

on the eighth day of June Anno Seventeen hundred thirty three at the County of  
 Somersett aforesaid within the Jurisdiction of this Court made his certain note in writing called a  
 promissory note with his proper hand subscribed bearing date the day & year last  
 mentioned and the note aforesaid to the aforesaid John then & there delivered by us & so  
 Note the sd. Hester did acknowledge himself to be justly indebted unto the sd. John  
 the just Sum of three thousand and thirty five pounds of Merchantable Tobacco  
 to be paid upon demand and by reason thereof as also by force of the Statute in such  
 Cases lately made and provided the sd. Hester became chargeable to pay to the sd.  
 John the aforesaid Sum of Tobacco according to the tenor of the sd. Note and so being  
 chargeable the aforesaid Hester afterwards to wit the aforesaid eighth day of June in  
 the year Seventeen hundred thirty three aforesaid at Somersett County aforesaid within  
 the Jurisdiction aforesaid in Consideration thereof upon himself did assume and to the sd. John then  
 & there did faithfully promise that he the sd. Hester the aforesaid Sum of Tobacco to  
 the sd. John according to the tenor of the sd. Note would well & faithfully pay & content  
 Nevertheless the aforesaid Hester his promise & assumption aforesaid in forme aforesaid made  
 nothing regarding but plotting & fraudulently intending the sd. John in that & to  
 craftily & subtilly to deceive and defraud the aforesaid Sum of Tobacco to the sd. John  
 according to the tenor of the sd. Note hath not paid or contented altho' the same to do  
 the sd. Hester by the sd. John on the aforesaid eighth day of June in the year last aforesaid  
 & often afterwards at the County of Somersett aforesaid he was thereunto requested but  
 the same to him hitherto to pay hath refused and still doth refuse and doing where:  
 upon the sd. John saith he is wounded & hath damages to the Value of Six thousand  
 pounds of Tobacco and thereupon he brings Writs et. — *Blodges de Jure M. Doe*

A Copy of the foregoing Declaration was made and sent to be served on the Defendant  
 with the writ in the plea aforesaid according to act of assembly in such Cases made & provided &  
 At which said third Tuesday of June to wit the nineteenth day of the same Month  
 And: Done: One thousand Seven hundred and thirty five being the day of the Return of the  
 said writ cometh the said John Burnale by his attorney aforesaid and the Sheriff of Somersett  
 County to whom the foregoing writ was directed sheweth cometh and maketh return  
 thereof to the Court here entered in these words following *Virt. signification delivred*  
 in time *per Jov: Macclister Sher.*

Whereupon the aforesaid Hester Whittingham in his own proper person cometh  
 and defends the force and Injury when & saith that he cannot gain say the action  
 aforesaid of the aforesaid John Burnale nor can he say but that he did assume upon himself in  
 manner and forme as the aforesaid John Burnale above against him hath complained and  
 as to the damages of the same John <sup>by him</sup> by Occasion of the premises in that part  
 sustained the same Hester Whittingham saith and confesseth that the aforesaid John  
 Burnale