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Citation: 2 Acts of the Privy Council of England W. L. Grant et
eds. 400 1910



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1702.

Wee likewise humbly Represent to Your Majesty, that the Commander of the Newfoundland Convoy may have the like Commission to Command in Cheif the Soldiers in Pay there as has been given the former Years.

And Whereas We have also received from the Lord Bishop of London a great Complaint of the Ill and Scandalous Usage that Mr. Jackson the Minister of St. Johns in Newfoundland hath received from Capt. Powell, and Samuoll Francis his first Lieutenant and of their Profligate Lives, which is of very Ill Example to the Soldiers, and Inhabitants of that Place, We cannot but represent to Your Majesty that one or both of them be removed from their Employments there, and Succeeded by such as may behave themselves as they ought to do.

And Whereas Mr. John Thurston has been Employed for three Years past in the Business of Newfoundland, relating to the Soldiers there, which has been a matter of great Trouble and some expence, for which he has as yet had no reward, We do think he may deserve the summe of One hundred Pounds in Consideration of his said Services, and Expences, and that an Allowance of Forty Pounds per Annum be allowed him for the future during the said Agency the Company there no ways contributing thereunto.

[pp. 46-49.]

26 March. [Directions are given to the Lord High Admiral that seamen on board the convoy assist in the work of fortification in Newfoundland, and that the convoy take out thither provisions for the foot company of 80 men besides officers, which the Treasury is directed to supply] :—

An Account of smal Cloathing to be sent the Company at Newfoundland this Year 1702.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
88 pair of Strong Shoes for Soldiers and Non Commission Officers being one pair for each Man at 4s. 6d. per pair.....	10	10	0
80 pair of Stockings for Soldiers at 18d. a pair.....	6	0	0
5 pair of do. for Corporals and Drumers at 20d.....	0	8	4
3 pair of do. for Serjeants at 3s.....	0	9	0
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ACTS OF THE PRIVY COUNCIL (COLONIAL). 401

1702.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
160 Shirts for Soldiers (being 2 for each Man) at 3s. 6d....	28	0	0			
10 do. for 5 Corporals and Drumers at do.....	1	15	0			
6 do. for Serjeants at 5sh.....	1	10	0			
				31	5	0
160 Neckcloths for Soldiers at 12d.....	8	0	0			
10 do. for Corporals and Drummers at 1s. 6d.....	0	15	0			
6 do. for Serjants at 4s.....	1	4	0			
				9	19	0
				67	17	4
Freight with Charge of Packing &c.....				5	0	0
				72	17	4

An Account of Provisions to be sent this Year 1702 for the Company at Newfoundland.

Bisket	24752 Pounds.
Malt.....	93 Quarters 4 Bushells.
Beef	2358 Pieces.
Pork	3536 Peices.
Pease	110 Bushells 4 Gallons.
Oat Meale	165 Bushells 6 Gallons.
Butter	1326 Pounds.
Cheshire Cheese	1772 Pounds.
Flower.....	3536 Pounds.
Suet	589 Pounds.
Hopps	2½ Cwt.

An Account of Money wanting for the Company at Newfoundland.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
One Years Subsistence for a Captaine at 3s. per Diem. A first Lieutenant at 2s. 6d.; A Second Lieutenant at 2s.; Three Serjants at 4d. each; 5 Corporals and Drumers at 3d. each, and 80 Private Soldiers each at 2d. in all 1l. 3s. 1d. per Diem	415	4	7
One Years contingent mony ending the first of September 1702	50	0	0
Severall small necessaries for the Company.....	72	17	4
A Years Subsistence for a Surgeons Mate which is Represented to Us as absolutely necessary in Addition to the Establishment at 2s. a day beside Provision.....	36	10	0
A Chest of Medicines.....	25	0	0
Left unsatsfied of the Cloathing provided the last Year.....	79	10	7
One Years Contingent Mony in Arrear.....	50	0	0
	729	2	0

[Orders are given to the Master of the Ordnance] that the Stone and other Materials, what the said Lords Commissioners

402 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

have already Represented to be wanting for Compleating the Fortifications in St. Johns Harbour in Newfoundland be Transported thither, the said Lords Commissioners having Represented that they have disposed severall Merchants to be Assistant therein, with their Ship at Easie Charge. That a Boom and other Materials be sent thither for Floating and Fixing a Chain sent some time since for the Security of that Harbour. That such Workmen and what ever else may appear necessary for carrying on the works at the Fortifications there according to such Informations as the Office of the Ordnance have received be also sent thither. [pp. 50-52.]

[On a representation from the Ordnance, four ships, names given, are permitted to sail with 140 tons of Ordnance stores for the fortifications in Newfoundland.] [p. 54.]

26 March. [866.] The petition of William Byrd together with Virginia. a Petition from the Councill and Burgesses of Virginia relating to the Sume of Nine hundred Pounds towards the Assistance of New Yorke [is referred to the Board of Trade]. [p. 54.]

21 May. [The Council approve, and give orders in accordance with their Lordships' representation] That his late Majesty having judged it requisite for the Generall Security of the Plantations upon the Continent of America, that they should upon occasion asist each other in proportion to their respective Abilities; and Signification having accordingly been made to the Governors of severall Plantations of the Quota of Assistance judged requisite for the Security and Defence of the Province of New Yorke, His Majesty was pleased by His Letters of the 19th of January 1700/1 to require Colonell Nicholson Governor of Virginia to recommend to the Councill and Assembly of that Colony their furnishing their Share of a Contribution for that Service.

That the said Governor did accordingly communicate to them His Majestys said Letter, and Press them to a Compliance, but found them averse, and unwilling to furnish what was expected from them.

That upon this occasion, They constituted an Agent of their own Directing him to present their Address to His late Majesty and to Sollicit an approbation of their proceedings, tho' the same ought regularly to have been transmitted thro' the hands of Your Majestys Governor there, from whom they had received his late Majesty's Directions.

That we humbly conceive it would prove of very Ill consequence in the Government of your Majestys Plantations if countenance should be given to this manner of Applycation, And that the Councils and Assemblys should thereby be encouraged to make Representations to your Majesty by particular Agents of their Own appointment, without the Governors Consent; Except only when those Representations containe matter of Complaint against the Governor for Male Administration, or that he refuse to transmitt or represent what they desire.

That in the present Case no applycation was made to Your Majestys Governor for transmitting the said Address, Nor is any Complaint Offered against him in Reference thereunto. On the Contrary it has been acknowledged to Us, as well by the said Agent as by other Persons considerably interested in the Trade of that Colony, that the Governor in all his Transactions with the Assembly had done his duty and that they had nothing to Object against him.

That the said Address presented in the Name of the Councill and Burgesses of Virginia is signed only by four Members of the said Councill.

That beside the Objections against the manner of presenting the said Address, We are humbly of Opinion that the reasons therein Offered for Excusing themselves from the foresaid Contribution are Insufficient: For that the Forts at New York are so far advanced towards Canada as to be a Common Security as well to Virginia as to New Yorke and both those Provinces, tho' they lye distant from each other, have no other Barrier against the French.

We therefore humbly Offer that Your Majesty would be pleased to write your Royall Letters to the Governor of

1702.

Virginia, taking Notice of the Irregularity of this proceeding, and againe recommending what has been already proposed for an Assistance to be given by Your Majestys Plantations on the Continent to each other ; which Letters the Governor may be Ordered (as formerly) to lay before the Councill and Assembly, and use his best perswasions to encline them to a Voluntary Compliance. [pp. 132-4.]

11 June. [A letter in the terms of the representation is approved.] [pp. 148-9.]

12 April. [867.] [A letter to] Jahleel Brenton Esqr., Surveyor of Her
New
England. Majestys Woods in New England, or in his absence to such as the Governor of Massachusetts Bay and New Hampshire shall appoint. It having been Represented to Her Majesty in Councill, That William Wallis of London Merchant, is become a Contractor with the Commissioners and Officers of Her Majestys Navy to furnish a Certain quantity of Masts and Bow Spritts from New England for the Service of the Fleet, and Her Majesty having been humbly prayed to Grant her Royall Licence to the said William Wallis to Cutt the same out of such of the Woods in those Parts as have been reserved for Her Majestys Service. We have thereupon Received Her Majestys Commands and do accordingly Order and direct You to Mark and sett out to the said William Wallis such Masts and Timber Trees, belonging to Her Majesty in New England as shall be requisite for this Service, and permitt him to Cutt down and fell the same and no others, In Order to be Transported and furnished by him for the Service of Her Majestys Royall Navy according to his said Contract, a Copy whereof you will herewith receive for the enabling you to prevent the making any Spoils or Wast of the Masts and Timber Trees, belonging to Her Majesty in those Parts, further then shall be absolutely necessary upon this occasion. And so not Doubting of Your ready Compliance and Especial Care herein, We bid You farewell. [p. 82.]

17 April. [868.] [The Board of Trade are directed to make
Barbados
and Leeward
Islands. a further report upon the address of the House of Commons for applying the $4\frac{1}{2}$ per cent. revenue in Barbados and the

1702.

Leeward Islands to fortifications and other public services there.] [p. 98.]

[The Council refer to the Ordnance for an estimate a report of the Board of Trade as to the defences of the Leeward Islands.] 17 April. [p. 99.]

[The Board of Trade represent] That in the years 1663 and 1664, severall Acts were past in the Island of Barbados and the Leeward Islands for raising a Duty of four and half Per Cent. upon all Dead Commodities Exported from thence, which was in consideration of an acknowledgement of 40 Pound of Cotton per Head, and all other Dutys, Rents and Arrears of Rents due to the Proprietor, and for Quietting the Possessions, of the Inhabitants of those Islands and for a full Confirmation of their Estates and Tenures, and for holding their severall Plantations to them and their Heirs for ever in free and Common Socage, and in Consideration also of the Great Charges necessary for maintaining the Honour and Dignity of His Majestys Authority there, the Publick Meetings of the Sessions, the Often attendance of the Councill, the Reparations of the Forts and other Publick Charges incumbent on the Government; Which Duty or Impost was Granted to King Charles the Second, His Heirs and Successors for ever, and has been from that time let to Farm or managed by the Commissioners of the Customs here under the direction of the Treasury; and as we understand has one Year with another amounted in Barbados to about ten Thousand Pound Sterling and in the Leeward Islands to about three thousand pound Sterling per Annum. 14 May.

And We further humbly Report to Your Majesty that by a Report of the 24th of January last, We laid before His late Majesty the present State of Barbados in relation to its Defence, upon the Information we had received on that subject from the Lord Grey and the Agents of the Island, By which it did Appear, that upon a Strict Survey of the Fortifications by his Lordship and Commissioners appointed for that purpose, he found (in 29 Forts and Batteries) 308 Guns of severall

1702.

Sorts, whereof 58 only were Serviceable, and that most of the Forts and Batteries were out of repair ; Upon which his Lordship (having also consulted with the most experienced Inhabitants of the Island) Offered his Opinion, that such of the Forts and Batteries as may be most usefull be forthwith repaired, And that there be sent thither at least a hundred great Guns of Twelve Foot long, together with a Suitable Proportion of that and all other Ordnance Stores needfull for them ; Adding that there is a want of small Arms and Shot ; Whereupon We humbly Repeat Our Opinion, that such a Number of Great Guns, as your Majesty may think convenient, together with a Quantity of small Arms and Amunition, the particulars whereof (as We have received them from the Agents) are Twelve hundred Fuzils Slung, Six hundred pair of Horse Pistolls with Holsters, Six hundred horse Mens Swords, Six hundred Belts, two hundred Musketoons and a Suitable Proportion of Bullets, Flints and Cartouch Boxes for the Fire Arms be speedily sent thither, and do humbly conceive that the Duty of four and half per Cent. arrising there is Chargeable towards this Expence.

The said Agents proposing also in a Memoriall Delivered to Us, that the present Forts and Fortifications be forthwith repaired, We are humbly of Opinion that the same be done under the Direction of Commissioners to be appointed by the Governor and Councill there, and that an able Engineer be sent from hence for that purpose, together with some experienced Gunners (the Agents mention the Number of Eighteen) as likewise that Magazines be built for the better preservation of Powder and other Ordnance Stores, for which we humbly Offer that your Majesty will be pleased to allow a Competent Summe out of the said Duty.

And We further Observe that the said Agents have likewise Proposed that an Hospital be Built for the Reception and accommodation of Sick and Wounded Seamen and Soldiers, which may be done when other more pressing Services are provided for.

We have also very lately received Letters from the President and Council of that Island (Dated the 19th of February last) expressing the Great Alarm they had received by the arrival of a French Squadron under the Command of Monsieur Chateau renaud at Martinico, And adding that tho' the said Squadron was Sailed to Leeward they should Still continue to be under apprehensions untill a Regiment of Foot be sent thither, and that they be Supplied with the Great Guns formerly desired as is above mentioned.

As to the Leeward Islands.

At St. Christophers there is a Fort called Cleverly Point Fort where Twenty Guns are mounted; Brimstone Hill Fort where there are Twelve. And a Small Platform where are Six. There being also Thirty Peices of Cannon brought out of the French Part of this Island, dureing the late War; Colonel Codrington the Governor in Cheif of those Islands has given Directions, for the mounting and Placcing them with all Speed; Which being done he conceives that there is not occasion at present for more Artillery there.

At Antego are severall little Forts and Platforms; The Governor Proposes the sending thither twenty long Sakers, which may serve as well against the Indians as any other Enemy; As likewise the building a Small Fort at Parham, for which he desires Twelve Guns. He would also make a New Platform in another Place where Privateers in time of War, and unlawfull Traders in time of Peace are very busy. He informs Us that they very much Want small Arms, Adding that those Arms which have been sent to those Islands from the Tower were Slight and of no Service.

At Nevis, He represents the want of New Carriages for the Guns, and desires further four long Sakers; Six Guns Twelve Pounders; and six Eighteen Pounders, with a sufficient quantity of shott for them, and five hundred Saker shot for the Guns already in the Fort and Platforms; together with Twēty Barrills of Canon Powder. And Six hundred Fire locks having been lately sent to this Island, for as many

1702.

Matchlocks returned from thence, We are humbly of Opinion that upon the Receipt thereof, they will be Sufficiently provided with small Arms for the present.

As to Mountserrat We have no Account from the Governor of any Wants. Upon all which We humbly Offer that such part of this duty of four half per Cent. as Your Majesty shall direct be applied towards the supply of these Demands.

And upon the whole, We further humbly propose, that Your Majesty would be pleased to send Your Royall Letters to the Governors of Barbados, and of the Leeward Islands to use their best endeavours to encline those Assemblys to continue the Publick Levies for the more Effectuall carrying on and Compleating the Services abovementioned and others conducing to the Safety of those Islands. [The Council refer it to the Lord High Treasurer to consider what relates to the supplying money for the several demands therein mentioned, and to the Ordnance for an estimate of the stores required in addition to those ordered on 17 April.]
[pp. 125-8.]

21 May. [The Ordnance estimate is also referred to the Lord High Treasurer.] [p. 132.]

31 May. [The letters ordered in the last paragraph of the report are read and approved.] [pp. 144-5.]

6 Aug. [The Council approve, and give orders for putting into execution, the report of the Lord Treasurer of 25 July, as to the money required for Barbados]:—I find by an account from the Persons Employed in the Sale of Goods arising by the Duty of $4\frac{1}{2}$ Per Cent. in the Charibee Islands, That there are Effects remaining in Your Majestys Ware Houses to the Value of Five Thousand Five hundred Pounds Sterling, Three Thousand Five hundred pounds whereof, when the goods shall be sold, I humbly Propose may be Applied in the first Place, for the sending over an Able Engenier, a Store keeper, One Master Gunner, and Seventeen other Gunners, mentioned in the said Report, and paying them

the Advance of one Quarters Sallary, And that the Residue of the said Three Thousand Five hundred Pounds be laid out in Fire Arms, and such Ammunition as is most wanted in that Island, as also that the remaining Sume of Two Thousand Pounds be Employed towards making good the Demands of Your Majestys Governor of the Leeward Islands, as far as it will Reach by a Proportionable quantity of each Species, and Especially of Fire Arms and the necessary Ammunition, and that as there shall be any further produce of the same Revenue over and above the Yearly Sume of One Thousand Pounds payable to the Heirs and Assignes of the Earl of Kinoul Your Majestys do give Order for the particular Application thereof from time to time as shall be found most requisite upon future Reports to be made to Your Majestys from Your Governors and Councils there.

[The estimates are given minutely in the Register. Stores for Barbados amount to 17,467*l.* 15*s.* 9*d.* and the charge of an engineer &c. to 1258*l.* 15*s.* 0*d.*: Stores for Antigua 2516*l.* 9*s.* 10½*d.*: for Nevis 1111*l.* 5*s.* 2*d.*] [pp. 197-204.]

[A representation from the Board of Trade of 21 Aug. on 24 Aug. a petition of the inhabitants in and traders to Barbados is referred back to the Board of Trade to report] whether instead of the Applycation of Part of the duty of 4 & ½ arrising to Her Majesty in the Charibees, Directed by Her Majestys Order in Councill of the 6th of this Month for the use of the Fortifications and other the necessary occasions of the Islands of Barbados the Petitioners are desirous that the same shall be applyed towards the Keeping of Soldiers in Her Majestys Pay for the Defence and Security of the said Island.

[p. 210.]

[869.] The humble Petition of Robert Quarry setting forth that being Judge of the Court of Vice Admiralty and Surveyor Generall of Her Majestys Customes in Pensilvania and having in discharge of His Duty proceed according to Law against Piracy and Illegal Traders and being oblidged for Her Majestys Service to come over to lay before her Majesty the State of

2 May.
Pennsyl-
vania.

410 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Her Majestys Plantations in those Parts relating to Trade, and the Danger they are in from the French in Case of War, Mr. Pen by Vixatious proceedings here has Caused him to be arrested in severall Great Actions and obtained a Writt of ne Exeat Regnum against him and oblidge him to give two Thousand pounds Security without any just right purely to oppress him and oppose his Prosecuting Her Majestys Interest and therefore humbly praying that Care may be taken for His Protection [is referred to the Lord Keeper]. [p. 114.]

2 May.
Leeward
Islands.

[870.] The Petition of the Planters, Merchants, Inhabitants and Traders of Her Majestys Leeward Islands in America, humbly praying a Sufficient Number of Ships of War and Men to be sent to those Islands, to prevent any designs of the French upon them, [is referred to the Lord High Admiral for consideration and report]. [p. 116.]

14 May.
New Jersey.

[871.] The petition of Peter Sonmans and William Dockwra, for themselves and on the behalfe of others Proprietors of the Provinces of East and West New Jersey . . relating to a Governor to be appointed by Her Majesty for the said Provinces, [and] the Petition of the greatest part of the Proprietors . . humbly proposing Colonell Andrew Hamilton as a fitt Person, [are referred to the Board of Trade.]

[p. 124.]

11 June.
New York.

[872.] [The Council refer to the Committee for Appeals the petition of John Wake, late commander and part owner of the *Elizabeth and Catherine*, for a speedy hearing of his appeal against the irregular condemnation of that vessel in the Courts of Admiralty and Places in New York on pretence of her not being registered according to the Act for preventing frauds and regulating abuses in the plantation trade.]

[p. 148.]

(1703.)

10 April.

[A further petition of Elizabeth Wake, widow, and the owners for leave to appeal is similarly referred.] [p. 352.]

18 June.
Bahamas.

[873.] [A representation of the Board of Trade] of a Remonstrance made by the Inhabitants of Her Majestys Bahama

1702.

Islands, against the Conduct of Captaine Elias Haskett commissioned by the Lords Proprietors . . . to be their Governor, [is ordered to be sent to the Proprietors], with Signification of Her Majestys Pleasure, that they take due Care for the Security of the said Islands and for sending thither a Governor, who may have Her Majestys Approbation as by Law is requisite. [p. 155.]

The Petition of Elias Haskett Esqr. Governor of the Island of Providence and other the Bahama Islands . . . relating to Injurys and wrongs don him by the Inhabitants of that Island, and humbly praying to be Redressed therein, [is referred to the Board of Trade]. 2 July. [p. 168.]

[On the report of the Board of Trade that they] have been further Confirmed of the Defenceless and Disorderly Condition of those Islands, whereby they are Exposed to the French and Spaniards, [their proposal is adopted] that, the Scituation of the said Islands being of very great Importance . . . Her Majesty do againe recommend to the said Lords Proprietors the Care and Defence of the said Islands, and a more Regular Administration of that Government, and in particular that upon a due Inquiry made into these matters Offenders may be punished and Justice done to all such as have been Injured thereby. 24 Aug. [p. 211.]

[Upon a representation from the Board of Trade as to the petition of Captain Haskett, who complained that he had been forcibly seized and sent to England by the inhabitants of the Bahama Islands], by reason of his Prosecuting Divers Offenders for Piracy and Violating the Laws of Trade and Navigation, and for the Endeavouring to Reform the Disorderly way of Living of those Inhabitants, and their Lordships not being able to determine the truth of the matter of Fact on either side which they conceive cannot otherwise be done, then by a Commission of Inquiry, [the Proprietors are recommended to issue such a commission] Captain Haskett being a Person of whom Her Majesty has a good opinion, and whom her 24 Aug.

412 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Majesty is well Informed may do good Service to her Majesty in those Parts. [p. 211.]

27 Sept. [Colonel Haskett in a further petition alleging that a Commission of Inquiry would cause a great loss of time] and that the Earl of Nottingham . . . had taken before him two affidavits, proving the whole matter, which he humbly hoped would be sufficient, [it was ordered] in favor to the Petitioner and for his more speedy reliefe, that the said Petition and Affidavits be referred to the Lords Proprietors who are to proceed thereon instead of the said Commission of Enquiry, and report their Opinion upon the whole to her Majesty in Councill. [p. 224.]

18 June. [874.] [A letter to the Master of the Ordnance from the
Virginia. officers thereof, giving the estimate of 3388*l.* 3*s.* 4*d.* for the stores demanded by Colonel Nicholson for 1000 foot and 400 horse in Virginia], against which the Officers of the Ordnance have no Objection but the Charge it brings upon the Office, there being no manner of Provision made for it by Parliament, and therefore hope Directions may be given for reimbursing the said Sume, [is referred to the Lord High Treasurer.] [p. 156.]

6 Aug. [On his report, the stores, of which details are given, are ordered to be sent to Virginia, and payment made out of the quitrents of the colony and remitted to England by bills payable to the Treasurer and Paymaster of the Ordnance. Arms delivered to the inhabitants for the ordinary service of the militia are to be paid for at the price given in the estimate and the proceeds put into the hands of the Receiver General or Treasurer of her Majesty's revenues in Virginia.] [p. 204.]

18 June. [875.] [The Council refer to the Attorney and Solicitor
New York. General] the humble Petition of Henry Adderley and Charles Lodwick Merchants in behalfe of Colonel Nicholas Bayard of New Yorke [who] has been indicted and convicted and had Sentence of Death and forfeiture passed upon him as in

Cases of High Treason for Offences pretended to be Committed against an Act of Assembly there, which makes it high Treason to disturb the Peace Good and Peace of their late Majestys Government, praying that he may be Admitted to bring a Writt of Error, to reverse the said Judgement and Attainder, and for that purpose that the Record and all proceedings relating thereunto may be transmitted hither, together with the Minutes of all the Evidence at the said Tryall.

[p. 156.]

[On the report of the Attorney and Solicitor General that the proceedings against Colonel Bayard are very extraordinary, he is permitted to appeal from a conviction for treason in New York and to bail, on giving sufficient security. All records in the case are to be transmitted to the Board, with the minutes of the evidence taken, as also the Act under which he was condemned,]—Whereby it is Enacted, That whatsoever Person should by any manner of way, or upon any pretence whatsoever endeavor by force of Arms or otherwise to disturb the Peace, Good and Quiett of the Government of their late Majestys King William and Queen Mary as it was then Established, should be Deemed and Esteemed as Rebels and Traytors unto their Majestys and incurr the Pains, Penalties and Forfeitures as the Law of England have for such Offences made and Provided. [Similar orders are made on the like appeal of John Hutchins.]

2 July.

[pp. 169-170.]

[On the report of the Committee of the whole Council, Lord Cornbury is directed to induce the Assembly of New York to repeal the clause above quoted] the meaning of which Clause having been of late Misinterpreted to the Oppression of Her Majestys Subjects.

9 July.

[p. 175.]

[On the same day, Sampson Shelton Broughton is restored to his office of Attorney General of New York, from which he had been suspended by the late Lieutenant Governor and Council on account of his opinion on the charge against Colonel Bayard and John Hutchins.]

9 July.

[p. 177.]

414 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

17 Dec. [Colonel Bayard's petition that his appeal may be heard is referred to the Committee for Appeals; in order thereunto they are to be attended on Tuesday next by Mr. Atwood and Mr. Weaver.] [p. 266.]

(1703.)

21 Jan. [On hearing counsel in behalf of Colonel Bayard and Alderman Hutchins condemned for treason in New York, as also Thomas Weaver who prosecuted them as Solicitor General and William Atwood who pronounced sentence as chief judge], Her Majesty having considered the said matter, and being Sensible of the undue and Illegal Prosecutions against the said Bayard and Hutchins, [it is ordered that Lord Cornbury do direct the Attorney General of New York] to consent to the Reversing the Sentence and Sentences given against the said Colonel Bayard and Alderman Hutchins, and all Issues and proceedings thereupon, And to do whatever else may be requisite in the Law for reinstating the said Bayard and Hutchins in their Honours and Property as if no such Prosecution or Tryall had been. [p. 295.]

(1704.)

18 Dec. [On a representation from the Board of Trade, Her Majesty agrees to ratify an Act lately passed in New York declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins, and nullifying the judgment against them; the Governor is to see that Col. Bayard and Alderman Hutchins enter into recognizance upon record: or else to transmit a new Act with a clause of indemnification as proposed by the Board of Trade.] [Vol. II. p. 229.]

(1708.)

8 Jan. [Two New York Acts annulling proceedings against Col. Bayard and Alderman Hutchins are confirmed and an Act of 1705 about Col. Bayard repealed. (See Appendix III.).] [Vol. III. pp. 493-4.]

18 June. [876.] [A petition of several merchants and gentlemen concerned in the settlement of Tobago, for her Majesty's countenance in possessing, peopling, and improving the island] under such Graunts and Encouragements and such
Tobago.

Acknowledgements to Her Majesty as shall be thought necessary and fitt, [is referred to the Board of Trade].

1702.

[p. 162.]

[877.] Representation from the Commissioners of Trade about sending a Governor to Barbados, and repairing the Fortifications, to be Lodged with the Earl of Nottingham.

18 June.
Barbados.

[p. 162.]

[878.] [A representation from the Board of Trade] relating to Divers Acts past in the Generall Assemblys of Barbados . . . is hereby Referred to the Right Honourable the Lords of a Committee of the whole Councill.

2 July.
Barbados.

[p. 166.]

[The Committee recommend that the Acts be confirmed, save one "for the better securing the Liberty of His Majestys Subjects within this Island, and preventing long Imprisonment": this is disallowed as containing divers imperfections and unprecedented clauses, but instructions are to be given to the Governor securing the liberties sought to be safeguarded by the Act, these instructions to be made public and registered in the Council Books of Barbados.]

6 July.

[p. 173.]

[Order accordingly.]

[p. 180.] 9 July.

[879.] The Petition of John Wentworth and Richard Garrish humbly praying that the Men in the Ships which the Petitioners have Equipt for the West Indies, to annoy Her Majestys Enemies, may not be Imprest in the West Indies or elsewhere . . . is hereby Referred to His Royall Highness Prince George of Denmarke Lord High Admirall.

2 July.
West Indies.

[p. 167.]

[880.] The Petition of Mary Elliott, Wife of Captaine Stephen Elliott, Commander of the Ship Scarborough at Jamaica, humbly praying that in Consideration of the losse of Her Husband in the Service, she may have the benefitt as other Captains Widows of 4th rates have had, whose Husbands Dyed Abroad in those Parts, [is also referred to the Lord Admiral].

2 July.
Jamaica.

[p. 167.]

Report . . . nothing.

[p. 205.] 6 Aug.

416 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

9 July. [The Council refer to the Lord Admiral the petition of Hester Viall for some bounty or pension in consideration of the loss of her husband, Captain John Viall of H.M.S. *Pendennis*, who died in the West Indies in March, when serving under Admiral Benbow.] [p. 178.]

9 July. [881.] [A copy of] the Petition of John Wilks, setting forth Jamaica. that his Brother in Law Joseph Haynes of Jamaica Merchant was, upon a Complaint from his Wife, by the Authority of Sir William Beeston late Governor and his Council there at a Court of Chancery, Confined a Close Prisoner in the said Island for near four years, and humbly praying that the said John Haynes may be Releived, [is ordered to be sent to Sir William Beeston, who is to return a written answer with all convenient speed]. [p. 179.]

6 Aug. [882.] [The Council refer to the Board of Trade] the Barbados. Petition of the Inhabitants of the Island of Barbados now in England, and of the Merchants Trading thither, setting forth that the said Island for two years has been Visited with such unseasonable dry Wether that many of the poor People for want of Bread have been forced to leave it, and all of them brought to great Distress, and humbly praying that Three small Ships of War may be forthwith sent thither for the Security of the Trade thereof and of Ships coming thither with Provisions, and also such a Number of Well Disciplined regular Troops to Strengthen their Weak Militia, for preservation of the said Island, and the better to Secure the Petitioners from the Insults of the Enemy as shall be thought fitt. [pp. 193-4.]

24 Aug. [Their Lordships report that] it would be very convenient that the Island of Barbados be attended by a Competent Number of Frigatts to be releived from time to time, and that the Trade of those parts, and the Security of the said Island may well deserve that two or three Frigatts be appointed for that Service dureing the War. [The report is referred to the Lord High Admiral.] [p. 212.]

1702.

27 Sept.

[The Council approve, and give orders in accordance with], a Report from the Council deputed by His Royall Highness the Lord High Admirall . . . that it is very necessary all Care should be taken for the Security . . . of Barbados, and the Trade thither ; But finding that dureing the whole Course of the last War with France, there was not more than One fourth, and one fifth Rate allowed at the same time for this Service, We shall so soon as an opportunity offers, and that a Ship can be Spared, Add a fourth rate to the fifth that is now attending that Government, and in the mean while we hope they will be safe thro' the Countenance which they may receive from the Squadron of Her Majestys Ships with Vice Admirall Bembow in the West Indies, who tho' he is in a particular manner directed to have a regard to Jamaica, yet he has also Instructions to Protect, and Assist the other Plantations, which is a greater Security then they had all the last War.

[p. 223.]

[883.] [The Council refer to the Committee for Appeals] the Petition of William Battyn Esqr. Complaining of Proceedings in the Courts of Barbados relating to an Estate of Negroes Descended to him, as Cousin and Heir to Elizabeth Binyon of Barbados Deceased, and humbly praying Reliefe upon his Appeal made from a Sentence of the Court of Chancery there, the Petitioner being ready to Prosecute the same.

[p. 196.]

6 Aug.
Barbados.

(1703.)

4 March.

[On the recommendation of the Committee of 3 March, the appeal is dismissed, as the decree of the Chancery is not final, but he is to have liberty to appeal from such final sentence as shall be made by that Court.]

[p. 332.]

[884.] [On the representation of the Board of Trade of 17 April] that Virginia and Maryland being large Territories and lying open by Great Rivers, cannot be Secured by Fortifications and are therefore no ways able to Defend themselves against an Attempt of an Enemy by Sea unless it shall please Her Majesty to send a Sufficient Squadron to Cruise in those

24 Aug.
Colonial
Defences.

1702.

parts from the begining of Aprill to the end of October, the time of the Greatest Danger, which the said Lords Commissioners humbly conceive will in like manner be a Security to the rest of Her Majestys Colonys on the Continent, and the Islands Adjacent in America, [it is referred to the Lord High Admiral to consider the matter and to give the necessary directions for providing in the best manner for the security of the coasts of her Majesty's dominions in America.] [p. 215.]

[The remaining part of the representation as to defences is referred to the Committee of the whole Council, and it is ordered] That the Governors of Her Majestys Provinces of the Massachusetts Bay and New Hampshire be Writt to in the most pressing manner to endeavor that according to what has been proposed by Colonel Romer the Engineer lately sent thither, a good Fort be built at Pamequid about the same place where the last stood, and for its better Defence in Case of an Attack from the Sea, that a Battery be raised on the next Point of Land and a Redoubt or Round Tower in St. Johns Island, and a New Fort in Piscataway River, where the Present Fort now stands to be such as the Growing Trade of that River and Country requires according to the Designe thereof sent by Coll. Romer to the said Lords Commissioners, as also a strong Tower on the Point of Fryers Island, a Battery on Wood Island, and another on Clarks Island, and further acquainting him that when the said Fortifications shall be Built, Her Majesty may be Induced to send thither some Great Guns and other Stores of War towards the finishing and for the use of the same, That the Magistrates in Her Majestys Colonys of Connecticut in Rhode Island and the Proprietors of Pensilvania Carolina, and the Bahama Islands be also required to take Care that due Preparations be made in the said Respective Colonys and Proprieties for the Defence and Security of the same against any attempt that may be made upon them by the Enemy dureing this time of War. That the Governor of the Massachusetts Bay, and the said Magistrates of the Colonys of Connecticut and Rhode Island, that in Case of an Invasion or appearance of Imminent Danger

1702.

on the side of New Yorke they forthwith send Assistance to that Province of Men or Money according to former Directions sent to them on that behalfe. [p. 216.]

[885.] [The Council approve, and give orders in accordance with, the representation of the Board of Trade of 11 Nov.:—] In Obedience to Your Majestys Commands, Signified to Us by the Right Honorable Mr. Secretary Hedges, upon the Petition of William Penn Esqr. that Colonell Andrew Hamilton appointed by him to be Deputy or Lieutenant Governor of Pennsylvania, may have Your Majestys Royall approbation for the Executing of that Trust, for one Year only, We humbly report, that we have lately represented to Your Majesty, That having been Informed that the said Hamilton had been a favorer of Illegal Trade with Scotland and other Parts, We did not think it for Your Majestys Service that he should receive Your Royall Approbation as Lieutenant Governor of that Province, But Your Majesty having now Signified to Us Your Gracious Inclination to Gratifie Mr. Penn in his present request, and considering the Absolute necessity, which he alledges, for a Temporary approbation of the said Hamilton, We humbly Offer that Security be given to Your Majesty in Two Thousand pounds Sterling at the least by the said William Penn or other Persons for the said Hamiltons duly observing the Acts of Trade &c. as is usually done for the Propriety Governments. Provided always that Your Majestys favour herein be not construed or extended in any manner to diminish or set aside Your Majestys Right and Title to the three lower Counties upon Delaware River adjoining to Pennsylvania, And we further humbly take this occasion to pray Your Majestys Order to the said William Pen, that he be Oblidged to returne a speedy answer in writing to the four Queries delivered to him by Us in May last; The same very much importing the Good of the Trade and Settlement of those and the neighbouring parts. [p. 242.]

11 Nov.
Pennsyl-
vania.

(1703.)

[In accordance with a representation from the Board of Trade of 21 Jan. that this order had been complied with,

21 Jan.

1702.

and that in pursuance of his answers, their Lordships are still considering the ascertaining of one current rate or value of coin in the plantations, and also Mr. Penn's claims to the three lower counties, it is ordered] that all Persons in Judiciall or any other Office or Offices in Pensylvania and the said Lower Counties, before their entring upon any such Office or Offices do take the Oath Directed by the Law of England or the Affirmation allowed by the said Law to Quakers, and that no Judge be allowed to sitt upon the Bench, who shall not first take the Oath of a Judge or in lieu thereof the aforesaid Affirmation as Directed by the Law of England, as also that all Persons who in England are Oblidged and are willing to take an Oath in any Publick or Judiciall proceeding, be admitted so to do by the Proper Officers and Judges in Pennsylvaniam, and in the said Lower Counties, In default of all which or in Case the Judges shall refuse to Administer the said Oath or attestation; Her Majesty is pleased to Declare their proceedings, and they are hereby accordingly declared to be Null and Voyd, And the said William Pen Esqr. and the severall Judges of Her Majestys Courts within the said Province and Territorys, and all others whom it may concerne are to take Notice hereof and Govern themselves accordingly. [Her Majesty is also pleased] to extend her allowance and approbation of Andrew Hamilton Esqr. to be Deputy Governor for the said William Pen of the said Province of Pensylvania, and the said Territorys adjacent to the first day of May which shall be in the Year 1704 and no longer. [pp. 298-9.]

19 Nov. [886.] Her Majesty in Council is pleased to declare that
West Indies. for the Encouragement of such Regiments, Troops and Companies, as have been or shall be sent to the West Indies in Her Majestys Service and Pay dureing this War, It is Her Royall Intention, That such Officers and Private Soldiers, as shall desire to be relieved, shall accordingly be relieved by other Her Majestys Land Forces to be sent thither once in three Years. And that dureing their Stay in the West Indies their pay shall be duly and fully Satisfied every Week,

or as often as possible, in Money or Provisions ; and that the Officers shall not only receive at such times of Payment their usuall Subsistence Money, but their full pay, according to the Establishment Subject only to such Deductions from the said Officers and Soldiers as are usuall, for Cloathing, the poundage, and the One days pay for the Royall Hospitall at Chelsea, and such others as they themselves shall desire, and 'tis Her Majestys further pleasure, that this Declaration be Published in the Gazette. [p. 247.]

1702.

Upon reading this day at the Board the humble Petition of Colonel Thomas Handasyd, Coll. John Lewsay and Coll. Thomas Whetham in behalfe of the Officers and Soldiers of the Regiments under their Command in the West Indies, Setting forth that the time Limitted by Her Majestys Declaration bearing date the 19th of November 1702 for the Reliefe of the said Regiments is near Expired, and humbly praying the Benefitt of the said Declaration. [Order is given that] the said three Regiments shall be Relieved with all convenient speed upon the Expiration of the time Limitted, And One of Her Majestys Principall Secretarys of State is to lay the same before Her Majesty for Her further Directions therein accordingly. [Vol. II. p. 140.]

(1704.)
6 July.

[887.] Representation from the Lords Commissioners of Trade and Plantations relating to Road Island. Read. [p. 250.]

26 Nov.
Rhodo
Island.

[888.] [The Council approve, and give orders in accordance with, the following report of the Lord Admiral of 7 Dec] :— The Principall Commissioners for Prizes having Represented to the Lord High Treasurer, that they are under some difficultys in the Execution of the Trust reposed in them, with relation to the Ships which are, or shall be taken as Prize, and carryed into any of Her Majestys Ports in the West Indies, by reason no proper Courts are there Established for the Legall condemnation of such Prizes, and that it will certainly prove very Expensive, if not impracticable, to detain such Ships in

10 Dec.
West Indies.

1702.

the aforesaid Parts, till such time as adjudication can be thereupon had in the High Court of Admiralty in England, and likewise very hazardous as well as delatory, to have them Navigated thence for England, in Order to their condemnation here, for which reason they pray, that Directions may be given that Courts of Admiralty may be appointed in the West Indies, for the Condemnation of all Prizes taken and brought into the aforesaid Ports ; and Her Majesty having upon the Debating this matter in Council, been pleased to Referr the consideration thereof to me, I have accordingly considered thereof and do Report to Her Majesty that for the more regular and Effectuall condemning the said Prizes in the West Indies, it is necessary that Her Majesty does particularly empower me by Commission under the Great Seal, to Authorize the Vice Admiralls in the Plantations to do the same. [p. 260.]

(1703.)

18 Nov.

[The Lord Admiral having represented on 18 Nov. that in spite of the existence of duly constituted Courts of Admiralty in the plantations, the Governors there dispose of prizes without giving any account of the produce, it is referred to the Board of Trade] to Examine the matter of Prizes in the Plantations and Lord High Admiralls dues in particular, And to Report to this Board how the same Stands at Present, in reference to the Laws and Practice of the Severall Plantations, and the Instructions to the respective Governors in that behalfe.

(1704.)

28 Jan.

[In their Lordships' report of 26 Jan. the Lord Admiral is desired] to give the necessary Orders to His Vice Admiralls, Judges of Admiralty, and other officers concerned in the Courts of Admiralty in Her Majestys Plantations in America, that they proceed in all Cases before them according to such Instructions as His Royall Highness shall think fitt to give them and according to Her Majestys Declaration for the Encouragement of Her Majestys Ships of War and Privateers with relation to Prizes : [the report is approved, and the Board of Trade are directed to write to the Governors of plantations accordingly].

[p. 458.]

[Vol. II. p. 38.]

[The Council approve a letter prepared by the Board of Trade for the Governors of plantations] relating to the Distribution of the proceed of Prizes and mainteyning the Rights of the Admiralty. (P.R.) [Vol. II. p. 59.]

1702.
(1704.)
23 Feb.

[889.] [The Council refer to the Board of Trade] the Petition of Samuell Allen Esqr. humbly praying that the Governor of New Hampshire in America may be Directed to permitt the Petitioner to have and Enjoy the Wast and unimproved Lands within the Province of New Hampshire and that he may be Quieted in the Possession thereof.

17 Dec.
New
Hampshire.

[p. 271.] (1703.)

[The Council approve the following representation of the Board of Trade of 9 April, and direct them to prepare a letter accordingly for Her Majesty's approbation] :—Upon consulting Your Majestys Attorney General in relation to Mr. Allens Title to those Lands, We have received his Opinion.

10 April.

That the said Allen hath a good Title to the Waste Lands in the said Province ; That he may enter into and take Possession of the same ; That if he be Disturbed in the Possession thereof, it may be proper for him to Assert his Right by Legall Proceedings in the Courts of Justice within that Province, And that if upon the Tryalls which may thereupon be had, the said Allen do insist that the matters of Fact be Specially found by the Juries that shall be there Impannelled, it may be reasonable that the said Juries be Directed to find Specially the matters of Fact relating to the Titles of the said Allen, and of others claiming the same Lands.

Whereupon We humbly Offer, that considering the Inhabitants of the said Province (whereupon both Judges and Juries consist) are Generally the Parties against whom the said Allen is to contend, and that the said Allen and those from whom he derives his Claime have for a long Tract of time prosecuted their Right without Effect, and that those Familys have Sustained great Damage by the Delays they have met with in the Determination of Justice, your Majesty would be pleased to give express Direction to Colonell Dudley Your

1702.

Majestys Governor in Cheif of the said Province, that in Case the said Allen shall be opposed by the Inhabitants and hindred from Entring quietly into Possession of the said Waste Lands or that he be Disturbed in the Possession thereof, Whereupon any Tryall or Tryalls shall be brought before Your Majestys Courts there for Setling the Title to the said Wast Lands, and that on such Tryall or Tryalls the said Allen do insist that the matters of Fact be Specially found by the Juries, Hee the said Governor in Cheif do all that in him lyes that the matters of Fact be specially found accordingly. And further that Exemplifications of the Entries of all Proceedings and other Papers, relating to the Setling of the Title to the said Lands be Delivered, under the Seal of the Province, to the Parties desireing the same To the end that upon an Appeal or Appeals from the Judgements thereupon given to your Majesty in Councill Your Majesty may be fully Informed of those matters, in Order to a finall Determination thereof. [p. 351.]

(1703.)

17 April. [A letter in accordance with the report is approved by Her Majesty in Council.—P.R.] [p. 360.]

31 Dec.
New York.

[890.] [The Board of Trade present a draft of instructions for Lord Cornbury, and represent that] Having Received from the Lord Cornbury an Account of his Suspending William Attwood and Thomas Weaver, and three other Members of the Councill of New Yorke for their Misbehavior, and Divers Irregular and Illegall Proceedings in Government, [they conceived it fit that these persons be displaced and others appointed in their stead by instructions to Lord Cornbury. Orders were thereupon given for hearing Mr. Atwood and Mr. Weaver and their counsel on 14 January, the Attorney and Solicitor General being instructed by the agents of the Governor, and the parties charged being provided by the Board of Trade with such papers transmitted by Lord Cornbury as may be proper for their information]. [p. 277.]

(1703.)

14 Jan. [On the petition of William Atwood and Thomas Weaver for copies of papers transmitted by Lord Cornbury, the

hearing of their case is fixed for the 21st instant, and the petitioners are to receive by the 18th instant copies of documents relating to the case in the Council Office or with the Board of Trade and both parties are to interchange copies of all papers they intend to use at the hearing of the case.] [p. 289.]

1702.

[It is ordered] that Copys of such Papers only be given to Mr. Attwood and Mr. Weaver upon their desire as have been Transmitted by the Lord Cornbury to make Good the Charge sent over by his Lordship against them. [p. 293.]

(1703.)
17 Jan.

[An instruction to Lord Cornbury is approved (*cf.* Appendix II) in which Atwood, Weaver, Abraham Depeyster, Samuel Staats and Robert Walters are replaced by five nominees of the Governor.] [p. 296.]

(1703.)
21 Jan.

[891.] [The Council approve, and give orders in accordance with, a memorial of 23 Dec. from the Lord Admiral, who, after consulting the Board of Trade on the inability of the merchants of London and the outports to agree as to the time of sailing of the convoys to Virginia, reports:—] It is thereupon proposed unto Her Majesty that it may be reasonable to send from hence two Ships of the 4th Rate, by the end of January next, to Carry all the Trade from the severall Ports, which Ships will joyne at Virginia two others which I have Ordered Vice Admirall Benbow to detach thither from his Squadron in the West Indies, and to Depart from thence in Company with the Trade by the first or Tenth of July next. And Whereas the Merchants of London have represented, that there will be occasion to send to Virginia the begining of July next, a Considerable Trade, It is further Proposed, that two fourth Rate Ships may be appointed, at that time, or by the latter end of August, to Convoy the said Trade, which for their better Security, may be seen well into the Sea by other Ships to be particularly appointed and that the said Convoy may depart from Virginia and Maryland with the Trade, by the begining of Aprill following, and that

31 Dec.
Virginia.

1702-3.

during their stay there they may Cruise in some proper Station to protect the Trade of the Leeward Islands.

