

At a County Court of the Right Hon<sup>ble</sup> Charles 1<sup>st</sup> held at the Ridge in Chm Chirundoll County on the ninth day of December 1679. By his Lordships Justices then present and assigned

Present Counsellor Major John West } Cap<sup>t</sup> Richard Hill  
Nathan Leggett } Edward Dousay } Gent.  
Cap<sup>t</sup> Tho. Francis } Richard Beard Jun<sup>r</sup>

George Barber Attorney for William Bourne Cooper Vis. shew to this Court a certain petition presented by the said Bourne to the Hon<sup>ble</sup> Chancery, praying his Hon<sup>ble</sup> order or Letter to be directed to the Justices of Chm Chirundoll County, commanding them to admit the said Bourne to have an appeal from a Judgment obtained by James Rigby planter against the said Bourne at a Court held in the said County of Chm Chirundoll on the eleventh day of November last past. On w<sup>ch</sup> said petition was endorsed a certain protest from his Hon<sup>ble</sup> the Chancery requiring the said Court of Chm Chirundoll to admit the said Bourne to his appeal from the Judgment aforesaid, as also requiring the Lords of the said Court to transmit the whole proceedings upon the said Judgment to the next Provincial Court, and commanding James Rigby to prosecute the petition William Bourne to go to the County Court to put in security upon his appeal, and the said Rigby and the petition to appear to the said appeal. Whereupon the said Court by their order that the said petition Bourne be admitted to his appeal, After which the said Appellant Bourne, together with Cap<sup>t</sup> Nicholas Cassaway and Nicholas Spoonbony Gent. allowed by this Court. said here and acknowledged themselves to stand indebted unto James Rigby in the sum or quantity of toward thousand pounds of good Tobacco and Cask to be levied on the said lands and tenements goods and Chattels to the said Rigby's use, in case the above mentioned William Bourne shall not prosecute with effect his said appeal, and in case likewise that the said Bourne shall not satisfy and pay up the above said Judgment be affirmed, all and singular the debts damages & costs adjudged or to be adjudged upon the Judgment aforesaid, unless the aforesaid Bourne do pay the same by force here or otherwise

This is a true Copy Examined by me. Rich. Doughton C<sup>lerk</sup>

And hereupon come aforesaid the said William Bourne by George Barber his Attorney as the said James Rigby by Christopher Rousby his Attorney, and the said William Bourne by his said Attorney exhibited to this Court his reasons for the said appeal which followeth in these words Viz: Memorandum that the said Bourne the tenth day of February 1679 came William Bourne by George Barber his Attorney and exhibited to the Court here the reasons why he doth appeal from the Judgment of the County Court of Chm Chirundoll County in a matter there depending between James Rigby ag<sup>t</sup> the said William Bourne, and had brought unto Court here before the Justices of this Court a Copy or transcript of the Record of the said County Court according to Act of Assembly in that case made and provided. And for reason of the said appeal he saith that the Judgment of the Court aforesaid is grounded on an Affidavit of Samuel Phillips who saith that when James Rigby was bargaining for the service of William Bourne there was found dispute about an indenture, and that in the indenture then seen by the Depon<sup>t</sup> there was in the line for term of years something stratched out, and the words (then) written above it, and hereupon the said Court upon full hearing the allegations and pleadings made upon the Complaint aforesaid and the Depon<sup>t</sup> is of opinion that the above mentioned William Bourne servant to James Rigby came into the Country without any indenture, and the Record saith that the Court here by the said Court that the Copy of the said Phillips be ordered, on Record and that the said William Bourne shall return to his Master's service here to continue till a Copy of his indenture (if any there be) may in a twelve month's time be produced by the said James Rigby out of the said Office where the same is enrolled, and if it shall appear that the said servant did come into the Country with an indenture and that by the Copy of the said indenture to be produced aforesaid the said servant ought to have been freed, that then the said James Rigby shall render full satisfaction and recompense to the said William Bourne for