

never made any Legal Demand of his dues from this Repliant The Repliant protesting that he was always desirous to account Together wth the Defend^t but his frowardnesse and haughty Temper always prevented him and therefore was always oblig'd to treat wth him by Messengers, wherein he now thinks himself som what Happy being thereby able to prove other facts and things then the Defendant beleives and alleadges in his Answer; The Replyant Say'th that he Can't See w^t use the Defendant can well make of this Replyants refusing his noate to M^r Thomas Wells drawn on M^r Gassaway when Such a Noate is noe real pay or tender and was altogether at the Election of the Replyant to accept of it or returne it, this Replyants Demand against the Said Wells being private and not on Account of his being Sheriff. This Replyant Sayth and hopes to prove that on accomodating the [396] Difference and Law Suit about the five thousand pounds of Tobacco due on M^r Edward Botelers noate and wth the Defendant very cunningly Assigned to M^r Beard to avoid a Discount, and Even being obliged to Come to a fair Account wth this Replyant Intended then by Equity to oblige him to, the Defend^t faithfully promised to Submitt all the differences in Accounts between him and the Replyant to Coll^o Samuel Young and Coll^o Richard Tilghman, the Very first time they Should happen to Come to Annap^o or whensoever they Should be at leasure to Determine it But the Defendant was afterwards Soe farr from Complying wth his word that he Utterly Refused the Same unless this Replyant would Condescend to give him a premium for it, and then proposed Coll^o William Holland in Coll^o Tilghmans roome, This Replyant declares that he was always able and willing to pay the defend^t all his just due but never Could prevaile on the Defendant to Settle it, or appoint any indifferent persons to adjust it and whereas the Defendant points in his answer to an Act of Assembly Relateing to tenders of Tob^o whereby he Says the Defendant might if he pleas'd have extricated him from the Burthen of being Indebted to him the Replyant in Returne points out of the Defendant an act of Assembly Directing Sheriffs in their offices and Restraining their ill practices wth in this province whereby the Defendant is oblig'd yearly before the twenty fifth of December to Signifie his desire to have his Tob^o paid him that Crop or Tob^o Season, or that it Shall be at the Choice of the Sheriff whether he pays him that year or noe and by wth this Replyant is Advised the Def^t is barred from any Interest unlesse Such a Demand be proved to have been made Annually, and hopes that better proof thereof then what is Contain'd in the answer, and then the Defendants own oath will be Required the Defend^t Claiming a very Large Sum of Tob^o for Interest, This Replyant Saith that from the year one thousand Seven hundred and nine to one thousand Seven hundred and fourteen Tob^o was in very little or noe Demand wth was the Reason this Replyant beleives the Defendant did not make early demands of his Tob^o but when towards the beginning of Summer Tob^o grew then in the Country and Some