

722 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1742.

and several Proceedings had thereupon And also from a final Decree or Order of the said Court of Chancery on the 15th of April 1741 upon a Bill filed there by the Petitioners against Benjamin Charnock for a Discovery how several Debts Due from Philip Kirton Esqr. deceased to the said Benjamin Charnock were Originally contracted and other matters therein contained. [p. 144.]

(1743.)

2 June. [The said Elizabeth was successively wife of Philip Kirton, John Arnett and Patrick McCabe. The case concerns a debt of Kirton to Charnock. A mixed verdict is rendered, and certain matters referred to the Master in Chancery in Barbados. As the appeal has been only partially successful, no costs are given on either side. [pp. 211, 339, 356-371, 429.]

6 May.
Jamaica.

[541.] This day Mr. Tomkins of Fishmongers Hall Entered an Appearance for Mary Clark and Fernley Clark to the Appeale of Calvin Galpine from Jamaica. [p. 130.]

17 May. [To the Committee is referred the appeal] of the Reverend Calvin Galpine Rector of the Parish of St. Catherine in His Majestys Island of Jamaica from an Order made in the Court of Chancery of that Island on the 22d of May 1741 Dismissing a Bill of Redemption or Foreclosure filed in the said Court by the Petitioner against Mary Clarke and Ferneley Clarke for discharge of a Mortgage for 1,500*l.* and Interest. [p. 145.]

(1743.)

2 June. [Order in accordance with the Committee report of 27 April] that the said Order of the 22nd of May 1741 Be reversed and that the Court of Chancery in Jamaica do proceed forthwith to make a final Decree for the Appellant on the Masters Report of the 17th of May, 1740 according to the Equity and Justice of the Case. [pp. 394-398, 425.]

(1745.)

7 Feb. [Reference to the Committee of the appeal of Mary Clarke, widow and executrix of Edward Clarke, and of Ferneley Clarke, an infant, her eldest son, from a decree of the Jamaica Chancery of 9 Nov., 1743, in favour of Calvin Galpine.] [IX. p. 660.]

[The Committee] this day . . . heard all Partys therein concerned by their Counsel learned in the Law. [The entry, described in the margin as Committee report, gives a long account of the case, but makes no recommendation. The names of various trustees and others are given—Henry Stout and William Parke, John and James, sons of Edward Clarke, Thomas Corker.] [pp. 465, 470–5.]

1742.
(1746.)
3 May.

[542.] [Reference to a Committee of the petition of the Royal African Company] setting forth that they have Agreed at their joint Expence to fit out one or more Ship or Ships of Force for the Attacking Surprizing taking or Destroying the Ships Goods Settlements Factorys or Lands of the Spaniards or any other of His Majestys Enemys in America And humbly praying for His Majestys Commission and Grant for the better enabling them and such others as shall join with them to carry on their said Undertaking. [p. 140.]

17 May.
Plantations.

[Committee. Reference to the Attorney and Solicitor General of the petition] and also of the Act of Parliament past in the 6th Year of his late Majestys Reign Entituled An Act for better Secureing certain Powers and Privileges intended to be granted by His Majesty by two Charters for Assurance of Ships and Merchandizes at Sea and for lending Money on Bottomry; and for restraining several extravagant and Unwarrantable Practices therein mentioned And to Report to this Committee their Opinion, Whether the said Company is not Disabled by the said Act of Parliament from carrying on any other Undertaking than those for which they were incorporated—And in Case it shall be their Opinion that the said Company are not under such Disability that then they do Report to this Committee what may be Adviseable for His Majesty to do upon the said Petition and whether any and what Security ought to be given by the Petitioners and where and how the same shall be taken. [p. 195.]

22 July.

(1743.)

[Committee.] Report of the Attorney and Sollicitor General . . . Read and Considered and the Petitioners desiring to

17 Jan.