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ACTS
OF
THE PRIVY COUNCIL (COLONIAL).

ACTS OF THE PRIVY COUNCIL (COLONIAL).

VOL. IV. 1745—66.

GEORGE II. VOL. X. (1 March, 1745—31 July, 1746.)

1745.

[1.] Reference to a Committee of a letter from Governor Shirley to the Lord President of the Council] representing the Difficultys they are under in trying several Prisoners, Natural born Subjects of His Majesty who have been taken in French Privateers and brought into that Province, and therefore transmitting the Proceedings of the Court of Admiralty thereupon, [and praying for directions].

[p. 15.]

7 Mar.
Massachu-
setts Bay.

[Referred by Committee to Advocate, Attorney and Solicitor General.]

[p. 18.]

11 Mar.

[Committee: Shirley's letter of 2 Jan. sets forth that the prisoners are 13 Irishmen, and that he is credibly informed that both the French and Spanish sea-service in the West Indies and in their northern colonies begin to swarm with these rebels; that on bringing 8 of them to trial under 11 and 12 William III, chap. vii, a doubt was expressed whether their crime is cognizable by the Commissioners appointed under this Statute. The Law Officers report that this doubt is justified, and that in consequence the Legislature has lately amended the Act in question, which amendment they recommend should be sent to the Governor. The Committee order the Board of Trade so to do.]

[p. 89.]

16 May.

[2.] [Commission for William Popple to be Governor of Bermuda approved. P.R.]

[p. 33.]

11 April.
Bermuda.

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1 May. [Instructions approved, and oaths taken. The representation of the Board of Trade of 30 April set forth that they had added to the instructions the additional instructions given to the former governor, and that they had also] added some Words at the end of the 73rd Article in Relation to Manufactures set up or Trades carryed on in the Plantations, which may affect the Trade or Manufactures of Great Britain and have made it conformable to that which was given to your Majesty's Governor of New York. [They have also omitted the instruction relating to the Treaty of Peace and Neutrality in America of 1686, as is customary in time of war, and have added to the instructions relating to trade the titles of two Acts passed 15 and 17 Geo. II. P.R.] [pp. 77, 80.]

11 April. [3.] [Reference to the Committee of a representation from
Virginia. the Board of Trade for the disapprobation of a Virginia Act of June, 1742, to enable Frances Greenhill to sell and dispose of her lands and other estates by deed or will notwithstanding her husband Joseph Greenhill should happen to be living, and for other purposes.] [p. 65.]

19 Nov. [The Committee refer it to the Attorney and Solicitor General.] [p. 252.]

(1746.) [The Act is disallowed on the Committee report of 16 June,

23 July. as] this is the first Instance wherein the Legislature in any of the Colonys Abroad have taken upon them to alter the Law in so Settled and known a point as giving a power to a Feme Covert to sell or dispose of her Real or Personal Estate in the Supposed life time of her Husband and as it may not be adviseable to countenance any Attempts of this kind.

[pp. 513, 527.]

1 May. [4.] [Reference to the Committee of two New York Acts
New York. of 1742 and 1744, with a Board of Trade representation of 30 April for their disapprobation.] [p. 78.]

23 May. [The Acts are disallowed, on the Committee report of 16 May agreeing with the representation of the Board of Trade, which proposed] That Two Acts past in the Province of

New York in 1742 and 1744 The one Entituled “ An Act for Regulating the Payment of His Majestys Quit Rents and for Partition of Lands in Order thereto And the other Entituled An Act to amend part of An Act Entituled An Act for regulating the Payment of His Majestys Quit Rents and for Partition of Lands in Order thereto so far as the same relates to the Partition of Lands, May be Repealed in regard there are several Objections to the former of these Acts which instead of regulating the Payment of His Majestys Quit Rents renders the Collecting and recovering the same more difficult and inconvenient to His Majestys Officers. Vizt. That the first Clause in the said Act enacts, “ That all and every the Quit Rents whatsoever which from and after the Publication of this Act shall Grow and become due to His Majesty shall be paid Yearly and every Year on every 25th day of March or within Six Months.” which will occasion a delay in the Payment of His Majestys Quit Rents—That the third Clause Directs “ The Receiver General to Constitute and Appoint a Deputy in each County to receive the Quit Rents thereof, who shall also keep fair and just Books of Accounts of all Quit Rents received by them for His Majestys Use and make proper Entries in the said Book of Debtor and Creditor and likewise give a Receipt to the Party paying such Quit Rent for every of which Receipts and Entry of Credit the said Deputy (except in the City of New York) shall be paid by the Party desiring such receipt and Entry, the Sum of One Shilling, all Persons nevertheless to be at Liberty to pay their Quit Rents to the Receiver General or his Deputy in the City of New York if they shall be minded so to do ” On which Clause the said Lords Commissioners observe that it will be very difficult to find proper Deputys for the small Allowance of one Shilling for each Receipt but if proper Persons could be prevailed upon to accept the Office of Deputy the Liberty reserved to each person to pay in the City of New York if he shall be so minded must Create a Confusion in the Accounts for in such case neither the Receiver nor his Deputy can know what to demand

for want of each others Accounts and the Receipt in the Countys being thus rendered very precarious it may be Difficult to prevail upon proper Persons to accept of such Deputations—That the fourth Clause Enacts That “if the Receiver Generall shall neglect to Appoint a Deputy, no person in that County shall be liable to be sued or prosecuted for his Quit Rent during any such Neglect or Omission or within three months after Public notice given of an Appointment of a Deputy” Whereupon the said Lords Commissioners observe that as the former Clause renders it difficult to find proper Persons to collect His Majestys Quit Rents in the respective Countys this Clause provides that if such Person be not appointed, no person shall be sued, tho’ ever so long in arrear, That there is another Clause which Enacts, “That the Quit Rents reserved to His Majesty in the Respective Grants or Patents for Lands and all Actions of Suits which may arise for or Concerning the same shall be commenced prosecuted and Determined in the Supreme Court of this Colony.” This Clause takes away His Majestys Right of suing in Chancery or such other Courts as to His Majesty shall seem most adviseable which as the said Lords Commissioners Apprehend is an Encroachment on the prerogative of the Crown. [The second Act should also be disallowed, as it] has an immediate Connection with the former but does not redress any of the Inconveniencys objected to herein. [pp. 86–8, 96.]

23 May. [5.] [Reference to the Committee of the petition] of John
Massachu- Blydeston merchant Owner of the Anne Galley Setting forth
setts Bay. that in January 1743 he contracted with the Board of Ordnance to carry over about one hundred Tons of Ordnance Stores to Boston in Massachusetts Bay with Condition to wait for Convoy at the Petitioners Expence which at the most distant expectation could not be Supposed to be longer than the Convoy to be Appointed for the Newfoundland Ships which was in April 1744 and much later than usual But no Convoy being appointed till July the said Ship for want of proper Winds

could not proceed on her Voyage till August by which means it brought on a Winter Voyage Attended with Storms and Tempests and occasioned a Loss to the Petitioner on the said Voyage of 430*l.* 18*s.* 6*d.* besides the said Ships being disabled and rendered unfit for further Service and the said Ship was actually Sold as such at Boston. [p. 102]

[Referred by Committee to the Ordnance.] [p. 111.] 23 May.

