

1834-004

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BEVAN, By Friend VS. BEVAN et al
7/1834

See also: Vicks v. Bevan + wife etc., 1834-9
Bevan et ux v. Vicks et al 1830-2

other SURNAMES: Griffin,
Vick, Cobb, Dencgree, Pope,
Williams, Waddill, Pond,
Drewry, Gardner, Warren,
Butts

Bevan

3 Papers

Bevan &c

1832. Jan. Bill filed.

" May. Answer filed J.R. &c

" Sep. Set for hearing

" Nov. 6th Continued

1833 Apr. Cont^d

1834 July. Dismissed by consent &c

Defts Costs

Cells - \$3.79

Shffs. 4.73

Law 16.66

\$ 25.18

Dorothy N. Brown.

v. ^{my} Bill &

Thomas Brown & Co.

1832 January 23

S. Anpleton.

To the Honorable the Judge of the circuit superior court
of law and chancery for the county of Southampton in chancery
sitting humbly complaining sheweth unto your Honor your oratrix
Dorothy M. Bwan wife of Thomas Bwan suing by Atoll Waddill
her father and next friend, that on the twenty first day of Sep-
tember in the year 1829 (a marriage having been agreed ^{to be} solemn-
ized between your oratrix and the said Thomas Bwan, ^{a deed of marriage settlement, between your oratrix & the said Thomas Bwan} was
executed, and on the 18.th day of January in the year 1830 was
recorded in the county court of Southampton: an attested copy
of the said deed is here referred to and prayed to be considered
as a part of this bill: and your oratrix further shews that
John Dick & Benjamin Griffin were mutually appointed
trustees for and between your oratrix and the said Thomas Bwan
as by reference to the said deed will appear, that the said
trustees accepted the said trust, and afterwards, pursuant to
the said agreement, the said marriage was solemnized —
and your oratrix further shews unto your Honor, that the
plain object of the said deed of marriage settlement, as
she is advised, 'was to secure to your oratrix the use and
enjoyment of all the property which she then held and
possessed, real or personal, or which might be acquired by her
in any manner or for any source during the coverture:
and in respect to all the property which your oratrix then
actually held and possessed, the said deed or instrument, openly
as a conveyance thereof to the trustees aforesaid, and as a settle-
ment of it to the uses therein provided and declared: but
in respect to property afterwards to be acquired, your ora-
trix is advised, that the said deed or instrument does
not operate as an actual conveyance thereof to the said
trustees to hold to the uses declared, but only as a con-
tract between the parties to convey and settle such after ac-
quired property, when it should be so acquired, to the same
uses — which covenant, a court of chancery, at the instance
of your oratrix, as she is also advised, upon her acqui-
sition of property in future or after the said marriage, will
compel the said Thomas Bwan to perform by conveying and
settling the same to the uses and purposes declared in the
said deed — The said Thomas Bwan, has renounced by the
said instrument, all such rights in the property of your
oratrix then in her possession or afterwards to be acquired

by her, as the Law would have vested in him: He has no right to the possession of it - He has no right to the exclusive enjoyment of the use of it - it is no wise subject to his debts - He can claim only such benefit as is given him by the said deed - The said trustees have the legal title and ought to ~~spout~~ ^{retain} it, and having recovered the possession of it, to give the possession to your oratrix - and your oratrix further shews that the provision of the said instrument, that the trustees shall permit the husband and wife, to use & enjoy the profits of the said real and personal estate for & during their joint lives retaining the title and right in herself, and so far as they think proper the possession of the same, does not give the said Thomas Bewan any interest in ^{the} profits separate from your oratrix, or make the said profits liable for his debts: the profits of the said real and personal estate, under the said deed are to be devoted to the joint use of your oratrix and the said Thomas Bewan, and if necessary in the opinion of the said trustees, your oratrix and your oratrix only is entitled to the possession: while your oratrix and the said Thomas Bewan live together the property aforesaid might well be held by him, & the profits as they ~~are~~ ^{was} accrued applied to the joint use of both: when your oratrix and the said Thomas Bewan separate & live apart, especially if the separation be caused by the misconduct of the latter, it becomes obviously necessary to accomplish the purposes of the said deed, that the possession of the said real & personal estate should be retained by your oratrix, and under such circumstances your oratrix is further advised that a court of chancery will order the possession to be restored to her, or to the said trustees, or to such other trustees as she shall name, for her use. and your oratrix further shews that not long after the said marriage, the said Thomas Bewan, wickedly disregarding the solemnity of his ^{own} and the sanctity of the marriage state, by threats of personal violence and other abusive conduct and misbehavior on his part, compelled your oratrix to separate from him and seek protection from her relations & friends - and your oratrix further shews that since the said separation, the said Thomas Bewan has held and insists upon holding, the property mentioned in the said deed of marriage settlement, taking the use & profits thereof to himself and denying to your oratrix the enjoyment of any part thereof: The said Thomas Bewan has received the whole of the crops made upon the said real estate in the years 1829 & 1830, and having either wasted or applied the same to his exclusive use & benefit, refuses to render any account thereof to

your oratrix: He claims in fact absolute right to the said real and personal estate, and is using it in wasteful trade & speculations, and when reminded of his faithless and cruel deportment towards your oratrix and her children by her former marriage, he taunts her with the repetition of further insults, and threats and cruelties - and your oratrix further shews that notwithstanding the grievous and multiplied injuries by which she has been and still is so as aforesaid oppressed, the said trustees either refuse to act, or are at a loss to know how to act with the view to protect and secure her just rights: In Tender consideration whereof, and for as much matters of this nature are most properly cognizable in a court of equity. To the said therefore that the said Thomas Bewan, Benjamin Griffin and John Vick may upon their several corporal oaths, true & perfect answer make to all & singular the premises, as fully and particularly as if the same were here again repeated and interrogated, and ^{that} the said defendants may set forth whether they and your oratrix did not make & execute such deed of marriage settlement as herein before is stated, or any other and what deed of marriage settlement: & whether the said Thomas Bewan, in violation of the said instrument, has not received and obtained possession and control of the said real and personal estate, and how and in what manner the same has been applied or disposed of: and that the said defendants may set forth a true and perfect account of all & singular the said real and personal estate, including an account of the annual rents and profits thereof, shewing particularly the value and amount of the crops made on the said real estate in the years 1829 and 1830: your oratrix prays that your Honor, for the future security and protection of her rights, will take the administration of the said trusts into your own hands, that your Honor will vest your oratrix with the possession of the said real & personal estate, that you will cause the said trustees faithfully, impartially and strictly to execute the said trusts or that your Honor will appoint other fit & proper persons for that purpose and for her use, and that your Honor will decree that the said defendants, or some one or more of them, may pay to her, what upon the balance of the said account shall appear to be due to her: and that your oratrix may have such further and other relief in the premises, as to the court shall seem meet: may it please the

Mason & Walter p 9

Bever by the next friend.

