

1718.

under the Order of the Council, were assigned to Buraston, the sum of 1065*l.* 16*s.* 5*d.* found for Franklyn by the jury being accepted as the value, and] the Master should enquire into and Borraston recover the Mesne profitts of his said Moyety received by the said William Henry Franklyn from that time to the day of the said Decree and Borraston to be at Liberty to take out Execution on the Judgment at Law for his said Moiety of the said Lands.

[Besides recommending reversal of the decree, the Committee report], as it appears that no regard hath been paid to Your Majestys Royall Pleasure Signified by Your Order made in Council the 19th of May 1720 . . . But that these proceedings have been since carried on in direct opposition to Your Majestys said Commands, . . . the Persons who sat in the Court of Chancery . . . and concurred in making the said Decree, are guilty of a High Contempt and Disobedience of Your Royal Authority. And . . . it may be advisable for Your Majesty to order a Letter to be sent from Your Majestys Privy Council, Signifying Your High Displeasure of their said Contempt and undutifull proceedings, And directing that for the future they do not upon any pretence whatsoever presume to Disobey or in the least delay Complying with any order of Your Majesty in Council and carrying the same into Execution, but that they do pay an exact and Speedy obedience to the same, as they will answer the contrary.

[V. p. 327.]

(1727.)

[Order and letter accordingly.]

[V. p. 340.] 28 March.

[1296.] [Reference to the Committee for Appeals of the petition of Peter Ford of Rotherhithe, Surrey, for a short day for hearing his appeal from three decrees passed in Rhode Island, in the General Court in Mar. and Sep. 1717, and by the General Assembly, Oct. 1717, in favour of Daniel Hodgson, master of the *John* galley, in the petitioner's suit for his share of goods in the said ship, which he alleges Hodgson has disposed of as his own.]

[p. 153.]

1 July.  
Rhode  
Island.

[Hodgson enters his appearance to the appeal.] [p. 187.] 10 Nov.

# 744 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.  
14 Nov. [Hodgson's agent pleading want of instructions to defend and praying time to send over for the same, the hearing is peremptorily fixed for the first meeting in May.] [p. 189.]
- (1719.)  
10 July. [Committee recommend by consent of both parties, that if Ford pay within a month the costs incurred by Hodgson through the appeal, which costs are to be taxed by Mr. Vernon, the case be tried *de novo* : otherwise, the appeal is to be dismissed and the verdicts affirmed.] [pp. 287-8.]
- (1719.)  
25 Aug. [Order for a new trial, Mr. Vernon certifying that the costs (2*l.* 1*s.*) have been paid.] [p. 306.]
- 1 July.  
Massachu-  
setts Bay. [1297.] [Reference to the Committee for Appeals of the petition of William Tunley and Christian, his wife, widow of Florence Maccarty, for liberty to appeal from proceedings in the courts of Massachusetts Bay and from the appraisement of the estate of Florence Maccarty, alleged to be in favour of William Maccarty to the prejudice of the petitioners.] [p. 154.]
- 1 July.  
Massachu-  
setts Bay. [1298.] [Reference to the Committee for Appeals of the petition of Henry Flint of Cambridge, Massachusetts Bay, for liberty to appeal from a judgment of the General Court of Trials at Newport, touching his right to part of an estate left by Thomas Willett, his grandfather.] [p. 154.]
- 8 Aug. [Committee—for dismissing the appeal ; as the proceedings both on the part of the defendant Ann Willett and on the part of the petitioner were] Erroneous, and without fform and no Judgment regularly given, And that therefore the petitioner can't be relieved altho' an Appeale should be Granted him, and altho' the Judgment should thereupon be Reversed, But a New Suit must be Commenced.] [p. 164.]
- 27 Aug. [Order accordingly.] [p. 170.]
- 21 July.  
Nova Scotia. [1299.] [Reference to the Lords of the Committee of the Council of the petition of Jeremiah Dummer, agent for Massachusetts Bay, to be heard upon the report of the Board of Trade of 26 Sep. 1717, on the petition of Sir Alexander