

To the demand of the pff for 50^l Sterl. The dēft sayth That hee shipped ffive hogsheads of Tob, in the Ship Crescent Cap^t Thorowgood Master, as hee was Ordered by direction from the pff, And therefore conceiueth th^t th^t Debt is already satisfied by him unto the pff, it being only 25^l Sterl.

Liber
P. C. R.

W^{ch} the pff denyeth & thereuppon produceth M^r Ninion Butchers Irē to M^r Joseph Rock, & the Accompt of Deb^r & Cred^{rs} concerning this Tob.

Whereuppon the Gouverno^r appoynted M^r Robert Slye, M^r Nicholas Spencer, M^r Edward Prescott & M^r Augustine Herman to consider of the Accounts, & Bargaine, & make report thereof to the Board.

Who uppon consideraōn make their Report as followeth. In Obedience & compliance to the Commands of this hon^{ble} Court, to Report the State of Accounts betwene Joseph Rock of New England, and Will^m Battin of this Prouince.

Will^m Battin to pay Joseph Rock 25^l for goods bought in New England to bee payd in the proceed of Tob to be Shipt aboard for London to bee rated att 3^d ½ p^r ff Being the positieue words of the Condiçōn wth out further explainning, being what Tob Shipt aboard is worth for New England goods, or goods att New England prizes.

M^r Battin an illiterate man, & the Condiçōn written by M^r Rock, thus, That hee the s^d Rock to runne the Resgo of the Seas: M^r Battin to stand to the markt, M^r Battin offereth to depose that his uerbal agreem^t was, That if the Tob should produce more then the s^d 3^d ½, the s^d ouerplus was by the s^d M^r Rock to bee allowed him: & th^t the Certaine price of the Tob. to M^r Rock should bee 3^d ½ Shipt aboard. Now the Tob. being woafully damaged when it came out of the Ship, as M^r Butchers letters declare, & M^r Rock being to runne the Resgo of the Seas The Consideraōn arryseth from that, Whither or noe ffive hogsheads of principall Tob might not haue payd 25^l had not the Resgo of the Sea woafully damnified it, The Ship prouing uery leaky?

On M^r Rocks behalfe it is alleaged that but Three hund^d & odde p. 354
pounds of Tob were damnified. The Court can Judge whither or noe soe much dammage in the s^d hogshead, bee not the cause of the inualid price of the rest, of the Tob. Nothing appearing to the Contrary but th^t the 3^d ½ in the condiçōn is the price of the Tob. & soe much being Shipt, as payeth the 25^l att the s^d price wth in 6 or 7 Shillings. And Bills of Lading being taken according to M^r Rocks order, & according to the Obligaōn.

Cap^t Battin alleageth the paym^t to bee according to Condiçōn & nothing appearing to the Contrary, by w^{ch} any thing can be otherwise decided, & moreouer otherwise beside this price M^r Battin can neuer certainly know an end of his paym^t. Moreouer Cap^t Battin is ready