1913 - 14 Southampton County Chancery Lankford, Effie Vital vs Wiggins, S. & wife

Branch
Daughtry
Fremon
Futterman
Lankford
Norfleet
Wiggins
Wheeler

Divide Real Estate, or sell, and proceeds divided equally

Wiggins, Mary S

Wiggins Gracie
Daughtry, Laura Wiggins
Daughtry, I. L.
Lankford, W. H.
Branch, Alice Wiggins
Branch, Jas. S.
Fremon, Dora Wiggins
Fremon, J Lucks
Norfleet, Mary Wiggins
Norfleet, C. B.
Wheeler, Gabie Wiggins
Wheeler, J. G.
Futterman, Edna Wiggins
Futterman, J. L.
Wiggins, Joseph L.
Wiggins Bessie
Wiggins, John Byron
Wiggins, Quinton M.
Wiggins, Zada M.
Wiggins, Raymond E
Wiggins, Mary E.

Effie W. Lankford and
Mary S. Wiggins
vs.
Wiggins et. als

Bill -

In Chancery.

1910 Sept 20th Filed
H. B. M. Clerk

R. E. L. WATKINS,
ATTORNEY AT LAW
FRANKLIN, - VA.

Wanamaker & Co., Phila., Pa.

To the Honorable Jas. T. Holmes, Judge of the Circuit Court of Southampton County, Virginia;

Complaining sheweth unto the court, your complainants Effie W. Lankford and Mary D. Wiggins, the following case; that your complainant, Effie W. Lankford's father, John B. Wiggins was in his life time, seized and possessed of certain real estate lying in the County of Southampton, bounded by the lands of R.B.Camp, Margret Seal, and others containing 465 acres, and being the place upon which the said John B. Wiggins resided at the time of his death; that the said John B. Wiggins died on or about the 5th. day of September 1932, leaving your complainant, E.W. Wiggins, Laura Laughtry Wiggins, who intermarried with E.F. Laughtry, Alice C. Wiggins, who intermarried, with Jas. B. Branch, Lora D. Wiggins who intermarried with J. Luther Freeman, Mary Wiggins who intermarried with C.L. Barfleet, Sallie Wiggins who intermarried with J.A. Archer, Elmer Wiggins who intermarried with J.F. Ritterson, Roger D. Wiggins and Bessie Wiggins, and the children of John B. Wiggins, as follows: John Lynn Wiggins, Clinton T. Wiggins, Laura V. Wiggins, Raymond S. Wiggins, Mary D. Wiggins, all of whom are infants under twenty one years of age.

That the said John B. Wiggins, father of your complainant made and executed a Will prior to his death by the terms of which his widow is devised the land aforesaid for her life and at her death the said land is to be equally divided among the testator's children and the children of John B. Wiggins, a copy of which Will is hereto annexed marked Exhibit "A" and prayed to be read as a part of this bill.

And the said Effie W. Lankford, your complainant further states that the said real estate is, as she believes, susceptible of partition among the parties entitled thereto; but if it cannot be so divided, then your complainant desires that the same be sold and the proceeds divided among the adults and the infant parties according to their respective rights; the shares of the infants to be held as directed by the statute in such cases made and provided.

Should the property be not divisible in kind, complainant believes and here states, that the interest of those who are entitled to the

said real estate,or its proceeds,will be promoted by a sale of the whole of the same or by an allotment of a part and a sale of the residue.

And your complainant Mary E.Wiggins,the life tenant under the will of the late John B.Wiggins joins in the petition of the said Effie T.Bamford,and says that she believes that the interest of all the parties will be promoted by a sale of the real estate herein mention-ed,and that she is willing to accept a gross sum in lieu of her life estate to be computed according to the said Code of Virginia,Section 2288.

And your complainants further say that they desire reserved on the land from sale the plot now used as a family burying ground, with the right of egress and ingress to and from said burying ground,not exceeding one half of an acre,which in the event of sale will be sufficiently marked by a fence.

Your complainant,Effie T.Bamford further states that she has intermarried with T.M.Bamford, and the said D. L. Wiggins intermarried with Gracie Davis.

Forasmuch,therefore,as your complainants are remidiless in the premises save by the aid of a court of equity,they pray that the said I.Q.Wiggins,Gracie Wiggins,Laura Wiggins Haughty,E.L.Haughty, with Lankford Allee Wiggins Branch,J.E.S.Branch,Bera Wiggins Freeman,J.Luther Freeman,Mary Wiggins Norfleet,C.L.Norfleet,Sabie Wiggins Wheeler, J.R.Wheeler,Eleanor Wiggins Fitterman,J.F.Fitterman,Jasper T. Wiggins,Bessie Wiggins,John Lyman Wiggins,Quinton T.Wiggins,Laura L.Wiggins,Raymond C.Wiggins,Mary E.Wiggins,the last five being infants under Twenty years of age,may be made parties defendant to this bill and required to answer the same,answer on oath is hereby waived,the said adults in their own proper person and the infants by guardian ad litem;that a proper guardian ad litem be appointed in this cause for said infants who shall also answer this bill;that proper process issue;that the said real estate be divided between the parties entitled thereto,or else that it be sold and the proceeds divided,in case it be indivisible in kind; that all proper orders and decrees may be made,accounts taken and inquiries be directed,and that all such other,further and general

relief as in the premises may be just and right may be granted.

And your complainants will ever pray,etc.

C.C.Wilkins p.q. Mary S. Wiggins.
Effie W. Lankford.