And lastly it is further proposed unto Her Majesty that the Governors of Maryland and Virginia may be Enjoyned, by Her Majestys Orders, to take Care that noe Ships Sayle out of the Capes without Convoy, to prevent the Mischeifs which otherwise may happen to the said Trade from the Enemy. [p. 278.]

31 Dec.
Bahamas.

[892.] [The Council refer to the Lord Admiral the petition of Captain Elias Haskett for] the Command of a Fifth Rate Ship or some other Employment to Enable him to Performe the severall Services mentioned in the said Petition. [p. 281.]

1703.

11 Feb.
Privateers.

[893.] [The Council refer to the Lord Admiral the petition of] William Price, Michael Mitford and Company, Owners of the two Ships the St. George and the Fame Privateers, setting forth, that upon Encouragement of Her Majestys Commission they have been at above 8000*l*. Charge in fitting out the said Ships for a Voyage of 30 Months under the Conduct of Captaine Dampier, on a Designe to Cruise on her Majestys Enemys, in such Parts of America, where they presume no other of Her Majestys Subjects have as yett attempted, which undertaking wilbe lost to them, if they should be disappointed in their Design, And therefore praying Liberty to proceed on their intended Expedition, without having their Men taken from them. [p. 315.]

18 Feb. [Petition granted.]

[p. 310.]

18 Feb.
West Indies.

[894.] [The Council refer to the Lord High Admiral the petition of Martha, widow of Vice Admiral Benbow, for provision for herself and five children in consideration of the loss of her husband in an engagement against her Majesty's enemies in the West Indies.] [p. 317.]

25 Feb. [A pension is granted her, equal to those granted in the late reign to widows of flag officers of the same rank as the petitioner's husband.] [p. 323.]

[Reference to the Lord Admiral of the petition of Martha, widow of Admiral Benbow, for] payment of Table Money and Extraordinarys Expended by her said Husband in his Voyage to the West Indies, in Like manner as has been allowed to Others in Like Circumstances with the petitioner and her Family. 1703.
(1709.)
19 May.

[IV. p. 322.]

[Report of the Lord Admiral.] Nothing. (1709.)
23 June.

[IV. p. 341.]

[895.] [On the representation of the Board of Trade, her Majesty's picture and arms are ordered to be sent to each of the] Colonys in America under Her Majestys Immediate Government, to be sett up in the respective Councill Chambers and Supream Courts of Justice : [directions are to be given accordingly by the Lord Chamberlain and the Earl Marshal.] 25 Feb.
Plantations.

[p. 324.]

[896.] [On a representation from the Board of Trade of this date, they are directed to prepare an account of the salaries payable to the Governors of plantations] in order to the hindering such Governors from receiving presents from the Assemblies for the future. 4 March.
Plantations.

[p. 332.]

[Their report of 2 April is approved, and its provisions ordered to be communicated to the various colonies and put in execution. 10 April.

As to Barbados and the Leeward Islands, the $4\frac{1}{2}$ per cent. duty amounts one year with another to about 10,000*l.* in Barbados, and 3,000*l.* in the Leeward Islands :] For the Disposition whereof an humble Address was likewise presented to Your Majesty by the late house of Commons that the same (Subject to an Annuity payable to the Heirs of the Earl of Kinowle) be applyed for the repairing and Errecting such Fortifications and other Publick Uses for the Safety of the said Islands as Your Majesty shall Direct.

That out of the said Duty in Barbados there has hitherto been Assigned Twelve hundred pounds Sterling per Annum Salary to the Governors of that Island ; But that Some having been Judged not Sufficent for their Support, they have been

1703.

permitted from time to time to receive Presents from the Assemblys, and considerable Sums have accordingly been raised by Publick Levies, For the Preventing of which Practice, We humbly propose that Your Majesty would be pleased to Add the sume of Eight hundred pounds Sterling per Annum, out of the said Duty of $4\frac{1}{2}$ per Cent, to the present Salary of the Governor of that Island ; which by such Addition will amount to Two Thousand pound Sterling, and may be a Competent Maintenance for that Governor without dependance on the People.

And We humbly Offer that upon the Establishment of Two Thousand pound per Annum as aforesaid, Your Majesty do Signifie Your Express Pleasure that no Governor, Lieutenant Governor, Commander in Cheif, or President of the Councill of Barbados for the time being, do hereafter receive any Gift or Present from the Assembly ; And likewise that no Assembly do make any such Gift or Present to him or any of them upon any Account whatsoever ; except only that there being no House appointed or set apart for the Governor, and it having been Customary for the Assemblys to make a Temporary Assignment of a House, or Rent for the same, out of the Publick Levies ; Your Majesty may be Graciously pleased to permitt the Assembly to Assign such a House, or Rent for the same not exceeding Three hundred pounds Sterling per Annum, out of the Publick Levies, And to allow the Governor to accept thereof, notwithstanding what has been before Offered, untill a House be built for him : Provided always that this be done at the first Session of the Assembly after such Governors arrivall, or Receipt of Your Majestys Order in this behalfe, And that it be Assigned him for the whole time of his Government.

And We do thereupon humbly observe, that the foresaid Increase of Salary being Supplied by Your Majesty out of the Duty of $4\frac{1}{2}$ per Cent. The Assembly of Barbados (and other Assemblys in the like Case, will have an opportunity and be in a condition of Applying those large Sums which

they usually gave in Presents, by Yearly Levies, to their Governors, towards such other Publick uses as may be most necessary for the Defence and Safety of those Plantations. And We humbly conceive that in Consideration of Your Majestys Goodness in exempting them from this Customary Burden of Presents, they may be the more easily induced to contribute in such other manner to their own preservation.

As to the Government in the Leeward Islands, We likewise humbly Represent to Your Majesty that the present Salary of the Governor in Cheif, arising out of the said Duty of $4\frac{1}{2}$ per Cent. there, being no more then Seven hundred pounds Sterling, The Insufficiency thereof has been the reason (as in Barbados) that the Governors have been permitted to receive Presents from the Assemblys of those Islands : And We therefore humbly Propose that Your Majesty be pleased to add the Sume of Five hundred pounds Sterling per Annum out of the said Duty of $4\frac{1}{2}$ per Cent there, to the present Salary of the Governor in Cheif, which by that Addition will amount to Twelve hundred pounds Sterling, and may be a Competent maintenance for him.

And Whereas besides the Governor in Cheif of all the Leeward Islands there are particular Lieut. Governors of each of the said Islands, vizt. of St. Christophers, Antego, Nevis, and Mountserratt, who have no Established Salarys ; We humbly conceive that if Your Majesty would be pleased to appoint the Sume of Two hundred pounds Sterling Per Annum to each of them out of the said Duty of $4\frac{1}{2}$ per Cent., if Your Majesty shall so think fitt, It would likewise be for Your Majestys Service and the Interest of this Kingdome in reference to Trade, and otherwise, in Freeing such Lieutenant Governors from their Obligation to the Assemblys ; Whereby Your Majesty may be likewise enabled to send from England fit Persons for those Commands as there may be occasion.

And We thereupon humbly Offer that the same Injunctions be Signified to the Governor, Lieutenant Governors Presidents and Assemblys of the Leeward Islands, as to the Governor

1703:

and Assembly of Barbados, with the like Exception that the Governor in Cheif and Lientenant Governors be permitted to accept of a House, or Rent for the same from the severall Assemblys in the same manner as proposed for Barbados.

As to Jamaica, there being an Established Salary for the Governor of Two Thousand per Annum currant Mony of that Island, out of the Revenue arrising there for the Support of that Government, We humbly Offer that the same be made up out of the said Revenue, Two Thousand five hundred pounds of such Currant Mony, which may amount to about Two Thousand pounds Sterling; And that the like Directions be given herein as in Barbados and the Leeward Islands; Excepting only what relates to a house, Your Majesty having already a House there convenient for the Residence of the Governor.

As to the Bermuda Islands there being a hundred and Sixty pounds per Annum, Settled by Your Majesty for the Support of the Governor out of the Shares of Land and Licences for Whale Fishing there, and the further Summe of Two hundred and Forty Pound out of Your Majestys Exchequer making in all four hundred pound Sterling; We humbly conceive that the Addition of a hundred pounds per Annum more out of the Exchequer may inable him to Support himself in that Government without Presents from the assembly.

The Sallary of Your Majestys Governor of Virginia being Two Thousand pounds Sterling per Annum, We conceive the same sufficient for his Maintenance without receiving any Presents from the Assembly.

As to the Government of Maryland, We find the constant Revenue arising by the Two Shillings per hhd. upon Tobacco exported, to have amounted in the Year 1701 to about Three Thousand Two hundred pounds; One Moyety whereof is belonging to the Lord Proprietor, And the other Moyety being for the support of the Government, One 4th part thereof is by Act of Assembly to be Applied to the buying of Arms, and the other $\frac{3}{4}$ ths amounting to Twelve hundred pounds. is

applicable to the Governors Salary ; Besides which an Act was past upon the Arrivall of the last Governor in Maryland for raising a Revenue of 3 pence per Hhd. as an Additional allowance to him for his better maintenance dureing his Government, which may amount to five hundred pounds per Annum more, And there being no House in Maryland for his Reception, We humbly conceive Your Majesty may allow the Assembly to repass the like Act for the better maintenance of the present Governor, provided the same be for an Unlmitted time, or dureing his Government, And that the said Governor be not permitted to receive any Present or Gratification from the Assembly upon any Account whatsoever.

The Sallary Established to be payd out of Your Majestys Revenue in New Yorke to that Governor, being no more than Six hundred pounds Sterling per Annum, which is no ways Sufficient ; And that Defect having been hitherto Supplied by Presents from the Assembly, We humbly Offer that Six hundred pounds more may be added to it out of the said Revenue, which Twelve hundred pound may be a Competency for his Support. And upon the Settlement thereof We humbly propose, That the like Directions be given in New York in reference to Presents as for other Colonys.

As to the Province of New Jersey which has been lately brought under Your Majestys immediate Government, and the Lord Cornbury constituted Governor of the same, as of New Yorke ; We conceive the Assembly there ought to Settle a constant and fixt allowance for the maintenance of their Governors, as also of the Lieutenant Governor who is to be resident there.

As to the Province of the Massachusetts Bay, which is a Charter Government, The Inhabitants have been always averse to any Compliance with the Directions that have been frequently sent from hence for Settling a fixed Revenue for the support of that Government or the Governor, and upon applycation made to the Councill and Assembly by Colonell

1703.

Dudley your Majestys Present Governor, pursuant to Your Majestys Instructions to him, They have wholly declined the same, persisting in their usuall way of making only Temporary Provisions for the Charge of the Government whereby they have kept Your Majestys Governors there in a continuall dependance upon them for Voluntary Presents, which to the Present Governor have been as yett very Inconsiderable.

Whereupon We humbly Offer that Your Majesty would be pleased by a Letter under Your Royall Sign Manuall, directed to the Councill of that Province, to be Communicated likewise to the Assembly to require them that in consideration of the great Priviledges they Enjoy, they do Settle a constant allowance Suitable to the Character and Dignity of that Government, without Limitation of time, upon the Governor ; together with a fitting Provision for the Lieutenant Governor or Commander in Cheif for the time being ; In which Letter it may be intimated to them that if they neglect this opportunity of Complying with Your Majestys just expectations, Your Majesty will be oblidged to have recourse to such Remedies as may be proper and Effectuall, in Order to a duo Provision herein.

As to New Hampshire, where no certaine Provision has yett been made, We conceive there ought likewise to be a fitting Salary, without Limitation of time, raised by the Assembly ; And We humbly Offer that Directions be given accordingly.

As to the Proprietary and Charter Colonys, vizt. Rhode Island, Connecticut, Pennsylvania, Carolina, and the Bahama Islands, We cannot propose any thing upon this occasion ; The Governors of those Colonys not being appointed by Your Majesty, and depending either upon the Proprietors or the People from whom they have very mean and uncertaine Salarys ; Which Incourages them to connive at unlawfull Trade, and other Irregularitys inconsistent with the Interest of this Kingdome, which great mischief can only be remedyed, as We humbly conceive by reduceing these Colonys to an immediate dependance on the Crowne. [pp. 353-356.]

1703.

[Ten letters to colonial governors in accordance with this order are submitted and approved—P.R.] 17 April.
[p. 360.]

[897.] [A representation from the Board of Trade of 20 March. 19 March as to stores for Newfoundland is ordered to be put in the hands of the Earl of Nottingham who is to see that the Admiralty, Treasury and other officials are notified to provide and send to Newfoundland the several particulars.]
Newfound-land.

[p. 337.]

[898.] [Directions are ordered to be given to Lord Cornbury in accordance with a representation from the Board of Trade] 3 April.
New York.
Setting forth that by Letters and Papers lately received from the Lord Cornbury they are Informed, That the Forts in that Province are in a Ruinous condition, That his Lordship is rebuilding the Fort at Albany, and desirous to put the other Forts in a better State of Repair, Whereupon the said Commissioners humbly Offer that the Lord Cornbury may be Ordered to use his best Endeavors with the Assembly to dispose them to make Suitable Provisions for repairing the Old and Erecting the New Fortifications, as he shall judge necessary, which together with the Quotas of the Neighbouring Plantations, wherein the said Lords Commissioners are humbly of Opinion, Her Majesty may be pleased to renew Her Majestys Directions, may be Applied to this Worke, That the Militia of the Province is in a very Ill State, whereupon their Lordships humbly Offer, that among the Acts which the Lord Cornbury had Transmitted, there being one for the better Settling the said Militia and makeing it more usefull, His Lordship be Directed to take Care that it be duly Executed and that in Case the said Act be found by Experience to be Defective he move the Assembly that further Provision be made for that purpose, That the Lord Cornbury having had a Conference at Albany with the Cheif Sachims of the Five Nations of Indians, Bordering upon New York, had made them Presents as usuall in Order to confirm them in their Submission to Her Majesty, The said Lords Commissioners are humbly of Opinion that the usuall Method of Engaging

1703.

them by Presents be continued, and Especially as any extraordinary Occasion may require, That the Lord Cornbury having Informed the said Lords Commissioners that he found things in great Disorder, the Animositys between Partys being very high, Their Lordships humbly Report that having Recommended to his Lordship as well as to former Governors, the Endeavoring to reconcile all Partys, His Lordship Assures them he has accordingly applyed themselves to the Worke and will continue to do soe without exposing any party further then Her Majestys Service, and the Rules of Justice do oblige him. [The governors and proprietors of adjacent plantations are also to be required to furnish their respective quotas for the assistance of New York.] [p. 343.]

[It is also referred to the Earl of Nottingham to give directions in accordance with the representation of the Board of Trade on Lord Cornbury's letters]—

That as to the Four Foot Companys, which ought to consist of four hundred Private Soldiers, besides Officers, There were not in his owne Company more then 76 Men; In Major Ingoldsbys Company 84 Men, and in Capt. Weems's Company 92 Men; so there are wanting 68 Men for the Compleating of the said Companys which his Lordship desires may be recruited.

In relation to the Cruits demanded by his Lordship for the Four Companys We find by the accompts layd before Us, that besides what is due from the Executors of the Earl of Bellomont there is remaining in the hands of Capt. Nanfan late Lieut. Governor of New York, the Summe of five hundred and Ten pounds for Respitts, from the 9th of March 1700, untill the 8th of May 1702, and in the Lord Cornburys hands, Two hundred Thirty Eight pounds for respitts from the 9th of May 1702, untill the 24th of December following, whereof a particular Accompt may be made up in the Pay Office; Which Respitts We humbly propose may be Applyed towards recruiting the said four Companys, and together with what shall appear to be further due from the Pay Office upon the

Clearings of those Companys (which We judge to be very requisite) may be Employed, So far forth as the same is Applicable to this Service, towards providing Arms, Accoutrements and other necessarys which they stand in need of, according to the particulars hereunto annexed. [p. 344.]

[The Council also refer to the Lord Treasurer part of the representation recommending that Lord Cornbury should endeavour to induce the Assembly to make suitable provision for repairing old and creating new fortifications, that the respites mentioned in the last Order should be used as far as possible to provide for defence, and reporting that only 500*l.* out of 2500*l.* ordered for the assistance of New York by his late Majesty had been remitted: The Council also refer to the Lord High Admiral that part in which Lord Cornbury states] That the Earl of Bellomont having formerly contracted for a Parcell of Masts and Some Timber for the use of the Royall Navy, and a Vessell called the Benjamin, sent by the Commissioners of the Navy to fetch the same being lately arrived at New Yorke, he had upon Examination into the Condition of those Masts, found them to be Serviceable but not of the Demensions agreed for; And having thereupon prevailed with the Contractor to abate considerably of the Price, he had caused them to be put on Board the foresaid Vessell, together with so much of the Timber as was at New Yorke, adding that there was more Timber lying in the woods which should be brought downe as soon as the Frost was hard enough to bear a Sledge but could not be done sooner . . . and [proposals from the Lord Cornbury touching such naval stores as may be provided from New York]. [pp. 345-6.]

[A representation of the same date setting forth] That as to the Five Nations of Indians Bordering upon New York, least the Intreagues of the French of Canada and the Influence of their Preists who frequently Converse and sometimes Inhabit with those Indians, should debauch them from Her Majestys Allegiance, Their Lordships are humbly of Opinion that besides the usuall Method of Engaging the

1703.

③
said Indians by Presents, another means to prevent the Influence of the French Missionarys upon them, and thereby more Effectually to Secure their Fidelity, would be that Two Protestant Ministers be appointed with a Competent allowance to Dwell amongst them, in Order to Instruct them in the true Religion and Confirme them in their Duty to Her Majesty [is referred to the Archbishop of Canterbury to do what he shall think best. As to the ruinous state of the defences of New York, as reported by Lord Cornbury, it is referred to the Ordnance to consider the lists forwarded by the Governor and furnish an estimate of the stores which he thinks requisite—if not 60 cannon, 1000 firelocks and 200 barrels of powder as requested, at least one third the number of cannon and one half of the other stores.] [pp. 346-7.]

1 May. [The Ordnance estimate—5568*l.* 1*s.* 6*d.*—is returned, and notice being taken of the great sums lately expended on stores of war for the plantations, the report and estimate is ordered to be laid before her Majesty by the Earl of Nottingham at a fitting opportunity to consider of the proper method of defraying such charges.] [p. 377.]

24 April. [899.] [The Council approve, and direct urgent letters to
Massachu- be sent to the Governor of Massachusetts Bay and New
setts Bay and
New
Hampshire. Hampshire in accordance with a representation from the Lords
of Trade] laying before Her Majesty the last Account they have
received from Colonell Dudley, Governor of the Provinces of
the Massachusetts Bay and New Hampshire in New England
relating to the State of Defence of those Provinces and other
adjacent parts, and humbly Offering to Her Majesty that the
Orders formerly given that the Assembly of New Hampshire
be urged in the most pressing manner to do their utmost for
their owne preservation and particularly in keeping the Fort
at Pescataway in good repair be reinforced to which Charge also
their Lordships humbly conceive the Assembly of the
Massachusetts Bay be in like manner Exhorted to contribute,
and that the Orders formerly sent requireing the said Assembly
of the Massachusetts Bay to Exert their utmost Endeavors

in providing for their owne Preservation particularly in Building the Fort at Pemaquid and furnishing their other Fortifications and Stores with necessarys be likewise Reinforced. [p. 365.]

[It is referred to the Lord High Admiral to give directions upon Colonel Dudley's proposal, also included in the same representation] that a fourth rate Frigatt may be added to the fifth Rate now attending her Majestys Service in those parts, with which if no greater Force of Shiping be sent him, he hopes to doe some considerable Service, The People of New England Commissionated by him having already (as he represents) been very successful in their undertakings at Sea against the French. [p. 365.]

[It is referred to the Ordnance to consider the representation as to the defences of New England and to return an estimate of the stores therein mentioned. Colonel Romer, chief engineer in Massachusetts, had particularised 50 cannon of 18 to 24 pound ball shot : 2 mortars : grenades and bullets in proportion : 4000 hand grenades with fusees : 600 firearms, 400 heads for half pikes, and two master gunners and a bombardier. Colonel Dudley reports that the French had 400 men at Port Royal in Nova Scotia, and expected more, besides 200 Indians, listed, clothed, and armed. The Board of Trade propose to send 50 barrels of powder with small arms and appurtenances to New Hampshire, and 20 cannon and 2 mortars with bullet and shot proportionable to Massachusetts Bay.] [p. 365.]

[It is referred to the Earl of Nottingham to bring before her Majesty, when the squadron for the West Indies shall be going thither, the representation of the Board of Trade on Colonel Dudley's proposal to destroy Port Royal by sending three or four men of war with the assistance of some of the people of New England for the land part. Colonel Dudley also reports] that upon Intimation of an Invasion intended by the French and Indians by Land he had prevailed with the Assembly to agree to an Act for Listing every 4th Man in the Province to be ready Armed and Cloathed fit for a March in Twenty four houres. [p. 366.]

438 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

- 1 May. [On the Lord Admiral's report order is given for sending a fourth rate frigate to New England against the next spring.] [p. 372.]
- 17 May. [Draft letters to Colonel Dudley to exhort the Councils and Assemblies to make due provision for their own defence are approved and ordered to be despatched.] [p. 390.]
- 10 June. [The report and estimate of the Ordnance, 3213*l.* 15*s.* 7*d.* is ordered to be laid before her Majesty by the Earl of Nottingham at a proper opportunity to consider of a proper method of defraying such charges,] there being nothing given by Parliament to that office for supplying any of the Plantations with stores. [p. 402.]
- 30 July. [The Board of Trade representing the necessity of sending great guns and stores for the defence of the castle near Boston in New England, their Lordships are requested to report specifically what guns and stores are required for these fortifications.] [p. 420.]
- 24 April. [900.] [To the Committee for Appeals is referred the petition Barbados. of Richard Knights for a hearing of his appeal against three decrees of the Barbados Court of Chancery, all proceedings in the case having now been sent over.] [p. 368.]
- 17 May. [The Council approve the compromise effected by the Committee, who report that Knights appealed from three decrees], the one made the 18th day of June 1684 in favor of John Woodward Merchant, against Colonell John Hallett, Richard Hallett and Christopher Fowler, Executors of Benjamin Knights late of Barbados in Trust for the Appellant, one other made the said 18th day of June 1684, in favor of Enoch Woodward against the Executors in Trust as aforesaid for the Appellant, and the other made the 6th day of August 1685, in favor of William Chester Executor of the said John Woodward, against Thomas du Boiss Attorney of Francis Bond Esqr. who was Attorney of the Executors in Trust as aforesaid for the Appellant, and having heard the

Partys concerned therein with their Council Learned, and both the said Partys Declaring before the said Committee to be content that the said Decree made the 6th day of August 1685, stand confirmed by Her Majesty and that the two other Decrees made the 18th of June 1684, be reversed by Her Majesty and the Appellant lett into Possession of Twenty two Acres of Land in Barbados, late of the said Benjamin Knights, Extended by Force of the said Decrees, upon the Appellant's paying the Sume of Two hundred and Nineteen pounds ten shillings and Seven pence to John Edgington and Sarah his Wife Executors of William Chester Junr. Son and Heir and Executor of William Chester Senr. Deceased who was Executor of the said John Woodward. [pp. 386 and 392.]

[901.] [On reading a representation from the Board of Trade with the draft of a commission for John Usher as Lieut.-Governor of New Hampshire, and] the Petition of Major William Vaughan on behalfe of himselfe and other Inhabitants of the Province of New Hampshire . . . praying that the said Commission be Stopt, and that no Letter may be Writt to put Mr. Allen into the Possession of any Wast Lands till the Petitioner be heard by His Council, [the petition is referred to the Board of Trade and Mr. Usher's commission is not to pass the Great Seal till her Majesty's further pleasure be known]. [p. 373.]

1 May.
New
Hampshire.

[The Council approve, and give orders in accordance with the report of the Board of Trade]:—That Mr. Usher does not appear to Us to have been Guilty of the mismanagements and misdemeanors layd to his Charge by the Petitioner, dureing his being Lieutenant Governor there: But that the Disturbances which happened in that time did in great measure proceed from the disorderly Practices of some of those Men, who now oppose his being restored by Your Majesty to that Government.

10 June.

And Whereas those Disorders seem to have arisen from the Difference in Point of Interest between the present Possessors of the Lands and Samuell Allen Esqr. the

1703. General Proprietor of that Country, to whom the said Usher is nearly related. We are humbly of Opinion that, upon the said Ushers receiving your Majestys Commission of Lieutenant Governor, he may likewise have special Directions not to intermeddle in any manner whatsoever with the appointing of Judges or Juries, or otherwise, in matters relating to the Disputes between the said Allen and the Inhabitants of that Province, but that Your Majesty do Impower and require Colonell Dudley Governor in Cheif of this Province to give all necessary Directions in those matters, and to appoint the Judges and other Officers that shall be concerned in transacting this particular business; By which means all pretence of partiality in the Execution of that Government relating to the said Differences will be taken away. [p. 398.]
- 8 July. [Instructions for Governors Dudley and Usher in this matter are approved.—P.R.] [p. 417.]
- 1 May. [902.] [The Board of Trade having represented the complaint of George Larkin, one of the commissioners sent out by Bermuda. King William to methodise the proceedings of colonial courts in pursuance of the Act for the more effectual suppressing of piracy, that Captain Bennet had imprisoned and detained him in the Bermudas, a letter is directed to be prepared for Captain Bennet ordering the discharge of Mr. Larkin, and an advice boat is to be furnished by the Lord High Admiral to carry this message should no other speedy conveyance offer for the same.] [p. 374.]
- 17 May. [The draft of the letter is approved and ordered to be prepared and despatched.] [p. 390.]
- 27 May [903.] [The Council refer to the Lord High Admiral the West Indies. petition of Elizabeth, widow of Captain Andrew Pedder, for provision for herself and four children in consideration of the death of her husband when commanding H.M.S. *Chichester* in the West Indies.] [p. 403.]
- 8 July. [Similar reference is made of the like petition of Elizabeth, widow of Captain Richard Paule of the *Pendennis*, who died at Jamaica.] [p. 416.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 441

Report on Mrs. Pauls Petition nothing. [p. 435.] 1703.
30 July.
(1704.)

[The petition of Mrs. Pedder is referred to the Admiralty, asking help] in Consideration of Her Husband's Invention for Secureing the Powder Roomes in Ships. [Vol. II. p. 104.] 17 April.

[904.] [On a representation from the Board of Trade of 7 July, Stephens Thompson is appointed Attorney General for Virginia], Provided he be Oblidged to make his Ordinary Residence at Williamsburg within that Province where Her Majestys Sérvicé will Cheifly require his Presence. [As] the business of that office is of late years much Increased, And . . the Ancient Sallary . . being but Forty pounds per annum, and the perquisites few, which are not sufficient Encouragements for a Person fittly Quallified to Supply that Place, [Colonel Nicholson's proposal to augment the salary to 100%. is referred to the Lord Treasurer to regulate the same as he sees fit.] 30 July.
Virginia.
[p. 429.]

[905.] [The Council approve, and give orders in accordance with, the report of the Board of Trade of 7 July]:—Having had under consideration the Great Inconveniencys arrising from the Different Rates at which foreign Coins do pass in Your Majestys Plantations in America, and particularly upon a Complaint that the Advanceing the Rates of Coin in Pensylvania much higher than in other Places has drawn away the Money from Maryland, and does tend greatly to the Prejudice of that Province: And finding accordingly that there is an Act in Pensylvania appointing the Rate of Money or Coin within that Province, whereby Peices of Eight and Dollars of fifteen penny weight are made currant at Seven Shillings per peice, and that for every penny weight under or over there is to be abated or advanced four pence per peice, So that a Peice of Eight of Seventeen penny weight and a half (which is the due weight) is made currant at Seven Shillings and ten pence, tho' the same be not intrinsically worth more than four Shillings and Six pence; And having also advised with your Majestys Attorney Generall, in Order 30 July.
Pensyl-
vania.

442 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

to a further Report for the remedying this mischeif in all your Majestys Plantations, We humbly Offer in the mean time that Your Majesty be pleased to Declare your Disallowance of the foresaid Act in Pennsylvania, and to Direct that neither the Assembly, the Proprietor, nor Council of that Province do repass the said Act, nor make any other Act or Order for the Regulating of Coin untill Your Majesty shall give further Directions therein. [p. 434.]

20 Sept.
Jamaica.

[906.] [The Council refer to the Board of Trade] the Case of the Officers of Colonel John Livesays and Colonel Thomas Handasyds Regiments now Quartered in Her Majestys Island of Jamaica, humbly represented, relating to an allowance in Mony for the Officers Quarters ; [and also] the Act lately Transmitted from Jamaica for the better Settling the Towne of Kingston. [p. 443.]

11 Nov.

[The report of the Board of Trade of 15 Oct. is approved, and instructions for the Governor ordered to be prepared in accordance therewith.] [p. 451.]

11 Nov.
Jamaica.

[907.] [On a representation from the Board of Trade of 22 Oct., it is ordered that they write to the Governor and Council of Jamaica] taking Notice of the Disorders, mentioned in the said Representation and her Majestys Dislike thereof, and enjoyning the Assembly to lay aside their Private Heats and Animositys and to attend with Dilligence and Moderation. [A copy of the representation is also to be sent to the Admiralty] who are to Examine the late Proceedings of the Captains of the Men of War at Jamaica in reference to the Impresting of Seamen, and to lay before His Royall Highness such further Instructions as may be necessary to be given for preventing the like Irregularitys and mischiefs in the Impressing of Men in Jamaica and the other the Plantations for the future. [pp. 450-1.]

18 Nov.
New
England.

[908.] [The Council refer to the Admiralty] the Petition of John Bridger Setting forth that he was sent by Order in Council in the Year 1696 as Commissioner to New England, to Inspect

1703.

and Survey that Country, thereby to gaine a Perfect and true Account of those Plantations, and their Product relating to Navall Stores, In which Service he has been more then Seven Years. And humbly praying that his Accounts, now lying before His Royall Highness Lord High Admirall, may be allowed. [p. 459.]

[The Admiralty report is referred, with copies of accounts and other papers, to the Board of Trade.] [p. 470.] 9 Dec. (1704.)

[On their report they are instructed to consider of a fitting recompense or salary for Mr. Bridger's services.] 23 March.

[Vol. II. p. 89.] (1704.)

[The report from the Board of Trade of 6 April is referred to the Lord Treasurer]: We humbly represent, that in the year 1696, the said Bridger was sent over to New England with Commission to Inspect and give an Account of Stores in those parts. And having accordingly Surveyed the Woods in New England, did Collect and send over severall Species thereof, And did likewise Survey severall Harbours, Bays and Rivers, which were not before so fully Discovered, and has made and brought over Draughts thereof for Publick use. 20 April.

That these Services were performed with great Difficulty and Hazard, he being Obligated to lye out in the Woods Exposed to the Rigour of the Seasons and the Eastern Indians in War with Us.

Upon all which We begg leave to Represent that Your Majesty having already allowed the said Bridger only the Expences which he made dureing his Stay in New England, and he having Quitted all other Employments out of his Earnest desire of performing this Commission, and having been Obligated since his return for more than 2 Years to a Constant attendance and Sollicitation, We are humbly of Opinion that if Your Majesty be pleased to allow him 250*l.* per annum as his Salary and recompence for 5 Years and 3 Months, vizt. from the 1st October 1696, the day of his Setting forth, till the 31st December 1701: the day of his return to England, it may Satisfie the Petitioner and

444 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

incourage him in any further undertaking of this kind as Your Majestys Service may require. [p. 99.]

(1704.)

15 June.

[The report of the Lord Treasurer, and a petition from Mr. Bridger setting forth the expense and trouble he has been at in order to obtain the passing of his accounts, and the necessity to which he is reduced for want thereof are referred to the Lord Treasurer, to consult with the Commissioners of the Navy, and to report.] [p. 128.]

(1704.)

26 Oct.

[The Council approve, and give orders in accordance with a memorial from the Lord Admiral]: the Principall Officers and Commissioners [of the Navy] having in May 1703, layd before Me his Account of Disbursments in his Voyage to and from New England, and in severall Journeys in the Province of the Massachusetts, New Hampshire and Connecticott Colonys between the 15th of October 1696, and the 22d of October 1701, which they say they doe not conceive themselves Suffi- ciently Empowered to allow of (according to the Ordinary Rules of the Navy) from the want of Proper Vouchers for the same, tho' they doe beleive most of the Disbursments mentioned therein have been necessarily made in the Progress of the said business, and that Regular Vouchers could not by the Nature of it, be had for them: And having taken the said Disbursments into consideration, with the advice of the Navy Board thereupon; I doe humbly Offer it to Her Majesty as my Opinion. That Orders be given for allowing of the following Disbursments, vizt.:

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Victualls for himselfe, Partner, Servants Guides &c.	806	2	9			
Lodging for Do.....	79	7	7			
Horse hire and horse Meat.....	403	5	4			
Hire of Ferry Boats at severall Places.....	18	11	1			
Payd to Guides at severall times at 3s. per Diem ..	19	13	0			
	<hr/>			1320	10	9
Travelling Charges in October. 1696 from Ports- mouth to London.....	2	17	4			
Postage of Letters.....	11	15	4			
Expences with the Country People to Instruct them in the Sowing making and prepareing Hemp and Tar.....	14	10	0			
A Marking Hammer.....	0	12	0			

ACTS OF THE PRIVY COUNCIL (COLONIAL). 445

1703.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Charges on Receiving the Rafter.....	0	12	0			
Price of Hemp seed and Planting thereof.....	4	10	0			
Expences on the Guards at severall times when he was viewing the woods.....	25	10	4			
Charges on attending the Councils and General Assembls in Boston to procure an Act for a Guard	28	14	0			
For Paper and Pensills.....	3	9	0			
Charges on attending the Councils and Assembls in Boston to procure an Act for Sowing Hemp	3	2	0			
Preparing Tarr Trees and making 6 Barls of Tar..	13	0	0			
	<hr/>			108	18	0
Price of 131 Oak Trees.....	13	16	0			
Payd for the Copy of an Order of Council.....	1	10	0			
Necessaries for his Voyage home from New England	20	12	0			
Expences on his Journey from Wales to London..	12	15	6			
Charges on his Voyage from Barbados to New England and to Doctors, Nurses &c. durezza his Sickness at Barbados.....	69	0	0			
	<hr/>			117	13	6
Charge of Surveying Piscataqua and Pimaquid, and of the Rivers and Countrys adjacent and for which he produces Receipts for the Payment of	102	10	0	102	10	0
Charge occasioned by his attendance at the Admiralty Treasury and Plantation Offices between the 15th October 1696 and 24 October 1697, and attendance on severall Persons at London to gett Instructions in the affaires he went about	200	0	0	200	0	0
Charges on Mustring his Majestys Ships in New England from the 5th October 1700 to the 22nd following, having a Boat and 4 Men each time	9	6	0	9	6	0
By so much payd to Mr. Tho. Holland by a Bill of Exchange Drawn on the Navy Board, as appears by his affidavit and Certificate from the Mer- chants that received the same.....	125	0	0	125	0	0
But this Sume of 125 <i>l.</i> is to be Charged upon the said Holland, and he to be Ac- countable for the same.						
Claimed by the two Agents for the King sent to New England on this Project, being Granted to them by an Order in Council dated the 10th December 1696 in part of their reward for the said Service.....	500	0	0	500	0	0
	<hr/>			2490	7	3

TOTAL 2490 7 3

But this 500*l.* is to be reckoned as part of
Mr. Bridgers reward, when his Sallary shall
be Settled for the time he was Employed
on the aforesaid Service, the other Agents for
the Merchants having had the like Allowance.

1703.

But altho the Totall Sume of Mr. Bridgers Disbursments aforesaid amount to 2490*l.* 7*s.* 3*d.*, Yet 1790*l.* 7*s.* 3*d.*, thereof being New England Money, there is to be Deducted from the said Sume, after the Rate of 25*l.* per Cent for Exchange to Reduce it to Sterling Money the Sume of 358*l.* 1*s.* 5*d.*, as also 15*l.* 2*s.* 6*d.* acknowledged by him to have been received for the Sale of Provisions left in the Sloop which was Employed in the said Service which two Sums being Deducted from the said 2490*l.* 7*s.* 3*d.* reduces his Claim on this Account to 2117*l.* 3*s.* 4*d.* [pp. 182-3.]

18 Nov.
Virginia.

[909.] [The Council refer to the Committee of Appeals the petition of Samuel Selden for a hearing of his complaint of the proceedings of the Court of Virginia in the case between the petitioner and Robert Beverley, an inhabitant of that country, touching two plantations of lands.] [p. 459.]

23 Dec.

[Similar reference is made of a like petition of Francis Ballard, lessee of Samuel Selden, and Rebecca his wife on behalf of himself and the said lessors.] [p. 481.]

(1704.)

18 Jan.

[The Committee for Appeals agree to advise the reversal of the judgment, and that judgment be entered for the appellant with 5*l.* costs to be paid by the defendant], But that nevertheless the said Partys be at Liberty to Trye the said Cause againe in the Courts in Virginia, and that in Case upon such Tryall either of the said Partys shall desire it, the matter be found specially by the Jury to the end, that if either Party shall think fit to appeal to Her Majesty in Councill, Her Majesty be more fully Informed in Order to a Finall Determination in this Case. [p. 512.]

(1704.)

20 Jan.

[Order accordingly.]

[Vol. II. p. 3.]

(1704.)

3 Feb.

[The Council refer to the Attorney General the petition of Robert Beverley for an order of leave to take a writ of attaint in Virginia in the case of ejectment brought against him by Francis Ballard, in regard that, upon Ballard's appeal to the

ACTS OF THE PRIVY COUNCIL (COLONIAL). 447

Council], the General Court of Virginia will deny the Petitioner any further Process or Releif by Attaint to come to his Right. [Vol. II. p. 48.]

1703.

[On his report the petition is dismissed.]

[p. 55.]

(1704.)

10 Feb.

[910.] [The Council refer to the Board of Trade] the Petition of Edward Jones Gentleman Secretary and Provost Marshall Generall of the Bermuda Islands, Setting forth that the Governor hath suspended him from both Offices upon Severall Articles Malitiously procured, and presented to the Governor and Councill there. And humbly praying that the said Places may be restored to him with the Rents and Profitts of the same since his said Suspension. [p. 460.]

18 Nov.
Bermudas.

(1704.)

20 April.

[The Council approve, and give orders in accordance with the report of the Board of Trade on this petition]—We have Examined the Same, and heard the Petitioner to the said Articles, and thereupon humbly do observe, That those Articles are not Sufficiently proved, but that the said Jones may on One side have behaved himselfe with to much Warmth and Indiscretion in the Discharge of his Employment of Provost Marshall, and that on the other hand he might have found great Provocation from the Stubborness and Ill Temper of those Persons with whom he had to doe in his said Employment, and he having made due Submission to the Governor for some Reflecting Expressions relating to him; We humbly Offer to Your Majesty that his Suspension be taken Off, and the Fines Imposed on him be remitted, and that Your Majestys Pleasure be Signified to Capt. Bennet accordingly. [Vol. II. p. 98.]

(1706.)

4 April.

[The Council approve, and give orders in accordance with, a report from the Board of Trade, setting forth that they have examined the petition of the Assembly of Bermuda against Jones, and find] that the Differences between the Lieutenant Governor the Council and Assembly of the said Islands, and Mr. Jones are so increased, and his Disrespect to the Governour has appeared to be such, That they are

448 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

humbly of Opinioun, that he be required forthwith to Come over to answer the same, [commissioning a deputy named by the Governor to act in his absence]. [Vol. III. p. 165.]

(1707.)

4 Aug.

[The Board of Trade desiring to know whether they are to hear only the new complaints of Mr. Jones's behaviour since the removal of his suspension, they are directed to proceed with the hearing of any new matter only.] [p. 428.]

(1708.)

18 Aug.

[Reference to the Board of Trade of the] Petition, Information, and Complaint of Edward Jones Her Majestys Secretary and Provost Marshall Generall of the Bermuda Islands setting forth not only the many hardships and Oppressions the Inhabitants in the said Island Lye under by the Illegall and Arbitrary proceedings of Benjamin Bennet Esq. Her Majestys Lieutenant Governor there but also Severall matters by him Committed in prejudice to the Crowne.

[Vol. IV. p. 156.]

(1711.)

3 Sept.

[Reference to the Committee for Appeals of the petition of Edward Jones, Secretary and Provost Marshall of Bermuda, relating to illegal proceedings of the Governor against him and praying confirmation of former Orders of Council in his favour.] [Vol. V. p. 299.]

(1711.)

18 Oct.

[Committee minute recommending that on the reference of Dec. 1703 Jones be not allowed to produce evidence to disprove matters of fact in the records of judgments and convictions against him before a Court having jurisdiction: some being for cruelty and extortion, and one for perjury. The Board of Trade are to report on the matters before them without allowing such proofs.] [V. p. 332.]

(1711.)

13 Dec.

[Order accordingly.]

[V. p. 341.]

(1712.)

8 March.

Report Relating to the Secretary of Bermudas. Read. To be further Considered by Her Majesty. [V. p. 396.]

(1716.)

13 Sept.

[Reference to the Committee for Appeals of the petition and appeal of Edward Jones, late Secretary, etc., of Bermuda,

relating to the perquisites of his place received by Governor Bennet and others during his suspension.]

1703.

[Geo. I., Vol. I. p. 445.] (1718.)

[Reference to the Committee for Appeals of Bennet's 16 March. petition that Jones's appeal be dismissed, and his own recognizances for abiding the determination of a suit in Bermuda be discharged.]

[II. p. 118.] (1718.)

[Committee: On the motion of Sir Edward Northey in behalf of the Governor for delay as the Governor and counsel are out of town, the hearing is peremptorily fixed for the second meeting in October.]

9 Aug.

[II. p. 166.] (1719.)

[Committee (on reference of 13 Sept. 1716) recommend the reversing two judgments petitioned against by Jones—(a) of the Court of Errors, 3 Mar., 1713, confirming (b) a sentence of the Court of General Assizes of 20*l.* fine and six months imprisonment, with perpetual disqualification as a witness, for perjury: and for dismissing his petition that proceedings pending in the Bermuda Chancery against Bennet for the fees of his office be transferred to England, since the case appears to have been already determined in Bermuda.]

29 July.

[II. p. 297.] (1719.)

[Committee (on reference of 16 Mar., 1718) recommend that Bennet be at liberty to apply to the Chancery Court here for the discharge of his recognizance.]

29 July.

[II. p. 298.] (1719.)

[Orders in accordance with the two reports of 29 July.]

6 Aug.

[II. p. 299.] (1719.)

[Reference to the Committee for Appeals of Jones's petition for liberty to appeal from two judgments of the Bermuda Chancery and for not discharging Bennet's recognizances till the appeal is determined.]

6 Aug.

[p. 300.] (1719.)

[Committee—recommending that the dismissal by the Barbados Chancery of Jones's bill against Bennet as to fees be reversed and the case heard there: and that Jones have liberty to appeal from the Chancery decree dismissing his appeal

18 Nov.

450 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703. from a judgment at law for 10,000*l.* for scandal, all proceedings in this case to be transmitted to the Board.] [*p.* 351.]
- (1720.)
- 8 Jan. [Orders accordingly.] [*p.* 362.]
- (1721.)
- 11 June. [Reference to the Committee for Appeals of Lt. Gov. Bennet's petition for directions that the President and Council may sit without him to determine his case with Mr. Jones and any other case wherein he may be a party.] [III. *p.* 239.]
- (1721.)
- 13 July. [Committee—for granting the petition. The case of Mr. Jones is to be heard at once, and Mr. Bennet on six days' notice from Mr. Jones's agent is to appear gratis by his counsel to hear judgment.] [*p.* 262.]
- (1721.)
- 23 July. [Order accordingly.] [*p.* 265.]
- (1723.)
- 14 Nov. [To the Committee for Appeals is referred Jones' petition] Setting forth among other things That after Many Delays a Decree was made in the Court of Chancery of those Islands on the 20th of December 1722, whereby the Petitioners Bill brought against Bénjamin Bennet Esqr. the late Governor there, and others for an account and payment of the Rents and Profitts of his said offices which they had during the time the said Petitioner was suspended therefrom—was Dismist with Costs, and that upon his Sons demanding an appeal therefrom to His Majesty in Councill the same was Granted, he giving Security to pay treble Damages, which the Petitioner alledges was impossible for him to do, He therefore most humbly Prays to be admitted to appeale from the said Decree on his giving Security here as usuall in such cases, and that he may have such relief in the premisses as the said Circumstances of his Case requires. [IV. *p.* 357.]
- (1724.)
- 21 Feb. [To the Committee for Appeals is referred Bennet's petition that Jones' petition of appeal from a decree of 18 July, 1715 about slander be discharged, as the matter in question is of small amount, and Jones had not given the legal security.] [IV. *p.* 480.]

[The Committee give peremptory order that the matter be
heard on Friday, 12 June.] [p. 528.] 1703.
(1724.)
15 May.
(1724.)

[The Committee recommend that Jones be allowed to appeal
on giving 100*l.* security for the prosecution of each appeal.] 17 June.

[IV. p. 538.] (1724.)

[Order accordingly.] [IV. p. 563.] 4 July.
(1724.)

[Jones, with Philip Watson and Samuel Sandys, give the
necessary security.] [IV. p. 563.] 16 July.
(1724.)

[Two petitions of Jones for a short day for hearing his
appeal are referred to the Committee for Appeals.] 22 Aug.

[IV. pp. 616-7.] (1724.)

[The Committee give peremptory order for hearing the case
between Christmas next and Hilary Term.] [Vol. V. p. 7.] 4 Nov.
(1726.)

