To search the database click here.

See notes on searching the database.

Access to the database is most easily obtained by using one of the search engines or clicking on one of the lists of contents given at the bottom of this page. There are many live links on this page (gray); they cannot be seen on some mobile devices but can be seen by hovering over them.

In the century before the creation of the Supreme Court of the United States, the British Privy Council heard appeals from the 13 colonies that became the United States and from the other ‘American’ colonies in Canada and the Caribbean. This catalogue focuses on all currently known colonial cases appealed to the Privy Council from the future United States, a number totaling nearly one-third of the more than 800 heard from the Americas. For the appeals from the 13 colonies, the catalogue provides links to original documents in England and the United States. Most significantly, the site includes images of surviving briefs filed in 54 of these appeals. Known as ‘printed cases’, these briefs provide the ‘reasons’ for the appeals.

A preliminary catalogue of the appeals from Canada and from the Caribbean may be found in Part II of this website.

Current complementary international projects address previously unpublished Privy Council cases from a somewhat later period and colonial appeals from India and Australia.

The Privy Council today continues to hear appeals through its Judicial Committee.

There is a complete Introduction to the site. It contains, among other things, advice about how to navigate through the catalogue. Specific search options are available. The site also contains a set of useful lists and will soon contain a version of the catalogue in PDF.

The site also includes a Memorandum addressed to students and enthusiasts that offers advice on how to use the catalogue for developing a paper for a course or for advancing research in the field. Images of all the pages of Joseph H. Smith’s Appeals to the Privy Council from the American Plantations are available on the site.

The project is part of a series of online publications of the Ames Foundation. Additional assistance was provided by Boston College Law School and Harvard Law School. Additional information about the project can be found in the attached essay (pdf).

Recommended Citation: Sharon Hamby O’Connor and Mary Sarah Bilder, Appeals to the Privy Council from the American Colonies: An Annotated Digital Catalogue (Ames Foundation, 2014). A hard-cover version in paper may be obtained from W. S. Hein & Co.
Appeals to the Privy Council from the American Colonies

Contents by Colony, Report Number, and Case Name

**Connecticut**

01_1699_01 Palmes and Hallam v [Winthrop]

01_1699_02 Hallam v Winthrop

01_1703_00 Palmes v Winthrop

01_1727_00 Winthrop v Lechmere

01_1737_01 Wheeler v Levenworth

01_1737_02 Clark v Towsey

01_1756_00 Danielson v Throop

01_1756_00 Danielson v Fish

01_1765_00 Appeal of Whittlesey

**Delaware**

02_1774_00 Finney v Bickerton

02_1774_00 Finney v Byrne

**Georgia**

03_1751_00 Davis v Powell

03_1755_00 Demere v Davis

**Maryland**

04_1694_00 Appeal of Rawstone

04_1707_00 Taylor v Jones

04_1711_00 Macnamara v *Rex*

04_1720_00 Forward v Poulson (later Hunt)

04_1723_00 Brown v Boardley

04_1730_01 Macnamara v Brooke

04_1730_02 Nelson v Beale

04_1735_00 Appeal of Collins

04_1738_01 Jennings v Cuming

04_1738_02 Carroll v Parran

04_1739_00 Tasker v Simpson

04_1748_00 Frisby v Baldwin

04_1773_00 Bordley v Thomas
Massachusetts

04_1776_00 Chew v Weems (Heeltap v Weems)

05_1681_00 Appeals of Randolph

05_1682_00 Thayre v [Savage]

05_1691_00 [In re The Salisbury]

05_1692_00 Brenton v Lawson (In re The Two Brothers)

05_1692_00 Brenton v Wilkinson (In re The Three Brothers)

05_1692_00 Appeal of Brenton (In re The Mary)

05_1698_00 Brenton v Shrimpton

05_1700_00 Ting v Wynthrop

05_1705_01 Allen v Spencer

05_1705_02 Gookin v Smith

05_1706_00 Lason v Serjeant

05_1711_00 Lillie v Bromfield

05_1711_00 Lillie v Adams

05_1715_00 Bannister v Bowe

05_1717_00 Oulton v Savage

05_1718_01 Tunley v Maccarty

05_1718_02 Flint v Willett

05_1718_03 Taylor v Taylor

05_1722_00 Gilbert v Branfield

05_1726_00 In re The Mary Ann

05_1731_00 Bennet v Gray

05_1733_01 Waldo v Fairweather (1)

05_1733_01 Waldo v Fairweather (2)

05_1733_02 Stoddard v Barrell

05_1733_03 Byfield v Swasey

05_1734_01 Waldo v Waldo

05_1734_02 Gooch v Dummer

05_1734_03 Tidmarsh v Brandon

05_1734_04 Waldo v Waldoe

05_1734_05 Philips v Savage
05_1734_06 Waldo v Fairweather
05_1734_06 Waldo v Waldo
05_1734_06 Waldo v Tyng
05_1735_01 Ellis v Sprague
05_1735_02 Leighton v Frost
05_1737_01 Stoddard v Jones
05_1737_02 Pelham v Stone
05_1738_00 Pelham v Bannister
05_1742_00 Francis v Jeffries
05_1749_00 Liebenrood v Dennie
05_1750_01 Shirley v Waldo
05_1750_02 Knowles v Douglas
05_1753_00 Vassall v Fletcher
05_1755_00 Bannister v Cunningham
05_1764_00 Dudley v Richards
05_1767_00 Jeffries v Donnell
05_1768_00 Apthorpe v Pateshall
05_1774_00 Wentworth v Bowdoin
05_1775_00 Pease v Pullibank
05_1776_00 Appeal of Beale

**New Hampshire**
06_1683_00 Walton v Walford
06_1683_00 Barefoot v Wadleigh
06_1684_00 Vaughan v [Martin]
06_1684_00 Vaughan v [Mason]
06_1684_00 Vaughan v [Rex]
06_1684_00 [In re The Diligence]
06_1700_00 Appeal of Allen
06_1701_00 Allen v Waldron
06_1750_00 French v Folensby
06_1753_00 Appeal of Walker
06_1754_00 Merrill v Proprietors of Bow
06_1758_00 Trecothick v Wentworth
06_1759_01 Sherburne v Sherburne
06_1759_02 Dering v Packer
06_1762_00 Rolfe v Proprietors of Bow
06_1765_00 Hilton v Fowler
06_1765_00 Fowler v Hilton
06_1773_00 James v Moffatt

New Jersey
07_1696_00 Jones v Fullerton
07_1712_00 Appeal of Crowley
07_1716_00 Sonmans v Ormstone
07_1773_00 Wickoff v Ouke
07_1775_00 Reid v Reed

New York
08_1680_00 Ward v Palmer
08_1681_01 Darvall v Hall
08_1681_02 Dyer v Winder
08_1683_00 Wright v Cornwall
08_1685_00 Billop v [West]
08_1692_00 Mauritz v Philips
08_1699_00 Cruger v Depeyster
08_1700_00 Alsop v Vaudall
08_1702_01 In re The Elizabeth and Catherine
08_1702_02 Bayard v Rex
08_1702_02 Hutchins v Rex
08_1708_00 Appeal of Budge
08_1716_00 Gouverneur v DeBiemer
08_1717_01 Appeal of Summers
08_1717_02 Appeal of Smith
08_1735_00 Mosesson v Norris
08_1738_00 Brown v Philips
08_1741_01 Pearse v Cummins
08_1741_02 Pearse v Key
08_1742_00 Kennedy v Fowles
08_1765_01 Appeal of Etherington
08_1765_02 Cunningham v Forsey
08_1773_00 Van Rensselaer v Jackson

**North Carolina**
09_1729_00 Gale v Everard
09_1773_00 Nash v Dobbs
09_1774_00 Appeal of Casey

**Pennsylvania**
10_1712_00 Appeal of Macarell
10_1720_00 Appeal of Clement
10_1736_00 Appeal of Evans
10_1765_01 Fothergill v Stover
10_1765_02 McMurerie v Browne
10_1766_01 Long v Harper
10_1766_02 Crawford v Hawker
10_1770_01 Swift v Jones
10_1770_01 Swift v Hawkins
10_1770_01 Swift v Mitchell
10_1770_02 Pike v Hoare
10_1773_00 Styles v Kirkbride
10_1774_00 Sheipers v Logan (Thrustout v Logan)

**Rhode Island**
11_1698_00 Peirce v Willie
11_1699_00 Brinley v [Dyer]
11_1705_01 Appeal of Harris
11_1705_02 Appeal of Newton
11_1709_00 Remington v Brenton
11_1718_01 Ford v Hodgson
11_1718_02 Carr v Holmes
11_1721_01 Appeal of Owen
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>11_1721_02</td>
<td>In re The Pearl</td>
</tr>
<tr>
<td>11_1724_00</td>
<td>Cranston v Jekyll</td>
</tr>
<tr>
<td>11_1724_00</td>
<td>Jekyll v Cranston</td>
</tr>
<tr>
<td>11_1725_00</td>
<td>MacSparran v Mumford</td>
</tr>
<tr>
<td>11_1729_01</td>
<td>Wharton v Northrup</td>
</tr>
<tr>
<td>11_1729_02</td>
<td>Wood v Sanford</td>
</tr>
<tr>
<td>11_1730_00</td>
<td>Sabere v Sabere</td>
</tr>
<tr>
<td>11_1732_00</td>
<td>Brenton v Boreland (1)</td>
</tr>
<tr>
<td>11_1732_00</td>
<td>Boreland v Brenton</td>
</tr>
<tr>
<td>11_1732_00</td>
<td>Brenton v Boreland (2)</td>
</tr>
<tr>
<td>11_1733_00</td>
<td>Torrey v Mumford</td>
</tr>
<tr>
<td>11_1735_01</td>
<td>Coggeshall v Pelham</td>
</tr>
<tr>
<td>11_1735_02</td>
<td>Hassard v Potter</td>
</tr>
<tr>
<td>11_1735_03</td>
<td>Johnson v Arnold</td>
</tr>
<tr>
<td>11_1736_00</td>
<td>MacSparran v Hassard</td>
</tr>
<tr>
<td>11_1737_00</td>
<td>Brenton v Brenton</td>
</tr>
<tr>
<td>11_1738_01</td>
<td>Brown v Allen</td>
</tr>
<tr>
<td>11_1738_02</td>
<td>Coggeshall v Coggeshall</td>
</tr>
<tr>
<td>11_1738_03</td>
<td>Martin v Gardiner</td>
</tr>
<tr>
<td>11_1738_04</td>
<td>Martin v Gibbs</td>
</tr>
<tr>
<td>11_1745_01</td>
<td>Fogg v Harvey</td>
</tr>
<tr>
<td>11_1745_02</td>
<td>Potter v Freeborn</td>
</tr>
<tr>
<td>11_1746_01</td>
<td>Rous v Hassard</td>
</tr>
<tr>
<td>11_1746_01</td>
<td>Hassard v Rous</td>
</tr>
<tr>
<td>11_1746_02</td>
<td>Vanbrugh v Powers</td>
</tr>
<tr>
<td>11_1746_02</td>
<td>Powers v Vanbrugh</td>
</tr>
<tr>
<td>11_1746_03</td>
<td>Polock v Verplank</td>
</tr>
<tr>
<td>11_1746_04</td>
<td>Tripp v Tripp</td>
</tr>
<tr>
<td>11_1747_01</td>
<td>Staniford v Newell</td>
</tr>
<tr>
<td>11_1747_02</td>
<td>Freebody v Wanton</td>
</tr>
<tr>
<td>11_1747_03</td>
<td>Brenton v Remington</td>
</tr>
</tbody>
</table>
11_1748_00 Gibbs v Sheldon
11_1749_01 Wheelwright v Tyler
11_1749_02 Taylor v Clark
11_1749_03 Channing v Fenner
11_1750_00 Clemence v Angel
11_1751_00 Rodman v Bannister
11_1752_01 Peirce v Rice
11_1752_02 Walker v Paget
11_1752_03 Whitman v Whitman
11_1753_00 Borden v Cook
11_1754_00 Freebody v Cook
11_1755_01 Grant v Dyre
11_1755_02 Stanton v Thompson
11_1755_03 Chaloner v Bland
11_1755_04 Whipple v Bowen
11_1755_05 Hazard v Hazard
11_1755_06 Whipple v Ninigret
11_1756_00 Brenton v Sylvester
11_1757_00 Isaacs v Merrett
11_1758_00 Freebody v Brenton
11_1759_00 Moss v Hopkins
11_1760_01 Creaugh v Whitfield
11_1760_02 Larkin v York
11_1761_00 Simons v Wanton
11_1762_01 Read v Nicholls
11_1762_02 Potter v Hazard
11_1765_01 Stead v Hart
11_1765_01 Stead v Elizer
11_1765_02 Shearman v Cornell
11_1766_01 Stead v Isaacs
11_1766_02 Lewis v Wilkinson
11_1766_03 Arnold v Green
11_1766_04 Freebody v Brenton
11_1766_04 Brenton v Freebody
11_1766_05 Freebody v Holmes
11_1766_05 Holmes v Freebody
11_1766_06 Bannister v Brown
11_1767_00 Laycock v Clarke
11_1768_00 Isaacks v Stead
11_1769_01 Hart v Solomons
11_1769_02 Grant v Hardy
11_1773_01 Sandford v Smith
11_1773_02 Elam v Dockray
11_1773_03 Dudley v Clarke
11_1773_04 Dudley v Shaw
11_1773_05 Keeler v Rhodes
11_1774_00 Bean v Wanton
11_1775_00 Andrews v Farrint

**South Carolina**
12_1699_00 Peers v Amory (*In re* The Turtle)
12_1700_00 Niccoll v [Blake] (*In re* The Cole and Bean)

**Virginia**
13_1682_00 Bland v Codd
13_1685_00 Plampin v Scarborrow
13_1690_00 Ludwell v Toton
13_1696_00 Appeal of Bowtell
13_1699_00 Starke v Parker
13_1703_00 Selden v Beverley
13_1703_00 Ballard v Beverley
13_1709_00 D’Oyly v Harrison
13_1715_00 Beverly v Seldon
13_1716_00 Stannard v Wormeley
13_1719_00 Jones v Toleson
Appeals to the Privy Council

Report No. 01_1699_01  
Palmes and Hallam v [Winthrop]  
Connecticut

Case Name Short  
Palmes and Hallam v [Winthrop]

Case Name Long  
Edward Palmes and John Hallam v [FitzJohn Winthrop, Richard Christopher and Samuel Fosdick]

Acts of the Privy Council, Colonial Series

APC Citation  
v.2 [733] p.328 – 23 February 1699 – entry 1

CSP Citation  
XII no.119

PC Register Citation  
William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302

APC Citation  
v.2 [733] p.328 – 9 March 1699 – entry 2

CSP Citation  
XII no.160

PC Register Citation  

Colonial Courts

Unnamed

Participants

[Christopher, Richard]
[Fosdick, Samuel]
Hallam, John, merchant
Palmes, Edward, esquire
[Winthrop, FitzJohn]

Description

Not stated in Acts of the Privy Council, Colonial Series

Disposition

Not stated in Acts of the Privy Council, Colonial Series

Notes

Related to other Privy Council appeals:

Hallam v Winthrop – Report No. 01_1699_02 (APC, v.2 [734] p.328)

Palmes v Winthrop – Report No. 01_1703_00 (APC, v.2 [913] p.453)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. This case amounts to requests by Palmes and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship Liveen, with further right to appeal to the King in Council if desired.

Hallam v Winthrop concerns the Hallam brothers’ attempt to obtain the estate of John Liveen. Palmes v Winthrop continues Palmes’s controversy regarding the Liveen and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes’s late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Palmes and Hallam v Winthrop et al)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

All documents for this action are entered under Report No. 01_1703_00 (Palmes v Winthrop).
Appeals to the Privy Council

Report No. 01_1699_02 Hallam v Winthrop Connecticut

Case Name Short Hallam v Winthrop
Case Name Long John Hallam and Nicholas Hallam v John Fitz Winthrop and Edward Palmes

Acts of the Privy Council, Colonial Series

APC Citation v.2 [734] p.328 – 9 February 1699 – entry 1
CSP Citation XII no.120
PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302
APC Citation v.2 [734] p.329 – 5 December 1700 – entry 2
CSP Citation XIII no. 974
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.109: PC 2/78/109
APC Citation v.2 [734] p.329 – 12 June 1701 – entry 3
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.218: PC 2/78/218
APC Citation v.2 [734] p.329 – 12 February 1702 – entry 4
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.343–344: PC 2/78/343–344
APC Citation v.2 [734] p.329–330 – 18 March 1702– entry 5
PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.39: PC 2/79/39
APC Citation v.2 [734] p.330 – 2 December 1703 – entry 6
PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.467: PC 2/79/467
APC Citation v.2 [734] p.330 – 3 January 1704 – entry 7
PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.489: PC 2/79/489
APC Citation v.2 [734] p.330 – 9 January 1704 – entry 8
PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.494: PC 2/79/494

Colonial Courts
General Assembly (address relating to the case)
Court of Assistants – 2 May 1700

Participants
Hallam, John (brother of Nicholas Hallam)
Hallam, Nicholas (brother of John Hallam)
Palmes, Edward
Winthrop, John Fitz (Fitzjohn)

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Confirmed

Notes
Related to other Privy Council appeals:


Palmes v Winthrop – Report No. 01_1703_00 (APC, v.2 [913] p.453)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. Palmes and Hallam v [Winthrop] amounts to requests by Palmes and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship Liveen, with further right to appeal to the King in Council if desired.

This case concerns the Hallam brothers’ attempt to obtain the estate of John Liveen. Palmes v Winthrop continues Palmes’s controversy regarding the Liveen and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes’s late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Hallam v Winthrop and Palmes)
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Colonial Courts
Court of Assistants – October 1699
Court of Assistants – May 1700

Participants
Christopher, Richard
Fosdick, Samuel
Palmes, Edward (widower of Lucy Winthrop Palmes)
Palmes, Lucy Winthrop (deceased wife of Edward Palmes and daughter of John Winthrop)
Winthrop, Fitzjohn, Governor of Connecticut
Winthrop, John (deceased father of Lucy Winthrop Palmes)

Vessels
Liveen (ship)

Description
Issue relating to the Liveen and dispute regarding the estate of John Winthrop

Disposition
Appeals regarding both judgments are dismissed.

Notes
Related to other Privy Council appeals:


Hallam v Winthrop – Report No. 01_1699_02 (APC, v.2 [734] p.328)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. Palmes and Hallam v [Winthrop] amounts to requests by Palmes
and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship Liveen, with further right to appeal to the King in Council if desired.

Hallam v Winthrop concerns the Hallam brothers’ attempt to obtain the estate of John Liveen. This case continues Palmes’s controversy regarding the Liveen and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes’s late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Petition of Edward Palmes that his appeals be admitted – 16 Dec. 1703 – PC 1/46/5
Referenced in APC, v.6 [110] p.24

Depositions re the Palmes appeal – 14 June 1705 – PC 1/46/7
Referenced in APC, v.6 [133] p.37–38

Petition for hearing – 10 Jan. 1706 – PC 1/46/8
Referenced in APC, v.6 [140] p.40

Committee report – 9 April 1706 (8 April in vol. 2 of APC) – PC 1/46/8
Referenced in APC, v.6 [140] p.40
Appeals to the Privy Council

Case Name Short
Winthrop v Lechmere

Case Name Long
John Winthrop v Thomas and Ann Lechmere

Acts of the Privy Council, Colonial Series

Colonial Courts
Court of Probates – county of New London – 21 February 1717/1718 – letters of administration of estate granted to Winthrop
Superior Court – judgments for Winthrop on multiple actions of Lechmere brought in July 1724
General Assembly – 1725 – Lechmere’s petition for relief and a new trial
Assembly – 1725 – order for a complete inventory of Wait Winthrop’s estate in Court of Probates
Court of Probates – 29 June 1725 – refusal to accept Winthrop’s inventory without real estate, from which judgment Winthrop appeals
Court of Probates – Lechmere brings suit to have administration of estate granted to him which, being stayed, leads Lechmere to appeal to Superior Court
Superior Court – 28 September 1725 – affirmance of action of Court of Probates and order for both real and personal property to be inventoried, from which Winthrop appeals for review to Superior Court
Superior Court – 22 March 1725/6 – affirmance of their judgment of 28 September 1725 and on Lechmere’s review grant of power of administration to Lechmere
Special Superior County Court – 29 April 1726 – approves Lechmere’s inventory of the estate
Assembly – 12 May 1726 – receipt of Lechmere’s petitions for right to sell land to pay debt of deceased
Governor – receipt of protest from Winthrop
Assembly – May 1726 – passage of an act empowering Lechmere to sell the land to pay the remaining debt and finding Winthrop in contempt
Superior Court – September 1726 – issuance of an order pursuant to the passing of the May Act of Assembly
allowing the sale of land

Participants
Dummer, Jeremiah (agent for Connecticut)
Latimore, Robert
Lechmere, Ann (Anne) (wife of Thomas Lechmere, sister of John Winthrop, daughter of the late Wait Winthrop, niece of the late Hon. Fitzjohn Winthrop, and granddaughter of the late Hon. John Winthrop)
Lechmere, Charles (agent for Thomas and Ann Lechmere)
Lechmere, Thomas of Boston, merchant (husband of Ann Lechmere)
Talcott, John, Governor
Wally, Abell
Winthrop, Hon. Fitzjohn, late Governor (deceased uncle of John Winthrop and Ann Winthrop Lechmere)
Winthrop, Hon. John, late Governor (deceased grandfather of John Winthrop and Ann Winthrop Lechmere)
Winthrop, John of New London (brother of Ann Lechmere, son of the late Wait Winthrop, nephew of the late Hon. Fitzjohn Winthrop, and grandson of the late Hon. John Winthrop)
Winthrop, Major-General Wait of Boston (deceased father of John Winthrop and Ann Winthrop Lechmere)

Description
Land dispute between a brother and sister following the death of their father intestate. As Smith describes, at issue was the validity of the 1699 Connecticut Act for the Settlement of Intestate Estates, which, contrary to English practice, divided real and personal property in equal shares among the intestate’s children with the eldest son receiving a double share.

Disposition
Colonial “Act for the Settlement of Intestate Estates declared null and void as contrary to the laws of England in regard it makes Lands of Inheritance distributable as personal Estates . . . .”

Sentences of 29 June 1725, 28 September 1725, and 22 March 1725/6 reversed. Court of Probates directed not to reject an inventory without real property. Letters of administration for Lechmere vacated and order of 29 April 1726 approving his inventory to be discharged and the original letters of administration granted to Winthrop to be ordered to stand. Lechmere suit dismissed and all acts under these proceedings to be declared null and void, including court order of 27 September 1726. Winthrop to be put in possession of any lands lost, with rents and profits foregone and costs paid by petitioner repaid.

Notes
According to Smith (p.537), “the only instance we have seen of a colonial act specifically declared null and void ab initio upon judicial review by the King in Council.” Washburne, Imperial Control, p.184, notes that three appeals are usually cited as involving the validity of colonial legislative enactments: Winthrop v Lechmere, Philips v Savage, and Clark v Towsey. The importance of this case warrants its more detailed exposition here.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Winthrop v Lechmere) (extensive discussion)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Complaint of J. Winthrop – his petition – 8 Feb. 1727 – PC 1/48/23

Complaint of J. Winthrop – his petition (typed copy) – 8 Feb. 1727 – PC 1/48/23
Referenced in APC, v.6 [367] p.173–178; this typewritten copy of the petition has been added to the bundle.


Committee report for a copy of the petition to be sent to the Governor for his answer – 18 Feb. 1727 – PC 1/48/23
Referenced in APC, v.6 [367] p.178

Governor Talcott’s answer (copy 1) – 19 Sept. 1727 – PC 1/48/23

Governor Talcott’s answer (copy 2) – 19 Sept. 1727 – PC 1/48/23

Enclosure with Governor Talcott’s answer (copy 1) – 19 Sept. 1727 (certification date) – PC 1/48/23
Winthrop’s printed case was written on 13 folios of 2 foolscap pages each. It was transcribed and printed at the end of the 19th century but the original cannot be located at present.

Printed in the *Collections of the Massachusetts Historical Society* (1892) under the general heading ‘Winthrop, “Brief”’ are:

1. the brief of the appellant (p.440–496),
2. the decree of the King in Council (p.496–509), and
3. correspondence from Winthrop (p.509–511).

Editors’ notes indicate that they were unable to find a copy of the respondent’s case, for whom they say the counsel were Willes (probably Sir John) and Booth, whom they could not further identify.

Case Name Short: Wheeler v Levenworth
Case Name Long: Robert Wheeler v Thomas Levenworth

Acts of the Privy Council, Colonial Series

- APC Citation: v.3 [421] p.580 – 29 November 1737 – entry 1
- PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.310: PC 2/94/310
- APC Citation: v.3 [421] p.580 – 15 December 1737 – entry 2
- PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.338–339: PC 2/94/338–339
- APC Citation: v.3 [421] p.580 – 12 January 1738 – entry 3
- PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.366: PC 2/94/366

Colonial Courts
General Assembly – 27 August 1734

Participants
Levenworth, Thomas
Wheeler, Robert

Description
Land

Disposition
Not stated in Acts of the Privy Council, Colonial Series though not prosecuted according to Smith (p.643)

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Wheeler v Levenworth)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 01_1737_02  Clark v Towsey  Connecticut

Case Name Short  Clark v Towsey
Case Name Long  Samuel Clark v Thomas and Hannah Towsey (and against Thomas Towsey as guardian to John Clark), Thomas Clark (and as guardian to Gamaliel Clerk) and Richard Bryon (as guardian to children of late wife Mehitabell)

Acts of the Privy Council, Colonial Series

| APC Citation    | v.3 [422] p.580 – 29 November 1737 – entry 1 |
| PC Register Citation | George II v.5 (1 October 1736 – 4 September 1738) p.310–311: PC 2/94/310–311 |
| APC Citation | v.3 [422] p.580 – 25 May 1738 – entry 2 |
| PC Register Citation | George II v.5 (1 October 1736 – 4 September 1738) p.343, 521–522, 544: PC 2/94/343 521–522, 544 |
| APC Citation | v.3 [422] p.581 – 1 April 1742 – entry 3 |
| PC Register Citation | George II v.8 (22 October 1741 – 29 September 1743) p.120: PC 2/97/120 |
| APC Citation | v.3 [422] p.581 – 17 May 1742 – entry 4 |
| PC Register Citation | George II v.8 (22 October 1741 – 29 September 1743) p.125–126, 137: PC 2/97/125–126, 137 |
| APC Citation | v.3 [422] p.581 – 24 June 1742 – entry 5 |
| PC Register Citation | George II v.8 (22 October 1741 – 29 September 1743) p.166, 175–176: PC 2/97/166, 175–176 |
| APC Citation | v.3 [422] p.581 – 2 June 1743 – entry 6 |
| PC Register Citation | George II v.8 (22 October 1741 – 29 September 1743) p.429: PC 2/97/429 |
| APC Citation | v.3 [422] p.581 – 18 July 1745 – entry 7 |
| PC Register Citation | George II v.10 (1 March 1745 – 31 July 1746) p.133[bis], 144–145, 166: PC 2/99/133[bis], 144–145, 166 |
| PC Register Note | There are 2 pages numbered ‘133’ in PC 2/99; the 2nd is the relevant one. |

Colonial Courts
[Court of Probates – February 28, 1728]
Superior Court – first Tuesday of March 1733
Superior Court – 17 February 1741

Participants
Bryon, Mehitabell (deceased wife of Richard Bryon)
Bryon, Richard (widower of Mehitabell Bryon and guardian of her children)
Clark (Clerk), Gamaliel, infant
Clark (Clerk), John, infant
Clark (Clerk), Samuel, esquire (deceased [father of Samuel Clark])
Clark (Clerk), Samuel, esquire ([son of deceased Samuel Clark])
Clark (Clerk), Thomas (guardian of Gamaliel Clerk)
Towsey, Hannah (wife of Thomas Towsey)
Towsey, Thomas, esquire (husband of Hannah Towsey and guardian of John Clark, also spelled ‘Clerk’)

Description
Division of real estate of Samuel Clark, deceased

Disposition
Dismissed

Notes
A common alternate spelling for ‘Towsey’, not used in the APC, is ‘Tousey’. This case is often discussed with Winthrop v Lechmere and Philips v Savage as to their treatment of the division of an intestate’s property in the colonies and the degree to which colonial legislation was subject to review.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Clark v Tousey)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 01_1756_00  Danielson v Throop
                  Danielson v Fish

Connecticut

Case Name Short
Danielson v Throop
Danielson v Fish

Case Name Long
Samuel Danielson and Nathan West v Dan Throop and Caleb and Irena Hide
Samuel Danielson and Nathan West v Aaron Fish

Acts of the Privy Council, Colonial Series
v.4 [302] p.325 – 27 January 1756 – entry 1

PC Register Citation
George II v.16 (1 January 1756 – 31 December 1757) p.16–17: PC 2/105/16–17

APC Citation
v.4 [302] p.325 – 3 August 1764 – entry 2

PC Register Citation

APC Citation
v.4 [302] p.325 – 3 August 1764 – entry 2

PC Register Citation

Colonial Courts
Unnamed – August 1753
Unnamed – December 1753
Unnamed – 19 March 1754

Participants
Danielson, James (deceased brother of Samuel Danielson)
Danielson, Samuel, esquire (brother of James Danielson)
Eyre, Francis of Surrey Street in the Strand
Fish, Aaron
Hide, Caleb (‘pretended’ executor of James Danielson)
Hide, Irena (‘pretended’ executor of James Danielson)
Throop, Dan (‘pretended’ executor of James Danielson)
West, Nathan (lessee of Samuel Danielson)

Description
One action of account (Throop) and one of disseisin for 90 acres of land in Lebanon (Fish)

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document
Order referring the petition of Samuel Danielson (Fish) – 27 Jan.1756 – PC 1/59/5/2
Catalogued as
Catalogued by TNA: (Fish) Order of 27 Jan. 1756 referring to a committee the petition of Samuel Danielson and Nathan West asking to be admitted to an appeal against Aaron Fish from Connecticut: 27 July 1764 read at committee and reported.

TNA Document
Order referring the petition of Samuel Danielson (Throop) – 27 Jan.1756 – PC 1/59/5/2
Catalogued as
Catalogued by TNA: (Throop) Order of 27 Jan. 1756 referring to a committee the petition of Samuel Danielson asking to be admitted to an appeal against Daniel Throop and others from Connecticut: 27 July 1764 read at committee and reported.

TNA Document
Committee report (Fish) – 27 July 1764 – PC 1/50/52
Notes about Document
Referenced in APC, v.6 [618] p.371

TNA Document
Committee report (Throop) – 27 July 1764 – PC 1/50/52
Notes about Document
Referenced in APC, v.6 [618] p.371
Appeals to the Privy Council

Report No. 01_1765_00  
Appeal of Whittlesey  
Connecticut

Case Name Short  
Whittlesey, appeal of

Case Name Long  
Elisha Whittlesey, appeal of

Acts of the Privy Council, Colonial Series

APC Citation  
v.4 [614] p.727 – 10 July 1765 – entry 1

PC Register Citation  
George III v.4 (1 October 1764 – 27 August 1766) p.262: PC 2/111/262

Colonial Courts
General Assembly – May 1763 (resolution)

Participants
Pierpoint, Jacob
Whittlesey, Elisha

Description
Land

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
According to Smith (p.643), this attempt to appeal from a legislative resolution was refused.

Additional Sources
The details of the action regarding agreements between Whittlesey and Jacob Pierpoint, deceased, being contested in Connecticut by Jacob’s brother, John, can be found in Hoadley, Connecticut Public Records 1762–1767, May 1763, p.154–156.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 02_1774_00

Finney v Bickerton
Finney v Byrne

Delaware

Case Name Short
Finney v Bickerton
Finney v Byrne

Case Name Long
David, Robert, Elizabeth and Ann Dorothy Finney v Henry Bickerton et al
David, Robert, Elizabeth and Ann Dorothy Finney v James Byrne et al

Acts of the Privy Council, Colonial Series

APC Citation v.5 [306] p.402–403 – 28 October 1774 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.237: PC 2/118/237

Colonial Courts
Supreme Court for the Delaware counties – April term 1773

Participants
Bickerton, Henry
Byrne, James
Finney, Ann Dorothy
Finney, David
Finney, Elizabeth
Finney, Robert
Martin, Mary (deceased widow of Patrick Martin)
Martin, Patrick (deceased husband of Mary Martin)

Description
Land dispute among possible heirs with respondents Byrne, et al., according to Smith, claiming “as brothers and sisters of the half-blood of the intestate by virtue of a colonial act which was contrary to the common law and had not received royal approbation,” attempting to advance Winthrop v Lechmere as applicable.

Disposition
Finney v Byrne was never argued due to the Revolutionary War, according to Smith (p.653).

Notes
During this period the lower Delaware counties were in fact a part of the colony of Pennsylvania, but they retained a fair amount of autonomy, including their own Supreme Court.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Finney v Byrne)

Additional Sources
The American Philosophical Society holds a manuscript copy of the appellant’s printed case. Also note that two letters from David Finney to Benjamin Franklin can be found in the Franklin Papers. The letter dated February 27, 1774 describes Finney’s request for Franklin’s assistance in proceeding with the appeal. The letter of July 10, 1781, long after the Declaration of Independence and as the Revolutionary War was still being waged, concerns Finney’s attempt to learn if a judgment was ever given by the Privy Council. An opinion of Richard Jackson on the Finney case rendered in May 1774 is also referenced as being included in the Franklin Papers.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No.

Case Name Short
Case Name Long

Acts of the Privy Council, Colonial Series
Colonial Courts

Participants

Description

Disposition

DOCUMENTATION

Printed Cases
Privy Council Documents in PC 1 at The National Archives at Kew
Case Name Short  Davis v Powell  
Case Name Long  Caleb Davis v James Edward Powell  

Acts of the Privy Council, Colonial Series  

App. Citation  v.4[150] p.128 – 4 June 1751 – entry 1  
PC Register Citation  George II v.13 (1 May 1750 – 30 March 1752) p.245–246: PC 2/102/245–246  
APC Citation  v.4[150] p.128 – 12 July 1751 – entry 2  
PC Register Citation  George II v.13 (1 May 1750 – 30 March 1752) p.259–260, 276: PC 2/102/259–260, 276  
APC Citation  v.4 [150] p.128–130 – 20 December 1752 – entry 3  
PC Register Citation  George II v.13 (1 May 1750 – 30 March 1752) p.278, 281: PC 2/102/278, 281  
PC Register Citation  George II v.14 (1 April 1752 – 31 December 1753) p.161, 165, 207–209, 259: PC 2/103/161, 165, 207–209, 259  

Colonial Courts  
Court of Savannah – 21 February 1749  

Participants  
Bradley, William, esquire, of Michelham in Surrey  
Davis, Caleb, gentleman, of Lambeth in Surrey (late commander of the guard schooner Walker)  
Heron, Lieut. Col. Alexander (Lieutenant Colonel of a regiment in Georgia after the discharge of Major Horton)  
Horton, Maj. William (commanding officer at Georgia in 1745)  
Oglethorpe, Lieutenant General  
Powell, James Edward of Christchurch parish in South Carolina (owner of the Murray)  
Wall, James, gentleman, of Lambeth  

Vessels  
Murray  
Walker (guard schooner)  

Description  
Prize dispute  

Disposition  
Reversed  

References in Smith, Appeals to the Privy Council from the American Plantations  
Table of Cases (Davis v Powell)  

DOCUMENTATION  
Printed Cases  
Not found  

Privy Council Documents in PC 1 at The National Archives at Kew  
Not found  

view this report for printing
Appeals to the Privy Council

Report No. 03_1755_00 Demere v Davis

Case Name Short Demere v Davis
Case Name Long Raymond Demere v Caleb Davis

Acts of the Privy Council, Colonial Series
v.4 [265] p.286–287 – 27 March 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.363: PC 2/104/363

Colonial Courts
Court in Savannah – 7 July 1749

Participants
Davis, Caleb
Demere, Raymond, esquire, of Frederica

Vessels
Duke of Cumberland
Heron

Description
Dispute over Demere’s refusal to allow two ships to proceed on their voyages

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 04_1694_00  Appeal of Rawstone  Maryland

Case Name Short  Rawstone, appeal of
Case Name Long  Richard Rawstone, appeal of

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [533] p.263 – 22 January 1694 – entry 1
CSP Citation  IX no. 832
PC Register Citation  William III v.3 (1 October 1692 – 29 November 1694) p.321: PC 2/75/321

Colonial Courts
No colonial court decision was appealed for the Privy Council to review. See Notes.

Participants
Rawstone, Richard

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
See Labaree, Royal Instructions 1670–1776, p.354, and the entry in the CSP for details of Rawstone’s request to have his complaint reheard in Maryland, rather than by the Privy Council, with liberty to sue Henry Darnall and Nicholas Seawell for losses and damages sustained.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short  Taylor v Jones
Case Name Long  John Taylor v Ann Jones and Thomas Gassaway

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [1019] p.516–517 – 20 March 1707 – entry 1
PC Register Citation  Anne v.3 (11 October 1705 – 29 February 1708) p.324: PC 2/81/324
APC Citation  v.2 [1019] p.517 – 25 April 1707 – entry 2
PC Register Citation  Anne v.3 (11 October 1705 – 29 February 1708) p.350: PC 2/81/350
APC Citation  v.2 [1019] p.517 – 29 April 1707 – entry 3
PC Register Citation  Anne v.3 (11 October 1705 – 29 February 1708) p.356: PC 2/81/356

Colonial Courts
Provincial Court of Maryland

Participants
Gassaway, Nicholas, deceased
Gassaway, Thomas (executor of Nicholas Gassaway)
Jones, Ann (executor of Nicholas Gassaway)
Taylor, John, merchant, of London

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Not stated in the APC, though Smith (p.280) says that the appeal never came before the Council.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Taylor v Jones)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Macnamara v Rex

**Colonial Courts**
Provincial Court of Maryland

**Participants**
Macnamara, Thomas, attorney, of Annapolis
Rex

**Description**
Request to be restored to status of attorney following a conviction of homicide by chance medley.

**Disposition**
Reversed on writ of error to the Court of Appeals, removing further need for conciliar intervention, according to Smith (p.242)

**References in**
Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Rex v Macnamara)

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

**TNA Document**
Attorney General’s report – July 1711 – PC 1/58/1

**Catalogued as**
Catalogued by TNA: Attorney General’s report concerning the case of Thomas Macnamara, burnt in the hand for homicide

**Notes about Document**
Viewed at TNA in Conservation due to its poor condition (2009)
Appeals to the Privy Council

Report No. 04_1720_00  Forward v Poulson (later Hunt)  Maryland

Case Name Short  Forward v Poulson (later Hunt)
Case Name Long  Jonathan Forward v Gilbert Poulson (later William Hunt)

Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.2 [1339] p.783 – 12 April 1725 – entry 12</td>
<td>George I v.5 (September 1724 – May 1727) p.49: PC 2/89/49</td>
</tr>
<tr>
<td>v.2 [1339] p.783 – 1 June 1725 – entry 13</td>
<td>George I v.5 (September 1724 – May 1727) p.73–74: PC 2/89/73–74</td>
</tr>
</tbody>
</table>

Colonial Courts

Vice Admiralty Court – date of proceedings not stated
Provincial Court – 20 September 1720
Maryland Court of Appeals and Errors – 7 May 1723
Court of Errors – 2 June 1726 (4 judgments in favor of Thomas Boardley)
Participants
Baltimore, Lord
Boardley (Bordley), Thomas (attorney, later deceased, for Gilbert Poulson)
Calvert, Charles, Deputy Governor of Maryland
Cockey, Thomas
Forward, Jonathan, merchant, of London
Gordon, Robert
Hunt, William, merchant, of London (executor for Thomas Boardley, who dies during proceedings)
Poulson, Gilbert, master of the Dolphin
Rogers, Mary (wife of William Rogers)
Rogers, William (husband of Mary Rogers)
Young, Samuel, Judge of the Admiralty Court of Maryland

Vessels
Dolphin (ship)

Description
Charter party dispute

Disposition
Reversed

Notes
Thomas Boardley (Bordley), the attorney for Poulson, dies during the proceedings. The appeal is revived against Boardley’s executor, William Hunt.

This is an extraordinarily complex litigation. It is understood only in part with the information from the APC. A detailed explanation, along with transcription of colonial court documents, can be found in Bond, *Maryland Court of Appeals 1696–1729*.

The printed case of the respondent in Forward is the only printed case located to date that is not signed. Subsequent to Forward, by order of March 10, 1731 (*APC*, v.3 [228] p.310), printed cases delivered to the Privy Council had to be signed by counsel.

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Forward v Poulson)

DOCUMENTATION

Printed Cases
Case of the appellant (Forward)
Not found
Case of the respondent (Hunt)
Not signed.

Maryland Historical Society: Special Collections Reading Room – Rare Broadside 14

Privy Council Documents in PC 1 at The National Archives at Kew
Case of J. Forward, contractor for transporting felons. Two copies of Forward’s petition, one fuller than the other (the fuller copy) – Received 29 Oct. 1725 – PC 1/48/21
Referenced in *APC*, v.6 [337] p.154
Case of J. Forward, contractor for transporting felons. Two copies of Forward’s petition, one fuller than the other (the shorter copy) – Received 29 Oct. 1725 – PC 1/48/21
Referenced in *APC*, v.6 [337] p.154
Order of reference – 4 Nov. 1725 – PC 1/48/21
Referenced in *APC*, v.6 [337] p.154
Petition of Forward, etc. – Read 10 Jan. 1728 – PC 1/48/24
Referenced in *APC*, v.6 [397] p.193
Referenced in *APC*, v.6 [417] p.208
Brown v Boardley

Colonial Courts
Provincial Court of Maryland

Participants
Baltimore, Lord
Boardley, Thomas
Brown, Joseph

Description
Subject matter not stated in the APC. A judgment for £500 sterling had been entered.

Disposition
Brown admitted to bring his writ of error to Maryland Court of Appeals. Washburne, Imperial Control, p.79, notes that Brown had attempted to appeal over the heads of the higher courts of Maryland, a procedural irregularity that the Privy Council generally disallowed.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Brown v Bordley)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Referenced in APC, v.6 [324] p.139
Apologies to the Privy Council

Report No. 04_1730_01 Macnamara v Brooke Maryland

Case Name Short Macnamara v Brooke
Case Name Long Michael Macnamara v Thomas Brooke

Acts of the Privy Council, Colonial Series
APC Citation v.3 [215] p.285–286 – 11 June 1730 – entry 1
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.248: PC 2/91/248
APC Citation v.3 [215] p.286 – 23 November 1730 – entry 2
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.296: PC 2/91/296
APC Citation v.3 [215] p.286 – 14 December 1730 – entry 3
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.301, 351: PC 2/91/301, 351
APC Citation v.3 [215] p.286 – 11 May 1731 – entry 4
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.375 recte 374–375, 386–387: PC 2/91/375 recte 374–375, 386–387

Colonial Courts
Provincial Court – 21 May 1728
Court of Appeals and Errors – 15 May 1729
High Court of Appeals held by the Governor and Council – 24 May 1729

Participants
Brooke, Thomas
Macnamara, Michael of Ann Arundel County (son of Thomas Macnamara)
Macnamara, Thomas (deceased father of Michael Macnamara)

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Reversed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (MacNamara v Brooke)

Additional Sources
See the report on the colonial court proceedings in Harris, Maryland Reports, under the name Macnemara [sic] Brooke.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Nelson v Beale

Case Name Short
Nelson v Beale

Case Name Long
Thomas Nelson v John Beale

Acts of the Privy Council, Colonial Series

APC Citation
v.3 [216] p.286 – 11 June 1730 – entry 1

PC Register Citation
George II v.2 (1 June 1729 – 16 June 1732) p.248: PC 2/91/248

APC Citation
v.3 [216] p.286 – 20 June 1737 – entry 2

PC Register Citation

APC Citation
v.3 [216] p.286 – 25 June 1737 – entry 3

PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.242: PC 2/94/242

APC Citation
v.3 [216] p.287 – 21 July 1737 – entry 4

PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.244: PC 2/94/244

APC Citation
v.3 [216] p.287 – 25 June 1737 – entry 5

PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.261: PC 2/94/261

Colonial Courts
Provincial Court – 18 October 1726
Court of Appeals and Errors – 6 February 1729

Participants
Beale, John
Digges, John
Nelson, Thomas (lessee of John Digges)

Description
Land

Disposition
Dismissed for non-prosecution

References in
Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Nelson v Beale)

Additional Sources
See the report on the colonial court proceedings in Harris, Maryland Reports, under the name Digges’s Lessee v Beale.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Collins, John, of Newbury in New England, master of the *Patuxent*, of Newbury

Ogle, Governor

Rousby, John, Collector of the Customs

*Patuxent* of Newbury (sloop)

Forfeiture of vessel and goods

Not stated in *Acts of the Privy Council, Colonial Series*

Samuel Ogle is Governor of Maryland.
Case Name Short
Jennings v Cuming

Case Name Long
Edmund Jennings and John Gallaway v William Cuming Executor of Thomas Facer and Achsah Woodward Administrator de bonis non of Amos Garret

Acts of the Privy Council, Colonial Series

APC Citation
v.3 [455] p.619–620 – 30 November 1738 – entry 1

PC Register Citation
George II v.6 (1 October 1738 – 27 March 1740) p.46: PC 2/95/46

APC Citation
v.3 [455] p.620 – 6 September 1739 – entry 2

PC Register Citation

Colonial Courts
Commissary General and Judge for the Probate of Wills – 30 August 1737
Court of Delegates – 25 October 1737

Participants
Cuming, William, esquire (executor of Thomas Facer)
Facer, Thomas, presumed deceased
Gallaway, John (attorney for William Woodward and Mary Holmes)
Garret, Amos, merchant, of Annapolis (deceased brother of Mary Woodward and Elizabeth Gwin)
Gwin, Elizabeth (deceased sister of Mary Woodward and Amos Garret)
Holmes, Mary (executor of Mary Woodward)
Jennings, Edmund, esquire (attorney for William Woodward and Mary Holmes)
Rudd, Sayer (executor of Elizabeth Gwin)
Seely, Edmund, gentleman (executor of Elizabeth Gwin)
Woodward, Achsah (administrator de bonis non of Amos Garret)
Woodward, Mary (deceased sister of Amos Garret and Elizabeth Gwin)
Woodward, William (executor of Mary Woodward)

Description
Validity of will of Amos Garret

Disposition
Dismissed for non-prosecution

Notes
Elizabeth Gwin was the sister of Amos Garret and Mary Woodward. (Skinner, Maryland Testamentary Abstracts 1736–1739, p.67) That relationship is noted in Participants. Her surname is spelled ‘Gwin’ in the APC and ‘Ginn’ in the Abstracts.

The APC is ambiguous as to whom Jennings and Gallaway were attorneys for. The Abstracts suggest that they were attorneys-in-fact for Woodward and Holmes as executors, Woodward and Holmes in their own names, and Rudd and Seely as executors, i.e., that they collectively represented all three pairs of parties against Cuming. The APC refers to ‘attorney’; however, the Abstracts refer to ‘attorney-in-fact’.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jennings v Cumming)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 04_1738_02 Carroll v Parran Maryland

Case Name Short Carroll v Parran
Case Name Long Charles Carroll v Mary Parran and John Parran

Acts of the Privy Council, Colonial Series
APC Citation v.3 [456] p.620 – 30 November 1738 – entry 1
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.47: PC 2/95/47
APC Citation v.3 [456] p.620 – 27 December 1739 – entry 2
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.264, 335, 432, 445–450, 492: PC 2/95/264, 335, 432, 445–450, 492

Colonial Courts
Maryland Court of Chancery – 20 October 1731 and subsequent explanatory orders
Issuing body unnamed – Order of Dismission – 17 February 1735
High Court of Appeals – 17 May 1737

Participants
Carroll, Charles (deceased father of Charles Carroll)
Carroll, Charles, esquire, of Annapolis (son and surviving executor of Charles Carroll)
Carroll, Daniel (deceased executor of Charles Carroll)
Parran, Alexander (deceased husband of Mary Parran and father of John Parran)
Parran, John (son of Alexander Parran)
Parran, Mary (widow and administratrix of Alexander Parran)

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Affirmed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
# Appeals to the Privy Council

## Report No. 04_1739_00  
Tasker v Simpson  
Maryland

### Case Name Short  
Tasker v Simpson

### Case Name Long  
Benjamin Tasker v John Simpson on the demise of William Brent

## Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
<th>View</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.3 [476] p.645 – 27 September 1739 – entry 1</td>
<td>George II v.6 (1 October 1738 – 27 March 1740) p.351: PC 2/95/351</td>
<td><a href="#">view</a></td>
</tr>
</tbody>
</table>

## Colonial Courts

- **Provincial Court** – 18 October 1737
- **High Court of Appeals** – 24 November 1738

## Participants

- Bennet, James
- Brent, Giles (deceased father of Mary Fitzherbert and brother of Margaret Brent)
- Brent, Margaret (deceased sister of Giles Brent and aunt of Mary Fitzherbert)
- Brent, William (descendent of Giles Brent)
- Fitzherbert, John (husband of Mary Fitzherbert)
- Fitzherbert, Mary Brent (niece of Margaret Brent, daughter of Giles Brent and wife of John Fitzherbert)
- Lynes (Lines), Philip
- Moy, Ann (wife of Daniel Moy)
- Moy, Daniel (husband of Ann Moy)
- Moy, Richard
- Simpson, John
- Tasker, Benjamin, esquire

## Description

Land dispute (trespass and ejectment) over 1000 acres in Queens County from a grant by the Lord Proprietary of Maryland in 1640

## Disposition

Dismissed

## Notes

The lease of William Brent to John Simpson is probably real. The Committee report describes William’s side of the Brent family as being resident in England and Virginia. The report also leaves little doubt that the underlying issue in the case is William’s claim to ownership of the premises. On the action of ‘trespass and ejectment’ involved here, see Additional Research.

