

The Deftt pleads the Act of Assembly for Jurisdiction of Lower courts  
 because the Deed and Memorandum were not recorded or acknowledged  
 in such manner as that Law prescriber and they say the Comptt claimed  
 right to that moiety of Land purchase and Displand conveyed to  
 the said Susanna by John Ocan by virtue of the said Memorandum with  
 Seals or without Seals if not known and it was neither acknowledged  
 nor recorded according to Law and so void and Equity Equitur Legem  
 or at least cannot go against it. Therefore they say the said pretended  
 title by the said Memorandum is vaine frivolous and idle and against all Law  
 right and Equity. Then to the other moiety of Land purchase for which  
 the pt. Edward and Jane his wife in right of the said Jane claimed by  
 virtue of the Deed of Ocan which the Deftt does not deny them  
 nor does they know that ever the said Giles Bhirard did or ~~was~~ intended  
 to do through the pt. very ingeniously confess that they did not prove  
 them to be recorded in due time as the Law direct and therefore  
 would gladly have their Courts by a Decree to supply that defect  
 which the Deftt conceives vaine and idle in the pt. for that since  
 the said John Ocan died intestate if the Comptt had no title to any  
 pt. of Land purchase before the Law cast a title upon the said  
 Jane for and to one moiety to all his Land and personal Estate he  
 having no other Children but the said Jane and Susanna both  
 Daughters and the Deftt are advised that the said Jane is in her  
 Remitter being now the eldest and best title to the moiety of Ocan  
 Land neither was the said Deed as the Deftt hand just cause to believe  
 and the said Deed doth not manifest any more or to any other intent than  
 the consummating or perfecting that promise that the said Ocan  
 had made of giving his said Daughter one moiety of his Land say  
 more the said Ocan was to give the said Jane but a moiety of his  
 Land and it appears of the pt. own showing that he hath given  
 them the whole tract called Jericho more than ever was promised  
 as they can prove but this they did never go about to disturb them  
 in nor ever to say that the said Giles Bhirard in his life time did  
 but only claimed that which the said Ocan really and bona fide  
 conveyed to the said Susanna and was acknowledged and recorded  
 and alienation thereof paid as the Law direct and what the said  
 Giles purchased of the said pt. for a valuable consideration. And they  
 further say the said Susanna daughter of the said Susanna the  
 mother if she had no other title than what the Law rest upon her  
 as grandaughter to the said John Ocan and dying intestate that she hath a  
 just and legal title both in Law and equity to what she claims and  
 receives - she may be in her remitter also to the said Jane. And the  
 Deftt did further say that the Comptt pray to be relieved against  
 their own Deed of Displand pretending the same was illegally and  
 surreptitiously obtained of them they not knowing what they signed  
 in conveying the same but did not get facts that either the pt. was  
 then in fact non compos mentis or that it was done through threat  
 or error of imprisonment and of which relief must be to make the  
 Deed void in Law or Equity Therefore the said Complainit vaine