1898-08 Southampton County Chancery - Darden, James R. (Execr) vs Porter, Heirs et als

sues for direction on execution of will & property since some land will have to be sold to settle debts.

* plat inside

Porter, John Henry (dec.)

Porter, Ann S.
" , William T.
Vick. Anna F.
John F. (Husband)
Porter. Benj. B.
Whitley, Bettie S -
, W.T. (Husband)
Porter. Thomas H.
Duke, Maggie L.
" , H.C. (Husband
Minors
Porter, Lillie B.
" , Annie Maude
, Jacob Lee
, Joseph Cleveland
, Minnie Mae

Sebrell, J. N.
Gdn. Ad litem

Warden Operating
Certificate
Porter Creek

1895 2.1 Acres Placer
Lot 8 Bay 6th

JAMES L. McLEMORE,
Attorney-at-Law,
CONTRACTOR MINING

To
The Honorable Robert R. Prentis, Judge of the
Circuit Court for Southampton County.
-In Chancery-

Your Complainant James R. Dardin
Executor of John Henry Porter decd. complaining showeth unto the Court, that some time during the year 1895. John Henry Porter departed this life, having first duly executed his last will & testament an office copy of which is filed herewith as exhibit "B" and prayed to be read as a part of this bill; that at the March term of the County Court of this County James R. Dardin qualified as Executor of the said decedent, which will also appear by reference to the said will; that there are surviving him, a widow, Ann L. Porter, and eleven children, to wit: Wm. J. Porter, Anna F. Vick, nee Porter, Benja. B. Porter, Bettie S. Whitley, nee Porter, Thos. H. Porter, Maggie L. Duke nee Porter, Lillie B., Annie Maud, Jacob Lee, Joseph Cleveland and Minnie May Porter the last five being infants; that at the time of his death he was seized of considerable real and personal estate, all of which is disposed of in his said last will and testament.

Your complainant would state further, that there are not sufficient funds in his hands or to come into his hands as Executor to pay the debts and the ~~specific~~ general legacies, bequeathed in the will, unless the residuary real estate is sold; that he is advised it is necessary that the ~~specific~~ general legacies shall be paid before the residuary legatees can participate in the residium of the

estate; that being unable to carry out the direc-
tions of the will without selling some of the
real estate, your orator desires to be directed in
the premises by a Court of Equity that he may
act aright and prejudice the interest of no party.

Your orator would state that the property de-
vised under the 9th clause of the will as the residue
of his estate consists of a small tract of land of
acres, which it is directed shall be divided
between the decedents eight children. that whether
it will require all of this property to pay the debts
or not, it would be greatly against the interest
of the heirs & devisees to have a portion of it sold
sold as it would materially injure the entire tract
but it would be unquestionably to the interest of the
devisees that the same be sold & the proceeds after paying
the general legacies &c. divided as the will directs.

In tender consideration whereof and for as-
much as your orator is remediless in the premis-
ses in a Court of Equity he prays that Ann S.
Porter Wm. J. Porter, Anna F. Rick & John F. Rick her
husband, Benja B. Porter, Bettie S. Whitley & W. T. Whitley
her husband, Thos. H. Porter, Maggie L. Duke & H. L.
Duke her husband, Lillie B., Annie Maud, Jacob Lee,
Joseph Cleveland & Minnie May Porter, be made
parties defendants to this bill & required to answer
the same but answers under oath are hereby expres-
ly waived. that some discreet & proper person
be appointed a guardian ad litem to defend
the interest of the infant defendants, that

your orator may be directed in the execution of the said will. that the residuum of the property disposed of by the testator in clause 10. of the said will, may be sold, or at least a sufficient amount thereof to pay the general legacies. bequeathed therein; that all proper accounts of the executors transactions may be taken, that a proper construction of the said will may be had. that proper accounts may be taken, orders and decrees entered and all such general and special relief granted as the case may require or to equity may seem meet. And notice is hereby given that the Court will be asked to allow reasonable fees to plaintiffs Counsel conducting this cause. And your orator will ever pray &c.

Prince & Wilmore Sol.

Darden Extr.

vs } Ex. "B"

Partition deed

1895. 21. Aug. filed

See Will Book, 21. p 470

In the name of God. Amen.

I. John King Porter, of the County of Southampton. County Virginia, do make this my last Will and Testament, in manner and form following. That is to say:

Item 1st. After my death, I wish my burial Expenses and all my funds debts to be paid out of my Estate by my Executor.

Item 2nd. I give to my wife Ann E. Porter. One third of all my Estate, both real and personal, and I also give her my mule.

Item 3rd. I give to my son Thomas H. Porter, One dollar.

Item 4th. I leave to my daughter, Mrs Bettie S. Hinsley, one half of a piece of land that I hired from my mother. said to Contain (37½) thirty seven and half acres, and at her death I give that part to her daughter, Gladdis Ann Hinsley, in fee Simple,

Item 5th. I give to my daughter, Minnie May Porter, all my land lying on the north side of the S. R. R. R. at my wifes death, to her and her Children. If she should die leaving no lawful heir, then I give said part of my land to her nearest blood kin,

Item 6th. I give to my son, Joseph Cleveland Porter, two hundred dollars.

Item 7th. I give to my son. Benj: B. Porter, if he remains with my wife, after my death, my sorrell mare, named "Beth."

Item 8th. I give to my son. Wm. F. Porter, Seventy five

dollars. and his Grand mothers Bed and furniture.

Item 9th. The whole of the balance of my Estate. not-
herein before disposed of I give to be equally
divided between my eight children. hereby named:
Anna F. Vick. Joseph Cleveland Porter, Benj. B.-
Porter. Jacob Lee Porter. Wm J. Porter. Maggie L.-
Dulce. Lizzie D. Porter. Annie Maud Porter. and at
the death of Anna F. Vick. her share is to go to
her then living children.

Item 10th. And lastly. I hereby nominate and appoint
my friend James J. Darden. Executor to this
my last Will and Testament. but should said
J. J. Darden not administer on my Estate.
then I appoint my friend James R. Darden in his
stead. and I request the Court to allow either
of them to administer without giving security.
Revoking and annulling all other Wills made
by me. In witness whereof I have hereunto
set my hand and affixed my seal. this
6th. day of Feby. 1895.

