and unto the Said Benjamin Capt: Wen: there faithfully promise that if the Said Edward Should refuse to Accept any one of the afd 3 bills and make good payment thereof Ye: the Said Robert Smith Ye: by ye: the Said pltffs in there Decl: Seems to demand payment of every one of the Said Three bills Totally according to the Tenor of the Same bill as aforesaid unnecessarie & wanting matter & form redders the Said Assumpsion Made faitlu and the Said Decl: on Insufficient

5 The Said pltffs in there Said Decl: on Say that upon the 20: Day of January 1706 at the request of him the Said Mr: Benjamin Way of London Merchant something to Say the afd Benjamin Way in behalfe of himselfe & Company / This Sommy to Intend another Benjamin Way of London Merchant and because no mr: Benj: Way of London Merchant is named before in the Said Decl: on

6 The Said Pltffs in there Said Decl: on Say that by the Said original bill of Exchange protest & Copy of the Said bill here in Court ready to be produced Ye: omitting to Say which Said Originall bill or the other Said bill being yett due and none of them paid as by the Said protest and Said three bills here in Court may appeare / Doe that the Said Pltffs Doe not Deny but the Said 2d or 3d bills or one of them was paid unto Benjamin Way and Company before Mr: Benjamin Way of London Merchant who might find the Said first bill Did Ye: Intitle of Same and doe make the first bill Come protested neither of the Said 2d nor 3d bills being Said in the Said Decl: on to be brought in Court

7 The Protest being dated on the 11: day of Xber: 1706 in the Life time of the Said Robert Smith he Leaveing Effects in England may have ordd: the money due on the Said Bills to be paid by Some other person on Sight of the 2d or 3d bill afd in his Life time which the Said pltffs in there Said Decl: on otherwise ought to have Said ye afd Robert Smith in his Life time Did not pay / truth & certainly of which the afd Ye: Cannot Know

8 The Said pltffs in there Said Decl: on Say / altho upon the first day of May Anno Dom: 1708 Ye: have been there unto required / by wch: it Doth appeare the afd pltffs had no Cause of Action at the afd Deffts att the day of the Purchase of the afd pltffs originall Writt and before Demand no Action Could Accrew against them because it was Impossible for them to foreseeand Know being but Ye: and is a grand Error which with the reasons afd renders the afd Decl: on Soo Insufficient & uncertaine that it is Impossible for the afd Deffts to make any Certaine answer thereunto which they the afd Deffts are ready to verefyee and therefore for want of a good and Sufficient Declaration of the afd Pltffs in that behalfe the afd Deffts Crave Judgment and that there Costs Occationed by the vexations Suite

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