

acter last mentioned. Why, if she furnished the purchase money, should she take a deed from her father for the consideration of natural love and affection? Why did not the deed express the true consideration, with explanatory recitals, showing the facts, as they are now alleged to be? These are questions which naturally suggest themselves, and the difficulty in giving satisfactory answers to them is calculated to create suspicion of the fairness of the transaction.

The real difficulty, as appears to me, in granting the relief prayed by the bill, results from the long time which has elapsed since the execution of the deed complained of. If the grantee had been in possession of the property, claiming it as her own from the date of the deed, until the bill in this case was filed, and had relied upon that possession in her answer as a bar to the relief prayed for, it might probably have been regarded as presenting a very formidable objection. But so far from doing this, the answer admits, that Swan, the grantor, continued to occupy the lands from the date of the deed until his death in 1842. The answer further says, it is true, that the respondent also resided on said lands during a portion of the time, but this occupation was not exclusive according to the admission of the answer, and if the evidence be referred to, there is certainly strong grounds for supposing, that the grantor possessed and held the land as his own, or, at all events, that he was by no means controlled in his enjoyment of it by the grantee and her husband. The evidence unquestionably does not make out a clear case of possession by the defendants, Baxter and wife, so as to enable them to set up that possession as a defence. The proof of possession by the grantor, at least creates a doubt, as to who was in the actual possession, and in my opinion, the weight of evidence is in favor of the possession of the grantor, at least for several years before his death. Sewell purchased from the sheriff in 1824, and took from him a deed in 1831. At that time, Swan was certainly living upon the property, and exercising unquestioned acts of ownership over it. It does not appear whether Sewell, the purchaser at the sheriff's sale, asserted his title, earlier than 1839, but on the 15th of April, of that year, Swan took from him a lease, as appears by