

1830-038 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DANIEL VS. BEAL & SCOTT'S ADMINISTRATOR^{val}
1/1830

other SURNAMES: Black,
Adams, Joyner, Rowe,
Lankford, Carstapens,
Griffin

Larney
vs Bill
Beal & Lupton
of North

4829 July. bill filed out: order
+ 8 or: Publications &
1830: Jan: done as filed &

Colts Court . . .	\$3.81
Elk	.51
Lawyer & Fee	6.00
Printer	5.30
	<u>\$15.82</u>

To the honorable board of Southampton County
Sitting in chancery humbly complaining
Sheweth to your worship your petitioner Robt
T. Daniel those your orders his claim to
replevin to your worship that sometime
in chancery said he sold to a certain man
Black of Marlborough district of Caroline
a horse for one hundred & dollars that the
horse well worth that sum was consigned to
a certain Robt Beal to be carried & delivered
to the said Black by said Beal which
he disobeyed your orders to do that your
order gave Beal the sum of four dollars to
pay for the carriage & interest to the horse on
the road that he carried the said Beal who
was travelling to the State of Mississippi after getting
to the County of Northampton North Carolina to
the house of Mr Jos Caldwell very unceremoniously
seized of his accoutrements & removed him
for the horse & then left the mare & actually
carried the horse away to the State of
Mississippi thereby making a breach of your
order contract with the said Black.
& leaving a small mare which in the opinion
of two gentlemen who know both horses
was worth at least \$42 & 50 cents less than
than the horse that the said Beal left
only twenty two dollars & 50 cents with
the mare four of which it took to
the expenses of obtaining the mare by

your order so that your order is thus by the
ack of the said Board to local the said
by him the \$400. price. expenses of the man-
making eight dolls which added to the
\$42.50 the approximate difference between the
horse & man order \$50 + 50 lbs for which all
we get in \$22 & 50. leaving a clear loss to your
order of \$2800 with interest from April 1899
as to which your order is on the premises
since the loss at loss & can be recovered
by your workmen sitting as a servant of
Honey Nass your order is in force
I believe & therefore charges that the said
Board left in the hands of a certain
Lombard Scott who owes some time
since notes & accts for collection - to
the amount of 1 or 2 hundred dollars
which notes & accts I have made com-
pute the hands of a certain Percy
Gripping as the representative of the
said Scott who together with the said
Board are making payments but
with out order to charge them that
the said Gripping be required to make
whether or not I what claim due the
said Board have come to his hands
and order of publication of the
said Board I personally receive the hazard
to your order of the amount of \$28.00 due
him with out receipt to the said
said Gripping & such other further
as in duty will be
done as possible

Daniel
" & Annth &c.
Beale

Feb^y 18th 1830

The answer of Benjⁿ Griffin agent of Jonathan Scott
to the bill of Complaint ag^t him & others by Rob^t T. Daniel
in this Court exhibited. This respondent saying & answering
se for answer thereto admits that he has in his hands
pat^{rs} & adv^{ts} of Jonathan Scott belonging to the said Beale
of a larger amount than the sum claimed by
the Compt. & if the Court should be satisfied with the
justice of the said claim, he has no objection to
any decree in the premises to that amount.
And having fully answered he prays to be dismissed &c.
B. Griffin

Daniel
vs Geo: deere
Beale & Co

Southampton January Court 1830-

Robert T Daniel

against

Robert Beal & Benjamin Griffin Administrators of
Jonathan Scott dec.

Plff In Chancery

Defts

The defendant Beal who is out of this Commonwealth and against whom the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants still failing to appear and answer, on the motion of the plaintiff by Counsel the Court doth take his bill for confessed as to that defendant. And the cause coming on to be heard as to the other defendant on the bill, his answer and exhibits, was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that the Defendant Benjamin Beal pay to the plaintiff the sum of twenty eight dollars with Interest thereon from the 15th of April 1829 till paid, together with his costs. And that the Deft Griffin out of the effects of the Deft^{Beal} in the hands of the said Griffin as Admor of Jonathan Scott dec. pay to the plaintiff the said sum of \$28. with Int. & costs for which as well as for his costs expended in defending this suit he is to have credit against the said Beal. But the plff is not to have the benefit of this decree until he shall have entered into bond with sufficient security in the Clerk's Office of this Court in a penalty equal to double the amount decreed to be paid by the resident deft. with such condition as the Law requires in case of absent defendants.

