1860-005 Chancery Causes: Jemmima Fulgham vs William P Powel, admr of Rebecca Johnson ;
Isle of Wight County Francis H. Atkinson, admr of Nancy Atkinson et al
Robert D. Saunders et ux vs William P. Powel et al

other surnames: Powell,
Hall ATKINS

Hayden Esq.

Octo. 1859 - Decree
to collect & distribute
May 1860
Final decree

Semenia Fulgham
vs: Chy. Note.
F. H. Atkinson Exr.

March 11th 1858.
Bill &c. filed, and
decree nisi - and new
process vs. other defts.
Gdn. ad litem appd. to infant
defts. and filed & sent.
Esp. Rules. Next Sumd.
Exr. & decree nisi

May Rules. Bill taken
for confessed as to for
hearing
May 1858. Decree for
Sale &c. h. 1417.
Octo. 1858. Com.

May 1859 - Decree to collect
& monies paid to Exr

Hayden Exp.

Semina Fetyham

vs. 7/3 Bill

F. H. Cothman Sols.

rights – that the said slave may be sold &
the proceeds of sale distributed among the
parties aforesaid interested therein – that an ac-
count may be taken of the hires & profits of said
slaves & payment & distribution of the same de-
creed – that the usual accounts may be taken
& that such other & further relief may be granted
as to the court may seem meet or equity requir-
& your complainant will ever pray &c

Hayden pq

to have partition made of said land between herself & the heirs aforesaid, if such partition can conveniently made without injury to the interests of the parties aforesaid & if such partion cannot be made to have said land sold & the proceeds divided among the parties according to their respective rights - in tender consideration whereof & for as much as your complainant is without remedy at law, & can only be relieved by the aid of this worshipful court of Chancery where matters of this sort are cognizable, to this end your complainant prays that the said William Powel in his own right, as administrator of Rebecca Johnson & as administrator of Lucy his late wife & Frances his wife Atkinson in his own right & as administrator of Nancy his late wife & George F. Atkinson, Wm. F. Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & [illegible] Atkinson (unnamed) infant children of said Rebecca & Frank Atkinson by some one appointed their guardian ad litem to defend them in this suit may be made parties defendant to this bill & be required to answer the same & that by the decree of this honorable court of Chancery partition may be made of said land among the parties aforesaid entitled thereto, if such partition can be made without injury to the interests of said parties & if not that the same may be sold & the proceeds distributed among the parties aforesaid, according to their respective

To the Honorable Richard H Baker Judge of the Circuit Court for the County of Isle of Wight, humbly complaining Sheweth to the court, your complainant Jemmima Fulgham (who was Jemmima Johnson), that on or about the day of 18 one Mat, a Matthew Johnson, departed this life intestate in the county aforesaid leaving a widow Lucy Johnson, & three children, to wit your complainant aforesaid Jemmima Johnson, Nancy Johnson, & Rebecca Johnson his distributees & heirs at law - that said intestate died seized & possessed of real estate in said County & of negroes & other personal estate which was divided among the said heirs at law of said intestate except that portion of the real estate assigned the said Lucy widow of said intestate as her dower in her said Husbands estate & the portion of the negroes allotted said widow for life as her third of her husbands slaves - that the land allotted said widow as her dower consisted of a tract of 50 & 1/2 acres lying in the County aforesaid adjacent to the lands of your complainant, & those of Epse Fulgham & John Davis & others - that two slaves Jacob & Ben were allotted said widow as her dower slaves that said Jemmima intermarried with Willis Fulgham, who has departed this life leaving her surviving - that Rebecca has

since died over twenty one years of age, unmarried without children & intestate, leaving her mother the said Lucy Johnson & her two sisters the aforesaid Nancy & Semmima surviving, as her heirs & distributees at law — that William Powel, who had previously intermarried with the said Lucy Johnson, qualified as the administrator of the personal estate of the said Rebecca in the county court aforesaid — that the said Nancy subsequently intermarried with one Frank Atkinson & on the day of 18 died in the county aforesaid leaving the said Frank Atkinson & six children born of said marriage surviving her, to wit, George T, William T, Rebecca, Archer, Nancy & unnamed infant — that on the day of February 1837, the said Lucy Powel late Johnson departed this life in the county aforesaid leaving the said Wm P Powel her husband surviving — that on the death of the said Lucy (late widow of the aforesaid Mat Johnson) the dower land & slaves aforesaid passed to the heirs & distributees at law of the said Mat Johnson & of the said Rebecca & Nancy as follows — the said Semmima, Rebecca & Nancy were originally entitled each to 1/3 of the reversion in said land & slaves, as heirs at law of said Mat Johnson; that on the death of said Rebecca as aforesaid over twenty one years of age her 1/3 passed in equal portions to her surviving mother Lucy Powel, & her surviving sisters Nancy & Semmima the mother taking 1/3 of 1/3 or 1/9th & the said sisters each

