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petitioners put in a demurrer, but judgment was given against them, and the damages assessed by a jury at 5,380*l.*, to be equally divided between the King, the Governor, and Bontein. On the petitioners bringing a writ of error, the judgment was on 6 May, 1743, confirmed. The Committee, considering that the sentence of the Vice Admiralty Court had been reversed by the Order in Council of 4 August last report that the judgments of the Court of Errors and the Supreme Court be both set aside] And that the Petitioner Gray (the other Petitioner Maynard being dead and the said Gray having him survived) may be at liberty to apply to the said Supreme Court of Judicature in Jamaica to withdraw the said Demurrer and plead to the Merits of the Case the General Issue not Guilty, and that upon the said Supreme Courts being moved for that purpose such Court shall permit the said Petitioner Gray so to do, upon payment of the Costs of Suit given on both the said Judgments of the said Supreme Court of Judicature and of the said Court of Errors in Jamaica, And if upon the said Petitioner Grays pleading the General Issue the Cause shall be carried on to a Tryal the said Supreme Court of Judicature at the Request of either of the Partys shall direct the Matters to be found specially at such Trial in Order that the Merits of the Case may come properly in Judgment before a Court of Errors in Case either party shall be advised to bring a Writ of Error thereon.

[XII. *pp.* 123-5.]

(1749.)

[Order accordingly.]

[XII. *p.* 137.]

11 Jan.

[534.] [Reference to the Committee of the appeal] of Dennis Kelly Esqr. Chief Justice of His Majestys Courts of Kings Bench and Common Pleas in Jamaica Executor of the last Will and Testament of Darcy Kelly late of the said Island of Jamaica Esqr. Deceased from a Decree made in the Court of Chancery of that Island on the 17th of February 1740 whereby a Bill brought by the Petitioner to Compell Ann Norris Executrix to Joseph Brice (which Bill was upon the Death of the said Ann Norris revived against John Lewis

2 Feb.  
Jamaica.

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John Butler and William and Dorothea Wright) to complete an Agreement entered into between the Petitioner and the said Joseph Brice for purchase of a Moiety of a Plantation in the said Island and to pay the Petitioner 3,500*l.* for the same—  
Was Dismissed with Costs. [pp. 73-4.]

16 Dec. . . [Order in accordance with the Committee report of 16 Aug. that the appeal be in part affirmed, in part dismissed.]  
[pp. 80, 127, 189, 195, 196, 206-8, 274-5.]

2 Feb. . [535.] [Reference to the Committee of the] petition of  
Massachu- Abraham Francis of Boston in the County of Suffolk in the  
setts Bay. Province of Massachusetts Bay in New England Merchant and  
John Jones of the same place Merchant and Hannah his Wife  
humbly praying for the reasons therein contained that they  
may be admitted to Appeale from a Judgment given in the  
Superior Court of Judicature held at Boston aforesaid on the  
8th of August 1738 whereby it was Adjudged that John  
Jeffries Jonathan Armitage David Colson Alexander Forsythe  
Caleb Lyman Jonas Clarke and Thomas Hutchinson then  
Select Men of the said Town of Boston should recover of the  
Petitioners the possession of a Parcell of Land with Costs of  
Courts. [p. 74.]

15 Mar. . . Petition . . Read, and Ordered that an Enquiry be made  
whether the Agent of New England is concerned, if he is,  
then to be heard by Counsel, otherwise to be moved by  
Sollicitors. [p. 112.]

7 May. . [The petitioners are allowed to withdraw their petition, and  
to prefer a new one containing several new points.]  
[pp. 127, 130, 137.]

24 June. [The new petition is referred to a Committee.] [p. 165.]  
(1743.)

17 Feb. [Committee: The petition sets forth that the case concerns]  
One third part of a Parcell of land lying in Boston aforesaid  
being part of Bendalls Dock formerly so called and bounded  
Northwardly upon the Dock now called the Town Dock there