

Bill alledges that one W^m Brewerton of Somersett County was Indebted to him in a Considerable Quantity of Tobacco and that by the Instigation of this Def^t he was hindered of the Same and that he Commenced his Action or Actions at Law for the Same in Somersett County and Recovered his Damages and Costs that he Removed a Transcript of the Record thereof to the Prov^v Court and obtained a rule on the removall thither for Execution to issue that he took out his Execution by Elegit in hopes to bring the S^d Brewerton to a Compliance but that he by the instigation of this Def^t who Combined wth the S^d Brewerton the other Def^t was Defeat of his Just Due and that the Def^t obtained fraudulent Deeds wthout any Consideration from the S^d Brewerton of the greatest part of his real Estate and all his personall Estate and that thereby his Execution by Elegit as af^d was rendered ineffectuall to w^{ch} Bill this Def^t Doth Demurr and for Causes of Demurrer Saith that the Def^t by the S^d Bill doth not Set forth that the Deeds af^d were granted Since the Obtaining the Originall Judgmt by the Compl^t to Defeat him of the Benefit of his Execution for if before no fraud Can be Intended.

2^{dly} Neither is this Def^t as he is advised Oblidged On Oath to Shew any further Consideration than what is Expressed in the Deeds for that if Such Deeds be wthout Consideration the Compl^t well might have Extended the Lands and Defeated this Defendants right by Action at Common Law.

3^{dly} That the Def^t by his Bill does not Say that he is wthout remedy Save in Equity in this Court neither is the Same under Councils hand as by the rules and Constant Practice of this Hon^{ble} Court it ought for want whereof the Same Bill Ought to be Disallowed .

[753] Wherefore for diverse other Errors and Imperfections in the Said Bill Appearing this Def^t Does Demurr in Law thereunto and humbly Demands the Judgmt of this Hon^{ble} Court whether he Shall be Compelled to make any Answer to the S^d Bill and prays to be hence Dismissed wth his Costs in this behalf wrongfully Sustained etc. W^m Cumming Per Def^t.

Thereupon this Cause Stands Continued Untill the 4th Day of Dec^r Anno Dom 1722 At w^{ch} S^d 4th Day of Dec^r Come as well the S^d Compl^t by his Council as the Def^t Adams by his Council and Ordered that the aforegoing Demurer be Argued the 19th Day of Feb^{ry} then Next Thereupon the S^d Cause Stands Continued Untill the S^d 19th day of Feb^{ry} at w^{ch} Time Comes also the Deft Brewerton by his Council and Exhibited his Answer w^{ch} follows in these words Viz^t

The Seperate answer of W^m Brewerton to the Bill of Complaint
of John Caldwell

The Def^t Saving to himself the Benefit and advantage of Exception to the Manifold uncertaintys and imperfections Contained in the Complainants Bill Answereth and Saith he was Indebted to the Compl^t a Considerable Quantity of Tobacco for Which the Compl^t Sued and as he believes had