1887 - 11 Southampton County Chancery Darden, E. M. et al Vs. Kindred, H. B. et als

To. Partition or sell real Estate and proceeds to be divided between parties entitled

Darden, Georgie

Kindred, Carrie

Prince, Geo W +
Prince, Carrie Heath

Pope, John H.
Pope, Jas. N.
Pope, Geo. C.

Darden swife
Ts 3/3 Bill &c.
Kindred swife brothers

1884 Octo: Rules.

Parker, f.c.

These respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:-

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian Commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

L B Prince Eden
ad litem.

To the Hon: Geo: Blow, Judge of the Circuit Court for Southampton County.

In Chancery.

Humbly complaining, sheweth unto your Hon'r, your Complainants, E. M. Darden and Georgie M. his wife, of the said County of Southampton,

That Geo: W. Pope was in his lifetime seized and possessed of certain real estate lying in the County of Southampton, containing by estimation 452 acres, be the same, however, ever so much more or less, bounded by the public road leading from Jerusalem to the Cross Keys, by the road leading from the Cross Keys road to the Warren road, and the lands of Lula Pope and Wm. L. Gray; and being so seized and possessed of the said real estate, sometime in the year 1871, the said Geo: W. Pope departed this life, having first made and published his last Will and testament, which was duly recorded in the Clerk's Office of Southampton County, leaving Carrie W. Pope, who has since intermarried with H. B. Kindred, Annie M. Pope, who has since intermarried with Geo: W. Prince, John H. Pope, Georgie M.

Pope, who has since intermarried with E. M. Darden, Ann L. Pope, his widow, and Jos: A. and Geo: W. Pope, his only heirs and devisees, as will more fully appear by a certified copy of the said last Will and testament herewith filed, marked exhibit "A", and made a part of this cause; that by his said last Will and testament, the said Geo: W. Pope gave the said real estate, together with all the improvements thereon, to the said Ann L. Pope, his widow, during her life or widowhood, and after providing for her in the event of her marriage, he devises the same, after her death or widowhood, to his Children; that the said Ann L. Pope, sometime in the year 1884, departed this life, and leaving the said real estate in possession of the heirs and devisees of her late husband, the said Geo: W. Pope to be divided between them. The said Jos: A. and Geo: W. Pope are infants under twenty one years of age.

And your Complainants further state, that the said real estate is, as they believe, susceptible of partition among the parties thereto; but if not, then your Complainants, desire the same to

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. Should the property not be divisible in kind, your Complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the said estate, or by an allotment of part and sale of the residue.

In Tender Consideration whereof, and forasmuch as your Complainants are remediless in the premises save by the aid of a Court of equity, where matters of this kind are alone and properly cognizable, your Complainants pray that the said H. B. Kindred and Carrie E. his wife, Geo: W. Prince and Annie M. his wife, Chas A. Pope, Jos: N. and Geo: E. Pope may be made parties defendant to this bill, and required on their oaths to answer the same; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that the said real estate be divided between the

several parties entitled thereto, and your Complainants portion thereof be allotted to them, and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other, further, general and special relief may be afforded your Complainants as the nature of his case may require, or to equity shall seem meet.

And your Complainants will ever pray &c.

May it please the Court &c.

Wm. H. Parker, p.c.

The joint and separate answers of Dos: A. and Geo: le. Pope, infants under the age of twenty one years by J. B. Prince, their guardian ad litem, assigned to defend them in this suit, to a bill of Complaint exhibited against them and others, in the Circuit Court for the County of Southampton, by E. M. Darden and Georgia M. his wife.

At a County Court held for the County of Southampton on the 20th day of March A.D. 1871. This last Will and Testament of Geo. G. Pope dec'd. was proved by the oaths of R. P. Pope and Ben. E. Pope two of the subscribing Witnesses thereto and ordered to be recorded And on the motion of William E. Beale one of the Executors named in the Will who made oath according to law and entered into and acknowledged a bond in the penalty of Twenty Thousand Dollars, conditioned according to law but without security, the Will requiring no security to be taken and the Court requiring none) Certificate is granted him for obtaining a probat of the said Will in due form liberty being reserved to the other Executor therein named to be joined in the said probat when he thinks fit

Test Oswin. White Clk

A Copy
Test J. B. Grimes Clk

The Clerk will please copy will of Geo: C. Cope, dec'd, mark with exhibit "A," and file in papers of suit of Darden twife Vs Kindred twife vochers.

Dardenstriffe

vs

Sum

Kindred & others

1884. Oct: Rules.

Cir: Ct

Executed by delivering a copy of the within summons on H. B. Kindred and Carrie le his wife, Geo: W. Prince and Annie H. his wife, Mrs. H. Pope each in person on the 4th day of Octo: 1884.

W. A. Dardenstriffe

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON H. B. Kinderd & Carrie C. his wife - Geo. W. Prince & Annie M., his wife - John A. Pope, and Jos. A & Georgie C. Pope - the last two, infants by J. B. Prince Gdn. 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 October next, to answer a bill in Chancery exhibited against them in our said Court by E. M. Darden and Georgie M, his wife -

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this 25th day of Sept, 188 4, in the 109th year of the Commonwealth.

