

1734.

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. [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]