

1905-007

Nansen and Co (Suffolk)

Chancery Causes: Ida E. Fulgham et al vs Clarence H. Fulgham et al

Baird, Eley, Gardner, Johnson

Folder 1 of 2

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

In Vacation on the 4th day of November, 1902.

Ida E. Fulgham, et Al.

vs)

)
Clarence H. Fulgham, et Als.

This cause came on this day to be again heard, pursuant to notice duly given to all the parties that this decree would be applied for, and with the consent of the parties, on the papers formerly read, and on the report of John B. Pinner, Commissioner under the decree entered in this cause on the 15th day of October, 1902, which report was filed on the 30th day of October, 1902, and to which there was no exception, and was argued by counsel:-

On consideration whereof, the Court doth approve, ratify and confirm said report, and doth adjudge, order and decree, that Lee Britt, who is hereby appointed a Special Commissioner for the purpose, do proceed, after having advertised the time, place and terms of sale in the Suffolk Herald, a newspaper published in the town of Suffolk, Va., once a week for three successive weeks, and by hand bills duly posted in public places in the County of Nansemond for ten days prior to the day of sale, to sell the real estate in the bill and proceedings mentioned, at public auction, in front of the Court-house door of Nansemond County, on some Court day, upon the following terms to-wit:-

One third cash, one third on a credit of six months and one third on credit of twelve months, from the day of sale, the credit installments to bear interest from the day of sale, taking from the purchaser bonds for the deferred payments, and the title to be retained until the further order of this Court, but the purchaser may pay the entire purchase price in cash, if he desires to do so.

But the said Commissioner shall not advertise the said land, and he shall receive no money under this decree, until he shall enter into bond, with proper security, in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of \$ 1800.-, and conditioned for the faithful discharge

of his duties under this, or any other, decrees entered in this cause.

And the said Commissioner is directed to report his proceedings hereunder to Court.

Robert R. Huntis
To the Clerk of the
Circuit Court of
Harrison County:

legal
We hereby accept sufficient¹ service of the notice of the appli-
cation for the within decree, and we consent to the said decree.

Ida C. Fulgham
Caleb R. Fulgham
John P. Lee, Guardian ad litem
for Clarence H., Emma L., and
Minneata S. Fulgham

Ida E. Fulgham & al.
vs In Chancery
Clarence H. Fulgham & al.
We are "for sale"

Entered Nov 11, 1902
Robert R. Muhlid

Entered in Chancery
Order Book No 3
Page 444.

IN THE CIRCUIT COURT FOR NANSEMOND COUNTY-

Ida E. Fulgham and Caleb R. Fulgham

Plaintiffs-

VS: ----- In Chancery -----

Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, all three being infants under the age of twenty one years-Defendants-

This cause, which has been regularly matured at rules and set for hearing at rules, according to law, and by consent of the parties here entered of record, came on this day to be heard on the bill, with exhibits filed, on the answer of John P. Lee, guardian ad litem of the infant defendants, the answer of the said infant defendants by the said John P. Lee, their said guardian ad litem, assigned at rules to defend the said infants in this cause, with general replications to said answers, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court, who is hereby directed to investigate, take, state and make report to Court on the inquiries following, to wit:-

1-Whether, or not, the real estate in the proceedings in this cause mentioned can be conveniently divided in kind among those entitled to the same.

2-Whether, or not, there can be an allotment of part of said land among those parties legally entitled thereto, and a sale of the residue, and distribution of the proceeds from such sale among the said parties entitled thereto, conveniently and without injury to the interests of said parties.

3-Whether, or not, any party in interest will take the whole land and pay to the other parties the values of their respective shares in money.

4-Whether, or not, a sale of the said real estate as a whole and a division of the proceeds from such sale among those legally entitled thereto will best promote and not violate the interests and rights of the said parties in interest.

5-Whether, or not, there are any delinquent taxes against the said real estate, and if so, what amount is owing and to whom due and payable.

6-State the names and proportionate shares of the parties entitled to the said real estate, or to the proceeds from the sale of the

same.

7- *State the fee simple value of the said real estate.*
Together with any other matter specially stated, deemed pertinent by the Commissioner, or ^{required} by any party interested to be so stated. And the said Commissioner shall make report to court.

And on motion of the plaintiffs, and by consent of all parties entered of record in this cause, the Court doth adjudge, order and decree that this cause be made a vacation cause, and that the papers in said cause be submitted to the judge of this court in vacation for such decision ~~and~~ decrees and orders therein ⁱⁿ vacation as might be made in term.

to the within decree, and

We hereby consent, that this cause and the papers therein may be submitted to the judge of this court in vacation for such decisions and decrees therein in vacation as might be made in term.

Ida C. Fulgham
Caleb R. Fulgham
John D. Lee Guardian ad
litem for Cleaveland H. Fulgham
Ernest H. Fulgham and
Minnesota S. Fulgham

Ida E. Fulgham et Al.-----

)
VS)---In Chancery-----
)

Clarence H. Fulgham et Als.---

#####

Decree Referring Cause to
Commissioner.

#####

To be entered this 15th day
of October 1902.

Robert H. Huntis

*Entered in Chancery
Order Book No 3
Page 459*

This deed made this 18th day of September 1899, between Joseph E. Fulgham, of the State of North Carolina, party of the first part and Ida E. Fulgham, wife of Caleb R. Fulgham, of the State of Virginia, party of the second part — Witnesseth, that the said Jos. E. Fulgham for and in consideration of the sum of \$150.00 (one hundred and fifty dollars), the receipt of which is hereby acknowledged, at and before the sealing and delivery of these presents, as paid into his hand by the said Ida E. Fulgham, doth hereby grant, bargain, bargain, sell, release and confirm to the said Ida E. Fulgham and her heirs and assigns forever, all of his undivided interest in that certain tract or parcel of land, lying in Nansemond County, State of Virginia, known as the "Dower Farm", which adjoins the farm now owned by the party of second part, it being the same farm which was the Dower Farm of the widow of ~~the~~ Jessie Fulgham, together with his interest in the appurtenances belonging or in any wise appertaining to said land. I have and do

State of North Carolina,--Macon County.

E. M. Crawford, Clerk Superior Court of the County and State aforesaid, do hereby certify that
E. M. Crawford, Esq., who signed the certificate hereto attached was at the date thereof an acting
Justice of the Peace, duly commissioned and authorized by law, that his signature thereto is in his own proper handwriting and genuine.

Given under my hand and official seal at office in Franklin, N. C. This 19th day of Sept 1899.

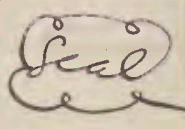
E. M. Crawford Clerk.

hold said interest, with the appurtenances aforesaid unto the said Ida E. Fulgham forever. And the said Joseph E. Fulgham, for himself and his heirs, doth covenant and agree with the said Ida E. Fulgham, her heirs and assigns, that she shall have quiet & peaceable possession of the said land forever.

Witness my hand and Seal this 18th day of September 1899.

Jos. E. Fulgham 

E. M. Evans — — — a Justice of the Peace, of Macomb County, State of North Carolina, do certify that Jos. E. Fulgham, whose name is signed to the writing above, bearing date of Sept. 18th 1899. has acknowledged the same before me in my County aforesaid. Given under my hand and seal this 18 day of Sept. 1899.

E. M. Evans J.P. 

Virginia: In the Clerk's Office of Nansemond County Court the 9th day of September, 1902:
This Deed was presented and with the certificates annexed, admitted to record.

Teste: R.R. Smith Clerk

By S.M. Lawrence D.C.

4.
Joseph E. Fulgham
To { Head of B. & S.
Ida E. Fulgham

Admitted to record
September 9, 1902.

Exhibit "E"

Recorded in Dead Book
No. 53, page 511.

1902 Sept. 22.

Exm^d, verif^d, & del^d?

SM Lawrence Ob.

Tax .50
Fee 1.25
Paid = \$1.75

This Deed, Made this 11 day of November, in the year
one thousand ~~eight~~ hundred and ninety nine, between
Annie S. Hulgham, of the County of Nansemond
and State of Virginia of the first part, and
Ida E. Hulgham (the wife of E. R. Hulgham) of the said
County and State of the second part—

Witnesseth: That in consideration of the sum of

One Hundred and Fifty (150) Dollars,

the said

Annie S. Hulgham

doth grant unto the said

Ida E. Hulgham, as her sole and separate
estate

with GENERAL WARRANTY, ~~at~~

an undivided one-sixth interest, in that
certain tract of land situate in Chuckatuck
Magisterial District, in the County of
Nansemond and State of Virginia, containing
by estimation one hundred and eighty (180)
acres, and bounded by the County Road
leading from Suffolk to Windsor, Virginia,
also by the County Road leading to Barber's
(X) Cross Roads, and on the other side by the
land of (Mrs) Martha Johnson known as the
"Hulgham" farm upon which Ida E. Hulgham
and E. R. Hulgham now reside, which farm
herein described is further known as the
"Jesse Hulgham" dower farm assigned to
Elizabeth Hulgham, widow of said Jesse Hulgham.

The said Annie S. Fulgham
covenants that ~~she~~ ^{said interest} has the right to convey the said land to the grantee; that ~~she~~
has done no act to encumber the said land; that the grantee shall have quiet possession
of the said ~~land~~ ^{interest}, free from all encumbrances, and that ~~she~~, the said part y of the
first part, will execute such further assurances of the said land as may be requisite.

Witness the following signature and seal--

Annie S. Fulgham



STATE OF VIRGINIA,
County of Nansemond } To wit:

I, Lee Britt, a Commissioner in Chancery of the Circuit Court

for the county aforesaid, in the State of Virginia, do certify that

Annie S. Fulgham
whose name is signed to the writing hereto annexed, bearing date the 11th
day of November, 1899, has acknowledged the same before me in my
county aforesaid.

Given under my hand this 11th day of November, 1899

Lee Britt
Commissioner in Chancery

MEMO.—To be acknowledged before any officer authorized to take acknowledgments.

COUNTY OF Nansemond, To wit:

In the office of the Clerk of the County Court for the County of Nansemond
the 9th day of September, 1902, this deed was presented, and, with the
certificate annexed, admitted to record.

Teste:

R. R. Smith

..., Clerk.

By J. M. Lawrence D.C.

5.

Deed of Bargain and Sale.

Annie S. Fulgham

To

Ida E. Fulgham

Admitted to Record this 9 day of
September, 1902.

Recorded D. B. 53, Page 512.

1902 Sept. 22

Examined and verified. *red*

Sm Lawrence *Rept.* Clerk.

Exhibit "A"

Tax, - - - - \$ 50

Fee, - - - - \$ 1.25

Paid \$ 1.75

This deed, made this 10th day
of March 1883, between James
H. Fulgham & Emma H. his
wife of the first part and
Joseph Fulgham of the second
part.

Witnesseth: that the said
parties of the first part, for
and in consideration of the
sum of five hundred dollars,
cash in hand paid or secured
to be paid do grant, bargain,
sell & convey with general war-
ranty unto the said party of
the second part, all of their
interest in and to (both in
being and in expectancy) that
certain tract or parcel of
land, known and held as
the dower of Elizabeth H.
Fulgham and containing
two hundred & twenty (220) acres,
more or less, situated, lying
and being in the county
of Loudoun & State of
Virginia, and bounded on
the West by the lands of
the said Joseph H. Fulgham.

on the North, by Phillips' Mill pond, on the East and South by County road, to have & to hold to him the said party of the second part, to him & his heirs, forever.

And the said parties of the first part, covenant and agree that they have a good & lawful right to convey said property (it being a $\frac{2}{3}$ interest in said tract of land) that they have done nor suffered no act to encumber the same & that they will execute such other and further assurances as are reasonable & proper.

Witness this following signatures & seals this day & year first above written
James H. Fulgham (seal)
Emma C. Fulgham (seal)

State of Virginia }
Jesse of High County } To wit:
J. J. H. Helms a Notary

Public in and for The
County & State aforesaid do
certify that James H. Ful-
gham, whose name is
signed to the writing above,
of even date herewith per-
sonally appeared before me
in my said county &
acknowledged the said
writing to be his act. And
I also further certify that
at the same time & place
also personally appeared
before me Emma C. Fulgham
(~~wife of~~ the said James
H. Fulgham) whose name is
also signed to said
writing & after being privately
examined by me separately
& apart from her said
husband & having the said
writing fully explained to
her, she the said Emma C.
Fulgham acknowledged
the said writing to be her
act, said she had willing-
ly executed the same &
did not wish to retract it.

Given under my hand this
10th day of March 1883.

J. Glenning Nelson
Notary Public

In the Clerk's Office of Hancock
County Court, the 2nd
day of May, 1883.

This deed was received, and
with the certificate annexed,
admitted to record.

Teste:

Peter O. Chentis, Clerk

A Copy (made this Sept. 22, 1902)

Teste:

R.R. Smith Clerk
By J.M. Lawrence D.C.

Exhibit "C"

Copy

Jas N Fulgham wife
vs
Jas N Fulgham.

