

I think a Court of Equity w^d. decree that C. & D. should be let in upon A. & B.

As to the Bond of C. & D. to F. which was given for the sum of 300 Sterling in Bank to A. & B.; I apprehend A. & B. (who it seems are likewise Bound in the Bond) ought to pay the money & Interest out of the profits of J. Works, pursuant to the Articles of Agreement, they being bound in the Bond with C. & D. for this purpose; And I think C. & D. ought to make demand of them to pay it in this manner, that out of the profits of the Works pursuant to the Articles of Agreement. But should A. & B. refuse, C. & D. sh^d. do it themselves out of their own private fortunes, & make this an Ingredient in their Suit ag^t. A. & B.

I take the true meaning of the Patent to be, that not more than five persons shall be concerned in the Undertaking; and not to limit any number of Shares, provided all the Shares be owned by five persons only.

I take the remaining to be properly Subject to the Examination & decision of the Court of Chancery of Great Britain; and as they are undoubtedly well acquainted with the Bill there; And as they are undoubtedly well acquainted with their own ~~particular~~ manner of proceeding, I shall not presume to give any directions on that head; But as to the Original Agreement, letters, & other papers, in the possession of C. & D. which may be wanted as proofs in the Suit there, I take it to make a material difference, whether C. & D. transmit them home before the commencement of the Suit, & in order thereto, or keep the originals here (transmitting Copies to proceed on) until a Commission from the Court of Chancery be transmitted hither for Examination & proof of the Originals here, with the return of which Commission the Originals must be transmitted; And this difference will turn upon the question whether all or any of them are best capable of proof here or there? Such of them as are best capable of proof in Britain, should be transmitted thither as early as possible; And the others, (Copies being transmitted with the former) should be retained here, till such Commission is