

1906-008
Nansemond Co (Suffolk)

Chancery Causes: T.H. Bennett, gdn vs S.E. Everett, Admr et al

S E Everett vs
S N Bennett Gdr
W J In Chancery
S E Everett Admr.

1906
March 13th
Final Decree

Bennett Gdr vs Everett Gdr.

Costs
Clerk \$1.83
Tax 1.00

\$2.83

Paid and
receipt in
house &
Court of accts.

ESTABLISHED 1873.
CIRCULATION, 2,200.

SUFFOLK, VA.,

May 24

1904.

M. J. E. Everett admr.

TO SUFFOLK HERALD, DR.
NEWSPAPER AND JOB PRINTING ESTABLISHMENT.
NO. 9 WASHINGTON SQUARE.

ALL BILLS PAYABLE ON FIRST OF MONTH.

Apr 15 Notice 4 Times J. H. Bennett

3 00

\$ 489 33

489.22
Oct 1.88
Nov 2.00
Dec 2.00

520.16

TO WHOM IT MAY CONCERN:

Application of T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, for transfer of funds in hands of S. E. Everett, administrator of Myrtle Booker Bennett, deceased.

TAKING NOTICE, that I, T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, have qualified as guardian of said infants in the Orphan's Court of the county of Lycoming, Pa., and have given bond approved by the said Court, and that I shall on the first day of May Court of the Circuit Court of Nansemond county apply to said Court for an order directing S. E. Everett, administrator of Myrtle Booker Bennett, deceased, mother of the said infants to turn over to me the amount of money which he now has in hand and deposited in the Farmers Bank of Nansemond, amounting to about five hundred dollars to be transferred to me as guardian of said children, who now reside with me at Picture Rocks, Lycoming county, Pennsylvania.

Respectfully,

T. H. BENNETT,
Guardian of Virginia Booker Bennett and
Edward Booker Bennett.

Office of The Suffolk Herald.

Suffolk, Va., May 24, 1904

I hereby certify that the order of which the attached is a copy has been published in The Suffolk Herald in the manner prescribed by law-once a week for four successive weeks.

W. J. Kendrick
Editor Herald.

Report of S. E. Everett, administrator of Myrtie Booker Bennett, deceased.

To the Hon. Robert E. Prentis, Judge of the Circuit Court of Nansemond County, Virginia.

The application of T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, for transfer of funds in the hands of S. E. Everett, administrator of Myrtie Booker Bennett, deceased.

In accordance with a decree entered on the 24th day of May, 1904, the said S. E. Everett makes the following report:

After paying all claims against the estate of Myrtie Booker Bennett the said administrator had	520.16
To amount paid T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, voucher,	489.33
To amount paid Clerk, voucher,	2.83
To amount paid Suffolk Herald for advertisement, voucher,	3.00
To amount paid attorney, fee allowed in said decree,	25.00

	\$520.16 \$520.16

The said Administrator asks leave to withdraw the receipts for the above items to file before the Commissioner of Accounts where his account is now pending for a settlement.

Respectfully,

S. E. Everett
S. E. Everett
Myrtie Booker Bennett
deceased -

Report of S. E. Everett,
 administrator of Myrtle
 Booker Bennett, deceased.

Exhibit A.

Exhibit B.

Handwritten notes:
 33
 Myrtle Booker Bennett
 1890-1891

Myrtle Booker Bennett, deceased, was born at Myrtle, Virginia, on the 10th day of May, 1890, and died at Myrtle, Virginia, on the 10th day of May, 1891.

The following is a list of the property of Myrtle Booker Bennett, deceased, as reported by the administrator, S. E. Everett.

Myrtle Booker Bennett, deceased.

Myrtle Booker Bennett, deceased, was born at Myrtle, Virginia, on the 10th day of May, 1890, and died at Myrtle, Virginia, on the 10th day of May, 1891.

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Application of T. H. Bennett, giardian of Virginia
Booker Bennett and Edward Booker Bennett, for transfer
of funds in the hands of S. E. Everett, administrator
of Myrtie Booker Bennett, deceased.

This cause came on this day to be again heard on the
papers formerly read and on the report of S. E. Everett ,
administrator of Myrtie Booker Bennett, deceased, this day
filed.

On cnsideration whereof the court doth approve and
confirm the said report, and leave is hereby granted to the
said S. E. Everett, administrator of Myrtie Booker Bennett,
to withdraw his receipts in this cause and file the same
before the Commissioner of Accounts where the settle-
ment of his account as administrator of Myrtie Booker
Bennett, deceased, is pending.

