1844-014 SOUTHAMPTON COUNTY CHANCERY PAPERS

KEVAN Jal. VS. FLETCHER and Wife et al

S/1844

See also: Mason v. Fletcher + Wife et al 1844-17
Gilliam et al v. Beckman, Extr of Newsom, 1843-14
Fitzhugh's Adm'r. v. Johnson + wife et al. 1844-10

other SURNAMES: Hamilton, [Hamilton + Kevan], Newsom, Johnson, Slaughter, Beekman

~~21~~ = ~~#12.~~ ~~38~~ 36

Kevan Sppl. &c

vs 3 Papers.

Fletcher & wife &c

1841.

March Sp^a Cr^t on Dft Beekman
Fletcher & wife no inhabitants
Bill filed

May Set for hearing as to Beekman

June O.P. v Fletcher & wife
Dft Contumed

1842. apl Leave to amend bill
Oct Cont^d

1843 Apl Cont^d
" Oct Leave to amend bill
1844

June R. Amended bill filed Sp^a
& Dft Beekman O.Pub. &
the other Dfts
Feby " Sp^a rt. Executed as Beekman
Apl " Cause set for hearing as to
Dft Beekman
May 9. Dismissed

Clk	$ 12.38
Shff	1.92
Printer	11.01
	$ 25.30
Law fee	16.66
Tax	75
	$ 42.71

Revan

vs

Fletcher & Beckman

§ Bill

To the Honorable the Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton—

Humbly complaining, sheweth unto your honor, your orator Andrew Revan surviving partner of Alexander Hamilton, late of Patrick Hamilton, deceased & Andrew Revan, Merchants & Partners trading under the style and firm of Hamiltons & Revan—

That sometime during the year of 1838 Lucy Newsom of said County departed this life leaving her last will, and testament whereby she devised that after payment of debts, and some specific legacies her estate should be divided into seven portions one of which portions she left to the children of her brother William Johnson (all which will be seen by a copy of said will herewith filed, and prayed to be taken as a part of this bill — marked A) — That Frances Agnes Wilkins Fletcher the wife of Richard G. Fletcher, and Ursula H. Slaughter are the only children of the said William Johnson — That Peter 2, Beckman of the County of Southampton qualified as Executor of the last will & testament of the said testatrix Lucy Newsom —

Your Orator begs leave further to state that Richard G. Fletcher the husband of the said Frances Agnes Wilkins Fletcher is indebted to your Orator to the amount of $64.43 — including interest to July 1st 1839 (as will appear by the Accts herewith filed, and prayed to be taken as part of this bill — marked B) That the said Richard G. Fletcher has been for many years, and is now a resident of the State of Mississippi, or some other place beyond the limits of this State, and your orator can have no means of obtaining the execution of legal process on him. In tender consideration whereof, and for as much as your orator is remediless at law, and only relievable in equity &c. To the end therefore that the said Richard G. Fletcher, and Frances Agnes Wilkins Fletcher, and Peter 2, Beckman Exors of the last will, and testament of Lucy Newsom decd may be made defendants to this bill, and be required on their oaths distinctly to answer the premises and that by the order and decree of this Court the defendant Fletcher may be compelled to pay to your orator

the amount of the debt aforesaid with interest and that the deft. Beckman may be restrained from parting with the money thus due to said Richard G. Fletcher and Wife but as this Honorable Court may direct—

May it please your honor to grant to your Orator all such other, and future relief in the premises as to your honor may seem proper to be— —

Townes pq

Town of Petersburg to Feby 11th 1841

Andrew Kevan this day personally appeared before me a magistrate for said Town, and declared that the facts stated in the foregoing Bill are true according to his best Knowledge information, and belief

Given under my hand and seal

Wm Scarthom A.C. [Seal]

Howard &c.
v Bill
Whitehurst &c.

1843 July Rules.

To the Hon Judge of the circ. sup. Court of Law & Chan. for the County of Southampton

Your orator Andrew Hevan surviving partner of himself, Alexander Hamilton, and Patrick Hamilton, late merchants & partners trading under the style and firm of Hamilton & Hevan, having obtained leave to amend his bill to which Richard G Fletcher and his wife Frances & Peter D Bateman are defendants for amendment, humbly shews, that the remainder of the estate of the said Lucy Newsome decd. after the payment of debts and certain specific legacies, was sometime since sold under the decree of the County Court of Southampton, and one seventh part of the proceeds was directed to be paid to the children of William Johnson decd. Your orator submits to your Honor whether the aforesaid decree, which is herewith filed and prayed to be taken as a part of this bill, does not sufficiently ascertain the rights of the parties, so as to make the portion of the said Frances Fletcher liable to the creditors of her husband. Richard G Fletcher.

