

Lords Agent that said Land was not Cultivated nor Improved by any other Person which Suggestion is Likewise untrue for that the said fifty Acres of Land was Cultivated and Considerably improved by a Dwelling house and other houses Orchard and fencing by the Deced John Hynson father to Nathan<sup>n</sup> Hynson Nephew to this Respondent and this Respondent very beleives in his Conscience upon these false Suggestions the said Ward Obtained a Patent who upon Obtaining said Patent brought an Ejectment for the said Land called Martinson tho' this [504] Respondent does not find that said Jane Martinson ever obtain'd any Warrant to ground her Certificate on as appears by a Cert: under the hand of the Register of the Land Office who made Diligent Enquiry into the premisses nor that she ever had right for said Land, soon after the Commencement of said Ejectment this Respond<sup>t</sup> the Appellant and Charles Carroll Esq<sup>r</sup> by whom said Patent was granted hapened together in Company and discourse being moved Concerning the premisses the said Carroll on perceiving the unfair practice of said Ward as this respond<sup>t</sup> veryly believes Earnestly urged the accomodating the then depending Suit about Martinson which dispute this Respond<sup>t</sup> as Gaurd<sup>n</sup> and next of Kinn to Nathaniel Hynson then a Minor purposed to leave the whole dispute about Martinson to the Determination of two or three of the Justices of the Prov<sup>n</sup> Court or to M<sup>r</sup> Bordley and M<sup>r</sup> Macnemara Council on Each side and at Last Purpos'd to leave it to the Determination of M<sup>r</sup> Macnemara then Council for the said Ward which said Ward wou'd not agree to these proposals Upon which this Respond<sup>t</sup> then Purposed to Charles Carroll Esq<sup>r</sup> then my Lords Agent to Determine the matter who readily took upon him to do the same in a private Capacity and said Carroll desired this Respond<sup>t</sup> to pay to the Appellant the Escheat Money being about five pounds ten shillings Sterling or thereabouts with his reasonable Charge of Escheating the same but Cannot remember what Exactly with which this Respond<sup>t</sup> was ready to Comply but the appellant refused to Come into those measures said Appellant insisting that the Improvements on the said Land Called Martinson shou'd be vallued by four Men of Cecill County and he the Appell<sup>t</sup> Satisfied for the full Value of them besides the Escheat mony which Improvements being made by John Hynson [505] Aforementioned this Respond<sup>t</sup> ejected so unreasonable a proposall This Respondent saith that he never intended to prosecute the said suit in Chancery but for the proper benifit and use of Nathan<sup>n</sup> Hynson son of the afs<sup>d</sup> John Hynson then a minor Contrary to the Suggestion in the Appellants Petition This Respond<sup>t</sup> humbly Conceives that in is Bill against the said Ward is Contained Sufficient matter to maintain his said Bill and sayth that upon Demurrer made by the Appellant for insufficiency to this Respond<sup>t</sup> Bill the said Ward was Compel'd to Answer, His Hon<sup>r</sup> the Chancell<sup>r</sup> being of Opinion that the Bill Contained Sufficient matter in Equity to Oblige the Appellant to Answer This Respond<sup>t</sup> saith that he is not privy to what Nicety said Ward the Appellant used in Surveying the