against the said Henry Schnebely Executor as aforesaid: And as to the second Issue between the said parties above joined the said Jury on their Oath aforesaid further say that the said Writing Obligatory is the Deed of the said John Booger in manner and form as the said Christopher Sides hath declared against the said Henry Schnebely Executor as aforesaid. And as to the third Issue between the said parties above joined the said Jury on their Oath aforesaid further say that the said Writing Obligatory is the Deed of the said John Booger in manner and form as the said Christopher Sides hath declared against the said Henry Schnebely Executor as aforesaid. And as to the fourth Issue between the said parties above joined the said Jury on their Oath aforesaid further say that the said writing Obligatory is the deed of the said John Booger in manner and form as the said Christopher Sides hath declared against the said Henry Schnebely Executor as aforesaid.

And the said Henry Schnebely Executor as aforesaid by his Attorney saith the Court here ought not to proceed to render Judgment upon the verdicts aforesaid and files in Court certain reasons and affidavits which are in form following, to wit

Christopher Sides for the use of George Shepler
against
Henry Schnebely Executor of John Booger.

A Motion for a new trial on the part of the Defend.

First, Because the verdict of the Jury in this cause rendered is against the weight of the evidence which was submitted to the Jury on the Trial thereof.

Secondly. Because the verdict was obtained by surprize the Defend. being deprived of the benefit of a great part of the Testimony contained in certain depositions because the same were inartificially taken; which depositions were returned sealed to the Court on the day before the trial of the said cause; and which depositions contained Testimony if properly taken, competent and material in the said cause. Thirdly, Because the Defendant was deprived of the benefit of the Testimony of Georg Shaver a Witness sick and unable to attend, but whose deposition had been taken by both the above named George Shepler and the above named Henry Schnebely under an agreement between them that they should be read in evidence upon the Trial of this cause; and because the Counsel for the Defendant consented to go into the trial of this Cause in the absence of the said George Shaver under an impression that the counsel for the Plaintiff had consented to the reading of the said depositions

which upon the trial of the said cause they refused to admit.

Fourthly. Because of Misbehavior in the above named Geo Shepler and in the Foreman of the Jury who found the Verdict in this Cause, the latter having received money from the above named Geo. Shepler for his Verdict before the same was received in open Court, and because at the Instance of the said Foreman, the Jury in the said Cause sworn, were induced to change their Verdict on Monday Morning and make the same different from what it was on Saturday before when the same was handed in sealed as a privy Verdict, which alteration in the same verdict was subsequent to the payment of the money by George Shepler above named to William Gordon the Foreman of the Jury in manner herein before set forth, and previous to the said verdicts being received in open Court.

Fifthly, Because Wm Gordon the Foreman of the said Jury had made up his mind and come to a determination in what manner to find a verdict before he was sworn as a Juryman in the said cause; and by his representation of the cause out of Court & before the same came on to be tried, endeavoured to induce others who were summoned to attend this Court as Petit Jurymen to adopt and entertain Opinions favorable to the Plaintiffs cause.

Sixthly. Because the Court refused to admit evidence to be given to the Jury on the part of the Defendant competent & proper for them to hear and which if they had heard might have induced them to find a different Verdict.

John T Mason.

Christopher Sides for the use of George Shepler
against
Henry Schnebely Executor of John Booger.

In Debt.

David Dunwiddie deposeth and saith that he is summoned to attend the present Session of the General Court as a Petit Jurymen from the County of Washington. That he travelled from the County of Washington to this place in Company with William Gordon who was one of the Jury sworn to try this Cause. That on their road they passed & Jacob Weaver one of the Plaintiffs Witness with whom the said William Gordon spoke some words; and immediately after introduced a conversation with this Deponent respecting the above Suit and the bond upon which the same was brought. That this Deponent does not recollect the particulars of that conversation; but from the whole of the said William Gordon's conversation, and from the manner in which the said Gordon expressed himself this Deponent supposes & believes that the