

Deed, DE, Sussex, **BETTY MILLER & RICHARD Hays 1791**

Deed of sale **RICHARD HAYS** from **BETTY MILLER**

TO ALL TO WHOM THESE PRESENTS SHALL COME, **BETTY MILLER**, of the county of Sussex in the Delaware State, spinster, send this greeting.

WHEREAS **JOHN MILLER** late of Sussex County aforesaid was, in his lifetime seized and possessed of and in a certain tract or parcel of land situated, lying, and being in ??? neck and Cedar Creek hundred and County aforesaid called and known by the name of TWILLEY's and being so there of seized and possessed afterward died leaving issue several children to whom the said tract or parcel of land descended according to law.

AND WHEREAS **ROBERT MILLER**, eldest son of the said preferred a petition to the orphans Court for the county aforesaid sitting fourth as is above set forth, and prayed the said Court to appoint five freeholders and view the said land and premises, and make partition thereof among the heirs and legal representatives of the said deceased if it would admit thereof by law.

WHEREUPON the premises were considered by the said court, and the five freeholders were appointed, for the purpose aforesaid, who upon their oath did report the said land and premises would not admit of partition and division amongst the heirs and legal representatives of the said injuring and spoiling the whole.

AND WHEREAS the said **ROBERT MILLER** on the 3rd day of April 1780 through a petition to the said Court praying that three freeholders might be appointed set an intrinsic value on the lands aforesaid pursuant to an act of the assembly in such case made and provided.

WHEREUPON the premises were considered by the court and three freeholders were appointed for the purposes after maturely considering the land and premises aforesaid did on the 28th day of July in the year aforesaid return that the said premises all and singular the appurtenances were worth thirty shillings per acre and no more, being the quantity of 154 acres amounting to the sum of £231.07.06.

WHEREUPON the land and premises aforesaid and appurtenances were by the consideration of the said Court adjudged to the said **ROBERT MILLER**, his heirs and assigns, to whom the right of ??? he complied with the directions of the act of the assembly in such case made and provided who being present in court accepted the same condition accordingly as by the records and proceedings of the orphans Court aforesaid May more fully and at large appear.

AND WHEREAS the said by indenture bearing the date the 9th day of March 1785 did grant, bargain, sell, enfeoff, and confirm unto thee above **ROBERT MILLER** parties are to a certain piece or parcel of Land, part of the aforesaid tract of land called TWILLEY's contained within the metes and bounds following to wit:

Being a Red Oak boulder of the whole track standing near **RACHAEL TURNER's** fence and thence with the line of the said tract S 60 degrees E 45 and in said line; thence through the old field S 30 degrees W 112 perches to a post standing in the line which divide the said tract from lands in possession of **BRANSTON [BRANSON] LOFTLAND**; thence with said old line is there with line N 62 degrees W 45½ perches to a Sassafras post; thence N 30 degrees E 112 perches to the first mentioned boulder or place of beginning.

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Containing and laid off for 32 acres of land with all and singular the premises hereditaments appurtenances on to the same belonging or in any wise appertaining.

TO HOLD to her the said **BETTY MILLER** her heirs and assigns forever as by the said indenture being thereto had play more fully appear at large appear.

AND WHEREAS the aforesaid **BETTY MILLER** by a certain bond of writing obligatory bearing date 4th day of February 1789 became bound on to a certain [**LYTTLETON**] **LITTLETON TOWNSEND** of the same county in ??? 5 lb of lawful money of the Delaware state to be paid to the said **LITTLETON TOWNSEND** his heirs, executors, administrators or assigns with the condition therein written that if the said **BETTY MILLER** her heirs, executors, administrators or any or either of them should at reasonable, [???] heirs, executors, administrators, or assigns execute a good and sufficient deed in the law, conveyance make over unto him the said **LITTLETON TOWNSEND** [???] or assigns the aforesaid thirty two acres of land with the appurtenances thereunto belonging, that [???] remain in full force and virtue, as by the [???] ...

AND WHEREAS [???] conveyance was made and executed [???] **LITTLETON TOWNSEND** his heirs and assigns [???] his last will and testament in writing bearing date the fifteenth day of February one thousand seven hundred and ninety one [???] bequeath unto his four children the whole of his estate real and personal to be equally divided among them and appointed **RICHARD HAYS** Esquire, party hereto, to be the executor of his last will and testament as by the said last will and testament remaining in the register's office for the county of four said maybe more fully and at large appear.

NOW KNOW YOU that the said **BETTY MILLER** for and in consideration of the sum of £23 of lawful money of the Delaware state to her in hand paid by the aforesaid **RICHARD HAYS** the receipt whereof he does hereby acknowledge and thereof doth acquit, release and forever discharge him the said **LITTLETON TOWNSEND** his heirs, executors, administrators, and assigns forever by these presents has granted, bargain, sold, confirmed and by these presents doth grant, bargain, sell and confirm unto him the said **RICHARD HAYS** his heirs, executor, and administrators all that the aforementioned and describe 32 acres of land with all and singular the premises, hereditaments and appurtenances hereby granted or in any wise appertaining and all the estate, right, title, interest, and property which the **JOHN MILLER** at the time of his death or the said **ROBERT MILLER** at any time heretofore had all of in and unto the same or any part or parcel thereof.

To have and to hold the aforesaid land and premises with the appurtenances hereby granted or mentioned or intended to be to him the said **RICHARD HAYS** his heirs, executors, and administrators.

In trust for the only proper use benefit and behoof of **ELIZABETH TOWNSEND, WILLIAM TOWNSEND, LITTLETON TOWNSEND,** and **COMFORT TOWNSEND,** heirs of the aforesaid **LITTLETON TOWNSEND,** deceased, and for no other use, purpose or intent whatsoever.

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In witness whereof the said **BETTY MILLER** doth hereunto her hand and seal the 25th day of October 1791.

BETTY MILLER {seal}

Sealed and delivered in the presence of

WILSON W. HARRISON

The above named **BETTY MILLER** do hereby authorize and empower **PHILLIPS KOLLOCK, WILLIAM HARRISON** my true and lawful attorneys and attorney for them or either of them to appear for me and my name and place and stead to appear at the next or some subsequent Court of Common Pleas to be hereafter for the county of four said to acknowledge the within mentioned lands and tenements to be the right and property of the within named heirs of the within named **LITTLETON TOWNSEND**.

In witness whereof I have hereunto set my hand and seal the day and date of the foregoing indenture

BETTY MILLER {seal}

Sealed and delivered in the presence of

WILSON W. HARRISON

Sussex County

Be it remembered that **WILLIAM HARRISON** came into the adjourned Court of Common Pleas at Georgetown on the 23rd day of November 1791 and proved the execution of the within deed in due form of law at which time and place came **PHILLIPS KOLLOCK**, Esquire and by virtue power and authority given him did acknowledge the within deed to the grantee there in mentioned with the lands in promises there in specified to be his land and property according to the purpose and effect thereof.

In testimony whereof I have caused the public seal of my office to be hereunto affixed.

NATHANIEL MITCHELL, prothonotary

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