Plffs Costs

Clks. . . \$3.81

Shffs. . . . 57

Law: &c. . . . 6.00

Printer . . . 5.50

\$15.82

To attach the monies, debts and effects of the defendant Beal in the hands of the other defendants, so that he be restrained from paying away or secreting the debts by them owing to, or the effects in ^{his} hands belonging of the said Robert Beal under the further order of the Court.

A. Claiborne per

Atty Genl James Rochelle &c.

Daniel

as { Sp. in ch.

Beal &c

August Court 1829

A.C.

Robert Beal now habitor

Execution on Benjamin

Griffin

Thomas S. Butler Esq

Att. General &c

The Commonwealth of Virginia to the Sheriff of Southampton County Greeting
We command you to summon Robert Neal & Benjamin Griffin administrators of
Jonathan Scott dec'd to appear before the Justices of our County Court of Southampton
at the Court house on the first day of August Term next to answer a bill in Chan-
cery exhibited against them in our said Court by Robert T. Daniel and that they
shall in no wise come under the penalty of \$100 each And have them there
This Court Witness James Rockwell Clerk of our said Court at the Court house
the 25th day of July 1829 in the 54th year of the Commonwealth

James Rockwell Clk

Daniel

of Lebanon

Meals

James to James under seal
January 18th 1838
J.M.B.

To the Clerk of the Court
of Lincoln County
Va

The deposition of Alfred W. Adams taken this 8th day
of January 1836 ^{at the schoolhouse} near Black creek meeting house

This deponent deposes and saith that Robert Beal bargained and agreed with Robert T. Daniel to carry a horse for said Daniel to a friend in North Carolina. This deponent does not know who that friend was, nor does he recollect the amount of the sum given but he heard the said Beal say that the s^d Robt. T. Daniel had paid him for carrying the horse and that he saw the s^d horse in the possession of s^d Beal and s^d Beal on his journey.

Alfred W. Adams

The deposition of Matthew Jainer & Jason Rouse taken at the same time and place.

These deponents say that they knew the horse that Robert T. Daniel delivered to Robert Beal to carry to North Carolina and that they were called on by the s^d Robert T. Daniel to say what they thought or should judge to be the difference in valuation between the s^d horse that Beal was employed by the s^d Daniel to carry to North Carolina and the mare (or the one) he (the s^d Beal) left on the way in his stead and that they give it as their opinion that the s^d horse was worth forty dollars more than the mare (the one) that the s^d Robert Beal left on the way in the place of the s^d Robert T. Daniel's horse.

Matthew Jainer
Jason Rouse

~~The deponent~~
The deposition of Jesse Lantford taken at the same time and place.

This deponent saith that he met Robert Beal on his journey with a horse in his possession which he said was Robert T. Daniel's and that s^d Daniel had employed him (the s^d Beal) to carry the s^d horse to a man in North Carolina.

Jesse Lantford

The within depositions was sworn to before
us, on the day and date - as within
written —

Cam Bowers

Hayton

Kenneth Black Esq.
Marlborough Court House
South Carolina

By Mr

Robt. Beal }

Dear Sir

I wrote you by yesterday's mail that I should
send you a horse by Mr Bial - who is a trusty
man - I have placed him in his hands this morning
he is to start to day - and I doubt not saving accidents
he will come safe - I forgot to tell you the horse
is mischievous - but he is a fine fellow for business
write to me when you get this how you like him
and what you are willing to allow me for him and
also when he reach you - underneath is a bill of sale

Know all men by these presents that Robt T. Daniel of Southham
- to Virginia have this day Bargain and sold to Kenneth
Black of Marlborough District South Carolina a Horse
by the name of Bawl - for one hundred dollars
on hand paid by said Black - the said Daniel doth
hereby bind himself and heirs to defend the title of
said horse to said Black and heirs against all
lawfull Claims in Whosoever whereof the said Robt T Daniel
Lath. hereunto set his hand and seal the 4 day of
April. 1829

Robt T Daniel - Esq

Test Robt & Bial
17 marks

Col. Augustine Blairborne
Perisatone
V^a

504-0
225-0
2800

15th July 1829.

