1869-011

WILLIAM KNOTT + WIFE vs ELMIRA LATIMER

1869
CHANCERY CAUSES

NANSEMOND COUNTY
(SUFFOLK)

WILL OF JOHN W. LATIMER, 1863
SIGNED AT GETTYSBURG, PENN.

General Hospital, Gettysburg Pa.
Sept. 17th 1863

I John W. Latimer, Private in Co. G. 9th Regt. Va. Infantry being of sound mind and in full possession of my faculties in the presence of God and these Witnesses, do make this my last Will and Testament -

I bequeath all my property, real and personal to my son Floyd Magruder Latimer, desiring my wife Elmira Latimer to act as Guardian to the child and Executrix of this Will -

Witness
C. H. Foy 58th Inf. Regt.
W. P. Poor Co. D. 17th Regt. Mi 88 Vols.

Signed - John W. Latimer
his mark

At the Court of Hustings for the City of Portsmouth held on the 15th day of January 1866 The last Will and Testament of John W. Latimer dec'd was proved in Court by the oath of C. H. Foy a subscribing Witness thereto and ordered to be recorded -

Teste - Dempsey Nash
Copy Teste Dempsey Nash C.C.

Last Will & Testament of John W. Latomus dec'd

Jno. W. Latomus's Will.

(A Copy)

Filed with the bill as an Exhibit

At a Circuit Court held for Nansemond County
the 15th day of October 1867.

William Knott and Catherine his wife Complainants

against

In Chancery

Almira Salsmer individually and as Exec
utrix and Testamentary guardian of Floyd
M. Salsmer an infant under twenty one years
of age ..... Defendant

This cause again came on to be heard upon the papers formerly read therein and the reports of Special Commissioner J. S. Stubbs, and that of John R. Kelly a commissioner of this Court, to which reports, there is no exception and was argued by Counsel: On Consideration whereof the Court confirming said reports doth adjudge order and decree that J. S. Stubbs Special Commissioner withdraw from the papers in this cause filed with his report leaving with the clerk a receipt therefor the bond of Elisha Laycock and William Knott for Twenty one hundred and seven dollars and thirteen cents bearing date with interest from the 12th day of November 1866 and collect the same, and after all costs remaining unpaid pay to Mrs Catherine Knott, widow of Samuel Salsmer, the sum of Five hundred and nineteen dollars and seventy two cents, with interest thereon from the 12th day of November 1866, and to Mrs Almira Salsmer, the widow of John Salsmer deceased, the sum of Four hundred and eighty three dollars and forty six cents with interest

thereon at the rate of six per centum per annum until paid and the residue thereof to Mrs Almera Lakmer the legal guardian of the infant defendant Floyd M. Lakmer, and report her proceedings under this decree and make a Deed to the purchaser of said Land in the usual form with special warranty. But before any payment of money shall be made under this decree to said Almera Lakmer, the guardian of Floyd M. Lakmer she shall execute before the Clerk of this Court a Bond in the penalty of fifteen Hundred dollars payable to the Commonwealth of Virginia and conditioned faithfully to account for any moneys she may receive under the proceedings had in this cause.

A Copy.

Teste,

Clerk

Clerk. $5.00

Peter B. Prentis. Clerk

Ordered that $5
be paid Lakmer

Filed Sept 4th 1874.
Wm. Lucas
vs
Almera Lakmer &c

Received, Feb 12th 1869 of J. S. Stubbs com
under the decree pronounced Oct. 15th 1867 in the
suit of Knott & wife vs Latimer et als the sum
of Five hundred & forty six 99/100 Dollars, principal & interest
being the amount to which I am entitled
as the widow of John Latimer dec'd.

William Knott
Catharine S Knott

Received Feb 12 1869 of J. S Stubbs com:
under the decree pronounced Oct 15th 1867 in
the suit of Knott & wife vs Latimer et als the
sum of twelve hundred & thirty five 68/100 Dollars, principal & interest
being the amount to which I am entitled to
receive in the distribution under said decree
as guardian of Lloyd M. Latimer minor
child of John Latimer dec'd

Elmira W Latimer
G. D.

