

Peter. Waples
 v. Henry Lyne
 Hen. Lynch Mer. etc.

Somerset. Henry Lyne of this County the
 was attached to answer into the Court of Sessions
 and under in an action upon a Bill
 due upon a Bill of Capt. Henry Smith
 his Attorney Coud and says, that whereas

Michael Hartnor lay in infirmities by reason of a judgment obtained against him for
 Debt of the same, the said Hartnor did give over a Bill of Capt. Henry Smith due to the
 said Hartnor from the said Capt. Henry Smith. Now the said Hartnor, now the said Hartnor
 did Order the said Debt as Attorney to the said Smith to pay unto the Debt of Contents of the
 said Bill which was three thousand four hundred pounds of Tobacco, where the said Debt did
 assume upon him self to do the said promise to pay the above sum, for the use of the said
 Hartnor, where said assumption was in the Court 1691 - where upon the plt having accepted
 of the said Debt assumption, did discharge the said Hartnor in February following. But the said
 Henry Lyne of the said assumption, but fraudulently & craftily intending
 to receive the plt of the said sum of 3045. pounds of Tobacco, hath withheld the said payment.
 & yett doth deny though often therunto required, wherefore the plt says he is damaged
 & hath lost to the value of 6000. pounds of Tobacco. Where upon brings this suit.

J. Sa. p. Quid. p. 1000 = J. Sa.
 Linc. Co.

And the Court

put the said matter in hand to a Jury. = And the Court
 and says he did not assume in manner & form as is declared & puts himself on the
 Court.

And the plt likewise J. Sa.
 And the Court puts the matter in hand to a Jury. = And therefore Command was given to the
 Sheriff to bring here twelve good & lawfull men of this County that the foree/matter
 might be the better understood. a list or panel whereof are returned as followste (viz)
 Samuel Handy: John Parson: Wm. Warwick: James Drattin: Moses Henton: John Hoate:
 Wm. Dodard: Wm. Dympton: Benjamin Jollett: John Conshaw: Richard Cull: Francis Martin
 12) who being duly summoned returned & sworn upon the holy Evangelists, who having heard
 the foree Declaration & plea, as also seen & heard these two Evidence sworn and examined
 returned their Verdicts here sent for to determine the matter.

Evidence sworn for the plt: Walter Lewis & Henry Hudson & Henry Cummins
 Evidence sworn for the Def: Walter Lewis & Henry Hudson