

The prayer of the petition for a rehearing can be no farther regarded than as it may injuriously affect the interests of the petitioner.

THIS bill was filed by Robert Walsh and Stephen Casenave against Thomas Smyth, Jr., John Blanton, John F. Gardner, Freeman Lewis, Thomas Gilbert, Benjamin Chew, John Heathcote, James Dall, Isaac Wikoff, James Clayland, William Cox, Joseph Anthony and Son, and the heirs of John Lynch.

The bill states, that Smyth and Lynch, pretending to be entitled to a large quantity of land in the State of Georgia, their title to which, they represented to be wholly unencumbered, and also *represented it to possess great advantages of water and **10** navigation, and to be situated in an increasing, populous and wealthy country; and as evidences of the truth of those representations as to title, quality and situation, they exhibited to these plaintiffs a plot of a tract said to contain seventy-two thousand, seven hundred and fifteen acres of land, on Tooglo River, purporting to have been surveyed for Thomas Gilbert; one other plot of two adjoining tracts of land, the one said to contain sixty thousand acres, granted to John Blanton, on the 24th day of March, 1794, and the other said to contain sixty thousand acres, granted to Freeman Lewis, on the same day; and a third plot representing a tract of land surveyed for John F. Gardner, and granted on the 21st of March, 1794, twenty-one thousand acres of which in his name, and the remaining part in the name of Thomas Gilbert, granted — day of —, 1795. A paper purporting to be an affidavit made before a justice of the peace in Georgia, on the 18th of April, 1794, by a person named Samuel Hollingsworth, stating that he was a chain-carrier on a survey of lands laid out for Blanton and Lewis, which he believed were vacant at that time. A paper purporting to be a certificate given by Thomas Gilbert, on the 22nd of August, 1794, stating, that he had surveyed twenty-one thousand acres for John F. Gardner, on the 1st of August, 1793, in Franklin County, and that he believed the whole to be clear of elder surveys, and the greater part to be of excellent quality; and another paper purporting to be a certificate bearing date on the 26th of April, 1794, from Peter Crawford, clerk of Columbia County, Georgia, stating, that John Blanton had resided several years in that county, and that there never had been any judgment entered up, execution issued, or mortgage recorded in that county, against him or Freeman Lewis.

The bill further states, that to obviate all difficulty, Smyth and Lynch offered to guarantee the title of the lands and to deliver possession to the plaintiffs. Whereupon, the plaintiffs, on the 10th of July, 1794, contracted with Smyth and Lynch, for the purchase of all the lands mentioned in the said three plots, containing, in the whole, two hundred and seventeen thousand, one hundred and