

1893. 32

Southampton County Chancery - Gillette, W.P. et al vs Pope, W.R. et al

Sale of real estate

Gillette, M. Ella

Pope, R. A.

in sum B. A.

Shands, Wm.

(G. A. L.)

Gillitt mife
against } Bice
 } Exhibits.
Tape to them

M. Lemore pg.

To.

The Hon. L.W. Heile Judge of the Circuit Court for Southampton County.

Complaining sheweth unto your honor, your complainants, W.P. Gierke and M. Ella Gierke, his wife, that she is seized in fee simple of a $\frac{1}{5}$ undivided interest in a tract or parcel of land known as the Mills R. Gray tract containing 300 acres more or less, which interest was devised to her by the last will and testament of her father Amos S. Pope dec'd, that the remaining four shares belong to W.R. Pope R.A. Pope and B.A. Pope, W.R. Pope owning two shares, and R.A. Pope and B.A. Pope each owning one share, all of which will better appear by reference to a copy of the said will, and also copy of the deed from Emily Pope to the said W.R. Pope conveying to him her share in the said land.

Your orator would also state, that all of the parties in interest have reached the age of twenty one years, save B.A. Pope who is now about 20 years of age, and is in need of funds with which to educate and prepare himself for the pursuits of life - and that his personal estate is vastly too small to do this.

Your orator would state further that all of the ^{adult} parties in interest have agreed to sell to your complainants their respective interests in the land above mentioned for the sum per share of \$300, and that the infant is anxious to do the

same. That the said farm is in a state of depreciation and the buildings thereon are demanding expensive repairs, that the total income from the estate per year is only \$60, one fifth of which would amount to \$12, and would be the only profit that the said B.A. Pope would receive, out of which the various current expenses, such as taxes + insurance are to be paid.

Your orator would state further, that having bought all the interests in the farm save the infant P.A. Pope's, that his interest is naturally worth more to them than to any other party, and that they are willing to pay him the sum of \$300, which is the amount agreed to be paid to all of the adult parties for their several interests provided the same is favorably viewed by this Court.

In tender consideration whereof and for as much as your orators are without remedy save in a Court of equity where such matters are alone cognizable to the end therefore that justice may be done they pray that W.R. Pope, P.A. Pope and P.A. Pope be made parties defendants to this bill and required to answer the same, that a guardian ad litem be assigned the infant defendant B.A. Pope; that the offer made by the petitioners to purchase the interest of the Infant in the tract of land herein before mentioned be accepted, that all

such accounts ~~be~~ taken and engineers directed
as the nature of the case may require, and that
all such further general and special relief may
be granted as may seem right. And your
Orator will ever pray. &c.

Geo. L. McLeamon pp.

W. P. Gillette

Virginia

County of Southampton to wit:

This day W. P. Gillette appeared be-
fore me & made oath that the statements
as contained in the annexed bill so far as
made of his own knowledge are true and
so far as made from the information
derived from others he believes them to
be true.

Given under my hand this the 5th day
of May 1892.

B. F. McLeamon

Circuit. Mechanic, Cir. Ct.

In the name of God Amen, I Amos S Pope of the County of Southampton and State of Virginia, being of Sound and disposing mind, do hereby make my last last Will and Testament, in manner and form following

- First Item, After the payment of all of my just debts and funeral expenses, I bequeath to my wife Edith E Pope, during her natural life or while my widow, the farm upon which I now reside lying on the west side of the public road leading from Cross Keys to Jerusalem,
- Second Item I require my Executor to pay to my Son Robert Amos Pope, Five Hundred Dollars (\$500,) with interest from my death, being a legacy received from the heirs of Abner K. Stephenson.
- Third Item I give to my Daughter Catherine E. Pope and my son Benjamin Ashby Pope, One Hundred Dollars each in Currency desiring to give them that amount over and above either of my other children.
- Fourth Item I desire that all of my Children remain with my wife and be educated as properly as my Estate will permit, and each one to have an equal proportion of the remainder my Estate of every kind
- Fifth Item, In event of my moneyed Estate not being sufficient, to pay my just debts, I desire my Executor to sell to best advantage (privately if possible) my farm upon which, Green Smith (Colored) now resides and the Gray tract on which Mrs Jane Gray now

resides, also a small piece of Twenty four acres,
(more or less) upon which Miss Amy Pope now lives.

