

1831-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

NICHOLSON et al VS. SMITH et ux et al T11711

6/1831

Other SURNAMES:
Simmons, Peete, Beal, Trezvant,
Fitzhugh, Beekman, Kindred, Cary
Browne, Moyer, Clayton, Briggs

Nicholson & others

vs. } Bill.

J. Clayton & others.

Baker p. 7

1829 June decree as filed &c

+ 1831 June - decree as filed &c

+ Pliffs costs.

elks.

\$ 3.92

Att. Law.

5.00

\$ 8.92

S. C. Aupter Co. Court.

To the worshipful Court of Southampton County in chancery
sitting humbly complaining shew unto your wisdoms, your
Orators ^{& Charles Briggs was of John Nicholson} ~~Wm. H.~~ Nicholson, Nathaniel Simmons, Alexander
P. Pate, John Nicholson, Jas. to Beal, James Trzvant, Isham
Smith, Peter 2. Buckner, ^{Oris A. Brown, Burg. H. Moyer,} Henry Kender, that some time in the
year John Fitzhugh departed this life intestate seized & possessed
of a considerable real & personal estate: Thomas Fitzhugh after-
wards qualified as admor. of the said John Fitzhugh & thereby
obtained possession of the personal estate of his intestate more
than sufficient for the payment of debts: the said Tho:
Fitzhugh also afterwards qualified as guardian of the ~~children~~
things of the said John, namely, John H. Fitzhugh & Eliza A.
Fitzhugh who are still under the age of twenty
one year: before the said Tho: Fitzhugh settled his transactions
as admor. & guardian as aforesaid he departed this life possessed
of considerable personal property, whereupon one George B.
Cary qualified as his admor., & subsequently the unadminis-
tered estate of the said John Fitzhugh was committed to
the hands of James Clayton as Sheriff for admor. and
your Orators further charge that in the life time of the
said Tho: Fitzhugh the said children things became indebted
to your Orators, severally, for moneys furnished, that is to
say, to your Orator ^{W. H. Nicholson} ~~W. H.~~ the sum of \$6.00:
to your Orator Nathl. Simmons the sum of \$70.66 $\frac{1}{2}$, to your
Orator Alexander P. Pate the sum of \$50: to your Orator
John Nicholson the sum of \$10.: to your Orator James
W. Beal the sum of \$1.63 $\frac{1}{2}$: to your Orator James Trzvant
the sum of \$8.94: to your Orator Isham Smith the sum
of \$16.65: to your Orator Peter 2. Buckner the sum of \$29: to Henry Kender \$15:
to Oris A. Brown \$15.50, & to Burg. H. Moyer \$22.50.
Isham Smith has intermarried with Martha D. one of the children of
John Fitzhugh: And your Orators further state that they
have frequently applied to the said children things, as also to
the said George B. Cary & James Clayton as admor. & comor.
as aforesaid for satisfaction & payment of their said several
debts, but they have hitherto refused, under a variety of pretences
to pay the same, and now your Orators are compelled to come
into this court for discovery & relief: In Tender consideration

whereof & for as much as your Orators are without remedy in the
premises except by the assistance of a court of equity: To the
End therefore, that the said Isaac Smith Martha & his wife, & John
H. Fitzhugh & Eliza A. Fitzhugh
infants by some person to be appointed as guardian ad litem,
the said George B. Cary advocat. t. of Thos. Fitzhugh & James
Clayton advocat. as advocat. of Jas. Fitzhugh may be made defts.
to this bill & may upon their several corporal oaths answer
the allegations therein contained as fully & perfectly as if the
same were here again repeated & interrogated: that the said
Geo. B. Cary may be compelled to settle his intestate's trans-
actions as late guardian & advocat. as advocat. & that the deft.
James Clayton may also be compelled to settle his transactions
on the estate of Jas. Fitzhugh: your Orators pray, that, upon
the settlement of the said accounts & such other accounts as
may be needed, you will decree to them the payment of their
said several debts by such one or more of the said defts.
as to the court may seem right, & that your worships will
make such other or further order or decree in the premises
as may seem just & proper - may it please v.

