Did the said Stephen Michael and Charles [illegible] Say that pursuant to
the said Communication and assumption they did upon the said 19th
day of November 1697 consign unto him by the Ships Owners good will
Owners Michaels Commander a cargoe of European goods amounting
at the prime Cost thereof as p Invoices & particulars ready to be produced
appeared to the Summe of One hundred ninety nine pounds three shillings
and Seven pence three farthings the which came to the hands of the
Patrick and they the said Stephen Michaels and Charles further in
fact say that thereupon pursuant to the said Communication and assumption
afterwards that is to say on the tenth day of December 1698 they did
also by the said Ships and master consigne unto him the said Patrick another
Cargoe of European goods amounting at p Invoyce & particulars at prime
Cost at prime Cost to the Summe of two hundred and twenty four pounds
nine shillings and nine pence halfe penny which thereupon came to
the hands of the said Patrick in the whole amounting to the Summe of
four hundred and twenty three pounds thirteen shillings and five pence
one farthing and the said Charles Stephen and Michaell do say that the
said Patrick pursuant to the said Communication and assumption and af-
-ter Stephen the said Patrick did purchase for and send and remit into them
the quantity of fifty three tuns of tobacco which by the said Patrick was
weighed that the quantity of tobacco by them and three hundred and forty
four pounds of tobacco and was by him purchased at the rate of
Eleven shillings p hundred weight which amounted one hundred and forty four
pounds Seven ten shillings and nine pence the part of the said £423
13 5½ yet as to the remaining two hundred and twenty eight pounds
Eleven shill and eight pence farthing the said Patrick hath not remit-
-ted unto the said Stephen Michaels and Charles according to the said
Assumption so as aforesaid regarding that fraudulently minding and intending
them the said Stephen Michaels and Charles craftily and subtilly to deceive
and defraud hath not for the same or any part thereof remitted any
tobacco or other effects but the same to them hitherto detained and therein
to account for hath refused and still doth refuse and deny whereupon they
say they are damnified and have left to the value of three hundred and fifty
pounds sterling and thereupon they bring their Suit &c.

Wm Stafford Attorney Plaintiffs respondent &c.

And the said Patrick Creagh by William Ashton his Attorney in Custody of
the Sheriff of Talbot County comes and Defends the force and Injury whereof &c.

(and

prays Liberty [illegible] parts hereunto unto this Court and he prays it the
same day is given to the Plaintiff also at which said Court Court held
the day of April Anno Dom 1699 Comes again the said Parties by their
Attorneys aforesaid whereupon at which the said Plaintiff by their Attorney at the said Defendant
by the said attorney say that for as much as the matter depending in question
is Trifle upon account of Damages &c. The Court after Mature Deliberation
thereon information thereon with approbation to award Nonsuit and that at
upon request and Petition to Audit and state the said Accounts which is granted
Whereupon the said Plaintiff and in Custody at the humbly moved the Court that
to audit the said Charles Stephen at special Instance which all alle granted that thereupon
on the said Robert Smith and others upon himself for the said Patrick Creagh
that in case the said Patrick Creagh be cast in that the said Plaintiff should or in the mean
time against him that then the said Patrick Creagh pay the Condemnation
of the Court thereupon or render himself to the Custody of the Sheriff of Annandale
County in Talbot County which the said Robert Smith doth for the said
Thereupon it is Considered that the said Robert Stephen and Michael Stephens
that they forthwith examine state settle and audit the account depending in
Controversy at the suit and make report thereon therein and do and Concerning the
Auditing stating and examining the said accounts as fully and amply in all respects
as any Auditors in such case appointed lawfully may or ought to do for the
better information of the Court in the premises and that thereof they make report
&c. with all Convenient speed &c. And this Court at that day to wit the Court
day and year last mentioned comes as well the said Parties by their Attorneys
as the Auditors aforesaid appointed who make report of Report in the Court
and their hands and Seales as follows viz.

Patrick Creagh Dr. to Charles Stephen and Company as of their accounts

Nov. 19th 1697	To Cargo goods in London	£ s. d. 199 03 5¾
Dec. 10th 1698	To a Cargo then sent him out of Portsmouth amounting to	224 09 9½
		423 13 5¼
	Patrick Creagh Cr.	
	By the whole amount of the Cargoes in tobacco	75572 lbs
	by goods remaining in their Custody	5 08 09
	By Lumber do. in do	1 15 00

Contra Cr.

By the whole amount of both the said Cargoes in tobacco 75572 lbs about 1 p 100 is	£ s. d. 415 03 7½
By goods in possession of the said Creagh amounting to	5 08 09
By Lumber remaining at the Ship	1 15 0
By goods stolen the Mate being broke open	1 06 01
	423 13 5½

(and