

Liber W. C. should such Allegations of matter of fact be Admitted (wch matter of fact can have noe Tryall but by a Jury) It will follow that there will be tryalls ad Infinitem, and noe Controversie will have any finall determination, And If the plt would have taken any Advantage in this Case he ought to have Challenged the Juror before he had been sworne as the Law requires

(2^{dly}) As to the second that the Jury found for the deft where they should have found for the plt contrary to Evidence Records & Allegata bene probata The deft sayth that the Law hath soe great a Veneraⁿ for verdicts given by twelve men that it will not Admitt of any allegation to the Contrary of what is soe found by Verdict Haveing its name from Dictum veritatis, the saying of truth, And for the plt to Question the truth of a Verdict is To be frivolous and Ought not to be Admitted in Law:

(3^{dly})—As to the third objection that the Jury were wholly drawne to bring their Verdict for the deft by misinformation and Allegations false and against Records, The Deft Sayth that there is noe such matter for that the Jury was not informed that the survey of the Lands in Question Claymed by the plats Lesso^r called Marron and the lands the Deft claymes were surveyed as two distinct parcells of land at one and the same time and by one and the same survey^r as the plt hath falsely suggested, But true it is that the deft did alleadge that the lynes of Marron could in noe wise be intended to runn over the Creek as was Suggested by the Plt, for that the same Surveyo^r the same day layd out the land on the other side the Creeke for another man (viz) Champ, wch was then made appeare to the Court and Jury and had been before to the seaverall Juries upon the land

(4^{thly}) As to the fourth that the Jury refused to Admit the oath of Majo^r William Coursey sworne to before the hono^{ble} Cott Coursey The deft sayth that the said Affidavit produced in Court and the matter therein contained was to them Declared, And after a full hearing of either party the said Juro^{rs} being upon their oathes Sworne to try the Matter in Controversie Upon mature Deliberation and weying the Allegations of either party ffound for the Defend^t ffor which and for that the statute of the 16th & 17th of the King that Now is Intituled an Act to prevent Arrests of Judgments hath provided that noe Judgment shall be Stayed or Reversed for any Omission Variance Defects or other matter of like nature not being against the Right of the matter of the suite, The Deft Prayeth Judgment together with his Costs and Damages Sustained

Which Reasons And answeares to the reasons aforesaid being read and Argued and by the Justices here fully understood and dilligently examined, It seemeth to the same Justices that the first Reason by the plt in manner aforesaid Assigned, and the matter therein contained is Sufficient in Law to Arrest Judgment Upon the