

1732.

an illegal Precedent to issue Subpœna's returnable in any other place than in the said Court, and that the Examination of Witnesses at the private House or Chamber of a Judge was irregular and unwarrantable.

But that not having been allowed any opportunity to Defend himself against the said complaint he does in Justice to his private character humbly lay this his Case before Your Majesty praying that if it shall appear that he hath been undeservedly removed from his said office that he may be restored to Your Majestys Service.

[Mathew's petition sets forth] that his removal of the said Mr. Brown was with the advice and consent of the Council of the said Island of St. Christophers—And that he had severall Instances of Mr. Brown's misbehaviour in his said Post to lay before Your Majesty, and therefore [prays] to be heard against the above recited Petition of the said Mr. Brown. [The Committee, having heard counsel in support of both parties, and examined several witnesses, refuse to enter into the other instances of Mr. Brown's misconduct, they not having been signified to his Majesty as the cause of his removal, and agree to report that the said removal was without good and sufficient cause signified to his Majesty and the Board of Trade, as enjoined in the Governor's 42nd instruction.]

[pp. 614–16.]

[Report approved.]

[p. 625.] 13 April.

[Letter from one of the Clerks of the Council, enclosing a copy of the report and his Majesty's approbation thereof, to be laid before the Duke of Newcastle. Addressed to Charles Delafaye, Esq., secretary to the Duke of Newcastle.]

[p. 628.]

[259.] [Reference to the Committee for Appeals of the petition of Sir William Codrington of Dodington, Gloucestershire, for a short day for hearing his appeal from some decrees and orders of the St. Christopher Chancery, 4 Dec., 1729, 7 Dec., 1730, and 13 Feb., 1731, in a suit between him and Benjamin

19 Jan.  
St.  
Christopher.

558 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1732.

Markham and Ann his wife] relating to the Right to a Negroe Woman called Crook and her two sons called Jack-Ham and Peroe. [p. 554.]

(1733.)

10 Jan.

[Committee report. Codrington's petition sets forth that the negroes were in 1688 sold by Colonel Roger Elrington of St. Christopher to Monsieur St. Alban, a French subject in the French part of St. Christopher, that in 1696 they were captured by Christopher Codrington sen., by whom and his heirs they were quietly possessed till in 1718 the Markhams claimed them as heirs of Roger Elrington.] —The Lords of the Committee this day took the said Petition and Appeale into their Consideration and were attended by Counsel learned in the Law on both sides—But the Counsel for the Respondents moving for liberty to bring a Cross Appeale on their parts from the said Decree of the 4th December 1729—And that the hearing this Appeale might in the mean time Stand adjourned over that so both Appeales might come on to be heard at the same time—Their Lordships thereupon thought proper to postpone the Consideration of this Appeale till such Cross Appeale should be brought by the said Respondents.—Which Cross Appeale they are humbly of Opinion Your Majesty may be pleased to grant to the said Respondents upon Condition that they do pay unto the Petitioner ten pounds Sterling for the Costs of this day and that they do enter into the usual Security for prosecuting the said Appeale. [III. pp. 8, 87, 93-5.]

(1733.)

11 Jan.

[Order accordingly.]

[III. p. 96.]

(1734.)

11 April.

[In accordance with the Committee report of 5 April, order is given] That the Decree made in the Court of Chancery of the Island of St. Christophers on the 4th of December 1729 with all the Subsequent Orders in the said cause be reversed and that a Perpetual Injunction be Decreed against both the Judgements Obtained by Markham and his Wife on the 11th of June 1724 and the second Tuesday in

1732.

July 1730—[and that further proceedings may be taken in the Court of Chancery in St. Christopher.]

[III. pp. 162, 391, 420-3, 454.]

[260.] [Reference to the Committee of a representation of 24 Feb.  
8 Feb. from the Board of Trade proposing the repeal of a Bermuda.  
Bermuda Act of July, 1731, to supply the deficiency of the  
several funds in these islands and for defraying the charges  
of the Government.] [p. 610.]

[The Committee agree with the Board of Trade that the 23 Mar.  
Act should be disallowed as containing a provision of a very  
particular nature and detrimental to the trade of this king-  
dom,] In regard it is thereby enacted, that for the term of  
two Years from the publication of the said act all goods and  
merchandize of what nature or kind soever belonging to any  
persons not being inhabitants of the Bermudas shall pay at  
the rate of three pounds of the current money of Bermuda  
for every hundred pounds value imported into those islands.  
[p. 621.]

[The Act disallowed.] [p. 624.] 13 April.

[261.] [Reference to the Committee for Appeals of the appeal 13 April.  
of Thomas Alden, John and Judith Standish, Alexander and Jamaica.  
Anne Geikie (which said Thomas, Judith and Anne are the  
three surviving children of Charles Alden), Edward and  
Elizabeth Brown, executor and executrix of Edward Brown,  
deceased, who was the surviving executor of the said Charles  
Alden, deceased, from a sentence of the Jamaica Chancery  
of 12 April, 1731, in favour of Charles Chaplin.]  
[pp. 621, 627.]

[In accordance with Committee report of 5 June, the appeal 13 June.  
is sustained, the respondent's plea overruled, and the respon-  
dent ordered to put in a full and perfect answer to the  
appellant's bill.] [pp. 651, 661, 667.]

[262.] [Reference to the Committee for Plantation Affairs of 13 April.  
the petition of Agatha Campbell of Annapolis Royal, widow of Nova  
Scotia.]