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Citation: 2 Acts of the Privy Council of England W. L. Grant et  
eds. 1 1910



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ACTS  
OF  
THE PRIVY COUNCIL (COLONIAL).



# ACTS OF THE PRIVY COUNCIL (COLONIAL).

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CHARLES II. VOL. 16. (1 June, 1680—31 May, 1683.)

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[1.] [During this period the following additions are made to the Committee :

1680.  
The  
Committee.

29 June, 1680, Earl of Clarendon ; 20 Oct., 1680, Sir Robert Carr ; 2 Feb., 1681, Earl of Conway ; 23 Feb., 1681, Earls of Chesterfield and Aylesbury ; 9 March, 1681, Earl of Craven.]

[2.] Seth Southill Captive in Algiers, Praying in regard of Vice Admirall Herberts urgent Affaires, that the Release of the Petitioner directed by Order of the 2nd of July last, . . . might be negotiated by Merchants, [it was referred to the Commissioners of the Admiralty, to effect his release in whatever way, shall seem to them most convenient]. [p. 6.]

2 June.  
Seth  
Southill.

[Seth Southell setting forth that] . . . the Commissioners of the Admiralty . . . although they approve of the Petitioners Exchange and Ransome to be negotiated by Merchants doe require of the Petitioner to give Security for the safe returning of the said Prisoners in case he should happen to dye before he be exchanged which the Petitioner by reason of his Captivity is not in a Condition to procure, And alsoe that the Petitioner being more severely treated by the Turks than ever who are enraged at the Long delay of the said Prisoners Exchange, therefore make him carry Morter, Brick and stone for the Masons with a heavy Chaine of Nine links, each linke two inches and halfe thick upon his legg besides Bolt and Shackle Most humbly prays that . . . his Majestie would bee pleased to direct the Commissioners of the Admiralty to issue their Warrant

15 Sept.



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to the said Vice Admirall for sending the said Turkish Prisoners to Leghorne by the first opportunity and deliver them into the hands of Thomas Deerham Esqr. his Majestys Agent and Consull for the English there, to secure them till the Petitioners Exchange can bee effected pursuant to his Majestys said order of the 2d of July 1679, and to inspect the transacting thereof accordingly by the Negotiation of Mr. Charles Longland, Mr. Charles Harris and Mr. John Brookin English Merchants there and Company who will take care to pay all such charges as the said Consull shall bee putt to in this matter. [The petition is granted and orders given in accordance with its terms.] [p. 101.]

(1681.)

28 July. [Though two captive Turkish captains were exchanged for Seth Southell, yet he was forced to enter into a bond of 3,000 pieces of eight to one Winbourne, an English subject living at Algiers despite the open hostility between his Majesty and those pirates. This bond is contrary to the agreement made with that Government, and yet Mr. Southell remains prisoner in the Counter. The case is referred to some of his Majesty's counsel learned in the law to consider what his Majesty may do legally for the relief of Mr. Southell.]

[p. 332.]

(1681.)

7 Sept. [The Attorney General makes a report on Seth Southell's case, and the Council direct that proceedings follow the course therein proposed, viz.] . that the only way for the Petitioners releif will be by Bill in Equity to be brought in the name of his Majesties Attorney Generall and the said Mr. Southell, and that in the mean time the actions brought may bee removed into the Kings Bench. And that his Majestie may please to give direction for some persons to be bayle and to provide for their indemnity of which there will be little hazard if the case be as it was stated to him.

[p. 353.]

(1683.)

31 May. [In addition to the two Turkish captives, Seth Southell was forced to enter into an engagement to pay 6,000 pieces of eight, for which some English subjects at Algiers became his

sureties. On arriving in England Southell refused to pay, and though 3,000 pieces have been recovered at law from him, he has now gone to Carolina, where he is governor, leaving one Robert Cole engaged for the other 3,000 pieces.] The Dey and Government of Algier having writt very earnestly to his Majesty that the said summe may Speedily be satisfied . . it is to be apprehended, that unlesse some effectuall care be taken therein (Cole not being worth the money) they may seize upon his Majesties Consull upon his Arrivall there, and that possibly worse Consequeneyes may attend it. [Accordingly, on the recommendation of the Committee for redemption of captives, it is ordered that the] Attorney Generall doe forthwith prepare a Bill for his Majestys Signature commanding the said Seth Southell to Repaire into England within three moneths after notice thereof, and to render himselfe to one of his Majesties Principall Secretaries of State as he tenders his Allegiance and will answer the Contrary at his utmost perill, unlesse he hath before notice thereof be given him, satisfied and payd the said three Thousand peeces of eight. [p. 700.]

[3.] Upon reading this day at the Boord the humble Petition 9 June.  
of Dame Elizabeth Carteret Widdow Relict and Executrix West Indies.  
of Sir George Carteret Knt. and Bart. late Vice-Chamberlain of his Majestys Household, Praying payment of the Summe of 500*l.* per annum with the Arrears thereof due unto her said late Husband out of the Revenue of the Caribdee Islands, which the ffarmers of that Revenue refuse to pay notwithstanding his Majestys Letters Patents in that behalf. [A copy of the petition is ordered to be delivered to the said Farmers, who are to return a written answer with all speed.] [p. 10.]

[The Farmers return their answer, not submitting to 4 August.  
payment of the sum alleged to be due, and praying for a hearing. The whole matter is thereupon referred to the Treasury to hear both parties and decide.] [p. 60.]

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23 June. [4.] [A letter to the Commissioners of the Ordnance. As  
St. there is great scarcity of powder in the Leeward Islands, ten  
Christopher. barrels of "Corne Powder" are to be sent at once on board  
the *Norwich* frigate or the first ship known to be sailing  
for St. Christopher.] [p. 22.]

23 June. [5.] [A reference to the Attorney and Solicitor General as to  
Jamaica. the royal power of making laws for Jamaica — C.S.P. V. 1405.]  
[p. 22.]

30 June. [6.] Upon reading this day at the Boord the humble Petition  
Jamaica. of Dorothy Mingham Wife of Captain Francis Mingham  
Prisoner at Port Royall in Jamaica Complayning of the  
Oppressions and Imprisonment her Husband suffers by reason  
of the undue Proceedings against him by Sir Henry Morgan  
knt. Deputy Governor of Jamaica and Judge of the Admiralty  
there and Thomas Martin Gentleman Customer at Port  
Royall, for petitioning this Boord to be heard against a  
Sentence of Condemnation of the *Pink Francis* of London whereof  
the Petitioner was Master, which was exhibited in the  
Petitioners name in his absence by the Owners of the said  
*Pink*, as by the said Petition at large appears, And Praying  
That her said Husband might be set at Liberty to come over  
and make good his Allegations at this Boord by living  
Witnesses as well as Records from Jamaica, And that he  
may have true Copies of the Returnes from Jamaica, [the case  
was appointed to be heard on 7 July], whereof the Agents  
of the said Sir Thomas Morgan and Mr. Martin are to have  
timely notice, that they may come prepared to make their  
Defence, but if they cannot be then ready, that the said  
Hearing be deferred till the Wensday following, And in the  
mean time, that Copies of all the Papers relating to this  
Busines, be mutually delivered to each Party. [p. 28.]

21 July. [On Mrs. Mingham's petition against the 2500*l.* damages  
imposed on her husband for appealing to the Board,  
it is ordered that upon security to the full amount being

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given for abiding the determination of the Board, Captain Mingham be released and permitted to come to England to prosecute his appeal.] [p. 45. C.S.P. V. 1459.]

(1681.)

9 March.

The Petition of Captain Francis Mingham being this day read Setting forth his acknowledgment of his Majesties great favour, and Justice done to him upon the Petition of his Wife in July last, in ordering his Releasment from his confinement upon a Verdict recovered against him in the sayd Island, [and showing] That the Petitioner being returned hither in order to prosecute his said appeale and abide the Judgment of this Board thereupon, for the doing whereof his said Wife gave security to the full summe of the claime, and finding his sayd security very desirous to be discharged of their sayd Bonds, And therefore humbly praying his Majesty to appoint when the sayd matter should be heard as well in relation to the condemnation, and sale of his sayd ship, as to ye proceedings had against him, as aforesaid for appealing from that sentence to this Board, to the end he may receive such releife as should be agreable to Justice, and Consideration being had thereof, his Majesty was pleased to order That this matter be and it is hereby appointed to be heard at this Board the first Councill day after Easter next. . .

[p. 243.]

[The petition is referred to the Committee on 6 April (C.S.P. VI. 65), and on 15 April order is made as in C.S.P. VI. 77.] [pp. 257 and 267.]

[7.] [A warrant in the usual terms, and with the usual preamble, authorising William King, surveyor of the Customs at Bristol, to destroy all tobacco planted in divers places in the counties of Worcester, Gloucester, Hereford and places adjacent. A letter to the Earl of Oxford follows, praying him to send a troop of horse to assist King in the work.]

7 July.  
Tobacco.

[p. 32.]

[8.] [Stores for Jamaica.—C.S.P. V. 1464-5.]

27 July.  
Jamaica.

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4 August.  
Carolina.

[9.] Whereas Captain Henry Wilkinson . . hath humbly besought his Majesty to lend him the Spanish merchant one of his Majestys fire shippes lying at Deptford Dock to transport the Petitioner his Servants and Passengers about one hundred and fifty in number to his Majestys plantation of Carolina, and that the said ship be refitted with speed, supplied with Guns and amunition at his Majesties charge, he himself being willing to victuall officer and man her at his owne Charges. [The petition is referred to the Admiralty to report thereon.]

[p. 02.]

9 Sept.  
Slave Trade.

[10.] [The Council refer to the Committee for examination and report the] Petition of the Royall African Company of England setting forth that whereas his Majestie was graciously pleased to grant to them, the sole Trade of the Coast of Guiny, and that many of his Majestys subjects as well from hence as from his Majestys Plantations and other parts, in contempt of his Majestys said Charter and Proclamation have of late and still doe presume to send out ships to Trade in those parts more abundantly then ever heretofore, and that severall have come lately to the Island of Barbados and landed their Blacks and Merchandize and gone away againe without Entering their ships or taking out their dispatches in Defyance of the Government and contrary to the Act of Trade and Navigation and a particular Act of the Country requiring it whereby the Company Stock will be soe much impayred as they shall not be able to carry on their Trade and support the charge of about 15000*l.* per annum for the necessary maintenance of their Forts and Guarrisons, And therefore praying that his Majestie would bee pleased to apply such further remedy for redresse of the said abuses as to his Majestie shall seeme meet.

[p. 00.]

10 Sept.  
Jamaica.

[11.] [The Clerk of the Council is directed to] take a Bond of 1000*l.* of Samuell Long of Jamaica, Esq., for his attendance from time to time on the Council Board.

[p. 01.]

5 Sept.  
New  
England.

[12.] Upon reading this day at the Board a Draught of a Letter to the Governor and Company of the Massachusetts

Bay in New England in the words following, vizt. : Trusty and welbeloved Wee Greet you well. When by Our Royall Letters bearing date the 24th day of July in the 31th yeare of Our Reigne Wee signified unto you Our Gracious inclinations to have all past errors forgotten, setting before you the meanes whereby you might deserve Our pardon, and Commanding your ready obedience to severall particulars therein contained, requiring withall a speedy compliance with the intimations of your Duty given to your late Agents during their attendance here, all which wee esteem essentiall to your quiet Settlement and naturall obedience due unto us; Wee then little thought those markes of Our Grace and favour should have found no better acceptance among you, but that before all other things you should have given preference to the execution of all Our Commands when after soe many months wee come to understand, by a Letter from you to one of Our Principall Secretarys of State dated the 21th of May last, that very few of Our directions had been pursued by your General Court, the further consideration of the remaining particulars having been putt off upon insufficient pretences and even wholly neglecting your appointment of other Agents which were required to be sent over unto us within Six Months after the receipt of Our said Letters with full Instructions to attend Our Royall pleasure here in relation to that Our Government. Wee have alsoe received the Petition of Our Trusty and welbeloved Robert Mason Esqr. . . humbly laying before Us the state of his further pretentions to the propriety of soyle in a Tract of Land lying between Merrimack and Naumkeek Rivers . . . In the Examination whereof the Lords of Our Committee of Forreigne Plantations had made such a Progresse that the right of Our subjects had already been thereupon settled, without the humble intreaty of your said Agents, and consent of the said Robert Mason, that in regard of their sudden departure and want of powers in that behalfe, the Determination thereof might be suspended untill the

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arrivall of other Agents to be appointed according to the Limitation of Our aforesaid Letters, as your Agents were able to informe you. And although the vindication of Our Authority, and the demand of Justice from one of Our Subjects might have well induced us to the most speedy means of redress by doing us and our Subjects right, Wee have nevertheless continued Our Royall Clemency towards you, and thought fit to give you further opportunity of bearing evidence of your Duty towards us, soe as noe further occasion of Complaint may be offerd, in respect of your behavior: Wee do therefore, by these Our Letters strictly command and require you, as you tender your Allegiance unto us and will deserve the effects of Our Grace and favor (which Wee are inclined to afford you) seriously to reflect upon Our Commands contained in Our said Letters and other directions at severall times intimated unto your late Agents [and particularly to send over within three months after the receipt hereof new Agents with] sufficient Instructions to attend the Regulation and Settlement of that Our Government and to answer your proceedings therein. And that the matter of the Complaint of the said Robert Mason may be thus determined, Wee expect that your Agent or Agents bee not only prepared to lay before us such Evidences of Right as you may have to the propriety of soyle in that tract of Land claimed by him, but Wee direct you alsoe to make a publick signification of Our pleasure unto all the Inhabitants and Tertenants thereof, that they doe furnish att the same time your said Agents or such others as they may Depute with the proofs of their respective Titles to the Land possessed by them, to the end they may bee fully satisfyed in Our Royall Justice that they have not been prevented in the full improvement of their Lawfull Defence, Which Wee hereby direct them to make before us in Councill. Such is the care and tenderness that wee will always continue towards you and other Our subjects by removeing those difficultys and mistakes that have arisen by the Execution of the Powers of your Charter at such

1680.

a Distance from us, which by the first intendment and present constitution thereof (as by the Charter appears) has its naturall seat and immediate direction within Our Kingdome of England.

And that the due observance of all Our Commands above mentioned may not be any longer protracted, Wee require you upon receipt hereof forthwith to call a Generall Court and therein to read these Our Letters, and provide for Our speedy satisfaction; in default whereof wee shall take the most effectuall means to procure the same. And soe Wee bid you farewell.

His Majestie in Councill was pleased to approve of the said Letter and to Order [that] the Earle of Sunderland his Majestys Principall Secretary of State doe prepare the same for his Majestys Royall Signature accordingly.

[p. 103. C.S.P. V. 1506.]

[13.] [The Earl of Sunderland is also directed to prepare a warrant constituting Richard Chamberlain, Esq., Secretary of the Province of New Hampshire and Clerk of the Council, with powers similar to those of the like officers in other plantations], with such fees as are usuall in New England or shall be agreed on by the said Councill of New Hampshire and approved of by his Majestie, without any charge to his Majestie.

15 Sept.  
New  
Hampshire.

[p. 104.]

[14.] Upon reading this day at the Boord an Act for raysing a publike Revenue for the better support of his Majestys Colony of Virginia, His Majesty was pleased to Declare That the Proviso for exempting Virginia Owners from the payment of '2d. per Hogshead and of the Cattle Dutys should be excepted. Vid. the Entry at large in the Booke kept for that purpose.\*

13 Oct.  
Virginia.

[p. 121. C.S.P. V. 1542.]

[15.] [On the report of the Committee, it was ordered that Sir Jonathan Atkins be required to bring back with him to

20 Oct.  
Barbados.

\* Given in full in Plantation Register and printed in (1) *The Laws of Virginia from the year 1662 (London 1728) pp. 133-4*: and (2) *The Statutes at Large of Virginia (1823) Vol. II. pp. 466-9*.



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this kingdom] the Three Hundred pounds being the Proceed of the ship *Asia* sold at Barbados, together with an account of the necessary Charges for the Salvage of her, to the end their Lordships may then adjust the same between him and the Dutch West India Company. [p. 126.]

20 Oct. Barbados. [16.] [Sir R. Dutton's commission and instructions as Governor of Barbados are confirmed, and in accordance with a report of the Committee, the Council direct that in all future patents conferring offices in that island a clause be added] to make them void in case the Patentees shall not reside upon the Place, Except the Secretary and Marshall, and that for the Encouragement of the Governor No places be granted under the Great Seale but that they be left to the Disposall of the Governor except such as are already granted by his Majesty which may be still reserved for his Majestys Gift.

[p. 128.]

(1682.)  
21 April. It is this day Ordered by his Majestie in Councill that an Order of this Board of the 20th of October 1680 concerning passing of Patents for offices in the Island of Barbados, hereunto annexed, be entred in the offices of the Right honourable his Majesties Principall Secretaries of State, and at the Signet, Privy Seale, and all other offices concerned in the passing of such Patents. [p. 493. C.S.P. VI. 482.]

3 Nov. [17.] [Plantation governors not to return to England  
Leave of without special leave.—C.S.P. V. 1573.] [p. 138.]  
Absence.

3 Nov. [18.] [Retrenchments in the establishment of Jamaica.—  
Jamaica. C.S.P. V. 1569.] [p. 139.]

12 Nov. [19.] [Order in accordance with the Committee's report  
Slave Trade. on the slave trade.—C.S.P. V. 1583.] [p. 148.]

17 Nov. [20.] [Order on the petition of the owners of the *Virgin*.—  
Plantation Trade. C.S.P. V. 1591.] [p. 150.]  
(1681.)

11 Aug. [On the Committee's report, Sir L. Jenkins is ordered to acquaint the Spanish Ambassador] that the case of the

1680.

Petitioners hath been so hard, their Delayes for redresse intolerably, and their importunities for granting letters of Reprizall in Case satisfaction be not speedily given them very pressing, As likewise to acquaint Sir Henry Goodrick with what hath been comunicated to the Spanish Ambassador.

[p. 339.]

[21.] [It is ordered that the Admiralty] doe cause a fourth rate frigott to be forthwith made ready, and Transport Sir Richard Dutton, his Lady, Children, and servants hereunder mentioned to his Majestyes Island of Barbadoes, . . . together with all his, and their Goods, Provisions, and necessary Equipages, of what kind soever, And that the Commander of the sayd frigott have Orders That at his arrivall there, he stay 14 dayes, to bring back Sir Jonathan Atkins the late Governour, provided he be ready to come away by that time.

19 Nov.  
Barbados.

Mr. Gibbs, Mr. Dalison, Mr. Locke, John Thomas, Mr. Dutton, Mr. Rawlins, Mr. Sherborne, Mr. Watson, Mr. Gleane, Mr. Shaw, Mr. Wilson, Mr. Doughty, Mr. Adye, Mr. fuller, Mr. fitzherbert, Mr. Hill, Mr. Thomas, two Boyes and five Mayds.

[p. 154. C.S.P. V. 1598.]

[22.] [A copy of Samuel Long's petition is to be sent to the Earl of Carlisle for his answer thereto.]

[p. 162.]

3 Dec.

(1681.)

[Divers Jamaica traders and planters complaining against the government of the Earl of Carlisle, it is ordered] That the Petitioners doe forthwith put into writing the particular matters of their complaint against the said Earle which they are ready to prove against his Lordship and to transmit the same to the hands of the Clerke of the Councill in Waiting so as he may be able to send a Copy thereof to his Lordship by friday next that his Lordship may have due time to make answer to the same upon Wensday the 12th instant at 4 afternoon, [when both parties will be heard].

5 Jan.  
Jamaica.

[p. 177.]

[The hearing is postponed to the 19th.]

[p. 181.] 12 Jan.

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19 Jan. [It is ordered that] Colonell Samuell Long and the rest of the traders to, and Planters of Jamaica concerned in the said Complaint against his Lordship do putt the same into writing by way of Articles, as short as may be, all that they can say in relation to privateering, and in the margeant set downe which affidavits prove each article, and particularly by which part of the affidavits. [Copies of the said articles are to be transmitted to the Earl of Carlisle, whose written answer is to be presented to the Board on the 21st, when the whole-matter will be heard.] [p. 186.]

15 Dec. [23.] [Two letters as to a stint of tobacco in Virginia  
Virginia. referred to the Treasury.—C.S.P. V. 1617.] [p. 165.]

21 Jan. [24.] [On the Committee's report] upon a memoriall from the  
St. Eustatius and Saba. Ambassadors of Holland, dated 16-26 of December last, wherein they insist that the Islands of St. Eustace and Saba now in his Majestys possession, may be restored unto the States Generall from whom they were taken in the late Warre [Mr. Secretary Jenkins is directed to] acquaint the said Ambassadors that his Majestie having in pursuance of a former Memoriall commanded his Governour of the Leeward Caribbee Islands to send an Accompt of the condition the said Islands of St. Eustace and Saba were in, to the end the Sixth Article of the late Treaty of Peace concludet att Westminster the 10th of february 1673-4 might bee fully complied with, the said Governour has return'd for answer that he has been at the charge of one hundred pounds Sterling and fifty Musquetts in keeping the said Islands; Whereof his Majesty expects the reimbursement, since (besides the considerable improvement they have received by the English) His Majestie was ready to restore the said Islands many yeares past upon conclusion of the Peace, if they had been demanded by the States, which as it is conceived, was not done, least the ffrench, with whom they continued in Warr, should have possest themselves of them; Whereupon his Majestie will imediately give orders for the restitution of

the said Islands, according to the 6th Article of the Treaty, And . . . Mr. Secretary Jenkins is hereby further directed to prepare Orders for his Majestys Royall Signature unto Sir William Stapilton Governor of the Leeward Islands Comanding him to make Restitution of the said Islands of St. Eustace and Saba, unto the States Generall, or such who shall be Impowred to receive them on their part, in the condition they shall be in att the receipt of the said Orders. [p. 187.]

1681.

[25.] [Order as to the Bermuda Company.—C.S.P. VI. 18.] 16 Feb.  
[p. 212.] Bermuda.

[The Governor and Company and such of the inhabitants as are in town are required to attend on the 25th; on the 25th the Order.—C.S.P. VI. 31, is given.] [pp. 221 and 223.] 23 Feb.

[The Committee representing] the necessity of the Attorney Generalls bringing a new Quo Warranto against the Charter of the Bermuda Company that the same may be forthwith brought to a finall Issue, [Orders are given to Sir Robert Sawyer to proceed accordingly.] (1682.) 22 Nov.  
[p. 571.]

[26.] [The provisions of 22 and 23 Ch. II. c. "An Act for regulating the Plantation Trade" and of 25 Ch. II. c. "An Act for the better securing the Plantation Trade," are given.] 16 Feb.  
Now for the Encouragement of all his Majestys Subjects in their Trade to his Majestys Plantations, His Majesty was pleased this day to Order in Councill, That for the avoyding the payment of the Dutys appointed to be paid by the aforesaid Act of the 25th year of his Majestys Reigne, Any Person or Persons concerned in any Ships or Vessells Enttring for any of his Majestys aforesaid Plantations (which by Law may trade thither) shall voluntarily offer Bond with one Surety to bring their Lading of the abovesaid enumerated sorts of Goods to England, Wales, or Berwick upon Tweed, and to no other Place, and there to unload and put the same on shoar (the Danger of the Seas only excepted) That the Cheif Officers of the Custome House of such Port or Place from whence the said Ship shall set sayle, shall accept of and Plantation Trade.

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take such Bond accordingly, and give Certificates thereof, as in such cases hath been accustomed, And as to such Ships and Vessells as have already or may before the publication of this Order happen to have given Bond, to bring their Ladings of the said Goods to England, Wales, Berwick or Ireland, That if any Person or Persons concerned in the said Ships shall desire to take in the said Bonds, or any of them, and to give New Bonds with One Surety for the coming of the said Ships with their Ladings of the said Sorts of Goods to England, Wales, or Berwick and to no other place, and there to unlade and put the same on shoar, That the Officers who have the Keeping of the said Bonds shall deliver the same to them, and take new Bond from them as aforesaid, and give Certificates of their having delivered up the former Bond, and having taken such new Bonds, And in such case His Majesty is hereby pleased to remit the taking or demanding from any such Ships or Vessells any of the Dutys and Rates imposed by the aforesaid Act made in the 25th year of his Majestys Reigne, And the Commissioners of his Majestys Customes, and all his Majestys Officers of the Customes in England, and in the respective Plantations are required to take notice thereof and to take care that the same be duly observed.

[This order is to be publicly affixed] in all the Custome Houses in England and Wales and Towne and Port of Berwick upon Tweed, And the Commissioners of his Majestys Customes are hereby required to take care that the same be done accordingly. And also that notice of this his Majestys Order in Councill be given to the Collectors of his Majestys Customes in his Majestys respective Plantations.

[p. 213. C.S.P. VI. 19.]

19 Feb. [The Treasury is directed forthwith to transmit this Order to the Colonial Governors] to be by them punctually and duly observed, and put in execution. [p. 218.]

23 Feb. [27.] [Order as to the Earl of Carlisle's creditors.—C.S.P.  
Barbados. VI. 28.] [p. 220.]

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- [The creditors referred to Committee—C.S.P. VI. 615.] (1682.)  
13 July.  
[p. 534.]
- [28.] [His Majesty was pleased to approve the draft of a Charter prepared by the Committee] (in pursuance of his Majestys Order signified unto them by the Earle of Sunderland the first of June last) for constituting William Penn Esqr. absolute Proprietary of a Tract of Land in America. . . . And did Order, That one of his Principall Secretarys of State do give Directions for preparing a Bill for his Majestys Royall Signature to passe the Great Seale of England, according to the said Draft (which was thereunto annexed) And that his Majestys Principall Secretary of State do receive his Majestys Pleasure, what Name he will give the said Province, to the end the same may be inserted in the said Bill accordingly. [p. 224.] 1681.  
23 Feb. Pennsylv-  
vania.
- [29.] [Reference to Committee of Mr. Randolph's petition. 11 March.  
—C.S.P. VI. 45.] [p. 244.] New  
England.
- [Mr. Randolph's petition "complaining of the Colony of 6 April.  
the Masachusets" is referred to the Committee : and  
witnesses for Mr. Randolph are to attend the Committee.] [p. 257.]
- [Letter to the Governor and Company of Massachusetts 21 Oct.  
Bay.—C.S.P. VI. 264.] [p. 376.]
- [The Committee having reported] that the Agents or 20 Sept.  
Messengers lately arrivyd from the Massachusetts Bay in New  
England not having brought sufficient powers for the regu-  
lation of his Majesties Government there according to his  
Majesties former Comands Their Lordships proposed that  
his Majestie would be pleased to order them forthwith to  
procure the same : Upon consideration whereof his Majestie  
in Councill was pleased to Order and it is hereby Ordered  
accordingly that the said Agents or Messengers doe forth-  
with procure from his Majesties Governor and Company of  
the Massachusetts Bay Suffieient Commission and full powers

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to agree upon the Regulation of that Government and to consent to such matters as shalbe thought necessary pursuant to his Majesties Letters to that Colony, and that in the mean time the said Agents continue their attendance here ; And in case of Neglect or failure in the particulars above mentioned His Majestie was pleased to Declare that he would cause a Quo Warranto to be brought against the said Governour and Company for the abuses of their Charter, upon the first day of Hillary Terme next. [p. 545. C.S.P. VI. 697.]

(1683.)

13 June. [Order for bringing a *Quo Warranto*.—C.S.P. VI. 1124.]

[Vol. 17. p. 1.]

(1683.)

20 July. [The Agents allowed to return home.—C.S.P. VI. 1160.]

[p. 21.]

(1683.)

20 July. [Mr. Randolph to go to New England with a notification of the *Quo Warranto*.—C.S.P. VI. 1159.]

[p. 22.]

(1684.)

29 Feb. [Orders on Mr. Randolph's report and petition.—C.S.P. VI. 1566-7.]

[pp. 122-3.]

11 March. [30.] [Order concerning a proposed Treaty of Neutrality.—West Indies. C.S.P. VI. 44.]

[p. 249.]

11 March. [31.] [An order to Samuel Mearne, his Majesty's Stationer, Colonial Church, to dispatch to Sir Philip Stapleton for the use of the Leeward Islands, and to Sir Richard Dutton for Barbados, the following books, to be paid for by the Treasury, and to be disposed of as the Bishop of London may direct, viz. :—(to each)] 15 Common Prayer Bookes, folio gilt, 15 Homilyes of the Church, 15 Bookes of Cannons of the Church, 15 Bookes of the 39 Articles, and 15 Tables of Marriage. [p. 250.]

28 July. [A similar order for Jamaica.] [p. 333.]

[15 large Church Bibles are ordered for Jamaica on 12 Oct. (p. 367), for the Leeward Islands on 7 Dec. (p. 419. C.S.P. VI. 315), and for Barbados on 13 Jan, 1682 (p. 437) ; 40 Tables of Marriage and 6 copies of each of the other books are ordered for Maryland on 12 Oct., 1681 (p. 367), and 42 copies of each of the books for Virginia on 13 Jan.,

1681.

1682 (*p.* 437); 20 copies of the Articles and of the Tables of Marriage and 6 of the other books for New Hampshire 10 Feb., 1682 (*p.* 460); 11 Oct, 1685, for Virginia, 12 copies of each, save the Homilies (*James II.* *p.* 143); 30 Oct., 1685, for New England, 6 copies of each of the books (*p.* 147); 18 Mar., 1687, for Jamaica, 15 of each (*p.* 415); 6 Feb., 1690, for New York, 6 of each (*Wm. III. Vol. I.* *p.* 375); 21 Nov. 1695, 20 bibles, and various Church books for Maryland (*Vol. IV.* *p.* 215); 12 Aug. 1697, 6 bibles, and various other books for New York (*Vol. V.* *p.* 65); 20 Jan., 1698, 30 copies of various books for the use of 30 new erected parishes in Maryland; (*Vol. V.* *p.* 147).

[32.] Upon the Petition of Thomas Darvall merchant setting forth that he appealed to his Majesty in Council from a Judgment given against him in the generall Court of Assizes held for the City of New York in America, the 6th and 7th dayes of October last at the sute of Richard Hall. That the Petitioner entred into bond to his Majesty of 400*l.* penalty to prosecute the said Appeale with effect, wherfore upon praying that a day may be appointed for hearing of the said appeale, [the Committee is ordered] to consider what is fit to be don therupon for the releif of the Petitioner, and then his Majesty in Council will declare his further pleasure.

15 April.  
New York

[*p.* 268. C.S.P. VI. 79.]

[Order dismissing the appeal.—C.S.P. VI. 314.] [*p.* 421.] 7 Dec.

[33.] [A petition for liberty to trade pending *Quo Warranto* proceedings is referred to the Committee.]

19 April.  
Bermuda.

[*p.* 274. C.S.P. VI. 86.]

[34.] Upon reading the Petition of severall Planters of Jamaica, humbly praying his Majestys Protection for a small Frigat to saile to the Coast of Angola and from thence to Jamaica, [a copy is sent] to the Ginnee Company who are to attend this Boord on Wensday next, at which tyme his Majesty in Council will hear what the said Company can allege against his Majesty gratifying the Petitioners in their request.

22 April.  
Jamaica.

[*p.* 276.]



# 20 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.

27 April. [The above petition having been heard, and answered by the Royal African Company, as also another of divers merchants, planters, tradesmen, and seamen, praying a freedom of trade on the coast of Africa,] His Majesty in Council having considered the whole matter, and offered to the Petitioners the liberty of subscribing sixty thousand pounds in the said Companies Booke upon a moderate valuation, additionall to the present stock, and under the Conditions and Regulations of the said Company, which they refused to accept, Is therefore pleased to order and it is hereby ordered that the said Petitions, and all matters contained therein, be dismissed this Boord. [p. 281.]

19 May. [35.] [The Council approve the following report of the  
Newfound- Committee, and direct the Admiralty to give orders accordingly]  
land. Wee have received the petition of William Miles setting forth that about two yeares since he sent to Newfoundland in the ship Pembrook, in salt and other provisions to the value of 800*l*. principall which were partly sold and partly Left in the Planters hands there who were to make returne of the value thereof in Merchantable fish the next ensuing Season as by Severall Bonds produceable doth appear, and that a yeare since he sent the shipp Elizabeth John Vallet Master for the said ffish which receiv'd not above fifty pounds worth without any account of the remainder whereby he is become a great sufferer. [We advise that the Captain of one of the men of war appointed convoy for this year's fishing call before him the parties complained of, and endeavour to obtain satisfaction for the petitioner's representative, and report to your Majesty.] [p. 291.]

16 June. [36.] [Order for execution of pirates at Jamaica.—C.S.P.  
Jamaica. VI. 144.] [p. 305.]

30 June. [37.] [Order as to Christopher Rousby.—C.S.P. VI. 151.]  
Maryland. [p. 311.]

30 June. [38.] A Commission to Edward King, Gent., Surveyor of his  
Tobacco. Majesties Customes at Bristoll to destroy tobacco in,

1681.

Worcester, Gloucester, Hereford and parts adjacent of the same tenor with that which issued the 9th of July, 1680 to the said Mr. King and Arnold Browne.

A Letter to his Grace the Duke of Albemarle to send a Troop of Horse to assist Mr. King. . . . [p. 312.]

[39.] A Warrant to Edward Griffin Esqr. Treasurer of his Majestyes Chamber for the time being to pay to Edward Lloyd Clerke to Sir Philip Lloyd the summe of twenty pounds for Registering the Lawes of Jamaica and for makeing Copyes of the Earle of Rannelaghs Accounts, and severall other extraordinary Services. 2 July. Jamaica. [p. 316.]

[40.] [Order on the petition of William Fisher.—C.S.P. VI. 183 : further order of 10 Feb. 1682—C.S.P. VI. 412.] 21 July. Plantation Trade. [pp. 327 and 459.] (1683.)

[Reference to Committee of a further petition of John Toton, Fisher's attorney and procurator.—C.S.P. VI. 914.] 26 Jan. [p. 621.]

[41.] [The Countess of Kinnoull's petition is referred to the Committee to examine the state of the case], together with what will thereupon Occurr, in reference to the Earle of Carlisles Creditors. 28 July. West Indies. [p. 332.]

[42.] [The Board approve the documents referred to in the following report from the Committee, and give orders for their dispatch]: Wee have in pursuance of your Majestyes order prepared a Commission and Instructions for Sir Thomas Lynch as Governour in Chiefe of Jamaica, Which wee are humbly of opinion may be transmitted, to the Right Honourable Mr. Secretary Jenkins, to be dispatched in the usuall forme, together with the Revocation of the Comissions to Sir Henry Morgan and Sir Francis Watson, of Lieutenant Generall, and Major Generall, which offices wee doe not thinke of any further use to your Majestyes service in that Colony. 28 July. Jamaica. [p. 335. C.S.P. VI. 194.]

[43.] [The Committee] having considered the affaires of 11 August. Virginia and particularly the State of the Quit Rents granted to Virginia.

## 22 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.

the Earle of Arlington and Lord Culpeper, Did this day Report their opinion that henceforward his Majestie would resolve not to grant or dispose of any Quit Rents in Virginia or any other Parts of America to any person whatsoever, but reserve them intirely for the support of the respective Governmēts there. His Majestie was therupon pleased to Declare in Councill that he would henceforward make no grant of any Quit Rents to any person, and that Cavets should be entred in all offices against Graunts for passing away of Quit Rents as well in Virginia and other his Majesties forrein Plantations as in his Majesties Kingdome of Ireland, that they might be reserved for the support of the Government in the places aforesaid, as they were originally intended, Wherof his Majesties Prinoipall Secretarys of State, and all others concern'd are to take notice.

[p. 340.]

31 August. [The report of the Committee, dated 16 Aug. is read and approved, and orders given accordingly. C.S.P. VI. 203.]

[p. 348.]

11 August.  
Navigation  
Acts.

[44.] Whereas it hath been represented to his Majestie in Councill by Edward Randolph Esqr. . . That in pursueance of the Acts of Trade and Navigation, and in the particular Execution of his office, he did at the Town of Boston and other Places there, seize, and prosecute divers ships and vessells with their Ladings, and other prohibited Goods and brought the same to triall in those Courts, where, not obtaining Justice, he did find himself obliged in Duty to make his appeals from the said Courts to his Majestie in Councill, humbly praying that the same may be entred in the Bookes of this Boord for Councill Causes, and summons issue out accordingly to the persons concerned therein. To the end therefore there may be no failer of Justice in the said Cases, and for the more effectuall preventing of future abuses of the like nature, His Majestie in Councill is pleased to order, and doth hereby Order and Comand that all and every master of the said ships and vessells seized by the said

Edward Randolph, (A list whereof is hereunto annexed), doe make their appearance before his Majestie in Councill, by themselves, or their respective attorneys duely impowered in Four months after signification hereof made unto them, in case the said Persons respectively be then remaining within any of his Majesties Plantations in America, or if in other places, then within such time as may be sufficient for them to give their attendance as aforesaid, in order to their Defence upon the said appeals exhibited against them, upon pain of incurring such penalties and forfeitures as by the severall Acts of Parliament for the encouragement of Trade and Navigation are provided, And all such other punishments as may be justly inflicted upon the Contemners of the Majesties Royall Command and authority.

The names of those whose vessels and Goods were seized :

John Hunkins master of the Ketch Industry of Plymouth.

Thomas Grecian master of the Pink Expectation of Boston.

Steven Clay master of the Ship Batchelor Delight of Providence.

Eli. Nichols master of the Barque Guift of God of Guernzey.

— Whetstone master of the Mary of Bristol.

John Brock master of the Guift of God of Kittery.

The rigging and sailes of two New Ships of Piscataqua, Philip Severet and Eli. Nicholls masters.

Two Barrells of Irish yarne belonging to John Harding of Salem.

John Huling master of the ship Maidenhead of Nuberry.

Timothy Armitage master of the ship two sisters of Boston.

Samuel Lucy[?] master of the ship Expedition of Bristoll.

Jeremia Janon master of a sloop of Scituate.

Nathaniel Bollard master of a sloop of Linn.

John Hutchinson merchant of Boston or security for fittie hogsheads of Tobacco. [p. 343.]

[45.] [20*l*. is ordered to be paid by the Treasury to James Fawket, clerk, now going to Barbados.] 7 Sept. Barbados. [p. 350.]

24 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.  
Bermuda. [46.] [Orders of 7 Sep., 19 and 28 Oct. for hearing complaints against Sir John Heydon.—C.S.P. VI. 222, 261, and 271.]  
[pp. 351, 374 and 381.]
- 2 Nov. [Order dismissing the complaints.—C.S.P. VI. 283.]  
[p. 386.]
- 14 Sept.  
New York. [47.] [An order for William Dyer of New York to be discharged from the messenger's custody, he having given security to appear when required.] [p. 356. C.S.P. VI. 229.]  
(1682.)
- 29 June. [Dyer's petition is referred to the Committee.—C.S.P. VI. 591.]  
(1682.) [p. 528.]
- 3 August. Order is given in accordance with the Committee's report], Wee have considered the Petition of Captain William Dyer referred unto us by an Order in Councill and do finde that he was on the 31th of May 1681 accused in New York by one Samuel Winder of high Treason in levying Customes within the Province of New Yorke, and that being sent over hither some time past by the Court of assises of that place in order to his Triall, the said Samuel Winder had entred into a recognizance of five thousand Pounds to prosecute him, That he being accordingly arrived in England and attending your Majestie gave bond for his appearance when he should be summoned in pursueance wherof, having long expected the prosecution of the said Winder, without any effect, though it be certain, that the said Winder was lately in England, The petitioner humbly beseeches your Majestie that he may be at length freed of the obligation of his Bond and left at libertie to take his course at Law against the said Winder for his malicious accusation, whereby he is brought to ruine. This being the Case, and humble Desires of the Petitioner Wee see no reason why your Majestie may not for his releif direct an advertisment to be put in the Gazett, and to be published upon the Royall Exchange, as also notice hereof to be sent to the mayor of Southampton where the said Winder is said to have lately been, summoning him to appear within one month at furthest and to give good

1681.

security to prosecute the Petitioner at the next terme, in default wherof your Majestie may please to Order that the Petitioners bond may be delivered up to him to the end he may take his remedy at Law against the said Winder in New York, or else where he shall think fit. [p. 542. C.S.P. VI. 642.]

(1682.)

[As Winder has failed to appear, Dyer's bond is ordered to be delivered to him.] [p. 552.]

25 Oct.

[48.] Upon reading this day at the Boord the humble Petition of Nicholas Lowe Merchant Praying Liberty to export out of this Kingdome . . . Two Hundred Muskets, One Hundred Carabines and ffurnitures, One Hundred Pair of Pistolls and Holsters, One Hundred Saddles, and One Hundred ordinary Swords and Belts for Troopers, Nine Thousand Pounds of Lead Shot and Bullets and Twenty Barrells of Gunpowder, to be sent to the Lord Baltemore who desires the same to enable him to put the English in a posture of Defence against the Natives at Maryland. [The desired liberty was granted, security being given to send the stores to no other place.]

5 Oct.  
Maryland.

[p. 364.]

[49.] [A letter to Lord Baltimore.—C.S.P. VI. 252.] [p. 366.]

8 Oct.  
Maryland.

[50.] [Order referring to Committee petition of Elizabeth Binckes.—C.S.P. VI. 255.] [p. 366.]

12 Oct.  
Barbados

[Order on Committee's report.—C.S.P. VI. 290.] [p. 397.]

11 Nov.

[51.] [A letter to Lord Baltimore.—C.S.P. VI. 256.]

12 Oct.  
Maryland.

[p. 367.]

[52.] [The Council refer to the Admiralty Lord Culpeper's proposal] That there may be a Convoy appointed to guard ffour New England ships, and such Virginia ships as shalbe ready to sayle by the 20th instant, Wind and Weather permitting, to 150 Leagues from the Lands End of England. [p. 367.]

12 Oct.  
New England  
and  
Virginia.

[53.] Whereas his Majesty was this day informed, That Sir Henry Morgan . . . has at an Assembly lately called by him passed severall Laws and that severall other Bills were

14 Oct.  
Jamaica.

1681.

ready to be presented to him for his Consent, without any Provision made for the better Support of the Government by passing the Act of Revenue according to his Majestys Instructions bearing date the Third of November 1680. And his Majesty withall taking notice of an Instruction to Sir Thomas Lynch, his Majestys present Governor in Cheif of Jamaica forbidding him to passe any Law in that Island, (Except an Act of Naturalization and an Act for the more effectuall suppressing of Privateers) in case the Assembly shall refuse to passe the Bill for the Publique Revenue for such terme as his Majesty has directed so that the Continuance of the Laws passed or to be passed by Sir Henry Morgan may very much obstruct his Majestys Service in that Island, unlesse the Act for the Publique Revenue were also agreed unto, [Mr. Secretary Jenkins is directed to] prepare a Warrant for his Majestys Royall Signet and Signe Manuall Declaring all Laws passed or to be passed by Sir Henry Morgan absolutely void and null, in case the said Bill for the Publique Revenue be not also passed into an Act before the Arrivall of Sir Thomas Linch, And that the said Warrant be delivered unto Sir Thomas Linch with an Instruction to publish the same, in case he shall find it necessary for his Majestys Service and not otherwise. [p. 368. C.S.P. VI. 257.]

11 Nov. [54.] [The Council refer to the determination of the Lord  
West Indies. Chancellor the petition of] John Brathwaite and other  
Marriners late belonging to his Majesties hired ship the  
Thomas and Francis, George Gallop Commander [praying] his  
Majestie to grant them a Commission of Review directed  
to such Judges of the Common Law and Civilians as shall be  
thought fit, and with the usuall Quorum that they may at  
last reape the benefit of the Prize Long since taken in the  
Susanna by the Said Ship the prosecution whereof has  
almost quite ruined them. [p. 395.]

9 Dec. [55.] [Order on the petition of Reginald Wilson.—C.S.P.  
Jamaica. VI. 310.] [p. 423.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 27

- [56.] [Order as to debts for soldiers' quarters.—C.S.P. VI. 341.] 1681-2.  
[p. 430.] 21 Dec. Virginia.
- [57.] [Directions to Lord Culpeper.—C.S.P. VI. 339-40.] 21 Dec. Virginia.  
[p. 431-2.]
- [58.] His Majestie in Councill taking notice that the ships bound for Virginia on which the mony appointed for the pay of the Two Companys there (was put on Board) were yet detayned in the Downes is graciously pleased to Order that three monethes Pay more be allowed to the said Companys which is to be continued unto them untill the first of Aprill next; [directions are given to the Treasury accordingly]. 18 Jan. Virginia.  
[p. 439.]
- [59.] [It is referred to the Committee to consider a paper of Mr. Mason's, and also to report] what allowance is fit for Mr. Cranfield to enable him to performe his voyage to New Hampshire in America, and to settle himselfe as Governour there. 25 Jan. New Hampshire.  
[p. 442.]
- [60.] [Order referring to Committee the petition of Benjamin Middleton.—C.S.P. VI. 396.] 3 Feb. Antigua.  
[p. 448.]
- [Order on Committee's report.—C.S.P. VI. 471.] [p. 489.] 12 April.
- [61.] [Orders for subduing the Caribbee Indians.—C.S.P. VI. 410.] 8 Feb. West Indies.  
[p. 455.]
- [62.] [The Committe report] that they have received from Sir William Stapleton . . . the Depositions of severall Persons, touching the Violence offered them by a Spanish Ship, and their being plundered of the value of One Hundred pounds besides Provisions out of the ship Agreement of Youghall in her voyage to New England. [Copies of the depositions are to be sent to Mr. Secretary Jenkins], who is to deliver the same to the Spanish Ambassador residing here, And demand Reparation for the Injurys aforesaid, And that 8 Feb. West Indies.



# 28 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

his Majestys subjects be permitted to proceed in their Trade without molestation from the Spaniards.

[p. 455. C.S.P. VI. 408.]

8 Feb. [63.] [The Committee having reported] the necessity the  
St. 2 foot Companys upon St. Christophers are in, for want of their  
Christophers. Pay They together with the Governor in Cheif being above  
Three years in arrear . . . the Treasury [are] desired  
to take care for providing Monies to pay the said Governor  
and 2 ffoot Companies for the time aforesaid.

[p. 455. C.S.P. VI. 409.]

8 Feb. [64.] [The Council, approving the following letter to Lord  
Maryland. Baltimore as drafted by the Committee, order it to be pre-  
pared for his Majesty's signature and dispatched]: Right  
Trusty and Welbeloved Wee greet you well, When Wee  
reflect upon the many instances of Grace and ffavor derived  
to you from Us and Our Predecessors in the government of  
Our Subjects inhabiting Our Province of Maryland, Wee have  
great reason to hope that all your Actions and Proceedings,  
and most especially such as relate to Our Person and the  
Rights of Our Crowne would have been wholly guided by the  
Rules and directions of Our Royall Charter, and the knowne  
Laws of Our Kingdome of England, But Wee are not a little  
surprized to find by divers undeniable Testimonies Wee have  
received, as well as by the confession of your owne Letters,  
that you have obstructed Our Service and discouraged Our  
Officers in the execution of their Duty. And altho' by severall  
Letters Wee have already directed you by your self and your  
officers to be ayding and assisting to the Collector and other  
officers of Our Customes in Our Colony of Maryland in all  
matters relating to their respective Offices, and particularly  
in the due collection of the Impositions payable unto Us by  
[the Act of 1673], Wee are neverthesse informed, that  
instead of being ayding and assisting to Our said officers in  
the due collection thereof, You have hindred and forbidden  
them to receive the same, And particularly Wee have been  
given to understand by Nicholas Badcock late Comptroller

and Surveyor of Our Customes in Our Colony of Maryland That upon the Arrivall of the ship St. George of London Captain Shepheard comander, the ffreeman of Liverpool Edward Tarleton Master, and the Dolphin of Pool, Alexander Denmet Master, Our said Surveyor finding by their Certificates, that the Bonds which they had given were for carrying their Loading for England or Ireland, He did demand from the Masters of the said Ships the penny per pound due in such case for all Tobacco which they should lade on board the said ships, but that being refused by them he attended you severall times and desired your Assistance for the Collection thereof, but that you refused to give him any countenance or Assistance therein, And that Our said Surveyor pressing you severall times in this matter, and urging the said Law, you ordered him to appear before your Councill at St. Marys, which he accordingly did, And there in Our Name prayed and required your Aid to levy Our Dutys upon the Lading of the said Ships, or to make seizure of the Goods, But that he was absolutely refused the same, and told that he should not meddle with them, for that he had nothing to do therewith. And Wee are further informed, That by a Letter under your owne hand to the Commissioners of Our Customes bearing date the 7th of June last, you acknowledge to have denyed him the Receiving of Our Dutys on the said Ladings, and to have hindred him from molesting the said Masters, by means whereof the said ships went away with their Lading of Tobacco, without paying any of the said Dutys to Us, whereby Wee are damnified in Our Customes to the value of 2,500*l.* sterling.

