

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 relieve, 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 Council. [p. 224.]

18 June.
Virginia.

[874.] [A letter to the Master of the Ordnance from the 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.
New York.

[875.] [The Council refer to the Attorney and Solicitor 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 incur the Pains, Penaltys 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.]

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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. 265.]

(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 Illegall 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.