

# HEINONLINE

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I have considered the Allegations of the said Petition, and have discoursed with severall Persons, who are well versed in the affairs of the Plantations, and some of them have seen the Modell of this Engine, and are acquainted with the Methods now used for grinding and Pressing the Sugar Canes in the West Indies, and they do inform me, that they look upon this Engine of the Petitioner to be a new Invention, and in all probability wilbe of great use to the Plantations, Wherefore I do humbly conceive, the Petitioner may be intituled to the sole making of this New invented Engine for Fourteen Years, if your Majesty shalbe graciously pleased to grant him your Royall Letters Patents according to the Prayer of his Petition. [p. 329.]

28 April. [1086.] [Reference to the Board of Trade of the petition of  
Jamaica. Richard Lloyd of Jamaica for the pardon of Sherry, one of his negro slaves, sentenced to be transported for poisoning a negro child], in Consideration he is soe usefull on the petitioners plantation. [p. 310.]

28 April. [1087.] [On reading a report from the Attorney General as  
Newfound- to the manner of bringing to trial John Chambers and Simon  
land. Churchouse now in Winchester and Dorchester gaols respectively for murdering two of her Majesty's subjects beyond the seas, the whole matter is referred to the Committee of the Lords of the Council.] [p. 311.]

10 May. [Committee minute for examining Chambers on the 21st instant.] [p. 313.]

21 May. [Committee minute of the examinations:] Tho' there was an Affidavit of a Young Lad of 14 Years of Age, against Simon Church-house for being the person who killed one William Fish in Newfoundland, Yett the said person (tho' Ordered to Attend to make good the same) did not appear, it being Reported he was gone out of the Country, and that by many Circumstanciall proffs, it did appear that the said Simon Churchhouse, had never been in Newfoundland, But for many Years past was a Soldier in Her Majestys Army in

Flanders under Major Generall Webb, and Lately Returned from thence; Whereupon my Lord Cheif Justice Holt took Bail for him in Order to his Legal Discharge at the Next Assizes. [Chambers' alleged offence was committed at Barcelona.] [p. 323.]

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[Order for a special commission for trying Chambers.]

29 May

[p. 324.]

[1088.] [Reference to the Board of Trade of an Address from the Assembly of Barbados relating to the evading a trial of William Walker on a bill of indictment found against him for prosecuting George Lillingston in Sir Bevil Grenville's time on a pretended charge of high treason, and forcing Lillingston to compound for 2000*l.* to save his life and secure his liberty.] [p. 321.]

19 May.  
Barbados.

[On the petition of Lillingston that on receiving the Order in Council of 13 Dec. 1705 for restoring to him a fine of 2000*l.*, he was imprisoned for high treason, and by the menaces of Walker compelled to sign a receipt for the said 2000*l.*, although he never received any part thereof; and setting forth that Norman Mackaskell, Deputy Clerk of the Crown, entered an erroneous judgment of acquittal of William Walker for the offence mentioned at the Court of Grand Sessions in December last, although the Petty Jury was never charged with the same, the petition, and the Address from the Assembly, are referred to the Committee for Appeals, and the Order of 19 May is revoked.] [pp. 345-6.]

11 July.

[Committee minute. The defendants having waived their objections to the irregularity of the complaint without entering any appeal thereupon, the case is to be heard on 22 Aug.] [p. 394.]

30 July.

[Reference to the Committee of Walker's petition touching unfair proceedings against him by the Governor and others on Lillingston's complaint.] [p. 405.]

8 Aug.

[Hearing of the case postponed till Chief Justice Holt returns to town.] [p. 418.]

22 Aug.

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19 Dec. [Committee minute for affirming the verdict of Dec. 1708 acquitting Walker, and for stopping proceedings against Walker and Mackaskell or any other in this matter. The address from the Assembly of Barbados is recommended for her Majesty's further consideration.] [p. 494.]

(1710.)

26 Jan. [Order accordingly with reference of the Address to the Board of Trade to report what they shall judge most proper for preventing irregular proceedings in the courts of justice in Barbados for the future.] [p. 517.]

2 June. [1089.] [Reference to the Board of Trade of the petition  
Newfound- of James Campbell merchant for reward for] his Extraordinary  
land. Services and Sufferings on account of the Colony and Trade to Newfoundland. [p. 326.]

(1711.)

1 March. [Board of Trade report referred to the Treasury.] [V. p. 204.]

2 June. [1090.] [Reference to the Board of Trade of] a Memoriall  
Piracy. from the Right Honourable Peregrine Marquis of Carmarthen, Setting forth the great advantages that might accrue to Her Majesty and the Public by suppressing and reclaiming the Pirates at Madagascar and those Parts, which had induced his Lordship by his Solicitation to obtain the late Address from the House of Commons to Her Majesty for Suppressing the said Pirates, And further Representing, That one Breholt taking advantage of the delays in performing thereof for want of Shipping, is upon some indirect or unlawfull Design, in endeavouring to draw severall Persons into some Project for setting out Ships for those Parts, where the said Pirates reside. [p. 327.]

(1711.)

19 Dec. Petition of Capt. Breholt and others relating to the Wreck near Madagascar. Read. nothing. [V. p. 351.]

2 June. [1091.] [Upon reading the petition] of Captain Roger  
West Indies. Holland, Setting forth his Services and Sufferings in Ireland, and of his being deprived of his allowance of Half Pay on pretence of his refusing to go to the West Indies, [and



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praying for relief, it is referred to the Lord Lieutenant of Ireland to do therein as he shall think fit.] [p. 328.]

[1092.] [Reference to the Lord Treasurer of the petition of the wives, widows and other relations of the seamen of H.M.S. *Sheerness* for wages for four years' services in the West Indies] to preserve them and their distressed Familys from utter Ruine. 2 June. West Indies. [p. 329.]

[1093.] [On reading a representation from the Board of Trade upon the petition of George Gordon, Provost Marshall General of Barbados representing] That by Two Acts passed in the Generall Assembly in Barbados in the years 1707 and 1708, the Committees and Commissioners of Assemblys in the said acts mentioned, have been Empowered to appoint their own Marshalls to attend them, And that the Judges of the Courts of Common Pleas, and Court of Admiralty have likewise taken upon them to do the same Refusing to admit the Deputys nominated by the Petitioner as has been usuall, under colour of an Act pass'd in the Generall Assembly in that Island the 5th of September 1667, which Act nevertheless had not been put in use from the making thereof, till the year 1696, Since which there continuing to be but one Prison in that Island, whereof the Provost Marshall Generall is Keeper, He remains answerable for all Escapes, whilst others go away with the Profit, Which being an Encroachment upon the Rights and Privileges of Her Majestys Patent Officer, and a Lessening of the just Rights of his said Office, Her Majesty with the Advice of Her Privy Councill having been thereupon pleased to signify Her Disapprobation and Disallowance of such Clause or Clauses in the said Act pass'd in the Generall Assembly of Barbados in the year 1667, Entituled, An Act Directing how the Clerks and Marshalls of the severall Courts of Common Pleas with this Island shalbe appointed, and what Fees they shall receive, Whereby the said Judges are Empowered to appoint their own Marshalls. Her Majesty is further pleased to Order, That the Governour or Commander in Cheif of that Island Endeavour with the Generall Assembly 9 June. Barbados.

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there, that such Clause or Clauses in the said Act pass'd in the year 1708 Entitled, An Act appointing a Committee for settling the Public Accompts of this Island, and appointing the Excise of strong Liquors, whereby the Committee or Commissioners of Assemblys are Empowered to Appoint their own Marshalls, Be repealed, Or that he return an Account to Her Majesty of the Objections against Repealing the same. And that he take particular Care not to passe any Law hereafter in the Assembly there, wherein any thing shalbe conteyned, which shall take away, lessen, or be prejudiciall to the just Rights, Fees and Perquisites of the Office of Provost Marshall Generall of that Island, But that he give all just countenance and Protection to the Petitioner in the due Execution of his office, and in the full Enjoyment of all Rights, Fees, Privileges and Perquisites to the same belonging. [p. 332.]

15 Dec. [Reference to the Board of Trade of George Gordon's complaint of the refusal of Richard Downes, Judge of the Precinct of St. Michael's, to admit the petitioner's deputy in the Court of Common Pleas there.] [p. 488.]

(1710.)

26 Jan. [Upon further consideration, the order of 9 June is revoked and made void.] [p. 519.]

[Mr. Gordon setting forth] that several Considerable Planters and Inhabitants of the said Island having Petitioned her Majesty to Repeal the whole Act, which will be a great Diminution of the Profits of the Petitioner's Place, yet since 'tis a Generall good and ease to the Inhabitants of the said Island he nevertheless prays Her Majesty will be pleased to repeal the whole of the aforesaid Act [the matter is referred to the Board of Trade]. [p. 524.]

(1710.)

18 Feb. [A petition from Alex. Skene praying for the total repeal of the Act is similarly referred.] [p. 524.]

[On the Board of Trade report, the Act is repealed, and the Governor directed to move the Assembly to pass an Act for settling a salary or reasonable fees on the several judges, and for restoring to the clerks and marshals the fees mentioned in the aforesaid Act.] [pp. 539-40.]

[1094.] [Reference to the Lord Admiral of the petition of Richard Walton, surgeon, for 1100*l.* due to him for medicines and instruments for the supply of the Government of Jamaica during the last ten years, before his dismissal by the Commissioners of the Navy by reason of his old age.] [p. 333.] . 1709.  
9 June.  
Jamaica.

[1095.] [Reference to the Committee for Appeals of the petition of Stephen Remington of James Town in Rhode Island, lessee of William Sandford, for a date for hearing his appeal from a decree of the General Assembly at Providence in Oct. 1708 in favour of Jahleel Brenton.] [p. 334.] 9 June.  
Rhode  
Island.  
(1710.)

[Committee minute recommending reversal of the decree, as the proceedings were erroneous and the Court had no jurisdiction therein.] 14 July.  
[V. p. 23.]

[Order accordingly.] [p. 46.] 31 July.

[1096.] [Reference to the Committee for Appeals of the petition and appeal of John Colleton and Elizabeth his wife, from a sentence given against them in Barbados 27 Oct. 1708] 9 June.  
Barbados.  
in favour of Thomas Prideaux of the said Island, Executor of Nicholas Prideaux deceased, from a Plea of the Statute of Limitations, against accounting with the Petitioner for matters transacted by the said Nicholas Prideaux his Testator, complained of in the Petitioners Bill exhibited in the Court of Chancery in the said Island. [p. 335.]

[Committee minute. Mrs. Colleton was widow of Henry Drax and administratrix during the minority of her son Henry. Thomas Prideaux obtained a letter of Attorney from Mr. Codrington the only surviving acting executor of Henry Drax, uncle of the said Thomas, and in virtue thereof managed his estate, and instead of accounting to the petitioner for the same, pleaded the Statute of Limitations, and obtained the verdict appealed against. The Committee, on due consideration, recommend its reversal.] 19 Dec.  
[p. 493.] (1710.)

[Order accordingly.] [p. 502.] 5 Jan.

[1097.] [On the report of the Board of Trade of 15 July 1708, to whom the case was referred by Order in Council on 16 June.  
Bermuda.

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27 June 1707, it is found that the bail of 500*l.* demanded in 1706 for the appearance of Matthew Newman was excessive and that the fine imposed on him at the next sessions was also excessive in view of his mean circumstances and contrary to the Bill of Rights: and that as the petitioner has lain in prison for two years, this may be sufficient punishment for his crime of repeatedly threatening and abusing in a very gross manner the Governor, Judges and Justices of the island: he is therefore to be released on condition of departing the island within a reasonable time, or of finding personal security of 100*l.* and two sureties in 50*l.* each for his future good behaviour.] [p. 337.]

23 June.  
Virginia.

[1098.] Petition of Thomas Lord Fairfax touching a Proposall for exchanging some Lands in Virginia with the Crown, for the Lot and Cope and Office of Bergmaster in the Wapentake of Wirksworth in Derbyshire. Nothing.

[p. 341.]

18 July.  
Barbados.

[1099.] [Reference to the Board of Trade of the petition of John Bentley and Elizabeth his wife for relief in their claims against Richard Downes, which are tryable in Barbados only in the Court of Common Pleas where Downes himself is Chief Judge.] [p. 367.]

8 Aug.

[Order in accordance with the report of the Board of Trade of 2 Aug., setting forth that they have examined the petition and also heard one of Bentley's counsel, lately arrived from Barbados, and find that as the only means of securing the debt of 800*l.* due to him from Downes, Bentley commenced a suit in the Court of Common Pleas. Downes was Judge, and of his four assistants William Roberts, as a factor in the slave trade, was incapacitated from acting in civil cases, and another declined to be present owing to the small-pox being rife. Hereupon the Governor, on being applied to, instead of nominating another assistant to make up the quorum of three, referred the whole matter to Downes himself—whence the appeal to the Council. The Governor is instructed to appoint such assistants as shall be willing and

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qualified to attend the duty of their place, and to take care that a quorum may be present to prevent any delay of justice. For the irregularity in this case, Downes is to be removed from being Judge of the Common Pleas for the precinct of St. Michael's.] [p. 400.]

[1100.] [Reference to the Board of Trade of the petition of Robert D'Oyly, brother and administrator to Cope D'Oyly, and guardian of his two sons, Charles and Cope, setting forth that Cope D'Oyly dying intestate, the Governor of Virginia put the children and the estate under the care of the Court of York County, which converted the estate into money and remitted it to England for the use of the children. Part of it has been drawn back, and converted to his own use by Benjamin Harrison, an attorney, whom the children were induced to accept as guardian. The petitioner therefore desires that the children be sent over to his care and tuition in England.] 18 July. Virginia. [p. 367.]

[1101.] [Reference to the Board of Trade of the petition of John Sober of Barbados forced to leave the island, his business and family, by an unjust prosecution formed against him by the Governor.] 25 July. Barbados. [p. 390.]

[On reading the report of the Board of Trade of 25 August, stating that Sober has presented an affidavit that he was so exasperated by the indecent and unbecoming manner in which the Governor behaved to his wife and sister that he declared that though he must respect her Majesty's Governor], if Mr. Crowe had been a Private Man, he would then have said he was a scout and a Scoundrell, [and that being threatened with an infamous punishment, Sober designed to go off the island, but, though his name was up in the Secretary's office above 21 days, as by law required, he could not obtain a ticket, and was obliged to come away without leave, and in his passage was taken by the French, and recommending that he have leave to return to his estate and to take affidavits in support of his case against the Governor, and that letters mandatory 5 Sept.

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be sent to Mr. Crowe that when he comes to England in accordance with a late Order, he come prepared to make his defence against the said complaint. Order accordingly.] [pp. 421-3.]

8 Aug.  
Barbados.

[1102.] [Reference to the Lord Admiral of the complaints of the Council and Assembly of Barbados of the disobedient and contemptuous carriage of Captain Legg of the *Weymouth* and Captain Norbury of the *Lark*, appointed to protect the trade of the island.] [p. 404.]

22 Aug.  
Virginia.

[1103.] [Order in accordance with the following report of the Board of Trade to the Earl of Sunderland] :—In Obedience to Her Majestys Command Signified to Us by Your Lordships Letter of 28th June last Wee have Considered the petition of Severall Inhabitants of the Canton of Berne praying that they may be permitted to make a Settlement on the Frontiers of Virginia, And Wee have been Attended by Mr. Christopher de Graffinried and Mr. Louis Mitchell who have been sent from the said Canton to prosecute that affair here.

And Whereas by the abovesaid petition Severall Concessions were desired, which would be Chargeable to Her Majesty and which are not granted to Her Majestys Subjects, who take up Lands to Settle and plant there, the foresaid Graffinried and Mitchell who are authorized from the Canton of Berne, have with drawn the said Petition and given Us another proposall, a Copy whereof is hereunto Annexed, by which they propose to Settle a Colony in Virginia of about 5 or 600 persons, at their Own Charge But at first they intend only to Carry over 60, to prepare and begin a Settlement there, and they pray

That Her Majesty would be graciously pleased to grant them Lands for such A Settlement upon the South West Branch of Potomac River.

That they may enjoy the same Advantages Liberties and Priviledges which Her Majestys Naturall born Subjects do enjoy in those parts.

That they may have a minister from their own Country who speaking their own Language will be the better able to teach and instruct them in their Religious Concerns.

They are willing to be Subject to the Laws and Government of Virginia and in all matters, Ecclesiasticall, Civil and military they will be Conformable to the Constitution of that Colony.

Whereupon having Consulted with some of the principall persons Concerned in Virginia who have testified to Us their ready Concurrence therewith, Wee pray Your Lordship to represent to Her Majesty Our humble Opinion, That the Settlement of Such a Colony in the place desired will be a publique benefitt and Advantage, By Strēgthening the Frontier of Virginia against the French of Canada and Missisipi and by the increase of Trade and Navigation, and therefore Wee see no Objection why Her Majesty may not be graciously pleased to grant their Desire and to Direct Her Governour upon their Arrivall to Allot them Lands on the South West Branch of Potomac (which is a piece not yet Seated by any of her Majestys Subjects) in such manner and forme, and under the like Conditions Covenants and reservations of Quitt Rent, as are by the Charter and Laws of that Colony Allowed and Directed to be made, due Care being taken in all such Grants of an Equal Distribution of the profitable and unprofitable Acres; And particularly that every patentee be Oblidged in the best and most Effectuall manner to cultivate and improve three Acres part of every fifty Acres granted to them within the Terme of Three Years, after the passing such Grant, and in Case of failure thereof, such Grant or Grants to be Void and of none Effect, according to her Majestys Additionall Instructions to Colonel Hunter Dated 19th February 170<sup>8</sup> provided always that in all things they duely Conform Themselves to the Severall Acts and Laws of Trade and Navigation heretofore made or which hereafter shall be made relateing to Her Majestys forreigne plantations.

[pp. 412-3.]

[1104.] [On a representation from the Board of Trade that Col. Ingoldsby has assumed the Government of New York on Lord Lovelace's death, and that it appears that he has

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New York.

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not been notified of the revocation of his commission as Lieutenant Governor in 1706, the revocation is now ordered afresh.] [p. 425.]

24 Oct. [Col. Ingoldsby's commission revoked, and all grants of lands in New York since the death of Lord Lovelace to be void.] [p. 450.]

16 Sept. [1105.] [Reference to the Board of Trade of the petition of  
Leeward Islands. Walter Hamilton, Lieutenant Governor of Nevis, that, in consideration of his 25 years' service, he be granted a commission as Lieutenant General of the Leeward Islands, of which he alleges there are several Presidents, and that in the absence or death of the Captain General] he may have the salary and perquisites usually allowed Lieutenant Generals, in like cases. [p. 428.]

15 Dec. [Representation from the Board of Trade with a certificate from the Clerk of the Council about precedents.] Her Majesty will consider of it. [p. 492.]

26 Sept. [1106.] [Order in accordance with the following representation of the Board of Trade of 6 Sept.]:—Having received  
Virginia and Carolina. a Complaint from Edmund Jennings Esqr. president of Your Majestys Councill of Virginia, and Commander in Cheif there That the Government of South Carolina had lately seized some Goods, which the Indian Traders of Virginia were Carrying to the Western Indians, to the great Interruption and prejudice of That Trade, Wee acquainted The Lords proprietors of Carolina therewith, and Desired to be Informed by their Lordships whether the said Seizure was made by Virtue of any Orders from Them, and on What Account.

In Answer Whereunto they say that a Law was lately passed in Carolina for the Support and Maintenance of their Clergy, whereby a Small Duty is laid upon all Skins Exported out of that province and that by Virtue of the said Law, Some Skins were stopped till the said Duty was Paid, but on payment thereof, were immediately Discharged.



Whereupon Wee humbly take leave to Represent to Your Majesty the State of that matter, as Sett forth in the Minutes of Council in Virginia of the 28th of Aprill 1708, And in Other Accounts Transmitted to Us from thence, whereby it appears, That Severall Indian Traders Inhabitants of that Colony, having in September then foregoing, been Tradeing with the Western Indians, and having purchased a Considerable Quantity of Skins and Furrs which they left in the Towns of a Certain Nation of Indians, Called the Usherees ; The Government of South Carolina, called all the said Skins, with other Goods belonging to those Virginia Traders to be Seized and Carried to Carolina, And at the same time gave Orders (as one of them was Informed) to Seize the said Traders in their returne, to Strip them of all they had and send them back to Virginia, That one of them went afterwards to Charles Towne, to know the Cause of the Seizure ; At last after an Attendance of severall Weeks, and a Considerable Expende in presents to the Governour and other Persons, upon his Entering into Bond, with a penalty of 500*l*. Sterling never to Cross Santee River again he procured Restitution of some of the said Goods but the rest were Detained without any Satisfaction made or Reason given for such Treatment.

It further Appears by the said Minutes and Accounts That the president and Council of Virginia Writ to the Governour of South Carolina to Complain of such Unjustifiable proceedings Desiring that the Bond so Extorted might be Cancelled and the abovementioned Restriction taken off, But Wee do not find that the same has yet been Complied with.

Wherefore Wee humbly Offer to Your Majesty that the Western Indians with whom the said Trade has long been Carried on, by the Virginia Indian Traders, are not under the Government of Carolina and Consequently that Government has no power to lay Duties on Goods Carried to those Western Indians, or brought from thence, That the laying Duties on European Goods Carried through one plantation to another, has ever been and ought Still to be Discouraged ;

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That the Goods Vended in this Trade being Coarse Cloaths, Gunns, Hatchets, Beads, Powder, Shott, and other European Manufactures which the Inhabitants of Virginia Import Directly from Great Britain. The Consumption thereof will be much Lessened, if the Trade between that Colony and the said Western Indians is interrupted, and Carolina permitted to Ingross the same, In regard the Inhabitants of Carolina have a Constant Clandestine Trade with Currasao, and St. Thomas, and Import European Goods from those places, which they Purchase with Rum and Spirits, Nor have they Such Conveniency of Shipping from Great Britain to Supply them with European Goods as Your Majestys Subjects of Virginia have for which Reason those of Carolina Cannot Export from Great Britain so great Quantities, nor Afford to Sell what Goods they do Export at so Cheap Rates. To all which Wee may Add, That the Stopping the Indian Trade from Virginia, and permitting it to be Ingrossed by the few Inhabitants of Carolina Concerned therein will be attended with Consequences very Dangerous to Your Majestys Service and to the peace of Your Colonies in America For the Inhabitants of Carolina not being able to Supply the Indians with European Goods, for want of Conveniency of Shipping from Great Britain as has been Observed) when they have Shutt Out the people of Virginia from Tradeing, they will raise the price of their Goods as they think fitt, the Consequence Whereof will be, that, those Indians who are near Neighbours to the French at Mishasipi, will be Supplied from thence whereby the Trade will be in Danger of being Entirely Lost, And the French have it in their power to make Use of those Indians to annoy Your Majestys Subjects in those parts. Whereas on the other hand, if this Indian Trade is left Open the Cheapness of Brittish Goods will not only Secure the Friendship of the Indians already known but give an Incouragement to Your Majestys Subjects there to Attempt the Opening a Trade with other Indians Yet Undiscovered.

For these reasons Wee look upon this Duty (which as Wee are Informed is heavy and Equal to a prohibition) or any

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other restriction on that Trade with regard to the Virginia Indian Traders to be highly Injurious and prejudicial to Your Majestys Subjects, and are therefore of Opinion that the same ought to be taken off and the Trade left Free and Open to Virginia.

In Order Whereunto Wee humbly propose, That Your Majesty will be pleased to Signifye Your Royall pleasure to the Lords proprietors of Carolina That they give Directions to their Governour not to Demand or Levy the said Duty upon any goods or merchandizes which shall be Carried by the Virginia Indian Traders to the Western Indians or which shall be brought back from thence by Way of Trade but that the said Trade be permitted to be Carried on Without any let hindrance or molestation whatever, And that the said Governour of Carolina be Required to Transmitt to the Commander in Cheif Virginia the Bond so Extorted in Order to be Cancelled.

[pp. 430-3.]

(1713.)  
8 Jan.

[Orders in accordance with a representation from the Board of Trade of 19 Dec., 1712.] A Complaint having been made from Virginia in 1709 of Obstructions the Virginia Indian Traders mett with in their Trade with the Western Indians from the People of Carolina by reason of a Law passed in that Province for Laying Duty on Skins Exported out of Carolina, and that matter having been fully Laid before Your Majesty with the Consequences of the said Obstructions, Your Majesty was pleased to direct the Lords Proprietors of Carolina to Give Orders to their Governor there not to demand or Levy the said Duty, upon any Goods or Merchandizes, which Shall be Carried by the Virginia Indian Traders to the Western Indians, or which shall be brought back from thence by way of Trade, But that the said Trade be permitted to be Carried on without any lett, hindrance or molestation whatsoever.

Notwithstanding which Wee are informed by a Letter from Colonel Spotswood Lieutenant Governor of Virginia, that the Government of Carolina did in July 1711 pass an other Act, whereby they Impose the Duty and all the hardships upon

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the Virginia Indian Traders which your Majesty Graciously intended to remedy by the forementioned directions a Copy of which Act as transmitted to Us by Colonel Spotswood, We take Leave to annex thereunto.

The pretence for Exacting the said duty and imposing the said Hardships, is, that the Virginia Indian Traders in Going to the Western Indians pass through the Province of Carolina the Boundaries whereof are not yet settled: And notwithstanding the Signification of your Majestys pleasure the 1st March 1710 to the Lords Proprietors, to appoint Commissioners to meet with others on the part of Virginia, the Same has not yet been done, though the Lieutenant Governor of Virginia has often prest the Government of Carolina to it, they pretending they had no directions; Wherefore Wee humbly Offer that your Majesty be pleased to renew your Majestys directions to the said Lords Proprietors, that they may immediately Appoint Commissioners to Meet with those of Virginia for that purpose.

Wee further humbly Offer that your Majesty be likewise pleased to signify your Royall pleasure to the said Lords proprietors of Carolina, that they immediately (if the same be not already done) take care that the foresaid Act passed in July 1711 so prejudiciall to your Majesty's Subjects of Virginia be repealed. [VI. p. 66.]

28 Sept.  
North  
Carolina.

[1107.] [Reference to] the Commissioners for Settling and Disposing of the said Poor Distressed Palatines [of the petition of 40 or 50 families from the Palatinate now living in St. Catherines Street London and praying transportation into America with the Swiss now going to North Carolina.]

[p. 438.]

24 Oct.  
Pennsyl-  
vania.

[1108.] [On a representation of the Board of Trade of 8 Sept. upon divers laws transmitted from Pennsylvania, they are directed to recommend Mr. Penn to have all Acts passed in the Assembly of Pennsylvania transmitted for her Majesty's approbation as soon as convenient after the passing thereof: as several whole Acts have been disallowed merely by reason

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of some unsuitable clause, the Board of Trade are to give notice to the respective colonial governments or their agents of the reason for repealing such Acts: if in the disallowed Act for the further securing the administration of Pennsylvania a clause be inserted that on the death or absence of the Lieutenant Governor the proprietary do nominate another and obtain her Majesty's approbation within six months, then the Act will be confirmed: Mr. Penn is also to endeavour to get a law passed for renouncing the Pretender and declaring the allegiance of the inhabitants to her Majesty.] [p. 452.]

(1714.)  
20 Feb.

[The Board of Trade representing] that by the Powers Granted in the Charter to Wm. Penn Proprietary of that province for Making and Enacting Laws, there is 5 years time Allowed to him to lay his Laws before Her Majesty, and but 6 Months to Her Majesty to Consider thereof; whereby it may happen, that so great a Number of Laws may be at one time transmitted, as that it may without difficulty be impossible, Considering the other Business That may intervene, to Examine the same as they ought to be; And also representing another ill Consequence of a Clause in the said Charter, That temporary Laws prejudicial to the Trade of Her Majestys other Subjects may be Enacted there which will Expire before Mr. Penn is Obligated to Lay the Same before Her Majesty Which the said Lords Commissioners judge unreasonable, and a Burthen on the Trade and Navigation of this Kingdom, as well as an invading Her Majestys right of repealing such Laws as may be prejudicial to Her Majestys interest and the Trade of Her Subjects: And Her Majesty being likewise informed that there is the like practice in most of her plantations in America for Making Laws to Continue and be in force one Year only whereby her Prerogative of disapproving or Confirming such Laws is also invaded. It is Ordered by Her Majesty in Councill That the Consideration of these matters be and it is hereby referred to a Committee of the whole Councill, Who are at the same time to Examine into the State of the Agreement with Mr. Penn for surrendering the Government of Pensilvania into Her

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Majestys Hands, and to report their Opinion upon the several particulars abovemention'd to Her Majesty at this Boord : And it is further Order'd by Her Majesty, That it be also referr'd to Mr. Attorney and Mr. Sollicitor General to Consider of the Abovesaid matters, and to attend their Lordships with their Opinion thereupon.] [Vol. VI. pp. 335-6.]

(1714.)

20 Mar. By the Lords of Her Majesty's Most Honourable Privy Council in a Committee of the whole Council. Their Lordships . . . finding by a Minute at the Treasury Chambers Read at the Board that an agreement hath been made there with Mr. Penn and others proprietors [for surrendering the propriety of Pennsylvania to the Crown for 12,000*l.* to be paid in four years time, recommend that the agreement be perfected by Act of Parliament by reason of the incapacity of Mr. Penn, and that provision be made to obviate the inconvenience in the passing and transmitting of laws occasioned by the present form of the Charter]. [VI. p. 348.]

(1714.)

21 April. [Order accordingly : with instruction to Committee of whole Council to examine into similar evasions of the prerogative of the Crown in the other plantations.] [p. 355.]

(1714.)

5 June. [Committee for Appeals refer the matter to the Board of Trade to Examine and report on the best methods of setting aside the said practices.] [p. 365.]

24 Oct. Barbados. [1109.] [Reference to the Committee for Appeals of the petition of Othniel Haggatt and Mary his wife, relict and administratrix of Henry Gibbs of Barbados, for liberty to appeal from a decree of the Governor of Barbados, setting forth that Joseph and Daniel Alford of London, merchants, exhibited a bill in Chancery in Barbados against the petitioners for a discovery of Gibbs' estate in order to satisfy a judgment of the Barbados Court of Common Pleas of 20 June 1706, awarding the Alfords 173*l.* 17*s.* 6½*d.* On hearing the case on 20 Mar. 1709, the Governor ordered the sum to be levied on Othniel's own estate], although the Bill was brought against

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the petitioners as the said Mary was administratrix as afore-  
said, and not pretended to be proved against either of the  
petitioners.] [p. 455.]

[Committee minute—recommending dismissal of appeal as 15 Dec.  
the sum involved is less than 500*l*.] [p. 487.]

[Order accordingly.] [p. 490.] 15 Dec.

[1110.] [Reference to the Board of Trade of] a Petition in 15 Dec.  
behalf of Francis Pouch of Antegoa and Daniel Gashet of Antigua.  
Martinico, Setting forth That the Ship Society belonging to  
the said Gaschet, which was sent as a Flag of Truce with  
English Prisoners from Martinico to Antegoa, where her Lading  
was made Prize, And that the St. John Baptist belonging to  
the said Pouch, which was sent as a Flag of Truce with French  
Prisoners from Antegoa to Martinico, was plundered by Two  
French Privateers, part of the value of which Goods so  
plundered was deteyned by the French as a Reprizall, And  
therefore Praying satisfaction may be made, and some method  
taken to prevent such Violences to be used on either side.

[p. 488.] (1710.)

[Orders are given in accordance with the report of the 30 March.  
Board of Trade]: We have considered a Petition in behalf of  
Francis Pouch of Antegoa and Daniel Gashet of Martinico,  
Setting forth, That a ffrench Sloop called the Society, belonging  
to the said Gashet, having on board Brandy, Wine and other  
Goods for Guardaloupa, was in June 1708 by Order of the  
Governor of Martinico pressed, and not allowed Time to unlade,  
to carry the English Prisoners as a Flagg of Truce to  
Guardaloupa, where she was to take in One Lapoterÿe, ap-  
pointed to manage the Exchange of Prisoners, and from thence  
was to sail to Antegoa; That being near Guardaloupa, the  
English Prisoners on board, coming in Sight of Her Majesty's  
Ship the Hector, forced the said flagg of Truce to Change  
her Course, and bear down upon Your Majesty's said Ship who  
took her, and Carried her into Antegoa, where, upon a Tryal,  
the Sloop was Cleared, but the goods on board Condemn'd  
as Prize.

1709.

That some time after this the Sloop St. John Baptist, belonging to the Petitioner Pouch, was laden with Goods for Montserrat, and in like manner pressed without having time to Unlade, by Order of Colonel Parke to go as a Flagg of Truce with french Prisoners to Martinico, and in her Voyage thither was mett and plundered by a french Privateer; That upon Complaint thereof the Governor of Martinico caused Restitution to be made of all, but so much as amounted to an Equivalent for the Goods taken on board the french Sloop Society, which he detained as Reprizal; Wherefore the Petitioners humbly pray, That Satisfaction may be made, and some method taken to prevent Such Violences to be Used on either side for the future.

Upon this We humbly take Leave to Represent, that though Several Papers, under the hands and Seals of the Governor, Intendant and Notary Publick of Martinico have been produced to Us, in Order to make Good the Allegations in the said Petition, relating to the french Sloop; Yet We have reason to believe from Several Instances, that the whole proceeding was with intent to Colour an Illegal Trade; Some of which Instances We shall humbly lay before Your Majesty as follows,

The Two Sloops were in the like Case; The french Sloop was pretended to be loaded for Guardaloupa, but pressed to go to Antegoa, and the British Sloop was likewise pretended to be loaded for Montserrat, but pressed to go to Martinico: This has the appearance of a Contrivance to Carry on an Illegal Trade, especially Considering that the said British Sloop Carried but Two french Prisoners as We find by a memorial presented to Colonel Parke and the Council of Antegoa by the aforementioned L'aposterye, which in Our humble Opinion did not deserve the Expence of a Flagg of Truce, if there was no other Intention in the Voyage.

It further appears by the Tryal of the said french sloop at Antegoa (a Copy whereof has been laid before Us) That one of the Witnesses who had been a Prisoner at Martinico,



1709-10.

Declared upon Oath, That the Petitioner Gashet told him There, That he had Goods on board the said Sloop which were to be landed at St. Christopher's. In Answer to which the said Gashet Said, That part of the loading of the said Sloop Consisting of Beef, it was not reasonable to believe the Same was Intended for Your Majesty's Islands, from whence the French commonly have such Provisions, which is another Confirmation of such Illegal Trade being Carried on there.

We further find, That another flagg of Truce had been sent from the Leeward Islands in May 1708 loaden with Beef for Martinico, where it was publickly Sold.

There are several Other Instances of an Illegal Trade Carried on from the Leeward Islands, Barbadoes, and Other of Your Majesty's Plantations, by means of such flaggs of Truce; But We think These are sufficient to trouble Your Majesty with at present, And therefore are of Opinion, that there is no Reason why Your Majesty should Gratify the Petitioners, by Directing a Restitution as is desired by the Petition; And That for preventing the like Illegal Practices for the future, Your Majesty's Pleasure be Signified to the Several Governors, That whenever they have Occasion to send out Flaggs of Truce, no more Goods or Provisions be permitted to be laden on board such Vessells than what shall be necessary for the Voyage.

[pp. 562-4.]

(1711.)

Report from the Commissioners of Trade about settling a Cartell with Martinico, And the preparations of the French against Antegua. Ordered to be returned back to my Lord Dartmouth Secretary of State.

[V. p. 288.]

13 Aug.

1710.

[1111.] [Reference to the Committee for Appeals of the petition of Arthur Slingsby and Susanna his wife for liberty to appeal from an unmerciful fine imposed on them by the Court of Common Pleas in Barbados on pretence of scandalous words alleged to have been spoken by Susanna against Sarah, the wife of John Legay.]

5 Jan.  
Barbados.

[p. 507.]

[Committee minute recommending that the appeal be admitted.]

14 July.

[V. p. 23.]

620 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.

- 31 July. [Order accordingly.] [V. p. 46.]
- 5 Jan. [1112.] Petition of the Lord Baltimore praying to be  
Maryland. Restored to his Government of Maryland Collonell Seymour  
the late Governor being Dead. Nothing. [p. 508.]
- 18 Feb. [1113.] [On reading the petition] of Captain George  
Jamaica. Camock, and the officers and Seamen of Her Majestys Ship  
Speedwell, Praying to be Allowed Salvage as a Reward for  
their Service in retaking from the French Privateers an English  
Merchant Ship called the Ruth, richly loaded from Jamaica,  
Decreed by the High Court of Admiralty to be restored to the  
Owners, paying One Eighth part of the appraised value for  
Salvage, which is a Perquisite of Admiralty, [it is ordered that  
Sir Charles Hedges, Judge of the Admiralty, consider and  
report.] [p. 538.]
- 20 June. [Order vacated ; case referred to Admiralty.] [V. p. 13.]
- 28 Aug. [In accordance with the Admiralty report, it is ordered  
that the petitioners receive five-eighths of the salvage,  
amounting to 334*l.* 4*s.* 5*d.*, and that the Treasury give direc-  
tions accordingly.] [V. p. 86.]
- 20 March. [1114.] [Reference to the Commissioners for Sick and  
Jamaica. Wounded Seamen of the petition of Charles Crosseley, surgeon,  
for a reward for his pains and expense in attending the recruits  
for Jamaica who were wounded when their transport, the  
*Bonaventure*, was taken by two French men-of-war after an  
obstinate fight.] [p. 566.]
- 11 May. [Reference to the Admiralty of the Commissioners' report  
of 2 May that Crosseley expended 22*l.* in medicines and deserves  
20*s.* a head for voluntary attendance on nineteen wounded  
soldiers, but that a payment of this sort relating to the land  
forces had never been made by their office, a branch of the  
Navy establishment.] [p. 580.]
- 20 June. [The Admiralty concurring in the above report, the Lord  
Treasurer is directed to enquire] whether there be any Remains

of Deductions, or other Money belonging to the Regiment at Jamaica, out of which the Reimbursement and Allowance proposed . . . may be made. [V. p. 13.]

[1115.] [Reference to the Lord Treasurer of the petition of 30 March. Jeffery Power and John Marks, executors of John Smith, late of Biddeford, a great dealer to the plantations and other parts to the great increase of the revenue of the Crown, who at last had fallen under many misfortunes and died indebted to her Majesty upwards of 8000*l.* for customs: with difficulty the petitioners have paid near 2300*l.* and they now seek remission of a moiety of the arrears.] Plantation Trade. [p. 567.]

[1116.] [Reference to the Lord Treasurer of the] petition of 20 April. Peter Schuyler an Inhabitant of Albany within the Province New York. of New York, Setting forth his being a successful Instrument in preserving the Five Nations of the Warlick Indians firm in their Obedience to the Crown of Great Britain, notwithstanding the frequent Attempts of the French to seduce them, and also his many Services during the last Warr against Canada, And Praying consideration thereof, and to be reimbursed 1840*l.* 2*s.* by him expended for furnishing the Forts of Albany and Schenectada with Firewood for seven years, with Interest for the same, and also Three Hundred pounds laid out in bringing to London the Four Indian Princes, now arrived in an Embassy to Her Majesty from those Five Nations. [p. 571.]

[Reference to the Lord Treasurer of the petition of 20 April. Abraham Schuyler of Albany for a reward for his many New York. services since 1688 for the safety of the province]: by his Conversation with the Indians he has arrived to the Knowledge of their Language, and was alwaies employed as Interpreter by the Commissioners for Indian Affairs in the City of Albany, for which he has had no Compensation, and is now come over as Interpreter to the Four Sachems of the Five Nations. [p. 571.]

622 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.  
20 April. Tobago. [1117.] [Reference to the Board of Trade of the petition of Capt. Edward Cowley for some equivalent or compensation by way of employment in consideration of his care and trouble in settling a colony in Tobago at a cost of 600*l.*, and other services, and on account of 248*l.* arrears due to him on the Civil List.] [p. 571.]
- 5 Oct. Representation from Commissioners of Trade . . . Her Majesty will consider the Petitioners Services. [V. p. 119.]
- 20 April. Navigation Laws. [1118.] [On reading a presentment of 16 March from the Customs to the Lord Treasurer, it is ordered that the commissions of 1696 for administering the oath to enforce the Acts of Trade be renewed to members of the Council and others in each plantation. The form of the oath is given and the names of the colonies to which commissions are to be sent]:—  
I A.B. Governor or Commander in Cheif of do solemnly swear, That I will do my utmost, that all the Clauses, Matters and Things conteyned in the several Acts of Parliament heretofore pass'd in the Kingdom of England, and now in force relating to Her Majestys Plantations in Asia, Africa and America, Vizt. One Act of Parliament made in the 12th Year of the Reign of King Charles the 2nd Entituled An Act for Encouraging and Encreasing of Shipping and Navigation. Another Act made in the 15th year of the Reign of his said late Majesty Entituled An Act for the Encouragement of Trade, Another Act made in the 22nd and 23rd years of his said late Majestys Reign Entituled An Act to prevent the Planting of Tobacco in England, and for Regulating the Plantation Trade. Another Act made in the 25th year of the Reign of his said late Majesty Entituled An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade. And One other Act made in the 7th and 8th years of his late Majesty King William the 3rd Entituled An Act for preventing Frauds and Regulating Abuses in the Plantation Trade, Shalbe punctually and bona fide Observ'd according to the true intent and meaning thereof, so farr as to me apperteyneth So help me God. [p. 572.]

[1119.] [Reference to the Board of Trade and to the Attorney or Solicitor General of the] Petition of Wait Winthorp, Elisha Hutchinson etc., in behalf of Themselves and the rest of the Associated Proprietors of that part of the Narraganset Country in New England called the Mortgage Land, etc., Praying Her Majesty to Confirm unto Them their Grant of those Lands, which They have been deprived of for many years by persons settling thereon without Right.

[p. 581.]

1710.  
11 May.  
New  
England.

ANNE, VOL. V. (2 June, 1710—28 July, 1712.)

[The following petitions are granted of owners of ships praying that they may not be embargoed in the Plantations] :—

[*Constantine*, 250 tons, Edw. Joye master, 20 guns and 40 men; *Honest Endeavour*, 70, Fra. Fisher, 4 and 14; *Elton* galley, 150, Wm. Grano, 10 and 30, all for Jamaica; *Carter* frigate, 450, Ben. Graves, 20 and 30, for Virginia, etc.; *James*, 350, Thos. Fogg, 18 and 35, for Virginia, etc.; *Colchester Adventure*, 200, Jer. Samson, 8 and 20, for Virginia, etc.; referred 11 May [Vol. IV. p. 582]; granted 2 June [Vol. V. p. 8]. *Catherine*, 400, Tho. Graves, 14 and 28, for Virginia; *Mary and Elizabeth*, 220, Rd. Sparkling, 6 and 18, for Virginia and Maryland; *Elizabeth and Mary*, 250, Tho. Read, 14 and 25, for Virginia and Maryland; referred 28 August [p. 90]; granted 21 September [pp. 99–100]. On 26 September, petition of several unnamed ships; marked "not issued" [p. 111]. *Francis and Mary*, 130, Wm. Watkins, 4 and 18, for Barbados; *Britannia*, 300, John Wilcox, 12 and 22, for Maryland; *Benefactor*, 180, John Long, 16 and 20, for Barbados; *Anne* galley, 80, Ben. Rumsay, 6 and 12, for Barbados; no order as to reference; granted on Admiralty report on 19 Oct. [pp. 133–4]. *Ann* galley, 160, Thomas Arnall, 10 and 18, for Barbados; *Anne*, 180, Wm. Finch, 6 and 15, for Virginia; *George*, 150, John Burton, 6 and 15, for Maryland; *Robert and John*, 250, Cha. Broadwater, 8 and 25, for Maryland; *Concord*, 300, Luke Nott, 8 and 30, for Maryland; *Lusitania*, 500, Thos. Holland, 24 and 40, for Barbados; *Granville*, 350, James Waldie, 22 and 35, for Barbados; *York Merchant*, 400, Cha. Baretot, 24 and 40, for Barbados; *Anne* hagboat, 350, Math. Pope, 14 and 28, for Virginia; referred 13 Dec. [p. 171]; granted 21 Jan., 1711 [p. 180]. *Rebecca*, 120, Thos. Stringer, 2 and 12, for Virginia; *Hester* frigate, 150, John Stone, 12 and 36, for Barbados; *Offley* frigate, 200, Sam. Cousens, 14 and 24, for Antigua; no order as to reference; granted on Admiralty report on 15 March [pp. 220–1]. *Popley* frigate, 250, Peter Bartlett, 18 and 36, for Pennsylvania; no order as to reference; granted on Admiralty report 24 March [p. 223]. *Tiger* galley, 300, Rich. Welsh, 20 and 40, for Barbados; *Betsy* brigantine, 80, Rich. Quince, 6 and 12, for Maryland; *Society*, 150, Wm. Lax, 4 and 12, for

1710.