Witness John Henry his X mark Porter

Jas. J. Darden.

Jas. R. Darden.

Southampton County Court. March 18. 1895.
A writing purporting to be the last Will

and Testament of John H. Porter, decd. was produced in Court and proved by oaths of Jas. J Darden and Jas. R. Darden, the subscribing Witnesses thereto and ordered to be recorded as the Last Will and Testament of the said John H Porter decd.

And on motion of James J. Darden, the Executor therein named, who made oath according to Law, entered into and acknowledged a bond in the penalty of Seven Hundred Dollars - Conditioned as the Law directs. (but without security, the Will directing that none be required and the bond requiring none) Which bond is ordered to be recorded.

Certificate is granted the said Jas. R. Darden for obtaining a probate of the said Will in due form.

Test: B. F. McLemore C.C.

Form No. 309.

Darden, Executor

vs.

Porter et als.

J. L. McLemore

to { COMMISSIONER'S BOND.

Commonwealth.

1896. 7th Oct. Filed

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we Jas. L. McLemore and B. F. McLemore are held and firmly bound unto the Commonwealth of Virginia, in the sum of Five Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligaiton, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 7th day of Oct. one thousand eight hundred and Ninety Six.

The condition of the above Obligation is such, That if the above bound Jas L. McLemore shall faithfully perform the duties of his office or trust, as Special Commissioner under a decree of the Circuit Court of the County of Southampton, pronounced on the 24th day of March, 1896, in the suit therein depending under the name and style of Darden, Executor, vs. Porter et als,

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

Jas. L. McLemore SEAL.

B. F. McLemore SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day B. F. McLemore surety on the above bond, made oath before me L. A. Gay, Clerk of the Circuit Court of the County of Southampton, that his estate after the payment of all his just debts, and those for which he is bound as securit y for others, and expect to have to pay is worth the sum of Five Hundred dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 7th day of Oct. 1896.

Teste: L. A. Gay Clerk.

Darden Executor,

Vs. Petition of B.S.Whitley,
and W.T.Whitley.
Carter et als.

1896. September 24th Filed.

L.A. Gay C.C.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Southampton County.

Darden, Executor et als.

Versus. Petition of B.S. Whitley & husband.

Porter et als.

Your petitioners, Bettie S. Whitley and W. T. Whitley her husband, reppectfully represent, and petition to the Court as follows, that by the 4th. clause of the last will and testament of her father Jno. Henry Porter, she was left during her life, a one half undivided interest in a tract of land containing 37 1/2 acres, the remainder in the said estate to pass to her children, or child Gladdis Ann Whitley, at her death, that the other half of the said tract of land was devised under the 9th. Clause of the will, which is the residuary clause, and the said half interest devised under the residuary clause has been decreed to be sold to pay the debts due by the decedent, John Henry Porter, but the sale has not yet taken place, and your petitioner believes and here states that it would be to the interest of the estate and of all of the devisees under the said last will and testament, that the said tract of 37 1/2 acres, be divided and your petitioner's part allotted to her, before a sale takes place, and she therefore prays that this Honorable Court may direct that the said tract of land be divided and your petitioner's part, of one half assigned to her before the sale is made by the special Commissioner, and that he be directed to sell after the division, instead of before, so that the purchaser may know what he is buying, and your petitioners may know where there land is located, and that such other general and special relief may be granted to your complainants, or petitioners, as the nature of their case may require, or to equity may seem meet. And your petitioners will ever pray &c.

Bettie S. Whitley

W. T. Whitley, by

Prince & Wilcox Counsel

for Petitioners.

Darden, Executor,

Vs. Answer of gdn. ad litem.

Porter et als.

Lillie B., annie Maud.

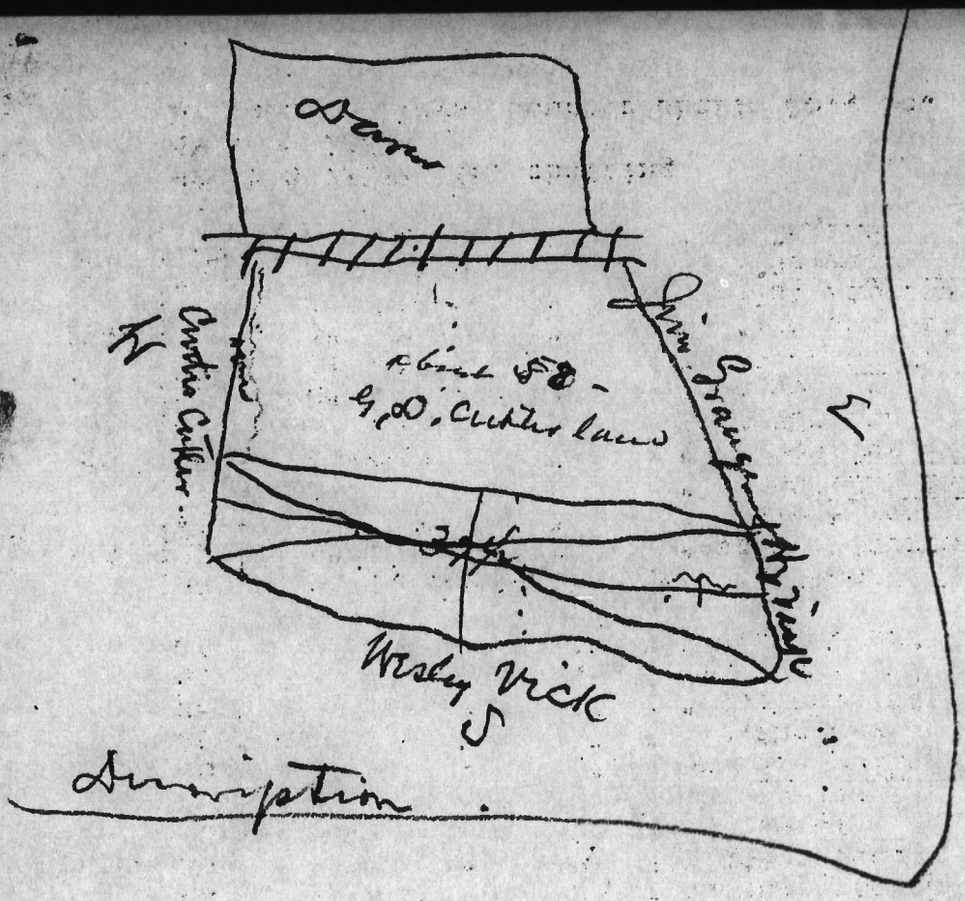
The joint and several answer of Jacob Lee, Cleveland and Minnie May Porter infants by John N. Sebrell Jr. their guardian ad litem, to a certain bill of complaint exhibited against them andothers i the Circuit Court of Southampton County by James R. Darden Executor of John H Poter decd.

