

1821-016

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BOON VS. BOON'S EXECUTOR

3/1821

other surnames: Stephenson,
Hill, Lile, Liles

Boon
in 3 Bill by.
Boons ad

June 21. 1814
Bond given by granted full
Filed rule to answer

Answer filed

per ch. up. to Feb'y 1821

March 1821 Dismissed at—
Defts Costs—

To the Worshipful Court of Southampton County in Chancery sitting - Humbly
complaining sheweth unto your worships your orator James Boon, that
at the present term of this Court, an award of Execution has been
rendered against him and a certain William Hill his Security, on
a forthcoming bond executed of them on the 14th day of April 1814
to Jacob Lile Esq of Allen Boon decd, for the sum of \$59.11.10

& the costs _____ as will fully appear by an attested
copy of the said award of Execution hereto annexed and to which
your worships are referred as a part of this bill - Your
orator further states to your worships that he has a private account
against the said Allen Boon for the sum of \$3.14.1, which is justly due
to him ~~for~~ which he would have made ~~made~~ entitled as an offset
upon the trial at law, if he had not been prevented from
attending of severe illness, which confined him to his house - Your
orator also states to your worships, that he ~~has a just claim~~
~~against the said Allen Boon~~ is the Executor of a certain Bartho-
lomeus Boon decd, and in that character has a just claim ^{with considerable interest} against
the said Allen Boon for the sum of \$179.12 ² - being the said Bar-
tholomeus Boon's distributable proportion of the estate of a certain
Thomas Boon decd, of which the said Allen Boon was administrator -

Yet notwithstanding the aforesaid claims, which your orator lay
against the said Allen Boon decd, which, with ~~the~~ the interest
which has accrued upon them, are considerably more than the amount
of the said forthcoming bond, upon which an award of Execution
has been rendered as aforesaid, without the interposition of your
~~and~~ worships, your ~~orator~~ orator will be ~~unjustly~~ harassed by an
Execution at the instance of the said Jacob Lile, Esq. of the said
Allen Boon decd, who is moved to be made Defendant to this bill -
In tender consideration whereof & because matters of this sort are

his party alone receivable in a Court of Equity, to the end therefore
that the said Jacob like Exr. of the said Allen Boon decd, may be
compelled, on his corporal oath, full, true & perfect ^{answer} to make
to all singular the allegations of this bill, that your worshipps will
again the said Jacob like Exr. as aforesaid, his agents, the Sheriff,
sell others from further proceeding on the award of ^{Equity} ~~Equity~~
rendered upon the forthcoming bond aforesaid, untill the matters
of this bill, are fully heard & determined in Equity, that the
said Jacob like Exr. as aforesaid may be compelled to render
before the Commissioners of this Court, an account of the said
Allen Boons administration upon the testate of the said Thomas
Boon decd, that the said injunction may be thereupon perpetuated
& any other & general relief granted in the premises consistent with
Equity & good conscience, may it please the Court to grant
the former with the writ of Subpoena & Injunction commanding
J^c and as in duty bound your actor will ever pray &c

Sh^{ts} for Compt^t

June 24 1814

Shown to in court

Auto Sam Kells &c

Boonabon-

adm } annu.
Boon }

August 18/4 ansⁿ
Filed

To the honorable Court of Southampton in Chancery sitting

The answer of Jacob Liles executor of Allen Boon
due to the bill of Injunction exhibited against ^{him} James Boon

This respondent now and at all times saving
and reserving to himself all and every benefit of exception ~~to~~
to any error imperfections or mistakements in the complainants
bill contained for answer thereto or to some of them as he
is advised is material and necessary for him to make answer
unto, answering saith. That after the death of his tutor the
specialty where where the judgment against the complainant
was rendered (and attested copy of which is hereto annexed
and prayed to be considered a part of this answer) came
into his possession and he proceeded to recover the same
in a regular and legal way. That he never was apprised
of any claim which the complainant as the representative
of Bartholomew Boon dead had against this respondent's
tutor as the representative of Thomas Boon deceased
since the injunction has been awarded by this honorable
Court to stay further proceedings upon the judgment
obtained at law upon the aforesaid specialty. Your
respondent supposes that it would not be unreasonable
to infer from the silence of the complainant upon this
subject, that the claim which he now pretends to set
up against your respondent's tutor's estate has been
long since settled and adjusted between the complainant
and your respondent's tutor. And this presumption is
strongly fortified by the circumstances which your