State of Virginia,

Southampton County/to wit:This day personally appeared before me R.E.Turner a Notary Public in and for the County aforesaid,Mary S.Wiggins and Effie W.Lankford,who made oath that the facts setforth in the above bill so far as stated of their own knowledge are true and so far as stated upon information of others they believe to be true. My commission expired on the 5th day of May 1913.

Given under my hand this 17th. day of September 1910.

R.E.Turner
Notary Public.

Land for Drainage
Ds Report
Driggins et als-
Filed this 18th day of
March 1912. J.L.M.

Jan 2 1912 Kittrell Bros. Draining Co. Complaint

Mch 2 1912 Summons.

Sheriff's Return

Special Commissioner.

Order appointing Commissioner to ascertain the benefits and damages and to report to the next

Lankford and Wiggins

VS

Wiggins et als.

To the Honorable Jas.L.McLemore,Judge of the Circuit Court of Southampton County:

The undersigned,your Special Commissioner begs leave to report,that pursuant to decree entered in this cause on the 12th.day of June 1911,that he has executed to J.F.Kitterman a deed of Specail Warranty for that certain real estate in the proceedings mentioned and described as follows:That certain piece,parcel or tract of land lying,situate and and being in Southampton County,Virginia,bounded by the lands of P.D.Camp,Margret Cobb and others and containing four hundred and sixty five acres,more or less,and bein the same land upon which the late J.B.Wiggins resided at the time of his death;that the said J.F.Kitterman elected to pay all of the purchase price in cash and receive his deed and accordingly your commissioner delivered the deed executed as directed by the decree aforesaid and received of and from the said J.F.Kitterman the sum of Seven Thousand and Five Hundred dollars in cash.

Your Commissioner respectfully reports that the late J.B. Wiggins left the following children and heirs at law: I.Q.Wiggins,Laura Wiggins Daughtrey,Alice C.Branch,Dora W. Freeman,Mary W.Norfleet,Gabie W.Wheeler,Eleanor W.Kitterman, Jasper L.Wiggins,and Effie M.Lankford,and the children of Jno.B.Wiggins,who are take such share as their father Jno.B. Wiggins might be entitled to as a child of the late J.B.Wiggins And by the terms of said Will,the said Jno.B.Wiggins is appointed trustee,and vested with discretionary power in handling such share of the estate as his children may receive.

That since the institution of this suit the late J.B.Wiggin's widow,Mary S.Wiggins has departed this life.

That J.F.Kitterman has qualified as administrator of the late Mary S.Wiggins.

Respectfully submitted,

R E Shutte Special Commissioner.

Your commission further reports that the interest of the said Mary S.Wiggins was only a life estate,which ended with her death.

R E Shutte Special Commissioner.

Linkford Argyle vs Argyles et als

Answer of J. Symmes Argyle, Lena M. Argyle, Mary Dunbar Argyle, Raymond Argyle & Bessie Argyle by Ernest L. Beale their Guardian ad litem

Lankford v Wiggins
vs
Wiggins et als.

In the Circuit Court of Southampton County:

The answer of J. Bynum Wiggins, Laura M Wiggins, Irvin Lenton Wiggins, Raymond Wiggins and Mary Wiggins infants under the age of 21 years, by Ernest D. Beale their guardian ad litem, appointed to defend them in this suit, to a bill of complaint filed against them in the Circuit Court of Southampton County, Virginia by Effie M. Lankford and Mary D. Wiggins, complainants:

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

That they are infants of tender years and that by reason of their infancy are incapable of understanding or taking care of their rights and interests herein, and that they therefore commend themselves their rights and interest to the protection of the Court and pray that no decree may be entered that will tend to their prejudice. And now, having fully answered the complaints bill, these respondents pray to be hence dismissed with their reasonable costs by them on this behalf expended.

E. L. Beale
Guardian ad litem for
J. Bayard Wiggins, Laura M.
Wiggins, Irving Quinton Wiggins,
Raymond Wiggins, Mary
Wiggins

Notice to Purchaser.

TO J.F.Kitterman,

I accept legal service of the

within notice.

J. F. Kitterman.

To J.F.Kittiman,

Take Notice,that I shall,on the 5th.day of January 1911 apply to the Judge of the Circuit Court of Southampton County Virginia,for a decree confirming the sale of the land to you on the 5th.day of December 1910,in the chancery cause of Bankford and Wiggins VS Wiggins et als.

Very respectfully,

Atty for the plaintiffs.

J.B.Wiggin's) Will

Recorded - Will Book -

22 - Page - 63 -

Exhibit
"A"

In the name of God Amen :

I John B.Wiggins of the County of Southampton, State of Virginia, do make this my last Will testament hereby revoking all other wills by me at any time heretofore made.

FIRST- I direct that all my just debts & funeral expenses be paid.

I give and bequeath unto my beloved wife Mary S.Wiggins, in addition to the property allowed her as the widow of a householder, twenty barrels of good corn, two thousand pounds of fodder, and five hundred lbs. of pork or bacon.

I direct that enough of the crop made on my faRm this year be sold on or before Dec. 1" of this year to pay a certain note for two hundred dollars due by my son I. Quintan Wiggins & endorsed by me & payable at Vaughan & Co's. Franklin, Va., and that said note be paid, and on payment of said note, I give and bequeath unto my said son Irvin Quintan Wiggins the remainder of all crops unto him the said Irvin Quintan Wiggins unto him & his heirs forever.

