

1816-063 Chancery Causes, James L. Beal vs Patsy Pope

Isle of Wight County

other surnames: Dixon, Bullock,
Bulluck

be put in possession of the residue, and that such other
Order and decree may be entered, for his relief, and for
the promotion of justice, as to the Court may seem equitable
May it please the Court. *Baile*

22 } Bill
Pre—

Jan'y 1804

bill filed

March 1804

rule for ans^r

April 1805

Visi decree

July 1806

Ans^r filed

April 1816

Court dismissed

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To the worshipfull Court of Isle of Wight in Chancery sitting
Humbly, Complaining sheweth unto the Court your Orator James
L. Seal - That one Ephraim Pope late of the said County
being seized and possessed of ~~the~~ a tract or parcel of Land
therein, devised the same to his son William Pope - who for a
valuable Consideration conveyed the same to Barnabas Seal,
which Barnabas, for a valuable Consideration conveyed
by deed, to your Orator, whereby the fee simple title
has vested in him. That Patsy Pope the Widow of
Ephraim Pope is, however, intitled to one third thereof for
life as her dower therein, which your Orator is ready and
willing to assign to her in a fair and just manner.
But so it is may it please the Court, the said Patsy Pope
being in possession of the whole premises, refuses to be
restrained to her dower rights therein, to the great
injury of your Orator and against justice and
good Conscience. In tender Consideration whereof
and for as much as your Orator is remediless only
in a Court of equity, he prays your worships ~~to decree~~
That she the said Patsy Pope be made a defendant
to this bill and may on oath full true and perfect
answer make to all and singular the allegations it
contains, and that as fully and perfectly as though
they were herein again repeated and interrogated.
That your worships will decree that one third part of
the said Land be assigned to her the said defendant
for life as her dower in the same, that your Orator may

Joseph
Pope
is
known

Full of night July 14th 1866
Patsey Pope appeared before me and made
oath that the allegations contained in the
within annexed are true

Let over

The answer of Patsey Pope to the bill of complaint exhibited against her in the court of Isle of Wight county by James L. Beale.

This Respondent saving and reserving to herself all right of excepting to the various errors contained in the said bill, for answer thereto, on so much thereof as she is advised is material for her to answer says, it is true that William Pope did sell to the said Barnaba Beale the tract of land in the bill mentioned, but she avers that it was expressly agreed at the time of the ~~contract~~ ^{agreement} between the said William Pope and Barnaba Beale, that your Respondent (who is the mother of the said William Pope) should have an ^{whole of the} estate for her life in the said land. That the said Beale agreed to give a bond in the penalty of £50. for the faithful fulfilment of the said reservation, and that he wrote a bond which is hereto annexed and prayed to be taken as a part of this answer. She admits that the bond does not express the agreement as fully as is above stated, but she ascribes this to the ignorance or the deception of the said Barnaba Beale who wrote the same. She expects to prove the truth of the above statement by others, when necessary. She lastly prays to be hence dismissed with her costs in this behalf expended.

Recd
of
John P. Hunt
for
H. P.

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The Commonwealth of Virginia to the Sheriff of
Isle of Wight County Greeting; we Command you,
that you Summon Sally Pope —

to appear before our Justices of our County Court
of Isle of Wight at their Courthouse of said County
on the first Monday in March next, there
and there to answer a bill in chancery against
-et her — exhibited by James L. Neal —

and this she shall in no wise omit, under
the penalty of £ 100 — and have then there
also this writ. Witness Nathaniel Young
Clerk of our said Court the 7th day of
February 1801 and in the 28th year of the
Commonwealth — Nathl. Young

Pope
Aut^h count:
Beal

The Commonwealth of Virginia to Nathl. Willes & Golphim
Greiver gentlemen greeting, know ye that we trusting
to your fidelity and provident circumspection in diligently examining
John R. Dixon and Mediah Bullock as well on the behalfs Martha
Pope Defendants as on the behalf of James L. Beal Plaintiff
Command you or any two or more of you that at such
certain days and places you shall appoint, you assemble
yourself and the witnesses aforesaid before you or any two
or more of you; you call and cause to come and diligently
examine on the holy evangelists of Almighty God and such
examination in writing into our County court of Ishoptwight
distinctly and plainly without delay you shall send certified
inclosed, returning also to us this writ. Witness Nathaniel
Young Clerk of our Said court at the Courthouse the 11th
Day of August 1806 in the 31st year of the Commonwealth.

