

1759.

Sir Mathew Lamb one of Your Majestys Counsel at Law whose Opinion the said Lords Commissioners thought proper to take upon this Act has reported That it is an Act of the most extraordinary Nature and the first Instance where the Legislature even of Jamaica although it has assumed great powers in several Acts have taken upon them to reverse a Sentence passed by legal Judges upon the Trial of a person for a Breach of the Laws of the Island ; That after Sentence passed the Assembly ought not to have taken upon them to review the Proceedings upon such Trial, and to Declare that there was not sufficient Foundation for such Sentence it being very possible some Facts or Circumstances might appear to the Judges upon the Trial which did not appear on passing this Act : That as the Laws of the Island have invested the Judges with the power of trying persons for the Breach of the Laws to them only it belongs ; and that if this Act should be confirmed or allowed it might be a precedent of the most dangerous Consequence. [pp. 437, 439, 453.]

[385.] [An appearance is entered by Edmund Wilson of New Court in the Temple, for John Bourke and John Flaherty to the appeal of Thomas Peters, Nicholas Barritt, and Thomas Biggs from Jamaica.] [p. 471.] 11 April. Jamaica.

[Reference to the Committee of the petition of Sir John Molesworth, Bart., of Pencarrow in Cornwall, and of Peters, his attorney, for a day for hearing their appeal from a decree of the Jamaica Chancery, 27 May, 1758, and a subsequent order of 21 Aug., 1758, in a case between them and John Bourke and others, relating to the Pothouse Land in St. Dorothy parish.] [XVIII. p. 131.] 29 Aug.

[An appearance for the Hon. Thomas Fearon to Molesworth's appeal, is entered by Mr. Goostrey.] [XVIII. p. 493.] (1760.) 18 Sept.

[Reference to the Committee of the petition of Molesworth and Peters for a day for hearing their appeal from a Chancery decree of 15 Nov., 1759, on Fearon's bill to be quieted in the possession of Byndlosses Bog in the parishes of St. Dorothy and St. Catherine.] [Geo. III. Vol. I. p. 187.] (1761.) 28 Jan.

414 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1759.
(1762.) [On the Committee report of 6 April, the appeal of 29 Aug.
12 April. 1759, is ordered to stand over with liberty for the respondent Bourke to add Thomas Hercey Barritt and Thomas Biggs, whom he deems necessary parties. On the appeal of 28 Jan., 1761, such part of the decree as grants an injunction in the case is affirmed, but the other part reversed and further proceedings ordered to be instituted in Chancery to determine which of the defendants, Molesworth and Matthew Byndloss, had a right to the land and is entitled to the purchase money from the plaintiff. Names occurring in the report are Thomas Peters Fearon, deceased, son of the plaintiff; Elizabeth Barritt, Nicholas Bourke; Duncan Thomson and Edward Warnes or Worms, two surveyors; Mr. Welch, counsel for the plaintiffs, and Mr. Ford, for the defendants.] [II. *pp.* 176-87, 202.]
- (1765.) [The decrees of May and Aug., 1758, are reversed, in
26 July. accordance with the Committee report of 18 July on Peters' amended appeal of Aug., 1759, Thomas Hercey Barritt having been substituted for his father, deceased. No appearance was made for Barritt or Biggs, Bourke being the only respondent represented by counsel.] [IV. *pp.* 169, 298, 305.]
- 14 April. [386.] Representation of the Board of Trade, proposing
North Carolina. that an Instruction may be sent to the Governor of North Carolina, to recommend to the Assembly the passing an Act for amending two Acts passed there in the years 1748 and 1754. Read and Referred to a Committee. [*p.* 479.]
- 31 May. [The instruction, prepared by the Board of Trade on a Committee order of 26 April, is approved, on the Committee report of 28 May. The Board of Trade representation set forth that they considered the Acts, one of 1748] intituled, An Act for granting unto His Majesty the Sum of Twenty One Thousand Three hundred and Fifty pounds proclamation Money and for stamping and emitting the said Sum 21,350*l.* Publick Bills of Credit of this Province at the Rate of Proclamation Money to be applied towards building Fortifications in this province, payment of the publick Debts exchanging the present Bills of Credit and for making proper