

sd George did oblige himself to give unto the sd John the halfe of the Corne and Tobacco that should be made upon the sd plantation that yeare afterwards the said Mathias arriving in this Province did the 28th day of Aprill in the yeare of our Lord 1673 in Consideracōn that the said John Charlesworth at the speciall instance & Request of him the sd Mathias would Release and Discharge him the sd Mathias from the aforesd Covenant & Agreem^t made as aforesayd with the said George Charlesworth then Attorney of the sd Mathias, and helpe the said Mathias servants to hill what Ground was left unhilled for the making of that yeares Crop, and would make Choice and accept of ground to plant fifteene Thowsand plants on, the said Mathias did assume upon himself and to the said John Charlesworth did faithfully pmise, that he the sd Mathias would let the said John Charlesworth ground sufficient to plant 15000 plants of Tobacco for that p^rsent yeare and that the servants of the said Mathias should helpe him the sd John to hill 15000 hills for the same, and the said John in fact saith that he the said John did Release and Discharge the sd Mathias from the sd Articles of Agreem^t made as aforesayd, and Did helpe the sd Mathias his servants to hill what ground was left unhilled for that yeares Cropp and Did make Choyce of ground to plant 15000 plants upon and had hilled the Major^r pt of the sd Ground, Notwithstanding w^{ch} the sd Mathias according to his promise the sd ground for fifteene Thowsand plants, and his servants to helpe to hill the same though often Required to him the sd John hath not Rendered but the same hath altogether denyed and Refused or any satisfaction for the same to him the sd John to make doth still Deny and Refuse to the Damage of the said John 8000^l Tob, and thereupon he bringeth his suite.

And the said Mathias by Robert Carvile his Attorney Cometh and Defendeth the force and injury when &c and saith that he Did not assume upon himself nor to the said John did promise as by the said John is above Declared ag^t him, and of this he puts himself upon the Country and the said John likewise.

Therefore Comaund is given to the Sheriff of St Maryes County that he Cause to Come before the Justices of the next Provincial Court to be held at the City of St Maryes the Tenth day of ffebruary next, Twelve &c by whom &c who neither &c because aswell &c to Recognize &c and the same day is given to both ptyes.

At w^{ch} day that is to say the 10th day of ffebruary in the 42th yeare of the Dominion of Caecilius &c Annoq̄ Domini 1673. Came aswell the sd John Charlesworth by Kenelm Chiseldyne his Attorney as the said Mathias Decosta by Robert Carvile his Attorney and the Juro^{rs} of that Jury likewise came to wit William Groome Edmond Webb Vincent Atchinson John Nuthall Michael Miller Henry Jowles Robert Waterson John Wright Walter Hall Rog^r Baker and Thomas Spinke & James Nuthall who to say the truth in

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