

of seven hundred and fifty pounds, unto a certain *Richard Emory*, who hath commenced suit in his own name, as assignee of the said *Smyth*, and at October term, in the year seventeen hundred and ninety-eight, recovered judgment thereon against your orator in the Western Shore General Court,' inserted after the words, 'for the recovery thereof' (\*); and also the insertion of the name of *Richard Emory* in the prayer for the injunction, and in other parts of the bill, as a new party, are to be regarded as amendments under the leave. But it does not appear, that an injunction bond to *Emory* was ever filed, as was required in favour of the other defendants; or, that any writ of injunction was ever issued against him.

An order of publication was passed on the 12th of May, 1800, in the usual form, warning all the defendants who were therein stated to be non-residents of the state, to appear and answer. The proof of the publication of this order was made by producing the newspapers themselves.

On the 6th of January, 1802, *Thomas Smyth*, *James Clayland*, and *Benjamin Chew*, filed their several answers, in which *Smyth* and *Clayland* specially and particularly deny all the allegations of defect of title, of fraud, forgery and misrepresentation, as charged in the bill; and *Chew* states, that he had no knowledge of the contract respecting the lands; that the bonds he held were assigned to him for a valuable consideration; and that they were represented as free from abatement, and that the whole money was truly due.

*Isaac Wikoff*, on the 4th of August, 1804, filed his answer, in which he states, that he had no knowledge of the contract between the plaintiffs and *Smyth* and *Lynch*; that the bond he held, had been assigned to him for a valuable consideration, and that the money secured by it was then truly due. This answer was sworn to before the Mayor of the city of Philadelphia, and certified under the seal of the city.

On the 20th of December, 1804, a notice of motion to dissolve the injunction was entered on the docket, which at October term, 1805, was enlarged to that term. At February term, 1807, it was *Ordered*, that a commission issue to Georgia on striking commissioners. An agreement was filed on the 14th of April, 1807, not now to be found among the papers, and a commission issued by consent to *Peter Lasly* and *Thomas P. Carnes*, or either of them. At December term, 1810, Rule further proceeding by the fourth day of next term, or the bill to be dismissed. At February term, 1811, the injunction was ordered to be dissolved nisi 18th March.