

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 Richard Partridge, agent for John Whitman, yeoman, of 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. 20 Dec. Rhode Island.

[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. Rhode Island. by John Sharpe.] [p. 292.]

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

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with costs for non-prosecution the appeal of Stephen Cook, yeoman, of Tiverton, from a judgment of the Superior Court at Newport in March, 1750, affirming a judgment of the Inferior Court in Nov., 1749, on William's declaration of ejectment to recover 45 acres of land in Tiverton laying his damages at 2,000*l.* New England currency.] [XV. *p.* 136.]

(1754.) [On the Committee report of 20 June, the appeal is dismissed

21 June. with 80*l.* *stg.* costs.] [XV. *pp.* 154, 162.]

25 Jan. [193.] [On a Board of Trade representation of 11 Jan.,
Leeward Islands. George Thomas is appointed Governor of the Leeward Islands
vice William Mathew, deceased. The Board of Trade are directed to prepare a commission and instructions.] [*p.* 293.]

7 Feb. [The Commission is approved. P.R.] [*p.* 305.]

10 May. [Thomas takes the oaths. His instructions are approved (P.R.), in accordance with the Committee report of 19 April approving the Board of Trade report referred to them on 19 April, which set forth that alterations from Governor Mathew's instructions had been made in the following particulars,] That upon a revisal of the former general Instructions, it appeared, that by a frequent insertion of the Additional Instructions given from time to time to the several Successive Governors, of the Leeward Islands, and by not observing a proper method in inserting these Additional Instructions, the Order in which the said general Instructions had been first arraigned was altered, and things which had no proper relation to each other so intermixed, as to create Confusion and perplexity, They have therefore in the present Draught ranged and digested the several Articles in such a manner, as that those which relate to the same subject may be found together. That they have likewise in many parts of the said Instructions where the Expressions might admit of a doubtfull construction, endeavoured to make them more explicit ; But as a Minute detail of such Variations as are merely literal seems unnecessary, they shall only point out those Alterations which have made in the Subject matter of these Instructions.