Noel Wadelle

24

Bever & others

answer of the defend-
ant Thomas Bever-

May 7/1832

The defendant denies all fraud and combination without that &c and having fully answered may I be hence dismissed with his reasonable cost in this he has most unjustly wronged

Packer & Goody P.R.

Southampton county to wit

Personally appeared before me the justice of the peace for the said county Thomas Bevan and made oath that the facts stated in this answer upon his own knowledge are true and those stated upon the information of others he believes to be true —

Given under my hand and seal this 7th day of May
1832

Thos Bevan

First judicial circuit superior court of law for
the county of Southampton in chancery sitting -
The separate answer of Thomas Beran to a bill
of complaint exhibited against him and shew in
this honorable court on the part of Dorothy N. Beran
by Rod Standell her next friend -

This defendant was and at all times hereafter
saying and assuming to himself all benefit of
exemption to the manifold uncertainties and insuffi-
ciencies in the said bill in like manner as though
he had formally demurred. In answer says that
the marriage settlement referred to in the plain-
tiff's bill was duly executed and recorded - and the
marriage shortly after solemnized -

That it was entered into in consequence of his un-
satisfied circumstances and from a sincere desire
to place the property to be acquired by the
marriage beyond the reach of his previous creditors
and of any future improvidence or misfortune
on his part. and he is advised and insists
that such is the true construction of the said
instrument of writing - that it vests the prop-
erty and the profits thereof in the hands of trustees
for the use of himself and the said Dorothy N.
during their joint lives which profits he as the
head of the family was entitled to receive em-
ploy and expend in such manner as might in
his opinion best conduce to their mutual com-
fort and happiness - it certainly could not have
been in the contemplation of persons about to
form so sacred an union that the wife was to

be permitted to throw off all the just and honest &
obligations resulting therefrom, separate himself with-
out cause and from mere caprice from the hus-
band, her and board and then demand that any
part of the property of an estate barely sufficient
with the strictest economy and frugality to sup-
port one house hold should be applied to his
separate maintenance - such an idea would be
equally at war with the plain intent and ~~express~~
meaning of the instrument itself as well as the
best and most enlightened policy of every civil-
ized society -

This defendant most positively denies that
she has been induced to adopt a course so unna-
tural and so unusual by any ill treatment
or misconduct on his part but ^{that it} is the consequence
of his own unfortunate and perverse temper -

He avers that he should be placed in a
situation which compels him in his own defence
and to repel the charges of cruelty and oppres-
sion so unjustly alleged against him in the
plaintiff's bill to expose the outrages and
indecencies into which she has been hurried
by his unreasonnable passions - and he will
now proceed entering into any minute ac-
count which would not fail to disappoint the
ear of this honorable court that he will
hereafter by the most incontrovertible evidence
show that she has been guilty of acts and
language towards him which will explain how
it is that they are now living separately and
apart from each other -

This defendant not only denies that he ever

did any thing to cause her to forsake their home
and to seek the shelter and protection of her
friends but hoping that reflection would restore her
to better temper and kinder feelings he has in
the most affectionate manner solicited her
return with every disposition to render the home
she had abandoned agreeable to her -

He refers to the copy of a letter to her written
the 26th of December 1838 marked A which he
thinks may be taken as a part of his answer
as evidence of his disposition upon this sub-
ject - but the plaintiff, unmindful of her
duty as a wife and of the ^{disadvantage} ~~inconvenience~~ of living
apart from her husband according to the just
opinion of the world has obstinately persisted
in her determination and done every thing to
vilify abuse, insult provoke and degrade him
whom she had solemnly sworn to love, honor,
and obey! - To explain the feelings by
which she has been actuated this defendant
has been obliged to refer the court to a letter addressed
to him by the plaintiff dated the second of
April 1838 - ^{now with exhibited as a part of this answer marked B} which under the circumstances
he would gladly conceal from the public eye -

This defendant not admitting the right of the
plaintiff to bring him to account for the waste and
profits of the estate until she has satisfied
the court that either they have been wasted or
misapplied by him which he here utterly denies
or that she has been compelled to abandon her
dwelling and separate herself from him by violence
or other compulsion or threatened force or to state
what has become of the property and the profits

line of which he has by him have been applied - He does not however deem it necessary at this time to go into any minute detail since if an account should be directed it would be settled before a commission of the court than he will be prepared to show - in the most satisfactory manner that the charge alleged by the plaintiff of improvidence extravagance and wild speculation on his part is entirely unfounded - as long as he held the property the profits there of were either voluntarily applied by him to the discharge of debts contracted by him before he married or to the support of the family -

This defendant moreover states that as far back as the year 18 the whole of the personal estate to the utmost farthing, except the articles she has taken away with her was bound upon and sold under executions issued upon judgments obtained against her in consequence of bonds and acts entered into by her before the marriage - and that she has ever been compelled to waive her self of the benefit of the act for the relief of insolvent debtors and thereby to surrender her interest in all the real estate held by her in right of dower as the widow of her first husband - so that if her object as she alleges in forming an union with her was to live upon her property that object has been entirely defeated - It is true the defendant still resides upon the estate and continues to cultivate it with his own means and at his own expense - but he knows not how long he may be permitted to continue in possession as a suit has been brought in this court by John and Daniel Pick to subject it to the discharge of a judgment obtained against the plaintiff and the defendant on a contract of her before the marriage

Benj Griffin's
Answer to a bill
in Chancery

Veran

to E. Anst. B. Griffin

Veran yab

May 7/1832.

filed May 7/1832.

The separate answer of Benj Griffin. to a bill of complaint exhibited against him and others in a Court in chancery, on the part of Dorothy N. Bevan by Noel Maddell her next friend.

