

ster pariches untill the 40 per pooll was Satisfyed w^{ch} he Said he was oblig'd to do According to Law. And further Saith that he does not know of any other Notes that the Said Complt fell Short in paying off (save the Def^{ts}) to the Said Brice that year, that he this [411] Deponant has told the Complt that he has often hear'd the Def^t Complain that the Complt always preferr'd his better friends in payment before him the Said Defendant, but this Deponant Saith that he knows nothing of any Such preferance made by the Complt, Save w^t is before Declared That the Depon^t beleives the Acc^t and Letters N^{os} B.B.B and here prduced is the hand writeing of the Complt, And the Dep^t further Saith that to the best of his Remembrance Rich^d Kelk Runaway Sometime in the year 1710 being arrested by the Deponant as under Sheriff at the Suit of Tho^s Andrewes and Sundry others, and that he beleives Rich^d Kelk Mentioned in the List N^o 9 is the Same R^d Kelk in the List of the Defend^{ts} Clerks fees, And this Deponant being askt by the Defend^t whether he remember W^m Taylard was allowed in the Complt^s Hands in the year 1708 any Sume of Tob^o Saith he does not Remember but for better Certainty Referrs himself to the Publick and County Levy Lists, that the Dep^t beleives Richad Kelk liv'd in Annap^o about 3 or 4 Years before he runaway, But the Complt and Defendant Referring the Insolvancies and and [sic] denied Debts in the Said List N^o 9 to the Consideration of the Chancery Court the Dep^t is not further Examined in Relation thereto. The Dep^t further Saith that he does not know of any Tob^o tender'd by the Complt to the Defend^t between the 25th of Nov^r and the last day of March in any one year and further Saith not.

The Deposition of Thomas Macnemara Esqr (on the part of the Complt) being Sworn on the holy Evangelists to the 8th and 9th Inter Saith

That Some time in Aprill or the beginning of May 1715 (being after a Judgm^t Recovered by M^r John Beard ag^t M^r Thomas Gassaway) the Complt being Indispos'd and understanding that the Said Def^t intended to Sue out Execution on the Said Judgm^t ag^t M^r Gassaway (to prevent the Superseeding thereof after the tenth of May) Sent to this Dep^t [412] to treat wth the Defend^t about the Said Judgm^t and their Acc^{ts} in Generall And that this Deponant haveing Instructions from the Complainant to that purpose told the Defendant that he the Complt must preferr a bill in Chan^{ry} ag^t the Defend^t in Order to oblige him to Settle Acc^{ts} unlesse the Def^t would agree to referr their Disputes to Some Indifferent Men, and that he would in that bill pray relief ag^t that Judgment of M^r Beards, that the Defendant thereupon Sayd he always was ready So to doe and that persons were *already agreed upon* by the Complainant and Defend^t Namely Col^o Holland and Col^o Young that this Deponant to the best of his remembrance Return'd to the Complt and Acquainted him of what the Defend^t Said that the Complt thereupon Said that he thought it Very hard that the Def^t Should have the Nomanation of