Wee have also been made acquainted at Our Councill Boord with the Complaint insinuated by you against Our Trusty and Welbeloved Christopher Rousby Collector of Our Customes in Our said Province, as if he had behaved himself in such violent and unwarrantable manner as tended to the Discouragement of Trade, Diminution of Our Customes and Disturbance of the Publique Peace, But having for Our better

1682.

Information herein left the Examination of those matters to the Lords of Our Privy Councill appointed a Committee of Our fforrain Plantations who have consulted the Commissioners of Our Customes and heard the said Rousby upon Oath, It hath been thereupon represented unto Us, that you have proceeded in a very unusuall manner by charging the said Rousby with so great Enormitys in his absence, without giving him any Notice of those Accusations before his Departure from Maryland, which was well knowne unto you at least ffour Moneths before he embarqued. Nor have you transmitted any sufficient Proofs upon the Matters complained of, so that Wee cannot esteem it any waies agreeable to Our Justice to give any Credit thereunto, But do hereby commañd you to permit the said Rousby peaceably and quietly to execute his office, and to afford him all the Encouragement therein, which the Law requires. And Wee do thinke fit withall to give you this caution, that if you shall hereafter have any cause of Complaint against the said Rousby or any other Person, you do first give him or them a particular Charge thereof, and receive his or their Answer thereunto, and then transmit the said Charge and Answer to Us with the Proofs thereof to the end Wee may direct speedy Justice to be awarded according to the Merit of the Case.

And altho' your Proceedings abovementioned in the obstruction of Our officers and Contempt of Our Laws are of such a nature, as that Wee might justly direct a Writ of *Quo Warranto* to be thereupon issued out, Wee have neverthelesse out of Our great Clemency thought fit for the present only to require the Commissioners of Our Customes to charge you with the payment of the said summe of Two Thousand ffive Hundred pounds, and to cause a Demand to be made from you for the same, And that upon adjusting of what shall appear to be truly due to Us you cause the same to be paid by you to Our Receiver Generall and Casheir of Our Customes for the time being residing in London.

And Wee do strictly command you for the future to take care, That all Our Laws relating to the Trade of Our Colonies and Plantations be duly observed and put in execution, and that all Encouragement and Assistance be given to the severall officers of Our Customes under your Government.

[p. 456. C.S.P. VI. 402.]

[65.] [Order for monthly reports of plantation trade.— 3 March.  
C.S.P. VI. 427.] [p. 473.] Plantation  
Trade.

[66.] [Copies of the Royal African Company's petition and 15 March.  
papers annexed are to be sent to Sir J. Atkins, who is to Barbados.  
answer the complaints against him at the Board on the 22nd  
instant.] [p. 478.]

[67.] [Order *re* African Company's petition.—C.S.P. VI. 22 March.  
445.] [p. 481.] West Indies.

[68.] [Order as to William Kelso.—C.S.P. VI. 446.] [p. 481.] 22 March.  
New  
England.

[69.] [Reference to Committee of Samuel Hanson's petition. 12 April.  
—C.S.P. VI. 469.] [p. 486.] Barbados.  
(1683.)

[A second petition referred.—C.S.P. VI. 915.] [p. 621.] 26 Jan.  
(1683.)

[A third petition referred.—C.S.P. VI. 1040.] [p. 673.] 11 April.  
(1683.)

[Orders to hasten Sir R. Dutton's answer and George 20 July  
Hannay's examination.] [Vol. 17. p. 21.] (1683.)

[References to Committee.—C.S.P. VI. 1667 & 1334.] 21 July  
and  
[pp. 27 & 51.] 26 Oct.  
(1683.)

7 Nov.

[Order on Committee's report.—C.S.P. VI. 1368.] [pp. 61-2.]

[References and Orders of 14 Nov. (p. 65), 16 Nov. (p. 70),  
23 Nov. (p. 75), 5 Dec. (allowing Dutton to return to  
Barbados), (p. 81), 19 Dec. (p. 94), and 9 Jan. 1684,  
(p. 99) are C.S.P. VI. 1384, 1391, 1407, 1479, and 1500.  
On the last date Hanson's complaint of menaces and evil  
treatment used toward the officers of the Sheriff of Middlesex  
who served a writ on Sir R. Dutton for a trial at Common  
Law is referred to the Court from which the writ issued.]

32 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

- 12 April. [70.] [The Bermuda Company is required to answer on Wednesday next the petition of Joan, widow of Capt. John Somersall] setting forth that the Causes in difference between her and Israel Somersall touching the Estate of the said John Somersall, were by the authority at Bermudas transmitted to the Bermudas Company in London, who tooke upon them forthwith to hear and Determine the same. That the said Causes have depended before the said Company above 12 months, without Coming to a finall resolution, to the Petitioners utter ruyne, and praying to be releived. [p. 487.]  
Bermuda.
- 19 April. [Both sides having been heard by counsel, a state of the case is to be prepared by counsel, and submitted to the Board, and then a day for hearing the matter will be appointed.] [p. 492.]
- 17 June. [Mrs. Somersall complaining that Mr. Tucker, agent for Israel Somersall, refuses to appoint counsel to agree upon a case for presentation, the business is ordered to be heard on 8 July or at the first Council thereafter, and the Bermuda Company are to produce all relevant documents in their possession.] [p. 522.]
- 13 July. [The case of Joan Somersall and her son-in-law Israel Somersall is recapitulated, showing the great delays that have been used by the said Israel; though his agent Mr. Tucker pretends his authority insufficient to warrant the further proceedings of the Board, his Majesty proceeds to hear the case and orders] that the said Bermudas Company in London doe forthwith give strict, and effectuall Orders to their Deputyes, and Officers in the said Island to putt the said Joane Somersall into the immediate full and quiet possession of all the Real and Personal Estate, aswell what was settled on her before her Marriage to the said Somersall as given, and bequeathed to her in the said Island by the last Will and Testament of the said John Somersall deceased, and that the powers by the said Will given her for altering or making voyd all or any part thereof, is good in Law and

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well executed. And it is further Ordered that in case the said Company shall refuse or delay to give immediate Orders for the putting of this Order in Execution, That thus the said Deputyes and Officers on the said Island are hereby required and impowered to putt the same in full Execution. [*p.* 535.]

[71.] [Order for payment of Sir R. Dutton's salary,] he having not yet received any part therof since his being Governor. 12 April. Barbados. [*p.* 488. C.S.P. VI. 468.]

[72.] The petition of Robert Orchard Complaining of severall abuses and injuries don him by the authority or Government of Boston in New England [is to be sent to] the Governour and Company of the said Towne of Boston who are to return their answer to it, in writing and to appoint some agent sufficiently impowered to appear for them before this Boord within three months after the delivery of this order, and to abide such Judgment and Determination as this Boord shall think fit to make therein. 19 April. Massachusetts Bay. [*p.* 491.]

[References to Committee.—C.S.P. VI. 1166 & 1215.] (1683.)  
[*Vol.* 17. *pp.* 26 & 34.] 27 July and 25 August. (1687.)

[Order on Committee's report.—C.S.P. VII. 1309.] 18 June.  
[*James II.* *p.* 471.]

[73.] [Order for attendance of Mr. Summers.—C.S.P. VI. 483.] 21 April. Barbados. [*p.* 493.]

[74.] [Letters to the New England colonies on the establishment of a royal Governor in New Hampshire.—C.S.P. VI. 517.] 23 May. New England. [*p.* 505.]

[75.] [Letter to Massachusetts Bay as to Mason's claim to New Hampshire.—C.S.P. VI. 516.] 23 May. Massachusetts Bay. [*p.* 505.]

[76.] [Drafts of several letters to the Governors of Plantations in favour of the Royal African Company are read and referred to the Committee, who are to meet in the Council Chamber at Whitehall on Wednesday at 10 in the morning to consider the letters and report their opinion to the Council.] 10 June. Plantation Trade. [*p.* 514.]

# 34 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

17 June. [77.] Upon reading this day at the Boord an Extract of a  
Jamaica. Letter from Sir Henry Morgan [to the Committee] Giving an Account of his having apprehended four of those Pirates, who had for these Two years greivously molested the Spaniards in the South Seas, and committed great Depredations and Enormitys in plundering some of their Townes, and taking about Thirty ffive of their Vessells, And that upon their Tryalls, Three were condemned, One whereof appeared to be a cruell and bloody man, who deserves to be made an Example but the other Two are represented by the Judges as fit Objects of Mercy, and the ffourth being the Informer is like to obteyne the favor of the Court, And therefore desiring his Majestys Pleasure about them. [Mr. Secretary Jenkins is directed to] prepare a Letter for his Majestys Royall Signature to the Governor of Jamaica to give Order for the Execution of the said Pirate, who appears to have so justly deserved it, And that he cause the other Three to be kept in Prison till further Order. [p. 522.]

17 June. [78.] [The Council approve, and give orders to Lord Culpeper  
Virginia. in accordance with the following report of the Treasury, at the same time declaring that the case is not to be taken as a precedent] : Wee have considered of the Petition of Thomas Sands of London Merchant referred to Us by your Majestys Order in Councill of the 14th of July, 1681, wherein he humbly Prays your Majestys finall and positive Order to the Governor and Councill of Virginia for giving due Obedience to an Order made by your Majesty in Councill the 24th of May 1678 grounded upon a Report of the then Lord Treasurer for giving liberty to the Petitioner to ship out of Virginia free of the Impost of that Country ffive Hundred and Eighty Hogsheads of Tobacco in lieu of the like quantity which after payment of that Duty was taken by the Dutch in the late Warr [in 1665] and lost, and Wee having received a Report in this matter from the Commissioners of your Majestys Customes bearing date the 18th of November last with Copys of a former Report made by them to the Earle of Danby as

1682.

also of severall Affidavits and other Proofs exhibited in the part of the Petitioner to prove the Usage in Virginia as to the Reallowance of the Country Duty of Two shillings per Hogsheads in case of Losses by Capture or otherwise, Wee are humbly of opinion that your Petitioner (if your Majesty thinks fit) be allowed the Liberty he desires of shipping out the said Quantity of Tobacco at Virginia free of the Impost of that Country, which amounts to fifty Eight pounds sterling according to your Majestys said former Order.

[p. 523. C.S.P. VI. 568.]

(1683.)

[The Council refer to the determination of the Treasury Sands' petition for leave to export 800 hogsheads of tobacco instead of the 580 previously ordered, but never allowed despite the great expenses of his five years' solicitation.]

16 Nov.

[Vol. 17. p. 69.]

[79.] Whereas his Majesty upon Information of the Disorders and Tumults lately arisen and carried on by severall Inhabitants within his Colony of Virginia, Hath thought fit in order to the suppressing thereof to command the Lord Culpeper . . . to embarque himself for that Place by the first of August next, and in the meane time so to prepare himself in case of any sudden Emergency, as to be in readines within a Weeks time after notice to repayre to his said Government, [the Admiralty are directed forthwith to] give directions for the immediate equipping one of his Majestys ffregats such as they shall judge fittest to be in readines within the time abovementioned for transporting the said Lord Culpeper to Virginia.

17 June  
Virginia.

[p. 523. C.S.P. VI. 567.]

[80.] [Orders to Lord Culpeper on the tobacco-cutting riots in Virginia.—C.S.P. VI. 566.]

17 June.  
Virginia.

[p. 524.]

[81.] A Commission in the usuall forme to Giles Dowles Gent. to destroy Tobacco in Worcester, Gloucester, Hereford and other places, Being the same with that passed the 9th of July, 1680. . . .

17 June.  
Tobacco.

[p. 525.]



# 36 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- (1683.)  
23 June. [The Commission is renewed.] [Vol. 17. p. 10.]
- (1684.)  
13 June. [The Commission is renewed.] [Vol. 17. p. 190.]
- (1685.)  
18 Dec. [The Commission is renewed.] [James II., I. p. 177.]
- (1690.)  
20 Feb. [The Commission is renewed.] [William III., I. p. 391.]
1682.  
23 June. [82.] There being this day read at the Boord a Certificate  
Transportation. under the hands of severall of his Majestys Justices of the Peace  
for the County of Devon, Representing, That at severall Generall  
Quarter Sessions of the Peace for the said County, Richard  
Stanley, Thomas Stanley, Peter Stanley and Matthew Eyres  
were indicted for wandring in the said County as Rogues  
dangerous to the inferior sort of People contrary to the  
Statute in that case made, And upon full Evidence being found  
guilty, were adjudged by the Court to be banished out of the  
Realme, according to the Statute of the 39th of Queen  
Elizabeth, And the said Justices desiring their Lordships to  
assigne some of his Majestys Plantations beyond the seas, to  
which the said Persons shalbe banished. It was this day  
Ordered by their Lordships in regard such Offenders are by  
the aforesaid Statute to be Transported at the Charge of the  
County, That in case the said Justices or any Three of them  
shall contract with any Merchant or Master of a ship  
who will give good Security for the safe transportation of the  
aforesaid severall offenders either to Jamaica or Barbados,  
And that they nor any of them shall returne again into this  
Kingdome, Their Lordships upon Certificate thereof under  
the said Justices hands, will signe a Warrant for the banishing  
of the said Offenders accordingly. [p. 525.]
- 29 Nov. [Four of the said Justices having certified that they  
have contracted with Walter Kelland merchant to transport  
the said persons to Barbados and received from him security  
to perform the same, order is given that Barbados be the  
place of banishment.] [p. 581.]

[83.] [An order for a new seal for the province of New Hampshire—to be affixed to all Public Acts, Orders, and Proceedings, and to have the same validity as the public seals in other provinces. The seal appointed for the use of the President and Council on 19 September 1679 is now recalled, and ordered to be sent home by Governor Cranfield at the first opportunity.]

1682.  
29 June.  
New  
Hampshire.

[p. 529.]

[84.] [Orders to be given to Lord Culpeper and others in view of the disorders in Virginia.—C.S.P. VI. 612-3.]

13 July.  
Virginia.

[pp. 531 & 532.]

[85.] Whereas it was this day represented to his Majesty by the Right Honourable the Master Generall of the Ordnance that a considerable quantity of Ammunition, Armes, and other stores of Warr sent to Virginia during the late Rebellion are yet remaining there, It is hereby ordered by his Majesty in Councell That so much of the stores as are necessary for his Majestyes service may be kept in some place, where they may be secure.

13 July.  
Virginia.

And that if any part of the stores shall appeare necessary for the use of the Inhabitants, they may be sold to such persons, and at such reasonable rates, as the Governour or Commander in Chief of Virginia (with the advice of the Councell) shall agree for. And that the Money for which they shall be sold, be forthwith transmitted to the office of the Ordnance, and an account thereof returned into the Exchequer as is usuall in like cases. [And that what is not absolutely necessary for the plantation be sent home in the *Norwich* frigate.]

[p. 532. C.S.P. VI. 614.]

[86.] [The Council give order in accordance with the Committee's report] that having heard the petition of the Governour and Company of Adventurers Tradeing to Hudsons Bay (Referred to them by the Right Honourable the Earle of Conway, one of his Majestyes principall Secretaries of State) mentioning the powers and directions of their Charter, and that some persons contrary thereunto were about to interrupt their

13 July.  
Hudson's  
Bay.

# 38 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

trade, and therefore praying his Majesty to grant an Order, and Declaration in Councell in their favour, according to the Tenour of a proclamation lately issued out in behalfe of the East Indya Company, they were humbly of opinion That it be referred to the Attorney or Sollicitor Generall, to consider of this petition and Consult both his Majestyes Lord Chiefe Justices therein, and thereupon to report whether the same may be granted by Law. [p. 534.]

3 Aug. [87.] [Order is given in accordance with the report, C.S.P. VI. St. Christopher. 586, on the seizure of Henry Brunet's ship at St. Christopher.] [p. 541.]

3 Aug. [88.] [Governor and Council of Virginia to answer Sarah Virginia. Bland's petition.—C.S.P. VI. 641.] [p. 541.] (1683.)

26 April. [Order as to Mrs. Bland's security.—C.S.P. VI. 1054.] [p. 684.] (1684.)

29 Sept [Col. St. Leger Codd and his wife appear in accordance with the Order of 3 Aug. 1682.] [Vol. 17. p. 235.] (1684.)

31 Oct. [Codd petitions for protection from arrest as he is a stranger and cannot find bail. He also seeks and is ordered to be provided with a copy of the appeal; and on Mrs. Bland's petition for a speedy hearing, 7 Nov., is fixed.] And in the mean time both the petitioners are required mutually to forbear prosecuting each other by arrest or otherwise upon any pretext whatsoever. [p. 242.] (1684.)

7 Nov. [On the desire of both parties, the hearing is postponed to the 19th.] [p. 247. C.S.P. VI. 1922.] (1684.)

19 Nov. [Referred to the Committee.] [p. 255. C.S.P. VI. 1951.]

25 Oct. [89.] [The Council refer to the Committee for examination West Indies. and report—with special reference to the offence for which Captain Billop has already received his trial—] the humble Petition of Sir William Stapleton . . . conteyning severall Complaints against Captain Christopher Billop Comander of his Majesties Ketch the Debtford for encouraging

1682.

the Interloping Trade (which he had Orders to prevent) pillaging his Majesties subjects and their Ships, affronting the Petitioner, and speaking opprobrious Language of him and his Majesties Council there . . . And praying, That the said Captain may receive exemplary Punishment for his said Misdemeanours, His former Tryall having been only for coming into England without Order. [p. 552.]

[90.] [Reference to the Committee of a petition as to servants sent to the plantations.—C.S.P. VI. 768.] [p. 560.]

3 Nov.  
White  
servants.

[91.] His Majesty this Day in Council being made acquainted by the Commissioners of the Admiralty with the loss of the Norwich frigate Captain Heywood Commander lately at Jamaica, and that it appeared to the sayd Commissioners upon the Examinations of divers persons belonging to the sayd ship (who are since returned hither) that the sayd Frigate was cast away partly by the said Captains taking Marchants Goods on board, contrary to his Instructions from the sayd Commissioners of the Admiralty : [It was ordered that a warrant be sent to Sir Thomas Lynch requiring him to send over Captain Heywood in safe custody.]

15 Nov.  
Jamaica.

[p. 568. C.S.P. VI. 793.]

[Further order is also given as to the carrying of merchandise on his Majesty's ships.—C.S.P. VI. 792.] [p. 568.]

[92.] [Orders for sending recruits to St. Christopher.—C.S.P. VI. 812-6.] [p. 575.]

22 Nov.  
St.  
Christopher.

[93.] [Notwithstanding the order of 22 March, 1676, that no foreign masters, mariners, or seamen be made denizens, which had reference principally to the trade to the foreign plantations, Sir George Downing, for the Commissioners of Customs, recommends that the petition for letters of denization of two harpooners who have served for three years in the Greenland trade be granted to enable them to be masters or mariners of ships provided no precedent be established,] but that in the generall it would be a great prejudice to the Trade and

24 Nov.  
Plantation  
Trade.

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1682.

Navigation of this Kingdome, to permit forreigners to be Denized, so as to be Capable of being Masters of Vessels in the European, aswell as the Plantation Trade. [Order is given accordingly.] [p. 576.]

29 Nov. [94.] [The Board refer to the Committee the consideration of]  
Huguenot the Petition of Gabriele Rappee one of those french Protestants  
Colonists. that fled into this Kingdome for releife, praying liberty to  
build Salt Panns, Plant Vynyards, and sow Hemp and Flax  
in such places within his Majestyes Dominions in America,  
not yet used for those or other usefull purposes from the  
Latitude of 36 to 52 with prohibition to all others to meddle  
in the same within the places he shall chuse for the space  
of 14 Yeares, according to the Law in such Cases, with  
liberty also to purchase Lands to make the sayd plantations  
on, and that those he shall imploy herein may have their passago  
free, it being the Petitioners design to ease his Majesty of  
many of the poore french protestants.

[p. 582. C.S.P. VI. 823.]

29 Nov. [95.] [The Board refer it to the Treasury to deal as they  
Plantation see fit with the petition of Sir Richard Hart and other  
Trade. Bristol merchants] praying that a fift part of all sugars  
(imported into Bristoll from any of his Majestyes Forreigne  
Plantations into this Kingdome) maybe allowed to them, for  
Tarre, in like manner, as the Marchants of London have  
hitherto had, untill the Tare of Sugars, which the sayd  
Marchants of London import, shall be advanced to a sixth  
part, according to the opinion of the Commissioners of his  
Majestyes Customes, in that matter some time since.

[p. 583.]

6 Dec. [96.] [Order as to Sir R. Dutton, etc.—C.S.P. VI. 832.]

Barbados. [p. 589.]

13 Dec. [Letter in accordance therewith.—C.S.P. VI. 844.] [p. 597.]

6 Dec. [97.] [Order on Mrs. Jeffreys' petition.—C.S.P. VI. 831.]

Virginia. Cf. Vol. I. 1324.] [p. 590.]

- [98.] [Reference to Committee of Richard Thayre's petition.—C.S.P. VI. 834.] [p. 591.] 1682.  
8 Dec.  
New  
England.  
(1683.)
- [Order admitting his appeal.—C.S.P. VI. 989.] [p. 643.] 2 March.  
(1684.)
- [Reference to Committee of his petition.—C.S.P. VI. 1621.] 2 April.  
[Vol. 17. p. 137.]

[99.] Whereas it has bin represented to his Majesty that by reason of the frequent abuses of a lewd sort of People called Spirits in seducing many of his Majestys subjects to go on shipboard where they have been seized and carried by force to his Majestys Plantations in America, and that many idle persons who have listed themselves voluntarily to be transported thither, and have received money upon their entring into service for that purpose, have afterwards pretended they were betrayed, and carried away against their wills and procured their friends to prosecute the merchants who transported them, or in whose service they are, by Indictments or Information in the Crown office in his Majestys Name, which is a great discouragment to them and an hinderance to the management of the Trade of the said Plantations and Navigation of this Kingdom, and severall merchants and Planters having made humble applications to his Majesty that he would be graciously pleased to Direct such methods for their retaining of servants to serve in his Majestys Plantations as in his Royall wisdom, He should think meet, wherby his Majesty may be so satisfied of their fair dealing, as to take of all Prosecutions against them at his Majestys sute, and also that the scandall that now lyes upon them in generall by reason of such evill disposed persons may not remain upon such as shall for the future follow such methods as his Majesty shall think fit to be pursued.

His Majesty taking into his Royall Consideration the said request, is graciously pleased to Declare, that such Merchants, Factors, masters of shippes or other Persons that shall use the method hereafter following in the hiring of servants for his

13 Dec.  
Indentured  
Servants.

1682.

Majestys Plantations, shall not be disquieted by any sute on his Majestys behalf, but, upon certificate therof, that he will cause all such sutes to be stopped, to the end they may receive no further Molestation therby :

1. Such servants are to be taken by Indenture to be executed by the servant in the presence of the Magistrat or Magistrats hereafter appointed, one part therof signed by such servant, and also underwritten or endorsed with the name and hand writing of such Magistrate, which is to remain with the clerk of the Peace to be returned to the next sessions there to be filed upon a distinct file, and numbred and kept with the Records.

2. The clerk of the Peace is to keep a fair book, wherin the name of the Person so bound, and the magistrats name before whom the same was don, and the time and place of doing therof, and the number of the file shalbe entred, and for the more easy finding the same, the Entries are to be made alphabetically according to the first letter of the surname.

3. All persons above the age of one and twenty yeares or who shall upon view and examination appear to be so in the Judgment of the Magistrate may be bound in the presence of one Justice of the Peace, or of the Mayor or Cheif Magistrate of the place where they shall go on shipboard, who is to be fully satisfied from him of his free and voluntary agreement to enter into the said service.

4. If any person be under the age of one and twenty years, or shall appear so to be, he shalbe bound in the presence of the Lord Mayor of London, or One of the Judges, or an Alderman of London who shall carefully examin whether the person so to be bound have any Parents or Masters, And if he be not free, they are not to take such Indenture unlesse the Parents or Masters give their Consent, and some person that knows the said servant to be of the name and addition mentioned in the Indenture is to attest his said knowledg upon the said Indenture.

5. If the person be under the age of fourteen years, unlesse his Parents shall be present and consent, he is not to be carried on shipboard till a fortnight at least after he becomes bound to the intent that if there be any abuse it may be discovered before he be transported, And where his Parents do not appear before the Magistrate, notice is to be sent to them, or where they cannot be found to the Church wardens or Overseers of the Parish where he was last settled in such manner as the said Magistrate shall think fit and direct.

And because Clerks of the Peace may Conceive this not to be any part of the duty of their office, and may therefore exact unreasonable Rewards for their trouble and pains therin. His Majesty doth declare that if any merchants or other Persons shall be aggrieved therby, and upon Complaint to the Justices, cannot obtain releif, His Majesty will take such further Care for their ease herein, as in his Royall wisdom, hee shall think meet.

And his Majestys further pleasure is, that this order be printed and published, to the end all persons whom it may Concern take notice therof, and govern themselves accordingly. [p. 595. C.S.P. VI. 846.]

[On the same day, a *scire facias* is ordered to be brought against Roger Whitley's patent for registering the covenants of servants going to the plantations,] as being found of no use, but rather a prejudice to his Majestys service. [p. 598.]

[The general Order is repeated.—C.S.P. VII. 611.]

(1686).  
26 March.

[James II., pp. 235-7.]

[100.] [Reference to Committee of Capt. Billop's petition.— C.S.P. VI. 854.] 15 Dec.  
[p. 601.] West Indies.

[101.] . . Richard Owsley Merchant setting forth that the petitioner being a trader to his Majestys Island of Jamaica, one Haviland did bring a young man one Richard Turner to the petitioner who desired to goe in the petitioners Service to the said Island, whereupon the petitioner finding him to be of

10 Jan.  
Jamaica.



1683.

ability and of age fit for his trust did examine him touching his willingness to goe upon which the petitioner did accept of him and cloath him, and by Indenture bound him as a Covenant Servant for five yeares according to the Custome of the said Island, at the then knowne office appointed by his Majestie as the Petitioner was informed ; and that after having provided him passage the said Turner was again viewed and examined by his Majestys Searcher at Graves-End, about his Age and will to goe, and having declared his free consent, and taken the Oaths of Allegiance and Supremacy did depart to the said Island, where he remaines as a Supervisor of the Petitioners Negroe Servants in his plantation. That notwithstanding the petitioners honest and faire dealing with the said Richard Turner some persons to trouble the petitioner have maliciously caused an Information to be exhibited against him, in his Majestys Court of Kings Bench. And praying that the same may be stopt. [The Attorney General is directed to examine the matter], and if he finds the same to be true then that he do cause a Noli prosecute to be entred to stop proceedings against the petitioner upon the said Information. [p. 607.]

10 Jan. [102.] [Reference to Committee of James Guiball and  
Virginia. other French gentlemen.—C.S.P. VI. 884.] [p. 607.\*]

12 Jan. [103.] [Reference to Committee of Royal African Company's  
Jamaica. petition.—C.S.P. VI. 892.] [p. 607.\*]

12 Jan. [104.] [Reference to Committee of Christopher Jeaffreson's  
St. Christopher. petition.—C.S.P. VI. 890.] [p. 610.]

19 Jan. [105.] [Order on complaints against Spain in West  
West Indies. Indies.—C.S.P. VI. 900.] [p. 614.]

19 Jan. [106.] [The Commissioners of the Admiralty are directed to]  
Jamaica. provide passage together with such provision of Viotuals as shall be necessary for 42 french protestants, whose names are to be Certifyed unto them by [the Bishop of London], to be transported to his Majestys Island of Jamaica, with the first conveniency they can. And . . Mr. Secretary Jenkins

1683.

is to send Letters recommending the said persons to the favourable reception of Sir Thomas Linch . . they intending to plant and settle there.

[p. 615. C.S.P. VI. 903.]

[107.] [Order as to French privateers.—C.S.P. VI. 927.] 31 Jan.  
[p. 622.] Hispaniola.

[108.] [On the proposal of the Treasury, the Admiralty are ordered to prepare instructions for all ships having commissions from his Majesty, more especially those going toward the West Indies, as authorised and required by the Act of Navigation], to seize and bring in as Prize all such ships or vessels as shall have offended contrary to the provisions of the said Act. 7 Feb.  
Navigation Acts.

[p. 628.]

[A draft of instructions prepared by the Customs is 7 March. referred to the Attorney General for a legal opinion. A draft from the Admiralty is deemed too short and less effectual than the other : they are to consider the Customs draft and report whether they have any objections thereunto.] [p. 660.]

[The instructions as returned by the Admiralty are approved 28 March. and ordered to be put in execution.] [p. 667.]

[109.] [The Committee report that] Sir Thomas Lynch 14 Feb.  
having by his Letter dated the 6th of November last to Mr. Hispaniola.  
Secretary Jenkins, and other Letters, complained of the Depredations committed by certain Privateerspretending Commissions from the French Governor of Hispaniola, and of the unjust Seizures made by him and his Deputy especially of one Lenham, that only touched at Petit Guaves to deliver a Letter from Jamaica, as also of those many Piracys the French commit dayly to the totall ruine and interruption of the English Trade, having taken Eight or Ten of Our Vessells, and barbarously used Our Seamen. It is therefore humbly proposed by the Committee of Plantations, that a Memoriall be given to the French Ambassador residing here, as likewise another by the Lord Preston to the French Court representing these

1683.

Proceedings which are not only destructive to Trade, but contrary to the Treatys between the Two Crownes, And therefore desiring that Satisfaction may be made for these Injuriys and the Power of the Commissions given to these Privateers limited, And that in case the French Governor shall continue to grant Commissions of this nature, Order may be sent to make him distinguish between the English and the Spaniards. And it is further offered, That Sir Thomas Lynch may have directions to seize as many as he can of such Vessells and Privateers that have or shall injure his Majestys Subjects, And that he send a Lyst of all those Vessells that have been robbed by the French or by Pirates pretending Commissions from them, with the names of such as have robbed them. [The report is approved and Mr. Secretary Jenkins directed to] prepare and dispatch all such Memorialls, Letters, and other Directions as shalbe necessary for procuring Redresse of the Injuriys and Deprædations abovementioned, and prevention of the like for the future.

[p. 634. C.S.P. VI. 942.]

Feb. [110.] [The Council admit, and refer to the Committee  
New York. the appeal] of Robert Wright and Francis Pew of New Yorke. Gentlemen . . . from Two severall Judgments obteyned against them by Robert Cornwall, The one at a Generall Court of Assize held in the City of New Yorke on the 4th, 5th and 6th of October, 1682, in confirmation of one other Judgment obteyned against them by the said Cornwall for the same matter at the Court of Sessions held at Gravesend for the West Riding of Yorks on Long Island the 21st of December, 1681, Which Appeal the Petitioners have given good Security to prosecute at this Boord.

[p. 634. C.S.P. VI. 941.]

23 Feb. [111.] [The following draft of a letter to Sir Thomas Lynch  
Jamaica. prepared by the Committee is approved and ordered to be engrossed for his Majesty's signature and transmitted by the first conveniency]: Wee have with great Satisfaction understood from you the dutyfull Proceedings of Our Assembly of

Jamaica in repealing a former Act for raying a Publique Revenue, wherein were divers Clauses derogatory to Our Royall Authority, and in presenting Us with another Act for the support of Our Government, wherein all those distrustfull and offensive Clauses are omitted, Which as Wee take in very good part, so are Wee resolved to give those Our good Subjects further Testimonies of Our Favor by the effects of Our Protection and Royall Provisions for the finall settlement of that Our Island.

Wee have been no lesse pleased to receive the Addresse of Our good Subjects, presented to Us by [the Committee], which gives Us Assurance of their Resolutions to pay all ready Obedience to Our Commands, and faithfully to support Our Government to the utmost of their Power, In returne of all which dutifull Acknowledgments Wee have graciously received the Body of Laws transmitted unto Us. And although by the Powers given unto Our Governors those laws are to continue in force untill Our Pleasure be signified to the contrary. To the end neverthelesse that by the especial Allowance of them according to the humble desires of Our good Subjects made knowne unto Us, the Settlement of Our Island may be the better carried on by the Establishment of constant and certain Laws, We have upon the perusall of the said Laws by [the Committee] thought fit Out of Our great Grace and Condescension to signify Our Royal Confirmation of the same under the Seale of Our Privy Councill in such manner as other Laws have been formerly approved and confirmed, whereby for the space of Seven years, Wee have not left it in Our owne Power to vacate or repeale them, Excepting only the Act ascerteyning the Rates of Negros and such other Laws as Wee have remitted unto you to be proposed unto our Assembly for their Amendment according to the particular Instructions given you by Our said Committee hereby engaging Our Royall Word and Promise in like manner to confirme the said Laws, when they shall have received the said Amendments, which Wee have left to your prudent Care and Management : whereof

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Wee have the lesse Reason to doubt, inasmuch as you have already made Us fully sensible of your fidelity and Zeale for Our Service in the Discharge of the Trust reposed in you, aswell in passing the said Act of Revenue, as in the Civil and Military Regulations of that Our Government.

And whereas you have complayned of the Deprædations comitted by certain Privateers pretending Commissions from the ffrench Governor of Hispaniola Wee have Ordered a Representation to be made thereof to his most Christian Majesty, that satisfaction may be given for the Injurys susteyned by Our Subjects, and that their Trade may be the better secured for the future, Wee do hereby direct and empower you to seizo in the best manner you can, such Vessells and Privateers as have injured Our Subjects, or shall disturb their Lawfull Trade.

And so assuring Our selves of the same Care and Successo as Wee have hitherto found in all your Proceedings Wee bid you farewell. [p. 636. C.S.P. VI. 966.]

28 Feb. [112.] [Order as to St. Thomas.—C.S.P. VI. 977.] [p. 640.]  
Virgin Islands.

14 Nov. [Order as in C.S.P. VI. 1382, to which is added that, if the King of Denmark shall think fit to send a new Governor to St. Thomas], he may be conveyed in safety thither by his Majestyes ships bound for those parts. [Vol. 17. p. 67.]

(1684.)  
15 May. [Order to Sir W. Stapleton to assist the new Governor of St. Thomas.—C.S.P. VI. 1686.] [p. 174.]

2 March. [113.] [Reference to Committee of Richard Buller.—C.S.P. Virginia. VI. 984.] [p. 643.]

21 March. [Order on Committee's report.—C.S.P. VI. 1009.] [p. 663.]

2 March. [114.] [The Committee are directed to] cause the severall Jamaica. Governors of Jamaica (who have received the six hundred pounds, or any part thereof allowed hertofore on the Establishment for Jamaica for the repayres of the fort there,

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And have not layd the same out upon the sayd forts) to account for the same in his Majestyes Court of Exchequer, That so any Imbezzellements thereof, if any are, may be found out and brought to a just Accompt.

[p. 643. C.S.P. VI. 991.]

[115.] Upon reading this day at the Board the petition of 21 March.  
Mary Ayres Mother, and Guardian of Thomas Ayres an Infant, Barbadoes.  
Nephew to Robert Ayres deceased Complaininge that Sir Richard Dutton . . . had upon the arrivall of Captain Robert Smith Commander of the Mary of London at that Island, in his way to Guinee, and his proveing the Nuncupative Will of the sayd Robert Ayres before the sayd Governour the 14th of June 1681, forced out of the sayd Captains hands 57 Ounces of Gold, a summe of money, a silver Meddall, and a paire of Gold Buckles, in all to the value of above 300*l*. bequeathed by the said Ayres to the sayd Infant, on pretence that he was father of all Orphans, and must take care of the sayd Goods for the sayd Infant, and still deteyned the same, though the said petitioner had taken out Letters of Administration in London, of the sayd Robert Ayre's Estate, and sent severall Letters of Attorney to the Barbadoes, empowering divers persons to receive the sayd Goods from the sayd Governor and returne them to her, and therefore praying this Board to Order the sayd Goods to be delivered to the Petitioners Attorney in that Island, [it was ordered that a copy of the petition be sent to Sir Richard Dutton and his answer thereto required,] That thereupon such further Order may be given for the petitioners releife in the premises, as their Lordships shall find just, and reasonable.

[p. 664. C.S.P. VI. 1010.]

[116.] [Order on the petition of the Sieur de Chambré.— 28 March.  
C.S.P. VI. 1027.]

[p. 667.] <sup>St.</sup> Christopher.

[117.] [An order to the Ordnance to repay to Thomas Cheek, 4 April.  
Lieutenant of the Tower] such money as he hath disbursed in providing Beds and bedding for the thirty soldiers lately shipped for Saint Christophers. <sup>St.</sup> Christopher.

[p. 672.]

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11 April. [118.] [The Council refer to the Attorney General] the petition  
Nevis. of William Winter mariner setting forth that on the Complaint of Anne Warberton to a Justice of the Peace, the Petitioner did engage to bring back into England Thomas Warberton a Youth whom he carried to Nevis upon the Accompt of Mr. Gibson a Planter, and although it hath since appeared that the said Thomas died at Nevis, yet the said Ann hath not onely sued the Petitioner on his engagement, but exhibited an Information, and a verdict passed against him . . . and praying releif. [p. 674.]

26 April. [Order is given in accordance with the report of 24 April] : Upon examination of the matter hereby to me referred, I do finde that the Petitioner was no otherwise concerned then as master of the shipp which carried the yong man beyond the seas to your Majestys Plantation of Nevis, and that towards satisfaction of the yong mans mothers expences in looking after her child he paid unto her seaven pounds and gave Bond to bring over her son, And it appears to me by two affidavits that her son died at Nevis, that he could not be brought back according to the Condition of the Bond. The mother hath since prosecuted the Petitioner in your Majestys name, and he is found guilty of carrying away of her son ; the circumstances of the Case considered, I humbly am of opinion that he is a fit object for your Majestys mercy, which your Majesty may extend to him, by an order for a Noli prosequi, the Petitioner paying to the Prosecutor her charges for the prosecution, which I conceive in this sute cannot amount to more than ten pounds, which I humbly submit to your Majesty. [p. 679.]

31 May. [On Mrs. Warberton's petition, the Attorney General is directed to] take care that Capt. William Winter doe renew his security to bring back her son within a year if he be living. [p. 704.]

31 May. [119.] [Petition of Richard Burke referred to the Com-  
Maryland. mittee. C.S.P. VI. 1091.] [p. 702.]

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[120.] [The Commissioners of the Admiralty having represented through the Earl of Nottingham] that they have bin informed that some Governours of his Majestys forreigne Plantations have lately put his Majesty to the Expence of Victualls for Prisoners and Passengers transported from thence in his Majestys ships by which his Majesty doth not only Susteyne a certain losse, But it may soe happen that his Majestys Service may suffer greater prejudice, in case any ship should be hindred, by reason of the falling short of Provisions (by this meanes) to proceeed on her intended Expedition, [it was ordered] That no Governor, or Cheif Commander of any of his Majestys Plantations, doe hereafter put his Majestie to any Expence of Victualls for any persons that shalbe sent on board any of his Majestys ships or Vessells from their respective Governments to any other place, unlesse in case of great necessity, and then they are to take care that his Majestys ship be Revictualled with the Like Provision so Expended, or for want of such conveniency that the value thereof be made good to his Majestie.

31 May.  
Plantations.

[p. 704.]

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CHARLES II. Volume 17. (13 June, 1683—4 Feb., 1685.)

[121.] [A copy of a memorial prepared by the Committee of the lamentable spoils and oppressions done to his Majesty's subjects in the West Indies by the subjects of the King of Spain is ordered to be given to the Spanish Ambassador to be transmitted to his Court. *See* C.S.P. VI. 307. The treaty between the English on Beef Island and the Spaniards at Trist is given as follows]:—

23 June.  
West Indies.

Don Philip de Varrera Villago, Alcalde in ordinary, first in vote, Lieutenant to the Captain Generall of the Towne and Port of Francisco de Campeche Cheif Comander of the Navall fforces that belong to the Districts of this Lagoone.

Whereas on Monday May the 20th arrived here Captain Robert Bockenham, Walter Streight and 2 other Englishmen,



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that came from the Island Jica Lanoga Apatan to surrender themselves as Prisoners having made severall Demands, It was agreed, that they and the rest of the English that are in the said Island, which are supposed to be about Eighty or Ninety shall deliver themselves up, to all which I grant and offer Security of their Lives and wearing Apparrell in the name of Our Sovereigne Lord the King, And that they shalbe conducted to the Island of Jamaica, or the Caimanes or either of them, which is left to their owne choice, Provided they deliver up all the Armes, Silver Gold, Prisoners and Slaves which are at present in their hands. And the said Captain Bockenham and Walter Streight shall use their best Endeavours with the Governor of Jamaica to put into the hands of such Person or Persons as the Governor and Captain Generall of these Provinces shall dispatch to him, all the Prisoners that are in that Island, Subjects of the King Our Master: And the said English shalbe dispatched and transported from the Port of St. Francisco de Campeche within the space of Two Moneths, to be reckoned from the day that they shall arrive to the said Port of St. Francisco, And all such of his Majestys Subjects as shalbe found in the aforesaid Island of Jamaica shalbe conducted and transported to this Court or Jurisdiction.

Given in the Island of Terminos 1680. And it is further Declared, that Captain George Reeves and Captain Nevill shall enjoy the Benefit of these Capitulations in the same measure as the rest, And that no Body shalbe suffered to do them any Hurt. Datum ut supra. [pp. 11-14.]

25 Aug. [122.] [Richard Braine's petition referred to Sir T. Lynch.  
Jamaica. —C.S.P. VI. 1211.] [p. 34.]

25 Aug. [123.] [The Council refer to the Committee] the petition of  
New Robert Wadleigh setting forth that he is by letter of Attorney  
Hampshire. under the hands and seales of Jeremy Walford and John Amazeen of New England Planters impowered to appear to an appeale brought against them before this Boord by Georg

Walton for Lands in great Island there, wherefore humbly praying a short day may be appointed for hearing the said appeale. [p. 34.]

1683.

[Similar reference is made of Wadleigh's petition for the hearing of Walter Barefoot's appeal against him, to answer which he has come at great trouble and charge from Great Island, where the Order of the Board was served on him on 5 March last.] [p. 48. C.S.P. VI. 1324.]

24 Oct.

(1684.)

[Both appeals, in accordance with C.S.P. VI. 1513, are dismissed for non-prosecution, and a general order is made that no appeals from the plantations be admitted till sufficient security be given.—C.S.P. VI. 1518.] [pp. 107-8.]

23 Jan.

[124.] [Order in behalf of Edwyn Stede.—C.S.P. VI. 1212.] [p. 36.]

25 Aug.  
Barbados.

[125.] [Letters in behalf of Royal African Company.—C.S.P. VI. 1213-4.] [pp. 37-40.]

25 Aug.  
Barbados  
and St.  
Christopher.  
28 Sept.  
Virginia.

[126.] [The Council refer to the determination of the Treasury] the humble petition of Robert Smith Major Generall of his Majestys Colony and Forces in Virginia, Praying that in Consideration of his great losse by a late Insurrection there, his arrears of Pay of 300*l.* a year for two yeares and 3 quarters may be paid him for his support in that Service. [p. 44.]

[127.] [Reference to Committee of William Freeman's petition.—C.S.P. VI. 1276.] [p. 45.]

28 Sept.  
Montserrat.  
(1684.)

[Order declaring the disputed partition void because not made in legal form,—C.S.P. VI. 1798: future partitions must be made by the Provost Marshall (acting as the Sheriff in England) on the oath of twelve lawful jurymen.] [p. 203.]

11 July.

[128.] [Francis, Lord Howard of Effingham, takes the oaths as Governor of Virginia. Upon a motion made in his behalf, it is ordered that] Mr. Secy. Jenkins do prepare a Warrant for his Majestys Royall Signature granting Licence to the said Lord Howard to go off from his said Government of Virginia

24 Oct.  
Virginia.

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to any of the Neighbouring Colonys, when his Lordship shall see cause so as the time of his absence exceed not the space of Two Moneths in any one year, And that the said Colony be then in a good and quiet disposition, and no emergent occasion to deteyne him there. [p. 49. C.S.P. VI. 1326.]

26 Oct.  
Leeward  
Islands.

[129.] [Reference to Committee of a petition as to the law of debt.—C.S.P. VI. 1333.] [p. 52.]

31 Oct.  
Virginia.

[130.] [The Committee report] That having received a Proposall of the Lord Howard of Effingham Setting forth the great want of a small Fregat in Virginia, as well to give countenance to his Majestys Authority, and to prevent any future Insurrections there, As for securing his Majestys Customes, and opposing the Pirates that have lately infested that Coast, Their Lordships thereupon consulted the Lords Commissioners of the Treasury, who have received the Opinion of the Commissioners of the Admiralty and Commissioners of the Customes, And upon consideration aswell of the Reasons given by the said Lord Howard, as of the Reports made unto them in that behalf: The said Lords of the Committee are humbly of Opinion, that it will conduce very much to his Majestys Service and Security of Virginia, That a Man of Warr Ketch be forthwith fitted out for the service aforesaid, and that the Captain receive Directions from his Majestys Cheif Governor of Virginia and also from the Customers there and at Maryland in relation to their employments but neverthelesse to be subject to the superior Comands of the Governor. [It is accordingly ordered that the Admiralty equip a ketch with forty men for this service to be under the ultimate direction of the governor as recommended.] [p. 53. C.S.P. VI. 1343.]

31 Oct.  
Jamaica.

[131.] [Order in accordance with report concerning a Lieut.-Governor for Jamaica.—C.S.P. VI. 1298.] [p. 53.]

7 Nov.,  
Leeward  
Islands.

[132.] [Sir W. Stapleton is granted leave of absence for a short time, to give his Majesty an account of the Leeward Islands, and to dispatch some particular business of his own.] [p. 60.]

