

# 396 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1758.

commissioners for the distribution of the estate of Joseph Whipple, an insolvent, on Freebody's actions of trespass and ejectment to recover (a) 520 acres of lands with 2 dwelling houses, etc., in the town of Middletown, and (b) 287 acres of land with 3 dwelling houses, etc., also in Middletown.]

[pp. 284-5.]

(1764.) [Committee. On Freebody's death, the appeals are revived  
1 May. in the names of his sons John, Thomas and Samuel.]

[Geo. III. Vol. III. pp. 419-20.]

(1764.) [On the Committee reports of 27 July, the judgments are  
3 Aug. reversed, but on payment of certain sums the defendants may have the mortgaged premises reconveyed to them. The dispute is about the depreciation of the old tenor bills of credit which were named in the condition of the mortgage.]

[III. pp. 562-8, 593-4.]

21 Nov. [367.] [Reference to the Committee of the petition of  
Jamaica. John M'Leod of St. Dorothy parish and William Patrick Brown of St. John parish, Jamaica, for a day for hearing their appeal from a Chancery order of 26 May, 1758, on a bill filed by Susannah Elletson and Thomas Hope Elletson against the petitioners as executors of William Foster, deceased, and also against Thomas Nicholas Swigle, devisee and personal representative of Thomas Wilson, deceased, touching a mortgage of certain plantations made by Richard and Susannah Elletson in 1734 to Wilson and assigned by him to Foster.]

[p. 285.]

(1765.) [Committee order for hearing on 27 June, and for affixing  
16 May. a summons on the Royal Exchange as no appearance has been entered for the respondents.] [Geo. III. Vol. IV. p. 199.]

21 Nov. [368.] [Reference to the Committee of the petition of  
Antigua. Robert Ritchie, late master of the snow *Elizabeth* for a day for hearing his appeal from the condemnation of the ship and cargo by the Vice Admiraty Court in Antigua, 2 Nov., 1756, on a libel exhibited by John Dearman Nanton, waiter of H.M. Customs for the port of Old Road, for importing

1758.

certain commodities contrary to law. One fifth of the value was awarded as salvage to two privateers who retook the vessel from the French, and such of the remainder as was not shipped in England, Wales, or Berwick-on-Tweed, forfeited in the usual proportions.] [p. 285.]

[The judgment is reversed, on the Committee report of (1759.)  
8 March, when the case was heard *ex parte*, no appearance 29 Mar.  
having been entered for the respondent. The appeal set forth] That in 1756 the said Ship being bound to Jamaica and intending in her Voyage to touch at the Madeiras there to dispose of part of her Cargo and buy Wines, went to Cork in Ireland and took in a Quantity of Butter Candles and Soap for the Madeiras, which She cleared out for that place and proceeded on her Voyage in the Course of which She was taken by a French Privateer and after remaining some time in the Enemys Custody was retaken by a British Privateer called the Dove in Company with another Privateer who being entitled to Salvage for the Recapture that is to say to One fifth part of the Value of the said Snow and her Cargo carried her into Antigua in Order to ascertain and receive Satisfaction for the said Salvage. That upon the said Ship Elizabeths being so carried into the port of St. Johns in the Island of Antigua with the said Candles and Soap on Board [she was seized by Nanton for illegally importing them].

[pp. 332, 389, 403-5, 454.]

[369.] [On a Board of Trade representation of 29 Nov., 4 Dec.  
Henry Ellis, Governor of Georgia, is granted the same Georgia.  
permission as is constantly granted to Governors in the West Indian Islands, to repair to some of the northern colonies in times of sickness to recover his health, which has been much impaired by the extraordinary heat of the last summer.]

[p. 293.]

[On a Board of Trade representation that Governor Ellis (1760.)  
hath represented to them that the excessive heat of the 13 May.  
climate hath reduced his health to so bad a state as renders him almost incapable of discharging properly the duties of