Washburne, *Imperial Control*, p.98–99, notes this appeal as an example of the difficulties arising from conflicting claims from very early land grants.

## DOCUMENTATION

### Printed Cases

**Appellant’s case**

- Case of the appellant (Tasker)  
  [Signed] D. Ryder; W. Noel

Library  
New York Public Library. Schwarzman Building: Rare Book Collection *KVB++ (1739, Jan. 25) (Ryder, D. Maryland) (Includes manuscript notes. The ESTC also shows another entry [N474463] for the New York Public Library for the appellant's case, but an additional copy cannot be located.) (Noted in ESTC? Yes.)

**Respondent’s case**

- Case of the respondent (Simpson)  
  [Signed] J. Strange

Library  
New York Public Library. Schwarzman Building: Rare Book Collection *KVB++ (1739, Jan. 25) (Strange, J. Benjamin Tasker, esq. appellant) (Noted in ESTC? Yes.)

### Privy Council Documents in PC 1 at The National Archives at Kew

Not found

### Other Documents

See report on colonial court proceedings in Harris, *Maryland Reports*, under the name Brent’s Lessee v Tasker.
Cases Name Short  Frisby v Baldwin
Case Name Long  Elizabeth Frisby v Mary Frisby Baldwin

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [91] p.69 – 13 October 1748 – entry 1
PC Register Citation  George II v.12 (1 May 1748 – 29 March 1750) p.98: PC 2/101/98
APC Citation  v.4 [91] p.69 – 6 August 1752 – entry 2
PC Register Citation  George II v.12 (1 May 1748 – 29 March 1750) p.104: PC 2/101/104

Colonial Courts
Chancery – October 1741
High Court of Appeals – 20 October 1747

Participants
Baldwin, John, gentleman (husband of Mary Frisby Carrol Baldwin)
Baldwin, Mary Frisby Carrol (widow and administratrix of William Frisby, widow of Dominick Carrol, and now wife of John Baldwin)
Carrol, Dominick (a deceased husband of Mary Frisby Carrol Baldwin)
Frisby, Elizabeth (widow and administratrix of Peregrine Frisby)
Frisby, Nicholas (deceased son of William Frisby)
Frisby, Peregrine, esquire, of Cecil county (deceased husband of Elizabeth Frisby and brother of William Frisby)
Frisby, William (a deceased husband of Mary Frisby Carrol Baldwin and brother of Peregrine Frisby)

Description
Dispute re the allocation of the estate of William Frisby

Disposition
Reversed

DOCUMENTATION

Printed Cases
Appellant's case  Case of the appellant (Frisby)
Counsel  [Signed] D. Ryder; A. Hume-Campbell
Library  British Library: General Reference Collection – 1890.e.3.(79.) (Includes manuscript notes and is bound with appeals to the House of Lords. The ESTC record states that the appeal was to that body though the dorse indicates an appeal to the Privy Council.) (Noted in ESTC? Yes.)

Respondent's case  Case of the respondent (Baldwin)
Note  Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Bordley v Thomas

Case Name Short: Bordley v Thomas
Case Name Long: John Beale Bordley and Margaret Bordley and William and Mary Paca v Ann Thomas

Acts of the Privy Council, Colonial Series

APC Citation: v.5 [273] p.384 – 29 October 1773 – entry 1
PC Register Citation: George III v.10 (January 1773 – April 1774) p.330: PC 2/117/330
APC Citation: v.5 [273] p.384 – 31 December 1773 – entry 2
PC Register Citation: George III v.10 (January 1773 – April 1774) p.378, 397: PC 2/117/378, 397

Colonial Courts

Court of Appeals – 19 February 1771

Participants

Bordley, John Beale (husband of Margaret Bordley)
Bordley, Margaret (wife of John Beale Bordley)
Chew, Samuel, presumed deceased
Paca, Mary (wife of William Paca)
Paca, William (husband of Mary Paca)
Thomas, Ann of Ann Arundel county (widow of Philip Thomas)
Thomas, Philip (deceased husband of Ann Thomas)

Description

Dispute re estate of Samuel Chew

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Appeals to the Privy Council

Case Name Short
Chew v Weems
Heeltap v Weems

Case Name Long
Crispin Heeltap on the demise of William Chew v James Weems and David Weems

Acts of the Privy Council, Colonial Series
v.5 [330] p.438 – 3 January 1776 – entry 1

PC Register Citation
George III v.12 (June 1775 – May 1776) p.295, 394: PC 2/119/295, 394

Colonial Courts
Provincial Court – 8 September 1772
Court of Appeals and Errors – 21 February 1775

Participants
Chew, William
Heeltap, Crispin of An Arundel county (lessee of William Chew)
Weems, David
Weems, James
Weems, John

Description
Action of ejectment

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
As the Privy Council register makes clear, the ejectment action was originally brought by Heeltap and Chew. A judgment in their favor was reversed in the Court of Appeals and Errors, from which they appealed to the Privy Council. Crispin Heeltap and the lease to him are probably fictitious. ‘Heeltap’ is much more often found as a common noun than as a surname. On the action of ejectment involved here, see Additional Research, which provides further support for the proposition that Heeltap is fictional.

Additional Sources
See the report on the colonial court proceedings in Harris, Maryland Reports, under the name Chew’s Lessee v Weems.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1681_00  Appeals of Randolph  Massachusetts

Case Name Short
Randolph, appeals of
Randolph v Armitage
Randolph v Bollard
Randolph v Brock
Randolph v Clay
Randolph v Grecian
Randolph v Harding
Randolph v Huling
Randolph v Hunkins
Randolph v Hutchinson
Randolph v Janon
Randolph v Lucy (?)
Randolph v Nichols
Randolph v Severet and Nicholls
Randolph v Whetstone

Case Name Long
Edward Randolph, appeals of

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [44] p.22–23 – 11 August 1681 – entry 1
PC Register Citation  Charles II v.16 (1 June 1680 – 31 May 1683) p.343–344: PC 2/69/343–344

Colonial Courts
Unnamed – locations given as “Boston and other Places"

Participants
Armitage, Timothy, master of the ship Two Sisters of Boston
Bollard, Nathaniel, master of a sloop of Linn
Brock, John, master of the Gift of God of Kittery
Clay, Steven, master of the Batchelor Delight of Providence
Grecian, Thomas, master of the pink Expectation of Boston
Harding, John of Salem
Huling, John, master of the ship Maidenhead of Nuberry
Hunkins, John, master of the ketch Industry of Plymouth
Hutchinson, John, merchant of Boston
Janon, Jeremia, master of a sloop of Scituate
Lucy (?), Samuel, master of the ship Expedition of Bristol
Nichols, Eli, master of the barque Gift of God of Guernzey
Randolph, Edward, esquire
Severet, Philip and Nicholls, Eli., masters of two new ships of Piscataqua
Whetstone, ___, master of the Mary of Bristol

Vessels
Batchelor Delight of Providence (ship)
Expectation of Boston (pink)
Expedition of Bristol (ship)
Gift of God of Guernzey (barque)
Gift of God of Kittery
Industry of Plymouth (ketch)
Maidenhead of Nuberry (ship)
Mary of Bristol
Two Sisters of Boston (ship)

Description
Seizures under the Navigation Acts

Disposition
Not stated in APC, but Smith (p.61) indicates that there is no evidence that any of the respondents appeared.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Randolph, Edward, Appeals of)
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
### Appeals to the Privy Council

Report No. 05_1682_00  Thayre v [Savage]  Massachusetts

#### Case Name Short
Thayre v [Savage]

#### Case Name Long
Richard Thayre v [Capt. Savage] and [Capt. Clapp]

---

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>Citation Type</th>
<th>Citation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC Citation</td>
<td>v.2 [98] p.41 – 8 December 1682 – entry 1</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>VI no. 834</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>Charles II v.16 (1 June 1680 – 31 May 1683) p.591: PC 2/69/591</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [98] p.41 – 2 March 1683 – entry 2</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>VI no. 989</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>Charles II v.16 (1 June 1680 – 31 May 1683) p.643–644: PC 2/69/643–644</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [98] p.41 – 2 April 1684 – entry 3</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>VI no. 1621</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>Charles II v.17 (13 June 1683 – 4 February 1685) p.137: PC 2/70/137</td>
</tr>
</tbody>
</table>

---

**Colonial Courts**

Unnamed – [Boston]

**Participants**

[Clapp, Capt.]

[Savage, Capt.]

Thayre, Richard

**Description**

Land [claim based on Indian deed]

**Disposition**

Not stated in *Acts of the Privy Council, Colonial Series*

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Thayre v Savage)

---

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Report No. 05_1691_00  [In re The Salisbury]  Massachusetts

Case Name Short  [In re The Salisbury]
Case Name Long  [In re The Salisbury]

Not a ‘true’ appeal.

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [409] p.192 – 30 July 1691 – entry 1
CSP Citation  VIII no.1678
PC Register Citation  William III v.2 (3 September 1690 – 29 September 1692) p.219: PC 2/74/219
APC Citation  v.2 [409] p.193 – 2 January 1692 – entry 2
PC Register Citation  William III v.2 (3 September 1690 – 29 September 1692) p.319: PC 2/74/319

Colonial Courts

[Court of Assistants in Boston – February 1689/90]

Participants
[Brenton, Jahleel]
Laurence, Capt. Nicholas, [master of the Salisbury]
Page, Col. Nicholas

Vessels
[Salisbury]

Description
Condemnation of vessel

Disposition
Settlement with the Commissioners of the Treasury

Notes
The appeal regarding the Salisbury was directed to Admiralty, considered by the Massachusetts court for the King in Council, but finally found resolution with the Treasury with a passing reference to the Commissioner of Customs. It stands as an example of the early confusion over appellate jurisdiction, according to Smith (p.93).

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (In re The Salisbury)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Brenton v Lawson *(In re The Two Brothers)*
Brenton v Wilkinson *(In re The Three Brothers)*
Appeal of Brenton *(In re The Mary)*

Case Name Short
Brenton v Lawson
*In re* The Two Brothers
Brenton v Wilkinson
*In re* The Three Brothers
Brenton, appeal of
*In re* The Mary

Case Name Long
Jahleel Brenton v George Lawson *(In re The Two Brothers)*
Jahleel Brenton v Thomas Wilkinson *(In re The Three Brothers)*
Jahleel Brenton, appeal of *(In re The Mary)*

Acts of the Privy Council, Colonial Series

| APC Citation | v.2 [480] p.237–239 – 22 December 1692 – entry 1 | view_ARC |
| PC Register Citation | William III v.3 (1 October 1692 – 29 November 1694) p.59: PC 2/75/59 | view |
| APC Citation | v.2 [480] p.239 – 23 April 1696 – entry 2 | view_ARC |
| PC Register Citation | William III v.4 (2 December 1694 – 23 April 1697) p.402: PC 2/76/402 | view |
| APC Citation | v.2 [480] p.239 – 23 February 1697 – entry 3 | view_ARC |
| PC Register Citation | William III v.4 (2 December 1694 – 23 April 1697) p.585: PC 2/76/585 | view |
| APC Citation | v.2 [480] p.239 – 27 May 1697 – entry 4 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.19: PC 2/77/19 | view |
| APC Citation | v.2 [480] p.239–240 – 27 May 1697 – entry 5 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.1, 22-23: PC 2/77/1, 22-23 | view |
| APC Citation | v.2 [480] p.240 – 3 June 1697 – entry 6 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.26: PC 2/77/26 | view |
| APC Citation | v.2 [480] p.240 – 17 June 1697 – entry 7 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.30: PC 2/77/30 | view |
| APC Citation | v.2 [480] p.240 – 1 July 1697 – entry 8 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.34: PC 2/77/34 | view |
| APC Citation | v.2 [480] p.240 – 8 July 1697 – entry 9 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.38: PC 2/77/38 | view |
| APC Citation | v.2 [480] p.240 – 15 July 1697 – entry 10 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.40: PC 2/77/40 | view |
| APC Citation | v.2 [480] p.240–241 – 22 July 1697 – entry 11 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.55: PC 2/77/55 | view |
| APC Citation | v.2 [480] p.241 – 29 July 1697 – entry 12 | view_ARC |
| PC Register Citation | William III v.5 (5 May 1697 – 30 March 1700) p.55: PC 2/77/55 | view |
| APC Citation | v.2 [480] p.241 – 3 May 1700 – entry 13 | view_ARC |
| PC Register Citation | William III v.6 (4 April 1700 – 19 February 1702) p.21: PC 2/78/21 | view |
| APC Citation | v.2 [480] p.241 – 9 May 1700 – entry 14 | view_ARC |
| PC Register Citation | William III v.6 (4 April 1700 – 19 February 1702) p.21: PC 2/78/21 | view |

Colonial Courts
A county court in Boston – 25 August 1691 – *In re* The Two Brothers
Court of Assistants – Boston – 1 September 1691 – *In re* The Two Brothers
Court of Assistants – Boston – *In re* The Three Brothers
County Court – 17 February 1692 – *In re* The Mary
Court of Assistants – Boston – 1 March 1692 – *In re* The Mary

Participants
Brenton, Jahleel, gentleman, Collector, Surveyor and Searcher of the Customs in New England
Dew, George, privateer commander (*In re* The Three Brothers)
Griffin, Thomas, privateer commander (*In re* The Three Brothers)
Lawson, George, commander of the *Two Brothers*
Mason, Stephen, merchant, of London
Merry, Anthony (‘concerned in’ the *Two Brothers*)
Phips, Sir William, Governor of Massachusetts
Upton, Ambrose (owner of the Three Brothers)
Wilkinson, Thomas, commander of the Three Brothers

Vessels
Two Brothers (pink)
Three Brothers (pink)
Mary (brigantine)

Description
Seizures under the Navigation Acts

Disposition
The vessel the Two Brothers was forfeited; no defendants answered the summons.
The vessel the Three Brothers was forfeited for breach of the Acts of Trade.
The appeal of Brenton regarding the Mary was dismissed.

Notes
Related to another Privy Council appeal:

Brenton v Shrimpton – Report No. 05_1698_00 (APC, v.2 [716] p.324)

Brenton v Shrimpton arises out of a seizure of a parcel of iron and is reported separately in APC.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Brenton v Lawson; Brenton v Wilkinson; In re The Three Brothers)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1698_00 Brenton v Shrimpton Massachusetts

Case Name Short Brenton v Shrimpton
Case Name Long Jahleel Brenton v Elizabeth Shrimpton

Acts of the Privy Council, Colonial Series

APC Citation v.2 [716] p.324–325 – 1 September 1698 – entry 1
PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.222: PC 2/77/222
APC Citation v.2 [716] p.325 – 30 May 1700 – entry 2
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.34: PC 2/78/34
APC Citation v.2 [716] p.325 – 28 June 1700 – entry 3
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72
APC Citation v.2 [716] p.325 – 18 July 1700 – entry 4
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72

Colonial Courts
County Court at Boston – 26 July 1692

Participants
Brenton, Jahleel, esquire, Collector of His Majesties Customes in New England
Shrimpton, Elizabeth (widow and executrix of Colonell Samuell Shrimpton)
Shrimpton, Col. Samuell of Boston (deceased husband of Elizabeth Shrimpton)

Description
Seizure of a parcel of iron for illegal importation

Disposition
Dismissed

Notes
Related to other Privy Council appeals:

Brenton v Lawson; Brenton v Wilkinson; In re The Mary – Report No. 05_1692_00 (APC, v.2 [480] p.237–239)

These cases are closely related to this one, but are reported separately in the APC.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1700_00			Ting v Wythrop			Massachusetts

Case Name Short			Ting v Wythrop
Case Name Long			Jonathan Ting v Wait Wythrop

Acts of the Privy Council, Colonial Series

APC Citation			v.2 [803] p.358 – 22 October 1700 – entry 1
PC Register Citation			William III v.6 (4 April 1700 – 19 February 1702) p.86: PC 2/78/86

Colonial Courts
Inferior Court of Common Pleas
Superior Court of Judicature – Boston

Participants
Ting, Jonathan of Boston (executor of Hezekiah Usher)
Usher, Hezekiah of Boston, presumed deceased
Wythrop, Wait (tenant of Jonathan Ting)

Description
Land

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
**Appeals to the Privy Council**

Report No. 05_1705_01

**Allen v Spencer**

*Massachusetts*

---

### Case Name Short

Allen v Spencer

### Case Name Long

Samuel Allen (later Thomas Allen) v Humphrey Spencer

---

**Acts of the Privy Council, Colonial Series**

*view_APC*

---

**APC Citation**

v.2 [972] p.489 – 9 July 1705 – entry 1

**PC Register Citation**


**APC Citation**

v.2 [1006] p.510 – 15 July 1706 – entry 2

**PC Register Citation**

Anne v.3 (11 October 1705 – 29 February 1708) p.238–239: PC 2/81/238–239

---

**Colonial Courts**

Court of Common Pleas in Maine, otherwise referred to as Inferior Court at Wells
Superior Court – Boston – 7 November 1704

---

**Participants**

Allen, Samuel (deceased father of Thomas Allen)
Allen, Thomas (son of Samuel Allen)
Gorges, Sir Ferdinando
Spencer, Humphrey

---

**Description**

Land (“Writ of Ejectment,” according to the *APC*; “an Ejectment at Law,” according to the Committee report as given in the Privy Council register) near Newichawannock by grant from Ferdinando Gorges

---

**Disposition**

Not stated in *Acts of the Privy Council, Colonial Series*

---

**Notes**

Related to another Privy Council appeal:

Allen v Waldron – Report No. 06_1701_00 (*APC*, v.2 [818] p.365)

This action, begun before the death of Samuel Allen in 1705, was continued by his son as heir, but apparently not further prosecuted. Smith (p.158) describes Allen’s attempt to enforce his Masonian claims in Massachusetts courts for lands in Maine. The *APC* indexes the appeal against Waldron by Samuel Allen, and then Thomas Allen, under New Hampshire where the Allens’ main efforts to enforce their claims were directed.

On the action of ejectment involved here, see Additional Research.

**References in Smith, Appeals to the Privy Council from the American Plantations**

Table of Cases (Allen v Spencer)

---

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Gookin v Smith

Acts of the Privy Council, Colonial Series

**APC Citation**
- v.2 [985] p.497 – 20 December 1705 – entry 1
- v.2 [985] p.497 – 9 April 1706 – entry 2
- v.2 [985] p.497 – 11 April 1706 – entry 3

**PC Register Citation**
- Anne v.3 (11 October 1705 – 29 February 1708) p.58: PC 2/81/58
- Anne v.3 (11 October 1705 – 29 February 1708) p.171: PC 2/81/171
- Anne v.3 (11 October 1705 – 29 February 1708) p.174: PC 2/81/174

**Colonial Courts**
Superior Court – Boston

**Participants**
- Gookin, Samuel of Cambridge in New England
- Smith, Sarah, widow

**Description**
Disposition of a ship or money in lieu thereof

**Disposition**
Dismissed

**References in** Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Gookin v Smith)

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found

view this report for printing
### Appeals to the Privy Council

**Report No. 05_1706_00**  
**Lason v Serjeant**  
**Massachusetts**

#### Case Name Short
Lason v Serjeant

#### Case Name Long
George Lason v Peter Serjeant

### Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
<th>Description</th>
</tr>
</thead>
</table>

### Colonial Courts
Inferior Court of Common Pleas – Boston – October 1704  
Superior Court – 7 November 1704

### Participants
Lason, George  
Serjeant, Peter

### Description
Not stated in *Acts of the Privy Council, Colonial Series*

### Disposition
Dismissed, “but Lason may petition again upon the equity of his case, if he thinks fit,” according to the *APC*, v.6 [169] p.55.

### References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Lason v Sergeant)

### DOCUMENTATION

#### Printed Cases
Not found

#### Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 3 May 1707 – PC 1/46/9

Referenced in *APC*, v.6 [169] p.55
Appeals to the Privy Council

Report No. 05_1711_00
Lillie v Bromfield
Lillie v Adams
Massachusetts

Case Name Short
Lillie v Bromfield
Lillie v Adams

Case Name Long
Samuel Lillie v Edward Bromfield and Francis Burroughs
Samuel Lillie v Elias Adams

Acts of the Privy Council, Colonial Series
v.2 [1150] p.655 – 30 July 1711 – entry 1
PC Register Citation
Anne v.5 (2 June 1710 – 28 July 1712) p.278: PC 2/83/278
APC Citation
v.2 [1150] p.655 – 29 March 1715 – entry 2
PC Register Citation
George I v.1(1 August 1714 – 2 March 1717) p.201–202: PC 2/85/201–202

Colonial Courts
Inferior Court of Massachusetts Bay – 7 October 1707 – re Bromfield and Burroughs
Inferior Court of Massachusetts Bay – 4 November 1707 – re Adams

Participants
Adams, Elias
Bromfield, Edward
Burroughs, Francis
Lillie, Samuel, merchant, of Boston

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
According to the APC, Lillie is allowed to appeal from the Inferior Court judgments and may also prosecute his appeals from the Admiralty Court of Massachusetts in the High Court of Admiralty in England.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Report of the Attorney General – 6 Jan. 1714/5 – PC 1/58/1
Catalogued by TNA with the petition of S. Lillie as follows: Petition of Samuel Lillie, merchant of Boston, concerning alleged unjust procedures in the Massachusetts courts of jurisdiction, with report of Attorney General
Stitched together are the petition, true copies of Lillie’s original request, order of reference to the Attorney General, and the Attorney General’s answer. Adams and Bromfield are treated together in these documents.

Petition of S. Lillie – Mar. 1715 – PC 1/58/1
Catalogued by TNA with the report of the Attorney General as follows: Petition of Samuel Lillie, merchant of Boston, concerning alleged unjust procedure in the Massachusetts courts of judicature, with report of Attorney General
A complicated document: Our images are paginated consecutively. Page 1 is Lillie’s second petition. It is unpaginated and undated, though it must postdate 1 August 1714, because it is addressed to George I. The verso is not photographed and not paginated. Our page 2 is unpaginated but the verso is paginated 2. It contains “The Case of Samuel Lillie Merchant in Boston in New England relating to the Ship Samuel tried & determined the Court of Admiralty in New England, Nathaniel Byfield Judge.” This runs to page 9 (paginated 8), where there begins in mid-page “The Case of Samuel Lilley [sic] and Creditors tried and determined in the Courts of Common Law in Boston N. England.” This runs to page 12 (paginated 11), where there begins in mid-page “Case of Samuel Lillie relating to several oppressions and Wrongs sustained by him which have not been tried in any Court of Judicature.” This runs to page 14 (paginated 13). Page 15 (unpaginated but the next page is paginated 2) contains a certified copy of an order in Council dated 30 July 1711 referring the petition of Samuel Lillie to the Attorney General or the Solicitor General. Pages 16 and 17 (paginated 2 and 3) contain a certified copy of the petition of Lillie so referred. In the middle of page 17 begins a certified copy of the Attorney General’s report, the same report contained in the previous document, dated 6 January 1714/15. This continues onto page 18 (unpaginated). The dorse tells us that the document contains the “Petition and Report thereon of Mr Attorney General relating to the admitting of Samuel Lillie to appeal from several Decrees and Judgments given against him in New England.”
Appeals to the Privy Council

Report No. 05_1715_00  Bannister v Bowe  Massachusetts

Case Name Short  Bannister v Bowe
Case Name Long  Thomas Bannister v Margaret Bowe

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [1230] p.697 – 17 June 1715 – entry 1
PC Register Citation  George I v.1 (1 August 1714 – 2 March 1717) p.235: PC 2/85/235
APC Citation  v.2 [1230] p.698 – 8 December 1715 – entry 2
PC Register Citation  George I v.1 (1 August 1714 – 2 March 1717) p.323: PC 2/85/323
APC Citation  v.2 [1230] p.698 – 13 December 1715 – entry 3
PC Register Citation  George I v.1 (1 August 1714 – 2 March 1717) p.325: PC 2/85/325

Colonial Courts
Superior Court of Judicature – 4 May 1714

Participants
Bannister, Thomas of Boston
Bowe, Margaret
Garvan, Jeremiah

Description
Payment of judgment sum of £400 1s 2d

Disposition
Reversed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 05_1717_00 Oulton v Savage Massachusetts

Case Name Short Oulton v Savage
Case Name Long John Oulton and Cornelius Waldo v Arthur Savage

Acts of the Privy Council, Colonial Series

APC Citation v.2 [1270] p.721 – 15 July 1717 – entry 1
PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.19: PC 2/86/19
APC Citation v.2 [1270] p.721 – 5 February 1718 – entry 2
PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.93–94: PC 2/86/93–94
APC Citation v.2 [1270] p.721 – 16 March 1718 – entry 3
PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.116: PC 2/86/116

Colonial Courts
Superior Court of Suffolk County, Massachusetts Bay – 6 November 1716

Participants
Oulton, John of Boston
Savage, Arthur, master of the Province
Waldo, Cornelius of Boston

Vessels
Province (galley)

Description
Action on the case, according to Smith (p.166).

Disposition
Dismissed – petitioners may still apply for a review in New England

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Oulton v Waldo and Savage)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

ADDITIONAL RESEARCH

Smith names the case Oulton v Waldo and Savage, but the original record he cites (Massachusetts Superior Court of Judicature Judgment [recte Record] Book, 1715–1717, f.158[r–v]) clearly names the case as “John Oulton & Cornelius Waldo both of Boston in the County of Suffolk Merchants three quarter part Owners of the Ship Province Galley, Appellants [v] Captain Arthur Savage now or late Comander of the said Ship Province Galley of Boston aforesaid Mariner, Appellee.” The action, originally brought in an Inferior Court in July of 1716, charged Savage with having violated Oulton and Waldo’s orders with regard to a shipment of fish from Massachusetts to Portugal or Spain, with the result that they were damaged to the sum of £1,052 9s. The original jury found for Oulton and Waldo in the amount of £360. Oulton and Savage appealed to the Superior Court, and a second jury found entirely for Savage, who was awarded costs of £4 8s. 2d. A note in the margin states that on 3 December 1716, Savage acknowledged that this judgment (presumably for costs) was satisfied. Oulton and Waldo prayed leave to appeal to the Privy Council, and the record states: “The Court are of Opinion that an Appeal doth not ly in this Action.” Why they were of this opinion is perhaps indicated by the Privy Council’s dismissal of the appeal: Further review in the colony was available by way of writ of review. Compare the procedure followed half a century later in Apthorpe v Pateshall (05_1768_00, APC, v.5 [56] p.122).

Charles Donahue, Jr.
Tunley v Maccarty

Case Name Short
Tunley v Maccarty

Case Name Long
William and Christian Tunley v William Maccarty

Acts of the Privy Council, Colonial Series

APC Citation
v.2 [1297] p.744 – 1 July 1718 – entry 1

PC Register Citation
George I v.2 (2 March 1717 – 25 August 1720) p.154: PC 2/86/154

Colonial Courts
Courts of Massachusetts Bay

Participants
Maccarty, Florence (deceased husband of Christian Maccarty Tunley)
Maccarty, William
Tunley, Christian (widow of Florence Maccarty and wife of William Tunley)
Tunley, William (husband of Christian Maccarty Tunley)

Description
Estate dispute

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
The unusual identification of Christian Maccarty as the widow and Florence Maccarty as the deceased husband raises a possibility that the editors of the APC or the Privy Council clerk confused the names.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Colonial Courts
General Court of Trials at Newport

Participants
Flint, Henry of Cambridge (grandson of Thomas Willett)
Willett, Ann
Willett, Thomas (deceased grandfather of Henry Flint)

Description
Estate dispute

Disposition
Appeal is dismissed; new suit must be commenced.

Notes
The APC labels this appeal ‘Massachusetts Bay’ where the appellant lived rather than ‘Rhode Island’, which is the site of the court in which the proceedings were held. From the entry in the Privy Council’s register, it appears that there may have been a misunderstanding about the colony in which Newport was located.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Flint v Willett)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short
Taylor v Taylor

Case Name Long
Christopher Taylor v Rebecca Taylor and Sarah Taylor

Acts of the Privy Council, Colonial Series
v.2 [1302] p.748 – 29 August 1718 – entry 1

PC Register Citation
George I v.2 (2 March 1717 – 25 August 1720) p.175: PC 2/86/175

Colonial Courts
Probate of Wills
Governor and Council – 20 February 1717

Participants
Taylor, Christopher, gentleman, of Boston (eldest son of James Taylor and stepson of Rebecca Taylor)
Taylor, James of Lynn (deceased father of Christopher Taylor and husband of Rebecca Taylor)
Taylor, Rebecca (stepmother of Christopher Taylor, widow and executor of James Taylor, and mother of Sarah Taylor)
Taylor, Sarah (executor of James Taylor and daughter of Rebecca Taylor)

Description
Estate dispute

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Taylor v Taylor)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Gilbert v Branfield

John Gilbert v John Branfield and William Ward

Debt

Dismissed for non-prosecution

That Massachusetts is the jurisdiction is supplied by Smith (p.330).

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Gilbert v Branfield)
Appeals to the Privy Council

Report No. 05_1726_00
In re The Mary Ann
Massachusetts

Case Name Short
In re The Mary Ann

Case Name Long
In re The Mary Ann

Acts of the Privy Council, Colonial Series
v.3 [101] p.127 – 5 July 1726 – entry 1

PC Register Citation
George I v.5 (September 1724 – May 1727) p.257: PC 2/89/257

Colonial Courts
Admiralty Court
Superior Court of Massachusetts Bay – 29 January 1726

Participants
Bury, Edmund, master of the Mary Ann
Robinson, Robert, Collector of his Majesty’s Customs at Salem and Marblehead

Vessels
Mary Ann (sloop)

Description
Concerns the sloop and her cargo

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (In re The Mary Ann)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 05_1731_00 Bennet v Gray Massachusetts

Case Name Short Bennet v Gray
Case Name Long Joseph Bennet and Samuel Freeth and William Walker v Benjamin Gray

Acts of the Privy Council, Colonial Series

APC Citation v.3 [233] p.315–316 – 8 April 1731 – entry 1
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.367: PC 2/91/367
APC Citation v.3 [233] p.316 – 28 April 1734 – entry 2
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.375–376: PC 2/91/375–376
APC Citation v.3 [233] p.316 – 11 May 1734 – entry 3
PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.387: PC 2/91/387

Colonial Courts
Inferior Court of Common Pleas – 4 April 1729 (see Notes below)
Supream Court of Judicature – Boston – second Tuesday of August 1728

Participants
Bennet, Joseph of Birmingham
Freeth, Samuel of Birmingham
Gold, William
Gray, Benjamin of Boston (terretenant of William Gold)
Walker, William, merchant, of Whitton Hall in Warwickshire

Description
Land in dispute (trespass and ejectment) “lying at the Southerly end of Boston known as William Golds farm,” according to the APC

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
There is an error in the colonial court dates in the APC; the lower court decision is dated after its reversal. The Privy Council’s register at George II v.2 (1 June 1729 – 16 June 1732) p.375 corrects the date of the Inferior Court judgment to 4 April 1727 and calls the higher court the ‘Superior Court of Judicature’.

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Bennett v Gray)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 05_1733_01 Waldo v Fairweather (1)
Waldo v Fairweather (2)
Massachusetts

Case Name Short
Waldo v Fairweather (1)
Waldo v Fairweather (2)

Case Name Long
Samuel Waldo v Thomas Fairweather (later Hannah Fairweather and John Fairweather (1)
Samuel Waldo v Thomas Fairweather (later Hannah Fairweather and John Fairweather) (2)

Acts of the Privy Council, Colonial Series

APC Citation v.3 [272] p.376–377 – 21 February 1733 – entry 1
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.114–115: PC 2/92/114–115

APC Citation v.3 [272] p.377 – 28 February 1733 – entry 2
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.119: PC 2/92/119

APC Citation v.3 [272] p.377 – 29 March 1733 – entry 3
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.134–135: PC 2/92/134–135

APC Citation v.3 [272] p.377 – 10 May 1733 – entry 4
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.163–164: PC 2/92/163–164

APC Citation v.3 [272] p.377 – 21 June 1733 – entry 5
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.179–180: PC 2/92/179–180

APC Citation v.3 [272] p.377 – 22 March 1734 – entry 6
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.389–390: PC 2/92/389–390

APC Citation v.3 [272] p.377 – 5 November 1734 – entry 7
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.31: PC 2/93/31

APC Citation v.3 [272] p.377–378 – 10 December 1734 – entry 8
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.37–38: PC 2/93/37–38

APC Citation v.3 [272] p.378–379 – 12 December 1734 – entry 9
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.39 recte 38–40: PC 2/93/39 recte 38–40

APC Citation v.3 [272] p.379 – 9 January 1735 – entry 10
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.58–59: PC 2/93/58–59

Colonial Courts
Court of Probates – 27 December 1731 (first action)
Governor and Council – 13 January 1732 (first action)
Inferior Court for the County of Suffolk – 4 July 1732 (second action, brought about 20 June 1732)
Superior Court of Judicature – Boston – 8 August 1732 (second action)

Participants
Channing, Joshua
Fairweather (Fayrweather), Hannah (wife, later widow and executor, of Thomas Fairweather, and daughter of
Jonathan Waldo)
Fairweather (Fayrweather), John (uncle and executor of Thomas Fairweather)
Fairweather (Fayrweather), Thomas (husband, later deceased, of Hannah Fairweather, and executor of Jonathan
Waldo)
Parkin, William
Waldo (Waldoe), Jonathan of Boston (deceased father of Samuel Waldo and Hannah Waldo Fairweather)
Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)
Willard, Joshua, Judge of the Probate of Wills

Description
Samuel Waldo seeks in the first action the books of accounts, notes, etc. of his deceased father and in the second
action the deeds for real estate he claims under his father’s will.

Disposition
Judgments of 27 December 1731 and 13 December 1732 affirmed according to the APC (likely that the latter is
really 13 January). Judgments of 4 July and 8 August 1732 reversed and appellant allowed to bring a new action.

Notes
Related to other Privy Council appeals:
Waldo v Waldo – Report No.05_1734_01 (APC, v.3 [295] p.405)
Waldo v Waldoe – Report No. 05_1734_04 (APC, v.3 [321] p.430–431)
For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

Upon the death of Thomas Fairweather, the two appeals are revived against the executors, Hannah and John Fairweather, according to the *APC*. 

**DOCUMENTATION**

**Printed Cases**

Appellant’s case
Case of the appellant (Waldo)

Note
Not found

Respondent’s case
Case of the respondent (Fayreweather)

Counsel
[Signed] J. Willes

Library
American Antiquarian Society: British Broadsides (Manuscript scribblings [dates, ?sums, pen trials, a couple of words] on dorse)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1733_02 Stoddard v Barrell Massachusetts

Case Name Short Stoddard v Barrell
Case Name Long William Stoddard v John Barrell, sen. (later revived against Barrell’s executors)

Acts of the Privy Council, Colonial Series

APC Citation v.3 [278] p.384 – 10 May 1733 – entry 1
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.162–163: PC 2/92/162–163
APC Citation v.3 [278] p.384 – 8 January 1734 – entry 2
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.259 male, 286: PC 2/92/259 male, 286
PC Register Note The citation in the APC to p.259 seems to be in error. The entry on p.311–312 (below) repeats the contents of that on p.286.
APC Citation v.3 [278] p.384 – 12 February 1735 – entry 3
PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.311–312: PC 2/92/311–312
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.41, 84, 86–88, 99: PC 2/93/41, 84, 86–88, 99

Colonial Courts
Superior Court – February 1732
Superior Court at Boston – in the fall sittings which commenced 8 August 1732

Participants
Barrell, Abiah (executor of John Barrell, sen.)
Barrell, Anna (executor of John Barrell, sen.)
Barrell, John (executor of John Barrell, sen.)
Barrell, John, sen., later deceased
Stoddard, William of Boston

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Judgment of 8 August 1732 reversed
Judgment of February 1732 affirmed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Barrell v Stoddard)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1733_03  Byfield v Swasey  Massachusetts

Case Name Short: Byfield v Swasey
Case Name Long: Nathaniel Byfield v Samuel Swasey

Acts of the Privy Council, Colonial Series
v.3 [279] p.384 – 4 June 1733 – entry 1

PC Register Citation: George II v.3 (21 July 1732 – 18 July 1734) p.172–173: PC 2/92/172–173

APC Citation: v.3 [279] p.384 – 21 June 1733 – entry 2

PC Register Citation: George II v.3 (21 July 1732 – 18 July 1734) p.178: PC 2/92/178

APC Citation: v.3 [279] p.384 – 19 July 1733 – entry 3

PC Register Citation: George II v.3 (21 July 1732 – 18 July 1734) p.195: PC 2/92/195

Colonial Courts
Inferior Court of Common Pleas
Superior Court at Boston – 1732

Participants
Byfield, Nathaniel, Judge of the Vice Admiralty Court
Swasey, Samuel, shipwright

Description
Action for alleged extortionate fee for the Vice Admiralty decree

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series

**Case Name Short**
Waldo v Waldo

**Case Name Long**
Cornelius Waldo v Samuel Waldo, Jonathan Waldo, Thomas Fairweather, Edward and Anna Tyng

**Colonial Courts**
Inferior Court of Common Pleas for the county of Worcester – 8 May 1733
Superior Court – 19 September 1733

**Participants**
Alexander, John (tenant of Cornelius Waldo)
Barber, Robert (tenant of Cornelius Waldo)
Channing, Joshua, haberdasher, of London
Fairweather (Fayrweather), Thomas (executor of Jonathan Waldo)
Gookin, Daniel (tenant of Cornelius Waldo)
Parkin, William, ironmonger, of London
Tyng, Anna (Anne, Ann) (daughter of Jonathan Waldo, wife of Edward Tyng, and executrix of Jonathan Waldo)
Edward (husband of Anna Tyng)
Waldo (Waldoe), Cornelius, merchant, of Boston
Waldo (Waldoe), Jonathan (son and executor of Jonathan Waldo)
Waldo (Waldoe), Jonathan, gentleman (deceased father of Samuel Waldo, Jonathan Waldo, and Ann Waldo Tyng)
Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)

**Description**
Land (action of ejectment) in dispute in Worcester county. Action was originally brought against the tenants of Cornelius Waldo.

**Disposition**
Judgment altered with direction for Cornelius Waldo to pay a sum certain to respondents within a specified time and with specific directions for future actions by the parties, depending upon that performance.

**Notes**
Related to other Privy Council appeals:

- Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (APC, v.3 [272] p.376–377)
- Waldo v Waldoe – Report No. 05_1734_04 (APC, v.3 [321] p.430–431)
- Waldo v Fairweather, Waldo v Waldoe, and Waldo v Tyng – Report No. 05_1734_06 (APC, v.3 [325] p.450)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

For the action of ejectment involved here, see Additional Research.

**References in**
Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Waldoe v Waldoe)
DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Report No. 05_1734_02
Gooch v Dummer
Massachusetts

Case Name Short
Gooch v Dummer

Case Name Long
James Gooch, Abraham Blish, James Allen, James Gooch, jun., and Francis Wilks v Samuel Dummer

Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
</tr>
</thead>
</table>

Colonial Courts
Superior Court of Judicature – Boston – 8 February 1731

Participants
Allen, James, merchant, of Boston
Blish, Abraham, felt maker, of Boston
Dummer, Samuel, esquire, of Wilmington in the county of Midlesex, sheriff of the county
Gill, Michael
Gooch, James, jun., distiller, of Boston
Gooch, James, merchant, of Boston
Gookin, Daniel, under sheriff
Wilks, Francis, esquire, merchant, of London

Description
To recover damages caused by the lack of performance of the under sheriff

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short: Tidmarsh v Brandon
Case Name Long: Giles Dulake Tidmarsh v Joseph Brandon

Acts of the Privy Council, Colonial Series

APC Citation: v.3 [319] p.428 – 24 October 1734 – entry 1
PC Register Citation: George II v.4 (1 August 1734 – 23 September 1736) p.21: PC 2/93/21

APC Citation: v.3 [319] p.428–429 – 3 June 1736 – entry 2
PC Register Citation: George II v.4 (1 August 1734 – 23 September 1736) p.379, 465, 469: PC 2/93/379, 465, 469

APC Citation: v.3 [319] p.429 – 7 June 1736 – entry 3
PC Register Citation: George II v.4 (1 August 1734 – 23 September 1736) p.476 recte 475–476: PC 2/93/476 recte 475–476

APC Citation: v.3 [319] p.429 – 23 July 1736 – entry 4
PC Register Citation: George II v.4 (1 August 1734 – 23 September 1736) p.505: PC 2/93/505

APC Citation: v.3 [319] p.429–430 – 19 January 1737 – entry 5
PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.42–45 recte George II v.5 (1 October 1736 – 4 September 1738) p.42–45 recte 2/94/42–45
PC Register Note: The citation in the APC to v.4, p.241–245, seems to be in error. The report is found in v.5, p.42–45.
PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.55: PC 2/94/55

Colonial Courts
Superior Court – Boston – August 1733

Participants
- Appleton, Samuel (deceased partner of Giles Dulake Tidmarsh)
- Barnard, Sir John (referee for Giles Dulake Tidmarsh)
- Brandon, Joseph
- Holden, Samuel, esquire (proposed referee for Joseph Brandon)
- Hooper, Silas (referee for Joseph Brandon replacing Samuel Holden)
- Sandford, Thomas, merchant (referee for Giles Dulake Tidmarsh)
- Tidmarsh, Giles Dulake (partner and executor of Samuel Appleton)
- Willimot, Alderman (referee for Joseph Brandon)

Description
Settlement of an account due

Disposition
Reversed, confirming the decision of the referees to whom the matter was referred

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Tidmarsh v Brandon)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Applies to the Privy Council

Report No. 05_1734_04 Waldo v Waldoe Massachusetts

Case Name Short Waldo v Waldoe
Case Name Long John Waldo v Samuel Waldoe, Jonathan Waldoe, Thomas Fairweather, and Edward and Anne Tyng

Acts of the Privy Council, Colonial Series

APC Citation v.3 [321] p.430–431 – 7 November 1734 – entry 1
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.35–36: PC 2/93/35–36
APC Citation v.3 [321] p.431–432 – 18 March 1735– entry 2
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.120–122: PC 2/93/120–122
APC Citation v.3 [321] p.432 – 3 April 1735 – entry 3
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.145: PC 2/93/145

Colonial Courts

Inferior Court – Boston – 3 July 1733 (action brought 9 June 1733)
Superior Court – 4 or 14 August 1733

Participants
Fairweather (Fayrweather), Thomas (son-in-law and executor of Jonathan Waldoe)
Tyng, Anne (Ann) (daughter and executrix of Jonathan Waldoe and wife of Edward Tyng)
Tyng, Edward (husband of Anne Tyng)
Waldo (Waldoe), John, distiller, of Boston
Waldoe (Waldo), Jonathan, gentleman (deceased father of Samuel Waldo, Jonathan Waldo, and Ann Waldo Tyng)
Waldo (Waldo), Jonathan (son and executor of Jonathan Waldoe)
Waldoe (Waldo), Samuel (son and executor of Jonathan Waldoe)

Description
Land (action of ejectment to recover land and a ‘Still House’ in Boston)

Disposition
No appeal is granted.

Notes
Related to other Privy Council appeals:

Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (APC, v.3 [272] p.376–377)
Waldo v Waldo – Report No. 05_1734_01 (APC, v.3 [295] p.405)
Waldo v Fairweather, Waldo v Waldo, and Waldo v Tyng – Report No. 05_1734_06 (APC, v.3 [325] p.450)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

For the action of ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Acts of the Privy Council, Colonial Series

Colonial Courts
Probate of Wills – 6 April and 15 May 1733 (distribution on 10 October 1733)
Governor and Council – 2 November 1733 (Order of Governor and Council – 6 November 1733)

Participants
Boydell, John, Register of the Court of Probate of Wills
Butler, Mary (deceased sister of Gillam Philips, Henry Philips, Faith Savage, and Hannah Savage, and daughter of Hannah Philips)
Philips (Phillips), Gillam of Boston (brother of Henry Philips, Hannah Savage, Faith Savage, and Mary Butler; son of Hannah Philips; and administrator of Henry Philips)
Philips (Phillips), Hannah (mother of Gillam Philips, Henry Philips, Hannah Savage, Faith Savage, and Mary Butler)
Philips (Phillips), Henry, gentleman, of Boston (deceased brother of Gillam Philips, Hannah Savage, Faith Savage, and Mary Butler, and son of Hannah Philips)
Savage, Arthur (husband of Faith Savage)
Savage, Faith (sister of Gillam Philips, Henry Philips, Hannah Savage, and Mary Butler; daughter of Hannah Philips; and wife of Arthur Savage)
Savage, Habijah, esquire (husband of Hannah Savage)
Savage, Hannah (sister of Gillam Philips, Henry Philips, Faith Savage, and Mary Butler; daughter of Hannah Philips; and wife of Habijah Savage)
Wilks, Samuel, agent for Massachusetts Bay
Willard, Josiah, esquire, Judge of the Court of Probate of Wills

Description
Intestate distribution

Disposition
Affirmed

Notes
Agent Samuel Wilks in Participants may in fact be Francis Wilks.

This appeal is often discussed with Winthrop v Lechmere and Clark v Towsey as to their treatment of the division of an intestate’s property in the colonies and the degree to which colonial legislation was subject to review. The printed cases of both the appellant and the respondent have been transcribed and published by the Massachusetts Historical Society as “Phillips vs. Savage” with a commentary under the same title by Ames and Willard. They are also available in Gale’s Making of Modern Law: Trials, under the title Philips v Philips.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Philips v Savage) (extensive discussion)
## Printed Cases

### Appellant's case
- **Case of the appellant (Philips)**
- **Counsel**: [Signed] D. Ryder; John Brown
- **Note**: Printed case for the appellant names the case Philips v Philips
- **Library**: American Antiquarian Society: British Broadsides
- **Library**: Harvard University. Harvard Law School Library: Special Collections. Rare Trials P Folio (Manuscript notes limited to date and 'judgment affirmed' on the dorso)
- **Library**: Law Library of Congress: Rare Books – Law Library Reading Room – K379.P485 P485 1737 LL Trials (Respondent’s case is at the same call number.)
- **Library**: Massachusetts Historical Society: Bdse 1737 (Includes manuscript notes)
- **Library**: New York Public Library: (?) (The ESTC lists copies of the appellant [N16903] and respondent [N17105] cases at the New York Public Library, but a vigorous search by a librarian failed to find evidence of NYPL ownership.) (Noted in ESTC? **Yes.**)

### Respondent's case
- **Case of the respondents (Savage)**
- **Counsel**: [Signed] J. Strange; Jonath’ Belcher
- **Note**: Printed case is the case of Faith Savage, one of the respondents.
- **Library**: American Antiquarian Society: British Broadsides (Noted in ESTC? **No.**)
- **Library**: Harvard University. Harvard Law School Library: Special Collections. Rare Trials P Folio (Includes manuscript notes) (Noted in ESTC? **No.**)
- **Library**: Law Library of Congress: Rare Books – Law Library Reading Room – K379.P485 P485 1737 LL Trials (Appellant’s case is at the same call number.) (Noted in ESTC? **No.**)
- **Library**: Massachusetts Historical Society: Bdse 1738 Jan. 13 (Includes manuscript notes)
- **Library**: New York Public Library: (?) (The ESTC lists copies of the appellant [N16903] and respondent [N17105] cases at the New York Public Library, but a vigorous search by a librarian failed to find evidence of NYPL ownership.) (Noted in ESTC? **Yes.**)

## Privy Council Documents in PC 1 at The National Archives at Kew
- **Not found**

## Other Documents
- **Note papers relating to the dispute in the Henry Philips Papers, 1728–1738, (with Finding Aid) in the Harvard Law School Library.**
Appeals to the Privy Council

Waldo v Fairweather
Waldo v Waldo
Waldo v Tyng

Case Name Short
Waldo v Fairweather
Waldo v Waldo
Waldo v Tyng

Case Name Long
Samuel Waldo v Thomas and Hannah Fairweather
Samuel Waldo v Jonathan Waldo
Samuel Waldo v Edward and Ann Tyng

Acts of the Privy Council, Colonial Series

APC Citation  v.3 [325] p.450 – 19 December 1734 – entry 1
PC Register Citation  George II v.4 (1 August 1734 – 23 September 1736) p.51–52, 84, 106, 109, 122: PC 2/93/51–52, 84, 106, 109, 122

APC Citation  v.3 [325] p.450–452 – 20 March 1735 – entry 2
PC Register Citation  George II v.4 (1 August 1734 – 23 September 1736) p.115–116, 122–123, 123–125: PC 2/93/115–116, 122–123, 123–125

APC Citation  v.3 [325] p.452 – 3 April 1735 – entry 3
PC Register Citation  George II v.4 (1 August 1734 – 23 September 1736) p.144–145: PC 2/93/144–145

Colonial Courts
Inferior Court – second Tuesday in July 1733 (all three appeals)
Superior Court of Judicature – second Tuesday in August 1733 (all three appeals)

Participants
Fairweather (Fayrweather), Hannah (daughter of Jonathan Waldo, wife (later widow) and executor of Thomas Fairweather)
Fairweather (Fayrweather), John (uncle and executor of Thomas Fairweather)
Fairweather (Fayrweather), Thomas (deceased husband of Hannah Fairweather and executor of Jonathan Waldo)
Tyng, Ann (daughter and executor of Jonathan Waldo and wife of Edward Tyng)
Tyng, Edward (husband of Ann Tyng)
Waldo (Waldoe), Jonathan (deceased father of Samuel Waldo, Jonathan Waldo, Ann Waldo Tyng, and Hannah Waldo Fairweather)
Waldo (Waldoe), Jonathan (son and executor of Jonathan Waldo)
Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)

Description
Request for an accounting of the money in the hands of Samuel Waldo belonging to his deceased father, Jonathan Waldo.

