

ACTS OF THE PRIVY COUNCIL (COLONIAL). 181

1752-3.

Morton, gent., of Virginia, for a day for hearing his appeal from a judgment of the General Court, 10 Oct., 1751, on an action of ejectment brought against him by Thomas Turf on the demise of Daniel McCarty of Fairfax co., Va., to recover a plantation, &c., in Copeley parish, Westmoreland co., Va.] [p. 272.]

[On the Committee report of 27 March, order is given (1753.) reversing the judgment and the verdict on which it was 10 May. founded, and allowing the respondent to proceed to a new trial within twelve months, when the jury are to find a special verdict bringing all the material facts fully before the Court. Daniel M'Carty, deceased, had three sons, Dennis, Daniel and Thaddeus. The plaintiff was Dennis's son, Daniel. Other persons named in the report are William Payne, John Shirman, John Minor.] [pp. 287, 289, 359, 360-4, 408.]

[191.] [Reference to the Committee of the petition of 20 Dec. Richard Partridge, agent for John Whitman, yeoman, of Rhode Island. Smithfield, Providence co., R.I., that the Council dismiss with costs for non-prosecution, an appeal by Noah Whitman from a judgment of the Superior Court in Sept., 1751, affirming a judgment of the Inferior Court of June, 1751, on an action of trespass and ejectment brought by John against Noah to recover about 100 acres of land in Smithfield] bounded Northerly partly by Noah Whitmans Land, and Partly by Daniel Jenkes, Easterly with the Land of Jeremiah Mowry, Southerly with Lands of the said John Whitman, and partly with a Highway, and Westerly with the Lands of Daniel Jenkes, and Southwesterly with Lands of the said Noah Whitman. [p. 272.]

[On the Committee report of 24 Nov., the appeal is (1753.) dismissed with 20*l.* *stg.* costs.] [pp. 513, 520.] 28 Nov.

[192.] [Appearance for William Cook to the appeal of 1753. Samuel Borden and Stephen Cook from Rhode Island is entered 23 Jan. by John Sharpe.] [p. 292.] Rhode Island.

[Reference to the Committee of the petition of William (1754) Cook of Tiverton, Newport co., R.I., that the Council dismiss 29 May,