seven hundred and ninety six, to which said day the said Robert McKee had leave to imparle and then to answer to the Declaration aforesaid of the said William Miller in the plea aforesaid come again into the General Court here as well the said William Miller by his attorney aforesaid as the said Robert McKee by his attornies aforesaid, And the said Robert by his attorney aforesaid as before defends the force and Injury, when &c. and saith that as to the Assault Battery and Mayhem above Complained of against him by the said William he the said William ought not to have or maintain his said action thereof against him because he says that the said William at the said time in which the said trespass is above supposed to be done at Washington County aforesaid with Force and arms &c. made an Assault upon the said Robert and then and there would have beaten wounded and ill treated the said Robert if he the said Robert had not then and there presently defended himself against the said William and so the said Robert says that the mischief or damage if any then and there happened to the said William it was on the proper assault of the said William and in the defence of the said Robert and this the said Robert is ready to verify, wherefore he prays judgment if the said William ought to have or maintain his action against him &c.

And the said William Miller by his attorney aforesaid saith that by any thing by the said Robert McKee above by pleading alledged he ought not to be precluded from having and maintaining his action aforesaid against the said Robert McKee because he saith that the said Robert McKee on the day and year aforesaid at Washington County aforesaid of his own proper wrong, without the Cause of him the said Robert McKee above in pleading alledged assaulted the said William Miller and him did beat wound and evilly treat in manner and form as the said William Miller above thereof against the said Robert McKee complains and this he prays may be enquired of by the Country, and so forth and the said Robert McKee in like manner and so forth.

Therefore let a Jury thereon appear before the Court here

Here on the second tuesday of May next by whom and so forth and who neither and so forth. to recognize and so forth because as well and so forth, the same day is given to the parties aforesaid then and there and so forth.

And now at this day to wit the said second tuesday of May being the ninth day of the said month in the year of our Lord one thousand seven hundred and ninety seven, come again into the General Court here as well the said William Miller by his attorney aforesaid as the said Robert McKee by his attornies aforesaid and the said William Miller by his attorney aforesaid files in Court here the Deposition of Elizabeth Dunwiddy, which is in form following, to wit.

Washington County, to wit. The deposition of Elizabeth Dunwiddy taken this twenty fifth day of January in the year of our Lord one thousand seven hundred and ninety, seven at the house of David Dunwiddy in the County of Washington between the hours of ten O'clock in the forenoon and one O'clock in the afternoon of the day above mentioned to be used as evidence in an action of Trespass Assault Battery and maim now depending, in the General Court for the western shore of Maryland between William Miller Plaintiff and Robert McKee Defendant both of the County of Washington.

The deponent Elizabeth Dunwiddy, being first duly sworn upon the holy Evangels of Almighty God to speak the truth the whole truth and nothing, but the truth in the premises deposeth and and saith that some time in the month of April in the year one thousand seven hundred and ninety) five William Miller the Plaintiff was setting on his horse near the door of the house of this deponents husband in the County of Washington aforesaid that Robert McKee the defendant came up took hold of the bridle of the horse of the said Miller and told the said Miller that they might as well settle it then as to go to the Smiths Shop that some words passed between them but what they were this Deponent does not remember that during this time the said McKee continued to hold Millers Bridle after some short time the said Miller alighted from his horse and took hold of the Bridle as if he intended to hitch his horse that whilst Miller was in this situation she saw the said McKee strike Miller and knock him