

1806-031

Chancery Causes. Mills Wells vs John Lawrence's executor

Isle of Wight County

The worshipfull court of Sir J. Wright in chancery sitting. Humbly complaining
Shew unto the court your Orator Mills Wills, That your orator
was lawfully indebted to a certain John Lawrence ^{Sherriff} Clerk of
this county, for back Taxes to about the amount of £12.0.0
And that for a parcel of Bacon he was also
indebted to said Lawrence about the sum of £14.14.0
Which last sum your orator did pay unto the said Lawrence
in his lifetime, That a suit was instituted in the court
of this county by ~~your orator~~ Mills Lawrence Executor of said
John Lawrence against your complainant, as he thought
for the recovery of said back Tax, against which as he knew
it to be just he made no defence, of course a Judgment
was had by default for the amount claimed, which amount
contrary to all Justice included the ^{said} sum of £14.14.0 for
said Bacon — had from the said Lawrence
but which was previously paid for —

In tender consideration whereof, and for
as much as your Orator is only relievable in a court of
equity, he prays that said Mills Lawrence the executor as
aforesaid, may be made deft to this bill of complaints, and
that he may on his oath answer all the allegations
herein contained — and that untill he does so, your worship
will Injoin said Lawrence, the Sherriff of this county and
all others, from further proceedings at law, as far as respects the
said sum of £14.14.0 and that the court will make
the said Injunction perpetual as to the said sum of £14.14.0
And make any other decree in the premises as may comport
with Justice — may it please the Court
J. Barber for counsel

App. 7th Sum to before me this day —
1800.

Geo. Benn

W. H. S. — } Bq. E. M.
is } M. J. M.
Laurin

Apr. 1800
B. H. S. filed

Aug. 1801
bills taken & 3 coins

Aug. 1802
A. H. S. filed & rule for
reso. c.

file these
June 1804

Cont.

July 1800

Argum. disolved with etc.

can stay 6 months

The answer of Mills, Lawrence executor of
John Lawrence to the bill of complaint exhibited
against him in the worshipping court of
Isle of Wight by Mills Wills -

This Respondent saving and
reserving to himself all right of exception
to the manifold errors and imperfections
of, and in the complainant's said bill
of complaint, ^{contained} for answer thereto or to so
much thereof, as he is advised is material
for him to answer, and says, that it is true
that his testator left just account for back
taxes against the complainant amounting
to the sum of twelve pounds, and also that
he left a receipt given by the ^{comptroller} for
a quantity of bacon amounting to the
sum of fourteen pounds and fourteen
shillings. He further states that he found
the above mentioned receipt amongst
the papers of his testator without seeing

any credit endorsed upon the same, or entered
on his books or papers. This Respondent
knows nothing of such a payment as is
alleged to have been made by the
complainant, and he is induced to believe
that the complainant is mistaken in
supposing that he ~~has~~ pay for the bacon,
because if there had been such a discharge
of the debt, the complainant as a prudent man
would have taken in the receipt given by
him for the bacon, or else have obtained
a receipt for the amount paid from
his testator. He conceives that a receipt, or
some other evidence of payment should
be required, before this court will tie
up a judgment, ^{thus} fairly obtained. He lastly
wishes to be hence disimposed with his
reasonable costs in this behalf most
wrongfully sustained.

This day Mills Lawrence personally came
before me one of the justices of the peace
for the county of Isle of Wight and made
oath that the allegations contained in the
within answer are true, as far as he knows
or believes - Given under my hand
and seal this 19th day of August A.D. 1807.

Mills Coley

James Lawrence,
Clerk of the Peace.

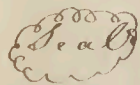
Know all men by these presents that W^o Mills Wills & Encarnal
Wills
are held & firmly bound unto Mills Lawrence Esq. of John Lawrence Esq.
in the sum of fifty pounds
of current money to which payment well and truly to be made, We bind ourselves
our Heirs Executors and Administrators Jointly and Severally firmly by these
presents sealed with our seals this 8th - day of April - ~~1777~~ 1800

The Condition of this obligation is such that Where as the said
Mills ~~John~~ Lawrence Esq. of John Lawrence Esq. hath obtained Judg-
ment at common law; against the said Mills Wills
in the County Court of Isle of Wight for

and Costs & the said Mills Wills
hath obtained an injunction to stay the execution of the said Judgment un-
till the hearing the matter in equity upon a bill for that purpose filed. If there-
fore the said Mills Wills
shall satisfy and pay the said Judgment at common law & all costs and da-
mages that shall be awarded to the said Mills Lawrence Esq. aforesaid,
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

Mills, Wills & Co



Lawrence's Co. &
or
Wells. } Injunct. Bond.

8th. April 1800