

60 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1723.
(1724.)
24 Dec. [Order, in accordance with the Committee report of 2 Dec., that the appeal be sustained, and] that the Respondent Chesters Cross Bill be Dismist with Costs, and that the appellants have likewise Costs on their Bill to the time of the Decree pronounced by the Court below, and that the Court below do reserve the Consideration of Costs touching the account hereby Directed. [Vol. V. pp. 18, 25.]
- 24 Oct.
Piracy. [53.] Report from Mr. Attorney and Mr. Sollicitor Generall upon a Report from the Board of Trade for pardoning Some Pyrates Read—Postponed—till His Majestys Return from Hanover. [p. 348.]
- 14 Nov.
Maryland. [54.] [Reference to the Committee for Appeals of Joseph Brown's petition for liberty to appeal from a judgment for 500*l.* sterling given against him in the Provincial Court of Maryland in favour of Thomas Boardley.] [p. 356.]
- (1724.)
22 Jan. [Committee. On Lord Baltimore's desire, he is to be allowed a copy of the petition. Anything he may have to offer thereon is to be laid before the Committee with all speed.] [p. 470.]
- (1724.)
28 Feb. [Committee. On Lord Baltimore's representation that the case is not yet regularly before his Majesty for an appeal, it is recommended that Brown be admitted to bring his writ of error to the Maryland Court of Appeals or otherwise as he shall be advised. [p. 483.]
- (1724.)
9 Mar. [Order accordingly.] [p. 490.]
- 14 Nov.
Jamaica. [55.] [Reference to the Committee for Appeals of the petition of Stephen Brown of Jamaica for remission of a fine of 500*l.* imposed on him there and for its suspension] till he can bring the whole affair in a Judicial way before this Board. [p. 356.]
- (1724.)
22 Jan. [Committee. Brown's petition sets forth that he married the widow of Whitgift Aylmer. John Verdon, attorney, obtained judgment in the name of Rowland Eustace against Brown and his wife and others as executors of Whitgift Aylmer on a

1723.

bond of 6,000*l.* penalty supposed to be executed by him. Brown had demanded a writ of error, but this was denied him. In Nov., 1722, in pursuance of a resolution of the Governor, Council and Assembly he was indicted for directing Verdon to bring the action and for confessing the same with intent to defraud Aylmer's creditors, his daughter and residuary legatee, as nothing was really due to Eustace. Brown was fined 500*l.*, and ordered to be imprisoned for a year and a day. He has paid 100*l.* and given security for the remainder. As he can get no counsel to appear for him, he prays suspension of the fine till he can bring the matter before his Majesty in Council in a judicial way or be otherwise relieved. It is recommended that the Governor and Council be instructed to admit his writ of error and assign him counsel, and that, if their decision is against him, he may appeal therefrom. In the meantime, payment of the fine is respited and all proceedings on the judgment stayed.]

[p. 469.]

(1724.)

[Orders accordingly.]

[p. 475.]

23 Jan.

(1724.)

22 Sept.

[Reference to the Committee for Appeals of Brown's petition] praying His Majesty to remitt a fine of Five hundred pounds illegally imposed on him in that Island.

[V. p. 2.]

(1724.)

7 Nov.

[On reading a letter from the Duke of Portland, Governor of Jamaica, to Lord Carteret,] Representing that His Grace received some time agoe, an order from His Majesty in Council concerning one Brown, and that he communicated the same to the Council of Jamaica, which was immediately obeyed. But that the said Council being Surprized to find the allegations and Suggestions in Mr. Browns Petitions upon which he obtained that order, were all malicious and fictitious, they desired to Draw up a true State of the Case in their own Justification in order to be laid before His Majesty in Council, and the said Council having accordingly drawn up a State thereof, His Grace hath Enclosed the same in his said Letter.

[The letter and state of the case are referred to the Committee for Appeals.]

[V. p. 14.]

62 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1723-4.
(1724.)
25 Nov. [Committee : Brown sets forth that the Duke of Portland] said he should take it well of any of the Gentlemen of the Law who would appear for the Petitioner but Notwithstanding which none of them could be prevailed with to accept of a Fee from the Petitioner. It is recommended that the previous order of 23 Jan., 1724 be re-enforced, and that the Governor and Council oblige counsel to appear and plead for the petitioner.] [V. p. 17.]
- (1724.)
22 Dec. [Order accordingly.] [V. p. 26.]
- (1726.)
11 Mar. [Reference to the Committee for Appeals of Brown's petition and appeal from the judgment upon his writ of error of the Governor and Council affirming the judgment of the Superior Court.] [V. p. 202.]
- (1726.)
6 May. [The Committee recommend reversal of the judgments against Brown. Any part of the fine paid or security for paying it is to be returned to him.] [V. p. 216.]
- (1726.)
10 May. [Order accordingly.] [V. p. 218.]
1724.
14 Jan. [56.] [A representation from the Board of Trade of 7 Jan. with the draft of an additional Instruction for William Burnet is referred to the Committee.] [pp. 463-4.]
- 22 Jan. [The Committee approve] it appearing that the alteration proposed to be made by this Additional Instruction is not to encrease or diminish the usuall Number of Assembly Men, but only to take away the right from the Town of Salem of Electing two assembly men in regard it is a Small Fishing Town and instead thereof to give that power to the County of Hunterdon which is become very populous, And their Lordships Conceiving that the same will Conduce to the better Settling of the said Province of Nova Casaria or New Jersey. [p. 468.]
- 23 Jan. [Instruction approved. P.R.] [p. 474.]
- 23 Jan. [57.] [Reference to the Treasury of a memorial from the Admiralty praying his Majesty to extend his royal bounty
Piracy.