1931-010
Nansemond Co (Suffolk) Chancery Causes: Cora Wiggins vs Harry Wiggins et al

Ransom, Peebles, Tyree, Pryor, Britt, Riddick, Beale, Knight, Vaughan

Received of John H. Powell, Clerk of Circuit Court of Nansemond, County this 20th day of August, 1931 certificate of policy for $100.00 payable to Molly Wiggins Peebles No. 1804 which was filed with the said Clerk to be by him deliveered to the said payee whenever she presented herself properly identified.

Mollie Wiggins Peebles

Adv. $12.11

Virginia:

... Whaleyville, Va. apr1-30

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, ON THE 8TH DAY OF APRIL, 1931.

Cora Wiggins, Complainant,
vs. In Chancery.

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, Defendants.

The object of this suit is to have partition in one of the modes prescribed by law of a certain tract or parcel of land located in Whaleyville Magisterial District, near Whaleyville, Virginia, containing One Hundred Fifty (150) acres, more or less, of which G. R. Wiggins died, seized and possessed. And it appearing from Affidavit filed according to law that Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree and Hosie Wiggins are not residents of the State of Virginia, it is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court, to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four successive weeks in the Virginian-Pilot, a newspaper circulated in the County of Nansemond, Virginia, no newspaper being prescribed by said Court, this newspaper is hereby directed to publish same. And it is further ordered that a copy of this Order be posted on the front door of the Court House of the said County of Nansemond, Virginia, on or before the next succeeding rule day, and that another copy of the Order be mailed to the Defendants at their last known Post Office addresses, which are given in the Affidavit.

JOHN H. POWELL,
Clerk of the Circuit Court of Nansemond County, Va
Hugh L. Holland,
J. Melvin Lovelace,
Deputy Clerks. ap9,16,23,30

I, W. S. Wilkinson Secretary of the Virginian-Pilot and the Norfolk Landmark, a newspaper published in the City of Norfolk, State of Virginia, do certify that the advertisement hereto annexed of Order of Publication Cora Wiggins vs Harry Wiggins, etals.

has been published in said newspaper on the following dates: April 9-16-23-30

.....19..31.

Given under my hand this 15th. day of May 19 31.

W. S. Wilkinson

Secretary of Virginian-Pilot and Norfolk Landmark.

VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY ON THE DAY OF APRIL, 1931.

Cora Wiggins...../Complainant

V. IN CHANCERY-ORDER OF PUBLICATION

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

The object of this suit is to have partition in one of the modes prescribed by law of a certain tract or parcel of land located in Whaleyville Magisterial District, near Whaleyville, Virginia, containing One Hundred Fifty (150) acres, more or less, of which G. R. Wiggins died, seized and possessed. And it appearing from Affidavit filed according to law that Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree and Hosie Wiggins are not residents of the State of Virginia, it is ordered that they appear within ten (10) days after due publication of this Order in the Clerk's Office of our said Court, to do what is necessary to protect their interests. It is further ordered that this Order be published once a week for four successive weeks in the Virginian Pilot, a newspaper circulated in the County of Nansemond, Virginia, no newspaper being prescribed by said Court, this newspaper is hereby directed to publish same. And it is further ordered that a copy of this Order be posted on the front door of the Court House of the said County of Nansemond, Virginia, on or before the next succeeding rule day, and that another copy of the Order be mailed to the Defendants at their last known Post Office addresses, which are given in the Affidavit.

Hugh L. Holland
J. Melvin Lovelace
p.q.

John H. Powell
Clerk of the Circuit Court of Nansemond County, Virginia.

Cora Wiggins.....Complainant

V. IN CHANCERY

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendant

ORDER OF PUBLICATION

Filed this 8th. day of April 1931.
John H Powell-clerk.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

Cora Wiggins.....Complainant

V. Affidavit and Application for Order of Publication.

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

To the Clerk of the above styled Court:

The object of this suit is to have partition in one of the modes prescribed by law of a certain tract or parcel of land located in Whaleyville Magisterial District, of which the late G. R. Wiggins died, seized and possessed.

In conformity with the law in such cases made and provided and as Counsel for the Complainant in this cause, I hereby make application for Order of Publication against the Defendants, Flora Wiggins Ransom, 2030 Catherine Street, Philadelphia, Pennsylvania, Mollie Wiggins Peebles, 2030 Catherine Street, Philadelphia, Pennsylvania, Sarah Wiggins Tyree, 2030 Catherine Street, Philadelphia, Pennsylvania, and Hosie Wiggins, 902 B. Street, Lackawanna, New York. Said Defendants are not residents of the State of Virginia and their last known Post Office addresses are as given above. I direct the Clerk to make a certified copy of said Order of Publication when entered, and mail to said Defendants to the addresses given herein and to certify to the mailing of the same as required by the Statute in such cases made and provided.

J. Melvin Lovelace
Counsel for Complainant.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

I, Cora Wiggins, being duly sworn do make oath and say that the above mentioned Defendants, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree and Hosie Wiggins are not residents of the State of Virginia, and their last known addresses are given above.

Cora Wiggins
Complainant

Subscribed and sworn to before me, the undersigned Notary Public in my city aforesaid, in the State of Virginia, by Cora Wiggins, this 4th day of April, 1931.

Mabel Lakeman
Notary Public

My commission expires:

April 26, 1934.

Cora Wiggins.....Complainant

V. AFFIDAVIT & APPLICATION FOR ORDER OF PUBLICATION

Harry Wiggins, Flora Wiggins Ransom, et als.....Defendants

Filed this 8th. day April 1931.
John H. Powell Clerk.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

Cora Wiggins Pltff.
vs.
Harry Wiggins et als Df't
} In Chancery

I hereby certify that on the 9th day of April 1931 I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered, and I further certify that I have mailed a copy of same to the last known address of the defendants.

Given under my hand this 9th day of April 1931

John H. Powell, Clerk.

By _____, Deputy Clerk.

Filed April 9, 1931
John H. Powell Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. MEMORANDUM

Harry Wiggins, Flora Wiggins Ransom,
Mollie Wiggins Peebles, Sarah Wiggins
Tyree, Hosie Wiggins, Curtis Wiggins,
Esther Wiggins Pryor, Rudolph Wiggins and
Virnest Wiggins.....Defendants

Please issue summons against the Defendants for Complainant to second April (1931) Rules in Chancery. The addresses of the Defendants are as follows:

Harry Wiggins, 733 Gosport Road, Portsmouth, Virginia.
Flora Wiggins Ransom, 2030 Catherine St., Philadelphia, Pa.
Mollie Wiggins Peebles, 2030 Catherine Street, Philadelphia, Pa.
Sarah Wiggins Tyree, 2030 Catherine Street, Philadelphia, Pa.
Hosie Wiggins, 902 B. Street, Lackawanna, New York.
Curtis Wiggins, 750-20th Street, Newports News, Virginia.
Esther Wiggins Pryor, 750-20th St., Newport News, Virginia.
Rudolph Wiggins, R. F. D. #2, Box 68, Whaleyville, Va.
Virnest Wiggins, R. F. D. #2, Box 68, Whaleyville, Va.

J. Melvin Lovelace p.q.
Hugh A. Holland,

Cora Wiggins.....Complainant

V. MEMORANDUM

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants.

