1816-047 Chancery Causes. Richard W. Byrd's admrs vs Robert Fulgham's admr & Robert T.

Isle of Wight County

Fulgham's admr

other SURNAMES: Wilson, Dering, Statt, Crump

Sept. 1816

Sept. 1816

November 1816

November Judgment

1816

No. 1.

lenders and trustee, and then pay the balance if any to the said Robert T Fulghan.— Your complt. further shew that the said John Davis being indebted unto the said Richard Wood, did on the 1st day of October Eighteen hundred and twelve by his assignment in writing endorsed on the back of the said deed of trust and herein filed and dated as aforesaid, the said sum of four hundred and ten dollars and any part thereof being then due and unpaid, assign the said trust deed and debt is writing to him the said Richard Wood as his Assignee, of which said assignment the said Robert T Fulghan had notice as his Assignee.— That the trustee to said instrument of writing being dead, and no person being now authorized to make sale of said land for the purpose for which it has been conveyed they have been and still are unable to effect a sale of the same or to obtain for the benefit of the estate of Chas Eichelberger the amount of said debt which is justly due thereon. That a certain John C Crump has administered on the goods chattels and credits of said Robert T Fulghan who left at his death a widow to wit Mrs Fulghan and children to wit Chas Fulghan & Robt Fulghan infants of tender years, who together with the said administrator are alone entitled in right of their said father as distributees to the said rights and monies to which in the capacity of distributees they are equitably and properly entitled.— They further shew that the debt for which said deed of trust was executed is still due and unpaid and that they are not able to obtain the amount thereof from the estate of said Fulghan except through the intervention of this Honorable Court in which matters of this nature can properly cognizable.— They pray that Your Honors will appoint some fit person or persons to defend the interest of said infants to wit Robert Fulghan and children of said Robert T Fulghan, in this suit and that they together with the said John C Crump, admor of Robert T Fulghan and Virginia Fulghan widow and relict of said Robert be made defendants to this Bill of complaint and that they be compelled upon their corporal oaths, full true and perfect answer to make to all and singular the allegations aforesaid as fully as they could do, if the same were here again repeated & they thereto particularly interrogated.— That they be compelled to say if the allegations in the Bill are not true, and what objections if any they have to a sale of said property agreeably to the provisions in said deed of trust.— They further pray that Your Honors will decree and order that the said land mentioned in said instrument be sold on the terms, and for the purposes therein contained, and that the proceeds arising therefrom be appropriated to the discharge of the said debt due to the said Richard Wood assignee of John Davis and applied in every respect agreeably to the appointments therein alluded to.— They further pray that You will appoint some fit and proper person to carry the said decree into effect and to act in the place of the trustee in said deed in case as fully as he could do were he now living; and that Your Honors will make such other or further order decree for their relief or the relief of the estate of their intestate as equity and justice may require.— Gen'l Sam'l Wilson adm. of Rich'd Wood dec'd

Petition No 5

The answer of John Crump Fulghan and John C Crump this defendant to the Bill of complaint of Robert Fulghan and Virginia Fulghan

John C Crump adm. of Robt T Fulghan dec'd Robt Fulghan infant of tender years by appointed by the Court of this County to defend them in this suit— These respondents saving and reserving to themselves now and at all time hereafter all and any right of exception to the errors in the bill contained, for answer thereto or to so much thereof as they are advised it is material for them to answer say that they believe the deed of trust annexed to the bill was executed to the said John Crump by Robt T Fulghan for the purposes mentioned— and that the principal allegations in the bill are true as far as they know or believe— and that they are willing the Court shall make such decree therein as may be proper— They pray &c

Jno C Crump Admr of R T Fulghan dec'd
and
Guardian for Chas & Robt Fulghan infants

To the Worshipful Court of the Isle of Wight County in Chancery sitting humbly complaining shew unto your Honours your orators George and James R Wilson administrators of Richard W Boyd deceased

That a certain Robert I Fulghum deceased in his lifetime, to wit, on the fifteenth day of January in the Year of our Lord One thousand eight hundred and eleven being then indebted unto a certain John Dering now deceased, in the sum of four hundred and ten dollars to be paid unto the said John Dering on or before the first day of February Eighteen hundred and twelve as will appear by reference to a deed bill executed by the said Robert I Fulghum in his lifetime to the said John Dering, in order to secure the payment of the same executed, on the 15th day of January Eighteen hundred and eleven, to John Stott as trustee for the benefit of the said Dering a deed of trust, conveying therein in trust for the discharge of said debt a parcel of land called Burrells Bay Landing bounded by the lands of Jesse Atkins, John Stott and by James River which will more fully appear by reference to this trust deed which being duly authenticated is herein annexed and prayed to be taken and considered as a part of this Bill, by which trust deed the said John Stott was required in the event of the said money for which it was given not being paid on or before the 1st day of February in the year of our Lord Eighteen hundred and twelve, upon being thereto required by the said John Dering, to proceed to sell the aforesaid lot or parcel of land at publick sale for the best cash price to be obtained for the same, after advertising the time and place of such sale for ten days at the Court House door of the said County of the Isle of Wight, and with the proceeds of said sale first pay the costs and charges attending the same and then pay to the aforesaid John Dering the sum of four hundred and ten dollars with interest from the said first day of February in the year of our Lord Eighteen

Bypoli adv.
W. 23 Repat
Fulghaus adv.
Aver. 1870 adv.

