1779-018 Chancery Causes; James Miller, bry & c. vs John Hodges & ux

Isle of Wight County

other SURNames: Valines

And are willing & desirous that the Dower of the said Mary Hodges may be set apart as this worshipfull Court may direct being sindenyfyed therein — And these Defendts deny all unlawfull Combination or Confederacy in the Bill charged. and say that there is any other Matter or Thing material or necessary for these Defendts to make Answer unto & not herein or hereby well & sufficiently answered, confessed or avoided traversed or denyed is true all which they

Miller & Ux
v.
Hodges Exr. } Bill & Answr.

Decemr. 1770
Int. Dunn —
March 1779
Report rel. & Decree accord. &c —

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is said fathers Estate which descended to him as aforesaid would have been from time to time rented out & improved for your Orators best Advantage as the same ought in Equity to be — But now so it is may it please your Worships the said Hodges & Mary his wife your Orator said Mother combineing & confederateing to & with divers Persons at present unknown to your Orator. whose Names when discovered your Orator may may be inserted herein with apt Words to charge them as Defendts) in Order to defraud & defeat your Orator in the Premises by possessing & occupying the whole of the Estate descended as aforesaid to your Orator all which Actings & doings of the said Defendts & his Confederates are contrary to Equity & good Conscience — In tender Consideration whereof & for as much as your Orator is remediless in the Premises without the Aid & Assistance of this worshipfull Court where Matters of this Kind are properly cognizable — To the End therefore that the said John Hodges & his Confederates may full & perfect Answer make to all & singular the Premises as fully as if the same were herein again repeated & particularly interrogated — And to the End that the Dower of the said Mary Hodges your Orators said Mother may by decree of this Worships full Court be set apart for her agreable to the Law in this Case made & provided. And that the Reviow of the aforesaid Lands may be made out for the Benefit of your Orator

May it please your Worships to grant &c —

The Answer

These Defendts now & at all times hereafter saveing & reserveing to themselves all Manner of Benefit & Advantage of Exception to the Errors in the Complts Bill contained for Answer thereto or to so much thereof as these Defendts conceive to be material for them to make Answer unto — They answer & say — They do admit that John Miller in the Bill named was during Life & at the time of his Death siezed & possessed of a certain Tract or Parcel of Land pertaining & lying & being in the County of Bucks & State — And that the said John Miller died intestate whereby the Lands therein mentioned descended to the Complaint James Miller as Heir at Law. And these Defendts further answering say That Mary Miller Relict of the said John Miller & Mother to the Complaint James Miller entered and possessed the whole of the Lands so descending & intermarryed with the said John Hodges who now together with his wife Mary Hodges formerly Mary Miller now occupies & enjoys the whole of the Premises as mentioned in the Complaints Bill —

To the worshipfull Court of Isle of Wight County in Chancery sitting— Humbly complaining sheweth unto your Worships your Orator James Miller an Infant under the Age of twenty one Years by Thomistead Valins his Guardian That your Orators Father John Miller was in his life time & at the time of his Death seised in fee of a certain tract or Parcel of Land scituate lying & being in the County of Isle of Wight & being so seised of and in such real Estate on or about the fifteenth Day of September in the Year of our Lord one thousand seven hundred & sixty nine departed this Life intestate leaveing Mary Miller his Widow & Relict your Orators Mother— Your Orator sheweth that on the Death of his said Father the Lands whereof he died seised as aforesaid descended to your Orator as Heir at Law subject only to the right of Dower of the said Mary Miller your Orators said Mother in & to the same during her Life— And your Orator further sheweth that on the Death of his said Father the said Mary Miller your Orators Mother entered & possessed herself of all & singular the said real Estate of your Orators said Father. And hath since intermarryed with a certain John Hodges who together with the said Miller now Mary Hodges have occupyed & still occupy the whole real Estate before mentioned Your Orator well hopes that that

We the Subscribers hereunto Sworn pursuant to an Order of
Isle of Wight County Court, have allotted and
assigned unto the Dower of Mary (now Wife of John
Hodges) in the Lands where of John Miller her
former Husband died seized & possessed and have
distinguished the same by a line running as follows
to wit beginning at a Peach Tree ~~Corner~~ the Tree along
a row of Apple Trees to a Post a Corner near the
House thence Southwardly along a line of

marked Trees to the Main Road allotting the
said Houses [redacted] lying North
& West of those Lines to the Widow, and the
residue to the Heir of the said John Miller
as Witness our Hands this 5th Day of March
1779

Rich.d Harby

Sam.l Willson