Disposition
All appeals dismissed; judgments affirmed.

Notes
Related to other Privy Council appeals:
Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (APC, v.3 [272] p.376–377)
Waldo v Waldo – Report No. 05_1734_01 (APC, v.3 [295] p.405)
Waldo v Waldoe – Report No. 05_1734_04 (APC, v.3 [321] p.430–431)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

DOCUMENTATION

Printed Cases
Not found
Appeals to the Privy Council

Report No. 05_1735_01 Ellis v Sprague Massachusetts

Case Name Short Ellis v Sprague
Case Name Long Matthew Ellis v Richard Sprague

Acts of the Privy Council, Colonial Series

APC Citation v.3 [344] p.461 – 16 May 1735 – entry 1
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.164: PC 2/93/164
APC Citation v.3 [344] p.461 – 9 July 1735 – entry 2
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.191, 200–201: PC 2/93/191, 200–201
APC Citation v.3 [344] p.461 – 30 July 1735 – entry 3
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.218: PC 2/93/218
APC Citation v.3 [344] p.461 – 14 August 1735 – entry 4
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.223: PC 2/93/223

Colonial Courts
Inferior Court – 11 December 1733
Superior Court – 29 January and 30 July 1734

Participants
Ellis, Matthew, husbandman, of Medford in Middlesex County
Sprague, Richard

Description
Assault, beating, wounding, and imprisonment and detaining in prison upon payment of a fine

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1735_02 Leighton v Frost Massachusetts

Case Name Short Leighton v Frost
Case Name Long William Leighton v John Frost

Acts of the Privy Council, Colonial Series

APC Citation v.3 [345] p.461–462 – 16 May 1735 – entry 1
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.164–165: PC 2/93/164–165
APC Citation v.3 [345] p.462–466 – 2 April 1736 – entry 2
APC Citation v.3 [345] p.466 – 29 April 1736 – entry 3
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.438: PC 2/93/438
APC Citation v.3 [345] p.466 – 21 December 1738 – entry 4
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.66, 11 recte 111–112: PC 2/95/66, 11 recte 111–112
APC Citation v.3 [345] p.466–469 – 23 February 1739 – entry 5
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.113–118 recte 112–117: PC 2/95/113–118 recte 112–117
PC Register Note The citation in the APC to p.113–118 should be to p.112–117.
APC Citation v.3 [345] p.469 – 22 March 1739 – entry 6
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.137–142: PC 2/95/137–142
APC Citation v.3 [345] p.469 – 23 March 1743 – entry 7
PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.351–352: PC 2/97/351–352
APC Citation v.3 [345] p.469 – 31 May 1743 – entry 8
PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.420: PC 2/97/420
APC Citation v.3 [345] p.469–470 – 21 June 1743 – entry 9
PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.452–453: PC 2/97/452–453

Colonial Courts
Inferior Court of Common Pleas of York County – 2 April 1734
Superior Court of Judicature for the county of York – 19 June 1734

Participants
Belcher, Mr., Governor of Massachusetts Bay
Dunbar, Col. David, Surveyor-General of His Majesty’s Woods in North America
Frost, Charles, esquire, deceased
Frost, John, yeoman, of Berwick in the county of York
Gulston, Ralph, merchant, of London
Joy, Ephraim
Leighton, William, gentleman, of Kittery in what was formerly called Maine – workman for Ralph Gulston at the direction and order of Samuel Waldo
Sharpe, W., Clerk of the Council
Waldo, Samuel, merchant, of Boston (agent for Ralph Gulston)

Description
Action of trespass relating to the cutting of trees in Maine reserved to the crown for the Royal Navy

Disposition
Reversed

Notes
Jonathan Belcher was, at this time, the Governor of both Massachusetts and New Hampshire.

For information about the relationship in this period between Maine and Massachusetts, see Wroth, “Maine Connection.”

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Leighton v Frost) (extensive discussion relating to the failure in Massachusetts to carry out the Order in Council for many years)
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 05_1737_01 Stoddard v Jones Massachusetts

Case Name Short Stoddard v Jones

Case Name Long Anthony Stoddard, William Stoddard and William Clarke v John and Hannah Jones, Elizabeth Willard, Hebzibah Mortimer, Mary Alden and Thomas Alden, Elizabeth Alden, Ann Alden, Mary Brightman, Nathaniel and Hepzibah Howard, Elizabeth Butterfly, Peter and Lydia Briton, Zachariah Alden, Samuel and Mary Kneeland, Timothy and Elizabeth Green, and Nathaniel Alden

Acts of the Privy Council, Colonial Series

APC Citation v.3 [409] p.568 – 21 April 1737 – entry 1
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.215: PC 2/94/215
APC Citation v.3 [409] p.568 – 12 January 1738 – entry 2

Colonial Courts
Courts of Massachusetts Bay (unspecified) – 18 September 1733, 23 April 1734, and third Tuesday of April 1736

Participants
Alden, Ann
Alden, Elizabeth
Alden, John
Alden, Mary (there may be multiple defendants named Mary Alden)
Alden, Nathaniel
Alden, Thomas
Alden, Zachariah
Brightman, Mary
Briton, Lydia (wife of Peter Briton)
Briton, Peter (husband of Lydia Briton)
Butterly, Elizabeth
Clap, Ezra (tenant on disputed land)
Clarke, William of Boston
Green, Elizabeth (wife of Timothy Green)
Green, Timothy (husband of Elizabeth Green)
Howard, Hepzibah (wife of Nathaniel Howard)
Howard, Nathaniel (husband of Hepzibah Howard)
Jones, Hannah (wife of John Jones)
Jones, John (husband of Hannah Jones)
Kneeland, Mary (wife of Samuel Kneeland)
Kneeland, Samuel (husband of Mary Kneeland)
Lyon, Samuel (tenant on disputed land)
Mortimer, Hebzibah
Stoddard, Anthony of Boston
Stoddard, William, merchant, of Boston
Willard, Elizabeth

Description
Land (trespass and ejectment)

Disposition
Dismissed

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

According to Smith (p.162), this is the only real action in Massachusetts in which there was no preliminary petition for leave to appeal, a situation quite customary in that colony where the charter provision for appeals mentioned only personal actions.

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Stoddard v Jones)

DOCUMENTATION

Printed Cases
Pelham v Stone

Acts of the Privy Council, Colonial Series

APC Citation v.3 [414] p.573 – 21 July 1737 – entry 1
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.271: PC 2/94/271
APC Citation v.3 [414] p.573 – 18 August 1737 – entry 2
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.274, 284: PC 2/94/274, 284
APC Citation v.3 [414] p.573–574 – 17 November 1738 – entry 3
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.309–310, 342–343: PC 2/94/309–310, 342–343
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.20, 24–26, 5: PC 2/95/20, 24–26, 5
APC Citation v.3 [414] p.574 – 30 November 1738 – entry 4
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.38: PC 2/95/38

Colonial Courts
Inferior and Superior Courts of Judicature – 20 May 1735, 29 July 1735, 29 July 1736

Participants
Bent, Thomas
Fisk, Jonathan (one of the original defendants)
Hunt, Isaac
Pelham, Edward (son of deceased Herbert Pelham)
Pelham, Henry (son of deceased Herbert Pelham)
Pelham, Herbert (deceased father of Edward, Henry, Penelope, and Waldegrave Pelham)
Pelham, Herbert, esquire, of Bures Hamblett in the County of Essex (relation to deceased Herbert Pelham is uncertain)
Pelham, Penelope (daughter of deceased Herbert Pelham)
Pelham, Waldegrave (son of deceased Herbert Pelham)
Stone, Samuel

Description
Land (declaration in ejectment); at issue is the will of Herbert Pelham, deceased about 1673.

Disposition
Dismissed. The disposition turns on an issue regarding Doctors Commons, to wit, “that the exemplification of a will from Doctors Commons could not be read in Evidence to affect a Real Estate in the Colony of Massachusetts Bay . . .” according to the APC.

Notes
Related to another Privy Council appeal:
Pelham v Bannister – Report No. 05_1738_00 (APC, v.3 [428] p.590)

Both cases ultimately turn on the will of one Herbert Pelham, who died, probably, in 1673. The appellant, who is himself a resident of Essex in England, is almost certainly claiming that the senior Pelham is his ancestor. In both cases the Privy Council refuses to admit into evidence the senior Pelham’s will, which was registered in the Prerogative Court of Canterbury.

For the ‘declaration in ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Pelham v Stone)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short  
Pelham v Bannister

Case Name Long  
Herbert Pelham v Samuel Bannister and Thomas Soden

Acts of the Privy Council, Colonial Series

APC Citation  
v.3 [428] p.590 – 12 January 1738 – entry 1

PC Register Citation  
George II v.5 (1 October 1736 – 4 September 1738) p.371: PC 2/94/371

APC Citation  
v.3 [428] p.590 – 23 January 1738 – entry 2

PC Register Citation  

APC Citation  
v.3 [428] p.590 – 22 March 1739 – entry 3

PC Register Citation  

PC Register Citation  
George II v.6 (1 October 1738 – 27 March 1740) p.5, 99, 100–103, 143: PC 2/95/5, 99, 100–103, 143

Colonial Courts  
Courts of Massachusetts Bay – 20 May 1735, 29 July 1735, 27 January 1736

Participants  
Bannister, Samuel, merchant
Marsh, Robert of Basinghall Street
Pelham, Herbert, esquire, of Bures Hamblett in Essex County
Soden, Thomas, yeoman

Description  
Land (“Declaration in Ejectment . . . to recover Possession of several Tracts of Land with a dwelling house and Barn,” according to the Privy Council register)

Disposition  
Dismissed “in the same manner and for the same reasons as Pelham’s earlier appeal against Samuel Stone and others” according to the APC

Notes  
Related to another Privy Council appeal:

Pelham v Stone – Report No. 05_1737_02 (APC, v.3 [414] p.573)

Both cases ultimately turn on the will of one Herbert Pelham, who died, probably, in 1673. The appellant, who is himself a resident of Essex in England, is almost certainly claiming that the senior Pelham is his ancestor. In both cases the Privy Council refuses to admit into evidence the senior Pelham’s will, which was registered in the Prerogative Court of Canterbury.

For the ‘declaration in ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Pelham v Bannister)

DOCUMENTATION

Printed Cases  
Not found

Privy Council Documents in PC 1 at The National Archives at Kew  
Not found
Appeals to the Privy Council

Report No. 05_1742_00  Francis v Jeffries  Massachusetts

Case Name Short  Francis v Jeffries
Case Name Long  Abraham Francis and John and Hannah Jones v John Jeffries, Jonathan Armitage, David Colson, Alexander Forsythe, Caleb Lyman, Jonas Clarke and Thomas Hutchinson

Acts of the Privy Council, Colonial Series

APC Citation  v.3 [535] p.718 – 2 February 1742 – entry 1
PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.74: PC 2/97/74

APC Citation  v.3 [535] p.718 – 15 March 1742 – entry 2
PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.112: PC 2/97/112

APC Citation  v.3 [535] p.718 – 7 May 1742 – entry 3
PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.127, 130–131, 137–138: PC 2/97/127, 130–131, 137–138

APC Citation  v.3 [535] p.718 – 24 June 1742 – entry 4
PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.165–166: PC 2/97/165–166

APC Citation  v.3 [535] p.718–719 – 2 February 1743 – entry 5
PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.211, 315, 325–328, 346, 392, 400–401: PC 2/97/211, 315, 325–328, 346, 392, 400–401

APC Citation  v.3 [535] p.719 – 11 April 1745 – entry 6
PC Register Citation  George II v.9 (1 October 1743 – 27 February 1745) p.597, 673, 676, 681–684: PC 2/98/597, 673, 676, 681–684

PC Register Citation  George II v.10 (1 March 1745 – 31 July 1746) p.41–44: PC 2/99/41–44

Colonial Courts
Superior Court of Judicature – Boston – 8 August 1738

Participants
Armitage, Jonathan, selectman of Boston
Baron, Timothy, cordwainer
Billings, John, gentleman
Billings, Richard, taylor
Bromfield, Edward, selectman of Boston
Bunker, Benjamin, tin plate worker
Camo, Isaac, sadler
Clarke, Jonas, selectman of Boston
Clarke, Thomas, taylor
Colson, David, selectman of Boston
Craveth, Samuel, barber
Downes, William, selectman of Boston
Edwards, Samuel, goldsmith
Forsythe, Alexander, selectman of Boston
Francis, Abraham, merchant, of Boston in Suffolk County
Garrish, Samuel, bookseller
Hubbard, Thomas, in possession of the Brickshop
Hutchinson, Thomas, selectman of Boston
Jeffries, John, selectman of Boston
Jones, Hannah (wife of John Jones)
Jones, John, merchant, of Boston in Suffolk County (husband of Hannah Jones)
Lyman, Caleb, selectman of Boston
Rainger, Joseph, currier
Welch, John, carver
Winslow, Joshua, selectman of Boston

Description
Land in dispute in Boston being part of Bendalls Dock, formerly so called

Disposition
Affirmed

Notes
As the appeal proceeded, the makeup of the selectmen changed, with Bromfield, Downes, and Winslow replacing Lyman, Clarke, and Hutchinson. The case may also be referred to as Francis v The Selectmen of
References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Francis v Jeffries; Francis v The Selectmen of Boston)

DOCUMENTATION

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found
Appeals to the Privy Council

Report No. 05_1749_00 Liebenrood v Dennie Massachusetts

Case Name Short Liebenrood v Dennie
Case Name Long ___ Liebenrood v ___ Dennie

Acts of the Privy Council, Colonial Series

APC Citation v.4 [101] p.76 – 16 February 1749 – entry 1
PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.187: PC 2/101/187

Colonial Courts
Proceedings in colonial court unclear

Participants
Dennie, ___
Liebenrood, ___
Sharpe, John, esquire (appears for Dennie)

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 05_1750_01 Shirley v Waldo Massachusetts

Case Name Short Shirley v Waldo
Case Name Long Governor Shirley v Samuel Waldo

Acts of the Privy Council, Colonial Series

APC Citation v.4 [126] p.99 – 29 March 1750 – entry 1
PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.539–540: PC 2/101/539–540

Colonial Courts
Superior Court – 5 September 1749

Participants
Shirley, Governor
Waldo, Samuel

Description
According to the APC entry, “in relation to several Bills of Exchange and Bills of Credit issued to the said Samuel Waldo for the Pay of One of the American Regiments”

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Governor is William Shirley.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 05_1750_02
Knowles v Douglas
Massachusetts

Case Name Short
Knowles v Douglas

Case Name Long
Charles Knowles v Dr. William Douglas

Acts of the Privy Council, Colonial Series
v.4 [136] p.107 – 16 August 1750 – entry 1

PC Register Citation
George II v.13 (1 May 1750 – 30 March 1752) p.78–79: PC 2/102/78–79

Colonial Courts
Inferior Court – 5 January 1749
Superior Court – Boston – 15 August 1749 and February 1749

Participants
Douglas, Dr. William of Boston
Knowles, Charles, Rear Admiral of the White Squadron

Description
Libel action

Disposition
Not stated in APC, but, according to Smith (p.375), not prosecuted

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Knowles v Douglas)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short  Vassall v Fletcher  
Case Name Long  William Vassall v William Fletcher  

**Acts of the Privy Council, Colonial Series**  
 APC Citation  v.4 [220] p.226 – 14 November 1753 – entry 1  
 PC Register Citation  George II v.14 (1 April 1752 – 31 December 1753) p.428, 506–507: PC 2/103/428, 506–507  
 APC Citation  v.4 [220] p.226 – 31 January 1754 – entry 2  
 PC Register Citation  George II v.15 (1 January 1754 – 31 December 1755) p.14, 25–28, 32: PC 2/104/14, 25–28, 32  

**Colonial Courts**  
Inferior Court – first Tuesday in January 1752  
Superior Court – Boston – third Tuesday in February 1752 and 12 December 1752  

**Participants**  
Fletcher, William  
Vassall, William  

**Description**  
Slander and defamation  

**Disposition**  
Reversed; Fletcher is free to bring a new action in the Inferior Court after repaying Vassall the damages and costs with interest.  

**References in Smith, Appeals to the Privy Council from the American Plantations**  
Table of Cases (Vassall v Fletcher)  

**DOCUMENTATION**  

**Printed Cases**  
Appellant's case  
Case of the appellant (Vassall)  
[Signed] W. Murray; Al. Forrester  
Library  
British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.44–45 (Includes separate pages of manuscript notes, f.78–84)  
Library  
Law Library of Congress: Sir George Lee collection  

Respondent's case  
Case of the respondent (Fletcher)  
[Signed] A. Hume-Campbell; C. Yorke  
Library  
British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.46–47 (Includes separate pages of manuscript notes, f. 78–84)  
Library  
Law Library of Congress: Sir George Lee collection (Includes manuscript notes)  

Privy Council Documents in PC 1 at The National Archives at Kew  
Not found  

**Other Documents**  
Three additional items are in the British Library, Additional Manuscripts 36217:  
(1) a manuscript copy with notes of Vassall’s petition of appeal (f.70–73);  
(2) a manuscript copy of Extracts from the laws of New England, relating to the authority and methods of proceedings in the courts there (f. 74–77), and  
(3) a printed copy of The State of the Action brought by William Fletcher against William Vassall for defaming him: tried in the Superior Court at Boston, August Term, A.D. 1752 and now pending by appeal to his Majesty in Council (Boston, 1753) (f.48–69).  

Other Documents  
Fletcher, State of the Action can also be found in Early American Imprints, Series 1.
Bannister v Cunningham

Colonial Courts
Superior Court – Boston – 19 February 1754

Participants
Bannister, John, merchant, of Newport in Rhode Island (brother of Frances Bowen and administrator of his deceased brother Samuel Bannister)

Bannister, Samuel, merchant, of Stonington, New London in Connecticut (deceased brother of John Bannister and Frances Bowen)

Bowen, Frances (sister of John and Samuel Bannister and widow of William Bowen of Boston)

Bowen, William, gentleman, of Boston (deceased husband of Frances Bowen)

Cunningham, Nathaniel

Description
Land (action of ejectment) in Boston

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
On the action of ejectment involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Bannister v Cunningham)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
See the extensive report on the colonial court proceedings in the parallel case of Banister v Henderson in Quincy, Massachusetts Reports 1761–1772, p. 119–159, with references to this case.
Dudley v Richards

Acts of the Privy Council, Colonial Series
v.4 [573] p.688 – 20 July 1764 – entry 1

PC Register Citation
George III v.3 (1 May 1763 – 30 September 1764) p.560: PC 2/110/560

PC Register Citation
George III v.3 (1 May 1763 – 30 September 1764) p.586, 601: PC 2/110/586, 601

PC Register Citation

Colonial Courts
Superior Court – 18 September 1758
Superior Court – February 1763 (but entered on record as of October 1762)

Participants
Brown, Mr. (appears for respondents in Austin Friars)
Cotton, John (husband of Mary Cotton)
Cotton, Mary (wife of John Cotton)
Dudley, Ann, a minor
Dudley, Joseph (deceased grandfather of Thomas Dudley and father of William Dudley)
Dudley, Joseph
Dudley, Thomas, gentleman (son of William Dudley)
Dudley, William (deceased father of Thomas Dudley)
Guerrish, Benjamin (husband of Rebecca Guerrish)
Guerrish, Rebecca (wife of Benjamin Guerrish)
Richards, Elizabeth (wife of Joseph Richards)
Richards, Joseph (husband of Elizabeth Richards)
Sharpe, Joshua of Lincoln’s Inn
Smith, Mr. (appears for respondents in Austin Friars)

Description
Land in dispute is a farm of 1000 acres at Manchaug or Mancheag.

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 27 July 1764 – PC 1/50/52
Referenced in APC, v.6 [618] p.371

Other Documents
See the report on the colonial court proceedings in Quincy, Massachusetts Reports 1761–1772, p. 110–127, under the name Dudley v Dudley.

Other Documents
Note also the Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, which contain legal papers related to this appeal.
Appeals to the Privy Council
Report No. 05_1767_00  Jeffries v Donnell  Massachusetts

Case Name Short  Jeffries v Donnell
Case Name Long  David Jeffries v Nathaniel Donnell

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [51] p.119 – 18 November 1767 – entry 1
PC Register Citation  George III v.5 (August 1766 – January 1768) p.520: PC 2/112/520
APC Citation  v.5 [51] p.119 – 26 February 1768 – entry 2
PC Register Citation  George III v.6 (January 1768 – April 1769) p.76, 88, 98–99: PC 2/113/76, 88, 98–99
APC Citation  v.5 [51] p.119 – 14 June 1771 – entry 3
PC Register Citation  George III v.6 (January 1768 – April 1769) p.163, 168, 484: PC 2/113/163, 168, 484
APC Citation  v.5 [51] p.119 – 26 February 1768 – entry 2
PC Register Citation  George III v.8 (January – December 1771) p.264–265, 274: PC 2/115/264–265, 274

Colonial Courts
Inferior Court – 25 September 1764
Superior Court – 25 June 1765
Superior Court – 24 June 1766

Participants
Donnell, Nathaniel
Hayley, George, esquire, of Aliff Street in Goodman’s Fields
Jeffries, David of Boston
Wilsonn, Richard, laceman, of Lombard Street

Description
Land (action of ejectment); “near” 2000 acres between Merrymeeting Bay and Winnegance.

Disposition
Reversed; parties are free to proceed to a new trial in the Superior Court.

Notes
On the action of ejectment involved here, see Additional Research.

As Smith (p.164) notes, this appeal was a part of the Kennebec Proprietors litigation with local settlers.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jeffries v Donnell)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Jeffries)
Signed Wm. DeGrey; Al. Forrester
Note Appendix to the case of the appellant
Library Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70
(Includes manuscript notes and appendix)

Respondent's case
Case of the respondent (Donnell)
Note Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document
Order of reference – 18 Nov. 1767 – PC 1/53/60
Notes about Document
Referenced in APC, v.6 [761] p.453–454

TNA Document
Committee report – 23 Feb. 1768 – PC 1/54/63
Notes about Document
Referenced in APC, v.6 [783] p.461

TNA Document
Committee report – 12 June 1771 – PC 1/60/9
Catalogued as
Catalogued by TNA with draft order as follows: Committee report on appeal Jeffries v Donnell and draft order approving

TNA Document
Draft order – 14 June 1771 – PC 1/60/9
Appeals to the Privy Council

Report No. 05_1768_00  Apthorpe v Pateshall  Massachusetts

Case Name Short  Apthorpe v Pateshall
Case Name Long  Charles Ward Apthorpe v Richard Pateshall

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [56] p.122–123 – 15 January 1768 – entry 1
PC Register Citation  George III v.6 (January 1768 – April 1769) p.7: PC 2/113/7
APC Citation  v.5 [56] p.123 – 17 February 1768 – entry 2
PC Register Citation  George III v.6 (January 1768 – April 1769) p.55–56, 60: PC 2/113/55–56, 60

Colonial Courts
Superior Court – June 1766

Participants
Apthorpe, Charles Ward
Pateshall, Richard of Boston (administrator of Robert Pateshall)
Pateshall, Robert, deceased

Description
Proceedings to dismiss for non-prosecution an appeal brought by Apthorpe against a judgment of the Superior Court of Massachusetts.

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Apthorpe v Pateshall)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 9 Feb. 1768 – PC 1/54/63
Referenced in APC, v.6 [783] p.461

Other Documents
See the report of the colonial court proceedings in Quincy, Massachusetts Reports 1761–1772, p. 179–187.

ADDITIONAL RESEARCH

It is virtually certain that the case that Smith found (p.166) in the Massachusetts Superior Court of Judicature Judgment [recte Record] Book, 1766–1767, f.9[v–10v], the case reported in Quincy’s Reports (see Other Documents), and the case that is the subject of the Privy Council proceedings (see the Committee Report in TNA Documents) are the same case. The parties have the same names, the dates match, the folio reference that Smith gives matches the reference that Quincy gives on p.186, and Quincy tells us that Apthorpe’s counsel moved to take an appeal to the Privy Council, which motion was granted.

A telling correction in the Record Book suggests that Robert Pateshall died during the pendency of the case in the Inferior Court. All of the records that we have are brought in the name of Richard Pateshall, his administrator. Quincy is a bit vague on this point, but nothing that he says contradicts it.

That the entry in the Record Book is for an action of trespass on the case, whereas the case that Quincy reports is described as one of account, can be easily explained: The writ is transcribed in full in the Record Book, and it is for the common count of insimul computasset, a subform of trespass on the case. That is the writ to which Quincy is referring is apparent from his report of the case. We should not be thinking here of the older, and by this time obsolete, personal action of account.

The discrepancy in the numbers is more troubling. Quincy’s Reports mention no amounts. According to the Committee Report, the Superior Court, hearing the case by writ of review, had reduced a judgment against...
Apthorpe for £767 5s. 6½d. to £542, from which judgment Apthorpe had appealed (presumably to have the amount further reduced or the judgment vacated entirely), and his appeal was allowed. Smith reports that the action was for £800, but that an appeal was allowed from a judgment of approximately £226 5s. 2d., which is not even close to amount mentioned in the Privy Council documentation.

Eight hundred pounds is the amount that Apthorpe claimed in his petition for review. As the record shows, it includes the £767 5s. 6½d., probably also the costs awarded in the first hearing, and, we must imagine, a ‘rounding up’ for what today we would call ‘incidental and consequential damages’.

We can explain the discrepancy in the amount of the judgment appealed from if we assume that after the appeal had been taken and the documents sent to England but before the judgment was finally entered, the parties agreed to a compromise. (That Pateshall would have been willing to compromise is suggested by the fact, as pointed out by the recent editors of *Quincy’s Reports*, that the judgment of the Superior Court was almost certainly wrong as a matter of law.) Because of the compromise, Apthorpe did not pursue his appeal after it had been allowed. It was left to Pateshall to get the appeal dismissed for lack of prosecution. Another possibility is that Pateshall’s solicitor, who appeared *ex parte* before the Committee, or the clerk of the Committee, just got it wrong. After all, if the issue is whether an appeal should be dismissed for lack of prosecution, the amount of the judgment appealed from is quite irrelevant.

Charles Donahue, Jr.
Appeals to the Privy Council

Report No. 05_1774_00  Wentworth v Bowdoin  Massachusetts

Case Name Short  Wentworth v Bowdoin

Case Name Long  John Wentworth v James Bowdoin and William Bowdoin, James Pitt, Silvester Gardiner and Benjamin Hallowell

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [304] p.400–401 – 14 September 1774 – entry 1

PC Register Citation  George III v.11 (May 1774 – May 1775) p.213–214: PC 2/118/213–214

PC Register Citation  George III v.12 (June 1775 – May 1776) p.34–35: PC 2/119/34–35

Colonial Courts
Vice Admiralty – 3 May 1773

Participants
Bowdoin, James
Bowdoin, William
Gardiner, Silvester
Hallowell, Benjamin
Pitts, James
Wentworth, John, Surveyor General of H. M. woods in North America

Description
Forfeiture of logs seized in Kennebec River

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Pease v Pullibank

*Acts of the Privy Council, Colonial Series*

v.5 [315] p.409 – 12 May 1775 – entry 1

**Colonal Courts**

Vice Admiralty Court – Boston – 7 February 1775

**Participants**

Pease, Simon, merchant, of Newport in Rhode Island
Pullibank, Abraham, customs officer

**Vessels**

*Abigail* (schooner)

**Description**

Seizure by customs officer

**Disposition**

Not stated in *Acts of the Privy Council, Colonial Series*

**Notes**

Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Report No. 05_1776_00 Appeal of Beale Massachusetts

Case Name Short Beale, appeal of
Case Name Long Lieutenant Richard Beale, appeal of

Acts of the Privy Council, Colonial Series
v.5 [331] p.438 – 26 January 1776 – entry 1

PC Register Citation George III v.12 (June 1775 – May 1776) p.308, 344: PC 2/119/308, 344

Colonial Courts
Vice Admiralty Court – Boston – 7 February 1775

Participants
Beale, Lieutenant Richard, HMS Mercury
Rose, Joseph, master of the Industry

Vessels
Industry (schooner)
HMS Mercury

Description
Condemnation

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 06_1683_00  Walton v Walford  Barefoot v Wadleigh  New Hampshire

Case Name Short
Walton v Walford
Barefoot v Wadleigh

Case Name Long
Georg Walton v Jeremy Walford and John Amazeen
Walter Barefoot v Robert Wadleigh

Acts of the Privy Council, Colonial Series
APC Citation
v.2 [123] p.52–53 – 25 August 1683 – entry 1
PC Register Citation
Charles II v.17 (13 June 1683 – 4 February 1685) p.34: PC 2/70/34
APC Citation
v.2 [123] p.53 – 24 October 1683 – entry 2
CSP Citation
VI no. 1324
PC Register Citation
Charles II v.17 (13 June 1683 – 4 February 1685) p.48: PC 2/70/48
APC Citation
v.2 [123] p.53 – 23 January 1684 – entry 3
CSP Citation
VI no. 1513 and 1518
PC Register Citation
Charles II v.17 (13 June 1683 – 4 February 1685) p.107, 108: PC 2/70/107, 108

Colonial Courts
Unnamed

Participants
Amazeen, John, planter, of New England
Barefoot, Walter
Wadleigh, Robert (also appears as attorney for Walford and Amazeen)
Walford, Jeremy, planter, of New England
Walton, Georg

Description
Both cases relate to the Masonian land claims in New Hampshire, according to Smith (p.118).

Disposition
Both dismissed for non-prosecution

Notes
Smith notes Edward Randolph as counsel for appellants (p.107).

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Walton v Walford; Barefoot v Wadleigh)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Case Name Short
Vaughan v [Martin]
Vaughan v [Mason]
Vaughan v [Rex]
[In re The Diligence]

Case Name Long
William Vaughan v [Richard Martin]
William Vaughan v [Robert Mason]
William Vaughan v [Rex]
[In re The Diligence]

Acts of the Privy Council, Colonial Series

APC Citation
v.2 [156] p.69 – 11 July 1684 – entry 1
CSP Citation
VI no. 1800
PC Register Citation
Charles II v.17 (13 June 1683 – 4 February 1685) p.201: PC 2/70/201
APC Citation
v.2 [156] p.69 – 8 April 1685 – entry 2
CSP Citation
VII no. 118
PC Register Citation
James II v.1 (6 February 1685 – 18 March 1687) p.65: PC 2/71/65
APC Citation
v.2 [156] p.69–70 – 29 April 1685 – entry 3
PC Register Citation
James II v.1 (6 February 1685 – 18 March 1687) p.70, 73, 74: PC 2/71/70, 73, 74
APC Citation
v.2 [156] p.70 – 28 June 1686 – entry 4
PC Register Citation
APC Citation
v.2 [156] p.70 – 3 July 1686 – entry 5
CSP Citation
VII no. 748
PC Register Citation
APC Citation
v.2 [156] p.70 – 19 November 1686 – entry 6
CSP Citation
VII no. 999
PC Register Citation
APC Citation
v.2 [156] p.70 – 10 December 1686 – entry 7
CSP Citation
VII no. 1053–1056
PC Register Citation

Colonial Courts

[Chancery decree – 22 May 1684 – re Martin]
Unnamed – [6 November 1683 – re Mason]
[Quarter Sessions – 6 May 1684 – re Rex]
[Court of Pleas – 1 July 1684 – re In re Diligence]

Participants
Cranfield, Edward, Governor
[Martin, Richard]
[Mason, Robert]
Rex
Vaughan, William
Weare, Nathaniel (appears on behalf of Vaughan)

Vessels
[Diligence (ketch)]

Description
Vaughan v [Martin] – Dispute over Vaughan’s sharing in the payment of a judgment
Vaughan v [Mason] – Dispute over lands
Vaughan v [Rex] – Fine imposed for assault on customs officer
[In re The Diligence] – Dispute over seizure of tobacco on vessel of which Vaughan was part owner

Disposition
Vaughan v [Martin] – Chancery decree reversed
Vaughan v [Mason] – Appeal dismissed
Vaughan v [Rex] – Appeal dismissed
Notes
The description and disposition provided by Smith are supplemented by the detailed description of Vaughan v Martin and In re The Diligence in Page, Judicial Beginnings in New Hampshire 1640–1700, passim, and in the CSP.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Vaughan v Martin; Vaughan v Mason; Vaughan v Rex; In re The Diligence)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
### Appeals to the Privy Council

**Report No. 06_1700_00**

**Case Name Short**
Allen, appeal of

**Case Name Long**
Samuel Allen, appeal of

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>Citation Type</th>
<th>Citation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC Citation</td>
<td>v.2 [775] p.347 – 18 January 1700 – entry 1</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.410: PC 2/77/410</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.410: PC 2/77/410</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [775] p.347 – 18 April 1700 – entry 2</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.7: PC 2/78/7</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.7: PC 2/78/7</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [775] p.347 – 9 May 1700 – entry 3</td>
</tr>
<tr>
<td>CSP Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.24: PC 2/78/24</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.24: PC 2/78/24</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [775] p.347–348 – 22 October 1700 – entry 4</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.85: PC 2/78/85</td>
</tr>
</tbody>
</table>

**Colonial Courts**
Proceedings in colonial court unclear

**Participants**
Allen, Samuel, proprietor of New Hampshire
Partridge, Mr. (correspondent of London merchants, owners of the *Mary*)

**Vessels**

*Mary*

**Description**
Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**
The *Mary* is allowed to sail to Lisbon and an outstanding bond cancelled.

**Notes**
The petitions of Allen and the London merchants (named in the *CSP* as William Crouch, Joseph Tatem, Henry Phillips, and others) relate to the possible improper shipping of wood from the colonies. The petitions are referred to the Board of Trade.

---

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found
Appeals to the Privy Council

Case Name Short
Allen v Waldron

Case Name Long
Samuel Allen (later Thomas Allen) v Richard Waldron

Acts of the Privy Council, Colonial Series

Colonial Courts
Superior Court of Judicature – 13 August 1700
[Inferior Court of Common Pleas] – 15 April 1707
[Superior Court of Judicature] – 12 August 1707

Participants
Allen, Samuel, proprietor of New Hampshire (father, later deceased, of Thomas Allen)
Allen, Thomas (son of Samuel Allen)
Hayter, Whitfield
Usher, John
Waldron, Richard

Description
Land (“appeal which relates to certain quit rents of land,” according to the APC; “Appeal ... from a Verdict and Judgment ... touching the Petitioner’s right, as the Proprietor, to certain Quit Rents of Land,” according to the Privy Council register)

Disposition
Allen (Samuel) v Waldron – Affirmed with liberty to bring a new action in courts of New Hampshire – December 1702
Allen (Thomas) v Waldron – Dismissal of Allen’s petition and affirmation of judgments of 15 April and 12 August 1707 – December 1708

Notes
Related to another Privy Council appeal:

Allen v Spencer – Report No. 05_1705_01 (APC, v.2 [972] p.489)

From a close reading of original documents, Smith (p.156) observes that the APC misstates one element of the
Allens’ litigation against Waldron. Thomas Allen was not in fact allowed a ‘revival’ of his father’s suit but did receive a renewal of an Order in Council issued on his father’s behalf that led to a new trial against Waldron. The verdict against Allen in this new trial is the one that the Privy Council affirms. The related action against Spencer also seems ultimately to have been unsuccessful.

For discussion of the underlying action involved here, see the note specific to this case in Additional Research.

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Allen [Samuel] v Waldron; Allen [Thomas] v Waldron) (extensive discussion)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 10 Dec. 1701 – PC 1/46/3
Referenced in *APC*, v.6 [43] p.9

Committee report – 8 Dec. 1702 – PC 1/46/5
Referenced in *APC*, v.6 [81] p.18

Allen’s petition – read 17 Dec.1702 – PC 1/46/5
Referenced in *APC*, v.6 [81] p.18

Petitions (petition of June) – 26 June 1708 – PC 1/47/10
Referenced in *APC*, v.6 [195] p.70

Petitions (petition of August) – Aug. 1708 – PC 1/47/10
Referenced in *APC*, v.6 [195] p.70

Other Documents
See the pamphlet entitled: *A short narrative of the claim, title and right of the heirs of the Honourable Samuel Allen, Esq., deceased, to the province of New-Hampshire in New-England: transmitted from a gentlewoman in London, to her friend in New England* [Short Narrative].
Appeals to the Privy Council

Report No. 06_1750_00

French v Folensby

New Hampshire

Case Name Short
French v Folensby

Case Name Long
Nathaniel French v Thomas Folensby, Peter Moss and Moses Calton

Acts of the Privy Council, Colonial Series
v.4 [131] p.100–101 – 31 May 1750 – entry 1
PC Register Citation
APC Citation
PC Register Citation

Colonial Courts

Inferior Court – 6 September 1744
Superior Court – 4 February 1746
Court of Appeals – 10 May 1748

Participants

Calton, Moses of Kingstown
Folensby, Thomas of Haverhill
French, Nathaniel
Moss, Peter of Kingstown

Description

Land (upon an ejectment)

Disposition

Not stated in Acts of the Privy Council, Colonial Series

Notes

On the ejectment action involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (French v Follansby)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 06_1753_00 Appeal of Walker New Hampshire

Case Name Short Walker, appeal of
Case Name Long Rev. Timothy Walker et al, appeal of

Acts of the Privy Council, Colonial Series
APC Citation v.4 [202] p.197 – 7 February 1753 – entry 1
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.313: PC 2/103/313
APC Citation v.4 [202] p.197 – 26 March 1754 – entry 2
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.97: PC 2/104/97
APC Citation v.4 [202] p.197 – 18 July 1754 – entry 3 (This entry repeats the second.)
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.204: PC 2/104/204
APC Citation v.4 [202] p.197–198 – 22 July 1755– entry 4
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.465–466: PC 2/104/465–466
APC Citation v.4 [202] p.198 – 12 August 1755 – entry 5

Colonial Courts
This is a petition, not an appeal from a colonial court action.

Participants
Walker, Rev. Timothy

Description
Petition asks that those aggrieved re land claims in New Hampshire be allowed to appeal though the value of individual parcels of land be below the minimum required.

Disposition
Privy Council grants Walker’s request upon recommendation of the Attorney and Solicitor General and the representation of the Board of Trade.

Notes
This action grew out of the boundary settlement between New Hampshire and Massachusetts. The request preceded the appeal in Merrill v Proprietors of the Township of Bow, Report No. 06_1754_00 (APC, v.4 [231] p.239).

Additional Sources
The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain legal papers related to this petition.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 06_1754_00 Merrill v Proprietors of Bow New Hampshire

Case Name Short
Merrill v Proprietors of the township of Bow

Case Name Long
John Merrill v Proprietors of the township of Bow

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [231] p.239 – 28 March 1754 – entry 1

PC Register Citation

APC Citation
v.4 [231] p.239–243 – 24 June 1755 – entry 2

PC Register Citation

Colonial Courts
Inferior Court of Common Pleas – Portsmouth – 7 March 1750/51
Superior Court of Judicature – second Tuesday in December 1752
Superior Court of Judicature – first Tuesday in August 1753

Participants
Merrill, John
Proprietors of the township of Bow
Stephens, Benjamin
Walker, Rev. Timothy
Wentworth, John, Lieutenant Governor of New Hampshire (1727)
Kilby, Christopher, esquire, of St. Martins in the Fields

Description
Land (“upon an Ejectment,” according to the Privy Council register). The conflict arises from the settling of the boundary of Massachusetts and New Hampshire.

Disposition
Reversed

Notes
Related to another Privy Council appeal:

Rolfe v Proprietors of Bow – Report No. 06_1762_00 (APC, v.4 [427] p.527)

See also the petition of the Rev. Timothy Walker, Report No. 06_1753_00 (APC, v.4 [202] p.197), requesting that an appeal to the Privy Council be allowed though the value of the land in question is less than the required minimum since the lands of many others, collectively meeting the minimum, depend upon the outcome.

On the ejectment action involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Merrill v Proprietors of Bow)

DOCUMENTATION

Printed Cases
Case of the appellant (Merrill)

Counsel
[Signed] W. Murray; R. Henley

Library
Law Library of Congress: Sir George Lee collection
Massachusetts Historical Society: 1796 Lib – XLg 7.29f (Manuscript notes limited to “N.B. Judgment for the Appellant”)
New Hampshire Historical Society: 977.8b B784me (Photocopy only)

Case of the respondent (Proprietors of the township of Bow)

Counsel
[Signed] A. Hume-Campbell; Al. Forrester

Library
Law Library of Congress: Sir George Lee collection (Noted in ESTC? No.)
New York Public Library. Schwarzman Building: Rare Book Collection *KF+++ 1755 (Great Britain. Trade and Plantations Commissioners. John Merrill, appellant) (Includes manuscript notes) (Noted in ESTC? Yes.)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
The appellant’s printed case at the Massachusetts Historical Society is found in a folder entitled ‘Briefs respecting the Controversy between Massachusetts and New Hampshire’. The folder also includes the respondents’ case in Rolfe v Proprietors of Bow, documents from the earlier royal commission to settle the boundary, and related maps. The maps at the British Library and in the Massachusetts Historical Society have not been compared.


1. British Library Additional Manuscripts 15487 f.96–103, Plans and Explanations of plans of Massachusetts and New Hampshire touching the boundary question and the bounds of certain towns as Rumford, Suncook, and Bow; and

2. Additional Manuscripts 15489 f.5, which is the deposition in manuscript of B. Rolfe of Rumford regarding extracts from the “Proprietors Book of Rumford”.

view this report for printing
Case Name Short: Trecothick v Wentworth
Case Name Long: Barlow Trecothick v Samuel Wentworth

Acts of the Privy Council, Colonial Series
APC Citation: v.4 [362] p.393 – 4 September 1758 – entry 1
PC Register Citation: George II v.17 (1 January 1758 – 21 May 1759) p.243; PC 2/106/243
APC Citation: v.4 [362] p.393–394 – 5 April 1762 – entry 2
PC Register Citation: George III v.1 (25 October 1760 – 31 December 1761) p.359–360; PC 2/108/359–360
PC Register Citation: George III v.2 (1 January 1762 – 30 April 1763) p.123–125, 169; PC 2/109/123–125, 169

Colonial Courts
[Inferior Court of Common Pleas] – 5 June 1755
[Superior Court of Judicature] – February 1756
Superior Court – Portsmouth – 20 September 1757

Participants
Pierson, John
Trescothick, Barlow, merchant, of London
Wentworth, Ebenezer
Wentworth, Samuel

Description
Action for £5770 16s in Massachusetts bills of credit of the old tenor, according to the APC

Disposition
Reversed with direction as to the proper amount and currency for payment

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Trescothick v Wentworth)

DOCUMENTATION
Printed Cases
Appellant's case
Case of the appellant (Trescothick)
[Signed] C. Pratt; C. Yorke
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.151–153 (Includes manuscript notes)

Respondent's case
Case of the respondent (Wentworth)
Note
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short
Sherburne v Sherburne

Case Name Long
John Sherburne v Samuel Sherburne, Peter and Dorothy Gillman, Joseph and Anne Langdon

Acts of the Privy Council, Colonial Series

APA Citation
v.4 [382] p.411 – 15 March 1759 – entry 1

PC Register Citation
George II v.17 (1 January 1758 – 21 May 1759) p.442: PC 2/106/442

APA Citation
v.4 [382] p.411 – 2 January 1762 – entry 2

PC Register Citation
George III v.2 (1 January 1762 – 30 April 1763) p.16: PC 2/109/16

APA Citation
v.4 [382] p.411–412 – 5 April 1762 – entry 3

PC Register Citation

Colonial Courts
Court of Probates – 29 April 1758
Supreme Court of Probate of Wills – 29 June 1758

Participants
Brown, Arthur
Gillman, Dorothy Sherburne (sister of John Sherburne, Samuel Sherburne, Anne Langdon, and Henry Sherburne; daughter of the elder Henry Sherburne; and wife of Peter Gillman)
Gillman, Peter (husband of Dorothy Sherburne Gillman)
Haven, Rev. Samuel
Langdon, Anne Sherburne (sister of John Sherburne, Samuel Sherburne, Dorothy Gillman and Henry Sherburne; daughter of the elder Henry Sherburne; and wife of Joseph Langdon)
Langdon, Joseph (husband of Anne Sherburne Langdon)
Langdon, Rev. Samuel
Paris, F.J.
Parker, William
Sherburne, Henry (deceased father of John Sherburne, Samuel Sherburne, Dorothy Gillman, and Anne Langdon, and of Henry Sherburne, deceased)
Sherburne, Henry (deceased brother of John Sherburne, Samuel Sherburne, Dorothy Gillman, and Anne Langdon, and deceased son of the elder Henry Sherburne)
Sherburne, Henry (son of the younger Henry Sherburne and grandson of the elder Henry Sherburne)
Sherburne, John (son of the elder Henry Sherburne)
Sherburne, John (son of John Sherburne and grandson of the elder Henry Sherburne)
Sherburne, Samuel (brother of John Sherburne, Dorothy Gillman, Anne Langdon, and Henry Sherburne, and son of the elder Henry Sherburne)
Wibird, Richard

Description
Dispute over the will of the elder Henry Sherburne

Disposition
Reversed in part; affirmed in part, as the Court of Probates “has no jurisdiction so far as the will relates to real estates,” according to the APC

DOCUMENTATION

Printed Cases

Appellant’s case
Case of the appellant (Sherburne)

Counsel
[Signed] G. Hay; Wm. DeGrey; Paule Feilde

Library
British Library: Additional Manuscripts 15489 f.22–23 (Preceded by Additional Manuscripts 15489 f.19–21 which is a manuscript copy of An Act for the Settlement and Distribution of the Estate of Intestates, enacted 13 May 1718. See Andrews, Guide to Manuscript Materials, p.96.) (Noted in ESTC? Yes.)

Respondent’s case
Case of the respondent (Sherburne)

Counsel
[Signed] C. Yorke; Al. Forrester

Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.147–148 (Includes manuscript notes) (Noted in ESTC? No.)

New York Public Library: (?) (The ESTC [N66141] lists a copy of the respondent’s case at the New York Public Library.

Library
Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
The New Hampshire Historical Society holds a bound volume of Sherburne family papers that includes the will of Henry Sherburne, Sr., with affidavits, and certified copies documenting the controversy over the estate.

Other Documents
The New Hampshire “Act for the Settlement and Distribution of the Estate of Intestates” of 13 May 1718 that was at issue in this case is printed in *New Hampshire, Laws 1718*, p. 102–104. It is reproduced here (pdf) from the Early American Imprints, series 1, Evans no. 1985. (The reproduction is not great, and the original, which we have not seen, may not be either. But with a struggle, it can be read.)
Appeals to the Privy Council

Case Name Short  
Dering v Packer

Case Name Long  
Thomas Dering v Thomas Packer

Acts of the Privy Council, Colonial Series

APC Citation  
v.4 [407] p.433 – 9 November 1759 – entry 1

PC Register Citation  
George II v.18 (2 May 1759 – 10 July 1760) p.189: PC 2/107/189

APC Citation  

PC Register Citation  

Colonial Courts

Inferior Court of Common Pleas – 8 December 1757
Chancery
Superior Court – 12 December 1758 – affirming judgments of 8 December 1757 and 10 June 1758

Participants

Dering, Henry, deceased
Dering, Thomas of Boston (executor of Henry Dering)
Nelson, William
Packer, Thomas of Portsmouth
Smith, Jeremiah

Description

Payment of a debt. The case arises from the impact of depreciation of various colonial currencies.

Disposition

Reversed “except the verdict and judgment of the Superior Court of Judicature for the penalty of the bonds and costs,” according to the APC.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Dering v Packer)

DOCUMENTATION

Printed Cases

Appellant’s case
Case of the appellant (Dering)
Counsel
[Signed] C. Pratt; Al. Forrester
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.44–45 (Includes manuscript notes)

Respondent’s case
Case of the respondent (Packer)
Counsel
[Signed] C. Yorke; W. DeGrey
Note
Appellant’s name is spelled Deering on respondent’s printed case.
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.46–48 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents

Dallas, Reports 4 (4 U.S. [4 Dall.]), p.xxiii–xxv [at the back of the volume] (1807), contains a report on the hearing of Dering v Packer before the Council. The note in Dallas indicates that “this report is taken from a collection of manuscript cases, upon authority, that appeared respectable when it was copied: but the name of the reporter is forgotten.” Smith (p.502) suggests that the notes were probably those of Jared Ingersoll.
Appeals to the Privy Council

Report No. 06_1762_00  Rolfe v Proprietors of Bow  New Hampshire

Case Name Short  Rolfe v Proprietors of Bow
Case Name Long  Benjamin Rolfe, Daniel Carter, Timothy Simons, John Evans, John Chandler, Abraham Colby and Abraham Kimball v Proprietors of Bow

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [472] p.527 – 15 February 1762 – entry 1
PC Register Citation  George III v.2 (1 January 1762 – 30 April 1763) p.74–75: PC 2/109/74–75
APC Citation  v.4 [472] p.527–530 – 29 December 1762 – entry 2
PC Register Citation  George III v.2 (1 January 1762 – 30 April 1763) p.433, 441, 442, 443, 444, 445, 453: PC 2/109/433, 441, 442, 443, 444, 445, 453

Colonial Courts

Inferior Court – September 1760
Superior Court – November 1760

Participants
Ayer, William
Carter, Daniel
Chandler, John
Colby, Abraham
Endicott, [John], former Governor of Massachusetts
Evans, John
Kimball, Abraham
Lovewell, Capt. John
Melvin, David
Proprietors of Bow
Rolfe, Benjamin
Simons, Timothy
Wentworth, John, former Governor of New Hampshire

Description
Land (“upon an Ejectment,” according to the Privy Council register). The conflict arises from the settling of the boundary of Massachusetts and New Hampshire.

