

1894 - 053
Nansemond Co. (Suffolk)

Chancery Causes: S.R. Butler vs Admr of Justin Faulk et al

Jesse James & Co
 To G. T. Holland & Co

1881

Jan	4	To	Paul Jones & Co	527
"	"	"	Sugar &c	68
May	16	"	1 Hae Sugar	70
Aug	22	"	1 Pr Siffers	100
Sept	22	"	1 " Shoes	175
"	29	"	Mass	275
Oct	16	"	Banner Coaches	246
			Interest -	122
				<u>1591</u>
Dec	19	By	Cash	2541336

State of Virginia
 County of Handerson

I, Wm. T. Holland, a notary public for the
 County and State of said, do certify that
 G. T. Holland this day personally appeared
 before me in the County of said, and made
 solemn affirmation to the correctness of the above
 account of Thirteen dollars and Thirt-six
 cents, Given under my hand this 3rd
 day of June 1881.

Wm. T. Holland Notary Pub.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :
YOU ARE HEREBY COMMANDED TO SUMMON *John A. Tappan Sheriff of*
Nansemond County, and as such Administrator of Justin Tappan
deceased

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* next to answer
Bill in Chancery, exhibited against him and others
in the said Court by *J. R. Butler*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *26th* day of *February* 188*5*, in the *109th*
year of the Commonwealth.

Teste :

Peter B. Prentis Clerk.

E. E. Holland. p. 4

S. R. Butler

$\frac{4}{20}$ } Sum in Chy

Mar Ann Faulk, widow of
Cuthbert Faulk, dec'd late

March Rules, 1885

Don't sufficient security of
the proceeds, as
known by me.

J. L. Fulstam
S. H. of Man. & County
& Admin. of Justice Faulk

Cur. Co.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING :
YOU ARE HEREBY COMMANDED TO SUMMON *Mary Ann Faulk, widow of*
Justin Faulk, deceased; John Faulk, Joseph Faulk, Wm. N. Jones, Sr.
and J. J. Holland, Trustee, Newton Faulk and Rebecca Faulk;
The last two infants, under the age of twenty-one years

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* next to answer a
Bill in Chancery, exhibited against them
in the said Court by *S. R. Butler,*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *2nd* day of *February* 188*5*, in the *109th*
year of the Commonwealth.

Teste :

Peter B. Prentis. Clerk.

Executed Feb'y 1885 and a copy delivered
to each of the within named ^{parties} Defendants
J. Y. Cox
J. L. Fulgham
Deft for
Shuff

J. R. Butler

25th Sec. in Chy

Mary Ann Standish, widow
of Justin Standish, dec'd &c.

To March 4th, 1885.

E. E. Holland, Jr.

Cox & Co.

✓

VIRGINIA—AT RULES HELD
in the Clerk's office of the Circuit court
of Nansemond county, on Monday, the 2d day
of February, 1885:

S. R. Butler.....Plaintiff,
AGAINST

Mary Ann Faulk, widow of Justin Faulk, de-
ceased; John Faulk, Joseph Faulk, William
H. Jones, Sr., and Z. T. Holland, trustee;
Minton Faulk and Rebecca Faulk, infants
under the age of twenty-one years,
Defendants.

IN CHANCERY.

The object of this suit is to enforce the lien
of a judgment obtained by the plaintiff against
said Justin Faulk, in his life time, for \$72.76,
with interest from the 8th day of December,
1883, till paid, and \$1.10 costs, and to subject
the real estate of said deceased, in the county
of Nansemond, to the payment thereof. And
affidavit having been made and filed that the
defendant Joseph Faulk is not a resident of
this State, it is ordered that he do appear here
within one month after due publication of this
order and do what is necessary to protect his
interest in this suit.

A copy—Teste:

PETER B. PRENTIS, Clerk.

E. E. HOLLAND, p. q.

fe6-4t

Chgs For adn
\$ 500

Office of the Suffolk Herald,

Suffolk, Va., Mar 1st 1885

I hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

Thos. S. ELAM & ~~AMTAR~~ Eds. Herald.

amt Bill for 5.00
advertising

Pr J E Booker Manager

John H. ...
John Hawk die Lee

1885

Suffolk, Va.,

1886

Mr W. J. Kilby Commissioner
To Suffolk Herald, Dr.
Fine Job Work a Specialty

TERMS:

Transient Advertisements and
Subscriptions, Payable in
Advance.

