

1759.

1758 was graciously pleased to Order that the said Gentlemen should be restored accordingly And *to that end* that their Names do remain in the said first Article of the said Governors General Instructions.

It appears by the Minutes of the Council of Jamaica that the Petitioners having delivered to Mr. Moore a Copy of that Order in Council, and demanded by Virtue of it to be immediately restored to their Seats, he, on the 2d of October 1758 laid the said Copy before the Council and desired their Opinion upon the Case and the Council were unanimously of Opinion, that the said Order in Council implied nothing more than a Direction to the Board of Trade that the Names of the Gentlemen thereinmentioned should be inserted in Mr. Haldanes Instructions that they might take their Seats on his arrival in the Island But they did not apprehend that it was His Majestys pleasure that the said Gentlemen should be admitted before that time as no Order appeared to have been issued addressed to the Commander in Chief, for that purpose as had been usual in Cases of the like Nature.

Upon this Opinion Mr. Moore refused the Claim of the Petitioners to be immediately admitted to their Seats in Council, and We doubt not but Your Lordships will agree with Us in Opinion that his Proceedings upon this Occasion were regular and proper and his Determination conformable to the true Sense and Meaning of His Majestys said Order in Council.

Upon the whole my Lords We cannot but be of Opinion that it is not only irregular but indecent in so small a Minority as a third part of His Majestys Council to present a Petition to His Majesty full of severe Reflections on the Administration of His Lieutenant Governor and to presume to Request, that, on Account of the Vague, general and unsupported Accusations therein contained he should not be admitted to the Exercise of any further power over them. [pp. 88-92, 100.]

10 Aug.
Jamaica.

[401.] [Reference to the Committee of the petition of Zachary Bayly, of Jamaica, attorney there for John

1759.

Hanbury, David Barclay, Thomas How, and John Wilcox, of London, merchants, principal creditors and surviving assignees of Sarah, widow of Jonathan Gale, late of London, for a day for hearing his appeal from a sentence of the Ordinary of Jamaica, 23 Nov., 1758, directing that letters of administration of the goods and chattels of Jonathan Gale in Jamaica unadministered by Isaac and John Gale and Mary Samms, should be granted to William Gale.] [p. 110.]

[On the Committee report of 14 Dec., that the cause was so far agreed between the parties that it was not intended to prosecute the appeal (to which no appearance had been entered by the respondents), leave was given to withdraw the appeal.] [pp. 215, 217.]

15 Dec.

[402.] [Reference to the Committee of the petition of Richard Oswald, Alexander Oswald, Michael Herries and Company, merchants of Glasgow, owners of the snow *Kilmair*, on behalf of themselves and Ralph Sampson, merchant of St. Eustatius, that the Council dismiss for non-prosecution the appeal of Gedney Clarke, Collector of the 4½ per cent. duty at Bridgetown, Barbados, from a sentence of the Vice-Admiralty Court there, 4 April, 1758, dismissing his information against the *Kilmair* for contraband trade.] [p. 111.]

10 Aug.
Barbados.

[On the Committee report of 26 March, the appeal is dismissed with 30*l. stg.* costs.] [pp. 310, 329.]

(1760.)

5 April.

[403.] [Reference to the Committee of the petition of Dr. Samuel Ranshin, of Jamaica, for a day for hearing his appeal from a Chancery order of 23 Aug, 1758, in favour of David Dove and Elinor his wife, overruling the petitioner's exceptions to a report of a Master in Chancery relating to the estates of George Gale, deceased.] [p. 132.]

29 Aug.
Jamaica.

[Committee order for reviving the appeal by making Thomas Harper, merchant of Port Royal, a party in place of Samuel Ranshin, deceased, whose executor he is.]

(1761.)

23 June.

[Geo. III. Vol. I. p. 361.]

[On the Committee report of 27 June, the Chancery order of 23 Aug., 1758, is reversed, costs are to be paid to the

(1761.)

2 July.