

1819-009

Chancery Causes. Mills Fullgham & Jesse Fullgham, by & c vs Benjamin Coggin & h & d

Isle of Wight County

other surnames: Battin,
Fulgham

a proportion in the said slave sentenced
they deny, accused and conviction, and
may be dismissed with their costs so wrongfully
sustained

Fullerham's per friend
to J. Rice &
ans.
Ben. Coggin & Co. of St. Louis
Gen. Kinne
to Dec. Court 1878.

William Holliman
Ans.

Isle of Wight

To the end therefore that the said Benjamin Coggin and
Amelia his wife late Amelia Fullingham - Charles
Fullingham, Clem Batten and Polly his wife (whom
your orators pray may be made defendants here to)
may be compelled in their corporate or other full true and
perfect answers to make to all and singular the allega-
tions herein before set forth, and that as fully as if the
same were here again repeated, and they thereto interro-
gated - That a Commissioner or Commissioners may
be appointed by an order of this worshipful Court
to see the slave him - (This Court being a Court of
equity, possesses ample powers to direct the sale of slaves,
when from the nature of the property a division in kind
cannot be made) and divide the proceeds of the sales
amongst the persons respectively entitled thereto -

Your orators further pray that your worships
~~shall~~ will at least decree a sale of the interest which
they have in the slave aforesaid which is 1/6
immediately, and 1/6 on the termination of the
life estate, and direct the proceeds to be
paid over to their legal and proper guardian
and that your worships will make such
other and further orders for the relief of
your orators as may be asserted to
with equity and good conscience. &c. &c.
May it please you to grant the

The Answer of Benjamin Coggin and Amelia
his wife late Amelia Fullingham widow and executrix
of Joseph Fullingham dec'd - Charles Fullingham
and Clem Batten and Polly his wife, to the bill
of complaint against them exhibited in this wor-
shipful Court by William Fullingham and Jesse
Fullingham infants of Henry Fullingham dec'd
suing in this behalf by Sarah Fullingham their
mother and next friend -

These Respondents now and at all times hereafter
serving and answering to themselves all benefit and
advantage of exception to the many errors, uncer-
tainities and false allegations in the complainants
said bill contained for answer thereto, or unto so
much thereof as they are advised it is material
or necessary for them to answer unto, answer
and say - That the respondents Coggin and
wife, are entitled to one half of the slave
in the bill mentioned for and during the life of
the said Amelia; that they are unwilling that any
a general sale of the slave should be made -
as they do not wish to part with their interests -
as however the interest of the complainants may
be advanced by a sale of the interest, which they pos-
sess they have no objection that this Court should
decree a sale of the interest which the complainants
hold therein - and the respondents, Charles Full-
ingham, and Clem Batten and Polly his wife, are
also willing that the limited interest held by the
complaints may be sold, but as they are entitled to the
same quantity of interest with the complainants,
they are not disposed that their proportions
of shares should be touched, they therefore are
determined that their property share remain
entire for the present - They have however no
objection, that the interest of complainants, as they
desire it may be sold, leaving their shares

I have no objection that the Court of the of Wright County
should decree a sale of the slave John belonging
to the estate of Joseph Fullingham decd. so far as the
interest of the the Heirs of Henry Fullingham is con-
cerned, but I will not consent that the interest which
I hold in right of my wife Amelia, late Amelia
Fullingham which is one half for life, should be
sold or distributed in any way =

Wm. C. Gaffin

I being a brother of Joseph Fullingham decd. and interested in
the above slave have no objection that the Court of
the of Wright County should decree a sale of the interest of the wife
of Henry Fullingham decd. but I will not consent that my
share in said slave should be sold. Charles Fullingham

I know that my brother Clem. Patton consents to the arrange-
ment which Mr. Ben. Gaffin, and Charles Fullingham have agreed to.

Teste -

Wm. C. Gaffin

Wm. + Patton
for Clem. Patton.
Decr. 7th 1818.

To the Worshipful the Justices of Isle of Wight
County in Chancery sitting.

Humbly complaining shew unto your Worships, your
orators Mills Fullingham and Jesse Fullingham infant
children of Henry Fullingham decd. living in the behalf
by Sarah Fullingham their mother and next friend.

That a certain Joseph Fullingham late of this county
departed this life intestate, or or about the day
of AD 181

and your orators beg leave further to state
to your worships, that the respective degrees of relation
ship were befound in the following account of the family
of the said Joseph Fullingham.

Henry Fullingham, the brother of the intestate, was
the father of your infant orators, Mills and Jesse -
Charles Fullingham also a brother is now living, and
of full age - Polly a sister of the intestate, intermarried
with one Lemuel Fullingham by whom she had one
child named who died an infant, after his mother,
and living his father who was his sole heir. Lemuel
the father then died having first duly made and
published his last will and testament, by which
he devised all his estate to his sister Polly, who
is now the wife of one Clem Batten. - and the
said Joseph Fullingham the intestate, left a widow
named Amelia but no child or children, and which
said Amelia hath since intermarried with one Benja-
min Coggin, both of whom are now living.

