

U. H. Journal
1659-98
p. 531

(as appears by the Record) It was given only on the Bare Allegation, That one Evan Carew who as appears by the Record Likewis was Elected tryed and Sworn as a Juror to trye the Cause aforesaid, was an Alien which said Allegation was never proved nor could such Matter being Extra the Record, and after the said Evan Carew with the rest of the Jurors had past his Verdict be put on Tryall the same Matter having been Tryed before as appears by the Record, for if the now Defendant would have taken Advantage of any such Matter he might he ought to have Challenged the said Juror before he had been sworn and in such Case the Law hath Provided a Suitable Tryall of the same, but if once the Jury be Sworn so that as the Record Saith they have been Elected tryed and sworn tis too late to make such Exception Especially against the said Evan Carew who for many Years hath born publick Offices in this Province and hath Very often passed his Verdict in Weighty Affairs which if this frivolous Exception should take place might Call in Question all such other Proceedings and therefore the Judgment aforesaid so as aforesaid Given barely on the Allegation that the said Evan Carew was an Alien after he had been Elected tryed and Sworne is Manifestly Erronious—
T: Burford

The whole Matter being heard by this house it is thereupon Considered and it is the Judgment of this house, That the said Verdict of the Jury brought into the Iustices of the Provincial Court the 14th Day of October 1682 ought not to be sett aside nor Judgm^t thereupon Arrested, And it is further by this house Considered that the Judgment of the said Provincial Court thereupon given which was that the said Collins go without Day and pay Cost, was Erronious. It is therefore further Considered that the said Thomas Collins recover against the said John Watkinson his Cost and Charges in this behalf Sustained to such Value in and by this house shall be taxed. Yet Notwithstanding the Judgment aforesaid This house doth not by their said Judgment Determine or intend to Determine the Title of the Land in Question

The house Adjourn for an hour then sat again

Present

The honourable

{	Coll Henry Coursey	} M ^r Secretary Darnall	
	Coll Thomas Tailler		} M ^r Secretary Sewall
	Coll Vincent Lowe		

Thomas Trueman Esqr ag ^t Thomas Haggleton	} Now here at this Day to wit the 31 st Day of October 1683 Came before this house the said Thomas Trueman by Kenelm Cheseldyne his Attorney and the said Thomas Haggleton by Robert Carvile his Attorney likewise Came and then
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