

1899-29

Southampton County Court - Squire, P. W. vs Shands, William (Trustee)

Sues to have trustee deliver
to his children the \$2,094.14
that they rightfully claim from
sale of mother's land -

*in
the
links* { Squire, M. L.
" J. W.
McLemore, J. L.

Squire - Edu -

v. { Bill and Ex Libris.

Shands, Trustee et al

1900. 1st Sept Rules filed

L. A. Gray L. L.

J. B. Prince & Son. 10

infant children of said complainant if this fund is to be treated as real estate in the hands of Wm. Shands, trustee, if such To the Hon. Robert R. Prentiss, Judge of the Circuit Court of Southampton County, Virginia.

In Chancery.

Humbly complaining, sheweth unto Your Honor, your complainant P.W. Squire as follows:

That he has two infant children, to-wit, M.L. Squire and J.W. Squire, neither one of whom is over fourteen years of age, whose residence is with him in Weldon, North Carolina. That he has qualified as their guardian in North Carolina (Halifax County), as will more fully appear from documentary evidence herewith filed, and that he has given bond with sufficient surety to insure his accountability for the whole amount of his wards' estate which will probably be received by him as such guardian.

That by a deed of trust executed on the 18th day of April 1896 your complainant and his late wife, Anna F. Squire executed a deed of trust to Wm. Shands, trustee, conveying a farm in Southampton county which belonged to your complainant's wife in fee simple to secure a bond for \$1250.00 due by said Anna F. Squire and P.W. Squire to Mrs. J.E. Vincent.

That the said Wm. Shands has foreclosed the deed of trust and now has in his hands the sum of \$2094.14 arising from the proceeds of said sale, as will appear from a statement filed herewith, marked "B". That notice has been given in accordance with Sec. 2633 of the Code of Virginia to all persons who could in any event be interested in such surplus, and which notice has been published once a week for four successive weeks in a newspaper published in Southampton county, verified by affidavit and marked "C". That the parties notified in said notice, viz., S.B. Drewry, J.W. Drewry, V.T. Drewry and Fannie Beaton are the persons who would be the heirs of the

To the Judge of the Circuit Court of Southampton County, Virginia.

infant children of said complainant if this fund is to be treated as real estate in the hands of Wm. Shands, trustee, if such infants were to die under age and without issue. That by a paper herewith filed, marked "D", three of the parties who would be the heirs of your complainant's children, to-wit, S. B. Drewry, and J. W. Drewry, V. T. Drewry ~~and~~ have given their consent to the transfer of said surplus to your complainant. This paper was prepared upon the theory that the said surplus was real estate in the hands of the trustee Wm. Shands. Your complainant believes and charges that the said surplus in the hands of the said trustee is personal property and the proceedings necessary to transfer the same should conform to Secs. 2629 and 2631 of the Code of Va., 1887, with which he has complied.

In tender consideration whereof and ~~inasmuch~~ inasmuch as your complainant is without remedy save in Court of Equity where all such matters are properly cognizable he prays that the said Wm. Shands, trustee, and the said infants, M. L. Squire and J. W. Squire, may be made parties defendant to this bill and compelled to answer the allegations thereof, but answers under oath are expressly waived, That some fit and proper person may be assigned guardian ad litem for the infant defendants. That an order may be entered directing the said Wm. Shands, trustee, to pay and deliver to P. W. Squire, foreign guardian for his children, M. L. and J. W. Squire the sum of \$2094.¹⁴....., surplus in his hands from the sale of the real estate before mentioned, take his receipt therefor, and return the same with his report to Court. And that Your Honor will grant such other, further and general relief as to Equity may seem meet or the nature of the case may require. And as in duty bound your complainant will ever pray &c. May it please the court &c.

J. B. Drewry & Son f.c.

10

To the Judge of the Circuit Court of Southampton County, Virginia.

We, the undersigned, who would be the heirs of the infant children of Anna F. Squire, dec'd. and P. W. Squire, her husband, if they were dead without issue, hereby consent that the proceeds of sale of the land in which they have an interest, may be paid and delivered to P. W. Squire, who is their foreign guardian, who lives in North Carolina, when it appears to the Court from authentic documentary evidence that such foreign guardian has, where he qualified, given bond with surety sufficient to insure his accountability for the whole amount of the said infants' shares.

