

but supposes the two attorneys of complainant can prove the same, but he does not know, nor has he reason to believe, that Mayer was counsel for Robinson.

He denies that the only objects of entering the judgment against him, and the satisfaction thereof, was to form untrue record evidence to be adduced against complainant in a suit to be thereafter brought, and at that time agreed to be brought by respondent against complainant. That he does not know what evidence was adduced, or what proceedings took place at the trial of the suit for the use of Mayer, because he was not made acquainted therewith.

He admits that he never did pay in money the judgment so recovered against him by Robinson, or suffer other damages than some costs and expenses, but when about to be compelled to pay the same after its rendition, and thus to pay the said rent twice, he did agree that Robinson might use the indemnity which complainant gave respondent to recover his debt of complainant, if Robinson would enter this judgment satisfied, which he or his attorney did.

He admits he is not to receive any benefit from the judgment against the complainant, which if ever paid, he believes, though he does not know, will go to the use and benefit of Robinson for the rent he has lost in the value of said tobacco, which complainant illegally and improperly received from respondent, and prevented him from paying as was right and proper he should do, to Robinson.

He avers that the trial of Mayer's cause against complainant did not take place until years after the two other suits had been decided, and after all the facts and statements on which complainant now pretends to rely had taken place, all of which were, therefore, well known to him and his attorneys, and if of any avail, could have been offered in evidence, either at law or by proceedings in equity at the said trial, yet complainant neglected to use them, and permitted judgment to be recovered against him without summoning a witness, and defendant insists that as these defences were not made at law, complainant is forever precluded from opposing said judgment.