The Separate Answer of George B. Cary to the Bill of
complaint exhibited against him & others by Stiddens
& others Complainants - This respondent saving v. for answer
thereto saith, it is true he is the advocat. of Thomas Fitzhugh
who in his life time was advocat. of John Fitzhugh, as also
guardian of the infant Complainants: this respondent has settled
& returned to court an account of the transactions of his intestate
as advocat. & guardian as aforesaid, by which the sum of \$
with interest is found due from the estate of his said intestate: the
said sum of money is ready to be paid as to the court may direct:
many of the facts charged by the complt. this respondent believes are
true, but he has no ^{personal} knowledge of the propriety of the several demands
sought to be recovered - without that v. And this respondent denies
all fraud & charges against him & prays to be dismissed with his
costs in this behalf sustained v.

The Joint Separate answer of Isaac Smith Martha & his wife &
John H. Fitzhugh & Eliza A. Fitzhugh by James Clayton their guardian ad
litem & the said James Clayton as comm. t. of John Fitzhugh
to the bill of complaint exhibited against them by
Stiddens & others, Complainants: These respondents saving answering
to themselves every benefit of exception to the said bill, for answer
thereto say, that the allegations & statements in the said bill set-
forth they believe are true & correct: the said respondent James
Clayton admits he is the comm. t. of John Fitzhugh & that he
now holds property belonging to the children & heirs of his said
intestate, which, as he is at present advised, he thinks will not
be required for the payment of debts - these respondents are
willing to submit to such decree in the premises as to the
court may seem right - without that v. And these res-
pondents having answered v. deny all fraud & pray to be
dismissed with their costs v.

Edward Butts clerk of
James Clayton take shff

Wm ~~my~~ ~~the~~ Carlson	\$6.00
Peter L. Burkman pro ^d	29.00
B. A. May ler	22.50
et P. Rete	50.00
Oris A. Brown	18.50

The above claims want evidence

decre.

1829 June filed
+
cap. 2.

Nicholson & others

vs. $\frac{3}{3}$ Chy.

Clayton. Tal

This cause came on this day to be heard by consent of parties upon the bill, answers & exhibits filed on consideration whereof the court doth adjudge order & decree that Jeremiah Cobb take an account ascertaining the amount due the complainants respectively from the infant children & heirs of John Fidelity & make report &c

Nicholson tel

n. $\frac{1}{3}$ down.

Clayton comm. Fitzgerald

1831 June. filed

Nicholson & Co

57.

James Clayton comr. of John Fitzhugh dec?

This cause came on this day to be again heard on the papers formerly ^{read} and on the report of the comr. made pursuant to a decree entered on the day of June 1829 to which no exception has been filed and was argued by counsel: on consideration whereof ^{confirming the said report} the court doth adjudge order & decree that the def^t James Clayton comr. of the estate of John Fitzhugh, out of the assets of his ^{intestate} in his hands to be administered, pay to the following persons the sums of money as herein after mentioned that is to say, to Alex: P. Putt the sum of \$40 with interest thereon from the 25.th day of December 1826 till paid: to Peter L. Bullock the sum of \$29 with interest thereon from the 13.th day of Feb^y. 1828 till paid: to Wm. B. Muldrow & Charles Briggs exors. of ~~John Fitzhugh~~ John Nicholson the sum of \$10 with interest thereon from the 1.st day of January 1828 till paid: to Henry Kendrick the sum of \$15 with interest thereon from the 18.th of Feb^y. 1828 till paid: to Isaac Smith the sum of \$16.65 with interest thereon from Jan^y. 1.st 1828 till paid: to Nathl. Simmons the sum of \$65.89 with interest thereon from the 25.th dec^r. 1826 till paid: to Joseph S. Jones the sum of \$25. with interest thereon from the 1.st of Jan^y. 1830 till paid: to James Triggant the sum of \$18.94 with interest thereon from the 30.th day of April 1827 till paid, and to James W. Neal the sum of \$1.63 with interest thereon from the 17.th day of March 1828 till paid: and the court doth further adj^uge or: & decree that the ~~def^t~~ James Clayton comr. as aforesaid, out of the assets of his said ^{intestate}, pay to the ~~pl^{ts}~~ their costs about their suit in this behalf expended -

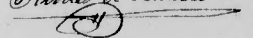
This I certify

to
James Regant

Southampton County Jct.

I hereby certify that James Regant was counsel
in the case within mentioned which appears of record

Given under my hand this 26th Sept. 1829

James Pocher E.


Thomas Fitzhugh To James Heyant. D.

1820
Sav. Draft in a friendly suit in Chancery.

for the division of John Fitzhugh's

estate

} \$10:00

Thomas Fitzhugh & Son
to
Oris A. Browne } act

\$15.50

Oris A. Browne.

