

1902-12

Southampton County Chancery -

Marks, Mrs. Rosa S.

vs

Darden, Thomas W.

partition of land.

Darden, Robert A.

" , Walter E.

" , Harry L.

" , Hurman V.

} Milers

Sebrell, W. J.

(G. A. L.)

-1902-
Marks, Mrs. Rosa A.,

d. Bill.
Borden et al.

1902. 1st June Rules filed

L. A. Hay & Co.

And as in duty bound &c. May it please the Court &c.

counsel conducting this cause out of the funds of said estate.

will be asked to allow a reasonable attorneys fee to plaintiff
the said May require. Notice is hereby given that the court

and special relief as to equity may need meet on the nature of

that your honor will want all such ~~that~~ further, Renewal
entitled.

sold and the proceeds of sale divided among the parties thereto
but if the same cannot be so done that the said real estate be
the modes prescribed by law if the same can be conveniently done
the said Robert Atropo died seized and possessed in some of
commissioners be appointed to make partition of the land whereof

J. J. J. J. J.
P. D.

Commissioners be appointed to make partition of the land whereof
the said Robert S. Pope died seized and possessed in some of
the modes ----- In Chancery. ----- the same can be conveniently done.

To the Hon. Robert R. Prentiss, Judge of the Circuit Court for
Southampton County, Virginia. divided among the parties thereto

entitled Humbly complaining, sheweth unto your honor, your complain-
ant Rosa S. Marks, that on the 19th day of March, 1902,
Robert S. Pope departed this life, ^{in testate,} leaving as his heirs at law
the following parties, to-wit:- Rosa S. Marks, ^{a sister of the whole blood} Thomas W. Darden,
Robert A. Darden, Walter E. Darden, Harry L. Darden and Hurman V.
Darden, the last three of whom are infants, under the age of
^{descendant of a sister Mrs. J. R. Darden of the half blood} twenty one years. That at the time of his death the said R. S.

Pope was seized and possessed of considerable real estate as
well as personal estate, and that there was a good deal more
of the latter than was necessary ** to pay his just debts.

That his real estate consists of 1000 acres, and is all
located in the county of Southampton, Va. That your complainant
desires a partition of same and believes and charges that the
same can be had in some of the modes prescribed by law, but if
the same cannot be done then she desires that the said real es-
tate be sold and the proceeds of sale be divided among the
parties thereto entitled.

In tender consideration whereof and forasmuch as your
complainant is without remedy save in a court of equity where
all such matters are properly cognizable, to the end, therefore,
that justice may be done, she prays that Thomas W. Darden,
Robert A. Darden, Walter E. Darden, Harry L. Darden and Hurman V.
Darden may be made parties defendant to this bill and compelled
to answer the same though answers under oath are hereby express-
ly waived. That some fit and proper person may be assigned guar-
dian ad litem for Walter E. Darden, Harry L. Darden and Hurman V.
Darden, all of whom are infants under the age of twenty one
years.

That an order may be entered requiring and directing that

commissioners be appointed to make partition of the land whereof the said Robert S&Pope died seized and possessed in some of the modes prescribed by law if the same can be conveniently done, but if the same cannot be so done that the said real estate be sold and the proceeds of sale divided among the parties thereto entitled.

That your honor will grant all such ~~other~~ further, general and special relief as to equity may seem meet or the nature of the case may require. Notice is hereby given that the court will be asked to allow a reasonable attorneys fee to plaintiffss counsel conducting this cause out of the funds of said estate.

And as in duty boud &c. May it please the Court &c.

J. B. Ponce Son. p. q.

Handwritten notes and stamps on the left margin, including "T.M. 300 H.C." and other illegible markings.

Martinez, Mrs Rosa S.

vs. { Stat. of Rules
Darden et als.

Mrs. Rosa S. Marks Plaintiff

vs.

Thomas W. Darden, Robert A. Darden,
Walter E. Darden, Harry L. Darden,
and Herman V. Darden, Defendants } In chy,

1902, 20th, May Process issued to 1st June Rules

Affidavit as to non-residence filed

1902, 23rd, May Order publication issued

1902 1st June Rules, Process returned executed

except as to Thos. W. Darden, order
publication as to him.

Bill and exhibits filed.

