

1798-004

Chancery Causes : Francis Young, the Elder vs Peter Pelham + Robert Godwin

Isle of Wight County

Francis Young's admors vs Robert Godwin + Peter Pelham

other surnames: Boykin,
Lawrence, Ballard, Godwyn,
Bridger

To the Justice of the Peace of Wight County in Chancery sitting
Francis Young, the elder, humbly complaining,
shews, - That in May in the year 1785 Peter Pelham, of the
County of Greenville, by Robert Godwin his Attorney, recovered a
judgment against him in the Court of Law of Isle of Wight
County for £50. 8. 4 with legal interest thereon from the
day of _____ in the year 17 _____ & costs - That in the
year 1788 or 1789 the said Godwin as Attorney at Law for the said
Pelham called on the Complainant for payment of the afore-
mentioned judgment, & thereupon the Complainant drew an
order for £70 on Mills Laurence & Elisha L. Ballard Executors
& of John Laurence in favor of the said Godwin as Attorney
as aforesaid for the said Pelham, to be applied in dis-
charge of the judgment aforesaid - That the Complainant
is satisfied from the information of the said Executors that
his said order has been fully paid to the said Godwin,
but before he obtained notice of it from them he
paid the farther sum of £23. 10. 3 to the said Pelham
- And finally that altho' the said payments of £70 - &
£23. 10. 3 exceed the amount of the said judgment including
the debt interest. costs & damages, which ~~is the~~
~~interest to the point of the first payment made by the~~
~~said order, with an aggregate of~~

Yet the said Pelham & Godwin, in combination, have
notwithstanding caused an execution against the property

to be issued on the s^d judgment for the sum of £26.9.8
& levied on the property of the Complainants — In tender
consideration whereof & for as much as the Complt
is only & properly relievable in a Court of Chancery —
and to the end that the s^d Robert Gadwin & Peter
Pelham may severally upon their oaths true & perfect
answer make to all & each of the matters & allegations
in this bill contained, as fully & particularly as if they
were here again repeated in interrogatories — That
the said Pelham & all others in authority under him
may be enjoined from all farther proceedings upon the
said judgment — & That the Complt may have such
other & farther relief in & respecting the premises as his
case may require & be consistent with the powers &
duties of this Court — MAY it please your Wor-
ships to grant unto the Complt not only a writ of
injunction out of this Court directed to the said Peter
Pelham to restrain him from proceeding at Law against
the Complt upon the s^d judgment or in manner touching
the premises matters in question, but also a writ of
Subpoena directed to the s^d Peter Pelham & Robert
Gadwin commanding ^{them} at a certain day & to be &
appear before your Worships in this Court, there &
there to answer this Bill, & to stand to & perform such
order & decree as to your Worships shall seem meet.

Meint M. Robinson
for the Complt.

Site of Wright County, to wit,

This 6th day of ~~October~~ September
in the year of Christ 1794, Francis Young, the elder, of the
said County, duly made oath before me James Young —
a Justice of the Peace for the said County,
— that the allegations & matters in the foregoing bill of
complaint, so far as they are founded on his own know-
ledge, are true, — and that so far as they are derived
from the knowledge of others he believes them to be
true. — Given under my hands

James Young
Justice of the Peace

Young
v.
Pelham
}
Bice

Young
v.
Pelham } Bill

October 1794.
leave given to file Bice
at next Court & to give B.
& Injunct. Sp. granted
Septemb. 1794
Bill filed & heard given to

Aug. '96
Court for Defts. Rules to
reply 2^d day next term

May '97
Postp. till tomorrow 1st day

August '97
former order set aside
and filed quib. upb.
of Court. Rescinded &c.

November '97
Postp. to 1st day. 2^d
day. Court for Deft.

March '98.
Postp. to 1st day. 2^d day
leave for bills. for £14.10.00
K. Ct.

