Prior to the 8th day of March 1715, the exact time being immaterial John Finch resurveyed the two Tracts called John's Delight, and Finch's Range, and discovered a deficiency of six hundred ~~Acres~~ and nine Acres, for which he obtained a common Warrant, as was usual at that time to make up the deficiency. This resurvey of the Tracts is called Finch's Regulation. On the 8th March 1715 John Finch conveyed part of this resurvey called Finch's Regulation, to James Hays, and his Heirs, and also part of the same Tract on the 4th June 1716 to William Causey, and his Heirs. It appears by Deed to James Hays that part of Finch Regulation, which he purchased, was composed in part of each Tract, originally called John's Delight, and Finch's Range, so that he thus became interested in both the Old Tracts. On the fifth of May 1716 John Finch assigns his common Warrant obtained as is above Recited to the same James Hays — From this recital of Facts, it is manifestly appears that James Hays, had a perfect knowledge of the two Old Tracts, called John's Delight, and Finch Range and also of the resurvey called Finch's Regulation; for upon the face of his Deed from James Hays, he must have seen that he had part of the two Old Tracts, and by the assignment of John Finch's common Warrant, for deficiency, he must have know that those two Tracts had been resurveyed, and were then called Finches Regulation — With all the knowledge which the foregoing State of facts affords James Hays accepts of a Power of Attorney, to vacate the two Old Patents of John's Delight and Finch Range, and in pursuance of this said Authority in September 1717 presents the power of Attorney to the Provincial Court, and the Witnesses to the same being duly sworn, and thereby in Open Court proving the execution thereof, the Court proceeded by the counsel of Henry Lowe, then Their Agent for the Lord Proprietor, and at the request of the said James Hays, do declare the Patents vacated and the same being then and there vacated, it was ordered by the Court that the vacation should be noted in the Records of the said Patents, which was accordingly done — The two Old Patents of John's Delight, and Finch's Range, being in this manner by lawfull Authority and in due form of Law vacated, it became the duty of the Parties interested in the resurvey which included those two Tracts, to secure a legal Title to the same, by causing the certificate of Finch Regulation to be regularly returned, and in procuring a Patent thereon. But from all that appears nothing of this kind was ever done, nor certificate or Patent nor indeed any of the Bounds of the said Resurvey, called Finch Regulation, can now be found, altho' often, and diligently sought after; so that the Deeds from John Finch to James Hays, and William Causey, for part of this same Tract, called Finch's Regulation, having been originally

founded upon the resurvey, which resurvey, or Tract called Finch Regulation being no where in existence, the Title pretended to be derived from it must cease to exist — It however appears notwithstanding the vacation of the two Old patents of John's Delight, and Finch Range, and the resurvey upon them, in consequence whereof they were called Finch's Regulation, upon no certificate, Patent, or legal or equitable Title, was ever received, that John Hays continued at law in possession of part of each the whole of John's Delight, and Finch Range, till the day of his death, upon that event they appear to have descended to his Brother Jonathan Hays, who by his Will dated the 29th day of January 1774 gave his part of John's Delight, to John Tripp & his part of Finch Range to Margaret Jones, he say that Jonathan Hays gave by his Will, his part only of John's Delight, (which is the Land in dispute) to John Tripp and his Heirs, for it appears that John Tripp, was in possession of same part of these Lands before any gift, was made to him by Jonathan Hays, and had taken measures to secure a valid Title, not only to those parts of John's Delight, and Finch Range, which he was then in possession of, but also secure a considerable portion of a vacant Land adjoining — It is very evident from what has already been stated, especially from the Patents themselves, that John's Delight, and Finch Range, had originally belong to John Finch and was first Patented to him; by reading hence John Tripp's Patent of Resurvey dated so late as the 29th September 1762 it will be found, that he states that he was seized of Part of John's Delight & Finch Range, and they were originally granted to a certain John Tripp, which must be a great mistake, upon mistaken recitals however he prayed a Warrant of Resurvey, and finally a Patent for Part of John's Delight, and Finch Range, and also 529 Acres of the vacant Land At what time the Ancestors of the Defendants did first really get an rightfull Estate of inheritance in a part of John's Delight and Finch Range does not appear, it is probable however that the origin of their Title, to any part of John's Delight, must be derived from the above resurvey, and upon the assignment their Title to the other part of John's Delight, which is the Land in dispute is derived from the Will of Jonathan Hays, and now as the Old Patents of John's Delight, and Finch Range were legally vacated and the resurvey upon never been completed, no valid Title can be founded upon either, the claim therefore of the Defendants to the Lands in dispute, being founded upon the Will of Jonathan Hays, which Bequeaths to the same must be derived either from the Old Patents of John's Delight, and Finch Range, or from the resurvey, but as we have seen that the Old patents were legally vacated, and that the latter was never completed, the conclusion is that John Tripp the Defendants Cause have no legal