

1833-040

Chancery Papers, Booth vs Booth

4/1833

Southampton County

other SURNAMES, MORRIS

Booth

in 3 Papers

Booth

1833 Jan'y 21 Will filed and
Executio sspe. if B.

- App. Dismissed

Booth

to E. B. Lee

Booth

January 25/1933-

of our said Slaves, the Sheriff is to have them out subject to the future
order of the Court, taking bond of security for the same: But if our
bond be given, then the Sheriff is to return the said Slaves to the possession
of the party from whom they were taken. One of the defendants shall
desire only to obtain possession of part of the Slaves he may so by
or some other persons
in custody with security on a bond or a penalty equal to
be the value thereof, or the value thereof.

And to ascertain the value of the said Slaves, the Sheriff may
take the affidavit of any person, or two or more credible
persons.

In the Court of the General Sessions
of the County of
Southampton

Robert Taylor
New-Land 14th 1833

To The Honorable Robert B. Taylor judge of The circuit
Superior court of Law & Chancery for The county
of Southampton

Yr Grator Peter Booth Respect
fully ~~complaining~~ complaining sheweth to yr Honor
That his Father John Booth died sometime in The
year of Leaving several children yr Grator being
at the time of his Fathers death an infant of ten or
age & That he was entitled by distribution of his Fath
ers estate to a small piece of Land & several Slaves
Yr Grator further says That he resided with his Bro
ther Henry Booth in The county of Sussex where act
ed as his Guardian & had the controul of his
estate and he further shews unto yr Honor That
in The month of June 1832 Yr Grator being on The eve
of marriage The said Henry his Brother by sundry
false & deceptive practices induced him to make
as he stated (and falsely as will hereafter appear) a
Deed of Trust to secure to himself the use & benefit
of his property against any claim which his
wife that he was about to take could have on it

by reason of such marriage and yr Grator says in
fact that he knew nothing of the contents of the
said Deed made to his Brother Henry aforesaid
nor did he understand the meaning intention or
effect thereof, a copy of the said deed is
here with filed & prayed to be taken as a part
of this bill and yr Grator says that in a very short
time after the signing the said deed he contracted
marriage with a certain Lucy ^{Morris} ~~son~~ of the county
of Dupont of Respectable Family & standing in society &
although yr Grator was frequently solicited by his
Brother to execute a conveyance to him to keep his
property in trust for him yet he always refused
to do it until the day before his marriage he execu-
ted the deed aforesaid then King & believing it was
to secure to him & his wife as he was so informed by
his Brother Henry the use & benefit of the slaves
therein expressed & yr Grator says that after the
marriage he applied to his Brother Henry for his
slaves & was then first apprised that he had a
conveyance them to him for his own use & benefit &
that he the said Henry would not give them up

and after repeated solicitations on the part of yr
Grator to his said Brother for the possession of
the said slaves or the benefit arising from their labour
he & his Family being unable to obtain want by
the fraudulent obtaining & illegal retention of the
same by the said Henry Booth from the rightful
possession of yr Grator. Yr Grator being thus
thoroughly apprised of his right by the said
Henry Booth as will more fully appear hereafter
commenced his suit & the said Henry Booth to
recover possession of the slaves aforesaid which
suit is now pending in the Circuit Superior
Court of Law & Chancery for the county of
Southampton and since the commencement of
said suit yr Grator having just grounds to
believe from the remarks of the said Henry
that he will sell or remove the slaves then sought
to be recovered and in which event the said H
enry would be unable to satisfy yr Grator for
the same on the event (of which yr Grator can entertain
no doubt) of the said deed being set aside as

fraudulent & of no effect. for & in consideration
of the premises yr. Obedt pray, That the said
Henry Booth may be enjoined from selling convey-
ing away or otherwise removing or disposing of
the said Slaves in the Land aforesaid mentioned
untill the determination of the suit aforesaid
and for such further & general relief as to
yr. Honour may seem expedient in this behalf
& for which he will answer & pay
Peter & Booth
moth

I sworn to & subscribed before me this 9th of
January 1833

N. M. Selwell J. P.

On this 9th of Jan, on some other responsible person, entering into a bond with
sufficient security, in the penalty of Five hundred dollars payable to me
defendant, a condition to satisfy & pay all costs & damages which
may be assessed against him for giving and that by whatever, should it
be deformed, ^{to the satisfaction of my witnesses} the defendant the agents, & all others claiming under him from
any and every removal of ^{persons} ~~persons~~ to be removed out of the State, the Slaves
Booth, Slaves, & all other named in the deed of Peter Booth to Henry
Booth residing in the City of St. Hampton late in default to
take possession of the Slaves, & within the day or some responsible person
his behalf, & shall enter into bond with good & sufficient security, payable
to the plaintiff in a penalty equal to double the value of the said Slaves
conditions not to remove, or attempt to be removed out of the State, the

Booth

2 { Spa + Lyon

Booth

12/30

2.50

13/45

3.75

2.50

60

6.85

In February Rules 1833.