Witness our hands and seals ~~May~~¹⁰ 4, June 1900.

S. B. Drewry (SEAL)

John Drewry (SEAL)

W. J. Drewry (SEAL)

(SEAL)

Get the papers to make acknowledged
on this note

Virginia, Southampton County

To-wit: I Wm. B. Dwyer a Notary Public for the County
aforesaid in the State of Virginia. do hereby certify that J. B. Dwyer and
J. W. Dwyer whose names are signed to the within writing bearing date

15 1900

4 of June, 1900, have acknowledged the same in my County aforesaid
Given under my hand this 5th day of June 1900-

Wm. B. Dwyer
Notary Public

Virginia, Greenville County to-wit:

I, E. E. Goodwyn a Notary Public for the County
aforesaid in the State of Virginia, do hereby certify that V. T.
Dwyer whose name is signed to the within writing bearing
date on the 4th day of June 1900.

Given under my hand this 2nd day of July 1900

E. E. Goodwyn
N. P.

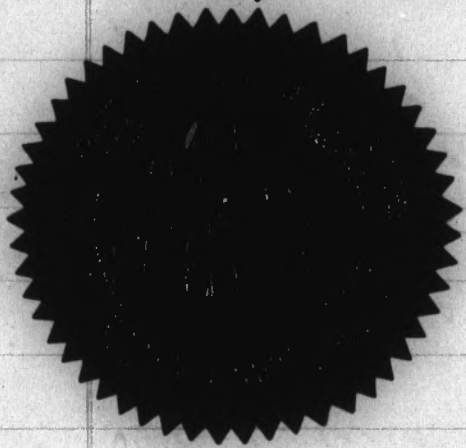
North Carolina
Halifax County.

In The Superior Court.

I, Stirling M. Gamp, Clerk of The Superior Court for Halifax County, State of North Carolina, do hereby certify that P. W. Squire has duly qualified as Guardian of his infant Children, Mattie Lea Squire and John Walter Squire, in The Superior Court of Halifax County; that the undersigned as Clerk of The Superior Court has cognizance of such matters; that a bond in the sum of Four Thousand Dollars has been duly received and given in The Superior Court of Halifax County by said P. W. Squire as Guardian of said infant Children, said bond being executed by said P. W. Squire and The American Bonding and Trust Company, of Baltimore City, Maryland, as surety; that said Company is allowed by the Laws of The State of North Carolina, to become surety upon bonds of Guardians and that the said Company above named is regarded as sufficient.

A copy of the said bond and also a certified copy of the Letter of

Guardianship are hereto attached
and made a part of this
Certificate -



Witness my hand and
seal of office at Office
in Halifax Town this the
14 day of September AD. 1900
J M Gary
Clerk Superior Court

State of North Carolina,

Harris

COUNTY.—In the Superior Court.

To all whom these presents shall come—GREETING:

It being Certified to the Undersigned, Clerk of the Superior Court for the County of *Harris*
that *Mollie Lea Squire and John Walter Squire*

are *P. W. Squire*
minor orphan ¹ without guardian and

having applied for the guardianship, said minor child *M* 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 ¹, 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 said minor ¹ and according to law.

Witness my hand and the seal of said Court, this

24 day of *September* 1900.
J. M. Gary

Clerk Superior Court.

§1396—Every executor, administrator, collector and guardian shall, within three months after his qualification, or appointment, make return on oath to the Clerk Superior Court, of all the estate in his hands or received by him up to that time; but such time may be extended by the Clerk Superior Court on good cause shown, not exceeding six months.

§1399—Every executor, administrator, collector and 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 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 Superior Court may examine on oath, such accounting party, or any other person, concerning the receipts, disbursements or any other matter relating to the estate: and having carefully revised and audited such account, if he approved the same he must endorse his approval thereon, which shall be deemed *prima facie* evidence of correctness—See Code, sections 1396 and 1399.

State of North Carolina,

Halifax County.

