

Counsel Learned in the Law shall be reasonably advised, & used or required, giving State with Merant in the said Condition. I provide, Now the ptt says that the said Deft hath not full satisfaction for the said Land and the Deft not withstanding of the said Obligation hath no way performed the Condition, but the same is broken in all and every the Articles therein expressed. Whereby if said Land is become the proper right of the ptt, as if there was no Condition thereunto annexed, & hath often demanded satisfaction and repairs hath been denied, and still doth deny to the ptt great loss & damage of 10000 lbs of tobacco, and thereupon he brings this Sub Jra.

Worthington p Lrd Dlogd promit. Jhn: Do: Ryeke

And the Defendant by his Counsel and Attorney Comd Defends if force injury in Jra. And saith that if ptt put upon a forced act him ought not to have, for that the said Deft, allways was and still is ready to pass any Surrender or Conveyance as the ptt or his Counsel learned in the Law should reasonably advise or require according to the honour of the Condition of the Obligation sued for. Now hath the ptt ever binded any Conveyance or Surrender to the Deft. And of this he puts him self on the Court. I ord.

And the ptt by Sam: Worthington his Attorney further saith that the said John never had not yett had any Gallant Deed or Writing whereby is sufficient to make over the said Land to the said John as he hath acknowledged before the Land Office is open again & not comply with the same, whereby if said Land is become due & puts him self on the Court. Worthington. — And the Deft also Dnt.

Maryland is: Know all men by these presents that I John Emmett of Somerset County Deceased a forsaide Millwright am heire & family Comd unto Stephen Coston of the said County Deceased Planter in y full & full sum or quantity of five thousand pounds of good sound Merchantable Tobacco to be paid to the said Stephen Coston his Heirs Executors or Assigns or Certain Attorney Contemntly in Somerset County for y performance whereof the said John Emmett do bind my self my Heirs Executors & Heirs firmly by these presents as witness my hand and Seal the 25th day of April Anno 1689.

The Condition of the above Obligation is such that if the above bounden John Emmett his Heirs Executors & Heirs do & will at any Contemnt time, at y reasonable request & Demand of Stephen Coston his Heirs or Assigns & after the payment of five Cents & Calves whereof I have the Bill for the same made or cause to be made, unto y above named Stephen Coston & to his Heirs & Assigns such a good sufficient & indissoluble Estate of Inheritance in y Law, to y only use & behoof of the said Stephen Coston his Heirs & Assigns for ever, of & for one hundred & fifty acres of Land being y moiety or one half of three hundred acres of Land taken up inevitably betwixt Charles Kitchell and my self & joyntly upon a tract of Land of three hundred acres formerly taken up by me — Called Swan, Situate lying & being on y Sea Side in the County of Somerset by Deeds & Evidences sufficient in the Law, or by any other Sute or Lawfull means as by the said Stephen Coston his Heirs or Assigns of him or them or by their or any of their Counsel learned in y Law shall be reasonably advised & used or required, the said One hundred & fifty acres shall for ever remain Contemnt & be unto y said Stephen Coston his Heirs & Assigns free & clear, freely & clearly acquitted exonerated & discharged or otherwise upon request sufficiently satisfied & kept free of all manner of former & other bargains sales Leases, Gifts grants Surrenders & mutations whatsoever, that made Comitted or done by him the said John Emmett, or by any other person or persons before. Then shew the above Obligation to be void, otherwise to be in full force power & virtue. John Emmett & Seal.

Sealed signed & delivered in presence of
Wm: Myward: Rich: Watkins & the marks
The Court having considered the same, do: Order & allow Sute as y
ptt is the best of Sute at Execution.