

Thousand Eight hundred and seventy five Whitner Symmes as Plaintiff Exhibited his complaint in the Court of Common Pleas for the County and State aforesaid against Emma M Westfield Mary Westfield and John O Westfield as heirs at Law of John Westfield deceased wherein amongst other things it was set forth that on the day of January AD 1873 and in the lifetime of the said John Westfield now deceased the said deceased and the Plaintiff entered into a covenant of which so far as relates to the action the following is a copy to wit: "This is a memorandum of the agreement made between John Westfield and Whitner Symmes the day of January 1873 said Westfield has engaged and retained Symmes to negotiate certain sales of land in order to cancel and pay off certain indebtedness of said Westfield and in the event the sales are made and the indebtedness provided for or paid is now understood by the parties that Symmes is to have for his services a lot adjoining my house lot commencing at or near the fence fronting Street and running down towards the apple tree a distance of two hundred feet front and running back on straight lines to contain three Acres $\times \times \times$ " This agreement to be subject to any future settlement parties may agree on"

John Westfield (S)
Whitner Symmes (D)

And whereas upon the hearing of said cause on the 18th day October 1875 the several matters and things contained in said Complaint were referred to S J Douthett as Special Referee to report upon the same and whereas upon the coming in of the report of said Special Referee the said cause being ready for a further hearing came on to be heard when after a full hearing thereof it was amongst other things ordered and adjudged that the Plaintiff Whitner Symmes is entitled to have the said agreement specifically executed so far as it relates to the lot of land described therein and that a rule of survey be issued to be directed to H P Johnson and J D Southern Surveyors authorizing and requiring them to survey lay off and plat the said lot as above described and to return two copies of the plat to the Clerk of this Court and that upon the coming in of said returns the Clerk of this Court do execute and deliver unto the said Whitner Symmes a good and sufficient legal title to the said lot with the usual warranties and whereas the returns of said survey or having been made all of which will more fully appear by reference to the complaint orders and report of said Special Referee now on file in said Court Now therefore shewn all men by these presents that I William C McDaniel Clerk as aforesaid in consideration of the above mentioned premises and promise of obedience to and by virtue of the power conferred upon me by the several orders aforesaid and also in the further consideration of the sum of Five Dollars to me in hand paid by the said Whitner Symmes the receipt is hereby acknowledged have granted