

620 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1738.

For Establishing a Pretended Will of the said Amos Garret in favour of William Cuming Esqr. Executor of Thomas Facer and Achsah Woodward Administrator de bonis non &c. of the said Amos Garret And humbly praying in regard the said Elizabeth Gwin is lately dead and hath left the said Sayer Rudd and Edmund Seely her Executors that the same may be revived and stand in the same plight and Condition as it was in at the Death of the said Elizabeth Gwin and that a day may be appointed for hearing and Determining the said Appeale. [p. 46.]

(1739.)

6 Sept. [Order in accordance with the Committee report of 31 July, dismissing the appeal with 10*l.* costs, as the solicitor for the appellant has received no instructions to proceed, though the appeal was admitted above two years since.] [pp. 301, 340.]

30 Nov. [456.] [Reference to Committee of the petition of Charles Carroll, Esqr., of Annapolis, son and heir and surviving executor of his father, Charles Carroll, for hearing his appeal from a decree made in the Maryland Court of Chancery on 20 Oct., 1731, and from several explanatory orders made subsequent thereto, upon a bill filed against the petitioner and his fellow-executor, Daniel Carroll, by Mary Parran, widow and administratrix of Alexander Parran, and John Parran, his only son and heir.] Maryland.

(1739.)

27 Dec. [In accordance with the Committee report of 10 Dec., it is ordered] that the said Decree of the 20th of October 1731 and also the said several Subsequent Orders founded thereon, as also the said Order of Dismission of the 17th of February 1735 and the said Order of the High Court of Appeals of the 17th of May 1737 Be all of them Affirmed.

[pp. 264, 335, 432, 445-50, 492.]

30 Nov. [457.] [Reference to the Committee of the] Petition of Samuel Lyons and Jane his Wife and Charles Alexander and Biss his Wife humbly praying that the Appeale of Richard Kirwan on behalf of himself and Mary his Wife and of Archibald Hamilton Antigua.

1738.

an Infant from Part of a Decree given by the Lieutenant Governor and Council of Antigua as a Court of Chancery on the 24th of May 1735 and also the Appeale of the said Archibald Hamilton the Infant from another Part of the said Decree upon a Bill filed by the Petitioners against the said Richard Kirwan and Mary his Wife John Gunthorpe and Rowland Hamilton Executors and Trustees of the Estate and Effects of Colonel John Hamilton Deceased and also against the said Archibald Hamilton for the Portions of the said Jane Lyons and Biss Alexander—May be both of them Dismist with Costs for non-Prosecution. [p. 47.]

[Order in accordance with the Committee report of 13 Dec. for dismissing the appeals with 40s. costs each, as three years have elapsed without prosecution.] 21 Dec. [pp. 61, 63.]

[458.] [Commission for James Glen to be Governor of South Carolina referred with Board of Trade representation of 28 Nov. to Committee.] 21 Dec. South Carolina. (1739.) [p. 64.]

[The Committee, on Glen's petition that the style of his commission be as agreeable to that of the other Governors of plantations as is consistent with Mr. Oglethorpe's commission, refer back the draft commission with copies of Glen's petition and Oglethorpe's commission, to the Attorney and Solicitor General.] 12 Jan. (1739.) [p. 73.]

[Committee. A copy of the law officers' report to be delivered to Mr. Oglethorpe's agents.] 7 Feb. (1739.) [p. 99.]

[Committee refer back to the law officers their report with the observations of] Mr. Fury Agent to General Oglethorpes Regiment. 13 Feb. (1739.) [p. 105.]

[Committee. A copy of the revised report of the law officers to be sent to Mr. Fury.] 8 May. (1739.) [p. 186.]

[Committee report. The law officers reported on Glen's petition that, as there is an express clause in his commission that it shall not interfere with or derogate from the powers 16 May.