Teste. J. B. Prince C.C.

Darden Et. Ux.

vs

Notice

Kindred Et. Ux. Et. als.

1885 Febry 21st

Executed
Jany 19th 1885 by
delivering to each
a copy of the within
notice

G. W. Vick Sh'ff
By
Sheriff

Commissioner's Office,

Jerusalem, Va. Jany 14 1885

To E. M. Darden & Georgie M, his wife. Geo. W. Prince & Annie W. his wife. H. B. Kitchen & Carrie C., his wife. John H. Pope and Geo. C. & Jos. N. Pope. the last two infants, by A. D. Prince, their Guardian ad litem.

You are hereby notified that I have fixed upon the 21 day of February next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit: 1st. Whether partition of the land in the Bill mentioned can be conveniently made. if not. whether either of the parties interested will take the entire subject matter paying therefor to the other parties such sums of money as their interest therein may entitle them to. or whether the interest of the parties would be promoted by a sale of the entire subject matter. or allotment of part and sale of the residue.

2nd An Account of the fee simple value of the said land. and report to Court, stating the facts upon which his opinion is based.

required to be taken by a decree of Southampton Circuit Court rendered at the November 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. F. McLemore

Commissioner.

To the Sheriff of Southampton County to Execute.

Dandenfrife

v 3 Spa

Hundred. Et. Ux: Et. al:

1885. Febry 21st

Executed Jany 19th 1885 by delivering to each of the within named parties a true copy of the within

G W Tack Dy

Shff

I

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Jas. D. Darden, W. P. Gillette and Jas. J. Darden

to appear before B. F. McLEMORE, a Commissioner in Chancery for the Circuit Court of Southampton county, at his office, in Jerusalem, Va., on the 21 day of February 188 5, to testify and the truth to speak on behalf of

E. M. Darden, wife & others

in a certain chancery suit in our said court depending and undetermined between

Darden & wife — Plaintiff

and

Kindred & wife & others — Defendant

and this they shall in no wise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Commissioner of our said Court, at his said office, this 14" day of February 188 5, in the 109. year of the Commonwealth.

Teste: B. F. McLemore

Com'r

Southampton Circuit Court chancery
Term 1884

Pardue & wife. Pltff

v. } Decree

Kilgore & wife &c Defts

This day this cause came on to be heard on the complainants bill taken for confessed as to the absent defendants the answer of the infant defendants by J. B. Prince their guardian ad litem, and the exhibits therewith filed, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court be appointed to enquire whether partition of the real estate in the bill mentioned can be conveniently made, and if in his opinion it cannot be 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 interest of those who are entitled to the subject or its proceeds will be

promoted by a Sale of the entire subjects or allotment of park and Sale of the residue, And the said Commissioners will also enquire what is the fee Simple value of the said Land, and report to Court the facts upon which his opinion is based.

Copy Test J. B. Prince, Clk

Amendments:
Fi. Fa. Levied
Writs issued etc

A Copy

The Depositions of Jas D. Darden & others - taken before B. F. McLemore a Commissioner in Chancery for the Circuit Court of Southampton County. Feb 21st 1885 - to be read as evidence in a certain Chancery suit now pending in the Circuit Court of said County - styled: "Darden Et. Ux. v Kindred Et. Ux. Et. als:"

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~~ land to in the proceedings mentioned -

A: My age is 39 years - reside in Southampton County, near the land in the proceedings mentioned and know the premises, well -

Q: Do you think partition can be made of the tract of land in the proceedings mentioned - between the parties entitled - and if not - why?

A: I do not think it can be divided into more than two shares - and to cut it up in to six shares - two of the shares would be valuable, and the remaining four would be almost worthless -

Q: Do you think the interest of the parties would be promoted by a sale of the entire subject matter, and the proceeds divided among the parties entitled?

A: I do.

Q: What do you consider the fee simple value of the land?

A: About four thousand dollars — and more, this deponent sayeth not

Jas D Dardis

The Witness H. P. Gillette, being duly sworn - deposes as follows:—

Q: What is your age, where do you reside and do you know the tract of land in the proceedings mentioned?

A: My age is 27 Years - reside in this County and know the land in the proceedings mentioned

Q: Will you please state whether or not in your opinion - Partition of the tract of land in the bill mentioned can be conveniently made between the parties entitled under this Decree?

A: It cannot be divided between the parties without material loss, there being six parties - the number of acres

to each would be too small - thus to justify the parties to erect suitable buildings, and therefore only one out of six lots would be of any value - to wit: the mansion House lot.

Q: Do you think the interest of all parties concerned would be promoted by a Sale of the entire subject matter?

A: I do. - The tract, as it now stands, is very desirable and will command big figures.

Q: What do you regard as being a fair cash price of the whole tract?

A: About four thousand dollars - but think it will sell for five thousand - possibly six thousand dollars - and more this deponent sayeth not.

