

124 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1726.

at Law of William Pen Esquire deceased and Hanah Pen Widow, Relict and Executrix of the said William Pen who was the late Proprietor and Governor in Chief of the Province of Pennsylvania, and the three Countys of Newcastle, Kent and Sussex on Delaware in America, which Setts forth, that the said William Pen in the year 1716, appointed Mr. Kieth since Sir William Kieth, Deputy Governor of the said Province and Countys, which he hath held upwards of Nine Years; and the said Sir William Kieth having by His Conduct greatly disatisfyed the Proprietors Family, the said Heir at Law and Executrix, have both Joyned in Nominating Major Patriok Gordon to be Deputy or Lieutenant Governor of the said Province and Countys; and humbly prays His Majestys allowance and approbation of him accordingly; and a Petition of Colonel Spottswood on behalf of Sir William Kieth and also the Petition of Micajah Perry, Robert Carye and others Creditors of Sir William Kieth, praying for the reasons mentioned in the said Petitions, that he the said Sir William Kieth may not be removed from the said Government. [p. 193.]

23 Feb. [Committee. All parties to attend on 2 Mar. to be heard.] [p. 197.]

4 Mar. [Committee recommend that Major Gordon be approved as Deputy Governor on the usual conditions.] [p. 199.]

11 Mar. [Order accordingly.] [p. 201.]

18 April. [The conditions having been complied with, Gordon's nomination is approved, as is the draft of trade instructions for the proprietors. P.R.] [p. 209.]

18 April. Barbados. [95.] [Reference to the Committee for Appeals of the petition of William Moore of Barbados, administrator of his late wife Margaret, who was widow and executrix of Benjamin Matson, that, as the proceedings are duly transmitted, a short day be appointed to hear his appeal from a Chancery decree of 19 Nov., 1725, dismissing his bill against Francis Ford and George Barry to be decreed 500*l.* with interest from the death of his wife.] [p. 212.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 125

[Order reversing the decree, in accordance with Committee report of 20 Jan.] [pp. 304, 315.]

1726.
(1727.)
8 Feb.

[96.] [Mr. Busby, solicitor, entered an appearance for — Mugill to the appeal of John Hamilton from Antigua.]

11 May.
Antigua.

[p. 219.]

[97.] [A representation of the Board of Trade of 11 May recommending the disallowance of a Pennsylvania Act directing the process of summons against free-holders is referred to a Committee.]

31 May.
Pennsyl-
vania.

[p. 230.]

[Committee report adversely, for the reasons given by the Board of Trade] that the Intent of the said Act is to exempt all Freeholders to the value of Fifty acres of Land in that Province from arrest, but as they may Contract Debts to a much greater value, and may have Considerable Personal Estates, with which they may run away . . . that this is an unreasonable privilege and not proper to be past into a Law.

21 June.

[p. 239.]

[The Act is disallowed.]

[p. 250.]

5 July.

[98.] [A representation of the Board of Trade of 3 May upon a Barbados Act of May, 1722, to prevent the vessels that trade here to and from Martinico or elsewhere from carrying off any negro, Indian or mulatto slaves, persons indebted or contracted servants, is referred to a Committee.]

31 May.
Barbados.

[p. 230.]

[The Committee report their agreement with the representation that as the penalty imposed is death with forfeiture of ship and cargo, with a fine of 500*l.* for compounding any breach of the Act, half to the informer and half for the fortifications, the recovery of the penalty before the Justices of the Peace is too summary a way of proceeding on so penal a law and is to be condemned since the matter should undergo the most strict and regular enquiry the nature of the offence will allow. The Act is also liable to objection in applying half the penalty to the fortifications instead of to his Majesty for the fortifications.]

21 June.

[p. 238.]