



327

Jacob - King a negro man places the property of Bramble Bell who stands committed to the Jail of this County upon the charge of ^{feloniously} burglariously breaking and entering into the smoke house of William Blom of this County on the 23rd of April last in the night time of the 5th day between the hours of eleven and then and there taking, stealing & carrying away from thence one half bbl of flour & 2 pieces of bacon the property of the said Blom then and there being of the value of four dollars & fifty cents was this day set to the bar in custody of the Jailor of this County. The Court summoned for his trial next having met, and thereupon sundry witnesses were sworn and examined to wit King a negro man being charged & sworn deposed & testified that early in the night of the 23rd of April last the prisoner came to him and said that Mr Blom (with whom the prisoner lived) did not give him enough to eat, and told the witness to go with him - the prisoner went to the smoke house and cut the leather by which the door of the house ^{was hung} and then stepped one foot into the ^{house} door and look thereout one barrel which had flour in it and gave it to the witness. The witness carried it some distance from the house. The prisoner told the witness to remain there (where the flour was carried to) till he (the prisoner) returned. The prisoner went to the smoke house and soon returned with two pieces of bacon the witness and prisoner parted and the prisoner told the witness he would see him the next evening. - William Blom being sworn deposed & testified that his smoke house was broken open on the night of the 23rd April last. That he found a piece of bacon on the prisoner which he believed to be some of the bacon stolen out of his smoke house - and the evidence being read and the prisoner being fully heard by his Counsel appointed by the Court to defend him. On consideration whereof and upon all the circumstances of the case it is the ^{unanimous} opinion of the Court that the prisoner is guilty of ^{not guilty of Burglary but that he is} petty larceny. And it being demanded of him if any thing he had to say to stay why the Court have to execution and judgment of and when the prisoner should not proceed, he prayed the benefit of clergy, but it being fully proved to the Court that the prisoner had received the benefit of clergy before the commission of the offence of which he is now charged, for grand larceny, the record of which conviction and proof of his identity having been introduced as evidence in this case, the Court ~~denied the said prayer~~. Therefore it is considered by the Court that the prisoner be ~~hanged~~ taken hence to the place from whence he came, and from thence on Friday the 25th June next, to the place of usual execution and there and there to be hanged by the neck until he be dead - And the Court from all the circumstances of the case recommend to the Executive to commute the punishment to transportation. And the Court value the said Jacob to the sum of three hundred and fifty dollars.

On the motion of Nicholas Locke who procured the subpoena for the Tax imposed by Law. a license is granted him to keep an Ordinary in Jerusalem the May Court next upon his giving bond & security according to Law. the Court being of opinion that he is a man of good character & not addicted to drunkenness or gaming.