

1906 - 08

Southampton County, Chancery

Harrell, Mary A. vs. Harrell, Ralph Ed.

To pay guardians funds
and removed to Beaufort
County North Carolina -

Harrell, Lucille
Harrell, Mildred
Harrell, George)
witness

-1906
Mary A. Howell
Guardian vs.
T. J. Petition.
Ralph Howell et al.
Infants.

1905 Nov. 13th Filed.
B. J. McQuinn & Co.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY:

Your petitioner, Mary A. Howell, of Belhaven, in the county of Beaufort, in the State of North Carolina, respectfully represents, that she is the mother and legally qualified guardian of Ralph^W Howell, Lucille Howell, Mildred Howell and George W. Howell, infant children of George W. Howell, deceased; that until the death of her husband, George W. Howell, who was also the father of the said infant children, she resided at Courtland, in the County of Southampton, and that while so residing in the county of Southampton, and immediately after the death of her said husband, to-wit, on or about September 8th., 1905, she qualified as guardian of the said infant children in the County of Southampton, giving bond in the penalty of eight thousand (\$8000.00) dollars, and had in hand, as such guardian, about thirty three hundred (\$3300.00) dollars for the said infants jointly; all of which will more fully appear by reference to a duly authenticated copy of the order of qualification filed herewith as exhibit "A".

That having no relatives in the County of Southampton she has moved her residence to Belhaven, aforesaid, where her brothers reside, and where she expects to make her future home, and that she has been regularly appointed guardian of the said infants by the probate judge of the County of Beaufort, and has executed a bond in the penalty of *Eight thousand* *Dollars* (\$8000.), with security deemed sufficient by the court, and in a penalty sufficient to insure her accountability for the whole amount of the personal estate in her hands, or which will probably be received by her as such guardian, as she will not receive more than thirty five hundred

(\$3500.00) dollars; all of which will appear by reference to a certified copy, of the order of qualification, together with the certificate from the proper authorities of said County of Beaufort, (which are filed herewith as exhibit "B") that the securities to said bond are sufficient to protect the interest of the infants.

Your petitioner further represents that the interest of no party will be prejudiced by the removal of the funds of her wards to North Carolina, but she believes that the interest of her wards will be advanced and promoted thereby.

In tender consideration whereof, and forasmuch as your petitioner is remediless in the premises, save by the aid of a court of equity where matters of this kind are alone and properly cognizable, she prays that the said Ralph^W Howell, Lucille Howell, Mildred Howell and George W. Howell, all infants under fourteen years of age, may be made parties defendants to this petition, and that some discreet and proper person may be appointed guardian ad litem of the said infant defendants to defend their interest in this cause, who shall answer the petition on oath; that the said guardian, appointed under and by virtue of the Circuit Court of Southampton County, may be ordered and directed to pay over to your petitioner, the duly qualified guardian in the State of North Carolina, of the said infant defendants, the amount in her hands, as such guardian, belonging to them; that complete authority may be given your petitioner to take such steps for the removal of any money or personal property which may belong to her said wards in the State of Virginia as may be necessary in the premises, and that she may be authorized to remove the same to the said county of Beaufort, in the State of North Carolina, where she is duly qualified; that all

such inquiries may be had, accounts taken,, and all such other further, general and special relief granted as the nature of the case may require, or to equity shall seem meet.

And notice is hereby given that the court will be asked to allow reasonable fees to plaintiff counsel conducting this cause.

And your petitioner will ever pray, etc.

Mary A. Howell.
Wm. Morehead Pitt. Jr.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

Ralph W. Howell

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 *Nov.* 19*15*.....

~~sent~~, to answer a Bill in Chancery exhibited against ~~him~~ *him*.....
in our said Court by *Mary W. Howell* Guardian

of *Ralph W. Lucile, Mildred and*
George W. Howell infants.....

And this *let*.....shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
13 day of *Nov.*....., 190*5*., in the *30* year of the Commonwealth.

