

This replyant Saith that he to be ridd of the rigorous treatment of the Defendant to accomodate all other differences and to avoid further trouble he wrote a letter to him about the Seventh day of January one thousand Seven hundred and Sixteen whereby he offered to account for and pay all the Defendants list of Clerks fees, in the year 1708, 1709 and 1710 by him Comitted to his care on allowing him a Discount for insolvencies of two thousand Six hundred and eleven pounds of tobacco tho at the Same Time this Replyant believes the Defendant knew that the Insolvencies in Saids Lists amounted to more Notwithstanding [393] he is pleased in his Answer to believe otherwise, which belief ought not to be founded on the Said Letter, the defendant not Complying with the Conditions on which it was Writt and the proposalls of accomodations made thereby which were dropt on the Defendants claiming Interest contrary to law and justice, And therefore the Replyant hopes that an Allowance for the Insolvencies which amount to four thousand nine hundred and Sixty Seven pounds of tobacco will be made him by this Hon^{ble} Court This Replyant Sayth and hopes to prove that at the time the Defendant gave the Order in his answer mentioned to M^r Brice this Replyant was obliged to pay M^r James Wootton Rector of S^t Ann's Parish in Ann Arundell County and Curate of Westminster Parish a large Quantity of Tobacco in the said parishes on account of the forty per poll which the said Wootton Sold to Mess^{rs} Richard Jones jun^r and Samuel Chambers and that the said M^r Brice refused orders on persons liveing on the South Side of South River, but required the payment of the said Tobacco in the said parishes, alledging that Tobacco else were would be altogether inconvenient for him, That this Replyant being unwilling to continue in Debt to the Defendant promised to pay the said Brice the said Twenty thousand pounds of Tobacco ordered by the Defendant in the s^d parishes if possibly he could, tho he must remark that the Same was not timely demanded as by the date of the said order may appear, that Soon after the said Brice bought the said Jones and Chambers Claime and then had orders for about Eighty thousand pounds of Tobacco from this Replyant on inhabitants in the Said Parishes in order to Satisfye him as well the order of the said Wootton as of the defendant, That the said Brice proceeded to receive Tobacco on account of the said orders, and then Towards the latter end of the year finding Capt Peighns Ship, for which he designed the Said tobacco almost loaden, he desisted from receiving any more, and then made up an account with the Replyant of [394] forty thousand pounds of tobacco, As by this Repl^{ts} account books will appear, whereof he owned to have received on the Defendants account but four thousand Six hundred and thirty two pounds of Tobacco, at which this Repliant was much Concerned and Sent to M^r Brice to know the Reason who made answer that he allowed the Receipt of the Tob^o on Acc^t of those to whom he Could make the easyest payment, and when this Replyant insisted that twenty thousand pounds of the Forty thousand Should be on Acc^t of the Def^t he Utterly Re-