

the same day and year and that bill unto the a^s: Joseph M^r: Lester then and there negotiating and Commerce using did direct and by the same bill did require the said Joseph M^r: Lester to pay unto the a^s: Richard Gildart (then and there negotiating and Commerce using) under seven thousand and pounds of tobacco for value from him received which said bill so as a^s: made subscribed and directed the same Richard after the making thereof to with the twentieth day of March last and do give seventeen hundred thirty and five a^s: at Somerset County a^s: unto the a^s: Joseph M^r: Lester did shew and the same Joseph that bill according to the use and Custom of Merchants from all the time a^s: used and approved to accept then and there did require and to make payment of the said seven thousand and pounds of tobacco unto the a^s: Richard according to the form and effect of the bill a^s: and the same Joseph that bill then and there according to the use and Custom of Merchants did accept and the a^s: seven thousand pounds of tobacco in the same bill mentioned unto the a^s: Richard to pay did promise by pretext of which premises the same Joseph by the Custom of Merchants from all the time a^s: used and approved chargeable and lyable is become and chargeable and lyable was to pay unto the a^s: Richard the a^s: seven thousand pounds of tobacco and so being chargeable and lyable the a^s: Joseph afterwards to with the same twentieth day of March in the year a^s: last mentioned at the County a^s: in consideration of the premises upon himself did assume and unto the same Richard then and there faithfully did promise that he the a^s: Joseph the same seven thousand pounds of tobacco unto the a^s: Richard when thereunto afterward he should be required well and faithfully would pay and content. Nevertheless the a^s: Joseph his promise and assumption a^s: in form a^s: made nothing regarding but minding and fraudulently intending the a^s: Richard in this part craftily and slyly to deceive and defraud the a^s: seven thousand pounds of tobacco or any pound thereof unto the same Richard hath not paid nor for the same in any sort contented (altho' to do the same the a^s: Joseph afterwards to with the same twentieth day of March in the year a^s: last mentioned and often afterwards at the County a^s: by the a^s: Richard was required) but that unto him hitherto to pay or in any sort to content altogether hath refused and still doth refuse to the damage of the same Richard ten thousand pounds of tobacco and thereupon he bringeth suit to Blodges J. Johnson & R. Roe

And whereupon the said Joseph M^r: Lester in his proper person comes and defends the force and Injury when he doth saith that he cannot deny the action a^s: of the a^s: Richard Gildart nor that that he did assume upon himself in manner and form as the a^s: Richard above against him hath complained and as to the damage of the same Richard by him by occasion of