

1909-019 Chancery Causes : Margaret Ann Porter, gdn of John R. Porter 's children Vs
Isle of Wight County Jobe Porter & al, by & c & al

15

other SURNAMES: Edwards,
Gay, Latimer

Know all Men by these Presents, That we E. H. Williams, Prince-
pal, and B. P. Gay, surety
are held and firmly bound unto the Commonwealth of Virginia in the sum of

Three Hundred ^{00/100} 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 obligation, 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 the bonds of this State. Sealed with our seals, and dated this 28th day of November, one thousand nine hundred and seven (1907)

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. H. Williams

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

under decree of the Circuit Court of the County of Isle of Wight pronounced on the 25th day of November 1907; in the suit therein depending under the name and style of Porter, Geo. vs Porter, et al. and all subsequent decrees.

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

Signed, sealed and acknowledged in
the presence of

A. S. Johnson

E. H. Williams SEAL

B. P. Gay SEAL

SEAL

In the Clerk's Office of the Circuit Court of the County of Isle of Wight
This day B. P. Gay

surety on the above bond, made oath before me, A. S. Johnson, Clerk of the Circuit Court of the County of Isle of Wight that his estate, after the payment of all his just debts, and those for which he is bound as security for others and expects to have to pay he is worth the sum of Three Hundred dollars.

Given under my hand, this 28th day of November 1907.

A. S. Johnson Clerk.

A copy. A. S. Johnson, CC

Porter, Geo vs Porter et al.

E. H. Williams, Spl. Comm.

to } COMMISSIONER'S
BOND.

Commonwealth.

THIS DEED, Made and entered into this 29th. day of January, 1907,
by and between Henry Edwards of the County of Isle of Wight, Vir-
ginia, party of the first part; and B. P. Gay of the County and
State aforesaid, party of the second part:

WITNESSETH: That for and in consideration of the sum of TWENTY
FIVE DOLLARS, cash in hand paid, the receipt whereof is hereby
acknowledged, the said Henry Edwards doth grant unto the said
B. P. Gay all his right, interest and title, said interest be-
ing a life interest, in and to all the pine and poplar timber
ten inches on the stump and upwards at the time of cutting to be
cut eighteen inches from the general level of the ground, upon all
that certain tract, piece or parcel of land lying, being and sit-
uate in the County and State aforesaid, containing sixty acres,
more or less, and bounded by the lands of Robert A. Allman et als.

The said party of the first part covenants that he has the
right to convey the said interest in the said timber; that the same
is free and clear of all encumbrances; that the said B. P. Gay, his
heirs or assigns, shall have free ingress and egress into and out
of the said land for the purpose of cutting and removing the said
timber; and, that he, the said Henry Edwards, will execute such
further and other assurances of the said interest in the said tim-
ber as may be requisite to make the title thereto sure and com-
plete.

Witness the following signature and seal:

his
Henry x Edwards, (SEAL)
mark

State of Virginia,

County of Isle of Wight, to-wit:

I, E. H. Williams, a Commissioner in Chancery for the Circuit Court, in and for the County aforesaid, in the State of Virginia, do hereby certify that Henry Edwards whose name is signed to the above deed dated the 29th. day of January, 1907, has acknowledged the same before me in my County aforesaid.

Given under my hand this 29th. day of January, 1907.

E. H. Williams,
Commissioner in Chancery.

Virginia: Clerk's Office office of the Circuit Court of Isle of Wight County, this 29th. day of January, 1907, at 3 o'clock P. M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. S. Johnson, Clerk.

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

Exhibit "C"

Porter, John
vs
Porter, et al

IN THE DISTRICT COURT OF THE
SOUTHERN DISTRICT OF NEW YORK
IN THE
MATTER OF THE ESTATE OF JOHN PORTER

27 July 1907
Exhibit
Filed
Teste J. Johnson. Cc

THIS DEED, made this 25rd. day of September, 1903, between John R. Porter and Margaret Ann, his wife, parties of the first part, and Henry and Mary Edwards, parties of the second part, all of the County of Isle of Wight and State of Virginia.

WITNESSETH: that whereas, the said parties of the first being desirous of giving unto the said Henry Edwards and Mary Edwards, a home during their lives, do, in consideration of the sum of five dollars cash paid, the receipt whereof is hereby acknowledged, and the further consideration of the love they have and bear towards the said Henry Edwards and Mary Edwards grant unto the said Henry Edwards and Mary Edwards for and during their lives, that certain tract of land situated in the County of Isle of Wight and State aforesaid, containing 80 acres, bounded by the lands now or formerly belonging to Archibald Roberts, J. B. Porter and others, it being the same land purchased by the grantors from Jos. Shepherd and wife. et als.

It is understood that the said Henry Edwards and Mary Edwards have only a life right conveyed to them by this deed and at the death of the said Henry Edwards and Mary Edwards the said land reverts back to and becomes the property of the said John R. Porter or his estate.

In witness whereof we have hereunto set our hands and seals the day and year first aforesaid.

John R. Porter, (SEAL)

M. A. Porter, (SEAL)

Virginia,

County of Isle of Wight, to-wit:

I, M. F. Young, a Commissioner in Chancery of the Circuit Court

for the County aforesaid, in the State of Virginia, do certify that John R. Porter and M. A. Porter, whose names are signed to the writing hereto annexed, bearing date the 23rd. day of September, 1903, have acknowledged the same before me in my County aforesaid.

Given under my hand this 23rd. day of September, 1903.

N. F. Young, Comr. in Chancery.

In the Clerk's Office of Isle of Wight County Court this 23rd. day of September, 1903, this deed was received ^{at} and one o'clock P. M. and with the certificate annexed, admitted to record.

Teste, N. F. Young, Clerk.