T. H. Bennett, guardian
of Virginia Booker Bennett
and Edward Booker Bennett.

vs.

S. E. Everett, adminitrator
of Myrtie Booker Bennett;
deceased.

Enter Octo. 31, 1904.

Robert P. Hunt
RPH

Entered in Chancery Order Book
No. 3, page 613.

Myrtie, deceased, is the
sister of his deceased wife, Myrtie Booker
Bennett, deceased. In 1904, the
guardian of Myrtie Booker Bennett, deceased, filed a
petition in the probate court of the county of
Washington, D. C., for the appointment of an
administrator of the estate of Myrtie Booker Bennett,
deceased. The court appointed S. E. Everett, administrator
of the estate of Myrtie Booker Bennett, deceased. The
administrator of the estate of Myrtie Booker Bennett,
deceased, has filed a report of the assets of the estate
of Myrtie Booker Bennett, deceased, and has asked the
court to approve the same. The court has approved the
report of the administrator of the estate of Myrtie Booker
Bennett, deceased, and has ordered that the same be
paid to the administrator of the estate of Myrtie Booker
Bennett, deceased. The court has also ordered that the
administrator of the estate of Myrtie Booker Bennett,
deceased, be paid the costs of the proceedings in the
probate court of the county of Washington, D. C., for
the appointment of an administrator of the estate of
Myrtie Booker Bennett, deceased, and for the approval
of the report of the administrator of the estate of
Myrtie Booker Bennett, deceased.

APPLICATION OF T. H. BENNETT, GUARDIAN OF VIRGINIA BOOKER BENNETT AND EDWARD BOOKER BENNETT, FOR TRANSFER OF FUNDS IN THE HANDS OF S. E. EVERETT, ADMINISTRATOR OF MYRTIE BOOKER BENNETT, DECEASED.

This cause came on this day to be heard on the petition of T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, the exhibits of the qualification of T. H. Bennett in the Orphans Court of Lycoming County, Pennsylvania, after due publication of notice of the intention of the said T. H. Bennett, guardian of the said infants, to remove the said funds to his place of residence, the answer of S. E. Everett, Administrator of Myrtie Booker Bennett, and the answer of J. U. Burges, guardian ad litem for the infant defendants, Virginia Booker Bennett and Edward Booker Bennett, ^{this day} duly appointed by this Court to defend them in this cause, to which said several answers the said petitioner ~~by counsel~~ replied generally, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the said S. E. Everett, administrator of Myrtie Booker Bennett, pay and deliver to T. H. Bennett, guardian of the said infants, Virginia Booker Bennett and Edward Booker Bennett, all money and property in his hands belonging to the said infants, Virginia Booker Bennett and Edward Booker Bennett. And the said T. H. Bennett, guardian of said infants, is authorized to remove the same to the State and County in which he, the said T. H. Bennett, was appointed and qualified. It is further adjudged, ordered and decreed that the said S. E. Everett, administrator, pay out of the funds that he now has in hand the costs of this proceeding and the sum of \$ 25 ⁰⁰ to the attorney representing the said guardian in this cause, and the said S. E. Everett, administrator of Myrtie

Booker Bennett, shall make a report of his proceedings to
this Court.

J. H. Bennett Esq.
to
S. E. Evers Esq.
etc

Enter May 24, 1904

Robert R. Bennett

Entered in Chancery
Order Book No 3.
Page 585.

APPLICATION OF T. H. BENNETT, GUARDIAN OF VIRGINIA BOOKER BENNETT AND EDWARD BOOKER BENNETT, FOR TRANSFER OF FUNDS IN THE HANDS OF S. E. EVERETT, ADMINISTRATOR OF ~~MARY~~ BOOKER BENNETT, DECEASED.

This day came the petitioner, T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, and filed his petition thereupon J. U. Burges, a discreet and competent attorney at law, ^{is} ~~was~~ assigned guardian ad litem to the infant defendants to defend them in this cause.

Enter May 24th, 1904.

Robert R. Huntis

Entered in Chancery Order

Book No. 2, page 585.

In the Circuit Court of Hansemond County, Virginia:

E. H. Bennett, guardian.

Plaintiff.

vs. In Chancery.

E. E. Everett, administrator.

Defendant.

These proceedings came on this day to be heard again on the papers formerly read and it appearing to the Court that the purposes of these proceedings have been accomplished, it is adjudged, ordered and decreed that the same be stricken from the docket.

