

1792-011

Southampton County

Chancery Papers: Windham & al vs Windham

11/1792

other SURNAMES: Philips, Portis

Agreeable to a Decree of the W^{orshipful} Court of Chancery
made the 10th of March 1791. We the Commissioners made
Sale of the Lands of Easton Windham Esq. the 24th of March
1791 for the sum of Eighty pounds ten Shillings.

Beverly Booth

Mark Jackson

James Booth

Windham
" "
Windham

June

Agreeable to an Order of the Worshippful Court of
Southampton November 1790. We the Subscribers have
set apart the Dowry of Martha Windham in the
Land & plantation ~~of~~ Eustace Windham Dec.
and also have Omitted to make partition of the remain-
ing Land - The Legates objecting a Division of the same
and further pray your Worships to make a Decree
to Sell the Land, as each proportion would not
Contain 15 Acres

Beverly Booth
Mark Justkins
James Booth

Windham's Heirs

vs

Windham's ac^t

Bill & ans^r

To Nov. 1790



Nov 1790

Inty decree

March 1791

Rept. ret. trans^{er}

Inty decree for
sale of of land &c

Nov. 1792 report returned

& final decree

To the worshipping court of ~~the~~ county in chancery
sitting. Humbly complaining shew unto your worshipps
your orators & oratrices John Windham, Patience
Philips, Reubin Windham, Mary Portis, Lally
Windham, Jesse Windham, Sam. Windham & Willis
Windham. That sometime or on about the day of
in the year of our Lord one thousand seven
hundred & eighty nine, a certain Heustis Windham
departed this life intestate, who was father to y.
orators & oratrices in this bill, leaving a bout 190 acres of
land. And y. orators & or. further shew unto your worshipps
that the intestate Heustis left his widow & relict
Martha Windham, who is entitled to her third
part in the said land. And your orators & oratrices further
suggest unto your worshipps that they have often applied
to the widow of the s. Heustis & requested her in a friendly
manner to take her thirds in the s. land, in order that
they might make sale of the residue & have the
money arising from such sale distributed among the
legatees according to their respective proportions.
But as it is may it please y. worshipps that the said
widow hath altogether refused to comply with this y.
orators & oratrices friendly request - alledging &
setting forth in speeches that she was incapable
of having the same done. In tender consideration
whereof, & for as much as your orators & oratrices
are in a disagreeable situation, & properly relievable
in a court of equity, where matters of this sort are
properly cognizable. To the end therefore that

The s^d Martha Windham may on her corporal oath
full true, & perfect answers make to all & singular
the allegations of this bill, as fully as if the same
were again set forth & interrogated, but particularly
whether she is not the widow & relict of Rowles
Windham? whether he was not at the time of his
death seized & possessed of the quantity of lands
as is herein mentioned? & whether she has not been
often applied to, to take her third or as in this bill is
inserted. And that y^e worship^{ful} may order
& decree the s^d widow her third in the s^d land,
& appoint persons to sell & dispose of the s^d land
for the best price that can be gotten, & the
money arising therefrom to be equally distributed
among the complainants in this bill, is the prayer
of y^e orators & advisers — & they will ever pray
May it please y^e Court —

Prer. Dees for the Plaintiff

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The answer of Martha Windham to the bill of
complaint of the Legatees of ~~the~~ legal representatives
of Rowles Windham dec. exhibited against her, ~~answers~~
~~says~~, This defendant now & at all times hereafter
saying & reserving to herself all & all manner of
benefit & advantage to the manifold uncertainties,
imperfections, & insufficiencies ⁱⁿ the complainants
said bill of complaint, for answer thereto or unto
as much thereof as is material for ~~her~~ ^{her} to make
answers, ans^r. & says That true it is that
she is widow & relict of Rowles Windham dec.
& that he was at the time of his death seized
& possessed of ^{an} considerable estate in lands
to the amount of a bout 190 acres as she has
been informed. This respondent denies all combinations
or that she ever objected to have her third in the s^d
land allotted her; but was ever desirous the same
should be done. And that there is any other matter
or thing material for her to make ans^r. unto & not
herein & hereby sufficiently answered, traversed, or
denied, she is ignorant of; & prays to be henceforth
dismissed with her ^{reasonable} cost in this behalf sustained —

Prer. Dees for the ^{defendant} Plaintiff

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