

1933-015 Chancery Causes : S. M. Satimer v Nancy Dunn Satimer vs Juliette Batt
Isle of Wight County Hayward, Christine Dennis Bergen v Robert Blackwell, by & c

Folder 1

315

Petition of Christine Dennis Bergen

Petition of Robert Gary Blackwell

other surnames : Nelson, Johnson
Cofer, Gayle, Holliday, Young,
Jordan

Will; 1908, Elizabeth Agnes Nelson, Norfolk City

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET AL3

VS) CHANCERY. NO. 315.

HAYWARD ET AL3.

KNOW ALL MEN BY THESE PRESENTS, that I, Christine Dennis Bergen, one of the defendants in the above entitled cause, now pending in the Circuit Court of the County of Isle of Wight, in the State of Virginia, and to whom is due the sum of fifty eight hundred and sixty three dollars and forty cents (\$5863.40) as my share, derived from the proceeds of the sale of the subject matter of the said suit, attained to the age of twenty one years on the 19th. day of February, 1921; that R. J. Bergen, who was, by the said Court, on the 31st. day of May, 1920, appointed a Special Commissioner, to receive the said sum of money, and to handle it according to the laws of the State of Virginia, and who, on the said 31st. day of May, 1920, duly executed and delivered the bond required of him as such, by the said Circuit Court, and who, according to his receipt filed with the papers in this cause, received of and from A. J. Johnson, Special Commissioner, on the 2nd. day of June, 1921, the said sum of fifty eight hundred and sixty three dollars and forty cents (\$5863.40), according to the decretal order entered herein on the 7th. day of March, 1921, has paid to me the said sum of fifty eight hundred and sixty three dollars and forty cents (\$5863.40) together with all accrued interest: And I do, hereby, acknowledge having received of and from the said R. J. Bergen, Special Commissioner as aforesaid, the said sum of money, together with all interest accrued thereon; and do, hereby fully, completely, and forever discharge and acquit the said R. J. Bergen, as such special commissioner, and the surety upon his bond as such, from every obligation imposed upon him as such special commissioner.

In testimony whereof I have hereunto set my hand and affixed my seal this 8th day of March, 1921.

Christine Dennis Bergen

STATE OF NEW JERSEY,

CITY OF NEW BRUNSWICK, TO-WIT:

I, Klemmer Kattusien, a Notary Public for the City of New Brunswick, in the State of New Jersey, do hereby certify that Christine Dennis Bergen, whose name is signed to the writing hereto annexed, bearing date the 8th day of March, 1921, has acknowledged the same before me in my said City..

Given under my hand and the seal of my office, on this 8th day of March, 1921.

Klemmer Kattusien
Notary Public.

My commission expires

April 21-1921

Latimer et als

vs { (4) No 315

Hayward et als

Receipt of Christine
Dennis Burgeon

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET ALS

VS) CHANCERY. NO. 315.

HAYWARD ET ALS.

TO HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE
COUNTY OF ISLE OF WIGHT:

The undersigned, appointed special commissioner in the above entitled cause, by decree entered therein, on the 31st. day of May, 1921, respectfully reports that, in obedience to said order, he executed the bond required of him, with National Surety Company of New York as his surety, on the 31st. day of May, 1921, as will appear by the record in the Clerk's Office of this Court, a copy of said bond being filed with the papers in this cause; that he received of and from A. S. Johnson, Special Commissioner, the sum of \$5863.40, on the 2nd. day of June, 1920: that he has, in accordance with the requirements of an order entered herein on the 7th. day of March, 1921, paid to Christine Dennis Bergen, the said sum of \$5863.40, and has taken her receipt therefor, which is submitted herewith.

Respectfully submitted,

Russell J. Bergen

18

Latimer et als.

vs) Chancery. No. 315.

Hayward et als.

Report of R. J. Bergen, Special
Commissioner.

Filed March
1921

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET ALS

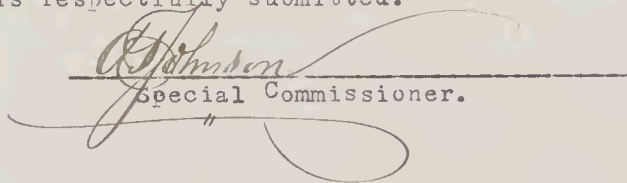
VS) CHANCERY. No. 315.

HAYWARD ET ALS.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

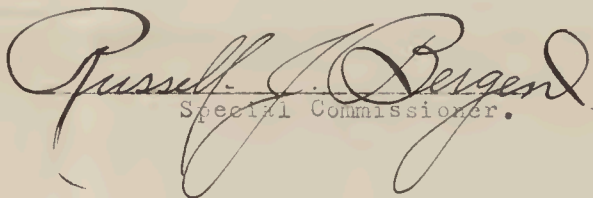
The undersigned, special commissioner in the above entitled cause, appointed as such on the 5th day of April, 1920, respectfully reports: that in obedience to the decretal order entered herein on the 31st. day of May, 1921, he has paid to R. J. Bergen, Special Commissioner, the sum of fifty eight hundred and sixty three dollars and forty cents (\$5863.40) and has taken the receipt of the said R. J. Bergen, Special Commissioner, therefor, which is filed herewith as a part of this report, all of which is respectfully submitted.


Special Commissioner.

June 2nd. 1920.

\$5863.40

Received of A. S. Johnson, Special Commissioner in the suit of Latimer et als. vs. Hayward et als, pending in the Circuit Court of the County of Isle of Wight, in the State of Virginia, Docket Number 315, the sum of \$5863.40, directed to be paid to me, as Special Commissioner in the same suit, by a decree entered therein on the 31st. day of May, 1920.


Special Commissioner.

June 2nd. 1920 .

Latimer et als

vs) Chancery. No. 315

Hayward et als.

Receipt of R. J. Bergen,
Special Commissioner, to
A. S. Johnson, Special
Commissioner.

Latimer et al

" { Map No 315

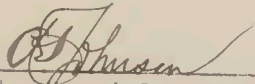
Hayward et al

Report of A. S. Johnson,
Special Commissioner

Filed March 7, 1921

Received of A. S. Johnson, Special Commissioner in the suit of Latimer
et al. vs. Hayward et als. the following items of cost.

Writ tax and attorney's fee,.....	\$16.50
Clerk fees	12.50
Commissioner's fee	35.00
Draft of deed to purchaser	10.00
War Tax stamps on deed to purchaser,	12.00
Special Commissioner's commissions,	249.00
Sheriff fee paid	50



Clerk, Special Commissioner, Commissioner.

Received of A. S. Johnson, Special Commissioner in the suit of Latimer et al vs. Hayward et als. the sum of \$250.00, being the amount directed to be paid to me as counsel fees in said suit.

May 26th. 1920

Eme Deane,

Received of A. S. Johnson, Special Commissioner in the suit of Latimer et al. vs. Hayward et als., in the Circuit Court of the County of Isle of Wight, the sum of ten dollars, being due me as witness fee.

May 26th. 1920.

L. E. Johnson

Received of A. S. Johnson, Special Commissioner in the suit of Latimer et al. vs. Hayward et als., in the Circuit Court of the County of Isle of Wight, the sum of ten dollars, being due me as witness fee.

May 26th. 1920.

R L Holladay

Received of A. B. Johnson, Special Commissioner in the suit of Latimer et al vs. Hayward et als., in the Circuit Court of the County of Isleof Wight, the sum of ten dollars, being due me as witness fee.

May 26th. 1920.

J. B. Hayward

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

LATIMER ET AL

VS) CHANCERY. No. 315.

HAYWARD ET ALS.

Special Commissioner's report.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The undersigned, your Commissioner, appointed by decree entered herein on the 5th day of April, 1920, respectfully reports to the Court that he has executed the bond required of him in said decree, together with The United States Fidelity and Guaranty Company as his surety, a copy of which is filed with the papers in this cause, the date of said bond being the 21st. day of April, 1920.

That on the 21st. day of April, 1920, he conveyed the two fifths interest in the tract of land mentioned in this proceeding, to L. M. Latimer and Frank H. Hayward, as directed by Nancy Dunn Latimer, L. M. Latimer and Juliette Galt Hayward, in writing, which is attached hereto and made a part of this report, as directed in the said decree of April 5th. 1920, and collected from them the sum of twelve thousand dollars, together with three fifths of the cost of this suit.

That, in accordance with verbal direction received from the Judge of this Court, upon the application of the said Linwood M. Latimer, Nancy Dunn Latimer, Frank H. Hayward and Juliette Galt Hayward, who are now the feem simple and sole owners of the tract of land mentioned in this proceeding, he loaned to them the sum of fifty with hundred dollars of the share of Robert Blackwell, one of the infant defendants, and took from them as evidence of such loan their bond, payable on demand, and which is secured by a deed of trust on the whole of the land mentioned in this proceeding, and which is the first lien thereon, the said bond and deed of trust being filed with the papers in this cause.

