

An account of the Case of M^r Iohn Woodcock
George Mason W^m Burley & W^m Ayleward
touching the Death of M^r Iohn Payne and
their tryall for the same.

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p. 27

I shall not need in this place to begin with the relation of the occasion of that sad accident w^{ch} happened in Christmass 1689. having hereafter occasion to speak thereof but these gent^{en} being by order from his Majestie to the Governour of Virginia sent hither in order to be proceeded against for the murder of the s^d Payne & being here in the Custody of the Sheriff of St Maries County I Rec^d from them a letter Directed to M^r Carroll & Mysel^fe with severall papers of w^{ch} they desired our advice and direction in point of Law how they might Legally defend themselves in case the Pend that ruled here should bring them to a Tryall as it was Reported they would by vertue of his Maj^{ty}s letter to them directed for that purpose the Contents of which letter and Authority thereby given was altogether unknowne to me till after the Tryall I saw a cobby of it onely I was Informed it was but a letter and not a Commission of Oyer & Terminer under the Great seale and not directed to persons particularly named as is usual in such Cases Upon perusal of whose papers finding their case had been under Exam of the Govern^t & Co: of Virginia & they Imprisoned for the fact w^{ch} was agruated by the Gent here with all the Circumstances Imaginable to render it a horrid Willfull Murder severall Examinations haveing been Taken there in Virginia touching the same it seemed to that Govern^{ment} not a crime of so high a nature seeing that these Prisoners were by them lett out to bayle so Considering the proceedings in Virg: and that yett notwithstanding here it was generally given out to be a Bloody willfull murther of the Kings Officer as Collector in the Executing of his Office. Therefore as well to satisfie my owne Interiour as to be ready upon any occasion (if I might be permitted) to assist the Prisoners in order to a faire and Legall Tryall for their Liues by Indifferente Iuges & Iury I did my Indeavour according to my small ability to Instruct mysel^fe in such points of Law as might be urged before pleading to the fact as allsoe in what might upon the fact arrive w^{ch} I did put downe in writeing.

And in the first place I considered his Lopp^s Charter and the many Royalties & imunity thereby granted in such manner as any Bpp of Durham ever had in his County Palatine wth Power of Life and Death &c that his Lopp & Father had held the same neare 60: yeares and therefore by advice of his Lopps attorney Gen^l I framed a plea to the Iurisdiction of the Court without Commission from his Lordship to be Coram non Iudice and to maintayne that plea Argumts were