

next Provinciaall Court to Assigne his Reasons for Arresting the same. And It is granted unto him And the Same day is given to the said Collins also: Liber W. C.

Now here at this day (to wit) the Second day of Aprill in the Eighth year of the Dominion of the Right hono<sup>ble</sup> Charles Lord Baltemore &c. Annoq̄ Doni 1683 Came the said partyes by their Attorneys aforesaid And the said John Watkinson offereth to the Court here his reasons for Arresting the Judgment aforesaid w<sup>ch</sup> are as followeth Viz

Reasons to Arrest Judgment in this Cawse.

(1<sup>st</sup>)—The Jury at Barr Impannelled in this Cawse was not of good and Lawfull men to try y<sup>e</sup> issue according to Lawe ffor that Evan Carew one of the Jury is an Alien not Naturalized, And Aliens by the Law cannot be returned of Juryes nor Sworne for the tryall of Issues betweene the King and the Subject or betweene subject and subject Soe that this is not a faire and legall tryall

(2<sup>dly</sup>)—Had the same been a lawfull Jury Yet the said Jury have Contrary to Evidence Records and Allegata bene probata found for the deft whereas they ought to have found for the pft

(3<sup>dly</sup>)—The Jury were wholly drawne to bring in their Verdict for the deft by misinformation and allegations false and against the Records as may appeare, ffor they were informed that the Survey of the lands in question Claymed by the plts Lessor called Marron and the land the Deft Claymes were surveyed as two distinct parcells of land at one and the same time and by one and the same Survey<sup>r</sup> w<sup>ch</sup> is altogether untrue as by the Certificates may appeare they were done at Seaverall times and by seaverall Surveyo<sup>rs</sup> and the plts is the older Survey by five yeares.

(4<sup>thly</sup>)—The Said Jury contrary to the directions of the Court refuse to admitt of y<sup>e</sup> Evidence of Major W<sup>m</sup> Coursey Sworne to before The hono<sup>ble</sup> Coff Coursey one of the Justices of this Court And owned to the sheriffe and Jury at the last survey as appeared by the sheriffes Certificate & Oath, And Yet they take notice of a Certificate of Some men of a former Jury upon the land against M<sup>r</sup> William Coursey's Oath wch Certificate can be noe Evidence in any Court of Record

And for the reasons aforesaid the plt prayes the said Verdict may be Quashed, and that a New Tryall at barr may be Awarded

And the said Thomas Collins by his said Attorney fileth his answeres to the Reasons aforesaid which are as followeth Viz

(1<sup>st</sup>)—As to the first that the Jury Impannelled to the said Cause was not good and lawfull men for that Evan Carew one of the Juro<sup>rs</sup> was an Alien, It doth not appeare by any thing in the Record that the said Allegation that the said Evan Carew is an Alien be true There being nothing to be Admitted in Law for Arrest of Judgment but what doth manifestly appeare upon Record to be true ffor p. 690