

1858-004

Chancery Causes: William J. Latimere, by & c vs John Latimere, Edward Latimere &

Isle of Wight County

James Latimere, by & c

other surnames: Joiner,
Latimer, Joyner

To the Hon. Richard H. Baker Judge of the Circuit Court of
State of Wight County, In Chy. King, humbly complaining sheweth
unto your honor, your Orator William J. Lalinere (an infant who sues
by his next friend William Joiner,) that on the 8th of December 1855, One
Frances W. Lalinere departed this life in the County aforesaid, being
and possessed of a certain real estate, situated in the County of State of
Wight, ^{it} contains about 142 acres, is worth probably \$1500.00, and is
bounded as follows: "by the land of Willis Edwards, William
Chapman, Joseph Parkerson, Henry Turner & Joel Whittings heirs."

The said Frances W. Lalinere died intestate, and left your Orator, W.
J. Lalinere, and John, Edward, & James Lalinere (all minors)
her only children and heirs at law. Your Orator is 17 years of age, the
others are under 14 years of age. And your Orator further states, that the
said Real estate is, as he believes, probably, susceptible of partition among
the parties entitled thereto; but if it be not, then your Orator desires
the same may be sold and the proceeds distributed amongst the
parties, in proportion to their respective interests therein - being equally
entitled ^{that is to say each entitled to one fourth part} thereto. Your Orator further states, that the said Real estate was
purchased, their mother, a short time before her death, and is still
unpaid for, and therefore suggests that the interests of the parties would
be promoted by a sale of the premises, otherwise other property of more
immediate value to them would have to be taken to pay therefor.

In tender consideration whereof, and for as much as your Orator is remedied
in the premises, and by the aid of a Court of Equity, where matters of
the property cognizable, your Orator prays that the said, John, Edward,
& James Lalinere be made parties defendant to this Bill &

^{applied to them &c.}
Required, (by their guardian ad litem) to answer the same
That the said real estate, if advisable, be divided between
the parties aforesaid, entitled thereto, and your orator's portion
allotted to him; and in case the said real estate be indivisible
in kind, that the same be exposed to sale and the proceeds thereof
be distributed among the parties entitled thereto; that proper
process may issue: and that such other, further and general
relief may be afforded your orator as the nature of the case may
require or to Equity shall seem meet. And your orator will ever
pray &c.

Robt. Whitfield

^{Jointly & separately}
The Answer of John, Edward, & James Latimer
By Nathaniel P. Young their guardian ad litem appointed
to defend their interest &c. To a Bill filed against them &c.
by Mr. J. Latimer per Mr. Joiner his next friend. in the Circuit
Court of Isle of Wight County &c.

These respondents, by their said guardian ad litem N. P.
Young, saving & excepting &c. for answer to so much of said
Bill as they are advised it is material for them to answer,
say, that they are entitled to the real estate in the manner
set forth in Complamant's Bill, but as to the relief prayed for
they neither admit or deny the propriety thereof, and they leave
to submit themselves & their interests in the premises to the
protection of this hon. Court. & having answered pray &c.

N. P. Young go^{on} ad litem

Putnam's journal

J.S. Miller & Son

Lalmonchery & Co.

March rules 1836 Bill &
filed. N. P. Young app.
95th ad item to the insts.
his and. filed & rep.

April rules 1836. Set for
hearing.

May 17. 1836. Decree
for partition. O.B.P. 73.

July 5th 1836 rept. filed.
Octo. 1836. Decree for sale p. 86.

May 16th 1837 rept. of Com.
filed.

May 1837. Cond. for rept.
O. B. p. 102.

Octo. 1837 Cond.

May 1838. Decree to collect
dividend O. B. p. 149

Octo. 1838. final decree.
O. B. p. 152.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *John Latimer, Edward Latimer and James Latimer, infant children of Francis W. Latimer decd.*

to appear at the Clerk's Office, of our *Quint* Court for Isle of Wight county, on the first Monday in *March* next, to answer *William L. Latimer* ~~also~~ a bill in chancery filed against them by *William L. Latimer* ~~also~~ *rees* by *William W. Dwyer* of a ~~plea~~ *his net find*.

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *6th* day of *February*, 185*6*, in the *80th* year of the Commonwealth.

N. P. Young

W. J. Latimer V. fa.

v. 3 Quo. in
clay.

