The Worsh.ll Mr. Robert Quarles being high Sheriff
Mr. Richard Tilghman
Mr. Thomas Emerson
Mr. Edmund Ford
Mr. John Woodcock
} Her Majesties Justices present

Commission was given this third of Talbot County this Second day of September Anno Dni 1702 That the Jurors take Henry Martin of Talbot County Planter if he should be found in his Bailiwick and him safe keep so that he might have his body before her Majesties of the said County Court to be held at the Town of York the third tuesday in November next to answer unto Robert Quarrey of a plea of trespass &c. as more fully appears by the Record

Test. Tho. Smith Clk

At which said next Court to wit the 13th day of November Anno Dni 1702 the Day of the return of this writt afd came the Sheriff and made return of the said writt in these words &c. Execution Corpus &c. Vicecom. Somerset Sheriff

Robert Quarrey complaines against Henry Martin of Talbot County Planter Defendt in an action of trespass &c. And thereupon the said Robert Quarrey by Thomas Tench his attorney comp.s saith that whereas the said Henry Martin on the 23th day of June Anno 1702 with force and arms &c. with Guns Pistols Swords upon the Horses and Mares and Colts of him the said Robert at Billingbrook Island in Talbot County within the Jurisdiction of this Court did the said Henry did enter and the Horses and mares of him the said Robert there then found did chase and Overlook and one Bay Stone Horse of the proper goods and Chattels of the said Robt. the said Henry did take up and bring and to this court also did convert the same Horse to that the said Robert his said Horse and other Horses there then did do nothing could away of the said plaintiffs and against the peace of our Lord the King that now is &c. Whereupon the said Robert Saith he is damnified and hath Damages to the value of twenty pounds Sterl and thereupon he brings this Suite Tench p.q. &c. Dodge Dd. St. Do. Lee?

And the said Henry Martin by Nich. Low his attorney comes and Defends the force and Injury when &c. and prayeth Oyer thereof to Imparle- here until this next Court which is granted him that time day is given to the plaintiff also

Which said Cause stood Continued from Court to Court from the third tuesday in January Anno Dni 1702 until the third tuesday in March next follo- wing at which day to wit the 18th day of March Anno Dni 1702 Came the parties by their attorneys aforesaid and the said Robert Quarrey prayeth that (the

Appellate Court 1705 –

the said Henry [illegible] Doctor Adams at the May answer &c. and the said Henry Martin by his said attorney comes and defends the force and Injury when &c. and for plea saith that he is not guilty of the trespass and Force & Injury in the Declaration above laid to his charge and of this he puts himself upon the Country &c. Joynder and thereof likewise

Therefore Command is the same Sheriff of this County that by unexceptionable People of his Bailiwick &c. by whom &c. and who neither &c. nor of Kin to the said parties he cause to come here before the Justices of this Court at the Court House in the Town of York on the third tuesday in March next to wit the 16th day of March Anno Dni 1703 Come the said parties by their attorneys aforesaid and the Jurors being thereupon Impannelled and Sworn to wit Thomas Thomas Hutton Cooper James Douglass Richard Jones Junr. John Lang Andrew Cummins Nathaniel Grace Thomas Martin Thomas Hopkins Samuel Walker Junr. Samuel Emmitt Edward Jones who being duly Elected tryed and Sworne to say the truth of the matter in dispute upon their Oaths do say that the Jury doe find for the plaintiff and doe assess his Damages one hundred pounds of Tobacco and Costs

Therefore it is considered by this Court here that the said Robert Quarrey do recover against the said Henry Martin as well his Damages by the Jurors aforesaid assessed as also his Costs and Charges in this behalf laid out and expended and the said Henry Martin in mercy &c. Thereupon the said Henry Martin by William Bevil his attorney comes and Saith that in the Record and Proceedings aforesaid and also in the rendering of Judgment aforesaid there is manifest Error in this to wit that whereas the Cause was determined before the Justices of this County that is to say at the Court House in the Town of York whereas the Court House aforesaid is not nor ever was within the Body of any County but only a kind of Hall or Shed for the Court to Court very much Inferior and Different from a Court House and therefore being thus Irregularly recorded this Court cannot take Cognizance of it but that no Judgment will be received against him but not Contrary to Justice and Equity &c. Wherefore &c. and prayeth that the Record and Proceedings aforesaid and the Judgment thereupon may be Reversed Annulled and Held for nought and that he may be restored to all things which he hath lost by occasion of the Judgment aforesaid &c.

2. The Jurors were not all free holders that hyed this Cause therefore Error

3. The Damages are Excessive and Illegally taxed and is Error and

Whereupon the said Robert Quarrey by Robert Quarrey his Attorney comes and appears and thereupon the said Henry by his attorney aforesaid Saith that in the Record and Proceedings aforesaid and also in rendering the Judgment aforesaid it is Manifestly Erred by assigning the Errors in manner and form above assigned and therefore (prays