

his representation that he has none of the proceedings of the Courts below, it is ordered that the respondents deliver to him a copy of the proceedings upon his paying one moiety of the expenses paid by the respondents for the same.]

[VII. p. 116.]

1739.

(1740.)

[The petition and appeal of John and Mary Ashley, and of William Holder an infant, by his guardian Edward Brace, are referred to the Committee.]

[VII. p. 160.]

10 July.

(1740.)

[The appeal sets forth that Susannah Holder promised to give 1,000*l.* currency to her grandson Aynesworth Holder, son of her daughter Mary, now Mary Ashley, and her first husband John Holder, into whose hands the money was paid. John Holder made his will and executed a bond whereby he became bound to pay his son the sum with interest. On his death the bond passed into the hands of Applewhaite, Gibbs, and Edward Jordan, three of his executors. By her will Susannah Holder appointed as executrices her three daughters Ann, wife of Jordan, Alice Christian, wife of Gibbs, and Elizabeth, wife of Applewhaite, and on the day of her death executed a codicil bequeathing the 1,000*l.* given to Aynesworth Holder to be divided, should he die before the age of 21, among her three executrices. Aynesworth Holder dying intestate and a minor the matter came into dispute. Ann and Edward Jordan are dead, and their executrix is their daughter Ann Dottin, at the time a widow, but now married to Dudley Woodbridge. The decree of 10 May, 1738, gave to the executors of John Holder the 1,000*l.* with interest, and ordered the bond to be cancelled as against them. In accordance with the Committee report of 5 Nov., this decree is affirmed, and the appeal dismissed.]

27 Nov.

[VII. pp. 173, 230-34, 261.]

[461.] [Mr. Paris enters an appearance for Ashton Warner, Esq., to the appeal of Edward Otto Bayer, Esq., and Richard Roe, his lessee, from Antigua.]

16 May.  
Antigua.

[p. 196.]

626 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1739.  
10 July. [Reference to the Committee of Bayer's petition for a short day for hearing his appeal from a sentence of the Governor and Council as a Court of Errors, 12 May, 1738, affirming a judgment of the Court of King's Bench and Common Pleas, 19 July, 1735, on an action of trespass and ejectment to recover from Warner possession of a plantation of about 100 acres in the division of St. John in Antigua, with all the houses, edifices, buildings and appurtenances thereto belonging.] [p. 262.]
- (1740.)  
31 Jan. [On the report of the Committee of 31 Jan., the appeal is in part sustained, in part dismissed. The case concerns the will of John Otto Bayer, who died leaving as his heirs his two sons, Richard Otto Bayer and Edward Otto Bayer, and a relative Bayer Otto Bayer; these had entered into certain relations with Richard Oliver, William Lindsey, and Ashton Warner, from which the suit arose.] [pp. 506-515, 541.]
- (1752.)  
14 Jan. [Reference to the Committee of the appeal of Edward Otto Bayer from a decree of the Antigua Chancery of 15 Jan., 1751, in favour of Ashton Warner and Robert Gray, dismissing proceedings consequent on the order of 31 Jan., 1740.] [XIII. p. 432.]
- (1752.)  
7 Nov. [Committee. On a motion by the solicitor for the appellant, in regard Ashton Warner is lately dead, the appeal is revived against Thomas Warner, Esqr., his eldest son and heir, and one of his executors, John Tomlinson, Stephen Blizzard and Rowland Oliver, Esqrs., the other executors, Joseph Warner, surgeon, Ashton Warner, Daniel Warner, Edward Warner, William Warner, merchants, and Samuel Henry Warner, his other sons, and Ashton Warner, William Warner, and Edward Warner, his grandsons.] [XIV. pp. 208-10.]
- (1752.)  
21 Nov. [Committee. On a motion made by the solicitor for several of the respondents, Thomas Warner is made guardian for his younger brother Samuel Henry and his nephew Ashton, who

ACTS OF THE PRIVY COUNCIL (COLONIAL). 627

- are infants, and Joseph Warner for his sons William and Edward.] [XIV. *p.* 234.] 1739.  
(1753.)
- [In accordance with the Committee report of 30 Jan., the appeal is dismissed.] [XIV. *pp.* 288, 298–9, 309.] 7 Feb.
- [462.] [Committee order a copy of the petition of Henry McCulloh, Supervisor of H.M. revenues in North and South Carolina, for the repeal of the South Carolina quitrent law of Aug., 1731, to be delivered to Peregrine Fury, agent for South Carolina.] 2 June. Carolina.  
[*p.* 201.]
- [Committee. Copies of the petitions of McCulloh against the act, and of Fury in its support, are to] be delivered to the several Partys. 14 June.  
[*p.* 222.]
- [463.] [On a Board of Trade representation of 5 June, a commission for Robert Byng as Governor of Barbados is approved. P.R.] 12 June. Barbados.  
[*p.* 213.]
- [Reference to Committee of Board of Trade representation of 10 Aug., with draft instructions.] 20 Aug.  
[*p.* 323.]
- [The Committee refer back the instructions to the Board of Trade for a detailed account of their additions, observing that mention is made in the representation of an addition to the 26th Article, in pursuance of his Majesty's commands signified by the Duke of Newcastle relating to the said Governor's appointment.] 29 Aug.  
[*p.* 333.]
- [The Governor sworn.] [*p.* 344.] 6 Sept.
- [Committee report for approving the instructions. The alterations from those to the late Governor of Barbados and to other plantation Governors are as follows :—] In the first Article of the General Instructions the said Lords Commissioners have inserted the Names of Eleven Councillors only Mr. Colleton who was of Your Majesty's Council there having lately informed the said Lords Commissioners that his Affairs will not permit him to return thither And the said