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omitted from the Council, having never been removed by his Majesty. To make room for him the name of Thomas Farmer should be omitted. The alterations from those of the late Governor are as follows—the omission of Alexander's name and the addition of John Schuyler, Thomas Farmer, John Rodman, Richard Smith, Robert Lettice Hooper, Robert Hunter Morris and Fenwick Lyell as councillors.] The 28th Article for laying as high Dutys on all Goods Imported in or Exported from New Jersey as from New York is left out it being contrary to the General Tenor of Your Majesty's Instructions to all Your other Governors in America to lay any Dutys on British Goods or Shipping—And the words New York in the 31st Article relating to the Provision for Lieutenant Governor in the Absence of the Governor as also the Proviso at the end of it which relates to the Governors going into Connecticut to regulate the Militia is likewise left out as being improper now there is a Distinct Governor appointed over the Province of New Jersey—The 57 Article relating to the Affirmation of Quakers is Omitted that being provided for by an Act passed in this Province in 1727–8 As likewise the 91st Article relating to the Tryal of Pyrates Mr. Morris not being as yet appointed a Commissioner for that Purpose. [p. 563.]

[Instructions approved. P.R.]

[p. 583.] 20 July,

[435.] [Reference to the Committee of the petition of Peleg Brown of Newport, Collector of his Majesty's Customs in Rhode Island and the county of Bristol in America, for a short day for hearing his appeal from a judgment of the General Assembly, 4 May, 1737, confirming a judgment of the Superior Court at Newport, 29 March, 1737, in favour of James Allen and Ezekiel Chever relating to 96 hogsheads and 6 barrels of foreign molasses.] [p. 481.]

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[Committee report. Brown alleges] that on the 11th of 12 June. March 1735 he made Seizure of a Sloop called the Providence Samuel Silk Master Laden with Ninety Six Hogsheads and

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Six Barrells of Foreign Molosses and also with twenty five Casks of Gunpowder Cloth and other Commodities of the product and manufacture of Europe, which Lading the said Sloop had taken in at Surinam a Settlement belonging to the Dutch with an intent to run the same into New England And that he had filed his Information in the Court of Vice Admiralty for Condemnation of the said Vessel and of the said European Goods Whereupon James Allen and Ezekiel Chever came in and Entered their Claim to the Sloop and set up a Claim by Attorney in the Name of one Green to the European Goods—That on the 30th of March 1736 the said Information came to trial when the Judge of the said Vice Admiralty Court condemned the said European Goods But acquitted the Ship upon a Distinction that the Owners ought not to Suffer for the Malfeazance of the Master—That in November following the said Allen and Chever brought an Action against the Petitioner in the inferior Court of Common Pleas in Rhode Island or Account of the Ninety Six Hogsheads and Six Barrells of Foreign Molosses which lay in Your Majestys Warehouse for securing the Duty imposed by Act of Parliament in Great Britain For Encouragement of the Sugar Colonys, and laid their Damages at three thousand pounds New England Money And on the 4th of January 1736 the same was tried when the Jury found the following Special Verdict, That if the Court should be of Opinion that the Duty of the said Molosses was due by Act of Parliament before the Landing they found for the Petitioner If the Court should not be of that Opinion then they found for the said James Allen and Ezekiel Chever the Damages Sued for and Costs of Court, But the Court being of Opinion, that the Duty of the said Molosses was due by Act of Parliament before the Landing, they gave Judgment for the Petitioner. [On an appeal by Allen and Chever to the Superior Court of Judicature of Rhode Island, on 29 March, 1737, the jury gave a verdict against the petitioner for 1,848*l.* and costs. On the petitioner's appeal therefrom to the General Assembly of Rhode Island, on 4 May, 1737, the

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judgment of the Superior Court was affirmed with costs. The Committee recommend that the appeal be sustained, and] that upon the said Allen and Chevers paying the Dutys for the said Melasses imposed by the said Act of Parliament . . the same be restored to them by the said Appellant Peleg Browne But in case the said Melasses or any Part thereof shall have been Sold and disposed of the Money arising thereby be Applied in the first place to the Payment of the said Dutys and the Overplus be returned to the said Owners.

[*pp.* 536, 556–8.]

[Order accordingly.]

[*p.* 591.] 20 July.

[436.] [Reference to the Committee of the petition of Daniel Coggeshall of North King's Town, King's County, R.I., for a short day for hearing his appeal from two judgments of the Superior Court, 30 March, 1736, and 6 Sept., 1737, reversing a judgment of the Inferior Court, 18 Nov., 1735, on a writ sued out by him] against Mary Coggeshall to answer the Petitioners Complaint in an Action of Trespass and Ejectment for illegally entring into and unjustly with holding from the Petitioner the possession of a certain Farm or Tract of Land with a Dwelling house and other Buildings thereon containing about one hundred and Forty Acres consisting of Orchard Meadow Pasture Arable and Wood Land lying and being in Portsmouth in the said Colony.

[*p.* 499.] (1739.)

[The dispute is a family one, arising out of the will of Joshua Coggeshall, grandfather of the appellant. On the report of the Committee of 12 April, the appeal is sustained, with costs, without prejudice to any demand the respondent may have upon account of her dower.]

12 June.

[VI. *pp.* 5, 164, 166, 167–177, 209–10.]

[437.] [The commission and instructions for Philip Vanbrugh, Esq., commander of H.M.S. *Chatham*, as Governor of Newfoundland, are approved, save that the Board of Trade in their representation of 13 April proposed to insert a clause in the commission empowering the Governor to

25 May.
Newfound-
land.