Teste:

B. F. McLeMORE, c. c.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON *Russell Howell*

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 *Novr* 19*05*

~~next~~, to answer a Bill in Chancery exhibited against *her*
in our said Court by *Mary A. Howell* *by* *deputy*

Ralph W. Dickiey *Mildred & George*
H. Howell *infants*

And this *shet* shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
13 day of *Novr*, 190*5*, in the *30* year of the Commonwealth.

Teste:

B. F. McLeMore, c. c.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON.....

Mildred Howell

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 *April 1905*

~~next~~, to answer a Bill in Chancery exhibited against.....

in our said Court by.....

*Mary A. Howell, executrix
of Ralph W. Lucile, Mildred, and
George W. Howell infants.*

And this *she* shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
13 day of *Nov*, 190*5*, in the *32* year of the Commonwealth.

Teste:

B. F. McLeMORE, c. c.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:
WE COMMAND YOU TO SUMMON.....

George W. Howell

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 *Novr* 190*5*.

~~next~~, to answer a Bill in Chancery exhibited against.....
in our said Court by.....
Mary A. Howell Guardian
of Ralph W. McClellan, Mildred and
George W. Howell infants

And this.....shall in nowise omit under penalty of law. And have then there this
writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
13 day of *Novr*, 190*5*, in the *32* year of the Commonwealth.

Teste :

B. F. McLemore, C. C.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Mary A. Howell
for i. g. r. Guardian

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 *Nov* 19*05*

~~her~~ to answer a Bill in Chancery exhibited against

her
in our said Court by *Mary A. Howell Guardian*
of Ralph W. Fucile, Mildred and
Jessie M. Howell, infants

And this *she* shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *13* day of *Nov*, 190*5*, in the *30* year of the Commonwealth.

Teste:

B. F. McLemore, c. c.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Mary A. Howell*.....

George W. Anderson and *Ralph W.*.....

Spicer *Mildred* & *George W. Howell*.....

infants.....

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 *November* 19*00*

~~next~~, to answer a Bill in Chancery exhibited against *them*.....

in our said Court by *Mary A. Howell* *George W. Anderson*

of *Ralph W. Spicer* *Mildred* and

George W. Howell *infants*.....

And this *they* shall in nowise omit under penalty of law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this
13th day of *November*, 19*00*, in the *22d* year of the Commonwealth.

Teste:

B. F. McLeMORE, c. c.

✓ 1906

Hewell, M. A. - G. L. v. C.

THE COMMONWEALTH OF VIRGINIA

TO THE SHERRIF OF SOUTHAMPTON COUNTY, ERRECTING

Hewell, Infants v. C.

1905 and Nov Rules.

*Parties parties
not residents of
any county*

G. L. Hewell

And this shall in nowise count under penalty of law. And have then there this

Witness B. F. McLENNOR, Clerk of our said Court, at the Courtouse, this

day of ... in the ... year of the Commonwealth

Teste :

C. C.

Still in relation
- Joseph Smith and family
- Mary A. Maxwell

Ex parte -
Mary A Maxwell
Wm

Answers of Gdn
ad litem

under the
- Joseph Smith
- Mary A Maxwell

The answer of J. H. Burgess, guardian
ad litem to the infant defendants Ralph, Lucile,
Mildred and George W. Hawell.

and the answer of the said infant defendants by
the said J. H. Burgess
by the said _____, their guardian

ad litem, to the ~~bill~~ ^{Petition} in equity exhibited against the said
Ralph, Lucile, Mildred & George W. Hawell

and others in the Circuit
Court of Sanctum County by Mary A. Hawell
guardian of the said Ralph, Lucile, Mildred &
Geo. W. Hawell Infants.

For answer to the said ~~bill~~ ^{Petition} the said guardian ad litem
answers and says that he does not know whether the interests
of the infant defendant would be promoted by the ~~sale~~ ^{Proposed removal} of the
property as prayed for in said ~~bill~~ ^{Petition} or not: And the said in-
fant defendant by their said guardian ad litem, an-
swers and says, that being an infant of tender years they
know nothing of the matters mentioned in the ~~bill~~ ^{Petition}, and com-
mits the protection of ~~this~~ ^{their} interests to the court. And now
having answered they pray, &c.