Ans. Edwards & Son,

Latimer

To March 22nd,

circ. Ct. 1836.

Whitfield sq.

Encl^d

Wm. H. H.

Latimer Jr. & Co.
v. ^{the} Report.

Latimer's

July 5th 1836. filed

To the Circuit Court of Isle of Wight County.
Pursuant to a decree of the said Court pronounced
on the 17th. day of May 1856, in the suit therein
between William J. Latimer Jr. friend plaintiff
against John Latimer, Edward Latimer and James
Latimer children of Francis W. Latimer decd. defendants.
The undersigned, three of the commissioners appointed by
said decree, having viewed the land in the said
decree mentioned for the purpose of making par-
tition of the said land between the parties, have
come to the conclusion that a partition of the
said land in kind, would be attended with loss
and injury to the parties, and that ~~in~~ sale
thereof would be preferable, for the following
reason, first that the land is a small and
compact tract and would be very much
injured in value by being divided into five
parcels; And secondly, that in our opinion
the money for which the land will sell
will do the children much more good
toward their support & education, than their
respective portions of the land or the small
rent therefrom could possibly do.

We further report that, in our estimation,
the real value of said land is \$1500.00

Given under our hands this 5th day of July
1856.

J. P. Young Com^r
Geo. H. Hall
Miles E. Marshall

To the Hon. Richard H. Baker Judge of the Circuit Court
of Erie of eight Courts.

Respectfully represents, that the undersigned who was appointed
a Commissioner to effect the sale of the Land belonging to the heirs of the
late Frances W. Latimer, ^{and} by a decree pronounced on the 20th October 1856
by the Circuit Court of Erie of eight, in the suit therein depending by William
Latimer who was by William Rogers her next friend J. John, Edward & James Latimer,
after having duly advertised the time and place of sale for more than 30 days
according to the requirements of said decree, did expose to public Auction
at the highest bidder, the tract of Land in the Bill mentioned - at Erie of eight
Court House, on the first Monday ~~January 1857~~ ^{in December 1856} and at the sale so made, James
R. Edwards became the purchaser at the price of \$1220.00 - for which he took
four Bonds each for the sum of three hundred and five dollars - payable severally
to William, John, Edward & James Latimer - which are here with returned
to Court: he also obtained that the said Bonds cover the whole sum in favor of the
purchase money, and therefore ask that an order for the payment of the costs of
the said suit & sale may be entered at the next term - a statement of which was
follows: - ~~Largely before my Commission all of which is voluntarily submitted~~
W. Rogers Comr.

~~Costs of which is voluntarily submitted~~

Statement of Costs.

Comp. .. 28.40

Largely before 20.00

clerk -

Oct: 8th. 1858. Recd. of N. J. Young
Cllk. of Isle of Wight Circuit Court the
four bonds, due respectively to W. J.
Geo. Edward Bonn, Latimer, which
were returned with filed in this
report.

W. W. L. L. L. L.

Apr 15th 1837

Stamm des.

21.
 Answer
 Report of
 Committee
 March.

At a Circuit Court continued & held for Isle of Wight County on the 18th day of May 1854.

William J. Latimer *vs.* friend

Plf

Against

$\frac{3}{3}$ In Chy:

John, Edward, (and James Latimer, infant Children of John S. Latimer Decd. Defts

This Cause came on again to be heard on the papers formally read and on the report of Commissioner Wm. H. J. J. to which no exceptions have been filed, it was argued by Counsel on Consideration—whereof, the Court confirming said report, doth adjudge—order and decree—that the said William H. J. the Commissioner, receive from the Clerk of this Court, the four Bonds—filed in this Cause, each for the sum of Three Hundred and five Dollars, with interest from the 1st of Dec^r 1856.—and payable severally—to William J. Latimer, Edward J. Latimer, James F. Latimer and John S. Latimer, (and executed by James R. Edwards and Miles Edwards—On the 1st Dec^r 1856! in the said report, mentioned, on his leaving with the Clerk a receipt for the same: And the said Bonds collect.

