

Combined w<sup>th</sup> the Said Brewerton to Defeat Y<sup>r</sup> Orator of What was Justly due to him Wherefore y<sup>r</sup> Orator in hopes of the affair being Managed in the Prov<sup>l</sup> Court by Some of the Practitioners thereof than it Could be in the County Court obtained a Rule on the Removall of the Transcript of the Record thither for Execution to issue thence the Charge whereof Together w<sup>th</sup> the Damages and Costs in the County Court Amounted to Upwards of Thirteen Thousand pounds of Tobacco for w<sup>ch</sup> your Orat<sup>r</sup> took out his Execution by Elegit in hopes to bring the S<sup>d</sup> Brewerton to a Compliance w<sup>th</sup> all or part of the S<sup>d</sup> Damages and Costs or to recover the Same But So it is May it please your Honour that the S<sup>d</sup> Brewerton and Adams Still persisting in their Combination to Defeat Y<sup>r</sup> Orator of his Just Right the Said Brewerton by fraudulent Deeds with [sic] any Consideration for the Purpose a<sup>d</sup> Conveyed all or the greatest Part of his real Estate and made over all his personal Estate in trust for himself or others to his use to the S<sup>d</sup> Adams by means whereof Y<sup>r</sup> Orat<sup>r</sup> Could have Litle or no Advantage by his S<sup>d</sup> Execution the Said Adams Setting up and Insisting on the S<sup>d</sup> Deed and the property of the S<sup>d</sup> Goods all w<sup>ch</sup> practices of the S<sup>d</sup> Adams and Brewerton are Contrary to Equity and good Conscience but Forasmuch as the measures taken by the Said Adams and Brewerton were Concerted in the most Secret Manner and Consequently very Difficult to be Proved as the rules of this Hon<sup>ble</sup> Court require and not at all as the Strictness of the Common Law prescribes and that the Evidences that know any thing of the matter are Aged and infirm in Case of whose deaths y<sup>r</sup> Orator can [752] Have no Other Testimony but the Answers of the S<sup>d</sup> Adams and Brewerton upon Oath May it therefore please your Honour to grant your Orator his Lordship writt Subp<sup>a</sup> Ag<sup>t</sup> the S<sup>d</sup> Adams and Brewerton to Compell them at a Certain Day and under a Certain pain therein to be Limited to be and appear before Y<sup>r</sup> Honour and upon their Corporall Oath True Answer to make to the premisses as fully and Distinctly as if here Again Interrogated and to Shew Cause why a Commission Shall not issue to Examine Evidences in the premisses ex parte unless they will Strike Commissions and Joyn in Speeding the Same and that y<sup>r</sup> Hon<sup>r</sup> will be pleased to Do further therein According to Equity and good Conscience

And he will pray etc.

Afterw<sup>ds</sup> To Witt the 12<sup>th</sup> Day of July Anno Dom 1722 Came Alexander Adams one of the Def<sup>ts</sup> and Exhibited into the Said Court his Demurrer to the a<sup>d</sup> Bill of Complaint w<sup>ch</sup> follows in these Words Viz<sup>t</sup>

The Demur<sup>r</sup> of Alexander Adams Clerk one of the Def<sup>ts</sup> to the Bill of Compl<sup>t</sup> of John Caldwell Complain<sup>t</sup>

This Def<sup>t</sup> by Protestation not Confessing or Acknowledging all or any the Matters or things in the S<sup>d</sup> Bill of Complaint ag<sup>t</sup> him Complaining to be True in Such manner and form as the Same are therein and thereby Sett forth and alledged for and by way of Demur<sup>r</sup> Saith That the Complainant by his