1/9, making with their original 1/3, 4/9ths each — that on the death of the said Nancy, then 4/9ths of the land passed to her six children aforesaid as their heirs at law & the 4/9ths of said slaves to her said husband & on the death of said Lucy Powel then 1/9th of the land passed in equal portions to the said Jemmeima & the six children of said Rebecca, they inheriting respectively 1/7 of 1/9 or 1/63 — & the said Lucy's 1/9th of said slaves passed to her surviving husband the said Wm Powel — that your complainant is entitled to 4/9ths + 1/63 of said land = to 28/63 + 1/63 = to 29/63 & that said six children of Rebecca are entitled to the remaining 34/63 of said land — that your complainant is entitled to 1/3 of said slaves as distributee of her father & to 1/9th as distributee of said Rebecca — that said widow left the said slaves Ben & Jacob surviving, but that Jacob has since died — that your complainant is informed & so charges that the said Frank Cis Atkinson has bought of the said Wm Powel all his interest in said Negroes & supposed interest in the land — that said Frank Atkinson has had the hires & profits of the said Ben, since the death of the said Lucy, your complainant has had the hires & profits of Jacob from the death of said Lucy to the death of said slave — your complainant is informed & so charges that she is entitled to a decree for the sale of the slave Ben & for the distribution of the proceeds of sale among the parties aforesaid, & that your complainant is entitled

Attorney's letter,

Ans. 3 Letters and

Hedgham

March 20th 1838

Feb.

To the Honorable Richard H Baker Judge
of the Circuit Court of Isle of Wight County
in Chancery sitting. —

The joint & several answers of George F Atkinson, Wm F Atkinson, Rebecca A Atkinson, Archer A Atkinson, Nancy Atkinson & Atkinson (surnamed) infant children of Francis H. Atkinson, by N P Young their guardian ad litem to the Bill of Complaint in said court exhibited by Semmina Fulgham against them & others.

These defendants severally answering say that they are infants under twenty one years of age — that they know nothing of the matters & things in said complainants bill alleged — & they submit their interests in the premises to the protection of this honorable court — & having answered pray hence to be dismissed with their costs in this behalf expended. —

Signed —

N. P. Young
Guardian ad litem

on the 24th day of July 1858 I left a
True Copy of the within at the house
of Mrs. C. Powell. he being from home
Jas. C. Gray D.M.
July 26th 1858 I delivered a true copy
of the within to Francis H. Allen
Th. H. Clements D.S.
L.P.Co. Sheriff

Summons Ejectment
C.
B. Brandt &c
Defts.

Mr. Powell &c.

To Brandt &c. 1858.
Cir. Ct.
Clayton Esq.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William Powell in his own right and as administrator of Rebecca Johnson, Francis H. Atkinson, George F, William T. Rebecca, Arthur & Nancy Atkinson (the last five infant children of said Francis H. Atkinson and Nancy his wife, late Johnson) and an unnamed infant child of said Francis H. and Nancy to appear at the Clerks office of the

~~to appear before the~~ Circuit Court of Isle of Wight county, at the Court-House of said County, on the first Monday in March next, being such day, to answer the bill in Chancery of Jemima Fulgham.

: and have then and there this Summons. *Witness*, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 19th. day of February, 1858, in the 82nd year of the Commonwealth.

e N. P. Young cc.

Executed by delivering a true copy of the
within to Francis Hoffman, June 27th 1838

Thos. J. Clemmons D.Y.
J. P. Gay 8/11

On the first day of April I left a true
copy of the within. Tacked on the front
door of Wm. P. Powell & by being from home

D. J. Clemmons D.Y.
J. P. Gay 8/11

Benjamin Hodgkin
vs.
Jacob Bowers
et al.
Attachment Debt

$5.00 Feb. 1838
Cir. Ct.
Adams Co.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON Isaac H. Atkinson adm. of Nancy Atkinson dec'd, and William P. Powell adm. of Lucy Powell dec'd.

to appear at the Clerk's Office of our Circuit Court for Isle of Wight county, on the first Monday in April next, to answer the Bill in Chancery of Jemima Fulgham

~~of a plea of~~

~~damages~~

and have then and there this Summons.

Witness, NATH'L. P. YOUNG, Clerk of our said Court, at his Office, this 4th day of March, 1858, in the 82d year of the Commonwealth.

N. P. Young cc

On the 4th day of October
1858. I delivered a copy of
the within to Wm. P. Powell &
J. B. Allen. Josiah P. Gay

Service acknowledged
C B Hayden Atty
for Plff

Commissioners Office 1st Monday in November
Sept. 14. 1858

To Myles Francis H. Atkins & Wm. P. Powell & Jemima Fulgham

You are hereby notified that I have appointed the 8th day of October 1858, at my office aforesaid for taking the following account - viz: an account of the hires of Jacob and Ben since the death of Lucy Powell dec'd, shewing by whom the said hires are due - Which account was directed by decree of the Circuit Court of said county made on the 19. May 1858, in the suit of Jemima Fulgham vs. Wm & Atkins. At which time & place you are required to attend.

Given under my hand as a Commissioner of the said Court this day & year first aforesaid.

J. P. Young

Fulghum
vs. 3 Depo.
Atkinson

The Deposition of Thomas Hall taken before N. P. Young, one of the commissioners of the circuit Court of the county of Isle of Wight, at his office, on the 8th day of October 1858, to be used as evidence by the Commissioner in stating & reporting an account of the hires of Jacob and Ben in the proceedings mentioned, refered to him by decree of the said circuit Court by decree rendered at May term last in the suit of Jemima Fulghum against Francis H. Atkinson and others.

Quest. Are you acquainted with the the slaves Jacob and Ben in the proceedings mentioned? If so, say what you consider a fair annual value of the said Jacob & Ben from the death of Lucy Powell late wife of William P. Powell up to the time of the death of Jacob, and up to the time of the sale of Ben?