Yours &c.

Shenandoe

2 3 Amended Bill

Flutcherad:

1844 January Rules.

To the Hon: Judge of the Circ Sup Court of law & Ch: for the County of Southampton

Your complainant Andrew Ferrar surviving partner of himself, Alex: Hamilton and Patrick Hamilton, late merchants & traders under the firm & style of Hamilton & Ferrar begs leave to state, for further amendment of this bill, that the County Court of said County by a decree passed at its May term 1843, directed the comm: therein named, Peter P Butterman to pay over any funds which he may have in his hands belonging to the Children of William Johnson dec'd, to Richard G. Fletcher in right of his wife Francis and Wm B Slaughter in right of his wife Ursula, in equal proportions the said Francis & Ursula, being the only children of the said Johnson: all of which will appear by a copy of said decree filed and prayed to be taken as a part of this bill. Your complt further states that the said Francis became entitled to said funds now in the said Butterman, hands, long since her intermarriage with the said Fletcher, and Your complt submits whether the said funds are not liable to the debts of the said Fletcher. Your complainant prays that the said Richard G Fletcher and his wife Francis and Peter P Butterman may be made defendants to this bill, and that your Honor would grant him the relief pray for in his said bill, and he will ever pray &c.

Gholson & Fowlkes atty's

Kewaunee Co.

Dr. Pub.

Fletcher Wright Esq

Copy posted at front door C. House
July 7th. 1848.

L.R.C

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the 3rd day of July 1843.

Andrew Kevan Surviving partner of himself & Alexander Hamilton and Patrick Hamilton late merchants & partners trading under the firm & Style of Hamilton & Kevan. Pffs.

against

Richard G Fletcher and his wife Frances and Peter D Beckman & Exrx Lucy Newsom decd Defts. } In Chancery

The defendants Richard G Fletcher and his wife Frances not having entered their appearance and given Security according to the act of Assembly and the Rules of this Court and it appearing by Satisfactory evidence that they are not inhabitants of this County. It is ordered that the said defendants do appear here on the first day of the next Term and answer the Bill of the plaintiff and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County.

A Copy Teste. L. R. Edwards Clk

Kewan

Fletcher Sf

Copy posted up at front door of the
Ct. House. June 21 1844
J. F. Co.

At Rules holden in the Clerks office of the Circuit Superior Court of Law and Chancery for Southampton County on the 1st day of January 1844

Andrew Revan Surviving partner of himself Alex Hamilton and Patrick Hamilton late Merchants &c trading under the firm & Style of Hamilton & Revan Pltff

against

Richard G. Fletcher and his wife Francis L Peter D. Backman Defts } In Chancery

The defendants Richard G. Fletcher and his wife Francis L not having entered their appearance and given Security according to the act of Assembly and the rules of this Court and it appearing by Satisfactory evidence that they are not inhabitants of this Country it is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiff and that a Copy of this order be forthwith inserted in some News paper published in the town of Petersburg for two months successively and posted at the front door of the Court house of this County

A Copy

Teste JR Edwards Clk

To attach the effects of the ~~dant~~ Defendants Richard G. Fletcher and Frances his wife in the hands of the Defendant Peter D. Beekman Executor of Lucy Newsom dec'd. So that he be restrained from paying conveying away or secreting the effects in his hands of the said Defendants Fletcher & wife until the further order of the Court

Test LR. Edwards Clk

Torrnes J.S.C.

C. S. C.

Fleming & Fish

vs

Fletcher Jun & C

1841 March Rules

Served by delivering a true copy to Peter D. Beekman January 28th 1841

Richard G. Fletcher and Frances his wife Defendants

Sheriffs Costs

for Thomas Patten Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Richard G Fletcher and Frances his wife and Peter D Beckman Executor of Lucy Newsom dec^d

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in March next, to answer a Bill in Chancery exhibited against them in the said Court by Andrew Stevan Surviving partner of himself & Alexander Hamilton dec^d and Patrick Hamilton & Andrew Stevan late merchants & partners trading under the firm of Hamilton & Stevan

And unless they shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this they shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 18 day of February 1841, in the 65th year of the Commonwealth.