[The Committee recommend that the decree of 20 Dec.,
1722 be reversed] and that an account should be taken by the
proper officers of the Court of all and every the sums that
have been respectively received by, or come to the hands or
Power of the Defendants Bennett and Tucker or either of
them and that all proper and usuall directions be given for
the taking the said account and that the Costs that have been
paid to the said Defendant Bennett be by him forthwith repaid
to the said Jones, and the said Defendants to pay the said
Jones costs to the time of the Decree to be taxed and that the
Consideration of Subsequent Costs to the end of the Cause be
reserved till after such account taken. 10 June.

[As Mr. Bennett is now resident in England, it is recom-
mended, with the consent of all parties, that he be examined
upon interrogatories in relation to the said account before
Robert Holford, one of the Masters of the High Court of
Chancery, who, in case the parties differ, should be empowered
to decide.] [V. pp. 232-3.] (1726.)

[The Committee report, recommending, that as all parties
have come to an agreement, the decree of the Bermuda Court
of Chancery of 15th July, 1715 dismissing Jones' appeal from 1 July.

452 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

a Judgment of the Court of Common Pleas of 2 July, 1714 be reversed, and that within one month of the order confirming this report Bennett repay to Jones 110*l.* Bermuda money which he had recovered by the said judgment, and 18*l.* 13*s.* 0*d.* costs, like money, to be repaid in sterling at the present rate of exchange.] [V. *pp.* 243-4.]

(1726.)

9 Aug.

[Orders confirming both reports.]

[V. *pp.* 273-4.]

18 Nov.
Plantations.

[911.] [The Council refer to the Lord Treasurer a representation from the Board of Trade] for Settling the Rates of Forreign Coines in Her Majesty's Plantations in America.

[*p.* 459.]

(1704.)

18 May.

[The Lord Treasurer having submitted a report from the Officers of the Mint with their table of the weight and value of foreign coins current in the plantations, it is referred to the Attorney and Solicitor General after consideration of these documents and consultation with the Officers of the Mint, to prepare the draft of a proclamation to be published throughout the plantations fixing the value at which all of these coins are to be received.] [Vol. II. *p.* 115.]

(1704.)

15 June.

[The draft is approved and copies of the proclamation ordered to be sent to the plantations.] [II. *p.* 132.]

(1708.)

8 Jan.

[A representation from the Board of Trade of 10 June 1707 as to the disobedience of the proprietary and charter governments to this proclamation is referred to the Attorney and Solicitor General.] [III. *p.* 483.]

(1708.)

22 Jan.

[Their report and the representation with a letter of 24 Oct. from the Board of Trade to the Earl of Sunderland are ordered to be sent to one of the Secretaries of State, who is to receive her Majesty's further pleasure as to the passing an Act of Parliament for the better enforcing the proclamation.]

[*p.* 504.]

25 Nov.
West Indies.

[912.] [The Lords of the whole Council are appointed a Committee to meet at 5 o'clock on 29 November at Whitehall to examine Vice Admiral Graydon's proceedings in his passage

1703.

to the West Indies and in pressing men there. One of the Lord High Admiral's council is to attend with a copy of the Admiral's orders, and one of the Board of Trade is to bring all papers or extracts relating to pressing at Jamaica.] [p. 402.]

[913.] [The Council refer to the Committee for Appeals the petition of Edward Palmes for the hearing of his appeals from two sentences of the Connecticut Court of Assistants of October 1699 and May 1700 in favour of John Winthrop, Richard Christopher, and Samuel Fosdick.] [p. 476.]

17 Dec.
Connecticut.

(1704.)

[The Committee recommend that the Court of Assistants in Connecticut send over copies of all proceedings and give their reasons for refusing to admit Palmes to appeal from two sentences—one relating to the ship *Liveen*, the other to the title of the petitioner through his late wife Lucy to part of the estate of her father John Winthrop deceased, and that all parties concerned in both cases attend to be heard on the first Council day in October, the petitioner giving the usual security to abide by her Majesty's determination.] [p. 489.]

3 Jan.

[Order accordingly.] [p. 496.]

(1704.)

7 Jan.

[The Council refer to the Committee for Appeals Palmes' petition for a short day for hearing his former petition, copies of the proceedings in Connecticut having been transmitted.]

(1706.)

10 Jan.

[p. 68.]

(1706.)

[The Committee appoint the first meeting in Feb. for hearing the whole matter.] [p. 71.]

16 Jan.

(1706.)

[The Council refer to the Committee for Appeals the petitions of Fitzjohn Winthrop, Governor of Connecticut, one of the executors of John Winthrop, deceased, and of Richard Christopher,] Praying that they may not be Obligated to the trouble and Expenses of Two Appeals brought by Edward Palmes, touching his Pretentions to a Share of the Estate of the said John Winthrop Deceased. [p. 109.]

14 Feb.

(1706.)

[In spite of a memorial from Palmes pleading for further delay on the ground of indisposition, the Committee propose,

20 Feb.

454 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703. and the Council next day order, that the Committee may proceed to hear the matter of the appeal as well as of the petition if they shall see cause.] [pp. 111 & 114.]
- (1706.)
8 April. [The Committee report, recommending that the appeal] in relation to the ship Liveen be dismissed, and the judgment touching the appellants administration of the estate of his late Wife be dismissed. [p. 170.]
- (1706.)
11 April. [Order accordingly.] [pp. 174-5.]
- (1707.)
13 March. [Palmes' petition complaining of the delay of the Governor and Council of Connecticut is referred to the Committee for Appeals.] [p. 315.]
- (1707.)
25 April. [The Committee recommend that the Governors of New England and New York issue to him letters of administration of his wife's estate.] [p. 350.]
- (1707.)
29 April. [Order accordingly.] [p. 354.]
- 23 Dec.
St. Christopher. [914.] [The Council refer to the Board of Trade a presentment from the Commissioners of the Customs] relating to the duty of $4\frac{1}{2}$ per cent. in the French part of St. Christophers since the taking thereof from the French. [p. 481.]
- (1704.)
23 March. [In accordance with the report of the Board of Trade of 14 March that on the representation from the Customs that their officers were not permitted to receive the $4\frac{1}{2}$ per cent. duty in the part of St. Christopher lately taken from the French they have consulted the Attorney General, who reports], That altho' the Officers of the Customes in the English part of St. Christophers have no Authority by Vertue of the Act of Assembly made there for the $4\frac{1}{2}$ per cent to Levy the same for Goods Exported from that Part of St. Christophers lately Gained by Conquest from the French, that Law extending only to such Part of St. Christophers as belonged to the Crowne of England when that Law was made, Yet that Her Majesty may, if Her Majesty shall so please, under the Great Seal of England Direct and Command that the like Duty

1704-5.

be Levied for Goods to be Exported from the Conquered part, and that such Commands are Law there, Her Majesty by Her Prerogative being Enabled to make Lawes that bind Places obtained by conquest, and all that shall Inhabitt therein, The said Lords Commissioners have thereupon humbly Offered their Opinion, that Her Majestys Pleasure under the Great Seal of England be forthwith Signified accordingly to Her Majestys Governor or Commander in Cheif, of St. Christophers for the time being, and to all others whom it may concerne [it is ordered that a warrant to the Governor be prepared to pass Her Majesty's sign manual and signet in order to pass the Great Seal, and that in the meantime the Board of Trade give him directions for the time being.] [II. p. 39.]

(1704.)

[A law prepared by the Attorney General for imposing the 23 March. 4½ per cent. duty on the French part of the island, is approved and ordered to be passed under the Great Seal.]

[II. p. 85.]

ANNE. VOL. II. (20 Jan. 1704—29 Sept. 1705.)

1705.

[915.] (1) [On a memorial from the Lord Admiral, it is ordered] That for the more speedy and Effectuall manning and Setting out Her Majestys Fleet, a Stop and Embargo be forthwith Layd upon all Ships, except the Pacquet Boats and such Ships as are Employed in the Coal and Coast Trades, and also such Ships bound to the Plantations and Portugall as are Cleared at Gravesend. [The Lord Admiral and the Lord Treasurer are to give directions accordingly.] [p. 278.]

22 Feb.
Ship Passes.

(2) [Referred to the Admiralty are the *Bonaventure*, Thomas Sands of London owner, Matthew Beesley master, 400 tons, 6 men, bound to fetch home sugars unladen out of a ship that foundered at St. Thomas; the *Bristol* galley with recruits to Ireland and thence to Barbados; and the *Cowslip*, *Swallow*, and such other Newfoundland traders as the Lord Admiral may approve.] [pp. 288-9.]

1 March.

(3) [On the petition of Sir Jeffrey Jeffreys, the *Greyhound* galley, for New York, with effects for the performance of a contract made with the Treasury and the Paymaster-General towards the weekly subsisting of four independent companies there, is allowed to sail.] [p. 290.]

4 March.

456 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704-5.

- 8 March. (4) [To the Lord Treasurer are referred John Hyde for the *Samuel*, James Duncan master, 200 tons, 10 guns, 18 men, for Antigua with perishable provisions; Richard Perry for the *Rumbo* galley to Ireland and Barbados; the *Golden Lion* for Barbados; Sir Jeffrey Jeffreys for the *Granville* frigate, with provisions for Barbados.] [p. 203.]
- 11 March. (5) [*Cowslip*, *Swallow*, and other Newfoundland ships not named, allowed to sail on report of Lord Admiral] [p. 294]. [The merchants trading to Virginia and Maryland, to the Leeward Islands and to Barbados for leave to sail, and for a convoy, are referred to the Admiralty [p. 296]; on whose report the petition is granted on 15 March] [p. 300]. [Richard Lovitt and William Low for the *Dolphin* and *Mermaid*, bound from Bristol for Calabar and Virginia, are referred to the Admiralty [p. 296], on whose report the petition is granted on 13 March.] [p. 297.]
- 15 March. (6) [The *James and Mary*, and *Charles*, with provisions for Jamaica, referred to the Treasury.] [p. 301.]
- 24 March. (7) [On a report of the Lord Admiral, the Embargo is removed.] [p. 303.]

1704-5.

- Plantation Embargo. [916.] Richard Bailey, &c., *Tiger*, 300, 18 guns and 40 men, Virginia to Bristol: referred to Lord Admiral, 16 Mar. [p. 81]; granted 23 March [p. 90]. Micaiah Perry, *Corbyn* and *Codrington* galley, Virginia: hindered by stress of weather and damage from receiving the benefit of the convoy; referred to Lord Admiral 17 Aug. [p. 164]; granted 17 Aug. [p. 166]. *James*, 350, John Hastings, 24 guns and 40 men, Virginia and Maryland: with tobacco; carries letters-of-marque; referred to Lord Admiral 6 Sept. [p. 170]; granted 21 Sept. [p. 176]. Richard Bailey, &c., *Expectation*, 150, 10 guns, Virginia to Bristol: an embargo would endanger the loss of ship and men; the case of this ship is particular, and, as it does not prejudice the general trade, she is allowed to sail without convoy; referred to Lord Admiral 26 Oct. [p. 181]; granted 9 Nov. [p. 192]. Micaiah Perry, *Antelope* galley, Jamaica: carries letters-of-marque; referred to Lord Admiral 18 Dec. [p. 228]; granted 2 Jan., 1705 [p. 244]. Thomas Wharton, &c., *York Merchant*, Virginia: the ship is carrying provisions to Lisbon for the Navy, and goes thence to Virginia; referred to Lord Admiral 23 Dec. [p. 239]; granted 11 Jan. [p. 251]. Robert Dunkley, *Levett*, Virginia: carries letters-of-marque; referred to Lord Admiral 18 Jan. [p. 264]; granted 2 Feb. [p. 273]. John Hyde, *Herbert* galley, Lisbon, Madeira, and West Indies: referred to Lord Admiral 11 Jan. [p. 252]; granted 2 Feb. [p. 273]. *Richard and James*, 300, 24 guns and 40 men, Virginia and Maryland: referred to Lord Admiral 2 Feb. [p. 274]; granted 1 March [p. 287]. *Rumbo* galley, 180, 10 guns and 36 men, Ireland, Barbados, and Leeward Islands: referred to Lord Admiral 2 Feb. [p. 274]; granted 1 March [p. 287]. Thomas Palmer of London, *Raby* frigate, 150, Samuel Rickards, 10 guns and 20 men, Lisbon and American plantations: referred to Lord Admiral 17 May [p. 364]; granted 31 May [p. 369].

[917.] [On a representation by the Board of Trade of 13 Jan. of the irregularities practised in Rhode Island, an Act of that colony of 7 Jan. 1695 relating to Admiralty jurisdiction is annulled, and a letter ordered to be prepared requiring the Governor and Company to submit to the Court of Admiralty constituted by His Royal Highness in those parts and to Colonel Dudley's powers of Vice-Admiralty, and forbidding them to assume the power of any such court. Other offences of Rhode Island are] Refusing to Submit to Her Majestys Command relating to their Militia dureing the time of War, Their Declining to Transmitt Authentick Copys of the Acts of their Assemblys, their Harboursing Pirates, Incourageing Illegall Tradeing, and Protecting Deserting Soldiers and Fugative Servants.

[pp. 40-1.]

1704.
28 Jan.
Rhode
Island.

[The draft of the letter to the Governor and Company is approved, and the letter ordered to be prepared for Her Majesty's signature and despatched.]

[p. 59.]

23 Feb.

[918.] [Her Majesty approves, and gives orders in accordance with, a representation of 3 Feb. from the Board of Trade]—We have received from Sir Beville Granville Your Majestys Governor of Barbados the Copy of an Act of the Generall Assembly of that Island for Settling five hundred pounds a Year upon him for House Rent, dureing his Government, Whereupon We humbly take leave to Represent that Your Majesty having given Instructions whereby the said Governor was Limited to the Sume of Three hundred pounds Sterling for house Rent these Instructions did not arrive at Barbados till after the Passing this Act, and the Five hundred pound Currant Mony of that Island not Exceeding the Sume of Three hundred and Seventy pound Sterling, and the said act in all other respects being conformable to Your Majestys Instructions, We are humbly of Opinion that Your Majesty be pleased to approve of the said Act, the said Governor having since his receiveing the said Instructions refused a Present of Two Thousand pounds Offered to him by the Assembly, and having in all other

3 Feb.
Barbados.

458 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.

particulars behaved himselfe with Great Zeal and Application
in Your Majestys Service. [pp. 45-46.]

10 Feb.
Jamaica.

[1919.] [Three Jamaica Acts are repealed, after the Council consider a petition from merchants and planters concerned in the island regarding the first of the Acts, the Board of Trade having already several times heard the merchants and others concerned in two petitions from Jamaica and one from Bristol.] [p. 50.]

23 Feb.
Massachusetts Bay.

[1920.] [The Council refer to the Duke of Marlborough, Master General of the Ordnance, the representation of the Board of Trade of 16 Feb. proposing that, in consideration of the great want of small arms in Massachusetts Bay, 400 firearms be sent to the Governor] with Directions to take Care that the Value thereof be reimbursed by the Assembly, or by such Persons to whom the said Armes shall be Delivered and not otherwise. [p. 59.]

23 Feb.
Leeward Islands.

[1921.] [On the representation of the Board of Trade, stores, for which the Ordnance estimate is 2749*l.* 4*s.* 5*d.* with freight, are ordered to be sent to the Governor of the Leeward Islands, the necessary money being issued by the Lord Treasurer.] [p. 59.]

23 Feb.
New England.

[1922.] [The Board of Trade setting forth the complaint of the Governor of Massachusetts Bay] that the French in Conjunction with the Eastern Indians had attacked severall Places upon the Frontiers of that Province and had killed and Carried away severall Persons, and that upon his Application to the Governor of Connecticutt and Rhode Island for Assistance, could obtaine nothing from them, [letters are ordered to be written to these colonies] enjoyning them to Assist their Neighbours upon Occasion for their Mutuall Security. [p. 60.]

23 March.

[The letters are approved.—P.R.]

[p. 85.]

2 March.
Barbados.

[1923.] [On the representation of the Board of Trade, it is referred to the Lord Treasurer to consider how far the

1704.

request of the Agents of Barbados for stores estimated by the Ordinance at 7667*l.* 6*s.* 5*d.* may be complied with in relation to the present state of the 4½ per cent. revenue.] [*p.* 74.]

Md.—Copy of the Representation and Estimate were annexed to the above Order, and are in the bundle of this month.

[924.] [The Council refer to the Board of Trade] the 9 March.
Petition of Peter Van Belle together with the State of the ^{St.} Christopher.
Case, Setting forth that being a Denizen and Possessed of a Plantation in the Island of St. Christophers he sent thither from the Island of St. Thomas. Forty One Negro Slaves being of his Family and not for Merchandize in a Danish Vessell which with others, were at a Court of Admiralty at Nevis, the 3rd of May 1699 adjudged forfeited, from which Sentence the Petitioner appealed and humbly prayed that Directions may be sent to the Governor of the said Island, to Examine the Petitioners allegations in this matter, and to returne a true State thereof, together with Copys of Proceedings in Order to his being heard before Her Majesty in Council.

[*p.* 77.]

[On a representation from the Board of Trade, it is ordered 6 July.
that a letter be written to the Governor of the Leeward Islands with directions for his conduct in this case.]

[*p.* 139.]

[925.] [On reading a representation from the Board of Trade 9 March.
of 9 March on a complaint made on behalf of the Mohican Connecticut.
Indians in Connecticut] Relating to a Small Parcell of Land which that Nation of Indians reserved to Plant and Hunt in, when they Granted for a very small and Inconsiderable Value to the English at their first Coming to Settle in that Country, great part of their Lands, [a Commission is granted to the Governor of Massachusetts Bay and other persons, five including the Governor to be a quorum, for erecting a court to do justice in this matter, and letters are ordered to be written to notify the Governors of Massachusetts Bay and of Connecticut]. ° [*p.* 78.]

460 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.

23 March. [The Commission is approved.—P.R.] [p. 85.]

20 April. [On a petition from Nicholas Hallam, that the Commission be passed at the Offices at her Majesty's charges, it is referred to the Lord Treasurer to give the necessary directions.] [p. 99.]

6 July. [Mr. Hallam's petition that he finds a delay in passing the Commission, and asking payment for time and money expended in this business is referred to the Treasury.]

(1706.) [p. 141.]

14 Feb. [The Council refer to the Committee for Appeals a representation from the Board of Trade in this matter, and also Sir Henry Ashurst's petition desiring to be heard on an appeal on behalf of the Governor and Company of Connecticut and many freeholders there against the Commission.] [III. p. 108.]

(1706.)

20 Feb. [The Committee direct that the Agent for the Mohicans receive copies of the petition and representation, and that the matter be heard at the first meeting after Easter.]

(1706.)

[III. p. 110.]

17 May. [At the Committee Sir H. Ashurst gives 400*l.* security to abide her Majesty's determination on his appeal, and the case is ordered to be heard Tuesday next.] [III. p. 202.]

(1706.)

21 May. [The Committee recommend that the sentence of costs given by the Commissioners in August, 1705, be reversed and that a new Commission of review be granted,] and that in regard of the Poverty of the said Nation of Indians and for preventing them from going over to the French the said Commission of Review, and all other necessary Dispatches be expedited at her Majesty's charges. [III. p. 204.]

(1706.)

10 June. [Order accordingly. The Council refer to the Board of Trade Sir H. Ashurst's petition relating to the executing of the said Commission in Connecticut. Lord Cornbury is appointed one of the Commissioners.] [p. 214.]

(1706.)

26 June. [On a proposal of the Board of Trade of this date, it is ordered that the Commission be issued gratis to Lord

Cornbury, and 11 members of the Council of New York not interested in the dispute, 5 including Lord Cornbury to be a quorum.] [pp. 223-4.]

1704.

[The Committee order Mr. Secretary Hedges to be acquainted with their opinion that a clause be inserted in the Commission to exclude any of the Commissioners from acting who have any interests in the lands in question, or have contracted for any of them.] [III. p. 232.]

(1706.)

12 July.

[On a representation from the Board of Trade, the draft of the Commission is approved.] [III. p. 292.]

(1707.)

5 Feb.

[926.] [The Council approve the following representation of the Board of Trade and desire the Lord Admiral to give the necessary directions for its execution]:—The season now approaching for sending the usuall Convoys to Newfoundland, and there being an Annuall Provision to be made for the Company there, We humbly take leave to lay before Your Majesty in relation to the Provision, it having been found, that Beer Brewed there with Molosses is much more Wholesome and better than that Brewed with Malt; And Your Majesty having been pleased upon Our Representation the last Year, to Order the sending of Money to the Commander in Cheif to Buy Molosses accordingly, We humbly Offer that Your Majesty be pleased to give the like Directions for this Year. But Whereas We have been Informed that the Money allowed for such Molosses was not Sufficient, We humbly Offer that such an Augmentation be made as the Commissioners of the Victualling Office may upon due Examination find reasonable, as also that a Competent Proportion of Flower and Oatmeal be sent and less Biscuitt, which will be more beneficial to the Soldiers. And in Order to the better performance of whatsoever may be necessary for the Security of the Place and the Protection of that Trade and Fishery, We further humbly Offer that the Commander of the Convoy, to be sent thither this Year may have the like Commission to Command in Cheif the Soldiers in Pay there and the Fort, as has in former

23 March.
Newfound-
land.

1704.

Years been given to others ; and that he may be Ordered to take an Exact Muster of the Soldiers in the Fort and Harbour of St. Johns, and to bring the Roles with him to England with an Account of the State of the Company, and their fitness for Service as usuall, as also of the Condition of the Fortifications and what may be further necessary for so Important a Place, and that the like Orders be given as in former Years for the Seamen on Board Your Majestys Ships of War to Assist in perfecting the Fortifications dureing their stay in those parts, in such manner as may not be prejudiciall to the Sea Service. [p. 86.]

[The Council refer to the Treasury the following part of the representation with the accounts annexed.] We humbly take leave to lay before Your Majesty the annexed account of what appears to Us to be wanting for the Support of the Company, in Pay Cloathing and Provisions. And Whereas there being but one opportunity of Conveyance in the Year for bringing from thence the Muster Rolls, upon the Musters to be taken by the Commanders of the Convoys ; And We having Received a Muster Rolle Signed by the two Lieutenants now there, and the Commander of One of Her Majestys Ships of War for the last Year, which We have Transmitted to the Commissary Generall, and which appears to Us to be Compleat We humbly Offer that the said Muster Rolle be taken as Sufficient for the Clearing of the said Company tho' it be not conformable to the Method in England, which is not Practicable in those parts.

Wanting for the Company at Newfoundland for the Year 1704.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
A Years Subsistance ending Christmas 1704.....	421	5	5
One Years nett Clearings to the same time.....	227	15	9
One Years Off Reckonings to pay off the last Years Cloathing and provide the small necessaries for this Year.....	217	11	0
A Years Contingent Mony.....	50	0	0
	<hr/>		
	910	12	8

A YEARS PROVISIONS

Out of which the Value of Malt and Hops to be sent in Mony as the last Year.

A CHEST OF MEDICINS

To be paid for by a Deduction from the Company as last Year, pursuant to Her Majestys Warrant in that behalfe.

Memd.

The Chirurgeons Subsistance as well as Clearings is included in the Summe of 227*l.* 15*s.* 9*d.* and not provided for under the head of Subsistance.

Small Cloathing necessary for the Company at Newfoundland for the Year 1704.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
88 pair of Strong Shoes for Soldiers and Non Commission Officers being one pair to each Man at 4 <i>s.</i> a pair.....	17	12	0
80 pair of Stockings for Soldiers at 18 <i>d.</i> per pair.....	0	0	0
5 Ditto for Corporalls and Drumers at 20 <i>d.</i> pair.....	0	8	4
3 Ditto for Serjeants at 3 <i>s.</i>	0	9	0
80 Shirts for Soldiers at 3 <i>s.</i> 6 <i>d.</i>	14	0	0
5 Ditto for Corporalls and Drumers at 4 <i>s.</i>	1	0	0
3 Ditto for Sergeants at 5 <i>s.</i>	0	15	0
160 Neckcloths for Soldiers at 12 <i>d.</i>	8	0	0
10 Ditto for Corporalls and Drumers at 18 <i>d.</i>	0	15	0
6 Ditto for Serjeants at 4 <i>s.</i>	1	4	0
	50	3	4
Freight with other Charges.....	3	10	0
	53 <i>l.</i>	13	4

[*pp.* 87-8.]

[The following representation is also approved and the Ordnance required to give the necessary orders for its execution] —Having Discoursed with Captaine Richards Your Majestys Ingenier lately come from Newfoundland, concerning the State of the Fortifications there, We have been Informed by Him that the Fort was in a good condition at the time he left it, that there are forty Guns mounted, but that there wanted Soldiers to Defend the Fort, and Traverse those Guns, Your Majesty having only One Company of Eighty Men there, and the Neighbouring French Fort at Placentia having a more considerable Garrison, so that your Majestys Subjects are under apprehension of being attacked by the Enemy there. And Whereas We understand that the said Engineer being otherwise employed in Your Majestys Service here, is not to return to Newfoundland We humbly Offer that Your Majesty be pleased to Order another able Engineer to be appointed for that Service, with Directions from the Office

1704.

of Your Majestys Ordnance that he take Care to do all that is further necessary for perfecting the Fortifications, and keeping the same in due Repair, the said Fort being of the Greatest Importance for Secureing the Fishery in those parts. [p. 89.]

30 March. [927.] [It is referred to the Board of Trade to consider Virginia. a petition of six members of the Council of Virginia complaining of the proceedings and behaviour of Colonel Nicholson, and any other addresses or papers relating to his conduct as Governor.] [p. 93.]

15 June. [Colonel Nicholson is directed to return his answer to this complaint and all papers relating thereto, copies to be forwarded to him to that end.] [p. 129.]

30 March. [928.] [The Council refer to the Committee for Appeals Barbados. the petition of Richard Worsham to be admitted to appeal to Her Majesty from a decree of the Barbados Court of Chancery in favour of Henry Applethwaite.] [p. 93.]

24 May. [The Committee recommend that the appeal be admitted as the original judgment of 412*l.* amounts with interest to over 500*l.*] [p. 119.]

25 May. [The Council order the appeal to be heard on the first Council day in December.] [p. 123.]

19 Dec. [Joshua Cobb entered an appearance for Henry Applethwaite.] [p. 229.]

20 April. [929.] [The Council refer to the Admiralty the petition West Indies. of Elizabeth, widow of Captain William Harman, praying to be satisfied the wages due to her husband who was killed in an engagement with the French at Petit Guaves about October 1694, the purser having put a stop to the payment of the said wages.] [p. 99.]

20 April. [930.] [The Council refer to the Attorney and Solicitor Naval Stores. General the draft submitted by the Board of Trade of a

1704.

charter to Thomas Byfeild and others relating to the importation of pitch, tar and other naval stores from the plantations.] [p. 101.]

[Further consideration of their report is referred to a Committee of the whole Council, who are to hear the petitioners thereupon.] 15 June. [p. 128.]

[The Committee of Council refer it to the Customs to consider all the papers, and particularly the clause in the draft charter which empowers the petitioners to carry on a general trade to Pennsylvania and other parts of America.] 17 June. [p. 135.]

[A letter from John Povey to Mr. Lowndes, desiring the Commissioners of the Customs to present their report to the Board of Trade at their meeting at Whitehall on 4 December.] 9 Nov. [p. 194.]

[The Committee for Appeals agree to report to Her Majesty] 6 Dec.
That Mr. Attorney and Mr. Solicitor General having Reported that the said Charter as proposed is to Incorporate Mr. Byfeild with Eleven Persons more by name, and all others concerned with them to Carry on a Generall Trade to the Plantations in America without any Clause obliging the Petitioners to Apply themselves to the Importation of Navall Stores from thence except for two years, So that the Charter may be made use of only to Carry on a Generall Trade to the Plantations for Private advantage, and not to Supply Her Majesty and her Subjects with Navall Stores, Whereupon they doe not See any reason to Incorporate the Petitioners for the Plantation Trade, unless they be obliged to Import Navall Stores in time of War when they may be Imported without loss as the Petitioners alledge they cannot be in time of Peace, the Freight being then of greater Value then the Goods will be if Imported from Sweeden. That all that is Proposed in the Draught as to Navall Stores is that the Company be Impowered to make Pitch, Tarr, Rosin and Turpentine in the Plantations, which others may now make, and that they

1704.

be Obliged to Import from thence in the First Year 200 Barrills of Pitch and 400 Barrills of Tarr ; In the Second 400 Barrells of Pitch and 800 Barrells of Tarr which is mentioned in the Bond annexed to the Draught, but not in the Charter to be the Produce of the Plantations, unless prevented by Casualtys at Sea, Enemys or other inevitable Accidents and if they cannot have them in the Plantations that will be an Inevitable Accident. That there is no Obligation after the first two Years to Import Navall Stores, Nor to Sell those that are to be Imported to Her Majesty, nor are they Obliged to Import Masts, tho One reason given for making the Corporation, is for that the American Plantation abound in Pine Trees in those Parts fitt for the Navy. Wherefore it is to be Apprehended that the Errecting such a Corporation will be prejudiciall to the rest of Her Majestys Subjects Trading to the Plantations. That by the said Draught Notice is taken that the Twelve Persons therein Named with Divers others had for severall Years Carried on a Joynt Trade to Pensylvania, Carolina and other Parts of America with a Joynt Stock of 20,000*l*. which said 20,000*l*. is Declared to be the Capitall Stook of the said Company which Recitall will give great Countenance to the Practices that have been of late, of Great Numbers of Persons to Joyne together in Trade, and Act as a Corporation without Her Majestys Charter which is Illegall, and that it will be presumed that Her Majesty has had full Satisfaction that the present Stock is 20,000*l*. That in the said Draught it is Provided that the Company shall not Carry Navall Stores from the Plantations to any Country or Place other then Her Majestys Dominions, without Her Majestys or the Lord High Admiralls Licence, Which Mr. Atturny and Mr. Sollicitor Generall are of Opinion is against the Act : 22 : Car : 2 : whereby all Goods of the Produce of the Plantations are to be brought Directly to England. That the Persons Interested in the Company object against the Power reserved to Her Majesty by the said Draught to Determine the Corporation by Order in Councill, if they misuse the Power to be Granted them, and

make them Grievous to any if Her Majestys Subjects, or prejudiciall to the rest of the Traders or Inhabitants in the Plantations, alledging that it will be hard on them to be lyable to be Determined on less then Three Years Notice to gett in their Estate, Whereupon Mr. Atturmy and Mr. Sollicitor Generall are of Opinion that if such Charter shall be Granted to Reserve a Power to Determine it, if the Company shall not make themselves usefull to Her Majesty and her Kingdome in Importing Navall Stores. That the Petitioners Absolutely Refuse to be Obliged to Import Pitch and Tarr in time of War other than for Two Years, or to furnish Her Majesty with any Certaine Quantity unless Her Majesty shall Agree to take them at a Certaine Price, But Declare themselves willing to give Her Majesty the Refusall 1800 Barrells of Pitch and Tarr, and what other Quantitys they shall Import at the Markett Price, Her Majestys Officers Declareing their Acceptance or Refusall within a reasonable time after Tender. Which Report having been Communicated to the Petitioners they have Represented in Answer thereunto. That they are willing the said 1800 Barrells of Pitch and Tarr be Exprest to be of the Produce of the Plantations. That the said Draught may be so altered, That their not being able to procure Navall Stores in the Plantations be not Allowed as An Inevitable Accident but that they be Obliged to Ship the said Quantity in Order to be Imported into England. That they never proposed to Import Masts tho' they have good Prospect that they may be Able to Effect it. That their present Stock was 20,000*l*. : and they have Exported Great Quantitys of Woollen Manufactures of England and Imported great quantitys of the Produce of the Plantations without having been Complained of as prejudiciall to any other Traders, and they have very near their first Stock, But they are Willing the Recitall thereof be left out, That as to their being Obliged not to Carry Navall Stores from the Plantations to any Place other than Her Majestys Dominions without Licence, if such Licence be not Lawfull, they are willing the

1704.

same be left out. That they are Willing to be Dissolved on Three Years Notice upon Misdemeanor or Misuser, But hope their Trade Interferring with others, or their not being usefull to Her Majesty or the Kingdome in Importing Navall Stores, may not be a Suffieient Cause of such Disolution. That they are willing to be Obliged to Import a Suffieient Quantity Yearly for ever at such a Price as not to be loosers by it. That they are willing to give Her Majesty the Refusall of all the Pitch and Tarr they Import, Her Majestys Officers Declareing their Acceptance or Refusall within a reasonable time after Tender. They remark, that the Pitch and Tar Imported from Sweeden is payd for with ready Money whereas what shall be Imported from the Plantations will be payd for with the produce and Manufacture of England. That they think they cannot Answer the Intent of the Government without a Charter, without which they shall Desist. Whereupon the Petitioners being heard before the Committee, they persisted in the severall Articles proposed by the said Draught, except what alterations they agreed to in their Answer and Particularly to be Incorporated with Power to Trade Generally to the Plantations, except further that they Agreed that Her Majesty by Order in Councill might Dissolve them upon Misdemeanor or Misuser upon One Years Notice if the same shall be found prejudiciall to the rest of Her Majestys Subjects, And Provided Power might be Continued to them for the Recovery of their Debts. Whereupon the Committee having Referred the said Draught with the Report of Mr. Atturmy and Sollicitor Generall and the Petitioners Answer to the Consideration of the Commissioners of the Customes, and Particularly the Clause in the said Draught, Empowering them to Carry on a Generall Trade to the Plantations; The Commissioners of the Customes have Reported, That having heard some of the Petitioners One of the Principall Merchants Concerned and Disowned and Quitted all his Pretentions thereunto, as they have understood some others have also done. That some very Considerable Merchants who have perused and Considered

1704.

the said Draught and Report, have Offered by Memorial under their hands to Deliver a larger Quantity of Pitch and Tarr at Reasonable Rates and in a Lesser time without any Charter. That upon the Discourse they have had with the Petitioners and others, they are Inclined to believe That the Charter desired is designed more for a Private advantage than for any real Service to the Publick in the pretended Importation of Navall Stores at Cheaper Rates than they can be had from particular Merchants and therefore can by no means think it adviseable to Incorporate them under such a Specious Pretence of serving the Government with Navall Stores from the Plantations, being assured that other very responsible Merchants will undertake it at better and Easier Terms to the Government. Which Report together with the Memorials of Mr. Renew and other Considerable Merchants Proposing to Engage at reasonable Rates to Deliver a larger quantity of Pitch and Tarr in a lesser time without any Charter, having been read to the Petitioners at the Committee, they continued to Insist upon a Charter, without which they would not Engage in this matter. That Upon the whole matter the Committee Submitts it to Her Majestys Determination whether a Charter shall be Granted to the Petitioners. [pp. 207-211.]

[On consideration of this report, the best means of encouraging the importation of naval stores from the plantations] being thought a matter more properly Cognizable in both Houses of Parliament, Her Majesty is not pleased to give any further Order therein at Present. 14 Dec. [p. 216.]

[931.] [On the proposal of the Ordnance, it is ordered] That One of the two Enginiers sent by that Office to Jamaica in pursuance of an Order of Councill of the 12th of August 1701, he removed to Barbados, to Supply the Place of the Enginier there who they hear is Dead. 27 April. Barbados. [p. 103.]

[932.] At the Committee of the Whole Council appointed to consider of the complaints against Comadore Walker in the West Indies. 29 April. West Indies.

470 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.

[The Earl of Peterborough was heard upon the advices he had received from Colonel Codrington, and Captain Walker was also heard.]

2 May. [The Earl of Peterborough for Colonel Codrington, Colonel Wills who commanded the land forces in the absence of Colonel Codrington, Captain Walker and Major Bowles are heard; and their Lordships agree to represent this matter specially to her Majesty at the Board.] [pp. 104-5.]

4 May. [On the Committee's representation, the Council dismiss Captain Walker from attendance on the Board relating to the complaint.] [p. 110.]

4 May. [The Committee of Council having represented] that Notwithstanding the said Squadron had been sent to Barbados, with Orders upon advising with the Governor to use his best Endeavor to Defend Barbados and the Leeward Islands against the attempts of the Enemy, and that upon his arriving with the Squadron at Barbados he had applyed himselfe to the President and Councill in whom the Cheif Command was then vested that Notice of the said Squadrons being there might be sent to Colonel Codrington Governor of the Leeward Islands, to the end that if he had wanted the assistance of the said Squadron for Her Majestys Service he might have acquainted the said Capt. Walker therewith; Notice thereof was not sent to the said Colonel Codrington. Her Majesty in Councill is thereupon pleased to Order that the Governor or Commander in Cheif of Barbados Examine into the proceeding of the said President and Councill of Barbados in this matter, and why with so little regard to Her Majestys Service in the Safety of those Islands, Notice was not forthwith sent to the Governor of the Leeward Islands of the Arrivall of the said Squadron at Barbados and what he finds to be the reason of so Great Neglect of Her Majestys Service and the Publick Safety of those Islands, and that he returne an Account thereof to the Lords Commissioners of Trade and Plantations who are to Signifie Her Majestys Pleasure herein to the Governor

or Commander in Cheif of Barbados for the time being, and upon receiving his Answer to Report the same together with their Opinion upon the whole matter to Her Majesty at this Board.

[Further], it had appeared to the Committee, by the Testimony of the Sea and Land Officers, that the Provisions sent with that Squadron upon their arrivall at Barbados, being but three Months from their going from England, were found to be for the most Part unfitt for use, and particularly the Bread, whereby the Health of the Men of the said Squadron were much in Danger and Her Majestys Service for which the said Squadron was sent to those Parts with Great Expençe, was in Great Hazard of being Disappointed; Her Majesty in Councill is pleased to Order, that His Royall Highness Prince George of Denmarke Lord High Admirall be desired to Cause this matter to be Strictly Examined, and that as well Capt. Walker who Commanded the said Squadron, and Coll. Wills who Commanded the Land Forces, in the Absence of Coll. Codrington in that Expedition and Major Bowles as the Commissioner for Victualling Her Majestys Navy be heard thereupon, and that Enquiry be made whether the Bread and other Provisions sent with that Squadron were New at their being sent from hence, and to Report upon a true State of the matter of Fact as the same shall appear, together with his Royall Highnesses Opinion to Her Majesty at this Board.

[pp. 106-7.]

Report from his Royal Highness upon the Complaint of the badness of provisions in Captain Walker's squadron read. 6 Sept.

[p. 174.]

[933.] [An additional instruction for all who shall have letters of marque]—Whereas We in Conjunction with Our Allies the States Generall of the United Provinces are Willing to Encourage Our's and their Subjects in their Intercourse and Correspondence with such of the Spanish Nation in the West Indies as shall be Inclined to Acknowledge the Title and Sovereignty of Charles the Third King of Spain with whom 4 May. West Indies.

1704.

We are in Friendship and Alliance, and to the Intent that such Mutuall Intercourse and Correspondence may be Beneficiall as well to Our Subjects and Allies, as to the Spaniards in America, Wee have therefore thought fitt, and do hereby Direct that from and after the first day of June 1704 no Injury, Violence, Spoile or Mollestation whatsoever shall be done or Committed by any of Our Ships of War, Privateers or Merchants Ships having Letters of Marque, or by any of Our Governors or by or under their permission, or Authority, or any other Officers of, in, or belonging to any of Our Islands, Colonys or Plantations in America, upon or within the Main Land of the Continent, or of the Islands or Plantations belonging to the Spaniards in America or against any of Our Subjects or the Subjects of the States Generall or any of them, their Ships, Vessells, or Goods, that shall be found coming to, or going from any Port or Place in the Spanish West Indies, being for the proper Account and risque of Our Subjects, or of the Subjects of the said States Generall respectively anything contained in Our Declaration of War, against Spain, or any Commission or Commiss'ons to any of Our Men of War, Privateers or Merchant Ships, or any Instructions to Our Men of War, Privateers or to any of Our Governors or other Officers in the West Indies, or any other Instructions or Orders whatsoever to the Contrary hereof in any ways notwithstanding Provided that no Goods whatsoever belonging to the Inhabitants of France or its Vassals, or any others Inhabiting within the Dominions and Territorys of that Crown, nor any Contraband Goods, Stores or Provisions of War be permitted to be Carried to any Spanish Plantation in any Ship whatsoever but that they may be, and are hereby Declared to be lyable to Seizure and Confiscation as before the Giving this Instruction Provided also that this Instruction be so understood as that it may and shall Still be Lawfull for any of Our Men of War, Privateers, or Merchant Ships having Letters of Marque to attack, take and Possess themselves of any Spanish Ship, Vessell or Gallion either on the Main Sea or in fresh Waters,

1704.

or in any Port, Bay, Creek or Harbour in America, as well as elsewhere, and to Seize and bring away such Ship, Vessel or Gallion, and all Treasure, Goods and Merchandize, which may be found on Board such Ship, Vessel, or Gallion according to the Intent and meaning of Our former Instructions, and We do hereby Charge and Command all the Commanders, and other Officers of Our Men of War, and of Privateers, or Merchant Ships having Letters of Marque, that they severally take due Notice of this Our Royall Pleasure as an Additional Instruction, and Conform themselves hereunto accordingly.

[pp. 108-110.]

[In a long draft of instructions for such as have Letters of Marque, the above clause is repeated as No. 2. No. 12 allows any prizes captured in the plantations to be taken to any port in the plantations.] 23 Dec.

[pp. 231-8.]

(1706.)

[The clauses are renewed.]

[Vol. III. p. 190.]

2 May.

[934.] [The Council refer to the Admiralty] the Petition of Doctor Nicholas Ogle late Physitian to the West India Squadron, humbly praying such allowance for his Service in the Hospitall at Jamaica as is usuall for that Service in the Ports in England. 11 May. West Indies.

[p. 111.]

[935.] [The Council refer to the Admiralty] the Petition of the Merchants Trading to Virginia and Mariland, humbly praying that Directions may be Lodged with the Governors of all the Plantations, as a Standing Order for the future, that they may be Aiding and Assisting in Secureing to the Petitioners their Men that belong to such Ships, who may Shelter themselves on Shore, having in their Voyage by Stress of Wether and Loss of Masts been forced to Barbados, Bermudas, Antigoa, and Jamaica, as often happens. 18 May. Virginia and Maryland.

[p. 115.]

[The Lord Admiral reporting that he has no objection, instructions for the Governors of plantations are ordered to be prepared in the tenor desired.] 6 July.

[p. 139.]

[936.] [The Council refer to the Lord Treasurer the petition of Elizabeth, widow of Major Peter Minshall of Colonel Lucy's 25 May. West Indies.

474 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.

regiment, for relief in consideration of the services of her husband who died at Barbados in January 1703.] [p. 124.]

6 July.
Jamaica.

[1937.] [The Council approve, and give orders in accordance with the representation of the Board of Trade of 21 June]—In Obedience to Your Majestys Commands Signified to Us by the Right Honorable Mr. Secretary Hedges upon the Petition of Capt. Robert Gardner, on behalfe of the Heir at Law of the late Major Generall Sellwyn Governor of Jamaica We have considered the same, and humbly Represent to Your Majesty, That in August 1702, Upon the Death of the said Sellwyn which happened not long after his Arrivall, the Assembly of Jamaica past an Act Entituled, An Act for raising severall Sumes of Money to Discharge the Publick Debts and providing Funds for the Safeguard of the Island, in which Act the Summe of 2000*l*. is given to the Heir at Law of the said Selwyn towards the Defraying the Charge the Father had been at in Transporting himselfe and Family thither, And Whereas the said Act was past long before the Signification of Your Majestys Pleasure forbiding Governors to receive Presents from Assemblies, And that We have reason to believe the said Money was accordingly Levyed, and that it lyes in the hands of the Treasurer of that Island.

We humbly Represent that We find no Objection why Your Majesty may not be Graciously pleased in Consideration of the Great Charge the said Sellwyn was at in Transporting himselfe and Family and the loss that Family Sustained by his Death to permitt that his Heir may receive the said Summe of 2000*l*. according to the intent of the said Act. [p. 140.]

6 July.
New York
and New
Jersey.

[1938.] [The Council refer to the Board of Trade the petition of Peter Sonmans and William Dockwra on behalf of themselves and the other proprietors of East New Jersey] relating to the Island of Staten, which the Governor of New Yorke pretends to in right and for the use of Her Majesty and keeps Possession thereof, and praying that Directions be given for the hearing and finally Determining of that matter.

[p. 141.]

1704.

6 July.
Barbados.

[939.] Upon reading this day at the Board the Petition of Thomas Foulerton Esqr. Complaining of Thomas Maycock Esqr. Cheif Judge of One of the Courts of Common Pleas in the Island of Barbados, Colonel of a Regiment and a Justice of the Peace there, who by means of his Great Offices finds ways as is alledged to keep the Petitioner from any Tryall at Law or in Equity against him for arrears of Rent amounting to upwards of One Thousand Five Hundred and Forty Seven pounds, and humbly praying that the said Thomas Maycock may no longer Shelter himselfe from Law and Justice. It is hereby Ordered by Her Majesty in Councill, That a Copy of the said Petition, which is annexed, be sent to the Lords Commissioners for Trade and Plantations, who are to write a Letter to the Governor of Barbados therein taking Notice of the Delays and Obstruction of Justice Complained of by the Petitioner and requireing him to take Care that the Administration of Justice be there Expedited in the Petitioners Case as the Law requires, as also Signifieing Her Majestys Pleasure, that if the said Thomas Maycock do by means or under the Protection of the Offices he Enjoys continue to Impede or Obstruct the Course of Justice in the Present Case the said Governor do Suspend the said Maycock from the Place of Judge and all other Offices, untill the Cause or Causes in which the said Maycock and the Petitioner are concerned shall be Determined. [p. 142.]

