

the same to him to act faithfully for him or to that Effect, but some scruples were rayseed about his the said M^r Phipps his former Concernes with Dent and Young and if that taking of freight would not Destroy his Cause of accōn, and if the Tobacco should not mis-carry whether it would not ly upon his owne account, nothing was Done though M^r Pery & this Depon^t both advized him Rather to Runn that hazard then to let it ly & Rot in y^e Country, and this Depon^t further saith that he being p^rsent in Whitson Weeke last when M^r Marsh Came to acc^t wth M^r Phipps at St Maryes M^r Marsh as M^r Phipps did then owne he had given him a fayre account & M^r Marsh did offer him the Noates for the h^{dd}s Remayning in his hands upon y^e sd account, that he might Receive the same (or if he would give him authority so to doe ship the same on board any ship at Reasonable freight then p^d in Severne, w^{ch} M^r Phipps w^{ld} not Doe without the advise of M^r Morecroft his Attorney, who (as M^r Phipps tould this Dep^t) would not Consent to ye same, but M^r Phipps must pceed as the Law should Direct or words to that effect and further saith not.

Ro: Carvile.

Sworne the 21th of November 1673

before us Tho: Dent

Chr: Rousby.

Miles Gibson aged about 29 yeares sworne saith that in Aprill 1672 being at M^r Vanswearingens in Company wth M^r Phipps & M^r Marsh & others heard severall Discourses passe between the sd M^r Phipps & M^r Marsh about seu^rall Tobaccoes & accompts belonging to the Estate of M^r Edward Maynard, and amongst w^{ch} Discourse I heard M^r Thomas Marsh offer to make up his acc^{ts} wth him the sd M^r Phipps & withall likewise sedd in yo^r Depon^{ts} hearing y^t their were seu^rall h^{dd} Tob ready Rec^d for y^e sd Phipps use wth their markes & n^o also, but what answere the sd M^r Phipps made Concerning the sd acc^{ts} I Cannot Certainely Tell but for y^e Tob, w^{ch} lay ready Rec^d for y^e use afores^d the sd M^r Phipps did in yo^r Depon^{ts} hearing say to Mr Marsh after some Talke about the sd h^{dd}s of Tob that he w^{ld} send up an ord^r for y^e same by the sloop p. 139 y^t Came for it, the sd M^r Marsh Replied againe upon the same that without an ord^r he would not Deliver any for feare of further Trouble w^h sd speeches did not only passe once or twice but was Repeated oft I being Called for to testefy the same if occasion Required it, w^{ch} sd ord^r was from und^r his owne hand writing to w^{ch} sd Deposition I have hereunto set my hand this 21th November 73.

Jurat Novemb 21th

Miles Gibson.

1673

Tho: Dent

Chr. Rousby.

w^{ch} said Report of the said Audit^{rs}, account stated, accompt of Markes & Numbers of Tobaccoes & Depositions being Read & heard