

1822-046

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITEHEAD VS. WASHINGTON'S ADMINISTRATOR
↓ JOHNSON 2/1822

other SURNAMES. Bosman,
Boseman

484

Whitehead

3 3 Bile.

Washington's admiral.

Feb 18th 1872 New
York —

To the worshipped the County Court of Southampton in
City sitting. Humbly complaining sheweth to your
worships your orator James Whitehead that several years
since he became security in the guardians Bond executed by
a certain Wm Washington, who regularly qualified in the
County Court of Southampton as the guardian of a certain
Henry Johnson. That the said Wm Washington rec^d. into
his possession by virtue of his said qualification con-
siderable property belonging to his said ward but con-
verted it to his own use & did not without
paying it over or otherwise accounting for it to the
said ward. That your orator some time after return-
ing to the securitys slip aforesaid knowing that the s.
Henry Johnson had considerable claims on his said
guardian which he presumed when collected would
enable him to comply with all his pecuniary engagements
became his security in a bond for the amount of

payable the day of to a certain

That the said Henry Johnson without
ever obtaining the said property from his guardian
removed from this Commonwealth & is now as your
orator is informed & believing totally insolvent. That
suit has some time since been instituted on the s. bond
& your orator is liable very shortly to pay it. That
in addition to this liability he expects that the creditors
of the s. Johnson or others will endeavour to subject
him as the security of the s. Washington to the payment
of what may be due on the s. guardianship bond.

= acting. Your orator further states to your
wships that a certain Michael Borman has
duly qualified as the administrator of the s^t. Washington
- that he has as your orator is informed nearly
exhausted all the assets in his hands in payment
of bond & other debts due by his intestate which were
as your complainant is advised inferior in dignity
to the debt afores^d. due to his said ward. Your
orator represents that he has reason to believe that
the s^t. Washington left assets which came to the
hands of his said administrator nearly sufficient to
have discharged the said guardianship de-
-mand, but he ~~they~~ small or great, he contends
that they should have been applied towards
the satisfaction of this claim in the first instance
before any other debts were paid. & that the s^t.
administrator who was well conversant in all the facts
aforesaid is bound to the amount of the assets
rec^d. by him to interpose between your orator
& his legal liabilities afores^d. In tender con-
- sideration of all which and as your orator is
without remedy in the premises except by the
interposition of a court of Chancery. To the
end therefore that the said Henry Johnson &
Michael Borman as administrators of s^t. Washington dec^d.

may be more fully revisited & compelled to answer
the premises on oath fully & unequivocally -
that your wships direct publication against
the said absent def^t. and decree that
accounts be taken before some proper Commissioners
of the guardianship of the s^t. Washington ~~and~~ of
the administration of the said Borman on his
estate - That the said Borman be restrained
& enjoined from paying away or otherwise
disposing of any assets or other effects in his
hands belonging to the estate of his s^t. intestate
until the further order of the court - that finally
on a settlement of the accounts your wships
decree the s^t. Borman to pay the amount of the
s^t. claim for which your orator was security for
the s^t. Johnson provided it should turn out
(of which your orator has no doubt) that ~~that~~ sum
does not exceed the assets left by the s^t. Washington
- or the debt due to the s^t. Johnson on the s^t. guardian-
-ship account - that the rest of the assets left by
the s^t. Washington if any, to the full amount of the
s^t. guardianship account (with the exception of
the bond afores^d. for which your orator was security)
be applied to the payment of the said Johnson
in satisfaction of your orators said liability.

I moreover to grant him such other & general
relief in the premises as may be consonant with
the principles of Equity. May it please A. C. to
grant the above & the bill of Ex. a. s.

Prodnax P. C.

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Whitehead
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Washington's Adm. L.

Febry 18th 1872 Recd
Filed —

Southampton & St. Marys County Court 1892

James Whitehead . . . Com. Plt.

against

Michael Roseman ^{CH} adm^r of Mrs. Mark-
-ington dec^d and Henry Johnson Defts.

In Chancery

This cause this day came on to be heard on the bills
of the complainant exhibits and arguments of counsel, whereupon
and upon due consideration thereof had the court with ^{advised} ~~these~~ order
and decree that the defendant Roseman, be restrained & enjoined
from paying away or otherwise disposing of any ~~effects~~ ^{assets} or
other effects in his hands belonging to the estate of his said
intestate, until the further order of this court - and the defendants
not having entered their appearance and given security accor-
-ding to the act of assembly and rules of this court and it
appearing to the satisfaction of the court that they are
not inhabitants of this Commonwealth - Therefore it is
adjudged ordered and decreed that the said defendants appear here
and answer the complainant's said bills on or before the third Monday
in May next, and that a copy of this order be forthwith
inserted in the Petersburg Intelligencer for eight weeks success-
-ively and posted at the front door of the courthouse of this
county on two several court days.

Attest
James Rochelle C.