

1815-20

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WOODARDS

VS. WOODARDS etal

11/1815

see also: Milliken v. Woodards, 1815-15
etc

Other SURNAMES: Millikin,
Millican

Woodard

Bill &

Amos

Woodard

March 1873

Ent. & Record

To the worshipful Court of Southampton in Chancery
sitting - Humbly complaining sheweth unto your worshipful
your nature ~~Elizabeth~~ the Woodard widow and relict of
William Woodard dead. That by a decree this day
pronounced by this worshipful ^{Court} in a friendly suit in
Chancery wherein James Millikin ^{is} complainant and
your nature and the heirs of Wm Woodard dead
are defendants it is among other things decreed
and ordered that the said James Millikin should
convey an estate in fee simple to Sally Charles, Dan
William, John, Elizabeth and Amy Woodard infant
children and heirs of Wm Woodard dead in a certain
tract of land lying in this County containing
ares whereof the said Wm Woodard in his
lifetime was put into possession ~~in his lifetime~~
reserving to your complainant her dower right
in said tract of land, and also subjecting the
said land to an equitable lien which the said
Millikin had therein for the sum of \$62.75 that
being the balance due from the said Wm Woodard
in his lifetime to the said Millikin as the difference
in the exchange of tracts of land. your nature
begs leave to state that the tract of land in question
is not worth to each of the heirs of the said Wm Woodard
and whose names are above stated one hundred
dollars provided it be divided in kind, and as
that therefore to effect a decision a sale should
be had under the act of the General Assembly
in such cases made and provided, and more
especially as the same is subjected to the payment
of the \$62.75 so as aforesaid and due to the said
James Millikin. your complainant says that

she has no objection to the sale of the land
mentioned & is allowed a reasonable sum
out of the proceeds of the sale in law of her share
in the land - In tender consideration whereof
and in as much as your ~~petition~~ ^{petition} is
without remedy, she is a court of equity
where matters of this kind are properly cognizable
I pray that the said Sally, Charles, David, Mrs
John Elizabeth and Amy Wood and infant
children and heirs of the said Mrs Wood and
and the said James Mulliken may be
made defendants here and be compelled

to answer all and singular the allegations
herein contained fully and unequivocally and
I further pray that the aforesaid tract of
land may be sold on such credit as to this
Court shall seem right. That the claims of
the said Mulliken may be first paid, that
your oratory may then be decreed to receive
a reasonable proportion of the balance of
the amount of sale as paid for her share in
the same and that the balance may then
be equally divided among the infant heirs
and your oratory prays that your worship
would grant general relief ^{to} ~~the~~
Eliza ^{Wood and}
mark.

To the worshipful Court of York in Chancery sitting

The separate answer of James Mulliken to the
aforesaid bill. This respondent saving &
says that he has no objection that the prayer
of the complainants bill should be carried
into effect. That if it is decreed that the
sum of \$62.75 be paid to him he is
perfectly satisfied. This respondent having
answered prays the Court dismiss the
James Mulliken

To the worshipful Court of Chancery
sitting - The Joint and separate answers of
Sally Woodard, Charles Woodard, David Wood-
ard, William Woodard, John Woodard,
Elizabeth Woodard and Amy Woodard infant
children and heirs of Wm Woodard and to the
by John Rockwell — Their next friend

appointed by the Court to defend them in this behalf
to the bill of complaint exhibited against them
and James Mullikin by Elizabeth Woodard
widow of the said Wm Woodard -

These respondents now and at all times, saying
to be answered to the complainants bill or to
some of them as they are advised in ^{their} company
further to make answer unto say. That believe
the allegations therein contained are true
and they are willing that this Court should
make such decree as is prayed for by the
complainant. These respondents having
answered may the same be dismissed -

John Rockwell next friend
to Sally, Charles, David
Wm, John, Elizabeth and Amy
Woodard -