See Book 11 Pg 567

This deed, made this 9th day of
Jan'y in the year one thousand
eight hundred and seventy four,
between John L. Fulgham and
Martha H. his wife grantors of
the first part and James H. Ful-
gham grantee of the second
part Witnesseth: that in con-
sideration of the sum of one
hundred and fifty dollars,
the said grantors and each
of them do grant unto the
said James H. Fulgham grantee
with general warranty all their
right title and reversionary
interest in that certain piece
or parcel of land known and
held at this time as the
homestead of Elizabeth M. Fulgham,
and containing Two Hundred
and (220) and twenty acres more
or less situated lying and
being in the County of Kan-
saw and State of Virginia,
and bounded as follows, on
the west by the lands of Joseph
H. Fulgham North by Phillip's
Mill Pond, on the East and
South by county road:

The said John L. Fulgham
and Martha H. his wife cove-
nants that they have the right
to convey the said interest
in said land to the grantees,
that they have done no act
to encumber the same, and
that they the said parties of
the first part, will execute such
further assurances of the
same as may be requisite
Witness the following signa-
tures and seals

John L. Fulgham (seal)
Martha H. Fulgham (seal)

In the Clerks Office of Ranse-
mond County Court the 9th day
of Janry 1874

The foregoing deed was acknow-
ledged by John L. L. Fulgham
to be his act and deed, and
Martha H. Fulgham the wife of
John L. Fulgham being exam-
ined by me privily and apart
from her husband and
having the writing, bearing
date 9th of January 1874 fully

explained to her, she the said
Martha H Fulgham acknowl-
edged the same to be her
act and declared that she
had willingly executed the
same, and does not wish
to retract it, whereupon the
said writing is admitted
to record.

Teste

Willis E. Cochran Clerk

A Copy, (made this Sept. 22. 1902)

Teste:

RR Smith Clerk
By S M Lawrence De

Jno L Fulgham wife
To } Dec of B & S.

Jas H Fulgham

Dec Book 4 Page 14.

Exhibit "B"

A copy

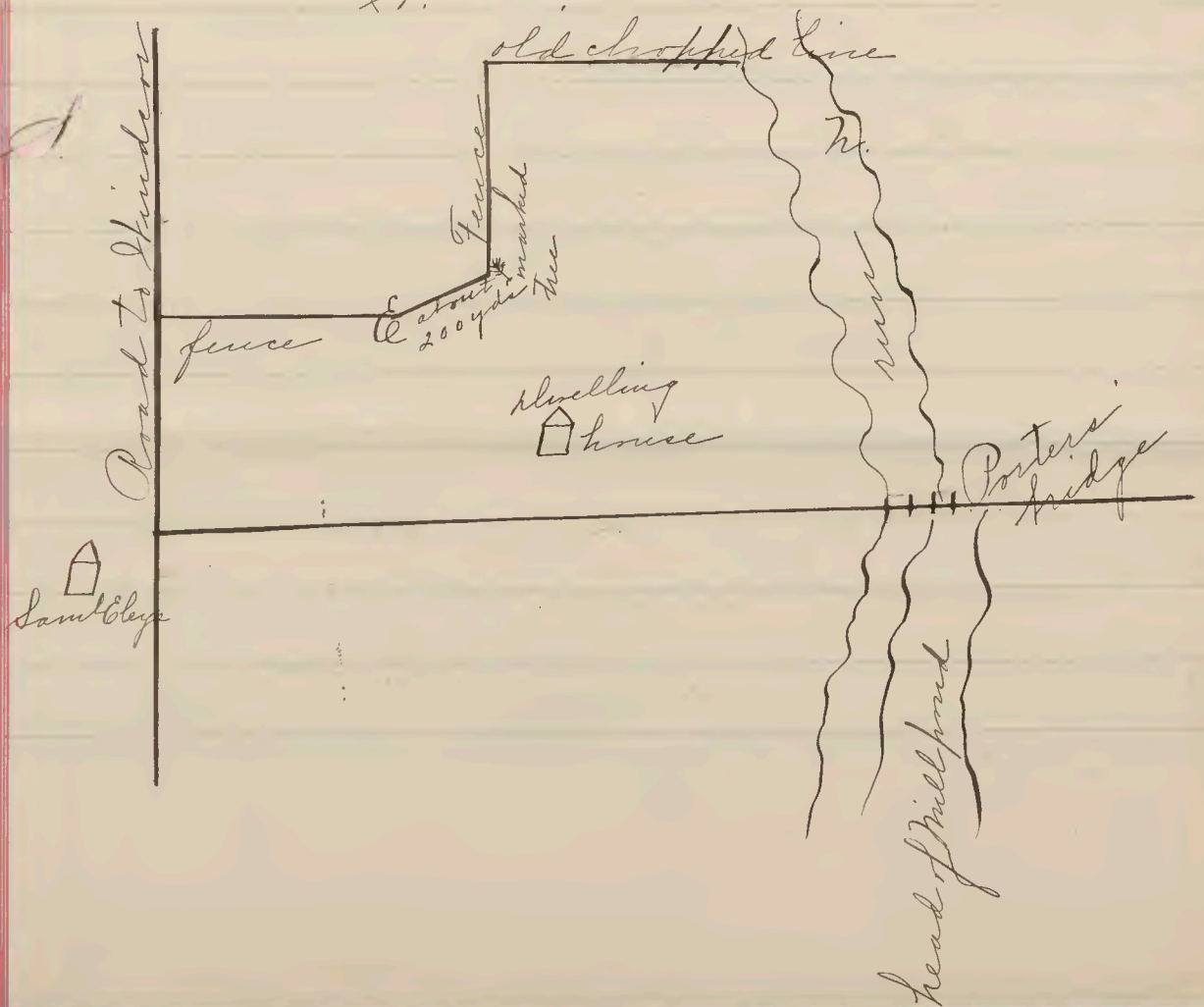
To the Circuit Court of Kanawha County,

The undersigned, commissioners, appointed by a decree of said Court made on the 15th day of October 1867, in the cause therein pending wherein John W. Black & al. are plaintiffs and Elizabeth M. Fulgham admx. of Jesse Fulgham deceased & others are defendants, beg leave to report, that we met on the premises referred to in said decree, on the 22^d day of Nov. 1867 & proceeded to execute said decree; and we assigned to said Elizabeth M. Fulgham widow of said deceased, for life, one third in value of the lands whereof her said husband died possessed, as & for her dower therein; and which dower is described as follows - Beginning at Porters Bridge, in the County road, thence westwardly up the various courses of the run to an old line between the Pierce and Archer tracts - then Southwardly along said old chopped line to an old field at a fence thence Eastwardly along out

side the fence to a marked tree - then Southeastwardly along the fence about two hundred yards, thence a Southwardly course along a fence to the main road, leading from Saint Eloy's to Hinderov. Thence along around the main road to the beginning, a diagram of the said flower is annexed -

Respectfully submitted
 A. H. Ashburn
 Samuel Eley
 Eliza H. Kitchen } Comrs.

Diagram referred to above
 St.



A copy of
Beste: A. J. Homer clerk

Leoms Report
Assigning Dower
to Mrs Elizabeth M
Tulgham

Exhibit "A"

Mrs. Elizabeth M. Fulgham Ex Dr.
1896.

E. M. Barry
Norfolk Va.
To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. <u>108</u>		State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX.
No. of Acres <u>130</u>									
To Real Estate, value \$ <u>81250</u>		<u>244</u>	<u>81</u>	<u>162</u>	<u>65</u>	<u>41</u>	<u>41</u>	<u>81</u>	<u>715</u>
" Personal Property, value \$									
" Income, &c., value \$									
" Poll Taxes			1 00					50	
Total									<u>36</u>
5 per cent. additional									<u>787</u>
Total									

Received payment 22 day of Dec 1896

Paid by Mrs. J. E. Fulgham.

S. T. Ellis
Per King Treasurer,

751
731

1482 ✓

Mrs Elizabeth Fulgham Est Dr.

1897.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No.----- No. of Acres	State Tax 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX.
130								
To Real Estate, value \$812 ⁵⁰	244	81	162	65	40	21	81	714
" Personal Property, value \$-----								
" Income, &c., value \$-----								
" Poll Taxes-----		1 00					50	
Total-----								
5 per cent. additional-----								
Total-----								

Received payment 30 day of Nov. 1897

Sydney J. Ellis
Per _____ Treasurer,

Paid by Mrs J. E. Fulgham

Mrs Elizabeth^M Fulgham Est Dr.

1898.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 98		State Tax	State	County	Parish	County	District	County	TOTAL
No. of Acres 130		30c. on \$100.	School Tax, 10c. on \$100.	Levy, 20c. on \$100.	Levy, 8c. on \$100.	School Tax, 5c. on \$100.	School Tax, 5c. on \$100.	Road Tax, 10c. on \$100.	TAX.
To Real Estate, value	\$ 812.50	244	81	162	65	41	40	81	714
" Personal Property, value	\$								
" Merchandise, value	\$								
" Poll Taxes			1.00					50	
Total									714
5 per cent. additional									
Total									

Received payment 14 day of November 1898

Paid by Mrs I. E. Fulgham

S. T. Ellis
Per W. A. King
Treasurer

Paid by Mrs. Ida E. Fulgham

Mrs. Elizabeth M. Fulgham Dr.

1899.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. <u>98</u>		State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 10c. on \$100.	TOTAL TAX.
No. of Acres <u>130</u>									
To Real Estate, value \$ <u>812⁵⁰</u>		<u>244</u>	<u>81</u>	<u>162</u>	<u>65</u>	<u>41</u>	<u>40</u>	<u>81</u>	<u>714</u>
" Personal Property, value \$									
" value \$									
" Poll Taxes			<u>1⁰⁰</u>					<u>50</u>	<u>714</u>
Total									
5 per cent. additional									
Total									

Received payment 30 day of Nov, 1899

S. T. Ellis Treasurer.

Paid by Mrs. E. Fulgham

Per _____

Mrs Elizabeth M. Fulgham Dr.

1900.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. <u>106</u>	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 30c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 15c. on \$100.	TOTAL TAX.
No. of Acres <u>30</u>								
To Real Estate, value <u>\$ 512 50</u>	<u>2 44</u>	<u>81</u>	<u>2 44</u>	<u>65</u>	<u>41</u>	<u>40</u>	<u>1 22</u>	<u>8 37</u>
Personal Property, value <u>\$</u>								
_____, value <u>\$</u>								
Poll Taxes <u>1 00</u>							<u>50</u>	
Total _____								
5 per cent. additional _____								
Total _____								

Received payment 30 day of Nov. 1900

Sydney J. Ellis Treasurer,
Per _____

Paid by Mrs. E. Fulgham

Mrs Elizabeth M. Fulgham, Est.,

1901.

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. <u>110</u>	State Tax, 30c. on \$100.	State School Tax, 10c. on \$100.	County Levy, 20c. on \$100.	Parish Levy, 8c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	County Road Tax, 15c. on \$100.	TOTAL TAX.
No. of Acres -----								
To Real Estate, value. \$ <u>910.</u>	<u>273</u>	<u>91</u>	<u>182</u>	<u>73</u>	<u>45</u>	<u>46</u>	<u>136</u>	<u>846</u>
" Personal Property, value. \$ -----								
" value. \$ -----								
" Poll Taxes -----		<u>1 00</u>					<u>50</u>	
Total -----								<u>846</u>
5 per cent. additional -----								
Total -----								

Received payment 30 day of November 1901

Paid by Mrs. S. E. Fulgham

W. A. Sling Treasurer.
Per _____

(Receipt to be given by County or City Treasurer when Delinquent Land Taxes are paid before sale.)

\$ 9.60
xx

Office of the Treasurer of the

County of Nansemond

Dec 9

, 1903

RECEIVED OF

Mr. C. R. Fulgham for Mrs. Elizabeth M. Fulgham's Estate

Nine Dollars and Sixty Cents,

in payment of Delinquent Taxes due on 130 acres of land for the year 1902, as follows:

State Taxes, - - - - - \$ 4.02

County Levies for all purposes, - - - - - 4.85

Interest, - - - - - 28

~~Commissions,~~ - - - - -

Proportionate expense of advertising - - - - - 45

Total, - - - - - \$ 9.60

W. A. King
Treasurer.

Office of the Treasurer of the

of Nausea and

Received of Mrs. E. Fulgham the above sum of Seven ³¹/₁₀₀ dollars, it being the amount of purchase money for the land mentioned in the above list.

above list.

J. P. Ellis County Treasurer
Washington D.C.

"Exhibi^t F"

Office of Commissioner, Suffolk, Va. Oct. 28, 1902.

The depositions of Richard F. Eley, Matthew Gardner, J. Gayle Johnson and Caleb R. Fulgham taken before me, John B. Pinner, a Commissioner in Chancery for the Circuit Court of Nansemond County, pursuant to notice hereto annexed at Suffolk, Va. on the 28th. day of October¹⁹⁰² by adjournment to that day from the day originally set, to-wit the 27th. day of Oct. 1902., to be read as evidence in a certain suit in equity pending in the Circuit Court of Nansemond County wherein Ida E. Fulgham and Caleb R. Fulgham are plaintiffs and Clarence R. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, infants, are defendants.

Present Lee Britt, Esq. Attorney for Plaintiffs.

Richard F. Eley being duly sworn in answer to interrogatories deposes as follows.

Q. 1. State your name, age, occupation, residence and whether or not you know and are related to the parties to this cause.

