

persons wanted a Small Quantity to fill up there Ships, then the Defend^t having a Prospect to Sell Some of his to advantage Required this Replyant to pay him a Quantity when all the Collection for that year was over [397] and that this Replyant could not Comand a Hogshead and this Replyant beleives and hopes to prove that it was at Such times M^r Reynolds made the answers or some of them (if at all he made them) to the Defend^t, as he mentions in his answer, But that the Defendant any way ever indulged this Replyant is what he beleives the Defend^t cannot prove, and this Repliant Saith that the defendant left the Tobacco in his hands not knowing how to use it, which was no profite but a Very great burthen to this Replyant, he being obliged to let his debts remain in his Debtors hands without Interest Some whereof he lost, This Replyant Saith that the Defendant had no power or assignment on Suing his office bond from the Governour or keeper of the great Seale in authority to put his Said bond in Suite and less grounds or reason to vex him thereupon at law, and therefore as this Replyant can make it appear that during his Sherrivalty he always accepted and was ready to pay all the defendants orders on him for Tobacco, tho' drawne when Tobo time was generally over, if he could any ways Comply with them by discount or other wise and lodged for him in his Successors hands all the Tobo that he believed to be his due and for that the s^d defendant can't prove that in any one year before the twenty fifth day of December he demanded his claim of this Defendant, and for that he alsoe tendred to the Said Defendant before his bonds were put in Suit money according to act of Assembly for all or the greatest part of his Claime w^{ch} he Refused to Come to an Adjustment of Accounts wth this Replyant, This Replyant hopes this Honble Court will never allow the Defendant Interest for the Tob^o when tis Evident he might have had it, in the years it became due, Since by his own acknowledgement he received the greatest part of it in years that Tob^o was very Valuable all w^{ch} this Replyant is ready to averr maintain and prove as this Honble Court Shall award And therefore prays relief on the Matters in his bill and that the Def^t may rejoynd hereto

Jn^o Gresham

[398] The Rejoynder of Thomas Bordley Defendant To the
Replication of John Gresham Complainant

The Said Defendant Saith that the Replication of the Comp^t is false unjust and very insufficient in Law to be by this Defend^t rejoyned unto for Divirse Defects and Imperfections therein particularly in that the Same Seems to be purposely Contrived to draw this Defendants Character in Question and only to Slur and Reflect upon it without any Material allegations therein Relating to the Cause only insinuating that the Matters of fact in this Defend^ts answer mentioned are not Sufficiently proved by him his Defendants own oath Referring him to further proofs Contrary to all Rules