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then came to know their law & c. by whom c. who do not c.
to recognize the because as well c. At which ^{Day} Court of
same day and year last mentioned the said ^{Day} made of this
to present that his oath there ready sworne c. as by his process
it was commanded (to wit) Thomas Penington Esq. Parks
David Davison Esq. John Geo. Smith Thomas Talbot Esq. Marshall
John Haymer Thomas Scotin Esq. Thomas Saml. Galtson
Thomas Brown who being elected Jurors and sworn to say
the truth in the premises do say upon their oaths w^o of the
Jury find the Defend^t guilty of y^e horstealing afo^o which being
heard comes this do an by Michael Earle his appointed Counsel
and prays y^e the Judg^e upon y^e Verdict of May be Stayd and y^e
he may have day to file his reasons in arrest of y^e same until
next Court and he hath it y^e same day is given y^e D. Lub^e
Macklin who c.

At which said next Court to wit this twenty second
day of Sept^r Anno Div 1702 comes as well the said Macklin
who c. as the do John by his Counsel afo^o who prays y^e y^e
Judg^e May be Stayd afo^o for these subsequent reasons
viz.

That by the fundamentall laws of England no person
whatsoever shall be convicted of felony without passing
two Juries viz^t a grand and Petit Jury both which shall
be good and Law full men &c.

Now it appeareth by a manuscript from the Record of Talbot
County Court y^e a certain John Hamer (who was one of the
Petit Jury y^e Jurors the fact below on our Sovereign Lady
the Queen's and the said) is not a good a good and Lawfull
Man in y^e Law for that he the said John Hamer on y^e twenty 4th
day of April Anno Div 1692 at Chester hundred in Talbot
County afo^o did with force and Arms Mark and Car away
our Lord of tobacco cont^d four hundred weight of the best goods
of a certain Robert Smith as by the afo^o manuscript here
in Court produced (e^o filed) may more at large appear y^e for
which reason y^e afo^o John Hollinsworth prays y^e y^e Judg^e
May be arrested and Stayd &c.

(Which being by the Court considered of it was by them
thought meet y^e y^e said John Hollinsworth be acquitted
from y^e Indict^{mt} and y^e the do Reason offered is sufficient to arrest y^e
Judg^e afo^o which is according by arrest. and orderd y^e said John pay all
costs accruing thereupon &c.

109
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