Ansr: I was acquainted with Jacob up to the time of his death, and consider that he was worth annually $80.00 I was also acquainted with the slave Ben, and consider him worth annually during the time mentioned $120.00

Thos Hall

The foregoing deposition was taken and subscribed this day & year Mentioned in the Caption before me.

N. P. Young Comr.

The parties Powell & Atkinson & Fulghum admit that Jacob was with Jemima Fulghum from 10th July to 22 Nov. 1857 & that Ben was with F. H. Atkinson from 12th July 1857 to 6th Sept. 1858.

Jeremiah Fulgham

vs. } Com. Supt.

F. H. Atkinson dec.

April 12th 1859 filed

An account of the hires of Jacob and Ben, in the proceedings mentioned, since the death of Lucy Powell dec'd:, shewing by whom the said hires are due.

Hire of Jacob from the 10th. of February 1857 to the 22nd: of November 1857 (at which time he died) due by Jemima Fulghum (9/3 mos: @ $6:66 pr. mo:) $ 66 16

Hire of Ben from the 12th. of February 1857 to the 6th: of September 1858 (at which time he was sold), due by Francis H. Atkinson (one year, 6 months & 24 days @ $120. pr. year . . $ 188 00

Commissioners Office, Isle of Wight Courthouse.
April 2nd. 1859.

Pursuant to a decree of the Circuit Court of Isle of Wight County, pronounced on the 19th: day of May 1858, in a cause therein pending, in which Jemima Fulghum is plaintiff, and Francis H. Atkinson in his own right & as adm'r. of his wife Nancy dec'd:, and William P. Powell adm'r. of Lucy Powell dec'd: and others are defendants. The undersigned, one of the Commissioners of the said Court, to whom was referred an account of the hires of the negros Ben and Jacob, in the proceedings mentioned, shewing by whom the said hires are due, reports to the Court, that, on the 14th: day of September 1858, he issued notices to the parties informing them that he had appointed the 8th day of October 1858, at his office, at the Courthouse of said County, for taking the said account, at which time & place, they were required to attend. That the said notices were returned Executed. That your Commissioner commenced the said acct. but not being able to complete the same for want of evidence, it was continued from time to time until the date of this report, on which day, your Commissioner having obtained sufficient evidence. Made up & completed the foregoing account, from which it appears that Jemima Fulghum is indebted for the hire of negro Jacob to 22nd. of November 1857 (the day of his death) the sum of $66:16. And that Francis H. Atkinson is indebted for the hire of Ben up to the 6th day of September 1858 (when he was sold under decree of the County Court) the sum of $188:00. Your Commissioner leaves the question of interest on the said two amounts, to be decided by the Court. The account was retained in the Commissioners office ten days after its completion.

Given under my hand as a Commissioner of the said Circuit Court, the day & year first aforesaid.

N. P. Young Com'r.

Time employed in giving notice, taking evidence & making & reporting the acct. 10 hours. Com'r. fee charged $7.00

N. P. Young Com'r.

Com'r. fee . . . $7:00
Sheff's " . . . 1:00
P. Hall's witness . . 1:00
$9:00

Attest Thomas
vs. Bibby Ann
Bond Sale:

Jan. 7. 1837. Rec. & f. d. & Ann Bibby Clerk &
Sri. Court. The Bond of William Hall & Thos Edwards
Admr. with Jesse Ltr. Attest
17 Jaleaf

The undersigned, in obedience to the annexed decree, after having advertised the Slave Ben, in the proceedings mentioned, in accordance with the decree, exposed to sale at public auction, at the courthouse Isle of Wight county, on the 8th day of August 1838, being court day, the said Slave Ben, at which sale William Hall being the highest bidder, became the purchaser of said slave for the sum of $ 946,00 on a credit of six months. That he has taken the bond of the said William Hall with James Edwards his security, payable six months after date, to the undersigned as commissioner - which bond is herewith reported to court.

Given under my hand this 15th day of September 1838.

Thos Hall

and quantity, But if the said Commissioners should find it impracticable to divide said land among the aforesaid parties — or should be of opinion that the interest of the parties would be more promoted by a sale of the same. in such case — they are required to report the facts upon which their opinion is based to the Court; and also — what in their opinion is the fee Simple value of the whole of said tract; and in either case they are required to report their proceedings under this order to the Court. And the court doth further adjudge order and decree — that — Thomas Hall who is hereby appointed Special Commissioner for that purpose proceed to sell at public auction at the Court-house of this County, on some Court-day — after having given at least 20 days Notice of the time and place of Sale by advertisement at the said Court House door — on some Court day previous to the day of sale and at other public places in said County — the Slave Ben in these proceedings mentioned, lately held by Lucy Powell (late Johnson) aforesaid — as one of the Dower Slaves of the said Lucy in the Estate of her late Husband Matthew Johnson — On a credit of Six Months — taking from the purchaser — bond with Sufficient Security — payable to himself as Commissioner, and return the same to Court — with his report of his proceedings — under this decree. But the effect of this Decree shall be Suspended ~~until the said~~ as to the Sale until the said Commissioner shall execute in the Clerks office of this Court — a bond payable to the Commonwealth of Virginia — with Sufficient Security in a penalty of One thousand Dollars — Conditioned for the faithful performance of so much of this decree as relates to the Sale of the Slave aforesaid; And the court doth further adjudge order and decree — that a Commissioner of this court take an account of the hires — and profits — of the Slaves — Jacob & Ben — since the death of Lucy Powell — Shewing by whome said hires are due, which account the said Commissioner shall take, settle & report to Court, with any matters specially stated — deemed pertinent by himself — or required by the parties to be so stated.