A. Richard F. Eley, 56 years old, mechanic, and farmer, near Myrtle Station in Nansemond County. I do know them, that is Mr. Joe Fulgham, Mr. Caleb Fulgham, and Mrs. Ida Fulgham and am not related to them at all.

Q. State whether or not you are familiar with the real estate in the proceedings in this cause mentioned and known as the "Elizabeth Fulgham dower land", how long you have known the same, if familiar with it, whether or not you live in the vicinity of the same, and whether or not in your judgment the said land can be conveniently divided in kind among those entitled thereto.

A. I am familiar with it and have known the same ever since I could recollect anything. I live in about two miles of it. It can not be divided in kind among those entitled thereto.

Q. Please state what you know of the character of the land, the part cleared, and the part timbered, the location of the same with reference to rail road facilities, and what would be the effect on the value of the same if cut into shares according to the interests of those entitled thereto.

A. There is about half of the land tolerably light land and the other very stiff land, I mean of the cleared part which I think is about 100 acres, while the rest is timbered with second growth timber. The nearest shipping point by rail road is two miles and three-quarters. It lies in such shape that if cut into the shares some would get open land with no firewood and some would get timber land with no open land and the value of the same would be destroyed.

Q. If the said land can not be conveniently divided in kind, please state whether in your judgment there can be

allotment of part of the said land among those legally entitled thereto and a sale of the residue and distribution of the proceeds of such sale among the said parties conveniently and without injury to the interests of the said parties.

A. No, sir, I do not think it could.

Q. Will any of the parties in interest take the whole land and pay the other parties their respective shares in money.

A. I do not know whether they would or not.

Q. Please state whether or not in your judgment a sale of the real estate of the whole and a division of the proceeds of such sale among those legally entitled thereto will best promote and not violate the interests and rights of the said parties and give your reasons for your opinion.

A. Well I think that a sale of the whole and division of the proceeds would best promote the interests of those entitled to the same because I think if cut up into small pieces it would not be wanted by anyone and would not bring anything much.

Q. Considering the location of the said land, could it be used to advantage for any purpose other than farming?

A. No, sir.

Q. What in your judgment is the fee simple value of the said real estate?

A. About \$1200.

And further this deponent saith not.

Richard G. Ely

The witness, Matthew Gardner, being duly sworn in answer to interrogatories, deposes as follows,

Q. 1. State your name, age, occupation, residence, whether you know the parties to this cause and if you are related to them.

A. Matthew Gardner, 66 years, farmer, Nansemond County near Exit. I know Mr. Caleb Fulgham and his wife. I am not related to any of the parties.

Q. State whether or not you are familiar with the real estate mentioned in this cause and known as the "Elizabeth Fulgham dower land", how long you have known the same, if familiar with it, whether or not you live in the vicinity of the same, and whether or not in your judgment the said land can be conveniently divided in kind among those entitled thereto.

A: Yes sir I am familiar with the land. I have known the same about 18 years, My farm and the land joins. I do not think the land could be conveniently divided in kind among those entitled thereto.

Q. Please state what you know of the character of the land, what part is cleared, what part timbered, the location of the said land with reference to rail road facilities and what would be the effect upon the value of the same if cut into five parts of the following proportions, one-third and four parts of one-sixth each.

A. The cleared land is about one half light land and the other heavy land, I think that there are about 75 acres cleared and the rest timbered, some pine and some cypress, and the timber is second growth. It is about two miles and a half or three-quarters to the rail road. I should think it would ruin the whole business if cut up into such parts.

Q. If the said land can not be conveniently divided in kind, please state whether in your judgment there can be allotment of part of the said land among those legally entitled thereto and a sale of the residue and a distribution of the proceeds from such sale among the said parties conveniently and without injury to the interests of the said parties.

A. That could not be done without injury to the interests of the parties.

Q. Please state whether or not in your judgment a sale of the real estate as a whole and division of the proceeds of such sale among those legally entitled thereto will best promote the interests of the said parties and give your reasons for your opinion.

A. I do think it is best to sell it as a whole. If you cut it up it would be no good because the small parcels would sell for little or nothing and the interests of the parties would be sacrificed.

Q. Please state whether or not there are any buildings on the said real estate and if so, state what you know of their condition.

A. Well there is a dwelling house there, and a few old outbuildings and all in a dilapidated condition.

Q. Considering the location of the said land could it be used to any ^{purpose} ~~advantage~~ other than farming?

A. I think not.

Q. What in your judgment do you think is the fee simple value of the said real estate?

A. I think about \$1200.

And further this deponent saith not.

Matthew Garmon

The witness J. Gayle Johnson being duly sworn in answer to interrogatories deposes as follows,

Q. State your name, age, occupation, residence and whether or not you know the parties to this cause and if you are related to them.

A. J. Gayle Johnson, 51 years, farmer, Nansemond County. I know Mr. Caleb R. Fulgham and his wife. I am not related to any of them.

Q. State whether or not you are familiar with the real estate in this cause mentioned and known as the "Elizabeth Fulgham dower land", how long you have known the same, if familiar with it, and whether or not you live in the vicinity of the same and whether in your judgment the said land can be conveniently divided in kind among those entitled thereto.

A. I am familiar with it. I have known it all my life. I live on the adjoining farm. I do not think it can be divided satisfactorily.

Q. Please state what you know of the character of the land, what part is cleared and what part timbered, the location of the same with reference to rail road facilities and what would be the effect upon the value of the said land if cut into five parts of the proportions of one-third and the other four parts into one sixth each.

A. There is about 75 acres of open land and about half of that is stiff or heavy land and the other light. The balance of the land is timbered with second growth stuff. It is about two miles and three-quarters from the rail road. If cut up into such parts it would be of very little value to anyone.

Q. Please state whether or not if the said land can not be conveniently divided in kind there can be an allotment of part of the said land among those legally entitled thereto, and a sale of the residue and a distribution of the proceeds of such sale among the said parties conveniently and without injury to their interests.

A. No sir, I do not think so.

Q. Please state whether or not in your judgment a sale of the real estate as a whole and a division of the proceeds of such sale among those legally entitled thereto will best promote the interests of the said parties and give your reasons for your opinion.

A. Well I do not think it could be fairly divided among the parties in any other way than a sale for if cut up into small pieces it would be no value to anyone.

Q. Considering the location of said land could it be used for any other purpose than farming.

A. No sir I think not.

Q. Please state whether or not there are any buildings on the said land and if so state their condition, if you know them.

A. There is an old dwelling and some outbuildings all pretty well run down, all very poor buildings.

Q. State what you think in your judgment is the ^{fee simple} value of the said real estate?

A. About \$1200.

And further this deponent saith not.

his
J Gayle + Johnson
original

Witness
J. Pinner

The witness Caleb R. Fulgham being duly sworn in answer to interrogatories deposes as follows,

Q. State your name, age, occupation, residence and if you are one of the parties to this cause.

A. Caleb R. Fulgham, 32 years, farmer, Nansemond County. I am one of the parties to this cause.

Q. State the names and proportionate shares of the parties entitled to the real estate in the proceedings in this cause mentioned or to the proceeds from the sale of the same.

A. There were originally six shares, belonging to myself, (Caleb R. Fulgham), Jos E. Fulgham, Annie S. Fulgham, Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham. The interests of Joseph E. Fulgham and Annie S. Fulgham were sold and conveyed to Ida E. Fulgham my wife and one of the plaintiffs in this cause as shown by the original deeds filed as exhibits with the bill in this cause.

Q. Please state whether or not your father is now living and if not when he died.

A. He died in March, 1891.

Q. Please state if he died leaving a widow and if so state whether or not she is now living.

A. He left a widow, Mary Josephine, and she is still living.

Q. Please state whether or not the land in the proceedings mentioned was the "Elizabeth Fulgham dower land" and whether or not the said Elizabeth Fulgham is now

living and if not when she died.

A. It was the dower land. She died in May 1893.

Q. Please state whether or not there are any delinquent taxes against the said real estate and if so what amount is owing and to whom due and payable.

A. There are delinquent taxes due to my wife Ida E. Fulgham. I can not state the amounts now because I have not the tax ~~receipts~~ ^{they} receipts having been filed as exhibits in this cause with the bill and I do not remember the amounts.

Q. Please examine the papers I now hand you marked "Exhibit F. ^{collective}" and see if they are the tax accounts paid by your wife for taxes against the said real estate paid to the County Treasurer by your wife for the years 1896, 1897, 1898, 1899, 1900 and 1901 and also for the year 1895, the last named being the purchase price of the said land at a delinquent sale for the year 1895, and whether the said amounts as shown on the said papers are now due and owing to Ida E. Fulgham, one of the plaintiffs in this cause.

A. They are. They are the amounts due my wife.

Q. State whether or not in your judgment the real estate in the proceedings in this cause mentioned can be conveniently divided in kind among those entitled to the same.

A. It could not.

Q. State whether or not any party in interest will take the whole land and pay to the others their respective shares' value in money.

A. No sir, there are none willing to take it that I know of.

Q. Can there be an allotment of part of the said land among those entitled thereto, and a sale of the residue and a distribution of the proceeds of such sale among the parties entitled thereto conveniently and without great injury to the said parties.

A. I think not.

Q. State whether or not in your judgment a sale of the real estate ~~of the~~ as a whole and a division of such sale among those legally entitled thereto will best promote the interests of the said parties, and give your reasons fully for your opinion.

A. I think it best to sell it as a whole and divide the proceeds because the place divided into lots would be comparatively worthless, and it is a piece of land which could not be used for any other purpose than farming, and it is not a large farm, that is the open land, as it stands now. If divided up into five parcels there could be buildings only upon one parcel and the buildings are very poor too.

Further this deponent saith not.

C R Fulgham

Commissioner's Office,

Suffolk, Va., October 16th, 1902.

To Ida E. Fulgham & Caleb F. Fulgham-Plaintiffs.

and

Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham,
infants under the age of twenty-one years, - Defendants.

You are hereby notified that on the ^{27th} day of October, 1902,
at my office, in Suffolk, Va., (at which time and place you are
required to attend), I shall investigate, take, state and report
on the following inquiries which are to be taken, investigated,
stated and reported to Court in pursuance of the decree of the
Circuit Court of Hansemond County, Va., rendered the 15th day
of October, 1902, in the suit in chancery pending in said Court
to which you are parties plaintiff and defendant, to-wit:-

- 1- Whether, or not, the real estate in the proceedings in this
cause mentioned can be conveniently divided in kind among those
entitled to the same.
- 2- Whether, or not, there can be an allotment of part of said land
among those parties legally entitled thereto, and a sale of the
residue and distribution of the proceeds from such sale among the
said parties entitled thereto, conveniently and without injury to
the interests of said parties.
- 3- Whether, or not, any party in interest will take the whole land
and pay to the other parties the values of their respective shares
in money.
- 4- Whether, or not, a sale of the said real estate as a whole and
a division of the proceeds from such sale among those legally enti-
tled thereto will best promote and not violate the interests and
rights of the said parties in interest.
- 5- Whether, or not, there are any delinquent taxes against the said
real estate, and if so, what amount is owing, and to whom due and
payable.
- 6- State the names and proportionate shares of the parties entitled
to the said real estate, or to the proceeds from the sale of the

same.

7- State the fee simple value of the said real estate.

Together with any other matter specially stated, deemed pertinent by the Commissioner, or required by any party interested to be so stated.

Given under my hand as Commissioner in Chancery of said Court,
this 16th day of October, 1902.

John A. Palmer
Commissioner in Chancery.

We hereby accept full and sufficient
legal service of the foregoing notice
Leed With
attorney for plaintiffs
John J. Lee, Guardian
ad litem for
Clarence H. Sulgham,
Irma L. Sulgham and
Minerva S. Sulgham

I hereby agree with the interrogatories
propounded with the witnesses' testimony
hereinbefore set out.

John J. Lee, Guardian ad litem

Ida E. Fulgham
Caleb R. Fulgham

v.

In Chancery.

Clarenda H. Fulgham
and others

Commissioner's Report

1902 Oct 30th Filed
APG cek

IN THE CIRCUIT COURT OF NANSEMOND COUNTY
VIRGINIA.

Fulgham. *

v. *

Fulgham. *

TO

THE HON. R. R. PRENTIS,

JUDGE OF THE COURT AFORESAID.

The petition of Edward R. Baird, Jr., respectfully
represents to the court;

FIRST:- That he is an attorney-at-law, duly
licensed and practicing as such, and is a resident of the
City of Norfolk, in the State of Virginia.

SECOND:- That he is, and has been, counsel for
Mrs. M. J. Fulgham in the above entitled proceedings.

THIRD:- That Miss Irma Fulgham and Miss Minnie
Fulgham are the children of Mrs. M. J. Fulgham under the age
of twenty-one years, and that E. M. Baum is the guardian of
said children.

FOURTH;- That Clarence Fulgham, lately deceased,
was at the time of his death the child of Mrs. M. J. Fulgham,
and under the age of twenty-one years.

FIFTH:- That Mrs. M. J. Fulgham is about to

qualify as the administratrix of the said Clarence Fulgham's estate.

SIXTH:- That in the above mentioned proceedings the said Irma Fulgham is entitled to \$334.93, the said Minnie Fulgham is entitled to \$334.93, and Clarence Fulgham's estate is entitled to \$334.93.

