

1809-019 Chancery Causes: Henry Wright VS James Clayton

Dsh of Wright County

other SUR NAMES: Young, Uzzelle,
Uzzell, Lawrence

1808- October 3rd ~~1808~~ The within named Henry
Wright made oath before me, a Justice of the peace for
the said County of Alle of Wright that the allegations in the
Within bill are true to the best of his knowledge and
belief -

Wm. Johnson, J.P.

A. Wright }
vs. } Bill &
J. Clayton } Exhibit.

Wright }
vs. } Bill of
Clayton } Injune

at 1000 bills full
from 1809 and full

To the worshipfull Court of ~~Isle of Wight~~ in Chancery, ^{Sitting}
Humbly Complaining sheweth unto the Court your Orator Henry
Wright, that your orator on the 7th day of October 1790—paid
to Bennett Young then deputy Sheriff for
High Sheriff of your said County, twenty dollars in full of
James ~~Wright~~ Wiffles taxes ~~the~~ will more certainly appear by
reference ~~here~~ to the said Youngs receipt herunto annexed and
prayed to be taken & considered as a part of this bill. —
That Wiffles repaid to your Orator the money, and he never
expected to hear more of the case; but so it is, may it please
your Honours that one James Clayton, who it seems is some
how connected with the said Wiffles estate, under pretence that
your Orator never paid the money to the Sheriff afore mentioned,
has brought a warrant before a single magistrate for the said
twenty dollars, And notwithstanding the great lapse of time, &
merely because your Orator had mislaid his receipt now here
exhibited, Judgment has been rendered against him, and execution
is now in the Constables hands, all which is contrary to Justice
and good Conscience. In tender consideration whereof and
forasmuch as your Orator is without relief only in a Court
of equity; To the end therefore he prays that the said James
Clayton, may be made a defendant to this bill of Complaints,
and, on oath, full, true and perfect answer make to all
and singular the allegations it contains, That the said Judgment
may be reversed, annulled and set aside by making this injustice
perpetual & such other order or decree extend for your
Orators relief as may promote Justice &c. May it please &c.
Boston 1791.

Clayton
is
Answer
to
Wright

James Clayton appeared before me and
made oath, the within answer is true
to the best of his knowledge & belief.

J. Marshall

The answer of James Clayton to the bill of injunction exhibited against him in Isle of Wight Court by Henry Wright -

This Respondent saving to himself all right of excepting to the various errors, contents &c. contained in the said bill, for answer thereto says, that it is true that he did obtain a judgment by Warrant against the compt. for the sum mentioned in the said bill. He states that the articles for which he drew off his account on which he obtained his aforesaid judgment were articles actually received by the compt. after the death of James Bygell, and the compt. by his own showing admits that the twenty dollars he says he paid for James Bygell's taxes were repaid to him by James Bygell. Your Respondent can not conceive, how the claims of the Compt. upon James Bygell which admits that the said Bygell himself settled, can be brought into question upon your Respondent's claim upon the compt. which originated some months after the said Bygell's death. Your Respondent requires proof that the twenty dollars said to have been paid to Bennett Young were paid to him, and he states that if the payment was so made, it was made by the compt. in his own wrong, because Bennett Young was not authorized to receive it. He is informed and he believes it to be true that Bennett Young never was a deputy Sheriff under John Lawrence. He lastly excepts to the jurisdiction of the court in the case & prays that the injunction aforesaid may be dissolved & he hence dismises with his costs in this behalf expended -

Know all men by these presents that we Henry Wright & Josiah
^{Underwood} are held and firmly bound unto James Claytor ^{of James Wyzell} in the sum of fifty
current money of Virginia 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 20th day of Sept. 1790

The condition of the above obligation is such that whereas the said James Claytor
has obtained a Judgment ^{upon a warrant} at Common Law, against the said Henry
Wright ^{before a Justice of the peace for Bedford County} in the County Court of the said Wright for Twenty dollars & costs & the said
Henry Wright has obtained an injunction to stay the execution of the said Judgment
untill the hearing the matter in equity upon a bill for that purpose filed. if therefore
the said Henry Wright shall satisfy & pay the said Judgment at law
and all costs, ~~at law~~ & damages that shall be awarded to the said James
Claytor in case the said injunction shall be dissolved. that then the
above obligation to be void. else remain in full force and virtue

In witness whereof
D. Wick

Henry ^{his} Wright Seal
mark
Josiah Underwood Seal