1892-002
Nansemond Co. (Suffolk)

Chancery Causes: James H. Fulgham, gdn vs Eliza V. Fulgham, infant et al

King, Daughtrey, Harrell, Nelms, Phelps, Bradshaw, Baines

Fulgham vs Fulgham & others

Costs

A. P. Gomer	clerk	$7.41
W. H. Howell	Shff	3.00
R. A. Edwards	" Isle of Wight	1.50
Attorney		15.00
Say		1.50
Ro. R. Prentis	Comr.	10.00

Fulgham Gdr

vs

Fulgham & others

Costs.

5

James H. Fulgham, Guardian of Eliza V. Fulgham, a minor, Complainant.

vs.

Eliza V. Fulgham, an infant under the age of twenty-one years, Ann Eliza King, Robert C. Daughtrey and Mary Frances Daughtrey his wife, Wm. Comfort Harrell and Henrietta Harrell his wife, Martha E. Helms (widow), Charles T. King, John King and Lucy V. Phelps, Defendants. Summons in Chancery To Rules on first Monday in March 1891.

Wilbur J. Kilby
p. q.

21 Feby. 1891

Fuly Laws
vs
Fuly Laws
Chancery

1892
Oct
F L

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~NANSEMOND~~ Isle of Wight COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Eliza V. Fulgham an infant under the age of twenty-one years Ann Eliza King Robert C. Daughtrey and Mary Frances Daughtrey his wife Wm. Norfleet Harrell and Henrietta Harrell his wife Martha E. Nelms (widow) Charles D. King John King and Lucy V. Phelps,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1891, to answer a Bill in Chancery, exhibited against them in the said Court by James N. Fulgham Guardian of Eliza V. Fulgham a minor

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February 1891, in the 115th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

W. Killy p.q.
James A. Fulgham
Guardian &c
vs
J. M. Chauncy
Eliza V. Fulgham
an infant &c

1891
March Rules
First Monday

Process Book
No 2 Page 42.

Circuit Court

Executed by electrocuting to the within named Eliza V. Fulgham a infant over the age of 14 years by reading the within summons to her in person and informing her of the contents thereof on the 17th day of March 1891

R. A. Eccleston
Sh'ff.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Eliza V Fulgham an infant under the age of twenty one years Ann Eliza King Robert L Daughtrey and Mary Frances Daughtrey his wife Wm Norfleet Harrell and Henrietta Harrell his wife Martha E Nelms (widow) Charles P King John King and Lucy V. Phelps

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1891, to answer them a Bill in Chancery, exhibited against them in the said Court by James N Fulgham Guardian of Eliza V Fulgham a minor

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 21st day of February 1891, in the 115th year of the Commonwealth.

Teste:

A P Gomer Clerk.

Executed This the 27th day of February 1871. by delivering a true copy of this process to the within named Robt E. Daughtry, Mary Frances Daughtry his wife Wm. Norfleet Harrell, and Henrietta Harrell his wife Martha E Nelms, Widow and Lucy V. Phelps. Each in person

Wm H. Howell C
Shff

Wm Reddy b.g.
Samuel A Hinton
Edward Hinton Adm
of John Chancey
Eliza V Reddy Ham & als

1891
March Rules
Hert Monday

Process Book
No 2. Page
Gates County

At Rules held in the office of the Clerk of the Circuit Court of Nansemond County, Va. on the second day of March 1891:

James H. Fulgham, Guardian of Eliza V. Fulgham

Against } In Chancery.

Eliza V. Fulgham and others

On the motion of the Complainant by Counsel, John B. Pinner Esq. Attorney at Law, is appointed guardian to the defendant Eliza V. Fulgham, who is an infant under the age of twenty-one years, to defend her in this suit

A. L. Gomey Clerk
of the Circuit Court
of Nansemond County

Fulgham, Gdn.

vs. } In Chy.

Fulgham & al.

Order appointing guardian ad litem to the infant defendant.

Know All Men by These Presents, That we, Wilbur J Kilby and L Clay Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Four Hundred DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 20th day of October in the year of our Lord one thousand eight hundred and Ninety one, and in the 116th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 14th day of October 1891 in the Chancery Cause depending in said Court between James H Fulgham Guardian of Eliza V Fulgham Complainant and Eliza V Fulghaph aya others Defendants it was decreed that the parcel of land mentioned in the Bill in said cause Containing seventy two acres more or less be sold and the above bound Wilbur J Kilby was apponted Special Commissioner to sell the same as specified in said decree: Now therefore if the said Wilbur J Kilby shall faithfully discharge his duties under said decree and all other decrees he maybe required to execute in said cause then the above obligation is to void; otherwise it is to remain in full force and virtue

Wilbur J Kilby SEAL

L Clay Kilby SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 20th day of October 1891

The above bond was executed and acknowledged by the obligors (the sureties justifying on oath as to his sufficiency) and recorded.

