

lot, the one on the 9th of August, 1810, and the other on the 17th of June, 1815; and that he purchased a fourth parcel of it on the 17th of September, 1811, of Gerard Tipton, for all which he avers he paid a valuable consideration; and that he had no notice of the claim of Anthony Hook's representatives. This answer is also entirely unsupported by any evidence whatever; and therefore, this defendant will be decreed to deliver up, and reconvey to the plaintiff so much of the ten acre lot, mentioned in the bill, as he holds; and will also be held accountable for the rents and profits thereof from the dates when he obtained possession of each parcel respectively. The nature of the just allowances to which he may be entitled will be described.

Benjamin Rawlings, surviving executor of the late William Rawlings, states, that his co-executrix Catharine Rawlings, who had been made a defendant, is dead, that he is in possession of part of the ten acre lot, in the bill mentioned, by virtue of a deed bearing date on the 10th of September, 1804. This answer is also entirely unsupported by proof. This defendant will be decreed to deliver up and reconvey the property so held by him to the plaintiff; and be charged with the rents and profits, as executor, from the date of the deed under which his testator obtained possession, with such just allowances as shall be specified.

589 *The defendant Matthew Bennett, in his answer, says, that he is in possession of a part of the ten acre lot, mentioned in the bill, which he holds under a conveyance from Hagthrop and wife, dated on the 3d of August, 1810. But this defendant too has left his answer entirely destitute of proof. The bill expressly alleges, that Hagthrop and wife, by deed dated on the 23d of December, 1819, leased a part of the lot on Alice Anna street to Matthew Bennett. In relation to which this defendant says nothing in his answer, this allegation of the bill, as against him, must therefore be taken for true. He will be decreed to deliver up and reconvey all the property held by him to the plaintiff; and to account for the rents and profits of each parcel from the time he took possession.

The defendant Nathaniel Chittenden, admits, that he holds possession of a part of the lot on Alice Anna street, to which he derives title through various mesne conveyances, from the late John Hook. He avers, that he, and those under whom he claims, were, all of them, purchasers for a valuable consideration without notice; but produces no proof in support of these allegations of his answer. He, therefore, will, in like manner, be decreed to deliver up and reconvey the property so held by him to the plaintiff, and be held accountable also for the rents and profits.

The defendant James Hook, on the 7th of February, 1823, filed his answer, as he says therein, to the amended bill of the complainant; but there does not appear to have been any amended