

upon loan, without interest, several considerable sums of money for the preservation of his majesty's interest and government in New York, of which upwards of 200l. money in specie lent, is still unpaid. I desire, Mr. Jamison (who was then

clerk of the council) may be sworn.

ATWOOD, C. J. Mr. Jamison has refused to purge himself of signing those addresses and is *particeps criminis*, for which reason he cannot be allowed to be an evidence.

The CHIEF JUSTICE charged the jury. The indictment he said was founded upon the act of the assembly of New York, confirmed by his majesty, which had power to make acts of treason as well as Parliament. The right of petitioning the king was not in dispute, but the manner of doing it made it criminal. It was perfectly plain, that the addresses of the prisoner was a disowning of the present authority, and a casting off his majesty's government as it was then established. The drawing in of soldiers to sign petitions was mutiny and sedition by the law; and drawing them in on false pretenses, in hopes of freedom in the city, and subscribing their names on blank lists, was enlisting soldiers, and might be applied to invite in any foreign power. In conclusion, he strenuously insisted that the facts laid in the indictment were abundantly proved, and constituted the offense of high treason, and therefore, the jury could do no otherwise than find the prisoner guilty.

THE VERDICT.

The *Jury* retired, but had not agreed at 9 o'clock in the evening.

March 9.

The *Jury* had not then agreed upon a verdict, but requested further instructions. The CHIEF JUSTICE proceeded to give them, and said he had received letters from the jury, and answered them, which answers were only his private opinion. He said if they were under any difficulty, whether the matters of fact alleged in the indictment, and which were proved to them, were treason or not, they might find the prisoner