

heirs and assigns, all his estate, right, title, claim and interest in and to certain tracts or parcels of land lying in Nelson County, in the State of Kentucky, containing about twenty thousand seven hundred eighteen and three-fourths acres of land, which he, the said Robert Walsh, acquired by virtue of a certain deed of conveyance, dated the 23d day of March, 1795, from a certain James Kerr to the said Robert Walsh. The said lands to be conveyed by the said Robert Walsh to the said Samuel Moale, as aforesaid, free, clear of and from all incumbrances which may have been created by the said Robert Walsh, and also clear of all taxes which have accrued since the date of the said deed from James Kerr to the said Robert Walsh; which lands we find were conveyed to the said Robert Walsh, as agent of Casenave & Walker, of whom the said James Walker was surviving partner. Provided always

19 *however, and it is the true intent and meaning of this award, that the said Robert Walsh shall not be compelled to execute the said deed of conveyance until a perpetual injunction shall be granted by the honorable, the Chancellor of Maryland, in a cause or causes now depending in the High Court of Chancery, wherein the said Robert Walsh is complainant, and seeks to be protected against the effect of sundry judgments at law against the said Robert Walsh, obtained on bonds executed by the said Robert Walsh, to a certain Thomas Smyth, Jr., of the State of Georgia, which bonds we find were given by the said Robert Walsh, as agent of the said Casenave & Walker, of whom the said James Walker was surviving partner." Made and signed on the 17th of April, 1816, and judgment rendered thereon on the 4th of May, 1816.

The petition further stated, that the petitioner, from the information he has received, has good cause to believe, and does believe, that a gross fraud was practised on the plaintiffs by the pretended sale to them by Smyth and Lynch, of lands to which they had no good or valid title, as is set forth in the bill; and that if an opportunity were given by a rehearing of the cause, and admitting him as a party plaintiff thereto, he could and would obtain sufficient and competent testimony to sustain the allegations of the plaintiffs in the bill, on which the equity was founded which entitled them to the injunction originally granted; and to satisfy the Court that it ought to be made perpetual.

Upon which the petitioner prayed, that the decree of the 6th of September, 1830, might be rescinded, the case reinstated, and the injunction heretofore granted revived and continued in full force until further order; that he might be made a party plaintiff according to the provisions of the Act of Assembly; that all further proceedings at law, as heretofore enjoined, might be suspended and stayed until further order; and that he might have such other and further relief as the nature of his case required.