1787 - 003 Chancery Causes: Peter Cunningham + ux VS Charlotte Fulgham, by v c

Dstr of Wight County

other surnames: BENN

Cunningham Esqr

v. } Bill of

Fulgham &c } amendt

To the worshipful the justices of the peace of the county of Isle of Wight sitting in court.

Humbly complaining shew unto your worships, your orator & oratrix, Peter Cunningham & Louisa his wife, that Joseph Fulgham late of the said county departed this life having first made his last will & testament in writing which was duly proved & recorded in the records of this worshipful court, and amongst other things ~~made~~ the following devise, to wit, Item, I give my will and desire that the plantation that I purchased of Burwell and his trustees shall be rented out, and the money arising from the said plantation shall go to discharge a bond due to Samuel Wilson, after that bond is ~~discharged~~ discharged by the rents of said plantation, I dispose of it as followeth, I give and bequeath that said plantation that I purchased of Burwell & his trustees to my two youngest daughters Louisa Fulgham and Charlotte Fulgham, to them and their heirs for ever to be equally divided.— Your orator & orat further shew to your worships, that the said Louisa Fulgham, mentioned in the aforesaid devise, intermarried with your orator, & is now your orat & joint plaintiff in this suit.— But now so it is may it please your worships that your orator and orat are willing and desirous that partition & division should be made of the said land agreeable to the intention of the testator, but the said Charlotte Fulgham (whom ps. orator & orat prays may be made party & defend.t in this suit) being an Infant under the age of twenty one years, no division can be made as to effectually bind her without the interposition of a court of equity— To the End therefore the said defendant by Leo: Bonn Lent her guardian may true, and perfect answer make, to all and the allegations in this bill, as fully & particularly

particularly as if the same were herein again repeated and interrogated, and more especially [illegible] whether the said Joseph Fulgham did depart this life and make the decree aforesaid and what reasons or objections, if any she may have, to the said lands being divided in manner and form aforesaid. And by a decree of this worshipful court commissioners may be appointed, to make equal partition and division in the said land, that is to say one equal half part to your Orator & Oratrix, & the other to the said Charlotte. And may it please your worships to grant the commonwealths writ of subpena &c.

Thos. Wishart for Pl.

The answer of Charlotte Fulgham an Infant under the age of twenty one years, by Geo: Benn her guardian to the bill of complaint exhibited by Peter Cunningham & Louisa his wife

This defendant, answering by Geo: Benn her guardian, appointed by this worshipful court, to defend her in this suit doth say. - true it is that her father Joseph Fulgham the testator mention in the said bill did depart this life, having first made his last will and testament as in therein set forth, and that she has no reasons or objections to offer, why partition and division should not be made agreeable to the prayer of the said bill: but this defendant being an Infant under age hopes, that what ever right, title, property or interest she may have in the said land, & hath not insisted on will be protected & saved unto her by this worshipful court, without that &c &c

Geo Benn

Isle of Wight County

August Court 1787

Pltf

Peter Cunningham & Louisa his wife

against

Deft

Jonathan Allen infant Orphan of Joseph Bunn Gent. his Guardian

In Chancery

The day came the parties by their Attorneys who filed their Bill and Answer and being heard on the said Bill & Answer, On consideration thereof It is ordered that Nath.l Wall, Mills Wills, and Hezekiah Holliday or any two of them do make equal partition & division of the land devised by Joseph Bunn deceased between the Plaintiffs and the defendant agreeable to the prayer of the Bill, and make report thereof to the court in order

Copy Test Wm. Young D.C.C.

Cunninghamthp.

&c.

Trulyham Vth.

Spa in Chancy

Spa by comm.

August 1787
Inlmt. Decree
Novemr. 1787
Tept. Th. Peterson &c

Pymm Pym & Rs

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting; we command you that you Summon Charlotte Fulgham infant & Orphan of Joseph Fulgham dec'd [illegible] to appear before our Justices of our said county court in Chancery at the court house on the first Thursday in August next then and there to Answer a Bill in Chancery exhibited against them by Peter Cunningham & Louisa his wife and this they shall in no wise omit under the penalty of £100 — each and have then there this Writ. Witness Nathaniel Burwell clerk of our said court at the court house the 24th day of July 1787 in the 12th year of the Commonwealth

Franc: Young D.C.

To the Worshipful Court now Sitting at Bath The Petition of
Isaac Wilkinson of the County of Bath Planter Humbly Sheweth
That your Petitioner is Seized & Possessed of a Certain Tract
or Parcel of Land which Joseph Fulgham Left in his Last Will &
Testament to be Equally Divided between His two Daughters
Lovica, ~~Susannah~~ Fulgham & Charlotte Fulgham which said Land
is Divided as Followeth Peter Cunningham & Lovica his Wife
have Land beginning at a Marked Pine a Slate Corner North Twenty
Eight Degrees West to a Marked Oak at the Head of ~~Hollow~~
Branch & Down the said Branch to Jones Creek & up the
said Creek to a Gut And up the said Gut to a Marked Pine
& from the said Pine to the first Station ——————
Charlotte Fulgham Her Part Laying Down the said Creek to
the Eastward Given Under our Hands & Seal This 2 Day
November one Thousand Seven Hundred & Eighty Seven

Wills Wills

Ralph West