

hath Refused to his Owne wrong. And the Great Damage of him the said Balley. Wee Doe therefore according to the Custome of m^rchants in such cases usuall, Humbley f^further Report unto this High and Hon^{ble} Court, That the said James Neale ought to pay the afforementioned Quantity of Thirty Three Thowsand & fforty six pounds of Tobacco to the said John Balley upon Demand out of his Owne estate without Chargeing the said John Nethway and Balley with any bad Debts that hath Accrued upon the sale of the said wyne: And whereas the said John Balley did produce unto us an Account wherein he Charged the said James neale with sev^rall quantities of Tobacco for Damages Susteyned by him the said John by Reason of the said James his not Accompting with him sooner, and hath Kept him a Long tyme in Trouble in these Remote parts from his bussinesse to Recou^r his Right in this Hon^{ble} Court. And for his charges Damages Expended and susteined in and about the same. And other Charges and Expences he hath beene at which hath beene incurred by Reason of the said James Neales Refuseing to account with him in Reasonable tyme as he ought and was ingaged to doe. All which wee humbly Conceive was not matter within the Comission to us Directed, so Lay not before our Considera^ons to Report, wherefore we have Omitted it and Leave the said Balley himselfe to p^resent it to this High and Hon^rable Court to Determyne And in Confirma^on to this our Report wee have hereunto sett our hands & ffixed our seales the sixt day of January in the yeare of the Dominion of Cæcilius the forty first Anno^q Do^m 1672: Thomas Notley Sealed Benjamyn Rozer sealed as by the said Report and Account Annexed Remayneing in the hands of the Register of our said Court Relation being thereunto had more fully and Largely it doth and may Appeare. And afterwards to witt upon the Eleaventh day of this Instant ffebruary these causes Coming to be heard before his Excellency Charles Calvert Esq^q Cheife Judge in Equity. The Hon^{ble} Phillip Calvert Esq^q Chancell.^r and the rest of their officials Justices of the same Court in the p^resence of the sev^rall plts and Defend.^{ts} in these causes and their Attorneys of both sides whereupon and upon Reading the said Report and heareing what could be Alleadged on either side and haveing seriously Debated the matters betweene the said partyes This Court doth think ffitt and so order and Decree that the said Report and all and only the matters and things therein Conteyned Doe stand Rattified and Confirmed by the Decree of this Court to be observed and performed by the said partyes to all intents and purposes According to the True Intent & meaning thereof. And that the said James Neale doe forthwith pay unto the said John Balley for the Joint Account of him and the said John Nethway the said sume of Thirty Three Thowsand fforty six pounds of Tobacco with Casque to Conteyne the same