- [133.] Upon reading this Day at the Board a Letter from Sir William Stapleton [to the Committee], dated the 15th of August last, representing that he had delivered on Board Captain Billop, and Captain Carlisle Commanders of his Majestyes ships, the Deptford ketch, and the francis frigatt, so much powder for his Majestyes service, as ammounted in value to twenty two Barrells, at the rate of One Thousand pound of sugar per Barrill, [it was ordered that Sir Christopher Musgrave, Lieutenant of the Ordnance take care that twenty two barrels of powder be sent to Sir Wm. Stapleton at Nevis by the first ship bound thither]. [p. 67. C.S.P. VI. 1383.] 1683.  
14 Nov.  
Leeward  
Islands.
- [134.] [The petition of Martha Young for relief in consideration of the loss of her husband slain in the West Indies in the war with the French, is referred to the Treasury.] 16 Nov.  
West Indies.  
[p. 69.]
- [135.] [A letter as to bonds from ships trading to Barbados. —C.S.P. VI. 1402.] 21 Nov.  
Barbados.  
[p. 73.]
- [136.] [It was ordered that the Attorney General appoint a fit person or persons] to peruse the Bookes, and all other publique Letters, papers, and Records, belonging to the Bermuda Company, aswell Here, as in the sayd Island And to take Copyes of such things, as he or they shall thinke fit, for his Majestyes service, in Order to the better prosecution of the Quo Warranto, lately brought against the Charter of the sayd Company, [whereof all who have any such records in their custody are to take notice and permit the same accordingly]. 28 Nov.  
Bermuda.  
[p. 77.] (1684.)
- [With reference to this Order, a petition of the inhabitants of the island represents] That the said Company have been duly served with the said Order by the Clerks appointed by Mr. Attorney in pursuance thereof, And that after many Attendencys, the said Clerks have been denyed a Sight of the said Bookes, whereby the said Company intends to delay his Majestys Cause for want of the Copies necessary for a Tryall against them, since they cannot by course of Law put it off 29 Feb.

1683.

longer than the next Terme, And therefore Praying that some leave may be taken for getting Copies of the said Bookes Letters and Records against the said Terme, the Petitioners [are ordered to] attend Mr. Attorney Generall, who is to move the Court, if he finds occasion for such Papers and Records in the said companys custody, as he shall judge necessary for his Majestys Service at the said Tryall. [p. 124.]

(1684.)

13 June.

[The Company having represented] that they are readily willing to resigne to His Majesty the Government of the said Island . . . and in all things to submit themselves to his Majestys good Will and Pleasure, And therefore Praying his Majesty would please to accept of that their Submission and to stay Proceedings on the Quo Warranto brought against them last Michaelmas Terme, which is to be tryed on Monday next at the Barr of his Majestys Court of Kings Bench, the Earle of Sunderland [is directed to] write to Mr. Attorney Generall to prosecute with effect the said Quo Warranto against the Companys Charter, but not to enter Judgment thereupon, till his Majestys Pleasure be further signified. [p. 180.]

(1684.)

27 June.

. . Lord Chief Justice Jefferyes this day representing to his Majesty that [as ordered on the 13th] Judgment hath been given for his Majesty upon the said Quo Warranto, but that the same was not yet entred upon Record: [it was referred to the Committee to inform themselves of the present state of the islands, and to report what government they judge fittest to be established for his Majesty's service and the good and benefit of his subjects trading to and inhabiting those islands, as also their opinion about entering the said judgment upon record. [p. 193. C.S.P. VI. 1778.]

12 Dec.  
Plantation  
Trade.

[137.] [A letter to the Earl of Arran, Lord Deputy of Ireland, to give directions through the Commissioners of the Revenue] that the Patent Customers or their Deputyes in the respective Ports of Ireland do, from time to time, give an accompt of all ships Entring out to any of his Majesties Plantations, to such person residing in Dublyn as now is, or, from time to time,

shalbe appointed by the Commissioners of his Majestyes Customs in England to receive the same, expressing therein the name of the ship and master, her Burthen, whether English or Forrein Built, and whether Ship, Pink or Ketch, or what other kinde of vessell she is, narrow stêrnd or brode stern'd, Fore Castle or noe Fore Castle, to what Port or Place belonging, For which of his Majesties Plantations she is Entred out, what Bond given by the master, and what her lading. [And the same for vessels] Entred inwards, from any of his Majestyes Plantations. [p. 85.]

[138.] Sir Richard Derham, Captain Poyntz, and others concern'd in the Plantation of Tabago to attend the Boord the next Councill day. 12 Dec. Tobago. [p. 86.]

. . Captain Poyntz and others have undertaken to settle a Plantation in the Island of Tabago to the prejudice of his Majestys Plantations, and are about transporting divers of his Majestys Subjects thither . . Their ship is now at Graves End or thereabouts ready to saile away. [Orders are given to the Admiralty] to stop the said ship of Captain Poyntz and any others suspected to be fitted out for a voyage to Tabago as aforesaid. [Consideration of the whole matter is referred to] the Treasury, who are to inquire into all Pretensions to the Island of Tabago, either of the Duke of Courland or any other, and from whence derived, and to endeavour either by agreement with the agent of the Duke of Courland, if he appears to have Right therto, or by other meanes to prevent any settlement of that Island that may be of prejudice to Barbados, or any other of his Majestys neighbouring Plantations. . . And Sir Richard Dutton . . is hereby directed to make the best inquiry he can concerning this matter, and to prevent such irregular proceedings as far as it lyes in his power, wherof he is to return an accompt to the Lords Commissioners of the Treasury. [p. 90. C.S.P. VI. 1459.] 14 Dec.

[On the petition of Elias Andrews master of the ship *Fountain* (C.S.P. VI. 1468), the Treasury are directed to] 19 Dec.

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1683.

examine how far the said Captain Poyntz is concern'd in the said Ship, who are likewise Sharers in her, whether the said Ship is bound for Tabago, and whether any on board her design settling a Plantation in that Island, And give such order therin as their Lordships shall judg most proper for his Majestys Service, and the Petitioners relief. [p. 93.]

(1684.)

1 Feb. [Elias Andrews, Captain Poyntz, Dr. Hugh Chamberlain, and such others now in town as are concerned in the ship *Fountain*, the voyage or the plantation are ordered to attend on the 6th, and the Treasury are in the mean time to consider of the Treaty of Breda in relation to the said plantation.] [p. 110.]

(1684.)

1 Feb. [The following report of 31 Jan. from the Treasury is approved]: Wee have . . . had from the Commissioners of the Customes and otherwise the best Information Wee can get concerning the said Island, aswell as the Ship and Persons bound thither which are represented to Us as followeth vizt.

That the Island of Tobago being about Thirty Miles long and 12 miles broad, is one of the Charibbee Islands, which Sir Thomas Warner taking Possession of about the year 1628 were by Letters Patents granted the next year unto James Earle of Carlisle whose Interest in those Islands your Majesty is since possessed of by the Surrender of such as claimed any Title under him thereunto.

That severall years before your Majestys happy Restauration the Duke of Courland and certain Merchants of Zealand called the Lansons endeavoured to settle a Plantation there, but that the Duke upon his Imprisonment by the Swedes was wholly dispossessed by the Zealanders of this Island, as He was also of the Fort St. Andrew seated in the Mouth of the River Gambia (whether by Agreement or otherwise by the Dutch West India Company).

That about the year 1661 Sir Robert Holmes took the Fort St. Andrew from the Dutch which was soon after put into the possession of the Royall African Company of England and

being afterwards claimed by the Duke of Courland who had then a great Desire to be repossessed of the Island of Tobago, a Contract was agreed on between your Majesty and the said Duke wherein Mention is made, that in lieu of the said ffort St. Andrew the Duke of Courland should have full Liberty of Trade for his owne Ships throughout the English Territorys in Africa not exceeding the value of 12000*l.* per annum And upon the same Consideration, your Majesty thereupon granted to the said Duke the Island of Tobago under your Royall Protection, Provided the said Island be inhabited only by English and Courlanders, and that the said Duke (neither himself nor any other for him or his Subjects) shall not export or import any Goods otherwise than out of, or into some of the Ports belonging to England and Courland, or the Port of the City of Dantzick, The said Duke in acknowledgment of his tenure thereby further promising in case of Warr to furnish your Majesty with a Ship of ffourty Guns.

That notwithstanding this Grant the Dutch West India Company were possessed of this Island in the year 1672, when it was retaken by your Majestys Subjects, and the Plantation destroyed.

That neverthelesse after the Peace was made, the Dutch tooke upon them to resettle Tobago, where they continued untill the yeare 1676, when Count D'Estree destroyed their Fleet, and ruined all their Forts, leaving the Island desolate, as it has since remained till of late upon pretence of the Duke of Courlands Right by your Majestys Grant, some small Ships were fitted out in Holland to settle a Plantation there, but without Successe.

That by Articles of Agreement between Abraham Marin then Resident for the Duke of Courland, and Captain John Poyntz dated 20th September 1681, there is granted in behalf of the Duke unto the said John Poyntz and Company and their Heires for ever 120000 acres of Land in Tobago, under the Conditions hereafter mentioned, vizt.

That the said Pointz shall transport 1200 Persons thither within Three yeares to commence from the time the said



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Pointz and Company shall arrive upon the Island And within ffour or ffive years next after the like number of 1200 People in case it shalbe so thought fit by the Governor and Assembly there, the said Pointz obliging himself in the like manner to build and mainteyne Two or Three more Forts upon the Land so granted him, where a free Port is to be allowed unto the said Poyntz for the space of seven years with certain fformes of Government mentioned in the said Articles and the payment of 2*d.* per acre to the Duke of Courland after a certain time.

That the said Pointz and Company shall, saving their Allegiance to their natural Prince, take an Oath to be true and faithfull to the Duke of Courland, and be obedient to him, as their Prince in the said Island.

That in case of a Warr between your Majesty and the Duke of Courland, the said Poyntz and Company are to remain Neuters, and to be a free People after the manner of an Imperiall City or Hanse Towne.

That the said Duke shall nominate the Governor of the Place.

That the said Poyntz and Company shall have Liberty to traffick into all parts whatsoever with the Products of the said Island.

And Wee are further informed, that in pursuance thereof the said Poyntz and Company, undertaking to settle this Plantation, presented a Petition to your Majesty Praying your Majestys Order, what manner of Standard or Colours should be used in that Island, And that some Person may be appointed to see them take the Oaths of Allegiance and Supremacy before their going, which being referred by your Majesty in February last to the Committee of Plantations, and the Petitioners summoned to attend, they fayled to give their Appearance accordingly.

Wee have been likewise attended by Captain Poyntz, who has exhibited unto Us the Articles of Agreementaforementioned, making great Professions of Duty to your Majesty and

Resolution not to proceed on the Settlement of Tobago, without your Majestys Leave. As to the Ship which being bound for Barbados and Tobago, has been stopped by a Warrant from the Admiralty pursuant to an Order of Councill of the 14th of December last, the Commissioners of the Customes have informed Us, that the Master has made Affidavit before them, that he is at present bound for Barbados and Tobago, but that Captain Poyntz with Three Servants were going to Tobago only as Passengers, as the said Poyntz also informs us without his having any Interest in the Vessell.

The Matter of Fact being thus laid before your Majesty as it hath been related unto Us, Wee humbly take Leave to observe the great prejudice that may arise to your Majestys Plantations by the Scituation and Neighbourhood of Tobago to Barbados, and the other Caribbee Islands, with which and your other Dominions in case of a Settlement it will most probably enterteyne an unlawfull Trade, which by the aforesaid Grant may be conveyed to Dantzick, or to any part of the Duke of Courlands Territorys, And that in case the Settlement do not prosper, it will then be the ruine of your Majestys Subjects, who upon specious pretences may be enticed thither.

That in case this Island be reputed one of your Majestys Plantations by the tenure reserved in the said Grant, it will then be repugnant to the Acts of Parliament that any Trade be permitted from thence with Courland or Dantzick, or any other places then such as are belonging to England.

That if it shalbe esteemed a Plantation apperteyning to a Forrainer the said Acts do prohibite any Trade or Commerce between it and your Majestys English Dominions.

Besides that if your Majesty permit the Settlement of the Island by the Duke of Courland, that Duke will have the same Right to the Trade of Africa, from which he has been hitherto hindred not only by the Foresight of the ill Consequences that must happen by it, but upon a full Hearing of this Matter in March 1670 by a Committee of the Councill when (as Wee

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are informed) it was found that in regard the Duke of Courland had first sold the Fort St. Andrew to the Dutch, your Majesty was surprized in your Grant to the Duke of Courland.

That although the Grant from your Majesty to that Duke has restrained the Trade to the Ports belonging to England, Courland or Dantzick, Yet by these late Articles of the Duke of Courland, Liberty is given to Captain Poyntz and Company of Trading to all parts whatsoever, and of remayning Neuters in case of Warr between your Majesty and that Duke or any other Forrain Prince, with whom he may be allyed which Wee take to be a Violation, and may amount to a just forfeiture of Your Majestys Grant, although it were duly obteyned. To which considerations may be added whether this Island having changed Masters so often since the first Grant, and that Duke having not settled it in due time, nor furnished your Majesty with such a Ship during your Warrs, as is therein covenanted, Your Majesty should neverthelesse hold yourself obliged to allow a Title, which may prove of so very great prejudice to the Trade of your other Plantations.

(1684.)

[pp. 111-3.]

6 Feb.

15 Feb.

[Further orders with the regard to the *Fountain*.—C.S.P. VI. 1530, and in accordance with report, C.S.P. 1533.]

[pp. 114 & 117.]

(1684.)

20 Feb.

[Captain Poyntz and others appear and are informed that on consideration, His Majesty does not think fit to allow the plan of settlement in Tobago under the title of the Duke of Courland, and forbids the prosecution of such a design from England or elsewhere. The Governor of Barbados is to be instructed to discourage any such undertaking.]

[p. 118.]

(1686.)

26 March.

[Reference to Committee of Captain Poyntz's petition for leave to settle the island with his Majesty's subjects.]

[*James II.* p. 239.]

(1692.)

1 Dec.

[The Council refer to the Committee for consideration and report with all convenient speed] the humble Petition of

Captain John Poyntz in the behalfe of himselfe and others,  
for a Patent to erect a Company and raise a Joynt Stock for  
settling the Island of Tobago in the West Indies.

1683-4.

[*Wm. III. Vol. III. p. 45.*]

[139.] [Order on the claims of Thomas Forrester.—C.S.P. VI. 1460.] 12 Dec. Barbados. [p. 88.]

[140.] [Order as to "one Lawrence a privatier."—C.S.P. VI. 1461.] 14 Dec. Jamaica. 1684. [p. 91.]

[141.] [The Council refer to the Treasury] the Petition of the poor Widdows Orphans &c. of the late Barbados officers and souldiers deceased, and of such as are living and unpaid . . . to be examined and do thereupon as to their Lordships shall seem just; [also] the petition of Samuel Johnson, Robert Ramsey, and Richard Hall yet living, and the executors of 7 other late soldiers in Sir Tobias Bridges regiment. 20 Feb. Barbados. [pp. 117-18.]

[142.] [Order for suppression of piracy—C.S.P. VI. 1561, representing the great damage to his Majesty's service] by 27 Feb. Piracy. harbouring and encouraging of Pirates in Carolina and other Governments and Proprietys where there is no Law to restrain them. [p. 120.]

[143.] [Reference to Committee of a petition for incorporation in Connecticut.—C.S.P. VI. 1556.] 27 Feb. Narragansett. [p. 120.]

[144.] [Order for removing Sir H. Morgan and others.—C.S.P. VI. 1565.] 29 Feb. Jamaica. [p. 123.]

[Petition of the displaced officials referred to the Committee.—C.S.P. VI. 1657.] 2 May. [p. 106.]

[Order dismissing their appeal.—C.S.P. VI. 1777.] [p. 195.] 27 June. (1688.)

[Sir H. Morgan and Col. Ivy readmitted.—C.S.P. VII. 1721.] 27 April. [James II. p. 659.]

[145.] [Order on George Hannay's petition.—C.S.P. VI. 1568.] 29 Feb. Barbados. [p. 124.]

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2 April. [146.] [Orders as to African Company and slave trade.—  
Jamaica. C.S.P. VI. 1616-7.] [pp. 138-9.]

[The Act referred to in C.S.P. VI. 1571 is given in full] :—  
An Act for the encouragment of the Royall African Company  
of England to Import Negros into his Majesties Island  
of Jamaica.

Whereas his Majesty hath been pleased by his Letters Patents  
under the great Seale bearing date the 27th day of September  
1672 to grant the Sole Trade to Africa from Sally to Cape  
buon Esperanza to the Royall African Company, And wheras  
his Majestys Subjects of this Island have made Complaint to  
[the Committee] that the said Company have not brought into  
this Island a sufficient quantity of Negros for the supply  
therof, wherby there is a great want of them to the great  
prejudice of his Majestys Customes and the Inhabitants of this  
Island; To which the said Royall Company have answered  
and alleaged for reason of their not Importing into this Island  
the quantity of Negros required the great number of  
Interlopers who contrary to his Majestys said letters  
Patents Doe Trade on the Coast of Africa within the  
Limits aforesaid and freely bring Negros to this Island  
which doth disable them the said Company from bringing  
hither that quantity of Negros they otherwise should;  
Which his Majestys Subjects of this Island taking into Con-  
sideration and being willing to give all reasonable encourag-  
ment to the said Royall African Company to supply this  
Island with Negro Slaves, Do enact and Declare, and it is  
hereby enacted and Declared by the Governor, Councill  
and Assembly and by the authority of the same that it  
shall not be the practice of any of his Majestys Subjects  
of this Island to encourage any Interlopers nor deale  
with them for Negros, but whosoever of his Majestys  
Subjects residing in this Island shall directly or indirectly by  
himself or any other or by any Covin or fraudulent way or  
means buy or Cause to be bought in this Island any Negro or  
Negros brought by any Interloper or any person or persons

whatsoever, but such as are therto impowered or appointed by the said Royall African Company from any of the Parts or Coast of Africa which are within the Limits of their Patent aforesaid shall forfeit and pay for every such Negro so bought the sum of ten pounds currant money of this Island, the one half therof shalbe to our sovereign Lord the King his Heires and Successors for the publique use of this Island, and the other half to him or them that shall first sue for the same in any publique Court of Record in this Island in which no Essoign, Protection or wager of Law shalbe allowed. And this Act to continue in force for one whole year to comence from four months after the day of the passing the same; and if within the said year the said Royall African Company shall have Imported into this Island five thousand Negros then to continue in force for one year more otherwise to cease and determine at the end of the first year. And if the said Royall African Company shall before the expiration of the second yeare have Imported into this Island the Number of Three thousand Negros, then this Act to be in force for one year longer comencing from the expiration of the second year, otherwise to cease and determine at the end of the second year, The true intent and meaning of this Act being that if the said Royall African Company do not bring in the full number of five thousand Negros before the expiration of one year . . . then this Act to cease and determine at the end of one year [and so for 3000 more in the second year]. But in case the said Royall African Company do continue to bring in the full number of three thousand Negros yearly then this Act to continue and be in force from year to year reckoning from the expiration of the first year untill the end of that year wherin the said Company shall have failed to bring in the full number of three thousand Negros. . . . Provided always that in consideration of the uncertainty of timeing the arrivall of Negros there, It shalbe understood that the supernumeraries of any yeare shalbe accounted on to the next year and so from year to year to be continued on as long as this Act shalbe in force.

1684.

And whereas this Island being of great extent and having many Bayes and Harbours where Interlopers may land their Negros and Dispose of the same to the Inhabitants of this Island in such manner that it wilbe very difficult for any one to prove that any Negros were bought from Interlopers, wherby the true intent and meaning of this Act may be frustrated, It is hereby further declared . . . that if any new Negros be found in the possession of any of the Inhabitants of this Island, and he or she be sued for the penalty appointed by this Act on such as do buy Negros of Interlopers, and that the said Party in whose possession such new Negro or Negros are found cannot prove they have had the said Negro or Negros in their possession for the space of three months before the comencement of the sute for the penalty, nor prove that the said Negro or Negros were Imported into this Island by Persons therto authorized by the said Royall African Company or there sold by the said Companies Factors, that then it shall be taken for granted, they were Imported by Interlopers, and the Party or Partys in whose possession the said Negro or Negros were found to pay the penalty by this Act Imposed.

[pp. 145-7.]

2 May. [Further orders on the African Company's petition.—

15 May. C.S.P. VI. 1656, 1687.] [pp. 166, 175.]

2 May. [147.] [The Admiralty are directed to] give strickt Orders  
Newfound- that an account of the Trade and ffishery of Newfoundland  
land. be duely returned to this Board by the yearly Convoys which  
are sent thither as formerly hath been done according to the  
Instructions given by [the Committee]. [p. 165.]

15 May. [148.] [Order on taking of New Providence by Spain.—  
Bahamas. C.S.P. VI. 1688.] [p. 173.]

15 May. [149.] [Order as to a Court in Barbados.—C.S.P. VI. 1685.]  
Barbados. [p. 174.]

15 May. [150.] Upon reading this day at the Board the humble  
West Indies. petition of John Banks Merchant and others his Majestys Sub-  
jects in London setting forth that the petitioners Brother James

1684.

Bankes Merchant Living in Jamaica did in September last 1683 dispatch from the said Island a Pinke called the St. George of London Benjamin Beard Master soly belonging to the Petitioner (with a Cargo of Goods on the Account of the petitioner his Brother and others) on a trading Voyage for the South Keys amongst the Spanyolds, And the said Ship being disabled by Distresse of weather and wanting water, put into the Bay of Mereguana belonging to the Government of Petit Guaves (being first refused the said supply at Petit Guaves) where the said ship with her Cargo to the value of 5500*l*. sterling was seized on and made prize off By pretence of Order from Monsieur Franquenay Lieutenant Generall of Petit Guaves, although they had not otherwise traded or Dealt there more than for water to supply their present want, Whereupon his Excellency Sir Thomas Linch sent the Guernzey frigatt to Petit Guaves to demand satisfaction for the said Pinke, But the Governour answered that he had orders to seize on all ships that dropt their Anckor in any of their Ports, and that he was rich enough and able to answer what he had done, the truth of all which appeares by the affidavit of the master and severall of the mariners belonging to the said ship. [The Earl of Sunderland was directed to cause application for satisfaction to be made to the Court of France by Lord Preston his Majesty's ambassador there and through the French ambassador in England.]

[*p.* 176.]

(1685.)

[The petitioners complaining that no satisfaction has been obtained, instructions for renewed applications by the same channels are given.]

[*James II*, *p.* 148.]

30 Oct.

[151.] The humble petition of Edward Gove of New Hampshire in New England a Prisoner in the Tower of London Praying that he may be released from his Irons and have the Liberty of the Tower [is granted] upon good Security that he will remaine a true Prisoner there.

[*p.* 180.]

28 May.  
New  
Hampshire.

(1686.)

[Gove's petition is granted,] setting forth that his Majesty was graciously pleased to order the Petitioner should be

9 April.



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1684.

Released from his Imprisonment in the Tower, and his name to be inserted in the next Pardon of the Convicts in Newgate, But in regard the said Pardon, as he is informed will not issue till Michaelmas next, and for that his family beyond Sea are in a necessitous Condition, he humbly prays his Majesty to signify to the Government of New England His said gracious Pardon, and that he may be restored to his former Estate and Condition. [*James II*, p. 251.]

28 May. [152.] [Order for establishing an Admiralty Court in  
Jamaica. — C.S.P. VI. 1712.] [p. 184.]  
(1685.)

21 Jan. [Order in accordance with a further report.—C.S.P. VI.  
2060.] [p. 292.]

13 June. [153.] Whereas [the Committee] did this day represent to the  
St. Boord, That they have received the addresse of the Island  
Christopher. of St. Christophers Praying, That for the Strengthening and  
Security thereof, Three Hundred men Malefactors, long since  
ordered, might accordingly be transported to that Island,  
And their Lordships having likewise received a Lyste of  
Prisoners in London and Middlesex that are like suddenly to  
be transported, [the Recorder of the City of London is  
directed to] take care That in the generall Pardons granted  
or to be granted to Malefactors, who are or shalbe condemned  
at the Generall Goal Deliverys for the said City of London and  
County of Middlesex there be a Clause inserted with this con-  
dition that the Persons to be transported be sent to such of  
the Plantations, as the Lord Cheif Justice, or any Three  
Commissioners for the said Generall Goal Deliverys shall  
appoint, And . . . That the said Lord Cheif Justice  
or Commissioners do direct, That the severall Persons named  
in the abovesaid Lyste, and such others as shall hereafter be  
condemned to be transported, Be sent to the said Island of  
St. Christophers, and not to any other Place (unlesse His  
Majesty shall at any time otherwise signify his Pleasure by  
Order of Councill, or his Signe Manuall) untill the said number  
of Three Hundred be fully compleated, who are from time to

time to be received from Prison, and conveyed to the said Island on the conditions, and according to the directions specified in his Majestys Order of Council of the 1st of June 1677 hereunto annexed, wherein the Right Honourable the Lords Commissioners of his Majestys Treasury have Power to give all necessary directions. [p. 189.]

1684.

[154.] [Reference to Committee of Sir John Knight's petition.—C.S.P. VI. 1744.] [p. 191.]

13 June.

Leeward Islands.

[155.] [A copy of the report of the Commissioners of the Customs of 24 April this day presented by the Treasury] touching the taking off a half penny per pound on Tobacco of his Majestys Plantations brought into England, and from thence exported to Ireland [is ordered to be sent to] the Duke of Ormonde Lord Lieutenant of Ireland to be transmitted to the Commissioners of the Revenue there, to consider of the latter part of the said Report, the matter whereof hath not yet been communicated to them.

27 June.

Tobacco.

[A letter follows to the Earl of Arran, Lord Deputy of Ireland, ordering that] the half penny per pound on Tobacco of his Majestys Plantations payable in Ireland (if the same be imported thither from England) more then if the same be imported thither from His Majestys Plantations Be taken off in Ireland, [and that directions be accordingly given to the Commissioners of the Revenue] that only Two pence on the pound be taken for the same, untill His Majestys Pleasure be further signified. . . . [pp. 195-6.]

[156.] [The petition of Nathaniel Weare and other inhabitants of New Hampshire against Edward Cranfield, Governor of the province, is referred to the Committee.]

11 July.

New Hampshire.

[p. 201. C.S.P. VI. 1800.]

(1685.)

[Order on the Committee's report.—C.S.P. VII. 118.]

8 April.

[James II, p. 65.]

(1685.)

[Letter to Cranfield in accordance therewith.]

[p. 74.] 29 April.

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1684.

[By the order of 8 April 1685 Wm. Vaughan was permitted to appeal; on 22 April 1685 he entered his appeal which was referred to the Committee on 29 April.] [pp. 70 & 73.]

(1686.)

28 June. [In accordance with an order of the Committee of 2 May, 1685, Weare appears on behalf of Vaughan to prosecute the appeal.] [p. 292.]

(1686.)

3 July. [A petition from New Hampshire is referred to the Committee.—C.S.P. VII. 748.] [p. 292.]

(1686.)

19 Nov. [Order dismissing Vaughan's appeal.—C.S.P. VII. 999.] [p. 340.]

(1686.)

10 Dec. [Four sections dealing with Vaughan's appeal.—C.S.P. VII. 1053-6. For 40 *shillings*, C.S.P. 1055, Register reads 40 *pounds*.] [pp. 355-6.]

11 July.  
Plantation  
Trade.

[157.] [The Council refer to the Treasury the petition of Nicholas White, Stephen Deane and Redmond FitzGerald, merchants, who three years since freighted the *Warewell*] in Mariland with 300 hogsheads of Tobacco and gave the Customary bonds to carry the same to some part of England, [and] the said ship coming into Galloway in Ireland in her way to England, only to repair, without intention of breaking bulke, the Officers of the Customes there violently Entred the same and tooke out the goods and put them into the storehouses there where being detained six months, the petitioners for preservation of the goods consented to the giving security for the payment of the Dutys of the said goods, and thereby the Securitys entred into in Maryland for the ships touching in England became thereby forfeited, and their Estates there under sequestration as are also the petitioner Nicholas White, and notwithstanding the equity of the Case, the Court of Exchequer for want of the petitioners Agents proving that Carpenters actually worked on the said ship to repair her as they really did rejected the petitioners bill for releif and

1684.

thereupon he was clapt into prison to his utter ruin and therefore praying an order for rehearing the said cause before the Lord Lieutenant and Councill of Ireland, and so many of the Judges as their Lordships shall thinke fit, that such releife may thereupon be given to the petitioners as shall be equitable. [p. 202.]

[158.] [Leave of absence for Governor Cranfield.—C.S.P. VI. 1832.] 8 Aug. New Hampshire. [p. 218.]

[159.] [Petition as to Spanish depredations referred to the Committee.—C.S.P. VI. 1924.] 7 Nov. Bahamas. [p. 245.]

[Committee's report approved; the Spanish ambassador and Spanish subjects upon the London Exchange are to be notified of the trial in the Admiralty.—C.S.P. VI. 2013.] 17 Dec. [p. 277.]

[160.] [Petition as to Spanish seizure in 1681 of the *Wheel of Fortune* bound from Barbados to Newfoundland, referred to the Committee.—C.S.P. VI. 1925.] 7 Nov. Barbados. [p. 245.]

[161.] [The Council refer for consideration and report to the Governor and Company trading to Hudson's Bay] the petition of Eliakim Hutchinson and other Merchants of London, praying a Review of the Sentence given at Quibecke in Canada against the ship Batchellour and goods therein, taken out of Batchellors Island in Hudsons Bay by a french shipp fitted out by Monsieur Chimay and Company at Quibecke under pretence of a Commission from his Most Christian Majesty to the petitioners dammage above 5000*l*. 14 Nov. Canada. [p. 251.]

[162.] Letters are written to the various plantations, and ordered to be sent by the Commissioners of the Customs, requiring the Governors to examine into the performance of the conditions of the bonds given by shipmasters in the plantation trade, and prosecution in all cases of non-fulfilment.] 26-8 Nov. Navigation Acts. [pp. 260 & 263-5.]

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1684.  
3 Dec. [163.] [Consideration of the public debts of Bermuda is  
Bermudas. referred to the Committee.—C.S.P. VI. 1978.] [p. 267.]
- 17 Dec. [A memorandum of the Committee is referred to the  
Treasury to do in the matter as they shall judge fit.]  
(1685.) [p. 275. C.S.P. VI. 2012.]
- 14 Jan. [The following report of the Treasury is approved and  
referred to the Committee to put in execution.] Wee have  
considered of the proposall of the Members of the late  
Bermuda Company that your Majesty would be pleased  
to confirme the sale of eight shares of the publick lands  
for the satisfying a debt of the late Company amounting  
to the sum of 828*l.* in lieu whereof they have offered  
to relinquish their claim to all the Publick Lands, which  
they have lately placed in Trustees for the payment of  
these Debts, and to all the Guns Negros and other Estate  
belonging to that Company: But as wee cannot advise your  
Majesty to alienate any part of your Crowne Lands, which  
wee find also to be Scituated in that part of the Country which  
is of greatest importance to the Security and defence  
thereof, so for the removing of all pretences wee are humbly  
of opinion that one third part of all such Levyes or taxes upon  
Tobacco or otherwise, which shall be hereafter imposed within  
those Islands be appointed by your Majesty to satisfye the  
said Debts proportionably till they shall be extinguished. Pro-  
vided alwayes that the Members of the late Company or their  
Trustees do quitt claim to all the particulars abovementioned,  
and release your Majesty from all demands whatsoever relating  
to those Islands. [p. 289. C.S.P. VI. 2047.]
- 10 Dec. [164.] [Matthew Meverall's petition referred to the Com-  
Jamaica. mittee.—C.S.P. VI. 1998.] [p. 272.]
- 10 Dec. [165.] [Abraham Gill similarly referred and the African  
Jamaica. Company notified.—C.S.P. VI. 1999.] [p. 272.]
- 10 Dec. [166.] [Mrs. Audrey Beale referred to the Committee.—  
Maryland. C.S.P. VI. 1997.] [p. 273.]

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[167.] [Short commission to be prepared for Governor Coney.—C.S.P. VI. 2011.] [p. 279.]

1684.  
17 Dec.  
Bermuda.  
1685.  
21 Jan.  
Massachu-  
setts Bay.

[168.] Upon reading this day at the board the humble petition of Edward Randolph setting forth the hardships which he has endured in Prosecuting the Quo Warranto against the Charter of the Colony of the Massachusetts Bay, Praying that the Charges and expences he has been at in 8 severall voyages made by him to and from New England together with the great losses he has sustained at sea, the whole amounting to 471*l*. may be payd him, His Majesty in Council being very well satisfied with the Petitioners good services and graciously inclined to grant his request was pleased to Order that his case be and it is hereby recommended to the [Treasury] to give such order therein for the petitioners releif as their Lordships shall think reasonable with consideration to the petitioners merits. [p. 292.]

[The same or a similar petition is read and referred to the Lord Treasurer to give such order as shall seem reasonable.] [James II, p. 21.]

27 Feb.  
  
  
  
21 Jan.  
Barbades.

[169.] [The Committee report]:—Having received from Sir Richard Dutton . . . the state of severall Informations brought by your Majestys Attorney Generall in the Court of Exchequer Established in that Island against Captain Richard Young Commander of the shipp Malaga Merchant and his securitys upon his Bond entred into in the Secretarys Office not to carry off any person without a Tickett first had, pursuant to a Law of that Island, together with the Judgement pass'd in that Court, whereby the said Bond of 2000*l*. is become forfeited to your Majesty. And, upon the desire of Sir Richard Dutton to receive your Majestys determination thereupon, Wee have consulted your Majestys Attorney Generall who, upon perusall of all those papers, is of opinion, that the Bond being taken in the Governors Name as a publick person representing your Majesty and being so in trust for your Majesty and the Government, the suit is well brought by the Attorney Generall there; Whereupon wee humbly offer, That

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1685.

Execution be ordered to be issued forth upon the said Judgement and forfeiture and the value answered to your Majesty, so as the Law may be satisfied and your Majestys right maintained for the deterring of Offenders in the like cases. And in as much as Samuel Hanson who occasioned the breach of the Act and, as we are informed, gave countersecurity to the master to save him harmlesse, appeared soe farr guilty before your Majesty as that a further Tryall was ordered for his offence, wee see no cause why any remission should be granted him, or the persons concerned for him, upon the forfeiture of the said Bond.

His Majestie in Council was pleased to approve of the said Report, and to Order that prosecution be had thereupon accordingly. And that [the Commissioners of the Treasury] doe write to Sir Richard Dutton about it. [p. 203.]

- 21 Oct. [A petition of Young and Hanson that their appeal may be heard while Sir R. Dutton is in town and the disposal of the 2000*l.* bond meanwhile respited, is referred to the Lord Treasurer.] [James II, p. 146.]

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JAMES II. (6 Feb. 1685—16 Dec. 1688.)\*

- 30 Oct. [170.] [The Earl of Berkeley is added to the Committee.] [p. 148.]  
 The Committee.  
 6 Feb. [171.] A Minute of Letters to the severall Governors of his Majestys Plantations of the tenor following.  
 The new reign.

It having pleased Almighty God, this day to take to his Mercy out of this troublesome Life Our late Sovereigne Lord King Charles of most blessed memory, And thereupon his late Majestys Brother and Heir King James the Second being here proclaimed Wee have thought fit to signify the same unto you, with directions, that with the Assistance of the

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\* On being rebound in 1850 the volume was divided into two parts, but the pages run consecutively. Part I. extends to 18 March 1687, p. 420.

Councill, and other the Principall Officers and Inhabitants of ——— you proclaime his most sacred Majesty according to the forme here enclosed with the Solemnitys and Ceremonys requisite on the like occasion. And Wee do further transmit unto you, his Majestys most gracious Proclamation, Signifying his Majestys Pleasure, That all Men being in office of Govern- ment at the Decease of the late King His Majestys most Dear, and most entirely beloved Brother, shall so continue as during his late Majestys Life, untill his Majestys Pleasure be further knowne, which Wee do in like manner will and require you forthwith to cause to be proclaimed and published in the Cheif Place or Places within your Jurisdiction.

[p. 5. C.S.P. VII. 1.]

[The proclamations sent are copied in the Register, but contain nothing peculiarly affecting the plantations.]

[Samuel Pepys, Secretary to the Admiralty, is directed 7-13 Feb. to stop all ships going to the plantations (p. 7. C.S.P. VII. 5); 9 Feb., he is ordered to send an advice boat with proclamations of James II. as King (p. 9. C.S.P. VII. 6); 13 Feb., the embargo is removed (p. 11. C.S.P. VII. 13).]

[Governors of plantations are authorised to use the present 11 Feb. seals till others be prepared.] [p. 10.]

[The standing Committees of the Council are revived and 20 Feb. ordered to meet as before.] [p. 17.]

[New seals are ordered to be prepared.] [pp. 27-8.] 6 Mar.

[172.] [The Council refer to the Committee for examina- 20 Feb. tion and report] the humble Petition of Walter Stephens of West Indies. the City of Bristoll Linendraper, and the other Creditors of Ralph Moxon and James Holloway Bankrupts, . . . Setting forth, That upon a Commission of Bankrupt taken out and duly executed, the said Moxon and Holloway were found Bankrupts, and the Petitioners legally entituled to their Estates by assignment of the Commissioners and other- wise. But the greatest part thereof being in Barbados



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1685.

Antegoa, and other his Majestys forrain Plantations, The ffactors and Debtors of the said Bankrupts refuse to deliver the same, or come to any account with the Petitioners, upon pretence that the same belong to his Majesty by the forfeiture of the said Holloway, who was executed for Treason, And Praying his Majestys Order to the Governors of the said Plantations, that the Petitioners may have the Benefit of the said Commission upon the effects of the said Bankrupts, to which they were intituled before the Conviction of the said Holloway. [p. 16. C.S.P. VII. 25.]

8 May. [Order to the Lord Treasurer to give orders in accordance with the Committee's report of 27 March]:—Wee are most humbly of opinion that the said Holloway, having been convicted of high treason, his Estate is thereby forfeited unto your Majesty, notwithstanding the Deeds produced unto us, which appeared to us to be manifestly fraudulent; But / inasmuch as it is alleaged that the said Moxon traded in partnership with the said Holoway, and was wholly ignorant of the said Treason, wee further offer that upon proof of the said partnership such part of the said Estate as belonged unto the said Moxon may be made good to the Creditors of the said Moxon, They undertaking to discover as much as in them lyes their joynt Debts and Estate, for which purpose Letters may be alsoe written to the Governours and Proprietors of his Majestys Plantations in America, where the same are chiefly remaining, to make seizure thereof, and to remit the Effects into England, whereupon such a Dividend may be made between your Majesty and the said Creditors as abovementioned. [p. 83. C.S.P. VII. 179.]

(1686.)

19 June. [Order that upon the petitioners discovering any estate of their debtors in the plantations, and acquainting the Committee therewith, right shall be done them, despite the seizure of the estates as forfeited to the Crown. The debt is stated at over 10,000*l.*, the date of making over the estate to the creditors as June, 1683, and of the issue of the

1685.

Commission of Bankrupts as July 1683. Under this 2000*l*.  
had been received and distributed.] [p. 290.]

[173.] [The Council approve of, and give orders in accordance with, the following report of the Committee of 23 February]: Wee have received from the . . . Earle of Sunderland a Letter to his Lordship from the Lord Howard of Effingham your Majestys Governor of Virginia, with other papers concerning a barbarous Murther, committed on Christopher Rousby, Collector of his late Majestys Customes in Maryland, by Colonell George Talbot one of the Councill, and first in the Commission of the Government of that Province, during the absence of the Lord Baltemore, And therein Wee do find, That on the 31th of October last, the said Collector being on board your Majestys Ketch the Quaker, in Patuxent River near Maryland, The said Talbot came on board, And after some words had passed between Captain Allen the Comander, and the said Talbot, cheiffly concerning your Majestys Right of Jurisdiction in those parts, The said Talbot without any just provocation, embracing the said Rousby stab'd him with a Dagger, newly prepared and sharpned, whereof he immediately dyed ; After which the said Talbot being put in Irons by Captain Allen, The Councill of Maryland had demanded him in their Lord Proprietarys Name in order to his Tryall by common Law in Maryland, as for a Fact committed within the Body of that Province ; But Two of their Members who came on board the said Ketch having refused to demand the Prisoner in his late Majestys Name, And Captain Allen conceiving the Fact to have been committed as upon the Sea, carryed him to Virginia, where he delivered him to your Majestys Governor ; who with the advice of the Councill has humbly represented the State and Evidence of this Case for your Majestys Directions, in what manner and place the Tryall shalbe had, whereunto his Lordship was induced, as well by the Nature and Enormity of the Crime, both in relation to the Murther, which was committed on a Person, who had the Honour of

25 Feb.  
Maryland.

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1685.

his late Majestys Commission and Trust in an Employment of such Importance to your Majestys Revenue. As to the Quality of the Prisoner who had after the Fact threatned, that if he were on shoar he would raise a Thousand Men for his further Revenge, Upon which Considerations, and that the Authority and Revenue of the Crowne, as the Lord Howard in his Letters, conceives from the Circumstances of this Fact, and other late Claimes of the Lord Baltemore is greatly concerned and designed to be lessned, Wee most humbly offer Our Opinions, That the said Talbot be tryed by speciall Commission here in England, To which end your Majesty may please to Order another Vessell to be forthwith sent to Virginia with the like Instructions to attend the Lord Howard, and your Majestys Service there, And with particular directions that the said Talbot be immediately brought in safe custody hither on board the Quaker Ketch, And that such of the Ships Company, as are able to give Evidence of the ffact be particularly required to come over, [and that the Lord Treasurer send by the same vessel a successor to Rousby].

[Orders follow to the Admiralty to despatch a vessel to relieve the *Quaker* ketch, and for transporting in the relieving vessel such fit person as the Lord Treasurer shall constitute Collector of Customs in Mr. Rousby's place.]

[pp. 18 & 19. C.S.P. VII. 31-32.]

12 June. [On news of Talbot's escape and flight, orders are sent to Lord Baltimore for confiscating his estate and for prosecuting him, and to Lord Howard of Effingham for proceeding against the gaolers responsible for his custody. [p. 100.]

27 Feb. [174.] [The Committee having reported on a letter from Jamaica. Colonel Molesworth that complaint should be made to the Spanish ambassador of the disturbance given by Spaniards to the Turtle fishing at Jamaica, the Earl of Sunderland was directed to examine the letter and acquaint the Ambassador with its contents and desire him] so to represent it to the

1685.

Court of Spain, that a speedy Course may be taken for Redresse thereof. [p. 21.]

[The Secretary of the Admiralty is further ordered to] give directions for one of his Majestys fregats of the Sixth Rate to be forthwith equipped and sent to Jamaica to protect his Majestys Subjects in the said Fishing, according to such Instructions as shalbe thought requisite on this occasion. [p. 21.]

[175.] [Order—C.S.P. VII. 35, on Committee's report on a letter from the Governor of Bermuda (C.S.P. VI. 1899) and articles drawn up by Wm. Milbourn and Wm. Righton (C.S.P. VI. 1913).] [pp. 21-2.]

27 Feb.  
Bermuda.

[176.] Whereas it hath been this day represented to his Majesty at this Board That Christopher Sibthorpe Brasier is a prisoner in Woodstreet Compter, upon a Capias on the Writt de Excommunicato capiendo, His Majesty was pleased to order . . . That the Sheriffes of the City of London (taking good security of the said Christopher Sibthorpe that he do forthwith transport himselfe, and family to Pensilvania in America, and paying the charges of the Court) sett him at liberty, in order to his sayd Voyage. [p. 28.]

11 Mar.  
Pennsyl-  
vania.

[177.] [The Council refer to the Committee for examination and report] the Petition of Richard Wharton of Boston in New England, praying his Majesty to take into his Royall Protection and Government, divers Lands, Islands and other places within his Majestyes Province of Mayne in New England (heretofore purchased by him from sundry of his Majestyes Subjects, and from the Antient Indyan Proprietors) under such Quitt Rents, and acknowledgments, and Name to the place (being of great Extent and profit for the Cod and other advantageous Fisheryes) as his Majesty should thinke fit, with Confirmation of the sayd Lands, and such immunities, and priviledges as may encourage the Petitioner and his freinds, to lay out their Estates in the designed Improvement thereof. [p. 36. C.S.P. VII. 81.]

20 Mar.  
Maine.

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1685.  
24 Mar. New  
England. [178.] [The Council refer to the Committee for examination and report] the Petition of Thomas Lord Culpeper, Richard Wharton, Thomas Deane, and William Wharton in behalfe of themselves, and the rest of the owners of the soyle of the Narragansett Territory, Praying his Majestyes Confirmation under the Great Seale of England, of the soyle of the sayd Territory, under the yearly quitt Rent of two shillings, and sixpence for every hundred acres thereof, the one halfe to Commence at Michaelmas 1686, and the whole from Michaelmas 1690, to the intent they may speedily apply themselves to the better planting and seating thereof, without further loss of time. [p. 39. C.S.P. VII. 91.]
- (1688.)  
13 Jan. [Lord Culpeper, Wharton, and Thos. Brinley are referred to the Committee.—C.S.P. VII. 1594.] [p. 572.]
- 24 Mar. African  
Company. [179.] [On the petition of the Royal African Company, the Attorney General is directed to prepare a proclamation forbidding all subjects both here and in the plantations from trading within the limits of their Charter.] [p. 40.]
- [The proclamation is entered on 1 April and a similar one as to the East India Company.] [pp. 55-8.]
- 27 Mar. Barbados. [180.] [The Council refer to the Committee for consideration and determination] the Petition of Sir John Wytham of the Island of Barbadoes Baronett, Praying that true Copyes of all the Indictments and proceedings against him in that Island, may be transmitted hither, and he to have Copyes thereof, and that by order of this Board, all persons in that Island authorized to administer Oathes, may be required to take Depositions there, in order to his Defence, and that he may on his own Recognizance, come for England, to prosecute his Appeale before his Majesty in Councell, and all proceedings against him in the sayd Island, may be stopt in the meane time. [p. 42. C.S.P. VII. 94.]
- 27 Mar. [Order—C.S.P. VII. 95, on Committee report on the account of Sir John Witham's government returned by the Council

ACTS OF THE PRIVY COUNCIL (COLONIAL). 81

1685

of Barbados (C.S.P. VI. 1890) and the charges brought against him by Sir R. Dutton (C.S.P. VI. 2023).] [pp. 46-51.]

[Order in accordance with report given in C.S.P. VII. 439.] 13 Nov.  
[pp. 151-4.] (1688.)

[Permission for appearance of Wm. Blathwayt, one of the Clerks of the Council, as a witness for Sir John Witham in the matters mentioned in his petition.] 18 May.  
[p. 608.]

[181.] [Reference to Committee of the Earl of Arran's petition as to Narragansett and the King's Province.— 3 April.  
C.S.P. VII. 115.] New  
England.  
[p. 62.]

[182.] Whereas his Majesty hath been informed that notwithstanding the severall Injunctions that have been signified from time to time to the Governors of his Majestys Plantations in America for the due observance of the Acts of Trade and Navigation, Yet neverthelesse that forrein vessells have Traded in those Parts, For the prevention wherof it is this day Ordered by his Majesty in Councill, that the Captains of such of his Majestys Shippes as shall be sent into America do seize all vessells belonging to strangers and forreine vessells not made free, which they shall finde trading or attempting to Trade there Contrary to the said Acts in order to their prosecution pursuant to the Lawes in that behalf, with this exception onely, that such Spanish vessells and ships employed by Spaniards as shall come to Buy Negros at Jamaica or Barbados be permitted so to do, and that the said ships and persons may have free admission and liberty of bringing either money or Goods of the product of the Spanish Dominions in America, and to carry away from the said Places such negros as shall be agreed for provided they do nothing otherwise contrary to the Acts of Navigation and the Lawes Established on those Islands. Wherof Samuel Pepys Esqre. Secretary of the Admiralty is to take notice, and to cause all such Instructions to be given to the said Captaines of Shippes as shall be requisite for the said purpose. 29 April.  
Plantation  
Trade.  
[p. 73.]

# 82 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1685.

29 April.  
Plantation  
Trade.

[183.] [Letter to the Governors of the Plantations, ordering the strict observance of the Navigation Acts. In the letters to Barbados, the Leeward Islands and Jamaica an exception is made of the Spanish trade in negroes, as above.

[pp. 75-7. C.S.P. VII. 120.]

