

Some order for the preventing the Said Powlson from the use of those Bills or from their being applyed to Satisfye his Creditors According to the Act af^d for his relief on which there was a long Argument betwixt the Council on both Sides and the motion after hearing was rejected. That this Defendant never heard dureing the Course of his Long Acquaintance wth the practice of the Law in this Province that Ever an Appeale to England from this Province Stopt or delayed Execution of the Judgment Appealed from and this defendant believes it never did but that those Judgments that were rendered here were always Expected to be Complyed with here Notwithstanding the grant of any appeale the better to discourage Such appeals as are too frequently prayed only for delay or the gratifying Litigious homours [sic] in Apellants to the Needless trouble of the Superiour Judicatures and Great Molestation and Disturbance of the Subjects Security in the Laws of their Country who are Lyable to be drawn unto unreasonable Measures or the giving up their Right rather than to Undergo the Fatigue and Charge of Defending their Suits in England where (as it is perhaps Erroneously received here) the Judiciall proceedings of the Plantations are often reverst for Irregularities in the manner and form of them tho the Judgments or decrees themselves be right in Substance and agreeable to the Very Right and Merit of the Cause. That this Defendant hopes the Opinion of the S^d Court of Appeals in respect to the S^d Bills is fresh in memory and that by the Security Taken on granting the appeale from that Judgment w^{ch} Security was not for the Debt and Costs already recovered but only for Such Costs as Should be thereafter adjudged to the S^d Powlson on the Complainants failure to prosecute the Appeale with Effect and in Case the S^d Judgment Should not be reverst as well as otherwise It will appear that there was no Intent in that Court to Act Contrary to the Usage in this Case nor any Speciall order made to hinder the S^d Powlson from the full benefitt of his Executions Executed by pretext of Such Appeale. And this Defendant further Saith that he Conceives the first mentioned Bills were paid in Satisfaction of the Execution of the Judgment at Law for Condemnation Ag^t Cockey w^{ch} Condemnation he conceives was of Forwards Effects in Satisfaction of the Judgm^t ag^t Forward and w^{ch} Bills were only Stayed in the Sherriffs hands by the Injunction (as it is usual in England to Lodge money and Stay it there in Extraordinary Cases) till the matter Should be heard in Equity that the money or Bills therefore were no otherwise Stayed [701] In the Sherriffs hands or kept from Powlson than by the Injunction af^d that Therefore after that Injunction was Dissolved this Defendant Cannot conceive what made it unlawfull or unreasonable for Powlson to Apply That Money to the paying his Debts and for obtaining his Liberty or for this Defendant or any other Creditor to receive it from him and this Defendant Much Doubts that (tho he is free from the Combination Charged the greatest Expectation the Complainant has of Success in this Cause is from Some Advantageous Combination on his part whereby he