tending to the breach of the said bond, now the said Hannah not knowing
of the same but from time to time, but the Defendt Samuell credibly informed, that
after the said contract and agreement made as aforesaid, the said Complt
had time sufficient before the Death of the said Hannah to have procured a
Conveyance of the premises to have been sealed and executed & acknowledged
in the said County Court, but the doing thereof was neglected and delayed by the
Complaynt or his Attorney whome he entrusted to get the same bond and
take acknowledgemt as aforesaid, for that they are informed the said Hannah
lived seaven months after the said contract and agreement, And therefore
the Defendt hopes the Complaynt shall bear the expences of his owne charges
and delay and the whole charges of this suite and not these Defendts
or the estate of the said Vincent bee chargeable with any part of it
And this Defendt saith that hee is and always was ready and
willing to doe any lawfull Act or acts shall bee by the Judgment of
this Court Decreed him to doe and not otherwise for the better and more
further making the premises to the Complt and his heires soe as hee may
hereby bee protected and Defended by the said Decree against the said heire
also when hee shall come of age, And soe as the tobacco that shall bee
sold and really upon a just and true account remaine unpaid of the purchase
consideracon of and for the lands and premises bee paid unto this Defendt
towards payment of the said Vincents debts and maintenance of his
children if any Overplus remayne, Of w^ch said accompt these
Defendts humbly Desire the consideracon and allowance of this Court
before they passe their Decree herein; & this Court Hall take such fitt
to make any just Decree, And soe as this Defendant Samuell may bee
allowed his just and due charges and expences by him expended in the tryall
Lawd upon the said bond, and before the honble the Judge for probate of Wills,
and granting admcons, and upon the Citacon aforesaid, and for answering the
exceptions aforesaid, and soe as these Defendts may bee allowed by this Court
also their charges of this suite, all w^ch must otherwise unjustly bee
charged upon the personall estate of the said Vincent, to the great prejudice
of the Creditors and Orphants of the said Vincent, w^ch these Defendts
humbly conceave will bee very unreasonable since neither the said Vincent nor
Hannah nor these said Defendants was in any fault but the Complt Only by
his Laches and delayes aforesaid in not getting the Conveyance drawne and
executed as aforesaid whose prop busines it was, And for want the generall
Traverse they conclude their answer

And Now hereat this day to wit the Seaventh day of October
in the yeare aforesaid the Complt and Defend being willing to goe to hearing upon
bee and answer, and this present day being appointed for hearing these Causes
before Our Board Unto Philip Calvert Esqr our Chancellour of our said
Province our Deare Cousin William Calvert Esq Our Secretary of our said Province

C.