

That this Defendant had allowances ordered him in the County Levey in his hands in the year Seventeen hundred and Eight to about the Sume of thirteen thousand Six hundred and Eighty one pounds of Tob<sup>o</sup> and had diverse other orders and Assignments in his hands to the Value of ab<sup>t</sup> Seven thousand Nine hundred and forty Seven pounds of Tob<sup>o</sup> out of w<sup>ch</sup> this def<sup>t</sup> had paid away ab<sup>t</sup> two thousand three hundred and thirty eight pounds of Tob<sup>o</sup> in the year Seventeen hundred and Eight Soe that this Def<sup>t</sup> having about the quantity of forty thousand pounds of Tob<sup>o</sup> in the Said Greshams hands as he Conceived drew an order dated the Sixteenth day of aprill Seventeen hundred and nine upon the Said John Gresham payable to a Certain John Brice or order for the Quantity of twenty thousand pounds of Tob<sup>o</sup> requireing the Said Jn<sup>o</sup> Gresham to take his the Said Brices Receipt for the Same or for Soe much thereof as he Shou'd Soe pay him being apprehensive (tho' the Said Brice offered to buy and this Def<sup>t</sup> was Desierous to Sell a larger Quantity that if this Def<sup>t</sup> had drawn for more the Said Gresham might be displeased and therefore drew but for w<sup>t</sup> he lookt upon to be about half his due but so unkindly did the Said Gresham treat this defendant in that part that he discharged but four thousand Six hundred and thirty two pounds of Tob<sup>o</sup> of the Said note and as the Said Brice informed this Def<sup>t</sup> (w<sup>ch</sup> he believes to be true) when he tendred the Said note to the Said Gresham for payment the Said Gresham Refused to pay the Said order or any part thereof untill he had first paid all the Tob<sup>o</sup> w<sup>ch</sup> he owed to Cap<sup>t</sup> Rich<sup>d</sup> Jones and other's who were his very good friends tho as this Def<sup>t</sup> has hear'd they had not drawn on the Said Gresham for it but that the Said Brice wanting Tob<sup>o</sup> for the Dispatch of the Shipp Coleman Huggett, was forced by this means to give the Said Jones and others tenn Shillings and nine pence Sterl per hundred for their Tob<sup>o</sup> w<sup>ch</sup> was nine pence per hundred more then he agreed to give this Defend<sup>t</sup> and As this Def<sup>t</sup> has heared and Verily beleives applyed all the Tob<sup>o</sup> he paid the Said Brice to other peoples acc<sup>ts</sup> till he cou'd not otherwise [379] ballance then by applying the Said four thousand Six hundred and thirty two pounds of Tob<sup>o</sup> to the benefitt of this Defendant tho he thereby paid others their whole debts when this Def<sup>t</sup> drew for but about half his. That this Defendant Complaining to the Said Gresham of the hardship of this Case and Recommending it to his Consideration in a friendly Manner as a thing but Reasonable that the Def<sup>t</sup> Should have Some Satisfaction for the loss of his Markett Tob<sup>o</sup> falling in price imediatly after Recd in Answer Lofty and Scornfull Expressions he insisting that what he had done he wou'd Justifye and absolutely Refused to make this Defendant any Satisfaction for his Disapointm<sup>t</sup> and the better to Colour this most partial usage when he afterwards Came to Return this Defendant his Lists of Fees out of his Lists afd in Seventeen hundred and Eight amounting to twenty thousand and twelve pounds of Tob<sup>o</sup> he gave this Defendant credit but for about Seven thousand Six hundred and forty four pounds of Tob<sup>o</sup> thereof Refusing to be then Accountable to this Defendant for any more of the