

198 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1728.

1 drum, 50 cartridge boxes and bedding for the Company to replace stores that have become worn out and unserviceable.]
[p. 313.]

12 June. [153.] [Reference to a Committee of the petition of Margaret
St. Christo- Bridgewater, Sarah Brown, Richard Halurane and Elizabeth
pher. his wife, late Elizabeth Liswell, all of St. Christopher, planters,
to be heard as to a grant of lands there now passing to Robert
Cunyngham, Esq.,] in which Grant the Petitioners allege
there is included severall parcells of Land which they have held
of the Crown for some time and been at a great Expence in
improving. [p. 315.]

12 June. [Similar reference of a like petition of Thomas Pilkington
merchant and Parnal his wife, late Parnal Fenton [or Penton]
who allege that the proposed grant includes a lot which they
have held of the Crown for some time and which they have
lately contracted to purchase absolutely.] [p. 316.]

31 July. [Committee, on examining the grants to the first petitioners,
hearing what was alleged on either side, agreed to report]
that it appeared, The said Cunyngham had obtained a Grant
of these Lands in His late Majestys Reign, wherein not only
the land in possession of the Petitioners but some others in
the possession of John Spooner Esquire were also inserted,
That thereupon the said Spooner came over and applied
for liberty to carry on a prosecution for vacating the said
Grant, which his said late Majesty was pleased to permitt him
to do ; which prosecution it appears was commenced, not
only in the Name of the said Spooner, but also in the Names
of all the Petitioners, That in order to stay such prosecution,
Mr. Cunyngham Petitioned His said late Majesty in Councill,
submitting himself to such Determination in this Affair, as
His Majesty should be pleased to make—Whereupon it appears
that on hearing of the said Cunyngham and Spooner, His
Majesty was pleased to order that the said Prosecution should
not be Stayed, untill Mr. Cunyngham should Surrender his
said Grant, And agree to accept a New one exclusive of the

Lands in the Possession of Spooner—And Their Lordships Do further Report, that the Agent for the Petitioners Did not make appear that the Petitioners had any other Grant of the Lands in their possession than what was Six Months later than the Date of the last recited Grant made to Cunnynggham—In regard whereto, and for that Mr. Cunnynggham hath Surrendered his said Grant and a New one is passing exclusive of the Lands in Spooners possession, and upon due Consideration of the whole proceedings in this Matter—Their Lordships are humbly of Opinion that the said Grant now Complained of by the Petitioners should not be passed to the said Mr. Cunnynggham untill such time as he hath given good Security to the Petitioners or their Agent for paying them the value of all such Buildings and Improvements which they or any under whom they Claim shall have made upon the Lands in Question, from the time of their first obtaining Grants in the usuall form from His Majestys Governors for such Lands ; The Money to be paid before such time as the Petitioners Deliver their Possession ; And the Valuation of all such Buildings and Improvements to be made according to the rules laid down by the Instructions Given to His Majestys Commissioners for the Sale of the French Lands in that Island, in Cases where any Persons purchase Land from the said Commissioners, who have not been the possessors and Improvers thereof—And their Lordships are further of Opinion that when the said Security shall be given as aforesaid, the said Mr. Cunnyngghams Patent to proceed to Pass under the Great Seal.

[pp. 351-2.]

[Committee hear the parties concerned in the second 31 July. petition], and it appearing that the Petitioners have been in possession of a small Lott of Land in Bassaterre Town by virtue of Grants from the Crown, and that they have been at a very great Expence in Improving the same, and contracted with the Commissioners for the Sale of the French Lands for the Purchase of the said small Lott :—Their Lordships Do

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therefore agree humbly to Report as their Opinion to Your Majesty that the said small Lott of Land now in the Possession of the Petitioners and which was formerly possessed by William Fenton and upon which Severall Improvements have been made both by the said Fenton and the Petitioners, and which hath been contracted for with the said Commissioners by the Petitioner Thomas Pilkington, should be excepted out of the Grant now passing to Mr. Cunyngham. [p. 352.]

15 Aug. [Orders in accordance with the reports of 31 July.]
[pp. 359-60.]

12 June. [154.] [Reference to the Board of Trade of the petition (and
Barbados. annexed account of particulars) of Francis Whitworth, Secretary of Barbados, that his Majesty will be pleased to recommend to the government of that island] the payment of 1,333*l.* 12*s.* 6*d.* which the Petitioner alleges to be due to him for making out Copies and Duplicates of the minutes of Council, and all Acts of Assembly for His Majestys Secretarys of State and for the Lords Commissioners for Trade and Plantations and for other publick Services from the 2d of Aprill 1719 to the 1st of March 1726. [p. 316.]

15 Aug. [On the report of the Board of Trade] that having discoursed with the Petitioner thereupon, He informed them that he hath not any Salary for Executing the said office of Secretary, and that the Proffits accrewing to him from his said Office, do only arise from such reasonable Fees as have for many Years past been usually taken in the said Office—And that therefore they are of opinion the Petitioners request is very reasonable, [it is ordered that the Governor and Council examine and settle the account and that the Assembly be recommended by the Governor to make immediate and punctual payment both now and in future]. [p. 362.]

(1738.)

6 April. [To the Committee for Plantation Affairs is referred Whitworth's petition, setting forth that in spite of the preceding order and the recommendation of the Governor, nothing has