Thomas Fitzhugh son to Rebecca Fitzhugh

to Bristol Browne

1825

Septemb ^r	9 th	To visit - for notes 24/- Cath 1/-	\$5.00
"	10 th	" Visit 14/- Cath 3/- Apunt - 3/-	3.00
"	11 th	" Visit 12/- Ol: Ricini 3/- ap. 3/-	3.00
"	11 th	" Visit 12/- Cath 1/- Episcopate 9/-	4.50
"	13	" Visit 12/- Cath 1/- Episcopate 9/-	<u>15.50</u>

Thomas Fitzhugh
Esq. in &c.

\$22.50

Apply to G. B. Camp
Represent. of
Thomas Fitzhugh
ac &

Wm. H. Mayler

2nd Feby 1829. Pay the within
to Mo. I. Mayler & Sterling Winters
for value received. -

W. H. Mayler

Mr. Thomas Fitzhugh, Guardian of No. Fitzhugh's orphans ^{Dr}
1826

To Dr. Alleyler

July 31 st	Visit to Eliza Fitzhugh, Oil and Emetic	—	2.50
August 1 st	Visit to Dr. purgative, and salts	—	2.00
2 nd	Visit, purgative, and blister plaster	—	2.50
3 rd	Visit, purgative, & blister plaster	—	2.50
4 th	Visit through rain, purgative & Oil	—	3.00
6 th	Visit, purgative, & salts	—	2.00
7 th	Night Visit & salts	—	2.50
9 th	Visit and purgative	—	1.50
11 th	Visit and castor Oil	—	1.50
14 th	Visit, Oil, and Quinine	—	3.00
			\$ 22.50

Southampton County to wit-
Personally appeared before me John
burg a justice of the peace James Edward and made oath to the
justice of the within act, Given under my hand
21 Sept^r 1849 J. K. Mahon Justice

Highway

21/9/49

21/9/49

21/9/49

1828th The Est^t of Rebecca Fitch
July 15th To Henry Kindred
To making ~~Road~~ Lined Coffin for Dr.
\$15.00 -

Admrs. M. B. C.

W. J. M. 10

for all the year

1.63



Southampton City is wet
personally appeared before
me Peter Immous and
made oath that he heard
of Fitch high say that
Jas W Beal had bot a
pair of shoes for her
some time in the year
1827 given under my
hand this 21 Sept 1829

at Myrick's.

personally appeared
and signed a paper

James M Beale for ship Rebecca Fitzgerald

Pt. of Seth R Strong & Co

1 $\frac{1}{2}$ Shus — 9/9 — \$ 1.63

March 17/1828 Rec^d pay m^t of a^d

M Beale — Seth R Strong
J. Am. 1828

Geo. W. Nicholson

Southampton C. to Wit-
This day I have in the
personally appeared before me &
made oath to the contents
of the within act Given under
my hand Sept 21-1829
J. D. Mayhew

Thomas Fitzhugh Guardian of Martha D. Fitz-
hugh orphan of John Fitzhugh, To John Nicholas D.
1827 to 3 months board at \$40.00 pr. year \$10.00

Thos. Fitzhugh gdn
To J. Acet
John Nicholson

\$b. 00

Wm. H. St. John
& Charles Briggs
recd. of No. 11
cholon.

Thos. Fitzhugh to the Orphans of John Fitzhugh
1827 To John Nicholson Dr

To keeping Lucy, Minerva, Jacob, Edwin, \$6.00
and Sarah this year -

Fitzhugh

To

Smith

\$ 16:65

Thomas Fitzhugh Guardian of Martha D Fitzhugh
orphan of John Fitzhugh decd Do I have
Smith Dr 1827 to 5 months board at \$ 10:00
pr year ————— \$ 16:65

Southampton to Wit-
Drew Fitzhugh personally appeared
before me and made oath to the justice of the above act
21 Apr 1829 — J. D. Masonbury

Personage appeared before ^{my} John, J. Blaw &
made oath that Peter L Beckman has
Regularly attended in the family of Rebecca
Fitzhugh as a physician,

Given under my hand this 19th day of
Oct 1829, -

Benjamin L. Drew (Jr)

