

pray consider and M^r Dent likewise swears that if but my Lord and four or five more were secured—which way could that be done but with force, here are severall overt acts and five Evidences to prove them though not all of them to one particular part I think sufficient to make good the Indictm^t

P. R. O.
Colonial
Papers.

P. Lynes Foreman—We desire to have the Act of Assembly with us to see what it directs.

Court.—You have not to do with that you have only to find whether or no the words have been spoken accordingly as the Prisoner is charged, you are not to muse yourselves with matter of Law but you are to enquire into matter of fact.

Fendall—That is a charge for a grand Jury

Chanc:—It is properly before this Jury they have nothing more to do then to enquire into matter of fact whither such and such things have been done or not the rest lyes before the Court the Grand Jury having only found such an Information fit to be prosecuted and left it to the petit Jury to try it.

Fendall—This had not been known.

Cl:—Sheriff, an Officer here to attend the Jury.

Sher:—Edmund Dennis

Cl:—You shall &c^a

Chanc: as the Jury are going out—I am to tell you that if you cannot find the Indictm^t as it is laid you may if you think fitt find specially—

Jury go out

They return—

Cl:—Philip Lynes &c^a are you agreed of your Verdict, who shall say for you

Jur:—Our Foreman.

Cl:—Josias Fendall hold up thy hand at the barr— Look upon the prisoner you shall be sworne what say you is he guilty of that whereof he stands indicted or not guilty

Jur: give in their Verdict

Cl: reads—We find Josias Fendall guilty of speaking severall seditious words without force or practice and if the hon^{ble} Court think him guilty of the breach of the Act of Assembly we do or else not

And so you say all.

Jur:—Yes

Cl:—Take away the Prisoner Sheriff the Court will consider till tomorrow

November the 16th 1681.

The Court being sate Cap^t Fendall was called to the Barr.

Chanc:—Cap^t Fendall you were yesterday arraigned at this Barr for mutinous and seditious speeches practices and attempts