And out of the proceeds—pay all the costs of this suit + of the sale of the same in the proceedings mentioned: and the net proceeds—pay over to the legal guardians of the said Wm J. Latimer, Edward J. Latimer, James F. Latimer and John S. Latimer, which said guardian—is directed to loan out, or invest the net proceeds of said Bonds—by loaning out the same to individuals—on sufficient real—or personal security, or in Virginia State Stock, and report to Court his proceedings therein—. But this Decree is to be suspended until the said J. J. execute his bond with sufficient security in the penalty of Two Thousand Dollars—payable to the Commonwealth of Virginia—in the Clerk's office—before the Clerk of this Court, conditioned for the faithful execution of his trusts under this decree. And the said decree as to the payment of the said money—to the said guardian as aforesaid is to be suspended—until the said guardian shall have entered into bond with sufficient security—in the Clerk's office of this Court, payable to the Commonwealth of Va

in the penalty of twenty five Hundred Dollars, Conditioned
for the faithful discharge by him—of his duties as such
Guardian.

Attest

Teste

H. C. Latimer DC

To the Circuit Court of Dist. of Wight
Pursuant to the within decree, as Commr. I have received the bond
therein mentioned, & collected the same amounting to \$ 1355.62
from which I have deducted Commr. & Sal. \$33.40

Costs of Suit

29.78.

\$63.18

Leaving a balance net of

\$1272.44

Which, as the guardian of the infants named in the decree
to wit: Wm J. John, Edward & James Latimer, I have invested
by borrowing the same out to James R. Edwards for the
benefit of said infants taking from him bond with ^{Geo. H. Hall as} good ~~and~~ surety.
Given under my hand this 8th day of October
1856.

M. W. Joyner Comr.

Latimer vs. f. o.

vs. { Copy Decree

Latimer p

Report of

Comps

Bond

Wm J. Latimer ~~of~~ ^{best friend} W. J. Latimer
vs.

John Latimer, Edward Latimer & James Latimer, infants under the age of twenty one, by N. P. Young their guardian ad litem assigned to defend. ~~vs. W. J. Latimer~~

This Cause came on this day to be heard on the Bill, answer, replication, demurrer and was argued by counsel: on consideration whereof the Court doth order adjudge and decree that partition be made of the tract of land in the title proceedings mentioned, whereof the late Thomas W. Latimer died seized: containing about 142 acres & bounded by the lands of Miller Edward, William Chapman, Joseph Parkerson, Henry Turner & the heirs of Joel Whitley as follows: one fourth part thereof to William J. Latimer one fourth to John Latimer, one fourth to Edward Latimer & one fourth to James Latimer: and the Court, for the purpose of effecting such partition, doth order, that N. P. Young, George H. Hall, Mills E. Marshall, & William Chapman — who are hereby appointed commissioners for such purpose, any three or more of whom may act, do assign & allot to the several persons before named the respective shares & proportions, aforementioned by miles and bounds: but if in their opinion, such partition cannot be made without loss and injury to the parties then, but that a sale of the premises would be preferable, then the said commissioners report that fact to this Court and the reasons upon which their opinion is founded with the real value of the estate: and the said commissioners are directed to report their proceedings to the Court & any other matter deemed pertinent by themselves or required by the parties —

X
Satinen per pro
H. Leum
Satinen May 1856

To be entered

R. H. Baker

(C. & D.)
Wm. J. Latimer p. 8th

vs. ³copy Deems

Mr. Latimer & alts.

At a Circuit Court Continued and held for Isle of Wight
County On the 17th day of May 1856.
William J. Latimer who sues by William W. Byner
his next friend Plff.

Against $\frac{3}{3}$ In Chancery
John Latimer, Edward Latimer, and James Latimer,
Infant Children of Frances W. Latimer decd. Defts

This Cause came on this day to be heard on the bill
Answer, of the infant defendants by their Special guardians,
replications thereto &c. And was argued by Counsel: On Con-
sideration whereof the Court doth order - adjudge and decree,
that partition be made of the tract of land in the proceeding
mentioned, whereof the late Frances W. Latimer died seised;
Containing about 142 Acres, Bounded by Willis Edwards,
William Chapman, Joseph Parkinson, Henry Sumner & the heirs
of Joel Whitley; as follows, One fourth part thereof to Will-
iam J. Latimer, One fourth to John Latimer, One fourth to
Edward Latimer, and one fourth to James Latimer, and
the Court, for the purpose of effecting such partition, doth
order that A. P. Long, George F. Hall, Mills E. Marshall
and William Chapman, who are hereby appointed Commis-
sioners for such purpose, Any three or more of whom
may act, do assign and allot to the several persons before named
the respective shares and proportions aforementioned - by metes
and bounds: but if in their opinion, such partition can-
not be made in kind, without loss and injury to the parties,
but that a sale of the premises would be preferable, then
the said Commissioners ^{report} that fact to this Court, And the rea-
son upon which their opinion is founded - with the real
value of the estate: And the said Commissioners are di-
rected to report their proceedings to Court, & any other matter
demanded by themselves or required by the parties.

