

1832-004

Chancery Causes: Nancy Fulgham, widow of Allen Fulgham v al vs Willis Westray

Isle of Wight County
Plat

+ ex v Allen Fulgham 's admr

Other SURNAMES: Whitehead,
Purdie,

Very pleasant here after the winter
was over

Fulgham & Co

in 3 Bice & Co

W. Tray &

Fulgham & Co.

August 3^d 1879 Bill &
fines & order of publication
awarded

November 3^d 1879 Interests
done

February 7th 1881 Report etc.
and cont.

1/2 to the end
in line

Dec. 3^d 1882 final decree

W. H. H. H.

by reason whereof the said legacy lapsed
and as to that part of his estate the
testator is believed to have died intestate
that ought to be distributed equally
among the children of the said deceased
at his death. That upon chattels
of the said deceased (except the said
standing the woods) and Miller's money
of the said his wife who was one of the
daughters of said deceased. Elizabeth who
one out of his common law wife, and
entitled to said lapsed legacy as distri-
buted equally entitled. and on John
Harrison late Mgr. of the said Miller is
the son of said Miller Elizabeth
and he need the personal estate
more than sufficient to pay the
debts of his testator. That the said Miller
Murray and Sally his wife are beyond the courts
of Virginia and against them now works
ask that they may be permitted to proceed
in the same process by law against
absent defendants that the said Miller
Murray and Sally his wife John
Purdie son of the said Miller Elizabeth
may be made defendants to this bill the
compelled, full, true, perfect and true
to make to all and singular the allegations
aforesaid as fully as effectually as if the
same were herein again repeated. They therefore

more particularly interposed. That in or
much or soon complainants are without
remedy in the premises save by the aid of
this Court of Equity, they pray the affiant
from more help. In tender consideration
they pray that you will decree
that the said deceased be in the
of the will aforesaid which by reason
of the death of Frederick J. Deffenham
became a lapsed legacy of the said
unless he be necessary to pay the debts of
the testator, he sold upon such terms as
may to the Court seem right that your
orderships will make any other order
in the premises which may be
comfort with Equity has in such
they will pray. Attest on the

To the County Court of Ill of Right sitting in
chancery. Humbly complaining, sheweth
your now, his son oratrix, and orator,
Mancy Fulgham widow of Allen Fulgham
deceased, Elizabeth Fulgham of deceased
memory, Belinda Cherry, Michael
Henry and James Fulgham being
under it heirs of and heirs by Joseph
B. Whitehead their next friend. That
Allen Fulgham the late husband of
your oratrix Mancy and father of
your ^{other} orator and oratrix died sometime
in the year 1827 having made his will
which is of record in the County Court
of Ill of Right (an attested copy of which
is hereto annexed marked A) and the
said will was executed on the 18th of February
1823 when the testator had living one
son called Frederick J. Fulgham to
whom he devised one half of his plan-
tation joining land & Chapinwood and
Neshkahn prairie some negroes by name
Jim, one bed and furniture, one calf
of fifty dollars, to help to bury him
about. That the said Frederick departed
his life before his father the testator,

Purser's

ad 13 Aug
The

To the County Court of Adams Co
sitting in Chaney. The answer of
John H. Purdie Lat. Supt. of Dist.
Wright and committee of the estate
of Allen Fulgham to the bill of
complaint exhibited against him
and others in said Court by
Nancy Fulgham and others -

The respondent saving to for answer
says that he is the admor. of the
estate of Allen Fulgham and is
willing to dispose of the funds in his
hands agreeably to law. He is
advised that under the will of the
testator he is compelled to purchase
commodities to fulfill the will &
he thinks it will be no pay for
him to sell the said land as admor.
He submits to any order the Ct.
may pronounce having asked
pay him to be his money &c

(Witness)
John H. Purdie Supt.
J. H.

Executed on John H. Purdie and William
Wettray and Sally his wife. On white-
tanks

May 31st 1823

Wm. W. W. W. W.
Per Geo. G. G. G.

Wm. W. W. W.

No.

Wm. W. W. W.

Wm. W. W. W.

Wm. W. W. W.

