

1737.

Money levied out of the Estate and Effects of Ramsay be applied in Satisfaction of the said Judgment But that upon payment of 2,600*l.* by the Appellant Saer to the Respondent Charnock in Barbados within Six Months after the Registring hereof in the Court of Chancery in Barbados together with his Costs in the Court of Chancery there to be taxed by the proper Officer there the Defendant Charnock shall Cause Satisfaction to be acknowledged on the said Judgment at the Expen^{ce} of the Appellant Saer if required and that the Injunction already obtained be made perpetual—But in Case the Appellant Saer do not pay to the Respondent Charnock what is directed to be paid him as aforesaid That then the said Appellants Bill shall stand dismissed with Cost and the Injunction be dissolved But that the said Injunction shall continue to the End of the said Six Months.

[XIII. *pp.* 503, 514–525, 548–9.]

[417.] [Reference to the Committee of the petition of Augustus Boyd, Esq., and John Denn, his lessee, for a short day for hearing their appeal from a judgment of the Court of Errors in St. Christopher, 21 Feb., 1737, reversing a judgment of the Court of King's Bench and Common Pleas, 26 Aug., 1735, in their action against Anthony Johnson, William Machan, Richard Emery, William Hart, Joseph King, John Johnson, Isaac Thomas, Christopher Dean and Anne Cameron for recovery of several lands and premises.] [p. 308.]

29 Nov.
St.
Christopher.

(1738.)

[The case concerns lands in the French part of St. Christopher, which were granted by King William III to Andrew Thauvett and Gabriel Papin, who held them till the peace of Ryswick, when they lapsed to the French. After the peace of Utrecht, Gilbert Fleming, the King's Commissioner, sold the lands in fee simple to the respondents, who were at the time in possession. On Papin's death, his claim on the lands passed to Thauvett, and on his death to his nephew Augustus Boyd. The St. Christopher Court of King's Bench held that the surrender of the lands at the peace of

20 July.

578 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1737.

Ryswick had not extinguished the claim, but Gilbert Fleming, the Lieut.-Governor, and his Council, sitting as a Court of Errors, reversed this Judgment. On 19 June the Committee report that, no appearance for the respondents having been entered, in spite of the usual summons affixed on the Royal Exchange and elsewhere, they have heard the case *ex parte*, and recommend that the appeal be dismissed. Order is given accordingly.] [pp. 524, 558, 559-63, 592.]

29 Nov.
Jamaica.

[418.] [Reference to the Committee of the petition of Stephen Browne for a short day for hearing his appeal from an order of the Jamaica Chancery of 29 Nov., 1736, retaining a bill filed there by John Burke and his wife for the very same matters for which they had already exhibited a bill against him in the High Court of Chancery of Great Britain.]

[p. 308.]

(1738.)

13 Mar.

[Committee order for hearing on 24 April. As no appearance has been entered, though fifteen months have expired since the sentence was given, a summons is to be affixed on the Royal Exchange and elsewhere in the usual manner, and also to be served on Burke's wife and solicitor.] [pp. 490, 491.]

(1738.)

19 May.

[Committee. Burke's solicitor declares that Burke is in Jamaica, and that neither his solicitor nor his wife has had any intelligence from him.] And the said Solicitor Expressing some Doubt whether this Appeale had been regularly granted in Jamaica and all the proceedings duly transmitted Their Lordships proceeded to look into the said proceedings and it appearing that only a small part of the proceedings in Jamaica were transmitted their Lordships were therefore - hereby pleased to order and allow the Petitioner time to the 22nd day of Novr. next to lay the whole of the said proceedings before this Committee on failure whereof their Lordships will Report to His Majesty as their Opinion that the said Petition of Appeale should be dismissed.

[pp. 525, 526.]