That he has paid the cost of this suit up to and including the filing of this report, which is as follows:

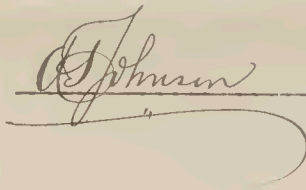
Writ tax,	\$ 1.50
Taxed attorney fee,	15.00
Clerk fees,	12.50
Commissioner's fee,	25.00
Draft of deed to purchasers,	10.00
War Tax stamps on same,	12.00
Commissions to special commissioner,	249.00
Sheriff fee,	.50
Premium on Special Com'r bond	45.00
Counsel fee (Parke P. Deans)	250.00
Witnesses	30.00

That Mr. R. J. Bergen, husband of the infant defendant, Christine Dennis Bergen, desires to qualify as Special Commissioner in the place and stead of the undersigned, for the purpose of taking over, and handling, under the direction of the Court, the funds accruing to the said Christine Dennis Bergen, the amount there of being \$6000.00 less one fifth of the cost of the

suit, as stated above, namely \$132.10, and whatever costs may be attendant upon the appointment and qualification of said R. J. Bergen as such Special Commissioner, to all of which your Commissioner agrees and recommends, hereby begging leave to resign as special commissioner in so far as his duties effect the share of the said Christine Dennis Bergen.

That after the payment of the share of costs chargeable to said Robert Blackwell your Commissioner has in his hands the sum of \$67.90 of the corpus of his estate, and being such a small amount your Commissioner recommends that it be placed in the Bank of Smithfield and a certificate of deposit taken therefor and filed with the papers in this cause, to be further treated as to the Court may seem expedient and according to law.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Johnson", is written over a horizontal line. A large, decorative flourish extends from the bottom of the signature line.

Special Commissioner

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

L. M. Latimer et al

vs) Chancery. No. 315.

Hayward et als.

To Honorable B. D. White, Judge of the Circuit Court of the
County of Isle of Wight.

The undersigned, Juliette Galt Hayward and Nancy Dunn Latimer, parties to the above entitled cause, respectfully report to the Court, that by decree entered herein on the 5th day of April, 1920, A. S. Johnson was appointed a Special Commissioner and directed to, upon the payment to him by Nancy Dunn Latimer, Juliette Galt Hayward and L. M. Latimer, of the sum of twelve thousand dollars, and three fifths of the cost of this suit, convey to the said Nancy Dunn Latimer, Juliette Galt Hayward and L. M. Latimer, or to whomsoever they should designate, in writing, two fifths interest in the land in the Bill and Proceedings of this suit mentioned: That they are ready to pay the said sum of twelve thousand dollars and the costs aforesaid, and wish conveyance for the said two fifths interest to be made to L. M. Latimer and Frank H. Hayward.

And the said L. M. Latimer and Frank H. Hayward, and their respective wives, do, hereby, make application for a loan by said Special Commissioner, of the sum of fifty eight hundred dollars, of the share of Robert Blackwell, for which they wish to execute their bond, and to secure the payment of the same by a first deed of trust lien upon the entire property mentioned in the Bill.

Respectfully

L. M. Latimer
Nancy Dunn Latimer
Juliette G. Hayward
F. H. Hayward

Lutimer et al

n { Cy. No 315

Hayward et al

Report of Spe Cour
Filed May 31. 1920

1920

May 31

Filed

C. E. Johnson being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is C. E. Johnson, I am fifty eight years of age, live in Isle of Wight County, and am a farmer;

Q. Are you acquainted with the land, in Isle of Wight County, which is known as the R. G. Blackwell farm, which he lived upon during his life time? A. I have known the farm for forty five years. I have lived on the adjoining farm for twenty three years.

Q. The Bill states that there are five interests in the said place. In your opinion can it be conveniently divided into five equal parts? A. No sir,

Q. How would you divide it had you to do so? A. Sell it and divide the money.

Q. What is a fair fee simple and a fair annual value of said property? A. I believe thirty thousand is a very fair price for it. It will not rent for over eight hundred or a thousand dollars.

Q. Could it be divided, best, by an allotment of a part and sale of the residue. A. No it would not.

And further this deponent saith not.

C. E. Johnson

J. B. Gayle being duly sworn, deposes and says:

Q. Mr. Gale, please state your name, age, residence and occupation? A. My name is J. Ben Gayle, I am fifty four years of age, I live in Isle of Wight County and am a farmer?

Q. Are you acquainted with the land mentioned in the Bill of this suit? A. I am, I have lived on an adjoining farm for twenty one years.

Q. In your opinion can this land be conveniently divided among the several parties entitled to share therein. A. No, I do not think so. I think it better be sold and the money divided.

Q. What do you consider to be a fair fee simple and a fair annual value for it? A. I believe a fair value for it would be thirty thousand dollars, and I think eight hundred dollars would be aplenty for the rent of it per year.

Q. If the same cannot be conveniently divided, can a part of it be sold and the balance divided to more advantage than selling the whole? A. No. It would be better to sell the whole and divide the proceeds.

J B Gayle

R. L. Holliday being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is R. L. Holliday, I am fifty years of age, I live in Isle of Wight County, and am a farmer.

Q. Are you acquainted with the land of which R. G. Blackwell was the life tenant and upon which he resided at the time of his death? A. Yes sir, I live on an adjoining farm, and have lived there for twenty five years.

Q. What, in your opinion, is a fair fee simple value and a fair annual value? A. I think the land is worth thirty thousand dollars, I believe that is a very good price for it, and it would rent for something like eight hundred dollars.

Q. In your opinion can it be divided, conveniently, into five parts? A. No, I do not. I think the best way to make a proper division of it would be to make a division of the money it will bring.

Q. Do you know who the children of R. G. Blackwell were, living at the time of his death? A. Willie S. Blackwell, Nancy Dunn Latimer, Juliette Blackwell, who has since married Frank Hayward, Christine Dennis Blackwell, who has since married Mr. R. J. Bergen, and Robert G. Blackwell, junior.

And further this deponent saith not.

R. L. Holliday

Nancy Dunn Latimer being duly sworn, deposes and says:

Q? Please state your name, age, and residence? A. Nancy Dunn Latimer, I live in Isle of Wight County. Am the wife of L. M. Latimer, and a daughter of the late Robert G. Blackwell.

Q. Please state the ages of the children of R. G. Blackwell, living at the time of his death? A. William S., was twenty seven or twenty eight this past December, I think twenty eight. I am twenty six years of age: Luliette is twenty two years of age; Christine is nineteen years of age; and Robert is fifteen years of age, and will be sixteen years of age the fourteenth day of January, of this year.

And further this deponent saith not.

Nancy Dunn Latimer

Nancy Dunn Latimer recalled:

Q. Mrs. Latimer: Please state when your father, Mr. R. G. Blackwell died? A. He died on the third day of October, 1915.

Nancy Dunn Latimer

After having given in our testimony in this proceeding, we understand that L. M. Latimer, who now own the interest of W. S. Blackwell in the land in the Bill and proceedings of this suit mentioned, and Nancy Dunn Latimer, his wife, who owns one share therein, and Juliette Galt Hayward, who owns another share therein, wish to take the whole tract of land at the price set upon it by us, which is thirty thousand dollars. Believing that said amount is a good price for the said land we recommend that sale be made to them at the figure named, to-wit. Thirty Thousand dollars.

C. E. Johnson

R. S. Galt
colladay

We hereby agree to take the whole of the property mentioned in the Bill
and proceedings of this suit, at the rate of thirty thousand dollars for
the whole.

J. M. Latimer
Anna D. Latimer
Juliette H. Hayward.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

L. M. Latimer and Nancy Dunn Latimer

vs) Chancery. No. 315.

Juliette Galt Hayward, Christine Dennis Bergen, and Robert Blackwell, the last two being infants under the age of twenty one years.

Take notice that I shall, at my office, at Isle of Wight County Courthouse, Virginia, Saturday the 10th. day of January, 1920, at eleven o'clock in the morning, proceed to execute the decree entered in the above entitled cause on the 19th. day of December, 1919, which requires the following inquiries to be made:

1. Whether the real estate in the Bill mentioned can be conveniently divided among the several parties entitled to share therein.

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

3. If the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and sale of the residue.

4. What real estate the parties to this suit are entitled, the location and a description thereof, how their title was acquired, and their respective shares therein, and the annual and fee simple values of the said real estate.

5. Whether there are any liens against the real estate on account of delinquent taxes, or otherwise.

6. Whether all the proper parties to this cause are properly before the court, and the ages and residences of the infant defendants.

7. When R. G. Blackwell died.

8. Which several inquiries the said Commissioner shall make and to the Court report, together with any matters specially stated, deemed pertinent by himself, or required by any party to be so stated, and return to the Court, with his report, the evidence taken by him.

Given under my hand this 3rd. day of January, 1920.

Johnson
Commissioner in Chancery.