F. O. Gillette.

Sworn to and subscribed before me, this 21st day of Feby A.D. 1885

B. F. McLemore

Clerk

An Account showing the absolute value of the tract of land of which the late George B. Pope died seized. To wit:

452 Acres of land - estimated to be worth $4000.00

Respectfully Submitted
B. F. McLemore
Comr

Darden et. Ux.
" 3 Comrs
v 3 Report.

Kindred et. Ux. et. al
1885. March 2. filed.

Commissioner's Office
Jerusalem Va.
Feb 21st 1885

To the Circuit Court of Southampton County. —

In Obedience to a Decree of the Circuit Court of Southampton County entered at the Nov: Term 1884, in the Chancery Cause of Darden Et: Ux: against Kindred Et: Ux. Et: als: the undersigned Commissioner, respectfully reports:- that on the 14th day of January 1885, he issued Notices to the parties interested, requiring them to appear before him, at his Office, on the 21st day of February 1885. at which time and place he would proceed to take the accounts called for in said Decree. which Notice has been returned duly executed, & is herewith filed. that at the same time, he issued Subpoenas against J. J. Darden, J. D. Darden and W. T. Gillette, as Witnesses - requiring them to attend on the said 21st day of February 1885. which Subpoena has also been returned duly Executed and is also filed herewith. That the depositions of the Witnesses have been taken, subscribed and sworn to be

for your Commissioner, and are
herewith returned, forming part of this
report - to which the attention of the
Court is specially directed. After ex-
amining the witnesses and from con-
versations had with various other persons,
living near the premises - the Commissioner
is of opinion that the land cannot be
divided without serious injury to
the parties - there being only 452
acres in the tract - which divided
by seven - would give 64 4/7 acres each -
that only one of said lot would be
valuable - to wit: the Mansion house
lot - the other six, being without
buildings, would be of very little
value - The tract, as a whole, is
very desirable, and will command
a large price - The Commissioner feels
warranted in saying it will sell
for $5000 and very probably $6000 -
The Commissioner is clearly of opinion,
that the interest of all parties con-
cerned would be materially promo-
ted by a sale of the entire subject
matter - All of the parties entitled -
(five out of seven, being adults) have

expressed a wish for a sale of the entire ~~subject matter~~ tract.

The Commissioner therefore, in consideration of the above - respectfully recommends a sale & deed of the aforementioned tract. -

The Commissioner has been informed that Jos. N. Pope, (who is a minor) & one of the parties to this suit, wishes to buy the entire subject matter - and is willing to pay a liberal price therefor - say $5000 - and some of the adult parties have expressed a wish that the said Minor, might be permitted to do so - (This proposition & statement is made by special request, and is submitted without comment.)

Respectfully Submitted
B. F. McLemore
Com'r Chy

Com'rs fee $10.00 paid by Defendants

Witness fees
W. S. Gillette $0.50
J. D. Darden 0.50
11.00 Chy to Pltffs -

Darden & wife

vs. Petition of Jos. N. Pope's Gdn.

Kindred & wife &c.

Your petitioner Jas. E. Sibley, Gdn. of Jos. N. Pope, respectfully represents to Your Honor as follows- That he has in his hands considerable funds belonging to his said ward, his guardian account, dated 1st inst. April 1884 showing a balance due said ward of $7947.64; that his said ward, the said Jos. N. Pope, is, also, one of the heirs and devisees of Geo. C. Pope decd., and is anxious to take the land in the proceedings mentioned and pay to the other heirs & devisees the sums to which their interest therein may entitle them- That your petitioner is advised that all the other heirs and devisees are willing for his said ward to take the said land at the price of $6000.00; and your petitioner is of opinion that the investment would be a good one, and that it would be to the interest of the said ward to take the said lands at said price- In consideration whereof, your petitioner prays that he may be authorized to take the said lands for his said ward at the aforesaid price of

$5000.00 & pay over to all the other heirs & devisees such sums as their interests therein may entitle them to. And that your petitioner may be granted all such remedy & relief as the case may require or to Equity shall seem meet.

And your petitioner will ever pray &c.

J. E. Sebrell

Gdn for Jos. N Pope.

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Darden & wife
vs
Jno Shaver
Widower & wife &c

Petition of Jos.
N. Pope Gdn.

Filed 1880 May 9th
S. A. Paine

Darden wife

vs

Kindred wife &c

Answer of adults to petition of Jas: C. Selvell, g'dn of Dos: A. Pope

Darden & wife

vs } Answer of adult parties.

Kindred & wife &c.,

The joint and separate answers of H. D. Kindred and Carrie C. his wife, Geo: W. Prince and Annie M. his wife, C. M. Darden and Georgie M. his wife, and John A. Pope, the adult heirs and distributees of Geo. C. Pope, dec'd, to a petition filed in this cause, May 9th 1885, by Jas: C. Sebrell, guardian of Jno: A. Pope, an infant heir &c., of Geo: C. Pope, dec'd, petitioner.

