

Appeals to the Privy Council

Calendar of State Papers Colonial Series

13_1696_00

Appeal of Bowtell

Virginia

Calendar of State Papers Colonial, America and West Indies, Volume 15: 1696–1697, J. W. Fortescue, ed. (London: Longman, 1904), no. 46, p. 22:

June 18. Whitehall.	46. Order of the Lords Justices of England in Council. Referring the petition of William Bowtell and Thomas Wenbourne, merchants, to the Council of Trade and Plantations for report. <i>Signed</i> , John Nicholas. $\frac{1}{2}$ p. <i>Annexed</i> ,
	46. I. Petition of William Bowtell and Thomas Wenbourne. Seth Sothell, late Governor of Carolina, was indebted to us in the sum of £296 and £148, as we can prove by bonds under his hand. Sothell died in Virginia, leaving as sole executrix his widow, who married John Lear and is since also dead, leaving all Sothell's personal estate to the said Lear. This Lear refuses to pay Sothell's debts, and by the arbitrary and illegal method set up by the Governor and Council of Virginia neither Lear nor any other of the said Council are compellable to pay either their own just debts nor those which they owe as executors. For in 1680 they settled a rule in the General Court (where they sit as judges without having taken any oaths as such) that none of the Council shall be liable to any action whatever for any matter or reason whatever, the reason being that it is inconsistent with their honour, so that it is at their own discretion whether they will answer to any action. This method being observed (as hitherto it has been by all of the Council) all persons who have any concerns in their lands must suffer greatly, for as no process in law can touch their persons, so neither shall it affect their estates. We beg for your Excellencies' order that John Lear may not be protected by any such contrivance, but that we may have the same remedy against him as though he were not of the Council. 1 p. <i>The whole endorsed</i> . Read, July 13, 1696. [<i>Board of Trade</i> . Virginia, 6. Nos. 1, 1I.; and 37. pp. 1–3.] [Now CO 5/1309, Nos. 1, 1I.]

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