L R Edwards Cl^k

[*One Copy to be delivered each Defendant.*]

C

0.8.6

Hamiltons ⅌ Revard

⅌ } Spc. in Chy.

Fletcher ⅌ ditto ⅌.

1843 August 21 Ruled.

Executed

Wm M Everett Esq
of Wm L Everett Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Peter D Bruckman Exor: Lucy Newsom dec^d.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in August next, to answer a Bill in Chancery exhibited against him & others in the said Court by Andrew Stevan surviving partner of himself and Alexander Hamilton & Patrick Hamilton late merchants and partners trading under the firm & Style of Hamilton & Stevan

And unless he shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this writ shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 3^d day of July 1843, in the 67^th year of the Commonwealth.

L R Edwards clk

[*One Copy to be delivered each Defendant.*]

Kevan Supt. &c

v } Sp.a in Error

Fletcher Appt &c

1844 February Rules -

Executed
Annexed Writ &c
for Wm L Everett Atty

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Peter L Buckner

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in February next, to answer an amended Bill in Chancery exhibited against him & others in the said Court by Andrew Stevan Surviving partner of himself & Alexander Hamilton & Patrick Hamilton late merchants & Trading under the firm & Style of Hamilton & Stevan

And unless he shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this he shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the 1st day of January 1824, in the 48 year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

Kevan

vs

Fletcher

Deposition of Jno Kevan

Came to hand February 21st
1842.

The Deposition of John Kevan Taken between the hours of 8 o'clock A. M. and Twelve O'clock M, on the 19th day of February A. D. 1842, at the office of Wm W. Townes in the Town of Petersburg and State of Virginia, to be read as evidence in a suit pending in the Circuit Superior Court of Law & Chancery for the County of Southampton, wherein Andrew Kevan surviving partner of Hamiltons & Kevan is Plaintiff, and Richard G. Fletcher and Peter D. Beckman Exor of Lucy Newsom decd are Defendants.

The said Deposition is taken at the instance of the Plaintiff.

The Deponent being first duly sworn on the Holy Evangelists of Almighty God, deposes and says as follows-

Question 1st by Plaintiffs attorney- Please state all you know in relation to an account, marked (B), and now shown you, rendered by Messrs Hamiltons & Kevan against Mr R G. Fletcher.

Ans: I lived with Messrs Hamiltons & Kevan at the time the articles charged in the account marked (B), were purchased. and, know that the account is correct.

John Kevan

The forgoing deposition was taken, sworn to and subscribed before me a Justice of the

peace in & for the Town of Petersburg & State of Virginia - Given under my hand, this 19th day of February 1842 -

Wm H Cruthom J.P.

W3w

R. RICHARD G. FLETCHER:

SIR—Take notice that, as you are not an inhabitant of this Commonwealth, I shall proceed to take the deposition of John Kevan, at the office of Wm. W. Townes, in the Town of Petersburg, on Saturday the 19th of February, 1842, between the hours of 8 and 12 o'clock, A. M., to be read as evidence in a Chancery cause now pending in the Circuit Court of Southampton, Va., in which I am Plaintiff, and you and Peter Q. Beckman, Ex'r of Lucy Newsom, dec'd are Defendants.

If from any cause the said deposition shall not be taken on the above mentioned day, it will be taken the Monday following.

ANDREW KEVAN,
Surviving Partner of Hamiltons & Kevan.

Jan 15 w4w

Town of Petersburg to wit.

Personally appeared before me (an Alderman of said Town) John D Nawood Clerk of the Intelligencer Office, and made oath that the annexed Order of publication has been published, for four weeks successively, given under my hand this 18th day of February 1842.

James P. Cogbill Ald

B

peace in & for the Town of Petersburg & State of Virginia - Given under my hand, this 19th day of February 1842 -

Wm H Hamilton J.P.

W3W

R. RICHARD G. FLETCHER:

SIR—Take notice that, as you are not an inhabiant of this Commonwealth, I shall preceed to take the deposition of John Kevan, at the office of Wm. W. Townes, in the Town of Petersburg, on Saturday the 19th of February, 1842, between the hours of 8 and 12 o'clock, A. M., to be read as evidence in a Chancery cause now pending in the Circuit Court of Southampton, Va;, in which I am Plaintiff, and you and Peter Q. Beckman, Ex'r of Lucy Newsom, dec'd are Defendants.

