

1737.

in one Body, And if application shall be made to the said Governor for a Grant of Royal Mines lying in the Lands which are the Property of any Private Person such Private Person or his Representative shall have Notice thereof and Liberty to take out such Grant for his or her own Benefit Subject to the same Conditions with other Grantees of Royal Mines, But if the Proprietors of the said Land shall neglect or refuse to take out such Grant within twelve Callender Months after Notice given then the Grant may be made to the Persons applying for the same.

[The Committee agree with the report, but] Observing that as there is no Limitation of time inserted therein for the continuance of the said Grants the Governor will be thereby left at liberty to make Grants of the said Mines in perpetuity or for any Term of Years he shall think fitting—And their Lords conceiving that the time for which such Grants should Subsist ought to be particularly Specified as hath been usually done in Grants of this Nature, and apprehending that the Term of Fifty Years will be Sufficient to give encouragement to persons to Search for and Work the said Mines Their Lordships have therefore inserted the said Term in the said Draught.

[pp. 485-6.] (1738.)

[Instruction approved. P.R.]

[p. 539.] 25 May.

[416.] [Reference to Committee of the petition of Benjamin Charnock for a short day for hearing his appeal from a decree of the Barbados Chancery, 19 April, 1737, in favour of Elliot Saer and George Gascoigne.] 29 Nov. Barbados.

[p. 307.] (1738.)

[Reference to Committee of Saer's petition for leave to bring a cross appeal from the judgment of 19 April, 1737, on his bill against Charnock, Gascoigne, and Thomas Maxwell.] 12 Jan.

[p. 371.] (1738.)

[Order, in accordance with Committee report of 19 May, for admitting Saer's cross-appeal with reference only to the matter of costs. Saer's petition sets forth that the case concerns an] execution levied upon a Judgment entered into 25 May.

576 ACTS OF THE PRIVY COUNCIL (COLONIAL).

737.

by the Petitioner and one William Ramsay to Thomas Maxwell deceased Father and Testator to the said Thomas Maxwell for one thousand three hundred Pounds and for Relief in this Case That the said Charnock and Gascoigne put in their Answers to the said Bill and Examined some Witnesses, particularly one John Bourne who endeavoured to prove the Petitioners being Privy and consenting to Ramseys running off the said Island which being to a matter neither put in issue nor even insinuated in either of the Answers ought not to have been examined to in the said Cause. [pp. 527-8, 558.]

(1739.)

22 Mar. [Order, on the Committee report of 19 Feb., that the Chancery decree of 19 April, 1737, be reversed, and that further proceedings be taken by the proper officer in Barbados.]

[VI. pp. 45, 105-110, 144.]

(1749.)

12 Oct. [Appearance entered for Charnock to Saer's appeal.]

(1749.)

[XII. p. 323.]

23 Nov. [Reference to the Committee of Elliot Saer's appeal from a decree of the Barbados Chancery of 23 Nov., 1748,] in favour of Benjamin Charnock Esqr. whereby several Exceptions made by the said Charnock to a Report of a Master in Chancery there (in relation to an Account directed to be taken by His Majestys Order in Council of the 22d of March 1738 in a Cause depending between the Petitioner and the said Charnock) were adjudged to be good and the said Report of the Master Set aside. [XII. p. 366.]

(1752.)

11 Mar. [On 6 April, 1741, Charnock took three objections to the report of the Master, which were argued on 17 Feb., 1742, two of them adjudged to be good, and the case referred back to the Master. On 6 Aug., 1745, the new Master made a special report, which was published on 4 Sept., 1745. On 20 Dec., 1745, Charnock filed several objections to this, which were argued on 23 Nov., 1748, and adjudged good. From this last decision Saer appeals. On the report of the Committee of 25 Feb., 1752, judgment is given] That no part of the

1737.

Money levied out of the Estate and Effects of Ramsay be applied in Satisfaction of the said Judgment But that upon payment of 2,600*l.* by the Appellant Saer to the Respondent Charnock in Barbados within Six Months after the Registring hereof in the Court of Chancery in Barbados together with his Costs in the Court of Chancery there to be taxed by the proper Officer there the Defendant Charnock shall Cause Satisfaction to be acknowledged on the said Judgment at the Expende of the Appellant Saer if required and that the Injunction already obtained be made perpetual—But in Case the Appellant Saer do not pay to the Respondent Charnock what is directed to be paid him as aforesaid That then the said Appellants Bill shall stand dismissed with Cost and the Injunction be dissolved But that the said Injunction shall continue to the End of the said Six Months.

[XIII. *pp.* 503, 514–525, 548–9.]

[417.] [Reference to the Committee of the petition of Augustus Boyd, Esq., and John Denn, his lessee, for a short day for hearing their appeal from a judgment of the Court of Errors in St. Christopher, 21 Feb., 1737, reversing a judgment of the Court of King's Bench and Common Pleas, 26 Aug., 1735, in their action against Anthony Johnson, William Machan, Richard Emery, William Hart, Joseph King, John Johnson, Isaac Thomas, Christopher Dean and Anne Cameron for recovery of several lands and premises.] [p. 308.]

29 Nov.
St.
Christopher.

(1738.)

[The case concerns lands in the French part of St. Christopher, which were granted by King William III to Andrew Thauvett and Gabriel Papin, who held them till the peace of Ryswick, when they lapsed to the French. After the peace of Utrecht, Gilbert Fleming, the King's Commissioner, sold the lands in fee simple to the respondents, who were at the time in possession. On Papin's death, his claim on the lands passed to Thauvett, and on his death to his nephew Augustus Boyd. The St. Christopher Court of King's Bench held that the surrender of the lands at the peace of