To the Justices of Isle of Wight County in Chancery
letting —

James Young, Francis Young, & Bennett Young,
administrators of the goods chattels rights & credits of Francis Young,
the elder, deceased, humbly complaining, shew, — That in
May in the year of Christ 1785 Peter Pelham, of the County of
Greenville, by Robert Godwin his attorney, recovered a judg-
ment against their Intestate in the Court of Law of Isle of
Wight County for £50. 3. 4 of Virginian money, with legal
interest thereon from the day of _____ in the
year _____ & his costs in that case expended

— That in the year 1788 or 1789 the said Godwin as attorney
at Law for the said Pelham called on their Intestate for
payment of the afore-mentioned judgment, & thereupon their
Intestate drew an order for £60 of Virginian money on
Mills Lawrence & Elisha L. Ballard executors &c. of John
Lawrence dec^d. in favor of the said Godwin as attorney at
Law for the said Pelham, to be applied in discharge
of the aforesaid judgment — That the Complainants from
information derived from their Intestate & other sources,
that the said order was, soon after its being drawn,
fully paid to the said Godwin, — but before their Intestate
obtained notice of it, he paid the farther sum of £29. 10. 3
of Virginian money to the said Pelham himself — and
finally that altho' the said payments of £60 & £29. 10. 3
exceed the amount of the judgment aforesaid including the
debt interest costs & damages, — yet the said Pelham &
Godwin, in combination, have caused ^{a writ of} ~~process~~ ^{Scire}
facias to issue from the Court of the said County of
(to whom the administration of the goods chattels rights & credits of the said Francis
Young the elder has been duly committed) ^{scire} against the Complainants, in order to re-
vive the said judgment against them, & to obtain
— writ of execution thereon against the estate of
their Intestate in their hands to be administered —
In tender consideration whereof and for as much as
the Complainants are only & properly relievable in a Court
of Chancery — and to shewend that said Peter Pelham
& Robert Godwin may upon their oaths severally make

True and perfect answers to all and each of the allegations & matters in this Bill contained, as fully & perfectly as if they were here again repeated in interrogatories - That the said Pelham & all others acting by authority derived from him may be enjoined from all further proceedings upon the said judgment, - & that the Complainants may have such other & further relieve in & respecting the premises as their cases may require & may be consistent with the powers & duties of this Court - MAY it please this Court to grant unto the Complainants not only a writ of Injunction directed to the said Peter Pelham to restrain him from proceeding at Law against the Complainants upon the said judgment, or in any manner relative to the matter in question, - but also a writ of Subpoena directed to the said Peter Pelham and the said Robert Godwin commanding them at a certain day to be and appear before this Court, to answer this Bill, & to stand to & perform such order & decree in relation to the matters therein set forth as may there-upon seem meet &c.

Merit M. Robinson
for the Compls.

John of Wight County, to wit,

This day, the Complainants in the foregoing Bill, - James, Francis, & Bennett Young, severally made oath before me a Justice of the peace for the County aforesaid, - That the allegations & matters in the said Bill stated & set forth, so far as they are founded on their own knowledge, are true, - & that so far as they ^{are} founded on the knowledge of other persons, or derived from other sources of information, the Complainants believe them to be true. Given under my hand this 6th. day of -

May - in the year of Christ 1795. -

His King

✓
Young's Admors
v. 3 Bill
Pelham & God-
win

2
Pelham & Godwin

2
Pelham & Godwin

The Answer of Peter Delham to the Bill of Injunction exhibited against him in the County Court of Isle of Wight by James Young, Francis Young and Peyton Young administrators of Francis Young deceased

This Deft saving and reserving to himself all manner of exceptions for answer thereto, or so much thereof as he is advised is material, saith, That subsequent to the order drawn by the Decedent in favor of Robert Godwyn attorney for this deft for the sum of £ 70. 0. 0. there was a statement made of the Balance due on the 4th in the following, viz, "Balance due on the within Execution £ 70. 2. 3 with legal Interest from the 6th day of November 1792 till paid" which said statement was signed and acknowledged to be just by the Deft and the said Decedent in the presence of the said Rob^t Godwyn in the Bill named, on the said 4th a copy of which said 4th is hereto annexed, which this deft prays may be taken as a part of this his Answer to the said Bill.

