

[291.] [Reference to the Committee of the appeal of John Humphrey of St. Iago de la Vega, administrator of his wife, Elizabeth, deceased, who was one of the daughters of Rowland Williams, late of the parish of Clarendon, Jamaica, deceased, from an order of the Governor as Chancellor, 25 June, 1733, in favour of Samuel Smith, Esq. and Mary his wife.] [p. 280.]

1733.
20 Dec.
Jamaica.

(1735.)

[On the report of the Committee of 27 March, the appeal is in part sustained, in part dismissed.]

3 April.

[IV. pp. 84, 126, 127-31, 146.]

[292.] [Reference to the Committee for Appeals of the] Petition and Appeale of John Toller Esqr. commander of His Majestys Ship the Pearl when stationed at the Leeward Islands on the behalf of His Majesty from an Order made by the Governor and Council of Antigua as a Court of Errors and appeales on the 24th and 28 of July 1730 affirming part of a Sentence given by the Court of Admiralty held for the said Island the 23d of January 1729 whereby a Sloop called the Catherine of Boston and the Cargo on Board had been decreed forfeited to His Majesty as having been used in Committing of Piracy and complaining that the said Court of Errors and appeales ought not to have taken cognizance of the said Cause, being of Admiralty Jurisdiction; and therefore praying that a Short day may be appointed for hearing and Determining this Appeale and that the usual Summons may be issued for John Burke as agent of the Owners of the said Sloop to attend and that the said Order of the Court of Errors and Appeales may be reverst and set aside for want of Jurisdiction and likewise that the Cross appeale of the said Burke from the said Order may be reverst.

20 Dec.
Antigua.

[p. 280.]

(1734.)

[Committee appoint 9 April to hear the appeal, and order a summons to be affixed on the Royal Exchange and elsewhere in the usual manner requiring all parties to attend.] [p. 390.]

22 Mar.

(1734.)

[The Committee report that the Lieutenant General and Council of Antigua had no jurisdiction, and that their orders

9 April.

402 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1733.

should be reversed, and Burke's cross appeal dismissed for non-prosecution with 10*l.* sterling costs. On 12 Dec., 1725, Toller exhibited a libel against the vessel in the Admiralty Court of Antigua; Burke on behalf of Peter Papillon and other merchants of Boston, claimed the sloop; on 23 Jan., 1730, she was condemned with tackle, furniture, apparel, ammunition, and such portions of the cargo as had been libelled against as piratical goods, subject to restitution when the rightful owners made their property appear; all other goods on board were to be delivered to Burke, unless libelled against within one month: Burke, on behalf of the claimants, appealed not to the High Court of Admiralty of Great Britain, but to the Lieutenant General and Council at Antigua, who confirmed the forfeiture, but decreed that whatever part of the cargo was not proved to be piratically taken belonged to the owners of the sloop and ordered that it should be restored to them. From this decision, Burke on behalf of the Boston merchants claiming the sloop and goods, and Toller, the captor, both appealed to the Council.] [p. 430.]

(1734.)

11 April.

[Order accordingly.]

[p. 454.]

20 Dec.

Rhode
Island.

[293.] [Reference to the Committee for Appeals of the petition of Joseph Torrey of South Kingstown, King's County, R.I., clerk, for a short day for hearing his appeal from a judgment of the Superior Court at Newport, the last Tuesday in March, 1733, confirming a judgment of the Inferior Court of Common Pleas, the last Tuesday in June, 1732, in favour of George Mumford, upon an action of trespass and ejectment brought against him by Torrey to recover possession of 280 acres of land—part of 300 acres assigned for the use of an orthodox minister.]

(1734.)

[pp. 281, 489, 504.]

16 July.

[Committee report. The petition sets forth] that John Hull and several others being of the Denomination of Christians called Presbyterians heretofore of the said Colony being Seized in Fee of a Large Tract of Land called the Petaquam-sent purchase lying in the said Colony at a Meeting by them