Sixth Item, I desire all my perishable property to be sold to
best advantage, at the discretion of my Executor.

Seventh Item I want that my son, by my last wife,
Benjamin Ashby Pope, will not be legally entitled
to an equal share in my life policy money due
at my death, from Piedmont and Arlington
Insurance Company, then I desire my Executor
to make him equal to each of my other children
out of my Estate.

Eighth Item, I hereby constitute and appoint my Nephew Franklin
P. Pope my sole Executor, to carry out the provisions
of this my last Will, without being required to give
Security.

Witness my hand and Seal this 23^d day of January
Eighteen hundred and Seventy Seven (1877)

Amos S. Pope



At a Court held for the County of Southampton
at the Courthouse thereof on the 19th day of February
A.D. 1877. This last will and Testament of Amos
S. Pope dec^d. was proved by the Oaths of Benjaⁿ
F. Knight, Francis E. Williams and E. A. Dorey, the
subscribing witnesses thereto, and ordered to be record-
ed. And on the motion of Franklin P. Pope, the Ex-
ecutor therein named, who made oath according
to law, and together with Benja E. Worrell, his de.

curety. (who justified on oath as to his sufficiency)
entered into and acknowledged a Bond in the
penalty of Ten Thousand dollars Conditioned as the
law directs. which Bond is Ordered to be recorded.
Certificate is granted the said Franklin P. Pope
for obtaining a probat of the said Will in due
form

Teste L. R. Edwards C. C.

A copy

Teste: B. F. M. Leonard C. C.

Gillith & wife
no. 3 Answer
of
P. the Infant
Pope & als.

The Answer of B. A. Pope a minor
over the age of 16 yrs, to a Bill in Chancery
exhibited against him & others by W. P. Gillette
& wife, in the Circuit Court of Southampton
County.

This defendant for answer to so much
of the said bill as he is advised it is neces-
sary for him to answer, answering says
that while he is under 21 yrs of age, yet
he has reached an age at which he feels
that he has some idea of what his interest
demands, and that he is of opinion it
would be to his interest to accept the
offer made by W. P. Gillette for his interest
in the farm mentioned in the bill, and having
fully answered the prayer hence to be dis-
missed with his costs &c. having fully
confided his interest to the protection of the Court.
(sig^d) Benj. Ashby Pope.

Gillette wife
vs. 3 Answer of
3 gr. ad litem
Pope tal.

The Answer of B. A. Pope an infant
of tender years by Wm Shand Guardian
ad litem to a bill in chancery exhibited
against him & others in the Circuit Court
of Southampton by W. P. Gullett wife -

The said infant by his guardian
ad litem for answer to the said bill says
that he knows nothing of the facts as set
forth in the bill of complaint above refer-
red to, but submits the interest of the said
ward to the protection of this Court &
having fully answered he prays hence to
be dismissed with his cost &c.

Wm Shand Guardian ad litem

Virginia

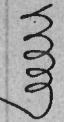
County of Southampton to wit:

This day
for B. A. Pope appears before me & made
oath to the correctness of the statement as
contained in the above answer.

Given under my hand this the day of
April 1892

198

Gillette + wife

24"  Stat: Rules

Tools + others

1 apt

H. J. Gillette and
M. Ella Gillette, his wife } Plffs

Against

H. R. Pope - R. A. Pope
and B. A. Pope - the
last named an infant
by Wm Shands - his Guardian
ad litem

} Dft.

In Chancery

1892. March 29 - Process issued to 1st April Rules.

" 1st April Rules: Process Executed - Bill & Ex: filed.

Wm Shands assigned Guardian ad litem
to infant. decree nisi & adjourn

" 2 " " Bill taken for Confessed as to
adult Dft. & Cause set for hear-
ing as to adult Dft.

B. F. Knight. Says: B. A. Pope own 1/5 of
the Mills E. Gray tract - (400. acres) thinks
\$300. enough for it. would be to his interest
to see.

F. S. Williams. corroborates above.
plantation turned out. fence rotten
down. building gone except dwelling
and door nearly rotten down. land very poor.