[940.] [(A) On a representation from the Board of Trade of 10 July upon letters from Colonel Dudley relating to the state of New England, an extract thereof concerning ships for the guard of those coasts is sent to the Lord Admiral to give such orders as seem most fitting: (B) another extract complaining of the charter governments of Connecticut and Rhode Island is referred, along with the opinion of the Attorney and Solicitor General of 1694 on all the proprietary colonies, to the Attorney and Solicitor General for their opinion] what they conceive Her Majesty may Legally do upon these and the like Complaints against them: [(C) orders are also given

3 Aug.
New
England.

476 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
for renewing the directions to Colonel Dudley as to the building of Pemaquid fort and settling a salary upon the Governor and Lieutenant-Governor.] [pp. 152-3.]
- 30 Nov. [A letter is ordered to be written to Colonel Dudley in
(1705.) accordance with (c).] [p. 204.]
- 11 Jan. [The draft of such a letter submitted by the Board of Trade
was approved and ordered to be sent.—P.R.] [p. 248.]
- 3 Aug.
Bermuda. [941.] [A representation of the Board of Trade relating to
“An Act for Raising a Public Revenue for the Support of the
Government in Her Majesty’s Bermuda Islands” is approved
and directions ordered to be sent to the Lieutenant Governor
and Council of the islands] to Cause the same to be put in
Execution, and to take Care not to pass any Temporary
Law in Derogation of the said Act. [p. 161.]
- 17 Aug.
Canada. [942.] Upon Representation made to Her Majesty that
there were severall Prisoners of Different Qualitys taken in
the la Seine Prize bound to Canada and praying Directions
what allowance should be made to them. [The Commissioners
of Sick and Wounded Seamen and Exchange of Prisoners at
War are to make strict inquiry into the numbers and quality
of each, and to report. Should they receive from the
prisoners any papers relating to the French settlement in
Canada, these are to be sent to the Board of Trade.] [p. 164.]
- 17 Aug.
Canada. [943.] [The Board of Trade are directed to send to one
of the Secretaries of State an account of the English prisoners
lately taken by the French of Canada.] [p. 164.]
- 6 Sept.
Barbados. [944.] [The Council refer to the Board of Trade] the Petition
of Edward Chilton Esqr. Attorney Generall of Barbados,
humbly praying to be permitted to be absent from Barbados
for about One year for Recovery of his Health and Settling
his Affaires without prejudice to his Patent for Attorney
Generall of the said Island. [p. 170.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 477

[On their report, leave is granted, on his leaving such sufficient deputy as shall be approved by the Governor.]

1704.
14 Dec.

[p. 220.]

[945.] [On considering a representation of the Board of Trade upon a collection of bills lately compiled by a committee of the Council and Assembly in Virginia, the alterations proposed are approved], Except that it is not thought requisite that Instructions be sent to the Governor of Virginia instead of the Bill Entituled an Act for the better Secureing the Liberty of the Subject, and Her Majesty is pleased to Order that the said Collection of Bills be Remitted back to the Governor of Virginia, that the same may be layd before the Councill and Assembly for their further Consideration in Order to their being passed into Acts in the usuall manner, Except as is proposed by the said Representation what relates to the said Instruction.

6 Sept.
Virginia.

[p. 172.]

[946.] [On a representation from the Board of Trade it is ordered that Sir Bevil Grenville remove the suspension of Samuel Cox, one of the Council of Barbados, as upon full examination he had been cleared of the charge of entertaining correspondence with the French and carrying on an illegal trade.

6 Sept.
Barbados.

[p. 174.]

[947.] [The Council refer to the Board of Trade the petition of George Lillington, Michael Terrill, David Ramsay and Benjamin Cryer to have their suspension from the Council of Barbados taken off.]

21 Sept.
Barbados.

[p. 175.]

[On a report from the Board of Trade that the petitioners are unable to prove their allegations here, leave is granted to have affidavits taken in Barbados, and the Governor is required to return his answer, with such depositions in his own behalf as he thinks fit.]

16 Nov.

[p. 196.]

[A similar petition seeking copies of the papers sent over by the Governor is ordered to be laid before her Majesty when the papers being sent over in the *Milford* shall arrive,

14 Dec.

478 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
and all papers relating to the matter which were to be sent from her Majesty to Barbados are respited in the meantime.] [p. 230.]
- (1705.)
1 March. [On another petition for her Majesty's letter for examining their witnesses, it is ordered that the Board of Trade examine the papers lately transmitted to them by the Governor, and after hearing the petitioners report to the Board, when her Majesty will declare her further pleasure.] [p. 285.]
- (1705.)
20 April. [The Lords of the Committee having read a report from the Board of Trade agree to represent that the Agents of Barbados inform them that they have now received the answer of the Council and Assembly of Barbados, which had been sent months before by a member of the Council who was taken by the French and afterwards wrecked, the papers being lost. The Agents praying that no determination be made till the answer be examined, it is recommended that the matter be referred to the Board of Trade, to send copies of the said answer to the parties concerned, and thereupon to hear them.] [p. 320.]
- (1705.)
23 April. [Order accordingly.] [p. 326.]
- (1705.)
23 April. [The Council also refer to the Board of Trade the petition of Richard Downes, whom her Majesty proposed to Sir B. Grenville in Feb. 1704 to be one of the Council of Barbados at the first vacancy, and who has been twice passed over by the Governor for reasons transmitted by him to the Board of Trade. Downes prays to be heard as to these reasons, and, if he be found innocent, to be admitted to the Council with precedency according to the date of her Majesty's letter.] [p. 328.]
- (1705.)
20 July. [On reading two reports from the Board of Trade and two from the Attorney and Solicitor General, it is ordered that Her Majesty's approval of his conduct be signified to the Governor for his suspension of the four councillors for acting with and privately countenancing those members of the Assembly

1704.

from whose irregular behaviour and continued absence from their duty Barbados had greatly suffered; and that he be empowered, if he think fit, to readmit any of the Councillors, on their application and submission; the exclusion of Downes is also approved, and notwithstanding the former order, he is not to be admitted to the Council.]

[pp. 406-8.]

[948.] [The Council refer to the Admiralty a representation of the Board of Trade on a petition of the merchants trading to the Leeward Islands and a memorial of the Royal African Company relating to convoys for the trade to Barbados and the Leeward Islands.]

21 Sept.
Leeward
Islands.

[p. 177.]

[949.] [A report from the Board of Trade on a complaint of several members of the Assembly of Barbados is referred back to their Lordships to consult the Attorney and Solicitor General] what Method they can propose, for Punishing such Members of the Assembly of Barbados, as Wilfully absent themselves from the said Assembly.

26 Oct.
Barbados.

[p. 179.]

(1705.)

[The Council refer to the consideration of the Board of Trade when the *Milford* shall arrive with papers sent over by Sir B. Grenville, the petition of John Lesley, Philip Kirton, Christopher Estwick, Enoch Gretton, and Thomas Maxwell, members of the late Assembly of Barbados, complaining of the Governor's proceedings] as tending to the Great Discouragement of Many of Her Majesty's Loyall and Dutyfull Subjects, to the Subversion of the Laws, and to the Decay and Ruin of Trade and Industry in the said Island.

11 Jan.
Barbados.

[p. 249.]

(1705.)

[The report of the Attorney and Solicitor General on the disorders in the late Assembly of Barbados] having been taken into Consideration at the Board, together with a Petition of Tho. Maycock and William Tirrell Esqrs. on behalfe of themselves and the rest of the said Absenting Members, [is] sent back to Mr. Atturney and Mr. Sollicitor General, who are to hear the Petitioners thereupon, and to return their Report to Her Majesty at this Board the next Councill day. [p. 281.]

22 Feb.

480 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
(1705.) [On reading reports from the Board of Trade and from
20 July. the Attorney and Solicitor General, the Governor is recommended to obtain the passing of an Act to provide against the disorders resulting from members wilfully absenting themselves.] [pp. 406-8.]
- 26 Oct. [950.] [The Council refer to the Lord Admiral the] Petition
Carolina. of John Lord Granville Palatine, in behalfe of himselfe and the rest of the Lords Proprietors of Carolina, Praying that Her Majesty will be pleased to Grant them the Guns of Her Majestys Ship Winchester cast away off of the Cape Florida, which they are willing to Search for and Weigh up, to be planted on their Fortifications for the Defence and Security of the said Province and its Trade. [p. 180.]
- 9 Nov. [On his report the petition is granted.] [p. 191.]
- 9 Nov. [951.] [The Council refer to the Ordnance for an estimate
New England. a representation of the Board of Trade concerning 20 cannon, 100 barrels of powder and ball proportionable desired for the fort on Castle Island, Boston, and also 500 small arms for the defence of the people against the French of Canada and the Indians, who have invaded them and destroyed several of their towns.] [p. 193.]
- 30 Nov. [The stores for the fort are ordered to be issued to Captain Nathaniel Carey free of charge as promised by Her Majesty upon the completion of the fort ; although the effects where-with the small arms were to have been purchased had been lost at sea, yet for these payment or good security is to be required.] [p. 203.]
- (1705.)
29 March. Petition of Nathaniel Cary merchant in behalfe of New England, read and nothing done thereupon. [p. 310.]
- 16 Nov. [952.] [The report of the Attorney and Solioitor General
Rhode as to the complaints against the charter governments of
Island and Connecticut. Connecticut and Rhode Island is sent to the Board of Trade to be communicated to the Agents of these colonies, who are to attend the Council on 30 Nov. to state] their

1704.

Objections in Point of Law (if they have any) against Her Majestys Appointing a Governor or Governors over those Provinces as is proposed in Mr. Atturmy and Mr. Solicitor Generalls Report. [And their Lordships are to give the Attorney and Solicitor General what further information they can, that they may be fully prepared when the Agents are heard.] [p. 197.]

[On Sir Henry Ashurst's petition, the hearing is postponed till 14 Dec.] 30 Nov. [p. 205.]

[A letter from John Povey to Mr. Popple, Secretary to the Board of Trade, intimating a further postponement to 4 January, 1705.] 11 Dec. [p. 211.]

[The date is altered to 1 February.] [p. 218.] 14 Dec. (1705.)

[On a hearing of the complaints, the Agents making a further appeal for time, it is ordered that the Board of Trade prepare a charge to be answered with proper evidence before the Council in six months' time by the governments of Rhode Island and Connecticut: the Governors of Massachusetts Bay and New York are also to take depositions upon oath in the most public manner as to the truth of the charges.] 12 Feb.

[p. 269.] (1705).

[A representation from the Board of Trade] Relating to the Proceedings of the severall Charter Governments of New England, Detrementall to the Trade in Generall and in Prejudice of the other Plantations under her Majestys immediate Government [is referred back to them to enumerate the misfeasances and illegal proceedings of these and the other charter governments and proprieties in America, and the advantages and conveniences that would arise by reducing such proprieties and charter governments.] [III. p. 56.] 20 Dec.

(1706.)

[Their representation thereon of 10 Jan. is sent to Mr. Secretary Hedges as] Proper for the Consideration of the Legislature of this Kingdome. [III. p. 89.]

7 Feb.

482 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1704-5.
14 Dec. Barbados. [953.] [The Council refer to the Committee for Appeals Tobias Frere's appeal from a decree of the Barbados Chancery of 11 July] in favor of William Springham Esqr. and Elenor his Wife Daughter and Heir of Anne Lytcott Deceased touching a Share of 24 Negroes late the Estate of Colonel Thomas Spair of the said Island. [p. 220.]
- (1705.)
11 Jan. [The Committee report that Anne Lytcott conveyed the negroes to Frere, he entering into bond of 1000*l.* on 24 Jan. 1700 to pay all costs or damages that might accrue to her or her heirs by any action concerning the sale. This does not amount to "valuable consideration" as claimed by Frere, and the dismissal of the appeal is recommended, Springham giving up the bond to Frere to be destroyed.] [p. 257.]
- (1705.)
18 Jan. [Order accordingly.] [p. 264.]
- 14 Dec. New York. [954.] [The Council refer to the Board of Trade the petition of Robert Livingston for restoration to his office of Secretary for Indian Affairs at New York, from which he alleges that he has been suspended by Col. Fletcher without any just cause.] [p. 221.]
- (1705.)
11 Jan. [In accordance with their report Livingston is ordered to be readmitted to his office, and as he has continued to be very serviceable in managing the treaties with the Indians despite his suspension, his salary of 100*l.* per annum is ordered to be paid, although the Board of Trade apprehended the revenue of New York by reason of anticipations would not be able to satisfy this.] [p. 252.]
1705.
2 Jan. Guadeloupe. [955.] [On a report from the Ordnance, 50*l.* is ordered to be paid to David Orris, gunner of H.M.S. *Boyne*, for his services in taking from the French at Guadeloupe in 1703 stores to the value of 332*l.* which he delivered into her Majesty's magazines.] [p. 245.]
- 11 Jan. Plantations. [956.] [The Board of Trade are directed to prepare a draft of an Instruction to the Governors of plantations] to returne an Account by the first Opportunity, to the Office of Ordnance

1705.

within the Tower of London, of the present State of the severall Ordnance Stores within their respective Governments, the Cause of their being Lessoned, and what have been Expended since the beginning of the Present Warr, with further Directions to the Governors, for the future to Transmitt to the said Office of the Ordnance every Six Months or oftener as opportunity shall offer, an Account of the Expenditure of Ordnance Stores within their Governments with a State of the Remains thereof. [p. 249.]

[957.] [The Council refer to the Board of Trade the petition of the Agents of Barbados], Complaining that in Breach of the known Laws and Violation of the Liberty of the Subject One Mr. Francis Lee a Sollicitor Inhabiting in the said Island was Seized at Ten of the Clock at Night when he was upon Duty, as Ensigne of the Militia, by Nicholas Wanley Lieutenant of Her Majestys Ship the Dolphin, and severall of the Seamen belonging to Her, and Carryed away against his Consent, Notwithstanding his Earnest Application to Captain St. Loe Commander of the said Ship to suffer him to go a shoar, And therefore Praying that this matter may be Examined, and that the Persons who shall be found Guilty of so bold a Breach of Her Majestys Laws may be Punished. [p. 249.]

11 Jan.
Barbados.

[958.] [The Council refer to the Treasury a representation of the Board of Trade upon Governor Sir W. Mathew's account of the Leeward Islands, representing the need of 30 cannon of 18-pound ball without carriages, and 6 mortars of 50-pound shell with carriages and bomb proportionable, or such part thereof as the revenue of $4\frac{1}{2}$ per cent. now in hand will extend to, and also of sending over four master gunners to manage the guns and instruct the inhabitants,—these also to be paid out of the $4\frac{1}{2}$ per cent. duty.] [p. 250.]

11 Jan.
Leeward
Islands.

[959.] [On a memorial from the Ordnance, divers artificers sent to Jamaica at an annual charge of 520*l.* 2*s.* 6*d.* are recalled, in regard it does not appear that they are of any further use there.] [p. 269.]

12 Feb.
Jamaica.

484 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705.

22 Feb.
New York.

[160.] [The Council refer to the Ordnance for an estimate and opinion the following representation of the Board of Trade]—Having Received Letters from the Lord Cornbury Your Majestys Governor of New York, We humbly take leave to Represent to Your Majesty That his Lordship has Informed Us, that there are not in the severall Forts of that Province above One hundred and fifty Barrills of Powder left severall whereof are Damified, That there is a great want of small Armes and of Bedding for the 4 Companys of Soldiers, The Bedds formerly sent there being worne out and Spoiled, and that in the present Circumstances that Country is in, he is not able to resist the Enemy in Case they should make any attempt upon the Frontiers, or from the Sea of which his Lordship says there is Great Apprehension.

We take leave to Add that the Lord Cornbury had 50 Barrills of Powder, 100 Muskets and 100 Bedds in the Year 1701, and that 100 Fuzees together with their Accoutrements which were provided out of the Pay of the 4 Companys, the List whereof is hereunto annexed were taken by the French the last Summer in their way to New York.

We are further humbly of Opinion that the like Proportion of small Armes and Accoutrements instead of those Mentioned to have been taken by the French, be sent to New York for the use of those Companys who are in great want of the said Armes, since the same cannot be made Good out of their Pay.

And that there be likewise sent 50 Barrills of Powder, the Charge whereof to be repayd by the Assembly of that Province to Your Majestys Office of Ordnance, And the Lord Cornbury to receive Your Majestys Directions for remitting the Value of the said Powder accordingly. [p. 279.]

8 March.

[The Council refer to the Treasury the Ordnance report and estimate of 667*l.* 9*s.* with an extract of the report of the Lords of Trade relating thereto.] [p. 201.]

22 Feb.
New York

[161.] [The Council refer to the Treasury a representation of the Board of Trade of 22 Feb.,] Setting forth that it is Customary for Her Majesty to make presents to the 5 Nations

1705.

of Indians Bordering upon New York who are as a Barrier between that Province and Canada in those parts, in Order to the Keeping them steady in their Dependance on the Crowne of England, which is of great Importance to the Security of that and the Neighbouring Colonys, and that those Presents do usually consist of Light Guns and Powder, Ketles, Hatchets, Blankets and other Coarse Cloathing: That there was sent in the Year 1700 to the Value of 800*l.* in such Presents, which the said Lords Commissioners find have been distributed to them at Three severall times of their Generall Meetings with Her Majestys Governors of New York, And their Lordships therefore humbly Offering that the Value of 300*l.* in the severall Species beforementioned be now sent, to be disposed of to those Indians as there shall be occasion.

[*p.* 280.]

[962.] [A representation of the Board of Trade relating to the raising 100 recruits to complete the four companies of foot at New York is referred to the Treasury.] 1 March. New York. [*p.* 284.]

[963.] [The Council refer to the Treasury the petition of Captain Thomas Lloyd, commander of the Independent Company in Newfoundland, praying the repayment of money advanced by him for the necessities of the said garrison.] 15 March. Newfoundland. [*p.* 299.]

[964.] [The Council refer to the Treasury the petition of John Hays, master of the *Valentine* of Jamaica, to have the full sum of 370*l.* sterling in Spanish money found in an iron chest taken up by his crew out of the sea near Jamaica, and confiscated by Col. Handasyde the Governor with the exception of 20*l.*] 15 March. Jamaica. [*p.* 299.]

[965.] [The Council refer to the Board of Trade a representation from the Treasury and a presentment to the Treasury from the Customs upon a memorial of several traders to Virginia] relating to the Settlement of certain Portes and Places thereinmentioned exclusive of others for the Discharge and Lading of Ships at Virginia. 29 March. Virginia. [*p.* 307.]

486 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705.

5 April. [The Council approve their Lordships' report that the appointing of such places is necessary for carrying on a fair and regular trade, and particularly useful in Virginia by reason of the great rivers and the scattered habitations of the planters there. Instructions in accordance with the report are ordered to be prepared for the Governor.] [p. 314.]

29 March. [966.] [On his petition, James Hannay, Provost Marshal Barbados. of Barbados, is allowed one year's leave of absence to come to England for the recovery of his health, leaving a sufficient deputy to execute his office.] [p. 308.]

23 April. [967.] [On a report from the Board of Trade laying before her Majesty several seals prepared for the use of the plantations with draft warrants for making use of these and defacing the old seals, these are ordered to be prepared and sent to Virginia, Maryland, New Hampshire, Massachusetts Bay, New Jersey, Barbados, Leeward Islands, and Bermuda.—P.R.] [p. 323.]

17 May. [A similar order for Jamaica.] [p. 304.]

26 April. [968.] [In accordance with a representation of the Board of Trade, Mr. Secretary Hedges is instructed to give the necessary directions for recalling Robert Henley, Lieutenant of the company of soldiers in Bermuda, for misbehaviour, and sending another Lieutenant to take his place.] [p. 332.]

26 April. [969.] [The Council refer to the Committee for Appeals Barbados. the petition of Elizabeth Burgess, widow, and Robert Wright, her lessee, for the hearing of their appeal against a judgment of 29 June 1704 in Barbados in favour of William Ross (*alias* Bartholomew Rees) touching a plantation in the island, and the affirmation of that judgment by the Governor and Council, 12 Sept. 1704.] [p. 333.]

1 June. [The Committee appoint the first meeting in July for the hearing of this appeal.] [p. 377.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 487

[They decide that the appeal should be upheld, the decisions of the Barbados courts reversed, and 5*l.* damages paid to the appellant.] 1705.
6 July.
[*p.* 380.]

[Order accordingly.] [*p.* 387.] 9 July.
(1706.)

[To the Committee for Appeals is referred a petition of Elizabeth Burgess complaining of delay in the execution of this order.] 14 Nov.
(1707.)
[Vol. III. *p.* 261.]

[On the report of the Committee of 8 Jan., setting forth that by reason of the delay the interest of Robert Wright as lessee is expired, it is ordered that the petitioner be admitted to peaceable and quiet possession of the plantation, and that the defendants pay her 5*l.* costs.] 5 Feb.
[Vol. III. *pp.* 284 and 296.]

[170.] [George Willcox, on behalf of Colonel Nicholson, having petitioned that James Blair be not permitted to return to Virginia without making good his charges or leaving security to answer the award upon his false and malicious informations to which the Governor's answer is very soon expected, it is declared that it is for her Majesty's service that Blair do not depart for Virginia but give his attendance to make out his accusation against Governor Nicholson, and Blair is to be notified accordingly.] 3 May.
Virginia.
[*p.* 346.]

[171.] [The Council approve, and give orders in accordance with a report from the Board of Trade of 26 May]—In Obedience to Your Majestys Command Signified to Us by the Right Honourable Mr. Secretary Harley, We have Examined a Petition of severall Merchants of Virginia and Maryland Complaining of Undue Practices in Muscovy by some of Your Majestys Subjects in relation to the Vending and Manufacturing of Tobacco there. We have heard the Petitioners And likewise Nathaniel Gold, Wm. Dawson, Edward Haistwell, Samuel Heathcote and others, As also Joseph Martin in behalfe of his Partners, who are alledged to be Concerned in the said Practices, And upon the whole matter do find that 31 May.
Tobacco.

1705.

the said Nathaniel Gold and others who had made a Contract with the Czar of Muscovy here in England in the Year 1698 for importing certain quantitys of Tobacco into his Dominions, which accordingly they did perform, and wanting a Vent for the same, whereby great part of the said Tobacco became Dry and like to be unfitt for Sale, unless the same methods as in England were used for the preservation thereof, They had thereupon sent over Peter Marshall and his Wife versed in the Cutting and Rowling of Tobacco, together with Instruments and Materials necessary thereunto, with a Design as they alledge to Recall the said Persons immediately after their having performed this Particular Service, without allowing them the Liberty to Imploy their Skill in the Rowling or Cutting any Tobacco of the Growth of the Dominions of the Czar. And We do likewise find that the said Mr. Joseph Martin Merchant of London by his Son Samuel Martin and James Spilman, his Correspondents at Muscow, have very lately made a Contract with some Officers of the Czar for the Importation of other quantitys of Tobacco into those Dominions from England, As likewise for the sending thither as many Persons Skilled in the Spinning and Rowling of Tobacco as the Czar should require together with the Instruments Engines Materials and Liquors Comonly used in that work, to be Employed not only for the Manufactureing of English Tobacco thus Imported, but even for the Tobacco of the Growth of Circassia, a large Province appertaining to that Prince, by which means his Subjects would become equally Skilled in that Mystery with any of Your Majestys Subjects Dealers in Tobacco. Which proceedings being of the most pernicious consequence to the Trade of Your Majestys Subjects and the Welfare of your Plantations, We are humbly of Opinion That the Persons mentioned to have been already sent to Muscow by the first Contractors may be imediately recalled by Letters of Privy Seal to be sent to Your Majestys Envoy for that Purpose, and that the Engines and Materials already there be Ordered

1705.

by Your Majesty to be broken and destroyed in the presence of your Majestys said Envoy, as likewise that the said Martin and Correspondence and all other Persons whatsoever be Directed by your Majestys Declaration in such manner as Your Majesty shall think proper, not to send any Persons versed in this Mystery, or any Instruments and Materials for the same, or imploying any Persons therein notwithstanding any Clause in his said Contract obliging them to a matter so injurious to other Your Majestys Subjects. And Whereas the Petitioners Merchants and Planters of Virginia and Maryland do Sugest that severall Persons are Solliciting for themselves at Muscow, the Sole Trade and intire Importation of Tobacco exclusive of all others into those parts; We further humbly Offer that Your Majesty would be pleased to Direct Your Envoyé at that Court that he be equally and impartially Assisting to all Your Majestys Subjects in the Free Trade of such Tobacco of the Growth of Your Majestys Plantations as shall be Imported into the Dominions of the Czar.

[pp. 370-372.]

[972.] [The Council refer it to the Board of Trade to report on the regularity of the form of proceeding proposed by Samuel Allen in his petition that he be admitted to appeal from a judgment of the Superior Court of Boston (confirming a judgment of the Court of Common Pleas in Maine) and that the Boston Court be ordered to certify the record of all the proceedings in the case.]

9 July.
New
England.

[p. 388.]

[973.] [On a report from the Board of Trade, it is ordered that for contriving and abetting the carrying off of Francis Lee by Captain St. Loe of the *Dolphin*, the exaction of irregular fees in the execution of his office, and taking a bribe from Guy Ball for procuring an order from the Governor to stop a fleet then ready to sail, Alexander Skene be dismissed from being Secretary of Barbados, and be prosecuted by the Attorney General of the island, who shall be assisted in the collection of evidence in England by the Attorney and Solicitor General.]

20 July.
Barbados.

[pp. 408-9.]

490 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705-6.

13 Aug. [On the petition of Skene's agent, the order is altered to one of suspension until he have returned his answer to the Board of Trade, and he is permitted to have affidavits taken in Barbados in his behalf. At the same time the prosecution in Barbados is also to proceed.] [pp. 416-7.]

(1708.)

18 Aug. [Skene's answer having been returned, and the Board of Trade in their report of 8 July holding him guilty of exacting unusual fees and of bribery, he is dismissed from the post of Secretary.] [Vol. IV. p. 153.]

(1708.)

20 Sept. [Skene's agent having been absent at the last hearing, his petition for a further hearing and for suspension of the order till the Board of Trade have heard his agent and reported, is granted.] [IV. p. 168.]

(1709.)

27 Feb. [On reading the report of the Board of Trade, Skene is restored to the full and free execution of his office, and the Governor of Barbados is to be informed of her Majesty's disapprobation of the exaction of 12s. 6d. for every petition to him for liberty for the sailing of a ship and 5s. more for his order thereupon, and instructed that henceforth no more than the ancient and accustomed fee of 3s. 6d. be exacted.] [IV. pp. 263-4.]

ANNE. VOL. III. (11 Oct. 1705—29 Feb. 1708.)

1706.

14 Feb. [974.] (1) [An embargo is laid on all vessels not already Ship Passes. cleared.] [p. 102.]

1 March. (2) [The embargo is taken off ships bound for Newfoundland from the Western ports, under convoy of the *Warwick* and the *Swallow* [p. 120]: reference is made to the Admiralty in the cases of the *Indian King*, carrying Colonel Park's equipages to the Leeward Islands, the *Greyhound* frigate, the *Betty*, the *Prince George* and ten other ships with stores for Jamaica; the *Fortitude* and the *Carlisle* with provisions for Barbados; the *Adventure* for Virginia.] [pp. 122-6.]

7 March. (3) [On the Admiralty report, the *Greyhound* frigate is freed from the embargo; the *Dorothy* of Bristol, to proceed to Jamaica with the convoy, and the Leeward Island merchants, for taking off the embargo, and for a convoy, are referred to the Admiralty.] [pp. 127 and 131.]

- 1705-8.
- (4) [The embargo is taken off.] [p. 135.] 10 March. 1708.
- (5) [Embargo laid.] [p. 531.] 20 Feb. 1705.
- [Embargo taken off.] [p. 546.] 29 Feb. 1705.
- [975.] *James*, 350, John Hastings, 20 guns and 40 men, Maryland, with letters-of-marque : referred to Lord Admiral 29 Nov. [p. 18]; granted 5 Dec. [p. 27]. Richard Perry of London, *Dolphin*, 120, John Wells, 6 guns and 20 men; *Jenny* galley, 200, Robert Bolton, 12 guns and 30 men, West Indies : referred to Lord Admiral 14 Feb. [pp. 109-10]; granted 2 May [p. 184]. Edward Carlton of London, *Joseph and Mary*, 100, John Bernard, 4 guns and 16 men, Maryland and Virginia : referred 14 Feb. [p. 110]; granted 2 May [p. 184]. Jo' n Hyde, *Herbert* galley, 280 tons, 16 guns, 40 men; referred 16 May [p. 201]. David Waterhouse, *David and Joseph*, 350, James Potts, 30 guns and 50 men, American plantations; granted 10 June [p. 216]. Wm. Clayton and Thos. Johnson of Liverpool, *Virginia Merchant*, 200, 18 guns and 35 men, Barbados, Virginia, and Maryland; granted 12 Sept. [p. 247]. *Concord*, Jonas Motes, 250 tons, 16 guns, 36 men, to Lisbon, Virginia and Maryland; referred 12 Sept. [p. 247]. Thomas Johnson of Liverpool, *Elizabeth*, Edward Rochdale, 22 guns, 60 men, to the Plantations; referred 12 Sept. [p. 24]. Edward and Arden Carlton of London, *Arden*, 300, Thos. Markin, 22 guns and 40 men; *Providence*, 200, Nicholas Markin, 10 guns and 30 men, *Joseph and Mary*, 100, Alex. Saunderson, 16 men, to Virginia and Maryland : referred 14 Nov. 1706 [p. 261]; granted 2 Jan. [p. 280]. Peregrine Browne, *Friend's Adventure*, 130, Thos Hurst, 10 guns and 4 "patareroes" and 20 men and arms, Maryland : referred 2 Jan. [p. 281]; granted 15 Jan. [p. 285]. John Hydo and George Buck, *Potuxon Merchant*, 300, 16 guns and 36 men; *Ann Arundell*, 300, Daniel Watts, 16 guns and 36 men; *Robert*, 250, Charles Broadwater, 10 guns and 30 men; *Ruby of Bideford*, 120, Wm. Randle, 10 guns and 20 men, Virginia and Maryland; referred 5 Feb. [p. 293]; granted 20 Feb. [pp. 307-8]. Alderman Wm. Swimer of Bristol, *Mary* galley, 200, Peter Day, 16 guns and 40 men, Jamaica; referred 20 Feb. [p. 307]; granted 27 Feb. [p. 312]. Thomas Wharton of London, *Friend's Goodwill*, 350, Richard Read, 18 guns and 36 men, Virginia; referred 23 Feb. [p. 309]; granted 27 Feb. [p. 313]. Jaspar Cullum, *Ann* frigate, 200, John Smith, 18 guns and 25 men, Virginia and Maryland; referred 17 April [p. 349]; granted 29 April [p. 364]. Sir Wm. Daines, *Bristol* galley, 220, Thomas Gibbs, 12 guns and 35 men, Barbados and Leeward Islands; referred 17 April [p. 349]; granted 29 April [p. 354]. Peregrine Browne, *Nicholson*, 370, John Wise, 18 guns and 30 men, Maryland; referred 29 April [p. 354]; granted 20 May [p. 364]. *Charles* galley, 200, Robert Duke, 16 guns and 25 men, to the plantations; *Ann*, 300, John Jones, 16 guns and 50 men, Bristol, Ireland, Jamaica, Virginia, Bristol; referred 12 June [p. 383]; granted 23 June [p. 388]. George Buck, *Zant*, of Bideford, 200, Jonathan
1706.
1707.

492 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705-8.

Whitefield, 16 men and 16 guns, Maryland and Virginia ; referred 1 Sept. [p. 434] ; granted 8 Sept. [p. 443]. Sir William Daines, *Lyon*, 250, William Edgley, 16 guns and 45 men, Bristol to Virginia and Maryland ; referred 8 Sept. [p. 444] ; granted 15 Sept. [p. 452]. Benjamin Hatley, Richard Lee, and Thomas Corbyn, *George*, 400, John Brookes, 20 guns and 35 men ; *Page* frigate, 450, Joshua Cooke, 20 guns and 40 men ; *Anne and Frances*, 300, George Way (Wray), 16 guns and 27 men ; *Corbin*, 300, Walter Cook (Cooke), 10 guns and 26 men, all to Virginia ; referred 15 Sept. [p. 453] ; granted 24 Sept. [p. 465]. John Hyde and William Love of London, *Jenny* galley, 200, Robert Bolton, 10 guns and 30 men, to West Indies ; *Alexander* galley, 160, Giles Love, 12 guns and 26 men, to Guinea and Virginia ; referred 18 Dec. [p. 484] ; granted 8 Jan., 1708 [p. 484].

1708.

John Hyde of London and Lawrence Hollister of Bristol, *Maryland Merchant*, 300, 14 guns and 30 men ; *Robert and John*, 250, Charles Broadwater, 8 guns and 25 men ; *Friendship*, 250, Wm. Clarke, 4 guns and 25 men ; *Joseph and Thomas*, 350, Thos. Rogers, 16 guns and 30 men ; *Mary*, 160, Thos. Lewis, 6 guns and 15 men, to Virginia and Maryland ; *Blenheim* galley, 80, Ed. Hollister, 4 guns and 12 men, Bristol to Barbados, Newfoundland and the Straits ; referred 8 Jan. [p. 494] ; granted 22 Jan. [pp. 509-10]. Wm. Swymer and Richard Richinson, *Swift* galley, 200, John Good, 12 guns and 36 men ; *Defiance* galley, 250, Robert Mears, 20 guns and 60 men, for Jamaica ; referred 22 Jan. [p. 509] ; granted 25 Jan. [p. 520]. Sir W. Daines, Isaac Millner, John Hyde, *Don Carlos*, 150, Robert Summers, 10 guns and 28 men, for Jamaica ; *Katherine*, 500, Robert Roadhead, 30 guns and 55 men, for Maryland ; *James*, 350, Thomas Fogg, 22 guns and 40 men, for Virginia ; *Herbert* galley, 300, Valentino Wyo, 20 guns and 50 men, for West Indies ; referred 20 Feb. [p. 534] ; granted 29 Feb. [pp. 548-9].

1705.

11 Oct.
Barbados.

[976.] [The Council refer to the Board of Trade the petition of George Lillington, late eldest member of the Council of Barbados, complaining of the proceedings of the Superior Court of Barbados in fining him 2000%. for misdemeanours, and praying that copies of the commission by which the Court sat and of all proceedings may be sent over for consideration here.] [p. 5.]

26 Oct.

[The petition is granted. Four Justices of the Peace of Barbados, two named by the Governor and two by the petitioner, are to take depositions, and the parties are to inform each other of the time and place of taking them in order that cross-examinations may be taken.] [p. 8.]

[A further petition of Lillington and one from the Agents of Barbados for suspending the Order till further examination, are ordered to be heard on the second Council day in December.] [pp. 17-8.] 1705.
29 Nov.

[The Order of 26 Oct. is vacated : copies of all proceedings are to be transmitted to the Council, and copies of complaints made here sent to the Governor and Council for their answer : Lillington is left free to appeal, and on giving security to prosecute his appeal the fine of 2000*l.* is to be restored to him for his use in carrying on his lawful trade.] [p. 33.] 13 Dec.
(1706.)

[Lillington's appeal is admitted and all records and papers ordered to be transmitted from Barbados with the answer of the Governor and Council to his petition. Order is also given to the Deputy Auditor of Barbados to restore to Lillington the 2000*l.* paid as a fine.] [pp. 75-6.] 18 Jan.
(1706.)

[Lillington's petition that a day be fixed for hearing his appeal is referred to the Committee.] [p. 254.] 21 Oct.
(1707.)

[The Committee recommend that the judgment be reversed, and the fine remitted to the petitioner.] [p. 283.] 8 Jan.
(1707.)

[Order accordingly.] [p. 298.] 5 Feb.
(1707.)

[On a report from the Attorney General, order is sent to the Governor to see justice done in the matter of the 2000*l.*] [p. 312.] 27 Feb.

[977.] [The Council refer to the Board of Trade the petition of Thomas Maycock for the restoration of his estate sequestered by the Barbados Chancery at the suit of Josias Harrison during the petitioner's absence in England, the proceedings being contrary to the usual practice of that Court.] [p. 8.] 26 Oct.
Barbados.

[On the report of the Board of Trade that] We . . have received the Opinion of Your Majestys Attorny Generall thereupon, That the Petitioner hath been hardly Dealt with, Which hardships Consist Cheify as We humbly Conceive in 13 Dec.

1705.

the following particulars Vizt. That Whereas this is the first Sequestration of this Kind, which as We are Informed, has ever been Decreed in Barbados the Estate is Sequestred into the hands of five Persons, who have given no Security to be Answerable for the Produce and Profitts thereof, and that the said Persons as the said Maycock does aver are his known Enemys, as likewise in that the Offer of the said Maycock by his Atturnys there to give Ten Thousand pounds Security for the said Estate, in Case it might be put into the hand of his said Atturnys, was refused; And that the Estates of Your Majestys Subjects there Consisting in Negroes and Moveables are liable to Suffer very much by the least Neglect, So that Your Petitioner cannot Expect that a due Care shall be taken Of his Estate by the Persons in whose Possession it is at present, [It is ordered, as recommended, that copies of the petition and report be sent to the Governor with directions to take security not exceeding 10,000*l*.; that the estate be put into the hands of persons named by the petitioner or his attorneys; and that the Governor take care that speedy justice be done and the proceedings transmitted hither. [The Council add] That the Security to be taken of the Petitioner to Answer any Demands Her Majesty may have upon him, by reason of the matters now depending, may also extend to Satisfie such Demands of the said Josias Harrison, as upon his Bill Exhibited in the said Court of Chancery shall Appear to be justly due unto him. [pp. 35-6.]

29 Nov.
Barbados.

[1778.] [The Council refer to the Committee for Appeals the petition of Thomas Maxwell of Barbados against the action of Sir B. Grenville in debarring him the liberty of returning with his family to England without any legal cause for so doing.] [p. 19.]

15 Dec.

[The Committee report, recommending that the writ *Ne Exeat Insulam* be superseded, and the petitioner's bond not to leave the island cancelled, and himself discharged without payment of fees and permitted to come to England when he shall think fit.] [pp. 44-5.]

- [Order accordingly.] [p. 46.] 1705.
- [979.] [The Council refer to the Committee for Appeals the petition of Joseph Mason and his wife Mary that their appeal be heard from a decree of the Barbados Chancery in September last in favour of George and Mary Brice in a suit touching a legacy of 500*l.* sterling left to Mary Mason by William Dymock, deceased.] [p. 21.] 29 Nov. (1706.)
- [The Committee recommend that the demurrer of Brice and his wife be overruled and the defendants ordered to answer the petitioners' bill in the Barbados Chancery and to pay five pounds costs.] [p. 73.] 16 Jan. (1706.)
- [Order accordingly.] [p. 83.] 18 Jan.
- [980.] [The Council refer to the Committee for Appeals the petition of Andrew Harris, Thomas Field, and Nathaniel Waterman of Patuxent praying relief touching their title to several lands in New England.] [p. 21.] 29 Nov. ^{New} England.
- [The Committee give their opinion that the petition and papers be transmitted to the Governor and Magistrates of Rhode Island for their answer with their reasons why the petitioners have not been put into possession of the lands in question pursuant to several verdicts for that purpose, and that the case be heard on the first Council day in November next.] [p. 44.] 15 Dec.
- [Order accordingly.] [p. 47.] 18 Dec. (1707.)
- [The Council refer to the Committee for Appeals a petition of John Chamberlain in behalf of Andrew Harris and others that a day may be fixed for hearing the case.] [p. 315.] 13 March. (1707.)
- [The Committee report] That in regard the Complainants are not the proper Parties to the Cause, that therefore the same be Dismist. [p. 380.] 11 June. (1707.)
- [Order accordingly.] [p. 383.] 12 June.

496 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705.

5 Dec.
Barbados.

[1981.] [The Council refer to the Committee for Appeals the petition of Edward Chilton complaining of his suspension by the Governor from being Attorney General of Barbados, and of his being imprisoned and prosecuted on two judgments against him which he apprehends to be erroneous, and praying that his appeal may be heard and that copies of the commission of the Court of Oyer and Terminer and of its proceedings and other papers may be transmitted hither.] [p. 27.]

12 Dec. [The Committee propose to grant the petition.] [p. 30.]

13 Dec. [Order accordingly; the petitioner, William Terrill, and Joseph Mason give 500*l.* bond to prosecute the appeal.]

(1706.) [p. 34.]

21 Oct. [Mr. Chilton's petition that a day be fixed for hearing his two appeals is referred to the Committee.] [p. 253.]

(1707.)

8 Jan. [The Committee recommend that the judgments be reserved, and the fines of 25*l.* and 50*l.* remitted to the petitioner.] [p. 283.]

(1707.)

5 Feb. [Order accordingly.] [p. 297.]

18 Dec.
Maryland. [1982.] [The Board of Trade are directed to give orders in accordance with their representation of 29 Nov. upon Governor Seymour's letters] touching severall Particulars relating to the Present State of [Maryland]. [p. 47*a.*]

18 Dec.
Maryland. [1983.] [In consideration of the losses sustained by Sir Thomas Lawrence in the office of Secretary of Maryland and of his imperfect health, his leave of absence is extended during her Majesty's pleasure, upon his leaving a sufficient deputy.] [p. 47*a.*]

20 Dec.
Barbados. [1984.] [The Council refer to the Committee for Appeals the petition] of Richard Holt of Islington in the County of Middlesex Merchant and Martha his Wife, and Mary Croft of Bampton in the County of Oxford Widow, humbly praying a Short day for hearing their Appeal from an Order of Dismission of their Bill Exhibited in the Court of Chancery

- in Barbados against Edward Burke Esqr. and Mary his Wife,
in Order to Recover Part of the Estate of Stephen Gascoigne
Deceased. [p. 58.] 1705-6.
(1706.) 16 Jan.
- [The Committee resolve to recommend the reversal of the
sentence dismissing the petitioners' bill, and that the
defendants deliver their answers to the petitioners' bill in the
Barbados Chancery that the case may be fairly determined
there. 5*l*. costs are to be paid by the defendants to the
petitioners.] [p. 73.] (1706.) 18 Jan.
- [Order accordingly.] [p. 83.] 20 Dec.
New England.
- [985.] [The Council refer to the Committee for Appeals
the petition of Samuel Gookin of Cambridge in New
England for the hearing of his appeal from a judgment of the
Superior Court at Boston in favour of Sarah Smith widow for
a certain ship or 700*l*. in lieu thereof with costs of suit.]
[p. 58.] (1706.) 9 April.
- [The Committee recommend that the appeal be dismissed.] [p. 171.] (1708.) 11 April.
- [Order accordingly.] [p. 174.] 20 Dec.
Virginia.
- [986.] [The Council refer to the Admiralty the petition
for relief of Jean, widow of Corporal William Raley, who in
Nov. 1703 was lost in a longboat assisting her Majesty's ships
in a violent tempest in James River, Virginia.] [p. 58.] (1706.) 3 Jan.
- Report from the Lord High Admiral . . . nothing
ordered thereupon. [p. 64.] 20 Dec.
New England.
- [987.] [The Council refer to the Board of Trade the
petition of Thomas Newton mariner for an impartial trial in
the next adjacent province where the judges are no way
concerned in the dispute, of the title to Hog Island, claimed
by the petitioner and by the Government of Rhode Island.]
[p. 59.] 1706.
- [988.] [The Council approve, and give orders in accordance
with, the following report of the Board of Trade]—WEE 3 Jan.
Maryland.

1706.

humbly take leave to lay before Your Majesty Two Acts, Which amongst others, We have lately Received from Maryland, the One Entituled an Act, To prevent the growth of Popery within that Province, past the 3d of October 1704. The other Entituled an Act For Suspending the Prosecution of any Priests of the Communion of the Church of Roome, incurring the Penaltys of an Act of Assembly Entituled An Act for Preventing the Growth of Popery by Exeroising his Function in a Private Family of the Roman Communion but in no otherwise whatsoever. Past 9th December 1704.

By the first of which Acts it is Enacted, that if any Popish Bishop, Priest or Jesuit, shall Baptize any Child or Children other than such who have Popish Parents, or shall say Mass or Exercise the Function of a Popish, Bishop or Priest, within the said Province, or shall Endeavour to perswade any of your Majestys Subjects to imbrace the Romish Religion, and shall thereof be Legally Convict, shall forfeit the Sume of Fifty pounds Sterling for every such Offence, and suffer Six Months Imprisonment; That if any such Popish Bishop, Priest, or Jesuit, shall After such Conviction say Mass or Exercise any other part of the Office or Function of a Popish Bishop, or Priest ; Or if any Priest or other Person professing the Popish Religion, shall keep School, or take upon themselves the Education of Youth, such Person shall upon Conviction be Transported to England in Order to his Suffering such Pains as are Provided by the Statute of the 11th and 12th Year of the Reigne of his late Majesty King William Entituled, An Act for the further preventing the Growth of Popery. And to the end that Protestant Children of Popish Parents may not in the life time of such their Parents for want of fitting Maintenance be necessitated, in Compliance with their Parents to Embrace the Popish Relegion contrary to their owne Inclination, It is further Enacted, That the Governor or Keeper of the Great Seal for the time being do make such Order therein as shall be Agreeable to the intent and meaning of the said Act.

1706.

By the Second Act, which is for Suspending part of the former Act, It is Enacted, That no Popish Bishop, Priest or Jesuit, shall be prosecuted by Vertue of the former Act for Exercising his Function in a Private Family of the Roman Communion untill the full end, and expiration of Eighteen Months from the Publication of this Law, or untill Your Majestys Pleasure be Declared therein. All the other Clauses in the other Act being to remain in full force and Vertue, any thing in this Act to the Contrary notwithstanding.

Having Considered of both which Acts, and advised thereupon with the Right Reverend Father in God the Lord Bishop of London, to whom the Care of Ecclesiastical matters in the Plantations do's belong, We humbly Offer Our joynt Opinion, That Whereas the first Act will forbid the Exercise of the Popish Religion even in Private Familys, tho' in the most inoffensive manner, Which We humbly conceive is not Your Majesty's Gracious Intention And that the Rigorous Execution of the said Act would in a great Measure tend to Depopulate, That Your Majesty's profitable Colony, Considering also that the Design of this Law was only to restrain the Exorbitant Practices of the Romish Clergy, which were Increasing in Maryland, Your Majesty would therefore be Graciously pleased by Your Royall Letter to Direct the Governor of Maryland to Represent to the Assembly of that Province, That the Second Act before-mentioned vizt. The Act of Suspention be Continued by a New Act or Clause of an Act without Limitation of time which Subjects the Continuance or Repeal thereof at all times to Your Majestys Royall Pleasure. [pp. 60-2.]

