

1828-034

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

MILLIKIN et al

VS. CALVERT & WILLIAMS,  
Adm<sup>r</sup> of MILLIKIN 3/1828

Millikin & Thorne  
vs

Calvert & Williams

Friendly bill an.  
never & decree -

1828 March decreed as for decree filed  
Cp<sup>d</sup>

To the honorable the County Court of Southamp-  
ton in chambers sitting

Humblly complaining shew unto your worships  
your oratrix Martha A. Mellikin, and your  
oratrixes, Mary, Sarah J. & Martha  
by your oratrix Martha A. their next friend,  
that your oratrix Martha A. is the widow  
of James Mellikin deceased, and your oratrix  
es, Mary Sarah J. & Martha  
are his children an only <sup>heirs &</sup> distributees, that  
the said James Mellikin departed this life  
in the year 1827 intestate that previous  
to his death he purchased of Samuel Calvert,  
a small tract of land in the county of South-  
ampton for the sum of £200

that the said James Mellikin was put into  
possession of the said tract or parcel of land  
containing forty six <sup>a half</sup> acres and used and en-  
joyed the same, but no conveyance was  
executed for the same during his life time,  
nor is there any memorandum in writing  
touching the said agreement; that your  
oratrixes believe that the said Samuel Cal-  
vert was at all times ready and willing  
to execute or did for the said land, conveying  
a good sufficient and absolute title in fee

simple, and they are aware that the said James  
Mellikin always intended to execute his part  
of the contract, but owing to some indisposition  
it was not completed before his death - Your  
matrices believe from the peculiar situation  
& locality of this property it would be to their  
advantage to to have the agreement enforced,  
& they understand the said Samuel Calvert  
is perfectly willing to execute the contract on  
his part, your matrices further state  
that Henry & Williams has qualified as  
adverser of the said James Mellikin, to whom  
they have applied to pay the purchase money  
& procure a title, who has expressed his  
willingness to do so, provided it is within  
the sphere of his duties as adverser -

Your matrices are informed, that where  
for lands has been partially executed by  
delivery of possession, the court of equity will  
decree specific performance & direct deeds  
to be executed &c. to the end therefore that re-  
lief may be had touching the premises, your  
matrices pray that the said Samuel Calvert  
& Henry & Williams adverser of James Mellikin  
be made defendants herein with apt & proper  
words to charge them & that they answer the pu-  
rposes, and that your worship may decree  
a specific performance of the said contract.

that the said Henry & Williams pay the amount  
of the purchase money to the said Samuel  
Calvert, who thereupon may be decreed to execute  
a good and sufficient deed with general con-  
senty & proper matrices Mary Sarah I & Martha  
reserving a right of dower to your matrix Martha

A conveying an absolute and unencumbered  
title in fee simple to the said tract or parcel  
of land, and that your worship grant such  
other & further relief touching the premises,  
as to your worship may seem equitable &  
right & your worship that the costs & charges  
of this cause may issue &c. & your matrix  
will ever pray -

Per the f

The separate answer of Samuel Calvert to  
a bill of complaint exhibited in this court  
by Martha A Mellikin & others  
against this defendant & Henry & Williams  
adverser of James Mellikin deceased

That defendant admits the allegations of the  
bill & upon the purchase money being paid  
or received, is willing to execute a good and  
sufficient title to the said tract of land, accord-  
ing to the prayer of the bill. That defendant further  
states that the said James Mellikin agreed to pay him  
for the said tract of land \$200 which he is now wil-  
ling to receive without interest & having answered money to  
be here disbursed with her costs &c

Samuel Calvert

The separate answer of Henry S. Williams a doctor  
of James Miller deceased to a bill of com-  
plaint exhibited in this court by  
Morton A. Miller and others against James  
Miller and the defendant.

This defendant answering, states that he  
denies that the allegation on this bill touch-  
ing the contract between James Mulliken &  
the defendant Samuel Calvert to be true, &  
that no part of the purchase money was paid  
by the said Mulliken during his life time as this  
defendant believes; that the said <sup>who was to give the sum of \$900 for it</sup> Mulliken was  
in possession and use of the said land at the  
time of his death, & that believing it will be  
to the interest of the plaintiffs that the same  
should be executed, he is willing to pay the  
amount of the purchase money in order  
that the bill may be made good, if this  
Court shall so order & direct & prays to  
be hence dismissed Henry L. Willson

- Mullikin & others

22

Calvert & Williams

This cause came on this day to be heard by con-  
sent of parties, <sup>upon the bill and answer</sup> and was only once argued by counsel  
before the court about edge and  
deed and decree, that the defendant Williams pay to the  
plaintiff the sum of \$200  
that appearing to be the amount due the said plaintiff  
for a tract of land containing  $46\frac{1}{2}$  acres sold by  
the said plaintiff to the said Williams in his life

come, & that upon the same being found or  
 satisfactorily secured to the said Calvert,  
 that the contract aforesaid be specifically  
 performed, and that the said Calvert  
 convey by good and sufficient deed and  
 assurance, to the Plaintiffs Mary, Sarah  
 I and Martha  
 conveying together of course, thereunto the  
 Plaintiff Martha I a full & prompt  
 & simple title to the said tract of land, and  
 that James Rochelle be appointed com-  
 missioner, to receive the said deed and  
 see that the same be duly & properly  
 executed, & that he shall report to this Court  
 an order to a final decree.