That since the statement aforesaid, to wit, on the same day the said decedent gave the Deft an order on William Bridger late Sheriff of Isle of Wight for the sum of £ 23. 10. 3 towards discharging the said Balance of £ 70. 2. 3. with Interest as aforesaid in the statement aforesaid mentioned, which said order has since been ^{accepted} ~~paid~~ by Simon Boykin Esq^r of the said William ^{now} ~~now~~ Bridger ^{and since paid} deced, to wit, on the day of May 1794, and together with other payments credited on the said 4th and the Interest thereon leave a Balance of £ 26. 9. 3 with Interest from the day of May 1794 aforesaid till paid, which this Deft believes to be still justly due. And this deft denies all combination with the said Robert Godwyn in the Bill mentioned, or any person, and all

all intended fraud, prays to be hence dismissed with his
reasonable costs in this behalf most wrongfully sustained
without that, that
Peter Pelham

Southampton Sc.

Nov: 12th 1795. This day Charles Pelham appeared before me a
Justice of the peace ^{in and} for the County aforesaid and made
oath that Peter Pelham signed the within answer
Given under my hand
Robt Mabry

Pelham
ads }
Young's }
Admrs }
 } Answer.

Ruled to tryal

2^d day next term

Received Mr Thos Hall one pound three shil-
lings on account of Clerk's Tickets of January 19th
1739 by Virtue of Peter Pellam order on
Francis Young

Robert Goowins

Sir

Please pay to Mr. Jesse Wilkinson the Sum of One
Pound ^{Three} ~~two~~ Shillings On Acc^t of Other Trustees
I Ob^dlyt H. Robert Govin

At the Hall

Sir!

Please to pay Jesse Wilkinson, the Sum
of Eight Pounds, on the: of Clerks Tickets. Oblige

Wth Tho^{rs} Hall. $\begin{array}{r} 8 \\ 5 \\ \hline 2 \text{ r } 14 \end{array} 2$

Yours Sec^y —

Robt Godwin —
3^d Jan^y 1782 —

Recd on the within Order, Cash in
full of all Demand

J. Wilkinson

Rec'd July 3: 1788. of Law.

: Baker, the sum of

eighty — Pounds in part
of Francis Youngs Order
in favour of Peter Vetham

Robt Gordon Atty

Money p^d by L.
Baker, to Robt.
Godwin att^o for
Pelham

Dear Sir:

Be pleased to pay unto Mr. Robert Godwin the sum of Sixty -
pounds, current money & charge the same to me it being in part of a Debt
Due Mr. Peter Pelham from your

Capt. Will. Lawrence Esq.
Heir of John Lawrence decd. }

Mo. Chas. Senr.

Francis Young
Decem. 3^o 1709

Rec^d. Sept. 15^{~~th~~} 1792 of Capt. Mills Lawrence the Sum of Thirty nine
Pounds ~~there~~ on account of the within Order Robt Godwin

Robt. G. G. G. G.
Dec. 18

Recd Novbr 11th 1790 of Mr Elisha
Ballard Joseph Joiner bond for twelve
pounds with T. T. auctioneer
Robt Godwin

1792. Mr. Francis Young. to D. Pelham — 2^d

Nov. To bal. due on ~~for~~ you — — — — — 70. 2. 3.

By Robt. Godwin his fee — — — — — 5. 0. 0.

By cash of Dr. S. S. B. — — — — — 6. — — 11. 0. 0.

To Int fr. Nov. 1792 to May 1794 — — — — — £ 59 : 2 .. 3.

