

guilty; who had his advantage in moving in arrest of judgment, and might be relieved as to matter of law.

Mr. Emot. This is not fair, to give the jury a handle to find the prisoner guilty, in expectation of relief in arrest of judgment; for they are judges both of law and fact, as the case is now circumstanced; if they will enslave themselves and their posterity, and debar themselves of all access to their prince, they will be worse than negroes.

The CHIEF JUSTICE. This is not to be suffered, to offer these things to the jury after they have received their charge; therefore be silent. Then proceeding, he renewed his charge to the jury, aggravating the supposed crimes for the space of about half an hour.

Mr. Emot. I pray Your Honor to be heard one word. (This request he often repeated, and, at last, it was granted him.) The facts laid in the indictment were not proved, as to the disowning and casting off the government, encouraging of mutiny in the soldiers, or disquieting the peace of the government. Addressing the king is the undoubted right of the subject, both by common law and acts of Parliament. If the subject, for complaining of grievances, set forth by petition, is to be attainted of high treason, we are in a worse condition than slaves.

The CHIEF JUSTICE checked him, and commanded silence.

Mr. Nicholl. The act of Parliament to punish governors in the plantations for oppressing the subject, is rendered useless and of no effect, if the subjects are deprived of the liberty to complain, and set forth their grievances, by petition to their king.

The *Jury* again retired and brought in a verdict of *guilty*.

THE SENTENCE.

March 10.

The Prisoner's Counsel moved in arrest of judgment for several reasons, the principal of which was that no act of treason had been committed. These points were argued at great length, but were all overruled by the COURT.