T. H. Bennett, Adm.

Vs. In Chancery.

S. E. Everett, Admr.

Enter Mar 13 1906.

Robert W. Smith

Entered in Chancery Order Book

No. 4 page 48.

APPLICATION OF T. H. BENNETT, GUARDIAN OF VIRGINIA BOOKER BENNETT AND EDWARD BOOKER BENNETT, FOR TRANSFER OF FUNDS IN THE HANDS OF S. E. EVERETT, ADMINISTRATOR OF MYRTIE BOOKER BENNETT, DECEASED.

Answer of J. U. Burges, guardian ad litem to the infant defendants, Virginia Booker Bennett and Edward Booker Bennett, to the petition exhibited against the said Virginia Booker Bennett and Edward Booker Bennett and S. E. Everett, administrator of Myrtie Booker Bennett, in the Circuit Court of Nansemond County by T. H. Bennett, guardian of the said infants.

For answer to the said bill the said guardian ad litem answers and says that he has examined the papers and that he knows of nothing against the interest of the said infants to have the money in the hands of S. E. Everett administrator, removed as asked for in the petition of T. H. Bennett, guardian of said infants,

Now having fully answered, he prays, etc.,

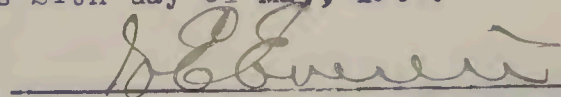


Guardian ad litem to
Virginia Booker Bennett
and Edward Booker
Bennett.

State of Virginia,
To-wit:
Nansemond County.

This day personally appeared before me, the undersigned, a Notary Public for the County and State aforesaid, ~~and made~~ ~~xxx~~ J. U. Burges, guardian ad litem to the infant defendants, Virginia Booker Bennett and Edward Booker Bennett, and made oath that he believes the foregoing answer to be true.

Given under my hand this 24th day of May, 1904.



Notary Public.

Answer of J. U. Burges,
guardian ad litem to
Virginia Booker Bennett
and Edward Booker Bennett.

APPLICATION OF T. H. BENNETT, GUARDIAN OF VIRGINIA BOOKER BENNETT AND EDWARD BOOKER BENNETT, FOR TRANSFER OF FUNDS IN THE HANDS OF S. E. EVERETT, ADMINISTRATOR OF MYRTIE BOOKER BENNETT, DECEASED.

The answer of S. E. Everett, administrator of Myrtie Booker Bennett, to the bill exhibited against the said S. E. Everett, administrator of Myrtie Booker Bennett, and Virginia Booker Bennett and Edward Booker Bennett in the Circuit Court of Nansemond County by T. H. Bennett, guardian of the said infants.

For answer to the said bill the said S. E. Everett, administrator, answers and says that the estate of Myrtie Booker Bennett has been closed up and ready to be placed before the Commissioner of Accounts, and that he can not see any reason why the funds in his hands shall not be transferred to the said T. H. Bennett, guardian of the said infants

And now having fully answered, he prays, etc.

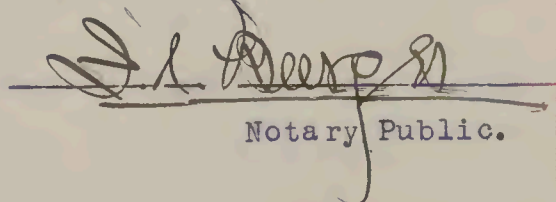


Administrator of Myrtie
Booker Bennett, deceased.

STATE OF VIRGINIA,
To-wit:
Nansemond County.

This day personally appeared before me, the undersigned, a Notary Public for the County and State aforesaid, S. E. Everett, administrator of Myrtie Booker Bennett, and made oath that he believes the foregoing answer to be true.

Given under my hand this 24th day of May, 1904.


Notary Public.

Answer of S. E. Everett,
Administrator of Myrtle
Booker Bennett.

S. E. Everett

Myrtle

Myrtle

COMMONWEALTH OF PENNSYLVANIA,

County of Lycoming,

} ss.

I, George W. Harder, Clerk of the Orphans' Court of the County of Lycoming and state of Pennsylvania, residing in the city of Williamsport, county and state aforesaid, do hereby certify the foregoing instrument of writing to be true and correct copies of the proceedings for the appointment of guardian for the person and estates of Edward B. Bennett and Virginia M. Bennett, minor children of Myrtie Bennett, deceased, I further certify that bonds as required by the Court were duly filed and that the copies hereto attached are true and correct copies of the same.

