scription whatever on said Land, and that the understanding under which said Land was sold, and under which he became the purchaser as aforesaid was that said Land was to be wholly free from any, and all incumbrances whatever. Your Petitioner further shews, That on the day of said sale he was ignorant that any claim whatever was made to the use of any part of said Land, or any water, or other right whatever thereon, But that shortly after said sale, and before the ratification thereof, and before he had paid any part of the purchase money therefor, or given his notes for the same, he heard a rumor that a certain Isaac Tyson Jr claimed the right to the use of a stream of water running through the said Land, and certain rights upon said Land incident thereto, and that immediately upon hearing said rumor he enquired as to the truth thereof from said Trustees, who informed him that no such right existed, and that there was no incumbrance of that, or any other description on said Land. And he further states that said Trustees have frequently from that time, until within a short time past intimated to your Petitioner that the said Isaac Tyson Jr had no rights whatever upon said Land, or to the use of the water of said stream flowing through the same. And your Petitioner further shews to your Honor that he was fully persuaded by the said representatives of said Trustees and your Petitioner further shews to your Honor that at the time of said sale the said stream, which is called Kelly's Run branch, was flowing in its ancient, and regular channel, as the same is marked on and shown by the said plat marked No. 1, filed with said Trustees Report, and that the ditch or Race, mentioned in said Paper, marked exhibit A, had been filled up so that your Petitioner had no cause to suspect the existence of any such right as is created by said Paper, and that the said stream continued to flow in its said ancient channel, and the said Ditch or race remained filled up, until the said 24th April last past, when or shortly thereafter the said Isaac Tyson Jr, or his agents or assigns proceeded to clear out said Ditch, or Race and divert said stream from its said channel for the space of about Three Hundred yards so that said stream was entirely diverted from a part of the Land so purchased by your Petitioner to the