April Term 1766.

Wm John Barkshire & Wife
against
Joshua Warfield

Ann Arundel County ss. Joshua Warfield Late of Ann Arundel County Surgeon was attached to Answer unto John Barkshire and Mary his Wife of a plea wherefore with force and Arms &c. he the said Joshua on her the said Mary an Assault did make and her the said Mary did beat wound and willy beat so that her life was greatly despaired of and other Enormities to her the said Mary did to the great Damage of them the said John and Mary and against the peace of the Right Honourable the Lord Proprietary that now is and &c. And Whereupon the said John and Mary by John Hall their Attorney complain that the said Joshua on the ninth day of August in the Year of our Lord Seventeen hundred and sixty three at the County aforesaid with force and Arms to wit with Fists Staves Knives and Cudgels on her the said Mary an Assault did make and her the said Mary did then and there beat wound and ill beat so that her life was greatly despaired of and other Enormities on her then and there committed against the Peace of the Right Honourable the Lord Proprietary his good Rule and Government and to the Damage of them the said John and Mary in the Sum of Two hundred Pounds Sterl Money and therefore they bring Suit and &c. Pledges and &c. John Doe and Richard Roe And the said Joshua Warfield by Thomas Johnson Junior his Attorney comes and Defends the force and injury when and &c. and prays Leave to imparle hereunto until next Court and it hath it and the same day is given to the Plaintiffs also At which said next Court to wit the 10th day of April Anno Domini 1765 come again the said Parties Plaintiffs and Defendant by their Attornies aforesaid And the said Defendant by his said Attorney prayes further Leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiffs also At which said next Court to wit the 10th day of September Anno Domini 1765 come again the said Parties Plaintiffs 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 Plaintiffs also At which said next Court to wit the 9th day of April Anno Domini 1765 come again the said parties Plaintiffs 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 Plaintiffs also At which said next Court to wit the 10th day of September Anno Domini 1765 come again as well the said Plaintiffs as the said Defendants by their respective Attornies aforesaid and suggest to the Court now here that a Material Witness in this Cause is beyond Seas and therefore pray a further day may be given them for the Tryal thereof Whereupon with Consent of the parties aforesaid day is given to the same parties here for the Tryal of this Cause until the second Tuesday of April next and &c. At which said Second Tuesday of April being the 8th day of the same Month Anno Dom. 1766 come here again as well the said John Barkshire and Wife by their Attornies aforesaid as the said Joshua Warfield by his Attorney aforesaid And the said Joshua Warfield by his said Attorney as before defends the force and injury when and &c. And saith that he is not Guilty of the Premises above on him imposed as the aforesaid John and Mary above against him have complained and of this he puts himself upon the Country &c. And the aforesaid John Barkshire and Wife in like Manner and &c.

(And)

And the said Joshua with the Leave of the Court here according to the form of the Statute in such Case lately made and provided comes and further defends the force and injury when and &c. and &c. to the coming with force and Arms and any other thing against the peace and &c. and &c. and also the Wounding aforesaid above supposed to be done the same Joshua saith that he is not thereof guilty and of this he puts himself upon the Country and &c. And the said John Barkshire and Wife in like manner and &c. And as to the Residue of the Trespass aforesaid above supposed to be done the same Joshua saith that the aforesaid John and Mary their Action aforesaid thereof against him the said Joshua to have or maintain ought not because he saith that before the aforesaid time when the Trespass aforesaid is above supposed to done to wit on the ninth day of July Seventeen Hundred and sixty three he the said Joshua prosecuted out of his Lordships the Right Honourable the Lord Proprietary that now is his Court of Ann Arundel County his said Lordships Writ of Capias ad respondendum to the Sheriff of Ann Arundel County directed by which same Writ the then Sheriff of the same County was commanded to take the aforesaid John Barkshire by the Name and Addition of John Barkshire late of Ann Arundel County Planter if he should be found in his Bailiwick and him should safe keep so that he might have his Body before the Justices of Ann Arundel County Court to be held at Annapolis the second Tuesday of August then next to Answer unto him the said Joshua Warfield in a plea of Trespass upon the Case and &c. as they he was not to fail at his Peril and to have then and there that Writ which same Writ afterwards and before the Execution thereof and also before the Day of the return thereof to wit on the Thirtieth day of July in the Year Seventeen hundred and sixty three aforesaid at the County aforesaid to a certain William Gambrill then and there being Deputy Sheriff of Ann Arundel County aforesaid as Deputy Sheriff of the same County to be Executed in due form of Law was him the said Joshua delivered And the aforesaid Joshua further saith that after the Delivery of the Writ aforesaid to the said William Gambrill as Deputy Sheriff of the County aforesaid to be Executed as aforesaid and before the Execution and also before the day of the return thereof to wit on the Day and Year last aforesaid at the County aforesaid the aforesaid William Gambrill as Deputy Sheriff aforesaid by his Warrant under his hand and Seal indorsed on the Back of the same Writ did depute and authorize a certain Thomas Gafaway to Execute the Writ aforesaid and the aforesaid Joshua further saith that afterwards and before the day of the Return of the Writ aforesaid to wit on the day and Year aforesaid in the Declaration aforesaid above mentioned at the County aforesaid he the said Thomas Gafaway by Vertue of the Warrant aforesaid him the said John Barkshire with the Writ aforesaid did take and Arrest and him the said John then and there would have led before the aforesaid William Gambrill Deputy Sheriff aforesaid upon which the said Mary an Assault upon him the said Thomas Gafaway then and there did make and him the said John then and there did Attempt to Rescue and him the said John then and there would have rescued from the Custody of the aforesaid Thomas Gafaway whereupon he the said Thomas Gafaway requested him the said Joshua to aid and assist him the said Thomas Gafaway in the Execution of the Warrant aforesaid and to prevent the said Mary from Rescuing the said John And thereupon the said Joshua then and there being present in aid and assistance and at the Request of the said Thomas Gafaway for the due Execution of the Warrant aforesaid and to prevent the said Mary from rescuing the said John then and there gently laid his hand upon the said Mary and her the said Mary did gently hold and thereby prevented her from Rescuing

(the)