May Term 1738

John Scott — } Maryland ss.
vs
William Crow } Kent County ss. Be it Remembred that heretofore to wit the 15th Day of May Anno Dom 1733 William Crow of Kent County planter was attached to answer unto John Scott of a plea wherefore with force & Arms into the Close of him the said John called Bainbridge in Kent County he broke & Entered & the timber Trees thereon lately growing did Cut down & Carry away to the great Damage of the said John & against the Peace &c

And whereupon the said John (being a Minor under the Age of twenty one years) by Joseph Nicholson his next Friend saith that the said William Crow the tenth Day of September Anno Dom Seventeen hundred & thirty Two with force & Arms the Close of him the said John in Kent County aforesaid called Bainbridge broke & Entered & the timber Trees of the said John there lately growing of the Value of One hundred Pounds Sterling Viz^t One hundred Oaks Eighty black walnutt Trees Sixty Chesnut Trees did fell Cut down & Carry away & other harms to him did to the great Damage of the said John & against the Peace &c wherebyhe saith he is damnified & hath loss to the Value of two hundred pounds Sterling & therefore he brings Suit &c.

Pledges &c John Doe & Richd Roe.

And the said William Crow by William Berkingham his Attorney Comes & defends the force & Injury when &c And prays leave to imparle thereunto untill next Court And he hath it And the same Day is given to the pltff also.

At which said next Court to wit the 16th Day of October Anno Dominii 1733 Come again the said Parties pltff & Defendant by their Attorneys aforesaid And the said Deft by his said Attorney prays further leave to imparle thereunto untill next Court And he hath it And the same Day is given to the pltff also.

At which said next Court to wit the 21st Day of May Anno Dom 1734 Comes again as well the said John Scott by Daniel Dulany his Attorney as the said William Crow by William Berkingham his Attorney And the said William Crow by his said Attorney as before defends the force & Injury when &c And saith he is not guilty of the Trespass aforesaid in such manner & form as the pltff above against him hath Complained & this he prays may be Inquired of by the Country And the pltff also.

Whereupon for Trying the Issue aforesaid Command is given to the Sheriff of Kent 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 twenty third Day of September next to the County Court house in the said County Come Twelve good & lawfull Men of his Bailywick by whom &c who neither &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 Propry to take the Assizes in the said County assigned on Monday the Twenty third 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 being the 15th (Day)

Day of the same Month Anno Dominii 1734 Comes again before the Justices of his Lordships Provincial Court here as well the said John Scott by his Attorney aforesaid as the said William Crow by his Attorney aforesaid But the Sheriff hath not sent his Writ — Whereupon the Process aforesaid between the parties aforesaid on the plea aforesaid is further Continued untill next Court.

At which said next Court to wit the 8th Day of July Anno Dom 1735 Comes again into the Provincial Court here as well the said John Scott by his Attorney aforesaid as the said William Crow by his Attorney aforesaid Whereupon for Trying the Issue aforesaid Command is again given to the Sheriff of Kent County that he Cause to Come before the Justices of the Provincial at Annapolis the third Tuesday in 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 twenty second Day of September next to the County Court house in the said County Come Twelve &c by whom &c who neither &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 Propry to take the Assizes in the said County assigned on Monday the 22d 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 21st Day of the same Month Anno Dom 1735 Comes again before his Lordships Justices of the Provincial Court here as well the said John Scott by his Attorney aforesaid as the said William Crow by his Attorney aforesaid And the Justices of Assize before whom &c said here their Record before them had in these Words (Viz^t)

Afterwards to wit at the Day & place aforesaid before Joseph Young and Henry Hooper Esq^rs two of his Lordships Justices of the Provincial Court assigned to take the Assizes to wit at Chester Town for Kent County Come the aforesaid Plaintiff and Deft and the Jurors of that Jury whereof mention was heretofore made being Sworn likewise Come to wit John Brown John Williams Vincent Hutchison John Earle Samuel Tovey Benjn Hopkins George Medford Bulman Medford John Smithers Robert White John Derrick Richd Wilson who being duely Elected tryed & Sworn to say the Truth in the Premises upon their Oath aforesaid do say that the aforesaid Deft is Guilty of the Trespass aforesaid in Manner & form as the pltff above against him hath Complained & do assess the Damages by reason of the Trespass aforesaid to five pounds Sterling.

But for that the Court here are not advised of their Judgment of & upon the Verdict & Premises aforesaid Day is given to the said Parties pltff & Defendant to hear their Judgment untill next Court for that the said Court as yet are not &c.

At which said next Court to wit the Eighteenth Day of May Anno Dom 1736 Comes again the said Parties pltff & Deft by their Attorneys aforesaid Whereupon all & Singular the Premises being by the Court here soon heard fully understood and Mature Deliberation thereupon had It is adjudged by the Court here that the Verdict aforesaid be set aside And that the pltff pay the Deft Cost occasioned by the Premises aforesaid And thereupon for trying the Issue aforesaid it is again Commanded the Sheriff of Kent County that a new he Cause to Come before the Justices of the Provincial (Court)