

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 hog's heads 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 Run away upon which he pursued them to the said Prices but they espying him run into the Woods and he could not catch them —

2dly 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 Sperton was to have the Servants if he could find them and pay the Costs of Tobacco and Costs, Mr. Carville who was then Mr. Rousbys Attorney did Declare to us (as Amicus Curia) 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 Sperton Alledged (at the Tryal) to the Court and Jury, That the said Rousby had disposed of them and had received Satis faction upon which the said Rousby put him to prove it, And the Chancellor Ordered him the said Sperton to produce that Evidence which the said Sperton was informed the said Edmund Sweatnam could therefore went to fetch him but he being gone from St. 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 Lords his Consideration what Observance We have made upon the Premises Viz^t —

1st We find that there was a Misfeasance 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 —

2dly We find that Mr. John Rousby had parted with his Interest to the said Runaways to Mr. Peter Aldrich in Aug^r 1680 which was before the Suit was commenced

3^d We find that Mr. John Rousby by an Instrument under his hand hath reciev'd full Satis faction of Mr. Aldrich for the said two Runaways paid by the Appointment of Coll Henry Coursey for and on behalf of the said Aldrich, and that payment was made in March 1680 which was before the said Suit came to any hearing, Relation being had to the said Papers more at large will appear — In Testimony whereof We have hereunto put our several hands —

Henry Coursey; — William Burges
William Digges — William Stevens

By which Report it appears to his Lordship and this house, That the said Mr. Rousby had disposed of the Servants before he commenced the Suit and received Satis faction for them before he Obtained the Judgment all which the said Rousby kept Secret both from Court and Jury at the Tryal, and put the said Sperton to the proof of it who then could not prove the same. —

Ordered by his Lordship and this house that the said Mr. John Rousby shall not practice as an Attorney in the Provincial Court of this Province nor any —