These respondents reserving to themselves the benefit of all just exceptions &c through their said guardian ad litem, answering, say: That being infants of tenderyears, they are incapable of understanding or of careing for their rights and interest and theyytherefore commend the same to the protection of this Court.

And having fully answered they pray hence to be dismissed with their reasonable cost &c

J. N. Sebrell Jr.

Guardian ad litem for infants.


Dam
Curtis Cutler
Wesley Vick
Description

Statement.

Amo. Sales Land.		525.00
Comm on Same	19.50	5% 19.50
Postage.	1.50	
Paid Auctioneer	5.00	
Costs of Suit	41.50	
Deed & Purchase	10.	
Fee to D & M	60.	
	$137.50	$137.50
		$387.50
Int on deferred payment		7.50
		395.00
Paid W. J. Porter Legacy	75.00	
" Estate of J. C. Porter on "	93.04	168.04
		226.96
Jobs distributed.		$226.96
Dr Syke. absent		20
Eight Children equally.		$206.96
		$25.87 each

Darden Jas. Exor. &c.

Vs } Sum. in Chy

Porter Ann & al.

1895. 2. Aug. Rules

Leir. Clk.

Executed Aug. 15th
1895 By delivering
a copy of this Sum
to each of the
within named Porter
defendants.

R. D. Moon Desp.

for J. W. Williams

Shff.

Price & McLemore p. qr.

(11)

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Ann S. Porter[1] Wm J. Porter[2] Anna T. Vick[3] & John T. Vick[4] her husband, Benja B. Porter[5], Belle S. Whitley[6] & W. T. Whitley[7] her husband, Thos. H. Porter[8], Maggie L. Dike[9] & N. L. Dike[10] her husband, Lillie B. Annie Maud[11], Jacob Lee[13], Joseph Cleveland[14] & Minnie May Porter[15]

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court on the 3rd Monday in August 1895 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by James R. Dandridge Executor of John Henry Porter dec'd.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 17th day of August, 1895, in the 119th year of the Commonwealth.

TESTE: L. A. Gay, C. C.

To the Honorable Robert R. Prentis, Judge &C.,

Your Commissioner, appointed by a decree of the Circuit Court of Southampton entered in the Chancery cause of Barden Executor &c. vs. Porter et als. at the March Term 1896, to make sale of the real estate in the bill mentioned, begs to report that after duly advertising the time place and terms thereof as required by the said decree, he exposed to sale the said real estate, bounded and described as follows: All the real estate lately owned by J. M. Henry Porter by virtue of the Circuit Court's decree of March 1896 in the cause of Barden Executor vs. Porter et als. except that portion of the 97½ acres lot, allotted to Bettie S. Smith, the same as supposed to be about 80 acres, inclusive of the 17 acres assigned to the widow to get wood from, all lying and being in Southampton County, Va. at Newsoms, Va., on Saturday, October 24 th. 1896, at which sale so made, J. F. Pierce became the purchaser by bidding therefor the sum of $520.00 that being the highest bid therefor, and is ready to make the payments upon the confirmation of the ~~report~~ of the report by the Court.

Your Commissioner thinks the sale a fair one, and knows of no reason why the same should not be confirmed.

October 24, 1896.

Respectfully Submitted,
Jas. L. McLemore
Special Commissioner.

$320. in cash & Receipt for Porter was. Nov 16 1896 for $75.

Your Com. would state, that since the above report was filed the purchaser therein has attempted to sell to make the deferred payment purchased by him to Mrs Ann S. Porter, as will appear by papers to contract herewith filed.

March 14th 1897.

J. L. McLemore
Comr.

Stadtgut Eisenach

Rep. 3 Nr. 3 Repertorium

Pachtsachen

1896 Oktober mit folg.

Litt. [illegible]

Whereas on the 24th day of October 1896, J. F. Vick became the purchaser of certain tract of land, it being the land of which Jno Thos Porter died seized and possessed at a sale by public auction, under a decree of the Circuit Court of Southampton entered at the March term 1896 thereof, in the chancery cause of Darden Exor. vs. Porter et als, his bid therefor being $5.25 00 and whereas he wishes to transfer his bid with all its rights and privileges to Mrs. Ann L. Porter, Now therefore this agreement made this 7th day of December 1896, witnesseth that for and in consideration of the premises and of the payment by the said Ann L. Porter of the amount already paid and to be paid by the said J. F. Vick, the said J. F. Vick does hereby assign, release and transfer unto the said Ann L. Porter all his rights, interests and privileges as said bidder & purchaser at said sale and does hereby promise & covenant

that when the said purchase money is paid the deed for said property shall be made to the said Ann L. Porter, in which said deed the said J. F. Vick hereby promises & covenants to unite and join And the Commissioner appointed in said decree to make said sale is hereby authorized and requested to make a deed for the said property to the said Ann L. Porter.

And the said Ann L. Porter covenants and agrees to comply with the terms of the said sale in so far as they have not already been complied with by the said J. F. Vick

Witness the following signatures and seals this 7th day of December 1896.

J. F. his X mark Vick (Seal)

Ann L Porter (Seal)

Witness as to signature of J. F. Vick

Jno. [illegible]

Darden, Exor,
v. 3 Repert. Comrs.

Porter et al

1896. Octr. 19. filed.

L. A. Gay Cl. C.

Reports of Commissioners

To the Hon Judge of the Circuit Court of Southampton County.