B. F. Knight - \$0.50

F. S. Williams - 0.50

Gillitt & wife
vs. $\frac{3}{4}$ Reynolds
Pape & alr

Gillitte & wife

vs. ³ Report of Comr.
Pope & al.

Your Commissioner
appointed at the Nov. Term 1892 to
receive the \$300. purchase price for the
interest of B. A. Pope the infant the
land in the bill mentioned, begs to
report that in accordance with the
said Decree he has collected the \$300.
and paid the same over to the Guardian
of the said infant as will appear by
the subjoined receipt. He has also
presented to the said purchase. Mr. Ella M.
Gillitte a deed with special warranty
for the amount of his purchase in ac-
cordance with said Decree.

Respectfully submitted
Jas. L. McLenon
Comr.

Apr. 3/93

\$300.⁰⁰

Received March 1st 1893 of Jas. M. Lumsden
Spec. Commissioner in Chancery cause of Gillette wife v.
Pope & others. Three Hundred Dollars, same being
amount received by said Spec. Commissioner from the
sale of my wards interest in the Mills R. Gray tract
of land as per order of the Circuit Court of Southampton.
(Sein) A. P. Pope Guardian for
B. C. Pope a minor.

Gillette wife
v. 3 Diener

Pope & al.

1892 Nov. 12

To be entered.

cost

Entered

Gillette & wife
vs. Decree
Pope & al.

This day this cause came on again to be heard on the papers formerly read and upon the report of Commr. B. F. McLemore filed Oct 8th 1892 to which there is no exception and was argued by counsel. On consideration where of and it appearing from said report that it would be to the interest of the infant B. A. Pope to accept the offer of \$300. made by W. F. Gillette for his $\frac{1}{5}$ interest in the said farm. the Court doth adjudge order and decree that J. L. McLemore who is hereby appointed a special Commissioner for the purpose receive from the said W. F. Gillette the sum of \$300. for the interest of the infant in the land in the bill mentioned, executing a deed to the said Gillette with special warranty for the same - and that said McLemore special Commr. pay over the amount in his hand as such Commr. to the guardian of said infant taking his receipt therefor and report to court. But before the said Commissioner shall proceed to act hereunder he shall execute before the Clerk of this Court a bond in the sum of \$600. conditioned for the faithful performance of this decree

This deed of bargain and Sale made this
1st day of Feb. A.D. 1892, between Emily K. Pope
of the first part, and William R. Pope of the sec-
ond part, all of the County of Southampton and
State of Virginia: Witnesseth;

That for and in con-
sideration of the sum of Three hundred
dollars in hand paid by the said W. R.
Pope the receipt of which is hereby acknowledged,
do grant, bargain, sell and convey unto
the said William R. Pope with general warranty,
all of my undivided interest in the Mills R.
Gray tract of land containing as a whole by
old survey four hundred ^{2nd} fifty acres, be the
same more or less, and bounded by the lands
of James E. Drake, Frank E. Williams and
James Gray being the same land heired
from my Father's Est. (Amos S. Pope) to him
and his heirs forever

Witness the following signature and seal this
1st day of Feb. 1892.

Emily K. Pope 

Southampton County; In the Clerk's Office Mch 9th
1892.

The foregoing Deed from E. K. Pope to W. R. Pope
was this day received acknowledged in this office by said
E. K. Pope and admitted to record,

Justs B. F. McLenore C. C.

A copy
Liste A.B. Herzogsh. Jo. S. b.

Gillette & wife
vs. 3 Diocese
Pope & Co.

1893 May Term
To be returned.
May 5th.
Cmt—

Entered

Gillette wife
vs. ³ Decree
Pope & als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner J. L. McLequore reporting collection of money for purchase price of land &c. filed during the term and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that the said report be & the same is hereby confirmed and the deed made by the said Special Commissioner to Ella M. Gillette made firm & binding upon the parties. And nothing further remaining necessary to be done in this cause it is ordered that the same be removed from the docket.