This defendant now and at all times hereafter saving and reserving to himself, all benefit of exception to manifold uncertainties and insufficiencies in the said bill, in like manner as though he had formerly demurred - for answer saith. that the marriage settlement referred to in the plaintiff's bill was duly executed. - and with considerable reluctance this defendant consented to act as one of the Trustees, - which he has since very much regretted. because it has been out of his power to satisfy the parties. - as regards the waste mentioned in the bill.

This defendant does not positively deny that no waste has been committed, because he was ~~absent~~ ^{nearly} three months from the County within ^{a short time} ~~a short time~~ after the marriage took place; but he does now, and ever will deny that there has been any waste of the said property that come within his own knowledge.

This defendant further states (as he is informed) that the personal property mentioned in said marriage Contract has been sold by the Sheriff of the County to satisfy a debt, or debts due Noel Maddell which were contracted by the said Dorothy N. Bevan previous to the marriage Contract being entered into; and he is also further informed that the said Thomas Bevan

And Dorothy his wife have, each of them, surrendered a schedule of all the real and personal estate in their possession. in consequence of which, he has not for ~~more than~~ twelve months ^{past} considered himself as having any control over the property alluded to in the bill. This defendant denies being guilty of any known neglect on his part as trustee in ^{the} Marriage Contract referred to in said bill. — and having fully answered the prayer to be hence dismissed &c

Southampton County To Wit

Personally appeared before me a Justice of the Peace for the said County Benj^{ee} Griffin and made oath that the facts stated in this answer upon his own knowledge are true, and those stated upon the information of others. he believes to be true. Given under my hand & seal this 7th day of May 1832

W. A. Dutton Seal

John Vicks

answer to
a Bill in Chancery

Devan

to { Ans of Ans. Vicks

Devan & Co

May 7/1832

Filed May 7/1832.

The separate answer of Geo Wick to a bill of
complaint exhibited against him and others in a court
in chancery on the part of Dorothy M. Bevan by
Noel Waddle her next friend this department now
and at all times for the future saving and reserving
to himself all benefit of exception to manifold
uncertainties and insufficiencies in the said bill in
like manner as though he had formerly for answer
ex. saith that the marriage settlement referred to
in the Plaintiff Bill was duly executed and this ~~Def-~~
~~endant~~ Defendant was one of the Trustees and I
have been at all times willing to satisfy the parties
I have been convenient and no of no waste of property
as the Plaintiff sets forth in the Bill this Defendant
further states as he is informed that the Personal
property mentioned in the said ~~marriage~~ marriage contract
has been sold by the Sheriff of the County to satisfy
a debt or debts due Noel Waddle which was contracted
By the said Dorothy M. Bevan previous to the said
marriage contract being entered into and he is also
further informed that the said Thomas Bevan
and Dorothy his wife had each of them surrendered
a schedule of all the real and Personal Property in
their Possession in consequence of which he has not
for more than Twelve months back considered
himself as having any control over the
property alluded to in the bill this
defendant denies being guilty of any
known neglect on his part as referred to
in the Bill and having fully answered ~~the~~
prays to be hence discharged.

Southampton County, To wit,

Personally appeared before me a Justice
of the Peace for the said County John Visk
and made oath that the facts stated
in the answer upon his own knowledge
are true and those stated upon the
information ~~therein~~ ^{thereby} he being to
be true Given under my hand &
seal this ^{7th} day of May 1832.

Thos. Ottobro Esq

Executed on John Wink & Thomas Bevan
July 9/1831. Benjamin Griffin July 12th
1831. by delivering each of them a
true copy

William I. Abbott Dy of
Clements Rochelle & Co.

Attest by notary

to 3 dpa. in copy.

Bevan & Co

at September Term 1831

17th & 19th

2

John Wink

The Commonwealth of Virginia, to the Sheriff of Southampton County
Greeting: You are hereby commanded to summon Thomas Bewan, John
Nick and Benjamin Griffin to appear before the Judge of our Circuit Superior
Court of Law and Chancery for the County of Southampton at the Courthouse
of said County on the first day of the Term of said Court to be holden
in the month of September next. to answer a bill in chancery exhibited
against them in the said Court by Dorothy N Bewan wife of Thomas
Bewan suing by Noel Maddell her father and next friend. And unless
the said defendants shall answer the said bill within four months thereaf-
ter, the Court will take the same for confessed and decree the matter
thereof accordingly. And this they shall in no wise omit under the
penalty of \$100. and have then there this writ. Witness James Rochelle
Clerk of our said Circuit Superior Court at the Courthouse the 27.th day of
June 1831 in the 53rd year of the Commonwealth James Rochelle Clk

(The Sheriff will serve each of the depts with a copy of this Subpoena - and will note in his
return the day of executing the same.)

Sgt.

Bevan

2 3

Bevan & Co

filio Oct: 26/1832

This day Personally appeared before ~~me~~ James Vaill
and made oath that on the 4th day of the present
month October he delivered a true copy of the within
his notice to Donath & Beran given under
my hand this 20th of October 183²

W. C. H. H. H. H. H.

Dorothy A Bevan by Noel Waddell her next Friend
Take notice that on Saturday the 20th day of Oct. 1832 -
We shall continue to take from day to day between the
same hours of the Day till the Depositions taken at Major
No. Wick's Store in the County of Southampton between the
hours of 10. A.M. and 6 P.M. of that Day and other Days
till taken the depositions of Silas Sumnerel Jeremiah Cobb
Jno. Denegre Sam. Pond John Williams Peber Drewry Joseph
Pope and wife Liza Jones Sally Pond John Pond and wife
Temper Shavers Peggy Warren Sally Slythe and others to be
read as evidence in a Suit now depending in the circuit Super-
ior court of law and chancery for the above said County in chan-
cery where in you are Plaintiff and I and others are Defendants
when and where you may attend if you think proper -

Oct 2. 1832 -

Thomas Bevan

Dorothy A Bevan by Noel Waddell her next friend
Take notice that on Saturday the 27th Day of Oct. 1832. We shall
continue from day to day between the same hours of the Day till the
Depositions taken at John C. Cahoon's Store in the County of Lan-
semond between the hours of 10. A.M. and 6 P.M. of that Day and other
till taken I shall Proceed to take the Depositions of Sub. C. Cahoon
and wife William Dashiell Sophie Godwin Nancy Godwin -
George Kelly Harriet Dashiell Nathaniel Beale and wife
Peter Askorne and wife Charlot Williams and others to be
Read as evidence in a suit now depending in the circuit Superior
court of law and chancy for the County of Southampton in Chancery
where in you are Plaintiff and others are Defendants when and where
you may attend if you think proper -

Thomas Bevan

Take Notice Dorothy A Bevan by Noel Waddell her next friend that I
Demand of you to give security in the Clerk's Office of Southampton
County in a Chancery Suit now depending between you and others.
If it is not done the suit will be stopd -

Thomas Bevan

Oct 2. 1832

5/1

Bevan

23

Bevan 7th

Filed October 26/1832

This day personally appeared before ^{me} and
swore on oath that he delivered a true copy of
the within notice to Not ~~was~~ ^{was} ~~acc~~ ^{to} plaintiffs
as within on The 8th Inst - 1832.