We the commissioners appointed by the Circuit Court of Southampton County Sept Term 1896 To divide a piece of land in accordance with the Bill of Jno H Parker &c in which Mrs Bettie Whitley has a half interest

Beg leave to submit the following report. That we on the 17th day of Oct 1896 Met on the premises and after carefully examining the said land. divided the same by a line running as follows. Beginning in the north line of the tract in Jas Granges line at a pine. running Thence S. 19½ W to a pine on a path at the fence Thence. S. 40½ W to a pine. Thence S 30½ W. To Scott Line in Curtis Cutlers line. Which line we believe divides the land into two equal parts.

All of which is respectfully Submitted

E. F. Ferguson
A. J. Miles
Wesley his X Vick
mark
} Commissioners

Witness Wesley Vick's signature
R. C. Bell

S. C. Giles Surveyor

We the Commissioners appointed to divide the 37 acres divided jointly to Bettie D. Whitley and the heirs of said Porter in the Chancery Cause of Dorden Exor vs. Porter et als beg to report in addition to the annexed report of the dividing line, that we allotted the portion lying East of said dividing line to Mrs Bettie D. Whitley and the portion on the West side to the estate of said Porter by virtue of said decree entered at Sept Term From 1896. & we estimate the store belonging to Mrs Bettie D. Whitley as containing 20 acres.

Respectfully Submitted
E. T. Ferguson
J. R. Vick
H. T. Miles

Darden Executor,

Vs. Decree.

Porter et als.

Sept 29

Enter, ~~October~~ 9th. 1896.

Robt R. Prentis.

Darden, Executor,

Vs.

Porter et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the petition of Bettie S. Whitley and W.T. Whitley, filed this day by leave of the Court, asking that her undivided interest in the real estate devised to her by her father Jno. Henry Porter, be allotted to her before the sale of the other interest therein, and was argued by Counsel. On consideration whereof, the Court doth grant the prayers of the said petition, and doth adjudge, order and decree that Thos. Miles, K. F. Ferguson, Wesley Vick, E. T. Darden and R. C. Bunn, any three of whom may act, be and they are hereby appointed commissioners, with directions to go upon the land aforesaid, and proceed to divide into two equal parts the aforesaid tract of land, containing 37 1/2 acres more or less, and devised, 1/2 to Bettie S. Whitley, and the remainder under the residuary clause of the will, having regard to quality and quantity, and allot one share to said Bettie S. Whitley, and the other to the estate, or to the devisees under the said 9th. clause, to be sold by virtue of a decree entered in this cause March 24th. 1896, and said Commissioners will report to Court.

Darden, Executor

vs. Decree.

Porter et als:

1899 March 24

Taken and entered

Continued

Page 86

Filed 27 June 1899

Order of Sale.

This cause coming on to be heard upon the petition of Commissioner P. P. Clements, duly appointed by decree heretofore rendered herein, and upon the exceptions filed by the defendants, Mary Porter et als, to the report of said Commissioner, and was argued by counsel, and it appearing to the Court that the petitioner has complied with the decree heretofore rendered herein, and that it is necessary to the payment of the debts of the estate of Thomas Porter, deceased, that the lands described in said petition should be sold, and it appearing to the Court that the exceptions filed by the defendants are not well taken, and should be overruled, it is therefore considered, ordered and decreed by the Court that the exceptions filed by the defendants be overruled, and that the petitioner proceed to sell the lands described in said petition, or so much thereof as may be necessary to pay the debts of said estate, upon the following terms, to-wit:

That the Commissioner first offer the lands for sale in parcels, and if no bid be made for the lands in parcels, that he then offer the lands for sale as a whole, and that he accept the highest bid made for the lands, whether in parcels or as a whole, provided that such bid be not less than two-thirds of the appraised value of the lands, as returned by the appraisers heretofore appointed herein, and that he report his action to the Court for confirmation; that the sale be made upon a credit of twelve months, the purchaser to give bond with approved security for the purchase money, and that the lands be sold subject to the dower interest of Mary Porter, widow of Thomas Porter, deceased, in the lands described in said petition, and that the Commissioner report his action to the Court for confirmation.

It is further ordered that the Clerk of this Court issue to the Commissioner a certified copy of this decree, and that he proceed to execute the same according to the terms thereof.

This 27th day of June, 1899.

Robert R. Reid

Judge Presiding.

Darden Executor,

VS. Decree.

Porter et als.

Thisday this cause came on to be heard upon the paper formerly read, and upon the report of Commissioner B.F.McLemore, filed March 7th. 1896, to which no exceptions have been taken, and was argued by Counsel. On consideration whereof, and it appearing to the Court from the said report that the rents and profits arising from the real estate devised under the residuary clause of the last will and testament of John H. Porter decd. will not pay the debts due by the said decedent, in five years, after the personal estate has been exhausted, and that the personal estate is insufficient to pay the debts reported against the decedent doth adjudge, order and decree that J.L.McLemore, who is hereby appointed a special commissioner for the purpose, do proceed to sell the said real estate, devised under the 9th. clause of the will aforesaid, at Courtland Va., after first duly advertising the time, terms and place for 20 days at three or more public places, for cash one half and the residue on a credit of twelve months the deferred payments to bear interest at the rate of six per cent.

The Court doth further decree that Jas. R. Darden Executor of the said John H. Porter, decd. do proceed to pay out the funds in his hands prorata to the creditors as shown by the Commissioner's report filed as aforesaid.

But before the said special commissioner shall proceed to act hereunder he shall enter into bond in the penalty of $500. before the Clerk of this court, with approved security, and conditioned for the faithful performance of this or any future decree that may be entered herein.

Darden Executor

Vs. Decree

Porter et als.

1895, Septr. 23rd.

To be entered

Robt R. Prentis

Entered
page 27

Darden Executor,

Vs. Decree.

Porter et als.

This cause which has regularly matured at rules, cam on this day to be heard upon the bill and exhibits filed, answer of th infant defendants by J.N.Sebrell Jr. their guardian ad litem, duly appointed at rules according to law, with general replicatoon thereto, and was argued by Counsel. On consideration whereof the Court doth a adjudge order and decree that this cause be referred to one of the Co missioners of this court, who will enquire and report the following:

Ist. An account of the transactions of Jas.R. Darden executor of John H.Porter decd.

