

1911-016
Nansemond Co (Suffolk)

Chancery Causes: Mrs Lee Johnson, gdn vs Pierce Johnson, infant et al

TO WHOM IT MAY CONCERN:

Notice is hereby given that as guardian of Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson, lawfully appointed and qualified as such guardian in the State of North Carolina, where said minors reside, I shall, on the first day of the next term of the Circuit Court of the County of Nansemond, Virginia, in which said County the estate of said minors is, in pursuance of the act of the General Assembly of Virginia in such case made and provided, make application and petition the said court to make an order empowering and authorizing me as guardian as aforesaid to sue for, recover and receive all money or personal property which may belong to said minors, or either of them, including the accrued rents of their real estate, if any, in like manner as if I were appointed guardian of said minors in the State of Virginia, and to remove the same to the State of North Carolina.

MRS. LEE JOHNSON,

By E. E. and L. P. Holland.

Counsel for petitioner.

Feb. 10-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., *March 4*-----19*01*-----

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law---once a week for four successive weeks.

beginning *July 10, 1911*-----*and ending*
March 3, 1911.-----

W. J. Kendrick-----

Editor Herald

State of North Carolina,

Walifax

COUNTY--In the Superior Court.

To whom these presents shall come GREETING:

It being Certified to the Undersigned, Clerk of the Superior Court for the County of Walifax

that Pierce Johnson, Elmer Johnson, Jas W Johnson
and Alex P. Johnson
minor orphan 3 without guardian and Mrs Le Johnson

having applied for the guardianship, said minor child ren 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 3, 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 2 and according to law.

Witness my hand and the seal of said Court, this 21 day of January 1911

S. 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, 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.

A true copy
attest

J M Gary
Clerk Superior Court

STATE OF NORTH CAROLINA, } SS. IN THE SUPERIOR COURT.

Wahlfax } County.

I, Mrs Lee Johnson

do solemnly swear that as Guardian I will well and truly administer all and singular the goods and chattels, rights and credits of the said, Pierce, Ellen C, Jas W, & Alex P Johnson, my wards, wheresoever to be found, 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. So help me, God.

Sworn and subscribed before me, this 21st day of January, 1901

Mrs Lee Johnson
J. M. Gary
Clerk Superior Court.

GUARDIAN BOND.

STATE OF NORTH CAROLINA, }

Wahlfax } County.

Know all Men by These Presents, That we Mrs Lee Johnson & W A Pierce

all of said County, in the State aforesaid, are held and firmly bound unto the State of North Carolina in the sum of Two Hundred (\$200.⁰⁰) 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 Mrs Lee Johnson, 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 21st day of January, A. D. 1901

The Condition of the Above Obligation is Such, That whereas the above-bounden Mrs Lee Johnson is constituted and Appointed Guardian to Pierce Johnson, Ellen C Johnson, James W Johnson & Alex P Johnson minor orphan

Now, if the said Mrs Lee Johnson shall faithfully execute her said Guardianship, and particularly shall well and truly secure and improve all the estate of the said Pierce Johnson, Ellen C Johnson, James W Johnson & Alex P Johnson

until they shall arrive at full age, or be sooner thereto required, and shall render a plain and true account of her said Guardianship, on oath, before the Clerk of the Superior Court for Wahlfax County, and obey the law in all cases as required by Act of Assembly, and deliver up, pay or possess the said Pierce Johnson, Ellen C Johnson, James W Johnson & Alex P Johnson of all such estates as they ought to be possessed of, when lawfully required by said Pierce Johnson, Ellen C Johnson, James W Johnson & Alex P Johnson 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, sealed and delivered in the presence of

J. M. Gary
Clerk Superior Court.

Mrs Lee Johnson (SEAL.)
W A Pierce (SEAL.)
(SEAL.)
(SEAL.)

NORTH CAROLINA, } In the Superior Court—Before the Clerk.

Wahlfax } County.

This 21st day of January, 1901
Personally appeared before me, J. M. Gary, Clerk of the Superior Court for Wahlfax County, W. A. Pierce

to me personally known, who signed the annexed Bond and who, after being duly sworn by me, each for himself says that they are worth Two Hundred (\$200.⁰⁰) Dollars each, over and above homestead and personal property exemptions allowed by law, and liabilities. So help me, God.

Sworn and subscribed before me, this 21st day of January, 1901
J. M. Gary
Clerk Superior Court.

W A Pierce (SEAL.)
(SEAL.)
(SEAL.)

APPLICATION FOR GUARDIANSHIP.

NORTH CAROLINA,

Wahlfax

County.

IN THE SUPERIOR COURT—Before the Clerk.

IN THE MATTER OF

Pierce Johnson, Eleanor L. Johnson
James W. Johnson (deceased) Alex. P. Johnson

APPLICATION FOR GUARDIANSHIP.

and Minor Orphan

To the Clerk of the Superior Court of said County :

The application of Mrs Lee Johnson respectfully represents that Pierce Johnson
Eleanor L. Johnson, James W. Johnson and Alex. P. Johnson, minor children of
Lee Johnson, deceased, and are without a guardian; that the said minor children
entitled to real and personal property to the amount of \$ 600⁰⁰, according to the best information and belief of your applicant.