A Copy
Teste.

A. S. Gougeon.

Latimer 17-1/2
1/4 sec
Latimer, 1/4
Oct 55

To be entered

R. N. Baker

Oct 18. 1856.

R. N. Baker

William J. Latimore who was by W. W. Joyner his next friend

vs. ~~Latimore~~ = } decree

John, Edward, and James Latimore, Infant children of ^{John} Latimore

This cause came on this day to be again heard, on
upon the paper formerly read, and upon the report of
Nathaniel P. Young, George F. Hall & Charles E. Marshall -
three of the Commissioners under the decree of the
17th day of May 1856, to which report there is no excep-
-tion, and was argued by counsel: On consideration
whereof, the Court doth approve and confirm ^{the} said report,
and doth adjudge, order and decree that William
W. Joyner, ^{who is hereby appointed a Commissioner for such object,} do proceed after having duly advertised the time
and place of sale, at the door of the Court house of the County,
and other public places, near the premises and place
of sale, for at least 30 days previous thereto - & sell
"the tract of land" in the Bill and proceedings mentioned,
of which Thomas W. Latimore died seized & possessed
in the said County, consisting of about 142 acres, upon
the following terms, to wit: on a credit of twelve months
bearing interest from the day of sale - taking four bonds
of equal amount, with sufficient personal security,
and the title retained until the further order of the Court -
- ^{the} said bond payable ^{to be} respectively, to William J. Latimore, John
Latimore, Edward Latimore & James Latimore, and the same
return with a report of his proceedings to the Court -
but this decree is to be suspended until the said W. W.
W. Joyner execute his bond, ^{payable to the Commissioners of it} with good security, in
the Clerk's office of this Court, in the penalty of \$3000
continued according to Law -

Letomere, for friend

Secree.

Latimore & Co.

This cause came on again to be heard on the
papers formerly read, and the report of Commissioner W. W. Joyner
to which no exception has been filed: ^{or argued by counsel.} On consideration whereof, the
Court, considering said report, doth adjudge, order and decree,
that the said W. W. Joyner, the said Commissioner, receive from
the clerk of this Court the ~~said~~ ^{filed in this cause} four bonds, each for the sum of \$305.00
which entered for the 1st of December 1858, and pay the same, severally to Wm.
J. Latimore, Edward J. Latimore, James F. Latimore & John S. Latimore
& executed by James R. Edwards & Charles Edwards - on the 1st Dec. 1858
on the said report mentioned, or his having with the Clerk, a receipt for
the same: and the said Bonds collect, and out of the proceeds pay
all the costs, ^{of} ~~allowing~~ this suit, and ~~the~~ of the sale of the land in
the proceedings mentioned - ~~and if appearing to the Court, that~~
~~the said W. W. Joyner is also the legally qualified guardian of~~
~~the said, W. J., Edward J., James F., & John S. Latimore, the Court doth~~
~~further order, adjudge and decree that, the said W. W. Joyner~~
~~be guardian of the said, W. J., Edward J., James F., & John S. Latimore, and~~
~~of said Bonds - and that the individuals or good sufficient real security~~
~~or in Virginia state stock - and report to Court his proceedings~~
~~therein, in order to other & further order in the premises.~~
But this decree is to be suspended, until the said Joyner
execute his bond with sufficient security, in the penalty of two thousand
dollars - payable to the Commonwealth of Virginia, in the Clerk's office
before the clerk of the Court, conditioned for the faithful execution
of his duty in this decree. And the said decree as to the payment

of the said money to the said Guardian & afterwards, is to
be suspended until ^{the} said Guardian shall have
intend ~~into~~ bond with sufficient security, in the Clerk's Office
of this Court, payable to the Commonwealth of Virginia, in
the penalty of twenty five Thousand Dollars, and then or
for the ~~particular~~ discharge of him, of his duties as last
Guardian —

Decemr 1837

J. Beane

Decemr 1837

Decemr 1837

to be returned

J. H. Beane

Latimer per pro.