W. J. Seabree appointed guardian
^{ad litem}
to infant defendants

Decease nisi.

1902, 2nd, June Rules, Bill taken for confessed
as to a ~~deceased~~ defendant upon whom
process served, Answer of

Thomas W. Darden, and answer

of W. J. Seabree to infant defendants

1902 1st July Rules. Order publication

completed, and cause set for
hearing

the above is what is left of the first lot of money which
I have now in my possession and which I have not yet
sent to the bank. I have also in my possession a number of
other things which I have not yet sent to the bank. I have
also in my possession a number of other things which I have
not yet sent to the bank.

Receipt of Blower for
Gdu. re.

Received August 1st, 1902, of Mrs. Rosa J. Marks the sum of Two Hundred Dollars (\$200.00) the same being in full of the shares of Walter C. Gordon, Harry L. Gordon and Herman V. Gordon, infant children of Walter Gordon, dead, from the division of the land of which Robert Pope, dead, as directed by decree of the Circuit Court of Southampton County entered on the 30th day of July, 1902.

J. B. Lewis for
Guardian

E. L. MARKS & CO.

—DEALERS IN—

General ♦ Merchandise, ♦ Plaster ♦ and ♦ Fertilizers.

◁BUYERS OF COTTON AND PEANUTS▷

Pope, Va., ... 190.....

Received August 1st 1902. of Mrs
Rosa S. Marks, The sum of
Sixty six and 66/100 Dollars. The same
being in full of my share of the
amount, decreed to be paid to me
as one of the heirs of Mrs
F. R. Gray, in the division
of R. S. Pope's estate by decree
of the Circuit Court of Southamp-
ton County entered on the
30th of July 1902.

Witness

E. Williams,
W. L. Norrell

W. W. Darden

E. L. MARKS & CO.

—DEALERS IN—

General ♦ Merchandise, ♦ Plaster ♦ and ♦ Fertilizers.

◁BUYERS OF COTTON AND PEANUTS▷

Pope, Va., ... 190.....

Received August 1st 1902. of
Mrs Rosa S. Marks, the sum of
sixty six and 66/100 dollars. the
same being in full of my
share of the amount decreed to
be paid to me as one of the heirs
of Mrs F. R. Gray in the division
of R. S. Pope's estate. by decree of
the circuit court of Southampton
county entered on the 30th
of July 1902.

witness,

E. Williams.

W. L. Harrell

R. A. Lander

Thomas W. Darden,

Form No. 300%.

vs.

}

SUBPENA
IN CHANCERY.

p. q.

To

Rules.

Court.

non resident

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, That you summon Thomas W. Darden

to appear at the Clerk's Office of the Circuit Court of the County of
Southampton at the rules to be held for the said court on the 1st. Monday in
June 1902, to answer a bill in chancery exhibited against him et al.
in our said court by Mrs. Rosa S. Marks Plaintiff.

And have then there this writ. Witness L. A. Gay, Clerk
of our said court, at the courthouse, the 20th day of May 1902, and
in the 126th year of the Commonwealth.

A copy, Test: L. A. Gay by G.

Marica

vs. }

SUBPENA
IN CHANCERY.

Barden et als.

J. B. Primmer & Son p. q.

To 1st June Rules.

1902. Leimick Court.

Executed May 26th by
delivering a copy of this
Writ to Robt. H. Barden
and a copy to J. H. Buel
Cmty. ad litem. shos. W.
Barden not found

E. J. Howard Sept

For Mr. Williams Shyp
(2)

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton Greeting:

WE COMMAND YOU, That you summon Thomas M. Sarden, Robert A. Sarden, Walter E. Sarden, Harry L. Sarden, and ^{Harmon} ~~Thomas~~ V. Sarden, last three minors under 21 years of age, by W. J. Sebrall, their guardian ad litem, Defendants, to appear at the Clerk's Office of the Circuit Court of the County of Southampton at the rules to be held for the said court on the 1st Monday in June 1902, to answer a bill in chancery exhibited against them in our said court by Mrs. Rosa S. Marce, Plaintiff.

And have then there this writ. Witness L. A. Gay, Clerk of our said court, at the courthouse, the 20th day of May 1902, and in the 126th year of the Commonwealth.

