

616 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709.

Majestys Hands, and to report their Opinion upon the several particulars abovemention'd to Her Majesty at this Boord: And it is further Order'd by Her Majesty, That it be also referr'd to Mr. Attorney and Mr. Sollicitor General to Consider of the Abovesaid matters, and to attend their Lordships with their Opinion thereupon.] [Vol. VI. pp. 335-6.]

(1714.)

20 Mar. By the Lords of Her Majesty's Most Honourable Privy Council in a Committee of the whole Council. Their Lordships . . finding by a Minute at the Treasury Chambers Read at the Board that an agreement hath been made there with Mr. Penn and others proprietors [for surrendering the propriety of Pennsylvania to the Crown for 12,000*l.* to be paid in four years time, recommend that the agreement be perfected by Act of Parliament by reason of the incapacity of Mr. Penn, and that provision be made to obviate the inconvenience in the passing and transmitting of laws occasioned by the present form of the Charter]. [VI. p. 348.]

(1714.)

21 April. [Order accordingly: with instruction to Committee of whole Council to examine into similar evasions of the prerogative of the Crown in the other plantations.] [p. 355.]

(1714.)

5 June. [Committee for Appeals refer the matter to the Board of Trade to Examine and report on the best methods of setting aside the said practices.] [p. 365.]

24 Oct.
Barbados.

[1109.] [Reference to the Committee for Appeals of the petition of Othniel Haggatt and Mary his wife, relict and administratrix of Henry Gibbs of Barbados, for liberty to appeal from a decree of the Governor of Barbados, setting forth that Joseph and Daniel Alford of London, merchants, exhibited a bill in Chancery in Barbados against the petitioners for a discovery of Gibbs' estate in order to satisfy a judgment of the Barbados Court of Common Pleas of 20 June 1706, awarding the Alfords 173*l.* 17*s.* 6½*d.* On hearing the case on 20 Mar. 1709, the Governor ordered the sum to be levied on Othniel's own estate], although the Bill was brought against

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the petitioners as the said Mary was administratrix as afore-said, and not pretended to be proved against either of the petitioners.] [p. 455.]

[Committee minute—recommending dismissal of appeal as the sum involved is less than 500*l*.] 15 Dec. [p. 487.]

[Order accordingly.] [p. 490.] 15 Dec.

[1110.] [Reference to the Board of Trade of] a Petition in behalf of Francis Pouch of Antegoa and Daniel Gashet of Martinico, Setting forth That the Ship Society belonging to the said Gaschet, which was sent as a Flag of Truce with English Prisoners from Martinico to Antegoa, where her Lading was made Prize, And that the St. John Baptist belonging to the said Pouch, which was sent as a Flag of Truce with French Prisoners from Antegoa to Martinico, was plundered by Two French Privateers, part of the value of which Goods so plundered was deteyned by the French as a Reprizall, And therefore Praying satisfaction may be made, and some method taken to prevent such Violences to be used on either side.

[p. 488.] (1710.)

[Orders are given in accordance with the report of the 30 March. Board of Trade]: We have considered a Petition in behalf of Francis Pouch of Antegoa and Daniel Gashet of Martinico, Setting forth, That a french Sloop called the Society, belonging to the said Gashet, having on board Brandy, Wine and other Goods for Guardaloupa, was in June 1708 by Order of the Governor of Martinico pressed, and not allowed Time to unlade, to carry the English Prisoners as a Flagg of Truce to Guardaloupa, where she was to take in One Lapoterye, appointed to manage the Exchange of Prisoners, and from thence was to sail to Antegoa; That being near Guardaloupa, the English Prisoners on board, coming in Sight of Her Majesty's Ship the Hector, forced the said flagg of Truce to Change her Course, and bear down upon Your Majesty's said Ship who took her, and Carried her into Antegoa, where, upon a Tryal, the Sloop was Cleared, but the goods on board Condemn'd as Prize.