SEVENTH:- Your petitioner has rendered services which he believes to have been of value and benefit to the said infants, Irma and Minnie Fulgham, and the said Clarence Fulgham, in ascertaining and procuring their interest in the property disposed of in the bill and proceedings above mentioned.

EIGHTH:- Your petitioner is advised that no compensation can be allowed him out of the sums coming to the said Irma and Minnie Fulgham, and the estate of the said Clarence Fulgham, unless the same is authorized and directed to be paid to him by the Special Master, heretofore appointed in this cause, before the distribution of the said sums.

NINTH:- Your petitioner respectfully represents that he is entitled to a fee of \$100.00 for said services, and he prays that the said Special Master be authorized to pay the same to him out of the sums in his control in the above mentioned causes.

A handwritten signature in dark ink, appearing to read "Arthur B. ...", is written over a horizontal line.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, ⁱⁿ
vacation, on the 3rd day of September 1904.
~~VIRGINIA~~

Fulgham.

v.

Fulgham.

DE C R E E .

Upon consideration of the petition of Edward R.

Baird, Jr., this day filed in this cause by leave of the
after reasonable notice of the petitioner's intention to apply for this sum!
court, it is adjudged, ordered and decreed that the sum of
\$100.00 be allowed the said Edward R. Baird, Jr., as compen-
sation for the services by him rendered to the defendants
Irma Fulgham, Minnie Fulgham and Clarence Fulgham, and that
the said Special Commissioner do check on the funds under his
control for the said sum of \$100.00, and pay the same to the
said Edward R. Baird, Jr., taking his receipt therefor, and
filing same with his report and vouchers in this case.

Robert E. Dennis
To the Clerk of the
Circuit Court of
Nansemond County:

Enter Sept. 3 1904
Robert R. Hunt

Entered in Chancery
Order Book No 3
Page 601

Robert R. Hunt

Fulgham.

v.

Fulgham.

*Entered in Chancery
Order Book No 3 Page 601.*

EDWARD R. BAIRD, JR
ATTORNEY AT LAW,
NORFOLK, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY--

Fulgham et Al-

)
VS }-----In Chancery-----In Vacation-----
)

To the Honorable Robert R. Prentis, Judge of said Court:-

Your petitioners, the undersigned Joseph E. Fulgham and Annie S. Fulgham, respectfully represent that they are heirs at law, being half brother and sister, of Clarence H. Fulgham, deceased, one of the infant defendants to the chancery cause of Ida E. Fulgham and Caleb R. Fulgham vs Clarence H. Fulgham et Als., now pending in said Court.

That the said Clarence H. Fulgham, an infant in law, has died since the institution of this cause, leaving as his heirs at law, Caleb R. Fulgham, Irma L. Fulgham, Minnesota S. Fulgham, parties to this cause, and your petitioners, brothers and sisters, the said Caleb R. Fulgham and your petitioners being of the half blood, and the said Irma L. Fulgham and Minnesota S. Fulgham, being of the whole blood with the said Clarence H. Fulgham, deceased.

That they believe that the land in the bill in this cause mentioned, known as the "Elizabeth Fulgham" dower land, should be sold, and the proceeds therefrom, after payment of costs and expenses of suit and sale, be distributed among those legally entitled to receive it, and they hereby confirm and ratify all decrees and orders of the Court in this cause heretofore or hereafter entered, and ask to be made parties defendant to the said cause, with leave to file this petition.

They are advised, and therefore allege that Mrs. M. J. Fulgham, the widow of Joseph H. Fulgham, deceased, their father and the father of the said Clarence H. Fulgham, deceased, is not entitled to dower in said land.

They pray that the said cause be made a vacation cause, and hereby consent that all proper decrees and orders be made and entered in vacation, without further notice to them, for the sale of the said property, and the proper distribution of the proceeds from such sale among those legally entitled thereto, and they further pray that Caleb R. Fulgham be allowed to sign for them and in their names all papers in the said cause that it would be proper for them to sign if present in person, and they hereby confirm and ratify all such acts of the said Caleb R. Fulgham.

And your petitioners will ever pray &c.

J. E. Fulgham
Annie S. Fulgham

1. The program to study the effects of

THE UNIVERSITY OF CHICAGO

1. *Lept. hyp. 10* (1000). 11. *Lept. hyp. 10* (1000).

THE SECRETARY OF THE ARMY, WASHINGTON, D. C., MAY 1, 1901.

SIR:

I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
J. H. COOPER,
Secretary of the Army.

[illegible]

With the aid of that old and venerable youth James
Smith, residing at Independence, Mo. he secured the necessary money
about 1836, and went to the country and returned to Illinois, with
Indians and soldiers from that to purchase land of the
United States. It was at this time that the first
party was organized and proceeded to the west. The purpose
of the firm, however, was to go to the west and
obtain land, and then to go to the west and
settle on the land.

U. S. Navy and officials were informed that the ship was carrying 100 tons of explosives and 100 tons of fuel. The ship was also carrying 100 tons of food and 100 tons of clothing. The ship was also carrying 100 tons of medical supplies and 100 tons of other supplies. The ship was also carrying 100 tons of other supplies.

[illegible]

THE UNIVERSITY OF CHICAGO

Fulgham &
vs In Chancery
Fulgham &

Petition of
Annie S. Fulgham
and
Joseph C. Fulgham

Filed May 27, 1904

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA.

Fulgham. *

vs. *

Fulgham. *

PETITION OF M. J. FULGHAM.

TO

THE HONORABLE R. R. PRENTISS,

JUDGE OF THE COURT AFORESAID.

Your petitioner, M. J. Fulgham, respectfully re-
presents to the court that she was lawfully married to Jos-
eph H. Fulgham; that the said Joseph H. Fulgham has departed
this life, and that the infant defendants, Clarence H.
Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, survived
the said Joseph H. Fulgham as the issue of the marriage of
the said Joseph H. Fulgham with your petitioner; that since
the institution of these proceedings the said Clarence H.
Fulgham has departed this life unmarried and without issue;
that by deed dated December 4th, 1873 Elizabeth M. Fulgham
sold and conveyed to James H. Fulgham her dower interest in
the land in the bill and proceedings described; that said
interest passed to Joseph H. Fulgham by the deed of the said
James H. Fulgham to the said Joseph H. Fulgham dated on the
10th day of March, 1883; that at the death of the said Joseph
H. Fulgham his interests in said estate was an entire fee sim-

ple estate.

Your petitioner represents to the court that she is entitled to a dower interest in the land in the bill and proceedings mentioned, and is entitled to have the same allotted and set apart to her. She is willing that said property be sold and her dower and all other interests therein ascertained, computed and paid to her.

Your petitioner therefore prays that she may be admitted as a party defendant in this cause; that her interests in said property be ascertained and that said property be sold and the proceeds of her interests therein paid to her, and she will, as in duty bound, ever pray.

Edw. A. Sullivan
for M. J. Fulgham

M. J. Fulgham.

Super

Super

Wm. Stearns

*of
Mr. M. J. Stearns*

Filed May 27, 1904

EDWARD R. BAIRD, JR.
ATTORNEY AT LAW,
NORFOLK, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

Fulgham

vs-----In Chancery-----October Term 1905-

Fulgham.

This cause came on this day to be again heard on papers formerly read, and on the report of special Commissioner, Lee Britt, filed on the ~~4th~~ day of October, 1905, with an account attached showing the receipt of \$2850.00, as the purchase price of the said land sold in this cause, and the proper disbursement of the same, with proper vouchers for said disbursements filed therewith, to which report no exceptions have been filed.

On consideration whereof, it is adjudged, ordered and decreed that the said report, and the acts of the said Commissioner reported therein, be, and the same are hereby approved, ratified and confirmed.

And it appearing that there is nothing further to be done in this cause, it is hereby ordered to be stricken from the docket.

Fulgham
vs } In Chancery
Fulgham

Where

Enter this 9th day
of October 1905.

Abel P. Hewitt

Entered in Chy. Order
Book No. 3. Page 691.

In the Circuit Court of Nansemond County:-

Ida E. Fulgham et Al.-

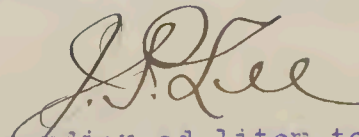
:
VS:-----In Chancery---

:
Clarence H. Fulgham et Als.-----

The answer of J.P. Lee, guardian ad litem ~~to~~ of Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, infant defendants, and of the infant defendants, Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, by said J.P. Lee, their guardian ad litem, to a bill in equity exhibited against them in the Circuit Court of Nansemond County by Ida E. Fulgham and other.

For answer to said bill the said guardian ad litem answers and says that he does not know whether the interests of the infant defendants would be best promoted by sale of the real estate, or by partition thereof. And the said infant defendants by their said guardian ad litem answer and say that they are infants of tender years, and, by reason of their infancy, are incapable of taking care of their rights and interests. They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And now having fully answered, they pray &c.



Guardian ad litem to the above named infant defendants, Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, and the said infant defendants by J.P. Lee, their guardian ad litem.

Fulgham et al.
vs In Chancery
Fulgham et al

Answer of Guardian
at Litem and Inport
Defendants by Guardian
ad Litem

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,
VIRGINIA---

Fulgham.
vs.
Fulgham.

The joint and separate answers of Ida E. Fulgham and C. R. Fulgham, respondents to petition of M. J. Fulgham, filed in this cause on the 15th day of March, 1904.-

TO THE HONORABLE ROBERT R. PRENTISS, JUDGE OF SAID COURT.

The respondents, Ida E. Fulgham and C. R. Fulgham, reserving to themselves the benefit of all just exceptions to the said petition, for answer thereto, or to so much thereof as they are advised that it is material that they should answer, answer and say that, true it is, that the petitioner, M. J. Fulgham, was lawfully married to Joseph H. Fulgham; that the said Joseph H. Fulgham departed this life on the 7th day of March 1891; that the infant defendants, Clarence H. Fulgham, Irma L. Fulgham and Minnesota L. Fulgham, survived the said Joseph H. Fulgham, as the issue of the marriage of the said Joseph H. Fulgham with said petitioner; that since the institution of these proceedings, to wit, in September or October 1903, the said Clarence H. Fulgham departed this life, an infant, unmarried, and without issue. Your respondents deny that, by deed dated December 4, 1873, Elizabeth M. Fulgham sold and conveyed to James H. Fulgham her dower interest in the land in the bill and pro-

ceedings described, but admit that the said Elizabeth M. Fulgham and James H. Fulgham entered into a contract in writing, dated December 4, 1873, under authority of which the said James H. Fulgham entered into the occupation and use of the said premises, pledged to the fulfilment of the covenants and conditions of said paper writing, a copy of which writing, alleged in said petition to be a deed, is hereto annexed and made a part of this answer.-

That the said James H. Fulgham remained in possession of said premises (upon which the said Elizabeth M. Fulgham lived with him) until the year 1880 or 1881, when the said James H. Fulgham wholly failed and refused to longer fulfil the requirements of the said contract and desired to be rescind and annul the same, and abandon, relinquish, release and dispose of his interest in the said premises to the said Elizabeth M. Fulgham, his mother.

That by a parol agreement between them in 1880 or 1881 the further fulfilment of the said contract was terminated and abandoned, and all rights of the said James H. Fulgham, created by said contract, were sold and disposed of to the said Elizabeth M. Fulgham, in consideration of her release of the said James H. Fulgham from all obligations placed upon him by said contract.

That in accordance with said parol agreement, the said James H. Fulgham vacated the said premises and put the said Elizabeth M. Fulgham in full actual and legal possession of the same with all rights that she had in the same before the agreement of December 4, 1873 was entered into between them, and the said Elizabeth M. Fulgham released the said James H. Fulgham from the fulfilment of all obligations, covenants and conditions specified in the said contract.

That the said James H. Fulgham rented a part of the said land from his mother, Elizabeth M. Fulgham the following

year (but not living thereon) and paid her full rent for the same; and that soon thereafter, the said James H. Fulgham moved to the western part of the United States and there remained until December 1902.

That the said Elizabeth M. Fulgham lived on the said property some years and rented it out for other years during the period from 1880 or 1881 to sometime in the year 1893 when she died. That she collected and used for her own purpose all rents from the said property during the years she rented it to others. That she had actual, open and legal possession of the said property, and exercised all acts of ownership over the same, subject to the rights of the tenants when the same was rented to others, consistent with her life estate therein, to the time of her death; and that her rights were never questioned or disputed.

That the said Joseph H. Fulgham was cognizant of the said parcel agreement and the full execution of the same, and recognized her rights in and to the said property, not only before and at the time of the execution of the deed from said James H. Fulgham to said Joseph H. Fulgham, dated the 10th day of March 1883, referred to in the said petition and in the bill in this cause, but acknowledged and acquiesced in the same as long as he lived.

That said Joseph H. Fulgham knew that it was not the purpose, or intention, of the said deed to him to attempt to convey the said dower estate in the said land.

Your respondents to said petition and complainants in said bill in this cause, are advised, and allege that the said M. J. Fulgham is not entitled to any interest as dower, or otherwise, as the widow of the said Joseph H. Fulgham, deceased, in the land mentioned in the bill in this cause.

