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pounds of tobacco unto the a^s: James 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: three thousand and ninety pounds of tobacco in the same bill mentioned unto the a^s: James to pay did promise by pretext of which promise the same Joseph by the custom of Merchants from all the time a^s: used and approved chargeable and liable and chargeable and liable was to pay unto the a^s: James the a^s: three thousand and ninety pounds of tobacco and so being chargeable and liable the a^s: Joseph afterward to wit the same seventeenth day of June 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 James then and there faithfully did promise that he the a^s: Joseph the same three thousand and ninety pounds of tobacco unto the a^s: James when thereunto afterward he should be required well and faithfully would pay and content. Never the less the a^s: Joseph his promise and assumption a^s: nothing regarding but minding and fraudulently intending the a^s: James in this part craftily and subtilly to deceive and defraud the a^s: three thousand and ninety pounds of tobacco or any pound thereof unto the same James hath not paid nor for the same in any sort contented (altho' to do the same the a^s: Joseph afterwards to wit the same seventeenth day of June in the ^{year} a^s: last mentioned and often afterwards at the County a^s: by the a^s: James 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 James six thousand pounds of tobacco and thereupon he bringeth suit &c.

And whereupon the said Joseph Maclester in his proper person comes and defends the force and Jury when &c. and saith that he cannot deny the action a^s: of the a^s: James Hayes nor but that he did assume upon himself in manner and form as the a^s: James above against him hath complained and as to the damage of the same James by him by occasion of the premises in that part sustained the same Joseph saith and acknowledgeth that the a^s: James hath sustained damages by occasion of the premises beyond his cost and charges by him about his suit in that part apposed to three thousand and ninety pounds of tobacco and not more and because the a^s: James denies not this but the same allegation believes to be true pray Judgment for those damages also acknowledged together with his costs and charges a^s: to him to be adjudged &c.

Therefore by Court of ^{the} parties a^s: it is considered that the a^s: James Hayes recover against the a^s: Joseph Maclester his damages aforesaid to the a^s: three thousand and ninety pounds of tobacco