

1820-017

Chancery Causes: James L Beale vs Robert Roberts & Thomas Bennett

Isle of Wight County

Other SURNAMES: Bennet,
Beal

And Interogated that your Orator may be
Released in the Premises agreeable to Law and
Equity and Good Conscience may it Please V^{rs} Hon^{rs}

James Mills for Compt.

~~Case to Court 1804~~

Nov^r 1804 James L Beale this day came
before me and made oath for the justness of
the above bill —

D. Driver J. P.

Beal
vs
Bennett

Bennett

Nov^r 1804

Bill filed

July 1805

Ans^r filed

May 1820 disposed
with costs - unless the fol^l
prosecutor within 3 months

Mary Judg^{ts}
1820
No. 2

To the worshipfull Court of Chancery now sitting
in Chancery humbly complaining unto your worships
your orator James Beale of Said County that where
as about the year of did Execute a bond to a certain
Robert Roberts for the sum of five pounds
fourteen shillings part of said sum was at the
game called lee of your orator and said Robert
Roberts did Endorse the said Bond to a certain Thomas
Bennet & said Bennet did Institute a suit on said
Bond & obtained Judgement thereon & threatening your
orator with Execution all such actions and doings
of the said Robert Roberts & Thomas Bennet are contrary
to Law all right Equity and Good Conscience and
tends to the manifest wrong Injury & oppression
of your orator - In due Consideration whereof
and for as much as your orator is compelled
save in this honorable court to the End thereof
that the said Robert Roberts and Thomas Bennet
which we pray may be made Defendant to this
Bill of Complaint may be compelled upon their
Corporall Oath to him & perfect answer make
to this bill of Complaint whether the aforesaid
sum of five pounds fourteen shillings which was
won at the game called lee was not included
in the said Bond which Judgement has been
obtained and that said Robert Roberts and
Thomas Bennet directly answer all the matters
and the thing herein before contained as fully
and perfectly as if the same had here again Repeated

4. House in Cullittage same as house:—

don't rely on Mary Ash; ~~you~~ Confusion what I
have said — If Court of opinion he is g^{ly} the law
from Justice — a mansion house, why distinguish

R. Roberts
J. S. Paul } Amis

not retain a sufficiency of the money now
due to him from Beal, as aforesaid. This
respondent is informed that he who applies
to a Court of equity, must first himself do
equity, for that while Courts are bound to
administer justice they never will violate
their sanctuary, by suffering fraud to stalk
unmasked in their Courts of Justice. Bonds
are made assignable by law, the fair and
bonafide holder who has paid a valuable
Consideration Cannot discriminate, and
the very execution of the bond is an evidence
the debt was originally fair. —

This respondent puts himself on the
Justice of the Court. He has received a fair
and valuable Consideration from Bennett
for the aforesaid paper, and he does not
by any means acknowledge that any part
of the bond was for a gaming Consideration.
; but if it had been, however it might have
operated at law against him, he cannot
believe that Justice requires, that Beal should
have relief against Bennett. —

He therefore prays to be hence dismissed with
his Costs—in this behalf to wrongfully—
Sustained. —

Bartholomew Roberts

Nansemond County

1805. May. ~~Norfolk County~~ to Writ.

This day Robert Roberts made
Oath before me a Justice for said County,
that the fore going assertion is true as
far as he knows and believes. —

Given under my hand
the 10th day of ~~June~~ ^{June} 1805.

J. S. Godwin

The answer of Robert Roberts - to the bill of injunction exhibited against Thomas Bennett and himself, in the County Court of Isle of Wight, by James L. Beal. This respondent cannot be positive what part, if any, of the bond spoken of was founded on a gaming consideration; but he considers the attempt of Beal to get clear of a debt he in truth and Justice owes to Bennett, as a vile, base, mean and unjust attempt to make a Court of Justice the instrument of fraud. This will more fully appear to the Court, when they are informed that Beal stand at this moment, fairly indebted to this respondent in the just & full sum of Sixty four dollars for money fairly won of him, at games which he now calls unlawfull; but which he is in the daily habit of practising. Admitting for arguments sake, which is not however in fact admitted, that part of the said bond had been for a gaming consideration, this respondent asks, if Justice is the object, why

Bunnell }
do } ansr
Buel Dr }

The answer of Thomas Bennet, to a
bill of Complaint exhibited against him
and Robert Roberts, by James G. Beal in the
County Court of Isle of Wight - Suggesting that
some part of a bond which said Roberts
assigned to this respondent, was founded
in a Gaming Consideration. This respond-
ent - Can only say he paid a fair and
valuable Consideration for the bond spoken
of, and that he knows nothing of the
truth of the plaintiffs allegations. He has
no reason to believe them true, and
therefore he cannot admit; but denies
them. And prays he may be hence
dismissed, with his Costs, in this Case
so - Wrongfully Sustained. - Barber for Deft

Petersburg to Wilt. This Day Tho^s Bennet made oath
before me, a Justice of the peace for the County of
said Town ~~and made oath~~, that the above answer
is true, as far as he knows, and believes. -
Given under my hand this 18 day of June 1853
Nathaniel Harris Jd.

1844

[Faint, mostly illegible handwriting in cursive script, likely bleed-through from the reverse side of the page.]

Beal
ms.
Bennett

[Handwritten signature or initials, possibly "J. H. Bond" or similar.]

[Faint, mostly illegible handwriting in cursive script, likely bleed-through from the reverse side of the page.]

Know all men by the presents that we James S. Real and
Thomas Holladay are held and firmly bound unto
Thomas Bennett — in the sum of Current
money to which payment well and truly to be made, we
bind our selves our heirs, executors, and administrators
jointly & severally firmly by these presents, sealed with
our Seals and dated this 3^d day of Aug: 1804 —

The Condition of this ~~above~~ obligation is such that where
as the said Thomas Bennett — hath obtained judgment
at Common Law; against the said James S. Real —
in the County court of Isle of Wight, for costs, and the
said Real — hath obtained an injunction to
stay the execution of said judgment, until the
hearing of the matter in equity upon a bill for that
purpose filed: If therefore the said Real —
shall satisfy and pay the said judgment at Common
Law, and all costs & damages, that shall be awarded
to the said Bennett — in case the said judgment
shall be dissolved: that then the above obligation to be
Void or else to remain in full force and Virtue —

Signed & Sealed

In presence of

B. Lightfoot

James S. Real 
Thos. Holladay 

Acct
James L. Beal

(XX)

Mr James L Beal Dr

to Robert Roberts

1800	January	7 1/4 yards India cotton	3/9	15	
		4 lb Brown Azar	2 1/2	4	19.6
1801	Mar	7 1/4 yards Bombazelle	6/2	2	3.6
		2 Shams Silk	6	1	2.4.6
	Apr	1 Black Silk Handkerchief			6.9
	May	2 pairs Cotton Hos	10/6	1	1.0
		1 Pocket Handkerchief		3	0
		2 Shams Silk	6	1	5.0
	Novem	1 Hat 5/1 Bed Cord	3/1		8.0
	Dec	1 Bushell salt powder			6.9
		The amt. won at Loo 19th			5.14.0

11.13.6

11.18.0

2.12.00

9.5.11

By his am. for fadous then
Due R