

Liber P C sell the wyne for the best prize he could procure And to Give a True & iust Account of their sales and produce. And to ffollow the Complt order in the Disposall of the Proceed thereof. And for his paynes and Comission and Storehouse the Complt was to Allow him p. 36 Seaven and a halfe p Cent.^o That the Defend^t haueing made Sale of all the said Wynes, and being called to an Account by the Complt for the same, had Rendered an Imperfect Account which ought to haue beene Rectified in that he had put in an excessive Rate for the hyre of Sloopes and men which he never hyred either, As also for Coopers to mend the Casque when there was noe Occassion, And sold Sev^rall of the said wyne for Two Thowsand pounds of Tobacco p Pipe. when the Complt with the privity of the Defend.^t had Agreed with the same psons for Two Thowsand ffive hundred pounds of Tobacco p pipe, whereby the said Complt and Partner were Damnyfied Three Thowsand pounds of Tobacco at least And the Defend^t hath also Ommitted out of his Account Six barrells of wyne which was Stollen or drunck by his Servants who had the Key of the store which at foure hundred pounds of Tobacco p barrell Come to Two Thowsand four hundred pounds of Tobacco, besides he had Omitted these sumes and quantityes ffollowing (vizt) Sold unto John Browneing ffourteene barrells of wyne for Seaven Thowsand pounds of Tobacco. To M^r Measure One gallon. To M^r Chasse Two gallons. To John Charles Two gallons. To Matewood Six gallons. To Arthur Thomson One gallon in all Twelve gallons which amounted to the Sume of Two hundred & ffortye pounds of Tobacco, for all which he ought to have Accounted and ought to be allowed to the Complt and his Coepartner, besides foure Barrells he had Spent for his owne ffamily drinking, which comes to Two Thowsand pounds of Tob. As also the Complt and his partner are Damnyfied ffour Thowsand Eight hundred Seaventy and five pounds of Tobacco in that the Defend^t had Contrary to the Complt order which he was to follow Sold Thirty wyne Barrells more then the first Pypes for Two Thowsand pounds of Tob p pipe when he might and had order not to sell the same under ffive & Twenty hundred pounds of Tobacco. And the Complt ffurther Shewed that the Said M^r Nethway did give order To M^r William Taylor of Boston in New England to Send into this Province Vessells to take in the Tobaccos which was the produce of the Said wyne. And Accordingly the Said Willm Taylor did take freight upon the Endeavor of Boston whereof was Master Samuell Legg for ffifty Hogsheads of Tobacco at Twenty Shillings p Hogshd. and although the Complt did give order to the Defend^t to Lade the Said quantity of ffifty hogshds of Tobacco and that the Said Defend^t had in his hand reced of the produce of the Said wyne more by much then would Answer the said ffreight yet the Defend^t did Lade noe more then Thirteene Hogsheads of Tob and Seaven Barrells of Porke, wherby the Complt