Disposition
Reversed

Notes
Related to another Privy Council appeal:

Merrill v Proprietors of the township of Bow – Report No. 06_1754_00 (APC, v.4 [231] p.239)

On the ejectment action involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Rolfe v Proprietors of Bow)

DOCUMENTATION

Printed Cases

Appellant's case
Case of the appellant (Rolfe)
[Counsel] Wm. DeGrey (spelled here DeGray); Al. Wedderburn
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.181–184 (Includes manuscript notes)
New Hampshire Historical Society: 977.8bB784r

Respondent's case
Case of the respondent (Proprietors of Bow)
[Signed] C. Yorke; Al. Forrester
American Antiquarian Society: LNhL Bow Grea N762 PF (Lacks appendix and map) (Noted in ESTC? Yes.)
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.185–188 (Includes manuscript notes and appendix, f.189–190, and map, f.191–192) (Noted in ESTC? No.)
Massachusetts Historical Society: 1796 Lib.-XLg.7.29 (Lacks appendix; manuscript notes limited to minor
The respondent’s printed case at the Massachusetts Historical Society is found in a folder entitled ‘Briefs respecting the Controversy between Massachusetts and New Hampshire’. The folder also includes the appellant’s case in Merrill v Proprietors of Bow, documents from the earlier royal commission to settle the boundary, and related maps. The maps at the British Library and in the Massachusetts Historical Society have not been compared.


1. British Library Additional Manuscripts 15487 f.96–103, Plans and Explanations of plans of Massachusetts and New Hampshire touching the boundary question and the bounds of certain towns as Rumford, Suncook, and Bow; and

2. Additional Manuscripts 15489 f.5, which is the deposition in manuscript of B. Rolfe of Rumford regarding extracts from the “Proprietors Book of Rumford”.

Library

New Hampshire Historical Society: 977.8bB784r (Includes appendix) (Noted in ESTC? No.)
Appeals to the Privy Council

Report No. 06_1765_00 Hilton v Fowler Fowler v Hilton New Hampshire

Case Name Short Hilton v Fowler Fowler v Hilton
Case Name Long Josiah Hilton v Philip Fowler Philip Fowler v Josiah Hilton

Acts of the Privy Council, Colonial Series

APC Citation v.4 [601] p.717 – 23 March 1765 – entry 1
PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.164: PC 2/111/164
APC Citation v.4 [601] p.717 – 10 July 1765 – entry 2
PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.261–262: PC 2/111/261–262

Colonial Courts
Court of Errors – 11 October 1763

Participants
Fowler, Philip
Hilton, Josiah
Holker, Mr. of St. Thomas the Apostle’s (appears for Philip Fowler)

Description
Land

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Hilton v Fowler)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short: James v Moffatt
Case Name Long: William James v Samuel Moffatt and George Meserve

Acts of the Privy Council, Colonial Series
v.5 [256] p.375 – 30 June 1773 – entry 1

PC Register Citation
George III v.10 (January 1773 – April 1774) p.236, 379: PC 2/117/236, 379

Colonial Courts
Superior Court – September 1771
Governor and Council as a Court of Appeals – 8 October 1771

Participants
James, William of Bristol (partner of the firm of Lloyd and James)
Meserve, George, merchant, of Portsmouth
Moffatt, Samuel, merchant, of Portsmouth

Description
Action to recover £1551 13s 2d

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (James v Meserve)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short: Jones v Fullerton
Case Name Long: Jeffrie Jones v James Fullerton on the demise of the Proprietors of East Jersey

Acts of the Privy Council, Colonial Series

APC Citation: v.2 [641] p.306 – 24 September 1696 – entry 1
PC Register Citation: William III v.4 (2 December 1694 – 23 April 1697) p.520–521: PC 2/76/520–521
APC Citation: v.2 [641] p.306–307 – 4 February 1697 – entry 2
PC Register Citation: William III v.4 (2 December 1694 – 23 April 1697) p.578: PC 2/76/578
APC Citation: v.2 [641] p.307 – 23 February 1697 – entry 3
PC Register Citation: William III v.4 (2 December 1694 – 23 April 1697) p.585, 586: PC 2/76/585, 586

Colonial Courts
Court of Common Right – Amboy Perth – East New Jersey

Participants
Jones, Jeffrie (Geoffrey) of Elizabeth Towne in Essex County
Fullerton, James

Description
[Land claims] (in ejectment). This “cause arose in endeavors of the East New Jersey proprietors to enforce claims to land in the so-called ‘Elizabeth purchase’,” according to Smith (p.366 n.66).

Disposition
Reversed

Notes
There is good reason to doubt the reality of the lease to Fullerton, and there can be little doubt that the Proprietors of East Jersey were the real parties at interest in this case. See the note specific to this case in Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jones v Fullerton) (extensive discussion)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Crowley, appeal of
Mary Crowley and John Borrow, appeal of

Acts of the Privy Council, Colonial Series
v.2 [1175] p.668 – 20 October 1712 – entry 1
Anne v.6 (18 August 1712 – 31 July 1714) p.35: PC 2/84/35

Participants
Borrow, John (executor of John Roys)
Crowley, Mary (executor of John Roys)
Roys, John, esquire, of East New Jersey, deceased
Willcox,
Windar, Charles of East New Jersey (deceased brother of James Windar)
Windar, James (brother of Charles Windar)

Description
Settlement of an estate

Disposition
Not stated in Acts of the Privy Council, Colonial Series
Report No. 07_1716_00  
Sonmans v Ormstone  
New Jersey (East)

Case Name Short  
Sonmans v Ormstone  
Not a ‘true’ appeal.

Case Name Long  
Peter Sonmans v Joseph and Rachel Ormstone and Joseph and Johanna Wright

Acts of the Privy Council, Colonial Series

APC Citation  
v.2 [1256] p.709–710 – 6 July 1716 – entry 1

PC Register Citation  
George I v.1 (1 August 1714 – 2 March 1717) p.425: PC 2/85/425

APC Citation  
v.2 [1256] p.710 – 25 October 1717 – entry 2

PC Register Citation  
George I v.2 (2 March 1717 – 25 August 1720) p.53: PC 2/86/53

APC Citation  
v.2 [1256] p.710 – 16 November 1717 – entry 3

PC Register Citation  
George I v.2 (2 March 1717 – 25 August 1720) p.69: PC 2/86/69

APC Citation  
v.2 [1256] p.710 – 14 January 1718 – entry 4

PC Register Citation  
George I v.2 (2 March 1717 – 25 August 1720) p.81–82: PC 2/86/81–82

APC Citation  
v.2 [1256] p.711 – 2 February 1718 – entry 5

PC Register Citation  
George I v.2 (2 March 1717 – 25 August 1720) p.90: PC 2/86/90

APC Citation  
v.2 [1256] p.711 – 12 July 1720 – entry 6

PC Register Citation  
George I v.2 (2 March 1717 – 25 August 1720) p.442: PC 2/86/442

Colonial Courts
Proceedings in the colony are mentioned but unclear if they resulted in a judgment in a court of law

Participants
Forster, Miles (husband of Rebecca Lawry Forster)  
Forster, Rebecca Lawry (wife of Miles Forster and daughter of Gawen Lawry)  
Haig, Mary Lawry (daughter of Gawen Lawry)  
Ormstone, Joseph, merchant, of London (husband of Rachel Ormstone)  
Ormstone, Rachel Sonmans (wife of Joseph Ormstone, sister of Peter Sonmans, and daughter of Arent Sonmans)  
Sonmans, Arent (deceased father of Peter Sonmans, Rachel Ormstone, and Johanna Wright)  
Sonmans, Peter, esquire (brother of Rachel Ormstone and Johanna Wright, and son of Arent Sonmans)  
Wright, Johanna Sonmans (wife of Joseph Wright, sister of Peter Sonmans, and daughter of Arent Sonmans)  
Wright, Joseph (husband of Johanna Wright)

Description
Land

Disposition
Final allocation of land amongst the parties is specified.

Additional Sources
See, at the British Library in Additional Manuscripts 38861 f.100–101, Peter Sonman’s memorial, dated by the British Library as 1718.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 07_1773_00     Wickoff v Ouke     New Jersey

Case Name Short         Wickoff v Ouke
Case Name Long         Peter Wickoff and Joseph Reed v William Ouke

Acts of the Privy Council, Colonial Series
v.5 [263] p.378 – 28 July 1773 – entry 1
George III v.10 (January 1773 – April 1774) p.258–259: PC 2/117/258–259

Colonial Courts
Supreme Court – April 1770
Governor and Council as a Court of Errors

Participants
Forman, Ezekiel
Ouke, William, manager of Bill Island lottery
Reed, Joseph (assignee of Ezekiel Forman)
Wickoff, Peter (assignee of Ezekiel Forman)

Description
Action to recover on a lottery ticket, brought by Forman against Ouke

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Additional Sources
See in manuscript at the British Library the “petition of Wikoff” in Additional Manuscripts 15489 f.59–60.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 07_1775_00  Reid v Reed  New Jersey

Case Name Short  Reid v Reed  
Case Name Long  John Reid v Joseph Reed

Acts of the Privy Council, Colonial Series
v.5 [325] p.421 – 10 November 1775 – entry 1

PC Register Citation  George III v.12 (June 1775 – May 1776) p.197: PC 2/119/197

Colonial Courts
Provincial Court – 21 May 1772
Governor and Council as a Court of Errors – 14 May 177___ (full date not given in the APC)

Participants
Reed, Joseph
Reid, John

Description
Dispute about land called Tunicam

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Additional Sources
See the contemporary pamphlet: Reed v Reid.
See also at the British Library a manuscript extract of letters from Joseph Reed to J. Sharpe to engage Wedderburn and Dunning in anticipation of a possible law suit in Additional Manuscripts 15489 f.57–58.

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 08_1680_00  Ward v Palmer  New York

Case Name Short  Ward v Palmer
Case Name Long  John Ward v Mrs. John Palmer

Acts of the Privy Council, Colonial Series

APC Citation  v.1 [1334] p.879 – January 28, 1680 – entry 1
CSP Citation  V no. 1283
PC Register Citation  Charles II v.15 (21 April 1679 – 29 May 1680) p.371: PC 2/68/371
APC Citation  v.1 [1334] p.884–885 – March 9, 1680 – entry 2
PC Register Citation  Charles II v.15 (21 April 1679 – 29 May 1680) p.425: PC 2/68/425

Colonial Courts
Mayor’s Court – New York City – 22 July 1679
General Court of Assizes – 1–3 October 1679

Participants
Palmer, John (husband of widow of John Winder)
Palmer, Mrs. John (widow and administratrix for John Winder and wife of John Palmer)
Ward, John
Winder, John of City of New Yorke, deceased

Description
Indebtedness

Disposition
Sentence is repealed and made void. Judgment in Mayor’s Court is affirmed.

Notes
There is an interesting discussion in the CSP (March 2, 1680) as to methods of payment, including wampum and beaver.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Ward v Palmer)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series

v.2 [32] p.19 – 15 April 1681 – entry 1

CSP Citation
VI no. 79

PC Register Citation
Charles II v.16 (1 June 1680 – 31 May 1683) p.268: PC 2/69/268

v.2 [32] p.19 – 7 December 1681 – entry 2

CSP Citation
VI no. 314

PC Register Citation
Charles II v.16 (1 June 1680 – 31 May 1683) p.421: PC 2/69/421

Colonial Courts
General Court of Assizes – City of New York – 6 and 7 October 1680

Participants
Darvall, Thomas, merchant
Hall, Richard

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Dismissed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Darvall v Hall)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Not a ‘true’ appeal.

Dyer v Winder

Acts of the Privy Council, Colonial Series

APC Citation v.2 [47] p.24 – 14 September 1681 – entry 1
CSP Citation VI no. 229
PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.356: PC 2/69/356
APC Citation v.2 [47] p.24 – 29 June 1682 – entry 2
CSP Citation VI no. 591
PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.528: PC 2/69/528
APC Citation v.2 [47] p.24–25 – 3 August 1682 – entry 3
CSP Citation VI no. 642
PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.542: PC 2/69/542
APC Citation v.2 [47] p.25 – 25 October 1682 – entry 4
PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.552: PC 2/69/552

Colonial Courts
Court of Assizes (see Notes)

Participants
Dyer, Capt. William
Winder, Samuel

Description
Accusation of high treason in levying customs within the province of New York

Disposition
According to the APC, Dyer’s bond is ordered delivered to him; “he may take his remedy at Law against the said Winder in New York or else where he shall think fit.” Winder fails to appear.

Notes
Goebel and Naughton, Law Enforcement in Colonial New York, p.224, notes that since there was no final judgment in the Court of Assizes in New York, Dyer v Winder is not, strictly speaking, an appeal. He explains that “at a special Court of Assizes Dyer objected to the jurisdiction of the court, and after some debate it was decided to send the defendant to England, take the security of Winder to prosecute and refer the matter to the Privy Council. Dyer petitioned the Council and the matter was referred to the Lords Committee. In due course the case was dismissed as Winder did not appear to prosecute.”

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series
v.2 [110] p.46 – 14 February 1683 – entry 1

CSP Citation
VI no. 941

PC Register Citation
Charles II v.16 (1 June 1680 – 31 May 1683) p.634: PC 2/69/634

Colonial Courts
Court of Sessions – Gravesend for the West Riding of Yorks on Long Island – 21 December 1681
General Court of Assize – City of New Yorke – 4, 5, and 6 October 1682

Participants
Cornwall, Robert
Pew, Francis, gentleman
Wright, Robert, gentleman

Description
Land title, according to Smith (p.130)

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Wright v Cornwall)

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 08_1685_00  Billop v [West]  New York

Case Name Short  Billop v [West]
Case Name Long  Capt. [Christopher] Billop v ___ [West]

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [200] p.89 – 4 December 1685 – entry 1
CSP Citation  VII no. 489
PC Register Citation  James II Part I (6 February 1685 – 18 March 1687) p.167: PC 2/71/167

APC Citation  v.2 [200] p.89 – 23 December 1685 – entry 2
CSP Citation  VII no. 515
PC Register Citation  James II Part I (6 February 1685 – 18 March 1687) p.181: PC 2/71/181

Colonial Courts
[New York City Mayor’s Court – 6 June 1683]

Participants
Billop, Capt. [Christopher]
[West ]; ___

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
This action involves alleged illegal seizure of slaves and merchandise from a seized vessel. The attorney for John Bawdon and John and Thomas Temple of London, owners of the vessel, is referred to as John Wott in the heading of the case in Morris, New York City Mayor’s Court 1674–1784, p.648, and the case is indexed in that volume as Wott v Billop on p.758. However, the text of Billop’s petition and the Order in Council, transcribed in id., p.650–652, refer to the attorney as John West. APC, v.2 [89] p.38–39 (appended to the linked view of APC above) concerns a related action against Capt. Billop from the West Indies.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Billop v West)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Mauritz v Philips

Not a ‘true’ appeal.

Acts of the Privy Council, Colonial Series

APC Citation v.2 [444] p.208 – 17 March 1692 – entry 1
CSP Citation VIII no. 2128
PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.350: PC 2/74/350

APC Citation v.2 [444] p.208 – 12 May 1692 – entry 2
CSP Citation VIII no. 2226
PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.398: PC 2/74/398

APC Citation v.2 [444] p.208 – 18 May 1693 – entry 3
PC Register Citation William III v.3 (1 October 1692 – 29 November 1694) p.156: PC 2/75/156

Colonial Courts
Proceedings in colonial court unclear

Participants
Mauritz, Jacob
Philips (Flypse), Frederick, esquire

Vessels
Francis and Thomas, aka St. Peter (ship)

Description
Disposition of the Francis and Thomas

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Not strictly an appeal but a petition of Jacob Mauritz, referred to the Lords of Trade and Plantations, claiming ownership of the vessel. See the various entries in the CSP for details. Mauritz claims to have been commissioned as a privateer by the rebel Jacob Leisler, for whom see Bayard v Rex (08_1702_02), Notes.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
### Appeals to the Privy Council

Report No. 08_1699_00  
Cruger v Depeyster  
New York

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Cruger v Depeyster</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Valentine Cruger v Abraham Depeyster</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>Citation</th>
<th>Page Numbers</th>
<th>Date</th>
<th>Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC Citation</td>
<td>v.2 [767] p.345 – 23 October 1699 – entry 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.384: PC 2/77/384</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [767] p.345–346 – 19 December 1699 – entry 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.401: PC 2/77/401</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [767] p.346 – 21 December 1699 – entry 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.404: PC 2/77/404</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [767] p.346 – 5 December 1700 – entry 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.108: PC 2/78/108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.2 [767] p.346 – 12 June 1701 – entry 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.6 (4 April 1700 – 19 February 1702) p.219: PC 2/78/219</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Colonial Courts**

- Supreme (Supreme) Court
  - Governor and Council of New York – 4 April 1698 (first appeal taken to the Privy Council from this proceeding)
  - Governor and Council of New York – 22 June 1700 (second appeal taken)

**Participants**

- Cruger, Valentine
- Depeyster, Abraham

**Description**

Case “touching matters of account” between the parties, according to the *APC*

**Disposition**

Judgment of Governor and Council of 4 April 1698 declared null and void. Appellant to proceed in “due form before the Governor and Council of New Yorke,” according to the *APC*. Decree of Governor and Council of 22 June 1700 reversed.

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Tierens and Cruger v Depeyster)

---

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found

---

[view this report for printing]
Appeals to the Privy Council

Report No. 08_1700_00 Alsop v Vaudall New York

Case Name Short Alsop v Vaudall

Case Name Long Richard Alsop v Audry Vaudall

Acts of the Privy Council, Colonial Series

- APC Citation v.2 [800] p.357 – 5 September 1700 – entry 1
- PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.81: PC 2/78/81
- APC Citation v.2 [800] p.357 – 2 November 1700 – entry 2
- PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.95: PC 2/78/95
- APC Citation v.2 [800] p.357 – 5 November 1700 – entry 3
- PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.102: PC 2/78/102
- APC Citation v.2 [800] p.357 – 16 September 1701 – entry 4
- PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.258–259: PC 2/78/258–259

Colonial Courts

Lower court unnamed
Governor and Council of New Yorke (two actions: an initial confirmation of the lower court decision in favor of Alsop, followed by reversal by a new Governor and Council)

Participants

Alsop, Richard
Vaudall, Audry, widow

Description

Re “estate of houses and lands” in New York, according to the APC

Disposition

Not stated in Acts of the Privy Council, Colonial Series

Notes

Various spellings of respondent’s name – Vandall, Wandal, Wandall – can be found in Washburne, Imperial Control, p.60, and in item [872] of v.18 (1700) of the CSP.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
In re The Elizabeth and Catherine

Acts of the Privy Council, Colonial Series
v.2 [872] p.410 – 11 June 1702 – entry 1
v.2 [872] p.410 – 10 April 1703 – entry 2

Colonial Courts
Courts of Admiralty – New York – [June 1701 – discharging seizure]
[Supreme Court – August 1701 – issuance of a prohibition]
[Governor and Council – October 16, 1701 – confirming action of Supreme Court]
[Vice Admiralty Court – November 24, 1701 – condemnation upon a new information]

Participants
Wake, Elizabeth (widow of John Wake)
Wake, John, commander of the Elizabeth and Catherine, later deceased (husband of Elizabeth Wake)

Vessels
Elizabeth and Catherine

Description
Condemnation

Disposition
Not stated in Acts of the Privy Council, Colonial Series. Smith (p.198) states that the appeal was not prosecuted.

Notes
Action at the lower level referred to as Weaver q.t. v Wake.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Elizabeth and Catherine, In re The) (extensive discussion)

Additional Sources
The Bodleian Library at Oxford University holds in Rawlinson A272/128–132 a “duplicate of the condemnation of the ship Elizabeth and Catherine at a court of admiralty held in New York on Monday, November 24, 1701” and “the petition of John Wake and the owners of the ship Elizabeth and Catherine to the Board of Trade. September 16, 1701 with a letter from the Board of Trade,” as inventoried in Andrews, Guide to Manuscript Materials, p.390.

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Bayard v Rex
Hutchins v Rex

Case Name Long
Col. Nicholas Bayard v Rex
John Hutchins v Rex

Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
</tr>
</thead>
</table>

Colonial Courts
[Special commission of oyer and terminer – March 16, 1701/2 (Bayard)]
[Special commission of oyer and terminer – April 6, 1702 (Hutchins)]

Participants
Adderley, Henry, merchant
Atwood, William, chief judge in New York
Bayard, Col. Nicholas
Broughton, Sampson Shelton, Attorney General of New York
Cornbury, Lord, [Governor]
Hutchins, John, alderman
Lodwick, Charles, merchant
Rex
Weaver, Thomas, Solicitor General in New York

Description
High treason

Disposition
Judgment against Bayard and Hutchins nullified. Bayard and Hutchins ordered to be reinstated as if the prosecution never occurred. Two New York acts annulling the proceedings against Bayard and Hutchins confirmed and an Act of 1705 about Bayard repealed.

Notes
APC, v.2, Appendix III, p.850 – Colonial Acts confirmed or disallowed by the Privy Council, 1680–1720 – 8 January 1708. "2 Acts, both entitled, An Act Declaring the Illegality of the proceedings against Col. Nicholas Bayard and Alderman John Hutchins for pretended High Treason and for Revising and making Null and Void the said Judgement and all proceedings thereon, confirmed. An Act of 1705 relating to them but not quoted by its title is repealed."

Smith (p.241) says these two cases are not strictly appeals but are more in the nature of the pardoning power of the Privy Council. They arose in the aftermath of the revolt led by Jacob Leisler in the previous decade.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Bayard v Rex; Hutchins v Rex) (extensive discussion)
Privy Council Documents in PC 1 at The National Archives at Kew

Petition of Bayard – 17 Dec. 1702 – PC 1/46/5
Referenced in APC, v.6 [84] p.18–19

Petition of Bayard (copy) – 17 Dec. 1702 – PC 1/46/5
Referenced in APC, v.6 [84] p.18–19

Order of reference to the Committee (Bayard) – 17 Dec. 1702 – PC 1/46/5
Referenced in APC, v.6 [84] p.18–19

Act reversing attainders. Board of Trade representation. – 15 Dec. 1704 – PC 1/46/6
Referenced in APC, v.6 [128] p.31

Other Documents

The following printed items are related to this case: A Proclamation [by] John Nanfan, Esq; His Majesties lieut. governour and commander in [chief] in and over the province of New-York [Nanfan, Proclamation]; A narative [sic] of the treatment Coll. Bayard received from the time that sentence was passed against him to the time of his giving that petition which the lieut. governour & Council caused to be printed and published in justification of their proceedings against him [Narrative of Col. Bayard]; An Account of the illegal prosecution and tryal of Coll. Nicholas Bayard, in the province of New-York, for supposed high-treason, in the year 1702/3. Collected from several memorials taken by divers persons privately, the commissioners having strictly prohibited the taking the tryal in open court [Account of Col. Bayard]; An Act declaring the Illegality of the Proceedings against Coll. Nicholas Bayard and Alder-man John Hutchins for pretended High-Treason, and for Reversing and making Null and Void the said Judgments, and all Proceedings thereon [New York, Laws 1703].

Note also that the New-York Historical Society holds a collection of the papers of Nicholas Bayard that includes material pertaining to his trial for high treason.
Appeals to the Privy Council

Case Name Short
Budge, appeal of

Case Name Long
Mr. Budge, appeal of

Acts of the Privy Council, Colonial Series
v.2 [1041] p.528 – 8 January 1708 – entry 1

PC Register Citation
Anne v.3 (11 October 1705 – 29 February 1708) p.486: PC 2/81/486

Colonial Courts
Unnamed

Participants
Budge, Mr.
Cornbury, Lord

Description
Condemnation

Disposition
Order on the report of the Board of Trade that the judgment of the High Court of Admiralty be given effect

Notes
This appeal was from a judgment of the High Court of Admiralty.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Gouverneur v De Biemer

Acts of the Privy Council, Colonial Series
v.2 [1251] p.708 – 10 March 1716 – entry 1

Colonial Courts
No final judgment below

Participants
De Biemer, Isaac, sen.
Gouverneur, Abraham

Description
Complaining of “a delay of justice in a cause depending before the Governor between them and Isaac De Biemer, senior,” according to the APC

Disposition
Not stated in the APC. Citing the N.Y. Chancery Mins., 1711/2–19, 55, Smith (p.239) says that “an appeal was granted on May 20, 1717 but the appeal body was not designated.”

Notes
The Privy Council’s register indicates that the petition asks that the Governor be required to give a speedy judgment in the matter.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Gouverneur et al v De Reimer). Note that Smith gives name as De Reimer.

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
 Appeals to the Privy Council

Case Name Short
Summers, appeal of

Case Name Long
Thomas Summers et al, appeal of

Acts of the Privy Council, Colonial Series

PC Register Citation
George I v.2 (2 March 1717 – 25 August 1720) p.19: PC 2/86/19

Colonial Courts
Unnamed

Participants
Summers, Thomas, merchant, of Liverpool (owner of the Good Intent)

Vessels
Good Intent (ship)

Description
Seizure and condemnation for alleged illegal trade

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Summers is indexed in the APC as an appeal. No particular court is specified. Smith lists no appeals to the Privy Council from the Vice Admiralty Court in New York. Hough, New York Vice-Admiralty 1715–1788, p.4–5, does reference an action involving the Good Intent in this time period. Whatever the court, Vice Admiralty or otherwise, whether Summers’s petition was in fact an ‘appeal’ in the technical sense of the term is unclear.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 08_1717_02

Case Name Short
Smith, appeal of

Case Name Long
John Smith, appeal of

Acts of the Privy Council, Colonial Series
APC Citation
v.2 [1277] p.727 – 5 September 1717 – entry 1

PC Register Citation
George I v.2 (2 March 1717 – 25 August 1720) p.40–41: PC 2/86/40–41

APC Citation
v.2 [1277] p.727 – 21 July 1718 – entry 2

PC Register Citation

Colonial Courts
No indication of proceedings in a court in New York

Participants
Prior, Mr., British minister to France under Queen Anne
Renault, Chateau, French squadron leader
Smith, John of New York (owner of the Three Brothers)

Vessels
Three Brothers (ship)

Description
Seizure

Disposition
The matter is placed in the hands of the King “to renew to His Minister in France the like orders with those the petitioner has obtained . . . from the late Queen,” according to the APC.

Notes
This matter was determined in Admiralty.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Mossesson v Norris

Not a ‘true’ appeal.

Solomon Medina Mossesson, Moses Medina and Abraham Medina, and Roderigo Pacheto v Mathew Norris

Acts of the Privy Council, Colonial Series

v.3 [341] p.459 – 3 April 1735 – entry 1

Colonial Courts
Vice Admiralty Court – 4 September 1727

Participants
Medina, Abraham
Medina, Moses
Mossesson, Solomon Medina
Norris, Mathew, esquire
Pacheto, Roderigo

Description
Condemnation of snuff and tobacco as lawful prize

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
The petition of Mathew Norris requests that the appeal of Solomon Medina Mossesson, Moses Medina and Abraham Medina, and Roderigo Pacheto be dismissed for non-prosecution. Smith (p.188, referencing Norris v Four Casks, etc. of Snuff) states that this appeal was in fact to the Lords Commissioners for Hearing Prize Appeals though the wording in the APC and the entry in Hough, New York Vice-Admiralty 1715–1788, p.8–10, might imply otherwise.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Norris v Four Casks, etc., of Snuff)

Additional Sources
A copy of the printed case is found in the Lee collection of Prize cases at the New York Public Library (*KC +++ p.v.20–21). A copy in manuscript can be found at TNA (PC 1/58/B–B3).

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Brown v Philips

**Acts of the Privy Council, Colonial Series**

APC Citation: v.3 [454] p.619 – 30 November 1738 – entry 1

PC Register Citation: George II v.6 (1 October 1738 – 27 March 1740) p.46: PC 2/95/46

**Colonial Courts**

Court of Probates – 5 August 1738 (sentence of Lieutenant Governor)

**Participants**

Brown, Thomas, merchant, of London
Caswell, John, merchant, of London, deceased
Lane, Henry (attorney for Thomas Brown)
Philips (Flypse), Frederick, esquire (administrator of estate of John Caswell)

**Description**

Contested granting of the administration of an estate

**Disposition**

Decree affirmed and appeal dismissed

**DOCUMENTATION**

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series

v.3 [527] p.703 – 19 November 1741 – entry 1

George II v.8 (22 October 1741 – 29 September 1743) p.13–14: PC 2/97/13–14

v.3 [527] p.703–704 – 23 March 1743 – entry 2


Colonial Courts

Court of Admiralty
Court of Kings Bench
Court of Errors – 17 April 1741

Participants

Cummyns, George (owner of the Restoration)
Forbes, Alexander, master of the Restoration
Pearse, Vincent, late Captain of HMS Flamborough

Vessels

HMS Flamborough
Restoration (snow)

Description

Seizure and condemnation of the Restoration (prize)

Disposition

Judgment reversed, writs of consultation issued, and Admiralty Court ordered to proceed in original cause

Notes

Related to another Privy Council appeal:

Pearse v Key – Report No. 08_1741_02 (APC, v.3 [528] p.704)

Both cases concern the same issue, to wit, whether the vessel seized was at the time “on the high seas or within the body of the city of New York.”

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Pearse v Cummins)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Pearse v Key

Case Name Long
Capt. Vincent Pearse v John Key and Michael Hubbard

Acts of the Privy Council, Colonial Series
v.3 [528] p.704 – 19 November 1741 – entry 1

PC Register Citation
George II v.8 (22 October 1741 – 29 September 1743) p.14: PC 2/97/14

v.3 [528] p.704 – 23 March 1743 – entry 2

PC Register Citation

Colonial Courts
Court of King’s Bench

Participants
Hubbard, Michael
Key, John
Pearse, Capt. Vincent

Vessels
Canary Merchant (ship)

Description
Seizure and condemnation of the Canary Merchant (prize)

Disposition
Judgment reversed, writs of consultation issued, and Admiralty Court ordered to proceed in original cause

Notes
Related to another Privy Council appeal:

Pearse v Cummyns – Report No. 08_1741_01 (APC, v.3 [527] p.703)

Both cases concern the same issue, to wit, whether the vessel seized was at the time “on the high seas or within the body of the city of New York.”

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Pearse v Key and Hubbard)

Additional Sources
See, at the British Library, a manuscript draft described as “proceedings in the case of Capt. Vincent Pearse, appt., and John Key and others, of New York, respts., 1740–1” in Additional Manuscripts 15489, f.118 et seq.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Kennedy v Fowles

Acts of the Privy Council, Colonial Series
v.3 [538] p.720–721 – 10 March 1742– entry 1

George II v.8 (22 October 1741 – 29 September 1743) p.107: PC 2/97/107

v.3 [538] p.721 – 23 March 1743 – entry 2


Colonial Courts
Court of Admiralty
Court of Kings Bench
Court of Errors – 17 April 1741

Participants
Fowles, Thomas
Kennedy, Archibald, esquire, Collector and Principal Officer of His Majesty's Customs for the Port of New York

Vessels
Mary and Margaret (sloop)

Description
Seizure for illegal importation of goods

Disposition
Dismissed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Kennedy v Fowles)

Additional Sources
The New York State Library holds a manuscript draft of the appellant’s printed case. The New-York Historical Society holds related papers involving the Mary and Margaret, though no printed case to the Privy Council has been located.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 08_1765_01  Appeal of Etherington  New York

Case Name Short  Etherington, appeal of
Case Name Long  Robert Etherington, Waddle Cunningham, Elias Debrosses and Richard Thomas, appeal of

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [591] p.701 – 14 February 1765 – entry 1
PC Register Citation  George III v.4 (1 October 1764 – 27 August 1766) p.93–94: PC 2/111/93–94
APC Citation  v.4 [591] p.701 – 19 March 1765 – entry 2
PC Register Citation  George III v.4 (1 October 1764 – 27 August 1766) p.145: PC 2/111/145

Colonial Courts
Unnamed

Participants
Cunningham, Waddle (administrator of James Wardrop)
Debrosses, Elias (owner of the St. Stephen)
Etherington, Robert (owner of the Maxwell)
Guillarie, Mr., master of the French snow Bon Rencontre
Thomas, Richard, master of the St. Stephen
Wardrop, James (deceased owner of the Maxwell)

Vessels
Bon Rencontre (snow)
Maxwell (ship)
St. Stephen (schooner)

Description
Condemnation

Disposition
Referred by the Committee to the Treasury

Additional Sources
For extensive files on the Bon Rencontre, see Hough, New York Vice–Admiralty 1715–1788, p.100–111.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Cunningham v Forsey

**Acts of the Privy Council, Colonial Series**

- APC Citation: v.4 [615] p.727–728 – 10 July 1765 – entry 1
- PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.262–263: PC 2/111/262–263
- APC Citation: v.4 [615] p.728 – 28 July 1765 – entry 2
- PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.289–291, 311: PC 2/111/289–291, 311
- APC Citation: v.4 [615] p.728 – 2 October 1765 – entry 3
- PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.366: PC 2/111/366
- APC Citation: v.4 [629] p.740 – 3 October 1765 – entry 1 (The APC lists these entries separately.)
- PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.370: PC 2/111/370
- APC Citation: v.4 [629] p.740 – 15 November 1765 – entry 2
- PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.406–407: PC 2/111/406–407

**Colonial Courts**

Supreme Court – October term 1764
Lieutenant-Governor and Council (an order denying an appeal to the Governor and Council)

**Participants**
Charles, Robert (agent for New York)
Cunningham, Waddell
Forsey, Thomas

**Description**
Action of trespass, assault and battery

**Disposition**
Final resolution not stated in *Acts of the Privy Council, Colonial Series*

**Notes**
*APC, v.4 [629] p.740,* discusses the timing of an alteration in the article of instructions to the Governor pertaining to the admission of appeals pending the resolution of Cunningham v Forsey. Conflicting interpretations of the article and actions thereon by the acting Governor had roused fears of an abrogation of jury trial. The article was clarified, confirming that only appeals ‘in error’ could be heard by the Governor and Council. See Smith’s treatment for detail.

**References in Smith, Appeals to the Privy Council from the American Plantations**
Table of Cases (Cunningham v Forsey) (extensive discussion)

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

- Committee report – 17 July 1765 – PC 1/51/56
- Referenced in *APC, v.6 [667] p.403*
- Petition of R. Charles – 14 Sept. 1765 – PC 1/51/56
- Referenced in *APC, v.6 [676] p.419*
- Representation of the Board of Trade – 24 Sept. 1765 – PC 1/51/56
- Referenced in *APC, v.6 [676] p.419*
- Referenced in *APC, v.6 [676] p.419–420*
- Committee report on the instructions – 19 Nov. 1765 – PC 1/51/56
Other Documents

See the printed pamphlet: *Forsey v Cunningham*. 
Van Rensselaer v Jackson

Case Name Short
Van Rensselaer v Jackson

Case Name Long
John Van Rensselaer v James Jackson, Thomas Williams, Harme van Hoesen, William W., Cornelius, and Volckert G. Vandenbergh, Anthony van Tevere, and Dirk Bradt van Schoenhoven

Acts of the Privy Council, Colonial Series

APC Citation
v.5 [240] p.358 – 15 January 1773 – entry 1

PC Register Citation
George III v.10 (January 1773 – April 1774) p.18–19: PC 2/117/18–19

APC Citation
v.5 [240] p.358 – 31 March 1773 – entry 2

PC Register Citation
George III v.10 (January 1773 – April 1774) p.118, 127: PC 2/117/118, 127

Colonial Courts
Superior Court – 23 June 1763
Governor and Council – 19 June 1770

Participants
Jackson, James
van Hoesen, Harme (lessor of James Jackson)
van Rensselaer, John
van Schoenhoven, Dirk Bradt (lessor of James Jackson)
van Tevere, Anthony (lessor of James Jackson)
Vandenbergh, Cornelius (lessor of James Jackson)
Vandenbergh, Volckert G. (lessor of James Jackson)
Vandenbergh, William W. (lessor of James Jackson)
Williams, Thomas (lessor of James Jackson)

Description
Land dispute in the county of Albany

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document
Order of reference of the petition of James Jackson for dismissal – 15 Jan. 1773 – PC 1/60/10
Catalogued as
Catalogued by TNA: Order referring to committee the petition of James Jackson and others for dismissing the appeal of John Van Rensselaer; 27 Mar. read at committee and dismissed for non-prosecution

TNA Document
Committee report – 27 Mar. 1773 – PC 1/55/72
Notes about Document
Referenced in APC, v.6 [907] p.539
view this report for printing
Appeals to the Privy Council

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Gale v Everard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Christopher Gale v Sir Richard Everard, Baronet</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

- **APC Citation**: v.3 [182] p.247 – 26 June 1729 – entry 1
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.15: PC 2/91/15
- **APC Citation**: v.3 [182] p.247 – 17 July 1729 – entry 2
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.27: PC 2/91/27
- **APC Citation**: v.3 [182] p.247 – 17 July 1729 – entry 3
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.27: PC 2/91/27
- **APC Citation**: v.3 [182] p.248 – 31 July 1729 – entry 4
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.39: PC 2/91/39
- **APC Citation**: v.3 [182] p.248 – 23 October 1729 – entry 5
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.66–67: PC 2/91/66–67
- **APC Citation**: v.3 [182] p.248 – 19 November 1729 – entry 6
- **PC Register Citation**: George II v.2 (1 June 1729 – 16 June 1732) p.85: PC 2/91/85

**Colonial Courts**

- Admiralty Court
  - Court of Chancery – 31 March 1729 (not clear if this is related to the Gale matter in Admiralty)

**Participants**

- Duke of Newcastle
- Everard, Sir Richard, Baronet, Governor
- Gale, Christopher, Chief Justice of North Carolina

**Description**

- Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**

- Not stated in *Acts of the Privy Council, Colonial Series*

**Notes**

- According to the footnote on p.lvii of Parker, *North Carolina Higher-Court 1724–1730*, despite his petition for leave to appeal, “Gale does not proceed further with the matter.”

**DOCUMENTATION**

**Printed Cases**

- Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

- Not found
Colonial Courts
Chancery – 16 January 1771

Participants
Dobbs, Arthur, deceased former Governor and father of the Dobbs brothers
Dobbs, Conway Richard, esquire, of Ireland (son of Arthur Dobbs)
Dobbs, Edward Brice, esquire, of Ireland (son of Arthur Dobbs)
Gregg, Frederick (attorney for Dobbs brothers in Carolina)
Nash, Abner, attorney (husband of Justina Dobbs Nash)
Nash, Justina Dobbs (widow of Arthur Dobbs and wife of Abner Nash)
Smith, Samuel (agent of testator in London)
Tryon, William, Governor

Description
Not stated in the APC. Inheritance dispute according to Committee report.

Disposition
Reversed

Notes
Arthur Dobbs served as Governor of the colony, 1754 – 1765 (commissioned 1753).
Abner Nash served as Governor of the state, 1780–1781.
Justina Dobbs is the stepmother of Conway and Edward Dobbs.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 12 May 1774 – PC 1/56/74A
Referenced in APC, v.6 [928] p.555
Case Name Short  
Casey, appeal of

Case Name Long  
George Casey, appeal of

Acts of the Privy Council, Colonial Series
v.5 [301] p.400 – 6 July 1774 – entry 1

PC Register Citation  

Colonial Courts  
Vice Admiralty Court of North Carolina – 16 July 1773

Participants  
Casey, George, master of the Hope
Dry, William, collector of customs for the port of Brunswick

Vessels  
Hope (ship)

Description  
Condemnation of vessel and cargo at instance of customs officer

Disposition  
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION  

Printed Cases  
Not found

Privy Council Documents in PC 1 at The National Archives at Kew  
Not found
Appeals to the Privy Council

Report No. 10_1712_00  Appeal of Macarell  Pennsylvania

Case Name Short  Macarell, appeal of
Case Name Long  John Macarell, appeal of

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [1165] p.664 – 17 July 1712 – entry 1
PC Register Citation  Anne v.5 (2 June 1710 – 28 July 1712) p.447: PC 2/83/447
APC Citation  v.2 [1165] p.664 – 9 November 1713 – entry 2
PC Register Citation  Anne v.6 (18 August 1712 – 31 July 1714) p.268–269: PC 2/84/268–269
APC Citation  v.2 [1165] p.664 – 9 November 1713 – entry 3
PC Register Citation  Anne v.6 (18 August 1712 – 31 July 1714) p.269: PC 2/84/269
APC Citation  v.2 [1165] p.664 – 17 December 1713 – entry 4
PC Register Citation  Anne v.6 (18 August 1712 – 31 July 1714) p.293: PC 2/84/293
APC Citation  v.2 [1165] p.664–665 – 14 January 1714 – entry 5
PC Register Citation  Anne v.6 (18 August 1712 – 31 July 1714) p.303–304: PC 2/84/303–304
APC Citation  v.2 [1165] p.665 – 17 January 1714 – entry 6
PC Register Citation  Anne v.6 (18 August 1712 – 31 July 1714) p.319: PC 2/84/319

Colonial Courts
Court of Common Pleas or County Court

Participants
Finlay, Robert, merchant, of London
Fitzgerald, Andrew, master of the St. John Baptist
Macarell, John (owner of the St. John Baptist)
Parks, Thomas, later master of the St. John Baptist (according to APC, v.6 [244] p.101)
Penn, Mr.
Shaw, Robert, merchant, of London

Vessels
St. John Baptist (ship) aka the Society of Dublin
St. Joseph (ship)

Description
Seizure and condemnation

Disposition
Restitution of the two vessels

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Macarell, John, Appeal of, also Macarell v Penn and Macarell v Parkes)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Petition – no date – PC 1/47/14
Order of reference – 17 July 1712 – PC 1/47/14
Summons – Nov. 1713 – PC 1/58/1

Notes about Document
Referenced in APC, v.6 [244] p.101
Referenced in APC, v.6 [244] p.101
Catalogued by TNA: Affidavit for serving orders and summons on William Penn in appeal in Macarell v Parkes and others, for illegal condemnation of the St. John the Baptist and the sloop St. Joseph in Pennsylvania. 3 papers. (This is one of the three papers.)
Catalogued by TNA: Affidavit for serving orders and summons on William Penn in appeal of Macarell v Parkes
<table>
<thead>
<tr>
<th>TNA Document</th>
<th>Affidavit – Jan.1713/14 – PC 1/58/1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalogued as</td>
<td>Catalogued by TNA: Affidavit for serving orders and sumons on William Penn in appeal of Macarell v Parkes and others, for illegal condemnation of the <em>St. John the Baptist</em> and the sloop <em>St. Joseph</em> in Pennsylvania. 3 papers. (This is one of the three papers.)</td>
</tr>
<tr>
<td>Notes about Document</td>
<td>Found in bundle but not expressly catalogued by TNA.</td>
</tr>
<tr>
<td>TNA Document</td>
<td>Petition – read 14 Jan. 1713/14 – PC 1/58/1</td>
</tr>
<tr>
<td>Notes about Document</td>
<td>Found in bundle but not expressly catalogued by TNA.</td>
</tr>
<tr>
<td>TNA Document</td>
<td>Correspondence – 14 Jan. 1713/14 – PC 1/58/1</td>
</tr>
<tr>
<td>Notes about Document</td>
<td>Found in bundle but not expressly catalogued by TNA.</td>
</tr>
</tbody>
</table>
Appeals to the Privy Council

Report No. 10_1720_00  Appeal of Clement Pennsylvania

Case Name Short  Clement, appeal of
Case Name Long  Simon Clement’s appeal on behalf of William Penn’s widow

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [1330] p.771 – 8 January 1720 – entry 1
PC Register Citation  George I v.2 (2 March 1717 – 25 August 1720) p.372: PC 2/86/372

Colonial Courts
None

Participants
Clement, Simon
Penn, William (deceased husband of Mrs. Penn)
Penn, Mrs. William (widow of William Penn)

Description
Objection to a proposed act in Pennsylvania

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Not an appeal from a decision of a colonial court but a request for disallowance of an act sent to England for approval

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Case Name Short: Evans, appeal of
Case Name Long: Peter Evans, appeal of

Acts of the Privy Council, Colonial Series

APC Citation: v.3 [381] p.507 – 16 June 1736 – entry 1
PC Register Citation: George II v.4 (1 August 1734 – 23 September 1736) p.482–483: PC 2/93/482–483
APC Citation: v.3 [381] p.507 – 19 May 1737 – entry 2
PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.47, 91, 223–224, 227–228: PC 2/94/47, 91, 223–224, 227–228

Colonial Courts
Court of Common Pleas – Philadelphia – decision date not stated – information filed in December term 1735

Participants
Bedford, Grosvenor, gentleman, Collector of His Majesty’s Customs at the Port of Philadelphia
Evans, Peter, gentleman, Deputy Collector of the Customs
Reed, Daniel, master of the Hope

Vessels
Hope (ship)

Description
Customs dispute

Disposition
Dismissed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short
Fothergill v Stover

Case Name Long
John Fothergill, Daniel Zachary, Thomas How, Devereux Bowley, Luke Hind, Jacob Hagen, Silvanus Grove and William Heron v Christian Stover

Acts of the Privy Council, Colonial Series
v.4 [587] p.698–699 – 1 February 1765 – entry 1

PC Register Citation

APC Citation
v.4 [587] p.699 – 13 February 1767 – entry 2

PC Register Citation

Colonial Courts
Supreme Court – 15 April 1763

Participants
Bowley, Devereux (trustee of the Pennsylvania Land Company)
Fothergill, John (trustee of the Pennsylvania Land Company)
Grove, Silvanus (trustee of the Pennsylvania Land Company)
Hagen, Jacob (trustee of the Pennsylvania Land Company)
Heron, William (trustee of the Pennsylvania Land Company)
How, Thomas (trustee of the Pennsylvania Land Company)
Stover, Christian
Zachary, Daniel (trustee of the Pennsylvania Land Company)

Description
Land (action of ejectment) in dispute in township of Lampiter in Lancaster County

Disposition
Dismissed

Notes
On the ejectment action involved here, see Additional Research.
Andrews, Guide to Manuscript Materials, p.167, refers to the case as Pennsylvania Land Co. v Stover. The New York Public Library catalogue notes: “The claim of the respondent is to 500 acres of land situate in Lancaster County, Pennsylvania on Connestogoe Creek: being part of the original grant of land by the Proprietors. There are 3 engraved survey maps in the body of this document and a large detached map of such portions of Pennsylvania, Maryland and Virginia and the bays of Delaware and Chesapeak as are next adjacent.” Several of the holding libraries here note a separate map. These maps have not been compared with each other. For a fascinating history of the separate map (variously described by the holding libraries), see Wainwright, “Tale of a Runaway Cape.”

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Fothergill v Stover)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Fothergill)
Counsel
[Signed] C. Yorke; Wm. Wynne
Note
Appendix to case of the appellant
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.73–74 (Includes manuscript notes and appendix, f.75–76)

Respondent's case
Case of the respondent (Stover)
Counsel
[Signed] W. DeGrey; Fl. Norton
Note
The respondent's case is titled as follows: Pennsylvania. Timothy Peaceable (upon the demise of John Fothergill . . . ) appellant and Christian Stover, respondent.

