

1814-017

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

CLARKE

US

BYRD and Wife

5/1814

other SURNAMES: Williams,  
Clark

Clarke  
Byrd & Wife  
Bill of  
Injunction.  
~~~~~

May 1874

Dismissed for want  
of bill of Rules

To the worshipful Court of Stamptown  
sitting in Chancery humbly complain-  
-ing sheweth unto your worship your  
Orator Samuel Clarke &c

That some time in the year  
1808 Aron Byrd & Wife instituted a  
suit against your orator on a bond  
for £ 9 : 13 : 4 - which your orator  
had executed to the Ex. of John  
Williams De.? and which said bond  
was by him transferred to the sd.  
Aron Byrd's Wife in part of the  
distributable proportion of her father's  
Estate; after which said transfer  
your orator did pay to the creditors  
(i.e.) the said Aron & Wife in money  
board; services house rent &c. more  
than the full amount of the s. bond  
& Interest thereon expressly for the dis-  
-charge thereof; but had not the  
precaution to get in the s. bond  
untill some misunderstanding arose  
between the said Arons Wife & your  
orators family: to which circumstance  
your orator ascribes the institution  
of the s. suit, as he is informed

and can prove that the said Byrd  
Wife who was the chief, if not the  
sole agent, in this transaction, did  
acknowledge she had received full  
satisfaction for the bond - but  
down them" meaning your orator  
& his wife "she would sue them  
& make them pay it over again."

And further your orator is able  
to prove by good evidence that his  
account as offsets now filed with  
the papers in the suit at law  
against the said bond are founded  
in justice - nevertheless judgment  
has been rendered against him on  
the common law side of this court  
for the whole bond interest & cost.

To restrain which said judgment,  
and all further proceedings therein  
until this matter can be heard  
in equity, your orator prays the  
interference of this Court. To  
the end therefore he prays the court  
will grant the commonwatts  
writ of Subpoena commanding  
them to appear

Lord Clarke

Southampton  
This day came  
the complainant in the foregoing  
bill of Injunction Lord Clark  
and made oath before me Henry  
Buggs - a Justice of the Peace  
for the S. County of Southampton  
that the allegations therein contained  
are strictly true. Given under  
my hand this eighteenth Day of  
December 1809 - Henry Buggs J.P.

Lyjinton Bond

Dec 1809

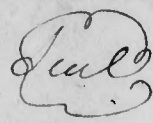
Demings

The Commonwealth of Virginia to the Sheriff of Southampton and to  
Saml Clark & Geo Mag —

Councillors alien vs and against and every of them greeting where as it  
has been represented unto Court of the County of Southampton in  
Chancery on the part of P Saml & Geo Mag —  
who hath prayed that he may have an writ or writs of Injunction  
Subpoena for stay of all further proceedings at Common law till hearing  
of the Cause we therefore in Consideration of the premises aforesaid  
do strictly injoin and Command you the said Sheriff  
and all and every the persons before mentioned that you and every  
of you absolutely abstain from all further proceedings against  
the said Aaron Byrd wife

of the Judgement and Exec<sup>n</sup> obtained in our said County Court  
of Southampton against him the said Saml Clark

untill the hearing of the said Cause in Chancery under the  
penalty of one hundred pounds with us Sam Killo Clerk of  
our said Court at the Courthouse the day of  
1808 and in the 32 year of Commonwealth

Saml & Clark   
mark

Geo & Mag 