the aforesaid John not doing to the said Mary any further Damage than keeping her from Rescuing the aforesaid John as to him it was well lawfull which same laying on of the hands of him the said Joshua upon her the said Mary and her the same Mary in his hands holding in aid of the aforesaid Thomas Gafsaway for the due Execution of the Warrant aforsd and for the Cause aforesaid in form aforesaid done are the same Assault beating & Evil Treatment of her the said Mary by him the said Joshua above supposed whereof they the said John and Mary above now complain and this he is ready to verify and so forth Wherefore the said Joshua prays Judgment if the aforesaid John and Mary their Action aforesaid against him the said Joshua to have or maintain ought and so forth And the aforesaid John and Mary say that they from having or maintaining their Action aforesaid thereof against him the said Joshua to be precluded ought not because they say that tho' well and true it is that before the aforesaid time when the Trespass aforesaid is above supposed to be done to wit on the sixth day of July seventeen hundred and sixty three he the said Joshua prosecuted out of his Lordships the Right Honorable the Lord Proprietary that now is his Court of Ann Arundel County his said Lordships Writ of Capias ad Respondendum to the then Sheriff of Ann Arundel County directed by which same the Sheriff of the same County was commanded to take the aforesaid John Barkshire by the Name & 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 Joshua Warfield in a plea of Trespass upon the Case and so forth whereof he was not to fail at his Peril and to have then and there that Writ which same Writ afterwards & 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 by him the said Joshua delivered and 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 & Year afsd 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 Gafsaway to Execute the Writ aforesaid & that afterwards and before 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 Gafsaway by Virtue of the Warrant aforesaid him the said John Barkshire with the Writ aforesaid did take and Arrest yet they say that the said Joshua on the Day and Year aforesaid in the Declaration aforesaid mentioned at the County aforesaid of his own Wrong and without such further Cause by him the said Joshua above by pleading in his second plea alledged made an Assault on her the said Mary and her the same Mary then and there beat wounded and ill treated in manner and form as the said John and Mary his Wife above against him complain and this they may be Enquired into by the Country and so forth And the aforesaid Joshua in like manner and so forth And the aforesaid Joshua by 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 & Injury (when)

when and so forth and as to the coming with force and Arms & any other Thing against the peace and so forth the same Joshua saith that he is not thereof guilty and of this he puts himself upon the Country and so forth And the aforesaid John and Mary in like Manner and so forth 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 be done to wit on the sixth day of July seventeen hundred and sixty three at the County aforesaid he the said Joshua prosecuted out of his Lordship the Right Honorable the Lord Proprietary that now is his Court of Ann Arundel County his said Lordships Writ of Capias ad Respondendum to the then Sheriff of Ann Arundel County directed by which same Writ the 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 Joshua Warfield in a plea of Trespass upon the Case and so forth whereof he was not to fail at his Peril and to have then and there that Writ which same Writ afterwards and before the Execution 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 by him the said Joshua was 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 Gafsaway 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 afsd in the Declaration aforesaid above mentioned at the County aforesaid he the said Thomas Gafsaway by Virtue 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 said William Gambrill Deputy Sheriff aforesaid upon which the said Mary an Assault upon him the said Thomas Gafsaway 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 Gafsaway Whereupon he the said Thomas Gafsaway requested him the said Joshua to aid and Assist him the said Thomas Gafsaway in the Execution of the Warrant aforesaid and to prevent the said Mary from rescuing the said John and thereupon he the said Joshua then and there being present in aid and Assistance and at the Request of the said Thomas Gafsaway for the due Execution of the Warrant aforesaid and prevent the said Mary from Rescuing the said John then and there gently Laid his hands upon the said Mary and her the said Mary would have gently held and thereby prevented her from Rescuing the aforesaid John upon which she the said Mary with force and Arms and so forth in and upon him the said Joshua an Assault did make and him the said Joshua then and there did (Strike)