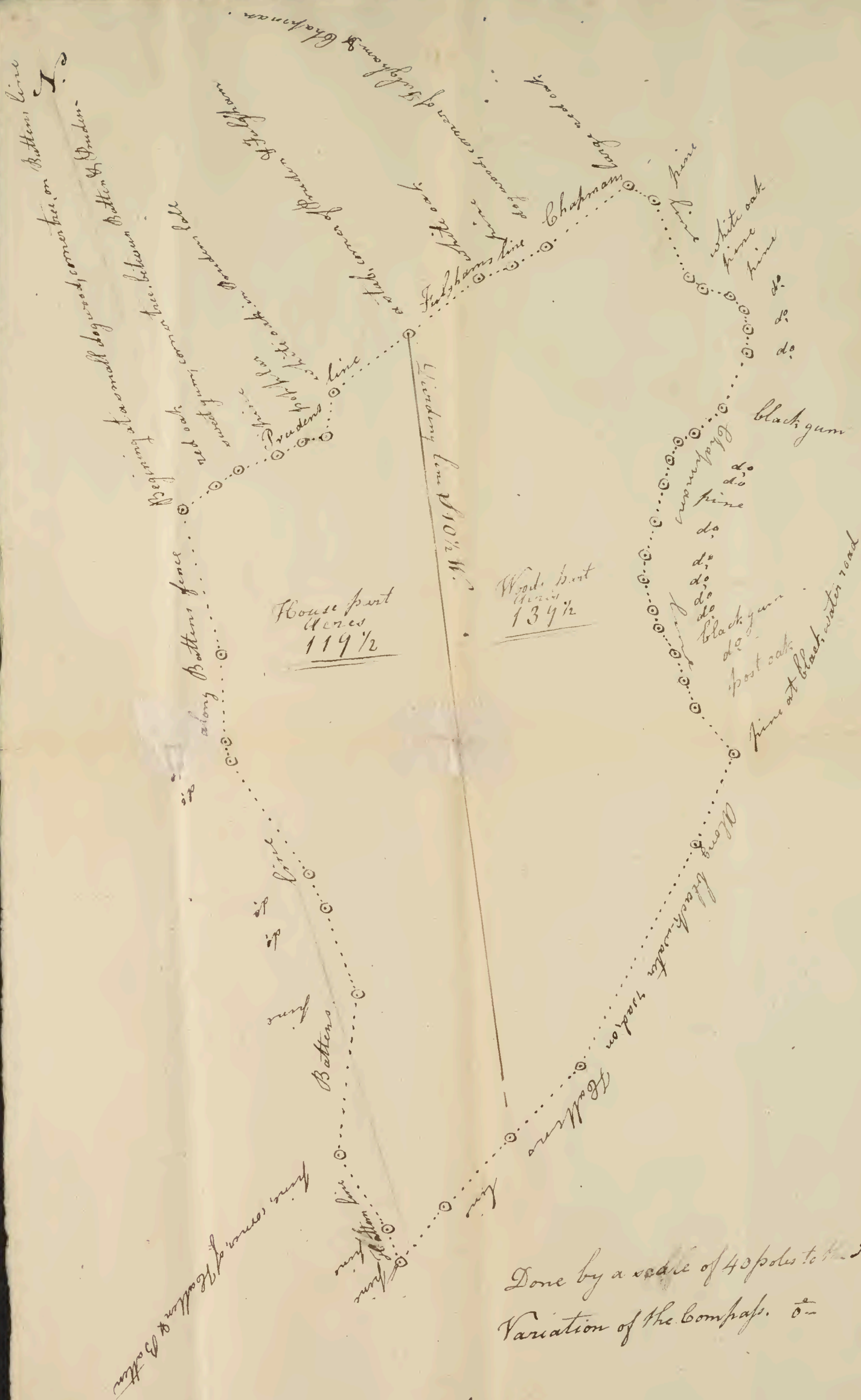
The Commonwealth of Virginia to the Sheriff of Isle of Wight
County greeting: We command you that you summon
John W. Purdie late Sheriff of Isle of Wight County & Committee
of the estate of Allen Fulgham decd. and Willis Mestray and
Sally his wife to appear before the Justices of our county court
at the courthouse on the first Monday in June next to answer
a bill in Chancery exhibited against them by Nancy Fulgham
Elizabeth Fulgham, Lucetta Fulgham, Delila Fulgham, Cherry
Fulgham, Michael Fulgham, James Fulgham, Henry Fulgham
and Jane Fulgham, the last seven infants by Joseph B Whitehead
their next friend: and this they shall in no wise omit under
the penalty of £100 each: And have them there this writ: Witness
Nathaniel Young Clerk of our said court at the courthouse the
20th day of May 1820 in the 32^d Year of the Commonwealth

Nathl. Young

Notes taken on the survey of a tract of land, belonging to
the estate of Allen Fulgham, for a division, by T. H. Zett, depy Secy.