Received Feb 12th 1869 of J. S Stubbs com:
under the decree pronounced Oct 15th 1867 in the
suit of Knott & wife vs Latimer et als the sum
of five hundred & eighty seven 80/100 dollars principal & interest
in full of my distributive interest under said de-
cree being the dower right in the landed es-
tate of Sam'l Latimer provided for un-
der said decree

Elmira W Latimer

Vouchers
Knott & Wife
Vs Comrs Rept.
Latimer &c

Knott & Wife
vs
Latimer et als

To the Hon: E. P. Pitts
Judge of the Circuit Court of Ironsmond County

By direction of the decree entered in the cause the bond of Elisha Laycocke & William Knott for twenty one hundred and seven dollars and thirteen cents dated & bearing interest from Nov. 12th 1866 and collected the same with principal and interest to Feb. 12th 1869 — making $2370.27
and distributed the same as follows: to wit:

To Wm Knott & Wife $87.80
To Almyra Latimer $46.79
To Almyra Latimer for
of Floyd M. Latimer 1235.68
$2370.27

and return the vouchers herewith

Respectfully submitted
J. S. Stubby
Spl. Comr.

Knott & wife
vs
Lakin et al
Com's Report

1869. rec'd. 20th Dec'r

At a Circuit Court held for Nansemond County the 12th. day of October 1866.

William Knott and Catharine his wife. Complainants

against } In Chancery.

Almira Latimer, in & in dividually, and as Executrix and Testamentary guardian of — Lloyd M. Latimer an infant under twenty-one years of age . . . . . Defendant.

This Cause, came on this day to be again heard on the papers formerly read and on the report of Commissioners James Hargroves W. J. Wright and Elisha Laycock, made pursuant to the decree of the 17th. of April 1866. to which report there is no exception. and was argued by Counsel: On Consideration whereof the Court doth confirm the said report, and doth adjudge, order and decree, that John S. Stubbs, who is appointed a Commissioner for that purpose proceed to sell before the Court House door of Nansemond County on some Court day, on a credit of nine Months, with interest from dale, (except for a sum sufficient to pay costs of suit and expenses of sale which will be cash) the lands, whereof John W. Latimer died seized and possessed, described as two certain tracts of land situate and lying in ~~Nansemond~~ said County, and containing jointly One Hundred and eighty acres, and bounded by the lands of Dr. A Wilson, and James Hargroves, having first given at least three weeks notice thereof by advertisement of such sale at the Court House door of Nansemond County and at Hargroves Tavern and four other public places

in said County and once a Week for three Weeks in some News-
paper published in Norfolk City. taking from the purchaser bond
and good security, and retain the title till the further order
of Court, and return said bond and make report to Court
Both; before any Sale, shall be made under this decree, the
said John S. Stubbs, shall execute before the Clerk of this Court
in his office, a Bond in the penalty of Three thousand dol-
lars, payable to the Commonwealth of Virginia, and condi-
tioned for the faithful discharge of the duties required of him
under this decree, or any other future order or decree, that be made
in the cause. and it is further ordered and decreed, that a
Commissioner of this Court, ascertain what would be a fair
fee simple value in money, in lieu of the Dower of Mrs Catha-
rine J. Knott and Mrs Elmira W. Latimer in said lands, and
make report to Court, with any matters specially stated dee
med pertinent by himself, or that may be required by any of
the parties to be so stated

A Copy.

Teste:

Peter B. Prentis. Clerk

Comm's. office, Suffolk Va.
Aug't. 13th 1867.

To the Circuit Court of Nansemond County.

The Undersigned, one of the Commissioners of said Court, respectfully Reports to Court— That pursuant to the annexed decree of said Court of the 20th July 1867, made in the cause therein pending, wherein Wm. Knott Suite are plaintiffs and Almira Latimer &al: defendants, he proceeded on this 13th day of August 1867, to execute said Decree —

He finds that the nett proceeds of the sale of the Real estate referred to in the proceedings to be $2107:13
and that Mrs. Catharine Knott has dower therein, That she is 45 years old, and her expectancy of Life is 23 years 9/10ths — and that her dower in said sum is now worth in fee simple, present value $519:72
$1687.61

That, supposing that Mrs. Almira Latimer is entitled to dower in the surplus of $1687:61, she being 23 years of age having an expectancy of 34 years, is entitled to $483.46

Balance. $1204.15

That Interest should be allowed the several

parties from the 12th Nov. 1866.

