

mont, the aristocratic party, now in the minority, took measures to secure the new governor to their own interests. Nicholas Bayard who had been long imprisoned by Leisler, and was instrumental in his death, procured addresses to be signed to the king, to the parliament, and to Cornbury, in which charges of bribery, of public plunder and oppression, were preferred against the lieutenant governor, the chief justice, and the assembly, and reflections were liberally cast upon the memory of Lord Bellamont himself.

Now Bayard had procured a law to be made in 1691, when Leisler and his friends were devoted to ruin, which provided, that whenever any person by any manner of ways, or upon any pretense whatsoever, should endeavor, by force of arms, or otherwise, to disturb the peace of government, he should be deemed a traitor.

The party in power, taking advantage of this law and conscious that their authority and influence would soon be impaired, determined to bring Bayard to immediate trial, before the arrival of the governor, so that he should not be saved by that functionary, who, there was reason to believe, would espouse his cause. Broughton, the attorney general, gave a written opinion, that no crime had been committed, but nevertheless a special court of Oyer and Terminer, consisting of three justices, was immediately erected for the trial of Bayard and one of his adherents. In vain he petitioned that his trial might be delayed until the regular term of the Supreme Court. Five days was the utmost delay he could obtain, and, on the nineteenth of February, 1702, the court assembled to decide his fate.

Broughton, the Attorney General, refused to prosecute, and was not present at the trial, which was conducted by Weaver, the Solicitor General.

When the Grand Jury were called, the prisoner's counsel objected to some of them, for having declared "that if Bayard's neck was made of gold he should be hanged," at the same time boasting that they were of the jury; but the ob-