[1989.] [The Council refer to the Board of Trade the petition of Tobias Frere to be reinstated in the Council of Barbados, in which he had served for 17 years when dismissed by the Governor on 11 July 1704 without any manner of misbehaviour alleged.] [p. 64.]

3 Jan.
Barbados.

[1990.] [The Council refer to the Committee for Appeals the petition of George Lason to be permitted to appeal from

3 Jan.
Massachu-
setts Bay.

500 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.
a sentence in favour of Peter Serjeant given in the Inferior Court of Common Pleas at Boston in October 1704, and confirmed by the Superior Court on 7 November 1704.] [p. 69.]
- 16 Jan. [The Committee resolve to hear the petition at the first meeting in February.] [p. 71.]
- 20 Feb. [The Committee recommend that the Governor of Massachusetts state the reasons for refusing to admit the appeal and forward all papers relating to the case, and that all parties concerned attend the first meeting in November prepared to be heard if the appeal be admitted.] [p. 111.]
- 21 Feb. [Order accordingly.] [p. 115.]
(1707.)
- 13 March. [Lason's petition for a hearing as the papers have been forwarded is referred to the Committee.] [p. 314.]
(1707.)
- 3 May. [The Committee recommend that the petition be dismissed, the sum affected being less than 300*l*.] [p. 358.]
(1707.)
- 20 May. [Order accordingly.] [p. 365.]
- 7 Feb. [991.] [The Council refer to the Admiralty the petition
Newfound- of several Newfoundland merchants] Praying to have Pro-
land. tectations for their Men, and a Convoy of 4 Men of Warr to proceed with the Fishing Ships the first Fair Wind after the 10th of March, And that the Convoy for the Sack Ships may proceed with the first Fair Wind after the 20th day of May. [p. 92.]
- 14 Feb. [The Admiralty are directed to issue orders in accordance with the following representation from the Board of Trade and for furnishing a year's provision for the Garrison at St. John's exclusive of malt and hops]—Having regard to the great losses Your Majestys Subjects Sustained the last Winter upon the Coast of Newfoundland from the French, and to the apprehensions there may be, that the Enemy will continue to Infest the Coast by their Shiping dureing the Fishery of this Year, and being likewise of Opinion, That Your Majestys Subjects may have all Encouragement to Apply themselves to the Recovery of this Trade We humbly

1706.

Offer that Six Ships of good Strength may be necessary for this Years Fishery ; One forthwith to Sail with the Ships for Salt to Portugall, Two to Sail by the 10th of March with the Fishing Ships from the Southern Channel, one to proceed from Milford Haven about the same time with the Ships of the Northern Channell, and the Two others to Sail with the Sack Ships from Spithead by the 20th of May ; Some of which Ships may be always Cruizing on the Coast of Newfoundland, whilst the others are Secureing the severall Principal Harbours dureing the Fishery, and that the Convoys do proceed from thence with the respective Ships under their Care as early as may be as well for the Security of the Ships that go to forreign Marketts as of those that come immediately to England. [p. 107.]

[On a memorial from the Admiralty, the convoy now ready to sail to Newfoundland, being the last for the year, is ordered to stay for the *Willing Mind*, laden with provisions and stores for the garrison.] 10 June. [p. 217.]

[1992.] [The Council approve, and direct the Treasury to give orders in accordance with, a representation from the Board of Trade of the pay, clothing and victuals required for the company at St. John's, Newfoundland] :— 14 Feb. Newfound-land.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
One Years Pay ending at Christmas 1706, including the Off Reckonings for Clothing furnished and to be furnished..	961	12	6
One Years Contingencies ending 1st September 1706.....	50	0	0
	<hr/> 1011. 12 6 <hr/>		

A Years Provisions for Victualling the Garrison (exclusive of Malt and Hops) which Captain Loyd has already received for To be furnished by the Victuallers of the Navy.

A Chest of Medicines.....
To be Satisfied for by a Deduction from the Company pursuant to Her Majesty's Warrant in that behalfe.

A full Cloathing (writ for by the Captain of the Company as absolutely necessary) for the Men, which with Charge of Freight will amount to..... 294 0 0

Of which the Sume of 215*l.*, is included in the years Mony in the first Article mentioned, unless the same be taken up by the Lord Pastons Officers for Cloathing delivered by them, with the Detachment made from that Regiment.

[p. 104.]

1706.

[The Ordnance is directed to give orders in accordance with the following part of the representation.] That Whereas the Two Forts at St. Johns have Suffered very much by the Attack of the French the last Winter, and do otherwise require reparation and amendment, as also a Recruit of Stores of Warr, as We are Informed by Lieutenant Moody, who Defended that Fort against the French the last Year, We humbly Offer to Your Majesty, that the Examination hereof be Referred to the Master Generall, or Principal Officers of Your Majestys Ordnance, to give such Directions therein, as shall be found necessary, as well in respect of the reparations of the said Forts, as of the Stores of Warr wanting there.

We further humbly Represent to Your Majesty that the Boom which by Your Majestys Order, and the Care of the Office of Ordnance was placed at the Entrance of St. Johns Harbour has been also Damnified by the French, for the Repairing whereof and rendring the same more Serviceable there will be wanting the particulars also hereunto annexed.

Particulars of what is wanting for the Boom that is Cross the Entrance of the Harbour of St. Johns Newfoundland.

Three 5 Inch hasers instead of those that the French destroyed.

One Anchor of 10 hundred Weight.

Five hundred Weight of Flat etc. like quantity of Square Barr Iron.

One of the Garrison to have Some allowance to look after said Boom.

Besides 40 Tun of Timber instead of what was destroyed by the French, which may be Provided there and will Cost about 50*l*.

A Boat with 6 Oars to be provided there which will Cost about 10*l*.

[p. 105.]

[Mr. Secretary Hedges is directed to see to the issue of orders in accordance with the following extract]:—And it appearing to us by Divers Informations, and by the late Attempt of the French, that a more particular Care ought

to be taken of the Defence of the Forts and Harbour of St. Johns, which is the only Strength Your Majesty has in Newfoundland, and the loss of them to the Enemy will prove the Totall Destruction of that Important Trade ; We are humbly of Opinion that Your Majesty be pleased to send a further Recruit of Men for the Defence of that Place, so as to make up the said Garrison which at Present Consists but of 80 at least Two hundred Private Soldiers, to be Commanded by an Officer of good Experience and known Integrity and Conduct.

And Whereas we understand, That severall of Your Majestys Subjects were taken out of the Harbours at Newfoundland and out of severall Vessells there by the French, some of which are detained Prisoners at Placentia, and others sent to Canada or France, We humbly Offer, That Your Majestys particular Directions be given for Remanding or Exchangeing the said Prisoners not only as they are Your Majestys Subjects but Persons well versed in that Trade and Fishery.

And Whereas it is necessary for the better Security of Newfoundland that a Militia be settled there, We humbly Offer that your Majesty by Your Royall Declaration to be Published by the Commadore, to Constitute such and so many Militia Officers in the respective Harbours there, as shall be found most Conduceing to Your Majesty's Service and the Security of the Land : The said Officers to Inlist the Inhabitants of their respective Harbours, and Discipline them in the best manner they can, and to Appoint a Constant Watch to be kept the Winter Season, for the prevention of any Surprizes.

We further humbly Offer that the Officers of the Garrison of St. Johns be Strictly Prohibited from Trading for that they may have Oppertunitys of Engrossing the Trade to themselves and forestalling the Markett, to the great Discouragement of the Merchants and Fishermen.

And We likewise humbly Represent, that the Prize Officer there be for the same reasons prohibitted to Trade otherwise

504 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

than according to such Instructions as he shall Receive from the Commissioners of Prizes here, for the Disposall of such Ships and goods as shall be brought as Prize into Newfoundland. [pp. 105-6.]

21 Feb.
Newfound-
land.

[1993.] [Masters of ships going from London to the Newfoundland fishery are to be reminded by the Commissioners of the Customs of their duty under an Act of 1699, viz.]:—That each of the Fishing Admiralls do yearly keep a Journall of the Number of all Ships, Boates, Stages and Train Fatts, and of all the Seamen belonging to and Employed in each of their respective Harbours, and shall also at their Return to England Deliver a true Copy thereof under their hands to Her Majestys most Honourable Privy Council, The due Execution whereof which have been for so many Years omitted will be of use and Benefitt to the further Regulation of that Fishery. [p. 116.]

1 March.

[Circular letters are ordered to be sent to the Mayors of the Western Ports directing them to give similar instructions to the masters of vessels going from their respective ports to Newfoundland.] [p. 118.]

25 March.
Jamaica and
Newfound-
land.

[1994.] [It is ordered, on a report from the Admiralty of 27 Feb., that when Sir William Whetstone's fleet at Jamaica is relieved, he shall convoy home the merchant fleet thence, but that he immediately detach two ships, one fourth-rate and one fifth-rate, to protect the coasts of Newfoundland till the end of the fishing season, when they shall form part of the convoy for the fishing fleet on its way home.]

[p. 157.]

25 March.
Maryland.

[1995.] [The Council refer to the Admiralty the petition for a pension of Mary, widow of Captain Peter Cooode, of the advice-boat *Messenger* missing since October 1701, when, in returning from Maryland, it was separated from the ships then in company with it 200 leagues on this side of the Capes of Virginia.] [p. 153.]

1706.

[996.] [The Council approve, and give orders in accordance with a representation of the Board of Trade that as Colonel Ingoldesby's commissions as Lieutenant Governor of New York and New Jersey have caused differences with the Governor and others, and as in the Governor's absence from New York business is dispatched by the President and Council, the office of Lieutenant Governor of New York may be dispensed with and Colonel Ingoldesby's commission revoked : he is, however, to remain Lieutenant Governor of New Jersey and to be admitted of the Council there.] [p. 178.]

11 April.
New York
and New
Jersey.

[997.] [The Council refer to the Treasury the petition of Sir Thomas Day for] an order for stopping all Process that shall be brought against him in Her Majestys Name for a wast Peice of Ground in Bermudas, whereon his Son Samuel Day late Governour of the said Island Deceased built a house, And that he may have a Grant of Her Majestys Title to the said House and Ground, and the Salary payd that was due to his said Son at the time of his Death. [p. 180.]

25 April.
Bermuda.

[998.] [The petition of William Sloper, Agent for New York, for her Majesty's order to the Ordnance authorising the issue of stores of war already promised by that board, is referred to the Ordnance, who are to return an account of the stores already sent during her Majesty's reign and of the reports received concerning the disposal of these.] [p. 184.]

2 May.
New York.

[A similar order is made regarding stores sent to each of the plantations.] [p. 199.]

16 May.

[999.] [The Council refer to the Admiralty the petition of the traders to New England that a convoy may be appointed for their ships bound thither, as they have been disappointed of the convoy of which such hopes were held out by the Admiralty as induced them to order large quantities of naval stores from their correspondents in New England in accordance with a recent Act of Parliament for encouraging that trade, and to lade two ships in the River to the value of about 100,000£.] [p. 184.]

2 May.
Now
England.

506 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

16 May. Report from his Royall Highness Lord High Admirall upon the Petition of the New England Merchants, approved, nothing. [p. 202.]

16 May. [1000.] [The Council refer to the Admiralty the petition
New of John Shippen of London for a hearing as to his contract
England. for furnishing the ships of war in New England with provisions, for which the Victualling Office are indebted to him 1027*l.*, but deny payment.] [p. 201.]

16 May. [1001.] [The Council refer to the Ordnance the petition of
Newfound- the widow Roberts for compensation for the loss of her
land. husband sent to Newfoundland by the Ordnance and killed there at the burning of the harbour of St. John's by the French.] [p. 201.]

10 June. Petition of the Widow Roberts (upon a Report from the Ordnance) Dismist. [p. 221.]

10 June. [1002.] [Her Majesty having approved a representation
Carolina. from the Board of Trade of 24 May on an Address from the House of Lords to Her Majesty concerning complaints of many Carolina settlers and merchants against the Proprietors, which was referred to them on 3 April], and accordingly having Declared the Laws mentioned therein, to be Null and voyd, doth hereby Order, That for the more Effectuall Proceeding against their said Charters by way of Quo Warranto, Mr. Attorney and Mr. Solicitor General do Inform themselves fully concerning what may be most necessary for Effecting the same, and Report the whole matter with their Opinion therein to Her Majesty in Council with all Convenient Speed. [The representation of the Board of Trade endorsed the opinion of the Attorney and Solicitor General that two laws, one for the establishment of religious worship, the other compelling all members of Assembly to conform to the religious worship of the Church of England, are not consonant to reason and repugnant to the laws of England, and are therefore not warranted by the Charters of 1663 and 1665, but were made without any sufficient power or authority derived from the

1706.

Crown of England, and therefore do not oblige or bind the inhabitants of the colony, and that the making of such laws, if approved by the proprietors, which, however, does not appear by the Address, justifies her Majesty in reassuming the Charters.] [p. 211.]

[On reading the report of the Attorney and Solicitor General as to *Quo Warrantos* against the charters of Carolina and the Bahama Islands] Representing, that altho' they have not Sufficient Materialls to Carry on the said Prosecution to an end, yett they are Sufficiently informed to Exhibite the said Informations and that the same are now Prepareing, and may be forthwith filed, But at the same time Offering at the Board, whether the filing such Information against a Peer in Parliament may not be thought a Breach of the Priviledge of Peerage. Her Majesty having taken this matter into Consideration, and it being presumed, that the house of Peers are the best Judges of their owne Priviledges, Her Majesty with the Advice of Her Privy Councill doth not think fitt to give any further Directions therein at present.

[p. 223.]

[1003.] [The Council refer to the Board of Trade the petition of] Richard Buttler, William Ashton, Henry Pacey, Gentlemen, and others, humbly Offering a Proposall with severall Queries annexed for an annuall Consumption of the English Woollen Manufactory in the Plantations, the Produce whereof may serve for Yearly Funds towards Carrying on the Warr, and humbly Praying that the same may be Transmitted to Her Majestys severall Governours in America, for their Answer thereunto. 10 June. Plantations.

[p. 219.]

[1004.] [A representation of 24 May from the Board of Trade, to whom it had been referred on 3 May to consider an address from the House of Lords, is considered, and ordered to be laid before her Majesty when other affairs shall permit]—We humbly lay before your Majesty, That the Bahama Islands having from the first Discovery 26 June. Bahamas.

1706.

of those Parts, been Possessed by the English, were granted in the Year 1670 by Your Majestys Royall Uncle King Charles the 2d to the Duke of Albemarle, the Earl of Craven, the Lord Berkeley and others as Lords Proprietors thereof, and have been enjoyed by them, and their Successors until the Year 1703, when the French and Spaniards invaded the same, and have not been Resettled since that time. That the said Islands lying in the Gulph of Florida, and in the way of all Ships that come from the Havana and the Bay of Mexico, it is of great Consequence to the Trade of England as also for Annoying the Enemy as We have formerly Represented to Your Majesty. That upon the present occasion we have discoursed with severall Persons lately come from thence, and particularly with John Graves late Collector of Your Majestys Customes there, who had lived many Yeares there and was taken Prisoner, in the Disolation of those Islands who has acquainted us that the Fort there upon the Island of Providence was in part Demolished by the Enemy, and the Guns Nailed up and Carriages broke and that the Towne was also burnt, and that upon a further invasion soon after the Inhabitants were again Surprized and made Prisoners or forced to make their Escapes, amongst whom was the said Graves, and that at his coming away there was about four or 500 People remaining Scattered in the severall Islands, the Enemy having then left the same.

We further humbly Represent to Your Majesty that having upon Consideration of the said Adress of the house of Lords Consulted Your Majestys Atturney and Sollicitor Generall in Point of Law as to the Propriety and Government of the said Islands, They have given Us their Opinion as follows, That Whereas by the Grant of those Islands to the Duke of Albemarle and others (as before mentioned) there is Granted to them large Powers to make Laws with the Assent and Approbation of the Freemen there Inhabiting, and to Errect Courts for Justice, to Pardon Offences, and for the Defence thereof, to Errect Forts, and Fortresses and other Fortifications and

1706.

to Fortifie them, and to Levy, Muster and Train the Inhabitants there, and to make Warr, and that Whereas in the said Grant, there is a saving of the Faith Allegiance and Sovereign Dominion due to the said late King, His Heires and Successors for the same, and that the said Islands are thereby Declared to be Subject to the Crowne of England as Depending thereon, and that it appearing by the said Address that the Proprietors of these Islands under that Grant have Deserted the same, and that there is not now any Form of Government remaining there Your Majestys said Attorney and Sollicitor Generall are of Opinion that the Proprietors now Interested under the said Grant have thereby Forfeited their Powers of Government, and that those Powers may by Scire facias in Your Majestys Court of Chancery on the Patent or by Quo Warranto, in Your Majestys Court of Queens Bench be by Judgement Seized into Your Majestys hands as forfeited; And that this Extraordinary exigency happening through the Default and neglect of the Proprietors, Your Majesty may for the Secureing of those Islands and the Inhabitants thereof constitute a Governour and provide both for the Civill and Military Government thereof before any Suit be commenced, All which having had under Our Consideration, We do concurr with your Majestys said Attorney and Sollicitor Generall in their said Opinions, and do humbly Offer that Your Majesty be pleased at such time as Your Majestys other affaires shall permitt to appoint and send over a Governour of the said Islands with Your Royall Commission, and a Sufficient Force, and Suitable Provisions of Warlike Stores for the Security of the said Islands from being Possessed by an Enemy and for the Protection of good Government of Your Majestys Subjects that are now Remaining or may be Settled there. [pp. 224-6.]

[1005.] [The Council refer to the Board of Trade the petition of the merchants of Bristol trading to Jamaica] that the Duty on Bottled Beer, Ale and Cyder Transported into Jamaica from England may be Lowered. [p. 230.]

26 June.
Jamaica.

510 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

15 July. [On the report of the Board of Trade that the Act was passed in August for one year owing to an extraordinary falling off in the revenue of the island, and that the duty on bottled beer, ale and cider of 2s. 6d. per dozen amounts to 10l. per tun, whereas the duty on beer in cask is but 4s. per tun, the petition and representation are ordered to be forwarded to the Governor, who is to acquaint the Assembly, that in the case of their passing another Act of this nature a duty of 6d. per dozen may suffice.] [pp. 234-5.]

15 July. [1006.] [On giving security, Thomas Allen is granted
New Hampshire. leave to appeal from a sentence of the Superior Court at Boston of 7 Nov. 1704 confirming the verdict of an Inferior Court at Wells in favour of Humphrey Spencer, defendant to a Writ of Ejectment brought by the petitioner's late father, claimant to certain lands near Newichawanock by grant from Sir Ferdinando Gorges. The case is to be heard at the first meeting of Council in April next.] [pp. 238-9.]

21 Oct. [1007.] [Her Majesty, disallowing a Barbados Act for the
Plantations. establishment of a method of credit, and] taking notices of the ill consequences that might happen by the passing of Acts of the like unusual and extraordinary nature and importance, orders circular letters to be sent to the Governors of plantations directing them not to pass such Acts without having first received her Majesty's pleasure thereupon.] [p. 252.]

21 Oct. [1008.] [The Council refer to the Admiralty the petition
West Indies. of William Olive, late gunner of H.M.S. *Pendennis*, for removal of the dismissal inflicted on him by a Court Martial in the West Indies.] [p. 255.]

(1707.)
20 Feb. Petition . . dismiss. [p. 308.]

14 Nov. [1009.] [The Council refer to the Board of Trade the
Barbados. petition of Thomas Hodges, councillor at law in Barbados, for removal of his suspension from legal practice by Sir B. Grenville, inflicted without proof of misconduct and without his being heard.] [p. 258.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 511

[On their report the petition was granted.] [p. 280.]

1706-7.
(1707.)
2 Jan.

[1010.] [To the Committee for Appeals is referred a petition of Thomas Hodges for leave to appeal from a judgment of reversal given against him by the Governor and Council on a writ of error.] [p. 259.]

14 Nov.
Barbados.

[1011.] [The Council refer to the Board of Trade the petition of several Barbados merchants and others against a new law lately passed there], For altering an ancient Law appointing a free annual Election of a General Assembly of the said Island. [p. 259.]

14 Nov.
Barbados.

[Five similar petitions showing that the bill had been passed in spite of petitions to the contrary are likewise referred to the Board of Trade.] [p. 260.]

[1012.] [The Council refer to the Board of Trade the petition of the Council and Assembly of Barbados as to the weakness of the militia and praying that some regular troops should be sent and the fortifications begun at the charge of the inhabitants on a late alarm of French invasion completed out of the $4\frac{1}{2}$ per cent. duty.] [p. 267.]

19 Nov.
Barbados.

[A representation from the Board of Trade as to the application of the duty to fortifications and other uses of the island is referred to the Treasury.] [p. 311.]

(1707.)
27 Feb.

[1013.] [The Council refer to the Committee for Appeals the petition of Ann Ramsey, widow, and Rebecca Butler of Barbados, that the appeal against them of Mitford Crowe, late of London, merchant, from the Barbados Courts in a case in which they are respondents be dismissed on account of the appellant's delays.] [p. 282.]

1707.
2 Jan.
Barbados.

[The Committee order the appeal to be heard at their first meeting in February.] [p. 284.]

8 Jan.

[The Committee report that the appellant had notice in 29 March. January and yet failed to prosecute the appeal, and recommend that the appeal be dismissed.] [p. 337.]

512 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1707.

17 April. [Order accordingly.] [p. 348.]

2 Jan. Barbados. [1014.] [The Council refer to the Committee for Appeals the petition of George Lyte, a wine cooper, for leave to appeal from a sentence of public whipping passed on him by a Court of Oyer and Terminer in Barbados on 13 Dec. 1705] for Speaking some Reflecting words, on Colonel John Holder, after he had broke the Petitioners head. [p. 282.]

17 March. [The Committee report, recommending that the appeal be admitted.] [p. 316.]

20 March. [Order that the appeal be heard in November.] [p. 323.]

5 Feb. Newfound-land. [1015.] [A representation of the Board of Trade is approved, and the execution of its recommendations referred to the Treasury and the Admiralty :—(A) to the Treasury] “It being Our Duty to lay before Your Majesty as Wee have “Yearly done what may most conduce to the Improvement “of the Trade and Fishery of Newfoundland, and what “Provision is necessary to be made for the Forts and “Garrison at St. Johns, and the Season now Approaching for “sending the usuall Convoys there ; We humbly take leave “to Represent as follows :—

“That by a Memoriall from the Agent from the Company in “Garrison at St. Johns it dos appear there is wanting for “the said Company :

“Their whole pay (exclusive of Provisions)	l. s. d.
--	----------

“for the year 1706, Amounting to ..	961 12 6
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“The same for the Year 1707, amounting to	961 12 6
---	----------

“Two Years Contingencys	100 0 0
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“A full Cloathing (the particulars whereof

“We humbly take leave to annex hereunto)

“amounting to	300 11 10
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“Which the Company stands in great need of having had “no Cloathing the last Year, except Shirts, Shoes, Stockings “and Neckclothes.

“There is also wanting Provision for One Year together “with Mony in lieu of Malt and hops as usuall, As likewise “a Chest of Medicines to be Satisfyed by a Deduction from

1707.

“the Company pursuant to Your Majestys Warrantt in
“that behalfe.

“An Estimate of the Charge of Cloathing necessary
“to be provided for the Company at Newfoundland,
“for the Year 1707.

For a private Soldier.				For a Drummer.			
Coat, Wastecoate, and	l.	s.	d.	Coat, Wastecoate, and	l.	s.	d.
Breeches	1	15	0	Breeches	2	10	0
A Hat	0	4	0	A Hat	0	5	0
2 pair of Stockings ...	0	3	0	2 pair of Stockings.....	0	3	0
2 pair of Shoos	0	9	0	2 pair of Shoos.....	0	9	0
2 pair of Buckles	0	0	6	2 pair of Buckles	0	0	8
2 Shirts	0	6	0	2 Shirts.....	0	9	0
2 Neckclothes	0	2	2	2 Neckclothes	0	3	0
1 pair of Mittens	0	1	2	1 pair of Mittens.....	0	1	2
				1 pair of Gloves.....	0	1	6
				Drum Collars	0	4	0
	3l.	0	10				
					4l.	7	4

For a Corporall.				For a Serjeant			
Coat, Wastecoate and	l.	s.	d.	Coat, Wastecoate and	l.	s.	d.
Breeches	2	10	0	Breeches	4	10	0
A Hat	0	5	6	A Hatt	1	0	0
2 pair of Stockings	0	3	6	2 pair of Stockins	0	6	0
2 pair of Shoos	0	9	0	2 pair of Shoos	0	9	0
2 pair of Buckles	0	0	8	2 pair of Buckles	0	2	0
2 Shirts	0	9	0	2 Shirts	0	10	0
2 Neckclothes	0	3	0	2 Neckclothes	0	8	0
1 pair of Mittens	0	1	2	1 pair of Mittens	0	1	2
1 pair of Gloves	0	1	6	1 pair of Gloves	0	2	0
	4l.	3	4		7l.	8	2

Which for 80 Soldiers is.....	243	6	8
3 Serjeants.....	22	4	6
3 Corporalls	12	10	0
2 Drumers	8	14	8

	286	15	10
2 Drums	2	0	0
2 pair of Drum Sticks.....	0	6	0
1 Doz. of Drum Heads.....	1	4	0
6 pair of Snairs.....	0	6	0
for Freight &c.	10	0	0

300l. 11 10

1707.

[B] to the Admiralty].—That as to the Convoys for this Year; We have Conferred with the Merchants of London, and have had Application made to Us from those of the Western Ports who are Cheifly concerned in the Trade to Newfoundland, upon which We humbly Offer that in Consideration of the great Losses Your Majestys Subjects Sustained when the French attacked St. Johns, and of the apprehensions there might be that the Enemy will again infest the Coast by their Shipping dureing this next Fishing Season, That Six Ships of Good Strength are necessary for the Service of this Years Fishery, One to Sail in February next with the Ships for Salt to Portugall, Two to Sail by the 10th of March with the Fishing Ships from the Southern Channel, One to proceed from Milford Haven about the same time with the Ships of the Northern Channel, And two others to Sail with the Sack Ships from Spithead by the 20th of May, Some of which Ships may be always Cruising on the Coast of Newfoundland whilst the others lye before the severall Principall Harbours dureing the Fishery; And that the Convoys do proceed from thence with the respective Ships under their Care as Early as may be, for the Security of the Ships that go to Forreign Markets as of those that comé immediately to England.

[The Admiralty are also to give directions] for furnishing One Years Provision for Victualling the Garrison at St. Johns together with Mony in lieu of Malt and Hops, as likewise a Chest of Medicines to be Satisfied by a Deduction from the Company pursuant to Her Majestys Warrant in that behalfe.

[pp. 300-2.]

20 Feb.
Virginia and
Maryland.

[1016.] [The Council approve, and give orders in accordance with, a representation from the Board of Trade].—Having In Obedience to Your Majestys Commands Considered the State of the Trade of Virginia and Maryland, and in Aprill last humbly Offered Our Opinion to Your Majesty that with regard to the Generall Security and Advantage of that Trade, and to the present occasions which your Majesty might other-

1707.

wise have for your Shipping, One Convoy a Year, may Suffice to Carry on this Trade dureing the Warr, which Convoy as is Generally Agreed by all the Traders, may be appointed to Sail about the Midle of August or not later than the beginning of September, So as to Arrive in the Rivers of Virginia in December, that they may have time to unload and Distribute the Manufactures and other Goods from England to the Planters, As also to Load the Tobacco within the severall Rivers of Virginia and Maryland, and to Return from thence in the Month of May following by which Means the Convoy and Fleet will avoid the Badd Seasons in the Country and the Worm, which in the Hott Months is so prejudiciall to them, and may arrive in England Soon enough to goe out again with the next Convoy at the same Season, which method We humbly conceive may best furnish the Planters with those European Commodities which they stand in need of, and hinder them from applying their Labour to any other Product or Manufacture then that of Tobacco.

Wee also humbly Represented that after the Arrivall of the Convoy One of the Ships of Warr might remain dureing the Winter Season in the Rivers of Virginia another in Maryland, and the rest in Case they arrive soon enough to Wood and Water and fit themselves for a Cruise before the Setting in of the Frost, may be ordered to Cruise off of Barbados and the Leeward Islands, or else where within the Tropics, in such manner as his Royall Highness the Lord High Admirall Should Direct, for the better Security of the Trade of those Southern parts which has lately very much Suffered by the Enemy, We did likewise humbly Offer Our Opinion, That if Your Majesty should be pleased to agree to the September Convoy as proposed it would be necessary that the same do Commence and take Place in the Month of September 1707; That in the mean time the Merchants here and the Planters in Virginia and Maryland may have due Notice thereof, and Order their affairs with relation to such Stated Convoy accordingly. In Which Case We humbly Represented, That it

1707.

would be Further absolutely necessary, That for the Ensuing Year a Convoy likewise go out in January next, without which this Years Crop will be lost to the Planters, and to Your Majestys Revenue of the Customes to the great Damage of both ; Though perhaps to the Advantage of some Merchants who will be thereby Enabled very much to Enhance the Price of the Tobacco which they may then have in Store. In which Opinion for a Stated Convoy We are the more at this time Confirmed by reason of the great losses, the Merchants and Planters, as also Your Majestys Revenue of the Customes have Sustained by the Fleets coming away from thence, so late this Year. [pp. 304-5.]

20 Feb.
New
England.

[1017.] [The Council refer to the Board of Trade the petition of William Rouse, Ebenezer Coffin and John Philips of Boston praying her Majesty not to confirm the Acts lately passed in the General Assembly there for imposing on them several fines upon suspicion of their having aided her Majesty's enemies, the French and the Indians, and also a similar petition of Samuel Vetch, John Boreland, and Roger Lawson, similarly fined for trading with the French and Indians.] [p. 306.]

24 Sept.

[The Acts are disallowed, as the crime stated is not cognisable before the General Assembly. A fresh trial is ordered in the ordinary course of law. On being set free or having their fines restored, the petitioners are to give security to abide the result of such trial if prosecuted within a year. If they refuse to do so, they are to be detained by the Governor.]

[pp. 466-8.]

20 March.
Jamaica.

[1018.] [The Board of Trade report that they are informed by letters from Col. Handasyde that many of his soldiers have been carried off by a raging mortality and that he wants 300 men to complete his regiment according to the late establishment. As it highly imports her Majesty's service that recruits should be hastened over, the Earl of Sunderland is to receive her Majesty's directions in the matter.] [p. 320.]

20 March.
Maryland.

[1019.] [The Council refer to the Committee for Appeals the petition of John Taylor of London, merchant, for leave

1707.

to appeal notwithstanding the lapse of time from a judgment of the Provincial Court of Maryland in favour of Ann Jones and Thomas Gassaway, executors of Nicholas Gassaway deceased.] [p. 324.]

[The Committee recommend that the appeal be admitted 25 April. provided the Governor and Council there have no other legal objection thereto : if they have, they are to return an account thereof to her Majesty.] [p. 350.]

[Order accordingly.] [p. 356.] 29 April.

[1020.] [The Council refer to the Board of Trade the petition 27 March. of Charles Squire complaining that he is not allowed by the Barbados. Governor and Council to follow his profession as a barrister at law in Barbados, and praying relief.] [p. 331.]

[On their report, order is given that Mr. Squire be permitted 17 April. to follow his profession.] [p. 348.]

[1021.] [The Council refer to the Board of Trade the 27 March. petition of John Sandford and John Dorn complaining of the Barbados. proceedings of Samuel Cox, the Chief Judge at a Court of Oyer and Terminer in Barbados on 10 Dec. last, of which they were members.] [p. 332.]

In accordance with the report of the Board of Trade, 4 Aug. Cox is discharged from the complaint.] [p. 427.]

[1022.] [The Council refer to the Board of Trade a memorial 27 March. of William Cleland, James Colleton, and John Holder, three Barbados. members of the Council of Barbados, complaining of the proceedings of William Sharp, the President.] [p. 332.]

[In accordance with their Lordships' report and the opinion 4 Aug. of the Attorney General and other counsel, Sharp's proceedings are approved. From his wife's petition in his favour it appeared that he called a new Assembly upon the addresses of the inhabitants, to quiet the minds of the people by applying a remedy to the inconveniences arisen by the Paper Act :

518 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1707.

and that he acted by advice of such of the Council as would attend, the petitioners wilfully absenting themselves though often summoned.] [pp. 426-7.]

17 April. [1023.] [An order for corrections of titles in the Book of
Church. Common Prayer as used in the plantations, necessitated by the Union of the Parliaments of England and Scotland.] [p. 345.]

17 April. [1024.] [On a representation from the Board of Trade of
Leeward 3 April, Captain John Pogson is turned out of all public
Islands. employments. Acquitted by a petty jury of the murder of Col. Johnson, Lieut.-Gov. of Nevis, he was, however, held guilty by Governor Park on the oath of three witnesses, and to avoid a fresh trial, which was ordered, he fled from the islands.] [p. 347.]

20 May. [1025.] [The Council refer to the Committee for Appeals
Barbados. the petition of John Egginton for a hearing of his appeal from a decree of the Barbados Chancery on 17 April] for making voyd the will of William Chester Junior in favour of Middleton Chamberlain Esqr. and Dorothy his Wife, John Nanfan and Elizabeth his Wife. [p. 364.]

5 June. [The petition of the respondents, who are daughters and sons-in-law of the testator] that the said Appeal may not be heard nor Determined untill a certain Bible can be Transmitted hither, which will be of very great advantage to the Petitioners in discovering the Ill practices of the Appellant, [is similarly referred]. [p. 379.]

11 June. [The Committee recommend] that in regard no Tryall at Law having been had upon the Validity of the Will nor has the Legatees been made Parties to the Bill in the Court of Chancery there, That therefore the Decree . . . against the Appellant be Reversed and sett aside and all Issues and proceedings had thereupon, And that the said appellant be Restored to all the Losses he sustained thereby. [p. 380.]

12 June. [Order accordingly.] [p. 382.]

1707.

[1026.] [The Council refer to the Lord Admiral the petition for relief of Elizabeth, widow of Captain Browne of H.M.S. *Hazardous*] who Dyed in the Service upon his Return home with the last Virginia Fleet, and lost his papers and other things he had on Board. [p. 366.]

20 May.
Virginia.

[1027.] [On a memorial from the Lord Admiral, the Master of the Ordnance is directed, on the production of vouchers, to discharge Sir John Jennings, Rear Admiral of the Blue, who was detached from the Straits to the West Indies, of certain ordnance and gunners' stores from Lisbon which he put on shore at Nevis, St. Christopher and Montserrat.] [p. 375.]

5 June.
Leeward
Islands.

[1028.] [Order is given in accordance with a report of 17 May from the Lord Admiral]:—A Petition having been presented unto Me by Richard Johnson, late Master and part Owner of a Brigantine called the Betty of Maryland, Setting forth, That the Petitioner in the said Brigantine was taken by a French privateer going from Barbados to Maryland aforesaid, and lost to the Value of 3500*l*.: That the Petitioner with his Servant and another English Mariner being put a Board a Merchant Ship, called the Ortolon, where he was very Ill used, but found an Oppertunity to Supprize the Master and Crew of the said Ship and with Her Cargoe carryed Her into Anapolis in Maryland, which Ship he Delivered to the Governor of that Colony, and She was Condemned in the High Court of Admiralty as a perquisite of the Lord High Admiral and appraised at 1500*l*. of that Country Mony, That the Petitioner was at the Charge of 100*l*. besides the loss of his Owne Ship and Cargo in maintaining the Prisoners and therefore prays in Consideration of his Great loss and Charges, and for an Encouragement of his aforesaid Service, that the produce of the said Prize may be bestowed on him in as beneficiall a manner as if he had had a Commission. I have considered of the same and have taken the Opinion of Doctor Bramston Surrogate to the Judge of the High Court

5 June.
Maryland.

1707.

of Admiralty, who having Examined thereinto, Reports unto me as followeth, vizt. :

“I have in Obedience to His Royall Highness’s
 “Directions considered of the Petition of Richard
 “Johnson, and doe from the Affidavits and Certificates
 “thereunto annexed, with the proceedings had here in
 “the Court of Admiralty, beleive the severall Facts in
 “the Petition to be true and realy done as therein is
 “Sett forth. And am humbly of Opinion that the
 “Capture is so Remarkable and Redounds so much to
 “the Honour of the English Nation, that it deserves all
 “Incouragement and Reward Possible, and that due
 “Consideration should be had of the Petitioners Meritt
 “and Bravery. I am also humbly of opinion, that the
 “Petitioner well deserves both Ship and Lading, The
 “Lord Admiralls Tenth and all reasonable Charges, being
 “thereout first Deducted, it having been the usuall Course
 “in such Cases to allow the like Reward, to those who
 “take without Commission as to those who have Letters
 “of Marque Especially when the Exploit Carrys with it
 “so much hazard, and brings so much Glory and
 “Renown.”

I doe therefore offer my humble Opinion to Her Majesty,
 That the whole Ship and Cargoe may be allowed to the
 Petitioner, the Lord High Admiralls Tenths, and other Incident
 Charges being thereout first Deducted. [pp. 377-78.]

- 12 June. [1029.] [A petition of divers inhabitants of New England
 Massachu- and traders thereto complaining against the proceedings and
 setts Bay. ill practices of Governor Dudley and praying for his removal,
 is ordered to be heard by the Council at Windsor on 23 June.]
 [p. 382.]
- 23 June. [The complaint is heard and the answer of Col. Dudley’s
 agents required on 7 July.] [p. 388.]
- 14 July. [A further hearing is appointed for the first Council in
 Michaelmas term.] [p. 408.]
- 20 Nov. [The hearing is put off till 4 Dec.] [p. 477.]

Complaint . . heard by Council on both sides. [p. 510.]

1707.
(1708.)
22 Jan.

[1030.] [Col. Park's action in removing Col. Walter Hamilton from the Government of St. Christopher to that of Nevis on the death of Col. Johnson, and appointing Col. Michael Lambert, President of the Council of St. Christopher, to be Governor there, though it was not strictly agreeable to her Majesty's instructions, is approved on the representation of the Board of Trade that it was done at the desire of the inhabitants and in their greatest exigencies. At the same time Colonel Park is required to appoint to the first vacant post of Lieutenant-Governor in the Leeward Islands Col. Daniel Smith, who particularly signalised himself in the defence of Nevis against a French invasion and is recommended by the Board of Trade as deserving of her Majesty's favour.]

23 June.
Leeward
Islands.

[pp. 389-90.]

[1031.] [The Council refer to the Committee for Appeals the petition of Catherine Sparling, widow, of Bristol, praying relief as the Governor of Jamaica refuses her letters of administration of the estate of Priscilla Emery deceased, to which she is entitled.]

23 June.
Jamaica.

[p. 390.]

The Committee report in favour of granting the petition. The letters of administration had been refused by the Governor unless a general release for all his proceedings were first given to John Ayscough, who had by the Governor's directions taken possession till the right heir should appear.]

11 July.

[p. 403.]

[Order accordingly.]

[p. 411.] 21 July.

[1032.] [The Council refer to the Committee for Appeals the petition of Thomas Barrow late of Bermuda seeking relief from a judgment given there fining him 40*l.* for words pretended to be spoken against the government.]

23 June.
Bermuda.

[p. 391.]

[The Committee recommend that he be allowed to appeal, and that he be heard at the first Council in February next.]

11 July.

[p. 404.]

522 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1707.
- 21 July. [Order accordingly.] [p. 410.]
- 22 Sept. [Thomas Barrow and Joseph Harvey entered into 50*l.* bond
(1709.) to prosecute the appeal.] [p. 411 *margin.*]
- 21 May. [The Committee report in favour of dismissing the appeal.]
(1709.) [Vol. IV. p. 324.]
- 2 June. [Order accordingly. A petition for remission of the fine,
as Barrow is now blind and his family much reduced in their
circumstances, is referred to the Lord Treasurer.]
[Vol. IV. pp. 327, 330.]
- 23 June. [1032*A.*] [The Council refer to the Board of Trade the
Jamaica. petition of Thomas Barrow, late Attorney General in Jamaica,
for leave to practise as an attorney there, which is denied
him by the Governor.] [p. 391.]
- 4 Aug. [The Board of Trade reporting that, having been once
admitted by the Courts there, Barrow has an undoubted right
to enjoy the same until convicted of such misdemeanour as
shall amount to forfeiture of such right, order is given that,
upon making application to the Governor, he be admitted to
practise, behaving himself peaceably and with a respectful
deportment to the Governor and to the Courts there.]
[p. 428.]
- 23 June. [1033.] [The Council refer to the Board of Trade the
New York. petition of Sampson Broughton to be admitted, despite the
Governor's prohibition, to the exercise of his office of Attorney-
General in New York.] [p. 391.]
- (1708.)
- 11 July. [John Rayner is appointed Attorney-General of New York
on consideration of the report of the Board of Trade of 28 June
on his petition wherein he sets forth] That Sampson
Broughton Esq. about two Years since was appointed
Attorney and Advocate Generall of Your Majestys Province
of New York, contrary to the Constant Methods in such
Cases used, for Your Majestys Service, in regard the said
Broughton, never Obtained any Report of his ability to serve
Your Majesty in those Offices, from the Commissioners of
Trade and Plantations, to whom (as the petitioner Suggests)

the said Broughton's petition was referred. The petitioner further Alledges, That the Lord Cornbury, Your Majestys Governour there, Looking upon the said Broughton, as a person incapable of Executing the said Offices, had never admitted him to Act as Attorney Generall but had put In Mr. Bickley (no Barrister at Law) who at present Officiates as Attorney Generall, and therefore the Petitioner Rayner prays that he may be appointed Your Majestys Attorney and Advocate Generall of New York, in the Room of the said Broughton: Whereupon Wee humbly represent to Your Majesty, That the said Rayner has produced to Us, a paper, Signed by Eight of the Justices of Your Majesty's Courts of Record in Westminster Hall (a Copy whereof is hereunto annexed) Certifying that they believe him to be well affected to Your Majesties' Government, and very well Quallified in his Profession to Serve Your Majesty as Judge or Attorney Generall in any of Your Majesties Plantations. Wee further Represent to Your Majesty, that wee find the said Sampson Broughton, upon the Death of his Father (who was made Attorney Generall of New York by his late Majesty, in the Year 1700, and Dyed in that Office) did Exhibit a Petition to the then Commissioners for Trade and Plantations, praying to be recommended to Your Majesty, for the place of Attorney General of New York; which petition (so Originally brought before them, and not by way of Reference as in the petition of the said Rayner is Suggested) was by the said Commissioners, referred to Sir Edward Northey, Your Majestys then Attorney Generall for his Opinion as to the Qualifications of the said Broughton, but no Report was made thereupon; for soon after, the said Broughton (who had taken the Degree of a Barrister at Law in the Year 1700, as appears by the Register of the Middle Temple) did procure Your Majestys Letters Mandatory to the Lord Cornbury, dated the 18 of June, in the fourth Year of Your Majestys Reign, directing his Lordship to Constitute the said Broughton, Attorney Generall of Your Majestie's Province of New York.

1707.

Wee find that the Lord Cornbury did receive Your Majestie's said Letters, and that upon the 22d of August 1706, he did Communicate the same to the Councill there, declaring at the same time, that there were many actions Depending at Your Majestys Suit in the Supreme Court of that province (then near at hand) wherein Mr. Broughton could not be timely Instructed, and therefore he thought proper to Defer the passing a patent to the said Broughton till that Court was over, whereby, the person, who then Officiated as Attorney Generall, might have the management of those Tryals, as appears by a Minute of that Councill of the said 22d of August 1706 : So that the not admitting the said Broughton into the Office of Attorney Generall at that time, appears by the said Minute to have been for the reason aforesaid nor is there mentioned in the said Minute, that it was on Account of his Inability, for the Discharge of that Trust as is alledged by the petitioner Rayner.

Wee further find that on the 26th of June 1707, the said Broughton petitioned his Lordship (as appears by a Minute of the Councill of New York of that Date) to Grant him Letters patents under the Seal of New York, for the said Office of Attorney Generall according to Your Majestys before-mentioned Letters Mandatory ; That thereupon his Lordship informed the Councill he had writ to one of Your Majesties principal Secretarys of State, and to Your Commissioners For Trade and Plantations in relation to the said Broughton and that he Expected an answer thereunto. Wee Cannot tell Whether any such Letter has been Writ to Either of Your Majesties principall Secretarys of State, but Wee have received none such from his Lordship, nor has he at any time given Us an Account of his proceedings in relation to the said Broughton.

Wee further humbly Represent to Your Majesty That since the Receipt of Your Majestys Order of Reference upon the petition of the said Rayner and while that matter was under Examination, Wee have received Your Majesties Order in Councill of the 23d of June 1707 (which however it may have happened, was not delivered to Us till now) referring to

Us the petition of the said Sampson Broughton, wherein he Complains, That the Lord Cornbury, contrary to Your Majestys foresaid Gracious Letters, Long since Granted on his behalfe, had refused to admitt him the said Broughton, to Act as Attorney Generall, without assigning any Crime or Misdemeanor against the petitioner ; for such his Lordships Refusal, and therefore the said petitioner prays Your Majesties Gracious Directions therein.

Upon which Wee humbly Represent to Your Majesty that We find the Case of the last mentioned Petitioner Sampson Broughton to be, as set forth in His petition, and as the same is herein before more fully Stated, in Relation to the first mentioned petition of John Rayner.