We hereby accept legal service of the above notice:

LM L. M. Latimer.
NDL Nancy Latimer.
JGH Juliette Hayward.
C. D. Bergen
Guardian ad litem for
C. D. Bergen and Robt. Blackwell.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al

vs: No. 315.

Hayward et als.

TO HONORABLE B. D. WHITE,

Judge of the Circuit Court of the county of Isle of Wight, virginia.

The papers in the above mentioned cause have been referred to the undersigned, one of the Commissioners in Chancery of your Honor's Court, for the execution of a decree entered therein on the 19th. day of December, 1919.

Your Commissioner, on the 3rd. day of January, 1920, issued his notice, to the parties herein, stating that he would, on the 10th. day of January, 1920, at his office at Isle of Wight County Courthouse, Virginia, at eleven o'clock A.M., proceed with the execution of said decree; and, at the time and place mentioned in the said notice he attended and took the testimony of C. E. Johnson, J. B. Gayle, and others, all of which was reduced to writing and is returned herewith to be read as a part of this report. From the testimony so taken your Commissioner is informed and reports, in response to said inquiries, which are quoted herein, as follows:

1. Whether the real estate in the Bill mentioned can be conveniently divided among the several parties entitled to share therein. Ans. The real estate mentioned cannot be conveniently divided among the parties entitled to share therein.

2. If the same cannot be conveniently divided, whether any party in interest will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to. Ans. It is in the testimony that

L. M. Latimer and Nancy Dunn Latimer, his wife, and Juliette Galt Hayward, parties to this cause, are desirous of purchasing the whole of the real estate herein referred to and pay to the others for their shares therein.

3. If the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by allotment of part and sale of the residue. Ans. This inquiry is answered by the one next preceeding. An allotment of part and sale of the residue would not be at all practicable.

4. The parties hereto are entitled to that tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, known as the "Barradall" farm, listed at 523 acres, and assessed at \$7200.00, and is the same conveyed to E. Agnes Nelson by the Executors of N. P. Young, deceased, by their deed bearing date the 4th. day of August, 1897, and of record in the Clerk's Office of said County in Deed Book No. 62, page 3, and by the said E. Agnes Nelson, devised to R. G. Blackwell, for his life, with remainder, at his death, to his children living at his death, who were, at the time of his death, Nancy Dunn Latimer, W. S. Blackwell, Juliette Galt Blackwell, who has since married Frank H. Hayward, Christine Dennis Blackwell, who has since married Robert J. Bergen, and Robert Blackwell. The last will and testament was admitted to probate in the corporation court of the City of Norfolk on the 28th. day of January, 1908, and a copy admitted to record in the Clerk's Office of this County on the 2nd. day of March, 1908, and a copy is filed with the Bill herein. The children named are living and are, or were at the time of the death of the said R. G. Blackwell, entitled to one fifth each. W. S. Blackwell, however, has, since his possession of one fifth thereof, conveyed

his interest therein to L. M. Latimer, as will appear by the deed of himself and wife, bearing date the 22nd. day of January, 1917, and of record in the Clerk's Office of this court in Deed Book No. 85, page 557, leaving one fifth of same now belonging to L. M. Latimer. None of the other parties have disposed of their interests and are now entitled to the same, subject to the liens hereinafter mentioned.

Eight hundred to a thousand dollars is a fair annual value of the said tract of land, and thirty thousand dollars is its fee simple value.

5. Whether there are any liens against the real estate on account of delinquent taxes or otherwise. The following liens appear upon the said real estate:

a- A deed of trust, made by L. M. Latimer and Nancy Dunn Latimer, his wife, to A. S. Johnson, trustee, bearing date the Jan. 22nd. 1917, of record in Deed Book No. 86, page 354, to secure to Mrs. E. D. Gale the sum of \$5300.00, evidenced by bond of even date with said deed of trust, payable on demand, covering the interest of said L. M. Latimer and Nancy Dunn Latimer, in said land, that is to say two fifths interest therein.

b- A deed of trust, made by Juliette Galt Hayward and F. H. Hayward, her husband, to Jno. I. Cofer, trustee, to secure to Mrs. E. D. Gale the payment of the sum of \$1500.00, evidenced by a note of even date with said deed, and which bears date the 14th. day of October, 1919, and of record in said Clerk's Office in Deed Book No. 88, page 627, conveying the one fifth interest in said land belonging to the said Juliette Galt Hayward.

6. Whether all the proper parties to this cause are properly before the court, and the ages and residences of the infant defendants. Ans. All the proper parties appear to be properly before the Court. The infant defendants are Christine Dennis Bergen and Robert Blackwell. The age of the former is nineteen years and the latter thirteen. Mrs. Bergen resides in New Brunswick, New Jersey, and Robert resides with Mr. and Mrs. L. M. Latimer.

7. When R. G. Blackwell died. Ans. R. G. Blackwell died on the 3rd. day of October, 1915.

8. The witnesses who testified in this proceeding are men of unusual intelligence, and are well acquainted with land values in their neighborhood, in the opinion of your Commissioner, and their word entitled to full consideration. The sum of thirty thousand dollars, your commissioner, believes is the full value for the farm ment oned, and he, therefore, recommends that sale be made of it for that amount to the said L. M. Latimer, Nancy Dunn Latimer and Juliette Galt Hayward.

Because of the close friendship between your Commissioner and the members of this family, his counsel has been sought by them about the disposal of this property as well as other matters. Mrs. Bergen has written your commissioner that she did not care to employ any lawyer to look after her interests, as she felt quite satisfied that her interests would be properly protected by the court, and that she is agreeable to a sale of the property mentioned to the parties who wish to buy the same. She desires her portion in cash, and wishes, when it is paid, if paid, that her husband be made her receiver. Of course this is not evidence, but is submitted to the court to show that she is agreeable, though not of age. At the same time she is endowed with good sense and it is far better that she be perfectly agreeable, though an infant, than not so, and the court should know it, in the opinion of your commissioner, and it is submitted for what it is worth.

Respectfully submitted,



Commissioner in Chancery.

Commissioner's fee \$ 35.00

Witnesses:

C. E. Johnson, \$ 10.00

J. B. Gayle, \$ 10.00

R. L. Holladay, \$ 10.00

14
Latimer et al
n of Cy 315
Hayward et al

Commissioners report
Filed Jan'y 10/1970

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF NANSEMOND, GREETING:

We command you that you summon Juliet Galt Hayward to appear at the Clerk's Office of the Circuit Court for our County of Isle of Wight on the third November Rules, 1919, to answer L. M. Latimer and Nancy Dunn Latimer a bill in chancery, exhibited by them against said Juliet Galt Hayward, Christine Dennis Bergen and Robert Blackwell, the last two being infants under the age of twenty one years. And have them and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 17th. day of November, 1919.

A. S. Johnson Clerk.

Parke P. Deans, p.g.

Received of A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight, the sum of fifty cents, fee for service of above subpoena.

E. E. Wagner Sheriff.

Juliet Galt Hayward
could not be found
at her usual place
of abode on this 24th
day of Nov. 1919.

Not any one else
on whom legal service
could be had. so the
within summons was
executed this 24th day
of Nov. 1919 by secretly
taking a true copy
of the within summons
at the front door of
her usual place of
abode, in the County
of Hansemond, State
of Virginia

E.E. Wagner
Sheriff

2

Latimer et al
v. Chancery. No. 315
Hayward et al

Subpoena

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

L. M. Latimer et als.

v.

Juliette Galt Hayward et als.

The separate answer of Christine Dennis Bergen and Robert Blackwell, infants under the age of twenty-one years, by L. P. Holland, their guardian ad litem appointed to defend them in this suit, to a bill of complaint filed against them and Juliette Galt Hayward in the Circuit Court of Isle of Wight County, Virginia by L. M. Latimer and Nancy Dunn Latimer, complainants.

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

That they are infants of tender years, and by reason of their infancy, are incapable of understanding or of taking care of their rights and interest herein; and that they therefore commend themselves and their rights and interest to the protection of the Court and pray that no decree may be entered that will tend to their prejudice.

And now, having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended.

L. P. Holland
Guardian ad litem for Christine Dennis
Bergen and Robert Blackwell.
Respondents.

State of Virginia,
City of Suffolk, to-wit:

Subscribed and sworn to, before me Ruby G. Keller, a Notary Public for the City and State aforesaid, in my said City, this 17th day of December, 1919.

Ruby G. Keller
Notary Public.

5

Latimer et als.

v.

Hayward et als.

Answer of Guardian ad Litem

Filed Dec 19, 1919

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET AL

V) CHANCERY 315.

HAYWARD ET ALS.

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE
OF WIGHT.

