

1808-031

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SCOTT

VS. BOYKIN

2/1808

other SURNames: Boykin, Blunt,
Kello

Scott ^{No 191}
n.
Boykin *Sp/2*
Chie
Jan. 9 / 1808.
B given here filed & rule
Liby Rule to answer

In the honorable Court of Southampton County in
Chancery ~~being~~ sitting. Humbly complaining sheweth
unto your worships your orator Theophilus Scott
that on the day of a certain William Boykin
obtained a Judgment against him in the County Court
of Southampton for the sum of twenty three pounds
that shillings six pence with interest at 6 p cent
thereon from the 18th day of June 1804 till paid
and \$8.26 costs - that a writ of fieri facias
issued thereon and in order to redeem the property
~~since~~ taken by the Sheriff by virtue thereof your
orator executed his forthcoming or delivery bond, where
on the principal sum due was thirty pounds, nine
shillings and nine pence. Here your orator
being caused to represent to the Court that on the
17th day of November 1806 he paid to Robert Mabry
the High Sheriff of the County of Southampton the sum
of eight pounds two shillings in discharge of the
~~same~~ ~~Execution~~ and that on the 17th day of
February 1807 he paid to the said Mabry
other sum of ~~the sum of~~ twelve pounds two
shillings ~~in~~ towards the discharge of the
above mentioned execution, thereby reducing
the same to the sum of Eleven pounds twelve shillings
your orator further represents to your Worships
that on the day of April a certain
Samuel Blunt paid to the said Robert Mabry

as a further relinquishment of the said Execution
the sum of Seven pounds fifteen shillings & two
pence and that on the Day of
a certain Samuel Kello paid to the said Mary
~~the sum of~~ ^{twelve the same Debt} Ten Dollars, thereby re-
ducing the amount due from your order to
the before mentioned William Boykin to the sum
of four pounds and four pence three farthings.
Your order moreover states that no credit
has been given to him on the Execution for
the two last mentioned payments, but that his
property is now actually seized and in possession
of the Sheriff to make the sum of fifteen pounds

which is contrary
to Equity. In tender consideration whereof I
range relief can only be had in a Court
of Equity, where matters of fraud, trust, mistake
and other are properly cognizable, your order
may that the said William Boykin may be made
defendant to this ~~bill~~ bill I be compelled on
his corporal oath to answer all & singular the
contents of the same fully perfectly & unreservedly
it may it further please the Court to enjoin
the said Boykin, his agents & attorneys to show
cause for their proceeding on the execution ~~which~~

~~which~~ caught on to the sum. really did
& grant any other & general relief which may
be applicable - And your orator will ever

Southampton T. Williams Still for Compt

1808 Jan. 18. This day Theophilus Scott appeared before me
Samuel L. Whent a justice of the peace for this county
and made oath to the allegations contained in the
 foregoing Bill

Samuel L. Whent

76
Theophilus Scott
in } Inj Spas as
} to £100 lb
Wm Boykin

For £100 10 0
the
Feb 15. 1813. exc.
of Elias Hummell
agent for William
Boykin & the said
Boykin no Inhabitants
Am. Sweetshop

The commonwealth of Virginia to the sheriff of Southampton
Wm Baykin and to his counsellors agents & every of them greeting
Whereas Theophilus Scott hath obtained an injunction to stay
proceedings of a judge at common law obtained of him
by Wm Baykin ~~for~~ the sum of £30. 19. 9 & 1/2 cents
and hath prayed us to grant him an writ or writs of injunction ~~subpoena~~
and hath entered into bond with ~~us~~ ^{us} There are therefore

to command you the said Sheriff Wm Baykin his counsellors
agents & every of them ^{absolutely} to desist from all further proceedings
^{at common} on the said judge as to ten pounds ten shillings part
thereof untill the matter thereof can be ^{heard in equity} ~~decided~~ by
a bill filed for that purpose Whereof Sam Kello
clerk of our said court at the Ct house the 18 day of
Jan'y 1808 and 32 year of the Commonwealth
Sam Kello

Very

my hand

Know all men by these presents that we Theophilus Scott —
Benj Delt

are held and firmly bound unto

William Baykin — in the sum of twenty one
pounds to which payt well & truly to be made to the
said William Baykin — his heirs executors & admors —
jointly and severally firmly by these presents sealed with
our seals & dated this 18 day of Jan^y anno Domini 1807

The Condition of this obligation is such that ~~whereas~~
whereas the said Wm Baykin — hath obtained a judgment at
Common law against the said ~~Benj Delt~~ Theo Scott —
for the sum of thirty pounds 19^l 9^s — and Costs & whereas
the above bound Theophilus Scott — hath obtained an in
junction to stay the proceedings on the said Judgment
as to ten pounds ten shillings part thereof
until the matter thereof in equity on a bill filed
for that purpose can be heard, now if the said Theo Scott
shall well and truly pay or cause to be paid unto the said
Wm Baykin — the aforesaid judgment & Costs and
all damages & Costs that shall or may arise in case the
said ^{bill} shall be dissolved then this obligation to be void or
else to remain in full force & virtue

Sealed and ~~delivered~~ delivered
in presence of
Sam Helle

Theo. Scott Seal
his
Benj Delt Seal
mark
Seal