

shipp Marrin^{rs} Tackle Apparrell & other necessary furniture & provision together with the goods & Commodities aforesaid & all other necessary provision set sayle from Bush River aforesaid and by Gods grace wind & weather permitting sayle directly to the Island of Barbadoes or some of the Cariby Islands (Iff they should happen Casually to miss the Island of Barbadoes, And the said John Walls & John Pemberton did not at their owne prop Costs and Charges by the expiracon of the Thirty foure Dayes aforesaid when the said shipp was to saile from Bush River aforesaid & soe directly to Barbadoes aforesaid Provide the said shipp with Meate drinke & other necessaryes fitt for such a Voyage, But the said James sayth that the said John Walls sayled with the said shipp from Bush River aforesaid the fifth day of septemb^r 1682 And the ninth day of septemb^r 1682 the said John Walls with the shipp aforesaid Came to Anchor in Chesepeake Bay against Holland straights And wanting pvisitions for the said shipp the said John Walls was forced to stay with the said shipp till he could provide him with sufficient provissions as aforesaid And before he Cleared the shipp aforesaid till the Tenth day of October being about thirty dayes, In w^{ch} time two horses of the Loadeing of the said shipp were Killd in a Storme the shipp at Ancho^r & the Rest of the horses much bruised battered & made worse, And the horses much Wasted in fflesh, And the water and provissions layd in by the said James for the horses aforesaid was much wasted & consumed w^{ch} had not beene If the sd John Walls had not Delayed the Voyage & made the Long stay aforesaid, And therefore the said James sayth the said John Walls the Articles of Affraightment afores^d and the Covenants and agreements in the same Contained hath not pformed fulfilled & Kept according to the purport and Effect and true intent thereof but, the same hath broken And this he prayes may be Enquired of by the Country

Liber W. C.

W^{ch} being read & heard & the Deft haveing by his Attorney aforesaid filed his Rejoynd^r to the Replication aforesaid Wherein was set forth that the said Deft had fulfilled pformed. & Kept all & singular the Articles in the Charterparty afores^d mentioned, It is Ordered & adjudged by the Court that the pft ought to signe the breach of the Charterpty aforesaid. by the said defendant upon one Article thereof, And not upon the whole [Chartepty] And there-
 upon the Court Ordered the said Deft to signe the breach of the Charterpty aforesaid by the sd Deft Upon the ffifth Article thereof And that the said Deft should Joyne the said Issue wch the said Defts Attorney refusing to doe It is Considered that the said James Mills Recov^r ag^t the sd John Walls aswell the afores^d sume of Two hundred pounds sterl. debt as also the sume of Two thousand Eight hundred fifty two pounds of tobacco for Costs of suite & the deft in Mercy &c.

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