2nd. An account of the debts outstanding against the said estate, with their dignities and priorities, including in the said list of debts the pecuniary legacies bequeathed in the will of the said decedent.

3rd. Whether or not the real estate bequeathed under the residuary clause of the said will of the decedent will pay the debts reported, out of the rents and profits arising therefrom, in five years.

4th. Any other matter specially stated, deemed pertinent by the Commi missoiner or required to be stated by any interested party.

COMMISSIONER'S OFFICE,

Courtland ~~JERUSALEM,~~ Feby 10. 1896

To the *Creditors* of the Estate of

John H. Porter,

deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ pursuant to a decree of the Circuit Court of South-ampton County rendered at the Sept. Term 1895. ~~Administrator of the estate of the said~~ ~~deceased,~~

I have appointed the 29th day of Febuary 1896 ~~next~~, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. F. McLemore

Commissioner.

deemed pertinent by the Commissioner or required to be stated by any interested party.

A Copy.

Test: L. R. Gay Sec.

Adam Zuercher
vs.
Adams
Portis et als.

Zu Lis
Page 27.

In the Circuit Court of Southampton County
September Term 1895.

Darden Executor.

vs. } Decree

Porter et als.

This Cause which has regularly matured at rules, came on this day to be heard upon the bill and exhibits filed, answer of the infant defendants by J. N. Sebrell Jr. their guardian ad litem, duly appointed at rules according to Law, with general replication thereto, and was argued by Counsel.

On Consideration whereof the Court doth adjudge order and decree that this Cause be referred to one of the Commissioners of this Court, who will enquire and report the following

1st. An account of the transactions of Jno. R. Darden Executor of John H. Porter dec'd.

2nd. An account of the debts outstanding against the said estate, with their priorities and priorities, including in the said list of debts the pecuniary legacies bequeathed in the Will of the said decedent.

3rd. Whether or not the real estate bequeathed under the residuary clause of the said Will of the decedent will pay the debts reporting out of the rents and profits arising therefrom in five years.

4th. Any other matter specially stated.

Commissioner's Office,

Courtland ~~Jerusalem~~, Va., Febry 10th 1896

To Jas. R. Darden, Exr of John H. Porter, decd.-

Ann S. Porter. Wm J. Porter. Anna F. Vick & John F. Vick, her husband. Ben B. Porter, Bettie S. Whitley & W. T. Whitley, her husband. Thos. H. Porter. Maggie L. Dutch & H. C. Dutch, her husband. Lillie B., Annie Maud, Jacob Lee, Cleveland & Minnie May Porter.

You are hereby notified that I have fixed upon the 29th *day of* Febry *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. An Account of the transactions of Jas. R. Darden, Exr. of John H. Porter, decd.

2nd. An account of the debts outstanding against the estate of said decedent. Their dignities and priorities including pecuniary legacies, bequeathed in the Will.

3d. Whether or not the Real Estate bequeathed under the residuary Clause of the Will, will pay the debts unpaid from the rents and profits arising therefrom in five years.

4th. Any other matters specially stated deemed pertinent &c. &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the September *term, 18*~~9~~*5, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.*

Given under my hand, as Commissioner in Chancery of said Court, the day and year first aforesaid.

D. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge legal service of the within Notice - this 15th day of Feb 1896.

Test
Jas. R. Dandeu

Wm. his X mark Porter

Thomas X Porter

Henry L. Duke

Maggie L. Duke

Ann. S. Porter

Bennie B. Porter

Bettie S Whitley

Wm J Whitley

Anna Francis Vick

Jno. T. Vick

J. M. Debruce Jr.
Sidi ad litem for infants

An Account of the debts outstanding against the Estate of John H. Porter, dec'd. reported in obedience to a decree of the Circuit Court of the County of Southampton. rendered at the September Term 1895 in the Chancery Cause of Darden, Exor &c. v Porter + als: Feb. 28. 1896.

		- Fourth Class -			
1	Acct due W. T. Whitley		6 71		
	Int. to Mch 1/96.	12 mos.	40	7	11
	Acct due Jas. J. Darden		1 65		
	Int. to Mch 1/96.	12 mos	10	1	75
	Acct due Dr W. B. Barham		50 00		
	Int. to Mch 1/96.	12 mos	3 00	53	00
	Acct due Dr P. E. Darden		14 00		
	Int. to Mch 1/96	20 mos.	1 40	15	40
	Acct due R. Howard & Co		6 63		
	Int. to Mch 1/96.	12 mos	40	7	03
	To Thos. H. Porter - Legacy under Will		1 00	1	00
	To Joseph Cleveland Porter " " "		200 00	200	00
	To William J. Porter " " "		75 00	75	00
				$ 360	29
	Total Amount of debts including Legacies			$ 360	29
	Int. to Aug 30.			32	42
				392	71

Respectfully Submitted.
B. T. McLemore
Comm in Chancery

See receipts on back thereof.

Recd August 30th 1897 of James R Darden, Exor of John H. Porter dcd the amounts shown to be due Mrs. A of this day, as appears from the within account of the debts of Amir B. F. McLemore, same being in full of all demands against said estate -

Return this to me as soon as receipts are taken
J L M

The Estate of John H. Porter, dec'd.

In Acct with Jas. R. Darden his Executor.

1895				
Mch 22	By Amt: Sales Chattel property			275 17
	" Cash found in house			20.00
" "	To paid R. D. Moore, Crier at sale	2.50		
Apl 8	" " J. A. Bishop appraiser	1.00		
" "	" " B. C. Bunn. Clerk at sale &c.	6.00		
Sept 3	" " Eley, Howell & Co. for Coffin	25.00		
Dec 10	" " B B. Porter for services rendered Est.	12.00		
" 20	" " E. Vaught. Acct.	33.60		
" "	" " J. C. Wills. for Surveying Dower	5.50		
" "	" " W. R. Blow. Com'r to Assign "	2.00		
1896.				
Mch 22	" Amt retained to pay Com'rs Accts for Certifying Surveying & Acct Sales	4.00		
" "	" Amt retained to pay Clerk Co: Ct: fee bills	8.50		
" "	" Amt: to pay for recording this Acct: retained	1.25		
	By rent of Farm for year 1895			25.00
	To Com'rs on $320.17 @ 5%	16.00		
	" Paid tax on will	1.00		
	Balance	201.79		
		$320.17		$320.17

By balance due Estate. This day $201.79

With interest thereon till paid.

