and avers that the said balance of the purchase money is yet due and unsatisfied, of which the said Jacob Wilson has notice. Forasmuch therefore as it seems both equitable and just, that your orator should have the benefit of his lien as aforesaid upon the said property into whose hands soever, the said property may fall under and through the said Thomas Smoot and with notice of this lien for the purchase money, and inasmuch as your orator is without remedy in the premises, except by the aid of this Court, where such matters are properly Cognizable. To the end therefore that the said Jacob Wilson may answer the premises upon his Corporal oath, and that a decree may be passed for the sale of the said property for the payment of your orators claim, with interest as aforesaid and Costs, unless the said Jacob Wilson shall pay your orators claim as aforesaid, with interest and costs on or before a certain day to be prescribed by your Honor and that such other and further relief may be granted to your orator in the premises, as may be Consistent with equity & good Conscience. May it please your Honor to grant unto your orator the States writ of Subpoena against the said Jacob Wilson of Dorchester County Commanding him to be and appear in this Court to answer the premises and to abide by and perform such decree as may be passed therein, and as in duty bound your Complainant will ever pray &c.

Jas. A. Stewart Sol. for Complt.

Dorchester County, to wit. On this 14th Decr 1843. personally appeared before me the Subscriber a justice of the peace for said County Francis B. C. Tunpin and made oath that the facts stated in the foregoing Bill are true to the best of his knowledge and belief.

Charles T. Smith.

And thereupon a writ of subpoena was accordingly issued against the said Defendant to Dorchester County returnable to the next term of the said Court at which next term to wit March Term 1844. the Sheriff of Dorchester County made return of the said writ of Subpoena thus endorsed "not served". And afterwards at the same term a writ of subpoena was renewed against the said Defendant to Dorchester County returnable to the next Term of the said Court at which next Term to wit July Term 1844. the Sheriff of Dorchester County made return of the said writ of subpoena thus endorsed "Sum.d". And afterwards at the same Term Came John Glenn Esquire of Counsel for the said Defendant and in his behalf appeared to the said suit.

And the said Cause thus standing was Continued until the next Term of the said Court at which next Term to wit September Term 1844 Came the said Defendant by his Coansel aforesaid and filed in the said Cause his answer to the said Bill in the words following to wit:

The answer of Jacob Wilson to the bill of Complaint of Francis B. C. Tunpin

This Respondent now and at all times saving and reserving to himself all and all manner of benefit of exceptions to the manifold errors imperfections uncertainties and untruths in Complainants said bill of Complaint Contained for answer thereto nevertheless says. That it is true that said Tunpin on or about the time stated in said Bill did sell to Thomas Smoot the Mill and land as stated in said bill of Complaint and also Conveyed the same to him as per Copy of such Conveyance herewith filed marked Defendants Exhibit A. and which he prays may be taken as a part of this his answer.

That respondent does not know how much said