Teste: A P Gomey CLERK.

A Copy Teste. A P Gomey Clerk

Wilbur & Kilby
To } Spec Commr
Bond

The Commonwealth

1891
October 21st

Recorded in Bond
Book No 1 Page 28
Circuit Court
Nansemond County

Fulgham, Gdn.
vs. } In Chy.
Fulgham & als

Copy of Bond of
Special Comr. W. J.
Kilby, under decree
of 14 Octo. 1891

J. N. Fulghum Guard Co. Kelley atty

1891 To Ro A Edwards Sheff Dof Wilcox Co. &c

July 28 To Ex work on C. F. King, Hon King

& Mc E King in ys suit in Chicago.

pro Mississippi Co. 1,50

Ro. A. Edwards Shff.

J. H. Fulgham
Grand
Sec Co. Kelley mfg.

$1.50

Mr. James S. Fulghum Dr.

1891. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 104 / No. of Acres 72 ac	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 25c. on the $100.	Parish Levy, 5c. on the $100.	Co. School Tax, 5c. on the $100.	Dis. School Tax, 5c. on the $100.	Co. Road Tax, 10c. on the $100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value $ 261	7 8	2 6	6 5	1 3	1 3	1 3	2 6	2 34
" Personal Prop'y, value $								
" Income, &c., value $								
" Poll Taxes 2								
Total								
Five per cent. additional								
Total								

Received Payment. H. E. Smith, *Treasurer.*

1892 May 13. Received of Wilbur J. Kilby, Special Comr. Three (3) dollars in full of fees due in the Chancery cause pending in the Circuit Court of Nansemond County between Jas. H. Fulgham. Guardian etc. Plaintiff, and Eliza V. Fulgham & als. Defendants.

$3.00

Wm A Howell
Late Sheriff & C

[RECEIPT TO BE GIVEN WHERE LAND IS REDEEMED.]

$ 2.82

Office of the Treasurer of the

County of Wauseuma

Nov 24th, 1891.

Received of W J Kelly Special Comm.

Two 0 Dollars & 82/100 Cents,

on account of the redemption of 72 1/2 Acres land returned delinquent for the non-payment of Taxes and County Levies by the Treasurer of Wauseuma, for the year 1890 in the Name of Jos H Houghton Acres as follows:

State Tax,	$
County Levies for all purposes,	
Commissions,	
Expenses of sale,	
Total,	$ 2.82

H C Smith, Treasurer.

1892 May 13th. Received of Wilbur J. Kilby. Special Comr. Ten (10) dollars in full of fee due me for Report made by me and filed 29 Sept. 1891 in the Chancery Cause pending in the Circuit Court of Nansemond County between James N. Fulgham, Guardian etc. Plaintiff and Eliza V. Fulgham &als. Defendants.

$10.00

Robert R. Prentis.
Comm. in Chy.

1892 May 25. Received of Wilbur J. Kilby Special Comr. Two hundred and ten and 90/100 dollars in full of the Commuted value of my estate by the curtesy in the parcel of seventy-two acres of land sold on the 31st. day of October 1891 to Buck Ashburn under the decree of the Circuit Court of Hanseemond County, entered on the 14th. day of October 1891 in the Chancery Cause pending in said Court between Jas. H. Fulgham, Guardian, etc. Plaintiff, and Eliza V. Fulghams & others, Defendants.

$210.90

James H. Fulgham

1892 May 25. Received of Wilbur J. Kilby Special Comr. Seventy-nine and 10/100 dollars in full of Eliza V. Fulgham's interest in the net proceeds of the sale of the parcel of seventy-two acres of land sold on the 31st. day of October 1891 to Buck Ashburn under the decree of the Circuit Court of Jasserroad County, entered on the 14th. day of October 1891 in the Chancery Cause pending in said Court between Jas. H. Fulgham, Guardian, etc. Plaintiff and Eliza V. Fulgham and others, Defendants.

$79.10

James H. Fulgham,
Guardian of Eliza V. Fulgham.

To the Circuit Court of Nansemond County. Va.

In pursuance of the decree of the Circuit Court of Nansemond County. Va. pronounced on the 13th. day of April 1892 in the Chancery Cause pending in said Court between James H. Fulgham, Guardian of Eliza V. Fulgham and others, Complainant and Eliza V. Fulgham and others, Defendants, the undersigned Wilbur J. Kilby, Special Commissioner, respectfully reports to Court that, as directed by said decree, he has out of the sum of $350. in his hands as specified in said decree, paid first in full all the costs of said cause and the expenses of the sale mentioned in said decree, and out of the remainder of said sum of money has paid to said James H. Fulgham the sum of $210.90, the same being the commuted value in money in lieu of his estate by the curtesy in the land mentioned in the Bill in said cause as containing seventy-two acres, more or less, as ascertained according to the provisions

of section 2781 of the Code of Virginia, and has paid the remainder of said money to James H. Fulgham as guardian of Eliza V. Fulgham for her sole use and benefit, as will fully appear by the vouchers hereto attached and the following statement, to wit:

By Amount in hand as stated above.			$ 350	00
" Interest on same			4	57
To paid Wilbur J. Kilby, Atty. for Plaintiff taxed fee and State tax, per rect.	16	50		
" " Rob. R. Prentis, Comr. his fee "	10	00		
" " Wm H. Howell, Shff. his fees "	3	00		
" " Rob. A. Edwards, Sheriff of Isle of Wight Co. Va. his fees, per rect.	1	50		
" " A. P. Gomer, Clerk of Court, his fees "	7	41		
" " H. E. Smith, County Treas. State and County taxes on said land for 1890, per rect	2	82		
" " Same, taxes on ditto for 1891. "	2	34		
" 5 per cent commissions on $300. = $15.00				
" 2 " " on $ 50 1.00	16	00		
" paid Wilbur J. Kilby, Atty. for writing the deed conveying said land to the purchaser thereof, per rect.	5	00		
" Amount to balance.	290	00		
	354	57	354	57

By Balance brought on			290	00
To paid James H. Fulgham in lieu of his curtesy in said land as stated above, per rect.	210	90		
" " James H. Fulgham, Guardian of Eliza V. Fulgham, per rect.	79	10		
	290	00	290	00

The above sum of $210.90 paid to said James H. Fulgham has been ascertained by multiplying the sum of $17.40 (which is six per cent interest per annum on said sum of $290), by the sum of $12.12, which is the amount provided for such purpose by section 2281 of the Code of Virginia in such cases for a person of his age, namely 39 years.

A deed with special warranty in the usual form has been made by the undersigned as directed by said decree, and delivered to Buck Ashburn, conveying to him the land purchased by him under proceedings in said cause.

Respectfully submitted this 28th. day of May 1892

Wilbur J. Kilby.
Special Comr.

(over)

Jas. H. Fulgham, Gdn.

vs. } In Chy.

Eliza V. Fulgham
and others

Report of collections
and disbursements
28 May 1892.

1892 Aug 30th Filed
A.D. Gomer clerk

Received of Wilbur & Killy, the respect=
ive sums of money shown in the foregoing Report as paid by them on our names as follows;
Wilbur & Killy, Atty. for Plaintiff $16.50
Wilbur & Killy, Atty, " 5.00
Wilbur & Killy, Atty, " 16.00
& D Gomer Clerk Circ. Ct. " 7.41

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of the Circuit Court of Nansemond County pronounced on the 14th. day of October 1891 in the Chancery Cause pending in said Court between James H. Fulgham Guardian of Eliza V. Fulgham, Plaintiff, and said Eliza V. Fulgham and others, Defendants, the undersigned Wilbur J. Kilby, Special Commissioner, respectfully reports to Court that after he had executed the bond required of him by said decree, he sold the land mentioned in said decree, privately, on the 31st. day of October 1891, to Buck Ashburn for the sum of three hundred and fifty dollars cash and received the money of said Buck Ashburn on the day of the sale; private sale of said land having been authorized by said decree provided the sum of two hundred dollars or more could be obtained therefor, and the undersigned having been appointed by said decree, Special Commissioner to sell the same.

The said sum of money is in the

Fulgham. Gdn.

vs. } In Chy.

Fulgham et al.

Report of sale of land under decree of 14 October 1891

Confirmed 13th. April 1892

1892 April 1st Filed
L.B. Gomez Clerk.

hands of your Commissioner subject to the order of Court
Respectfully submitted this 28th. day of March 1892.
Wilbur F. Kelly
Special Comr.

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, VA.

September 12th 1891

To James H. Fulghum, Guardian of Eliza V. Fulghum, a minor,

Plaintiffs,

and Eliza V. Fulghum, an infant under the age of twenty-one years, Ann Eliza King, Robert C. Daughtrey and Mary Frances Daughtrey, his wife, William Norfleet Harrell and Henrietta Harrell his wife, Martha E. Holmes (widow), Charles T. King, John King and Lucy V. Phelps, and John B. Pinner Guardian ad litem of the infant defendant,

Defendants.

You are hereby notified that I have fixed upon the 23rd *day of* September 1891 *~~next~~, to take and settle, at my office, the following accounts, to-wit:* and enquiries

1. Whether the interest of the infant defendant Eliza V. Fulghum will be promoted by a sale of the property in the Bill mentioned and described or any part of it and the investment of the proceeds of the sale in other property for the use and benefit of the said infant or by the application of the same to her proper maintenance and education or other interests.
2. Whether the rights of any person will be violated by such sale.
3. What is the fee simple value of said property and what would be a fair cash price therefor.
4. Who would be the heirs or distributees of said infant, if she were dead.
5. Any matters specially stated deemed pertinent by myself or required by any of the parties to be specially stated;

required to be taken by the decree of Nansemond Circuit *Court, rendered on the* eleventh *day of* April 1891 *in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.*

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Robert C. Phillips
Commissioner.