Woodard & Duff }
In Chy.
Woodard & Duff }

This cause being docketed came on this day for
comment of parties and report of the Court to be
heard on the bill and answers and arguments
of counsel whereupon and upon due considera-
tion thereof had the Court doth order and give its
and decree that the Cts. Rufus Williams,
John Moore and Rufus Devany to and two
do make sale of the tract of land conveyed
by James Mellickin to the heirs of Mrs
Woodard and due on a credit of 9 - months
giving reasonable notice of the time and
place of sale that from the proceeds of the
sale they take about payable to James
Mellickin further sum of \$62.75 that being
the sum due to said Mellickin and for
which he had an agreement here on said
land. That they take another bond with
security for the full without of the balance
of the amount of sale payable to the comfort
Elizabeth Woodard and live of her dower in said
land. That they divide the balance into
seven equal parts taking ^{separate} bonds with sufficient
security for each separate seventh part
payable to the guardian or guardians

of the infant defendants. Sally, Charles
David, William, John, Elizabeth and Amy
Mordant. and that they ^{make} a good and
sufficient deed of conveyance and wife
simple to the purchaser of purchase of
said tract of land. and finally that
they make a report to the Court in order
to a final decree.

Woodard }
" } Ant. J. Deane
Woodard W. }

November 24th 1845 Repd.
Returned and Decree
Final

Ente

Southampton March fourth 1815

Elizabeth Woodard widow and relict of William
Woodard

Complainant

against

Charles Woodard, David Woodard, William Woodard,
Sally Woodard, John Woodard, Elizabeth Woodard,
Amy Woodard infant children and heirs of Wm
Woodard dec'd. by John Rochelle their next friends
appointed by the court to defend them in this behalf
(Defendants)

In Chancery

This cause being docketed came on this day by consent of parties and
assent of the court to be heard on the bill and answer and arguments
of counsel whereupon and upon due consideration thereof had the court
doth adjudge order and decree that Jeremiah J. R. Richard C. Williams,
John Moor and Benjamin Devany or any two of them do make sale
of the tract of land conveyed by James Millikin to the heirs of
William Woodard dec'd. on a credit of nine months giving reasonable notice

of the time and place of sale that from the proceeds of the sale they
take a bond payable to James Millikin for the sum of Eighty two
dollars and twenty five cents that being the sum due to said Millikin
and for which he had an equitable lien on said land. That they take
another bond with security for the one sixth part of the balance of
the amount of sales payable to the complainant Elizabeth Woodard
in lieu of her dower in said land. That they divide the balance
into seven equal parts taking separate bonds with approved security
for each separate seventh part payable to the guardians or guardians
of the infant defendants, Sally, Charles, David, William, John
Elizabeth and Amy Woodard. and that they make a good and
sufficient deed of conveyance in fee simple to the purchaser or
purchasers of said tract of land. and finally that they make
a report to this court in order to a final decree—

Teste J. Rochelle Clk.

Pursuant to a decree of the Worshipful Court of South
ampton, ^{which is hereto annexed} bearing date March Court 1815, to us directed
we have (after first legally advertising the same) exposed
~~the same~~ the land in said decree mentioned to public
sale, on a credit of nine months, agreeably to said
decree, which said land was purchased by Noel Waddell
of this County, for the sum of Seven Hundred and ten
dollars, and four cents, and the said Waddell having
executed his Bonds for the same to wit: one bond to James
Mellican, for ~~sixty~~ two dollars & seventy five Cents, one
bond to the widow Elizabeth Woodard for one hundred and
seven dollars ^{Eighty} ~~Eighty~~ cents, one bond to Sally, Charles, David
William, John, Elizabeth and Amy Woodard, each for
Seventy seven dollars & six Cents, payable to John
Rockelle their Guardian & next-friend, we have conveyed
by deed, in fee simple, the said land to the said Waddell
agreeable to the said Decree, and we have paid to James
Mellican his bond, and Elizabeth Woodard, her said bond
and to John Rockelle, Guardian as to Sally, Charles, David
William John, Elizabeth, and Amy Woodard, their bonds
after deducting therefrom five ^{per} Cent, for our commissions
Given under our hands and seals this 20th day of
Apr. 1815.

Teste -
Rich. C. Williams
John Moore
By: D. W. W. W.