Your respondents pray that the said petition be dismissed,

at the cost of the said M. J. Fulgham, and that a decree be entered adjudging the claim set up in the said petition to be without merit, and that the said M. J. Fulgham is not entitled to dower in the said land.

And having fully answered, the said respondents pray to be hence dismissed as to said petition, with their reasonable costs.

And they will ever pray, &c.

Ida C Fulgham

C R Fulgham

Fulgham
vs S. Ansara of
3 Id. & Fulgham & C. N. Fulgham
by Petition of W. J. Fulgham
Fulgham

Filed May 27, 1904

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IN THE CIRCUIT COURT OF NANSEMOND COUNTY
VIRGINIA.

Fulgham.

vs.

Fulgham.

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The answer of Minnesota S. Fulgham respectfully re-
presents; that she is the child of M. J. Fulgham and Joseph
H. Fulgham; that she is an infant under the age of twenty-
one years; that she is ignorant of the proper measures for
the protection of her interests in these proceedings, and
that she confides the same to the care of this Honorable
Court.

Minnesota S. Fulgham.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY
VIRGINIA.

Fulgham.

vs.

Fulgham.

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The answer of Irma L. Fulgham respectfully represents; that she is the child of M. J. Fulgham and Joseph H. Fulgham; that she is an infant under the age of twenty-one years; that she is ignorant of the proper measures for the protection of her interests in these proceedings, and that she confides the same to the care of this Honorable Court.

Irma Lane Fulgham

Fulgham

v

Fulgham

Answer of Infant
Defendants.

Filed May 27, 1904

EDWARD R. BAIRD, JR
ATTORNEY AT LAW,
NORFOLK, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

Fulgham &c.-

VS) -----In Chancery-----In Vacation-----

Fulgham &c.-

The answer of John P. Lee, Guardian ad Litem to Irma L. Fulgham and Minnesota S. Fulgham, infant defendants, and of the infant defendants Irma L. Fulgham and Minnesota S. Fulgham by said John P. Lee, Guardian ad Litem, to the petition of Mrs. M. J. Fulgham filed in said cause.

For answer to said petition, the said guardian ad litem answers and says that he knows nothing of the merits of the dower claim set up in the said petition of Mrs. M. J. Fulgham.

And the said infant defendants, by their said guardian ad litem, answer and say that they are infants of tender years, and, by reason of their infancy, are incapable of taking care of their rights and interests.

They, therefore, by their said guardian, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And now having fully answered, they pray &c.


Guardian ad Litem to the above
named infant defendants, Irma
L. Fulgham and Minnesota S.
Fulgham, and the said infant
defendants, Irma L. Fulgham and
Minnesota S. Fulgham.

71
Hulgham &c
vs In Chancery
Hulgham &c

Answer of Guardian
ad Litem to Petition
of Mrs M. J. Hulgham

Filed May 27, 1894

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:-

To the Honorable Robert R. Prentiss, Judge of said Court:-

Your complainants, Ida E. Fulgham and Caleb R. Fulgham, her husband, and Caleb R. Fulgham and Ida E. Fulgham, his wife, respectfully show unto the court the following case:-

That Jesse Fulgham, the grandfather of your complainant, Caleb R. Fulgham and the defendants in this cause died ~~about~~ the year 1865, intestate, seized and possessed of a large body of land containing by estimation six hundred and seventy (670) acres, more or less, situate in Chuckatuck Magisterial District, in the County of Nansemond and State of Virginia, and adjoining the lands of Samuel Eley, D.W. Duke, Thomas E. Outland and others, at that time.

That a creditors' suit entitled Irvin Duck and others vs Jesse Fulgham's administratrix and others was ~~insituted~~^{instituted} and prosecuted in the circuit court of this county for the purpose of subjecting said real estate, after assignment of the widow's dower in said land, to the payment of the debts of said Jesse Fulgham, deceased.

That the said Jesse Fulgham died leaving, surviving him, a widow, Elizabeth M. Fulgham and his heirs at law John L. Fulgham, James H. Fulgham, Richard Fulgham and Joseph H. Fulgham, and that Richard Fulgham subsequently died unmarried and intestate, leaving the said John L., James H. and Joseph H. Fulgham, his brothers, surviving him.

That in said creditors' suit dower in said lands consisting of one third thereof in value was assigned to the said widow, Elizabeth M. Fulgham, by commissioners appointed by said court for such purpose, a report of which was made by said commissioners to and confirmed by said court, a copy of which report is herewith filed marked "Exhibit A". That the said dower land is described in said report as follows, to wit:- "Beginning at Porter's Bridges in the County Road, thence Westwardly, up the various courses of the run, to an old line between the Pierce and Archer tracts, then Southwardly, along said old chopped line, to an old ~~field~~ ^{field} at a fence, thence Eastwardly, along ~~the~~ outside the fence, to a marked tree, then Southwardly along the fence about two

hundred yards, thence a Southwardly course, along a fence to the main road leading from Saml Eley's to Windsor, thence along around the main road to the beginning. A diagram of said dower is annexed."

As at present constituted the boundaries are as follows, to wit:-

On the North by the centre of the run separating the said dower land from the lands of Matthew Gardner and Edward Gardner, on the East by the County Road leading from the old "Samuel Eley" place to Barber's Cross Roads, on the South by the County Road leading from Suffolk to Windsor, Virginia, and on the West ^{and partly on the South} by the land of Martha Johnson upon which your complainants now reside, and is estimated to contain two hundred and twenty (220) acres, more or less,

That the said John L. Fulgham sold and conveyed his undivided interest in the said dower land to said James H. Fulgham by deed dated the 9th day of January 1874, and recorded in Deed Book No. 4, Page 14, in the Clerk's Office of the County Court of Nansemond County, a copy of which deed is herewith filed marked "Exhibit B", and made a part hereof.

That the said James H. Fulgham sold and conveyed his undivided interest, being a two thirds' interest, in said land to said Joseph H. Fulgham by deed dated the 10th day of March 1883, and recorded in D.B. No. 11, Page 567 in said Clerk's Office, (a copy of which deed is herewith filed marked "Exhibit C" and made a part hereof) which, together with his own interest, gave the said Joseph H. Fulgham the entire fee simple estate in the said land, subject to the life estate of the said widow, Elizabeth M. Fulgham.

That the said Joseph H. Fulgham died, intestate, on the 7th day of March 1891, in ownership of said estate in said land, before the termination of the said dower estate of Elizabeth M. Fulgham therein, she surviving him, having died in the year 1893, intestate.

That the said Joseph H. Fulgham, deceased, left a widow, M. J. Fulgham, now living, and the following children surviving him, and his heirs at law, to wit:- Caleb R. Fulgham, your complainant, Annie S. Fulgham, Joseph E. Fulgham, and the infant defendants, Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, all now living, and except the first named, unmarried

That the said Joseph H. Fulgham was lawfully married to the said M. J. Fulgham sometime after the year 1879, or thereabout, and your complainants are advised and allege that the said M. J. Fulgham, widow, has no dower in the said dower land in question in this cause.

That the said Annie S. Fulgham sold and conveyed, for value, her undivided one sixth interest in said dower land to said complainant, Ida E. Fulgham, by deed dated the 11th day of November 1899 and recorded in the Clerk's Office aforesaid, which deed is herewith filed marked "Exhibit D" and made a part hereof.

That the said Joseph E. Fulgham sold and conveyed his undivided interest in said dower land to said complainant, Ida E. Fulgham, by deed dated the 18th day of September 1899, and recorded in the said Clerk's Office, which said deed is herewith filed marked "Exhibit E" and made a part hereof.

That your complainant, Ida E. Fulgham, now owns an undivided one third interest, your complainant, Caleb R. Fulgham, an undivided one sixth interest, and the said infant defendants, each, an undivided one sixth interest in the said dower land. ✓

Your complainants are advised and allege that there are no debts now against the estate of the said Joseph H. Fulgham, deceased.

Your complainants allege that the said dower land has been assessed for taxes for many years in the name of Mrs. Elizabeth M. Fulgham's estate, or Mrs. Elizabeth M. Fulgham, and that the same was sold on the 14 day of December 1896 for delinquent ^{taxes} thereon for the year 1895 by the County Treasurer of Nansemond County, at which sale your complainant, Ida E. Fulgham, became the purchaser at the price of \$7.31 which sum was paid to the said County Treasurer, and that she has regularly since in recurring years paid the taxes assessed against the said land, to wit:—For the years 1896, \$7.51, 1897, \$7.14, 1898, \$7.14, 1899, \$7.14, 1900, \$8.37 and 1901, \$8.46, aggregating the sum of \$53.07, evidenced by the said Treasurer's receipts filed herewith marked "Exhibit F", which your said complainant holds as liens on or against the said land, waiving all right to secure a deed for the said land on account of such tax sale.

That your complainants petition that the said sum of \$53.07, with interest on the separate amounts, at the rate of six per cent. per annum from the 15th day of December of each respective year of payment of taxes until paid, be paid to the said Ida E. Fulgham out of the gross proceeds from the sale of the said land, after the payment of costs of suit and expenses, if the said land be not susceptible in kind of division, and if the same be divided in kind that the said land be rented out for the payment of said sums before such actual division, under the decree of this court.

That the said real estate is not, as your complainants verily believe, susceptible of partition in kind without great injury to and sacrifice of the interests of those entitled to the same, as the said tract of land would have to be cut into a number of smaller parcels which would materially affect and reduce its value, and if it be not susceptible of such partition in kind, then your complainants desire the same to be sold, and the proceeds, after the payment of costs and expenses of suit and taxes therefrom, divided among those parties legally entitled thereto, according to their respective rights, the shares of the infants to be held as directed by the statute in such case made and provided.

Should such real estate not be divisible in kind without such sacrifice, your complainants believe and state that the interests of all parties entitled to the said land, or its proceeds, will be promoted by a sale of the whole of said tract.

In tender consideration whereof, and for as much as your complainants are remediless save in a court of equity, your complainants pray that Clarence H. Fulgham, Irma L. Fulgham and Minnesota S. Fulgham, infants, may be made parties defendant to this bill, and required to answer the same, but not on their oaths, the oath being waived; that a proper guardian ad litem be assigned to the infant defendants to defend their interests in this suit, who shall ~~also~~ answer this bill, *for himself, and the said infant defendants* but not under oath; that proper process issue; that the said real estate be divided between the parties entitled thereto, and if so divided, that the same be rented out under order of court for the payment

of the said sums of money due the said complainant, Ida E. Fulgham, or that it be sold, and the proceeds, ^{divided among ~~the~~ legally entitled thereto,} after payment of costs and expenses of suit and said sums due said complainant, in case the said land be indivisible in kind without great sacrifice of the interests of the parties entitled thereto; that a reasonable fee be allowed to the counsel instituting and conducting this cause, notice being here given that application will be made to the court to allow such fee; that all proper orders and decrees may be made; accounts taken and inquiries directed, and that all such other, further and general relief as in the premises may be just and right, may be granted.

And your complainants will ever pray, &c.

Lee Britt
W. g.

Ida E. Fulgham
Caleb R. Fulgham

Ida E. Fulgham & others
vs In Chancery
Clarence H. Fulgham & others
Bill with Exhibits

1902 Sept 16th Filed
A. Homer clerk

Ida E Fulgham & others

VS } In Chancery

Clarence N Fulgham & others

1902. Sept. 12th Process issued returnable
to Sept Rules 3rd Monday.

" " 15. Gdr ad litem app'd for
Infant defendants.

Answer of gdr ad litem filed

Bill filed & Decree nisi

against said defendants.

" Sept 16. Decree nisi Confirmed and
Cause set for hearing.

Chancery
Notes.

1904

BANK OF SUFFOLK

SUFFOLK, V.A.

In account with

Lee Britt, Spe. Comr.
Zuegham W. Zuegham

BANK OF SUFFOLK

SUFFOLK, VA.

Dr.

In account with

9/12 Sept 2850.00

Lee Britt, Spe Comm Cr.

Lee Graham & Lee Graham

1904			
Sept 12	C. R. Halyburton	1	345.44
" "	Eda E. Halyburton	2	794.25
" "	C. R. Halyburton	3	21.67
" "	E. R. Baird Jr. acc for Lee Graham	4	382.28
" "	E. M. Baum	5	588.56
" "	James L. Halyburton	6	294.27
" "	Mary J. Halyburton	7	100.00
" "	Admrs C. R. Halyburton	8	16.82
" "	E. R. Baird Jr. acc	9	7.50
" "	S. A. Kelley	10	7.20
" "	Hosford West	11	5.00
" "	A. P. Horner	12	10.00
" "	R. N. Smith		5.00
" "	Jno B. Pinney		2.57
" "	Am't Howard		8.00

1904

Sept 12 Amt Forward ~~82573.86~~

" " Supper Hand 13 5.50

" " Lee Brumatt 14 145.00

" " " " " for C.R. Hulpham 15 60.00

" " Lee Mills Spk 16 65.64

82850.00

**REMAINING
PAGES IN
VOLUME ARE
BLANK AND
HAVE NOT
BEEN
REFORMATTED**

WILLIAM MANN CO.
No. 529 Market Street,
PHILADELPHIA.