Respectfully submitted

John R. Kelly Comr

Comrs. Fee $5.

Commissioner's Office
Suffolk Va July 20th 1867

To William Knott and Catharine his wife. Complainants
and to
Almira Latimer, individually and as Executrix and Testamentary guardian of Floyd M. Latimer an infant under twenty one years of age. Defendants.
You are hereby notified that I have appointed Tuesday the 13th day of augt 1867 to ascertain what would be a fair & simple value in money, in lieu of the Dower of Mrs. Catharine I. Knott and Mrs Elmeria W. Latimer in the lands whereof John W. Latimer died seized and possessed, which is required to be done by the Decree of the Circuit Court of the County of Nansemond rendered on the 12th day of October 1866. in a suit in chancery depending in said Court, in which you are parties Complainants and defendants. at which time and place you are required to attend. Given under my hand as Commissioner in Chancery of the Circuit Court of Nansemond County the day and year first herein aforesaid.

John R. Kilby, Comr.

1867 July 20th we acknowledge due service of the within notice.

William Knott

Catharine I Knott

Elmira K Latimer

Knott Surfe

vs

Latimer Jal.

Report of John
R. Kilby, Com'r
on Dower values
&c.

1867
May: 24th: Filed

To the Hon. Richard L. Baker. Judge of the Circuit Court of Nansemond County.

In compliance with the directions of the accompanying decree, we, the commissioners acting under the same, have examined the premises therein named, and report that the farm is in very poor order, the house in a dilapedated and decaying condition, the fences very poor, and considering the small size of the farm, believe partition of the whole or any part thereof inexpedient, and recommend a sale and division of the proceeds according to the interest of the parties in the same.

Owing to the condition of the farm and the improvements, we are unable to affix its value, and have not submitted the proposal to any of the parties in interest, to take it at an assumed valuation believing that competition by public sale would rather increase than diminish the value we might place upon it.

We further report, that by the annexed acknowledgement of the widows before a Notary Public their assent is given to the sale of the land and that they are willing to receive from the sales of it, money as an equivalent for their dower.

All of which is Respectfully Submitted

James Hargroves

W. J. Wright

Elisha X Laycock
his
mark

Test:

Jno. D. Laycock.

William Knott Esq:

vs } Commns: Rebat

Almira W. Latimer

&c.

filed 15th Sept: 1846
CMC

J. S. Stubbs - Posts.
$4 00

I, R. C. Glassell, Printer

The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for ~~four~~ three successive weeks in the newspaper aforesaid.

Given under my hand this 20th day of Dec — A. D. 1866

Cost of executing the said order, paid by the above-named plaintiff, $ 7.00

COMMISSIONER'S SALE OF A VALUABLE FARM AND TIMBERED LAND IN THE LOWER PARISH OF NANSEMOND COUNTY.—By virtue of a decree of the Circuit Court of Nansemond County, October 12th, 1860, in the suit of William Knott and Catharine, his wife, vs. [illegible] Skinner, individually, and vs. Latin[illegible]ix, the undersigned, as Commissioner, will on TUESDAY, the 12th day of Nove[illegible]ock, m, in Suffolk, before the [illegible] Nansemond county, (the [illegible] proceed to sell, upon [illegible] except so much for [illegible] costs of suit and expens[illegible] whereof John W. La[illegible] possessed, described as [illegible] situate in the Lower [illegible] county, and containing [illegible]

Two Hundred [illegible] Acres

of high land and [illegible]sh, and bounded [illegible] and Jas. Hargrove[illegible]

Upon this [illegible]g with the usual cut[illegible] presented as being wel[illegible] suitable for ship building, [illegible] large amount of cord Wood may [illegible] Navigation for lighters and [illegible] miles of the timber and wood[illegible]

The purchaser will be required to execute a bond with approved personal security, for purchase money, with interest from the day of sale and the title, except possession, retained until payment is made.

