

1740.

31 Jan.

Nova
Scotia.

[486.] [Reference to the Committee of the] Petition of Wyndham Beawes of London and Samuel Waldoe of Boston in New England Esqrs. Setting forth that King James the first by Letters Patent in the 19th Year of his Reign granted all that Tract of Land now called Nova Scotia to Sir William Alexander his Heirs and Assigns That Sir Thomas Temple having afterwards purchased a Moiety of the said Tract of Land Died Intestate leaving John Nelson Esqr. his Nephew and Heir at Law from whom the Petitioners purchased the same That the Petitioner proposing to Improve the said Tract of Land by Settling a Considerable Number of Protestant Familys thereon most humbly pray that His Majesty will be graciously pleased either to make a New Grant to them and their Heirs of all that the said Tract of Land and Islands Scituate lying and being in Nova Scotia in America and lying between the Rivers St. Croix and St. Lawrence and from the Entrance of the said Rivers to be run back into the Country a hundred Leagues with a Monopoly of the Trade thereof with the Indians, or otherwise that His Majesty will be graciously pleased to make the Petitioners and their Heirs a Confirmatory Grant of the said Lands.

[p. 545.]

26 Feb.

(1747.)

[Referred by Committee to Attorney and Solicitor General for their opinion.]

[p. 633.]

9 July.

[The entry of 26 Feb., 1740, is repeated.]

[XI. p. 329.]

31 Jan.

Virginia.

[487.] [Reference to the Committee of the petition of Sarah Rogers, of London, spinster, administratrix, with the will annexed of William Whetstone Rogers, Esq., her brother, deceased, for a short day for hearing her appeal from a judgment of the General Court of Virginia, 16 April, 1739, upon her action against Alexander Spalding for recovery of 52*l.* sterling, being the value of some effects belonging to her brother, the said William Rogers, of which Spalding had possessed himself in prejudice to the petitioner.]

[p. 546.]

10 July.

[The appeal sets forth that William Rogers died at Whydah as one of the three Chief Merchants of the Royal

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African Company, after making a will previous to his departure from England devising his whole estate to the petitioner. Spalding got into his hands all Rogers' goods at Whydah, where he had been sent by Edward Stephens, one of the Company's three Chief Merchants, and refuses to account to anyone save Stephens. On 25 April, 1738, the petitioner, and Mr. George Hume, who was Captain of the Guard at Whydah, and with Rogers at his death, in accordance with the Act 5 George II for the more easy recovery of debts in the plantations, appeared personally before the Lord Mayor of London, and made affidavit. These affidavits, with the proper certificates, and a proper letter of attorney were sent to the petitioner's attorney in Virginia, who brought an action against Spalding, but the Court would not allow the affidavits to be read in evidence, and gave judgment with costs against the petitioner; from this she has appealed. Order is given in accordance with the report of the Committee of 18 June that the affidavits offered in evidence by the petitioner were not strictly legal, but that as the merits of the cause were never laid before the Court, the verdict and judgment should be set aside, and the appellant be at liberty to proceed to another trial on such new evidence as she shall be advised.] [VII. *pp.* 110, 112-16, 155.]

[488.] [Reference to the Committee of the] Petition of Tobias Wall Esq. Complaining of the Proceedings of the Court of King's Bench and Common Pleas of the Island of Nevis upon an Ejectment brought in that Court by John Denn on the Demise of Edward Jessup against the Petitioner for recovery of a Plantation of 17 Acres of Land called Coles Point and humbly praying that the Judges who tryed the said Action may be Ordered to allow and Sign a Bill of Exceptions on its being tendred to them by the Petitioner and that the Petitioner may be allowed to bring a Writ of Error from the Judgment of the said Court returnable before the Governor and Council in Nevis with liberty for the Petitioner to Appeale

31 Jan.
Nevis.