Gillette & wife
W } Notice

Pape & also:

1892. Oct 1. filed

I acknowledge
legal service of this
notice -
J. L. McQuinn for
adult parties -

We acknowledge legal service of the within notice
of J. L. McQuinn for
adult parties -
Wm. and Son and Son for P. A. Pape

Commissioner's Office,

Jerusalem, Va., Sept 15 1892

To H. P. Gillette & M. Ella Gillette
his info. - (and H. R. Pope -
R. A. Pope and B. A. Pope. The
last named an infant - by
Wm Shands, his father as tutor.

You are hereby notified that I have fixed upon the 1st 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 What interest the infant B. A. Pope has in the
Miller R. Gray tract of land, and whether or not
it would be to the interest of the said infant to
accept the offer of \$300.⁰⁰ made to him by Mr.
Ella Gillette as the purchase price for ^{his share of} said land.
with any other matter specially stated.

required to be taken by a decree of Southampton Circuit Court, rendered at the May
term, 1892, 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. McLeod

Commissioner.

To the Sheriff of Southampton County to execute.

Gillette wife
Dr.  Repuk

Paper + also:

1892. Oct. 8. Filed -

Commissioner's Office -
Covington, Ga.

Oct 1st 1892

To the Circuit Court of Southampton County.
In obedience to a decree of the Circuit
Court of the County aforesaid - rendered at
the May Term 1892, in the Chancery Cause
of "Gillette vs Pope & others". The under-
signed Commissioner reports to Court that
having given notice to all interested parties,
of the time and place of casting the accounts
directed by the aforesaid decree - proceeded,
on the 1st day of October 1892. to take and
report the following accounts, to wit:
1st - What interest the minor, B. A. Pope, has
in the Mills R. Gray tract of land, and
whether or not it would be to the interest
of the said infant to accept the offer of
\$300.⁰⁰ as made to him by Mr. Ella Gillette,
as the purchase price for said share in
said land.

The Commissioner, having enquired into,
and examined sundry witnesses touching
the quantity, quality and value of the land
referred to. submits the following report:
That the tract of land referred to in these
proceedings. Contains 400 acres, that the
minor, B. A. Pope is entitled to $\frac{1}{5}$ part of said

land. and that \$300.⁰⁰ the price offered by Mrs M. Ella Gillette, is believed to be a fair price for said the same. The land is very poor. has no fence around it. and all the buildings, except the dwelling. are rotten down, and the dwelling is in a dilapidated condition. Mrs Gillette has purchased the shares of the actor (adult) heirs. at \$300.⁰⁰ per share. and your Commissioner recommends the sale of the share of the minor at the price offered. and is of opinion that the interest of said minor will be promoted thereby.

Respectfully Submitted.

B. G. McLenore

Comr in Chancery -

Court fee \$2.⁵⁰

Chancery fee

Witness:

B. F. Knight

F. E. Williams

Gillette knife

2"  Sum:

Paper & als:

1892. / April Rules

Lein: let:

Executed by delivering
a copy of this "Sum" to
W.R. & R.A. Paper

Paper J. H. Williams
Apr. 4th 1892 Shff

W. H. Lide

X

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*H. R. Pope. R. A. Pope and
B. A. Pope. the last named an infant, by Wm Shands
his father 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 *1st* Monday in *April* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by *H. P. Gillette and M. Ella
Gillette, his wife.*

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

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *29th* day of
March, 189*2*, in the 11*6*th year of the Commonwealth.

Teste: B. F. McLeMore C. C.

Guille & wife
vs. 3rd 1st Decree
Fape & als.

1892 May Term
To be entered.
C. M. S.
May 6, 1892

Entered

Gillette wife
vs. 3 Decees.
Pope others

This day this cause came on to be heard upon the bill exhibit filed - the answer of the infant defendant by guardian ^{general & replication thereto} ad litem, the bill taken for confessed as to all the adult defendants, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that this cause be referred to one of the Commissioners of this Court who is directed to report what interest the minor B. A. Pope has in the Mills R. Gray tract of land, and whether or not it would be to the interest of the said infant to accept the offer of \$300, as made to him by Mr. Ella Gillette as the purchase price for said share in the tract as aforesaid which report the said Commissioners will make together with any other matter specially stated deemed pertinent by himself or required to be stated by any interested party.

And by Consent of parties ^{given in open court}, by their Counsel the Court consented for the infant it is ordered that this be made a vacation cause.