

any of them you may challenge them as they come to the book to be sworn and you shall be heard.

P. R. O.  
Colonial  
Papers.

Fendall—I apprehend

Cryer.—If any man can inform his L<sup>ps</sup> Justices, the Attorney Gen<sup>l</sup> or this Inquest to be taken between the R<sup>t</sup> hon<sup>ble</sup> the Lord Prop<sup>ry</sup> and the Prisoner at the Barr of any Treason Murder, Felony or other misdemeanour comitted or done by the Prisoner at the Barr let them come forth and they shall be heard for the Prisoner stands at the Barr upon his Deliverance.

Clerk.—Count them.

Cryer.—Cap<sup>t</sup> Peter Sayer one &c:

Clerk.—Cap<sup>t</sup> Peter Sayer you shall well and truly try and true deliverance make between the R<sup>t</sup> hon<sup>ble</sup> the Lord Prop<sup>ry</sup> and the Prisoner at the Barr according to you evidence—So help you God.

Fendall.—hold I except against him

Chanc:—He is sworne

Fendall.—He is not sworne untill he hath kissed the book.

Chanc:—The oath has been read to him and his hand upon the book all the while signifies his assent

Just. Tailler—You ought to have made your Objection as he came to the book before the Oath had been read.

Fendall—I do not readily apprehend what he was.

Chanc.—It is too late to object or make exceptions when the words of the Oath are read and the persons hand on the book, pray the opinion of the Board.

Just. Lowe—You shall well and truly try and true deliverance make &c. The essential part of which oath is when the words are pronounced and the kissing of the book but the formall part

Just. Digges—I am of that opinion and that the Juror is sworne.

Just. Stevens—Lett him have another

Scry:—The words pronounced are the essential part of the Oath the kissing the book only matter of Forme.

Sayer—I humbly pray the exception may be admitted

Just. Lowe—As matter of Favour such a Request may be granted.

Fendall—I beg it not as matter of Favour but as matter of Law.

Chanc:—In favour to the prisoner notwithstanding we think the Juror is duely sworne yet we are willing to dismiss Sayer.

Sayer—I humbly thank you.

Scry.—Swear the next

Clerk—Philip Lynes

Lynes—Here

Chanc:—Cap<sup>t</sup> Fendall if you have any objections to make speak first before he comes to the book.