[6.] [Reference to the Admiralty of the petition of 23 May. Lieut. Henry Prittie, late of H.M.S. *Woolwich*, commanded by West Indies. Capt. Edward Harbert,] Setting forth amongst other things that the Petitioner went out of England third Lieutenant of the said Ship for the Coast of Guinea about the beginning of March 1742 and in that Voyage on the 30th March 1744 took a Spanish Ship calld the Ascention bound from Cales to La Vera Cruz That the Woolwich then proceeded to Barbados and on the 12th of April following Captain Harbert gave the Petitioner the Command of the said Prize while at Barbados and Directed the Petitioner to procure what Men he could for His Majestys Service which the Petitioner obeyed and put about Twenty Men on Board His Majestys Ships Scarbrough and Comet That on the 4th of June Captain Tyrell of His Majestys Ship Superb arrived at Carlisle Bay and on the 7th delivered the Petitioner an Order directing him to repair on Board the Superb with all the Officers and Men belonging to the Woolwich that were left behind in the Ascention Prize in order to take their Passage to Antigua and by the said Orders informed the Petitioner that the Superb was to Sail that Evening That at the time the Petitioner received the said Orders the Men were on Shore and absconded so that it was impossible for the Petitioner to comply therewith for which the Petitioner was tryd at a Court Martial held at Antigua and Sentenced to be Mulet one Years Pay and Dismist from his Employment there, tho' all the Men that were left behind came down Voluntarily to Antigua in one of His Majestys Ships long before the said Tryal—That upon the Petitioners

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representing his case to the Lords Commissioners of the Admiralty Their Lordships were pleased to appoint him third Lieutenant of His Majesty's Ship Prince George but as the said Sentence still remains in Force with respect to the said Mulet The Petitioner humbly prays That His Majesty will be graciously pleased to take his Case into Consideration and Order the said Mulet to be taken off. [pp. 105-6.]

18 June. [7.] [Reference to the Committee of the memorial of
New York. Governor Clinton of New York, setting forth that by a representation of the Board of Trade of 25 Jan., 1744, Peter Warren and Joseph Murray were recommended as Councillors, and by another of 26 Jan., 1744, John Moore was also recommended, which recommendations were confirmed on 21 March, 1744, but that Moore's commission is dated 22 March, and the others 23rd and 24th,] which it is apprehended was not intended in regard it has always been the Custom for the Crown to give Rank to New Councillors as they stand Recommended by the Lords of Trade. [Warren and Murray are in great uneasiness and discontent, and as they are both gentlemen of considerable fortune zealously attached to his Majesty and of great influence in the colony, the memorialist prays for the grant of a warrant giving them their due rank.] [p. 119.]

28 June. [Referred by the Committee to the Board of Trade.] [p. 127.]

17 July. [The Committee recommend that the change in rank be made, as there seems to have been a mistake, due to his Majesty having approved all three gentlemen on the same day.] [p. 156.]

18 July. [Order that a warrant be issued to rectify the mistake.] [p. 164.]

18 June. [8.] [Reference to the Committee of the appeal of Ballard
Jamaica. Beckford of St. Mary's parish, Jamaica, from a judgment of the Jamaica Court of Errors of 12 June, 1744,] upon an Action brought by Edward Manning Esqr. against the Petitioner for

1745.

Criminal Conversation with Elizabeth the wife of the said Edward Manning.] [p. 121.]

[9.] [Reference to the Committee of a New Jersey Act of Dec., 1743, for ascertaining the fees to be taken by the several officers in the colony of New Jersey, with a Board of Trade representation for its repeal.] 15 Aug. New Jersey. [p. 177.]

[Similar reference of the petition of Richard Partridge, agent for the colony, that the Act be approved, or that he be heard by his counsel in support thereof.] 18 Sept. [p. 214.]

[Orders in accordance with the Committee report of 5 June, agreeing with the Board of Trade that the Act should be repealed,] in regard Your Majestys Governor of the said Colony had informed the said Lords Commissioners That the Fees directed to be paid by this Act to the Officers of the several Courts of Judicature are so inconsiderable, that no persons of Character or Reputation will care to accept of employments therein; and that it appears from the Votes of the Assembly that they had Ordered a Copy of this Act to be printed as a Rule for the people there to govern themselves by notwithstanding it was passed with a Clause declaring that the same should not be in Force till Your Majestys Royal Assent was had thereunto. [The agent desired to withdraw his petition, and this was allowed on the recommendation of the Committee.] (1749.) 28 June. [XII. pp. 259-60, 284-5.]

[10.] [Reference to the Committee of the petition of Anthony Hodges for a day for hearing his appeal from a judgment of the Court of Errors in Montserrat, 13 Sept., 1744 affirming a judgment of the Court of King's Bench and Common Pleas, 21 July, 1744, in favour of Anthony Fox, on an ejectment brought by Fox, in the name of John Dean, against Hodges for recovery of two-thirds of a plantation formerly in possession of Anthony Fox, deceased.] 18 Sept. Montserrat. [p. 215.]

[11.] [Reference to the Admiralty of the petition of Peter Rawlings, late lieutenant of H.M. sloop *Swift*, for restoration to his rank in the navy. Rawlings was dismissed by court 18 Sept. North Carolina.]

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martial at the Nore on 18 May, 1744, for being absent from his ship for two nights when on a station at North Carolina in 1741.] [p. 215.]

(1747.) [On the Admiralty report of 15 Nov., Rawlings is reinstated
15 Jan. as a lieutenant.] [XI. p. 105.]

7 Nov. [12.] [Reference to the Committee of the petition of William
Rhode Harvey of Charleston, S. Ca., merchant, that the appeal of
Island. Edward Fogg from a judgment of the Superior Court of
Judicature in Rhode Island, 27 March, 1744, to recover from
Fogg 3,500*l.* South Carolina currency with 6*l.* 15*s.* costs, may
be dismissed with costs for non-prosecution.] [pp. 225, 242.]

28 Nov. [Fogg's appeal is dismissed, in accordance with the Com-
mittee report of 25 Nov. Verdicts had been given for Harvey
in the Inferior and Superior Courts of Rhode Island, but both
he and Fogg appealed] unto the then next Court of Equity in
Rhode Island. But while the said Appeales were depending
the Assembly of Rhode Island thought fit to abolish the said
Court of Equity, but past a General Act of Assembly on the
22d of May 1744 that persons who had had Appeales
depending in that Court of Equity and undetermined at the
time the same was abolished if there had been two Verdicts
of Jurys against them might have liberty to pray Appeales
to Your Majesty in Council and in such Case the Appeales
should be granted if the matters in Dispute would intitle
them to Appeal, That in pursuance of the said Act the said
Edward Fogg on the First Tuesday of September 1744 prayed
and was allowed an Appeale to Your Majesty in Council That
the Petitioner finds the said Edward Fogg only prayed the said
Appeal for the sake of unjustly delaying the payment of the
said Sum to the Petitioner and has not in any sort prosecuted
his said Appeale or so much as presented any Petition of
Appeale to Your Majesty although the time for so doing is
long since Elapsed. [pp. 260-1, 268.]

7 Nov. [13.] [Reference to the Committee of the petition of the
Cape Breton General Court of Massachusetts Bay] Setting forth the great
Island.

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expenses that Province hath been at in the expedition against Cape Breton and praying that they may be relieved as to the Charge they have been at in the said Expedition. [p. 239.]

[To the Committee of Council for Plantation Affairs is referred the similar petition of Richard Partridge on behalf of the colony of Rhode Island.] (1746.) 15 April. [p. 450.]

