

On 24 July and 17 Aug., 1679, warrants were issued to Robert Tremills, surveyor, to lay out for Roger Complin and Wm. Moll 400 acres in the Body Division, and Tremills then found that Horne had 500 acres, and he then run out 400 acres. 19 June 1682, Complin and Moll obtained a patent for 250 acres, part of the 400. Complin d. in 1699. On 4 Oct. 1700, by Ind're Moll and Frances, his wife, for £250, granted to Robert Martin, Esq. (appellant's father), the said 250 acres. Upon the death of Rob. Martin, Henry, his eldest son, and Margaret, Robert's widow, possessed the same till 1715, when Geo. Forrest of Antigua, surgeon, and Susannah, his wife, set up a title to 85 acres, as part of Horne's and claimed that Horne by Ind're of 4 Jan. 1711, granted to Geo. Forrest 150 acres part of his 400, and that 85 acres of Henry Martin's land was part of the 150. 9 March 1715 Forrest and his wife brought an action of ejectment against Henry and Margaret Martin, and the trial took place June 1717, when Forrest obtained a verdict, but certain material witnesses having been absent, Henry and Margaret Martin, in May 1718, brought an action and obtained a verdict. Forrest and wife then filed their Bill in the Court of Chancery on 5 June 1718, and on 19 Aug. it was decreed that the 85 acres should be given up to Martin, but Forrest appealed to H.M. in Council, and in Feb. 1722 Forrest's Bill was dismissed. Both the Forrests dying, Edward Horne Forrest, their s. and h., brought his action of trespass, 8 Feb. 1723, and a special verdict of 20 May 1734, was found on certain points.

Edward Horne d. 16 May 1720, and the Court gave judgment against Martin, and on 1 Nov. 1725 the Court confirmed it. Martin and his wife are now both dead, and the said brother of Martin hath revived the appeal.

Appeal to be heard 5 Nov. 1734. Endorsed in writing, "Jud. revers'd and Restitution awarded." (Add. MS. 36,216, fo. 83.)

JAMAICA.

John Lewis, brother and h. at l. of Wm. L., late of Jamaica, Esq., and Sam. Collet Rich. Fenton and John Barker, assignees of the estate of the said John Lewis, under a commission of bankruptcy, Appellants. Sam. Smith and Anna, his wife, and John Vassall, Esq., Respondents.

John Vassall, of the said island, by his will dated 15 Dec. 1700, gave the Respondent, Anna, his dau., £1000 c., £500 at 18 or marriage, and £500 at the birth of her first child, but if she did not marry the second £500 at 21, and devised the residue to the Respondent John V. his s. and h.

In 1716 Wm. Lewis, brother of the Appellant John being about to marry Anna, Mrs. Anna Vassall, Anna's grandmother and guardian, insisted he should give bond for bequeathing Anna £2000 if she survived him, and on 25 Feb. 1716 he executed it with Wm. Hay as his surety. Bond for £4000 recited. W^m Lewis married Anna 26 Feb. 1716.

On 28 Dec. 1717, Wm. Lewis d. intestate leaving her encient. The child was b. alive but is since dead. On 22 July 1718, Anna m. Sam. Smith, and the Appellant paid Smith £2800 since which John Vassall had paid Smith the legacy of £1000 but it should have been paid to W^m Lewis, and Smith hath retained it and also taken 12 slaves.

On 30 April 1723 John Lewis exhibited his Bill in the Court of Chancery against Smith and John Vassall. 19 Nov. 1723, answer of Smith who alleges the £2000 was not in bar of dower but a gift, that the 12 slaves were given him by Wm. Lewis on 24 Dec. 1717; the next day Wm. Lewis was sick, and on 28th gave directions for his will and the paper was read after his death. 12 Aug. 1734 the Chancellor of J. decreed that the bond for £2000 was not bar to dower. John Lewis appealed to H.M. in Council, but a commission of bankruptcy