Dear Sir you will I presume recollect that I some time ago
named to you the treatment I received relation to a horse which
I confided to the care of Robert Beal and who appropriated him
to his own use with making me only a partial remuneration -
My appointments for preaching will prevent my attending our
court, I will therefore here give you a general statement of
the facts connected with the circumstances and if you think it
advisable upon those facts to bring suit against him I trust
you to do it for me, -

I sold a Horse to Mr. Kenneth Black of Marlborough District Lo-
cated by correspondence with letters for the sum stated in the
enclosed communication to Mr. Black, - I gave to Robert Beal
Four Dollars to carry said horse to Mr. Black, who carried him
as far as Mr. Geo. Castaphens in Northampton County, N.C.
where he appropriated my horse to his own use, and left for me
a Mare of inferior value and twenty two dollars & a half in cash
which I sent for and obtained - but considering that I had not
received an equivalent for my horse I caused the Mare to be
valued by two of my neighbors who well knew her, viz Matthew
Swinn & Jason Rice, whom I also requested to determine the
difference between the Mare & the Horse which Mr. Beal
carried off - ^{& much which they were also requested} they adjudged that I ought to receive ^{the} ~~the~~ ^{the} difference - add to this sum the Four Dollars I paid him to carry
the man from Northampton - & deducting from thence \$22 of
of 28 dollars for which I contend & for which you may
bring suit if you think from the circumstances I have
here stated all of which I can from I can recover it -
It will perhaps necessary to state that Mr. Beal when he took my
horse was removing to the State of Mississippi and that he left
in the hands of Mr. Jonathan Scott, whose notes & accounts to
the amount of about \$200. - Mr. Scott has recently died and I know
not whether any person has been appointed his representative
after making this statement I submit the whole to your judgment
Respectfully yours. Robt. T. Daniel

I acknowledge
the service of the
within notice
by Harrison J
Griffin 3rd day
of Dec^r 1829

Benj Griffin

Mr. Benj. Griffin you are the Adm. of
Jonathan Scott who was agent for Robt.
Beal; take notice, that I shall attend
at the School house near Black Creek
meeting house on Friday 8th Jan'y 1830
to take the depositions of Jerson Rouse
Jesse Lankford Alfred W. Adams & Matt.
Jainer to be read in evidence in a suit
in Chancery now depending in the County
Court of Southampton where I am
Complainant of Robt. Beal defendant
when and where you may attend if
you think proper -

Robt. T. Daniel

Dec. 3rd 1829

Daniel

To Edward

Deal

Know all men by these presents that we Robert T Daniel and Bertram Daniel are held and firmly bound unto Robert Beal in the just and full sum of - Ninety dollars forty four cents to be paid to the said Robert Beal his certain attorney his Executors, Administrators or assigns. to which payment well & truly to be made we bind ourselves, our heirs, Executors & Administrators jointly & severally firmly by these presents sealed with our seals and dated this 19th day of April - 1830.

The condition of the above obligation is such. That whereas, in a suit lately depending in the County Court of Southampton between the above bound ~~named~~ Robert T Daniel plaintiff and the above named Robert Beale & Benjamin Griffin Advers of Jonathan Scott dec^d. Defts: it was on the day of January 1830 decreed that the said Beale should pay to the plaintiff twenty eight dollars with interest thereon from the 15th day of April 1829 till paid and his costs. and that the said Benjamin Griffin Advers of Jonathan Scott dec^d. out of the effects of the said Beale in his hands as Administrator aforesaid pay to the said Daniel the said sum of \$28: with the interest and costs aforesaid. Now if the said Robert T Daniel shall abide such future order as may be made, for restoring to the said Robert Beale whatever money he may receive under the said decree with interest thereon, upon his the said Robert Beal's appearing within the time prescribed by Law, and answering the bill in the said suit, then the above obligation to be void or else to remain in full force and virtue -

Witness-

James Rockwell

Robt T. Daniel. (Seal)

Bertram Daniel (Seal)