A Copy

Teste.

F. C. Latimer D.C.

Isle of Wight County, to wit

This day the within named Thomas Hall E. P. Womble & B. H. Chapman personally appeared before me a justice of the peace for the County aforesaid & made oath that they would faithfully execute the within decree.

Given under my hand this 15 day of June 1838

A. R. Butler J.P.

The undersigned in obedience to the annexed decree after having first been duly sworn, proceeded to make partition of the within named land in accordance with the terms of the decree, but owing to the small quantity of land, its small value and the large number of shares into which it was to be divided they found such partition impracticable and that on that account the interests of all parties would be promoted by a sale of the same.

They find the fee simple value of said land to be 100 dollars.

all of which is respectfully submitted.

15. June 1838.

Thos Hall
E. P. Womble
B. H. Chapman

At a Circuit Court Continued & held for Isle of Wight
County On the 19th: day of May 1854.

Jamima Fulgham &c Pltfs

Against

Wm P. Powell in his own right & as adm^x. of Rebecca Johnson dec^d. & Lucy Powell dec^d. Francis H Atkinson in his own right & as adm^x. of Nancy Atkinson dec^d. Geny F, Rebecca, Archer, and Nancy Atkinson (late Johnson) and an unnamed infant Child of said Francis H, and Nancy Atkinson . . . . . Defts

In Chy.

This Cause Came on this day to be heard on the Bill taken for Confesso as to the Defendants Wm P. Powell in his own right as adm^r Rebecca Johnson and as adm^x of Lucy his late wife, Frances H Atkinson in his own right & as adm^x of Nancy his late wife, On whome proces had been duly served, they still failing to appear and plead answer and demurr to the said Bill On the Answers of the infant Defendants Geny F Atkinson, Wm J. Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & ____ Atkinson (an unnamed infant) child^n of Francis H. Atkinson, by N P. Jenny their Guardian ad litem to Defend them in this suit, with general replications thereto, and was argued by Counsel: on Consideration whereof the Court doth adjudge order & decree that Thomas Hall, Henry Chapman, Edwin P. Wimble and Richard F. Chapman who are hereby appointed Commissioners for the purpose any three of whome may act, having been first duly sworn according to law do proceed to lay off & divide the real estate of which Lucy Powell (late Johnson) widow of Matthew Johnson, was seized as her Dower in the estate of the said Matthew Johnson, Consisting of a tract of fifty or 60 acres, lying in the county of Isle of Wight adjacent to the land of Jamima Fulgham Jesse Fulgham, John Davis & others, (and assign $\frac{29}{63}$ thereof to Jamima Fulgham, and divide the remainder $\frac{34}{63}$ thereof equally between Geny F Atkinson, Wm J. Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & ____ Atkinson (unnamed) infant-children of Francis H. Atkinson, having regard to quality

Recpt of R d Saun
ders in right of
Jemmima Fulsham
under decree of
Ohio Comm/ty -

399.32
46.81
$446.13

Received of T Hall the sum of 446.13 8/9 (Four Hundred & Forty Six Dollars & Thirteen Cents, decreed Semmenia Fulsham, in suit of Semmenia Fulsham vs Powel & als at May Term 1839 – his

Test Wm + H Boyce mark

Robert X D Sammons mark

Jemmima Fulham as Powelsals | In Chancery

T. Halls Report of Sale of Land under decree of May Term 1859 -

Nov. 15th 1859.
Recd. of N. P. Jimmy Clk. of circuit court of Isle of Wight the bond of Ro. D. Saunders & Thos. W. Saunders for $300.00 dated the 4th. July 1859 - which was filed with this report.

T Stell

The undersigned pursuant to the annexed decree of the Circt Court of Isle of Wight of May Term 1839, in the suit of Fulghum, &c Powell &als, reports to the court, that he exposed to sale by public auction on the 4th of July 1839 at the C H of this county, being court day, after having given the notice required by said decree the Land in the proceedings of said suit mentioned whereof Mathew Johnson died seized & that Robert S Saunders, being the highest bidder became the purchaser for the sum of Three Hundred Dollars for which amount he with Thomas M Saunders as his surety executed a bond payable six months from the day of sale to the undersigned as commissioner, which bond is herewith returned. Your commissioner further reports that Elyza Betty Hill a free negro living on said land has paid him the sum of $ 37.00 for the rent of the same since the death of the tenant for life, which amount he holds subject to the order of the court.

All of which is respectfully submitted

Signed -

July 4th 1839 -

Wm Hall

Lemmon Telpham } In
Powell & als. } Chancery

T. Halls Report of
Collection & Disbursements under Decree
of May Term 1839 —

Filed Jan 3. 1840

The undersigned commissioner under the annexed decree, of the Circt Ct of Isle of Wight County, at its May Term 1839, in the suit of Jemmima Fulpham & Powell & als, reports to court, that in pursuance of said decree, he collected the Bond of Wm Hall, amounting with interest to $967.20 & paid thereout the costs of suit & sale, amounting to $68.71, as per statement & receipts in annexed decree - leaving the sum of $898.49 for distribution, which he paid out as per annexed statement A, as per receipts thereon endorsed, as follows to Robert E Saunders who has married Jemmima Fulpham the sums of 46.81 & 378.52 in all $425.33, being $20.80 less than said Jemmima was entitled to under said decree, owing to the error in said statement - & to Francis H Atkinson $94.63 & 378.53 in all $473.16 being $20.81 more than he was entitled to under said decree - that said F H Atkinson refused to refund said excess upon commissioner paid to said R E Saunders $446.13 the full amt to which he was entitled under said decree as per his receipt here with filed -

