

of the Iury that convicted them and saw keenly burnt in the hand and were present when Price was Condemned w<sup>ch</sup> last I could prove being the Present and Drew Peti<sup>r</sup> for his pardon & I was sped, by the Sher to Testifye for the Prison<sup>r</sup> yett nott permitted to goe to Court and were ready to depose the same in court and hundereds knew them both to be certainly true yett because the Record was nott produced and could nott be found they were admitted as good Evidence for the K. ag<sup>t</sup> the Prison<sup>er</sup> the Prisoners called for their papers which were taken from me amongst w<sup>ch</sup> was the warr<sup>t</sup> from Coode to Greenhalgh and Taylards letter testyfyng the like to payne and that payne had requested him to writt to G. to give payne a meeting and bring 6 able men as afd as allsoe the Coppy of the K. Procl. to continue his Prot<sup>on</sup> in America dated 18 feb. 89 as afd their proceedings in Virginia about Bayle takeing Coppy of keenelys oath in Virginia which differed from that their Service in Court and some Private memorandum of their owne writeing and Observations but the same were denied them as is Reported and although the Co<sup>rt</sup> should have been the Prisoners Council all things were highly agravated against them by M<sup>r</sup> N. B. the president and the K. Collector the Att. Generall the K Collector alsoe who gave the charge that M<sup>r</sup> I. P. absolutely was the K. Collector and in due execution of his office and therefore the Law imployed Molline and as further agravation of the Crime ag<sup>t</sup> them the sd M<sup>r</sup> N. B sayed they were papists and had armes which was ag<sup>t</sup> the K declaration w<sup>ch</sup> was made to reach hither the killing of M<sup>r</sup> Rousby was another circumstance urged ag<sup>t</sup> Them no notice was taken of Cap<sup>t</sup> Coods warr<sup>t</sup> or Paynes being Cap<sup>t</sup> or any Examination thereinto yett not denied by any of the K Evidence nor any name of the Date of the proclamation for continueing the officers there was as I heard M<sup>r</sup> Paynes Comm<sup>n</sup> of Collector produced in Court but w<sup>ch</sup> of them I cann heare if it was that he had from K: I: 2<sup>d</sup> was nott to the purpose and if that from K: W: & Q: M: it came in long after his death and soe was as little to the purpose unless it were to possess the Iury w<sup>th</sup> an untruth that he was Coll<sup>r</sup> to K: W. when he dyed as to the unseasonableness of the Tyme of the night the President of the Court said it was nott materiall it being after twelve att night was the morning of the day from 12 to 12. being the Computation of day and night and had he read Cook 3 Inst cap Burglary he would have found another description of day and night as long as day light continues whereby a mans countenance may be discerned it is called day and when darkness comes and day light is past soe as by the light of day you cannot discern a mans countenance then it is called night which doth agravate the offence sith the night is

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