

August Court. . . . 1741 169

A copy of the foregoing declaration was made and sent to be served on the deft. in order for a speedy Tryall.

At which day here came the Afd. David Wilson by his attorney Afd. and the sheriffs to with John Handy Gent. now here returned that he had taken the Afd. Heber Whittingham whose body hereat this day he had ready to answer the Afd. David of the Afd. plea as to him it was commanded and further the same sheriffs returned that he had ~~taken~~ ^{served} the Afd. Heber Whittingham with a copy of the foregoing declaration according to act of assembly in such case lately made and provided &c.

And the Afd. Heber Whittingham by William Arbuckle his attorney comes and defends the force and Injury when &c. and prays Leave thereof to Impare here untill next Court to be held at dividing in and for the County Afd. the third Tuesday of August then next following and he hath it and the same day is given to the Afd. David here also &c.

At which day here came againe as well the Afd. David Wilson as the Afd. Heber Whittingham by their attorney Afd. and hereupon the said Heber as before defends the force and Injury when &c. and saith that he cannot deny the action Afd. of the Afd. David Wilson nor but that he did assume upon himself in manner and form ^{the} Afd. David above above against him hath complained and as to the damage of the same David by him by occasion of the premises in that part sustained the same Heber Whittingham saith and acknowledgeth that the Afd. David hath sustained damages by occasion of the premises beyond his costs and Charges by him about his suit in that part apposed to Twenty ~~is~~ ^{is} pounds thirteene Shillings and one penny Curr: money of the Province of Maryland and not more and because the Afd. David deny not this but the same Allegation grants to be true prays Judgment for those damages above acknowledged together with his costs and Charges ^{of} to him to be adjudged &c.

Therefore by consent of the parties Afd. it is considered that the Afd. David Wilson recover against the Afd. Heber Whittingham his damages Afd. to the Afd. Twenty pounds thirteene ~~shillings~~ ^{shillings} and one penny Curr: money of the province Afd. in manner and form Afd. acknowledged as also four hundred and fourteen pounds of tobacco for his costs and Charges Afd. to the same David at his request by the Court now here of the assent of the parties Afd. adjudged which certain damages in the whole amount to Twenty pounds thirteene Shillings and one penny Curr: money of the province Afd. and four hundred and fourteen pounds of tobacco and the Afd. Heber in mercy &c. Memorandum the ply: releaseth twenty shillings Curr: money Afd. out of the above damages &c.