

grantees now hold possession as tenants of Baxter and wife, with the unlawful purpose of defending their pretended title. That said Sewell hath lately died, leaving a will, whereby he has devised said premises to the complainant and his heirs. That complainant so entitled, has demanded from said parties payment of the rent reserved by the lease, insisting that as said Baxter and wife obtained possession of the premises only by reason of their near relationship to said Swan, and now hold the same, so far as undisposed of, as his executor and executrix, and as they could only convey, or assign, any interest in said premises by virtue of their title as executor and executrix, they and their assignees are bound to pay to him the rent reserved by the lease, but the said grantors and grantees, intending to hinder, delay and defraud your orator in the collection of his rents, refuse to pay the same; at one time pretend they are the assignees of Swan, as lessee as aforesaid, and, therefore, deny your orator's right to the possession of the premises, and again pretend that the conveyance from said Swan to his daughter, the said Emily, is a valid conveyance, and, therefore, deny the right of Sewell as purchaser. The bill then prays that the deed from Swan to the said Emily Baxter, and the several conveyances from Baxter and wife to Parlett, Moore and Buckingham may be adjudged to be fraudulent and void, and be delivered up to be cancelled, or may be declared to operate only by way of assignment of the interest of Swan in said premises, as lessee as aforesaid, and for general relief.

James Baxter, by his answer, admits that he knows nothing of the matters charged in the bill relating to the title of said Sewell to the lands in controversy, except by hearsay, from his wife, the said *Emily*, who, by her answer, filed on the 17th of November, 1849, alleges that her uncle, James Helm, by his will, devised all his estate to her, of which a certain negro man named "Zach," constituted a part. That this negro was sent out of the state by the persons to whom he was hired, and was lost to respondent. That her father, the said Swan, instituted suit for the value and hire of said negro for use of respondent, in his own name, and recovered and received the sum of \$1,017