ESTC: N63621
<table>
<thead>
<tr>
<th>Library</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.77–79 (Includes manuscript notes) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>Huntington Library: Rare Books – 181096 (Noted in ESTC? Yes.)</td>
<td></td>
</tr>
<tr>
<td>John Carter Brown Library: MD 86 (Noted in ESTC? Yes.)</td>
<td></td>
</tr>
<tr>
<td>Law Library of Congress: Rare Books – Law Library Reading Room – KD379.F68 S76 1766 LL Trials (2 copies) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>Library Company of Philadelphia: Rare *Am 1766 Sto 6477.F (Noted in ESTC? Yes.)</td>
<td></td>
</tr>
<tr>
<td>Maryland State Archives: Special Collections – Accessions No. MSA SC 1399–1–486 Location: B5/05/05/19 (Includes separate map) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>New York Public Library. Schwarzman Building: Rare Book Collection *KF+++ 1766 (Stover, C. Pennsylvania) (Includes separate map) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>New York State Library: 342.7480231 fD321 203–8024 – 1 BOOK – F N (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>Private Collection (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>State Library of Pennsylvania: Forum – Rare Books – Flat – 346 St76p 1766 (2 copies, one includes notes) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>University of Delaware. Morris Library: Special Collections F 157.B7 W357 (Includes separate map) (Noted in ESTC? Yes.)</td>
<td></td>
</tr>
<tr>
<td>University of Michigan. William L. Clements Library: FF 1766 Wa (2.3) (Includes separate map. One word written in the margin of the map is crossed out and illegible.) (Noted in ESTC? No.)</td>
<td></td>
</tr>
<tr>
<td>Yale University. Sterling Memorial Library: Franklin Collection, Room 230, 766+St7 (Noted in ESTC? No.)</td>
<td></td>
</tr>
</tbody>
</table>

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found

**Other Documents**
See Dallas, *Reports I* (1 U.S. [1 Dall.]), p.6 (Pa. 1763): Lessee of Fothergill and others versus Christian Stover.
Appeals to the Privy Council

Report No. 10_1765_02 McMurterie v Browne Pennsylvania

Case Name Short McMurterie v Browne
Case Name Long David McMurterie and William McMurterie v John Browne and Obadiah Browne

Acts of the Privy Council, Colonial Series
v.4 [609] p.724 – 29 May 1765 – entry 1
PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.95, 212: PC 2/111/95, 212
APC Citation v.4 [609] p.724 – 26 July 1765 – entry 2
PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.277, 307: PC 2/111/277, 307

Colonial Courts
Supreme Court – 21 April 1763

Participants
Browne, John
Browne, Obadiah
McMurterie, David, merchant, of Philadelphia county
McMurterie, William, merchant, of Philadelphia county

Vessels
Providence (brigantine)

Description
Insurance dispute

Disposition
Dismissed

Notes
Andrews, Guide to Manuscript Materials, p.166, states that the case contains much information about the commerce of Philadelphia at this time.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Browne v McMurterie)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (McMurterie)
[Signed] Wm. DeGrey; Rd. Jackson

Note
Appendix to the case of the appellant

Library
British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.227–228 (Includes appendix, f.229–233)

Respondent's case
Case of the respondent (Browne)
[Signed] C. Yorke; R. Perryn

Library
British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.234–235 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 16 July 1765 – PC 1/51/56
Referenced in APC, v.6 [667] p.403

Case Name Long: Long v Harper

Colonial Courts
Supreme Court – 25 April 1765

Participants
Harper, Thomas (owner of the Molly)
Long, John, merchant, of Philadelphia
Nixon, John (owner of the Molly)
Plumstead, William, merchant, of Philadelphia
Sparkes, James, master of the Molly

Vessels
Molly (ship)

Description
Charter party dispute

Disposition
Affirmed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Nixon and Harper v Long and Plumstead)

DOCUMENTATION

Printed Cases
Appellant's case
Counsel
[Signed] C. Yorke; R. Perryn
Note
Appendix to the case of the appellant
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.105–106 (Includes manuscript notes and appendix, f.107–108)

Respondent's case
Counsel
[Signed] Wm. DeGrey; Rd. Jackson
Note
Appendix to the case of the respondent
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.109–110 (Includes appendix, f.111–114)

Privy Council Documents in PC 1 at The National Archives at Kew
TNA Document
Committee report – 10 June 1767 – PC 1/53/60
Notes about Document
Referenced in APC, v.6 [761] p.453–454

Other Documents
Appeals to the Privy Council

Case Name Short: Crawford v Hawker
Case Name Long: Patrick Crawford (representing James Crawford) and Charles Smith v James Hawker

Acts of the Privy Council, Colonial Series

| APC Citation | George III v.5 (August 1766 – January 1768) p.64–65: PC 2/112/64–65 |
| PC Register Citation | George III v.5 (August 1766 – January 1768) p.64–65: PC 2/112/64–65 |
| APC Citation | George III v.9 (January – December 1772) p.62: PC 2/116/62 |
| PC Register Citation | George III v.9 (January – December 1772) p.62: PC 2/116/62 |
| APC Citation | George III v.9 (January – December 1772) p.148, 173: PC 2/116/148, 173 |
| PC Register Citation | George III v.9 (January – December 1772) p.148, 173: PC 2/116/148, 173 |

Colonial Courts
Vice Admiralty Court – Philadelphia – 8 October 1765

Participants
Crawford, James (brother, presumed deceased, of Patrick Crawford and owner of the Chance and part of its cargo)
Crawford, Patrick (brother and executor of James Crawford)
Hawker, James, commander of HMS Sardoine
Ruecastle, Robert (replacement for Patrick Crawford as representative for James Crawford)
Smith, Charles (owner of part of cargo of the Chance)

Vessels
Chance (ship)
HMS Sardoine

Description
Condemnation for illegal trade

Disposition
Dismissed for non-prosecution

Notes
Cited in the APC, v.6 [874] p.507, as Ruecastle and Smith v Hawker.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 8 Apr. 1772 – PC 1/55/68
Referenced in APC, v.6 [874] p.507
Case Name Short
Swift v Jones
Swift v Hawkins
Swift v Mitchell

Case Name Long
John Swift v Henry Jones and Robert Smith
John Swift v George Hawkins and John Moore
John Swift v Abraham Mitchell and Thomas Lightfoot

Acts of the Privy Council, Colonial Series

APC Citation
v.5 [158] p.276 – 6 July 1770 – entry 1

PC Register Citation

APC Citation
v.5 [158] p.276 – 31 December 1773 – entry 2

PC Register Citation

PC Register Note
The reference in the APC to p.323–324 is incorrect; p.383–385 contain 3 committee reports, one on p.383–384, one on p.384, and one on p.385.

Colonial Courts
Supreme Court – April 1768

Participants
Hawkins, George
Jones, Henry
Lightfoot, Thomas
Mitchell, Abraham
Moore, John
Smith, Robert
Swift, John, deputy collector of customs at Philadelphia

Vessels
Abbey (snow)

Description
Foreign duties on imports

Disposition
All reversed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Smith v Jones; Smith v Hawkins; Smith v Mitchell)

Additional Sources
See Dallas, Reports I (1 U.S. [1 Dall.]), p.17 (Pa. 1768): John Swift versus Hawkins. It is possible, though not confirmed, that this is the lower court action.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Pike v Hoare

Case Name Short: Pike v Hoare
Case Name Long: Samuel Pike v Samuel Hoare and Nathaniel Newberry

Acts of the Privy Council, Colonial Series

APC Citation: v.5 [161] p.280 – 19 September 1770 – entry 1
PC Register Citation: George III v.7 (May 1769 – December 1770) p.488–489: PC 2/114/488–489
APC Citation: v.5 [161] p.280 – 30 November 1770 – entry 2
PC Register Citation: George III v.7 (May 1769 – December 1770) p.605–606: PC 2/114/605–606
APC Citation: v.5 [161] p.281 – 20 December 1770 – entry 3
PC Register Citation: George III v.7 (May 1769 – December 1770) p.694–695: PC 2/114/694–695
APC Citation: v.5 [161] p.281 – 14 June 1771 – entry 4
PC Register Citation: George III v.8 (January – December 1771) p.261–262, 274–275: PC 2/115/261–262, 274–275

Colonial Courts
Chancery – London – 1757 (dismissed 1763)
Supreme Court – 30 March 1769

Participants
Hoare, Samuel, merchant, of London (executor of Richard Pike)
Newberry, Nathaniel, merchant, of London (executor of Richard Pike)
Pike (Pyke), Richard of Stoke Newington (deceased brother of Samuel Pike)
Pike (Pyke), Samuel, merchant, of London and late of Cork (brother and executor of Richard Pike)

Description
Land dispute/inheritance

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Pike v Hoare)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 14 June 1771 – PC 1/60/9
Catalogued as
Catalogued by TNA: Committee report for dismissing appeal Pyke v Hoare for non-prosecution: read and approved
view this report for printing
Colonial Courts
Superior Court – 10 April 1773

Participants
Hurst, Timothy, presumed deceased
Kirkbride, Joseph
Riche, Thomas
Styles, James

Description
Land dispute in Buckingham county, Pennsylvania

Disposition
Leave given to withdraw the appeal on paying costs to the respondents

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Styles v Kirkbride)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee order for hearing the appeal – 21 June 1775 – PC 1/60/10/1
Catalogued by TNA: Committee order for hearing the appeal Styles v Kirkbride in Jan. 1776
Appeals to the Privy Council

Report No. 10_1774_00 Sheipers v Logan (Thrustout v Logan) Pennsylvania

Case Name Short
Sheipers v Logan
Thrustout v Logan

Case Name Long
Timothy Thrustout on the demise of Peter Henry Sheipers v James Logan

Acts of the Privy Council, Colonial Series
v.5 [309] p.404 – 19 December 1774 – entry 1
PC Register Citation
George III v.11 (May 1774 – May 1775) p.318: PC 2/118/318
APC Citation
v.5 [309] p.404 – 23 January 1775 – entry 2
PC Register Citation

Colonial Courts
Supreme Court – 20 April 1773

Participants
Logan, James, gentleman, of Philadelphia county
Sheipers, Peter Henry
Thrustout, Timothy

Description
Land (action of ejectment, according to the Privy Council register) concerning 50 acres of woodland

Disposition
Dismissed for non-prosecution

Notes
There can be little doubt that Timothy Thrustout and the lease to him are fictional. For more on the ejectment action involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 12 Jan. 1775 – PC 1/60/10/1
Catalogued by TNA: Committee report for dismissing the appeal Thrustout v Logan for non-prosecution; 23 Jan. read and approved

view this report for printing
Appeals to the Privy Council

Case Name Short  Peirce v Willie
Case Name Long  Daniel Peirce et al v Edmund and Margaret Willie and Richard and Judith Hancock

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [712] p.324 – 16 July 1698 – entry 1
PC Register Citation  William III v.5 (5 May 1697 – 30 March 1700) p.205: PC 2/77/205
APC Citation  v.2 [712] p.324 – 2 September 1698 – entry 2
PC Register Citation  William III v.5 (5 May 1697 – 30 March 1700) p.223: PC 2/77/223

Colonial Courts
Unnamed – Newport

Participants
Brown, Benjamin, esquire, in New England
Brown, William, esquire, in New England
Hancock, Judith (wife of Richard Hancock)
Hancock, Richard (husband of Judith Hancock)
Peirce, Daniel (tenant of William Brown and Benjamin Brown)
Willie, Edmund (husband of Margaret Willie)
Willie, Margaret (wife of Edmund Willie)

Description
Land dispute related to Prudence Island in New England

Disposition
Not stated in Acts of the Privy Council, Colonial Series

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Peirce v Willie)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
### Appeals to the Privy Council

**Report No. 11_1699_00**

**Brinley v [Dyer]**

**Rhode Island**

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Brinley v [Dyer]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Francis Brinley v ___ [Dyer]</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>v.2 [732] p.328 – 23 February 1699 – entry 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP Citation</td>
<td>XII no. 122</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>v.2 [732] p.328 – 27 April 1699 – entry 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP Citation</td>
<td>XII no. 315</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.5 (5 May 1697 – 30 March 1700) p.331: PC 2/77/331</td>
</tr>
</tbody>
</table>

**Colonial Courts**

Unnamed

**Participants**

- Brinley, Francis, merchant
- [Dyer], ___

**Description**

Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**

Referred to the Board of Trade; no decision on the merits, but the Order in Council adds “that in all such cases the Governor and Company of the Colony of Rhode Island do take notice that it is the Inherent Right of His Majesty to Receive and Determine Appeals from all His Majestys Colonies in America; and that they do Govern themselves accordingly.”

**References in Smith, Appeals to the Privy Council from the American Plantations**

Table of Cases (Brinley v Dyer)

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Report No. 11_1705_01 Appeal of Harris Rhode Island

Case Name Short Harris, appeal of
Case Name Long Andrew Harris, Thomas Field and Nathaniel Waterman, appeal of

Acts of the Privy Council, Colonial Series

APC Citation v.2 [980] p.495 – 29 November 1705 – entry 1
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.21: PC 2/81/21
APC Citation v.2 [980] p.495 – 15 December 1705 – entry 2
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.44: PC 2/81/44
APC Citation v.2 [980] p.495 – 18 December 1705 – entry 3
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.47: PC 2/81/47
APC Citation v.2 [980] p.495 – 13 March 1707 – entry 4
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.315–316: PC 2/81/315–316
APC Citation v.2 [980] p.495 – 11 June 1707 – entry 5
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.380: PC 2/81/380
APC Citation v.2 [980] p.495 – 12 June 1707 – entry 6
PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.383: PC 2/81/383

Colonial Courts

Unnamed

Participants

Chamberlain, John
Field, Thomas of Patuxent
Harris, Andrew of Patuxent
Waterman, Nathaniel of Patuxent

Description

Land

Disposition

Dismissed because of improper parties

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 11 June 1707 – PC 1/46/9
Notes about Document Referenced in APC, v.6 [175] p.57

view this report for printing
Case Name Short
Newton, appeal of

Case Name Long
Thomas Newton, appeal of

Acts of the Privy Council, Colonial Series

APC Citation
v.2 [987] p.497 – 20 December 1705 – entry 1

PC Register Citation
Anne v.3 (11 October 1705 – 29 February 1708) p.59: PC 2/81/59

Colonial Courts
Proceedings in colonial court unclear

Participants
Newton, Thomas, mariner

Description
Land

Disposition
Referred to the Board of Trade; no further disposition stated in the APC

Notes
This is a title dispute with reference to Hog Island. The petition of Thomas Newton requests a trial in an adjacent province with impartial judges rather than strictly appealing from a judgment. It is not clear from the entry if there had been any trial below. Bilder, Transatlantic Constitution, p.77, notes this request.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Remington v Brenton

Case Name Short: Remington v Brenton
Case Name Long: Stephen Remington v Jahleel Brenton

Colonial Courts
General Assembly – Providence – October 1708

Participants
Brenton, Jahleel
Remington, Stephen of James Town in Rhode Island (lessee of William Sandford)
Sandford, William (lessor of Stephen Remington)

Description
Not stated in the APC, but see Bilder, *Salamanders and Sons of God*, p.253, for a description of this land case. The underlying dispute was continued a generation later in Brenton v Remington (11_1747_03, APC, v.4 [57] p.42).

Disposition
Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Remington v Brenton)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1718_01 Ford v Hodgson Rhode Island

Case Name Short Ford v Hodgson
Case Name Long Peter Ford v Daniel Hodgson

Acts of the Privy Council, Colonial Series

- APC Citation v.2 [1296] p.743 – 1 July 1718 – entry 1
- APC Citation v.2 [1296] p.743 – 10 November 1718 – entry 2
- PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.187: PC 2/86/187
- APC Citation v.2 [1296] p.744 – 14 November 1718 – entry 3
- PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.189: PC 2/86/189
- APC Citation v.2 [1296] p.744 – 10 July 1719 – entry 4
- PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.287–288: PC 2/86/287–288
- APC Citation v.2 [1296] p.744 – 25 August 1719 – entry 5
- PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.306–307: PC 2/86/306–307

Colonial Courts
- General Court – March 1717 and September 1717
- General Assembly – October 1717

Participants
- Ford, Peter of Rotherhithe in Surrey
- Hodgson, Daniel, master of the John
- Vernon, Mr.

Vessels
- John (galley)

Description
- Dispute over shares of goods in the John

Disposition
- Order for a new trial

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Ford v Hodgson)

DOCUMENTATION

Printed Cases
- Not found

Privy Council Documents in PC 1 at The National Archives at Kew
- Not found
Carr v Holmes

Colonial Courts
Unnamed – March 1718 (two special verdicts without judgments entered; perfection of judgments requested by Privy Council)

Participants
Carr, Nicholas (brother-in-law of and administrator for William Holmes)
Holmes, John (tenant of Nicholas Carr)
Holmes, William (deceased brother-in-law of Nicholas Carr)
Martin, Thomas (tenant of Nicholas Carr)

Description
Land dispute in Newport

Disposition
Dismissed

Notes
Bilder, Salamanders and Sons of God, p.281 n.64, names party as ‘John’ Martin.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Carr v Holmes)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 18 Nov. 1719 – PC 1/47/16
Referenced in APC, v.6 [283] p.119
Appeals to the Privy Council

Report No. 11_1721_01  Appeal of Owen  Rhode Island

Case Name Short  Owen, appeal of
Case Name Long  Capt. John Owen, appeal of

Acts of the Privy Council, Colonial Series
APC Citation  v.3 [20] p.30 – 11 November 1721 – entry 1
PC Register Citation  George I v.3 (25 August 1720 – 31 May 1722) p.360: PC 2/87/360
APC Citation  v.3 [20] p.30 – 12 July 1723 – entry 2
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.279: PC 2/88/279
APC Citation  v.3 [20] p.30 – 6 August 1723 – entry 3
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.303–304: PC 2/88/303–304

Colonial Courts
Admiralty Court of Rhode Island – 18 July 1720 and 1 December 1720

Participants
Owen, Capt. John
Smart, Capt.

Description
Alleged payment due

Disposition
Dismissed without prejudice to prosecuting the appeal in the Court of Admiralty in England

Notes
At issue, payment for freight of 134 slaves

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Owen, John, Appeal of)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
In re The Pearl

Acts of the Privy Council, Colonial Series

APC Citation v.3 [21] p.30 – 11 November 1721 – entry 1
PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.360: PC 2/87/360
APC Citation v.3 [21] p.30 – 12 July 1723 – entry 2
PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.280: PC 2/88/280

Colonial Courts
Rhode Island Admiralty Court – 6 May 1720

Participants
Allen, Daniel (owner of the Pearl)
Clarke, Samuel (owner of the Pearl)
Fox, Daniel (owner of the Pearl)
Littleton, James (owner of the Pearl)
Lowe, Joseph (owner of the Pearl)
Smart, Capt.
Tizard, Edward, sen. (owner of the Pearl)

Vessels
Pearl (ship)

Description
Condemnation, according to Smith (p.187), as ‘lawful capture’

Disposition
Dismissed without prejudice to the prosecution of an appeal at common law or otherwise

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (In re The Pearl)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1724_00 Cranston v Jekyll
Jekyll v Cranston Rhode Island

Case Name Short Cranston v Jekyll
Jekyll v Cranston

Case Name Long Samuel Cranston v John Jekyll
John Jekyll v Samuel Cranston

Acts of the Privy Council, Colonial Series

APC Citation v.3 [73] p.88 – 22 August 1724 – entry 1
PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.617: PC 2/88/617
APC Citation v.3 [73] p.88 – 2 December 1724 – entry 2
PC Register Citation George I v.5 (September 1724 – May 1727) p.19: PC 2/89/19
APC Citation v.3 [73] p.88 – 20 July 1725 – entry 3
PC Register Citation George I v.5 (September 1724 – May 1727) p.92, 103–104: PC 2/89/92, 103–104
APC Citation v.3 [73] p.88 – 4 November 1725 – entry 4
PC Register Citation George I v.5 (September 1724 – May 1727) p.122: PC 2/89/122
APC Citation v.3 [73] p.88 – 16 January 1727 – entry 5
PC Register Citation George I v.5 (September 1724 – May 1727) p.297: PC 2/89/297

Colonial Courts
Vice Admiralty Court at Boston

Participants
Cranston, Samuel, Governor
Hyam, Thomas, merchant, of London (attorney or agent for the owners, freighters, and insurers of the ship Porto Prince)
Jekyll, John, Collector of the Customs

Vessels
Porto Prince aka Elpierto del Principe (ship)

Description
Condemnation

Disposition
The appeal and cross-appeal are admitted, but the outcome of the hearing is not stated.

Notes
Smith (p.186) notes that the register indicates in error that an appeal had already been granted to the Lords Commissioners of the Admiralty; in fact it was to the High Court of Admiralty. However, given uncertainties about the jurisdiction of the Vice Admiralty Court, the appellant felt it “more proper to appeal to the King in Council.”

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Cranston v Jekyll)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1725_00 MacSparran v Mumford Rhode Island

Case Name Short MacSparran v Mumford
Case Name Long James MacSparran v George Mumford

Acts of the Privy Council, Colonial Series

APC Citation v.3 [85] p.118 – 15 May 1725 – entry 1
PC Register Citation George I v.5 (September 1724 – May 1727) p.58: PC 2/89/58
APC Citation v.3 [85] p.118 – 6 July 1725 – entry 2
PC Register Citation George I v.5 (September 1724 – May 1727) p.81, 86: PC 2/89/81, 86

Colonial Courts
General Court of Trials – Newport – last Tuesday in March 1724

Participants
MacSparran, James
Mumford, George of South Kingstown

Description
Not stated in Acts of the Privy Council, Colonial Series, but see Notes below.

Disposition
Dismissed for non-prosecution

Notes
Related to other Privy Council appeals:

Torrey v Mumford – Report No. 11_1733_00 (APC, v.3 [293] p.402)

MacSparran v Hassard – Report No. 11_1736_00 (APC, v.3 [390] p.518)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, Salamanders and Sons of God, ch. 6.

MacSparran v Hassard mentions that the March 1724 action in the General Court of Trials for MacSparran v Mumford is a rehearing from the General Court of Trials in Newport on the first Tuesday of September 1723.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (McSparran v Mumford)

Additional Sources
The entire dispute produced something of a pamphlet war: A brief representation of the case depending between the Rev. Dr. McSparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset [Torrey, Brief Representation]; A brief representation of the case depending between the Rev. Dr. McSparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganset in a letter from a gentleman at Newport to his friend in Boston [A.B., Brief Representation]; An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27: pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett, which was dated July 1739 [Prince, Brief Representation].

See the detailed index in Manross, Fulham Papers. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, Fulham Papers. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Petition of G. Mumford to dismiss appeal – May 1725 – PC 1/58/3
Catalogued by TNA: Petition of George Mumford to dismiss the appeal of James MacSparran
Appeals to the Privy Council

Report No. 11_1729_01  Wharton v Northrup  Rhode Island

Case Name Short  Wharton v Northrup
Case Name Long  Eunice Wharton v Stephen, Thomas, Benjamin, Henry jr., and Nicholas Northrup and Lawrence Whaley

Acts of the Privy Council, Colonial Series

| APC Citation | v.3 [166] p.214 – 1 February 1729 – entry 1 |
| PC Register Citation | George II v.1 (14 June 1727 – 22 May 1729) p.436: PC 2/90/436 |
| APC Citation | v.3 [166] p.214 [166] – 4 March 1730 – entry 2 |
| PC Register Citation | George II v.2 (1 June 1729 – 16 June 1732) p.192, 257: PC 2/91/192, 257 |
| APC Citation | v.3 [166] p.214–215 – 14 December 1730 – entry 3 |
| PC Register Citation | George II v.2 (1 June 1729 – 16 June 1732) p.302–303: PC 2/91/302–303 |
| APC Citation | v.3 [166] p.215 – 23 December 1730 – entry 4 |
| PC Register Citation | George II v.2 (1 June 1729 – 16 June 1732) p.305: PC 2/91/305 |

Colonial Courts

General Court of Trials – Newport – [first Tuesday of September 1727]  
General Court of Trials – Newport – first Tuesday of March 1728

Participants

Northrup, Benjamin  
Northrup, Henry, Jr.  
Northrup, Nicholas  
Northrup, Stephen  
Northrup, Thomas  
Whaley, Lawrence  
Wharton, Eunice (widow of William Wharton)  
Wharton, William of the parish of St. Bartholomew, Exchange, in London (deceased husband of Eunice Wharton)

Description

Land (“concerning the right to a Tract of Land,” according to the Privy Council register; “an ejectment action” according to Smith [p.355 n.17])

Disposition

Reversed with a new trial in the General Court, evidence and objections to be taken in writing, with further option to appeal. Bilder, *Salamanders and Sons of God*, p.288, notes that Wharton lost when the case was retried and, though granted an appeal, Wharton later withdrew it.

Notes

On the background of the case, which seems to have had its origins in a disputed acquisition of land from the Narragansetts in the late 17th century, but also involved a deed given to Wharton’s late husband during the Andros administration and the wills of two members of the Wharton family, see Bilder, *Salamanders and Sons of God*, p.283–288.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Wharton v Northrup)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Wood v Sanford

Colonial Courts
General Court of Trials – Portsmouth – first Tuesday in September 1726
General Court of Trials – Portsmouth – last Tuesday of March 1727 – rehearing
General Court of Trials – first Tuesday in September 1727 – rehearing

Participants
Allen, John, husbandman, of Newport
Sanford, Samuel of Newport
Wood, William, husbandman, of Newport

Description
Land (declaration in ejectment) in Portsmouth, with detailed explanation of this inheritance dispute in chapter 5 of Bilder, *Salamanders and Sons of God*

Disposition
Wood and Allen to be restored to their possession

Notes
For the ‘declaration in ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
### Appeals to the Privy Council

**Report No. 11_1730_00**  
**Sabere v Sabere**  
**Rhode Island**

| Case Name Short | Sabere v Sabere |
| Case Name Long | Daniel Sabere v Ann Sabere and Deborah Sabere and Mary Sabere |

**Acts of the Privy Council, Colonial Series**

| APC Citation | v.3 [210] p.283 – 20 April 1730 – entry 1 |
| PC Register Citation | George II v.2 (1 June 1729 – 16 June 1732) p.229, 351, 373: PC 2/91/229, 351, 373 |

| APC Citation | v.3 [210] p.283 – 11 May 1731 – entry 2 |
| PC Register Citation | George II v.2 (1 June 1729 – 16 June 1732) p.380–381, 388: PC 2/91/380–381, 388 |

**Colonial Courts**

General Court of Trials – first Tuesday in September 1729

**Participants**

Sabere, Ann (widow of John Sabere and mother of Deborah and Mary Sabere)  
Sabere, Daniel of Newport  
Sabere, Deborah (daughter of John and Ann Sabere)  
Sabere, John (deceased husband of Ann Sabere and father of Deborah and Mary Sabere)  
Sabere, Mary (daughter of John and Ann Sabere)

**Description**


**Disposition**

Reversed

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Sabeere et al v Sabeere)

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Case Name Short
Brenton v Boreland (1)
Boreland v Brenton
Brenton v Boreland (2)

Case Name Long
Jahleel Brenton (later Jahleel Brenton, his son and executor) v Francis and Jane Boreland
Francis and Jane Boreland v Jahleel Brenton, son and executor of Jahleel Brenton
Jahleel Brenton, son and executor of Jahleel Brenton, v Francis and Jane Boreland

Acts of the Privy Council, Colonial Series

APC Citation
v.3 [266] p.365 – 7 September 1732 – entry 1
PC Register Citation
George II v.3 (21 July 1732 – 18 July 1734) p.49: PC 2/92/49

APC Citation
v.3 [266] p.365 – 19 July 1733 – entry 2
PC Register Citation
George II v.3 (21 July 1732 – 18 July 1734) p.184, 196: PC 2/92/184, 196

APC Citation
v.3 [266] p.365 – 31 January 1734 – entry 3
PC Register Citation

APC Citation
v.3 [266] p.365–366 – 11 July 1734 – entry 4
PC Register Citation

APC Citation
v.3 [266] p.366 – 3 April 1735 – entry 5
PC Register Citation
George II v.4 (1 August 1734 – 23 September 1736) p.84, 119, 125–126, 145: PC 2/93/84, 119, 125–126, 145

APC Citation
v.3 [266] p.366 – 13 October 1736 – entry 6
PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.2–3: PC 2/94/2–3

APC Citation
v.3 [266] p.366 – 12 January 1738 – entry 7
PC Register Citation

Colonial Courts
Inferior Court – Newport – 6 April 1731
Superior Court – Newport – first Tuesday in September 1731
Inferior Court – June 1732
Superior Court – Newport – first Tuesday of September 1732
Governor and General Assembly – 15 June 1733
Superior Court – 2 September 1735

Participants
Boreland, Francis of Boston in Massachusetts (husband of Jane Boreland)
Boreland, Jane of Boston in Massachusetts (wife of Francis Boreland)
Brenton, Jahleel (deceased father of Jahleel Brenton)
Brenton, Jahleel (son and executor of Jahleel Brenton)

Description
Appeals from two actions of account, arising, according to Bilder, Salamanders and Sons of God, p.369–370, out of an inheritance of land by tenants-in-common.

Disposition
The appeal by Brenton in 1732 was dismissed for non-prosecution. In 1734, his executor was permitted to appeal again, but no further proceedings on this appeal have been found. In the spring of 1735, the judgments of September of 1732 and June of 1733 in the second case were reversed in favor of the Borelands, with Brenton left to proceed on the merits in Superior Court. A subsequent appeal by Brenton from the Superior Court’s judgment in September of 1735 reinstating the judgment of June 1732 in favor of the Borelands was dismissed in January of 1738.

Notes
The account in the APC of these appeals is cryptic to the point of obscurity. On the basis of the Privy Council registers, Bilder’s treatment in Salamanders and Sons of God, p.369–370, and the respondent’s brief in Brenton’s appeal from the Superior Court judgment of September 1735, we have constructed the account that appears above. We think we have accounted for all the colonial court proceedings and all the appeals. What remains unaccounted for is the relationship between the two original actions of account in Rhode Island. The second was a claim for one-seventh of the revenues from 2465 acres of land in South Kingston from November of 1711 to September of 1725, during the period when Jane Boreland was unmarried. No specifics are given about first claim, except that it, too, deals with the period when Jane was unmarried. It probably dealt with another piece of
land, but of this we cannot be sure. The end result would seem to have been that Brenton’s estate owed the Borelands £800 plus a substantial amount of costs.

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Brenton v Boreland; Boreland v Brenton)

**DOCUMENTATION**

**Printed Cases**
Case of the appellant (Brenton)
Not found

Case of the respondent (Boreland)
[Signed] D. Ryder; W. Murray

John Carter Brown Library: bD737.B731r (Includes manuscript notes. John Carter Brown gives the date of the printed case as 1737.) (Noted in ESTC? Yes.)

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found

view this report for printing
Appeals to the Privy Council

Report No. 11_1733_00 Torrey v Mumford Rhode Island

**Case Name Short**
Torrey v Mumford

**Case Name Long**
Joseph Torrey v George Mumford

*Acts of the Privy Council, Colonial Series*

**APC Citation**
v.3 [293] p.402 – 20 December 1733 – entry 1

**PC Register Citation**
George II v.3 (21 July 1732 – 18 July 1734) p.281, 489, 504: PC 2/92/281, 489, 504

**APC Citation**
v.3 [293] p.402–404 – 16 July 1734 – entry 2

**PC Register Citation**
George II v.3 (21 July 1732 – 18 July 1734) p.527–529: PC 2/92/527–529

**APC Citation**
v.3 [293] p.404 – 18 July 1733 recte 1734 – entry 3

**PC Register Citation**
George II v.3 (21 July 1732 – 18 July 1734) p.537–538: PC 2/92/537–538

**Colonial Courts**
Inferior Court of Common Pleas – last Tuesday in June 1732
Superior Court – first Tuesday of September 1732
Superior Court – Newport – last Tuesday in March 1733

**Participants**
Bundy, James
Hull, John
Miles, Rev. Mr. Samuel, Presbyterian minister
Mumford, George
Smith, John, surveyor
Torrey, Joseph, Presbyterian minister, of South Kingstown in King’s County

**Description**
Land (trespass and ejectment) called the Petaquamsent (Petaquamset) purchase

**Disposition**
Reversed

**Notes**
Related to other Privy Council appeals:

- MacSparran v Mumford – Report No. 11_1725_00 (*APC*, v.3 [85] p.118)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, *Salamanders and Sons of God*, ch. 6.

Multiple spellings are given for the surname of the Presbyterian minister – Miles in Torrey v Mumford; Nyles in MacSparran v Hassard; Myles in Chalmers, *Opinions of Eminent Lawyers*, 1:9.

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Torrey v Mumford)

**Additional Sources**
The entire dispute produced something of a pamphlet war: *A brief representation of the case depending between the Rev. Dr. Mc’Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset* [Torrey, *Brief Representation*]; *A brief representation of the case depending between the Rev. Dr. Mc’Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganssett* in a letter from a gentleman at Newport to his friend in Boston [A.B., *Brief Representation*]; *An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27; pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett*, which was dated July 1739 [Prince, *Brief Representation*].

See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, *Fulham Papers*. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.
Appeals to the Privy Council

Report No. 11_1735_01  Coggeshall v Pelham  Rhode Island

Case Name Short  Coggeshall v Pelham
Case Name Long  Peter Coggeshall v Edward Pelham

Acts of the Privy Council, Colonial Series

APC Citation  v.3 [340] p.459 – 3 April 1735 – entry 1
PC Register Citation  George II v.4 (1 August 1734 – 23 September 1736) p.149: PC 2/93/149
APC Citation  v.3 [340] p.459 – 16 May 1735 – entry 2
PC Register Citation  George II v.4 (1 August 1734 – 23 September 1736) p.154, 161: PC 2/93/154, 161

Colonial Courts
Superior Court – Newport – March 1733

Participants
Coggeshall, Peter
Pelham, Edward of Newport

Description
Land. The matter arose as an inheritance dispute involving Peter Coggeshall’s wife, according to Bilder, Salamanders and Sons of God, p.343.

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 11_1735_02 Hassard v Potter Rhode Island

Case Name Short Hassard v Potter
Case Name Long Stephen Hassard and Robert Hassard v John Potter

Acts of the Privy Council, Colonial Series
APC Citation v.3 [362] p.485 – 6 November 1735 – entry 1
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.251: PC 2/93/251
APC Citation v.3 [362] p.485 – 12 June 1739 – entry 2
PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.253–254, 263: PC 2/93/253–254, 263
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.24, 34–35: PC 2/94/24, 34–35
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.128–130, 209: PC 2/95/128–130, 209

Colonial Courts
Court of Common Pleas – Kingstown – January 1735
Superior Court – March 1735

Participants
Hassard, Robert of South Kingstown in King’s County
Hassard, Stephen of South Kingstown, in King’s County
Potter, John

Description
Land (trespass and ejectment) for recovery of a sedge bed

Disposition
Dismissed

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Hassard v Potter)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1735_03

Johnson v Arnold

Rhode Island

Case Name Short

Johnson v Arnold

Case Name Long

Ezekiel Johnson v Josiah Arnold

Acts of the Privy Council, Colonial Series

v.3 [365] p.486–487 – 26 November 1735 – entry 1

PC Register Citation

George II v.4 (1 August 1734 – 23 September 1736) p.264–265: PC 2/93/264–265

v.3 [365] p.487 – 18 December 1735 – entry 2

PC Register Citation

George II v.4 (1 August 1734 – 23 September 1736) p.269, 283–284: PC 2/93/269, 283–284

Colonial Courts

Superior Court – 26 March 1734

Participants

Arnold, Josiah of James Town in Newport County
Johnson, Ezekiel

Description

Not stated in the APC but an inheritance dispute over land, according to Bilder, Salamanders and Sons of God, p.390

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Appeals to the Privy Council

Report No. 11_1736_00 MacSparran v Hassard Rhode Island

Case Name Short MacSparran v Hassard
Case Name Long James MacSparran v Robert Hassard

Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>Citation</th>
<th>Page</th>
<th>Date</th>
<th>Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC v.3 [390] p.518 – 24 November 1736 – entry 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.518 – 26 January 1737 – entry 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.518 – 21 February 1737 – entry 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.519–529 – 28 February 1738 – entry 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.529 – 26 January 1737 – entry 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.529 – 8 March 1736 recte 1738 – entry 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.529 – 10 July 1740 – entry 6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.530 – 28 April 1741 – entry 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.530 – 7 May 1752 – entry 8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.530 – 28 April 1741 – entry 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.530 – 28 April 1741 – entry 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.530 – 7 May 1752 – entry 8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.530 – 7 May 1752 – entry 8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PC Register v.3 [390] p.530 – 28 April 1741 – entry 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APC v.3 [390] p.530 – 7 May 1752 – entry 8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Colonial Courts
Inferior Court of Common Pleas – 6 January 1735
Superior Court of Judicature – 30 March 1736
Superior Court – 2 April 1739

Participants
Bishop of London
Brenton, Jahleel, esquire
Bull, Ivich
Bundy, James
Cheesbrough, David, gentleman, of Newport
Church, Benjamin, gentleman, of Newport
Coggeshall, Peter, gentleman, of Newport
Congdon, William
Gardner, Henry the Elder
Gardner, Ephriam, esquire
Hassard (Hazard), Robert, gentleman (tenant of Joseph Torrey)
Holme, James of South Kingstown
MacSparran, James, incumbent minister of St. Paul’s in the Pettiquamscot (Pettiquamscut, Petequamscut)
Purchase and in King’s County
Mumford, George
Mumford, William, gentleman, of South Kingstown
Nyles, Rev. Samuel, minister
Potter, Thomas (tenant of James MacSparran)
Sandford, Thomas, merchant, of London
Smith, John, surveyor
Society for the Propagation of the Gospel in Foreign Parts
Torrey, Joseph, minister
Townshend, Nathaniel, jun., gentleman, of Newport
Wilber (Wilbor), Samuel (partner in the Pettiquamscot Purchase, also spelled Pettiquamscut, Petequamscut)

Description
Land (“writ of ejectment,” according to the APC; “Action of Trespass and Ejectment,” according to the Privy Council register)

Disposition
Affirmed
Notes
Related to other Privy Council appeals:

MacSparran v Mumford – Report No. 11_1725_00 (APC, v.3 [85] p.118)

Torrey v Mumford – Report No. 11_1733_00 (APC, v.3 [293] p.402)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, *Salamanders and Sons of God*, ch. 6.

Multiple spellings are given for the surname of the Presbyterian minister – Miles in Torrey v Mumford; Nyles in MacSparran v Hassard; Myles in Chalmers, *Opinions of Eminent Lawyers*, 1:9.

A related colonial case, Torrey v Gardner, was heard in the Inferior Court on 24 June 1735 and in the Superior Court on 2 September 1735, but does not seem to have been appealed.

On the original action involved here, see Additional Research.

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (McSparran v Hazzard)

Additional Sources
The entire dispute produced something of a pamphlet war: *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset* [Torrey, *Brief Representation*]; *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganset in a letter from a gentleman at Newport to his friend in Boston* [A.B., *Brief Representation*]; *An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27; pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett, which was dated July 1739* [Prince, *Brief Representation*].

See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, *Fulham Papers*. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.

DOCUMENTATION

Printed Cases
Case of the appellant (MacSparran)
Counsel [Signed] W. Murray
Library British Library: (Hardwicke Papers) Additional Manuscripts 36217 f. 1–2 view
Library Law Library of Congress: Sir George Lee collection (Minor underlining on first page) view

Case of the respondent (Hassard)
Counsel [Signed] D. Ryder; A. Hume-Campbell
Library British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.3–6 (Includes manuscript notes) view
Library Law Library of Congress: Sir George Lee collection (Includes manuscript notes) view

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Cases:
Brenton v Brenton
Benjamin Brenton v Jahleel Brenton

Acts of the Privy Council, Colonial Series
v.3 [403] p.563 – 17 March 1737 – entry 1
v.3 [403] p.563 – 22 March 1739 – entry 2

PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.140: PC 2/94/140
George II v.6 (1 October 1738 – 27 March 1740) p.95–98, 143–144: PC 2/95/95–98, 143–144

 Colonial Courts
Court of Common Pleas – 6 January 1736
Superior Court – 30 March 1736

 Participants
Brenton, Abigail (daughter of William Brenton)
Brenton, Benjamin of Newport (great-grandson of William Brenton)
Brenton, Ebenezer (son of William Brenton)
Brenton, Jahleel (executor of William Brenton)
Brenton, Jahleel (deceased son and formerly executor of William Brenton)
Brenton, Mehetabel (daughter of William Brenton)
Brenton, Sarah (daughter of William Brenton)
Brenton, William (deceased great-grandfather of Benjamin Brenton and father of Jahleel, William, Ebenezer, Sarah, Mehetabel and Abigail)
Brenton, William (son of William Brenton)
Poole, John (son-in-law of William Brenton)
Sandford, Peleg (son-in-law of William Brenton)

 Description
Land (action of account arising from the will of William Brenton) in South Kings Town

 Disposition
Dismissed without prejudice to Benjamin Brenton to bring an action in the colonial courts

 DOCUMENTATION

 Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short  Brown v Allen  
Case Name Long  Peleg Brown v James Allen and Ezekiel Chever  

Acts of the Privy Council, Colonial Series
v.3 [435] p.603 – 8 March 1738 – entry 1  
PC Register Citation  George II v.5 (1 October 1736 – 4 September 1738) p.481–482; PC 2/94/481–482 
APC Citation  v.3 [435] p.603–605 – 12 June 1738 – entry 2  
PC Register Citation  George II v.5 (1 October 1736 – 4 September 1738) p.536, 556–558; PC 2/94/536, 556–558 
APC Citation  v.3 [435] p.605 – 20 July 1738 – entry 3  
PC Register Citation  George II v.5 (1 October 1736 – 4 September 1738) p.591; PC 2/94/591  

Colonial Courts
Court of Vice Admiralty – 30 March 1736
Inferior Court of Common Pleas – 4 January 1736/7
Superior Court of Judicature – Newport – 29 March 1737
General Assembly – 4 May 1737  

Participants
Allen, James
Brown (Browne), Peleg, Collector of his Majesty’s Customs in Rhode Island, of Newport in the County of Bristol
Chever, Ezekiel
Green, ____
Silk, Samuel, master of the Providence  

Vessels
Providence (sloop)  

Description
Duty due on molasses  

Disposition
Appeal sustained with details about repayment  

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Brown v Allen and Chever)  

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Brown)  
Counsel  [Signed] D. Ryder; J. Strange  
Note  Printed case for the appellant names the case Brown v Allen  
Library  John Carter Brown Library: bDB G7882 1738 1 (Manuscript notes limited to ‘judgment for the appellant’ on the dorsé) (Noted in ESTC? Yes.)  

Respondent’s case
Case of the respondent (Allen)  
Counsel  [Signed] W. Murray  
Note  Printed case for the respondent names the case Brown v Cheevers and Allen  
Library  John Carter Brown Library: bD738 C515r (Noted in ESTC? Yes.)  

Privy Council Documents in PC 1 at The National Archives at Kew
Not found  

view this report for printing
Appeals to the Privy Council

Coggeshall v Coggeshall

Case Name Short
Coggeshall v Coggeshall

Case Name Long
Daniel Coggeshall v Mary Coggeshall

Acts of the Privy Council, Colonial Series

APC Citation
v.3 [436] p.605 – 17 March 1738 – entry 1

PC Register Citation
George II v.5 (1 October 1736 – 4 September 1738) p.499: PC 2/94/499

APC Citation
v.3 [436] p.605 – 12 June 1739 – entry 2

PC Register Citation

Colonial Courts
Inferior Court – 18 November 1735
Superior Court – 30 March 1736 and 6 September 1737

Participants
Coggeshall, Daniel of North King’s Town in King’s County (grandson of Joshua Coggeshall)
Coggeshall, Joshua (deceased grandfather of Daniel Coggeshall)
Coggeshall, Mary

Description
Land in Portsmouth (trespass and ejectment) related to inheritance dispute

Disposition
Appeal sustained without prejudice to claim for dower

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Coggeshall v Coggeshall)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Coggeshall)
[Signed] J. Browne; W. Murray
ESTC: T140450

Respondent’s case
Case of the respondent (Coggeshall)
[Signed] D. Ryder; J. Strange
ESTC: T140451

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1738_03 Martin v Gardiner Rhode Island

Case Name Short Martin v Gardiner
Case Name Long James Martin v William Gardiner by Abigail Gardiner

Acts of the Privy Council, Colonial Series
v.3 [442] p.612 – 25 May 1738 – entry 1
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.551: PC 2/94/551
APC Citation v.3 [442] p.612 – 20 July 1738 – entry 2
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.571, 593: PC 2/94/571, 593

Colonial Courts
Superior Court – Newport – 29 March 1737

Participants
Gardiner, Abigail (grandmother and guardian of William Gardiner)
Gardiner, William, infant, of South Kingstown in King’s County (grandson of Abigail Gardiner)
Martin, James

Description
Not stated in the APC, but according to Bilder, Salamanders and Sons of God, p.344–345, a land dispute related to inheritance. Like Martin v Gibbs (11_1738_04, APC, v.3 [451] p.618), it arises upon the death of Elizabeth Gibbs Gardiner Martin, the wife of James Martin.

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Martin v Gardiner)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Colonial Courts
General Court – 26 October 1737

Participants
Gibbs, Elizabeth of Newport
Gibbs, William, deceased painter
Martin, James

Description

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Fogg v Harvey

Acts of the Privy Council, Colonial Series
v.4 [12] p.10 – 7 November 1745 – entry 1

PC Register Citation

Participants
Fogg, Edward
Harvey, William, merchant, of Charleston in South Carolina

Description
Indebtedness

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Fogg v Harvey)

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series

APC Citation v.4 [16] p.12 – 7 November 1745 – entry 1
PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.242: PC 2/99/242
APC Citation v.4 [16] p.12–13 – 30 June 1752 – entry 2
PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.190: PC 2/100/190
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.155: PC 2/103/155
APC Citation v.4 [16] p.13 – 6 August 1752 – entry 3
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.158–160, 177–178: PC 2/103/158–160, 177–178

Colonial Courts
Inferior Court – 21 February 1744
Superior Court – 27 March 1744

Participants
Baker, Fotherley (solicitor for Dorcas Freeborn)
Freeborn, Dorcas (wife, later widow, of Joseph Freeborn)
Freeborn, Joseph (husband, later deceased, of Dorcas Freeborn)
Paris, Mr. (solicitor for John Potter)
Potter, John, yeoman, of South Kingstown in King’s County (executor of Samuel Potter)
Potter, Samuel

Description
Action of debt arising, according to Bilder, *Salamanders and Sons of God*, p.304, from an inheritance dispute

Disposition
Affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Potter v Freeborn)

DOCUMENTATION

Printed Cases
Appellant’s case Case of the appellant (Potter)
Respondent’s case Case of the respondent (Freeborn)

Note Not found
Counsel [Signed] Al. Forrester
Library Law Library of Congress: Sir George Lee collection (2 copies of the respondent’s case)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
## Appeals to the Privy Council

**Report No. 11_1746_01**  
**Rous v Hassard**  
**Hassard v Rous**  
**Rhode Island**

### Case Name Short
- **Rous v Hassard**  
- **Hassard v Rous**

### Case Name Long
- John Rous v Benjamin Hassard, Robert Carr, John Easton and Jonathan Hassard  
- Benjamin Hassard, Robert Carr, John Easton and Jonathan Hassard v John Rous

### Acts of the Privy Council, Colonial Series
- **APC Citation**: v.4 [20] p.14 – 27 February 1745/6 – entry 1  
- **PC Register Citation**: George II v.10 (1 March 1745 – 31 July 1746) p.369: PC 2/99/369
- **APC Citation**: v.4 [20] p.14 – 11 April 1750 – entry 2  
- **PC Register Citation**: George II v.12 (1 May 1748 – 29 March 1750) p.511, 542, 543–544, 547: PC 2/101/511, 542, 543–544, 547

### Colonial Courts
- **Inferior Court** – 31 May 1743  
- **Superior Court** – 6 September 1743  
- **Court of Equity** – Providence – 11 October 1743

### Participants
- Carr, Robert  
- Easton, John  
- Hassard, Benjamin  
- Hassard, Jonathan  
- Rous, John, commander of the bilander privateer, the *Young Eagle*, of Boston

### Vessels
- *Young Eagle* (bilander)  
- *Kingston* aka the *South Kingstown* (sloop)

### Description
Seizure of the *Kingston* by the privateer *Young Eagle*. Smith (p.520) explains the argument as to whether this was in fact a prize cause.

### Disposition
Judgments of the colonial courts are all reversed.

### References in
- Smith, *Appeals to the Privy Council from the American Plantations*
- Table of Cases (Rous v Hazzard)

## DOCUMENTATION

### Printed Cases
#### Appellant's case
- Case of the appellant/respondent (Hassard)  
  - [Signed] Wm. Noel; A. Hume-Campbell
- New York Public Library. Schwarzman Building: Rare Book Collection *KC+++ p.v.20–21 (Great Britain. High Court of Appeal for Prizes) (This case is in v.21.)