Teste: L. A. Gay L. G.

Darden et als.

ads. Answer of Robt.A.Darden.

Marks, Rosa A.,

1902. 2nd June Rules filed
L. A. Gay cc

The Answer of Robert A. Darden to a Bill of Complaint Exhibited in the Circuit Court of Southampton County against Himself and Others by Rosa S. Marks.

This respondent for answer to the said bill says that he has no objection to the appointment of commissioners to see if the land whereof Robert S. Pope died seized and possessed can be divided in any of the modes prescribed by the statute. That he hereby consents that this cause may be submitted to the Judge of the Circuit Court of Southampton County in vacation to enter such orders or decrees therein in vacation as may be entered in term.

And having answered he prays hence to be dismissed &c.

Robert A. Darden

Darden et als.

ads. Answer of Thos.W.Darden.

Marks, Rosa A.

1902. 2nd June Kueas. Jelas
L.A. Gay. c-c

The Answer of Thomas W. Darden to a Bill of Complaint Exhibited in the Circuit Court of Southampton County against Himself and Others by Rosa S. Marks.

This respondent for answer to said bill says, that at the time this suit was instituted he was a non resident of Virginia, but has now returned and is a resident of the state and he now appears and makes ~~*****~~ his appearance by filing this his answer. Respondent says that he has no objection to the appointment of commissioners to see if the land whereof ~~the~~ Robert S. Pope died seized and possessed can be divided in any of the modes prescribed by statute, and he hereby gives his consent that this cause be submitted to the Judge of the Circuit Court of Southampton county in vacation, ~~*~~ to enter such orders or decrees therein in vacation as may be entered in term.

And having answered he prays hence to be dismissed &c.

Thos W Darden



Franklin, Va., Aug 26, 1902

M. J. B. Prince & Son, P. S.

To THE GRAPHIC, Dr.

{ A Weekly Newspaper Devoted to the Interest of Southampton and Adjoining Counties. Ten Pages and ALL HOME PRINT. Subscription, \$1.00 a Year in Advance. }

BOOKLETS,
PAMPHLETS AND ALL

JOB PRINTING Neatly and Promptly Executed

May 30 To Court Publication, 4 issues,
Mrs Rosa S Marks, plaintiff
vs.

Thos. H. Darden, et als defendants

4 00

I hereby certify that the order of publication,
a copy of which is hereto attached was published for
four successive weeks, beginning May 30, 1902
and ending June 20, 1902, in "The Graphic," a
newspaper published in Franklin, Va.

W. D. Magee, Ed.

VIRGINIA: IN VACATION,
In the Clerk's Office of the
Circuit Court of Southampton
County, the 23rd day of May, 1902.

Mrs. Rosa S. Marks, Plaintiff,

vs.

Thomas W. Darden, Robert A. Darden,
Walter E. Darden, Harry L. Darden
and Hurman V. Darden, last three
minors under 21 years of age, by W.
J. Sebrell, their guardian ad litem, . . .

Defendants

[In Chancery.]

The object of this suit is for partition
of the lands among the parties entitled
thereto, of which R. S. Pope died, siezed
and possessed.

And affidavit having been made and
filed that Thomas W. Darden, one of
the defendants in this suit, is a non-resi-
dent of the State of Virginia, the said
Thomas W. Darden, is required to ap-
pear within fifteen days after due publi-
cation of this order, in the Clerk's Office
of our said Court, at rules to be holden
therefor and do what is necessary to
protect his interest, and it is ordered
that a copy of this order be forthwith
published once a week for four succe-
ssive weeks in "The Graphic," a news-
paper printed and published in the town
of Franklin, Southampton County, Vir-
ginia, and posted as the law directs.

A Copy, Teste: L. A. GAY, C. C.
May 23, 1902.

J. B. Prince & Son, P. Q.



Franklin, Va., July 1, 1902
H. B. Prince & Son, p. s.
To THE GRAPHIC, Dr.

{ A Weekly Newspaper Devoted to the Interest of Southampton and Adjoining Coun- }
{ ties. Ten Pages and ALL HOME PRINT. Subscription, \$1.00 a Year in Advance. }

BOOKLETS,
PAMPHLETS AND ALL

JOB PRINTING Neatly and Promptly Executed.