These respondents reserving to themselves the benefit of all just exceptions to the said petition, for answer thereto, or to so much thereof, as they are advised that it is material they should answer, answer and say, that they have read the said petition and are fully aware of its contents, that, in their opinion, $5000.00 is a fair and ample price for the land in the proceedings mentioned, that they are willing and anxious and expressly request that the Court will approve and confirm the said petition, and direct the petitioner, Jas: C. Sebrell, to purchase, for the benefit of the said Jno: A. Pope, the said land at that price, and having fully ans-

wered, pray hence to be dismissed with their reasonable costs by them in this behalf expended, and they will ever pray, &c.

H. B. Kindred sign
Carrie C. Kindred "
Eugene M. Darden "
Georgie M. Darden "
G. W. Prince "
Annie M. Prince "
John N. Pope "
"
"
"
"

Virginia, Southampton County, To Wit!
Personally appeared before me, H. B. Kindred & Carrie C. his wife, and Eugene M. Darden, & Georgie M his wife, and acknowledge the within writing.
Given under my hand this 2nd day of Nov 1885.
R. E. Darden N.P.

Virginia Southampton County, To Wit!
Personally appeared before me Geo. Prince & Annie M Prince, his wife, and acknowledged the within writing.
Given under my hand this 4th day Nov 1885
R. E. Darden N.P.

Va Southampton County- to wit:
I. B. F. McLemore, a Commissioner in Chancery for the County Court of the County & State aforesaid. do Certify that John N. Pope whose name is signed to the writing above, bearing date the — day of ——
has this day acknowledged the ~~deed~~ same before me, in my County aforesaid.
Given under my hand this 5th day of November 1885.

B. F. McLemore
Comr in Chy

Darden & wife

vs

Kindred & wife &c.

Report of Wm. H. Parker, Special Comr, & others.

Darden & wife
vs
Kindred & wife & others

Report.

In this Cause the undersigned beg leave to submit the following report: that, in pursuance of a former decree herein rendered, they have executed and delivered to Jos: M. Pope, infant heir of Geo: W. Pope, dec'd, a Deed with special and general warranty for the tract of land in the proceedings mentioned, which said Deed has been duly admitted to record in the Clerk's Office of Southampton County; and they, therefore, ask the Court that their said report may be confirmed.

Wm H. Parker, Spl Comm'rs.
Carrie W. Kindred
Annie M. Prince
Georgie M. Darden
John H. Pope, & duet heir
of Geo: W. Pope, dec'd,
By Counsel.

May 4th: 1887

To the Judge of
the Cir: Ct of So: ampton

I George C. Pope 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 (viz)

Item. 1st I wish my Executors, who I shall hereinafter name as soon after my death, as may seem to them best, sell the whole of my chattled estate pay my debts &c

2nd I loan to my wife Ann L. Pope during her life or widowhood, my Domicile with all the land I purchased of Harrison P. Pope and Henry Pope, with the improvements thereon, but in the event of her marriage, I wish and my Will is that all the Land I owned in the State of Virginia at the time of my death shall be valued by three Commissioners who shall allot to my said wife one third in value of the whole during her life and at her death I give the same to all my children to them and their Heirs forever I also give to my said wife one

fifth of my monies and chattels estate of every Kind to her and her Heirs forever

3d I wish my Executors as soon after my death as they can to advantage sell or have sold my undivided half of a Tract of land purchased by H S Pope and my self in Rowan County North Carolina I also wish them to Rent, Lease or sell, whichever they think best for my Estate at their discretion any time in five years after my death the Farm I purchased of John Barhams also the Store with also the improvements thereon which I purchased of Richard L Gray's Trustee who sold the same for the benefit of Ben E. Pope, and if they should sell to give the purchaser sufficient time to get the best price from him,

4th I give to my four youngest children say. John H, Georgia M Ben E and Joseph M each four Hundred Dollars in money, I also give the same amount say four hundred Dollars to the child-

my wife is now pregnant with making in all Five Thousand Dollars this amt I give them to assist in their education my two oldest daughters having been partially educated,

5th If any of the Lands herein before devised to be rented leased or sold at the discretion of my Executors, should remain unsold up to the time that my first child marries or arrives to the age of Twenty one years, at that time I wish my Executors to sell all such Lands on a liberal credit and the money arising therefrom I give to all my children with the one my wife is now pregnant with to be equally divided between them, to them and their heirs forever

6th I wish and my will is that all the balance of my Estate of every kind whatsoever not herein before disposed of shall be equally divided between all my children say Annie E. Caroline C. John H. Georgie W. Benjamin E. Joseph H. and

the one my wife is now pregnant with, intending to make the child my wife is now pregnant with fully equal to my four youngest children - all of which I give to them and their Heirs forever.

7th I do hereby constitute and appoint as my Executors Harrison P. Pope and Wm. E. Pope, and when this will is offered for probate, I wish and request the court to allow both or either of ~~them~~ my aforesaid Executors to Qualify as such without giving any security whatsoever.

In Witness whereof I have hereunto set my hand and affixed my seal this 7th day of March 1871.

