and Injuriously & of his Malice forethought without any such Just or reasonable
causes in the sd plea is set forth sd Twenty & Two day of July & Year of the Reign of William the Third
King &c Chief Justice &c that the sd Thomas Macnemara on fourth day of October
Anno Dom Seventeen hundred & Six being of fifth Year of the Reign of our mentioned
the Queen at Anne Arundell County then & there being one of the Attorneys
of the Provincial Court of this province did by Colour of his office then & there
Extortiously and injuriously take and exact from the said John Brannock
for his Attorneys fees in defending the said John in two Actions of Debt at the
Suit of certain Edward Somerset Esq: in the Same Court Sixteen hundred
pounds of Tobacco against the said Thomas Macnemara's Pattr of an
Attorney in the Said Court and also without any Just or reasonable Cause &
of his Malice forethought as in the said plea plead sd exhibitt the sd Bill
of Indictment by ye Juroors of our Sovereign Lady the Queen of ye Grand Jurymen
to inquire for the sd Lady ye Queen for the sd of the province as a true Bill
and did affirm the Contents thereof to be in manner and form as in ye said
Declaration is set forth &c

Wherefore the said Thomas Macnemara has damages by Quasion of the premisses
against the said John Brannock Ought to Recover But because it is Unknown to
the said Court here what damages the said Thomas Macnemara has Sustained
by Occasion of the premisses aforesd &c Therefore it is Commanded the Sheriff of Ann
County that by the Oaths of Good and Lawfull men of his Bailywick or County he diligently
Inquire what damages the said Thomas Macnemara has Sustained by Occasion of the
premisses &c and that the Inquisition thereof &c he Send to his Majesty's Justices at the Next
Court to be held at Annapolis the Second Tuesday of July then next ensuing to Gether with
this Writ to Him directed And the same day is given to the said John Brannock &c

All which said Next Court to wit the 13th day of July Anno Dom 1714 Come the said
Thomas Macnemara by his Attorney aforesd and the Sheriff to wit Thomas Gassaway
Gent returns or produces to the Court here a Certain Inquisition taken before him at
Annapolis on the tenth day of May in the year of our Lord Christ One thousand Seven
hundred and fourteen by the Oaths of twelve &c by which it was found that the said
Thomas Macnemara has Sustained damages by Occasion of the premisses in the
Same writ of Inquiry Contained besides his Costs and Charges by him about his Suit in
the premisses aforesd laid out and expended to the Sume of twenty pounds and five
shillings Sterl. And now here at this Day to wit the 23 day of July in the Same
Court the plaintiff prays Judgement upon the return of the writ of Enquiry aforesaid;
no reasons being offered before by the said Defendant in Stay of Judgment nor no rule
being made on his favour to excuse him therefrom nor the plaintiff having yet
moved for Judgment before, whereupon the said Defendant by Thomas Bordley
his Attorney moves in Arrest of Judgment on the said Writt and Return; &c
Thereupon it is ordered that the said Defendant file his reasons in writing by
Tomorrow Night being the 23: day of July at the prayer of the plaintiff &c
Whereupon on the said 23: day of July the said John Brannock by his Attorney
aforesd files the following reasons (viz:)

John Brannock — } Plea trespass upon the case
ad
Thos Macnemara } The said John Brannock on the Motion of the said Thos Macnemara
had to offer in arrest of Judgment in the Verdict formerly found and writt of
Enquiry returnable to his Majesty's provincial Court the Second tuesday of July
Anno Dom Seventeen hundred and fourteen against him in a plea of trespass upon
the Case depending Should be filed in writing files these following &c

That upon the tryall of the Issue between the plaintiff & Defendant by the
Jury at Law on the Verdict rendered the plaintiff Thos Macnemara's cause of Action
did not appear to be within the Cognizance of the prov: Court nor did the Same

(Jury)

Jury the Court & the Same did not affect Damages being the only proper Judges thereof the
other Jury ought to do it such omission in the Verdict being not to be Supplyed by writ
of Enquiry nor has the pltff any means to make it appear that his cause of Action amounted
to twenty pounds or upwards nor even to Six pounds five Shill without which by
the Acts of Assembly of the province the pltff is to be Nonsuit and therefore no Judgment
can be given for the pltff thereon the writt of Enquiry issued and returned in this cause
being wholly void in Law — And also for that the Jury on the Same writ of Enquiry
misbehaved themselves & for that the sd Thomas Macnemara did not Execute the sd
Writt of Enquiry at the Day which he notifyed to the defendant in writing he would
have the Same executed upon for all wch & many other apparent faults the sd John
Brannock prays that no Judgment may be rendered against him in the plea aforesd but
that the pltff may be nonsuited therein as by the Acts of Assembly in such cases he
ought &c But for that the Court here is not advised of their Judgment of and upon ye
premisses aforesd day is given to the said parties to hear there of their Judgment until the Next
Court for that the said Court as yet are not &c — All which said Next Court
to wit the 21st day of Sept: Anno Dom 1714 Come again the said parties pltff and deft by their
attorneys aforesd But for that the sd Court here as yet are not advised of their Judgment of and upon
the premisses day thereof is further given to the said parties to hear there of their Judgment
until the Next Court for that the said Court yet are not &c — All which said
next Court to wit the 18th day of April Anno Dom 1715 Come again the said parties pltff
and deft by their Attorneys aforesd But for that the said Court here as yet are not advised of
their Judgment of and upon the premisses day thereof is further given to the said parties
to hear there of their Judgment until the Next Court for that the said Court yet are not
&c — All which said Next Court to wit the 13th day of September Anno Dom 1715 Come
again the said parties pltff and deft by their Attorneys aforesd But for that the said
Court here as yet are not advised of their Judgment of and upon the premisses
day thereof is further given to the said parties to hear there of their Judgment until
Next Court for that the said Court yet are not &c —

All which said Next Court to wit the First Day of May Anno Dom 1716 Come
again the said parties pltff & Defend: by their Attorneys aforesd But for that the
said Court here as yet are not advised of their Judgment of and upon the premisses
day thereof is further given to the said parties to hear there of their Judgment
until Next Court for that the said Court yet are not &c

All which said Next Court to wit the 3: day of July Anno Dom 1716 Come again
the said parties pltff and Deft by their Attorneys aforesd And thereupon as before Commanded
is again given to the Sheriff of Anne Arundell County that he Cause to Come before the Justices of
the Next provincial Court twelve good and Lawfull of his Bailywick by whom &c who neither
&c to recognize in form aforesd &c because as well &c — And thereupon the said Action is Continued
until Next Court — All which said Next Court to wit the 11th day of September Anno Dom
1716 Come Again the said parties pltff and Defend: by their Attorneys aforesd But the Sheriff of Ann
County making no return of the Venire Jurators to him directed last Court &c thereupon ordered
that the like Venire Jurators issue returnable next Court And thereupon the said Action is
Continued until Next — All which said Next Court to wit the 9th day of April Anno Dom
1717 Come again the said parties pltff and defendant by their attorneys aforesd But there is no
return as yet made of the Venire Jurators thereupon the said John Brannock by his attorney aforesd
prays further Leave to Imparle hereunto until next Court & he hath it & the same day is given to
the pltff also — All which said Next Court to wit the 10th day of September Anno Dom 1717 Come again
the said parties pltff and deft by their Attorneys aforesd, and thereupon the said deft by his said Attorney

prays