3. 10. 6¹/₂

1793

June By Cash of Robt. Godwin — — — — — 7. 10. 0.

Int. to May 1794 11 mo. — — — — — 6. 10¹/₂

63. 10. 9¹/₂

Aug. By cash of Dr. — — — — — 5. 0. 3.

Int. to May 1794. 9 mo. — — — — — 3. 9.

13. 0. 10¹/₂

May 1794 Balance due. p. Pelham — — — — — £ 49. 19. 11.

Errors excepted p. Pelham

May 94. By Order on Bridges — — — — — 23. 10. 3.

Bal. due. 26. 9. 8.

Pelham } State of
or } N. Y.
Young } Just. dec. on
Execution

To May 1794.

The Commonwealth of Virginia to the Sheriff of the County of Middlesex
 County greeting you are hereby commanded that of the Goods and
 Chattels of Francis Young late in our bailiwicks you cause
 to be made fifty pounds, eight shillings & four pence with Int^r.
 on £ 16..19..3 part thereof from the 1st Jan^y 1777 till paid
 & also Int^r on £ 14..4..4 part thereof from 24th Dec^r. 1772
 till paid which Peter Pelham jun^r. lately in our said County Court
 hath recovered against him the said Francis Young upon a
 motion by consent for debt & also no costs whereof the said
 Francis Young is convict as appears to us of record and that you
 have the same before our Justices for our said County Court
 at that the Court house on the first Thursday in June next
 to render to the said Peter Pelham jun^r. of the Debt and costs
 aforesaid and have then there this writ. Witness Francis
 Young Deputy Clerk of our said Court at the Court house
 the fourth day of May 1785 In the ninth Year of
 the Commonwealth L Francis Young Debbor

Balance due on the within execution £ 70..2..3 with
 legal Interest from the fifth day of November
 1792 till paid — P. Pelham
 Francis Young

Pay — £ 70..2..3
 5..11..10 paid ^{Mr} Rob^t. Godwyn for fee
 65..2..3 P. Pelham
 Pay — 6.. — — rec^d of Rob^t. Godwyn
 P. Pelham
 £ 59..2..3

Rec^d June 21st 1793 £ 7..10..0 in part of the Balance
 P. Pelham

Rec^d Augst 8th 1793 of Rob^t. Godwyn £ 5..0..3 in
 part of the Balance — P. Pelham

A Copy Test^r

F. Young, Cl^k

Mem^o. It appears from an ac^t. filed in Exon that 26..9..8
 from day of Feb^r 1794. — is still due for which Exon^r. has^d on negro legs and D^rjon

Pelham

115

Young

Copy 2
& Fi Ha

11

Dr Peter Pelham in Acc^t with the Administrators of Francis Young, the elder,

1788.
Jan^y. 3^d To paid Robert Godwin your att^o as ^{pp} his rec^d. £ 8^u 0^u 0.
To Interest on £ 8. 0. 0. from 3^d Jan^y. '88 to 8th. Mar^{ch}. '98. 4^u 1^u 0.
July 3^d To paid Robert Godwin your 1st att^o as ^{pp} his rec^d. 8^u 0^u 0.
To Interest on £ 8. 0. 0. from 3^d July 1788. to 8th. Mar^{ch}. '98. 3^u 17^u 4.
1789.
Jan^y. 19th To paid Robert Godwin as your att^o as ^{pp} rec^d. 1^u 3^u 0.
To Interest on £ 1^u 3^u 0. from Jan^y. 19th. '89. to 8th. March '98. 10^u 4.
1792.
Sept. 15th To paid Robert Godwin your said att^o. 00^u 0^u 0.
To Interest from 15th. Sept. 1792. to 8th. March '98. 10^u 9^u 0.
1794
May To an Order drawn by F. Young, the elder, in favour of
You and paid by William Bridger 23^u 10^u 3.
To Interest from the 1st May '94 to 8th. March '98. 4^u 10^u 3.
£ 130^u 2^u 2.

