

Law of 1735 for more effectually directing the Marshalls Proceedings, by which it is Enacted "That when any Levys are made upon Writs of Execution, the Provost Marshall is to give Notice of it to the Defendant and not to demand or take any Fees upon the return of the Levy until the Debt be paid or in proportion to such part of it as shall be Paid," which evidently implys that the Levy is a matter of form only, binding the Goods and Effects of the Debtor, and as by this Clause an opening is left to the Debtor to Discharge his whole Debt to the Plaintiff or Compound for any part of it, without the knowledge of the Provost Marshall, the only Security he can have for the Payment of his Poundage Fees, which in this Case will be justly due to him is the Debt remaining open in his Book.

Upon the whole it appears to Us from this general View of the Law and usage of the Island as it now stands in respect to Writs of Execution and Levies upon them, that the Provost Marshall is justly Entitled by Law to his Poundage Fees upon the full Amount of all Monies paid in Satisfaction of Debts, for which Judgements have been given, Writs of Execution Issued and Levys made and returned in Consequence thereof, that he is well Warranted in refusing to enter up and discharge in his Books all Defendants, whose Cases come within this Description, unless his just Dues be paid, and that in so far as the Act extends itself to such Cases it will operate to take away from him those just Dues.

For which reasons We humbly beg leave to propose that the Act may receive your Majestys Royal Disallowance.

[pp. 37, 50-3, 64.]

15 Feb. [470.] [Reference to the Committee of the petition of  
Jamaica. Helen Sinclair, widow of Robert Sinclair, shipwright of Jamaica, for a day for hearing her appeal from a Chancery decree of 15 Feb., 1759, dismissing her husband's bill against Samuel Shiffner, Esq., and Sibella Elizabeth, his wife, and George Papley, Esq., to stay proceedings at law on a return

1762.

made by commissioners appointed to settle their mutual demands.] [p. 74.]

[On the Committee report of 6 April, the decree is affirmed. 12 April.  
The case was heard *ex parte*, no appearance having been entered for the respondents.] [pp. 136, 174, 201.]

[471.] [Reference to the Committee of the petition of 15 Feb. Jamaica.  
Augustin Dupouy, merchant of Jamaica, for a day for hearing his appeal from two Chancery orders of 23 Feb., 1760, and 18 May, 1761, in favour of Dominic Laraldi and Margaret Blancau in a case relating to the ship *Santa Rosa* and her cargo.] [pp. 74, 265.]

[Reference to the Committee of the petition of Margaret (1763.)  
Blancau *alias* Renaire, widow and universal heiress of John Blancau, merchant of Bordeaux, deceased, and of Dominic Laraldi, of Cape Francois in America, merchant, that they may waive their appeal from the decree of 18 May, 1761, for paying 1,629*l.* 13*s.* 2*d.* to Augustine Dupouy out of money deposited in court by William Foster, deceased, and that it be dismissed without costs.] [III. p. 36.] 15 June.

[On Committee reports of 27 and 28 July, both appeals (1764.)  
are dismissed. Names occurring in the report are John 3 Aug.  
Draper, commander of H.M.S. *Adventure*, Robert Foster, Francis Anthony Picarere, and Charles White.]

[III. pp. 574-8, 589-90, 598, 599.]

[472.] [Reference to the Committee of the appeal of 15 Feb. New Hamp-  
Benjamin Rolfe, Daniel Carter, Timothy Simons, John Evans, shire.  
John Chandler, Abraham Colby, and Abraham Kimball, from two verdicts of the Inferior and Superior Courts of New Hampshire in Sept. and Nov., 1760, in favour of the proprietors of Bow relating to certain lands.] [p. 74.]

[On the Committee report of 17 Dec., the judgments are 29 Dec.  
reversed, and the appellants ordered to be restored to all they have lost by means of them. The appeal set forth the settlement of Pennycook or Rumford (*cf.* pp. 239-40), adding the directions given by the committee for bringing