We severally acknowledge legal and sufficient service of this notice.-

Wilbur J. Kilby Atto.
for the Complainant.

John R Pinney
Guardian ad Litem for
The infant Defendant

INTERROGATORIES TO BE PROPOUNDED TO THE WITNESSES IN THE CHANCERY CAUSE OF JAMES H. FULGHAM, GUARDIAN &c. AGAINST ELIZA V. FULGHAM, INFANT &c.

1st. Interrogatory. State your age, residence, occupation and do you know the parties to this suit?

2nd. Interrogatory. State whether or not the interest of the infant defendant will be promoted by a sale of the real estate in the bill described, or any part thereof, and the investment of the proceeds of such sale in other property for the use and benefit of the said infant, or by the application of the same to her proper maintenance and education, or other interests; whether the rights of any person will be violated by such sale; what is the fee simple value of the said property and what would be a fair cash price therefor, and who would be the heirs or distributees of said infant, if she were dead?

It is agreed that the foregoing interrogatories may be propounded to the witnesses in the above mentioned case by the Commissioner in Chancery before whom the depositons may be taken.

John P. Pinner
Guardian ad Litem for infant
defendant Eliza V. Fulgham.

The Depositions of Solomon J. Bradshaw and R. L. Baines taken before the undersigned Robert R. Prentis, a Commissioner in Chancery of the Circuit Court of Nansemond County , pursuant to the notice hereto annexed, and upon two Interrogatories agreed on by John B. Pinner Guardian ad litem for the infant defendant Eliza V. Fulgham, to be read as evidence in behalf of the Complainant in the Chancery cause entitled James H/ Fulgham, Guardian &c. against Eliza V. Fulgham and others, now pending in the Circuit Court of Nansemond County, and referred to me as Commissioner.

The two Interrogatories agreed to by the Guardian ad litem are hereto annexed.

Solomon J. Bradshaw being first duly sworn, in answer to questions answers and says:
To the 1st. Interrogatory he says:

I am 40 years old, I live near Myrtle Station in this County, I am a Farmer, I know the parties to the suit.

To the 2nd. Interrogatory he says:

I think that the interest of the infant defendant will certainly be promoted by a sale of the 72 acre tract, I think it would have been better if it had been sold ten years ago. I rented it ten years ago and paid $6. rent for it for the year. It has been depreciating in value, and is of very lit- if any service to the infant the way it now stands, because I am the last man that ever tilled it, and it yields no income whatever.. Of course under these circumstances I think that it would be better to sell it and and use the proceeds of sale in her maintenance and education. The rights of no person will be violated by such sale so far as I know . There is half of the land that is not worth paying taxes on, and I should think that $200. would be a fair cash price for it and that amount is its fee simple value. The land came from the infant's mother, and her nearest relatives are the defendants Ann Eliza King , Mary Francis Daughtrey, Henrietta

Harrell, Martha E. Nelms, Charles T. King, John King, and Lucy V. Phelps on that side.

Further this deponent saith not.

S. J. Bradshaw

R. L. Baines, being first duly sworn, in answer to questions, deposes and says:

To the first Interrogatory he says:

I am 24 years old, Buckhorn Nansemond County, Va. is my residence, I am a Farmer, I know all the parties except Lucy V. Phelps.

To the 2nd. Interrogatory he says:

I think that the interests of the infant defendant will be promoted by the sale of the 72 acre tract of land in the Bill described. I know where the land lies, in a straight line I live about a half of a mile from the land and have been on it once or twice. I think it will be better for her to apply the proceeds to her education than to allow it to stand as it is. I think that $200. will be the full value for it and that amount a full cash price for it. So far as I know the rights of no person will be violated by such sale.

Further this deponent saith not.

R. L. Baines

The foregoing depositions of Solomon J. Bradshaw and R. L. Baines were taken, sworn to and subscribed before me this 26th day of September 1891.

Robert R. Dennis,
Commissioner in Chancery.

COMMISSIONER'S OFFICE,

Suffolk, Va., Sept'r. 26th. 1891

James H. Fulgham, Guardian &c.

v.

Eliza V. Fulgham, infant & others

TO THE CIRCUIT COURT OF NANSEMOND COUNTY:

Your Commissioner, after having first given notice as required by the decree prorounced in the above entitled cause, that he would proceed on the 23rd. day of September 1891 to execute the decree of reference entered on the 11th. day of April 1891 (which notice duly acknowledged is herewith returned) begs leave now to report:

That on the day named in the notice none of the parties appeared, and the case was continued until this day, when the depositions of Solomon J. Bradshaw and R. L. Baines were taken on two Interrogatories agreed on by John B. Pinner the Guardian ad litem for the infant defendant, and the enquiries are concluded. The said depositions and Interrogatories are herewith returned.