J. H. Burgess
guardian ad litem to Ralph, Lucile, Mildred and
George W. Hawell
and the said Ralph, Lucile, Mildred and
George W. Hawell, infant defendants, by the said
J. H. Burgess, their guardian ad
litem.

VIRGINIA, Warrenton COUNTY, To-wit:

This day personally appeared before me, the undersigned
a Notary Public for the said county,

J. W. Burgess, guardian ad litem
of Ralph, Lucile, Mildred and George
W. Haworth, and made oath that he
believes the several statements made in the foregoing answer
to be true.

Given under my hand this 15th day of January,
1906.

James M. McInnis
Notary Public

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SOUTHAMPTON DEMOCRAT.

W. H. STROUD, Publisher.

CIRCULATES THROUGHOUT EASTERN VIRGINIA AND NORTH CAROLINA.

Franklin, Va., *Dec 28* 190*5*

TO WHOM IT MAY CONCERN—

Mary A. Howell, Guardian of Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell,

vs.
Mary A. Howell, Guardian, Ralph W. Howell, Lucille Howell, Mildred Howell, and George W. Howell.

TAKE NOTICE—That on the first day of the January term of the Circuit Court of the County of Southampton, I shall make application to the said court for authority to remove the funds of the said infants, Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell from the jurisdiction of the said Circuit Court of Southampton County to the County of Beaufort, in the State of North Carolina. Respectfully submitted,

Mary A. Howell, Guardian of Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell.

By McLeisner & Corbitt, P. G. nol 43

This is to certify that the attached copy
of order of publication—Mary A. Howell
vs. Ralph W. Howell et al vs. Mary A.
Howell and Ralph W. Howell et al was pub-
lished in the Southampton Democrat four
(4) successive weeks beginning Nov 16th
1905.

W H Stroud
Pub

TO WHOM IT MAY CONCERN—

Mary A. Howell, Guardian of Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell,

VS.
Mary A. Howell, Guardian of Ralph W. Howell, Lucille Howell, Mildred Howell, and George W. Howell.

TAKE NOTICE—That on the first day of the January term of the Circuit Court of the County of Southampton, I shall make application to the said court for authority to remove the funds of the said infants, Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell from the jurisdiction of the said Circuit Court of Southampton County to the County of Beaufort, in the State of North Carolina. Respectfully submitted,

Mary A. Howell, Guardian of Ralph W. Howell, Lucille Howell, Mildred Howell and George W. Howell.

By Melanose & Corbitt, p. q. nol6-45

SUBSCRIPTION PRICE, \$1.00 A YEAR

FRANKLIN, VA., Dec 28 1905

Wm & Corbitt p. q.

HAMPTON DEMOCRAT, DR.

W. H. STROUD, Publisher.

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CIRCULATES THROUGHOUT EASTERN VIRGINIA AND NORTH CAROLINA.

Franklin, Va. Dec 28 1905

Mr. B. F. W. Chumore Esq.
Courtland, Va

Dear Sir:

Please find inclosed certificate and bill
with proper papers.

With compliments of the season, I am

Yrs truly

W H Stroud

Howell, Guard-

or } Stat: Rules

Howell et al: Infants.

Mary A. Howell, Guardian of
Ralph W. Howell, Lucile Howell.

Mildred Howell and Geo. W. Howell
infants

"
"

Mary A. Howell, Foreign Guardian,
and Ralph W., Lucile, Mildred and
George W. Howell, infants.

1905. Nov 13. Process if^d to 2^d Nov. Rules.

" 2 Nov. Rules - Process returned "Within

parties not residents of my
County". Bill + Ex. filed.

" Nov 16. Order of Publication issued and
published.

" " 20. Order of Publication posted.

" Dec 21 " " " Complete.

