& Wilfully Entreated wherefore the same Zephaniah himself against the said
John then and there did Defend & he saith that if any Damage or Loss to
the same John then and there did Come the same was owing to the proper
assault of him the same John & in Defence of the same Zephaniah and
this he is ready to Verifie wherefore he prays Judgement if the aff John
his Action aforesaid against him to have ought &c. And the said John
Saith that he by any thing above alledged from having his Action aff
as to the Beating Wounding and Wilfully treating of him the said John
By the said Zephaniah Ought not to be Precluded because he saith
that the said Zephaniah him the said John the Day and year in the
Declaration aff mentioned at the County aff of the proper Wrong of him
said Zephaniah without any such Cause as the said Zephaniah in
Pleading hath alledged him the said John did Beat Wound & Wilfully treat as
he the said John against the said Zephaniah hath above Complained &
this he prays may be Inquired of by the Country And the Deft also
Whereupon the Tryall of the Issue aff is by the Court here ordered to
had in Ann Arundell County.

And therefore for trying the Issues Command is given to the Sheriff
of Ann Arundell County that he Cause to Come before the Justices of the
~~Provincial~~ Provincial Court at Annapolis the third Tuesday of October next
or before the Justices appointed to take the Assizes in his County of they
shall before that Time to wit on Monday the thirteenth Day of September
next to the County Court House in the said County Come Twelve good &
Lawfull men of his Baliwick by whom &c to Recognize &c because as well &c.

Afterwards the Process continued between the
Parties aforesaid on the Plea aforesaid by the Jury being put thereon in Respite
here untill the third Tuesday of October next Unless the Justices of his Lordship
the Lord Propty to take the Assizes in the said County assigned on Monday the
thirteenth Day of September next to the County Court House in the said
County should Come And now here at this Day to wit the said third Tuesday
of October being the 19th Day of the same Month anno Domini 1736 Come
again the said Parties Pltff & Defendt by their attorneys aforesaid But the
Sheriff hath not sent his Writ Whereupon Command is again given to
the Sheriff of Ann Arundell County that he Cause to Come before the Justices
of the ~~Provincial~~ Provincial Court at Annapolis the third Tuesday of May next
or Before the Justices appointed to take the Assizes in his County of they
shall before that Time to wit on Monday the Eleventh Day of April next
to the County Court House in the said County Come twelve good & Lawfull
Men of his Baliwick by Whom &c who neither &c to recognize in form aff

Afterwards the Process Continued between
the Parties aff on the Plea aff by the Jury being put thereon in Respite here
untill the third Tuesday in May next unless the Justices of his Lordship the
Lord Propty to take the Assizes in the said County assigned on Monday the
Eleventh Day of April next to the County Court House in the said County
should Come And now here at this Day, to wit the said third Tuesday
of May being the 17th Day of the same Month Comes again into his Lordships
Provincial

Provincial Court here as well the said John Davidson by Daniel Dulany Esq his
Attorney aff and the said Zephaniah Wade by Richard Francis his Attorney
aforesaid And the Justices of Assizes before whom &c Send here their Record before
them Held in these Words Viz:

Afterwards to wit at the Day and Place last
above mentioned before the Honourable Robert Gordon one of his Lordships Justices
of the Provincial Court & Benjamin Young Esqr one other of the Justices of the said
Court assigned to take the Assizes in Ann Arundell County according to the form of the Act of
Assembly &c Came as well the within named John Davidson by his Attorney
aff as the within named Zephaniah Wade by his Attorney aff And the Jurors of
that Jury whereof Mention is above made being Exacted Likewise Come to wit
James Mouatt, John Watkins, Abell Hall, John Davidge Senr, Bazil Dorsey, David
Worms, John Sappington, Richard Davis, John Orrick, Philip Jones, Wm Selmen
& Morgan Jones. Who being duely Elected tryed and Sworn to say the truth in the
Premisses upon their Oath Do say that the aff Zephaniah Wade with force & Arms
aforesaid of his own proper Wrong & Without the Cause by him the said Zephaniah
Wade above alledged upon him the said John Davidson at Prince Georges County
aff ~~&c~~ made an Assault and him Did beat Wound & Wilfully treat so that he
Despaired of his Life Soar the ~~&c~~ aff John Davidson with against him Complaining
And they assess Damages of him the said John Davidson by Occasion of the
Premisses aforesaid —— to the Sum of ten Shillings Current Money besides
his Costs & Charges in this Behalf Laid out & Expended

Test. Ht. Jennings
Clk of Assizes

Therefore It is Considered by the Justices here the aforesaid 17th Day of May
anno Dom 1737 that the aforesaid John Davidson Recover against the said
Zephaniah Wade as well the Sume of ten Shillings Currency his Damages aff
By the Jurors aff in form aff assessed as Also the Sum of
Pounds of Tobacco by the Court here to the same John
Davidson adjudged for his Costs & Charges by him about his Suit in this Behalf
Laid out & Expended And the aff Zephaniah Wade in Mercy &c

Dt. John Davidson } Maryland ss.
v
Pl. Robert Wade } Ann Arundell County ss.

Be it Remembred that heretofore to wit the 8th
Day of July anno Dom 1736 Robert Wade the younger of Prince Georges County
Planter was attached to answer unto John Davidson of a Plea wherefore with force and
Arms Viz: Clubs Staves & fists at Prince Georges County an assault did make and
him Did beat Wound and Wilfully treat so that of his Life it was Despaired and other
Harms to him Did to the great Damage of the said John against the Peace &c
And whereupon the same John by Daniel Dulany his Attorney Complains
that the said Robert the tenth Day of October in the year of our Lord Seventeen
Hundred and thirty four at Prince Georges County with force and Arms Viz: Clubs
Staves