Oct 20th 1832

J. M. Selville Jr

Dorothy A. Devan By Joel Waddile her next friend -
Take Notice that on Saturday the 20th Day of Oct 1832. We shall
continue from day to day between the same hours of the Day till the
Depositions taken at Major Ino. Wicks Store in the County
of Southampton between the hours of 10 A.M. and 6 P.M. of that
Day and others till taken. I shall proceed to take the Depositions
of John Summerell Jeremiah Cobb Ino. Denegee Saml Pond
Ino. Williams. Jesse Doan Joseph Pope and wife Liza Jones and
Sally Pond Ino. Pond and wife Emily Shivers Peggy Warren
Sally Blythe and others to be read as evidence in a suit now
depending in the Circuit Superior Court of Law and Chancery
for the County of Southampton in Chancery wherein you are
Plaintiff and I and others are Defendants. when and where you
may attend if you think proper - Thomas Devan -
Oct 2/1832 -

Dorothy A. Devan By Joel Waddile her next friend
Take Notice that on Saturday the 21st of Oct 1832. We shall continue
from Day to day between the same hours of the Day till the Depositions
taken at Ino. C. Calkoon's Store in the County of ~~Southampton~~ ^{and} ~~Sanse~~
between the hours of 10 A.M. and 6 P.M. of that Day and others till taken.
I shall proceed to take the Depositions of Ino. C. Calkoon and wife
William Daskal Lophus Goodwin Nancy Godwin George Kelly
Harnet Daskal John Beak and wife Peter Ashborne and wife
Charlotte Williams and others to be read as evidence in a suit
now depending in the Circuit Superior Court of Law and Chancery
for the County of Southampton in Chancery wherein you are Plaintiff
and I and others are Defendants when and where you may attend
if you think proper - Thomas Devan -
Oct 2/1832 -

Take Notice Dorothy A. Devan By Joel Waddile her next friend
That I Do and of you to give security in the clerk office in the
County of Southampton in a Chancery Suit now depending between
you me and others. If it is not done the suit will be stopped -
Oct 2/1832 Thomas Devan

Baran

ad Expts.

Baran

At 20th Oct^r 1832 at Vicks
Tarrant

Executed on the body
of Darius Expts. Drury
Joseph Pope wife Mrs
Pond wife Elizabeth
James Mrs Williams
and Peggy Warren
Polly Howard at found
William Adrell & of
Carr Bowers off

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County--Greeting :

You are hereby commanded to summon *Jeremiah Cobb, John Dougre, Jesse Drury,*
John Williams, Joseph Pope, & his wife *Elizabeth Jones, Peggy Mann, Polly*
Stewart & John Pind and her wife

two of the Justices of the Peace for the County of
to appear before the Judge of our ~~Circuit Superior Court of Law and Chancery, for~~ Southamp-
ton County, at the ~~Courthouse~~, *Clerk's Tavern in said County* on the 20th day October Inst: term to testify
and the truth to say in behalf of *Thomas Bevan &c.*

in a certain matter of controversy *of our Circuit Superior Court &c.* ~~in our said Court~~, before the said Judge depending and un-
determined between *Dorothy A Bevan by Arch W addell her next friend*
Plaintiff and *Thomas Bevan others*

Defendants ; and this *they* shall in no wise omit under the penalty of 100l.

And have then there this writ : Witness, JAMES ROCHELLE, Clerk of our said Court, at
the Courthouse of said County, the 10th day of October 1832, and in the
5th year of the Commonwealth.

James Rochelle Clk

Bevan

13th Apr^o

Bevan

To 16th July 1833 at Mr. Edg^o
10th L. Waddell

Respectable
William L. Edg^o
Barrow's Sheriff

The Commonwealth of Virginia:

To the Sheriff of Southampton County---Greeting :

We command you that you summon David Royal, James Wick.
Esq. Drury.

to appear before ^{two} ~~the~~ Justices of our County Court of Southampton, at the
Residence of Mrs. Elizabeth L. Adair in the said County
Courthouse on the 16 day of July next ~~term~~

to testify and the truth to say in behalf their depositions then and there to be
taken to be read

in a certain matter of controversy in our ^{County} ~~said~~ Court, before the said Justices
depending and undetermined between Dorothy M. Bevan by &c.
Court.

Plaintiff and Thomas Bevan & others—

Defendants And this they

shall in no wise omit under the penalty of £100.

And have then there this writ: Witness, James Rochelle, Clerk
of our said Court, at the courthouse this 25 day of June —

1833 in the 57. year of the Commonwealth. James Rochelle cl

We acknowledge service of the within
notice this 15th of July 1833.

C. Berner

Waddie

This day personally appeared before
me G. W. H. A. Berner & John Waddie &
~~James~~ acknowledged service of the
within notice

July 15th 1833

J. R. M. Spentum

Me p^{rs} John Madam & Dorothy Brevant take
notice that I shall on the 2nd day of the present
month at the Tavern of John Vick in the
county of Southampton proceed to take
the depositions of John L. Magree & Polly
& James Vick
his wife & others between the hours of 8 o'clk a.m.
& 5 o'clk P.M. to be read as evidence in and suit
now pending in the ancient Sup. Court of Law
& Chancery for the county of Southampton
in which Dorothy N. Brevant by &c is plaintiff
& I am defendant

July 15. 1833

Y^r Respectfully

Thomas Brevant.