In addition to the foregoing bequest, I also give & bequeath him my said son, the remainder of all pork or bacon raised & cured from this years work.

In addition to bequests already made to my beloved wife, Mary S.Wiggins, I give and bequeath unto her for & during her natural life all of my real estate, and the remainder of all my personal property, the latter consisting of houses, hogs, cattle, one buggy,two prs. wheels (cart) farming utensils & household & kitchen furniture. The pork and hogs disposed of heretofore in this will are claimed under an agreement made between my said son Irvin Quintan Wiggins & myself by which enough pork or bacon should be left on the place a farm for the support of the family the current year.

At the death of my beloved wife Mary S.Wiggins, I give & bequeath

all of said real & personal property unto all of my children share & share alike unto them & their heirs forever.

In regard to said note payable at Vaughan & Co., the amount of the same is not certain in my mind, but it is the only one for which I am any way liable at said Bank.

I hereby appoint my beloved wife, Mary S.Wiggins , Executrix of this my last Will and testament & direct that she qualify without security. And also direct that after provision is made as to the special bequests to her & the payment of the note at Vaughan & Co., that my son Irvin Quintan Wiggins be allowed to take in possession the bequests made to him with reference to crop & pork, with cost of administration.

In testimony, I hereby sign & seal this as my last Will & testament this first day of Sept. nineteen hundred & two (1902)

John B.Wiggins (Seal)

Signed & sealed by John B.Wiggins
the testator in our presence, both
being together at the same time
which writing we witness as his last
Will and tstatment at his request.
I.C.Wills, L.R.Edwards.

With reference to that clause in my Will bequeathing after the death of my beloved wife, Mary S.Wiggins, that part of my estate, to be held by her during her natural life unto my children share & share alike, I hereby direct that it be so changed that instead of the bequest being made to my son John E.Wiggins I direct, that the share to which my said son John E.Wiggins might be entitled to receive under said distribution, be paid him to be held by him in trust for the benefit of his children, with power to him the said John E.Wiggins to dispose of the same (share) as in his judgement he deems best for their (his said children's) comfort & welfare - &

the said share to be under his absolute control without bond.

In testimony whereof I hereby sign & seal this codicil this 3rd. day of Sept. nineteen hundred and two. (1902)

John B.Wiggins (Seal)

Signed & sealed by the testator John B.Wiggins in our presence we both being together at the same time.

W.W.Ellis, L.R.Edwards.

Southampton County Court Oct. Term 1902.

A writing purporting to be the last Will and testament of John B.Wiggins, dec'd., with codicil annexed which was partly proved on the first day of this term by the oaths of I.C.Wills and L.R.Edwards and continued for further proof as to the Codicil, was this day fully proved as to the said codicil by the oath of W.W.Ellis one of the subscribing witnesses thereto, and ordered to be recorded as the last Will and testament with codicil annexed of said John B.Wiggins, deceased.

And on motion of Mary S.Wiggins the Executrix therein named, who made oath according to law entered into and acknowledged a bond in the penalty of Five Hundred Dollars conditioned as the law directs, but without security the will directing that none be required (and the Court requiring none) which bond is ordered to be recorded, certificate is granted the said Mary S.Wiggins for obtaining a probate of the said Will and codicil in due from.

Teste: B.F.McLemore C.C.

A COPY:

TEste: H.B.McLemore, Clerk.

By: R.M.Wills, D.C.

Answer of Laura
W. Naughtby et
als -

The joint and separate answer of Laura Daughtry Wiggins,T.G.Daughtry Dora Wiggins Freeman,J.Luther Freeman,Gabie Wiggins Wheeler,J.R.Wheeler, Alice Wiggins Branch,J.S.Branch,Eleanor Wiggins Kitterman,J.F.Kitterman,Mollie Wiggins Norfleet,C.B.Norfleet,J.L.Wiggins,Bessie Wiggins, I.Q.Wiggins,Gracie Wiggins,T.H.Lankford.

The respondents reserving to themselves the benefit of all just exceptions to the said bill,for answer thereto,or so much thereof as they are advised that it is material they should answer,answers and says,that-true it is that the late J.B.Wiggins died seized and possesed of certain real estate in Southampton County,all of which is described in the bill of complaint exhibted against your respondents;that the said J.B.Wiggins executed a will whereby he devised the said real estate to Mary B.Wiggins,his widow,and mother of your respondents for and during her natural life and at her death to be equally divided among his children and the children of J.B.Wiggins; that the wish of their mother to sell the said property and take her interest in cash is shared by your respondents,it being their opinion that the interest of all the heirs would be promoted by such a sale.

Your respondents admit all of the allegations contained in the bill of the complainants and join in the prayer of the complainants.

And these respondents deny all fradd combinations or confedracy ;and now having answered the complainants'bill they pray hence to be dismissed with their reasonable costs by them in this behalf expended.

And they will ever pray &c.

Laura Daughtry Wiggins, T.G. Daughtry, Dora Wiggins Freeman, J. Luther Freeman, Gabie Wiggins Wheeler, J.R. Wheeler, Alice Wiggins Branch, J.S. Branch, Eleanor Wiggins Kitterman, J.F. Kitterman, Mollie Wiggins Norfleet, & C.B. Norfleet by E.L. Beale, their attorney.