[Similar reference of like petitions from the Council and Representatives of the province of New Hampshire, and from the Governor and Company of the colony of Connecticut.] (1746.) 14 May. [p. 480.]

[The Committee report] That in regard to the good Services performed by the said respective Provinces and Colonys in the Reduction of Cape Breton and its Dependencies to Your Majestys Obedience a reasonable Satisfaction should be made them for their Expences therein ; And their Lordships do therefore humbly Submit it to Your Majesty whether it may not be adviseable to recommend it to Parliament to make Provision for the same—And that in the mean time the said several Demands may be referred to such persons as Your Majesty shall think proper in Order to adjust and liquidate the same. (1746.) 16 June. [p. 512.]

[The report is approved, and the petitions referred to the Board of Trade and the Secretary at War.] (1747.) 15 Jan. [XI. pp. 101–4.]

[Committee. Reports of 7 April from the Board of Trade and the Secretary at War with the accounts of expenses are referred to the Treasury, who are to settle and adjust the demands with the agents of the respective provinces and to prepare an estimate of the expense to be laid before the next session of Parliament. (New Hampshire is not included under this date, but has a separate entry of the same tenor on 26 Nov. on a report of 20 Nov.)] (1747.) 27 May. [XI. pp. 243–4, 450.]

[14.] [Reference to the Committee of a memorial of Governor Clinton setting forth that the fortifications at Fort George have been repaired and that the Assembly is inclined to contribute what may be further requisite for the protection 7 Nov. New York.]

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of the frontiers but are discouraged by the want of proper persons to direct these works, and praying that an engineer and four gunners be appointed to be employed by the Governor of New York for the defence of the province.] [p. 240.]

19 Nov. [Referred by the Committee to the Master General of the Ordnance.] [p. 253.]

(1746.) [On the Committee report of 16 Dec., orders are given in

16 Jan. accordance with the opinion of the Board of Ordnance, that an engineer be sent and paid 20s. *per diem*, but that the province procure gunners at their own expense, and that their agent have orders to agree for and send them thither by the first opportunity.] [pp. 284, 305-6.]

7 Nov. [15.] [Reference to the Committee of an Admiralty
Cape Breton memorial] proposing that they may be empowered to appoint
Island. a Vice Admiral, Judge, and other proper officers for a Court of Vice Admiralty in the Island of Cape Breton, and the Adjacent Isles thereunto belonging. [p. 240.]

19 Nov. [Referred by Committee to the Attorney and Solicitor General to report by what authority, and in what manner, power may be conferred to establish such courts in places newly conquered.] [p. 251.]

(1746.) [Order in accordance with the Committee report of 10 Jan.,

16 Jan. on the opinion of the law officers, that it may be advisable to grant a commission to the Admiralty empowering them to appoint a Vice Admiral and Vice Admiralty Courts at Cape Breton.] [pp. 303-4.]

7 Nov. [16.] [Reference to the Committee of the petition of John
Rhode Potter of South Kingstown, King's County, R.I., yeoman, for
Island. a day for hearing his appeal from a judgment of the Superior Court, 27 March, 1744, confirming a judgment of the Inferior Court, 21 Feb., 1744, in favour of Joseph Freeborn and Dorcas his wife on an action of debt brought by them to recover 512*l.* 10*s.* 2*d.* from the petitioner as executor and devisee of Samuel Potter.] [p. 242.]

(1752.) [On the motion of Fotherley Baker, solicitor for Dorcas
30 June. Freeborn (Joseph being dead), the hearing is appointed for

1745.

7 July. Mr. Paris, for the appellant, objected that Mr. Baker had not entered an appearance for Dorcas, as he had undertaken to do some time ago, but Mr. Baker declared his intentions of entering such appearance instanter, and such appearance was accordingly entered.]

[XI. p. 190 ; XIV. p. 155.]

[Order, in accordance with the Committee report of 7 July, (1752.) affirming both judgments and giving directions for the payment 6 Aug. of interest and 30*l.* *stg.* costs to Dorcas Freeborn.]

[XIV. pp. 158-160, 177.]

[17.] [On intelligence of an intended invasion, an embargo 16 Dec. is laid on all ships laden with black cattle and hogs, beef, Embargo. pork, butter and cheese, that his Majesty's ships may not be detained in port for want of provisions.] [p. 283.]

[Reference to the Treasury of a petition of Richard Boddicot that the (1746.) *Swallow*, Capt. Cowie, may sail for Antigua, though its cargo includes a 6 Jan. ton of cheese and two chests of bacon.] [p. 296.]

[The *Swallow* is allowed to sail.] [p. 299.] (1746.)

[Reference to the Treasury of the petition of Richard Farr of Bristol for 10 Jan. leave to export to the plantations 346 barrels of Irish beef bought by him in (1746.) Sept. last, being part of the cargoes of two prizes, the *Thetis* of Havre de 4 Feb. Grace and the *St. Esprit* of St. Malo, taken by the *Trial* and *Phoenix* privateers. The petitioner gave 400*l.* security to Jeremiah Burroughs, Collector of Customs at Bristol, to export the provisions to the West Indies, but is hindered from sending them by the embargo, while there is danger of their being spoiled.] [p. 332.]

[Reference to the Treasury of the petition of Samuel Follet for leave for William Jackson merchant of Topsham to take from the *Esperanza* prize (1746.) 18 Feb. (a sloop of only about 20 tons), which he has purchased, 5 tons of butter and some staves, and to export the butter to Newfoundland on the *George*, Samuel Hook master.] [p. 336.]

[Farr is to be allowed to send his Irish bee to some island in the West (1746.) Indies on his giving security to send it thither and to no other place.] [p. 341.] 25 Feb.

[Jackson is allowed to send his butter to Newfoundland on giving (1746.) security to send it to no other place, and to land his staves at Topsham on 25 Feb. paying the duties.] [p. 344.]

[On the petition of the wholesale cheesemongers of London and of the (1746.) dairymen, farmers and factors of Gloucestershire, Berkshire and places 3 Mar. adjacent, they are allowed, upon giving security, to export butter and their surplus old stock of cheese before the new stock comes in, to the colonies or to Holland, Hamburg, Sweden, and Denmark.] [p. 374.]

[Reference to the Treasury to grant on the usual conditions, if they are (1746.) satisfied as to the facts, a petition of Thomas Power of Bristol for leave to 11 Mar.

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export to the West Indies 120 barrels of Irish beef, part of the cargoes of the *Thetis* and *St. Esprit* prizes.] [p. 383.]

(1746.) [Reference to the Treasury to grant, if they are satisfied as to the facts,
3 July. the petition of Isaac Hobhouse of Bristol for leave to export to Newfoundland on the *Sea Nymph*, Jacob Thrall master, 27 barrels of beef and 26 barrels of pork, taken by the *Alexander* privateer of Bristol and landed from the *Solebay* man-of-war.] [p. 517.]

(1746.) [The embargo is taken off.] [XI. p. 7.]

7 Aug.

1746. [18.] [To the Committee is referred a letter from the

16 Jan. Secretary at War transmitting several papers from Governor
Nova Philips] relating to the great advantages that will arise by the
Scotia. Fortifying Canso. [p. 312.]

18 Jan. [The Committee refer the papers to the Master General of
the Ordnance.] [p. 320.]

27 Feb. [19.] [Reference to the Committee of an address of the
Barbados. General Assembly of Barbados, with a petition of the speaker and underwritten members of the General Assembly, containing several articles of complaint against the Governor, Sir Thomas Robinson.] [p. 367.]

