

the said lands, when, in truth, they were concerned with the said John F. Gardner, Freeman Lewis, John Blanton, Thomas Gilbert, James Clayland, and William Cox, all of the State of Georgia, who well knew the insufficiency of the title to the said lands, and were concerned as land speculators, with a view to raise money fraudulently by the sale of lands for which they could make no good title. That on the 26th of December, 1795, one hundred and forty-one thousand acres of lands described in the said plots had been seized and sold for the sum of seventy-eight dollars of public taxes due to the State, at the time of the sale to these plaintiffs; and that the defendant William Cox, who now holds the said lands, as purchaser at the said sale for taxes, refuses to relinquish the same to these plaintiffs for less than eighteen hundred dollars; and that the said defendant Smyth has since purchased under sales made by tax collectors, the whole of the said lands at a price less than two hundred pounds; and holds and claims the same as his own property.

The bill further states, that the defendant Smyth had assigned agreeably to the Act of Assembly unto the defendant Chew, three of the bonds executed to the plaintiffs for the purchase money, one conditioned for the payment of five hundred pounds, and the others for seven hundred and fifty pounds each, who had commenced suit and obtained judgment on the first mentioned bond, and was proceeding for the recovery of the others; and endorsed and delivered unto the defendants Heathcote and Dall one other of the said bonds, who had, in the name of the defendant Smith, commenced suit for their use, and obtained judgment thereon; and had also endorsed and assigned one other of the said bonds to the defendant Wikoff, and unto Hugh McCurdy, who endorsed the same to George Salkeld, who endorsed the same to the defendants Joseph Anthony & Son, by whom suit had been instituted for the recovery thereof (*); and the said defendants Smyth, Heathcote and Dall, Chew, Wikoff and Joseph Anthony & Son, demand payment and threaten to take out execution; and that the said John Lynch departed this life about the year 1796, leaving two children, one of whom is since dead, an infant without issue; and the other whose name is unknown, resides in Ireland.

Whereupon it was prayed that the contract might be set aside, and the money paid by the plaintiffs refunded to them, that they might be further and otherwise relieved agreeably to equity and
13 * good conscience, and that a writ of injunction might be issued to restrain the defendants from proceeding at law.

This bill was sworn to by the plaintiff Walsh, on the 27th of July, 1797, and soon after laid before the Chancellor.

HANSON, C., 29th July, 1797.—Injunction cannot issue until a bond to each of the parties to be enjoined, &c., shall have been