Executed and
by virtue of the writs of 500

to me directed I have taken

The slave Willis, Stepmay

and arising into my prop-

sition, and hired them

to Lewis St. Branch

and taken bond and

Security for their hires.

The defendant Henry

Booth refused to give

bond and Security as

required. —

Edw. D. Rutledge J.

Clerk Newcourt

THE COMMONWEALTH OF VIRGINIA:

To the Sheriff of Southampton County--Greeting:

We command you that you summon *Henry Booth* -

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery, for the County of Southampton, at the Rules to be holden for said Court, on the first Monday in *February next* - to answer a bill in Chancery, exhibited against *him* in the said Court, by *Peter Booth*

And unless the said Defendant shall answer the said bill within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly; and this *he* shall in no wise omit under the penalty of 100l.

And have then there this writ: Witness, JAMES ROCHELLE, Clerk of our said Court, at the Courthouse, this *21st* day of *January* 1833, and in the *5th* year of the Commonwealth.

James Rochelle lib

To restrain the defendant his agents and all others claiming under him from removing or permitting out of the State, the slaves *Willis, Stephen and Arveney* named in the bill of *Peter Booth* to *Henry Booth* referred to in the bill, and the Sheriff of Southampton County is directed to take possession of the Slaves, and unless the defendant or some responsible person on his behalf shall within twenty days enter into bond with good and sufficient Security payable to the plaintiff in a penalty equal to double the value of the said Slaves conditioned not to remove or permit to be removed out of the State the aforesaid Slaves, the Sheriff is to hire them out subject to the future order of the Court, taking bond Security for the hires. But if such bond be given then the Sheriff is to restore the said Slaves to the possession of the party from whom they were taken. And if the defendant shall desire only to obtain possession of part of the Slaves he may do so by his executing or some responsible person executing with Security as aforesaid a bond in a penalty equal to double the value thereof with like condition. And to ascertain the value of the said Slaves, the Sheriff may take the affidavit of any disinterested freeholder or other credible person.

Teste James Rochelle lib

Booth

23,

Booth

Jan. 21/1833.

Know all men by these presents that I Peter Booth of the County of Southampton and State of Virginia for and in consideration of the Natural Love and Affection which I bear to Henry Booth of the County and State aforesaid as well as for the further Consideration of One dollar to me in hand paid by the said H Booth at or before the enclosing and delivering of these presents the receipt whereof is hereby acknowledged have given and granted and by these presents do give and grant unto the said H Booth his Executors administrators and assigns two negro men to wit Willis and Stepney and One negro woman by the name of Aranny To have and to hold the said Willis Stepney and Aranny unto him the said H Booth his Executors administrators and assigns forever and the said Peter Booth for himself his Executors and administrators the said Willis ^{and} Stepney Aranny unto the said H Booth his Executors administrators and assigns against the Claim of him the said P Booth his Executors and administrators and against the Claim or Claims of all and every person or persons whatsoever shall and well warrant and forever defend them by these presents. In witness whereof I have hereunto set my Hand and Seal this twentieth day of June Eighteen hundred and thirty Two.

Eduwin Davis
Catharine Davis
Edwin S Davis

P^r ^{his} Peter + Booth Seal
mark

Somerset County In the Clerk's Office the 17th day of September 1832
The said Bill of Sale was proved by the oath of Eduwin Davis, Catharine Davis
and Edwin S Davis the Metropostheris and a minute to Record And
at a Court held for the County aforesaid the 15th day of October 1832 The said
Bill of Sale was introduced upon the proceedings of the day -

Teste James Rochelle Ck
A Copy Teste
James Rochelle Ck

Booth

To E. Bond

Booth

January 21/1833.

Know all men by these presents that we Peter Booth & Henry Ellis
are held and firmly bound unto
Henry Booth in the just and full sum of five hundred dollars, to the
payment whereof well and truly to be made to the said Henry Booth his certain
attorney his Executors, administrators or assigns, we bind ourselves our heirs
Executors and administrators jointly and severally firmly by these presents
Sealed with our Seals and dated this 21st day of January 1833.

The Condition of the above obligation is such that whereas the above bound
Peter Booth hath sued out of the Clerk's Office of the Circuit Superior Court
of Law and Chancery for the County of Southampton an Injunction restraining
the above named Henry Booth his agents and all others claiming under
him from removing or permitting to be removed from the Commonwealth of
Virginia certain Slaves to wit Willis, Stephen and Arney named in a
Deed from Peter Booth to Henry Booth like the order of the Court to the
contrary. Now if the said Peter Booth shall satisfy and pay to the said
Henry Booth all costs and damages which may be awarded against him
the said Peter Booth for suing out the said Injunction in case the
same be dissolved then this obligation to be void other to remain in full
force and effect.

Witness
J. H. Gray

Peter ^{his} & Booth ^{mark} Seal
Henry Ellis Seal
Seal

CHANCERY CAUSES
DECIDED

1833

Chancery Causes
Decided

1833