

gether with the allowance thereof they the Said Complainants recited in their Said bill of Complaint in the Same words or Substance already mentioned and further by their bill Sugested that the grants aforesaid to Smithson were made without having the Allegations of the Said Petition proved or Ever Calling the Said William to Shoe any Cause to the Contrary and further by their Said bill Set forth that they then Could fairly make it appear that the Said Lands were Surveyed by a Lawfull Warrant and that the Warrant was paid for And then Concluding Set forth that they hoped is [sic] Sufficiently appeared that the Said Warrant was Issued Contrary to his Lordships Designe and the Intent of the order of Councill whereupon 'twas Supposed to be founded and further prayed that the Said Patent might be Vaccated

Whereto the appellants father by his answer Set forth the Severall matters herein before alledged in his Said Answer to w^{ch} Said answer there was a Replication and Rejoinder upon Which Commission Issued to Examine Evidences in the Cause as by the Records thereof Lodged in this Hon^{ble} Court may appear and for brevity Sake the appl^{ts} Most humbly pray to be referred to and on the Second Tuesday of October Anno Dom 1718 the Cause was heard in Chancery And it was Decreed that Thomas Smithsons Patent for the Lands in the Bill Mentioned be Vaccated And the Comp^{ts} Should have a Right to the Said Patents for the Said Lands and that the Defend^t doe Surrender the Said Patent into his Lordships Land office to be Vacated Accordingly With Cost

Which Said Patents were Vacated by Virtue of the foregoing Decree. Now inasmuch as the Said Decree of the Said Court of Chancery is grounded upon a Supposition that the Said Thomas Smithson the Patentee Obtained the Said Patents upon fraudulent Alligations altho no Such thing was made appear by the Comp^{ts} and Altho in Reality George Seward had never any Just right to the Said Lands and that the Said Thomas Hicks Was a purchaser for a Valuable Consideration under the Lord Proprys Patentee. The appellants Were therefore advised that the Said Decree is unjust and Against the Rules of Law and Equity And that the Same Decree Ought to be reversed and the appellants put in as good a posture as if the Said Decree never had been made It appearing from the Whole proceedings in Chancery that the Said Thomas Smithson the Patentee Obtained the Said patents upon Just and true Suggestions from Lawfull Officers and those in Authority to grant the Same and the Said W^m Seward had Oppertunity given him in his Lordships Land Office to Shew his right if any he had to the Said Lands According to Custom of Said office. And Your Petitioners are advised that the Said Decree is also unjust in this that appears from the proceedings that your Petitioners Father was only intituled to half of the Lands Contained in the Tracts Called Sector and Camberlake and that Said decree was to Vacate the Whole without making any other parties to the Suit who perhaps might have Cleared up all dificulties if any there were which your Petitioners father [652] being only a purchaser as af^d might not have been privy thereto.