Whereas P. W. Squire has been duly appointed Guardian of his minor children, Mattie Lea Squire, aged six years, and John Walter Squire, aged four years, by the Clerk of the Superior Court of the County and State aforesaid, and whereas the said Guardian is required to give a bond in the sum of Four Thousand Dollars payable to the State of North Carolina, conditioned as hereinafter set out, and whereas the American Bonding and Trust Company, of Baltimore City, Maryland, has agreed to execute the said bond with the said P. W. Squire, said Company doing business in North Carolina and having complied with all the provisions as required by law.

Now, therefore, know all men by these presents, that we, P. W. Squire of Halifax County, and the said American Bonding and Trust Company, are held and firmly bound unto the State of North Carolina, in the sum of Four Thousand Dollars, current money, to be paid to the State of North Carolina, in trust for the benefit of the children hereinafter named, committed to the tuition of the said P. W. Squire, to which payment well and truly to be made we bind ourselves, and each of us, each and every of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 14th day of September, A.D., 1900.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bounden P. W. Squire is constituted and appointed Guardian to Mattie Lea Squire and John Walter Squire, minor orphans.

NOW, if the said P. W. Squire shall faithfully execute his said guardianship, and particularly shall well and truly secure and improve all the estate of said Mattie Lea Squire and John Walter Squire until they shall arrive at full age, or be sooner thereto required, and shall render a plain and true

account of said Guardianship, on oath, before the Clerk of the Superior Court for Halifax County, and obey the law in all cases as required by Act of Assembly, and deliver up, pay or possess the said Mattie Lea Squire and John Walter Squire all such estates as they ought to be possessed of when lawfully required by said Mattie Lea Squire and John Walter Squire, or to such other persons as shall be lawfully empowered or authorized to receive the same and the profits arising therefrom, then this obligation to be void; otherwise to remain in full force and virtue.

*Signed and sealed
in the presence of
W. E. Daniel*

P. W. Squire

(SEAL)

Seal

THE AMERICAN BONDING AND TRUST COMPANY
OF BALTIMORE CITY.

BY: *James B. Bond* President.

Attest: *Samuel H. Shriver* Secretary.

Properly stamped.

Acopy.

State of Maryland, () ss.
City of Baltimore. ()

On this, the 14th day of September, A. D., 1900, before me, the subscriber, *Howard Abraham* a commissioner for the State of North Carolina, duly appointed to take proof and acknowledgment of Deeds and other instruments, came James Bond, President, and Samuel H. Shriver, Secretary, of the American Bonding and Trust Company of Baltimore City, to me personally known to be the individuals described in and who executed the preceding instrument, and they each duly acknowledge the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the Seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Baltimore the day and year first above written.

Howard Abraham

Commissioner of Deeds for the State of
North Carolina in Maryland.

Seal -

Copy.

Squire
or 3 Qualifications
Shandi Truste V.

1891. 1892. 1893. 1894.

1895. 1896.

1897. 1898.

1899. 1900.

1901. 1902.

1903. 1904.

1905. 1906.

1907. 1908.

1909. 1910.

J. L. McIlmore

Hon. additine

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon *M. L. Squire & Geo. W. Squire - infants*
by *J. L. McLenore & Or. ad. litem*

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 *1st* Monday in *Sept 1900* next, to answer a bill in Chancery
exhibited against *them et als* in our said Court by *J. W. Squire & Or. of M. L.*
Squire & Geo. W. Squire

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this *29th* day of
August, 1900, in the 12th year of the Commonwealth.

Teste: *L. A. Gay* C. C.

A Copy—Teste: *L. A. Gay* C. C.

P. W. Squire. Hon re.

vs. } Spa: In chg.

Shand D. Trustee &c.

1900. 1st. Sept. Rules

leir let.