Virginia; referred 20 May [p. 247]; granted 14 June [p. 254]. *Robert and Thomas*, 350, Thos. Bagwell, 18 and 30; *Crown*, 300, Rich. Hubbard, 16 and 25; *Northampton*, 200, Rich. Robins, 10 and 20; all for Virginia; referred 30 July [p. 228]; granted 13 August [p. 286]. *Page* frigate, 400, John Jones, 18 and 25, for Virginia; *Elizabeth and Martha*, 450, Rob. Redhead, 20 and 50, for Maryland; *Colchester Adventure*, 200, Jer. Sampson, 8 and 16, for Maryland; *Mary and Elizabeth*, 200, Rd. Sparkling, 6 and 14, for Maryland; *Bradley*, 330, Rd. Burbridge, 12 and 24, for Maryland; *Sarah and Hannah*, 250, Thos. Marking, 10 and 20, for Maryland; *Higginson* frigate, 220, Thos. Dansey, 10 and 18, for Maryland; *Hester*, 180, Dan. Groom, 8 and 18, for Maryland; *William and John*, 180, Wm. Ellis, 2 and 18, for Maryland; *Friendship*, 150, Geo. Akers, 8 and 12, for Maryland; *Mary of London*, 170, Sam. Ingram, 12 and 20, for Maryland; *Six Sisters*, 150, Wm. Young, 2 and 12, for Maryland; *London* galley, 200, Ch. Halifax, 14 and 20, for Maryland; *Hermitage*, 120, Arth. Hill, 6 and 9; *Berkshire* brigantine, 100, Hon. Comely, 10 and 20, for Barbados; *Sophronia* galley, 180, Rd. Showbriek, 12 and 20, for West Indies; *South River Merchant*, 200, John Reas, 12 and 24, for Maryland; *Mary Ann*, 220, Dan. Maud, 2 and 18, for Maryland; *Bayly*, 450, Wm. Harvey, 16 and 30, for Virginia, etc.; referred 3 September [p. 299]; granted 19 September [pp. 316-7]. *Virginia*, 250, —, 14 and 40, for West Indies; *Lion*, 440, John Thompson, 30 and 60, for Maryland; *Carter* frigate, 400, Ben. Graves, 20 and 30, for Virginia; *Recovery* pink, 100, Wm. Russell, 4, for Maryland; *York Merchant*, 400, Ch. Bartlot, 16 and 36, for Maryland; *Catherine*, 400, — Bayly, 16 and 30, for Virginia; *Fortuno* galley, 150, Hugh Arbutnot, 6 and 16, for Virginia; referred 13 December [p. 341]; granted 19 December [p. 351]. *London* frigate, 400, John Swan, 26 and 40, for Barbados; *Lusitania*, 500, Thos. Holland, 24 and 36, for Barbados; *America Merchant*, 160, Rob. Boyd, 12 and 22, for Virginia; *Manchester* galley, 170, Fra. Fisher, 12 and 30, for Jamaica; *George* frigate, 400, John Brooks, 20 and 40, for Virginia; *Martha* pink, 170, Tho. Hun, 4 and 14, for Virginia; *Diggs* frigate, 370, Ed. Whitaker, 20 and 30, for Virginia; *Cranfield* frigate, 200, John Walker, 10 and 24, for Virginia; *Murdock*, 200, John Gerard, 8 and 20, for Maryland; *Dunkley*, 350, Hon. Clear, 20 and 30, for Maryland; *Mary and Elizabeth*, 140, John Wilmott, 10 and 24, for West Indies; referred 10 January, 1712 [p. 362]; granted 26 January, 1712 [pp. 371-2]. *Granville* frigate, 340, Rob. Smith, 22 and 32, for Barbados; referred 3 April [p. 406]; granted 2 May. There is a space, apparently left for other names, but not filled in.] [p. 417].

31 July.  
Jamaica.

[1120.] [Reference to the Lord High Treasurer of the] petition of severall Merchants, Traders and Inhabitants of Jamaica, Complaining of the High Dutys laid upon Prize Goods in that Island, And of the severe Collecting the same There, and praying Her Majesty's Consideration of what They have to Offer upon Two late Reports of the Lords Commissioners of Trade and Plantations, and of the Commissioners of the Customes in that Matter; And that Her Majesty would be pleased to Remitt the said Dutys, And Recall the

1710.

powers sent for Collecting the Same, And that the Bonds already taken or putt in Suit may be for the present Respitted.

[p. 46.]

[1121.] [On a presentment from the Customs, the Governor and Attorney General of Maryland are ordered to cause execution to be levied forthwith in accordance with judgments given twelve years since but constantly evaded by them, in favour of Colonel Quarry, Surveyor General of the Southern Continent of America, upon four bonds in the penalty of 1000*l.* each for illegal trade in enumerated goods.] 28 Aug. Maryland. [p. 84.]

[1122.] [Reference to the Treasury of Capt. Hunt's petition setting forth his long and faithful services to the Crown, and of his being now reduced to the greatest necessity, and praying relief, either by payment of what is due to him for his journeys from Bermuda, New York, and New England, or otherwise.] 28 Aug. Plantations. [p. 92.]

[1123.] [On reports from the Board of Trade and the Attorney and Solicitor General, it is ordered that the nomination by the Assembly of Barbados of a Treasurer in the Excise Bill depending there, be no longer opposed by the Council, but allowed of.] 26 Sept. Barbados. [p. 107.]

[1124.] [The Ordnance not being empowered by the establishment of their office to provide with more than 30 small arms each the two sloops (to carry 100 men each) recently built on the Thames to cruise about Jamaica, an Admiralty memorial proposing that orders be given for issuing to each 50 muskets and cartouche boxes, 50 swords, and 10 pair of pistols, is referred to the Ordnance for consideration, and, if favourable, for an estimate.] 19 Oct. Jamaica. [p. 124.]

[The additional arms are ordered, on the Ordnance estimate of 67*l.* 17*s.* The report holds that it is an extraordinary charge, and that if many ships are to receive additional munitions], it would be for Your Majestys Service that We should receive Your Majestys Directions that a Demand may be made by Us in Parliament for the same. 2 Nov. [p. 139.]

626 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.

2 Nov.  
New York.

[1125.] [An instruction for Colonel Hunter is to be prepared in accordance with the following representation of the Board of Trade of 26 Oct.]—Having Received Letters from Collonell Hunter Your Majesty's Governor of New York wherein he gives An Account of some Difficulty he Meets with in seating the Frontiers, We humbly take leave to Represent to your Majesty.

That by One Clause of his Instructions he is Required, To take Care that in all Patents of Lands for the future, there be a Covenant to Oblidge the Patentees to Plant, Settle and Effectually Cultivate at least 3 Acres of Land for every 50 Acres within 3 years after the Date of their respective Patents, upon Penalty of Forfeiture of every such Grant.

Upon which the said Governor Observes, that most of the Unpatented Lands lye Remote and very much Exposed to the French of Canada, and their Indians, so that during the War, no Settlement can with safety be Attempted on the Frontiers, whereby your Majesty loses so much of Quit-Rents as would Arise from the Grants of such Lands, Wherefore We humbly Offer that Your Majesty be pleased to Allow of an Alteration in the said Instructions, vizt. That the Covenant in every Grant of Land on the Frontiers be to Plant, Settle and Effectually Cutlivate at least 3 Acres for every 50 Acres of Lands in 3 Years after the End of the present War with France, which will Encrease Your Majesty's Quit Rents in the mean while, and Facilitate the Seating of the Frontiers after a Peace, and that Your Majesty's Pleasure herein be Signified to the said Governor. [pp. 142-3.]

2 Nov.  
Jamaica.

[1126.] [Reference to the Treasury of the following representation of the Board of Trade of 31 Oct.]:—Major General Handasyd having Some while ago Transmitted to Us an Account of Escheats found for your Majesty at a Grand Court in Jamaica in May 1709 (a List whereof is hereunto Annexed) upon which he Observed, that most of the said Escheats were Lands that had lain Uncultivated for 30 or 40 years, and therefore paid no Quit Rent to Your Majesty and that if Your



Majesty were pleased the Same should be Disposed of, They might be of Service to some poor Familys that were come from St. Christophers and the Other Windward Islands, from whence They had been forced by the Enemy to Retire, and Quit their Settlements and Places of Abode.

When We received the said Letter, there was then a Proposall under Consideration for Settling Some Palatines at Jamaica, towards which the said Escheats might have been of Use, but the said Palatines having been Disposed of otherways, We humbly Offer that the Governor may be Directed to Grant the same as shall be of greatest Advantage.

A Dockett of the Judgments upon Escheats which were Affirmed for the Queen in May Grand Court 1709.

For a certain Lott of Land in Kingston Containing in Length from North to South 90 Feet and in Breadth from East to West 30 Feet &c. For these Negro Slaves following 6 Negro Women, One Negro Man, and 2 Pickennineys: which Land and Negroes were Valued at 100*l*.

For 500 Acres of Land in Burnt Savannah in Cabaretta in the Parish of Westmorland, which was Valued at 2*l*. 1*s*. 8*d*.

For 5 Negro Slaves which were Valued at 95*l*.

For 5 Parcells of Land scituate in the Parish of St. James's which were Valued at 27*l*. 14*s*.

For 2 Parcells of Land in the Parish of St. Elizabeths One whereof Containing by Estimation 60 Acres, the Other Containing by Estimation 300 Acres, which were Valued with One Negro Man at, 10*l*. 15*s*.

For a Parcell of Land scituate in Kingston Containing in Length from East to West 28 Feet, and in Breadth from North to South 18 Feet which was Valued at 4*l*. [p. 143.]

[1127.] [Reference to the Treasury of the petition of George Daniel on behalf of the master and sailors of the ship *Valentine* of Jamaica for some consideration for their services in recovering about five years since an iron chest of money which, they are informed, was sent home by the Governor and paid into her Majesty's Exchequer.] [p. 144.]

2 Nov.  
Jamaica.

628 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.

28 Nov. Barbados. [1128.] [Mr. Cater of Lincoln's Inn enters an appearance for Margaret Sutton, widow, to the appeal of Edmund Sutton of Barbados.] [p. 159.]

13 Dec. [Reference to the Committee for Appeals of Edmund Sutton's petition that a day be appointed for hearing his appeal from a judgment of the Barbados Court of Chancery on 18 Aug. last in favour of Margaret, late wife of John Sutton of Barbados], in relation to his personal Estate, whereof the Petitioner by his last Will was Executor.

(1712.) [p. 166.]

19 Feb. [Committee minute recommending that Mrs. Sutton's plea be overruled, and that she answer Edmund Sutton's bill for the discovery of his father's estate and pay him 5*l.* costs.]

(1712.) [p. 380.]

8 March. [Order accordingly.] [p. 386.]

30 Nov. Barbados. [1129.] [Mr. Cater of Lincoln's Inn enters an appearance for Middleton Chamberlain Esqr. to the Appeal of Richard Husbands of Barbados Esqr. and Margaret his wife. [p. 159.]

(1711.)

20 May. [Reference to the Committee for Appeals of the appeal of Richard Husbands and Margaret his wife from a decision of the Governor and Council of Barbados on 8 Aug. 1710 in favour of Middleton Chamberlain touching a debt of 1487*l.* 13*s.* 7*d.* due by him to them.] [p. 247.]

(1711.)

18 Oct. [Committee minute. Chamberlain having died since the prosecution of this appeal and his executors being unrepresented, they are to appear by themselves or their agents within one month of receiving this notice.] [p. 331.]

(1712.)

27 Aug. [Committee minute. As notice has been served on Dorothy, widow and executrix of Middleton Chamberlain, and on her attorney here, the case is to be heard at the first meeting in September.] [VI. p. 9.]

(1712.)

27 Sept. [Letter to Lord Chief Justice Parker enclosing papers in this case remaining in the Council office,] which your Lordship is desired to peruse against the next meeting of the Council. [VI. p. 27.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 629

[Committee minute. Notice appearing to have been duly served but no one attending for Mrs. Chamberlain, the decree of 8 Aug. 1710 is reversed, and a judgment of the Barbados Court of Common Pleas of 24 Aug. 1709 affirmed, awarding the petitioners execution for a debt of 1785*l.* 4*s.* 3*d.* 5*l.* costs is also awarded to the petitioners.] [VI. p. 39.]

1710.  
(1712.)  
31 Oct.

[Order accordingly.]

[VI. p. 50.] 24 Nov.

[1130.] [On reading a letter from the Board of Trade to the Earl of Dartmouth with three addresses from Maryland, they are referred back to the Board of Trade.]

(1712.)  
13 Dec.  
Maryland.

Address from the Council and Assembly of this Province, against the Governors having the custody of the Seal of the said Province.

Address from the Assembly relating to Sir Thomas Lawrence's Claim to the Ordinary Licences in that Province.

Address from the Assembly relating to Two Acts repealed by Her Majesty The One about Gauge of Tobacco Hogsheads, The other against cropping and defacing the same, etc.

[Reference to the Board of Trade of Sir T. Lawrence's petition], Setting forth, That he is informed that the Council and Assembly of that Province have in their Address to Her Majesty denied the Petitioners Right to the Benefit of Fines payable on the granting Licences to Ordinarys or Public Houses contrary to the Determination of His late Majesty King William in several Orders of Council, Her Majestys Letters to the Governor and the Report of Mr. Attorney, as well as their own practice for Ten years together, during which time they passed several Acts for granting the Petitioner the Benefit of the said Licences. And therefore Praying Her Majesty wilbe pleased to inforce the former Orders in his behalf and to Direct that he may have ful satisfaction for his Losses and Sufferings.

13 Dec.

[pp. 163-4.]

630 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.

14 June. [An instruction for the Governor of Maryland ordered to be prepared in accordance with the following report of the Board of Trade of 8 May]—Wee have considered the Address of the General Assembly of Maryland, wherein they complain of some Hardships they lye under with regard to the Freight of British Shipping, employed in the Tobacco Trade of that Province particularly, in that the Gauge of the Tobacco Hogsheads is not allowed to be Two Inches in the Diameter of the Head longer than those of Virginia, To justify which Encrease of Measure, they say that Maryland Tobacco being more Chaffy, and consequently much lighter than that of Virginia, 3200*li*. weight of the Virginia is generally brought hither as cheap as 2200*li*. weight of the Maryland Tobacco And therefore pray they may be permitted to pass a Law for the making their Tobacco Hogsheads Two Inches in the Diameter of the Head, larger then those of Virginia, yet of equal length with them.

Whereupon Wee take Leave to Represent to your Majesty That an Act having been sometime since pass'd by the General Assembly of that Province, whereby it was Enacted That the Gauge of Tobacco Hogsheads to be made there, should be larger than that of Virginia Hogsheads according to the abovementioned difference of Proportion And Wee having laid the said Act before Your Majesty the 23rd of March 170 $\frac{3}{4}$  with our humble Opinion that for the Reasons then given the same was unfit to be approved, Your Majesty was pleased by your Order in Council of the 20th of April 1708, to repeal the said Act, and notwithstanding any thing in the said Address, We are still of Opinion, that the Maryland Hogsheads ought to be of the same size as those of Virginia.

That, though the sweet sented Virginia Tobacco will bear Pressing better than the Maryland Tobacco, and consequently a Hogshead of the former sort will weigh considerably more than a Hogshead of the latter ; Yet the Virginia Tobacco by being press'd too close, dos frequently become Black and of less value, whereby, the Owner thereof looses in Price, what

he gets in Freight. Besides Wee are inform'd, That in several parts of Virginia particularly on James's River, the same sort of Tobacco is produced as in Maryland so that it were but reasonable, that the like Encrease of Measure in the size of Tobacco Hogsheads should be allowed to the Planters in those parts of Virginia as is desired by the People of Maryland, which would be a considerable Loss to the Owners of Shipping with regard to Stowage, The Ships employed in the Tobacco Trade being built to the Size of the Virginia Hogsheads, that is, to contain in the Hold seven Hogsheads in depth, Whereas should the Maryland Hogsheads be Two Inches larger in the Diameter of the Head, those ships would contain but six Hogsheads and an half in depth, were a Hogshead divided into Two, So that the Owners of Shipping wilbe under a necessity, either of Cropping the Hogsheads of building New Ships, or of leaving off that Trade.

Wee have likewise been inform'd, that if the Maryland Planters should take the same care (which some of them do) in Packing their Tobacco, as is taken by the Planters in Virginia, every Hogshead would contain near a Fourth part more than it now usually contains, for 'tis found by Experience, that sometimes a Maryland Tobacco Hogshead is from seven to 800 weight, which is as heavy as a Hogshead of the light sort of Tobacco from Virginia.

The Generall Assembly dos complain in this their said Address of frequent abuses committed by the Masters of Ships in Cropping the Hogsheads, whereby great Quantitys of Tobacco are much damaged; For remedy whereof the Assembly say they found it necessary to pass an Act, but the same has since been repealed by your Majesty Whereupon Wee further take Leave humbly to Represent to your Majesty, That the abovementioned Act concerning the Gauge of Tobacco Hogsheads, and the other against Cropping them, were Repealed at the same time by Your Majestys aforesaid Order in Council, in regard it was not thought reasonable, that One should continue in force, and not the other, that is the Masters of Ships

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subject to a Penalty of Cropping the Hogsheads, and yet the Planters under no Tye as to a reasonable Gauge of them, Besides that the Penalty in the Act against Cropping was much greater than in the other.

As to the passing a New Law in Maryland for preventing the Cropping Tobacco Hogsheads, The Owners of Shipping employed in that Trade, who have attended us on this occasion, do say they have no Objection thereto, Provided a Law be passed there at the same time to reduce the Maryland Hogshhead to the Size of that made in Virginia, and that the Penalty be the same in both Laws which appears to us very reasonable. Wherefore Wee humbly offer, that your Majestys Pleasure be signified to the Governor or Comander in Cheif of the Province of Maryland for the time being to acquaint the said General Assembly, that they may pass Two Acts for the several purposes with a like Penalty for enforcing the same as aforesaid.

Lastly, They desire that when any Merchant or other Person dos apply to Your Majesty in opposition to any of their Laws, they may have an opportunity of being heard in support of them. This wee have always lookt upon as a Rule of Common Justice, and have accordingly observed it in all Matters that have come before Us, with regard to such of the Plantations as have an Agent or Agents, which at present is not the Case of the People of Maryland, who for some years past has had no Agent here. But when a Law pass'd there shalbe transmitted hither in order to its being laid before Your Majesty and the same shalbe lyable to such Objections as not to be fit for your Royall Assent, Wee cannot think it advisable, that the said Act should nevertheless continue in force, till those Objections are communicated to the General Assembly of Maryland, and Answers thereto returned from them, whereby the Mischiefs or Hardships complained of in such Law must necessarily continue a much longer time than would be fitting.

Therefore We humbly propose, that it be recommended to them to appoint some fitt Person or Persons residing here

to be Agent or Agents for that Province, who being fully empowered and instructed may from time to time, as occasion shall require take care of and negotiate all such Matters as may concern the said Province. [pp. 252-3.]

1711.

[The objection made by the President, Council, and General Assembly of Maryland to the Governor's having the Seal is that in an appeal from the Chancery Court to the Governor and Council, the Governor acts as judge of his own decree. Order is given in accordance with the report of the Lords of Trade] that the Inconvenience complained of is occasioned by an Act passed in October 1704 Entituled an Act for Appeals and Regulating Writs of Error, whereby all the Matters and Clauses that were conteyned in an Act with the same Title which passed in July 1699 are Revived and Reenacted And therefore humbly Offering their Opinion, That Her Majesty would be pleased to signify her Disallowance of both the said Acts, Which being repealed, a Power of bringing Appeals and Writs of Error from the inferior Courts to the Governor and Council, and from thence to Her Majesty in Council here will subsist by Her Majestys Instructions to the Governor, in like manner as is practised in other Plantations in America, and will best answer the abovementioned Address.

14 June.

[p. 253.]

[1131.] Petition of the Earl of Limerick to be recommended to the Parliament for his Services against the French and Indians of Canada, etc. Nothing. [p. 187.]

9 Feb.  
New York.

[1132.] [Reference to the Committee for Appeals of the] Petition and Appeal of Jane Lyte Widdow John Mills Esqr. and John Mills junr. of the Island of Barbados, Praying That a short time may be appointed for hearing their appeal as Executors of Paul Lyte late of the said Island Esqr. deceased, from a Decree of the Court of Chancery in the said Island Obliging them to pay unto Constance Lyte, now Shatterden, Daughter of the said Paul the Father a Legacy of Two Thousand pounds by him devised to his son Wm. Lyte deceased Brother of the said Paul the Younger. [p. 189.]

9 Feb.  
Barbados.

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1711.  
(1712.) [Committee minute affirming the decree and dismissing the  
23 Jan. appeal with 5*l.* costs. The decree of 9 Aug. 1710 awarded to  
Constance Shatterden 2000*l.* to be paid by the appellants,  
executors of Paul Lyte junr., with interest at 6% from the filing  
of the bill and the current exchange to make the 2000*l.* sterling  
English money.] [p. 367.]
- (1712.)  
31 Jan. [Order accordingly.] [p. 376.]
- 9 Feb.  
Bermuda. [1133.] The Petition of David Creagh and John Clark of  
Barbados was read and Ordered to be sent to the Right  
Honourable Sir Charles Hedges to consider thereof, and to give  
his Opinion thereupon at the next Meeting of the Council.  
[p. 189.]
- 15 March. [It is ordered that the Board of Trade] do Transmitt unto  
this Board the Papers now in their Office relating to the  
Petition and Business of David Creagh and John Clark  
touching the Sloop *St. James* of Barbadoes and her Cargo,  
which will be proceeded upon by the Lords of the Council  
as a Court of Appeal. [p. 213.]
- 10 April. [The Board of Trade having this day laid before the  
Board the papers they had received from Colonel Bennett of  
Bermuda relating to the *St. James*, condemned in the Court  
of Admiralty of Bermuda for having contraband goods on  
board, they are sent to the Lords Commissioners for hearing  
Appeals for Prizes, who are to hear and determine the cause  
with all convenient speed.] [p. 233.]
- 1 March.  
Newfound-  
land. [1134.] [On the following report to the Board of Trade  
from William Keen, merchant, inhabitant of Newfoundland]:—  
I am in Duty bound to discover several Abuses and Imposi-  
tions upon the Government by the commanding Officer in  
Newfoundland.
1. Notwithstanding the Commanding Officer is forbidden  
to trade, yet it has been daily practis'd since November 1706,  
and several Commodities as Rum, Molosses and Tobacco have  
been purchas'd by the Officers, and Payment made by Bills



of Exchange drawn by the Engineer upon the Honourable The Pay-Masters of Her Majesty's Ordnance, the truth of which may be known by Reviewing the Accounts for the Year 1707, wherein Your Lordships will find Charg'd upon the Government three Setts of Bills of Exchange drawn by Robert Latham for three Hundred and odd pounds, Value received of William Keen, which Value was Rum, Molosses and Tobacco Sold Major Lloyd by Messrs. Andw. and Jona. Belcher, and deliver'd by me according to a Contract between the said Belcher and Lloyd. Mr. Belcher being to Supply Lloyd with Rum, Molosses and Tobacco, to the Value of Fifteen Hundred or Two Thousand Pounds Sterling, And to receive in Exchange Good Bills payable to them or their Order.

2dly. Your Lordships will find the Government Charged with Several Summs of mony paid for Palisadoes, and Repairing the Garrisons, which Article is Utterly false, the Inhabitants of Newfoundland having constantly Supply'd the Commanding Officer with what Palisadoes have been demanded at their own proper Charge from the year 1706, untill the taking of the Garrisons by the french.

3. At the Yearly Survey of Provisions, such as were Condemned (instead of being thrown into the Sea) were resalted, And the Condemned Bread pack'd in Cask and Serv'd out to the Soldiers, And the good Provisions, under pretence of being lent to the Inhabitants were Sold them, And the Value paid to the Order of Major Lloyd. The Steward that deliver'd the Provisions was One Mr. William P'anson Factor for Major Lloyd and Quarter Gunner to the Garrison.

4. It has been the Custom of the Officer to lett out Soldiers to hire, during the fishing Season, for which the Officer receiv'd from Twelve to Eighteen pounds each man. The Hardships the Soldiers underwent during Major Lloyd's command, put them upon Committing Several Robberies, as breaking open Her Majesty's Store for Provisions, and Several Merchants Storehouses, taking Provisions and Cloathing to a Considerable Value.

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5thly. Some time before the taking of St. John's, Her Majesty's Arms and Ammunition were deliver'd out to the Several Commanders of the Militia for their respective Companies, with Two Charges of Powder and Ball for each man and no more, although Major Lloyd Oblig'd the Commanders of the Militia to give their Receipts for four Charges of Powder and Ball upon his promise of delivering the remaining Two Charges before they should have Occasion, which Promise was never performed.

6. On the 2nd of November 1708, One Neal a Canadian and french Prisoner at St. John's, was Transporting himself in the William Pink for New England in Order to be Exchang'd; But Major Lloyd Ordered him on Shore and made him Officiate as Gunner. This Neal was Officer of the Guard the Morning the Fort was taken and not punished by the french as an Offender, when an other Prisoner that had taken up Arms in the English Service, was Condemn'd to the Gallies.

7. The 21st December about 4 in the Morning the Garrison was attackt by 156 french men and four Indians, And taken in less than half an hour, no Defence being made, nor One Cannon fired from the Fort, although the Centinel in the New Garrison (where the Inhabitants Guard was kept) Advertis'd the Centinel of the Fort of the Enemy's Approach, neither did the Soldiers come out of their Barracks, excepting Some Eight or Ten Men of which One was a Serjeant. Major Lloyd was taken in his Gown just risen from his Bed, Capt. Gully in his Chamber Sick of the Gout, and Mr. Phillips Lieutenant had been suspended by Major Lloyd some time before.

After the Surrender of the Fort the Castle took the Alarm, but for want of an Officer, it was Surrendered the 22nd December without firing a Gun.

Her Majesty taking the said Memorial into Consideration is pleased with the Advice of Her Privy Councill to refer the Same to the Principal Officers of Her Majesty's Ordnance, and to the Lords Commissioners of Trade and Plantations, who are to take Care to stop the Payment of any Monys, that shall

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be found due to the late Major Thomas Lloyd for his Pay or for Disbursements at Newfoundland during his Command There, or in any Other manner whatsoever: And are to be also Carefull to prevent for the future the Abuses Sett forth in the said Memorial, whenever Her Majesty shall think fit to send another Commander into those Parts. [pp. 197-8.]

[David Lloyd, brother and executor of Major Lloyd, is 24 March. to be heard against the above Order on the first Thursday after Easter week. The Board of Trade are to have a copy of his petition and to send the necessary papers and proofs.] [p. 223.]

[Reference to the Committee for Appeals of a letter from 23 June. the Lords of Trade and of Mr. Keen's memorial: Mr. Keen's charges of embezzlement of public stores are referred to the Lord Treasurer.] [p. 255.]

[Committee minute on the other charges. Mr. Keen having 16 Aug. failed to appear, the matter was nevertheless examined, and it was recommended that Major Lloyd's executor do not remain further charged with such part of the said articles as have been under consideration.] [p. 287.]

(1715.)

[Reference to the Treasury of John Thurston's petition to 30 April. be discharged of moneys belonging to Major Lloyd, detained by the petitioner in accordance with the Order of 1 Mar. 1711.] [Geo. I. Vol. I. p. 217.]

[1135.] [Her Majesty's pleasure to be signified to the 1 March. Governor of the Leeward Islands in accordance with a representation of the Board of Trade on the complaint of the Assembly of St. Christopher against the Lieutenant Governor and Council for not agreeing to a Bill for raising a public revenue for repairing the fortifications and for the support of the Government.] [p. 199.]

[1136.] [On the following representation from the Board 1 March. of Trade]:—Having laid before Your Majesty such Account New York. as We received from Your Majesty's Governor of New York,

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of the Settlement of the Palatines, and of their being Employed in the Production of Naval Stores in that Province, We now beg Leave humbly to Represent to Your Majesty the Difficulties he has met with from the Assembly, in relation to his procuring the Grant of a Revenue There.

The last Act of Assembly whereby a Revenue was Granted to Your Majesty for Defraying the publick Charges of that Government, Expired the 18th of May 1709; The Governor who Arrived There in June 1710, did on the first of September following, in his Speech at his Opening the first Session of Assembly, among other things earnestly Recommend to them, the providing a fitting and necessary Supply for the Service of Your Majesty's Government, And that they would take Care to restore the Publick Credit. In Order whereunto, at the Desire of the Assembly an Estimate of the Yearly Charge of that Government was laid before them, Part of which Estimate they disallow'd, And prepared another Estimate of the Charges of that Government.

On the 25th of October following, the Assembly Voted Two thousand Five Hundred Ounces of Silver, towards Defraying the Governor's necessary Expences for One Year; The Value of which Quantity of Silver he computes at little more than half of what Your Majesty has been pleased to appoint for his Salary; Whereupon he Communicated to them, that Part of Your Majesty's Instructions, whereby he is Impowered to receive to his own Use as Governor Twelve Hundred Pounds Sterling a Year, out of the publick Revenue of that Province, And Added, that he presumed They would not Dispute Your Majesty's Right of appointing a Salary for the Use of Your Governor.

They struck out some Entire Articles in the said Estimate of the Yearly Charge of that Government, And Retrenched Others to less than One half, though some of the Members proposed, That what the Governor Offered, might be further Considered, and one of them having prest it with some Warmth was Thereupon Expell'd the Assembly. Afterwards on the

2nd of November they Voted Twelve Hundred Pounds more, for Defraying the Charge of the Government and for the Security of the Frontiers.

On the 6th of November following a Bill was brought into the Assembly, giving a Power to the Treasurer of that Province, out of the Publick Treasure lying in his hands (unappropriated) to Issue Five Thousand, Six Hundred and sixty seven Ounces and a Half of Silver, for the Use of the Garrison and other the Uses therein particularly mentioned: Which Summ the Governor informs Us was little more than half of what was necessary, and very much less than what has Usually been Allowed for those Services.

To this Bill the Council made an Amendment, by which the Mony was Directed to be issued by Warrant of the Governor, by and with the Advice and Consent of the Councill, Conformable to Your Majesty's Instructions in that behalf, And to former Practice there. The Assembly Disagreed to this Amendment, And there were several Conferences between the Council and Assembly on the Subject Matter of that Amendment, without any good Effect. Whereupon the Governor found himself Obliged on the 25th of the said November last to prorogue the Assembly to the first of March next, in hopes they will Then meet in a better Temper. In the mean time by this Proceeding of the Assembly there is no Provision made for the Payment of the said Governor's Salary, or for Defraying the Other Publick and Necessary Charges of that Government; Except what may Arise from the Two Acts past that Session for settling an Excise on Strong Liquors, and for laying Dutys on the Tonage of Vessells and Slaves; All which 'tis Computed will fall much short of the 'forementioned Services.

The Governor has inform'd Us, of what Reasons some of the Members of the Assembly give for their not providing for the Support of that Government as formerly, with his Observations upon Such their pretended Reasons. And We further beg Leave humbly to lay the same before Your Majesty.

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They pretend that the Expence of that Province on Account of the late intended Expedition against Canada, has so Impoverish'd them, That they are not able to Raise Mony to Answer the Usual Charge of the Government: Upon which the Governor Observes, that the Service of that Expedition was defrayed by a Land-Tax (the greatest part whereof we presume was spent among themselves) whereas the Mony given for the Charge of the Government, was usually Raised by Dutys on Goods Imported and Exported, and on Excise.

Another Reason they give is, That the Misapplication of Revenues formerly Granted, has, as they Alledge, brought a Considerable Debt on the Country.

To Remove that Objection the Governor proposed to several Members of the Assembly, That a Clause might be inserted in the Revenue Bill, to Oblige the Receiver General to be Accomptable to the Assembly as well as to Your Majesty; That such other Clauses might be Added, as would Effectually Restrain the Governor and Council from loading the Country with further Debts by any Payment to be Issued out of the Revenue.

But 'tis believ'd the true Reasons of this Proceeding of the Assembly, are, First, That in a Great Measure some of the Neighbouring Governments are Exempted from so great a Charge.

As to this, the Governor Observes, That the Province of the Massachusetts Bay is at Twenty Thousand Pounds yearly Charge, for the Defence of their frontiers, whilst those of New York, are for the most Part Defended and Secured by Your Majesty's Regular Forces There.

Another Reason is, That by Act of Assembly every Assembly man being allowed Six Shillings a day, during the sitting of the Assembly, the better to secure his being Chosen from time to time, he only Considers the saving of the Country's mony, without having any manner of Regard to the necessary Services of the Government.

Lastly, the Governor adds, That of late a Notion has very much prevailed among those People, that Your Majesty has

not a Power of Appointing Salaries out of the Revenue Raised by them, and the pretended Right they have Assumed to themselves of Retrenching the Governor's Salary, in the manner beforementioned, is founded on that Notion, which in Our Opinion, should not be Countenanced.

This being a State of the Difficulties the Governor has met with from the Assembly, in relation to his procuring the Grant of a Revenue, as it appears to Us from the Journal of Assembly, and from the Governor's Letters, We beg Leave to Offer to Your Majesty Our humble Opinion,

That Your Majesty's said Governor be Directed to Represent to the Assembly, That it being Your Majesty's Undoubted Prerogative to Constitute a Governor of that Province, with an appointment of such Salary as your Majesty in Your Royal Wisdom, has judged Suitable to the Character, and necessary for the Support and Maintenance of that Government, it has therefore been justly displeasing to Your Majesty, to find they have Refused or Neglected to make the like Sufficient Provision for the 'foresaid purpose, as has been made in the time of Your Majesty's late Governors. And Thereupon that the said Governor be further Directed in the most Effectual manner to Recommend to them the Granting the like Revenue for the Support and Maintenance of that Government, as has Usually been Granted. And the better to induce the Assembly to Comply therein, We humbly Conceive it may be proper to intimate to them, that if they shall persist in refusing or Neglecting to provide for the Necessary Support and Maintenance of that Government under the Administration of Your Majesty's present Governor, in like manner as the same has hitherto been Supported and Maintained, they must Expect, that such their Refusal or Neglect will give a just Occasion to the passing an Act by the Parliament of Great Britain, for Granting to Your Majesty the like Revenue to Arise, and be paid there, for the Support and Maintenance of that Government as has Usually been granted by Act of Assembly for that Service.

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1711.

Her Majesty in Council Approving of the said Representation is pleased to Order, as it is hereby Ordered, that the Right Honourable The Lords Commissioners of Trade and Plantations do forthwith draw up Heads of a Bill to be layd before the Parliament of Great Britain for Enacting a Standing Revenue of what has been Usually Allowed within the Province of New York for the Support of the Governor there, and the necessary Expences of the Government, according to former Acts of Assembly: And that they present the same to Her Majesty at this Board, in Order to Her Majesty's further Pleasure Therein. [pp. 199-202.]

19 Dec. Representation from the Commissioners of Trade, about settling a Revenue for the support of the Government of New Yorke and the Letters thereunto relating, with the Draft of an Act of Parliament for that purpose, ordered to be delivered to the Earl of Dartmouth. [p. 351.]

(1713.)

4 May. [The Board of Trade complain of the Assembly of New York for attempting to abridge her Majesty's royal prerogative, and submit a bill for granting a revenue to her Majesty in New York for the support of the government there. This is ordered to be laid by the Board of Trade before the House of Commons.] [VI. p. 102.]

1 Mar.  
Virginia.

[1137.] [Reference to the Earl of Orkney, Governor of Virginia, of a representation from the Board of Trade touching the granting, seating, and planting of lands in Virginia.]

[p. 203.]

24 March. [In accordance with the recommendation of the Board of Trade, permission is given to the Assembly of Virginia to pass as an Act a clause in the Governor's instructions]—  
Whereas it has been Represented to Us by the President and Council of Our said Colony, that the Method of Granting of Lands as Directed by Our Instructions to Robert Hunter Esqr. bearing Date at Our Court at St James's the 30th of April 1707 is not Agreeable to the Laws Constitution and Practice of Our said Colony; Our Will and Pleasure therefore



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is that for the future the Method of Granting of Lands be in such Form and Manner, And under the like Conditions, Covenants and Reservations of Quit Rent, as are by the Charter and Laws of that Our Colony allowed and Directed to be made, and as were by Us permitted to be made, before the Instruction to Robert Hunter aforesaid. Provided due Care be taken that in all such Grants hereafter to be made Regard be had to the Profitable and Unprofitable Acres, And particularly that every Patentee be oblig'd in the best and most Effectual Manner to Cultivate and Improve three Acres part of every Fifty Acres so granted within the Term of three years after the passing of such Grant, and in Case of failure thereof, such Grant or Grants to be voyd and of None Effect.

[pp. 228-9.]

[1138.] To the Right Honourable the Lords of the Council 15 March.  
appointed a Committee for the Plantations [are referred two Jamaica.  
petitions, one from London merchants, the other from Bristol,  
praying confirmation of all judgments given in Jamaica,]  
Grounded on the Laws and Statutes of England and the known  
Customs of that Island. [p. 219.]

[1139.] [On a memorial from the Admiralty, the Ordnance 24 March.  
are directed to allow on the accounts of Capt. Aldred of Newfoundland.  
H.M.S. *Rochester*, commander of the Newfoundland convoy  
last year, certain gunners' stores from the *Rochester* and the  
*Portland* left by him for the defence of Fort William on the  
petition of the inhabitants of St. John's.] [p. 224.]

[Similar order for Capt. Douglas of the *Arundel*, who left four 19 Dec.  
guns at Fort William on the order of Capt. Crow of the  
*Warspite*, commander of the Newfoundland convoy this year.]

[p. 345.] (1712.)

[Reference to the Ordnance of several captains who left 10 Jan.  
stores at Newfoundland and elsewhere—no particulars given.]

[p. 363.] (1712.)

[On the Ordnance report of 24 Jan. that allowance of these 31 Jan.  
stores cannot be made without her Majesty's special order,  
the required order is given.] [p. 375.]

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1711.  
(1712.) [Order that Capt. Douglas be allowed by the Ordnance for  
8 March. a barrel of powder put ashore at Fox Island in Newfound-  
land.] [p. 392.]
- (1712.)  
8 March. [Reference to the Ordnance of a memorial from the  
Admiralty as to stores left at Ferryland in 1710 by Capt.  
Gunman of the *Lyme* by order of the commander of the  
convoy, and proposing that the Ordnance be directed to allow  
all stores left in pursuance of such orders.] [p. 393.]
- (1712.)  
3 April. [The Ordnance presenting a list of stores left at Newfound-  
land in 1710 it is ordered that they be allowed on showing  
proper vouchers for their receipt]—From Her Majestys Ship  
*Lyme* at the Isle of Buys, 26 Sep. 1710 : Corn Powder  
2 barrels ; Round Short for 3 Pounds 10 ; Ditto for Fal-  
conet, 60 ; Match  $\frac{1}{4}$  Cwt. ; Paper Royall  $\frac{1}{2}$  Rheme ; Ladle for  
Minion, 1 ; Heads and Banners Great 1 pair, small 1 pair.  
From the Newport at Newfoundland to the Governor of  
Harbour Grace Powder 4 Barrels ; To the Governor of  
Carbonier Island Powder, 4 Barrels ; Round Shot for  
3 Pounds 100 ; Musket Shot 100.  
From Her Majestys Ship *Rochester* to John Collins Esqr.  
Governor of Fort William at St. Johns in Newfoundland,  
14th October 1710, Ordnance of 12*l.* Bullet, 2 ; Carriages, 2 ;  
Match,  $\frac{1}{2}$  Cwt. ; Sheet Lead,  $\frac{1}{2}$  Cwt. ; Hand Crow Leaver, 1 ;  
Corn Powder 8 Barrels ; Barras 12 Ells ; Wyre 1*l.* ; Fine  
Powder 1 Barrel ; Round Shot for 12 Pounds 100 ; Cases  
of Wood for Saker 2 ; Coins 4 ; 6*d.* Nails 60 ; Sheep  
Skins 5 ; Twine 2*l.* ; Junk  $\frac{3}{4}$  Cwt. ; Paper Royal  
6 Quire.  
From the Portland to Governor Collins 14th October 1710,  
Match  $\frac{1}{2}$  Cwt. ; Musket Shot 84*l.* ; Tampeons Great 10 ;  
Paper Royall 1 Rheme ; Wadhook 1 ; Flints 100 ; Corn  
Powder 8 Barrels ; Cases of Wood for Saker 2 ; Starch 2 ;  
Needles 2 dozen ; 2*d.* Nails 600 ; Heads and Rammers 3 pair ;  
Thread 1*½l.* ; Linstocks 3 ; Shot of 12*l.*, 5 ; Ditto for Demi  
Culver 2 ; Ladles and Spunges for ditto 1 Ladle, 1 Spunge.  
[p. 406.]

[On a memorial from the Admiralty of 23 Sept., it is ordered that Capt. Crow be allowed for stores left last year, and that the officers who received them be accountable to the Board of Ordnance.] 1711.  
(1712.)  
28 Sept.  
[VI. p. 28.]

[1140.] [Reference to the Board of Trade of Samuel Barwick's petition to be restored to the Council of Barbados.] 24 Mar.  
Barbados.  
[p. 226.]

[The Board of Trade representing that Barwick had replaced one of the three suspended Councillors and was ousted on their restoration, it is ordered that if, as he alleges, there is a vacancy by the death of Middleton Chamberlain, he is to have the place.] 10 April.  
[p. 233.]

[1141.] [Reference to the Board of Trade of the petition of Edward Buncombe of Montserrat, complaining that the Lieutenant Governor, Council and Assembly refuse to satisfy him, according to an Act of General Assembly, for 1330*l.* 11*s.* 6*d.* damages sustained by him in 1708 from a French privateer. Montserrat.  
[p. 226.]

[In accordance with the report of the Board of Trade of 19 April. 19 April, Governor Douglas is directed to recommend the petitioner's case to the Assembly of the Leeward Islands or to that of Montserrat that justice may be done him. The Lords of Trade report that the case is based on a Leeward Islands Act confirmed in 1703, in which it is enacted]—Whereas in case a Warr should ensue, it may so happen that the Enemy out of their Ships of Warr, Privateers or other Vessells may land upon any or every the respective Islands aforesaid, to rob, plunder, burn and destroy, although they did not intend to conquer the same, which may prove to the extreme Damage, if not to the utter ruine, of some particular Persons. Therefore Be it further Enacted by the Authority aforesaid, that if any such Landing to rob, plunder, burn and destroy should happen, which God forbid, on any of the respective Islands aforesaid, and any Person or Persons shall receive Loss or Damage thereby, the said Loss and Damage

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so susteyned, be it more or less, shalbe made good to the Person or Persons so damnified, by the Treasurer for the time being, out of the Publick Stock of each such respective Island, where any such Accident shall or may happen, according to an Estimate, as shalbe taken and made by Three able and discreet Freeholders of the Vicinage, upon their Oaths, and returned under their Hands and Seals, which shalbe thereto directed and appointed by the Governor in Cheif, Lieutenant Governor or President, Council and Assembly of such Island for the time being, Any Law, Usage or Custom to the contrary in any waies notwithstanding.

In proof of the Petitioner having sustained a Damage in the manner and to the value mentioned in his Petition, John Buncombe, Son of the Petitioner, has produced to Us a Copy of a Warrant of Appraisement Signed by Your Majestys then Captain General of the said Islands, and directed to Colonel Bartho: Rees, Captain John Bramley and George Millward Gentleman, and a Copy of the appraisement by them made under their Hands and Seals, all which the said John Buncomb has upon Oath, made before Thomas Gery Esqr. a Master in Chancery attested to be true Copies of the Originals. He has likewise produced to Us a Copy of a Minute of Council dated at St. Christophers the 30th of March 1710, and attested as aforesaid, whereby it appears, that the said Governor and Generall Council were of Opinion, that the Petitioner ought to have Reparation made for his said Damage, and that they recommended him to the then Generall Assembly for that purpose. But the said John Buncombe Affirms, that the said General Assembly was adjourned before they came to any Resolution therein, And that the Petitioner did afterwards to the Lieutenant Governor Council and Assembly then sitting at the said Island of Montserrat, but could not obtain any Reparation for his said Damage. And lastly He has declared upon Oath, that he has been credibly informed, that in pursuance of the aforesaid Act, Reparation has been made to severall Persons in the other Three Islands

1711.

for the Damage by them so susteyned respectively, particularly to Colonel Christopher Codrington in Antegoa, to Walker in Nevis, and to Colonel John Garnett and Burrian in St. Christophers; And further that he never heard that Reparation was refused to any Person, who had suffered a Damage by the Landing of the Enemy since the Commencement of the said Act, till the same was refused to the Petitioner. [p. 237.]

[1142.] [Reference to the Committee for Appeals of the] 20 May.  
Petition of Edward Chester of Antigua Complaining of an Antigua.  
Illegall Seizure of severall Bagg's of Cocoa, and the proceedings in the Courts of that Island relating thereunto, which is Transmitted under seal to Her Majesty in Council for her Direction therein. [p. 248.]

[Committee minute. The cocoa was seized for non-payment 16 Aug.  
of duties, and on 10 Oct. 1710 the local Admiralty Court forwarded its proceedings to the Privy Council for advice as to the judgment to be given and ordered the cocoa to be delivered to the petitioner on his giving security. He alleges that he has done this, but has not received the cocoa. The Committee recommend that the case be sent back to be decided without further delay by the Admiralty Court in Antigua, from whose judgment either party may appeal to the Council. Meanwhile Chester is to have his cocoa, if he has given security.] [p. 287.]

[Order accordingly.] [p. 295.] 3 Sept.

