

The 23th of October 1671. The Court met, Present at London.

James Neale Compt
agt
John Ballye D. Defd.

The Compt petitioning this Court, that whereas he was Employed by the Defd^t John Ballye D. Defd. the Attorney of John Withway, to dispose of certain wares within this Province which was in partnership betwixt y^e said Compt & y^e said Withway, about which severall suits have been, betwixt y^e Compt and Defd^t by reason whereof few or no returns of the produce of the said wares hath been made to the said Withway, and the Compt having now made a Compt of Attorney from the said Withway to call the said Ballye to account for the same and to make returns thereof according to advice by the Compt, and also that the said Withway hath by the said Compt advised the Defd^t thereof.

The said Compt prays this Court to order that the Compt might make returns of wares Tobacco & Calk bills for in his hands to the said Withway, and that wares bills the said Ballye hath in his hands belonging to the said Withway, may not by the said Ballye be received or paid for till such time as the Compt can recover the said bills out of his hands for the use of the said Withway according to the power by him given to the Compt.

The Court demanded sight of the said Compt of Attorney from the said Withway to the Compt, which being by the Compt accordingly produced, the Court demanded proof of the said Compt of Attorney to be the Act and Deed of y^e said Withway, which the Compt not being able to make appear any other way, than by comparing of hands, and the Court not allowing that a sufficient proof. It is by the Court this day ordered.

That the Compt shall have full power by the Court, to prove his Compt of Attorney from Withway, and in the mean time that the Defd^t, to y^e estate in question shall not receive any money, nor to make payment of their debts to Ballye, unless he shall receive a new power from Withway. and that the Compt shall become bound by recognizance to the Lord Proprietary in the sum of One hundred thousand pounds of Tobacco & Calk, that where the difference shall be decided, that he shall pay to the Defd^t Ballye, what the said Defd^t shall make appear to be his due & proper Right out of the wares now in question.

The said Compt Capt James Neale in obedience and compliance with the said order did in open Court this day that he is to pay the 24th day of October in the 40th year of the Dominion of Charles of Annoque Domini 1671. did acknowledge himself to owe and stand indebted unto the Right hono^{ble} the Lord Proprietary in the full & just sum of One hundred thousand pounds of Merchantable Tobacco and Calk.

In case the said Capt James Neale shall not answer to John Ballye the due of the wares claimed by the said Ballye, whensoever it shall appear to the Court that the said wares appertain to Ballye and not to John Withway at the said Capt Neale's alleg^d Now they do.

Maryland At a Court held for the County and Provincial Court begun on Sunday the nineteenth day of December in the fourth year of the Dominion of Charles absolute Lord and Proprietary of the provinces of Maryland and Avalon Lord Baron of Baltamore of Annoque Domini 1671. at the City of St Marys and therein continued until the third of January day of the same December on Friday the two and twentieth was present.

His Excellency Charles Calvert Esq. Capt. General & Chief Judge in Equity.

The hono^{ble} Philip Calvert Esq. Chancellor
William Calvert Esq.
Edward Fitzherbert Esq.