

At Which day here came againe as well the aforesaid Mathew Kemp as the aforesaid Francis Tate by their attorneys aforesaid And whereupon the said Francis as before defends the force and Injury when he saith that he did not assume upon manner and form as the aforesaid plaintiffe above against him hath complained and of this he puts himselfe upon the Country &c

And Thereupon the said Mathew Kemp prays Leave there of to Impare hereunto next Court to be held at dividing Creek in and for the County of the third Tuesday of August then next following and he hath it and the same day is given to the aforesaid Francis here &c

All Which day here came againe as well the aforesaid Mathew Kemp as the aforesaid Francis Tate by their attorneys aforesaid And hereupon the said Francis Relinquisheth his Verification aforesaid by him above alleged, saith that he cannot deny the action aforesaid of the aforesaid Mathew Kemp nor can he say but that he did assume upon himselfe in manner and form as the aforesaid Mathew Kemp above against him hath complained and as to the damages of the same Mathew by him by Occasion of the premises in that part sustained the same Francis Tate saith and acknowledgeth that the aforesaid Mathew hath sustained damages by Occasion of the premises beyond his Costs and charges by him about his Suit in that part apposed to ten pounds Curr. money of Maryland and not more and because the aforesaid Mathew denyes not this but the same Allegation grants to be true prays Judgment for those damages above acknowledged together with his Costs and Charges aforesaid to him to be adjudged &c

Therefore by Consent of the parties aforesaid it is Considered that the aforesaid Mathew Kemp recover against the aforesaid Francis Tate his damages aforesaid to the aforesaid ten pounds Curr. money of Maryland by the same Francis in form aforesaid acknowledged as also: : pounds of tobacco for his Costs and Charges aforesaid to the same Mathew at his request by the Court now here of the Assent of the parties aforesaid adjudged which certain damages in the whole amounts to ten pounds Curr. money of Maryland and: : pounds of tobacco and the aforesaid Francis in Mercy &c

R. H. Capt. David Wilson  
Heber Whittingham

Command was given to the sheriffs of Somerset County that he should take Heber Whittingham late of Somerset County Inhabitant 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 County Court of Somerset to be held at dividing Creek the third Tuesday of June Anno Domini One thousand seven hundred and forty one to answer unto David Wilson of a plea of trespass upon the Case and the same day is given to the aforesaid David here &c

And hereupon the said David declared against the said Heber Whittingham in the plea aforesaid in form following. . . . Somerset s: Heber Whittingham, late of Somerset County Inhabitant was