Strike and wound have beaten wounded and evilly treated unless the aforesaid himself against the aforesaid Mary had then and there Speedily defended wherefore he the same Joshua himself against the aforesaid Mary then and there did Defend and so the same Joshua saith that the Evil or Damage if any to the same Mary then and there happened was from the proper Assault of her the said Mary and in Defence of him the said Joshua and this the said Joshua is ready to Verify and soforth 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 soforth And the aforesaid John and Mary his Wife say that they from having and maintaining their Action aforesaid thereof against him the said Joshua to be precluded ought not because they say that tho' true it is that before the Time aforesaid 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 Honourable 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 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 soforth 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 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 that after the Delivery of the Writ aforesaid to the said William 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 & Authorize a certain Thomas Gassaway to Execute the Writ aforesaid and 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 Gassaway 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 alledged by pleading in his third plea made an Assault on her the same 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 pray may be enquired of by the Country and soforth and the afsd Joshua in like manner

(and)

and soforth Whereupon for Trying the Issues aforesaid command is given to the Sheriff of Ann Arundel County that he immediately cause to come here Twelve good and Lawful Men of his Bailiwick by whom &c. who neither &ca. to Recognize &c. because as well &ca. of which said Precept the said Sheriff to wit Joseph Galloway Esquire makes return that he has here ready Twelve good and Lawfull Men of his Bailiwick as by his said Precept he was commanded to wit Nathan Hammond Thomas Ringgold Edward Nearey David Carlyle George Risteau Stephen Ward Arthur Miller John Waters Addison Murdock William Handy Zachariah Campbell and Samuel Dare who being duly Elected Tryed and sworn to say the Truth in the Premises upon their Oath do say that the said Joshua Warfield is guilty of the Trespass and Assault in Manner and form as the afsd John Barkshire and Mary his Wife above against him have Complained and do Assess Damages to the Sum of Ten Pounds Current Money of Maryland Therefore it is Considered by the Justices here that the said John Barkshire and Mary his Wife recover against the said Joshua Warfield as well the Sum of Ten Pounds Current Money of Maryland aforesaid by the Jurors aforesaid in form aforesaid Assessed as also the Sum of

Pounds of Tobacco by the Court here unto them on their Assent Adjudged for their Costs and Charges by them about their Suit in this Behalf laid out and Expended and the said Defendant in Mercy. and soforth — Test Reverdy Ghiselin Clk

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Idy Spiers, Mackey & Comp.a
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Jh James Porteus

Command was given to the Sheriff of Ann Arundel County that he should take James Porteous Late of Ann Arundel County Mariner if he should be found in his Bailiwick and him should safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the second Tuesday of April then next To Answer unto Messieurs Speirs and Mackie and Company of a plea of Trespass upon the Case and soforth And that thereof he the said Sheriff should not fail at his Peril and soforth At which said second Tuesday of April to wit the 12th day of the same Month Anno Dom. 1763 being the day of the return of the aforegoing Writ come the Speirs and Mackie and Company by James Hollyday their Attorney and the Sheriff of Ann Arundel County to whom the same Writ was Directed Likewise comes and makes return thereof to the Court here thus Endorsed Vizt. Cepi ft Kensey Johns Sheriff And the said Sheriff altho' Solemnly called to bring into Court the Body of the said James Porteous according to the return of the Writ aforesaid brings him not in but makes Default Whereupon it is Adjudged that the said Sheriff to Amerced twenty shillings Current Money unless he have the Body of the said James Porteous here the 2d day of next Court At which said second day of next Court the 14th day of September Anno Domini 1763 come into Court the said Speirs, Mackie and Company their Attorney and the Sheriff being called upon to bring into Court the Body of the said James Porteous according to the return of the Writ aforesaid brings him in Thereupon it is ordered that the Amercement be Struck off And the said James Porteous appears Thereupon at the Prayer of the Plaintiffs by their Attorney aforesaid the said James Porteous is Adjudged to give Special Bail to the Action aforesaid Thereupon a certain James Ruth of Ann Arundel County present here in Court in his proper Person undertakes for the said James Porteous that in Case the said Spiers & Mackie and Company shall recover Judgment against the said James Porteous

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