Beginning at a small dogwood, corner tree, on Battens line. 22 Jan. 1830

- & Running
- 1 N 71 E 23 poles, on Battens line to a red oak -
 - 1 N 87 E 14 p. to sweet gum, corner of Battens & Prudens land
 - 1 N 77 E 10 p. pine on Prudens line
 - 1 S 84 E 8 1/2 p. popplear do
 - 1 N 25 E 15 p. white oak do lane
 - 1 N 70 E 64 p. a white oak on Fulghams line. (33 poles on this side to dividing line)
 - 1 N 86 E 12 p. pine do
 - 1 N 78 E 14 p. dogwood, corner of Fulgham & Chapman
 - 1 N 71 E 35 p. large red oak, corner tree on Chapman line
 - 1 S 41 E 11 p. pine do
 - 1 S 6 E 12 p. white oak do
 - 1 S 5 E 16 p. pine do
 - 1 S 33 E 6 p. do do
 - 1 S 55 E 10 p. do do
 - 1 S 24 E 6 p. do do
 - 1 S 5 W 6 p. do do
 - 1 S 15 W 8 p. black gum do
 - 1 S 42 W 20 p. do do
 - 1 S 65 W 14 p. do do
 - 1 S 81 W 6 p. pine do
 - 1 S 44 W 6 p. do do
 - 1 S 28 W 8 p. do do
 - 1 S 30 W 34 p. do do
 - 1 S 33 W 12 p. do do
 - 1 S 20 W 7 p. do do
 - 1 S 3 W 11 p. black gum do
 - 1 S 1 E 6 p. do do
 - 1 S 12 E 10 p. post oak do
 - 1 S 1 E 10 p. pine do
 - 1 S 5 E 10 p. do do
 - 1 S 22 E 21 p. to black water road, corner of Chapman & Heatten
 - 1 S 40 W 34 p. along the road on Heattens line
 - 1 S 45 W 86 p. do do
 - 1 S 62 W 68 p. do do
 - 1 S 56 W 24 p. do to a pine, corner of Heattens line
 - 1 N 3 W 12 p. pine do
 - 1 N 15 W 38 p. pine, corner of Heatten & Battens
 - 1 N 24 E 56 p. do on Battens line
 - 1 N 3 W 32 p. do do
 - 1 N 7 W 13 p. do do
 - 1 N 17 W 47 p. do do
 - 1 N 2 E 6 p. do do
 - 1 N 14 E 30 p. along Battens fence
 - 1 N 3 E 52 p. to the beginning



d.

Fulgham & Co

no 3 Dieru

Fulghams admor. & Co

by public notices of the time and place of the sale, and of the net proceeds of the said land pay over and allot one sixth to Nancy Fulgham widow of Allen Fulgham to be held in fee as compensation in lieu of her dower in the said piece of land and the balance he divide and allot as follows (to wit, one ninth to each of the following persons that is to say, Elizabeth Fulgham, Suereta Fulgham, Delila Fulgham, Cherry Fulgham, Michael Fulgham, Jane Fulgham, Henry Fulgham, and James Fulgham and the other one ninth to the debt. Willis Mestray and Sally his wife in her right, that the said cons. take bonds and good security of the purchaser in such way as to enable him to comply with the terms of this order and that he also take a deed of trust to secure the payment of the purchase money if thought proper and that the commissioners convey the said land to the purchaser by deed but without warranty. The court doth also adjudge order and decree that the commissioners pay the parts to which the infants are entitled over to their legal guardians, and that he return to this court the bond for the part to which debt. Mestray & wife are entitled to be filed subject to their future order, unless indeed the same can be paid over to the said Mestray and wife by the cons. and make report to this court in order to a final decree.