~~John J. Blaw~~ J. Fitzhugh

20 acc

29.00

~~3~~

Peter L. Beckman,

~~The Estate of~~ Rebecca Fitzhugh

1828

To Peter Beckman Dr

Jan 7	30 th	To visit to self	2.50
		" mag. & brs. Tart.	.50
"	31 st	" visit to do.	2.50
		" Hydr. bath.	.50
		" Emenagogue pills No 30	2.00
		" Baeca Guaiacum	1.00
Feb 7	1 st	" visit to do.	2.50
		" Hydr. bath.	.50
		" visit to do.	2.50
"	3 ^d	" visit to do.	1.00
		" Anodynes No 6	2.50
"	6 th	" visit to do.	.50
		" Hydr. bath.	1.00
		" Anodynes No 6	1.00
		" Baeca Guaiacum	2.50
"	9 th	" visit to do.	.50
		" Hydr. bath.	2.50
"	13 th	" visit to do.	2.00
		" Emenagogue pills 3 dozen	1.00
		" Anodynes No 6	

\$ 29.50

Ann Eliza Fitzhugh

to $\frac{3}{4}$ Acc^o.

Joseph S. Loimer.

1829 Dec. 21^o filed

to be filed in the case
vs. Fitzhugh. acc.

This day appeared before me & made oath
to the within accept^d to the best of his knowledge
against the said Lewis Carroll — given under my
hand this 15th of Feb'y 1831 — J. H. Gray J. P.

Ann Eliza Fitzhugh To Joseph S. Joernier . . . on

1829

To board for 10 months of the present year \$25.00

Southernhampton County. (Towits)

This day came before me Wmth B.
Goodewyn a Justice of the peace
Grewy Waller & Cooper Waller
each of whom made oath that
John and Ann Eliza Fitzhugh
children of Tho^s Fitzhugh dec^d
boarded at the house of Nathl^l
Simmons during the year 1826.

Given under my hand this 17th day
of August 1826. Wmth B. Goodewyn J.P.

Nathl^l Simmons

1826
\$90.00
John Eliza
Fitzhugh
Wmth B. Goodewyn

Mr. Thomas Fitzhugh guardian to John and Ann Eliza Fitzhugh
To Nathl Simmons

To years board of 1826 \$45.00 each ————— \$90.00
May 18th 1826 To Make two Shirts for Ann E. F. ———— 05.50
\$95.50

By the hire of "Small boy" Lock of 1826 ———— 7.00

Recd Jan 4th 1827 of Nathl Francis the balance \$83.50
of John J. Vaughans Note ~~XXXX~~ 17.61
\$65.89

\$65.89 due Jan 4th 1827 = Interest of this amount ———— 4.77 1/2
\$70.66 1/2

~~\$70.66 1/2~~
15.89

\$54.77

Putnam County Court
Personally appeared before
me a Justice of the peace for
the said County, ^{Theodore Frevaunt} and made
oath to the justness of the ~~sum~~
amount given under my
hand this 29 day of May
~~1829~~ 1830.

J. H. Gray, Jr.

181
2.00
5.13

8.94

Ans. W. G. Litchugh

Mr A. F. Schuch (Thos. Fitchugh Garrison)
To James T. servant 15
1827

april 27. 6 cotton cloth 9⁰/₄ a yard 1 1/2
2 yds cotton stupe 2 1/2 1. 81

Ann E. Fitchugh

200

Southampton County Court.
Personally appeared before me
a Justice of the Peace for the
said County Theodore Bryant
and made oath to the justness
of the within account. Given
under my hand this 29 day
of May 1829 1830

J. H. Gray Jr.

Thomas Fitchugh (Guarantied to Ann E. Fitchugh)
1827 To James Freyvant &

April 27 8 yds Collico 1/6 ——— / 82 00

Southampton County Court
 Personally appeared before me
 a Justice of the peace for the
 said County Theodore
 Freyvant and made oath
 to the truth of the within
 account. Given under my
 hand this 29 day of June
 1829. 1830 *Theodore Freyvant*

When the Commissioner makes up the
 account in this case he will call
 on J. Freyvant to prove the within
 store accounts. J. Freyvant.

J. Freyvant

#8.94.

513

Black & White

Thomas Fitchugh (Garrison to Rebecca Fitchugh)
1827 To her servant

May 11. 12 yds coll. co. 2/4 of wool cotton 9⁰ 3/4. 13

Yoshan 6/ - - - - 1
5 13

A. P. Putt

acc?

~~500.~~

~~440~~

The estate of John Fitzmurch
1826 to board of Mr. D Fitzmurch ten months
to J. P. Felt

\$40.00

March 16th 1830 This day Harary Harris made oath
before me to the correctness of the above accpts J. P. Felt J. P.

