

1804-004 Chancery Causes: Joseph Fulgham vs Mallory Todd

Isle of Wight County

other SURnames: Sebrell

that part of the year after the said Mallery took
possession of the said Slave, which is a circumstance
that your Honor conceives to be very unjust.

In this consideration whereof, and for as
much as your Honor is immediately in the premises,
only in a Court of equity.

To the end therefore that the said Mallery
Teste, who your Complainant prays may be made
defendant to this Bill of Complaint, may upon
his corporal oath full true & perfect answer
make to all and singular the allegations in this
Bill contained, and that as fully & sufficiently
as if the same were again repeated & interrogated.

And that your Honor will injoin the said
defendant from further proceedings at Law, until
this matter is heard before this Court of equity,
and then make the same proceedings as to such
part thereof, as is reasonable & just from the time
the said Mallery took possession of the said Slave
and make any other or further order or decree
herein for your Honor's Justice, as may be equitable.

May it please the

Yours for Complaint

To the worshippful Court of Isle of Wight Town.
- By complaining sheweth to your Wtts your orator
Joseph Fulgham.

That on the day of
179 he hired for one year, a Negro Man Slave
of Matthew Todd, for which he was to give £
and gave him his bond for the same, That while
the said Slave was in your orators service, as
your orator was informed a certain
discharged a loaded Gun at him, and wounded
him in such a manner as rendered him incapa-
ble of service. ever after, This was done without
your orators knowledge or Consent. That
after this circumstance. he was on the day of

179 while the said Slave had only been
months of the year in your orators service, The
said Matthew sent for him and took him into
his own possession, nor was he ever again returned
to your orator. notwithstanding which the said
Matthew brought his suit in your orators bond &
has recovered the full amount thereof, without
having made any abatement or deduction for

Todd - 3
ad. {
Fulgham 1

wheeler which are hereto annexed, and prayed to be
taken as a part of his answer as well as the attendance
of his other servants. Upon this statement Mr. Orator
concludes that the 3^d Fulgham should not only
pay the full amount of the bond, but also all
the expenses incurred from attending to the 3^d
negro. He also states that of the 3^d Wound, the
3^d negro died. Mr. Orator then came to state
that the 3^d Fulgham was bound by contract
to find two suits of cloaths during the year for
which the 3^d negro was lived, for him, with
which he never complied. Mr. Orator lastly prays
to be hence dismissed with his costs in this
behalf most wrongfully sustained.

Mahony Todd appeared before me and made
oath that the statements contained in the
foregoing answer are true. Given under
my hand and seal this 5th day of April 1802

Gro Purdee

The answer of Malloy Todd to the bill of
Complaint exhibited against him in the Writings
Court of Isle of Wight county by Joseph Fulgham.

This Respondent saving to
himself all right of excepting to the various
swors contained in the said Bill of complaint
for answer thereto, or to as much thereof as
he is advised is material for him to answer,
and says, that it is true that he lived to the
said Fulgham a negro for the year
and that he took his bond for the live,
upon which he brought a suit, and recovered
a judgment agt ~~the~~ him. But y^r orator
states that the s^d Fulgham is mistaken,
when he alledges that y^r orator took the
said slave out of his possession. On the contrary
the negro (who was not shot until in the
fall of the year) was sent to y^r orator
by the s^d Fulgham. He further alledges that
the negro was shot, and incapacitated from
labor, while in the possession of the s^d Compt^r
by Joseph Maniard the then overseer of him
the s^d Fulgham. Y^r orator also relates that
he was at a considerable expence in employing
a physician (whose charge amounted to £20 and
will appear by the accounts, a certain Ephraim

Isle of Wight County to wit.

This day B. Lightfoot made oath
before me, a Justice of the Peace for said
County, that on the 14th day of Nov-1803
he did deliver to Molay Todd, a notice
of which the inclosed is a true Copy.
Given under my hand the

15th day of same month. —

J. B. Lenthall

Sir

Take notice that on Thursday the 24th instant at
the Tavern of David Price near Lury Court house
I shall propose to take the deposition of Nicholas Sebul
to be used as evidence in the Cause now depending in Isle
of Wight County Court in Chancery, in which I am
the plaintiff and you are the defendant. When and
where you may attend if you please.

Yours O^b H^a
John Barber Att^y
for Joseph Follyham


Isle of Wight November 22th 03

Mr Mallory Toller }
Smithfield }

Fulgham } Commission
as }
Todd - } Notice

Thursday 24th Nov - 03

County of Wight County, to wit

The Commonwealth of Virginia to Benjamin E. Brown, William Seammell
and Archibald, Depts

~~James M. Davis~~ Gentlemen Greeting know ye that we trusting to
your fidelity and provident circumspection in diligently examining
Nicholas Sebrul

As well on the behalf of Joseph Fulgham Plaintiff, and Mallory Todd Defendant



Command you or any two or more
of you that at such certain days and places you shall appoint, you assemble
your selves and the witnesses aforesaid, before you or any two or more of you,
you call and force to come and diligently examine on the holy evangelist
of Almighty God, and such examinations in writing into our County Court
of Isle of Wight, distinctly and plainly without delay you shall send and
certify inclosed, returning also to us this writ witness Nathaniel Young Clerk
of our said Court at the Court house the 15th day of November 1803 in the
28th year of the Commonwealth

