

92 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1749.

only 913 Acres of Land with the Appurtenances, whereof it belonged to the said Richard and his Heirs (as he pretended by his Declaration) to have 600 acres and to the Petitioner it belonged to have the residue of the said Plantation and premises. [p. 318.]

(1752.) [In accordance with the Committee report of 14 Nov., the 20 Dec. appeal is dismissed.] [p. 323 ; XIV. pp. 210, 212-4, 260.]

23 Nov. [116.] [A New Jersey Act of Feb., 1748, for punishing
New Jersey. the coiners and counterfeiters of foreign coin passing current and the counterfeiters of bills of credit of this province, is repealed on the Committee report of 2 Nov. agreeing with a Board of Trade representation referred to them on 5 Oct., which showed that] as this Act appeared to contain Provisions of an Extraordinary Nature The said Lords Commissioners have taken the Opinion of Your Majestys Attorney and Solicitor General thereupon Who have Reported to them That they did not see any Objection to that part which concerns the Coiners of Foreign Coin made Current by lawful authority but the extending the Penalty to Coiners of Foreign Coin that is or shall be by Common Consent usually passed and taken or received as full Satisfaction for Debts appears to them very improper both on Account of the great Uncertainty of the Description on which a Capital punishment is to Depend and the too great Credit that is given to what is called Common Consent not founded on the Act of Your Majesty or of the General Assembly . . and . . there is no Clause inserted therein Suspending the Execution thereof until Your Majestys Pleasure might have been known conformable to Your Majestys Instructions. [pp. 317, 327-8, 355.]

23 Nov. [117.] [Reference to the Committee of the petition of
Rhode doleance of George Taylor, schoolmaster, of Providence, R.I.,
Island. and Mary his wife, for leave to appeal from a judgment of the Inferior Court of Common Pleas for Providence, 21 June, 1748, and from a verdict of the Superior Court of Judicature, Court of Assize and general gaol delivery at Providence,

1749.

21 March, 1749, in their action against James Clark and Mary his wife for dower out of the estate of Job Harris, deceased, former husband of the petitioner Mary.] [p. 364.]

[On the Committee report of 8 Dec., order is given for (1750.) admitting the appeal on the usual security.] [pp. 396, 429.] 17 Jan.

[118.] [Reference to the Committee of the petition of John Channing, merchant, of Newport, R.I., from a judgment of the Superior Court there, 7 March, 1749, in favour of Arthur Fenner], whereby the said Court instead of giving Judgment for the Petitioners recovering of the said Fenner the Sum of 3000*l*. Damages as Assessed by a Jury and Costs the said Court gave Judgment that the Petitioner should be barred of all further proceedings by way of a Writ of inquiry of Damages in a Cause depending between the Petitioner and the said Fenner and awarded the said Fenner his Costs. [p. 364.] 23 Nov. Rhode Island.

[Order, in accordance with Committee report of 21 Jan., 1752, reversing the judgment of the Inferior Court and affirming that of the Superior Court so far as it sets aside the writ of inquiry and the judgment debarring appellant from further proceedings. Directions are given for proceedings in the Superior Court. The dealings out of which the case arose concerned an agreement for insuring the *Providence* brigantine, Jonathan Sheldon master, which on a voyage from Surinam to Providence in 1747 was reported missing, but afterwards arrived safely. Channing entered into the agreement with Charles Bowler and Robert Cooke of Newport, jointly with James, son of Arthur Fenner, and as surety for him, relying on Arthur Fenner's promise to indemnify him from all loss. Fenner later refused to fulfil his obligation.] (1752.) 23 Jan.

[XIII. pp. 456-9, 464.]

[119.] [Reference to the Committee of the petition of Philip Ludwell, of Virginia, for a day for hearing his appeal from an order of the General Court, 10 Oct., 1746, affirming an order of the County Court for the County of Surrey, 16 Jan., 1746,] whereby it was directed that the Surveyor of the Road 23 Nov. Virginia.