

jection was immediately overruled. A part of the jury insisted that they had a right to deliberate alone, whereupon the Solicitor General took down their names and threatened that he "would cause them to be trounced," and the jury broke up in confusion without acting. The Solicitor General then complained to the court, that four of the jury insisted that he should not be present at their deliberations, and the court ordered them to be forthwith discharged. Still the jury hesitated to find a bill of indictment, and, when they did return one into court, it was immediately objected that the competent number had not voted for it, and it appeared by the statement of eight of the nineteen jurors, that they had not voted in favor of it. But the court decided that the indictment had been regularly returned; it was thus a matter of record, and no averment against it could be received.

The indictment set forth that the prisoner "falsely, maliciously, advisedly, clandestinely, rebelliously and traitorously," used divers indirect practices and endeavors to procure mutiny and desertion among the soldiers and to induce them to sign false and scandalous libels against the government; that his majesty's subjects in the province were oppressed; that the government was rendered cheap and vile in the eyes of the people and that the present General Assembly of the province was not a lawful assembly.

The prisoner and his counsel vainly argued that there was no treason in exercising the right of petition for the redress of grievances. The Chief Justice overruled every point made in the defense and practically forced a verdict of guilty from an unwilling jury. He sentenced him to be hanged, drawn and quartered according to the form of the English penalty for treason at that day.

But the sentence was never carried out, for, when the new Governor of the Colonies arrived, Colonel Bayard was released, and the Chief Justice and his Solicitor General fled to England.