

143 134

The date hercof as Witness my hand, and seal this five and twentieth day of
October Anno Domini One thousand six hundred seventy seven
Sealed signed and delivered in the presence of
John Hoskins & John Roe
Richard Hart Seal

This our and thirteth of August One thousand six hundred seventy eight came before
us John Hoskins and Thomas Hart that hee saw the within written bill signed sealed
and delivered unto John Shankes by the within mentioned Richard Hart

Therefore command is given to the sherriffe of saint Marys County that hee
cause to come here twelve good men of his shire called to trye the Issue between
John Shankes plaintiff and Richard Walker Defendant

William Goddard sworn and examined sayeth that Richard Walker did send Richard
Hart a Boate to goe into Virginia &c

Whom hee Blackiston swore that hee had warned Richard Walker not to send the said
Hart a Boate, and told him what damage would come upon him if hee did &c

And here at this day (to witt) the fourth day of September in the
third year of the dominion of Charles the first the said John Shankes by Thomas
Lomas his Attorney as the said Richard Walker by Abraham Combe his Attorney
and the Jurors of that Jury (to witt) Gilbert Turberville, Wm Roswell,
Jesumian Gerrard, Robert Cole, Randolph, Henson, Thomas Trowbery, Thomas Parvile,
John Hoard, Morgan Jones, Thomas Bennett, John Dodson, & Richard Purser

Who to say the truth in the premises being directed by and sworn upon their Oathes doe say
that they find that Richard Walker did send Richard Hart a boate,

Whereupon it is the Judgment of the Court here that the said Richard Walker is guilty
in breaking the Act of Assembly in conveying away Richard Hart out of this Province
Therefore it is considered by the Court here that the said John Shankes Recover against the
said Richard Walker, a sum of Eight hundred twenty eight pounds of Tobacco
due aforesaid as also the sum of Twelve hundred sixty nine pounds of Tobacco for his costs
and charges about this suite expended, And furthermore it is the Judgment of the Court, of
the said Richard Walker (in proceed or bring over Richard Hart into this Province by the
last of October next (which term may of Execution is granted) then this Judgment
to be void or else Execution

Vera copia John Manley Seal

And hereupon as well the said Richard Walker by Christopher Row by
his Attorney as the said John Shankes by Keneleme Percival his Attorney
And the said Richard Walker sayeth, that in the Record and process aforesaid
as in the Rendering of Judgments aforesaid it is manifestly Error in this

First
The process and proceedings in the said cause are Erronious and Vitious in this that the declaration
as exhibited by the said plant doth manifestly and materially vary and differ from the writ or Capias
by which the said Defendant Richard Walker was arrested for in the said writ or Capias, It is sayd
to answer unto John Shankes in a plea that hee render unto him the sum of Eight hundred twenty
eight pounds of Tobacco with by him hee oweth, and unjustly detameth, and in the declaration it
is said to answer unto John Shankes in a plea that hee render unto him Eight hundred twenty
eight pounds of Tobacco with Richard Hart late of this County to him oweth and unjustly
detameth

Secondly
The proceedings are Erronious in this that it is not averred in the Declaration that the said
Richard Walker did transport the said Richard Hart, Not having a License pass from the
Governor Chancelor or Secretary according to the said Act

Thirdly