6 May.  
Jamaica.

[184.] [The Council refer to the Committee for examination and report] the Petition of Sarah Harrison widdow and Relict of Marke Harrison late Commander of severall of his Majestys ships setting forth that the petitioners late husband was in his life time possessed of a small parcell of Land with the Buildings thereon Erected, scituate at Point Cagway in his Majestys Island of Jamaica by virtue of his late Majestys Grant (of happy memory) Inrolled in his Majestys Principall Court at the said Island, at the yearly rent of sixteen shillings, and that since the death of her said husband she being remote and unacquainted at the said Island, the said yearly rent hath been unpaid, for which the premisses are seized into his Majestys hands, being the greatest part of her Estate to maintaine her selfe and Children, therefore praying that upon her payment of the Arreages of Rent she may be admitted his Majestys tenant according to the said Grant.

[p. 80. C.S.P. VII. 175.]

8 May.  
Plantation  
Trade.

[185.] [The Council refer to the Committee the petition of Captain Mudd, owner of the ketch *Ruth* of 80 tons burden valued with her lading at 800*l.*, which, having been seized by a Spanish brigantine (Captain John Corso) in Honduras Bay while on a voyage to the West Indies, and abandoned by her captain Edward Oakeley and the crew in order to save their lives, was recaptured by English buccaneers and carried to New York,] praying that his Majesty will be pleased to order his Majestys Governor of New Yorke to seize the said Vessell that so the petitioner may have and enjoy the same it being his owne proper goods. [p. 84. C.S.P. VII. 181.]

8 May. [186.] [The Council refer to the Lord Treasurer for West Indies, consideration and decision or report] the humble petition of

1685.

the Sugar Planters now residing in London in behalfe of themselves and the rest of his Majestys subjects the Planters of Sugar in Barbados, Jamaica and other parts of America complayning amongst other things of an order made by the Commissioners of his Majesties Customes on or about the 9th of October last for a great abatement in the allowance of Tare which they formerly had upon each Caske of Sugar.

[p. 85.]

[187.] [The Council refer to the Lord Treasurer for decision or report] the humble petition of Thomas Ryves, Symon Musgrave, and William Bragg Esqrs. and Robert Compier gentleman Executors of the last will and testament of Thomas Martin lately Deceased setting forth That the said Thomas Martin was Receiver Generall of his Majestys Quitt rent, Dutys and Impositions of Wines and Brandy, etc., in his Majesties Island of Jamaica, and that he payd at severall times to the order of Sir Thomas Linch Severall summes of money amounting to the summ of 1800*l.* or 2000*l.* in expectation of having the same allowed him on his Account Currant for the Government, And alsoe that the petitioners being sued to Accompt for the summ of 35000*l.* as Executors to the said Thomas Martin, were found in arreare to his Majesty in the summ of 1100, and odd pounds which they are ready to discharge with all possible speed, And therefore praying That upon such security as his Majesty or his Majestys Governor shall approve off some reasonable time may be allowed them, to pay the same, and in the mean time that his Majesty wilbe pleased to order a stop on the Execution.

[p. 90.]

15 May.  
Jamaica.

[188.] [The Council refer to the Lord Treasurer for examination and report] the humble petition of Leonard Compear . . . setting forth That his late Majesty of ever blessed memory was pleased to grant to Thomas Martin (since deceased) and the petitioner for their respective lives and the longest Liver of them the Office of Receiver Generall of all Dutyes and Impositions on Wines, Brandy, &c.,

15 May.  
Jamaica.



1685.

Imported into his Majestys Island of Jamaica, and that the petitioners name therein was only used in trust for the said Martin his Executors and Assignes, and that pursuant to the said trust the petitioner being the Survivor (according to the Letters Patents) Deputed one Major Thomas Ryves of the Island aforesaid to Execute the same, who by force of the said Deputation attended and humbly petitioned the Present Lieutenant Governor to be admitted offering unquestionable security for the well dischargeing of the said Office, But that through the favour of the late and present Government another person without any pretence of right was and still is admitted and continued and two-thirds of the cleare profits of the office allowed to the said person for executing the same, and that the said person by virtue of the possession aforesaid declares he will not resigne the same, or pay the remayning third part of the profits of the said Office without suit at Law, although the petitioner hath remitted thither his whole case stated to and resolved by his Majestys Councill Learned in the Law here, by which the petitioners right to the same clearly appeares, soe that the Petitioner is likely to bee involved in a chargeable suit at Law to recover his just right and therefore praying that his Majesty will be pleased to order such speedy right and justice to the Petitioner in the Premisses as to his Majestys accustomed goodnesse shall seeme meet. [p. 91.]

12 June.  
Jamaica.

[189.] [Reference to Committee of the petition of Samuel Beake, John Knap, Robert Rowland, John Byndlosse, and Susan Bouchier.—C.S.P. VII. 229.] [p. 98.]

12 June.  
Bahamas.

[190.] The humble Petition of Judah Clerk being this day read at the Boord, Complayning of the Rapines and Murders lately committed by the Spaniards from the Havana in Cuba upon his Majestys Subjects in the Island of New Providence in the West Indies, and particularly of their having killed the Petitioners Father the late Governor there, after Articles sealed and sworne to the contrary, imprisoning the Petitioner, and damnifying him in his Estate and Trade to

1685.

the value of 500*l.* sterling. . And therefore humbly praying to be releived herein, [it was ordered that upon the petitioner making out the truth of his allegations upon oath, the Earl of Sunderland should represent the case for reparation and satisfaction to the Spanish ambassador here and likewise to his Majesty's Envoy at the Court of Spain.] [p. 98.]

[191.] [To the Lord Treasurer is referred, to receive the information of the Customs, and report to the Board] the humble Petition of John Clippingdale Master of the Ship John and Catherine, Praying That in consideration of his owne and his ffathers Services and Sufferings, His Majesty would please to grant a Freedome for the said Ship, the Petitioner having with great charge, caused her to be refitted in English fforme, out of a wrack'd Outlandish Bottome, insomuch that Three 4th parts are English built, Or that a Passe may be granted her to go to any of his Majestys Caribee Islands with leave to lade back for England, He having inadvisedly contracted to carry about Two Hundred French People to Carolina. [p. 99.]

12 June.  
Carolina.

[192.] Whereas it hath been this day represented to the Boord, That Captain Thomas Allen Comander of his Majestys Vessell the Quaker Ketch now attending his Majestys Service at Virginia has lately desired an Explanation from the Commissioners of his Majestys Customes here, of some points of the Instructions given him from his Majesty (in pursuance of the Act of Parliament for encouraging and encreasing of Shipping and Navigation) relating to his Proceeding with Ships and Vessells trading to his Majestys Plantations contrary to the intent of the said Act, And the said Commissioners having prepared and presented to the Right Honorable the Lord High Treasurer of England, their Answer to the said Questions, which his Lordship has perused and approved, And the same having been this day read and considered at the Boord, His Majesty was pleased to confirme, and allow thereof, And did Order That Samuel Pepys Esqr. Secretary

19 June.  
Navigation  
Acts.

1685.

for the Affaires of the Admiralty of England do transmit the said Quæries and Answers (Copies whereof are hereunto annexed) to the said Captain Allen, and to the Comanders of all his Majestys other Ships, which now are, or hereafter shalbe sent to that, or any other of his Majestys Plantations, with his Majestys Royall Command to him and them, for their future Observance of the same, in the execution of their Instructions accordingly.

Capt. Thomas Allens Queries. 1st and 2d.

May it please your Honors,

1. To certify me in this point ; For my Instructions do say, there is no forrain built Ships to trade in these Plantations, but shalbe made free before the 1st of October anno Domini 1662, But I do find some forrain built Ships here ; that have a freedome from Sir John Shaw of the Custome House of London, of Ten years since and more, This makes me at a stand, but I do make them give Bond to answer it in England, ffor I am unwilling to hinder their Voyage, And I have sent home to your Honors a Copy of their Freedome, and a Copy of their Bonds. And I desire your Honors wilbe pleased, to put me in a method how I may proceed for the future in this affair ?

2. How comes a great many Ships from Ireland, with written Certificates from Galloway and from Belfast, with the clearing from Whitehaven, and from Biddiford, and from Plymouth and Mynhead, with written Certificates, and give Bond there, I desire your Honors would be pleased to put me in a method how I may proceed in this Affair likewise.

Answer.

1. No fforrain built Ship ought to trade in the Plantations, but what shall produce a Certificate of his Freedome before October 1662, unlesse such Ships as his late Majesty was pleased to make free by particular Warrant, which Freedome ought to appear by the Certificate from the Registring thereof by Sir Jon Shaw in the Port of London, and in all such cases

speciall care is to be taken, that good Proof be made, That the Ship claiming such freedome is the Ship for which the freedome and Certificate was given, and not another Ship applied thereunto, and where Doubt doth arise, to take Bond to make their Freedomes appear more satisfactory to the Commissioners in England.

2. For the Ships coming from Ireland with English Certificates, it is to [be] doubted, that for the most part they are counterfeited, and if any have come since Christmas not attested by the Commissioners you may conclude them to be so, And for the future Care wilbe taken to prevent that fraud by the Attestation of all Certificates, as is already practised, And the formes and Copies thereof is herewith communicated, which wilbe sufficient Guide for all officers concerned in the Plantations, And tho' it be permitted that Bond may be taken in Ireland, and Certificates thereof given to returne to Ireland, as well as England, Yet all such Ships are to pay the Plantation Duty settled by the Act of the 25th of the late King, and for want of payment of that Duty, all the Goods are forfeitable, and ought to be seized in the Plantations or wheresoever they be met withall; But if any such Ships be already arrived from Ireland with true Certificate of Bond given there, of returning to Ireland aswell as England, not knowing of the late direction and Regulation made for the Certificates, and is willing to enter into Bond to returne to England. Only it may be admitted for the present, Returning the Bonds so taken to the Commissioners of his Majestys Customes in England, But this not to be drawne into Example in the future, nor further tolerated after this publique Admonition and Declaration.

Capt. Thomas Allens Querie, 3d.

3. There comes severall English Built Ships that clear in England for the Maderas, and for the Capes de Verd Island, and their Goods fit for this Country, and give no Bond in England, I would likewise desire your Honors wilbe pleased to put me in a way, how I shall proceed in this Affair, and

1685.

would also desire your Honors would give me Instructions, whether I may let the written Passes go free, or none but Printed Passes that shall come from your Honors nothing else at present, only remain.

Your Honors most humble Servant.

Answer.

3. No Ship coming from any part of the World, except from one Plantation to another, or from his Majestys Islands or Territorys in Asia, Africa or America, is to be permitted to enter into any Bond whatever in the Plantations but if they take in any Goods there, both the said Ship and Goods are become forfeitable, and ought to be seized and prosecuted accordingly. [pp. 105-106.]

10 July.  
Maryland.

[193.] [Lord Baltimore is to receive a copy of a letter] from the office of his Majestys Customes in Maryland, complaining of divers great misdemeanors and offences comitted there to the great prejudice of her Majestys service, [and is to attend on the next Council day].

His Majesty having received Information of divers irregular proceedings of the Government of Maryland, to the prejudice of his Majestys Revenue there and obstruction of the publique Justice in that Colony, his Majesty, for remedy thereof, was pleased to order [the Attorney General to bring a Quo Warranto against Lord Baltimore's Charter]. [p. 115.]

17 July.  
(1686.)

[The hearing of Lord Baltimore's answer is fixed for the 24th.—C.S.P. VII. 284.] [p. 118.]

30 April.

Prosecution of the writ is ordered.—C.S.P. VII. 645.] [p. 258.]

17 July.  
Connecticut,  
Rhode  
Island,  
E. & W.  
New Jersey,  
Delaware.  
(1686.)

[194.] [The Council give orders in accordance with the Committee's report on Mr. Randolph's charges, proposing the issue of *Quo Warrantos* against colonial charters.—C.S.P. VII. 282-3.] [p. 119.]

30 April.

[The Attorney General is directed to prosecute the proprietors on the writ in order to the vacating of the charters or grants.] [p. 258. C.S.P. VII. 645.]

- 1685.
- [195.] Upon reading this day at the Boord a Copy of a Letter to the Commissioners of his Majestyes Customes, from William Dyre an officer of the Customes at East New Jersey wherein he complains of the Abuses and Injuriys offered to his Majesty in that Province, and particularly of the hard Usage he hath met with, in prosecuting a Jersey Mans Sloop called the Dolphin, trading thither with European Goods, having but one English Man on board, and relading with Commoditys of that Country, without producing any Certificate, or making Entry as ought to have been done, [the Attorney General is directed to bring a *Quo Warranto* against the Corporation of East New Jersey for the abuses stated].  
[p. 143. C.S.P. VII. 411] 16 Oct.  
New Jersey.
- [196.] [A letter of recommendation for Robert Ratcliffe.—C.S.P. VII. 434.] 30 Oct.  
New  
England. [p. 149.]
- [197.] [Order as to grants of money by the Assembly to Sir R. Dutton and H. Walrond.—C.S.P. VII. 455.] 13 Nov.  
Barbados. [p. 155.]
- [198.] [Order on Lord Baltimore's claim to Delaware.—C.S.P. VII. 456.] 13 Nov.  
Delaware. [p. 156.]
- [199.] [The Council refer to the Committee the petitions of Robert Colbeck and other heirs of Col. John Colbeck of Jamaica that the validity of the latter's will may be determined by the Committee.] 27 Nov.  
Jamaica. [p. 162.]
- [200.] [Reference to Committee of Capt. Billop's petition.—C.S.P. VII. 489.] 4 Dec.  
New York. [p. 167.]
- [Order on the report.—C.S.P. VII. 515.] 23 Dec. [p. 181.]
- [201.] [On the report of the Committee, Stephen Duport is granted leave to retain in his service Andrew Partenson, a native of France, whose estate is wholly among the English of the island. Duport had a license from Sir W. Stapleton, but upon the Governor's departure to England Partenson had been molested upon pretence of a law prohibiting the entertaining of foreigners.] 4 Dec.  
St.  
Christopher [p. 169. C.S.P. VII. 484.]

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- 1685-6.  
11 Dec. [202.] [Reference to Committee of the appeal of John  
Barbados. Goldingham and Ralph Lane.—C.S.P. VII. 494.] [p. 174.]  
(1686.)
- 12 March. [Order in accordance with Committee's report.—C.S.P. VII.  
1685. 595.] [p. 222.]
- 18 Dec. [203.] [The following report from the Committee is  
Virginia. approved, and the Earl of Sunderland directed to prepare  
a letter accordingly]:—In obedience to your Majestys Order  
of the 10th Instant Wee have considered the petition of  
Edward Plampin complaining that as administrator to one  
John Bagnall, he is entituled to a Debt of five thousand  
pounds upon a bond from Edmund Scarborough deceased to  
the said Bagnall; That about three years since the Petitioner  
did cause the said Bond to be put in suit in Virginia against  
the Executors of the said Scarborough, who have possessed  
themselves of the said Scarboroughs Estate to a Considerable  
value; but that by reason of their great Interest and power  
in that Country the Petitioners Agents, have not been able  
to procure his cause to be tryed, And therefore humbly  
praying your Majestys orders, that the said Cause may be  
speedily tryed, and Justice don to the Petitioner, Whereupon  
Wee are humbly of opinion that your Majesty may be pleased  
by your letter to the Lord Howard your Majestys Governor  
Generall of Virginia to Order that the Petitioners cause be  
brought to a Speedy Tryall and Determination in the Courts  
of that Colony. [pp. 175-6. C.S.P. VII. 508 & 2126.]
1686.  
19 March. [204.] [Reference to Committee of petition of Charles  
Antigua. Henderson.—C.S.P. VII. 604.] [p. 228.]
- 19 March. [205.] . . The petition of Roger Elletson Esqr. Complaining  
Jamaica. that the 17th of October, 1683, he was by Sir Thomas Lynch  
then Governor of Jamaica, suspended from his practice, as  
an Attorney at Law there, and bound with suretyes to appeare  
at the next Grand Court, save one, to answer what should  
be objected against him, where he appeared and was cleared  
by Proclamation, nothing being layd to his charge, and  
praying to be releived herein . . is hereby referred to

1686.

Collonell Hender Molesworth, Lt. Governor of Jamaica and to the Comander in Cheif there for the time being, to examine the Allegations thereof and either restore the Petitioner to his practice againe, by taking off the said suspension, or to report forthwith to his Majesty at this Board the state of the Case, And then his Majesty will declare his further pleasure.

[p. 228.]

[206.] Upon reading this day at the Board the Petition of Anne Baxter Widdow, Setting forth that her son James Baxter was some yeares past, tryed, and found guilty at Barbados of murdering of one Holands servant, a Smith there, That his late Majesty of ever Blessed Memory, being informed, that the fact was done on a suddain, and not with premeditated malice, was graciously pleased to order Sir Richard Dutton then Governor of the sayd Island, to suspend the Execution of the sentence of death, given against her sayd Son there, till he had informed his Majesty the truth thereof, which the sayd Sir Richard Dutton had since done, and therefore praying his Majesty to grant to the sayd James Baxter his Royall Pardon for the sayd Crime, [the Earl of Sunderland is directed to prepare a warrant for Baxter's pardon accordingly].

26 March.  
Barbados.

[p. 238.]

[207.] [The Council refer to the Committee the following letters and papers :—

12 May.  
Plantation  
Trade.

From the Earl of Clarendon, Lord Lieutenant of Ireland, Dublin Castle, 16 March, 1686 :

From the Commissioners of the Revenue in Ireland, Custom House, Dublin, 15 Feb., 1686 :

Reply of the Commissioners of the Revenue in Ireland to the objections of the Commissioners of the Customs in England to their representations concerning the trade from Ireland to the Plantations ; Custom House, Dublin, 22 April, 1686 :

Two reports from the Commissioners of the Customs in England, Custom House, London, 29 March and 12 May, 1686.]

[p. 272. C.S.P. VII. 672.]



# 92 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1686.

19 June. [Order is given in accordance with the Committee's report that the Act of 22-3 Charles II for regulating Irish Trade with the plantations lately revived by the present Parliament be continued in full force ; notification of this is to be sent to the Earl of Clarendon, Lord Lieutenant of Ireland.]

[p. 290. C.S.P. VII. 734.]

12 May. Barbados. [208.] [The Council refer to the Committee] the humble Petition and Appeale of Dame Ayliffe Raynsford and William Stokes of the Middle Temple Esqr. and Diana his wife lately called Diana Elliot from a Decree given against them in the Chancery Court in his Majestys Island of Barbados in favor of one Henry Gorges Esqr. of the same Island concerning severall Portions he was to pay the Petitioners and for which he Entred into a Judgement of 5000*l.* to one Mr. John Elliot a relation in trust for the said Petitioners, . . . and praying to be releived.

[p. 274. C.S.P. VII. 669.]

28 May. [On the Committee's report, the appeal is admitted on security of 2000*l.* being given, and an account of the proceedings in Barbados is ordered to be transmitted.]

(1687.)

[p. 280. C.S.P. VII. 698.]

2 Dec. [On the Committee's report, it is ordered that the decree of 18 Feb., 1685 be reversed], and that if in pursuance thereof Satisfaction be already acknowledged upon Record of the said Judgement of 5000*l.* sterling the same be forthwith vacated, so that the Judgement and Decree of the Court of Common Pleas in that Island in favor of the Petitioners may remain in full force.

[p. 546. C.S.P. VII. 1546.]

30 May. Pennsylv-  
vania. [209.] His Majesty having this day in Councill taken into his Royall consideration the state of his Plantations in America, was pleased to Order that Master Attorney Generall doe forthwith proceed by Quo Warranto against the Charter Granted to William Pen Esqr. of the Proprietie of Pensilvania and alsoe against the Charters Granted to the Proprietors of Carolina, and to the Proprietors of the Bahama Islands in America.

[p. 282.]

The letter hereunto annexed from Captain Spragg Commander of his Majestys ship the Drake having been this day presented to his majesty in Councill, His majesty was thereupon pleased to order, as it is hereby ordered that Sir Thomas Powys Knight his majestys atturny Generall do forthwith proceed by Scire facias against the Lords and other Proprietors of the Bahama Islands and Province of Carolina, in order to the vacating their respective Charters, with as much Expedition as may be.

1686.  
(1688.)  
24 Aug.

[p. 728.]

[210.] [Representations are ordered to be made at the Court of Spain and through the Spanish Ambassador for restitution and satisfaction to be made to Robert Hyde, George Styles and Francis Appleby owners of the *Genoa Merchant*.] The said ship, Thomas Appleby Commander, being at Lisbon in February last, and freighted on a Monethly Employ to saile to any part of Christendome in amity with his Majesty, but not to know whether bound, till got over the Barr, There then came aboard him a Spaniard for his Supra Cargo with Instructions for the Commander to proceed for the Havana in the West Indies to deliver Two Packets from his Catholique Majesty to the Governor there, and Captain Generall of the Galleons, But the Commander wanting a Pilot and some Provisions was Ordered by his Supra Cargo, to touch at Theneriffe, where he was no sooner landed, but the Judge of the Indies Dr. Joseph Majestez y Borrás seized the Commander Mate and Supra Cargo, committed them to the Common Goale, and (getting the Seamen on shoar by a wile) put Spaniards into the Ship, leaving the poor Men to beg for their Victualls, Of which, his Majestys Consul . . . hath not hitherto obteyned any Redresse.

5 June.  
West Indies.

[p. 286.]

[211.] [The Lord President, at the desire of the Committee, having] humbly moved his Majesty to Declare his Pleasure, whether the ffort and Country of Pemaquid in New England shall remaine under the Government of New Yorke, or be annexed to New England. His Majesty . . . was pleased

20 June.  
New  
England.

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1686-7.

to Declare and Order, That the said Fort and Country of Pemaquid; in regard of his distance from New Yorke be for the future annexed to, and continued under the Government of New England. [p. 291. C.S.P. VII. 736.]

27 Oct. [212.] [Order as to value of coinage in New England.—  
New C.S.P. VII. 944.] [p. 329.]  
England.

27 Oct. [213.] [Order on Thomas Cooke's petition as to the ship  
Nevis. *O'Brien*.—C.S.P. VII. 947.] [p. 330.]  
(1687.)

18 June. [This order having been complied with, the hearing is  
fixed for 2 July.] [p. 466.]

2 July. [Order dismissing the appeal.—C.S.P. VII. 1329.]  
[p. 475.]

27 Oct. [214.] [Order as to ecclesiastical jurisdiction in the plan-  
Plantations. tations.—C.S.P. VII. 946.] [p. 330.]

19 Nov. [215.] [Order for hearing petition of five inhabitants of  
Bermudas. Bermudas.—C.S.P. VII. 1003.] [p. 339.]

10 Dec. [Order on the Committee's report.—C.S.P. VII. 1057.]  
[pp. 354-5.]

1687.

14 Jan. [216.] [The Hudson's Bay Company are directed to answer  
Hudson's on the 28th the] petition of Onesiphorus Albin late Secretary  
Bay. and Accomptant to the . . . Company complaining of  
severall hardships which he hath received from the said  
Company. [p. 385.]

28 Jan. [On the answer of Sir Edward Dering, Deputy Governor,  
the petition is dismissed.] [p. 391.]

21 Jan. [217.] [Order admitting the appeal of Richard Scott.—  
Barbados. C.S.P. VII. 1108.] [p. 389.]

16 Dec. [Order on the Committee's report.—C.S.P. VII. 1564.]  
[p. 556.]

[Order on a further petition.—C.S.P. VII. 1739.] [p. 664.] 1687.  
(1688.) 4 May.

[218.] [Order as to Sir T. Thornhill.—C.S.P. VII. 1131.] 11 Feb.  
Barbados. [p. 398.]

Upon reading the Petition of Sir Timothy Thornhill of Barbados Baronet setting forth, that he is greatly afflicted to find himself misrepresented to his majesty and this Boord as a Person Turbulent, of Republican Principles, and disaffected to the Government, to which he hath always shewn himself most intirely devoted, and therefore humbly praying to have leave, to make his vindication before his majesty, as in the Petition annext is more at large Expressed; His Majesty in Councill having taken the same into Consideration and the Fine of five hundred pounds lately imposed upon the Petitioner in Barbados Is pleased to declare that assoon as he shall duly answer and Pay the said Fine, he may then be admitted to make his vindication before his Majesty and not before, Otherwise then to prosecute the Appeale now depending before this Boord, which he is permitted to do, within the time Limited for the same if he shall so think fitt. 8 Dec.  
[p. 551.]

[His appeal against the fine imposed by the Court of Grand Sessions in Barbados on 7 June is referred to the Committee.] 16 Dec.  
[p. 555. C.S.P. VII. 1563.]

[On the report of the Committee, the fine is ratified.—C.S.P. VII. 1652.] (1688.) 25 March.  
[p. 621.]

[219.] The humble Petition of Manoel Henriques of London Merchant . . Representing, That he hath for severall years last past, lived and traded in the City of London, And his present Affaires requiring his going over to reside in one of his Majestys Plantations in America, where he hopes to become a usefull Subject to his Majesty in promoting of Trade, He is advised that he cannot inhabite and trade there without being endenized, And therefore Praying his Majestys Letters Patents for that purpose, [was granted, and the 25 Feb.  
Naturalisa-  
tion.]

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(1687-8.)

Earl of Sunderland directed to cause a warrant to be prepared authorising the Attorney General to prepare a Bill for his Majesty's signature], conteyning a Grant for making the Petitioner a free Denizen of this Kingdome, to enable him to trade and reside within his Majestys American Plantations, under such Provisos and Restrictions as are usually inserted in Grants of this nature. [p. 402.]

4 March.  
Leeward  
Islands.

[220.] [Letter to Sir Nathaniel Johnson Governor of the Leeward Islands.] Whereas the Commissioners of his Majestys Customes have represented, that they did receive from the Commissioners of the four and half per Cent. at Nevis and the rest of the Leeward Islands the Copy of an Order past by the Deputy Governor and Councill of Antigua the 18th of November, 1686, appointing the Severall Places therein named to be the Lawfull Places for Riding of Shippes and Shipping off all Sorts of Goods untill his Majestys Order should be made known therein ; And the said Commissioners having Offered that the Vacating of the said Order will be for his Majestys Service, in regard the Charge of Store Houses and waytours should they be provided Answerable all round the Island, would eate up a great part of his Majestys Revenue there. Wee do by his Majestys Command in Councill, heroby will and require you, at your arrivall within your Government to cause the said Order of the 18th of November 1686 to be made null and voyd. Whereupon, with the advice and assistance of the Commissioners of the Four and half per Cent. You are to name and appoint such Places for the Riding of Shippes, and Shipping off all Sorts of Goods, as may best consist with his Majestys Service, and the ease of the Traders. And whereas at the Same time an Order likewise past at Antigua to Compell the Officers there to Collect the Duty on Sugar, payable by the Act of the 25th year of his late Majestys Reign, at the rate of One penny half penny per pound, although Sugar, as the Commissioners of the Customes are Credibly informed according to the Currant rate there, is not worth above One penny per pound, whereby his

1687.

Majesty is defrauded of about One third part of his Revenue arising by the Said Act on that Commodity. Wee do therefore further will and require you . . . to ascertain the price and Value of Sugar, according to the Currant Rate of the respective Islands, and to take Care that His Majestys Officers be not obliged to accept of Sugar in Liew of His Majestys Said Duty at a greater Price or Value then shall be so adjusted and ascertained.

[p. 408. C.S.P. VII. 1167.]

JAMES II.—PART II. (1 April 1687—16 Dec. 1688.)

[221.] [The Council refer to Samuel Pepys Esqr., Secretary of the Admiralty, for examination and report] the Petition of John Kirwan merchant Complaining of Captain St. Lowe for seizing at Antigo, his vessell called the *Good Intention* of Galway, and sending her over heither, where the Petitioner became repossess of the said Vessell by Decree of the high Court of Admiralty, And praying, in regard he is sending her again to Antigo that a Pass may be granted with directions to the Commissioners of the Customes to cleer her as an English built ship, and also leave to sue Captain St. Lowe for damages.

8 April.  
Antigua.

[p. 433.]

[Capt. George St. Loe's petition concerning the *Good Intention* is referred to the Judge of the High Court of Admiralty.]

6 May.

[p. 453.]

[Capt. St. Loe's petition, complaining of molestation for doing his duty in seizing ships for illegal trading, and praying to be indemnified as he cannot produce the same evidence here as in the West Indies, is referred to the Attorney and Solicitor General.]

13 May.

[p. 458.]

[Order as to the *Good Intention*.—C.S.P. VII. 1303 and 1313.]

18 June.

[p. 468.]

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1687.  
2 July. [Captain St. Loe's appeal against the decision of the Court of Common Pleas in Antigua to be heard on the 16th.] [p. 476.]
- 16 July. [Order in Captain St. Loe's favour.—C.S.P. VII. 1350.]  
[p. 481.]
- 15 April. [222.] [Order on the petition of Richard Lavington and  
Antigua. Company.—C.S.P. VII. 1209.] [p. 437.]
- 22 April. [223.] [The Council refer to the Commissioners of the  
Barbados. Treasury, to do therein as their Lordships shall see cause,]  
the Petition of Sibilla Stephens praying 15*l.* 15*s.*00, due to  
her son Paul Stephens who served at Barbados under Sir  
Tobias Bridge. [p. 446.]
- 29 April. [224.] Upon reading the Petition of Lucas Santon his  
New York. Majestys Collector and Receiver of New York, setting forth,  
that being sent over by the Governor of that Plantation,  
upon some pretences of Debt to his Majesty and misdemeanors  
against him, he is now in the Custody of a messenger, and  
praying a Copy of the charge against him, and to be heard,  
and to have his Liberty on Baile, [order is made for his  
discharge] upon giving sufficient security for his appearance  
at this Board, and before the Lords Commissioners of his  
Majestys Treasury from time to time, when required.  
[p. 450.]
- 6 May. [225.] [Order admitting the appeal of Capt. Charles  
Jamaica. Talbot of H.M.S. *Falcon* from the acquittal of the *Swallow*.—  
C.S.P. VII. 1238.] [p. 456.]
- 28 May. [226.] [A letter to the Duke of Albemarle (Jamaica) and  
Declaration of all other Governors of Plantations.] Whereas his Majesty has  
of been pleased to issue out His Gracious Declaration unto all  
Indulgence. his Loving Subjects for Liberty of Conscience and Indulgence  
in Religious matters, severall Copies whereof are herewith  
sent your Grace ; These are by his Majestys express Comands  
to Charge and require your Grace to cause the same to be  
forthwith published, and to be duely observed and put in  
Execution within the Plantations under your Grace's

1687.

Government : And that in all Cases wherein particular Pardons shall bee desired, relating to matters comprised in his Majestys Gracious Declaration, your Grace doe forthwith Grant the same under his Majestys Seall for that Plantation ; whereof all Judges, Justices of the Peace and other Officers within your Grace's Government are to take notice and give due obedience thereunto. [p. 461. C.S.P. VII. 1278.]

[227.] [A letter to the Lieutenant Governor of Barbados and to the rest of the plantations, with a proclamation for the better suppressing of pirates and privateers.] 28 May. Piracy.

[p. 461. C.S.P. VII. 1278.]

[228.] [On reading a report from the Committee, it is ordered] That Mr. Attorney and Mr. Solicitor Generall doe forthwith Proceed upon and Prosecute the Quo Warrantos which have been Issued, or ordered to be Issued out against the severall Proprietyes and Corporations in America. 28 May. Plantations.

[p. 463. C.S.P. VII. 1275.]

[229.] [A letter to Barbados as to a Dutch ship rescued from Grammont the pirate.—C.S.P. VII. 1304.] 15 June. Barbades. [p. 465].

[Another letter.] Whereas by Our Letter bearing date 30 July. the 15th day of June last, you were directed to receive into your Care and Custody from—Beach late Lieutenant of his Majestys Ship the Mary Rose, a certain Dutch Ship called the Hardreen, which had been before taken by that Shipp from a French Pirate, in order to your disposing of the Same according as you should be further directed ; And whereas it appeares unto us, by an authentick Instrument in writing made the 22th of this instant July at Amsterdam by a publick and allowed notary of that place. That the Owners and Proprietors of the said Ship and lading have constituted and appointed Samuel de Paz their Lawfull Procurator for the receiving and disposing of the said Ship and her lading on their behalves, with power therein given him to Substitute one or more in his place for the doing the Same. These are therefore to direct and require you to cause the said Ship



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1687.

the Hardereen, immediatly upon receipt hereof, with her Furniture Lading and whatever is in your possession belonging to her, or the full produce of what, if any thing, shall have been sold or disposed of, since she came into your hands, to be delivered to Joseph Mendez Merchant at Barbados and in his absence to Solomon Mendez who will produce unto you a Letter of Atturny from the aforesaid Samuel de Paz empowering him to receive the Same, taking one or more receipts from him, expressing particularly the number quantity and Condition of what ever Goods or other necessarys of the Ship or other things, and the Summ of money, if any, which he shall receive from you on her account. But forasmuch as wee have been informed that great Imbezlements have been made aswell of the Rigging apparell and other things belonging to the said Ship by the Officers and Company of his Majestys said ship the Mary Rose, Wee do hereby further direct and require you, notwithstanding Our aforesaid Orders of the 15th of June, not to Suffer any Salvage to be paid to them on the Score of her Capture, untill full restitution be made of what ever shall be found to have been so Imbezled, either by the returne of the things themselues, or the payment of the Value of them as the same shall be lawfully appraised. Lastly you are in generall to proceed in the discharging your self of this affaire with all tender regard and Compassion to the Suffering Owners of this Vessell and to [report to us].

[*pp.* 491-2. C.S.P. VII. 1364.]

18 June. [230.] [Order as to the government of Connecticut.—C.S.P. Connecticut. VII. 1308.] [*p.* 467.]

18 June. [231.] [A letter to Sir N. Johnson as to illegal trade by Leeward Dutch ships.—C.S.P. VII. 1312.] [*p.* 470.]  
Islands.

18 June. [232.] [The Council refer to Samuel Pepys Esqr., Secretary of the Admiralty, for examination and report,] the humble Petition of his Majestys Loyall and Dutifull subjects the Merchants and Traders in Newfoundland Fishery, in his Majestys Port of Biddiford in the County of Devon,  
Newfound-land.

1687.

Praying, That they having sent forth from the said Port a considerable number of Ships to the Newfoundland, on Fishing Voyages, with directions to sayle from thence to Portugall Spain and Italy for Sale of their Fish . . such Order may be given therein as shalbe found necessary, both for the safety of the Ships already gone to that ffishery this Season, and such as shalbe employed therein for the future. [p. 470.]

[233.] [Order on the petition of the proprietors of East New Jersey as to ports.—C.S.P. VII. 1310, *and see* 1279.] 18 June.  
New York  
and East  
New Jersey. [p. 471.]

[Letter thereon to Gov. Dongan of New York.—C.S.P. VII. 1398.] 14 Aug.  
[p. 498.]

[234.] The Petition of John Smith of London merchant concerning his pretensions to one Eighth part of the Treasure taken out of a wreck neer Hispaniola in America, and brought home by Sir William Phipps, and to the benefit of a new Patent Endeavoured for other Treasure not yet obtained, And the Petition of his Grace the Duke of Albemarle, the Lord Viscount Falkland, Sir James Hayes, Sir John Narborough, Isaac Foxcroft and Francis Nicholson, [by the consent of both parties, are referred to the Court of Chancery, the latter parties after the filing of Mr. Smith's bill to put in their answer with all convenient speed, and to give security to abide the decree.] 16 July.  
Sir Wm.  
Phips. [p. 480.] (1688.)

[Order in accordance with C.S.P. VII. 1821.] 6 July.  
[p. 702.] (1688.)

[Upon reading 'the petition of Richard Covell mariner against Sir W. Phips for detaining 5 cwt. of silver allotted to Covell for provisions supplied to Sir William and as a reward from the wreck: Sir William is ordered to attend with a written answer on the first Council day after his Majesty's return to Whitehall.] 9 Sept.  
[p. 734]

[235.] Upon reading the Petition of Christopher Duke of Albemarle setting forth that there being in his Majesty's 30 July.  
Plantations.

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1687.

Plantations in America such vast quantities of wood, that by reason of the want of Labourers the same cannot be so well cleared from the ground, and made fit for use as it might be, by saw mills, which were never yet known or used in those parts, by reason whereof many thousands of acres of Land have been heitherto unimproved to the prejudice of his Majestys Revenue ; And humbly praying his majestys Letters Patents for Erecting saw mills to move either by wind or water, and the sole use and Exercise thereof, within any his majestys Colonys and Plantations in America, except new England, for fourteen yeares. His Majesty in Councill is graciously pleased to grant the Petitioners request, And to order that one of his majestys principal Secretarys of State do prepare a warrant for his majestys Royall signature in Order to the passing of Letters Patents unto his Grace the Duke of Albemarle of the said New Invention. [p. 488.]

30 July. [236.] [The Council refer to the Commissioners of the  
Jamaica. Treasury for an opinion the proposal of the Duke of Albemarle, Governor of Jamaica], that, if there be no manifest Inconvenience in it, his Grace may have power to Coin small money in that Island, vizt., pence, half pence and farthings of Tin or Copper, as shall be thought convenient. [p. 489.]

30 July. [237.] [Papers relating to illegal trade with Scotland and  
Carolina. Ireland referred to Committee.—C.S.P. VII. 1367.] [p. 491.]

30 July. [238.] [Letter as to slave trade.—C.S.P. VII. 1365.]  
Leeward Islands. [p. 493.]

14 Aug. [239.] [Leave of absence is granted to the Duke of  
Jamaica. Albemarle.—C.S.P. VII. 1401.] [p. 497.]

21 Oct. [240.] The petition of Joseph Terrey in behalf of himself  
Havana. and ten poor Captives at the Havana, taken by a Spanish pirate [is referred to the Committee for consideration and report]. [p. 514.]

21 Oct. [241.] [The Council refer to the Commissioners of the  
Virginia. Treasury for consideration and report] the humble Petition

1687.

of John Trotman of London Merchant and Partners . . .  
 Praying, That his Majesty would be graciously pleased to  
 grant unto them the same Liberty of shipping salt in any  
 part of Europe in English Vessells duly manned, for the use  
 of the ffishery they are now about setting up in Virginia which  
 wilbe very advantagious, both to his Majesty and his Subjects,  
 as by the Act for Encouragement of Trade is given for New  
 England and Newfoundland, they being then the only Fisherys  
 his Majestys Subjects had in America. [p. 515.]

[The Commissioners report of 21 Nov. is read]: Wee 25 Nov.  
 have considered the said Petition, and do humbly Report  
 to your Majesty that for our better information in this  
 matter wee Referred the Consideration thereof to the  
 Commissioners of your Majestys Customes, who by their  
 Report of the 10th of November instant, certify us that they  
 had heard some of the Petitioners who acquainted them they  
 were in hopes of setting up such a Fishery as is Proposed;  
 which they look upon as a very desirable undertaking, and  
 have nothing to object to the making an Experiment thereof  
 for one voyage under the same advantages as the Fisherys of  
 New England and Newfoundland enjoy, which by the Act of  
 Trade are priviledged to lade in any Port of Europe salt for their  
 respective Fisheries; yet because so great Art and Industry  
 is used, and so much deceit practiced in the Plantation  
 Trade to the prejudice of your Majestys Revenue in this  
 Kingdom, They humbly offer that they be under a certain  
 Regulation and Security, That under pretence of Lading  
 Salt, they take not in or convey to any of your Majestys  
 Plantations any other European Goods but salt for the  
 Fishery aforesaid, and that if they shall lade any of the  
 enumerated Plantation Goods they shall be obliged to bring  
 the same to England Wales or Berwick only. with whose  
 opinion wee do fully agree. [The report was approved, and  
 the desired permission granted, under such regulation and  
 security as their Lordships shall think fit to prevent the  
 shipping of other European goods.] [p. 538.]

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1687.

28 Oct. [242.] [Order on petition of Virginia and Maryland merchants as to bulk tobacco.—C.S.P. VII. 1489 *and see* 1481.]  
 Virginia and Maryland. [p. 517.]  
 (1693.)

2 Feb. [The Council refer to the Committee for consideration and report] a Memoriall exhibited to the Commissioners of the Customes by the Principall Merchants of London concerned in the Virginia Trade, together with severall Reasons thereunto annexed against the Importation of Bulk Tobacco into this Kingdome. And desiring that it may be recommended to his Majesty that the same may passe into a Law here. [Wm. III. Vol. III. p. 84.]

4 Nov. [243.] [Richard Coney to is receive a copy of the petition of Mary Smailes (C.S.P. VII. 1488) and to attend the Lord President to-morrow.] [See 333.] [p. 520.]  
 Bernuda.

7 Nov. [244.] [A letter to Sir E. Andros—C.S.P. VII. 1502, containing a state of the revenue in New England previously transmitted by him.]  
 New England.

The present Revenue Arises by Customes, Imposts, Excise and Country Rates continued by an Act passed there Since the arrival of Sr Edmund Andros, Vizt.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
The Imposts and Customes with the usuall abatement of one third for the payment in money as heretofore, amounted to . . . . .	1346	4	7	}	1596	4 7
But that abatement being now taken of, and only an allowance made of twelve per Cent. for Leakage upon Liquors, it will, as is supposed, amount to more . . . . .	250	0	0			
The Excise was farmed by the late President and Councill last year for . . . . .	450	0	0	}	1050	00 00
But being now managed by Commissioners will probably amount to more . . . . .	600	0	0			
The Country Rate at one penny per pound in Country pay by the abatement of one third to reduce it to money as Usuall and other Charges may bring it in money to about . .	670	00	0	}	1200	00 00
But by an Act lately passed no abatement being to be made, it may amount to more about..	530	0	0			

In all . . . . . 3846 4 7

ACTS OF THE PRIVY COUNCIL (COLONIAL). 105

1687.

Which you have represented to be short of the necessary Charge of the Government, which is as followeth :

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For two Companies of Foot Soldiers a Chirurgion			
Chaplain, Master Gunner, and Armorer ..	2278	4	2
Two Gunners for Boston, Fort Hill, South and north Battery at 12 <i>d.</i> per diem each.. ..	36	10	00
A Commissary and Storekeeper at 4 <i>s.</i> per diem	73	00	00
One Master Gunner in the Castle on Castle Island at 2 <i>s.</i> per diem.. .. .	36	10	00
A Gunner for the Castle and Battery on Castle Island .. .. .	18	5	00
A Gunner at Pascataway at 12 <i>d.</i> a day .. ..		18	5
A Gunner at Pemaquid .. .. .		18	5
The cheif Judge .. .. .	150	00	00
Two other Judges .. .. .	240	00	00
The Treasurers Allowance at five per Cent. for receiving the Revenue for 3846 <i>l.</i> 4 <i>s.</i> 7 <i>d.</i> computed at .. .. .	192	0	3
Receiver of the Customes and Imposts at two Shillings per pound computed at.. .. .	159	12	0
Severall officers in the Out Ports for receiving the Duties there about .. .. .	100	00	00
For Collecting the Excise about .. .. .	200	00	00
The Governors Salary as paid in England ..		1200	00
Which in all amounts to .. .. .	4720	12	11
Which is more then the present Revenue Computed at .. .. .	3846	4	7
By the Summ of .. .. .	874	8	4
Besides			
Repaires for the Fortifications.			
Fire and Candle for the severall Guards.			
Other Contingent Charges in the Government.			

[*pp.* 525-7.]

[245.] [The Council refer to the Commissioners of the Treasury for consideration and report] the Petition of George Penne gent. setting forth that his family having been great sufferers for their Loyalty, Hee humbly begs that his majesty would be graciously pleased to grant him a Patent for the Sole exercising the Royall Oake Lottery, and Licensing of all other Games in his Majestys Plantations in America for twenty one Yeares.

25 Nov.  
Royal Oak  
Lottery.

[*p.* 540.]

[246.] [The Council refer to the Committee] the Petition of Philip Siveret master and owner of the ship Johanna of New

2 Dec.  
New  
England

1687-8.

England, setting forth that his said ship being seized in New England and her lading of mallago wine condemned there as forfeited, And his Majesty having ordered Sir Edmund Andros Governor of New England, and Colonel Dungan Governor of New York to examin the matter of the said seizure, and to Report how they find the same. And forasmuch as the ship is like to be totally spoiled, if she continues under seizure till the said Report is made, he humbly prayes that she may be restored to him, on security to abide such order as shall be made concerning her by his Majesty.

[p. 545. C.S.P. VII. 1545.]

(1688.)

27 Jan.

[Order for the restoration of the *Joanna*.—C.S.P. VII. 1608.]

[p. 585.]

9 Dec.

Nevis.

[247.] Upon reading this day at the Boord the humble Petition of Penelope Russell Relict of Sir James Russell [requesting his Majesty's confirmation of a grant of one hundred thousand weight of sugar made by the inhabitants of Nevis to her husband as deputy-governor of the Leeward Islands.] His Majesty in Councill taking notice of the misbehavior of the said Sir James Russell in the Government of the said Islands, was pleased to dismiss the said Petition, And to order, as it is hereby ordered, that the Right honourable the Lords Commissioners of the Treasury doe consider what use the said Guift of One hundred thousand pound weight of Sugar may be best applyed to for his majestys Service, in pursuance of his majestys Instructions to Sir William Stapleton late Governor in chief of those Islands in that behalf, and to cause the same to be so applied accordingly.

[p. 553.]

1688.

20 Jan.

Piracy.

[248.] A Proclamation for the more effectuall reducing and suppressing of Pirats and Privateers in America [is approved].

[pp. 577-9.]

27 Jan.

The  
Committee.

[249.] [The whole Council to be a standing Committee for Trade and Plantations.—C.S.P. VII. 1607.]

[p. 585.]

[250.] [Reference to Committee of Lt.-Governor Thomas Hill's petition.—C.S.P. VII. 1623.] 1688.  
[p. 608.] 10 Feb. St. Christopher.

[Petition granted.—C.S.P. VII. 1743.] [p. 662.] 4 May.

[251.] [The Council refer to the Committee for consideration and report] the humble Petition of Sir John Shorter knight Lord Mayor of London, John Lacy, Daniel Cox, Robert Wolley, Richard Butler, Edmond Cox, Richard Wharton, Elisha Hutchinson, Jaheel Brenton and Thomas Brattle Gentlemen and Merchants in behalf of themselves, and many others of his Majestys Subjects residing in his Majestys Dominions in Europe and America, Setting forth, That having by their many years industry and great Charges discovered Mines of Copper and Lead and the Blossomes of Royall Mines in New England, And that severall sorts of Gumms, Resines, Balsomes, ffine Turpentine, Mastick, Salt, Salt Petre, and all Materialls for building and storing Ships may be produced and made there to the Encrease of Trade and his Majestys Revenue, And being desirous to improve the same by advancing a sufficient ffond of Money for that end, They humbly prayed his Majestys Charter of Incorporation to enable them to secure to his Majesty and Adventurers the Benefits that shall arise by the Mines, and such Drugs and Dying Wares, as by their Expençe and Industry may be found out in his Majestys Dominions of New England.

[p. 609. Cf. C.S.P. VII. 1774.]

[252.] [On the Committee's report (C.S.P. VII. 1629), Sir N. Johnson is allowed to receive gifts of 60,000 and 100,000 pounds of sugar from the Assemblies of St. Christopher and Nevis respectively.] 17 Feb. St. Christopher and Nevis.  
[p. 614.]

[253.] Upon reading the Petition of John Garrett and others Seamen late belonging to the Ship Success John Outlaw master, setting forth that the said Ship was Cast away on the 11th of December 1685 in the service of the Hudsons Bay Company, who refuse to allow the Petitioners any consideration for their service, notwithstanding their sufferings 2 March. Hudson's Bay.