Beraw

2 { born

Beraw 4th

The Commonwealth of Virginia:

To Samuel B Himes & Nicholas M. Schull
Greeting:

Know ye that we trusting in your fidelity and provident circumspections
in diligently examining whatsover witnesses as well on behalf of
Thomas Bevan & others as of Dorothy N Bevan by &c. in a
certain Suit depending in our lieutent Superior Court of Law &
Chancery for Southampton County wherein the said Dorothy
N Bevan by Joel Waddill her next friend is plaintiff and
Thomas Bevan & others Defs

command you, or any two or more of you, that at such day and pl ce as you
shall appoint, you assemble yourselves, and the witnesses aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and their examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ: Witness, **James Rochelle**, Clerk of our said Court, at the
Courthouse this 16th day of July 1833.
in the 58th year of the Commonwealth.

James Rochelle Clk

Baron

ad Sp.

Baron &c

Executed on all except.
Mr Donaghe & wife

Wm McDrell Dy of
Car Bowers Sheriff

The Commonwealth of Virginia:

To the Sheriff of Southampton County--Greeting:

We command you that you summon John Blunzore & Polly his wife James Klock. Samuel Pond. Lizzie Jones & Temperance Livers. Mason Pope. Matthew Walliams. Augustus Butts John Pond David Royal, Peggy McCarver. Polly Mythe --

to appear before ^{two} Justices of our County Court of Southampton, at ~~the~~ John Vicks Tavern ~~Courthouse~~ on the 27th day of July Inst -- ~~term~~

to testify and the truth to say in ~~testimony~~ ^{in behalf of Thomas Devens} their deposition then and there to be taken to be read as evidence on the hearing of a certain suit in ~~behalf of~~ ^{in behalf of} wherein ~~Verity & Verity~~ ^{Verity & Verity} is plaintiff and in a certain matter of controversy ~~in our said Court, before the said Justices~~ ^{in our said Court, before the said Justices} said said Devens of depending and undetermined between on the lieutent Supt. Leant Law & Chancery for Southampton -- Plaintiff and

~~Defendant~~

And this we

shall in no wise omit under the penalty of £100.

And have then there this writ. Witness, James Rochelle, Clerk of our said Court, at the courthouse this 16th day of July 1833 in the 38th year of the Commonwealth.

James Rochelle

C^v

656

Bevan

as {~~Ap^d~~

Bevan &^d

27th July 1833 at John Clarke
Havens.

Executed
W. J. Petrell &^d
Car. Bowers &^d

$\frac{13}{26}$

The Commonwealth of Virginia:

To the Sheriff of Southampton County--Greeting:

We command you that you summon John Davis, Henry Gardner
~~Abraham Bradshaw and Henry Gardner~~

to appear before ^{the} Justices of our County Court of Southampton, at the town
of ~~Smith~~ ^{Smith} on the 27th day of July Inst: ~~at 10 o'clock~~

to testify and the truth to say ~~in behalf~~ in their ~~depositions~~ ^{depositions} there and there to
be taken to be read ~~in behalf~~ of Thomas Bewan ~~as~~

in a certain matter of controversy in our ^{Sircuit Superior Court} ~~said~~ Court, before the ~~said~~ Justices
for Southampton County
depending and undetermined between Dorothy M. Bewan by Nathl. Waddele
her next friend Plaintiff and said Thomas Bewan & others

Defendants And this they

shall in no wise omit under the penalty of £100.

And have them there this writ. Witness, James Rochelle, Clerk
of our said Court, at the courthouse this 18th day of July
1833 in the 58th year of the Commonwealth.

James Rochelle cl^k

To the Clerk of the Court

Berow

& {Deportation of J. G. Webb

Berow

Came to hand sealed Oct. 26th

1832

The deposition of Samuel Cobb who being
duly sworn to give evidence in the same
Cause, saith. That he knows nothing person-
ally of any of the causes, which produced the final
separation of Thomas Bewan & Dorothy of his wife;
the deponent frequently called at their ^{house}, when travelling
by them, & was under the impression for some time after
their intermarriage that they lived happily; I however
called on them on my way from St Asaph, (I suppose
four or five months after their union,) and was invi-
ted into Mr Bewans Room by her sister Eliza, & soon
learned there was some misunderstanding, the principal
reasons I understood was he ^{Bewan} drank very hard, &
this deponent thinks a separation took place short-
ly after. ~~He~~ knows nothing of the particular facts
which finally produced it. This deponent was always
treated politely by Mr. & Mrs Bewan, — — —

Question by defendant, what were the general impressions
so far as you heard, ^{expressed} in the neighbourhood as to the
causes which produced the separation; and have I not
as far as you have been informed, kind and
affectionate to my wife, as well as peaceable &
friendly with my neighbours generally —

Ans^r So far I ~~know~~ have heard, I know
nothing to the contrary

Sam^l Cobb

Sworn to before us &
Subscribed at Wick, Tawern }
this 20th day of Octr 1832 }
Wm. Pritchard J.P.
H. M. Preece, J.P.

Beraw

is { Dependent of

Beraw &c.

John Henry
John Williams &
Joseph Pope.

Came to hand dated Oct. 26
1832.

The depositions of John Demaree, John Williams
& Joseph Pope, taken before us two of the commoners
the justices of the peace for the county of Southamp-
ton pursuant to the annexed notice to be read as in
and in a suit in the Superior Court of Law
& Chancery for the county of Southampton in
which Dorothy N. Bevan by her next friend David
Noel Macdell is p. l. & Thomas Bevan & others
are defendants - The deponents being duly
sworn depose & say - That they have known the
parties ever since their marriage two of the deponents
have lived in the Family to wit - Jno Williams &
Joseph Pope that they had all way reason to believe
that the said Bevan treated his wife kindly &
affectionately and never gave her cause to leave
home on account of bad treatment of and when she
had done so without cause and returned to carry
away property he treated her kindly and entreated
her to stay that they never saw him to treat
unkindly or turn her out of the house but on
the contrary we believe he hath allowed her all
the privileges that a wife is intitled to

Sworn to before us + John Demaree
Subscribed to at Wick Joseph Pope
Given before us his
this 20th of October marks
1832 John & Williams

The Petition of
H. M. Silence &c.

To

Came to hand sealed July
16th 1833.

