

August Court 1734 195

At 103 of Thomas Fletcher Command was given to the sher of Somerset County that he should
for Thomas Newbold take Thomas Newbold late of Somerset County planter if he should
be found in his bailwick and him should safe keep so that he might
have his body before the Justices of his Lordship County Court of Somerset
to be held at dividing Creek the third Tuesday of August then next to answer unto Thomas Fletcher
of a plea of trespass upon the case &c. and that thereof he should not fail &c.

And the said Thomas Fletcher by Francis Allen his Attorney complains against the said
Thomas Newbold in the plea aforesaid as followeth Verdict

Somerset County. Thomas Newbold late of Somerset County planter was attached to
answer unto Thomas Fletcher of a plea of trespass upon the case &c.

And whereupon the said Thomas Fletcher by Francis Allen his Attorney complains that
whereas the said Thomas Newbold after the first day of May Seventeen hundred and five
to witt on the ninth day of July Seventeen hundred and thirty two at Somerset County within
the jurisdiction of this Court made his certain note in writing called a promissary note with
his proper hand subscribed bearing date the same day and year last mentioned and the same
note to the said Thomas Fletcher then and there delivered by which said note the said Thomas
Newbold did promise to pay to the said Thomas Fletcher four thousand pounds of sound
Merchantable leaf Tobacco and eight p cent Interest for the same in cash within a year and a
day of the date of the said note and by reason thereof as also by force of the Statute in that
Case lately made and provided the said Thomas Newbold became chargeable to pay to the said
Thomas Fletcher the said sum of Tobacco and Interest at eight p cent in cash according to
the tenor of the said note and being chargeable the said Thomas Newbold in consideration
thereof afterwards to witt the ninth day of July Ann. Dom. Seventeen hundred and
thirty two upon himself did assume and to the said Thomas Fletcher then and there did
faithfully promise that he the said Thomas Newbold the said sum of Tobacco and Interest at
eight p cent in cash according to the tenor of the said note to the said Thomas Fletcher when
he should be thereunto requested he would well and faithfully pay and content Never theless
the said Thomas Newbold his promise and assumption aforesaid made nothing regard-
ing but plotting and fraudulently intending the said Thomas Fletcher in that part craftily
and subtilly to deceive and defraud the said four thousand pounds of Tobacco and eight p
cent Interest for the same within a year and a day of the date of the said note to the said Thomas
Fletcher the often thereunto requested hath not paid or contented but the same to him
hitherto to pay hath refused and still doth refuse and deny to the damage of the said
Thomas Fletcher of eight thousand pounds of Tobacco And thereupon he brings Suit &c.

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 case made and provided
pledged 8. In. Doe & Pi. Roe

At which said third Tuesday of August to witt the twentieth day of the name month ann.
Dom. One thousand Seven hundred and thirty four being the day of the return of the same
writ came the said Thomas Fletcher by his Attorney aforesaid and the Sheriff of Somerset
County to whom the foregoing writ was directed likewise came and made return thereof to
the Court here in these words Indorsed Capi corpus declaration in time delivered of
for: Inqueston Sheriff.

(Whereupon)