William Shand Trustee
not being found at his
usual place of abode
I deliver a copy of
this 'Sum' to Mrs. Annie
Shand she being a member
of his family over the
age of sixteen years
and explains its contents
to her

Sept 3 = 1900

W. Williams
Clerk

(1)

Primer & Son p.g.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon William Shanks, Trustee & the said
M. L. Squire & Jno. W. Squire infants by J. L. McLenore
Exr. ad litem

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 1st Monday in Sept. 1900 next, to answer a bill in Chancery
exhibited against them in our said Court by P. W. Squire Exr. of M. L. Squire
& Jno. W. Squire

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

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of
August, 1900, in the 12th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: _____ C. C.

Inquire - Ldu:-

v. { Answer of J. L. McLeone
Ldu. ad Litem -

Shands, Trustees & also

and pray hence to be dismissed &c.

interests in the protection of the subject. and having answered

their rights in the premises. They further is, submit their

as instances of tender consciences and believe such would not be

These respondents for answers to said bill, say, that they

are, in the opinion of the Court of Commissioners of the said State, and

that, for the bill of complaint, and that they and respondents, and

that on behalf of P. & S. Smith, or A. L. McLeone, their heirs and

The joint and several answer of A. L. and J. L. Smith, in-

Adm. ad Litem.

The joint and several answer of M.L. and J.W. Squire, infant children of P.W. Squire, by J.L. McLemore their guardian ad litem, to a Bill of Complaint, ^{exhibited} against them and Wm. Shands, trustee, in the Circuit Court of Southampton County by P.W. Squire.

These respondents for answer to said bill, say, that they are infants of tender years and being such know nothing of their rights in the premises. They, therefore, submit their interests to the protection of this court. And having answered pray hence to be dismissed &c.

J. L. McLemore

-----Gdn. ad Litem.

Squire - Edm.
vs. } Statement of Reelies
Shands, Trustee et als.

J. W. Squire, Guardian of M. L. Squire }
and Jno W. Squire } Plaintiff

vs.

William Shands, Trustee of the said }
M. L. Squire & Jno. W. Squire - infants }
by J. L. McLemore Gdn, ad litem } Defendants

1900. 29th August. Process issued to 1st. Sept. Rules

1900. 1st. Sept. Rules. Process returned executed.

Bill and exhibits filed.

J. L. McLemore appointed Gdn.

ad litem to infant defendants

Decree nisi vs adult defendant

1900. 4th Sept. Rules. Bill Taken for confessed
as to adult defendant and cause
set for hearing as to him

Squire, Geo. for &c.,
v. Deane -

Shands, Trustee et al.

Oct 3rd, 1900

Enter this

Robert Shands

P.W.Squire, Guardian of M.L.Squire and John W.Squire, Plaintiffs,

v.

William Shands, Trustee, and the said M.L.Squire and John W.

Squire, infants by J.L.McLemore, Gdn.ad litem.

Defendants.

This day this cause came on to be heard on the bill of the complainant, taken for confessed as to the adult defendants, ~~the exhibits therewith filed~~, the answer of the infant defendants, by J.L.McLemore, their guardian ad litem, the exhibits filed, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that William Shands, Trustee, pay to P.W.Squire, foreign guardian for his children M.L. and J.W.Squire, or to J.B.Prine, his attorney, the sum of two thousand and ninety four dollars and fourteen cents (\$2094.14) the surplus in his hands from the sale of the real estate in the proceedings mentioned as shown by his statement filed herewith marked "B", take his receipt therefor and file same in the papers in this cause. And that out of ~~the proceeds of~~ same the costs

of this suit be paid, and the object of this suit having been accomplished it is ordered to be stricken from the docket.

1350.00 Jul 270
 198.25 " 1 ms
1548.25 " 11 dys.
 77.48

162.00
 33.75
2.50
 198.25

Holland Va.,
 Sept. 27, 1900.
 Mr. William Shands,
 Courtland, Va.

Dear Sir:-

Yours of 25th
 inst. just received.
 Mrs. Squire's note for
 \$1350.00 is dated April
 18, 1896 and bears the
 following credits:

April 18 1897 \$81.00
 " " 1898 81.00

When it is paid can I
 transfer the bond to you
 and get you to release
 the record? If so kindly
 let us know and we will
 forward the bond when

you want it.
Very truly yours,
Mrs. J. E. Vincent.

Anna F. Squire
In all with
Wm Shanks Trustee

Ex't.

