

[To the Committee of the Council is referred the report of the Attorney General on the petition of ex-Governor Lowther, praying that execution may be stayed on any judgment obtained against him in a suit brought against his attorney in Barbados by Gordon for 10,000*l.* damages.] [IV. p. 147.]

1719.  
(1722.)  
29 Nov.

[Mr. Lowther's petition sets forth that there has been an extraordinary modelling of the Council and of the Court of Common Pleas for the precinct of St. Michael's, and two Acts have been repealed—one for obliging appellees to give security to restore what they have received under local judgments, if these are reversed on appeal, and the other obliging judges to direct juries to bring in a special verdict at the instance of either party to a suit in order to enable them to lay their case fully before his Majesty on appeal. Lowther has reason to apprehend that this is all part of a plan to further the action brought by Gordon in the said Court of Common Pleas against Gallatius MacMahon, Lowther's attorney, for 10,000*l.* damages, in consequence of the declaration as to Gordon's character, which Lowther affirms that he published in his public capacity, by the advice of his Council. As the levying of this on his estate would be very injurious, even if he had the judgment reversed on appeal, and as he greatly questions Gordon's ability to refund the money, were the judgment reversed, he petitions that execution be stayed on any judgment in favour of Gordon, upon his giving security to prosecute an appeal and abide by his Majesty's determination thereon. It is recommended that Lowther be allowed to appeal, even if the damages are under 500*l.*, and that execution be respited till Gordon give full and sufficient security both for restitution of the money, if necessary, and for payment of costs and damages.] [IV. p. 164.]

(1722.)  
14 Dec.

[Order accordingly.]

[IV. p. 170.]

(1722.)  
20 Dec.

[1311.] [Reference to the Committee for Appeals of the petition of Robert Jones and his wife, Elizabeth, of the colony and dominion of Virginia, for a short day for hearing

6 Feb.  
Virginia.

756 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

their appeal from a sentence given in Virginia, 2 May 1718, in favour of Thomas Toleson and William Williams, tenants to Elizabeth Winder, widow, and Richard Kenner, and his wife, Elizabeth, daughter of Mrs. Winder, whereby of 10 messuages, 20 tobacco houses, 10 gardens, 10 orchards, 5000 acres of land etc. in St. Stephen's parish, Northumberland Co., Virginia, two-thirds were decreed to the said tenants.]

[p. 220.]

(1720.)

8 Jan.

[Reference to the Committee for Appeals of the petition of Elizabeth Winder and Richard and Elizabeth Kenner that at the same time as the above there be also heard their appeal from the part of the verdict in favour of Mr. and Mrs. Jones] touching a Right to some Estates in the said Island.

[p. 370.]

(1720.)

24 Feb.

[Committee: the land in question consisted of 3000 acres of wood and 2000 marsh; the title to two-thirds of 2000 acres mentioned in a deed of 4 Nov. 1671 is with Mrs. Winder, and the judgment so far is to be affirmed; but the finding of the jury as to the residue is imperfect, and there should be a new trial, in which, if either partly require it, evidence is to] be put down in writing, Touching the Will of Col. Thomas Brereton and the Recording thereof, and likewise touching the Possession of the Widdow of Captain Thomas Brereton and her Assignement of Dower, if she had any.

[p. 381.]

(1720.)

22 March.

[Order accordingly.]

[p. 396.]

(1722.)

13 Sept.

This day Elizabeth Winder widow, John Kenner and Uxor, Entered their appearance to the appeal of Robert Jones and Uxor, from Virginia.

[IV. p. 106.]

(1722.)

6 Oct.

[Reference to the Committee for Appeals of the petition of appeal of R. Jones and wife from the judgment given against them in the General Court of Virginia, 27 Oct. 1721, on the new trial ordered 22 Mar. 1720.]

[IV. p. 111.]

(1723.)

20 June.

[Similar reference of the appeal of the other parties from the same judgment.]

[IV. p. 264.]

[Committee : according to the decree of the General Court], it is adjudged that the estate given by the said Will to Thomas Brereton his son (to whom the Petitioner Elizabeth Jones is Daughter by a Second Venter) is an Estate in Fee Simple,—and that the Lands mentioned in a writing dated the 7th of November 1700, and subscribed Leonard Howson, George Cooper and Thomas Hobson were legally assigned to Mary Relict of Thomas Brereton the Son for her Dower ; [Mr. Jones should therefore recover these lands as dowry with one shilling damages and costs of suit :—this the Committee affirm, but on] the Cross appeale of Elizabeth Winder and Richard Kenner and Elizabeth his wife (which Elizabeth the Mother is Aunt of the whole Blood and Heir at Law to Thomas Brereton the Grandson who is also deceased) from that part of the said Judgment which Orders that as to the residue of the Lands in the Possession of the Defendants, the Plaintiff take nothing by his Bill, [that part of the judgment is reversed.]

1719.  
(1723.)  
24 July.

[Order accordingly.]

[IV. p. 283.] (1723.)  
[p. 304.] 6 Aug.

[1312.] Embargo laid [p. 232] : taken off the *King George*, 15 March. 200, Parker Rae, Milford Haven to Pennsylvania with 100 passengers, 30 Mar. [p. 245] : embargo taken off, 4. Ap. [p. 247].

Embargo.

[1313.] [On reading a memorial from the Board of Trade of 19 March, Col. Thomas Morris, suspended 3 Feb. 1718, is restored to the Council of Antigua. Only one positive witness testifies to the disrespectful words alleged to have been spoken by Morris of his Majesty, the hearsay witnesses vary in some points, and several persons of credit who were present testify on oath that they heard no such words and do not believe they were spoken by Morris. Morris's witnesses were not examined in the Council before he was suspended by Governor Hamilton, and he has done nothing, as a member of the Council of Antigua since 1703, to give the Board distrust of his affection to the Government.]

4 April.  
Antigua.

[p. 248.]

[1314.] [Order is given in accordance with the representation of the Admiralty of 2 Jan. that Capt. Thomas Smart of

9 May.  
Nova Scotia.