

of said land by Smith & kept Comptrol
was void, he further admits & avers that
the sale of said land under the said ex-
cutions was void, and it as well as the
sale to kept by said Smith have in
this case been declared void, and have
been set aside. This being so he avers that
in this case, the said land has been adjudged
to be the land of said Smith, and he avers
that said land was & is the land of
said Smith, and he further avers that for
the use & occupation of said land &
rents thereof while Peff in testate
had the same in possession belongs to said
Smith, and any liability that either
Peff as Adm or his estate may
be under is to said Smith, and not to
deft. Now Peff avers that for value
received he bought & paid said Smith
for the note of \$762⁸⁸ filed with Peffs
original petition & against kept Comptrol
that by the judgement herein said note
is adjudged Cancelled & being the considera-
tion in part for said land in the verbal
sale between said Smith & kept Com-
ptrol; that this purchase from Smith
occurred before said Hamlin got
possession of said land, Now Peff avers