May	30	In Court Publication 4 issues	
		Mrs. Rosa S. Marks, Plaintiff, vs.	
		Thos. W. Darden et al, Defendants.	4 00

I hereby certify that the order of publication,
a copy of which is hereto attached, was published
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VIRGINIA: IN VACATION,
In the Clerk's Office of the
Circuit Court of Southampton
County, the 23rd day of May, 1902.

Mrs. Rosa S. Marks, Plaintiff,

vs.

Thomas W. Darden, Robert A. Darden,
Walter E. Darden, Harry L. Darden
and Hurman V. Darden, last three
minors under 21 years of age, by W.
J. Sebrell, their guardian ad litem, . . .
Defendants

[In Chancery.

The object of this suit is for partition
of the lands among the parties entitled
thereto, of which R. S. Pope died, seized
and possessed.

And affidavit having been made and
filed that Thomas W. Darden, one of
the defendants in this suit, is a non-resi-
dent of the State of Virginia, the said
Thomas W. Darden, is required to ap-
pear within fifteen days after due publi-
cation of this order, in the Clerk's Office
of our said Court, at rules to be holden
therefor and do what is necessary to
protect his interest, and it is ordered
that a copy of this order be forthwith
published once a week for four succes-
sive weeks in "The Graphic," a news-
paper printed and published in the town
of Franklin, Southampton County, Vir-
ginia, and posted as the law directs.

A Copy, Teste: L. A. GAY, C. C.
May 23, 1902.

J. B. Prince & Son, p. q.

Virginia: In vacation. In the Clerk's Office
of the Circuit Court of Southampton County.
The 2nd day of May 1902.

Mrs. Rosa S. Marks, Plaintiff.

vs.

Thomas W. Darden, Robert A. Darden,
Walter E. Darden, Harry L. Darden,
and ~~Thomas~~^{Herman} V. Darden, last three minors
under 21 years of age, by W. J. Sebree,
their guardian ad litem. Defendants.

The object of this suit is for partition of
the lands among the parties entitled thereto
of which R. S. Pope died seized and possessed.
And affidavit having been made and
filed that Thomas W. Darden, one of the
defendants in this suit, is a non-resident of the
State of Virginia, the said Thomas W. Darden,
is required to appear within fifteen days
after due publication of this order, in the Clerk's
Office of our said Court, at such time to be
helden therefor and do what is necessary
to protect his interest, and it is ordered
that a copy of this order be forthwith
published, once a week for four succes-
sive weeks, in "The Graphic" a newspaper
printed and published in the Town of Francis,
Southampton County, Virginia, and posted as
the law directs.

May 23rd, 1902
J. B. Prince Clerk P. C.

Teste: L. A. Gay C. C.

Virginia, In the Clerk's Office of the Circuit Court
of Southampton County, June 26th, 1902.

I, L. A. Gay Clerk of aforesaid Court, do
certify that a copy of the foregoing order of
publication, was posted at the front door of
the Court-House, in the County of Southampton,
on the first day of the June Term of the County
Court thereof.

Given under my hand the day and date as above.

L. A. Gay C. C.

M. A. T. C.

vs. { Order publication

S. A. T. C. et al.

1902. 23rd May filed

714 arico.

vs. { Affidavit as to non-^{done}residence

Sardam et al.

1902. 20. May filed

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L

8

J. B. PRINCE

J. B. PRINCE, JR.

J. B. PRINCE & SON,
Attorneys & Counsellors at Law.
Courtland, Va.

Personally appeared before me ~~James H. May~~ the undersigned, Clerk of the Circuit Court of Southampton county, Va., J. B. Prince, jr., one of the attorneys for the plaintiff in the chancery suit ~~against Gardner~~ Marks v. Darden and others and made affidavit that Thos. W. Darden, one of the defendants in said suit is not a resident in the state of Virginia.

Given under my hand this 20th day of May, 1902.

L. A. May

C.C.

Darden et als.

Joint and Several Answer of
ads. Walter E. Darden, Harry L. Dar-

Darden and Hurman V. Darden,
Marks, Rosa A., by W. J. Sebrell. Cdn. ad

Litem.