[1143.] [Upon reading a letter from the Board of Trade to 14 June.  
Lord Dartmouth] relating to the late Rebellion and Murther of Antigua.  
Colonel Park at Antegoa, together with a Letter presented to them by Mr. Michael Ayon, Provost Marshall of the Leeward Islands from Mr. Thomas Morris a Member of the Council of Antegoa, who communicated to them several Affidavits relating to the said Murder, And there having been also laid before the Boord, a Letter from Colonel Hamilton Lieut.-Governor of the said Island, with Addresses from the

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1711.

Assembly of Antegoa, From the Lieut. Governor and Council there, and from the President Council and Assembly of Nevis, and the Lieutenant Governor and Council of St. Christophers, concerning the said Fact, [all the papers are] Referred to a Committee to consider the Same. [p. 250.]

14 June. [To a Committee of the whole Council is referred the petition of Micaiah and Richard Perry, Park's executors,] Setting forth, That they have lately received more partioular Advices of the imparaleld and inhumane Murder of the said Daniel Parke, and having also several Affidavits as also Eyo Witnesses, who are ready to prove and give an account of the heynous and aggravating Circumstances that attended that Fact, and of the treasonable and rebellious Speeches, and actions of several of the Cheif Actors therein, [and praying] to be permitted to lay the said Proofs before Her Majesty that so the Memory of Her Majestys said Captain General may be vindicated, and the guilty Aggressors brought to their deserv'd Punishment. [p. 250.]

23 June. [Three letters to Lord Dartmouth from Col. Hamilton, Commander in Chief in the Leeward Islands, with addresses from the Council and Assembly of those islands and depositions touching the late disorders there, are referred to] the Lords of Her Majesty's most Honourable Privy Council, who are to meet in a Committee to consider thereof, and to Report . . . [p. 255.]

18 July. [Minute of the Committee for Appeals: the papers eto. confirm the information already laid before her Majesty, and there is good ground for the commission and directions given to Col. Douglas in the matter.] [p. 266.]

19 Dec. [Reference to a Committee of the whole Council of] a Letter from Major Walter Douglas Governor of the Leeward Islands transmitting several Evidences and Depositions against Captain Joseph Rokeby, Lieutenant Thomas Watts, Ensign Henry Smith, Officers in the Regiment commanded by Colonel James, whom he had sent over Prisoners in Her Majestys

1711.

Ship the Lark, as being concernd in the Murther of Colonel Park late Governor of the said Islands; And a Petition of Micajah Perry and Richard Perry of London Merchants Executors of the said Colonel Parke, being this day likewise read at the Board, Representing the Obstructions that hinder the Execution of Her Majestys Orders for bringing to condign Punishment the Persons principally concern'd in the said Murder, and Praying such Orders may be given as shalbe effectual to bring the notorious Criminals to their deserved Punishment, and the aforesaid Officers removed from their Comissions. [p. 343.]

(1712.)

3 Jan.

[Committee of the whole Council (16 present) recommend that the Attorney and Solicitor General ascertain how far the evidence on this side is sufficient for the trial in England of Ensign Smith, now in Newgate: that the case of Rokesby and Watts be referred to the Court of General Officers at Whitehall; that Col. Jones's Regiment, whose officers and soldiers appear to have had correspondence with the persons concerned in the murder, be changed for another; and that the Board of Trade examine how far Major Douglas has complied with his instructions.] [p. 354.]

(1712.)

[Orders accordingly.]

[p. 364.]

10 Jan.

(1712.)

[Reference to the Duke of Ormond, Captain General of the forces, of the report of Lord Lansdowne, Secretary at War, as to the method of changing the regiment.] [p. 394.]

8 March.

(1712.)

The Petition of Ensign Henry Smith, Prisoner in Newgate . . . to be discharged on Bail. Read. Nothing. [p. 408.]

3 April.

(1712.)

[The report from the Board of General Officers, a petition of Captain Rokesby relating thereto, a petition of Micajah and Richard Perry for bringing to justice the persons concerned in the murder, and a petition from the Antigua merchants for a general pardon to the inhabitants of the Island are] referred to the Right Honourable the Lords of Her Majesties most Honourable Privy Council. [p. 412.]

17 April.

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1711.  
(1712.) [Apparently a Minute of the Committee of the whole  
26 April. Council: These papers read: further consideration to be  
had on 30 Ap.] [p. 412.]
- (1712.)  
30 April. [Committee of the whole Council. The Depositions are  
referred to the Attorney and Solicitor General to give] an  
Account of such Offenders, as appeared most active and  
instrumental in the said Disorders. [It is recommended that  
Capt. Rokesby be discharged her Majesty's service for dis-  
obeying the Governor's orders and encouraging his soldiers  
to do the same: four months time is allowed Lieutenant Watts  
and his accusers to produce proofs, his commission and the  
profits thereof being in the meantime suspended.]
- (1712.) [pp. 412-3.]  
2 May. [Committee of the Council. Governor Douglas has not  
obeyed his instructions to seize and send over three to six of  
the ringleaders, and then to issue a general pardon with  
exceptions named. It is recommended that such a proclama-  
tion be issued under the seal of the island, and that the persons  
excepted be seized and sent over for trial along with the  
necessary witnesses on both sides.] [p. 414.]
- (1712.)  
2 May. [Orders in accordance with Committee findings of 30 Ap.  
and 2 May.] [pp. 415-6.]
- (1712.)  
12 May. [Draft of proclamation approved: to be sent to Col. Douglas  
and published within 24 hours of receipt.] [p. 421.]
- (1712.)  
23 May. [Reference to the Lords of the Council of two letters from  
Col. Douglas, one to the Lord Treasurer, one to Lord Dart-  
mouth, both of 6 Feb., and a copy of the proclamation pub-  
lished in Antigua and the Assembly's address thereon.]
- (1713.) [p. 433.]  
4 May. [Reference to the Lords of the Council of the report of the  
Attorney General of 20 Jan., upon the petition of Thomas  
Kirby, a prisoner in Newgate on account of the murder of  
Col. Park, to be admitted to bail and tried in Antigua.]



1711.

[Similar reference of the petition for their expenses of witnesses sent over for the prosecution—Dr. Gousse Bonin, George French, and Richard Oglethorpe of Antigua.]

[Similar reference of the petition of Gilbert Pepper and Evelyn his wife and other relations of Col. Park, complaining of Col. Douglas's partiality to the principal actors in the rebellion and murder and praying directions to the Attorney General to bring Kirby, Smith, &c., to trial here], there being none left on those Islands, that dare appear against them there.

[VI. p. 103.]

(1713.)

[Committee of the whole Council. In view of the difficulty in bringing the accused to justice in the Leeward Islands, Smith, Daniel Mackenny and Watkins are to be prosecuted by the Attorney General here, and the case of Kirby is left for her Majesty's determination: Mr. Borrett, Solicitor to the Treasury, is to see to the witnesses' expenses: and there is reason to summon Col. Douglas to answer the heinous matters alleged against him.]

[VI. p. 113.]

27 May.

(1713.)

The Lords of Her Majestys Most Honourable Privy Council Appointed a Committee to Consider Several Petitions and Memorials relating to the Murder of Colonel Park . . . having considered the same . . . and in regard the Terms draws near and that no Council day is appointed, [the Clerk of the Council, on the instructions of the Lord President, writes requesting the Attorney General to make the necessary dispositions for bringing the three prisoners to trial.]

[VI. p. 116.]

30 May.

(1713.)

[Formal order to Attorney General as above.]

[VI. p. 116.]

31 May.

(1713.)

[The report of the Committee being read, the Earl of Dartmouth is ordered to receive her Majesty's pleasure about the recall of Col. Douglas.]

[VI. p. 188.]

8 June.

(1715.)

[Reference to the Treasury of the petition for an adequate maintenance of George French and Richard Oglethorpe, sent over as witnesses for the Crown by Col. Douglas, and paid

23 Feb.

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1711.

only 20*l*. each during the two years they have been in England.] [Geo. I. Vol. I. p. 188.]

(1715.)

29 March. [Sir Edward Northey, Attorney General, and Nicholas Lechmere Esqr., Solicitor General, having reported] upon the Case of Thomas Kirby, Henry Smith, Daniell Mackinnen and Samuell Watkins now under prosecution in the Court of King's Bench for High Treason and Rebellion charged to have been Committed by them upon the Murther of Daniell Parke Esqr. [the Attorney general is ordered to proceed with their prosecution in due manner as the law directs.]

(1715.)

[George I. Vol. I., p. 199.]

30 June. [Kirby petitions that after many delays of the Attorney General his trial was appointed to be on 4 July next, but that this has been countermanded by the Attorney General; he prays that he may be brought to a trial this present term, or that the Attorney General confess his plea, and enter a *Noli Prosequi*. Order is given to the Attorney General to bring him to trial this present term.]

(1718.)

[George I. Vol. I. p. 244.]

16 March. [Reference to the Treasury of Richard Oglethorpe's petition for a further reward for his services and the loss of his time while detained in England from 1712 till the close of the trials as a witness against the murderers of Col. Park.]

(1718.)

[II. p. 122.]

11 June. [Reference to the Treasury of George French's petition for compensation for great damages to his goods, lands, and negroes in Antigua, as well as for the loss of his time and business there, in attending here as evidence against the murderers of Col. Park.]

(1721.)

[II. p. 274.]

14 Jan. [Order for discharge of ex-Governor Douglas, who was sentenced to 5 years imprisonment and fine in Michaelmas Term 1716, and was confined six months before the sentence. He and his wife and family are now in great necessity, and in regard to his sufferings he petitions for his discharge.]

[III. p. 103.]

1711.

[1144.] Address from the Council and Assembly of St. Christophers, Recomending to Her Majesty's Favour, Michael Lambert Esq. their Lieutenant Governor. Read. Nothing. [p. 251.] 14 June. St. Christopher.

[1145.] [Reference to the Board of Trade of a memorial from the Proprietors of Carolina] setting forth, That they have alwaies given Instructions to their Governor of the said Province to Appoint a Deputy for the better and more regular Government of that part of the Province, that lyes North and West of Cape Fear, by reason of the great Extent of that Country and the Necessity of corresponding and trafficking with the several Nations of the Indians, and therefore Recomending to Her Majesty for Her Royall Approbation, according to an Act of Parliament made in such cases Edward Hyde Esqr. being a Person of Integrity and Capacity, and well affected to Her Majestys Government. and every way qualified for that Trust. [p. 254.] 14 June. Carolina.

[On the report of the Board of Trade Hyde's appointment is confirmed on security of 1000*l*. being given—not the usual 2000*l*., in regard the trade in that part is inconsiderable.] [p. 272.] 30 July.

[1146.] [Reference to the Committee for Appeals of the petition of Thomas Macnamara of Annapolis to be restored to his practice as an attorney, of which he was deprived on] being found guilty of homicide by Chance Medley. [p. 256.] 23 June. Maryland.

[Committee minute of reference to the Attorney General for his opinion.] [p. 265.] 5 July.

[Committee minute]—That the Petitioner being found Guilty of Homicide per Infortunium he Ought to have been Discharged, and not burnt in the hand, and that he Ought not for that reason to have been Discharged from his Practice of an Attorney, And therefore it may be proper for Her Majesty to Give leave to the Petitioner by Writt of Error to Remove the said Proceedings on the said Indictment against him, and to Command the Courts in Maryland forthwith to 16 Aug.

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1711.

Restore the Petitioner to his Liberty of Practising as an Attorney, he being Discharged for the Causes alledged.

[p. 288.]

3 Sept. [Order accordingly, with addition in margin—] And it is hereby further Ordered that the Justices of the Provincial Court of Maryland for the time being on Notification hereof Transmit the Record and Process of the Indictment aforesaid together with all Proceedings Concerning the same to Her Majesty in Council that full and speedy Justice may be done the said Thomas Macnamara.

[p. 295.]

30 July. [1147.] [Reference to the Ordinance of a letter of 29 June from the Board of Trade to the Earl of Dartmouth with an extract of Lieut.-General Hamilton's letter of 25 April and an address of 23 March from the General Assembly of the Leeward Islands to Lieut.-Gen. Hamilton relating to stores of war.]

Leeward  
Islands.

[p. 272.]

13 Aug. [Ordinance report] to be put into my Lord Dartmouth's hands.

[p. 288.]

30 July. [1148.] [Reference to the Lord Treasurer of a representation of the Board of Trade upon the petition of Berkeley Seymour for half of the 12*l.* per hogshead duty on exports of tobacco between the date of his father's death and that of the succeeding Governor's commission]

Maryland.

[p. 274.]

30 July. [1149.] [Reference to the Board of Trade of the] Address of the Minister, Church-Warders and Vestry of the Church of St. Mary in Bridlington in Her Majesty's Province of New Jersey, upon Her Majesty's having rejected a Bill lately pass'd in the Assembly of that Province whereby the Quakers were enabled to give Evidence in Criminal Cases, serve on Juries, and enjoy Places of Profit and Trust in the Government there contrary to the Laws of Great Britain; And Representing that an Act is pas'd in the adjoining Province of Pennsylvania, Constituting a new Form of Protestation Repugnant to the Affirmation enjoined by Act of Parliament.

New Jersey.

[p. 274.]

- [1150.] [Reference to the Attorney or Solicitor General of the petition of Samuel Lillie, late of Boston, merchant, for a Commission of Enquiry into the unjust proceedings of the Courts of Massachusetts Bay against him, whereby he and his family are almost ruined.] [p. 278.] 1711.  
30 July.  
Massachu-  
setts Bay.  
(1715.)
- [On the Attorney General's report, Lillie is allowed to appeal from the judgments of the Inferior Court of Massachusetts Bay of 7 Oct. 1707 in suits between him and Edward Bromfield and Francis Burroughs, and another of the same Court, 4 Nov. 1707, in a cause between him and Elias Adams, though all are under the value for which the Governor is directed to allow appeals; security being given to prosecute the appeals within a year and abide his Majesty's determination. Lillie may prosecute his appeals from the Admiralty Court of Massachusetts in the High Court of Admiralty here.] [George I. I. p. 201.] 29 March.
- [1151.] [On the report of the Attorney General, patents of denization are granted to several persons, including Rodrigo Pacheco, merchant, of New York, who has resided there for several years and desires to settle there.] [p. 294.] 3 Sept.  
New York.
- [1152.] [Reference to the Board of Trade of the petition of Capt. John Walton, late Lieutenant Governor of the Virgin Islands, for a grant of the islands or a commission for their government. A former petition was objected to by the Board of Trade, but Walton now alleges that he has new matter to offer.] [p. 298.] 3 Sept.  
Virgin  
Island.  
(1715.)
- [Reference to the Board of Trade of Capt. Walton's petition], Setting forth, his having been Constituted in September 1706, Lieutenant Governor of the Virgin Islands, where he Continued 2 Years in which time he made such Observations for the Improvement of that Country, that it was thought Advizable he Should Come over, and lay the same before her late Majesty which he accordingly did, and was referred to the Lords Commissioners for Trade, who made a Report thereof without hearing the Petitioner thereupon; Whereupon the Petitioner Complained, and was referred back again 17 June.

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1711.

to the said Commissioners to be fully heard, but he could never Obtain such hearing in the late Queens time; And humbly praying his Majestys Direction to the present Lords Commissioners of Trade to make a full Report of the whole matter. [George I. I. p. 236.]

(1715.)

18 Oct.

[On reading the report of the Board of Trade of 9 Sept., proposing] that before any such Grant be made, Instructions should be Given to the next Ship of Warr, that goes to Jamaica to touch at the Virgin Islands and Examine into their present State and Condition with respect to the Harbours, Soil, production, and Conveniencys thereof for Trade, as also to the Condition of the Inhabitants there; And there having been also this day read at the Board, a further petition of the said Captain Walton humbly proposing to go with the said Man of Warr to Inform the Commander of the Severall particulars, which will be necessary in order, to the making a Report whether it be Advizeable to make a Settlement there or not, provided he may but be Allowed a Competency Sufficent in Such an Undertaking, or otherwise to be Considered for his past Services and Sufferings, [order is given to the Admiralty that a ship be sent accordingly, and the further petition is referred to the Board of Trade]. [I. p. 298.]

(1716.)

13 Sept.

[Reference to the Treasury to do as they shall think proper on considering a report of the Board of Trade that] the said Walton deserves a Gratification, not only for his past Services, But a Competent Allowance for his present undertaking if Ordered on Board the Ship of Warr Appointed to Enquire into the Present State and Condition of the said Virgin Islands. [I. p. 441.]

17 Sept.  
Jamaica.

[1153.] [Reference to the Board of Trade to make a strict enquiry into] the Petition of Thomas Simpson and the widow of Charles Gandy of Port Royall in Jamaica Esqr. Praying to be relieved from an unjust Prosecution by Charles Chaplain Her Majestys Collector there, for Moneys Pretended to be Issued from him to Thomas Finch One of the Commissioners

1711.

Authorized by An Act of the Assembly to fitt out two Sloops to Cruize about the said Island for the Security thereof Notwithstanding the Money was not Applied to the said Service.

[p. 313.] (1712.)

[Upon reading the report of the Board of Trade, and also a further petition of the same petitioners for the repeal of an Act for vesting the estate real and personal of Thomas Finch in trustees, the better to enable his sureties to pay the sum of 3800*l.* due from the said Finch as Commissioner to the public of this island, the report and both petitions are referred back to the Board of Trade to consult the Attorney and Solicitor General.] 8 March.

[p. 390.]

[1154.] [Reference to the Committee for Appeals of the petition of Mitford and Oriana Crow for a day for hearing their appeal from an order of the President and Council of Barbados, 29 Dec. 1710, relating to an estate of which the petitioners are deprived by Mrs. Butler Chamberlain.] 17 Sept. Barbados.

[p. 315.] (1712)

[Committee minute. On the petition of Thomas Pindar for the defendant, the case is postponed for ten days, Pindar paying Crow's expenses in attending this day.] 10 Jan.

[p. 368.]

[1155.] [Reference to a Committee of the whole Council of a letter of 29 Nov. from the Board of Trade to the Earl of Dartmouth, with a letter of 15 Oct. from Col. Spotswood] Giving an Account, that the Tuscaruro Indians bordering upon North Carolina had taken Arms and murdered many of Her Majestys Subjects in that Province, And there being likewise presented and read at the Boord a Memorial of the Lords Proprietors of the Province of Carolina relating to the aforesaid Disorders, of which they expect a more perfect Account to lay before Her Majesty, and Praying in the mean time that Colonel Thomas Cary and the other Persons sent over by Colonel Spotswood as the Principal Fomenters of the said Disorders may be secured. 19 Dec. Carolina.

[p. 343.] (1712.)

[Committee minute recommending that orders be given for sending a supply of arms and ammunition, as the militia of

10 Jan.

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1711-12.

Carolina are so destitute thereof that the Governor can make neither a defensive nor an offensive war : the Attorney General has also reported (in answer to a letter inserted in the Register), that Levy Truhit, George Lumley, Collingwood Ward, and Edmund Porter, sent over by Col. Spotswood as fomentors of the disturbances, have entered into recognizances of 500*l.* each with two sureties in 250*l.* each for their appearance before the proprietors when called upon, and for their good behaviour in the meantime, but that Colonel Thomas Cary is not to be found.] [pp. 368-9.]

(1712.)

8 March. Report about the Disorders in North Carolina Read. To remain till Her Majesty may have further Information. [p. 390.]

19 Dec.  
Virginia.

[1156.] [Reference to the Board of Trade of Gawen Corbin's petition to be restored to his post of Naval Officer at Rappahannock River, from which he was dismissed by Governor Spotswood for not discovering an alteration in a letter of license from her Majesty for a ship not to be embargoed in Virginia.] [p. 345.]

1712.

10 Jan.  
Barbados.

[1157.] [Reference to the Committee for Appeals of the petition of Edward Denny and Martha his wife for liberty to appeal from a judgment of the Governor and Council of Barbados of 29 Nov. 1709 in favour of William Cleland.]

(1714.)

[p. 302.]

19 Jan.

[Committee minute for admitting the appeal.]

(1714.)

[VI. p. 320.]

20 Feb.

[Order accordingly.]

[VI. p. 336.]

(1715.)

22 Nov.

[Reference to the Committee for Appeals of Denny's petition for a hearing.] [Geo. I. Vol. I. p. 312.]

10 Jan.  
Barbados.

[1158.] [Reference to the Committee for hearing Appeals for Prizes of papers sent by] Dudley Woodbridge Esqr. Judge of Her Majestys High Court of Admiralty in Barbados to the Right Honourable the Earle of Dartmouth Her Majestys Principall Secretary of State, setting forth that Raynes Bato



1712.

and Thos. Stewart Merchants, Agents and Factors to the Royall African Company of England had appealed from a Sentence Given against them in the High Court of Admiralty in Barbados on the 12th of October 1711 in Favour of Captain Thomas Legg and Captain Robert Chadwick Commanders of Her Majestys Ships the Anglesey and Foye, relating to the Ship Camwood Merchant lately belonging to the African Company which was taken by the French on the Coast of Guinea in Africa, and Retaken by the said Captains Legg and Chadwick.

[p. 365.]

[1159.] [Reference to the Committee for Appeals of the petition of Robert Stewart of London and Hugh Agnew of Barbados that a day be fixed for hearing their appeal from a judgment of the Barbados Chancery, 24 Jan. 1711, in favour of William Davies and Alice his wife, and from other proceedings relating to a pretended will of James Willson of Barbados, deceased.]

26 Jan.  
Barbados.

[p. 371.]

(1713.)

[Committee minute for reversing the decree and restoring the petitioners to all they have lost thereby.] [VI. p. 82.]

26 Feb.

(1713.)

[Order accordingly.]

[VI. p. 90.]

15 April.

[1160.] [Reference to the Ordnance of a representation of the Board of Trade as to ordnance stores for Nevis and St. Christopher.]

8 March.  
Nevis and  
St.  
Christopher.

[p. 391.]

[Ordnance report] Read. To be further considered.

3 April.

[p. 408.]

[1161.] [Reference to the Lord Treasurer of the] Petition of Albert Blacklock, Patrick Magary, John Allen and other Mariners belonging to the Eagle Transport Praying to be Rewarded for their good Services in saving out of the Wreck of the Colchester Transport, cast away in the River Canada in August last several officers and 167 souldiers of Major Generall Seymours Regiment.

3 April.  
Canada.

[p. 407.]

[Reference to the Lord Treasurer of the petition for compensation of Sir Wm. Phippard and other part owners of

24 June.

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1712. transports lost in the St. Lawrence in the expedition to Canada.] [p. 439.]
- 28 July. [Reference to the Admiralty of the petition for relief of the widows of seamen cast away in the River of Canada in her Majesty's service on 22 Aug. 1711.] [p. 454.]
- 18 Aug. Petition . . . rejected. [VI. p. 7.]
- 8 Sept. [Report from the Admiralty] nothing. [VI. p. 21.]  
(1714.)
- 21 June. [Reference to the Lord Treasurer of the petition of Thomas Coulthurst for the value of his ship *Neptune*, lost] by being forced up the River Canada without a Pilot to carry Provisions to Her Majestys Forces there.] [VI. p. 367.]  
(1715.)
- 30 April. [The same, or a similar, petition referred to the Treasury.] [Geo. I. Vol. I. p. 217.]  
(1715.)
- 18 Oct. [Reference to the Treasury of] the Petition of the five Canada Widows whose Husbands were cast away in the late expedition at Quibeck, praying to be allowed some small Bounty, whereby they may be enabled to return to their respective Countryes. [Geo. I. Vol. I. p. 299.]
- 2 May. [1162.] [Reference to the Board of Trade so far as it concerns the Governor, and to the Lord Treasurer so far as it concerns the Customs, of the complaint of Philip Freke and John Day of Bristol against Governor Lowther of Barbados for seizing and detaining without trial the ship *Oxford* (300 tons, 20 guns and 70 men), the petitioners suffering thereby to the amount of 300*l.* monthly besides the hazard of losing the whole.] [p. 418.]  
Barbados.
- 23 May. [1163.] [Reference to the Board of Trade of Governor Barbados. Lowther's petition as to his controversy with Alex. Skone, Secretary of Barbados, concerning certain fees, perquisites, and emoluments.] [p. 428.]
- 24 Nov. [Order in accordance with the report of the Board of Trade]—In Obedience to Your Majestys Commands Signified

to us by the Earl of Dartmouth, we have Considered the Petition of Alexander Skene Esqr Secretary of Your Majesty's Island of Barbados, complaining that the Governors of the said Island, have of late years contrary to Your Majesty's Letters Patents and the Laws of the said Island, made severall Encroachments upon the Petitioners Office, and particularly that Robert Lowther Esqr. the present Governor, did soon after his arrivall there demand of the Petitioner Four hundred pounds per Annum as of right belonging to him, for his Perquisites arising from the Secretary's Office.

That upon the Petitioners refusing to comply with the said demand the said Governor put some of the Councill and Assembly upon enquiring whether the Perquisites of the said Office, or some parts thereof did not belong to him, By this means Submitting Your Majesty's Patent to the Jurisdiction of a Committee of the Councill and Assembly there.

That the said Committee did stretch their Enquiry into matters not recommended to them and examin'd Severall Persons upon Oath, in order to charge the said Skene, with Crimes and Misdemeanors, some of which, were for taking Exorbitant Fees, And upon their Report the Petitioner (not complying with the Governor's demand as aforesaid) was suspended from the Execution of all his Offices, Granted him by Your Majesty's Letters Patents.

In further Obedience to Your Majesty's Order in Councill of the 23rd of May last, we have also considered the Petition of the said Robert Lowther Esqr. setting forth, that a Controversy having arisen between him and the forementioned Alexander Skene, about severall Fees and Perquisites, he had referr'd the matter in dispute to the Councill and Assembly of that Island; That they had upon Examination reported the said Governor's Right to the said Fees and therefore praying that Your Majesty will be graciously pleas'd to permit such person as he shall appoint to be his Private Secretary to receive the same.

1712.

We have also heard both the Petitioners by their Council, And thereupon humbly take leave to Represent to Your Majesty.

That Your Majesty in the first year of Your Reign was pleas'd to Grant to the said Skene by Letters Patents the severall Places following Vizt. The Office of Secretary of Barbados, The Office and Place of Secretary to the Governor, The Office and Place of Secretary to the Governor and Council for the time being, and to the Council in the Absence of a Governor, together with the Office and Place of Clerk to the Severall Courts in that Island, with all the Rights Profits, Advantages, Fees Rewards, Powers and Emoluments, to the said severall Offices respectively belonging.

In the time of the late Governor a Dispute upon the same Account happen'd between him and the said Skene and upon a hearing of that matter before Your Majesty's then Commissioners of Trade and Plantations and their Representation to Your Majesty thereupon, Your Majesty was pleas'd to Order, that the said Skene be restored to the Severall Places granted him by Your Majesty, and to the Enjoyment of all the Rights, Profits, Fees and Advantages thereunto belonging, and upon the passing of the present Governor's Instructions a Clause was inserted by Your Majesty's Order, taking notice, that though Your Majesty had been pleas'd to send the fore-mentioned Orders to the former Governor, the same had not been complied with, and therefore directing him the present Governor immediately upon his arrivall in Barbados to admit the said Skene to his Places and to the Enjoyment of his Fees as aforesaid.

Upon the whole, we are humbly of Opinion, that the Governor has no Right to any of the Fees which are Settled on the Secretary by an Act of Assembly pass'd the 21st of October 1670. And that the Governor's demanding the same or any part thereof is an Encroachment upon Your Majesty's Patent.

That there appears to Us no good reasons for Suspending the Petitioner for that had he been Guilty of taking undue

1712.

Fees (as alledged in the foresaid Report of the Councill. and Assembly) he might have been proceeded against there, by virtue of the abovesaid Act, to the Forfeiture of his Office, That in Case the said Governor shall think fit to employ a private Secretary he himself ought to make him an Allowance for it, and We humbly offer that Your Majesty's Royal Pleasure and express Commands be Signified to the Governor, that he immediately restore the said Skene to the Severall Places granted him by Your Majesty's foresaid Letters Patents and to the Enjoyment of all the Rights Profits Advantages and Fees thereunto belonging on pain of Your Majesty's Highest Displeasure.

We are further humbly of Opinion in case Your Majesty shall approve hereof, that the said Skene is justly Entitled to all the Fees and Profits that have Accrued since his Suspension to the time of his Restoration.

And we further humbly Offer if any Patent Officer shall at any time for the future be suspended, the Persons appointed to Execute the Place, do give Sufficient Security to the Party Suspended to be answerable to him for the Profits accruing during such Suspension, in Case he be restored.

[VI. pp. 51-2.]

(1713.)  
8 Jan.

[Reference to the Board of Trade of Skene's petition showing his sufferings from frequent and unjust suspensions by the Governors of Barbados, whereby they enjoy the revenue of his office during his suspension, and praying that for preventing such abuses the Governor be directed not to suspend any patent officer for the future till her Majesty's pleasure be first known.]

[VI. p. 67.]

(1713.)  
30 July.

[Reference to a Committee of the Council of Skene's complaint of Col. Samuel Barwick and Arthur Upton for refusing to obey the order as to the profits and fees of his places received by them during his suspension, and setting forth his apprehension of being suspended for the same things for which he was suspended before and acquitted by her Majesty.]

[VI. p. 211.]

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1712.  
(1713.) [At the Committee for Plantation Appeals, it is ordered  
11 Oct. that Governor Lowther, Barwick and Upton answer Skene's  
petition within five months, proofs on both sides being  
freely taken and transmitted to this Board.] [VI. p. 253.]
- 24 June. [1164.] [Reference to the Lord Treasurer of the petition of  
New York. Roger Mompesson, Judge, John Reynor, Advocate General,  
and Robert Robinson, Register of the Vice Admiralty Court  
of New York, for payment of arrears of salary since Lady  
Day 1709, the Collector having refused to pay them without  
an order from hence, and there being no general revenue raised  
there for the purpose.] [p. 440.]
- 17 July. [1165.] [Reference to the Committee for Appeals of John  
Macarell's petition that his ship the *St. John Baptist*,  
Andrew Fitzgerald master, seized at Philadelphia, be restored  
to him on giving security to abide the determination of her  
(1713.) Majesty in Council.] [p. 447.]
- 9 Nov. [Order in accordance with the Committee recommendation that  
permission be granted him to appeal from] the *Illegal Seizure  
and Condemnation of the Ships St. John Baptist and St. Joseph*  
with their Cargoes in the Court of Common Pleas or  
County Court in Pensilvania where they refused an Appeal,  
and the Master Thomas Parks neglected making any Legal  
Defence or to produce the Queen's and King of Spain's Pass  
for the said Ships but combined with Divers Persons to  
Defraud the Petitioner, [and that the ship be restored to him  
on giving security to abide by the decision of the Council.]  
(1713.) [VI. pp. 268-9.]
- 9 Nov. [Security given by John Macarell, Robert Finlay and  
(1713.) Robert Shaw of London merchants.] [VI. p. 269.]
- 17 Dec. [Committee minute: Mr. Penn or any others opposing the  
petition to attend the first meeting after the Christmas  
(1714.) holidays.] [VI. p. 293.]
- 14 Jan. [Committee of the whole Council. An answer from Mr. Penn  
having been read, it is recommended] that Restitution  
of the said 2 Vessells be made, upon giving good security

according to the Value upon a legal Appraisement in the province [New York] where they lie. [VI. pp. 303-4.]

1712.

[Order accordingly.] [VI. p. 319.]

(1714.)

17 Jan.

[1166.] [Reference to the Board of Trade of the petition of Valentine Mumby and Edmond Edlyne, members of the Council of Jamaica, for leave to stay some time longer in England on private business.] [p. 447.]

17 July.  
Jamaica.

[1167.] [Reference to the Board of Trade of the petition of the Mayor and magistrates of Dartmouth that a company of soldiers may be sent to Newfoundland, as they are obliged to man the fort out of their own ships' crews to the great hindrance of their fishing voyages.] [p. 448.]

17 July.  
Newfound-  
land.

[1168.] [Reference to the Board of Trade of a representation from the Society for the Propagation of the Gospel in Foreign Parts setting forth the hardships suffered by Thomas Poyer, clerk, in New York, and submitting that in such a case the rule as to appeals—to the Governor if not under 100l. : to the Crown if not under 300l.—may be dispensed with.] [p. 451.]

28 July.  
New York.

(1713.)

8 Jan.

[Orders are given for admitting appeals to the Governor and Council and thence to her Majesty in all cases where the clergy are immediately concerned, the Board of Trade reporting on Poyer's case]:—Upon the Death of Mr. Urquhart late Rector of the parish of Jamaica in long Island, Colonel Hunter Your Majestys Governor of New York, inducted Mr. Thomas Poyer a person duly Qualify'd according to your Majestys Instructions in that behalf to the Rectory of the said parish, notwithstanding which by the Violence of some Sectary's disaffected to the Church, the said Poyer hath been wrongfully kept out of the Parsonage House and Glebe, That the said Poyer is unwilling to seek his remedy at Law, being apprehensive that if a Cause of the church should be Tried and Judged by Dissenters, he Would not find Justice, and the Value of the said House and Glebe being small an Appeale would not Lye from the Inferiour Courts to your Majestys Governor and Council there. [VI. pp. 64-5.]

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1712.

ANNE VOL. VI. (18 August 1712—31 July 1714.)

- 18 Aug.  
Hispaniola. [1169.] [Reference to the Admiralty of the petition for relief of Mary, widow of James Nevill, late purser of H.M.S. *Rupert*, slain by the enemy in Feb. 1711 in Hispaniola, where he had been sent on shore with 12 men to cut wood for the use of the ship.] [p. 7.]
- 20 Oct. [In accordance with an Order in Council of 11 Ap. 1706, Mrs. Nevill is declared entitled to the same allowance as if her husband had been killed in fight on board ship.] [p. 33.]
- 8 Sept.  
Nova Scotia. [1170.] [On a report from the Admiralty of 18 August, the Ordnance are ordered to allow in the accounts of Capt. George Martin of H.M.S. *Dragon* for provisions delivered by him in 1710 to the Governor of Annapolis Royal and the masters of several transports taken up there to carry the French Governor and garrison of Port Royal to France.] [p. 15.]
- 8 Sept.  
New York. [1171.] [Reference to a Committee of the Privy Council of a representation of the Board of Trade concerning an attempt of some negroes at New York to murder the inhabitants.] [p. 16.]
- 27 Sept. [Committee minute approving the representation.] [p. 25.]
- 20 Oct. [Order accordingly for the pardon of Mars, a negro, who had been twice tried and acquitted but condemned on a third trial, and of Hosea and John, Spanish Indians, condemned for the conspiracy but reprieved by the Governor.] [p. 31.]
- 8 Sept.  
New York. [1172.] [Reference to the Ordnance of a representation of the Board of Trade as to the stores of war remaining in New York and an account of the stores wanting there, which should be sent by the first opportunity.] [p. 16.]
- 20 Oct. [On reading a report from the Ordnance that the stores deemed necessary are estimated at 1183*l.* 16*s.* 2*d.*, and that



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this sum should be included in the estimate to be laid before Parliament this year, as last year's grant included no money for services of this kind, it is ordered that the Ordnance send the stores and the Treasury find the money.] [p. 32.]

[1173.] [Reference to a Committee of the Council of a representation of the Board of Trade on the complaints of Robert Cunningham, a member of the Assembly of St. Christopher, imprisoned there since 15 April last under pretence of being guilty of high crimes and misdemeanours.] [p. 19.] 8 Sept. St. Christopher.

[On reading a letter from the Board of Trade of 31 Oct., and the letter of Cunningham alleging that 4000*l.* bail has been offered and refused, he is ordered to be released on bail not exceeding 500*l.* for himself and 250*l.* for each of his sureties. His complaints are referred to a Committee of the Council.] 24 Nov.

[p. 49.]

(1713.)  
3 June.

[Minute of the Committee for Appeals. Cunningham's complaint includes also a charge against Lt. Gen. Lambert of making away with several of her Majesty's field-pieces and defrauding the inhabitants of St. Christopher and Nevis of her Majesty's royal bounty. It is recommended that depositions be taken on the island by all parties and replies exchanged and all proceedings transmitted to the council.] [p. 184.]

(1713.)

[Order accordingly—depositions to be taken before Geo. Lyddal, John Burryan, John Willet, and Ralph Willet, members of the Council.] [p. 195.] 24 June.

[1174.] [Reference to the Committee for Appeals of a representation from the Board of Trade on several letters received from Colonel Hunter as to the removal of several members from the Council of New Jersey who obstruct the peace and quiet of the province.] [p. 31.] 20 Oct. New Jersey.

(1713.)

[Committee minute upholding the representation and recommending the removal of four Councillors.] [p. 74.] 20 Jan.

(1713.)

[Order accordingly. See Appendix II.] [p. 88.] 15 April.

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1712.

20 Oct. [1175.] [Reference to the Committee for Appeals of the]

New Jersey. Petition of Mary Crowley and John Borrow Executors to John Roys Esqr. of East New Jersey in America deceased relating to an Estate of Two hundred pounds, purchased by the said Roys, which he Mortgaged to Charles Windar of the said Island, Who being since dead, the Estate was putt in trust for his Brother James Windar, which Trustees with One Wilcoox have Surreptitiously obtained Letters of Administration in Order to Deprive the Petitioners of the said Estate. [p. 35.]

20 Oct. Barbados. [1176.] [Reference to the Committee for Appeals of the petition of Nathaniel Rouse of London and James Aynsworth of Barbados for a day for hearing their appeal from a sentence of the Barbados Chancery of 5 Sept. 1711 in favour of John Rouse, as to a debt of 1204*l.* 1*s.* due to them from John Rouse, executor of Thomas Rouse, of London, deceased.] [p. 36.]

(1713.)

3 June. [Committee minute recommending that the appeal be dismissed.] [p. 185.]

(1713.)

24 June. [Order accordingly.] [p. 196.]

24 Nov. Jamaica. [1177.] [On a representation from the Board of Trade, Lord Lexington is instructed to use his best endeavours at the Court of Spain, as are also the Plenipotentiaries at Utrecht, to procure satisfaction for a debt due for negroes from the factors of the Assiento to Thomas Onslow, Edward Broughton, Benjamin Way, Thomas Bernard and other merchants of Jamaica.] [pp. 46-7.]

24 Nov. Pennsylvania. [1178.] [Reference to the Committee of the Council of an address of the clergy of Pennsylvania complaining of proceedings of the General Assembly in contempt of her Majesty's authority.] [p. 47.]

24 Nov. Barbados. [1179.] [Reference to the Committee for Appeals of the petition of William Rawlins of Barbados for a short day for hearing his appeal from an order of the Council of the island setting aside a judgment obtained by him against Edward Burke, now deceased.] [p. 48.]

- [Committee minute. Rawlin's petition sets forth that Burke died indebted to Rawlins in 1000*l.*, but his widow, Hester, fraudulently disposed of all the estate save a 99 years lease of 100 acres in the island. On this judgment was levied, the land appraised, and possession delivered and a bill of sale executed to Rawlins by the Provost Marshal : but on 18 Mar. 1712, the Governor and Council, sitting as a Court of Grievances, gave a judgment in favour of John Frere, one of the Council, who pretends that Burke conveyed the lands to his father in trust for Hester, by way of jointure. The estate has been forcibly taken from the appellant, and he is in danger of losing his debt. The Committee recommend that Rawlins be restored to possession of the premises, and that the jointure claimed by Hester Burke be left to the determination of the law.] [p. 112.] 1713.  
22 May.
- [Order accordingly.] [p. 194.] 24 June.
- [1180.] [Reference to the Committee for Appeals of the petition of John Walker of London, son of Richard Walker of Barbados deceased, and Alexander Walker and Thomas and Reynold Alleyne of Barbados, his attorneys, for a short day for hearing their appeal from a sentence of the Barbados Chancery of 6 Aug. 1712 in favour of George Nicholas and Susannah, his wife, touching a mansion house, plantation, negroes, etc.] [p. 67.] 8 Jan.  
Barbados.
- [Committee minute for dismissing the appeal.] [p. 82.] 26 Feb.
- [Order accordingly.] [p. 90.] 15 April.
- [1181.] Reference to the Ordinance for an estimate of a letter of the Board of Trade to the Earl of Dartmouth of 29 Jan. recommending the sending of a supply of arms and ammunition desired by Col. Spotswood, Governor of Virginia.] [p. 86.] 30 March.  
Virginia.
- [The Ordinance estimate of 2475*l.* 1*s.* 4*d.* for sending necessary stores to Virginia is to be laid before the House of Commons in order to obtain a grant for the same. The necessary directions are to be given by the Lord Treasurer.] [p. 102.] 4 May.

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15 April. [1182.] [Reference to the Admiralty of Capt. Christopher  
Jamaica. Billop's petition for satisfaction for the hire of the ship *Hawk*  
employed by the Victualling Office to carry provisions to  
Jamaica.] [p. 93.]

15 April. [1183.] [Reference to the Admiralty of the] Petition of Mary  
Jamaica. Brooks, Widow of Captain Brooks late Owner and Com-  
mander of the Ship Joseph Burthen 330 Tons, 34 Guns and  
157 Men. Setting forth That the said Ship being upon a  
Trading Voyage at Port Royal in Jamaica was by the  
Governor and Council impressed in March 1691 as a Ship of  
Warr on an Expedition against the French, which succeeded  
and saved the Island of Jamaica by the Destruction of the  
Enemys Ships in their Harbour. In which Service the Hiro,  
Victualling and other Necessarys upon strict Examination  
appear to be 1147*l.* 8*s.* 10*d.*, which summe the Petitioner after  
several expensive Applications hath not been able to obtain,  
And being advised that the said Debt is properly now, as it  
originally was a Debt of the Navy, and consequently within  
the Provision made for the Deficiencies thereof in the Southsea  
Company, humbly Prayed, That the summe reported to be  
due by the Commissioners of Transports, who have fully  
examined and stated the whole Account, may be paid in  
Southsea Stock, or otherwise as Her Majesty shall think fit.  
[p. 93.]

15 April. [1184.] [Reference to the Committee for Appeals of the]  
Jamaica. Petition of Robert Saunders Gentleman, Praying Liberty to  
proceed against Gersham Elye Esqr. a Member of the  
Assembly of the Island of Jamaica notwithstanding his  
Privilege, for the Recovery of a considerable Real and Per-  
sonal Estate in that Island, particularly a Plantation called  
Marta Brea belonging to the Petitioner in right of his late  
Wife deceased, who was Daughter of the late Dr. Stapleton  
of the said Island. [p. 94.]

22 May. [Committee minute. Reference to the Board of Trade to  
examine into the privilege of members of Assembly in Jamaica.]  
[p. 112.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 671

- [Committee minute agreeing with the report and submitting it for her Majesty's opinion.] 1713.  
[p. 115.] 30 May.
- [On the Committee's report, it is ordered that as there is no reason for claiming such privilege and as the Governor has no right by his Commission or Instructions to grant the same, Saunders is to have liberty to proceed with his case. No such privilege is to be allowed for the future to any member of the Assembly.] 31 May.  
[p. 116.]
- [1185.] [Order for publishing in the plantations the treaties of peace and commerce lately made with France.] 4 May.  
[p. 102.] Proclamation of Peace.
- [1186.] [Reference to the Lord Treasurer of Thomas Perryn's petition for release from the Fleet on giving good security to surrender when required. Perryn for many years carried on a considerable trade to Virginia, Maryland, etc., and contributed near 100,000*l.* to her Majesty's Customs, but by losses at sea fell into debt to the customs, and his person and goods have been seized, so that his wife and children are starving.] 18 May.  
[p. 108.] Plantation Trade.
- [1187.] [Reference to the Admiralty of the petition of Lieut. George Trotter of H.M.S. *Newcastle* for 350*l.* expenses for curing wounds received by him, besides the loss of his right arm, in the attack on the Leeward Islands in June, 1711.] 18 May.  
[p. 110.] West Indies.
- [Reference to the Admiralty of the petition of Lieutenant Trotter late of H.M.S. *Newcastle*.] (1714.)  
[Geo. I. Vol. I. p. 110.] 29 Oct.
- [Order in accordance with the Admiralty report of 28 Nov. : Trotter's petition sets forth that he had the] (1714.)  
Misfortune in an Engagement with a French Ship belonging to Martinico, 6 Dec.  
Which was going with Others to Attack his Majestys Leeward Islands, to receive four Severe Wounds, with Muskett Shott, the Cure whereof Cost him two hundred and Six pounds Six shillings but that Charge has never yet been Allowed him by reason of a Defect in an Order in Council of the 11th day of December 1690 : Which Entitles an Officer to the Value

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of a Year's pay for the loss of the Use of an Eye, or a Lymb ; Whereby if an Officer receive many Wounds, And One of them Amount either to the Loss of an Eye or Lymb, he cannot be Entitled but to a Year's pay ; And therefore praying that he may receive the benefitt of the Second paragraph of an Order in Councill in his late Majestys Reigne for Allowing him the Charge of the Cure of his Wounds.

Wee have in Obedience to his Majestys Commands, Considered of the Petitioners Case, And do find, that bills have been made out to him, by the Navy Board for the Sums following Vizt.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
One years Wages as Lieutenant of a third rate Ship . . . . .	73	0	0
Wages during his Cure from the 8th day of January 1712 : the day succeeding his discharge from the New Castle to the 29th following the time his Cure was perfected . . . . .	4	8	0
	<hr/>		
	77	8	0

And the Petitioner upon his Application for an Allowance upon the Account of the Charge he has been at, for the Care of his wounds, having been referr'd to the Examination of the Masters Governors and Assistants of the Company of Barbers and Surgeons, and they having reported to Us.

