

1853-027

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MAGETT ux vs. KINDRED al

11/1853

Magell
vs
Kindred's } Deere

1853 Nov. Deere as filed
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To the worshipful County Court of Southampton County
In chancery -
November Term 1853

Humbly complaining ~~herewith~~ unto
your worships your complainants, E. C. Magett and his wife
Louisa, that Henry Kindred departed this life in the year eigh-
teen hundred and forty nine, having first duly executed and
published his last will and testament, which was duly recorded
having been admitted to probat, in the County Court of the said
County, a copy of which is herewith filed (marked A) and prayed
to be considered a part of this bill — that the said testator left
surviving a widow and seven children, to wit Lucy W. Kindred
his widow, and the said children named as follows Geo. I. Kindred,
Benjamin B. Kindred, Louisa I. Kindred, David H. Kindred, Sally
C. Kindred, Elizabeth S. Kindred and Henry Kindred — that the
said Louisa I. Kindred has since intermarried with the
said E. C. Magett; and by virtue of the said will nothing
at least in present possession, was given to the said Benja-
min B. Kindred, advancements having been made to him
by the said testator in his life-time. The widow of the
said testator renounces the provisions of the will of the said
testator and claims both in real and personal estate, has
been assigned to her by a decree of this Court.

Your Complainants are anxious for a division

of the slaves now belonging to the heirs of the said Estate in order that the said E. C. Magell may obtain possession of the portion to which he may be entitled in right of his wife — They therefore humbly pray, inasmuch as they are without remedy in a Court of law, that this honorable Court, would make the said Mrs J. David H. Sally V. Elizabeth H. and Henry Kindred parties defendant to this bill and compel them respectively, as full and perfect answer made to the allegations herein contained as if they had been thereunto more specially interrogated — and that your worships would appoint three or more proper persons as Commissioners whose duty it shall be to divide the slaves now belonging to the heirs of the said Henry Kindred deceased (excepting those held as dower) into six equal shares or in such manner that the said complainants may receive one sixth part thereof in value — And as in duty bound your Complainants will ever pray &c.

Kindred
H. g

Answer of Mrs J. Kindred in his proper person, and of David H. Sally V. Elizabeth H. and Henry Kindred, by their guardian ad litem L. R. Edwards —

These defendants saving &c, say that they have no objection to the decree prayed for in the foregoing bill, and having answered may to be hence dismissed.

Mrs J. Kindred
p d

E. C. Magell & wife }
vs }
Kindred's } Decree.

This day this cause was docketed by leave of Court and consent of parties, and came on to be heard on the bill and answer thereto and exhibits, and was argued by Counsel: On Consideration whereof the Court doth order, adjudge and decree that Ben E. Pope, Alexander Myrick, James J. Darden, Davis Barrett and Harrison P. Pope be, and are hereby appointed Commissioners for that purpose (any three of whom may act) that they divide the negro slaves now belonging to the heirs of Henry Kindred deceased (excepting the dower negroes now held by the widow of the deceased) into six equal shares, and apportion by lot, one share, in kind, to Eldridge C. Magell in right of his wife Louisa, and permit the other five shares to remain unassigned and to be held in common by Mrs J. Kindred, David H. — Sally V. — Elizabeth H. and Henry Kindred, to whom they belong.

And the said Commissioners are allowed to require such sums to be paid over by one of the said heirs to another in order to equalize the division in kind as aforesaid. And they are directed to report to Court in order to a final decree.