

One thousand Seven hundred and thirty Seven to answer unto Richard Tootell of a plea of the case upon the case &c. And the said Richard Tootell declared against the said John Evans in the plea as in form following-- Somerset County sh. John Evans late of Somerset County planter was attached to answer unto Richard Tootell of a plea of the case &c.

and whereupon the same Richard by Robert Jenkins Henry his Attorney complains that Whereas the said John after the first day of May Anno Domini Seventeen hundred and five (to witt) the Twenty first day of September in the year of our Lord God one thousand Seven hundred Thirty four at Somerset County within the Jurisdiction of this Court made his certain Note in Writing Called a Promissary Note with his proper hand there to subscribed bearing date the same day and year last above mentioned which said Note the aforesaid John to the same Richard did then and there deliver and by the said note did promise to pay to the aforesaid Richard by the Name of Richard Tootell or his order the sum Three pounds Ten Shillings on or upon the first day of November then next ensuing the date of the same Note for value received and by reason thereof as also by vertue of the Statute in such case lately made and provided the same John became Chargeable to pay to the same Richard the said sum of money according to the tenor of the note aforesaid and so ~~there~~ thereof Chargeable being the aforesaid John in Consideration thereof afterwards (to witt) the same day and year last above mentioned at Somerset County aforesaid upon him self did assume and to the same Richard then and there faithfully promise to pay to him the aforesaid sum of money according to the tenor of the same Note and the aforesaid Richard in fact saith that he at any time after making the said Note ~~he~~ hath not made any order of or Concerning the sum of Money in the Note aforesaid contained or of or Concerning the payment of any part thereof Nevertheless the said John his promise and assumption aforesaid made little regarding but minding and fraudulently intending the same Richard in this part craftily and Subtly to deceive and Defraud the said sum of Three pounds and ten Shillings or any part thereof to the same Richard he hath not as yet paid nor to him for the same in any sort Contented altho the same to do the aforesaid John afterwards (to witt) the same day and year and place last above mentioned and of ten since that time by the aforesaid Richard he was thereunto Requested but the same to him to pay or for the same in any sort to Content the same John hath altogether refused and still doth refuse to the damage of the same Richard seven pounds Current money of Maryland and thereof he brings suit &c.

Gledges & In Doc B. Roe

A Copy of the foregoing declaration was made and sent to be served on the deft with the writ apprehending to act of assembly in such case made and provided &c.

All which day had before his Lordships Justices all aforesaid then held at dividing Creek came the aforesaid Richard Tootell by his attorney aforesaid and the aforesaid Shoupe to witt John Henry Gent. now here returned that he had taken the aforesaid John Evans whose body here at this day he had ready to answer the aforesaid Richard of the aforesaid plea as to him it was commanded And the aforesaid John Evans in his proper person Cometh and defendeth the fore and
Injury