Or

1792.
Nov^r: By the am^t of your Judg^t ag^t F. Young, the elder, 70^u 2^u 3.
including interest & Costs to this date
By Interest on £ 70^u 2^u 3. from 1st Nov^r: 1792. 18^u 13^u 9.
to 8th. March 1798.

Bal^d: due the Estate of F. Young 88^u 10^u 0.
41^u 6^u 3.

£ 130^u 2^u 2.

Accepted The Administrators

10 8

Sept 90
Mar 90

21
5
10.5

26.5

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The Common wealth of Virginia to the Sheriff of Isle of Wight
County Greeting you are hereby commanded that of the
Goods & Chattels of Francis Young — late in your
Bailliwick you cause to be made fifty pounds eight shillings
& four pence with Interest & for the same on sixteen pounds nineteen shillings &
three pence part thereof from the 1st Day of January 1776 till paid and also Int^l
& on fourteen pounds four shillings & four pence part thereof from the 25th
Day of December 1772 till paid.

which Peter Pelham just — lately in our said County Court
hath Recovered against him the said Francis Young upon a
motion by your self — also 700 Cents —
~~which hath been~~

~~with~~ ~~and~~ ~~you~~ ~~are~~ ~~to~~ ~~pay~~ ~~for~~ ~~him~~ ~~Cents~~ ~~by~~ ~~him~~ ~~and~~
~~himself~~ ~~in~~ ~~the~~ ~~sum~~ ~~of~~ ~~700~~ ~~Cents~~, whereof the said Francis
Young — is answerer as appears by our of Record, ~~and~~
~~thereof~~ and that you have the same before our Justices
of our said County Court at the Court house on the
first Tuesday in June — next to render to the said
Peter Pelham just — of the Debt & Costs aforesaid, and
have them show this writ Writings Francis Young Deputy
Clerk of our said Court at the Court house the seventh Day
of May 1785. in the ninth Year of the Commonwealth

Francis Young D^{cl} Writ

Rec^d. June 21. 1793 - Seven Pounds Ten Shillings in part
of the Balance due. P. Pelham

Rec^d. Aug. 8. 1793 of Rob^t. Godwyn Five Pounds & three
pence in part of the Balance P. Pelham

Pelham
} of 1785
Young
May 7th 1785

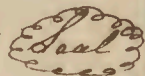
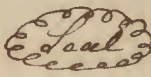
Balance due on the within Specimen (County)
Surrey due King's three pence with legal
interest from the 1st day of November
1792 till paid — P. Pelham
By 2. 3.
By 5-0-0 paid Mr. Godwyn for fee
65: 2: 3
Paid P. Pelham
59: 2: 3

Know all men by these presents that we Francis Young & James
Young are held & firmly bound unto Peter Pelham junr in the full sum of
One hundred & five pounds Current money of Virginia to be paid to
the said Peter Pelham or to his assigns to the payment whereof we bind ourselves
our heirs Executors & Assigns jointly & severally firmly by these presents sealed with our
Seals & dated this 20th day of October 1794

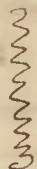
The condition of the above obligation is such that whereas the said
Peter Pelham junr hath obtained a Judgment at common law against the said
Francis Young in the County Court of Isle of Wight for the sum of fifty pounds
Eight shilling & four pence with ^{Int. & Cts} and the said Francis Young hath obtained an Injunc-
tion to stay the execution of the said Judgment until the hearing the matter in
equity upon a bill for that purpose filed. It therefore the said Francis Young
shall satisfy & pay the said Judgment at common law & all Costs & Damages
that shall be awarded to the said Peter Pelham in case the said Injunction shall
be dissolved. Then the above obligation to be void or else to remain in
full force & Virtue

Signed Sealed & delivered
In presence of
John Capron

Francis Young
James Young



Young
to
Pelham



Injunc:
Board

1855

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