blokes fee	\$4.52
att. "	10.00
	\$14.52
	4.00
	18.52

Attest Teste Nath^l Young C.
" "

In obedience to the annexed decree the commissioners and three named did on the 5th day of April 1830 after having advertised the time & place of sale according to the directions of the decree expose to sale the land therein named at which sale Jos. E. Priders became the purchaser for the sum of one hundred seventy dollars from which sum deduct forty four dollars & fifty cents the cost of suit survey & sale all of which sum has been been paid to the parties entitled thereto, leave the sum of \$125.50 one sixth of which being \$20.91 The Commissioners assigned to Nancy Fulgham the widow and the balance being \$104.59^c The Commissioners assigned seven ninths to Jos. B. Whitehead guar. to the seven infants complainants the remaining two ninths he assigned one to William Mestray & Sally his wife & one to Elizabeth Fulgham which two bonds he has lodged in the Clerk's Office & make \$11.62 all of which is respectfully Submitted &c
Jan. 14th 1831 Jos. B. Whitehead Com.

In Solosmoot County Court November Term 1829.
Elizabeth, Lucretia, Felicia, Cherry, Michael, Jane,
Nancy, Henry, and James Fulgham the
last under the age of twenty one years who
sue by Joseph B. Whithead their next
friend

Comptt.

against

John H. Purdie Sheriff and admr. of
Allen Fulgham and Nellis Mestray and
Sally his wife

Defendants

In Chancery

This cause in which the bill of the plaintiffs is taken as
confessed against the defendant Mestray and wife, who are out of this
state, and against whom the plaintiffs have proceeded in the mode
prescribed by law against absent defendants, and who have failed
to answer the plaintiffs Bill, come on to be heard on the answer
of John H. Purdie committee of the estate of Allen Fulgham
and the exhibits filed and was argued by counsel; On consideration
whereof the court being of opinion that the land named in the com-
plainants bill, and which in consequence of the death of Frederick
I. Fulgham in the life of the testator became a lapsed legacy
and therefore to be considered as undivided, is worth less than \$300
a share, and being also of opinion that the interest of the compl-
ainants manifestly requires a sale of the same to effect a division
the court doth doth adjudge, order and decree that Joseph B. Whithead
be and he is hereby appointed a commissioner and directed with the
aid of the surveyor if necessary to run a line between the lands
alluded to in this decree, and that devised by the Testator Fulgham
to his son Michael Fulgham agreeable to the terms of the will
after which the said commissioner is directed to sell to the highest
bidder upon a credit of 12 months, except for so much as will pay
the legal expenses attendant upon the division and sale and of this
decree which will be for each, the land so to be allotted as the land
devised to Frederick I. Fulgham, having given reasonable notice

Leigham St.
Murray St.
over of
Publication

Marcy Tugham (widow of Allen
Tugham, Elizabeth Tugham, Lucinda
Tugham, Henry Tugham, and James
Tugham the last 7 years the age of
21 years being by Joseph B. Whitehead
not found ^{as yet} who is said to be
admirer of Allen Tugham and Miller
Murray and Sally his wife &c. &c. Truly

The said Miller Murray and Sally his wife
not having entered their appearance &
given security according to law & the
rules of this Court, and it appearing
that the said Miller Murray & Sally his
wife are not ~~inhabitants~~ inhabitants of this
County: On motion of the ~~prosecutor~~ by
their counsel, it is ordered that the
said said Miller Murray & Sally his
wife do appear here on the first
Monday in ~~October~~ ^{November} next and answer
the bill of the complainant, and that
a copy of this order be forthwith
inserted for 2 months successively
in one of the public newspapers
printed in the County of Norfolk
that another copy be posted at the
front door of the C. C. House of
this County.

Stacey, Elizabeth, Lucretia, Delila, Cherry, Michel
Lam, Henry, and James Fulgham the last
under the age of 21 years who saw by Joseph B.
Whitehead their next friend - in court.

John K. Purdie, Esq. and adv. of Allen Fulgham
and Willis Murray and Sally his wife. Esqs.