And your orators further shew unto your Worships
that the said Joseph Fullingham during his life was
entitled to a slave named Jim - That Benjamin
Coggin and wife, who at most are only entitled to one
half of the said slave for the life of the wife, there
being no child or children, have possessed themselves
of the said slave and refuse to come to any division
or sale of the same and to make such distribution
as should be right, just and legal.

In tender consideration whereof, and
for as much as your orators are remediless
without the aid of a Court of equity, where alone
the sale or division of slaves can be decreed
and the division & distribution of estates made.

In obedience to a decree of the Honorable Court of Guilford County, Tennessee annexed, after giving due and public notice as directed in said decree: I have sold at public auction, the property named in & decreed to Enah Holliman for the sum of Twenty Dollars - and paid the same in the following manner:

Paid to	Attorney fee	\$10.00
"	Clerk	4.00
"	Carriage	4.30
"	Sally Fulgham Genl. of	
	Mills & Repe Fulgham	371.30
	option of Henry Fulgham	90.00

Given under my hand this 2nd day of May 1819.

Enah Holliman Comr.



Faleghani / p. 100
as 2 Series
Copied top

December 1818 Revised
file & initially series

February 1819 report note
& series accordingly

Mills Fullgham, and Lese Fullgham infant children
of Henry Fullgham dec'd suing in this behalf by
Sarah Fullgham their mother and next friend - plffs
against

Benjamin Coggin and Amelia his wife late
of Amelia Fullgham, widow and executrix of Joseph M. Cane
Fullgham dec'd - Charles Fullgham, and
Clem Batten, and Polly his wife, late Polly
Fullgham - deffs

By consent of the parties and with the assent of the Court
this cause came on this day to be heard, on the Bill
and answer filed therein, and was argued by Counsel
on consideration whereof the Court doth order and judge
and decree, that William Holliman (whom the Court
appoint Commissioner for that purpose) do expose
to sale by auction for ready money, after giving 15 days
previous notice of the time and place of such sale
by advertisement in writing posted up at two of
the most public places nearest the place and
pounded for the sale all the interest which the infant
plffs have in the said slave in the ^{three mentioned} ~~three mentioned~~
which interest is $\frac{1}{6}$ at this time, and ~~and~~ ^{and} ~~in the~~
said slave, upon the death of the ^{deft} ~~deft~~ Amelia
Coggin, and which share or interest alone in the
said slave is to be sold and this further decreed and
ordered that the said Commissioner having first deducted
the costs of this suit, and all incidental and ~~expenses~~
charge & attendant on such sale, do then proceed to
pay over the nett balance of sales unto the legal and
proper guardian of the infant plaintiffs and make
report of his proceedings to this Court in order to a
final decree. Liberty is decreed the infants in this
suit, to know cause if any they can against this decree
at any time within one year after their arrival
at age -

Fulham, Mass
or 3 River
Loggin Wife

Ile of Wight County December Court 1818
Mills Fulgham, and Jesse Fulgham infant
children of Henry Fulgham dec. suing in
this behalf by Sarah Fulgham their mother
and next friend.

Compts

against

Benjamin Coggins & Amelia his wife late Amelia
Fulgham widow & child of Joseph Fulgham dec.
Charles Fulgham Helme's Bastard & Polly his
wife late Polly Fulgham

In Chancery

Defts

By consent of the parties and with the assent of the court this
cause came on this day to be heard, on the Bill and answer
filed therein, and was argued by counsel on consideration
whereof the Court doth order adjudge and decree that
William Holliman, (whom the court appoints commissioner
for that purpose) do expose to sale by auction for ready
money, after giving 15 days previous notice of the time
and place of such sale by advertisement in writing
posted up at two of the most public places nearest the
place appointed for the sale all the interest which the
infant plaintiffs have in the slave Jim in the bill men-
tioned which interest is $\frac{1}{8}$ at this time, and a further interest
of $\frac{1}{8}$ in the said slave upon the death of the deft. Amelia
Coggins, and which shares or interest alone in the said
slave is to be sold. And it is further decreed and ordered
that the said commissioner, having first deducted the
costs of this suit, and all incidental and charges attendant
on such sale doth then proceed to pay over the neat balance
of sales unto the legal and proper guardian of the
infant plaintiffs and make report of his proceedings to
this court in order to a final decree. Liberty is reserved
therefore in this suit to shew cause if any they can
against this decree at any time within one year
after their arrival at age —

Attest

David Dickson