Nathl. Young

The deposition of Nicholas Sebrell taken Thursday the
24th day of November 1803, at the Tavern of David Rice
in the County of Surry, to be read in evidence on the
trial of a Suit in Chancery now depending in the
County Court of Isle of Wight, in which Joseph⁴⁴
Fulgham is Plaintiff and Mallory Todd is deft,
by virtue of the annexed Commission, and
in Conformity to the annexed notice. —

This deponent after being duly sworn on the
holy evangelists of almighty God, deposes and saith,
That he lived with the defendant Mallory Todd in
the year 1797-1798 — That during that period Todd
had a bond of Fulghams — for the hire of a
negro man, who had been hired by the former
to the latter, and who during the year for which
he was so hired had been shot by some person
& died. — That this deponent waited on Fulgham
in behalf of Todd, for payments, that
he Fulgham refused to pay the whole years
hire; but was willing to pay in the proportion
of the years hire, for the time which the negro
did serve before his death. and further
this deponent saith not. —

N. Sebrell

⁵⁷ The above deposition sworn to before us Justices, in Surry County. —

B. & B. rows

Arch. Davis

H. Todd
sent
with
Doc. Wheeler

17.9.5	Capt ⁿ Mallara Todd To Eph ^m Wheeler Dr.	
Sept ^r 3	To Visit 2 Negro Boy Will & dressing his Gun - & Lo. 7.6	
	= Shot Wounds No 9	
	" Catheter 2/6 Solution of Apretated Senuresa Ziiri 8/	0.10.6
	" Attendants and dressing Will's Wound 7 Days	2.13.1
The 4 th 10 th	Tincture of Ather Scurtione & Myrr Ziiri	0.10.0
		0.15.0
11.	Visit & dressing Wound 7/6 12 th Dr. 7/6	0.10.0
	Tinct of Myrr & Murr Ziiri 10/ - 15/	0.7.6
13.	Visit & dressing Wound 7/6	1.2.6
14.	Dr. 7/6 15 th Dr. 7/6 - Dr. 7/6 on the 16 th	1.10.0
17.	Dr. 7/6 = 18 th 7/6 - 19 th 7/6 21 st 7/6	1.10.0
22.	Dr. 7/6 22 nd 7/6 23 rd 7/6 24 th 7/6	1.10.0
26.	Dr. 7/6 27 th 7/6 28 th 7/6 29 th 7/6	1.10.0
30.	Dr. 7/6	0.7.6
Octob ^r 4.	Dr. 7/6 2 ^o Dr. 7/6	0.15.0
		0.5.0
7.	Visit only 5/	0.10.0
20.	Dr. 7/6 Advice 5/ 21 st Visit & advice 5/	0.9.0
22.	Visit & Advice Dilating With Thigh 9/	0.12.0
23.	Dr. 7/6 Cont. Senures Ziiri 5/ On 24 th Ziiri 5/	0.15.0
24.	Dr. 7/6 Solution of Apretated Senures Ziiri 10/	0.5.0
25.	Dr. 7/6	1.3.0
26.	Dr. 7/6 Opening With Thigh 2 ^o The Bone & Draining	0.7.6
	stomach with other Symp ^{ts} 10/	0.15.0
27.	Visit & dressing With Thigh	0.10.0
28.	Dr. 7/6 29 th Dr. 7/6 30 th Dr. 7/6	0.17.6
	" Solution of Apretated Senures Ziiri 10/	0.19.6
30.	Visit & dressing With Thigh 7/6 Tinct. Myrr & Murr Ziiri	0.15.0
31.	Dr. 7/6 & Dr. 7/6 Solution of Apretated Senures Ziiri 10/	0.17.6
Nov ^r 1.	Dr. 7/6 & Dr. 7/6 2 ^o Dr. 7/6 & Dr. 7/6	0.17.6
3.	Dr. 7/6 & Dr. 7/6 4 th Dr. 7/6 in the Night 10/	0.5.0
	Sp ^t Lav. Comp ^{ta} Ziiri 5/	

Error Corrected

£ 21.14.7

Gen. W.

Adj. Gen.

Wilmington

3

Oct. '78.

Bill filed & return

March 1800

Bill taken as confessed

March 1802

Later by Decree set aside &
time given to answer

May 1802

Ans. filed & ready for disco.
& Gen. W. apt. & Com.

Feb. 4/1804

Inj. dissolved - Appeal
granted to District Court
Suffolk

15. 25 cents,

Wm. Spring

Know all men by these presents that we Joseph Tulegham
Peter Cunningham — are held and firmly bound unto
Mallory Todd Guardian of Joseph Tulegham
in the sum of \$21. 12.0 current money of
Virginia to the which payment well & truly to be
made unto the said M. Todd — and his heirs & assigns we
bind our selves our heirs Executors & Administrators jointly
& severally firmly by these presents sealed with our seals &
Dated this 1st day of October 1798. —

The condition of the above obligation is
that whereas the said Mallory Todd hath obtained a Judgement
at Common Law against the said Jos. Tulegham in the
County Court of Isle of Wight for £10. 10. 0 P^{ts}. and costs
and the said Jos. Tulegham hath obtained an Injunction
to stay the Executions of the said Judgement untill
the Hearing of the matter in Equity upon a Bill for
that purpose filed If therefore the said Joseph Tulegham shall
Satisfy & pay the said Judgement at Common Law
and all costs & Damages that shall be awarded to the said
Mallory Todd in case the said Judgement shall be
Resolved Then the obligation to be Void &c.

Sealed & Delivered
in the presents of

Jos. Tulegham Seal

Peter Cunningham Seal