Upon Mr. Broughton's Arrivall here from New York, he Applied to Us, whereupon Wee directed him to attend Sir Edward Northey to whom his former petition had been referred, for a Certificate of his ability for the Discharge of the said Office of Attorney Generall ; and he has brought Us a Certificate in the Words following ; Vizt. :

“ Mr. Sampson Shelton Broughton the Father of the
 “ present Mr. Broughton, I knew many Years ; he was
 “ a Barrister of Long Standing in the Middle Temple
 “ and his son was bred there under him, and was called
 “ to the Barr at the time his Father went to New York,
 “ and went thither with him : He not having practiced
 “ in England before he went to New York, I am not
 “ able to give any Account of what proficiency he had
 “ then made in the Study of the Law, but that being
 “ Seven Years Since, by the Account he and others have
 “ given me of his Application to his Studies in New
 “ York, and the Knowledge he has gained of the people,
 “ Laws and Methods there ; it seems probable to me,
 “ that he will be able to serve Her Majesty there in the
 “ place in which She was pleased by Her Letter to Direct
 “ him to be placed.”

Edward Northey,
 June 24th, 1708.

1707.

Upon the whole matter Wee are humbly of Opinion that in due Obedience to Your Majestys foresaid Letters Mandatory, the Lord Cornbury ought to have admitted the said Broughton in the Office of Attorney Generall ; the not doing whereof has been Injurious to him in Depriving him thus long of the Sallarys and Fees belonging to the said Office ; And if his Lordship after Tryall of him, had any Just Objections to the said Broughtons being Continued in that Employment, he should have made them known to one of Your Majestys principall Secretarys of State, or to Your Commissioners for Trade and plantations, for Your Majesties further pleasure therein. This Method ought to have been Observed, but in the Case before Us, Wee find neither Want of Ability, nor any Misbehaviour proved upon the said Broughton nor any Legal Objection made against the manner of Obtaining Your Majesty's Letters Mandatory ; for as to the Objection of their being Obtained without any Report first made to Your Majesty from the Commissioners for Trade and plantations, there is no weight in that, the Disposition of places and Offices being entirely in Your Majesty ; Nevertheless if Your Majesty shall be Graciously disposed to Gratify the petitioner Rayner by a Grant of the said Office of Attorney Generall (his Qualifications for the Discharge of that Trust appearing very fully by the said Annexed Certifycate) Wee have no Objection to the said Rayner's receiving the benefitt of such Your Majestys Royall Favour. [Vol. IV. pp. 129-32.]

1 July.
Jamaica.

[1034.] [The Council refer to the Committee for Appeals the petition of Robert Briscoe of London to be admitted to appeal from a decree of the Jamaica Chancery in favour of John Hodgings, for the transmission of copies of all records, and the stay of proceedings on a second bill exhibited by Hodgings.] [p. 400.]

11 July. [The Committee report in favour of allowing the appeal.] [p. 402.]

21 July. [Order accordingly ; the hearing of the appeal is fixed for the first Council day in February next.] [p. 409.]

1707.

[Robert Briscoe and Thomas Kilby of London, druggists, enter into 200*l.* bail to prosecute the appeal.] [p. 410.] 9 Sept.

[1035.] [The Council refer to the Lord Admiral the petition of John Hite and Peter Hall, who became bound to Her Majesty eight years since for Stephen Tymewell, late purser of H.M.S. *Warwick*, to be acquitted in the matter of waste of provisions occurring in a voyage to the West Indies while Tymewell was sick.] 1 July. West Indies [p. 401.]

Report read . . . nothing. [p. 468.] 24 Sept.

[1036.] [The Board of Trade report of 9th June on several Jamaica Acts of Apl.—June 1704, July–Augt. 1705, and Feb. 1707, is approved, and order given for compliance with its proposals.] And Whereas for divers Reasons mentioned in the said Report relating to the Act for Providing an Additional Subsistence for Her Majestys Officers and Soldiers Their Lordships have humbly Represented to Her Majesty That they do not think it for Her Majestys Service, That the said Act be disapproved for the present, but that it be Suffered to continue till nearer the Term of Expiration which will be the First of February next ; Her Majesty is pleased to agree thereunto, And their Lordships are to take Care, Her Majesty be in due Time again moved for the Repeal of the said Act ; And in the mean while the Draught of a Letter is to be prepared by their Lordships from Her Majesty to the Governor of Jamaica, taking Notice of the Assembly's Disregard to Her Majestys Order in Passing an Act with the same Clauses as those formerly repealed by Her Majesty, And directing the said Governor to move the Assembly in the most effectual Manner That they do not in any future Act lay such Hardships upon the Soldiers sent thither by Her Majesty for their Defence and security : Which Draught of a Letter to Her Majesty's said Governor is to be presented by One of Her Majesty's Principall Secretaries of State for Her Royall Signature. 21 July. Jamaica [p. 413.]

528 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1707-8.

4 Aug. [1037.] [A report of 7 July from the Board of Trade as
West Indies. to suppressing the privateers of Martinique and Guadeloupe
is referred to the Lord Admiral.] [p. 425.]

4 Aug. [1038.] [On a representation from the Board of Trade, the
Barbados. Council dismiss from all public employments in Barbados
Colonel Cleland, already suspended by the President and
Council there] for the Neglecting of his Duty, for Promoting
and Encouraging Divisions and Factions in that Island and
for obstructing the administration of the Government.
[p. 426.]

1 Sept. [1039.] [The Council refer to the Lord Treasurer the
New Jersey. petition of Sarah Griffith for payment of the salary of her
husband, the Attorney General of New Jersey.] [p. 434.]

1708.

8 Jan. [1040.] [An address from the Governor, Council and
Maryland and Pennsylv- Assembly of Maryland as to the settlement of the Pennsylvania
vania. boundary, is referred to the Board of Trade.] [p. 484.]

8 Jan. [1041.] [On the report of the Board of Trade of 23 Oct.
New York. last on Mr. Budge's petition about the condemnation of
his ship, it is ordered] That a certain Judgement which was
given by the High Court of Admiralty here upon his appeal
against his Lordship [Lord Cornbury] be put in Execution
according to the ordinary Course of Law. [p. 486.]

8 Jan. [1042.] [A letter to the Governor of Maryland is ordered
Maryland. to be written in accordance with the report of 23 Oct. from the
Board of Trade on Sir T. Lawrence's petition, which was
referred to them on 2 Jan. 1705 [II. p. 246] setting forth]
That upon his late Majestys taking the Government of the
said Province into his hand, with the Consent of the Lord
Baltimore the Proprietor, and appointing a Governour thereof,
He was Graciously pleased to Grant unto the Petitioner the
Place and Office of Secretary of the said Province, withall the
Rights and Privileges thereunto belonging ; That the Yearly
Fee, for every Licensed Ordinary or Publick house of Entertain-
ment had for many years past been paid to the Secretary
in the Lord Baltimores time in lieu of the Navall Officers

Fee for Entring and Clearing of Ships, which his Lordship in Exchange took to his owne use; That the said Governour arrived in Maryland before the Petitioner and obtained an Act of Assembly for Settling the Benefitt of those Ordinary Licences upon himselfe, which Act upon the Petitioners Complaint to his late Majesty was Repealed by Order in Councill of the 2d of March 1693, and another Act passed for making the profitts of the said Ordinary Licences payable to the Secretary for the time being; which Act was accordingly complied with till October 1703, when it expired being Temporary; That the House of Delegates in October 1703 and in Aprill 1704, upon the arrivall of Your Majestys present Governour, reviving the said Law for keeping Ordinarys, Applied the said Profitts of those Licences towards Defraying the Charge of the respective Counties in which the said Ordinarys are kept, by which means a Branch of the said Office, to the Yearly Value of at least 150*l*. Sterling is out off; and that the Petitioner applyed himselfe to Your Majestys said Governour and Councill in Assembly who referred the Consideration of this matter to the Assembly who appointed to meet in September.

Whereupon the Petitioner humbly prays, that Directions may be sent to Your Majestys Governour of Maryland, for preserving the Office of Secretary of that province in the Quiet Possession and Enjoyment of its just Rights.

And having taken the Opinion of Your Majestys Attorney Generall upon the Petitioners Case. We doe humbly take leave to lay before your Majesty his Report as follows, vizt. :

“That he had perused certaine Letters Patents of their
“late Majesties King William and Queen Mary, bearing
“date the 5th of September in the 3d Year of their Reign,
“whereby the said Sir Thomas Lawrence was Constituted
“Secretary of the said Province of Maryland, dureing their
“Majesties Pleasure and his Residence in the said Province.

“That there is not any Salary Granted by those Letters
“Patents, nor any Express mention that the Ordinary Licences,

1708.

“ or any other matter in particular is Granted to the Secretary,
 “ But that the Patent contains a Grant of the Office, with all
 “ Rights, Privileges, Profits, Perquisites and advantages to the
 “ said Office belonging, incident or appertaining, and in such
 “ manner and form as any Secretary of any of their Majesties
 “ Provinces in America for or by reason of the Exercise of such
 “ Office might lawfully have or enjoy.

“ Under the Generall words of which Patent, Mr. Attorney
 “ conceives, Sir Thomas Lawrence, as Secretary of Maryland,
 “ ought to have the benefitt of the Ordinary Licences, the
 “ same having been usually enjoyed as perquisites of that
 “ Office, under the Government of the Lord Baltimore, the
 “ late Proprietor thereof, untill his late Majesty with the
 “ consent of the Lord Baltimore, thought fitt to take that
 “ Government under his immediate Care and Protection,
 “ But by the said Act of Assembly for Regulating Ordinarys,
 “ past in Maryland the 3d of October 1704 (which Act is to
 “ continue from the making thereof for three Years and from
 “ thence to the end of the next Assembly) the benefitt of the
 “ Ordinary Licences, is taken away from the Secretary of that
 “ Province, and applyed in ease of the Publick Charge of each
 “ County in which such Ordinary keepers live, and that this
 “ Act is the Second Attempt of this Kind that has been made
 “ since the Resuming the Government of this Province by
 “ the Crowne.

“ That the first act, whereby this Perquisite of the Secretarys
 “ Office was taken away, passed at an assembly held in
 “ Maryland the 10th day of May 1692, under the Government
 “ of Colonell Copley, by which Act the Benefitt of Ordinary
 “ Licences was Granted to Colonell Copley himselfe, and that
 “ Act of Assembly by his late Majestys Order in Councill the
 “ 2d March 1692, upon a Report of the Lords of the Committee
 “ of Trade and Plantations was Disallowed ; and his Majesty
 “ in Councill was then pleased to Order That the said Sir Thomas
 “ Lawrence should enjoy the full benefitt of his Office of
 “ Secretary of Maryland, according to the said Letters Patents.

“ In Obedience to which Order, severall Temporary Acts of
 “ Assembly, from three years to three years, have since passed
 “ whereby the profitts of the Ordinary Licences, dureing the
 “ Continuance of those Acts, were given to the Secretary of the
 “ Province of Maryland, by Vertue whereof Sir Thomas
 “ Lawrence Enjoyed the same, but the last of those Acts being
 “ Expired the Act of Assembly now under Consideration
 “ passed in October 1704, whereby the profitts of those Licences
 “ are appropriated to Defray the Charge of the Publick.

“ And he further Adds, That he is humbly of Opinion The
 “ last mentioned Act of Assembly is Derogatory to Her Majestys
 “ Prerogative in taking away from the Secretary of that
 “ Province who is a Patent Officer of the Crowne the just
 “ perquisites of his Office, without any previous Order from
 “ Your Majesty for that purpose ; and that it will be for
 “ Your Majestys Service that this Law be Disallowed as soon
 “ as conveniently may be, especially since the like Act hath
 “ been once already Disapproved in Councill and Disallowed.”

With which Opinion of your Majestys Attorney Generall We
 concur, and thereupon humbly offer, That the Act being now
 expired it will not be proper for Your Majesty to Repeal the
 same, but that Your Majesty may Signifie to the Governour of
 Maryland, under your Royall Signature, Your Dislike of the
 said Law, requiring him not to pass any Law for the future,
 whereby the advantage of the Ordinary Licences shall be
 taken from the Secretary's Office.

The Granting of Licences by the Justices of each County, to
 such Persons as they think proper for keeping Ordinarys having
 been found for many Years to be of great Conveniency ; there
 seems to be no reason why the said Act should be made
 Temporary from three Years to three Years only ; And
 therefore we humbly conceive it for Your Majestys Service,
 that at the next Assembly the Act concerning Ordinarys be
 made perpetuall, or at least for a much longer duration than
 it has hitherto been made, and the benefitt of the Licences
 appropriated to the use of the Secretary for the time being

532 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

as fully to all intents and purposes as the said Sir Thomas Lawrence, or any other Secretary of that Province has at any time heretofore held or enjoyed the same ; which will not only be some satisfaction to Sir Thomas Lawrence for the Damage he has sustained by this Act of Assembly, but will be a certain Establishment for the Secretary of that Province whereby his Office will be rendred less precarious and dependent upon the Inhabitants of that Province, than at present it is.

[pp. 487-90.]

22 Jan. [Sir T. Lawrence's petition against the Governor and
(1710.) Assembly is referred to the Board of Trade.] [p. 507.]

26 Jan. [Reference to the Board of Trade of Sir T. Lawrence's
petition complaining that Col. Seymour, Governor of Maryland, has not procured the Act ordered, but has allowed the Assembly to make an Ordinance of themselves and to address her Majesty against the Order of Jan. 1708 ; and that he has suffered great oppression from the Governor and William Bladen, his chief instrument, in the matter of several years' arrears due to him ; and praying that the matter be referred to persons named in his petition, as the proper means of making the truth of his allegations appear.]

(1710.) [Vol. IV. p. 522.]

30 March. [Order in accordance with the report of the Board of Trade]
. . . as to what relates to the Complaints against the Said late Governor the Petitioner has waved the Same ; It appearing from the Minutes of Assembly, That on the 30th of November 1708, the said Governor Recommended the Petitioner's Case to them in the Words following,

Gentlemen: Her Majesty thinks Sir Thomas Lawrence hardly used in respect of the Ordinary Licences, which Sir Simon Harcourt Her late Attorney General has Reported to belong to the Office of Secretary ; Mr. Speaker shall have that Report and Her Majesty's Order thereon, and what Orders I have receiv'd from the Right Honourable The Lords Commissioners of Trade and Plantations on Sir Thomas's Complaint, whereby you will perceive how

1708.

earnestly Her Majesty recommends a Law to appropriate the Fines of those Licences to his Office for a longer Duration of Time than three Years, therefore I hope You will be so prudent to shew Your ready Compliance herein.

Upon this Several Conferences were had between the Council and Assembly, and on the 3d of December 1708 They Resolved That in Consideration of the low price of Tobacco the mony arising by Ordinary Licences be Applied to defray the Charge of the several Counties.

And Whereas Your Majesty was pleased by Your 'foresaid Letter to direct the Governor not to pass any Law for the future, whereby the advantage of the Ordinary Licences should be taken from the Secretary's Office ; The Council and Assembly Considering, That the 'forementioned Act (of 1704) for Regulating Ordinaries, would Expire at the Conclusion of that Assembly, did on the 9th of December 1708, Pass an Ordinance Directing and Empowering the Justices of the County Courts to Grant Licences to Ordinary Keepers, and to take Recognizance for their Keeping Good Rules and Orders in their Houses, And Settling the Rates of Liquors etc., a Copy whereof is hereunto Annexed.

Upon this We humbly take Leave to Observe, That the passing the said Ordinance by the Council and Assembly is not Warranted by Your Majesty's Commission or Instructions to the Governor ; On the Contrary, it is expressly Declar'd by the Commission, That Laws, Statutes and Ordinances shall be past by the Governor, with the Advice and Consent of the Council and Assembly ; And this Ordinance having been passed by the Council and Assembly only (it not appearing that the Governor was Concern'd Therein) is in Our Opinion Null and Voyd, and therefore We humbly offer, that your Majesty be pleas'd to Signify Your Dislike of such manner of proceeding.

As to the Petitioner's particular Case, We did by Our Representation of the 23d of October 1707 (having had the Opinion of Your Majesty's Then Attorney General) lay before Your

1708.

Majesty a full State of the Hardships the Petitioner had Suffered by the 'forementioned Act of 1704, And We are Still of Opinion, that the Said Act was derogatory to Your Majesty's Prerogative in taking away from the Secretary of that Province, who is a Patent Officer of the Crown, the just perquisites of his Office, without any previous Order from Your Majesty for that purpose ; and therefore We humbly Offer, That when Your Majesty shall be pleas'd to send a new Governor to that purpose, he be directed to Use his Utmost Endeavors with the Assembly, that a new Law be passed for Regulating Ordinaries without Limitation of Time, or at least for a longer Duration than it has hitherto been made, and That the Benefit of the Licences be Thereby Appropriated to the Use of the Secretary for the Time being, as fully to all Intents and purposes, as the said Sir Thomas Lawrence or any Other Secretary of that Province has at any time heretofore had, or lawfully Enjoy'd the Same, And that they give him a Consideration for the Loss of the Mean Profits Since the Year 1704.

[Vol. IV. pp. 561-2.]

8 Jan.
Leeward
Islands.

[1043.] [An instruction to be sent to Col. Park in accordance with a representation of 7 Nov. from the Board of Trade]—Her Majesty having been pleased by Her Instructions to restrain the Governours in the Plantations from receiving any Gifts or presents from the Generall Assemblies in their respective Governments excepting only that they may receive any annual allowance for House Rent in Case there be no house for their Residence ; And provided the said Allowance be made at the first Sessions of Assembly after the said Governours Arrivall, and Settled on them for the whole time of their Government.

The Generall Assemblies of Antigua and St. Christophers have lately pass'd two Acts, the one Entituled,

An Act for the payment of the Value of One Thousand pounds Currant Mony Annually to Daniel Park Esqr. in lieu and Satisfaction for the Rent of a House for his Accomodation dureing his Residence and Abode in that Island past at Antigua the 26th July 1706.

And the other Entitled,

An Act, for raising the Quantity of One hundred Thousand pounds of good Muscovada Sugar per annum for Discharging the Rent of a house for the Accomodation of Daniel Park Esqr. dureing the continuance of his Government past at St. Christophers the 4th of September 1706.

Whereupon Wee take leave to Observe that the Mony given by the first of these Acts may amount to between five and Six hundred pounds Sterling, which being given to Colonel Park dureing his Residence at that Island, he may from the Ill Penning of the Act pretend to the said Allowance (if he reside there) though he should not be Governour ; That the Sugar given by the Second of these Acts may likewise amount to between five and Six hundred pounds Sterling and being Granted to Colonel Park dureing the continuance of his Government (without Limitting it to his Residence) he may Claime the same though he should not reside upon the Island.

And Whereas Her Majesty has been pleased by Her Instructions to other Governours to limitt the Allowance for a House to three hundred pounds Sterling, it was thought fitt to leave that of the Leeward Islands undetermined by reason of the Governours being obliged frequently to Transport himselfe from One Island to another : Yet Wee think the Sumes given by these two Acts too much to be allowed for house Rent.

Wee further take leave to observe, that these Acts were past as encouragements to the Governours Residing upon those Islands, But Wee find by the Extract of a Letter from Sir Charles Hedges of the first of August 1706 Communicated to Us, that Colonel Park is thereby Directed to make his Residence at St. Christophers or Nevis, or the rather at Nevis (where there is a house for the Governour) since by his Authority and Presence he will be better able to put an end to the Disorders that have been Committed and still continue to be Committed there.

1708.

Upon which Wee humbly Offer, that though it may be for the Incouragement of the Inhabitants of Nevis (who have very much Suffered by the French) That the Governour make his Abode on that Island, Yet it appears to Us more for Her Majestys Service that his Cheif Residence be at Antigoa That being the Windermost Island and from whence he may by Consequence more easily and speedily come to the Assistance of the others in Case of need, and therefore Wee pray Her Majesty would be pleased to Signifie Her Pleasuro in this particular.

And if Her Majesty shall be pleased to permitt Colonol Park to make Antigoa the Cheif Place of his Residence, Then Wee humbly Offer That Her Majestys Royall Pleasuro be Signified to Colonel Park that he may move the respective Assemblys in his Government That New Acts be past for Settling the Value of four hundred pounds Sterling per annum upon Her Majestys said Governour in Cheif for House Rent, to be payd in proportion to the Number of Days he shall Actually reside upon each Island respectively. [pp. 491-3.]

18 Jan.
Tobacco.

[1044.] [Extracts from a report of 1 July from the Board of Trade on the tobacco trade are referred:—to the Lord Admiral, a proposal that pursers in the Navy be restrained from buying foreign tobacco and obliged to buy such as has paid the full duty:—to the Secretaries of State to have proper applications made by her Majesty's ministers in the Courts of Spain, Portugal, Sweden and Muscovy for the encouragement of the tobacco trade:—to the Lord Treasurer, and also, for a legal opinion, to the Attorney, Solicitor and Advocate General, a proposal that neutral ships be permitted to load tobacco in this kingdom on the account of foreign merchants in amity with her Majesty and to carry the same directly to France and further:] [pp. 498-9.]

20 Feb.

[The Lord Treasurer presents a report from the Customs] That they find not any Law that hinders the Subjects of Neutrall Princes or States from Loading Tobacco here on Neutrall Ships and when they have done soe from Carrying it

1708.

(being not a Contraband Comodity) where they think fitt.
[The proposal of the Board of Trade is accordingly approved, and fitting directions ordered to be given to the Customs, to the commanders of ships of war and privateers and to the Dutch Government for communication to their naval commanders also.] [p. 532.]

[1045.] [Extracts from a representation of the Board of Trade relating to Newfoundland are referred for the issue of the necessary directions—(1) to the Lord Treasurer an account by the agent for the company of soldiers at St. Johns of things required by them, viz.]:—

22 Jan.
Newfound-
land.

	l.	s.	d.
One Years Pay exclusive of the Provision			
mony for the present Year 1708 amounting to	961	12	6
Three Years Contingent Mony ending the first			
of September next	150	0	0
Provisions for one Year, together with Mony			
in lieu of Malt and hops, as usuall.			
As likewise a Chest of Medicines to be pro-			
vided by the said Agent as usuall, and to			
be Satisfied by a Deduction from the Com-			
pany pursuant to Your Majestys Warrant			
in that behalfe.			

There are also wanting Eighty Swords and Belts

for the soldiers at Ten Shillings each ..	40	0	0
And 12 Spare ones at Ditto	6	0	0

46 0 0

Which is to be Deducted out of the Off Reckonings included
in the Years pay abovementioned. [p. 505.]

[(2) to the Master of the Ordnance to provide bedding for 80 men and take care that the supply be not again rendered rotten and unserviceable by its usage on shipboard:—and (3) to the Lord Admiral a proposal, in view of probable French retaliation for injuries inflicted on their fishery last season, that six ships be ready to sail in February with the ships going to Portugal for salt, and to depart thence by the first

1708.

of April, that two ships be ready by 1 March to sail with the fishing fleet from the Southern Channel, one with the Northern fleet from Milford Haven, and 2 others with the sack ships from Spithead by 10 May: that some of these cruise on the coast of Newfoundland during the fishery while others lie before the principal harbours; and that the convoys return as early as may be to secure the ships bound for foreign markets as well as those that come immediately home. Notice of the times of sailing is to be given in the Gazette, and the convoys are to make stay for no one, but sail with the first fair wind after the day named. It is also referred to the Lord Admiral to give orders for sending one year's provisions for the garrison at St. Johns with money in lieu of malt and hops as usual.] [pp. 505-7.]

1 Feb. [On a letter from Mr. Birchett, Secretary to the Lord Admiral, it is ordered that notice of the time of sailing of the convoys be not published in the Gazette because it may give the enemy an opportunity of intercepting them, but that timely notice be given to the several ports.] [p. 521.]

22 Jan. [1046.] [The Council refer to the Lord Chancellor the
Pennsyl- petition of Bridget, widow of Philip Ford, and her children],
vania. Setting forth, that William Penn Esq. had first Mortgaged and afterwards for 10658 $\frac{1}{2}$ l. Conveyed to the said Deceased Philip Ford and his heirs Pennsylvania and other Lands in America, That the said Mr. Penn by his Power and Interest there retains the Possession from the Petitioners, whereby they are deprived of their Subsistence, and praying Her Majesty to Grant to the Petitioners Effectual Powers by Her Royall Letters Patents for the purposes Specified in the Letters Patents, Whereby the said Mr. Penn held the said Lands, and that Her Majesty would be pleased to Assist the Petitioners in the Putting and Quieting them in the Possession of the premises, and to prevent the said Mr. Penn from making any Sayles of any Parts thereof. [p. 508.]

15 April. Report from the Right Honourable the Lord High Chancellor . . . Nothing. [Vol. IV. p. 59.]

1708.

[1047.] [The Council refer to the Board of Trade the petition of Samuel Cox, Clerk of the Naval Office in Barbados]. Setting forth, That he had a Grant of the said Office under the Great Seal of England, and Enjoyed the same for severall years, but the present Governor Mr. Crow has seized on it as a perquisite belonging to him, And praying that his said Office may be Restored unto him and the profitts thereof.

22 Jan.
Barbados.

[p. 508.]

[1048.] [The Council refer to the Board of Trade the petition of James Bengar of Newfoundland merchant and Mary his wife praying examination of their complaint that they have been] unjustly and arbitrarily Dispossessed of a certain Plantation in that Country to them belonging. [p. 508.]

22 Jan.
Newfound-
land.

[Order is given in accordance with the report of the Board of Trade]—We have Examined the petitioners allegations, and heard severall Persons thereto and have likewise received the Affidavits of Capt. Tho. Claisby and other persons, The said Claisby having in the Years 1696, 1697 and 1699, been Commander of Your Majestys Ships the Lime and Mary Galley Employed in those respective Years at Newfoundland. Whereupon Wee humbly take leave to Represent to Your Majesty the State of the Case as it appears to Us From the said Affidavits, Vizt. :—

15 April.

That Sir David Kirke in the Reigne of Your Majestys Royall Grandfather King Charles the first was possessed of Ferryland and of a plantation there, called Pool Plantation, upon which he lived during his Life And that after his Death the same was possessed by His Widow, and after her Decease, by David Kirke, second Son of the said Sir David with the Consent of His three other Brothers.

That David Kirke continued in the peaceable possession of the said plantation for many Years together. But at Length permitted Philip his Younger Brother to enjoy it in Order to the Setting of him up in the World.

That upon the Death of Philip, who left no Issue and Likewise upon the Death of David, who was the petitioner Mary

1708.

Benger's first Husband, the said Plantation, by Davids Will, became Vested in Her and Her Heires ; but that before the said David Kirk Dy'd the Country was Invaded and plundered by the French and the said David Kirke and his Wife, with all the other Inhabitants of Ferryland, were taken and Carryed away prisoners to Placentia.

That thereupon in the Year 1697, Captain Cleasby was sent to recover the Country ; and upon his arrivall found it Abandon'd and wasted And that while he was there the petitioner Mary Benger came to the Harbour of St. Johns, and related the Death of her said Husband, David Kirke, during his Imprisonment.

That after the Act of Parliament passed in 1698 relating to Newfoundland, the said Captain Cleasby was again sent to put the same Execution, Upon whose arrival, and also of Commadore Leake a Court was Opened for the Settlement of the properties of the Inhabitants, pursuant to the said Act, and upon proclamation made for any persons to come in and Claime Pool plantation aforesaid, a Master of a Fishing Ship appear'd and Insisted that he had a Right Thereto by Virtue of the said Act Under pretence that the same Was deserted and not Built upon ; But that upon a Hearing of the Matter before Commadore Leake and Captain Cleasby, it appeared that the said Mary Benger had a plain and full Right by a Continued and Long Succession of possession, and that during all that time the Stages Rooms and all other things requisite for the maintenance of the Fishery, were Annually erected and kept up and had been so then, if not unavoidably hindred by the Invasion, and there being carryed away to Placentia ; Upon which it was adjudged That she had an undoubted Right to the said plantation and a quiet possession thereof accordingly given her by the said Comadore.

That in all the time She has enjoyed the said plantation, no person appeared as Claimant thereunto, but the Master of the Ship aforesaid nor has any other person Offered to Disturb the petitioners, till of late when Major Lloyd as is

1708.

alleged in favour of ——— Kirke who claims as Heir at Law has not only forbid the Tenants to pay the Rent for the said plantation, but has also threatened to Dispossess the said Bengier of Her Dwelling House and plantation at St. Johns.

For Our further information we sent to Mr. Merrett Agent for the said Major Lloyd to know if he had anything to Offer against the petitioners Claim who inform'd Us, That he had nothing to Offer in this Matter ; but that he has heard of it and believes it true that the petitioners have been Dispossessed, but knows not that it was by Major Lloyd's Order.

This being the State of the Case, as it appears to Us, wee take leave to Represent to Your Majesty That the petitioners have been Unlawfully Dispossess'd of the said plantation and humbly Offers That Your Majesty would be graciously pleased to send Order to the Commadore of this Year's Convoy, That he put the petitioners in possession of the said Plantation at Ferryland, unless full and sufficient Proof be made to him that the petitioners were not in actual and Quiet possession pursuant to the said Act of Parliament, according to the aforesaid State of the Case.

[Vol. IV. pp. 56-7.]

[1049.] [On a representation of the Board of Trade of 5 Jan. on a clause in the Revenue Act disallowed this day as to the admeasurement of ships, it is ordered that a letter be sent to the Governor of Virginia directing the passing of a new law to that end in accordance with the rule of the British Act of 1695 if practicable in those parts : otherwise, according to the method prescribed in the representation.] [p. 519.]

25 Jan.
Virginia.

[1050.] [The Council refer to the Lord Treasurer the petition of Captain Richard Long for payment of 80*l*.] which he disburst in the Reign of his late Majesty when he was sent Commander of the ship Rupert Prize, to make Discoverys on the Coasts of America.

20 Feb.
America.

[1051.] [The Council refer to the Lord Admiral the petition of Capt. Arthur Holdsworth, Capt. Moxham, Capt. Hayman,

23 Feb.
Newfound-
land.

1708.

and others owners of the ship *Grand Canary*, praying, in consideration of their good services in Newfoundland, that 350*l.*, the proceeds of the *St. John Baptista*, a prize taken by the said ship while on loan in her Majesty's service, may be divided between them and the lieutenants and men who were the captors.] [p. 544.]

10 May. [In accordance with the Lord Admiral's report, the ship and lading are awarded to the petitioners after deduction of the Lord Admiral's tenths and other incident charges. The report is based on the opinion of Sir C. Hedges, Judge of the Admiralty, who said]—"I do find that the ship *Grand Canary* was a prize ship sold at Newfoundland and fitted out there by the Petitioners upon a Cruise in pursuit of a French Privatier on that Coast, at their own Charge, and mann'd by Capt. Underdowne Commander in Chief at Newfoundland and Major Lloyd Commander of Her Majesty's Garrison there, upon the representation and at the request of the Inhabitants and Traders. . . .

I do further find, that by this ship so fitted and mann'd, the Coast was cleared of the Enemies Sloops, and the Prize called the *St. John Baptista* laden with Fish was taken and carried to Newfoundland, and afterwards sold there, for Four hundred and One pounds, and that the said summ belongs to Your Royall Highness as a perquisite of the Admiralty, the said Ship *Canary* which made the Capture, having no Commission, But I am humbly of Opinion the Service was so well undertaken and performed that the petitioners may reasonably hope Your Royall Highness will give so favourable an Ear to their request as may not only compensate their Charge and hazard but also be such a reward for their zeal in this service as may be an encouragement for the like attempts upon the Enemy for the future.

[Vol. IV. pp. 76-7.]

29 Feb.
Plantation
Trade.

[1052.] [The Council refer to the determination of the Lord Admiral the petition of Sir Thomas Webster and others], setting forth, That they have fitted out and with great

1708.

expençe Cleared at Gravesend ever Since the 26th day of January last, the Ship Alexander Gally with a very considerable Cargo for Guinea, and from thence designed with Staves to Potuxant River in Maryland, and takeing the Opportunity of sailing in Company of three Dutch Men of Warr from the Downs to Portsmouth, all Her Men as well as Her Carpenter were taken from Her to serve on board the Berwick to the Distruction of the Voyage and great Losse and Damage of the petitioners, and therefore praying that the said Men may be restored, and the Ship permitted to proceed in Her Voyage. [p. 548.]

ANNE, VOL. IV. (5 March 1708—31 May 1710.)

[1053.] Upon reading this day at the Board the humble 26 March. petition of Sir William Dains, and Hugh Heyward of Bristol, Ship passez. . Setting forth that they have fitted out in the said port of Bristol, on Trading Voyages the Ships Levant Gally to Jamaica, and Stonehedge Gally to Barbadoes, praying her Majesty to order to the Governors, That they may not be Embargoed there, nor in any other of Her Majesty's Plantations in America. It is Ordered by Her Majesty in Council, that It be, and It is hereby referred to His Royal Highness Lord High Admiral who is desired to Cause the allegation of the Said Petition (a Copy whereof is hereunto annexed) to be Examined, and to Report to Her Majesty at this Board His Royal Highness's Opinion Thereupon. [pp. 35-6.]

[The Lord Admiral] having made report, That he has no 1 April. objection to the Petitioners request, And it having been this day taken into consideration at the Board, It was thereupon Ordered by Her Majesty with the advice of Her Privy Council, That the said Ship Levant Gally be not detained or Embargoed in Jamaica nor in any other of Her Majestys Plantations, But that she be permitted to Depart when the Commander of the said ship shall think fit; And the Governour

1708.

or Commander in Cheif for the time being of Her Majestys Colonys or plantations in America and all others whom it may concerne, are respectively to take Care of this Her Majestys Pleasure and not to lay any stop or embargo on the said ship, but to permit her to proceed in Her said Voyage accordingly.

A like Order upon the Petition of Hugh Hayward for the ship Stonehedge Galley Burden 80 Tons four Guns and 20 men Samuell King Commander Bound to Barbados.

[N.B. All other petitions follow this model. We have given simply the name of the ship, her tonnage, the name of the master, number of guns and men, and destination. In the case where a name precedes that of the ship, it is that of the owner who petitions. The entries in the Register get more and more brief, till they are little longer than our own formula.]

[Jonathan Scarth: *Mary and Anne*, 200, Daniel Maud, 10 Men, to Maryland; referred 15 April [p. 52]; granted 22 April [p. 68]. Thomas Lloyd: *Mitford*, 250, Wm. Foule, 10 guns and 19 men, to Virginia; referred 15 April [p. 52]; granted 25 April [p. 69]. Matthew Jones and John Alston of London: *Mary* galley, 130, William Smith, 4 guns and 20 men, to the plantations in America; referred 26 June [p. 119]; granted 11 July [p. 133]. Alderman Wm. Swymmer of Bristol: *Swift* galley, 200, John Good, 12 guns and 40 men, to Jamaica and other plantations; referred 8 August [p. 150]; granted 18 Aug. [p. 157]. *Colchester Adventure*, 220, Jeromiah Sampson, 8 guns and 20 men, to Maryland; *Providence* galley, 100, Thomas Johnson, 10 guns and 25 men, to Guinea and Maryland; *Dolphin* galley, 140, Samuel Payne, 10 guns and 26 men, to Guinea, Virginia, and Maryland; referred 6 Oct. [p. 172]; granted 17 Oct. [p. 175]. *Ann and Francis*, 300, George Wray, 14 guns and 24 men, to Virginia; referred 5 Dec. [p. 217]; granted 12 Dec. [p. 219]. Richard Perry: *Averilla*, 300, Robert Hurst, 12 guns and 24 men, to Virginia; referred 12 Dec. [p. 220]; granted 30 Dec. [p. 223]. John Hyde, — Wharton, John Scarth, John Faulconer: *Hercules*, 100, Jos. Burrell, 4 and 10; *Baltimore*, 300, Barthol. Whitehorne, 14 and 30; *Ann and Mary*, 200, David Greenhill, 6 and 18; *Fame*, 400, Walter Hoxon, 18 and 36; *William and Mary*, 260, John Smith, 10 and 22; *Mary*, 280, Stephen Yoakley, 12 and 24; *Maryland Factor*, 250, Wm. Crissoope, 10 and 20; *Thomas and Sarah*, 220, Ephram Stephens, 6 and 13; *Eagle* pink, 200, Stephon Robins, 2 and 14; *Nicolson*, 370, Francis Partis, 18 and 30; *Young St. Quinton*, 140, Thos. Hunt, 4 and 12; all to Maryland; referred 9 Jan., 1709 [p. 236]; granted 27 Jan. [pp. 254-5]. *Britannia*, 300, John Wilcox, 6 and 24, to Virginia and back; referred 9 Jan. [p. 236]; granted 27 Jan. [pp. 254-5]. *Anne*, 160, John Hales, 6 and 15; *Bradley*, 250, Richard Burrige, 14 and 24; *Carter*, 400, Geo. Boveridge,

20 and 30; *Herbert* galley, 350, Valentine Wyo, 10 and 50; *Jonathan and Anne*, 300, Francis Watson, 2 and 25; *Friendship*, 250, Wm. Clarke, 2 and 18; all for Virginia and Maryland; the *Diamond* galley, 140, John Burroughs, 10 and 20; the *Henbury*, 120, John Stone, 8 and 16; both to Barbados; the *Colchester*, 500, Thos. Wilkinson, 30 and 40, to Jamaica; all referred 3 Feb. [p. 257]; granted 13 Feb. [p. 259]. *Union*, 400, Chas. Burroughs, 24 and 40, to Jamaica; *Leopard* galley, 150, Richard Child, 8 and 24, to Leeward Is. and Jamaica; *Francis*, 200, John Walker, 10 and 25, to Virginia and Maryland; *Bond*, 400, Peter Blackiston, 18 and 35, to Virginia and Maryland; *Sarah* galley, 200, James Atkinson, 12 and 27, to Virginia and Maryland; *Margaret*, 250, James Tribby, 20 and 40, to Guinea and Maryland; *Lusitania*, 400, John Wentworth, 24 and 40, to New England and Barbados; *Endeavour*, 180, Thomas Dansie, 10 and 20, to Virginia and Maryland; *Edward and Mary*, 350, John Cotterell, 16 and 28, to Maryland; *Providence*, 300, Richard Hunkin, 6 and 18, to Maryland; *Mary* brigantine, 50, Henry Vir, 8 men, to Virginia; all referred 3 Feb. [p. 257]; granted 13 Feb. [p. 259]. *Blenheim* galley, 100, Edward Hollister, 4 and 16, to Jamaica; *Mattapony* galley, 100, ———, 4 and 14, to Barbados and Virginia; *Gloucester* galley, 150, Joseph Lymen, 10 and 20, to Virginia; *Hopefor Betty*, 280, John Welch, 12 and 25, to Virginia; *Fortitude*, 220, Edmond Forrester, 12 and 18, to Virginia; *York Merchant*, 400, Samuell Ingram, 20 and 40, to Barbados; *Elizabeth* galley, 100, Silvanus Grevell, 0 and 14, to West Indies; *Betty* brigantine, 50, Isaac Lowry, 0 and 8, to West Indies; *Wharton* galley, 40, John Drysdale, 8 and 14, to Carolina; *David and Joseph*, 400, Wm. Arnold, 28 and 50, to Lisbon and America; all referred 16 Feb. [pp. 262 and 264]; granted 10 April [pp. 299–300]. *Watervall*, 50, Henry Thornton, 4 and 10, to Jamaica; *Richard and James*, 350, Richard Johnson, 26 and 70, to Plantations; *Harrison*, 360, Edw. Botting, 20 and 30, to Virginia; *Jamaica Merchant*, 100, Cha. Burnham, 12 and 16, to Jamaica; *Society*, 80, Joseph Venzay, 6 and 12, to Virginia; *Hester*, 200, Daniel Groom, 16 and 30, to Virginia; *Pearl* galley, 100, Fran. Pinnell, 4 and 16, to Antigua; *Friendship*, 60, John Moody, 0 and 15, to Jamaica; all referred 8 Aug. [p. 405]; granted 22 Aug. [p. 418]. *Friendship* galley; *James and John*; *Richard* galley; *Mary*; marginal note says, "Not issued"; *Elizabeth and Martha*, 400, Robert Redhead, 20 and 45, to West Indies; referred 18 Nov. [p. 474]; granted 27 Nov. [p. 480]. *Corbin*, 300, Walter Cock, 10 and 20, to Virginia, etc.; *Page* frigate, 400, Josuah Cock, 16 and 40, to Virginia, etc.; *Expedition*, 160, George Cock, 6 and 16, to Plantations; *Newland* galley, 130, Henry Inverser, 10 and 28, Barbados, etc.; *Francis*, 220, John Walker, 10 and 30, to Virginia; *Honest Endeavour*, 80, Francis Fisher, 4 and 12, to Barbados; *Hester*, 200, John Vicary, 12 and 40, to Leeward Is.; *Charles* frigate, 350, John Beezley, 15 and 35, to Maryland; *Baltimore*, 350, Barth. Whitehorne, 15 and 36, to New York; *Friend's Good Will*, 350, Richard Read, 15 and 36, to Maryland; *Betty* frigate, 350, John Hunt, 10 and 20, to Antigua; *Lusitania*, 500, John Wentworth, 24 and 40, to New England and Barbados; *Granville* frigate, 350, James Waldie, 24 and 40, to Barbados; *Offley* frigate, 250, Samuel Cousins, 16 and 20, to Plantations; *Essex Love*, 450, Wm. Evance, 12 and 30, to Virginia, referred 1 Dec. [p. 484]; granted 15 Dec. [p. 490]. *Mary*, 250, Stephen Yoakley, 14 and 25, to Leeward Is.; *New Edward and Mary*, 350, John Cotterell, 16 and 20, to

546 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

Maryland; *Providence*, 250, Edw. Haukin, 8 and 18, to Maryland; *Newport* galley, 150, John Faulkinham, 10 and 20, to Barbados; *Granville* frigate, 350, James Waldie, 24 and 40, to Barbados; *York Merchant*, 350, Ch. Bartelet, 24 and 40, Plantations; *Elizabeth*, 170, Stephen Ashbie, 10 and 16, to Jamaica; *London* frigate, 380, John Swan, 26 and 40, to Barbados; referred 3 Jan., 1710 [p. 501]; granted 5 Jan. [pp. 507-8]. *Medford*, 250, Wm. Fowle, 10 and 24, for New York, Maryland, etc.; *Robert and Thomas*, 320, James Bagwell, 16 and 30; *Crow*, 300, Richard Hubbard, 16 and 30; *Providence* pink, 120, John Beale, 4 and 14; *Marlbrow* hag-boat, 300, John Hunt, 10 and 30, for Plantations; all referred 22 Jan. [p. 514]; granted 26 Jan. [p. 523]. Joseph and Robert Jackson: *Good Will*, 250, 10 and 20, to Virginia and Maryland; *Herbert* galley, 300, Valentino Wyo, 20 and 60; *Jeremiah and Anna*, 230, Rob. Alain, 20 and 30; *John* hagboat, 230, Solomon Sumerskell, 16 and 30; *South River Merchant*, 250, John Reas, 6 and 20; *Henbury* galley, 250, John Stone, 12 and 35; *Canterbury*, 200, Roger Laming, 14 and 24; *Friendship*, 180, Geo. Harris, 6 and 12, for Plantations; referred 18 Feb. [p. 538]; granted 26 Feb. [p. 543].

5 March. Barbados. [1054.] . . The humble petition of several Gentlemen in England who are Proprietors of very Considerable Plantations in . . Barbadoes [is ordered to be laid before her Majesty by the Earl of Sunderland] for Her Royal Pleasure and Directions Therein, So farr as particularly relates to the Force desired by the Petitioners. [p. 5.]

26 June. [A report from the Board of Trade on an address from Barbados for a regiment of foot to be sent thither is to be laid before her Majesty by the Earl of Sunderland.] [p. 108.]

26 March. Barbados. [1055.] [Reference to Committee for Appeals of Colonel John Holder's petition to be allowed to appeal from] the proceedings of the Commissioners appointed for the putting in Execution an Act lately passed There for Repealing a former Act, Establishing a Bank and paper Credit in [Barbados]. [p. 32.]

20 May. [Reference to the Committee for Appeals of the petition of William Sharpe, President of the Council of Barbados and one of the Commissioners for executing the Act, praying that Holder's petition be dismissed in regard he does not prosecute it.] [pp. 95-6.]

28 May. [Committee Minute. Both parties ordered to be heard on 30 June.] [p. 101.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 547

1708.

[Committee minute recommending that Holder's petition be dismissed and the Act put into execution. (Mr. Holder was Treasurer of the island and Manager of the Bank.)]

13 Dec.

[p. 220.]

[Order accordingly.]

[p. 224.] 30 Dec.

[1056.] [Upon a representation from the Board of Trade of 23 March, order is sent to the Governor of Maryland to move the Assembly to pass an Act similar to that approved for Virginia on this date (*see* Appendix). Two Maryland Acts dealing with the subject of tobacco hogsheads are disallowed, because] The first . . . doth Enact . . . That no Tobacco Hodgsheds shall exceed Fourty Eight Inches in Length, and Thirty two Inches in the Head, and that in case any person shall make Hodsheads of a Larger Demension he shall forfeit One hundred pounds of Tobacco for each Hodgshed so made which the merchants complain of as a great Hardship upon them for though by this Maryland Act, their Hodgsheds exceed those of Virginia but two Inches in the head Yet in the Loading of a ship the Difference is Considerable for a ship built to carry 7 Hundred Virginia Hodgsheds cannot Load above Six hundred of those of Maryland, Besides that very often such ships do take in part of their Lading in Virginia and part in Maryland so that by reason of the Different Sizes of the Cask the Masters cannot take in their full Lading, nor stow the Cask so conveniently and without Loss of Room, as if they were of an equall Size which is a great Discouragement of the Navigation of this Kingdom.

