

1738.

[In accordance with the Committee report of 27 July, the appeal, admitted 3½ years since and not prosecuted, is dismissed with 10*l.* costs.] [pp. 607, 615.] 31 July.

[447.] [Reference to the Committee of the] Petition of Wavel Smith Esqr. Secretary of the Leeward Islands humbly praying for the reasons therein set forth that His Majesty will be graciously pleased to Order that he may be permitted to bring a Writt of Error from a Judgement given against him in the Court of King's Bench and Common pleas on the 22d of July 1735 . . . And also further praying that the Cause may be heard without delay after the Writ of Error shall be brought and that in Case Either party should find himself Aggrieved by the determination of the Court of Errors that then they may Appeale therefrom to Your Majesty in Council. [p. 601.] 25 July. Antigua.

[Committee report for granting the petition, which sets forth] that at a Court of General Sessions of the Peace of Oyer and Terminer and Goal Delivery Held at the Town of St. Johns in Your Majestys Island of Antigua on the 12 of February 1733 an Indictment was preferred in the name of Thomas Jarvis against the Petitioner as Secretary of the said Island and an Officer of the Court of King's Bench and Common Pleas there for having on the 30th of March 1733 Extortiously Demanded and taken of John Burke Esqr. Thirteen Shillings and Six pence Current Money of Antigua for drawing an Execution and Bill of Costs in an Action in the said Indictment mentioned and which Fee is laid to be more than is appointed by the Dockett of Fees therein taken Notice of—That afterwards and before any further proceedings had on the said Indictment the Petitioner removed the same by Certiorari into the said Court of King's Bench and Common Pleas where the said Indictment came on to be tryed on the 15th of April 1735 and the Jury found a General Verdict against the Petitioner and the Court on the 22nd of July following gave Judgment thereon and fined the Petitioner no less than One hundred pounds and which has been since Levyed and 27 June.

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paid. That the Petitioner conceiving himself aggrieved by the said Judgment prayed an Appeale there from to the Court of Errors which was refused. [The sum immediately involved] is less than the Sum limited for Appeales yet the Right Determined thereon is to a Fee of Office which in the Course of Business is of considerable more Value than the Sum limited for the Allowance of Appeales and makes great part of the Income of the Secretarys Office of Antigua. [pp. 608-9.]

31 July. [Order accordingly.] [p. 616.]  
(1739.)

12 June. [Reference to the Committee of Smith's petition for a short day for hearing his appeal.] [VI. p. 219.]

4 Sept. [448.] [Act of Aug., 1731] confirming and Establishing the  
South ancient and approved Method of drawing Jurors by Ballot in  
Carolina. this Province and for the better administration of Justice in Criminal Causes and for the appointing of Special Courts for the Trial of the Causes of Transient Persons declaring the Power of the Provost Marshal for allowing the proof of Deeds beyond the Seas as Evidence and for repealing the several Acts of the General Assembly therein mentioned [is referred to Committee with a Board of Trade representation for its disallowance.] [p. 631.]

26 Oct. [Committee agree with the Board of Trade that the Act should be repealed] in regard it is unreasonable that Jurys or Inquest of Office and other Special Commissions should be Summoned (as is prescribed by this Act) out of the Inhabitants of St. Philips Charles Town when the Lands which the Persons died Seized of may be very Remote from it, And also in regard that the Clause which Allows a Consciencious Declaration and Affirmation instead of an Oath seems very Loosely drawn, and that in Cases of Escheats and Inquests of Office on Special Matters the Act confines the Writ of Venire facias by which Jurors are Summoned to issue only from the Courts therein Specified and takes no Notice at all of the Court of Exchequer