

1831-015 Chancery Causes: Andrew B. Woodley vs Willis H. Woodley, executor of Andrew Woodley
Isle of Wight County v al

Woodley
" 3 Bice
Woodley &c

to be filed in
clerk's office
Court 1831—

January 1831 Millie H.
Woodley appointed Guardian
ad litem to the infant defendants.

February 1831 answer of the
infant defendants & the answer
of Millie H. Woodley exor. of
and vice Woodley dec. & the ans.
of Mrs B. Woodley filed.

June 7th 1831 Interrogatory
were answered & the
verdict

Upham on

sufficient to convey the tract of land called
Four Square according to the contract, as
will appear by the said paper which is hereto
annexed ~~and~~ marked A and may also be
considered a part of this bill, but the same
is ~~attested~~ by only one witness and the
said Andrew Woolly has expended the
life without making such conveyance as by
law is required to give title to real estate,
upon the death of said now orator took
possession of the said farm called "Four
Square" and is in the peaceful and
uninterrupted occupancy thereof, yet
he is without such title papers as are
necessary to quiet his title. Now orator
by the contract intended to be
made to his said father for the aforesaid
land called "Little Neck" but it was either
wholly omitted, or if not omitted the deed
has been lost and not recorded. By a decree
of the Superior Court of Chancery the lands of
said Andrew Woolly have been divided,
and in such division, Little Neck was
allotted to Thomas Woolly an infant son
of said Andrew Woolly, the parties before
the Court all as well as now respondent,
believe the said to have been duly executed
It is only within a short time, that the said
has been discovered now orator having in
every respect except in making a conveyance,
complied strictly with the contract with his

late father and having greatly improved the same
is desirous of getting an absolute deed and quiet
title but in consequence of the infancy of
the said Thomas Woolly ~~and~~ to whom
the said Little Neck has been allotted & the
death of Andrew Woolly without power
that his executor should give a deed
orator is without remedy except by the aid
of this Court. He begs leave to say that
himself and Miles H. Woolly are the ex-
-tors of said Andrew Woolly, who devised
his real estate to his children Mr. John Egerton
Thomas, and Mary Ann Woolly, who except
now are under the age of twenty one years
and he prays that the said Mr. H. Woolly
and the said children may be made
defendants to this bill, & he prays that
the allegations therein and that now honor
will deem a conveyance by the proper
persons to him of the said farm intended
to be conveyed, that on will direct to
whom he shall make a deed for "Little
Neck" and that on will make any
other or few the decree in the premises,
which may comport with equity, good
conscience and as in duty bound he
will pray.

A. Atkinson
Attor for plff -

To the Honorable ~~Supreme Court of the State of~~
Court of Chancery for the ~~County of Williams~~
~~County~~ - humbly complaining, Sheweth unto
your honor your orator Andrew Woolly
of the County of said of right and State of
Virginia - that some time past to wit
the year of our Lord one thousand eight
hundred and twenty eight a contract was
entered into between himself and one Andrew
Woolly (your orator's father) for an exchange
in lands lying in the County aforesaid -
By the said agreement your orator was to
convey to the said Andrew Woolly his
plantation called "Little Neck" and to pay
to said Andrew Woolly the sum of three
thousand dollars upon his execution
orator said for his (the said Andrew Woolly's)
plantation called "Four Square" - that
by the agreement each party was to keep
possession of his own land until the death
of said Andrew Woolly, all the said sum
to be paid immediately - your orator
procured to pay the said sum of three
thousand dollars to his aforesaid father,
in consideration of the mutual confidence
existing between them, the subject of the con-
tract was not attended to as it should
have been, and no sums such as by law
are required to convey real estate have been
executed - On the 16th of Decr. 1828 Andrew
Woolly aforesaid signed a paper intending to be

Wooley

in 2 volumes of
Mr. M. M. M.