Annual Advertisers are Re-
quired to Settle Quar-
terly.

Job Work, Cash on Delivery.

1886

March 28 To Publishing Notice to
Creditors of Justin Faulk
2 papers 3 weeks J 3.00

COMMISSIONER'S OFFICE,
SUFFOLK, VA., May 22, 1886.

TO THE CREDITORS OF JUSTIN

FAULK, DECEASED, OR HIS ES-

TATE, AND ALL OTHERS

CONCERNED:

You are hereby notified that, in pursuance
of a decree of the Circuit Court of Nanse-
mond county, I shall, on Wednesday, June 16,
1886, proceed, at my office in Suffolk, Va., to
take and settle an account of all debts or de-
mands against the said deceased or his estate,
and that at that time and place you are re-
quired to attend and file your claims and proof
in support thereof according to law.

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

my 28-31

WILBUR J. KILBY,
Commissioner.

Ind. Paym. J. E. Hooker
Apr 5th 1887

Virginia:

At Rules, held in the Clerk's Office of the Circuit
Court of Hanover and County, on Monday, the
2nd day of March, 1885.

S. R. Butler, Complainant.

against & In Chancery

John L. Fulgham, Sheriff of Hanover and County,
and as such, Administrator of Justin Faulk, deceased;
Mary Ann Faulk, widow of Justin Faulk, deceased;
John Faulk, Joseph Faulk, Wm. H. Jones, Sr.
J. J. Holland, Tradee; Minton Faulk, and
Rebecca Faulk; the last two, infants, under
the age of twenty-one years. Defendants.

On the motion of the Complainant by Counsel, Peter B. Prentiss
appointed guardian ad litem to the infant defendants, in this suit;
and it is ordered, that notice be given the said guardian of his appoint-
ment, by serving on him a copy of this order.

Teste:

Peter B. Prentiss, Clerk.

1885 March 2nd. I acknowledge service of the foregoing
order, and that I have received a copy of the same.

Peter B. Prentiss.

Gdn: ad litem

S. R. Butler

vs $\int$ In Chy:

John L. Falscham, Sheriff,
of Justin Paul's decd, tal.