Signed sealed &
acknowledged to be
the last Will & Testament in the presence of

Geo: C. Pope (Seal)

L. J. Harden,
R. P. Pope
Ben. E. Pope

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Dandenong

vs Estate: Rules

Knuckey Bros Ltd.

waiting for report

In Southampton Circuit Court.

E. M. Darden & Georgie M. his wife. Pltffs.
against
H. B. Kinder & Carrie C. his wife
Geo. W. Prince & Annie M. his wife
John H. Pope & Jos. N. & Geo. C.
Pope, last two infants. Defts

In Chancery.

1884. Sept 25. Summons issd to Oct. Rules.
" Oct. Rules. " rec'd Exec'd. Bill & Exhibits filed.
I. B. Prince assigned Gov. ad litem to infant defts. Answer of infants filed Gen'l Replication. Decree nisi vs adult defts.
" Nov 11 Cause set for hearing.
" " Decree.
1885 March Answer of adults filed. Rept of Comr. B. F. McLemore.
May. Petition of Jos N. Pope filed. Decree

Darden & wife
vs
Kindred & wife

Report.

Darden wife
vs
Kindred & wife

Report of J. E. Sebrell
Guardian of J. N. Pope.

Pursuant to a decree entered in this cause at the November Term 1886, the undersigned, as Guardian of J. N. Pope, begs leave to submit the following report:—

That out of the funds in his hands belonging to his ward, J N. Pope, he has paid the following sums as shown by receipts herewith filed—

To G. W. Prince	823.82
" E. M. Darden	823.82
" H. B. Kindred	823.82
" J. E. Sebrell, Guardian of G. C. Pope	823.82
" J. B. Prince, beneficiary in Trust Deed of J. H. Pope	706.13
" J. B. Prince, atty for Judgment Creditors of J. H. Pope	117.69
" W. H. Parker atty by consent & direction of heirs	100.00
Total amount paid out =	$4219.10

To Hon. C. W. Hill
Judge of Circuit Ct of Southampton Co

Respectfully submitted
J. E. Sebrell, Guardian
of Jos. N. Pope.

Pope Jos. H
100.00

Wm H. Parker.
"

Jerusalem Va.,
Jany 15th 1886.

J. C. Sibrell, Gdn of Jos: Pope:-

Please pay to W. H. Parker One Hundred Dollars; and, this order will be allowed you as a Credit on the amount you are authorized to pay out to the heirs of Geo: W. Pope in the investment for Jos: Pope.

Eugene M. Darden
Georgie M. Darden

Carrie C. Kindred
C. B. Kindred
G. W. Prince
Annie M. Prince
John A. Pope

706.13
117.69
823.82

Received Mch 8/87 of J.E. Sibrell Gdn of J.N. Pope seven hundred and six + 13/100 dollars and one hundred seventeen + 69/100 dollars in full of amts decreed to us under decree of circuit court in Chancery suit of Darden & wife vs Kindred & wife as devisees of Gus. C Pope and heirs at law of Ben E Pope decd

G.W. Prince

Received Mch 8th 1887 of J. E. Sebrell Gdn of J. M. Pope seven hundred and six & 13/100 dollars and one hundred & seventeen & 69/100 dollars in full of amts decreed to us under decree of circuit court in Chancery suit of Darden & wife vs Kindred & wife as devisees of Geo. C. Pope and heirs at law of Ben E. Pope decd.

D. B. Kindred

Mr Jas. E. Sebrell
Dear Sir!

Please to Mr Geo W. Bowen the amt due us from the sale of the N. L. Pope place to Jos N. Pope.
We have both signed the deed but you can hold this as your receipt also

Yours truly &c
E. M. Darden
Georgie M. Darden

March 8/87

Received Mch 8/87 of J. E. Sebrell Gdn of J. N. Pope seven hundred and six & 12/100 dollars and one hundred & seventeen 69/100 dollars in full of amts decreed to us under decree of Circuit Court in Chancery suit of Darden & wife

of Kindred kinship, as devisees of
Geo B. Pope and heirs at law
of Ben E. Pope and ..

G. H. Price
for
E. M. Darden

Petersburg Va
April 25th 1885.

Hon. George Blow Jr.
Judge of Circuit Court Southampton Co.

My dear Sir.

There is to come before your court at the May Term the question as to whether the Home place of my deceased father Geo. C. Pope, and residence of my late deceased mother A. Lou. Pope shall be sold. devided. or allotted to one of the heirs; and this request is to beg that yours allot the said place to your humble petitioner. I have asked several of my friends & all of my relations to advise me of the best course to persue to get possession of the place, and being a minor they have told me that probably the surest course was to make an individual petition to your Honor. It was my birth place. & the Home of my mother and father. & of course, the attachments to it are strong; I am now eighteen years of age, and in this time of so much financial uncertainty would be glad to get a portion of my money invested in land, & most especially my Old dear Home, in the neighborhood

of my relations and friends. The last report of my guardian shows that I have something over Eight thousand dollars due me, and the other Heirs (five in number) all adults but one - have stated that they were willing & wished me to have the place at Five thousand dollars. which they thought a satisfactory price to all concerned; but further stated that they were both unable & unwilling to buy the place for me at public sale, not knowing whether or not an order could be obtained for my guardian to invest into it, the amt for which it might then sell. Praying that your Honor will hear & consider my humble petition.