E. L. Beale, Jr.

Crawford
vs
Wiggins et ale

Report of Special Commissioner

1911 June 12th filed JSM.

To the Honorable Jas.L.McLemore,Judge of the Circuit Court of Southampton County:

The undersigned Special Commissioner appointed by the decree of November the 12th.1910 in the chancery cause of Lankford and Wiggins VS Wiggins et als to make sale of the real estate in the bill and proceedings mentioned,respectfully reports that in pursuance of said decree and after due and sufficient advertisement of the same,he exposed said property to public auction on the premises on Southampton County on the 5th.day of December 1910,at which time and place,your commissioner first offered the standing timber for sale separate from the land,and P.D.Camp bid therefor the sum of $1400,that being the highest bid offered:your commissioner then offered the land separate from the standing timber and I.Q.Wiggins bid therefor $4000,that being the highest bid offered,and then your commissioner offered all of that certain tract or parcel of land lying in Southampton County,Virginia, bounded by the lands of P.D.Camp,Margret Cobb and others containing 465 acres,and being the place upon which the late J.B.Wiggins resided at the time of his death,which included all of the land and timber in the bill and proceedings mentioned,and for this J.F.Kitterman bid the sum of SEVEN THOUSAND AND FIVE HUNDRED DOLLARS,that being the highest bid offered for the said property.

Your Commissioner thinks that the property brought a fair price and recommends that the sale be confirmed.

Respectfully submitted,

Special Commissioner.

Received of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins VS Wiggins et als, the sum of SEVEN HUNDRED AND FIFTY DOLLARS, as payment in full of my share of the real estate of the late J. B. Wiggins, the same being sold under the order of the Circuit Court of Southampton County, Virginia, Given under my hand this 13th day of June, 1911.

J. E. Wiggins, Trustee.
Mrs L B. Wiggins

Interest $13.75

Witness R. H. Beaglie

Received of R.E.L.Watkins,Special Commissioner in the chancery suit of Lankford and Wiggins VS Wiggins et als.,the sum of Seven Hundred and Fifty Dollars,as payment in full of my share of the real estate of J.B.Wiggins,the same being sold under order of the Circuit Court of Southampton County,Virginia,in the above style suit.

Given under my hand this 13th.day of June 1911.

Jackson L. Wiggins
Addie A. Wiggins

INTEREST ~~XXX~~ $13.75

WITNESS Henry F. Fitzhugh

RECEIVED of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins vs. Wiggins et al., the sum of SEVEN HUNDRED AND FIFTY DOLLARS ($750.00), as payment in full of my share of the real estate of the late J. B. Wiggins, the same being sold under order of the Circuit Court of Southampton County, Virginia, in the above style suit.

Given under my hand this 13th day of June, 1911.

Eleanor Silverman
J. F. Kitterman.

Interest, - $13.75.

WITNESS: James E. Vare

Received of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins VS Wiggins et als, the sum of SEVEN HUNDRED AND FIFTY DOLLARS, as payment in full of my share of the real estate of the late J, B. Wiggins, the same being sold under the order of the Circuit Court of Southampton County, Virginia, Given under my hand this 15th day of June, 1911.

J R Wiggins

Grace V. Wiggins

Interest $13.75

Witness _____

RECEIVED of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins vs. Wiggins et al., the sum of SEVEN HUNDRED AND FIFTY DOLLARS ($750.00), as payment in full of my share of the real estate of the late J. B. Wiggins, the same being sold under order of the Circuit Court of Southampton County, Virginia, in the above style suit.

Given under my hand this 13th day of June, 1911.

Mrs. J. B. Wiggins.

John R. Wiggins

Interest, - $13.75.

WITNESS: L. A. Thompson

RECEIVED of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins vs. Wiggins et al., the sum of SEVEN HUNDRED AND FIFTY DOLLARS ($750.00), as payment in full of my share of the real estate of the late J. B. Wiggins, the same being sold under order of the Circuit Court of Southampton County, Virginia, in the above style suit.

Given under my hand this 13th day of June, 1911.

Dora W. Freeman.

J. L. Freeman

Interest, - $13.75.

WITNESS: J. F. Kitterman.

Received of R.E.L.Watkins,Special Commissioner in the chancery suit of Lankford and Wiggins VS Wiggins et als,the sum of Seven Hundred and Fifty Dollars,as payment in full of my share of the real estate of the late J.B.Wiggins,the same being sold under order of the Circuit Court of Southampton County,Virginia.,in the above style suit.

Given under my hand this 13th.day of June 1911.

Alice E. Branch
J. S. Branch

Interest $13.75

WITNESS A. J. Barbour

RECEIVED of R. E. L. Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins vs. Wiggins et al., the sum of SEVEN HUNDRED AND FIFTY DOLLARS ($750.00), as payment in full of my share of the real estate of the late J. B. Wiggins, the same being sold under order of the Circuit Court of Southampton County, Virginia, in the above style suit.

Given under my hand this 13th day of June, 1911.

Mary E. Gorsleet
Chas. B. Newsum

Interest, - $13.75.

WITNESS: J. P. Kitterman

Received of R.E.L.Watkins,Special Commissioner in the Chancery suit of Lankford and Wiggins VS Wiggins et als,the sum of SEVEN HUNDRED AND FIFTY DOLLARS,as payment in full of my share of the real estate of the late J.B.Wiggins,the same being sold under the order of the Circuit Court of Southampton County, Virginia,in the above style suit.

Given under my hand this 13th.day of June 1911.