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. . . And praying to be releived. [It is ordered that the Hudson's Bay Company receive a copy of the petition, and return their answer to the Board on Friday next.] [p. 620.]

16 March. [The answer of the Hudson's Bay Company is heard, and the petition dismissed.] [p. 635.]

23 March. [254.] Upon reading the Petition of Dame Anne Stapleton  
Leeward  
Islands. Sir Edward Scott and others Executors of Sir William Stapleton late Governor of the Leeward Islands deceased on the behalf of the said Lady the Relict and of the six children of the said Sir William Stapleton, setting forth that they are informed Sir Patrick Trant Bart. is endeavouring to get his Majestys pardon, among other things extending to perjury; That Sir William Stapleton did repose great trust and Confidence in the said Sir Patrick in receiving great summs of money for him, In which trust the Petitioners have reason to beleive the said Sir Patrick did much misbehave himself, and thereby and by severall other things he hath endeavored to defraud the said Testator and the Petitioners the widow and children of 6000*l*. and Interest ever since 1683 when he received the same, . . . and humbly praying his Majesty not to grant the said Pardon, in regard they have preferred a Bill in Chancery against Sir Patrick Trant, to which he hath put in an answer, upon which and several affidavits by him made in the Court of Exchequer the Petitioners conceive and are advised they have good Grounds to question him for Perjury. It is this day ordered by his Majesty in Councill that in the Pardon intended to be granted to the said Sir Patrick Trant the word Perjury be left out, And also that the Right honourable the Lord Chancellor do stop the Patent when it Comes to the Great Seale untill his Lordship shall have satisfied his Majesty concerning it. [p. 637.]

30 March. [255.] [Order approving] a Proclamation prohibiting his  
Hudson's  
Bay. Majesty's subjects to Trade within the Limits assigned to the Governor and Company of Adventurers of England trading into Hudsons Bay except those of the Company. [pp. 641-4.]

- [256.] [Order granting leave of absence to Lord Howard of Effingham.—C.S.P. VII. 1722 and 1786.] [p. 650.] 1688.  
27 April.  
Virginia.
- [257.] [Colonial governors forbidden to return to England without obtaining leave.—C.S.P. VII. 1720.] [p. 658.] 27 April.  
Colonial  
Governors.
- [258.] [A letter to the Governor of the Leeward Islands.] 4 May.  
Leeward  
Islands.  
Wee have laid before his Majesty the cheife particulars mentioned in your Letter to Us of the 20th of February last and in answer to what you write concerning the French Protestants that resort to the Leeward Islands, His Majesty has Commanded us to signify unto you his pleasure that you give unto such Protestants as shall come and settle under your Government all necessary Countenance and Protection soe farr forth as may consist with his Majestys service in those parts, And that for their better Encouragement and enabling them to become His Majestys Subjects You doe forthwith transmit unto us upon receipt hereof and so from time to time the Names of Such french Protestants as desire to settle or continue within any of his Majestys Islands within your Government to the end that Letters of Denization may passe unto them and be remitted unto you under the Great Seale of England, whereby they may receive such Qualifications as are requisit both in relation to Trade and other Priviledges according to Law.  
[p. 663.]
- [259.] [Order as to payment and relief of troops in St. Christopher.—C.S.P. VII. 1742.] [p. 663.] 4 May.  
St.  
Christopher.
- [260.] Upon reading the Petition and Appeal of Richard Knights of Norwich Merchant Administrator of John Knights late of the Island of Barbados Merchant deceased and Executor of Benjamin Knights late of the said Island of Barbados Merchant also deceased, from Severall Decrees made in the Chancery Court of the said Island bearing date 16th of Aprill 1684, the one for 300*l.* part of a Legacy of 500*l.* bequeathed by the said Benjamin Knights to one John Woodward, another for 100*l.* Legacy bequeathed also by the said Benjamin

11 May.  
Barbados.

# 110 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1688.

Knights to One Enoch Woodward, against John Hallett Esqr. Richard Hallett, and Christopher fowler Merchants in Barbados Trustees appointed by the said Benjamin for payment of the Debts and performance of the Bequests of the said John Knights, and also from an other Decree dated the 6th of August 1685, obtained by William Chester Executor of the said John Woodward for 200*l.*, Residue of the said 500*l.* given the said John Woodward, against the Trustees appointed by the Petitioner, Praying that his Majesty would be pleased to admit of the said appeal : [the appeal is admitted on security being given to prosecute it effectually and to abide by the Council's determination : and the examination of the whole matter is referred to the Committee]. [p. 666.]

1 June.  
Jamaica.

[261.] [The Council approve, and give orders in accordance with, the report of the Committee of 30 May] :—Wee have received a Letter from his Grace the Duke of Albemarle dated at Jamaica the 6th day of March last, Acquainting Us, that being informed, That a considerable Treasure had been brought into that Island from the Wreck near Hispaniola, before his Arrivall there, He had required One Hundred Thousand pounds Security from Hender Molesworth Esqr. your Majestys Lieutenant Governor, to answer your Majestys Demands touching one Moyety thereof, And having in obedience to your Majestys Commands considered the humble Request of the said Hender Molesworth, Praying that he may be permitted by the Duke of Albemarle to come into England without being obliged to give such Bond as was demanded from him by his Grace, Wee do thereupon humbly offer Our Opinion to your Majesty that the Duke of Albemarle may receive your Majestys Commands to permit Col. Molesworth to come forthwith into England, And that he be not hindred therein upon any accompt whatsoever, He having first complied with the Directions formerly given by your Majestys Letter bearing date the 10th day of July, 1687, touching a Moyety of the Salary Perquisites and Emoluments of the Government And giving also his owne

Bond in the summe of Ten Thousand pounds, the Draft whereof is hereunto annexed, to answer and satisfy unto your Majesty upon his Arrivall in England, what shall appear to have been received by him in Jamaica for your Majestys Tenth of the Treasure brought to that Island from the said Wreck, which your Majesty has been pleased to accept of in pursuance of a Proclamation issued by your Majestys Lieutenant Governor and Declaration of the Councill of that Island touching the same.

The Condition of this Obligation is such, That if the above bounden Hender Molesworth, shall upon his first Departure from this Island, repair for England, and then and there (Danger of the Seas and Mortality excepted) render himself to one of the Principall Secretarys of State, and answer unto his Majesty all such Demands, as shalbe brought against him on behalf of his said Majesty for or concerning any Treasure or Treasures taken out of the Wreck near Hispaniola, and imported here during the time of his being Commander in cheif, and before the Arrivall of his Grace the Duke of Albemarle, And do further Answer unto his said Majesty all such Matters and Things as shalbe laid unto his Charge relating to his late Government, and shall not depart from his Majestys Court untill he hath given such other Security, as on the behalf of his Majesty shall then and there be required of him, And shall also remit unto his Grace (or his Majestys Governor for the time being) a sufficient Certificate from his Majesty or One of the Principall Secretarys of State, that such Security hath been given, in case it shalbe required, or that his Majesty is otherwise satisfied concerning the Premises, And shall also indemnify his said Grace, his Heires, Executors and Administrators and either and every of them, of and from all and all manner of Damages that may be legally objected and recovered against his said Grace his Heires, Executors and Administrators on behalf of his Majesty for or concerning the said Treasure so imported as aforesaid, untill his Graces Arrivall in this Island, Then this Obligation to be void, otherwise to stand and be in full force and vertue.

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1688:

12 Oct.

[The humble Petition of Colonel Molesworth representing,] That the Petitioner according to some Precedents which he heard of, and the best of his Understanding, with the Consent and Advice of his Majestys Councill of that Island (in want of other Commands from his Majesty) received the Tenths of such Treasure as had been imported into that Island, and taken out of the Wreck near Hispaniola, in the time of his Government, whereof he sent a true Accompt to the [Treasury,] and caused the same to be shipt in Ten severall Chests on board the Ship (wherein the Petitioner designed to come home) mark't with his Majestys Marke, and by Bills of Lading declared to be for his Majestys Accompt and consigned to the said Lords Commissioners unto whom the Petitioner sent Advice of the same, together with one of the Bills of Lading, [Notwithstanding which and the security] His Grace, upon the Application of William Constable Esqr., and his producing his Majestys Orders of the 30th of July and 4th of August 1687 (which the Petitioner apprehends did not require or extend to the taking any part of his Majestys Dues out of the Petitioners hands) was pleased to grant a Warrant for seizing and delivering the said Ten Chests to Mr. Constable, which was accordingly done, and the Petitioner thereby deprived of the Honor of presenting his Majesty that which by his great Care he had preserved for his Majestys use. And therefore Praying to be acquitted from the said Tenths and Chests of Silver, [the matter is referred for decision to the Treasury].

[p. 746.]

12 Oct.

[On the same day, order is given for vacating Mr. Molesworth's bond and that it be delivered up by the Duke of Albemarle to the petitioner, or to Samuel Bernard, Charles Penhallow, or Walter Rudeing.—C.S.P. VII. 1905.]

[p. 747.]

(1692.)

21 Jan.

[On the recommendation of the Committee the Council refer it to the Treasury to pass a Privy Seal granting the petition of Sir John Molesworth, which sets forth the preceding order, in accordance with which a letter was written on 17 Oct., 1688]

1688.

And that the said Duke being dead before the Arrivall of the said Letter; the said Recognizance was Vacated on Record accordingly, but that the Dutchess of Albemarle in whose hands the Originall doth remain, Has refused to deliver up the said Recognizance without a Privy Seal, which the Petitioner humbly prayes may be passed for that purpose.

[*Wm. III. Vol. II. pp. 312, 313. C.S.P. IX. 2019.*]

[262.] [Letters intimating the birth of a prince sent to the proprietors of Maryland and Pennsylvania and to the colonies named in C.S.P. VII. 1785.] 18 May. Plantations. [p. 687.]

[263.] [An order to the Ordnance for stores.—C.S.P. VII. 1795.] 15 June. Antigua. [p. 690.]

[264.] [Sir N. Johnson and Col. Nathaniel Blakiston, Lieutenant Governor of Montserrat, permitted to accept gifts from the Assembly.—C.S.P. VII. 1806.] 22 June. Montserrat. [p. 691.]

[265.] Upon reading the Petition of Sir John Witham Bart. setting forth, that John Gray, merchant, one of the Executors of the Lady Ann Willoughby of Parham, having before the Governor and Council of Barbados prosecuted a writt of Error against a Judgement at Common Law obtained by the Petitioner in February 1683 for about the summ of seven hundred pounds; Hee did thereupon, on the 17th of February 1684 get a Reversall of the said Judgement; And that the Executors lately procured from the Lieutenant Governor and Council of Barbados a writt of Restitution; From which the Petitioner hath entred his appeal in the said Island, and given security as in such Cases is usuall, And humbly praying that his said appeale may be heard, [the petition is referred to the Committee, who are to hear the appeal if they see cause, and report to the Council]. 6 July. Barbados.

[p. 705. C.S.P. VII. 2180.]

(1692.)

[Order confirming the judgment of February, 1683.—C.S.P. VIII. 2020.] 21 Jan. [Wm. III., Vol. II. p. 313.]

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1688.

13 July. [266.] The petition of Henry Walrond [is referred to the  
Barbados. Committee]. [p. 710.]

20 July. [267.] [The Council refer to the Committee for examination  
Leeward and report] the Petition of Charles Matthew Esqr. setting  
Islands. forth that Sir William Stapleton Knight late Governor of the  
Charibbee Islands, did grant a parcell of Land unto the  
Petitioners Father Colonel Abednego Matthew and his heires,  
not then valuable at fifty pounds ; whereon he disbursed for  
the Improvement thereof more the three thousand pounds  
sterling. That Sir Nathaniel Johnson, having Commissionated  
a Person to inspect all Titles to Land in the Leeward Islands ;  
And the Petitioner not knowing whether in the said Grant  
to his Father the Exact formes prescribed by the Lawes of  
England, have been observed, humbly prays that his  
Majesty would be pleased to confirm this Estate unto him,  
in case his title. shall appear to be wanting in Form.

[p. 718. C.S.P. VIII. 1847.]

22 July. [268.] On the report of the Attorney-General and of  
Jamaica. Mr. Pollexfen, it is ordered,] That a Generall Letter  
office be Erected and Established in the Town of Port  
Royall or elsewhere in his Majestys Island of Jamaica,  
from whence all Letters and Packets whatsoever may be  
with Speed and Expedition sent to any part of the said  
Island of Jamaica, or into any part of his Majestys King-  
domes of England Scotland and Ireland ; And to that  
end that the Right Honourable the Earle of Rochester his  
Majestys Post Master Generall, do Constituto and appoint  
a Deputy Postmaster in the said Island of Jamaica, aswell  
to Erect and Settle one or more Letter offices in the said  
Town of Port Royall or elsewhere in the said Island, for the  
taking up and delivering such Letters as shall be directed  
to the Merchants and Inhabitants of the said Island, as to  
Settle such and so many Stages or running Posts in the severall  
most convenient parts of the said Island, as to him shall seem  
requisite, for the distribution and Speedy dispersing of all  
Such Letters according to their directions ; And for the same

the said Deputy Postmaster is to ask receive and demand the particular Rates, within the said Island following, That is to say, For the Port of every letter not exceeding One Sheet from England unto the said Town of Port Royall in Jamaica Six pence of English money, And for the like port of every Letter not exceeding two sheetes one shilling, and proportionably to the Same Rates for every Packett of Letters; And for the Port of every other Packett of any kind of greater Bulk two Shillings for every ounce weight; And for the Port of Such Letters or Packetts as shall be conveyed or carryed from the Town of Port Royall unto any other place or Places within the Island of Jamaica, or from any other place unto the said Town, or to, or from any other place within the Said Island according to the Rates or Summs of English money hereafter following Vizt. For every Letter not exceeding one Sheet to or from any place within Forty English Miles distance from Port Royall or any other place, where Such Letter shall be received, Two pence; and for every Letter not exceeding two sheets four pence, and proportionably to the Same Rates for every Packett of Letters; And for every packett of greater Bulk Eight pence for every ounce weight; And for every Letter not exceeding one Sheet to carryed or Conveyed a further distance then Forty English Miles Four pence, And for the Port of every Letter not exceeding two Sheets Eight pence, and proportionably unto the Same Rates for the like Port of every Packett of Letters; and for the like Port of every Packett of greater Bulk one Shilling for every ounce weight.

And his Majesty is also pleased to Order that letter offices be settled in such other of his Majestys Plantations in America, as shall, by the said Earle of Rochester, be found convenient for his Majestys Service, and the ease and benefitt of His Subjects according to the Method and Rates herein settled for his Majestys Island of Jamaica. [pp. 721-2. C.S.P. VII. 1848.]

[269.] [Reference to Committee of the petition of Charles Sadler of Jamaica.—C.S.P. VII. 1906.] [p. 748.]

12 Oct.  
Jamaica.



1688.

26 Oct.  
Virginia  
Trade.

[270.] [Embargoes having been imposed on the 19th and 22nd Oct. in view of the impending invasion, Thomas Arnold, master of the *Jeffreys*, and Henry Sutton, master of the *St. Thomas*, on behalf of themselves and of other ships ready to sail for Virginia, represent that] having his Majestys Protection for their Men vizt Thirty Men for the *Jeffreys* and Twenty ffour for the *St. Thomas*, They are notwithstanding pressed from aboard the said ships, so that they cannot procure English Mariners, on any terms whatsoever. And therefore Praying Liberty to take in such Seamen as they can procure, Forrainers or others, without being lyable to the Penaltys of the Acts of Navigation, and also to proceed in their Voyages notwithstanding the Embargo, [their petition was referred to the Commissioners of the Treasury who are to consult the Commissioners of the Customs and then give order on the matter].

[p. 779.]

29 Oct. It is this day Ordered by his Majesty in Councill that the present Embargo shall no longer extend to any Ships or Vessells belonging to his Majestys Subjects trading into France, Spain, Portugall, the Streights, Asia, Africa or America; And that Samuel Pepys Esqr. Secretary of the Admiralty be, and he is hereby directed from time to time to prepare and issue out all necessary Orders herein accordingly.

[p. 783.]

16 Dec. [The embargo is ordered to be taken off.] [p. 804.]

26 Oct. [271.] [Order for readmitting Col. Richard Coney as  
Bermuda. Governor of Bermuda.—C.S.P. VII. 1923.] [p. 780.]  
(1689.)

26 Feb. [Reference to Committee of Col. Coney's petition to succeed Sir Robert Robinson as Governor of Bermuda.]

[Wm. III. Vol. I. p. 20.]

16 Nov. [272.] Upon reading the petition of Clifford Chamberlain,  
West Indies. setting forth that having upon the death of Captain Temple and Lieutenant Beach in the West Indies, Received Commissions from the Governor of Barbados, first to be Lieutenant,

1688-9.

and then Captain of his Majestys Ship Mary Rose, and having bene obliged to be at great Expence to maintain the Port and Table of a Commander till the arrivall of Captain Wren above a year ago, He humbly prayes an Order from his Majesty to receive the pay which usually in like cases hath been granted. [Samuel Pepys Esqr. Secretary of the Admiralty is ordered to give him satisfaction as he shall see cause.] [p. 794.]

[273.] [Order as to the government of Jamaica.—C.S.P. 30 Nov. VII. 1940.] [p. 799.] Jamaica.

WILLIAM III.—VOL. 1. (14 Feb. 1689—21 August 1690.)

1689.

[274.] (1.) [England, Wales and Berwick on Tweed placed under a complete embargo. Orders in accordance to be given by the Admiralty.] 15 April. Plantation Trade. [p. 74.]

(2.) [Passes granted to the Hudson's Bay Company to send to the said Bay the *Royall Hudson's Bay* frigate, Leonard Edgcombe commander, fifty mariners, and the *Northwest Fox*, John Ford commander, twenty mariners.] 18 April.

(3.) [The petition of Giles Biggs of London merchant, for the *Prosperous*, Richard Mocher master, and the *Desire*, Caleb Barnes master, to sail from London with provisions for the relief of his Majesty's subjects in Newfoundland, whereof they are in great want, is referred to the Commissioners of the Customs for examination and report.] 18 April. [p. 76.]

(4.) [Among orders for taking off the embargo in certain cases, is given]—Fifthly, That the Embargo be taken off from all Ships returning from Virginia or other Parts of the West Indies or from other Forein Parts, bound for any Port of England, if they put into any Out Port by Chance or necessity, giving Security to the officers of the Customes that they shall bring their men directly to the Port of London or to some other Port of England. 26 April. [p. 84.]

(5.) [On a report from the Customs, passes are granted to the *Prosperous*, 70 tons, 8 men, and a boy, and the *Desire*, 50 tons, 6 men, and a boy, on condition that Biggs gives security to sail direct to Newfoundland.] 4 May. [p. 94.]

(6.) [A pass on condition of her direct return to England for the *James*] arrived from Virginia, and bound for Rotterdam, but . . . stopt att the Isle of Wight by the Present Embargo. 6 May. [p. 96.]

# 118 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

9 May.

(7.) [Among applications for passes, and for protection from impressment of the mariners, referred to the Customs are those of John Shorter for the *Katherine*, 250 tons, 14 guns and 18 men, Robert Scottin master, bound for Barbados; Sir William Hayman for the *America Merchant* bound for Jamaica; Sir Robert Davers, Dalby Thomas and John Gardner of London, owners and freighters of the *Prince of Orange*, 400 tons, 26 guns, 30 men, bound for Virginia; John Fleming of Barnstaple, for the *Tiger*, about 60 tons, with provisions for Newfoundland; Henry Lane, freighter of the *Elizabeth* of Dartmouth, one Bowden master, for Newfoundland; Solomon Merrett, for the *Andrew*, Robert Cheeko master, with provisions for Newfoundland.] [pp. 107-8.]

6 June.

(8.) [On the petition of Richard Haynes and Samuel Lupton of London, merchants, a pass is granted to the *Elizabeth and Catherine*, William Young master, 120 tons, 12 men, to sail to Newfoundland with provisions and ammunition, whereof the inhabitants, including some of the petitioners' relations, are in great want.]

The like Order for the Ship *Sarah*, Richard Beasant Master, 120 Tons, 12 Men. [p. 134.]

19 June.

(9.) [On the petition of Solomon Merret of London a pass for the *Andrew* of Poole, 7 men, to Trinity Bay in Newfoundland, from which she has been detained by the Embargo above three months. She carries] Provisions for the subsistence of his Majestys subjects there, who went over in the Spring to fish, without which they must perish, in regard they depend wholly upon these Provisions, having contracted for them before their Departure. [p. 148.]

27 June.

(10.) [On the petition of Robert Rogers of Cork in Ireland], That having laden a parcell of Beef, Porke and Butter on board the Ship *Arabella* John Lethun Master, for the Barbados, he was enforced by the cruelty of the Irish, to Embarke also his Wife and Family upon her for Bristol, And being forced into Milford Haven, was there embargo'd, and her Men pres't And forasmuch as the Provisions abovementioned, are a great part of what the Petitioner hath saved of his Estate in Ireland, and that the same is greatly wanting at the Barbados, He humbly prayed a Protection for the said Ship and Nine Men to go to the Barbados; [a pass was granted].

[p. 157.]

1 July.

(11.) [A pass for the *John* of London, Daniel Pensax master, from Virginia, and stopped in the Isle of Wight, and her men pressed, to proceed with eleven men to Holland, on giving the usual security.] [p. 162.]

4 July.

(12.) [Passes for the following vessels:—*Katherine* (see 7); *Prince of Orange* (see 7); *Martin* frigate, John Martin, 120 tons, for Plymouth and Newfoundland, 17 men; *Thomasine*, Edward Milbury, 60 tons, for Newfoundland, 9 men and a boy; *Richard and Michael*, John Williams, 300 tons, for Barbados, 30 men; *Bayly*, Wm. Norrington, 300 tons, for Virginia 24 men; *Tryall* of London, James Hathway, 90 tons, for Pennsylvania, 11 men and a boy; *America Merchant*, Thomas Masters, 120 tons, for Jamaica, 14 men (see 7); *Phoenix*, Peter Dingle, for Newfoundland, 14 men; *America*, William Clerk, 250 tons, for New England, 22 men; *Heritage* pink, William Patten, 120 tons, for Newfoundland, 14 men; *Katherine*,

1689.

Edward Custis, 200 tons, for Barbados, 20 men; *Amity*, John Campton, 70 tons, for Montserrat, 9 men; *George* ketch, Ralph Parr, 80 tons, for Newfoundland, 10 men; on the petition of Gilbert Heathcote and Arthur Shallet of London, merchants, the *Southampton*, Wm. Tiler, 160 tons, for Newfoundland, 18 men.] [pp. 167-8.]

(13.) [For the *Mehitabell* of Boston in New England, Gilbert Bant master, 150 tons, for New England, 14 men, on certificate that she had cleared the Customs at London on 13 April; for the *Adventure*, Anthony Luggier master, 45 tons, 7 men, with provisions for Newfoundland.]

8 July.

[p. 171.]

(14.) [The embargo is taken off all ships in English ports other than those between Padstow and Carlisle] Except from such Ships within the Rivers of Thames and Medway only of Lesser burthen then one hundred and fifty Tunns, to which no particular Licences have been already granted.

8 July.

[p. 171.]

(15.) [Pass for the *Three Friends* of London, Daniel Hodson master, 180 tons, to Barbados, 18 men and a boy.]

22 July.

[p. 195.]

Passes for the *Bideford Merchant*, Richard Martin master, 140 tons, for Newfoundland,—on the petition of John Davye of Bideford; for the *Pelican*, Valentine Trim master, 150 tons, for Barbados,—on the petition of Robert Yate and Company, merchants of Bristol; for the *Elizabeth and Ann* of Bristol, Francis Brome master, 230 tons, for Barbados.]

25 July.

[p. 199.]

(16.) [In pursuance of his Majestys late Order in Council permitting ships laden with Provisions for the Plantations to proceed on their voyages [the embargo is taken off the following ships:—*Lamb* of Liverpool, Matthew Bushell master, 130 tons, with provisions for New England; *Pharo Merchant*, Simon Stokes master, 45 tons, for New England; *Golden Lion* of Bristol, Wm. Strutton master, 150 tons, for Barbados; *Boston Merchant* with provisions for New England; *Robert*, William Morgan master, 80 tons, for Barbados; *Three Sisters*, Christopher Scandrett, 100 tons, for Barbados; *Samuel and Mary*, Thomas Skeves, 250 tons, for Jamaica; *Arthur and Mary*, George Winter, 55 tons, for Barbados; *London Arms*, John Wade, 300 tons, for Barbados; *Thomas* of Cork, Jerom Deeble, for Barbados; *Joseph* of Bristol, William Jefferies, 200 tons, for the West Indies; *Triple Crown*, Bartholomew Heckleworth, for Jamaica; *Zant* frigate, John Templeman, for Barbados.]

8 Aug.

[pp. 207-8.]

(17.) [The embargo is taken off all ships, save those in the ports between Padstow and Carlisle, both inclusive.]

15 Aug.

[p. 214.]

(18.) [The embargo is taken off all ships laden to the plantations.]

2 Sept.

[p. 221.]

# 120 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689-90.

9 Sept.

(19.) [The taking off of the embargo is referred to the Committee for the affairs of Ireland, to do therein as they shall see fit, unless the Commissioners of the Admiralty can show that this would be prejudicial to his Majesty's service.]

[p. 228.]

19 Sept.  
1690.

(20.) [The embargo is removed.]

[p. 245.]

9 Jan.

(21.) [An embargo is laid on all ports from St. Ives to Carlisle, except for ships laden with provisions for Ireland or such as shall be employed in his Majesty's service. No merchant ships outward bound are to sail out of the Channel, except to the place appointed for their rendezvous in England till such time as their respective convoys are ready to sail with them.]

(pp. 332-3).

12 Jan.

(22.) A List of Merchantships outward bound from the Out-Ports of this Kingdom to Forrain Parts, [(under the titles Ships' Names, Burden, Masters' Names, Whither bound, Men shipped on board, and Men wanting) includes the following vessels bound for the Plantations :—For Virginia : from Exeter 2, from Plymouth 16, from Dartmouth 1, from Lancaster 1, from Bristol 8, from Portsmouth 1, from Weymouth 1, from Deal 1, from Southampton 1, from Poole 2, from Liverpool 7, from Falmouth 1, from Whitehaven 1, total 43 ; for Barbados : from Exeter 1, from Plymouth 11, from Dartmouth 1, from Bristol 4, from Portsmouth 1, from Dover 1, from Poole 1, from Falmouth 1, total 21 ; for New England : from Exeter 1, from Dartmouth 1, total 2 ; for Newfoundland : from Exeter 1, from Dartmouth 2, total 3 ; for Pennsylvania : from Plymouth 1 ; for Jamaica : from Plymouth 1, from Bristol 4, total 5 ; for Nevis : from Plymouth 1, from Bristol 1, total 2 ; for the West Indies : from Dover 1 ; for New York : from Dover 1 ; for Maryland : from "Chistestor" 1, from Barnstaple 1, total 2].

[pp. 330-44.]

An Account of what ships in the River of Thames Laden and Lading for severall Places. [The names of 34 ships carrying 1053 men are given under the heading "Plantations" without further indication of their destination.]

[p. 340.]

23 Jan.

(23.) [On the petition of Dame Letitia Bowden, widow of Sir John Bowden late of London merchant, a pass is granted for the *Friendship*. Edward Watkins master, 160 tons, 8 guns, 16 men, to sail with the present convoy with provisions and other necessaries for her plantations in Barbados and Nevis, they being in extreme want thereof.]

(24.) [A list of ships (with names of commanders, tonnage, number of seamen, landmen, guns), is added to the list of the 12th instant as freed from the Embargo and ready to sail with the convoy for Virginia and Maryland. Thirty-one additional ships are given with three omitted from the previous list. Of all these only three are of less than 200 tons burden and only one

# ACTS OF THE PRIVY COUNCIL (COLONIAL). 121

of over four hundred and fifty tons. Eight more ships are given in the schedule, but with a note that these do not proceed on their voyage.]

[pp. 355-7.]

1690.

(25.) [A pass for the *Nightingale* of Bideford, 70 tons and 10 men, to go to Newfoundland, though not included in the list of the 12th instant. The petition of the Antigua traders for the *Ossory*, John Russell master, 150 tons and 20 men, to sail with provisions to that Island, is referred to the Treasury for examination and report.]

[p. 360.]

(26.) [No ship whatsoever to clear at the Custom house of any port without particular license] Except the West India Ships mention'd in a List transmitted to this Board in a Report from the Commissioners of the Customs of the 24th instant. [This list (with names of commanders, burden, and number of men), contains the names of 45 ships, with 763 men, bound for Barbados, Jamaica and the Leeward Islands, which are to be added to those permitted to sail by order of the 12th instant.]

[pp. 363-5.]

27 Jan.

(27.) [Passes for the *Providence*, John Hurlø master, bound for the Plantations with 24 men; the *Adventure*, William Gelding master, for Virginia; the *Welcome* of Bristol, Philip Freaks master, for Jamaica; the *Leghorn Merchant*, Benjamin James master, 30 men, for Virginia; the *Industry*, John Holland master, 26 men, for Virginia; the *Ossory* (see 25).]

[pp. 370-1.]

30 Jan.

(28.) [On reading a report from the Customs to the Treasury, passes for the *Dolphin*, Richard Breswick master, and the *Benjamin*, Frederick Johnson master, which were driven back to Rye and Cowes respectively after clearing for Virginia, and are now ready to go along with the convoy.]

[p. 381.]

13 Feb.

(29.) [Pass for the *Sarah and Anne* (on a report from the Customs upon the petition of John Graham of London, merchant), 7 men and a boy, wholly laden with provisions for Montserrat, which is in great distress, no ship having yet gone thither by reason of some French ships cruising about the Island.]

[p. 384.]

(30.) [The embargo is taken off all ships giving security not to sail to the French King's dominions.]

[p. 437.]

15 May.

(31.) [On the petition of Giles Biggs for protection for several vessels to sail to Newfoundland with provisions under the present convoy, it was ordered that he attend the Commissioners of the Admiralty with the names of the seamen who are to navigate each ship, and that then their Lordships grant the protections as soon as they shall judge it convenient for their Majesties' service.]

[p. 454.]

12 June.

(32.) [An embargo is laid on all shipping in the Thames and the Medway.]

[p. 468.]

3 July.

(33.) [The embargo is extended to all England, Wales, and Berwick, save such as are employed in their Majesties' immediate service.]

[p. 474.]

9 July.

# 122 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

8 Aug. (34.) [It is removed.] [p. 514.]

11 Aug. (35.) [On a memorial from the Dutch Ambassador, a protection is given for 18 English mariners to navigate the English ship *Friends Adventure* which has touched at Hull on her way (with 80 Dutch passengers) to Jamaica, whither she is sent in order to bring back the *St. Jago de Victoria*.]

[p. 517.]

[The imposition of the general embargo on 18 Sep., 1690 [Vol. II. p. 7] hindered the vessel from sailing, and on 6 November, 1690, the protection was renewed and permission to sail given notwithstanding the embargo.]

[Vol. II. p. 44.]

1689.

16 Feb. [275.] A Committee of this Boord for Trade and forrain  
The Plantations [is appointed.—C.S.P. VIII. 17]. [p. 8.]  
Committee.

1689.

19 Feb. [276.] [Letters to the colonies for proclaiming the King  
The new and Queen and for continuing officers in their posts.—  
reign. C.S.P. VIII. 20–2.] [pp. 12–14.]

1689.

19 Feb. [277.] This day The ensuing Letter to the President and  
Jamaica. Councill of Jamaica, for restoring all Persons displaced by the Duke of Albemarle, to their Employments, was read at the Boord and approved, and Ordered to be engrossed for his Majestys Royall Signature, and dispatcht to the said Island by the first Conveniency.

Trusty and Welbeloved Wee greet you well, Forasmuch as it hath pleased God to call Us to the Throne, and that thereby it is incumbent upon Us to provide in the best manner for the good Government of Our Colony and Plantation of Jamaica, Wee are pleased to Direct Hender Molesworth Esqr. Lieutenant Governor thereof, to repair forthwith thither, and to take upon him the Discharge of the Government according to the severall Commissions and Instructions to him in that behalf. And it being Our Intention that all things within that Government be put into the same State and Condition, wherein they were at the time of the Arrivall of the late Duke of Albemarle, Wee have thought fitt, That Roger Eletson Esqr. the present Cheif Justice of Jamaica, Sir Richard Derham Attorney Generall, and Thomas Wait Deputy Provost Marshall be removed from all Places of Trust within that Island, as Wee do hereby charge and require

you forthwith upon receipt hereof, to remove the said Persons accordingly, And also to Restore John Bourden and John White Esqrs. to their Places and Trusts in the Council, Samuel Bernard Esqr to the Place of Cheif Justice, Simon Musgrave Esqr to the Place of Attorney Generall and Smith Kelley Esqr to the Place of Deputy Provost Marshall within the said Island, As likewise all other Persons to the severall Places and Trusts they enjoyed in that Government at the time of the Arrivall of the said Duke of Albemarle, who are to be reinvested in the same immediately upon the Receipt hereof, if they shalbe then residing upon the Place, and in case of absence as soon as they shall returne to that Island, notwithstanding any Suspension, Dismission, or other Act to the contrary. And forasmuch as Wee are given to Understand, that the Assembly convened by the Duke of Albemarle had taken upon them to continue their Sessions since his Decease without any Legall Authority for so doing. Wee have thought fit hereby to disprove of such their Proceedings, And to Declare as Wee do hereby Declare all Acts and Orders of the said Assembly made and enacted since the Decease of the said Duke of Albemarle to be void and null. And Wee do hereby charge and require that no Assembly be summoned to take upon them to meet within that Island, untill the Arrivall of Our said Lieutenant Governor or such other Person as shalbe commissioned by Us to be Commander in Cheif of that Island. And in the mean time Wee do expresly charge and direct you to pursue such Methods in the Administration of the Government, as were used and practised by the late Governor Sir Thomas Linch, particularly Requiring you to take care, that no fines or Forfeitures be taken or levyed upon any pretence whatsoever untill the Arrivall of the said Hender Molesworth, or that Our further Pleasure shalbe knowne. And for the further Settlement of the Peace and Quiet of that Island, Wee do hereby Direct and appoint that all other Persons, not being Papists, who at the time of the Receipt of these Letters shalbe duly and



1689.

lawfully possessed of any office or Place of Authority or Government either Civill or Military within that Island, Except as before Excepted, shall be, and hold themselves continued in the said offices or Places, under the same Condition as they formerly enjoyed the same, until further Orders from Us or that other Provision be made in pursuance of the Powers and Authoritys of the Government And that in the mean time, for the Preservation of the State and necessary Proceedings in matters of Justice, the said Persons of whatsoever Degree or Condition de not fail every one severally according to his Place, Office or Charge to proceed in the performance of all Dutys thereunto belonging as formerly apperteyned unto them. And Wee do hereby further charge and Require all Persons of what Estate or Degree soever within that Island to be aiding and assisting to the said Officers and Ministers in the Performance and Execution of their said Offices and Places, as they and every One of them will answer the contrary at their perill. Provided alwties that nothing herein shalbe construed or taken to extend to give or continue any Authority Priviledge, Jurisdiction or Command to any Papist or Papists within the said Colony or Plantation. [pp. 14-15. C.S.P. VIII. 29.]

26 Feb.  
New  
England.

[278.] [On reading a report of 22 Feb. from the Committee]:—Wee have in obedience to your Majestys Order of the 13th instant, considered the Petition of Sir William Phips and Increase Mather, Praying, That the Colonies of the Massachusetts Bay, New Plymouth, Connecticut, Rhode Island, and Providence Plantation in New England may have their respective Charters restored unto them, And those Magistrates permitted to take upon them the Government of the said Colonies. Wee have also heard what the Petitioners could allege by their Councill Learned, and been informed by Sir Robert Sawyer of the Proceedings relating to those Charters. Whereupon Wee most humbly offer, That aswell in reference to your Majestys Revenue of the Plantations, which is very much concerned therein, as in consideration of

the Neighbourhood of the French, who border upon those Colonies, and have lately invaded your Majestys Dominions in those parts, your Majesty would be pleased to send forthwith another Governor to New England in the place of Sir Edmond Andros, with a Provisionall Commission and Instructions to Proclaim your Majesty in those Colonies, and to take the present Care of the Administration of the Government of those parts untill further Order, In which Commission and Instructions, it may be Expressed, That no money shalbe raised by the Governor and Councill only, which they were lately Empowred to do. And Wee do likewise humbly propose, That your Majesty do thereupon give Order for preparing as soon as may be, such a further Establishment, as may be lasting, and Preserve the Rights and Properties of the People of New England, and yet Reserve such a Dependance on the Crowne of England, as shalbe thought requisite.

His Majesty . . . was pleased to Order, That it be referred back to the said Committee to consider of, and prepare the Draft of a New Charter to be granted to the Inhabitants of New England, with such Powers and Clauses, as may suite with, and be agreeable to the Laws and Government of this Kingdome, and may preserve the Rights and Properties of those Colonies, and reserve such a Dependance on this Crowne, as is advised in the said Report, And that instead of a Governor to be sent in the room of Sir Edmond Andros, there be appointed Two Commissioners to take upon them the Administration of the Government there, with Directions immediately to Proclaim King William and Queen Mary, And his Majesty is graciously pleased further to Order, That such of the Merchants and Planters as are at present here in England do forthwith attend the said Committee in order to their Recommending to their Lordships One of the said Commissioners for his Majestys Approbation.

[p. 21. C.S.P. VIII. 37.] (1691.)

His Majesty having upon the application of the Agents of the Massachusetts Bay in New England, thought fit to Referr 30 April.

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(1691.)

the Draught of a New Charter for that Colony unto [the Committee] And Their Lordships having, upon consideration thereof this day Reported to His Majesty that They humbly conceived it necessary that before there be any further Proceedings relating to that Charter, His Majesty would Declare whether it be His Royall Pleasure to have a Governor or Single Representative of His own appointment from time to time to give His consent to all Laws and Acts of Government as in Barbados and the other Plantations, or whether His Majesty would leave the Power of making Laws to the People, or officers appointed by Them. And His Majesty upon Debate of this matter having been acquainted that the former Charter of the Massachusetts Bay stood legally Vacated, And that the agents of that Colony had desired a new Charter from His Majesty with divers Variations from the former Charter; His Majesty was thereupon pleased to Declare in Councill That He did Resolve to send a Governor of His own nomination and appointment for the administration of the Government of the Massachusetts Colony, as in Barbados and other Plantations; And did further Order, as it is heroby Ordered That the Right Honorable the Lords of the Committee of Trade and Plantations do forthwith prepare the Draught of a new Charter upon that Foundation, for the speedy settlement of the said Colony. [*Vol. II. p. 161. C.S.P. VIII. 1440.*]

(1691.)

14 May.

[On the Committee's report this day received, the Attorney General is ordered to prepare the draft of a charter as proposed.—C.S.P. VIII. 1500.] [*Vol. II. p. 172.*]

(1691.)

30 July.

[Order in accordance with the Committee's report that they had agreed on several minutes for a charter which the Attorney General had discussed with the Agents, who refused to accept several powers thought necessary for his Majesty's Governor, viz.] :—

Minute.—First agreed by the Committee that officers of all sorts, Except Judges Justices of the Peace, Sheriffs, and officers more especially relating to the Person of the Governor and to the Councill, be chosen by the General Assembly.

Objection.—Against which the Agents Insist that the Judges, Justices of the Peace and Sheriffs be chosen by the Generall Assembly, as well as other officers of all sorts, and not by the Governor with the advice and consent of the assistants or Councill as the Committee has thought requisite.

Minute.—Secondly, Agreed by the Committee that the assistants or Council of State be chosen by the Generall Assembly, with the approbation of the Governor.

Objection.—Against which the Agents do insist that the Generall Assembly chosen by the People may have power to Elect those Assistants or Counsellors, without the approbation of the Governor, to whom they are not willing to allow a negative voice, except in passing of Laws only, and not in the Election of Assistants, or Counsellors, or any other officer whatsoever.

Which objections being insisted on by the agents, the Committee have not thought fitt to proceed on the said Charter, without receiving Their Majestys Determination, in order whereunto Their Lordships humbly offer that His Majesty having directed in Councill, the preparing the said Charter, with sutable Powers for a Governor, the aforesaid Minutes and objections may be Represented to His Majesty by the Earle of Nottingham, That His Majestys further Pleasure may be known therein. [Charter given in P.R.]

[*Vol. II. pp. 220-1. C.S.P. VIII. 1675.*]

[279.] [Reference to Committee of the petition of Micaiah 28 March. Perry (for Edward Davies, John Hinson, Lionel Delawafer, Virginia. pirates.)—C.S.P. VIII. 60.] [I. p. 60.] (1690.)

[Petition of the three pirates to be answered by Lord 13 Nov. Howard of Effingham.—C.S.P. VIII. 1185.] [II. p. 50.] (1690.)

[Petition and answer referred to the Treasury for speedy 18 Dec. report.—C.S.P. VIII. 1254.] [II. p. 84.] (1691.)

[The report of the Treasury having been this day received, 12 March. Lord Sydney, principal Secretary of State, is ordered to bring the matter before the Spanish Ambassador.—C.S.P. VIII. 1359.] [II. p. 139.]

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 (1691.)
- 7 May. [A further petition is referred to the Committee.—C.S.P. VIII. 1470.] [II. p. 165.]
- 20 Aug. [Sir R. Holmes's letter of 7 Aug.—C.S.P. VIII. 1693—is ordered to be considered on 10 Sept.] [II. p. 230.]
- (1691.)
- 26 Dec. [A further petition is referred to the Committee.—C.S.P. VIII. 1962.] [II. p. 297.]
- (1692.)
- 10 March. [Order given as in C.S.P. VIII. 2119.] [II. p. 346.]
- 10 March. [280.] [Reference to Committee of a petition of the Royal Jamaica African Company as to a Jamaica Act fixing the value of pieces of eight.—C.S.P. VIII. 59.] [p. 63.]
- 15 July. [Reference repeated.—C.S.P. VIII. 259.] [p. 185.]
- 1 April. [281.] [Reference to Committee of the petition of Edward Indentured servants. Thompson as to enregistering servants for the plantations.—C.S.P. VIII. 63.] [p. 66.]
- 30 May. [The Committee reporting that the vacating of the office of registrar is a matter determinable at law by *scire facias* if his Majesty shall so think fit, the petition is referred to the Attorney and Solicitor General. [p. 130. C.S.P. VIII. 154.]
- 21 Nov. [Order for proceeding by *scire facias*.—C.S.P. VIII. 582.] [p. 291.]
- (1691.)
- 28 May. [The former patent to Col. John Legg, Christopher Guise, and John Robins having been vacated, the petition is granted : the Earl of Nottingham is ordered to prepare a warrant under the Queen's sign manual directing the Attorney General to prepare a bill to pass the Great Seal granting the office for 21 years.] Mr. Attorney Generall first appointing a time to hear what any Merchants or others have to object thereunto, and in case any Difficulty arrise [to report to the Boord]. [Vol. II. p. 189.]
- 8 April. [282.] [The Admiralty to have two of the lesser rates and Plantations. best-sailing ships of the squadron for the Plantations fitted out ready to sail on receiving notice.] [p. 68.]

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1689.  
[283.] [The Earl of Shrewsbury to inquire as to a suitable governor and lieut.-governor for New England, New York, and New Jersey.—C.S.P. VIII. 75.] 18 April.  
New England, &c. [p. 77.]
- [284.] [Reference to Committee of Hudson's Bay Company petition concerning injuries done them by the French.—C.S.P. VIII. 89.] 25 April.  
Hudson's Bay. [p. 82.]
- [On the Committee's report letters of marque are granted, and the Admiralty required to give the necessary directions.] 30 May.  
[p. 129.]
- [285.] [Reference to Committee of] the Petition of his Majestys Subjects concerned in the Island of Jamaica setting forth that there will want Frigatts to secure the Coasts of that Island from the French Pirats and others who are seated in places so neer that in two dayes or less they can saile to any Port of Jamaica, so that one ship may destroy the Plantations by Landing undiscovered, unless there be some force of shipping sufficient to defend the Place, And praying that some Frigatts may be speedily sent thither. [p. 87.] 29 April.  
Jamaica.
- [286.] [Order as to colonial defences in view of the war with France.—C.S.P. VIII. 102.] 2 May.  
French War. [pp. 91–2.]
- [287.] [The Council refer to the Committee] the Petition of the Planters and Merchants trading to and interested in his Majestys Plantations of Antego, St. Christophers, Nevis and Montserat, setting forth that during his Majestys Administration of the Government of these Kingdomes before his Majestys accession to the Throne, they represented to his Majesty that the said Islands would run great hazard of being lost in Case of a Warr with France unlesse timely Succors were sent to prevent it; The French having generall great Strengeth in those Parts, and being near Neighbours, ready to take advantage, and make the first Attaque. And in the last Warr actually tooke and destroyed the Islands of St. Christophers, Antegoe and Montserat, and Nevis only preserved by a Squadron of Men of Warr sent hence. And

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1689.

finding now the reason of their fears to encrease, and considering the inevitable ruine which the Petitioners and many thousands of his Majestys Subjects would fall under, aswell as the losse that will acruce to his Majesty in his Revenue, in case the French seize or destroy the said Islands, the French in St. Christophers being already upon their Guard. And Praying that such speedy and effectuall Assistance may be sent thither as may secure the said Islands from the danger which threatens them. [p. 93.]

6 May. [Order in accordance with the Committee's report that the first and most pressing service is the reinforcement of St. Christopher.—C.S.P. VIII. 113.] [pp. 97-8.]

6 May. Colonial  
Governors. [288.] It is this day Ordered by his Majesty in Councill That on Thursday next at three of the Clock in the afternoon the Merchants, Inhabitants and others concerned in New England, New Yorke and the New Jerseys doe attend att the Councill Board to be there heard before his Majesty Concerning a Governor to be sent to those parts. [The Attorney and Solicitor General and Sir Robert Sawyer are also to attend] to give his Majesty the best information they can concerning the Grants and Charters of [these Colonies], and of His Majestys right to appoint a Governour for those parts if his Majesty shall soe thinke fit. [p. 98.]

9 May. [The hearing is put off till the 16th [p. 108], and on the 12th till the 18th.] [p. 112.]

18 May. Newfound-  
land. [289.] [On the recommendation of the Committee, order is given for stores not exceeding 3000*l*. in value to be sent to Newfoundland with the first convoys.—C.S.P. VIII. 132.] [p. 117.]

18 May. Bermuda. [290.] [Six cannon and 300 muskets with ammunition proportionable to be sent to Bermuda.—C.S.P. VIII. 131.] [p. 117.]

23 May. AdviceShips. [291.] It is Ordered by his Majesty in Councill, That Sir Nicholas Slanning doe cause a Search to be made of what

1689.

Goods the Two ships have now on Board att Plymouth, which were Ordered some time since to goe as Advice ships to the Plantations, and to hasten them away on that Voyage.

[p. 124.]

[292.] [The Admiralty to have provisions put on board 31 May. for the regiment going to the West Indies—43 commissioned West Indies officers, 92 non-commissioned officers and 780 privates].

[p. 131. C.S.P. VIII. 165.]

[293.] Complaint having been this day made to his Majesty in Council, That the Bibles Common Prayer Bookes, and other Bookes formerly sent by Directions of the Boord into the Island of Barbados to be distributed to severall Ministers there, Have been embezelled and not disposed of accordingly. It is this day Ordered by his Majesty in Council, That Sir Richard Dutton knight, in the time of whose Government of that Island the said Bookes were sent over, do attend this Boord on Thursday the 13th instant, to give an Account of this matter, whereof he is not to fayle.

6 June.  
Barbados.

[p. 132.]

