

It was given only on the Bare Allegation, That one Ivan Green who as appears by the Record -
 Likewise was elected tryed and sworn as a Juror to trye the Cause aforesaid, was an Alien which
 Allegation was never proved nor could such matter being extra the Record, and after the said Ivan
 Green with the rest of the Jurors had past his Verdict be put on try all the same Matter having
 been tryed before as appears by the Record, for if the now Defendant would have taken advantage
 of any such Matter he might he ought to have Challenged the said Juror before he had been sworn
 and in such case the Law hath Provided a Suitable tryall of the same, but if once the Jury be
 sworn so that as the Record saith they have been elected tryed and sworn tis too late to make
 such Exception Especially against the said Ivan Green who for many years hath borne
 publick Offices in this Province and hath Very often passed his Verdict in weighty Affairs
 which if this frivolous Exception should take place, might Call in Question all such other
 Proceedings, and therefore the Judgment aforesaid so as aforesaid Given barely on the Al-
 legation that the said Ivan Green was an Alien after he had been elected tryed and Sworne
 is Manifestly Erronious - J. Burford.

The whole Matter being heard by this house it is thereupon Considered and it is
 the Judgment of this house, that the said Verdict of the Jury brought into the Justice
 of the Provincial Court the 14th Day of October 1682 ought not to be set aside nor Judgment
 thereupon Arrested, and it is further by this house Considered that the Judgment of the said
 Provincial Court thereupon given which was that the said Collins go without Day and pay
 Cost, was Erronious, It is therefore further Considered that the said Thomas Collins recover against
 the said John Walkinson his Cost and Charges in this behalf Sustained to such Value in and
 by this house shall be taxed, yet notwithstanding the Judgment aforesaid, This house doth
 not by their said Judgment Determine or intend to Determine the Title of the Land in Question

The house Adjourn for an hour then sat again
 Present

The honourable { Coll Henry Coursey } Mr Secretary Darnall }
 { Coll Thomas Fuller } Mr Secretary Sewall }
 { Coll Vincent Lowe }

Thomas Freeman Esq^r agt. Thomas Haggleton -
 Now here at this Day to wit the 31st Day of October 1683 came before -
 this house the said Thomas Freeman by Henelm Cheseldyne his Attorney
 and the said Thomas Haggleton by Robert Farvile his Attorney likewise
 Came and then was read the Proceedings as upon file in this house and upon the Record of the
 Provincial Court; The errors assigned by the said Henelm Cheseldyne to be in the Record and
 the rendering the Judgment in the Provincial Court was also read which are as followeth
 1st In that it appears by the said Record that the said Defendant Thomas Freeman was
 not brought into Answer the Plaint by due Process at Common Law -
 2dly It is also Error in that it appears by the said Record that the Proceedings was by
 Way of Petition whereas no freeman ought to be Ouled of his Goods and Chattels unless it
 be brought into Answer, to wit by presentment Indictment or by Process made by writs
 Originall and fore Judged of the same by Course of the Law against which if any thing be
 done it ought to be redressed and holden for none -
 3dly It is also Error in that it appears by the said Record, That Judgment was