

1842-125 SOUTHAMPTON COUNTY
CHANCERY PAPERS

MAGETS' GUARDIAN VS. MAGET'S EXECUTOR
11/1842

other surnames: Whitfield

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side.]

Maget guardian
 v. $\frac{1}{3}$ Bill.
 Whitfield ex or of
 Maget

1842 Oct. Docketed Ydora & P

Colts. . \$2.39

Maget + } B. A. &
 v. } Decree
 Whitfield }

Enter the within
 decree 12 H. 10.

[Small handwritten marks or scribbles.]

To the Honorable Richard H Baker Judge
for Circuit Superior Court of Law & Chancery
for the County of Southampton -

Your Complainant Everett E. Maget-
begs leave to represent to your honor, that he has
been regularly appointed by the Court of Pleas and
quarter Sessions for Northampton County North Carolina
guardian to John Maget. Sarah J. Maget & Henry
E. Maget orphans of Mary Maget died, he will
appear by an authentic certificate of said qualification
herewith filed and prayed to be taken as a part
of this bill; your Compt. further shews that there
are goods and chattels belonging to his ward in
the hands of Becket K. Whitfield Executor of Mary
Maget died, ^{to wit, 9 negroes and \$300.00 in money - see statement} which he is desirous of reducing into
his possession, and removing into the State of
North Carolina where he and ~~and~~ his ward
reside, he begs leave to add that he believes it
to the interest of his ward to remove said property
and that its removal will in no way conflict
with the rights of others or the tenure by which his
ward hold said property. He therefore as he is
remediable at Law and only relievable in Equity
where matters of this kind are alone cognizable
prays that sd B. K. Whitfield may be made a
party defendant hereto and be required to
answer the same, and he further prays your
honor to decree a delivery of sd property
to your Complainant as Guardian aforesaid
and grant such other & general relief in
the premises as may be consonant to justice
and the rules of the Court. and your
Compt. will ever pray & -

M. E. - for Compt.

The Answer of Bennett R. Whitfield Esq of
Mary Maget to the foregoing Bill.

your Respondent saving to himself all
benefit of just exception that may hereafter
arise to the Complainant's bill, for answer
thereto, says that the allegations in said
bill contained are true so far as he knows or
believes, that he is ready and willing to
surrender into the hands of the regularly
qualified guardian all the estate in his
hands to which his name are entitled -
to wit, nine negro slaves and about \$300-00 in money
and consequently has no objection to the
decree prayed for - and having answered,
prays to be ~~have~~ dismissed, with his
costs by him in this behalf expended -

Rt J. in Sept.

Maget Esq &

vs

Whitfield Esq.

} Decree

This day this cause was docketed by leave
of Court and consent of parties and came on
to be heard, on the Bill, answer and exhibits and
was argued by Counsel, on consideration whereof
the Court doth order, adjudge and decree, that
Bennett R. Whitfield Esq of Mary Maget do
~~be decreed to deliver~~ ^{pay and} deliver into the hands of Everett E.
Maget Guardian of John Maget. Sarah I Maget
and Henry E. Maget orphans of Mary Maget and
the nine negro slaves in his hands also
all the personal estate in his hands to which the
orphans of Mary Maget are entitled, the sum
of \$300-00 with interest thereon from the 1stst
day of January 1842 till paid ^{the same} being the
the number of slaves and the
amount ^{of money} admitted by the Def^t to be due to the
pety by virtue of his qualification in the
county of Northampton in the state of North

Carolina as the guardian ^{as aforesaid} of ~~Everett E. Maget~~
and the court doth further adjudge or, ~~decide~~ ^{decide} that
upon the payment & satisfaction ^{of delivery} of the said
sum of money to the said ^{pety} Bennett R. Whitfield
as exec. of Mary Maget dec^d? shall be discharged
from all responsibility for the amount as to be paid
& satisfied: and the costs of this suit are hereby
decree to be paid by the pety as guardian as
aforesaid? - That before the pety can have benefit
of this decree, if required by the def^t, he shall
execute and file in this cause, before the clerk
of this court, ~~herein~~ ^{herein} sufficient security
conditioned to refund ~~for~~ ^{for} ~~the~~ ^{the} ~~same~~ ^{same}

A-

Nov^r 2. 1842 I think the personal Estate
of Mary Maget Will am^t To a house -
\$300,- Nine Negroes. Worth \$15,00
- 209 1/2 acres of land worth 800

Say \$20,00 = Bennett K. Whipple
Adm^r

Magers gr^o

To. } Refunding Bond

Magers Trustee

Know all men by these presents that we Everett & Maget

are held and firmly bound unto Bennett H. Whitfield executor of Maney Maget dec^d. in the just and full sum of

To be paid unto the said Bennett H. Whitfield or as aforesaid his certain attorney, his executors administrators or assigns: for the payment whereof well and truly to be made we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents -
Sealed with our seals and dated the day of 1842

The condition of the above obligation is such that whereas by a decree of the Circuit Superior Court of Law and Chancery for the County of Southampton pronounced on the first day of November 1842 in a suit depending therein on the chancery side of the said Court, between Everett & Maget plaintiff and Bennett H. Whitfield Executor of Maney Maget dec^d. Defendant, it was decreed and ordered that Bennett H. Whitfield executor of Maney Maget dec^d. pay and deliver into the hands of Everett & Maget guardians of John Maget, Sarah J. Maget, and Henry & Maget orphans of Maney Maget dec^d. the nine negro slaves in his hands, also the sum of three hundred dollars with interest thereon from the first day of January 1842 till paid, the same being the number of slaves and amount of money admitted by the defendant to be due to the plaintiff by virtue of his qualification in the County of Northampton in the State of North Carolina as guardian as aforesaid, which said nine slaves and the said sum of three hundred dollars with interest thereon from the 1st day of January 1842 the said Everett & Maget doth hereby acknowledge to have received of the said Bennett H. Whitfield executor of Maney Maget as aforesaid. Now if the said Everett & Maget shall refund due proportions of any debts or demands which may hereafter appear against the estate of the said Maney Maget and the costs attending the recovery of such debts, then the above obligation to be void or else to remain in full force and virtue -

Signed, Sealed & delivered }
In presence of }

Seal
Seal
Seal
Seal

State of North Carolina
Northampton County

First Monday, September 13th 1842
Thomas Hughes Clerk of the Court of
Plens and Quarter Sessions for the County
of Northampton, do hereby Certify that

Corde E. Magee was appointed Guardian to John E. Magee, Sarah E.
Magee & Henry E. Magee Orphan of Nancy Magee; at a Court
of Plens and Quarter Sessions held for the County of Northampton who
entered into Bond in the Law directs, in the Sum of Ten thousand
dollars with John E. Magee and James Cunningham Securities

At Witness whereof I have hereunto set my hand and Seal
of Office at Office this 27th day of October 1842.

Thos. Hughes Clk



I, Samuel Calvert Chairman of the
Court of Plens and Quarter Sessions for the County of North-
ampton N.C.^{ca} do hereby Certify that Thomas Hughes
is and was at the time of signing the ^{certificate above} ~~document~~ acting Clerk
of said Court duly elected and qualified and that
full faith and Credit are due to all his official
attestations, and that the same is in due form of Law
Given under my hand and Seal this 27th day of Oct 1842
Samuel Calvert, c. c. J. D. S.

Let the bill show what is the quality and amount
of property claimed by the pty. If money only, make
a statement showing the amount and refer to it in
the bill as an exhibit. Let the answer admit the
amount claimed & then the issue may be
entered.