#### Respondent's case
- Case of the appellant/respondent (Rous)  
  - [Signed] D. Ryder; W. Murray
- Law Library of Congress: Sir George Lee collection (Includes manuscript notes)

### Privy Council Documents in PC 1 at The National Archives at Kew
- Not found

---

*view APC*  
*view*  
*view*  
*view*  
*view*  
*view this report for printing*
Appeals to the Privy Council

Case Name Short
Vanbrugh v Powers
Powers v Vanbrugh

Case Name Long
David Vanbrugh and Samuel Carpenter v Joseph Powers
Joseph Powers v David Vanbrugh and Samuel Carpenter

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [31] p.23 – 23 July 1746 – entry 1
PC Register Citation
George II v.10 (1 March 1745 – 31 July 1746) p.534: PC 2/99/534

APC Citation
v.4 [31] p.24 – 23 July 1746 – entry 2 (A second entry on the same day.)
PC Register Citation
George II v.10 (1 March 1745 – 31 July 1746) p.534: PC 2/99/534

APC Citation
v.4 [31] p.24 – 12 March 1747 – entry 3
PC Register Citation
George II v.11 (1 August 1746 – 30 April 1748) p.143, 183–184: PC 2/100/143, 183–184

APC Citation
v.4 [31] p.24 – 23 May 1751 – entry 4
PC Register Citation

APC Citation
v.4 [31] p.24 – 9 July 1751 – entry 5
PC Register Citation
George II v.13 (1 May 1750 – 30 March 1752) p.262: PC 2/102/262

APC Citation
v.4 [31] p.24 – 31 October 1751 – entry 6
PC Register Citation

Colonial Courts
Court of Equity – 11 October 1743 – re Powers
Unnamed – 15 November 1743 – re Vanbrugh
Superior Court – 27 March 1744 – re Vanbrugh
Superior Court of Rhode Island – 26 March 1745 – re Vanbrugh

Participants
Ayrault, Daniel, jun. (appointed auditor who declined to serve)
Carpenter, Samuel, merchant, of Kingston in Jamaica
Clark, Jeremiah (auditor)
Coddington, William (auditor)
Gibbs, Robert (auditor)
Powers, Joseph, mariner, of Newport
Rodman, Capt. Samuel (appointed auditor who declined to serve)
Thurston, Capt. Jonathan (appointed auditor who declined to serve)
Vanbrugh, Daniel, merchant, of Kingston in Jamaica

Description
Bill of exchange (Powers v Vanbrugh)
Action of account that, according to Bilder, Salamanders and Sons of God, p.297, involves Indian slaves (Vanbrugh v Powers)

Disposition
Dismissed for non-prosecution (Powers v Vanbrugh)
Reversed (Vanbrugh v Powers)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1746_03 Polock v Verplank Rhode Island

Case Name Short Polock v Verplank
Case Name Long Isaac Polock v Gulian Verplank

Acts of the Privy Council, Colonial Series
APC Citation v.4 [40] p.34–35 – 17 November 1746 – entry 1
PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.41: PC 2/100/41
APC Citation v.4 [40] p.35 – 12 March 1747 – entry 2
PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.143–144, 184: PC 2/100/143–144, 184

Colonial Courts
Superior Court – Newport – 3 September 1745

Participants
Polock, Isaac
Verplank, Gulian, merchant, of New York City

Description
Action of debt

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Tripp v Tripp

Case Name Short
Tripp v Tripp

Case Name Long
Wait Tripp v Benjamin Tripp

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [43] p.36–37 – 17 November 1746 – entry 1

PC Register Citation
George II v.11 (1 August 1746 – 30 April 1748) p.42: PC 2/100/42

APC Citation
v.4 [43] p.37 – 14 January 1752 – entry 2

PC Register Citation
George II v.11 (1 August 1746 – 30 April 1748) p.170: PC 2/100/170

PC Register Citation

Colonial Courts
Superior Court – 2 October 1744
Superior Court – Newport – 26 March 1745

Participants
Tripp, Benjamin
Tripp, Mary
Tripp, Othniel, deceased yeoman, of Newport
Tripp, Wait (widow)

Description
Land in dispute, part of the estate of Othniel Tripp

Disposition
Dismissed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1747_01 Staniford v Newell Rhode Island

Case Name Short Staniford v Newell
Case Name Long John Staniford v Timothy and Margaret Newell

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [51] p.40–41 – 12 February 1747 – entry 1
PC Register Citation  George II v.11 (1 August 1746 – 30 April 1748) p.141: PC 2/100/141
APC Citation  v.4 [51] p.41 – 12 March 1747 – entry 2
PC Register Citation  George II v.11 (1 August 1746 – 30 April 1748) p.144, 184: PC 2/100/144, 184

Colonial Courts
Superior Court
Superior Court – 27 March 1744

Participants
Newell, Margaret of Newport (wife of Timothy Newell)
Newell, Timothy of Newport (husband of Margaret Newell)
Partridge, Richard (attorney for Timothy and Margaret Newell)
Staniford, John

Description
Land in Newport (action of ejectment). Bilder, Salamanders and Sons of God, p.307, indicates the dispute arose over the validity of a will.

Disposition
Dismissed for non-prosecution

Notes
On the action of ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Freebody v Wanton

Case Name Long
John Freebody v Joseph Wanton

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [56] p.42 – 3 June 1747 – entry 1

PC Register Citation
George II v.11 (1 August 1746 – 30 April 1748) p.274–275: PC 2/100/274–275

Colonial Courts
Inferior Court – 27 May 1746
Superior Court – 2 September 1746

Participants
Freebody, John, merchant, of Newport
Wanton, Joseph

Description
Trespass relating to seizure of goods from warehouse

Disposition
Reversed with limit on damages

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Brenton v Remington

Case Name Long
Benjamin Brenton v Gersham Remington

Acts of the Privy Council, Colonial Series
APC Citation
v.4 [57] p.42 – 3 June 1747 – entry 1
PC Register Citation
George II v.11 (1 August 1746 – 30 April 1748) p.219, 275: PC 2/100/219, 275
APC Citation
v.4 [57] p.42 – 30 April 1751 – entry 2
PC Register Citation

Colonial Courts
Inferior Court
Superior Court – 25 March 1746

Participants
Brenton, Benjamin, mariner, of Newport
Remington, Gersham

Description
Land ("writ of ejectment," according to the APC; "Writ of Trespass and Ejectment," according to the Committee report) in Jamestown, Newport County

Disposition
Dismissed

Notes
On the original action involved here, see Additional Research.

The dispute, according to Bilder, Salamanders and Sons of God, p.305, continues attempts by the Brenton family to reclaim land long held by the Remingtons (Remington v Brenton, 11_1709_00, APC, v.2 [1095] p.605).

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Brenton v Remington)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Gibbs v Sheldon

Colonial Courts
Inferior Court – 20 December 1743
Superior Court – 27 March 1744
Superior Court – 2 October 1744

Participants
Gibbs, Robert
Partridge, Richard (agent of Jonathan Sheldon)
Sheldon, Jonathan, master of the sloop Hopewell, of Providence

Vessels
Hopewell (sloop)

Description
Not stated in the APC, but Bilder, Salamanders and Sons of God, p.302, indicates allegations of fraud over the loss of a ship.

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Wheelwright v Tyler

Acts of the Privy Council, Colonial Series
v.4 [112] p.84 – 85 – 12 June 1749 – entry 1
PC Register Citation
APC Citation
v.4 [112] p.85 – 14 January 1752 – entry 2
PC Register Citation

Colonial Courts
Inferior Court – 17 September 1747
Superior Court – 1 March 1748

Participants
Dumoulin, Lewis of Boston in Massachusetts
Pearce, William
Tyler, Ebenezer
Wheelwright, Nathaniel, merchant, of Boston in Massachusetts

Description
Action of trover. Bilder, Salamanders and Sons of God, p.300, describes as commercial transaction.

Disposition
Reversed, except for the award of costs to the appellant given below, and with directions for further proceedings in the Superior Court.

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1749_02  
Taylor v Clark  
Rhode Island

Case Name Short  
Taylor v Clark

Case Name Long  
George and Mary Taylor v James and Mary Clark

Acts of the Privy Council, Colonial Series

APC Citation  
v.4 [117] p.92–93 – 23 November 1749 – entry 1

PC Register Citation  
George II v.12 (1 May 1748 – 29 March 1750) p.364: PC 2/101/364

APC Citation  
v.4 [117] p.93 – 17 January 1750 – entry 2

PC Register Citation  

Colonial Courts

Inferior Court of Common Pleas for Providence – 21 June 1748
Superior Court of Judicature, Court of Assize and general gaol delivery – Providence – 21 March 1749

Participants

Clark, James (husband of Mary Clark)
Clark, Mary (wife of James Clark)
Harris, Job (deceased former husband of Mary Taylor)
Taylor, George, schoolmaster, of Providence (husband of Mary Taylor)
Taylor, Mary (wife of George Taylor and former wife of Job Harris)

Description

Action for dower in a suit, according to Bilder, *Salamanders and Sons of God*, p.308, between mother and daughter

Disposition

Appeal admitted; further disposition not stated in Acts of the Privy Council, Colonial Series

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Taylor v Clarke)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Channing v Fenner

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [118] p.93 – 23 November 1749 – entry 1

PC Register Citation

APC Citation
v.4 [118] p.93 – 23 January 1752 – entry 2

PC Register Citation

Colonial Courts
Inferior Court
Superior Court – Newport – 7 March 1749

Participants
Bowler, Charles
Channing, John, merchant, of Newport
Cooke, Robert of Newport
Fenner, Arthur (father of James Fenner)
Fenner, James (son of Arthur Fenner)
Sheldon, Jonathan, master of the Providence

Vessels
Providence (brigantine)

Description
Insurance dispute

Disposition
Affirmed with directions for proceeding in the Superior Court

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1750_00  Clemence v Angel  Rhode Island

Case Name Short  Clemence v Angel
Case Name Long  Thomas Clemence v John Angel

Acts of the Privy Council, Colonial Series  
APC Citation  v.4 [128] p.100 – 11 April 1750 – entry 1  
PC Register Citation  George II v.12 (1 May 1748 – 29 March 1750) p.549: PC 2/101/549  
APC Citation  v.4 [128] p.100 – 2 August 1750 – entry 2  
PC Register Citation  George II v.13 (1 May 1750 – 30 March 1752) p.60–61, 68: PC 2/102/60–61, 68

Colonial Courts  
Superior Court – third Tuesday in March 1749

Participants  
Angel, John of Providence  
Clemence, Thomas  
Partridge, Richard (agent for John Angel)

Description  
Land (trespass and ejectment) involving fraud, according to Bilder, *Salamanders and Sons of God*, p.307

Disposition  
Dismissed for non-prosecution

Notes  
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases  
Not found

Privy Council Documents in PC 1 at The National Archives at Kew  
Not found

view this report for printing
Appeals to the Privy Council

Report No. 11_1751_00 Rodman v Bannister Rhode Island

Case Name Short Rodman v Bannister
Case Name Long Robert Rodman v John Bannister

Acts of the Privy Council, Colonial Series

APC Citation v.4 [158] p.142 – 31 October 1751 – entry 1
PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.357: PC 2/102/357
APC Citation v.4 [158] p.142–143 – 7 February 1753 – entry 2

Colonial Courts
Inferior Court – 29 May 1750
Superior Court – April 1751

Participants
Bannister, John, merchant
Isaacks, Jacob
Park, Noble, ship master of the Noble Jane (part owner of the Noble Jane)
Rodman, Robert, master of the Noble Jane
Wynkoop, Cornelius

Vessels
Jacob aka the Noble Jane (ship)

Description
Action in trover for the boat

Disposition
Reversed

DOCUMENTATION

Printed Cases
Case of the appellant (Rodman)
[Counsel] W. Murray; Al. Forrester
Note Respondent’s name is spelled Banister on appellant’s printed case.
Library Law Library of Congress: Sir George Lee collection

Respondent’s case
Case of the respondent (Bannister)
Note Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Peirce v Rice

Case Name Short
Peirce v Rice

Case Name Long
John Peirce and Thomas Peirce v John Rice

Acts of the Privy Council, Colonial Series
v.4 [166] p.153 – 14 January 1752 – entry 1
PC Register Citation
George II v.13 (1 May 1750 – 30 March 1752) p.438: PC 2/102/438
APC Citation
v.4 [166] p.153 – 13 February 1752 – entry 2
PC Register Citation
George II v.13 (1 May 1750 – 30 March 1752) p.491–492, 497: PC 2/102/491–492, 497

Colonial Courts
Superior Court – Providence County (several judgments, not all necessarily from this court)

Participants
Peirce, John, yeoman
Peirce, Thomas, yeoman
Rice, John

Description
Inheritance dispute. Bilder, Salamanders and Sons of God, p.403, adds that the dispute involves land.

Disposition
Appeal granted; further disposition not stated in Acts of the Privy Council, Colonial Series

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1752_02  Walker v Paget  Rhode Island

Case Name Short  Walker v Paget
Case Name Long  William Walker v Henry Paget

Acts of the Privy Council, Colonial Series

APC Citation v.4 [176] p.164 – 7 May 1752 – entry 1
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.74: PC 2/103/74
APC Citation v.4 [176] p.164 – 28 May 1752 – entry 2
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.78–79, 110: PC 2/103/78–79, 110
APC Citation v.4 [176] p.164 – 28 March 1754 – entry 3
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.169, 188: PC 2/103/169, 188
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.28–29, 85–86, 101: PC 2/104/28–29, 85–86, 101

Colonial Courts
Inferior Court – 15 December 1747
Superior Court – September 1749

Participants
Farmer, Robert, master hackney man, of the parish of St. Dunstan’s in the West in Middlesex
Paget, Henry, merchant, of Providence
Richards, John, innholder, of the parish of St. Dunstan’s in the West in Middlesex
Walker, William of the county of Providence (father of William Walker)
Walker, William, gentleman, of Aldridge in Staffordshire (son of William Walker)

Description
Land that, according to Bilder, *Salamanders and Sons of God*, p.394, related to inheritance

Disposition
Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Walker v Paget)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1752_03
Whitman v Whitman
Rhode Island

Case Name Short
Whitman v Whitman

Case Name Long
Noah Whitman v John Whitman

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [191] p.181 – 20 December 1752 – entry 1

PC Register Citation

APC Citation
v.4 [191] p.181 – 28 November 1753 – entry 2

PC Register Citation
George II v.14 (1 April 1752 – 31 December 1753) p.513–514, 520: PC 2/103/513–514, 520

Colonial Courts
Inferior Court – June 1751
Superior Court – September 1751

Participants
Jenkes, Daniel
Mowry, Jeremiah
Partridge, Richard (agent for John Whitman)
Whitman, John, yeoman, of Smithfield in Providence county
Whitman, Noah

Description
Land (trespass and ejectment) in Smithfield

Disposition
Dismissed for non-prosecution

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Case Name Short: Borden v Cook
Case Name Long: Samuel Borden and Stephen Cook v William Cook

Acts of the Privy Council, Colonial Series
APC Citation: v.4 [192] p.181 – 23 January 1753 – entry 1
PC Register Citation: George II v.14 (1 April 1752 – 31 December 1753) p.292: PC 2/103/292
APC Citation: v.4 [192] p.181–182 – 29 May 1754 – entry 2
PC Register Citation: George II v.15 (1 January 1754 – 31 December 1755) p.136: PC 2/104/136
APC Citation: v.4 [192] p.182 – 21 June 1754 – entry 3
PC Register Citation: George II v.15 (1 January 1754 – 31 December 1755) p.154–155, 162: PC 2/104/154–155, 162

Colonial Courts
Inferior Court – November 1749
Superior Court – Newport – March 1750

Participants
Borden, Samuel
Cook, Stephen, yeoman, of Tiverton
Cook, William of Tiverton in Newport county
Sharpe, John (appears for William Cook)

Description
Land (“declaration of ejectment,” according to the APC and the Privy Council register) in Tiverton

Disposition
Dismissed for non-prosecution

Notes
For the ‘declaration of ejectment’ involved here, see Additional Research.

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Freebody v. Cook

**Acts of the Privy Council, Colonial Series**

**APC Citation**

- v.4 [228] p.235 – 31 January 1754 – entry 1
- v.4 [228] p.235 – 28 February 1754 – entry 2
- v.4 [228] p.235 – 9 January 1755 – entry 3

**PC Register Citation**

- George II v.15 (1 January 1754 – 31 December 1755) p.36: PC 2/104/36
- George II v.15 (1 January 1754 – 31 December 1755) p.100, 111–112, 244, 271–272, 283: PC 2/104/100, 111–112, 244, 271–272, 283

**Colonial Courts**

- Inferior Court – November 1751
- Superior Court – March 1752

**Participants**

- Barratt, John, merchant, of the parish of St. Botolph, Bishopsgate in London
- Cook, John
- Freebody, John, merchant, of Newport
- Spooner, Hungerford, merchant, of Abchurch Lane in London

**Description**

Land, specifically regarding a right of way

**Disposition**

Dismissed

**References**

In Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Freebody v Cook)

**DOCUMENTATION**

**Printed Cases**

- Case of the appellant (Freebody)
- [Signed] Al. Forrester
- Law Library of Congress: Sir George Lee collection

**Respondent's case**

- Case of the respondent (Cook)
- [Signed] W. Murray
- Law Library of Congress: Sir George Lee collection

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found

**Other Documents**

See the manuscript legal papers relating to Freebody v. Cook, 1754, in the Papers and Collection of Peter Force in the Library of Congress, Manuscript Division.
Appeals to the Privy Council

Report No. 11_1755_01 Grant v Dyre Rhode Island

Case Name Short Grant v Dyre
Case Name Long Patrick Grant and Andrew Heatley v Samuel Dyre

Acts of the Privy Council, Colonial Series

APC Citation v.4 [255] p.275 – 9 January 1755 – entry 1
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.245, 286: PC 2/104/245, 286
APC Citation v.4 [255] p.276 – 12 August 1755 – entry 2
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.490–491, 499: PC 2/104/490–491, 499

Colonial Courts
Inferior Court – 29 May 1753
Superior Court – September 1753

Participants
Dyre, Samuel, jun., mariner, of Newport
Grant, Patrick, merchant, of Newport
Heatley, Andrew, merchant, of Newport
Partridge, Richard (agent for Samuel Dyre, jun.)

Description
Action of trover re molasses

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Grant v Dyre)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1755_02  Stanton v Thompson  Rhode Island

Case Name Short  Stanton v Thompson
Case Name Long  Daniel Stanton v Elias Thompson

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [266] p.287 – 27 March 1755 – entry 1
PC Register Citation  George II v.15 (1 January 1754 – 31 December 1755) p.363–364: PC 2/104/363–364
APC Citation  v.4 [266] p.287 – 17 February 1756 – entry 2
PC Register Citation  George II v.16 (1 January 1756 – 31 December 1757) p.34, 42: PC 2/105/34, 42
APC Citation  v.4 [266] p.287 – 3 March 1759 – entry 3
PC Register Citation  George II v.17 (1 January 1758 – 21 May 1759) p.118, 379, 381–382, 396–397: PC 2/106/118, 379, 381–382, 396–397

Colonial Courts
Superior Court – March 1748
Superior Court – October 1749

Participants
Partridge, Richard
Stanton, Daniel of Philadelphia in Pennsylvania (son of Daniel Stanton)
Stanton, Daniel, mariner, of Philadelphia in Pennsylvania (deceased father of Daniel Stanton)
Thompson, Elias

Description
Land in dispute in King’s county, known as Cedar Swamp

Disposition
Dismissed

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Stanton)
Counsel
[Signed] Al. Forrester; Fredk. Campbell
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.1–2 (Includes manuscript notes)

Respondent’s case
Case of the respondent (Thompson)
Counsel
[Signed] C. Pratt; C. Yorke
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.3–10 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
**Appeals to the Privy Council**

**Report No. 11_1755_03**  
Chaloner v Bland  
Rhode Island

**Acts of the Privy Council, Colonial Series**

**APC Citation**
- v.4 [290] p.319 – 11 November 1755 – entry 1

**PC Register Citation**
- George II v.15 (1 January 1754 – 31 December 1755) p.360, 529: PC 2/104/360, 529

**APC Citation**
- v.4 [290] p.319 – 13 August 1756 – entry 2

**PC Register Citation**
- George II v.16 (1 January 1756 – 31 December 1757) p.256–257, 267: PC 2/105/256–257, 267

**Colonial Courts**

Inferior Court – February 1754
Superior Court – South Kingstown, King’s county – April 1754

**Participants**

Bland, Elias, merchant, of London  
Chaloner, John, merchant, of Newport

**Description**

Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**

Dismissed for non-prosecution

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Whipple v Bowen

**Acts of the Privy Council, Colonial Series**

- APC Citation: v.4 [293] p.321 – 28 November 1755 – entry 1
- PC Register Citation: George II v.15 (1 January 1754 – 31 December 1755) p.543: PC 2/104/543
- APC Citation: v.4 [293] p.321 – 8 July 1757 – entry 2
- PC Register Citation: George II v.15 (1 January 1754 – 31 December 1755) p.576: PC 2/104/576
- PC Register Citation: George II v.16 (1 January 1756 – 31 December 1757) p.543–546, 551: PC 2/105/543–546, 551

**Colonial Courts**

- Inferior Court – 17 December 1754
- Supreme Court – 18 March 1755

**Participants**

- Bowen, Ephraim (terretenant under John Mawney)
- Carlisle, John (terretenant under John Mawney)
- Mawney, John, deceased
- Sweeting, Joseph (terretenant under John Mawney)
- Whipple, John, gentleman, of Providence (son of Joseph Whipple)
- Whipple, Joseph (deceased father of John Whipple)

**Description**


**Disposition**

Reversed in part with a further trial ordered on specific issues

**Notes**

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

---

**DOCUMENTATION**

**Printed Cases**

- Appellant's case: Case of the appellant (Whipple)
  - Not found
- Respondent's case: Case of the respondent (Bowen)
  - [Signed] Alex. Forrester
  - Law Library of Congress: Sir George Lee collection

**Privy Council Documents in PC 1 at The National Archives at Kew**

- Not found
Appeals to the Privy Council

Hazard v. Hazard

Benjamin Hazard v Mary Hazard

Acts of the Privy Council, Colonial Series

v.4 [294] p.321 – 28 November 1755 – entry 1

PC Register Citation


Colonial Courts

Inferior Court – 20 February 1753
Superior Court – October 1753

Participants

Brinley, Francis
Hazard, Benjamin
Hazard, George, deceased
Hazard, Mary (now wife of John Potter and administratrix of George Hazard)
Potter, John (husband of Mary Hazard)

Description

Dispute over currency allegedly owed by administratrix

Disposition

Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Case Name Short
Whipple v Ninigret

Case Name Long
Joseph Whipple, Daniel Coggeshall, John Spencer, Samuel Perry, and David Anthony v Thomas Ninigret by Jonathan Nichols, guardian

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [295] p.321 – 28 November 1755 – entry 1

PC Register Citation
George II v.15 (1 January 1754 – 31 December 1755) p.238, 544: PC 2/104/238, 544

APC Citation
v.4 [295] p.322 – 18 December 1755 – entry 2

PC Register Citation
George II v.15 (1 January 1754 – 31 December 1755) p.550, 561: PC 2/104/550, 561

Colonial Courts
Inferior Court – 5 August 1746
Superior Court – Newport – 2 September 1746

Participants
Anthony, David, esquire
Coggeshall, Daniel, esquire
Nichols, Jonathan of Newport (guardian of Thomas Ninigret)
Ninigret, Thomas, gentleman, infant and sachem of Narragansett Indian tribe
Perry, Samuel, esquire
Spencer, John, esquire
Whipple, Joseph, esquire

Description
Land (trespass and ejectment) in Charles Town, King’s county; extensive explanation in Bilder, Salamanders and Sons of God, p.310–316

Disposition
Dismissed for non-prosecution

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Brenton v Sylvester

Case Name Short
Brenton v Sylvester

Case Name Long
Jahleel Brenton, Benjamin Wickham and George Gardner v Joseph Sylvester

Acts of the Privy Council, Colonial Series
v.4 [297] p.323 – 7 January 1756 – entry 1

PC Register Citation
George II v.16 (1 January 1756 – 31 December 1757) p.2: PC 2/105/2

Colonial Courts
Proceedings in colonial court unclear

Participants
Brenton, Jahleel, esquire
Browne, Mr. (appears for Joseph Sylvester)
Gardner, George
Smith, Mr. (appears for Joseph Sylvester)
Sylvester, Joseph
Wickham, Benjamin, merchant

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Related to other Privy Council Appeals:

Freebody v Brenton – Report No. 11_1758_00 (APC, v.4 [366] p.395–396)

The only record in the APC in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner (the more common spelling in the related appeals). Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody’s sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell which it is.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Isaacs v Merrett

Colonial Courts
Inferior Court – 17 December 1755
Superior Court – 23 March 1756

Participants
Isaacs, Abraham (deceased husband of Hannah Isaacs)
Isaacs, Hannah (widow and former administratrix of Abraham Isaacs but now also deceased)
Isaacs, Jacob of Newport (administrator of estate of Abraham Isaacs)
Merrett, John

Description
Dispute involving promissory note

Disposition
Reversed without prejudice to respondent’s right to recover against appellant as administrator of estate

Notes
Original judgment obtained in New York.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Isaacs v Merritt)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Isaacs)
Counsel
[Signed] Al. Forrester
Note
Appellant’s name is spelled Isaacks on the appellant’s printed case.
Library
Law Library of Congress: Sir George Lee collection

Respondent’s case
Case of the respondent (Merrett)
Counsel
[Signed] C. Pratt
Note
Appellant’s name is spelled Isaacks on the respondent’s printed case.
Library
Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
**Appeals to the Privy Council**

**Case Name Short**
Freebody v Brenton

**Case Name Long**
John Freebody (later Samuel, John and Thomas Freebody) v Jahleel Brenton, Benjamin Wickham and George Gardiner

**Acts of the Privy Council, Colonial Series**

**APC Citation**
v.4 [366] p.395–396 – 21 November 1758 – entry 1

**PC Register Citation**

**APC Citation**
v.4 [366] p.396 – 1 May 1764 – entry 2

**PC Register Citation**
George III v.3 (1 May 1763 – 30 September 1764) p.419–420: PC 2/110/419–420

**APC Citation**
v.4 [366] p.396 – 3 August 1764 – entry 3

**PC Register Citation**

**Colonial Courts**
Lower court unnamed
Superior Court – March 1757 (multiple judgments)

**Participants**
Brenton, Jahleel (commissioner for the distribution of the estate of Joseph Whipple)
Freebody, John, merchant, of Newport (now deceased father of John, Thomas, and Samuel Freebody)
Freebody, John (son of John Freebody)
Freebody, Samuel (son of John Freebody)
Freebody, Thomas (son of John Freebody)
Gardiner, George (commissioner for the distribution of the estate of Joseph Whipple)
Whipple, Joseph, an insolvent
Wickham, Benjamin (commissioner for the distribution of the estate of Joseph Whipple)

**Description**
Land (trespass and ejectment) re two properties, one of 520 acres and another of 287 acres in Middletown. The dispute is about the “depreciation of the old tenor bills of credit which were named in the condition of the mortgage,” according to the *APC*.

**Disposition**
Reversed but “on payment of certain sums defendants may have the mortgaged premises reconveyed to them”

**Notes**
Related to other Privy Council appeals:

Brenton v Sylvester – Report No. 11_1756_00 (*APC*, v.4 [297] p.323)


The only record in the *APC* in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner. Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody’s sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell which it is.

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

**References in** Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Freebody v Brenton) (extensive discussion)

**DOCUMENTATION**

**Printed Cases**
Case of the appellant in the first and second appeals (Freebody)

[Signed] Tho. Sewell; Al. Forrester
Case of the respondent in the first and second appeals (Brenton)

[Signed] C. Ambler; C. Yorke

British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.79–81 (first appeal) and f.82–84 (second appeal) (First appeal includes manuscript notes. In second appeal, manuscript notes are limited to counsel names on the dorse.)

Privy Council Documents in PC 1 at The National Archives at Kew

All PC 1 documents for this action are entered under Report No. 11_1766_04 (Freebody v Brenton).
Appeals to the Privy Council

Report No. 11_1759_00  Moss v Hopkins  Rhode Island

Case Name Short  Moss v Hopkins
Case Name Long  Boyle Moss v Esek Hopkins

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [393] p.420 – 27 April 1759 – entry 1
PC Register Citation  George II v.17 (1 January 1758 – 21 May 1759) p.497: PC 2/106/497
APC Citation  v.4 [393] p.420 – 28 September 1759 – entry 2
PC Register Citation  George II v.18 (2 May 1759 – 10 July 1760) p.159: PC 2/107/159

Colonial Courts
Superior Court – Providence – October 1757

Participants
Duroure, Francis of Throgmorton Street (appears for Esek Hopkins)
Hopkins, Esek, commander of the Providence
Moss, Boyle, mariner and master of the Sally, of Dublin

Vessels
Sally (brigantine)
Providence

Description
Court-ordered forfeiture of the brigantine Sally to the commander of the privateer Providence

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Creaugh v Whitfield

Case Name Short
Paul Creaugh v Charles Whitfield

Case Name Long
Paul Creaugh v Charles Whitfield

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [426] p.460 – 1 July 1760 – entry 1

PC Register Citation
George II v.18 (24 May 1759 – 10 July 1760) p.417: PC 2/107/417

APC Citation
v.4 [426] p.460 – 11 July 1760 – entry 2

PC Register Citation

Colonial Courts
Inferior Court – 15 November 1757
Superior Court – August 1758

Participants
Creaugh, Paul
Whitfield, Charles, mariner, of Newport

Description
Action of su trover

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Creaugh v Whitefield)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Larkin v York
Rhode Island

Case Name Short
Larkin v York

Case Name Long
John Larkin v Edward York

Acts of the Privy Council, Colonial Series

APC Citation v.4 [431] p.463 – 27 October 1760 – entry 1
PC Register Citation George III v.1 (25 October 1760 – 31 December 1761) p.18: PC 2/108/18
APC Citation v.4 [431] p.463 – 2 July 1761 – entry 2

Colonial Courts
Inferior Court of Common Pleas – February 1759
Superior Court – October 1759

Participants
Larkin, John, yeoman, of Westerly in King’s county
York, Edward

Description
Land (upon an ejectment) in Quannicontague Neck which, according to Bilder, Salamanders and Sons of God, p.505 n.2, involves future interests.

Disposition
Both judgments reversed.

Notes
On the action of ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Appellant's case Case of appellant (Larkin)
Counsel [Signed] C. Pratt; Al. Forrester
Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.101–102 (Includes manuscript notes)

Respondent's case Case of respondent (York)
Counsel [Signed] C. Yorke; Tho. Sewell
Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.103–104

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Case Name Short  Simons v Wanton
Case Name Long  Peter Simons v Joseph Wanton

Acts of the Privy Council, Colonial Series
APC Citation  v.4 [463] p.502 – 23 November 1761 – entry 1
PC Register Citation  George III v.1 (25 October 1760 – 31 December 1761) p.590: PC 2/108/590
APC Citation  v.4 [463] p.502 – 12 April 1762 – entry 2
PC Register Citation  George III v.2 (1 January 1762 – 30 April 1763) p.175, 201–202: PC 2/109/175, 201–202

Colonial Courts
Inferior Court – November 1757
Superior Court – March 1758

Participants
Simons, Peter
Wanton, Joseph of Newport

Description
Action to recover £65,421 13s 4d (old tenor of Rhode Island)

Disposition
Dismissed for non-prosecution

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Simon v Wanton)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Read v Nicholls

**Case Name Long**
William Read v Benjamin Nicholls

**Acts of the Privy Council, Colonial Series**

- APC Citation: v.4 [484] p.544 – 25 June 1762 – entry 1
- PC Register Citation: George III v.2 (1 January 1762 – 30 April 1763) p.268–269: PC 2/109/268–269
- APC Citation: v.4 [484] p.544 – 3 August 1762 – entry 2
- PC Register Citation: George III v.2 (1 January 1762 – 30 April 1763) p.299–300, 325: PC 2/109/299–300, 325

**Colonial Courts**
- Inferior Court – May 1758
- Superior Court – March 1759 (affirming lower court judgment)
- Superior Court – August 1760 (another judgment barring a writ of *scire facias*)

**Participants**
- Nicholls, Benjamin of Newport (executor of Jonathan Nicholls)
- Nicholls, Jonathan, deceased
- Read, William, merchant, of Newport

**Description**
Debt due

**Disposition**
Appeals dismissed for non-prosecution

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
- TNA Document: Committee report – 15 July 1762 – PC 1/50/47
Case Name Short
Potter v Hazard

Case Name Long
John Potter v George Hazard

Acts of the Privy Council, Colonial Series

- APC Citation: v.4 [489] p.548–549 – 1 September 1762 – entry 1
- PC Register Citation: George III v.2 (1 January 1762 – 30 April 1763) p.353: PC 2/109/353
- APC Citation: v.4 [489] p.549 – 21 December 1763 – entry 2
- PC Register Citation: George III v.3 (1 May 1763 – 30 September 1764) p.182–183, 192: PC 2/110/182–183, 192

Colonial Courts
Inferior Court – 11 August 1761
Superior Court – 5 October 1761

Participants
Hazard, George
Peckham, Benjamin, jun. (tenant of George Hazard and original defendant)
Potter, John, yeoman, of South Kingston

Description
Land (trespass and ejectment) in dispute is Little Comfort Island in Point Judith Pond, South Kingston near Mumford’s Island. Bilder, Transatlantic Constitution, p.170, adds that the matter is part of an inheritance dispute.

Disposition
Dismissed

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Case of the appellant (Potter)
[Counsel] [Signed] Fl. Norton; J. Gardiner

Appendix to the case of the appellant
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.240–241 (Includes appendix, f.242–243, and manuscript notes)

Case of the respondent (Hazard)
[Counsel] [Signed] C. Yorke; Al. Forrester

British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.244–247 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 15 Dec. 1763 – PC 1/50/49
Referenced in APC, v.6 [579] p.359–360
Stead v Hart
Stead v Elizer

Acts of the Privy Council, Colonial Series
v.4 [600] p.716–717 – 19 March 1765 – entry 1

PC Register Citation
George III v.4 (1 October 1764 – 27 August 1766) p.163, 328–329: PC 2/111/163, 328–329

APC Citation
v.4 [600] p.717 – 3 December 1766 – entry 2

PC Register Citation

Colonial Courts
Inferior Court – May 1764
Superior Court – Newport – September 1764

Participants
Elizer, Isaac
Hart, Isaac
Hart, Napthali
Isaacks, Jacob
Isaacks, Moses
Stead, William, merchant, of London

Description
Sums due on note

Disposition
Both reversed

Notes
Related to other Privy Council appeals:

Stead v Isaacs – Report No. 11_1766_01 (APC, v.4 [649] p.759)
Isaacks v Stead – Report No. 11_1768_00 (APC, v.5 [95] p.175)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council’s register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead’s actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report (Hart) – 2 Dec. 1766 – PC 1/52/58
Referenced in APC, v.6 [731] p.440

Committee report (Elizer) – 2 Dec. 1766 – PC 1/52/58
Referenced in APC, v.6 [731] p.440
Appeals to the Privy Council

Report No. 11_1765_02  Shearman v Cornell  Rhode Island

Case Name Short  Shearman v Cornell
Case Name Long  Thomas Shearman v Gideon Cornell

Acts of the Privy Council, Colonial Series
v.4 [603] p.718–22 April 1765 – entry 1
PC Register Citation  George III v.4 (1 October 1764 – 27 August 1766) p.179: PC 2/111/179
PC Register Citation  George III v.5 (August 1766 – January 1768) p.315–317, 356: PC 2/112/315–317, 356

Colonial Courts
Unnamed – 21 May 1763
Superior Court – March 1764

Participants
Cornell, Gideon
Nicholls, Benjamin
Shearman, Ann (wife of Thomas Shearman)
Shearman, Thomas of Portsmouth (husband of Ann Shearman)
Wanton, Joseph

Description
Land in Newport, to which Bilder, Salamanders and Sons of God, p.506 n.3, adds the issue of paper currency and mortgage

Disposition
Reversed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Shearman v Cornell)

DOCUMENTATION

Printed Cases
Appellant's case
Case of appellant (Shearman)
[C] Yorke; Al. Forrester

Respondent's case
Case of respondent (Cornell)
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 10 June 1767 – PC 1/53/60
Referenced in APC, v.6 [761] p.453–454

Library
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.115–116 (Includes manuscript notes)

TNA Document
Committee report – 10 June 1767 – PC 1/53/60
Referenced in APC, v.6 [761] p.453–454
Case Name Short: Stead v Isaacs
Case Name Long: William Stead v Jacob Isaacs

Acts of the Privy Council, Colonial Series

APC Citation: v.4 [649] p.759 – 28 May 1766 – entry 1
PC Register Citation: George III v.4 (1 October 1764 – 27 August 1766) p.632, 638: PC 2/111/632, 638
APC Citation: v.4 [649] p.759 – 14 April 1769 – entry 2
PC Register Citation: George III v.6 (January 1768 – April 1769) p.477–481, 537: PC 2/113/477–481, 537

Colonial Courts
Inferior Court – Newport – May 1764
Superior Court – Newport – March 1765

Participants
Isaacs, Jacob
Pennegar, William, master of the Rising Sun
Stead, William, merchant, of London

Vessels
Rising Sun (ship)

Description
Damages arising from failure to insure properly

Disposition
Reversed and a new trial ordered

Notes
Related to other Privy Council appeals:

Isaacks v Stead – Report No. 11_1768_00 (APC, v.5 [95] p.175)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council’s register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead’s actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Stead)
Counsel
[Signed] J Dunning; Fl. Norton
Note
Appellant’s name is spelled Isaacks on appellant’s printed case.
Library
Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes)

Respondent's case
Case of the respondent (Isaacs)
Counsel
[Signed] Wm. DeGrey; G. Nares
Note
Appellant’s name is spelled Isaacks on respondent’s printed case.
Library
Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA 70 (Manuscript notes limited to date corrections)
### Appeals to the Privy Council

**Report No. 11_1766_02 Lewis v Wilkinson Rhode Island**

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Lewis v Wilkinson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Robert Lewis and Ellis Lewis v Benjamin Wilkinson</td>
</tr>
</tbody>
</table>

#### Acts of the Privy Council, Colonial Series

- **APC Citation**
  - v.4 [650] p.759 – 28 May 1766 – entry 1
- **PC Register Citation**

#### Colonial Courts

- Inferior Court – 18 June 1764
- Unnamed – September 1764
- Superior Court – Providence – March 1765

#### Participants

- Lewis, Ellis, merchant, of Philadelphia in Pennsylvania
- Lewis, Robert, merchant, of Philadelphia in Pennsylvania
- Wilkinson, Benjamin

#### Description

Land (trespass and ejectment)

#### Disposition

Affirmed

#### Notes

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

#### References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Lewis v Wilkinson)

---

### DOCUMENTATION

#### Printed Cases

**Appellant's case**

- Case of the appellant (Lewis)
  - Counsel: [Signed] Al. Forrester; Rd. Jackson
  - Library: Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Manuscript notes limited to ‘judgment affirmed’)

**Respondent's case**

- Case of the respondent (Wilkinson)
  - Counsel: [Signed] C. Yorke; J. Dunning
  - Library: Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70

#### Privy Council Documents in PC 1 at The National Archives at Kew

- TNA Document: Committee report – 10 June 1767 – PC 1/53/60

---

*view this report for printing*
Arnold v Green

Acts of the Privy Council, Colonial Series

v.5 [7] p.17–18 – October 15 1766 – entry 1

PC Register Citation
George III v.5 (August 1766 – January 1768) p.64: PC 2/112/64

v.5 [7] p.18 – 26 June 1767 – entry 2

PC Register Citation

Colonial Courts
Inferior Court
Superior Court – 3 September 1765

Participants
Arnold, Benjamin (grandson of Benjamin Green)
Green, Benjamin (grandfather of Arnold Green)
Green, Nathaniel, merchant, of Warwick in Kent county

Description
Land (trespass and ejectment in Cranston, Providence county, land with a dwelling house in a place called ‘Seconasset’)

Disposition
Dismissed for non-prosecution

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 10 June 1767 – PC 1/53/60

Referenced in APC, v.6 [761] p.453–454
Appeals to the Privy Council

Report No. 11_1766_04  Freebody v Brenton  Brenton v Freebody  Rhode Island

Case Name Short  Freebody v Brenton  Brenton v Freebody

Case Name Long  John, Thomas, and Samuel Freebody v Jahleel Brenton, Benjamin Wickham and George Gardiner  Jahleel Brenton, Benjamin Wickham and George Gardiner v John, Thomas and Samuel Freebody

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [14] p.24 – 7 November 1766 – entry 1
PC Register Citation  George III v.5 (August 1766 – January 1768) p.79: PC 2/112/79

APC Citation  v.5 [14] p.24 – 15 January 1768 – entry 2
PC Register Citation  George III v.6 (January 1768 – April 1769) p.8–9, 244: PC 2/113/8–9, 244

APC Citation  v.5 [14] p.24 – 11 January 1769 – entry 3
PC Register Citation  George III v.6 (January 1768 – April 1769) p.423, 424: PC 2/113/423, 424

APC Citation  v.5 [14] p.24 – 14 April 1769 – entry 4
PC Register Citation  George III v.6 (January 1768 – April 1769) p.502–513, 538–539: PC 2/113/502–513, 538–539

APC Citation  v.5 [14] p.24–25 – 3 February 1772 – entry 5
PC Register Citation  George III v.9 (January – December 1772) p.62: PC 2/116/62

APC Citation  v.5 [14] p.25 – 28 June 1772 – entry 6
PC Register Citation  George III v.9 (January – December 1772) p.336–337: PC 2/116/336–337

APC Citation  v.5 [14] p.25 – 18 December 1773 – entry 7
PC Register Citation  George III v.10 (January 1773 – April 1774) p.387: PC 2/117/387

APC Citation  v.5 [14] p.25 – 6 July 1774 – entry 8
PC Register Citation  George III v.11 (May 1774 – May 1775) p.141–148, 170: PC 2/118/141–148, 170

Colonial Courts

Supreme Court – September 1765 (order)
Superior Court – March 1771 (two decrees)

Participants
Brenton, Jahleel (executor of Joseph Whipple)
Freebody, John (executor and son of John Freebody)
Freebody, John of Newport (deceased father of John, Thomas, and Samuel Freebody)
Freebody, Samuel (executor and son of John Freebody)
Freebody, Thomas (executor and son of John Freebody)
Gardiner, George (executor of Joseph Whipple)
Whipple, Joseph, deceased
Wickham, Benjamin (executor of Joseph Whipple)

Description
Dispute about the date from which interest is to be calculated and the manner in which depreciated currency will be computed in the controversy set out in Freebody v Brenton (11_1758_00, APC, v.4 [366] p.395)

Disposition
Order to Judges of Superior Court to comply with Orders in Council which, according to Bilder, Transatlantic Constitution, p.182, gave the Freebodys their interest with depreciation taken into account.

Notes
Related to other Privy Council appeals:
Brenton v Sylvester – Report No. 11_1756_00 (APC, v.4 [297] p.323)
Freebody v Brenton – Report No. 11_1758_00 (APC, v.4 [366] p.395–396)

The only record in the APC in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner. Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody’s sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell
A note at the end of the respondent’s printed case states: “There is another appeal and cross appeal depending between the same parties, upon another mortgage . . . and as the proceedings . . . and the questions the same . . . it was thought unnecessary to repeat the same matter in two different printed cases, as the determination of one cause will of course decide the other.”

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Freebody v Brenton) (extensive discussion)

DOCUMENTATION

Printed Cases
Case of the appellant in two appeals and as respondent in two cross-appeals (Freebody)
[Signed] Wm. DeGrey; Rd. Jackson
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.218–220 (Includes manuscript notes)

Case of the respondent in two appeals and as appellant in two cross-appeals (Brenton)
[Signed] C. Yorke; C. Ambler
British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.221–223 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document
Committee report (on first appeal) – July 1764 – PC 1/59/5/1
Catalogued as
Catalogued by TNA as: Rhode Island: report of Board of Trade upon the revived appeal of Freebody v Brinton [sic], and others from Rhode Island
Notes about Document
Referenced in APC, v.6 [618] p.371

TNA Document
Committee report (on second appeal) – 27 July 1764 – PC 1/50/52
Notes about Document
Referenced in APC, v.6 [812] p.470

TNA Document
Committee reports of two appeals of Freebody v Brenton with cross-appeals (First appeal) – 15 Mar. 1769 – PC 1/54/64C
Notes about Document
Referenced in APC, v.6 [812] p.470

TNA Document
Committee reports of two appeals of Freebody v Brenton with cross-appeals (Second appeal) – 15 Mar. 1769 – PC 1/54/64C
Notes about Document
Referenced in APC, v.6 [871] p.505–507

TNA Document
Letter from Freebodys – 22 July 1771 – PC 1/55/67
Notes about Document
Referenced in APC, v.6 [871] p.505–507

TNA Document
Sworn declaration of Freebodys – 29 July 1771 – PC 1/55/67
Notes about Document
Referenced in APC, v.6 [871] p.505–507

TNA Document
Letter from J. Pownall to Clerk – 22 Nov. 1771 – PC 1/55/67
Notes about Document
Referenced in APC, v.6 [871] p.505–507

TNA Document
Petition of the Freebody’s solicitors – rec’d 3 Feb. 1772 – PC 1/55/69A
Notes about Document
Referenced in APC, v.6 [876] p.507

TNA Document
Substance of the proceedings – no date – PC 1/55/69A
Notes about Document
Referenced in APC, v.6 [876] p.507

TNA Document
Order of reference – 3 Feb. 1772 – PC 1/55/69A
Notes about Document
Referenced in APC, v.6 [876] p.507

TNA Document
Order to the three judges to answer – 26 June 1772 – PC 1/60/10
Notes about Document
Many related documents are included in the bundle for PC 1/60/10, but only two are specifically catalogued, the two that have catalogue entries listed below:

TNA Document
Copy of Freebody’s petition rec’d 3 February 1772 annexed to the 26 June order – no date – PC 1/60/10

TNA Document
Answer of James Helme – 2 Dec. 1772 – PC 1/60/10

TNA Document
Answer of James Helme (copy) – 2 Dec. 1772 – PC 1/60/10

TNA Document
Answer of Metcalf Bowler – 9 Dec. 1772 – PC 1/60/10

TNA Document
Answer of Metcalf Bowler (copy) – 9 Dec. 1772 – PC 1/60/10

TNA Document
Answer of three of the judges of the Superior Court of Judicature to the petition of the Freebodys – rec’d 12
March 1773 – PC 1/60/10

Rhode Island: answer of three of the judges of the Superior Court of Judicature of Rhode Island to the petition of complaint of John, Thomas and Samuel Freebody. Date: 1772 June; 1773 Feb.

For an explanation of the answers of various judges see *APC*, v.6 [871] p.505–507.