1902. 2nd *Same Rules. filed*
L. A. Gay co

The Joint and Several Answer of Walter E.Darden, Harry L.Darden and Hurman V.Darden, by W.J.Sebrell, their Guardian ad Litem, Appointed at Rules, to a Bill of Complaint Exhibited against Themselves and Others~~by~~ in the Circuit Court of Southampton County, by Rosa S.Marks.

These respondents saving and reserving &c. for answer to said bill say that they are minors and being such submit their interests to the protection of this court.

And having answered pray hence to be dismissed &c.

W.J.Sebrell, Gdn.ad Litem.

Marks Rosa S.

vs. { Deere
Sardin et als.

Entire June 19th 1902

Robert R. Prentiss

Entered Page 440

2 copies.

Orphans Court of Southampton County, in
Vacation, on the 19th day of June 1902.

Rosa S. Marks, Plaintiff

v. Decease.

Thomas H. Darden, Robert A. Darden, Walter E. Darden,
Harry L. Darden and Herman V. Darden, the
last three, minors, by W. J. Sebrall, Their Guardian
ad litem, Defendants.

By consent of parties entered of record, in vacation, it is
hereby decreed that this cause be submitted to the Judge
of the Orphans Court of Southampton County, in vacation,
to enter such orders or decrees therein in vacation as may
be intended in Term.

And by like consent this cause came on this day to
be heard on the plea of the Complainant, the separate
answer of the adult defendants, Thomas H. Darden and
Robert A. Darden, the joint and several answer of
the infant defendants by W. J. Sebrall Their guardian
ad litem duly assigned at rules to defend them
in this matter, with general replication thereto, and
was argued by Counsel.

On consideration whereof, the Court doth adjudge,
order and decree that R. F. Barham, F. E. Williams,
William J. Gillette, W. R. Pope, & W. P. Gillette be appointed
Commissioners for the following purposes, to-wit:
First: To ascertain and report after being first duly
sworn, what real estate Robert S. Pope did acquire
and possessed of, its full simple value, and whether
it can be conveniently divided in kind amongst
the parties thereto entitled, who are as follows,
his Sister Rosa S. Marks, who was Sister of the
whole blood & the following descendants of his Sister

Mrs. F. R. Gray, who was Darden & who was sister of the half blood, to-wit: Thom. W. Darden, Robert A. Darden, Walter E. Darden, Harry L. Darden and Fleuryman V. Darden, and if it can be so divided that they proceed to divide the same amongst the parties thereto entitled as follows; To Rosa S. Marks, two thirds in value of the same, & to the said descendants of his half sister Mrs. F. R. Gray who was Darden one third in value of the same, describing the same by miles and bounds, and employing if necessary the services of a competent Surveyor to assist in making the said division.

Second: If the same cannot be so divided whether any party will take the entire subject matter and pay to the other parties such sums of money as their interests therein may entitle them to.

Third: If the same cannot be divided in kind, and if no party will take the entire subject matter and pay to the other parties such sums of money as their interests therein may entitle them to, whether the interests of all the parties will be promoted by a sale of the entire subject matter or by a settlement of part and sale of the residue.

And it is further ordered that a Commissioner of this Court report whether there are any delinquent taxes on said land; and if so, how much.

And the said Commissioners will make their report to Court To the Clerk of the Circuit, Robert R. Fortis
Court of Southampton County Va.

Teste: L. N. Gray J. C.

David L. Smith
James L. Smith
John L. Smith
Robert L. Smith

Robert L. Smith

their respective interests.

services in this suit, to be paid by the parties according to

250 X

for one of the above J. D. Prince and Son for their

The court then further adjudge, order and decree that a
 their respective interests.

the costs of this suit be paid by the parties according to

And the court doth further adjudge, order and decree that
 the between the parties.

tion as made by the said commissioners be held firm and bind-
 paid in full, and the same shall have been fully paid the year
 the land assigned the said Rosa S. Marks until the same is

Marks, Rosa S.

v. { Decree
 Darden et al.