From the evidence thus adduced I now report;

1. That the interest of the infant defendant Eliza V. Fulgham will be promoted by a sale of the 72 acre tract of land in the Bill described, and the application of the proceeds of such sale to her proper maintenance and education.

2. That the rights of no person will be violated by such sale, so far as the Commissioner is able to ascertain.

3. That the fee simple value of the said land is $200. and that amount would be a fair cash price therefor.

4. That the defendants Ann Eliza King, Mary Frances Daughtrey, Henrietta Harrell, Marthe E. Holms, Charles T. King John King and Lucy V. Phelps are the nearest relatives of the said in-

fant, on her deceased mother's side, and that they would ~~have~~ inherit the said land if she were dead.

Respectfully submitted,

Robert R. Prentis,

Commissioner in Chancery.

Fee $10.—

Jas. N. Fulghum
Guardian &c.,

vs.

Report of
Comm.r
Proceedings.

Eliza V. Fulghum
infant &c.

Dated Sept. 26. 1891.

Filed September 29th 1891
A P G
Clerk

Fulgham Gdn.

vs.

Fulgham Falls.

This Cause came on this day to be again heard on the Papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the ~~31st~~ first day of ~~March~~ April 1892 (the same being a Report of the sale of the parcel of land, mentioned and described in the Bill as containing seventy-two acres, more or less, in pursuance of the decree entered herein on the 14th. day of October 1891), and was argued by Counsel.

On consideration whereof the Court doth ~~confirm~~ approve and confirm the said sale and Report to which no exception has been taken and doth adjudge, order and decree that said Wilbur J. Kilby, as Special Commissioner aforesaid do, out of the sum of three hundred and fifty dollars ~~money~~, received by him for said land and in his hands as specified in said Report, pay first in full all the costs ~~and ex-~~ ~~penses~~ of this cause and the expenses of the said sale, and then out of the remainder pay to the Plaintiff, James H. Fulgham ~~the~~ such a sum of money in gross as will be equal to the commuted value in money of his ~~life~~ estate

by the curtesy (he having agreed as stated in said Bill to accept the same in said land, in lieu of such ~~life~~ estate), to be computed and ascertained out of the net proceeds of said sale according to the provisions of section 2281 of the Code of Virginia, and then pay the remainder of said money to said James D. Fulgham, as guardian of the defendant, Eliza V. Fulgham, for her sole use and benefit, and make report to Court of his transactions under this decree.

And the Court doth further adjudge, order and decree that said Wilbur J. Kilby, as Special Commissioner make to ~~said~~ Buck Ashburn a deed with special warranty in the usual form conveying said land to him, he being the purchaser thereof as specified in said Report.

Fulgham, Adm.
vs. } In Chy.
Fulgham et al.

In the Circuit Court of Nansemond County April 13 1892

Decree
To be entered
CMP

Entered in Chy Order Book No. 2. Page - 439

Fulgham Gdn.
vs.
Fulgham Hals.

This cause came on this day to be again heard on the papers formerly read and on the Report of Robert R. Prentis, Commissioner, filed on the 29th. day of September A. D. 1891 (being a Report in pursuance of the decree entered herein on the 11th. day of April A. D. 1891) and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken; and it appearing that all those who would be the heirs and distributees of the infant defendant, Eliza V. Fulgham, if she were dead, have been made defendants in this cause, and that all the provisions of the law applicable to the case have been complied with, and it having been clearly shown independently of any admissions in the answers that the interest of the said infant defendant, will be promoted by a sale of the parcel of land, men-

tioned in the Bill containing seventy-two acres, more or less, the Court, being of opinion that the rights of no person will be violated thereby, doth adjudge, order and decree that said parcel of seventy-two acres of land be sold and that Wilbur J. Silby who is hereby appointed Special Commissioner for the purpose, proceed to ~~sell the same~~ make private sale of the same, provided the sum of two hundred dollars or more may be had therefor, or otherwise to sell the same by public auction before the Courthouse door of this County on some County Court day on the terms of payment by the purchaser of enough of the purchase-money in cash to pay the costs of this cause and the expenses of the sale and the remainder in one sum at the end of six months with interest from the day of sale, - the purchaser to execute bonds in evidence of the deferred payment with good personal security and the title to the land to be retained until the further order of Court. But before

proceeding to make said by public auction sale, said Special Commissioner will advertise the time, place and terms of sale by printed notices to be posted in the neighborhood of the land to be sold, at said Courthouse door and several public places in said County ~~and by publication of the notice once a week~~ before making either said private or public sale and will execute before the Clerk of this Court a bond in the penalty of four hundred dollars with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and, in case of a public sale will obtain of the said Clerk a certificate of the due execution of said Bond and append the same or a copy thereof to the advertisement of the sale, and make report to Court of his transactions under this decree.