J. S. STUBBS,
Special Commissioner.

oc23—Tu3w

All Available Text Successfully Captured

Norfolk, Va. Dec 10th 1866

Mr J. S. Stubbs Portsmouth Va

To The Norfolk Virginian, Dr.

S. HODGES & CO.,

To Advertising

1866			
Oct	23	Sale of Valuable Nansemond Land Knott & Wife Plaintiffs 4 ads weekly 3 weeks	7.00

Rec'd by R. C. Forman

Portsmouth, Jan: 12th 1868

P. B. Prentice, Esqr

Sir—

Please hand to the
Bearer from the hands of Mr Lazelle Ken-
der the deed of Rhoda Ann Wife of Latimer
C— and his receipt to you take in
lieu of mine

Very Respectfully

Yours

J. S. Studley

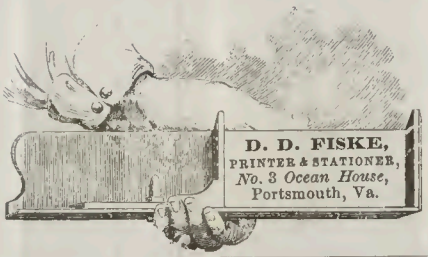
1869. January 13th Recd of Peter B. Prentiss, Clerk of the Circuit Court of Nansemond County, the bond ordered to William A. Elisha Laycock Sale for $2107.13

William A Knott

Assumed as Sole Claim

1866. Nov: 12th. Recd of John S. Stubbs, Comm'r. the
Sum of Ten Dollars, in full, for my fees, in the
Chy: Suit of Wm. Hurtle Lewis vs Lehmann, Lee
& Hines Chy: Co, to date.

Peter B. Prentis. Clk



Portsmouth, Va. 1866.

Jno. S. Stubbs, Esq. U.S. Commr.

To D. D. FISKE, *Dr.*

Oct. 22 To print'g Handbills for sale of
Farm in Nansemond Co. of the late
L. W. Cottinier, dec'd. $ 3 00

Rec'd Payment,
D. D. Fiske.

Nov 12th 1866 Rec'd of Mr Jno. S. Stubbs Comr under the decree of Knott + Lee vs. Latimer Exr + the sum of Eight dollrs + 12 cents for selling land mentioned in said decree

$8.12

Wm D. McGuire

Hon: Richd H. Baker Judge of the Circuit Court — Rockingham Co.

The undersigned Commissioner in compliance with the annexed decree, on the 12th day of Nov, 1866, sold at public auction on the day, place of sale & time mentioned in the advertisement hereto annexed, the lands described in the bill in the suit of Knott & wife Vs Latimer & al: and the same was purchased by Elisha Laycoche (he being the highest bidder) for the sum of $2250.00 — and herewith submits this report with the bond of the purchaser & exhibit of expenses

To gross Sale of Town	$2250.00
By expenses of Suit & execution of the decree	
Atty's fee & revenue tax	$31.00
Copy of will filed in Suit	1.00
Harpr. Virginian (advertising)	7.00
D. D. Hist. (hand bills)	3.00
Clerk's fees	10.00
Auctioneer	8.12
Commissions	84.00
Retained for deed	5.00
Expenses (rail Road and tavern bill) on day of Sale	3.75
	$142.87
To balance, per returned bond	$2107.13

Respectfully
Submitted
J. S. Stubbs,
Spec: Comr.

Knott turbe
Conn
Repeal of
Sale
Latimer Sal

1867
Aug: 2nd: Field

KNOW ALL MEN BY THESE PRESENTS, That we Elmira W. Latimer and William Knott

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Fifteen Hundred ~~~~~ dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 13th: day of January in the year one thousand eight hundred and Sixty — nine, and in the 93rd: year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Elmira W. Latimer, guardian of Floyd M. Latimer, who was by a Decree of the Circuit Court of Nansemond County, pronounced on the 15th: day of October 1867, in the Chancery Cause of William Knott & Catharine, his wife, Complainants against Almira Latimer, individually and as Executrix and Testamentary guardian of Floyd M. Latimer, an infant, under twenty-one years of age, Defendants, shall faithfully account for any moneys she may receive under the proceedings had in said Cause ~~~~~

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of P.B. Prentis

Elmira W Latimer SEAL.