27 Feb. [20.] [Reference to the Committee of (a) the petition and
Rhode appeal of John Rous of Boston, commander of the *Bilander* pri-
Island. vateer, the *Young Eagle*, from a judgment in the Court of Equity at Providence, R.I., 11 Oct., 1743, in favour of Benjamin Hassard, Robert Carr, John Easton, and Jonathan Hassard in relation to the sloop *Kingston* taken by the said privateer; and (b) of the cross-appeal of the above respondents, the name of the sloop being now given as the *South Kingstown*.] [p. 369.]

(1750.) [In accordance with the Committee report of 2 April, the
11 April. judgments of the Inferior Court, 31 May, 1743, of the Superior Court, 6 Sept., 1743, and of the Court of Equity, 11 Oct., 1743, are all reversed.] [XII. pp. 511, 542, 543, 547.]

27 Mar. [21.] [A St. Christopher Act of 5 Sept., 1745,—to amend two
St. Acts herein particularly mentioned,—is referred to the Com-
Christopher. mittee, with a Board of Trade representation for its repeal.] [p. 444.]

1746.

[On the Committee report of 26 April, the Act is repealed, as it wants the suspending clause required (by Article 21 of the Governor's instructions) in Acts repealing former Acts, and as it is contrary to the Order in Council of 19 Feb., 1740, forbidding the export of provisions from the sugar islands to any foreign island or colony whatsoever. The Act allowed the export of provisions to any foreign government at amity with Great Britain, and repealed two Acts passed in accordance with the Order in Council of Feb., 1740—one of 30 May, 1740, for the more effectual preventing the exportation of provisions from this island to any foreign government, and the other of 23 July, 1744, an additional Act to the Act of May, 1740.]

28 May.

[*pp.* 464, 491.]

[22.] [Reference to the Committee of the petition of Henry Brouncker of St. Christopher for a day for hearing his appeal from a judgment of the Governor and Council, 8 Aug., 1744, affirming a judgment of the Court of King's Bench and Common Pleas, 10 July, 1744, on an action of debt brought against him by Ashton Warner, Attorney General of the Leeward Islands, prosecuting for his Majesty for the 2,000*l.* penalty of a bond entered into by the petitioner to his Majesty on 23 July, 1740, and complaining of the issue of a *ne exeat insula* upon which he was obliged to enter into 5,000*l.* security.]

27 Mar.
St.
Christopher.

[*p.* 444.]

[Certificate of the entry of the appeal—beginning “These are to certify whom it may concern,” and signed by W. Sharpe, Clerk of the Council]

5 June.

[*p.* 504.]

[23.] [Committee.] It is Ordered by their Lordships that when Appeales or other Causes are put upon the List of Business for hearing before this Committee, That the Party or Partys at whose Request such Appeale or Cause is set down, shall be in readiness to be heard whenever their Lordships shall appoint a Day.

21 April.
Appeals.

[*p.* 455.]

[The Committee add] That when the said Appeales or Causes shall have been so put upon the List of Business for hearing,

(1751.)

9 July.

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the same be heard in the Course they are so set down without any further Notice Order or Direction of the Committee for that purpose. [XIII. p. 262.]

14 May. [24.] [Reference to the Committee of the] Petition of
Cape Breton
Island. James Gibson Esq. Setting forth that the Petitioner having a considerable Property in the Island of Barbados and being an Inhabitant at Boston in New England at the time of the Expedition against Cape Breton The Petitioner embarked therein as a Volunteer and encouraged several hundred Private men to enlist Eighty Seven of whom were raised and conveyed to the Island at his own Expence That the Petitioner upon Landing was appointed to the Command of a considerable Detachment which made the first Successful Step by taking the Grand Battery from the French, that though the Petitioner served through the whole Undertaking without Pay or Allowance for Cloathing Provisions or any other Article whatsoever, yet he went through the hottest and most unwearied Service a Seige of Forty Eight Days could require, And humbly praying that he may be reimbursed what he hath been and must further be out of Pocket in this necessary Service or that he may have such other Recompence as to His Majesty shall seem meet. [p. 480.]

16 June. [Committee.] Petition . . Read. Nothing done therein. [p. 516.]

28 May. [25.] [Reference to the Committee of (a) the petition of
Massachu-
setts Bay
and New
Hampshire. the Governor, Council, and Representatives of Massachusetts Bay praying to be reimbursed their expenses in fortifying Fort Dummer which by the new boundary line is annexed to New Hampshire, and that New Hampshire may be directed to provide a sufficient number of forces during the war : (b) a letter from Benning Wentworth, Governor of New Hampshire,] representing that in pursuance of an Order in Council of the 6th of September 1744 the Assembly of that Province had Resolved to provide for Fort Dummer and the other Frontiers of that Province But that if it should be His Majestys pleasure.

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to permit the Governor of the Massachusetts Bay to remove that Fort within the Boundary of his Government it would then become a Barrier to their own Frontier and the Trade with the Indians Be carryed on with more propriety and that the Frontiers of New Hampshire will not be Exposed by the Removal of Fort Dummer but on the contrary be put in a much better posture of Defence, having Obtained a Grant from the Assembly for Building a stronger Fort on the same River in a convenient Scituation above the Great Falls and for which His Majesty has sent over Iron Ordnance and Stores necessary for Garrisoning the said Fort. [pp. 502-3.]

[Committee refer the petition and the letter to the Board of Trade.] 16 June. [p. 514.]

[Committee. A copy of the Board of Trade report to be delivered to the agents of New Hampshire and Massachusetts Bay if they desire it, and leave given to them to be heard thereupon.] (1749.) 23 Nov. [XII. p. 369.]

[To the Committee, before whom the Board of Trade report already lies, is referred a petition of John Thomlinson, agent for New Hampshire, praying to be heard against the representations used by Massachusetts Bay to secure the Order of 6 Sept., 1744 and the Board of Trade report of 3 Aug., 1749, and against the reports founded on such representations, and that the Assembly of New Hampshire be not adjudged to pay any sum to Massachusetts Bay on account of the said fort either for the time past or to come.] (1750.) 17 Jan. [XII. p. 433.]

[Reference to the Committee of a Board of Trade representation of 21 Nov., with a letter from Spencer Phipps, Lieut.-Governor of Massachusetts Bay, containing a state of the dispute about Fort Dummer,] and setting forth the Claim of the Province of the Massachusetts Bay to a Reimbursement of the Charge they have been at in supporting the said Fort since it fell within the Province of New Hampshire by the running of the Boundary Line. (1752.) 20 Dec. [XIV. p. 266.]

[26.] [Reference to the Committee of the] Petition of Alexander Smith of London Wine Merchant and of Bermuda. 12 June.

