

for a greater or lesser Summe or for a Longer or Shorter time And all Bonds Contracts and Assurances [95] whatsoever made after the time aforesaid for payment of any Principall money or Tobbacco or Goods or Commodities to be lent or Covenanted to be performed upon or upon any usury where upon or whereby there Shall be above the rate of Six pounds in the hundred in money as aforesaid and above Eight pounds in the hundred in Tobbacco or other goods and Comoditys as af<sup>d</sup> Shall be utterly voyd and that all and every person or persons whatsoever which Shall after the time aforesaid upon every Contract to be made Ask demand or take Accept or receive by Virtue of Corrupt Bargain, Loan Exchange Chievizance Shift or Interest of any wares Merchandizes or other thing or things whatsoever or by any directfull way for the forbearance or giving day of payment for one whole Year of or for their money Tobbacco Goods or Comoditys as aforesaid Shall forfeit and loose for every Such offence the Treble Value of the money Tobbacco, Goods Wares Merchandizes and other things So lent Bargained Sold Exch<sup>d</sup> and Shifted as aforesaid the one halfe of the Said fine and forfeiture to the right hon<sup>ble</sup> the L<sup>d</sup> Proprietary and the other halfe to him or them that Shall Sue for the Same in any Court of Record of Record [sic] within this Province by Action of Debt Bill plaint or Information wherein no [Essoyn] protection or wager of Law to be Allowed And the Said William Hopkins by protestacon Saith that he the Said Thomas Tench lent unto him the Said William Hopkins the Said 2384<sup>l</sup> of Tobbacco by way of Loan and the Said William did tender unto the Said Thomas and is Likewise now and hath att all times been ready to give Security to the Said Thomas Such as the Said Thomas Should Like and wel[l] Approve of for the payment of the Said 2384<sup>l</sup> of Tobba together with the Eight pounds of Tobbacco for every hundred upon the 21<sup>th</sup> day of October next which Shall be in the Year of our Lord 1695 According to the Directions in the Said Act but the Said Tench did utterly refuse to take Such Security for the paym<sup>t</sup> of the Said 2384<sup>l</sup> of Tobbacco with the Interest of Eight p<sup>ds</sup> of Tobbacco for every hundred for the forbearance of the Same one whole year but the Said Thomas Tench did Ask Demand and [96] Exact the Summe of five and Twenty pounds of Tobbacco for Interest and forbearance of Every one hundred pounds of Tobbacco of the Said 2384<sup>l</sup> of Tobba, Soe Lent by way of Loan as afores<sup>d</sup> Contrary to the forme of the Said Act of Assembly af<sup>d</sup> and thereupon he puts himselfe upon the Country.

Bland.

And the Said Thomas Tench Saith that for any thing above in the plea of him the Said William Hopkins Alledged he ought not to be debarred from hearing his Action aforesaid ag<sup>t</sup> him the Said William because he Saith the Said Thomas being a Merchant att the Speciall Instance and request of him the Said William did Sell and deliver unto the Said William Hopkins Severall and Sundry Goods Wares and Merchandizes Amounting to the Summe of 5620 pounds of Tobbacco for ready Tobbacco Imediatly to be paid by the