Amia F. Squire
In alc with

William Shand Foster

		Dr	Cr
		\$	cts
1900			
Sept 29	By cash recd from sale of real estate conveyed in Dof F. Some sold Sept 17 th 1900		3743 00
" "	To Coms on Some @ 502 % (note deed for colls for 5 %. but I only charge as above,	83	86
" "	To excess fees	5	00
" "	" " ^{writing deed to purchaser} Revenue stamps for deed	5	00
" "	" " Cover of o/c's fees for making out This o/c copy	4	00
" "	" " clerk's fee for recording this o/c	1	50
" "	" " amt due Mrs J.E. Vincent on bond secured by Dof F	1	25-
	Balance in hand	1548	25
		~~1648~~	~~86~~
		2094	14
		\$3743 00	\$3743 00
Sept 29	Balance in hand and now deposited with Vaughan Co. Bankers, Franklin Va -		\$2094.14
	Respectfully submitted by Wm. H. Tinslee		

Squire, Wm. for re.
re Stat. of Cooks
Shand. Trustee re.

Squire, You, for re
vs. { Stat. of Costs
Shands, Trustee et al.

Sum. 25. / copy 15. receipt 18. atty. 10. Decret 18 = 84
Rulio 1st. return 35. fil bill 15. Do Exhibits 15 = 65
Do. answer of You addition 15. replication 15. = 30
Do. Com H. Strands acct. for Or. Pub. 15. / Decret 36 = 51
Selling away papers 25 = 25

10/9/1900 Paid L. A. Gay 60.55
Jas J. Williams Shff 50
Do J. W. Smith Lawr. 16.50
20.55

Do accepted Com H. Strands acct. for Or. Pub. 4.67
25.22

Yesto: L. A. Gay to, to,

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FRANKLIN, VA., *Sept 25* 1900

Messrs. J. B. Prince & Son

In account with **SOUTHAMPTON DEMOCRAT,**

W. H. STROUD, Publisher.

LARGE CIRCULATION.

\$1.00 PER YEAR.

1700

*Aug 23 Is 22 in notice
Is V. J. Drury &
als by P. W. Squire
47*

467

FRANKLIN, VA.,

Oct 9

1900

Messrs. J.B. Prince & Son

In account with **SOUTHAMPTON DEMOCRAT,**

W. H. STROUD, Publisher.

LARGE CIRCULATION.

\$1.00 PER YEAR.

Aug 23 To publishing
22 inch notice of
P.W. Spence to
J.J. Brown et al

47

4 67

Paid by J.B. Prince & Son

W.H. Stroud

pub

Thames

Squire - Guardian

vs. } Printers Certificate &c

Shands, Trustee at els.

900. 25th Sept. Filed

L.A. Gay L.L.

SOUTHAMPTON DEMOCRAT,

—{ W. H. STROUD, PUBLISHER. }—

*A Weekly Independent Democratic Paper.**The only Secular Paper published in Southampton County.
Circulates extensively through Virginia and Eastern N. C.*

PUBLISHED EVERY THURSDAY MORNING.

✂ Book and Job Printing Office. ✂

Franklin, Va., Sep 25 1901

This is to certify
that the attached
Notice was published
in the Southampton
Democrat four
(4) consecutive weeks,
beginning Aug 23rd
1901.

W. H. Stroud
Pub.

John W. Drewry, and all other
parties who may be interested.

Take notice that I shall, by my attor-
neys, make an application to the Circuit
Court of Southampton county, Virginia,
on the first day of the October term, 1900,
for an order directing Wm. Shands, trustee
in a deed of trust from myself and An-
na F. Squires, my late wife, to said Shands
as trustee, and for the benefit of Mrs. J. E.
Vincent, dated April 18th, 1898, and of re-
cord in the Clerk's Office of Southampton
County Court, to pay over and deliver to
me, as foreign guardian for my two infant
children, whatever surplus there may be
in his hands arising from the sale of the
real estate conveyed to him in the afore-
said deed of trust. P. W. SQUIRE.

By J. B. Patrick & Son, his attorneys.
August 15th, 1901. ad25-11