William Selby and Vincent Mathias of London Gentlemen Setting forth amongst other things That His Majestys Bermuda or Summer Islands lye nearly in the same Latitude with the Islands of Madeira and in all probability would produce Wine equal in Sort and Goodness with that from the Madeiras were the same to be properly cultivated and Managed, That the Petitioners have procured plans for the growing and making of Wines in the said Bermuda Islands and have Settled a Correspondence with some British Merchants residing in the Madeiras who will procure them a sufficient quantity of Cutting of Vines there and also proper Vignerons from thence to Nurse and Cultivate the Vines and afterwards to produce the Wine therefrom, and the Petitioners propose to embark a considerable Sum of Money in such undertaking the loss whereof if not successful will entirely fall upon the Petitioners but the benefit of which Undertaking if it should prove successful will be very great to this Kingdom and to His Majestys Islands and Colonys, The Petitioners therefore Pray that His Majesty will be graciously pleased to issue His Royal Instructions to the Governor of the Bermuda Islands for the time being to give all due Countenance and Encouragement to the Petitioners in the said Undertaking and to grant unto them and their Associates such Quantitys of His Majestys Lands there hitherto ungranted as shall be proper for the purpose.

[p. 506.]

16 June. [Referred by Committee to Board of Trade.] [p. 514.]

(1747.) [On the Committee report of 19 May, the petition is dismissed.]

3 June. On 5 Feb. the petitioners presented a memorial to the Board of Trade proposing to undertake the scheme if 150 acres were granted them free for the first five years from paying any quitrent and afterwards to pay the common rate that lands let at there. But Mr. Noden, agent for the island, declared that there were no lands ungranted in the island except those belonging to the Crown, which are let to tenants at the annual rate of 5s. per acre, and the rents appropriated for the maintenance of the forts and castles and the pay of the

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matrosses. The Board of Trade then reported that they saw no reason for dispossessing the tenants and reducing the revenue of the Crown.] [XI. pp. 229, 267.]

[27.] [Reference to the Committee of the] Petition of Alexander Middleton Setting forth That soon after the taking of Fort Louisbrough and the Island of Cape Breton the Petitioner purchased of Admiral Warren a Spanish Prize called the Norfolk for the Sum of 320*l*. which with the fitting her out to Sea cost him upwards of 500*l*. Sterling That Admiral Warren pitched upon the Petitioner to carry several Dispatches to the Duke of Newcastle and the Lords of the Admiralty which he undertook at a price less than common Freight besides taking with him Eighteen Invalids That in the prosecution of his Voyage he had the Misfortune to meet with very tempestuous Weather which Damaged the Ship so much that it was with the utmost Difficulty she cou'd be brought into the Bay of Gallway in Ireland where the Hull now lies a Wreck That the Petitioners proceeding from Gallway to London with the Dispatches to the Duke of Newcastle which were particularly committed to his care and Delivering the same was attended with great Fatigue and Expence by reason of the length of the Journey and the badness of the Season. That the Expedition with which the Petitioner proceeded to Sea gave him no Opportunity of Writing by several Hands as usual for Insuring his Ship, but could only send by One Vessel which Sailed two days before the Petitioner and was also drove into Ireland By means whereof he was deprived of the benefit of any Insurance, so that the loss of the Ship lies intirely on himself, That the Petitioner is informed the Damages Sustained in the Service of the Government are usually made good in most Cases and have been particularly considered upon this important Occasion Wherefore the Petitioner humbly hopes that he shall be reimbursed what he hath already suffered and what he must further be out of pocket in his return to his Country or that he may have such other Recompence as to His Majesty shall seem meet. [pp.506-7.]

12 June.
Cape Breton
Island.

20 ACTS OF THE PRIVY COUNCIL (COLONIAL).

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16 June. [Committee.] Petition . . Read. Nothing done therein. [p. 516.]

23 July. [28.] [Reference to the Committee of 6 Pennsylvania Acts of 3 Feb., 1742, delivered by the agent on 30 June.] [p. 531.]
Pennsylvania.

7 Aug. [Referred by Committee to Board of Trade.] [XI. p. 6.]

9 Dec. [Committee report; agreeing with the Board of Trade report] that the first of the said Acts Entituled—

An Act imposing a Duty on Persons convicted of heinous Crimes brought into this Province and not Warranted by the Laws of Great Britain and to prevent poor and Impotent Persons being Imported into the same—Tends to prevent the introducing of such Persons into Your Majestys Province of Pensilvania who either as Servants or in any other industrious Capacity might be of Publick Utility in the Improvement and well Peopling of the said Province for as much as by this Act the Masters of all Ships Importing such Persons as shall be adjudged by the Magistrates there to be poor, impotent, Vagrant or otherwise likely to become chargeable are laid under so great Difficultys by being obliged to give Security for the behaviour of such Persons and to be answerable for any Charges that may thereby be brought upon the said Province at any future time (together with many other severe Penalties) as Amount to a Virtual Prohibition of their Importation and altho' there is a Clause in this Act by which it is Provided “That nothing therein contained shall extend or be construed to extend to hinder the Importation of such Servants or others who by any Acts of Parliament of Great Britain or of that part of Great Britain called England can or may be legally Imported into the said Province.” Yet the same does not extend to all the Persons herein before described or to such as may be imported from other Places the Masters of Ships importing such Persons will not thereby be exempted from the several Restrictions and Penalties mentioned in the said Act which will probably deter them from importing them into that Province for which reasons the said Lords Commissioners Submit whether Your Majesty may not be advised

to Declare Your Royal Disapprobation of the said Act—That this Act does also repeal the following Acts passed in the said Province—Vizt.—An Act for imposing a Duty on Persons Convicted of heinous Crimes and imported into this Province as Servants or otherwise—Passed in the Year 1722.—An Act laying a Duty on Foreigners and Irish Servants &c. Imported into this Province—Passed in the Year 1729.—An Act imposing a Duty on Persons Convicted of heinous Crimes and to prevent Poor and impotent Persons being imported into the Province of Pensilvania—Passed in the Year 1729.—Which Acts have never been laid before Your Majesty for Your Royal Approbation or Disallowance and as they render ineffectual the Statute of the 4th of His late Majesty relating to the Transportation of Felons &c. and are likewise liable to the same Objections as the Act first abovementioned, The said Lords Commissioners further Submit whether Your Majesty may not be graciously pleased to Declare Your Disapprobation of the said Acts.

[The confirmation of the following Acts is recommended :]
An Act for the more easy and speedy Recovery of small Debts—An Act for continuing and amending An Act of Assembly Entituled a Supplement to the Act for the Electing Members of Assembly &c.—An Act for vesting the Province Island and the Buildings thereon Erected and to be Erected in Trustees for Providing an Hospital for such Sick Passengers as shall be imported into this Province and to prevent the Spreading of Infectious Distempers—An Act for the more easy Recovery of Legacies within this Province. .

With respect to the following Act Entituled—An Act for naturalizing such Foreign Protestants as are Settled or shall Settle within this Province who not being of the People called Quakers do conscientiously refuse the taking of any Oath.—The said Lords Commissioners have repealed that by an Act of Parliament Passed in the 13th Year of Your Majesty Entituled An Act for Naturalizing such Foreign Protestants and others therein mentioned as are Settled or shall Settle in

any of His Majestys Colonys in America It is Declared, "That all Persons born out of the Legiance of Your Majesty Your Heirs or Successors who have Inhabited or resided or shall Inhabit or reside for the Space of Seven Years or more in any of His Majestys Colonys in America and shall not have been absent out of some of the said Colonys for a longer Space than two Months at any one time during the said Seven Years and shall take and Subscribe the Oaths and make repeat and Subscribe the Declaration appointed by an Act made in the First Year of the Reign of His late Majesty King George the First or being of the People called Quakers shall make and Subscribe the Declaration of Fidelity and take and Affirm the Effect of the Abjuration Oath appointed and prescribed by an Act made in the Eighth Year of His said late Majesty and also make and Subscribe the profession of His Christian Belief appointed and prescribed by An Act made in the First Year of King William and Queen Mary shall be deemed adjudged and taken to be Your Majestys Natural born Subjects of this Kingdom to all intents and purposes as if they and every of them had been or were born within this Kingdom." Whereas by this Act the Liberty given by the said Act of Parliament to the People called Quakers is extended to all other Foreign Protestants who shall conscientiously refuse to take an Oath but as all such Persons are obliged to make and Subscribe the Declaration of Fidelity and the Profession of their Christian Belief and to take and Affirm the Effect of the Abjuration Oath conformable to the Direction of the aforesaid Act of Parliament with respect to the People called Quakers and as the said Lords Commissioners are informed there are at present many Foreign Protestants Settled within that Province who have been represented to them as a quiet and Industrious People and who conscientiously refuse the taking of an Oath The said Lords Commissioners therefore Submit whether Your Majesty may not be advised to declare Your Royal Approbation of the said Act. [XI. pp. 51-4.]