Order appointing gdn: an
item, for infants
~~~~~

To S. R. Butler. Plaintiff

and John L. Fulgham, Sheriff of Hansemond County and as such administrator of Justin Faulk deceased, Mary Ann Faulk, widow of said Justin Faulk, John Faulk, Joseph Faulk, Wm. H. Gues Sr. and J. T. Holland, Trustee, Milton Faulk and Rebecca Faulk, the two last named being infants under the age of twenty-one years. Defendants

You are hereby notified that on the 16<sup>th</sup> day of June 1886 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Hansemond County, Va., rendered the 12<sup>th</sup> day of April 1886 in the suit in chancery pending in said Court to which you are parties plaintiff and defendant S, to wit:

1. An Account of the transactions of John L. Fulgham Sheriff and as such administrator of Justin Faulk deceased.
2. An Account of the liens and debts due by Justin Faulk deceased, or his estate with proofs, amounts of same and their priorities
3. An Account of the real estate, with its fee-simple and annual value, of which said Justin Faulk died seized and possessed
4. An Account of any matters specially stated deemed pertinent by me or required by any party to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, this 22<sup>nd</sup>, day of May 1886

WILBUR J. KILBY,  
Commissioner in Chancery.

Sufficient and legal service of this  
notice is hereby acknowledged by us  
severally.

22 May 1886

J. L. Fulgham - Sff.  
Peter B. Reuter's, given as witness  
for Minton & Rebecca Faulk

I have on this 4<sup>th</sup> day of June 1886, delivered  
a copy of this notice in writing to each of  
the within named, S. R. Butler, Wm H. Jones Sr.,  
J. P. Holland, Trustee, John Faulk and Minton  
Faulk

J. B. Vaughan Dy for  
J. L. Fulgham - Sff

In the Circuit Court of Fau-  
semond County, Va.

S. R. Butler, who sues, etc.

Against } In Chancery.

Justin Faulk's Per. Rep. & al.

To the Circuit Court of Fau-  
semond County:-

In pursuance of the decree  
of said Court pronounced the  
12th. day of April 1886 in the  
suit in Chancery in said  
Court pending between S. R.  
Butler, who sues etc. Plaintiff  
and Justin Faulk's Personal  
Representative and others. De-  
fendants, the undersigned,  
Wilbur J. Kilby, one of the  
Commissioners in Chancery  
of said Court to whom the  
papers in said suit had  
been referred, respectfully  
reports to Court, that after  
he had given notice to the  
parties of the time and  
place, he proceeded on the

16th. day of June 1886 at his office in Suffolk. Va. to take and state the several accounts required by said decree to be taken, and stated, and that the proceedings were adjourned and continued from the 16th. day of June 1886 to this 15th. day of September 1886, and now on the last named <sup>day</sup>, the proceedings having been at length completed, the result is herewith respectfully submitted as follows:

Account No. 1.

An Account of the transactions of John L. Fulgham, Sheriff and as such administrator of Justin Faulk deceased.

The Administrator reports to the Commissioner that said Justin Faulk left no personal estate except some few articles of household furniture exempt under the law for the benefit of his family. and that

he has neither received nor disbursed any estate and, therefore <sup>has</sup> no transactions of which <sup>^</sup> to render an account.

### Account No. 2

An Account of the debts due by said Justin Faulk deceased or his estate with the amounts of the same and their priorities:

Under this head the Commissioner reports as follows:

1. A debt due W<sup>m</sup> H. Jones Jr. as per Bond of said Justin Faulk for —

75 00

Interest from 17 Feby. 1883 to 17 Octo. 1886 - 3 y. 8 m.

16 50

\$ 91 50

This debt is secured by a deed of trust made by Justin Faulk and wife 17 Feby. 1883 and recorded 22 Feby. 1883 on page 364 of deed book, No. 11 in the office of the Clerk of the County Court of said County. The deed covers

one-half of the parcel of land mentioned and described in this Report and constitutes the first lien on the land covered by it, and the debt has priority over all others as to such land.

2. A Judgment in favor of Solo. R. Butler against Justin Faulk rendered 29th Octo. 1884 by Jas. K. P. Daugherty J. P. for -  
Interest from 8 Dec. 1883 to 17 Octo. 1886 - 2y. 10m. 9ds.  
costs of suit

|    |    |    |
|----|----|----|
| \$ | 72 | 76 |
|    | 12 | 48 |
|    | 1  | 10 |
|    | 86 | 34 |

This judgment constitutes the second lien upon the above-mentioned half of said land and the first lien upon the other half and stands second in the order of priorities.

- 3 A debt due W<sup>m</sup> H. Jones, Jr. for coffin furnished for burial of said Justin Faulk, as per open account for -  
Int. from 9 Mar. 1885 to 17 Octo. 1886, - 1y. 7m. 8ds.

|  |    |    |
|--|----|----|
|  | 10 | 00 |
|  |    | 96 |

\$ 10.96

This debt of \$10.96 constitutes the third in the order of priorities and is to be paid in full before any thing is paid on account of the next mentioned debt.

