

§ 442 *cont.*]

1735-6.

———. Committee minute, postponing consideration. 6 March.

———. Letter from J. Courand, enclosing to the Clerk of the Council (a) a letter of 29 Sept. from Capt. Bonham ; (b) a letter of 29 July from Dennis at St. Iago de la Vega ; and (c) a letter of 23 July from Benjamin Woolley, Bonham's agent at Havana. Dennis doubts not but every Spanish West Indian Governor has orders to disregard directions for making restitutions, and to observe the peace with the English according as they behave ; the only way is to seek redress at the Court of Spain. Woolley corroborates the view " that they are shuffling." Dennis had been removed from Havana on some villainous accusation, of which he hoped soon to clear himself ; Bonham would have heard of it at the South Sea House.

16 Oct.

1736.

1736.

[443.] LEEWARD ISLANDS. *Complaints of W. Smith and S. Cust, Secretary and Clerk of the Crown.* Petition—42 Articles [very dirty and ragged]. An Act of June 1724 establishing a Court of King's Bench and Common Pleas appointed the Judge's Clerk to receive certain fees belonging to the Secretary ; the B. of T. recommended that the Act be amended in this particular, but the Assembly rejected the amended Bill in March 1731. An Act of 1732 appropriated the liquor fund foreign to its original use, so that his Majesty's officers become dependent on the Assembly, " which dependence is the darling project of the West India Assemblies " ; the Act was made retrospective, and a debt of 319*l.* 5*s.* due to Smith was received by him in sugar at one-third loss. Another Act of Aug. 1732 assigned 60*l.* *per annum* to the Secretary in lieu of all demands for public business done by him. Another Act reduced fees and required the Secretary and his deputy to give 1,000*l.* security. These and other objectionable measures were passed in a precipitate manner by the President of Nevis in the absence of a Governor. In March 1734 another fee was reduced. On Smith's petition against the 60*l.* a year Act and claiming arrears of 554*l.* 10*s.* 9*d.*, the Assembly

Received
9 March.
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502.

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recommended that the arrears be paid and the 60*l.* increased to 110*l.*, but a month later the Council resolved by a majority of one that the whole of Smith's account was discharged by the Act settling 60*l.* That Act ordered payment to be made in currency—an illegal currency by which one-seventh of silver payments and one-fifth of gold is lost. Smith has also been fined on several indictments for extortion, though the fees he took had been allowed by the Chief Justices for 30 years. Gov. Mathew permits the Assembly to encroach on the prerogative in the appropriation and issue of money, by clauses in temporary tax bills and in the Treasurer's bond. In 1735 a docket of the Secretary's fees—about one-half the accustomed amounts—was prepared by the Assembly and adopted by the Council. The Governor has taken the drawing and countersigning of patents and commissions from Smith and given them and the fees therefor to a private pretended secretary. The petitioners claim 1,878*l.* 2*s.* 6*d.* as due to them from the Government of Antigua. A schedule of five indictments for extortion is appended.

29 Ap. ———. Order of reference.

Received ———. Petition of W. Smith for leave to appeal against a
29 Ap. fine, and Order of reference, 21 May.

Received ———. Petition of Smith and Cust against the docket
9 Nov. of fees, and Order of reference, 24 Nov.

(*a, b*) Two copies of Gov. Mathew's order of 9 Feb. 1736 for enforcing the docket. One is marked in red ink—"His Majesty's 57th Instruction to Gov. Mathew is not recited because this Order is in the teeth of it."

(*c*) Minute of the Council of Antigua, 2 Feb. 1736, for enforcing the docket, with marginal notes by Smith. G. Thomas and G. Lucas protested.

(*d*) Copy of Article 54 of the Governor's instructions—about appeals.

17 March. [444.] MASSACHUSETTS BAY. *Act to exclude New Hampshire*
III. *pp. paper notes.* B. of T. report against the Act. The notes were
506-7. issued by an association of private persons, bore interest at