

Seven and a half of Cent: That the Defend^t having made sale of all the said Wynes, and being called to an account by the Compt^t for the same, had Rendered an Imperfect Account which ought to have been Rectified in that he had put in an excessive Rate for the hire of Sloopes and men which he never hired either, he also for Coopers to mend the Caskes when there was not occasion, And sold for all of the said wyne for Two thousand pound of Tobacco of pipe. when the Compt^t with the privity of the Defend^t had ordered with the same person for Two thousand five hundred pound of Tobacco of pipe. whereby the said Compt^t and partner were Damnyfied Three thousand pound of Tobacco at least. And the Defend^t hath also Committed out of his Account six Barrells of wyne which was stolen or drunk by his Servant who had the Key of the Store which at four hundred pound of Tobacco of Barrell Cometh to Two thousand four hundred pound of Tobacco. besides he had omitted these summe and quantities following (vizt) Sold unto John Browning fourteen Barrells of wyne for Seven thousand pound of Tobacco. To m^r Measure One gallon. To m^r Chaffe Two gallons. To John Charley Two gallons. To Mate wood six gallons. To Arthur Thomson One gallon. in all Twelve gallons which amounted to the summe of Two hundred & forty pound of Tobacco, for all which he ought to have accounted and ought to be allowed to the Compt^t and his Copartner. besides four Barrells he had spent for his own family drinking. which cometh to Two thousand pound of Tob. he also the Compt^t and his partner are Damnyfied four thousand eight hundred seventy and five pound of Tobacco in that the Defend^t had Contrary to the Compt^t order which he was to follow sold Thirty nine Barrells more then the first Order for Two thousand pound of Tob of pipe. when he might and had order not to sell the same under five or twenty hundred pound of Tobacco. And the Compt^t further shewed that the said m^r Methway did give order to m^r William Taylor of Boston in New England to send into this Province vessels to take in the Tobacco which was the produce of the said wyne. And Accordingly the said William Taylor did take freight upon the Endeavor of Boston wherof was Master Samuel Legg. for fifty Hogsheds of Tobacco at Twenty shillings of Hogshd. and although the Compt^t did give order to the Defend^t to send the said quantity of fifty Hogshds of Tobacco and that the said Defend^t had in his hand received of the produce of the said wyne more by more then would Answer the said freight yet the Defend^t did send not more then Thirteen Hogsheds of Tob and seven Barrells of Pork. whereby the Compt^t and his Copartner were Damnyfied the summe of Thirty five pound in money which the Defend^t ought in Equity to make good. And the Defend^t Refused to let the Compt^t have the Remainder of the produce of the said wyne or the Bils taken for the same that he might Endeavor the recovery thereof to the Compt^t