Staves Knives and fists an assault on him the said John did make & him did then and there Beat Wound & Wilfully treat so that of his life it was greatly despaired & other Harms to him did to the great Damage of the said John against the Peace &c. Whereby the said John saith he is Damnified & hath Loss to the Value of five Hundred Pounds Current Money of Maryland & therefore he brings this Suit &c.

Pltf John Davidson by Richard Tho.

And the said Robert Wade the younger by Richard Francis his Attorney Comes and Defends the force and Injury when &c. And prays Leave to Imparle hereunto until next Court & he hath it and the same Day is given to the Pltf also.

At which said next Court to wit the 21st Day of October Anno Domi 1735 Come again the said Parties Pltf & Deft by their Attorneys afd & the said Defendant by his said Attorney prays further Leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Pltf also.

At which said next Court to wit the 18th Day of May Anno Domi 1736 Come again as well the said John Davidson by his Attorney afd as the said Robert Wade by his attorney afd & the said Robert Wade by his said Attorney as before Defends the force and Injury when &c. And as to the Coming with force and arms he saith he is in no wise guilty thereof and of this he put himself upon the Country And the Pltf also. And as to the assaulting Beating Wounding and Wilfully Intreating as Above to have been done Supposed the same Robert Saith that the afd John his Action aforesaid for the same against him ought not because he saith that the afores'd John the Day and year afd to have ought in the Declaration afd above Specified upon him the same Robert at Prince Georges County aforesaid An assault did make and him the same Robert would have Beaten Wounded and Wilfully Intreated wherefore the same Robert himself against the said John then and there did Defend and he Saith that if any Damage or Wille to the same John then and there did Come, the same was owing to the proper assault of the same John & in Defence & in Defence of the same Robert & this he is ready to Verify Wherefore he prays Judgement of the afd John his Action afd against him to have ought &c.

And the said John saith that he by any thing above alledged from having his Action aforesaid as to the Beating Wounding and Wilfully Treating of him the said John by the said Robert ought not to be precluded because he saith that the said Robert him the said John the Day and year in the Declaration afd mentioned at the County afd of the proper Wrong of him the said Robert without any Such Cause as the said Robert in Pleading hath alledged him the said John did Beat Wound & Wilfully treat as the said John against the said Robert hath above Complained & this he prays may be inquired of by the Country And the Deft also &c.

Whereupon the Tryal of the Issue afd is by the Court hereordered to be had in Ann Arundell County Therefore for Trying the Issue Command is given to the Sheriff of Ann Arundell County that he Cause to Come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the assizes in his County if 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 and Lawfull men of his Balliwick by whom &c. Who neither &c. to Recognize &c. &c. Because as well &c.

Afterwards

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 Septr next to the County Court House in the said County should Come &c.

And now here at this Day to wit the said third Tuesday of October being the 19th Day of the same Month Anno Domi 1736 Comes again the said Parties Pltf & Deft by their Atty aforesaid But the Sheriff hath not sent his Writ. Whereupon for Trying the Issue aforesaid Command is again given to the Sheriff of Ann Arundell County that he Cause to Come before the Justices of the Provincial Court at Annapolis the third Tuesday of May next or before the Justices Appointed to take the assizes in his County if they shall before that Time to wit on Monday the Eleventh Day of Aprile next to the County Court House in the said County Come twelve &c. By whom &c. who neither &c. to Recognize in form aforesaid &c.

Afterwards the Process Continued between the Parties aforesaid on the Plea afd by the Jury being Put thereon in respite here until the third Tuesday of 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 Aprile next to the County Court House in the said County Should Come &c.

And now here at this Day to wit the said third Tuesday of May being the 17th Day of the same Month Anno Domi 1737 Comes again into his Lordships Provincial Court here as well the said John Davidson by his Attorney afd as the said Robert Wade by his Attorney aforesaid And the Justices of assizes before whom &c. Said here their Record before them had in these Words Viz. - - - -

Afterwards to wit at the Day and place last above mentioned before the Hon.ble Robert Lordon Esq. one of his Lordships Justices of the Provincial Court & Benj. Young Esq. 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. Comes as well the within named John Davidson by his Attorney afd as the within named Robert Wade by his Attorney afd And the Jurors of that Jury whereof mention is above made being Elected likewise Come to wit James Mouatt, John Davidge Senr, Richard Davis, Thomas Worthington, John Howard, Saml Jacobs, Benjamin Gaither, Senr, Philip Jones, Wm Solman, Thos Lusby, John Andrews & John Morskin who being Duly Elected Tryed and Sworn to Say the Truth in the Premisses upon their Oath Do say that as to the Coming with force and arms he the said Robert is in no wise Guilty and as to the Beating Wounding and Wilfully Intreating above to have been Done Supposed the Jurors afd Say that the said John the Day and year afd in the Declaration afd above Specified upon him the same Robert at Prince Georges County afd an assault did make and him the said Robert would have Beaten Wounded and Wilfully Intreated wherefore the same Robert himself against the said John then and there did Defend and that if any Damage or Will to the same John then and there did Come it was owing to the proper assault of him the said John and in Defence of him the same Robert as the same Robert above by Pleading hath alledged Test Thos Jennings Clk of Assize

Therefore It is Considered by the Justices here the afd 17th Day of October Anno Domi 1737 that the afd John Davidson take nothing by his Writ aforesaid But be in Mercy for his false Clamour and that the said Robert Wade go thence of without Day also it is Considered by the Justices here the Day & year afd that the said Robert Wade Recover against the said John Davidson the Sum of Pounds of Tobacco by the Court here to the same Robert Wade adjudged for his Costs & Charges by him about his Defence in this behalf laid out & expended &c.