

1779 - 001

Salem Wight County

Chancery Causes: Jeremiah Proctor vs Charles Fulgham 's epton

Other SURNAMES: Godwin,
Harper, Scott

administer on the Goods & Chattels of the said Ann? Whether your
 Oath did not apply both to Ann Fulgham and Brewer Godwin
 Executors of said Charles Fulgham died: in the said Ann's Lifetime
 and to the said Brewer Godwin since her decease for the payment of the
 said £56 then remaining balance of your Oath's part of said bond?
 And whether they the said Ann Fulgham and Brewer Godwin Executors
 and executor of Charles Fulgham died: did not Refuse to discharge
 the same? And your Oath prays your Worship may decree that said
 Brewer Godwin ^{Executor of said Charles Fulgham died:} shall pay unto your Oath the aforesaid sum of £56
 with lawful interest thereon, And ^{if further} that you all such other decree in
 the premises as to your worship shall seem agreeable to equity and
 good conscience

May it please your Worship to grant unto
 Your Oath his Majesty's most gracious Writ of Habeas Corpus

Proctor } Bill
 or }
 Fulgham } Clerk
 Abm

Proctor } Bill
 or }
 Fulgham's Exr } Clerk

1771
 Mar. Term 10
 Answer

June Term

Mar 1772 Term

July 1772

Cor 10

Mar 1773 Term

he was come to receive his part of the money but had not brought the Bond to which said Scott replied he could not pay the money with safety unless he had said bond, which ^{if} he brought he would have discharged ^{fully} by Sale of Effects which said Harper had left with him for that purpose; That your Orator being in want of his money, offered said Scott bond & security for any Sum he would pay him in part of his proportion of the money due upon said bond, which said Scott accepted and thereupon paid him £120; That some time after said Scott was suddenly killed; That by the negligence of the Executors aforesaid in not sending said bond to your Orator when & where required, he believes the money due thereon to be entirely lost, as said Scott's estate already proves insufficient to pay his Debts, and Harper who purchased said Sloop gone; That your Orator believes said bond remains in the possession of the Executors aforesaid undischarged, as they never gave your Orator notice of any application for the payment of the same; That said Ann Fulgham the Executrix of said Charles Fulgham deceased is since departed this Life, and that said Brewer Godwin the other Exor of said Fulgham's Will (whom your Orator prays may be made respondent to this Bill) has administered upon the goods & Chattels of the said Ann Fulgham deceased: Executrix, Widow & Adm^r of the said Charles Fulgham deceased: That your Orator has applied both to said Ann Fulgham & Brewer Godwin in ^{the} Life time of said Ann and to said Brewer Godwin as sole Executor of said Charles Fulgham deceased: and as Adm^r of Ann Fulgham deceased: since said Ann's decease, for the remaining balance of his equal share of the amount of the first mentioned bond, being £56;

BUT NOW SO IT IS MAY IT PLEASE YOUR WORSHIPS THAT THE SAID Brewer Godwin combining and confederating to and with divers persons at present unknown to your Orator, who when discovered he prays may be made parties to this Bill of Complaint with apt words to charge them, has absolutely refused to pay unto your Orator the said Sum of £56 the balance of his proportionable