By, Albert S. Johnson, Deputy.

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

Exhibit "B"

Porter gdm

Porter Petals

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.

COINTE DE ISLE DE VIDUAT

27 July 1907

exhibit

Filed
Jesse Johnson cc

Circuit Court of Isle of Wight County, in vacation, February 19th. 1907.

Jobe Porter, Joel Porter, Sarah Y. Porter and Virtley D. Porter, orphans of Jno. R. Porter, deceased, who are over the age of fourteen years, to-wit: Jobe Porter, aged 20: Joel Porter, age 20: Sarah Y. Porter, age 18; and Virtley D. Porter, age 15, this day appeared before the Judge of the Circuit Court of Isle of Wight County, in vacation, and nominated Margaret Ann Porter, their mother, as and for their guardian.

And the Court, approving the said nomination, doth appoint the said Margaret Ann Porter as and for the guardian of the said Jobe Porter, Joel Porter, Sarah Y. Porter and Virtley D. Porter.

Thereupon, the said Margaret Ann Porter, and Willie E. Porter, Claudius E. Porter and Maggie R. Porter, her sureties, who justified, on oaths, as to their sufficiency, entered into and acknowledged a bond in the penalty of two hundred and fifty dollars, conditioned and payable as the law directs, which said bond is ordered to be properly recorded, labeled and filed, all which is hereby certified to the Clerk of this Court to be entered in the Common Law Order Book.

//

It appearing to the Court that David R. Porter, Mary V. Porter, Webster Porter, James D. Porter and Nafrost Porter, orphans of John R. Porter, deceased, who are under the age of fourteen years, to-wit: David R. Porter, age 13: Mary V. Porter, age 12: Webster Porter, age 10: James D. Porter, age 8: and Nafrost Porter, age 5, have no guardian, the Court doth nominate and appoint Margaret Ann Porter, the mother of the said infants, as and for their guardian.

Thereupon, the said Margaret Ann Porter, and Willie E. Porter, Claudius E. Porter and Maggie R. Porter, her sureties, who justified on oath as to their sufficiency, entered into and acknowledged a bond in the penalty of three hundred dollars, conditioned and payable as the law directs, which said bond is ordered to be properly recorded, labelled and filed, all which is hereby certified to the Clerk of this Court to be entered in the Common Law Order Book.

A copy,

teste,

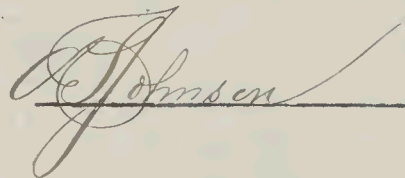
 C.C.

Exhibit A

IN SENATE, CHAMBER OF SENATORS
CITY OF NEW YORK

COMMITTEE ON THE JUDICIARY

27 February 1907
Exhibit

Listed
Oste. Johnson Co

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

Porter, Guardian, Plaintiff,
vs in Chancery
Porter, et als, Defendants,

This Cause came on this day to be again heard on the papers formerly read, and on the report of E. H. Williams, Special Commissioner, under the decree herein of November 25, 1907, ^{this day filed and taken} to which no exceptions are filed, and the Court confirm-^{ing the same, said report} ~~ing the same, doth adjudge, order, and decree that the said E. H. Williams, Special Commissioner, as aforesaid, be released from further liability under his bond herein;~~

And it appearing that nothing further remains to be done in this ^{Cause} ~~suit~~, it is ~~adjudged, ordered, and decreed~~ ^{that} ~~this cause~~ ^{the same} be stricken from the docket.

* It appearing to the Court from said report that said Special Commissioner received from B. P. Gay the sum of \$300.00, the purchase price of the timber, that the costs of this suit have been paid, and that the remainder of the funds in the hands of said Special Commissioner has been distributed among the proper parties in proportion to their respective interests, on consideration whereof

Porter G. S. - ~~Porter G. S.~~

V. L. Chauncy

Porter at des -

Final. Secree

1909

June 10.

Enter his.

B. D. W.

C. O. B. No - 6 p 617

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,
IN VACATION.

Porter, Guardian, ... Plaintiffs.
Vs. in Chancery
Porter et als. Defendants.

This cause in which is shown to the Court that since the last decree herein, Henry Edwards, a defendant to this suit, has departed this life, and it further appearing to the Court that the personal representative, heirs and devisees of the said Henry Edwards are not necessary parties to this suit, it is ordered that this suit be dismissed as to the said Henry Edwards, and be further proceeded with against the other defendants thereto, whereupon the said cause came on this day to be again heard in Vacation, pursuant to notice and by consent of the parties, upon the papers formerly read, and upon the report of Commissioner, A. S. Johason, filed May 3d, 1907, and was argued by Counsel.

On consideration whereof, the Court doth confirm the said report to which no exceptions have been filed; and it appearing to the Court that the bid and offer of B. P. Gay to purchase all the pine and poplar timber ten (10) inches on the stump eighteen (18) inches from the general level of the ground on the tract of EIGHTY ACRES, known as the "Henry Edwards" tract, and being the same land described in EXHIBIT "B", and filed with the Complainants' bill, that the sum and price of THREE HUNDRED DOLLARS cash, is the full value and fair price of the said timber, and more than can probably be obtained therefor if the same were exposed to sale at public auction; and that it is for the interest of the parties to this suit that the said bid and offer be accepted, the Court doth accept and confirm the same. And the Court doth adjudge, order and decree that E. H. Williams, who is hereby appointed a Special Commissioner for that purpose, upon receipt from the said

B. P. Gay of the sum of Three Hundred Dollars (\$300) in cash, shall execute and deliver to the said B. P. Gay, a good and sufficient deed for the said timber, in which deed the time of cutting and removing the said timber is limited to the period of one year from the date of this decree.