Isle of Wight County to wit: Isle of Wight Court

Isle of Wight County to wit.

By county to a decree of this Court pronounced on the day of September 1816, which is herein annexed I proceeded on the 4th day of this present month to make Sale of a Lott of Land commonly called Burrells Bay landing to satisfy a debt due to the estate of Richd W. Boyd deceased from the estate of Robert J. Fulghum deceased; Having previous to the sale, advertised the same at Court two days, at the Court House of said County, as directed by the herein mentioned decree. — Sarah Whitson Sheriff of the said County, to whom I have consigned the same by deed, hereunto annexed the Stakeholder, became the purchaser thereof for the sum of two hundred and thirty dollars in Virginia Money, as Checked note of the Bank of Va.; The expenses attending the Suit and the Sale amounted to the Sum of Thirty two dollars and seventy seven Cents which having been deducted from the sum of $230 for which the said property was sold, left a balance of $197.23 dollars and twenty three Cents which said sum I have to George & James R. Wilson Adms of Richd W. Boyd in part of the debt due to the estate of the said Richard deceased on which obligation a credit is indorsed by James R. Wilson one of the said Adms for the said sum of $197.23 - said to be in my own. — Which report is respectfully submitted. — Given under my hand this 9th day of October 1816. —

$230 are due
32.77 with
197.23 paid Wilson —

Archibald Kilby D.C.

Isle of Wight County to wit — September Court 1816

George, and James R. Wilson Administrators of Richard W. Boyd, deceased, Complainants —

against

John C. Crump Administrator of Robert J. Fulghum dec'd. Mungo Fulghum, Widow and Relict of the said Robert J. Fulghum dec'd. Charles and Robert Fulghum infant children of the said Robert J. Fulghum dec'd. by John C. Crump who is Specially appointed by this Court as their Guardian to defend them in this suit — Defendants.

In Chancery —

By consent of the Parties by their Council this day this cause came on to be heard upon the Bill, Answer and exhibits and Arguments of Council: Whereupon the Court doth decree, order & adjudge that the estate of Robert J. Fulghum dec'd is indebted unto the estate of Richard W. Boyd dec'd in the Sum of four hundred and ten Dollars with Interest thereon to be computed after the rate of 6 p Centum per annum from the 1st day of February 1812 till paid —

And it is further adjudged, ordered and decreed that Archibald Kilby, having ascertained the time and place of sale with the consent of this County for at least ten days — proceed to sell to the highest bidder for ready money, a parcel or tract of Land, known by the name of Burwells Bay, containing by estimation Two Acres, be the same more or less, it being the Land mentioned in the Complainants Bill — and out of the proceeds thereof, first pay and satisfy all costs attending this suit and said sale, and then pay unto the said George and James R. Wilson Administrators of Richard W. Boyd dec'd the Sum of four hundred & ten dollars with Interest thereon to be computed after the rate of six per centum, per annum from the 1st day of February 1812 till paid, and pay the balance (if any) to the said John C. Crump as Guardian afore-said to the said Charles Robert Fulghum, — and make report thereof to this Court in order to a final decree —

A Copy Teste Benja. Leatherbury Clk

Geo. Jones [illegible] of Exr of Richd. W. Byrd dec. Pltff.
vs
John C Crump adr of Rev. T. Pughan, Charles Pughan and Robert Pughan orphan children of Rev. T. Pughan Deed Defts
& Winifred Pughan

This cause came on this day to be heard upon the Bill, answer and exhibits filed and arguments of Counsel, whereupon it is decd. ordered and adjudged that the estate of the said Robt T Pughan deceased is indebted unto the estate of Richard W Byrd dec. in the sum of four hundred and ten dollars with interest thereon to be computed at the rate of 6 per Centum per annum from the first day of February 1812 till paid; and the said Pltff. further adjudged ordered that the said Defts having advertised the time and place of sale at the Court House of this County for at least ten days, proceed to sell to the highest bidder for ready money a parcel or Lott of Land known by the name of Burnetts Bay containing by estimation ten acres be the same more or less, it being the land mentioned in the Bill of complt and out of the proceeds of said sale first pay the cost attending this suit and the expenses of the sale, and then pay to the said Geo. Jones Exr &c. of said R. W. Byrd the sum of four hundred and ten dollars with interest thereon to be computed at the rate of 6 per Centum per annum from the 1st day of Feby. 1812 till paid and pay the balance if any to the said John C Crump adr. of said Rev. T. Pughan deceased.

Robert and Charles
R. T. Robertson & Hob. Hughes, infants &c. &c. &c.