Given under my hand and the seal of the said Orphans' Court at the city of Williamsport, county of Lycoming and state of Pennsylvania, this first day of April, A. D. one thousand nine hundred and four.

George W. Harder
Clerk of the Orphans' Court

I, William W. Hart, President Judge of the twenty-ninth Judicial District, composed of the County of Lycoming

do certify that George W. Harder by whom the annexed record, certificate and attestation were made and given, and who, in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Clerk of the Orphans' Court of said County, was at the time of so doing and now is Clerk of the Orphans' Court in and for said County of Lycoming in the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere, and that the said record, certificate and attestation are in due form of law and made by the proper officer.

Wm W Hart
President Judge.

COMMONWEALTH OF PENNSYLVANIA,

County of Lycoming,

} ss.

I, C. E. Bennett, Prothonotary of the Court of Common Pleas in and for said County, do certify that the Honorable William W. Hart by whom the foregoing attestation was made, and who has thereunto subscribed his name, was at the time of making thereof and still is President Judge of the Court of Common Pleas, Orphans' Court and Court of Quarter Sessions of the Peace in and for said County, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this first day of April

A. D. 1904.

C E Bennett
Prothonotary.

In the Orphans' Court of the county of Lycoming.

To the Honorable the Judge of said Court:

The petition of Edward B. Bennett and Virginia M. Bennett by their father, Frank A. Bennett and next friend, respectfully represents:-

That the petitioners are minor children of Myrtie Bennett, their mother, late of Suffolk, Virginia, now deceased, under the age of fourteen years, resident within the county of Lycoming and state of Pennsylvania, and have no guardian to take charge of their persons and estates, and that there is personal estate coming to them from their mother's estate, in Hansemond County, state of Virginia, amounting to the sum of Five Hundred Dollars, therefore pray the Court to appoint a guardian for the purpose aforesaid.

Dated Williamsport, Pa, March 8th, 1904.

Frank A. Bennett

Frank A. Bennett being duly sworn says, the contents of the within petition are true.

Sworn and subscribed before me
this 8th day of March, A.D.1904.

A. G. Shillich
Notary Public (SEAL)

My commission expires Jan,28th,1907.

Frank A. Bennett

And now March, 14th, 1904, upon reading the within petition, the Court appoint Thomas A. Bennett, guardian of said minors, and direct that he give bond in the sum of Five hundred dollars for each ward, with sur ty to be approved by the Court.

Per Cur.

Wm. W. Hart

P. J.

Filed March 14th, A. D. 1904. same day bond filed and certificate of Guardianship issued.

George W. Harder

Clerk O. C.

Know all Men by these Presents:

That we, Thomas H. Bennett, guardian and H. M. Rothrock and James P. Fague as sureties

all of Lycoming County, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of Five Hundred Dollars (\$500.00)

dollars, lawful money of the United States, to which payment, well and truly to be made, we do bind ourselves and each of us, for and in the whole, our, and each of our heirs, executors, and administrators, jointly and severally by these presents.

Sealed with our seals, and dated the fourteenth day of March
Anno Domini 1904.

The Condition of the Above Obligation is Such, That if the above bounden Thomas H. Bennett
Guardian of Edward B. Bennett

Minor Child
of Murtie Bennett deceased, shall at least once in

every three years, and at any other time when required by the Orphans' Court for the County of Lycoming, render a just and true account of the management of the property and estate of the Minor under his care, and shall also deliver up the said property agreeably to the order and decree of the said Court or the directions of law, and shall in all respects faithfully perform the duties of Guardian of the said

Edward B. Bennett

then the above obligation shall be void, otherwise it shall be and remain in full force and virtue.

<i>Sealed and delivered in presence of</i>	<u>Thomas H. Bennett</u> [SEAL]
I. R. Fleming	<u>H. M. Rothrock</u> [SEAL]
H. W. Bennett	<u>James P. Fague</u> [SEAL]

March, 14th, A.D. 1904 Bond approved _____ [SEAL]
Per Cur

Wm. W. Hart
P.J.

GUARDIAN'S BOND.

ESTATE OF

SURETIES:

Filed ----- *190* ---

Know all Men by these Presents:

That we, Thomas H. Bennet, Guardian H.N. Rothrock and James P. Fague
as sureties

all of Lycoming County, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of
Five Hundred Dollars (\$500.00)

dollars, lawful money of the United States, to which payment, well and truly to be made, we do bind ourselves
and each of us, for and in the whole, our, and each of our heirs, executors, and administrators, jointly and severally by these presents.