That they find by their owne Register, that when the said Lieutenant Trotter was Viewed by them, on the 29th of January 1711 pursuant to the Order of his late Majesty aforesaid, on Account of 4 Severe Wounds received in Fight on board his Majestys Ship New Castle ; they were of Opinion that One of the said Wounds was Equall to the Loss of a Limb, and that Since they were of that Opinion, they did not Enquire into the Charges of the Cure of any of the said Wounds, not looking upon it to be in their power so to do ; because All the said Wounds were received at the same

time, And the said Order in Council (under the Authority whereof they Acted) Does not Enable them to make that Enquiry, in Such Cases only Where the Wounds received do not Amount, either to the Loss of an Eye or Lymb, or to the totall Loss of the Use of a Limb, or are not in All the Effects thereof, of equall Prejudice to the health of the body, with the Loss of a Limb ; in each of Which Cases, the said Order of Councill does it Self prescribe the Allowance ; And under the last of Which Cases, they took the said Lieutenant Trotters wounds to be ; But that having now Examined into his Expences relating to the Cure of his said Wounds, they have Inspected the particulars of Such said Expences, Amounting in the whole to the Sum of Two hundred and Six pounds Six shillings And do think the Same may have necessarily been Expended by the said Lieutenant Trotter, in, and about the Cure of his said Wounds ; And that it may be reasonable to Allow him Such said Sum of 206*l*. Six shillings in regard to the great length of time he lay under Cure, to the Expensiveness of the place, where the Same was in a great measure performed, And for that it Appears by his Affidavitt, and the Certificates from Severall persons, that it really Cost him such said sum of two hundred and Six pounds Six shillings And that he was not fully Cured of his Wounds, before the 20th of June 1712 : within Less than which time, they are of Opinion, that Such a Cure could not be performed.

This being the Petitioners Case, And it being Directed by an Order of his late Majesty King William in Council, that where the wounds received, Amount not either to the Loss of an Eye or Limb, or the totall Loss of the Use of a Limb, or such as upon a Search made by the Master, Wardens, and Assistants of the Company of Surgeons, Shall be by them Certified to be in all the Effects thereof, of equall prejudice to the health of the Body, with the Loss of a Limb ; In Such Cases the person Wounded, Shall be Continued during the time of his Cure, in the pay he Enjoyed at the time of his being so Wounded, And be further Allowed such Expences, relating to

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1713.

his said Cure, as upon produceing the particulars thereof from his Doctor, Nurse, Apothecary and Surgeon respectively Shall be found reasonable and Attested to be so, under the hands of the Master, Wardens, and Assistants, of the Company of Surgeons: We do Most humbly Report unto his Majesty Our Opinion, That the Petitioner hath a right by Virtue of the said Order in Council, to be paid for the Charges he hath been at for the Cure of his wounds as aforesaid.

[Geo. I. Vol. I. *pp.* 135-7.]

24 June.  
Jamaica.

[1188.] [Reference to the Committee for Appeals of the petition of Penelope Knight, widow, for a day for hearing her appeal from a judgment of the Jamaica Chancery of 19 Jan. 1713] in Favour of John Marshall and Mary his Wife and Richard Gregory and Susanna his Wife, whereby the Petitioner is deprived of the sum of 220*l.* 2*s.* 6*d.*, due to her as Executrix of Samuel Knight the elder, out of the Estate of Thomas Cox the younger. [p. 197.]

27 June. [Committee minute fixing the hearing for the first meeting in November.] [p. 200.]

(1714.)

14 Jan. [Committee of whole Council. The defendants making no appearance, though duly served with notice, the appeal is to be peremptorily determined at next meeting.] [p. 304.]

(1714.)

19 Jan. [Committee minute: Marshall's agent representing that the papers are but just come over and that he is not yet prepared, the hearing is put off till the second meeting of the Committee.] [p. 321.]

(1714.)

27 Feb. [Committee minute recommending] that the said sentence be reversed and the Demurrer putt in to the Plaintiff's bill in bar to her demands be Overruled. [p. 340.]

(1714.)

28 Feb. [Order accordingly.] [p. 344.]

30 July.  
Antigua.

[1189.] [Reference to Committee for Appeals of the petition of John French and Anne his wife late widow of Jonas Langford of Antigua complaining of not being allowed to appeal



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from an injunction of the Antigua Chancery which they allege to have been irregularly issued, relating to a legacy of 100,000lbs. of Muscovado sugar, payable out of the petitioner's estate.] [p. 213.]

[1190.] [Reference to the Board of Trade of the petition of Capt. Cyprian Southack of the *Province* galley, belonging to Massachusetts Bay. He could only equip the vessel for the Canada expedition, as ordered, by becoming surety for payment of the expenses. Being now under arrest for the same, he prays her Majesty to order that payment be made by the Commissioners of the Navy, Victualling, and Ordnance, or by the Massachusetts Assembly.] [p. 222.]

8 Aug.  
Massachu-  
setts Bay.

[1191.] [Reference to the Board of Trade of the petition for exchange or discharge of Thomas Abbot and other inhabitants of Nevis, for seven years prisoners in Fort St. Pierre, Martinique, as hostages for Nevis, and destitute even of the common support of life.] [p. 223.]

8 Aug.  
Nevis.

[Reference to the Board of Trade of the petition of Thomas Abbot and Charles Earle for exchange or discharge after eight years captivity in Martinique] as Hostages till a Ransome of 1400 Negroes should be paid, according to Agreement with the French upon Quitting [Nevis].

(1715.)

[Geo. I. Vol. I. p. 206.]

[1192.] [Reference to the Board of Trade of the petition of Johanna Kupins widow, relating to the estates left by Wm. Kupins in Jamaica, of which several persons have taken possession as escheated to the Crown, but which by an Act of the island should belong to the petitioner.] [p. 244.]

1 Oct.  
Jamaica.

[1193.] [Reference to the Committee for Appeals of the petition of John Whetstone of Barbados and his wife Elizabeth, for a day for hearing their appeal against a sentence of the Governor and Council of the island, 2 Oct. 1711, in favour of John Carter relating to a partition of a plantation and buildings, etc.] [p. 264.]

25 Oct.  
Barbados.

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- 1713-14.  
(1715.) [Committee minute for dismissing the appeal.]
- 16 June. [Geo. I. Vol. I. *p.* 225.]  
(1715.)
- 17 June. [Order accordingly.] [I. *p.* 231.]
- 9 Nov. . [1194.] [Reference to the Secretary at War of Captain  
Leeward Philip Walsh's petition for half pay as Captain in considera-  
Islands. tion of services in Col. Jones's regiment in the Leeward  
Islands and of hardships suffered by him.] [*p.* 269.]
- (1714.)  
21 April. Report . . read. The Petition rejected. [*p.* 358.]
- 30 Nov. [1195.] [Reference to the Lord Treasurer of the Earl of  
Virginia. Orkney's petition] relating to some Discoveries lately made  
in [Virginia] of an Ore that has greatly the Semblance of Silver  
in it, and setting forth that it may be very advantageous to  
Her Majesty if proper Encouragement be given to the  
Inhabitants of the said Colony for the making further pro-  
gress therein. [*p.* 281.]
- 30 Nov. [1196.] [Reference to the Admiralty of a petition of  
Plantations. traders and planters in Virginia and Maryland for a small  
man of war as convoy, to secure from pirates] the ships  
now going thither and also to the West Indies. [*p.* 281.]
1714.  
10 Jan. [1197.] [Reference to the Committee for Appeals of the  
Antigua. petition of William Codrington of Antigua for a short day for  
hearing his appeal, transmitted and ready for hearing, from  
a judgment of Col. Douglas, Governor of the Leeward Islands,  
in favour of Col. Lambert, relating to an estate left him by  
Christopher Codrington, and unjustly claimed by Lambert.  
[*p.* 302.]
- 27 Feb. [Committee minute recommending that the decree of the  
Chancery, 9 Nov. 1710, in favour of Michael Lambert]  
relating to a plantation in St. Johns in the said Island  
together with the Negroes and Living Cattle that was there-  
upon, and all Sugar, Molosses, Rum, Lime and other product  
thereof, [be affirmed save as regards the sugar, rum, molasses  
and lime, which are to go to the appellant]. [*p.* 340.]
- 28 Feb. . [Order accordingly.] [*p.* 344.]

[1198.] [Reference to the Committee for Appeals of the petition and appeal of Henry Grey, Esq., executor of Ralph, Lord Grey, of Barbados, deceased, from a verdict of the Chancery there, 10 June 1713, in favour of Burch Hothersall relating to a debt of 2273*l.* 19*s.* 7*d.* due from Hothersall to the testator for negroes, men, women, and children, and for cattle, horses, and plantation utensils.] [p. 303.]

1714.  
10 Jan.  
Barbados.

[Committee minute for reversing the decree.]

(1715.)  
19 July.

[Geo. I. Vol. I. p. 249.]

[Order accordingly.]

[I. p. 257.]

(1715.)  
20 July.  
(1725.)  
22 June.

[Reference to the Committee for Appeals of the petition of Henry Grey of Horton in Northumberland, formerly Henry Nevill, for reversal of a decree of the Barbados Chancery, 18 March 1723, and subsequent orders thereon in favour of Burch Hothersall relating to the sum of 2273*l.* 19*s.* 7*d.* due from Hothersall to the late Lord Grey.] [Vol. V. p. 78.]

[Committee. The original cause was to have satisfaction for the balance of an account amounting to 2273*l.* 19*s.* 7*d.* with interest from the time it was stated between the guardians of Hothersall during his minority and the attorney of Lord Grey on account of a plantation leased to Lord Grey by Hothersall's guardians. By Chancery decree of 11 July 1722 and subsequent orders of 21 Feb. and 18 Mar. 1724 in cross actions by Grey and Hothersall respectively, only 71*l.* 2*s.* was awarded. It is recommended that the decree and orders be reversed, that the account annexed to the original bill be taken as a stated account, and the balance, 2273*l.* 19*s.* 7*d.*, paid with 10% interest from 1 July 1706, on which day by the said account interest was to commence, and that Hothersall's cross bill be dismissed.]

(1726.)  
30 April.

[V. p. 213.]

[Orders accordingly.]

[V. p. 218.]

(1726.)  
10 May.

[1199.] [Reference to the Attorney General of Sibilla Masters' petition for a patent for] her New Invented Engines for hulling, Cleansing, and preparing the Indian Corn, by making it fitt for wholsom food, Physick and Exportation, And

14 Feb.  
Bermuda.

678 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1714.

also for Working up the platt of the Leafe of the palmeta Tree, That Grows in the Island of Bermuda into Bon'etts for the head. [p. 329.]

21 April. Report . . Read. The Petition rejected. [p. 358.]

20 Feb. [1200.] [In accordance with a representation of the Board  
Barbados. of Trade on a memorial of the Agent of Barbados], Com-  
plaining of the great Detriment to her Majestys Sugar Plan-  
tations and the Trade and Navigation of this Kingdom, by  
the Importing Rum, Sugar and Molloses from Surinam to  
New England, and other Her Majestys Provinces on the  
Northern Continent, and for preventing thereof the said  
Commissioners humbly Offering that the same may be pro-  
hibited by Law, It is Ordered by Her Majesty in Council  
That Mr. Attorney and Mr. Solicitor General do prepare  
a Draft of a bill to be Offered this parliament to be passed  
into an Act for prohibiting the aforesaid Trade. [p. 336.]

24 May. [1201.] [Reference to the Committee for Appeals of the  
Barbados. petition of Hannah, widow and administratrix of Richard  
Peers of London, that her appeal be admitted from an order  
of the Governor of Barbados in favour of Samuel Barwick  
who unjustly detains the profits of her husband's estate  
there.] [p. 362.]

(1715.)  
2 March. By the Right Hon. the Lords of the Committee for Con-  
sidering of the Mourning and for hearing of Appeals from  
the Plantations.\* [The appeal of Hannah Peers is allowed,  
provided that she give security to prosecute her appeal within  
one year.] [George I. Vol. I. p. 191.]

(1715.)  
29 March. [Order accordingly.] [p. 197.]

(1716.)  
10 March. [Reference to the Committee for Appeals of Mrs. Peers  
petition for a short day for hearing the appeal.]  
[Geo. I. Vol. I. p. 350.]

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\* To this Committee had been referred a petition of the Turkey Company, Italian Merchants, and Silk Weavers of London and Canterbury, complaining that their trade was destroyed by the prevalence of mourning and by the proceedings of the French trading to Turkey and the West Indies. [p. 190.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 679

[Committee minute : Appeal heard in part, and adjourned.]  
[I. p. 433.]

1714.  
(1716.)  
12 July.  
(1716.)  
12 Dec.

[Committee minute. The appeal of Mrs. Peers, and of John Peers an infant, eldest son of the late Richard, is from a decree of the Barbados Chancery of 3 Oct. 1711 on a bill brought by Barwick against Conrade Adams, attorney of Richard Peers, and John Peers, for stating the accounts of the plantations of Rendezvous and Staplegrove, late belonging to John Peers, deceased, father of Richard, and now held in trust by Barwick for uses mentioned in the will. The Committee offer their opinion that the decree be affirmed,] with this Explanation that Interest be allowed to . . . Barwick for his Disbursements exceeding the profits of the said plantations, from the filing of his said Bill only, and not before ; And that no Comission be Allowed the said Berwick ; But that the Same be Deducted out of his Accounts, And in Case Interest be otherwise Computed in the Accounts taken, the Same be Altered according to this Determination, and in all other particulars the Accounts stated to the 31th of December 1711, are to stand : And that . . . the Revivor of the said Decree after the Death of the said Richard Peers ; And all proceeding thereupon be Reversed and sett aside, And that in any Account to be futuramente taken, the said Berwick be Examined on Oath upon Interrogatorys touching the Items thereof, if the Appellants or either of them desire it.

[I. p. 472.]

[Order accordingly.]

[I. p. 481.]

(1716.)  
17 Dec.

[1202.] [Reference to the Committee for Appeals of the petition of Benjamin Ballard for a short day for hearing his appeal from a judgment of the Governor and Council of Barbados, 11 Aug. 1713, in favour of Hester Burke, relating to a debt of 988*l.* current money due from her late husband Edward Burke to the petitioner.] [p. 362.]

24 May.  
Barbados.

[Committee minute for dismissing the appeal with 5*l.* costs.]  
[George I. Vol. I. p. 144.]

10 Dec.

680 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1714.  
(1715.) [Order accordingly.] [I. p. 173.]  
11 Jan.
- 24 May. Barbados. [1203.] [Reference to the Committee for Appeals of the petition of Isaac and Moses Mendez for a short day for hearing their appeal from a judgment of the Governor and Council of Barbados, 1 Sep. 1713, in favour of William Rees Battyn, relating to a debt of 1600*l.* due from Battyn's father to the petitioners.] [p. 362.]
- 3 July. [Committee minute]. Petition . . . Read and Judgment Suspended till some proposall can be made to put the matter in a way of Tryal. [p. 371.]
- 6 Dec. [Committee minute recommending that the judgment be reversed], and that the Provost Marshall for the time being, do proceed upon the said Levy's as he Ought to have done in Case the said Order of the Court of Greivances had not been made. [George I. Vol. I. p. 143.]
- (1715.)  
11 Jan. [Order accordingly.] [I. p. 172.]  
(1720.)  
13 Sept. [Reference to the Committee for Appeals of the petition of Isaac Mendez of London and Jacob De Medina of Barbados for a short day for hearing their appeal from a decree of the Barbados Chancery, 2 Sep. 1719, granting a perpetual injunction against the petitioners proceedings on their levies upon Battyn's estate.] [III. p. 2.]
- (1722.)  
25 July. [Committee recommend that the decree of 2 Sep. 1719, obtained by Edward Jordan, Battyn's guardian, be reversed and the bill dismissed.] [IV. p. 78.]
- (1722.)  
31 July. [Order accordingly.] [IV. p. 81.]
- 24 May. Antigua. [1204.] [Reference to the Committee for Appeals of the petition of Thomas Williams of Antigua, Elizabeth his wife, Edward Byam, and John Fry that the appeal of Valentine and Elizabeth Morris from a judgment of the Governor of the Leeward Islands in their favour relating to a plantation and goods left by Rowland Williams, father of the petitioner Thomas, be dismissed with costs for non-prosecution.] [p. 362.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 681

- [Committee minute recommending that the appeal be dismissed.] 1714.  
(1715.)  
[George I. Vol. I. p. 222.] 11 May.  
(1715.)  
[Order accordingly.] [I. p. 230.] 17 June.
- [1205.] [Reference to the Committee for Appeals of the petition of Benjamin Bennet, late Governor of the Bermuda Islands], Complaining against the proceedings of Mr. Pulleine the present Governor there, in Issuing a Writt of Ne Exeat Insulam against him relating to his Accounting with Mr. Jones, late provost Marshall and Secretary . . . for the profits of the said place. 24 May.  
Bermuda.  
[p. 363.]
- [Committee minute. Bennet complains that he has had to enter into recognizances of 1500*l.* to remain in the islands till the determination of a suit in Chancery. It is recommended that on 2000*l.* security being given before a Master in Chancery in Great Britain to abide by the decision of the Court in Bermuda as to his case with Mr. Jones, Bennet may leave the islands and his recognizances in Bermuda be vacated.] 3 July.  
[p. 371.]
- [Order accordingly.] [George I. Vol. I. p. 106.] 25 Oct.
- [2000*l.* security given by Sir John Bennet and John Bennet Esq. before Henry Lovibond, Master in Chancery.] [I. p. 113.] 6 Nov.
- [1206.] [Reference to the Committee for Appeals of the petition of Margaret Walter of Barbados, widow, and her son John Walter of London praying relief in their appeal from a sentence of the Common Pleas, 27 May 1713, confirmed by the Governor and Council, 18 Aug. 1713, in favour of George Nicholas, and Susanna his wife, relating to a plantation and buildings belonging to the petitioners in the parish of St. Peter's.] 24 May.  
Barbados.  
[p. 364.]
- [1207.] This day — Tilden of Johnson's Court in Fleet Street Entred an Appearance in behalf of Frances Jones of Barbados Widow, to the Appeal of Col. Henry Peers of the same Island. 3 July.  
Barbados.  
[p. 371.]

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1714.  
16 Nov. [Reference to the Committee for Appeals of Henry Peers' appeal from an order of the Barbados Court of Errors, 16 Mar. 1714], in favour of Francis Widow of Jesurun Jones and of John Jones a Minor Heir to the said Jessurun touching an Estate Purchased by the Petitioner at Publick Outery, of the Marshall of the said Island. [George I. Vol. I. *p.* 117.]
- (1715.)  
13 Jan. [Committee minute for reversing the judgment complained of, and affirming the judgment of the Court of Common Pleas in favour of the appellant.] [I. *p.* 174.]
- (1715.)  
18 Jan. [Order accordingly.] [I. *p.* 182.]

GEORGE I. VOL. I. (1 Aug. 1714—2 March, 1717.)

- 5 Aug.  
The new reign. [1208.] [All officers, civil and military, in Great Britain and the plantations, are continued in office, and are to take the respective oaths with the first opportunity.] [*pp.* 34-5.]
- 10 Aug. [Draft of a proclamation for proclaiming the king in the plantations, with a letter sent to Governors of plantations to summon the Council and the principal planters and inhabitants, and to proclaim the King and continue officers in office. The Governors of Nova Scotia and Newfoundland, not having a Council, are to summon the officers of the garrison at Annapolis Royal.] [*pp.* 36 and 43-5.]
- 4 Oct.  
Algerine Passes. [1209.] A Proclamation Requiring all ships and Vessels, Trading from the Plantations in the way of the Algerines, to furnish themselves with Passes.  
[This had been recommended in a paper of proposals from the Commissioners of the Admiralty, dated 12 August 1714, which is entered below. The proposal of the Admiralty was also approved, that] in the mean while, a fitting Number of Passes be sent to the Governors of the Plantations to continue in force a year, and to be delivered by them upon proper Certificates from the Collectors of the Customs there, and



1714.

their Masters and Owners entring into Bond, and making Oath as usual, The said Collectors of the Customs to be a Cheque upon the Governors, and one as wel as the other to send accounts of what Passes shalbe delivered out, with the time when, the Names of the Vessels and Masters, and in what Place they do belong. [pp. 91-2.]

[Orders in accordance with a memorial from the Admiralty of 17 Nov. that as the Government of Algiers insists on Admiralty passes for plantation ships, and is not satisfied with certificates from the respective Governors, and as the sending of certificates to England, and of passes based on them to the plantations, will take up five or six months at least, a number of passes be at once sent to the plantation governors, to be filled up and delivered upon receipt of properly detailed certificates from the Officers of the Customs there. 22 Nov.]

It is also recommended that for the future such passes] may continue in full force until further Order instead of their being returned as is usual here, at the end of every respective Voyage, but that when each Voyage shall be at an end the Governors do demand the Masters of the Ships to produce the Passes . . . that so they may be satisfied no indirect use hath been made of the said Passes. [p. 120.]

[1210.] [Reference to the Treasury of a report from the Board of Trade] Relating to the Settlement of that Part of the Island of St. Christophers, which was lately in the Possession of the French . . . their Lordships agreeing to consider further of this matter in Council on Thursday next. 25 Oct. St. Christopher.

[p. 102.]

[On consideration of the Treasury report] wherein they Represent their agreeing intirely with the Commissioners for Trade, as to the Method by them proposed, for settling the said Lands to the Highest Bidder, as also for Allowing such Encouragement to the poorer sort of Inhabitants, as is mentioned in their said Report, And that they have no (1715.) 30 April.

1714.

Objection to the restoring of the French protestant Refugees, to the Lands they lost on Account of their Religion [the Treasury are instructed to] Appoint Commissioners for Sale of the said Lands, with such powers and under such regulations as are mentioned in the said Report of the Council of Trade. And whereas severall of the said Lands have belonged to the popish Clergy ; His Majesty is farther pleased to Order, that the same shall not be sold ; but that a particular Account of their Quantity and Value be laid before his Majesty in Councill, for his farther pleasure therein. [pp. 208-9.]

(1716.)

6 July.

[Reference to the Board of Trade of] the Petition of George Liddale and Robert Clayton Esqrs. in behalf of themselves and severall other planters in the late French part of St. Christophers, Setting forth the uncertainty of their present tenure of the said Lands and the Discouragements Arising thereby to their improving thereof, and the Detriment to his Majestys Revenues and Customs and to Trade and Commerce ; And praying His Majesty would be pleased to ascertaine their tenure, untill his Majestys further pleasure in the Disposition of the said Lands shall be Signified. [p. 427.]

(1716.)

12 Nov.

[The report of the Board of Trade of 17 Aug. is read and referred to the Treasury.] [p. 459.]

25 Oct.  
Jamaica.

[1211.] [Reference to the Committee for Appeals of a representation from the Board of Trade of 16 July as to a Jamaica Act passed 13 February, for the more effectual relief of the freeholders and inhabitants of Kingston, and of a petition of Samuel Bernard in favour of it on behalf of the freeholders and inhabitants of Kingston.] [p. 102.]

8 Nov.

[Committee minute giving opinion] That until provision be made for Indemnifying such Persons whose Houses are by the said Act to be pulled down, they cannot advise His Majesty to Confirm the said Act. But if the Generall Assembly of Jamaica choose rather to prepare a New Act for preventing any further Buildings, And permitting those already Erected to remain as they are, in regard of the Expence the Proprietors

thereof have been at, and of their having been Invited and Encouraged thereto; Their Lordships would then have nothing to Object against His Majestys Confirming such an Act.

[p. 114.]

1714.

[Order accordingly.]

[p. 122.] 22 Nov.

(1717.)

[Reference to the Board of Trade of Col. Charles Long's petition showing that no steps have been taken by the Assembly pursuant to the Order and praying that in regard to the pernicious consequences of the Act it be rejected.]

15 July.

[II. p. 22.]

(1717.)

[The same or a similar petition read, the Act repealed, and the Board of Trade discharged from proceeding on the petition.]

31 July.

[II. pp. 24 and 28.]

[1212.] [Reference to the Committee for Appeals of the petition of Anthony Revell of Montserrat and Mary his wife, for a day for hearing their appeal from a sentence of the Montserrat Chancery, 24 Nov. 1713, in favour of George Lyddell, son of Mrs. Revell, touching the yearly rent of 150*l*. which by agreement he was to pay for his mother's dower.]

25 Oct.  
Montserrat.

[p. 104.]

(1715.)

[Committee minute: Revell's petition sets forth that, by the Chancery decree, an agreement by which Lyddell was to pay 150*l*. annually in lieu of one third of the profits of two estates in the island was vacated on account of his losses on these plantations during the invasion. It is recommended that the decree be reversed and the agreement again enforced, 150*l*. being allowed Lyddell by the petitioners in consideration of his losses.]

4 March.

[p. 192.]

[Order accordingly.]

[p. 198.] 29 March.

[1213.] [Reference to the Committee for Appeals of the petition of John Gardner (or Gardiner) of London, merchant, Alexander Walker and Thomas and Reynold Alleyne of Barbados, from an order of the Governor and Council of Barbados, as a Court of Chancery, 12 Aug. 1713] for confirming

25 Oct.  
Barbados.

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1714.

a Report in a Cause between the Petitioners and Michael Tirrell [*or Tyrrell*] Son of the Administrator of Michael Tirrell senior touching a Debt due to the Petitioners. [*p. 105.*]

(1715.)

15 July. [Committee minute: the parties to agree upon Commissioners for settling the accounts in question, and present them at the next meeting of the Committee.] [*pp. 248 and 495.*]

(1719.)

2 July. [Committee: On Gardner's petition, order is given that Commissioners be named by both parties within six months] and that if either side shall fail therein, that then Commissioners may be named *ex parte*. [*II. p. 282.*]

(1720.)

1 March. [Committee. Gardner has named two Commissioners in London: Tirrell two in Barbados. On Gardner's petition that his books are in London, order is given that the Barbados Commissioners be discharged, and that Mr. Tilden, Tirrell's solicitor, nominate two commissioners in London.] [*p. 389.*]

(1720.)

28 April. [Committee: Tilden to name commissioners within one week: failing which, Gardner's commissioners, Sir Gilbert Heathcote and Sir William Humphreys, may proceed to take the account *ex parte*.] [*p. 402.*]

(1720.)

27 May. [Committee: Edward Lascelles and John Baker are approved as commissioners for Tirrell: the four nominees, or any two of them, of whom Heathcote or Humphreys is to be one, are now to proceed, giving four days' notice to the adverse side: they are desired to speed their report to the Board.] [*p. 420.*]

(1721.)

9 Aug. [Committee: the appeal of the attorneys of John Gardner against Michael Tirrell an infant, by his guardian, set forth that] the Respondent brought his Bill in Chancery in Barbados to be relieved against Two Judgments Confessed by Michael Tirrell his Father in May 1704 to the petitioner, [one for 1275*l.* 11*s.* 6*d.*, the other for 726*l.* 15*s.* for interest thereof], and for an Injunction to stay proceedings at Law on the same which accordingly Issued, and on hearing the Cause an Account

1714.

was Directed to be taken and a Report was made on the 27th of June 1710, to which the Appellants took exceptions, but the same were overruled and the Report was afterwards confirmed by an order of the 12th of August 1713. [On the report of the four Commissioners, it is recommended that Tirrell's bill be dismissed, and the injunction dissolved.]

[III. p. 271.]

(1721.)

[Order accordingly.]

[III. p. 272.]

10 Aug.

[1214.] [Reference to the Treasury of] a Representation of the Society for the Propagation of the Gospell in Forreign Parts, Relating to the great Necessity and Want, the Inhabitants of His Majestys Plantations and Colonies in America lye under for want of Bishops to preside there, for the better Foundation of their Religion, and the more orderly Administration of the Holy Word and Sacraments, and Proposing proper maintenance for them.

[p. 107.]

28 Oct.  
Colonial  
Church.

[1215.] [Reference to the Committee for Appeals of Col. Douglas's petition for a short day for hearing the complaints against his government in the Leeward Islands.]

[p. 117.]

16 Nov.  
Leeward  
Islands.

[Committee of the Council : case of Col. Douglas to be heard on 7 Jan : all parties to attend.]

[p. 148.]

20 Dec.

(1715.)

[Committee of the whole Council : The charges consist of 7 articles signed by a great number of merchants.] The first article Containing in Substance That Colonel Douglas had Abused the Trust reposed in him by her late Majestys Commission and Instructions, by which he was Directed to Cause a Proclamation of General pardon, of the Rebellion and Murther of Colonel Park in Antegua, to be published in the said Island, for Quieting the minds of the Inhabitants ; That in breach of these Instructions the said Colonel by long and Affected Delays, kept those Islands under the Terror of her Majestys Displeasure, till he had by his Agents, Worked them up to the Payment of 5,000*l*. : And that not content with that, he still delay'd the publishing the Pardon, till He had

7 Jan.

1714.

Obtained from the Assembly of the Island, a Gift of 20 Negro Slaves and a Punch bowle, worth Sixty Guineas, and from Severall particular persons, Such Summs as he could Extort from them by Threats, and Imprisonments; And that being Directed by her Majestys Instructions to make no other Exceptions in the General Pardon but of such who Should be found the most Guilty not Exceeding Six in Number: He on the Contrary had Clogged the said Pardon with generall, uncertaine, and ensnaring Exceptions; All which matters Appeared to their Lordships sufficiently made out.

That the Second Article Charging him with having sent Doctor Daniel Mackinnen and Samuel Watkins, Prisoners to Great Britain for the said Insurrection, and Murther, Severall Months after publishing the General Pardon, under pretence that they had Attempted the like practices since, And were therefore excepted out of the pardon; but did not Send over any Charge upon Oath or Wittness against them; though he Attempted to Induce Nicholas Blake by the Promise of 100*l*. and other Rewards, and many Threats to Swear a Second Rebellion against them.

And the third Article Chargeing him contrary to her Majestys Instructions, by Which he was prohibited from taking any other reward from the Islands than 400*l*. per Annum for the Hire of a House, had notwithstanding prevailed on the Several Assemblys to make him the following Allowances; Vizt. From Antegoa, 1000*l*. per Annum and a present of 500*l*. and soon after in Lieu thereof; the Imposts on Liquors, which had always been Applyed as the clearest Revenue towards the Expences of the Government 100,000 Weight of Sugar from St. Christophers and 300*l*. per Annum from Montserrat with a present of Sugar, and Indicoe, both which Articles were sufficiently made out.

As to the 4th and 5th The Charge Contained in them, being general for want of Conduct against the French at their Invasion, and for Corruption in Administring Justice as Chancellor, Their Lordships did not Enter into the Examination of them.

The 6th Article Chargeing him, with having Entered in the Council Book of Antegoa a Minute, that his Behavior as Governor was honourable Prudent and fortunate ; it Appeared to their Lordships the same was done by the Governors means, without privy of the Council.

The 7th Article by which he is Accused to have sent to Great Britaine, for his own Use, the plate Given by her Majesty for the Service of the Governors Chappell in the Leeward Islands, was made out by Captaine Constable, Who brought it over by the Colonels Directions, as old fashioned plate his Wife had no Occasion for, and has been since Secured by the proper Officers, and restored to the Island.

The Complainants having in this manner made out their Charge, and Colonel Douglass having not Offered any thing material in his Defence ; Their Lordships thought it incumbent on them to take Care, that Crimes so heinous should not Escape the Punishment due to them by Law did therefore Committ Colonel Douglass to the Custody of a Messenger, till he Should find Sufficient Security for his Appearance, And Do Agree humbly to Offer their Opinion to His Majesty That he will be pleased to Direct Mr. Attorney General to prosecute Colonel Douglass according to the Nature of his Offences.

[The warrant to the messengers follows to take Colonel Douglas into custody, and to bring him before the Lord Chief Justice of the King's Bench.] [pp. 157-9.]

[On reading the report of the Committee concerning Colonel Douglas, the Attorney General is ordered to take care that he be prosecuted according to the utmost severity of the law, and that all persons who gave evidence against him be bound over to appear.]

(1715.)  
11 Jan.

[A letter follows from Sir Christopher Musgrave, one of the Clerks of the Council, to Mr. Borrett, Solicitor of the Treasury, giving a list of witnesses who are to be carried before Lord Chief Justice Parker, and bound over to appear. Their names are] :—Dr. Daniel Mackinen, Samuel Watkins, Toby Lisle Esqr., William Dowley Servant to Colonell Douglass,

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1714.

Anthony Revell, Captain Constable, Nicholas Blake, William Hynde (Depositions). [p. 172.]

(1715.)

30 April.

[Col. Douglas to deliver to the Clerk of the Council in writing the original instructions he received touching the murder of Col. Park, and the pardon and proclamation published thereupon, in order to the proceeding against Thomas Kirby, Henry Smith and others.] [p. 208.]

(1715.)

5 May.

[The papers delivered by Col. Douglas to the Committee for the affairs of the Plantations, and by them transmitted to the Attorney General.] [p. 220.]

(1716.)

28 April.

Petition of Walter Douglas . . . for staying proceedings at Law upon an Indictment etc. read, and rejected. [p. 383.]

22 Nov.  
Colonial  
Officials.

[1216.] A Proclamation Declaring His Majesty's Pleasure for Continuing the Officers in His Majesty's Plantations till His Majesty's Pleasure shall be further declared [is read, approved, and ordered to be printed and published.] [p. 119.]

6 Dec.

Plantations.

[1217.] [Reference to the Board of Trade of the petition of] Daniel Hall, William Armstrong etc. on behalf of themselves and others of the Officers and Soldiers Disbanded from the late Services, setting forth their having Applied to her late Majesty for some Uninhabited Lands in America; proposing to Carry several poor Soldiers etc. to Dwell there; whereby they may be Enabled to Supply his Majestys Yards with Masts and other Timber to build shipping; but the late Lord Treasurer not Consenting thereunto; the said Lands were putt into the hands of the Spaniards, Who now build their Shipping there: And praying in Consideration of their long Services etc. that Letters patents may be Granted them for the said Lands. [p. 142.]

(1717.)

2 March.

[To the Board of Trade is referred] a Petition of William Armstrong and severall other late Officers and Soldiers in the Service of the Crown praying a settlement for themselves and other Families in certain uninhabited Lands belonging to His Majesty in North America. [II. p. 4A.]



[1218.] [Reference to the Committee for Appeals of the petition of Elizabeth Stewart for a short day for hearing an appeal of her late husband, Robert Stewart, from a judgment of the Governor and Council of Barbados, 1 Sep. 1713, in favour of William Rees Battyn, about a debt of 316*l.* 19*s.* due to him from Battyn.] [p. 154.]

1715.  
5 Jan.  
Barbados.

[Committee minute for reversing the judgment of the Governor and Council, sitting as a Court of Grievances.] [p. 248.]

18 July.

[Order accordingly.]

[p. 257.] 20 July.

[1219.] [Order in accordance with the petition of John Darby, keeper of the Marshalsea prison, setting forth that Jonathan Underwood, master of the brigantine *Friend's Adventure* of Boston in New England, was arrested on a warrant from the High Court of Admiralty of 27 Aug. 1710 at the suit of Dominic Kirwan and Company of Galway, in an action of 2000*l.* for damages for seizing their ship the *Two Brothers* under pretence that it belonged to subjects of France. As Underwood could not give bail, he was kept close prisoner in the Marshalsea, but escaped on 28 Aug. 1711, whereby the petitioner, failing to retake him, was adjudged by the King's Bench to pay the 2000*l.* with costs. As Underwood is said to be at Boston, the petitioner prays for an order to the Governor of New England and to the Governors of all the American Plantations to assist in retaking him.] [p. 187.]

23 Feb.  
Massachu-  
setts Bay.

[1220.] [Reference to the Committee for Appeals of the petition of Humphrey Sheppard and Mary Bowden of the Island of St. Christophers Setting forth the great Losses they Sustained by the French Invading the said Island, whereby their plantations were utterly Spoyled and ruined ; And humbly praying his Majesty in Consideration thereof to Renew their Grants for their said plantations . . . for such Term of Years as shall be tho't fitt.] [p. 188.]

23 Feb.  
St.  
Christophers.

[1221.] [Reference to the Ordinance of the] Petition of Alexander Strahan Agent for the four Independant Companys at New York, Setting forth the Great hardships his Majestys

23 Feb.  
New York.

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Forces in those parts Suffer for want of Bedding, and the Noisomness and Inconveniencys to which the poor Soldiers are Exposed, by want of Necessarys of that kind ; And humbly praying in regard no Beds hath been sent there these Seven Years, that Orders may be Given for the providing such a Supply thereof as shall be thought necessary. [p. 189.]

29 March. [The Ordnance report of 22 March is referred to the Treasury.] [p. 199.]

14 March. [1222.] [Reference to the Board of Trade of] the Petition of New York. Sam. Mulford in behalf of himself and severall others Inhabitants of Easthampton in New-York setting forth the Discouragements they lye under in their Whale Fishery and praying that a Stop may be put to a Prosecution commenced against the Petitioner upon that account until the said Fishery be put under such Regulations as His Majesty shall see fitting. [p. 194.]

(1717.)  
15 July. [Reference to the Committee for Appeals of] the Petition of Samuel Mulford of Easthampton in the Province of New York complaining of severall unjust prosecutions (as he alledges) carried on against the Petitioner and his son by Direction of the Governor of that Province and praying Relief in the premises. [II. p. 18.]

(1717.)  
16 Nov. [Committee for the Affairs of the Plantations and of Jersey and Guernsey. Governor Hunter to have a copy of the petition and to return his answer within six weeks of receipt thereof.] [II. p. 69.]

(1718.)  
29 Jan. [Committee for Appeals : all proceedings upon the Information in the Supreme Court of New York against Mulford for matters mentioned in his petition and upon the recognizances of the petitioner and Messrs. Rip van Dam and Delanoy are stayed, till Mulford's complaints against the Governor are heard.] [II. p. 84.]

(1718.)  
10 March. [Committee. On the petition of the Governor's agent, he is to have a copy of Mulford's complaint, which he is required to answer on Monday morning.] [II. p. 113.]

1715.

(1718.)

[Committee. As the Governor's answer is daily expected, the case is delayed till the first meeting in May. Mulford is to have a copy of the answer within four days of its arrival. If the answer is transmitted to the Board of Trade, they are to send it to the Board.]

20 March.

[II. p. 126.]

(1719.)

6 Jan.

[Reference to the Attorney and Solicitor General of Mulford's petition for redress from the hardship of] being Obligated to take Licences at a great Expence before they are permitted to go on Whalefishing, And also against their Allowing a Twentyeth part of the produce of the Whales so Catch't and Killed by them, and Alledging that . . . no Law or Act of the province . . . directs any such payments or Allowances to be made for their said Licences. [II. p. 213.]

[1223.] Petition of the Wives of severall Officers at New York and Placentia touching their Husbands Pay Referr'd to the Secretary at War.

14 March.

New York  
and New-  
foundland.

[p. 195.]

[Order to the Paymaster General to advance such sums as he thinks requisite to the persons named, to transport them to their husbands in America, the Secretary at War having reported on 17 May]: On the Petition of Hannah Buckhurst, Mary Price, Elizabeth Kitchiner, Mary Gee and Susannah Matthews, I have Examined the Same, and do humbly Report to your Lordships that it Appears by the Books of my Office, Philip Buckhurst is Ensign to an Independant Company at Placentia in Newfoundland, and that the other Petitioners Husbands are Officers in America on half pay, who have left Letters of Attorney to their Severall Wives (which have been produced to me) to receive their pay ; By Virtue whereof the said Mary Price, Elizabeth Kitchiner, Mary Gee, and Susannah Matthews, have lately received four pounds Six Shillings each, part of 86 days half pay due to their Husbands from the 30th September 1714 to the 24th of December following, and Hannah Buckhurst five pounds Seven Shillings and Sixpence, from the Agent of the Garrison of Placentia on Account of her Husbands Subsistance from the 25th December

17 June.

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last to March following, Which Appears by Certificates here-  
unto annexed ; But as the distance at which their Husbands  
are, have often rendered the Payments to the Petitioners as  
well as to other Officers Wives, who are in the same Case with  
them, very uncertaine, for want of proper Certificates of their  
Husbands being alive, whereby they have often been reduced  
to great Extremity, they are all very desirous of being sent  
over to their said Husbands, to Avoid being Exposed to the  
like Hardships and Uncertaintys for the future. [p. 234.]

30 April.  
Jamaica.

[1224.] [The draft of instructions for Lord Archibald Hamil-  
ton, Governor of Jamaica, sent by the Board of Trade, containing  
some alterations from the usual form, is, together with two  
Acts passed by the Assembly of Jamaica], Referred to a  
Committee of the whole Councill, to Examine into and  
Consider of the present State of the said Island, and to Report  
the Same to his Majesty at this Board with their Opinion,  
what is fitt to be done thereupon. [p. 208 and P.R.]

5 May.

The Committee for the affairs of the plantations [order  
that the instructions and Acts, referred to them on 30 April,  
should pass: and propose that reference be made to the Board  
of Trade of the part of the representation] touching the weak  
and dangerous Condition the said Island is in at present, on  
Severall Accounts, and particularly by the Decrease of White  
people, Occasioned in part by the late Warrs, and by the Loss  
of their Trade to the Spanish Coast, which was considerable,  
the Inhabitants not being able to provide for all that may be  
necessary to people that Island, and that there is too much  
reason to Apprehend that Island is in danger of being lost,  
unless it be some ways Assisted from hence. [p. 220.]

17 June.

[Reference to the Board of Trade accordingly.] [p. 229.]

30 April.  
St.  
Christopher.

[1225.] [On reading the report from the Treasury upon the  
representation of the Board of Trade of 5 May 1714, the  
petitions of various French Protestant refugees for restoration  
to estates in St. Christopher are granted: of Elizabeth  
Renoult, who had 5,000 acres of land in the French part before

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1688, and on consideration of being a Protestant was left 336 acres on the taking of the French part in 1690 ; but on the restoration by the Treaty of Ryswick she refused the offer of the restoration of her whole estate if she would change her religion, and was forced to flee to England, and now claims to have the estate of 336 acres restored to her : of Aletta de la Cousay, daughter of Captain Vandelbourgh, who had owned a plantation of about 200 acres in Cabesterre, but had been forced for the sake of his religion to fly to the English quarters, where he died ; Paul Minvielle de Bonnemere, nearest relative and considerable creditor of Daniel de Bonnemere, who] was possessed of a Plantation of about two hundred Acres of Land, called Bonnemeres plantation in Pentecoste Division in the aforesaid French part of that Island, which he was forced to abandon on the persecution of the protestants there, and fled himself to Jamaica, and his son to England where they died : [of Mary and Margaret de Nampons, similarly expelled from a plantation in Cabesterre on account of their religion ; of Catherine Fraise, formerly owner of a small plantation of five or six acres in Cabesterre ; and of Martha Assailies, whose father during the persecution was forced to fly to New England, whence he returned to the island at the peace, but was again forced to fly at the Peace of Ryswick, and whose plantation was at the re-conquest of the island granted by General Codrington to Walter Hamilton Esqr.] [pp. 210-13.]

(1716.)  
6 Dec.

[Reference to the Committee for Appeals of the complaint of Martha Assaillés that Governor Hamilton refuses to obey the Order for putting her in possession of her estate.] [p. 470.]

(1717.)  
6 March.

[Committee minute : Rowland Tryon, merchant, on behalf of the Governor having alleged that the Order was obtained by gross misrepresentations by the petitioner and having given other reasons for not complying with it, and both parties having been heard without convincing the Committee, it is proposed that the Governor be ordered fully to state the matter in question and to show by what right he enjoys the

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profits thereof, that the petitioner also take examinations on oath, and that all the papers be transmitted to the Board.]

[II. p. 4B.]

(1717.)

30 March. [Order accordingly.]

[II. p. 6.]

(1718.)

20 March. [Committee: Governor Hamilton makes no claim to the estate and was not in possession for several years before the warrant was served on him. About 1685 or 1686 one Joubert, a French subject and Roman Catholic, purchased the estate from the petitioner's father, but only two-thirds of the purchase money was paid. His Majesty is recommended to grant one-third of the estate to the petitioner, one of three daughters of Peter Assaillés, the residue remaining the property of the Crown. The Governor has discharged his duty in delaying to pass the grant till he had acquainted his Majesty with the state of the case.]

[II. p. 126.]

(1718.)

31 March. [Order accordingly.]

[II. p. 129.]

(1720.)

28 Feb. [Reference to the Board of Trade of the petition of Katherine Assaillés for a third of her father's estate, as such has already been granted to her youngest sister.]

[II. p. 388.]

30 April.  
Antigua.

[1226.] [Reference to the Committee for Appeals of the appeal of Caesar Rodney against] illegal and unwarrantable proceedings against him in the Island of Antegoa; in a Cause depending in the Court of Chancery between the Petitioner as Executor of Daniel Park late Governor . . . and Edward Chester of the said Island touching a plantation heretofore mortgaged to the said Daniel Park by George Gamble late of the said Island.

[p. 216.]

8 Dec.

[Committee minute for reversing the Chancery verdict and restoring Rodney to full possession.]

[p. 323.]

