

Henry Mitchell who was also charged with barratry, had an unsavory reputation. He figured unpleasantly in an assault and cruel whipping which he had administered to James Collum four years before which will be found described in detail in the record of the case (pp. 152, 156, 172). He had also more recently been suspected of hogstealing and had been before the court on this charge (pp. 172, 197). When brought before the court at its December, 1669, session charged with barratry, he was presented for an offense, unspecified in the presentment, which seems to have culminated on October 20, 1669. He at first asked a jury trial, but then changed his mind, and declared that "he is not willing to plead with his Lōpp the Lord Proprietary humbly submitteth himselfe to the judgment of the Court here". He was thereupon ordered to give security for his good abearance during his life which he did in the amount of £50. It would appear that he again got into trouble and that this amount was declared forfeited, but the Court later increased the security to £200 sterling and the former forfeiture was remitted (pp. 605, 606).

Nine cases of assault of sufficient gravity to be brought before the Provincial, rather than before a county court, are to be found in this record. These were instituted as criminal cases in the name of the Lord Proprietary against the assailant, but were in several instances followed by civil suits by the injured party for personal damages. There were four instances of assaults upon public officials who had been assaulted in the performance of their public duties, three were upon sheriffs, and one upon a county justice. Several of these assault cases are of sufficient human interest to be reported in some detail.

At the June, 1667, court Thomas How and his wife Phillis were tried before a jury and found guilty of striking Richard Collett, High Sheriff of Calvert County, who had served a writ of attachment upon the Hows. The Court ordered that "each of them have forty stripes on the bare back"—an unusually large number. Phillis escaped whipping because she was pregnant, the record showing that "Upon the intercession of some persons, the said Howes wife being wth Childe as to the Court informed therefore Ordered that the stripes be given the said Phillis bee remitted, yet notwthstanding to be tyed on the Contrary side of the said tree during the time her husband Tho: How doth receive his said 40 stripes" (pp. 198, 199). As has just been told in a preceding paragraph another assault upon Richard Collett several months later, in this latter instance by Captain Thomas Manning, also made when the sheriff was "officiating his office", would appear to have been the cause of the latter's death and to have resulted in the presentment of Manning for barratry (pp. xxxii, 607).

No less a personage that Dr. Richard Tilghman of The Hermitage, Talbot County, High Sheriff, was the victim of ignominious treatment at the hands of an irate planter and his wife. Apparently it was when Tilghman sought to serve a writ upon Simon Carpenter and his wife Elizabeth of Chester River, that he received a severe beating at their hands. The details of the assault as related in the indictment show that the High Sheriff got decidedly the worse of the fracas. He was disarmed of his cutlass, valued in the indictment at ten shillings, which he "did weare and had by his side", and one of his assailants, doubtless, the wife Elizabeth," the haire of the said Richard Tilghman On