

The state of the Case between Lieutenant Colonel John Jeaffreson, and Captain Roger Morton Esquire.

The Grant is Extant wth will shew the Motives why it was Granted with the said priviledges.

That the Earl of Carlile did Grant to Lieutenant Col. Jeaffreson and his Heires a partell of Land in St. Christophers called the Mannoe of Codrington with the Libs Liberties as belonged to the Mannoe of ruan Stokenham and Hundred of Colridge in Devon: and the same by the Governour of the Island was soe confirmed to Lieutenant Col. Jeaffreson and his heires, who did build and plant the same and did lett part of the same out to severall Tenants for yeares according to the Lawes of England.

That Lieutenant Col. Jeaffreson in 1637. did by Deeds grant part of the pmisses with soverall stocks and goods mentioned in a schedule thereto annexed, to William Darman for 21 yeares, he was to pay 25000^l of Tobatto at 3. soverall dayes and Darman agreed not to dispose of the pmisses untill paymt.

That Darman never paid the 25000^l of Tobatto, our George Freeman then lately freed from the service of the said Jeaffreson did take of the said Darman a partell of standing Wood. And did take Roger Morton his being likewise lately made free from his Master into his partnership the said Freeman being since deceased, and the said Roger Morton did pretend an interest in the pmisses under Darman wth if they had yott they did committ such greates wast in pulling downe of houses and destruction of Wood (as by the Lawe of England in force in the said Island) they forfeited the place wast and troubles Damaged.

That Lieutenant Col. Jeaffreson being not desirous to take any forfeitures but to have a reasonable satisfaction for his damage susteyned did present his Bill to S^r Thomas Warner the then Governour setting forth the said greates wast and only desiring a reasonable satisfaction.

Morton by his answer acknowledged the Grant of the Earls Claynes as Tenant under Darman but acknowledged not the priviledges of the Mannoe of Stokenham and Hundred of Colridge and confessed the pulling downe of the houses but pretended they were ready to fall and that the materials were employed in building others and contended that the Statutes against wast are not therein in force unless it had been by Act of Counsell sett downe, what Trees or materials should be preserved for building, and pretended that it hath been usual for Tenants for yeares as householders to rase the Wood within the limits of their grants, and finding noe exception in the Lease said 2. Clauses the one for preservation of Palmeto trees and that the Lieutenant Col. should have liberty to take Cane and other materials for building as he or his assignes should have occasion and for rasing except the Palmeto trees they might cutt downe the Wood is the effect of the Answer.

The Governour at a Co^{rt} did present that Morton contrary to Statute prohibiting wast did cutt downe diverse Timber Trees upon their Land & other Land adjacent to theirs without the Lieutenants Col. consent for building a new house & other uses upon their own Tenement to the Lieutenants Colonells greates Damage.

An other present by the Jury that Morton did pull downe a Dwelling house to the Lieutenants Col. greates Damage.

S^r Thomas Warner the Governour referred the examination of the matters to Thomas Bodley Esq. and others of known worth Judgm^t and raders standing and unbiased with partialitie.

The examination of soverall Witnesses were taken who proved the wast and soverall Trees cutt downe by Morton.

The said Thomas Bodley et. upon view of the said present & reading the Examination of the Witnesses approving the wast they certified to the Governour S^r Thomas Warner the State of the Case & the pleas and answers allegations of Morton & that they doe find the wast committed & that Freeman & Morton have forfeited their estates & ought to answer troubles Damages & the Lieutenant Col. being willing to committ the forfeiture Morton ought to pay him 15000^l of Tobatto at 2. payments, and in default that the Lieutenant Col. may lawfully take the forfeiture and his troubles Damages according to the Statutes prohibiting Wast.

The Governour with the consent of the Counsell doe Demanded Morton to pay 15000^l of Tobatto and in default the Lieuten^t Col. to take the forfeiture and his troubles Damages.

The said Governour for default of performing the Demanded grants a writt to deliver possession to the Lieuten^t Col. Jeaffreson wth was done accordingly.

The Governour doth certify the Report Demanded & writts of Execution to be true Copies of the same originals.

That notwithstanding Lieuten^t Col. John Jeaffreson hath suffered greates Damage & that the pmisses Lease is expired yott Morton hath lately upon false suggestions in a Petition to his Highnes the Governour an Order for a tryall there according to the Customes of the Country, & upon his Highnes Order the Governour did grant a Tryall there upon Mortons making good his suggestions in his petition of wth hee made noe proofs and yott some of the Counsell thought the matter proper for a tryall here in England yott Morton so ordered the matter as he obtained a Referecment to some persons who in his behalf did certify he had susteyned greates Damage whereas he did suffer noe damage but by his own vniust accord and wilfull disobedience to the Demands of the Governour & Counsell to pay the said Lieuten^t Col. John Jeaffreson 15000^l of Tobatto hee having two yeares time allowed him to provide the same but instead of providing the said Tobatto hee took all the things of vallue from of the pmisses not leaving any thing upon the Land but the empty houses wth were built with the materials of him the said Jeaffreson, whose Damage being soe greates that hee susteyned by the said wast that hee hath since sold the whole Mannoe for 200^l Ster. and noe more wth all the houses soe highly rated by Morton (and his confederates) And all the rest of the Tenants with the Sutes of the Mannoe and all the priviledges thereto belonging.

This being the State of the Case it is advised that a Petition be presented to right hon^{ble} the Council of State annexed to this State of the Case, that to prevent vniust & sary Charges and expences the matters in difference be referred.

- 3. June. 1641.
- 3. June. 1641.
- 17. August. 1641.
- xxk. Sept. 1641.
- 15. Oct. 1641.
- 29. Oct. 1641.
- 29. No. 1642.
- 14. July. 1643.

The State of the
Case.

Presented
by
The Rev. Christopher Jeaffreson
at Dulington House
May 21. 1824