And the Court doth further adjudge, order and decree that out of the proceeds of sale, the said Special Commissioner shall pay first the costs of this suit and sale including a fee of \$25.00 to E. H. Williams, Attorney in this cause, and the taxed costs up to and including a final decree; and then distribute the residue among the children of Jno. R. Porter, deceased, share and share alike, and it appearing to the Court that the amount to be received by the Infant defendants to this suit is less than One hundred Dollars (\$100), it is also adjudged, ordered and decreed that the shares of the Infant defendants over the age of ~~FOURTEEN~~ ^{SIXTEEN} years be paid to them, and that the shares of the Infants under the age of ~~FOURTEEN~~ ^{SIXTEEN} years be paid to their mother, Margaret Anne Porter; but before the said E. H. Williams, Special Commissioner shall have any authority under this decree, he shall execute a bond, with sufficient security, in the penalty of \$300.00, conditioned for the faithful discharge of the duties imposed by this or any future decree in this cause; and the said E. H. Williams, Special Commissioner shall make report to Court of his proceedings under this decree.

To be applied to the support, education and maintenance of such infants;

In Vacation
Nov 26th 1907.

R. E. Boyle Judge.

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

Writ tax 1.50
Clasps 7.39 to do minimal
Comm 7.50
\$16.39

VIRGINIA: Clerk's Office of the Circuit Court of the County of Isle
of Wight this 28th. day of November, 1907, the foregoing vacation
decree was received from the Judge of this Court and entered of
record.

Teste, A. I. Johnson C.C.

Porter, Guardian, Plaintiff,

vs. in Chancery.

Porter et als., Defendants.

DECREE

To be entered this _____ day

of October, 1907

C. Q. B. No. 6 523 Judge

We hereby accept legal service on
notice for the application of the
within decree, and consent thereto.

Margaret Porter Gordon

Margit Porter

B. P. Gray

Willie E. Porter

Claudius E. Porter

Maggie R. Porter

Lavinia Porter

John Porter

J. L. Fisher Guardian ad litem

James Porter

Sarah Porter

Wirtley Porter

J. A. Porter

Ross Porter

Ella May Porter

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

Margaret Ann Porter, Guardian,-----Plaintiff.

Vs.

Margaret Ann Porter et als.-----Defendants.

This cause came on this day to be heard on the bill of complaint of the said Margaret Ann Porter, Guardian, verified by her oath thereto, the answer of the infant defendants by W.L.Folk their guardian ad litem, the answer of the infant defendants over the age of fourteen years and the answer of the adult defendants, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order, and decree that this cause be referred to A.S.Johnson, one of the commissioners of this court, who is directed to enquire and report to the court, as follows:

1. Of what real and personal estate, the infant defendants are possessed or entitled, and what are their respective shares or interests therein, where such estate is situated, and what is its fee-simple and annual value;

2. Whether the interests of the said infant defendants will be promoted by a sale of the timber in the bill mentioned for three hundred dollars, and an investment of the proceeds of sale in other property;

3. Whether the rights of any person will be violated by such sale and investment;

4. Who would be the heirs at law or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the court in this cause.

Which said inquiries the said commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the court, along with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

Margaret Ann Porter, B'ld'g.

v.

Margaret Ann Porter et als.

DECREE

To be entered the 29th. day of
April. 1907.

R. E. Boykin

C.O.B. No. 8, page

RECEIVED of E. H. Williams, Special Commissioner in the
Chancery Suit of Porter, Guardian, vs Porter, et als:

Tax Attorney Fee	\$15.00
Attorney Fee	25.00
Writ Tax	1.50
Writing Deed to Purchaser	5.00
~~As per~~ voucher #11	<u>\$46.50</u>

) E. H. Williams

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

Porter, Guardian, Plaintiff,
vs in Chancery
Porter et als, Defendants,

)
)
)
)
)

TO THE HONORABLE B.D.WHITE, JUDGE OF SAID COURT:

The undersigned, E. H. Williams, Special Commissioner, under a decree herein, in vacation, bearing date November 25, 1907, begs leave to report that in pursuance of the said decree, and upon the receipt of Three Hundred (\$300.00) Dollars from B. P. Gay, that he, the said E. H. Williams, Special Commissioner, as aforesaid, delivered a good and sufficient Deed for the timber in the Bill and Proceedings of this Cause mentioned.

Your Commissioner begs leave to further report that in pursuance of the said decree, he distributed the said Three Hundred (\$300.00) Dollars as per statement of payments and vouchers hereto attached, and made a part of this report.

And nothing further remaining to be done by your said Special Commissioner, he respectfully asks that he be discharged from further liability under his bond.

Respectfully submitted:

E. H. Williams
Special Commissioner

Voucher

#10

Smithfield Va. Nov. 29th 1907 No 10

The Bank of Smithfield

Smithfield, Va.

Pay to Lovinia Porter

Seventeen & 04/100

or order \$17 04

NOV 30 1907

Dollars

On Quee Dis. Share in Porter, Gdn. V. Porter & als.

E. H. Williams, Special Officer
Porter, Gdn. V. Porter & als.

Lavinia Porter

Voucher
#3

Smithfield Va. Nov. 29th 1907 No. 9

The Bank of Smithfield

Smithfield, Va.

Pay to Maggie R. Porter

Seventeen & 00/100

Due June Dis. Sherr Porter Edin & Porter et als.

or order \$17 ⁰⁰/₁₀₀

Dollars

NOV 30 1907

E. H. Williams Special Agent
Porter Edin & Porter et als.

Massachusetts
Ink

West
Mottet

Voucher
#8

Smithfield Va. Nov. 29th 1907 No 8

The Bank of Smithfield

Smithfield, Va.

