May Term 1781

State of Maryland
vs
John McHenry

Be it remembered that at a Court of the State of Maryland held at the court house in Baltimore town in and for the County of Baltimore aforesaid the Tuesday before the Monday preceding the first Tuesday in October in the year of our lord one thousand seven hundred and eighty before Andrew Buchanan Gentleman and his associates then Justices of the peace in and for the county aforesaid James Calhoun gentleman one of the justices aforesaid assigned to keep the peace in Baltimore county &c doth certify and deliver to the same court here certain recognizances taken before him on the nineteenth day of July in the year of our lord one thousand seven hundred and eighty which are as follows — Viz. Baltimore County ss. Be it remembered that on the nineteenth day of July in the year of our lord one thousand seven hundred and eighty John McHenry and David Stuart came before me James Calhoun Gentleman one of the Justices of the peace for the County aforesaid and acknowledged themselves each to owe and stand justly indebted to the State of Maryland in the sum of one thousand pounds current money of their goods and chattels lands and tenements respectively to be made and levied to and for the use of the State of Maryland The Condition of the above recognizance is such that if the above bound John McHenry do and shall make his personal appearance before the justices of Baltimore County court at the Court house in the same county the Tuesday before the Monday preceding the first Tuesday in October next and shall then and there answer to all such matters and things as shall be objected against him for a assaulting — David Swells and shall not depart the Court without leave thereof and in the mean time keep the peace and be of good behaviour then the above recognizance to be void otherwise of full force

Acknowledged before James Calhoun —

At which said Tuesday before the Monday preceding the first Tuesday in October seventeen hundred and eighty cometh the said John McHenry in his proper person and prays that the recognizance aforesaid may be respited until the Tuesday before the Monday preceding the first Tuesday in February next and it is granted And now here at this day to wit the said Tuesday before the Monday preceding the first Tuesday in February that is to say the Tuesday before the Monday preceding the first Tuesday in February seventeen hundred and eighty one cometh again the said John McHenry in his proper person and by the oaths of James Alcock Jesse Hollingsworth, William Jacob son of Zachariah Johnson Selman George Raisman Robert Long William Jacob John Steel William Nelson David Poe Robert Henderson Robert Moore Cornelius Garretson Job Smith Peter Steel George Poe and Jacob Brown good and lawful men of the county aforesaid sworn and charged to enquire for the State of Maryland for the body of Baltimore county it is presented in manner and form — following Viz. Baltimore County ss. The Jurors for the State of Maryland for the body of Baltimore county upon their oath present that Thomas Langton George Turnbull John McHenry and John Nicholson late of Baltimore county yeomen together with many other persons to the jurors unknown being rioters routers and disturbers of the public peace on the nineteenth day of July in the year of our lord one thousand seven hundred

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and eighty with force and arms at the county of Baltimore and within the jurisdiction of the Court — unlawfully riotously and routously did assemble and gather together to disturb the peace of the State and being so assembled and gathered together riotously routously and unlawfully did break and enter the dwelling house of a certain David Swells then and there private and in and upon the said David Swells then there in the peace of God and the State being did riotously routously and unlawfully make an assault and him the said David did beat wound and ill treat so that of his life it was greatly despaired and other wrongs to the said David Swells then and there unlawfully riotously and routously did to the great damage of the said David Swells and against the peace government and dignity of the State &c. And the Jurors aforesaid upon their oath aforesaid do further present that the aforesaid Langton Nicholson McHenry and Turnbull on the said nineteenth day of July in the year aforesaid with force and arms at the county aforesaid and within the Jurisdiction of this court in and upon the said David Swells in the peace of God and of the said State then and there being did make an assault and him the said David Swells then and there did beat wound and ill treat so that of his life it was greatly despaired of and other wrongs to him the said David Swells then and there did to the great damage of the said David Swells and against the peace government and dignity of the State

Luther Martin Attorney Genl.

Which said Indictment is thus endorsed true bill James Alcock foreman — And the said John McHenry produces to the court now here the State of Maryland's writ of Habeas Corpus closed in the words and figures following Viz. The State of Maryland ss. To the Justices and Sheriff of Baltimore county criminal court Greeting whereas a certain John McHenry late of Baltimore county Gentleman is detained in the prison of our said county under the custody of you our said Sheriff at the suit of us on a presentment and indictment found against him in Baltimore county criminal court aforesaid for a Riot and committing an assault on the body of a certain David Swells which said plea as it is said still remains before you our said Justices undetermined and we being willing for divers causes that the plea aforesaid undetermined as aforesaid should be heard and determined before the Judges of our General Court Command you that you have the body of the said John McHenry together with the day and cause of his caption and detainer and all things thereunto relating before the Judges of our General Court to be held at Annapolis the Second Tuesday of May next that our said Judges being rightly informed of the premises may further proceed therein as to justice appertains and so forth and have you then and there this writ Witness Nicholas Thomas Esquire one of the Judges of our said Court the 15th day of November Anno Dom. 1780

Issued the 11th February 1781 — (R. Ridgely) Thos. B. Hodgkin Clk

Allowed by A. C. Hanson

Whereupon the said John McHenry by the consideration of the Court now here is discharged of his recognizance aforesaid and thereupon ordered to recognize anew with security in the sum of one hundred pounds specie for his appearance at the next General Court to be held at Annapolis