

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.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 579

[On Browne's motion, Committee allow till 22 Dec. next
for bringing over the proceedings] at which time the said
Stephen Browne is peremptorily to bring in the said
Proceedings. [VI. p. 27.]

1737.
(1738.)
17 Nov.

[In accordance with the recommendation of the Committee
of 16 April, the appeal is dismissed.] [VI. pp. 167, 177, 211.]

(1739.)
12 June.

[419.] [Reference to Committee of the petition of Dorothy
Stout, widow, and Mathias Philip, acting executor, of Henry
Stout, Esq. of Jamaica, deceased, for a short day for hearing their
appeal from an Ordinance of the Commander in Chief of the
island as Ordinary, 19 April, 1737, and a sentence of the
Ordinary of 2 May, 1737, in favour of James Stout, relating to
the will of Henry Stout.] [p. 309.]

29 Nov.
Jamaica.

[The appeal sets forth that on the day of his death Henry
Stout dictated a will, leaving his property to his wife Dorothy,
his brother Alexander and sister Martha, who were at the
time in England, and appointing as his executors the peti-
tioners and William Perrin and Jacob Wilkinson. This was
done in the presence of several witnesses, reduced to the form
of a will by an indifferent person, read over to the testator and
assented to by him; but before the will could be signed, the
testator died, and his younger brother James and one of the
executors opposed the granting of probate] the chief of his
Evidence being to Sett forth all the disputes and Discords
which any of the Witnesses had ever heard between the
Appellant Dorothy and her said Husband, and to throw
remote imputations on the Character of the Person who drew
the Will. [In accordance with the report of the Committee
of 23 Nov., the appeal is sustained, and the Governor ordered
to decree a probate.] [VI. pp. 422-4, 491.]

(1739.)
27 Dec.

[420.] [Reference to the Committee of the petition of William
Arnoll, Esq., of Barbados for leave to appeal from a judgment
of the President and Council as a Court of Errors, 17 Feb., 1736,

29 Nov.
Barbados.