Pay to Willie E. Porter

or order \$17⁰⁴

Seventeen & 04/100

Dollars

In full Dis. Shown in Ints. Gdn. V. Porter et al.

E. H. Williams, Special Agent
Porter, Gdn. V. Porter et al.

Willie E. Porter

Voucher

#7

Smithfield Va. Nov. 29th 1907 No 7

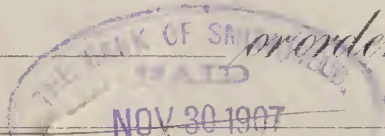
The Bank of Smithfield

Smithfield, Va.

Pay to Claudius E Porter

fourteen & 4/100

Due per Div. Share in Porter, Gdin. V. Porter et al.



on order \$17 ⁰⁰/₁₀₀ Dollars

E. H. Williams, Special Comm.
Porter, Gdin. V. Porter et al.



Islandines & Porter

Voucher
#6

Smithfield Va. Nov. 29th 1907 No 6

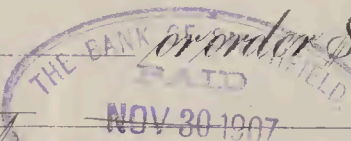
The Bank of Smithfield

Smithfield, Va.

Pay to J. A. Porter

Seventeen & out/100

In full Dis. Share in Porter, Godd. & Porter & also.



or order \$17 ^{and}

Dollars

E. H. Williams, Special Comr.
Porter, Godd. & Porter & also.

9 of Porter

Voucher

#5

Smithfield Va. Nov. 29th 1907 No 5

The Bank of Smithfield

Smithfield, Va.

Pay to Margaret Anne Porter

One Hundred and two & 24/100

In full Dis. Share of Virley D., David R., Mary D., Webster, James D. and Napass Porter in Porter,
Erie. V. Porter et als.



order \$102.24

Dollars

E. H. Williams Special Cashier
Porter, Erie. V. Porter et als.

Margaret Porter

Voucher
#4

Smithfield Va. Nov. 29th 1907 No 4

The Bank of Smithfield

Smithfield, Va.

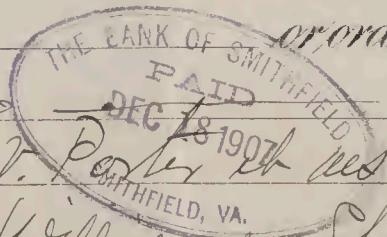
Pay to Sarah G. Porter

or order \$17⁰⁰

Seventeen & 00/100

Dollars

In full Dis. Share in Porter Edw. V. Porter et al.



E. Williams Special Comr.
Porter, Edw. V. Porter et al.

Sarah y Porter

Voucher

#3

Smithfield Va. Nov. 29th 1907 No 3

The Bank of Smithfield

Smithfield, Va.

Pay to Joel Porter

or order \$17 ^{and}

Dollars

Seventeen ~~and~~ ^{and} 00/100
In full Dis. Shown in Porter's A/c. ^{Porter's A/c} it also.

E. H. Williams Special Cash.
Porter's A/c. V. Porter it also.

Joel Porter

.....

Voucher

#2

Smithfield Va. Nov. 29th 1907 No 2

The Bank of Smithfield

Smithfield, Va.

Pay to J. W. Porter

Seventy five and 100/100

order \$175.00
NOV 30 1907
Dollars

In full Dis. Shown in Porter, Edie. V. Porter, et al.

E. H. Williams, Special Officer
Porter, Edie. V. Porter et al.

Mr
John H. Porter
Care
Wm
Mitchell

Voucher #1

Voucher #1

Smithfield Va. Nov. 29th 1907 No. 1

The Bank of Smithfield

Smithfield, Va.

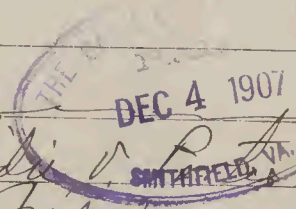
Pay to A. S. Johnson

or order \$14.94

fourteen & 94/100

Dollars

Checks & Com's fee in Porter, Edw. P. Porter
not paid by E. H. Williams



it all has writ
E. H. Williams The cigs Com's
in 'Porter, Edw. P. Porter it all

Pay The Bearer or Order
A, S, JOHNSON,

51

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

E. H. Williams, Special Commissioner, in account
with the suit of Porter, Guardian, vs in
Chancery, Porter, et als.

1907

Nov.29 To amount of purchase price of timber sold to B. P. Gay,
as per decree herein, of November 25, 1907, \$300.00

"	"	By Paid	A. S. Johnson, Clerk and Com- missioners fees as per voucher #1	\$ 14.94
"	"	"	"	
"	"	"	Jobe Porter in full, distri- butive share as per voucher #2	17.04
"	"	"	"	
"	"	"	Joel Porter, in full distri- butive share, as per voucher #3	17.04
"	"	"	"	
"	"	"	Sarah Y. Porter, in full distri- butive share as per voucher #4	17.04
"	"	"	"	
"	"	"	Margaret Anne Porter, in full distributive share as per voucher #5 for Virtley D., David R., Mary V. Webster, James D., and Nafrost Porter,	102.24
"	"	"	"	
"	"	"	J.A. Porter, in full distribu- tive share, as per voucher #6	17.04
"	"	"	"	
"	"	"	Cladius E. Porter, in full dis- tributive share as per voucher #7	17.04
"	"	"	"	
"	"	"	Willie E. Porter, in full dis- tributive share as per voucher #8	17.04
"	"	"	"	
"	"	"	Maggie R. Porter, in full dis- tributive share as per voucher #9	17.04
"	"	"	"	
"	"	"	Lavinia Porter, in full dis- tributive share as per voucher #10	17.04

(2)

Amount forward

\$300.00

Amount forward

\$ 253.50

1907

Nov.29

By paid E. H. Williams, Tax Attorney

" " Fee \$15.00

" " Attorney fee 25.00

" " Writ Tax paid by him 1.50

" " Writing Deed to purchaser 5.00

as per voucher

#11

46.50

\$ 300.00

\$300.00

Porter, Guardian,

Vs) In Chancery
)

Porter, et als.