Upon reading the answer of Sir Richard Dutton, [order 1 July. is given to the Attorney General to proceed in law against him.]

[p. 164.]

[294.] [The Admiralty are to] give directions for the Equipping and hastning out to Sea, with all Expedition, the Nine hired Ships, which were at first intended for the West Indies.

6 June.  
West Indies.

[p. 134.]

[295.] Upon reading in Council the annexed Memorial which was this day presented to his Majesty by their Excellencys the Ambassadors Extraordinary of the States Generall of the United Provinces, concerning the ship St. Iago de la Victoria seized and condemned at Jamaica, It was Ordered by his Majesty That Sir Charles Hedges Judge of the High Court of Admiralty do forthwith take care to cause stop to be made of what Money and Goods belonging to the St. Iago de la Victoria is lately arrived at Plymouth with

6 June.  
Jamaica.



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Mr. George Needham, who is alleged to be One of the Judges that condemned that Ship. And his Majesty did further Order That the said George Needham do forthwith attend this Boord to give an Account of the whole Matter relating to the said Ship St. Iago. [p. 135.]

27 June. [Needham, who has not yet appeared, is ordered to do so at once.] [p. 159.]

8 July. [The case is ordered to be heard on Thursday next, when all parties are to attend.] [p. 174.]

6 June. [296.] The humble Petition of his Majestys Subjects concerned in the Island of Jamaica being this day read at the Boord, Setting forth the great Danger, that Island lyes under for want of Force by Sea to withstand the Strength of the French, especially since the sending away the Assistancoe Fregat, having left only the Drake a Vessell too small to encounter any considerable French Privateer, which may by Surprize or otherwise greatly dammage all the Plantations bordering on the Sea Coast, And therefore Praying some Ships may be sent for their Security It is Ordered by his Majesty in Councill, That [the Commissioners of the Admiralty] do take this Matter into their Consideration, and give Order for sending a Ship of the 4th Rate thither, with all convenient speed. [p. 135.]

6 June. [297.] [Directions are given for the preparation of Commissions according to the drafts annexed, desired by the Hudson's Bay Company] as well for appointing Governors and Commanders in Cheif, as authorizing and Empowring them to take and seize any French Ships or Vessells, Men, Goods, or Effects whatsoever.

William and Mary by the Grace of God, King and Queen of England, Scotland, France and Ireland Defenders of the Faith &ca., To Our Trusty and Welbeloved Capt. George Geyer Greeting, Wee reposing especiall Trust and Confidence, aswell in your Loyalty and Courage as in your Experience and good Conduct, Do by these presents constitute and appoint

you to be Our Governor and Commander in Cheif of all and every Our Ports, Rivers, Creekes, Factorys, Lands and Territorys with their Dependancys conteyned and lying in the Northerly parts of the Bay within the Streights, comonly called Hudsons Streights in America, and in particular of the respective Factorys, Forts and Places called or lately called Fort Nelson, New Severne and Churchill River, and of all other Places which of late have been in, or of right do belong to us, or may be new erected settled or discovered, and are or were granted by the Charter of Our late Royall Uncle King Charles the Second, to the Governor and Company of Adventurers of England trading into Hudsons Bay and their Successors. And Wee do hereby command, authorize and empower you by fforce of Armes by Sea and Land offensively and defensively to take and seize any French Ships or Vessells, Men Goods and Effects whatsoever and wheresoever, And Wee do require and comand you and all others serving under you to the utmost to mainteyne and defend all such Places, Factorys and Territorys as are or shalbe under your Command (and them to recover if need be) against any the Subjects of the French King, or any pretending to Act by any Commission or Authority under him or any other who-soever contrary to Our Royall Right and Propriety, Requiring all Persons of what Degree soever within the Limits and Precincts of your Commission to be obedient to your Com-mands in all things for the Recovery or better defence of the said Places, and promoting and securing the Interest and Benefit of the said Hudsons Bay Company, For the better effecting of which, and more security of Our Places, Wee do Require and authorize you, and the Governors there resident for the time being from time to time, to enter into what Leagues and Alliances you can or shall thinke necessary with the Native Indians particularly against the French, for the Honour of the Crowne of England, and for the Advantage of the Hudsons Bay Company, and the promoting of the Beavor Trade, And to protect and assist all such Indians as are Friends to, and trade with the said Company against

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any Nations of the Indians, that are in alliance or Confederacy with the French. And if any Ship or Ships Vessell or Vessells belonging to any of Our Subjects or navigated by such, shall from time to time be within the Limits of the said Hudsons Bay, Wee do will and require the Commanders and Seamen, and all others belonging to the same and every of them, and all other Our Loving Subjects to be aiding and assisting to you, and follow and obey such Orders as they shall from time to time receive from you, for the Recovery and better Defence and Preservation of Our Rights and Places against all Persons whatsoever according to the Priviledges granted to the said Company, when and as often as need shall require upon pain of Our High Displeasure, and as they will answer the contrary at their perill ; And you are to follow and observe such further Orders and Instructions, as you shall from time to time receive from Us, or the Governor Deputy Governor and Committee of the said Hudsons Bay Company residing in England pursuant to this Our Commission, and the Trust reposed in you. [pp. 136-7.]

24 June.  
Assiento.

[298.] [His Majesty grants, and gives order in accordance with] the humble Petition of Don St. Iago del Castillo Factor and Administrator Generall to his most Catholique Majesty for the Assiento of Spain for Introduction of Negros in the West Indies, shewing, That he lately arrived at Biddiford in the Ship St. Peter Burthen 100 Tuns, Peter Power Commander from Spain, about the Affaires of his said Majesty and Assiento, to whom the Ship doth belong, On board of which were severall English Seamen, who were pressed for his Majestys Service, for want of whom or other Seamen, the said Ship cannot go to the West Indies about his said most Catholique Majestys Affaires, And therefore Praying Leave to procure what English Men he can, not exceeding the number of Twelve to navigate the said Ship. [p. 151.]

3 Sept.

[The Committee refer another memorial from him to the Treasury to consult with the Customs and report.—C.S.P. VIII. 403.] [p. 225.]

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- [Memorial and reports referred to the Judges.—C.S.P. VIII. 529.] 1689.  
7 Nov. [p. 278.]
- [299.] [On the recommendation of the Commissioners of the Customs, orders are given to Mr. Arnold Aram and Mr. Edward Gibbs, Customer and Comptroller of Gloucester, and to Mr. William Cooke, one of the surveyors of the Port of London, to destroy, and to the Duke of Schomberg, Lord General of his Majesty's forces, to send some troops to assist in destroying, English tobacco which, despite several statutes imposing great penalties, is still grown in the counties of Gloucester, Worcester, Warwick, and Hereford, particularly at Cheltenham and other places in Gloucestershire.] 27 June.  
English Tobacco.  
[p. 158.]
- [300.] [On the petition of] severall Captains and Commanders of ships, setting forth that they are part Owners and Commanders of severall Ships come from the East Indies, Barbados, Virginia, and other parts of the West Indies, and severall other Parts beyond the Sea, of which Ships being bound for London some have been long in the Port of Falmouth waiting for a Convoy, [the Admiralty are required to provide a convoy to London as desired.] 1 July.  
Plantation Trade.  
[p. 161.]
- [301.] [Col. Molesworth's proposals referred to the Admiralty.—C.S.P. VIII. 228.] 4 July.  
Jamaica.  
[p. 165.]
- [302.] [Reference to Committee of Ralph Lane's petition.—C.S.P. VIII. 244.] 11 July.  
Barbados.  
[p. 177.]
- [Order on Committee report.—C.S.P. VIII. 440.] 19 Sept.  
[p. 243.] (1692.)
- [Orders are given in accordance with the Committee's report] that their Lordships have considered the Petition of Edward Bushell in behalfe of Ralph Lane of Barbados referred to them by his Majestys Order of the 21st of October last and are humbly of opinion that [his appeal be allowed on his giving 500*l.* security; that Governor Kendall be instructed to allow all persons to give evidence without

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interruption ; and that authentic copies of all proceedings and depositions be sent from Barbados to the Committee.]

(1693.)

[Vol. III. p. 50.]

7 Dec.

[A further petition is referred to the Committee.—C.S.P. IX. 726.]

(1695.)

[Vol. III. p. 295.]

15 Aug.

[On a report from the Committee, the Governor of Jamaica is ordered to set Lane at liberty that he may come to England to prosecute his appeal before his Majesty in Council.]

[Vol. IV. p. 179.]

11 July.  
Virginia.

[303.] [His Majesty in Council grants, and gives order in accordance with,] the humble Petition of Robert Ayleway praying that in regard he is appointed Commissary Generall of the Ammunition and Stores of Warr for the Reduction of Ireland, He may be permitted to Execute by Deputy the office of Auditor Generall of Virginia, Wherein he is legally Stated by Letters Patents bearing date the 12th day of February 1685.

[p. 179. C.S.P. VIII. 250.]

11 July.  
Jamaica.

[304.] Whereas an Estimate of Powder and Ammunition wanting for the supply of the Island of Jamaica delivered in by Colonel Molesworth . . . was this day presented to his Majesty by . . . the Committee . . . as follows :—

Powder 400 Barrells.

Shott wanting.

Musket and Pistoll Bullett 20 Barrells.

Demy Cannon 1200.

Match 2,000 pounds.

Whole Culverin 1800.

Materialls for fire works to fitt 5 shippes.

Cul. Drake 900.

Hand Granados 1000.

Twelve pounders 2400.

Fire Locks 500.

Dem. Culv. 3300.

Pikes 1000.

Saker 1500.

Minion 200.

[Order is given that the Master General of the Ordnance direct that the same be provided and put on board the ships now bound for Jamaica.]

[p. 179. C.S.P. VIII. 249.]

22 July.  
Revenue  
from  
Plantations.

[305.] Whereas the Commissioners of his Majestys Customes have Represented that they have issued forth their Deputation unto Mr. Patrick Mein to be Surveyor Generall of the Rates and Dutys arising and growing due to their Majestys in the

Severall Colonies and Plantations in America by virtue of an Act of Parliament made in the 25th year of the Reign of King Charles the Second, as also of the Duty of Four and a half per Cent. at Barbados and the Leeward Islands with particular Instructions to visit Jamaica, Barbados and the said Leeward Islands; And praying that his Majesty may be moved in Councill, to write to the Governors of Jamaica Barbados and the said Leeward Islands according to the purport of a letter presented by the said Commissioners and hereunto annexed.

His Majesty in Councill is pleased to order that one of his Majestys Principall Secretaries of State do prepare Letters for his Majestys Royall Signature to the Governors of Jamaica, Barbados and the Leeward Islands accordingly.

The letter abovementioned.

Wee Greet you well. Whereas the Commissioners of Our Customes in this Our Kingdome of England haue appointed Our Trusty and Welbeloved Patrick Mein Gent the bearer hereof, to be Surveyor Generall for inspecting the Actions of Our Collector and other officers within Our Island of Barbados and elsewhere, and to give such orders and directions as he shall find necessary for Our Service, particularly for the better Collecting of Our Dutys due by the Act of Parliament made in the 25th year of the late King Charles the Second, Intituled an Act for the Encouragement of the Eastland and Greenland Trades and for better Securing the Plantation Trade (and likewise of the Duty of four and half per Cent) And for preventing of any Ships coming from Our said Island, without first giving good Security as by Law is provided. Wee will and require you to be ayding and assisting, And that you do direct all officers civill and military under your Government to be aiding and assisting to the said Patrick Mein in the Execution and discharge of the Trust Committed to him in the service aforesaid, And in putting in Execution all other the Laws relating to the Trade of Our Plantations, according as he is or shall be instructed

These words  
to be  
omitted in  
the letter to  
Jamaica.

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1689. from time to time by the Commissioners of our Customs in England now and for the time being. [p. 196.]
- 22 July. [306.] [Reference to Ordnance as to cannon thought Barbados. necessary by the Committee for Barbados.—C.S.P. VIII. 279.] [p. 196.]
- 25 July. [307.] [Order on petition of Sir E. Andros.—C.S.P. VIII. New England. 291.] [p. 198.]
- 25 July. [308.] [Reference to Committee of petition of Ralph Jamaica. Knight.—C.S.P. VIII. 294.] [p. 199.]
- 21 Nov. [His further petition to the same effect is ordered to be heard on Thursday next, when all concerned are to attend, with their Counsel learned, if they so please.] [p. 201.]
- [At the same time is also to be heard] the Petition of the merchants and Planters of Jamaica now in London in the behalf of themselves and friends in the said Island, setting forth that there was lately in the said Island an Assembly called in the Election of which the Constitution of the Government of that Island was wholly subverted; wherein severall Laws have been made and sent hither for the Royall assent, which assent they humbly pray may be suspended untill the truth of the matter be represented to his Majesty by His Governor now going thither and a free assembly convened by him. [p. 201.]
- 25 July. [309.] [On the petition of William Arbuckle of Glasgow, Plantation and James Smith, captain of the pink *Mary* of Boston from Trade. Virginia, leave is given to unlade the *Mary* at Newport in Glasgow; the Treasury is to see that security is given for payment of the same duty as would have been due had the ship come direct,] [p. 202.]
- 1 Aug. [310.] [It is ordered that the Commissioners of the Newfound- Admiralty] give directions that Mr. Peter Smith minister, land. appointed by the Lord Bishop of London to go to Newfound- land have his passage to and from that place with all necessary

1689.

Conveniences on board the Convoys designed thither, And that he receive his Dyet on board one of the said Convoyes in his going thither, stay there, and return from thence.

[p. 203.]

[311.] [In view of the injury to His Majesty's honour and the losses of his subjects due to masters of Newfoundland fishing vessels leaving before the convoy or departing from it on the voyage in order to forestall the others in the markets of south-western Europe, it is ordered that no seaman of such a vessell, if taken by the Turks, shall be released by virtue of a public treaty or exchanged for Turkish prisoners, and that frigates other than the convoy be not charged with any care of such single ships as may come into their company. On the arrival of the convoys, this order is to be published throughout the several ports of Newfoundland.]

1 Aug.  
Newfound-  
land.

[p. 205.]

[312.] [A letter directing the proclamation of their Majesties, addressed to] Francis Nicholson Esqre. Their Majestys Lieutenant Governor and Commander in Cheif of the Province of New York, and in his absence to such as for the time being take care for preserving the Peace and administring the Lawes in their Majestys Province of New York in America.

8 Aug.  
New York.

[p. 208.]

[313.] [Convoys are granted to conduct from Beaumaris into the river Severn three ships lately come from the West Indies by way of the North Channel about Ireland, laden with sugars and tobacco of great value belonging to merchants of Bristol, to wit, the *Lamb*, George Colwell master; the *Jamica Merchant*, Richard Browning master, and the *Bristol Factor*, Totterdale master.]

8 Aug.  
Plantation  
Trade.

[p. 208.]

[314.] [Orders for stores to be sent to Leeward Islands.—C.S.P. VIII. 342-4.]

15 Aug.  
Leeward  
Islands.

[p. 211.]

[A supplementary order.—C.S.P. VIII. 384.]

29 Aug.

[p. 219.]

[3000*l.* to be paid to the Victuallers of the Navy for 6 months provisions for the regiment going thither.—C.S.P. VIII. 401.]

2 Sept.

[p. 222.]



# 140 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

29 Aug. [315.] [Order on the petition of Margaret, wife of Lt. Gov. Hill.—C.S.P. VIII. 385.] [p. 219.]

St.  
Christopher.  
(1690.) c

23 Jan. [Order that she be repaid the money expended in clothing and provisions.—C.S.P. VIII. 732.] [p. 360.]

29 Aug. [316.] It is this day ordered by his Majesty in Council that the Lieutenant Generall and Principall officers of the ordnance do take care that of the Four hundred barrells of powder lately directed to be sent to Jamaica, Two hundred Barrells only be dispatcht thither at present, and that Seventy five Barrells of Powder with five hundred muskets, match and Ball proportionable be put on board the Fleet intended for the West Indies for the use of the Regiment of foot his Majesty is sending to those Parts, and that other materialls of Warr vizt. Shovells, Wheel Barrows, Pick axes, and other necessarys for Entrenchments and defence of the Fortification be also sent to the Leeward Islands with the said Fleet, And it is further Ordered that One hundred Barrells of Powder be sent to Virginia with the first ships that shall be bound thither to be lodged in their majesties storehouses within that Colony. [p. 219. C.S.P. VIII. 384.]

Jamaica,  
Leeward  
Islands and  
Virginia.

2 Sept. [317.] [The Council approve, and give orders in accordance with, the report of the Committee of 16 Aug.]:—Wee have been attended by the Earle of Sterlin who Lays claime to the Propriety of Long Island within your Majestys Province of New Yorke in America, And upon Examination of the said Earl's Pretensions, we find that about the year 1663, the Earl of Clarendon in behalfe of the late King then Duke of Yorke did treat with the Earl of Sterlin for his Interest in Long Island, for which his then Royall Highness did afterwards promise to pay to the said Earle 3500*l*. as the Lord Berkley Informed him, which the said Earl of Sterlin not haveing received, in the year 1674 the said Duke of York in Consideration of the Earle of Sterlin ; Releasing all his Pretence of Right and Title to the Colony of New Yorke in America (whereof Long Island is part) did grant unto the

New York.

1689.

said Earle of Sterlin a Pension of Three hundred pounds per annum for the life of the said Earle, out of the surplusage of the Neat Profitts of the Revenue arrising out of the said Colony, all manner of Charges be it Civil or Military first Deducted and allowed with a Contract that if in any yeare there should not be sufficient out of the Neate Profitts, all Charges allowed to pay the said Pension as aforesaid, the same and all the Arrears thereof should be paid, when there should be a sufficient surplusage in any other year for the same, But there having not hitherto accrued any Neat profits out of the Revenue of New Yorke the Charges of the Government being first Defrayed by reason whereof the said Pension of 300*l.* per Annum is become above fourteen years in arrear, Wee most humbly offer Our opinions, That your Majesty be graciously pleased to Order the said Pension of 300*l.* per annum to be paid to the said Earle with the said Arrears, Out of the Surplusage of the Neat Profitts of the Revenue of the said Colony as the same shall arrise, all manner of Charges Civil and Military within the said Colony being first deducted pursuant to his grant from the Duke of York as aforesaid, And that the said Earle, May have free Liberty by his Agent, or Officer at New York, yearly to Inspect the Publick Accounts and Managment of the Revenue of that Colony to the End his Lordship may be fully informed of the Neat Profitts that may arise out of the said Revenue, to be satisfied and paid to his Lordship in such manner and under such Conditions as is before Exprest. [p. 223.]

[318.] [Order for presents to the Five Nations.—C.S.P. 2 Sept.  
VIII. 400.] [p. 224.] New York.

[319.] [Order] that Two Companies of Foot of sixty Men 2 Sept.  
in each Company besides Officers be forthwith raised for New York.  
their Majestys Service in New York to be carryed thither  
on Board the ship which shall be appointed by . . .  
the Commissioners of the Admiralty to carry the Governor  
of New York to that Government. And His Majesty is further

1689.

Pleased to Order that the said Two Companies be paid out of the Revenue here in England untill the Government of New Yorke be settled and a Provision made for them out of the Revenue of that Country. [p. 224. C.S.P. VIII. 399.]

9 Sept.  
Virginia.

[320.] [Order to the Governor of Virginia in accordance with the Committee's report of 26 August on Philip Ludwell's petition, with the address of the House of Burgesses of Virginia to the late king touching several matters of complaint] :—First, That whereas a Proclamation had been Issued in Virginia by the Lord Howard, Governor in Cheif, In pursuance of Instructions from his Late Majesty King Charles the Second Declaring an Act passed in Virginia in November 1682, for Repealing the Sixth Act of Assembly, made in June 1680, about Attorneys to be Voyd, and thereby reviving the said Act of June 1680, The House of Burgesses Conceive the said Proclamation to be unwarrantable and of ill Consequence, and therefore humbly pray, that the same be made void, Wee have thereupon Consulted your Majestys Attorney and Solicitor Generall, who have Reported unto Us their Opinion, That they Conceive the said Act made in June 1680, was Revived by the King's Disallowing of the Subsequent Act of Repeal, Yet inasmuch as the said Act of Assembly is Represented as Inconvenient and Prejudiciall to that Colony, Wee humbly offer to your Majesty that by the Like Proclamation, the said Act of June 1680, be also sett aside and declared void.

Secondly, whereas Complaint is made of a Fee of Two hundred Pounds of Tobacco, and Cask Lately Received by the Lord Howard, for the vse of the Publick Seale, Wee are humbly of Opinion, that altho' it appears unto Us that the said Fee upon Complaint thereof, was not disallowed or thought unreasonable by your Majestys Councill in Virginia yet inasmuch as the same hath not been Establisht by the said Councill as by the Commission to the Lord Howard is Requisite, and the same being also Represented as Burthensome and uneasy to the Colony, Wee are humbly of Opinion that it

be discontinued, as also the Fee of thirty pounds of tobacco, demanded by the secretary of that Colony, for Recording Surveys of Lands, But as to the fee of Five Pounds Sterlin Received by the Escheator, for every Office found, whereof Complaint is also made, Wee are humbly of Opinion that the same is Legall and fitt to be Continued as being an Ancient and Customary Fee, and paid only by such who receive a Considerable benefit thereby.

Lastly as to the Complaint made that fines and forfeitures in Virginia are not applyed to such purposes as by the said Representation is particularly sett forth and desired, Wee most Humbly Represent to your Majesty that the said fines and forfeitures, having by Letters Patents, been granted by King Charles the Second, to the Lord Culpeper and others, were Repurchased, by the Late King for divers Considerable Summs of mony actually paid to the said Lord Culpeper, and a further Pension of Six hundred Pounds a yeare payable for Twenty One yeares, and now Charged upon the Establishment of your Majestys Army, so that the said fines and forfeitures are become wholly att the disposall of the Crowne as they were, before this purchase, the property of the said Patentees, Yet upon Examination Wee do find that since the said Purchase, no part of the said Revenue has been Employed or disposed of, otherwise than for the better Support of the Government of Virginia to which use, Wee are humbly of opinion, it may be hereafter applyed in such manner as your Majesty shall thinke fit from time to time to Direct, and not otherwise, The same being not in any manner appropriated to any particular use or purpose whatsoever.

[pp. 229-30. C.S.P. VIII. 412.]

[Ludwell's petition is referred to the Committee, who are to report what they] think fit to be done therein as well for the redressing of the said Grievances and oppressions as the preservation of his Majestys said Colony of Virginia in Peace and quietness for the future. 19 Sept.

[p. 239. C.S.P. VIII. 447.]

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1689.

16 Sept. [321.] It is this day Ordered by his Majesty in Councill  
West Indies. that the Lieutenant Generall and Principall Officers of the  
Ordnance do forthwith furnish Tents to the Duke of Bolton's  
Regiment intended for the West Indies in case it shall  
appeare that Tents have been at any time sent with soldiers  
to the Plantations. [p. 236.]

26 Sept. [322.] [Order on petition of John Usher.—C.S.P. VIII.  
New Hampshire. 457.] [p. 255.]  
(1691.)

12 Oct. [The report of the Committee is approved.—C.S.P. VIII.  
1826.] [Vol. II. p. 255.]  
(1693.)

23 Nov. [A further petition is referred to the Committee.—C.S.P.  
IX. 694.] [Vol. III. p. 285.]  
(1694.)

22 March. [Order to the Governor and Council of New England that  
payment be at once made, or reason for delay explained.  
A Committee had been appointed in Massachusetts in  
accordance with the Order of 12 Oct. 1691, but no Order had  
been made on their report that on the balance of his accounts  
851*l.* 2*s.* 10*d.* remained due to him.]

[Vol. III. p. 383. C.S.P. IX. 985].

17 Oct. [323.] [The Commissioners of the Admiralty to provide]  
Jamaica. One Hundred Ton of Freight for the Household Goods and  
other Necessarys belonging to the Earle of Insiquin to Jamaica,  
and Passage for so many Persons not exceeding Seventy Five  
as his Lordship shall certify to be his Meniall Servants.

[p. 267. C.S.P. VIII. 495.]

17 Oct. [324.] [A presentment from the Commissioners of Prizes  
Jamaica. about the appointment of Sub-Commissioners for Prizes at  
Jamaica is referred to the Commissioners of the Treasury for  
determination.] [p. 267.]

31 Oct. [325.] [Orders in accordance with Committee recommen-  
Officers appointed. dations [C.S.P. VIII. 426 & 452] for John Stede and Richard  
Lloyd for offices in Barbados and Jamaica respectively.]

[p. 276.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 145

1689.  
[Order in accordance with C.S.P. VIII. 541 for Matthew Clarkson to be Secretary of New York.] 14 Nov. [p. 284.]
- [Thomas Farneley to be Secretary of Leeward Islands.] 28 Nov. [p. 295.] (1690.)
- [Col. William Cole to be Secretary of Virginia.] 2 Jan. [p. 324. C.S.P. VIII. 683.] (1691.)
- [Col. Rowland Williams to be Naval Clerk of the Leeward Islands.] 28 May. [Vol. II. p. 190.] (1691.)
- [Sir Thomas Laurence to be Secretary of Maryland.] 30 July. [Vol. II. p. 218.]
- [326.] [The Officers of the Ordnance to receive a copy of the following list of stores desired by Colonel Hill for the Leeward Islands in a letter of 20 August last, and to attend the Committee on Monday at 5 in the afternoon] :—A mortar piece, Bombs, Feild Pieces, Ladells, Spunges, Powder, Balls, Shovells, Hoes, Pickaxes, A good Engineer, 2 or 3 Miners, A good Chirurgeon, new medicines, A quantity of Provisions. 7 Nov. Leeward Islands. [p. 278.]
- [The Ordnance to see that an engineer and two miners are sent.—C.S.P. VIII. 580.] 21 Nov. [p. 288.]
- [327.] [For the payment of the Duke of Bolton's regiment of foot (Henry Holt, Lieutenant Colonel), going to the West Indies, it is ordered, in accordance with the Committee's recommendation], that from the first day of January the Duty of Four and a half-per Cent arising in Barbados and the Leeward Islands (the usual Charge of the Government being first provided for) be applied towards the Pay of the said Regiment and the Company of Foot, at present remaining at Nevis, upon accompt; and that the Remainder of their Pay be satisfied by the Pay master Generall of the Forces in England. 7 Nov. Leeward Islands. [p. 280. C.S.P. VIII. 530.]
- [328.] [The Officers of the Ordnance are to supply, and the Commissioners of the Admiralty to provide for the transportation of the following stores for New York] :— 14 Nov. New York.

# 146 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

## A Proportion of Ammunition Stores, to be provided for Their Majestys Garrison of New York in New England.

Corn powder, 100 barrells	40 of them fine.	Nails	40d	..	..	..	2000
Match .. .. .	20 Bundles.		30d	..	..	..	2000
Round Shot for—			24d	..	..	..	3000
Demi Canon .. .. .	40		20d	..	..	..	3000
24 pounders .. .. .	40		10d	..	..	..	4000
Culverins .. .. .	50		6d	..	..	..	10000
12 pounders .. .. .	50		4d	..	..	..	10000
Demi Culverin .. .. .	60		3d	..	..	..	12000
8 pounders .. .. .	60		2d	..	..	..	14000
6 pounders .. .. .	60		of Severall Sorts				500 wt.
Sakers .. .. .	70		Bedds	..	..		40
Minion .. .. .	70		Coins	..	..		300
3 pounders .. .. .	70	Axle Trees for—					
Faulcons .. .. .	70	Demi Canon .. .. .					8
Faulconetts .. .. .	70	Culverin and Demi					
To each respective Piece of		Culverin .. .. .					16
Ordnance.		Saker and Minion ..					16
Tinn Cases filled with Musket		Tampeon great .. ..					50
Shot for—		Tampeon Small .. ..					50
Demi Canon .. .. .	10	Heads and Rammers					
24 pounders .. .. .	10	great .. .. .					40
Culverins .. .. .	10	Heads and Rammers					
12 pounders .. .. .	15	Small .. .. .					40
Demi Culverin .. .. .	15	Formers Great .. ..					30
8 pounders .. .. .	15	Formers Small .. ..					30
6 pounders .. .. .	20	Budge Barrells .. ..					10
Saker .. .. .	20	Tanned Hides .. ..					24
Minion .. .. .	20	Sheep Skins .. ..					60
3 pounders .. .. .	20	Baskets .. .. .					18 doz.
Faulcon .. .. .	20	Canvas .. .. .					100 Ells
Faulconet .. .. .	20	Paper Royall .. ..					10 Reams
To each respective Piece.		Parchment .. .. .					50 Skinns
Ladles and Spunges for—	la. sp.	Linseed oyle .. .. .					6 Gall.
Demi Canon .. .. .	2 3	Tallow .. .. .					10 flrk.
24 pounders .. .. .	2 3	Starch .. .. .					15 <i>l</i> .
Culverin .. .. .	2 3	Needles .. .. .					6 doz.
12 pounders .. .. .	2 3	Thrid .. .. .					12 <i>l</i> .
Demi Culverin .. .. .	3 4	Oile of Petro .. .. .					2 gall.
8 pounders .. .. .	3 4	Lanthorns—					
6 pounders .. .. .	3 4	Tinn .. .. .					2 } doz.
Sakers .. .. .	3 4	Dark .. .. .					1 } of
Minion .. .. .	4 5	Ordinary .. .. .					2 } each
3 pounders .. .. .	4 5	Muscovia light ordinary					12
Faulcon .. .. .	4 5	ditto Extraordinary ..					12
Faulconet .. .. .	4 5	Powder Horns .. .. .					150
Ladell Staves .. .. .	100	Priming Irons .. .. .					300

Cases of Wood for Cart- ridges for—		Lint Stock .. .. .	40
Demi Canon .. .. .	2	Merlin .. .. .	100 <i>li</i> . wt.
24 pounders .. .. .	2	Twine .. .. .	50 <i>li</i> . wt.
Culverin .. .. .	2	Wire .. .. .	10 <i>li</i> .
12 pounders .. .. .	2	Hand Screws .. .. .	6 pair
Demi Culverin .. .. .	3	One Ginn, Block, Rope & Slings.	
8 pounders .. .. .	3	Tard Rope of 4 Inch ..	1
6 pounders .. .. .	3	3     "     ..	1
Saker .. .. .	3	2     "     ..	2
Minion .. .. .	3	White Rope of 4 Inch ..	1
3 pounders .. .. .	3	3     "     ..	1
Faulcon .. .. .	3	2     "     ..	2
Falconet .. .. .	3	Snacht Blocks .. .. .	6
Wadhooks .. .. .	30	Double Blocks .. .. .	2
		Tacles .. .. .	6
Blunderbusses .. iron, 4; brass 2.		Demi Culverin and Saker Shells	300
Short Pikes .. .. .	60	and Fuzees for the same.	
Bills .. .. .	60	Pickaxes .. .. .	5 doz.
Hammer Hatchets .. .. .	100	Spitten .. .. .	5 doz.
Hangers .. .. .	50	Shovells .. .. .	6 doz.
Musket Shott.. .. .	2000 wt.	Wheel Barrows .. .. .	10 doz.
Carabin Shot .. .. .	1000 wt.	Hand Barrows .. .. .	1 doz.
Pistoll Shot .. .. .	1000 wt.	Crow Feet .. .. .	200 wt.
Sheet Lead .. .. .	500 wt.	Tarpolins .. .. .	6
Aprons of Lead .. .. .	60	Two hand Saws .. .. .	6
Barrs of Iron .. .. .	2000 wt.	Hand Saws .. .. .	16
Crows of Iron .. .. .	20	Camphire' .. .. .	10 <i>li</i> .
Hand Spikes .. .. .	100	Sulphur .. .. .	40 <i>li</i> .
Lince Pinns .. .. .	150	Petre .. .. .	20 <i>li</i> .
Large Spikes .. .. .	2000 wt.	Cotton Wick .. .. .	5 <i>li</i> .
Fire Locks .. .. .	500	Hand Mallets.. .. .	1 doz.
Double Headed Sledges	6	Small Iron drifts .. .. .	1 doz.
Great Melting Ladles ..	2		
Small melting Ladles ..	4		

[pp. 285-6. C.S.P. VIII. 559.]

[Order to the Admiralty to provide a small frigate for 14 Nov.  
transporting Colonel Slaughter, his servants and goods, the  
stores above mentioned, and the two companies of foot.—  
C.S.P. VIII. 562.] [p. 286.] (1690.)

[The Admiralty representing that a single frigate is in-  
sufficient, they are ordered to take care that the necessary  
provision be made on board any of the merchantmen going  
with the convoy or other vessel hired for the purpose.  
The whole is to be despatched at once, the government  
suffering very much for want thereof.] [p. 333.] 9 Jan.



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1689.  
(1690.)  
30 Jan. [Order to the Ordnance for bedding for the troops.—  
C.S.P. VIII. 749.] [p. 369.]
- 21 Nov. [329.] [200*l.* to be paid to Mr. Richier for his transporta-  
Bermuda. tion to Bermuda.] [p. 288.]
- 21 Nov. [330.] [Order for transporting the Earl of Inchiquin to  
Jamaica. Jamaica and Barbados.—C.S.P. VIII. 563.] [p. 289.]
- 28 Nov. [Further order.—C.S.P. VIII. 599.] [p. 297.]
- 21 Nov. [331.] The Commissioners of the Admiralty to attend the  
Virginia and Maryland Committee at nine on Saturday morning about the matter of]  
the Petition of severall merchants Trading to the Plantations  
of Virginia and Mariland humbly praying his Majesty to  
appoint them such a Protection for their men, and Convoy  
to attend the ships which the Petitioners are sending into  
those parts during the whole Voyage, as to his Majesty shall  
seem meet. [p. 290.]
- 28 Nov. [His Majesty in Council approves and gives orders in  
accordance with the Committee's report of 25 Nov.]:—That  
it is of very great Importance to Your Majestys Revenue, and  
the safety of your subjects that such a Convoy be granted them  
as is desired, which we are humbly of opinion may consist of  
two or more ships of Strength to attend the Fleet of merchant  
ships bound to those Parts during the whole voyage, which  
they commonly make in five or six months, The Return of  
those ships usually bringing in no less than three hundred  
thousand pounds to the Revenue of Your Majestys Customs.  
[p. 296. C.S.P. VIII. 596.]
- 21 Nov. [332.] [The complaint of the Brandenburg Envoy regard-  
West Indies. ing the seizure by Captain Robinson of the *Sampson* frigate  
of His Electoral Highness's ship *Dorothy* at Weymouth, where  
it had put in on returning from the West Indies, is referred  
to the Judge of the Admiralty Court for examination and  
report. Order is given to the Commissioners for sick and  
wounded seamen, and prisoners of war, for the release of the

1689.

commander, Captain Balopin, and the crew, who are permitted to prosecute their claims to the ship.] [p. 292.]

[The Council grant the Envoy's petition that the *Dorothy*, Michael Chalopin commander, discharged from seizure by the Judge of the Admiralty but detained by the Officers of Prizes till certain incident charges should be paid, may be freed without such payment. Captain Robinson was at the same time ordered to make restitution of various goods taken by him from the *Dorothy*. A list of the goods is given]:—400*l*. Indico, Tortoise Shells, Severall Barrells of Sugar, Cacao, 26 Pistolls, A great Cable, 750 pieces of 8, with 12 more of French and Dutch mony, a little Barrell of Fine Sugar, an other of white Sugar, a little Barrell of Confiture, Canefisse. A good quantity of Provision which the Captain bought at Weymouth. A black moor, aged 11 or 12 yeares. 80 Parrots, or upwards. 100 Rolls of Tobacco. Besides what is taken from the seamen of their apparell, shirts, and other things by the men the abovesaid Captain brought upon the said ship Dorothy.

[p. 317.]

[333.] [Reference to Attorney General of John Hubbard's petition, appealing against a verdict obtained against him by Captain James Smailes.—C.S.P. VIII. 615.] [p. 300.]

2 Dec.  
Bermüda.

(1690.)

[On the Attorney General's reporting that Captain Smailes obtained a verdict in 1688 for 350*l*. for ship and goods and 435*l*. for damages, from which an appeal of right lies to his Majesty in Council, and is the common course and practice in cases of this nature; that he has vainly attempted to accomodate the matter, and that Mr. Smailes has been at great charge in the prosecution besides losing ship and goods; order is given as in C.S.P. VIII. 834; if security be not given, the appeal is to be dismissed.] [p. 424.]

17 April.

(1691.)

[Report of Committee approved.—C.S.P. VIII. 1762.]

17 Sept.

[Vol. II. p. 244.]

(1713.)

[Reference to the Committee for Appeals of James Smailes' petition that execution, which he has hitherto been

18 May.

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1689.

unable to obtain, be granted him by order to the present Governor of Bermuda, on a verdict obtained by him for his ship the *Bachelor's Adventure*, unjustly seized and converted to his own use in 1685 by John Hubbard, Sheriff of Bermuda.]

[Anne, Vol. VI., p. 109.]

(1713.)

3 June. [Committee minute recommending it to Governor Pullein to examine into the matter and report.] [p. 184.]

(1716.)

13 Sept. [Reference to Committee for Appeals of the petition of Richard, brother and administrator of James Smailes deceased, for relief in the matter of the seizure of the *Bachelor's Adventure*.] [George I, Vol. I., p. 445.]

5 Dec.

West Indies.

[334.] [The following Instruction is added to those given to the Commander of the West India Squadron]:—You are hereby required to protect as much as in you lyes the Ships and Vessells belonging to the Subjects of the States Generall of the United Provinces, which shall be bound your way, and desire to put them selves under your Protection ; And if, upon your arrivall in the West Indies, or during your Stay there any of the Plantations and Colonies belonging to the said States Generall shall have occasion for help to defend them against the attacks or Insults of their Enemies and that your assistance shall be desired therein, You are to ayd and assist the said Plantations and Colonies as much as the Condition of those belonging to their Majestys will permit you to do. [p. 304.]

12 Dec.

Leeward  
Islands.

[335.] [On the petition of the merchants and planters interested in the Leeward Islands, the Admiralty are directed to] give all necessary directions for the despatching away immediately the ships designed for the said Islands. [p. 306.]

12 Dec.

Barbados.

[336.] Upon reading a Petition in the behalf of the People called Quakers inhabiting the Island of Barbados setting forth that because the said Quakers could not bear Arms, nor take an Oath in any Case, They have suffered much by Virtue of an Act made to settle the Militia in the said

1689-90.

Island, [the matter was referred to the Governor or Commander in chief in Barbados for the time being], who is to give the Petitioners such Relief in relation to the Militia as to him shall seem just and reasonable to answer their particular Circumstances, and to make Report thereof to his Majesty.

[p. 307.]

[337.] [Letters to be prepared] to the Vice Roy of Mexico and the Governor of Vera Crux that they Cause all English Prisoners under their Government to be released. [p. 308.]

12 Dec.  
Mexico.

[338.] [Reference to Committee of New York merchants as to defence.—C.S.P. VIII. 646.] [p. 312.]

19 Dec.  
New York.

[339.] [The Lieutenant General of the Ordnance to deliver two Field Pieces at Plymouth for the Duke of Bolton's Regiment.] [p. 315.]

26 Dec.  
West Indies.

(1690.)

[The Admiralty are directed to send orders to the Commanders of the Ships of war appointed for the West Indies to receive on board, and carry thither] such cloaths as shall be put on board for the Duke of Bolton's Regiment. [p. 322.]

2 Jan.

1690.

[340.] [The Admiralty are directed to] add one of the Ships of the West India Squadron to the Virginia Convoy : and . . . in case the two ships or either of them which the Commissioners shall appoint for this service are now at Spitt head, it is his Majestys pleasure that the Commissioners should have Orders that they immediately come into the Downs their to receive the Merchant Ships under their Convoy, who are Ordered to be in the Downes by the Eighth of this instant January att the farthest and to be ready to saile wind and weather permitting directly for Virginia. [p. 322.]

2 Jan.  
Virginia.

[341.] [Order on John Towers' petition.—C.S.P. VIII. 684.] [p. 325.]

2 Jan.

[342.] [Petition of Col. Wm. Ivy, John Towers, Francis Blackmore, Charles Bouchier, James Banister, and Wm. Ivy, jr., referred to Earl of Inchiquin.]

2 Jan.  
Jamaica.

[p. 325. C.S.P. VIII. 685.]

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1690.

(1691.)

23 April.

[Order for remitting their fines.—C.S.P. VIII. 1423.]

[Vol. II. p. 159.]

12 Jan.

West Indies.

[343.] [The Admiralty to give directions for the ships of war now at Spithead or coming thither for the voyage to the Caribee Islands, to receive on board at Portsmouth and supply with provisions 210 men of the Duke of Bolton's Regiment under Lieutenant Colonel Norton, and to carry them to Plymouth Sound as recruits for the Duke of Bolton's other regiment, with whom they shall then be disposed of on board the ships bound to those parts.]

[p. 349.]

16 Jan.

Plantation  
Trade.

[344.] [On the petition of James and Benjamin Brayne owners of the *Mary*, taken by the French while returning from Virginia and retaken by a Dutch man of war, it is ordered that, as they have adjusted their salvage with the Dutch Ambassador and paid off the Dutch seamen on board, they are to receive back the ship and their bond of 4000*l.*, if the Commissioners of Prizes have no other cause to detain them.]

[p. 354.]

23 Jan.

West Indies.

[345.] Upon reading the Petition of the Traders to Barbados, Jamaica and the Leeward Islands setting forth that the said Islands have been always supplied with great part of their Provisions from England and Ireland, and with all their Cloathing and Vtensills for Making Sugar from hence, and by Act of Navigation cannot have anything from, or send to any other part of Europ, that since the Stop of Trade from Ireland, they have not had any Supplis from thence and few ships have gone from England in above a twelve month, whereby the said Islands will be in great want of Provisions, Cloathing and Vtensills for making Sugar, and of Ships to bring home their Commoditys which will spoile in lying there, that the Plantations were much Impovershed by the heavy Dutys layd upon Sugar in the late King's Reigne, and by the Losse of Severall ships taken this year by the French and praying that the ships designed for the said Islands which are already Cleered out may be permitted

1690.

to proceed on their Voyages. [The petition is referred to the Treasury to direct the Commissioners of the Customs to report if, and why, any of the ships in a list to be submitted to them to-morrow by the West Indian traders, should be stopped from proceeding.] [p. 358.]

[346.] [Letter to the Government of Maryland approved. 30 Jan.  
—C.S.P. VIII. 748, 752.] [p. 370.] Maryland.

[347.] [His Majesty assents to, and gives orders in 6 Feb.  
accordance with, a memorial of the Spanish Ambassador, West Indies.  
Don Pedro de Ronquillo, representing] That Don Nicolas Porcio  
having made a Contract or Assiento with his Catholique  
Majesty for furnishing Negro Slaves in his said Majestys  
Plantations in America, And in order thereunto his Cheif  
Agent Sir James del Castillo hath contracted with the Royall  
African Company here, and other English Merchants for all  
or the Major part of the Negros he shall want for that  
purpose, from which Trade this Kingdome and the American  
Plantations belonging to it will receive very great Advantage,  
And therefore . . . desiring his Majesty wilbe pleased  
to give effectuall Orders to his Governors in the American  
Colonys, and particularly to those of Jamaica and Barbados  
(where the Cheif Spanish Factorys will reside) that they  
protect and receive all such Persons and Ships, as shalbe sent  
for the said Trade by vertue of his Catholique Majestys  
Orders, and permit and countenance that Trade in the same  
manner as hath been done in the late Reignes and Govern-  
ments. [p. 379.]

[348.] [Order as to musters and pay of troops.—C.S.P. 27 Feb.  
VIII. 775.] [p. 392.] Leeward  
Islands.

[349.] The Committee . . . having this day humbly 27 Feb.  
proposed to his Majesty, That in consideration of the West Indies.  
present Warr in the West Indies His Majesty would please to  
grant a Generall Pardon as is desired, to all such Pirates and  
Privateers, as shall render themselves to any of the Governors  
in his Majestys Plantations in America, within a certain

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time to be prefixed. [It was ordered that the Spanish Ambassador be acquainted with the proposal, and that any exception he may have to offer be reported to his Majesty.]

[p. 393.]

- 13 March. [350.] [The Council refer to the Committee for a report  
Hudson's Bay. the petition of the Hudson's Bay Company for] one of the smallest Fourth Rate Frigats to convoy their ships thither And to return with them, which according to the annuall Course is usually expected in October: [as also a further petition, in connection with which the Deputy Governor of the Company is to attend the Committee], praying Protection for One hundred men to saile two Ships which they are sending to the said Bay, with Releif to those they imploy in their Factories there, and for the preservation of the same.

[pp. 405-6.]

- 27 March. [The Hudson's Bay Company having represented, in support of their petition,] that one of their ships having been taken last year by the French, and another so disabled that she could not proceed on the voyage, the said Companys Factorys in Hudsons Bay are left destitute of Food and necessary Provisions to support them longer, if not Releived by your Petitioners Ships to be sent thither this year: [And the Committee having reported] the State and Condition of the Forts and Factories of the said Company, and that it is absolutely necessary that supplys be sent to them this season from England, without which his Majestys Subjects there are no wayes able to preserve them selves from starving, and from the attempts of the French: [passes are granted for the *Royall Hudson's Bay* frigate, Captain Leonard Edgcombe commander, and the *Dering* frigate, Captain James Young commander, to sail to Hudson's Bay notwithstanding the embargo, and protections for fifty mariners for each ship.]

[p. 413.]

- 17 April. [The petition of the Hudson's Bay Company for the ship *Prosperous*, Michael Grimington commander, with 15 men,

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to go as a fire-ship for the better defence of the other two ships they are now sending to the said Bay, is granted, and orders given accordingly.] [p. 425.]

[351.] [James Twyford and James Hallidge as to the ship *Society* referred to Committee.—C.S.P. VIII. 822.] 10 April.  
Virginia.

[p. 422.]

[352.] [Order as to Sir E. Andros and others.—C.S.P. VIII. 846.] 24 April.  
New  
England.

[p. 428.]

[353.] [Orders as to the murder of John Payne.—C.S.P. VIII. 850-2.] 24 April.  
Maryland.

[p. 429.]

[354.] [Reference to Committee of Daniel Cox.—C.S.P. VIII. 843 & 2767.] 24 April.  
New colony  
proposed.

[p. 430.]

[355.] [On the report of the Committee, one of the two sloops lately built at the joint charge of the Colonies, the guns and stores lately brought to Boston from Pemaquid, and the public records of New York, now at Boston, are ordered to be delivered to Colonel Slaughter or his agents by] such as are in the administration of the government of the Massachusetts Bay. 26 April.  
New York.

[p. 431. C.S.P. VIII. 855.]

[356.] [On news of Leisler's usurpation, order for the speedy dispatch of the convoy.—C.S.P. VIII. 892.] 22 May.  
New York.

[p. 441.]

[357.] [The Council refer to the Treasury for examination and report a memorial of the Dutch Ambassador regarding the seizure of twenty-one barrels of indigo by Paul Hix and other Officers of the Customs at Plymouth. The indigo had been part of the lading of a French vessel from St. Christopher bound for Nantes; which had been taken by Garrett Hendricksen of the *King William* and Benjamin Le Sage of the *Queen Mary* of Middelburg in Zealand. At Plymouth they found it convenient to transfer the indigo back to the prize from which it had been taken, whereupon it was seized on the ground that the petitioners intended to land it, which they deny.] 30 May.  
St.  
Christopher

[p. 446.]



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4 Aug. [The Treasury are directed to give an account of the value of the indigo seized.] [p. 510.]

30 Oct. [The Dutch captains, though confident of the justice of their cause, propose that his Majesty, to avoid a tedious suit, remit his part of the forfeiture, they agreeing with Mr. Hix for the release of his part. The Treasury are required to estimate his Majesty's share in the indigo.] [Vol. II. p. 37.]