Laura V. Daughtrey
T. L. Daughtrey

Interest $13.75

Witness Talbot N. Daughtrey

Received of R.E.L.Watkins, Special Commissioner in the Chancery suit of Lankford and Wiggins VS Wiggins et als, the sum of SEVEN HUNDRED AND FIFTY DOLLARS, as payment in full of my share of the real estate of the late J.B.Wiggins, the same being sold under the order of the Circuit Court of Southampton County, Virginia, in the above styled suit.

Given under my hand this 13th day of June 1911.

Effie W Lawrence

W. W. Lawrence

Interest $13.75.

Lankford & Wiggins

VS

Wiggins et als.

REPORT.

Filed this 15 day of

July 1912. J.M.

Lankford and Wiggins

VS

Wiggins et als.

To the Honorable Jas.L.McLemore, Judge of the Circuit Court of Southampton County, Virginia:

The undersigned, your Special Commissioner respectfully reports that he has distributed the funds arising from the sale of the real estate in these proceedings as follows:

To Jasper L.Wiggins $750, with accrued interest of $13.75; to Eleanor Kitterman $750, with accrued interest $13.75; to I.Q.Wiggins $750, with accrued interest $13.75; to Mrs J.R.Wheeler $750, with accrued interest $13.75, to Dora W.Freeman $750 with accrued interest $13.75, to J.E.Wiggins, Trustee for his children, $750, with accrued interest $13.75; to Alice E.Branch $750, with accrued interest $13.75, to Mary V.Norfleet $750 with accrued interest $13.75, to Laura V.Haughtry $750, with accrued interest $13.75, to Effie M.Lankford $750 with accrued interest $13.75, all of which items are supported by proper vouchers herewith filed.

Your Commissioner reports that there is nothing further to be done in this cause.

Respectfully submitted,

H.E.Whitley Special Commissioner.

Lankford et als.

vs. Report of Comm. Story.

Higgins et als.

1916. October 29th. Filed

H B McClenon Clk

E. FRANK STORY
ATTORNEY AT LAW
COURTLAND, VIRGINIA

OFFICE OF E. FRANK STORY, COMMISSIONER

IN CHANCERY FOR THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

Franklin, Va., October 25th, 1910.

TO:

Effie M. Lankford and Mary S. Wiggins
and
Laura Wiggins Daughtry, T. G. Daughtry, Dora Wiggins Freeman, J. Luter Freeman, Gabie Wiggins Wheeler, J. R. Wheeler, Alice Branch, J. S. Branch, Eleanor Kitterman, J. F. Kitterman, Mollie Norfleet, C. B. Norfleet, J. L. Wiggins, Bessie Wiggins, I. Q. Wiggins, Gracie Wiggins, W. H. Lankford, J. Bynum Wiggins, Irwin Quinton Wiggins, Laura M. Wiggins, Raymond Wiggins and Mary Wiggins, the last five infants under 21 years of age, by E. L. Beale, their Guardian ad Litem, and E. L. Beale, Guardian ad Litem.

You are hereby notified that I have fixed upon the 29th day of October, 1910, to take and settle, at my office, the following accounts, to-wit:

(1) Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein:
(2) If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to:
(3) And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their shares, whether the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property, or by the allottment of a part and sale of the residue:
(4) An account of the lands of J. B. Wiggins, deceased, died, seised and possessed with a description of each parcel of land, whether or not there is any lien thereon for delinquent taxes, or otherwise:
(5) Any matter deemed pertinent by the Commissioner, or which any party in interest may require to be so taken, stated and reported to Court:
(6) Whether or not all parties in interest are properly before the Court:

Required to be taken by a decree of the Circuit Court of Southampton County, Virginia, rendered on the 17th day of October, 1910, in a suit in Chancery, depending in the 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.

COMMISSIONER IN CHANCERY.

COMMISSIONER'S OFFICE,

Franklin, Va., October 29th, 1910.

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, VIRGINIA:

COMMISSIONER'S REPORT:

Lankford, et als.
vs.
Wiggins et als.

TO THE HONORABLE JAMES L. McLEMORE, JUDGE OF THE SAID COURT:

The undersigned, E. Frank Story, a Commissioner in Chancery for the Circuit Court of Southampton County, having had referred to him for execution, a decree of your Honor's Court, entered on the 17th day of October, 1910, in the chancery cause, generally styled, Lankford, Effie M. et als. vs. Wiggins et als., duly gave notice of his purpose to proceed with the execution of the said decree on the 29th day of October, 1910, at his office in the town of Franklin, Southampton County, Virginia, in one of the modes prescribed by law, a copy of which said notice is herewith filed as a part of this report;

That pursuant to the directions of the aforesaid decree of October, 17th, 1910, and in conformity with the said notice, your said Commissioner, on the 29th day of October, 1910, at his office in the town of Franklin, Virginia, attended at the time and place so appointed, and after having the depositions of W. W. Ellis, Jno. L. Eley and W. H. Lankford, taken before Ruth M. Owens, a notary public, in and for the County of Southampton, which said depositions are herewith filed, as a part of this report, your Commissioner begs leave to submit the following:

(1) The real estate in the bill and proceedings cannot be conveniently divided in kind among the parties in interest, without materially damaging its value:

(2) Your Commissioner is advised that no party in interest

desires to take the entire subject matter, and pay to the other parties in interest such sums of money as they may be entitled to:

(3) It is the opinion of your Commissioner that it will be to the interest of all of the parties that the real estate in question be sold, and the proceeds divided, according to their respective rights:

(4) The bill of the complainants sets forth in detail, and correctly the real estate of which J. B. Wiggins died seised and possessed, so far as your Commissioner is advised, or can ascertain.

