

and his Coepartner were Damnified the Summe of Thirty five pounds in money which the Defend.^t ought in Equity to make good. And the Defend^t Refused to let the Complt have the Remaynder of the produce of the Said wyne or the Bills taken for the Same that he might Endeavor the recov^ry thereof to the Complt and his Partner's great Damage. Therefore that the Defend^t might Come to a Just & true Account for the produce of the Said wyne and make Satisfac^on to the Complt for the produce thereof with Damages for dead ffreight and other unjust deteyneing the Same and that the Defend^t might upon his Oath true Answer make to all & Singular the p^rmisses and that the Complt Might be Relieved therein According to Equity he humbly Craved the favorable Ayd & Assistance of this Hon^rable Court and that processe of Subpeāna might be thereout Awarded to Appeare in the Said Court and Answer the p^rmisses. The which being graunted and the Said Defend^t therewithall served He appeared Accordingly And putts in his Answer to the Said Bill. And thereby did Sett forth that the Said Ketch Comeing to Anchor in yorke Riv^r in Virginia The master thereof Boone did Invite the Defend^t on board and desired the Defend^t to Pilot him up Potomack Riv^r the defend^t refuseing to goe to Patuxent which he did and Boone paid him for the Same. And Comeing to an Anchor neare S^t Georges Island in Maryland The Complt Received Advise that Our Raymond Stapleford had a Judgem^t against him which made the Complt unwilling to goe to Patuxent. But he Came and Agreed with this Defend.^t to Receive & Sell the Said wyne which he pretended was in partnership betweene him & Nethway And then gaue the Defend^t A power to that Effect with promise to Allow him Seaven and a halfe p Cento. for Sale & Selleradge and Assisting to Recov^r Debts. And further to allow unto the Defend^t all other necessary Charges w^{ch} he should be at about the Said wyne. And the next day ffollowing the plt had Advice from some m^rchants and planters that there were Certeyne psons Coming to Call him to Account for four Bayles of Silke Carryed by the plt from New England to Bilboa in Spayne So that he the Said plt gave this Defend^t Another Order writt with his owne hand to this Effect. (vizt) Cap^t Neale M^r John Nethway of ffyall hath shipped on Board in the Hopewell of London Andrew Boone Master Twenty Tonns of ffyall wyne in pipes Barrells & Hogsheads as by the bill of Ladeing you may See who Consigned them to meet but verbally Gave me order to Deliver them to you, if you were Liveing, Which I desire you to accept and make the Retornes according to m^r Nethwayes order & advice which I herewith give you. And therewith the Complt gave this defend^t Instruc^ons writt with the hand of the Said M^r Nethway but directed to the plt wherein he advised the said plt that he shipped aboard the said Ketch the wyne afforesaid, and that he had disbursed for the whole Charge of the said wyne, as also Two hundred Eighty

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