

John Melhinson Plt
John Elston Def

535.

The defendant not appearing On the Motion of the plaintiff by his attorney It is ordered that an attornment be awarded against the estate of the said defendant for ten pounds and costs returnable to the next court

Thomas Williamson Plt
William Jordan &c Def

Continued till the next court

Thomas Gray Plt
Samuel Hade Def

This day came the parties by their attorneys Whereupon came also a jury, to wit, Benjamin Williams Thomas Moore James Jones Joseph Cobb Charles Timmons Benjamin Byrum David Edwards Robert Newson William Thomas Joseph Newson Robert Lawrence Thomas Gresham who being elected tried and sworn the truth to, each upon the issue joined the attorney for the plaintiff offered the plaintiffs account to the said jury to maintain the issue on the part of him the said plaintiff and moved the court that the said plaintiff might be suffered to prove the same by his own oath which motion was opposed by the attorney for the said defendant for that it was contrary to the act of assembly in that case made & provided but the court overruled the same and allowed the said plaintiff to make oath thereto and that the same should be given in evidence to the said jury whereupon the said plaintiff came into court and made oath that the said account was just and true and that he had received no satisfaction for the same and thereupon the jury agreed upon their oath to say that the defendant did assault upon himself in manner and form as the plaintiff against him hath complained and they do assess the plaintiffs damages by occasion thereof to eleven pounds one shilling & ten pence Therefore It is considered by the court that the plaintiff recover against the said defendant his damages assessed and his costs by him about his suit in this behalf expended and the said defendant in mercy &c The last will and testament of Richard Drake was presented by Richard Drake one of the executors therein named proved by the oath of Thomas Gray Benjamin Williams and Matthew Williams the Jurors thereon and ordered to be recorded And on the Motion of the