Nathl. Young


The Person that delivers this
will return the other to the
Justice at J. R. Dixons

Mr. James L. Beal Sir,

You will take notice that on the 28th Instant between the hours of ten o'clock in the forenoon and five o'clock in the afternoon at the Dwelling House of John R. Dixon's I shall proceed to take the Depositions of John R. Dixon & Obadiah Bullock Witnesses in a suit in Chancery depending in the County Court of Isle of Wight wherein you are Plaintiff and myself Defendant.

Martha Pope
17th August 1866

Deposition of John A. Dixon and Blediah
Bullack witnesses in a suit in chancery
depending in the County Court of Salisbury
James L. Beal plaintiff, and Martha Pope
def. taken this 28th day of August 1806
at the dwelling house of John A. Dixon,
sergeant to the annexed Commissioner
and proved notice. The deponent John
A. Dixon being duly sworn deposes
and says — —

Question—were you present, and did you
hear the contract between Barnabe Beal
and William Pope for the land where on
Martha Pope now lives —
answer, I was present and heard the
contract, the land was first set up at
publick auction and bid off by Barnabe
Beal who it appeared was a by bidder,
and in the course of three or four days
after Barnabe Beal and William Pope
met in my presence and made a private
contract in which Barnabe Beal became
the purchaser of the said land for the price
of fifty pounds or thereabouts, reserving
at the same time Martha Pops life
in all the lands and premises, that in con-
— sideration of this reservation, the land
was sold for the above mentioned sum,
when with out this incumbrance the
price asked, and demanded was one
hundred pounds — this deponent further
states that he was present at the writing
and passing a deed for the said land from
Pope to Beal and that at that time the
privilege of Martha Pope for life in

all the land ~~it~~ was again mentioned as
necessary to be apart of the deed, but was
written under a promise of Barnabe
Beal to give a bond to Martha Pope
under a penalty of fifty pounds or there-
abouts, not to interrupt her during life;
This deponent further states that some
few days after passing the said deed he
was at Barnabe Beal's ^{Barnabe Beal} retired into a
another room and wrote a Cause to be
written about reporting to be the bond
above alluded to, and came out in the
presence of Martha Pope and undertook
to read it to her but to his knowledge
read it in a quite different way to what
it was written - or intended to be written -
and further this deponent saith not; -

John R. Doon

sworn to before us J. Driver
Nath. Mills

The deponent Abidiah Bullen being duly
sworn deposes and saith - that he was
at the sale of the lands where on Martha
Pope now lives, that Barnabe Beal
as ever first made a proclamation that
the land was then up for the highest
bidder with the incumbrance then on
it - that Martha Pope was to have
the use of the whole plantation dur-
-ing life -

and that Martha Pope did then and does
at this time lease on the said lands
and further this deponent saith not -
Abidiah Bullen

sworn to before us J. Driver
Nath. Mills

Real Madi.
W. Hope

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Case called

Henry W. W. W. Hoff
W. W. W. Hoff

Isle of Wight County Court,

April Court 1805

James L. Beal Compt^t

against

Satrey Pope — — — — — Deft^t

In Chancery

The Defendant having failed to file his answer to the bill of Complaint exhibited against him, by the Complainant in this Cause, It is ordered that unless the Defendant appear here at June Court next & file his answer that judgment will be entered for the Complainant against him, agreeable to the prayer of the said bill —

Teste Math^o Young Clk

This is to Certify all Men that I Barnaby Beale
of Alleghen County of Do land and Grant unto
Matthey Pope the free Use of her Wright of the
Plantation I Bought of William Pope her Sund
Heire the Summe of Fifty Pound in witness
I Do hereunto Set My hand and Seal This
Tenth Day of March Eighteen hundred
Witness ~~the~~ Barnaby Beale

Test

William (Clerk)

Wm⁶⁴ Pope

John^{his} Pope
Mark