

[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.

1734.

of Edward Tyng and the said Anne his Wife as Executors of the said Jonathan Waldoe, to recover the Possession of the said Mortgaged Premises, and that the said Samuel Waldoe disavowed the said Action, and the said Now Appellant was admitted a Defendant in the room of his said Tenants, and that the Plaintiffs after the said Cornelius Waldoe had pleaded, without taking issue on the Facts pleaded, or demurring or replying to the said Plea brought the said Action on to a hearing on the 8th of May 1733, when the said Court called on the said Cornelius Waldoe for a further Plea, which he was advised to decline, And that thereupon the said Inferior Court gave Judgment that the Plaintiffs should recover against the said Cornelius Waldoe the sum of 1,186*l.* to be paid within two Months, with Costs, or, on failure of payment to recover against the Petitioner the Possession of the Premises sued for, with 8*l.* 10*s.* 6*d.* Costs, [which judgment was confirmed in the superior Court].

[The Committee recommend that the judgment of 19 Sept., 1733, be varied in such a way] that Samuel Waldoe Jonathan Waldoe Thomas Fayrweather and Edward Tyng and Ann his Wife qualified as aforesaid shall recover against the said Cornelius Waldoe possession of the Messuages, Lands, and Premises sued for and Costs of suit in the Courts in this Province unless the said Cornelius Waldoe shall pay to the [Executors] the sum of 1206*l.* in good Bills of Credit on the Province aforesaid or in Silver Money together with the Subsequent Interest to be computed upon the Principall Money at the rate of Six per Cent. to be Settled by the Proper Officer of this Court within Six Months from this time and Costs of Suit as Aforesaid, and in case such payment shall be made as aforesaid then the said Respondents and the said Samuel Waldoe shall thereupon reconvey the Estate to the Mortgagor or such Person as he shall appoint at the Costs of the Appellant and if the Partys differ about the reconveyance then the same to be settled and Adjusted by the said Proper Officer, And that the said Judgment so varied and altered,

1734.

be entered up in the said Superior Court And do stand as the Judgment in this Cause to be proceeded upon.

[IV. pp. 107-9.]

[Order accordingly.]

[IV. p. 143.] 3 April.

[296.] [Reference to the Committee for Appeals of the] Petition of James Gooch Merchant Abraham Blish Felt Maker James Allen Merchant James Gooch Junior Distiller all of Boston in his Majestys Province of the Massachusetts Bay in New England and of Francis Wilks of London Merchant praying to be admitted to Appeale from a Judgment given in the Superior Court of Judicature held at Boston on the 8th day of February 1731 upon An Action brought by the Petitioners against Samuel Dummer of Wilmington in the County of Middlesex in the said Province Esqr. sheriff of the said County to recover against him the Damages they had sustained by reason of Daniel Gookin his under Sheriff having refused to Execute a Writ against Michael Gill at the Petitioners suit and confederating with the said Gill had suffered him to make his Escape.

31 Jan.
Massachu-
setts Bay.

[p. 307.]

[Committee recommend that the appeal be admitted on the usual security.]

6 Feb.

[p. 310.]

[Order accordingly: Security entered into on 20 July by Francis Wilks of London, Esqr.]

7 Feb.

[p. 320.]

(1735.)

[Petition for an early hearing referred to the Committee for Appeals.]

22 May.

[IV. p. 166.]

(1735.)

[Committee appoint 22 Jan., 1736, to hear the appeal.]

25 June.

[IV. p. 185.]

[297.] [The recommendation of the Board of Trade that Abraham Payne, jun., be appointed to the Council of St. Christopher in place of Col. Peter Soulegré resigned, is referred to a Committee.]

31 Jan.
St.
Christopher.

[p. 305.]

[Committee refer it to the Board of Trade to inquire how many of Payne's family or relations are members of the Council.]

22 Mar.

[p. 385.]