

1911-07

Sauclampton County Chancery

Gatling, Mark, Jr. to Gatling, Julius, et al

To Garbidge Admrs. &
Billie Calbreth in pay
own guardians funds

Gatling, Herman

Mark D. Galliey
Guardian.
vs.

Julia K. Galliey
Herman D. Galliey

Petition.

DAVID COLLIN BARNES.
LAWYER.
MURFREESBORO, N. C.

SOUTHAMPTON COUNTY.)

Mark D. Gatling, Guardian

-vs.-

Julia K. Gatling

Herman D. Gatling.

That an order may be directed.
said Henry K. DeLoatche, F. M. Powell and R. M. Knight
to pay over to your petitioner,
Guardian as aforesaid the sum of \$ _____ the money now in their hands
belonging to his said wards; and that the Court will further order
that the said said money be recovered, authorized and directed to
Your petitioner, Mark D. Gatling, Guardian respectfully show-
eth to the Court.

That he is a resident of Hertford County, in the state of North
Carolina and is the duly appointed and properly qualified guardian in
the said County and state for his two children Julia K. Gatling and Her-
man D. Gatling.

That his bond as such guardian in the sum of Four Thousand Dollars
executed with the United States Fidelity & Guaranty Co. of Baltimore,
Md. as surety, has been duly filed and approved in the said county and
state, and he has the order or orders appointing him as such guardian,
copies of which are hereto attached marked Exhibit A and B.

That his wife who is now dead was the daughter of Mrs. Bettie^S De-
Loatche, of Southampton County, state of Virginia, who died and
in the said county and state on or about the 12th day of September 1903.
leaving property therein of which the said Julia K. and Herman D. Gat-
ling are entitled to their mother's part a distributive share in the
said estate, which is one sixth thereof.

That Henry K. DeLoatche, F. M. Powell and R. M. Knight are
her duly appointed administrators in the county of Southampton, state
of Virginia and as such administrators have in their hands the sum of
\$ 1641.93 the amount now belonging to his said wards from
the goods and chattels thus far administered, as your petitioner is in-
formed and believes.

That there is still a part of the estate unadministered or unset-
tled in the hands of the said administrators out of which the said Julia
K. and Herman D. Gatling ^{should} have received about \$ 600.00 as their
share of the same as your petitioner is informed and believes.

Wherefore your petitioner prays this Court:- *that said infant Julia H. Gatliff, a minor, be made a ward of this Court, and that a suitable guardian be appointed to her, and that an order may be directed authorizing the said Henry K. DeLoatche, F. M. Powell and R. M. Knight administrators of Mrs. Bettie DeLoatche to pay over to your petitioner, Guardian as aforesaid the sum of \$, the money now in their hands belonging to his said wards; and that the Court will further order that the said administrators be empowered, authorized and directed to pay over to the said Guardian Petitioner that remaining portion of the said estate which may belong to the his said wards out of the estate not yet administered and ready for distribution. And for such other relief as to the Court shall seem right and proper.*

Mark D. Gatliff

North Carolina,

Hertford County.

Mark D. Gatliff, Guardian, the petitioner in the above cause being duly sworn says; That the foregoing petition is true of his own knowledge, except those matters stated upon information and belief and as to those matters he believes it to be true.

Mark D. Gatliff

Sworn to and subscribed before me
this 10th, day of March, 1905.

D. C. Carver

Duplicate

NORTH CAROLINA,)
)
HERTFORD COUNTY.)

In the Superior Court.

Know all men by these presents: That we, Mark D. Gatling of Hertford County, North Carolina and the United States Fidelity & Guaranty Co., of the city of Baltimore, state of Maryland are held and firmly bound unto the state of North Carolina in the sum of Four Thousand Dollars to be paid to the state of North Carolina in trust for the benefit of the children herein after named, to which payment well and truly to be made we bind ourselves, jointly and severally, our executors and administrators firmly by these presents.

Sealed this 22nd day of December 1904.

The condition of this obligation is such, that whereas, the above bounden Mark D. Gatling is appointed guardian of Julia K. Gatling and Herman D. Gatling, minors: now if the said guardian shall well and faithfully execute the trust reposed in him and shall secure and improve all the estate of the said minors, until they shall arrive at full age or be sooner thereto required, and render a plain and true account of his said guardianship on oath before the clerk of the superior Court of said county in all cases as required by law, and deliver up, pay or possess said minors of all such estate as they are entitle to, when lawfully required, and obey all lawful order of the clerk or judge, touching the guardianship of the estate committed to him, then this obligation is to be null and void; otherwise to remain in full force and effect.

Mark D. Gatling (Seal)

United States Fidelity & Guaranty Co (Seal)

By D. C. Barnes,
Attorney in Fact.

State of North Carolina,

Herford

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 *Herford*,
that *Julia M. Gatling, and Herman D. Gatling*

minor orphans without guardian and *Mark D. Gatling*

having applied for the guardianship, said minor children 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 said minor and according to law.

Witness my hand and the seal of said Court, this *2nd* day of *January* 190*5*

Thos. D. Boone

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, 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,

Hertford

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 *Hertford*
that *Julia K. Gattling and Herman*

D. Gattling

minor orphans without guardian and *Mark D. Gattling*

having applied for the guardianship, said minor children 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 orphans, 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 and according to law.

Witness my hand and the seal of said Court, this *2^d* day of *January* 190*5*

Thos. D. Boone

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Guthrie, Esq.
Mr. 3rd Avenue of
Guthrie and Leland
Guthrie Infants

Mark D. Gething, guardian.

vs.

