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is supposed until he should have a good title made him to the premises by the said Abington
And that the said Abington hath ^{not} refused to make the Comp^t a good title to the said Land
or to repay him back what he hath already paid him for the said Land, and to make him
satisfaction for what he hath expended and laid out in building, mending or in and
about the said Land and that the said Abington hath unreasonably removed his action
against the Comp^t in the Provincial Court for the sum of seven thousand six
hundred forty two pounds of tobacco the bill passed to the said Abington as
aforesaid And that the Comp^t hath already paid the said Abington three thousand
four hundred twenty four pounds of tobacco in part of the bill aforesaid And that the
Abington will without delay in this Honble Court by the strict Rules of the Common
Law gett Judgment against the Comp^t for the whole sum the Comp^t not being able to
procure payment of the said three thousand four hundred twenty four thousand pounds
of tobacco And that the Comp^t is wholly remediless by the strict rules of the Common
Law not being able to ~~procure~~ procure his bargain about the said Land, and being only
properly remediable in this High and Honble Court And that he humbly desires
that this Court will direct and order the said Abington fully to satisfy and pay the Comp^t
not only what he hath paid him in and towards the purchase of the premises And
all sums as the Comp^t hath expended and laid out in and upon the said Land together
with his damages sustained thereby But also that the said bill of seven thousand
six hundred forty two pounds of tobacco now in the hands of the said Abington to be
delivered up and cancelled, and that the said suit might be stayed by injunction
And that the said Abington might have an order made to the premises and the
Comp^t relieved therein according to Equity he humbly desires that process of
Subpoena might be awarded out of this Honble Court against the said Abington to
appear and answer the premises, the which being granted and the said
John Abington there withall served who appeared accordingly and putt in his answer
to the said bill and there by amongst other things did set forth that in or about the
Month of ^{in the year of four} Lord One thousand six hundred and seven
the Comp^t came to the ^{Defend^t} house in ^{Delaware} ^{County} ^{Delaware}, and told the ^{Defend^t} that
know of a parcel of broad rich and good Land which had layen dormant a long
time not farre from the ^{Defend^t} Land And that it had never bin surveyed or
taken up by any person And that if the ^{Defend^t} would take the said Land
in his own name and afterwards sell the said Land to the Comp^t it would be a very
great profit to the Comp^t and the Comp^t would pay him for his charges in
buying rights and proving the said Land and in surveying and settling the
said Land and other charges thereabouts and for courts fees in taking the said Land up
a considerable quantity of tobacco And that before the Comp^t would acquiesce
the ^{Defend^t} withed the Land lay, he caused the ^{Defend^t} to make him a promise
and engagement to sell him his right and title of the said Land when he should
And that when the Comp^t had made the ^{Defend^t} acquainted with the Land lay
and had shewen the ^{Defend^t} and M^r Charles Brooker the Deputy Surveyor
some marked trees which he said was the utmost bounds of a tract of Land
called Brooker Court to which the ^{Land} lay adjoynd, that the ^{Defend^t} demanded
of the Comp^t if that Land was not part of Brooker Court humbly granted to