Compt^{rs} Office Jerusalem Aug^t 17th 1830. I have appointed the
 7th day of Oct^r next to settle the account directed by the within order, at
 which time the parties interested are required to attend with the necessary vouchers
 and evidence

Jer^l Rob^t M. Com^r.

(Faint, mostly illegible text, possibly a signature or stamp)

Mr. Ashmole's Service of
 the within order and notice
 Aug^t 23rd 1830

M^r Sam^l Rob^t

(Vertical text, possibly a signature or stamp)

(Vertical text, possibly a signature or stamp)

Southampton May Court 1830.

On the motion of James Clayton it is ordered that Master Commissioner Cobb do examine state and settle an account of the said Claytons Administration as John Fitzhughs estate and make report thereof to Court. with any matters specially stated deemed pertinent by himself or which he may be requested to state.

Attest James Rochelle Clerk

Nicholson & others

vs

James Clayton & others

Concurs Report

Returned Feb'y 21/1831

Nicholson & others }
 vs Clayton & c. } In chancery

Accordingly to a decree of the county Court of Southampton directing the Comr. to make an account ascertaining the amounts due each of the complainants; - The following statement is made upon the proven vouchers.

John Nicholson acct of \$6.00 Orris & Brown of \$15.50 and Buyer & Maylor of \$22.50 are not proved & therefore forms no part of this report -

1826	Decr 25	To Amount - A. Fitch for board of M. D. Fitch	\$40 00
1828	Feb'y 13	To Peter L. Beckman for medical acct	29 00
1827		John Nicholson for board of Martha D Fitch	10 00
1828	Feb'y 18	To making coffin due Henry Hendrick for Rebecca Fitch	15 00
1827		Sham Smith To boardg. M. D. Fitch 5 months @ \$40 of ann.	\$16 65
1826	Decr 25	Kath ^e . Simmons To balance of board of John and Ann Elyer Fitch this year &	65 89
1829		Joseph S. Joiner To Boarding A. E. Fitch this year	25 00
1827		James Tregant To Sundries furnished Rebecca Fitch	5 13
Apr		" do A. E. Fitch	2 00
		" do Mrs H Fitch	1 81
			\$8 94

1827
Apr Due James Freyvant brought for \$ 8 94
To fee for bill and answer for division of the es 10 00
\$ 18 94

1828
March 17 Due to R. Strong for James W. Deane
To pair shoes for Rebecca Fitzhugh \$ 1 63

Respectfully Submitted to the Court
J. M. M.

The estate of John Fitzhugh dec'd
In account with James Clayton late Sheriff & Committee

1828	To taxes retained for last year	1 14		
	" paid clerk tickets \$ Ret	62		
Octo	" " Richd H. Baker atty "	5 00		
	" " Jesse Drewry "	1 00		
	" " Clerk's tickets "	1 74		
	" " Peyton Drew toll Gen Ct	18		
Decr 25	By Hires this year \$ 139.51			9 51
	To expensive negroes 130.30			
	To Commis. 47			
	Balance due the Committee		64	
		10 15	10 15	
1829	To balance brought down	64		
	" paid J. G. Mason atty \$ Ret	24 00		
	" " J. Drewry "	1 50		
Decr 21	By Hires this year 148.32			
	To expensive do 58.20			90 12
	To Commis. on debts 4 58			
	Balance due the estate	59 43		
		90 12	90 12	
1830	By balance brought down			59 43
Jan 13	To paid Jesse Drewry \$ Ret	1 50		
May 12	" " Drew Fitzhugh "	1 00		
	" " Jesse Drewry "	1 00		
Oct 2	" " Doctr Spark "	5 00		
	" " Mr. Harrison's exch "	111 94		
Decr 31	By Hires negroes this year \$ 10.90			
	To Hires expensive do 9.47			1 43
	By sale negs boy Ben			305 00
	To Commis. on \$ 306.43	15 32		
	Amounts Can forced \$ 135 79		365 86	

1890

Dec 30

Amounts brought forward

135 79 365 86

To retained for Life Drawing
executing notices

1 00

" Court for settling this acct do

6 00

" Clerk for order reference do

62

recording Act do

1 00

" ditto for final decree do

2 04

146 45

" " \$219 41

Interest on \$59.43 one yr

3 56

By balance due the Estate

\$222 97

Interest on \$219.41 part thereof from this date
till paid

with

Respectfully submitted to the Court

Leif O. M.

Comrs. fee \$6.00 charged
to the Shift Committee

Reuben Johnson

vs

James Mayland Johnson

Leif O. M.

Return to the Court 29/1891