

404 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1733.

Kingstown aforesaid Whereby the Petitioner became Entitled to Enter into and take possession of the said Land and to hold and Enjoy the same that so he might according to the true intent of the said Agreement receive and have the Income and profits thereof, during his Continuance and performance of the said Ministeriall Office in that place in the same manner as Miles his predicesor had done before him. [George Mumford having got possession of the said tract of land refused to give it up, whereupon on 30 May, 1732, the petitioner brought an action of trespass and ejectment in the Inferior Court of Common Pleas. On the last Tuesday in June, 1732, a verdict was found in favour of Mumford, from which the petitioner appealed to the Superior Court, which on the first Tuesday of September, 1732, found a special verdict,] That if the Court should be of Opinion that the Petitioner was an Orthodox Minister according to Law, then they found for the Petitioner the Land sued for and Costs of Court if not they found for the Appellee a Confirmation of the said former Judgment and Costs of Court upon which Verdict the Court Afterwards, on the last Tuesday in March 1733, adjudged that the Petitioner was not an Orthodox Minister according to Law, and therefore confirmed the former Judgment for the said Mumford and condemned the Petitioner in Costs, That at the time of giving the said Last Judgment four of the Judges who tryed the said Cause Dissented from the rest of the Bench and entred such their Dissent in form. [The Committee recommend] that both the said Judgments be reverst and that the Appellant be put into possession of the Lands in Question. [pp. 527-9.]

18 July. [Order accordingly.] [p. 537.]

20 Dec. [294.] [Reference to the Committee for Appeals of the petition
Antigua. of Giles Watkins, Esq., of Antigua, and his wife, Elizabeth, daughter of John Morris, sen., deceased, that the appeal of Thomas Morris from a Chancery decree of 13 Jan., 1732, may be dismissed for non-prosecution.] [p. 281.]

[On the report of the Committee of 6 Feb. the appeal of Thomas Morris is dismissed for non-prosecution, with 10*l.* costs.]

[*pp.* 311, 320.]

1733-4.
(1734.)
7 Feb.

1734.

[295.] [Reference to the Committee for Appeals of the petition of Cornelius Waldo of Boston, merchant, for leave to appeal from two judgments, one in the Court of Common Pleas for the county of Worcester, 8 May, 1733, the other in the Superior Court, 19 Sept. 1733, on an action of ejectment brought against his tenants, Daniel Gookin, Robert Barber, and John Alexander, in the names of Samuel Waldo, Jonathan Waldo, and Thomas Fairweather, as executors of Jonathan Waldo, deceased, and of Edward Tyng and Anna his wife, executrix of the said Jonathan Waldo, to recover possession of 710 acres of land with buildings and appurtenances in the county of Worcester.]

[*p.* 290.]

10 Jan.
Massachu-
setts Bay.

(1734.)

[On the report of the Committee of 28 Jan. the appeals are admitted on the usual security. On 2 April, 1734, William Parkin of London, ironmonger, and Joshua Channing of London, haberdasher, entered into the security required.]

31 Jan.

[*pp.* 304, 419, 426; IV. *pp.* 95, 106.]

(1735.)

[Committee. The petition set forth] that the Petitioner having Mortgaged to Jonathan Waldoe Gent. deceased in Fee the Farm and Lands in the Petition mentioned in the Town of Worcester in the said Province, under a Proviso to be void on payment of 1,060*l.* to the said Jonathan Waldoe his Heirs or Executors on or before the 10th of June 1729 the said Jonathan Waldoe dyed about June 1731 having made his will and devised the said Farm and Lands to his Eldest Son Samuel Waldoe and made the said Samuel Waldoe and Jonathan Waldoe, Anne Waldoe and Thomas Fayrweather Executors, and complaining that on the 22d of January 1732 an Action of Ejectment was brought against the Petitioners Tenants, in the Inferior Court of Common pleas for the said County of Worcester, in the name of the said Samuel Waldoe Jonathan Waldoe Thomas Fayrweather and

4 March.