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[Orders accordingly, confirming five Acts and disallowing one. The petition of Thomas and Richard Penn to be heard against the reason assigned for repealing the three old Acts of 1722 and 1729 is referred to the Committee.]

17 Dec.

[XI. pp. 77-80.]

[Committee refer it to the Board of Trade, who are to examine an Act of 1738 on the same subject referred to in the petition.]

(1747.)

27 Jan.

[XI. p. 127.]

[29.] [Reference to the Committee of the memorial of Governor Popple, setting forth that new works have been erected by the inhabitants of Bermuda at their own expense since stores were sent in 1740, including a new fort, called Popple Fort, and praying that several 18-pounders may be sent, 10 for the Castle, 6 for Fort Popple, and 4 for Southampton Fort, without carriages, with shot and other stores suitable thereto and 50 wooden boxes for cannon cartridges from 18 to 3 pounds.]

23 July.
Bermuda.

[p. 532.]

[30.] [Reference to the Committee of the petition of Andrew Arcedeckne of Jamaica for a day for hearing his appeal from a Chancery order made there, 10 Jan., 1745, in a case between him and Daniel Monro and Mathias Philp in relation to the right to 140 acres of land, part of Fontabell Plantation.]

23 July.
Jamaica.

[pp. 503, 534.]

[On Philp's death, the Committee revive the appeal by making his executors, William Perrin, Charles Burnett and Mark Hall, parties.]

(1751.)
19 Nov.

[XIII. p. 369.]

[Committee order for hearing at the first meeting in July, 1752.]

(1751.)
3 Dec.

[XIII. p. 405.]

[31.] [Reference to the Committee of the petition of David Vanbrugh and Samuel Carpenter of Kingston, Jamaica, merchants, for a day for hearing their appeal from a judgment of the Superior Court of Rhode Island, 26 March, 1745, on a writ of review brought by them against Joseph Powers of Newport, R.I., mariner, by which Powers was awarded 420*l.* 9*s.* Jamaica currency with 27*l.* 11*s.* 8*d.* costs of suit.]

23 July.
Rhode
Island.

[p. 534.]

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23 July. [Similar reference of another petition of Vanbrugh and Carpenter that Powers' appeal from a judgment of the Rhode Island Court of Equity, 11 Oct., 1743, awarding Vanbrugh and Carpenter 728*l.* 19*s.* 2*d.* Jamaica currency and costs for a protested bill of exchange drawn by Powers in their favour, may be dismissed for non-prosecution.] [*p.* 534.]

(1747.) [On the Committee report of 17 Feb., Powers' appeal is dismissed with 5*l.* *stg.* costs.] [XI. *pp.* 143, 183.]

(1751.) [Committee order for hearing the appeal of Vanbrugh and Carpenter on 13 June and for affixing the usual summons.]

[XIII. *p.* 240.]

(1751.) [On Powers' petition, the last order is discharged, and the hearing appointed for the first meeting in October.]

[XIII. *p.* 262.]

(1751.) [Order, in accordance with the Committee report of 31 Oct., 22 Oct., reversing the judgments against Vanbrugh and Carpenter. In the original actions of account, Daniel Ayrault, jun., Capt. Samuel Rodman and Capt. Jonathan Thurston were appointed auditors, but declined to act. Three others (not named) were appointed, and on their report Powers was, on 15 Nov., 1743, awarded 459*l.* 13*s.* 4*d.* with costs. This judgment was confirmed by the Superior Court on 27 March, 1744, and the Court of Equity being dissolved by law, the further appeal of the petitioners was brought by writ of review before the said Superior Court, who ordered a new account and appointed as auditors William Coddington, Robert Gibbs and Jeremiah Clark, who awarded Powers 420*l.* 9*s.* with costs.]

[XIII. *pp.* 330-2, 352.]

GEORGE II. VOL. XI. (1 Aug., 1746—30 April, 1748.)

7 Aug. [32.] [Reference to the Board of Trade of the petition of New Jersey. Richard Partridge, agent for New Jersey, setting forth that the colony is greatly distressed for want of a further supply of bills

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of credit which the late Governor Morris was prohibited from emitting without royal license. To provide for defence and other public emergencies, permission is desired to pass an Act for emitting 40,000*l.* in bills of credit on condition that the value of the bills be agreeable to an Act of Parliament of 6 Anne for ascertaining the rates of foreign coins in the plantations.] [p. 10.]

[Orders in accordance with the Committee report of 21 Nov., 1749 on two New Jersey Acts. The petition of Richard Partridge, agent for the colony, for their confirmation had been referred to the Committee on 13 Oct., 1748, and by the Committee to the Board of Trade on 29 Oct., 1748. The Committee agreed with the Board of Trade, who reported that] having been Attended by the Petitioner and also by Mr. Paris in behalf of himself and others Creditors of the publick of the said Province in Opposition to the former of these Acts and heard what they had to offer for and against the same We take leave to acquaint Your Lordships—

That the first of these Acts refers to several former Laws passed in that Province and confirmed by His Majesty whereby the following Sums in Bills of Credit were created and issued—
Vizt.

in 1723	..	..	..	..	..	40,000 <i>l.</i>
in 1730	..	..	..	..	..	20,000 <i>l.</i>
in 1733	..	..	..	..	..	40,000 <i>l.</i>

The Bills emitted by these Acts were lent out to the Inhabitants upon Land Security at 5 per Cent. Interest and were made Current and a legal Tender in all payments and for the Discharge of all Debts and Contracts whatsoever for a certain Term of Years Which several before mentioned Sums have as has been represented to Us by Mr. Belcher the present Governor of the said Province been regularly sunk and Discharged according to their respective Periods excepting 20,000*l.* of the last mentioned Sum which according to the Directions of the Act will be Sunk at the expiration of four Years—

By this Act a further Sum of 40,000*l.* is directed to be Issued to be in like manner lent out at 5 per Cent. Interest upon Land Security to be Current for Sixteen Years and to be a Legal Tender for the payment and Discharge of any Debt or Debts Bargains Sales of Land or other things Bonds Mortgages Specialities and Contracts whatsoever already made or hereafter to be made either for Sterling Money Silver Money of America or any other Species of Gold Silver or any other quantity of Plate or Gold.

There is also a further Sum of 20,000*l.* directed to be printed in Order to be Signed and Issued to exchange such of the other Bills made Current as may be worn or ragged or unfit to pass or to be applied to Assist His Majesty on any Emergency and in that Case to be made Current and to be Sunk and Discharged out of the Interest of the Loans of Bills of Credit in such manner and proportion as the Governor Council and Assembly shall think fit.

