

And whereupon the said Thomas John W^m & Robert by Kenelm Cheseldyn their Attorney say, that whereas the said Samuëll Leadbeater the day of in the yeare of our Lord one thousand six hundred Seventy six by the hands of one Hugh Reynolds Master of the good Shipp Ann & Elizabeth of Liverpoole received Sixteen hogsheads of tobacco containing neat the Sume of Six thousand foure hundred pounds of tobacco, to render a reasonable accompt thereof to the said John Cuningham when thereunto required Neverthelesse the said Samuëll Leadbeater although often required his reasonable accompt to the said John in his life tyme of the same hath not rendred nor to the said Thomas John William & Robert since his death Ex^{rs} of the last Will & testam^t of the said John Cuningham but the same to him to render hitherto hath & still denies to render to the damage of them the said Tho: W^m John & Robert the Sume of tenn thousand pounds of tobacco and thereupon they bring their suite~And the said Thomas John W^m & Robert bring here in Court the Letters testamentory of him the said Cuningham that itt may appeare to the Court here that they are Ex^{rs} of the said John of the testam^t aforesaid, & thereupon to haue Administracōn.

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p. 828

And the said Samuel Leadbeater by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c & prayeth liberty to imparle hereunto untill next Provintiall Court & itt is granted unto him, the same day is giuen to the plaintiffes also

Now here att this day to witt the Seventh day of June in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni 1679 cometh as well the said plaintiffes as the said Defend^t by their Attorneys aforesaid And the said Defend^t by his said Attorney saith, that as to the said Sixteene hogsheads of tobacco containing Six thousand foure hundred pounds of tobacco which the aforesaid plaintiffes above suppose him the said Samuel to haue received by the hands of the aforesaid Hugh Reynolds & by the appointm^t of the said John Cuningham the said Samuel saith that he never was Receiver of the same tobaccos of the said John Cuningham by the hands of Hugh Reynolds as the said plaintiffes by their declaracōn aforesaid above thereof supposeth And of this he putts himselfe upon the Countrey And the said plaintiffes also. Therefore itt is comanded the Sheriffe of S^t Maryes County that he cause to come here twelve &c by whom &c, and who neither &c to Recognize &c because as well &c On which said Seventh day of June in the yeare aforesaid cometh the said parties by their Attorneys aforesaid And the jurors impannelled being called likewise come to witt John Evans, Stephen Murty, Samuel Asbiston, Richard Sweatnam, Anthony Evans, Nicholas Hacket, Robert Smith, Henry Penington, Theophilus Turford, James Harrison, Robert Toate & Elias Beech who being Elected tryed & Sworne to say the truth in