until the french Republic should make some regulation with regard to the debts due from the Inhabitants of the Isle of St. Domingo and then be paid in the manner the french Republic should determine. They also offered in evidence that the shipment made by the said Dallard, Swann & Co. was made under the sole direction and orders of the Defendant that to him alone they accounted for the proceeds, and that the Defendant from time to time drew the proceeds and applied them to his own use. They also offered in evidence that the Indorsors of the plaintiff at the time when said Defendant deposited the said funds with said Dallard, Swann & Co. and from that time until the summer of 1796. resided at Tours in France, but one hundred and ninety miles distant from the said Dallard, Swann & Co. and corresponded with them, and transacted business with them; and that they were indigent and distressed. — The Plaintiff also offered in evidence that the funds deposited by the Defendant were in assignats which were at the time depreciated in value and subject to depreciation; that the merchandize in which they were invested were not such as were well calculated for the consumption of the United states market, and that the loss, if a loss, was sustained on said shipment was owing to the merchandize not being suited to the consumption of that market, and to the depreciation of the assignats with which they were purchased. The Plaintiff also offered in evidence that altho' the final account rendered by Dallard, Swann & Co. to the Defendant is dated on the 1st day of June 1798. the said Defendant had been in correspondence with them, that the amount of sales rendered by them were 19952 dollars and five cents, the whole of which had been before that time received by the said Defendant except 3987 dollars and 57 cents. — The Defendant offered evidence to prove that when on the said 24th day of November 1797. the said Indorsors of the said note demanded money of him that he then informed them that they were interested (in proportion to the money which he the Defendant had owed them and for which the note upon which this action is brought was given) in the shipments made by Dallarde, Swann & Co. of goods purchased with the 200000 livres deposited by the Defendant in the hands of Dallarde Swann & Co. on the 8th day of June 1798 as herein before stated. That the Defendant then informed the said Indorsors that he had not yet received from Dallarde, Swann & Co. an account of the proceeds of the said shipment, that when he did he would settle with them according thereto and pay them their proportion of the amount of the proceeds of the said shipment. — That the said Defendant then made a statement of what he supposed would be their proportion of the proceeds of the said shipment which he then offered to pay them agreeing at the same time to correct any error that might appear when the account of Dallarde, Swann & Co. should be received which payment the said Indorsors refused

to receive. That the said Indorsors never did apply to the said Payen for money before the said 24th day of November 1797. That the said Defendant never did receive from the said Dallarde, Swann and Co. an account of the proceeds of the said Shipment until the 12th day of June 1798. and that the said Defendant did not receive the money arising from the sales of the said goods except at the times and in the manner stated in the following account.

Doit. Mons. Payen Boisneuf son Compte avec Dallarde, Swann & Civ. pour le produit de son interet dans la cargaison du George & Harriot Avoir.

				Dollars	Cents
1795. Juin	15	Payé à Madam Petit par son ordre		600	"
Nov.	13.	Sa traite sur John Vaughan a 8 j/s		4056	66
1796 Fev.	8.	Les 2 traites à vorre de J Smith 60 j/s	2633..33		
			2500.. "	5333	33
		Compté à Mesdlles Deholmes par son ordre en France 2705 tt en espèces à 6 pr Cent		9991	99
				496	"
		Sa proportion de dettes non recues, pour marchandises vendus a Charleston. 53 3/4 p Ct sur $ 816. 80		451	27
		id de la commission charge par Hazlehurst & Co. sur la valeur de marchandises envoyes de Charleston à Philadelphie 2½ p Ct. sur £900 ou 91. 25 $ 53 3/4 p Ct		48	93
		id de la commission sur les remises a Philadelph. charge par les dits 2½ p % £319.. 15.. 7. $33. 9. 53 3/4 p %.		17	78
		Poste de lettres		8	20
		Autant reçu de la Maison Murray de new York pour compte des marchandises vendus par elle		3751	55
		Autant reçu de Maison de George Lorion		700	"
		Notre commission sur 19952. 5. a 2½ p %.		498	76
		Balance due a Payen Boisneuf		3987	57
			Doll.s	19952	5

Avoir

Pour la proportion du net produit de la totalité des ventes de la cargaison du George & Harriot faites par Robert Hazlehurst & Co. John Vaughan, Murray & Barrett & Murray & Son, suivant comptes de vente renduz par eux, dont copies ont été livrées à Mons. Payen. La dite proportion est comme 285. 762 tt 17. à 532. 762 tt 43. Le montant totale des ventes etant $ 37. 179. 78 par Etat. — 19952 5

quand les dettes à Charleston mont reçu ils seront ancreditrée a compte.

Doll.s 19.952 5.

Boston 1. de Juin 1798.
Sauf erreurs & omissions
Sam. Swann pour Dallarde Swann & Co.