Your petitioner, Robert G. Blackwell, sometimes called Robert Blackwell, and who is one of the defendants in the suit of L. M. Latimer and Nancy Dunn Latimer against Juliette Galt Hayward and others, docket number 315, under the above general style, respectfully represents to the court that at the time of the institution of said suit he was an infant; that he is informed that A. S. Johnson, special commissioner has loaned a part of the fund which is his due, arising out of the sale of the real estate which is the subject matter of this suit, to Juliette Galt Hayward and Frank H. Hayward, the same being evidenced by a bond for \$1850.00, bearing date September 22nd. 1925, and payable on demand, and secured by a deed of trust on that part of the tract of land which is the subject matter of this suit, and which has fallen to said Juliette Galt Hayward and Frank H. Hayward, in a partition had between them and L. M. Latimer and Nancy Dunn Latimer; that the said special commissioner has also loaned to L. M. Latimer and Nancy Dunn Latimer, of the petitioners funds arising out of the sale of the said tract of land, the sum of \$3950, which is evidenced by a bond for that amount, payable on demand and bearing date the 22nd. day of September, 1922, and is secured by a deed of trust upon that part of the said tract of land which fell to the said L. M. Latimer and Nancy Dunn Latimer; that petitioner is also informed that there is to the credit of said special commiss-

ioner, in Bank of Smithfield, the sum of \$67.90, evidenced by a certificate, payable to the Circuit Court of the County of Isle bearing date the 14th. day of June, 1920, which sum, also, belongs to your petitioner, or comes from his share arising from the sale of the said tract of land.

Your petitioner says that he attained to the age of twenty one years on the 16th. day of Janusry, 1925, and is now entitled to have paid to him the sum or sums of money coming to him from the sale of the said tract of land and now in the hands of the said special commissioner.

It having been suggested to petitioner that he may have an assignment of the bonds of the said Juliette Galt Hayward and Frank H. Hayward, and the said L. M. Latimer and Nancy Dunn Latimer, and the said certificate of deposit, by the said special commissioner, he here states to the court that he is willing to receive the said evidences of debt, and certificate of deposit the same as if they were cash, and to make proper receipt therefor; and that he will pay all proper costs of said suit properly taxable against him.

Your petitioner, therefore, prays that the said evidences of debt and certificate of deposit be assigned to him, by said special commissioner, and that he will make proper receipt therefor and will pay all costs of said suit properly taxable against him.

And your petitiner will ever pray, etc.

Robert G. Blackwell

Subscribed to before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight and acknowledged, by Robert G. Blackwell.

A. S. Johnson

Commissioner in Chancery.

Virginia: Circuit Court
of Isle of Wight County.

Latimer et al

v) Chancery. 315.

Hayward et als.

Petition of R. G. Blackwell

Filed April 25th. 1925.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET ALS

VS) CHANCERY. No. 315.

HAYWARD ET ALS.

TO HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

Your petitioner, Christine Dennis Bergen, of the City of New Brunswick, in the State of New Jersey, formerly Christine Dennis Blackwell, of the County of Isle of Wight, in the State of Virginia, respectfully represents to the Court, that, on the 31st. day of May, 1920, by decree entered in the above entitled cause, Russell J. Bergen was appointed Special Commissioner, to receive from A. S. Johnson, Special Commissioner, the sum of \$5863.40, it being her share in the proceeds from the sale of the land in the bill and proceedings of the said suit mentioned; that the said Russell J. Bergen executed the bond required of him, under the said decree; that the said A. S. Johnson, Special Commissioner, on the 2nd. day of June, 1920, paid over to the said Russell J. Bergen, as such Special Commissioner, the said sum of \$5863.40, which he now has in his possession; that your petitioner, on the 19th day of February, attained to the age of twenty one years, and is now entitled to have the said amount, together with accrued interest, paid over to her. She, therefore, prays that the said R. J. Bergen, as such Special Commissioner, be directed to pay over to her the said amount of \$5863.40, and take her receipt therefor, to be filed with the papers in this cause.

And your petitioner will ever pray, etc.

Christine Dennis Bergen

State of New Jersey,

City of New Brunswick, to-wit:

I, Klummer Kalltassen, a Notary Public for the City of New-Brunswick, in the State of New Jersey, do hereby certify that Christine Dennis Bergen, whose name is signed to the foregoing petition, has acknowledged the same before me in my said city, and has made oath that the statements therein made, to the best of her knowledge and belief, are true.

Given under my hand and seal of my office, this 19th day of February, 1921.

Klummer Kalltassen

Notary Public.

My commission expires

April 12th 1921.

15

Latimer et als.

vs) Chancery. No. 315.

Hayward et als.

Petition of Christine Dennis
Bergen.

Filed March 7, 1921.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

L. M. Latimer and Nancy Dunn Latimer

PLAINTIFFS

versus

Juliette Galt Hayward, Christine Dennis Bergen

and Robert Blackwell, the last two being infants

under the age of twenty-one years

DEFENDANTS.

To the Honorable B. D. White, Judge of the Circuit Court,
Isle of Wight County, Virginia:

Your complainants, L. M. Latimer and Nancy Dunn
Latimer respectfully represent the following:

(1) That under the will of Elizabeth Agnes Nelson,
duly probated and of record in Will Book 34 ¹⁵⁰ page, of the
Clerk's Office of the Circuit Court of Isle of Wight County,
Virginia, there was devised to Robert G. Blackwell a certain
tract of land as follows: "the said farm to be his for his
natural life, and at his death to pass to and become the
property in fee of such of his children as may be living
at his death," A copy of said will is hereto-attached, marked
"Exhibit A" and asked to be made a part of this bill;

(2) That the real estate is described as follows:

"That certain tract of land situate in Newport
Magisterial District, Isle of Wight County, Virginia, con-
taining 523 acres, more or less, in gross and not by the
acre, and adjoins the lands of C. E. Johnson and others."

(3) That the said Robert G. Blackwell died on the
_____ day of _____ 191_____ leaving the following
children: Nancy Dunn who is married to L. M. Latimer, William
S. Blackwell, Juliette Galt who has married Frank Hayward,
Christine Dennis who has married R. J. Bergen and
Robert Blackwell.

(4) That the said Christine Dennis Bergen and Robert Blackwell are infants under the age of twenty-one years;

(5) That William S. Blackwell by his deed duly of record in Deed Book 85 page 557 of the Clerk's Office of Isle of Wight County, Virginia, did convey to L. M. Latimer all his interest in the said real estate, and now the said L. M. Latimer is of equal interest in the division as any of the heirs of Robert G. Blackwell.

(6) That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto: but should the property not be devisible in kind, complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Juliette Galt Hayward, Christine Dennis Bergen and Robert Blackwell may be made parties defendants to this bill and required, but not on their oaths to answer the same, the oaths being hereby waived, the said adult in her own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so devised, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, account

taken, and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable attorney's fee to Parke P. Deans, counsel for the complainants, for services rendered and to be rendered in the conduct of this suit out of any funds that may come under the direction of the Court.

L. M. Latimer

Nancy Deane Latimer
COMPLAINANTS

Parke P. Deans COUNSEL

4

Latimer et als.

v. # 315

Hayward et als.

BILL OF COMPLAINT

3rd November rules 1919.
Process returned executed
Plaintiff filed: Return null

7th December rules 1919
Defendants not appear
my a Cause set down
for hearing

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

Suit 315 - Box #68

Retain et als
or

Hayward et als

Suit papers received
on 12/19/57
William T. Felh

No.

Know all Men by These Presents: That we R. J. Bergen,

principal ,

and National Surety Company of New York

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Seventy Five Hundred dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said R. J. Bergen

principal ,

has hereto set his hand and affixed his seal;

and the said National Surety Company of New York

surety ,

by A. S. Barrett

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said A. S. Barrett

, its said agent and attorney

in fact, this, the 31st. day of May

A. D. 1920

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound R. J. Bergen, who has been, by a decree, entered on this date, appointed Special Commissioner in the suit of Latimer et als. vs. Hayward et als. in the Circuit Court of the County of Isle of Wight, on the chancery side thereof, docket number 315,

shall faithfully discharge the duties of his office or trust as such Special Commissioner,

, then the above obligation to be void, or else to remain in full force and virtue.

Russell James Bergen [SEAL]

National Surety Company of New York

(SEAL)

By A. S. Barrett

Its duly authorized agent and attorney in fact.

Attest: A. S. Barrett

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 31st. day of May, 1920, 19 , this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

A. S. Johnson, Clerk.

A copy, Teste, A. S. Johnson, Clerk.

Latimer et als

vs) Chancery. No. 315

Hayward et als.

Copy of bond of special commissioner,
Russell J. Bergen.

Filed May 31st. 1920.

No.