The Clerk of the Superior Court of
Chancery for the County of
Southampton

Recd

13th Nov

or Expositions

Recd 11th

The Depositions of Eliza Maddie Sally Pond
Margaret Pond
Taken before us per
pursuant to the annexed notice & it on the 16th of
July 1833 at Mrs E. L. Maddies between the hour
of 10 o'clock a.m. & 5 o'clock P.M. to be read as evidence
in a suit pending in the circuit superior court
of & am & chancery for the county of Southampton
between Dorothy Bevan & John Maddie Thomas Bevan
complainants & John Maddie & John Bevan
defendants. The Deposition of Eliza Maddie being as
sworn before us two of the justices of the peace
for the county of Southampton as follows

That she was at the house of Thomas Bevan about three weeks
after marriage and heard him curse and abuse his wife to a degree that induced
her to quit the table and go out about the month of February (she thinks)
she was sent for because ~~the~~ ^{was sick} ~~Thomas Bevan~~ he was generally intoxicated and
cursed and abused her during the whole period that he remained there which
was about three weeks - one night he was so outrageous that she began to
leave the house fearing that he would commit murder -

Questions By Pliffs Counsel - On whom were you afraid Thomas

Bevan would commit murder?

Answer. On his wife his whole anger appearing against her. - he
kept a loaded gun in his house threatening to make use of it shortly

Questions by Dett. Counsel. What relation are you to Mrs Bevan?

Answer - she is my sister.

How long did Mr and Mrs Bevan live together before
their separation?

Answer I think from September to March she might
have returned and remained a short time afterwards.

Were you there frequently during the time they lived together?

Answer. I was there several times, I do not recollect the exact number.

Did you ever know Thomas Bevan to use personal violence or to bar his wife from any privilege to which she was entitled?

I never saw him strike her, but I do not believe her life was safe in his hands, whether he did or did not bar her of her privileges as a wife I do not know. and farther this deponent sayeth not —

Sworn to and subscribed before us this day and date before mentioned.

J. D. Massenburg
Benj. Devany

E. W. Maxwell

The Deposition of Sally Pond she being duly sworn deponent and sayeth. She happened at Mr. Bevan's one day when he had gone up to Jerusalem on his return home in the evening he said to his wife ~~on his return~~ ^{on that day} that he had ~~heard~~ ^{seen} that they had separated he abuses her very much and shook his fist in her face but she did not see him strike any blow. —

Questions by Plff's counsel. At what time were you visit at Mr. Bevan's during which you ~~heard~~ ^{heard} this conversation ~~was~~ directed to wife?

Answer, I think it was about three or four months after their marriage.

Were you frequently at Mr. Bevan's?

Answer, I was.

What was Mr. Bevan's usual conduct?

Nothing more than common I have said what I have to say.

Was Mr. Bevan usually sober when you were there?

I was not much with him only at dinner time and then he took a drink like other men if he thought proper.

Question by Deft's counsel, You say you were frequently at Mr. Bevan's Did you ever see or know Thomas Bevan to use any violence towards his wife or to bar her from any of the rights and privileges of a wife?

Answer, never.

Question by Plff's counsel What kind of violence is it you mean to say you never saw Mr. Bevan use towards his wife?

Answer, I mean to say I never saw him strike her.

And farther this deponent sayeth not. —

Sworn to and subscribed before us this day and date before mentioned.

J. D. Massenburg
Benj. Devany

Sally ^{her} Pond
mark

The Deposition of Margaret Pond she being first duly sworn deponent and sayeth, she was at Mr. Bevan's one night he had been from home ~~but~~ returned home with company — they (Mr. Bevan and their company) got to high words, Mr. Bevan had a servant called and went with her over to her mother's after which the servant passed backwards and forwards frequently between her mother's and Mr. Bevan's untill the difficulty appeared to be settled after which Mr. Bevan returned home — and farther this deponent sayeth not.

Sworn to and subscribed before us this day and date before mentioned.

mentioned —

J. D. Massenburg
Benj. Devany

Margaret ^{her} Pond
mark

Messrs Thomas Bevan, John Vick & Benjamin Griffin
take notice that on the 16th July next at (Care E. L. Wat-
=dells, between the hours of 10. A. M. & 5 P. M. we shall
proceed to take the ~~depositions~~ of Miss E. W. Waddell
Super Doury, James Vick & David Doyle & others, to be
read as evidence, in a suit pending in the circuit
Superior Court of Law and Chancery, in the Cty. of
Southampton, wherein we are plaintiffs and you are
defendants. at which time and place, you may
attend if you choose

June 24th 1833

T. N. Bevan
J. Waddell

Bevan

n { Deposition of

Bevan Esq

Jepe Drury

Came to hand sealed Octbr
26th 1832

The deposition of Robert Dwyer of lawful age
taken at Vick's old Tavern between the hours of
Ten o'clock A.M. & Six P.M. who being sworn
to give evidence in a suit now depending &
undetermined in the Superior Court of Laws
and Chancery & to read on behalf Thomas
Bevan in said suit wherein Dorothy
St. Bevan by John Wadell her next friend
is Plaintiff & the said Thomas Bevan
& others are defendants. ~~James~~ taken
in pursuance to the annexed notice, saith
that he knew Thomas Bevan and Dorothy his wife at the
time of their marriage and was at their house frequently
by afternoon and they seemed to live happily together peacefully and
happy for a few months, a separation then took place from
what cause he does not know a few weeks after the sepa-
ration he was at the house of Mr. Bevan, when his
wife rode up in a gig, and Robert Dwyer on horse back
(in a few moments Mr. Dwyer & Major John Vick came)
Mr. Bevan got out of the gig and advised the ~~young~~
girl to put her horse on the other side of the road and
she then came to the house and went round to the back
door of the house and went in during this time Mr. Bevan
and myself were seated in the porch near where she
passed when she spoke to me politely, but did not to him
in a few moments she sent a servant with a request to me
to go in the back room which I accordingly done,
and at the same time she sent for Robert Dwyer,
and said she wanted to get some clothing and
other articles she had in the house and hoped we
would prevent ~~Robert~~ Bevan using violence toward
her, when we advised her to remain at home and
we had no doubt but matters could be reconciled
between them, at which time Mr. Bevan Mr. Dwyer

Mr. Vick entered the room Mr. Brown approached her and attempted shake hands with her, which she refused, when he ~~expressed~~ to her to state to the persons present, what he had come to offend her so much and ~~was~~ ^{an} apology we might say a man should make to his wife she would make and that she should do the same, ^{he should} expect as much from her in return and he hoped they could yet live happily together as man and wife should do, when she ordered him not to call her his wife, he replied she was his wife and she could not help it now, and he would have her a little narrower what she might do when she got in violent passion and requested ~~to protect~~ ^{her} ~~him~~ and ordered the girl to get her gig and carry ^{her} ~~clothing~~ ^{clothing} &c out, Mr. Brown then observed she had heard from the neighbours, that she had said if she was pregnant it was not by him, and he was sorry she had made use of such a remark, she then went to her gig to get up and he asked if she intended to leave him, if she did he wished to take a parting snack which she refused and went off and requested us to take notice of what passed.