William Knott SEAL.

SEAL.

SEAL.

SEAL.

Elmira W. Latimer &c:

To } Edw: Bond

Commonwealth.

Jany: 13th 1869 Executed & filed

Portsmouth, July 25th 1866

We, the undersigned Catharine Knowlton Widow of Samuel Latimer dec'd and Almira Latimer Widow of Jno W. Latimer dec'd, do hereby willingly consent to the sale of the whole of the land, under the decree pronounced at the April Term of Household Circuit 1866, in the Suit of William Knowlton's Exrs Vs Almira Latimer &c and to receive an equivalent in money out of the proceeds of Sale in lieu of our dower

Catharine Knowlton

Elmira W. Latimer

Signed and acknowledged before me by the above named parties this 25th day of July 1866

J. S. Stubbs
Notary Public

Knott Lay

Consent of California
J. Knott & Elmira
W. Latimer to reconveyance for Sewer
Latimer &c

Seen: Sutter: 15 Fr. 64

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Almira Latimer, individually, and as Executrix and Testamentary guardian of Floyd Thos. Latimer, an infant, under twenty-one years of age,

to appear at the ~~Clerk's Office~~ Judge of our Court Court, for the County of Nansemond. on the ~~first Monday in~~ 1st day (April 17th: ~~next~~, 1866), ~~being rule day~~, to answer a bill in chancery, exhibited against her by William Knott and Catharine, his wife,

and unless she shall answer the said bill ~~by the next rule day thereafter~~, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at the ~~Court House Office~~, this 17th: day of April 1866, and in the 90th: year of the Commonwealth.

Peter B. Prentis. Clerk.

INTER-REVENUE 50 50 CENTS CENTS UNITED STATES

P. P. April 17th

☞ The Sheriff will, in executing this writ, observe the directions indorsed thereon, and make due return how he executes the same. A copy is executed on each Defendant.

J. S. Stull: Esq

William Knott Smith

vs

Simms: in Chy:

Almira Latimer. Exr

To 27th: April 1866 en

Term.

(Pro. B. No. 1. p. 6)

1866. April 27th. Service acknowledged by me

Almira Latimer

individually, and as

Executrix and Executrix

of Peter M. Latimer

KNOW ALL MEN BY THESE PRESENTS, That we John S. Stubbs and John R. Killy

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Three Thousand ~~~~~ dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 12th. day of October in the year one thousand eight hundred and Sixty - Six, and in the 91st. year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound John S. Stubbs, who was by a Decree of the Circuit Court of Nansemond County, in the Cause of William Knott and Catharine his wife against Almira Latimer, individually and as Executrix and testamentary guardian of Floyd M. Latimer, an infant, under twenty-one years of age, pronounced on the 12th. day of October 1866, appointed a Commissioner to make Sale of Certain Real Estate, in said ~~Cause~~ described

under said decree or any future order or decree that may be made in said Cause

shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of P. B. Prentis

J. S. Stubbs SEAL.

John R. Killy SEAL.

SEAL.

SEAL.

SEAL.

John S. Stubbs, Commtt.

To } Bond

Commonwealth.

1866
Nov: 12th: Executed & filed

Swan & wife } Circuit Ct. Rowan Co.
vs
Latimer &c

This cause came on this day to be
heard upon the report of Special
Commissioner J. L. Stubbs made in pursuance
of the decretal order therein entered Oct.
15th 1869 - to which report there is no exc=
eption & was argued by counsel, and
the Court doth hereby confirm said re=
port, and it appearing that there is
nothing further ~~to be done~~ remaining
to be done in this cause the same is or=
dered to be removed from the docket

(paper formerly read from the)

