

1855-024

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WHITE HEAD, GUARDIAN VS. FISHER

3/1855

Fishers Son

Whitman

to } Bill Gates & Co

as.

} Paid to Fisher

Fisher

1855 March. Debit as paid
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March 1855.

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To the worshipful, the county court of Southampton in
Chancery sitting.

Humbly complaining, sheweth unto
your worships, your complainant John Whitehead.

Quarrelan to Nathaniel Fisher, an infant, this his
ward is entitled to the sum of £270- derived from the
sale of real estate. Which he received from his mother
that James Fisher, the father of his ward - and intestate,
much involved in debt, a small personal estate,
and two slaves - that all the personal estate of the
intestate, has been expended in the payment of the
debts, ^{except his slaves}, and there is still a considerable amount and
for the payment of which the slaves will have to be
sold, unless there can be some other arrangement made
that, it would best promote the interest of his ward
to appropriate the funds in his hands, arising from the
sale of real estate to pay the debts due from his Father's
estate, so as to exempt the slaves of the accident, from
sale - - That your orator does not feel at liberty, to
appropriate the funds of his ward in the manner above indicated
without the direction of this Court.

The consideration of all which, and in as much
as your orator is without remedy in the premises, except
in a court of Equity. To the End Therefore, he pray
your worships: to make Nathaniel Fisher an infant
by some fit person to attend him, a bill to
this effect, that you will, direct, the application of the
funds of his ward arising from the sale of real estate
to the payment of debts, against his Father's estate, so as
to exempt the slaves, from sale, and grant such
other and general relief in the premises, as Equity may
warrant and the nature of the case may require.

May it please the Court, &c.

Chas. M. I. Counsel
for Plaintiff.

Assess of Nathan Foster, by L R Edwards his guardian
ad litem to the foregoing bill -

This respondent admits the facts,
contained in the bill, and consents to the account
for - but being an infant, submits his interest to the
protection of the court, and having answered the bill
here is wiped - -

1855 March Term

Whitehead Guar.

vs.

Fisher.

On motion the Court with appoint L. R. Edwards, Guar. as tutor to the infant defendant Nathan Fisher who filed his answer. And the cause was this day docketed by consent and came on to be heard on the bill and answer, and was argued by counsel. On consideration whereof, the Court with advice of law and decree, That John Whitehead Guardian of Nathan Fisher, pay the proceeds of real estate now in his hands, belonging to his wards towards the debts of said Fisher, so as to exempt from sale, the slaves of the said James, and that the slaves to the value of the real funds thus appropriated, be held as real estate - & subject to the laws regulating real estate,