

Liber E Smalwood against Martha Lewgar Administratrix of the Goods & Chattells of John Lewgar decd:

Richard Dod Came & appeared to prosecute his Suite Comenced against James Hayes in a plea of trespasse upon the Case.

James Hayes likewise likewise came & appeared to defend the Suite Comenced against him by Richard Dod as aforesaid

whereupon the Said Richard preferred this declaration as foff  
 whereupon the Said Richard Complaineth against the Said James for that whereas Sometime in march last past the Said James Hayes did assume & Faithfully promise unto the Said Richard Dod that in Case the Said Richard would forbear the Said James Six hundred pounds of tobaccoe and Charges which the Said Richard then obeyned order of Court for in the Court held for this County in march last untill the next Crop of Tobaccoe Should be made that then he would pay unto the Said Richard the Sume of the Said 600<sup>th</sup> tobaccoe with all the Charges accrued by the Said order notwithstanding which s<sup>d</sup> forbearance by the Said Richard th<sup>e</sup> Said James his Said promise & assumption little minding or regarding but fraudulently intending him the Said Richard of the Said Sume of 600<sup>th</sup> tobaccoe to deceive & Charges the Said Sume hath not as yet payd & doth altogether refuse to pay the same to the damage of him the Said Richard 1500<sup>th</sup> tobaccoe & thereupon he bringeth his Suite &c

And to prove this his declaracon he produced these Ensueing Evidences

Thomas Baker aged forty eight yeares or thereabouts Sworne & Examined in open Court Saith

That sometime In march last James Hay & Meverell Hulse coming to the house of this deponent the Said Hayes Told him the s<sup>d</sup> Deponent that he came then from Richard Dod and that he had made a finall agreement with the Said Dod & was to pay him the quantity of 600<sup>th</sup> tobaccoe with Court charges this p̄sent Crop & farther Saith not.

Meverell Hulse aged about 40 yeares or thereabouts Sworne & Examined in open Court Saith that he this deponent heard James Hayes promise & assume on himselfe to Satisfye a Judgement of Court obtained by Richard Dod against him the S<sup>d</sup> James for 600<sup>th</sup> of Tobaccoe & Charges in Consideracon that the said Richard would forbear him till the present Crop & further Saith not.

Whereupon the Defendant craved a Reference till the next Court which was granted.

Bennet Marshiguay by his Attorney Richard Edelen came & appeared to prosecute his Suit Comenced against w<sup>m</sup> Thomas for the Sume of foure hundred and fifty pounds of Tobaccoe.

W<sup>m</sup> Thomas likewise came & appeared to answer to the Said Suite and the p̄ft preferred his declaracon to the intent as foff.