Respectfully Submitted.

B. F. McLemore

Com'r in Chancery

Received August 30th 1894 of Jas R. Dardis Exor of
J R Porter died the amounts due us as of this day as shown
by report of Comr B F McLemore set forth on opposite side of
this paper, same being in full of all demands against
said estate.

Acct of debts sent
to J R Darden Nuisons
that he may take steps
on back of same return
to Court. Aug 26/93

Darden, Exor &c.
v } Report.
Porter & als:
1896. Mch 7. filed.
L. A. Gay J.C.

Commissioner's Office.
Courtland, Va.
Feb. 29. 1896.

To Hon: Robt. R. Prentis. Judge of the Circuit Court of Southampton County:

Pursuant to a decree of said Court entered at the September Term 1895. in the Chancery Cause of Dardan, Exor &c. v Porter & als" the undersigned Commissioner, to whom said decree has been referred. reports to Court. that having issued Notices against the parties to the suit. (legal service of which has been acknowledged) requiring them to appear at his Office on the 29th day of Feby 1896. he proceeded, on the said 29th day of Feby 1896. to take, state and herewith report the following accounts. viz:

1st. An account of the transactions of J. R. Dardan Executor of John H. Porter, dec'd. - And finds a balance in the hands of said Executor. due the Estate of said decedent. of $201.79 - with interest thereon from the 22nd day of March 1896. till paid.

2nd An account of the debts outstanding against the Estate of John H. Porter, dec'd. - including legacies (in money) devised by the will of said decedent. And reports debts against said Estate, (including legacies) Amounting to $360.79 - interest thereon since to March 1. 1896.

3rd. Whether or not the rents and profits arising from the real Estate devised under the residuary clause of the Will, will, in four years, pay the debts reported. In answering this inquiry. the Commissioner submits the following: viz! The land bequeathed under the residuary clause of the Will, is now renting

for $25.00 per year. which would, in five years, amount to $125.00. An amount insufficient to pay the debts. add to this, the balance in the hands of the Executor. to wit: the sum of $201.79. and we have $326.79. Not enough to pay the debts reported. The Commissioner is of opinion. and respectfully reports that the rents and profits of the Lands herein referred to, as bequeathed under the residuary clause of decedents Will will not. in five years. pay the debts reported against the said Estate.
The accounts herein referred to. and the Notices of the time and place of taking the same are herewith filed. to which the attention of the Court is directed.

Respectfully Submitted.
B. F. McLemore
Com'r in Chancery

Com'r's Fee $5.00.

Est: John H. Porter, dec'd.

In acct with

Jas. R. Darden, Exr:

The Estate of John H. Porter, dec'd

In Acct with Jas. R. Darden his Executor.

1896					
March	22	By bal: due the Estate as per last report.			$ 201.79
Nov	14	To paid Slater for 1895		3.95	
"	"	" " " " 1896		2.35	
"	"	" " J. C. Wills for surveying land		5.00	
"	"	" " B. C. Bunn for selling and deed		2.00	
"	"	" " Commissioner for dividing land		3.00	
Dec	21	By Amo: rent from B. B. Porter for 1896			20.00
"	"	" " " " J. T. Whitley " "			5.38
1897. Sept	22	" Int: on $201.79 1 Yr. 6 Mos:			18.16
"	"	To Commissions on $43.54 @ 5%		2.18	
"	"	" Commissioner for this account retained.		1.00	
"	"	" Amo: retained to pay Attorney's fee		20.00	
"	"	" Balance		205.85	
			$ 245.33		$ 245.33
1897. Sept	22.	By bal: due the Estate this day with interest on $187.79, the principal, bill paid.			$ 205.85

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

Darden , Exor.

Vs.

Porter's Heirs,

This day this cause came again to be heard upon the papers formerly read and upon the report of J.J.McLemore, special Commissioner, filed October 24th. 1856. reporting

Darden, Exor. &c.

Vs. Decree.

Porter's Heirs,

Entd Page-124

from an a tement filed with the said Commissioners report signed by the said J.T. Vick, that he is desirous that a deed for the land purchased by him be made to Mrs. Ann S. Porter, upon her paying the remainder of the purchase money by to the said Commissioner, that Court doth further order that said Commissioner make to said Mrs. Ann S. Porter a deed with special warranty for the land sold to said J.T. Vick on receipt of the purchase price from her for the same, and the Court doth further order that J.B.Person out of the funds in his hands pay the costs reported against the

of the funds in his hands pay the costs of the same costs of the deceased J.H.Porter, dec. so far as the said Mclemore and that said Mclemore Special Commissioner out of will go, the funds in his hands pay the remainder of the said decd. and the costs reported in the will of the said deceased, and the remainder after paying the costs of this suit, and pay over the remainder to the legatees mentioned in the 9th. Clause of the will of said John Henry Porter dec. and report to Court. The share of Ann T. Vick to be paid to her, taking her receipt therefor, And it appearing that

Darden , Exor.

VS.

Porter's Heirs.

