

M^r William Nicholson being Sworne (on the part of the Defend^t) Saith that about the year 1711 the Defend^t drew an order upon the Compl^t to pay the Dep^t 1800th Tob^o that the Dep^t Sent his Receiver Edward Burges for to get s^d Tob^o of the Said Compl^t, who told this dep^t he had markt 2 hhd^s at the house of the Wid^o Hammond on Acc^t of the Said Order, And the Said Burges told him this Dep^t Soon after that the Said Sherriff had retaken the Said Tob^o and Scratcht out the Mark And this Dep^t further Saith that the greatest part of the said Tob^o was not paid that year, that to the best of his this Deponants knowledge he did his Endeavour to Gett Said Tob^o but Could not, and that he Endeavour'd to get the Same in Tob^o Season And being further askt whether the Defendant had not often Communication wth him this Dep^t about Selling him this Defend^t tob^o in the Sheriffs hands and whether he has not often Refus'd to allow him so much for Tob^o in the Said Compl^{ts} hands as he would for Tob^o in Other peoples hands Saith he beleives the Def^t has often had Communication wth him ab^t Selling Tob^o in the Compl^{ts} hands and that he this Dep^t was not desirous to purchase any Tob^o in the Compl^{ts} hands for that he found a great deal of Trouble in receiving thereof and that he this Dep^t has often Refused to allow him so much for Tob^o in the Compl^{ts} hands as he would for Tob^o in other Sherriffs hands of this County. And this Dep^t further Saith that he makes a difference between publick and planters tob^o preferring always the planters tob^o. And the Dep^t further Saith that he has often offer'd to allow the Def^t mor[e] for Tob^o in hhd^s if he the Defend^t wou'd Shew it him then for an order for Tob^o in the Sheriffs hands. And the Said Deponant being further Askd by the Compl^t by whose order the Said Edw^d Burges as his receiver markt the two hhd^s as afd saith that he Desired the Said Burges to receive his Tob^o from the Said Sheriff but does not know that the Sheriff gave him any particular Order to mark the Said 2 hhd^s And further Saith not

[417] M^r Thomas Gassaway being Sworne (on the Part of the Defend^t) on the holy Evangelists Saith That he heard M^r Samuel Chambers this day and dureing the Execution of the Commission in this Cause Say that M^r Brice Said Some time after he had bought a note for Tob^o of Said Chambers and Cap^t Jones that the Compl^t wou'd not pay him any Tob^o untill the Said Note was Satisfy'd And the Said Compl^t being by, Said he own'd it. And the Dep^t being askt if ever he hear'd the Defend^t make the Compl^t any offers in relation to the Controversy betwixt them, Saith that he this Dep^t was by and hear'd the Defend^t tell the Compl^t if he would give him one hundred pounds he would put an End to the Same but whether Sterl^t or Currency he Cant remember, And after Such Refusall made the Def^t told the Compl^t that it would not be lesse then 15£ would Excuse him. Since he had refus'd his offer And this Dep^t further Saith that he hapening to be at the Gov^{rs} the Compl^t and Def^t were both there where there was some orders made to Accomodite the Said Matter that the Compl^t offer'd the Def^t 50£ and the Def^t