

1720.

Peers' estate for all the stores in the receipts and an Act was passed to subject his estate to the execution. Peers' petition for the repeal of the law, or for the stay of proceedings thereon till he have time to prove his allegations, has been examined by Commissioners in Barbados, and on their report, the Committee recommend that he be relieved by the discharge of the execution against him for 1457*l.* 16*s.* 2*d.* : that the Committee of Accounts be empowered to re-examine Peers' accounts and make allowance for all such deliveries as shall appear to have been fairly and justly issued for the public service ; and that no issues be allowed for the future, but where regular orders in writing are produced, and that no accountant be permitted to delay so long the settling of his accounts.] [III. pp. 485-7.]

[Order accordingly.]

(1722.)
[III. p. 510.] 4 March.

[1334.] [Reference to the Committee for Appeals of Bernard Cook's petition for an inquiry into, and relief] against the Governour and some of the Justices there, for binding him over to a Petit Sessions of the Peace, in Order to be punished on a false Pretence of having uttered some Words reflecting on the Modesty of the Wives of Mr. Warren and Mr. Adams, And without allowing him Liberty to Traverse the same to the Grand Sessions, Condemned him to be Publickly Whip't, and to have twice thirty-nine lashes on his bare back, tho' he alledges they never Convicted him thereof. [p. 396.]

22 March.
Barbados.

[Committee : a copy of the petition to be transmitted to the Governor, Robert Warren, Samuel Adams, Guy Ball, and the other Justices of the Peace who sat at the Petit Sessions, for their answer. Both parties to take depositions before four Commissioners (Robert Harrison and William Forbes for the petitioner, and James Elliott and Edward Chanley for the Governor and others); who are empowered to call before them for examination persons named by the complainant. Answers and depositions are to be exchanged within a month of receipt of this Order : replies within 20 days thereafter ; and then the whole is to be transmitted to the Board.] [p. 404.]

11 May.

776 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.
(1721.)
29 Dec.

[Committee. No proof supports Cook's allegation that the proceedings against him were due to Mr. Lowther's displeasure and revenge against him for discovering his contemptuous treatment of his Majesty's letter to him concerning Cook's estate, unjustly detained by John Frere, the Governor's nephew, and other persons of great interest and authority in Barbados. The facts alleged, however, are all substantiated: Cook was sentenced to pay 100*l.* to Adams and Warren before leaving the Court, and failing to do so, was whipped in open court by the common whipper of slaves, receiving twice 39 lashes in an inhuman and barbarous manner. The Justices present] have taken upon them to Try the matter of Fact without a Jury, and to deny the petitioner liberty to Traverse and remove the proceedings to the Grand Sessions of the Island. . . The Justices present . . who were Guy Ball, Francis Bond, Thomas Maycock jun. Robert Bishop, George Barry, John Fercherson, Stephen Thomas, and William Kirkham Esqrs. have proceeded Arbitrarily and illegally for that, they had not proper Cognizance of the matters before them, and have taken upon them to Examine Witnesses and determine Matters of Fact without a Jury, and have given Two Sentences which were arbitrary and Cruell.

[III. *pp.* 439-40.]

(1722.)
20 Jan.

[On the Committee report the eight Justices are removed from the Commission of the Peace, and Ball and Bond from the Council also.]

[III. *p.* 464.]

19 May.
Barbados.

[1335.] [On the petition of his attorneys, the Hon. Anthony Lowther and James Lowther Esqr., it is ordered that no further proceedings be had on complaint against Governor Robert Lowther of Barbados till his arrival in England, which is expected in June.]

[*p.* 410.]

19 May.

[Two petitions against Lowther referred to the Committee for Appeals. Sir Robert Davers, John Walter, Abel Alleyne, Thomas Pindar, William Walker, and George Stroud, complain of his oppression, and of his having so intimidated them that