

1736.

Island and the remaining One third thereof to the Appellant That the said Court of Admiralty on the Second of June 1736 made an Order for delivering up the said Sloop Slaves and Goods so libelld against to the Partys Claiming the same on their Giving Security to the Register of the Court to redeliver the same or pay the Appraised Value thereof in Case Condemnation should pass against the same. [On June 29 Henry Lory, a planter, claimed the sloop, guns, &c., denying the facts as set forth by the petitioner, and stating that the slaves and goods were simply the necessary servants and effects of certain passengers; Richard Todman, a planter, likewise by his attorney claimed property in two slaves and two chests, setting forth that he had sent them on board as necessary for his person and subsistence in a voyage which he purposed in order to make a settlement in Tortola; and on 29 June, 1736, judgment was given in their favour. The Committee having heard the appeal *ex parte*, no appearance having been entered for the respondents, recommend that the sentence be reversed, Todman's goods and negroes delivered to him, and the sloop condemned and forfeited.]

[VII. pp. 234, 240-245.]

[Order accordingly.]

[VII. p. 262.] 16 July.

[389.] [Reference to the Committee of the petition of Michael Arnold for a short day for hearing his appeal from an order of the Court of Chancery in St. Christopher, 13 Nov., 1735, in favour of the Hon. Gilbert Fleming, Lieut.-Governor of the island, Mary Symonds and Thomas Bowry her son, relating to a contract for the purchase of a plantation by appellant, Symonds and Bowry, from Fleming and others the Crown Commissioners for the Sale of Lands in St. Christopher.]

24 Nov.
St.
Christopher.

[p. 22.] (1737.)

[The petitioner sets forth that he went into partnership with Mary Symonds for the purchase from the Commissioners of a plantation of which she was at the time in possession. The Commissioners at first refused to treat, alleging that it

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was or had been Church land, and was therefore to go toward the maintenance of a college or school intended to be founded in Bermuda, but finally on 26 March, 1728, agreed to sell at 10*l.* per acre. Though the petitioner offered to pay the third of the purchase money demanded at the time, it was finally paid half by him and half by Mary Symonds, and he has since paid interest on the remainder. Early in 1734 Bowry and Symonds in collusion with Fleming forcibly expelled the petitioner, his overseer and negroes, from the plantation. The petitioner therefore brought a bill against them, to which they put in a demurrer that on his own showing he had not fulfilled his partnership with Mrs. Symonds. On 13 Nov., 1735, the Court held that as to any breach of covenant to his damage he should not have sought relief in equity but at law, and left him to take his remedy thereat, and that as to his complaint that the land was not rightly forfeited, he should seek relief in the Court of Exchequer. On the Committee report of 20 April his appeal from this order is sustained, and both the demurrers overruled with costs.]

[*pp.* 194, 195-202, 227.]

24 Nov.

Rhode
Island:

[390.] [Reference to the Committee of the petition of James MacSparran, clerk, incumbent of St. Paul's in the Petti-quamscot Purchases and in King's County, Rhode Island, complaining of proceedings in the Inferior and Superior Courts upon his writ of ejectment against Robert Hassard, tenant to Joseph Torrey, for recovery of 280 acres of land set apart for an orthodox minister, and of having been denied liberty to appeal on 30 March, 1736; and praying that the Courts be ordered] to try the Merits of the said Cause securing to the said Hassard some pleas filed by him in Barr to the Petitioners action, [or that the petitioner's appeal from the judgments already given be admitted.]

[*p.* 24.]

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26 Jan.

[Committee report for admitting the appeal.] [*pp.* 91, 95.]

(1737.)

21 Feb.

[Order accordingly. Security given on 2 March by MacSparran and Thomas Sandford of London, merchant.] [*p.* 128.]