begun and held at the Court House in Frederick Town in and for Frederick County on the first Monday and sixth day of February in the year one thousand eight hundred and nine the Grand Jurors to wit: Thomas Jones. Foreman. Robert Fleming. Isaac Shriver. Charles Schell, Peter Foutz Frederick Steinbel. John L. Harding. Henry Zealer. Daniel James. Dennis D. Howard. Jacob Cookerly. Lawrence Brengles. Daniel Smith. Thomas Tuck. George Hoffman. James Drummond. Peter Mantz. John Getzendanner. John Ballgell. John Keays. Benjamin West and George Kephart, good and lawful men of the County aforesaid who being impannelled sworn and charged to enquire for the State of Maryland for the body of Frederick County having withdrawn from the bar of the Court here afterwards returned and presented to the Court here a presentment in form following, to wit: February Term 1809. We the grand Inquest for the body of Frederick County do present Thomas Burke for committing a Rape on the body of Catharine Maria Brawner an infant under the age of eleven years in the night of the 19th of August 1808 by information of the said Catharine Maria Brawner. Thos. Jones. Foreman. Whereupon the said State of Maryland by John Johnson Attorney General of the said State exhibits to the Grand Inquest now here impannelled sworn and charged to enquire and so forth an Indictment against the Thomas Burke in form following, to wit: State of Maryland Frederick County, to wit: The Jurors for the State of Maryland for the body of Frederick County upon their oath present that Thomas Burke late of the County aforesaid Yeoman not having the fear of God before his eyes but being moved and seduced by the instigation of the Devil on the nineteenth day of August in the year of our Lord one thousand eight hundred and eight with force and arms in the County of Frederick aforesaid in and upon one Catharine Maria Brawner Spinster an infant under the age of twelve years, to wit, of the age of ten years and upwards in the peace of God and the State of Maryland then and there being violently and feloniously did make an assault and her the said Catharine Maria Brawner against the will of her the said Catharine Maria Brawner then and there feloniously did ravish and carnally know against the form of the Statute in such case made and provided against the

(form)

form of the act of assembly in that case made and provided and against the peace government and dignity of the State. And the Jurors aforesaid upon their oath aforesaid do further present that the said Thomas Burke on the said nineteenth day of August in the year aforesaid with force and arms in the County aforesaid in and upon the said Catharine Maria Brawner Spinster an infant under the age of twelve years to wit of the age of ten years and upwards in the peace of God and the State of Maryland then and there being did make an assault and her the said Catharine Maria Brawner then and there did beat wound and ill treat so that her life was greatly despaired of with an intent her the said Catharine Maria Brawner against her will then and there feloniously to ravish and carnally know and other wrongs to the said Catharine Maria Brawner then and there did to the great Damage of the said Catharine Maria Brawner against the form of the act of assembly in that case made and provided and against the peace Government and dignity of the State. John Johnson Attorney for the State.

Whereupon the said Grand Inquest having retired from the bar of the Court here to enquire of and concerning the said Indictment afterwards returned the said Indictment to the Court here thereon endorsed, to wit: True Bill. (Thos. Jones. Foreman

And the aforesaid Thomas Burke by Roger Nelson. Luther Martin. Roger B. Taney and Henry Warfield his attornies filed in Court here the following Suggestion in writing and affidavit thereto annexed, to wit.

State vs Thomas Burke } Frederick County Court. Thomas Burke who stands indicted in Frederick County Court for a Rape on the body of Catharine Brawner and for an assault on the body of the said Catharine Brawner with intent to commit a Rape hereby suggests to the Honourable Frederick County Court that a fair and impartial trial cannot be had in this Court and therefore prays the Honourable Court to order and direct the Record of their proceedings in the said prosecution to be transmitted to the Judges of some adjoining County Court for trial and the said Thomas Burke will ever pray &c.

February 21st 1809. Thomas Burke

The above named Thomas Burke makes oath that the facts stated in the above suggestion are just and true to the best of his

(his)