I am Sir -
Your obdt. servt.
Jos. N. Pope.

Newsoms Va 4-30-1888

To the Honorable Judge of Southampton Circuit Court.

Begging your Honor that, should an order issue from your Court for sale of the land of Geo. C. Pope, dec'd, you appoint R. B. Kindred as Commissioner for the sale of same.

most respectfully.

G. W. Briggs

W. Vaiden

John N. Pope

Received Mch 8. 1887 of J. R. Lehew
Gdn Jos N. Pope Seven Hundred and
Six and 13/100 dollars. cent due by
him to John H. Pope, one of the heirs
of Geo B Pope dcsd, from sale of
Geo B Pope's home place to Jos N.
Pope - and which comes to me
on acct of being second in
a bond and from Jno H Pope.

J. R. Pence

Received May 5. 1887 of J. R. Schreck Gen of Jno. N. Pope One hundred and Seventeen & 69/100 dollars - same being in full of Jno. H Pope's share of money arising from sale of land to Jno N. Pope - after paying off and of Rent which was first lein against said Jno H Pope -

I. B. Bonner atty for judgment creditors of said J. H. Pope -.

Newsoms 4-30-1885

To the Honorable Judge of Southampton Circuit Court.

We the Heirs of Geo. C. Pope decd. do most respectfully beg that your Honor allot the lands known as the Home Place of Mrs A. Lou Pope deceased. to Jas. N. Pope a minor. and issue and order for his guardian to receive it for him at the sum of Five thousand ($5000.00) Dollars. He (Jas. N. Pope) desires the place as it was the former residence of his mother & father. and we the undersigned heirs deem the aforesaid price a fair & reasonable compensation for it. and pray that your Honor will allot it to the aforesaid Heir. as we see no other way by which he can obtain it. and further, an allotment would save the expense of Commissioner of Sale.

Hoping that you will hear our petition, we are

Most respectfully.

A. B. Kindred

Carrie C. Kindred

G. W. Prince

Annie M. Prince

Eugene M. Darden

Georgie M. Darden

John N. Pope

To be Continued
Ele. Daniels

In Southampton Circuit Court
November Term 1885
Darden & wife
vs
Kindred & wife &c
&c Decree

This day this cause came on to be further heard on the papers formerly read, on the petition of Jas E. Pebell Guardian of Jos. A. Pope, an infant son of Geo: C. Pope dec'd filed in this cause on May the 9th 1885, and on the answer of Wm B Kindred and Carrie C. his wife; Geo. W. Paine and Annie M. his wife, E M. Darden & Georgie A. his wife, and John H. Pope, the adult heirs of Geo: C. Pope dec'd filed during the time, to which said petition and answer no exceptions have been made, and on depositions of witnesses, and was argued by counsel. On consideration whereof, and it appearing to the Court that it will be to the interest of the said Jos A. Pope to direct an investment of $5000.00 of the money due him from the estate of his father, the said Geo: C. Pope dec'd in the purchase of a certain tract or parcel of land known as the "Home Place" any mentioned and described in the proceedings of this cause. The Court doth adjudge order decree that Jas: E. Pebell Guardian of the said Jos: A. Pope, out of the funds in his hands belonging to his ward, the said Jos: A. Pope be and he is hereby directed to invest the sum of $5000.00 in the purchase of the said tract or parcel of land, known as the "Home Place," and mentioned and described in the proceedings of this cause, for the benefit of the said Jos: A. Pope - and the Court doth further ad-

Judge, order and Decree that the said Jas C. Sebell, Guardian as aforesaid, Take from the adult heirs in this cause a Deed with General Warranty, acknowledged and Proved according to Law - Record the same in the Clerks Office of Rockingham County and make report of his proceedings under this decree to Court; and the Court doth further ab Judge, order and decree that the Costs of this suit be borne between the Parties concerned according to their respective interests. And the Court doth further decree that a Comr of this Court take an account of any outstanding liens against any of the parties interested in this suit & report the same Done with their priorities to Court -

A Copy

Teste J. B. Prince C. C.

Davidson Wirt &
Bros 3 Copy Decree
Recorded Dec 1st 9:

Darden & wife

to

Police

Kindred & wife & als:

1886. Oct: 6.

Executed

Oct 4/86

J. L. Barham

Sheriff.

Commissioner's Office,

Jerusalem, Va., Sept 22" 1886

To E. M. Darden & Georgie M. his wife,
A. B. Kinder & Carrie C. his wife
Geo. W. Prince & Annie M., his wife, and
John H. Pope, & others.

You are hereby notified that I have fixed upon the 6th *day of* October *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st An account of any outstanding liens against any of the parties to this suit & report the same to Court. stating their priorities.

required to be taken by a decree of Southampton Circuit Court, rendered at the November *term, 188*6*, 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 said Court, the day and year first aforesaid.

B. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

An account of the lien debts outstanding against John N. Pope, one of the parties to the suit of "Darden &c vs Pope & Kindred &c vs Pope & als:" - reported in obedience to a decree of the Circuit Court of Southampton County - entered at the Nov: Term 1886. By B. F. M. Lenard, Comr in Chancery - Oct: 6th 1886. arranged according to their priorities - to wit:

1st	A Judgment in favor of Etheredge & Brooks	1349.72	
	Int: from May 1/82 to Nov 1/86.	364.42	
	Costs	9.76	1723.90
1st	" Judgment in favor Reddick Brinkley & Co	288.00	
	Int from May 9/83 to Nov 1/86	59.04	
	Costs	8.36	355.40
1st	" Judgmit in favor S. R. White & Bro	27.07	
	Int: from July 9/84 to Nov 1/86	6.13	
	Costs	7.86	41.06
1st	" Judgmit in favor J. W. Martin	56.61	
	Int: from Dec 1/82 to Nov 1/86.	12.30	
	Costs	7.86	76.77
2d	" Judgmit in favor Hurst Miller & Co	55.25	
	Int from Oct 17/84 to Nov 1/86	6.75	
	Costs	1.00	63.00
2d	" Judgmit in favor Hurst Miller & Co	16.00	
	Int from Oct 5/83 to Nov 1/86	2.95	
	Costs	1.00	19.95
6th	" Judgmt in favor J. H. Cutchin & Co	181.98	
	Int from Nov 15/83 to Nov 1/86	32.32	
	Costs	7.86	222.16
			2502.24

	Judgmt in favor Romans & Co.	47.67		
4th "	Int from Nov 15/84 to Nov 1/86	5.60		
	Costs	1.00		54.27
	Judgmt in favor Davis Roper & Co	80.77		
5th "	Int from July 23/83 to Nov 1/86	15.85		
	Costs	1.50		97.12
	Judgmt in favor Hodges & Hodges	68.26		
5th "	Int from June 25/83 to Nov 1/86	13.71		
	Costs	1.50		83.47
	Judgmt in favor W. H. Holmes	97.90		
5th "	Int from Dec 21/83 to Nov 1/86	16.80		
	Costs	1.50		116.20
	Judgmt in favor H. F. Arliman & Son	110.00		
6th "	Int from Sept 17/84 to Nov 1/86	14.00		
	Costs	8.66		132.66
	Judgmt in favor J. J. Darden	11.75		
7th "	Intt from Feb 19/84 to Nov 1/86	1.90		
	Costs	1.00		14.65
	Total amt Judgments.			$900.61

Respectfully Submitted

B. F. McLemore

Comr in Chancery

Darden Surfo
vs
Report
Hundred Surfo &c
1856. Oct: 25. Filed

Commissioner's Office
Jerusalem Va.
Oct: 6th 1886.

To the Circuit Court of Southampton Co.

Pursuant to a decree of the Circuit Court of Southampton County, entered at the Nov: Term 1885, in the Chancery suit in said Court pending, under the style of "Darden trsts &c vs Kindred trsts &als:" the undersigned, one of the Commissioners of said Court, to whom the aforesaid decree stands referred, reports to Court, that on the 22d day of September 1886 he issued Notices against the several parties to this cause, requiring them to appear at his Office, in Jerusalem on the 6th day of October 1886. at which time he would proceed to take an account of the lien debts against ~~of~~ any of the parties to this suit, that said Notice has been returned Executed. That on the said 6th day of October 1886 he proceeded to take an account of the lien debts as aforesaid, and finds outstanding liens on the Judgment docket of this County, against John H. Pope one of the parties to this suit amounting to $3000.61 inclusive of interest to the 15th day of November 1886. The Commissioner

finds no liens against any of the other parties. The liens against John H. Pope have been arranged according to their priorities - and are filed herewith.

Respectfully Submitted
B. F. McLemore
Comr in Chancery

Commissioner's fee
$5.00 paid by J. E. Sebrell

The Commissioner reports to Court specially that John H. Pope Executed to W. J. Sebrell Trustee, a Deed of Trust, to secure the payment of the following debts to wit:
1st A debt due Francis & Bro for $1000. - due by note dated Oct 10th 1882 - A note due Mary Webb Spiced & Co. amount not recollected - also two notes due J. E. Bailey amounting in the Aggregating to $340- One note due Geo. W. Spiced the exact amount of which is not recollected.
That said deed was admitted to record on the 22d day of October 1883 in the Clerks Office of Southampton - and conveys, among other things - "all the interest of the said John H Pope in the lands of which his father the late Geo. C. Pope died seized and possessed" - That said Deed

Deed has priority over any and all judgments docketed against said Jno. W. Pope, as reported herewith.

Respectfully Submitted
B. F. McLemore
Comr in Chancery

146

Darden wife
vs
Deem
Kindred wife &c

Nov: Term 1884

To be entered.

Geo Blount,

Entered
104

Darden &wife

vs } Decree.

Kindred &wife &c.

