again the said Parties Plaintiff and Defendant by their Attornies aforesaid And the said Defendant by his said Attorney prays further Leave to imparle hereunto until 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 August 1763 Come again the said Parties Plaintiff and Defendant by their Attornies aforesaid And the said Defendant by his said Attorney prays further Leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also At which said next Court to wit the 8th day of November 1763 Comes again as well the said Nicholas Maccubbin by his Attorney aforesaid as the said John Cheney son of John by his Attorney afsd And the said Nicholas Maccubbin by his said Attorney Produces to the Court here his Lordships Writ of Fortiorari the Tenor whereof follows in those Words Viz. Maryland fs. Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Clerk of Ann Arundel County Greeting (Seal)

We being willing for certain Causes to be Certified of the Record and Proceedings of a certain Action before you depending between Nicholas Maccubbin Plaintiff and John Cheney son of John Defendant of a plea of Trespass on the Case We command you that the Record and Proceedings of the Action aforesaid with all things thereunto relating as far as before you it remains by whatsoever Names the Parties in the same are Distinguished to our Justices of our Provincial Court to be held at Annapolis the second Tuesday in April next under your hands and Seals you send together with this Writ that our said Justices may further do therein that which of Right they see ought to be done Witness John Bruce Esq. Chief Justice of our said Provincial Court the 1st day of October in the 13th Year of our Dominion &c. Anno Dom. 1763

Allowed per Jn. Bruce Issued 8th Dec. 1763 T. Johnson / Reverdy Ghiselin Clk

Which being read and heard the same is Allowed of and the Record and Proceeding also together with all things thereunto relating is ordered to be Transmitted to the next Provincial Court

In Testimony that the aforegoing is a true Copy taken from the Record and Proceedings of Ann Arundel County November Court 1763 I have hereunto Set my hand and Affixed the Seal of the said County this 2d day of April 1764 (Seal)

John Bruce Clk A County

And the said John Cheney son of John by John Hall 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 and the same day is given to the Plaintiff also At which said next Court to wit the 11th day of September Anno Dom. 1764 come again the said Parties Plaintiff and Defendant by their Attornies aforesaid And the said Defendant by his said Attorney prays further Leave to imparle hereunto until 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. 1765 Come again the said Parties Plaintiff and Defendant by their Attornies aforesaid and the said Defendant by his said Attorney prays further Leave to imparle hereunto until 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. 1765 Come again the said Parties Plaintiff and Defendant by their Attornies afsd And the said Defendant by his said Attorney prays further Leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also At which said next Court to wit the 8th Day of April Anno Domini 1766 Comes again as well the said Nicholas Maccubbin by his Attorney afsd as the said John Cheney son of John by his Attorney afsd And the said John Cheney son of John by his said Attorney as before

(defends)

defends the force and injury when and so forth and saith that he did not Assume upon himself in manner and form as the aforesaid Nicholas above against him hath complained and of this he puts himself upon the Country &c. And the said Nicholas in like manner (and so forth) And the said John Cheney by Leave of the Court here and 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 saith that the afsd Nicholas his Action aforesaid thereof against him the said John Cheney to have or maintain ought not because he saith that he did not Assume upon himself at any time within Three Years next before the suing of the Original Writ of him the said Nicholas in this Cause impetrated in manner and form as the said Nicholas above against him complains and this he is ready to Verify &c. Wherefore he prays Judgment if the aforesaid Nicholas his Action aforesaid thereof against him the same John Cheney to have or maintain ought &c. and the said Nicholas saith that he from having his Action aforesaid thereof against him the said John to be precluded ought not because he saith that the said John within Three Years next before the impetration of the Original Writ aforesaid of him the said Nicholas to wit on the Day of seventeen hundred and at the County afsd did Assume upon himself in Manner and form as the said Nicholas above thereof against him hath complained and of this he puts himself upon the Country and so forth and the aforesaid John in like manner and so forth Whereupon this cause standing for Trial this Court by Consent of both Parties Plaintiff and Defendant and at their request is ruled by the Court that the said Cause be referred to Mess.rs Robert Couden and Thomas Richardson of Ann Arundel County Gentlemen and if they differ they to choose a third Person And it is ordered by the same Court that the said Arbitrators or any two of them make their Award in Writing under any two of their hands and Seals and return the same to this Court and Judgment to be rendered according to such Award and be final between the said Parties And the Arbitrators aforesaid in Pursuance of the Rule of Court aforesaid return to the Court here the following Award Viz. We the Subscribers by Virtue of the above Order from the Provincial Court do hereby Award that John Cheney son of John Defendant do pay and Satisfy to Nicholas Maccubbin Plaintiff the Sum of Twenty three Pounds four Shillings and three pence Sterling with the Legal Costs arising on the said Suit and that Judgment be entered accordingly Witness our hands and Seals this fourteenth day of March Seventeen hundred & sixty seven

Rob.t Couden (Seal)

Thomas Richardson (Seal)

Therefore it is considered by the Justices here that the said Nicholas Maccubbin recover against the said John Cheney son of John as well the Sum of Twenty three Pounds four Shillings and three pence Sterling by the Arbitrators aforesaid in Form aforesaid Assessed as also the Sum of Pounds of Tobacco by the Court here unto him on his Account Adjudged for his Costs and Charges by him about his Suit in this Behalf Laid out and Expended and the said Defendant in Mercy and so forth

Test Reverdy Ghiselin Clk

Ellery Anthony Smith } Maryland fs. Ann Arundel County to wit Henry Jones late of Ann Arundel County Planter was attached to Answer unto Anthony Smith of a plea
JH Henry Jones } wherefore with Force and Arms and so forth at the County aforesaid he the said Henry upon him the said Anthony an Assault did make and him the said Anthony did beat wound and willy treat so that of his Life it was Despaired and other Harms to him the said Anthony there did to the great Damage of him the said Anthony and against the Peace of the Right

(Noble)