This day this cause came onagain to be heard upon the papers formerly read and upon the report of J.L.McLemore, special Commissioner, filed October 24th. 1896, reporting sale of the property in the bill mentionedto the purchaser, J.F.Vick, for $525.; the report of the Commissioners appointed at the September term 1896, to divide the land known as the 37 1/2 acre tract into two equal parts, that they had performed the said decree, which report was filed October 19th. 1896, and to both of which reports no exceptions have been taken, and was argued by Counsel. On consideration whereof, the said reports are hereby confirmed, and the sale as reported to J.F.Vick, made firm and binding and it appearing from an agreement filed with the said Commissioners report signed by the said J.F. Vick, that he is desirous that a deed for the land purchased by him be made to Mrs. Ann S. Porter, upon her paying the remainder of the purchase money to the said Commissioner, that Court doth further order that said Commissioner make to said Mrs. Ann S. Porter a deed with special warranty for the land sold to said J.F. Vick upon receipt of the purchase price from her for the same, and the Court doth further order that J.R.Darden out of the funds in his hands pay the debts reported against the estate of the decedent J.H.Porter, decd. so far as the same will go, and that said McLemore Special Commissioner out of the funds in his hands pay the remainder of the said debts and legacies bequeathed in the will of the said decedent, and the remainder after paying the costs of this suit, and a fee of $60—, to Prince & McLemore, plaintiffs Counsel, pay over the remainder to the legatees, as mentioned in the 9th. Clause of the will of said John Henry Porter decd. and report to Court. The share of Anna F. Vick to be paid to her, taking her receipt therefor,

Darden, Executor

vs } Statement of Rules

Porter Shoals.

Plaintiff

James R. Dardin, Executor of John H. Porter dec'd.
Vs } In Chancery
Ann S. Porter, Wm F. Porter, Anna F. Vick & John F.
Vick her husband, Benja B. Porter, Bettie S.
Whitley & W. J. Whitley her husband, Thos. H. Porter,
Maggie L. Duke & H. G. Duke her husband, Lillie
B. Annie Maud, Jacob Lee, Cleveland & Minnie
May Porter, the last five infants, Defendants
1895. 12th August, Process Issd. to 2nd Aug. Rules
1895. 2nd Aug. Rules, Process returned executed,
Bill & Exhibits filed, J. N. Sebrell Jr. appointed
Gdn. ad litem to infant defendants, & decree
Nisi vs Adult defendants.
1895. 1st Sept. Rules, Bill taken for Confessed
~~as~~ as to adult defendants & Cause
set for hearing as to them,

Octo. 14 1896

Received from J. W. McLemore Spec.

Coll. Oxford vs Porter

Five Dollars

as Crier.

$5.00 R. P. Moore

Postage $1.50

Barden. Esq.

To. { Beaumont Hospital
Portarlington

Dardin, Executor

vs. } Statement of Costs

Porter's Heirs,

Summ. 25¢. 12 copies $1.50, receipt 18¢, atty. 10¢. Docket. 18¢ = 2.27

Rules $1.00. entering return 35¢, fil. bill 15¢. Dr. Ex. 15¢ = 1.65

Copy Exhibits 75¢. fil. answer 15¢. replication 15¢. = 1.05

Filing 3 Reports 45¢. fil. petition 15¢. 4 Decrees & Copy $2.88 = 3.48

Taking Comr's Report &c. 1.40. Tax Costs & copy 40¢ = 1.80

Future Costs about 1.50 fil. away papers 25¢ = 1.75

Paid L. A. Gay Costs $12.00

Paid J.H.H. Stiff 5.50

Paid P. & McLemore. Taxes 16.50

$34.00

Paid to F. McLemore 5.00

$39.00

Future costs 2.50

$41.50

#28. 93

Recd April 18th. 1898. of J. L. W. Lemore, Spec. Comr in case of Darden Exor. vs. Porter and others the sum of Twenty Eight 93/100 Dollars, same being the amount in his hands belonging to the Children of Anna F. Vick, dec'd who departed this life on November 17. 1897. the children surviving her being six in number, to-wit: Sam, Ernest, Robert, Virgie, William James, Reubin and Horace Vick all infants, who take their mother portion in pursuance of the will of John H. Porter dec'd.

his
J. X H. Vick
mark
Guardian

Witness:
Miles Worrell

Rec'd of J. L. McLemore Special Comr in re Darden Ex'r vs. Potter's heirs, the sum of $25.00 on account of amount due me by the estate of my father for sale of land. Janu. 16. 1898.

W. J. Porter

Witness:
H. L. Duke.

Rec'd Feb. 21/1898. of J. L. McLemore Special Comr $28 93/100 Dollars balance due on my distributive share of the estate of my father making in all $28 93

W. J. Porter

Witness:
H. L. Duke

#28.93 Rec'd August 30th. 1897. of Jas. L. McLemore Special Commissioner in Chancery Court of Darden Exr. against Porter et als. the sum of Forty Eight & 93/100 Dollars each. same being in full of balance in hands of Jas. L. McLemore Comr as aforesaid from sale of real estate of John H. Porter, dec'd. sold under decree of Court.

Maggie L Duke Jacob L. Porter

Lelia B Porter Annie M. Porter

B. B. Porter Ann L Porter gar for Joseph L Porter.

28.93
L
$173.58

Courtland, Va., 189

$75.

I have received from J. W. Lemore settlement for the legacy or bequest of $75. provided for me in the 8th clause of the Will of my father Henry Porter, by allowing the same to go as a part payment for the land purchased on October 24th 1896. at Courtland Va. by J. F. Vick. and belonging to my father's estate.

William J. Porter
his mark

Per Witness L. H. Worrell.

Recd Aug 25. 1897 of Jas L McLemore, Spcial Com. in case Darden Exor vs. Porter & others. Seventy Nine & 44/100 Dollars ($79.44) on acct. balance due me as Gdn J. Porter Specific Legacy in Will of Ann S Porter $200.-

Mrs P Gdn

Hardin Co.
Final Report
St. Mc Lemore Special
Commissioner
Porter's Heirs.

1894 Octo. 30. Filed

Removed
Oct. 1895

J. B. LIPPINCOTT COMPANY
Booksellers and Stationers
Philadelphia, Pa.

Darden Executor.

vs. Report of Com. J. W. Lemore

Porter's Heirs et al.

