

1740.

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 Appeal

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1740. from the Judgment which shall be given in Error to His Majesty in Council in case he shall find himself Aggrieved thereby. [p. 547.]
- 10 July. [On the Committee report of 7 July, the appeal is dismissed.] [VII. pp. 141, 147-50, 157.]
- 10 Mar. [489.] [Reference to the Committee of the petition of Micaiah Virginia. Perry, Esq., John Maynard and Edward Athawes, executors of William Dawkins, late of London, merchant, deceased, and of the said Edward Athawes, for a day for hearing their appeal from a judgment of the General Court in Virginia, 16 April, 1739, on an action of account brought by them against Armistead Churchill.] [p. 663.]
- (1743.) 21 April. [The Committee heard counsel and directed] a Search to be made in the Council Books to see whether Appeals from General Verdicts where the Evidence hath not been taken down in Writing have been allowed. [VIII. p. 384.]
- (1745.) 28 Nov. [The appeal is dismissed, in accordance with the report of the Committee of 21 Nov., that it appears that] the said Petition of Appeale was brought from a Judgment founded on a General Verdict and that the matters given in Evidence on the Tryal of the said Action were not transmitted under the Seal of the said Colony. [X. pp. 256, 268.]
- 19 Mar. [490.] [Reference to the Attorney General of a letter from the Jamaica. Admiralty to the Duke of Newcastle] relating to the importing a Quantity of Rum into Jamaica for the Service of Six Thousand Men and of the Fleet there free from Duty. [p. 682.]
- 2 April. [The Attorney General, having considered an Act of Parliament of 6 George II laying a duty of 9*d.* a gallon on foreign colonial rum imported into a British colony, and the Jamaica Acts of 1728 laying a duty of 1*s.* 6*d.* per gallon on rum imported, and of 1739 confining trade from foreign colonies to Port Royal and Kingston, where they are to report to the Receiver General, and also an Order in Council of 25 Oct.,