

450 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1734.  
 as Chancellor, 30 April, 1733, in favour of Ann Price, relating to the estate of Thomas Price, Esq., deceased.] [*p.* 51.]
- (1736.)  
 21 July. [Committee appoint 23 July to hear the appeal.] [*p.* 500.]
- (1736.)  
 23 July. [Committee. Peremptory order that the appeal be heard on 2 Nov.] Memo. The Partys having agreed all Matters in Dispute on this Appaule the Committee did not hear it. [*p.* 506.]
- 19 Dec. [325.] [Reference to the Committee for Appeals of three  
 Massachusetts Bay. petitions of Samuel Waldo that, as the proceedings are transmitted, a short day be appointed for hearing his three appeals from judgments given upon actions brought (*a*) by Thomas and Hannah Fairweather, (*b*) by Jonathan Waldo, and (*c*) by Edward and Ann Tyng, against the appellant to render an account of all money in his hands belonging to Jonathan Waldo, deceased.] [*pp.* 51-2, 84, 106, 109, 122.]
- (1735.)  
 20 Mar. [Committee report. In the original action the plaintiffs charged that Jonathan Waldo] by his Will had given to the Petitioner Samuel Waldoe five thousand pounds to be taken out of the Stock and Personal Estate of the Testator in his hands which the Plaintiffs averred amounted to 12,245*l.* 12*s.* 8*d.* And after Several other Legacys had devised the Residue of his Estate unto his Children the said Samuel Waldoe and Jonathan Waldoe Hannah Wife of the said Plaintiff Thomas Fayrweather and Ann then the Wife of Edward Tyng in equal parts to be divided, and had made the said Samuel Jonathan Ann and the said Thomas Fayrweather Executors And that the Petitioner Samuel had received of the Estate of the said Testator since the Testators decease several Sums therein mentioned amounting with what he had in his hands at his Fathers decease above the 5,000*l.* Legacy to 13,649*l.* 15*s.* 8*¼d.* And that the Plaintiff Thomas as Executor as aforesaid had of the Clear Estate of the Testator in his hands only the sum of 1,465*l.* 10*s.* 9*d.* And that the two other Executors had also

in their hands each the like sum of 1,465*l.* 10*s.* 9*d.* of the Clear Estate of their said Testator and no more And therefore the said Plaintiffs demanded of the said Samuel Waldoe an Account of the aforesaid Money in his hands and payment of their Equal and rateable part thereof so as with the said 1,465*l.* 10*s.* 9*d.* then in the Plaintiffs hands to make up and Compleat their Residuary Legacy of one fourth part of the Residue of the Testators Estate That the Petitioner put in a Demurrer to the said Action and the Plaintiffs replied thereto but the said Court refused to receive the Replication and the said Demurrer came on to be heard before the said Court at their Sittings begun the first Tuesday in July 1733 when the said Court overruled the said Demurrer and Directed the Petitioner to plead to Issue which he refusing the said Court gave Judgment that the said Thomas Fayrweather and Hannah his Wife should recover against the Petitioner the sum of 3,046*l.* 1*s.* 2½*d.* Money Damage and Costs of Suit which were taxed at 2*l.* 1*s.* 0*d.* That the Petitioner Appealed from the said Judgment to the next Superior Court of Judicature for the said County and pending the said Appeale the said Thomas Fayrweather (one of the Original Plaintiffs) died having first made his Will and Hannah Fayrweather his Widow and John Fayrweather his uncle Executors thereof who proved the same That the said Appeale came on before the said Superior Court at their Sittings which begun on the Second Tuesday in August 1733 when the said Superior Court adjudged that the said former Judgment should be Confirmed And that the said Hannah Fayrweather and John Fayrweather qualified as aforesaid should recover against the Petitioner the sum of 3,046*l.* 1*s.* 2½*d.* Money Damage and Costs taxed at 9*l.* 5*s.* 0*d.* And the said petitioner having Appealed from the said last Judgment to Your Majesty in Council prays that both the said Judgments of the said Inferior Court and Superior Court may be reverst. [The Committee recommend that the appeal be dismissed] and that both the said Judgments be Affirmed there being no Exceptions taken in the Courts below for want

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of partys, And there being two other Actions of the like Nature brought by the two Executors, which were heard in the said Superior Court at the same time with the said Action brought by the said Thomas Fayrweather and Hannah his Wife.

[Similar reports are made on 7 and 20 March respectively on the other appeals.] [pp. 115-6, 122, 123-5.]

3 April. [Orders accordingly dismissing the appeals.] [p. 144.]

1735.

9 Jan.  
St. Cruz.

[326.] [Reference to the Committee of a letter received by the Earl of Wilmington, President of the Council, from Lord Harrington, Secretary of State,] acquainting him that the Island of St. Cruz in America has been Sold by the French to the Danish West India Company, and that a Contract has been made and Concluded for the Sale thereof, in Pursuance of which contract the Danes have sent a Ship to the said Island to take possession of it, and to plant a Colony there.

[p. 70.]

6 Mar. [Referred by Committee to Board of Trade] to examine what Right the Crown of Great Britain may have to the said Island and make report thereof to this Committee. [p. 114.]

9 Jan.  
South  
America.

[327.] [Reference to a Committee of the] Petition of William Chapman Knt. and Bart. John Bristow Esq. Joseph Chitty Edward Gibbon Alexander Hume Francis Salvador Junr. and Alvaro Lopos Swasso of London Merchants of severall other Persons whose Names are thereunto Subscribed in behalf of themselves and of Several Merchants and others His Majestys Subjects setting forth that there is a Tract of Land on the South Continent in America bordering on the Sea about 800 Miles in length which was never in the possession of any Christian Prince or State and that a Discovery hath been lately made in the said Country of a Place which is above 400 Miles Distant from any European Settlement and abounds with all necessarys for the Support of life and from whence by its Situation His Majestys Subjects may carry on a Trade