

the facts inquired into; and therefore, on a plea, or demurrer the facts so supposed to be true, cannot, in another case, be given in

The said defendant further says, that in the act of Assembly of this province made and past the twenty-sixth day of April, A. D. seventeen hundred and fifteen, entitled an act for quieting possessions, enrolling conveyances, and securing the estates of purchasers, which stands still in force unrepealed, there is the following provision for securing *femes covert* against duress in executing conveyances of their lands; and for securing and assuring purchasers in their purchases of lands belonging to *femes covert* in these words: *provided always*, that if any *feme covert* be named as a grantor in any such writing indented, the same shall not be in force to debar her, or her heirs, except upon her acknowledgment of the same; and the person or persons taking such, her acknowledgment, shall examine her privately out of the hearing of her husband, whether or not she doth make her acknowledgment of the same willingly and freely, and without being induced thereto by fears or threats of or ill usage by her husband, or fear of his displeasure; and that the person or persons so examining her shall, in a note or certificate of the taking the said acknowledgment, certify her examination and acknowledgment thereupon; and that such certificate to be likewise enrolled upon record; in which case, and by such acknowledgment and certificate, *feme coverts* shall be barred and not otherwise. The defendant further says, that the right, property and fee simple of the above tracts of land, devolved upon and were entered into by him the defendant, as eldest lawful brother and heir at law to the said David Bissett, deceased. [*The Chancellor's case, 1 Bland, 608, note.*]

Now therefore this defendant for plea saith, that in virtue of the said reconveyance of lease and release from the said John Matthews, with and under protestation, that he does not disclaim, but reserves a power to hold under and plead the said lease and release from the said Robert Stokes, in the event and not otherwise; that the said conveyance through the said John Matthews should at any time hereafter be voided on account of the said lapse in paying the alienation fine, or any other head, imperfection or informality whatever, he holds the said tracts or parcells of land, that the same, under protestation as aforesaid, is a formal, valid and sufficient conveyance regularly executed, acknowledged and enrolled; that he has all the insurance for his said property that the law can give; and the above particular act of Assembly can assure; and that the said acknowledgments and private examinations taken in the very terms, very words, and spirit of the said act of Assembly is and must by the said act of Assembly be conclusive, and effectually bar the complainant from having the relief prayed for in this court; as otherwise property would be rendered altogether vague and uncertain; if no rights that could be devised; nor no act of the Legislature, that could be framed, could assure the same, or effectually bar; but be subject to the review, and of being laid aside, and relief given against it in an inferior court; and therefore, this defendant doth plead the above conveyances, fallen and descended upon him as above, the above acknowledgment and certificate of the private examination regularly enrolled, and the above act of Assembly; prays the assurance given him by the said act; and pleads the same as conclusive, and in bar of the relief prayed for by the said complainant in her said bill of complaint; and prays the judgment of this honourable court thereupon.

And this defendant, not waving his said plea, but wholly relying and insisting thereon; for answer to the residue thereof, particular interrogatories in the said complainant's bill of complaint, or to so much thereof as he, this defendant, is advised is material, or necessary for him to answer, all advantages of exceptions to all and every the uncertainties and insufficiencies of the said complaint now, and at all times saved and reserved, he, this defendant answereth and saith, that he does admit,