In vacation
 July 30, 1902

Enter this
Robert L. Smith

Entered page
 44

See 66 etc

and son acres, as shown by the records, lying on Hottel-
 I. W. Davis and others, also a piece of land containing one hun-
 field and Courtland Road, Jesse Whitehead, Mrs. M. A. B. Ridley,
 M. T. Almond, J. J. Magistrate, W. W. Cole, A. M. Applewhite, the fol-
 said land being bounded as follows, to-wit:- by the lands of

Circuit Court of Southampton County, Virginia, in vacation, the
July,
30th day of ~~August~~, 1902.

Marks, Rosa S.,

vs. Decree.

Darden et als.

This day this cause, which was regularly made a vacation cause by decree entered on the 19th day of June, 1902, came on to be further heard on the papers formerly read, and the report of R.F. Barham, H.E. Williams, William J. Gillette, William R. Pope and W.P. Gillette, commissioners appointed by the aforesaid decree of June 19th, 1902, making partition of the land in the proceedings mentioned among the parties entitled thereto, agreeably to the terms of the said decree, which report was filed on the 21st day of July, 1902, to which there is no exception and was argued by counsel.

On consideration whereof, the court doth confirm the said report, and it appearing that in the partition made by the said commissioners that following parcel of land was allotted to Rosa S. Marks, to-wit:-All the lands of which the said Robert S. Pope died seized and possessed at Pope Station, and adjacent thereto, bounded as follows; by the ^{lands} of R.F. Barham, A.E. Edwards, K.S. Smith, Byrd Gray the Buck Horn Swamp, James E. Drakes estate and others, containing one thousand and ninety eight acres, more or less; ~~the same being~~ ^{also} and it appearing from the said report of the said commissioners that in the partition made by them that the following tract of land was allotted to the heirs of Mrs. F.R. Gray, who was Darden and who are entitled to one third in value of the lands of said Pope; all the lands belonging to the estate of said Pope in the Indian Woods, containing eight hundred acres, more or less, composed of the several tracts of land bought by the said Pope from different parties,

said land being bounded as follows, to-wit:- by the lands of N.T.Almond, J.S.Musgrave, W.W.Cole, A.M.Applewhite, the Bel-field and Courtland Road, Jesse Whitehead, Mrs. M.A.B.Ridley, L.W.Davis and others, also a piece of land containing one hundred and ten acres, as shown by the records, lying on Nottoway River and bounded by the lands of Mrs. Thomas H.Gray, Thompson Claud and others. It appearing from the said report that the shares assigned are not two thirds in value and one third in value, ~~in order to make them of said value~~ ^{and therefore} that Rosa S. Marks should pay to the heirs of Mrs. F.R.Gray the sum of three hundred and thirty three and 33/100 dollars, the court doth adjudge, order and decree that the said Rosa S.Marks pay to the heirs of Mrs. F.R.Gray the sum of three hundred and thirty-three and 33/100 dollars as owelty of partition in the division of the aforementioned land, and that the same be a charge upon the land assigned the said Rosa S.Marks until the same is paid in full, and ^{when} the same shall have been fully paid the partition as made by the said commissioners be held firm and binding between the parties.

And the court doth further adjudge, order and decree that the costs of this suit be born by the parties according to their respective interests.

The court doth further adjudge, order and decree that a fee of \$ 250.^x be allowed J.B.Prince and Son for their services in this suit, to be born by the parties according to their respective interests.

Robert R. Prince
To the Clerk of the
Circuit Court of
Southampton County.

Markus Rosa &
 Report of Commission
 on dividing land
 Dorden et al

1902. 21 Aug filed.

22 Aug 24

Referred to a committee.

W. P. Miller
 J. P. Miller
 J. P. Miller

Commissioners

1902

as shown by the records, which we believe to be correct, upon
 and others, containing one thousand and ninety eight acres,
 R. S. Smith, and Gray, the tract North Swamp, J. S. A. Drake's estate
 no, bounded as follows, by the lands of R. F. Bingham, A. S. Edwards,
 One died seized and possessed at Pope Station and adjacent there-
 in value of the same, all the lands of which the said Robert S.
 we assign to Mrs. Rosa S. Marks, who is entitled to said things
 Thompson Clark and others.
 not shown by the records, which we believe to be correct, upon
 one hundred and ten acres, as shown by the records, lying on
 Edgley, J. W. Davis and others, also a piece of land containing
 the Bellfield and Courtlandt road, Jesse Whitehead, Mrs. W. A.
 the lands of M. T. Almond, J. S. Murrain, W. A. Cole, A. M. Applewhite,
 from different parties, said land being bounded as follows: by

Pope, Va. July 21st, 1902.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of the County of Southampton, Va.

