

1806-023 Chancery Causes, James L. Beale vs Robert Holland's estate

Isle of Wight County

other SURNAMES, Wills,
Beale

To the worshipfull courts of Isle of Wight, in Chancery sitting, humbly
Complaining sheweth unto the court, your Orator James L Beale, that
your Orator some years past acted as a deputy Sheriff in this
county under Lord Wills esquire Sheriff; that by his agreement with
said Sheriff, he was to be responsible for all accounts due and un-
collected, ^{within his division of the county} at a given period, that at the expiration of this time
there was in his hand uncollected among other claims due to the Sheriff
One from Robert Holland late of said County, for taxes and Clerks tickets
for the years 1793 & 1794 - agreeably to the annual accounts, the sum of
£5-2-3½ - for which your orator has accounted with, and paid to
the said Sheriff Wills - In 1796 the said Robert Holland became
indebted to your Orator for a mahogany tea Table, the additional
sum of 3d - making together £5-4-3½ - Shortly afterwards your
Orator Robert Holland departed this life without having paid
the whole or any part of said debts, having first made his will
in which he nominated James Holland his executor, that said
James qualified as such and took on himself the burden
thereof. Your Orator further shews that he applied to the
said Executor for the money; that in consequence of the
promises, ^{of him the said executor} to discount his claims, if ^{the} your orator became
a purchaser at the sale of the estate of the testator,
he did become a purchaser, and under similar promises
of a future payment by discount, your Orator was induced
to give his bond for the amount of his purchase. -
The said Executor, notwithstanding the justice of the claims of
your Orator on his own promises of discount, has sued
on said bond - and because of the strict rules of
common law, your Orator could neither plead, or give
those equitable circumstances in evidence, a judgment
has been obtained, and your Orator threatened with Execution.
Wherefore, and because he has no other remedy your
Complainant prays, that the said Est be made a
deft: to this bill, that he be enjoined from all
further proceedings at law - untill they are fully &
fairly heard in equity, that he, the executor, be made to
answer all the allegations herein contained, and that this
court will, if consistent with right, make the injunction

perpetual - and make any other order or decree
in the premisses, relative to costs - or otherwise, as
may be consistent with right - for your complaints
- ant - May it please

Barber

Isle of Wight County - to wit. This day James L Beal made oath
before me, a Justice of the Peace for said County, that the allegations
of said bill are true to the best of his knowledge & belief -
February 1802 - Given under my hand & this 1. - day of
1802 -

Mills Esq

of L Beal } Bill of
(vs) }
Holland Esq } Injunction
Granted at Feb. Ct.

March 1802 bill
filed & time &c

Nov^r. 1802.
bill taken as conf^d

Dec^r. 1803
Ans^r. filed. V rule &c

June 1804
Cont. for Sept.

July 1805
Perpetuate as to L. G.

The answer of James Holland exor of Robert Holland to the bill of injunction, exhibited against him in the Worshipful court of Isle of Wight by James L. Beale.

This Respondent admits that he obtained such a judgment on a bond against the compt. as in his said bill he has alleged. He says also that he has found an account for bacon furnished by the said Robert Holland to the compt. amounting to the sum of ^{among his testator's papers} £4.7.6, which he says should operate as a discount to any claim of the compt. agt him. He knows nothing of the justice of the compt's account and hopes he will be compelled to establish it by disinterested evidence. He alleges too that he knows that the compt. had bacon of his said testator, in 1797, and he believes to the amount stated above, and further he knows not. He prays to be hence dismissed with his costs in this behalf expended.

Sworn to before me

James Johnston
Dec 27th 1803

Beale }
Holland } Annals

Know all men by these presents that we James L. Beal & John
Giles

are held & firmly bound unto Hollands exors:
in the sum of

of current money to which payment well & truly to be made, we bind our selves our
Heirs Executors and Administrators Jointly and Severally firmly by these presents
sealed with our seals and dated this 25th day of Feb. 7 1802

The Condition of this obligation is such that where as the said
Hollands exor. hath obtained Judge-
ment at common Law, against the said James L. Beal
in the County Court of Isle of Wight for

and Costs and the said Beal

hath obtained an Injunction to stay the execution of the said Judgment until the
hearing the matter in equity upon a bill for that purpose filed. If therefore the
said Beal shall satisfy and pay the said

Judgment at common Law, all costs and damages that shall be awarded to
the said Adm or in case the said Judgment

shall be dissolved that then the above obligation to be void or else to remain in
full force & virtue

Signed & Sealed
in presence of

Wm

James L. Beal
John Giles

James L. Beal's
Engineer. Bard

1793 Robert Holland to Em Wills Shff Do

To 9 lewys at $2/6$ ————— £. 1^u 2. 6

To 9 for Revenue at $1/8^d$ ————— 0^u 15. 0

To 254 Acres land $4/6$ — 3 Horses $1/-$ — 5. 6

1794 To 9 lewys at $3/2^d$ ————— 1^u 8. 6

To 9 for Revenue at $1/8^d$ — — 0^u 15. 0

To 254 Acres Land $4/6$ — 3 Horses $1/-$ — 5. 6

To 1 Clerk's Ticket 3 CP ————— 4^u 12. 0

To 1 Do — Do — 0. 95 ————— 0^u 12. 3^u

To 1 Mahogany Table ————— 1^u 10. 0

£ 6^u 14. 3^u

4. 7. 8

£ 2. 6. 9

Robt Holland.

Acc^{ts}

~~to~~

~~for~~

~~by~~

~~of~~

~~and~~

1735. Towne Holland, Cicis Drung. Daniel Brown serving out of
the bridge due: late Sheriff of Essex County to the Clerk of
Essex County - - - - -

1735. entering order for Continuance Commonwealt for Allen against
you (at your costs) - - - - -

1735. entering order at the suit of d's 26. Commission to examine witnesses 23

P. Young Esq.
C. Clerk

No. 1401 1835

L. 10
O. 175

1745.	Robert Hollans	to the Clerk of the High St.	42 26
1746.	entering bond for continuance on your petition against Colledge		0 20
1747.	same against same		26
1748.	same against same		18
1749.	same Subpoena for Wilks against same		40
1750.	Execution of returning return against same		1 10

T. Young Cl.
 T. n. l.

Robt. Hallam

1-13

1796 Robert Holland to James L. Beal Dr^o
To 1 Mahogany Tea Table ----- £1. 10. 0

Robt Holland
Dec 2

1797 ... James Beale To Robert Holland Sec^r Dr
Apr. 6 21 To 100^{lbs} of Bacon @ 10^{cts} lb. £ 4.7.6