

John Bell of J., gent., Appellant. Wm. Perrin, Cha. Spencer and Mark Hall, esquires, Ex'ors of Mathias Philp, late of said Island, merch<sup>t</sup>, Respondent.

The Appellant's Case.

5 March 1724, Mathias Philp late of Kingston, merch<sup>t</sup>, became bound to R<sup>d</sup> Rigby, merch<sup>t</sup>, in £7,000 st. conditioned for the payment of £3,500. R<sup>d</sup> R. died and made his will, and appointed Ann R. his widow Ex'or. The bond being unpaid in May 1737 Ann R. brought an action and obtained judgment. To delay the business he brought a writ of error 7 July 1737, and protracted matters several years. M. P. afterwards paid £1,000 and died,\* appointing the Resp. his Ex'ors. Ann Rigby died 1 Feb. 1755, and the App. obtained adm'on *de bonis non* of R. R. with his will annexed, and adm'on of her estate, and sued out a *scire facias*. Resp. pleaded they had received from M. P. est. £14,575 c., that 85 negroes of the value of £5,084 c. were subject to a mortgage made between Verney Philp of Vere, esq., and Olivia his wife and said M. P. and Hon. Tho. Bernard, esq. 12 other bonds named. After a final judgment in error of 21 March 1757 the App. appealed to H.M. in Council. To be heard 15 March 1759.

The Respondent's Case.

Copy of the writ of *scire facias* given. Numerous details about the various bonds and judgments (several Jews). In writing: "Judgment reversed, the *scire facias* having been improperly brought," etc. (Add. MS. 36,218, fo. 17.)

Zachary Bayly of Kingston, esq., Appellant. Rev. John Poole, clk., Theodore Stone, esq., and Fra. Birbeck, merch<sup>t</sup>, Ex'ors of R<sup>d</sup> Wilson, late of Westmorland, planter, Respondent.

The Appellant's Case.

R<sup>d</sup> Wilson made his will 31 July 1752 and directed the residue of his est. to be sold and divided amongst the children of his 3 sisters, Mary Hobby late widow of Wm. H. dec<sup>d</sup>, Rachael Smith wife of Wm. S., and Ann Kelly late widow of Jas. K., dec<sup>d</sup>, and there were then living 2 children of his sister Mary Hobby, viz. Mary and Wm. both since over 21. Mary the dau. m. Cha. Knights Cole late of J., and her husband agreed to sell her share for £600 c. by Ind're of 29 Oct. 1753. C. K. C. is now dead and his wife Mary living. App. also purchased of Wm. Hobby his share. In June 1757 App. exhibited his Bill in the C<sup>t</sup> of Ch<sup>y</sup> against the Resp. praying for an account. Decree of 22 Aug. 1758 that App. was entitled to the share of Wm. Hobby but not to Mary Coles as she was not a party. App. then appealed to H. M. in C. To be heard 7 July 1760. Endorsed in writing: "Cause to stand over" Mary Cole to be a party.

The Respondent's Case.

R<sup>d</sup> Wilson died May 1753. (Add. MS. 36,218, fo. 40.)

Sam. Adams of Kingston, esq., Appellant. John Nimbhard and Wm. Orgill, Ex'ors of Dan. Peyton late of J., esq., dec<sup>d</sup>, W<sup>m</sup> Tyrrell and Jas. Ushar Tyrrell, Ex'ors of John T., dec<sup>d</sup>, Tho. Wheeler and Geo. Papley, Ex'ors of Sam. Seagrave, dec<sup>d</sup>, W<sup>m</sup> Aikenhead and Jas. Barclay, adm'ors of Ann

\* He died Dec. 1745. See Livingston's Sketch Pedigrees, pp. 24 and 66.