Wooley

testator must admit that a deed
ought to be made to the plain-
-tiff and that he ought to convey
"Little Creek" to said Thomas Wood-
-ley - and having answered
he prays hence to be dismissed
do -

(Signed) M. B. Woodley Exor of
Audie Woodley dec'd

County of Ill of Wright to wit;

This day appeared before the
undersigned justice for said County
M. B. Woodley who made oath that
so far as depends on his knowledge
the ~~foregoing~~ foregoing answer is true
and so far as depends on the know-
-ledge of others he believes it to be
true - given under my hand this
31st day of January 1891 -

Chas. H. Hume P (Jp)

The separate answer of M. B. Woodley to the
bill of complaint exhibited in the Co.
County of Ill of Wright in him and then by
answer Woodley. This respondent admits
the right of the plaintiff to the tract
of land called Four Square which
it was intended by his dec'd father
should be conveyed to the plaintiff
and is satisfied that a title ought to
be made. This respondent cannot deny
the truth of the allegations in the
bill and disclaims any right or
title to the premises in
question - Having answered he
prays hence to be dismissed

(M. B. Woodley)
County of Ill of W. to wit; This
day came before the undersigned a
justice for said County, M. B. Woodley
who made oath that the forego-
-ing answer is true so far as depends
on his knowledge; that so far as
depends on the knowledge of others
he believes it to be true - given under
my hand this 3 day of January 1891 -

Chas. H. Hume P (Jp)

The separate answer of W. B. Woolley on
of the executor of Andrew Woolley said -
to the bill of complaint in the County
Court of Ill. of Wright exhibited against him
and others by Andrew B. Woolley -
This defendant admits himself to be an
executor of Andrew Woolley deceased
who died in the County of Ill. of Wright in
the year 1829. That the said testator in his
lifetime contracted with the complainant
for exchange of lands to wit, the said
plff. was to give his farm called "Little
Neck" and \$3000 for the farm on which
the testator then resided - each to hold
half of his respective farm till the
death of Andrew Woolley - that the said
Andrew has since as aforesaid, having
signed a deed for the said farm called
Four Square intending to convey it to
the complainant but the same was
attested by only one witness to wit, John
reynolds - It is true that the complain-
-ant has taken possession of the land on
plantation aforesaid and greatly improv-
-ed it, and that in the division of
the lands of the testator the farm called
"Little Neck" has been allotted to Thomas
Woolley as charged in the bill & this
respondent knows the intention of his

Handwritten text in a cursive script, likely a signature or a short note, written in dark ink on aged paper.

To the County Court of Ad of Wright in
Chancery sitting; The answer of John Wood-
-ley, Thomas Woodley, Elizabeth Woodley
and Mary Ann Woodley infants of tender
years by W^m H Woodley who by the Court
has been appointed guardian ad litem
to the infant defendants -

That respondents say if be for answer
say they are of tender years, & unable to
take care of their rights which they
submit to the protection of the Court -
The said ~~Thomas~~ "Little Nick" alluded to
in the bill of the complainant, has been
allotted to Thomas one of the defend-
-ants under a decree of the Superior
Court of Chancery for the district of
Mr Burgess and they may have to be
dismissed &c - (signed, W^m H Woodley Guard.

ad litem to Mr. Woodley, Thos.
Woodley, Elizabeth Woodley
& Mary Ann Woodley -

Decr 29th 1830 - I acknowledge the service of the within
spa -

Wm B. Woodley Esq.

Ans: Woodley au^d

Decr 29th 1830 - I acknowledge the service of the
within spa^d

Wm B. Woodley

Woodley

2 1/2 Spa: in Lohr:

Woodley Esq: to

Ack: in wa p. 9.

Wm B. Woodley

Not an error

The Commonwealth of Virginia to the Sheriff of Solis Night
county Greeting; we command you to summon Willis H.
Woodley executor of Andrew Woodley decd: William B Woodley,
John Woodley, Elizabeth Woodley, Mary Ann Woodley and Thomas
Woodley to appear before the Justices of our said county
court at the court house on the first Monday in January
next, to answer a bill in chancery exhibited against
them by Andrew B. Woodley, and unless they shall answer
the bill in four months, the bill will be taken for confessed
and the court will decree the matter thereof accordingly;
and this they shall in no wise omit under the penalty
of \$100 each and have then there this writ: Witness
Nathaniel Young Clerk of our said court at the court house
the 24th day of December 1830 in the 53th year of the
Commonwealth.