Filed 8th. day of
April 1931.
John A. Powell Clerk.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

We Command You, That you summon Harry Wiggins, Flora Wiggins Ransom Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 19 31, to answer a bill in chancery, exhibited against them in our said Court by Cora Wiggins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 1931, and in the 155th year of the Commonwealth.

John H. Powell - Clerk

Form No. 300

Original

vs. } SUBPOENA IN CHANCERY

....., p.q.

To.....Rules,

.....Circuit Court.

Executed on the 13 day of April 1931, within the County of Nansemond, State of Virginia, by delivering a true copy of the within summons ~~notice~~, in writing, to Rudolph Wiggins and Vinnent Wiggins each in person.

E B Rawles
Sheriff of Nansemond County

By J C Saylor
Deputy Sheriff of Nansemond County

Fee paid

Everett Waddey Co., Stationers and Printers, Richmond, Va. | Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the ~~Sheriff of the County~~ Sergeant of the City of Newport News, *Greeting:*

WE COMMAND YOU, That you summon Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosei Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 1931, to answer a bill in chancery, exhibited against them in our said Court by Cora Wiggins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 1931, and in the 155th year of the Commonwealth.

John H. Powell Clerk

Executed the 10th day of April 1931, in the city of Newport News, Virginia, by delivering a true copy of the within summons to Esther Wiggins Pryor, in person.

Further executed the 11th day of April 1931, in the city of Newport News Virginia, by delivering a true copy of the within summons to Curtis Wiggins, in person.

C. C. Curtis

City Sergeant for the city of Newport News, Virginia.

By P. M. Hall
Deputy Sergeant

Form No. 300

Original

Coral Wiggins

vs. } SUBPOENA IN CHANCERY

Harry Wiggins et al

, p.q.

To Second April Rules,

Chancery Circuit Court.

Sq 5 Fee $1.00 Dr

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

Sergeant of the City of Portsmouth,

To the ~~Sheriff of the County of~~ Nansemond, *Greeting:*

WE COMMAND YOU, That you summon Harry Wiggins, Flora Wiggins Ransom Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pyror, Rudolph Wiggins and Virnest Wiggins

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 1931, to answer a bill in chancery, exhibited against them in our said Court by Cora Wiggins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 1931, and in the 155th year of the Commonwealth.

John Henry Powell-clerk

Executed in the City of Portsmouth, Virginia, this the 10th day of April 1931 by calling at the usual place of abode of Harry Wiggins and not finding him there or any other person upon whom service could be made I left a copy of the within Summons posted upon the front door of the usual place of abode of the said Harry Wiggins - at 733 Bay St Norfolk City, Va.

by J. T. Faulk, Deputy S.

Form No. 300

Original

Carol Wiggins

vs. } SUBPOENA IN CHANCERY

Harry Wiggins et als

....., *p.q.*

To the Second April Rules,

Nansemond County Circuit Court.

J. T. Faulk.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

We Command You, That you summon Mary Higgins, Flora Higgins Benson, Mollie Higgins Peebles, Sarah Higgins Tyree, Rosie Higgins, Curtis Higgins, Esther Higgins Dyer, Rudolph Higgins and Virnent Higgins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 19 31, to answer a bill in chancery, exhibited against them in our said Court by Cora Higgins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 19 31, and in the 156th year of the Commonwealth.

John H. Powell - Clerk

4/13/31

Flora Wiggins Ransom not found in Nansemond county Va

E B Rawles Sheriff

By J C Taylor D.Sheriff

Form No. 300

Copy for Flora Wiggins Ransom,

2030, Catherine St.,
Philadelphia, Pa.

vs. } SUBPOENA IN CHANCERY

....., *p.q.*

To .....*Rules,*

.....*Circuit Court.*

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

We Command You, That you summon Harry Wiggins, Flora Wiggins Ransom Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 19 31, to answer a bill in chancery, exhibited against them in our said Court by Cora Wiggins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 19 31, and in the 155th year of the Commonwealth.

John H. Powell Clerk.

4/13/31

Sarah Wiggins Tyree
not found in the
County of Nansemond &c

E. B. Rawles Sheriff
By J C Taylor Deputy

Form No. 300

Copy for Sarah Wiggins Tyree

2030 ~~Catherine~~ St.,
Philadelphia, Pa.

vs. } SUBPOENA IN CHANCERY

....., *p.q.*

To.....*Rules,*

.....*Circuit Court.*

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

WE COMMAND YOU, That you summon Harry Wiggins, Flora Wiggins Ransom Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Varnest Wiggins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 1931, to answer a bill in chancery, exhibited against them in our said Court by Cora Wiggins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 1931, and in the 155th year of the Commonwealth.

John H. Powell - Clerk

4/13/31

Hosier Wiggins not found in Nansemond County Va

E B Rawles Sheriff
By J C Taylor Deputy

Form No. 300

Copy for Hosie Wiggins
902 B. Street, Lackawanna, New York.

vs. } SUBPOENA IN CHANCERY

....., *p.q.*

To .....*Rules,*

.....*Circuit Court.*

Everett Waddey Co., Stationers and Printers, Richmond, Va. | Form No. 300. Code 1919, Sec. 6061

The Commonwealth of Virginia,

To the Sheriff of the County of Nansemond, *Greeting:*

We Command You, That you summon Harry Higgins, Flora Higgins Ransom Mollie Higgins Peebles, Sarah Higgins Tyree, Hosie Higgins, Curtis Higgins, Esther Higgins Dryor, Rudolph Higgins and Virnest Higgins.

to appear at the Clerk's office of the Circuit Court of the County of Nansemond at the rules to be held for the said Court on the third Monday in April, 19 31, to answer a bill in chancery, exhibited against them in our said Court by

Cora Higgins

And have then there this writ. Witness John H. Powell, Clerk of our said Court, at the court-house, the 9th day of April, 19 31, and in the 155th year of the Commonwealth.

John H. Powell - Clerk.

4/13/31

Mollie Wiggins not
Faund in Nansemond
County Va

E B Rawles Sheriff
By J C Taylor Deputy

Form No. 300

Copy for Mollie Wiggins Peebles
2030 Catherine St.,
Philadelphia, Pa.

vs. } SUBPOENA IN CHANCERY

....., *p.q.*

To .....*Rules,*

.....*Circuit Court.*

Everett Waddey Co. Stationers and Printers Richmond, Va. } Form No. 309—Special Commissioner's Bond. Va. Code 1919—Sec. 6266

Know all Men by these Presents, That we J. Melvin Lovelace and Hugh L. Holland are held and firmly bound unto the Commonwealth of Virginia in the sum of Five hundred and no/100 Dollars to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation.

Sealed with our seals, and dated this 7th day of July, one thousand nine hundred and thirty one.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound J. Melvin Lovelace shall faithfully discharge his duties as Special Commissioner, under decree of the Circuit Court of the County of Nansemond pronounced on the 3rd day of July, 1931; in the suit therein depending under the name and style of Cora Wiggins v. Harry Wiggins, Flora Wiggins Ransone et als and shall account for and pay over, as the Court may direct, all money that may come into his hands as such Commissioner and faithfully discharge his duties hereunder then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. Melvin Lovelace [SEAL]

Hugh L. Holland [SEAL]

[SEAL]

In the Clerk's Office of the Circuit Court of the County of Nansemond

This day Hugh L. Holland

surety on the above bond, made oath before me John H. Powell, Clerk of the Circuit Court of the County of Nansemond that his estate, after the payment of all his just debts and those for which he is bound as security for others and expect to have to pay worth the sum of Five hundred dollars.

