

mony collected and returned by the auditor in this case has been taken according to the long and well established course of the court.

tive father of the plaintiff: that it was given in evidence in that action, on the part of the defendant, that the minister of the parish, where the said Kenelmn lived, several times admonished him and Mary for unlawfully cohabiting together; and thereupon he informed the minister, that he had been married to Mary by Parson Scott; who, on inquiry, declared he had not married them; and upon the said Cheseldine being told of it, and again admonished, he told the minister that they had been married by one Priest Gulick; who, upon inquiry, also declared, that he had not married them. Whereupon, the minister informed the governor, who ordered the then attorney-general to prosecute him: and he was accordingly presented for unlawfully cohabiting with the said Mary. Upon which a *venire facias* was issued against him to answer the presentment; but, that the attorney-general entered a *nolle prosequi*; and that during such unlawful cohabitation he had declared, he had intended to marry her, but thanked God he had not done so, swore he never would, and turned her out of his house, with the plaintiff in her arms; and declared, about five months before his death, she was not his wife; that after his death she went over to Virginia to procure a false certificate from Parson Breeton of his having married them; who declared he had not married them, and refused to give any such certificate. Yet, notwithstanding the proof of these and many other strong circumstances on that trial, the jury, by the great interest of the complainant, his attorney and others, brought in a verdict in favour of the complainant, contrary to the proof of the illegitimacy of the plaintiff; and judgment was entered up thereon. These defendants further admit, that their testators, and their wives had possession of the mansion-house and a part of the land, after the death of the plaintiff's father; that Dryden Forbes held another part of the land; and that Thomas T. Greenfield and his representatives, after his death, held another part of the land; but they do not know what, or whether any rents and profits were received by them, or any of them; nor do they know of any timber being sold from the land.

The plaintiff filed exceptions to the answer of each defendant for nearly the same causes. The exceptions to the answer of the defendant Gordon, were as follows: the complainant excepts to the answer of the defendant Gordon; *first*, for that the defendant, instead of answering the allegations contained in the complainant's bill, launches out into scandalous and personal reflections on this complainant, which are not examinable, or determinable in this honourable court; especially as this complainant's right hath been tried and determined according to the laws of the land; *secondly*, for that the answer of the defendant needlessly and uselessly asperses the memory and character of a gentleman who was attorney-general; and has been many years dead; which aspersions cannot possibly be examined into; nor can they possibly affect the merits of the cause, or answer any other justifiable purpose whatsoever; *thirdly*, for that the defendant only answers generally, that the several persons mentioned in the said answer, or some, or either of them, received the rents and profits of the said lands; but does not answer or set forth who received such issues or profits; how much they were, how much each tract was, or might have been rented, let, or leased for by the year, either positively or to the best of his knowledge, remembrance, or belief; all which ought to have been done; the same being required by the complainant's bill; and *fourthly*, for that it is alleged in the complainant's bill, that the several persons and defendants therein mentioned, made great profit and advantage by, and received great sums of money and tobacco