This Provision appears to Us to be inconsistent with His Majestys Instructions to His Governor of the said Province and liable to great objection inasmuch as it will be in the power of the Governor Council and Assembly at any time to enlarge their paper Currency by Issuing the whole or any part of the said 20,000*l.* without His Majestys having an Opportunity of Judging of the necessity for such Emission—

The Reasons for this fresh Emission of 40,000 in Bills of Credit as they are Set forth in the Preamble of the Act and represented to Us by Mr. Partridge are, The better enabling the Colony to Discharge the Debt they have contracted in enlisting and Victualling the Forces lately raised in that Province for His Majestys Service on the late intended Expedition against Canada and to assist His Majesty against His Enemies on any future Emergency in carrying on the War or to provide for the necessary Expences that may be occasioned by the legal calling of the Forces of the Colony together for furnishing them with Arms and Ammunition, for Marching them, or any part of them for the repelling an

Enemy or quelling any Insurrection or Rebellion or for the Assistance of their Neighbours against His Majestys Enemys but it appears from the Act and the several Provisions of it that the Interest to arise from the Loan of these Bills is in no Instance and in no part appropriated to the abovementioned or any other Services of the Government.—

We are fully sensible how much the present Disturbances call upon the Legislative power there to strengthen the hands of Government by proper Supplies but at the same time it is evident from the Minutes of the Council and Assembly and from other Authentick papers transmitted to Us by the Committee of His Majestys Council of that Province that the Assembly neglecting the repeated remonstrances of His Majestys Governor and Council are obstinately resolved to grant no Supplies for the Support of legal Government against the Disturbers of it.

We must further acquaint Your Lordships that the Method of Issuing Bills of Credit upon Loan has by experience been found to have had very pernicious Effects It is a Temptation to persons in low and Desperate Circumstances to borrow beyond their ability and as the Burthen of the publick Tax which is paid out of the Interest of these Bills lies entirely upon the Borrowers of them the more wealthy part of the people by this Method of raising Supplies do not contribute in any Degree to the Charges and the Support of Government it is also expressly contrary to the Sense of the House of Commons of Great Britain as will appear from the following Resolution Vizt.

Veneris 25th Die Aprilis, 1740.

Resolved

“That the creating and Issuing Paper Bills of Credit in the British Colonys and Plantations in America by Virtue of Acts of Assembly there and making it obligatory on all Persons to take such Bills of Credit in payment for Debts Dues and Demands hath frustrated the good Intentions of an Act of the Sixth Year of the Reign of her late Majesty Queen Anne

Entituled An Act for ascertaining the Rates of Foreign Coins in Her Majestys Plantations in America and hath been a great Discouragement to the Commerce of this Kingdom by occasioning a Confusion in Dealings and lessening of Credit in those parts.”—

There is also a Clause in this Act which directs that if any person or persons shall at any time hereafter be apprehended or taken into Custody on Suspicion of having Counterfeited any of the Bills of Credit now Current in this Colony or which by this Act shall hereafter be made Current in such Case the prosecutor on the part of the Crown in the Indictment exhibited against the said person or persons shall alledge the Fact or Facts to be done where in truth the same was done and if upon the Trial thereof sufficient proof doth Appear that the same was done in the place where it is alledged in such Indictment or Indictments or in any other place the Party or partys duly Convicted thereof shall suffer in such Case in the same manner as if the same were alledged and proved to have been done in some County of this Colony and the Juries on the Trials of all such Foreign Issues shall be returned from the Bodies of the Counties of Burlington or Middlesex or One of them any Law Usage or Custom to the Contrary notwithstanding.

This Provision Appears to Us to be unjust contrary to the Law of this Kingdom and to exceed the Authority of the Legislature of this Province.

For these Reasons We are of Opinion that it will not be adviseable for Your Lordships to recommend it to His Majesty to give his Assent to this Act.

With respect to the Act for enabling the Judges and Justices of that Colony to ascertain and Tax Bills of Cost and for making Provision by Law for the payment of the several Officers of the Colony and for preventing the said Officers from taking exorbitant Fees We acquaint Your Lordships that an Act to the same Effect was passed in the said Province in December 1743 with a Clause Suspending the Execution thereof until His Majestys Pleasure should be known; It

having been however represented to Us by Mr. Morris late Governor, of the said Province that the Fees directed to be paid by the said Act to the Officers of the several Courts of Judicature were so inconsiderable that no persons of Character or Reputation would accept Employments therein and forasmuch as the Assembly of the said Province had taken upon them to print the same as a Rule for the people to govern themselves by notwithstanding the aforementioned Suspending Clause We in Our Representation to their Excellencys the Lords Justices dated the 15th August 1745 proposed the repeal thereof and the same was accordingly repealed But as none of the Patent or other Officers in the said Province have Complained of the Fees established by the present Act tho' it has been transmitted to Us several Months and as the Deputy Secretary has represented the Table of Fees to be reasonable as far as it respects his Office and as Acts of the same Nature have been Approved of in other His Majestys Colonies and Plantations in America and the ascertaining Fees seems in general to be very expedient and an ease to the Subject We are of Opinion that it may be for His Majestys Service and the good of the said province that the said Act should be confirmed.

[XII. *pp.* 98, 108, 335-40, 354-5.]

[33.] [A commission for Jonathan Belcher to be Governor of New Jersey, is approved. P.R.] 22 Aug.
New Jersey.

[Instructions approved. P.R. The only changes from those given to Governor Morris, besides the names of Councillors, are as follows:—Article 74 contains the substance of an additional instruction to Morris in 1745 to assist Nova Scotia if attacked. Article 86 relating to the neutrality of 1686 between England and France in America is omitted, as it was during King William's and Queen Anne's wars. In the trade instructions three additional Acts of 15, 17, 19 George II are added, viz. :—] (1747.)
12 Feb.

An Act for the further regulating the Plantation Trade and for relief of Merchants importing Prize Goods from America and for preventing Collusive Captures there.

An Act for the better Encouragement of Seamen in His Majestys Service and Privateers to annoy the Enemy.

An Act for the better Encouragement of the Trade of His Majestys Sugar Colonys in America. [pp. 138-9.]

(1747.) [Governor Belcher takes the oaths.] [p. 204.]

15 April. [34.] [Commission approved for Henry Grenville to be
25 Sept. Governor of Barbados. P.R.] [p. 18.]
Barbados.

4 Nov. [Instructions approved and the Governor sworn. The only differences from the instructions given to Sir Thomas Robinson, besides the names of Councillors, are as follows—] That in the 27th Article of His Majestys Instructions to the late Governor whereby a liberty is granted to him of going to New York or any other of the Northern Plantations for the recovery of His Health The said Lords Commissioners have inserted the Words (or to any other of Our Islands in America) That the 95th Article . . relating to the Demands of Francis Whitworth Esqr. late Secretary and Clerk of the Council of that Island for publick Services done by him or his Deputy not having been complied with by the Assembly of the said Island nor the Accounts of such Services as have been performed by the Secretary or his Deputy for the time being having been since Settled nor any Orders made out for the payment of the same The said Lords Commissioners thought proper to continue the same Article to the present Governor together with a further direction to Settle and examine all such accounts as now are or hereafter may become due for such Services as have been or shall be performed upon the public Account and to recommend to the Assembly to make Provision for the payment thereof for the future. [Article 87 relating to the neutrality of 1686 is omitted, and three recent Acts are named in the instructions relating to the Acts of Trade—*cf.* 33. P.R.] [pp. 28-30.]