Given under my hand, this 7th day of July 1931

John H. Powell Clerk.

Form No. 309.

J. Melugin Loveland
and
Hugh L. Holland

to } SPECIAL COMMISSIONER'S BOND

Commonwealth

Official Bond Book
No 4 Page 50

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. REPORT OF SPECIAL COMMISSIONER

Harry Wiggins, Flora Wiggins,
Mollie Wiggins Peebles, Sarah Wiggins Tyre,
Hosie Wiggins, Curtis Wiggins, Esther
Wiggins Pryor, Rudolph Wiggins and Virnest
Wiggins.....Defendants

Your Commissioner, J. Melvin Lovelace, respectfully reports unto the Court as follows:

That pursuant to a Decree entered in this cause on the 3rd day of July, 1931, your Commissioner executed the Bond required by said Decree and upon the payment to him of the sum of Four Hundred ($400.00) Dollars, by Cora Wiggins, for the shares of Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, in and to the tract of land mentioned in the Bill of Complaint filed herein, which amount the Court deemed adequate for the above mentioned shares, he conveyed the interests of the said Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins in and to the tract or parcel of land mentioned in said Bill of Complaint, to the said Cora Wiggins, with SPECIAL WARRANTY, whereupon your Commissioner proceeded to pay out the said $400.00 as directed to do in Decree entered on the 14th day of July, 1931, taking vouchers therefor as follows:

Received for bid from Cora Wiggins.....		$ 400.00
To Esther Wiggins Pryor, for her distributive share.....	100.00	
To Rudolph Wiggins, for his distributive share	100.00	
To Virnest Wiggins, for his distributive share	100.00	
To Share of Mollie Wiggins Peebles which is deposited in the National Bank of Suffolk to the credit of Mollie Wiggins Peebles, as directed by Decree entered herein on July 14, 1931.....	100.00	
	$ 400.00	$ 400.00

Certificate # 1804 deposited with Clerk of Circuit Court of Nansemond Co. Va. this 18th day of July 1931

Received certificate #1804 — John N. Pairfield - clerk

Your Special Commissioner further represents that Cora Wiggins has paid all the costs in this proceeding, as follows:

To J. Melvin Lovelace, Special Commissioner, 5% commissions on $400.00	$ 20.00
[redacted]	[redacted]
To J. Melvin Lovelace, fee for drawing Special Commissioner's Deed	10.00
To E. Roland Custis, Guardian ad litem for infant Defendants, per receipt filed herewith	5.00
To William M. Birdsong, Commissioner in Chancery, per receipt filed herewith	20.00
To John Henry Powell, Clerk of the Circuit Court of Nansemond County, Virginia, costs, per receipt filed herewith	14.50
To Virginian & Pilot Publishing Company, for notice to non-resident Defendants, per receipt filed herewith	12.11

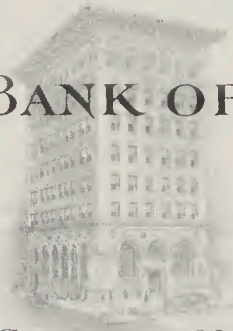
Your Commissioner further reports that after paying out the aforesaid amount pursuant to the aforesaid decretal Order there remains in your Special Commissioner's hands no funds or property of any nature whatsoever as a result of this cause, all funds having been paid out by your Special Commissioner by order of this Court.

There being no other funds remaining in your Special Commissioner's hands and no other funds to come in as a result of this cause, your Special Commissioner prays that he may be discharged from further duties and liabilities as such in this cause.

Respectfully submitted,

J. Melvin Lovelace
Special Commissioner.

NATIONAL BANK OF SUFFOLK



JAMES L. McLEMORE, PRESIDENT
A. WOOLFORD, VICE PRESIDENT.
H. T. JACKSON, CASHIER.
C. E. HARGRAVE, ASS'T CASHIER
J. A. VINCENT, ASS'T CASHIER

CAPITAL AND SURPLUS
OVER
$650,000.00

SUFFOLK, VA.

July 18th 1931

Mr. J. Melvin Lovelace, has this day Deposited 100.00 to the credit of Mollie Wiggins Peebles, as evidenced by our Certificate of Deposit # 1804, Payable to her order.

H. T. Jackson
Cashier

Received of J. Melvin Lovelace, Special Commissioner, the sum of One Hundred ($100.00) Dollars, as my distributive share of the proceed of the sale of real estate mentioned in the bill of complaint filed in the chancery cause of Cora Wiggins vs. Harry Wiggins, Flora Wiggins Ransom et als.

Dated at Suffolk Virginia, this 10th day of July 1931.

Estes Wiggins Pryor

Received of J. Melvin Lovelace, Special Commissioner, the sum of One Hundred ($100.00) Dollars, as my distributive share of the proceeds of the sale of real estate mentioned in the bill of complaint filed in the chancery cause of Cora Wiggins vs. Harry Wiggins, Flora Wiggins Ransom,et als.

Dated at Suffolk Virginia, this 10th day of July 1931.

Rosa Cora Wiggins

Received of J. Melvin Lovelace, Special Commissioner, the sum of One Hundred ($100.00) Dollars, as my distributive share of the proceeds of the sale of real estate mentioned in the bill of complaint filed in the chancery cause of Cora Wiggins vs. Harry Wiggins, Flora Wiggins Ransom et als.

Dated at Suffolk, Virginia this 10th day of July, 1931

Vennest Wiggins

Cora Wiggins Folder

Received of Cora Wiggins payment of Five ($5.00) Dollars for my fee as Guardian ad litem for infant defendants in Chancery suit of Cora Wiggins against Harry Wiggins and others, which Chancery suit is pending in the Circuit Court of Nansemond County, Virginia.

Dated this 11th day of July, 1931

E. Roland Austin

Cora Wiggins Folder

Received of Cora Wiggins payment of the sum of Twenty ($20.00) Dollars to cover my fee as Commissioner in Chancery in the Chancery suit of Cora Wiggins against Harry Wiggins and others, which Chancery suit is pending in the Circuit Court of Nansemond County, Virginia.

Dated this 11th day of July, 1931.

William M. Bird

Suffolk, Va
July 13, 1931

Cora Wiggins & Others

Holland & Lovelace ..... p. q.

Copy of Costs
Taxed in the Suit of:

John Henry Powell Clerk

Wiggins

vs.

Wiggins

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax	1 50
Clerk	10 00
Sheriff	3 00
Attorney	15 00
Commissioner	29 50
Printer, for Order of Publication, etc.	
Deposit	12 00
	17, 50
Bal	11 00
	2 50

Date of Judgment or Final Decree Decree Entered July 1st 192

Paid July 31 192

John H Powell Clerk

Folio [redacted]

193 1

From

TO

April 9-16-23-30

Norfolk, Va., May 15th. [redacted] *193* 1.

M Hugh L. Holland

Suffolk, Va.

To Virginian and Pilot Publishing Company, Dr.

ADVERTISING Wiggins vs Wiggins		
4¾ Inches 4 Times		12.11

Please Receipt and Return

Please remit to
Virginian & Pilot Publishing Co.
P. O. Box 347 Suffolk, Va.

Thank you

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.

Per B. M. B.

