Him down and that after the said Miller was down she saw the said McKee kick him that she the deponent being very much alarmed turned into the house and saw no more of the transaction, That she this deponent did not see the said Miller strike the said Miller McKee at all nor did she the said Miller offer to strike the said McKee at all nor did she see him the said Miller offer to strike the said McKee that she the deponent did not hear the said Miller either propose or agree to fight the said McKee that she this deponent saw the said Miller after he was beat and perceived that he was very bloody but that she was very much alarmed and did not go very near him or examine how much he was injured or where, that she this deponent heard the said Miller after he was beat say to the said McKee that if had fair play he would be damned if he could not beat him yet, or words to that effect.

Elizabeth Dinwiddie.

The above deposition was taken subscribed and sworn to before me the subscriber a Justice of the peace for the County aforesaid the day and year and at the place and time above written.

J. Taylor

Mr. Robert McKee take notice that on the twenty fifth day of January next between the hours of ten Oclock in the forenoon and one Oclock in the Afternoon of that day, I shall take the deposition of Elizabeth Dinwiddy at the house of David Dinwiddy in the County of Washington to be used as Evidence in the suit now depending in the General Court for the Western shore of Maryland where I am Plaintiff and you defendant it being an action of Trespass Assault Battery and Maim.

21st December 1796. William Miller.

Washington County to wit, This day Jacob Rumsey personally Appeared before me the subscribers a justice of the peace for the County aforesaid and being sworn on the holy Evangels of Almighty God made oath and proved that he at the request of the above named William Miller on the twenty seventh day of December in the year one thousand seven hundred

Hundred ninety six delivered to the above named Robert McKee a notice signed by the above named William Miller of which the above written notice is a true Copy, Sworn to before me this second day of January in the year one thousand seven hundred and ninety seven.

J. Taylor

Maryland Washington County Set. I hereby Certify that the aforegoing is a true Copy from the original taken from Liber I. folio's 957 and 958. one of the land records of Washington County Court. In Testimony whereof I have hereunto set my hand and affixed the publick seal of my office this 12th day of April 1797.

(Seal)

Elie Williams Clk. of Wash. County Court.

Maryland Washington County Set. I hereby Certify that Ignatius Taylor before whom the within Deposition appears to have been made and taken was at the time of doing the same and still is one of the justices of the peace in and for Washington County duly Commissioned and sworn

In Testimony whereof I have hereto set my hand and affixed the publick seal of Washington County Court this 13th day of April 1797.

(Seal)

Elie Williams Clk.

And the jurors of the Jury whereof mention is above made being called come that is to say, Henry Diggs, William Bellingsly, Elias Boteler, Edward Burgess Junior, Henry Crist, Thomas Reeder Joab Waters Benjamin Hungerford Thomas Barber, Benjamin Green Junior Samuel Robinson and Thomas Ignatius Carrico who being duly elected tried impannelled and sworn to say the truth upon the premises Whereupon for certain reasons as well to the Court here as to the parties aforesaid appearing, the said Thomas Ignatius Carrico one of the jurors of the Jury within mentioned from the pannel aforesaid is withdrawn by Consent of the said parties and by order of the Court here and the rest of the Jurors of that Jury are wholly discharged from giving any verdict of and upon the premises within mentioned; Therefore on motion of the said Robert McKee by his attornies aforesaid it is considered by the Court here that the said Robert McKee recover against the said William Miller the quantity of pounds of tobacco for his Costs and Charges which he hath sustained laid out and Expended in and about his defence in this behalf since the last Continuance of the plea aforesaid