

was taken on Board before any other bond was given but that Lib. H. D.  
bond which is now Judged insufficient, and the sufficiency of  
the Bond was the only thing insisted vpon in the provinciall  
Court, which being adjudged by your Ex<sup>ncy</sup> & Councill  
insufficient it must of Necessity follow that the Ship must  
be condemned, which is humbly offered to your Ex<sup>ncy</sup> as the  
Opinion of

Yo<sup>r</sup> Ex<sup>ncies</sup> most humble &  
most obedient Servant  
Charles Carroll

Mr Goldes-  
boroughs  
Opinion  
about  
Attaints &ca

1: In Obedience to your Ex<sup>ncies</sup> Commands, I have  
considered That an Attaint is a Writ that lyeth  
where a false Verdict in a Court of Record vpon an  
issue joyned by the parties is given.

2: That there is not any need of Knights to be in the Pan- p. 354  
nell of the Grand Jury, for that if they be Gentlemen of  
vnquestionable integrity honour & fidelity, the Law is satisfyed  
with them, and the Law Requires that they should be persons  
of such Repute that there may not be the least ground of fear  
that they will be corrupted, & therefore it may be brought in  
this province.

3: It must be brought in th<sup>t</sup> Court where the Record of the  
first Verdict remaineth & not else where. Brook Lit Attaint  
21. E. 3. 10. 16 Ass. pl. 4.

4: It may be brought in this Province supposing it to be but  
as one County and the severall Counties as so many hundreds,  
out of which the Grand Jury must come.

The words of the Writ of Attaint directed to the Sheriff are  
&c<sup>a</sup> Et diligent inquirer as qui fuerunt Jurator primæ inquisitio-  
nis and by this Writ he must destrain them if they be living, by  
their Lands to appear &c<sup>a</sup> if they have not any thing whereby  
they may be destrained, or if they be dead the Sheriff must Re-  
turn this vpon his Writ, 34 Ass: p 6. And this Writ of Attaint  
may be maintain'd as long as any two of the petty Jury are  
living, 2H: 4.18: 12H: 4.10. Br Attaint folio 70: Vide Bro Lit  
Attaint folio 73.

4 Mi nota dicitur que sur inform fait par le Roy que passer  
sur issue try, le Roy ne le informer Navera Attaint quar le in-  
formor nest pleynem<sup>t</sup> partye & quant le def<sup>t</sup> ad respond, le  
Attorney le Roy reply le Roy et Nul puis mencōn est puis del  
informor et ideo lune ne lauter Navera Attaint.

I am of the same Opinion with this Reporter  
Will<sup>m</sup> Dent.

1: When a Man sues a Writ of Error vpon an Erronious  
Judgm<sup>t</sup> if he sues out a Scire facias ad Audiendum Errores, he