

These pleas, in the first place, aver, that the cause of action arose above *twelve* years before the institution of the suit; and then

any person upon any contract of lands, tenements or hereditaments, or any interest in or concerning them, unless the agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing and signed by the party to be charged therewith or some other person thereunto by him lawfully authorized; as by the said act may appear; and this defendant avers, that neither the said Thomas Davis, nor any person by him lawfully authorized, did ever make or sign any contract or agreement in writing for the sale or conveyance of the said tract of land called Davis's Purchase, or any part thereof, to the said Stephen Steward to any such effect, as by the said bill is suggested, or any memorandum or note in writing of any agreement whatsoever for or concerning the said premises, or any part thereof; other than or different from the said deed, alleged in the said bill to have been made by the said Thomas Davis to the said Stephen Steward; and this defendant also avers, that neither he, the said defendant, nor any person by him lawfully authorized, did ever make or sign any contract or agreement in writing with the said Stephen Steward respecting the said tract of land called Davis's Purchase, or any part thereof, or any memorandum or note in writing of any agreement whatever, for or concerning the said premises, or any part or parcel thereof; and, therefore, this defendant doth plead the said act of parliament, and the matters aforesaid in bar to so much of the said bill as seeks to compel the defendant to execute any deed or conveyance to the complainant of the aforesaid premises, or of any of them, or of any part or parcel thereof pursuant to the said pretended agreements or either of them; and as to any relief thereby prayed touching the said agreements or either of them; and humbly prays the judgment of this Honourable Court whether he shall be compelled to make any further or other answer to so much and such parts of the said bill as are herein before and hereby pleaded unto as aforesaid.

And this defendant for further plea unto the said bill saith, that if the complainant, or any of those from under whom he claims, ever had any cause of suit for or concerning any of the matters, transactions, or things in the said bill of complaint mentioned, (which this defendant doth in no sort admit,) the same did accrue or arise above twenty years before the filing the complainant's bill of complaint; and above twenty years before the serving this defendant with any process to appear to and answer the same, during all which time the said Stephen Steward, and all those claiming under him have constantly acquiesced under the said deed or conveyance alleged to have been made to him by the said Thomas Davis; that is to say, from the time of making the same until the time of filing the complainant's said bill; wherefore this defendant doth plead the act of parliament or statute of limitations made in the twenty-first year of king James the first; and also the length of time and acquiescence, and prays the benefit of the same; all which matters this defendant doth aver and plead in bar of the complainant's said bill, and of the complainant's pretended demands for which he seeks to be relieved by the said bill.

And this defendant further saith, that he is advised by his counsel, that there is good cause of demurrer to the said bill, and that there is no matter or thing in the said bill contained good and sufficient in law to call this defendant in question in this honorable court for the same; but that there is good cause of demurrer thereto: and for cause of demurrer, this defendant saith, that, by the complainant's own shewing, the said bill, (in case the allegations therein contained were true, which this defendant does in no sort admit,) contains not any matter of equity whereon this court can ground any decree or give the complainant any relief or assistance as against this defendant: wherefore and for divers other errors and imperfections in the said bill