respondent has been briefly to state. Thomas Boon
departed this life sometime (as your respondent believes)
in the year eighteen hundred and two. Bartholomew
Boon died in the year 1804 or 5. The note on which appears
from the attested copy hereto annexed bears date 15 Sept
1800. It would certainly have been an act of great
folly in the complainant to have executed his note
to Allen Boon for the payment of money at a time
when he must have known (if his own statement
be correct) that Allen Boon was considerably indebted
to him. Inexpensive of these circumstances which
amount almost to conclusive testimony to prove that
the complainant's claim as set out in his bill in relation
to Thomas Boon's estate ~~is not~~ has long since been settled,
your respondent has been credibly informed and believes
he shall be able to prove that the complainant
and Allen Boon in his lifetime, had a final settlement
of all their transactions, and that the specialty
upon which this judgment was obtained was
given for the balance found to be due to Allen
Boon. As to the amount of £3.14.1 your respondent
knows nothing of its justice, but supposes it must have
been settled if it ever were really due. and that if
ever was justly due the complainant will be required
to prove in a legal way - your ^{respondent} having answered may
that the injunction awarded the complainant by
this honorable court may be dissolved, and that
he may be permitted to receive the amount of his

judgment at law. And he further prays that he may
be hence dismissed with his costs in this behalf most
unjustly sustained and hence &c -
Jacob Selig

This day Jacob Selig this day personally appeared before me a
justice of the peace for the County of Southampton and made
oath to the truth of the foregoing answer. Given under
my hand this 15 day of Aug, 1814 -

Geo Gurley J

Virginia Southampton County

The Commonwealth of Virginia to Lemor
Boykin and Silas Summerville Gentlemen ~~Justices~~
the peace for the county of Southampton ~~Justices~~
Gentlemen. Greeting. Know ye that we trusting to your
fidelity and provident circumspection in diligently
examining Robert Stephenson ~~_____~~
witness as well on behalf of James Boon, ^{plk} as on behalf
of Jacob Sils executor of Allen Boon Deft in an
injunctive now depending and undetermined in our
County Court of Southampton aforesaid, do command
you that you that you call and cause to come before
you the witnesses aforesaid when and where you shall
appoint and diligently examine him on the holy
evangelist of almighty Gods and his examinations so
taken into our Court of our said county that you
send without delay enclosed returning to us also this
writ. Witness James Rochelle Clerk of our said
court at his office the 6th day of January 1855 and
39th year of the commonwealth

J. Rochelle

Mr James Boon

10th March 1815

I do Take notice I shall on the twentieth
Day of the present month at Lewis P
Harts Tavern in the Town of Jerusalem
Proceed to take the affidavit of Robert
Stephenson & others before the hour of 10
o'clock in the morning and 7 o'clock in
the Evening of that Day to be read as
Evidence in an injunction depending
in Southampton County Court between
yourself Complainant and myself & of Allen
Boon De Defendant when and where you
may attend if you think proper.

James Siler

Mathias Roon this day personally appeared
before me and made oath that he delivered
to James Roon a ~~Manuscript of the~~ the
within is a true copy written 10 of March
1815. Given under my hand this 20th
day of March 1815. Silas Lumma