13 Dec.

[Order accordingly.]

[p. 325.]

30 April.  
New York.

[1227.] [Reference to the Treasury of Governor Hunter's petition] praying payment of the Monies by him Disbursed for

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the subsistence of 3,000 palatines, Employed in the Province of New York, in the production of Naval Stores, according to her late Majestys Order and the Estimate thereof settled at the Treasury. [p. 216.]

[1228.] [The Board of Trade represent the necessity of sending new seals to each of his Majesty's plantations in America. The Treasury is accordingly ordered to supply the necessary charge, and the Board of Trade to prepare the seals, and lay them before his Majesty for his royal approbation at the Board.] 17 June. Seals. [p. 227.]

[1229.] [Reference to the Committee of the Council of Windsor Sandys' petition for passing his patent, and another of Morgan Randyll for recalling the order for passing this grant to Sandys] for recovering a Considerable Treasure (he Alledges to have been Severall Years since) Wreckt and lost in the American Seas, between the Latitude of 12 and 27 Degrees of North Latitude, Which the said Randyll hath already her late Majestys Grant for. [The Attorney General had reported that Sandys might be granted a patent despite the prior grant to Randyll.] 17 June. Treasures Trove. [p. 235.]

[Committee of the Council : Sandys' patent may be granted, with proviso] that if Mr. Randyll or any other prior Patentee Shall find any Wreck, and Continue to take up the Same, Mr. Sandys shall not Disturb them or fish upon the said Wreck, till they have left it. 24 June. [p. 238.]

[Order accordingly.] [p. 243.] 30 June.

[1230.] [Reference to the Committee for Appeals of the petition of Thomas Bannister of Boston in New England for a day for hearing his appeal] from a Judgement Given against him in the Superior Court of Judicature in that Island the 4th day of May 1714 in favor of Margaret Bowe relating to the Sum of 400*l.* 1*s.* 2*d.*, which the Petitioner was Obligated by the said Judgement to pay to the said Bowe. 17 June. New England. [p. 235.]

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8 Dec. [Committee minute : the sum was made up of 392*l.* 4*s.* said to be due to the defendant from one Jeremiah Garvan, whose goods were supposed to be in the appellants' custody, but were not, and of 7*l.* 17*s.* 2*d.* costs. They recommend that the judgment be reversed, and that the defendant pay the appellant 6*l.* costs.] [p. 323.]

13 Dec. [Order accordingly.] [p. 325.]

17 June. [1231.] A Letter from Major Caulfield Lieutenant Governor  
Nova Scotia. of Annapolis Royall dated the 12th of January 1714 together with Severall other Papers relating to the Oaths that the Inhabitants have taken there to his present Majesty, [is sent to the Board of Trade]. [p. 236.]

17 June. [1232.] [To the Board of Trade is referred] the humble  
Bahamas. Petition of John Graves, Collector of the Customs in the Bahama Islands in behalf of himself and the poor distressed Inhabitants there, Setting forth the great Losses they have Suffered for want of a Governor to reside with them, and also for want of Warlike Stores and other necessarys for the defence of the said Islands, They having been plundered 4 several times, their Houses burnt downe, Their Forts Demolished, and their Guns Carried off, whereby they are now left in a miserable Condition, And humbly Praying his Majesty to Appoint them a Governor to Settle those Islands againe, and also send such Supplys thither as shall be thought requisite. [p. 236.]

(1716.)

12 Jan. [Reference to the Committee of the Council of a report from the Board of Trade] On the Petition of the Proprietors of the Bahama Islands, touching the Settlement thereof. [p. 335.]

(1716.)

23 Feb. [Committee minute : they approve the Board of Trade report, viz.] :—That as to the Report made by the said Commissioners in pursuance of his Majestys Order in Councill of the 31st of August last, wherein his Majesty (upon the humble Representation of the Lords Proprietors of the Bahama Islands) was pleased to Approve of Roger Mosteyn Esqr. (whom they



had nominated) to be Governor of the said Islands, And to reffer it to the said Lords of Trade to Report what was further necessary to be done therein : In which Report they Sett forth the ruinous Condition of the Bahama Islands for these ten Years last past, through the great Neglect of the Lords Proprietors, and that the Said Islands have been twice during the late War, Over-run and plundered by the French and Spaniards, and Deserted by their Governor, Since Which time there has been no forme of Government amongst his Majestys Subjects, Inhabiting the Same ; And Severall Complaints having been made thereof to the House of Lords ; Who Addressed her late Majesty to take such Methods as she should think proper for resuming the said Islands into her own Hands ; Which Address was refferred to the then Lords of Trade ; Who upon a full Hearing of all Partys, as likewise with the Concurrent Opinions of Severall Attorneys and Solicitors Generall Recommended it to her late Majesty to Resume the said Islands by due Course of Law, and in the mean time to Send over a Governor of her own Appointing, to provide for the Security of her Subjects there ; And the present Lords Commissioners of Trade further Setting forth the great Consequence of the Said Islands to the British Trade and Nation, and the Danger of their becoming a Refuge for Pyrates, if not of falling into the hands of the Spaniards, and being of Opinion, that for preventing the Same, and preserving the said Islands to Great Britain, and for Encouraging the Planters to Resettle on them, the immediate Government thereof be resumed into the Crowne and that his Majesty would be pleased forthwith to Send over a Governor, well Experienced in Civill and Military Affairs of his own Appointing which may legally be done according to the Forementioned opinions . . . And are further of Opinion that (in the mean time) His Majesty would be pleased to Order the Said Mr. Mosteyn . . . to proceed thither forthwith ; And for his Encouragement that his Majesty would Grant him a Commission under the Great Seale of Great Britain to be Governor ; That so by the Resump-

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tion of the Charter (which will Vacate the Comission, that the Proprietors have Given him by his Majestys Approbation) He may not be deprived of that Station after he has been at the Expençe, and Hazard of a Voyage thither. [pp. 343-4.]

(1716.)

10 March. [Report of Committee approved.] [p. 346.]

(1720.)

26 July. [Sir Fullwarr Skipwith petitions as guardian of William, Lord Craven, an infant, praying to be heard as to his right to the Bahama Islands. The Attorney General objects, as the islands are forfeited to the Crown: he is therefore to be heard on behalf of the Crown on Tuesday next.] [p. 452.]

(1720.)

2 Aug. [On considering the petition, complaining of the surrender of privileges, powers and jurisdictions to his Majesty during Lord Craven's minority and of a lease made by others of the proprietors of all the lands and several royalties, and seeking restitution; and on hearing counsel for all parties and the Attorney General for the Crown, a *scire facias* is ordered to be brought for vacating the letters patents granted by King Charles II to the Proprietors, and for resuming the same into the Crown pursuant to the Address of the House of Lords in 1705.] [p. 456.]

30 June. [1233.] [Reference to the Treasury of] the humble petition of  
St. John Salkeld Clerk, Setting forth his having been posest of  
Christopher. a Considerable plantation in the Island of St. Christophers, which was destroyed by the French when they plundered the said Island, and himself taken prisoner when they again invaded the Island of Nevis, where he lost all his worldly Substance; and being desirous of Resettling in his said plantation [if his Majesty will grant him a patent]. [p. 247.]

25 July.  
Virginia.

[1234.] [Reference to the Board of Trade of] an Address from the Council and Burgesses of Virginia, Setting forth the great Decrease of the Revenue of 2 pence per Hogshoad, arising in, and Appropriated to the Support of that Government, And praying that his Majestys Revenue of Quitt Rents arising likewise in the Same Colony, may be given in Aid of

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the Former, And to supply any emergent Occasion of the Government there. [p. 266.]

[The report from the Board of Trade of 2 Sep. is referred to the Treasury.] 9 Sept. [p. 281.]

[1235.] [Reference to the Board of Trade of the] petition of Stephen Duport in behalf of Captain Andrew Thanvett an Inhabitant of St. Christophers, Setting forth that in the Year 1696 Christopher Codrington Esqr. then Governor of the Leeward Islands did (by Virtue of a Speciall power from King William the third) Grant to him, and his Heirs for ever Severall parcells of Land there; Which he hitherto Enjoyed and made great Improvements thereupon, and humbly praying in Consideration of the great Hardships He Suffered on Account of his Religion, being French Refugee, and the great Expence He hath been at in Cultivating the said Lands, That the said Grant may be Confirmed to him. [p. 271.]

29 Aug.  
St.  
Christopher.

[The report from the Board of Trade of 20 Dec. is referred to the Treasury.] (1716.) 21 Dec. [p. 485.]

[1236.] [Reference to the Ordnance of the petition] of Robert Hunter, Governor of New York and New Jersey, setting forth the pressing occasions they have for a supply of stores of war, the Indians being up in arms in the neighbouring provinces, and enclosing a schedule of stores necessary. [p. 277.]

31 Aug.  
New York.

[1237.] [Reference to the Ordnance of the petition of Walter Mitchell, ensign in the Independent Company of Bermuda, praying for a supply of beds for the Company, none having been sent these ten years.] [p. 277.]

31 Aug.  
Bermuda.

[1238.] [Reference to the Treasury of the petition of Alice Stephens, setting forth that, some years after marriage, her husband John Stephens was appointed Comptroller of Customs in Barbados, agreeing to allow her a sufficient maintenance for herself and five children, but that for eleven years past he

9 Sept.  
Barbados.

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has taken no notice of her ; she therefore prays that directions may be given to the Commissioners of the Customs for stopping a part of his salary.] [p. 282.]

14 Sept.  
Leeward  
Islands.

[1239.] [On the petition of Walter Hamilton, Governor of the Leeward Islands, copies of all articles of complaint or affidavits against him, are ordered to be delivered to him, to which he is to return a written answer.] [p. 283.]

4 Nov.

[Committee of the whole Council exonerate Hamilton from the frivolous and malicious charges brought against him by Gilbert Pepper and Evelyn his wife and George French, and by Michael Ayon, late Provost Marshal of Antigua. The complainants declined their charge of disaffection to his Majesty and made no proof of the other articles, while several gentlemen of credit testified to the Governor's loyalty to the Protestant succession. The Committee therefore] Offer their Opinion that the said Walter Hamilton is very deserving of the Trust reposed in him by His Majesty in Appointing him Cheif Governor of the said Islands, So that His Majesty may please to permit and direct him to repair forthwith thither to take upon him that Charge and Command. [p. 304.]

8 Nov.

[Order accordingly.] [p. 309.]

4 Oct.  
Virginia.

[1240.] This day Mr. Robert Incedon Entered an Appearance in behalf of Samuel Seldon of Virginia to the Appeale of Robert Beverly. [p. 292.]

18 Oct.  
Antigua.

[1241.] [Orders are given in accordance with the report from the Board of Trade of 16 Sept.]:—In Obedience to your Majestys Order in Council of the 9th instant We have Examined the Petition of John Dean of London Merchant Owner of a Small Ship called the three Sisters, and her Cargo, Setting forth, That the Said Ship was taken as Prize by the Dutch from the French in the late War, After which She was Severall Years employed in the Service of the Crown as a tender, and then Sold to the Petitioner who fitted her out with an English Master and Mariners on a Voyage bound to the Maderas and from thence to the Coast of Africa, where She putt

into the River Gambia, was freighted with Negroes and Sailed for Cadiz But in her Voyage Sprung a Leake, Whereupon they bore away to the first Harbour they could make, and Arrived at St. Johns in Antegoa, where they were Obligated to run her on Shore, by Which means She was lost, though the Negroes and greatest part of the Goods were Saved; Upon which they were Seized by the Governor, or some of your Majestys Officers in that Island, for that the said Ship was not English built. That the Petitioners Correspondents there, in order to prevent further Damage, entered into a Bond of one thousand pounds penalty, to produce a Certificate of the Said Ships being duly Qualified to trade to your Majestys Plantations, Which is impossible for them to do; For that the Said Ship was Foreign built as aforesaid and has not been made free in this Kingdome though that was unknown to the Said Correspondents, at the time the Said Bond was Given; Wherefore the Petitioner prays that Directions may be Given to the Judge of the Admiralty in that Island, to Stop all further proceedings for the Condemnation of the said Ship and Cargo, and that the aforementioned Bond may be given up. All which We have Considered, and for any thing that appears to Us, the Allegations therein Contained seem to be true; Upon which, We are humbly of Opinion, Supposing the Case is fairly Stated, the Ship being Foreign built and not made free in Case She went to trade there was with her Lading liable to be forfeited, by the Act of the 7th and 8th of King William; But if She was forced into Antegoa, for the preservation of the Ship and Men, as set forth in the petition without any Intention of unloading Goods there as Appears by affidavits, the Ship or Goods would not be forfeited thereby; And the Owners having Claimed the Goods, may Appeale to your Majesty in Councill, if the Goods shall be Condemned in Antegoa. We further humbly Offer that your Majestys pleasure be Signified to your Governor of Antegoa, that the forementioned Bond be given up.

[pp. 295-6.]

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8 Nov. Barbados. [1242.] [Reference to the Committee for Appeals of the petition and appeal of Bernard Cook of London, mariner, and Sarah his wife, and Susannah King of London, spinster, from a decree of the Barbados Chancery, 12 Jan. 1715, in favour of Robert Lettice Hooper touching a plantation with buildings and negroes, claimed by the petitioners on the death of John Perrot and Mary his wife and unjustly withheld from them by Hooper.] [p. 309.]

15 Dec. [Committee minute: agreed to recommend that the decree of the Barbados Chancery be reversed, that Hooper do at once answer the appellant's bill, and that he pay 10*l.* costs.] [p. 326.]

(1716.)

12 Jan. [Order accordingly.] [p. 335.]

(1718.)

31 March. [Reference to the Committee for Appeals of Hooper's petition that the appeal be dismissed for non-prosecution.] [II. p. 131.]

(1718.)

23 July. [Committee—for dismissing Cook's appeal from the Chancery decree against him on 31 Oct. 1716, which was admitted 20 months since, and has not been prosecuted.] [II. p. 162.]

(1718.)

27 Aug. [Order accordingly.] [II. p. 169.]

22 Nov. Barbados. [1243.] [Reference to the Committee for Appeals of the petition of William Heysham of London, and William Roberts and Thomas Withers of Barbados, merchants, his attorneys, for a day for hearing their appeal from a decree of the Barbados Chancery of 25 Nov. 1714 in favour of James Aynsworth, who with Robert Corlet was attorney for Heysham, touching a bond given by Aynsworth and Corlet for performance of an agreement between them and Heysham.] [p. 311.]

(1716.) [Committee minute. Heysham terminated the first agency on 15 July 1704 by appointing Roberts and Withers. The decree of perpetual injunction against proceedings on the bond should be reversed: remittances made by Aynsworth, Corlet, and Roberts jointly are not to be reckoned in discharge

1715.

of what is due from the first agency, for which the bond was given: the accounts of the first agency are to be stated by the Chancery Court and decree given according to equity.]

[p. 337.] (1716.)

[Order accordingly.]

[p. 349.] 10 March.

[1244.] [Reference to the Committee for Appeals of another appeal of Heysham's attorneys from a Chancery decree of 21 Jan. 1715 in favour of Alexander Walker, touching a parcel of sugars bought by them from him.]

22 Nov.  
Barbados.

[p. 311.]

(1718.)

[Committee. The decree was one dismissing the appellants' bill for relief from a judgment at law in favour of Walker for 1242*l.* 12*s.* 2*d.* for 91 hogsheads and 3 teirces of muscovado sugar, whereupon they had to pay Walker 918*l.* 10*s.* and 111*l.* 8*s.* 4*d.* costs. Part of the sugars, Roberts and Withers allege, were delivered to them as agents of Robert and William Heysham in discharge of a debt due to the latter by Walker, and the remainder on an agreement for assigning to Walker four judgments obtained by them as agents of William Heysham on 3 Ap. 1710 against the estate of William Battyn, deceased, for 881*l.* 18*s.* 2*d.*, Walker then intending to purchase Battyn's estate. The Committee recommend that the decree be reversed, and the money if already paid refunded with interest and costs: and that the appellants then assign to Walker the judgments obtained against Battyn's estate, with covenants that no part of the moneys for which the judgments were given has been paid to them or their order or for the use of Heysham, and that they have done no act whereby Walker may be hindered from the benefit of the said judgments.]

5 March.

[Vol. II. p. 110.]

[Order accordingly.]

[II. p. 117.] 16 March.

(1718.)

[1245.] [Reference to the Attorney General of the petition of Hannah, widow of Henry Harvey, for redress for] the Death of her said Husband Occasioned by the Bruises and Wounds given him by his Comander Peter Papillion in New England, for which he was Indicted at the Old Bailey, but discharged,

5 Dec.  
New  
England.

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1715-16.

the Court having no Cognizance thereof, as being done beyond the Seas : [Also of the petition of Captain Papillion that he may not on account of the irregular proceedings of the prosecutor be put to the expense of a second trial].

[pp. 320-1.]

5 Dec.  
St.  
Christopher.

[1246.] [Reference to the Treasury of the petition] of Daniel Bolton Esqr. with reasons humbly offered for Selling here, the Lands of the Island of St. Christophers in the West Indies, which were taken from the French, and a Proposall for purchasing the same, which if agreed to, such sale will Deprive the petitioner of the prospect he had of being one of the Commissioners for Disposing of the said Lands : and therefore praying some Provision may be made for him Suitable to his Service herein.

[p. 321.]

5 Dec.  
Antigua.

[1247.] [Reference to the Treasury of the petition of William Dowley for the allowance usually made to witnesses in cases such as his, who came over from Antigua as a witness against Governor Douglas, and was bound over by Lord Chief Justice Parker to stay in England and prosecute Colonel Douglas ; since which time, being now ten months, he is detained from his family and almost starved.]

[p. 321.]

1716.  
10 March.  
Montserrat.

[1248.] [On the memorial of the Admiralty, the Ordnance are ordered to allow, on the production of regular vouchers] Twenty Barrels of Powder spared out of His Majesty's Ship the Chester in the year 1709 by Captain Thomas Matthews then Commander of the said Ship to the Governor of Montserrat for the Defence of that Island and also of Ammunition and Gunners Stores expended in taking a French Privateer by a small Vessel Mann'd and furnished with suitable Stores for that service by the said Captain Matthews.

[p. 347.]

10 March.  
Jamaica.

[1249.] [Reference to the Committee for Appeals of the petition of William Axtell and others, executors of Thomas Clarke the younger, for a day for hearing their appeal from an order of the Court of Chancery of Jamaica of 20 June, 1715, upon a bill exhibited against them by John Clarke.]

[p. 350.]



1716.  
8 June.

[Committee minute: the bill of John Clarke] pray'd relief against a Bond entered into by him to the said Thomas Clarke the younger and injunction to stay proceedings at Law, as well on the said Bond, as on an Ejectment brought at law for certain Lands and Hereditaments in the said Island, whereof the said Thomas Clarke the younger died possessed; —and further praying to open an account duly stated by himself, and an Injunction to stay proceedings at Law on the said account stated; and a commission to examine Witnesses in perpetuum rei memoriam; and also to have an account of profits received by the said Thomas Clarke the Younger of the Estate late of Thomas Clark the elder deceased, the said John Clarks Father, and to have a parole Lease made by the said Thomas Clarke the younger confirmed: [the Committee recommend that the order of the Jamaica Chancery be affirmed, and that the appellants pay the defendant 10%. costs]. But in regard it was Insisted by the Councill of the Appellants, that by the aforementioned Order (as Conceived in Jamaica) the Account Stated is opened, and the Bond entered into by the said John Clarke sett aside, and the Injunction perpetuall: [Their Lordships decide against this construction of the order], the same being to be considered when the Cause shall be heard, and that the said Injunction is to continue till the hearing of the Cause. . . .

[p. 412.]

[Orders accordingly.]

[p. 422.] 6 July.

[1250.] [Reference to the Committee for Appeals of the 10 March. petition of John Halstead and William Gibbons for a short day for hearing their appeal from a decree of the Jamaica Chancery, 18 July 1715, in a case between them and Robert Needham.]

Jamaica.

[p. 350.]

[Committee minute: the appellants having] failed in their proofs by not producing under the Seale of the Island some Deeds refer'd too, [they are given further time to send for them, on payment of 6%. costs.]

8 June.

[p. 413.]

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1716.

10 March. [1251.] [Reference to the Committee for Appeals of the  
New York. petition of Abraham Gouverneur and others of New York  
complaining of a delay of justice in a cause depending before  
the Governor between them and Isaac De Biemer, senior.]

[p. 350.]

10 March. [1252.] [Reference to the Lords of the Committee for the  
Rhode Affairs of the Plantations, of] the Petition of Richard Partridge  
Island. Agent for the Colony of Rhode Island and Providence Plan-  
tation praying to be heard against a Clause in the Commission  
or Instructions of Colonel Burgess His Majesty's Governor of  
New England touching the Command of the Militia of that  
Colony.

[p. 350.]

28 April. [A similar petition of Partridge, praying that the clause  
may not be inserted in the next Governor's commission or  
instructions is referred to the Board of Trade.]

[p. 381.]

28 April. [1253.] [Reference to the Committee for Appeals of the  
Jamaica. petition of Josiah Jordan of Jamaica and Elizabeth his wife  
for a short day for hearing their appeal from a sentence of  
the Jamaica Chancery] the 15th day of August 1715 in favour  
of Thomas Brayne and Mary his wife, touching the last Will  
and Testament of Henry Tennant Brother to Elizabeth the  
Appellant, and Father to Mary the Defendant, wherein the  
said Tenant Bequeaths all his Estate's etc. to the said  
Appellant, but the Defendants (taking Advantage of the  
Appellants Absence) possess themselves of the said Estate  
and Will, whereby they are deprived of their just right.

[p. 382.]

(1717.)

8 Jan. [Committee minute: recommending that the decree of the  
Jamaica Chancery, allowing of a demurrer of Brayne and his  
wife, be reversed, and the demurrer overruled; and that  
Brayne and his wife shall further answer the Bill of Complaint  
of Jordan and his wife.]

[p. 486.]

(1717.)

10 Jan. [Order accordingly.]

[p. 487.]

28 April. [1254.] [Reference to the Board of Trade of] the humble  
Barbados. Petition of Sir Edward Ernley, for and on behalf of his

1716.

Brother John Colleton of Barbados Esqr. Setting forth that by the Decease of Mr. Pilgrim, there is a vacancy in his Majestys Councill there, And humbly praying in regard Mr. Colleton had been formerly Appointed a Member of the said Councill, hath always been a zealous promoter of his Majestys interest there, as well as a Gentleman of one of the best Estates in the said Island; That he may (notwithstanding Sir John Colletons Opposition) Supply the said Vacancy. [p. 381.]

[On the report of the Board of Trade that a suit is at present depending before the Governor and Council of the island between the said John Colleton Esqr. and Sir John Colleton, which is in a fair way of being determined in a few months, his appointment is ordered to be deferred till the next vacancy after the settlement of the case.] [p. 423.]

6 July.

[1255.] [The report of the Board of Trade on a representation by the Governor of the Leeward Islands of stores of war wanted there is referred to the Ordnance for an estimate.]

6 July.  
Leeward  
Islands.

[p. 423.]

[Reference of the Ordnance report to the Board of Trade.]

19 July.

[p. 436.]

[On 17 Dec. 1716, the report of the Board of Trade and the Ordnance estimate were referred to the Treasury. The agents for the islands represent that the Treasury had directed the Ordnance to deliver the stores and promised payment therefor: but the Ordnance require an Order from the Council. As the stores are much wanted, the Ordnance are directed to deliver the stores, provided the Treasury have no objection.] [II. p. 103.]

(1718.)  
9 Feb.

[1256.] [Reference to a Committee of the whole Council of the] Petition of Peter Sonmans of New Jersey Esqr. (with Mr. Attorney Generals report thereupon) . . . touching Severall undivided Shares of Land in New Jersey purchased (as the Petitioner alledges) by his late Father Arent Sonmans deceased: And now claimed by Joseph Ormstone in right of his Wife,

6 July.  
New Jersey.

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1716.

one of the Petitioners sisters : [also of the petition of Joseph Ormstone of London, merchant, and his wife Rachel] praying that the Governor and Council of New Jersey may be directed to Transmitt hither a true state of all proceedings relating thereto, and that any proceedings upon the Report of Mr. Attorney General . . . may till then be stayed.

(1717.)

25 Oct.

[Committee-minute. Ormstone for the fifth time professes to be unprepared and prays an extension of time. As he has had sufficient notice, he is to pay the petitioner 10%. and the hearing is peremptorily fixed for 13 Nov.]. [p. 425.] [II. p. 53.]

(1717.)

16 Nov.

[Committee. Case heard in part and put off to 14 Jan. 1718.] [II. p. 69.]

(1718.)

14 Jan.

[Committee. Joseph Wright declining to pursue the claim of his wife, also a daughter of Arent Sonmans, it is recommended (1) that all properties in New Jersey patented or surveyed and registered by virtue of any purchase by Arent Sonmans be confirmed to Peter Sonmans and his heirs, discharged of any claim on behalf of Joseph or Rachel Ormstone, or of Joseph or Johanna Wright ; (2) that all properties in New Jersey purchased by Arent Sonmans but not patented, surveyed or registered be similarly confirmed to Joseph Ormstone ; if this does not amount to one propriety, or one undivided twenty-fourth part in East New Jersey, which was purchased by Arent Sonmans in the name of Gawen Lawry, and conveyed by Lawry's daughters and heirs, Mary Haig and Rebecca, wife of Miles Forster, by deeds of lease and release 1 and 2 March 1698, with the consent of Peter Sonmans and Joseph and Johanna Wright, the deficiency is to be made up from the patented lands ordered to Peter Sonmans ; (3) that the grant of letters patent and all other proceedings by virtue of the warrant or sign manual or directions of her late Majesty of 10 Sep. 1705 or subsequent directions thereon, be declared null and void. This is to be a final settlement of the lands purchased by Arent Sonmans in New Jersey.] [p. 81.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 711

[Orders accordingly.]

[II. p. 90.]

1716.  
(1718.)  
2 Feb.  
(1720.)

[Reference to the Committee for Appeals of Peter Sonman's petition that the order of 2 Feb. 1718 be enforced, as he has not yet been able to obtain possession of what was awarded him.]

[II. p. 442.]

12 July.

[1257.] [Reference to the Board of Trade of the petition of Captain Priswick in behalf of Joshua Jones of Antigua, setting forth that there are several vacancies in the Council of the Leeward Islands, and praying that the said Joshua Jones may be appointed thereto.]

[p. 426.]

6 July.  
Antigua.

[1258.] [Reference to the Board of Trade of the] Petition of Sir John Lambert in behalf of himself and others late Owners of the Ship called the Count De Paix, richly Laden from St. Domingo, and Plundered by the Bermudians.

[p. 426.]

6 July.  
Bermuda.

[1259.] [Reference to the Board of Trade of the] Petition of Colonel William Partridge of New England, praying His Majestys confirmation by Patent under the Great Seale of some Lands purchased by the Petitioner in New-England in Order to his Settling the same.

[p. 426.]

6 July.  
New  
England.

[On reading the report of the Board of Trade of 16 Aug.] In Obedience to His Majestys Order in Council of the 6th of the last month, Wee have considered the Petition of Colonel William Partridge Setting forth, That there is a Tract of Land between the Rivers Kennebeck and Pemaquid to the Eastward of New England in America belonging to the Petitioner solely, as also another Tract contiguous to it belonging joyntly to the Petitioner and Christopher Toppan, by Virtue of Purchases from the Indians Proprietors thereof in 1661, 1662 and 1674 as will more fully appear by the Abstract of the Original Indian Deeds hereunto annexed; Which Lands they possessed till they were Driven away, and their Settlements destroyed by the Indians in the late Warrs, since which the said Lands have laid waste and unimproved:—That if His Majesty shall be Graciously pleased to Confirm their Titles to these Lands

20 Sept.

by Grant under the Great Seale of Great Britain, They are willing to resettle the Same at their own Expençe without any Charge to the Crowne : And therefore the Petitioner prays for His Majestys confirmation accordingly. We have also Severall times been attended by the Petitioner and other persons acquainted with that Country, and discoursed with them thereupon.

The Petitioner proposes to build three Towns on those Lands to Consist of at least 40 Familys each at the first Settlement, and to Give them such Encouragement as he Doubts not in a few Years to make a considerable Improvement; The first Town to be Compleated and Settled in two Years from the 1st of May 1717 the Second in two Years, after that, and the third in two Years more ; Provided there be during that Term no Warr with the French or Indians which in that case would Obstruct his proceedings. Upon which Wee humbly take leave to represent to your Royal Highness that these Lands are in a very good climate, the Soil is fertile and capable of producing Hemp ; It has plenty of Trees fitt for Masts and other Navall Stores with Navigable Rivers and good Harbours, as also a good Fishery on the Coast, From all which it may be reasonably presumed that in a little time such a Settlement may turn to the Advantage of this Kingdom in furnishing of Navall Stores, and otherways in return for Our Woollen and other Manufactures : Besides it will be a great Security to his Majestys Northern Provinces, by having their Frontiers Strengthened by such a Number of people : And therefore We think it will be of Service, that the Petitioner be Gratified in what he desires. But We must here humbly take leave to Observe to Your Royal Highness, that the whole Country between the River Sagadehoc and Nova Scotia has already, by his late Majesty King Williams Royall Charter of the 7th October 1691 to the Inhabitants of the Province of the Massachusetts Bay been Granted to them with power to make and pass Grants of particular Tracts of Land within that province, but with a Reservation nevertheless that no Grants

of any Lands between the River Sagadehoc and the Gulph of St. Lawrence (in which the Lands petitioned for are included) Should be of any Force until His Majesty His Heirs or Successors Shall have Signified His or Their Approbation of the same : But as the Purchasers from the Indians were in possession Thirty Years before the Grant of the abovementioned Charter to the Massachusetts Bay, They Conceive the said Charter will not be any Impediment to His Majestys Confirmation of their Titles ; and Mr. Dummer late Agent of that Colony has Assured us that He had formerly Directions from them to Encourage as much as possible the Settlement of the Eastern parts, and, not to Oppose a proposition then made of the like nature ; And that he has reason to believe they would be very well pleased with such a Settlement from the Advantage they would receive by it.

If his Majesty Shall be Gratiously pleased to Gratify the Petitioner, We do most humbly propose that as there are upon those Lands great Numbers of Trees fit for Masts for the Royal Navy, there be a Clause in the Patent reserving to His Majesty His Heirs and successors all Pine Trees of the Diameter of 24 Inches and upwards at 12 Inches from the Ground, which are to be Marked by the Surveyor of the Woods there, or in his Absence by One to be Appointed by the Governor Whom the Petitioner is willing to fetch from New England to maintaine while he is upon the Survey, and to send back to New England again at his own Expence : And in Order to preserve a Nursery of Trees for the future, that the Said Surveyor do mark out such parcel or parcels of that Land not Exceeding ten thousand Acres as He Shall judge most proper for that purpose ; out of which no Person Shall be Allowed to Cut any Pine Trees whatsoever, but Such as Shall be marked by the Surveyor as unfitt for the Royal Navy.—That there be also another Clause in the Patent Obliging the Patentees to Compleat their Settlement in the time abovementioned, provided there be no War as aforesaid, upon penalty of Forfeiture.—And that the Patentees be restrained from Exporting to any

714 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1716.

Foreign parts, not in His Majestys Dominions, any Deals, Masts, Planks, or other ship Timber, Hemp, Pitch, Tar or other Naval Stores whatsoever.

[Order is given in accordance with the report and the Treasury are directed] to Consider of another Clause to be inserted therein for Reserving to His Majesty a Proper Quitt Rent for the said Lands; And such other Clauses as their Lordships shall judge necessary for His Majestys Service.

[*pp.* 447-9.]

6 Dec. [The petition of Thomas Coram against the Order of 20 Sep. is referred to the Board of Trade, and all proceedings on the Order stayed in the meantime.] [*p.* 471.]

6 July. [1260.] [Reference to the Board of Trade of the] Petition  
Jamaica. of Henry Thompson in behalf of the Lord Archibald Hamilton, praying that Samuel Page and Walter Arlington, who have accused the said Lord Hamilton of being concerned in severall piracy's and Robbery's committed on the Spaniards, may be obliged to give security for their Appearances at the Examination of the said Accusations. [*p.* 427.]

12 Nov. [On Thompson's petition, the Board of Trade are directed to prepare an instruction to the Governor now going to Jamaica to have Page and Arlington, now on their way thither, examined and] bound in a Recognizance for their Appearance at the King's Bench Barr at Westminster within as short a time as the distance of the place will allow in order to prosecute and maintain their accusation. [*p.* 460.]

(1717.)  
30 March. [On Lord Archibald Hamilton's petition for a speedy decision, the complaints against him are referred to the Committee of the whole Council, who are to meet for this purpose on 24 April.] [II. *p.* 8.]

(1718.)  
9 Jan. [In accordance with a report from the Board of Trade of 24 Oct., Page is removed from being Secretary of the Island, and from all offices of trust under his Majesty in Jamaica.] [II. *p.* 81.]



[1261.] [Reference to the Board of Trade of the petition of Henry Thompson] setting forth that the said Lord Hamilton during the time of his being Governor of Jamaica did advance severall summs of Mony out of his own private Fortune for the Publick Service of the said Island, and also that by reason of the Deficiency of those Revenues there are severall considerable summs due to his Lordship for salary and therefore praying that the Governor now going thither may be Instructed to recommend the said Publick Debts to the Assembly there. [p. 461.]

1716.  
12 Nov.

[On reading the report of the Board of Trade that the statements of the petitioner are true, and his demands very reasonable, they are ordered to prepare the requisite Instruction to the new Governor.] [p. 470.]

6 Dec.

[On the following report of the Board of Trade of 5 Dec. order is given to the Governor to repay the debts in question with lawful interest out of the first and readiest revenue of Jamaica]:— In Obedience to the Comands of the Lords Justices Signified to Us by Mr. Delafaye, We have considered the Memoriall of the Lord Archibald Hamilton, late Governor of your Majestys Island of Jamaica, Setting forth, That when he was Governor of that Island, He and the Councill did Advance out of their own private Fortunes the sum of 2706*l.* 6*s.* 3*d.* for the necessary subsistence of your Majestys Soldiers there; And that there is further due to him for the like Service, and for his Salary the Sum of 938*l.* 17*s.* 6*d.* for the payment whereof, He had Orders before He left Jamaica, which have not however yet been complied with; That the Assembly having refused to Reimburse the Money Advanced for the Soldiers, Your Majesty was pleased by Your Royall Letter of 10th Aprill 1716, To Direct him to Reimburse himself and others as well as Subsist the Soldiers for the future out of the first and Readiest of Your Majestys Revenues there: But by reason that His Lordship was recalled soon after the Receipt of the said Letter, the same proved ineffectuall; That your Majesty when Sir Nicholas Lawes went over Governor

(1720.)  
8 Jan.  
Jamaica.

1716.

was pleased to Direct him by an Article in his Instructions, to recomend to the Assembly the payment of the aforesaid Money, but notwithstanding their having reimbursed the late Lieutenant Governor Mr. Heyward what he had advanced upon the like Occasion with an Interest of 12 per Cent. and the present Governor Sir Nicholas Lawes with an Interest of 10 per Cent. ; And though the Assembly have Ordered the Additionall Subsistence for the Officers for such time as His Lordship Subsisted the Common Soldiers ; They did on the 19th August 1718, Resolve, That the Lord Archibald Hamilton and others, ought not to be paid the Money Advanced by him and others for the Subsistence of the Soldiers : And therefore He humbly prays that since the Assembly have refused to Comply with your Majestys Commands herein, Such Directions may be given as Shall be thought proper. Upon which Wee humbly Represent to your Majesty, that We find the Allegations in the said Memoriall to be true ; That if this Debt be not Discharged, it may have very ill Consequences ; For no Man would for the future Advance any Money even upon the most pressing Occasions for the Service of that Island, in Subsisting the Soldiers or otherways ; That this is a very just debt ; That the Money Advanced by His Lordship and Councill, was a very necessary Service, For that the Soldiers must have Starved if they had not done it, The Act for their Additionall Subsistence being expiring, and the Assembly not then Sitting ; ffor which reasons, We are humbly of Opinion, that it is necessary the Lord Archibald and Councill, be repaid the said Money with lawfull Interest ; But since the Assembly of Jamaica have absolutely refused to Comply therewith. Wee must humbly Submitt to your Majesty, what other Method shall be taken for doing the same.. [II. pp. 365-6.]

(1720.)

14 Dec.

[Reference to a Committee of the Lords of the Council of the petition of Sir Nicholas Lawes, Governor of Jamaica, that the order to pay Lord Archibald Hamilton the sums of 2706*l.* 6*s.* 3*d.* and 938*l.* 17*s.* 6*d.* be not interpreted to require the present Governor not to take his salary till these claims

1716.

have been satisfied; also of Lord A. Hamilton's petition for confirmation of the order to Sir N. Lawes.]

[Vol. III. pp. 85-6.]

(1721.)

20 Jan.

[Committee of Appeals recommend that the debts to Lord Hamilton being prior to all others be discharged before any other demands and without further delay, and that Sir Nicholas Lawes] do in the Strongest Terms Recommend to the Assembly, the making good the Dificiencies that may be occasioned by the payments of the Debts aforementioned, as having been laid out for their own Security. [III. p. 112.]

[Order accordingly.]

[III. p. 118.]

(1721.)

1 Feb.

(1721.)

18 Nov.

[Reference to the Committee for Appeals of a letter from Sir N. Lawes, with the proceedings of the Assembly on the last Order.]

[III. p. 364.]

(1721.)

18 Nov.

[Reference to the Treasury of part of Sir N. Lawes' letter proposing that Mr. Beckford be removed from being Comptroller of the Customs], as being a Chief contriver and promoter of Faction, and always opposed both in his and his predecessors Government, what ever has been Recommended for the King's Service.

[III. p. 365.]

(1722.)

3 Jan.

[Committee: The Assembly having resolved that his Majesty's revenue was no ways chargeable with the said sums, and that the Receiver General ought not to be allowed the same in his accounts, it is recommended that the former Order be enforced, and that if the Receiver General do not pay the debt without delay, he be prosecuted for contempt and his patent made void. Peter Beckford's unruliness having been proved, the Duke of Portland, now going as Governor, should have power to remove him from his post, if he find it to be for his Majesty's service.]

[III. pp. 441-2.]

[Order accordingly.]

[III. p. 461.]

(1722.)

20 Jan.

[1262.] The Petition of the Widow Weekes . . . Setting forth the good Service of her Husband, and the Loss of her

6 July.

New  
England.

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1716.

Son in his Voyage to proclaim his present Majesty in New England etc., and praying that her younger son may be preferred in the Service, and She allowed his Majestys Bounty [is referred to the Admiralty to do therein as they shall think proper]. [p. 429.]

13 Sept.  
Virginia.

[1263.] [Reference to the Board of Trade of the petition of Anne Stannard, an infant, by William Stannard, her father, for speedy relief in her appeal (now transmitted under the seal of the colony) from a sentence of the General Court of Virginia, 26 Ap. 1716, in favour of John Wormeley as to the possession of several acres of land there.] [p. 442.]

(1717.)

6 March.

[Committee minute for dismissing the appeal.] [II. p. 4B.]

(1717.)

30 March.

[Order accordingly.]

[II. p. 6.]

6 Dec.

[1264.] [Reference to the Attorney and Solicitor General of the] petition of Joseph Micklethwaite Esqr. Setting forth his having been appointed by patent under the Great Seale Secretary to the Island of Barbados, and Clerk to the Severall Courts there; by virtue of which patent, He conceives he hath a right to the place of Clerk, or Remembrancer of the Exchequer belonging to the said Island; And therefore praying, that in case it doth appear that He hath such right, He may be putt into the posession thereof. [p. 471.]

(1729.)

22 May.

[Reference to the Board of Trade of the petition of Joseph, Viscount Micklethwaite, formerly Secretary of Barbados, that his Majesty will recommend to the Government of the said island the payment of 793*l.* 3*s.* 9*d.*, which he alleges to be due to him for making copies and duplicates of the Minutes of Council and Acts of Assembly for the Secretaries of State and Board of Trade, and for his other services during tenure of his office from 12 Mar., 1715, to 2 April, 1719.]

[Geo. II. Vol. I. p. 510.]

(1729.)

18 Aug.

[The Board of Trade having been informed by Viscount Micklethwaite that he received no salary as Secretary of Barbados and no profit but the customary and reasonable fees

1716-17.

of the office, report that his request is very reasonable. The Governor and Council of Barbados are directed to examine and settle his accounts, and the Governor to recommend to the Assembly the payment of what shall be found due upon proper vouchers according to the usual and accustomed fees given upon the like occasions]. [II. p. 46.]

[The Assembly refusing to comply with the Orders in Council for payments to Viscount Micklethwaite and Francis Whitworth due them for their services as Secretaries, and desiring that their accounts be first laid before them, and the Governor awaiting his Majesty's commands thereon, the Council refer to a Committee a petition of Micklethwaite and Whitworth that the accounts be accordingly laid before the Assembly and an earnest recommendation made by the Governor for payment of the sums due and to become due.]

[Geo. II. Vol. II. p. 461.]

[Committee refer the petition to the Board of Trade.]

[Geo. II. Vol. II. p. 472.]

[1265.] A Representation of Ambrose Weston, and William Cleeves, Fishing Admirals at the Island of St. Peters, Adjacent to Newfoundland, relating to some irregularitys committed in the Fishing Trade there, As also a Journall of their proceedings [is referred to the Board of Trade, who are to get information from Mr. George Lewen, and any others they think proper]. [p. 485.]

[1266.] [Reference to the Secretary at War of Charles Huddy's petition for relief in the matter of his being dismissed by Governor Hunter from his post of Lieutenant of the Independent Company of Fusiliers in New York, without giving him any reason or trying him by a Court Martial.]

[p. 485.]

[1267.] . [An Act for raising and making a fortification having been passed, a petition of the Governor, Council and Assembly of Nevis for a supply of warlike stores and materials and for an engineer, is referred to the Ordnance.] [p. 491.]

(1731.)  
28 Oct.

(1731.)  
23 Nov.

21 Dec.  
Newfound-  
land.

21 Dec.  
New York.

1717.  
23 Jan.  
Nevis.

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1717.

23 Jan.  
New Jersey.

[1268.] [Reference to the Committee for Appeals of the petition of] severall Traders, Inhabitants, and Proprietors of New Jersey . . . In behalf of themselves and many others, Complaining of the arbitrary and illegall proceedings [of Governor Hunter]. [p. 491.]

16 Nov. [Committee minute. In Feb. the hearing was deferred on the petition of George Bampffield representing that the Governor had obtained licence to come over and was expected to arrive in a very short time. As Hunter is not yet arrived nor expected over, and as the complainants are at great charge in maintaining their witnesses here, they seek a short day for hearing their complaint. It is ordered to be transmitted to the Governor, who is to return his answer within six weeks of receiving it.] [II. p. 68.]

(1718.)  
23 July. [Committee: On the petition of William Mowbray for the complainants, the hearing is fixed for 1 Aug.] [II. p. 163.]

(1718.)  
25 July. [Committee: On the petition of George Bampffield on behalf of the Governor, it is put off till 8 Aug.] [II. p. 163.]

(1718.)  
8 Aug. [The complainants alleging that the Governor's agent obtained the appointment of this day without their knowledge, and that their counsel is now out of town, the hearing is peremptorily fixed for the first meeting in October.] [II. p. 165.]

(1719.)  
19 Feb. [Committee: 23 Feb. fixed for the hearing, provided the complainants before then give 100*l.* security to abide his Majesty's determination.] [II. p. 224.]

(1719.)  
23 Feb. [Committee: Complaints heard in part and adjourned to 26th.] [II. p. 226.]

(1719.)  
26 Feb. [Committee: Further hearing, and adjournment till after the circuits.] [II. p. 226.]

GEORGE I. VOL. II. (2 Mar. 1717—25 Aug. 1720.)

15 July. [1269.] [Reference to the Committee for Appeals of] the  
New York. Petition of Thomas Summers and others of Liverpoole

ACTS OF THE PRIVY COUNCIL (COLONIAL). 721

1717.

Merchants setting forth the seizure and Condemnation in New-York of the ship Good Intent belonging to the Petitioner upon pretence (as they alledge) of Illegal Trade, and praying Relief in the premises.] [p. 19.]

[1270.] [Reference to the Committee for Appeals of the petition of John Oulton and Cornelius Waldo of Boston for leave to appeal from a judgment of the Superior Court of Suffolk County, Massachusetts Bay, 6 Nov. 1716, in favour of Arthur Savage, master of the *Province* galley, in a suit commenced by the petitioners for 2000*l*.] [p. 19.] 15 July. New England.

[Committee—for dismissing the appeal, as the petitioners have not applied for a review in New England, as they may still do.] [p. 93.] (1718.) 5 Feb.

[Order accordingly.] [p. 116.] (1718.) 16 March.

[1271.] [On the representation of the Board of Trade of 29 June, three Virginia Acts are disallowed, and orders given in accordance with their representation] That the Indian Trade with that Colony may admit of severall Regulations which would render the same more beneficial to His Majesty's Subjects by preventing the Evils arising from the Abuses committed by the Indian Traders; That the Indian Company of the said Colony (as they are inform'd) have built at their own charge a Magazine and been at other Publick Expenses, which the said Lords Commissioners are of Opinion ought to be reimbursed the said Company as farr as the same shall appear to have been for the benefit of the said Colony; And . . . that an Additional Instruction be prepared for all His Majesty's Governors in America, that they do not pass any Act which may any ways affect the Trade or Shipping of this Kingdom without a Clause Declaring that the said Acts shall not be in Force until they be Approv'd and Confirm'd by His Majesty. [p. 24.] 31 July. Virginia.