Report of payments by E.
H. Williams, Special Com-
missioner.

1909.
June 10,
Filed B.D.W.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

Margaret Ann Porter, guardian &c.

vs) In the Circuit Court of Isle of Wight County.

37 100
100 1100

Margaret Ann Porter, J. A. Porter, Rosa Porter, Claudius W. Porter, Ella May Porter, Willie E. Porter, Maggie R. Porter, Lavinia Porter, Jobe Porter, Joel Porter, Sarah Y. Porter, Virtley D. Porter, David R. Porter, Mary V. Porter, Webster Porter, James D. Porter, and Nafrost Porter, the last nine infants under the age of twenty one years by W. L. Folk, their guardian ad litem, and B. P. Gay.

Extract from a decree entered in this cause on the 22nd. day of April, 1907.

The Court doth adjudge, order and decree that this cause be referred to A. S. Johnson, one of the Commissioners of this Court, who is directed to enquire and report to Court as follows:

1. Of what real and personal estate the infants are possessed or entitled and what are their respective shares or interest therein, where such estate is situated, and what is its fee simple and annual value.
2. Whether the interests of the said infant defendants will be promoted by a sale of the timber in the bill mentioned for three hundred dollars, and an investment of the proceeds of sale in other property.
3. Whether the rights of any person will be violated by such sale and investment:
- 4th. Who would be the heirs at law or distributees of the said infant defendants if they were dead, and whether all such persons are properly before the Court in this cause. Which said inquiries the said Commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to Court along with any matter specially stated, deemed pertinent by himself or required by any party to be so stated."

Commissioner's Office,
Isle of Wight Va. May 1st. 1907.

To the parties in the above suit:

I have fixed upon the 3rd. day of May, 1907 at three o'clock P.M. at my office at Isle of Wight County Courthouse, to execute the decree of which the foregoing is an extract.


Commissioner.

We acknowledge due, legal and sufficient service of the within notice.

Margaret Ann Porter
J. A. Porter
Rose Porter
Gaudens Porter
Ella May Porter
Mellie Porter
Maggie Porter
Lavina Porter

W. L. Jock
Counsel and attorney for
infant defendants

Porter et als.

vs) Depositions of witnesses.

Porter et als.

The depositions of J.B. Porter et als, taken before A. S. Johnson, a Commissioner in Chancery for the Circuit Court for the County of Isle of Wight at Isle of Wight Courthouse May 3rd. 1907 pursuant to notice as required by law, to be read as evidence in a certain chancery suit therein depending wherein Margaret Ann Porter guardian et als are the plaintiffs and J. A. Porter et als are the defendants.

Present Mr. E. H. Williams, counsel for ptffs.
Mr. W. L. Folk, guardian ad litem for the
infant defendants.

Mr. J. B. Porter being duly sworn deposes and says:

(By Mr. Williams)

Q. Mr. Porter, what is your name, age, residence and occupation?

A. J. B. Porter, sixty five years old, residence Isle of Wight County, am a farmer.

Q. Mr. Porter are you familiar with the timber on the land in which Henry Edwards owned a life estate?

A. Yes sir.

Q. What do you consider a fair market value for the timber on this tract of land?

A. Well sir, I have often expressed myself to them and have told them that if they could get three hundred dollars for it to sell it. I think that is a fair valuation for it.

Q. What other real or personal estate have the infant defendants in this case?

A. Well sir, they own this tract right up here of a hundred acres and they own the tract where Jack died, I reckon there is about a forty acres there.

Q. What is the value of the tracts of land just named by you?

A. I named two, which do you mean?

Q. Both.

A. This tract up here would bring about eighteen hundred or two thousand dollars, and the other place is worth about five hundred dollars I reckon.

Q. These tracts are owned by all the heirs of John R. Porter, deceased.

A. Yes.

Q. What personal property have the infants?

A. I was one of the appraisers of the property and I reckon Jack had personalty valued at about five or six hundred dollars; after the poor law was taken out of it I think there would be some four or five hundred dollars.

Q. What would be a fair rent, per year, for the two tracts of land above mentioned?

A. Well sir, I reckon they would rent for two hundred dollars.

Q. Do you know whether or not the rights of any person will be violated by the sale of the said timber and investment of the proceeds in other property?

A. I think it would be to the advantage of the infant defendants to sell the timber for the price mentioned but I think it would not be to their advantage to invest the proceeds in other property for they need it for their maintenance.

(By the Commissioner)

Q. Mr. Porter, Mr. B. P. Gay is one of the complainants in this suit, having purchased of Henry Edwards his interest in the said timber- is Henry Edwards now living?

A. No sir.

Q. When did he die?

A. I think he has been dead about two months.

Q. Mr. Porter, it is alleged in this suit that nine of the defendants are infants. Are the proceeds from the farm, in your opinion, sufficient for the maintenance of the said in

fants?

A. I dont think it is?

And further this deponent saith not.

Willie E. Porter

Willie Porter being duly sworn deposes and says:

(By Mr. Williams)

Q. What is your name, age, residence and occupation?

A. Willie Porter, twenty seven years old, live in Isle of Wight County, working at de mill.

Q. Are you familiar with the standing timber on the Henry Edwards place and do you think that three hundred dollars would be a reasonable price for the said timber?