1 April.
Maryland.

The second Law enacts, That every Master of a Ship, taking freight shall give Bond with One Surety in the sume of Two hundred pounds Sterling that he shall not for that Voyage, cut, Cropp, lessen, Diminish, Deface, or Impair any Tobacco Hogsheads taken on board his said ship or suffer the same to be done under the penalty of Three pounds Sterling for every hodshead so defaced, This the Merchants complain of as an other Hardship upon them for the penalty upon those that shall make the Hodgsheds larger than the Size in the

1708.

aforementioned Act is to forfeit but one hundred pounds of Tobacco amounting to about Six Shillings Whereas the penalty for defacing or Endamageing a Hodgshead in the Stowing, being Three pounds Sterling, is more than the Value of Hodgshead of Tobacco there which the said Commissioners Conceive to be unreasonable; for the Large Size of Maryland Hodgsheads, ablidges the Masters to Use Screws to squeeze them in their Stowage which is liable to be interpreted a Defacing or Endamaging the said Cask; And therefore Wee humbly Offer to Your Majesty That this Law be also repealed.

[pp. 47-8.]

- 1 April. [1057.] [Reference to the Committee for Appeals of the
Antigua. Petition of Thomas Elliot and Elizabeth his Wife John Earle and Sarah his Wife and Mary Ligham Spinster, Complaining of Severall unjust proceedings against them in relation to their Right to two plantations called Blubber Valey and Musketto Cove in Her Majestys Island of Antegoa particularly of a certain Verdict and Judgment given at a Court of Common pleas held in the said Island, the 15th of July last, from which the petitioners have appealed, and humbly pray that before the said Appeale be heard and Determined, Her Majestys Governor there be Directed to Examine into the said Indirect and unjust practices, and to Transmitt his Report of the same, and of such affidavits as may be taken therein to Her Majesty at this Board, in Order to their being relieved.] [p. 48.]

- 30 June. [Committee Minute—granting the petition and giving the
(1709.) requisite orders to Col. Park.] [pp. 123-4.]

- 2 May. [Committee minute on considering Col. Park's report, and
hearing both parties, recommending dismissal of the appeal
as irregularly brought.] [p. 312.]

- 19 May. [Order accordingly.] [p. 317.]

- 15 April. [1058.] [Reference to the Board of Trade of the petition
St. of Mary Bowden, widow, of St. Christopher], Complaining
Christopher.

of very great Hardships sustained there by the Unjust and severe Usage of Collonel park Governor in Chief . . who has Disposessed her of a very Considerable Estate and Converted the same to his Own Use [and seeking relief].

1708.

[p. 52.]

(1709.)
16 Feb.

[The complaint appearing, on examination by the Board of Trade, to be false and scandalous, it is dismissed] And the Governour Left at Liberty to take his Remedy against the petitioner if he thinks fitt, for the Groundless and Vexatious Complaint.

[p. 262.]

[1059.] [Reference to the Board of Trade of a petition of Jamaica planters and merchants] Complaining of severall unjust and vexatious proceedings that have been obtained there by the Contrivance of some ill designing Men and Common Informers, And that severall Writs of Escheats have Issued out of Her Majesties Supream Court of Judicature there for Trying the petitioners Title to their Lands and Negroes notwithstanding they have held and enjoyed the same many Years, And that when Judgment was given for her Majesty upon such Writs the said Lands and Negroes have been Granted by the Governor there to the said prosecutors and Informers, [and praying restoration of estates thus illegally seized and discouragement of such proceedings for the future.]

15 April.
Jamaica.

[p. 54.]

[Similar reference of a petition of Colonel Richard Lloyd of Jamaica, who has been informed by his agents there] that a Writ of Escheat is Issued out against 18 or 19 of the said Slaves upon pretence that his Title is defective.

[pp. 54-5.]

[On the report of the Board of Trade of 15 June, order is given for sending instructions to the Governor] not to proceed against or Molest the petitioners or any other Her Majestys Subjects there on Account of Escheats or forfeitures of Lands or Negroes without Good and sufficient ground for his so doing, and for the More strictly Observing his Instructions relating to Escheats and Forfeitures for the future. [Order

26 June.

550 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

is also given, in accordance with the report, for stopping proceedings and forwarding a state of the case of Capt. Samuel Jones, who has made affidavit that his estate of about a thousand acres was seized for arrears of quit rent, due to an agent's negligence, and bestowed on John Stewart, to whom it had been promised by the Governor. Jones claims that he had always had sufficient effects in the island upon which distraint should legally have been made; that the arrears have since been tendered and refused; that the case has been continued from court to court, and that at last, despite a verdict in the petitioner's favour, the Receiver General refuses to accept the quitrents, so that the deponent is still in fear of new trouble in this affair.] [pp. 117-8.]

18 Aug. [Additional Instruction to the Governor in this matter approved.] [p. 155.]

22 April. [1060.] [Reference to the Solicitor General of a representation of the Board of Trade of 17 June last] relating to the security of the Bahama Islands the Scituation whereof being soe highly Beneficial and Advantageous to this Kingdome. [p. 64.]

30 Dec. [Reference to the Board of Trade of the] Petition of the Merchants and Comanders of Ships trading to, and living on the Continent of North America, and on the Island of Jamaica and also of the distressed Inhabitants of the Bahama Islands, Complaining that notwithstanding the great Advantages the Bahama Islands may yield to the Crown of Great Britain and the Subjects thereof, they have been deserted by their Proprietors, their Fortifications demolished, and the Inhabitants deprived of all manner of Defence or Form of Government among them. And therefore Praying Her Majesty wilbe graciously pleased to take the said Islands into Her immediate Protection and Government, and to cause the Harbour of New Providence to be fortified for securing the Petitioners Trade in their Passage through the said Islands, and the Gulph of Florida. [p. 224.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 551

- [The Board of Trade having presented their report with the opinion of the Attorney and Solicitor General, further consideration of the business is referred to the Attorney and Solicitor General.] [p. 257.] 1708.
(1709.)
3 Feb.
- [On a report from the Attorney and Solicitor General, and a representation from the Board of Trade, the petition is granted, and orders given for putting it into execution.] [p. 527.] (1710.)
26 Jan.
- [The report is again approved and referred back to the Attorney and Solicitor General to devise the best way of putting it in speedy execution.] [V. p. 88.] (1710.)
28 Aug.
- [The representation of the Board of Trade and the scheme thereto annexed are referred to the Ordnance.] [V. p. 113.] (1710.)
5 Oct.
- [On the proposal of the Ordnance, orders are given for the engineer now at Jamaica to be carried to New Providence and back by one of her Majesty's ships now cruising there, and that he make a survey and estimate of the charge of putting the fort into a serviceable condition for securing trade.] [V. p. 146.] (1711.)
19 Dec.
- Report from the Board of Ordnance relating to the Fortifying of New Providence, Read. [V. p. 351.]
- [1061.] [A memorial being received from Lord Lovelace, the newly appointed Governor of New York, an extract relating to stores required for that province is referred to the Ordnance, and one relating to a present for the Indians, to the Lord Treasurer.] [p. 73.] 10 May.
New York.
- [The Ordnance report and estimate of 18,158*l.* 15*s.* 8½*d.* is referred to the Lord Treasurer.] [p. 108.] 26 June.
- [In accordance with the Lord Treasurer's report, orders are given that the most necessary stores to the value of 6782*l.* 15*s.* 2½*d.* be forthwith sent to New York: and that the Governors of plantations be directed to transmit to the Ordnance], as soon as may be, an Account of the Remains 25 July.

1708.

of all the Ordnance Stores in their respective Governments ; and also to send like Accounts Once a Year (and oftner if it shall be found necessary) . . . [pp. 142-4.]

10 May.
New York.

[1062.] [Orders are given in accordance with the following report of the Board of Trade of 28 April]:—Having in Obedience to Your Majesties Commands signified to Us by the Right Honorable Mr. Secretary Boyle, considered the petition of Joshua de Kocherthal, the evangelical minister, in behalf of himself and several poor Lutherans, come hither from the Lower Palatinat in Germany praying to be Transported to some of Your Majestys plantations in America, We humbly take leave to Represent to Your Majesty, that they are in Number Forty One Vizt. Ten Men, ten Women, and twenty One Children, That they are very necessitous and in the utmost Want, not having at present any thing (but what they get by Charity) to subsist themselves, That they have been reduced to this Miserable Condition by the Ravages committed by the French in the Lower Palatinat, where they Lost all they had ; That they have produced to Us several Testimonials from the Bayliffs or principal Magistrates in the Villages where they dwelt, which, by the Assistance of the Ministers of the Lutheran Church here, We have Examined, and find they give a good Character of the said Minister and the others with him, Whereupon We would have Offered, that these people might be settled in Jamaica or Antego, there being large Tracts of Land not taken up or Inhabited, and great Want of white people ; But in regard that the Climate of those Islands is so much hotter than that part of Germany from whence they came, it is to be fear'd, it may not be agreeable to their Constitutions ; And therefore We humbly propose, that they be sent to settle upon Hudson's River in the province of New York, where they may be Usefull to this Kingdom, particularly in the production of Naval Stores, and as a frontier against the French and their Indians : and this Your Majesty may be enabled to do by granting them the usual Number of Acres of Land, if Your

Majesty shall please to Confirm the Act passed at New York the 2d of March 1693 Entituled An Act for Vacating Breaking and Annulling Several Extravagant Grants of Land made by Colonel Fletcher late Governor of that Province, as We humbly offered to Your Majesty by Our Representation of the 29th of July last, without which, there is no Land, but what is Engrossed by the Patentees of the foresaid Extravagant Grants.

And in Case Your Majesty shall approve of their going to New York, We humbly represent to Your Majesty, that the Cheapest way of Transporting them, will be in the Man of War and Transport Ship, that shall be ordered to go with the Lord Lovelace, for We do not find, they can be carryed thither, by any other way, under Eight or Ten pounds per head, for the Men and Women, and proportionably for the Children.

And We further humbly Offer, that they be supplied here with the Necessary Tools for Agriculture, to be sent with them, to enable them to begin and make Settlements.

As these people are in the Utmost necessity, they will not be able to subsist there, till they can reap the fruit of their Labour (which will not be till after One Years time) unless assisted by Your Majestys Bounty, or that the province of New York contribute towards their Maintenance during that time, but as We are informed that province is at present very poor and much in Debt, there will be no Reason to Expect any great Supply from thence.

We further offer, That before their Departure they be made Denizens of this Kingdom, for their greater Encouragement in the Enjoyment of the priviledges accruing by such Letters of Denization. [pp. 74-5.]

[1063.] [Orders are given in accordance with a report of the Board of Trade of 19 May], made pursuant to an Address of the house of Commons on the 13th of March Last. In Obedience to Your Majestys Commands Signified to Us by the Right Honorable Mr. Secretary Boyle the 3d Instant, Wee have

20 May.
Newfound-
land.

1708.

Considered of the Address of the House of Commons to Your Majesty of the 31th March last humbly beseeching Your Majesty to give directions that the Laws relating to the Trade and Fishery of Newfoundland may be Effectually put in Execution against such Commanders of Her Majesty's Ships of Warr and of the Forts, or Fortifications there, as have, or shall presume to exact demand, or receive any sune, or sums of Money, or other reward from any of Your Majesties Subjects in their Voyages, Trade, and Fishery to, from or at Newfoundland; and that the Commanders and Officers be strictly forbidden to keep, Use or Employ any Fishing Boats for their Own private Use or Advantage, as Likewise that the Laws relating to the said Fishery be put in Execution against all other persons who shall offend therein.

Upon which Wee humbly take Leave to represent to Your Majesty that as to what relates to the Commanders of Your Majesties Ships of Warr no complaint has been made at this Board of their having exacted, demanded or received any Money or other reward from your Majesty's Subjects trading at, to, or from Newfoundland, But in regard such Corrupt practices do very much tend to the Discouragement of a Trade so Beneficial to this Kingdom, they ought to be strictly forbidden; Wherefore, if upon Complaint and due proof, it shall be found that any Commanders of Your Majestys Ships of Warr have been Guilty thereof, Wee Cannot but think they have justly Incurred Your Royall Displeasure and are punishable by the Loss of their Severall and respective Employments or otherwise according to the Discipline of Your Royall Navy; And Wee are humbly of Opinion, that they may be further proceeded against, upon the 13th Article in an Act of the Thirteenth Yeare of King Charles the Second Entitled An Act for the Establishing Articles and Orders for Regulating and better Government of His Majesty's Navy, ships of Warr and Forces by Sea, Whereby it is provided "that if any such Commander shall Demand and exact any Money or other Reward from any Merchant or Master for Convoying of any

such ships or other Vessells belonging to Your Majesties Subjects, he shall be Condemned to make reparation of the Damage to the Merchants, Owners and Others, as the Court of Admiralty shall Adjudge; and also be punished criminally according to the Quality of his Offences, as shall be adjudged fitt by a Court Martiall."

As to what relates to the Commander of the Forts at Newfoundland, We further humbly Represent, that upon severall Occasions wee laid before Your Majesty the ill Consequences that may attend such Commanders, Trading by Himselfe or by any other person for his Benefitt, during his stay there; Whereupon Your Majesty was pleased to send an Instruction to Major Lloyd the present Commander of the said Forts and Garrisons dated 11th of Aprill 1706, Directing that neither he nor any Other Officer there, by themselves Agent or Factor, should Carry on any Trade during their stay in Newfoundland, to prevent any further Complaint of his or their Engrossing the Trade to themselves, and forestalling the Markett to the great Discouragement of the Merchants and Western Fishermen. Notwithstanding which Instruction, We have been Inform'd that Major Lloyd has, by his Agents, Traded very Considerably; But as the Examination into that Matter is still depending, We cannot at present lay before Your Majesty a full Account thereof; however We beg leave to mention that We have Several Affidavits that Major Lloyd has let the soldiers out to hire, during the Fishery, taking to himself three fourth parts of their Wages, and that he has, during the two last Summer Seasons, laid a Duty of three Quintals of ffish upon every Fishing Boat, and the like upon the Inhabitants, under pretence that the same is for a Maintenance to the Minister there, which if duly Collected, would amount (as is suggested in the Affidavit) to fourteen of fifteen Hundred pounds Sterling a Year; Whereas We have been informed that the Minister has not One Hundred pounds a Year out of the said Collection. All which when more fully examin'd We shall humbly lay before Your Majesty, for Your Royal pleasure therein.

1708.

Upon this Occasion We further beg leave to Represent to Your Majesty, that in Our Opinion the most proper Method to prevent the Arbitrary proceedings of Commanders of the Forts and Garrison in Newfoundland, with relation either to that fishery, or to the Good of the Inhabitants, is by giving the Commodore of the Convoy for the time being, a Commission with Power to Command at Land, during his stay there, as was practised from the time of the first sending over of a Garrison, till about three Years ago, when that method was discontinued.

One Reason for such a Method, is, that there is no Governor or other person Commissionated by Your Majesty, to see good Order kept among Your Majesty's Subjects there (who are very numerous, during the Fishing Season) whereby frequent Complaints have been made, as well by the Soldiers against their Officers, as by the Planters and Inhabitants against both Officers and Soldiers; so that, without some such power, the said Officers and soldiers will not be under a due Discipline, nor will the Inhabitants and Fishermen have a speedy Redress of such Abuses as shall be put upon them. And We further think that such a Commission Annually to be granted to the Commodore of the Convoy will contribute very much to the Security of the Forts there, by enabling him to demand an Inspection and Account of the Stores, Ammunition and Provisions, and by viewing the Condition of the said Forts, and taking the Muster Rolls of the Company there.

To which foregoing Reasons, it may be added, that such a Power lodged in the Commodore, will enable him to make more full and sufficient Returns to the several Heads of Inquiry, Yearly given him in Charge, with Regard to the Fishery and Inhabitants there than what have hitherto been made.

As to the putting the Laws relating to the said Fishery in Execution against all other Persons who shall offend therein, We humbly Represent to Your Majesty, That there are several Abuses still practised by the Masters of Ships, and by the Inhabitants, contrary to the Directions of an Act past in the

Tenth and Eleventh Years of His late Majesty's Reign, Entitled, An Act to encourage the Trade to Newfoundland Vizt.

The Inhabitants do continue to rind the Trees.

They ingross and incroach upon Fishing Ships Rooms.

They frequently in the Winter destroy Several of the Stages, Flakes and Cook Rooms.

The Fishing Admirals are very negligent in seeing the Rules and Orders concerning the Regulation of the Fishery, duly put in Execution and in keeping Journals of the Fishery, or in transmitting Copies thereof to Your Majesty's most Honourable Privy Council as directed by the said Act.

The said Fishing Admirals being Traders themselves, are very partial in their Determination of Differences. And the Appeals from their Sentence to the Captains of Your Majesty's Ships of War are seldom heard, by reason of their Arrival so late in the year at Newfoundland.

Lastly, Masters of fishing Ships and of By-Boats do very often neglect to produce Certificates of their having their Complements of Green Men or fresh men, as by the said Law they are required to have, for the better Increase of Seamen.

All which Offences have been committed in manifest contempt of Law, the Offenders having been encouraged thereto, in regard there is no particular penalty, or Reward to any prosecutor expressed or given in the said Act; And for the same Reason the like Offences may still be continued to the great prejudice of that Fishery, unless prevented by a due Execution of the Law, in punishing such persons as shall for the future offend therein. Though We made no doubt but this might be done, Since every Breach of a Law is punishable, though no particular penalty be adapted to that Offence; yet on this Occasion, We consulted Your Majesty's Solicitor-General, who is of Opinion, That tho' there be no particular Penalty mentioned in an Act of parliament requiring or prohibiting the doing of any thing, yet if any person shall offend against such Acts, he may be Fined at the Discretion of the Court, upon being found Guilty on an Indictment or

1708.

Information which may be exhibited against him for acting contra Formam Statuti. Wherefore if Your Majesty shall think fit to approve of what is before proposed in relation to the Commodores having a Commission to Command at Land, during his stay in those parts, We humbly offer that he be fully impowered thereby to redress and punish all such Abuses or Offences as shall be committed at Newfoundland, contrary to the said Act in such Manner as the same have formerly been or lawfully may be redressed or punished according to the known Usage or Customs there, and that in all other Cases not to be redressed there, he be strictly required to inform himself whether the several Directions and provisions in the said Act, particularly those relating to the Complements of Green Men or Fresh Men, as likewise the keeping of Journals by Admirals of Harbours, be duly observed and complied with, and if he shall find they are not then and in such Case to transmitt to One of Your Majesty's Principal Secretarys of State, and to Your Commissioners for Trade and plantations, the Names of the Several persons so offending, with a particular and exact Account of their respective Offences, and how proved, to the end such Offenders may be proceeded against and punished here according to Law in such manner as is before mentioned.

We further humbly offer to Your Majesty, that the Collector or other Principal Officer of the Customs in every Port of this Kingdom, from whence any fishing Ship or By Boat shall sail, on account of the said Fishery, be required to transmit to the Commissioners for Trade and plantations every Year (or oftner if need be) Compleat Lists of the Names of all Masters of such Fishing-Ships and By-Boats, distinguishing therein the Names of such Masters as have duly complied with the Directions in the said Act, with regard to their respective Complements of Green Men or Fresh Men, and of their having made Oath, and taken out a Certificate thereof, as the said Act directs, and of such others who shall refuse or neglect so to do.

1708.

And to the end all persons concerned in the said Fishery, may have due Notice of Your Majesties Royall Intentions, at the humble suit of Your Commons in Parliament, to put the said Act in Execution against all such who shall for the future offend therein, We must humbly submit it to Your Majesty, whether according to Your Majesty's wonted Justice and Goodness, it may not be convenient to Issue Your Royall Proclamation for the better putting in Execution and observation of the several Matters and things in the said Act, contained, upon pain that every person thereafter offending shall be proceeded against and punished according to Law.

On this Occasion We must further beg leave to Represent to Your Majesty, that considerable Quantities of Wine, Brandy, Salt, Oyl, French Linnens, &c., are carried to Newfoundland by the ships that fetch salt from Portugal, which Goods are trucked at Newfoundland with the Masters of New England ships for Tobacco, Sugar, and other enumerated Goods which are then carried to portugal and other Foreign Markets in the Streights; This illegal Trade (for some time carried on in those parts) ought to be prevented: But We do not see how it can be effectually done otherwise than by an Officer appointed by the Commissioners of the Customs to reside there, for that Purpose, And We hope, the Service to be performed may answer the Charge of such an Officer. [pp. 80-83.]

[1064.] [Reference to the Committee for Appeals of the petition of William Copp for a short day for hearing his appeal against William Rayner and Eleanor his wife relating to a debt of 500*l.* due from the defendant to the appellant.]

20 May.
Barbados.

[p. 96.]

[Minute of Committee. Hearing postponed to 30 June on the prayer of the defendants for a further time.] [p. 101.]

28 May.

[Minute of Committee. Report that Copp having obtained a verdict in 1702, the Rayners presented a bill in equity against the appellant and Elizabeth Belgrave widow, and obtained an injunction to stay proceedings at law, and that on 7 Aug.

30 June.

560 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708. 1706 the Court declared the injunction perpetual : and recommendation that the perpetual injunction be dissolved, that Copp be at liberty to proceed on his verdict, and that Rayner be free, on giving security to indemnify the widow Belgrave from any costs or damages, to prosecute a bond executed by Copp to her late husband William Belgrave for the arrears of the debt alleged to be due.] [p. 124.]
- 11 July. [Order accordingly.] [pp. 134-5.]
- 26 May. [1065.] [Orders are given in accordance with the following
Jamaica. report of the Board of Trade of 27 April.] In Obedience to Your Majestys Commands . . . upon the Petition of James Whitchurch Merchant Complaining, That Brigadier Handasyd, Your Majestys Governour of Jamaica, had disposed of a Negroe Woeman and Her Children, belonging to the petitioner, as Escheated to Your Majesty We have Considered the same, and thereupon humbly take leave, to lay before Your Majesty the state of the Case and it Appears to Us, which is ass follows, Vizt.
- That Wroth Delamaine, of the Island of Jamaica about Twenty five Years since, Dying Intestate, Administration of his personall Estate, was granted to Francis Vincent Esqr. Deceased, Negroes being at that time Deemed personall Estates though since made real Estates by the Laws of that Island.
- That the said Wroth Delamaine being at his Death indebted to Sarah, Wife of the said Whitchurch, in a Considerable sume of mony, the said Francis Vincent sold and Delivered to the said Sarah a Negroe Woeman Slave belonging to the Estate of the said Delamaine, called Catalena in Satisfaction of the said Debt.
- That the said Whitchurch in the Year 1682 intermarried with the said Sarah and became Entituled to the said Negroe Woeman and was in quiet possession for about twenty five Years without any Interruption or Disturbance during which time, she has had Tenn Children and Grand Children, born on the said Whitchurch's Plantation.

That by the Earth Quake and Fire at Port Royall in Jamaica great Part of the Records of the said Island were Destroyed as were likewise the Papers and Writings of the said Whitchurch whereby as he Suggests he could have made out his title to the said Negroe Woeman and Her Children.

That the Loss of the said Records being a Generall Calamity, by which all the Inhabitants must inevitably suffered had not the Generall Assembly passed an Act Entituled An Act for Confirming and securing Titles to Estates, whereby it is Enacted, That the Present Possessors of Lands Tenements, Hereditaments, or Negroes who had been five Years in Quiet and peaceable possession without Claim or Interruption, or should remain Quietly or peaceably possessed, without Claim or Interruption for the Space of five Years from the time of each possession should for ever after hold the same against all persons Whatsoever.

That notwithstanding the said Whitchurch having had many years quiet possession of the said Negroe Woeman and Her Children, as well before as since the making the said Act without any Claime or other Interruption and that the said Children and Grand Children were born on his plantation and bred up at his Charge, Yet the petitioner being necessitated to come to this Kingdome, for the Recovery of His Health during His Absence the said Negroe Woeman and Her Children being Eleven in Number, were upon an Inquisition found adjudged to be Escheated to Your Majesty, on a Suggestion that Charles Delamaine, Son of the aforesaid Wroth Delamaine, Dyed without Heire, That Brigadier Handasyde had Contrary to the Opinion of the Cheif Justice of that Island, procured such Inquisition to be Executed, on a Writ of Escheat, before it was possible for the said Whitchurch to send any Direction to his Agent there for his Defence or could Informe his said Agent What title he had to the said Negroe Woeman, and her Children, and altho' the said Agent Desired time, to send for Instructions from hence, yet the said Brigadier, did make a grant of the said Negroe Woeman and Her Children to Richard Rigby provost Marshall, and Secretary of the said Island.

1708.

This being the state of the Case, as it has Appeared, unto Us, Weesent the same, together with a Copy of the Act therein mentioned, to Your Majestys Solicitor Generall for his Opinion, Whether the Limitation of five Years, mentioned in the fore-said Act does bind the Crowne, Upon which he has reported to Us as follows, Vizt.

That the Crowns Title is not bound by any thing in the said Act because the plea of five Years possession, is only to barr a Plaintiff or Demandant that is not a Minor or under Coverture, both which Disabilitys, or rather protections, are in no wise applicable to the person that wears the Crowne, which shews the Designe of the said Act to be only to barr such Demandants and plaintiffs as are sometimes lyable to those Incapacities.

But that notwithstanding the petitioner cannot make Title against the Crowne by force of that Act of Assembly Yet he humbly Conceives, the Inquisition which finds Your Majestys Title is not Valid in Law, and that Consequently Mr. Whitchurch's Right to the Negroes mentioned in the Writ, is not thereby set aside, for that the Inquisition does not find the Negroes mentioned in the Writ to be the same as Charles Delamaine Dyed seized of but only says, That the Jurors do believe them to be the same and that therefore since it is asserted, That the Negroe Woeman from whom the rest have Issued, was many Years ago sold to the Wife of the petitioner by the Administrator of Wroth Delamaine, whose property she was at the time of his Decease, for a Debt owing bonâ fide from the said Wroth Delamaine, And that the said Charles Delamaine was never seized of Her, or any of Her Offspring which if true, will take away all pretences of an Escheat, and after so long and uninterrupted Enjoyment every thing ought to be presumed that can be thought of, in favour of the possessor; and since this Inquisition was sett on foot in the Absence of the petitioner even when he was out of the Island, after all his papers had been Destroyed by the Fire at Port Royall Your Majestys Solicitor Generall is of Opinion That it will be more for Your Majestys Service to direct a Grant

1708.

to be made ad Corroborandum Titulum of the Petitioner, than to give any Countenance to the grant which Brigadier Handasyde has made of these Eleven Negroes to the Provost Marshall and Secretary Mr. Rigby. With which Opinion Wee humbly Concurr, and further take leave to Represent to Your Majesty, That by one of Brigadier Handasyd's Instructions, he is directed not to remitt any Fines or forfeitures whatsoever above the sume of tenn pounds nor to Dispose of any Escheats, Fines, or Forfeitures whatsoever, untill upon Signifying to Your Majestys High Treasurer or the Commissioners of Your Majestys Treasury for the time being, and to Your Commissioners For Trade and Plantations, the Nature of the Offence and the Occasion of such Fines forfeitures or Escheats with the particular sums or Value thereof (which he is to do with all Speed) he shall have received Your Majestys Directions therein But that he may in the mean time suspend the payment of such Fines and Forfeitures; which Instruction he has not Complied with having granted the said Escheat without having signified the Nature and Occasion thereof, and received Your Majestys Pleasure thereupon as directed thereby. [pp. 97-8.]

[1066.] [Order is given in accordance with the representation of the Board of Trade as to a Bermuda bill to encourage the building of a house at the Ferry], which Bill settts forth That the Old Ferry house having been burnt, the Service of the Ferry could not be performed without a New one and that a proposall was made to the Governour by a person who was willing to undertake the said Service, and to Build a new house at his Own Charge provided the Country furnished the Materials and that he might have the said House, and the two Shares of Land thereunto belonging, with all other perquisites as hath been Customary for 31 Years, which the said Bill Enacts accordingly But that the said Governour had represented to Us that in pursuance of his Instructions he did not think fitt to pass the said Bill without Her Majestys Leave first Obtained by reason the same Grants

26 June.
Bermuda.

1708.

away the said 2 Shares of Crown Land for the said Term of 31 years and That the said Ferry House would not be rebuilt without the Encouragment aforementioned altho' very necessary for the Publick and Generall Service of the said Islands and Whereas the said 2 Shares of Land formerly belonged to the Ferry House tho' not granted for so Long a Term of Years and is worth but about five pounds a Share per annum, according to the Computation of the Shares allotted by the Governors Instructions for his Salary, and that the Building a House is absolutely necessary for the Keeping up the said Ferry for a Free passage for the Inhabitants between the Town and the Country, Therefore the said Lords Commissioners humbly Offer their Opinion that it will be for the Good of Her Majestys Subjects that Her Majesty be pleased to allow the Granting the said 2 Shares as proposed by the said Bill and that an Act be passed there accordingly. [pp. 113-4.]

1 Aug.
Jamaica.

[1067.] [Reference to the Committee for Appeals of the] Petition of Sir Charles Orby Baronet and Dame Anne Hopegood his Wife, late Dame Anne Hopegood Beeston Relict of Sir William Beeston of Jamaica Knight Deceased Setting forth that a Judgement being given against the Petitioner Dame Anne in the Supream Court of that Island in Relation to the Will of the said Sir William Beeston She Appealed to the Governour and Councill there, but that three of the Councill were Disabled for hearing the said Appeal by the Statute as being Factors in the Trade of Affrica in the Sale of Negroes, and three others of them Disabled as having been Judges of the Grand Court in the said Cause, Soe that there being no more than the Governour and one of the Councill Capacitated, there was not a Quorum according to Her Majestys Instructions for hearing the said Appeal, Therefore the Petitioners humbly Appeal from the said Judgement and pray the same may be Reversed. [p. 147.]

(1709.)

14 March.

[Committee Minute. On 26 July, 1699, Sir W. Beeston made a will, leaving to his daughter Jane, then wife of

1708.

Sir Thomas Modyford and now of Charles Long Esq. 3000*l.*, and the remainder of his estate, under divers conditions, to Dame Anne Hopegood. On Sir William Beeston's death, Long and his wife took advantage of the fact that the will was in England, to secure the lands and some of the personal estate of the deceased, giving out that he had died intestate. The original will was then sent over by the petitioner, and an ejectment brought by James Allison, lessee of Anne Hopegood. At the trial in Aug. 1706, the jury found a special verdict—that the will was in the testator's handwriting, and executed, published and declared by him in the presence of four subscribing witnesses, who, however, attested it in another room out of his presence: also that the Statute of 29 Car. II. against frauds and perjuries was in force in Jamaica, and that a certain will void for non-pursuance of that Act was found to have been made good by an Act of the island. Judgment being given against the petitioner, she appealed by writ of error to the Governor and Council. The appeal came up on 17 June, 1707, when the 7 Councillors present resolved that 3 of them were disqualified by the Act of 9 and 10 William III, providing that no judge in her Majesty's plantations should be a factor of the African Company, and 3 others as having been judges in the case in the Grand Court, and that they were therefore not a quorum for the purpose of hearing the appeal. The petitioners therefore pray to be heard before Her Majesty in Council, while the defendants seek to have the appeal heard before the Governor and Council, of whom, as the petitioners point out, only five, a bare quorum, are possible judges in the case, Charles Long the defendant and the six mentioned being disqualified. The Committee submit along with this report a list of the Council of Jamaica.] [pp. 279–82.]

(1709.)

[Order that the Board of Trade propose] Two Other 31 March.
Persons duly Qualified to be Councillors in Jamaica, who may make up a Sufficient Number for Hearing this Cause and preventing the Failure of Justice in that Island. [pp. 285–7.]

566 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.
(1709.) [The Board of Trade report that no answer has been made
16 April. to their direction to the Governor to warn members of the
Council to act no longer as factors in the slave trade, and their
recommendation is adopted that, if the three members refuse
to resign their agency, they be dismissed from the Council,
and Francis Oldfield, John Copley, and John Carver appointed
to complete the number of Councillors. The African Company
is also to receive notice in order that they may appoint
properly qualified factors in place of any who may resign
in consequence of this order.] [p. 301.]
- (1710.)
28 Aug. [Orby's petition and appeal from the confirmation by
Governor and Council of the verdict of the Grand Court, is
referred to the Committee for Appeals.] [V. p. 87.]
- (1710.)
18 Dec. [Committee minute for reversing the judgment and the order
affirming it. Costs of the suits in Jamaica are allowed as
taxed by the officers of the Court where the judgment was
affirmed, but no costs for the prosecution of the appeal to
Her Majesty in Council.] [V. p. 170.]
- (1711.)
9 Feb. [A petition from Charles and Jane Long alleging new
matter which they desire to be heard before final judgment
is given, is referred to the Committee for Appeals.] [V. p. 184.]
- (1711.)
19 Feb. [Committee minute affirming their former report in favour
of the appellants.] [V. p. 191.]
- (1711.)
1 March. [Order in accordance with report of 18 Dec.] [V. p. 195.]
- (1713.)
15 April. [Reference to the Committee for Appeals of the petitioner's
complaint against Richard Rigby, one of the Council of
Jamaica, now in London, who hinders them from reaping the
benefit of the last order.] [VI. p. 93.]
- (1713.)
3 June. [Committee minute. The appeal to be heard at the first
meeting after the end of this term.] [VI. p. 185.]
- (1713.)
17 Dec. [Committee minute. Rigby was alleged to have obtained
the Council Books in the island, when Mr. Roderick Mackenzie

1708.

was Clerk, on purpose to strike out the ordering part of the order in favour of Sir Charles Orby. It is found that Rigby and another member of the Council, Stewart, were directed to revise the minutes in the case taken by one Mr. Stukeley as deputy for Rigby, who was at the time Clerk of the Council, but that Rigby did not strike out any part of the order to Orby's prejudice, and that the reason why a new suit had to be commenced was that the term of years laid in the ejectment was expired. The Governor and Council of the Island have sent resolutions in favour of Rigby and accusing Mackenzie of a notorious breach and neglect of his duty in omitting to enter the order of the Governor and Council which empowered Rigby and Stewart to revise the minutes, which omission seemed to have been made with design to occasion this complaint. On the whole matter their Lordships report that the complaint is wholly groundless, and that Mr. Rigby appears to have acted with great ability and perfect integrity, and is a person deserving his Majesty's royal favour.] [VI. pp. 292-3.]

(1714.)

[On considering this report, the complaint is dismissed.]

20 Feb.

[VI. p. 336.]

[1068.] A presentment from the Commissioners of prizes To the Right Honourable the Lord Treasurer of Great Britain, relating to Comadore Wagers late success on the Spanish Galeons in the West Indies, Setting forth that the said Commissioners having Considered the two Acts of parliament about encouraging of Her Majestys ships of Warr and privateers and that according to the Clause in the Act for settling Cruizers and Convoys the Captors are Intitled to the whole of all that shall be taken from the Enemy after the 26th March 1708 But by that Act for Encouragment of Trade and Commerce in America the first Clause Determines all prize Offices in America the 24 June 1708 following which seems to Imply that Her Majesty should have the same benefitt by prizes to the 24th June aforesaid in America as before the Making of that Act, [with the opinions of the Attorney

8 Aug.
West Indies.

1708.

and Solicitor General, is referred to the] Sollicitor Generall and Sir Charles Hedges, Judge of Her Majestys High Court of Admiralty Sir John Cook Her Majestys Advocate Generall and to Doctor Lloyd Her Majestys Advocate for prizes to Consider the above particulars and the Different Significations of the aforementioned Acts and thereupon to prepare a Draught of such Order which is to be perused and approved of by the Right Honourable the Lord High Chancellor of Great Britain whereby His Royall Highness Lord High Admirall and the Right Honourable the Lord High Treasurer may be Empowered to give the Necessary Directions for securing Her Majestys share of the said prizes And that the same be presented to Her Majesty at this Board for Her Royall Approbation thereof accordingly. [p. 149.]

18 Aug. [Order for preparing a Commission to persons to be nominated by Letters Patents to take care of prizes taken between 26 March and 24 June last; and for the Lord High Admiral and all officers under him to assist these Commissioners.] [pp. 151-3.]

18 Aug. [1069.] [Reference to the Lord Treasurer of the returns of the Commissioners appointed for inquiring into the losses sustained by the French invasion of St. Christopher and Nevis in 1705 and of the report of the Board of Trade on Stephen Duport's petition as to his losses in St. Christopher.] [p. 153.]

(1709.)

27 Jan. [The Lord Treasurer's report to be given to Mr. Secy. Boyle to be laid before the House of Commons pursuant to their Address to her Majesty in Mar. 1707.] [p. 246.]

(1711.)

19 Dec. [Board of Trade representation as to] Distribution of the Money allowed by Act of Parliament to such of the Inhabitants of Nevis and St. Christophers, as should resettle there, read. Her Majesty will consider of it. [V. p. 351.]

(1712.)

3 April. [The Board of Trade to recommend to the consideration of the House of Commons the] Petition of Joseph Martin, Rowland Tryon, Richard Merryweather, Stephen Duport and

James Campbell Agents for the Sufferers in the Islands of Nevis and St. Christophers by the late French Invasion, And also a Representation from the Lords Commissioners of Trade and Plantations, Relating to the Distribution of 103003*l.* 11*s.* 4*d.* granted by a Clause in a late Act of Parliament for Licensing and Regulating Hackney Coaches amongst such Proprietors and Inhabitants only of the said Islands, who have resettled, or shall resettle their Plantations in the same Islands respectively.

[V. p. 405.]

1708.

[Reference to the Board of Trade of an address from the Council and Assembly of St. Christopher and a petition of Stephen Duport that when the French part of the island ceded to her Majesty is disposed of, the poorest sort of the inhabitants may have shares gratis in regard of their necessitous circumstances and constant sufferings and hardships in defence of the said island with their lives and fortunes.]

[VI. p. 197.]

(1713.)

24 June.

[Reference to the Board of Trade of the petition of Stephen Duport, Agent for St. Christopher], in behalf of himself, Mary Maillard, Francis Guyhard and others Praying to be considered in the Distribution of the French part of the said Island, And another Petition of the said Duport . . . relating to several Insolencys committed by several Irish and French Papists, Residing in the said Island, which the Inhabitants pray may be speedily Redressed.

[George I., Vol. I., p. 108.]

(1714.)

28 Oct.

[Reference to the Board of Trade of the] Petition of Stephen Duport in behalf of severall French Protestants of St. Christophers touching their being restored to Lands in that Island, And praying that they may enjoy the same favor that His Majesty shall be pleas'd to grant to the Widow Salenave.

[George I., Vol. I., p. 193.]

(1715.)

14 March.

[1070.] [The Council approve a letter from the Board of Trade of 1 July to the Earl of Sunderland agreeing to the restoration of Lewis Morris to the Council of New Jersey, from which he had been suspended by Lord Cornbury, but

18 Aug.
New Jersey.

570 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

proposing that room be made for him by leaving out not Mr. Cox or Mr. Sonmans, but John Harrison, the last of those proposed by the Board on 30 May; and the Earl of Sunderland is directed to] Cause to be prepared what is necessary for the signification of Her Majestys pleasure herein accordingly.

[pp. 155 and 157.]

18 Aug.
Jamaica.

[1071.] [Reference to the Committee for Appeals of the] petition of John Clarke of Jamaica Esq. setting forth That an Action of Trespass and Ejectment having been Commenced in the said Island by William Hutchins Lessee of the petitioner and Mary his Wife against James Russell of the Island aforesaid and Thomazine his Wife about the Recovery of some Lands and Tenements there which at the Supream Court of Judicature was adjudged in favour of William Hutchins Lessee to the petitioner Whereupon the Defendants James Russell and his Wife obtained a Writt of Error for Making Void the said Judgment before the Governour and Council of the said Island but Peter Heywood having been Chief Justice of the Court at the time of Giving Judgment in the said Cause, and Francis Rose and John Ayscough Esqrs. two of the Assistant Judges and all of them Members of the Council being Factors to the Trade to Affrica there remained not a sufficient Quorum of the Council to proceed to give Judgment on the said Writt of Error, And the petitioner Alledging that Such writt of Error is only to Delay his having Speedy Justice done him in the premisses Therefore humbly praying Her Majesty to remove such Obstruction of Justice as to her Great Wisdome and Goodness shall be thought proper.

[pp. 155-6.]

13 Oct.

[Minute of Committee. Ordering a copy of the petition to be sent to the Governor and Council of Jamaica, who are to] returne a true state of the matter with their opinion what may be fitly done for the petitioner's relief. [p. 173.]

20 Sept.
Newfound-
land.

[1072.] [On the desire of the Lord High Admiral, the Council authorise the Ordnance to make allowance in the

accounts of Captain Clifton of H.M.S. *Kinsale* for two barrels of powder which, on the petition of the inhabitants, he left at Ferryland, Newfoundland, for the defence of the harbour.]

[p. 167.]

1708.

[1073.] [Reference to the Committee for Appeals of Norman Mackaskell's petition praying a day for determining his appeal] setting forth, That John Robinson (as Lessee to Anne Ramsey Widow) and Rebecca Butler Spinster proceeded against the petitioner in the Court of Common pleas in that Island for a Certain plantation and Lands there which was adjudged to the petitioner but the said Defendants appealing from such Judgments to the Governour and Council, They on the 19th February 1707 Ordered that the said Judgments should be reversed and Given for the plaintiffs in Error, and upon which the said John Robinson was put into possession of the said Estate; From which Judgment and proceedings of the Court of Errors in Barbados, the petitioner was Admitted to Appeale to Her Majesty in Council. [p. 174.]

17 Oct.
Barbados.

[Committee Minute—order for all parties to be heard at the next meeting.]

[p. 177.]

27 Oct.

[Committee Minute—the appeal heard again and to be further considered.]

[p. 221.]

15 Dec.

(1709.)

[Committee Minute recommending reversal of the judgment of 19 Feb. 1708 as imperfect for want of finding several matters of fact necessary to discover the merits of the case.]

[p. 276.]

5 March.

(1709.)

[Order accordingly for the reversal of the judgment and the restoration of the petitioner to his estate.]

[p. 287.]

31 March.

[1074.] [Reference to the Ordnance for an estimate of the following extract from a report of the Board of Trade]:— The Province of New Hampshire lying to the Sea, and the Principall Settlements thereof being on the Piscataway a large and navigable River (among other Advantages in Trade) it is so well furnished with Ship-Timber of the best Sort and

25 Nov.
New
Hampshire.

1708.

largest Size, that it supplies Masts and other materials fit for the use of your Majestys Royall Navy, We are therefore of Opinion That all due Care should be taken, and fitting Provision made for the security of that Province, which (in Regard of the present Condition of your Majesty's Subjects there) will require a Supply from your Majesty of such Stores of War as may be proper for their Defence.

Colonel Dudley, your Majestys Governor of that Province having omitted to transmit to the Commissioners of Trade and Plantations a State of Ordnance-Stores there (for the Doing whereof Circular Letters have lately been sent to him and to the other Governors in America) On this Occasion we writt to the Principall Officers of your Majesty's Ordnance for an Account of what Stores of War were last issued by them for the use of New Hampshire, and when issued, who having made a Return (whereof a Copy marked A. is hereunto annexed) we find that in July 1692 a Supply of Powder and smal Stores was sent thither from that Office, but it does not appear that any Cannon or small Arms were then sent, or that these last mentioned, Or any other Stores of War, have at any time since been odered for the use of that particular Province; However Supplies of Ordnance Stores having at severall times been sent to the Massachusetts Bay (as the said Principal Officers do alledge) the Province of New Hampshire might upon any Exigency have been supplied from thence.

For our further Information, and in Order to our Laying before Your Majesty a Proportion of Stores of War suitable to the present Want of that Province, We consulted Colonel Romer, one of your Majesty's Ingeniers (who for several years was employed in Raising Fortifications in those Parts of your Majesty's Dominions and particularly in the Province of New Hampshire till he was relieved by Ingenier Redknapp now in service there) and having received from the said Colonel Romer the annexed Account marked B. of Ordnance, Powder, Shott &c. remaining in your Majesty's fort William

and Mary in that Province, taken the 29th of September 1707, and signed by the Commander of the said Fort, We beg leave humbly to offer to your Majesty that a further Supply of Ordnance Stores (as mentioned in the annexed Paper marked C.) be sent to New Hampshire; Which supply we judge may be necessary, and do hope it will be sufficient to the Security of that Province.*

C.

A Proportion of Stores of War necessary for a Supply of the Province of New Hampshire, as delivered in by Colonel Romer late Engenier there.

One Hundred Barrils of Powder.—15 Barrils Ditto for small arms.—12 Minions of Iron with Feild Carriages, for each Town, 3.—25 Rounds for Each Gun.—15 Cartridges of Tinn fill'd with Carbine Bullets.—Powder in Proportion to the Rounds, Partridge-Shott, Ladles &c.

This will serve to alarm the Country, and to defend their Town Garrisons. I am humbly of Opinion that the Powder and Partridge-Shott should be delivered for Her Majesty's Service to some Justice of the Peace or Cheif Magistrate of the Place, for fear of Embezelment.

12 Fallin Axes.—4 Broad Ditto.—2 Cross Cutt Saws.—2 Great Sledges.—2 Ditto less.—2 large Hammers.—2 Ditto Ordinary.—12 Large Iron Crows.—100 Shovells.—25 Pick-Axes.—10 Spades.—4 Great Crows query Service.—2 Ordinary Muscovy Lantherns.—1 Extraordinary Ditto to hoist at the Flagg-Staff in Distress.—200 Yards of Hallyard Rope for the Flagg-Staff.—2 Tunns of Iron of Sorts, four Square of $\frac{1}{2}$ and $\frac{3}{4}$ Inch in the Square; and flatt Barrs of Sorts for to repair the Carriages, and for other necessary use.—Tread, Needles, Starch and Twine, to provide Cartridges for Thirty Guns, Viz. 14 Demy Cannon.—6 Demy Culverin.—8 Sakers.—2 Minion.—Cartridge Paper for 50 Rounds to each Gun, And for Spare Cartridges as the Ordnance commonly allows.—2 strong Feild Drumms, Two spare Skinns for each Drumm,

* [A. and B. are not given in the Register.]

