

and that the Jurors were called over until the Number of Twelve was by his free choice admitted to be his Jury, the Court therefore resolved the Panel to have been lawful seeing there was more persons impanelled, if the Prisoner had made more objections.

4^{thly} The Prisoner then moved that the fundamentall Lawes and Customs of England do require that the Judgment shall be found in the proper County where the fact is committed before any tryall can be had thereon, and that no presentment had been made of this fact by any Coroners Inquest, nor Grand Jury of the County nor Province, who by their Oath offend no way committed;

To which it was answered by the Court that the fact was committed in another Govern^{mt} and a distinct propriety from this, and that this tryall had been according to the Lawes and Customs of this Colony, for that the Judgment had been found by the Grand Jury for the whole body of the Colony of Virginia.

The Court then demanded of the Prisoner whether he had any more Points to argue in Law, the Prisoner replied no more; the Court thereupon Ordered the Prisoner to be taken from the bar and committed to the Sheriffs Safe Custody.

April 24th 1686,
Present,

M^r Auditor Bacon
M^r Secretary Spencer
C^o Phil. Woodwell
C^o Tom Cole
C^o J^o Custis

C^o John Page
C^o Tom Bird
C^o J^o Bear
C^o Ephraim Woodley

And now the said C^o George Talbot was again brought to the bar and being demanded by the Court what he could say for himselfe why Sentence of death should not passe against him seeing he had been arraigned, and convicted of felony, by Statute, the Prisoner urged little in his own defence only by way of extenuation acknowledging that he had unfortunately been the Cause of M^r Christopher Rowby's death, but that the fact was committed without any Manner of Premeditated Malice, in the height

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