**TNA Document**
Affidavits – 12 Dec. 1772 – PC 1/60/10

**TNA Document**
Sketch of report on Freebody’s petition re the enforcement of the Order in Council – 20 June 1774 – PC 1/56/74A

**Notes about Document**
Referenced in *APC*, v.6 [928] p.555

**TNA Document**
Report on petition of the Freebodys for enforcing Order of 14 April 1769 – 20 June 1774 – PC 1/60/10

**TNA Document**
Rhode Island: committee report on petition of John, Thomas and Samuel Freebody for enforcing the Orders in Council of 14 Apr 1769 made on their appeals from Rhode Island; 6 July read and approved and peremptory Order in Council issued. Date: 1774 June 20

**TNA Document**
Peremptory Order in Council – 6 July 1774 – PC 1/60/10

**Other Documents**
Instructions to the Committee of the Privy Council to hear the appeals of Freebody and Brenton can be found at the British Library in Additional Manuscripts 15489 f.33 (March 13, 1766). Orders in Council regarding the appeals follow at f.34–43 (April and July 1769).
Appeals to the Privy Council

Report No. 11_1766_05
Freebody v Holmes
Holmes v Freebody
Rhode Island

Case Name Short
Freebody v Holmes
Holmes v Freebody

Case Name Long
Thomas Freebody v John Holmes
John Holmes v Thomas Freebody

Acts of the Privy Council, Colonial Series
v.5 [23] p.51 – 10 December 1766 – entry 1
v.5 [23] p.51 – 15 July 1768 – entry 2
v.5 [23] p.51 – 14 April 1769 – entry 3
v.5 [23] p.51 – 27 April 1770 – entry 4

PC Register Citation
George III v.5 (August 1766 – January 1768) p.129: PC 2/112/129
George III v.6 (January 1768 – April 1769) p.239, 249–250: PC 2/113/239, 249–250
George III v.6 (January 1768 – April 1769) p.549: PC 2/113/549

Colonial Courts
Inferior Court – 21 November 1763 – re Freebody
Superior Court – March 1765 – re Freebody
Superior Court – March 1766 – re Holmes
Superior Court – March 1768 – re Holmes

Participants
Freebody, John (deceased father of Thomas, John, and Samuel Freebody)
Freebody, John (brother of Samuel and Thomas Freebody and son of John Freebody)
Freebody, Samuel (brother of John and Thomas Freebody and son of John Freebody)
Freebody, Thomas, merchant, of Newport (brother of John and Samuel Freebody and son of John Freebody)
Green, James
Holmes, John, yeoman, of Middleton in Newport county
Holmes, Margaret

Description
Land (trespass and ejectment) in dispute in Middletown

Disposition
Freebody v Holmes – dismissed for non-prosecution
Holmes v Freebody – judgments of 1766 and 1768 reversed; judgment of 1765 affirmed in favor of Holmes

Notes
On the action of ‘trespass and ejectment’ involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Holmes v Freebody) (complex procedural history)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Holmes)
[Signed] William DeGrey; J. Dunning
Library
Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70
(Includes manuscript notes)

Respondent’s case
Case of the respondent (Freebody)
[Signed] C. Yorke; Rd. Jackson
Library
Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70

Privy Council Documents in PC 1 at The National Archives at Kew
TNA Document
Order of reference (Freebody v Holmes) – 10 Dec. 1766 – PC 1/52/58
Notes about Document
Referenced in APC, v.6 [731] p.440
TNA Document
Committee report (Freebody v Holmes) – 7 July 1768 – PC 1/54/63
Notes about Document

Referenced in *APC*, v.6 [793] p.464

Committee report (Holmes v Freebody) – 7 Apr. 1770 – PC 1/54/66C

Referenced in *APC*, v.6 [840] p.484

view this report for printing
Appeals to the Privy Council

Report No. 11_1766_06  Bannister v Brown  Rhode Island

Case Name Short  Bannister v Brown
Case Name Long  John Bannister v Jane Brown, Matthew Robinson, and Robert Brown

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [24] p.51–52 – 10 December 1766 – entry 1
PC Register Citation  George III v.5 (August 1766 – January 1768) p.52, 130: PC 2/112/52, 130
APC Citation  v.5 [24] p.52 – 26 June 1767 – entry 2
PC Register Citation  George III v.5 (August 1766 – January 1768) p.369–370: PC 2/112/369–370
APC Citation  v.5 [24] p.52 – 15 July 1768 – entry 3
PC Register Citation  George III v.6 (January 1768 – April 1769) p.239–240, 249: PC 2/113/239–240, 249

Colonial Courts
Unnamed – 21 November 1763
Unnamed – March 1765

Participants
Bannister, John of Middletown
Brown, Isaac (replaces Jane Brown as appeal proceeds)
Brown, Jane of Newport (widow and executor of John Brown)
Brown, John, merchant, of Newport (deceased husband of Jane Brown)
Brown, Robert, yeoman, of South Kingstown (executor of John Brown)
Robinson, Matthew, gentleman (executor of John Brown)

Description
Sums due on book account

Disposition
Dismissed with costs at the desire and request of the parties

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Bannister v Brown)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Order of reference – 10 Dec. 1766 – PC 1/52/58
Referenced in APC, v.6 [731] p.440
Order of reference – 26 June 1767 – PC 1/53/60
Referenced in APC, v.6 [761] p.453–454
Committee report – 7 July 1768 – PC 1/54/63

view this report for printing
### Appeals to the Privy Council

**Report No. 11_1767_00**  
**Laycock v Clarke**  
**Rhode Island**

**Case Name Short** Laycock v Clarke  
**Case Name Long** Godfrey Laycock (later Hannah Laycock) v James Clarke and Solomon Southwick

#### Acts of the Privy Council, Colonial Series
- APC Citation: v.5 [46] p.115 – 26 August 1767 – entry 1
- PC Register Citation: George III v.5 (August 1766 – January 1768) p.460: PC 2/112/460  
- APC Citation: v.5 [46] p.115 – 7 July 1768 – entry 2
- PC Register Citation: George III v.6 (January 1768 – April 1769) p.240–241: PC 2/113/240–241
- APC Citation: v.5 [46] p.115 – 14 April 1769 – entry 3
- PC Register Citation: George III v.6 (January 1768 – April 1769) p.493, 539–540: PC 2/113/493, 539–540

#### Colonial Courts
- Inferior Court – about 10 February 1766 (date suit was brought)  
- Superior Court – Newport – March 1767

#### Participants
- Clarke, James of Newport  
- Laycock, Godfrey, merchant (later deceased), of Halifax in Yorkshire  
- Laycock, Hannah (widow of Godfrey Laycock)  
- Southwick, Solomon of Dartmouth in Bristol county in Massachusetts

#### Description
- Book debt

#### Disposition
- Reversed

#### Notes
- The case was revived in the name of Hannah Laycock as widow of Godfrey Laycock.

### DOCUMENTATION

#### Printed Cases
- Not found

#### Privy Council Documents in PC 1 at The National Archives at Kew
- Committee report – 13 Mar. 1769 – PC 1/54/64C  
- Referenced in *APC*, v.6 [812] p.470
Applies to the Privy Council

Report No. 11_1768_00 Isaacks v Stead Rhode Island

Case Name Short
Isaacks v Stead

Case Name Long
Jacob Isaacks v William Stead

Acts of the Privy Council, Colonial Series

APC Citation
v.5 [95] p.175 – 16 December 1768 – entry 1

PC Register Citation
George III v.6 (January 1768 – April 1769) p.387: PC 2/113/387

APC Citation
v.5 [95] p.175 – 27 April 1770 – entry 2

PC Register Citation

Colonial Courts
Unnamed – March 1765 and 28 May 1764

Participants
Isaacks, Jacob, merchant, of Newport
Stead, William

Description
Not stated in APC, but see Notes, below

Disposition
Affirmed

Notes
Related to other Privy Council appeals:


Stead v Isaacs – Report No. 11_1766_01 (APC, v.4 [649] p.759)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council’s register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead’s actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 2 Apr. 1770 – PC 1/54/66C
Referenced in APC, v.6 [840] p.484
Hart v Solomons

Colonial Courts
Unnamed – 16 November 1767
Superior Court – March 1768

Participants
Hart, Isaac, merchant, of Newport
Hart, Napthali, merchant, of Newport
Solomons, Abraham

Vessels
Confirmation (ship)

Description
Action of account concerning a ship

Disposition
Not provided in Acts of the Privy Council, Colonial Series

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 11_1769_02 Grant v Hardy Rhode Island

Case Name Short Grant v Hardy
Case Name Long Alexander Grant v Charles Hardy

Acts of the Privy Council, Colonial Series

APC Citation v.5 [125] p.210–211 – 15 September 1769 – entry 1
PC Register Citation George III v.7 (May 1769 – December 1770) p.107, 268: PC 2/114/107, 268
APC Citation v.5 [125] p.211 – 19 July 1771 – entry 2
PC Register Citation George III v.8 (January – December 1771) p.325–326, 343–344: PC 2/115/325–326, 343–344

Colonial Courts
Inferior Court – 16 November 1767
Superior Court – September 1768

Participants
Grant, Alexander, merchant, of Newport
Hardy, Charles

Description
Bills of exchange

Disposition
Dismissed. Appellant’s solicitor did not have instruction to go further.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 9 July 1771 – PC 1/55/67
Referenced in APC, v.6 [868] p.504–505
Colonial Courts
Inferior Court – May 1771
Superior Court – September 1771

Participants
Church, Israel of Middletown in Newport county (husband of Sarah Church)
Church, Sarah of Middletown in Newport county (wife of Israel Church)
Sandford, Elizabeth (wife of Giles Sandford)
Sandford, Giles (husband of Elizabeth Sandford)
Smith, Edward
Smith, Elizabeth of Middletown in Newport county
Smith, Isaac of Middletown in Newport county
Taggart, William of Middletown in Newport county

Description
Land in Middletown in dispute. Bilder, *Transatlantic Constitution*, p.276 n.33, adds that this is an inheritance dispute.

Disposition
Dismissed for non-prosecution

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 29 July 1773 – PC 1/55/72
Referenced in *APC*, v.6 [907] p.539
Acts of the Privy Council, Colonial Series

Elam v Dockray

Inferior Court – May 1771
Superior Court – September 1771

Participants
Chaloner, W.
Dockray, John of South Kingstown in King’s county
Elam, Gervase
Hosier, Giles
Robinson, James

Description
Action to recover on a promissory note

Disposition
Reversed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 12 May 1774 – PC 1/56/74A
Referenced in APC, v.6 [928] p.555
Appeals to the Privy Council

Report No. 11_1773_03  Dudley v Clarke  Rhode Island

Case Name Short  Dudley v Clarke
Case Name Long  Charles Dudley v John Innis Clarke and Joseph Nightingale

Acts of the Privy Council, Colonial Series
v.5 [270] p.383 – 29 October 1773 – entry 1
PC Register Citation  George III v.10 (January 1773 – April 1774) p.328–329, 446: PC 2/117/328–329, 446
APC Citation  v.5 [270] p.383 – 30 June 1775 – entry 2
PC Register Citation  George III v.12 (June 1775 – May 1776) p.26–31, 54: PC 2/119/26–31, 54

Colonial Courts
Vice Admiralty Court – 1772 – condemnation
Superior Court – March 1773

Participants
Clarke, John Innis
Dudley, Charles, collector of customs in Rhode Island
Linzee, John, commander of HMS Beaver
Munro, James, master of the Industry
Nightingale, Joseph (owner of the Industry)

Vessels
HMS Beaver
Industry (schooner)

Description
Duties on cargo

Disposition
Reversed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Acts of the Privy Council, Colonial Series

Dudley v Shaw

Participants
Dudley, Charles, collector of customs in Rhode Island
Francis, Thomas, gentleman, of Chancery Lane
Leake, John Martin, esquire, of the Treasury at Whitehall
Shaw, Nathaniel

Vessels
Mermaid (brigantine)

Description
Consequences of seizure and condemnation of cargo of molasses and coffee

Disposition
Appeal admitted and proceedings stayed; further disposition not stated in the APC

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Keeler v Rhodes

Participants
Keeler, Robert, late captain of HMS Mercury
Rhodes, William

Vessels
HMS Mercury

Description
Assault

Disposition
Appeal not admitted

Colonial Courts
Superior Court – March 1773

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Bean v Wanton

Case Name Long
Samuel Bean and Isaac Walker, Francis Newton and John Colville v Gideon Wanton and John Wanton

Acts of the Privy Council, Colonial Series
Arts of the Privy Council, Colonial Series

PC Citation
v.5 [291] p.394 – 13 April 1774 – entry 1

PC Register Citation
George III v.10 (January 1773 – April 1774) p.510–511: PC 2/117/510–511

PC Citation
v.5 [291] p.394 – 6 July 1774 – entry 2

PC Register Citation

PC Register Citation
George III v.12 (June 1775 – May 1776) p.35: PC 2/119/35

Colonial Courts
Inferior Court – 18 November 1771
Superior Court

Participants
Bean, David (party in action in lower court)
Bean, Samuel, bankrupt merchant, of London
Bell, Thomas, merchant, of London
Colville, John, merchant, of London (assignee of Samuel Bean)
Newton, Francis (assignee of Samuel Bean)
Rodman, William, deceased
Walker, Isaac (assignee of Samuel Bean)
Wanton, Gideon (executor of William Rodman)
Wanton, John (executor of William Rodman)

Description
Action to recover sum allegedly due bankrupt merchant

Disposition
Appeal admitted; no further disposition stated in the APC

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Andrews v Farrint

Acts of the Privy Council, Colonial Series

v.5 [320] p.416 – 30 June 1775 – entry 1

Participants
Andrews, John (owner of the Hope Still)
Farrint, John, mariner, of Newport

Vessels
Hope Still (ship)

Description
Desertion of ship

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Case Name Short: Peers v Amory
In re The Turtle

Case Name Long: George Peers v Jonathan Amory (In re The Turtle)

Acts of the Privy Council, Colonial Series
v.2 [747] p.334 – 20 June 1700 – entry 2
William III v.6 (4 April 1700 – 19 February 1702) p.57: PC 2/78/57
v.2 [747] p.334 – 31 December 1700 – entry 4
William III v.6 (4 April 1700 – 19 February 1702) p.125: PC 2/78/125
William III v.6 (4 April 1700 – 19 February 1702) p.233: PC 2/78/233
v.2 [747] p.334 – 11 September 1701 – entry 6
William III v.6 (4 April 1700 – 19 February 1702) p.256: PC 2/78/256

Colonial Courts
Court of Admiralty of Carolina – 27 August 1698

Participants
Amory, Jonathan, Naval Officer of Charles Town
Cunningham, Robert, master of the Turtle
Mountague, Mr. (agent for defendant)
Peers, George, merchant, of Barbados (an owner of the Turtle)

Vessels
Turtle of Barbados (sloop)

Description
Condemnation under the Navigation Acts

Disposition
Committee agrees to hear appeal. No further disposition noted.

Notes
Cargo includes slaves.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Peers v Amory; In re The Turtle)
Appeals to the Privy Council

Report No. 12_1700_00 Niccoll v [Blake] (In re The Cole and Bean) South Carolina

Case Name Short Niccoll v [Blake]

Case Name Long Benjamin Niccoll, John Crosse, Patrick Walsh, and Giles Been v [Blake] (In re The Cole and Bean)

Acts of the Privy Council, Colonial Series

APC Citation v.2 [798] p.356 – 18 July 1700 – entry 1

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.82, 85: PC 2/78/82, 85

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.85: PC 2/78/85

PC Register Note The APC lists this page twice, apparently in order to show that the promise in the entry on p.82 that the committee report will be entered was not, in fact, fulfilled except by the reference to it here.

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.210: PC 2/78/210

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.241–242: PC 2/78/241–242

Colonial Courts

Court of Admiralty in Carolina – 3 January 1700

Participants

Been, Giles, merchant, of London (owner of the Cole and Bean) [Blake], ___

Crosse, John, merchant, of London (owner of the Cole and Bean)

Niccoll, Benjamin, merchant, of London (owner of the Cole and Bean)

Walsh, Patrick, merchant, of London (owner of the Cole and Bean)

Vessels

Cole and Bean (galley)

Description

Condemnation

Disposition

Reversed

Notes

Smith (p.308) notes John Comyns as counsel for appellants.

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Nicoll v Blake see sub In re The Cole and Bean)

Additional Sources

Note that the Bodleian Library at Oxford University holds in Rawlinson Manuscripts A270/43–47 the “appellant’s brief in the case of Benj. Niccoll and others, of London, merchants, v. the governor and admiralty of Carolina, for the seizure of the Cole and Beene galley: heard 23 July, 1701,” in manuscript as described in the Bodleian Library, Rawlinson Catalogue, p.286.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Case Name Short  Bland v Codd
Case Name Long  Sarah Bland v Col. St. Leger Codd and wife

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [88] p.38 – 3 August 1682 – entry 1
CSP Citation  VI no. 641
PC Register Citation  Charles II v.16 (1 June 1680 – 31 May 1683) p.541–542: PC 2/69/541–542
APC Citation  v.2 [88] p.38 – 26 April 1683 – entry 2
CSP Citation  VI no. 1054
PC Register Citation  Charles II v.16 (1 June 1680 – 31 May 1683) p.684: PC 2/69/684
APC Citation  v.2 [88] p.38 – 29 September 1684 – entry 3
CSP Citation  VI no. 1054
PC Register Citation  Charles II v.16 (1 June 1680 – 31 May 1683) p.684: PC 2/69/684
APC Citation  v.2 [88] p.38 – 31 October 1684 – entry 4
CSP Citation  VI no. 1922
PC Register Citation  Charles II v.17 (13 June 1683 – 4 February 1685) p.242: PC 2/70/242
APC Citation  v.2 [88] p.38 – 7 November 1684 – entry 5
CSP Citation  VI no. 1922
PC Register Citation  Charles II v.17 (13 June 1683 – 4 February 1685) p.247: PC 2/70/247
APC Citation  v.2 [88] p.38 – 19 November 1684 – entry 6
CSP Citation  VI no. 1951
PC Register Citation  Charles II v.17 (13 June 1683 – 4 February 1685) p.255: PC 2/70/255

Colonial Courts
Unnamed

Participants
Bland, Sarah
Codd, Col. St. Leger
Codd, Mrs. St. Leger

Description
Not stated in Acts of the Privy Council, Colonial Series

Disposition
Submitted to arbitration that apparently failed, according to Smith (p.100)

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Bland v Codd)

Additional Sources
The Virginia Historical Society holds a copy of a “petition, 1684, of the Privy Council to King Charles II of Great Britain concerning the lawsuit of Sarah (Green) Bland (executrix of John Bland) v Anne (Bennett) Bland Codd and St. Leger Codd in the General Court of Virginia.”

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Plampin v Scarborrow

Not a ‘true’ appeal.

Acts of the Privy Council, Colonial Series

v.2 [203] p.90 – 18 December 1685 – entry 1
VII no. 508 and 2126


Colonial Courts
No colonial court decision

Participants
Bagnall, John, deceased
Howard, Lord, Governor General
Plampin, Edward (administrator to John Bagnall)
Scarborough (Scarborough), Edmund, deceased

Description
Administrator’s action on a bond

Disposition
Governor is ordered to bring the cause to a speedy trial in the colony.

Notes
This is not an appeal from a colonial court judgment but a request that the colonial court be forced to hold a speedy trial.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Ludwell v Toton

Case Name Short
Ludwell v Toton

Case Name Long
Philip Ludwell v John Toton

Colonial Courts
General Court of Virginia

Participants
Berkeley, Sir William, former Governor, now deceased
Ludwell, Philip (husband of executrix of Sir William Berkeley)
Toton, John

Description
Opposition to jurisdiction of the court in a suit brought for actions of the Governor while in office

Disposition
Not stated in Acts of the Privy Council, Colonial Series

Notes
Sir William Berkeley – Governor, 1642–1652, 1660–1677

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Bowtell, appeal of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>William Bowtell and Thomas Wenborne, appeal of</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>v.2 [632] p.299 – 18 June 1696 – entry 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP Citation</td>
<td>X no. 46</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>William III v.4 (2 December 1694 – 23 April 1697) p.451: PC 2/76/451</td>
</tr>
</tbody>
</table>

**Colonial Courts**
No colonial court decision

**Participants**
Bowtell, William
Wenborne, Thomas

**Description**
Not stated in Acts of the Privy Council, Colonial Series

**Disposition**
Not stated in Acts of the Privy Council, Colonial Series

**Notes**
The petition regards a presumed debt of John Lear, a member of the Virginia Council, who by a rule of the General Court was immune from suit. The petition is of interest, though not an actual appeal from a court judgment. According to Kammen, “Virginia at the Close of the Seventeenth Century,” p.143–144, the “very first piece of business referred to the Board [of Trade] in 1696, before it had held its first meeting, concerned Virginia. . . . The lords commissioners were ordered to report on the case of William Bowtell and Thomas Wenborne, merchants, who raised the issue of privileges enjoyed by councilors in Virginia. . . . In consequence, at their seventh meeting, on July 13, 1696, the Board heard the petition of the two aggrieved parties.”

**DOCUMENTATION**

**Printed Cases**
Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
Not found
Appeals to the Privy Council

Report No. 13_1699_00 Starke v Parker Virginia

Case Name Short Starke v Parker
Case Name Long Thomas Starke v Thomas and Francillia Parker

Acts of the Privy Council, Colonial Series

APC Citation v.2 [770] p.346–347 – 7 December 1699 – entry 1
PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.398: PC 2/77/398

APC Citation v.2 [770] p.347 – 22 May 1700 – entry 2
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.31: PC 2/78/31

APC Citation v.2 [770] p.347 – 30 May 1700 – entry 3
PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.34–35: PC 2/78/34–35

Colonial Courts
General Court – 17 April 1699

Participants
Goodricke, Joseph, deceased
Parker, Francillia (wife of Thomas Parker and executrix of Joseph Goodricke)
Parker, Thomas (husband of Francillia Parker)
Starke, Thomas, merchant, of London

Description
Not stated in the APC, but appears to be related to the administration of an estate

Disposition
Appeal dismissed and judgment affirmed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Starke v Parker)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
 Appeals to the Privy Council  

Report No. 13_1703_00  
Selden v Beverley  
Ballard v Beverley  
Virginia  

Case Name Short  
Selden v Beverley  
Ballard v Beverley  

Case Name Long  
Samuel Selden v Robert Beverley  
Francis Ballard on the demise of Samuel and Rebecca Selden v Robert Beverley  

Acts of the Privy Council, Colonial Series  

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
<th>Description</th>
<th>Disposition</th>
<th>Notes</th>
<th>References in Smith, Appeals to the Privy Council from the American Plantations</th>
<th>DOCUMENTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>v.2 [909] p.446 – 18 November 1703 – entry 1</td>
<td>Anne v.1 (8 March 1702 – 18 January 1704) p.459–460: PC 2/79/459–460</td>
<td>Land (“proceedings . . . touching two plantations of lands” [Selden], “petition . . . of the lessee of Samuel Selden, and Rebecca his wife on behalf of himself and the said lessors, complaining of proceedings . . . touching two plantations of lands,” [Ballard])</td>
<td>Council advises reversal but leaves parties at liberty to try cause again in Virginia and to appeal upon a special verdict.</td>
<td>On the original actions involved here, see Additional Research.</td>
<td>Smith, Appeals to the Privy Council from the American Plantations</td>
<td></td>
</tr>
<tr>
<td>Anne v.2 (20 January 1704 – 29 September 1705) p.55: PC 2/80/55</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Colonial Courts  
Court of Virginia  

Participants  
Ballard, Francis (lessee of Samuel Selden)  
Beverley, Robert  
Selden, Rebecca (wife of Samuel Selden)  
Selden, Samuel (husband of Rebecca Selden and lessor of Francis Ballard)  

Description  

Disposion  
Council advises reversal but leaves parties at liberty to try cause again in Virginia and to appeal upon a special verdict.  

Notes  
On the original actions involved here, see Additional Research.  

APC, v.2 [1240] p.702, notes an appeal of Robert Beverley (spelled Beverly) to which an appearance for Samuel Selden (spelled Seldon) was made. (Beverley v Seldon, Report No. 13_1715_00.) This may relate to the litigation here between these parties, but further investigation has not been made to verify that.  

Beverley’s petition for writ of attain (somewhat puzzling in this context, granted that Ballard is also complaining about the result below) is dismissed on the advice of the Attorney General. See TNA Documents.  

References in Smith, Appeals to the Privy Council from the American Plantations  
Table of Cases (Selden v Beverley)  

Printed Cases  
Not found  

Privy Council Documents in PC 1 at The National Archives at Kew  
Order of reference (Beverley v Ballard) – 3 Feb. 1704 – PC 1/46/6  
Referenced in APC, v.6 [115] p.28  
Petition (Beverley v Ballard) – no date – PC 1/46/6  

DOCUMENTATION  

TNA Document  
Notes about Document  
TNA Document  

<table>
<thead>
<tr>
<th>Notes about Document</th>
<th>Referenced in <em>APC</em>, v.6 [115] p.28</th>
</tr>
</thead>
<tbody>
<tr>
<td>TNA Document</td>
<td>Attorney General opinion (Beverley v Ballard) – read 10 Feb. 1704 – PC 1/46/6</td>
</tr>
<tr>
<td>Notes about Document</td>
<td>Referenced in <em>APC</em>, v.6 [115] p.28. Date is from dorse which references the Attorney General opinion only.</td>
</tr>
</tbody>
</table>
D'Oyly v Harrison

Not a ‘true’ appeal.

Robert D’Oyly v Benjamin Harrison

Acts of the Privy Council, Colonial Series

v.2 [1100] p.607 – 18 July 1709 – entry 1

PC Register Citation

Anne v.4 (5 March 1708 – 31 May 1710) p.367–368: PC 2/82/367–368

Colonial Courts

Court of York County

Participants

D'Oyly, Charles (son of Cope D'Oyly)
D'Oyly, Cope (deceased brother of Robert D'Oyly and father of Charles and Cope D'Oyly)
D'Oyly, Cope (son of Cope D'Oyly)
D'Oyly, Robert (brother and administrator to Cope D'Oyly and guardian of Charles and Cope D'Oyly in England)
Harrison, Benjamin (attorney and guardian of Charles and Cope D'Oyly in Virginia)

Description

Dispute over guardianship and support of nephews of Robert D'Oyly

Disposition

Not stated in Acts of the Privy Council, Colonial Series

Notes

The petition appears to allege a dispute relating to the guardianship of minors and an intestate estate. The initial guardianship decision involved the probate jurisdiction of the Governor and the county court. Whether or not the petition of D'Oyly is a ‘true’ appeal from a judgment cannot be determined from the APC.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
### Appeals to the Privy Council

**Report No. 13_1715_00**  
**Beverly v Seldon**  
**Virginia**

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Beverly v Seldon</th>
<th>Not a ‘true’ appeal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Robert Beverly v Samuel Seldon</td>
<td></td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

- **APC Citation**: v.2 [1240] p.702 – 4 October 1715 – entry 1
- **PC Register Citation**: George I v.1 (1 August 1714 – 2 March 1717) p.292: PC 2/85/292

**Colonial Courts**

Proceedings in colonial court unclear

**Participants**

- Beverly, Robert
- Incledon, Robert (appears for Samuel Seldon)
- Seldon, Samuel

**Description**

Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**

Not stated in *Acts of the Privy Council, Colonial Series*

**Notes**

Whether there is a relation to the previous appeal of Seldon v Beverley, Report No. 13_1703_00 (*APC*, v.2 [909] p.446), other than the fact that parties seem to be the same, is not apparent from the skimpy entry in the register.

### DOCUMENTATION

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Report No. 13_1716_00 Stannard v Wormeley Virginia

Case Name Short Stannard v Wormeley
Case Name Long Anne Stannard by William Stannard v John Wormeley

Acts of the Privy Council, Colonial Series

APC Citation v.2 [1263] p.718 – 13 September 1716 – entry 1
PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.442: PC 2/85/442
APC Citation v.2 [1263] p.718 – 6 March 1717 – entry 2
PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.4B: PC 2/86/4B
APC Citation v.2 [1263] p.718 – 30 March 1717 – entry 3
PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.6: PC 2/86/6

Colonial Courts
General Court – 26 April 1716

Participants
Stannard, Anne, infant (daughter of William Stannard)
Stannard, William (father of Anne Stannard)
Wormeley, John

Description
Land

Disposition
Dismissed

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
Appeals to the Privy Council

Report No. 13_1719_00  Jones v Toleson  Winder v Jones  Virginia

Case Name Short  Jones v Toleson  Winder v Jones
Case Name Long  Robert and Elizabeth Jones v Thomas Toleson and William Williams  Elizabeth Winder and Richard and Elizabeth Kenner v Robert and Elizabeth Jones

Acts of the Privy Council, Colonial Series

APC Citation  v.2 [1311] p.755–756 – 6 February 1719 – entry 1
PC Register Citation  George I v.2 (2 March 1717 – 25 August 1720) p.220–221: PC 2/86/220–221
APC Citation  v.2 [1311] p.756 – 8 January 1720 – entry 2
PC Register Citation  George I v.2 (2 March 1717 – 25 August 1720) p.370: PC 2/86/370
APC Citation  v.2 [1311] p.756 – 24 February 1720 – entry 3
PC Register Citation  George I v.2 (2 March 1717 – 25 August 1720) p.381: PC 2/86/381
APC Citation  v.2 [1311] p.756 – 22 March 1720 – entry 4
PC Register Citation  George I v.2 (2 March 1717 – 25 August 1720) p.396–397: PC 2/86/396–397
APC Citation  v.2 [1311] p.756 – 13 September 1722 – entry 5
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.106: PC 2/88/106
APC Citation  v.2 [1311] p.756 – 6 October 1722 – entry 6
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.111: PC 2/88/111
APC Citation  v.2 [1311] p.756 – 20 June 1723 – entry 7
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.264–265: PC 2/88/264–265
APC Citation  v.2 [1311] p.757 – 24 July 1723 – entry 8
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.283–284: PC 2/88/283–284
APC Citation  v.2 [1311] p.757 – 6 August 1723 – entry 9
PC Register Citation  George I v.4 (1 June 1722 – 25 August 1724) p.304: PC 2/88/304

Colonial Courts
Unnamed – 2 May 1718
General Court – 27 October 1721 (the result of a new trial ordered by the Privy Council 22 March 1720)

Participants
Brereton, Col. Thomas (deceased father of Capt. Thomas Brereton)
Brereton, Mary (widow of Capt. Thomas Brereton)
Brereton, Thomas (deceased grandson of Col. Thomas Brereton)
Cooper, George
Hobson, Thomas
Howson, Leonard
Jones, Elizabeth (wife of Robert Jones and daughter of Capt. Thomas Brereton)
Jones, Robert (husband of Elizabeth Jones)
Kenner, Elizabeth (wife of Richard Kenner and daughter of Elizabeth Winder)
Kenner, John (unclear if this is an incorrect reference to ‘Richard’ Kenner)
Kenner, Richard (husband of Elizabeth Kenner and son-in-law of Elizabeth Winder)
Toleson, Thomas (tenant of Elizabeth Winder and Richard and Elizabeth Kenner)
Williams, William (tenant of Elizabeth Winder and Richard and Elizabeth Kenner)
Winder, Elizabeth (widowed aunt of Thomas Brereton, the deceased grandson; and mother of Elizabeth Kenner)
Brereton, Capt. Thomas (deceased son of Col. Thomas Brereton and father of Elizabeth Jones)

Description
Land dispute regarding property in St. Stephen’s parish, Northumberland Co., Virginia

Disposition
New trial to produce written evidence for the Council ordered and held, after which the judgment was affirmed in favor of Jones for dower. On the cross-appeal by Winder and the Kenners, regarding the remaining two-thirds of the land, that part of the judgment is reversed.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jones v Toleson)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Petition of Jones – no date – PC 1/47/18
Referenced in *APC*, v.6 [317] p.136. Appeal of Jones is referenced as Jones v Winder.

Order of reference (Jones v Winder) – 6 Feb. 1719 – PC 1/47/16

Copy of petition of Robert and Elizabeth Jones – 6 Feb. 1719 – PC 1/47/16
Referenced in *APC*, v.6 [287] p.120. Appeal of Jones is referenced as Jones v Winder.

Order of reference (Winder v Jones) – 8 Jan. 1720 – PC 1/47/15
Referenced in *APC*, v.6 [287] p.120

Petition of Winder and Kenner – read 24 Feb. 1720 – PC 1/47/15
Referenced in *APC*, v.6 [287] p.120

Order of reference (Jones v Winder) – 6 Oct. 1722 – PC 1/47/18
Referenced in *APC*, v.6 [317] p.136. Appeal of Jones is referenced as Jones v Winder.
Appeals to the Privy Council

Corbin v Roscow

Case Name Short: Corbin v Roscow
Case Name Long: Gawen Corbin v James and Jane Roscow

Acts of the Privy Council, Colonial Series

APC Citation: v.2 [1327] p.766 – 8 January 1720 – entry 1
PC Register Citation: George I v.2 (2 March 1717 – 25 August 1720) p.371: PC 2/86/371
APC Citation: v.2 [1327] p.766 – 24 February 1720 – entry 2
PC Register Citation: George I v.2 (2 March 1717 – 25 August 1720) p.379–380: PC 2/86/379–380
APC Citation: v.2 [1327] p.766 – 28 February 1720 – entry 3
PC Register Citation: George I v.2 (2 March 1717 – 25 August 1720) p.386: PC 2/86/386

Colonial Courts
Virginia Chancery – 30 April 1719

Participants
Corbin, Gawen (husband of Jane Wilson Corbin)
Corbin, Jane Wilson (wife, presumed deceased, of Gawen Corbin and mother of Jane Roscow)
Roscow, James (husband of Jane Roscow)
Roscow, Jane (wife of James Roscow and daughter of Jane Wilson Corbin)

Description
Land

Disposition
Altered in part, reversed in part, confirmed in part

Notes
The appellant in this case would seem to be the same as the appellant in Corbin v Corbin (13_1732_00, APC, v.3 [265] p.365), but the cases do not seem to be otherwise related.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Copy of petition of G. Corbin – no date – PC 1/47/16
Referenced in APC, v.6 [288] p.120
Order of reference – 8 Jan. 1720 – PC 1/47/16
Referenced in APC, v.6 [288] p.120
Committee report – 24 Feb. 1720 – PC 1/47/16
Referenced in APC, v.6 [288] p.120

Notes about Document
Referenced in APC, v.3 [265] p.365
Appeals to the Privy Council

Report No. 13_1724_00 Perry v Randolph Virginia

Case Name Short Perry v Randolph
Case Name Long Sarah Perry, Micaiah Perry and Philip Perry v Mary, William and Thomas Randolph

Acts of the Privy Council, Colonial Series

APC Citation v.3 [65] p.69 – 12 May 1724 – entry 1
PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.525: PC 2/88/525
APC Citation v.3 [65] p.69 – 30 June 1724 – entry 2
PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.541: PC 2/88/541
APC Citation v.3 [65] p.69 – 18 November 1724 – entry 3
PC Register Citation George I v.5 (September 1724 – May 1727) p.15: PC 2/89/15
APC Citation v.3 [65] p.69 – 25 November 1724 – entry 4
PC Register Citation George I v.5 (September 1724 – May 1727) p.16: PC 2/89/16
APC Citation v.3 [65] p.69–70 – 20 March 1725 – entry 5
PC Register Citation George I v.5 (September 1724 – May 1727) p.43: PC 2/89/43
APC Citation v.3 [65] p.70 – 8 July 1725 – entry 6
PC Register Citation George I v.5 (September 1724 – May 1727) p.90–91: PC 2/89/90–91
APC Citation v.3 [65] p.70 – 20 July 1725 – entry 7
PC Register Citation George I v.5 (September 1724 – May 1727) p.101–102: PC 2/89/101–102

Colonial Courts
General Court – 24 October 1723

Participants
Ellison, Mr. of Symond’s Inn (appears for Randolphs)
Faulkner, John (commissioner for respondent)
Morrice, Humphrey (commissioner for appellant)
Newport, George (commissioner for appellant)
Perry, Micaiah of London
Perry, Philip of London
Perry, Sarah, widow, of London
Randolph, Col. William, deceased
Randolph, Mary (executor of Col. William Randolph)
Randolph, Thomas (executor of Col. William Randolph)
Randolph, William (executor of Col. William Randolph)
Wilmot, Robert (commissioner for respondent)

Description
Contested accounts

Disposition
Reversed

Notes
Commissioners were appointed to study and advise on the dispute.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Perry v Randolph)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Representation of the commissioners – Mar. 1725 (as dated in TNA cataloging) – PC 1/58/2A
Catalogued by TNA: Representation of the commissioners appointed to examine the accounts in question in the appeal Perry v Randolph

Other Documents
Appeals to the Privy Council

Case Name Short
Heal v Ball
Ball v Heal

Case Name Long
George Heal v William Ball
William Ball v George Heal

Acts of the Privy Council, Colonial Series
v.3 [133] p.177 – 13 November 1727 – entry 1
v.3 [133] p.177 – 15 August 1728 – entry 2
v.3 [133] p.177 – 1 February 1729 – entry 3
v.3 [133] p.177 – 26 March 1729 – entry 4

PC Register Citation
George II v.1 (14 June 1727 – 22 May 1729) p.182, 213: PC 2/90/182, 213
George II v.1 (14 June 1727 – 22 May 1729) p.436: PC 2/90/436
George II v.1 (14 June 1727 – 22 May 1729) p.442–443, 460: PC 2/90/442–443, 460

Colonial Courts
General Court – 26 October 1725 – re Heal v Ball
General Court before Governor and Council – 15 April 1727 – re Ball v Heal

Participants
Ball, William, gentleman
Heal, George, gentleman

Description
Land dispute in the parish of Fareham, Richmond county

Disposition
Both appeals dismissed.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Ball v Heal)

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report on Heal v Ball – 2 Aug. 1728 – PC 1/48/24
Referenced in APC, v.6 [396] p.193
# Appeals to the Privy Council

Report No. 13_1729_00  
Bayler v Carter  
Virginia

## Case Name Short
Bayler v Carter

## Case Name Long
John Bayler by Robert Bayler and Augustine Moor v John and Elizabeth Carter

## Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>Citation Type</th>
<th>Citation Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC Citation</td>
<td>v.3 [167] p.215 – 1 February 1729 – entry 1</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>George II v.1 (14 June 1727 – 22 May 1729) p.437: PC 2/90/437</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.3 [167] p.215 – 3 March 1729 – entry 2</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>George II v.1 (14 June 1727 – 22 May 1729) p.443: PC 2/90/443</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.3 [167] p.215 – 26 March 1729 – entry 3</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>George II v.1 (14 June 1727 – 22 May 1729) p.460: PC 2/90/460</td>
</tr>
</tbody>
</table>

## Colonial Courts

General Court – 25 April 1728

## Participants

- Bayler, John, a minor
- Bayler, Robert (guardian of John Bayler)
- Carter, Elizabeth (wife of John Carter)
- Carter, John, esquire (husband of Elizabeth Carter)
- Moor, Augustine (guardian of John Bayler)

## Description

Land in the dispute in the parish of St. Stephen’s

## Disposition

Dismissed

## DOCUMENTATION

### Printed Cases

Not found

### Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Appeals to the Privy Council

Report No. 13_1732_00 Corbin v Corbin (Corbin v Faldo) Virginia

Case Name Short
Corbin v Corbin
Corbin v Faldo

Case Name Long
Gawen Corbin v Robert Faldo on the demise of Thomas Corbin

Acts of the Privy Council, Colonial Series

APA Citation
v.3 [265] p.365 – 7 September 1732 – entry 1

PC Register Citation
George II v.3 (21 July 1732 – 18 July 1734) p.48: PC 2/92/48

APA Citation
v.3 [265] p.365 – 12 February 1735 – entry 2

PC Register Citation
George II v.3 (21 July 1732 – 18 July 1734) p.119, 122, 142, 153–154, 539: PC 2/92/119, 122, 142, 153–154, 539

PC Register Citation
George II v.4 (1 August 1734 – 23 September 1736) p.84, 89–90, 100: PC 2/93/84, 89–90, 100

Colonial Courts
General Court – 24 April 1730

Participants
Corbin, Gawen
Corbin, Thomas
Faldo, Robert (lessee of Thomas Corbin)

Description
Action of trespass and ejectment

Disposition
Restitution of estate to Gawen Corbin

Notes
Robert Faldo may be a real person, but we may doubt the reality of the lease to him. On this and on the action of ‘trespass and ejectment’ involved here, see Additional Research.

The appellant in this case would seem to be the same as the appellant in Corbin v Roscow (13_1720_00, APC, v.2 [1327] p.766), but the cases do not seem to be otherwise related.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1736_00 Burges v Hack (Gulliver v Hack) Virginia

Case Name Short
Burges v Hack
Gulliver v Hack

Case Name Long
Lemuel Gulliver on the demise of Frances Burges v John Hack

Acts of the Privy Council, Colonial Series

APC Citation v.3 [391] p.530 – 27 December 1736 – entry 1
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.48: PC 2/94/48
APC Citation v.3 [391] p.530 – 21 February 1737 – entry 2
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.130–131: PC 2/94/130–131
APC Citation v.3 [391] p.530–531 – 2 November 1737 – entry 3
PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.293–294: PC 2/94/293–294
APC Citation v.3 [391] p.531 – 23 November 1739 – entry 4
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.427: PC 2/95/427
APC Citation v.3 [391] p.531 – 27 November 1739 – entry 5
PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.432: PC 2/95/432

Colonial Courts
General Court of Pleas – 15 April 1736 (known in lower court as Gulliver v Hack)

Participants
Burges (Burgess), Frances, widow
Gulliver, Lemuel (lessee of Frances Burges)
Hack, John
Paris, Ferdinando John, solicitor (appears for John Hack)
Tox, David

Description
Land (“upon an Ejectment,” according the the Privy Council register)

Disposition
Sent back to General Court of Pleas for further factual determination and jury trial if necessary

Notes
Participant Tox is named in the printed case as David Fox.

The printed case reveals that slaves as well as land are part of the property in dispute.

The summary of the Committee report in the APC has Frances Burges as lessee, but the Privy Council register has her properly as the lessor. Lemuel Gulliver may be a real person, but we may doubt the reality of the lease to him. On this and on the action of ejectment involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Burgess v Hack)

DOCUMENTATION

Printed Cases
Case of the appellant (Lemuel Gulliver on the demise of Frances Burgess)

Counsel
[Signed] D. Ryder; J. Browne

Note
The docket title is Frances Burgess, widow vs. John Hack, Gent. Title on the printed case is Lemuel Gulliver, on the demise of Frances Burgess – plaintiff and appellant; John Hack – respondent.

Library
British Library: (Hardwicke Papers) Additional Manuscripts 36216 f.103–104 (Includes manuscript notes and an additional record in the appeal, f.105, which is printed and is endorsed: “A copy of the additional record in the appeal which was lately between Frances Burges, widow, plaintiff and appellant and John Hack, gent., defendant and respondent which cause is now between Jesse Ball, and Frances his wife – appellant and John Hack – respondent.”)

Respondent's case
Case of the respondent (Hack)

Note
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
**Other Documents**

A photocopy of “a copy of the record, transmitted on the appeal of Frances Burges, widow, plaintiff below, and appellant John Hack, gent., defendant below and respondent [Williamsburgh: s.n., 1737]” is in the Virginia Historical Society. The copy supposedly in the New York Public Library (formerly the Lenox Library), as noted in Clayton-Torrence, *Trial Bibliography of Colonial Virginia*, 1:121, sec. 139, could not be verified. At least one copy is known to be in private hands. See also the entry in Barton, *Virginia Colonial Decisions*, 2:B195–201.
Appeals to the Privy Council

Report No. 13_1738_00   Hunt v Hill   Virginia

Case Name Short: Hunt v Hill
Case Name Long: William Hunt v James and Joyce Hill

Acts of the Privy Council, Colonial Series

APC Citation: v.3 [427] p.588 – 12 January 1738 – entry 1
PC Register Citation: George II v.5 (1 October 1736 – 4 September 1738) p.370: PC 2/94/370
APC Citation: v.3 [427] p.588–590 – 27 November 1740 – entry 2
PC Register Citation: George II v.7 (1 April 1740 – 7 August 1741) p.175, 234, 235–240, 263: PC 2/96/175, 234, 235–240, 263

Colonial Courts
Royal Court – 15 April 1736 or 1737 following several trials

Participants
Clopton, William (deceased partner of William Hunt)
Franks, William
Hill, James (husband of Joyce Hill)
Hill, Joyce (wife of James Hill and executrix of William Clopton)
Hunt, William, merchant, of London (partner of William Clopton)
Lacy, Joseph
Mason, William
Merriwether, William

Description
Settlement of partnership account

Disposition
Affirmed “except the method of payment of the currency debt by an assignment of a moiety of the outstanding debts of the partnership, which is reversed,” according to the APC

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Hunt v Hill)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Case Name Short
Rogers v Spalding

Case Name Long
Sarah Rogers v Alexander Spalding

Acts of the Privy Council, Colonial Series
v.3 [487] p.668 – 31 January 1740 – entry 1
PC Register Citation
George II v.6 (1 October 1738 – 27 March 1740) p.546: PC 2/95/546
APC Citation
v.3 [487] p.668–669 – 10 July 1740 – entry 2
PC Register Citation
George II v.7 (1 April 1740 – 7 August 1741) p.110, 112–116, 155–156: PC 2/96/110, 112–116, 155–156

Colonial Courts
General Court – 16 April 1739

Participants
Hume, George, Captain of the Guard at Whydah
Rogers, Sarah, spinster, of London (administratrix of her brother, William Whetstone Rogers)
Rogers, William Whetstone, esquire, a chief merchant of the Royal African Company (deceased brother of Sarah Rogers)
Spalding, Alexander
Stephens, Edward, a chief merchant of the Royal African Company

Description
Recovery of the value of effects of deceased brother

Disposition
Verdict and judgment set aside and appellant at liberty to proceed to another trial

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Rogers v Spalding)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Rogers)
Counsel [Signed] D. Ryder; C. Clarke
Library Harvard University. Harvard Law School Library: Special Collections. Rare Trials (Includes manuscript notes)
Respondent's case
Case of the respondent (Spalding)
Counsel [Signed] J. Strange; W. Murray
Library Harvard University. Harvard Law School Library: Special Collections. Rare Trials (Noted in ESTC? Yes.)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
The printed cases for appellant and respondent are also available in Gale’s Making of Modern Law: Trials under the name Rogers v Spalding. See also the entry in Barton, Virginia Colonial Decisions, 2:B81.
### Appeals to the Privy Council

**Report No. 13_1740_02**

Perry v Churchill

Virginia

<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Perry v Churchill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Micaiah Perry, John Maynard and Edward Athawes v Armistead Churchill</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>v.3 [489] p.670 – 10 March 1740 – entry 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC Register Citation</td>
<td>George II v.6 (1 October 1738 – 27 March 1740) p.663–664: PC 2/95/663–664</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.3 [489] p.670 – 21 April 1743 – entry 2</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>George II v.8 (22 October 1741 – 29 September 1743) p.384: PC 2/97/384</td>
</tr>
<tr>
<td>APC Citation</td>
<td>v.3 [489] p.670 – 28 November 1745 – entry 3</td>
</tr>
<tr>
<td>PC Register Citation</td>
<td>George II v.10 (1 March 1745 – 31 July 1746) p.256–257, 268: PC 2/99/256–257, 268</td>
</tr>
</tbody>
</table>

**Colonial Courts**

General Court – 16 April 1739

**Participants**

Athawes, Edward (executor of William Dawkins)
Churchill, Armistead
Dawkins, William, deceased merchant, of London
Maynard, John (executor of William Dawkins)
Perry, Micaiah, esquire (executor of William Dawkins)

**Description**

Action of account

**Disposition**

Dismissed

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Perry v Churchill)

---

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found

view this report for printing
Appeals to the Privy Council

Report No. 13_1740_03 Walker v Tucker Virginia

Case Name Short Walker v Tucker
Case Name Long Courtney, George, Francis and Margaret Walker by Jacob Walker and Samuel Boush v Robert Tucker and John Tucker and John Cook and Robert Cook

Acts of the Privy Council, Colonial Series

APC Citation v.3 [508] p.687 – 27 November 1740 – entry 1
PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.267, 312, 463, 467–468: PC 2/96/267, 312, 463, 467–468
APC Citation v.3 [508] p.687 – 29 July 1742 – entry 2
PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.187–189, 197–198: PC 2/97/187–189, 197–198

Colonial Courts
Virginia Chancery – 2 November 1739

Participants
Boush, Samuel (executor of John Tucker)
Campbell, Alexander, merchant
Cook (Cooke), John
Cook (Cooke), Robert
Hutchins, John, merchant
Taylor, John, merchant
Tucker, John, deceased merchant, of Norfolk
Tucker, Robert
Walker, Courtney, infant (child of Jacob Walker)
Walker, Francis, infant (child of Jacob Walker)
Walker, George, infant (child of Jacob Walker)
Walker, Jacob, esquire (father of Walker children)
Walker, Jacob (guardian of Walker children and executor of John Tucker)
Walker, Margaret, infant (child of Jacob Walker)

Description
An accounting for testator’s (John Tucker) ready money and outstanding debts

Disposition
Reversed

Notes
The APC entry appears to distinguish two Jacob Walkers; however, that cannot be verified from the APC alone.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Walker v Tucker)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
See the entry (as Tucker &c vs. Tucker’s Exors) in Barton, Virginia Colonial Decisions, 2:B100–B105.
Case Name Short
Randolph v Woodford

Case Name Long
Edward Randolph v William Woodford

Acts of the Privy Council, Colonial Series
v.3 [545] p.726 – 17 May 1742 – entry 1

PC Register Citation
George II v.8 (22 October 1741 – 29 September 1743) p.143, 152, 163, 428, 451: PC 2/97/143, 152, 163, 428, 451

Colonial Courts
General Court – 23 April 1741

Participants
Randolph, Edward, merchant, formerly of London, now of Virginia
Woodford, William

Description
Dispute over an account between the parties

Disposition
Not stated in the APC specifically, but the related case cited below was dismissed.

Notes
Related to another Privy Council appeal:

Randolph v Beverley – Report No. 13_1742_02 (APC, v.3 [546] p.726)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Randolph v Beverley</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>Edward Randolph v William Beverley</td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

| APC Citation | v.3 [546] p.726–727 – 17 May 1742 – entry 1 |
| APC Citation | v.3 [546] p.727 – 29 March 1744 – entry 2 |
| PC Register Citation | George II v.9 (1 October 1743 – 27 February 1745) p.278–279: PC 2/98/278–279 |
| APC Citation | v.3 [546] p.727 – 18 July 1745 – entry 3 |

**Colonial Courts**

Unnamed – 23 April 1741

**Participants**

Beverley, William
Randolph, Edward

**Description**

Dispute over an account between the parties

**Disposition**

Dismissed

**Notes**

Related to another Privy Council appeal:

Randolph v Woodford – Report No. 13_1742_01 (*APC*, v.3 [545] p.726)

Court unnamed but likely the General Court as referenced in Randolph v Woodford

**References in** Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Randolph v Beverley)

**DOCUMENTATION**

**Printed Cases**

Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

Not found
Appeals to the Privy Council

Report No. 13_1742_03  Starke v Hawkins (Starke v Throut)  Virginia

Case Name Short  Starke v Hawkins
Starke v Throut

Case Name Long  Thomas Starke and Augustine Baughan v William Throut on the demise of John Hawkins

Acts of the Privy Council, Colonial Series

APC Citation  v.3 [561] p.742 – 16 December 1742 – entry 1

PC Register Citation  George II v.8 (22 October 1741 – 29 September 1743) p.280: PC 2/97/280

APC Citation  v.3 [561] p.742–743 – 3 November 1743 – entry 2

PC Register Citation  George II v.10 (1 March 1745 – 31 July 1746) p.123, 124 recte 123 only, 268 recte 267–268: PC 2/99/123, 124 recte 123 only, 268 recte 267–268

PC Register Note  The reference in the APC to p.124 is incorrect, and it does not seem to be a mistake for another reference.

Colonial Courts  General Court – 15 April 1741

Participants  Baughan, Augustine
Hawkins, John
Starke, Thomas
Thrustout, William

Description  Land (ejectment) in the parish of St. Ann in Essex County

Disposition  Reversed

Notes  There can be little doubt that William Throut and the lease to him are fictional. On this and on the action of ejectment involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Starke v Throut)

DOCUMENTATION

Printed Cases  Not found

Privy Council Documents in PC 1 at The National Archives at Kew  Not found

view this report for printing
Case Name Short
Meade v Godwin
Meade v Thrustout

Case Name Long
David Meade v William Thrustout on the demise of Martha Godwin, Samuel and Elizabeth Whitfield, William and Leah Godwin, Julian Norsworthy, Martha Norsworthy, Mary Norsworthy, and Ann Norsworthy

Acts of the Privy Council, Colonial Series

APC Citation
v.3 [568] p.748–749 – 23 March 1743 – entry 1

PC Register Citation
George II v.8 (22 October 1741 – 29 September 1743) p.353: PC 2/97/353

APC Citation
v.3 [568] p.749 – 3 November 1743 – entry 2

PC Register Citation
George II v.8 (22 October 1741 – 29 September 1743) p.386: PC 2/97/386

PC Register Citation
George II v.9 (1 October 1743 – 27 February 1745) p.27–30, 34: PC 2/98/27–30, 34

Colonial Courts
General Court – 15 April 1742

Participants
Godwin, Leah (wife of William Godwin)
Godwin, Martha
Godwin, William (husband of Leah Godwin)
Lear, Col. John (deceased father of Thomas Lear)
Lear, Elizabeth (daughter of Thomas Lear)
Lear, John (deceased son of Thomas Lear)
Lear, Martha (daughter of Thomas Lear)
Lear, Thomas (deceased son of Col. John Lear and father of John, Elizabeth, and Martha Lear)
Meade, David, merchant
Norsworthy, Ann
Norsworthy, Julian
Norsworthy, Martha
Norsworthy, Mary
Thrustout, William (lessee under Martha Godwin; Samuel and Elizabeth Whitfield; William and Leah Godwin; Julian Norsworthy, Martha Norsworthy, Mary Norsworthy, and Ann Norsworthy)
Whitfield, Elizabeth (wife of Samuel Whitfield)
Whitfield, Samuel (husband of Elizabeth Whitfield)

Description
Land (ejectment) in the parish of Newport and county of Isle of Wight

Disposition
Judgment for appellant

Notes
There can be little doubt that William Thrustout and the lease to him are fictional. On this and on the action of ejectment involved here, see Additional Research.

