

and the patent to the Said Smithson founded yet for that (there being Such a patent upon Record) your Orators are absolutely without Remedy for the recovery of their Said Lands Untill the Same Patent be duly Vacated. To the end therefore that your Orator may be relieved in all and Singular the premisses and that Thomas Hicks the Assignee of the Said Lands from the Surviving Thomas Smithson of Talbott County or others the Tere Tennants thereof Whom when known your Orators pray may be made parties to this Bill May upon his or their Corporall Oath or Otherwise as this Hon<sup>ble</sup> Court [655] Shall Direct true and perfect answer make to all and Singular the premisses and that the Same Patent may be Duly Vacated According to Equity and good Conscience. May it please your Excellency to grant unto your Orator his Majesty's Most gracious Writt or Writts of Subp<sup>a</sup> to be Directed to the Said Thomas Hicks and other the Terre Tennants thereof when discovered thereby Commanding them at a Certain Day and under a Certain pain therein to be Limited personally to be and appear before your Excellency in this Hon<sup>ble</sup> Court then and there as well to answer all and Singular the premisses as to Shew Cause if any he or they have why the Same patent Should not be Repealed annulled and Vacated and further to Stand to perform and abide Such further order directions and Decree therein as to your Excellency Shall Seem Meet.

And Your Orator as in Duty bound Shall ever pray etc. Th Bordley

The answer of Tho<sup>s</sup> Hicks Defend<sup>t</sup> to the Bill of Complaint of Mary and Ann Swards minors by Benj<sup>a</sup> Woodward and Mary his Wife their Next friends Complains

The Said Defendant now and all times hereafter Saving and reserving to himself all and all manner of Benefits and advantages of Exception to the Diverse and Manifold incertainties and Imperfections in the Said Complainants Said Bill of Complaint Contained for answer thereto or So much thereof as materially Concerneth him this Defendant as he is advised to make answer unto he answereth and Saith that he does not believe it to be true that the Said George Seward did purchase of the Lord Propry Such a Warrant as is in the Bill mentioned But believes and has heard Thomas Pattison in the Bill mentioned in his Life time Declare that the Warrant Which the Said George Seward Obtained from his Said Lordship and by W<sup>ch</sup> the Said pretended Surveys in the Bill mentioned were made for him the Said Seward was Conditional (that is to Say) that if the Said George Seward did not in Some Short Time after the Date of the Said Warrant pay the Condition or right thereof he was to have no benefitt thereby and this Defendant further answereth and Saith that the S<sup>d</sup> Thomas Pattison told him this Defendant that the Said Condition was never paid nor Right made good for the Said Warrant and that if had he never would Survey a Second time the Land in the bill mentioned for the S<sup>d</sup> George Seward (Contrary to his Oath of Survey or by him taken which this Defendant believes he had taken; it being usual in those