The undersigned begs to report that he has collected from Mrs Ann S Porter the remainder of the purchase price for the land originally purchased by J. F. Frick & by him transferred to her, as will appear by the Com's report of October 5th 1896. and that he has disposed of the funds in his hands as follows:

Total purchase price of land		$525.00
Interest on deferred payment		12.50
		$537.50
Com's on $537.50	19.74	
Posters.	1.50	
Auctioneer	5.00	
Costs of Suit	41.50	
Deed to Purchaser	10.	
Attorney fee allowed by Court	60.	$137.74
		$399.76

To paid

W. J. Porter, Specific Legacy.	75.00	
Mrs Ann S Porter Gdn. J. Porter. bal. due on Legacy. (R'd prior Report paid $120.00)	79.44	
Paid other creditors not paid by J. R. Darden	13.88 32.42	
Paid Gdn of Jos. Porter	28.93	
" B. B. Porter	28.93	
" Capt Lee Porter	28.93	
" W. J. Porter	28.93	
" Maggie L. Duke.	28.93	
" Lillie B. Porter	28.93	
" Annie Maud Porter	28.93	
In hand for heirs of Anna F. Frick.	28.93	
Subject to order of Court.	$399.76	$399.76

This am't paid to J. F. Frick Gdn. April 18-98. See receipt. J.F.F.

Respectfully Submitted.

J. W. Lemore
Special Com.

Oct 20 1897

Darden Ex
vs Deree
Perkins Suit

1898 Octo 4th.
Enter
Robert Dennis

Entered Page # 233.

Darden, Ex or.
Vs.
Porters heirs et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Special Commissioner James L. McLemore, filed October 30th. 1897, to which no exceptions have been taken, and was argued by Counsel.

On consideration whereof, and it appearing to the Court from said report, that all of the funds coming in his hands has been properly disbursed as is evidenced by the vouchers filed along with the said report, doth adjudge, order and decree that said report be and the same is hereby confirmed, and nothing further remaining to be done herein it is ordered that same be removed from the docket.

Mrs. Ansy S. Parker No. 142

1896. To L. R. EDWARDS, Treasurer of Southampton County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 45c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	TOTAL TAX
To 21¼ acres Land, value $ 83.75	19	6	28	3	3	59
" 3 acres Land, value $	4	2	7	1	1	15
" 73 acres Land, value $ 292.50	88	29	132	15	14	278
" acres Land, value $						
" Personal Property, value $ 113	39	13	59	7	7	123
" Capitation Taxes						
" Income						
Total	150	50	226	26	25	477
5 per cent. additional						
Fee Bills						
Totals						

Received payment 24 day of Nov 89 L R Edwards Treasurer

Rec'd. of Jas. R. Darden Executor of Jno. H. Porter Est. Two Dollars it being amt. due Benj. C. Bunn for services as commissioner in setting aside the widows dower in said estate, and this shall be a receipt for. Same against said Bunn.

B. B. Cowles

Amo received from 1st. payment. $25.00

Amts on purchase Price of $525. $19.50
Posters 1.50
Auctioneer 5.00
Costs of suit 41.50
Deeds to purchaser. 10.
Allowed by Court to plaintiffs Attys. 60.
$137.50
Pair W. Porter Legacy 25.00
$62.50

Amo. to be accounted for by me in addition to the above is $250.00
which amount is yet unpaid by Wm Porter.
Total debts & legacies $36.29

250.
$12.50

Oct. 24, 1896.

MEMO:

IN RE .....

VS. 262.50

79.

OFFICE OF
J. C. PARKER,
ATTORNEY-AT-LAW,

262.50
79.44
182.06

COURTS:
SOUTHAMPTON,
ISLE OF WIGHT, NANSEMOND,
AND ADJOINING COUNTIES.

Franklin, Va., ... 189

Total debts are (& Int) 392.71

Inheard of J. R. Darden 205.85

$186.86

Due to Mrs. Porter Gdn. for which I have receipt 79.44

$107.42

Paid Col. Porter Share + Int 2 3/4 = 77.32

$30.10

262.50

Paid.

Mr. J. W. Parker, estate No. 301

1895. To L. R. EDWARDS, Treasurer of Southampton County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 30c. on $100.	County School Tax, 5c. on $100.	District School Tax, 2 1-2c. on $100	TOTAL TAX.
To ____ acres Land, value $ ____						
" Personal Property, value $ 2200	65	22	83	11	6	1 83
" Capitation Taxes						
" Dog Tax						
" Income $						
Total						1 83
Fee Bills						
5 per cent. additional						9
Total Also 1 land tax pd by J. R. Cooper Sr.						1 94
						201
						$ 295

Received payment ____ day of June 189 7 W. H. L. Whitley Treasurer.

Mrs. J. B. Dandridge Executrix
for Will of Jos. H. Parks
To J. H. Riley Dr
For Survey & division of
57½ acres land on South
Side R Roan . . 5.00
Rec'd Payment
in full J. H. Riley

FIDELITY
MUTUAL LIFE ASSOCIATION
PHILADELPHIA
L.G FOUSE, President.

Pecksniff's old horse, like many insurance companies, was full of promise, but slow of performance. The Fidelity performs better than it promises.

MEMORANDUM.

FEBRUARY 28 DAYS
25
THURSDAY
56-309 1897

Statement Sent J.R.D.

Total from Mr payment after on land after paying costs expenses of suit. 137.50

Debt due to be pd by Wm. by division of balance 79.44

Due Mrs Porter Edn 107.42

In my hands after $ 30.08

paying all debts & suit

$79.44 is 30.08

Due by Wm P on farm 250.00

Int. 12.50

$262.50

Due to Mrs P. Edn by J.H. Barden. 120.00

balance of J.C. Porter due 79.44

200.00

Total debts & interest amt $392.50

as of Aug. 20/97.

Anna F. Vick
Jos. C. Porter
B.B. Porter,
Jacob Lee
Mrs J.
Maggie L. Duke
Lillie B. Porter
Annie Maud

394.50
79.44
131.44
23.44
25.43

79.44
82.42
$111.86

$39.21
205.8
$186.86
79.44
107.42
75.
$32.42 interest

262.60
79.44
$183.06
32.42
$215.48

8/215.48
$ 28.93

Jos. C. Porter 28.93
79.44
$107.37

Mrs. J. B. Dandridge Executrix
for Will of Jos. H. Parks
To J. H. Riley Dr
For Survey & division of
57½ acres land on South
Side R Roan . . 5.00
Rec'd Payment
in full J. H. Riley

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B.B. Porter,
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79.44
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205.8
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79.44
107.42
75.
$32.42 interest

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79.44
$183.06
32.42
$215.48

8/215.48
$ 28.93

Jos. C. Porter 28.93
79.44
$107.37