To the end, therefore, that the estate of said minor orphan^s may be preserved and managed according to law, your applicant prays that Letters of
Guardianship may be issued to him, or such other person as the Court may think best, for the interest of said minor orphan^s.

This 21st day of January, 1901

Mrs Lee Johnson

Mrs Lee Johnson being duly sworn, says that he is acquainted with the real and personal estate belonging to
the above-named children of Lee Johnson, deceased; that, to the best of his knowledge, information and
belief, the value of said estate is about \$ 600⁰⁰, and the value of the rents and profits of the real estate is about \$ nothing

Sworn to before me this 21st day of January, 1901

J M Gay

Clerk Superior Court.

ORDER OF APPOINTMENT.

Upon hearing the foregoing application of Mrs Lee Johnson it is ordered and
adjudged by the Court that Mrs Lee Johnson be appointed Guardian of
Pierce Johnson, Eleanor L. Johnson, James W. Johnson
(deceased) Alex. P. Johnson

minor children of Lee Johnson deceased upon her entering into bond in
the sum of Twelve Hundred Dollars, with
two or more sufficient sureties.

J M Gay

Clerk Superior Court.

LETTERS OF GUARDIANSHIP.

STATE OF NORTH CAROLINA,

Wahlfax

County.

IN THE SUPERIOR COURT—Before the Clerk.

To all to Whom these Presents Shall Come—GREETING:

It Being Certified to the Undersigned, Clerk of the Superior Court for the County of Wahlfax, that
Pierce Johnson, Eleanor L. Johnson, James W. Johnson
(deceased) Alex. P. Johnson
minor orphan^s, without Guardian, and Mrs Lee Johnson having applied for Guardianship
of 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^s wheresoever to be found, and the same take into possession, secure and improve, and further to
manage said estate and every part thereof for the benefit and advantage of said minor orphan^s, and according to law.

Witness my hand and the seal of said Court, this 21 day of January, 1901

J M Gay

Clerk Superior Court.

North Carolina } In the Superior Court.
Halifax County }
I, J. M. Gary, Clerk
of the Superior Court for the County of
Halifax, State aforesaid, do hereby
certify that the foregoing is a full true
(and) perfect copy of the record of the
qualification of Mrs Lee Johnson as
guardian of Pierce Johnson, Elenor C.
Johnson, James W Johnson (and) Alex P Johnson
which is of record in my office in the
Record of Appointment of Fiduciaries,
Vol 3, at page 360.



Witness my hand (and) official
seal, at Office in Halifax,
this the 4th day of February
A.D. 1911

J. M. Gary
Clerk Superior Court.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

March _____, 1911.

Mrs. Lee Johnson, guardian, etc.,

Ex parte.

This day came Mrs. Lee Johnson, a citizen of the State of North Carolina, resident therein, by counsel, and upon her motion by counsel, liberty is granted her to file her petition, and she files the same, and on her motion, John P. Lee, a discreet and competent attorney at law, is assigned as guardian ad litem to the said infants, Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson, to defend their interests in this suit, and thereupon the said guardian ad litem filed the answer of the said infant defendants to the said petition.

On consideration whereof, and of the exhibits therewith filed, and arguments of counsel for the petitioner, it appearing by duly authenticated transcript of the record of the proceedings had in the County Court of Hanover County, in the State of North Carolina, marked "A", and filed as exhibit with said petition, that the said Mrs. Lee Johnson has been duly appointed and qualified in said State as the guardian of Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson, minor children of the late Lee Johnson, deceased, all of whom reside in the said State, and that the said Mrs. Lee Johnson, in the said State where she qualified, has given bond with surety sufficient to insure her accountability for the whole amount of the estate of her said wards in her hands, or which will probably be received by her as such guardian. and it further appearing by said petition that the said minor children are entitled to money in the County of Nansemond, in the State of Virginia, and by exhibit "B" filed with said petition, that the said Mrs. Lee Johnson has caused a notice of her intended application for this order to be published in the manner

and for the length of time prescribed by the statute of this State in such case made and provided, and the court being satisfied that the removal of the property and money of said wards from this State will not impair the rights nor be prejudicial to the interests of said wards, nor of any other person, it is ordered that the said Mrs. Lee Johnson, as guardian as aforesaid, be, and she is, hereby authorized and empowered to sue for, recover and receive all money and personal property in this State which may belong to her said wards, or to any or either of them, including all accrued rents, if any, of any real-estate of said wards, in like manner as if she were appointed guardian of said wards, and each of them in this State, and to remove the same to the State of North Carolina.

Enter March 4, 1911.