Julia K. Gething, and Herman
D. Gething, infants under trust me yes,

The answer of J.B. Prince, providing
ad litem, for Julia K. Gething,
Herman D. Gething and Sarah
~~et al. et al.~~ to a petition
filed against them in the
Circuit Court of Southampton
Co. vs.

This respondent saying &
recurring re. for answer thereto
says he knows little or nothing
as to the matters mentioned but
knows no reason why the transfer
of the funds mentioned should not
be made. He commits, however,
the interest of the said infants
to the protection of the Court
and now having answered he
prepares to be dismissed
re.

Joseph B. Prince
Adm ad litem

Franklin, Va., May 13/00
Mr. B. F. McInerney Esq.
Countdown PI

Dear Sir:

Enclosed find certificate of publication of order, also bill for same, which please file with cert.

Yours truly

W. H. Stroud

Mark D. Gatling, guardian,

vs. On petition
Julia K. Gatling and

Herman D. Gatling, infants,

under the age of twenty-one years.

Take notice, that at the May term, 1908, of the Circuit Court of Southampton County, Virginia, I shall petition the said Court, in accordance with Section 2880 and 2890 of the Code of Virginia, 1887, and Acts amendatory thereof, to direct Henry K. DeLoatche, F. M. Powell and R. M. Knight administrators of Mrs. Beattie DeLoatche, deceased, and the said Henry K. DeLoatche, F. M. Powell and R. M. Knight, Special Commissioners, to pay over to me, as foreign guardian of the said infants, all funds in their hands as such administrators and Special Commissioners, belonging to the said infants, and any funds that may hereafter be received by them belonging to said infants; and further, to permit me to remove said funds from the State of Virginia to the State of North Carolina.

MARK D. GATLING,

Guardian of Julia K. Gatling and Herman

D. Gatling.

Cabell & Sebrell, p. q.

ap 20-08

Office of Southampton Democrat

Franklin, Va., May 13/08-

This is to certify that the attached
order of publication - Mark D.
Gatling, guardian vs. Julia K.
Gatling & Herman D. Gatling infants
was published four (4) successive
weeks in the Southampton Demo-
crat, beginning April 20, 1908

W. W. Shoud
Pub

FRANKLIN, VA.,

May 13 1905-

Messrs. Cabell & Seibrell, p. q.

IN ACCOUNT WITH

SOUTHAMPTON DEMOCRAT,

W. H. STROUD, PUBLISHER.

1905

H 20 To 4 inches of
attached order 3 inches

562

Mark B. Gatling, guardian,
va. } On petition

Julia K. Gatling and

Herman D. Gatling, infants,

under the age of twenty-one years.

Take notice, that at the May term, 1905, of the Circuit Court of Southampton County, Virginia, I shall petition the said Court, in accordance with Section 3329 and 2690 of the Code of Virginia, 1887, and Acts amendatory thereof, to direct Henry K. DeLoatche, F. M. Powell and R. M. Knight administrators of Mrs. Bettie DeLoatche, deceased, and the said Henry K. DeLoatche, F. M. Powell and R. M. Knight, Special Commissioners, to pay over to me, as foreign guardian of the said infants, all funds in their hands as such administrators and Special Commissioners, belonging to the said infants, and any funds that may hereafter be received by them belonging to said infants; and further, to permit me as guardian of said infants from the State of Virginia to the State of North Carolina.

MARK D. GATLING,

Guardian of Julia K. Gatling and Herman D. Gatling.

Cabell & Seibrell, p. q.

20-46

Guthrie, Son ~~of~~
No. 3 ~~Rever~~
Guthrie, infants

Entered this day
16th 1905

Wm R. Rents

Entered in
b. D. B. p. 162.

See Chauncy Order Book 5,
Page 191 for Decree
Entered July 18, 1911.
Find no other papers.

Mark D. Gatling, Gdn
vs.
Julia H. Gatling and Herman D. Gatling,
Infants of tender years.

This day this cause came on to be heard on the petition of Mark D. Gatling, guardian of Julia H. Gatling and Herman D. Gatling, the exhibits therewith filed, the answer of J. B. Prince, who is hereby appointed guardian ad litem for the infant defendants, Julia H. Gatling and Herman D. Gatling, to defend them in this proceeding, this day filed with leave of the Court, and was argued by counsel.

On consideration whereof, it appearing that all the requirements of the statute in such case made and provided, have been fully complied with, and that the removal of the fund in question, from this state, will not impair the rights or be prejudicial to the interests of either the said infants or any other person, the Court doth adjudge, order and decree, that Henry K. DeLoatch, F. M. Powell, and R. M. Knight, Administrators of Bessie S. DeLoatch deceased, are hereby authorized and directed to pay over to Mark D. Gatling, guardian of said Julia H. and Herman D. Gatling, the funds now in their hands on which shall come into their hands belonging to the said infants, taking his receipt therefor to be filed with the papers in this proceeding. And

Commission is hereby given the said Mark D. Gotling, guardian as aforesaid, to remove the said fund into the State of North Carolina, it appearing by documentary evidence that said Mark D. Gotling, has been duly appointed and qualified under the laws of North Carolina, as such guardian, and has given bond with security sufficient to insure his accountability for the whole amount of his said wards' estates in his hands, or which will probably come into his hands or be received by him as such guardian.

But before paying said funds over to said Mark D. Gotling, guardian, the said Administrators shall pay the cost of this proceeding, out of any funds in their hands belonging to said infants.