Memorand.m Quod die 12.th Day of March
anno Dni 1699 at a Court held for Essex County
By mittimus Jurat. was presented Thos. Hodgcock
late of Dick Thos. Hodgcock of the Same County
planter for that he the said Thos. on the 14.th Day
of November anno Dni 1699 at west Ne hundred in
County within the Jurisdiction of this Court the
feare of God before his eyes not having wth
force and arms One horse of the proper Goods
of a certain Owen Lingler price nine hundred
pounds of tob: to the said Thomas did feloniously
steale Took and Drand and Lead away ag.t the
peace of our Lord the King and Contrary to the
Law in such Cases made and provided

Cara Dom. Regis

And now here at this Day viz.t the 11.th Day of
June anno Dni 1700 here Comes the said Thos.
Hodgcock in Custody of the Shff. of Essex City
to whose Custody for the Cause aft he was Committed
and being Demanded how he would acquitt himself
of the Mittimus aforesaid upon him Layd he is
not wyse Guilty thereof and therefore for Good
and well prote him: Upon the Mittimus
It is therefore Commanded that the Shff. of Sd County
without Delay Cause to Come here twelve Good
and Lawfull men &c: by whom &c: and now here
this Day and yeare aft Came the said Thos. in
Custody of the Sherriff of Essex County aft
and the Jurors by the said Shff. therein impanelled
being Called Came viz.t Humphry Tillou Wm.
Husband Robt. Garman Jno. Darnall ambrose
ayres Jos: Frankcock Wm. Dwr. Wm. Johnson
James mocker Wm. Bowyer Thos. King to Wm. Price who
to speak: the truth being Elected tryed and
Sworne Do say upon their oaths that the said
Thos. Hodgcock is Guilty of the Felony aft to

him above in Formam aft is supposed ag.t him and
thereupon it is Considered of him by the Court
thing for him to Say why Judgt. should not
thereof Judgt. and Execution Cannot upon the Mittimus
ought not to Proceed who Saith nothing but what
he hath before said whereupon and Singular the
premisses by the Court here being heard and fully
understood it is Considered by the Court here that
not to give Judgt. on the Mittimus until next Court
att wch. Court viz.t the 13.th Day of Aug.t 1700
the said Thos. Hodgcock came in Custody of the
of the Shff. aft and the aft Court thought fitt
to Stay until the next Court before they proceed
to Judgt. on the Mittimus — att wch. Court viz.t the 10.th
Day of Sept. Anno 1700 and now the Court Considering
on the Mittimus it is their Judgt. that the said
Thos. Hodgcock pay four fold according to act of
assembly and to stand two hours in the pillory &c.

Vera Copia. Teste Dd Pearce Clk

Thos. Hodgcock ag.t the King } Error — assigned upon a writt of Error brought
ag.t a Judgment said to be given in Essex County
Court for his way.l ag.t the said Hodgcock
the tenth Day of Sept. 1700

And the said Thos. by Wm. Eden his attorney Saith that
in the record and Proceedings and in rendering the
Judgt. aft it is manifestly Erred in that, that in
1.th Indictment it is said the said Thos. Did Feloniously
Steale Took Drand and Lead away, whereas, by the act
of assembly it is no Felony —
2. The Plaint in Error is uncertain in that it is not Layd
for whom the Jury do Present the said Thos.
3. Neither have the Court given Judgt. according to
Law but Contrary thereto

For