2552

2

15 5100

Deputy

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond County, Virginia,
do certify that the bond required of Lee Britt

as Special Commissioner under the decree of said Court
made on the 27th day of May, 1904, ~~189~~, in the Chancery cause pending
in said court between Ida E Fulgham and others

complainant^s, and
Clarence N Fulgham and others, defendant^s,
has been executed with security deemed sufficient by me.

Given under my hand this 28th day of May, 1904 189.

A. P. Gomer D.C., Clerk.

Estimated Cats

Taxes

House

$$\begin{array}{r} 2560 \\ 205 \\ \hline 2360 \end{array} \quad \begin{array}{r} 53.07 \\ (1902) \quad 9.60 \\ \hline 62.67 \end{array}$$

$$\begin{array}{r} 2360 \\ 62.67 \\ \hline 2297.33 \end{array}$$

$$\begin{array}{r} 2297.33 \\ 531.52 \\ \hline 1765.81 \end{array}$$

$$\begin{array}{r} 1765.81 \\ 882.90 \\ \hline 882.90 \end{array}$$

$$\begin{array}{r} 882.90 \\ 176.67 \\ \hline 1059.57 \end{array}$$

$$\begin{array}{r} 1059.57 \\ 52.50 \\ \hline 1113.07 \end{array}$$

$$\begin{array}{r} 1113.07 \\ 26.50 \\ \hline 1139.57 \end{array}$$

$$\begin{array}{r} 1139.57 \\ 26.50 \\ \hline 1166.07 \end{array}$$

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$$\begin{array}{r} 1192.57 \\ 26.50 \\ \hline 1219.07 \end{array}$$

$$\begin{array}{r} 1219.07 \\ 26.50 \\ \hline 1245.57 \end{array}$$

$$\begin{array}{r} 1245.57 \\ 26.50 \\ \hline 1272.07 \end{array}$$

$$\begin{array}{r} 1272.07 \\ 26.50 \\ \hline 1298.57 \end{array}$$

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$$\begin{array}{r} 1351.57 \\ 26.50 \\ \hline 1378.07 \end{array}$$

$$\begin{array}{r} 1378.07 \\ 26.50 \\ \hline 1404.57 \end{array}$$

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$$\begin{array}{r} 1113.07 \\ 62.67 \\ \hline 1175.74 \end{array}$$

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26.50

On telephone
Rents from mtr

1904
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12

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Gomer \$7.30

Feb ans Plat - 90
 3 Decimo 108
 Report 15-
 R.R. 8 175-
 Bond 100
 Jan Colory 65-
 553
 Recor 36
 589

Costs
 Tax 150
 Gomer 580
 Smarts 583
 Acty 1500
 Com. 10.00
 \$37.83

LAW OFFICES OF
LEE BRITT.

SUFFOLK, VA., September 12, 1902.

To the Clerk of the Circuit Court for the County of Nansemond:-

Ida E. Fulgham and Caleb R. Fulgham, her husband--
and Caleb R. Fulgham and Ida E. Fulgham, his wife-Plaintiffs-
-----VS-----

Clarence H. Fulgham, Irma L. Fulgham,
and Minnesota S. Fulgham, all three infants
under the age of twenty one years-----Defendants-
Issue summons in chancery to 2nd September Rules 1902.

Lee Britt
W. g.

Memorandum

CHANCERY SUMMONS.

The Commonwealth of Virginia,

Sergeant the City of Norfolk
TO THE ~~SHERIFF~~ OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Clarence N Fulgham
Irma L Fulgham and Minnesota S
Fulgham all three being 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 *Third* Monday in *September 1902*, to answer

a Bill in Chancery, exhibited against *them*
in the said Court by *Ida E Fulgham and Caleb R*
Fulgham her husband and Caleb R Fulgham
and Ida E Fulgham his wife

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *12th* day of
September, 1902, in the 127th year of the Commonwealth.

A copy—Teste:

Teste:

A. P. Gomer, CLERK. } *A. P. Gomer*, CLERK.

Lee Britt p. q.

Clarence N Pulgham

vs.

In Chancery.

1902

Sept Rules.

Third Monday.

Nansemond Circuit Court

Process Book No. 2

Page 233

CHANCERY SUMMONS.

The Commonwealth of Virginia,
Sergeant, the City of Norfolk
 TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Clarence H. Fulgham*
Isma L. Fulgham and Minnesota S.
Fulgham all three being 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 *Third* Monday in *September 1902*, to answer

a Bill in Chancery, exhibited against *them*
 in the said Court by *Isa E. Fulgham and Caleb R.*
Fulgham her husband and Caleb R.
Fulgham and Isa E. Fulgham his wife

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *12th* day of
September, 1902, in the 127th year of the Commonwealth.

A copy—Teste:

Teste:

, CLERK.

, CLERK.

Lee Britt p. q.

Ida E Fulgham
and others

vs.

In Chancery.

Clarence H Fulgham
and others

1902

Sept

Rules.

Third

Monday.

Nansemond Circuit Court

Process Book No. 2

Page 233

CHANCERY SUMMONS.

The Commonwealth of Virginia,
Sergeant the City of Norfolk
 TO THE ~~SHERIFF~~ OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Clarence N Fulgham*
Imma L Fulgham and Minnesota E
Fulgham all three being 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 *Third* Monday in *September 1902*, to answer

a Bill in Chancery, exhibited against *them*
 in the said Court by *Ida E Fulgham and Caleb R*
Fulgham her husband and Caleb R
Fulgham and Ida E Fulgham his
wife

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *12th* day of
September, 1902, in the 127th year of the Commonwealth.

A copy—Teste: *A. P. Gomer*, CLERK. } Teste: *A. P. Gomer*, CLERK.

Lee Brit *p. q.*

Irma L. Sulgham

vs.

In Chancery.

1902

Sept *Rules.*

Third *Monday.*

Nansemond Circuit Court

Process Book No *2*

Page *233*

CHANCERY SUMMONS.

The Commonwealth of Virginia,
Sergeant, the City of Norfolk
 TO THE ~~SHERIFF~~ OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Clarence N Fulgham
Ida L Fulgham and Minnesota S
Fulgham all three being 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 *third* Monday in *September 1902*, to answer

a Bill in Chancery, exhibited against *them*
 in the said Court by *Ida E Fulgham and Caleb*
R Fulgham her husband and Caleb R
Fulgham and Ida E Fulgham his wife

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *12th* day of
September, 1902, in the 12⁷th year of the Commonwealth.

A copy—Teste: *A. P. Gomer*, CLERK. } Teste: *A. P. Gomer*, CLERK.

Lee Britt p. q.

Minnesota & Fulgham

vs.

In Chancery.

1902

Sept Rules.

Third Monday.

Nansemond Circuit Court

Process Book No. 21

Page 233

Know All Men by These Presents, That we Lee Britt
and Luther R. Britt

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Eighteen 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 12th day of November in the year of our Lord one thousand ~~eight~~ ^{nine} hundred and ~~ninety~~ ^{two}, and in the 127th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County pronounced in vacation on the 11th day of November 1902 in the Chancery cause pending in said court between Ida E. Fulgham other Complainants against Clarence H. Fulgham other defendants it was adjudged ordered and decreed that the lands mentioned and described in the bill in said cause be sold and that Lee Britt was appointed by said decree Special Commissioner for the purpose proceed to sell the same. Now therefore if the said Lee Britt shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void otherwise it is to remain in full force and effect.

Lee Britt
L. R. Britt



In the office of the Clerk of the Circuit Court of Nansemond County, on the 12th day of November 1902

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

Teste:

A. P. Gomer CLERK.
A copy
Teste: A. P. Gomer clerk

Lee Britt

To} Spec Comr Bond.
The Commonwealth.

1902

November 12th

Recorded in Bond Book
No 1- page 290.

Circuit Court

A copy.

Know All Men by These Presents, That we, *Lee Britt*
principal and the *Fidelity and Deposit Company*
of Maryland his surety

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Three Thousand DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, 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 Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

~~Sealed with our seals, and dated this~~ day of ~~in the year~~
~~of our Lord one thousand nine hundred and~~, and in the year of
~~the Commonwealth.~~

In Testimony Whereof, the said *Lee Britt principal* has
hereto set his hand and seal, and the said *Fidelity and Deposit Company of Maryland his surety* has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this *28th* day of *May* in the year of our Lord, one thousand nine hundred and *four*, and in the *128th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~
whereas by a decree of the Circuit Court of Nansemond County pronounced by the Hon. Robert R. Plentis Judge thereof in Vacation on the 27th day of May 1904 in the Chancery Cause pending in said Court between Ida E. Fulgham and others Complainants and Clarence A. Fulgham and others defendants. It was adjudged ordered and decreed that said land in said proceedings mentioned be sold at the price offered privately namely \$2850 to James M. Gardner and that said Lee Britt was appointed Special Commissioner by said decree for the purpose of selling the same.

Now Therefore if the said Lee Britt shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void, otherwise it is to remain in full force and effect.

Countersigned and
attested by *Junius E. West*
Attorney in fact

Lee Britt SEAL
Fidelity & Deposit SEAL
Company of Maryland SEAL
by E. E. Holland SEAL
Atty in fact SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the *28th* day
of *May 1904*, ~~1904~~:

The above bond was executed ~~and acknowledged before me by the obligors to the same~~
~~(the security justifying)~~, and ordered to be recorded.

A copy
Teste: *A. P. Gomer D.C.*

Teste:

A. P. Gomer D.C.

Lee Britt
To { Spec. Leonor's
Bond
The Commonwealth.

1904
May 28th

A copy.
Recorded in Official
Bond Book No 1 Page
382 Circuit Court.

Fulgham vs Fulgham
Please put ^{this} in the paper.



In the Circuit Court of Nansenond County:-

Ida E. Fulgham et Al.

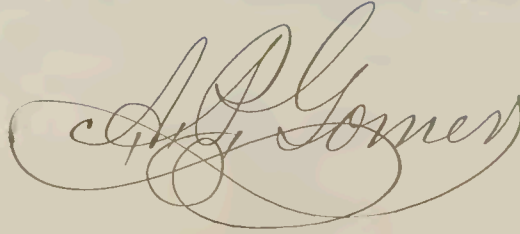
VS:--In Chancery--

Clarence H. Fulgham et Als.

#####

At Rules held on the third Monday in September 1902.

On motion of the complainants, by counsel, J.P. Lee, an attorney at law, is hereby appointed guardian ad litem to the infant defendants, Clarence H. Fulgham Irma L. Fulgham and Minnesota S. Fulgham, to defend their interests in said cause.

A handwritten signature in cursive script, appearing to read "J.P. Lee". The signature is written in dark ink and is positioned above the word "Clerk.".

Clerk.

Thelgham de
22/ Order Appointing
Sugden ad litem
Thelgham de

IN THE CIRCUIT COURT OF NANSEMOND-

#####

Fulgham

vs--In Chancery

Fulgham

#####

To the Honorable Robert R. Prentis, Judge of said Court:-

The undersigned, your Special Commissioner in the above entitled cause, begs to report that, in execution of the decree entered in this cause on the 10th day of September, 1904, withdrew from the Bank of Suffolk the amount, to wit, \$2850.00, deposited to his credit as Special Commissioner in said cause, and has paid out the said fund, under instructions of the Court, as follows, to wit:-

-----Receipts-----

I904				
Sept. 12-	By amt. price of Elizabeth Fulgham			
	dower farm.			\$2850.00
" 15-	To amt. pd. Clerk of Court fees and writ			
	tax in suit.		\$13.07	
" 16-	" " Harper & West, premium on			
	Commissioner's bond.		7.50	
" 20-	" " Attorney's tax.		15.00	
" "	" " Suffolk Herald, advertising			
	sale.		5.50	
" 21-	" " J. B. Pinner, Commissioner in			
	Chancery for report.		10.00	
" "	" " for preparing deed to the			
	purchaser.		5.00	
" "	" " Lee Britt, Special Commissioner,			
	commissions on \$2850.00		65.64	
" "	" " Lee Britt Atty. fee allowed by			
	Court.		125.00	
" "	" " Ida E. Fulgham for taxes paid by			
	her on the land for the years 1895-			
	1901 inclusive.		69.78	
" "	" " C. R. Fulgham for taxes paid by			
	him for 1902.		9.88	
" "	" " S. T. Ellis, Treasurer, taxes for 1903		8.80	
" "	" " S. T. Ellis, Treasurer, taxes for 1904.		8.02	
	Aggregating.		\$343.19	
	To net amt. for distribution.		\$2506.81	
			\$2850.00	\$2850.00

By net amount for distribution.

\$2506.81

Sept. 12-	To amt. pd. M. J. Fulgham, widow, commuted dower.	\$382.28
"	" " Ida E. Fulgham.	724.47
"	" " C. R. Fulgham.	395.56
"	" " E. M. Baum, guardian for Irma L. Fulgham.	294.28
"	" " E. M. Baum, guardian, for Minnesota S. Fulgham,	294.28
"	" " Mary J. Fulgham, Administratrix, C. H. Fulgham's estate.	294.27
"	" " Jos. E. Fulgham.	21.67
"	" " E. R. Baird, Attorney, fee out of amount payable to Irma L., Minnesota S., and C. H. Fulgham, deceased, as distributive shares, under decree of Court, which amount has been deducted. 100.00	

\$2506.81 \$2506.81

Vouchers for disbursement are herewith filed.

