

U. H. Journal
1659-98

Spernons Answer—

1st He does own that being Advised by one of his Neighbours that Two Men that were Suspected Runaways were at the house of William Peirce and had bin there at work sometime upon which he being Constable went thither and Seized the said Servants and did carry them to his own house that Night and the next Day in the Morning a Master or Merchant that had bought Eight hogsheads of Tobacco sent him word immediately to come to him and take his pay for them for else he would be going away for he could not stay any longer upon which he owns he did go and did with what speed he could returne which was about two a Clock the same afternoon, But when he came home he found the said Servants Runaway upon which he pursued them to the said Prices but they espying him run into the Woods and he could not Catch them—

2^{dly} To the Second he Answers, That he did appear at the Court and that the Jury Did bring in that Verdict but Robert Ridgley his Attorney being Sick and not Able to Come Judgment was given upon the Verdict, But the next day most of the Jury did Declare to the Court that their Intent upon the Verdict was that Spernon was to have the Servants if he could find them and pay the 6000 ^{li} of Tobacco and Costs, M^r Carvile who was then M^r Rousbys Attorney did Declare to us (as Amicus Curiaë) That he heard the Jury say the same to be their Sense and that he understood it so, and did Verily Believe the Court did understand it so—

Likewise the said Spernon Alleadged (at the Tryal) to the Court and Jury, That the said Rousby had disposed of them and had received Satisfaction upon which the said Rousby put him to prove it, And the Chancellor Ordered him the said Spernon to produce that Evidence which the said Spernon was informed the said Edmund Sweatnam could therefore went to fetch him but he being gone from S^t Maries could not make proof as aforesaid and so Judgment past as is before Express—

And now may it please your Lordship We do offer to your Lordships Consideration what Observance We have made upon the Premisses Viz^t

1st We find that there was a Mifeazance in the Constable that he did not carry the Two Runaways to the next Justice at his first Apprehending them unless the Excuse that he makes may be esteemed Good

2^{dly} We find that M^r John Rousby had parted with his Interest to the said Runaways to M^r Peter Aldrick in Aug^t 1680 which was before the Suit was Commenced

3^d We find that M^r John Rousby by an Instrument under his hand hath reced full Satisfaction of M^r Aldrick for the said