We the undersigned commissioners appointed by a decree of the Circuit Court of the County of Southampton entered on the 19th day of June, 1902, in vacation, to ascertain and report, after first being duly sworn, what real estate Robert S. Pope died seized and possessed of, and whether it can be conveniently divided in kind among the parties thereto entitled, and if so to proceed to so divide the same, ~~*****submit the following report**~~ allotting to Mrs. Rosa S. Marks two thirds in value of the same, and to the descendants of Mrs. F. R. Gray, who was Darden one third in value of the same, describing the same by metes ~~***~~ and bounds, after going over the said property ~~carefully~~ and making a careful examination of the same, beg to report as follows:-

First:- As gathered from the records from the Clerk's Office of Southampton County Court we find that Robert S. Pope died seized and possessed of two thousand and eight acres, and we are informed this is all the land he owned at the time of his death. All of said land is situated in Southampton county.

Second:- We have placed as the fee simple value of ~~the~~ all the said land ~~*****~~ comprising fourteen thousand and five hundred dollars.

Third:- We are of opinion that the said land can be divided in kind among the parties thereto entitled, and make the following division of same:-

We assign to the heirs of Mrs. F. R. Gray, who was Darden, and who are entitled to one third in value of the same, all the land belonging to the estate of Robert S. Pope, in the Indian Woods, containing, as ^hown by the records, eight hundred acres, which we believe to be a correct number, composed of the several tracts of parcels of land bought by the said Robert S. Pope

from different parties, said land being bounded as follows; by the lands of N.T.Almond, J.S.Musgrave, W.W.Cole, A.M.Applewhite, the Belfield and Courtlandst Road, Jesse Whitehead, Mrs. M.A. Ridley, L.W.Davis and others, also a piece of land containing one hundred and ten acres, as shown by the records, lying on Nottoway River, and bounded by the lands of Mrs. Thomas H.Gray, Thompson Claud and others.

We assign to Mrs. Rosa S. Marks, who is entitled to ^{two} ~~one~~ thirds in value of the same, all the lands* of which the said Robert S. Pope died seized and possessed at Pope Station and adjacent thereto, bounded as follows, by the lands of R. F. Barham, A. E. Edwards, Byrd K. S. Smith, ~~But~~ [^] Gray, the Buck Horn Swamp, Jas. E. Drake's estate and others, containing one thousand and ninety eight acres, as shown by the records^r, which we believe to be correct, upon the condition that the said Mrs. Rosa S. Marks shall pay to the heirs of Mrs. F. R. Gray, or their legal representatives, the sum of three hundred and thirty-three and 33/100 dollars, which sum equalizes the shares in value which the said parties are entitled to under the said decree, ~~viz.~~ one third and two thirds.

Respectfully submitted,

R. F. Barkam
F. C. Williams.
Wm. J. Gillette
Wm. R. Pike
H. B. Gillette.

COMMISSIONERS.

Marks,

vs. Decree.

Darden et als.

~~Sept~~* October 7, 1902,

Enter this,

Robert H. Huntis

Entered,

Page No. 45-8.

Marks

vs.

Decree.

Darden et als.

further

This day this cause came on to be heard on the papers formerly read, and was argued by counsel.

~~and~~ It appearing to the court from receipts filed from T.W. and R.A. Darden, adult children of Walter Darden, ^{decd.} and from ^{J.B. Prince Jr.} ~~a certificate~~ *Guardian of Walter E. Darden Harry L. Darden and Thomas* filed by the minor children of the said Darden, that the amounts decreed

to be paid by Mrs. Rosa S. Marks, by decree entered in vacation on the

30th day of *July*, 1902, ~~has~~ been fully paid, it is ordered that this

cause be removed from the docket, two thirds of the costs of the same

to be paid by Mrs. Rosa S. Marks, and one third by the children of

Walter Darden, decd., and leave is given the said Rosa S. Marks to with-

draw the receipts filed from the children of said Darden, upon her

filing in this cause a copy of the same.