

money of Maryland and four hundred and fourteen pounds of tobacco which to him he owes and unjustly  
detains &c and the same day is given to the ap<sup>s</sup> William here &c  
and the said William declared of the ap<sup>s</sup> Heber in the plea ap<sup>s</sup> in form following Somerset sh<sup>r</sup> Heber  
Whittingham late of Somerset County Inholder was summoned to answer unto William Elligood of a plea,  
that he owes him thirty Eight pounds Curr<sup>t</sup> money of Maryland and four hundred and fourteen pounds  
of tobacco which to him he owes and unjustly detains &c

And Whereupon the said William by Geo. Douglas his Attorney says that whereas the said  
William heretofore to wit on the nineteenth day of August Anno Dom<sup>i</sup> MDCCXL in the Court of the  
right Honourable the Lord Proprietary and at dividing Creek in and for the said County before the worshipfull  
Robert King Gent<sup>l</sup> and his Associates his Lordships the Justices the peace for the said County to keep assigned  
by the Consideration of the said Court did recover against the said Heber Whittingham by the name of Heber  
Whittingham late of Somerset County Inholder the sum of thirty Eight pounds Curr<sup>t</sup> money of Maryland  
and four hundred and fourteen pounds of tobacco which to the same William Elligood in the said Court were  
adjudged as well for his Damages which he sustained by means of the breach of a certain promise and  
assumption by the Heber to the said William before that time made as for his Costs by the him about his  
Suit in that part apposed whereof the said Heber is convicted as by the records and process thereof in the said  
Court before the said Justices at the County ap<sup>s</sup> remaining manifest is which Judgment in its full force and  
Effect remains not reversed made void or satisfied and the said William his Execution against the said Heber of  
the Damages ap<sup>s</sup> hath not obtained by which action hath accrued to the said William to require and  
have of the said Heber the ap<sup>s</sup> <sup>sum of</sup> thirty Eight pounds Curr<sup>t</sup> money of Maryland and four hundred and  
fourteen pounds of tobacco Nevertheless the said Heber the said thirty Eight pounds Curr<sup>t</sup> money and four  
hundred and fourteen pounds of tobacco to the said William hath not rendered but that to doe altogether hath  
denied and still doth deny and unjustly detain altho' thereto afterwards to wit on the first day of August  
Anno Dom<sup>i</sup> MDCCXLI at the County ap<sup>s</sup> and often since that time by the said William Elligood required  
whereupon he says he is damaged forty pounds Curr<sup>t</sup> money and twelve hundred pounds of tobacco and  
thereof he brings suit &c

ple: vs. Doe & R. P. vs

A Copy of the foregoing declaration was made and sent to be served on the dependant in order  
for a speedy tryall - At which day here came the ap<sup>s</sup> William Elligood by his Attorney ap<sup>s</sup> and the  
sheriff to wit John Handy Gent<sup>l</sup> now here returned that he had taken the ap<sup>s</sup> Heber Whittingham whose  
body here at this day he had ready to answer the ap<sup>s</sup> William Elligood of the ap<sup>s</sup> plea as to him it was  
Commanded