

For all writs Insufficiency, Uncertainty and Error in the Declaration above said and proceedings thereupon  
= upon that it praye that Judg-nt may be stay'd and that the Verdict thereupon given may be set aside  
wrought And that the said John to writ by the same the writt left may be Restored: Geo: Parker

Thomas Crum an Pet  
John Abington D. ft

Verdict for the Pet. The defend- mo: in arrest of Judg-nt and proce: the Respond- therefor  
To witte the Pet dissolved as followeth viz

1

That writt read the D. ft in the writt of the said Respond- above doth affirm: and amount to the fact  
That the Pet's Declaration is vitious, B: rans: Thomas Abington is not in the said Declaration named  
Servant Apprentice or factor of the said D. ft: But only Attorney. And that the said Judg-nt ought  
not to be Ent: r: The Pet sayth that the word Attorney is much more pertin:nt, Extensiv: Spious, full and general  
than the word factor is, for a man cannot be a legal Attorney unless he be impowred by the Constituant either  
by matter of Record or by Act and W: r: and stand and s: al: And so: the Attorney doth fully rep:nt his  
maker And all acts then don: by the Attorney relating to the Constituant are binding as if the Constituant  
were personally p:nt and did the same. And although the D. ft sayth the pow: of Attornys is limited to  
such matters as the State comm: r: in the said Pet: r: Respond- Yet that is a false allegation for that  
Attornys as it is well known: are frequently authorized by Great Warrantes to act & do: in all things with  
out limitation. Now the word factor is a narrow signification And a factor is s: dom: armed w: authority  
under the hand and s: al: of his Employ: r: But for full answer to this allegation of the D. ft: The Pet sayth  
it is plain: That the same is made by the D. ft in great abuse & affront of the Court And m: r: to amuse &  
Inveigle the Justice the: r: of being a manifest falsehood for that the Pet in the said Declaration doth  
set forth the said Thomas Abington to be Attorney & factor for the said John Abington and by the said  
Declaration, which being the: r: more fully doth app: r: the: r: for Judg-nt upon this p: r: r:  
ought not to be stay: d.

2

To the s: r: r: The Pet sayth that writt read the D. ft p: r: r: that it is not set forth in the Declaration  
that Thomas Abington at any time before and now long had used to buy and sell g: r: for or in the  
name of the D. ft: To this the Pet sayth that in the Declaration he hath set forth: That John Abington  
being a Trad: r: in the Province did in the y: r: and on: thousand six hundred s: ab: nt eight Constit: t  
appoint Thomas Abington to buy & sell and act in all cases whatso: r: as the proper Attorney  
of the said John And that the goods m: r: r: in the Declaration were deliv: r: d to the said Thomas  
Abington as the Attorney & factor of the said John and for the proper account of the said John w:  
was fully sufficient for the Pet to set forth and he had no: need to mention that Thomas Abington  
used to buy and sell for the D. ft: The s: r: r: of such usage being only requisite in case of a  
factor without letter of Attorney But not in the case at Bar.

3

Whereas it is alleg: d: that it is not set forth in the Declaration that Thomas Abington did  
promise in the name of John Abington or that he used the name of the said John in the bargain: The  
Pet answer: d: that it is said in the Declaration that Thomas Abington the Attorney and factor of John  
Abington Pet: r: of Thomas Crumman upon the proper account of the said John On: Purwigg of the  
price of two hundred and fifty pounds of Tobacco And two hundred and fifty pounds of Tobacco  
He promised to pay in goods at five shillings p: pound, so: that the whole proceeding of the  
bargain: being set forth to be don: by Thomas Abington as the Attorney & factor of the said  
John Abington and for the proper account of the said John, it must needs be employ: d: that John  
Abington was nam: d: though it be not all the materiall wh: r: r: was or no:.

4

Whereas it is said by the D. ft that it is not set forth in the Declaration that the goods came to the use  
of the D. ft: Or that the D. ft did assent to it or that the goods were necessary for the defend: t: The Pet  
says that the goods m: r: r: in the Declaration are set forth to be deliv: r: d to Thomas Abington whom

et