

under the great seale as is presumed ought to be and therefore nott according to the rules of Law and allowance of Courts of Iustice and so was Conceived voyd in Law and it was Conceived that his Majesties s<sup>d</sup> Letter to the persons that had the admin<sup>ion</sup> of the Governm<sup>t</sup> could not be suffici<sup>t</sup> to authorize the conventon of the Delegates of the Pro: being far from a free & due Election) to grant a Comm<sup>on</sup> to particular persons to try those persons as they have done and to support those argum<sup>ts</sup> Authorityes quoted viz Terms of Law Cowells Interpreter fitz hert Na. br. Stanford Coulton Cook 2. 3. 4 Inst There was allsoe layd downe for argum<sup>t</sup> that the Iudges of assize who are persons of Integrity Indifferency skill and knowledge yett have particular Com<sup>ons</sup> of Oyer & Terminer all w<sup>ch</sup> qualityes Especially of Indifferency as the case stood was feared would be wanting in this Court further a Case was reported that att the Death of K. J. who dyed in tearme tyme K. C.'s issued out a proclamaçōn for the continuance of the Terme and Iudges in statu quo but the Iudges shutt up Westminster Hall waited on his Maj<sup>ty</sup> acquainting him that without new Commisions they could nott with safety proceed in Civil or Criminal Cause without great Danger much less those gentlemen in this soe that it was hoped that if this plea and argum<sup>t</sup> af<sup>d</sup> might be permitted to be opened to them w<sup>th</sup> such others as might have been offered they would have putt the Gent upon a more due & Deliberate Consideration of their Power and Authorityes and haveing induced them to have respected the Execution of th<sup>r</sup> Authority from the till a farther and more Legall settl<sup>mt</sup> from their Maj<sup>ties</sup> and in the meane tyme to have secured the Prisoners and nott to have proceeded to Tryall Condemnation & Execution as they have done w<sup>ch</sup> under Correction is Conceived by some here the words of that Lre as to this p. of m. will not beare them out in and Report goes that there were some more Considerable men in the house that were unwilling to meddle with that Tryall till a Govern<sup>or</sup> came in & the prisoners thought they had great reason to feare the Fairness and Indifferency of their Tryall by the then Authority Iudges and Iury who (all things Considered) they conceived could not be Legales homines by their Iury being by them or most of them already forejudged.

Had these matters and reasons above s<sup>d</sup> prevailed with the court to have respited the Cause till a Governour came in which was all that was aymed att and was every day expected then in order to their Legall Defence I had (as being Retayned by them by lre for my fee) prepared and Drawn up some Instructions to be by the Prisoners made use of att their Tryall and therein limited to them what Priviledges the Law

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