Amt of Bond -		967.20
Deduct Costs & Commissions -		68.71
		$898.49
4/9ths of do Paid Jemmima Fulpham -	399.32 4/9	
do -	46.81 -	
Total Amt paid J Fulpham -	446.13 4/9	
Less — F H Atkinson 1/9 = 99.83 2/9 less 46.81	53.02 2/9	
" do in adm 4/9 -	399.32 4/9 -	$898.49

All of which is respectfully submitted -

J Hall

died seized in the County aforesaid, Containing by estimation 60 acres lying adjacent to the lands of Jesse Fulgham, Jamima Fulgham, John Davis & others, on a credit of six months after having given at least 20 days notice of the time & place of Sale by advertisement at the Court House door of said County on some Court day previous to the day of Sale & at other public places in said County & take from the purchaser Bond with sufficient security payable to himself as Commissioner, which bond he shall return to Court with his report of his proceedings under this decree. But the effect of this decree shall be suspended until until the said Thomas Hale shall execute and deliver in the Clerks office of this Court bond payable to the Commonwealth of Virginia With sufficient security in a penalty of $200. Conditioned for the faithful performance of this decree & such other decrees as may hereafter be directed herein.

12.87
5.29
.58

Atty

Attn: & Tax $16.50 Paid C. B. Hayden J. C. Latimer D.C.
Clerks fees 12.87 Rec'd amt due me on Clerks fees $5.29. A. P. Young
Sheff. Gay 3.00 Paid Com. P. Gay
Com. Young 7.50 Paid A. P. Young Com.
J. Hall Wits: .50 Paid 7.58 balance of Clerks
Costs — $40.37 fees to R Ex Saunders
Commissions 18.34 Paid
$58.71 C. B Hayden

Jamima Fulgham
vs
Decree
Hale Adm.
Sale

8

At a Circuit Court continued & held for Isle of Wight County on the 19th day of May 1859.

Jamima Fulgham Plff.

against In Chancery.

William P. Powell & others. Defts.

This Cause this day came on to be again heard on the papers formerly read and on the report of Commissioner N. D. Young made under a decree herein of May Term 1858. and the report of Thomas Hall Commissioner of Sale made under said decree. And the report of Thomas Hall, E. P. Hobbs & R. F. Chapman Commissioners for partition made under said decree, & was argued by Counsel. On Consideration whereof the Court confirming said reports to which no exceptions were filed, doth adjudge order and decree that the clerk of this Court deliver to Thomas Hall on his filing his receipt therefor the bond the bond of William Hall & Davis Edwards returned with his report aforesaid for Nine hundred and forty six dollars payable six months from the 6th of August 1858. which bond the said Thomas Hall who is hereby appointed Special Commissioner for that purpose is authorized & required to collect & out of the proceeds thereof, first pay the costs of this suit. & pay the balance thereof as followers. To the plaintiff Jamima Fulgham 4/9ths of said balance. To Francis H. Atkinson in his own right as assignee of William P. Powell 1/9th of said balance after deducting therefrom the sum of $46.81. which sum the said Commissioner shall pay the said Complainant to Equalize her portion of the hires, & the remaining 4/9ths to said Francis H. Atkinson as adm. of Nancy his late Wife, and the Court doth further adjudge order and decree that Thomas Hall who is hereby appointed Special Commissioner for that purpose proceed to sell at public auction at the Court House door of this County on some Court day the land in these proceedings Mentioned. Whereof Matthew Johnson

Statement A —

Fulgham
v.
Atkinson & als.

Statement for
Comr. to settle by.

Costs of Suit . .	$40.37
Comr. on $300.	15.00
Comr. on $667.20 (bal.)	13.34
Costs & Comm. . .	$68.71

Amt. Collected on Wm. Hall & Davis' Edwards bond . . . $967.20
Deduct Costs & Comr. 68.71
$898.49

Deduct amt. Specially decreed to Jem: & Fulgham to equalize. 46.81
To be divided as pr. decree 851.68

To Jemima Fulgham 4/9 = $378.52
" F. H. Atkinson & wife. 1/9 = 94.63
" Sam'l Edwards of Nancy his wife . . . 4/9 = 378.53
$851.68 $851.68

All Available Text Successfully Captured

June 1859. Recd: of Thomas Hall Commissioner under a decree of the Circuit court of Isle of Wight County, rendered at May Term 1859. in the suit of Jemima Fulgham vs. F. H. Atkinson & others — the sums appearing to be due as respectively as p. the foregoing statement.