part of said Bond; all which actings and doings are contrary to Justice and tend to the great injury of your Orator. In tender consideration whereof and inasmuch as your Orator is wronged in the premises by the strict rules of Law, ^{and} ^{ultimately} ~~but~~ only in a Court of Equity where matters of fact and this nature are properly cognizable. To the end therefore that the said Brewer Godwin may upon his corporal oath, full, true and perfect answer make to all and several the Allegations in the Bill set forth as fully and distinctly as if the same were here again repeated and interrogated and more especially set forth and discover; Whether the said Charles Fulgham died and your Orator was not partner and Owner of the Sloop called Molly; Whether the said Charles has not departed this Life, having made his last Will and Testament, wherein he appointed the said Ann Fulgham deceased his Widow and Executrix and Brewer Godwin his Executor and Executor; And whether they the said Ann and Brewer did not take upon themselves the burden and execution thereof; Whether by the agreement of the said Ann and said Brewer Executors of Charles Fulgham deceased, and your Orator said Sloop was ^{or was} not sold at publick Sale to said James Harper for £35 And whether he did not give his bond with said Richard Scott security for payment of the same on the first of October ^{next} ~~next~~ ens. after the money was due; your Orator did not write to them the Executors during their absence the bond that the money might be received as your Orator was then going to Norfolk; and whether they did not refuse to comply with that your Orator most reasonable request; Whether said Brewer Godwin does not know that your Orator applied to said Scott for security for the payment of his part of said Bond; and if he does not know that said Scott replied that he could not discharge it with safety unless your Orator had brought the bond, which if he had he would have paid the same as Harper had left off sufficient for that purpose; Whether your Orator was not obliged to give his bond for £120 being the Sum which Scott paid him in part of his proportion; Whether the first mentioned bond does not remain in possession of him the said Brewer Godwin undischarged, and if they the said Ann or the said Brewer Godwin did not give your Orator notice of any application for the payment of the said Bond; and if the same have been discharged; Whether the said Ann Fulgham Executrix of Charles Fulgham deceased; has not since departed this Life; and whether he the said Brewer Godwin did not

To the worshipfull Justices of Isle of Wight County
now sitting, in Chancery

Humbly complaining sheweth unto your
Worships, Your Orator Jurriah Doctor, that one Charles Fulgham
late of the aforesaid County died: and your Orator wife Anna
and Partner of a Sloop called, Molly, that some time in the
latter end of the Year of our Lord 1768 said Fulgham departed
this Life having first made his last Will and Testament in
writing, wherein he appointed Ann Fulgham his Widow &
Robert and Brewer Godwin his Executors & Executor, who by
Nature & Effect of said Will, took upon themselves the burden
and Execution thereof: that soon after said Fulgham's decease
his Executors & Exor^r and your Orator agreed that said Sloop
should be sold, and accordingly was sold at Norfolk at
publick Sale for £352 current money to one James Harper
who gave his bond with one Richard Scott Security payable to
Executors of said Fulgham died, and your Orator jointly, on the
first day of October then next ensuing; that in a short time
after the money became due, your Orator wrote to said Fulgham's
Executors (who had said bond in possession) informing them he was
going to Norfolk, and as the money was then on demand, desired
they would send him the bond that the money might be
received, he being in want of his part thereof; that said Exors
refused to comply with your Orator's most reasonable request by not
sending said bond, (which your Orator is well assured may be easily
proved) that notwithstanding their denial of said Bond, your Orator
went to Norfolk, applied to said Scott the Security (in whose hands
said Harper had left sufficient effects to discharge said bond) to whom

1. for

2.

} Chan:

Pham's Admon

June 1773

Sept 1773

Cont.

Oct 1773

Cont.

May 1774

Cont. & Remission

March 1774

Order by Mr. Death

March 1774

Lodgms &c

no 1

7th Dorman On Pet. Casal. for £2-15-

123 100/100 223 1/2 07/10 (10

V Nancemond 90 Daies)

8th Brewer Godwin Gent. Admors &c of Charles Fulgham decd v. Jeremiah
V Proctor Casal. for the 9th 1/2 & 27. 8/15/ or 1500 1/2 100 (To Blk County)

9th Betty Best v. Josiah Applewhaile Timothy & Lamb Simson On Pet. for
for £1-11/7 1/2 13 1/2 87/6

Year ~~James Dyer & David Dyer~~ Year
Writ Taxes to be directed to the care of the Treasurer

Year
54
54 54
4

Doctor } Sp
17 } in
} Chan

13 October 1770

Gravato
Vic. Barker Off

Nov. 1770

Time to consid
Bile

1771
Mar: time hanc

George the third by the grace of God of Great Britain
France and Ireland King Defender of the Faith &c. To
the Sheriff of Isle of Wight County Greeting We command
you to Summon Daniel Godwin to appear before the
Justices of our said County Court in Chancery at the
Court house on the first Thursday in November next to
answer a Bill in Chancery exhibited against him by
Journiah Proctor and this he shall in no wise omit
under the Penalty of £100. Witness our Right
Truster Clerk of our said Court at our Office the tenth
Day of October 1770 in the tenth year of our Reign

Rich: Parker