Question defendants counsel

have you known Mr. Brown some time & lived in his neighbourhood since his marriage with Dorothy his wife

Answer I have 2 by Ditts. has Mr. Brown maintained the character of a peaceable man in his family, Answer he has since my acquaintance with him. Question, by Ditts.

= When she solicited our protection was Mr. Brown's conduct towards her unkind, answer It was not, he seemed to try by kind and gentle means to persuade her to stay at home and proposed to hire any man she might name to stay and see if he treated her amiss. I am to & subscribed before us J. P. Downey
this 20th of October 1832.

H. M. Selwell J.P.
Thos. Dutton W.

3

Question by Plaintiff's Counsel. Did you ever hear Mr. Brown
 speak of his wife since she left him, Answer I have.
 Question by Same In what manner did he speak of her Answer
 I do not recollect. Question by Same Did you see Mr. Brown
 intoxicated during the time you lived with him. - Answer I did
 Question by Same Did you see him intoxicated frequently or more
 than once. Answer I did not. Question by Same In
 what manner did he behave himself while drunk, was he rude or
 not. Answer he was not. and further the Dependent said
 not.

Sworn to & Subscribed before us Augustus J. Bullis
 Saml B. Harris
 N. C. W. H. H. H.

In the clerk of the Sup
 Court of Law & Chancery
 for Northern New Jersey

James B. Harris Clerk & Aug 29th
 1833.

Brown & Co

" J. B. B. B.

Brown by & Co

28

The Depositions of Henry Garaman Sarinas
Lay ~~Exhibits~~ ~~James P. Blythe~~ ~~Peggy Warren~~
~~in~~ ~~Testimony~~ ~~Shaffer~~ ~~Mason~~ ~~Pope~~
~~John~~ ~~Brown~~ & ~~James~~ ~~Nichols~~ Taken before
us two of the justices of the peace for
the county of South Hampshire at the
Farm of John Vick in the county
South Hampshire on the 27th of
July 1833, ^{pursuant to the annexed notice} between the hours of
8 o'clock a.m. & 5 o'clock p.m. to be read

as we came in a suit now pending in
the circuit Sup. court of Law & Chancery for
the county of Southampton in which
Dorothy N. Bevan by ~~the~~ is plaintiff &
Thomas Bevan is defendant. The
Deponent Henry Garman being sworn
according to Law says he was at Thomas
Bevan's & during the time he was there Dorothy N. Bevan
came and demanded a bed, which Thomas Bevan said
was the property in his possession. She should be liable
for it some day or other perhaps if he was to give it up
& refused to give it up. Thomas Bevan then observed
wife you are in a pregnant state & you should not
behave so, she observed if she was she would much rather
be so by some person else instead of him provided that person
was a gentleman. Question by defense Counsel was there
any thing said about a receipt which would exonerate
Thomas Bevan from any liability hereafter Answer not
as he recollects. Question by law Did Thomas Bevan behave
politely & kindly toward his wife on that occasion? & did you
ever know him to behave otherwise in your life. Answer I never
did in my presence.

Question by Plaintiff Counsel. Did you see them frequently together Answer No. and further this Dependent says not
Sworn to & Subscribed before us
Jury B. King
N. M. Selwell
Henry & Gardner
mk

The deposition of Mary Leary who
being duly sworn says, he was at Thom's Bevan's
at Whitebury about three years ago and Dorothy & Bevan road
up to the door & sent a negro woman in the house to get her
children some cloaths, Thom's Bevan went out to the pig where
his wife was & asked her to get down & she would not consent, he
then took the horse from the pig & hit her & carried her
in the ~~porch~~ ^{house}, she wanted the horse to leave the house
& he objected to her having the horse as he wanted him to plunge
with, she then sent for Mary Wick & he came Question
by Defendant Counsel. What was Thom's Bevan's conduct towards
his wife at that time, was it kind & affectionate or was it
rough Answer after she was seated in the porch he seated
himself by the side of her & attempted to kiss her and she braced
her face Question by Same. Did you see them frequently
together, Answer No, says the first & last time. Question
by Plaintiff Counsel. Was Thom's Bevan perfectly sober.
Answer I did not know, not being acquainted with him.
Question by Same. Did you not cry on that occasion Answer
I did not. Question by Same. Did he drag his wife out of
the pig or not. Answer she was not willing to go & he took
her forcibly & carried her in. Question by Same. Was Thom's
Bevan apparently in a good or ill humour. Answer Bevan & his
wife were both angry, but he laughed during the time.
Question by Same. Did a scuffle ensue in consequence of his
attempting to kiss her. Answer not at all she endeavoured
to keep him off with her hands. Question by Same.
How did you know his object was to kiss her. Answer
she had on her bonnet & there faces were so near
together that I expected he kissed her. Question by
Defendant Counsel. Did he on that occasion spit on her.
Answer I do not know whether she did or not.
and further this Dependent says not. Answer I never
Sworn to & Subscribed before us
Jury B. King
N. M. Selwell
David & Doyle
mk

The Dependent Peggy Warren who
being sworn according to law
said - she stayed with Mr. Bevan & his wife four weeks
and during that time never saw any thing amiss - and
further more this Dependent says not.
Sworn to & Subscribed before us
Jury B. King
N. M. Selwell
Peggy & Warren
mk

The deposition of Mason Pope who
being sworn according to law says, she was at
Mr. Bevan's frequently, and never saw Mr. Bevan treat his wife a
mist, but she always evinced a disposition to be kind & polite towards
her and she appeared always to repulse those attempts of
kindness. Question by Plaintiff Counsel. Do you ever see Mr. Bevan visit
you often. Answer he does not. Question by Same. Did
you visit him often Answer I did, his wife was sick
& thought to see the cry of his neighbours to visit her.
Question by Same. Did you not believe that he prevented
proceeding from the state of her health. Answer I believe
ed it probably might, I do not think she was able to walk
across the house at that time - and of other more this
Dependent says not.
Sworn to & Subscribed before us
Jury B. King
N. M. Selwell
Mason & Pope
mk

