

1754.

Majestys Service, and the Convenience of the said Island, and that the Acts passed in Jamaica in May 1755, for removing the Courts, Offices &c. from St. Iago de la Vega to Kingston, should be Repealed. [Action on the report of 19 Feb., 1756, for disallowing these Acts had been postponed till the new Governor, Henry Moore, should transmit the dispassionate opinion of the Legislature. The Council favoured Kingston, and the Assembly, St. Iago de la Vega. In view of the disadvantages felt by those who live remote from the capital, St. Iago de la Vega, further orders are given (in accordance with the reports) (a) for the Governor to recommend it to the Assembly to pass a law for establishing three districts or counties and courts in the nature of circuit courts in two of them, and to make proper provision for the payment of judges' and officers' salaries ; (b) for the Board of Trade to transmit to the Governor the heads of a law for establishing the new counties and courts, which had been prepared by the Attorney and Solicitor General ; and (c) for making Kingston, Savannah La Mar, Montego Bay, and Port Antonio legal ports of entry and clearance, and for appointing the necessary officers there, to be paid reasonable salaries not exceeding 70*l.* each by the Legislature of Jamaica.]

[XVII. *pp.* 179-83, 186-90.]

[237.] [Reference to the Committee of the petition of Zachary Bayly, merchant of Jamaica, for a day for hearing his appeal from a Chancery order of 14 Feb., 1754, over-ruling his demurrer to a bill filed by George Smith, merchant of Philadelphia, against him and others to account and pay him the value of 40 tons of logwood and ordering that the suit be not stayed on account of Bayly's appeal.] [p. 135.]

29 May.
Jamaica.

[On a motion by Bayly's counsel, the Committee order the proceedings in Chancery to be stayed till the appeal is determined.] [p. 155.]

20 June.

[On the Committee report of 19 Feb., the appeal is dismissed with 40*l. stg.* costs. The case is now described as relating to] forty tons of Logwood, which was charged in the

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said Bill to have been shipt on Board the Ship Alexander, Robert Moody Commander, by David Littlejohn deceased, and intended to have been consigned to Marmaduke Hilton of London Merchant to pay the proceeds thereof to the said George Smith, towards satisfaction of his Demands on the said David Littlejohn, but for which Logwood the said Robert Moody, Commander of the Ship Alexander, had, by the procurement of the Petitioner and others, after the death of the said Littlejohn, signed Bills of Lading to Messrs. Pinfold and Morgan of London Merchants, the Petitioners Correspondents. [pp. 306, 445 ; XVI. pp. 39, 48-9, 84.]

21 June.
New
Hampshire.

[238.] [On the Committee report of 20 June, a New Hampshire Act of 1742—to ascertain the fee of a messuage and tract of land in Portsmouth, in the province of New Hampshire, containing about 12 acres, heretofore mortgaged by William Vaughan of Portsmouth aforesaid, gentleman—is repealed. (P.R.) The Committee agreed with a Board of Trade representation referred to them on 18 June, finding] that this Act is made upon the suggestion of a Mortgager and Mortgagee, that the Mortgaged Estate which appears by a Will to be an intailed Estate was intended by the Testator to be a Fee Simple, and was intailed by some mistake in the writing of the Will, and therefore the Act declares the Estate to be a Fee Simple Estate, and that the same shall be so held against the Heirs of the Testator that may claim the same under the said Will. That such suggestions did not Warrant the Legislature of the said Province to pass this Act, which declares an entailed Estate to be a Fee Simple without proofs at Law of the mistake, and that the Right of any person claiming under such intail, ought not to be prejudiced upon such suggestions only—And that [the suspending clause required in private acts by the 24th article of the Governor's instructions is omitted.]

[pp. 147, 153, 160.]

21 June. [239.] [On the Committee report of 20 June, a Virginia
Virginia. Act of April, 1752—to explain the charter and enlarge the