This cause is which the bill of the plaintiffs
is taken as confessed against the said Murray
and wife who are out of this state, against
whom the plaintiffs have proceeded in the
mode prescribed by law against absent defendants
and who have failed to answer the bill.
Bill, came on to be heard on the answer of
John K. Purdie, Committee of the estate of Allen
Fulgham and the exhibits filed thereon
argued by counsel; on consideration whereof
the Court being of opinion that the land named
in the complainant's bill and which in
consequence of the death of Frederick J.
Fulgham in the life of the testator became a
lapsed legacy should be considered as
undivided, is worth less than \$300 a
share, & being also of opinion that the
intent of the complainants manifested
requiring a sale of the same to effect an
division, the Court doth adjudge, order & decree
that Joseph B. Whitehead be and he is hereby
appointed a Com. and directed to ~~proceed~~
with the aid of the survivors if necessary
to run a line between the land alluded
to in this decree and that devised by
the testator Fulgham to his son Michel
Fulgham agreeably to the terms of the
will after which the said Com. is directed
to sell to the highest bidder upon a credit
of 12 months, except for so much as will
pay the legal expenses of attendance upon
the division, & also of this decree which
will be for Cash, the land so to be allotted
as the land devised to Frederick J.
Fulgham +

Turn over

the order of the Court in the said case, and in the said order, the Court has given notice by public notice of the time of sale of the said land, and of the next proceeds of the said land, pay over and allot on sixth to Nancy Fugham widow of Allen Fugham to be held in fee or compensation in lieu of her dower in the said piece of land and the balance in the said piece of land as follows, to wit one ninth to each of the following persons, that is to say, Elizabeth Fugham, Cherry Fugham, Michael Fugham, Jane Fugham, Henry Fugham & James Fugham ~~and~~, and the other one ninth to the said Willis M. Tray & Sally his wife in her right - that the said Cor. take bonds and good security of the purchaser in such way as to enable him to comply with the terms of this order, & that he also take a deed of trust to secure the payment of the purchase money if thought proper; and that the Cor. convey the said land to the purchaser by deed but without warranty. - The said order also adj. ord. to decree that the Cor. pay the parts to which the infants are entitled over to their legal guardians, & that he return to this Court the bond for the said to which said M. Tray & wife are entitled to be filed subject to their future order, perhaps indeed the same can be paid over to the said M. Tray & wife by the Cor. - and make report to this Court in order to a final order.

seal this 18th day of February one thousand eight hundred and twenty three
signed sealed and acknowledged

Allen ^{his} Fulgham *read*
mark

In the presence of

Thomas Coates
Wiley Turner
Hezekiah Braey

At a Court held for Islet Wright County the 1st day of October 1827 The will of
which the foregoing is a correct copy was presented in court and proved
by the oath of Wiley Turner, and Hezekiah Braey two of the witnesses
thereto: and ordered to be recorded. A Copy Test: Nathl. Young &
" " "

Allen Fulgham's

Will

A copy for
W. Whitehead

in test
A

In the name of God amen I Allen Fulgham of the County of
Albany being indisposed in body but sound of mind do make and
ordain this my last will and testament in manner and form to wit,

1st I then Give and bequeath unto my daughter Elizabeth Fulgham one
bed and furniture one cow and calf.

2^d I then give and bequeath unto my daughter Lucrecy Fulgham, one
bed and furniture and one cow and calf and one negro girl Cate to
take the said negro in possession when acting her own Guardian.

3^d I then Give and bequeath unto my daughter Delly Fulgham one bed
and furniture and one cow and calf.

4th I then I Give and bequeath unto Frederick I. Fulgham^{*} my son one
half of my plantation joining Kena King Chapman and Rebecca
Braey and one negro boy Jim and one bed and furniture and one cow
and calf and fifty dollars cash to help to build him a house.

5th I then give and bequeath unto my daughter ~~Lucy~~^{Cherry} Fulgham one
bed and furniture and one cow and calf.

6th I then give and bequeath unto my son Michael Fulgham one half
of my plantation the part whereon the buildings now stands and one
bed and furniture and one cow and calf.

7th I give and bequeath unto my daughter ~~Luzanne~~^{Luzanne} Fulgham one bed
and furniture and one cow and calf.

