

Mr. Dismore from his Office is illegal and an Encroachment upon Your Majestys just Rights (as all these Nominations flow from your Majestys appointment under the Great Seal of this Kingdom) and a contempt of the Legislative Authority of the Parliament of Great Britain.

The Lords of the Committee do therefore humbly propose to Your Majesty that the said Edward Dismore should be reinstated in his said Office of Deputy Post Master of Your Majestys Island of Jamaica ; and that he should be left to take his course at Law against the said Robert Loch his Successor, for the profits of His Office in such Manner as he shall be advised.

The Lords of the Committee take leave humbly to observe to Your Majesty that they have not entered into the Consideration of the Charge against the said Dismore, or his Defence, because the Lieutenant Governor and Assembly have usurped to themselves the power of hearing and punishing, which belonged only to Your Majesty, in Case the Post Master General, upon a reasonable Complaint had refused to do Justice, The Act therefore which has been done must be first undone before these pretended Grievances can be taken into Consideration. [XVIII. pp. 213-4, 218.]

[382.] [An appearance is entered by F. J. Paris for Samuel Sherburne, Peter Gillman and Dorothy his wife, and Joseph Langdon and Anne his wife, to the appeal of John Sherburne from New Hampshire.] [p. 442.] 15 Mar.
New
Hampshire.

[Reference to the Committee of Sherburne's petition for a day for hearing his appeal from a sentence of the Supreme Court of Probate of Wills, 29 June, 1758, in favour of the above respondents.] [Geo. III. Vol. II. p. 16.] (1762.)
2 Jan

[On the Committee report of 16 March, the judgment is reversed, as the Court of Probates has no jurisdiction so far as the will relates to real estates : upon the rest of the case a judgment of the first Court of Probates, 29 April, 1758, is affirmed. The case concerned the will of Henry Sherburne, father of John, Samuel, Dorothy and Anne. A deceased (1762.)
5 April.

412 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1759.

son Henry had a son of the same name, and John had also a son John. Others named in the report are the Rev. Samuel Langdon, the Rev. Samuel Haven, Arthur Brown, William Parker and Richard Wibird.] [II. *pp.* 127-30, 168.]

29 Mar.
Antigua.

[383.] [In accordance with the Committee report of 15 March on a Board of Trade representation referred to them on 14 March, an Antigua Act of Aug. 1754, for preventing wrongs and inconveniencies arising from dormant judgments, is repealed. The Committee found] That this Act is of an unusual and extraordinary Nature and such as does not appear to be more necessary in Antigua than in this Kingdom where there is no such Law, the Statute of Limitation here being confined to promissory Notes and simple Contracts, and not extended to Judgments and . . this Act can only operate in favour of the careless or ignorant Debtors and may in particular Cases defeat the Just Creditor of his Right. [*pp.* 436, 439, 452.]

29 Mar.
Jamaica.

[384.] [In accordance with the Committee report of 15 March on a Board of Trade representation referred to them on 14 March, a Jamaica Act of Dec. 1756, to reverse the sentence against Thomas Kello, a prisoner in the gaol of St. Iago de la Vega, is disallowed. The Committee found] That this Act recites, that the prisoner having been convicted in the Supreme Court of Judicature of Harbours and employing a Negro Boy the property of Anne Peake was sentenced to pay her the sum of 52*l.* and also 100*l.* Penalty and to suffer Twelve Months Imprisonment That the Assembly upon the Prisoners petition having caused the said Sentence, and other proceedings to be brought before them, it appeared to them upon due Inspection, that there was not sufficient Foundation upon the Evidence produced at the Trial to ground the said Sentence, wherefore the Act declares that the Sentence and all other proceedings had thereon shall be reversed and the Prisoner be freed and discharged from all the Penalties and Forfeitures thereby inflicted on him. That