

1793-014

SOUTHAMPTON COUNTY
CHANCERY PAPERS

STOTT

vs

HINTON

and

al ~~KNIN~~

11/1793

other SURNAMES: Boykin

Scott
v. Bill
Hinton Cal.

To the Justices of the County of Southampton in Chancery sitting at
Watson Stott, of the Town of Suffolk, and County of Hansemond,
Merchant, humbly complaining, shews, — That John Hinton, now re-
siding in the State of North-Carolina, was, on the day of Ja-
nuary 1793 in the s^d County of ~~Southampton~~ Hansemond, indebted
unto him in the sum of £86.17.3 of lawful money of Virginia; being
~~the balance of a debt due from the s^d Hinton to the Complainant~~
for divers goods wares and merchandize sold and delivered, and money
advanced and paid, in the s^d County of Hansemond, before that time, by
the Complainant to the s^d Hinton at his special instance — That the
s^d Hinton, being so indebted, and intending to defraud and injure the
Complainant, ^{since the afore-mentioned period} has entirely withdrawn himself from this Commonwealth,
and without the power of the Courts of common law thereof, leaving the
s^d £86.17.3 still due and unpaid to the Complainant — and that
the s^d Hinton, availing himself of his absence from this Commonwealth,
has not paid, and refuses to pay the s^d £86.17.3 or any part thereof to
the Complainant — And the Complainant further shews, — That he
has lately, and since the departure of the said Hinton from this Common-
wealth, fortunately discovered, that a certain William Baykin, of
the s^d County of Southampton, is indebted to the s^d Hinton in the
sum of £ or thereabouts. — In tender consi-
deration whereof, and for as much as the Complainant is only
and properly relievable in the premises in a Court of Chancery —
and to the end that the s^d John Hinton and William Baykin,
who have confederated and combined together in order to defraud and
injure the Complainant in the premises, may, severally and re-
spectively, upon their corporal oaths, true and perfect answers make
to all and each of the allegations, circumstances, matters, and things herein
alleged and set forth, as fully and particularly as if the same were
herein again repeated and interrogated, — but more especially that
they may set forth and discover, — Whether there be a debt due
as afore-mentioned, from the s^d William Baykin to the said John
Hinton? — If there be such a debt, what is the true amount
thereof? — and when and in what manner is the same payable? —
Whether the s^d Baykin has in his possession any goods or property of
the s^d Hinton? — and if he has, — In what do the same consist,
and what is the value thereof? — And that the s^d Baykin, by an
order of this Court, may be enjoined and restrained from paying or convey-
ing

away, or secreting all or any part of the money due and
owing from him to the s^d. Hinton, or all or any part of the goods and
property, now in the possession of the s^d. Baykin, and belonging to the
s^d. Hinton, or so much of the s^d. money, goods, and property, in the
hands of the s^d. Baykin, as to this Court may seem necessary for se-
curing and paying the s^d. £86.17.3 due as afores^d from the s^d. Hinton
to the Complainant, until ~~the said Hinton shall have paid the said debt~~
shall be fully paid and satisfied for the said £86.17.3 with lawful interest thereon
to the Complainant, or until this Court shall make some farther
order and decree respecting the ~~debt~~ same — And that, if
the s^d. Hinton shall fail to enter his appearance as a Defendant to this
bill of complaint agreeably to the rules of this Court, or to do so after
having been duly ^{and notified} warned thereof pursuant to the Act of the General
Assembly of this Commonwealth for such cases made and provided,
and to pay the afore-mentioned £86.17.3 with interest thereon after
the rate of five p^{er} Ct. per annum from the s^d. day of Janu-
ary 1793, to the Complainant, or give sufficient security for the
~~performance~~ performance of such decree as this Court may think proper
to give respecting the premises, — the Complainant may ~~obtain~~ pay-
ment of a decree of this Court against the said John Hinton for
~~the debt of £86.17.3 with interest thereon~~ the s^d. debt of £86.17.3 with interest thereon
as afores^d and may obtain payment of and satisfaction for the same out
of the money, goods, and property of the s^d. Hinton in the hands of the s^d.
Baykin, or so far as the same will admit, by such way or means
as to this Court may appear just and proper — And that the Complain-
ant may have such other and farther relief as the nature of his
case may require, and to this Court may seem meet and proper —
May it please your Worships to grant unto the Complainant the
Commonwealth's writ or writs of subpoena directed to the s^d. John
Hinton and William Baykin, commanding them, at a certain day and
under a certain penalty, personally to be and appear before your
worships in this Court, then and there to answer the premises, and to
stand to and abide by such order, direction, and decree therein as to
your worships may seem meet and just —

Merib M. Robinson,

for the Complt

Stott

vs

Boykin

Interlocu-
tory order

Novbr. 1793.

Decided
Henry Baggin Mth

Southampton August Session 1793

Watson Platt

Plaintiff

against

John Hinton and William Boykin Defendants

In Chancery

Ordered that the defendant Boykin retain in his hands whatever money or effects, not exceeding one hundred pounds, which may be due or owing from him to the defendant John Hinton untill further orders from this court.

A Copy Teste

Jn: D. Hauffmann D.C.

The suit by the within process commenced, so far as it relates
to the within mentioned William Boykin is in order to attach
in the hands of the said William Boykin whatever money (not
exceeding £ 87. 18. 10) may be owing from him to the within
mentioned John Hinton & in order to secure the payment of
a debt due from the said John Hinton to the
in the said suit, or untill the court shall make some
order respecting the same.

Ja: D Haapsmann. Hob

Wm Boykin

Received

to May 1793.
Hob. 1793 assigned by
order of the court

Hinton & Boykin
Ja in
Hob

THE Commonwealth of Virginia to the sheriff of *Southampton* county,
greeting: You are hereby commanded to summon *John Hinton and*
Wm. Aykin

to appear before the Justices of our said county court of *Southampton* at the
courthouse, on the *2nd Thursday in May next* — ~~to testify and~~
~~the truth to say in behalf of~~
~~in a certain matter of controversy in our said court, before our said Justices de-~~
~~pending and undetermined between~~ *to answer a bill in chancery,*
against *them by Watson Roll wherryman*

shall in no wise omit, under the penalty of 100l. each And have
this writ. Witness *Saml. W. Ho* Clerk of our said Court, at
the aforesaid, this *14th* day of *March* 1793 in the *14th*
Commonwealth.

John D. Ho *and H. b*

County of Southampton, to wit,

William Cruchlow
made oath before me Robert Mabry — a
Justice of the peace for the said County, that John
Hinton is an inhabitant of the State of
North-Carolina — Given under my hand
this 9th of August Anno Dom. 1793

Rob^t Mabry