

180 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1752.

It will also be necessary that a Provost Marshall should be appointed to Execute the Office of Sheriff, untill the Province is divided into Countys; and We would further propose, that an Attorney General should be appointed to Assist the Governor and Council in matters of Law, which may come before them in their Judicial Capacity.

These are all the Establishments which appear to Us necessary to be immediately made, the Charge whereof, including an Allowance heretofore usually given by the Trustees to a Minister and two Schoolmasters, the Contingent Charges of Government, and the Bounty upon the Culture and produce of Silk, will, at a Moderate Computation, amount to about three thousand Pounds per Annum during the Infancy of the Colony, and untill it shall be in a condition to bear the Expende of its own Establishment, which we submit to Your Lordships Consideration.

[The Committee approve the plan, and direct the Board of Trade to recommend a person well qualified to be Governor and to cause drafts of a commission and instructions to be prepared: and to inform themselves of the names of persons fit to compose the council and to hold the several offices to which it is their province to make recommendations.]

[XV. pp. 78-80.]

(1754.) [John Reynolds is appointed Governor. See Appendix I.]

6 Aug.

[XV. p. 216.]

20 Dec.

Labrador.

[189.] [Reference to the Committee of a petition of the merchants of Philadelphia and North America,] that His Majesty will not grant a Patent lately applied for by certain Merchants of London for an exclusive Right of Trade to New Britain or Labrador, but that the Petitioners, and all other His Majestys Subjects, shall be left free to pursue the said Trade to their great and Common Benefit and Advantage.

[p. 272.]

21 Dec.

[Referred by Committee to Board of Trade.] [p. 278.]

20 Dec.

Virginia.

[190.] [Reference to the Committee of the petition of Daniel McCarty of Virginia, an infant, by his guardian Joseph

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1752-3.

Morton, gent., of Virginia, for a day for hearing his appeal from a judgment of the General Court, 10 Oct., 1751, on an action of ejectment brought against him by Thomas Turf on the demise of Daniel McCarty of Fairfax co., Va., to recover a plantation, &c., in Copeley parish, Westmoreland co., Va.] [p. 272.]

[On the Committee report of 27 March, order is given (1753.) reversing the judgment and the verdict on which it was 10 May. founded, and allowing the respondent to proceed to a new trial within twelve months, when the jury are to find a special verdict bringing all the material facts fully before the Court. Daniel M'Carty, deceased, had three sons, Dennis, Daniel and Thaddeus. The plaintiff was Dennis's son, Daniel. Other persons named in the report are William Payne, John Shirman, John Minor.] [pp. 287, 289, 359, 360-4, 408.]

[191.] [Reference to the Committee of the petition of 20 Dec. Richard Partridge, agent for John Whitman, yeoman, of Rhode Island. Smithfield, Providence co., R.I., that the Council dismiss with costs for non-prosecution, an appeal by Noah Whitman from a judgment of the Superior Court in Sept., 1751, affirming a judgment of the Inferior Court of June, 1751, on an action of trespass and ejectment brought by John against Noah to recover about 100 acres of land in Smithfield] bounded Northerly partly by Noah Whitmans Land, and Partly by Daniel Jenkes, Easterly with the Land of Jeremiah Mowry, Southerly with Lands of the said John Whitman, and partly with a Highway, and Westerly with the Lands of Daniel Jenkes, and Southwesterly with Lands of the said Noah Whitman. [p. 272.]

[On the Committee report of 24 Nov., the appeal is (1753.) dismissed with 20*l.* *stg.* costs.] [pp. 513, 520.] 28 Nov.

[192.] [Appearance for William Cook to the appeal of 1753. Samuel Borden and Stephen Cook from Rhode Island is entered 23 Jan. by John Sharpe.] [p. 292.] Rhode Island.

[Reference to the Committee of the petition of William (1754) Cook of Tiverton, Newport co., R.I., that the Council dismiss 29 May,