

Liber N N make complaint to a justice & informe him of any felony, & after not giulty pleaded & verdict for the plaintiff t'was moved in arrest of judgment, where t'was adjudged that the plaintiff should take nothing by his writt Ram & Lamleys case Huttons Rep. 113.

Secondly When the party is bound by recognizance to give evidence & he exhibits his bill & gives evidence that is good cause of justification, for otherwise every One who exhibites a bill of indictment & gives evidence against a Prisoner shall be drawne in question for a Conspiracy &c Chambers & Taylors Case, Croke Rep. 1<sup>st</sup> part fol 900. where t'was adjudged for the defendant. Which being read & heard it is the judgment of the Court here the fourth day of December Anno 1676 that the reasons aforesaid are in sufficient to arrest the judgment aforesaid whereupon it is granted by the Court here that the said John Wedge recover against the said James Ringold the summe of eleaven thousand pounds of tobacco damages by Occasion of the trespas aforesaid with costs of Suite.

Afterwards to wit the sixth day of the same December Came the said James Ringold by his Attorney aforesaid & prayed his Lo<sup>pps</sup> writ of Error & Supersedeas to be granted hereupon, Offering reasons why he ought to have the Same allowed vizt, ffor that there Ought to have been made appeare Some malicc in the party dcfndant against the plaintiff, which was not done, and damage without malice is not punishable in this case.

Also for that there Ought to have been Speciall proefe to the Court & jury of the damage done by the defendant to the plaintiff whereby the verdict found by the jury for damages against the defendant might have been legally grounded & justified but no damage was proved & consequently no damages ought to have been recovered.

Also the said verdict was vitious in that the jury grounded the same upon the Single testimony of John Wells who at the same time had bought the profit of an action then depending in the Provincially Court between Zachary Mahugh & James Ringgold the said Mahugh being a party equally concerned & engaged with the said Wedge in robbing of the said Ringold, and the said action being so bought by the said Wells being of the same nature & quality with this action between Wedge & Ringold Therefore the said defendant James Ringold craves that the Court will grant him a writ of Supersedeas to stopp the execution in the said cause between Wedge and himselfe and that the said defendant Ringold may have time to assigne his further Errors and that the same may be argued before the Upper house of the next Generall Assembly.

Which being read & heard Ordered then by the Court that the defendant have writ of Error & Supersedeas accordingly he giveing security to prosecute the same according to act of assembly in such case made & provided.

Afterwards to wit the seventh day of the same December Came