

purchase Tobacco, Provided hee would secure unto him a good title thereunto, which the said Abington refused alleading that he only sold him the said Johnson Only his right and title to itt, and that he was not bound to secure him, but that he expected and demanded the payment of the remainder of the Tobacco which the said Johnson refused untill he should have a good title made him to the premises by the said Abington And that the said Abington hath not only refused to make the Comp^{lt} a good title to the said Land, or to repay him back what he hath allready paid him for the said Land, and to make Him satisfaccon for what he hath expended and laid out in building fenceing &c in and about the same And that the said Abington hath unconscionably comenced his action against the Comp.^{lt} in the Provinciaall Court for the Summe of Seaven thousand Six hundred forty two pounds of tobacco the bill passed to the said Abington as aforesaid And that the Comp.^{lt} hath allready paid the said Abington Three thousand foure hundred twenty foure pounds tobacco in part of the bill aforesaid And that the Abington will without relieved in this Hono^{ble} Court by the strict Rules of the Co^mon Law gett Judgement against the Comp^{lt} for the whole sume of the Comp.^{lt} not being able to prove payment of the said Three thousand foure hundred twenty foure thousand pounds Tobacco And that the Comp.^{lt} is wholly remediles by the Strict rules of the Co^mon Law not being able to prove his bargaine about the said Land, and being only & properly relievable in this High and Hon^{ble} Court And that he humbly hopes that this Court will Decree and order the said Abington fully to satisfie and pay the Comp.^{lt} not only what he hath paid him in and towards the purchase of the premisses And all Summes as the Comp^{lt} hath expended and laid out in and upon the same together with his damages sustained thereby But alsoe that the said bill of seaven thousand six hundred forty two pounds of tobacco now in the hands of the said Abington to be delivered upp and Cancelled, and that the said suite might be stayed by injunction And that the said Abington might have answeere make to the premisses and the Comp^{lt} relieved therein according to Equity, he humbly, craved that proces of Subp^a might be awarded out of this Hon^{ble} Court against the said John Abington to appeare and answer the premisses, the which being granted and the said John Abington therewithall served who appeared accordingly and putt in his answer to the said bill and thereby amongst other things did sett forth that in or about the Month of _____ in the yeare of our Lord One thousand six hundred and seaven the Comp^{lt} came to the Defend.^{ts} house in Petuxent River, and told the defend.^t that knew of a parcell of brave rich and good Land which had layen dormant a long tyme not farr from the Defend.^{ts} Land And that itt had never bin surveyed or taken upp by any person And that if the Defend.^t would take the same upp in his owne name and afterwards sell the

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