The will of Col. John Lear is printed in Crow, Johnston Stapp and Allied Families, p.98–100.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Meade v Thrustout)

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

view this report for printing
<table>
<thead>
<tr>
<th>Case Name Short</th>
<th>Lillie v Tab</th>
<th>Virginia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name Long</td>
<td>John Lillie v William Tab</td>
<td></td>
</tr>
</tbody>
</table>

**Acts of the Privy Council, Colonial Series**

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>v.4 [60] p.43 – 19 June 1747 – entry 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC Register Citation</td>
<td>George II v.11 (1 August 1746 – 30 April 1748) p.318: PC 2/100/318</td>
</tr>
</tbody>
</table>

**Colonial Courts**
Proceedings in colonial court unclear

**Participants**

- Lillie, John
- Paris, Mr. (appears for Tab)
- Tab, William

**Description**
Not stated in *Acts of the Privy Council, Colonial Series*

**Disposition**
Not stated in *Acts of the Privy Council, Colonial Series*

**Notes**
This is not indexed as an appeal in the *APC*; yet there is an entry in v.4 [60], as noted above, for an appeal of John Lillie with William Tab as respondent.

---

**DOCUMENTATION**

**Printed Cases**

- Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**

- Not found
Kenner v Ball

Acts of the Privy Council, Colonial Series

Colonic Courts
General Court – 15 October 1745

Participants
Ball, Jesse
Kenner, Richard, later deceased

Description
Land (upon an ejectment) in Lancaster County

Disposition
Dismissed

Notes
On the action of ejectment involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Kenner v Ball)

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
# Appeals to the Privy Council

## Report No. 13_1749_01 Appeal of Ludwell Virginia

### Case Name Short
Ludwell, appeal of

### Case Name Long
Philip Ludwell, appeal of

### Acts of the Privy Council, Colonial Series

**APC Citation**
- v.4 [119] p.93–94 – 23 November 1749 – entry 1

**PC Register Citation**
- George II v.12 (1 May 1748 – 29 March 1750) p.365: PC 2/101/365

### Colonial Courts
- General Court – 10 October 1746 (order of the court)
- County Court for the County of Surrey – 16 January 1746 (order of the court)

### Participants
Ludwell, Philip

### Description
Road maintenance

### Disposition
Not stated in *Acts of the Privy Council, Colonial Series*

### Notes
Petition of Philip Ludwell is from an order, not a judgment, of the County Court concerning road maintenance, affirmed by an order of the General Court.

### DOCUMENTATION

**Printed Cases**
- Not found

**Privy Council Documents in PC 1 at The National Archives at Kew**
- Not found

---

[view this report for printing]
Appeals to the Privy Council

Report No. 13_1749_02 Randolph v Wormley Virginia

Case Name Short Randolph v Wormley
Case Name Long Thomas Man Randolph by Peter Randolph v Ralph Wormley

Acts of the Privy Council, Colonial Series
v.4 [120] p.94 – 23 November 1749 – entry 1
PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.365: PC 2/101/365
v.4 [120] p.94 – 1 April 1758 – entry 2
PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.53, 55–56, 93: PC 2/106/53, 55–56, 93

Colonial Courts
General Court – 10 April 1749

Participants
Randolph, Peter (guardian of Thomas Man Randolph)
Randolph, Thomas Man, esquire, infant
Wormley, Ralph

Description
Land (trespass and ejectment) in the parish of Hanover in the county of King George

Disposition
Reversed

Notes
On the action of trespass and ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases
Appellant's case Case of the appellant (Randolph)
Counsel [Signed] C. Pratt; Al. Forrester
Note Respondent’s name is spelled Wormeley on appellant’s printed case.
Library Law Library of Congress: Sir George Lee collection

Respondent's case Case of the respondent (Wormley)
Counsel [Signed] Geo. Perrott
Library Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1751_00 Degge v Kay Virginia

Case Name Short Degge v Kay
Case Name Long William Degge, George Russell and Thomas Russell v Rev. William Kay

Acts of the Privy Council, Colonial Series

APC Citation v.4 [145] p.113 – 30 April 1751 – entry 1
PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.220: PC 2/102/220
APC Citation v.4 [145] p.113 – 31 October 1751 – entry 2
APC Citation v.4 [145] p.113 – 115 – 6 June 1753 – entry 3
PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.380, 405: PC 2/102/380, 405
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.242, 386, 415–417, 422–423: PC 2/103/242, 386, 415–417, 422–423

Colonial Courts
General Court
General Court – 21 April 1749

Participants
Dawson, Mr. (commissary)
Degge, William of Richmond county, clerk
Hodgson, Thomas, merchant, of London
Kay, Rev. William, minister of the parish of Lunenburgh
Morthland, David, deceased minister
Russell, George of Richmond county
Russell, Thomas of Richmond county
Sydenham, Jonathan, merchant, of London

Description
Glebe dispute (trespass) in the parish of Lunenburgh

Disposition
Dismissed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Degge v Kay)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Degge)
[Signed] D. Ryder; A. Hume-Campbell
Library Law Library of Congress: Sir George Lee collection (Manuscript notes limited to minor underlining)

Respondent’s case
Case of the respondent (Kay)
[Signed] W. Murray; R. Henley
Library Law Library of Congress: Sir George Lee collection (Includes manuscript notes and 2 copies of the respondent’s case)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
See the detailed index in Manross, Fulham Papers. He summarizes enlightening correspondence about this case, which is reproduced on Reel 7 of Lambeth Palace Library, Fulham Papers.

view this report for printing
Mason v Withers

Acts of the Privy Council, Colonial Series
v.4 [162] p.150–151 – 14 January 1752 – entry 1

PC Register Citation
George II v.13 (1 May 1750 – 30 March 1752) p.433, 526: PC 2/102/433, 526

Colonial Courts
Chancery – 14 April 1748

Participants
Mason, Anne (widow of George Mason, gentleman)
Mason, George, gentleman (deceased husband of Anne Mason and father of George Mason)
Mason, George (son of George Mason)
Withers, Edmund
Withers, John, deceased

Description
“Recovery of an estate belonging to John Withers,” according to the APC

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Colonial Courts
Justices of the Peace for York County – March 1751
General Court – 10 April 1751

Participants
Anderson, John (executor of Mathew Anderson)
Anderson, Mathew
Branton, George
Francis, Thomas, attorney (appears for John Anderson)
Hill, Humphry (executor of George Branton)
Robinson, John (executor of George Branton)

Description
Action to recover £500 sterling for insurance on 80 hogsheads of tobacco

Disposition
Dismissed for non-prosecution

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1752_03 McCarty v McCarty (McCarty v Turf) Virginia

Case Name Short
McCarty v McCarty
McCarty v Turf

Case Name Long
Daniel McCarty by Joseph Morton v Thomas Turf on the demise of Daniel McCarty

Acts of the Privy Council, Colonial Series

APC Citation

PC Register Citation
George II v.14 (1 April 1752 – 31 December 1753) p.272: PC 2/103/272

APC Citation
v.4 [190] p.181 – 10 May 1753 – entry 2

PC Register Citation

Colonial Courts
General Court – 10 October 1751

Participants
McCarty (M’Carty), Daniel of Fairfax county (deceased father of Dennis, Daniel, and Thaddeus McCarty)
McCarty (M’Carty), Daniel (son of Daniel McCarty and brother of Dennis and Thaddeus McCarty)
McCarty (M’Carty), Daniel, infant (son of Dennis McCarty and plaintiff in this action)
McCarty (M’Carty), Dennis (son of Daniel McCarty and brother of Daniel and Thaddeus McCarty)
McCarty (M’Carty), Thaddeus (son of Daniel McCarty and brother of Dennis and Daniel McCarty)
Minor, John
Morton, Joseph, gentleman (guardian of Daniel McCarty, infant)
Payne, William
Shirman, John
Turf, Thomas (lessee)

Description
Land (action of ejectment, according to the APC; action of trespass and ejectment, according to the earlier entries in the Privy Council register; “a Declaration in an Action of Trespass and Ejectment,” according to the Committee report) in Copeley parish, Westmoreland County

Disposition
Reversed – respondent allowed to proceed to a new trial with a special verdict

Notes
There can be little doubt that Thomas Turf and the lease to him are fictional. On this and on the action of trespass and ejectment involved here, see Additional Research.

From the record we have before us and the printed cases, it would seem that this is a suit between nephew and uncle, both named Daniel, and at issue is the interpretation of a clause in the grandfather’s will that deprived his son Daniel of the premises if he ceased to reside there and a deed by Dennis, the deceased father of the infant Daniel, in which Dennis waived his rights under that clause. The Committee, however, found the case confusing (hence, the result), and the record that we have may not tell the whole story.

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (McCarty)
[Signed] W. Murray; A. Hume-Campbell

Note
The appellant’s case is titled: Daniel M’Carty, an Infant, by Jospeh Morton, Gent. his Guardian – appellant; Daniel M’Carty, of Fairfax County, in Virginia, and Thomas Turf, his feigned Lessee . . . respondent.

Library
Law Library of Congress: Sir George Lee collection

Respondent’s case
Case of the respondent (Turf . . . “upon the fictitious demise of Daniel M’Carty”)  
[Signed] D. Ryder; K. Evans

Note
The respondent’s case gives the respondent as: Thomas Turf, the Plaintiff at Law, in an Ejectment upon a fictitious demise of Daniel M’Carty, of Fairfax County, in Virginia aforesaid, Gentleman.

Library
Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1753_01 Jones v Shields Virginia

Case Name Short Jones v Shields
Case Name Long Robert jun. and Sarah Jones and Dudley and Martha Richardson v James Shields

Acts of the Privy Council, Colonial Series

<table>
<thead>
<tr>
<th>APC Citation</th>
<th>PC Register Citation</th>
<th>Description</th>
</tr>
</thead>
</table>

Colonial Courts
County Court of Chancery for York county – 20 November 1749
General Court – 10 October 1751

Participants
Allen, Daniel (deceased executor of Robert Cobbs)
Cobbs, Elizabeth (deceased second wife of Robert Cobbs, executor of Robert Cobbs, and mother of Sarah Cobbs Jones and Martha Cobbs Richardson)
Cobbs, Rebecca Pinkethman (deceased daughter of William Pinkethman, wife of Robert Cobbs, and mother of Elizabeth Cobbs Shields)
Cobbs, Robert (deceased husband of both Rebecca Pinkethman Cobbs and Elizabeth Cobbs)
Jones, Robert, jun. (husband of Sarah Cobbs Jones)
Jones, Sarah Cobbs (daughter of Robert and Elizabeth Cobbs; wife of Robert Jones, jun.; and sister of Martha Cobbs Richardson)
Pinkethman, William (deceased father of Rebecca Pinkethman Cobbs)
Richardson, Dudley (husband of Martha Cobbs Richardson)
Richardson, Martha Cobbs (daughter of Robert and Elizabeth Cobbs, wife of Dudley Richardson, and sister of Sarah Cobbs Jones)
Shields, Elizabeth Cobbs (deceased daughter of Robert and Rebecca Cobbs, and wife of James Shields)
Shields, James, gentleman (widower of Elizabeth Cobbs Shields)

Description
Dispute involves slaves in the estate of William Pinkethman

Disposition
Dismissed

Notes
Dispute includes slaves.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jones v Shields)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Jones)
Counsel [Signed] W. Murray; K. Evans
Library Law Library of Congress: Sir George Lee collection

Respondent's case
Case of the respondent (Shields)
Counsel [Signed] A. Hume-Campbell; R. Henley
Library Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew
Other Documents

The appellants' and the respondent's printed cases are reproduced in Barton, *Virginia Colonial Decisions*, 2:B367–B382.
Appeals to the Privy Council

Case Name Short
King v Lewis
King v Braxton
Braxton v King

Case Name Long
Walter King v Charles Lewis and Lewis Burwell
Walter King v Carter Braxton and Lewis Burwell
Carter Braxton by John Robinson v Walter King

Acts of the Privy Council, Colonial Series

APC Citation v.4 [212] p.210–211 – 6 June 1753 – entry 1
APC Citation v.4 [212] p.211 – 10 January 1754 – entry 2
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.4–5: PC 2/104/4–5
APC Citation v.4 [212] p.211 – 22 January 1754 – entry 3
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.5–13, 20: PC 2/104/5–13, 20

Colonial Courts
Chancery – 10 October 1751

Participants
Braxton, Carter, infant (eldest son of George Braxton, jun.)
Braxton, George, jun. (deceased father of Carter Braxton)
Braxton, George, sen. (deceased father of George Braxton, jun.)
Burwell, Lewis (agent of the Perrys in Virginia)
Corbin, Richard
Digges, Dudley
Edwards, Benjamin (agent of the Perrys in Virginia)
King, Walter, merchant
Lewis, Charles
Perry, Micajah (Micaiah), merchant, late of London
Perry, Philip, merchant, late of London
Robinson, John (‘next friend’ of Carter Braxton)

Description
Land in the county called formerly Goochland, now Albemarle and known as the Fork. According to the APC, King appeals from two equity orders that barred him from proceeding at law in ejectment to recover the land and ordered him to convey the land to the respondents upon their paying certain sums.

Disposition
King’s appeals are sustained.

Notes
For the action of ejectment mentioned here, see Additional Research.

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (King in King v Lewis)
[Signed] Wm. Murray; Ste. Comyn
Although the case mentions only Lewis and Burwell in the heading, Braxton is mentioned in the body of the case. There is, however, no reference to Braxton’s cross-appeal.

Respondent’s case
Case of the respondent (Braxton in King v Braxton)
[Signed] A. Hume-Campbell; Al. Forrester

Library
Law Library of Congress: Sir George Lee collection (Noted in ESTC? No.)
Yale University. Beinecke Rare Book and Manuscript Library: ZZ40 25 (Includes manuscript notes, notably on the dorse, where there is an index referring to events in the 1730s and 1740s. The references correspond, for the most part, to events mentioned in the brief, but the page numbers suggest that they refer to a much fuller record of the case.)
The heading of the case lists the names of Braxton, Burwell, and Lewis, suggesting that this covers all three cases.

Yale University, Beinecke Rare Book and Manuscript Library: ZZ40 25 (Manuscript notes limited to few numerals on dorse)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

In addition, see papers relating to the King controversy in the Joshua Sharpe papers in the Thomas Phillipps collection at the Library of Congress, Manuscripts Division. At the University of Virginia, the Tracy W. McGregor Autograph Collection in Series 1, Letters and Manuscripts, holds in manuscript what is described as: a draft of the appellant's brief in the case of Walter King v Carter Braxton. This manuscript appears to be a working summary of the fuller record in the appeal containing chancery documents, letters, and depositions.
Appeals to the Privy Council

Report No. 13_1753_03 Jones v Porter Virginia

Case Name Short Jones v Porter
Case Name Long Churchill Jones v Jane Porter

Acts of the Privy Council, Colonial Series

APC Citation v.4 [223] p.227 – 28 November 1753 – entry 1
PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.524–525: PC 2/103/524–525
APC Citation v.4 [223] p.227 – 25 February 1755 – entry 2
PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.157, 240, 312, 347–348: PC 2/104/157, 240, 312, 347–348

Colonial Courts
General Court – 10 April 1753

Participants
Jones, Churchill, gentleman (son of Roger Jones)
Jones, Roger (father of Churchill Jones)
Porter, Francis (deceased son of Jane Porter and father of Jane Porter)
Porter, Jane (daughter of Francis Porter)
Porter, Jane (deceased mother of Francis Porter)

Description
Land in dispute in Christchurch parish south of the river Rappahannock

Disposition
Affirmed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Jones v Porter)

DOCUMENTATION

Printed Cases
Appellant's case Case of the appellant (Jones)
Counsel [Signed] W. Murray; A. Hume-Campbell
Library Law Library of Congress: Sir George Lee collection

Respondent's case Case of the respondent (Porter)
Counsel [Signed] R. Henley; Al. Forrester
Library Law Library of Congress: Sir George Lee collection (2 copies of the respondent’s case)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
See related entry (Jones &c. v. Porters) in Barton, Virginia Colonial Decisions, 2:B93–100.
Colonial Courts
General Court – 10 April 1754

Participants
Chamberlayne, Thomas (deceased partner of John Lidderdale and John Harmer)
Chiswell, John, merchant and planter
Hamersley, Hugh of Lincoln’s Inn
Harmer, John, merchant, of Bristol (partner of Thomas Chamberlayne)
Lidderdale, John, merchant, of Bristol (partner of Thomas Chamberlayne)

Description
Not stated in *Acts of the Privy Council, Colonial Series*

Disposition
Reversed; plaintiffs are allowed to proceed to a new trial

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Lidderdale v Chiswell)
Appeals to the Privy Council

Report No. 13_1755_02  Dunbar v Custis  Virginia

Case Name Short  Dunbar v Custis
Case Name Long  Charles Dunbar v Daniel Parke Custis

Acts of the Privy Council, Colonial Series

APC Citation  v.4 [270] p.288–289 – 3 April 1755 – entry 1
PC Register Citation  George II v.15 (1 January 1754 – 31 December 1755) p.370: PC 2/104/370
APC Citation  v.4 [270] p.289–290 – 30 June 1757 – entry 2
PC Register Citation  George II v.16 (1 January 1756 – 31 December 1757) p.531, 534–537, 540: PC 2/105/531, 534–537, 540

Colonial Courts

Virginia Chancery – 10 April 1754

Participants

Byam, Samuel (executor of Governor Parke)
Byrd, Lucy (presumed deceased daughter of Governor Parke and mother of Wilhelmina Chamberlain)
Chamberlain, Thomas (husband of Wilhelmina Chamberlain)
Chamberlain, Wilhelmina (daughter of Lucy Byrd and wife of Thomas Chamberlain)
Chester, Catherine (mother of Lucy Chester Dunbar Parke)
Custis, Daniel Parke (son of and executor to John Custis)
Custis, Frances Parke (presumed deceased daughter of Governor Parke and wife of John Custis)
Custis, John (deceased husband of Frances Parke Custis)
Dunbar, Charles, esquire, of Antigua (acting executor of Thomas Dunbar Parke)
Long, Thomas (trustee)
MacKinnen, William (executor of Thomas Dunbar Parke)
Parke, Daniel (son of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)
Parke, Elizabeth (daughter of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)
Parke, Governor (deceased father of Frances Parke Custis and Lucy Byrd)
Parke, Julius Caesar (godson of Governor Parke)
Parke, Lucy (daughter of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)
Parke, Lucy Chester Dunbar (widow and executor of Thomas Dunbar Parke and daughter of Catherine Chester)
Parke, Thomas Dunbar (deceased husband of Lucy Chester Dunbar Parke)
Perry, Micaiah (executor of Governor Parke)
Perry, Richard (executor of Governor Parke)
Redwood, Abraham (executor of Governor Parke)
Rodney, Caesar (trustee)
Sydcerf, Dr. Walter (executor of Thomas Dunbar Parke)
Warner, Ashton (executor of Thomas Dunbar Parke)

Description

Estate dispute

Disposition

Reversed; the plaintiffs are allowed to amend the bill by adding the proper parties

Notes

Daniel Parke Custis became the husband of Martha Dandridge, who after his death married George Washington.
As reported in Fleming, Intimate Lives of the Founding Fathers, p.20, Custis was the grandson of Governor Parke.
This suit was brought on behalf of Gov. Parke’s illegitimate daughter Lucy in Antigua.

References in Smith, Appeals to the Privy Council from the American Plantations

Table of Cases (Dunbar v Custis)

DOCUMENTATION

Printed Cases

Case of the appellant (Dunbar)  ESTC: N474424

Counsel

[Signed] Robert Henley; Al. Forrester

Library

British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.161–164 (Includes manuscript notes on the appellant’s case and separate pages of manuscript notes, f.169–171)

Law Library of Congress: Sir George Lee collection (Includes manuscript notes. 2 copies) (Noted in ESTC? No.)

New York Public Library. Schwarzman Building: Rare Book Collection *KF+ 1757 (Northington, R.H.)
Respondent’s case

Case of the respondent (Custis)

Counsel

[Signed] C. Yorke; Cha. Pratt

Library

British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.165–168 (Includes manuscript notes on the respondent’s case and separate pages of manuscript notes, f.169–171)

Library

Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew

Not found
Nelson v Ambler

Acts of the Privy Council, Colonial Series

v.4 [377] p.403 – 2 February 1759 – entry 1

PC Register Citation

Colonial Courts
Court at Williamsburgh – 10 October 1751

Participants
Ambler, Richard, collector of customs in the port of York River
Black, William, merchant
Gale, William, merchant
Hutchinson, John, bankrupt
Janson, Joseph (assignee of estate and effects of John Philpot and John Hutchinson)
Nelson, William
Philpot, John, bankrupt
Pomeroy, Bartholomew (assignee of estate and effects of John Philpot and John Hutchinson)
Symon, Henry, solicitor of H.M. Customs (appears for Richard Ambler)
Whiting, Francis

Vessels
Elizabeth of Nantes
Banstead
Neptune
Richmond

Description
Dispute over duties payable on a French prize, the Elizabeth, and her cargo, brought into the York River by the privateers Banstead, Neptune, and Richmond

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1759_02 Burwell v Johnson Virginia

Case Name Short Burwell v Johnson
Case Name Long Lewis and Frances Burwell v Philip and Elizabeth Johnson

Acts of the Privy Council, Colonial Series
APC Citation v.4 [388] p.417–418 – 14 April 1759 – entry 1
PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.487: PC 2/106/487
APC Citation v.4 [388] p.418 – 5 April 1762 – entry 2
PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.130–135, 168: PC 2/109/130–135, 168

Colonial Courts
General Court – 10 April 1758

Participants
Allen, Elizabeth (daughter of the elder James Bray)
Bray, James (deceased grandfather of the younger James Bray and father of Elizabeth Allen and Thomas Bray)
Bray, James (deceased former husband of Frances Burwell and grandson of the elder James Bray)
Bray, Thomas (deceased son of the elder James Bray and father of Elizabeth Johnson)
Burwell, Carter (executor of the younger James Bray)
Burwell, Frances (wife of Lewis Burwell and widow and executor of the younger James Bray)
Burwell, Lewis, gentleman, of county of James City (husband of Frances Burwell and executor of the younger James Bray)
Johnson, Elizabeth (wife of Philip Johnson and daughter of Thomas Bray)
Johnson, Philip (husband of Elizabeth Johnson)
Thacker, Edwin (father of Frances Burwell and executor of the younger James Bray)

Description
Accounting and delivery of slaves belonging to James Bray upon his death

Disposition
Affirmed

Notes
Slaves at issue.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Burwell et ux v Johnson et ux)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Burwell)
[Signed] C. Pratt; C. Yorke
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.138–141 (Includes manuscript notes)

Respondent’s case
Case of the respondent (Johnson)
[Signed] Wm. DeGrey; Al. Forrester
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.142–143 (Manuscript notes limited to ‘Mr. Att. Gen.’ on dorse)

Privy Council Documents in PC 1 at The National Archives at Kew
Not found
Appeals to the Privy Council

Report No. 13_1760_00 Tabb v Edmundson Edmundson v Tabb Virginia

Case Name Short
Tabb v Edmundson
Edmundson v Tabb

Case Name Long
William, Martha and Humphrey Toy Tabb v Thomas Edmundson and John Edmundson
Thomas Edmundson and John Edmundson v William, Martha and Humphrey Toy Tabb

Acts of the Privy Council, Colonial Series

APC Citation
v.4 [416] p.443 – 16 February 1760 – entry 1

PC Register Citation

APC Citation
v.4 [416] p.443 – 12 April 1762 – entry 3

PC Register Citation
George III v.2 (1 January 1762 – 30 April 1763) p.172–176, 192: PC 110/172–176, 192

Colonial Courts
Chancery – 10 April 1758
Chancery – 2 October 1758

Participants
Allaman, John (deceased son of Thomas Allaman and brother of Thomas Allaman and William Allaman)
Allaman, Sarah (deceased daughter of William Allaman and Ann Allaman Tabb)
Allaman, Thomas (deceased father of Judith Edmundson and John, Thomas, and William Allaman)
Allaman, Thomas (deceased son of Thomas Allaman, also deceased, and brother of John Allaman and William Allaman)
Allaman, Thomas (deceased son of William Allaman and Ann Allaman Tabb and grandson of Thomas Allaman)
Allaman, William (deceased husband of Ann Allaman Tabb, brother of John Allaman and Thomas Allaman, son of Thomas Allaman, and father of Thomas and Sarah Allaman)
Blacknall, Charles
Booth, Thomas
Edmundson, John, merchant, of Essex county (son of Judith Allaman Edmundson and brother of Thomas Edmundson)
Edmundson, Judith Allaman (daughter of Thomas Allaman and mother of Thomas Edmundson and John Edmundson)
Edmundson, Thomas, merchant, of Essex county (son of Judith Allaman Edmundson and brother of John Edmundson)
Hyndman, John, merchant, of London
Page, John
Palmer, Charlton, gentleman, merchant, of London
Tabb, Ann Allaman (widow of William Allaman; wife of John Tabb; mother of Thomas Allaman, Sarah Allaman, Humphrey Tabb, and Martha Tabb)
Tabb, Humphrey Toy (son of John and Ann Allaman Tabb and brother of Martha Tabb)
Tabb, John (husband of Ann Allaman Tabb)
Tabb, Martha (daughter of John and Ann Allaman Tabb and sister of Humphrey Tabb)
Tabb, William (relationship unclear)
Whiting, Francis

Description
Estate dispute

Disposition
Chancery decrees reversed; Edmundsons’ appeal dismissed; restitution ordered

Notes
Property includes slaves.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Tabb v Edmundson)
### Printed Cases

**Appellant's case**  
Case of the appellant (Tabb)  
[Signed] F. Norton; C. Ambler  
Library  
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.248–249 (Includes manuscript notes)

**Respondent's case**  
Case of the appellant (Edmundson as appellant in a cross-appeal)  
[Signed] C. Yorke; Al. Forrester  
Library  
British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.250–251 (Includes manuscript notes)

### Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 15 Dec. 1763 – PC 1/50/49  
Referenced in *APC*, v.6 [579] p.359–360. The report is described as being on the appeal of Tabb and also upon the cross-appeal of Edmundson.

### Other Documents

See related entry (as Edmondson v Tabb) and opinion by Barradall in Barton, *Virginia Colonial Decisions*, 2:B359–B363, B31–B32.
Appeals to the Privy Council

Report No. 13_1762_01  Camm v William and Mary College  Graham v William and Mary College  Virginia

Case Name Short  Camm v Rector, Visitors and Governors of William and Mary College  Graham v Rector, Visitors and Governors of William and Mary College

Case Name Long  Rev. John Camm v Rector, Visitors and Governors of William and Mary College  Rev. Richard Graham v Rector, Visitors and Governors of William and Mary College

Acts of the Privy Council, Colonial Series

v.4 [473] p.530 – 15 February 1762 – entry 1
PC Register Citation  George III v.2 (1 January 1762 – 30 April 1763) p.75, 76: PC 2/109/75, 76
PC Citation  v.4 [473] p.530 – 16 March 1763 – entry 2

Colonial Courts
General Court – 10 October 1759

Participants
Camm, Rev. John, Professor of Divinity at William and Mary College  Fauquier, Francis, Lieutenant Governor and judge of General Court  Graham, Rev. Richard, Professor of Natural Philosophy at William and Mary College  Rectors, Visitors and Governors of William and Mary College

Description
Issue is the removal of Revs. Camm and Graham from their professorships

Disposition
Both appeals sustained.

Notes
Camm spelled in error in the APC as Camin.

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellants (Camm) and (Graham)  ESTC: T222030, T222034

[Signed] Fl. Norton; E. Willes

Library  British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.223–224 (Camm) (Noted in ESTC? No.) view
Library  British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.227–228 (Graham) (Noted in ESTC? No.) view
Library  Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.56–57 (Camm); f.60–61 (Graham) (Manuscript notes on Camm’s printed case are limited to day and time and “His Grace Lord Archbishop of Canterbury.”) (Noted in ESTC? Yes.)

Respondent's case
Case of the respondent (Rector . . . in both Camm and Graham)  ESTC: T222032, T222035

[Signed] C. Yorke; Al. Forrester

Library  British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.225–226 (Camm); f.229–230 (Graham)
Library  British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.229–230 (Graham) (Noted in ESTC? No.) view
Library  Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.58–59 (Camm); f.62–63 (Graham) (Noted in ESTC? Yes.)

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report (Camm) – 12 Mar. 1763 – PC 1/50/48  view_Document  View APC

Notes about Document  Referenced in APC, v.6 [552] p.353

Committee report (Graham) – 12 Mar. 1763 – PC 1/50/48  view_Document  View APC

Notes about Document  Referenced in APC, v.6 [552] p.353

Other Documents
At Lambeth Palace Library, supplementary manuscript material concerning the controversy can be found at f.26–55 and f.64–65 of the Seeker Papers, American 1721–1765, v.1. Manross, Fulham Papers, includes references to the Camm issue. Camm and Graham materials at Lambeth can be found in Lambeth Palace Library,
Debt that, according to Smith (p.490), raises the question of the extension of the bankruptcy acts to Virginia
Disposition
Reversed

Notes
Spelling of Rolling Jones is more often Rowland, Rolan, or Rolando. Francis Barber Jones is more properly Frances. The Jones, Timson, and Barber families are related by blood and marriage. See Cary, “Descendants of Rev. Rowland Jones.”

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Rickards et al v Hudson et al)

DOCUMENTATION

Printed Cases
Case of the appellant (Rickards)
[Counsel] C. Yorke; Al. Forrester
Library
British Library: (Hawthorne Papers) Additional Manuscripts 36218 f.199–201 and f.202–204 (Two copies, both with manuscript notes)

Case of the respondent (Hudson)
[Counsel] Tho. Sewell; Wm. DeGrey
Library
British Library: (Hawthorne Papers) Additional Manuscripts 36218 f.205–206

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 15 July 1762 – PC 1/50/47
Referenced in APC, v.6 [539] p.339

Other Documents
The cases of Timson v Robertson and Scarbury & ux. v Barber’s Ex’or in Barton, *Virginia Colonial Decisions*, 2:B85–B87, B294–304, involve members of some of the families involved in this case, and probably some of the same people. Whether the issues are otherwise related requires further exploration.
Case Name Short: Cleeve v Mills

Acts of the Privy Council, Colonial Series
APC Citation: v.4 [502] p.557 – 23 February 1763 – entry 1
PC Register Citation: George III v.2 (1 January 1762 – 30 April 1763) p.506: PC 2/109/506
APC Citation: v.4 [502] p.557 – 3 August 1764 – entry 2
PC Register Citation: George III v.3 (1 May 1763 – 30 September 1764) p.570–574, 598: PC 2/110/570–574, 598

Colonial Courts
Virginia Chancery – 10 October 1761

Participants
Beverley, William
Bird, William
Bland, Richard
Cleeve, Richard (assignee of the estate and effects of Pearson Pettit)
Dolby, Charles
Garland, James
Hanbury, Capel
Hanbury, John
Hinde, John (assignee of the estate and effects of Pearson Pettit)
Hitt, Thomas
Jordan, William
Mills, James
Nelson, Thomas
Nelson, William
Pettit, John
Pettit, Pearson, bankrupt merchant, late of London
Power, James
Robinson, John
Rybott, Francis
Thornton, Presly

Description
Debt that, according to Smith (p.492), raises the question of the extension of the bankruptcy acts to Virginia

Disposition
Dismissed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Cleeve v Mills)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Cleeve) ESTC: T128996
[Signed] C. Yorke; Al. Forrester
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.85–88 (Includes manuscript notes) (Noted in ESTC? No.)
Library
British Library: General Reference Collection – L.3.a.1[vol.13] (134) (Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)

Respondent’s case
Case of the respondent (Mills) ESTC: T129014
[Signed] Flr. Norton; C. Ambler
Library
British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.89–93 (Includes manuscript notes) (Noted in ESTC? No.)
Library
British Library: General Reference Collection – L.3.a.1[vol.13] (135) (Includes manuscript notes. Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)
<table>
<thead>
<tr>
<th>TNA Document</th>
<th>Report of the Board of Trade – July 1764 – PC 1/59/5/1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalogued as</td>
<td>Catalogued by TNA: Report of Board of Trade for dismissing appeal of Cleeve v Mills</td>
</tr>
<tr>
<td>TNA Document</td>
<td>Draft order dismissing the appeal of Cleeve v Mills and others – July 1764 – PC 1/59/5/1</td>
</tr>
<tr>
<td>Catalogued as</td>
<td>Catalogued by TNA: Draft order dismissing appeal of Cleeve v Mills and others from Virginia</td>
</tr>
</tbody>
</table>
Steuart v Buchanan

Acts of the Privy Council, Colonial Series


PC Register Citation
George III v.3 (1 May 1763 – 30 September 1764) p.36–37: PC 2/110/36–37

v.4 [510] p.563 – 21 December 1763 – entry 2

PC Register Citation

Colonial Courts
Court for Hanover County – 2 August 1759
General Court – 10 April 1762

Participants
Buchanan, Thomas, merchant of Hanover county
Dickenson, William, merchant, late of Newcastle in Hanover county
Green, William, merchant, late of Newcastle in Hanover county
Smith, John, merchant, late of Newcastle in Hanover county
Steuart (Steward), Charles, merchant of Portsmouth county

Description
Voided mortgage

Disposition
Dismissed

Notes
The Committee report reveals that the appeal was dismissed for non-prosecution. In addition to land, slaves were also at issue in this appeal.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 15 Dec. 1763 – PC 1/50/49
Referenced in APC, v.6 [579] p.359–360
Howlett v. Osburne (Howlett v. Doe) Virginia

**Acts of the Privy Council, Colonial Series**
- **APC Citation**: v.4 [519] p.568–569 – 31 August 1763 – entry 1
- **PC Register Citation**: George III v.3 (1 May 1763 – 30 September 1764) p.89: PC 2/110/89
- **APC Citation**: v.4 [519] p.569 – 26 July 1765 – entry 2
- **PC Register Citation**: George III v.4 (1 October 1764 – 27 August 1766) p.300, 307: PC 2/111/300, 307

**Colonial Courts**
- Unnamed – 10 October 1760
- General Court – 10 April 1762

**Participants**
- Doe, John
- Howlett, Thomas
- Osburne, Thomas

**Description**
Land dispute (action of ejectment) in the parish of Dale in the county of Henrico; according to Smith (p.512), the question relates to the validity of the docking of the entail and a subsequent conveyance.

**Disposition**
Reversed

**Notes**
There can be little doubt that John Doe and the lease to him are fictional. On this and on the action of ejectment involved here, see Additional Research.

**References** in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Howlett v Osburn)

**DOCUMENTATION**

**Printed Cases**
- Appellant’s case
  - Counsel: [Signed] C. Yorke; C. Ambler
  - Note: The respondent’s name is spelled Osburn on both the appellant’s and the respondent’s printed cases.
  - Library: British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.273–276 (Includes manuscript notes)
- Respondent’s case
  - Counsel: [Signed] Fl. Norton; Al. Forrester
  - Note: The respondent’s name is spelled Osburn on both the appellant’s and the respondent’s printed cases.
  - Library: British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.277–278 (Includes manuscript notes)

**Privy Council Documents in PC 1 at The National Archives at Kew**
- Committee report – 18 July 1765 – PC 1/51/56
- Referenced in *APC*, v.6 [667] p.403
Appeals to the Privy Council

Case Name Short
Doe v Parsons
Parsons v Parsons

Case Name Long
John Doe on the demise of John Parsons v William Parsons

Acts of the Privy Council, Colonial Series
v.4 [531] p.613 – 19 December 1763 – entry 1
v.4 [531] p.613 – 19 March 1765 – entry 2
v.4 [531] p.613 – 26 July 1765 – entry 3
George III v.3 (1 May 1763 – 30 September 1764) p.190: PC 2/110/190

Colonial Courts
Unnamed – 10 October 1759
General Court – 10 April 1763

Participants
Doe, John (lessee)
Parsons, John
Parsons, William
Sharpe, Joshua of Lincoln’s Inn (appears for William Parsons)
Thomas, William ap, deceased

Description
Land dispute (bill of ejectment) over an orchard

Disposition
Reversed

Notes
There can be little doubt that John Doe and the lease to him are fictional. On this and on the bill of ejectment involved here, see Additional Research.

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Parsons v Parsons)

DOCUMENTATION

Printed Cases
Case of the appellant (Parsons)
[Signed] C. Yorke; Al. Forrester

Case of the respondent (Parsons)
[Signed] Fl. Norton; Wm. DeGrey

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 18 July 1765 – PC 1/51/56
Referenced in APC, v.6 [667] p.403

Other Documents
The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain legal papers related to this appeal.
Apologies to the Privy Council

Report No. 13_1765_01 Camm v Hansford Virginia

Case Name Short Camm v Hansford
Case Name Long Rev. John Camm v Charles Hansford, jun., and William Moss

Acts of the Privy Council, Colonial Series

APC Citation v.4 [588] p.699 – 6 February 1765 – entry 1
PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.89, 95: PC 2/111/89, 95
APC Citation v.4 [588] p.699 – 3 December 1765 recte 1766 – entry 2
PC Register Citation George III v.5 (August 1766 – January 1768) p.96–97, 113: PC 2/112/96–97, 113

Colonial Courts
General Court of Williamsburgh – 10 April 1764

Participants
Camm, Rev. John, minister of the parish of Yorkhampton
Hansford, Charles, jun.
Moss, William

Description
Recovery of value of tobacco, as salary

Disposition
Dismissed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Camm v Hansford and Moss, also as Parsons’ Cause) (extensive discussion)

DOCUMENTATION

Printed Cases
Appellant’s case
Case of the appellant (Camm) ESTC: T222031
Counsel [Signed] Fl. Norton; E. Willes
Note Appellant’s name is spelled Cam in appellant’s printed case.
Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.52–54 (Includes manuscript notes and separate pages of manuscript notes, f.61–64) (Noted in ESTC? No.)
Library Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.95–97 (Noted in ESTC? Yes.)

Respondent’s case
Case of the respondent (Hansford) ESTC: T222033
Counsel [Signed] C. Yorke; Wm. DeGrey
Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.55–58 (Includes manuscript notes and separate pages of manuscript notes, f.61–64) (Noted in ESTC? No.)

Privy Council Documents in PC 1 at The National Archives at Kew
TNA Document Committee report – 27 Nov. 1766 – PC 1/52/58
Notes about Document Referenced in APC, v.6 [731] p.440

Other Documents
At British Library, Additional Manuscripts 36220 f.59–60 is a manuscript extract of an Order in Council of 7 March 1753 approving a report made by the lords of the Committee of Council dated 1 March 1753.

Note also additional manuscript material at Lambeth Palace in the Seeker Papers, American 1721–1765, v.1, f.66–94, described in Manross, Fulham Papers. The Camm materials at Lambeth can be found in Lambeth Palace Library, Miscellaneous American Material, Reel 5 Part C.
Appeals to the Privy Council

Report No. 13_1765_02

Wilson v Darrell

Virginia

Case Name Short

Wilson v Darrell

Case Name Long

Thomas Wilson, William and Anne Huggins, John Wilson, William Wilson, Isaac and Elizabeth Hobday v Sampson Darrell, George and Elizabeth Turner, William and Ann Sansom, John and Elizabeth Noble, and William Slaughter

Acts of the Privy Council, Colonial Series

PC Citation


PC Register Citation


PC Citation

George III v.6 (January 1768 – April 1769) p.468: PC 2/113/468

PC Register Citation

George III v.6 (January 1768 – April 1769) p.468: PC 2/113/468

PC Citation


PC Register Citation


Colonial Courts

Chancery – 11 April 1763

Participants

Almond, Jane (wife of Lewis Almond)
Almond, Lewis (husband of Jane Almond)
Darrell, Sampson (the elder, presumed deceased)
Darrell, Sampson (the younger)
Hobday, Elizabeth (wife of Isaac Hobday)
Hobday, Isaac (husband of Elizabeth Hobday)
Huggins, Anne (wife of William Huggins)
Huggins, William (husband of Anne Huggins)
Noble, Elizabeth (wife of John Noble)
Noble, John (husband of Elizabeth Noble)
Sansom, Ann (wife of William Sansom)
Sansom, William (husband of Ann Sansom)
Slaughter, William
Turner, Elizabeth (wife of George Turner)
Turner, George (husband of Elizabeth Turner)
Walton, Mr. of Girdlers Hall in Basinghall Street (appears for respondents)
Wilson, John
Wilson, Thomas
Wilson, William

Description

“to account . . . for all the personal estate of Sampson Darrell, the elder . . . and deliver the real estate to the respondents,” according to the APC

Disposition

Dismissed

Notes

The petition reveals that slaves are part of the property at issue.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Petition of Wilson – 10 July 1765 – PC 1/51/54

Order of reference – 10 July 1765 – PC 1/51/54

Notes about Document

Referenced in APC, v.6 [665] p.403

Referenced in APC, v.6 [665] p.403

TNA Document

View Document

View APC
Case Name Short
Corbin v Lomax

Case Name Long
Gawen Corbin by Lettice Corbin v Lunsford Lomax and Aminadab Seekright

Acts of the Privy Council, Colonial Series

v.4 [656] p.767–768 – 2 July 1766 – entry 1

PC Register Citation
George III v.4 (1 October 1764 – 27 August 1766) p.686: PC 2/111/686

v.4 [656] p.768 – 26 June 1767 – entry 2

PC Register Citation

Colonial Courts
General Court – 26 April 1764 (multiple judgments)

Participants
Corbin, Gawen, a minor
Corbin, Lettice (guardian of Gawen Corbin)
Lomax, Lunsford
Lunsford, Sir Thomas, Kt. and Bart.
Seekright, Aminadab (lessee of Lunsford Lomax)

Description
Land dispute on the lower side of Portobago creek. Island and lands on Rappanhanock River also mentioned.

Disposition
Affirmed

References in Smith, Appeals to the Privy Council from the American Plantations
Table of Cases (Corbin v Lomax)

DOCUMENTATION

Printed Cases
Appellant's case
Case of the appellant (Corbin)

Counsel
[Signed] C. Yorke; Al. Wedderburn

Library
British Library: (Harrowke Papers) Additional Manuscripts 36220 f.117–119 (Includes manuscript notes)

Respondent's case
Case of the respondent (Lomax)

Counsel
[Signed] Wm. DeGrey; Al. Forrester

Library
British Library: (Harrowke Papers) Additional Manuscripts 36220 f.120–121 (Includes manuscript notes)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document
Committee reports (Report 1) – 10 June 1767 – PC 1/53/60

Notes about Document
Referenced in APC, v.6 [761] p.453–454

TNA Document
Committee reports (Report 2) – 10 June 1767 – PC 1/53/60

Notes about Document
Referenced in APC, v.6 [761] p.453–454
Appeals to the Privy Council

Report No. 13_1768_01 Dixon v Turner Virginia

Case Name Short Dixon v Turner

Acts of the Privy Council, Colonial Series
v.5 [64] p.128–129 – 23 March 1768 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.110, 164, 208: PC 2/113/110, 164, 208

APC Citation v.5 [64] p.129 – 6 July 1770 – entry 2

PC Register Citation George III v.7 (May 1769 – December 1770) p.299–308, 449–450: PC 2/114/299–308, 449–450

Colonial Courts
General Court – 10 April 1764
General Court – 10 October 1766

Participants
Betty, a slave
Dixon, Edward, gentleman (widower of Sarah Turner Dixon and father of Harry Dixon and Turner Dixon)
Dixon, Harry (grandson of Col. Thomas Turner, son of Edward and Sarah Turner Dixon, and brother of Turner Dixon)
Dixon, Sarah Turner (deceased wife of Edward Dixon, daughter of Col. Thomas Turner, and mother of Harry Dixon and Turner Dixon)
Dixon, Turner (grandson of Col. Thomas Turner, son of Edward and Sarah Turner Dixon, and brother of Harry Dixon)
Jett, Thomas (guardian of Thomas Turner, the respondent, and executor of Thomas Turner)
Mariah, a slave
Murdock, Joseph (executor of Thomas Turner)
Skinker, John (executor of Thomas Turner)
Smith, Nicholas (father of Elizabeth Smith Turner)
Smith, Nicholas (brother of Elizabeth Smith Turner)
Taliaferro, Sally Turner (wife of Walker Taliaferro, daughter of Thomas Turner and granddaugther of Col. Thomas Turner)
Taliaferro, Walker (husband of Sally Turner Taliaferro)
Thornton, Anthony (guardian of Harry Turner)
Turner, Elizabeth Smith (widow of Harry Turner, the son of Col. Thomas Turner, and mother of Thomas Turner, the respondent)
Turner, Harry (deceased son of Col. Thomas Turner and husband of Elizabeth Smith Turner)
Turner, Harry (son of Thomas Turner and grandson of Col. Thomas Turner)
Turner, Thomas (deceased son of Col. Thomas Turner and father of Harry Turner and Sally Turner Taliaferro)
Turner, Thomas (son of Harry Turner and Elizabeth Smith Turner and grandson of Col. Thomas Turner)

Description
At issue the estate of Col. Thomas Turner

Disposition
Reversed in part with directions given for taking accounts

Notes
Property includes slaves.

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Report of committee re Dixon v Turner and others – Apr. 1770 – PC 1/60/7
Catalogued by TNA: Report of committee on appeal of Dixon v Turner and others
Report No. 13_1768_02

Hiscox v Hill

Virginia

Case Name Short
Hiscox v Hill

Case Name Long
John Hiscox v Humphrey Hill

Acts of the Privy Council, Colonial Series

APC Citation
v.5 [88] p.172 – 7 October 1768 – entry 1

PC Register Citation
George III v.6 (January 1768 – April 1769) p.348: PC 2/113/348

APC Citation
v.5 [88] p.172 – 9 January 1771 – entry 2

PC Register Citation

PC Register Citation

Colonial Courts
Chancery – 10 October 1767

Participants
Anderson, Matthew
Braxton, George, presumed deceased
Guest, Samuel
Hill, Humphrey (executor of George Braxton)
Hiscox, John, merchant, of London
Reynolds, Thomas
Robertson or Robinson, John

Description
Sums due to executor

Disposition
Dismissed

DOCUMENTATION
Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Committee report – 20 Dec. 1770 – PC 1/54/66C
Referenced in APC, v.6 [840] p.484
Lee v Hunter

Acts of the Privy Council, Colonial Series

APC Citation v.5 [184] p.296 – 15 May 1771 – entry 1
PC Register Citation George III v.8 (January – December 1771) p.188: PC 2/115/188
APC Citation v.5 [184] p.296 – 7 June 1771 – entry 2
PC Register Citation George III v.8 (January – December 1771) p.260: PC 2/115/260
APC Citation v.5 [184] p.296 – 8 July 1772 – entry 3

Colonial Courts
General Court – 3 May 1770

Participants
Hunter, John, merchant
Lee, Philip Ludwell

Description
Action of debt

Disposition
Dismissed

Notes
Cataloguing note in the ESTC says “Concerning a debt owed by Lee to a John Hanbury, London merchant, represented by Hunter, Virginia attorney.”

DOCUMENTATION

Printed Cases
Case of the appellant (Lee) ESTC: N478563

Counsel [Signed] J. Dunning

Library Yale University. Beinecke Rare Book and Manuscript Library: BrSides Cb4a 1772 (Noted in ESTC? Yes.)

Respondent's case
Case of the respondent (Hunter)
Note Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents
The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain a notice of hearing in this appeal.
Appeals to the Privy Council

Report No. 13_1775_00  Taliaferro v Taliaferro  Virginia

Case Name Short  Taliaferro v Taliaferro
Case Name Long  Mary Taliaferro, Harry Taliaferro, William and Mildred Strother v Lawrence Taliaferro et al

Acts of the Privy Council, Colonial Series

APC Citation  v.5 [311] p.405 – 23 January 1775 – entry 1
PC Register Citation  George III v.11 (May 1774 – May 1775) p.377: PC 2/118/377

Colonial Courts
General Court – 10 April 1773

Participants
Strother, Mildred (wife of William Strother)
Strother, William (husband of Mildred Strother)
Taliaferro, Harry (son of Kemp Taliaferro)
Taliaferro, Kemp (deceased husband of Mary Taliaferro)
Taliaferro, Lawrence
Taliaferro, Mary (widow and administratrix of Kemp Taliaferro)
Taliaferro, Zachary, deceased

Description
Action concerns the estate of Zachary Taliaferro

Disposition
Not stated in Acts of the Privy Council, Colonial Series

DOCUMENTATION

Printed Cases
Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found