Witness

John H Clement

Francis H Atkinson
Robert D. Saunders
mark

Saffold C
Savings Bank

I Certify that Thos. Hall
Com. Deposite the Sum of
One Hundred & forty seven
82/100 Dollars with the Suffolk
Savings Bank for the benefit
of George F Atkins Wm. Atkins
Rebecca Atkins, Archer Atkins
Nancy Atkins and one
unnamed, payable ten days
after date to the Order of
their legal Guardian or to the
Order of Judge of Circuit
Court on ten days previous
notice with Int. at the rate of
five per cent per Annum out
of the funds of said Bank
according to the Charter and
by Laws — July 1. 1860

$147.82

Chs. Walters
Cash

I Certify that Thos. Hall Com.
Deposit the Sum of Seven 50/100
Dollars with the Suffolk Savings
Bank for the benefit of Geo.
F. Atkins, Wm. F. Atkins, Rebecca
Atkins, Archd Atkins, Nancy
Atkins, and one unnamed,
payable ten days after date
to the order of their legal Guard.
or to the order of Judge of Circuit
Circuit Court on ten days
previous notice with Int.
at the rate of five per cent per
Annum out of the funds of
said Bank according to
the Charter and by Laws.
Apl. 11. 1860

$7.50

Chs. Walters
Cash

1860 April 2nd Rec'd from Ithel
Seven dollars and 50 cents
for the balance due me on
Sales of Land as will Shew on
my Report

Witness Jacob H Brecker Robert his D Saunders
Jennie Eley as to Jemima + Saunders
mark
her mark

Rec'd from Thos Hall Commissioner appointed in the Suit of Fulgham & Thos L Powell One Hundred and forty seven dollars and Eighty two Cents Dr. being my Share of the nett proceeds of the Sale and Rents of Said Lots Sold by the Said Hall January 4 1860

Witness
Jarrid Eley

147.82-

Robert his X mark Saunders

Sarah her X mark Saunders

to be in his hands - as followers - To Robert D. Saunders and Jamima his wife - One half thereof; and pay the other half thereof - Equally - to the legal guardian, if any, of the Six children of F. H. Atkins to wit, Geny F. Atkins, William J. Atkins, Rebecca Atkins Archer Atkins, Nancy Atkins - And the unnamed child of said F. H. Atkins. And if no legal guardian, Deposit the said half in the Suffolk Saving Bank - to the Credit of this cause, Subject to the future order of this Court, taking the Certificate of the Cashiers therefor, & return the same with his report to Court - of his proceedings under this decree. And the Court doth further adjudge - order & decree - that on the payment by the said Robert D. Saunders of his bond aforesaid, the said Thomas Hall shall execute & deliver to the said Robert D. Saunders a good & sufficient Deed with special Warranty for the Land in these proceedings mentioned, Consisting of a tract containing by estimation Sixty acres, a part of the land whereof Matthew Johnson died seized in the County of Isle of Wight - adjacent to the lands of Jesse Fulgham, Jamima Fulgham, John Davis & others.

A Copy Teste. T. C. Latimer D.C.

add. 9 Nov 1867. 50

Fulgham
vs.
Copy Decree
Atkins & Saunders

Received of T. Hodge Esq. Attorney for the complt. in this cause the fifty dollars decreed by this decree
C. B. Wade

At a Circuit Court Continued & held for Isle of Wight County, On the 20th day of October 1859.

Jamima Fulgham Ptff.

Against In Chancery.

William P. Powell admr of Lucy Powell dec'd. Francis H. Atkinson in his own right and as adm'r. of Nancy Atkins. his wife & als: Defts.

This Cause in which the marriage of the plaintiff Jamima Fulgham with Robert D. Saunders is suggested; it is ordered that this suit Continue in the name of said Robert D. Saunders and Jamima his wife, Came on this day to be again heard on the reports of Thomas Hall, to which no exceptions are filed, Made pursuant to a decree herein of May term 1859. and was argued by Counsel; On Consideration whereof, the Court confirming said Thomas Halls report of sale; and his report of payments under the decree aforesaid- except as to his payment to F. H. Atkins in his own right & as assignee of William P. Powell of $20: 80. More than he was entitled to receive under said decree, which Amount the Court doth hereby adjudge, order and decree that the said F. H. Atkins shall pay the said Thomas Hall with interest thereon from the date of this decree. And the Court doth further adjudge- order and decree that the Clerk of this Court deliver to the said Thomas Hall, on his filing his receipt therefor, the bond of Robert D. Saunders returned by him with his report of sale aforesaid. Which bond the said Thomas Hall, who is hereby appointed Special Commissioner for that purpose, is hereby required to collect and after paying thereout the costs of this suit and said sale, distribute the balance thereof, and the sum of $34: 00. amount of rent shewn by his report

Hall's Commissioner further reports that on the payment of said Bond by said Robert D Saunders, he executed & delivered to him a deed for the land as directed & said deed —

All of which is respectfully submitted

signed — Thos Hall

Fulpham &c
vs
T H Watkins
et als —

Thos Hall's Report
& collection under
decree of Oct Term 1859

Filed 17 Apl 1860.

The undersigned commissioner reports to the court, that pursuant to the annexed decree he collected from Robert D Saunders the amount of his Bond on the date of its maturity Jany 1st 1860 - amounting to $300.00 - out of which & the amount decd for rent ($34.00) he paid costs of suit &c $23.35 - leaving the sum of $310.65 - for distribution among the parties of which he paid to Robert D Saunders & Jemmima M his wife 1/2 ($155.32½) & then being no legal guardian of the infant defendants he deposited on Sept 1st 1860, $147.82 to the credit of said infants in the Suffolk Savings Bank - having under a mistake retained out of the parties of the Attys fee 1.50 - which had already been paid - & subsequently deposited in said Bank to their credit the further sum of 1.50 making in all ($155.32) deposited to the credit of said infants the receipt of said parties & the certificates of said deposits are herewith filed -