A. Yes sir, I know the timber and I think that a fair price?

Q. Are you, as one of the defendants in this case, willing that the timber should be sold to Mr. B. P. Gay for three hundred dollars?

A. Yes sir.

Q. And further this deponent saith not.

Willie E. Porter

Claud Porter being duly sworn deposes and says:

(By Mr. Williams)

What is your name, age, residence and occupation?

A. Claudius E. Porter, twenty five, Isle of Wight County, farming.

Q. Are you familiar with the standing timber on the Henry Edwards place and do you think three hundred dollars would be a reasonable price for said timber?

A. Yes sir.

Q. Are you, as one of the defendants in this suit, willing that the timber should be sold to Mr. B. P. Gay for three hundred dollars?

A. Yes sir.

And further his deponent saith not.

Claudius E. Porter

Porter, Gdm re
vs of Chancery
Porter, et als

Depositions of wit-
nesses

J.F.Latimer being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation?

A. J. F. Latimer, 47 years old, live in Isle of Wight County and am a farmer.

Q. Are you acquainted with the land of which John R. Porter colored died siezed and possessed, and especially the tract of land belonging to his estate in which Henry Edwards has a life estate and on which Henry Edwards recently lived?

A. I am. It adjoins my land.

Q. What do you consider a fair annual rental value for this place and also what would be a fair cash value for it?

A. I think it is worth about four hundred dollars and it ought to rent for thirty or forty dollars a year.

Q. Mr. B. P. Gay has offered to buy the lumber on this land and pay the heirs of John R. Porter the sum of three hundred dollars for it. Do you or do you not think that that amount is a fair price for the timber, to be cut in the usual way.

A. I think three hundred dollars a very good price for the timber.

Q. Are you familiar with the condition of the heirs, and do you believe it would be to their advantage to sell this timber and apply the proceeds of such sale to the support and maintenance of the infant children of the said John R. Porter?

A. The other land they have, it appears to me, does not bring enough for the support of all of his children and widow.

There are fourteen of them.

And further this deponent saith not.

J. F. Latimer

J. P. Johnson

Commissioner.

CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Porter, guardian,

vs) Chancery

Porter, et als.

TO THE HONORABLE R. E. BOYKIN, JUDGE OF THE CIRCUIT COURT
OF THE COUNTY OF ISLE OF WIGHT.

The undersigned, one of the commissioners of your
honor's court, begs leave to report as follows:

That on the 1st. day of May, 1907, he notified all
the parties in the above suit that he would, on the 3rd.
day of May, 1907, proceed to execute the decree herein of
the 22nd. day of April, 1907, at his office, at Isle of Wight
Courthouse at three o'clock P.M. That he attended at the
said place and at the time aforesaid, for the purpose afore-
said, and there, in the presence of Mr. E. B. Williams,
counsel for the complainant, and Mr. W. L. Folk, the guardian
ad litem of the infant defendants, he took the depositions
of J. B. Porter et als, which depositions are herewith re-
turned and made a part of this report. That from the evi-
dence then adduced, your commissioner finds and so reports:
1st. That John R. Porter died seized and possessed of of
two tracts of land in Isle of Wight County, and State of
Virginia, one containing 37½ acres and one 100 acres, by
the land books of said county, in fee simple; and the re-
mainder or reversion in another certain tract of land in
said county, containing, by estimation (mentioned in deed
as such) 80 acres, be the same more or less. This tract
is not on the land books of said county, left off, presumably
in error, but is estimated to be worth four hundred dollars
by the testimony of Mr. J. F. Latimer, hereto attached; and
the widow and the children of the said John R. Porter are
the owners of all of his estate, real and personal.

That since the bringing of this suit, Henry Edwards, who held a life estate in the 80 acre tract aforesaid, has departed this life and the said ~~widow and~~ children of the said John R. Porter, deceased, are now possessed, in fee of all of the lands of which the said Porter died seized and possessed, including the said 80 acre tract. That the said Porter died intestate, and therefore, the said widow is possessed of her dower in said real estate and the children ^{are entitled to} one fourteenth part ^{cash} of said estate, subject, of course, to the dower of the said widow therein.

2nd. Your commissioner believes, and so reports, that the interests of the infant defendants would be promoted by a sale of the timber on the "Edwards" or the 80 acre tract, for the sum of three hundred dollars and the said amount applied to their maintenance and support, the said lands not yielding sufficient to maintain and support the infant defendants. Your commissioner is of opinion, and so reports, that the (Bill herein recites that "the interests of her wards will be greatly promoted by a sale of the pine and poplar timber on the said eighty acres of land; and investment of the proceeds in other property") interests of the infant defendants would hardly be promoted by a sale of the said timber and the investment of the proceeds in other property, as the said amount is so small that it could not be advantageously invested in other property without incurring such expense as to render the sale of the timber impracticable; but your commissioner does believe, and so reports, that he is of opinion that it would be greatly to the benefit of the said infant defendants to sell the said timber for the sum and price aforesaid and pay the said amount over to the said infant defendant's guardian for their maintenance and support.

3rd. The rights of no person or persons, it appears, will be violated by such a sale.

in the said land containing 80 acres of timber.