Sealed with our seals, and dated the fourteenth day of March
Anno Domini 1904.

The Condition of the Above Obligation is Such, That if the above bounden Thomas H. Bennett
Guardian of Virginia M. Bennett

Minor Child
of Myrtie Bennett deceased, shall at least once in

every three years, and at any other time when required by the Orphans' Court for the County of Lycoming,
render a just and true account of the management of the property and estate of the Minor under his
care, and shall also deliver up the said property agreeably to the order and decree of the said Court or
the directions of law, and shall in all respects faithfully perform the duties of Guardian of the said

Virginia M. Bennett

then the above obligation shall be void, otherwise it shall be and remain in full force and virtue.

Thomas H. Bennett [SEAL]

Sealed and delivered in presence of

H. W. Burrows

L. R. Fleming

H. N. Rothrock [SEAL]

James P. Fague [SEAL]

[SEAL]

March 14th, 1904, Bond approved

Per Cur
Wm. W. Hart

P. J.

GUARDIAN'S BOND.

ESTATE OF

SURETIES:

Filed ----- *190* -----

Y. H. Bennett
Guardian.

TO THE HON. ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF
NANSEMOND COUNTY, VIRGINIA.

Your petitioner, T. H. Bennett, guardian of Virginia Booker Bennett and Edward Booker Bennett, sheweth to your honor the following case: That sometime in the month of March, 1902, Myrtie Booker Bennett died leaving a will in which, after giving many things to her dear friends left the remainder of her property to her two children, Virginia Booker Bennett and Edward Booker Bennett; that at the April term of the County Court of Nansemond County, 1902, S. E. Everett qualified as administrator of the said Myrtie Booker Bennett, deceased, and that since then he has collected what was due the estate of the said Myrtie Booker Bennett and has paid all claims and demands against said estate and now has in hand about five hundred dollars deposited in the Farmers Bank of Nansemond, which is the property of the said infants. Your petitioner is the grandfather of the said infants and resides at Picture Rocks, Lycoming County, Pennsylvania, and that he has the said children with him and that they will remain with him during their infancy. Your petitioner states that the infants have no property and have no way of supporting themselves except by this money that the said S. E. Everett now has in hand, and your petitioner asks the said Court to enter an order directing S. E. Everett, the administrator, to turn over the amount of money that he has in hand to your petitioner and guardian of the children; that it will be to the advantage of the said children to have the money in the guardian's hands and to be used for their support, maintenance and education. Your petitioner files with this petition authentic documentary evidence of the qualification of your petitioner as guardian of said infants and execution of bond and your petitioner further states that he has given notice according

to law that application will be made for the transfer of the above mentioned funds. Your petitioner asks that after deducting the costs in the transfer of said funds that the remainder be turned over to him as guardian of the infants to be transferred to his place and residence and the residence of said infants.

And your petitioner prays that Virginia Booker Bennett and Edward Booker Bennett, infants under the age of twenty-one years, and S. E. Everett, administrator of Myrtie Booker Bennett, deceased, be made parties defendant to this petition and that the Court appoint a guardian ad litem to said infant defendants, who as well as the said S. E. Everett, administrator shall answer the petition on oath.

And your petitioner will further pray.

(Signed here) X

J. H. Bennett
Guardian of Virginia B. Bennett
& Edward B. Bennett minor
Children of Myrtie B. Bennett
Deceased.

State of Pennsylvania }
Lycoming County } ss.

Personally appeared before me the undersigned Justice of the Peace in and for said County of Lycoming, duly commissioned, residing at the Borough of Picturish Rocks - in said County John H. Bennett Guardian of Virginia B. Bennett and Edward B. Bennett minor Children of Myrtie B. Bennett deceased who being duly sworn according to Law doth depose and say the facts stated in the above petition are correct and true.

Sworn to and subscribed before (Signed here)

me this 2nd day of April

1907

Ellis McCune Jr.

My Comm. expires May 1907.

J. H. Bennett

Guardian of Virginia B. Bennett, & Edward B.

Bennett minor Children of Myrtie B. Bennett Deceased.

*W. H. Bennett, Gen & Ed.
ward B and Virginia B
Bennett. Plaintiff*

*VS.
S. E. Everett, Adm of
said infants and said
infants. Defendant*

S. E. EVERETT,
ATTORNEY AT LAW,
SUFFOLK, VA.