

if no such Assignm^t had been would have acrued to his Master Robinson, and as by an Act of Assemblie is in such case provided, Liber C

Hereupon for Proofoe of the Plaintifes absenting himselfe from his Master Robbertson, and how long the Defend^t produceth a note under th^e hand of th^e said Robbertson certifieing th^e same together wth what Damāge he Sustained thereby as followeth viz^t

These may Certifie whom it may Concerne That David Ralston was ranne away from me two Monthes and Seaven dayes before I bound him over to Daniel Johnson, and further I will take my Corporall oath that I Lost my Crophe by him in Corne, and tobaccoe as Witnes my hand this 25th of October 1667.

Henrie

The marke  of
Robbertson

Allsoe th^e Defend^t for further proofoe of th^e said Ralston th^e Plaintifes absenting himselfe from th^e said Robertson Subpaena^d Edmund Lyndsey into th^e Court who Deposited as followeth

Edmund Lyndsey Sworne in open Cr^t saith That th^e Plaintife came to his house in August last was twelvemonth & there remained 3 weeks or thereabout, and this Deponent saith he hired him, but yet Suspected him to be a runaway after his hiring of him because upon his this Deponents questioning of him where he had lived, and whom he Served he replied first about Akamack, and afterwards at th^e Clifts, and this Deponent further saith That so soone as he understood th^t he had lived about th^e Clifts, he desired M^r Sprigge to give notice at Patuxen th^t There was such a man in such a habite describing him as well as he could, and that if anie person Claimed him he was at th^e Deponents house, and M^r Sprigge did give notice of th^e same accordinglie and found out his master Robertson who thereupon sent to this Deponents house, and Carried him th^e Plaintife home, and further he Saith not [p. 247]

Hereupon the Plaintifes Attorney and th^e Defend^t agree to put th^e Busines to a Jurie, and accordinglie there issued a writt of venire facias to th^e Sherrife to Su^mon a jurie of twelve honest men to trie whether th^e said Ralston were free or no whose Names were as followeth viz^t Stephen Montague foreman, John Worland, Thomas Allanson Thomas Henshall, William Baker, Henrie Neale, John Mun, Owen Jones, Thomas King John Hackister Bennet Marchagay, John Walton, who upon Serious Considera^on had, of th^e Depositions aforesaid, and the Allega^ons on both sides retorne their verdict as followeth viz^t

The Jurie findeth for th^e Plaintife against th^e Defend^t, and that th^e Plaintife is free and hath Served his time according to his Indenture because th^e Defend^t did not Commence Suite against th^e Plaintife for th^e time he was absent, th^e Plaintife having Served since the Indenture was expired as long time as he had absented himselfe, And the Defend^t did not Co^mence suite to have th^e Benefit