September Term 1751

Sheriff of Calvert County that by the Oath of Twelve Honest and Lawfull Men of his Bailiwick diligently to enquire what Damages the said Lord Propry. as well by reason of the Premises aforesd as for his Costs and Charges by him put unto about his Suit in this behalf hath Sustained and the Inquisition which he shall thereof take to his Lordships Justices of the Provincial Court to be hold at Annapolis the Second Tuesday of April next under his Seal and the Seals of those by whose Oath he shall take that Inquisition he shall send together with the Writ of the said Lord Propry to him upon this Account directed, And the same day is given to the said ~~[illegible]~~ Thomas Dagnall Esq. Attorney General of the said Lord Propry wherever he [illegible] ~~[illegible]~~

Test. A Burgess Clk

Ad. Eq. Robert How
a
Ta. Ob. Ad. James John Mackall } Calvert County ss. James John Mackall late of Calvert County Gentleman was attached to Answer unto Robert How of a Plea wherefore with Force & Arms on him the said Robert How at Calvert County aforesd an Assault he the said James John Mackall did make and him the said Robert did beat wound and evilly treat so that of his life it was despaired and other harms to him the said Robert then and there did to the great Damage of the said Robert and against the Peace &c.

And Whereupon the said Robert by Edward Dorsey his Attorney Complains that the aforesd James John on the Nineteenth Day of November in the Year of our Lord Seventeen hundred and forty nine with Force & Arms &c. to wit Swords Cudgels Fists Whips and Knives upon him the same Robert at Calvert County aforesd an Assault did make and him the aforesd Robert did then and there beat Wound and evilly Treat so that of his life it was greatly despaired and other harms to him the said Robert then and there did to the great Damage of him the said Robert and against the Peace of the Right Honble. the Lord Propry. that now is his good rule and Government therefore the said Robert saith he is worse and hath Damage to the Value of Sixty Pounds Current Money and therefore he brings Suit &c.

Pledges &c. { John Doe, Richd. Roe }

And the aforesd James John Mackall by Thomas Clark his Attorney comes & defends the Force and Injury when &c. and prays leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also

At which said next Court to wit the 11th Day of September Anno Dom. 1750 Comes again the said parties Plaintiff and Defendant by their Attorneys aforesd and 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 Plaintiff also

At which said next Court to wit the 9th Day of April Anno Dom. 1751. Comes again the said Parties Plaintiff and Defendant by their Attorneys aforesd and 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 Plaintiff also

At which said next Court to wit the 10th Day of September Anno Dom. 1750 Comes again as well the said Robert How by his Attorney aforesd as the aforesd James John Mackall by his Attorney aforesd and the said James John Mackall by his said Attorney as before defends the Force and Injury when &c. and saith that he is not Guilty of the Premises above laid to his Charge in manner and form so as the aforesd Robert How above against him hath Complained and of this he puts himself upon the Country and the Plaintiff also

(Whereupon)

September Term 1751

Whereupon for Trying the Issue aforesd Command is given to the Sheriff of Annarundel County that he immediately Cause to come here Twelve good and Lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c. of which said Precept the said Sheriff to wit John Gassaway Esq. makes return that he has here ready Twelve &c. as by his said Precept he was commanded to wit Philemon Dorsey, John Dorsey, James Osborn Moses Hubbert, David Patterson, Thomas Baldwin, Richard Sedgwick, William Murdock John Stiles, Thomas Stanton, Samuel Marshall and Cornelius Barber who being duly Elected Tryed and Sworn to say the Truth in the Premises upon their Oath do say That the said James John Mackall is Guilty of the Premises above laid to his Charge in manner and form so as the aforesd Robert How above against him hath Complained and do Assess the Damages of him the said Robert How Sustained by Occasion of the Trespass and Assault aforesd besides his Costs and Charges by him about his Suit in this behalf laid out and expended to the Sum of Ten Pounds Current Money

Therefore it is Considered by the Justices here that the said Robert How recover against the said James John Mackall as well the Sum of Ten Pounds Current Money his Damages aforesd by the Jurors aforesd in form aforesd Assessed as also the Sum of

1907 3/4 3/5 Pounds of Tobacco by the Court here unto him on his Assent Adjudged for his Costs and Charges by him about his Suit in this behalf laid out and expended and the said Defendant in Mercy &c.

Test. A Burgess Clk

Ad. Timothy Savetrees Exor of John Kite
a
Ta. Ka. John Wilcoxon } Maryland ss. John Wilcoxon late of Frederick County Planter was attached to Answer unto Timothy Savetrees of a Plea wherefore with Force and Arms &c. into all that Tract or Parcel of Plantable Land called Discord lying and being in the County aforesaid with the Appurtenances Containing two hundred and fifteen Acres of Land which John Kite to him the said Timothy Demised for a Term not yet past he the said John Wilcoxon did enter and him the said Timothy from his Farm aforesd did Eject and other harms to him the said Timothy did to the great damage of him the said Timothy and against the Peace of the Right Honble the Lord Propietary that now is &c.

And Whereupon the said Timothy by Stephen Bordley his Attorney Complains that Whereas the aforesd John Kite on the third day of May in the Year of our Lord Seventeen hundred & forty eight at Frederick County aforesd had Demised to him the aforesd Timothy the said Premises with the Appurtenances thereunto belonging To have and Occupy the same Premises with the Appurtenances to him the said Timothy and his Assigns from the thirtieth day of April then last past until the full end and Term of Ten Years then next following fully to be Compleat and ended By Virtue of which Demise the aforesd Timothy into the Premises with the Appurts did enter and was thereof Possessed and the said Timothy so being thereof Possessed the aforesd John Wilcoxon afterwards to wit on the same third day of May in the Year of our Lord Seventeen hundred and forty eight aforesd at Frederick County aforesd with Force & Arms &c. into the Premises with the Appurtenances aforesd which the said John to him the said Timothy in form aforesd had Demised for the Term aforesd which is not yet past entered and him the said Timothy from his Farm aforesd did Eject and other harms to him the said Timothy then and there did to the great damage of him the said Timothy and against the Peace of the Right Honble the Lord Propry. that now is &c. whereby the said Timothy saith

(he)