The Clerk of Southampton
County Court

permanant to an order of Southampton Sannary Court 1815 to

Take the deposition of Robert Stephenson in behalf of
the said inclosure in an injunction depending in Litch County Court between
Jacob Liles Exor. of Allen Boon dec'd & against James Boon
Plaintiff and the said Jacob Liles Exor. of Allen Boon dec'd
& we the undersigned Justices of the aforesaid County met

at the Tavern of Lewis P. Hart in the Town of

Lewistown on the 20 March 1815. between the hours of
in the morning - in the evening / due notice having been provided as annexed
10 & 7 & O'clock, by the said Robert Stephenson deposed that

the above
sayeth, That on the 15th Sept 1810, that James Boon sent
for him to his House to make a settlement between
him and the above ~~Allen Boon~~ Allen Boon, dec'd. and after
drawing up each of their accounts in found a balance
due Allen Boon dec'd. of Twenty one pounds thirteen
shillings & four pence half penny - which the said
James Boon gave his note for payable to the
said Allen, and the said Boon gave receipts to each
other, And this deponent further saith that he attested
the annexed receipt given by James Boon to Allen Boon
wherein he acknowledged get to have said of Allen Boon
his proportionable part of the Boon dec'd estate
in full which receipt bears date Sept 15th 1810.

Robert Stephenson

Sworn to before us this 20th day of March 1815

J. D. Boykin
Silas Sumner

1809	The estate of Allen ^{Deceased} Dr	1	1	0
	To James Boon Dr			
	To 1 Selling Book a $2\frac{2}{3}$	0	2	3
1811	To three Barrels & one third Corn a - $12\frac{1}{2}$ ^{ppm} Barrels for rent of five thousand corn with -	2		
	To 1 hundred & fifty pounds of corn a $4\frac{1}{6}$ ^{ppm} hundred -		6	9
1806	To his part of dividing the Land of Bartholomew Boon ^{Deceased}	1	0	10
1811	To 1 Sider Barrel a $5\frac{1}{2}$		5	
		3	14	10
			12	
	By 39 panels fence 12/	2	2	10
	To $\frac{1}{2}$ gallons of honey a $\frac{1}{2}$ ^{ppm}		11	3
	Balance Due	3	14	1

26 Feb'y 1844 The Justness of the
within acc^t has been to before me
Yours
G. J. J.

Injunction Bond

Know all men by these presents that we James Boon and
Wm Hill — — are held and firmly bound unto Jacob Liles Surg
exr of Allen Boon in the just and full sum of ~~two hundred~~ ~~four~~ dollars
to which payment well and truly to be made unto the said Jacob Liles
a sm: as aforesaid heirs, executors, administrators and assigns, we bind our-
selves, our heirs, executors, administrators and assigns jointly and severally firmly
by these presents sealed with our seals and dated this 22 day of June
one thousand eight hundred and fourteen

The condition of this obligation is such that whereas the above
bound James Boon — — obtained from the ~~chancery~~ ^{County} court of
~~W. Southampton~~ injunction to stay the proceedings on a judgement obtain-
ed by Jacob Liles Surg exr Allen Boon and of James
Boon for twenty nine pounds fifteen shillings and eleven pence half penny
and in from 14 April 1814 till paid costs by motion on a fork coming
or delivery until the further order of the said ~~County~~ ^{County Court}
court, now if the said James Boon — — shall well and truly pay
and satisfy the said judgement, and all such damages and costs as shall be
awarded against the said James Boon — — by the ~~chancery~~ ^{County}
court, in case the injunction aforesaid shall be dissolved, then the above obliga-
tion to be void else to remain in full force and virtue

Sealed and delivered
in the presence of

}

James ^{his} Boon

William Hill

Seal

Seal

Southampton county to wit

the within named Wm Hill

this day personally appeared before me
a Justice of the peace for the county aforesaid, and made oath, that
his personal ~~assets~~ ^{the payments of} other all his just debts is worth two hundred
~~and fifty~~ dollars

Given under my hand this day of one thousand
eight hundred and

Windsor, N.C.
29th Feb.

The Clerk of Southampton
County

mail

Va

Murphysboro Feb. 7 28. 1820

Dr Sir I married to you at Court respecting
of a receipt that was given by James Boon
to Allen Boon it is among the Chancery
papers sealed to Robert ~~you will please to take~~
~~Stephenson~~ Deposition you may take it from
the Deposition or enclose all together the
receipt is all the paper I want the Deposition
was filed by James Boon & Jacob Peaslee
of A. Boon I want you to enclose them
immediately to Murphysboro post office
and any trouble that you are at, I will
satisfy you for on sight your Obedient Servant

with respect

W. Jas. Peaslee

Jacob Peaslee