[1272.] [Reference to the Committee for Appeals of the appeal of Daniel Smith, Lieutenant Governor of Nevis, and Elizabeth, his wife, from a sentence of the Leeward Islands 29 Aug. Antigua.]

722 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1717.

Chancery, 24 July 1716, in favour of Maine Sweet of Nevis relating to a plantation in the parish of Falmouth, Antigua.]

[p. 35.]

(1718.)

17 March. [Committee minute. The decree in favour of Sweet was] Upon a Bill brought by the Appellants in the Court of Chancery there against the said Sweet who was gott into possession of a certain plantation or parcell of Land . . . And for a Discovery of his pretended title to the said plantation or Lands, and for an account of the Rents and profitts thereof, from the time of his entry thereon. [It is recommended] that the said Decree be Reverst; and that the said Plea of the Defendant Sweet do stand for an answer, with Liberty for the plaintiff to Except, and the Cause to proceed. [p. 124.]

(1718.)

31 March. [Order accordingly.] [p. 129.]

29 Aug.  
Barbados.

[1273.] [Reference to the Board of Trade of Samuel Barwick's petition for leave to prolong for one year more the leave of absence granted him by the Governor of Barbados, as he has not yet been able to despatch his business.] [p. 36.]

8 Oct.

[On the report of the Board of Trade the petition is granted and Barwick is allowed to retain his place and precedency in the Council although this is already forfeited by his absence of over two years without his Majesty's approval: he came over as respondent to an appeal, applied in Feb. for the leave now asked, and is well affected to the Government and qualified to act as a Councillor in Barbados.] [p. 43.]

29 Aug.  
<sup>St.</sup>  
Christopher.

[1274.] [Reference to the Board of Trade of the petition of Col. Wm. Codrington, son and heir of Col. Christopher Codrington, deceased, formerly Governor of the Leeward Islands, who took St. Christopher from the French and received as sole reward 763 acres in the island in trust for himself]; Upon which Ground, he Erected Buildings, and Stockt it with Negroes and proper Utensills; Which was no Sooner finisht, but Col. Park going over Governor Disposessed him thereof immediately, to his very great Loss and Damage. [His son prays



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that, if the grant may not be confirmed to himself, at least he may be permitted to purchase it at an easier rate.] [p. 36.]

[Reference to the Board of Trade of Col. Codrington's petition for a year's extension of his leave of absence, and retention of his rank in the Council, he having come over to settle several donations left by his father to persons in England, and on private affairs of his own, which he has not yet been able to despatch.] 17 Oct. [p. 47.]

[1275.] [Reference to the Board of Trade of Stephen Browne's petition setting forth his services and losses in the French invasion of St. Christopher and making proposals for purchasing lands there.] 29 Aug. St. Christopher. [p. 36.]

[1276.] A Proclamation for Suppressing of Pyrates [is read and approved]. 5 Sept. Piracy. [p. 38.]

[On the representation of the Board of Trade of 18 Sept. that the Act, 11 William III for the more effectual suppressing of piracy, was renewed for five years by an Act of 1 George I, and that some pirates have been seized in New York and in Bermuda, order is given that commissions be issued similar to those of 1700 for trying pirates taken in the plantations. Warrants are to be prepared by one of the principal Secretaries of State, and the Board of Trade are to present the names of persons fit to be comprehended in each Commission.] (1718.) [pp. 85-6.]

30 Jan. 9 Feb.

[On considering a letter from the Board of Trade, with the following answers of the Attorney and Solicitor General to queries relating to the proclamation for suppressing of pirates, the Board of Trade are directed to prepare instructions for the Governors of plantations, and particularly to Sir Nicholas Lawes, Governor of Jamaica, to inquire into the piracies complained of by the Spaniards and endeavour to procure them satisfaction.]

1st Query. Whether the proclamation is a full and Sufficient Pardon to any persons, Who may have Comitted Pyracys and Robberys upon the High Seas in America, within the time therein mentioned, or if

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not what Steps must be taken to Obtaine it of the Governors of America. .

Answer. Wee are of Opinion that the Proclamation does not contain a pardon of piracy, but only His Majestys gracious promise to Grant Pirates such pardon on the Terms mentioned in the proclamation on which every Subject may safely rely, but that it will be reasonable for His Majesty to give Instructions to his Governors in America to Grant the persons surrendring themselves according to the Terms of such proclamation His Majestys Most gracious pardon for Pyracies and Robberys on the High Seas.

2dly. Whether by this proclamation, Murthers Comitted by such pirates are pardoned.

Ansr. We are of opinion, that where the Murthor is comitted in the piracy It was his Majestys Intentions, to pardon the Murther so Comitted ; And that therefore it may be reasonable in the Instructions to His Majestys Governors to direct them to insert in the pardons by them to be passed of the piracys and Robberys comitted on the High Seas, a pardon of all Murthers Comitted in the same.

3dly. Whether the persons who have comitted any Robberys or piracys, or any other by that Title, can hold the Moneys and Effects they may be so possessed of, and not be liable to be prosecuted for them.

Ansr. Wee are of Opinion that as to the proper Goods of the pyrates, they being pardoned, the same will not be forfeited, but they may retain them to their own Use ; but as to the Goods of other persons which they have taken unlawfully from them, the property thereof by such taking is not altered, but the Owners notwithstanding any pardon, may retake them, or they may recover the same, by an Action to be brought against the Robbers for the same.

4thly. Whether if any Persons having Notice of this proclamation should between such Notice and the 5th day of January next, Committ any pyracies or Robberys, are entitled to the benefitt of it.

1717.

Ansr. We are of opinion that there is no Exception of any Notice in the proclamation, and His Majesty has been pleased to Give His Royall Promise, which He will never break to pardon Pyrates Surrendring themselves, all pyracys comitted or to be Committed before the said 5th day of January, and for preventing the Mischiefs hinted at in this Query, His Majestys Officers are to be diligent in apprehending all pyrates ; for His Majesty has not been pleased to promise pardon to any pyrates but such as Surrender voluntarily according to the Terms of the proclamation. [pp. 97-8.]

(1718.)

[On reading a representation from the Board of Trade proposing the names of suitable persons and of the plantations proper to be included in each Commission, the Secretary of State is ordered to insert the names accordingly.] [p. 107.]

13 Feb.

(1718.)

Memo. This day the Draught of a Comission for Pardoning Pyrates in Bermudas, was, by Direction of the Lords of the Councill, Left with the Lord Chief Justice Parker for his perusall. [p. 134.]

23 April.

(1718.)

[The Board of Trade deem an instruction inadequate; and submit a Commission under the Great Seal to empower the Governor to pardon such pirates as come in under the proclamation. The draft for Bermuda is approved, and like Commissions ordered to be prepared for the other plantations. P.R.]

1 July.

[p. 149.]

(1718.)

Draught of a Commission empowering the Courts of Admiralty to prceed upon the Tryalls of Pyrates that shall be taken [approved]. [p. 193.]

10 Dec.

(1718.)

[Proclamation for suppressing piracy and Commission empowering Governors to pardon pirates who come in before 1 July, 1719—approved.] [p. 206.]

21 Dec.

(1719.)

[Reference to the Board of Trade of two Admiralty memorials of 3 Jan., one for annulling the 54th article in the instructions to Governors of plantations as to pirates' goods,

6 Feb.

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and the other desiring that a stop be put to encroachments on the jurisdiction of Admiralty Courts in the plantations.]

(1720.)

[p. 219.]

12 July.

[The report from the Board of Trade of 2 July, 1720, and a representation from Mr. West thereon, are referred to the Admiralty.]

[p. 440.]

(1720.)

23 Aug.

[Commission to be prepared for the senior captain of His Majesty's ships on the coast of Africa to try and execute pirates], without which, if they Chance to take any Number of Pirates, They must either keep them on Board his Majestys Ships, till they can arrive at Some Government or Plantation where they Can be Tryed, during which time, they must Eat on his Majestys Provisions, which will render the Ships Un-capable of Staying Abroad, so long as the Service may require, or otherwise they must put them on Shore without bringing them to deserved Punishment.

[p. 473.]

[The present Commission is for Capt. Chaloner Ogle of H.M.S. *Swallow*, and in case of his death or inability, for Capt. Mungo Herdman of H.M.S. *Weymouth*. Orders are given on 5 Oct. supplying the names of the Commissioners (III. p. 12) : on 18 Oct. for consulting the Attorney and Solicitor General (III. p. 21) : on 14 Dec. the Commission is approved for the chief naval commanders to act with the Governor and officers of any English colony or factory upon the coast of Africa, as well as with the chief commissioned and warrant officers of their ships (III. p. 82) : on 14 Jan. 1721 the names of these additional Commissioners are ordered to be supplied from a list of the principal persons employed by the African Company in their several settlements abroad (III. p. 104) : on 1 Feb. 1721 the drafts are approved. Numerous similar commissions were issued later for the trial of pirates on the African coast and in the East Indies.]

(1720.)

20 Sept.

[Order for a Commission for trying pirates in South Carolina, now a royal province, similar to those passed for the other plantations by the order of 30 Jan. 1718.] [III. p. 5.]

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[Board of Trade to present the names of persons to act as Commissioners in South Carolina.] [III. p. 13.]

1717.  
(1720.)  
11 Oct.  
(1720.)  
15 Nov.

[The names are approved and the Commission is to be passed.] [III. p. 53.]

[1277.] [Reference to the Admiralty of the petition of John Smith of New York for relief by letters of reprisal or otherwise for the seizure of his ship, the *Three Brothers*, taken when trading between Jamaica and New York in time of peace by a French captain of M. Chateau Renault's squadron, and converted to his own use, so that the petitioner has never received satisfaction.] [p. 40.]

5 Sept.  
New York.

[Order in accordance with the Admiralty report of 8 April, finding] That the petitioner obtained in June 1713, her late Majestys Order to her then Minister in France, Mr. Prior, to Demand the said Ship and her Loading, who by his Letter to the person that Sollicited this matter in England, informed him that the reason why the Cause was not Determined at the Court of France, was, that the 11th Article of the Treaty of peace, had not been fully explained. We have also demanded the Opinion of the Judge of the High Court of Admiralty hereupon, who hath represented to Us, That either the Determination of the Commissarys to be appointed, by Virtue of the aforesaid Eleventh Article of the Treaty ought to be still expected, or that it should appear, that no Such Commissarys will be permitted to proceed. But that in the whole he is of opinion, that the utmost the petitioner can expect, is, that His Majesty will be most graciously pleased to Renew to His Minister in France the like orders with those the petitioner obtained in June 1713 from the late Queen, Which is most humbly submitted to His Majesty.

(1718.)  
21 July.

[pp. 160-1.]

[1278.] [Reference to the Board of Trade of the petition of the Court of Directors of the South Sea Company, that his Majesty would disallow a Jamaica Act of Nov. 1716] for laying a Duty of 20 shillings per Head on every Negro Exported

31 Oct.  
Jamaica.

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by way of Merchandize in any Ship Sloop or Vessell belonging to the said Island, or to the said Company; [and that the Governor be instructed to pass no such Act till his Majesty's pleasure be first known.] [p. 57.]

(1718.)

9 Jan.

[On reading the report of the Board of Trade of 21 Dec., that] how just soever it may be that the people of Jamaica should be left at Liberty to lay such dutys as they shall think necessary for the support of His Majestys Government there, on Negroes bought in their own Island, it cannot be reasonable that they should lay a Tax upon Negroes landed there by the South Sea Company for refreshment and much less on such as do only putt into their Harbour for Wood and Water, because this would be an oppression upon the South Sea Company, and consequently support Jamaica at the Expence of the British Trade; Nor can precedents of the like duty drawn from Former times, whilst the Assiento was in the hands of Foreigners in any sort justify the like proceedings in the present case, the said Contract being now Vested in His Majestys own subjects, in whose Loss or Gain the whole Kingdome of Great Britaine is imediately concerned, And therefore humbly offer that his Majestys pleasure be Signified to the Governor of Jamaica not to pass any Law for the futuro, that shall lay a duty on the Re-exportation of Negroes that have been brought thither only for Refreshment and much less on such as touch in the ports of Jamaica without landing there; And that the said Governor be likewise made acquainted with the following Objections Vizt.

That the Act lays a higher duty upon the Trade and Shipping of all other his Majestys Subjects than those of Jamaica.

That the Inhabitants of the two parishes of St. Iago de la Vega and Kingston are to pay twelve pence per pound for the rent of every House, although the rest of the Island is not charged with any Tax on that Account.

That by the said Act Commissioners are appointed to receive and to Distribute the Money arising thereby, with an Allowance of  $7\frac{1}{2}$  per Cent. in Diminution of His Majestys Royall

1717.

prerogative, and in prejudice of the Receiver Generall, His Majestys patent Officer. These Commissioners are to give Bond of Eight Thousand pounds for the due Execution of the Act, and notwithstanding they shall have performed all that is required by the Act, and by consequence the Bond become void, it is not to be cancelled but in the presence of the president of the Councill, and of the Speaker of the Assembly, and if any person shall presume to do, or advise the contrary, they Shall forfeit double the penalty of the Bond, without allowing any pardon, or Non vult ulterius prosequi.

Besides, in Several other clauses of the Act, His Majestys prerogative of pardon, or granting a Non Vult ulterius prosequi is taken away.

[The Act, renewed in August 1717, is repealed and the Governor instructed not to pass another affecting negroes brought into the island only for refreshment. He is also] particularly enjoined carefully to observe the Severall Instructions given him by his Majesty with relation to the passing of Laws in that Island, more especially in such cases where his Majestys Royall prerogative or The Trade of Great Britaine may be any ways affected: Which Precaution will be still more necessary in the passing of Money Bills than those of any other nature; because generally these have their Duration but for one year and frequently have their effect before his Majestys Royall pleasure can be known concerning them.

[pp. 79-81.]

[1279.] [Reference to the Committee for Appeals of the petition of William Fortescue of Barbados, an infant, by his guardian Thomas Beckles, for a speedy day for hearing his appeal from a sentence of the Governor and Council, 4 Sep. 1716, in favour of John Bromley as to the possession of certain lands there.]

14 Nov.  
Barbados.

[p. 67.] (1718.)

[Committee—for dismissing the appeal, which relates to land in the parish of St. Philip's in the precinct of Christchurch.]

29 April.

[p. 134.] (1718.)

[Order accordingly.]

[p. 137.] 14 May.

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1717.

14 Nov. [1280.] [Reference to the Committee for Appeals of the  
Jamaica. petition of Thomas Roose of Jamaica and Elizabeth his wife for a short day for hearing their appeal from a Chancery decree there of 10 Jan. 1717] in favour of Francis Roose and Peter Beckford, as well as Mary and Ann Fuller Sisters to the petitioner, to whom the said Francis Roose and Peter Beckford were Guardians as likewise to the petitioner Elizabeth in her Minority, relating to the said Guardians accounting for the profitts of the Estates received by them, as also touching the payment of the said Mary and Anne Fullers portions.

[p. 67.]

(1719.)  
20 March. [Committee—for dismissing the appeal of Thomas Roose and Elizabeth his wife, from an Order of the Jamaica Chancery, 10 Jan, 1717, whereby was dismissed the petitioners' bill against the claims of Mrs. Roose's sisters, Mary and Anne Fuller, for their portions, and they were left to choose whether they would take 2000*l.* each as left by their father's will or their thirds of his entailed estate.]

[p. 243.]

(1719.)  
4 April. [Order accordingly.]

[p. 248.]

(1723.)  
26 Feb. [Reference to the Committee for Appeals of the petition of Thomas Roose and Peter Beckford of Santiago de la Vega, and Elizabeth Roose, widow, from a decree of the Jamaica Chancery, 26 May 1722, in favour of Edmund Kelly and Mary his wife, obliging Thomas Roose to pay to Edmund Kelly 2,000*l.* with interest and costs of suit.]

[III. p. 220.]

(1723.)  
31 July. [Committee for dismissing the appeal. (The 2000*l.* was a legacy to Kelly in right of his wife according to the will of her father Charles Fuller.)

[III. p. 296.]

(1723.)  
6 Aug. [Order accordingly.]

[III. p. 304.]

14 Nov. [1281.] [Reference to the Board of Trade of the petition of  
St. Christopher. Christopher Stoddard, of St. Christopher, planter, to be reinstated in some plantations of which he was lately dispossessed by James Milliken under pretence of a grant from the Governor, General Hamilton.]

[p. 68.]



[On their report, copies of the petition are ordered to be sent to Governor Hamilton and Mr. Milliken, who are to transmit their answers forthwith.] [p. 103.]

1718.  
9 Feb.

[1282.] [Reference to the Board of Trade to consult with the Attorney and Solicitor General upon William Byrd's petition against the instruction to the Governor of Virginia to name judges without the advice of his Council for the two Courts of Oyer and Terminer yearly appointed to determine criminal cases : Byrd prays that the Judges of the General Court, who formerly had cognizance of such cases, be Justices of the Courts of Oyer and Terminer, except in cases of an extraordinary nature.] [p. 92.]

2 Feb.  
Virginia.

[1283.] [On reading a representation of the Board of Trade of 18 Sept., 1717, on the petition of Francis Melmoth on behalf of James Knight, Deputy Receiver General of Jamaica, which was referred to them on 19 July] That this Board did give their Opinion upon a former Petition of the said Melmoth, that if the Clause of the Additionall Duty Bill should pass, it would be a great Injustice to the Receiver Generall, who had regularly issued the Money, for the Service and Support of the Government, pursuant to His Majestys Commission and Instructions to the Governor—That the Additionall Duty Bill, being since passed into a Law, the Receiver Generall has been Allowed to Re-imburse himself the Severall Sums of money mentioned in the petition to have been issued by him [except 620*l.* disbursed by him for the necessary subsistence of the soldiers on the same authority as the other sums ; Order is given, in accordance with the report, that the Governor move the Assembly to reimburse Knight the 620*l.* he paid from his own stock to the Recever appointed by the Assembly, and to allow him the current rate of interest.] [p. 100.]

9 Feb.  
Jamaica.

[Reference to the Committee of the Council of Henry Thompson's petition on behalf of James Knight to be reimbursed 723*l.* paid by Knight on the orders of the late Governor, and not refunded by the Assembly in spite of his Majesty's Order.]

(1722.)  
20 Jan.

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1718.

(1722.) [Committee: no sufficient vouchers appear for more than  
2 March. 620*l.*; it is recommended that the former Order be enforced, and that the Receiver General pay that sum with interest to Knight out of the first and readiest of his Majesty's revenue under penalty of] prosecution had to make void his patent.

[III. pp. 497-8.]

(1722.)  
10 March.

[Order accordingly.]

[III. p. 516.]

9 Feb.  
Jamaica.

[1284.] [The grant of the escheated estate of Anna Williamina Bernarda Kupius is confirmed to Edward Pennant and Anthony Swymmer, on the representation of the Board of Trade of 16 Oct.] That by a Law passed in that Island, and confirmed by the Crown in 1682, Entituled, An Act for prevention of Law Suits, the Governor for the time being is impowered to pass Grants under the Broad Seale of that Island of any Estate Escheated to the Crowne, provided the Value found by a Jury upon Oath be Secured to be paid by the patentee into the Treasury of the Island in three Years, in case no Heir appears in the mean time; and that by another Law passed and Confirmed in 1703, All Fines Forfeitures and Escheats are Applyed and appropriated to the Support of the Government of the Island and the Contingent charges thereof:— That it appears to Us That the Estate late Wilhelmina Kupius's escheated to the Crown, in the year 1711, was Valued by a Jury at one thousand ffour hundred and fifty Six pounds; That the Lord Archibald Hamilton, then Governor of the Island (though he was empowered by the first of the before-mentioned Laws to make immediately a Grant of the said Escheated Estate, yet being Restrained by his Instructions from her late Majesty from granting any Escheats, till upon his having Signified to the Lord High Treasurer, or to the Lords Commissioners of the Treasury for the time being, the Value, Nature, and Occasion of such Escheats, he should receive her Majestys pleasure thereupon) He forbore making any Grant of the said Escheated Estate, but agreable to his Instructions, represented it to the then Lord High Treasurer, and at the same time recomended Anthony Swymmer Esqr.

one of the present petitioners as a person properly deserving the said Grant, for reasons which we find mentioned in a Letter from this Board, to the then Lord High Treasurer.—That however this matter continued undetermined, 'till his Majestys Accession to the Crown, when upon a Complaint that the aforesaid Instruction given by her late Majesty, concerning Escheats, was contrary to the Laws of that Island; His Majesty was pleased, upon a Representation from this Board, and the opinion of the Attorney Generall to Direct that the Governor of Jamaica should be left to Act in the granting of Escheats, pursuant to the Laws of that Island; And the Lord Archibald Hamilton received Instructions accordingly, dated the 6th May 1715. Upon receiving Which Instructions Wee find that Lord Archibald Hamilton, did Grant, on the 23d of July 1715, the Escheated Estate of Anna Williamina Bernarda Kupius to the petitioners by Letters patents under the Great Seale of that Island, agreeably to the forementioned Act for prevention of Law Suits, and that these Letters Patents, were duly Entered, Recorded and Enrolled in the Secretarys Office of Enrollments, Established in that Island.

Wee Observe indeed, that His Majestys Warrant for Granting the said Escheats to Edward Nichols Esqr. is dated the 30th of Aprill preceding the date of the Grant made by the Lord Archibald Hamilton, but that Mr. Secretary Stanhopes Letter to the Lord Archibald, Signifying to him, His Majestys pleasure concerning that Warrant, and accompanying the Warrant itself, was dated on the 28th of November Subsequent to the Grant made in Favour of the Petitioners and that The said Letter from Mr. Secretary Stanhope with the Warrant were not delivered to the Lord Archibald Hamilton, till the 6th of February following being in 1715/6: Which was seven Months after the Grant had been made to the petitioners Which Wee find his Lordship mentions in a Letter to Mr. Secretary Stanhope of the 10th of the same February, as the reason why it was not in his power to Execute his Majestys Commands in favour of Edwd. Nichols Esqr.

1718.

Wee find nothing further done in this matter till the 17th of July 1716, of which Date there was a Warrant from his Royall Highness the prince of Wales then Guardian of Great Britaine to Peter Heywood Esqr. Commander in Chief of Jamaica directing him to Vacate the patent granted by Lord Archibald Hamilton, and to pass another in Favour of Edward Nicholls Esqr. pursuant to His Majestys above-mentioned Warrant in that behalfe.—Upon Consideration of the whole it appears to us, that the Grant made by the Lord Hamilton to the Petitioners was agreeable to his Instructions, and upon a valuable Consideration according to the Laws of that Island ; That his Lordship had no Notice of His Majestys Warrant in favour of Edward Nicholls, till Seven Months after the Letters patents were duly and legally passed and Executed in Favour of the Petitioners.—That though it should appear that the Lord Archibald Hamilton had received any Knowledge of His Majestys Intentions in favour of the said Nichols, before he passed the Grant in favour of the petitioners, Yet the Grant would still, as Wee conceive, Stand good in their Favour, as well by reason of the aforementioned Act for prevention of Law Suits, as of another Law, entituled, An Act for ascertaining the Quit Rent and manner of Receipt thereof, whereby it is Enacted, That a patent Sealed under the Great Seale and recorded in the Office of Inrollments of that Island, Shall evidence the patentees just Right and Title, and be a good Barr to the Right and Title of His Majesty His Heirs and Successors : Wee are therefore humbly of Opinion that the Grant in favour of the petitioners is, and ought to Stand good, and that an attempt to Vacate it, unless the Petitioners should have done anything to forfeit their just Right and Title, might very much Disquiet the minds of His Majestys Subjects in that Island, by giving them apprehensions for the Severall Lands they enjoy, by Virtue of like Grants from former Governors.

[pp. 101-2.]

9 Feb.  
Carolina.

[1285.] [Reference to the Board of Trade of a presentation from the Proprietors of Carolina recommending to his Majesty

as tending to the security and advantage of the rest of his Majesty's subjects in America, a proposal of Sir Robert Montgomery] to Carry over at his own expence and Charge severall Familys for the Settling and Fortifying the most Southern part of the said province beyond the Savana River, upon Condition that the Land so Settled may be Erected into a New Government, and the said Sir Robert Montgomery appointed Governor of the same during his life. [p. 103.]

[The report of the Board of Trade is referred to the Lords of the Committee of the Council.] 1 July. [p. 152.]

[1286.] [Reference to the Committee for Appeals of the reports of the Board of Trade and of the Attorney General on William Cockburn's appeal from a sentence lately given against him in Jamaica in favour of Mr. Beckford.] 9 Feb. Jamaica. [p. 104.]

[Reference to the Committee for Appeals of the petition of William Congreve, Secretary of Jamaica, to be heard for himself and Samuel Page, his late Deputy, against allowing Mr. Cockburn liberty to appeal from a decree in a suit as to the fees of the Secretary's office received by Cockburn while he officiated therein.] 9 Feb. [p. 104.]

[Committee : Determination suspended till all the proceedings are brought over in due form. Cockburn to be allowed authentic copies by the Governor of Jamaica.] 5 March. [p. 111.]

[1287.] [Reference to the Committee for Appeals of the petition of John Morton gent. for leave to appeal from a judgment passed in Jamaica during his infancy in a suit between the executors of his uncle and a person in trust for him, by which he alleges that he has been deprived of a great part of a legacy left him by his uncle, Emanuel Morton of Jamaica.] 9 Feb. Jamaica. [p. 104.]

[Committee : Elizabeth, widow of Emanuel Morton, married John Carver. On her death Matthew Gregory, attorney for the petitioner's guardian in England, brought a bill in Chancery 13 March.

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to recover from Carver a small estate with the profits from the death of the said Elizabeth, and to obtain satisfaction for a legacy of 2000*l.* sterling left to the petitioner by the testator at the decease of the said Elizabeth. It is recommended that the appeal from the decision thereon of 16 Oct., 1710, be admitted.] [p. 114.]

16 March. [Order accordingly. Memd. that security of 200*l.* for prosecuting the appeal was given on the 18th by the said John Morton, John Serocold, merchant, and Wm. Russell, gent.] [p. 118.]

31 March. [The said John Morton of Tackley, Oxon., petitioning for a short day, his petition of appeal is referred to the Committee for Appeals.] [p. 131.]

(1719.)

19 Feb. [Committee: Morton] praying to be relieved against an Accident which hath befall certain Records transmitted under the Seale of Jamaica, Which He hath occasion to make use off in the Prosecution of his Appeale, [Carver is directed to show reason on Monday why the deficiencies] in the Petitioner's proceedings may not be sett right by his, or why the said Carver's proceedings may not be used at the hearing of the appeale. [p. 224.]

12 March. [Committee: the hole eaten through several of the sheets of Morton's papers not affecting any material points, the case is to be heard on 20 March. As Carver has lost his copy of the proceedings, he is to receive at his own expense a copy from Morton.] [p. 230.]

9 Feb. [1288.] [Reference to the Board of Trade of the petition of  
Antigua. the churchwardens and vestry and other parishioners of St. Philip's, Antigua, that an Act obliging them to rebuild their parish church be disallowed, as they already have a church and chapel of ease, well situated and in good repair.] [p. 105.]

9 Feb. [1289.] [Reference to the Board of Trade of the petition of  
Connecticut. Richard Gull, master of the ship *Fisher* of London] Setting

forth his having purchased of the Originall Indian proprietors of Connecticut in New England a Tract of Land of about 40 Miles in Length, and one in Breadth, but being apprehensive He may Meet with Obstructions in the Enjoyment thereof, From An Act made by the Governor and Assembly of Connecticut, against purchasing any Lands unlaid out, without leave from the Crowne; And therefore humbly prays, that His Majesty will please to Grant him His Royall Lycence for the peaceable Enjoyment thereof, under Such Quitt Rents as are usuall in like cases.

[p. 105.]

[1290.] [Reference to the Lords of the Committee of the 16 March. petition of Manuel Manasses Gilligan of Barbados for liberty Barbados. to appeal] from the Dismission of his petition to the Governor of the said Island for Letters of administration to the estate of Tankerville Chamberlain, his Wives Sister, and giving the same administration to one Mr. Ramsay, who (as the Petitioner alledges), has no right thereto.

[p. 118.]

[Committee defer determination till next meeting, when 20 March. Gilligan is to come prepared to show that the law for distribution of intestate estates is now in force in Barbados.]

[p. 125.]

[After consideration, it is left to Gilligan's counsel to declare 29 April. at the next meeting whether it will be best for him to have his appeal now granted or to commence a suit in the Barbados Chancery.]

[p. 135.]

[Reference to the Committee for Appeals of the petition of James Hannay, Othniel Haggatt, and Charles Irvine, clerk, administrators of Tankerville Chamberlain, in trust for Mr. and Mrs. Gilligan, for a short day for hearing their appeal from a judgment of the Barbados Chancery which declared that the death of Mrs. Gilligan abated and terminated the case between the petitioners as her trustees and William Ramsay, administrator *ae bonis non etc.* of Sir Willoughby Chamberlain, brother of Mrs. Gilligan.]

[p. 220.]

(1719.)  
6 Feb.

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1718.

6 Feb. [Also of Gilligan's petition for a short day for hearing his appeal against the refusal of the Barbados Chancery to admit him and the trustees named above as parties to a bill brought by David Chamberlain and Jane Ramsay or Saer for recovering from William Ramsay Tankerville Chamberlain's portion, and against their judgment decreeing the portion to Ramsay.] [p. 220.]

(1720.)

4 Aug. [Committee. Gilligan petitions that his appeal from two sentences in favour of Mr. Ramsay be put off from the 22nd inst. as his counsel are gone on Circuit. The hearing is peremptorily fixed for the first meeting after the circuits.]

[p. 462.]

(1720.)

17 Dec. [Committee : appeal put off to 21 Dec. owing to the absence of counsel for the appellant. Gilligan is therefore to pay Ramsay the costs of this day.] [III. p. 89.]

(1721.)

20 Jan. [Committee : for reversing the Chancery judgment which declared the cause abated, but for dismissing the other appeal.] [III. p. 113.]

(1721.)

1 Feb. [Orders accordingly.] [III. p. 119.]

16 March. [1291.] [Reference to the Board of Trade of a petition of New Jersey. several inhabitants of, and traders to New Jersey, against the Order of Council of 13 Mar. confirming an Act for the relief of Quakers.] [p. 119.]

31 March.  
Barbados.

[1292.] [Reference to the Committee for Appeals of the petition of Andrew Cassally of Bayonne, a French subject, for a short day for hearing his appeal from a sentence given in Barbados, 1 Oct. 1717, as to the condemnation of his ship, *Ste. Luce*.] [p. 131.]

15 Aug. [Committee. Cassally alleged that the condemnation was for coming to the island contrary to two laws made there, to which he was an utter stranger. It is recommended that the appeal be dismissed, but that his security to prosecute the appeal within six months be discharged, as he should have been allowed a longer time.] [p. 167.]



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- [Order accordingly.] [p. 171.] 1718.  
27 Aug.
- [1293.] [Reference to the Board of Trade of the petition of several merchants trading to New York to be relieved from an Act passed there in Dec. 1717 for paying and discharging several debts of that province and putting several quantities of plate into the hands of the Treasurer to be applied to public uses; and for making bills of credit for 41,517½ ounces of plate for that purpose.] [p. 133.] 23 April.  
New York.
- [The report of the Board of Trade of 4 June, and a further petition of the merchants that the Act be disallowed are referred to the Lords of the Committee.] [p. 278.] (1719.)  
25 June.
- [Committee: Heard in part and adjourned till 3 May.] [p. 402.] (1720.)  
28 April.
- [Committee opinion] That (in regard Bills of Credit have been made out Pursuant to the said Act, which have come into the hands of Divers of his Majestys Subjects for Valuable Consideration) His Majesty will be pleased to Declare his Royall approbation of the said Act.—Nevertheless Their Lordships are further humbly of Opinion, That Instructions or Circular Letters be sent to the Respective Governours of all his Majestys Plantations in America, that for the future, They do not Pass any Law, whereby Bills of Credit may be Struck or Issued, or any Law for Payment of Money to the Governour or any of the Councill or assembly of their Respective Provinces, or other Person Whatsoever, without a Clause inserted therein, Declaring that such Acts shall not be in Force untill they be approved and Confirmed by his Majesty :—Excepting Laws for Raising and Settling A Publick Revenue for defraying the Necessary Charge of the Government of the said Provinces Respectivly, According to the Instructions Given to the Respective Governours of such Provinces. [pp. 403–4.] (1720.)  
19 May.
- [Orders accordingly.] [pp. 410–1.] (1720.)
- [Draft of the Instructions approved.] [Vol. III. p. 5.] 20 Sept.

1718.

14 May.  
Carolina.

[1294.] [Order is given in accordance with the following representation from the Board of Trade of 1 May]: Having received from the Commissioners of your Majestys Customs the Extract of a Letter to them from Colonel Rhett Surveyor and Comptroller of the Customs in Carolina, dated in December last . . whereby it appears that an Act was then passed in that province of a pernicious Consequence to the Trade and Navigation of this Kingdome laying a Duty of 10 per Cent. upon all Goods of British Manufactory, imported into that Province from Great Britaine.—Although We do not yet find the said Law has hitherto been transmitted to the Lords Proprietors for their Approbation, Yet, considering the ill consequence of such an Act, And that it is of force till repealed We thought it necessary to have the opinion of Your Majestys Sollicitor Generall in relation to the said Act, upon the Information given in the aforementioned Extract of the Letter from Carolina, Who has thereupon reported, that the said Law not being consonant to reason, nor agreeable to the Laws of Britain He apprehends the Power of making Laws by the Charter to the Proprietors is in this Instance exceeded. Agreeable to this, likewise was the Opinion of Sir Edward Northey and Sir Simon Harcourt in 1706, at that time Attorney and Sollicitor Generall upon two Acts then passed in Carolina, Who reported, that the said Laws not being consonant to reason and repugnant to the Laws of England, were not Warranted by the Charter and therefore did not bind or Oblige the Inhabitants of that Colony, and that her then Majesty might lawfully declare those Laws, as to the matters therein conteyned, to be null and void, Which was accordingly done by Order of Councill the 10th of June 1706. Considering therefore that this Law is in force till it shall be repealed, Wee most humbly Offer that your Majesty's Pleasure be Signified to the Lords Proprietors of Carolina, that they immediately send over to that province their Disallowance of the Same, with directions to their Governor there, never to Give His Assent to any Law of the like Nature, for the future.

[p. 141.]

- [1295.] [Reference to the Committee for Appeals of William Franklyn's petition for a short day for hearing his appeal from a sentence of the Governor and Council of Antigua] in favour of — Buraston, whereby the petitioner is dispossessed of a plantation in the Charibee Islands, which he alleges to have been purchased by his Father for the consideration of 1700*l*. [p. 142.] 1718.  
14 May.  
Antigua.
- [Committee—On Stephen Buraston's petition that Franklyn's appeal from a judgment of 1 Feb. 1717 be dismissed for non-prosecution, the hearing of the appeal is postponed till the first meeting in Michaelmas Term.] [p. 195.] 15 Dec.
- [Committee: for reversing the judgment given in Antigua, restoring the premises to the appellant, and satisfying him for the profits during such time as possession was withheld from him.] [p. 405.] (1720.)  
11 May.
- [Order accordingly.] [p. 412.] (1720.)  
19 May.  
(1723.)  
6 Aug.
- [Reference to the Committee for Appeals of Mary, widow, and William Henry, infant son, of Wm. Franklyn deceased, and of Mayne Sweet and Grace his wife, joint guardians of William Henry Franklyn, complaining that Buraston has brought a new execution against the petitioner for the said premises, whereon a verdict has been given, and as the same is general, no appeal can be had to his Majesty, and praying that the former Order be enforced.] [IV. p. 310.] (1723.)  
14 Aug.
- [Committee, for sending a copy of the petition to Buraston for his explanation why the Order of 19 May, 1720, has not been obeyed: and a copy to the Judges in the second trial, for them to certify] the State of the Facts complained off, and what appeared to them upon the Tryal. [IV. p. 319.] (1723.)  
27 Aug.  
(1725.)  
14 Oct.
- [Order accordingly.] [IV. pp. 331–2.]
- [Reference to the Committee for Appeals of the petition of Ann, widow of William Franklyn, that, as the proceedings are duly transmitted, a short day be appointed for hearing

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1718.

her appeal from a decree of the Antigua Chancery, 14 Jan. 1725, in favour of Stephen Buraston.] [V. p. 118.]

(1727.)  
20 Jan.

[Committee. Order that the appeal be heard on 8 Feb. and] that a Summons might be affixed on the Royal Exchange giving Notice of the said time in regard the said Buraston hath not Entered his appearance to the said Appeale altho' above Twelve month are Expired. [V. p. 306.]

(1727.)  
15 Feb.

[Committee hear counsel for the appellant, no one appearing for Buraston, and report that Buraston's bill should be dismissed with costs and any money paid thereupon returned to Mrs. Franklyn. The judgment of the Governor and Council in Feb. 1717 upheld a judgment of the Inferior Court of 2 June 1710 (? 1716) and awarded to Buraston the moiety of a plantation in Rendezvous Bay which had been bought by Franklyn's father from Buraston's father. These judgments were reversed by the Order in Council of 19 May 1720, and the profits of the plantation while in Buraston's possession ordered to be paid to Franklyn. These were assessed by a jury at 1065*l.* 16*s.* 5*d.*, but Buraston brought a new ejectment in the Court of King's Bench and Common Pleas, and, in spite of the Order of the Council, secured a general verdict in his favour. While Franklyn's appeal was before the Council, Buraston was successful in another action in Antigua for the profits of the plantation from 1712, the time of his bringing his first action, to 1716 when he recovered it, and levied execution for 500*l.* on a messuage belonging to Franklyn which was sold for payment thereof. After all these proceedings he filed a bill in Chancery for an account of the profits of the plantation from the time of his first action and to be relieved against the judgment for 1065*l.* 16*s.* 5*d.* and to have a stay of all proceedings at law. In spite of the Order of the Council an injunction was granted and decree made on 14 Jan. 1725] that the 500*l.* Recovered from William Franklyn in his lifetime. . was included by the Jury of Inquisition 1065*l.* 16*s.* 5*d.* given by them to the said Franklyn . . [Further, the profits from 1712 to 8 Dec. 1720, the day of taking the inquisition

1718.

under the Order of the Council, were assigned to Buraston, the sum of 1065*l.* 16*s.* 5*d.* found for Franklyn by the jury being accepted as the value, and] the Master should enquire into and Borraston recover the Mesne profitts of his said Moyety received by the said William Henry Franklyn from that time to the day of the said Decree and Borraston to be at Liberty to take out Execution on the Judgment at Law for his said Moiety of the said Lands.

[Besides recommending reversal of the decree, the Committee report], as it appears that no regard hath been paid to Your Majestys Royall Pleasure Signified by Your Order made in Council the 19th of May 1720 . . . But that these proceedings have been since carried on in direct opposition to Your Majestys said Commands, . . . the Persons who sat in the Court of Chancery . . . and concurred in making the said Decree, are guilty of a High Contempt and Disobedience of Your Royal Authority. And . . . it may be advisable for Your Majesty to order a Letter to be sent from Your Majestys Privy Council, Signifying Your High Displeasure of their said Contempt and undutifull proceedings, And directing that for the future they do not upon any pretence whatsoever presume to Disobey or in the least delay Complying with any order of Your Majesty in Council and carrying the same into Execution, but that they do pay an exact and Speedy obedience to the same, as they will answer the contrary. [V. p. 327.]

(1727.)

[Order and letter accordingly.]

[V. p. 340.] 28 March.

[1296.] [Reference to the Committee for Appeals of the petition of Peter Ford of Rotherhithe, Surrey, for a short day for hearing his appeal from three decrees passed in Rhode Island, in the General Court in Mar. and Sep. 1717, and by the General Assembly, Oct. 1717, in favour of Daniel Hodgson, master of the *John* galley, in the petitioner's suit for his share of goods in the said ship, which he alleges Hodgson has disposed of as his own.] [p. 153.]

1 July.  
Rhode  
Island.

[Hodgson enters his appearance to the appeal.] [p. 187.] 10 Nov.

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1718.  
14 Nov. [Hodgson's agent pleading want of instructions to defend and praying time to send over for the same, the hearing is peremptorily fixed for the first meeting in May.] [p. 189.]
- (1719.)  
10 July. [Committee recommend by consent of both parties, that if Ford pay within a month the costs incurred by Hodgson through the appeal, which costs are to be taxed by Mr. Vernon, the case be tried *de novo* : otherwise, the appeal is to be dismissed and the verdicts affirmed.] [pp. 287-8.]
- (1719.)  
25 Aug. [Order for a new trial, Mr. Vernon certifying that the costs (2*l.* 1*s.*) have been paid.] [p. 306.]
- 1 July.  
Massachusetts Bay. [1297.] [Reference to the Committee for Appeals of the petition of William Tunley and Christian, his wife, widow of Florence Maccarty, for liberty to appeal from proceedings in the courts of Massachusetts Bay and from the appraisement of the estate of Florence Maccarty, alleged to be in favour of William Maccarty to the prejudice of the petitioners.] [p. 154.]
- 1 July.  
Massachusetts Bay. [1298.] [Reference to the Committee for Appeals of the petition of Henry Flint of Cambridge, Massachusetts Bay, for liberty to appeal from a judgment of the General Court of Trials at Newport, touching his right to part of an estate left by Thomas Willett, his grandfather.] [p. 154.]
- 8 Aug. [Committee—for dismissing the appeal ; as the proceedings both on the part of the defendant Ann Willett and on the part of the petitioner were] Erroneous, and without form and no Judgment regularly given, And that therefore the petitioner can't be relieved altho' an Appeale should be Granted him, and altho' the Judgment should thereupon be Reversed, But a New Suit must be Commenced.] [p. 164.]
- 27 Aug. [Order accordingly.] [p. 170.]
- 21 July.  
Nova Scotia. [1299.] [Reference to the Lords of the Committee of the Council of the petition of Jeremiah Dummer, agent for Massachusetts Bay, to be heard upon the report of the Board of Trade of 26 Sep. 1717, on the petition of Sir Alexander

Cairnes, James Douglas, and Joshua Gee, merchants, relating to a grant of land on the coast of Nova Scotia.] [p. 161.]

1718.

[Committee—referring to Board of Trade to consider] whether any, and what Liberty ought to be Reserved in the patent desired to be Granted for said Lands, For all His Majestys Subjects to Fish and Cure the Fish on the Beach there, And whether any Acknowledgement ought to be required by the Grantees for the same, And, if any, what they shall judge reasonable to be Allowed. [p. 195.]

15 Dec.

[Committee: Reference of the petition and of the report of the Board of Trade to the Treasury and to the Admiralty. The limits of the grant are given]. five Leagues to the North East of the River and Harbour of Chibouton, and ten leagues deep into the Country, with the Islands along the same District within three Leagues of the Main Land. [p. 429.]

(1720.)  
18 June.

[1300.] [Reference to the Lords of the Committee of the Council of the petition of William West, Peter Longueville and others to be heard on the report of the Board of Trade of 21 May touching a grant of land between Nova Scotia and Maine.] [p. 161.]

21 July.  
Nova Scotia.

[The Report of the Committee] was not drawn up and perfected,—The Duke of Hamilton, Lord Cobham and Mr. Temple having petitioned His Majesty, praying to be first heard as to their Claims to the Lands in and about Nova Scotia etc. By which means it was delayed till the 17th of December 1720. When the whole Affair was Reheard, and a Report made and Entered. [p. 204.]

16 Dec.

[The petitions of the Duke of Hamilton as to Newfoundland and of Lord Cobham as to Nova Scotia are referred to the Lords of the Committee of the Council.] [pp. 211–2.]

(1719.)  
6 Jan.

[Committee: the Duke of Hamilton, Lord Cobham and Mr. Temple not being yet ready, the hearing is peremptorily fixed for 10 Aug.] [p. 447.]

(1720.)  
13 July.

746 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.  
(1720.)  
17 Dec.

[Committee: West, Longueville and others seek lands extending 190 miles along the sea-coast, to settle there and raise hemp and naval stores for the supply of England, under the care of some nobleman or other person or persons (not proprietors), and will pay as quitrent 28lbs. of good hemp for every hundred acres settled. On hearing the petitioners, the Duke of Hamilton, the Massachusetts Bay Agent, and General Nicholson, who recovered the land from the French in 1710, and on perusing certain drafts and maps, it is recommended] That the whole Tract of Land and Islands, between the province of Main at the River of Sagadahock alias Kennebeck and St. Croix may be Erected by Your Majesty into a Government under such Governor as Your Majesty shall think fitt to appoint:—That the Lands lying within the said Tract from the River of Kennebeck to the Banks of the River of Penobscott shall be Enjoyed by the present proprietors and possessors according to their Severall Rights and Titles, and that so much of it as has not been Granted to any particular person, the same shall be at the Disposall of the Colony of the Massachusetts Bay, paying such Quit Rent as Your Majesty shall think fit, upon Condition that the said Colony Do renounce and give up to Your Majesty all Right Title or Claim of theirs to any of the Lands to the North of the River Penobscot, either in the province of Main or in Nova Scotia, and all Claim to the Right of Government in any of the Lands to the East of the River of Kennebeck, and on Condition, that they Mark out the said Lands in One Year after the Grant shall be made, and Settle the same in Two Years afterwards:—That as to the Lands to the North of the River of Penobscot on to the River of St. Croix, The petitioners have made out Your Majestys Right, to Grant the said Lands, to such persons, and under such Quitt Rent, and reservation as Your Majesty shall think fitt.

