And the Jurors of the Jury whereof mention is within made being called come, that is to say, Samuel Hawkins, Jacob Duckett, William Gordon, William Shaw, Thomas Walters, Francis Manty, Samuel Wood, Walter Jones Cornelius Howard, Benjamin Wangerford John Barrett and Edmund Key, who being duly elected tried and sworn to say the truth in the premises upon their Oath do say that as to the first issue between the said John Shane and John Clark, Ozias Crampton and George Showman within joined that the said John Clark, Ozias Crampton and George Showman are Guilty of the premises in manner and form as the said John Shane above against them hath complained. and as to the first part of the said second issue between the said John Shane and John Clark, Ozias Crampton and George Showman within joined, touch as to the coming with force and arms or any other thing against the peace and so forth, the Jurors on their Oath do further say, that the said John Clark, Ozias Crampton and George Showman are Guilty in manner and form as the said John Shane within against them hath complained and as to the residue of the said second issue between the said John Shane and John Clark, Ozias Crampton and George Showman within joined the Jurors aforesaid on their Oath aforesaid do further say that the said John Clark, Ozias Crampton and George Showman of their own Wrong and without such cause by them the said John Clark, Ozias Crampton and George Showman in pleading alledged made an assault on him the said John Shane and him the said John Shane did beat wound abuse and imprison in manner and form as the said John Shane within by replying hath alledged. and they assess the Damages of him the said John Shane by occasion of the premises besides his costs and charges by him about his suit laid out and expended to the sum of one hundred pounds seven shillings and six pence current money of maryland.

And Thereupon the aforesaid John Clark Ozias Crampton and George Showman by John Thomson Mason their attorney aforesaid move the court here in arrest of Judgment of and upon the Verdict aforesaid, and pray that the said Verdict may be set aside, and a new trial granted them, and file in court here the following reasons towit.

(John)

John Shane Plaintiff
vs
John Clark, Ozias Crampton and George Showman Defendant

} A motion for a new trial made in this case on the part of the Defendants who shew for cause to the court that Cornelius Howard one of the Jurors impanelled and sworn to try the issues in this cause joined was a free male person within this State above eighteen years of age, and not a quaker, Menonist or Dunker upon the thirty first day of October in the year 1777 and hath so continued ever since untill this time, and that the said Cornelius Howard hath not taken the Oath of fidelity to this State directed by the act, entitled an act for the better security of the Government: and that this fact did not come to the knowledge of the said Defendants or their Counsel untill since the rendering the verdict in this cause.

And the aforesaid George Showman one of the said Defendants further shews to the court that the verdict in this cause rendered so far as relates to himself is a verdict contrary to evidence and the damages as to him excessive.

That the Defendants have been deprived of the testimony of a Witness which they suppose material from the misapprehension of the act entitled, an act to establish a mode to perpetuate testimony they testimony of which Witness may be had at the next term.

John T Mason.

Whereupon all and singular the premises and the Reasons aforesaid being by the court here seen heard and fully understood and mature deliberation thereupon had for that it seems to the said Court the matters in the Reasons aforesaid contained are just, Therefore it is considered by the court here that the said John Shane take nothing by his verdict aforesaid found on the issue above joined but that the same remain null and Void.

And Thereupon the aforesaid John Clark, Ozias Crampton and George Showman by their attorney aforesaid suggests to the court here that they cannot safely proceed within this term to the trial of this cause for want of material Testimony and pray that a further time may be given for the trial thereof. and pray also the courts commission to issue to Augusta County in the commonwealth of Virginia to examine evidences and that the Depositions returned with the said commission may be read in evidence on the trial of the issues aforesaid and file in court here the following Affidavit towit.

(Washington)