

Bonjamy Rosen to Audit State and Examine the Act. of the Sale of the said Cargo. made by
 the said Noale. And to make report to this Court at the then next Court. how they found
 the same. That so the Court being fully Satisfied in the business might order and direct
 therein as in Conscience and equity they ought: And this cause coming to be heard
 this present day before his Excellency Charles Calvert Esq. Chief Judge in Equity. The Hon^{ble}
 Phillip Calvert Esq. Chancellor. and the rest of their Associates Justices of this Court in y^e
 presence of the severall gents and Defendants in these causes and their Attorneys of both sides
 And upon producing of a Report made unto this Court by the said Mr. Nolley and Rosen
 in pursuance of the aforesaid ord. which Report bears Date the first day of
 January last past, wherein they did Certifie that they had (According to their Conscience
 and best Judgment) Audited States & Examined the said Act. and had Inveighed the same
 to their said Report, and did find upon due upon the said Ballance of the same to the
 said Methway and Balley from him the said James Noale. The Quantity of Thirty Three
 Thousand & forty six pound of Tobacco and Casque to Conteyne it. And in Regard
 it did appaer unto them that the said Noale had Deteyned the said Sum of Thirty
 Three Thousand forty and six pound of Tobacco aforesaid from him the said
 Balley for which he ought long since to have discharged but had refused to his owne
 wrong and the Great Damage of him the said Balley they doe therefore (According
 to the Custome of Merchants in such cases used) Humbly further Report to this Court
 that the said James Noale ought to pay the aforesaid quantity of Thirty Three
 Thousand forty & six pound of Tobacco to the said John Balley upon demand
 out of his owne estate wth out Charging the said John Methway and Balley with any
 bad Debt that hath accrued upon the sale of the said w^{ch}. And whereas the said
 John Balley did produce to them an account wherein he Charged the said Noale
 wth severall quantities of Tobacco for Damages Susteyned by him the said John
 by Reason of the said James his not discharging wth him sooner. and had kept
 him a long tyme in trouble in these remote parts of the world from his business
 to Recover his Right in this Court. and for his Charges and Damages expended and Afforded
 in and about the same. and other Charges and expences he had bene at, The same not
 being before their Consideration to report they had Omitted it and left the said
 Balley himselfe to present it to this Court to Determine. Whereupon and upon Reading
 the said Report and hearing what could be Alleged on either side and having
 seriously Debated the matter betweene the said parties. This Court doth thinke
 fitt and for Order and Decree that the said Report and all and only the matter
 and thing therein Conteyned doe stand Rattified and Confirmed by the Decree
 of this Court to be observed and performed by the said parties. to all Intent
 and purposes. According to the True Intent and meaning thereof, And that
 the said James Noale doe forthwith pay unto the said John Balley for the
 Joint Account of him and the said John Methway. The said sume of
 Thirty Three Thousand forty & six pound of Tob. wth Caske to Conteyne it

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