

evidence as admissions by the defendant like those made in his answer. (s)

It appears then, that the answer called for by the bill, is as to a certain set of facts therein stated, and the defendant is required to

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that John Atkinson, deceased, first husband to the complainant, was at the time of his death seized of the several tracts or parcells of land set forth in the said bill; that he made such will or devise of the whole real and personal estate to Ann Bissett the complainant; that in his life-time he did obtain such special warrant of resurvey; that after his death the said complainant obtained such renewal thereof; that the same was resurveyed in consequence thereof; the said vacant land added and the certificate thereof to the Land Office returned; that after such resurvey the said Ann Bissett complainant, intermarried with the said David Bissett, deceased. This defendant further answering, says, that he neither knows, nor has been informed or heard, that David Bissett, after his intermarriage, did use any acts of persuasion, or did beat, threaten, or in any other manner abuse, or use ill the complainant, in order to obtain a conveyance of her lands, or any part of them; so far to the contrary, that he has been informed, that John Matthews, at executing, advised her to take the conveyances to the longest livers of her and her husband; but that she declared the right should be absolute, and in his own person to shew her regard; and that Colonel Hall, at taking the acknowledgment, and examining privately, advised her against it; and that he has been informed by those who were present, that she quarrelled with him thereupon, bid him mind his own business; for, that he had no manner of concern with her's; and that she would do it, advise her against it, who would; or words to that effect. And, that at the acknowledging the last deeds, she told Isaac Risteau's wife, and those present, that she parted with her lands cheerfully; and if she had the world she would give it to her husband. The defendant, further answering admits, that the several deeds mentioned in the said bill of complaint were executed, that the deeds mention a valuable consideration, at least what the law admits to be so, that he sees receipts of the payments endorsed on the deeds; and, that from those he must take his knowledge, as he himself was neither present, nor in the county at the time of executing the same. The defendant further says, that he does admit, that David Bissett died intestate; that as his eldest lawful brother, and heir at law, he entered upon, and holds the said lands; that he has in his possession the deeds of the same; particularly those mentioned in the bill; as also his account and memorandum books, and does not recollect, that he ever in any of them observed any telling or minute of the said consideration money mentioned in the said deeds being marked, or mentioning the same being paid. The defendant further answering says, that he obtained such warrant of resurvey, had the certificate of resurvey returned; and, that the same lies still in the office unpatented; further says, that the alienation fine, for the six hundred and forty-three acres of vacant land, added, was paid by David Bissett. And lastly, the defendant further answering, says, that he never was requested to resurvey the said lands, as set forth in the said bill of complaint; but says, that, if he had, the complainant would have met with the refusal asserted in the said bill; and therefore, the defendant humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

This plea and answer were signed and sworn to on the 12th day of August, 1761, before a justice of the peace in the usual form.

*Chancery Proceedings, lib. D. D. No. J. fol. 60.* The plea was allowed and the bill dismissed without costs, 1 H. & McH. 211.

(s) *Tompkin v. Ashby*, 22 Com. Law Rep. 239.