

At which day here came againe as well the as<sup>d</sup>. William Ellegood as the as<sup>d</sup>. Heber Whittingham & by their attorneys as<sup>d</sup> And whereupon the same Heber as before defends the force and Injury when &c. and says that he did not asume upon himself in manner and form as the as<sup>d</sup>. William above against him hath complained and of this he puts himself upon the Contray. . . And the plaintiffe also. . . And whereupon afterwards in the same Court the as<sup>d</sup>. Heber Whittingham Relinquisheth his Verification as<sup>d</sup>. by him above pretended and saith that he cannot deny the action as<sup>d</sup>. of the as<sup>d</sup>. William Ellegood. nor by he say but that he did asume upon himself in manner and form as the as<sup>d</sup>. William Ellegood above against him hath complained and as to the damage of the same William by him by Occasion of the premises as<sup>d</sup>. in that part sustained the same Heber Whittingham saith and acknowledgeth that the as<sup>d</sup>. William hath sustained damages by Occasion of the premises beyond his Costs and Charges by him about his suit in that part apposed to thirty eight pounds Court money of Maryland and not more and because the as<sup>d</sup>. William deny not this but the same Allegation grants to be true prays Judgment for those damages above acknowledged together with his Costs and Charges as<sup>d</sup>. to him to be adjudged &c. . . . .

Therefore by Consent of the parties as<sup>d</sup>. it is Considered that the as<sup>d</sup>. William Ellegood Recover against the as<sup>d</sup>. Heber Whittingham his damages as<sup>d</sup>. to the as<sup>d</sup>. thirty eight pounds Court money of Maryland by the same Heber in form as<sup>d</sup>. acknowledged as also four hundred and fourteen . . . . . pounds of tobacco for his Costs and Charges as<sup>d</sup>. to the same William at his request by the Court now here of the assent of the parties as<sup>d</sup>. adjudged which certain damages in the whole amounts to thirty eight pound Court money of Maryland and four hundred and fourteen . . . . . pounds of tobacco and the as<sup>d</sup>. Heber in mercy &c. . . . .

R H Smith Horsey } Command was given to the sheriffe of Somerset County that he should take James Scott late  
 as<sup>d</sup>. James Scott. } of Somerset County Merchant if he should be found in his ballywick and him should safe keep so  
 that he might have his body before the Justices of his Lordships County Court of Somerset to be held  
 at dividing Beck in the same County the third tuesday of November Anno Dom one thousand seven hundred and thirty nine to  
 answer unto Smith Horsey of a plea of tres pass upon the Case &c. And the same day is given to the as<sup>d</sup>. Smith here &c.  
 At which day here came the as<sup>d</sup>. Smith Horsey by Robert Jenckins Henry his Attorney and the sheriffe to wit  
 John Henry Gent now here returned that he had taken the as<sup>d</sup>. James Scott whose body here at this day he had ready to  
 answer the as<sup>d</sup>. Smith Horsey of the as<sup>d</sup>. plea as to him it was Comanded \_\_\_\_\_ Whereupon \_\_\_\_\_