open field, especially as such cultivation while it benefited your Respondent would also benefit (under circumstances likely to arise in this case) the complainant. If your Respondent however has erred in this matter he deeply regrets it and assures your Honor that he has erred by mistake.

Your Respondent further says that the piece or parcel of land on which the pretended waste is alleged to have been committed, has been represented to your respondent to be vacant land. That on the 15th of May 1837 a warrant of survey issued to one Lloyd Selby to take up the same, and although sold to your respondent by the Complainant, was land which he had no right to convey. Your respondent therefore prays that the said attachment may be dissolved and that he may be hence dismissed with his reasonable costs.

In T Mason Sol for Deft & Respt

State of Maryland Anne Arundel County Set

Before the subscriber a justice of the peace of the State of Maryland in and for said County personally appears Nathan Porter and makes oath that the facts contained in the above answer are true to the best of his knowledge and belief.

Sworn to before Edward Dubois J.P.

And the said cause thus standing was continued until the next Term of the said Court at which next Term towit July Term eighteen hundred and forty five came the said Defendant by his Counsel aforesaid and filed in the said cause his Demurrer in the words following towit.

Henry Wayman vs Nathan Porter

In Chancery

The Demurrer of Nathan Porter of Howard District of A Arundel County to the Bill of Complaint of Henry Wayman of said District against said defendant in Chancery Exhibited.

The defendant by protestation not confessing or acknowledging all or any of the matters and things, in the said Bill of Complaint contained to be true in manner and form as the same are therein set forth doth demur thereto and for causes of demurrer shew

1st. That the said Complainant hath not in and by his said bill stated such a case as doth or ought to entitle him to any such discovery or relief as is thereby sought and prayed for, from or against this defendant.

2. That if the matters stated do give the Complainant any cause of complaint against this defendant, the same is triable and determinable at Law and ought not to be enquired of by this Court.

Wherefore and for divers other errors and imperfections this defendant demands the judgment of this Court, whether he shall be compelled to make any further or other answer to the said bill or any of the matters or things therein contained and prays to be hence dismissed with his reasonable cost in this behalf sustained.

John S Tyson Sol for deft

Signed in presence of the undersigned a justice of the peace of the State of Maryland in and for Howard District this 9th day of September 1845

Thomas Jenkins

And the said cause thus standing was continued from Term to Term until March Term 1846, at which Term the Chancellor passed an order

in the said cause in the words following towit.

In Chancery 27th April 1846

The demurrer of the defendant to the whole bill of Complaint having been set down for hearing on the part of the plaintiff and no one appearing on behalf of the defendant before the close of the sittings of the term, the proceedings were read and considered.

Whereupon it is ordered that the demurrer of the defendant to the said bill of Complaint be and the same is hereby overruled, and that the said defendant pay unto the plaintiff the sum of five pounds current money and the costs thereof and be in contempt until the said sum of money and costs are fully discharged and paid.

And it is further ordered that the said defendant put in a good and sufficient answer to the said bill of Complaint on or before the first day of June next.

Theodorick Bland Chr

And afterwards at the same Term came the Defendant aforesaid by his Counsel aforesaid and filed in the said cause his plea in the words following towit

The plea of Nathaniel Porter of Howards District of Anne Arundel County to the bill of complaint of Henry Wayman against him in Chancery exhibited.

This defendant by protestation not confessing or acknowledging all or any part of the matters and things in the said bill of complaint contained to be true in manner and form as the same are therein set forth for plea nevertheless to the said bill doth plead and aver. That if the Complainant ever had any cause of action or suit against this defendant for or concerning any of the matters in the said bill mentioned which this defendant doth in no sort admit such cause of action or suit did accrue or arise above three years before the filing of the said bill or before serving or suing out process against this defendant to appear and answer said bill: nor did this defendant at any time within three years next before the said bill was exhibited or process served on, or issued out against this defendant to appear to and answer the same promise or agree to come to any account for or to make satisfaction, or to pay any sum or sums of money for or by reason of the said matters charged in said bill, all which matters and things &c. &c. &c.

As to so much of said bill as seeks to compel this defendant specifically to perform the agreement in said Bill mentioned to have been made and entered into between the Complainant and this defendant for the purchase by this defendant of the Complainant of a certain tract of land in the bill mentioned or as seeks to compel this defendant to pay any purchase money for the same to the Complainant pursuant to any such agreement, or as seeks any other relief relating to such messuage or tenement or as seeks any discovery from this defendant concerning any agreement made or entered into between the Complainant and this defendant for the purchase by this defendant of the said Complainant of the said land and tenements and not reduced into writing signed by this defendant or some person by him thereunto lawfully authorised. For plea thereto this defendant says

That neither this defendant nor any person by him authorised did ever sign any contract or agreement in writing for the purchase of the Complainant of the land and premises in the bill mentioned and des