

1738.

(1742.) [Order in accordance with the Committee report of 19 Dec.,
1 April. 1741, that the three orders in Chancery be reversed, that Thomas Harrison and Hilary Rowe come to an account with the said Susannah before the Master in Chancery, and that Sir John Eyles, Executor of Sir Joseph Eyles, deceased, be at liberty at any time within the next two years to take further proceedings in the proper court in Barbados.]

[VI. *pp.* 100, 110, 145; VII. *pp.* 531-2;VIII. *pp.* 18, 19, 26, 115.]

(1744.)

8 Mar. [Reference to the Committee of the petition of Sir John Eyles setting forth the delays and undue practices of Susannah and William Brome and the impossibility of obtaining a fair and impartial verdict in the precinct of St. Peters, wherein the premises lie, and praying that the time during which he is at liberty to bring his ejectment may be enlarged, and the trial directed to take place in some other precinct.]

[IX. *pp.* 236-7.]

(1744.)

21 Mar. [Order dismissing the petition, on the report of the Committee of 15 March] that this Affair did not Properly lye before Your Majesty in Council. [IX. *pp.* 240-46, 254.]

12 Jan.

Virginia.

[427.] [Reference to the Committee of the petition of William Hunt, of London, merchant, for a short day for hearing his appeal from a judgment of the Royal Court of Virginia, 15 April, 1736, on his action against James Hill and Joyce, his wife, executrix of William Clopton, for recovery of 1,094*l.* 16*s.* 11*d.* due to the petitioner as balance of an account in partnership between him and Clopton.] [p. 370.]

(1740.)

27 Nov.

[The petitioner sets forth that on Clopton's death their partnership account was unsettled. On 27 Feb., 1733, he drew up the account, in which there was due from Clopton on 27 August, 1730, the last date on which tobacco or other effects had been remitted, the sum of 973*l.* 3*s.* 11*d.* Agreeable to the constant custom and usage of merchants in such cases, he added 121*l.* 13*s.* 0*d.* as interest at 5 per cent. to date. During

the partnership] the Petitioner had the Misfortune to sell on the usual Credit of the Tobacco remitted by the said William Clopton to the Petitioner on the Partnership account 27 Hogsheads to William Franks and 16 Hogsheads to Joseph Lacy both of whom proved Insolvent by which there accrewed a Loss of 1,416*l.* 16*s.* 2*d.* to the said Partnership Estate (Tobacco being generally if not always sold upon Credit) and the same being entirely lost the Petitioner (agreeable to the constant Custom and usage of Merchants in the like Cases) did not give the said William Clopton any Credit in the said Accounts for his Moiety or any part of the Purchase Money for the said Tobacco no part thereof having been ever received by the Petitioner but the Petitioner having paid the Dutys on the said Tobacco Charged the said William Clopton with one Moiety of the Dutys he had so paid on the said Tobacco as is constantly done in the like cases. [The executors protested against paying either interest or duty. After several trials, the jury on 15 April, 1737 brought in a verdict for the petitioner of 359*l.* 0*s.* 2*d.* stg. and 241*l.* 19*s.* 3*d.* currency, and 505*lbs.* of tobacco costs] but this Judgment as to the said Current Money Damages only was to be Discharged by the said Defendants assigning unto the Petitioner a Moiety of the Outstanding Debts remaining upon the Co-partnership between the said Testator and the Petitioner in two equal parts to be Divided by William Mason and William Merriwether (who were named and appointed by the Court for that Purpose) or either of them who were to have respect to the Solvency or Insolvency of the respective Debtors to the best of their judgment. [The jury further refused to allow the petitioner any part of the interest he had charged.] The Court refusing to Direct the jury whether they should or should not Allow the Petitioner a Moiety of the Dutys paid by him on the Tobacco Sold to Lacy and Franks as aforesaid. The Jury by their Verdict allowed the Petitioner the first penny only of the said Dutys not taking upon themselves to Determine Whether the Petitioner ought to be allowed the same or not

1738.

after the Court had declined giving their Opinion therein. [In accordance with the report of the Committee of 11 Nov., this verdict is affirmed, except the method of payment of the currency debt by an assignment of a moiety of the outstanding debts of the partnership, which is reversed.]

[VII. *pp.* 175, 234, 235–40, 263.]

12 Jan.
Massachu-
setts Bay.

[428.] [Reference to the Committee of the petition of Herbert Pelham, Esq., of Bures Hamblett, Essex, for leave to appeal from three judgments in the Courts of Massachusetts Bay, 20 May and 29 July, 1735, and 27 Jan., 1736, on a declaration of ejectment against Samuel Bannister, merchant, and Thomas Soden, yeoman, to recover possession of several tracts of land with a dwelling house and barn to the amount of 2,000*l.*]

[*p.* 371.]

23 Jan.

[On the report of the Committee of 16 Jan., the appeal is admitted. Security given on 27 Jan. by Robert Marsh of Basinghall Street.]

[*pp.* 378, 392.]

(1739.)

22 Mar.

[In accordance with the report of the Committee of 13 Feb., the appeal is dismissed in the same manner and for the same reasons as Pelham's earlier appeal against Samuel Stone and others.]

[*pp.* 410, 415; VI. *pp.* 5, 99, 100–103, 143.]

12 Jan.
Pensions.

[429.] [Reference to the Admiralty of a petition for his Majesty's bounty, by Ursula, widow of Captain Digby Dent, who died in August last commander of his Majesty's ships at Jamaica.]

[*p.* 371.]

8 Mar.

[On the Admiralty report of 25 Feb. confirming the allegations of the petitioner, a pension of 100*l.* a year is settled on Mrs Dent and is to be placed on the ordinary estimate of the Navy.]

[*p.* 478.]

(1739.)

27 Dec.

[Reference to the Admiralty of a petition of Elizabeth, widow of Capt. the Hon. John Forrester, for his Majesty's bounty for the loss of her husband. In 1737 he was sent by Commodore Dent to Campeachy to demand satisfaction for the ship *Woolball*. He had to anchor many leagues from the