Fulgham, Gdn.

vs. } In Chy

Fulgham Pals

In the Circuit
Court of Nansemond
County
October 14 1891

Decree
To be entered
C.H.S

Entered in Chancery Order
Book No 2. p 415—

Fulgham. Gdn.

vs.

Fulgham & als.

This cause regularly matured and set for hearing at Rules came on this day to be heard on the Bill taken for confessed as to all the adult defendants, Ann Eliza King, Robert C. Daughtrey and Mary Frances Daughtrey his wife, William Norfleet Harrell, and Henrietta Harrell his wife Martha E. Helms (widow) Charles T. King, John King and Lucy V. Phelps on whom process had been duly served, they still failing to appear and plead answer and demur to said Bill, on the exhibit filed with the Bill, on the sworn answer of John B. Primer Esq. attorney at Law, guardian ad litem to the infant defendant, Eliza V. Fulgham, appointed at Rules to defend her in this suit, on the answer of said infant defendant by said guardian ad litem, and on the sworn answer of said infant defendant (being over fourteen years of age) in his proper person

in her proper person, with general replications to said answers and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this Cause be referred to one of the Commissioners of this Court, who is directed to ~~enquire~~ report and ~~ascertain~~ to Court,

1. Whether the interest of the infant defendant Eliza V. Fulgham, will be promoted by a sale of the property in said Bill mentioned and described, or any part of it and the investment of the proceeds of the sale in other property for the use and benefit of said infant, or by the application of the same to her proper maintenance and education or other interests.

2. Whether the rights of any person will be violated by such sale.

3. What is the fee-simple value of said property and what would be a fair cash price therefor.

4. Who would be the heirs or distributees of said infant, if she

were dead,

5. Any matters specially stated deemed pertinent by himself or required by any of the parties to be specially stated.

Notice of the time and place of making said inquiries need only be given to the Complainant and the guardian ad litem aforesaid and such notice shall be sufficient without service thereof on any of the other parties hereto.

Fulgham, Gdn.

vs. } In Chy.

Fulgham & al.

In the Circuit
Court of Coahoma
County
April 11th, 1891

Decree
To be entered
C M L

Entered Sol Chancery
Order Book No 2
Page 376

Jas. H. Fulgham Gdn.

vs.

Eliza V. Fulgham & als.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 30th day of August 1892 (the same being a Report of the collection and disbursement of money in pursuance of the decree entered herein on the 13th day of April 1892), and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken and doth adjudge, order and decree that the proceedings had in this cause be final and binding between the parties thereto, and nothing more appearing to be done herein it is ordered that this cause be removed from the docket.

Fulgham, Gdn.

vs. } In Chy.

Fulgham & al.

In the Circuit
Court of Chancel-
lor County
October 14 1892
Finial decree
To be entered.
C M H

Entered in Chancery
Order Book
No. 2. Page 463.

The answer of Eliza V. Fulgham an infant over the age of fourteen years, to wit, of the age of eighteen years in her own proper person to the Bill of Complaint exhibited against her and others in the Circuit Court for Nansemond County by James H. Fulgham guardian of said Eliza V. Fulgham, a minor:

For answer to said Bill the said Eliza V. Fulgham answers and says that although under full age she believes she knows what are her interests in the matters referred to in said Bill, She believes the statements in said Bill are true and that it will be to her advantage to sell the land as therein prayed for and invest the proceeds of the sale in other property for her use and benefit, or apply the proceeds to her maintenance and education. The rights of no person will be violated by said sale. She prays that her rights and

interests may be protected by the Court and that no decree be pronounced which will tend to her prejudice, or be against her interest.

And now having fully answered, she prays hence to be dismissed with her reasonable costs in this behalf expended and she will ever pray etc.

Eliza Virginia Fulgham.

County of Nansemond, to wit:

This day, Eliza Virginia Fulgham, whose name is signed to the foregoing answer, appeared in person before me, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County aforesaid, and made oath that the matters in said answer stated of her own knowledge are true and those stated upon information of others, she believes to be true.

Given under my hand this 28th. day of February 1891.

Wilbur J. Kilby,
Comr. in Chancery.

Jas. H. Fulgham,
Pltf.

vs. } In Chy.

Fulgham &al.

Answer of Eliza V. Fulgham an infant over 14 years of age in her own proper person.