Knott & wife
vs
Edwards
Latimer &c

1869
April Court
Decree
To be Entered
E. P. Pitts

Entered

Final decree

Rust & wife
vs } In Chancery
Latimer &c

This cause again coming on to be heard upon the papers formerly read therein and the reports of Special commissioner J. S. Stubbs and that of Jno. R. Kilby, a commissioner of this court, to which reports there are no exceptions, and it was argued by counsel. On consideration whereof, the court confirming said reports, doth adjudge and decree that J. S. Stubbs Spec. commissioner withdraw from the papers in this cause, filed with his report, leaving with the clerk a receipt therefor, the bond of Elisha Lagrone & Wm. Rust for Twenty one hundred & seven dollars and thirteen cents ($2107.13) bearing date with interest from the 13th day of Nov. 1866 - and collect the same, and after paying all costs remaining unpaid, pay to Wm. S. Latham Rust the residue of Samuel Latimer the sum of $575.72 with interest thereon from the 12th day of Nov. 1866 and to Wm. S. Latham Rust the Widow of Jno Latimer dec'd the sum of $483.46 with interest thereon at the rate of six per centum per annum until paid, and the residue thereof to Wm. S. Latham Rust the legal guardian of the infant defendant Floyd M. Latimer and upon his proceedings under this decree, and make a deed to the purchaser of said land in the usual form with special warranty. But before any payment of money shall be made under this decree to said Latham Rust the guardian of Floyd M. Latimer she shall execute before the Clerk of this court a Bond in the penalty of $1500. payable to the Comth of Va & conditioned faithfully to account for any money she may receive under the proceedings had in this cause.

Kurtz suite

N.

Lattimer

1867

Oct. 21. Decree

I be entered.

R. H. Baker

Entered

Knapp & wife
vs
Lolimer et al

By consent this cause was docketed and Robt B. Pontius is assigned guardian ad litem to defend the interest of the infant defendant Hosea M. Lolimer in this suit, and thereupon the said Robt B. Pontius as such guardian filed his answer to the bill of the plaintiffs, to which answer the plaintiffs by counsel replied generally, and this cause coming on by like consent, to be heard on the bill, answers of the defendants, and the exhibits therewith filed and general replications thereto was argued by counsel On consideration whereof the Court doth adjudge, order and direct that David B. Jones, Abriel W. Wilson, James Hargraves, William J. Dwight and Elisha Laycock be appointed Commissioners, or any three of whom may act, shall go upon the lands in the bill described and after viewing the premises, make a partition thereof among the parties entitled thereto according to the interest of each, but if partition cannot be conveniently made, then the said commissioners or such of them as may act may allot to any party the entire subject who will accept it and pay therefor to the other parties such sums of money as their interests therein may entitle them to ~~including the costs of the writs~~, or if the interest of them who are entitled to the whole subject or the proceeds thereof will be promoted by a sale of the entire subject or allotment of part

and sale of the residue thereof the said commissioners will report thereon accordingly; and the said commissioners or such of them as may act shall inquire and report whether the interests of all would be promoted by a sale including the dower of the widows, receiving money in lieu of their dower and whether the widows give their consent thereto

And the court doth further ad: or & decree that the said comrs. or such of them as may act report to the court whether the widows in the proceedings mentioned are willing that their respective rights of dower in the said lands shall be sold, receiving therefor; respectively, an equivalent in money for the same.

Filed Sept. 7. 66

Recorded in Chancery R. I. 69.

Exhibit A
to
Petition

The answer of Lloyd M. Latimer an infant
under twenty one years of age by Peter B Pendis
his guardian ad litem appointed to defend him in
this suit — to a bill ~~filed~~ exhibited against the said
Lloyd M. Latimer et al in the Circuit Court of Rose-
mond County by William Knowel &c

For answer
to the said bill of complaint your respondent
Lloyd M. Latimer, by Peter B. Pendis his guardian
ad litem, would show that he is an infant of very
tender years, & has individual rights and interest
he is wholly ignorant, and will therefore submit
them to the protection of the court — reserving
such decree as will be, in its judgment, best for
his interest & therefore prays to be dismissed with
reasonable costs

