

the Charge of the Execution And because the paym^t could not be avoided that the Said Gresham entred into Such Bond And not in Consideration of any such promise of this Def^{ts} as the Comp^{lt} in his bill most falsely Alleges. That this Def^t thinks it Strange the Comp^{lt} Should Expect a recompence for paying Tob^o due by Execution And denys that ever to his Remembrance he offered or promised to Accept the Said pretended ballance of three thousand four hundred and Eighty Six pounds of Tob^o in the Said Reynold's hands otherwise then that he might Say if M^r Reynolds or anyone Else paid him the Tob^o he Should Gave the Said Gresham w^h p^d Credit for it and also Denyes that he ever allowed the Said three thousand four hundred and Eighty Six pounds of Tob^o to be the ballance due to him as in the Complts bill is most craftily insinuated that this Defend^t about the years 171 $\frac{2}{3}$ having observed that the Said Gresham had always refused to make this Def^t any recompence [386] for the Disapointm^{ts} he had met wth in his paym^{ts} and returns of Lists and that he had been very Vexatious froward and unjust to this Defend^t Petitioned the Hon^{ble} Edward Lloyd Esq^r then president and Chancellor of the province for the Assignm^t of the Said Gresham's Bond of Sheriffalty for the year Seventeen hundred and Eight and had the Same Assigned him to be put in Suit but this Defend^t forbore Sueing it for Some time on the Complainants proposeing to Referr all Disputes to the Hon^{ble} W^m Holland and Samuel Young Esq^{rs} but finding Said Gresham evaded the Coming to a Determination before them and that when this Defend^t prest him thereto he insisted on a New Choice w^{ch} gave this Defend^t reason to suspect he designed only delay this Defendant Some time in the year Seventeen hundred and fourteen Caused the Said Bond to be put in suit whereon this Defend^t Assigned breaches one of w^{ch} was for the not paying twenty Eight thousand Seven hundred and Seventy Six pounds of Tob^o nor rendering an acc^t thereof by the tenth day of Aprill Seventeen hundred and Nine or afterwards or to that Fest and Judgm^t was thereon Rendered for his Majesty in October Prov^{ts} Court Seventeen hundred and Sixteen to the proceedings whereof on Record in the Prov^{ts} Court office the Comp^{lt} for better Certainty may have Recourse whereon this Defend^t obtained Execution for twenty thousand pounds of Tob^o and Costs altho' this Defend^t is well Satisfyed if he had insisted upon the Utmost of his Due the Law wou'd have given him a far larger Summ That he Remembers ab^t the latter End of Aprill or beginning of May Seventeen hundred and fifteen this Def^t and the Comp^{lt} had Some Discourse at the house of Thomas Macnemara Esq^r in Annap^o about putting their disputes to referance w^{ch} this Def^t agreed to provided the Said Gresham wou'd pay the Costs that had before that time Accrewed on the Sueing his Said Bond w^{ch} the Said Gresham obstinately refused. That this Defend^t Remembers sometime ab^t the years Seventeen hundred and Eleven Seventeen hundred and twelve or Seventeen hundred and thirteen the Comp^{lt} made out and Shewed this Defend^t a list of Tob^o Debts as due from persons resideng