

644 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1739.

Applied to) have given leave to the said Master to have landed the said Wines without making the usual Entrys or paying the accustomed Dutys or Port Charges And it being a Rule even in the Courts of Common Law (where the Letter of Law is precisely Attended to) that Acts of Parliament are to be so Construed that No Man that is innocent or free from injury or Wrong be by a Natural Construction Punished or Damaged It is therefore the Opinion and Definitive Sentence of this Court that the said Schooner with all her Furniture and Apparel be acquitted and Discharged. [From this decision the petitioner appeals. The Committee recommend that his appeal be sustained, the ship and wine confiscated, and divided in the usual manner.] [VII. pp. 142-147.]

(1740.)

10 July. [Order accordingly.]

[VII. p. 156.]

27 Sept.
Jamaica.

[475.] [Reference to the Committee of the petition of Jacob Mendez Guttirez, of Jamaica, merchant, surviving executor of Moses Guttirez, deceased, Judica Guttirez, his widow, and Jacob and Joseph Guttirez, his sons and residuary legatees, all of Jamaica, deceased, for a short day for hearing his appeal from a Chancery order of 20 Oct., 1738, dismissing the appellant's demurrers and ordering them to answer a bill brought by William Forbes and Sarah his wife for a discovery of the estate and effects of Moses Guttirez in order to their having their share thereof.] [p. 350.]

(1740.)

19 June. [Order in accordance with the Committee report of 13 June, that the order of the Court of Chancery be affirmed, and that the appellants pay to the defendants 20*l. stg.* costs. The appeal set forth that William Forbes and Sarah his wife, who was the daughter of Moses Guttirez, filed their bill in Chancery against the petitioners, and against Jacob de Castro, the other executor, since deceased, praying for a discovery of the estate and effects, and for a settlement] and that the said Forbes and his Wife might have a Share and Proportion thereof equal to the rest of the Children in the same manner

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as if the Respondent Sarah had continued in the Jewish Religion and had taken a Jew to Husband and that a Legacy of one hundred Pounds given the said Sarah by Leah Gutterez her Grandmother and a Proportion of another Legacy of one hundred Pounds given by her said Grandmother to the said Sarahs Sister Leah deceased might be paid to the said Forbes and his Wife with Interest and for General Relief.

[VIII. pp. 93, 105-7, 122.] (1745.)

[Reference to the Committee of a similar appeal of the same parties from an order of the Jamaica Chancery of 29 Jan., 1745, overruling their pleas, and ordering them to come to an account with Forbes and his wife.] 18 Sept. [X. p. 214.]

(1749.)

[Reference to the Committee of the appeal of the same parties from an order of the Jamaica Chancery of 22 Jan., 1748] by which Decree the Appellants were adjudged to pay to the said William Forbes and his Wife out of the Estate of the said Moses Gutterez 2,250*l.* Current Money of the said Island (being so much as the said Moses Gutterez gave his daughter Leah for her portion) together with Interest for the same from the Death of the said Moses Gutterez. 12 June.

[XII. p. 262.]

[476.] [Reference to the Committee of the petition of Benjamin Tasker of Maryland, Esq., for a short day for hearing his appeal from a judgment of the High Court of Appeals, 24 Nov. 1738, affirming a judgment of the Provincial Court, 18 Oct. 1737,] upon an Action of Trespass and Ejectment . . by John Simpson for recovery of One thousand Acres of Plantable Land lying in Queens County . . which William Brent had demised to the said Simpson to hold from the 10th of Sept. 1732 until the end of Seven Years. 27 Sept. Maryland. [p. 351.]

(1740.)

[On the report of the Committee of 25 Jan., the appeal is dismissed. . The land in question was in 1640 granted by the Lord Proprietary of Maryland to Giles Brent and his heirs, from whom William Brent is descended.] By Indenture 31 Jan.