4. A debt due Z. T. Holland as per open account for -  
Interest from 17 Octo. 1884 to 17 Octo. 1886 - 2 y.

12 11

1 45

13 56

This debt is the 4th. in the order of priorities to be paid after all the others mentioned above are paid.

### Recapitulation

|   |                       |           |
|---|-----------------------|-----------|
| 1 | Debt due W. H. Jones, | \$ 91 50  |
| 2 | " " S. R. Butler,     | 86 34     |
| 3 | " " W. H. Jones,      | 10 96     |
| 4 | " " Z. T. Holland.    | 13 56     |
|   | Total                 | \$ 202 36 |

These are the only debts of which the Commissioner has any knowledge.

Account ch. 3.

An Account of the real estate, with its fee-simple and annual values, of which said Justin Faulk died seised and possessed;

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Under this head the Commissioner reports that said Justin Faulk died intestate, seised and possessed of

A parcel of land in Holy Creek Magisterial District in said County, containing 200 acres, more or less, bounded by the lands of John E. Anfleet, Richard L. Everett's estate, Elijah Faulk's estate and others, being the same land which by deed dated 9th Jan. 1875 and recorded 13 Jan. 1875 on page 468 of deed book ch. 4 in said office, was conveyed by Wright Faulk to said Justin Faulk for — \$450.00

Its fee-simple value is from \$450. to \$500. and its annual value from \$30. to \$40.

That part of the land subject to said deed of trust is

described as a parcel of 100 acres bounded on the South by the lands of Elijah Folks's estate, on the east by John E. Corflect's land, on the west by the county road and on the North by the other portion of the land.

G. J. Holland is named as trustee in the deed of trust.

The Commissioner has no knowledge of any other pertinent matters to be specially stated nor have any of the parties required any such other matters to be so stated.

Respectfully submitted this  
15th. day of September A.D. 1886  
Wilbur J. Kilby  
Comm. in Chancery.

|            |         |                                   |
|------------|---------|-----------------------------------|
| Comm's fee | \$15.00 | paid W. J. Kilby                  |
| Shelf.     | "       | 2.50                              |
| Clk        | "       | 10.00 paid Peter B. Prentiss, Clk |

Butler etc.

vs. } In Chy

Faulk's Per. Rep. &c.

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Report of debts etc.  
15 Sept. 1886

1886. Sept. 15th: Filed.  
clk

A. R. Butler,  
vs. In Chancery,  
Jno L. Pulgham, Sheriff and Administra-  
tor of Justin Faulk dec'd, Mary Ann  
Faulk, widow of Justin Faulk dec'd & also

<sup>in which said defendant have been proceeded against according to law</sup>  
his Cause, came on this day to be heard  
upon the bill taken for a compass as to  
the adult defendants, the answer of P. B.  
Prentiss, Guardian ad litem, and of the  
infant defendants by said Peter B. Prentiss  
their Guardian ad litem general and  
declarations thereto and exhibits filed and  
was argued by Counsel: On Considera-  
tion whereof the Court doth order, adjudge  
and decree that the papers in this Cause  
be referred to one of the Commissioners  
of this Court who is directed to Enquire  
into and report to Court:

1. An account of the transactions of Jno L.  
Pulgham Sheriff and as such Administrator  
of Justin Faulk dec'd
2. An account of the liens and debts  
due by Justin Faulk dec'd, or his Estate,  
with proofs, amounts of same and their  
priorities.
3. An account of the real estate, with  
its fee simple and Annual value, of which

A. R. Butler

W.  
Geo. L. Fulgham & Son  
Anti-Corn Law

Exceci

Apr June 1886  
To be entered

Geo. V. Bess

Sundays

12th Apr

Entered 8th No 2 p 71

Notice for application for a  
decree, in vacation, in the  
cause, is issued.  
Peto B. Peto's  
granted decree for  
jointly.  
J. L. Fulgham  
Supt. o. Court

Said Justin Hank died seized and possessed  
which several inquiries the said Com-  
missioner shall make and to the Court re-  
port together with any matter specially  
stated deemed pertinent by himself or re-  
quired by any party to be so treated

S. R. Butler

vs

Fulgham, Sheriff and others -

The matters in dispute in this  
cause having been compromised, on  
motion, it is ordered that the same be  
dismissed.

Butler  
to  
Fulham Skiff-boat

---

Dec. 11<sup>th</sup> 1884

Enter

and

Entered in Chancery

Order Book

No. 2. Page 548, -

The Joint and Separate Answer of Winton Faulk and Rebecca  
Faulk, infants, under the age of twenty-one years, by Peter B.  
Mentis, their guardian ad litem to a Bill in Chancery exhibited  
against their fathers, in the Circuit Court of Hanscom County  
by J. R. Butler:

These Respondents say, that being infants, and ignorant of their  
rights in the premises, they cannot admit any of the allegations  
in the Bill - they, therefore, submit their interests to the Court,  
and pray that no order or decree, may be made, in the premises,  
inconsistent with their rights.

