

March Court 1719 433
Then Justices of the right Hon^{ble} the Lord Proprietario for the said Court in the
said Court in the County and Jurisdiction of Virginia being taken was legally
proved and appeared due to the said p^{tt}. as by the Records of the same
Court here remaining fully appears and of which the said Deft. the twenty
third day of March in the year afo^{re} at the parish County and Jurisdiction afo^{re}
had Notice and that whereas also the afo^{re} Deft. afterwards by the afo^{re}
Twenty second day of March in the year afo^{re} at the parish County & Jurisdiction
afo^{re} was indebted unto the afo^{re} p^{tt}. in the sume of two thousand five
hundred and eighty pounds of Tobacco for diverse Services by the afo^{re} p^{tt} for
the said Deft. and to the proper use and behoofe of the said Deft. before that
time at the parish County and Jurisdiction afo^{re} done and performed and the sume
of one hundred and seventy pounds of Tobacco the Eff^{ts} certain Sute and
to thereof being indebted the afo^{re} Deft. in Consideration thereof afterwards by the
afo^{re} last mentioned Twenty second day of March in the year afo^{re} at the parish
County and Jurisdiction afo^{re} upon himselfe assumed due to the said p^{tt} then
and there last mentioned faithfully promised that he the said Deft. the afo^{re}
sume of two thousand five hundred and eighty pounds of Tobacco and one
hundred and seventy pounds of Tobacco unto the said p^{tt}. when thereunto
required would well and truly pay and Content Nevertheless the afo^{re} Deft.
his several promises and a assumption afo^{re} in forme afo^{re} made little minding
but plotting and fraudently intending him the said p^{tt}. in that behalfe craftily
and subtilly to deceive and defraud the afo^{re} several sume of Tobacco while
in the whole amounts unto the sume of eight thousand one hundred and
seventy eight pounds of Tobacco to the said p^{tt} altho afterwards by the
twenty third day of March in the year afo^{re} and after after at the parish County
and Jurisdiction afo^{re} he the said Deft. by the afo^{re} p^{tt}. was thereunto required
he hath not paid nor made Content for the same. But that to pay or make Content
hitherto hath denied and still doth deny to the damage of him the said p^{tt}
Sixteen thousand pounds of Tobacco & thereupon he bringe Sute &c.

And the afo^{re} Deft. by Johnson his atty comes and defends the force and
injury when de^d. and prays leave to imparle hereunto untill next Court
and he hath it And the same day is given the p^{tt}. also

At which said Court to wit the 18th day of August Anno Dom^o 1719 the afo^{re}
Action being moved by a Habeas Corpus to the proventhall Court but forasmuch
as a procedendo from the said Court to order the Justices of our afo^{re} County Court to
proceed in the premises afo^{re} against the said Richard Smithers as if the Sute writ
of Habeas Corpus had never yet served. And now at our said County to wit the
same day and year last mentioned came the afo^{re} p^{tt} by his atty afo^{re} as the
said Deft. by his atty. and as before defends the force and injury when de^d.
and prays further leave to imparle hereunto untill next Court and he
hath it And the same day is given the p^{tt}. also

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