Respectfully submitted,

Lee Britt
Special Commissioner.

October 3, 1905.

Lee Britt atty

1904

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

Seph
1515

Tax and Clerk Fees in suit *in chy of Ida E Fulgham*

others vs Clarence H Fulgham others ----- \$ 7.20

Paid by Lee Britt atty

A. P. Gomer

..... Clerk.

Lee Britt atty

190----

To R. R. SMITH, County Clerk of Nansemond County, Dr.

~~Tax and Recording~~ Fee \$ in the Chancery
suit of Ida E Fulgham and others }
against Clarence A Fulgham & others } \$5.87

Sept-15th 1904

Paid by Lee Britt atty

A. P. Garner A. C. Clerk.

Received of Lee Britt, Special Commissioner in the chancery
cause of Fulgham vs Fulgham, the sum of Seven and 50/100 Dollars,
in payment of amount due for premium on Commissioner's Bond in
said cause.

Suffolk, Va. September 16th, 1904.

Robert West
Gent. F. H. C. Cooper,

ESTABLISHED 1871
CIRCULATION, 2,200.

SUFFOLK, VA.. *Sept 12*

1904.

Mace Britton, spec. Com.

TO SUFFOLK HERALD, DR.
NEWSPAPER AND JOB PRINTING ESTABLISHMENT.

NO. 9 WASHINGTON SQUARE.

ALL BILLS PAYABLE ON FIRST OF MONTH.

<i>Nov</i>	<i>22</i>	<i>75-1000gers sale Elizabeth Fulgham Harri</i>	<i>1 00</i>
<i>Dec</i>	<i>5-</i>	<i>5-4 in Ad. Fulgham vs. Fulgham</i>	<i>4 50</i>
			<i># 5.50</i>

Paid
Suffolk Herald
per m-g

Sept. 20, 1904

Received of Lee Britt, Special Commissioner in chancery
cause of Fulgham vs Fulgham now pending in the Circuit Court
of Nansemond County, the sum of \$10.00, being the amount of
fee due me as Special Commissioner in report made in said
cause and filed the 30th day of October, 1902, in the
Clerk's Office of said County.

Sept 21, 1904

John B. Penner
Clerk in Chy.

--\$125.00--

Received of Lee Britt, Special Commissioner in the chancery cause of Fulgham vs Fulgham, the sum of one hundred and twenty five dollars in payment of fee allowed to me by Court in said cause.

September 21, 1904.

Lee Britt

Attorney for Complainants.

--\$20.00--

Received of Lee Britt, Special Commissioner in above cause the sum of twenty dollars in payment of taxed attorney's fee in said cause and fee for drawing deed from Special Commissioner to purchaser of land sold.

September 21, 1904.

Lee Britt

Attorney.

---\$65.64--

Received of Lee Britt, Special Commissioner in above cause the sum of sixty five dollars and sixty four cents in payment of commissions due me as Special Commissioner on sale of land in said cause.

September 21, 1904.

Lee Britt

Mrs Elizabeth M. Fulgham Estate Dr.

1903

To S. T. ELLIS, Treasurer of Nansemond County, Virginia.

Willie
Lee Britt to pay

No. <u>112</u>	STATE TAXES.					County Levy. 20c. on \$100	County Road Tax, 15c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	Parish Levy, 8c. on \$100.	TOTAL TAX.
	State Tax Support Gov. 20c. on \$100. R. E. and P. P. Schedule B.	State Tax Support Gov. 25c. on \$200. P. P. Sched. C	State School Tax 10c. on \$100. R. E. & P. P. Sched. B. & C	State Tax for Peusions 5c. on \$100. R. E. & P. P. Schedule B.							
Real Estate, acres <u>1.30</u> valued \$ <u>910</u>	<u>182</u>		<u>91</u>	<u>46</u>	<u>182</u>	<u>137</u>	<u>46</u>	<u>45</u>	<u>73</u>	<u>802</u>	
Personal Property, schedule B. val. \$											
Personal Property, schedule C. val. \$											
Value \$											
Poll-Tax for State and County											<u>11</u> <u>50</u>
Total											<u>802</u>
5 per cent. penalty											<u>40</u>
Total											<u>8.42</u>
											<u>38</u>

Interest

Received payment 21 day of Sept 1903
Paid by Lee Britt Special Com - Fulgham v.s. Fulgham.

W. A. King & Co.

Treasurer.

Mrs Elizabeth M Fulgham Dr.
 1904

To S. T. ELLIS, Treasurer of Nansemond County, Virginia.

No.....	STATE TAXES.				County Levy, 20c. on \$100.	County Road Tax, 15c. on \$100.	County School Tax, 5c. on \$100.	District School Tax, 5c. on \$100.	Parish Levy, 8c. on \$100.	TOTAL TAX.
	State Tax Support Gov. 20c. on \$100. R. E. and P. P. Schedule B.	State Tax Sup. Gov. 25c. on \$100. P. P. Sched. C	State School Tax, 10c. on \$100. R. E. & P. P. Sched. B. & C	State Tax, for Pensions 5c. on \$100. R. E. & P. P. Schedule B.						
Real Estate, acres 130 valued \$ 910	182		91	46	182	137	46	46	73	802
Personal Property, schedule B val. \$										
Personal Property, schedule C. val. \$										
Value \$										
Poll-Tax for State and County										1 50
Total										\$ 8.02
5 per cent. penalty										
Total										

Received payment

21st

day of

September 1904

W. A. King

Treasurer.

Paid by Lee Britt Special Com- Fulgham vs. Fulgham

Received of Lee Britt, Special Commissioner in the
chancery cause of Fulgham vs Fulgham, now pending in the
Circuit Court of Nansemond County, the sum of three hundred
and eighty two dollars and twenty eight cents (\$382.28),
being the amount due me as widow of Jos H. Fulgham, as my dower
interest in the real estate sold under proceedings in the
said court, which amount the Special Commissioner is author-
ized and directed to pay me under a certain decree entered
in said cause on the 10th day of September, 1904.

September 13th, 1904.

Mrs. M. J. Fulgham

---\$794.25---

Received of Lee Britt, Special Commissioner in the chancery cause of Fulgham vs Fulgham now pending in the Circuit Court of Nansemond County, the sum of Seven Hundred and Ninety Four Dollars and Twenty Five Cents (\$794.25) being the amount due me in said cause and paid by authority of decree entered in said cause Sep. 10, 1904, of which sum \$69.78 is due for taxes paid by me on the land sold in said cause, with interest thereon, and the sum of \$724.47 being my distributive share from the proceeds of sale of said land after payment of costs and expenses of suit and sale as shown on statement submitted to me by said Special Commissioner.

Sep. 12, 1904.

Ida C Fulgham

----\$405.44---

Received of Lee Britt, Special Commissioner in the chancery cause of Fulgham vs Fulgham, now pending in the Circuit Court of Nansemond County, the sum of Four Hundred and Five Dollars and Forty Four Cents (\$405.44), being the amount due me in said cause and paid by authority of decree entered in said cause Sep. 10, 1904, of which sum \$9.88 is due for taxes for 1902 paid by me on the land sold in said cause, with interest thereon, and the sum of \$395.56, being my distributive share from the proceeds of sale of said land after payment of costs and expenses of suit and sale, as shown on statement submitted to me by said Special Commissioner.

Sep. 12, 1904.

C R J

C R Fulgham

--\$21.67--

Received of Lee Britt, Special Commissioner in the chancery cause of Fulgham vs Fulgham, now pending in the chancery in the Circuit Court of Nansemond County, the sum of Twenty One Dollars and Sixty Seven Cents (\$21.67) due and payable to me under decree of said Court entered on the 10th day of September, 1904, as a distributee in said cause.
Sep. 12, 1904.

J E Fulgham
C R Fulgham
his atty

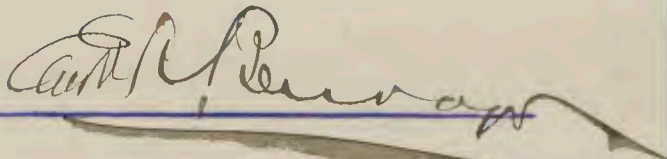
Received of Lee Britt, Special Commissioner in the
chancery cause of Fulgham vs Fulgham, now pending in the
Circuit Court of Nansemond County, the sum of five hundred and
eighty eight dollars and fifty six cents (\$588.56), being
the sum of two hundred and ninety four dollars, and twenty
eight cents (\$294.28) due and payable to my ward, Irma L.
Fulgham, and sum of two hundred and ninety four dollars and
twenty eight cents (\$294.28) due and payable to my ward, Minne-
sota S. Fulgham as their distributive shares of the proceeds
from the sale of the real estate sold under proceedings in
the said Court, which amounts are paid under authority of a
certain decree entered by the Judge of the Circuit Court
of the said County on the 10th day of September, 1904.
September 13th, 1904.

EMI Baun Guardian
for Irma L. and
Minnesota S. Fulgham.

Received of Lee Britt, Special Commissioner in the
chancery cause of Fulgham vs Fulgham, now pending in the
Circuit Court of Nansemond County the sum of two hundred
and ninety four dollars and twenty seven cents (\$294.27)
being the amount due the estate of C.H. Fulgham as the
distributive share from the proceeds of the ^{Sale} ~~same~~ of
real estate made in ~~the~~ proceedings in said Court, which
amount is paid under authority of a certain decree entered
by the Judge of the Circuit Court on the 10th day of
September, 1904.
September 13th, 1904.

M. J. Fulgham
Adm'r C. H. Fulgham

Received of Lee Britt, Special Commissioner in the
chancery cause of Fulgham vs Fulgham, now pending in the
Circuit Court of Nancemond County, the sum of \$100.00
being the amount of fee allowed me by the Judge of the said
Court under a certain decree entered in said Court on the
3rd day of September, 1904.
September 13th, 1904.


A horizontal line is drawn across the page, with the signature written above it. Below the line, there are some faint, illegible handwritten marks.

Fulgham
vs {
3
Fulgham
Report of Special Commr

1905- Oct 4th Filed
APG DC

IN THE CIRCUIT COURT OF NANSEMOND COUNTY--

Ida E. Fulgham et Al--

)
VS) In Chancery-----

)
C.H. Fulgham's Heirs et Als--

To the Honorable Robert R. Prentiss, Judge of said Court:--

The undersigned Special Commissioner begs to report that, in pursuance of decree entered in this cause on the 27th. day of May, 1904, he accepted the offer of \$2850. in cash made by James M. Gardner as the purchase price of the real estate in the bill in this cause mentioned; that the said purchase price has been paid to your Commissioner and the said sum of \$2850. has been deposited in the Bank of Suffolk to the credit of the said cause; that your Commissioner has conveyed the said property to the said James M. Gardner by a good and sufficient deed, with special warranty, and delivered the same to the said purchaser; and that a certificate of said deposit is filed herewith.

Your Commissioner ~~is advised and~~ reports that Mary J. Fulgham has qualified in the Circuit Court Clerk's Office, before the Clerk of said Court, in the City of Norfolk, as administratrix on the estate of C.H. Fulgham, deceased, and given bond, with sufficient penalty, and with surety deemed sufficient for the security, and proper administration of the funds to be paid to her as such administratrix,--a certificate of which qualification is herewith filed; and he further reports that E.M. Baum has qualified in the Corporation Court of the said City of Norfolk as guardian of the infant defendants, Irma L. Fulgham and Minnesota S. Fulgham, and given bond, with sufficient penalty, and with surety deemed sufficient for the security, and proper administration of the funds to be paid to him as such guardian,--a certificate of which qualification is herewith filed.

Respectfully submitted,

Lee Brink
Special Commissioner

Virginia:

In the Clerk's Office of the ~~Corporation~~ ^{Circuit} Court of the City of Norfolk, on the 6th
day of September 1904
Laurence Waring
I, W. A. YOUNG, Clerk of the said Court, do hereby certify that it appears from the Records of
the ~~Corporation~~ ^{Circuit} Court on file in this office, that Mary J Fulgham

duly qualified on the 6th day of September 1904, in said Court as the
~~administratrix~~ of the Estate of Clarence H Fulgham
deceased

That she executed and acknowledged a bond as prescribed by law in the penalty of
\$700.00, with W. M. Urquhart
as surety.

and that the said bond was duly recorded.

Given under my hand the day and year first above written.

Laurence Waring Clerk

By

W. A. YOUNG, C. C.

D. C.

VIRGINIA:

IN THE CORPORATION COURT OF THE CITY OF NORFOLK.

On the 9th day of April 1888,

On the motion of E. M. Baur the duly qualified guardian of Clara
H. Fulgham, Emma L. Fulgham and Minnie L. Fulgham he is allowed
to execute a new bond as such guardian. Whereupon the
said E. M. Baur entered into and acknowledged a bond in

On the motion of _____ who took
the oath required by law and entered into and acknowledged a bond in the penalty of
the penalty of ten thousand dollars, conditioned according to law, with
S. B. Baxter

his surety who justified his sufficiency on oath.

~~certificate is granted the said~~

~~for obtaining Letters of Administration on the estate of~~

~~in due form.~~ And it is ordered that the said Bond be recorded.

