equally divided among said Claimants regard being had to quality as well as quantity.

All of which is respectfully submitted under our hands & seals this day of 1873

H. P. Pope Seal
John Pope Seal
Seal

36 ~~10~~ 10
Midwood new
as $\frac{2}{3}$ Bill
Pope was

1872 Aug. Deceit as filed

Received by Clerk Circuit
Court Aug. 13th 1873

To the Honorable Joseph W. Ingraham
Judge of the county court of Southampton
in chancery sitting

Humbly complaining your orators
Thomas Underwood and Elizabeth & his
wife who before marriage was ^{Sarah} Pope
Walter & Conchulow and ~~Elizabeth~~ his
wife who before marriage was Pope
show unto your Honor that in
the year 1862 Charles Pope of Southampton
Co. departed this life intestate leaving
considerable estate real and personal
and leaving Martha & Pope his widow
and four children to wit Elizabeth &
Marion to Thomas Underwood, ^{Sarah} ~~Elizabeth~~
~~E.~~ Marion to Walter & Conchulow
Addie A. Pope an infant and Melissa &
Pope an infant his distributees and
his at law, your orators state that
the estate had long since been settled
up and there are no debts outstanding
against the same, and that there is
a tract of land belonging to the estate
of the said C. Pope containing by
estimate some 300 acres lying in
Southampton This land is now
held in co-ownership by the heirs of

the said Elisha Pope subject to the
widow's dower, Your Orators state
further that they have now arrived
at the age of twenty one years and
wish a division the said land
among the heirs according to the
rights of the parties

In Tender consideration whereof
and inasmuch as your orators are
without relief at law and only entitled
to relief in a court of equity where
such matters are peculiarly cognizable
they therefore pray that, Martha S. Pope
and Adeline A. and Milisa S. Pope two
infants by some fit and proper person
their guardian ad litem appointed
for that purpose may be made parties
defendant to this bill and that the
court would compel them as full and
perfect answer make to the allegations
therein contained as if they had been
themselves more fully and specially
interrogated and that court would appoint
commissions to allot the widow's
dower and divide the residue
of the said land among the parties
entitled thereto and that the court
would grant such other and further

relief the premises considered as equity
may dictate and the nature of their
case may require and as in duty
bound your orators will ever pray we
Shall as per.