

1734.

But in regard Your Majesty hath been pleased by Your 43d Instruction to the present Governor of South Carolina to require him to mark out and set apart Eleven Townships upon the several Rivers within that Province, And not to permit any Person (except the Inhabitants of such Townships) to take up any Lands within Six Miles of each of the said Townships—The Lords of the Committee do therefore humbly propose that in the Grant to be made to the Petitioner a Clause be inserted to restrain him from taking up the whole or any part of the said Twelve thousand Acres within the Compass of Six Miles round any of the said Townships, which are now or shall hereafter be Erected pursuant to Your Majestys said Instruction—

(1735.)

[pp. 55-6.]

9 Jan.

[Order accordingly.]

[p. 61.]

24 Oct.  
Barbados.

[318.] [Reference to the Committee for Appeals of the petition of Oliver Kennedy of Barbados that, as the proceedings are now transmitted, a short day may be appointed for hearing his appeal from two orders of the Governor and Council, as a Court of Chancery, 3 Oct., 1733, and 20 Mar., 1734, in favour of Burch Hothersall and Anne his wife,] relating to the rescuing and concealing Isaac Crump against whom a Writt of Ne Exeat Insulam had been issued at the Application of the Petitioner.

[p. 21.]

24 Oct.  
Massachu-  
setts Bay.

[319.] [Reference to the Committee for Appeals of the petition of Giles Dulake Tidmarsh, surviving partner and executor of Samuel Appleton, deceased, that a short day be appointed for hearing his appeal from a judgment of the Superior Court at Boston in Aug., 1733,] in favour of Joseph Brandon relating to the sum of 1,634*l.* 5*s.* 3*d.* due from the said Brandon to the said Appleton deceased.

[p. 21.]

(1736.)

3 June.

[Committee] . . . both sides Agreeing to referr the Accounts in Question on this Appeale to the Examination of Merchants resident in London—Their Lordships are thereupon pleased to Order that the said partys Do Draw up their said Agreement

in writing and lay the same before this Committee at their next meeting together with the names of such Merchants as they shall propose to be appointed Commissioners for Examining into and Settling the said Accounts.

1734.

[pp. 379, 465, 469.] (1736.)

[Committee] Order by the Consent of all parties that it be referred to Sir John Barnard and Mr. Thomas Sandford Merchant on the behalf of the Appellants and Mr. Alderman Willimot and Samuel Holden Esqr. on behalf of the Respondents to take an Account of all Dealings and Transactions whatsoever between the said Samuel Appleton or the Appellant Tidmarsh as his Exécutor and the Respondent Brandon from the foot of the Stated Account Set forth in the Pleadings and bearing date the 24th of June 1728 And that for the better taking the said Account the Partys and the several Witnesses be Examined on Oath in such manner as the said Referrees or any two of them shall direct and to produce upon Oath before the said Referrees all Books of Accounts Papers and Writings in their Custody or Power relating to the matters in question or true Copys of so much thereof as relate thereto and in such manner as the said Referrees shall direct And the Lords of the Committee do hereby Desire the said Referrees or any two of them to proceed in this Affair, upon giving four days Notice and Report to this Committee what they shall think proper to offer thereupon —And the Lords of the Committee do Order that all further Directions be reserved till after the said Report shall be made.

7 June.

[p. 476.] (1736.)

[By consent of both parties, Silas Hooper is accepted as a referee in place of Samuel Holden who declines to act.] 23 July.

[p. 505.] (1737.)

[Order, in accordance with the Committee report of 22<sup>d</sup> Dec., confirming the decision of the referees that the order of August, 1733, be reversed] and that the Action brought by the Respondent Brandon be Dismist And that the aforementioned

19 Jan.

1734.

Sum of Five Hundred twenty one pounds one Shilling and Seven pence Current Money of New England be paid by the Respondent Brandon to the Appellant Giles Dulake Tidmarsh as Executor of Samuel Appleton And that the said Appellant be Allowed all his Costs in the Courts below to be taxed by the proper Officers in the said Courts.

[IV. pp. 241-5 ; V. p. 55.]

24 Oct.  
Antigua.

[320.] [Reference to the Committee for Appeals of the petition of the Hon. Nathaniel Crump and Nathaniel Gilbert, Esqrs., executors of Joseph Redhead late of Antigua, planter, deceased, for a short day for hearing their appeal from Chancery orders there of 9, 20, and 25 June and 23 July, 1733, in favour of Valentine Morris and William Yeamans, the surviving executors of William Glanvill, deceased.] [p. 21.]

(1736.)

24 Nov.

[Reference to the Committee of the appeal of Morris and Yeamans from the decree of 9 June, 1733, relating to the payment of a bond entered into by Redhead for paying Glanvill 1,383*l.* 5*s.* 2 $\frac{3}{4}$ *d.*] [V. p. 21.]

(1737.)

21 April.

[Order, in accordance with Committee report of 4 April] that all proceedings subsequent to the Report of the Master of the Court of Chancery in Antigua of the 12th of May 1733 should be set aside and that the said Master should be directed to review his said Report as to the several Matters therein contained . . . And that after the said Master shall have made his Report the said Court of Chancery in Antigua do proceed in this Cause in such manner as shall be just.

[pp. 165-177, 210.]

7 Nov.  
Massachusetts Bay.

[321.] [Reference to the Committee for Appeals of the petition of John Waldo of Boston, distiller, to be admitted to appeal from judgments of the Inferior Court at Boston, 3 July, 1733, and of the Superior Court, 4 Aug., 1733,] upon an Action of Ejectment brought against the Petitioner in the Names of Samuel Waldoe Jonathan Waldoe, and Thomas Fairweather as Executors of Jonathan Waldoe deceased and of Edward Tyng