Martin of a plea of trespass upon the Case.

And whereupon the said Henry by Jacob Rogers his Attorney complains that whereas also the said Henry is a good true faithfull honest Subject of our Lady Queen and was at all times a good faithfull honest Subject of our said late Lady the Queen & of her royall predecessors Kings of England from the time of his birth hitherto hath carried behaved & governed himself as a good name fame condition & reputation amongst all his neighbours & many others the Subjects of our said Lady the Queen to whom he was known during all the time aforesaid was & yet ought & ought never to be any scandal injury or offence in the premises hitherto but had always hitherto lawfully followed pursued & used his way of living labouring dealing & endeavouring for a livelihood & support by which means the said Henry had gotten & acquired to himself considerable gains profits & advantages for & towards the relief & support of himself & children by bargaining & dealing with divers Subjects of our said now Lady the Queen & more particularly the said Robert not ignorant of the premises but contriving & maliciously & intending the said Henry violently to deprive of his good name fame & reputation & to bring him also to the said Henry into scandal infamy & opprobrious reproach & into trouble & expence & forfeiture of his goods & chattels & to cause him to incur other penalties & forfeitures in the like cases by the laws & statutes of this province provided the fifteenth day of September Anno Dom 1702 at a Court then held for Talbot County at the Town of York by the Right Worshipfull Majtys Comrs & Justices of the peace in the Province aforesaid for the said County of Talbot did falsely & maliciously procure to be indicted for that he the said Henry the Eighth day of June Anno Dom 1702 at Bullens Beach in the County aforesaid with force & arms one Hogshead of the value of three hundred pounds of Tobacco the proper goods & chattels of the said Robert Bundy feloniously did take & lead away against the peace of our Soveraign Lady the Queen & against the forme of the Act of Assembly in that case made & provided & thereupon the said Henry being then & there in proper person brought to the Barr of the said Court (was

was asked how he would be acquitted of the premises & put himself upon the Country & the said Robert Bundy did the like & thereupon the Sheriff was commanded to cause twelve good & lawfull men of the County aforesaid to come before the Justices of our said Lady the Queen at the Court aforesaid to be held for the County aforesaid on the same day & year aforesaid to try the issue between the said parties because as well the said Henry Martin as the said Robert Bundy put themselves upon the Country & Mackeen who prosecuted for our said Lady the Queen & the said Henry Martin in the Custody of the Sheriff of the County aforesaid was brought to the Barr & the Jurors being returned impannelled & sworn came to wit Jo. Robotham James Nolan Walter Edmondson Edward Elliott Esqrs Capt. Peter Sayer Richard Bigg James Good Robert Walters Richard Bigg Nicholas Lowry Gentlemen after Rigg & Sam Eason & Thomas Foster who being sworn & charged to try the truth in the premises & being then & there elected tryed & sworn upon their oaths did say were of the Jury do find Henry Martin not guilty of the Felony & Trespass in the said Indictment & Sugg[illegible] ag[illegible] Therefore it was considered by the Court there that the said Henry Martin & his Sureties aforesaid acquitted & go thence without day &c as by the Record of the said Court before the Justices of Talbot County aforesaid remaining in full appears by protest of which he admits the said Henry not only in good name fame & Reputation as is very much disturbed but also to great Summs of money for the purging discharging & declaring & defending his innocence aforesaid in this behalf to expend & pay out was forced & compelled to the damage of the said Henry two hundred pounds Sterl & thereof he brings suit &c Dadgid pecdg &c Jones Doc & Rieus Roe

And the said Robert Bundy by Robert Goulder Esqr his Attorney comes & defends the force & injury when &c and prays leave to imparle thereto until next Court to which is granted & the same day is given to the pltf &c also

At which Court to wit the Seventh Eighth day of September 1703 Come the said parties by their Attorneys aforesaid & the said Robert Bundy by his said Attorney saith that he is in no wise guilty of the premises in such manner & forme as the pltf hath complained against him & of this he puts himself upon the Country. And the pltf also Command is therefore given to the Sheriff of Queen Annes County that he immediately cause to come here before the Justices by whom &c twelve more &c and the said Jurors make return that they have already been sworn as by the said precept is commanded.

Afterwards to wit the same day & year last mentioned Come the same Henry Martin by his Attorney aforesaid & the Jurors of the said Jury impannelled being called Who to wit Arthur Nicholls David Holton Sam[ll] Leigh John Rees Wm Barton James Pattison