the said Avery having first made his will & the ffd Ann & E. C. finds that the ffd Benj.a Granger being come home the ffd Ann & mounds of him an Acc.t of the ffd Money Goods or Satisfaccon for the same & acquaintd with what other goods or money he had in his Cstody belonging to the said Avery which he absolutely denied & refused to doe & showing him the will my wife was written with his owne hand of the Illmder dilbursm.ts the ffd Avery had dilbursed for him & the goods he had entrusted him with as aforesd & very intreated said Hereunto — answered he the ffd Benj.a Granger knowing he had only w.th the said Acc.t by Jno. Averys order but had not received the same under his hand & that those transactions betweene them was done in private & that the said John & Ann could not make any thing plainly appeare ag.st him did positively deny that he had or received of the said John Avery any of the goods or summes of money as aforesaid or any other goods or money whatsoever or if he did that he had answered for the same & said the ffd John Avery for the same & that the said John & Ann being now soe married & by vertue thereof in right of the said Ann intitled to soe much goods & money as remained in the hands of the said Benj.a Granger & belonging to the Estate of the said John Avery the better to enable them to performe the will of the said John Avery & pay his just & owne debts & they having received very credible infor.mcon by severall persons that the ffd Benj.a Granger had severall summes of money & goods of John Averys in his hands that they — have often by the mselves & friends requested the said Benj.a Granger to come to an Acc.t with them & without further suit or trouble to deliver unto the Comp.ts what he hath of the ffd John Averys in his hands he hath & absolutely denied & refused to doe the same contrary to equity & good conscience to an apparent breach of trust being by his said ffather in Law entrusted & trusted as aforesd & to the great indamage of the Children of the ffd Dd Last will & Testam.t Therefore & for want as the Comp.ts have noe meanes at & by the strict Rules of the Comon Law to enforce a discovery of such clandestine frauds & transactions & trusts as aforesaid the Comp.ts not being able to make such p.ffe of the pertinent goods & summes of money to him delivered by the said John Avery & entrusted with him as the Law requires & the witnesses that should prove the paym.t of the severall summes of money by the said John Avery lent out & received for him & mentioned in the schedule to the ffd Bill of Comp.t are in remote parts in Englande or elsewhere out of the Jurisdiction of this Province & noe other ways to be relieved in the premisses touching the discovery of the premisses aforesaids save in this honr.ble Court And for discovery of the truth & the premisses they humbly crave the Aide & Assistance of this Hon.ble Ct. And that Cpies of Subp.ns might be thereout awarded ag.st the said Def.ts for him to appeare to answ.r the ffd Bill To which Bill of the ffd Comp.ts the ffd Def.ts appeared & putt in their answ.r thereunto & did therby sett forth that he married the onely daughter of the ffd John Averys & that the said John Avery having before his death went about out of Englande fifteene or sixteene yeares & had one Son named John Avery whom he left in Englande to be bred & with James Avery his brother & that the said John Avery the Son & Brother to them the Def.ts wife in the yeare And the ffifteene hundred & seventy & five writt to this Def.t & desired him that his unkle James had desire to see this Def.t wife & desired this Def.t agreed with & paid Capt. Walter Seagrove for his wifes passage & sent her home to his said Br. with that the next yeare after the said John Avery the Son desired & to see his ffather took his Passage to come into this province but dyed at Sea & that John Avery the ffather hearing thereof of the death of James Avery his Brother in Englande & that the said James had left the said John Avery the Son ffive hundred pounds sterl. & two thirds of his households goods & that John Avery the ffather ffindinge aforegoing the noes to be true made an Agreem.t with this Def.t to goe together that a sixt yeare for Englande in Capt. Wallet to look after the behalfe & to share what was left as aforesd equally betweene them till the right belong unto one of them it should appear which

thereof