James L. Moore

Entered in Chancery Order

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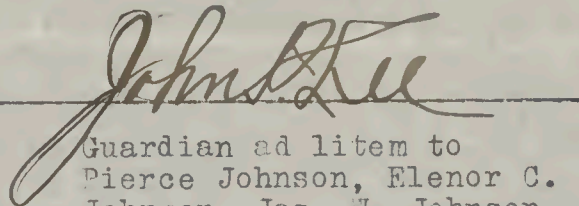
IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

The answer of John P. Lee, guardian ad litem to the infant defendants, Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson, and the answer of the said infant defendants, by the said John P. Lee, their guardian ad litem, to the petition filed in the Circuit Court of Nansemond County by Mrs. Lee Johnson, their guardian.

For answer to the said petition the said guardian ad litem answers and says: that he does not know whether the interests of the infant defendants will be promoted by the removal and transfer of the property as prayed for, or not.

And the said infants, by their said guardian ad litem, answer and say: that being infants of tender years, they know nothing of the matters mentioned in the petition and commit the protection of their interests to the Court.

And now having answered, they pray to be hence dismissed, etc.



Guardian ad litem to
Pierce Johnson, Elenor C.
Johnson, Jas. W. Johnson
and Alex P. Johnson.

To the Honorable James L. McLemore, Judge of the Circuit Court of the County of Nansemond.

Mrs. Lee Johnson, citizen of the State of North Carolina and resident therein, respectfully represents that she has been lawfully appointed and qualified in said State as guardian of Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson, minor children of her late husband, Lee Johnson, deceased, who also reside in said State, and that she, in said State where she qualified, has given bond with surety sufficient to insure her accountability for the whole amount of the estate of her said wards in her hands or which will probably be received by her as such guardian; all of which premises will appear by duly authenticated transcript of the record of proceedings had in the County Court of Hanover County, in the State of North Carolina, filed herewith, marked exhibit "A".

Your petitioner further represents that her said wards are entitled to property and money in the State of Virginia; that they are children and as such heirs at law of the said Lee Johnson, deceased, formerly of the County of Nansemond, Virginia; that the said Lee Johnson, deceased, was one of the heirs at law of Jas. W. Johnson, deceased; that the said Lee Johnson died after his father, Jas. W. Johnson, and became entitled to one-third of the estate of the said Jas. W. Johnson, deceased, under sections "2" and "3" of the will of the said Jas. W. Johnson, deceased, a copy of which is herewith filed, marked exhibit "B"; that soon after the death of the said Jas. W. Johnson, his son, Lee Johnson, duly qualified as his executor; that the said Lee Johnson afterwards, and before administering the said estate, departed this life; that L. P. Holland was duly appointed and has qualified as administrator d. b. n. c. t. a. of the estate of the said Jas. W. Johnson, deceased; that, as said administrator, he has recently sold, as authorized by said will,

the real-estate of the said Jas. W. Johnson, deceased; that there is now in the hands of said administrator Seventeen Hundred and Fifty Dollars (\$1750), realized from the sale of the real-estate, and Twenty Dollars and Eighty-five Cents (\$20.85) realized from the sale of the personal estate of the late Jas. W. Johnson, to one-third of which the children of the late Lee Johnson are entitled, after the payment of commissions and expenses.

Your petitioner desires to be empowered as guardian as aforesaid to receive and collect said money of said wards in the State of Virginia, whether the same arise from the sale of the real-estate aforesaid or otherwise, and to remove the same to the State of North Carolina, where she and her wards reside, and in order thereto she has caused a notice of her intended application hereunder to be published, according to the act of the General Assembly of Virginia in such case made and provided, for four successive weeks in the "Suffolk Herald", a news-paper published in the City of Suffolk, Virginia, as will appear by a duly certified copy of said notice and certificate of its publication filed herewith, marked exhibit "C".

Your petitioner further represents that the removal of said property and money from the State of Virginia will not impair the rights nor be prejudicial to the interests of either of her wards, nor of any other person.

The premises considered, your petitioner prays by the order of this honorable court she may be empowered and authorized as guardian as aforesaid to sue for, recover and receive all money or personal property which may belong to her said wards, and each of them, in the State of Virginia, including all accrued rents of any real-estate of said wards therein, if any there be, in like manner as if she were appointed a guardian of said wards in the State of Virginia, and to remove the same to the State of North Carolina.

Your petitioner alleges that she would be the only heir of her said wards if they were dead.

Your petitioner further prays that the said Pierce Johnson, Elenor C. Johnson, Jas. W. Johnson and Alex P. Johnson may be made parties defendant to this petition; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall answer this bill, answer under oath being waived; that proper process issue, and that all such other, further and general relief may be afforded your petitioner as the nature of her case may require or to equity shall seem meet.

And as in duty bound your petitioner will ever pray,

Mrs. Lee Johnson Prada
By Counsel

E. S. O. P. H. H. H.
H. H.

Petition of Mrs. Lee Johnson
Guardian for removal of
funds belonging to her
wards.

1911. Feb 14
Dumfries

Certs.

Clark

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3/24/11