The heirs at law of the said John R. Porter, deceased, are correctly stated in the Bill and are properly before the court;

Respectfully submitted,

Johnson

Commissioner's fee \$7.50

7

Porter, Edm

vs { Chamcey
Porter et al

Commissioners Report

Filed May 3-1907

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon *Margaret Ann Porter, J. A. Porter,*
Rosa Porter, Richard E. Porter, Ella May Porter, Melville E.
Porter, Maggie R. Porter, Lavinia Porter, John Porter,
Joe Porter, Sarah Y. Porter, Virgil A. Porter,
David R. Porter, Mary V. Porter, Albert Porter,
James A. Porter, W. H. Porter, the last nine
being infants under the age of twenty one years
by *W. L. Lee,* guardian ad litem, and *D. P.*
Gray,

to appear at the Clerk's office of the *Orphans* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *4th* Monday in *February* 1907,

to answer a bill in chancery, exhibited against *them* in our said court *for* by
Margaret Ann Porter guardian of *John Porter, Joe*
Porter, Sarah Y. Porter, Virgil A. Porter, David
R. Porter, Mary V. Porter, Albert Porter, James A.
Porter, W. H. Porter

And have then there this writ. Witness *Nathaniel F. Young*, Clerk of our said court, at
the court-house, the *23rd* day of *February* 1907, and in the *12th*
year of the Commonwealth.

Nathaniel F. Young

Or acknowledge due
and legal service
of the within process
Margaret Porter ✓
J. A. Porter ✓
Ella Porter ✓
witness: ^{name} J. A. Porter ✓
William E. Porter ✓
Franklin E. Porter ✓
Maggie R. Porter ✓
Lavinia Porter ✓
Ella May Porter ✓
B. P. Gay ✓
W. L. Hall Guardian ad
Litem of the
Estate of Porter

1
Porter, Ida

vs. { SUBPOENA
IN
CHANCERY.
Porter, et al

p. 9
To Rules,
Court.

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

The answer, under oath, of Jobe Porter, Joel Porter, Sarah Y. Porter, and Virtley D. Porter, infants under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against them and others by Margaret Ann Porter, Guardian, in the Circuit Court of the County of Isle of Wight.

For answer to the said bill these defendants say that they are aged as follows, to-wit: Jobe Porter age 20, Joel Porter age 20, Sarah Y. Porter age 18, and Virtley D. Porter age 15; that they, by reason of their tender years, know but little of the allegations of the said bill; so far as they do know they believe the same to be true, and they see no reason why the prayer of the bill should not be granted, and accordingly they concur therein, but they rely upon the Court to protect their interests.

And now having fully answered, they pray to be hence dismissed, with their costs.

And they will ever pray, etc.

Jobe Porter

Joel Porter

Sarah Porter

Virtley Porter

2.

State of Virginia,

County of Isle of Wight, to-wit:

Sworn to before me in my County aforesaid by Jobe Porter,

Joel Porter, Sarah Y. Porter, and Virtley D. Porter,

this 15th day of April, 1907.

A. S. Johnson

Notary Public.

My Commission expires on the 21 day of Oct, 1907.

Porter

61

vs Sam of infants over 14 yrs
Porter

Filed 2nd April
rules - 1907
Althum cler

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

The answer of Jobe Porter, Joel Porter, Sarah Y. Porter, Virtley D. Porter, David R. Porter, Mary V. Porter, Webster Porter, James D. Porter, and Nafrost Porter, infants under the age of twenty-one years, by W. L. Folk, a discreet and competent attorney at law, their guardian ad litem assigned to defend them in this suit, and the answer of the said W. L. Folk, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Margret Ann Porter, Guardian, in the Circuit Court of the County of Isle of Wight.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the Court.

And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants.

And now having fully answered, these defendants pray to
be hence dismissed, with their costs, etc.

By W. L. Folk

Guardian ad litem, of
the infant defendants

John Porter

Joel Porter

Sarah E. Porter

Little S. Porter

David R. Porter

Mary S. Porter

Webster Porter

James D. Porter

By
W. L. Folk

W. L. Folk

Guardian ad litem of
said infants.

State of Virginia,

County of Isle of Wight, to-wit:

Sworn to before me in my county aforesaid by W. L. Folk,
guardian ad litem as aforesaid, this the 17 day of Apr,
1907.

W. H. Barnett

Notary Public.

My commission expires on the 15 day of Sept, 1907.

Answer of ⁴Diad. titian

Filed 2nd April
rules 1907
A. S. Johnson etc

In the Circuit Court of Isle of Wight County:

The joint and seperate answers of Margaret Ann Porter,
J. A. Porter, Rosa Porter, Claudius E. Porter, Ella May
Porter, Willie E. Porter, Maggie R. Porter, ^{Lavinia}~~Louisa~~ Por-
ter, and B. P. Gay to a bill in equity exhibited against *
them in the Circuit Court of Isle of Wight County by Mar-
garet Ann Porter, Guardian.

These respondents, saving and reserving, to themselves
the benefits of the money inoccurencies and errors con-
tained in the said bill, for answer to the said bill ans-
wer and say that they believe the statements made in
the said bill are true. These respondents do not object
to the sale of the timber as prayed for in the said bill.
And now having fully answered, they pray hence to be dis-
missed with their costs, etc.

Margret A Porter

J A Porter

Rosa E Porter

Claudius E Porter

Ella May Porter

Willie E. Porter.

Magg R Porter

Lavinia Porter

B P Gay

Porter

3

vs) Answer of Adult depts.

Porter et als.

