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of Land in South Carolina for the purpose aforesaid which he will oblige himself to take up in one two or four parcell or parcells in the most convenient place or places for such Commoditys where it has not been set out to any other person Or that His Majesty will be pleased to Direct that the Petitioner may take up part of the said Land in some of those Townships which were set out by the Governor pursuant to His Majestys Order and which are not yet Settled—and that the said Lands may be granted to the Petitioner free from Quit Rents for the first ten Years. [p. 270.]

[Referred by Committee to Board of Trade.] [p. 278.] 29 July.

[414.] [Reference to the Committee of the] Petition of Herbert Pelham of Bures Hamblett in the County of Essex Esqr. praying to be admitted to Appeale from the Judgment given in the Inferior and Superior Courts of Judicature in the Province of the Massachusetts Bay on the 20th of May 1735–29th of July 1735 and on the 29th of July 1736—upon a declaration in Ejectment filed by the Petitioner against Samuel Stone Isaac Hunt and Thomas Bent to recover the possession of a Tract of Land containing Seven hundred Acres of Land and upwards. [p. 271.] 21 July. Massachusetts Bay.

[On the recommendation of the Committee the appeal is admitted.] [pp. 274, 284.] 18 Aug. (1738.)

[Committee report. The case concerns the will of Herbert Pelham who died about the year 1673, leaving as issue his sons Waldegrave, Edward, and Henry, and a daughter Penelope. The original ejectment was brought by the petitioner against Samuel Stone, Isaac Hunt, Jonathan Fisk and Thomas Bent. After several postponements, the Committee this day took the case into consideration] and the Counsel for the Appellant offering in the Course of their Evidence to read out of their proceedings in the cause below an Exemplification of the will of Herbert Pelham dated in the Year 1672 under the seal of the Prerogative Court of Canterbury, the Counsel for the Respondents Objected thereto 17 Nov.

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insisting that the Exemplification of a Will from Doctors Commons, could not be read as Evidence to affect a Real Estate in the Colony of the Massachusetts Bay, and the Counsel being withdrawn the Lords of the Committee took the same Objection into Consideration, and being of Opinion that the said Exemplification ought not to be admitted to be read as Evidence. The Counsel on both sides were called in and acquainted therewith, And the Counsel for the Appellant Declining to Offer anything further to the Committee [the Committee recommend that the appeal be dismissed].

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[pp. 309, 342; VI. pp. 5, 20, 24-6.]

30 Nov.

[Order accordingly.]

[VI. p. 38.]

19 Nov.  
Jamaica.

[415.] [Committee. A memorial of Governor Trelawny praying instructions as to the grant of royal mines and the reservations to be made therein, is referred to the Board of Trade for a report, and, if they think fit, a draft instruction.] [p. 297.]

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[Committee report with the draft instruction submitted by the Board of Trade] To Authorize and Empower him to make Grants of Royall Mines in Your Majestys said Island to any Person or Persons who shall apply for the same with Authority to Search Dig for, Open and Work, the said Mines and to Erect any Works and do any other thing necessary for working the said Mines upon Condition that they do pay to Your Majesty Your Heirs and Successors one full fifth part of the Gold Silver and Precious Stones or the Value thereof which shall be found in the said Mines after the Charges upon such Gold Silver and Precious Stones shall be first deducted And also upon Condition that the Grantees their Executors Administrators or Assignes shall Open or Work some Mine or Mines within five Years from the Date of their Respective Grants And produce some profit to Your Majesty Your Heirs and Successors out of the same according to the Above reservation Otherwise that the said Grants be Void—And the Governor is thereby especially instructed not to Grant all the Royal Mines to any one Person or any Sett of Persons united