

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

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and Anne his Wife as Executrix of the said Jonathan Waldoe to recover the possession of a Peice of Land and Still House in Boston with two Stills one containing 120 Gallons and the other 20 Gallons and two Worms and Worm Tubbs with all and Singular the Utensils and Appurtenances thereunto belonging as fixed in the said Still House. [p. 35.]

(1735.)

18 Mar.

[The Committee, on hearing all parties, recommend that no appeal be granted. The petition set forth] that the Petitioner having Mortgaged in Fee to Jonathan Waldoe Gent. since deceased the piece of Land in the Petition mentioned, under a proviso to be void on payment of two hundred and fifty pounds to the said Jonathan Waldoe his Heirs or Executors on or before the fifth of March 1729 The said Jonathan Waldoe dyed about June 1731 having made his Will and Devised (as the Petitioner apprehends) the said Mortgaged Lands to his Eldest Son Samuel Waldoe and made his said Son Samuel and his Son Jonathan Daughter Ann and Son in Law Thomas Fayrweather Executors and Complaining that on the 9th of June 1733 an Action of Ejectment was brought against the Petitioner in the Inferior Court of Common Pleas held at Boston aforesaid in the name of the [executors] to recover the possession of the said Premises but that the said Samuel Waldoe disavowed the said Action as a Plaintiff and the other Plaintiff declared they would maintain it without him, That the Petitioner Pleaded to the said Action and the Plaintiffs without taking Issue on the Facts pleaded, or demurring to the Petitioners Plea brought on their Actions to a hearing at the Settings which commenced on the 3d of July 1733 when the said Court overruled the said Petitioners and required the Petitioner to plead to Issue which he refusing the said Court gave Judgment that the Petitioner should pay the said Jonathan Thomas Edward and Ann 31*l.* 12*s.* 6*d.* in two Months with 5*l.* 4*s.* 6*d.* Costs, or in default thereof, that the said Plaintiffs as Executors as aforesaid should recover of the Petitioner possession of the Mortgaged Premises Sued for with

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Costs—That the Petitioner Appealed from the said Judgment And his Appeale came on to be heard before the Superior Court of Judicature at their Sittings begun the 14 day of August 1733 when the said Superior Court gave Judgment that the said Jonathan Thomas Edward and Ann as Executors of the said Jonathan Waldoe deceased, should recover against the Petitioner Possession of the Premises sued for with 16*l.* 8*s.* 0*d.* Costs unless the Petitioner should pay them 320*l.* within two Months after entring up the said Judgment with Costs That the Petitioner moved for an Appeale from the said last Judgment to Your Majesty in Council, which the said Court refused him . . .

[IV. *pp.* 120–1.]

3 April.

[Order accordingly.]

[*p.* 145.]7 Nov.  
Massachu-  
setts Bay.

[322.] [Reference to the Committee for Appeals of the petition of Gillam Philips of Boston, son and heir of Henry Philips of Boston, gent., deceased, for leave to appeal from an order of the Governor and Council of Massachusetts Bay, 2 Nov., 1733] Approving of a Division which had been made of the Real Estate of the said Henry Philips between the Petitioner his Mother and Sisters pursuant to two Orders of the Judge for Probate of Wills on the 6th of April and 15th of May 1733.

(1737.)

[*p.* 36.]

20 April.

[The appeal was admitted on the usual security on 12 Feb., 1735, but the Committee order] that before a day be appointed for hearing the same the Sollicitor for the Appellant do Satisfye their Lordships, that all the Respondents have been duly Summoned.

[*pp.* 95, 100, 166, 186; V. *p.* 203.]

(1737.)

21 July.

[Reference to the Committee of a memorial of Samuel Wilks, agent for Massachusetts Bay, setting forth that the judgment from which Philips appeals is] founded upon a General Law passed in that Province for Settling Intestates Estates That as the said Law hath been Constantly Observed and put in Practice ever since the same hath been passed and hath long since Obtained the Royal Approbation, [and praying]