(Signed)

Peter B. Mentis;

Guardian ad litem

S. R. Butler

to J. L. S. S. S.

John L. S. S. S.  
of Justin S. S. S. S.

Musical of Infants, by  
their general return

To  
Hon George Blow Judge of the Circuit  
Court of Wauseon County:

A. A. Butler  
vs J. D. Chaucery.

Jno L. Fulgham Sheriff and as such  
Administrator of Justin Faulk dec'd.  
Mary Ann Faulk, widow of Justin Faulk  
dec'd & als.

Your Complainant, A. A. Butler who  
sues for himself and all other  
creditors of Justin Faulk dec'd as may  
come in, take part in and contrib-  
ute to the costs of this suit, humbly  
complaining sheweth unto the Court,  
that some time during the year 1884,  
the said Justin Faulk, departed this  
life, untetake, leaving a widow, Mary  
Ann Faulk, and John Faulk, Joseph  
Faulk, Minton Faulk and Rebecca  
Faulk, as his only children and heirs at  
law, the last two being infants under  
the age of twenty one years.

That Jno L. Fulgham Sheriff of Wause-  
mon County was legally appointed  
and duly qualified as Administrator  
on the estate of said Justin Faulk  
dec'd.

That, during the life time of said Justin

Fauk, And that on the 8<sup>th</sup> day of  
Sept 1884 he recovered before W.  
P. Daughtry, a Justice of the Peace of  
Harrison County, a judgment against  
said Justin Fauk for the sum of  
\$72 <sup>76</sup>/<sub>100</sub> with interest thereon from the  
8<sup>th</sup> day of Dec 1883 and \$1<sup>10</sup>/<sub>100</sub> Costs.  
A copy of which, marked Exhibit "A" is here-  
with filed and prayed to be taken  
as a part of this bill; that no part  
of said judgment has ever been paid;  
and that said judgment has been  
duly docketed in the Clerk's office of  
Harrison County Court.

That said Justin Fauk dec'd. was pos-  
sessed at the time of his death of  
a very small personal estate,  
consisting of only such things as  
are exempt under our law from  
levy on execution, and that nothing came  
into the hands of the Administrator with  
which to pay your complainant's debt  
against said estate.

That said Justin Fauk was at the  
time of his death seized and posses-  
sed of a certain tract of land in Har-  
rison County, Virginia, containing  
two hundred acres more or less and

adjoining the lands of Jno E. Norfluh,  
R. L. Everett's Estate, Elisha Parks Estate  
and others.

That said Justin Faulk executed and  
there is recorded in the Clerk's office of  
Harrison and County Court, a deed  
of trust to J. P. Halland trustee for Wm  
H. Jones to secure a debt for \$4500 to  
said Wm H. Jones on one hundred acres  
of said land, and your Complainant  
is informed that there are many  
other debts against said estate.

Your Complainant avers and charges  
that the rents and profits of the said  
land will not in five years satisfy  
the liens upon and other debts against  
said estate, and that he is therefore  
entitled to have the said land sold  
to satisfy his own and other debts  
against said estate of said Justin  
Faulk's deed.

In the progress of this suit, the Court will  
be asked to decree <sup>that</sup> proper Counsel fees  
be allowed for the preparation of this  
bill and the conduct of the proceedings  
and paid for.

In Consideration whereof your Com-  
plainant prays that Jno L. Sulphard Shiff

Albanus and family and as such  
Administrator of Justin Paulk, dec'd.  
Mary Ann Paulk, wife of said Justin  
Paulk dec'd, John Paulk Joseph Paulk  
Wm H. James Esq and J. P. Hall and trustees  
Milton Paulk and Rebecca Paulk infants  
under age of twenty one years, may  
be made parties defendant to this  
bill and required to answer the same.  
the adult parties in person and the  
infants by a proper guardian ad litem  
to be appointed to defend their interests in  
this suit, who shall also answer the  
same; that the Administrator render  
before one of the Commissioners of this  
Court an account of his transactions as  
such Administrator; then an account  
of the debts due by Justin Paulk, dec'd on  
his estate be taken, with proofs of the  
same, the amounts thereof and their order of  
priority; And an account of the real  
estate of which said Justin Paulk died  
seized and possessed with its fee simple  
and annual value, and reports thereof  
made to Court; that if necessary sale  
be made of the real estate, or as much  
as is necessary, and the proceeds thereof as  
well as of personal estate be applied to the

payments of the debts against estate ac-  
cording to priorities; that proper process  
issue; that proper Counsel fees be allowed;  
that all proper orders and decrees may be  
made and all such other, further, and  
General relief may be granted your  
Complainant as the nature of his case  
may require or to equity may seem meet  
and your Complainant well ever pray &  
Edw Hall and  
p. 97

E. S. Holland. p. 9  
S. R. Butler  
W. S. L. Channing  
J. L. Fulgham Adm  
& als.

Bill

Mansfield Cer: Co:



Chy: Notes

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