

214 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1729.

of all the said Acts, in regard they revive and referr to the severall Penaltys and Forfeitures enacted by the preceeding Acts. [pp. 97-101.]

11 Dec.

[Order accordingly.]

[pp. 106-9.]

1 Feb.

Rhode
Island.

[166.] [Reference to the Committee for Appeals of the petition of Eunice Wharton, widow and devisee of William Wharton, late of the parish of St. Bartholomew, Exchange, London, for a short day for hearing her appeal from a judgment of the General Court of Trials at Newport, R.I., on the first Tuesday in March 1728, confirming a former judgment of the said Court against the petitioner in favour of Stephen, Thomas, Benjamin, Henry (jr.), and Nicholas Northup and Lawrence Whaley, as to the right to 661½ acres of land.] [p. 436.]

(1730.)

4 March.

[Committee.] . . it appearing that the said Judgments appealed from were founded on Generall Verdicts. Their Lordships postponed Entering into the Merits thereof, And were pleased to order, as it is hereby ordered, that a search be made to see what precedents there are of appeals of this kind, And that an account thereof be laid before this Committee.

[II. pp. 192, 257.]

(1730.)

14 Dec.

[Committee for Appeals. The Committee recapitulate the proceedings of 4 March],—And such Search having been accordingly made and their Lordships attended by all Partys concerned took this Point into consideration—and being of opinion, upon perusal of the Precedents laid before them that this appeale did properly lye Notwithstanding the said Objection, in regard it appeared that all the Evidence given out to the Jury was taken down in Writing and transmitted as part of the Record. Their Lordships did thereupon enter into the Meritts of the Cause, and heard both sides by their Counsell learned in the Law and it appearing that [the facts are as stated by the petitioner].—Their Lordships are therefore humbly of opinion that both the said Verdicts or Judgments should be set aside and reversed, and a New Tryall of the said Cause had in the said Generall Court of Tryalls—And that on such New Tryall all the

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Evidence which shall be offered on either side, be taken down in writing; and if any Objection shall be made against any of the said evidence such Objections together with the Resolutions of the Court upon the same are likewise to be taken down in writing, and the whole made part of the Record, and that liberty should be given to either side to appeal from the Judgment to be given upon such New Tryall, in case they shall conceive themselves aggrieved thereby.

[*pp.* 302-3.] (1730.)

[Order accordingly.] [*p.* 305.] 23 Dec.

[167.] [Reference to the Committee for Appeals of the petition of John Bayler of Virginia, a minor, by Robert Bayler and Augustine Moor his guardians, for a short day for hearing his appeal from a judgment of the General Court of Virginia, 25 April, 1728, in favour of John Carter, Esq., and Elizabeth his wife, concerning the right to 6 messuages and 2,717 acres of land in the parish of St. Stephen's.] 1 Feb. Virginia.

[*p.* 437.]

[Committee recommend that the appeal be dismissed.] 3 March.

[*p.* 443.]

[Order accordingly.] [*p.* 460.] 26 March.

[168.] [Reference to a Committee of a report of the Board of Trade of 20 Dec., 1728,] upon the present State of the Fishery at Newfoundland. 26 March. Newfoundland.

[*p.* 462.]

[Committee. On consideration of the report] whereby it appears that the ill Conduct of the Garrison, the Disorders of the Inhabitants, the pretensions set up to the best Fishing Stages, under Colour of a certain Clause in the Act of the 10th and 11th of King William the Third, and Titles purchased from the late French Inhabitants and Planters since the Peace of Utrecht, by permission from Her late Majesty Queen Anne, in exclusion of the Fishing Ships, the want of sufficient Powers in the Commadores for Enforcing the severall Provisions made by the aforesaid Acts of Parliament, and the general contempt of the authority vested by Law in Fishing Admirals 19 April.