

The State of Mississippi Lowndes County - Chancery Court - April Term 1911

John G Witherspoon
vs
Margaret Witherspoon

To the Honorable James F McCool Chancellor of the Sixth Chancery Court District of the State of Mississippi sitting at Columbus in the County of Lowndes. Complainant John G Witherspoon, would respectfully show unto your Honor:

First. That Complainant is a resident of the city of Gallatin, County of Sumner and State of Tennessee and that defendant Margaret Witherspoon a minor of the age of 2^{1/2} years is also a resident of the City of Gallatin, County of Sumner and State of Tennessee.

Second. That on the 2nd day of October AD 1909 Kizzie Hairston Witherspoon departed this life intestate so far as Complainant knows and believes, leaving surviving her as her sole heir at law, her husband (your Complainant) and their daughter, Margaret Witherspoon, a minor (Defendant) who is now in Gallatin Tenn.

Third. That no legal Guardian has been appointed for said minor as the appointment was not deemed necessary until the administrator of her mother's estate should report funds due her.

Fourth. That the said Kizzie Hairston Witherspoon at the time of her death owned and possessed the following described real Estate to-wit. The East Half of South East Quarter Section Twenty Three (23) Range Sixteen (16) Township Seventeen (17) East South half of Section Twenty Four Township Seventeen (17) Range Sixteen (16) East Lot in the South East Quarter of South East Quarter Section Twenty Eight (28) containing Twenty acres - Township Seventeen (17) Range Sixteen (16) East South Half Section Nineteen (19) Township Seventeen (17) Range Sixteen (6) East South West Quarter Section Twenty (20) Township Seventeen (17) Range Seventeen (17) East, North West Quarter and East Half of South West Quarter and part of South West Quarter of South West Quarter Section Twenty Nine (29) Township Seventeen (17) Range Seventeen (17) East, East & Half of North East Quarter and South East quarter of North West Quarter and South East Quarter of South West Quarter Section Thirty (30) Township seventeen (17) Range Seventeen (17) East, West Half of West Half of North East Quarter and part of East Half of East Half of North West Quarter of Section Thirty one (31) Township Seventeen (17) Range Seventeen (17) East South East Quarter of North East Quarter Section Thirty Five (35) Township Seventeen (17) Range Seventeen (2) East, West Half of West Half and West half of South East Quarter of North West Quarter of Section Thirty Six (36) Township Seventeen (17) Range Seventeen (17) East, East Half of North West Quarter Section Twenty (20) Township Seventeen (17) Range Eighteen (18) East, West Half of North West Quarter and East Half of South West Quarter of Section Thirty One (31) Township Seventeen (17) Range Eighteen (18) East all in Lowndes County Mississippi.

Fifth. Complainant further states that upon the death of the said Kizzie Hairston Witherspoon the above-described realty descended and vested in Complainant, the husband and Margaret Witherspoon - they being the sole heirs at law, as tenants in common and that each of them is vested with a one-half interest therein. That Complainant desires said realty **probationed** between himself and daughter - each of them being vested with a one-half interest therein and to that end files this bill. That an equal division in kind between them of said realty can be made. Wherefore premises considered said complainant prays that said minor, Margaret Witherspoon be warned of the pendency of the suit, commanding her to appear and answer at the next (April) Term of this Court by publication as the law directs for a non-resident defendant and that a Guardian ad litem be appointed to properly protect her interest in said court. That upon final hearing Commissioners be appointed as the statutes provide to partition said above described real estate between the parties inherited thereto, that is to say one half thereof to the said John G Witherspoon and one half interest thereof to the said Margaret Witherspoon. Or if your Complainant has not prayed for the proper relief that your Honor will grant unto him such other further and general relief as shall be met and proper and in duty bound will ever pray & c..

John G Witherspoon, By Frank C. Owen his attorney

The State of Mississippi Lowndes County: Personally appeared before me the undersigned authority Frank C. Owen, who after being sworn deposes and say that John G Witherspoon the Complainant in the inherited cause is at present absent from the

State and hence cannot swear to the foregoing Bill, that Complainant has authorized him to file this bill and that the facts mentioned are true as stated and that the Post Office address of Margaret Witherspoon is Gallatin Tenn. *Frank C. Owen*

Subscribed and sworn to before me this the 8th day of March 1911
Filed March 8, 1911,

A. A. Richard (seal)

A. A. Richard (seal)

John G Witherspoon

vs

Margaret Witherspoon

**In the Chancery Court of Lowndes County Mississippi to the October Term AD 1911 for Partition
To the Honorable Chancery Court of Lowndes County**

In pursuance of a decree rendered in the above entitled cause on the 4th day of April AD 1911, we, J. M Ledbetter, Charles Kier and J. B. Brooks Commissioners herein named and appointed, respectfully show and report unto the Court as follows:

In obedience to the provisions and directions of said decree we proceeded on the 30th day of September 1911 to make partition of said property each of us having taken and subscribed to an oath before **R. J. G** Circuit Clerk of Lowndes County Mississippi to honestly, faithfully and impartially make the partition decreed and to perform the duties required of us to the best of our skill, knowledge and judgment which oath is hereto attached. We did not deem it advisable to have a survey made of the lands to be divided as we were familiar with said lands and know the boundaries thereof as well as the character of said lands and its productive capacity. However, we did make a plat of said lands with the field notes specifying the metes and bounds of the several shares and of each parcel of each share which contains more than one share, which plat is hereto attached and marked Exhibit "A" and is a part of this report as fully and completely as if copied herein in words and figures. Your commissioners made partition of the following real property to wit: The East Half of South East Quarter of section Twenty Three (23) Township Seventeen Range Sixteen (16) East South Half of Section Twenty Four (24) Township Seventeen (17) Rudge Sixteen (16) East lot in South East Quarter of South East Quarter of Section Twenty Eight Containing twenty acres Township Seventeen (17) Range Sixteen (16) East South Half Section Nineteen (19) Township Seventeen (12) Range Sixteen (16) East South West Quarter of Section Twenty (20) Township Seventeen (17) Range Seventeen (17) East North West Quarter and East Half of South West Quarter and part of Smith West Quarter of South West Quarter of Section Twenty Nine (29) Township Seventeen (17) Range Seventeen (17) East East Half of North East Quarter and South East Quarter of South West Quarter of Section Thirty (30) Township Seventeen (17) Range Seventeen (17) East West Half of West Half of North East Quarter and part of East Half of East Half of North West Quarter of Section Thirty one (31) Township Seventeen (17) Range Seventeen (17) East South East Quarter of North East Quarter of Section Thirty Five (35) Township Seventeen (17) Range Seventeen (17) East West Half of West Half and West Half of South East Quarre of North West Quarter Section Thirty Six (36) Township Seventeen (7) Range Seventeen (17) East East Half of North West Quarter Section Twenty Two (22) Township Seventeen (17) Range Eighteen (18) East West Half of North West Quarter and East Half of Smith West Quarter of Section Thirty one (31) Township Seventeen (17) Range Eighteen (18) East all in Lowndes County Mississippi and divided into two plots or shares of equal value and numbered the same and as appears on the plat filed herewith as Exhibit "A".

Share One (1) embraces the following property to wit: East half of South East Quarter Section Twenty Three (23) Township Seventeen (17) Range Sixteen (16) East South Half of Section Twenty Four (24) Township Seventeen, (17) Range Sixteen (16) East, South Half of Section Nineteen (19) Township Seventeen (17) Range Seventeen (17) East, also ten acres in South East Quarter of Section Twenty Eight (28) more particularly described as follows: Beginning ten chains due South of the center of section seventy Eight, thence East ten chains, thence South ten chains thence West ten chains to point of beginning in Township Seventeen Range Sixteen East, also two acres in South East Quarter of South East Quarter of Section Twenty Eight Township Seventeen (17) Range Sixteen (16) East more particularly described as follows: 1 lot fronting on main Street in the town of Crawford Mississippi just East of the present residence of Geo Hairston South East Quarter of South West Quarter Section Thirty (30) Township Seventeen (13) Range Seventeen (12) East North Half of East Half of North East Quarter of North West Quarter Section Thirty One (21) Township Seventeen (17) Range Seventeen (17) East North Half of West Staff of North West Quarter of North East Quarter Section Thirty-one (31) Township Seventeen (17) Range Seventeen (17) East all in Lowndes County Mississippi.

Share Two (2) embraces the following property to wit: South West Quarter of Section Twenty (20) Township Seventeen (17) Range Seventeen (17) East, North West Quarter of Section Twenty Nine (29) Township Seventeen (17) Range Seventeen (17) East, East Half of South West Quarter of Section Twenty nine (29) Township Seventeen (17) Range Seventeen (17) East South East Quarter of North East Quarter of Section Thirty Five (35) Township Seventeen (17) Range Seventeen (17) East West Half of Section Thirty six (36) Township Seventeen (17) Range Seventeen (17) East West Half of South East Quarter of North West Quarter Section Thirty Six (36) Township Seventeen (17) Range Seventeen (17) East West Half of North West Quarter Section Thirty one (31) Township Seventeen (17) Range Eighteen (18) East, East Half of South West Quarter Section Thirty One (31) Township Seventeen (17) Range Eighteen (18) East, East Half of North West Quarter Section Twenty Two (22) Township Seventeen (17) Range Eighteen (18) East South & half of a twenty acre tract in the town of Crawford more particularly described as follows: Beginning twenty chains South of the Centre of Section Twenty Eight, thence East ten chains, thence South Ten Chains, thence West Ten Chains thence North ten chains to the point of beginning in Township Seventeen (17) Range Sixteen (16) East, also a certain lot in the town of Crawford Miss Consisting of one and one half acres situated in South East Quarter of South East Quarter Section Twenty Eight Township Seventeen (17) Range Sixteen (16) East, East half of North East Quarter Section Thirty Township Seventeen (13) Range Seventh.

Your commissioners then proceeded on the 30th day of September 1911 in the City of Columbus to publicly number as many tickets as there are shares marked on the plat thereto filed marked Exhibit "A" and to put the tickets into a hat and your commissioners also had written on separate tickets and put into another hat the names of persons entitled to shares and we did and there cause Walker A. Prowell Jr who had been appointed by us for that purpose proceed to draw a ticket from hat containing the name and then a ticket of the numbers, until the whole of the tickets were drawn. The several lots or shares were drawn and allowed to the several heirs as follows: Lot No 1 was drawn and allowed to John Witherspoon Lot No 2r was drawn and allotted to Margaret Witherspoon.

Your commissioners respectfully show that they served as commissioners and are entitled to fees as follows: -

Charles Kier 11 days at \$2.50 per day	\$27.50
J M Ledbetter 11 days at \$2.50 per day	\$27.50
J B Brooks 11 days at \$2.50 per day	\$27.50

And now having fully reported their acts and doings in the premises, your commissioners pray that their report be received the partition of the property made by them ratified and confirmed and they be allowed fees as above set out and they be discharged.

And in duty bound will ever pray. ~~J W Ledbetter, Chas Kier, J B Brooks~~ - Commissioner

The State of Mississippi Lowndes County } This day personally appeared before me R J Gunter Count - And in and for said County and State Charles Kier, J M Ledbetter & J B Brooks who each being duly sworn, say on oath that the matters and things stated in the foregoing report and true, sworn to and subscribed before me the 30th day of September AD 1911. R. J. Gunder
(seal)