Statement -

Amount of Bond		300.00	
Rent		34	
		334.00	
Commissions	15.85 -	23.35	Deduct costs
Cl'k fees	2.50	2) 310.65	
Paid Atty to manipulate	5.00	155.32½	
	$23.35		

Amount paid R D Saunders wife — $155.32½

do deposited in Bank to credit of infant defts — 155.32½

$310.65

17

Jeminuh Fulsham
vs
F H Atkinson
& als —

Rough Sketch
May Term 1838
To be extended
R. H. Baker

& divide the remaining 34/43ᵈ thereof equally between George T Atkinson, Wm T Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & Atkinson (unnamed) infant children of Frances H Atkinson, having regard to quantity & quality. But if the said Commissioners should find it impracticable to divide said land among the aforesaid parties, & should be of opinion that the interest of the said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the court & also what in their opinion is the fee simple value of the whole of said tract, & in either case they are required to report their proceedings under this order to the court, & the court doth further adjudge order & decree that Thomas Hall who is hereby appointed Special Commissioner for that purpose proceed to sell at Public auction at the court house of this county on some court day, after having given at least twenty days notice of the time & place of sale by advertisement at the said court house door on some court day previous to the day of sale & at other public places in said county the slave Ben in these proceedings mentioned late & held by Lucy Powel, late Johnson aforesaid as one of the dower slaves of the said Lucy in the estate of her late Husband Matthew Johnson — on a credit of six months taking from the purchaser Bond with sufficient security payable to himself as Commissioner & return the same to court with his report of his proceedings under this decree — But the effect of this decree shall be suspended as to said sale until the said Commissioner shall execute in the clerks office of this court a Bond payable to the Commonwealth of Virginia, with sufficient security in a penalty of $1000.00 conditioned for the faithful performance of so much of this decree as relates to the sale of the slave aforesaid — & the court doth further adjudge order & decree that a Commissioner of this court, take an account of the hires & profits of the slaves Jacob & Ben since the death of Lucy Powel severally & what is said hires are due which account the said Commissioner shall take, settle & report to court with any matters special & stated, deemed pertinent by himself or required by the parties to be so stated —

Jemmimah Fulgham

vs

F. N. Atkinson & als –

This cause came on this day to be heard on the Bill taken for confessed as to the defendants William P Powel in his own right, as administrator of Rebecca Johnson & as administrator of Lucy his late wife, Frances H Atkinson in her own right & as administratrix of Nancy his late wife, on whom process had been duly served, they still failing to appear & plead, answer & demur to the said bill; on the answers of the infant defendants George F Atkinson, Wm F Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & Atkinson, (unnamed) infant children of Frances H Atkinson, by N P Young appointed their guardian ad litem to defend them in this suit, with general replications thereto, & was argued by counsel; on consideration whereof the Court doth adjudge order & decree that Thomas Hall, Hardy Chapman, Edwin P. Womble & Richard F. Chapman who are hereby appointed commissioners for the purpose any three of whom may act, having been first duly sworn, do proceed to lay off & divide the real estate of which Lucy Powel, late Johnson widow of Matthew Johnson was seized as her dower in the estate of the said Matthew Johnson, consisting of a tract of 50 or 60 acres lying in the county of Isle of Wight adjacent to the lands of Jemmimah Fulgham & Jesse Fulgham, John Davis & others & assign 29/63, thereof to Jemmimah Fulgham

Fulsham
vs
Atkinson
et als
} In Chancery

Rough Draft
May Term 1839
To be entered
R. H. Baker

5 Ents

that purpose proceed to sell at public auction at the court house of this county on some court day the land in these proceedings mentioned whereof Matthew Johnson died seized in the county aforesaid containing by estimation Some 50 acres, lying and adjacent to the lands of Jemmima Fulcham, Esqr Fulcham, & Thos Davis & others, on a credit of six months, after having given at least 20 notice of the time & place of sale by advertisement at the court house door on some court day previous to the sale & at other public places in said county & take from the purchaser Bond with sufficient security payable to himself as commissioner, which Bond he shall return to court with his report of his proceedings under this decree. But the effect of this decree shall be suspended until the said Thomas Hall shall executed & deliver in the clerks office of this court a Bond payable to the Commonwealth of Va with sufficient security in a penalty of $2100.00 — conditioned for the faithful performance of this decree & such other decrees as may hereafter be directed herein.

Fulgham
vs
Atkinson & al

This cause this day came on to be again heard on the papers formerly read, on the report of Commissioner P Storey, made under a decree herein of May Term 1838 ~~[illegible]~~ Thomas Hall Commissioner of Sale made under said decree & the report of Thomas Hall, E. P. Wimble & R T Chapman commissioners for partition made under said decree & was argued by counsel, on consideration whereof the court confirming said reports to which no exceptions were filed, doth adjudge order & decree that the clerk of this court ~~[illegible]~~ deliver to Thomas Hall on his filing his receipt therefor the Bond of Wm Hall & Davis Edwards returned with his report aforesaid for $946.00 - payable six months from the 11th of August 1838 - which Bond the said Thomas Hall who is hereby appointed special commissioner for that purpose ~~is hereby~~ authorized required to collect & out of the proceeds thereof first pay the costs of this suit & pay the balance thereof as follows - to the Plaintiff Jemmima Fulgham 4/9ths of said balance; to Francis H Atkinson in his own right as assignee of Wm Powel 1/9th of said balance after deducting therefrom the sum of $46.81 - which sum the said Commissioner shall pay the said complainant to equalize her portion of the legacies & the remaining 4/9ths to said Francis H Atkinson as Admr of Nancy his late wife ~~& that said Francis H Atkinson~~ & the court doth further adjudge order & decree that said Thomas Hall who is hereby appointed special commissioner for

