

1871-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

Ex Parte FRANCIS and Wife vs. FRANCIS' CHILDREN
1/1871

631

Francis wife

or $\frac{3}{4}$ parts
were.

Francis children

May Term 1871

To be entered.

J. W. Wignhart
Judge

1871. May Dismissed

To the Honourable Judge of the County Court of
Southampton County. In Chancery.

Your petitioners N. T. Francis & Bettie his wife respectfully represent to your Honor as follows: That your petitioner N. T. Francis, is at this time very seriously involved, there being several executions now in the hands of the Sheriff against your petitioner, all of which he is unable to pay; that the said Sheriff has levied on the most of the chattel estate of your petitioner, and advertised the same for sale to satisfy said executions; that your petitioner is possessed of a tract of land in Southampton County, and he is willing to give a deed of Trust upon the said tract of land, in which deed, his wife is willing to join, in order to raise money to satisfy said executions, and to save his chattel estate - so that your petitioner may not be left destitute & rendered totally unable to support his family. That your petitioner has several minor children, and a doubt has arisen, whether these children would be bound by a deed of trust, in case their father should die, before the deed was satisfied. That your petitioner is advised that a decree of this Court, directing the said deed to be binding & operative upon the minor children of your petitioner, free from any claim of Homestead, until the deed of

trust is satisfied, would remove all manner of doubt. That your Honor must be satisfied of the judiciousness of such a transaction, upon the representation that has been made in this petition. In consideration of all which, your petitioner prays that an order may be entered, assigning a Guardian ad litem to answer for the infant children, and that it may be decreed that they shall be forever barred from setting up any claim for Homestead in the real estate of your petitioner, until the lien of the deed of Trust has been fully satisfied. And as in duty bound, your petitioner will ever pray &c. May it please the Court &c.

I B. Prince. f. p.

The answer of J. D. Francis and other minor children of N. T. Francis & Bettie his wife, by L. R. Edwards, their Guardian ad litem to a petition of N. T. & Bettie Francis.

These respondents, saving & reserving &c. for answer to the above petition say, that they are infants & know nothing of the facts, being infants, they submit their rights to the Court & having answered &c.

L. R. Edwards
Gdn ad litem

Francis & wife
vs 34 Haste Decree.
Francis' Children

This day this cause was docketed by leave of Court & consent of parties & by the like leave & consent, came on to be heard on the petition of N. T. Francis & Bettie his wife, and the answer of the infant children of N. T. & Bettie Francis, by L. R. Edwards, who is hereby appointed their Gdn ad litem; and was argued by Counsel. On consideration whereof and it appearing to the Court that the prayer of said petition should be granted, the Court doth adjudge order & decree that the minor children of the said N. T. & Bettie Francis be forever barred from setting up any claim to the Homestead exemption in the real estate of the said N. T. Francis, until the lien which shall be created by a deed of trust which he & his wife may execute, shall be fully satisfied.