Your Commissioner finds no liens of record binding the said real estate for delinquent taxes, or otherwise:

(5) No inquiry has arisen as to this:

(6) So far as your Commissioner is advised, or can ascertain, all parties in interest are properly before the Court.

Your Commissioner would state specially, that the fee-simple value of this property is about $7000.00, and the annual value thereof about $400.00.

Respectfully submitted,

COMMISSIONER IN CHANCERY

COMMISSIONER'S FEE $10.00:

The depositions of W. W. Ellis and others, taken before me, Ruth M. Owens, a notary public in and for the County of Southampton, in the State of Virginia, pursuant to notice issued by E. Frank Story, a Commissioner in Chancery for the Circuit Court of Southampton County, Virginia, to be used by the said Commissioner in Chancery for the purpose of assisting him in framing a report in a certain suit in Equity, now pending in the said Court, generally styled, Lankford, Effie W. and Wiggins, M. S. vs. Wiggins et als.

Witness W. W. Ellis, being first duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation, and do you know the parties to this suit.

A. W. W. Ellis, 49 years old, reside in Southampton County, farmer, and I know the parties to the suit.

Q. Are you familiar with the land in the suit mentioned, known as the Jno. B. Wiggins place.

A. Yes.

Q. There are, as you know, a widow and ten children who are the legal heirs of Jno. B. Wiggins, state please whether in your opinion, this land could be equally divided among the heirs.

A. No, it could not.

Q. What, in your opinion, would be a fair cash value for this tract of land.

A. $7000.00.

Q. And further this deponent saith not.

W. W. Ellis

Witness Jno. L. Eley, being duly sworn, deposes as follows:

Q. State your name, age, residence, occupation and do you know the parties to this suit.

A. Jno. L. Eley, age 30 years, reside in Southampton County, near

Franklin, Virginia, farmer, and know the parties to the suit.

Q. State please whether or not you are familiar with the land known as the Jno. B. Wiggins farm, situated in Franklin Magisterial District, Southampton County, Virginia,

A. Yes, I have known it all my life.

Q. What in your opinion is a fair cash value for this farm.

A. I should say about $7000.00.

Q. Knowing as you do, that there are ten children and a widow who are the legal and proper heirs of Jno. B. Wiggins, could this land, in your opinion, he equally divided among the heirs, in kind.

A. I do not think this could be done satisfactorily.

And further this deponent saith not.

John T. Eley

Witness W. H. Lankford, being first duly sworn, deposes and says:

Q. State your name, age, residence, occupation and do you know the parties to the suit.

A. W. H. Lankford, age 37 years, reside in Franklin, Virginia, merchant, and know the parties to the cause.

Q. Are you familiar with the Jno. B. Wiggins tract of land lying in Southampton County.

A. Yes, I know it well.

Q. What in your opinion, is a fair rental value per annum for this farm.

A. $400.00.

Q. What in your opinion, is the fee-simple value, including the timber.

A. $7000=00.

And further this deponent saith not.

W. H. Lankford

STATE OF VIRGINIA, (
(to-wit:
Southampton County, (

I, Ruth M. Owens, a notary public in and for the county aforesaid, in the State of Virginia, do hereby certify that the foregoing depositions were this day duly taken, reduced to writing, and signed by the witnesses, respectively, before me, pursuant to the annexed notice of E. Frank Story, Commissioner in Chancery.

Given under my hand this 29th day of October, 1910.

Ruth M. Owens

NOTARY PUBLIC

C. B. Norfleet

I hereby accept
legal service of the
foregoing Summons

Sept 22/10.

C B Norfleet

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins, Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, Jno Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, MaryE. Wiggins, the last five named being infants undet twenty one years of age, by E. L. Beale, their guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H B McLemore C. C.

Mary Higgins Norfleet

I hereby accept legal
service of the within
Summons.
Sept. 22/10.

Mary H. Norfleet

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtyy, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins, Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L Wiggins, Bessie Wiggins, W. H. Lankford, Jno Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, MaryE. Wiggins,, the last five named being infants undet twenty one years of age, by E. L. Beale, their guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

Eleanor Higgins Kittrell

I hereby accept legal service of this Summons.

Sept. 17th/10

Eleanor Higgins Kittrell

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas B S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins,, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H B McLemore C. C.

Bessie Higgins

I hereby accept
legal service of
the within Summons

Sept. 22/10

Bessie Higgins.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins, Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named, being infants under twenty one years of age, by E. L. Beale their guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

Dora Wiggins Freeman

I hereby accept legal
service of the within
Summons.
Sept. 12/10.

Dora Wiggins Freeman.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon ~~A. I. Q. Wiggins, Gracie Wiggins,~~ Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale, their guardian 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 ~~October~~ ~~1910~~ ~~.....~~ to answer a Bill in Chancery exhibited against ~~them~~ ~~.....~~ in our said Court by ~~.....~~

Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September ~~.....~~, 19 10, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins,, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H.B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon ~~I. Q. Wiggins, Gracie Wiggins,~~ Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named, being infants under twenty one years of age, by E. L. Beale, their Guardian 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 ~~October 1910~~ to answer a Bill in Chancery exhibited against ~~them~~ in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, ~~B. F.~~ H. B. McLEMORE, Clerk of our said Court, at the Courthouse this ~~20th~~ day of ~~September~~, 19~~10~~, in the ~~135~~ year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins, Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named, being infants under twenty one years of age, by E. L. Beale their guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford and Mary S. Wiggins,

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

Witness, H. P. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. P. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon Q. I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale, their guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. P. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. P. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas B S. Branch,, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M.Wiggins Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 8 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch,, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H B McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named, being infants under twenty one years of age, by E. L. Beale, their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon L. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet,, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Jitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins,, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants, under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them, in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet,, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Jitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins,, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants, under twenty one years of age, by E. L. Beale their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them, in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H.B. McLemore C. C.