Jemmima Fulsham vs Powell et als | In Chancery

Rough Decree
6 & Term 1839

To be entered
R. N. Baker

Jemmima Fulsham
vs
Powel & als —

This cause, in which the marriage of the plaintiff Jemmima Fulsham with Robert D Saunders is suspended, it is ordered that this suit continue in the name of said Robert D Saunders & Jemmima his wife, came on this day to be again heard on the report of Thomas Hall, to which no exceptions are filed made pursuant to a decree herein of May Term 1859, was argued by counsel, on consideration whereof the court confirms said T. Halls report of sale & his report of payments under the decree aforesaid except as to his payment to F.H. Atkinson in own right as assignee of Wm P Powel, of $2080 more than he was entitled to receive under said decree, which amount the court doth here adjudge order & decree the said F.H. Atkinson shall pay the said Thomas Hall with interest thereon from the date of this decree — & the court doth further adjudge order & decree that the clerk of this court deliver to the said Thomas Hall on his filing his receipt therefor the bond of Robert D Saunders returned by him with his report of sale aforesaid which bond the said ~~Thomas Hall~~ is hereby appointed Special Commissioner for that purpose, ~~is hereby~~ required to collect, & after paying thereout the costs of this suit & said sale, distribute the balance thereof & the sum of $34.00 amount of rent specially in his report as follows, to Robert D Saunders & Jemmima his wife 1/2 thereof & pay the other 1/2 thereof equally

to the legal guardian if any of the six children of F.H. Atkinson, to wit, George T Atkinson, Wm T Atkinson, Rebecca Atkinson, Archer Atkinson, Nancy Atkinson & the unnamed child of said F H Atkinson & if no legal guardian deposite the said 1/2 ~~to~~ in the Suffolk Savings Bank to the credit of this cause subject to the future order of this court taking the certificate of the cashier therefor, & return the same with his report to court of his proceedings under this decree — ~~But the effect of this decree shall be suspended as to the collection of said bond until the said Commissioner sh~~ & the court doth further adjudge order & decree that on the payment by the said Robert D Saunders of his Bond aforesaid the said Thomas Hall shall execute & deliver to the said Robert D Saunders a good & sufficient deed with special warrant for the land in these proceedings mentioned, consisting of a tract containing by estimation 60 acres, a part of the land whereof Matthew Johnson died seized in the county of Isle of Wight, adjacent to the lands of Jesse Fulsham, Jemmima Fulsham, John Davis & others.

Fulcham
&
Atkinson
& als —

In
Chancery

Rough Decree
May Term 1865
To be entered
R. H. B.

Jemmima Fulgham
vs
F H & A Reinsmith -

This cause this day came on to be again heard on the papers formerly read & on the report of Thomas Hall, special commissioner under a decree herein of October Term 1839 was argued by counsel, on consideration whereof the court doth adjudge order & decree that said report to which no exceptions were filed be confirmed — Liberty is reserved the infant defendants by their legal guardians or in person on their respective attaining twenty one years of age, to apply for such further order herein as may be necessary to collect the sums deposited to their credit in the Suffolk Savings Bank under the order herein of October Term 1839 —

Fulghum

v. Bond. Bond

Atkins Sag

June 22d 1808

Executed filed

KNOW ALL MEN BY THESE PRESENTS, *That we,* Thomas Hall and N. P. Young

are held and firmly bound unto the Commonwealth of Virginia in the sum of One Thousand dollars ——— to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this 22 day of June, in the year of our Lord, one thousand eight hundred and fifty eight

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the Circuit Court of Isle of Wight county pronounced on the 19 day of May 1838 in a cause depending in the said Court in which Jemima Fulgham is

plaintiff, and

Francis A. Atkinson, Wm. P. Powell and others ——— defendants; the above bound Thomas Hall was appointed a special Commissioner to Sell a negro man Ben in the said proceedings mentioned, and to Take bond & security from the purchaser and return the same with his report to Court.

Now if the above bound Thomas Hall shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered in the presence of

F. C. Latimer DC

T. Hall L.S.

N. P. Young L.S.

L.S.

Fudgham

P. } Cond. bond to collect rec'n

Atkinson et als.

June 6th 1859

Executed & filed.

Know all Men by these Presents, That we Thomas Hall and N. P. Young are held and firmly bound unto the Commonwealth of Virginia in the sum of Two Thousand One hundred dollars to the payment whereof, well and truly to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this 6th day of June in the year of our Lord, one thousand eight hundred and fifty nine

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit Court of Isle of Wight County, pronounced on the ____ day of May 1859 in a cause depending in the said Court, in which Jemima Hughes

_____ Plaintiff, and

F. H. Atkinson & others are Defendant, the above bound Thomas Hall was appointed a special Commissioner to collect certain bonds in the said decree mentioned & distribute the proceeds, also to sell certain land in the said proceedings & decree mentioned & to take bonds for purchase money & make report & account as directed by said decree

Now, if the above bound Thomas Hall shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered in the presence of

T Hall SEAL.

N. P. Young SEAL.

SEAL.

Kel	12.87
Atlo	16.50
Conv.	7.50
Shaff.	3.00
T. Holloway	.50
	$40.37

1847
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