Nathl^l Young
#

by good and sufficient deed in law,
 the tract of land sensually called
 Town Square in the City of New York,
 which is apparent by exhibit A,
 known as Woodly & Co. the testator of
 said Mr. B. Woodly and ancestor
 of the infant and other defendants
 intended to convey to the plaintiff
 and Mrs. B. Woodly, the house and
 which are particularly described
 mentioned in said exhibit, in fee
 simple, without warranty. And the
 Court doth further advise, seen &
 over that William B. Woodly one of
 the defendants do also unite with
 the said Co. in the said deed & release
 to said plff: all interest which he
 the said Wm. B. Woodly hath in
 the said land in the exhibit A
 mentioned or alluded to.
 And that the costs be mutually
 borne by the parties.

Woodly
 & Co.
 Woodly & Co.

copy of this decree &
 copy of the exhibit A
 filed in this case, to
 be prepared by the
 Mr. R. A. Thomas &
 Co. to Mr. B. Woodly

Andrew B. Woolly . . . couple

Miller B. Woolly exor. of Andrew Woolly,
Wm. B. Woolly, Thomas Woolly, Mary
Woolly, John Woolly, and Elizabeth
Woolly ~~the~~ depts.

This cause came on to be heard on the
bill of the couple, the answer of the
defendant Mr. B. Woolly exor. of Andrew
Woolly, and the answer of the infant
defendants by their guardian and
liter Mr. B. Woolly, and the exhibits
filed, and was argued by counsel
on consideration whereof the Court
both adjudge, order and decree that
the complainant Andrew B. Woolly
convey to the infant defendants
Thos. Woolly by good and sufficient
deed in law, the tract of land with
the appurtenances, in the County of
Shelby might equally succeed Little Rock
Shelby the land situate in the bill to have
been exchanged with Andrew Woolly
and which has been allotted to the
said Thomas in a division of the real
estate of said Andrew Woolly deceased
in fee simple, with a general warranty,
and the Court doth furthermore
adjudge, order and decree that ~~the~~
Miller B. Woolly exor. of Andrew
Woolly and as a Co. on the part
of the infant defendants, do convey
to the plaintiff Andrew Woolly

humbly resigning and saving to himself the use and
occupancy and possession during his life free
of rent to the said land hereby conveyed to the
said Andrew B. Woody. And the said Andrew
Woody for himself and his heirs, the said land
with the premises and appurtenances thereto
belonging unto the said Andrew B. Woody,
his heirs and assigns, free from the claim of him
the said Andrew Woody and his heirs and of
all and every person or persons whatsoever
with and with warrant and force or law by
then present (reserving as aforesaid the use of
the said land during the life of the said
Andrew Woody. In Witness whereof the said
Andrew Woody hath hereunto set his hand
and seal this day of December aforesaid to wit
the sixteenth day of December in the
year eighteen hundred and twenty eight -
signed, sealed &c.

In presence of

W. A. Woody

Andrew Woody

Andrew Woody
to 3/4 and

Andrew Woody

May 7th 1831 exhibited

A.

the plantation belonging to him the said
Andrew B. Woodly in the said County
and usually designated and known
by the name of "Little Creek" containing
by estimation seven hundred and fifty
acres, be the same more or less and
the boundaries whereof may be more
correctly ascertained by reference to a
deed of gift and a deed of bargain
sale in and of Right Club, office from
the said Andrew Woodly to the said
Andrew B. Woodly, but the purpose
of which said "Little Creek" is to remain
in the said Andrew B. Woodly his heirs
and assigns the life of the said Andrew
Woodly. Now this indenture made and
entered into this sixteenth day of December
in the year of our Lord, eighteen hundred
and twenty eight, between the said Andrew
Woodly of the County of Bell of Right, of
the one part, and the of said Andrew
B. Woodly of the same County of Bell of
the other part all of the State of Virginia,
Witnesseth that the said Andrew Woodly
for and in consideration of the premises
and agreement herein upon mentioned
as well as for the further consideration
of him the said Andrew B. Woodly
having already paid and satisfied to
him the said Andrew Woodly the
of said sum of three thousand
dollars which it was agreed should
be paid upon the execution & delivery of
his deed, the receipt of which said sum
of three thousand dollars is hereby
acknowledged by the said Andrew
Woodly hath granted, bargained, sold
and conveyed, and doth by these presents
grant, bargain, assign, sell and convey
unto him the said Andrew B.
Woodly his heirs, executors, administrators

