

1719.

prison for a pretended crime of forgery not charged upon him, and detaining him till he gave bail for 1000*l.*; in taking the Order of 12 Mar. 1719 from Bleinman and refusing to return it; and in detaining his letter of attorney on pretence of forgery. His recognisance is to be at once returned.] But their Lordships humbly submitt to his Majesty, whether the Examination ordered by this Committee shall at Present proceed, and if it shall, in what manner. [p. 390.]

(1720.)

[Order for delivery of the recognisance to Bleinman, and for return to him of the Order of 12 March, 1719.] [p. 458.]

2 Aug.

(1720.)

[Bleinman's complaint that Lowther detains from him the Order lately granted for his relief to be heard on 4 Oct.]

13 Sept.

[III. p. 2.]

(1720.)

[The Order repeated.]

[III. p. 9.]

4 Oct.

[1309.] [Reference to the Board of Trade of the petition of Lord Guilford, for Lord Baltimore, a minor, that John Hart, Governor of Maryland, may have twelve months leave for the recovery of his health, and that his place he supplied in his absence by the first member of the Council.] [p. 219.]

6 Feb.
Maryland.

[On the report of the Board of Trade of 4 March the petition is granted. The deputy is to give to the Lt.-Gov. of Virginia 2000*l.* security for observing the Acts of Trade.] [p. 242.]

19 March.

[1310.] [Reference to the Committee for Appeals of the petition of William Gordon of Barbados, clerk], praying that a complaint against him by the Agents of that Island, and now lying before His Majesty undetermined and unprosecuted, Whereby he is accused of some heinous crimes amounting to a Praemunire, may, in regard to his having come from Barbados in order to clear himself of the same, be forthwith heard, [and that he may have a copy of the complaint, and of the proceedings hitherto.] [pp. 219-20.]

6 Feb.
Barbades.

[The Committee] finding that the said Complaint is not before this Board . . . Order that the said Gordon's petition be Dismist. [p. 230.]

754 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

15 March. [On the petition of William Gordon, rector of the parish of St. Michael, the complaint of the Barbados agents against him, the report of the Board of Trade thereon, and his own former petition, are referred to the Committee for Appeals.]
[p. 232.]

25 June. [Committee : on taking into consideration these papers, as also a letter from the Governor of Barbados against Gordon, and the answer thereto ; and the ecclesiastical authority not being entered upon, but only whether Gordon's conduct as Commissary has been arbitrary, illegal and in excess of his commission, and whether his character and principles are as alleged ; the affidavits offered on this point are not read, being insufficient proof : and it is ordered that both parties are to take depositions in Barbados, cross-examine each other's witnesses and exchange copies of their depositions, the originals of which are to be transmitted to the Board within six months from this date.]
[p. 280.]

(1720.)

4 March. [Committee : Gordon returned to Barbados with the order, and on 29 Sep. had the Governor regularly served with it ; instead of taking proofs the Governor caused a copy of his former letter to be published in a declaration by beat of drum in Bridgetown on 15 Oct., and in all the churches of the island on 18 Oct. On 25 Nov. Gordon was sent to the Common Gaol on a warrant without cause stated, and signed by John Lenoir, deputy secretary and private secretary to the Governor. On 12 Dec. Gordon was still in Barbados, but no preparation had been made for taking any depositions. It is recommended that the charges against him be dismissed, as altogether groundless.]
[pp. 391-2.]

(1720.)

20 Sept. [Gordon's petition for an Order confirming the Committee's report, and for relief from arbitrary proceedings of the Governor against him since the exhibition of the complaint, is ordered to be heard on 4 Oct., with the other complaints against Lowther.]
[Vol. III. p. 6.]

(1720.)

4 Oct. [Order in accordance with the report of 4 March.] [III. p. 10.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 755

[To the Committee of the Council is referred the report of the Attorney General on the petition of ex-Governor Lowther, praying that execution may be stayed on any judgment obtained against him in a suit brought against his attorney in Barbados by Gordon for 10,000*l.* damages.] [IV. *p.* 147.]

1719.
(1722.)
29 Nov.

[Mr. Lowther's petition sets forth that there has been an extraordinary modelling of the Council and of the Court of Common Pleas for the precinct of St. Michael's, and two Acts have been repealed—one for obliging appellees to give security to restore what they have received under local judgments, if these are reversed on appeal, and the other obliging judges to direct juries to bring in a special verdict at the instance of either party to a suit in order to enable them to lay their case fully before his Majesty on appeal. Lowther has reason to apprehend that this is all part of a plan to further the action brought by Gordon in the said Court of Common Pleas against Gallatius MacMahon, Lowther's attorney, for 10,000*l.* damages, in consequence of the declaration as to Gordon's character, which Lowther affirms that he published in his public capacity, by the advice of his Council. As the levying of this on his estate would be very injurious, even if he had the judgment reversed on appeal, and as he greatly questions Gordon's ability to refund the money, were the judgment reversed, he petitions that execution be stayed on any judgment in favour of Gordon, upon his giving security to prosecute an appeal and abide by his Majesty's determination thereon. It is recommended that Lowther be allowed to appeal, even if the damages are under 500*l.*, and that execution be respited till Gordon give full and sufficient security both for restitution of the money, if necessary, and for payment of costs and damages.] [IV. *p.* 164.]

(1722.)
14 Dec.

[Order accordingly.]

[IV. *p.* 170.]

(1722.)
20 Dec.

[1311.] [Reference to the Committee for Appeals of the petition of Robert Jones and his wife, Elizabeth, of the colony and dominion of Virginia, for a short day for hearing

6 Feb.
Virginia.