

Virginius S. Sanders

vs.

Plea No 2.

The Commonwealth,

The said Virginius S. Sanders being brought to the bar of this Court, and having heard the said indictment read, and the matters therein contained says, That he ought not to be put to answer the said indictment, and for plea to the said indictment, says that heretofore to wit on the 11th day of May, 1881, before B. M. Rice, D. G. Whitmore, and M. Linden, Justices of the peace, in and for the County of Rockingham, sitting as a court, and having jurisdiction of the alleged offence, he, the said defendant, was put upon his trial, upon a warrant, charging him with the same offence alleged in the said indictment, and the said justices sitting as aforesaid, after having tried the cause upon the merits, by hearing the evidence adduced both by the Commonwealth, and the said defendant, and the arguments of Counsel, the said justices, without the consent of the defendant, and against his protest, and express request and demand, arbitrarily, and without adequate cause, refused to render any judgment upon said trial

determining the guilt or innocence
of this defendant, but upon the con-
trary thereof, and without authority of law,
held the said defendant to bail for his
appearance before the grand jury of said
County, and the said defendant says that
he had been once in jeopardy upon
and for the same charge of which he now
stands charged and indicted in the said vic-
dictment, and that he cannot by the law of
the land, be again tried therefor, and this
he is ready to verify.

Commonwealth

vs.

W. S. Saunders

Plea No 2.