The answer of John B. Primer Esq. Attorney at Law, the guardian ad litem appointed to defend the infant defendant Eliza V. Fulgham in this suit, in his proper person to the Bill of Complaint exhibited against the said Eliza V. Fulgham and others in the Circuit Court of Jasper County by James H. Fulgham, guardian of said Eliza V. Fulgham:

For answer to said Bill the said guardian ad litem answers and says that he does not know whether the interests of said infant defendant would be promoted by a sale of the property as prayed for in said Bill or not, but he believes the statements in said Bill are true and that the interest of said infant defendant would be promoted by a sale of said property and the investment of her share of the proceeds of the sale for her use and benefit, or ~~in~~ in her proper maintenance and education. And now having fully

answered he prays hence to be dismissed with his reasonable costs in this behalf expended and he will ever pray etc.

John B. Primer
Guardian ad Litem
to Eliza V. Fulgham
an infant

County of Nansemond, to wit:

This day John B. Primer, guardian ad litem etc. whose name is signed to the foregoing answer, appeared in person before me, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County aforesaid, and made oath that the matters in said answer stated of his own knowledge are true and those stated upon information of others, he believes to be true.

Given under my hand this 2nd. day of March 1891.

Wilbur J. Kilby
Comr. in Chancery.

Fulgham Gdn.

vs. } In Chy.

Fulgham & als.

Answer of John B. Pinner guardian ad litem in his proper person.

The answer of Eliza V. Fulgham an infant under the age of twenty-one years by John B. Pinner Esq. attorney at Law, her guardian ad litem appointed to defend her in this suit, to the Bill of Complaint exhibited against her and others in the Circuit Court for the County of Hanseman by James H. Fulgham guardian of said Eliza V. Fulgham;

For answer to said Bill said Eliza V. Fulgham by her said guardian ad litem answers and says,

That, being an infant of tender years, she is, by reason of her infancy, ~~being~~ ignorant of the matters mentioned in said Bill and incapable of understanding or taking care of her rights and interests. She, therefore by her said guardian ad litem commits herself and her rights and interests to the protection of the Court and prays that no decree may be pronounced, which will tend to her prejudice, or be against

her interest in this suit.

And now having fully answered she prays hence to be dismissed with her reasonable costs in this behalf expended, and she will ever pray etc.

Eliza V. Fulgham infant
by
John B. Pinner
Guardian ad Litem.

Fulgham, Gdn.

vs. } In Chy.

Fulgham & al.

Answer of the infant defendant Eliza V. Fulgham by her guardian ad litem.

Virginia:

At a Monthly Term of the County Court begun and held for the County of Nansemond at the Court House in the Town of Suffolk on Monday the 13th. day of December 1875.

The Court doth appoint James N. Fulgham guardian of Eliza V. Fulgham his child, and thereupon the said James N. Fulgham entered into a bond in the penalty of One hundred dollars, conditioned according to law with John L. Fulgham his surety therein who justified in oath as to his sufficiency, which said bond being acknowledged by the obligors therein is ordered to be recorded.

A Copy

Teste:

R. R. Smith Clerk

By A. L. Gomes D.C

Fulgham, Gdn.

vs. } In Chy.

Fulgham & al.

Exhibit A.
filed with the
Bill.

Fee 25¢

To the Honorable Chandler W. Hill
Circuit Court Judge for the County of
Isle of Wight in the State of Virginia;

Humbly Complaining respectfully
represents and shows unto Your Hon-
or, Your Complainant, James H. Fulg-
ham, Guardian of Eliza V. Fulgham
a minor, the following case:

That said Eliza V. Fulgham
is the daughter of Your Complain-
ant and is Eighteen (18) years of
age this 21st. day of February A.
D. 1891.

That said Eliza V. Fulgham
is the owner in fee of a tract of
land situated in Chuckatuck
Magisterial District in said County
containing seventy-two (72) acres,
more or less and bounded on the north
and east by the land of Buck
Ashburn, on the South by the land
of Thomas Pierce and on the west
by the land of Charles T. King.

That said Eliza V. Fulgham
inherited said land from her
mother, the late Judith Ann Fulg-
ham, deceased, who was the first
wife of Your Complainant and

who departed this life on the 15th, day of October 1875 intestate, leaving no child nor heir, but the said Eliza V. Fulgham.

That your Complainant is entitled to an estate by the curtesy in said land.

That said parcel of land constitutes all the estate belonging to said Eliza V. Fulgham, or of which she is seised or possessed, except a one-seventh (1/7) undivided fee-simple interest which, as heir of her mother, she owns in the dower land of her grandmother, Ann Eliza King, widow of Michael King deceased.

The said dower land consists of twenty (20) acres, more or less, situated in said District and County on the North side of the County road called the Blackwater Road and bounded by the Mourning King swamp, and the lands of John L. Fulgham and Elisha Ashburn deceased. It is occupied by, or is in the possession of, said Ann Eliza King, and is supposed to be worth

three thousand, or thirty-five hundred dollars, in fee-simple. The interest therein of said Eliza V. Fulgham would, therefore, be worth $400. or $500, after the death of her grandmother.

