

Sume the defend<sup>t</sup> humbly Craues Order ags<sup>t</sup> the p<sup>l</sup>t: w<sup>th</sup> Cost of Liber B B  
 suite If this answe<sup>r</sup> and reasonable request does not satisfye the  
 p<sup>l</sup>t: the def<sup>t</sup> does fly for refuge to the Act of Assembly both for the  
 moneys and tobacco demanded by the plaintiffe being an accomptt and  
 aboue nyne months—

Att the instance of both partyes it is agreed that their accompts  
 be audited, wherefore by the Board Ordered that all accompts de-  
 pending betweene the p<sup>l</sup>t: and def<sup>t</sup> be audited by 4 able persons by  
 the Court appointed, Who are as followeth M<sup>r</sup> Thomas Nottley M<sup>r</sup>  
 Thomas Dent M<sup>r</sup> Humphery Waring & M<sup>r</sup> Benjamin Rozar. Further  
 Ordered that the said Auditors doe make their meeting place att  
 Walter Pakes house att Newtowne on the 18<sup>th</sup> day of this instant,  
 and to make report thereof att the next Prouinciall Court—Vpon  
 which Commission issued to the 4 abouesaid persons to impower  
 them thereto as followeth (uiz)

Cæcilius &<sup>c</sup> Whereas there are seuerall Causes depending between  
 Symond Carpenter Merchant and Mary the Executrix of John Bate-  
 man Esq<sup>r</sup> de<sup>cd</sup> upon accompte And forasmuch as the said partyes  
 hath desired the said differences to be put to foure Auditors by us  
 appointed in Prouinciall Co<sup>rt</sup>, Wee doe hereby will and require yo<sup>w</sup>  
 Thomas Dent Thomas Nottley Humphery Waring and Benjamin  
 Rozer Gent<sup>n</sup> that dilligently ueiwing all papers whatsoever that shall  
 be brought before yo<sup>w</sup> Concerning the Bussiness aforesaid yo<sup>w</sup> send  
 a reporte thereof und<sup>r</sup> yo<sup>r</sup> handes and seales to the next Prouinciall  
 Court held att S<sup>t</sup> Marys on the 4<sup>th</sup> day of December ensueing the  
 date hereof, And doe hereby further appoint and Authorize yo<sup>w</sup> to  
 examine upon Oath and take depositiones of such persons that cann  
 giue euidence in rela<sup>cion</sup> to the p<sup>r</sup>mises aforesaid. Giuen und<sup>r</sup> my  
 hand and lesser seale of this prouince of Maryland this 16<sup>th</sup> day of  
 October in the 33<sup>th</sup> Yeare of his Lord<sup>s</sup>ps Dominion Ouer this prou-  
 ince anno<sup>q</sup> Domini 1664—

To Thomas Dent Thomas Nottley  
 Humphery Waring and  
 Benjamin Rozer Gentlemen

Signed  
 Charles Caluert

Att the County Co<sup>rt</sup> of Caluert held 16<sup>th</sup> August 1664

[p. 345]

Richard Smyth Attorney of the Administrato<sup>rs</sup> of James Scapes  
 plaintiffe

Mary Bateman p<sup>r</sup> Attorney Cap<sup>t</sup> Thomas Mannyng defend<sup>t</sup>

The P<sup>l</sup>t: sues the def<sup>t</sup> for 1063<sup>lb</sup> of tobacco remaining of a bill of  
 3280<sup>lb</sup> tobacco but the p<sup>l</sup>t: not prouing his power sufficiently (uizt)  
 a Letter of Attorney from James Scapes imployers, the p<sup>l</sup>t: Craues  
 an appeale to the Gouverno<sup>r</sup> and Councill by reason his letter of At-  
 torney would not weigh here

True Copie p̄ me  
 James Thompson Clarke