Know all Men by These Presents: That we A. S. Johnson,

principal

and The United States Fidelity and Guaranty

Company,

surety

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of fifteen thousand

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, the said A. S. Johnson,

principal

has hereto set his hand and seal,

and the said The United States Fidelity and Guaranty Company

surety

by W. G. Elam

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said W. G. Elam

, its said agent and attorney

in fact, this, the 21st, day of April,

A. D. 1920.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound A. S. Johnson, appointed a Special Commissioner, by the Circuit Court of the County of Isle of Wight, Virginia, in the suit of Latimer et als. vs. Blackwell et als., docket number 315, by decree entered therein on the 5th. day of April, 1920, shall faithfully discharge his duties under said decree or any future decree entered in said cause, as such special commissioners,

shall faithfully discharge the duties of his office or trust as such

, then the above obligation to be void, or else to remain in full force and virtue.

.....A. S. Johnson.....[SEAL]

The United States Fidelity and Guaranty Company,.....

By W. G. Elam.....

Its duly authorized agent and attorney in fact.

Attest: W. G. Elam.....

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 21st.

day of April, 19 , this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

.....A. S. Johnson.....Clerk.

A copy,

Teste

.....A. S. Johnson.....

Latimer et als

vs) Chancery. No. 315.

Hayward et als..

Copy of bond of special commissioner.

Filed April 21st. 1920.

"Elizabeth A."

I, Elizabeth Agnes Nelson, of the City of Norfolk, Virginia, do hereby make and declare this as and for my last will and testament:

FIRST: I direct my funeral expenses and debts, if any, to be paid as soon after my death as possible.

SECOND: I give, devise, and bequeath all my estate, real, ~~and~~ personal and mixed to be divided equally between my brother Robert G. Blackwell, and my sisters, Mary Eliza Jordan and Martha A. Jordan, all of Isle of Wight County, Virginia, but in the division of my estate I direct that my brother Robert G. Blackwell, shall have and take as a part of his share the farm on which he now resides at a valuation of Sixty-five hundred dollars, the said farm to be his for his natural life, and at his death to pass to and become the property in fee of such of his children as may be living at his death, and that my sister Mary Eliza Jordan shall have and take as a part of her share of my estate the farm on which she now resides at a valuation of thirteen hundred dollars, the said farm to be hers for her natural life, and at her death to pass in fee to my niece Agnes May Jordan.

THIRD: I hereby appoint Robert G. Blackwell and Josiah W. Jordan as the Executors of this will, and request that the Court in which they may qualify (and I suggest that they qualify in Isle of Wight County) may permit them to do so without requiring security of them on their bond.

In witness whereof I have hereunto sey my signature this _____ day of July in the year of our Lord, Eighteen hundred and ninety-nine.

Elizabeth Agnes Nelson,

Signed, published and declared by the testatrix Elizabeth Agnes Nelson, as and for her last will and testament, in the presence of us, who, in her presence, at her request, and in the presence of each other have hereto subscribed our names as witnesses.

Wm. H. White,

J. W. Wilcox.

VIRGINIA: :

In the Corporation Court of the City of Norfolk, on the 28th. day of January, 1908.

The last will and testament of Elizabeth Agnes Nelson deceased, was this day produced in Court by Robert G. Blackwell and Josiah W. Jordan, the Executors therein named and fully proved by the oath of J. W. Wilcox, one of the two subscribing witnesses thereto and ordered to be recorded as the true last will and testament of the said Elizabeth Agnes Nelson, deceased,

And on the motion of the said Robert G. Blackwell and Josiah W. Jordan, who took the oath required by law and entered into and acknowledged a bond in the penalty of Thirty thousand dollars conditioned according to law, without security, said will directing that none should be required, certificate is granted the said Robert G. Blackwell and Josiah W. Jordan for obtaining a probate of said will in due form,

And it is ordered that the said bond be recorded.

Teste, James V. Trehy, Clerk.

By E. J. Doran, D'y Clerk.

A copy, Teste, James V. Trehy, Clerk.

By E. J. Doran, D. C.

Virginia: Clerk's Office of the Circuit Court of the County
of Isle of Wight, March 2nd., 1908, at 4 o'clock P. M. this
copy of the Will of Elizabeth Agnes Nelson was received, and
admitted to record.

Teste,

A. S. Johnson, C. C.

A Copy.

Teste,

A handwritten signature in cursive script, appearing to read "A. S. Johnson", written over a horizontal line.

Clerk.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

L. M. Latimer and Nancy Dunn Latimer

vs) Chancery. No. 315

Juliet Galt Hayward; Christine Dennis Bergen; and Robert Blackwell, the last two named being infants under the age of twenty one years.

Upon the motion of the complainants, by counsel,
L. P. Holland, a discreet and competent attorney at law, practising in this Court, is assigned as guardian ad litem for the infant defendants, Christine Dennie Bergen and Robert Blackwell, to defend their interests herein.

A copy,

Teste, *W. Johnson* Clerk.

Order entered, by Clerk, November 17th. 1919.

3

Latimer et al
2 { Cy. No 315
Hayward et al

Rough order
appointing gen ad
litens

Entered November
17, 1919

603-521

To the Clerk of the Circuit Court of the County of Isle of
Wight:

Issue summons in chancery for Juliet Galt Hayward,
Christine Dennis Bergen and Robert Blackwell to answer L. M.
Latimer and Nancy Dunn Latimer a bill in chancery, returnable to
3rd. November Rules, 1919.

Parke P. Deans, p.q.

Appoint L. P. Holland guardian adlitem for infant derendants,
Christine Dennis Bergen and Robert Blackwell, infants under the
age of twenty one years.

1

Latimer, et al
n 1 Cy. No 315
Hayward et al

Memo

Filed Nov 17, 1919

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al.

v) Chancery. 315.

Hayeard et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel: And it appearing from the said report that the item of \$348.00 of interest money, directed to be paid to the guardian of the said Robert Gary Blackwell, by decree entered in this cause on the 25th. day of May, 1921, has been properly accounted for, receipts for the said amount being affixed to the said report; that the said special commissioner has taken from the said Robert Gary Blackwell, receipt for the bonds and certificate of deposit as mentioned in and directed by decree entered in this cause on the 25th. day of April, 1925, which receipt is filed with his said report; and that the costs of this suit have been paid: upon consideration whereof it is adjudged, ordered and decreed that the said report be, and is, hereby confirmed.

And nothing further remaining to be done in this cause, it is ordered to be stricken from the docket.

26.

Virginia: Circuit Court of the
County of Isle of Wight.

Latimer et al.

v) Chancery. 315.

Hayward et als.

Note for decree.

Enter this

1933
Aug 7.
Enter decree
1915

Chan. order Bk # 9
Page 117

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Latimer et als

vs: # 315

Hayward et als

It appearing that by the decree entered herein on
the 25th day of April, 1925, that _____
A. S. Johnson, Special Commissioner
herein was directed to report his proceedings in this cause;
and it further appearing that no report has been filed as
directed,

IT IS THEREFORE ORDERED that the said _____
A. S. Johnson, Special Commissioner be summon-
ed to appear before this Court at half past ten o'clock A. M.
on Tuesday, April 25, 1933, to show cause, if any he can, why
he should not be proceeded against for his failure to report
his proceedings as required by said decree.

25

Saturday also

is - 315

Hayward also

C.O.V. #9

P. 72

✓

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al

v) Chancery. 315.

Hayward et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, special commissioner, this day, by leave of court filed, and to which there is no exception, and upon the petition of Robert G. Blackwell, sometimes called Robert Blackwell, this day, by leave of court, filed, and was argued by counsel:

And it appearing from the said report and the said petition, that the funds arising out of the sale of the subject matter of this suit belonging to the said Robert G. Blackwell, who upon the filing of the last report of the said special commissioner on the 31st. day of May, 1920, then aggregating the sum of \$5867.90 is still in the hands of the said special commissioner and evidenced by bonds of ~~the~~ Linwood H. Latimer, Nancy Dunn Latimer, Frank H. Hayward and Juliette Galt Hayward, the said bonds covering the sum of \$5800, and the sum of \$67.90 being covered by certificate of deposit of Bank of Smithfield; and it further appearing to the court that the said Robert G. Blackwell has attained to the age of twenty one years, having reached that age on the 16th. day of January, 1925; and that he desires to have the said bonds and certificate of deposit assigned by said special commissioner to him, taking them in settlement of the amounts due him under this suit, and that he will pay the costs properly taxable against him: Upon consideration whereof the Court doth adjudge, order and decree that the said A. S. Johnson, Special Commissioner shall ascertain the unpaid costs of this suit properly taxable against the said R. G. Blackwell,

and taxes, if any, and collect the same from the said Robert G. Blackwell, and then assign the said certificate of deposit and the bonds aforesaid, to the said Robert G. Blackwell, taking his receipt therefor and filing same with the papers in this cause.

And the said special commissioner shall report his doings hereunder, and filed with his report a complete statement showing his receipts and disbursements of the funds belonging to the said Robert G. Blackwell.

And this cause is continued.

24

Virginia: Circuit Court
of Isle of Wight County.

Latimer et al

v) Chancery. 315

Hayward et als.

Note for decree.

Enter this April 25th. 1925

*Book 8
page 276*

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET AL

VS) CHANCERY NO. 315.