5 June. [358.] [The stay of the convoys having prevented the  
Newfound- sending of an engineer to Newfoundland as ordered last year, land. it is now ordered that the Lieutenant General of the Ordnance] do forthwith appoint an Engineer to go on board the Convoyes designed this year for Newfoundland with Order to visit the said Harbours of St. Johns and Ferriland, and such other Harbours as the Stay of the Convoyes will permit, with whom he is to returne with an accompt of the Scituation of those Ports, and such other Informations, as may be necessary for the building a ffort there the next Spring, according to such Instructions as he shall receive from the Principall Officers of the Ordnance. [p. 452.]

[A letter follows to the Commissioners of the Admiralty requiring them to direct the Commander in Chief of the Convoy to cause the King and Queen to be proclaimed in Newfoundland, as no convoys had gone thither the previous year, and to enquire into and report on the state of the island under certain heads not given in the Register: and to provide a passage, victuals, and other accommodation for the engineer who is to be sent.] [p. 452.]

(1691.)

28 May. [The convoy having been hitherto stopped, the order the Ordnance to send an engineer is repeated.]

[Vol. II. p. 180.]

12 June. [359.] [The consideration of the New England trade having  
New been fixed for ten in the morning of Saturday, the 14th England. instant, it is ordered that such of the Commissioners of the Customs as the Commissioners of the Treasury shall appoint

1690.

do then attend the Board], and be prepared to informe their Lordships what Care is taken, and also what they have to offer for hindring the irregular Trade and putting in due execution the Acts of Trade and Navigation in New England. A Summons to the Agents of New England, and to the Merchants and Traders in those parts, and any others acquainted with that Trade, as also to such as have been lately employed in New England and New Yorke to attend . . . and to come prepared to inform their Lordships ut supra. [p. 454.]

[The letters of Mr. Randolph and Mr. Livingstone (C.S.P. VIII. 796, 949) are read, and ordered to] Be given to the Agents employed here by the Government of New England, who are to returne their Answer thereunto in writing to the Clerk of the Council attending on Tuesday morning next, that the whole Busines may be in a readines to be heard at the Boord on Wensday the 25th instant, at ffour in the afternoon, when all Parties concerned are to give their attendance. [p. 460.] 19 June.

[The answer of the New England Agents is delivered and a copy ordered to be given to Mr. Randolph and the business heard on the 2nd of July.] [p. 465.] 25 June.

[360.] [Stores for New England.—C.S.P. VIII. 941.] [p. 456.] 12 June.  
New  
England.

[361.] [The Council refer to the Commissioners of Prizes for examination and report] the Petition of Hugh Sampson, William Gore, John Hall, James Eyton, James Ball, Jeremiah Johnson and others masters and owners of the ship America and her lading bound from Boston in New England, to London setting forth that their said ship was, on the 5th of July last taken by a French Privateer, and great part of her loading with her master and most of her men, carryed into France. That within five Hours after the said ship with the remaining part of her lading was retaken by the Mary Gally and brought into Plymouth. That they have paid the Captain Eighty six pounds for Salvage, yet nevertheless the Officers 15 August.  
Plantation  
Trade.

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of Prizes at Plymouth do detain their said Ship; wherefore praying that the said ship may be delivered unto them.

[p. 523.]

18 Dec.  
(1691.)

[Referred to the Judge of the Admiralty.] [Vol. II. p. 88.]

1 Jan.

[Further report required from the judge, as it does not appear that witnesses have been examined or proof made.]

[Vol. II. p. 94.]

1691.

14 May.

[The report of the Judge is approved, recommending that on account of the brave defence made by the *America*, 25*l.* 13*s.* 9*d.*, the remainder of the salvage due to Captain Wishart of the *Mary* be remitted.] [Vol. II. p. 171.]

21 August.  
Jamaica.

[362.] [On reading a paper from the Treasury] Concerning a wreck discovered upon the Serranillas about Forty Leagues to the southward of the West End of Jamaica, [it is ordered that the Commissioners of the Admiralty] do cause a Report to be made to this Board whether such a fourth Rate Frigate as is mentioned in the Paper, or any other ship can be spared to contain and Protect their Majestys Subjects at the said wreck against any Enemy. [p. 525.]

West Indies.

[363.] [At the end of this volume of the Register occurs a list of 800 or 900 Western rebels transported to the West Indies and now included in a general pardon, dated 9 Jan. 1690 with a marginal note:] this should have been Entred the 9th Janry. but was not taken out till three months after. [pp. 529-33.]

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WILLIAM III. VOL. II. (3 Sept. 1690—29 Sept. 1692.)

18 Sept.  
Ship Passes.

[364.] (1) [An embargo is laid with certain exceptions not affecting colonial trade.] [p. 7.]

25 Sept.

(2) [On the petition of Simon Cole and Solomon Merrett of London, merchants, passes are granted for the *Newfoundland* frigate, 50 tons, John Corbin master, 6 men, for Newfoundland with provisions; also for the *Providence* and the *John and Thomas* for New England and Virginia.]

[p. 13.]

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- (3) [The *Malaga* frigate, 200 tons, John Ketchner master, 16 men, being already on the list of ships allowed to go to Barbados and the Leeward Islands, is permitted to sail with the *Archangel*, the New York convoy, and is to carry to Barbados and the Leeward Islands his Majesty's packets of advices.] 30 Sept. [p. 15.]
- (4) [On the petition of Joseph Richard Hayns and Thomas Merrett of London, permission to sail with the New York convoy is granted to the *Carolina*, Joseph Hall master, 22 men, and the *Barbados Merchant*, George Prissick master, both for Barbados.] 30 Sept. [p. 16.]
- (5) [On the report of the Customs to the Treasury, the *Virginia Merchant*, John Willis master, 25 men, and the *Friendship*, George Webb master, 14 men, ships belonging to Bristol but loading in the Thames for Virginia and Maryland, are permitted to sail from the Thames, but their mariners to be abated from the quota assigned to Bristol.] 16 Oct. [p. 23.]
- (6) [On the report of the Customs to the Treasury, in the list of ships for the Leeward Islands, the *Hope*, Samuel Kelly master, is inserted in place of the *Lily* pink, James Smith master, who refuseth to proceed in that voyage.] 16 Oct. [p. 23.]
- (7) [On the report of the Customs to the Treasury, Mr. Scawen's brigantine *Madeira Merchant*, Thomas Prince master, is included in the list of ships for Jamaica. The merchants agree to accommodate him by sparing five men out of other ships to make up his complement—1 from the *Gilbert and Anne* and 2 from the *Unity* bound to Jamaica, and 2 from the *Carolina*, bound to Barbados. A similar arrangement is made for the *Salisbury* ketch, 30 tons and 5 men, for New England.] 23 Oct. [p. 29.]
- (8) [The Council grant the] Petition of John Want Master of the Bonadventure Sloop of Jamaica 30 tons and four Men, whereof Mr. Taylor was late Master, and Abraham Fifield Master of the Brigantine called the Abraham and James of Maryland with Four Men now at Bristoll, Praying in regard they were employed in the publique Service of those Islands in bringing over from the Governors Letters to his Majesty or the Principall Secretarys of State, They may be permitted to returne home with the like number of Men they brought into this Kingdome without giving Bond, vizt., four Men to each Vessell besides the Master. 23 Oct. [p. 29.]
- (9) [The ketch *Crown* of Boston, Mass., Piam Blowers master, which had cleared the customs at Liverpool before the last embargo, is added to the New England list and given a crew of five men from the other ships, they agreeing to take landsmen instead.] 23 Oct. [p. 30.]
- (10) [On the report of the Customs to the Treasury, that the *Adventure*, 300 tons, James Till master, assigned with 18 men to the share of Thomas and John Taylor in the list for Virginia and Maryland has been since lost, it is replaced by the *Samuel*, Captain Atkey master, 160 tons and 12 men, and the *Francis and Mary*, Thomas Puts master, 80 tons and 6 men.] 23 Oct. [p. 30.]
- (11) [The *Virginia Factor*, Samuel Isaac master, 10 men, is added to the Virginia list.] 23 Oct. [p. 31.]

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- 23 Oct. (12) [On the petition of Sir Robert Davers, the *America*, Hugh Sampson master, 170 tons, 15 men and a boy, is allowed to go to Barbados to bring home a quantity of sugars from his plantation there, which will pay a considerable sum to his Majesty for customs.] [p. 30.]
- 27 Oct. (13) [On the report of this day's date of the Customs to the Treasury, in the list of vessels to sail with the Virginia and Maryland convoy, John Abington is allowed to send the *John*, 10 men, and *Thomas and Susan*, 80 tons and 9 men, Thomas Everard master, instead of the *John*, 260 tons, 19 men, the owner himself master; and Arthur North to send the *Resolution*, Wm. Barnes master, 120 tons, 16 men, instead of the *Samuel*, John Harrison master, 200 tons and 16 men.] [p. 34.]
- 30 Oct. (14) [On the petition of Edward Martindale of Bristol, the *Constant Love*, 140 tons, 8 English seamen, Thomas Opie master, is added to the Virginia list, as laden with perishable commodities and entered at the Customs before notice was given of the general embargo [p. 35]; along with the *Crown* and the *Virginia Factor*, it is formally added to the list on 15 November.] [p. 53.]
- 30 Oct. (15) [On the petition of William Seawen of London, the *King William* yacht, Thomas James master, 90 tons, 7 Englishmen and 3 foreigners, is allowed to go to Jamaica without the Convoy, as it is already included in the list, and as the cargo of provisions, which had been taken on board before the embargo, is so perishable that further delay would be very prejudicial to the petitioner.] [p. 36.]
- 30 Oct. (16) [The Council refer to the determination of the Commissioners of the Admiralty] the humble Petition of Gilbert Nelson Merchant, Setting forth, That in August last, he bought of the Commissioners for victualling his Majestys Navy about Three Hundred Tons of defective Provisions, most of which were then at Portsmouth, and agreed with the Commissioners, that they should obteyne his Majestys Leave to transport them to the West India Islands, And that for that purpose the Petitioner had hired Two Ships vizt. The Prince of Orange, Josias Daniel, and the Ship Anne John Leech Master, and obteyned an Order from the Lords Commissioners of the Treasury to the Commissioners of the Customes to permit the said Provisions to be shipt out Custome free according to the Agreement, and a Protection from the Commissioners of the Admiralty for the said Ships and Thirty five English Seamen. And therefore Praying, that in regard the said Provisions were deteyned by contrary Winds, untill the late Generall Embargo, by means whereof the Commissioners of the Customes, refuse to clear the said Ships, His Majesty would be graciously pleased to Direct, that the said Ships may proceed on their Voyage according to the said Contract, The Petitioner having already agreed with the Victuallers of the Navy to carry Seventy Tons of Provision freight free for supply of the Duke of Boltons Regiment And further proposing in behalf of himself and Company, that they are willing to take fifty Souldiers in the Ships abovementioned, and to provide Passago for the Remainder of the 400 Recruits of the Duke of Boltons Regiment his Majesty finding Provisions for them. [p. 38.]
- 10 Nov. (17) [Orders for strict enforcement of the embargo, and requiring a list from the Customs of all ships cleared at Gravesend since 18 Sept.] [p. 47.]

# ACTS OF THE PRIVY COUNCIL (COLONIAL). 161

- (18) [Permission for the *Providence*, Robert Lewis master, 20 English mariners and the *John and Thomas*, Andrew Elton master, 14 English mariners (see 2) to sail from Portsmouth or Cowes to the West Indies under convoy of the *Archangel* frigate.] [p. 47.] 1690.  
10 Nov.
- (19) [On presentments of the Customs, Mr. Francis Eyles, a very considerable trader to Barbados, but unrepresented in the list, is allowed to send the *Agreement* with fourteen men, and is accommodated with this complement from three ships bound to Virginia or Maryland; and the *Concord*, Captain Crow, 17 men, is inserted in the Virginia list for Peter Paggan in place of the *Samuel*, Captain Baker, lost on her way to the Downs [p. 54]. The *Concord* having been taken into his Majesty's service as a Hospital Ship, the *James*, Symon Emberly master, 17 men, is substituted on 18 December.] [p. 80.] 15 Nov.
- (20) [On the report of the Customs, the *Amity* of Jamaica, John Holland master, four men, and the *Ann Arundell* of Maryland, John Harman master, 80 tons, 8 men, are allowed to return home without giving bond to return to England. Similar order is given for the *Friendship* of Bermuda, 20 tons, on the petitioner, Ephraim Gilbert, proving to the Treasury that the vessel, lately come from Bermuda with tobacco, is now bound thither with clothes, ammunition, etc., for the inhabitants, and is manned only by himself, 3 other men and 2 boys, all natives of Bermuda.] [p. 61.] 20 Nov.
- (21) [On the report of the Customs, the *Pennsylvania Merchant*, Samuel Harrison master, 6 men, four living in Pennsylvania, is allowed to sail to that place with provisions, being the only ship bound thither this year and that colony having been overlooked in drawing up the lists. The permission is repeated on 10 Dec.] [pp. 67 & 77.] 27 Nov.
- (22) [The *Mary*, John Ivy master, is allowed to sail from Plymouth to Virginia without convoy as an advice boat, to carry his Majesty's packets and to attend further orders from the Admiralty.] [p. 72.] 4 Dec.
- (23) [On the petition of William Thornborough, Colonel Kendall's agent, the *Baltic Merchant*, Richard Lister master, 14 men, which was in the list and sailed with the fleet, but is now stopped at Plymouth, is allowed to sail with the convoy to Barbados.] [p. 76.] 8 Dec.
- (24) [On a report from the Customs on the petition of Martin Skinner, his ketch, the *Beginning* of Barbados, with four seamen belonging to Barbados, is allowed to return thither.] [p. 86.] 18 Dec.
- (25) [Edward Haistwell is allowed to substitute the *Bordeaux Merchant*, Lyson Portray master, 6 men, on the Barbados list, for the *John*, Joseph Walker master, 6 men, disabled while going to the Downs.] [p. 85.] 18 Dec.
- (26) [Henry Archer of Wexford is allowed to send the *John*, 60 tons 5 seamen and 3 landmen, with provisions to the West Indies, no number of men having been allowed from Ireland to the West Indies.] [p. 87.] 18 Dec.
- (27) [The *Newport*, Edward Burwash master, 100 tons, 6 English men and a boy, is allowed to sail, touching at Waterford for beef, to Montserrat, where a cargo awaits him the want of which would reduce his family to poverty, on his proving to the Customs that no other ship is bound for Montserrat with provisions, and on giving security to return by the end of August.] [p. 94.] (1691.)  
1 Jan.

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- 1 Jan. (28) [The *Rebecca* sloop of Jamaica, Wm. Peartree master, is allowed to return thither with 6 Jamaica men and 2 foreigners [p. 94]. The *Rebecca* having been detained by the master's sickness, on his petition the Order is confirmed on 19 Feb. after the renewal of the embargo on 12 Feb.] [p. 123.]
- 10 Jan. (29) [On the petition of several Cork and Kinsale merchants trading to the West Indies, licence is given for the ketch *Success*, 40 tons, 4 seamen and 2 landmen, from Cork to Barbados: and for the *Bordeaux Merchant*, 145 tons, Laurence Starman master, 14 seamen, from Kinsale to Jamaica.] [p. 98.]
- 12 Feb. (30) [Orders for continuing the embargo.] [p. 119.]
- 12 Feb. (31) [On the petition of John Chapman commander, the sloop *Mary* of Jamaica, 30 tons, 4 guns, 6 men, employed in bringing letters for his Majesty from Bermuda is allowed to return to Jamaica with as many men as the Admiralty shall deem convenient.] [p. 120.]
- 19 Feb. (32) [The petition of the Hudson's Bay Company for a protection for the *Royal Hudson's Bay* frigate, Captain Leonard Edgecomb, 60 men, to go thither is referred to the Admiralty [p. 123]. On their report on 12 March the pass is granted, 15 of the 60 seamen to be immediately protected in fitting out the ship, and the remainder when the Admiralty shall judge convenient.] [p. 137.]
- 26 Feb. (33) [Michael Taylor's petition for a pass for the *Relief* of Newcastle, Edward Robinson commander, which was in the Newcastle list and sailed for the Indies, but was driven by contrary winds to Norway and has lately returned to Hull, where her men have been taken away, is referred to the Customs [p. 129]. On their report, a pass to Virginia is granted on 2 March.] [p. 133.]
- 12 March. (34) [On the petition of Edward Randolph and a representation from the Customs that his presence in Bridgetown as Officer of the  $4\frac{1}{2}\%$  duty is very necessary, permission is granted for the ketch *William* of Barbados, 40 tons, John Peybridge master, to return thither with two English men and a boy.] [p. 137.]
- 12 March. (35) [The Council refer to the Customs John Knight's petition for a new pass for the *Increase* of Bristol with provisions for Barbados, she having sailed with the ships in the Bristol list, and having been taken by and retaken from the French and being now at Plymouth and ready to sail [p. 137]; a pass is granted on 26 March.] [p. 142.]
- 26 March. (36) [A pass similar to that for the *Royal Hudson's Bay* frigate, is granted for the *Loyalty*, James Young commander, to accompany her to Hudson's Bay.] Their necessary Provisions for the Relief of their Factories, as well as their Trading Goods which they must send to commerce with the Indians, not being possible to be Transported in less than two ships. [p. 141.]
- 26 March. (37) [A pass is granted to Anthony Taylor of Carolina for the *Happy Return* to return thither with ammunition and other necessaries, a report from the Customs showing that no particular provision for Carolina was made in the distribution of mariners for the Plantation Trade.] [p. 141.]
- 30 March. (38) [John Cornish's petition for a fresh pass for the *Happy Return* of Plymouth to go to Barbados, she having been prevented from sailing with

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the West India Fleet by his sudden sickness, is referred to the Customs [p. 144]. A pass is granted on 9 April for three English seamen on the petitioner's finding as many for his Majesty's service.] [p. 150.]

(39) [Protection is granted for the *Samuel and Mary*, John Scuse master, 30 March. and the *Maryland Merchant*, Walter Upington master, each of about 200 tons, to sail without convoy with provisions to the Leeward Islands to enable them to carry on the war against the French, eight English mariners besides landsmen and foreigners to man each ship,] The Petitioners first procuring Twenty four able seamen to serve on board Their Majesties Fleet [p. 145]. [Further order for the *Maryland Merchant* to sail to Virginia north about Ireland is made on 21 May.] [p. 177.]

(40) [A new pass for the *Amity* of Jamaica—*cf.* (20)—is to be granted 30 March. on satisfying the Customs of the truth of her capture by and recapture from the French.] [p. 145.]

(41) [The Council refer to the Treasury the petition of Robert Beckford 9 April. commander of the *Greyhound* privateer of Jamaica to return with his seven men to that island whence he had come to prosecute a grievance against Captain Spragg, since dead [p. 150]. The petition is granted on 7 May.] [p. 164.]

(42) [On the petition of Richard Cary and Joseph Martin of London, a 9 April. pass is granted for the *Prudence*, John Garford master, with provisions to St. Christopher, seven seamen, on furnishing a like number for his Majesty's service, the Customs having reported that no ship has sailed this season for St. Christopher (lately taken from the French) and that the island is in great want of provisions.] [p. 150.]

(43) [On the petition of Nathaniel Whitewell of Dublin that the bonds 16 April. given at Liverpool for the return of the *Hester*, Robert Ross master, from Ireland, were cancelled by the Lords Justices of Ireland that he might carry to the West Indies a considerable quantity of provisions bought in a perishing condition from the Commissary General, but that the Customs refuse to cancel the bonds, without their Majesties' order, order is given accordingly.] [p. 155.]

(44) [The embargo is taken off, with certain exceptions 30 April. among which is] to any part of America. [p. 161.]

(45) . . all ships giving Bond to goe to Newfoundland, and to noe 7 May. other Part of America [are to] be permitted to saile, the Order of the 30th of Aprill last, or any other Order of this Board to the Contrary notwithstanding. [p. 164. C.S.P. XII. 1250.]

(46) [On the petition of Robert Kirke and other merchants of Bristol, 7 May. permission is given for the *Britannia*, Richard Townsend master, laden these six months past with herrings, butter, cheese, cider, and beer for the West Indies, to sail thither north about Ireland before the convoy with 8 men.] [p. 165.]

(47) [Similar permission to John Roach and other Bristol merchants for 7 May. the *Providence*, Francis Price master, 50 tons, 3 seamen, 3 landsmen and a boy, and the *Lamb*, George Colwell master, 120 tons, 6 seamen and 5 landsmen, both laden since September with herrings, beer, and butter for the West Indies.] [p. 165.]



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1691.

7 May.

(48) [On the petition of John Dudlestone of Bristol, the *Patience*, John Compton commander, 50 tons, 5 men, is allowed to go to Montserrat] to fetch home the Petitioners Effects in the room of his ship the *Margaret* which was pressed there for their Majesties service. [p. 165.]

7 May.

(49) [On a memorial from the Admiralty, the *Bayly*, 300 tons, 30 men and 20 guns, hired to carry stores for the Navy to Plymouth, is allowed to proceed thence to Virginia, as is desired by the Navy Board.] [p. 166.]

14 May.

(50) Upon reading the Petition of Peter Renew and other Merchants of London, praying that the Eight Ships hired by the Commissioners for Transportation to carry ammunition to Ireland may have Liberty to sail to the West Indies with Protection for their men according to a contract made with the said Commissioners and the Promise of the Lords of the Committee for the affairs of Ireland, [order is given that they be permitted to sail before the convoy. The names are given.] [p. 167.]

14 May.

(51) [The *Matthew*, Joseph Dudley master, 16 guns, 25 men, and the *Aleppo Merchant*, Thomas Spooner master, 250 tons, 28 men, are permitted to sail with provisions for the West Indies, with either the West Indies or Newfoundland convoy.] [p. 167.]

14 May.

(52) [On the petition of John Swymmer and other merchants of Bristol, three ships, whose names are given, are permitted to sail to Virginia before the convoy with perishable commodities which have been on board for 7 months, as appears by 3 several affidavits taken before the Mayor of Bristol.] [p. 168.]

14 May.

(53) An order of the like kind for 4 Ships to go to the West Indies [names given]. [p. 168.]

14 May.

(54) [On the petition of John Cary of Bristol for the *Mary*, Richard Hyde master, laden seven months since with perishable commodities, as appears by an affidavit taken before Sir Patience Ward, one of the Commissioners of the Customs, she is permitted to go to Nevis north about Ireland before the convoy.] [p. 168.]

21 May.

(55) [On the petition of Edward Hoar of Cork, the *Joseph*, John Whiteing master, 200 tons, 18 guns, 24 men, is allowed to go to Virginia north about Ireland before the convoy, on proving to the Commissioners of the Customs that the goods, laden six or seven months before, have remained on board ever since.] [p. 174.]

21 May.

(56) [On the petition of Francis Broom of Bristol, a similar order in favour of his ship the *Elizabeth and Ann*, Solomon Summers master, 200 tons, 25 men.] [p. 176.]

21 May.

(57) [On the petition of Henry Trenchard Esqr. of Poolo and John Cary merchant of London, the *Consent* ("of Bristol" or "of Poolo"—both given in Register in different parts), Wm. Cock master, 130 tons, 12 men, previously hired by the Commissaries General to carry provisions to Ireland is allowed] to proceed to the West Indies according to their Contract as soon as she Discharged her lading in Ireland. [p. 175.]

21 May.

(58) [On the petition of James Deane of London on behalf of the Governor and inhabitants of Nevis, the *Hopewell* of Nevis, George Holland master, 40 tons, 4 men all of Nevis, is allowed to return thither from Bristol with provisions with the convoy.] [pp. 176-7.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 165

1691.  
4 June.
- (59) [On the petition of Barrakiah Arnold, master, the *Three Brothers* of New England, 130 tons, 14 men, is allowed to return thither with ammunition and wearing apparel with either the Newfoundland or the West Indies convoy.] [p. 193.]
- 4 June.
- (60) [The Admiralty presenting a report from the Commissioners of the Navy that the *Bayley* (49), lately hired to carry stores for a magazine at Plymouth, is inadequate, and that they have agreed with the *William and Mary*, John Browne master, 340 tons, 30 men, 20 guns, on the same terms, with liberty for her to proceed to Virginia, to be freed from embargo there, and to come home without let or molestation, order is given accordingly.] [p. 194.]
- 18 June.
- (61) [On the petition of Henry Gibbs of Bristol, the *Elinor* ketch of Bristol, 40 tons, Robert Higgins master, is allowed to return to New England whence she came five months since.] [p. 197.]
- 2 July.
- (62) [On the petition of the owners, Gilbert Heathcote, Arthur Shallot, and Thomas Byfield, of London, that the *Sea Venture*, one of the West India fleet of last winter, was wrecked near Madeira, they are permitted to send out the *Thomas*, Robert Welles master, 10 English mariners, to carry their wines from Madeira to Jamaica and bring home their sugars.] [p. 201.]
- 16 July.
- (63) [On the petition of Joseph Ashton merchant, and Edward Brook, commander, the *Caesar*, 500 tons, 40 guns, 80 men, is allowed to go to Jamaica in place of the *Aleppo Merchant*, blown up and destroyed below Hole Haven, to the loss to the petitioners of over 3000*l*.] [p. 206.]
- 16 July.
- (64) [The petition of James Clarke for the *Katharine* pink, John Phynny master, to sail from Ireland to Newfoundland, and thence to Malaga, and to have a pass to secure her against the Algerines, is referred to the Admiralty.] [p. 207.]
- 16 July.
- (65) [So also is the petition of Joseph Earle for a similar pass for the *Merchants Goodwill*.] [p. 207.]
- 23 July.
- (66) [On the petition of Peter Henriquez of London, the yacht *King William*, 8 guns, 6 patereros, lately arrived with advices from the Governor of Jamaica, is allowed to return thither with 12 English mariners.] [p. 213.]
- 30 July.
- (67) [In the case of the *Katharine* (64) the Admiralty report that to grant a pass would infringe the rules established by Order in Council of 19 Sept. 1689; they are however ordered to grant it forthwith, notwithstanding the rules.] [p. 216.]
- 6 Aug.
- (68) [On the report of the Admiralty, it is ordered] that the ship *Ann* burthen about Two hundred Tuns, Hired by the Commissioners of the Navy to carry stores to Portsmouth, be permitted after the delivery of the said stores, to proceed on her voyage to Virginia and to be freed from any Embargo there. [p. 223.]
- 13 Aug.
- (69) [The Council refer to the Treasury the petition of Simon Cole and Solomon Merrett for leave to send the *Pelican* to Newfoundland for a cargo of fish left in Newfoundland by the master John Corbin on his former voyage—(this *Pelican* being a vessel bought to replace the other *Pelican* lost on the homeward voyage on the coast of Portugal).] [p. 227.]

166 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.  
20 Aug. (70) [On the petition of John Hyde, the *Isabella*, 90 tons, 8 men, is allowed to sail from Workington in Cumberland to the north of Ireland, and thence to the Leeward Islands.] [p. 228.]
- 20 Aug. (71) [The embargo on all ships bound to the American plantations is taken off till 15 Sept., bond being given to go and return with the convoy, and to carry landsmen as one-fifth of the crew.] [p. 229.]
- 27 Aug. (72) [On the petition of the master, letters of marque are granted to the *Caesar* (63).] [p. 231.]
- 3 Sept. (73) [On the petition of their commanders, letters of marque are granted to the *Bengal Merchant*, 620 tons, 30 guns, 80 men, bound to Virginia, and the *New Industry*, 300 tons, 20 guns, 40 men bound to Jamaica.] [p. 236.]
- 24 Sept. (74) [The *John*, Thomas Salmon master, 70 tons, 8 men, bound for Carolina, is allowed to sail with the Barbados convoy. So also the *Dolphin*, for Virginia, 16 men.] [pp. 246-7.]
- 8 Oct. (75) [An embargo is laid on all ships for Virginia and Maryland, from the River of Thames to Falmouth inclusive, which do not sail with the appointed convoys on 2 Nov.] [p. 254.]
- 12 Oct. (76) [On the petition of William Martin, commander of the *Inchiquin*, long laden with perishable commodities, and in the Downs ready to sail for Jamaica, the Customs are ordered to examine the matter, and if they find no objection to allow her to sail in company with the *Caesar* and the Guinea fleet.] [p. 256.]
- 15 Oct. (77) [On the petition of Thomas Addison, one of the Commissioners for sick and wounded seamen passes are granted for the *Phoenix*, Thomas Moason master, 80 tons, and the *Freeman*, George Ribson master, 140 tons, from Whitehaven and Workington to Virginia and Maryland, though they] could not be cleared within the time limited by the Rule, in regard of their being in their Majestys Transport Service. [p. 259.]
- 27 Oct. (78) [The *John and Thomas*, 200 tons, 16 men, is allowed to sail to New York with the first convoy, having been entered in the list of ships for colonies other than Barbados, Leeward Islands, Jamaica, Virginia, and Maryland, though not yet cleared at the Custom House, care being taken that under pretence of this liberty, no more than the aforesaid number of men be taken.] [p. 265.]
- 27 Oct. (79) [Similar orders for the *William*, London to Carolina, 7 men, and for the *Catherine* for New York, 14 men.] [p. 265.]
- 27 Oct. (80) [An embargo is laid on all ports from Carlisle to St. Ives inclusive.] [p. 265.]
- 27 Oct. (81) [The embargo is taken off a list of ships bound for American plantations other than Barbados, Leeward Islands,

1691.

Jamaica, Virginia and Maryland, presented to the Board by the Committee on behalf of the Customs as ready to sail with the present convoys.] [p. 267.]

(82) [The Commissioners of the Customs knowing no inconvenience in the matter, the owners of the *Constant Thomas* in the list of ships for Virginia and Maryland, are allowed to substitute John Richardson as master in place of Richard Cook, who is too ill to make the voyage.] [p. 273.] 19 Nov.

(83) [With the consent of the Commissioners of the Customs the ship *Susanna*, Richard Laycock master, 14 men, is allowed to Mr. Thomas Ellis to replace the *Robert and Mary* in the same list.] [p. 273.] 19 Nov.

(84) [On satisfying the Customs that, though Dartmouth trades largely to the West Indies, yet as all their ships were abroad when they should have cleared the Custom House and so none belonging to the town appears in the list for the West Indies for this year, permission is to be granted to Sir Joseph Herne and William Hayne to send the *Dorcas*, 160 tons, 24 English seamen, to the West Indies.] [p. 274.] 19 Nov.

(85) [On the petition of the owners, the name of the master of the *John and Thomas* (78) is altered to Thomas Daniel, Capt. Joseph Scotting having left their service.] [p. 275.] 27 Nov.

(86) [On the petition of Solomon Merrett and Joseph Paice of London, it is referred to the Customs whether the *Union*, 40 tons, 6 men, may go to Barbados in place of the *Hope*, 75 tons, 8 men, and the *Hope* go to Portugal [p. 279]: also whether the *Lark* of Boston in New England may return thither from Hull [p. 279]: and whether the *John* of Minehead may go to Barbados to bring home some of the goods of the petitioners, Anthony Lucas, James Pratt and other merchants.] [p. 280.] 3 Dec.

(87) The embargo is taken off ships cleared for the plantations in ports between Carlisle and St. Ives, security being given first to make one voyage to Ireland to bring back some of his Majesty's forces.] [p. 286.] 4 Dec.

(88) [Sir John Dudlestone is allowed to send the *John and Susanna*, 200 tons, 16 seamen, 12 landmen, from Bristol to the West Indies, provided he let to hire to the Commissioners of Transportation two ships of about 400 tons in the whole, to bring over the troops from Ireland within 16 days, and another of 100 tons as soon as she can be got ready.] [p. 287.] 10 Dec.

(89) [The *Union* and *Hope* (86) are allowed to sail.] [p. 290.] 17 Dec.

(90) [On the report of the Customs, Mr. Lee is allowed to insert Matthew Ryder as master of the *Thamer*, in place of Robert Goodfellow.] [p. 294.] 21 Dec.

(91) [The *Beaver* and the *Resolution*, vessels belonging with most of their crews, to New York, are permitted to return thither [p. 295]. On 14 April the masters of the *Beaver* and the *Resolution* are ordered to contract to carry to New York 40 tons of goods and 19 servants of Col. Fletcher, and also to attend the Earl of Nottingham about their allegation that it cost them 1807. 21 Dec.

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1692.

to secure their passes [p. 377]. On reading their affidavits concerning the money which they gave to Mr. Overton to procure them passes, the latter on 21 Ap. is ordered to attend the Board on Thursday next [p. 382]. On 12 May the masters' petition for restoration of pressed seamen and permission to join the convoy in the Downs is referred to the Admiralty. [p. 397.]

7 Jan. (92) [The embargo is again imposed with exceptions not affecting the colonies.] [p. 303.]

7 Jan. (93) [To the Admiralty is referred a petition for license for the *Elizabeth* to return to New England, stating that, if such vessels are to be embargoed, it] will be a total Discouragement to all Masters, Mariners and ships belonging to their Majesties American Plantations from Coming to England, and the utter ruine of the Petitioner. [p. 307.]

7 Jan. (94) [A petition for the *James and Robert* to go with provisions to Jamaica is referred to the Committee.] [p. 307.]

4 Feb. (95) [On the petition of Sir Wm. Phips and Increase Mather, the *Edward and Mary*, 260 tons, 14 guns, 24 seamen, Michael Staples commander, is permitted to sail with the *Nonesuch* frigate to New England carrying ammunition and stores.] [p. 326.]

4 Feb. (96) [On the petition of the merchants trading to Jamaica, permission is given for the *Susanna*, John Douglas commander, with 6 English mariners to go to Jamaica immediately] with the Advice of a Squadron of French Ships being gone towards those parts, that they may put themselves in a Posture of Defence in case of any Attempt from the French. [p. 326.]

4 Feb. (97) [The cases of the *Lark* of Boston (86) and of Henry Moad, Robert Cole and Thomas Corbet, masters of three unnamed vessels seeking liberty to return to the plantations, are all, upon report from the Customs, referred back to the Treasury for fuller examination [p. 326]. On 14 April on the report of the Customs, permission is given for the *Lark* to sail.] [p. 377.]

11 Feb. (98) [On the report of the Customs on the petition of Henry Rycroft and Matthew Ryder, masters of the *Jeremy*, 200 tons, 16 men, and the *Thamer*, 160 tons, 12 men, and on the petition of Micaiah Perry, Peter Paggan, and other merchants and traders to Virginia, they are allowed to sail with the convoy now attending for Sir William Phips, having been delayed behind their own convoy by contrary winds and tides.] [p. 329.]

18 Feb. (99) [The Treasury presenting a presentment from the Customs as to ships lately stolen forth from Bristol and Barnstaple, orders are given to the Attorney General to prosecute persons violating the embargo and to consider means of preventing its violation, and how Governors of plantations may arrest vessels arriving there after breaking the embargo [p. 331]. On his report, Orders for the

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enforcement of the embargo are given on 25 Feb. to the Governors of plantations and to the Commissioners of the Admiralty.] [pp. 337-8.]

(100) [The *Dolphin*, 300 tons, John Frye master, in her voyage from New England was taken by the French after five hours' close fight. The master and men, being of New England, are not allowed the benefit of an exchange, as some Frenchmen are kept in prison in New England, but it is proposed by the French that if the owners redeem the ship, the men will be permitted to come away in her. A pass is therefore asked for her to go empty from St. Malo, where she now is, to the Madeiras and so to the Plantations and thence to England. The petition is referred to the Admiralty for examination, a pass to be granted if it appear that the vessel made as stout a resistance as is alleged.] [p. 332.]

18 Feb.

(101) [On the petition of Philip Raynes of Antigua, the *Mary* sloop, James Barry master, sent with advices from the Governor of Antigua is allowed to return thither with the master, two men and a boy.] [p. 333.]

18 Feb.

(102) Warrant for bringing before the Council Richard Gottley of Bristol for breaking the embargo by sending out the ship *Richard and John* to Virginia in contempt thereof [p. 343]. On 24 March Gottley is discharged on promising to raise 50 seamen for their Majesties' service, and giving security for his appearance at the King's Bench next term to answer any information against him [p. 364]. Gottley having secured 47 seamen at Bristol, his recognizance is cancelled on 14 April.] [p. 370.]

1 March.

(103) [On the report of the Admiralty ten ships (named in the Register) are permitted to sail to Newfoundland, the Admiralty providing a convey.] [p. 345.]

10 March.

(104) [Petitions for the *Madeira Merchant* to return to Jamaica, and the *George* to New England—to which places they are said to belong—are referred to the Admiralty.] [p. 349.]

17 March.

(105) [So also is a petition of John Bird, John Pargiter and others of London, that the *Mary* may sail to Jamaica with advice for the owners' correspondents there of a contract made with the Spaniards for negroes to be furnished at Jamaica and delivered at Havana [p. 349]. This matter is referred to the Committee on 16 June [p. 421] and permission to sail is given on 21 July [p. 441]. From the last entry it appears that 200 negroes were to be supplied by the end of October at 28*l.* per head.]

17 March.

(106) [The Council also refer to the Admiralty the petition of John Usher, Lieutenant Governor of New Hampshire, for protection for the *New England Charity* with 8 English mariners to sail to New England with himself and various stores for the Government of New Hampshire [p. 350]. The Admiralty on 24 March give their consent, if it be judged necessary to send the stores at once, and the Council considering that such urgency does exist, order the Admiralty to find freight for the stores in some ship going to New England or report further to the Board [p. 366]. On 28 Ap. on the report of the Admiralty, the *Charity* is allowed to sail with 8 men on providing 16 men for their Majesties' service [p. 384]. On 16 June permission is given to sail on satisfying the Admiralty [p. 421]. On the report of the Admiralty an unconditional order is given on 23 June.] [p. 425.]

17 March.

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1692.  
21 April. (107) [On a report from the Customs, agreed unto by the Treasury, the *Fellowship*, 180 tons, Thomas Cobbett master, is allowed to return to New England, if her 10 seamen really belong to New England [p. 382]. Like orders for the *Escape* of Barbados, Robert Colo master, 70 tons, and the *Lark* of New York, Thomas Mead master, 80 tons [p. 382]. On 9 June all three vessels are allowed to sail.] [p. 417.]
- 28 April. (108) [The *Dering* frigate, Leonard Edgcomb master, 260 tons, 60 men; the *Hudson's Bay* frigate, Michael Grimington master, 200 tons, 55 men; the *Perry*, 90 tons, 18 men; the *Prosperous* fireship, 120 tons, 17 men, are allowed to sail to Hudson's Bay on providing as many men for their Majesties' service as are included in their complements for the voyage. On 12 May a further petition for protection for the 150 seamen on those vessels before they provide the like number for the fleet is referred to the Admiralty [p. 397]. On 9 June on the report of the Admiralty, they are permitted to sail.] [p. 416.]
- 5 May. (109) [A general embargo is laid on England, Wales and Berwick-on-Tweed [p. 389]: on the 12th certain exceptions are made, which do not affect the plantations [p. 395]. Other similar exceptions are made later.]
- 19 May. (110) [The *Carolina* and the *Resolution*, according to their contracts with the Commissioners of the Navy, are allowed to sail to the West Indies after delivering stores at Plymouth.] [p. 406.]
- 9 June. (111) [The petition of William Seawen of London, and other merchants, seeking liberty to return to Jamaica for the *King William* yacht,] which came from Jamaica Expresso, when the Earle of Insiquin dyed, with a Paquet for their Majesties Service [is referred to the Treasury, for investigation and report. [p. 418.] On their report, on 23 June, permission to sail with 9 mariners and 3 landsmen is given [p. 425]. On 8 August, order is given for stopping her in the Downs, or if she have sailed thence, at Plymouth [p. 458]. On 23 Aug. she is allowed to sail on the petition of several merchants that she is carrying letters of advice from them to the island.] [p. 408.]
- 16 June. (112) [Petitions for the *Three Johns* and the *Greyhound* to return to Jamaica, are referred to the Customs [p. 420]. On reading this report, the Council grant the passes on 8 August.] [p. 459.]
- 14 July. (113) [On the petition of Thomas Lane and other proprietors of New Jersey, the *Jersey* ketch is allowed to go thither with powder and other ammunition.] [p. 439.]
- 8 Aug. (114) [All such merchant ships as intend for the West Indies are to send in to the Board on Monday next their names and other details,] and such of them as will Carry a proportion of Men Provisions and Stores for their Majesty's service to the Plantations in the West Indies [shall have leave to sail, and protections, if ready by the end of August]. [p. 458.]

# ACTS OF THE PRIVY COUNCIL (COLONIAL). 171

1692.  
8 Aug.
- (115) [The *John and William*, which, when ready to sail from Bristol to Virginia, unloaded and entered their Majesties' service to fetch soldiers from Ireland, is now granted protection for 10 men to go to Barbados with provisions.] [p. 459.]
- 11 Aug.
- (116) [On a representation from the Customs to the Committee, a warrant is issued to bring Robert Allen and Tobias Smith of the ship *Ann* of Stockton in Durham before the Council for defiance of the embargo in departing from that port for Virginia on 23 March 1691, and for assaulting and abusing the officers of the Customs [p. 463]. Allen is discharged on bail, 15 September, and the Attorney General directed to bring an information against him in the King's Bench.] [p. 497.]
- 18 Aug.
- (117) [The embargo is taken off two lists of ships which have agreed with the Commissioners for victualling the navy to carry provisions, stores, and soldiers to the West Indies.] [p. 464.]
- 18 Aug.
- (118) [The *Peter and Elizabeth*, 10 men, is permitted to go to Virginia and Maryland as an advice boat with their Majesties letters and orders.] [p. 467.]
- 23 Aug.
- (119) [The *George*, Roger Goulding master, 50 tons, 5 men, and the *Theneriffe Merchant*, Jacob Walters master, 100 guns, 8 men, are permitted to return to New England, the men all belonging to New England.] [p. 469.]
- 23 Aug.
- (120) [The *Dolphin* of New York, William Baker master, 35 tons, 6 men, touched at the Isle of Wight on her way back from Holland to comply with the Navigation Act, and is stopped by the embargo; a petition for license to return with the Newfoundland convoy is referred to the Treasury and Customs for examination.] [p. 469.]
- 23 Aug.
- (121) [On the petition of James Ball, William Crowch, and others, the *America*, Gilbert Bant master, 160 tons, 16 guns, is permitted to sail to New England with the West Indies convoy on giving the like bond to that for New England ships last year.] [p. 469.]
- 25 Aug.
- (122) [On the petition of Gilbert Heathcote and partners, the small buss the *Margaret*, 40 tons, is permitted to sail with five men from Newcastle north about Scotland to Jamaica with coals, iron work, etc., for rebuilding store houses and works destroyed in the late earthquake.] [p. 473.]
- 29 Aug.
- (123) [The *Cadiz Merchant* to be free to sail to Jamaica before the end of September, on Captain Samuel Kempthorne's completing his contract with the Victuallers of the Navy and taking in the stores he has undertaken to carry to Jamaica for their Majesties' service.] [p. 475.]
- 1 Sept.
- (124) [A convoy of one ship is to be appointed for vessels carrying stores to Jamaica, to sail by the 22nd instant, if possible.] [p. 477.]
- 1 Sept.
- (125) [On the representation of the Commissioners for victualling the navy, it is ordered that masters of ships that contracted to carry stores to the West Indies by the end of August, be proceeded against for non-performance of their agreements if they are not ready to sail within one week [p. 478]. Another order stopping such vessels is issued on 22 September



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1690-2.

[p. 501]. On the same day further time is allowed to such as will carry stores for their Majesties' service, provided they be ready to sail with the next convoy and observe the conditions of their contract.] [p. 501.]

1692.

2 Sept.

(126) [The merchants who are sending ships to Jamaica ask that, for the security and keeping together of their ships in the voyage, a Commission may be granted to Captain Samuel Jones of the *Josiah*, 600 tons, 40 guns, 65 men, to determine on his arrival at Jamaica. The matter is referred to the Admiralty.] [p. 482.]

2 Sept.

(127) [On the representation of the Committee, protections for the *Cadiz Merchant* and the *James and Mary* are granted for voyages to Jamaica, if they are ready according to contract to sail on the 22nd September from the Thames carrying not over 50 tons of stores for their Majesties' service at forty shillings per ton.] [p. 482.]

2 Sept.

(128) [Similar permission for four other vessels to sail on 20 October under Captain Jones of the *Josiah* with stores for Jamaica.] [p. 482.]

8 Sept.

(129) [Order to the Victuallers of the Navy to contract for 120 tons of shipping to carry provisions with the convoy of 22 Sept., for the supply of Their Majesties' Ship *Mordant* at Jamaica.] [p. 484.]

(130) [The *Sarah*, John Simpson commandor, and the *Mary*, James Cole commandor, are to be stopped from proceeding on their voyages for failing to perform their contracts with the Victuallers of the Navy.] [p. 484.]

12 Sept.

(131) [14 ships (names given) from Bristol and Liverpool to sail to the West Indies if agreeable to the rules to be prescribed by the Customs on the Order in Council of this date [see 463]. Similar orders for the *Hope* of London, David Godin owner, Samuel Kalley master, 150 tons, to Boston in New England; the *Agreement* and *Swift*, Francis Eyles and others owners, Edward Dobbins and John James masters, to the Madeiras to load wine for the West Indies; the *New England Merchant* with provisions for Barbados; the *Samuel and James* and the *Providence* of New England to sail to the Isle of May for salt for New England [pp. 487-8]; the *Concord* of Boston in New England, New England built and Boston manned, 20 men; the *George* of New England, 7 New England men and 3 foreigners; the *Ann and Mary*, 80 tons, 8 men inhabitants of Bermuda, to return thither [p. 490]; the *John Adventure* for New England, and the *Hope* for Madeira and New York, both desiring to sail with the Barbados convoy.] [p. 492.]

The  
Committee.

[365.] [During this period there is added to the Committee Sydney, Lord Godolphin, 20 Nov., 1690; the Earl of Bridgewater, 14 May, 1691.]

1690.

18 Sept.  
Barbados.

[366.] [Order to the Principal Secretary of State to discharge Sir Thomas Montgomery sent in custody from Barbados for misdemeanour, security being given for his appearance at the Board whenever required for the space of two months after his recognizance.] [p. 6.]

- [1000*l.* bail and 2 sureties of 500*l.* each to be found by Sir T. Montgomery for his appearance at any time within two months.] 1690.  
25 Sept.  
[*p.* 13.]
- [367.] [Two ships to convoy the Virginia and Maryland fleet are to be ready in the Downs on 20 October. Ships for the West Indies will sail at first with the Straits Convoy, and one man of war escorting the provision ships intended for Captain Wright's squadron in the West Indies shall remain with them as convoy to Barbados or the Leeward Islands. For a convoy on the return voyage, Captain Wright is to appoint one vessel each for the fleets from Barbados, the Leeward Islands, and Jamaica, and the convoy for the Jamaica fleet for the homeward voyage is also to bring it from Barbados or the Leeward Islands to Jamaica.] 18 Sept.  
Plantation Trade.
- [*p.* 7. C.S.P. VIII. 1056.]
- [368.] [Orders for Captain Wright.—C.S.P. VIII. 1057. He is to take measures to be in England by the last of March, their Majesties' service requiring the use of the squadron here. Besides the necessary convoys, he is to leave for the defence of the islands one frigate at Barbados and one at the Leeward Islands and a fourth rate at Jamaica instead of the *Swan*, or a fifth and a sixth rate, as the Governor proposed. If he requires provisions before the supply arrives, he is to apply to the Governor of Barbados or of the Leeward Islands.] 18 Sept.  
West Indies.
- [*p.* 8.]
- [Captain Wright to send a fifth-rate frigate to New York.—C.S.P. VIII. 1090.] 1 Oct.  
[*p.* 18.]
- [369.] Whereas upon the humble Request of the Merchants Trading to the Plantations, His Majesty is pleased, notwithstanding the Present Embargo, to allow so many ships to go this year to the Barbados, the Leeward Islands and Jamaica, as shall be Navigated by Twelve hundred seamen being English, or accounted such by the Acts of Trade, and no more, besides Forreigners, And the like Number of Ships and English Mariners to Virginia and Maryland, [the Treasury 21 Sept.  
Plantation Trade.]

