

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.