Sept 7 1702

We Obedient to an Order of ye Prouincial Court Bearing date the 5th of May last past to us directed to meet at Benedict Leonard Town ye first of July last to Examine State and settle Accounts in depending between Mary Leonard Admx of Edw Leonard deceased Plaintiff & Capt Gerrard Fly defendant We Accordingly met and Upon hearing of ye plaint by Capt Richard Smith her Attorney and Capt Gerrard Fly defendant & Examination of ye Accounts produced before us We find there is no particular Account of Sales of ye Ship Fly & ye value that parts of ye said Ship remained thereof and also for want of a particular Account of ye disposals of ye goods consigned by the plaintiff to ye defendant therefore we cannot proceede to make a Ballance to ye said Accounts According to ye Aboue mentioned order Given under our hands & Seals ye day aboue

Jn Moorelane (Seal)
Robt Gates (Seal)
Robt Bradley (Seal)
Wm Wilkinson (Seal)

Which being read and heard and the Court finding that for ye reasons aft the Auditors could not proceede upon their Commission therefore upon ye further prayer of ye plaintiff It is Ordered by ye Court that Mr Sam Chew Mr Jno Bricknell Edward Hancox & Mr Amos Garrett be and are appointed Auditors to Inspect ye Accounts and that they hand full power from this Court to Examine what payments have been made in discount of the sum mentioned in ye bond upon which ye Judgm hath been Obtained and Stay ye same and make report thereof under their hands & Seals to this Court without delay that ye Court here may further proceed therupon as to Justice appertaineth

And now here at this day to wit the Sixth day of October 1702 came again the said parties by their Attorneys aforesaid and the said Auditors hath moreover made their report in these words Viz t

To the Honbl the Justices of her Maj ties Prouincial Court now Sitting

Pursuant to a Commission from yr honours directed to us the Subscribers Bearing date this 12 day of October 1702 to examine what payments have been made and Discount in Payment of a bond for £246 Stlg and Costs of Suit recovered in ye Court

Now in a much as ye Ld Fly has not ye Accounts Sales of ye produce of what lost sent in any account of ye produce of 250 odd hhds of tobacco & ye Accounts on Record not being so charged as it ought we cannot give our opinion otherwise than it appears to us pursuant to ye payment of ye bond the debtor should since ye date of ye bond ye Ld Fly hath shipt 60 and upwards bills of Exchange to Mr Edward Lemain and hath wherewithal to charge that may amount to more than ye Bond but whether it ought to be in parts of ye bond or whether to admit what is mentioned to other Accounts Is humbly Land to your honours better Judgment given under our hands and Seals the day and year aboue bound

Sam Chew Jno Bricknell Amos Garrett Edward Hancox (Seal)

Which being Witnesses here read and heard and by the Auditors Witnesses understood the Court have thought fit further to adviso of and upon ye premises until to morrow morning and advise that ye Gentlemen Attorneys Attend ye Honble Chief Justice and Mr Associate to argue the same at his chamber and therupon resorted is granted till to morrow morning

On which ye Morrow being ye 7 day of Octob 1702 came ye the sd parties by their attorneys and ye Auditors not being sitting hearing fully and deliberately heard ye Gentlemen Arguments on both sides It is therefore considered by ye Judicat that ye day and year last mentioned that ye Judgmt aft given be and is affirmed and that the plt may have Execution of ye same with costs of suit &c