

Patent and Offered himself ready to pay all Charges and disburstments he had been at on the procureing thereof and that the said Patent may be vacated and the said Minor releived in all and Singular the premisses according to Equity and good Conscience your Orator humbly prays your Excell^y to grant him his Lordships Writt of Injunction to stay all further Proceedings at Law in the Premisses untill the matter shall be fully heard and determined before his Ex^{ty} in this Honb^{le} Court and of Subp^a to be directed to the said John Ward thereby Commanding at a Certaine day personally to be and appear before your Ex^{ty} in this Honb^{le} Court then and there to answer all and Singular the Premisses and further to stand to and abide such further Order Rule direction and Decree therein as to your Ex^{ty} shall seem meet And your Orator as in duty bound shall ever Pray etc.

Th Bordley per Compl^t

Afterwards to witt the tenth day of June Anno Domi Seventeen hundred and Seventeen Came John Ward the Defendant and Exhibitted into the said Court of Chancery his Demurrer to the afs^d bill of Complaint which follows in these words Viz^t

The Demurrer of John Ward of Cecill County Gent: Def^t to the Bill of Complaint of Nathaniel Hynson of Kent County Gent Gaurdian and next friend of Nath^l Hynson the son of John Hynson late of Cecill County deced Complainnant.

The said Def^t by Protestation not Confessing or acknowledging any thing in the said Bill of Complaint Contained to be true in such sort manner and form as in and by the said Bill of Compl^t the same is sett forth and Alledged doth say as he is informed by his Councill that the said Bill of Compl^t and the matters and things therein Contained are so incertaine and insufficient in [492] The law that the Def^t is not bound by the Laws of this Land to make answer at all thereunto and namely and particularly for the Causes following.

1st for that the Compl^t by his bill does not sett forth in whose right he sues the Def^t in this Honb^{le} Court for he stiles himself as gaurdⁿ and next friend of Nathaniel Hynson the son of John Hynson of Cecill County deced by way of addition and not otherwise whereas if the Compl^t was designed for the relief of the Minor the Bill shou'd be formed in the name of the said Minor by the said Nath^l Hynson his Gaurdian and Prochein amy, that the said Compl^t by his Bill Claimes neither in his own right nor in the right of his ward any Legall or Equitable Right or title to the said fifty Acres of Land Purchased by the Def^t of his L^dships Agent in the bill mention'd neither doth the Compl^t by his Bill Alledge that he Either he or any one for and on the said minors behalf at any time either before or after the Def^t had obtained the said Patent had made their Application to his said Lordships Agent and had a Promise from the said Agent that in case the said Patent shou'd be decreed to be vacated that the said land shou'd be granted to the said Minor