Cause set for hearing.

Mary A. Howell - yds

Howell's Infants -

1905. Nov 15. Sum = 25. 5 Copies @ 10. 65. 909

Rest 18. Atty 10. Book 18 46

Rever 1.50. Ent: adom 35 1.85

Filing Bill 15. Decree + Copy 72 .87

Jay Bros 40. filing away papers 25 .65

Book 4.73

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Law 16.50

M. H. Brown 5. printer's bills 4.70

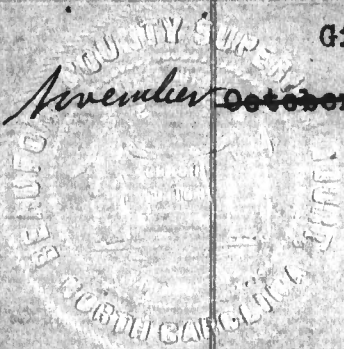
25.93

STATE OF NORTH CAROLINA,
COUNTY OF BEAUFORT, to-wit:

I, L. R. Mays, Clerk of the Superior Court for the County of Beaufort, in the State of North Carolina, do hereby certify that Mary A. Howell was, on the 31st day of October, 1905, duly appointed guardian of Ralph Howell, Lucille Howell, Mildred Howell and George W. Howell, infants; that she gave bond in the penalty of Eight thousand (\$8000.) dollars, with sureties sufficient to insure her accountability for the whole amount of the estate in her hands, or which will, probably, be received by her as such guardian, , the sureties on her said bond being considered by me ample to protect the funds coming into her hands as such guardian.

Given under my hand and official seal this 4 day of ~~November~~ October, 1905.

L. R. Mays



I, L. R. Mayo, Clerk of the Superior Court
of Beaufort County, State of North Carolina,
do hereby certify that the within is a true
and correct copy of Letters of Executorship
issued to Mary G. Howell, ~~at~~ or appears
upon the records of my Office.

Witness my hand and official
seal this 4th day of November 1903

L R Mayo
Clerk Superior Court



Beaufort COUNTY--In the Superior Court.
 The State of North Carolina,

To all whom these Presents shall come--GREETING:

IT BEING CERTIFIED TO THE UNDERSIGNED, Clerk of the Superior Court for *Beaufort*
 County, that *Ralph H.; Lucille; Mildred and George*
H. Howell an

minor orphan *S.*, without Guardian, and *Mary J. Howell*
 having applied for the guardianship of said minor child *her*, and having been duly qualified as such.

NOW, THESE ARE THEREFORE TO AUTHORIZE AND EMPOWER the said guardian to enter in and upon all and singular, the goods and chattels, rights and credits of said minor orphan--wheresoever to be found, and the same to take into possession, secure and improve, and further to manage said estate and every part thereof, for the benefit and advantage of the said minor orphan--, and according to law.

WITNESS, my hand and the seal of said Court, this the *31* day of

October

190*8*

L. R. Mayo
 Clerk Superior Court

Every executor, administrator and collector, within three months after his qualification, shall return to the Clerk on oath, a just, true and perfect inventory of all the real estate, goods and chattels of the deceased, which have come to his hands, or to the hands of any person for him, which inventory shall be signed by him and recorded by the Clerk. He shall also return to the Clerk, on oath, within three months after each sale made by him, a full and itemized account thereof which shall be signed by him and recorded by the Clerk.

Whenever further property of any kind not included in any previous return shall come to the hands or knowledge of any executor, administrator or collector, he must cause the same to be returned as hereinbefore prescribed, within three months after the possession or discovery thereof.

Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file, in the office of the Clerk of the Superior Court, an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year, in the form of debit and credit. He must produce vouchers for all payments. The Clerk may examine on oath such accounting party, or any other person, concerning the receipts, disbursements, or any other matters relating to the estate; and having carefully revised and audited such account, if he approves the same, he must endorse his approval thereon, which shall be deemed *prima facie* evidence of correctness. The Code, Sections 1306, 1308, 1617.