and other Harms to the same John then there did to the great Damage of the same John and against the peace of the Right Honourable the Lord Proprietary that now is and so forth And Whereupon the said John Smith by John Hall his Attorney complains that the said Richard Davis on the Day of in the Year seventeen hundred and at Baltimore County aforesaid with Force and Arms to wit with Swords Staves Fists and Knives on him the said John an Assault did make and him the said John then and there did beat wound and evilly treat so that his Life was despaired of and other Enormities to him the said John did to the great damage of him the said John and against the peace of the Right Honourable the Lord Proprietary that now is &c wherefore he the said John saith he is the worse and hath Damage to the value of one hundred Pounds Current Money and therefore he brings Suit and so forth

Pledges and so forth John Doe and Richard Roe

And now here at this Day to wit the 13th Day of April Anno Domini 1762 the said Richard Davis by Thomas Johnson Junior his Attorney comes and defends the Force and Injury when and so forth and prays leave to Imparle hereunto until next Court and he hath it the same Day is given to the plaintiff also

At which said next Court to wit the 14th Day of September Anno Domini 1762 Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also

At which said next Court to wit the 12th Day of April Anno Domini 1763 Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid And the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it the same Day is given to the plaintiff also

At which said next Court to wit the 13th Day of September Anno Domini 1763 Come again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also

At which said next Court to wit the 10th Day of April Anno Domini 1764 comes again as well the said John Smith by his Attorney aforesaid as the said Richard Davis by his Attorney aforesaid And the said Richard Davis by his said Attorney (as before) defends the Force and Injury when and so forth and saith that he is not Guilty of the Trespass aforesaid in manner and form as the aforesaid John above

against

against him complains and of this he puts himself upon the Country and so forth and the aforesaid John in like manner and so forth

And the aforesaid Richard with the leave of the Court here according to the form of the Statute in such Case lately made and provided further defends the Force and Injury when and so forth and as to the coming with Force and Arms or any other Thing against the peace and so forth the same Richard saith that he is not thereof Guilty and of this he puts himself upon the Country and so forth And the aforesaid John in like manner and so forth

And as to the residue of the Trespass aforesaid above supposed to be done the same Richard saith that the aforesaid John his Action aforesaid against him the said Richard to have or maintain ought not because he saith that the aforesaid John at the aforesaid Time when the Trespass aforesaid is above supposed to be done at Baltimore County aforesaid with Force and Arms and so forth in and upon him the said Richard an Assault did make and him the said Richard then and there would have beaten wounded and evilly treated unless the said Richard himself against the aforesaid John then and there had speedily defended and so the same Richard saith that the evil or damage if any to the same John then and there happened was from the proper Assault of him the said John and in defence of him the said Richard and this the said Richard is ready to verify and so forth wherefore he prays Judgment if the aforesaid John his Action aforesaid against him the said Richard to have or maintain ought and so forth

And the aforesaid John Smith says that he by any Thing by the said Richard in his second plea above in pleading alleged from having his Action aforesaid thereof against him to be precluded ought not because he says that the said Richard of his own wrong and without such cause by him the said Richard above in pleading alleged made an Assault on him the said John and him the said John beat wounded and evilly treated in manner and form as the said John above against him complains and this he prays may be enquired into by the Country and so forth And the aforesaid Richard in like manner and so forth

Whereupon the said Richard Davis by his Attorney aforesaid prays that the said John Smith may be adjudged to give Security for Costs In Case he shall happen to be Nonsuit in the plea aforesaid But the said John Smith altho solemnly Called comes not but makes default nor doth he further prosecute his Writ against the said Richard Davis in the plea aforesaid

Therefore it is Considered by the Justices here that the said John Smith take

nothing