and assigns, the lands and plantation herein before
named on which the said Andrew Woodly now
resides containing by estimation one thousand acres,
be the same more or less and bounded as follows to wit
Beginning at a white oak at the head of a small cove
or sink, thence the old Cooper shop on the left fork
of the mill pond, thence in a straight line to a
small walnut tree near to the corner of the fence
leading from the old mill, thence as the fence
road now run to the Smithfield road opposite
the avenue to John Applusharts house, thence up
the said road towards the dwelling house to a
lane of ditches running from the said road in a
southwardly direction to the head of a swamp or
applusharts line; thence down the said swamp to
Jonathan Woods line; thence up another swamp
towards the house of the said wood to the old four
square line. thence west along a line of maple
trees to a corner tree on the land of Robert Jeth
and Isaac Dewar; thence along a line of maple
trees of the said four square tract north to
a corner tree on Milner Crocker land, and
near the house usually occupied by Henry
Turner Senior as a tenant of the said Woodly
thence east along a line of maple trees to the
head of a swamp near the dwelling house on
the land belonging to the heirs of the said Crocker
thence down the said swamp to the main fork
of the said old mill pond, thence down the
said pond to the left fork, and thence up to
the beginning saving however to the said
Andrew Woodly and his heirs the full simple
title to the parcel yard of one acre of ground
on said plantation to be kept as a general bury-
ing ground for the Woodly family together
with all and singular the houses, outhouses, lands,
tenements, advantages and appurtenances con-
sistent to the said land belonging or appertaining
or with the same used and enjoyed, or accepted,
puted, taken or known as part parcel or member
thereof, or as belonging to the same or any part
thereof, and the possession, enjoyment, remains
and remainder, rents, issues and profits thereof
and of every part and parcel thereof. To have
and to hold the said tract of land, with the
tenements, hereditaments, and all and
singular other the premises herein upon mentioned
or intended to be bargained and sold, and every
part and parcel thereof, with every of their
rights, members and appurtenances unto the
said Andrew B. Woodly his heirs and
assigns forever; the said Andrew Woodly

Whereas Andrew Woolly Senior and
Andrew B. Woolly both of the County
of Miss. Right, have entered into a contract
or agreement to the effect following that
is to say; The said Andrew Woolly Senior
agrees to convey and sell unto the said
Andrew B. Woolly his heirs and assigns
the plantation wherein the said Andrew
Woolly now resides, in the said County
usually called and known by the name
of Tom Square — — —
containing by estimation one thousand
acres, bounded as herein will be afterwards
particularly described and mentioned, the
title to vest immediately in the said
Andrew B. Woolly and his heirs &
assigns forever, but the said Andrew
Woolly reserves to himself and it is
particularly understood and agreed
upon, that the said Andrew Woolly
is to have and remain in quiet
and peaceable possession of the said
land during his natural life, & to
take the profits thereof to his own use,
but the said Andrew B. Woolly is
notwithstanding the possession is to be
kept by the said Andrew Woolly as
aforesaid authorized to enter the premises
at any time for the purposes of making
improvements on the said plantation
building houses &c. — which said agreement
sole and conveyance is in consideration
that the said Andrew B. Woolly shall
immediately upon the execution of
this deed, satisfy and pay to him the
said Andrew Woolly the sum of
Three thousand dollars, and shall also
upon the execution of this deed, convey by
a good and sufficient deed of bargain
and sale to him the said Andrew Woolly

Andrew B. Woolley - - - left:

ⁱⁿ
Wm. B. Woolley, exor. of Andrew Woolley,
Wm. B. Woolley, John Woolley, Elizabeth Wood-
-ley, Mary Ann Woolley & the Woolley
kin and assigns of Andrew Woolley exors -
On motion of the complt., William B. Woolley
is appointed guardian ad litem to the
infant defendants -

Woody

73

Woody -

over to be

enter Long St.

1831 in Cont

B.