This day this cause came on to be heard on the Complainants bill taken for confessed as to the adult defendants, the answer of the infant defendants by B.T.Prince their guardian ad litem, and the exhibit therewith filed, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court be appointed to enquire whether partition of the real estate in the bill mentioned can be conveniently made, and, if in his opinion, it cannot be, whether the entire subject can be allotted to any party who will accept it and pay therefor ~~thereto~~ to the other parties such sums of money as their interests 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 the said Commissioner will also enquire what is the fee-simple value of the said land, and report to Court the facts upon which his opinion is based.

Darden & wife
vs
Decree.
Kindred & wife &c.

This day this cause came on to be further heard on the papers formerly read, and on the report of Comm'r McLemore, filed Oct. 25th 1886 to which report there is no exception, and was argued by Counsel. and by consent of all parties, through W.H. Parker their atty.
On Consideration whereof the Court doth approve and confirm the said report, and doth order and decree that Wm. H. Parker be and he is hereby appointed a special Comm'r to join in with the adult heirs of Geo. W. Pope, decd, and the said adult heirs with generic warranty &c to execute to Jos. N. Pope a deed with said W.H. Parker special warranty for the land in the proceedings mentioned, known as the "Home Place," it being the same land which the said Pope, under a former decree of this Court, was allowed to purchase at the sum of $5000.00 out of funds in the hands of his Guardian, J. C. Sebrell. And it is further ordered the said Sebrell apply the amount to which Jno. N. Pope, one of the heirs of Geo. W. Pope, decd, may be entitled in said sum to the lien debts of the said Jno. N. Pope according to their priority and dignity as shown by the report of

Com'rs W. M. Lemmon filed in the papers of this cause; and the said adult: ... ... heirs of Geo: C. Pope, dec'd, and Wm. H. Parker and J. G. Sebrell will make report of their proceedings hereunder to Court.

84 Pardon for &c
to
Decree
Kindred strife &c

Nov Term 1868
To be entered.

Gus. Brown

Darden wife

vs Decree

Kindred wife &c.

Nov Term 1885

To be entered.

Geo. Bledsoe



Darden & wife
vs
Kindred & wife &c.,

Decree

This day this cause came on to be further heard on the papers formerly read, on the petition of Jas: E. Sebrell, guardian of Jos: A. Pope, an infant heir of Geo: W. Pope, decd, filed in this cause on May the 9th 1886, and on the answer of H.B. Kindred and Carrie W, his wife, Geo: W. Prince and Annie M. his wife, C. M. Darden and Georgie M, his wife, and John H. Pope, the adult heirs of Geo: W. Pope, decd, filed during the term, to which said petition and answer no exceptions and no depositions of witnesses have been made, and was argued by Counsel. On Consideration whereof, and it appearing to the Court that it will be to the interest of the said Jos: A. Pope to direct an investment of $35 00 00 of the money due him from the estate of his father, the said Geo: W. Pope, decd, in the purchase of a certain tract or parcel of land, known as the "Home Place", and mentioned and described in the

proceedings of this cause, the Court doth adjudge, order and decree that Jas: E. Sebrell, guardian of the said Jos: N. Pope, out of the funds in his hands belonging to his ward, the said Jos: N. Pope, be and he is hereby directed to invest the sum of $5000.00 in the purchase of the said tract or parcel of land, known as the "Home Place", and mentioned and described in the proceedings of this cause, for the benefit of the said Jos: N. Pope; and, the Court doth further adjudge, order and decree that, the said Jas: E. Sebrell, guardian as aforesaid, take from the adult heirs in this cause a Deed with general warranty, acknowledged and proved according to law, record the same in the Clerk's office of Southampton County and make report of his proceedings under this decree to Court, and the Court doth further adjudge, order and decree that the Costs of this suit be borne between the parties concerned according to their

respective interests. And the Court doth further decree that a Comr. of this Court take an account of any outstanding liens against any of the parties interested in this suit report the same with their priorities to Court.

Spa 20. Cop 70- Noting return .35. Atty 10.
filing papers 25. 2 Rules 1.00 4 decrees + Copies
2.88. Entering Orders 40- filing Exhibits 25.
filing reports .30 - drafting 18. filing
petitions 25. filing answers 25. $7.01
Costs M. Lemmon $15.00 - Law fee 16.50

7.01
9.00
16.50
15.00
48.01
58
$48.59

Clk Gov. $7.00
" JLB 2.50
$9.50 = $48.01/58
$48.59

Warden wife
vs Decree
Kindred wife &c

May Term 1887

To be entered

C. M. Hill

Warden +wife
vs
Kindred +wife +c.

Decree

This day this cause came on to be further heard on the papers formerly read, on the report of Wm H. Parker, Special Commr. and the Adult heirs of Geo: W. Pope, decd, by Counsel, and on the report of J E. Sebrell, Guardian of Jos: A. Pope, to which reports no exceptions have been filed, and was argued by Counsel. On Consideration whereof, the Court doth approve and confirm the said reports, and it appearing to the Court that there is nothing further to be done in this Cause, it is Ordered that the same be removed from the docket.