HAYWARD ET ALS.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, this day, by leave of Court, filed, and to which there is no exception, and was argued by Counsel: and it appearing from said report, that L. M. Latimer and F. H. Hayward, on the 21st. day of April, 1921, paid to the said Special Commissioner, the sum of \$348.00, it being the interest that day due upon their Bond of \$5800.00, payable to said Special Commissioner and which is referred to in the decree entered herein, on the 31st. day of May, 1920; that the said Special Commissioner has placed the said sum of \$348.00 to the credit of this cause, in the Bank of Smithfield, Smithfield, Va.; that there is filed with the papers of this cause, Certificate of Deposit No. 5051, bearing date June 14, 1920, for the sum of \$67.90, of the said Bank of Smithfield, which amount together with the sum of \$5800.00, evidenced by the Bond aforesaid, is the entire principal sum now in the hands of the said Special Commissioner, in this cause, and which is the property of the infant defendant, the said Robt. Gary Blackwell: that the said Robert Gary Blackwell, has no other means of support except the income derived from the sum of \$5867.90, aforesaid; that Juliet Galt Hayward has this day duly qualified as guardian of the said Robert Gary Blackwell; and that the interest accruing upon the said principal sum, or so much thereof as is necessary for that purpose, should be paid to the guardian of the said Robert Gary Blackwell, to be used for his education, maintenance, and support; it is adjudged, ordered, and decreed that the said report be, and it is,

hereby confirmed. And it is further adjudged, ordered, and decreed that the said Special Commissioner shall pay the cost of this suit, properly chargeable against the said Robert Gary Blackwell, up to and including the entry of this decree, and the balance of the interest money, paid to him as aforesaid, he shall pay over to the said Juliet Galt Hayward, guardian as aforesaid, take her receipt therefor, and return the same with his next report herein.

And it further appearing to the court that the Bond of the said Special Commissioner, which is in the penalty of \$15,000.00, is much more than is necessary to cover his responsibility herein, and in order to curtail the expense of excessive premium thereupon, it is further adjudged, ordered, and decreed that the penalty thereof be reduced ~~to~~ \$ 6500.00, which reduction shall be effective from the 7th. day of March, 1921, that being the date of the entry of the decree herein, which confirmed the report of the said Special Commissioner, in which is shown payment to the receiver of Christine Dennis Bergen, the other infant defendant in this cause, the amount due her.

21

Latimer et al

n / Cy. No 315

Hayward et al

Note for deer

1921
Guts May 25 / 1921

May 25 -

1921.

In case.

Report signed by Court in place
of two deer through
line.

Book 8, page 68

EXAMINED AND VERIFIED

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et als

vs) Chancery. No. 315

Hayward et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of R. J. Bergen, Special Commissioner, this day filed, by leave of court, and to which there is no exception, and upon the receipt of Christine Dennis Bergen, also this day filed, by leave of court, and upon which the said report of the said Special Commissioner is based: and, it appearing from the said report, and the said receipt, that the said R. J. Bergen, Special Commissioner, has paid to the said Christine Dennis Bergen the sum of \$5863.40, together with the accrued interest thereon, as directed by decree entered herein on the 7th. day of March, 1921, and has taken her receipt therefor, which is the receipt hereinabove referred to, it is ordered, adjudged and decreed that the said report be, and is, hereby, confirmed.

And it further appearing to the court that there is no further liability upon the said R. J. Bergen as such Special Commissioner, it is ordered that a copy of this decree be certified, by the Clerk of this court, to his surety.

And this cause is continued.

*Costs due R A Edwards
Clerk, to and including
this decree \$2.85*

19m

Latimer et al

vs) Chancery. No. 315.

Hayward et als.

Note for decree,

To be entered March 21st
1921.

B. H. W.

Chancery Order Book
8, Page 55.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

LATIMER ET ALS

VS) CHANCERY. NO. 315.

HAYWARD ET ALS.

This cause came on this day to be again heard upon the papers formerly read, and upon the petition of Christine Dennis Bergen, one of the defendants in this cause, this day, by leave of court, filed; and, it appearing from the petition that the said Christine Dennis Bergen attained to the age of twenty one years on the 19th. day of February, 1921, and is entitled to have paid to her the sum of money, under the control of the Court in this cause: and it further appearing, from the pleadings in this cause, that the said sum of \$5863.40, (which was, in obedience to the decretal order entered herein on the 31st. day of May, 1920, paid to R. J. Bergen, appointed in said decretal order for that purpose, as special commissioner, the said R. J. Bergen having given the bond as such special commissioner, on the 31st. day of May, 1920, and the said sum having been paid to him, according to his receipt filed herein, on the 2nd. day of June, 1920, by A. S. Johnson, Special Commissioner) is the sum of money to which the said Christine Dennis Bergen is entitled: It is, therefore, adjudged, ordered and decreed that the said R. J. Bergen, Special Commissioner, shall pay to the said Christine Dennis Bergen, the said sum of \$5863.40, held by him as such, and which is her share of the money derived from the sale of the subject matter of this suit, take her receipt therefor, which shall be properly executed and acknowledged by her, and file the same with the papers of this cause, and make report to the court of his proceedings hereunder. And this cause is continued.

16

Latimer et als.

vs) Chancery. No. 315

Hayward et als.

Note for decree.

To be entered March 7th. 1921.

J. H. W.

Entered in Chancery Order Book No.

8, page 50.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et als

vs) Chancery. No. 315.

Hayward et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, filed, by leave of court, on this day, and to which there is no exception, and was argued by counsel: and it appearing from the said report that the said A. S. Johnson, Special Commissioner, that he has paid to R. J. Bergen, Special Commissioner, the sum of \$5863.40, it being the share of Christine Dennis Bergen, one of the infant defendants herein, arising from the sale of the subject matter of this suit, as directed by the decretal order entered herein on the 31st. day of May, 1921, it further appearing, from the pleadings in this cause, that the said R. J. Bergen, as such Special Commissioner, had executed the bond required of him, as such, on the 31st. day of May, 1921, and was entitled and qualified to receive the said amount: On consideration, whereof, it is adjudged, ordered and decreed that the said report be, and it is, hereby, approved and confirmed.

And this cause is continued.

214u

Latimer et als.

vs) Chancery. No. 315.

Hayward et als.

Note for decree,

To be entered March 7th.

1921.

B.D.W.

Entered in Chancery Order Book

No. 8, page 50 :

EXAMINED AND RECORDED
CHANCERY AND RECORDS

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

LATIMER ET AL

VS)

HAYWARD ET ALS.

THIS cause came, on this day, to be again heard upon the papers formerly read, and, upon the report of A. S. Johnson, Special Commissioner, appointed herein by decree entered on the 5th. day of April, 1920, this day filed by leave of Court, and to which there is no exception, and was argued by Counsel: and, it appearing to the Court that the said Special Commissioner, on the 21st. day of April, 1920, executed the bond required of him as such, by the decree entered herein on the 5th. day of April, 1920; that, as directed by said decree, he did, on the 21st. day of April, 1920, by his deed bearing that date, convey the two-fifths interest in the tract of land in this proceeding mentioned, of the infant defendants herein, to L. M. Latimer and Frank H. Hayward; Nancy Dunn Latimer and Juliett Galt Hayward, having requested, as will appear by their writing filed with the said report, that they be not included as grantees in the said deed of conveyance; That he collected from the said L. M. Latimer and Frank H. Hayward the sum of Twelve Thousand Dollars, and three-fifths of the costs of this suit up to and including the entry of this decree; That he loaned to said Nancy Dunn Latimer, L. M. Latimer, Frank H. Hayward and Juliette Galt Hayward the sum of Fifty Eight Hundred Dollars of the share of the infant defendant, Robert Blackwell, in said fund, taking from them their bond, payable on demand, to said Special Commissioner, bearing interest from date till paid, at the rate of six percent per annum, payable annually, which said bond is secured by a deed of trust upon the whole of the real estate in this suit mentioned, and which is a first lien thereon, and has filed the said bond as well as the deed of trust mentioned, with the papers in this cause; That he has paid the whole of the costs of this suit, up to and including the entry of this decree, receipts for such payments

being attached to said report, and which costs are as follows:

Writ tax,	1.50	✓
Taxed attorney fee,	15.00	✓
Clerk fees,	12.50	
Commissioner's fee,	35.00	
Draft of deed to purchasers,	10.00	
War Tax stamps on same,	12.00	
Commissions to Special Commissioner,	249.00	
Sheriff fee,	.50	
Premium on Special Com'r bond,	45.00	
Counsel fee (Parke P. Deans)	250.00	✓
Witnesses	30.00	61.50

On consideration whereof the Court doth adjudge, order and decree that the part of the said report, referred to above, be, and the same is, confirmed.