Augustus Butts
The Dependent being duly sworn according to
law said - He lived with Mr. Bevan in the year 1830 or
1831 about one month and in ~~three~~ ^{two} days after he
came to live with Bevan his wife left him, he said that they
traded him very well and during the time he lived with him
he was not in the habit of ~~drinking~~ ^{being} intoxicated, as it had been
reported in the neighbourhood. Question by Defendant Counsel.
Do you know for what cause Mr. Bevan's wife left
him. Answer I do not. Question by Same. During the
time you lived with Mr. Bevan did you ever understand or know
of Mr. Bevan ever treating his wife or any of his family
unkindly or improperly. Answer not while I was living
with him. Question by Same. Have you ever since living
with him known of his treating his wife amiss. Answer I never
knew or have reason to believe it.

Dorothy ¹¹ Owen
Southampton County

Filed with Sec. of Mass. May 21/1832

4
Mass.
to 3 Exhibits
Bound up

Southampton County Virginia

December 20 1830

Dear wife on the 16 of this Month I was shoken to by Mr Drewry for Me to open the Dors to you I Refused and not through any Disrespect to you for I have so often since you leaving Me and staying from Home I invited you to come and stay with Me with a kind and affection wish these Lines will show to you I still have the same Love and wish to Live with you as I ever had and hear invite you to come Home to your Dwelling I assure you I do this from the purest Motives of My Heart I will at all times have Open Dors for you you must excuse Me My beloved wife for not Opening the Dors on the 16 I give you My Reasons and I hope they will be satisfactory you know the strong feel the Officers had against Me and the property I hear and I wanted to save it and that part Belonging to My Children there fore I hope this will be satisfactory and you will come and receive Open Dors and My friendship I never treated you a Miss nor never intend to do it there fore I hope this Acknowledgment will be sufficient for the 16 of this Month I Remain your Loving Husband and will wish

Mrs Dorothy Brown

Thomas Brown

Bevan

2 3 Exhibit

Bevan Gal

Filed with Ann May 7/1832

Bevan

B

Thomas Bernan

2nd April 1830

Sir,

I am informed you intend to advertise, against, any person or persons, crediting, me on your account, this Sir (if you had sense enough to construe it) would be a barlark, on yourself, and a matter, of great diversion, to the public, who generally know, that your whole dependence, for subsistence, is entirely on me and my property, I understand the provision, is nearly exhausted, we shall see then how far your credit will extend, without your adviser, will stand security for you I do most earnestly assure you, I will not, even for one cent, no Sir, instead of your advertising me, it is my province, to advertise you, prohibiting your getting credit, with a prospect of payment, from my property or the profits thereof, for not even, what is made on my plantation, or accumulated from any part of my estate, is at your disposal, any farther, than I see fit to give you liberty, the contract Sir, sufficiently promises it, and also provides and secures me credit, any where I please, independent of you, if it did not, I should have but indifferently provided for, what had you Sir, before your will deception, induced me, to take you in, not even a shelter, had you, to put your head in, a poor wandering vagabond as you were — I am waiting to hear something, more from your advertisements, then Sir, intend to come out in full columns, by the side of them, not only to prohibit your getting credit on my account, but your personal infirmities, shall be made public, the world, shall know Sir, how you impose on me, in that respect also, as well as your low depraved principles, your rupture and sore leg, shall no longer, be kept such a profound secret, as you wish it to be —

I intend also, to exhibit a true copy of the contract, which will be sufficient, to ~~prevent~~ prevent, your getting credit on my account or the reception of any part of my property off of my plantation, in my absence, without the consent of me, or my trustees, I have good council Sir, and you may rely on it, I shall take no steps, but what I know to be legal, as I can always, procure the advice of the most eminent lawyers, in defiance of you or your adviser — you are not aware Sir of the power, that I am vested with, or perhaps, your conduct, would be quite different, from what it is, or has been, as to the hope Sir, that you express, of my returning, to you, when my trial is over, I will assure you it is quite, an erroneous, one, my trial will probably, last longer than you expect, or have any idea of, I think I have been a sufficient sufferer, already, what time I have been subject, to your disgraceful conduct, much more, to continue, a miserable partaker of your vile abuse, I never was, or will be, a drumhead, slave, while I live in this world, my life, (until I unite myself to you) has been a life of tranquillity and ease, but the very moment, I was blind enough to take that fatal step, I read, my everlasting, disgrace and ruin, — yes Sir I say that very moment, plunged me, in the lowest depths, of misery and ignominy — ~~it took~~ it took I was that instant sunk, in the estimation, of all my friends, and acquaintances, both far and near — and the only remedy, now left, that would in the least, reestablish me, in their favour, is to separate, finally from you, therefore, be assured Sir, I shall never be any thing more to you, than a perfect stranger, no never do I intend to live another day with you as a wife, —

when, I tied myself to you, I had nothing to promise myself, in you, but a kind affectionate husband, it was but a short time before I found my prospects, on that head, (and in short, every other respect) totally blasted — had you have been what you pretended to, your poverty was no disgrace, but you soon threw off your mask of deception, and made it appear what was your first and only motive, in thus palming yourself, on me, and you are at present, in possession, of all you wish, or desire, my house, home, and property, was your only aim, the very first moment, you entered my doors, could you have obtained that, without me, I should have been thus, so miserably abused — while you can had it, boast on, your boasting, will in all probability, be of shorter duration, than you are aware of, you and your adviser, may yet meet, with a severe, disappointment,

Dorothy N. Vick

Notice;

I hereby forewarn any Person, or Persons, from making, any contract, whatever, with Thomas Brennan, (with a prospect of payment, from any part of my property, or the profits thereof) as there is a marriage contract, which secures, the whole, both real and, personal, (with the income thereof,) from his power, should any one, suffer him to extend, his credit with them, I now give them sufficient, notice, that, we nor my property, will be responsible, for any debt or debts, of his prior, or future, contracting —

Dorothy V Vick

(Alias Brennan)

Southampton,
April 6th 1830