

The *Solicitor General*. I have now proved by the witnesses those false and scandalous libels set forth in the indictment, whereby the good, peace and quiet of the government has been disturbed, which by this act of assembly is high treason. I have likewise proved, that the soldiers were drawn in to sign those scandalous libels, and that some did sign blank rolls, which was listing of soldiers, and is treason. These words in the petition to the lieutenant-governor and council, viz. "who we understand, by certain advice we have received from England, to be nominated by his majesty to succeed the late Earl of Bellamont as our governor," are a disowning and casting off the present authority, and his majesty's government.

*Mr. Nicholl*. Your Honor and the jury will please to take notice, that the indictment consists of divers heads; as, that the prisoner did compass, imagine, contrive, propose and design to defame the peace, good and quiet of this his majesty's government; that he used divers indirect practices and endeavors to procure mutiny and sedition among the soldiers; that he drew in numbers of them, the said soldiers and others, to sign false and scandalous libels, and that he had signed them himself; that in these libels it is declared, that the subjects in this province are and have been for many years last past, by those entrusted in the administration of the government, oppressed; and that the government hath been, and is rendered cheap and vile in the eyes of the people; as, also, that the General Assembly of this province is not a lawful assembly; by which means he hath incited his majesty's subjects to cast off their obedience to his majesty's said government.

The prisoner is not directly charged here with any fact, except his own signing the said libels, but for endeavors; the rest are forced conclusions and strained inferences drawn from thence. It is not alleged, that the peace of the government has been disturbed, or that any mutiny or sedition has been amongst the soldiers, or that any one of his majesty's subjects has cast off his obedience to his majesty's said govern-