And it further appearing, from said report, that A. S. Johnson, Special Commissioner as aforesaid, desires to resign as such in so far as the share in the said sum of Twelve Thousand Dollars, accruing to the infant defendant, Christine Dennis Bergen, is concerned, it is adjudged, ordered, and decreed that he be, and is, allowed so to do, and R. J. Bergen be, and he is, hereby, appointed Special Commissioner, in this cause, to take over the share of the said Christine Dennis Bergen, the same being the sum of Six Thousand Dollars less one-fifth of the cost of this suit, up to and including the entry of this decree, and such additional cost as is properly taxable in connection with the appointment and qualification of the said R. J. Bergen as such Special Commissioner, which he shall not do until he shall have executed a bond, in the penalty of Seventy Five Hundred Dollars, payable and conditioned as the law directs, with surety to be approved by the Clerk of this Court, and upon the execution of which, the said A. S. Johnson, Special Commissioner as aforesaid, shall pay over to him such amount as shall be the proper share of the said Christine Dennis Bergen, less the costs aforesaid, take his receipt therefor, and file the same with the papers in this cause.

It also appearing that the said A. S. Johnson, Special Commissioner aforesaid, has a balance of \$67.90, after making the loan aforesaid, of the funds of the infant defendant Robert Blackwell, it is adjudged, ordered and decreed that the said amount be deposited in the bank of Smithfield, Smithfield, Virginia, on interest, and that a certificate be

taken for said deposit, and filed with the papers in this cause.

And this cause is continued.

Lotimer et al
 N.Y. No 315
 Hayward et al

Prough Decree

To be entered
 May 31, 1920

1920
 May 31
 Entered
 B. L. W.

C. B. G. 4/10/20 552

In the Circuit Court of Isle of Wight County, Virginia:

Latimer et als.

v. No. 315

Hayward et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Commissioner in Chancery filed January 10th 1920 with exhibits therewith filed, to said report no exception is taken and was argued by counsel.

On consideration whereof, and it appearing to the Court from the said report, that the property mentioned and described herein and in the bill and proceedings cannot be conveniently partitioned among the parties entitled to the same, and that the interest of all parties will be promoted by a sale of the said real estate, and it further appearing that Nancy Dunn Latimer owns one-fifth interest in the property, that Juliette Galt Hayward owns one-fifth, Christine Dennis Bergen owns one-fifth, Robert Blackwell owns one-fifth and that L. M. Latimer owns one-fifth, and that from the evidence given and report of said A. S. Johnson shows that the real estate described herein is worth thirty thousand dollars and that Nancy Dunn Latimer, Juliette Galt Hayward and L. M. Latimer who owns three fifths of the entire property are willing to pay six thousand dollars for the interest of Christine Dennis Bergen and six thousand dollars for the interest of Robert Blackwell, which is a fair value for said real estate and recommended by the said commissioner, the Court doth approve and confirm said report and doth adjudge, order and decree that A. S. Johnson, who is hereby appointed Special Commissioner, for the purpose, shall upon the payment to him by the said Nancy Dunn Latimer, Juliette Galt Hayward and L. M. Latimer of the sum of twelve thousand dollars and three-fifths the cost of this suit, convey

to the said Nancy Dunn Latimer, Juliette Galt Hayward and L. M. Latimer, *or to whomsoever they may direct convey and to be made to* by good and sufficient deed, with covenant of Special Warranty, the two-fifths interest in the land in the bill and proceedings mentioned, as follows:

"All that tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight and State of Virginia, known as the 'Barradall' farm, listed at 523 acres and is the same conveyed to E. Agnes Nelson by the executors of N. P. Ycung, deceased, by their deed bearing date on the 4th day of August, 1897, and of record in the Clerk's Office of said County in Deed Book No. 62, page 3, and by the said E. Agnes Nelson, devised to R. G. Blackwell for his life, with remainder at his death, to his children living at his death."

And the said A. S. Johnson, Special Commissioner, is directed to report his proceedings hereunder to Court. But the said Commissioner will have no power to execute this decree until he shall enter into a bond, with sufficient surety, in the Clerk's Office of this County, payable to the Commonwealth of Virginia, in the penalty of \$ 15000⁰⁰, conditioned for the faithful discharge of his duties under this or any future decrees herein.

The Special Commissioner is directed to pay the cost of this suit, including a fee of 250⁰⁰ dollars to Parke P. Deans, counsel, which cost shall be borne equally by all the parties of interest, and the residue shall ~~then be divided into two equal parts, one part to be paid to the receiver of Christine Dennis Bergen and the other part to be invested by the said A. S. Johnson, Special Commissioner in a good loan on real estate, said loan to be a first lien upon said real estate, and the interest therefrom to be paid the guardian of Robert Blackwell~~ *and the Receiver of Christine Dennis Bergen and said Special Commissioner shall report his proceedings hereunder.*

8

Latimer et al
v 315
Stywar et al

Decree

1920
April 5
Enter this
BOW.

C. O. B. 7, page 540

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

L. M. Latimer and Nancy Dunn Latimer

PLAINTIFFS

versus

Juliette Galt Hayward, Christine Dennis Bergen
and Robert Blackwell, the last two being infants under
the age of twenty-one years

DEFENDANTS

This cause came on this day to be heard upon the bill of complaint of L. M. Latimer and Nancy Dunn Latimer; *the* exhibit ~~is~~ *herewith* filed; proof of legal service of proper process on the defendant Juliette Galt Hayward, in person, who has failed and still fails to appear, plead, demur or answer the said bill, which is taken for confessed as to her; the separate answer *said bill* of the infant defendants, Christine Dennis Bergen and Robert L. P. Holland *has been assigned to the* Blackwell by their guardian ad litem, ~~to said bill~~; the complainants' replication to the said answers and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this Court, who is directed to inquire into and report to the Court:

(1) Whether the real estate in the bill mentioned can be conveniently divided among the several parties entitled to share therein,

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

(3) If the same cannot be conveniently divided, and if no party will take the entire property and pay the others for their shares, whether the interests of these who are entitled to the said property, or its proceeds, will be promoted by a sale of the entire property, or by the allotment of part and the sale of the residue.

(4) What real estate the parties to this suit are entitled, the location and description thereof, how their title was acquired, and their respective interests therein, and the annual and fee simple value of the real estate.

(5) Whether there are any liens against the real estate on account of delinquent taxes or otherwise.

(6) Whether all the proper parties to this cause, are properly before the Court and the ages and residences of the infant defendants.

(7) (7) When R. G. Blackwell died ~~and whether~~

Which several inquiries, the said commissioner shall make, and to the Court report, together with any matters specially stated, deemed pertinent by himself, or required by any party to be so stated, and return to the Court with his report the evidence taken by him.

6

Latimer et al.

v.

Hayward et als.

Decree

1919
Dec. 19.
Entered
B. D. W.

C0197 p 526

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, that I, Robert G. Blackwell, having, on the 16th. day of January, 1925, attained to the age of twenty one years, do hereby complete, fully and absolutely discharge and acquit Juliette Galt Hayward from any and all obligations to me as my guardian, the said Juliette Galt Hayward having made full accounting to me for all moneys which has come into her hands as such, or other property, and settled with me in full.

Given under my hand this 11th. day of March, 1925. .

Robert G. Blackwell

State of Virginia,

County of Isle of Wight, to-wit:

I, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that Robert G. Blackwell, whose name is signed to the writing above, bearing date the 11th. day of March, , 1925, has acknowledged the same before me in my said County.

Given under my hand this 11th. day of March, 1925.

A. S. Johnson
Commissioner in Chancery.

Received of A. S. Johnson, for Juliette Galt Hayward, guardian
of Robert Gary Blackwell, the sum of two hundred and seventy five
dollars, to pay account of Robert Gary Blackwell for mule bought
by him of me.

July 5th. 1921.

T. L. Dashiell

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Lev.	50
County School Lev.	40
County Road Lev.	10
District School Lev.	50
District Road Lev.	40
Poor Lev.	05
Total	\$ 1.95

M. S. A. Sidney Johnson
S. C. - Satterthwaite & Blackwell
To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

TAXES AND LEVIES, 1922

NEWPORT DISTRICT

Land.....Page.....Line.....
Personal Property.....Page.....Line.....
Income.....Page.....Line.....

No. 614

Local Rate on Intangibles (Classes 1, 6)..... for Roads 20c. on \$100 (Classes 5, 2)..... for Roads 30c. on \$100		Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
Real Estate.....	Acres	\$	.25	\$	.95	\$	\$
Real Estate.....	Acres		.25		1 .95		
Real Estate.....	Acres		.25		1 .95		
Real Estate.....	Acres		.25		1 .95		
Tangible Property.....			.25		1 .95		
Class 4 (Money).....			.20		NO NE	NO NE	
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.35		20 30	11 60	
Class 1 (Bonds, Notes and other evidences of debt)..... Value \$		5800	.35		20		
Class 5 (Shares of Stock)..... Value \$			.80		30		
Class 2 (Capital).....			.85		30		
Income.....			{ 1% up to \$3,000, 2% on excess }		NO NE	NO NE	
Bank Stock.....			..NONE..	NO NE	85		
Stock Mdse.....			..NONE..	NO NE	25		
State Poll (or Capitation) Tax.....				1 50	NO NE		1 50
CREDITS		Total Taxes and Levies.....		\$ 20 30		\$ 11 60	\$ 31 90
Date	Account	Amount	Received payment:				
		\$	Five Per Cent. Penalty.....				
			Total Taxes, Levies and Penalty... \$				

Statement Rendered

NOV 24 1922

Treasurer.

