Trespasses aft. are above alledgid to be Committed was & there is the proper Soil & freehold of him the said Robert Newcomb & not the proper Soil & freehold of the said Jacob as the said Jacob by his said plea above hath alledged and this the said Robert Newcomb prays may be enquired of by the Country &c.

And the said Jacob as to the Replication of the said Robert to the third plea of him the said Jacob saith that the said Replication and the matter therein Contained are insufficient in Law for him the said Robert his Action aft. thereof against him the said Jacob to have or maintain to which Replication in manner and form aft. by replying pleaded he the said Jacob hath no need nor by the Law of the Land is in any sort held to answer and this he is ready to verify and so forth Wherefore for want of a sufficient Replication in this Behalf the said Jacob prays Judgment and that the aft. Robert from having his Action aft. thereof against him may be precluded and so forth &c.

And the aforesaid Robert saith that the plea aforesaid by him the said Robert in manner and form aforesaid above in his replication pleaded and the matter in the same Contained are good and sufficient in Law for him the said Robert to have and maintain his action aforesaid thereof against him the said Jacob, which said plea and the matter in the same Contained the said Robert is ready to aver and prove as far as the Court here shall award &c. and because the aforesaid Jacob hath not answered to that plea nor the same hitherto in any manner hath denied the said Robert prays Judgment and his Damages sustained by Occasion of the premises together with his Costs and Charges to him to be adjudged and so forth &c.

Whereupon all and singular the premises being by the Court here seen heard, fully understood and Mature Deliberation thereupon had for that it seemeth to the Court here that the Replication of him the said Robert to the third plea of him the said Jacob, and the matter in the same Contained are good and sufficient in Law for him the said Robert to have and maintain his Action aforesaid thereof against him the said Jacob Heindman and so forth &c.

And the aforesaid Jacob Heindman by his attorney aforesaid relinquishing the averments first alledgd by him pretended saith that he cannot deny the Action aforesaid of him the said Robert Newcomb Esq. aforesaid above against him brought nor but that the said Robert Newcomb hath Sustained Damages by Occasion of the premises besides his Costs and Charges to five pounds Current money &c.

Therefore it is considered by the Justices here that the said Robert Newcomb recover against the said Jacob Heindman a new the sum of (Five pounds Current money his Damages aforesaid in form aforesaid confessed as also the sum of

328 pounds of

(Tobacco)

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.

Memorandum, the Plaintiff releases the Damages &c.

Test. Reverdy Ghiselin Clk.

30.

1764	Charles Small	Queen Anns County to wit, Mathew Erichson
	against	late of Queen Anns County Merchant was attached
C	Mathew Erichson	to answer unto Charles Small of a plea wherefore

with force & Arms and so forth he the said Mathew Erichson at Queen Anns County aft. upon him the said Charles Small an assault did make and him the said Charles did beat wound and evilly treat so that of his life it was greatly despaired and other harms to him the said Charles there did to the great damage of the said Charles and against the peace of the Right Honble the Lord Proprietary that now is and so forth And whereupon the said Charles by James Holliday his attorney complains that the said Mathew the first day of September in the year of Our Lord One thousand Seven hundred and sixty two with force and Arms upon him the said Charles at Queen Anns County aft. an assault did make and him the said Charles did there and there beat wound and evilly treat so that of his life it was greatly despaired and other harms to him the said Charles there and there did to the great damage of of the said Charles and against the peace of the Right Honourable the Lord Proprietary that now is and so forth Whereupon the said Charles saith that he is the worse and hath damage to the Value of One hundred pounds Current money of Maryland & therefore he brings his Suit &c. & so forth &c.

Pledges &c. Jno. Doe. Rd. Roe.

And the aforesaid Mathew Erichson by Charles Goldsborough his attorney comes and Defends the force and Injury when and so forth and saving to himself all manner of advantages as well to the writ as the Declaration aforesaid prays leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also &c.

At which said next Court to wit the thirteenth day of September Anno Domini 1763 comes 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 untill next Court and he hath it and the same day is given to the Plaintiff also &c.

At which said next Court to wit the 7th day of April Anno Domini 1764 comes 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 untill next Court and he hath it and the same day is given to the Plaintiff also &c.

At which said next Court to wit the Eleventh day of September Anno

(Domini)