8th I then give and bequeath unto my daughter Sally Westray twenty
shillings cash.

9th I then lend unto my dear beloved wife Nancy Fulgham my negro
man So, Kipey, Cate, to work on the plantation to support my
family, I lend her one cow and calf and one bed and furniture during
her widowhood, and if the said Nancy Fulgham should marry again
the said negroes to wit So, Kipey, and Cate to be equally divided
between my children namely, Elizabeth, Lucrecy, Delly, Frederick
I. Cherry, Michael, ~~Lucy~~^{Luzanne} Fulgham.

10th It is also my will and desire and hereby nominate Edwin Gray
my whole and sole executor to this my last will and Testament.

In Witness whereof I have herunto set my hand and affixed my

Isle of Wight County (to wit)

I do hereby certify that
at the request of Joseph B. Whitehead (Sheriff) I
have surveyed the land belonging to the estate of
Allen Fulgham decd as will appear by the annexed
plat, and have also run the dividing line, as will
also appear by the said plat - reference being had
to the field notes taken on the survey, which
being herewith annexed will fully explain the
boundaries thereof -

Given under my hand this 26th day of January 1830

Thomas Uzzell. dep. Sur.

Should see
to & keep
William Adams
in Sulphur's
care

Wm B. Mitchell & Co

TO SHIELDS, ASHBURN & CO. . . Dr.

To Subscription to the "American Beacon, FOR THE COUNTRY,"

from *Decr 10th* - 18*29*, to *Decr 10th* 18*30*,

at \$4 per annum, ... \$ *4*

Decr 10th 1829 - Received Payment,

Shields & Ashburn

Wm. B. Smith

Fugham
- 3000
Murray



[Faint, illegible handwritten text]

[Faint, illegible handwritten text]

Isle of Wight County, Aug. Court, 1829.

Nancy Fulgham, widow of Allen Fulgham, Elizabeth Fulgham, Lucretia Fulgham, Delila Fulgham, Cherry Fulgham, Michel Fulgham, James Fulgham, Henry Fulgham, and Jane Fulgham, the last seven are under the age of twenty one years, suing by Joseph B. Whitehead, next friend,

Compls.

AGAINST

John H. Purdie, Sh'ff and Adm'r of Allen Fulgham, and Willis Westray and Sally his wife, Defs.

THE Defendant Willis Westray and Sally his wife, not having entered their appearance and given security according to law and the rules of this Court, and it appearing that the defendants Willis Westray and Sally his wife are not inhabitants of this Commonwealth: On the motion of the plaintiffs by their counsel, it is ordered, that the said defendants Willis Westray and Sally his wife, do appear here on the first Monday in November next, and answer the bill of the complainants, and that a copy of this order be forthwith inserted for two months successively in one of the public newspapers printed in the Borough of Norfolk, and that another copy be posted at the front door of the Court House of this County. A copy. Teste,

NATH'L YOUNG, C. C.

Aug 13

Th2m

In Chancery.

Certify that the annexed notice, in the case of Nancy Fulgham and others against John H. Purdie and Willis Westray and Sally his wife, has been inserted in The Commonwealth Beacon, published in Norfolk, Va. for two months successively, commencing August 13th 1829.

Wm. H. Purdie,
Printer of the Beacon

Shewn to before me, an Alderman of Norfolk
Borough this fifteenth day of October 1829—
J. L. Barrand

25

Rec^d. of William C. Edwards Deputy for Nathaniel Young Clerk
one bond against Jos: E. Pruden & Henry N. Chapman for eleven
dollars 62/100 on demand the 5th day of April 1831 which is in full
for my wife's proportion of the sale of a tract of land formerly
belonging to her father Allen Fugham.

Witness my hand & seal this 3rd day of April 1831

Willis P. Westray

Teste
Samuel Batten

Sussexton Sales

Receipt

August 3^d 1831 Received of William b. Edwards Dyblek for Nathaniel
Young blek one bond against Joseph E. Pruden & Hena A. Chapman for
eleven dollars and sixty two cents which said bond was taken for my wife's
proportion of the sale of a tract of land formerly belonging to her father
Allen Fulgham, and this shall be your receipt for the same in full.

Swetolou^{his} & Gale
mark