[III. p. 80.]

(1724.)  
21 Feb.

[Reference to a Committee of the Council of the petition of William West and others] Setting forth . . . that they have at great Expence and trouble proved His Majestys right



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and Title to the said Land notwithstanding the pretensions of Sundry Persons thereto, as will appear by a Report of the Committee of Council, and therefore humbly praying that the said Report may be read, and the said Land Erected into a Province under His Majestys Government and the Soil Granted to them, in order to Carry on Trade and Merchandize there, and that they may be allowed such other Encouragement for executing the same as His Majesty in his Great wisdom shall think fit.

[IV. p. 482.]

(1724.)

17 April.

[The Committee refer to the Board of Trade the petition, report and other papers] to Consider the same and of the properest Method for peopleing the said Tract of Land, together with all proposals that at any time have been, now are, or shall be Layd before them, by proper Persons willing to Seat and Plant the said Land, or any other Tracts of Land in Nova Scotia, And . . . to Report the same to this Committee with their opinion, upon what Terms it may be proper to admit such Persons to undertake the Seating and Planting thereof together with what else shall occur to them as necessary towards Improving the said Lands. [p. 501.]

[1301.] [Reference to the Committee for Appeals of the petition of Nicholas Carr of Rhode Island for a short day for hearing his appeal from a sentence given in Rhode Island in March 1718 in favour of John Holmes and Thomas Martin, his tenants, who keep him out of a dwelling house and land at Newport of the value of 500*l*. New England money, left him, as he alleges, by William Holmes, his brother-in-law, to whom he is administrator.]

27 Aug.  
Rhode  
Island.

[p. 174.]

[Committee minute. The case received two several verdicts, without any judgment being entered thereon. Further hearing is therefore respited till the appellant enter up judgment on the said verdict. The Rhode Island courts are to perfect their records by entering up judgment without any charge to the parties, and to transmit them, with an account of their method of procedure and whether the case stated in

15 Dec.

748 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718. the record produced here is a complete statement of the proceedings on both sides.] [p. 194.]
- (1719.)
- 18 Nov. [Committee, for dismissing the appeal.] [p. 351.]
- (1720.)
- 8 Jan. [Order accordingly.] [p. 362.]
- 29 Aug. [1302.] [Reference to the Committee for Appeals of the  
Massachu- petition of Christopher Taylor of Boston, gent., eldest son and  
setts Bay. heir-at-law of James Taylor of Lynn, deceased, for liberty  
to appeal from the decree of the Judge for Probate of Wills,  
confirmed by the Governor and Council, 20 Feb. 1717,  
approving a will made by his father after he was deprived  
of his reason; whereby the petitioner's stepmother, Rebecca  
Taylor and her daughter, Sarah, are executors.] [p. 175.]
- 27 Aug. [1303.] [Reference to the Committee for Appeals of the  
Antigua. complaint of Col. John Staunton], That the Treasurer of  
Antegoa had made a fraudulent Sale of an Estate left the  
Petitioner . . . of 3000*l.* per Annum to one David Martin  
the said Treasurer's brother for 50*l.* [p. 175.]
- 15 Dec. [Committee. Staunton's petition sets forth that having com-  
menced a suit in Chancery here for the estate left him by Col.  
Foxon and sold by Martin in 1693, he] did Obtain a Comission  
from the said Court for Comissioners to meet in the said Island  
of Antegoa to Examine Wittnesses and other matters relating  
to the said Estate and the Petitioner went over to see the  
same duly Executed, but his Adversarys Commissioners  
refused not only to Act themselves, but Bribed off, One of  
the Petitioners Commissioners whereby the Execution of the  
said Commission was frustrated. And further Alleges that  
he could not Commence a prosecution in those Islands for  
said Estate in regard all the Lawyers there were Attacht to  
the Interest of his Adversarys being every one of them  
Reteyned by them; Wherefore praying to be relieved in the  
premises: Their Lordships this day, taking the same into  
Consideration together with the Petitioners long Services in  
the Army and particularly of said Colonel Foxon and Familys

1718.

in the Wars of Ireland and Flanders under whom He claims the said Estate, And their Lordships having taken the Petitioners Affidavitt as to the truth of the above Allegations, Do there-upon Agree humbly to Report their Opinion to His Majesty that the Governor of the Leeward Islands be Directed (if the Petitioner shall choose to take out a new Comission) to support his Commissioners in Acting by Virtue of the said Commission : Or if he Chooses to Commence a prosecution there, That the said Governor Do forthwith upon his request without delay, Assigne him Councill, and support them in Acting for him according to Law.

[p. 195.]

(1719.)

[Order accordingly.]

[p. 269.]

11 June.

[1304.] [On the petition of Edward Minshall, M.P. for Bramber, order is given to colonial governors to arrest Benjamin Pickman, who ran away with, and converted to his own use, the *Providence* galley and its cargo, which he had assigned to the petitioner as security for a debt. Pickman was arrested on judgments for £200L., but escaped from the Kings Bench Prison. No relief could be had from Mr. Broughton, the Marshal of the Prison, who died insolvent, a prisoner within the rules of the said prison. Pickman is said to have been seen in New England, but an Order in Council is necessary for the execution in the plantations of a warrant issued from the Courts at Westminster Hall.]

29 Sep.  
New  
England.

[p. 179.]

[1305.] [Reference to the Committee for Appeals of Edward Chester's complaint that by the demand of 4000L. security he is prevented from appealing from a decree of the Leeward Islands Chancery condemning him and Edward Chester jun. to pay to the Royal African Company, whose agents they were, 2000L. more than was due.]

6 Nov.  
Antigua.

[p. 187.]

[Committee—delaying their determination till the Monday after New Year's Day, on Chester's representation that he has something to offer by way of accomodation to the Company.]

15 Dec.

[p. 194.]

750 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.  
(1719.)  
9 Jan.

[Committee. Chester's petition sets forth that in 1714 the African Company exhibited a bill in Chancery in Antigua for an account of his agency. Some of his evidences were in England, and a Commission issued from the said Court to examine them there, but the time limited for this being too short, the parties mutually agreed to enlarge publication in the cause for a month or longer, if necessary. Examinations were accordingly made, but the petitioners' agents attempting an amicable settlement with the Company, the depositions have not yet been sent to Antigua. The agents of the Company there, in breach of the agreement, hurried the suit to a hearing on 21st July 1718, and on the 28th Chester was ordered to pay 36785*l.* 1*s.* 11*d.* whereas he alleges that less than 16000*l.* is justly due, which he has always been able and willing to pay. As he cannot give sufficient security to obtain an appeal, he prays an order for rehearing the case, after the depositions taken in England have been returned to Antigua, and that all process against him and his effects be stopped in the meantime. It is recommended with the consent of both sides that Chester pay to the Company's agents in Antigua 16000*l.* Antigua money within six months in indigo, cotton, sugar, or other current commodity, and alienate no stock on the land above the value of 500*l.*, which is to be laid out for the benefit of the said land: all proceedings are to be stayed so long as the petitioner does nothing in breach of this agreement, and the Chancery are to rehear the case with the English depositions. But if Chester shall not comply with the agreement, then the Company may proceed on the decree already obtained and sequestration issue at the first process. Chester consents not to appeal against the Governor's interlocutory order by which a rehearing was denied.]

(1719.)  
6 Feb.

[Order accordingly.]

[*p.* 215.]

[*p.* 218.]

(1721.)  
24 March.

This day Mr. Francis Peters of the Temple Entered an Appearance for the Royal Affrican Company, to the Appeal of Edward Chester from the Leeward Islands. [III. *p.* 171.]

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[1306.] [Reference to the Committee for Appeals of the petition of appeal of Benjamin Eversden of Antigua, merchant, for copies of papers transmitted from Antigua and for a day for hearing his appeal from a sentence of the Governor and Council of the Leeward Islands, 14 July 1718, in favour of Henry Douglas, the Provost Marshal, relating to a bond for 1600*l.* current money entered into by Eversden to Douglas for one Daniell's delivering up some negroes etc.]

[p. 209.]

[Committee : The Governor of Antigua is to provide Eversden, on payment of the usual fees, with a copy of the Act mentioned in his plea.]

[p. 216.]

1718.  
21 Dec.  
Antigua.

(1719.)  
9 Jan.

[Reference to the Committee for Appeals of the petition of Eversden and John Wright for a short day for hearing their appeal from a Chancery Order of 17 July 1709, dismissing their bill against Henry Douglas, Nathaniel Crump and others, relating to the bond above-mentioned.]

[p. 371.]

(1720.)  
8 Jan.

[Committee : Crump as executor of John Martin, senior, obtained a judgment for 1790*l.*, upon which Douglas as Provost Marshal levied on Richard Daniel for certain negroes and effects. For the delivery of these Eversden and Wright were securities in 1600*l.* each, by a bond entered into on 24 Aug., 1713, to Douglas, and the Court of Errors gave verdict for the recovery of this sum from each of them, 14 July 1718. Executions have been issued accordingly and that on Wright has actually been levied. It is recommended that the order of dismissal of 17 July 1719 of the appellant's bill in Chancery be reversed, and that they be relieved against the bond entered into and the judgments obtained thereon. Douglas is to deliver up the bond to them, and to acknowledge satisfaction upon the record of the said judgments ; the executions are to be discharged, and restitution awarded to the appellants.]

[pp. 399-400.]

(1720.)  
24 March.

[Order accordingly.]

[p. 401.] (1720.)  
28 March.

752 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

6 Jan.  
Barbados.

[1307.] [Reference to the Committee for Appeals of the] Petition of the Society for the Propagation of the Gospel in Foreign Parts, Complaining of the Governor of His Majestys Island of Barbados, ffor requiring their Attorneys there by 3 severall Orders to Deposite in the hands of Mr. Lenoir Deputy Clerk of the Councill there, All the Accounts, Books, and Papers relating to the Management of the Estate bequeathed to the Petitioners by the late Generall Christopher Codrington for pious and Charitable Uses ; for the inspection of one Mr. Cunningham, notwithstanding all the instances made by their said Attorneys to the contrary ; And humbly praying in regard their Said Attorneys have daily Occasion to Use the said Books, Accounts and Papers, that the said Governor be directed forthwith to Cause them to be Returned to their said Attorneys, And to Grant the Petitioners such further redress as shall be thought meet. [p. 212.]

12 March. [Committee : a copy of the petition to be transmitted to the Governor for his answer.] [p. 230.]

6 Jan.  
Barbados.

[1308.] [Reference to the Committee for Appeals of the petition of Francis Lansa, part owner of the cargo of the ship *St. Louis* of Lisbon, for redress from the Governor, Secretary, and Collector of Customs in Barbados for extorting from John de Moracin, master of the ship, 2000*l.* in gold dust and sugars, before they would permit the ship to sail thence, though she had put in only to refit, having sprung a leak.] [p. 212.]

12 March. [Committee : The Barbados officials to have copies of the petition and to return their answer : both parties to be free to take depositions and exchange copies and replies, the whole to be returned to the Board within six months of this date.] [p. 229.]

(1720.)  
8 Jan.

[Reference to the Committee for Appeals of Lansa's complaint of the unexampled and unwarrantable proceedings of the Governor on the above order.] [p. 371.]

(1720.)

1 March.

[Committee : finding the Governor guilty of arbitrary proceedings in committing Mr. Bleinman, Lansa's counsel, to

1719.

prison for a pretended crime of forgery not charged upon him, and detaining him till he gave bail for 1000*l.*; in taking the Order of 12 Mar. 1719 from Bleinman and refusing to return it; and in detaining his letter of attorney on pretence of forgery. His recognisance is to be at once returned.] But their Lordships humbly submit to his Majesty, whether the Examination ordered by this Committee shall at Present proceed, and if it shall, in what manner. [p. 390.]

(1720.)  
2 Aug.

[Order for delivery of the recognisance to Bleinman, and for return to him of the Order of 12 March, 1719.] [p. 458.]

(1720.)  
13 Sept.

[Bleinman's complaint that Lowther detains from him the Order lately granted for his relief to be heard on 4 Oct.]

[III. p. 2.] (1720.)  
[III. p. 9.] 4 Oct.

[The Order repeated.]

[1309.] [Reference to the Board of Trade of the petition of Lord Guilford, for Lord Baltimore, a minor, that John Hart, Governor of Maryland, may have twelve months leave for the recovery of his health, and that his place he supplied in his absence by the first member of the Council.] [p. 219.]

6 Feb.  
Maryland.

[On the report of the Board of Trade of 4 March the petition is granted. The deputy is to give to the Lt.-Gov. of Virginia 2000*l.* security for observing the Acts of Trade.] [p. 242.] 19 March.

[1310.] [Reference to the Committee for Appeals of the petition of William Gordon of Barbados, clerk], praying that a complaint against him by the Agents of that Island, and now lying before His Majesty undetermined and unprosecuted, Whereby he is accused of some heinous crimes amounting to a Praemunire, may, in regard to his having come from Barbados in order to clear himself of the same, be forthwith heard, [and that he may have a copy of the complaint, and of the proceedings hitherto.] [pp. 219-20.]

6 Feb.  
Barbades.

[The Committee] finding that the said Complaint is not before this Board . . . Order that the said Gordon's petition be Dismist. [p. 230.] 12 March.

754 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

15 March. [On the petition of William Gordon, rector of the parish of St. Michael, the complaint of the Barbados agents against him, the report of the Board of Trade thereon, and his own former petition, are referred to the Committee for Appeals.]  
[p. 232.]

25 June. [Committee : on taking into consideration these papers, as also a letter from the Governor of Barbados against Gordon, and the answer thereto ; and the ecclesiastical authority not being entered upon, but only whether Gordon's conduct as Commissary has been arbitrary, illegal and in excess of his commission, and whether his character and principles are as alleged ; the affidavits offered on this point are not read, being insufficient proof : and it is ordered that both parties are to take depositions in Barbados, cross-examine each other's witnesses and exchange copies of their depositions, the originals of which are to be transmitted to the Board within six months from this date.] [p. 280.]

(1720.)  
4 March. [Committee : Gordon returned to Barbados with the order, and on 29 Sep. had the Governor regularly served with it ; instead of taking proofs the Governor caused a copy of his former letter to be published in a declaration by beat of drum in Bridgetown on 15 Oct., and in all the churches of the island on 18 Oct. On 25 Nov. Gordon was sent to the Common Gaol on a warrant without cause stated, and signed by John Lenoir, deputy secretary and private secretary to the Governor. On 12 Dec. Gordon was still in Barbados, but no preparation had been made for taking any depositions. It is recommended that the charges against him be dismissed, as altogether groundless.] [pp. 391-2.]

(1720.)  
20 Sept. [Gordon's petition for an Order confirming the Committee's report, and for relief from arbitrary proceedings of the Governor against him since the exhibition of the complaint, is ordered to be heard on 4 Oct., with the other complaints against Lowther.] [Vol. III. p. 6.]

(1720.)  
4 Oct. [Order in accordance with the report of 4 March.] [III. p. 10.]



[To the Committee of the Council is referred the report of the Attorney General on the petition of ex-Governor Lowther, praying that execution may be stayed on any judgment obtained against him in a suit brought against his attorney in Barbados by Gordon for 10,000*l.* damages.] [IV. p. 147.]

1719.  
(1722.)  
29 Nov.

[Mr. Lowther's petition sets forth that there has been an extraordinary modelling of the Council and of the Court of Common Pleas for the precinct of St. Michael's, and two Acts have been repealed—one for obliging appellees to give security to restore what they have received under local judgments, if these are reversed on appeal, and the other obliging judges to direct juries to bring in a special verdict at the instance of either party to a suit in order to enable them to lay their case fully before his Majesty on appeal. Lowther has reason to apprehend that this is all part of a plan to further the action brought by Gordon in the said Court of Common Pleas against Gallatius MacMahon, Lowther's attorney, for 10,000*l.* damages, in consequence of the declaration as to Gordon's character, which Lowther affirms that he published in his public capacity, by the advice of his Council. As the levying of this on his estate would be very injurious, even if he had the judgment reversed on appeal, and as he greatly questions Gordon's ability to refund the money, were the judgment reversed, he petitions that execution be stayed on any judgment in favour of Gordon, upon his giving security to prosecute an appeal and abide by his Majesty's determination thereon. It is recommended that Lowther be allowed to appeal, even if the damages are under 500*l.*, and that execution be respited till Gordon give full and sufficient security both for restitution of the money, if necessary, and for payment of costs and damages.] [IV. p. 164.]

(1722.)  
14 Dec.

[Order accordingly.]

[IV. p. 170.]

(1722.)  
20 Dec.

[1311.] [Reference to the Committee for Appeals of the petition of Robert Jones and his wife, Elizabeth, of the colony and dominion of Virginia, for a short day for hearing

6 Feb.  
Virginia.

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1719.

their appeal from a sentence given in Virginia, 2 May 1718, in favour of Thomas Toleson and William Williams, tenants to Elizabeth Winder, widow, and Richard Kenner, and his wife, Elizabeth, daughter of Mrs. Winder, whereby of 10 messuages, 20 tobacco houses, 10 gardens, 10 orchards, 5000 acres of land etc. in St. Stephen's parish, Northumberland Co., Virginia, two-thirds were decreed to the said tenants.]

[p. 220.]

(1720.)

8 Jan.

[Reference to the Committee for Appeals of the petition of Elizabeth Winder and Richard and Elizabeth Kenner that at the same time as the above there be also heard their appeal from the part of the verdict in favour of Mr. and Mrs. Jones] touching a Right to some Estates in the said Island.

[p. 370.]

(1720.)

24 Feb.

[Committee: the land in question consisted of 3000 acres of wood and 2000 marsh; the title to two-thirds of 2000 acres mentioned in a deed of 4 Nov. 1671 is with Mrs. Winder, and the judgment so far is to be affirmed; but the finding of the jury as to the residue is imperfect, and there should be a new trial, in which, if either partly require it, evidence is to] be put down in writing, Touching the Will of Col. Thomas Brereton and the Recording thereof, and likewise touching the Possession of the Widdow of Captain Thomas Brereton and her Assignment of Dower, if she had any.

[p. 381.]

(1720.)

22 March.

[Order accordingly.]

[p. 396.]

(1722.)

13 Sept.

This day Elizabeth Winder widow, John Kenner and Uxor, Entered their appearance to the appeal of Robert Jones and Uxor, from Virginia.

[IV. p. 106.]

(1722.)

6 Oct.

[Reference to the Committee for Appeals of the petition of appeal of R. Jones and wife from the judgment given against them in the General Court of Virginia, 27 Oct. 1721, on the new trial ordered 22 Mar. 1720.]

[IV. p. 111.]

(1723.)

20 June.

[Similar reference of the appeal of the other parties from the same judgment.]

[IV. p. 264.]

[Committee : according to the decree of the General Court], it is adjudged that the estate given by the said Will to Thomas Brereton his son (to whom the Petitioner Elizabeth Jones is Daughter by a Second Venter) is an Estate in Fee Simple,—and that the Lands mentioned in a writing dated the 7th of November 1700, and subscribed Leonard Howson, George Cooper and Thomas Hobson were legally assigned to Mary Relict of Thomas Brereton the Son for her Dower; [Mr. Jones should therefore recover these lands as dowry with one shilling damages and costs of suit :—this the Committee affirm, but on] the Cross appeale of Elizabeth Winder and Richard Kenner and Elizabeth his wife (which Elizabeth the Mother is Aunt of the whole Blood and Heir at Law to Thomas Brereton the Grandson who is also deceased) from that part of the said Judgment which Orders that as to the residue of the Lands in the Possession of the Defendants, the Plaintiff take nothing by his Bill, [that part of the judgment is reversed.]

1719.  
(1723.)  
24 July.

[Order accordingly.]

[IV. p. 283.] (1723.)  
[p. 304.] 6 Aug.

[1312.] Embargo laid [p. 232]: taken off the *King George*, 15 March. 200, Parker Rae, Milford Haven to Pennsylvania with 100 passengers, 30 Mar. [p. 245]: embargo taken off, 4. Ap. [p. 247]. Embargo.

[1313.] [On reading a memorial from the Board of Trade of 19 March, Col. Thomas Morris, suspended 3 Feb. 1718, is restored to the Council of Antigua. Only one positive witness testifies to the disrespectful words alleged to have been spoken by Morris of his Majesty, the hearsay witnesses vary in some points, and several persons of credit who were present testify on oath that they heard no such words and do not believe they were spoken by Morris. Morris's witnesses were not examined in the Council before he was suspended by Governor Hamilton, and he has done nothing, as a member of the Council of Antigua since 1703, to give the Board distrust of his affection to the Government.] [p. 248.]

4 April.  
Antigua.

[1314.] [Order is given in accordance with the representation of the Admiralty of 2 Jan. that Capt. Thomas Smart of Nova Scotia.

9 May.

758 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

H.M.S. *Squirrel*, appointed to attend the Government of New England, seized at Canso on 5 Oct. 1718, two French vessels which were fishing there contrary to the treaty: that they were condemned in the Court of Admiralty there and the captain allowed to dispose of them after appraisement; that the Governor of New England] arbitrarily endeavoured to take them from him, and after the Decree of the Judge of the Admiralty, sent the marshall of the Vice Admiralty on board, by Virtue of a Warrant under his own hand and Seale, to take them out of his possession, under pretence, that his Security was not sufficient, and that the Country must be answerable. [This is really in the hope of procuring from his Majesty a grant of the said ships, the *Katherine* brigantine, and the *Abigail* or *Latrois Anne* sloop, by alleging that Captain Smart had acted under his orders. As in the late war, the prize is to be granted to the captors as an encouragement to naval officers to do the like for the future.] [p. 257.]

(1721.)  
24 Aug.

[Reference to the Committee of the Council of] a Memorial of Monsieur Chammorel, Secretary of France, Setting forth that about September 1718, Captain Smart Commander of His Majestys Ship the *Squirrel*, went and attacked the French who were in peaceable Enjoyment of the Island of Canseau, and took away all their Vessels and Effects, and That notwithstanding Their Excellencys the late Lords Justices orders, for the Delivering back the Ships and Effects so Seized, yet Captain Smart, hath refused to comply therewith as appears by a memorial of the said Mr. De Hiriberry and other papers hereto annexed, and humbly praying that Satisfaction be made the said proprietors for the same. [Capt. Smart is to have a copy of the papers and attend the Committee.]

(1721.)  
22 Oct.

[III. p. 291.]  
[Smart's answer to be returned to the Committee by 30 Oct. the case to be heard by them on 6 Nov.] [III. p. 334.]

(1721.)  
6 Nov.

[Committee: No one appearing in behalf of the petitioners, Capt. Smart should be dismissed from further attendance in connection with the complaint.] [III. p. 350.]

[Order accordingly.]

[III. p. 359.]

1719.  
(1721.)  
11 Nov.  
26 May.  
Massachu-  
setts Bay.

[1315.] [Order in accordance with a representation from the Board of Trade of 24 April on a Massachusetts Act (*cf.* Appendix III.).] Having received the Opinion of the Commissioners of your Majestys Customs thereupon, Wee humbly take leave to represent to your Majesty.—That by the Act of Trade 15<sup>o</sup> Caroli 2di. No Goods of the Growth or Manufacture of Europe can be imported into any of the plantations but from Great Britain, excepting Salt for the Fisherys, Wines of the Madera and Western Islands, Servants Horses and Provisions from Ireland, and also except Irish Linnen from Ireland by the Act, the 3<sup>o</sup> and 4<sup>o</sup> Annæ ; Whereas this Act of the Massachusetts Bay, not only Allows the importation of All Sorts of Wines and Commoditys directly from the place of their Growth, but charges the said Commoditys with a double duty, if Imported from this Kingdom, from whence only they can legally be imported, except in the cases abovementioned, besides that there are no Words to Restraine the Importation of such Goods into that Plantation to Such Ships only as by Law may trade thither:—This Act likewise lays a duty of one per Cent. on all English Merchandizes when at the same time it lays not half that duty on any other Goods, and Merchandize, and as a farther discouragement to the British Trade and Navigation, lays a Duty of Tonnage on all Shipping except that of the Massachusetts Bay, and of some few of its neighbouring Colonies : It is further observable that the Ship, with her Tackle Apparell and Furniture is lyable to Answer such Penaltys and Forfeitures as the Master shall incurr by not observing the directions of this Act, Which would be very unreasonable, and a great hardship on British and all other Owners of Shipping, Who are legally intituled to trade thither:—This Act was but very lately transmitted to Us, and Will have had its full Effect before Your Majestys Pleasure thereon can be known in that province, for it expires in May next ; However considering that it is of so very Extraordinary a Nature, Wee would humbly propose, that Your Majesty may Declare Your Disapprobation

1719.

thereof, it being repugnant to the Laws of this Kingdom, by which the plantations are and ought to be bound, and consequently, illegall, null and Void, to all intents and purposes whatsoever: And forasmuch as this Act seems Designed to be an Annuall one, We would propose, that in Case it shall have been re-enacted this year, before the said Governor receives Your Majestys Orders on this Head, He may be enjoined forthwith to Declare your Majestys Disapprobation thereof, And not to permitt the Said Act or any part of it to be putt in Execution:—And to prevent so pernicious a Practice for the future, We would further propose that your Majestys Governor of the Massachusetts Bay, may have Orders to Represent to the Councill and Assembly of that Province, that as the power of making Laws, which was granted to them by their Charter from their late Majestys King William and Queen Mary, is restrained to the Condition, that Such Laws shall not be repugnant to the Laws of this Kingdom, they will do well to Consider how farr the breaking this Condition, and the laying any Discouragements on the Shipping and Manufactures of this Kingdom, may endanger their Charter; And We believe it necessary that at the same time the Governor himself should be putt in mind of the Obligations he lyes under by the Oath he took before his Entrance on the Government (in pursuance of a Clause in an Act of the 7th and 8th of William the 3d. for preventing Frauds and regulating Abuses in the plantation Trade) to putt the Laws of Trade and Navigation in due Execution, as well as by Your Majestys Instruction to him of the 27th of September 1717: not to pass any Act which may Affect the Trade or Shipping of this Kingdom, without a Clause therein to be inserted, declaring, that the said Act shall not be in force, untill the same shall be Approved and Confirmed by your Majesty Your Heirs and Successors.

[pp. 262-3.]

26 May.  
Leeward  
Islands.

[1316.] [Reference to the Committee for Appeals of the petition of Stephen Cabibell, Peter Soulgre [Soulegré] and William Harris for a short day for hearing their appeal from

1719.

a sentence of the Admiralty Court in the Leeward Islands, 3 Jan. 1719, condemning their ship the *St. Christopher* frigate, under pretence of having prohibited goods on board.]

[p. 264.]

[The Committee, by consent of the parties, recommend that the sentence, so far as it relates to the European goods, vizt. beef, butter and pork, which were sold by appraisement there for 1837*l.* 17*s.* 1*d.*, together with 10 quart bottles of tea, and one box of spice, be reversed, and that the money and goods be restored.] But that that part of the said sentence, relating to the Candles, Cards and Starch, together with the ship, furniture and Tackle, amounting to 882*l.* 15*s.* 2*d.*, as they were also appraised and sold there, be affirmed.

[p. 352.]

25 Nov.

[Order accordingly.]

[p. 362.]

(1720.)  
8 Jan.

[1317.] [Reference to the Board of Trade of the petition] of Walter Newberry, William Wilkinson and Richard Partridge of New England, in behalf of themselves and their suffering Friends, people called Quakers in the province of Massachusetts Bay in New England, setting forth, the great hardships they suffer by not paying the Demands of the Priests there, And humbly praying in regard the charter granted to that Colony by King William, Allows a free Exercise and Liberty of Conscience to all subjects that should settle there (except papists) That His Majesty will Commiserate their Case, and Direct the Governor of said Province to Relieve them herein.

23 May.  
Massachu-  
setts Bay

[p. 265.]

[1318.] [Reference to the Board of Trade of John Usher's petition for his Majesty's interposition on his behalf, as, notwithstanding his having obtained several orders and instructions to the Governor of New England to pass his accounts as late Treasurer of several colonies there and to pay him what shall appear his due, he has never been able to obtain any relief.]

[p. 273.]

11 June.  
Massachu-  
setts Bay.

[1319.] [Reference to the Board of Trade of the petition of Lewis Piers that], in regard all the records of the Island of

11 June.  
Montserrat.

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1719.

Mountserrat have been either Burnt or taken away by the Enemy, whereby His Title to a certain plantation there, containing about 24 Acres is destroyed, That the said plantation may be confirmed to him and his Heirs by Letters Patents under the Great Seale. [p. 273.]

25 June.  
Newfound-  
land and  
Nova Scotia.

[1320.] [Orders are given to the Secretary of the Lords Justices in Council in accordance with a representation of the Board of Trade of 19 June, enclosing the Commission and Instructions prepared for Col. Philips and recommending that as these are not as extensive as those for other more populous plantations, he] should have with him a Copy of His Majestys Instructions to the Governor of Virginia, which may be of use to him so far as they shall be Applicable to Cases that may happen, and are not Sufficiently provided for by these Instructions, till His Majestys further pleasure be known ; And the said Comissioners also Representing it as necessary that a Reservation should be made of certain Tracts of Land in proper places to be sett apart for the Production and Preservation of Timber for the Use of the Royall Navy, Agreeable to a Clause in the said Instructions whereby the Governor is restrained from making any Grants till the said Country shall have been Surveyed, And that the Surveyor Generall of the Woods on the Continent of America, should therefore have Directions forthwith to Repair to Nova Scotia, and Mark out such parts thereof, as are proper to be reserved for the said purpose. [pp. 276-7.]

25 June.  
Virginia.

[1321.] [Reference to the Lords of the Committee, of a representation from the Board of Trade of 9 April for removing Mr. Byrd from the Council of Virginia for his long absence without leave and recommending Peter Beverley as his successor ; and of Mr. Byrd's petition, giving the reason of his absence and praying for leave to prolong it for a year.]

[p. 278.]

28 Oct.

[Committee for Appeals—for continuing Mr. Byrd in the Council, he having engaged to return with the first shipping



1719.

to Virginia. Three years ago Mr. Byrd, then Receiver General of his Majesty's Revenue, had leave from the Treasury to come over to England, and his detention has been due to several accidents.] [p. 348.]

[Order accordingly.]

[p. 362.]

(1720.)  
8 Jan.

[1322.] [Reference to the Board of Trade of the complaint of George Vaughan, late Lt. Gov. and a member of the Council of New Hampshire, against Governor Shute] for Removing him from the Council, and for holding an Assembly which was Dissolved, And for doing many other unwarrantable Acts to the prejudice of the Government, as well as private persons. [p. 295.]

21 July.  
New  
Hampshire.

[1323.] [Reference to the Board of Trade of the complaint of John Tuck of Hampton, New Hampshire, against Governor Shute], relating to the Meeting, Dissolution and Election of a New Assembly there, and of the Seizure of severall of the Assembly Men, Who were Obligated to Give Bonds with Security for their Appearances, on Account of a Lybell, and Condemning them to pay Costs and Fees, Under Which Bonds the Petitioner Alledges to be still held. [p. 295.]

21 July.  
New  
Hampshire.

[1324.] [Reference to the Ordinance of the petition of Lt.-Gov. Bennet, Captain of the Independent Company in Bermuda, for bedding and eight brass kettles for the said Company.] [p. 295.]

21 July.  
Bermuda.

[Ordinance report and further petition of the Agent for Bermuda read.] The Agent to be acquainted, That the said Expende ought to be bore by that Island, as by other plantations, or that he Shows a reason to the contrary.

6 Aug.

[p. 301.]

[1325.] [Reference to the Board of Trade of the petition of Col. Vetch and other officers who served at the capture of Annapolis Royal], praying in regard her late Majesty was pleased to Signify her pleasure, that as an Encouragement for the Vigorous Carrying on the said Expedition, those, Who were

21 July.  
Nova Scotia.

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1719.

concerned therein, Should have a preference to any other Subjects, as to a Grant of the said Soil, and Trade of the Country, when reduced: That therefore His Majesty will please to Grant them Some Tracts of said Lands, to make a Settlement upon, Which at present they Alledge to be uncultivated and in a great mesaure barren. [p. 296.]

(1720.)

19 May.

[Reference to the Committee] to whom the said officers and others stand referred, [of the petition of William Temple of Mile End, Old Town, Stepney, to be heard as to his claims in Nova Scotia, before a grant be made on the above petition.] [p. 414.]

(1723.)

22 Oct.

[On reading the report of the Board of Trade of 4 Sept., the matter is referred to] a Committee of the Lords of His Majesty's most Honourable Privy Council.

[Vol. IV. p. 345.]

(1724.)

17 April.

[Committee approve the report and direct the Board of Trade to] Consider of all such Conditions, Restrictions and Limitations as are proper to be Contained in a Grant of the said Lands in Case His Majesty shall be inclined to Dispose of the same, and make Report thereof to this Committee. [The report is as follows]:— . . . We have Considered a Petition of Colonel Vetch, Richard Mullins, Charles Davison, David Pegeon, Charles Brown, James Abercrombye, Cutts Hassan, Alexander Wilson, Francis Sullivan, George Lee, Peter Capon, Charles Bruce, William Cook, John Woodin, John Cockridge, and Seare Matthews on behalf of themselves and others. . . . We have likewise received Proposals from the Petitioners, relating to the manner of Settling and Cultivating the Land Petitioned for, and have discoursed with Colonel Philips His Majestys Governor of Nova Scotia, concerning the Subject matter of the said Petition, whereupon we beg leave to represent to Your Excellencies, That in the Year 1710, the Petitioners upon the Encouragement given by Her late Majesty, did engage in an Expedition for the Reduction of Port Royal now Annapolis Royal in Nova Scotia, with

1719.

severall other Persons, and reduced the said Province to the obedience of the Crown of Great Britain, on which Service they Ground their pretentions, and are without Doubt proper objects of His Majestys Grace and Favour, But the Compass of Land they at first petitioned for, being pretty large, upon Discourse with them they have reduced their Request to a Tract extending from the Harbour of Le Have Six Leagues Northwards up into the Country, two Leagues Eastward of the said Harbour and River of Le Have, along the Coast towards a Place called Marlegas and Eight Leagues Westward of the said River with the Islands along the Continent, Three Leagues Distant from the Coast, And We are humbly of opinion that Considering the present State of Nova Scotia, where the King has very few or no Subjects except the Garrison of Annapolis, and some Persons Settled at Cape Canco for the Sake of the Fishing there, It would be very much for His Majestys Service to Grant the Petitioners the said Tract upon proper Conditions. The Petitioners do voluntarily oblige themselves to make a Settlement on or near the Harbour and River of Le Have of Four hundred Familys in the Space of three Years if no War should happen in the mean while with France, and to build one or more Stockaded Towns for the Security of their Plantation. But in Case Your Excellencies should incline to Grant the Petitioners Request many other Conditions and Restrictions will be necessary with Relation. to the Quit Rents, Cultivation, Naval Stores, Fishery and Government which we shall lay before Your Excellencies when You shall Command us so to do. [p. 499.]

[1326.] [Reference to the Committee for Appeals of the petition of Daniel Mackinnen and William Kennedy for a short day for hearing their appeal from a judgment of the Governor and Council of Antigua, 25 Aug. 1718, in favour of Thomas, John, and Mary de Witt, about lands in Antigua.]

25 Aug.  
Antigua.

[p. 307.]

[Committee for reversing the judgment of the Court of Error and affirming that of 16 July 1717 in the Court of King's

(1720.)  
25 Feb.

766 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

Bench and Common Pleas in favour of the appellants concerning the possession of  $66\frac{3}{4}$  acres of land with buildings etc. in which the appellants are to be immediately reinstated. The third defendant is here called Mercy de Witt, an infant.] [p. 381.]

28 Feb. [Order accordingly.] [p. 386.]

8 Jan. [1327.] [Reference to the Committee for Appeals of Gawen  
Virginia. Corbin's petition for a short day for hearing his appeal from a sentence of the Virginia Chancery, 30 Ap. 1719], in favour of James Roscow and Jane his Wife, relating to the Executing conveyances of certain Lands, according to articles entered into by the said Petitioner on his Marriage of Jane Wilson, mother of the said Jane Roscow, in whose right he Claims a Title to the Premises. [p. 371.]

24 Feb. [Committee: the Chancery sentence (1) awarded to Mr. and Mrs. Roscow the possession of two tracts of land against Corbin and his heirs—this is to be altered to give possession for the life of Corbin but not against his heirs, and Corbin is to account for the profits of the lands since Mrs. Roscow attained the age of 21: (2) Corbin was directed to deliver to Roscow all papers relating to the lands—this is to be reversed: (3) the award of costs to Roscow is confirmed.] [p. 379.]

28 Feb. [Order accordingly.] [p. 386.]

8 Jan. [1328.] [Reference to the Committee for Appeals of Samuel  
Barbados. Cox's complaint of proceedings against him for duties on wines imported.] [p. 372.]

4 March. [Committee. The complaint is against an execution issued against Cox by Edmund Sutton, the Treasurer of the island, and unjustly levied for 1575*l.* 14*s.* 6*d.* It is ordered that all parties be at liberty to examine witnesses upon oath before Thomas Beckles and George Walker nominated on behalf of the petitioner, and Thomas Withers and Robert Warren nominated on behalf of the Committee of Public Accounts. The

examinations to be transmitted to the Committee under the seal of the Island.] [p. 393.]

1720.

[Committee on reference of 4 Mar. 1720. In 1718 the Committee of Public Accounts for Barbados delivered to Edmund Sutton, then Treasurer, 14 excise bonds entered into by Cox in 1702 to Richard Downes, then Treasurer, in penalty of 1575*l.* 14*s.* 6*d.* for securing the payment of duties to the amount of 637*l.* 5*s.* Cox alleges that he had already paid the bonds to Downes, when Sutton compelled him, by an Act of Assembly 15 July 1718, to pay the 1575*l.* 14*s.* 6*d.* The enquiry ordered on 4 March, having been made in Barbados, and it being found that the penalty has been applied by an Act of Assembly to public uses, and that it is now a dispute of private property, their Lordships recommend that the petition be dismissed and Cox left to take his remedy at law.] [IV. p. 295.]

(1723.)

31 July.

[Order accordingly.]

[IV. p. 305.]

(1723.)

6 Aug.

[1329.] [Reference to the Board of Trade of Sir Charles Cox's petition that his brother Samuel, eldest member of the Council of Barbados, be not suspended by the Governor,—or, if already suspended, be restored to his place and precedence,—until the reasons for the suspension are heard and his Majesty's pleasure thereon known.] [p. 398.]

22 March.  
Barbados.

[Sir C. Cox's petition partly heard and adjourned till to-morrow.] [Vol. III. p. 14.]

11 Oct.

[A further petition of Sir C. Cox setting forth that since the last petition his brother has been suspended by Lowther; there appears not the least ground for this in the six reasons offered by the Governor, whose action was arbitrary and illegal. It is therefore ordered that Cox be restored to his place and precedence, and act as deputy in the absence of the Governor, while John Frere, who took over the administration from Lowther, is to come to England to answer for his having acted in contempt of his Majesty's orders signified in a letter of 11 June.] [III. p. 17.]

12 Oct.

768 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

(1721.) [Reference to the Committee for Appeals of the petition  
5 March. of several persons interested in Barbados that persons more  
worthy of the trust may be substituted in the Council of  
Barbados for John Frere, Thomas Maycock, Guy Ball, and  
William Carter, who] have Consented and Concurred with  
Robert Lowther . . in his highest Acts of Violence,  
Injustice and Oppression, and also advised him in Acting Con-  
trary to His Majestys Directions. [III. p. 162.]

(1721.)

30 March. [Reference to the Committee for Appeals of the petition of  
Robert Heysham, Joseph Eyles, Richard Tilden, George New-  
port, Joseph Mayne, and George Lillington, setting forth that  
they are well acquainted with the characters of the four  
Councillors petitioned against, and] that none of the Inhabitants  
. . are better Qualified to Serve His Majesty in that  
Capacity, either on account of their Fortunes, Ability, or prin-  
ciples; [and praying to have a copy of the petition and to  
be heard in Council]. [III. p. 173.]

(1721.)

30 March. [Similar reference of Sir Charles Cox's petition] in behalf of  
his brother, Samuel Cox of Barbados, touching his Suspending  
Severall Members of the Councill there who had voted for,  
and persisted in the avowed violation of the prerogative of the  
Crown, and appointing others in Their Stead, who (He alledges)  
to be persons of known probity and Affection to His Majesty,  
of great Experience, and of the best Estates there. [III. p. 173.]

(1721.)

14 April. [Reference to the Committee for Appeals of articles exhibited  
by Sir R. Davers etc. relating to their petition referred on  
5 March: and of a letter of 30 Mar. from the Board of Trade  
to Lord Carteret, Secretary of State, together with a repre-  
sentation on the suspensions.] [III. p. 181.]

(1721.)

26 April. [Committee: the case heard in part and adjourned to  
10 May.] [III. p. 182.]

(1721.)

7 May. [Reference to the Committee of an Address from the  
Assembly of Barbados complaining of Mr. Cox's proceedings],  
as also of an illegal Trade carried on openly between that and  
the French Islands. [III. p. 197.]

[Committee: Mr. Cox's counsel not attending, he is to pay the other party's expenses of attendance; the case is put off till Friday next.] [III. p. 201.]

1720.  
(1721.)  
10 May.

[Committee. Mr. Cox acted contrary to Article 9 of his Instructions in suspending Thomas Maxwell, John Lucy Blackman, Francis Bond, Thomas Maycock, Guy Ball, and William Carter.] And it appearing by the said address of the assembly that the said president hath turned Seven of the Eight Colonels of the Regiments, The Masters in Chancery, and all the Judges of the Courts of Common plea's, and likewise changed the Commission of the peace, whereby the said Island is in great Disorder, and the said president hath not Transmitted his Reasons for so doing, [they are therefore restored. An Act for the tranquility of the island passed on 7 June 1720 is to be disallowed as containing particulars injurious to his Majesty's prerogative: other matters will be better examined into in Barbados and Lord Belhaven should have a commission for the purpose]. [III. p. 202.]

(1721.)  
12 May.

[Orders accordingly.—John Frere is excepted in the restoration of officials. Copies of the following documents are delivered to Lord Belhaven, Governor of Barbados, for examination there]:—First, the humble petition of Sir Richard Davers and others together with Articles of Complaint against John Frere, Thomas Maycock, Guy Ball and William Carter Esqs. Four Members of His Majestys Councill in Barbados, praying they may be removed from the said Councill.—2dly. The petition of Alexander Walker Esq. praying to be restored to His place in the Councill of Barbados from which he was dismiss by means of the late Governor.—3dly. The petition of Robert Heysham Esq. and others on behalf of the said Four Counsellors.—4thly. The petition of Sir Charles Cox in behalf of His Brother Samuel Cox Esq. president of the Councill in Barbados touching his having Suspended Several members of the said Councill.—5thly. A Report from the Lords Commissioners of Trade and Plantations on an Address from the Assembly of Barbados and Two petitions of

(1721.)  
28 May.

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1720.

Thomas Maxwell, Thomas Maycock, Guy Ball, John Lucy Blackman, William Carter and Francis Bond Esqs. Complaining of Mr. Coxes having lately suspended them from being Members of the Councill there.—6thly. An Address from the Speaker and others the Members of the Generall Assembly of Barbados against the proceedings of the said Mr. Cox in removing Several Officers both Civill and Military in that Island.

[III. pp. 214-5.]

(1721.)  
11 June. [Reference to the Committee for Appeals of John Frere's petition for restoration to the Council, setting forth that he has obeyed the Order of the Council by delivering the Commission and Instructions and Seal of the island to Mr. Cox, and coming over to England.] [III. p. 239.]

(1721.)  
11 June. [Similar reference of Sir C. Cox's petition for a copy of Frere's petition, in which he sets forth that Frere stayed 18 weeks in the island after service of the Order of 12 Oct. endeavouring to embarrass the administration by forming cabals etc.: in his petition he now casts unjustifiable reflections on the most considerable gentlemen in Barbados and takes very indecent liberties with the character of Samuel Cox.] [III. p. 239.]

(1721.)  
29 June. [Similar reference of a petition of Frere complaining of Cox's petition, and praying such determination as shall tend most for the relief and quiet of the inhabitants of Barbados.] [III. p. 249.]

(1721.)  
13 July. [Committee. Frere has been disobedient, but as this may have been by a mistake and not wilfully, Lord Belhaven, the new Governor, may reinstate him in the Council if he judge it expedient.] [III. p. 262.]

(1721.)  
10 Aug. [Order accordingly.] [III. p. 272.]