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins, Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale, their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by

Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H. B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

LANKFORD ET ALS,

AGAINST: | Spa in Chcy,

WIGGINS ET ALS

1910- 1st October Rules,

I hereby accept legal service
of the petition Summons

E. L. Beale

Guardian Ad litem for
Jeanette M. Wiggins,
Laura M. Wiggins,
Raymond G. Wiggins
Mary E. Wiggins
Jno. Clyman Wiggins,
Infants under age of
21 years.

1910- 1 Oct Rules
Filed

The Commonwealth of Virginia.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command that you summon I. Q. Wiggins, Gracie Wiggins, Laura Daughtry, T. G. Daughtry, Alice Wiggins, Branch, Jas S. Branch, Dora Wiggins Freeman, J. Luther Freeman, Mary Wiggins Norfleet, C. B. Norfleet, Gabie Wiggins Wheeler, J. R. Wheeler, Eleanor Wiggins Kitterman, J. F. Kitterman, Jasper L. Wiggins, Bessie Wiggins, W. H. Lankford, John Bynum Wiggins, Quinton M. Wiggins, Laura M. Wiggins, Raymond G. Wiggins, Mary E. Wiggins, the last five named being infants under twenty one years of age, by E. L. Beale, their Guardian 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 October 1910 to answer a Bill in Chancery exhibited against them in our said Court by Effie W. Lankford, and Mary S. Wiggins,

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

Witness, H.B. McLEMORE, Clerk of our said Court, at the Courthouse this 20th day of September, 1910, in the 135 year of the Commonwealth.

Teste: H. B. McLemore C. C.

Lawford Effie W. + Wiggins Mary S.
vs 2d Decree
Wiggins et als.

Enter, November 12, 1910.

James L. McShane

ENTERED - C.O.B.

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Clerk's Office, Jan 10 1911
I hereby certify that the foregoing is a true copy of the Decree entered in this cause.
Chief Clerk.

Effie M.Lankford and Mary S.Wiggins,

VS.

Laura Wiggins Daughtry,T.G.Daughtry,Dora Wiggins Freeman,J.Luther Freeman,Gabie Wiggins Wheeler,A.R.Wheeler,Alice Branch,J.S.Branch, Eleanor Kitterman,J.F.Kitterman,Mollie Norfleet,C.B.Norfleet,J.L. Wiggins,Bessie Wiggins,I.Q.Wiggins,Gracie Wiggins,W.H.Lankford, J.Bynum Wiggins,Irwin Quinton Wiggins,Laura M.Wiggins,Raymond Wiggins and Mary Wiggins,the last five infants under 21 years of age by E.L.Beale their guardian adlitem.

This cause came on to be heard this day on the bill of complaint, and on the joint answer of the above named defendants* and the answer of the infant defendants,by E.L.Beale their guardian ad litem,duly assigned at rules,with general replication thereto,and was argued by counsel: the bill taken for confessed as to the other adult defendants.

On consideration whereof the court doth adjudge order and decree, that one of the commissioners of this court,to whom the papers in this cause are referred,take,state and report to court the following enquiries:

(1) whether the real property in the bill mentioned can be conviniently divided in kind between the several parties entitled to share therein.

(2) If the same cannot be conviniently divided in kind,whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

(3)And if the same cannot be conviniently divided in kind,and if no party will take the entire property and pay the others for their shares,whether the interest of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property,or by the alottment of a part and sale of the residue.

(4)An account of the lands of J.B.Wiggins,deceased,died seized and possessed with a description of each parcel of land,whether or not there is any lien thereon for delinquent taxes or otherwise.

(5)Any matter deemed pertinent by the commissioner,or which any party in interest may require to be so taken,stated and reported to court.

(6)Whether or not all parties in interest are properly before the court.

* Laura Wiggins Daughtry, T.G. Daughtry, Dora Wiggins Freeman, J.Luther Freeman, Gabie Wiggins Wheeler, A.R. Wheeler, Alice Branch, J.S. Branch, Eleanor Wiggins Kitterman, J.F. Kitterman, Mollie Wiggins Norfleet & C.B. Norfleet -

And by consent of all parties entered of record in open court, the court doth further adjudge, order and decree that this cause be submitted to the judge of this court for such decisions and decrees in vacation as might be entered therein in term.

Virginia, In Vacation, In the Circuit Court of Southampton County
November 12, 1910.

Effie W.Lankford & Mary S.Wiggins,

VS.

Wiggins et als.