That said parcel of seventy-two acres of land is worth three hundred dollars in fee-simple.

That said Eliza V. Fulgham owns no property of any kind except as stated above.

That Your Complainant was born on the 22 day of June A. D. 1852 and on the 13th. day of December 1875 was appointed guardian of said Eliza V. Fulgham by the County Court of said County. A transcript from the records of said County Court showing his appointment as guardian aforesaid, is herewith filed as part of this Bill and marked "Exhibit A."

That there are no improvements or buildings of any kind upon said parcel of seventy-two acres of land. There is no timber upon it of any value, the growth upon

it being bushes and chiefly small old-field pines. Owing to these facts, it has not been possible to secure a tenant, or to derive any rent or profits from it. It has remained a long time and still remains unoccupied, producing no income or profits whatever, and is practically useless and worthless. The said Eliza V. Fulgham lives with her father on his farm near Smithfield Va. and could never make any use of said parcel of seventy-two acres of land. She, of course, derives no income from her interest in said dower land, so long as said Ann Eliza King lives.

Your Complainant charges that the interest of said Eliza V. Fulgham would be promoted by a sale of said parcel of seventy-two acres of land, and the investment of the proceeds of the sale of her interest therein for her use and benefit, or the application of the same to her proper maintenance and education, or to her use

as her other interests may require, as may appear to the Court most satisfactory.

Your Complainant is willing to commute his estate by the curtesy in said parcel of seventy-two acres of land and receive such a sum of money in gross out of the proceeds of the sale, as he may be entitled to in lieu of his said estate.

The rights of no person would be violated by said sale and the disposition of the proceeds thereof as aforesaid.

If said Eliza V. Fulgham were dead, her Kindred on the side of her mother from whom her interest in said land was derived by descent, would be her heirs and distributees. This Kindred, now living, consists of her grand-mother, Ann Eliza King, her aunts, Mary Frances wife of Robert C. Daughtrey, Henrietta wife of Wm. Norfleet Harrell, Martha E. Helms (widow), her uncles, Charles T. King, John King, and her first Cousin Lucy V. Phelps, daughter of her deceased aunt, Ann V. Phelps, formerly

the wife of James A. Phelps, deceased.

In the progress of this suit, the Court will be asked to decree that proper Counsel fees be allowed and paid out of such funds as may come under the control of the Court for the preparation of this Bill and the conduct of the proceedings.

In consideration whereof Your Complainant prays that said Eliza V. Fulgham, an infant under the age of twenty-one years, Ann Eliza King, Robert C. Daughtrey, and Mary Frances Daughtrey his wife, William Norfleet Harvell and Henrietta Harvell his wife, Martha E. Helms (widow) Charles T. King, John King and Lucy V. Phelps may be made parties defendant to this Bill and be required to answer all the allegations thereof on oath, the adults, the said Eliza V. Fulgham (being over fourteen years of age) and the guardian ad litem to be assigned to defend the interests of said infant in this suit, in their proper persons, and said infant by her guardian ad litem; that a guard-

ian ad litem be assigned to said Eliza V. Fulgham, infant defendant, to defend her interests in this suit; that said parcel of seventy-two acres of land be sold and the commuted value of the estate therein by the curtesy of said James H. Fulgham be ascertained as provided by law and a gross sum of money in lieu thereof paid to him out of the proceeds of the sale; that the remainder of said proceeds be invested for the use and benefit of said Eliza V. Fulgham, or applied to her proper maintenance and education, or otherwise as her interests may require or to the Court may seem proper; that all proper allowance of counsel fees may be made; that proper process issue and all proper orders and decrees may be made and enquiries directed; and that all such further and general relief may be granted Your Complainant as the nature of his case may require or to Equity shall seem meet. And Your Complainant will ever pray etc.

James H. Fulgham

21 Feby. 1891 Guardian of Eliza V. Fulgham

Wilbur J. Kilby s.g.

Virginia – County of Nansemond, to wit:
James H. Fulgham, Guardian of Eliza V. Fulgham, whose name is signed to the foregoing Bill, this day appeared in person before me, a Commissioner in Chancery of the Circuit Court for the County aforesaid and made oath that the matters in said Bill stated as of his own knowledge are true and those stated upon information of others he believes to be true.

Given under my hand this 28th. day of February 1891.

Wilbur J. Kilby,
Comr. in Chancery.

Fulghams, &c.
vs. } In Chy.
Fulgham et al.

Bill

Jos H Fulgham Guardian

vs } In Chancery.

Eliza V Fulgham & als

1891. Feby 21. Process issued returnable to march Rules first monday. (2nd)

" March 2nd. Process returned executed in each of the defts Bill filed. Decree Nisi vs defendants.

" " 16th Decree Nisi confirmed and cause set for hearing

J & T Fulgham Gdr
VJ In Chancery
Eliz & T Fulgham Vals

Chancery Notes