(1721.)  
24 Aug. [On reading a representation from the Board of Trade with the instructions for Lord Belhaven, it is ordered that in the list of Councillors Samuel Cox be inserted, that John Frere, Samuel Barwick, and Samuel Broom be left out; Lord Belhaven is to peruse the Order of 10 Aug. and to restore



Mr. Barwick in the same way as Frere, if he see fit ; he is to examine into the conduct of Mr. Cox, and to continue or remove him as he sees fit ; to fill any vacancies so made, and to return a written report.] [III. pp. 284-5.]

[Reference to Lord Belhaven of the petition of Sir R. Davers, Sir C. Cox, John Walker and others against six Councillors (*see* 12 May), who attempt to subvert the constitution of Barbados by declaring the present Assembly illegal and refusing to act in conjunction with them.] [III. p. 359.]

[Governor Worsley to examine the matters referred to Lord Belhaven on 28 May and 24 Aug. 1721, as also] The humble Representation and petition of the General Assembly of Barbados Dated the 22th of August 1721, The humble Representation of severall Members of the Council of Barbados Dated the 2d. of November 1721, A Letter from the Board of Trade dated the 17th of January [1722], with a petition of Seven Members of the Council in Barbados and Letter from Mr. Carter Attorney Generall there and also with four Letters from Mr. Cox president of the Council in that Island, and Mr. Coxes reasons for removing Mr. Sutton from Chief Judge of the Court of Common pleas. [IV. p. 90.]

[1330.] [Reference to the Committee for Appeals of Simon Clement's petition on behalf of the widow of William Penn, praying the disallowance of an Act transmitted for his Majesty's approval, whereby fines and forfeitures are taken away from the proprietor under pretence of applying them to the use of the Government, which tends to a breach of the contract between her late Majesty and Mr. Penn as to the proprietorship.] [p. 372.]

[1331.] [Reference to the Board of Trade of the petition of John Moody], Setting forth that during the time he was Governour of Placentia in Newfoundland, he did, for the Encouragment of that Place, Purchase some Houses and Lands, for which he Actually paid 1687*l.* and lett them to English Inhabitants, Who have greatly improved the same and having

(1721.)  
11 Nov.

(1722.)  
13 Aug.

8 Jan.  
Pennsyl-  
vania.

8 Jan.  
Newfound-  
land.

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1720.

lately received advice, that the same are Seized for his Majestys use, to Erect a fort upon etc.: and his Tenants left to Seek for Habitations, and forbid to pay the Petitioner any rent, which will tend to the ruin of the Petitioner and Family ; Therefore most humbly Prays, his Majesty will be Graciously pleased to give Orders for an enquiry to be made into the affair, And that if his Majestys Service do require the same, he may, with his Tenants, be reimburs't all such moneys with Interest, as they can make appear to have paid for the Purchase or Improvement of the same. [p. 372.]

(1722.)

6 Oct.

[On reading a report from the Board of Trade of 29 Aug. last, the report is referred to a Committee of the Council.]

[IV. p. 110.]

(1722.)

9 Nov.

[The Committee refer the report to the Treasury. The report recommends that satisfaction be given to Col. Moody for the part of his lands taken for building fortifications, which was valued at 732*l.* 3*s.* 4*d.* and let by him for 70*l.* per annum.]

[IV. p. 133.]

8 Jan.  
Pennsyl-  
vania.

[1332.] [Reference to the Board of Trade of the] Petition of Capt. Charles Gookin late Deputy Governour of Pensilvania, Setting forth his many Years faithfull Service in the Government of Pensilvania ; and for supporting the Dignity whereof, he expended what small fortune he had before Saved ; And humbly praying in regard thereto, His Majesty will be Graciously pleased to bestow on him, a Grant of some small Barren Islands, lying on the River Delaware between Pensylvania and the Jerseys not included in either of their Grants.

[p. 372.]

(1721.)

28 Dec.

[Reference to the Committee of the Council of the report of the Board of Trade, of Mrs. Penn's petition against the report, and of a further petition of Mr. Gookin thereon.]

[III. p. 437.]

(1722.)

3 May.

[Committee for Plantation Affairs. On considering the report of the Board of Trade that they have heard all parties, and taken the opinion of the Attorney and Solicitor General,

who report that no part of Delaware River or the islands therein are comprised in the grants of New Jersey and Pennsylvania and that the right remains in the Crown ; that settlements and improvements have been made in some of the islands by his Majesty's subjects in those parts who would be prejudiced by a grant to Gookin ; and recommending that if a grant be made the present occupiers be excepted, or that the present occupiers be confirmed in possession on paying a quit-rent to his Majesty ; that no restriction be placed by the grant on the fishery and navigation of the Delaware, and that Gookin be required to settle the lands granted him within a reasonable time and a quitrent be reserved thereon and that the government be annexed to that of New Jersey : and on considering Gookin's later petition to have a grant of all the islands on making allowance for improvements already made, to be estimated by impartial arbiters : and on Mrs. Penn's petition claiming the lands as included in Pennsylvania : it is recommended that orders be given in accordance with the report of the Board of Trade, who are therein to particularise which of the islands appear to be improved, and whether they should be left to the improvers on paying a quitrent to the Crown or compensated by a grantee taking over the islands.]

[III. pp. 571-3.]

[Order accordingly.]

[III. p. 603.]

(1722.)

17 May.

(1722.)

31 May.

[Reference to the Treasury of the petition of Robert Hunter, late Governor of New York, that he may have the grant of the islands in the Delaware] in regard he hath a Considerable summ due to him for subsisting some Germans sent over to New York by Her late Majestys orders.

[III. p. 620.]

[1333.] [Reference to the Committee for Appeals of the petition of Henry Peers of Barbados that a law lately passed there empowering the Governor to commute into money the value of powder, arms and ammunition found wanting in the accounts of the storekeepers of the magazine may be repealed,

28 Feb.  
Barbados.

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1720.

or that proceedings against him under the law may be stayed till his petition be heard.] [p. 387.]

4 March. [Committee. The proceeding complained of is an execution issued by the Committee of Public Accounts against the estate of George Peers, deceased, father of Henry, for stores due from him as storekeeper. It is ordered that, if Peers give proper security to the Committee of Public Accounts, proceedings be stayed, while the matter is examined upon interrogatories before four commissioners in Barbados—Thomas Beckles and George Walker for the petitioner, and Thomas Withers and Robert Warren for the Committee—and then transmitted for his Majesty's pleasure.] [p. 392.]

(1721.)

23 Oct. [Reference to the Committee for Appeals of the remonstrance of the Committee of Public Accounts against the nomination of two commissioners without their consent or knowledge.]

[III. p. 340.]

(1722.)

21 Feb. [Committee. The petition of Henry Peers sets forth that George Peers was storekeeper 6 Feb. 1702–18 July 1707, and Henry Peers from July to 18 Nov. 1707, when he delivered all the stores not expended to William Leslie, the new storekeeper, and took his receipt. In May 1718 he was called on by the Committee of Accounts to lay before them accounts of all stores received or issued while he or his father was in charge, but by this time the vouchers which should have been kept in the Secretary's Office were lost; and the Committee made use of the entries in the petitioner's book as evidences for the receipt of stores, but refused to allow him any article on the debit side unless he could also produce a written order from the Governor—although the stores were usually issued on a verbal direction on taking a receipt from the officer to whom they were delivered. Such receipts Peers offered, but the Committee deemed themselves unauthorised to admit them: yet, as the accounts appeared just and regular, they desired that a law might pass for allowing these receipts. Notwithstanding this, the Committee, about 12 July 1718, levied an execution on

1720.

Peers' estate for all the stores in the receipts and an Act was passed to subject his estate to the execution. Peers' petition for the repeal of the law, or for the stay of proceedings thereon till he have time to prove his allegations, has been examined by Commissioners in Barbados, and on their report, the Committee recommend that he be relieved by the discharge of the execution against him for 1457*l.* 16*s.* 2*d.* : that the Committee of Accounts be empowered to re-examine Peers' accounts and make allowance for all such deliveries as shall appear to have been fairly and justly issued for the public service ; and that no issues be allowed for the future, but where regular orders in writing are produced, and that no accountant be permitted to delay so long the settling of his accounts.] [III. *pp.* 485-7.]

[Order accordingly.]

[III. *p.* 510.] (1722.)  
4 March.

[1334.] [Reference to the Committee for Appeals of Bernard 22 March.  
Cook's petition for an inquiry into, and relief] against the Barbados.  
Governour and some of the Justices there, for binding him over to a Petit Sessions of the Peace, in Order to be punished on a false Pretence of having uttered some Words reflecting on the Modesty of the Wives of Mr. Warren and Mr. Adams, And without allowing him Liberty to Traverse the same to the Grand Sessions, Condemned him to be Publicly Whip't, and to have twice thirty-nine lashes on his bare back, tho' he alledges they never Convicted him thereof. [*p.* 396.]

[Committee : a copy of the petition to be transmitted to 11 May.  
the Governor, Robert Warren, Samuel Adams, Guy Ball, and the other Justices of the Peace who sat at the Petit Sessions, for their answer. Both parties to take depositions before four Commissioners (Robert Harrison and William Forbes for the petitioner, and James Elliott and Edward Chanley for the Governor and others); who are empowered to call before them for examination persons named by the complainant. Answers and depositions are to be exchanged within a month of receipt of this Order : replies within 20 days thereafter ; and then the whole is to be transmitted to the Board.] [*p.* 404.]

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1720.  
(1721.)  
29 Dec. [Committee. No proof supports Cook's allegation that the proceedings against him were due to Mr. Lowther's displeasure and revenge against him for discovering his contemptuous treatment of his Majesty's letter to him concerning Cook's estate, unjustly detained by John Frere, the Governor's nephew, and other persons of great interest and authority in Barbados. The facts alleged, however, are all substantiated : Cook was sentenced to pay 100*l.* to Adams and Warren before leaving the Court, and failing to do so, was whipped in open court by the common whipper of slaves, receiving twice 39 lashes in an inhuman and barbarous manner. The Justices present] have taken upon them to Try the matter of Fact without a Jury, and to deny the petitioner liberty to Traverse and remove the proceedings to the Grand Sessions of the Island. . . . The Justices present . . . who were Guy Ball, Francis Bond, Thomas Maycock jun. Robert Bishop, George Barry, John Fercherson, Stephen Thomas, and William Kirkham Esqrs. have proceeded Arbitrarily and illegally for that, they had not proper Cognizance of the matters before them, and have taken upon them to Examine Witnesses and determine Matters of Fact without a Jury, and have given Two Sentences which were arbitrary and Cruell.

[III. *pp.* 439-40.]

(1722.)  
20 Jan. [On the Committee report the eight Justices are removed from the Commission of the Peace, and Ball and Bond from the Council also.] [III. *p.* 464.]

19 May.  
Barbados. [1335.] [On the petition of his attorneys, the Hon. Anthony Lowther and James Lowther Esqr., it is ordered that no further proceedings be had on complaint against Governor Robert Lowther of Barbados till his arrival in England, which is expected in June.] [*p.* 410.]

19 May. [Two petitions against Lowther referred to the Committee for Appeals. Sir Robert Davers, John Walter, Abel Alleyne, Thomas Pindar, William Walker, and George Stroud, complain of his oppression, and of his having so intimidated them that

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no proofs can be had against him while he continues in the Government. Samuel Cox, Alexander Walker, and Timothy Salter complain of his publishing a declaration by beat of drum and in the churches charging them with endeavouring to raise a rebellion by attempting to force the administration out of his hands.] [p. 413.]

[Lowther having arrived, the complaints against him are to be heard on 4 Oct.] 13 Sept. [III. p. 1.]

[The occasion when Cox, Walker, and Salter were alleged to have attempted to force the administration out of the Governor's hands was when he was recalled under Queen Anne's signet and sign manual of 7 Feb. 1714 and directed to deliver the seals and all public papers and ensigns of government to the President or senior member of the Council. When Cox and Salter remonstrated in Council against the publication of Lowther's declaration, the latter declared that they should be punished for rebellion against him. The Council find no ground for Lowther's charges against the petitioners, and order that no prosecution be made on such pretences.] 12 Oct. [III. p. 19.]

[The Governor and Council appearing from some of the complaints against Lowther to have exceeded the bounds of their jurisdiction, they are ordered to govern themselves in accordance with the declaration of the Privy Council that their proper jurisdiction] in matters cognizable in any of the Courts of Common Law in the said Island is only to Correct the Errors and Grievances arising in the proceedings of the said Courts, and not to proceed originally in any Causes except upon petitions in matters of equity. 12 Oct. [III. p. 20.]

[Sir R. Davers and others petitioning against the tyranny of the Governor, and instancing as offences justifying his recall his defiance of his instructions in accepting large sums of money as presents from the Council and Assembly to the extent of 28,000*l.* Barbados currency, and in allowing a Spanish 18 Oct.

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vessel to trade contrary to the Navigation Laws, they are held to have made out their particular allegations, and are permitted to exhibit articles on the general charge accordingly.] [III. p. 20.]

25 Oct. [It is declared that the charges brought by the Admiralty against Governor Lowther are fully made out. He imprisoned Capt. Horwood of H.M.S. *Rye* and Capt. Smart of H.M.S. *Squirrel* for refusing to deliver the piratical ship *Royal James*, Edward England master\*; he suspended Mr. Westlake, who had been constituted Judge of the Vice Admiralty Court by the Admiralty in England; and he refused to return to Mr. Hall the Commission for that post which had been sent him by the Admiralty, and instead appointed an unfit person, John Lenoir.] [III. p. 22.]

25 Oct. [Warrant to a messenger to take Robert Lowther into custody for several high crimes and misdemeanours in order to his trial before Sir John Pratt, Chief Justice of the King's Bench.] [III. p. 23.]

25 Oct. [Order to the Attorney General that Lowther be prosecuted according to the utmost severity of the law.] [III. p. 23.]

14 Dec. [Reference to the Committee for Appeals of the articles exhibited by Sir R. Davers etc. in accordance with the Order of 18 Oct.] [III. p. 85.]

19 May.  
Carolina. [1336.] [Reference to the Board of Trade of the petition of John, Lord Carteret, and the other proprietors of South Carolina], Setting forth that great Numbers of the Inhabitants of his Majestys said Province have been annimated tumultuously to Assemble and take up Armes with a Design to Abolish the Lawfull Government there, and to Depose the Deputy

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\* [On 5 May, 1722, a petition of the captains named for the produce of the *Royal James* taken by them off Barbados and condemned in New England is referred to the Admiralty (III. p. 578); and on 17 May the Admiralty report is referred to the Treasury (III. p. 604).]



1720.

Governour, and humbly Praying his Majesty to give Effectuall Orders, for Suppressing the said Riott and Rebellion.

[p. 412.]

[The Council and Assembly petition against the government of the Proprietors and pray to be taken under his Majesty's immediate protection. The Attorney General, who has something to offer on behalf of the Crown, and the proprietors, who wish to instruct their counsel, both petitioning for some delay, the hearing is put off to 30 Aug.] 11 Aug. [p. 463.]

[In consideration of the great importance of Carolina on account of its products and as a frontier province, and the danger of its being lost in this critical juncture by the confused state of its present government, it is ordered that the government be forthwith taken provisionally into the hands of the Crown, and that the Board of Trade prepare a Commission and Instructions for a royal Governor, and make whatever other proposals they judge necessary for the safety of the province.] 11 Aug. [p. 463.]

[On the petition of the Proprietors, they are to receive copies of all papers and complaints against them and the hearing is put off till 13 Sep.] 25 Aug. [p. 480.]

[The Proprietors seeking further delay as Lord Carteret was not yet arrived, whose presence they alleged to be very material, peremptory order was given for hearing the complaints on the 27th.] 13 Sept. [Vol. III. p. 1.]

[The Board of Trade representing that there is need of seals for Carolina, and submitting drafts] which on the one side are to bear His Majestys Arms, Garter, Crown, Supporters and Motto, with this Inscription round it, Georgius Dei Gratia Magnae Britaniae Franciae et Hiberniae Rex, Fides defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperi Archi-Thesaurarius et Elector; and on the other side His Majestys Effigies, and a Woman Crowned with a Mural Crown kneeling before him, with this Motto at the bottom, Propius res adspice 20 Sept.

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Nostras, and round it this inscription Sigillum plagae australis provinciae Nostrae Carolinae [the Secretary to the Lords Justices is ordered to prepare a warrant to the engravers of his Majesty's seals to prepare the same, and] in Case the said Seal cannot be got ready as soon as there will be occasion to make use thereof, that impressions in Lead be made of that side only, on which are His Majestys Arms and Titles, to be used by the said Governor till the other can be made; and that proper Warrants be likewise prepared, for the Authorizing the making and Using the same accordingly. [p. 6.]

27 Sept. [The proprietors again pray for delay, alleging that Lord Carteret, who is still absent has in his custody as Palatine papers necessary for their defence; but as they produce no proof of their allegation, the hearing is proceeded with, and nothing being offered in defence by counsel for the Proprietors, the Attorney General is directed to bring a *scire facias* against the patent granted by Charles II.] [III. p. 7.]

(1721.)

23 Oct.

[New silver seal for S. Carolina approved: the temporary leaden seal to be defaced.] [III. p. 340.]

12 July.  
Virginia.

[1337.] Their Excellencies the Lords Justices in Council, taking into Consideration the many Inconveniencies arising to the Publick from several Projects sett on foot for Raising of Joynt Stocks for various Purposes, and that a Great many of his Majesty's subjects have been drawn in to part with their money, on Pretense of Assurances, that their Petitions for Patents and Charters to Enable them to Carry on the Same, would be granted. To Prevent such Impositions, Their Excellencies this day ordered the said Severall Petitions, together with such Reports from the Board of Trade and from his Majestys Attorney and Sollicitor Generall, as had been obtained thereon, to be laid before them; and after Mature Consideration thereof were pleased by advice of his Majestys Privy Council, to order, that the said Petitions be Dismist. [Thirteen petitions follow, among them]: Petition of Jos. Galeno of London, Snuff Maker, praying a Patent for his Invention to Prepare

1720.

and Cure Virginia Tobacco for Snuff in Virginia And making it into the same, within all his Majestys Dominions. [p. 439.]

[1338.] [Reference to the Committee for Appeals of the petition of Charles Irvin, clerk, rector of the parish of St. Philip's, Barbados, for an examination of some proceedings against him.] 12 July. Barbados. [p. 442.]

[Committee : petition considered] ; nothing ordered thereon. 4 Aug. [Marginal note : " Dismist." ] [p. 462.]

[1339.] [Reference to the Committee for Appeals of the petition of Jonathan Forward for liberty to appeal from several unjust proceedings against him in the Maryland Courts, at the suit of Gilbert Poulson, master of the ship *Dolphin*, touching an agreement between them for Poulson to transport 131 servants from England to Maryland and Virginia.] 26 July. Maryland. [p. 454.]

[Committee : Forward alleges that Poulson has obtained 2 Aug. two attachments against his effects in Maryland, one of which for 160*l*. he has already received, the other for 700*l*., for which he has got good part of the petitioner's effects. It is recommended that upon Forward's giving security deemed sufficient by the Governor and Council of Maryland, the goods in specie are to be restored to him, or if they have been sold, the money arising from their sale ; and that the Provincial Court then determine the case, with liberty for either party to appeal.] [p. 459.]

[Order accordingly.] [p. 463.] 4 Aug. (1724.)

[Reference to the Committee for Appeals of Forward's petition for enforcement of the previous Order.] 21 Feb.

[IV. p. 481.] (1724.) 21 Feb.

[Reference to the Committee for Appeals of Forward's petition that, as all the proceedings are duly transmitted, a day may be appointed for hearing his appeal from a decree of the Maryland Court of Appeals and Errors, 7 May 1723, confirming a judgment of the Provincial Court there condemning

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him to pay Poulson 600*l.* sterling and several thousand pounds weight of tobacco for costs and damages on pretence of freight due for carrying 131 servants to Maryland and Virginia.

[IV. p. 481.]

(1724.)

17 April.

[The Committee find that the Order sent to the Deputy Governor of Maryland has not been enforced, and recommend that he be directed to] Command the Courts there, to Carry the said order into immediate Execution. [IV. p. 499.]

(1724.)

30 April.

[Order accordingly. The Deputy Governor] forthwith to send an account to this Board, why the said order was not Carried into Execution, together with his reasons for the same. [IV. p. 509.]

(1724.)

21 May.

[Committee. As Poulson has not entered his appearance although above twelve months are expired, orders are given that the appeal be heard at the first meeting of the Committee after the expiration of 14 days, and that a summons be affixed on the Royal Exchange and at the Maryland Coffeehouse giving notice of the said time and requiring all parties to attend.] [p. 530.]

(1724.)

12 June.

[Committee. No one having appeared on behalf of Poulson, it is ordered, on Forward's motion, that the appeal be heard *ex parte* on 17 June.] [p. 535.]

(1724.)

24 June.

[Committee, on hearing the case *ex parte*, recommend that the judgment be reversed and Forward restored to all he has lost by it. Forward's petition sets forth that on 5th September 1717 he entered into charter party with Gilbert Poulson to transport 131 servants to Maryland or Virginia and bring a homeward bound cargo back, within ten days after delivery of which in the Thames, Forward was to pay 50*l.* for every month the ship should be out on the voyage. Poulson delivered the servants, but instead of bringing back the cargo delivered by Forward's factors, brought an action in the Provincial Court for 360*l.* 7*s.* 6*d.* due for freight and 750*l.* damages for non-payment thereof. On 20 Sep. 1720 the Court

declared Poulson should recover and returned his damages at 600*l.* sterling and 6451 pounds of tobacco, with costs amounting to 1273*lbs.* of tobacco. A writ of attachment on this judgment was several times executed on Forward's goods in the hands of his factors there. When Poulson also took out a *Fieri Facias*, Forward's attorney brought a writ of error, but in spite of this Forward's effects in the hands of Thomas Cockey, one of his factors, were condemned to satisfy the judgment and costs. On arguing the writ of error, 7 May 1723, the first judgment was affirmed and Forward condemned in 1803 pounds of tobacco as further costs. Notwithstanding the appeal to the Council and 900*l.* sterling given thereon, the Maryland Court obliged Cockey to draw a bill of exchange on Forward for 600*l.* sterling for the effects condemned in his hands. This bill of exchange has been brought into the Provincial Court, where it is threatened to be put in suit.]

[p. 540.]

[Order accordingly.]

[p. 563.]

(1724.)

4 July.

(1725.)

12 April.

[Reference to the Committee for Appeals of the answer of Charles Calvert, Deputy Governor of Maryland, to Forward's complaint that a former Order in Council made on his behalf had not been carried into execution, and also Calvert's representation upon another Order in Council on Forward's appeal against Poulson.]

[V. p. 49.]

[Reference to the Committee for Appeals of papers transmitted by Calvert] containing his proceedings upon the orders of His Majesty in Council on the Petition and Appeal of Jonathan Forward and also containing the proceedings of the Vice Admiralty Court upon the said Orders in Council.

[V. p. 73.]

(1725.)

1 June.

[Reference to the Committee for Appeals of Forward's petition setting forth several extraordinary proceedings that have been carried on against him in the courts of Maryland and praying that, as he has not been able to obtain any redress, a speedy day may be appointed for hearing his petition, with summons for Lord Baltimore to attend in person,

(1725.)

4 Nov.

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and Charles Calvert, Samuel Young, Judge of the Admiralty Court of Maryland, and Thomas Boardley to attend by themselves or their respective agents.] [V. pp. 121-2.]

(1726.)

24 June.

[Committee : Forward complains that even the re-enforced Order in Council has been ineffectual in obtaining redress and that Lord Baltimore has not fulfilled his promise to send over directions for his full satisfaction. On hearing counsel on both sides, the Committee agree to report that the petition should be dismissed, as it appeared] That all proper Endeavours had been used by the Lord Baltimore and the Deputy Governor for making the Petitioner Satisfaction according to His Majestys orders, but that the same were rendered ineffectual by the said Poulsons having withdrawn himself from the said Province and leaving no Effects behind him. [V. p. 240.]

(1726.)

24 June.

[Committee : On Forward's complaint that, despite the previous Orders in Council, Thomas Boardley, Poulson's attorney, has got into his hands and is putting in suit the bill for 600*l.* sterling drawn by Cockey and another for 720*l.* which Cockey has also been obliged to sign, and that Lord Baltimore has sent no order for his relief, the Committee report that, as it does not appear that Boardley and Cockey had notice of this petition, a copy be sent to them and their answer required with all convenient speed.] [pp. 241-3.]

(1726.)

5 July.

[Orders in accordance with the reports of 24 June.]

(1728.)

10 Jan.

[Reference to the Committee for Appeals of the] Petition of Jonathan Forward of London merchant, Thomas Cockey, Robert Gordon and William Rogers and Mary his wife, all of the Province of Maryland, Setting forth the severall proceedings that have been carried on against them in the Courts of that Province, and that they have appealed from four severall Judgments given by the Court of Errors on the 2d of June 1726, in favour of Thomas Bordley—who coming over in Person is since dead in England, but having by his Will Constituted William Hunt of London Merchant his Executor

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1720.

the Petitioners humbly pray that the said appeale may be revived against the said Hunt, and a Short day appointed for hearing and Determining the same.

[George II. Vol. I. p. 207.]

(1728.)

[Committee order for reviving the appeal and hearing it at the first meeting in July.]

[Geo. II. Vol. I. p. 308.]

6 June.

(1729.)

[Committee. The decrees now appealed against condemned Cockey, Gordon and Rogers severally to make payment to Boardley on bonds of 1440*l.* entered into by them for the acceptance by Forward of the bills drawn by Cockey for 600*l.* and 720*l.* The bill for 720*l.* was "the increase of the said first Bills being Protested." Cockey, Gordon and Rogers were taken up in execution by Boardley, and Cockey to regain their liberty paid the sum recovered in satisfaction of the said execution. On hearing all parties the Committee recommend that the decrees be reversed and the appellants relieved against the bills of exchange and bond: that a perpetual injunction be awarded to stay proceedings either upon any of the judgments or upon any of the bills: and that by mutual consent 850*l.* be paid by Hunt to Forward within three weeks in satisfaction of 828*l.* admitted to be paid by Cockey to Boardley, Hunt being thereupon excused from the payment of costs of the proceedings in Maryland and on this appeal.] [pp. 472-4.]

29 March.

[Orders accordingly.]

[p. 475.]

(1729.)

10 April.

[1340.] [Reference to the Committee for Appeals of Elinor, widow of John Tankard, for a short day for hearing her appeal from three orders of the Antigua Chancery in favour of Archibald Cockran and Baptist Looby relating to her being paid her dower or thirds of the produce of her husband's plantations.]

26 July.

Antigua.

[p. 454.]

[Committee—for dismissing the appeal.]

[III. p. 76.]

9 Dec.

[Order accordingly.]

[III. p. 81.]

14 Dec.

[1341.] [Reference to the Treasury of William Wood's petition] Setting forth his having been at great Expence and

26 July.

Coining.

786 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

Charges for Severall Years past, in fluxing, Refining and Mixing of Severall Mineralls and Mettalls, whereby he hath found out the Art of making a Metall exceeding all others in purity, Except Silver and Gold; and humbly praying a Patent for the Sole making Half pence, Pence, and twopences of the said Metall for the use of the Plantations in America, where the same is much wanted. [p. 455]

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GEORGE I. VOL. III. (25 Aug. 1720—31 Dec. 1720.)

13 Sept. Barbados. [1342.] [Timothy Salter's complaint of his suspension from the Council of Barbados by Governor Lowther and prayer for reparation to be heard with the other complaints on 4 Oct.] [III. p. 2.]

12 Oct. [Order for restoration to place and precedency in the Council of Timothy Salter, suspended without reason after 12 years loyal service.] [III. p. 18.]

(1721.)  
5 March. [Reference to the Committee for Appeals of the petition of Alexander Walker to be restored to the Council of Barbados, from which he was removed by Governor Lowther, who conceived a displeasure against him.] [III. p. 163.]

25 Oct. Barbados. [1343.] [Mr. Lowther to answer Bernard Cook's complaint against him for ordering the Jury at the Grand Sessions in Barbados to bring in James Grazet, informed against by the petitioner, not guilty of having cursed King George and drunk the Pretender's health; and for having Cook's wife Sarah on pretence of her having drunk the Pretender's health, pilloried three times when seven months gone with child, whereby she miscarried of a dead child and is in a decaying and languishing condition.] [III. p. 23.]

(1721.)  
28 May. [Reference to the Committee for Appeals of Cook's complaint that Mr. Lowther has not obeyed the Order of 25 Oct.] [III. p. 224.]



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[Reference to the Committee for Appeals of Cook's petition for redress against illegal proceedings against his late wife.] 1720.  
(1722.)  
5 May.

[III. p. 577.]

[Committee, for putting the petition in the hands of Gov. Worsley, to be examined on his arrival.] (1722.)  
11 May.

[III. p. 597.]

[Order accordingly.]

[III. p. 603.]

[Reference to the Treasury of Cook's petition for a further allowance for his and his wife's expenses as evidences for the Crown against Ex-Governor Lowther, they having as yet received but 100*l.*, especially as] the said Complaints are now refused (1722.)  
17 May.  
25 Aug.

the Examination of Henry Worsley Esqr. [IV. p. 102.]

[1344.] [On the petition of Tempest Holms that order was given 20 Aug. 1719 for Governor Lowther to deliver to Holms certain goods put on board his ship the *Wright* galley by a pirate in lieu of others taken by the pirate, or, if Holms' allegations were denied, to return a state of the case, as Lowther has not obeyed, the Order is renewed to the Governor, President or Commander for the time being and to the Custom House officer in whose custody the goods are, or have been.] 15 Nov.  
Barbados.

[III. p. 54.]



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## APPENDICES.

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## APPENDIX I.

## COMMISSIONS AND INSTRUCTIONS TO COLONIAL GOVERNORS (1680-1720).

1707.—17 April. A general instruction ordered to be prepared for preventing controversies between the President and Councillors.—29 April. Approved. [P.R.]—4 Aug. Instruction ordered to be prepared that effectual care be taken to oblige members of the Councils to due attendance, so as to strengthen the administration and prevent cause of complaint. General Instructions.

1713.—15 April. Instructions to Francis Nicholson, Commissioner for inquiring into several matters in our provinces of North America relating to arrears of prizes and to arrears of the rights and perquisites of Admiralty arising in the said provinces and the islands thereunto belonging, since our accession to the Crown, which have been either concealed or embezzled, or not regularly accounted for. (*See also* Appendix IV.)

1720.—20 Sept. Instruction to all Governors not to pass bills of credit approved (*cf.* 1293). [P.R.]

1697.—Nicholas Webb.—11 Feb. Appointment approved. Bahamas.  
[C.S.P. X. 710.]—25 March. Oath taken. [C.S.P. X. 855.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent to proprietors.

1702.—23 July. Edward Birch's appointment confirmed, security of 2,000*l.* having been given.—22 Oct. Trade instructions approved similar to those of same date for Carolina. [P.R.]

1715.—Roger Mostyn.—31 Aug. Nomination by proprietors approved, but referred to Board of Trade for further consideration.

1716.—10 March. Appointment approved, commission and instructions to be drawn up by Board of Trade.

1718.—Captain Woodes Rogers.—9 Jan. Commission and instructions approved. [P.R.] Commission considered adequate till a more ample account of the island is provided; two changes made in proposed instructions.

Barbados. 1680.—Sir Richard Dutton.—20 Oct. Commission and instructions approved (*cf.* 16).—3 Nov. Oaths taken.

1685.—Edwin Stede.—27 March. Commission approved.

1689.—James Kendall.—15 July. Commission approved.—2 Dec. Instructions and additional instructions approved. [C.S.P. VIII. 614.]

1692.—1 Oct. Additional instruction. *See* 470.

1693.—Francis Russell.—23 Nov. Commission approved.

1694.—4 Jan. Instructions approved.—15 March. Oaths taken.

1695.—8 Aug. Letter to Governor Russell as to provision for clergy, and as to the law-officers of the Crown. [C.S.P. IX. 1997.]

1697.—Ralph Grey.—24 June. Commission approved. [P.R.]—4 Nov. Instructions approved. [P.R.]

1698.—5 Jan. Instructions relating to trade approved, and ordered to be sent to Governor.

1702.—Mitford Crowe.—29 Jan. Commission approved. [P.R.]—18 March. Two sets of instructions approved. [P.R.]—Sir Bevil Grenville.—24 Aug. Instructions approved. [P.R.]—22 Oct. Additional (trade) instructions approved. [P.R.]

1703.—An instruction approved on the petition of Sir John Colleton, complaining of an obstruction of justice in a case in which he is concerned. [P.R.]

1706.—Mitford Crowe, Esq.—21 Oct. Commission approved. [P.R.]

1707.—2 Jan. Two sets of instructions. [P.R.]

1710.—Robert Lowther.—31 July. Commission. [P.R.]  
—28 Aug. Two sets of instructions with two new clauses relating to the Secretary and Provost Marshall. [P.R.]

1714.—22 Nov. Commission renewed. [P.R.]

1715.—23 Feb. Instructions approved. [P.R.]

1684.—Richard Coney.—17 Dec. Short commission to be prepared. [C.S.P. VI. 2011.] *Bermuda.*

1686.—Richard Coney.—22 Jan. Commission and instructions to be prepared. [C.S.P. VII. 553.]—Sir E. Andros.—6 June. Commission and instructions to settle the government of Bermuda on his way to New England to be prepared. [C.S.P. VII. 715.]

1688.—Richard Coney.—26 Oct. Commission and instructions to be prepared. [C.S.P. VII. 1923.] *See 271.*

1689.—Isaac Richier.—26 Sept. Commission approved.

1693.—John Goddard.—2 Feb. Commission and instructions as Lieut.-Governor in place of Isaac Richier to be prepared. [C.S.P. IX. 50.]—9 Feb. Commission approved. [C.S.P. IX. 64.]—2 March. Instructions approved.

1697.—Samuel Day.—25 Nov. Commission and instructions approved. [C.S.P. XI. 67. P.R.]

1700.—Captain Benjamin Bennet.—5 Sept. Commission and instructions approved. [C.S.P. XIII. 760-1. P.R.]

1702.—Benjamin Bennet.—9 July. Commission approved. [P.R.]—24 Aug. Instructions. [P.R.]—22 Oct. Additional (trade) instructions. [P.R.]

1704.—17 Aug. Instructions to Lieut.-Governor referred back to Board of Trade to add "piracy" after felony and such other words and clauses as they shall think requisite thereupon.  
—6 Sept. Ordered not to pass.

1713.—Henry Pullein.—15 April. Commission and two sets of instructions. [P.R.]—18 May. Additional instructions relating to an allowance for house-rent and an augmentation of salary upon a prohibition of receiving any presents. [P.R.]

1715.—Benjamin Bennet.—30 April. Commission approved. [P.R.]—30 June. Instructions approved. [P.R.]

Carolina. 1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent to proprietors.

1702.—Sir Nathaniel Johnson.—2 July. Appointment approved on usual conditions—giving security and taking the oaths.—22 Oct. Trade instructions for the proprietors. [P.R.]

1709.—Major Edward Tynt.—30 Dec. Confirmed as Governor on usual conditions.

1711.—Charles Craven.—9 Feb. The proprietors' nomination referred to Board of Trade.—1 March. On Board of Trade report, confirmed on usual conditions.—19 April. Trade instructions to proprietors.

1713.—Robert Johnson.—15 April. Board of Trade to consider his nomination as successor to Charles Craven, whose affairs require his return to England.—18 May. Nomination approved on usual terms.—30 July. Trade instructions for proprietors. [P.R.]

1716.—Robert Johnson.—12 Nov. Proprietors' petition in his favour in place of Charles Craven, resigned, is referred to Board of Trade.—6 Dec. On their report, appointment approved on usual terms.

1717.—2 March. Trade instructions to proprietors approved. [P.R.]

1720.—Francis Nicholson.—13 Sept. Commission and two sets of instructions referred to Attorney and Solicitor General.—20 Sept. Commission and instructions approved, with a few alterations in commission. [P.R.]—27 Sept. Oaths taken.

Connecticut. 1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.

Jamaica. 1680.—Charles, Lord Carlisle.—3 Nov. Powers and instructions approved. [C.S.P. V. 1570-1572.]

1681.—Sir Thomas Lynch.—28 July. Commission and instructions approved (*cf.* 42). [C.S.P. VI. 194.]



1685.—Sir Philip Howard.—21 Jan. Commission approved. [C.S.P. VI. 2060.]

1687.—Duke of Albemarle.—4 Feb. Instructions approved. [C.S.P. VII. 1121.]

1689.—Colonel Hender Molesworth.—3 July. Commission approved. [C.S.P. VIII. 234.]

1689.—Earl of Inchiquin.—19 Sept. Commission approved. —2 Dec. Instructions approved.

1692.—William Beeston.—18 Aug. Commission as Lieut.-Governor approved.—25 Aug. Two clauses to be omitted. [C.S.P. VIII. 2412.]—12 Sept. Instructions approved.—15 Sept. Oaths taken.

1692.—1 Oct. Additional instructions. *See* 470.

1693.—Samuel Bernard.—30 June. Dormant Commission as Lieut.-Governor to be prepared. [C.S.P. IX. 430.]

1697.—Peter Beckford.—25 Nov. Dormant Commission as Lieut.-Governor. [C.S.P. XI. 66.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.

Sir William Beeston.—30 Nov. Commission approved.

1701.—Brigadier Wm. Selwyn.—28 June. Commission approved. [P.R. only.]—17 July. Commission approved with alteration at *p.* 11, *ll.* 8-9, "according to law" instead of "according to the law of arms."—12 Aug. Two drafts of instructions approved. [P.R.]—16 Sept. Additional instruction relating to the stores of war to be sent to Jamaica, approved. [P.R.]

1702.—24 Aug. Commission and instructions approved for Governor to be appointed by his Majesty. [P.R.]—22 Oct. Additional (trade) instructions [P.R.]—10 Dec. Instructions to Earl of Peterborough altered to extend from March to October the time allowed for submitting a Revenue Act, since the Governor has not yet been despatched.

1703.—Col. Thomas Handasyde.—8 July. Instructions as Lieut.-Governor approved. [P.R.]—8 July. Additional instruction as to quarters for the regiments there approved. [P.R. only.]

1704.—Commission approved. [P.R.]

1708.—Additional instruction as to vexatious proceedings in trying titles to land and negroes. (*See* 1065.) [P.R.]

1710.—Lord Archibald Hamilton.—31 July. Commission. [P.R.]—28 Aug. Two sets of instructions. [P.R.]

1715.—11 Jan. Commission renewed. [P.R.]—30 April. Instructions referred to a Committee of the whole Council. (*See* 1224.)—5 May. Instructions approved with some few alterations. [P.R.]

1716.—21 May. Commission revoked. [P.R.]

1716.—Peter Heywood.—21 May. Appointed till his Majesty's further pleasure be known.—27 May. Instructions approved by the Lords of the Committee for the Irish Bills, and other affairs. [P.R.]

1716.—Thomas Pitt.—25 June. Commission approved. [P.R.]

1717.—Sir Nicholas Lawes.—25 July. Commission approved. [P.R.]—18 Dec. Two sets of instructions approved, with some few changes made by the Board of Trade in the first draft. [P.R.]

Leeward  
Islands.

1683.—Sir W. Stapleton.—26 April. Instructions approved. [C.S.P. VI. 1053 and 1066.]

1687.—Sir N. Johnson.—11 Feb. Oaths taken.

1689.—Colonel Codrington.—19 Sept. Commission approved.—2 Dec. Instructions and additional instructions approved. [C.S.P. VIII. 614.]

1689.—Thomas Hill.—14 Nov. Commission as Lieut.-Governor approved. [C.S.P. VIII. 558.]

1692.—1 Oct. Additional instructions. *See* 470.

1699.—Francis Collingwood.—31 May. Appointed Lieut.-Governor. [C.S.P. XII. 481.]

Christopher Codrington.—22 Aug. Commission and instructions approved. [P.R.]

1702.—Christopher Codrington.—9 July. Commission approved. [P.R.]—24 Aug. Instructions. [P.R.]—22 Oct. Additional (trade) instructions. [P.R.]

1704.—Col. Wm. Matthew.—7 Jan. Commission. [P.R.]—23 Feb. Instructions. [P.R.]—23 March. Trade instructions. [P.R.]

1705.—Col. Daniel Park.—29 March. Commission. [P.R.]—17 May. Two sets of instructions. P.R. gives in this and other cases an additional instruction for enforcing a recent Imperial Act which increased the proportion of non-British seamen allowed to navigate vessels to one-half during the present war. [P.R.]

1711.—Walter Douglas.—1 April. Commission. [P.R.]—10 April. Two sets of instructions, with addition as to trials for the murder of Col. Park, for which the Governor is to have a Commission under the Great Seal of Great Britain. [P.R.]

1715.—Walter Hamilton.—23 Feb. Commission approved, and the petition of Christopher Prissick and Michael Ayon against its being passed, rejected. [P.R.]—9 Sept. Instructions approved. [P.R.]

1690.—9 Oct. Order for preparing a Commission. Maryland. [C.S.P. VIII. 1098.]

1691.—15 Jan. Chief Justice Holt and the Attorney General to prepare for the Committee a draft Commission for Lionel Copley. [C.S.P. VIII. 1288.]—29 Jan. Lord Baltimore's objections to be heard on 5 Feb. [C.S.P. VIII. 1307.]—12 Feb. Commission approved. [C.S.P. VIII. 1317.]—2 April. Order to Commissioners of Privy Seal to despatch the Commission at once or inform the Council why they stop it. [C.S.P. VIII. 1381.]—9 April. Commissioners to be informed it is his Majesty's pleasure that they pass it. 27 Oct. Instructions approved. [P.R.]

1692.—1 Oct. Additional instructions. *See* 470.

1693.—Francis Nicholson. Commission and instructions as Governor in place of Colonel Copley to be prepared. [C.S.P. IX. 753.]—18 Jan., 1694. Commission approved.—15 March. Oath taken.

1698.—Nathaniel Blakiston.—8 Sept. Instructions approved. [C.S.P. XI. 807. P.R.]—29 Sept. Commission and instructions approved. [C.S.P. XI. 864-5. P.R.]—20 Oct. Oaths taken.

1702.—Nathaniel Blakiston.—9 July. Commission approved. [P.R.]

1703.—Col. John Seymour.—14 Jan. Commission approved. [P.R.]—20 March. Two sets of instructions approved. [P.R.]

1705.—23 April. Additional instructions as to the settlement of ports approved. [P.R.]

1710.—John Corbet.—31 July. Commission. [P.R.]  
—2 Nov. Two sets of instructions with a new clause as to the passing of laws affecting the property of her Majesty's subjects resident in Great Britain. [P.R.]

1714.—John Hart.—17 Jan. Commission. [P.R.]—31 Jan. Two sets of instructions. [P.R.]

1715.—23 Feb. Commission renewed. Lord Baltimore's petition for his appointment referred to Board of Trade.—29 March. Appointment approved.—30 April. Appointment again approved, on proper security being given.

On the decease of Benedict Leonard, Lord Baltimore, a second order is issued, on the petition of Francis, Lord Guilford, in behalf of Charles, Lord Baltimore, a minor.—17 June. The Board of Trade report that proper security has been given.—17 June. Instructions approved. [P.R.]

1720.—Charles Calvert, Captain in the 1st Regiment of Foot Guards.—19 May. Nomination approved, on the usual conditions.—23 June. Trade instructions approved. [P.R.]

1691.—Sir William Phipps.—3 Dec. Commission approved. Massachusetts Bay.  
[C.S.P. VIII. 1916.]—31 Dec. Oaths taken.

1701.—Joseph Dudley.—28 June. Commission approved.  
[P.R. only.]

1702.—18 March. Two sets of instructions approved.  
[P.R.]—12 April. Oaths taken.

1703.—8 July.—Further instructions approved.

1715.—Elizeus Burgess.—23 Feb. Commission approved.  
[P.R.]—15 Sept. Instructions approved. [P.R.]

1716.—Samuel Shute.—17 May. Commission approved.  
[P.R.]—24 July. Instructions approved. [P.R.]

1695.—Major Thomas Delavall.—21 Nov. Appointed Lieut.- Montserrat.  
Governor.

1701.—Col. Anthony Hodges appointed in place of Delavall,  
deceased.

1692.—Samuel Gardiner. Commission as Lieut.-Governor Nevis.  
confirmed. [C.S.P. VIII. 2661.]

1699.—Captain Roger Elrington.—21 Dec. Commission as  
Lieut.-Governor approved.

1704.—Col. John Johnson.—6 Sept. Confirmed Lieut.-  
Governor, salary to date from his appointment by Col.  
Codrington, 1 July, 1703.

1688.—Sir E. Andros.—23 March.—Commission approved. New  
England.  
[C.S.P. VII. 1674.]

1697.—Lord Bellomont.—8 April. Commission approved.  
[C.S.P. X. 910-11. P.R.]—15 April. Instructions approved.  
[C.S.P. X. 940. P.R.]

1682.—Edward Cranfield.—3 Feb. Commission and in- New  
Hampshire.  
structions ordered to be prepared. [C.S.P. VI. 395.]—23 May.  
Oaths taken.

1692.—Samuel Allen and John Usher.—21 Jan. Commis-  
sions as Governor and Lieut.-Governor to be prepared.  
[C.S.P. VIII. 2018.]—11 Feb. Allen's Commission approved.  
—1 March. His instructions approved.