This day this cause came on to be further heard in vacation on the paers formerly read, and upon the report of Commissioner E.Frank Story filed on the 29th.day of October 1910, and on the depositions of witnesses returned with said report, to which report there is no exceptions, and was argued by counsel.:

On consideration whereof, it being clearly shown from said report and the evidence returned therewith, ~~independently from any admissions in the answers~~, that the interest of the infant defendants as well as the interest of the adult defendants and the plaintiffs will be promotted by a sale of the real estate hereinafter mentioned and a division of the proceeds between the parties according to their several rights, and the court being of the opinion that the rights of no person will be violated thereby, the court doth approve and confirm the said report, and doth adjudge, order and decree that R.E.L.Watkins be, and he is hereby appointed a special commissioner after advertising for 20 days by posters in at least three public places in the neighborhood to sell the land in the bill and proceedings mentioned, to wit:

That certain piece, parcel or tract of land of which the late Johns B.Wiggins died seized and possessed, lying, situate and being in Southampton County, Virginia, and containing 465 acres more or less and bounded by the lands of P.D.Camp, Margret Cobb and others, and being the land upon which the said J.B.Wiggins resided at the time of his death.

The said Special commissioner is directed to sell separately the land and the standing timber on the said land separate from the land, down to 10 inches, giving to the purchaser a period of 10 years in which to cut and remove said timber from said land, and to offer the said timber and the said land together, and upon the following terms, to wit: 1/3 Cash, the remainder in two equal installments, carrying interest from date of the sale, with the option to pay all cash and take deed upon confirmation of the sale by the Court. But before the said R.E.L.Watkins shall proceed to act under this decree, he shall execute a bond before the clerk of this court in the penalty of $10.000.00, with security deemed sufficient by the said Clerk, conditioned to faithfully discharge his

duty under this or any future decree entered in this cause.

And the said Commissioner will report to court.

To the Clerk of the

Circuit Court of Southampton County.

James L. McGlamore,

Lunsford v Wiggins

(2)

Wiggins et als. } 3d Deed

Entered this 12th Day
of June 1911.

John L McMoore

ENTERED - C.O.B.

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Lankford and Wiggins

VS

Wiggins et als.

This cause came on this day to be further heard upon the papers formerly read, and the report of the sale made by the commissioner pursuant to decree of November the 12th. 1910, filed June 12. 1911 to which there is no exception, and was argued by counsel: On consideration whereof, the court approving and confirming said report, doth adjudge, order and decree, that upon the compliance with the terms of sale by the purchaser, J. F. Kitterman, the said commissioner shall convey to the said J. F. Kitterman, with Special Warranty, that certain piece, parcel or tract of land lying, situate and being in Southampton County, Virginia, bounded by the lands of P.D. Camp, Margret Cobb and others and containing 465 acres, more or less, and being the same land upon which the late J.B. Wiggins resided at the time of his death.

And the said Commissioner shall report to court.

Langford v Wiggins

Wiggins et ale.

Entered this 10th day

of March 1912.

ENTERED - C.O.B.

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Effie M.Lankford and Mary S.Wiggins,Plaintiffs.

VS

I.Q.Wiggins,Laura Daughtrey,T.F.Daughtrey,Alice C.Wiggins, Jas.S.Branch,Dora Freeman,J.Luther Freeman,Mary Norfleet,C.B. Norfleet,Gabie Wheeler,J.R.Wheeler,Eleanor Kitterman,J.F. Kitterman,Jasper L.Wiggins,Bessie Wiggins,John Bynum Wiggins, Quinton M.Wiggins,Laura M.Wiggins,Raymond G.Wiggins,Mary E.Wiggins,the last five infants under 21 years of age by E.L.Beale their guardian ad litem,and W.H.Lankford,husband of Effie M.Lankford. Defendants.

This cause came on this day to be again heard on the papers formerly read and the report of Special Commissioner E.E.L.Watkins filed on the 18th.day of March 1912,and was argued by counsel:On consideration whereof the court doth order and decree that the said Special Commissioner shall distribute the said funds in his hands as follows:

Pay to the following persons the sum of SEVEN HUNDRED AND FIFTY DOLLARS,I.Q.Wiggins,Laura Daughtrey,Alice C.Branch,Dora W.Free-man,Mary W.Norfleet,Gabie M.Wheeler,Eleanor W.Kitterman, Jasper L.Wiggins,Effie M.Lankford,and to Jno.B.Wiggins as trustee appointed by the Will of the late Jno.B.Wiggins,when he shall appear before the court and qualify himself as such trustee. And the said Commissioner shall report to court.

Lankford and Wiggins

VS Decree.

Wiggins et als.

Enter this 15th.day of July 1912.

James L. Lemons

ENTERED - C.O.B.

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Effie M.Lankford and Mary S.Wiggins,

VS

Laura Wiggins Daughtry,T.G.Daughtry,Dora Wiggins Freeman, J.Luther Freeman,Gabie Wiggins Freeman,J.R.Wheeler,Alice Branch,J.S.Branch,Eleanor Kitterman,J.F.Kitterman,Mollie Norfleet,C.B.Norfleet,J.L.Wiggins,Bessie Wiggins,I.Q.Wiggins, Gracie Wiggins,W.H.Lankford,J.Bynum Wiggins,Irwin Quinton Wiggins, Laura M.Wiggins,Raymond Wiggins and Mary Wiggins,the last five infants under 21 years of age,by E.L.Beale their guardian ad litem.

This cause came on this day to be again heard upon the papers formerly read and the report of Special Commissioner R.E.L. Watkins filed this 15th.day of July 1912,and was argued by counsel: On consideration whereof the court doth adjudge,order and decree, that the said report be confirmed,and there appearing to be nothing further to be done in this suit,it is ordered that the same be removed from the docket.