

Saunders, Jacob Cornelisse, Barent Kool, Goert Olpherto, Samuel Beckman, Cornelius Clopper, Conrael Teneyok, Jacobus Goelet.

The *Prisoner* then read a petition to the court, in which he set forth the injustice and irregularity of the proceedings against him. The indictment, he said, was not agreed to by any twelve of the grand jury, and he prayed that all the members of the grand jury might be examined by the court upon this point. He also insisted, that, as a matter of justice to him, the grand jury ought to have been composed of Englishmen, and of English extraction, of the best character for knowledge, integrity, justice, conscience, and estates; yet there was not a single Englishman on the jury, but all of them were of Dutch extraction and education, and several of them ignorant to that degree, that they could neither read nor write, nor understand the English language. He also complained, that the petit jury was principally composed of Dutchmen, extremely ignorant of the English language. The petition was denied.

The *Solicitor General* made an introductory harangue to the jury, in which he declaimed against the English and French inhabitants of the colony, including the principal Dutch. He charged the prisoner with being the head of a faction, a malignant party, who had endeavored to introduce popery and slavery, "disturbers of our Israel," as they had been of the government of Leisler, which, he said, was now justified at home to be legal. He accused them of being a nest of pirates, betrayers of the prince and his laws, a parcel of banditti, who offered the late Earl of Bellamont a reward of ten thousand pounds to connive at piracies. He avowed himself to be of the Leislerian party, and said he would stand or fall by it. He then detailed the facts he expected to prove.

#### THE WITNESSES FOR THE PROSECUTION.

*Samuel Clowes.* About a fortnight before Colonel Bayard's commitment, I happened to come to his house about some business, not at all relating to this matter; he asked me, if I had seen the addresses? I answered, no. He then showed me three addresses; the first was to my Lord Cornbury; the persons addressing in it called themselves inhabitants of New York, and others distant from it; and, because some of them could not perhaps be present at his lordship's arrival here, did, by way of address, congratulate his lordship into this government, wishing him all health and prosper-

ity here, and that the name of party might be banished from among us. Colonel Bayard asked me, if I had any thing to say against it? I answered, no, and then signed it. The other two addresses were, one to the king, and the other to the house of commons, or to the parliament, I am not positive which; as I had read them, I remember I made this observation to myself, that they contained nearly both the same things; and in them, or one of them, to the best of my remembrance, were contained these things, the persons addressing, called themselves Englishmen and others, who, though