

for the service) attended them with the proofs and insisted to be present with the grand jury, and that no person should be sent for but whom he should name; and that no question should be asked them but such as he should approve of. On the other hand, John Corbitt, Caleb Cooper, John Cortland, and John d'Key insisted that the King's counsel ought not to be present with them at their private debates; and that they had a right to send for what persons and ask for what questions for their information they should think needful. Whereupon, *Mr. Weaver* did threaten them and (to use his own expression), "would cause them to be trounced," taking down their names. And the grand jury broke up without acting.

The Court in the afternoon met according to adjournment and the grand jury being sent for, *Mr. Weaver* made complaint that he was obstructed by some of the grand jury who would not acquiesce to his being present at the examination of the King's evidence and would have other evidence sent for than what were by him produced. And whereupon *Arwood*, C. J., did discharge the abovesaid four persons from their further service and caused *Jacob Boelen*, who was absent when the others were sworn, to be sent for from his house, sworn and added to the grand jury; and the court adjourned till seven o'clock that evening, but did not meet until about midnight; when sending to know if the jury had found the bill, and being informed they were separated, he adjourned the court till next morning at eight o'clock; and on the way from the court in passion said, "If the grand jury will not find a bill against *Colonel Bayard*, I will bring an information against him of high treason and try him upon that."

*February 21.*

The Court met, and the grand jury, appearing in court, the indictment was brought in by the foreman, endorsed, "*Billa Vera*," and signed with his name. Upon which *Arwood*, C. J., immediately discharged the jury.

*The Counsel for the prisoner* informed the court that the bill was not found by twelve jurors. And upon examination, it appeared to the commissioners that of such of the jurors who remained in court eight of the nineteen were against finding the bill, as appears by the minutes of the court, entered by order: *Jacob Boelen*, *Abraham Kipp*, *John Van Hoorn*, *Gerret Van Hoorn*, *Johannis Van Santa*, *Wm. Jackson*, *Burger Myndero*, *Joan Vanderspiegell*. The eight importuned the court that the foreman might be brought upon his oath and the rest sent for to witness the truth that they only found the signing the addresses and not the treason. To which *Arwood*, C. J., made answer they were no longer jurors; they had

preferred against him in 1702; he fled from New York, and a reward was offered for his arrest, but, upon the assurance of protection, he returned and gave bond; the prosecution against him was suspended in 1703. See *New York State Library Ann. Report*, 1902; *Calendar of Council Minutes*, 1668-1783.