Cora Wiggins.....Complainant

V. REPORT OF SPECIAL COMMISSIONER

Harry Wiggins, Flora Wiggins et als.....
.....Defendants

Filed this 18th
day of July 1931.
John A. Powell-Clerk

J. MELVIN LOVELACE
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:
IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cora Wiggins.....Complainant

V... Order

Harry Wiggins, Flora Wiggins Ransom,
Mollie Wiggins Peebles, Sarah Wiggins Tyre,
Hosie Wiggins, Curtis Wiggins, Esther Wiggins
Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants.

This cause came on this day to be again heard upon the papers formerly read and upon the petition of J.Melvin Lovelace, Special Commissioner, (This day filed) so appointed in this cause by decree dated July 3rd., 1931; and was argued by Counsel.

On consideration whereof and it appearing to the Court that Mollie Wiggins Peebles, who has been properly proceeded against, has refused to accept her share of the purchase price of the real estate mentioned in the Bill of Complaint, and that Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, infants, are old enough to manage their own affairs, it is therefore ordered and decreed that J.Melvin Lovelace, Special Commissioner deposit in the National Bank of Suffolk, the sum of One Hundred ($100.00)Dollars, to the credit of Mollie Wiggins Peebles, and ~~to~~ pay direct to Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins the sum of One Hundred ($100.00) Dollars, each and to accept their own receipt for same; and said Special Commissioner will make further report to Court of his action under this decree .

Cora Wiggins.....Complainant

v Order

Harry Wiggins, Flora Wiggins Ransom et als.....Defendants

Enter this 14 day of July 1931

Jas. L. McSmoot
Judge

See Chancery Order Book
No. 6
Page 430

J. MELVIN LOVELACE
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cora Wiggins.....Complainant

v Petition

Harry Wiggins, Flora Wiggins Ransom,
Mollie Wiggins Peebles, Sarah Wiggins Tyre,
Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor,
Rudolph Wiggins and Virnest Wiggins.....Defendants

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County.

Your petitioner J.Melvin Lovelace, Special Commissioner, would show unto your Honor that he was, by decree entered in the chancery cause of Cora Wiggins, complainant vs. Harry Wiggins, Flora Wiggins Ransom, et als., on the 3rd. day of July, 1931, appointed Special Commissioner, for the purpose of conveying to Cora Wiggins, the interests of Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, in and to the tract or parcel of land mentioned in the bill of complaint filed in this cause, upon receipt of $400.00, the amount deemed fair and proper, from the said Cora Wiggins. Your petitioner would show further that he now has in hand the said $400.00, and desires to pay out the same. Your petitioner would also show unto your Honor that Mollie Wiggins Peebles, one of the defendants in this cause has been proceed against in proper manner; that the said Mollie Wiggins Peebles, has refused to accept the sum of $100.00; that the other named defendants, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, are infants, all over the age of 17 years, old enough to manage their own affairs.

THEREFORE, your petitioner prays that he be allowed to deposit in the National Bank of Suffolk, Suffolk, Virginia, the sum of One Hundred Dollars, to the credit of Mollie Wiggins Peebles, and to pay to each of the other named defendants, to-wit, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the sum of One Hundred Dollars each, taking from them their own personal receipts.

Respectfully,

J.Melvin Lovelace Special Commissioner
Petitioner.

Cora Wiggins.....Complainant

v Petition

Harry Wiggins, Flora Wiggins Ransom et als.....Defendants

Filed this // day of July 1931

J. L. M.

J. MELVIN LOVELACE
ATTORNEY AT LAW
SUFFOLK. VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyre, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

This cause came on this day to be again heard upon the papers formerly read and upon the depositions of W. F. Knight, J. H. Vaughan and others duly taken on the 5th day of June, 1931, and filed in the Clerk's Office of the Circuit Court of Nansemond County on the 22nd day of June, 1931; and the Report of W. M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, Virginia, filed on the 22nd day of June, 1931; and was argued by Counsel.

On consideration whereof and it being shown to the Court that the parcel of real estate of which G. R. Wiggins died, seized and possessed, situated in Whaleyville Magisterial District, Nansemond County, Virginia, consisting of One Hundred Fifty (150) acres, more or less, mentioned and described in the Bill of Complaint, the partition of which is sought in this cause, is owned in fee simple and undivided shares by the parties to this suit: and it appearing that the Complainant has a clear right to demand partition of said parcel of real estate as prayed in her Bill and it being shown to the satisfaction of the Court that the Complainant, Cora Wiggins, from her Petition filed in this matter, is in a position to buy the undivided interests of Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the last three named being infants; that she offers for the respective shares of these parties the sum of ONE HUNDRED ($100.00) DOLLARS each, which amount is deemed adequate and is acceptable to all the parties and that it is clearly to the advantage of all

parties to the cause that it should be accepted; and in order to carry said sale into effect it is ordered that the said Cora Wiggins deliver to J. Melvin Lovelace the sum of FOUR HUNDRED ($400.00) DOLLARS, who shall thereupon, as Special Commissioner hereby appointed for the purpose, prepare, execute and acknowledge for record and deliver to the said Cora Wiggins a Deed conveying to her with SPECIAL WARRANTY the parcel of real estate described in the Bill of Complaint; and said Special Commissioner will make further report to Court of his action under this Decree.

This decree shall not become effective until the said Special Commissioner shall enter into bond in the penalty of $500, before the Clerk of this Court with approved security and conditioned for the faithful discharge of his duties hereunder.

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins Ransom et als.....Defendants

Enter this 30th day of July, 1931.

Jas. L. McGehee
Judge.

See Chancery Order Book No. 6 Page 427

Counsel consent to this decree —

Esther Wiggins Price, Randolph Wiggins and Clement Wiggins by E. Boland Saunders, Guardian ad Litem

E. Boland Saunders, Guardian ad Litem.

J. MELVIN LOVELACE
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cora Wiggins.....Complainant

v. REPORT OF COMMISSIONER IN CHANCERY

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins, Virnest Wiggins and E. Roland Custis, Guardian ad litem.....Defendants

TO THE HONORABLE JAMES L. McLEMORE, JUDGE:

Pursuant to a decree entered in the above-styled matter on the 19th day of May, 1931, and pursuant to notice attached hereto, the undersigned, on the 5th day of June, 1931, at the office of Holland & Lovelace, in the American Bank & Trust Company, Suffolk, Virginia, proceeded to ascertain the inquiries called for in the aforesaid decree, and reports to the Court as follows:

(1) G. R. Wiggins died intestate on May 25th, 1927, in Nansemond County, Virginia, leaving a certain tract or parcel of land situated in Whaleyville Magisterial District, Nansemond County, Virginia, containing 150 Acres; its fee simple value is between $1,500.00 and $1,650.00; its annual value is between $125.00 and $150.00.

(2) The interests of all parties will be promoted by a sale of the real estate mentioned in the complainant's bill.