Peter B. Pendis
for: ad litem

Knott Wife

Pltf's Cause of complaint
vs
Deft: by gdn: ad litem

Almira Lakemore &c

1866
Abl: 17th: filed.

The answer of Almira Latimer to the bill of complaint of Wm Knox & Catharine his wife filed in the Circuit Court of Nansemond co and docket by consent,

For answer yourdt= Respondent would say the allegations in said bill are to her knowledge and belief true - That she is the widow of Jno. W. Latimer the decedent named in said bill of complaint. That said decedent left no support for her and his infant child save the rents from the real estate in plaintiffs bill described, his slaves which were his only personal estate he had being manumitted, That the rents from said lands amount to only fifty ($50) dollars, one of which the female complaint Catharine Knox is entitled to 1/3 as dower and the balance to be distributed between respondent & the infant defendant & payment of taxes. That the improvements are rapidly decaying for want of repairs which she is unable to do & the wood & timber pillaged for the want of proper protection & believing that the interest of all concerned therein will be promoted by a sale and proper distribution of the proceeds, she has no objection to a sale thereof as prayed for by plaintiffs, and prays therefore to be dismissed with her reasonable costs

Almira W Latimer
individually, Executrix & testamentary
Gdn

Answer of Adult Defendant
Cant

Knott Esq

vs } Chas: of Elmira
W. Latimer &c

Latimer &c

April 17th 1866 Filed

At a Circuit Court held for Nansemond County, the 17th. day of April 1866.

William Knott and Catharine his wife. Complainants

Against } In Chancery

Alvina Latimer, individually and as Executrix and testamentary guardian of Floyd M. Latimer, an infant under twenty-one years of age. Defendant

By consent this cause was docketed and Peter B. Prentis is assigned guardian ad litem to defend the interest of the infant defendant Floyd M. Latimer in this suit, and thereupon the said Peter B. Prentis as such guardian filed his answer to the bill of the Complainants, to which answer the plaintiff by counsel replied generally, and the cause coming on by like consent to be heard on the bill, answers of the defendant, and the exhibits herewith filed and general replications thereto, was argued by counsel; on consideration whereof the Court doth adjudge, order and decree that David B. Jones, Ashriel M. Wilson, James Musgrove, William A. Wright and Elisha Laycock, be appointed Commissioners, or any three thereof, who may act, shall go upon the land in the bill described and after viewing the premises, make partition thereof among the parties entitled thereto according to the interest of each, but if partition cannot be conveniently made, then the said Commissioners or such of them as may act, may allot to any party the entire subject who will accept it and pay therefor to the other party or parties such sums of money as their interest therein may entitle them to, or if the interest of those who are entitled to the whole subject or the proceeds thereof will be promoted by a sale of the entire subject or allotment of part, and sale of the residue, then the said Commissioners will report thereupon accordingly; and the Court doth further adjudge, order and decree that the said Commissioners, or such of them as may act, report

to the Court whether the widows in the proceedings mentioned are willing that their respective rights of dower in the said lands shall be sold, receiving therefor, respectively, an equivalent in money for the same—

A Copy:

Teste,

Peter B. Prentis. Clerk.

xmd

William Knott Exr:

vs } Co: Decree April Term 1866.

Almira Latimer &c

Stubb & v Lattimer &

This cause came on this day to be again heard on the papers formerly read & on the Report of Comrs. James Hargrove, W. J. Wright, & Elisha Laycock, made pursuant to the decree of the 17th of April 1866: to which report there is no exception: and was argued by Counsel on consideration whereof the Court doth confirm the said Report and doth adjudge, order and decree that John S Stubb, who is appointed a Comr. for that purpose proceed to sell before the Courthouse door of Nansemond County on some County Court day on a credit of nine months with interest from date (except for a sum sufficient to pay costs of suit & expenses of sale which will be cash), the lands whereof John W. Lattimer died seized and possessed, described as two certain tracts of Land situate and lying in said County & containing jointly one hundred and eighty acres, and bounded by the lands of Dr. A. Wilson, and James Hargrove - having first given at least 3 weeks notice thereof by advertisement of such sale at the Courthouse door of Nansemond County at Hargrove's Tavern and four other public places in said County & once a week for three weeks in some newspaper published in Norfolk City, taking from the purchaser bond and good security & retain the title till the further order of Court & return said Bond, & make report, to Court — But before any sale shall be made under this decree the said John S. Stubb, shall execute before the Clerk of this Court in his office a Bond in the penalty of $3000, payable to the Comth. of Va and conditioned for the faithful discharge of the duties required of him under this decree or any other future order or decree that be made in the cause — And it is further ordered and decreed that a Comr. of this Court ascertain

