

1734.

given to either side to lay all proper Evidence before this Committee And the Committee did thereupon Agree in Opinion that both the said Appeales should be Dismissed and that the Determination of the Commissioners of the 30th of June 1741 should be Affirmed, and a Report was accordingly drawn up on the said 11th day of December to be laid before Your Majesty in Council for Your Royal Approbation ; That the present Petition of the Massachusets Bay is calculated with a view to induce Your Majesty to postpone Your Royal Approbation of the Report so made by this Committee for the final Determination of this Affair and by means thereof not only to keep alive the Disputes that have already Subsisted too long between the said Provinces, but at the same time to endeavour to introduce a New Method of proceeding at this Board by admitting of Rehearings or otherwise to have a Commission to Review this matter after it had been so fully heard before this Committee and Our Opinion given thereupon That as they could not produce any Precedents of Appeales being Reheard before this Board (all Attempts formerly made for that purpose having been constantly discountenanced as being attended with dangerous consequences) And as they did not lay any new matter of Evidence before this Committee, Their Lordships Agree humbly to Report to Your Majesty, that they do abide by their former Opinion, That the Judgment or Determination of the Commissioners appointed to Settle the Boundarys of the 30th of June 1741 should be Affirmed and both the Petitions of Appeale therefrom be Dismissed—

[X. pp. 452-3.]

(1746.)

[The report of 11 Dec., 1744, is confirmed, and the petition of Kilby dismissed.]

28 May.

[pp. 492-3.]

[324.] [Reference to the Committee for Appeals of the petition of Charles Price and Sarah Price, widow, both of Jamaica, that, as the proceedings are transmitted, a short day be appointed for hearing their appeal from a decree of the Governor

19 Dec.
Jamaica.

450 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1734.
as Chancellor, 30 April, 1733, in favour of Ann Price,
relating to the estate of Thomas Price, Esq., deceased.] [p. 51.]
- (1736.)
21 July. [Committee appoint 23 July to hear the appeal.]
[p. 500.]
- (1736.)
23 July. [Committee. Peremptory order that the appeal be heard
on 2 Nov.] Memo. The Partys having agreed all Matters
in Dispute on this Appeale the Committee did not hear it.
[p. 506.]
- 19 Dec. [325.] [Reference to the Committee for Appeals of three
Massachu- petitions of Samuel Waldo that, as the proceedings are trans-
setts Bay. mitted, a short day be appointed for hearing his three appeals
from judgments given upon actions brought (a) by Thomas and
Hannah Fairweather, (b) by Jonathan Waldo, and (c) by
Edward and Ann Tyng, against the appellant to render an
account of all money in his hands belonging to Jonathan Waldo,
deceased.] [pp. 51-2, 84, 106, 109, 122.]
- (1735.)
20 Mar. [Committee report. In the original action the plaintiffs
charged that Jonathan Waldo] by his Will had given to the
Petitioner Samuel Waldoe five thousand pounds to be taken
out of the Stock and Personal Estate of the Testator in his
hands which the Plaintiffs averred amounted to 12,245*l.* 12*s.* 8*d.*
And after Several other Legacys had devised the Residue of
his Estate unto his Children the said Samuel Waldoe and
Jonathan Waldoe Hannah Wife of the said Plaintiff Thomas
Fayrweather and Ann then the Wife of Edward Tyng in equal
parts to be divided, and had made the said Samuel Jonathan
Ann and the said Thomas Fayrweather Executors And that
the Petitioner Samuel had received of the Estate of the said
Testator since the Testators decease several Sums therein
mentioned amounting with what he had in his hands at his
Fathers decease above the 5,000*l.* Legacy to 13,649*l.* 15*s.* 8½*d.*
And that the Plaintiff Thomas as Executor as aforesaid had of
the Clear Estate of the Testator in his hands only the sum of
1,465*l.* 10*s.* 9*d.* And that the two other Executors had also