(3) G. R. Wiggins died ~~seized and possessed~~ of the following heirs:

Cora Wiggins, widow;
Harry Wiggins, son;
Flora Wiggins Ransom, daughter;
Mollie Wiggins Peebles, "
Sarah Wiggins Tyree, "
Idonia Wiggins Riddick, "
Evalina Wiggins Beale, "
Charlie Wiggins, son;
Robert Wiggins, "
Hosie Wiggins, "
Curtis Wiggins, "
Esther Wiggins Pryor, daughter;
Rudolph Wiggins, son;
Virnest Wiggins, son;

the last three being infants under the age of twenty-one years;

That since the death of the said G. R. Wiggins, Idonia Wiggins Riddick, Evalina W. Beale, Charlie Wiggins and Robert Wiggins, by deed dated the 12th day of November, 1927, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 114, page 358, conveyed all their right, title and interest in the 150 Acre tract of land left by G. R. Wiggins, to Cora Wiggins;

That since the institution of this suit, Harry Wiggins, Flora Wiggins Ransom, Sarah Wiggins Tyree, Hosie Wiggins and Curtis Wiggins, by deeds duly recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, have conveyed all their right, title and interest in the 150 Acre tract of land owned by G. R. Wiggins at his death to Cora Wiggins;

That the heirs to the said property are as follows:

Cora Wiggins, widow, dower interest in all of the property and owns a fee simple interest in nine-thirteenths (9/13) of said property;

Mollie W. Peebles, daughter, owns a one-thirteenth undivided interest, subject to the dower interest of Cora Wiggins;

Esther Wiggins Pryor, daughter, owns a one-thirteenth undivided interest, subject to the dower interest of Cora Wiggins;

Rudolph Wiggins, son, owns a one-thirteenth (1/13) undivided interest, subject to the dower interest of Cora Wiggins;

Virnest Wiggins, son, owns a one-thirteenth (1/13) undivided interest, subject to the dower interest of Cora Wiggins, the last three named children being infants under the age of twenty-one years.

Your Commissioner reports that all parties are properly before the Court.

(4) The real estate ~~names~~ described in the complainant's bill cannot be conveniently partitioned in kind among the parties entitled thereto and will have to be sold for division.

(5) and (6) Cora Wiggins has filed a petition before your Commissioner in which she states that she is willing to pay the sum of $100.00 per share for the interests of Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the last three named being infants under the age of twenty-one years, making a total of $400.00.

Your Commissioner reports that in view of the fact that Cora Wiggins has a dower interest in all of the said property, and that if her offer is accepted it will save the expense of advertising the said property, it appears to be to the interest of all parties that the offer of Cora Wiggins be accepted and that the property be conveyed to her by a

Special Commissioner upon payment of the sum of Four Hundred ($400.00) Dollars.

Respectfully submitted:

Commissioner in Chancery of the
Circuit Court of Nansemond County.

Commissioners fee
$

VIRGINIA: IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Cora Wiggins

v. REPORT OF
COMMISSIONER
IN CHANCERY

Harry Wiggins, et als.

Filed this 22nd.
day of June 1931.
John A. Towill. clerk.

WILLIAM M. BIRDSONG
ATTORNEY AT LAW
SUFFOLK, :- VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

This cause came on this day to be heard upon the Complainant's Bill and exhibits filed therewith; the Answer of the infant Defendants, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins by their Guardian ad Litem, to said Bill; the separate Answer, on oath, in the proper person of E. Roland Custis the said Guardian ad Litem, to said Bill; the adult Defendants failing to answer, plead or demur is taken as confessed as to said adult Defendants; and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to the Court as follows:

1. All the real estate belonging to the late G. R. Wiggins who died intestate, where situated, and what is its fee simple and annual value.

2. Whether the interests of said parties will be promoted by the sale of the real estate mentioned in the Complainant's Bill or any part thereof.

3. Who are the persons entitled to said real estate; what are their respective shares or interests therein; and whether all such persons are properly before the Court in this cause.

4. Whether the said real estate can be conveniently partitioned in kind among the persons entitled thereto in either of the modes prescribed by the Statute.

5. If partition in kind as aforesaid cannot be conveniently made, whether any one of said persons will take the whole of said real estate and pay to the others such sums of money as their interests therein may entitle them to receive.

6. If partition in kind as aforesaid cannot be conveniently made, and no one of said persons will take the whole subject and pay the others for their shares, whether the interests of the persons who are entitled to said real estate will be promoted by a sale of the whole thereof and a distribution of the proceeds among them; or by the allotment of a part and a sale of the residue.

Which said inquires the said Commissioner shall make after first giving notice of the time and place thereof to all parties or their Counsel, and report the same to the Court, along with any matter specially deemed pertinent by himself, or which may be required by any person interested to be so stated.

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants

Enter this 19 day of May, 1931.

James L. McIlmore
Judge.

Chancery Order Book 6 Page 413

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. ORDER

Harry Wiggins, Flora Wiggins Ransom,
Mollie Wiggins Peebles, Sarah Wiggins
Tyree, Hosie Wiggins, Curtis Wiggins,
Esther Wiggins Pryor, Rudolph Wiggins and
Virnest Wiggins.....Defendants

It appearing to the Court that Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, Defendants herein, are infants under the age of twenty-one, on motion of J. Melvin Lovelace, the Court doth appoint E. Roland Custis, a discreet and competent Attorney at Law, as Guardian Ad Litem for such infants.

Cora Wiggins.....Complainant

V. ORDER

Harry Wiggins, Flora Wiggins
Ransom, et als.....Defendants.

Entered this 8th. day
of April, '31
John H. Powell - Clerk.

Chancery Order Book
No. 6 - Page 402.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

This Deed, Made this 7 day of March in the year one thousand nine hundred and Eight between G. R. Wiggins and Cora Wiggins (his wife) of Nansemond County Virginia, parties of the first part, and E. E. Holland - chosen trustee of Suffolk Va, party of the second part—

Witnesseth: That the said parties of the first part do grant unto the said party of the second part, with general warranty, the following property; to wit: All that certain tract or parcel of land in Cypress magesterial destrict Nansamond County Virginia, together with all of its appurtenances, except the standing timber on the said land over ten inches across the stump fifteen inches from the ground which has been previously sold, bounded and described as follows:- Being formerly a part of the W. A. Peele farm near Whaleyville Virginia, and adjoing the lands of W. H. Austins estate, Washington Taylor, W. W. Haslett, and Joseph Gray (formerly W. A. Peeles home farm) and others and the run of the Knuckle Swamp. It being a part of lands conveyed to William Shands by W. A Peele and wife by deed dated Jany 14th 1905 and duly recorded in the Circuit Court Clerks office of the aforesaid County in D.B. 57 Page 96, Same containing one hundred and fifty acres (150) more or less. the said tract of land was conveyed to B.C. Britt from William Shands and wife by deed dated Jany 14th 1905 and duly recorded in Nansemond County Circuit ~~&~~ Court Clerks office in deed book 58 Page 113, and was later sued to the grantors of this deed by the said B.C. Britt

In Trust, to secure to D K Joynes, his heirs or assigns

the payment of the sum of Twelve hundred and twenty six dollars and ninety seven Cents as evidenced by bond of even date with this deed of trust executed by the said G R. Wiggins and Cora Wiggins payable on demand at the rate of six percent, said interest to be paid annually

In the event that default shall be made in the payment of the said debt, principal or any instalment of interest, when due and payable, then the Trustee, on being required so to do by the said D K. Joynes, his executors, administrators or assigns, he shall sell the property hereby conveyed.

And it is covenanted and agreed between the parties aforesaid, that in case of a sale the same shall be made after first advertising the time, place and terms thereof for thirty Days previous to such sale

and upon the following terms, to-wit: for cash as to so much of the proceeds as may be necessary to defray the expenses of executing this trust, including a trustee's commission of five per centum, the fees for drawing and recording this deed, if then unpaid, and to discharge the amount of money then payable upon the said debt; and if there be any residue of said purchase money the same shall be made payable at such time, and secured in such manner, as the said parties of the first part shall executors, administrators or assigns shall prescribe and direct, or in case of their failure to give such directions, at such time and in such manner as the said Trustee shall think fit.

