

by the Laws of England and this province hath no need to answer because he Saith that the Scop [sic] of the S^d Bill is to Charge this Defendant with having received Six hundred pounds bills of Exchange from one Powlson by Endorsment Which were drawn by one Cockey the Agent for Factor of the S^d Complainant upon him and were protested by him and for Which the Defendant has Sued the S^d Cockey and prays that the S^d Bills may be Delivered to him the Complainant because his factor drew them to prevent the S^d Powlson from Executing the Complainants goods that were Condemned in the Said Factors hands and because the Complainant has reverst a Judgment against the S^d Powlson for that Sume in Satisfaction of w^{ch} Judgment those Bills were paid Whereby it appears by the Complainants Own Shewing that the bills Complained for Were drawn for a Valuable Consideration payable to the S^d Powlson or order and that they were Endorst to this Defendant Wherefore for that the Complainant Shews no right Debt Claim or demand That he has against this Defendant nor any Dealings or Concerns with him but only Supposes that his Factor the Said Cockey drew bills for a Sum on his Account that he Afterw^{ds} Acquitted himself of and Would therefore have this Defendant and of Course any other person that had been Induced by the Creditt of the Drawer to have paid the Value for the S^d Bills to deliver them to the Complainant and for that it Seems if the Complainant have any Cause of Complaint Concerning those Bills it must be against Cockey for drawing them (who yet as it Seems by the Scope of the Bill hath not Burthened the Complainant With any payments thereon) but if the S^d Cockey hath done the [693] Complainant any Injury thereby it is not Alledged or pretended in the Bill but that the S^d Cockey is Solvent and Consequently answerable for any Injury he has done the Complainant or for his Misapplication of any of his Effects to Save W^{ch} Effects the bills are Said to be Drawn but if the S^d Cockey did the Complainant no wrong by drawing those Bills it Seems he has no Cause to Complain Against this Defendant or any others for them and for that it appears by the Whole Scop of the Bill if any person has Cause to Complain against this Defendant Concerning those Bills it Must rather be the S^d Cockey that Drew of them than the S^d Complainant that they Were Drawn on but yet that the S^d Cockey is no party in the Bill and for that the Complainant does not pretend that this Defendant received Any of his Effects but as Agent for Powlson on Judgments recovered and yet Charges the Defendant as if he were Immediatly Lyable to make the Complainant Restitution out of his own Effects without ever alledging that the S^d Powlson is Insufficient or Insolvent or not to be found or that the Complainant is otherwise Remediless at Law or that the Defendant has any Effects of the S^d Powlsons in his hands or if he had that ever he refused to discover them So as to Subject them to the Complainants Writt of Restitution by fieri facias or Attachment or other Common Law process nor does the Complainant in his bill alledge any Combination Against this Defendant