If from any cause the said deposition shall not be taken on the above mentioned day, it will be taken the Monday following.

ANDREW KEVAN,
Surviving Partner of Hamiltons & Kevan.

Jan 15 w4w

Town of Petersburg to wit.

Personally

appeared before me an Alderman of said Town, John D Nawood Clerk of the Intelligencer Office, and made oath that the annexed Order of publication has been published, for four weeks successively, given under my hand this 19th day of February 1842.

James D Cogbill Ald

Mr. R G Fletcher

To Hamiltons & Kevan Dr

1833 March 30	To 1 Bbl N E Rum	38½ Galls @	38¢	$	14.63
"	1 Bbl Whiskey	35½ Galls @	33¢		11.77
"	1 Bag Coffee	153 lbs @	13¾¢		21.04
				$	47.39

Revenue dept

v } Or: pub.

Fletcher Lyne & Co

Despatched at 6 Hs door June
9/1821.

LRC

Virginia:

At Rules holden in the Clerks Office of the Circuit Superior Court of Law & Chancery for the County of Southampton on the first Monday in June 1841.

Andrew Kevan Surviving partner of himself & Alexander Hamilton dec'd & Patrick Hamilton & Andrew Kevan late Merchants & partners trading under the Style & firm of Hamilton and Kevan Plffs.

against

Richard G Fletcher & Frances Agnes Wilkins Fletcher his wife and Peter D Butler an Executor of Lucy Newsom dec'd Dfts } In Chancery

The defendants Richard G Fletcher & Frances Agnes Wilkins Fletcher his wife not having entered their appearance and given security according to the act of Assembly and the Rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this County it is ordered that the said Defendants do appear here on the first day of the next Term and answer the bill of the plaintiffs and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County.

Kevan

To

Fletcher &c

1823 Nov. 1st

IN CHANCERY—VIRGINIA: At Rules holden in the Clerk's office of the Circuit Superior Court of Law and Chancery, for the county of Southampton, on the 3d day of July, 1843:

Andrew Kevan, surviving partner of himself, Alexander Hamilton and Patrick Hamilton, late merchants and partners, trading under the firm and style of Hamilton & Kevan, Pltff.

AGAINST

Richard G. Fletcher and his wife Frances, and Peter Q. Beckman, Ex'or of Lucy Newsom, dec'd, Defts.

The defendants Richard G. Fletcher and his wife Frances, not having entered their appearance and given security according to the act of Assembly and the rules of this court, and it appearing, by satisfactory evidence, that they are not inhabitants of this country: It is ordered that the said defendants do appear here on the first day of the next term, and answer the bill of the plaintiff, and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg for two months successively, and posted at the front door of the court-house of this county.

A copy—Teste,

July 20 L. R. EDWARDS, c. c.

Printers fee $5.50

TOWN OF PETERSBURG, TO WIT:

Personally appeared before me (an Alderman of said Town) John D. Hanwood Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for Eight — weeks, successively. Given under my hand, this 12th day of October — 1843.

James B. Boyd Ald'n

Kevan
vs 3 Ch Chancery
Fletcher & Beckman

Order of Publication

1842 June 15th

IN CHANCERY.—VIRGINIA: At *Rules* held in the Clerk's Office of the Circuit *Superior* Court of Law and Chancery for the county of Southampton, on the first Monday in June, 1841:

Andrew Kevan, surviving partner of himself and Alexander Hamilton, dec'd., and Patrick Hamilton and Andrew Kevan, late Merchants and partners trading under the style and firm of Hamilton & Kevan, *Pltffs.*

AGAINST

Richard G. Fletcher and Frances Agnes Wilkins his wife, and Peter Q. Beckman, Executor of Lucy Newsom, dec'd. *Defts.*

The defendants, Richard G Fletcher and Frances Agnes Wilkins his wife, not having entered their appearance and given security according to the act of *Assembly* and the Rules of this *Court*, and it appearing by satisfactory evidence that they are not inhabitants of this country It is ordered, that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiffs; and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this county.

A Copy—Teste,

June 15 w8w L R EDWARDS, c.c.

