

ACTS OF THE PRIVY COUNCIL (COLONIAL). 227

[The Committee recommend the first two for confirmation, and the third for disallowance, as being] in many particulars repugnant to the Statutes of Limitation passed here in the 21th of King James the first, and that there is one Clause in the said Act which seems to be of bad consequence to the Trade of this Kingdom, vizt. the limiting of time after which neither Bond nor Judgment shall be in force. [p. 478.]

1729.
19 April.

[Orders accordingly.] [p. 509.] 22 May.

[172.] [Reference to the Committee for Appeals of the petition of William Wood and John Allen of Newport, R.I., husbandmen, to be allowed to appeal against proceedings in the General Court of Trials on the first Tuesday in Sept., 1727, on rehearing a case between them and Samuel Sanford.] [p. 467.]

26 March.
Rhode
Island.

[Committee for Appeals recommend that the appeal be admitted on the usual security.] [II. p. 69.] 31 Oct.

[Order accordingly.] [pp. 81, 160, 191.] 19 Nov.
(1731.)
3 May.

[Committee for Appeals find that the petition] setts forth, That in the Year 1726, Samuel Sanford of Newport aforesaid, brought his action and filed his Declaration in Ejectment in the generall Court of Trialls held at Newport for One hundred and fifty Acres of Land or thereabouts at Portsmouth in the said Colony—And at the generall Court of Trialls held at Portsmouth on the first Tuesday in September 1726, The Case was pleaded and committed to a Jury, who found a generall Verdict for the Petitioners and Costs of Court.

That the said Sanford afterwards Obtaining a rehearing of the said Cause before the same Court on the last Tuesday of March 1727, a generall Verdict was then found for the Plaintiff Namely a Reversion of the first Judgment, The Lands sued for, and costs of Court—And the said Sanford taking out execution thereupon, got into Possession of the Lands in Contest.

That there being thus a Verdict on each side the generall Assembly (upon application made to them) Did order and

1729.

Direct that the Petitioners Wood and Allen should have one hearing at the next Court of Trialls in September 1727, and accordingly at the said Court of Trialls the Case was again Reheard and pleaded, and committed to a Jury, whose Verdict was as follows.

That if Levying Execution by virtue of the Verdict of the last Jury and Authority of the Court, were not the end of the Law in the present Case ; then they found for the Petitioners and Cost of Court.

Which verdict being accepted the Court by their Judgment pronounced that Execution levied in the foregoing case was not the end of the Law.

That thereupon the Petitioners applied to the said Court to Issue out a Writt of Restitution, but the Court declared, That the Petitioners might have an Execution for their Costs, but not for the Possession of the Lands, From which denyall of a Writt of Restitution the Petitioners have brought this appeal to Your Majesty in Councill—And by their said Petition humbly prayed that the said Judgment might be made compleat and the Petitioners have full Restitution Reparation and Costs.

The Lords of the Committee having hereupon heard all Partys concerned by their Counsell learned in the Law, Do agree humbly to offer as their opinion, that Your Majesty will be pleased to Order the following addition to be made to the said Judgment of the Court of Trialls held in September 1727,—Vizt. :

That the said Wood and Allen be restored to their Possession, and also have satisfaction for the Mesne Profitts of the said Lands to be ascertained by the Generall Court of Trialls in Rhode Island if the Parties differ about the same. [II. pp. 379–80.]

(1731.)

11 May.

[Order accordingly.]

[II. p. 387.]

26 March.
West Indies.

[173.] [Reference to the Admiralty of the petition for his Majesty's bounty of Janet, widow of Vice Admiral Edward Hopson, who died on service in the West Indies.] [p. 468.]