Defendt the force and Injury wherof &c. and saith that he is no
ways guilty of the Felony aforesaid by the Indictment aforesaid
in manner & forme set forth and that he is ready to aver and
therupon prayes for tryall putts himself upon the Country Wherefore &c.

And the Attorney Generall for our Lady the Queene doth
Confess and Avoyd the Plea of Autrefoits acquit
Contrary that the Court ought to Conceive Wherefore &c. by reason &c. because
at whose the said John Brown to recognize &c. and the said John now alledgeth
that he has already Lawfully &c. by whom &c. at the Court holden
in and for the County aforesaid, Now Here at this day to wit this Eighth day of March
in the year of our Lord 1705 came as well the said Lady the Queene as
the said John Brown by their Attorneys aforesaid and the Jurors of the Jury being
Impannelled and called came likewise Lewis John Wheat, John Tudor,
Thomas Chapellains, William Dowlan, Thomas Smith, Moses Groom, Richard
Lenox, Samuel Johnson, John Taylor, Charles Howell, John Edwards, John
Odlen, who being elected tried and sworne to speak the truth in the
premisses upon their oaths do say that the said John Brown is guilty
of the Indictment whereof he stands indicted whereupon came the said
John Brown by his Counsell aforesaid and humbly moved this Court in Bar
of Judgment upon the Indictment to quash against him as aforesaid which
by the Court was granted and time given him till the morrow
to shew his reasons to the contrary Judgment upon the Indictment aforesaid
should not be Awarded against him according to Law & reason
Day of Judgment

Now Namely the matter alledged in the Indictment set forth the
said John Brown was not committed in Gloucester County to the said
John Bergen Gaoler but being tried and found Guilty and Wherefore
for the the said John could not have such a Day at Law he ought
to be found have been Summoned out of the Vicinage or neighbourhood
to have the same alledged fact was committed it being by law
presumed that they might have some knowledge of the same
Upon the trial there appeared no other Evidence than the
fact Grieved which by Law might not &c.

3d reason The Indictment in which the grievance aforesaid is contained doth
not

not set forth in what manner or parts the same was committed as in all
such cases ought for which reasons the said John prayeth that the
Indictment aforesaid may be set aside &c. Schlatter

All which reasons aforesaid being duly argued and debated and the
Arguments and Allegations on both sides being by the Court heard and fully
understood it was thereupon considered by the Court that the reasons
were not sufficient in Law to bar or stay Judgment being given and awarded
against the said John Brown upon the Indictment aforesaid. Thereupon Samuel Sullivan Thomas
Delaland and Richard Colegate do assert the same. Whereupon it is considered
that the said John Brown have and receive such punishment as by an Act
of Assembly of this province in such cases is made & provided whereupon
the said John Brown by his Counsell aforesaid prayed an appeale from this
of this Court unto the Mayor his Justices of the provincial Court to be held
at Annapolis in Anne Arundell County the last tuesday of April next and
it was granted he giving Security according to Law sufficient for the
prosecuting thereof, Be it remembered that on the 8th day of March
in the year of our Lord 1705 came the said John Brown of Gloucester County
Gentl with Mark Richardson the year Brown Anthony Drew and Henry
Wheatley of the said County Gent his Sureties and acknowledged themselves
to be indebted unto our said Lady Queen Anne that now is &c. that is to say
that is to say the said John Brown in the sum of One hundred pounds
and the said Mark Richardson Gent and the said Mark Richardson Gent and
Anthony Drew and Henry Wheatley in the sum of twenty five
pounds of the lawfull money of England to be levied of their
lands and tenements goods and chattels lands and tenements to the use of our
said Lady the Queen if default be made in the condition hereunto annexed
The condition of the aforesaid recognizance is such that if the above bound
John Brown shall and do personally appear before the Mayor his Justices of
a provincial Court to be held at the Town of Annapolis in
Anne Arundell County the last tuesday of April next to prosecute a certain
appeale by him made from a certain Judgment given and awarded against
him by the Worshipfull Justices of the County Court of Gloucester County held
the first tuesday the ninth day of March aforesaid and also do stand and abide
the Judgment of the said Mayor his Justices of the said provincial Court
to not depart thence without leave of the said Court that then the