Printers fee $5.50

Paid

Town of Petersburg to wit

Personally appeared before me (an Alderman of said Town) John D. Hanwood Clerk of the Intelligencer Office, and made Oath that the annexed order of Publication has been published four Eight weeks successively as appears under my hand this 14th day of December 1841.

Jamy. D. Cogbill A.P.

Lucy Newsams
Will

Kevan &c. &c.
&c. &c. Exhb. with Bill
Fletcher & anr. &c.

In the name of God amen: I Lucy Newsom of the County of Southampton and State of Virginia being weak of body but of a sound and disposing mind do make and publish this my last will and Testament in manner and form following – to wit: 1st. It is my will and desire that my executor hereafter appointed shall at my death sell at public auction all of my perishable estate not herein specifically bequeathed towards the payment of my just debts. 2dly. It is my wish that none of my negroes should be sold but that they may be hired out by my executor from year to year until all of my debts are paid I also desire that they may be permitted to select their masters provided that their choice meets the approbation of my executor. It is also my wish and desire that my man William should not be so hired but be disposed of as herein after directed. 3dly. I give and bequeath to the baptist society at the ruckoon meeting house Sussex County twenty dollars. 4thly. I give and bequeath to each of my negroes twenty five dollars to be paid them at the discretion of my executor. 5thly. I give and bequeath to my nephew Mathew Gilliam choice of my horses remaining at my death. 6th. It is my will and desire that my body should be divided into six shares one of which I bequeath to my sister Gilliam. One to my sister Flowers three daughters one to Virginia Ann Beckman and the fourth to Ursula H Slaughter to them and their heirs forever. 7th. I hereby loan to my friend Peter D Beckman during his natural life my negro slave William and at the death of said Peter D Beckman it is my will and desire that said Negro William shall pass to the heirs at law of Peter D Beckman and Virginia Beckman of their bodies lawfully begotten. 8th. It is my will and desire after the payment of my debts that the balance of my estate should be divided into seven parts one of which I bequeath to my Sister Sarah Gilliam to her and her heirs forever One to the grand children of my brother Benjamin W Johnson to them and their heirs forever. One to the children of my brother William Johnson to them and their heirs forever. One to the children of my brother James Johnson One to the children of my brother Colling Johnson. to them and their heirs forever. One to the children of my Sister Flowers to them and their heirs forever and the other to my friend Peter D Beckman to him and his heirs forever. Lastly. I do hereby constitute and appoint my friends Peter D Beckman and Robert Ridley Executors to this my last will and Testament. Signed Sealed and published as my last will and Testament this 4th day of June 1837

In the presence of Wit. } Lucy Newsom (Seal)

Thomas Niblett his X mark

Louisa A Niblett

John P Wynn his X mark

At a Court held for the County of Southampton on the 17th day of December 1838

This last will and Testament of Lucy Newsom dec'd was proved by the oath of Thomas Niblett and John P Wynn two of the witnesses thereto and ordered to be Recorded. And on the motion of Peter D Beckman one of the Executors therein named who made oath and together with Sprattley Williams and Thomas Ridley & his securities entered into and acknowledged a bond in the penalty of thirty five thousand dollars conditioned as the law directs Certificate is granted him for obtaining a probat thereof in due form and Robert Ridley the other executor named in the said will appeared in Court and refused to take upon himself any part of the Burthen of the execution thereof.

Test D. R. Edwards clk

Copy Teste. D R Edwards clk

R. G. Fletcher
to &c
Hamilton, Kevan

Kevan sz[illegible] &c
v. Exhibit with bill
Fletcher & [illegible] &c

Mr R. G. Fletcher

To Hamilton & Kevan Dr

1833				
March 30.	1 Bbl N E Rum	38½ G.	38 ct	$ 14.63
	1 Bbl Whiskey	35½ G.	33 ct	11.72
	1 Bag Coffee	153 lb	13¾	21.04
				$ 47.39
1839.	To Interest to July 1. 1839 — 6 Years —			17.04
				$ 64.43

Town of Petersburg. State of Virginia — To wit —

This day personally appeared before me a magistrate of said town — John Kevan — who made Oath that he was a clerk in the employ of Hamilton & Kevan, and that the above Act is a true Copy from their Books, save Forty Seven Dollars 39 Cts on 30th March 1833 — at which time the goods were delivered — and that he believes the same to be justly due — Sworn to before me this 2 day of July 1839 —

Geo A Jones Al Pr