

1804-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MABRY VS BOYKIN

6/1804

other surnames: Rogers, Lundy,
Clifton

To the worshipful the Justices of the County Court of Southampton in
Chancery sitting humbly complaining, shew to yr. wisdoms
your orator, Robert Mabry, that some time in the year of
your orator being then acting as the high Shff. of 1st County, that
an execution came into his hands, on a Judgt. record,
in behalf of William Boykin vs John Rogers & James Lundy
for the sum of £93.15.8. - Int. cost & included as
will more fully appear on an inspection of the records of
this Court - That upon the execution this in your orator
hands, the said Boykin, who is now pr^{ty} a defend^r to this
Bill, had created, the sum of £28.15. - Interest amounting
to £10.13.3. on acct of an execution Boykin vs Rogers, as
will more fully appear - That your orator also did pay the
part discharge of 1st Execution, pay to said Boykin the
sum of £19.8.10. - also the sum of £4.18.5. - so much
being the amt of 2nd Rogers Commission, in his capacity
of high Shff. in consequence of an execution Boykin vs
Lundy, which the 1st defend^r absolutely agreed to settle
in this manner. - That the 1st Shff. was further
debted to your orator in the sum of £20.4.5. -
so much being due your orator from 1st Shff. on acct
of his ^{and others for whom he was responsible} taxes, &c. - All of which will more clearly appear
in a reference to the statement hereto filed pr^{ty} a
part of your orator's bill - That it will then appear from
the said statement that your orator was at the time of of the
execution of 1st Execution only indebted to 1st
defend^r in the sum of £9.15. - Nevertheless the 1st defend^r
in full discharge to the 1st Shff. as, &c.

appeared your order in this respect. — ~~My answer against~~
 (your order having duly returned the 1st Execution satisfactory,
 "now, I obtained against him a Judgment in full for amount of
 Execution, I obtained legal recovery, ~~against him~~ by
 reason of his failure to pay the same agreeable to
 J. Return without allowing your order any credit, ~~therein~~
 on act of the same agreeable to the statement, or ~~order~~
^{your order at that time being unable to substantiate said credit}
 amount — In tender consideration therefore to the end that
 that the said debt may fully & true answer make to
 the premises or fully as if again repeated, on his oath,
 oath — Your order being revocable, except in a
 Court of equity — your order therefore being, that your
 writs be with injunction ~~against~~ ^{the} J. & J. Debt
^{but} ~~the~~ ^{the} amount to the ~~of~~ £9.15.8.

I make such order & decree as may be equitable
 Right — I further pray — &c.

In om to in court

J. W. Llo

Amey

Mary
 Mary
 Mary

Deem agreed

4/10/1804

27/1/1804

Deputy

Deputy

William Boykin } on Fip^a or a Judgment
 or
 John Rogers & James Lundy

Debt.	£61. 11. 3
Interest from 15 th Dec ^r 1788 to 12 th Jan ^y 1799.	31. 0. 9
	<u>£92. 12. 0</u>
Cost.	1. 3. 8
	<u>£93. 15. 8</u>

6th

1791

Aug^r By p^r John Limmon late M^r £28. 75. 0 -

By Int. to 12th Jan^y 1799. . . . 10. 13. 3

By Rogers Acct. on former
 Execution or Cliftors for } 4. 10. 5
 Commission &c. included in
 reply by Bond

1799

Jan^y 21 By paid M^r Boykin by } 19. 0. 10^½ £63. 15. 6^½
 Rogers

due Boykin 12th Jan^y 1799 £30. 0. 1^½

Capt. M^r Boykin, was then is now owing
 A^d Mabry for tax's &c. 67th Dec^r 41 Cents which } £20. 4. 5^½
 is to be deducted from the above ballance equal to £9. 15. 0

Know all men by these presents that we Robt Mabry
of the County of ~~Calaveras~~ ^{San Jose}
are held firmly bound unto ~~Calaveras~~ ^{Mr Baykin}
~~Calaveras~~ ^{in the sum of five hundred dollars}
to which payment well truly to be
made to the said Baykin — his heirs & assigns
administrators we bind our selves & each of us our and each
of our heirs & assigns & administrators jointly & severally firmly
by these presents sealed with our seals & dated this
18th day of ^{Oct} Anno Domini 1802 & in the 27th year of
the Com m our wealth

The Condition of this obligation is such that Whereas the
^{Baykin} hath obtained a judgment at Common Law against the
s^d Mabry
for the sum of

£130⁰⁰ — & whereas the above bound
Mabry hath obtained an injunction to
stay the proceedings on the s^d judgment until the matter
thereof in equity on a bill filed for that purpose can be
heard now if the s^d Mabry
shall well & truly pay or cause to be paid unto the s^d
Baykin the s^d judgment ^{Costs} & all ~~and~~ damages & costs
as shall or may arise in case the s^d bill shall be
disposed then this obligation to be void or else to
remain in full force & virtue

Sealed & delivered
in presence of
Shello

Robt Mabry
James Lee