[illegible] would be a fair fee simple value in money in lieu of the Dower of Mrs. Catharine J. Knott and Mrs. Elmira W. Latimer in said Land, & make report to Court with any matters specially stated, deemed pertinent by himself or that may be required by any of the parties to be so stated.

Knott &c
vs
Latimer &c

1866

Oct. 24. Report
To be entered

Entered

Hon: Richard A. Baker, Judge of the Circuit Court for Nansemond Co—

Your complainant William Knott & Catharine his wife respectfully represent & charge that Samuel Latimer, late of Nansemond County, died intestate seized and possessed of two certain tracts of land situate and lying in said county and containing jointly one hundred and eighty acres and bounded by the lands of Dr. A. Wilson and James Hargrove, a more minute description of which, on account of the destruction of the records cannot be furnished, and at his death left a widow, the female plaintiff who has since intermarried with your male plaintiff—and a son, John W. Latimer who has since died, leaving a last will and testament a certified copy of which is herewith filed and prayed to be made a part of this bill, leaving a widow, Almira and an infant Lloyd Latimer upon whom entailed the said Almira who qualified as executrix and Latimer as his heir at law. That the dower by intermarriage of the infant defendant Lloyd W. Latimer of your female complainant has never been assigned to her in said real estate, and and that of the widow of Jno W. Latimer in that of the intestate to which her husband would be entitled after the assignment of plaintiffs dower has never been assigned her and that all the personal property of

Said Jno M. Latimer which consisted of slaves and from which his widow and infant child derived a support has been destroyed by the late war — and the widow and child are entirely without means of support. They further state they believe the said real estate is susceptible of partition amongst the parties entitled thereto — but from the fact of the condition of the parties interested in the same — the decay of the improvements without the ability to repair them, and the devastation and destruction of the timber by trespasses upon the lands that the interest of all parties interested therein would be greatly promoted by its sale. In tender consideration whereof, as your orators complainants are remediless, save in a court of equity, by the aid of which matters of this kind are alone cognizable your orators pray that the said Almira Latimer and Lloyd M. Latimer be made parties defendants to this bill and required to answer the same to the best of their knowledge, remembrance, information & belief. That a proper guardian ad litem be appointed the infant defendant to defend them as defendants in this suit — That the court grant a decree for the sale of said land, if satisfied that the interests of all parties will be promoted thereby, but should the the court have doubts, in that event commissioners be appointed to view the lands and report such facts as may guide the court in its future action. That proper process may issue and that such other further and general relief may be afforded your

your orators complainants as the nature of their cause may require as to equity may seem meet And your complainants will as in duty bound ever pray &c

J. S. Stubbs, P. Q.

William Knott Dec'd

vs

Bill

Almira W. Lalemier.

&c

Knott & Ux

vs & Chy: Notes

Lakeman &c

1866. April 17. Stm: in Chy: filed

" " " Bill & exhibits & summons &
Writ of Subpoena filed. Sum: affdt

" " " P. B. Brooks. affdt &c: as to
service of Writ: also filed &
m in. Sum: affdt:

" " " Decree for partition &c.

" Sept: 15th. Report filed

" Oct: 12th. Decree for Sale

" Nov: 12th: Writ of Venditioni Exponas

1867. Mch: 19th Continued & Writ

" May: 2d. Report of Sale filed.

" " 24th Return on Writ

" Oct: 15th Decree for money &c

1868. Apl: 22nd Continued to Oct: 14th Continued

1869. Jany: 13th Amira W. Lakeman files her Petition

" Apl: 20th Report filed

" " " Final Decree

Chy: Notes