

deed conveying all her real estate, in the proceedings mentioned, to *Dennis D. Howard*, who had conveyed the same to this plaintiff; after which she died. That the defendant had, while he acted as guardian of the late *Harriet*, and during her minority, obtained from the land office, a warrant to affect some vacancy, under which he had obtained a patent for nine and three-quarters acres of vacancy adjoining her land, which was obtained for her benefit. That the plaintiff had not been able to deliver possession of the land to the defendant, as directed by the decree; because he could not ascertain its true location; and the defendant had taken no steps to ascertain it; but intended, as the plaintiff believed, to throw down the fences, and expose the plaintiff's crops to great damage, under pretence of resorting to the land he had so obtained. Whereupon it was prayed, that the defendant might be ordered to deliver to the plaintiff the negroes, born after the close of the commission, and before the decree; to account for the value of the labour of the other negroes, from the 19th of December, 1813, the date of the auditor's report, to the last day of November, 1816, when they were delivered: to convey to the plaintiff the adjacent vacant land for which he had obtained a patent, upon being refunded the amount of expenses incurred in obtaining the same; and that he might have such other relief as was suited to the nature of his case.

The defendant, in his answer to this bill, admits the proceedings in the former suit, and that he had not delivered the negroes before the time mentioned; because the plaintiff had failed to comply with the terms of the decree on his part; that he then held the three negro children, as alleged; because he believed himself to be lawfully entitled to them. That he had not taken up any vacant land adjacent to the land of his ward, or for her use; but had obtained a patent for some land, for which he had fully paid. And he further alleged, that as it appeared to be the object of the plaintiff to have the former decree opened, and the case reheard, he prayed to be permitted to introduce and substantiate sundry claims and allowances, as then specified, which he had not obtained the benefit of under the former decree.

The plaintiff put in a general replication to this answer; upon which a commission was issued, and the depositions of several witnesses taken and returned on the 18th of January, 1819. After which the case was brought before the court.