Filed 2nd April
rules 1907
A. J. Johnson. cc

To the Honorable R.E.Boykin, Judge of the Circuit Court for the County of Isle of Wight, Virginia:

Humbly complaining, sheweth unto your honor your complainant, Margaret Ann Porter, Guardian of Jobe Porter, Joel Porter, Sarah Y. Porter, Virtley D. Porter, David R. Porter, Mary V. Porter, Webster Porter, James D. Porter and Nafrost Porter, infant children of John R. Porter, deceased, the following case, to-wit:

That she was appointed and qualified as the guardian of the said infants in your honor's court on the 19th. day of February, 1907, as will appear from a certificate of the Clerk of this court showing the same, herewith filed, marked exhibit "A" and prayed to be read as a part of this bill;

That the said infants are aged as follows, to-wit: Jobe Porter age 20, Joel Porter age 20, Sarah Y. Porter age 18, Virtley D. Porter age 15, David R. Porter age 13, Mary V. Porter age 12, Webster Porter age 10, James D. Porter age 8 and Nafrost Porter age 5;

That the said infants and J.A.Porter, Claudius E. Porter, Willie E. Porter, Maggie R. Porter and Lavinia Porter own a reversion in fee-simple in and to all that certain tract, piece or parcel of land lying, being and situate in the County of Isle of Wight, Virginia, containing eighty acres, more or less, and bounded by the lands of J.B.Porter et als., as will appear from a certified copy of the deed from John R. Porter and wife to Henry and Mary Edwards herewith filed, marked exhibit "B" and prayed to be read as a part of this bill;

That the said infants together with the parties last aforesaid own in fee-simple, subject to the dower interest of the said Margaret Ann Porter, One Hundred and Thirty-seven acres of land, lying, being and situate in the County and State aforesaid, and adjoining the lands of W.V.Wilson et als. of the value of \$2,500.00, and personal property of the value of \$250.00;

That John R. Porter died September, 30th. 1904, leaving surviving him his wife, Margaret Ann Porter, and the following children, to-wit: J.A.Porter, Claudius E. Porter, Willie E. Porter, Maggie R. Porter, Lavinia Porter, Jobe Porter, Joel Porter, Sarah Y. Porter,

Virtley D. Porter, Mary V. Porter, Webster Porter, James D. Porter and Nafrost Porter, the last nine being infants;

That since the execution of the deed from John R. Porter et ux. to Henry and Mary Edwards heretofore filed as a part of this bill and marked exhibit "B" the said Mary Edwards has departed this life;

That the said Henry Edwards has sold to B.P.Gay his life interest in and to all the pine and popular timber ten inches on the stump and upwards eighteen inches from the general level of the ground on all that certain tract, piece or parcel of land, containing eighty acres, more or less, lying, being and situate in the County and State aforesaid, adjoining the lands of J.B.Porter et als. as will appear from a certified copy of the deed from Henry Edwards to B.P.Gay herewith filed, marked exhibit "C" and prayed to be read as a part of this bill;

That the said B.P.Gay has offered to pay three hundred dollars for all the pine and popular timber ten inches on the stump eighteen inches from the general level of the ground on the said eighty acres tract of land.

Your complainant thinks that the interest of her wards will be greatly promoted by a sale of the pine and popular timber on the said eighty acres of land; and investment of the proceeds in other property, as provided by the statutes of Virginia; and she thinks the following facts are calculated to show the propriety of such sale and investment, viz; The saw-mill of the said B.P.Gay is now located near the said timber and the timber on the adjoining tracts of land has been cut; that if the said timber is not sold within sixty days it will be several years before the said timber could be sold to advantage, for the reason that no saw-mill man could afford to locate his mill for the sole purpose of cutting this small lot of timber; that if the said timber is cut during the present year in the course of a few years there will be another growth of timber on the said land equal in value to that now on the said land.

Your complainant says and so charges that the said B.P.Gay is willing for his interest in the said timber to be sold and his share of the proceeds ascertained as by the statutes in such cases made and provided.

If the said infants were dead, the following persons would be their heirs or distributees, to-wit: Margaret Ann Porter, J.A.Porter, Claudius E. Porter, Willie E. Porter, Maggie R. Porter and Lavinia Porter.

In tender consideration of the premises and forasmuch as your complainant is remediless therein, save in this Honorable Court of Equity, wherein such matters are alone cognizable and releivable, your complainant prays that the said Jobe Porter, Joel Porter, Sarah Y. Porter, Virtley D. Porter, David R. Porter, Mary V. Porter, Webster Porter, James D. Porter and Nafrost Porter, infants under the age of twenty-one, and Margaret Ann Porter, J.A.Porter, Rosa Porter, Claudius E. Porter, Ella May Porter, Willie E. Porter, Maggie R. Porter, Lavinia Porter and B.P.Gay may be made parties defendant to this bill, and required to answer the same; the infants by their guardian ad litem to be assigned them, except that the infants over fourteen may be required also to answer in person and under oath, and the adults in proper person, though not under oath, which is hereby waived; that a guardian ad litem may be assigned the said infants, to defend their interest in this suit, and who may also be required to answer the said bill under oath; that the said timber may be decreed to be sold to the said B.P.Gay for the sum of three hundred dollars and the proceeds thereof due to the said infants be disposed of as the Court shall direct; that all proper allowances and counsel fees may be made in this suit; that all proper accounts may be taken, inquiries directed, and all such other, further and general relief may be afforded your complainant as the nature of her case may require or to equity shall seem meet.

And your complainant will ever pray tc.

Margaret Ann Porter

State of Virginia,

County of Isle of Wight, to-wit:

I, E.H.Williams, a commissioner in chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do certify that Margaret Ann Porter, Guardian, the complainant in the above suit, this day personally came before me in my County aforesaid, and made oath that she believes the several statements made in the foregoing bill to be true.

Given under my hand this 25th day of February, 1907.
E.H. Williams,
Commissioner in Chancery.

²
Morganthau Inter. Dis.
R. Du Chouery.
Morganthau Inter. Dis.
Brief of Complaint

1st March rules 1907 (4th Monday in Feb)

Process returned duly executed on
all depts. Bank, Bill and three
exhibits filed. No case nisi

7th March Rules 1907

Continued for answers to

Edy ad litem and repairs

depts over 14 years of age

1st April rules 1907. Could get
answers to Edy ad litem and repairs
depts over 14 years of age

7th April rules 1907. Answers
of all depts filed and case
set for hearing