574 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

And One Spare Cord for each.—Sheefs and Ropes for One Gyn.—Cartridge-Paper, 3 Rheams.—Pouch-Barrills, Two.—4 Dozen of Needles.—4 Pound of Thread.—4 Powder Horns.—20 Priming Irons.—5 Pound of Twine.—100 Weight of Match.—500 Forty-Penny Nails.—1000 Twenty-Penny Nails.—2000 Ten-Penny Nails.—3000 Eight-Penny Nails.

These nails I propose for the Finishing of the House, by me almost finished, for Officers and the Gunner, as likewise to build a half Ruff against the Rock, which will make the Back side between that and the Old Guardhouse, as the Carpenter, Mr. Davis, knows how I proposed the same. Likewise this Store of Nails is designed for Repairs as Occasion offers.

[pp. 209-12.]

30 Dec. [The Ordnance having returned an estimate of 1077*l.* 6*s.* 1*d.*, they are ordered to give an account of stores already sent to New Hampshire], and the Reasons why no Remain is before them. [p. 226.]

(1709.)

27 Jan. [Order to the Ordnance to send to New Hampshire the stores mentioned in the schedule, and recommendation to the Lord Treasurer to issue monies to the Ordnance for that service; order to the Board of Trade to signify to the Governor to send an account of remains of stores.] [p. 247.]

30 Dec., Barbados. [1075.] [On consideration of the following report from the Board of Trade of 3 Dec.]:—Having received Letters from Colonel Sharpe, Mr. Walker and Mr. Berresford, Three of the Members of Your Majesty's Council in Barbados Complaining of the Proceedings of Mr. Crowe, Your Majestys Governor of that Island, Wee humbly Represent to Your Majesty That they set forth in their Letter to Us, that it was hoped, after Sir Beville Granvilles departure from that Island, the Measures which were then taken, would have allay'd and pacified the Heats and Animositys, which had long and unhappily divided that Island, But that upon Mr. Crowe's Arrivall, they were soon convinc'd of their Error, for upon his first Entrance upon the Government as they allege, he has been so farr from endeavouring or promoting an accomodation, that he has

added Heat and Violence to their Animositys by countenancing sometimes One Party, sometimes another, By turning in and out most of the Cheif Officers of the Militia, according to the temper of the Party he was engaged with, By rejecting the Advice and Aid of your Majestys Councill, By adjourning the Councill, and let the Assembly sit and dispose of the Public Money, without the Concurrence of the Councill, By determining Causes himself cognizable only in Your Majestys Established Courts; And by Imprisoning and Oppressing Your Majestys Subjects contrary to Law.

This Behaviour of Mr. Crowe's obliged the aforesaid Three Councillors to draw up a Representation of some of his Misfeazances, which they presented to himself; and which he acknowledges in his Letter to us to have received, and says, he hopes it will make no Impression till the next opportunity, when he shall vindicate himself, a Copy of which Representation from the said Three Councillors is hereunto annexed; and Wee observe thereupon, though the Matter conteyned in their Representation has the appearance of Truth, From the manner it is drawn in, From their presenting it to himself, and offering to prove the same, and acquainting him with their Design of transmitting it to Us to be laid before your Majesty, Yet Wee do not think it agreeable to Justice to condemn the said Governor without his being heard. However the severall matters laid to his Charge, as set forth in the said annexed Representation, are of so high a nature, that Wee are humbly of Opinion that he be required to give an immediate answer thereunto; But whether the said Answer shalbe given in here by himself in Person, or he be strictly required by Your Majesty to transmit hither his Answer, in the same manner as Sir Beville Granville was, upon Complaints against him by Your Majestys Letter of the 30th of November 1704, a Copy whereof is hereunto annexed, Is most humbly submitted.

[Letters are ordered to be prepared to be sent to Mr. Crowe] taking notice of the aforesaid Letter of Complaint, a Copy

1708.

whereof may be likewise transmitted unto him for his Answer, which he is forthwith to return to the said Lords Commissioners of Trade and Plantations, with such Depositions to other Proofs in his own behalf, and relating to the said Complaint, as he or any other Person concern'd shall think fit or send to their Lordships. It being Her Majestys further Will and Pleasure, that free Liberty be given to the Complainants and other Persons concerned, to make Affidavit before any Judge or Magistrate of what they know in the said Matters, and that such Judge or Magistrate do summon before them such Persons, as the Complainants shall name, which the said Governor is to signify to such Judge or Magistrate as soon as may be, Her Majesty likewise Requiring that the Complainants do give unto the said Governor Authentic Copies of such Affidavits as they shall make in those Matters, As also that the said Governor do deliver unto the said Complainants Copy of his Answer so to be transmitted, and of such Depositions as he shall think necessary for his Defence within the space of One Month after the publishing of Her Majestys Letters (which he is to do as soon as he shall receive the same) As also that within Twenty days after receiving each others Proofs, the said Governors do in like manner Exchange with the said Complainants the Replies that shalbe made by Affidavits or otherwise, before they be transmitted to Her Majestys Commissioners of Trade and Plantations as aforesaid. And Her Majesty is further pleased to Direct, that an authentic Copy or Duplicate of such Her Majestys Letters be delivered to the said Complainants for their better Guidance herein. [pp. 225-6.]

(1709.)

13 Feb.

[Sharpe, Walker, and Beresford are restored to the Council of Barbados, on a representation from the Board of Trade of 11 Feb., that, if a Governor may suspend all who complain of his conduct, no check on his administration will be left.]

(1709.)

29 June.

[On a petition from the three Councillors and an Address from the Assembly showing that the Governor has not [p. 258.]

1708.

complied with the last Order, a letter is ordered to be prepared] Taking notice of the said Governors Disobedience and Disrespect to Her Majestys Pleasure signified to him, And requiring him forthwith to swear and admit the Petitioners into the said Council, And that he forthwith comply with all other Matters directed by Her Majestys Order in Council of the 30th of December 1708, as he will answer the contrary.

[p. 342.]

(1709.)

11 July.

[The petition of William Heysham and John Royle of London, merchants, agents for Barbados, praying to be heard in this matter on behalf of the island, will be considered when the order for re-instating Sharp, Walker, and Beresford has been complied with.]

[p. 391.]

(1709.)

22 Aug.

[Mr. Crowe is ordered to come over without delay to answer the complaints against him, the Board of Trade having represented on 19 August]:—In December 1708 Wee humbly laid before Your Majesty a Representation from Mr. Sharpe, Mr. Walker and Mr. Beresford three of the Members of Your Majestys Council of Barbados Containing Severall Articles of Complaint against Mr. Crowe Your Majesties Governour of that Island, upon which Your Majesty was pleased by Your Letters Mandatory, Dated the 22d of January 1708, to require the Governour to Send Over his Answer to the said Articles of Complaint, with Such Affidavits as should be taken in his behalfe And that the Complainants be Allowed to take Affidavits, and Transmitt the same for the Support of their Charge, And both the Governour and Complainants, were further Directed to Interchange their prooff in One Month after the receipt of Your Majestys said Letter.

But before the Receipt thereof the Governour (to whom the Complainants had Delivered a Duplicate of their Representation) Transmitted to Us his Answer with such Affidavits and other Papers as he thought necessary for his Defence.

When Your Majestys said Letter arrived in Barbados the Complainants applyed to Mr. Crowe for an Order to One of

1708.

the Judges there to Issue Summons and take Affidavits according to Your Majestys Directions but the Governour refused to Comply therewith upon pretence that he had not received with your Majestys said Letter a Copy of the representation of the Complainants mentioned to be there Inclosed, and that he had already transmitted his Answer. However Pursuant to Your Majestys Directions, the Complainants at the expiration of a Month attended the Governour with such Affidavits and other proofs as they had been able to procure which he absolutely refused to receive, whereupon they have transmitted to Us those papers which they intended to have presented to him, this has been further Confirmed to Us by a Letter from Mr. Cox, and Mr. Pilgrim two other Members of Your Majestys Council there.

Wherefore there being Just Cause to beleive that these proceedings of the Governour tend only to Delay an enquiry into the said Complaints and that in the mean time Your Majestys Subjects of that Island may Suffer by a Continuance of the Administration of that Government in the hands of one against whom there are so many other great Complaints; Wee humbly represent to Your Majesty

That the said Governour has taken upon himselfe, out of Court, to sett aside Orders Solemnly made in the Court of Chancery, which has been proved by Certificates from the Register in Chancery particularly in the Case of Manasses Gillingham, to which the Governour was a party and in Some other Instances.

Another Article of Complaint is that the Governour has rented Out the Office of his private Secretary for an Excessive Annuall Sume, greater than the Legall fees would amount to, And the better to Enable his said Secretary to pay the said Rent, The two following Methods were taken Vizt. Fees were Exacted from Plaintiff and Defendant, and the Governour took Sole Cognizance, by way of petition of matters Cognizable only in Your Majestys Courts of Law and Equity as in the Case of Mr. Summers, where the matter in Dispute was a

promissory Note, which the Governour upon a petition Com-
manded to be paid on pain of Imprisonment. In the Case of
Bamfield and Waterman where the Governor Ordered Severall
Negro Slaves to be Surrendered on the same penalty, besides
Severall other Instances, where, the Governour has taken upon
him at his own House by way of petition to give Judgment in
Cases of Debt &c. which last mentioned Cases have been fully
proved. And that Mr. Crowe did rent Out the place of his
private Secretary to Mr. Alexander Skeene for 400*l.* per Annum
(which place of Right belonged to the said Skene by Virtue of
Your Majestys Letters patent) was fully laid before Your
Majesty by Our Representation of the 18th of Aprill last,
And upon which Your Majesty has been pleased to Direct
Mr. Crowe to restore him to his said place of private Secretary.

It has been Likewise proved by Severall Affidavits, that
while Suits have been Depending in the Courts of Chancery,
Error and Grievances the Governour has received Consider-
able presents from parties Concerned in Such Suites as in the
Case of Mr. Slingsby Mrs. Chamberlain and Mr. Gibbs and
others, which practice has drawn his justice very much in
Question.

And further that the Governour has taken upon him to
Imprison Mr. Buckworth Sole Judge of Your Majestys Court
of Admiralty there, for Supposed Contempts in Not Obeying
Illegall Orders made by him as Ordinary, And that too in
Cases where Such Orders were not Served upon the said
Buckworth.

That the Governour has also Imprisoned your Majestys
Subjects for Supposed Contempts of his Extrajudicial Orders
has kept them in prison Severall Weeks without Bail or
Mainprize till they have been necessitated to lay downe Offices
of profit thereby takeing an Opportunity of Conferring the
said places upon his Creatures in the Case of Mr. Small, and
Paule Manier.

That the Governour has Oblidged Masters of Ships to have
their petitions to him for leave to Sail drawn by his private

1708.

Secretary even when they had their petitions already drawne by others so that they have doubly paid for the same, which is a Burthen upon Trade.

This They say may be proved by the Masters of Ships that were then there And upon this, Wee take Leave to Observe that by Our Representation of the 18th February 170⁸ Wee had Occasion to lay this matter before Your Majesty. Upon which Your Majesty was pleased to Signifye Your Pleasure that it should not be done any more.

That by frequent and Unusuall Adjournment of the Assembly to prevent their Complaints of the Governours undue Administration the Excise Bill for 1708 was not renewed till Severall Months after the Expiration of the former dureing which time a Considerable Quantity of Liquors was Imported without paying the Dutys to the prejudice of the publick Revenue of that Island.

That the Governor has made many and unreasonable changes in the Militia in Turning Out the best Qualified Officers of the Island, and granting Commissions to others to Serve his private Ends.

The Affidavits Certificates and other Proofs which have been Produced to Us on one part and the other and which Wee have fully Considered upon the Examination of the Complaints, are so Voluminous that Wee have forbore to repeat the same or to annex them to this Report But they are ready to be laid before Your Majesty whensoever Wee shall be thereunto required.

There are severall other Articles of the said Charge which Have been in like manner proved, But Wee do not trouble Your Majesty with them these being the most Materiall.

Upon the whole matter it Appearing by the Aforesaid proofs that the Governour has been Guilty of such High Crimes, and Maladministrations as are Contained in the said Severall Articles of Complaint against him, and in regard he is involved in many Law Suits there, in the Right of his Wife, which have had an Influence upon him in the Administration of Justice,

1708.

To which Wee must Add, That he has not paid that due Obedience to Your Majestys Express Commands, as he Ought to have done, Wee do therefore humbly Submitt to Your Majesty whether a person under Such Circumstances, is to be any Longer Entrusted in the Administration of Your Majestys Government of that Island. [pp. 407-11.]

(1710.)

[On the petition of Governor Crowe, now arrived in England, the complaints against him are appointed to be heard on 21 Sept.] [V. p. 81.]

20 Aug.

[Heysham and Royle, on behalf of the Assembly, presenting several complaints against Sharpe, Walker and Beresford, their agent or agents are to receive copies of, and prepare answers to, the complaints.] [V. p. 85.]

(1710.)

28 Aug.

[On the petition of the three complainants, their case against Mr. Crowe is postponed till 19 Oct.] [V. p. 95.]

(1710.)

10 Sept.

[On the petition of Heysham and Royle for a short day for hearing their complaints against the three Councillors, 12 October is appointed.] [V. p. 107.]

(1710.)

26 Sept.

[On the petition of the complainants against Mr. Crowe that the case be postponed till Sharpe's arrival, the hearing is peremptorily fixed for 9 Nov.] [V. p. 128.]

(1710.)

19 Oct.

[Further hearing of the case against Mr. Crowe referred to a Committee of the whole Council.] [V. p. 159.]

(1710.)

30 Nov.

By the Committee of the Lords of the Council for Hearing the Complaints against Mr. Crow late Governor of Barbados. [The opinion is offered] That the said Articles against Mr. Crow have not been proved. [V. pp. 160-1.]

(1710.)

11 Dec.

[On this report, and 3 Addresses of the General Assembly, clergy and inhabitants of Barbados in favour of Mr. Crowe, the complaints are dismissed as frivolous.] [V. p. 161.]

(1710.)

13 Dec.

[No person attending for Sharpe, Walker and Beresford, though their agent, Mr. Gillibrand, had notice, the Address

(1711.)

9 Feb.

582 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1708-9. of the Assembly and petition of the Barbados agents against them are referred to the Committee for Appeals. Gillibrand is then to give an account of the reason of his contempt aforesaid.] [V. p. 184.]
- (1711.)
19 Feb. [Committee minute. No regular notice of the complaints or copies of the Address and petition having yet been transmitted to the three Councillors, order is given that this be now done, and that they return their answers within a month after receipt of the copies. Both parties are to be free to take depositions, which are to be sent over under the seal of the island.] [V. p. 191.]
- (1714.)
19 Jan. [Committee minute: Walker having returned his answer to the complaints of Heysham and Royle, but the others not having been served with notice before they left the island or since, and a petition in behalf of the 3 Councillors having been read, Sharpe is directed to put in his answer in order to a determination of this matter.] [VI. p. 319.]
- (1714.)
26 June. [Committee minute for dismissing the complaints in accordance with an instruction of the General Assembly of Barbados to their agents passed on 20 May 1712.] [VI. p. 369.]
- (1714.)
25 Oct. [Order accordingly.] [George I., Vol. I., p. 106.]
- 30 Dec.
Barbados. [1076.] [Reference to the Board of Trade of Thomas Pilgrim's petition for restoration to his estate, of which he has been dispossessed by the Governor of Barbados without any form of law or process whatsoever.] [p. 229.]
1709.
27 Jan. [The Board of Trade reporting that the Governor appears to have proceeded by due course of law, the petition is dismissed.] [p. 247.]
- 9 Jan.
Maryland
and Pennsylv-
vania. [1077.] [Reference to the Board of Trade of Lord Baltimore's petition as to the disputed boundary between Maryland and Pennsylvania.] [p. 236.]
- 27 Jan. [On the petition of Mr. Penn, the Order of 9 Jan. is annulled, and the petition dismissed; the boundary having,

as Penn alleges, been settled by an Order in Council of 7 Nov. 1685, and acquiesced in by Lord Baltimore ever since.]

1709.

[*pp.* 245-6.]

[Reference to the Board of Trade of Penn's petition that the boundaries be settled according to former orders and instructions.] 16 April.

[*p.* 304.]

[On Lord Baltimore's petition for relief from the Order of 7 Nov. 1685, as having been obtained on false suggestion by Penn, by which there was granted to Penn half an isthmus of the petitioner's land in Maryland, the matter is ordered to be heard at the Board on 9 June.] 19 May.

[*p.* 316.]

[Hearing postponed to 23 June.]

[*p.* 331.] 9 June.

[The petition is dismissed], it appearing by Authentick Copies of Proceedings at this Boord, that aswell the Petitioner as the said Mr. Penn had been divers times heard before the Making of the said Order. 23 June.

[*p.* 340.]

(1720.)

[Reference to the Board of Trade of the petition of Hannah, widow of Wm. Penn, that peremptory order be given to enforce the settlement of the boundaries.] [Geo. I., Vol. III. *p.* 2.] 13 Sept.

[1078.] [It being represented that the Newfoundland convoys are now being prepared, the Board of Trade are ordered to consider what stores and necessaries must be sent by the convoy to Newfoundland] aswell for the Defence of the Forts and Garrisons at St. Johns, as for the Improvement of the Trade and Fishery in those parts.

9 Jan.
Newfound-
land.

[*p.* 235.]

[In accordance with the report of the Board of Trade, reference is made to the Ordnance of the estimate of Capt. Vane, the engineer there, for fixing a new boom to defend the harbour of St. Johns in place of the weak one fixed in 1704 at a cost of 300*l.* and since destroyed by the violence of the winds: the Commodore of the Convoy is to command on land during his stay and is to report to the Victuallers of the Navy as well as to the Board of Trade what provisions are left in the garrison at the time of his departure: a year's provision for the

27 Jan.

1709.

garrison with money in lieu of malt and hops is to be taken out as usual: the accounts of the stores brought by the Commodore of the last convoy are so intricate and contradictory that they are referred to the Victuallers of the Navy as better able to check them and to report on them with all speed: a list of necessary expenses is referred to the Lord Treasurer—a year's pay, 961*l.* 12*s.* 6*d.*: four years' contingent money to 1 Sep. 1709, 200*l.*, with a separate account for clothing: a chest of medicines is also required and is to be satisfied by a deduction from the Company.] [pp. 244-5.]

13 Jan.
Virginia and
Carolina.

[1079.] [The report of the Board of Trade of 7 January is read]:—Having lately received a Letter from the President of Your Majesties Council of Virginia, relating to Inroachments made on that Colony, by the Proprietary Government of Carolina, whereby great Inconveniencies do Arise for want of a due Settling the Bounds, between those Governments Wee have had that matter under Our Consideration and do humbly beg leave to Represent to your Majesty That for Severall Years past, there have been Frequent disputes about their Bounds, and that those Disputes are of late much increased, it being Affirmed on the part of Virginia that North Carolina (as mentioned in their Charter) is bounded by Weyanoak Creek, whereas the Government of Carolina does pretend to Carry their Bounds to Nottoway River upon a suggestion that the said River and Weyanoak Creek, are one and the same place.

For putting an end to the said Disputes Wee find that Depositions have been taken to support their Respective claims, as Likewise persons appointed on one part, and the other to view those Boundaries, and that Severall other Transactions have passed between the Governments of Virginia and Carolina, but without any Success hitherto, notwithstanding the reasonable advances which seem to have been made for that purpose, by the Government of Virginia.

While these Disputes continue (which are like to last, till the Bounds between those Countries are Setled) many of Your

Majestys Subjects of Virginia who (by the Laws and Constitution of that Colony) have a Right to take out patents for Lands lying in that part of the Colony, will be great Sufferers in being Debarr'd of their Right and thereby Your Majesty will Loose a Considerable Increase of Quit Rents, Issuing out of so large a Tract of Land, which as computed does Contain Severall Thousands of Acres, besides, that under Colour of this Claim, the Maharine Indians (who are Tributary to, and by Treaty, ought to have the protection of that Your Majestys Government of Virginia) have been fallen upon, and in an Hostile manner Threatned to be Dispossest'd of their Settlements by some of the Inhabitants of North Carolina, not only to the Lessening as much as in them lay, the Honor and Authority of Your Majestys Government of Virginia but Tending to an Open Rupture with those Indians who will no Longer continue Tributary, than they find Themselves protected, and it is to be apprehended, that the like mischeifs will hardly be prevented till the Bounds between those Neighbouring Governments are Settled.

Wee further humbly Represent to Your Majesty That the making Grants of those Lands lying on the South Side of Black Water Swamp and Elsewhere, in the manner and on the Terms or Conditions the same were made, haveing been judged a Less'ning of Your Majestys Revenue, and not so Beneficiall as might be to that Colony in the Year 1705, a particular Instruction for Granting Lands was given to Colonel Nott, the then Governour which Instruction was afterwards comunicated to the Councill there, and some Difficulties arising upon it, the said Governour forbore to make any Grants of Lands till Your Majestys further pleasure were known therein. In the Year 1707, the like Instruction (a Copy whereof marked A is hereunto annexed) was renewed to Colonel Hunter the present Governour, but he falling into the Hands of the Enemy, as he was going to that Government, and Continuing still a prisoner in France, the president of Virginia (in whom the power of Granting Lands, with the Advice and Consent of

1709.

the Council does reside, in the absence of the Governour Subject nevertheless to the Strict meaning of the said Instruction) has hitherto forbore to make any Grant of Lands till Your Majestys further pleasure be Declared ; which restriction and Forbearance gives occasion to Severall of Your Majestys Subjects of that Colony to take Grants of those Contested Lands, upon easy Terms from the Government of Carolina, though the same persons would much rather take them from Your Majesty, were they allowed so to do, upon as easy Terms.

For preventing all which Disputes and Inconveniencies for the future Wee are humbly of Opinion it is absolutely necessary that the Bounds between Virginia and Carolina be Settled, and do therefore propose that Commissioners duly qualified, be respectively appointed on the part of each of those Governments with full powers, to take Depositions to survey or Cause a Survey to be made of the Lands in Dispute, and to do whatever may be further necessary for the better Ascertain-ing and Fixing the said Bounds by a Line or Lines of Division to be drawn between Virginia, and North Carolina. And if the said Commissioners so to be appointed shall not Ascertain and Settle those Bounds (within a reasonable time to be for that purpose prefix'd) in such Case the proprietors of Carolina shall Oblidge themselves (by a Clause to be Incerted in their Commission, or by some other Instrument in Writing, previous to the Issuing such Commission) to Submit the final Determination of that matter to Your Majesty.

It seems reasonable that the Charge of performing this Service be defray'd by those Countries respectively, but in regard the Inhabitants of Virginia under their present Circumstances from the Decay of the Tobacco Trade will look upon it as an hardship to be put upon this Expence, Wee humbly Offer that Your Majesty be pleased to allow a Certain sune, such as your Majesty shall think fitt out of Your Quit Rents, towards their proportion of the said Charge, (The Duty of two Shillings per Hogshead on Tobacco being already

burden'd by other payments) which Revenue of Quitt Rents will be Considerably increased by the Addition of many Thousand acres to that Colony, if as has been mentioned the said proprietors of Carolina, are Confined to Weyanoak Creek the Bounds prescribed by their Charter.

As to the patenting Lands in that Your Majestys Colony of Virginia Wee begg leave to Offer that the said annexed Instruction (containing a proposall for a New Method to be Observed in the passing such Grants) having been communicated to the Councill There, as Wee have already mentioned, they have returned the Annexed Answer to it marked B, wherein they affirme That the method proposed by the said Instruction, is Contrary to their Charter the Laws of that Colony, and to Express agreements made with severall of Your Majestys Subjects, who under the Directions and powers in the said Charter and Laws, have purchased Rights to Lands and actually paid the Consideration money for the same. They further add That the Terms of purchase prescribed by the said New Method are so impracticable; that no persons will take up Lands upon such hard Terms; while there is Land to be had at much Easier Rates in the Neighbouring proprietary Government of Carolina for which purpose 'tis said great Numbers of people have lately removed and others are removing thither.

Wherefore Wee humbly Offer That the Governour or Commander in Cheif of Virginia now, and for the time being be impowered and directed by and with the Advice and Consent of the Councill there to make Grants of Your Majestys Lands lying on the South Side of Blackwater Swamp, or Elsewhere, in such Forme and manner and under the like Conditions Covenants, and Reservation of Quit Rent as are by the Charter and Laws of that Colony allowed and directed to be made, and as were by Your Majesty permitted to be made before the said Instruction given to Colonel Nott due Care being taken that all Such Grants of Lands hereafter to be made, be as Beneficiall with regard to Your Majestys Revenue

1709.

as may be Consistent with the Charter and Laws of Virginia, and with the particular Rights of any of Your Majestys Subjects of that Colony. All which is most humbly Submitted.

And the said Representation being approved in Council ; It was thereupon Ordered That the Lords Commissioners of Trade and plantations doe propose to the proprietors of Carolina the Issuing such a Commission as mentioned in their said Representation with such powers and numbers and Qualifications of Commissioners as shall be thought fitting, and as to the Charge of such a Commission and Commissioners That it be, and it is hereby Referred to the Right Honourable the Lord High Treasurer to Consider in what manner the same or what proportion on the part of Virginia may be fitly borne by Her Majesty out of the Quit Rents in that Colony as proposed by the said Report or otherwise. And it hereby further Ordered that in Refference to the manner of taking up and patenting or Granting Lands in Virginia the Methods proposed by Her Majestys president and Council in that Colony as by their Answer Annexed to the said Representation be Observed so far forth as shall be agreeable with, or Consonant to the Laws and Customes of that Colony, notwithstanding any late Instruction Contradicting the same or Interfering therewith. [pp. 237-40.]

31 March. [Order is given in accordance with the report of the Board of Trade of 14 March that they having written to the proprietors of Carolina, who have acquiesced in the Order of 13 Jan. and appointed John Lawson and Edward Mosely as Commissioners, instructions should be sent to the Governor and Council of Virginia to appoint two Commissioners to act with these, and to return to her Majesty an account of their proceedings : directions are also given for defraying the charges of the Virginia commissioners from her Majesty's revenue in Virginia.] [pp. 292-5.]

1 March. [Order is given in accordance with a representation from the Board of Trade]:—In pursuance of Your Majesty's Pleasure, Commissioners have been Appointed on the Part

of Your Majesty's Colony of Virginia, as likewise on the Part of the Province of Carolina, for Setling the Bounds between those Governments, And they have met Several times for that purpose, but have not agreed upon any one Point thereof, by reason of the trifling Delays of the Carolina Commissioners, and of the many Difficultys by them Raised in relation to the proper Observations and Survey they were to make; However the Commissioners for Virginia have deliver'd to Your Majesty's Lieutenant Governor of that Colony an Account of their Proceedings, which Account has been under the Consideration of Your Majesty's Council of Virginia, And they have made a Report thereon to the said Lieutenant Governor, who having lately Transmitted to Us a Copy of that Report, We take Leave humbly to lay the Substance thereof before Your Majesty, which is as follows,

That the Commissioners of Carolina, are both of them Persons Engaged in Interest to Obstruct the Setling the Boundaries between That Province and the Colony of Virginia; For One of them has for Several Years past, been Surveyor General of Carolina, has Acquir'd to himself great Profit by Surveying Lands within the Controverted Bounds, And has taken up several Tracts of Land in his own Name, and Sold the same to Others, for which he Stands still Obliged to Obtain Patents from the Government of Carolina: The Other of them is at this time Surveyor General, And has the Same Prospect of Advantage by making future Surveys within the said Bounds: That the Behavior of the Carolina Commissioners has tended visibly to no Other End than to protract and Defeat the Setling this affair; And particularly Mr. Mosely has us'd so many Shifts and Excuses to disappoint all Conferences with the Commissioners of Virginia, as plainly Shew his Aversion to proceed in a Business that tends so manifestly to his Disadvantage; his prevaricating on this Occasion has been so indiscreet and Unguarded, as to be discover'd in the presence of the Lieutenant Governor of Virginia; he Started so many Objections to the Powers Granted to the Commissioners

1709.

for that Colony, with design to render their Conferences ineffectual, that his Joint Commissioners could hardly find an Excuse from him; And when the Lieutenant Governor had with much ado prevail'd with the said Mr. Mosely, to Appoint a Time for Meeting the Commissioners of Virginia, And for bringing the necessary Instruments to take the Latitude of the Bounds in Dispute (which Instruments he owned were ready in Carolina) he not only fail'd to Comply with his own Appointment, but after the Commissioners of Virginia had made a Journey to his house, And Attended him to the Places proper for Observing the Latitude, he would not take the Trouble of Carrying his own Instrument, but Contented himself to find fault with the Quadrant produced by the Virginia Commissioners, though that Instrument has been approved by the best Mathematicians, and is of Universal use. From all which it is evident how little hopes there are of Setling the said Boundaries in Concert with the present Commissioners for Carolina. That though the Bounds of the Carolina Charter are in express Words limited to Weyanoak Creek, lying in or about 36 Degrees and 30 Minutes of North Latitude, Yet the said Commissioners for Carolina have not by any of their Evidences pretended to prove any such Place as Weyanoak Creek; the Amount of their Evidence reaching no further than to prove which is Weyanoak River, and even That is Contradicted by Affidavits taken on the Part of Virginia; by which Affidavits it Appears, That before the Date of the Carolina Charter, to this day, the Place they pretend to be Weyanoak River, was, and, is still Call'd Nottoway River; but Supposing the same had been Call'd Weyanoak River, it can be nothing to their Purpose, there being a great Difference between a River and a Creek: Besides, in that Country there are divers Rivers and Creeks of the same Name, as Potomack River and Potomack Creek, Rappahanock River and Rappahanock Creek, and several Others, though there are many Miles in distance between the Mouths of those Rivers and the Mouths of those Creeks. It is also Observable,

that the Witnesses on the part of Carolina are all very ignorant Persons, And most of them of ill Fame and Reputation, on which Account they were forced to remove from Virginia to Carolina. Further, there Appear to be many Contradictions in their Testimonies ; Whereas on the Other hand, the Witnesses to prove that the Right to those Lands is in the Government of Virginia, are Persons of good Credit, their knowledge of the Tract of Land in Question is more antient than any of the Witnesses of Carolina, And their Evidence fully Corroberated by the Concurrent Testimony of the Tributary Indians. And that Right is further Confirm'd by the Observations of the Latitude lately taken in those Parts, by which it is plain, that the Creek proved to be Weyanoak Creek by the Virginia Evidences, and Sometimes call'd Waycocon, Answers best to the Latitude describ'd in the Carolina Charter ; for it lyes in 36 Degrees and 40 Minutes (which is 10 Minutes to the Northward of the Limits prescrib'd in the Carolina Grant) whereas Nottoway River, which they pretend to have been Call'd Weyanoak River, lyes exactly in the Latitude of 37 Degrees, and can by no Construction be Suppos'd to be the Boundaries Describ'd in their Charter. So that upon the whole Matter, if the Commissioners of Carolina had no Other View than to Clear the just Right of the Proprietors, such Undeniable Demonstrations would be Sufficient to Convince them ; But the said Commissioners give too much Cause to Suspect, that they mix their own private Interest with the Claim of the Proprietors, And for that reason Endeavor to gain Time, in Order to Secure Grants of the Lands already unwarrantably taken up, And to Survey the Rest : On this Occasion, We take Notice that they proceed to Survey the Land in Dispute, notwithstanding the Assurance given by the Government of Carolina to the Contrary, by their Letter of the 17th of June 1707 to the Government of Virginia, by which Letter they promist that no Lands should be taken up within the Controverted Bounds, 'till the same were Settled.

1709.

Whereupon We humbly propose, that the Lords Proprietors be Acquainted with the foregoing Complaint of the trifling Delays of their Commissioners; which Delays, 'tis reasonable to believe, have proceeded from the Self Interest of those Commissioners, And that therefore Your Majesty's Pleasure be Signified to the said Lords Proprietors, That by the first Opportunity they Send Orders to their Governor or Commander in Chief of Carolina for the Time being, to Issue forth a New Commission, to the purport of that lately Issued, thereby Constituting Two Other Persons (not having any Personal Interest in, or Claim to any of the Lands lying within the Boundaries now in Dispute) to be Commissioners for the Setling the 'foresaid Boundaries in the room of Edward Mosely and John Lawson, The Carolina Commissioners So to be appointed, being Strictly Required to finish their Survey, And to make a Return thereof in Conjunction with the Virginia Commissioners, within Six Months to be Computed from the time that due Notice shall be given by Your Majesty's Lieutenant Governor of Virginia to the Governor or Commander in Chief of Carolina, of the Time and Place which Your Majesty's said Lieutenant Governor shall appoint for the first Meeting of the Commissioners on One part and the other. In Order whereunto We humbly Offer, that Directions be sent to the said Lieutenant Governor to give Such Notice Accordingly. And if after Notice so given the Carolina Commissioners shall refuse or Neglect to Joyn with those on the Part of Virginia, in the Making Such Survey, as likewise a Return thereof within the Time before Mentioned, That then and in such Case the Commissioners on the part of Virginia be Directed to draw up an Account of the proper Observations and Survey, which they shall have made for Ascertaining the Bounds between Virginia and Carolina, And to deliver the Same in Writing under their Hands and Seals to the Lieutenant Governor and Council of Virginia, to the end the Same may be laid before Your Majesty for Your Majesty's final Determination therein, with regard to the

1709.

Settling of those Boundaries, the Lords Proprietors having by an Instrument under their hands, Submitted the same to Your Majesty's Royal Determination; Which Instrument dated in March 1708, is lying in this Office.

And Lastly, We humbly propose that your Majesty's further Pleasure be Signified to the said Lords Proprietors, And in like manner to the Lieutenant Governor of Virginia, That no Grant be Passed by either of those Governments of any of the Lands lying within the Controverted Bounds, untill such Bounds shall be Ascertain'd and Settled as aforesaid, whereby it may Appear whether those Lands do of Right belong to Your Majesty or to the Lords Proprietors of Carolina.

[V. pp. 204-7.]

[1080.] [Reference to the Committee for Appeals of the appeal of Manuel Manasses Gilligan and Butler his wife, from a decree of the Barbados Courts of 1 Oct., 1707, in favour of Mitford Crowe and Oriana his wife, touching a portion bequeathed to the petitioner's wife by her father Edward Chamberlain.]

27 Jan.
Barbados.

[p. 248.]

[Committee Minute. All parties to attend on Saturday to fix a day for hearing the appeal.]

16 Feb.

[p. 262.]

[Committee minute recommending reversal of the decree of Oct. 1707 and affirming a judgment of July 1704 in favour of the appellants.]

5 March.

[p. 277.]

[Order accordingly.]

[p. 288.] 31 March,

[Petition for liberty to appeal in a similar case relating to property in negro slaves, referred to Committee for Appeals.]

16 April.

[p. 305.]

[Committee minute recommending that the appeal be admitted. The number of slaves is given as 16.]

10 May.

[p. 314.]

[Order accordingly: copies of proceedings to be transmitted to the Board.]

29 May.

[p. 324.]

1709.

18 July. [The petitioners complaining that the Governor has failed to comply with the order of 31 Mar., it is ordered that the Secretary of State prepare a letter for her Majesty's signature, by which he is admonished and required to give immediate effect to the order.] [p. 368.]

(1711.)

17 Sept. [The petition of Mitford Crowe Esqr. and Dame Oriana his wife, sole executrix of Sir Willoughby Chamberlain, her late husband, praying a day for hearing their appeal from a judgment of the Court of Common Pleas of Barbados of 15 Sep. 1710, and confirmed by the Governor and Council on 20 Feb. 1711, relating to a parcel of land in the parish of St. George, is referred to the Committee for Appeals.] [Vol. V. p. 315.]

(1711.)

29 Dec. [Committee minute for reversing decrees in favour of Smithell Matson, Anne his wife and Rebecca Butler spinster, and restoring the appellants to all they have lost by the said judgments.] [V. p. 353.]

(1712.)

10 Jan. [Order accordingly.] [V. p. 355.]

(1712.)

19 Feb. [Committee minute on the appeal of Mitford and Oriana Crowe] from divers Proceedings against them in Barbados in favour of Manasses Gilligan and Butler his wife, on a judgment obtained by the said Butler Gilligan before her intermarriage. [On the said Oriana's agreement of marriage with Sir Willoughby Chamberlain, the Chapple Plantation with the buildings, appurtenances, negroes, cattle and stock was settled on her for life in order to secure her an annuity of 500*l.* payable quarterly, with power of entry in case of non-payment. The Committee recommend that the petitioners be immediately restored to possession of the plantation, and that they come to an agreement with Gilligan and his wife in the Barbados Court of Chancery as to the receipts of the petitioners from the plantation since Sir Willoughby's death. If all arrears of the annuity are satisfied to the date of the account, Gilligan and his wife are to have again the estate and pay the annuity regularly—subject to entry for non-payment. If the annuity

has been overpaid the surplus is to go towards meeting a judgment obtained by Mrs. Gilligan against Sir Willoughby before her marriage. If the annuity is in arrear, Crowe is to retain the plantation till it is satisfied.] [V. pp. 380-1.]

1709.

[Order accordingly.]

[V. pp. 387-8.]

(1712.)

8 March.

(1713.)

18 May.

[Reference to the Committee for Appeals of the petition of Gilligan and his wife complaining of hardships and injuries done them by Crowe and his wife as to a debt of 4242*l.*, and of the injustice of the Chancery Court of Barbados in putting in execution an order of Council, against which they had appealed.]

[VI. p. 109.]

(1713.)

13 Sept.

[Reference to the Committee for Appeals of the petition of Gilligan and his wife, relating to a debt of 12,000*l.*, and praying that Dame Crowe being now dead and the jointure determined, they may have possession of the estate on giving security to pay the arrears of the jointure.] [VI. p. 236.]

(1713.)

11 Oct.

[Committee minute for granting the petition, and reversing the judgment of the Court of Chancery on 11 June 1712, on Gilligan giving security of 5000*l.* to Crowe to abide the final decision of the Court of Chancery of Barbados. In coming to an account, Mr. Crowe is to include such profits as he and his wife might have received without their wilful default.]

[VI. pp. 251-2.]

(1713.)

[Order accordingly.]

[VI. p. 267.]

9 Nov.

(1718.)

9 Feb.

[Reference to the Committee for Appeals of Crowe's petition of appeal from a judgment of the Barbados Chancery confirming the report of three referees relating to the arrears of the annuity.]

[Geo. I. Vol. II. p. 104.]

(1718.)

[Committee. Crowe alleges that there were to be two referees on each side and an umpire, and that his referees were not consulted: but it is recommended that his appeal be dismissed, the verdict of the referees upheld that no arrears

20 March.

596 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709.
can be due, and Gilligan's recognisance for 5000*l.* discharged.
5*l.* costs are allowed to Gilligan.] [Geo. I., Vol. II. *p.* 125.]
- (1718.)
31 March. [Order accordingly.] [Geo. I., Vol. II. *p.* 128.]
- 27 Feb.
Barbados. [1081.] [The Governor and Council of Barbados to receive a copy of, and return their answer to, the complaint of Norman Mackaskell, Deputy Clerk of the Crown there, against Mitford Crowe, the Governor, for committing him to gaol for refusing to answer questions as to the proceedings of the Court of Grand Sessions of December last.] [*p.* 264.]
- 22 Aug. [Reference to the Board of Trade of Mackaskell's petition complaining of Crowe's disobedience of the above order and other unjust proceedings.] [*p.* 417.]
- 31 March.
Barbados. [1082.] [Reference to the Board of Trade of the complaint of Alexander Skene, Secretary of Barbados, of several encroachments on his office, and praying redress.] [*p.* 297.]
- 28 April. [Order for restoring Skene to all the rights, profits, advantages and fees of his offices according to the report of the Board of Trade of 15 April which showed that Governor Crowe had refused to admit Skene as Secretary till he paid 400*l.*, which he paid for one year, but found to be more than he could justly make of the said office: on his refusal to pay again, the Governor appointed one Arthur Upton to be his private secretary, who took various books from the Secretary's office and secured fees for various matters of right belonging to the petitioner—which the Board declare an encroachment on her Majesty's patent and prejudicial to the people of the island: in case the Governor shall think fit to employ a private secretary he himself ought to make him an allowance for it.] [*pp.* 308–10.]
- (1710.)
30 March. [Reference to the Board of Trade of Skene's complaint that the Governor refuses to obey the Order of 28 April and praying that it be enforced.] [*p.* 565.]
- (1715.)
22 Nov. [Reference to the Committee for Appeals of the petition of Arthur Upton for a day for hearing his appeal from a decree

1709.

of the Barbados Chancery, 2 Sep. 1714, in favour of Alex. Skene, touching fees received by the appellant while acting as private secretary to Governor Crowe.] [Geo. I. Vol. I. *p.* 312.]

[1083.] [Reference to the Board of Trade of a petition from 31 March. several members of the Assembly, gentlemen, freeholders, Leeward Isles. merchants and other inhabitants of Antigua, and of another from divers merchants trading to the Leeward Islands, against Col. Daniel Park, the Governor.] [*p.* 297.]

[On the report of the Board of Trade, it is ordered that 8 Aug. Col. Park and the petitioners each prepare affidavits and other proofs and exchange these within a month after publication of the letter mandatory to Col. Park, and that within twenty days thereafter they exchange replies, and that then the whole be transmitted to the Board by the first conveyance. —Marginal note says, “Not Issued.”] [*p.* 401.]

[The last order to be stayed, and the complainants and 22 Aug. Mr. Perry, agent for Col. Park, to be heard at the Board on 5 Sept.] [*p.* 406.]

[The case postponed till 26 Sept. on the petition of Micaiah 28 Aug. Perry.] [*p.* 419.]

[On Perry’s petition, Capt. Burr and Lieut. Ekins, who 5 Sept. had been ordered to their posts in the Leeward Islands, are directed to attend the hearing of the complaints against Col. Park on 26 Sept.] [*p.* 420.]

[On the petition of the complainants, the following witnesses 16 Sept. are directed to attend on the 26th :—Nathaniel Blakiston, Esq., Archibald Hutchinson, Esq., Joseph Torey, Esq., Richard Carey and Richard Merryweather, merchants, Nathaniel Estwick and Jerediah Hutchinson, gents., Peter Adams, merchant, Peter Hayfield, surgeon, John Moulton, Samuel Cozens, John Walton, gent., and Samuel Trouard, mariner.] [*p.* 430.]

[It is referred to] the Lords of the Council in a Committee 3 Oct. of this Board for hearing of Appeals from the Plantations

598 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709. [to examine the complaints against Col. Park, and report the state of the case with their opinion for her Majesty's determination upon the whole matter.] [p. 443.]
- (1710.) 5 Feb. [Copies of all complaints are to be delivered to Col. Park, who is to come over to England without any delay prepared to make his defence: the complainants are to be free to take depositions in support of their charges, and before Col. Park's sailing copies of all affidavits are to be interchanged by the parties, and all the papers are then to be transmitted under the seal of the Leeward Islands.] [p. 533.]
- (1710.) 2 Nov. [Reference to the Lords of the Committee of this Board of Mr. Perry's petition that the complaints be not heard till Col. Park's arrival, but that inquiry be made into great irregularities which, he alleges, have been used in taking and transmitting depositions against the Governor.] [V. p. 144.]
- (1710.) 13 Dec. [Reference to the Lords of the Committee of the Council of an Address from the Assembly and inhabitants of Antigua and a petition of William Nevins in behalf of the complainants touching Col. Park's disobedience to the orders commanding him home and praying that he be suspended from his government.] [V. p. 163.]
- (1711.) 5 March. [Committee minute: the complaints heard and adjourned till 27 Mar.] Memorandum: News arriving of the Murder of this Gentleman, there was no further Hearing. [V. p. 210.]
- 16 April. Barbados. [1084.] [Reference to the Committee for Appeals of the petition of William Arnoll, Elizabeth widow of Robert Arnoll, and Matthew Gray of Barbados, praying leave to appeal from illegal proceedings in the courts of the island against William Arnoll for reflecting words alleged to be spoken by him against Sarah Harris, a carpenter's daughter.] [p. 305.]
- 10 May. [Committee minute recommending that the appeal be admitted and proceedings stayed in the meantime upon the recognizances entered into by William Arnoll and his sureties in the civil suit and upon the fines imposed on him for slander, contempt, and perjury.] [p. 314.]

- [Order accordingly.] [p. 319.] 1709.
19 May.
- [The proceedings having been transmitted, the Committee for Appeals are to hear the parties and report.] [p. 456.] 24 Oct.
(1710.)
- [Committee minute recommending dismissal of appeal in the civil case as not regularly transmitted, but reversal of the sentences of fines and discharge of the recognizances entered into by Arnoll and his sureties. It is also represented that Simon Lambert, one of the Justices of the Peace in Barbados, has very much promoted the many vexatious and violent prosecutions against the appellants.] [V. p. 22.] 14 July.
(1710.)
- [Order accordingly. Lambert is to be put out of the Commission of the Peace.] [V. p. 45.] 31 July.
- [1085.] [Reference to the Attorney and Solicitor General of the petition of Jeremiah Wischamer of Jamaica for a patent for a new sugar mill or engine invented by him.] [p. 310.] 28 April.
Jamaica.
- [Order in accordance with the Attorney General's report that the petition of Jeremiah Wischamer sets forth that he has been an inhabitant of Jamaica] near Twenty years, And observing the great Expence and Labour of the Planters there were obliged to in their Sugar Mills for pressing and grinding the Sugar Canes, Every Sugar Mill requiring for the Service thereof Fourty Oxen, which Mills are found to be so hard a Draught, that they kill 20 or 30 Oxen yearly to the damage of the Proprietors, and Discouragement of New Beginners, That the Petitioner by many years Study and Industry, and with very great Charge before he could bring his Project to perfection, hath invented a Mill or Engine which grinds and presses the Sugar Canes and answers all the ends of the antient and present Mills in use, and wilbe perform'd by Eight or Ten Horses or Cattle at most; That the Petitioner is come over from Jamaica at great expence to beg your Majestys most gracious Favour towards his New Invention, He being encouraged by the Planters of the said Island, who are sensible of the Advantage that will accrew to them thereby . . . 2 June.