

502 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1736.
members of the General Assembly of New Jersey : (b) the Grand Jury returned to serve at the Supreme Court at Perth Amboy : and (c) Richard Partridge, agent for the province. [p. 456.]
- 24 May. [Referred by Committee to Board of Trade.] [p. 463.]
(1737.)
- 13 April. [Committee postpone further consideration of the Board of Trade report.] [V. p. 187.]
(1737.)
- 21 July. [On a representation from the Board of Trade of 30 June, Lord Delaware's commissions as Governor of New York and New Jersey are approved. P.R.] [V. p. 262.]
(1738.)
- 15 Feb. [On a representation from the Board of Trade of 25 Jan. Lewis Morris's commission as Governor of New Jersey is approved. P.R.] [V. p. 426.]
- 21 May. [378.] [Reference to the Committee for Appeals of the petition of Wavell Smith, Secretary of the Leeward Islands, for leave to appeal from a judgment of the Court of King's Bench and Common Pleas in Antigua, 28 May, 1734, whereby he was found guilty of extortion and fined 10*l*.] [p. 457.]
Antigua.
- 23 July. [Committee. The petition shows that the indictment charged Smith with] having on the 26th of May 1732 Extortiously demanded and taken of the Honourable Francois Carlisle of the said Island Esqr. two Fees of one Pound Nine Shillings and Nine Pence Current Money of Antigua for entering in the said Office of the Petitioner two Declarations and Continuances thereon in two Actions in the said Indictment mentioned which Fees were laid to be more than appointed by a Docket therein also mentioned that after the Grand Jury had found the Bill of Indictment the Petitioner removed it by Certiorari into the Court of Kings Bench and Common Pleas for the said Island of Antigua where the said Indictment came on to be tryed on the 16th of April 1734—And the Jury found a Special Verdict, That on the 28th of May 1734 the said Special Verdict was Argued before the Judges of the

said Court who gave Judgment thereupon against the Petitioner as Guilty of Extortion and also fined him ten pounds that the Petitioner conceiving himself aggrieved by the said Judgment was advised to Appeal there from but the said fine being under the Sum limited in General for the Allowance of Appeals the Petitioner could not be admitted to appeal therefrom—Wherefore he most humbly prays in regard to the Circumstances of his Case and that altho the said Fine amounts only to ten pounds Yet the right Determined thereon being a Fee of Office which in the Course of Business is of Considerable more Value than the Sum limited for the Allowance of Appeals that he may therefore be permitted to Appeal to His Majesty from the said Judgment. The Lords of the Committee in Obedience to His Majestys said Order of Reference this day took the said Petition into their Consideration and Do Agree humbly to Report to Your Majesty as their Opinion that it is not Adviseable for Your Majesty to grant the Petitioner liberty to Appeal to His Majesty in Council from the said Judgment given in the Court of Kings Bench and Common Pleas in Antigua in regard such Appeals ought only to be admitted from the Determination of the Superior Courts in His Majestys Plantations in America and there being a Court of Errors Establishd in the Island of Antigua the Petitioner ought therefore first to carry his Appeal to that Court; But their Lordships Observing that the Fine to which the Petitioner is Condemned amounts to no more than ten pounds And finding that the Governor of the Leeward Islands is restrained by His Majestys 54th Instruction from Admitting Appeals to the Court of Errors unless the Sum or Value Appealed for do exceed three hundred pounds Sterling and likewise from Admitting any Appeals from the Determination of the said Court of Errors to His Majesty in Council unless the Sum Appealed for do Exceed five Hundred pounds Sterling Their Lordships are therefore of Opinion that His Majesty's said Instruction should be dispensed with in this particular Instance, [and the Governor

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1736.

ordered to admit the petitioner to bring a writ of error, from which either party may, if they so desire, appeal to his Majesty in Council]. And their Lordships Observing that this Affair hath been depending a Considerable time in the said Island of Antigua Do further humbly propose to Your Majesty that the said Governor may be directed to proceed to the hearing thereof without delay after the said Writ of Error shall be brought. [pp. 503-5.]

11 Aug. [Order accordingly.] [p. 511.]
(1738.)

20 July. [Reference to the Committee of a petition of Wavell Smith for a short day for hearing his appeal from the judgment of the Governor and Council of Antigua as a Court of Errors, 31 Jan., 1737, reversing the judgment of 28 May, 1734. Though the earlier judgment is reversed, no order has been made for repaying the fine and restoring the petitioner to everything he has lost by means of the judgment of the Inferior Court.]

(1738.) [V. p. 600.]

26 Oct. [Committee. The respondents, Nathaniel Gilbert and John Thomlinson, executors of Francis Carlisle, not having entered an appearance, order is made for hearing the appeal on 15 Nov. and for affixing the usual summons on the Royal Exchange and at Lloyd's Coffeehouse.] [VI. p. 10.]

28 May. [379.] [Reference to the Committee of the petition of Murray
North Crymble and James Huey of London, merchants, on behalf of
Carolina. themselves and others for a grant of lands in North Carolina] and praying to make a settlement thereon of Six thousand Swiss Palatines and other Protestants of Guernsey within the space of ten Years. [p. 469.]

3 June. [Referred by Committee to Board of Trade.] [p. 473.]

8 Dec. [Committee order that the solicitors receive a copy of the
(1737.) Board of Trade report.] [V. p. 35.]

6 April. [Committee refer their report back to the Board of Trade to receive further proposals from the petitioners as to the