A COPY.

TESTE:

James H. Coleman D. C. C.

Fulgham
vs. In Chancery
Fulgham

Report of Special Commissioners
of Saltpetre

Filed Sept 7, 1904
J. P. Gony, Sec.

1

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

Fulgham et Al-

VS }-----In Chancery----- In Vacation-----

Fulgham et Als-

To the Honorable Robert R. Prentis, Judge of said Court:-

The undersigned Special Commissioner in the above cause respectfully represents that, on the 11th day of November, 1902, a decree was entered in the said cause directing him to sell, at public auction, the real estate in the bill and proceedings mentioned, in accordance with the requirements of the said decree.

After giving the bond required, he advertised the said land for sale, at public auction, on the 8th day of December, 1902, which sale was postponed for satisfactory reasons.

Some ^{days} ~~months~~ ago James M. Gardner of Nansemond County, Virginia, made a private cash bid of \$2850 for the said property, which is considered by the adult parties to this cause a good price for the same, and your Commissioner, being of that opinion, recommends that a private sale of the said property be made to the said James M. Gardner at the said price, and that your Commissioner be directed to convey the said property to the said James M. Gardner, upon the payment in cash of the said sum of \$2850.

The written offer of the said bidder is hereto attached.

Your Commissioner believes that all of the parties to said cause are in favor of such sale, and that it will best promote the interests of the said parties.

Your Commissioner further reports that Clarence H. Fulgham, one of the infant defendants, died in October

or September, 1903, unmarried, and without issue, leaving as his heirs at law, the following brothers and sisters: Annie S. Fulgham, Caleb R. Fulgham, Joseph E. Fulgham, Irma L. Fulgham, and Minnesota S. Fulgham, the first three being of the half blood only, and all being parties to this cause, except Annie S. Fulgham and Joseph E. Fulgham.

Respectfully submitted,

Lee Britt

Special Commissioner.

May 25, 1904.

May 3. 1904,

Mr. Lee Britt:

Dear Sir:-

In the cause of Fulgham vs Fulgham et al
now pending in the Circuit Court. I now
offer you a bid of \$2850 for the
land you are offering for sale in
said cause, known as the Fulgham
down farm.

J. M. Gardner by
R. H. Rawles agent

We hereby agree to acceptance of above offer

May 4, 1904

Lee Britt
Attorney at Law
Suffolk, Va.

Fulgham
vs In Chancery
Fulgham

Report of Special Commission

1904 May 25th Filed
A. D. Gomez, Clk

IN THE CIRCUIT COURT OF NANSEMOND COUNTY-

Ida E. Fulgham et Al—

VS } ---In Chancery--In Vacation, on the 10th day of September 1904,

M.S. Fulgham & Co., Heirs of
C.H. Fulgham, deceased et Als---

This cause came on this 10th day of September, 1904, by consent of parties, to be again heard in vacation on the papers formerly read, and on the report of Special Commissioner Lee Britt, filed on the 7th day of September, 1904, showing the sale of the property in the bill and proceedings in this cause mentioned in pursuance of a decree entered in this cause on the 27th day of May, 1904, that the said property has been conveyed to the purchaser, and the purchase price, the sum of \$2850, is now on deposit in the Bank of Suffolk to the credit of this cause, to which report no exceptions have been filed, and was argued by counsel:-

On consideration whereof, the Court doth approve, ratify and confirm the said sale and the said report, and doth adjudge, order and decree that the said Special Commissioner withdraw from the Bank of Suffolk the said sum of \$2850, deposited the 31st day of May, 1904, to the credit of this cause, -for which purpose he is hereby authorized to withdraw the certificate of said deposit filed with the papers in this cause, -and, after paying the expenses of said sale and the costs of suit, including an attorney's fee of \$125-

to said Lee Britt, for his legal services as counsel conducting the same, ^{and the fee of \$100. heretofore allowed to Edward R. David,} that the said Special Commissioner distribute the balance in his hands among the parties entitled thereto, as follows, to wit: -M. J. Fulgham, widow, \$382.28, Ida E. Fulgham \$724.47, C. R. Fulgham, \$395.56, E. M. Baum, Guardian of Irma L. Fulgham \$294.28, and as Guardian of Minnesota S. Fulgham \$294.28, Mary J. Fulgham, Administrator of C. H. Fulgham's Estate \$294.27, Ida E. Fulgham, for taxes as set out in the bill, with interest, \$69.73, C. R. Fulgham, taxes for 1902, with interest, \$9.88, and S. T. Ellis, Treasurer of Nansemond County, taxes due for years 1903 and 1904 amounting to \$16.84, and Joseph E. Fulgham \$28.67.

And it appearing to the Court that E.M.Baum has been appointed and has qualified in the Corporation Court of the City of Norfolk, Virginia, as Guardian of the infant, Irma L. Fulgham and Minnesota S. Fulgham, and that Mary J. Fulgham has been appointed and has qualified in the Circuit Court of said City as Administrator on the Estate of the said C.H. Fulgham, deceased, and this Court being satisfied that the said Guardian and Administrator have given bonds in sufficient penalty, and with surety deemed sufficient for the security and proper distribution of the funds to come into their hands as such Guardian and Administrator as appears by certificates filed with the papers in this cause, and the report of said Special Commissioner, Lee Britt, - it is adjudged, ordered and decreed that the said Special Commissioner pay to the ^{suit} E.M. Baum, Guardian of the said infants, and to Mary J. Fulgham, Administrator of said C.H. Fulgham, deceased, the amounts payable to them, respectively, taking proper receipts therefor.

And the said Special Commissioner shall make further report to Court.

All of which is hereby certified to the Clerk of this Court to be entered in the Chancery Order Book.

To the Clerk of the Circuit Court)
of Nansemond County:-)

Robert E. Mentis

We hereby consent to the within decree.

M. J. Fulgham
By C. R. Fulgham

Ida C. Fulgham
C. R. Fulgham

of Minnesota County:-

to the State of the District

J. E. Fulgham
By C. R. Fulgham
his ally

County to be entered in the

VII of which is hereby
known to County.

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Fulgham
vs } In vacation

Fulgham

_____ "
Decease for Distribution^d
_____ "

Entered Sept. 10, 1904

Robert R. Minter

Entered in Chancery
Order Book No 3
Page 604.

1

VS

on the 27th
day of May 1904.
by consent of parties
May, 1904, to be

by constant of parties

and John P. Lee, Guardian ad Litem of the said infants,
this day assigned to defend their interests so far as affected by such petition
Irma L. Fulgham and Minnesota S. Fulgham, to the petition
of said M. J. Fulgham, and on the joint and separate petition

And it appearing to the Court that Clarence H. Fulgham, defendant, has died and the institution of this suit is hereby ordered to be discontinued as to him since he is deceased in the names of his heirs, C.H. Fulgham, A.S. Fulgham and M.S. Fulgham.

said Special Commissioner, that a private cash offer of \$2850 has been made to him by James M. Gardner, for the purchase of the property in the bill and proceedings mentioned in this cause, and that it will best promote the interests of the parties to this cause to accept the said offer, and make sale of the said property to the said James M. Gardner for the said sum of \$2850, and it further appearing to the Court, that the adult parties to this cause approve and acquiesce in such sale, as shown by their written endorsement on this decree, the Court, doth adjudge, order and decree that the said Lee Britt, Special Commissioner, be and he is hereby directed and ordered

to accept the said offer of the said James M. Gardner,
and that, upon the payment in cash of the said sum of \$2850,
to the said Special Commissioner, he, the said Lee Britt,
Special Commissioner, shall execute a good and sufficient
deed, with special warranty, conveying the said property
to the said James M. Gardner, and that, upon the receipt
of the purchase price of \$2850, the said Special Commissioner
shall deposit the same to the credit of this cause in the
Bank of Suffolk, Suffolk, Virginia, take a certificate of
deposit therefor, and file the said certificate with the
papers in this cause, which deposit shall therein remain
subject to the further order of this Court, pending the
adjudication of the rights and ascertainment of the res-
pective interests of all parties legally entitled to share
in the distribution of the proceeds of said sale.

But the said Commissioner shall receive no money
under this decree, until he shall enter into bond, with
proper security, in the Clerk's Office of this Court,
payable to the Commonwealth of Virginia, in the penalty
of \$3,000, and conditioned for the faithful discharge of
his duties, under this, or any other decrees entered
in this cause.

And the said Special Commissioner shall make report
to Court of his acts under authority of this decree.

To the Clerk of the Circuit Court)
for the County of Nansemond)

Robert R. Mentis
Joseph E. Fugham

We hereby consent to this decree, and believe that such sale will best promote the interests of all parties.

Lee Pratt
att'y for plaintiffs

John P. Lee
Guardian ad litem for
Anna L. Fulgham and
Minneasta S. Fulgham
Earl R. Bacon

Mr. M. J. Meffan

Annie S. Fulgham.

Ida C. Fulgham

Caleb R. Fulgham

Fulgham & Co
v₃ In Chancery
Fulgham & Co

Vacation Release

Enter this 27th day
of May 1904.

Robert R. Huntis

Entered in Chancery
Order Book No 3
Page 588,

Commissioner's Office,
Suffolk, Va. Oct. 30th 1902.

In the Circuit Court of Nansemond County.

Ida E. Fulgham and Caleb P. Fulgham - Plaintiffs

vs

In Chancery.

Clarence M. Fulgham, Irma L. Fulgham and
Minnesota I. Fulgham, infants under the age
of twenty-one years Defendants

To the Honorable Robert R. Prentiss,
Judge of the Circuit Court of
Nansemond County, Virginia.

Pursuant to a decree of said Court pronounced in the above cause on the 15th day of October, 1902, the undersigned, one of the Commissioners in Chancery of said Court, having first given notice as required by law, which notice, duly accepted and acknowledged, is herewith returned proceeds on the 28th day of October 1902, pursuant to adjournment from the day, to-wit, the 27th day of October 1902 named in the said notice, to perform the duties required of him by said decree.

From the evidence submitted to him by depositions, your Commissioner respectfully reports on the enquiries set out in the said decree as follows, to-wit,

1st Whether, or not, the real estate in the proceedings in this cause mentioned can

be conveniently divided in kind among those entitled to the same.

2nd. Whether or not there can be an allotment of part of said land among those parties legally entitled thereto, and a sale of the residue and distribution of the proceeds from such sale among the said parties entitled thereto, conveniently and without injury to the interests of said parties.

3^d. Whether or not, any party in interest will take the whole land and pay to the other parties the values of their respective shares in money.

4th. Whether or not, a sale of the said real estate as a whole and a division of the proceeds among those legally entitled thereto will best promote and not violate the interests and rights of the said parties in interest.

5th. Whether or not, there are any delinquent taxes against the said real estate, and, if so, what amount is owing and to whom due and payable.

6th. State the names and proportionate shares of the parties entitled to the said real estate, or to the proceeds from the sale of the same.

7th. State the fee simple value of the said real estate.

That the said real estate consists of a farm of about two hundred acres, nearly one half of which

is open or arable land and the remainder
timbered with scant growth timber, That the
buildings on the said farm consist of an old
dwelling house and a few outbuildings, all
of which are in a dilapidated condition, That
the farm is so located as to be unsuitable
for other than farming purposes, That it is
not susceptible of division in kind to any
advantage or an allotment of part in kind
and a sale of the remainder and to unders-
tate to do either would result in injury and
sacrifice, as the small parcels would be of
little value to the parties in interest, That
no one of the parties, so far as can be ascer-
tained, is willing to take the whole farm
and pay the others for their interests, That
a sale of the whole and a distribution of the
proceeds of the sale would be decidedly best for
all parties in interest.

For the foregoing reasons, as shown by the
evidence, which is in the form of depositions,
your Commissioner believes and reports that
the said land cannot be conveniently di-
vided in kind among those entitled to the
same, That an allotment of part and sale of
the residue would be objectionable and hurtful
to the interests of all parties, and That no
party, so far as the evidence discloses, is willing
to take the land as a whole and pay the
others for their shares.

Your Commissioner further reports
that the names and proportionate shares
of the parties are Caleb R. Fulgham, who

owns a one-sixth interest, Ida E. Fulgham who owns a one-third interest (she having acquired by purchase the former one-sixth interests each of Joseph E. Fulgham and Annie T. Fulgham in the said land) Clara H. Fulgham, who owns a one-sixth interest, Irma L. Fulgham who owns a one-sixth interest and Minnesota T. Fulgham who owns a one-sixth interest; that there are delinquent taxes against the said land for the years, 1896, 1897, 1898, 1899, 1900 and 1901 and for the year 1895 in the several amounts stated in the bill in this cause aggregating the sum of \$53.⁰⁷, and that the said amount is due and payable unto Ida E. Fulgham; that the fee simple value of the said real estate is \$1200.

From the evidence submitted, it is the judgment of your Commissioner that the real estate should be sold as an entirety and the proceeds of the same be divided among the parties shown to be entitled to the same. The depositions of R. T. Cley, Matthew Gardner, J. G. Johnson and E. R. Fulgham are herewith returned. Respectfully submitted,

John B. Pinner,
Clerk in Charge.

Commissioner's fee \$10.⁰⁰