

Virginia, to wit;

Pleas at the Capitol in the City of Williamsburg, the fourth day of May one thousand seven hundred and seventy three.

Before

The Honble The General Court of Virginia.

Be it remembered, that heretofore, to wit, at rules held in the clerk's office of the said court on the _____ day of _____ one thousand seven hundred and _____ came Sam, Rachel and her child, by their attorney and filed their bill against Thomas Clay of a plea of trespass, assault, Battery and false imprisonment—which bill follows in these words;

Cumberland County, to wit;

Sam, Rachel and her child, Indians, complain of Thomas Clay in custody and so forth; For that the said Thomas Clay on the first day of March in the year of our Lord one thousand seven hundred and seventy at the parish of Southam in the County aforesaid, with force and arms to wit; with Staves and Swords, made an assault upon the sd. plt and beat wounded & evilly entreated them the sd. plaintiffs so that their lives were greatly despaired of, & them the sd. plaintiffs did then and there illegally imprison & then & there did other wrongs to the sd. plaintiffs against the peace of our Lord the King & to the damage of the sd. plaintiffs sixty pounds and therefore they bring suit &c. so forth.

Thomson Mason for the plttf

{pledges &c.}

for the deft

J. Doe

&

Rd. Roe

The plt is a slave

R.S.

The plt is free & no Slave T.M.

And at Rules held in the clerk's office of the said Court in the month of June one thousand seven hundred and seventy one, the following is entered upon the rule book, Vizt; "plea, replication and Issues" first before mentioned, came the parties by their attornies, and therefore came a jury, to wit; Alexander Boyd, Allen Love, Thomas Claiborne, John Fowler, Thomas Roberts, Allen Cocke, John Hartwell Cocke, William Robinson, Richard Cocke, Robert Gilmour, Richard Allen and Robert Boyd, who being elected, tried and sworn the truth to speak upon the issue joined, upon their oath do say that the plts are free and not Slaves as by replying they have alledged, and they do assess the damages of the plts by the occasion in the declaration mentioned to five pounds besides their costs:

Therefore, it is considered by the Court that the plts recover against the deft their damages aforesaid in form aforesaid assessed, and their costs by them about their suit in this behalf expended. And the said deft may be taken &c. costs 500 lb. tobo & L. fee

Ca: Sa: issd. May 19th 1773—

I Peyton Drew clerk of The General Court of the Commonwealth of Virginia, do hereby certify, that the foregoing is a True Copy from the records of the said Court—And I do further certify that the said suit is among the new causes upon the rule dockett of the said General Court to October Court 1770: That upon the column of the said Rule dockett containing returns of process it appears that the Original writ of *capias ad respondendum* in the said cause was not returned: That the next proceeding which appears to have been had in the said cause is entered upon the rule dockett of the said Court in the month of June 1771 as follows, Vizt. “plea, replication & Issue” and that upon the last mentioned dockett in the column containing returns of process is the following, Vizt, “*alias capias executed*” but it does not appear at what time the aforesaid *alias capias* was executed, nor at what time the Bill and declaration was filed, nor can the aforesaid *alias capias* be found among the records or papers of the said Court.

In Testimony of all which
I have hereunto set my hand & affixed the
seal of the Court
aforesaid, at Richmond, the
Eleventh day of November, one
thousand eight hundred & nineteen.

Peyton Drew