W.

Latimer vs

This cause came on again to be heard on the papers formerly read, the report of W. W. Sawyer as Commissioner, and Guardian to W. S. Latimer, Edward S. Latimer made under the order of the 18th day of May 1858 James S. Latimer & John S. Latimer to which no exception has ~~been argued by counsel~~ been filed. On consideration whereof the Court doth adjudge, order and decree that the said report be and the same is hereby confirmed in.

Lalanne 2/10
H. de m
Lalanne 2/10

Oct. 1858

To be entered

R. H. Baker

4th Entree

KNOW ALL MEN BY THESE PRESENTS, That we, *William W. Joynor and*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Three Thousand Dollars* to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this *1st* day of *December*, in the year of our Lord, one thousand eight hundred and *fifty six*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the Circuit Court of Isle of Wight county pronounced on the *20th* day of *October 1856* in a cause depending in the said Court in which *William J. Latimer is*

John, James & Edwin Latimer are plaintiff, and

above bound *William W. Joynor* defendant; the
missioner to *sell the land in the proceedings.*
mentioned whereof Francis W. Latimer did
sign & deposit - containing 141 2 acres upon
Custom being made in said decree report
his proceedings with the bond to come

Now if the above bound *Wm W. Joynor* shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered }
in the presence of

A. P. Young

W. W. Joynor
Geo. H. Hale



REMARKS: WHEN THE EARTHQUAKE TOOK PLACE

THE HOUSE WAS SHAKEN TO THE FOUNDATION AND THE

WALLS OF THE HOUSE WERE CRACKED

AND THE FLOOR WAS CRACKED IN SEVERAL PLACES

AND THE CEILING WAS CRACKED IN SEVERAL PLACES

AND THE WALLS WERE CRACKED IN SEVERAL PLACES

AND THE FLOOR WAS CRACKED IN SEVERAL PLACES

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AND THE WALLS WERE CRACKED IN SEVERAL PLACES

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Saturday

7. 3. 60. 1/4

Saturday

Dec. 18 1850 44°

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AND THE FLOOR WAS CRACKED IN SEVERAL PLACES

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AND THE WALLS WERE CRACKED IN SEVERAL PLACES

Know all Men by these Presents, That we William W. Joyner
and George F. Hall

are held and firmly bound unto the Commonwealth of Virginia in the sum of Twenty five
hundred dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 8th day of October
in the year of our Lord, one thousand eight hundred and fifty eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 18th day of May 1838
in a cause depending in the said Court, in which William J. Sater
for friend is

Plaintiff, and

Wm. Edward and James Sater are

Defendant, the

above bound Wm. W. Joyner ^{as commissioner under said decree} ~~was appointed a special~~
Commissioner to directed to receive the four bonds filed in the
cause from the clerk of the court, each for the sum of \$500.
with interest from 1st Dec. 1836 & the said bonds collected
and after paying all the costs of this suit & the
note proceeds pay over to Wm. W. Joyner ^{of the said}
Wm. J. Wm. Edward & James Sater

Now, if the above bound Wm. W. Joyner shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

W. W. Joyner 

Geo. F. Hall 



Saturnus Jovis fo.
n. 3 com. bono

Saturnus tab.

Octo. 8. 1838. filio

Know all Men by these Presents, That we William W. Joyner
and George S. Hall

are held and firmly bound unto the Commonwealth of Virginia in the sum of Twenty five
hundred dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 8th day of October
in the year of our Lord, one thousand eight hundred and fifty eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 18 day of May 1838
in a cause depending in the said Court, in which William J. Satermer
vs Edward and James Satermer

Plaintiff, and
Defendant, the

above bound William W. Joyner as gdr. fiduciary was appointed a special
Commissioner to receive from W. W. Joyner comm. in the said
decree, the net proceeds of the bonds collected or to
be collected by said comm. under said decree and
convert the same for said infant his wors. either
by loaning out the same to individuals, on good personal
or real security or in State Stock, Now if the said
Wm. W. Joyner as gdr. fiduciary shall faithfully
comply with said decree by investing said amount &

Now, if the above bound in other respects shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

W. W. Joyner 

Geo. S. Hall 



Latimer J. P.

on 3/400. bond

Latimer J. P.

Oct. 8. 1838 filed