

twenty-five pounds sterling, is to be added to that rent, and become a new rent, as averred and charged in the said complainants' bill; but these defendants say, that by the true intent and meaning of the said indenture, the valuation to be made by the four persons to be indifferently chosen as aforesaid, is of the annual rent or value of the premises, after deducting all proper charges, incumbrances, outgoings and expenses, and that one-half of the excess of such newly valued and ascertained rent is to be added to the rent formerly reserved.

And these defendants further answering say, that they have at all times been ready and willing, and are now ready and willing, and have offered repeatedly to the said complainants, to join with them, the said complainants, in choosing, indifferently, four judicious and impartial men, or to choose two such men upon their part, leaving complainants to choose two other such men upon their part, to make such new valuation of the annual rent or value of the premises after deducting all proper charges, and to add one-half of the excess of such newly valued and ascertained rent to the ground-rent formerly reserved in accordance with the provisions and the true intent and meaning of the said indenture, but the complainants have wholly refused, and still unjustly refuse, to accede to the said offer, or to join with the defendants in choosing the said four judicious and impartial men, in order to have the new rent ascertained and fixed in the manner aforesaid, and in accordance with the true intent and meaning of the said indenture, but insist upon the method of valuation which is set forth in their bill, which method these defendants have refused, and do refuse to submit to or be bound by, because the same is not in accordance with the true intent and meaning of said indenture of May 1, 1747, and would greatly prejudice and injure the said defendants.

All which matters and things these defendants are ready and willing to aver, maintain, and prove as this honorable court shall direct, and humbly pray to be hence dismissed, with their reasonable costs.

M. RUSSELL THAYER,

Attorney for Andrew J. Beaumont, John A. Beaumont,  
and for Elias Ely, and Oliver Parry, Trustees, &c.