The said parties of the first part convenant to pay all taxes, assessments, dues and charges upon the said property hereby conveyed so long as they or their heirs or assigns shall hold the same; and further covenant and agree to keep the buildings on the property hereby conveyed insured for the full amount of $550 for the further protection of the said D K Joynes or assigns; and in the event of their failure to do so, then the Trustee, or the beneficiary under this deed, may effect or renew such insurance from time to time, so long as the said debt, or any part thereof remains unpaid; and the insurance premiums shall constitute a part of the lien created by this deed, to be paid out of the proceeds of the property, if sold, or to be recoverable by all the remedies in law or equity by which the debt afore said may be recoverable.

If no default shall be made in the payment of the said debt or insurance premium, then, upon the request of the parties of the first part, a good and sufficient deed of release shall be executed to them at their own proper cost and charges.

Witness the following signatures and seals

G. R. Wiggins [SEAL.]

Cora Wiggins [SEAL.]

[SEAL.]

[SEAL.]

STATE OF VIRGINIA.
County of Nansemond } To-wit

I, E Joyner, a Justice of the peace for the county aforesaid, in the State of Virginia, do certify that G R Wiggins and Cora Wiggins whose names are signed to the writing hereunto annexed, bearing date the 2 day of March, 1908, have acknowledged the same before me in my county aforesaid.

Given under my hand this 2 day of March 1908

E Joyner J P.

My term of office expires on the ..... day of ....., 19....

MEMO.—To be acknowledged before a Justice, Notary Public, or Commissioner in Chancery.

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Deed of Trust.

G R Higgins & Wife

To

E E Holland

Trustee for D K Joyner

Admitted to Record this 5th day of

March 1908

Recorded D. B. 63 Page 449

1910. Mch. 2.

Examined and verified.

A. L. Twitty Jr. Clerk.

By ....., D. C.

$122697

Tax	$ 130
Fee	$ 125
Paid	$ 255

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County

the 5th day of March 1908.

This deed was presented, and, with the certificate annexed, admitted to record.

TESTE:

R. R. Smith, Clerk.

By M. M. Maynard, D. C.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. DEPOSITIONS

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyre, Hosie Wiggins, Curtis Wiggins, Ester Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

Pursuant to notice, this matter was heard before Mr. William M. Birdsong, Commissioner in Chancery, at the office of Hugh L. Holland, Attorney at Law, in the American Bank & Trust Company Building, on the 5th day of June, 1931.

APPEARANCES:

J. Melvin Lovelace, Attorney at Law, American Bank & Trust Company, Suffolk, Va. for Complainant.

E. Roland Custis, Attorney at Law, National Bank of Suffolk, Suffolk, Va., Guardian ad Litem for infant Defendants.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Cora Wiggins.....Complainant

v. NOTICE OF TAKING DEPOSITIONS

Harry Wiggins, Flora Wiggins Ransom,
Mollie Wiggins Peebles, Sarah Wiggins Tyree;
Hosie Wiggins, Curtis Wiggins, Esther Wiggins
Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

(Extract from decree entered on the 19th day of May, 1931.)

"On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is directed to inquire and report to the Court as follows:

1. All the real estate belonging to the late G. R. Wiggins who died intestate, where situated, and what is its fee simple and annual value.

2. Whether the interests of said parties will be promoted by the sale of the real estate mentioned in the Complainant's bill or any part thereof.

3. Who are the persons entitled to said real estate; what are their respective shares or interests therein; and whether all such persons are properly before the Court in this cause.

4. Whether the said real estate can be conveniently partitioned in kind among the persons entitled thereto in either of the modes prescribed by the Statute.

5. If partition in kind as aforesaid cannot be conveniently made, whether any one of said persons will take the whole of said real estate and pay to the others such sums of money as their interests therein may entitle them to receive.

6. If partition in kind as aforesaid cannot be conveniently made, and no one of said persons will take the whole subject and pay the others for their shares, whether the interests of the persons who are entitled to said real estate will be promoted by a sale of the whole thereof and a distribution of the proceeds among them; or by the allotment of a part and a sale of the residue.

Which said inquiries the said Commissioner shall make after first giving notice of the time and place thereof to all parties or their counsel, and report the same to the Court, along with any matter specially deeded pertinent by himself, or which may be required by any person interested to be so stated."

Commissioner's Office,
Suffolk, Virginia,
May 20th, 1931.

TO THE PARTIES TO THE ABOVE SUIT:

You will please take notice that on Friday, June 5th, 1931, at 3:30 o'clock, P. M., at the offices of Holland & Lovelace, in the American Bank & Trust Company Building, Suffolk, Virginia, I shall proceed to execute the said decree.

And if the taking of said accounts be not commenced, or, if commenced, be not concluded, on the said date, adjournment will be taken from day to day, at the same place, until the matter is concluded.

William M. Birdsong
Commissioner.

Due, legal and sufficient service of the above notice is hereby acknowledged, this 20th day of May, 1931:

J. Melvin Lovelace
Counsel for Complainant.

J. Melvin Lovelace
Counsel for Defendants.

Esther Wiggins Pryor
Rudolph Wiggins
Vernon Wiggins
} By E. Roland Curtis
Guardian ad Litem.

E. Roland Curtis,
Guardian ad Litem

W. F. KNIGHT, a witness of lawful age being duly sworn deposes and says:

EXAMINATION BY J. MELVIN LOVELACE

Q.-Mr. Knight, what is your position - what place do you hold at the Bank of Whaleyville?

A.-Cashier.

Q.-Do you know Cora Wiggins?

A.-Yes, sir.

Q.-How long have you known her?

A.-Why, certainly as long as twelve or fifteen years.

Q.-Please state whether you are familiar with the property that her husband, G. R. Wiggins, owned at the time of his death.

A.-Yes.

Q.-What would you say is a fair market value for this tract of land?

A.-Why at the present time $1650.00 is the value I would put.

Q.-What would you say is the annual rental value of this property?

A.-Why, possibly $150.00.

Q.-Do you think that this property could be conveniently partitioned in kind among the different children, there being 13 children, and the widow, to any advantage?

A.-Very awkwardly situated for that. I don't see how it could be and leave any value for anybody much.

Q.-You think then that the interest of the persons who are entitled to this real estate would be promoted by a sale of the whole and proceeds of same divided among them, do you not?

A.-Rather than dividing the property itself, yes.

Q.-Do you know whether or not that one tract on which Cora Wiggins is now living is all the property that G. R. Wiggins owned at the time of his death?

A.-All that I ever knew about.

Q.-What is the approximate acreage?

A.-Supposed to be 150 acres.

J. H. VAUGHAN, a witness of lawful age being duly sworn deposes and says:

EXAMINATION BY J. MELVIN LOVELACE:

Q.-Where do you live?

A.-In Whaleyville.

Q.-You are Mail Carrier for Route #2, out of Whaleyville, Virginia, are you not?

A.-Yes.

Q.-Did you know G. R. Wiggins?

A.-Yes, sir.

Q.-Are you familiar with the farm that he owned at the time of his death consisting of approximately 150 acres?

