

Liber FF

The Court adjourns till the Afternoon

[p. 666] Oliuer Gery plaintiffe
 Eliz : Leitchworth the Adm^x
 of Thomas Leitchworth defend^t } Jenifer p̄ que^r
 Caluert p̄ def^t }

the p̄t sues the defend^t as Adm^x of the Goods and Chattles of Thomas Leitchworth in an ac̄con of the Case for diuers Goods and Merchandizes Sent and deliuered the s^d Thomas in his life time for which they had accounted and the said Thomas as by his letters and Accompt thereof giuen under his hand hee was found in arrears to be endebted to the said Oliuer in the su^me of Eighte Thowsand three hundred & twenty pounds of tobacco besides the su^me of Fiue hundred and foure pounds of tobacco for forbearance and the su^me of Two hundred and twelue pounds of tobacco being charges expended by the said p̄t at the instance and request of him the said Thomas in his life time which said seuerall su^mes amounts in the whole to Nine Thowsand and Thirety Six pounds of Tobacco

The defend^t put's in her plea as followeth

And the said Elizabeth Leitchworth by W^m Caluert her Attorney Cometh and defendeth the force and injury when &^c: and saith that the said Thomas Leitchworth did not assume and promise in manner and forme as the said Oliuer in his said Declara^on hath alleadged and of this she prayes may be enquired off by the Country and the said Oliuer in like manner Therefore Com^and is giuen to the sher-riffe that he Cause to come twelue &^c: Will^m Caluert

The She^r returnes his venire wth a pannell annext uizt

Foreman Daniel Clarke	} Hugh Stanley	} Richard Attkins		
Rich ^d Bayley			} Peter Joy	} John Grammer
Randall Reuell			} W ^m osbeston	} John Hopper
John Holland			} Hen: Aspinall	} Thomas Doxey

The Jury being Called and sworne The p̄t produceth to the Court and Jury seuerall letters and Accompts Attested und^r the hand of the said Thomas Leitchworth wherein hee did Acknowledg himselfe to bee Endebted to the said Oliuer Gery upon Ballance of all Accompts between them the aforesaid Su^me of Nine Thowsand thirety Six pounds of tobacco

The defend^t hauing pleaded the General issue doth now giue the speciall matter in Euidence first denying that those letters and Accompts are the hand writeing of the said Thomas Leitchworth dec^d

The p̄t for proue thereof did produce seuerall Testemonys to the hand writeing of the s^d Thomas Leitchworth by him made in other writings w^{ch} being Compared was giuen for Euidence to the Jury

Secondly the defend^t alleageth that the p̄t^s Demands is but an Accompt and aboue Nine months standing wherefore she Craues the benefitt of the Act of Assembly in that Case made for this Prouince