1690.

are required to give directions], that the adjusting what Ships shall go to those severall Plantations, and how the Numbers of Men shall be distributed and Apportioned among the Merchants in each Port, be left to the Commissioners of the Customs, . . . As also . . . the settling such Proportions, as may be fittest to be allowed between London and the Out Ports ; Wherein Regard is to be had, to the respective Customes paid in those Ports. [The Convoys are to be ready in the Downs ; for Barbados, Leeward Islands, Jamaica and Bilbao, on 20 Oct. ; For Virginia, Maryland, Portugal, Spain and the Canaries, on 31 Oct.]

[p. 9. C.S.P. VIII. 1062.]

- 1 Oct. [On a report from the Customs that] They having in great measure adjusted with the Merchants of this Port of London, trading to the Plantations, what number of Ships shall go to the severall Plantations, and the Numbers of Men to be apportioned thereunto. And being about to do the like for the severall Out Ports, Do observe by the Returns made from severall of them, that many Ships are already gone to the Plantations this Season, and particularly from the Port of Bristoll, a greater number of Seamen, than (if Retrospection shalbe had from June last) will come to their Share in proportion to the rest of the Ports, according to the Distribution the Commissioners are now making, with regard to the Customes paid by each Port. And therefore Praying to receive his Majestys Pleasure, from what time the Accounts shall begin to be made of the number of Seamen to be allowed to each Port for the Trade of the Plantations, whether from the 4th of September last, at which time the Commissioners were first summoned to attend the Lords of the Councill concerning this Affair, Or from the 18th of the said Monoth, at which time the Embargo tooke Place, and not from any former period of time It appearing by the List from Bristoll, that Ships have been going to the Plantations from that Port, ever since the beginning of June last : [it is ordered that the reckoning be from 4 Sept.]

[p. 17.]

1690.  
16 Oct.

[The Treasury] having this day laid before his Majesty in Council a Presentment of the Commissioners of the Customes of the 4th instant with the severall Lists of Ships, and Men allotted to each Ship designed from the Port of London to the Plantations, pursuant to an Order of the Boord of the 21th of September last, as they stand adjusted by the said Commissioners of the Customes and agreed to by the Merchants respectively concerned in those Trades, vizt.

		Ships.	Men.
To	Virginia and Maryland.....	46 ....	800
	Barbados .....	31 ....	400
	The Leeward Islands.....	17 ....	199
	Jamaica .....	14 ....	200

[The lists are ordered to be sent to the Admiralty], to be by them transmitted to the respective Convoys who are to have directions to take them under their Care, With this further Signification, That by the Numbers of Men appointed to each Ship, are to be understood that number of English Men, which is to be supposed to be  $\frac{3}{4}$  of each Ships Complement besides the Master, Over and above which, each Ship is allowed by Law to have  $\frac{1}{4}$  of her Mariners Strangers.

[A similar order is made on the report of the Customs as to the 6 ships and 70 men for New England and the 4 ships and 40 men for Newfoundland.] [p. 22.]

[370.] [Permission for the Virginia and West India fleets to sail with their convoys, the master of each ship delivering to the Commissioners of the Customs a true list of the mariners on board, and giving bond to sail only to the port for which he entered, to return with the convoy and hand over the mariners to such person as the Commissioners of the Admiralty shall appoint, and to carry one fifth landmen on the voyage. Permission to sail with the convoys is also granted to five ships with 70 men belonging to New England, and to six ships with forty men bound for Newfoundland.]

25 Sept.  
Plantation  
Trade.

[p. 11.]

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1690.

[With regard to convoys it is further ordered] That there be Two months time allowed for the Loading of the Leeward Island ships from their Arrivall, Two months for those of Jamaica and Six Weeks for the Ships at Barbados, which times respectively being Expired, the Convoys are forthwith to Return to England from each place, without Staying for one another. [Three months are allowed for loading in Maryland and Virginia. On leaving the Downs, the Convoys shall call at Plymouth and Falmouth for such ships as are ready to go with them, but without entering these ports.]  
[p. 12.]

25 Sept. [371.] [The officers of the New York Companies referred  
New York. to the Committee.—C.S.P. VIII. 1069–70.] [p. 13.]

30 Sept. [372.] [The petition of Charles Hickman, Doctor in  
Jamaica. Divinity and Chaplain in ordinary to their Majesties, is referred to the Earl of Inchiquin.—C.S.P. VIII. 1079, 1081.]  
[p. 14.]

1 Oct. [373.] [Order for 400 recruits for the Duke of Bolton's  
West Indies. regiment and for a competent number of corporals and sergeants to conduct them to the West Indies.]  
[p. 17. C.S.P. VIII. 1089.]

30 Oct. [Admiralty to provide transport and victuals.—C.S.P. VIII.  
1155.] [p. 38.]

9 Oct. [374.] . . the Order of the 25th of the last Moneth,  
Plantation Trade. for hindring any Persons whatsoever to go out of, or come into this Kingdome, without Passes from his Majesty, his Privy Councill, or one of the Secretarys of State, or from their Majestys Allies [is explained, at the request of the Commissioners of the Customs, so as not to extend] to Passengers going to the Plantations; so as such Passengers produce good Certificates from the Magistrates, or other Cheif Officer of the Corporation or Place, from whence they go, of their good Affections to their Majestys Government, And do give Security to the officers of the Port where they

1690.

embarque, that they will not act contrary to their Majestys Service nor repair to any of their Majestys Enemys.

[p. 19.]

[375.] [The Treasury] having this day laid before the Boord a Presentment of the Commissioners of the Customes with a Memoriall of Mr. Giles Lytcoot Comptroller Generall of the Accompts, Taking notice, that there are considerable Summes of Money and Quantitys of Goods remayning in the hands of the respective Collectors in the Plantations for the Dutys arising to their Majesties by vertue of the Act made in the 25th year of King Charles the Second. And proposing by reason of the Difficulty in obteyning good Bills in the Plantations for remitting the Money from thence, And also that the Freight of Goods hither is extravagantly dear, That the Commanders of their Majesties Ships of Warr which go Convoyes to the respective Plantations, may be directed to receive from the Collectors and Officers of the Customes in the said Plantations such Goods as they shall have to load for their Majesties Accompt, not exceeding the Proportion of Ten Tons of that Tonnage to every Hundred Tons of the Ships Burthen; which the said Commissioners approve of, as a very proper Expedient for the bringing home those Effects for their Majesties use at this juncture. [The Council also approve the proposal and give orders accordingly.]

16 Oct.  
Plantation  
Trade.

[p. 23.]

[376.] [Order as. to Samuel Trot.—C.S.P. VIII. 1105.]

16 Oct.  
Bermuda.

[p. 24.]

[377.] [A letter to Col. Slougher as to the state of New York.—C.S.P. VIII. 1113.]

17 Oct.  
New York.

[p. 25.]

[378.] [Tobias Frere referred to Committee.—C.S.P. VIII. 1133.]

23 Oct.  
Barbades.

[p. 26.]

[379.] A. List of such Ships as are agreed upon and adjusted to go to the severall Plantations from the following Out Ports hereunder named this Season with the number of Men allotted to each ship [is submitted by the Commissioners

23 Oct.  
Plantation  
Trade.

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1690.

of the Customs through the Treasury, and is ordered to be sent to the Commissioners of the Admiralty for transmission to the respective convoys] :—

		Ships.	English Men.	Land-men.	Forrainers.
Southampton ..	..	2	13		
Exon ..	..	9	70		
Lime Regis ..	..	1	7		
Poole ..	..	5	29	6	
Yarmouth ..	..	1	21		7
Stockton ..	..	1	16		
Chester Eight Men transferred hence to Leverpoole					
Leverpoole ..	..	8	60	20	8
More ..	..	2	8		

[p. 28.]

13 Nov. [A list of ships at Newcastle bound for Virginia all this season gives the names of five vessels with a total complement of 40 men.] [p. 53.]

23 Oct. [380.] [The Council refer to the Committee for consideration and report] the Petition of Edward Randolph Collector of the Customes in New England, Setting forth his Services in that Employment. [p. 32.]

(1691.)

26 March. It is ordered that the New England Agents receive a copy of, and forthwith return their answer to] the Petition of Edward Randolph setting forth that he was about sixteen yeares last past Employed in the Service of the Crown in New England Where he continued with great Zeal and fidelity to manage the severall Trusts reposed in him, untill disturbed by an Armed Multitude, who on the 18th of Aprill 1689, seized upon him, and made him a Close Prisoner, and forcibly tooke all his Papers and Books of publick and private concern, out of his house and conveyed them to the Town House in Boston, and still detein them. That the Petitioner has accounts to pass at the Navy Board, which for want of his Papers and Vouchers so deteined he cannot close; Wherefore humbly praying that his Books, Papers and accounts may be restored to him by the Government in Boston. [p. 143.]

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[Petition and accounts referred to the Admiralty.] (1691.)  
7 May.  
[p. 164.] 1690.

[381.] [The Council refer to the Commissioners of the Admiralty for consideration and report] the Petition of Caleb Heathcote and others Merchants and Traders to New Yorke 30 Oct.  
New York  
. . . That the Arch Angell Frigate now going Convoy to the Fleet of Merchantmen intended for those parts may continue at New Yorke for the Security thereof, untill some other Man of Warr be settled as a Guardship there. [p. 36.]

[The *Archangel* to remain at New York till relieved by another frigate.] 13 Nov.  
[p. 50.]

[382.] [The Victuallers of the Navy to provide, and the Commissioners of the Admiralty to transport to the West Indies, beef, pork, peas, biscuit, flour and oatmeal, to serve as two months provision for the 930 men of the Duke of Bolton's foot regiment there,] according to such proportions as are usually provided for the Navy, Except that there be One Third only of Bisket in hand, and Flower instead of the Two other Thirds of Bisket. [The Officers of the Ordnance to supply for the four hundred recruits to be raised for the Duke of Bolton's regiment 400 firelocks with halberts, drums, bayonets, and bandoliers proportionable: and further to send for the defence of the Leeward Islands an engineer and two miners, and the following stores of war]:—4000 pound weight of Bullets or Shot for whole Culverin, Demy Culverin and Saker for the Guns already there, proportionable of each sort: 100 Barrills of Powder for the Great Guns; 50 Barrills of Powder for small Armes; 100 pound of Match; 600 Fire Locks; 1000 pounds of Bullet to them; 1 Barrill of Flints; 100 Cutlasses; 300 Bayonets; 1000 Hand Grenados; 1500 Half Pikes; 1 Mortar Peice with its appurtenances, and Store of Shells or Granados to the same. 30 Oct.  
West Indies.

[pp. 31-2. C.S.P. VIII. 1137 & 1139-40.]

[383.] Upon reading this day at the Boord the humble Petition of Charles Lord Baltemore, Setting forth, That he 30 Oct.  
Maryland.



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1690.

is informed, That John Coode and Kenelme Cheseldyn Two of the Ringleaders of the Disturbers of the Petitioners Government in Maryland, and who have got the greatest part of his Revenue into their Hands are lately landed at Plymouth, and are there Embezelling and spending the same. And therefore Praying, that they may be sent for to answer his just Complaints, and to make Satisfaction for the great Wrongs and Injurys he hath suffered by them . . . they are hereby required personally to attend this Boord on Thursday the 20th of November next to answer the aforesaid Complaint Whereof they are not to fayle at their perill.

[p. 36.]

20 Nov. [All parties appear, but witnesses for Coode and Cheseldyn not being ready, the hearing is postponed till the 22nd.]

[p. 56. C.S.P. VIII. 1195.]

30 Oct. [384.] [On consideration of a presentment from the  
West Indies. Customs] touching Merchants Ships bound with Provisions for their Majesties Fleet in the West Indies, being excused from giving Bond at the Custome House to go to a certain Port and to returne home, in regard the Masters of the said Merchants Ships are obliged to deliver the said Provisions to the Comander in Cheif of the aforesaid Squadron at whatever Port he shalbe. [It is ordered that the Provision Ships go directly to the West Indies, find the fleet, and after delivering their consignment return directly to this place], according to the Rules prescribed by the late Order in Council of the 25th of September last.

[p. 37.]

6 Nov. [385.] [A list of ships at Dartmouth bound for the Plantations  
Plantation Trade. sent from the Customs to the Treasury and presented at the Board is ordered to be transmitted to the Admiralty for the information of the respective convoys. Three ships of 120 to 150 tons for Virginia are allowed a total of 19 English seamen; 4 of 30 to 40 tons for Barbados, and one of 60 tons for Virginia, two English seamen each, and one of 80 tons for Jamaica 6 English seamen.]

[p. 46.]

1690.  
15 Nov.

Whereas for the better supplying the Fleet with Seamen His Majesty by an Order in Councill of the 18th of September last and other Orders made since that time has been pleased to direct an Embargo to be laid on all Ships Outward bound, except as therein excepted; And upon further consideration of the state of the severall Trades has thought fit to Regulate the Number of Seamen allowed to go out this year. It is this day Ordered by His Majesty in Councill that the severall Ships and Number of Seamen mentioned in the lists hereunto annext be allotted to the Out Ports be permitted to go to Their Majestys Plantations in America, That is to say the Ships belonging to the severall Ports lying between the Port of Dover and Falmouth Inclusive, with their respective Convoys, and the other Ships therein mentioned with the first opportunity of wind and weather, under Such Conditions and Limitations as haue been formerly directed, Provided the said Ships haue had their respectiue Clearings before the Eleaventh day of this month, and not otherwise.

And it is further Ordered that the said Commissioners of Their Majestys Customes take especiall Care, that as much as in them lyes, no more English Mariners be permitted to go or remain on board any of the said Ships respectiuey then is mentioned in the said Lists, And that in case any more English Mariners be found on board the same, such Super-numerary Mariners be not only taken out, but the respectiue ships stopt from proceeding on their intended Voyage. It being His Majestys Pleasure that in all other respects the former Embargo and Restraint on the severall Ships and Trades be continued untill further Order. And the Right Honorable the Lords Commissioners of the Treasury are to give Speedy directions to the Commissioners of the Customes accordingly. [p. 51.]

[The list of ships allowed to sail is not appended, but an order of this date gives 13 ships with 266 English seamen from London to Barbados and one from Plymouth with 5 men; 4 ships with 26 English seamen each from London to 4 Dec.

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1690.

Jamaica and one from Plymouth with 5 men. The Virginia and Maryland ships are stopped till May, and their crews ordered to be secured for his Majesty's service.] [p. 72.]

10 Dec. [The ships are directed to sail with their convoys at the first opportunity, not only for the West Indies, but also (despite the order of 4 December) for Virginia, Maryland, New England and other Plantations.]. [p. 76.]

13 Nov. [386.] [On a representation in behalf of the merchants  
St. Christopher. and others interested in St. Christopher that his Majesty would signify his pleasure that the settlement of the island be suspended during the war, it is ordered that the direction of the matter be left to Colonel Codrington, Governor of the Leeward Islands.] [p. 49.]

13 Nov. [387.] [Order as to restoration of St. Eustatius.—C.S.P.  
St. Eustatius. VIII. 1191.] [p. 50.]

(1691.)  
31 Dec. [The Governor of the Leeward Islands to deliver "the island of Statia" to such persons as the States Generall shall appoint.—C.S.P. VIII. 1973.] [p. 300.]

20 Nov. [388.] [His Majesty, to strengthen the militia for the  
Barbados. defence of the islands, as well as of his mercy to the persons  
Jamaica. concerned, gives orders for a conditional release of persons  
Leeward convicted as rebels and sent as servants to the West Indies.—  
Islands. C.S.P. VIII. 1193-4.] [pp. 59 & 60.]

24 Nov. [389.] Whereas Giles Biggs of London merchant hath by  
Massachu- his Petition set forth that in the yeare 1689 having had two  
setts Bay vessells bound to Newfoundland taken by the French and Carryed into St. Mallo's, and there being then no Exchange for Prisoners Setled, whereby to get the Enlargement of the masters, Super Cargo and Men belonging to the vessells, The Petitioner there bought a Ship called the Richard of Boston, now the Frederick, which had been condemned in France as a Prize and Sold to a Portughez, And thereby redeemed twenty of Their Majestys Subjects without Exchange, which Ship proceeded to the Harbor of Bonavist in Newfound

Land, and there took in about two thousand Three hundred Quintalls of Fish taken by their Majestys Subjects, Where came on board the said ship Frederick one Leonard Walkinton who seized and carried Her to St. Jones to One Ciprian Southack Commander of the Ship Porcupine who pretended that he had a Commission from the Right Honorable the Commissioners for Executing the office of Lord High Admirall of England for Seizing of Prizes, and by Vertue thereof did seize and carry away the said Ship Frederick to Boston in New England under pretence of her being Prize as coming from France, altho' the Petitioners said Ship was English Built manned with English, and had nothing on board but the said Fish : Wherefore humbly praying Releif in the Premisses and that the said ship Frederick and her Cargo be Restored to him or his agents. And whereas it appeares by Certificate from the Secretary of the Admiralty of England that upon a strict Search made into the Books of that Office it does not appear that there hath been any such Commission as aforesaid granted by the said Commissioners of the Admiralty to the said Ciprian Southack Commander of the Porcupine. It is this day Ordered in Councill That such as take care for the administration of the Government of the Massachusetts Colony in New England do give Order that Speedy and effectuell Justice be done the Petitioner in the matter aforesaid, And in case the said Ship and Goods or any of them be, or shall happen to be Condemned within that Colony, That then the said Giles Biggs or his Agents be admitted, as he is hereby admitted to appeal from the Sentence of Condemnation, to His Majesty in Councill, And upon Such Appeal the Ship and Goods are to be delivered to him, or his agents upon Security to abide the determination of His Majesty in Councill, or such other care is to be taken for preservation of the Ship and Goods from Embezzlement as may be most effectuell.

[p. 64.]

[390.] Upon reading the Petition of George Nedham concerning his son Edward Nedham who was enticed by one

27 Nov.  
Carolina.

1690.

Joseph Strutt and others on board the ship *Carolina* Joseph Hall master, bound for Carolina, It is this day ordered [that the ship be stopped and searched] and such children as shall be there found to have been spirited away to be taken on shoar. [p. 65.]

2 Dec. [The *Carolina* is allowed to proceed in spite of this order.] [p. 71.]

27 Nov. Barbados. [391.] [One year's leave is to be granted, if Colonel Kendall shall see cause, to Archibald Carmichael, Clerk of the naval office in Barbados] to come into England for the Recovery of his Health, leaving a sufficient Deputy to execute his said Office in Barbados, till his Return thither. [p. 66.]

11 Dec. Newfound-land. [392.] [The Council refer to the Admiralty for consideration and report the petition of Thomas Edwards and other Bristol merchants] at the request and on the behalfe of the Inhabitants of Newfoundland Concerning their sad and Deplorable condition for want of Cloathing and Provisions [praying] leave to fit out by February next two Vessells of Thirty Gunns each at their own Charge with only twenty seamen in each ship, and that the Commanders may have Commissions. [p. 81.]

19 Dec. Virginia. [393.] [The Council refer to the Committee for examination and report] the Petition of Philip Ludwell setting forth, That the Petitioner being sued as Marrying the Executrix of Sir William Berkeley late Governor of Virginia, by One John Toton, upon an Action relating to what the said Sir William did as Governor of that Place. Vpon hearing whereof in the Generall Court, the Petitioner offered, a Plea to the Jurisdiction of the Court; Whether that Court would or Could proceed in that action, against Executors for what the Testator was not sueable in his life time, without a speciall Commission; He being accountable for what he did as Governor to Nono but the King. Which Plea the Court over-ruleing, the Petitioner Appealed from thence to his Majesty in Council; All which will more at Large appeare by the Order of the Generall Court of Virginia, which the Petitioner hath ready

ACTS OF THE PRIVY COUNCIL (COLONIAL). 185

to produce ; And praying, the Premisses may be Considered, and have such Determination, as to his Majesty shall seem most meet. [p. 88. C.S.P. VIII. 1259.]

1690-1.

[394.] [Order as to exchange of French prisoners.—C.S.P. VIII. 1279.] [p. 95.]

1691.

1 Jan.

St.  
Christopher.

[395.] [On the recommendation of the Committee, Colonel Henry Darnell is released from the bail given] for his good Behaviour for Words alleged to be spoken in Mariland against His Majesty before His Accession to the Crown, and the late Act of Indemnity . . . and discharged from any further attendance on that occasion. [p. 95.]

1 Jan.

Maryland.

[396.] [The petition of the New England agents referred to the Committee.] [p. 95. C.S.P. VIII. 1277.]

1 Jan.

Massachu-  
setts Bay.

[Draft Charter read and approved (P.R.).—C.S.P. VIII. 1769.] [p. 241.]

17 Sept.

[397.] Whereas upon the Memoriall of Colonel Bastian Bayer and other the Deputys of the Leeward Caribee Islands in America, Setting forth the Necessity (in case the Squadron of the Men of Warr under the command of Captain Wright on those Islands should be recalled) of sending another Navall fforce, that may be sufficient for the Preservation of those Islands, and the Trade of those parts, assoon as the Exigency of their Majestys Affairs can admit thereof, Her Majesty hath been graciously pleased to Declare, That the aforesaid Squadron should be continued on the Coasts of the said Islands till further Order, It is thereupon this day Ordered [that the Admiralty give directions for the immediate despatch of six months' provisions for the squadron].

26 Feb.

Leaward  
Islands.

[p. 127. C.S.P. VIII. 1338.]

[398.] The humble Petition of Lieutenant James Weemes being this day read at the Boord Praying, That the Agents of New England who are now in Towne, and were Two of the Principall Members of that Government that promised to pay the Petitioner and his Company, who had the Command

26 Feb.

New  
England.

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1691.

of their Majesties Frontier Garrison of Pemmaquid may be Ordered to satisfy the Petitioner his Pay and Disbursements in that Service Amounting to 172*l.* 6*s.* 2*d.* [It was ordered that the agents receive a copy of the petition and return their answer on Thursday next.] [p. 129.]

12 March. [The New England Agents are to sign their answer and attend the Board next Thursday.] [p. 136.]

(1694.)

22 Oct. [Order concerning Captain Weemes in accordance with C.S.P. IX. 1359.] [Vol. III. p. 493.]

(1697.)

26 Aug. [Captain Weemes petitioning for a renewal of the above order is recommended to the Earl of Bellomont, who is to take effectual care that the petitioner is satisfied according to the former Order.] [Vol. V. p. 74.]

26 Feb. [399.] [Order concerning the revenue of Maryland.—C.S.P. Maryland. VIII. 1333, 1339.] [p. 132.]

12 March. [Letter to the Government there.—C.S.P. VIII. 1358.] [p. 138.]

10 Sept. [The Council refer to the Treasury for consideration and report] the Petition of the Agents of their Majesties Province of Maryland, Praying that the severall Persons Indebted by Bills of Exchange or otherwise for the Duty of twelve pence per Hogshead on Tobacco may be proceeded against as their Majestys Debtors, that so the said Agents may Defray their Charges and Expences, and the rest of the said Duty may be paid into the hands of their Majesties Governor now to be sent thither, whereby the said Province may be furnished with Armes and Ammunition for their Majesties Service, whereof they have Extream want and do make great Complaint. [p. 239.]

10 Sept. Whereas Peter Paggen merchant Trading to Maryland did this day acquaint the Board, that he had Received Bills by Order of the Convention of Maryland drawn by several Masters of ships in those parts upon their Corespondents in England Amounting to the summe of One Thousand, and

1691.

Seaventy One Pounds, Sixteen Shillings, and Twopence, and being in Discharge of One Moiety of the Duty of Two Shillings per Hogshead and of the Port Dutys, payable by them in Maryland, It is this day Ordered in Councill that the Right honourable the Lords Commissioners of the Treasury be Desired to call before them the said Peter Paggen And taking into their hands the said Bills to give orders that they be presented to the severall Merchants Concern'd therein for Payment of the Contents, and to dispose of the same for their Majesties service according to the Act passed in Maryland in that behalfe. [p. 239. C.S.P. VIII. 1749.]

[The Council refer to the determination of the Treasury] the humble Petition of Charles Lord Baltemore Praying, That in regard his Agents at Maryland, are by their Confinement disabled from Acting for him according to the Power sent them, Order may be given to all such Masters of Vessells, as have already made this last Voyage, and are come home, as also to those that are dayly expected from Maryland, to pay the One shilling Impost on Tobacco and fourteen pence per Ton, to the Petitioner pursuant to the Order of the 26th of february last. [p. 257. C.S.P. VIII. 1825.]

12 Oct.

[Lord Baltimore setting forth that he has not received any benefit of the orders of 1 Feb., 1690, and 26 Feb., 1691, order is given for their enforcement.—C.S.P. VIII. 1873.]

3 Nov.

[p. 270.]

(1692.)

[Mr. Peter Paggan having informed the Board that he had received bills payable to him drawn by several masters of vessels in Maryland on their correspondents here—amounting to 248*l.* 2*s.* 6*d.* in payment of so much of one moiety of the two shilling duty and the Port Duties in Maryland, the Commissioners of the Treasury were directed to require Mr. Paggan to deliver the bills to the Receiver General of the Customs endorsed by him as for their Majesties service, in order to be presented to the merchants concerned and disposed of according to the Laws of Maryland.] [p. 307.]

7 Jan.



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- 1691.
- 30 March. [400.] [Samuel Allen referred to the Committee.—C.S.P. New Hampshire. VIII. 1377.] [p. 147.]
- 9 April. [401.] An address from Boston, Charlestown, etc., referred to the Committee.—C.S.P. VIII. 1391, 1393.] [p. 149.]
- 14 May. [402.] [Mounteney Boncle referred to the Committee.—Antigua. C.S.P. VIII. 1501.] [p. 168.]
- 4 June. [A letter directing Colonel Codrington to see speedy justice done to Mounteney Boncle of London on his complaint of the illegal detention of his plantation in Antigua] by the Agents of Colonell Edward Powell who is now in Rebellion in Ireland, under pretence of an Assignement from one James Boyd. . A duplicate of this letter was issued 14 Oct. 1691. [p. 192.]
- 14 May. [403.] [Reference to Committee of petition on behalf of St. Christopher. Major Joseph Crisp.—C.S.P. VIII. 1503.] [p. 170.]
- 28 May. [Reference to Col. Codrington.—C.S.P. VIII. 1545.] [p. 190.]
- (1694.)
- 12 April. [A further petition of Major Crisp referred to the Committee.—C.S.P. IX. 1010.] [Vol. III. p. 394.]
- 21 May. [404.] [Reference to Committee of Lady Culpeper, Thomas Virginia. Lord Fairfax and Katharine his wife, and Alexander Culpeper.—C.S.P. VIII. 1514.] [p. 179.]
- 30 July. [Papers to be sent to the Lieutenant-Governor and Council of Virginia for an answer.—C.S.P. VIII. 1679.] [p. 219.]
- (1692.)
- (8 Dec.) [Their petition, complaining against the Lieutenant Governor and Council touching their claim to a tract or territory of land called the Northern Neck, is ordered to be heard on the 15th inst. when the Attorney General is to attend to defend their Majesty's right therein.] [Vol. III. p. 45.]
- (1692.)
- 15 Dec. [All parties having been heard, the whole matter is referred to the Attorney General] who is to examine the Wayes and Methods by which the said Letters Patents were obtained

1691.

and have passed the Great Seale and the Validity thereof, and to Report his Opinion upon the whole matter to his Majesty in Councill whether the said Letters Patents may be Vacated by Scire facias or otherwise, and in the mean time the Petitions are to Enjoy the benefit of the said Patent according to Law, so as they keep strictly to the Tenor thereof in Execution of the severall Powers and Authorities thereby Granted, of which all Persons whom it may Concern are to take notice.

[Vol. III. p. 53. C.S.P. VIII. 2691.]

(1693.)

26 Jan.

[On the report of the Attorney General setting forth]:— I have considered the matter to me Referred, and have heard Councill as well on behalf of the Inhabitants of the said Northern Neck (who take themselves aggrieved by the said Letters Patents of Confirmation) as on the behalf of the Petitioners ; And it appears to me that the said Grant did Pass in all the usual Methods of Grants of that Nature, Except only that I do not find it had been under the Consideration of the Lords of the Committee of Trade and Plantations. And upon peruseall and consideration of the letters Patents themselves I do not see, but that the same are valid in point of law, nor has there been any thing made out to me hitherto which will be sufficient to ground a Prosecution for vacating the said letters Patents by scire facias or otherwise. [The petitioners are accordingly allowed to enjoy the benefit of the Letters Patents] so as they keep strictly to the Tenor thereof in Execution of the severall Powers and authority thereby Granted.

[p. 72. C.S.P. IX. 34.]

[405.] [The Council refer to the Committee for consideration and report] the humble Petition of Sir Joseph Herne knight, John Brisco, Richard Munford, Samuel Howard, and Nicholas Cutler of London Merchants on the behalf of themselves and divers others, Praying That her Majesty would be graciously pleased to grant unto them her Royall Charter for the sole Trade and Commerce of all such Seas, Straits, Bays, Coasts, Sounds, Continent and Islands formerly discovered

18 June.  
North West  
America.

1691.

by Sir Martin Frobisher and others in the Search of a North-west Passage, and by them possessed in the Right of Queen Elizabeth and King James the first, her Majestys Royall Predecessors, which are not actually possessed by, or granted to any of her Majestys Subjects, and which are in her Majesty to grant, The Petitioners intending to Erect Forts and Castles, and Establish Factorys for Setling a Trade on the Northwest parts, and to send out yearly a competent number of Ships to fish for Whales on the Coast of Greenland, which wilbe of great Advantage to this Kingdome by the Encrease of Navigation, and Breeding up of Seamen. [p. 196.]

- 23 July. [On the report of the Committee, order is given for preparing a patent in accordance with the Attorney General's opinion received by them that their Majesties] may at Their Pleasure Incorporate any Persons for the using Exercising and carrying on a Trade But as to the Granting that such Trade shall be appropriate to such Company excluding all other Persons, there need be great caution, for I conceive when a Trade is become known and used by Their Majestys Subjects in any Seas, Streights Sounds, Bays, Lands Islands or Territories, Their Majestys cannot (other then by Act of Parliament) restrain such Trade to any Company or Select Number of Subjects. But if the said Trade be not managed as it may and ought to be, by private and particular Persons ; Their Majestys may Grant the Petitioners a Charter of Incorporation for the advancement and Increase of the said Trade not Exclusive to others ; But where there are any Discoveries made or to be made of any Seas, Streights, Sounds, Bays Lands Islands and Territories, not restorted unto and Traded by any English Subjects, there Their Majestys may grant the Sole Trade and Commerce to a Company and Select Number of their Subjects for Their Encouragement to Traffick and Inhabite there, with Powers to Erect Forts, and Settle Factorys, without which such Traffick cannot be maintained, but would be lost to the Kingdome. [pp. 214-5.]

1691.

[406.] Upon reading the Petition of Sir John Hoskyns setting forth, that the Petitioner taking notice that there were severall small uninhabited Islands called Ascention, Trinidad and Martin Vaz, Scituate between 18 and 22 Degrees of Southern Latitude and Seven hundred Miles East of Brazile, which is the nearest Main Land, Did, by his Petition, desire a Grant thereof from his then Majesty, who returned a gracious Answer in Order to the having such a Grant perfected, towards which the Petitioner made some Progress, but was delayed, by the Debates about Regulating Plantations, and by the unsettledness of publick affaires; Wherefore, the Planting of the said Islands, tending to the Increase of Their Majestys Dominions, Revenue and Number of Subjects, and to the prejudice of no Person, and being to be managed at the Petitioners sole charge, He humbly Begs of Her Majesty a Grant of the said Islands, to be Planted within seven yeares, and Governd as Their Majestys other Plantations are, in Barbados and Jamaica. And upon hearing the Report [of the Committee thereon, it is ordered that it be referred to the said Committee] to cause such Commissions and Powers of Government to be prepared for the Petitioner as Their Lordships shall think fitt.

18 June.  
West Indies.

[p. 199.]

[Petition granted.—C.S.P. IX. 690.] [Vol. IV. p. 282.]

(1693.)  
23 Nov.

[407.] [Order as to payment for stores for the squadron.—C.S.P. VIII. 1607.]

2 July.  
West Indies.

[p. 201.]

[408.] [The following report of 13 July from the Commissioners of the Customs to the Treasury is referred to the Attorney General]:—In obedience to your Lordships commands signified to us by Mr. Guy the 9th instant On the Petition of the merchants, and Planters concernd in, and Trading to Their Majestys Plantations in America, Setting forth, That in the Body of the Book of Rates Ginger of the West Indies is Rated at 1s. 4d. per pound, That at the End of the Book of Rates printed in the year 1660, is a memorandum that Ginger of the English Plantations should be Rated at 20s. per

30 July.  
West Indies.

1691.

hundred, which was allowed of by the then Lord Treasurer, and ever since hath paid Custome accordingly. That by a late Act of Parliament Ginger is charged to pay 10s. per Cent of what it is Rated in the Booke of Rates, which in the Body of the Book being 1s. 4*l*. per pound, would make the said Additionall Rate amount to 14s. per hundred and upwards, whereas it seems to be intended that it should only pay double what it paid before according to the said Memorandum; Praying that your Lordships would please to Order the Payment of two shillings only per hundred weight for the New Duty; Wee do humbly Report to your Lordships that in the first Impression of the Book of Rates in the year 1660, there is at the end of the Rules and Instructions thereto annexed, such a memorandum as is mentioned in the Petition, that Ginger be Rated at one pound the hundred weight, And by the Petition of Mr. Waterson one of and most experienced officer of the Customs, it is testified that the practice was from that time, according to the said Memorandum, to receive only 12*l*. for every hundred Weight, which practice after the King took the Customs into His own hands and the management of Commissioners, was upon a Presentment of this Board approved by the Lord Treasurer Danby in the year 1673, and the practice has been accordingly ever since. And Wee do humbly acquaint your Lordships that by the best inquiry wee can make, That the Collecting the new Impost strictly according to the Rate in the Body of the Book of Rates, and not accordingly to the said Memorandum and the practice thereupon would amount to a totall Prohibition of the said Commodity, And therefore we humbly conceive it may not be unadvisable to Grant the Petitioners Request by Collecting the New Impost at two shilling per hundred, which is 10 per Cent. cording to the Constructive Rate by the said Memorandum in the Book of Rates, and the practice thereupon. [p. 218.]

30 July.  
Massachu-  
setts Bay.

[409.] [Reference to Committee of petition and appeal of Col. Nicholas Page and Capt. Nicholas Laurence.—C.S.P. VIII. 1678.] [p. 219.]

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[Laurence's bond of 500*l.*, given to prosecute his appeal to the Admiralty against the condemnation of his vessel, is ordered to be cancelled, he having made an end with the Commissioners of the Treasury, to whom he should properly have appealed.] (1692.)  
28 Jan.

[410.] [Lord Gorges referred to the Committee.—C.S.P. VIII. 1676.] 1691.  
30 July.  
Massachusetts Bay.

[411.] [The time of sailing for the convoys bound for Barbados, Leeward Islands and Jamaica is prolonged to the 30th instant, on the representation of the Committee that more ships will be necessary for the plantations this year than can be ready by the 15th, the date appointed in the Order of 20 August. The convoys for Virginia and Maryland are stopped till further order, as very few ships will be ready on the day appointed.] 10 Sept.  
Plantation Trade.  
[p. 239.]

[412.] Upon reading this day at the Board the Petition of Sir Mathew Dudley Bart., Sir Edward Dering, Sir Humphry Edwin, Sir Thomas Lane, and Sir Samuell Thompson Knights, Daniel Cox, Jacob Foster, and William Wharton Esqrs., John Ashby, Nicholas Lechmere, Thomas Phips, John Cosley, David Congnard, John Sweetaple, Jeremiah Johnson, Francis Boynton Robert Hackshaw, and William Crey, in behalfe of themselves and severall hundred Merchants and others their Majestys subjects Praying a Stop to be put to a Patent now Passing to others (upon their foundation) for working Mines of Copper and other Mineralls in New England, It was Ordered by her Majesty in Councill, that the Persons above Named do attend Mr. Attorney Generall with their said Petition . . . who is to Examine their Pretentions to the same, and Report His Opinion to this Board. 17 Sept.  
New England.  
[p. 243.]

[The report of the Attorney General is approved, and orders given for passing the grant in question.—C.S.P. VIII. 1811.] 8 Oct.

[p. 253.] (1692.)  
18 Feb.  
[Their further petition] That the Consideration of their former Petitions to be incorporated for Working Copper Mines

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1691.

etc. in New England may be reassumed [is referred, with these former petitions, to the Attorney General for consideration and report.] [p. 334.]

(1692.)

17 March. [The Attorney General's report is approved.—C.S.P. VIII. 2125.] [p. 361.]

(1692.)

28 April. [The Council appoint Thursday next for hearing the petition of the Governor and Company of Copperminers in England against the passing of a charter of incorporation to Sir Matthew Dudley and others.] [p. 384.]

(1692.)

16 May. [Hearing postponed to 26 May.] [p. 404.]

(1692.)

26 May. [All parties having been heard, the giving an opinion is postponed till 30 May; orders are given for the attendance of Sir Joseph Herne, Governor of the English Company, with Mr. Thomas Hebbes, Mr. Wm. Wharton, Mr. Thomas Lechmere, and Mr. John Bulfinch.] [p. 410.]

(1692.)

2 June. [The case is referred for consideration and report to Sir George Treby, Chief Justice of the Common Pleas, and Sir John Somers, the Attorney General.] [p. 414.]

(1692.)

7 July. [The Council approve, and give order in accordance with their report of 1st July, which recapitulates the case, and continues :—] Upon Our Hearing the Partys in obedience to your Majestys Order in Councill, It was testified by severall persons that at the said former Hearing Sir Joseph Herne did consent and declare that if the Letters Patents desired by him and his partners might passe, he would not oppose the Passing of the Letters Patents desired by Sir Matthew Dudley and his Partners, But Sir Joseph Herne and some others then present do Testify that they do not remember that any such words were then said, but this Testimony being in the Negative, and going no farther then to a not remembring, does not seem to be of equall weight with the possitive Testimony of the affirmative Wittnesses on the other side, nor does it seem to agree with the Report above mentioned. And therefore, upon the whole matter, it seems to us, That

1691.

if Her Majesty be pleased to Grant to Sir Matthew Dudley and his partners, Her gracious Patents for Incorporating them in order to the working Mines of Copper and other Mineralls in New England, without authorizing them to smelt, refine and purify Copper, (which is all that is granted to the Governor and Company) the same will be no injury to the Company, now will interfere with their Letters Patents And this Wee conceive the rather, because the Ground of the Incorporating of the Governor and Company (as it appears in their Letters Patents) was that they had found out Severall Furnaces, Engins and other methods for the more easy and effectuall melting down, Refining and purifying Copper oar, without any mention of the working of Copper Mines.

[*pp.* 433-4.]

[Sir M. Dudley's further petition referred to the Committee.—C.S.P. VIII. 2466.]

[*p.* 491.]

(1692.)

12 Sept.

[A further petition is referred to the Committee. In addition to most of the former petitioners, the names appear of Thomas Neal, John Holland, James Pickering and Samuel Layfield.—C.S.P. IX. 249.]

[Vol. III. *p.* 130.]

(1693.)

6 April.

[In accordance with the Committee's recommendation, the Council refer to the Treasury a report of the Attorney General upon several heads for a proposed charter, and other heads proposed by the Attorney General himself.—C.S.P. IX. 597.]

[Vol. III. *p.* 248.]

(1693.)

5 Oct.

[On reading the report of the Treasury, it is ordered that the business of the proposed charter be heard at the Board on Thursday next at four in the afternoon, when the agents for New England as well as Sir M. Dudley are to attend.]

[Vol. III. *p.* 312.]

(1694.)

11 Jan.

[The Treasury report is referred to the Committee] to Receive all Proposals for bringing Navall Stores from any of the Plantations, and to give fitting encouragement to those who will undertake it. [Vol. III. *p.* 318. C.S.P. IX. 822.]

(1694.)

18 Jan.



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(1702.)

6 Aug. [The Council refer to the Board of Trade, and also to the Lord Admiral], the Petition of Sir Matthew Dudley, Bart., Sir Humphrey Edwin, Sir Samuel Thompson, And Sir Edward Dering Kts., Charles Cox, Daniel Cox, Robert West and William Wharton Esqrs., Matthew Alured, Robert Wolley, William Coney and John Watson Merchants on behalfe of themselves and many other Gentlemen and Merchants, setting forth that they and many other Her Majestys Subjects, being Informed and fully satisfied that all Sorts of Navall Stores might be made and produced within Her Majestys Territorys and Dominions of New England and Plantations Adjacent, and that severall Gumms, Mines and Minerals were Discovered and might be wrought there, That being apprehensive that such Navall and other Stores will be of Great Service and Benefit to the Crowne and this Nation, Especially in times of War, and being ready and willing at their owne Charge to begin and carry on a design so usefull for the Publick, They humbly pray a Charter of Incorporation for the purposes aforesaid under such Name and with such Priviledges as shall be necessary. [Anne, Vol. I. p. 193.]

(1703.)

4 March. [The Council refer to the Lord Admiral a representation from the Board of Trade with the draft of the desired charter.] [Anne, Vol. I. p. 331.]

(1703.)

4 March. [The petition of Sir M. Dudley and the draft charter are also referred for a legal opinion to the Attorney General.] [Anne, Vol. I. p. 332.]

(1703.)

3 April. [The Council refer to the Board of Trade the Admiralty report recommending the granting of a charter as] they are Informed and fully Satisfied that all sorts of Navall Stores may be made and produced within Her Majestys Territorys and Dominions of New England and Plantations adjacent, which will be of great Service and benefitt to the Crowne and this Nation. [Anne, Vol. I. p. 342.]

(1703.)

30 July. [The Council approve the following report of the Lord Admiral on the petition of Sir M. Dudley, and desire the Board

of Trade to intimate that her Majesty is graciously inclined to grant a charter subject to the restrictions and provisions mentioned in the report and such others as may be thought necessary by their Lordships] :—1st That it is not distinguished what part of the 5000*l.* per annum allowed by the said Charter to be purchased in Land, in America and England is to be purchased in One and the other; nor in what parts of America the said Purchases are to be made, and therefore in my Opinion it ought to be particularly provided for therein, For

2. If the most, or any considerable part of the said Purchase be made in New England, the Gentlemen to be thus Incorporated may by that means possess themselves of all the Woods which lye near unto the Sea from whence the Masts, Bowsprits and Yards are now had for Her Majestys Service; And it is to be Doubted that they will thereby be left too much at Liberty to Impose what Prices they please upon Her Majesty for the same, which above all things ought to be avoided, And that by a Strict reservation of the Crowne of all Pine and Firr Trees fitting for Masts of 16 Inches Diamiter and upwards, and Bowsprits from 20 to 38 Inches Diamiter, with the Strictest Orders that none of these Dimensions be Cutt downe without Licence from the Crowne either by them or any Other Person whatever.

3d. Altho' it is provided for in the Draught of the Charter that other Persons tho' not Incorporated with the aforesaid Gentlemen, shall not be excluded from the Trade to those parts, yett it may be worth consideration whether such a Scope of Land and the allowance of 150000*l.* in Trade will leave any Great Room, if any, for other Traders.

4. It may also be necessary to reserve to the Crowne all Regalities of Mines &c., in the Land to be purchased for which there is no Provision made in the present Draught of the Charter, Nor is it lesse necessary to Oblidge the Persons incorporated to be Subjects of England, a thing usuall in all such Cases.

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1691.

And lastly, I do think it necessary to Informe Her Majesty that the Principall Officers and Commissioners of the Navy have always been, and still are Willing to Treat with any Persons who will apply to them for the Importing Navall Stores of all sorts from Her Majestys Plantations, and to give them all Encouragement for the Carrying on a Trade so necessary for the good of Her Majestys Service.

But in Case Her Majestie shall think fitt to Incorporate the Gentlemen, as they desire, I am so farr from making any Objections to the same, that it is in my Opinion, a Thing which may (with the restrictions beforementioned) tend very much to the Advantage of the Publick, provided Effectuall Care be taken that the Trade be not so ingrossed by them, as to prejudice Her Majesty in her Purchase of Navall Stores, but more Especially Masts.

I have also considered of the Lord Cornburys Proposition for providing Navall Stores at New Yorke; And am entirely of Opinion that such Services do deserve Encouragement, but then Her Majesty ought to be at a Certainty as to the Prices, and the Contractors to be Oblidged to Qualifications as well as Quantitys, by Articles between the Principall Officers and Commissioners of Her Majestys Navy and them, and to Deliver the Goods into Her Majestys Stores in England, at Prices to be adjusted by the said Contracts; for in the Experiment made of this Kind by the late Lord Bellomont (as the Navy Board have reported to Mee) the Mony Demanded by Bills of Exchange for the Stores Provided by His Lordship and brought home by the Benjamin Storeship, amounted to more than the Value of the Goods, without the Addition of Freight, which Freight is the most considerable Charge in these Cases. [Anne, Vol. I. p. 432.]

(1704.)  
2 March. [On the report of the Solicitor General, the Adventurers are granted a Charter of Incorporation.]

[Anne, Vol. II. p. 73.]

17 Sept.  
Jamaica. [413.] [The report of the Committee on the petition of George Harris is approved.—C.S.P. VIII. 1770.] [p. 243.]

[414.] Upon reading this day at the Boord the humble Petition of Susan Bond, Catharine Miller and severall others whose Husbands were taken by the French in the Service of the Hudsons Bay Company in America, and from thence carried to Canada, and now brought to Rochelle, where they are kept Prisoners, notwithstanding the late Agreement between the Two Crownes, Praying That some Order may be taken for their Discharge. It was Ordered [that the Hudson's Bay Company receive a copy of the petition and on Thursday next return answer to the Board] why Care is not taken for the Exchange of the said Prisoners by those who employed them.

1691.  
1 Oct.  
Hudson's  
Bay.

[p. 249.]

[On reading their further petition against the answer returned by the Company, the case is ordered to be heard on the first Thursday in November.]

15 Oct.

[p. 261.]

[On the request of the relations of Captain William Bond, Captain John Simpson, Captain Richard Smithsend, James Miller, Jonathan Codlin, Anthony Beale, Layton Steele, John Fullerton, William Arrington, John Dryver and Richard Williams, taken by the French in the service of the Hudson's Bay Company, and now prisoners at Rochelle, for their discharge, it is ordered that the Commissioners for Sick and Wounded Seamen and Prisoners endeavour as much as in them lies to procure their release, and receive reimbursement of the sums so expended from the Hudson's Bay Company.]

19 Nov.

[p. 274.]

[415.] [Stores to be sent to New England and Virginia.—C.S.P. VIII. 1809, 1812.]

8 Oct.  
New  
England.  
Virginia.

[p. 251.]

[416.] [The Admiralty to provide passage to Maryland and victuals for Colonel Copley and Sir Thomas Lawrence, with their families, servants, and goods.—C.S.P. VIII. 1815.]

8 Oct.  
Maryland.

[p. 252.]

[417.] [In accordance with the report of the Committee on the petition of Sir Edmund Andros, his accounts are

12 Oct.  
Massachu-  
setts.