A.-Yes, sir.

Q.-Do you know whether or not he owned any other property other than this one farm at the time of his death?

A.-I don't know that he did. I never heard of any.

Q.-What would you say was the fair market value of this tract of land?

A.-Not much over $1500.00.

Q.-What would you say would be a fair rental value for this property annually?

A.-At this time $125.00 or $135.00 at the most.

Q.-There are thirteen children living who are heirs of G. R. Wiggins and his wife, this being true, would you say that this property could be conveniently divided so that each one of those entitled to this property could get their respective shares out of the land?

A.-It would be a hard job to divide it.

Q.-Do you think their interests would be promoted by a sale of the property and the proceeds divided among the heirs rather than try to divide the land.

A.-Yes, sir.

J. H. Vaughan

CORA WIGGINS, a witness of lawful age being duly sworn deposes and says:

EXAMINATION BY J. MELVIN LOVELACE

Q.-Please state your name, age, residence.

A.-Cora Wiggins, age 55, Whaleyville, Va.

Q.-Are you the widow of G. R. Wiggins, deceased?

A.-Yes.

Q.-Had he been married once before he married you?

A.-Yes.

Q.-How many children were born to him by the first wife?

A.-Three

Q.-What are their names?

A.-Harry Wiggins, Flora Wiggins Ransom, and Mollie Wiggins Peebles.

Q.-They are all of age, or they not?

A.-Yes.

Q.-How many children have you?

A.-Ten living.

Q.-What are their names?

A.-Sarah Wiggins Tyre, Idonia Wiggins Riddick; Evalina Wiggins Beale, Charlie Wiggins, Robert Wiggins, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins, Virnest Wiggins.

Q.-How many are over twenty-one years of age?

A.-All but three.

Q.-What three are they?

A.-Esther Wiggins Pryor, Rudolph Wiggins, and Virnest Wiggins.

Q.-You have bought out some of these heirs interest in this property have you not?

A.-Yes, all of my own children.

Q.-How many interests have you bought out?

A.-Harry Wiggins, Flora Wiggins Ransom, Sarah Wiggins Tyre, Charlie Wiggins, Robert Wiggins, Idonia Wiggins Riddick, Evalina Wiggins Beale, Hosie Wiggins and Curtis Wiggins. Esther Wiggins Pryor give me a Deed too but she was not of age.

Q.-What are you willing to give for the share of Mollie Wiggins Peebles and also the shares of your three infant children, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins?

A.-Well, I think I would be willing to give $100.00 each like the rest of them.

Q.-How long has your husband, G. R. Wiggins, been dead?

A.-He died last May the 25th, 1927.

Q.-How much property did he leave?

A.-He left 150 acres of land.

Q.-Where is this property located?

A.-About a mile and a half from Whaleyville, Va.

Q.-Is it on the main highway?

A.-No, not on no highway.

Q.-How far off of the highway is it located?

A.-About a mile and a half.

Q.-Is there any timber on this property?

A.-Not but very little - been cut off.

Q.-Was the timber cut off before your husband died?

A.-Most of it. I got some for building on the house.

Q.-Has the house on this land been completed?

A.-No, not entirely.

Q.-The original house on this land at the time your husband died has been burned down has it not?

A.-Yes.

Q.-And you built it back?

A.-Yes.

Q.-Who paid for the lumber?

A.-I paid for it.

Q.-Have any of these heirs paid you anything except your own children?

A.-No, not one of them.

Q.-What do you consider the property worth?

A.-Well, I reckon somewhere about $1500.00.

Q.-How many acres of cleared land are there?

A.-About sixty acres cleared.

Q.-Have any of your children died leaving children?

A.-Not any.

Q.-Were there any children by your husband's first wife who have died since he died leaving children?

A.-No, all of them are living.

Q.-Is there anyone who has any interest in this property other than yourself and those thirteen children that you have named?

A.-No, not no-one else.

Q.-Do you think that this property could divided into fourteen parts so that each heir could get their share out of the property?

A.-No, I don't think so.

Q.-What do you think of selling the property and dividing the money among those that are entitled to a share in the property?

A.-I think that would be the best thing to do.

Q.-Is it your wish to file a Petition in this suit asking the Court to allow you to buy the interests of Esther Wiggins Pryor, Virnest Wiggins, Rudolph Wiggins and Mollie Wiggins Peebles?

A.-Yes, sir, I would like to buy their shares.

BY J. MELVIN LOVELACE TO W. M. BIRDSONG, COMMISSIONER:

I am asking that this Petition be filed at this time.

BY COMMISSIONER: Let this Petition be filed and marked "Exhibit A".

Cora Wiggins

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-wit:

I, William M. Birdsong, Commissioner in Chancery for the Circuit Court of Nansemond County, do hereby certify that the foregoing depositions were duly taken, reduced to writing and signed by the parties respectively before me at the place, and time, therein mentioned, pursuant to annexed notice.

In witness whereof I have hereunto set my hand at Suffolk, In Nansemond County, Virginia, on the 5th day of June, 1931.

William M. Birdsong

Commissioner in Chancery of the
Circuit Court of Nansemond County.

Cora Wiggins.....Complainant

V. DEPOSITIONS

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants

Filed this 22nd. day
of June 1931.
John H. Powell. Clerk

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. PETITION

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyre, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

To the Honorable James L. McLemore, Judge of the Circuit Court of Nansemond County:

Your Petitioner would show unto your Honor that she is the wife of the late G. R. Wiggins who died intestate leaving a farm containing one hundred fifty (150) acres, more or less; that the said G. R. Wiggins died leaving thirteen children who are still living at this time; that your Petitioner has bought the interests of nine of these children, leaving four still unsold. Only one of the four, namely, Mollie Wiggins Peebles, is an adult, the other three, namely, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, are infants under the age of twenty-one.

Your Petitioner would further show that the estate left by the said G. R. Wiggins is estimated to be worth, at this time, approximately fifteen hundred or sixteen hundred dollars; that your Petitioner is willing to pay Mollie Wiggins Peebles the sum of One Hundred ($100.00) Dollars for her share; that she is also willing to pay to Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the three infants, One Hundred ($100.00) Dollars each for their shares, which she deems a fair price for their interest in said land.

THEREFORE, your Petitioner prays that this offer be accepted and that your Petitioner be allowed to pay these amounts into Court upon receipt of a good and sufficient Deed from a Special Commissioner appointed by the Court for the purpose of conveying said land, thereby avoiding the necessity of a public sale and the additional costs of advertising the said property.

Respectfully,

CORA WIGGINS

BY J. Melvin Lovelace

Counsel for Petitioner.

Cora Wiggins.....Complainant

V. PETITION

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants.

"Exhibit A"

Filed June 5, 1931
William M. Birdsong
Commissioner

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyre, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

This cause came on this day to be again heard upon the papers formerly read; the Report of J. Melvin Lovelace, Special Commissioner, duly appointed as such by Decree entered herein on the 3rd day of July, 1931, and a further Decree entered herein on July 14th, 1931; the final Report of said Special Commissioner filed herewith, and was argued by Counsel.

