

With regard to the taking of testimony under the authority of a special order of the Court, before a justice of the peace, I have not

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 favor 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 honorable 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 from the sale of timber from the said land and otherwise; to which the defendant hath not given any answer, although required so to do by the complainant's bill. The complainant, therefore, prays that the said defendant may amend his answer as to the same, and give in a full and sufficient answer to the complainant's bill of complaint.

At May Term, 1745, the counsel for the defendants admitted the answers to be insufficient and imperfect in the several particulars excepted to: and therefore consented that the exceptions aforesaid be adjudged good and sufficient; and the answers insufficient in the particulars in the exceptions mentioned; and that the matters excepted to for scandal and impertinence be expunged; and the answers stand as to the other particulars: and the defendants pay the usual costs, and the scandal and impertinences contained in the said answers were accordingly expunged.

Upon motion of the counsel of the complainant, alleging that the scope of the complainant's bill was to have an account, and to obtain satisfaction for the rents and profits of his lands while they were unjustly withheld from him, together with the interest thereof; it appearing by the bill and answers,