

Liber N N considered by the Court here that Auditors be appointed to audite & state the accompts between the said Richard Mitchel & Charles Hea And doe hereby order & appoint Garret VanSweringen & John Baker Auditors to Audite & state the same, & to make report thereof att the next Provinciaall Court

James Rigby Exec <sup>r</sup> W <sup>m</sup> Drury ag <sup>t</sup> Hugh Merrykin	}	Hugh Merrykin late of Ann Arundell County in the Province of Maryland Boatwright was Attached to Answer unto James Rigby Exec <sup>r</sup> of the last Will & testam <sup>t</sup> of W <sup>m</sup> Drury deceased in a plea of trespasse upon the case
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And whereupon the said by Christopher Rousby his Attorney complaineth, that whereas the said James by Vertue of the said Executorship was the fourth day of August One thousand six hundred seventy eight possessed of certaine Cattle & Chattles to witt three horses, two mares with foales, three Colts, five Cowes w<sup>th</sup> Calves, two other Cowes, two steers, two bulls, fue heifers, eight sowes with piggs & Seven barrowes of the price of nineteene thousand nine hundred & fifty pounds of tobacco as of his proper Cattle & Chattles, And so thereof being possessed afterwards to witt the tenth day of August in the yeare abovesaid the same Cattle & Chattels out of his hands & possession had casually lost, which Cattle & Chattles afterwards that is to say the said tenth day of August One thousand six hundred seuenty Eight to the hands & possession of the said Hugh Merrykin by findeing came Notwithstanding the said Hugh well  
 p. 775 Knowing the said Cattle & Chattells to be the proper Cattle & Chattells of him the said James & to him by Vertue of the said Executorship of right to belong & pertaine, & meaning him the said James in that behalfe craftily to deceive & defraud, the Cattle & Chattles aforesaid to the said James hath not delivered although thereunto often required, but the said Hugh afterwards to witt the twenty third day of September in the yeare aforesaid in Ann Arundell County aforesaid the same Cattle & Chattells to the proper use and benefitt of him the said Hugh did convert & dispose in hinderance of the Execucōn of the last Will & testam<sup>t</sup> aforesaid, to the damage of the said James thirty thousand pounds of tobacco & thereof he bringeth his suite And he bringeth here in Court the Letters testamentory of the said W<sup>m</sup> whereby itt may appeare to the Court here that he the said James is Executo<sup>r</sup> as aforesaid & right hath of Administracōn &c

And the said Hugh by Kenelm Cheseldyn his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is given to the p<sup>t</sup> also

Now here att this day to witt the fourteenth day of March in the fourth yeare of the Dominion of Charles Lord Baltmore &c Annoq̄ Doni 1678 cometh as well the said p<sup>t</sup> as the said Defend<sup>t</sup> by their