It appearing from said final Report that J. Melvin Lovelace, Special Commissioner, having executed the Bond required of him by Decree entered in this cause on July 3, 1931, has conveyed the interests of Mollie Wiggins Peebles, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins in the real estate in the Bill and proceedings mentioned and described, in accordance with the terms of said Decree, to Cora Wiggins for the sum of Four Hundred ($400.00) Dollars, which amount has been paid in cash; and,

It further appearing to the Court that said Special Commissioner has paid out the funds coming into his hands from said sale, according to the terms of the Decree hereinbefore mentioned, as will appear from receipts filed in this cause by said Special Commissioner: The Court doth adjudge, order and confirm the final Report of said Special Commissioner, and the same is hereby declared to be firm and binding. Nothing further remaining to be done in this cause the same is ordered stricken from the docket, and the said Special Commissioner hereby released from any further liability by reason of his Bond. The certificate of deposit #1804 for $100- issued by National Bank of Suffolk and payable to Mollie Wiggins Peebles is directed to be filed with the Clerk of this court to be by him delivered to the payee whenever she presents herself properly identified

Cora Wiggins.....Complainant

V. DECREE

Harry Wiggins, Flora Wiggins Ransom
et als.....Defendants

Enter this 18th day of July, 1931.

Jas. L. McGhmore.
Judge

See Chancery Order
Book No. 6
Page 434

J. MELVIN LOVELACE
ATTORNEY AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. ANSWER

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

The Answer of Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the three infant Defendants, by E. Roland Custis, their Guardian ad Litem, to a Bill in Equity exhibited against said Defendants and others in the Circuit Court of Nansemond County, Virginia, by Cora Wiggins.

These Defendants by their said Guardian ad Litem do answer and say that they are infants of tender years and not able to understand and protect their rights as to the matters alleged in the Bill of Complaint, and whether or not said Complainant has a right to demand a partition of the property mentioned in said Bill of Complaint, they are not advised, neither are they advised as to the proper price said property should bring in case the Court should decree a sale thereof. They do submit their rights and interests to the protection of the Court.

ESTHER WIGGINS PRYOR

RUDOLPH WIGGINS

VIRNEST WIGGINS

BY E. Roland Custis
Guardian ad Litem.

Cora Wiggins.....Complainant

V. ANSWER

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants

1931. May 19. Filed

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY

Cora Wiggins.....Complainant

V. ANSWER

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

The separate Answer of E. Roland Custis, Guardian ad Litem appointed to defend Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins in this suit, in proper person to a Bill of Complaint filed against Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.

This Respondent reserving to himself the benefit of all just exceptions to said Bill of Complaint, for answer thereto, answers and says:

That he is the Guardian ad Litem appointed to defend Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, in this suit; that he knows nothing as to the truth or falsity of the statements in the said Bill of Complaint; that he prays full protection of the Court for Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the said infant Defendants.

And now, having fully answered the Complainant's Bill, this Respondent prays to be hence dismissed with his reasonable cost by him in this behalf expended.

E. Roland Custis
Guardian ad Litem for infant Defendants.

STATE OF VIRGINIA,

City of Suffolk, to-wit:

E. Roland Custis, Guardian ad Litem for Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, the Respondent named in the foregoing Answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

E. Roland Custis
Guardian ad Litem for infant Defendants.

Taken, sworn to and subscribed before me, Mabel Jakeman a Notary Public of and for the City and State aforesaid, in my City aforesaid, this 14th day of May, 1931.

Mabel Jakeman
Notary Public

My commission expires:
April 26, 1934

Cora Wiggins.....Complainant

V. ANSWER

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants

1931. May 19. Filed Jkm.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND

Cora Wiggins.....Complainant

V. BILL OF COMPLAINT

Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins.....Defendants

To the Circuit Court of the County of Nansemond, Virginia:

Your Complainant would respectfully show unto the Court the following:

1. That she is the widow of the late G. R. Wiggins who died intestate leaving the following children: Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins, Virnest Wiggins, Idonia Wiggins Riddick, Evalina Wiggins Beale, Charlie Wiggins and Robert Wiggins.

2. That your Complainant now owns, in addition to her dower right in the real estate left by the said G. R. Wiggins and hereinafter described, in fee simple the interest formerly owned by Idonia Wiggins Riddick, Everlina Wiggins Beale, Charlie Wiggins and Robert Wiggins, as will appear by Deed dated November 12, 1927, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, on November 21, 1927, in Deed Book 114, at page 358; that each of the above-mentioned parties owned a one-thirteenth interest, subject to the dower right of your Complainant, in the real estate hereinafter described, of which the said G. R. Wiggins died, seized and possessed.

3. Your Complainant would further show unto the Court that Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins, each own a one-thirteenth (1/13th) fee simple interest, subject to the Complainant's dower interest, in the hereinafter described property, of which the said G. R. Wiggins died, seized and possessed. Your Complainant, as above stated, owns a dower interest in the entire tract of land hereinafter described and in addition thereto owns a four-thirteenths (4/13th) interest in fee simple in said tract of land.

4. Your Complainant would further show that Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins are infants under the age of twenty-one (21) years and that they each own a one-thirteenth (1/13th) fee simple interest in the tract of land hereinafter described.

5. Your Complainant and the Defendants to this suit are the co-owners in fee simple of the said property hereafter described, and the object of this suit is to procure a partition thereof in some method prescribed by law. Owing to the size of the property and the number of parties interested therein, it is observed that a partition in kind is wholly impossible and no one of the co-owners is willing to take said property, unless it is your Complainant, at its value and pay to the other co-owners the value of their respective shares, and your Complainant doth allege that it is to the advantage and interest of all parties concerned that the property in question be sold as a whole in order to effect a partition and the proceeds of sale be divided by the Court amongst the various parties according to their respective rights in said tract of land. The

said tract of land is described as follows:

All that certain tract, piece or parcel of land, with appurtenances thereon, situate, lying and being in Whaleyville Magisterial District, County of Nansemond, State of Virginia, and bounded by the lands of Willis Austin, W. W. Haslett, and the run of the Knuckle Swamp, containing One Hundred and Fifty (150) acres, more or less, and is the same land which was conveyed to the said G. R. Wiggins by Deed from B. C. Britt, said Deed bearing date on February 3rd, 1920, and duly recorded in the Clerk's Office of Nansemond County, State of Virginia, in Deed Book No. 58, at page 128.

Inasmuch as your Complainant is remediless in the premises save in a Court of Equity where, etc., she prays that the said Harry Wiggins, Flora Wiggins Ransom, Mollie Wiggins Peebles, Sarah Wiggins Tyree, Hosie Wiggins, Curtis Wiggins, Esther Wiggins Pryor, Rudolph Wiggins and Virnest Wiggins may be made parties Defendant to this Bill and be required to answer the same, the infants by a Guardian Ad Litem and the adults in proper person, but answers under oath are hereby expressly waived: That partition of said tract of land may be made and decreed in some manner prescribed by the Statute, preferably by a sale of the whole thereof and a division of the proceeds of sale amongst the owners according to their interests; that all proper accounts and inquiries may be directed and taken; and that your Complainant may receive all such other and further general relief as to equity shall seem meet and the nature of her case may require.

CORA WIGGINS

BY J. Melvin Lovelace
Counsel.

Hugh C. Holland
Counsel

Cora Wiggins.....Complainant

V. BILL OF COMPLAINT

Harry Wiggins, Flora Wiggins
Ransom et als.....Defendants

Filed this 8th. day
of April 1931.
John A. Powell-clerk.

HOLLAND & LOVELACE
ATTORNEYS AT LAW
SUFFOLK, VIRGINIA