LOCAL RATES—REAL ESTATE AND TANGIBLE PROPERTY

County and District

County Levy.....\$.60
 County School Levy.....\$.30
 County Road Levy.....\$.10
 District School Levy.....\$.50
 District Road Levy.....\$.45
 Poor Levy.....\$.05

Total.....\$ 2.00

No. **567**

Mr. A. S. Johnson & Co. for TAXES AND LEVIES, 1921
Salmon St. Als. W. Blackwell

To W. E. LAINE, Treasurer of ISLE OF WIGHT COUNTY, VIRGINIA, Dr.

NEWPORT DISTRICT

Land.....Page.....Line.....
 Personal Property...Page.....Line.....
 Income.....Page.....Line.....

Local Rate on Intangibles (Classes 6, 1, 5, 3 and 2) for Roads, 30c on \$100		Valuation	Rate of State Tax on \$100	State Tax	Rate of Local Levies on \$100	Local Levies	Total Tax and Levies
Real Estate.....	Acres	\$	\$.25				
Real Estate.....	Acres		.25		2 00		
Real Estate.....	Acres		.25		2 00		
Real Estate.....	Acres		.25		2 00		
Tangible Property.....			.25		2 00		
Class 4 (Money).....		68	.25		10		
Class 6 (Bonds of Counties, Cities and Towns of this State).....			.20		NO NE	NO NE	14
Class 1 (Bonds, Notes and other evidences of debt)..... Value \$			.35		30		
Class 5 (Shares of Stock)..... Value \$			.80		30		
Class 3 (Fiduciary).....		58.75	.80	46 40	30	17 40	63 80
Class 2 (Capital).....			.85		30		
Income.....			{ 1% up to \$3,000; 2% on excess ..NONE..		NO NE	NO NE	
State Poll (or Capitation) Tax.....				NO NE	NO NE		
CREDITS				50	NO NE		50
Date		Account	Amount	Total Taxes and Levies..... \$ 46 54			
			\$				
				Received payment:			
				Five Per Cent. Penalty..... 3 28			
				Total Taxes, Levies and Penalty... \$ 67 14			

Treasurer.

Signature of

Robert W. Blackwell

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al.

v) Chancery. 315.

Hayward et als.

I, R. G. Blackwell, do hereby acknowledge having received of A. S. Johnson, special commissioner in the above styled suit, the bonds of Juliette Galt Hayward and Frank H. Hayward, and of L. M. Latimer and Nancy Dunn Latimer, and the certificate of deposit, mentioned in my petition, filed in said suit, on the 25th. day of April, 1925.

Robert G. Blackwell

Received of A. S. Johnson, Special Commissioner in the suit of Latimer et al..

v. Hayward et als, chancery 315, pending in the Circuit Court of the County of Isle
of Wight, Virginia, \$_____, being costs due to me, as clerk of the said court,
up to and including the final decree.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al.

v) Chancery. 315.

Hayward et als.

To Honorable Benjamin Dey White,

Judge of the Circuit Court of the County of Isle of Wight, Virginia.

The undersigned, special commissioner in the above entitled cause, respectfully reports to the court as follows:

That on the 5th. day of July, 1921, he paid to T. L. Dashiell two hundred and seventy five dollars for a mule, purchased by Robert Gary Blackwell, upon the direction of Juliette Galt Hayward, guardian of the said Robert Gary Blackwell. Receipt for the said sum is filed herewith. The guardian did not call for any more of the interest fund of \$348.00 directed to be paid by said decree, to her. Out of it was paid taxes due for the years 1921 and 1922, respectively, amount to \$67.14 and \$31.90, aggregating \$99.04, and exceeding said amount by \$26.04, which was paid back to your commissioner in the final settlement with the said Robert G. Blackwell. The amounts here stated exhausted the interest fund directed to be paid to the said guardian, as shown. When the said Robert G. Blackwell attained to his majority, he gave to his guardian a full and complete discharge of her responsibility to him, in writing, which is hereto attached.

Pursuant to the decree entered herein on the 25th. day of April, 1925, your commissioner assigned the bonds and certificate of deposit therein mentioned to the said Robert G. Blackwell, and took his receipt therefor, the same being filed herewith.

The costs of this suit, to dismissal, have been paid, receipt of the clerk therefor being hereto attached.

Nothing further appears to be done in this cause and it can be dismissed.

Respectfully submitted



Special Commissioner.

Virginia: In the Circuit Court
of Isle of Wight County.

Latimer et al.

v) Chancery. 315.

Hayward et als.

Report of special commissioner.

Filed

1933
July 10
1933

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Latimer et al

v) Chancery. 315.

Hayward et als.

To Honorable Benjamin Dey White,

Judge of the Circuit Court of the County of Isle of Wight,
in the State of Virginia.

The undersigned, special commissioner in this cause, respectfully reports to the court that the bonds of L. M. Latimer, Nancy Dunn Latimer, Frank H. Hayward and Juliette Galt Hayward, aggregating the sum of fifty eight hundred dollars, and the certificate of deposit of Bank of Smithfield of \$67.90, mentioned in his report filed in this suit on the 31st. day of May, 1920, and which was confirmed by decree entered on the said 31st. day of May are all still in his hands; that the said bonds and certificate of deposit represented funds belonging to the defendant Robert G. Blackwell, sometimes called Robert Blackwell, then an infant; that the said Robert G. Blackwell is now of the age of twenty one years; that he has requested that the said bonds and certificate of deposit be assigned to him, and for which he will give proper receipt, and pay the costs of this suit in so far as they are properly taxable against him. There being nothing else to be done in this cause but to account for the funds due to the said Robert G. Blackwell, and to pay the unpaid costs of the suit, your commissioner recommends that the said bonds and the certificate of deposit be assigned, by the special commissioner, to the said Robert G. Blackwell, and that the costs of this suit, in so far as they are properly taxable against him, to be collected by the said special commissioner and paid as the law directs, and

proper receipts taken therefor and filed with the papers in
this cause.

Respectfully submitted,

W. H. Johnson
Special Commissioner.

23

Virginia: Circuit Court
of Isle of Wight County

Latimer et al

v) Chancery.315

Hayward et als.

Report of special commiss-
ioner.

Filed April 25th. 1925.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Latimer et al.
VS) CHANCERY. No. 515.
Hayward et al.
LATIMER ET ALS

VS) CHANCERY. No. 515.

HAYWARD ET ALS.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

TO THE HONORABLE B. D. WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT.

The undersigned Special Commissioner appointed by decree entered herein on the 5th. day of April, 1920, respectfully reports to the court that on the 21st. day of April, 1921, F. H. Hayward and L. M. Latimer paid to the Special Commissioner the interest, for twelve months, upon their Bond of \$5800.00, which is fully described in report of said Special Commissioner, filed herein on the 31st. day of May, 1920, and in the decree, entered herein, on said 31st. day of May, 1920. The interest collected, as aforesaid, being the sum of \$348.00, which has been deposited in the Bank of Smithfield to the credit of this cause, and which interest is the property of Robert Blackwell, whose full name is Robert Gary Blackwell, one of the infant defendants in this cause.

The Bond of \$5800.00, aforesaid, and which is secured by a Deed of Trust on real estate in this County, the sum of \$67.90, now in Bank of Smithfield, and for which a Certificate of Deposit is filed with the papers in this cause, and the said sum of \$348.00, the interest money as aforesaid, is all the fund which the said Special Commissioner now has in his hands, belonging to this cause, all of the residue having been heretofore paid out, as will appear by former reports, and decrees entered in confirmation thereof.

Juliette Galt Hayward, having on the ^{this} ~~6th~~ day, of ~~April~~ qualified as guardian of said Robert Gary Blackwell, and it being represented to said Special Commissioner, that the said Robert Gary Blackwell is not possessed of any other means of support except the fund herein, it is recommended that after the payment of the cost of this suit, up to,

and including the entry of this decree, which is properly chargeable against the said Robert Gary Blackwell, that the interest accruing on the said principal sum, ~~or so much thereof as shall be called for~~ ^{Said principal sum} ~~by said guardian~~, be paid over to her to be used for the education, maintenance and support of the said Robert Gary Blackwell, and to be accounted for as the law directs.

Respectfully submitted,

Edmond
Special Commissioner.

No

Lotman et al

n of Cy No 315

Haywood et al

Report of Spe Comm

July 75

Filed May 15, 1877