

84 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1724.
(1727.)
2 Nov. [Reference to a Committee of the petition of Samuel Wragg, merchant, agent for South Carolina, on behalf of the inhabitants], praying in regard they are in the greatest necessity for a Governor on the Spot to Compose the Disturbances there, That His Majesty will be graciously pleased for the present to appoint and Send over a Provisinall Governor untill such time as His Majesty shall otherwise take the said Province entirely under his own Government and Protection—[and of] a Letter from Arthur Middleton Esquire President of the Council and Commander in Chief of the said Province together with Copies of Severall Depositions relating to the Spanish Privateers having lately taken severall Trading vessels on the Coast of Carolina and sent them to the Havanna. [Geo. II. Vol. I. p. 165.]
- (1727.)
14 Dec. [Reference to the Committee of the petition of the Proprietors of Carolina recommending Col. Horsey as Governor till a proper method is advised for his Majesty's acceptance of their surrender; and of a petition of several merchants trading to South Carolina that the Governor may not be a planter, the interest of the merchants and planters being at this time to be settled and adjusted; also of a petition from those trading to South Carolina complaining that no returns have been transmitted for some time for their goods in South Carolina owing to the great disorders and uncertain management of affairs in that Province.] [Geo. II. Vol. I. pp. 190-1.]
- 23 July.
Bermuda. [70.] [Reference to the Committee for Appeals of the petition of Samuel Eveleigh of Charleston (S.Ca.) merchant, owner of two thirds of the sloop *George and Elizabeth*, James Wall master, and of two thirds of its cargo, and also administrator of the estate of the late Joseph Palke of Charleston, merchant, owner of the remaining thirds, complaining of the condemnation of the ship and cargo in an Admiralty Court in Bermuda,] And of the very Extraordinary proceedings had therein and particularly Complaining of John Hope Esq. His Majestys Governor and of William Outerbridge and Henry Tucker—

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And humbly praying to be releived in the premises, And that the said Governor and others may be proceeded against as to His Majesty shall Seem proper. [p. 573.]

[Committee recommend that, On giving Security, Eveleigh be permitted to appeal from the sentence passed on 19 Dec., 1723 by Outerbridge and Tucker] who were appointed by Mr. Hope, the Governor of Bermudas, to hold (what he was pleased to call) Your Majestys High Court of Admiralty whereby the said Ship the George and Elizabeth was Condemned, Inventoried, appraised, Sold, and divided according to the statute of the 7th and 8th of King William the 3d, on pretence that her lading consisted of French Goods Shipped at the Island of Santa Lucia. [The petitioner and his agent are also to have copies of such of the proceedings as they think necessary, and Hope, Tucker and Outerbridge are to return their answers to the Council, the two latter] particularly in relation to the Letter Charged therein to be sent to them by Governor Hope. [p. 605.] 7 Aug.

[Orders accordingly. Security is given on 7 Sept.] 22 Aug.
[pp. 612-3 & V. pp. 7, 57, 73.] (1725.)

[Reference to the Committee for Appeals of Eveleigh's complaint against Governor Hope] for breaking open a Packett of Letters sent to the Petitioners Agent at Bermudas, wherein was Enclosed an order of His Majesty in Council, and Deteining them from him, and for other Extraordinary and unjustifiable proceedings. [V. p. 88.] 6 July.

[Reference to the Committee for Appeals of a petition and representation of complaints against Gov. Hope from several merchants trading to the West Indies, others concerned in the insurance of ships in that trade, and others concerned in the West Indian trade and plantations in general.] [V. p. 88.] (1725.) 6 July.

[Committee. Captain William Bell, Captain David Burch, Abel Atwood and Jonathan Burchall Mariners, appeared before the Committee and swore to the truth of their respective (1725.) 8 July.

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affidavits] made before Mr. Godfry and Mr. Holford Masters in Chancery Concerning the Complaints preferred against John Hope Esq. Governor of Bermudas. [V. p. 93.]

(1725.)

17 July. [Committee. Similar entry as to Adam Wood, mariner.] [V. p. 96.]

(1726.)

10 May. [Reference to the Committee for Appeals of George Tucker's complaint against Governor Hope for suspending him from his offices of Secretary and Provost Marshal General of Bermuda.] [V. pp. 219, 240, 246, 262, 305, 354, 361.]

(1726.)

1 July. [Committee. Hope to have copies of Eveleigh's petition and of the nineteen articles of complaint preferred by the West Indian traders, and to answer them before the end of December, when the petition is to be heard. In each case] Serving of a Copy of this order and Petition upon the Agent of the said Governor Hope in London shall be Deemed good and Sufficient Service hereof. [V. p. 244.]

(1726.)

1 July. [Committee. This day had been appointed to hear Eveleigh's appeal against Thomas Brook, Collector of the Customs in Bermuda, but it not appearing that Brook had been summoned to appear, a copy of the petition of appeal is ordered to be sent to Gov. Hope, who is to cause it to be served upon Brook and make a return of such service to the Board by the end of December, when Brook or his agent is to answer the appeal.] [V. p. 245.]

(1728.)

15 Feb. [Order in accordance with Committee report of 2 Feb., that, as counsel for Mr. Hope agrees to Mr. Tucker's being restored, his suspension be now removed, and that he be] paid one moiety of the Profits arising from the said offices during his suspension according to the security given for that purpose pursuant to the Governors Instructions; and their Lordships are further humbly of opinion, that in case there should be any Refusal in such payment the Petitioner should be at liberty to putt the Security in Suite in the name of whomsoever it has been taken.

[George II. Vol. I. p. 226.]

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[Order in accordance with Committee report of 20 July, that the verdict against the *George and Elizabeth* be reversed and its value restored to Eveleigh according to the estimate of the Court of Admiralty of Bermuda.] [pp. 340, 345.]

1724.
(1728.)
25 July.

[71.] [Reference to a Committee of the petition of John Paris of South Carolina, merchant, that the Attorney General there be directed to enter a Noli prosequi to stop further proceedings in the Admiralty Court against his ship, the *Sea Flower*.]

6 Aug.
South
Carolina.

[p. 600.]

[Committee] apprehend the Petitioner may Deserve Your Majestys Royall Favour, and Do therefore agree humbly to Report as their opinion that a Copy of the said Petition should be Sent to Your Majestys Governor of South Carolina with orders Directing him to Cause the same to be Examined into there, and in case the allegations appear to be true, that he do then Give Directions to the proper Officers to enter a Noli Prosequi for staying any further Proceedings against the said Ship. [Paris alleges that proceedings are being taken against the ship because she has not a register, as required by the Act 7 and 8 William III, which she could not have, as she was taken by the Spaniards in the late war, and has since touched at no British port till she put into Carolina, having been bought back by the petitioner in Spain to bring over some English prisoners. The case has been put off till Paris could apply for proper relief in Great Britain.]

12 Aug.

[p. 609.]

[Order accordingly.]

[p. 613.] 22 Aug.

[72.] [Reference to the Committee for Appeals of the petition of William Fry of Montserrat that, as the proceedings are duly transmitted, a short day be appointed for hearing his appeal] from a Judgment in Error made by the Lieutenant Governor and Council of St. Christophers on the 19th of February 1723, in favour of Hermanus Trebeck relating to severall parcells of Land in that Island called Frys Plantation and Bakers Island.

22 Aug.
St.
Christopher.

[p. 616.]