Ejy Richard Thatcher
vs
Ctt: Peter Massey.....

Maryland ss Peter Massey Late of Kent County Planter was Summoned to Answer unto Richard Thatcher of a plea that he hold with him Covenants made betwixt the said Peter & Sarah his wife and the said Richard According to the force form and Effect of a certain Indenture betwixt them made &c

And Whereupon the same Richard Thatcher by Joshua George his Attorney Saith that whereas by a certain Indenture made at Kent County on the Twentieth day of January Anno Dom: Seventeen hundred and thirteen between him the said Richard by the name of Richard Thatcher of Prim Mouses River in the Province of West Jersey of the one part and the said Peter and Sarah his wife by the name of Peter Massey in the Province of Maryland and Sarah his wife of the other part which same Indenture the said Richard with the Seale of the said Peter and Sarah signed hereunto Court brings the date whereof is the day & year afsd it is Witnessed that the said Peter Massey and Sarah his wife for and in Consideration of Ninety pounds Proclamation money to them in hand paid the Receipt whereof they the said Peter & Sarah by these presents did Acknowledge and thereby did Clearly Acquit Exonerate and discharge the said Richard Thatcher his heirs and assignes for ever and by these presents did give grant Alien Bargain Sell Enfeoff & Confirm unto the said Richard his heirs & assignes all that tract of Land lying and being in Cecill County Butted & bounded as in the said Indenture Containing Twelve hundred Acres of Land being part of Six thousand Acres of Land Called New Munster with all and Singular the Appurts thereunto belonging To have & to hold the said Twelve hundred Acres of Land with the Appurts thereunto belonging unto him the said Richard Thatcher his heirs and assignes for ever to the only use and behoof of the said Richard his heirs & assignes for ever and the said Peter Massey did further Covenant promise grant and Agree to and with the said Richard that he the said Peter and his wife Sarah they or either of their heirs Ext: or admr: and every of them should and would from time to time and at all times after the making the said Indenture Acquit and Discharge or Otherwise save and keep harmless the said Richard his heirs and assignes and the afsd: Twelve hundred Acres of Land and premises with the Appurts from all former & Other bargains Sales Joyntors Dower Title of Dower Statutes Judgments Recognizances Executions Rents Arrearages of Rents forfeitures and all Other Charges and Incumbrances whatsoever had made or done at any time either by a certain Edmond Davis Danl: Toas Sen:, Danl Toas Jr John Toas, Sarah Toas or By them the said Peter Massey or any of them or their heirs or assignes or by any Other person or persons whatsoever before the Ensealing & Delivery of these presents And it was further Covenanted by & between the said parties and their heirs that the said Richard Thatcher his heirs or assignes might and should for ever peaceably and Quietly have hold use Occupy possess and Enjoy the sd: premises without any let Suit trouble or Disturbance of him the said Peter Massey his heirs and assignes or any Other person or persons whatsoever And the said Peter did further for himself and his heirs Covenant to and with the said Richard and his heirs that he the said Peter would at all times after the Making the said Indenture Warrant

(and)

and Defend the said Land and premises unto him the said Richard Thatcher his heirs and assignes against the Claim and demand of all manner of persons whatsoever and from all Incumbrances as by the said Indenture amongst Other things therein Contained may more fully & Clearly Appear And the said Richard Saith that altho he the said Richard did keep Observe and fulfill all and Singular the Covenants in the Indenture aforesaid Mentioned on his part to have been performed fulfilled and kept According to the form and Effect of the same Indenture and protesting that the aforesaid Peter Massey hath not performed fullfilled or kept any the Covenants Grants and Agreements in the Indenture aforesaid Specified which on his part Ought to have been performed in fact the said Richard Saith that the afsd Twelve hundred Acres of Land was not at the time of the making the Indenture aforesaid Clear and free of and from all former Rents Charges and Arrearages of Rents and Other Incumbrances due & Owing at the time of the Making the Indenture afsd And further the afsd Richard Thatcher in fact Saith that he the said Richard has not from the time of Making the Indenture afsd peaceably and Quietly held used Occupied possessed & Enjoyed the said Land and premises without Let Suit Trouble or Disturbance of the said Massey or any Other person or persons And the said Richard in fact further Saith that he the said Peter did not defend the said Land and premises against the Claims of all Manner of persons nor against all Incumbrances And so the afsd Richard Saith that the afsd Peter his Covenant afsd in form aforesaid made so that the afsd Twelve hundred Acres of Land afsd was not at the time of the making the Indenture afsd Clear and free of and from all former Rents Charges and Arrearages of Rents and Other Incumbrances due and Owing at the time of the making the Indenture afsd And that the said Richard from the time of the Making the Indenture aforesaid hath not peaceably and Quietly held used Occupied possessed and Enjoyed the said Land and premises without the Suit Trouble or disturbance of the said Peter Massey or any Other person or persons / hath not kept but broke and he the same to keep altho thereunto afterwards he was required viz: on the first day of May and often afterwards at Kent County afsd hath altogether refused and Still doth refuse whereupon the said Richard Saith he is the worse and hath Damage to the value of One hundred pounds Sterling and thereof he brings this Suit &c

Pledges &c John Doe & Richard Roe

And the said Peter Massey in his proper person Comes and defends the force and Injury when &c and prays Leave to Imparle hereunto until next Court and hath it and the same day is Given to the plf: Also

At which said next Court to wit the 20th day of October Anno Dom: 1724 Comes again the said Richard Thatcher by his Attorney afsd and the said Richard Thatcher by his said Attorney prays that the said Peter Massey to his Declaration in the plea aforesaid may Answer but the Peter Massey altho Solemnly Called Comes not but makes default whereby the said pltf remains against the said Defendant without further defence—

Wherefore the said Richard Thatcher his Damages by Occasion of the premises aforesaid against him the said Peter Massey Ought to recover but because it is Unknown to the

(Justices)