17 Nov. [35.] [Reference to the Committee of a Board of Trade
New representation with a letter from Benning Wentworth, Governor
Hampshire. of New Hampshire.] [p. 36.]

1746.
2 Dec.
(1748.)
20 May.

[Referred by Committee to Board of Trade.] [p. 47.]
[Committee. Wentworth's letter] Setts forth that he had in His Majestys Name issued a Writ to the Sheriff, Commanding him to make out precepts for Electing Members for the General Assembly to be held at Portsmouth the 24th January 1744-5 and at the same time for Empowering the Towns of Southampton and Chester the Districts of Haverill Methuen and Dracut, Dunstable Litchfield and Nottingham with the District of Rumpford to choose Members to represent them in General Assembly in regard they pay near One fifth part of the Provincial Tax and are equally qualified to send Representatives to the General Assembly with the other Towns in the Government—That the Assembly at their first Meeting refused to permit the persons returned for the abovementioned Towns and Districts to Sit and Vote in the choice of a Speaker in regard those Towns had not before sent Representatives insisting that no precept ought to be sent to any place for the choosing Representatives without a Vote of the Lower House or an Act of Assembly That tho' the said Governor was sensible that this proceeding of the Assembly was an Invasion of the Prerogative of the Crown, yet in the then Emergency of Affairs during time of War he did not think it for His Majestys Service to Enter into a Dispute with the Assembly thereupon And has therefore transmitted the whole of this Affair to His Majesty for his Royal Determination. [The Committee, on considering the report of the Board of Trade agreeing with a report made to them by the Attorney and Solicitor General, by which it appears] That as the Right of sending Representatives to the Assembly was founded originally on the Commissions and Instructions given by the Crown to the Gcvernors of New Hampshire His Majesty may lawfully extend the Priviledge of sending Representatives to such New Towns as His Majesty shall judge to be in all respects worthy thereof, and therefore that it would be adviseable for His Majesty to send positive Instructions to the Governor to dissolve the Assembly as soon as conveniently may be, and

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when another is chose to send Writs to the said Towns to elect Representatives and Support the Rights of such Representatives when Chose, [direct the Board of Trade to prepare an instruction for the Governor accordingly] . .

[XII. pp. 26-7.]

(1748.) [The instruction is approved, on the Committee report of 30 June. 25 June. P.R.] [XII. pp. 39, 49.]

(1752.) [Reference to the Committee of a Board of Trade 6 Aug. representation of 9 July] relating to the Opposition the Governor of the Province of New Hampshire meets with in the Administration of his Government and in carrying into Execution His Majesty's Orders and Instructions for the better Ruling and Governing the said Province arising from the Assemblys refusing to pay due Obedience to His Majestys Additional Instruction of the 9th of June 1749 relative to the Right of certain new Towns and Districts to send Representatives to the said Assembly ; And proposing that an Instruction should be sent to the Governor directing him to Issue a Proclamation to dissolve the present Assembly and forthwith to Issue Writs for calling a New one in the same manner and Form as those issued by him in Consequence of a Former Additional Instruction. And to lay a Copy of this Instruction before the New Assembly, and to represent to them, that the Power of calling Assembly's is solely derived from the Commissions and Instructions given by His Majesty or His Predecessors ; And further proposing that the several Acts by which several Determinations are made with respect to the Power of sending Representatives to the General Assembly and the Duration thereof inconsistent with the Just and known prerogative of the Crown may be repealed.

[XIV. p. 180.]

(1752.) [Reference to the Committee of a Board of Trade 20 Dec. representation of 29 Nov. with a letter from the Governor of 9 June last,] acquainting the said Lords Commissioners, that the said Assembly still continues to refuse to admit the members of the said New Towns and Districts to sit and Vote in the

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Choice of a speaker by which the publick Peace and welfare of the said Province is affected and His Majestys Service greatly obstructed. [XIV. p. 266.]

[36.] [Reference to the Committee of a letter from Governor Trelawny to the Duke of Newcastle transmitting a copy of an address from the Council and Assembly of Jamaica to the Governor] desiring that the Judicature of the Court of Chancery of that Island may be vested in Commissioners to be appointed by His Majesty for that purpose. 17 Nov. Jamaica.

[p. 37.]

[Referred by Committee to Board of Trade.]

[p. 48.]

2 Dec.

[37.] [Reference to the Committee of the] Petition of James Peyn of London Merchant Setting forth That very great Tracts of Land in the Province of South Carolina lye wast and Uncultivated which if they were properly Settled would extend the Trade and Navigation of Great Britain and become a Security against the Enemy to all the British Southern Colonys in America, That the several Timbers in that Province are peculiarly adapted to the Manufacturing of Pitch and Pottash and the Petitioner having found out a peculiar Method of making both those Commodities in the greatest Perfection he most humbly Prays that His Majesty will be graciously pleased to Grant in his Name Five hundred Thousand Acres of Land in the said Province to be run out in such place or Places as he shall find it suitable and conveniently Scituated for the purposes intended where it has not already been run out for other Grantees And that the Quit Rents may as usual in the like Grants be remitted for the first Ten Years and that the Lands may be comprized in One or more Grant or Grants as the Petitioner and his Associates may find it most convenient for the purposes aforesaid whereby amongst other Benefits which will accrew to the Crown they will be enabled to Settle thereon such Foreign Protestants and others as will shew themselves attached to His Majestys Person and Government. [P.R.] 17 Nov. South Carolina.

[p. 39.]

34 ACTS OF THE PRIVY COUNCIL (COLONIAL).

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2 Dec. [Referred by Committee to Board of Trade. The entry is repeated on 26 Oct, 1747.] [pp. 49, 419.]

17 Nov. [38.] [Reference to the Committee of the petition of Rose
Jamaica. Fuller, Francis Whitwick and Francis Sadler, complaining against Governor Trelawny for removing them from being Judges of the Supreme Court in Jamaica.] [p. 40.]

9 Dec. [The petitioners' agent having informed the Committee that Governor Trelawny had transmitted to the Board of Trade his reasons for their removal, the Committee direct the Board of Trade to lay a copy of the reasons before them.] [p. 55.]

(1747.) [The Committee order Governor Trelawny to transmit
30 July. forthwith his reasons for removing the petitioners.] [p. 344.]

(1752.) [On the Committee's recommendation of 25 Feb., permission
11 Mar. is given to withdraw the petition. Trelawny's answer was before the Committee on 25 Feb.] [XIII. pp. 525, 549.]

17 Nov. [39.] [Reference to the Committee of the] Petition of
South Thomas Lowndes humbly praying that His Majesty will give
Carolina. His Royal Orders to the Governor Surveyor General and all other Officers of the Province of South Carolina whom it may concern directing them to accept of the Surrender of any Grant or Grants for a Tract or Tracts of Land in the said Province not exceeding Twelve Thousand Acres and to permit the Person or Persons Surrendring such Grant or Grants to cover the Lands which did thereunto belong with a Grant of the Petitioners for Twelve Thousand Acres, All Arrears of Quit Rent being first paid and all proper Entries or Memorandums being made in the Office of Surveyor General and other Publick Offices to prevent any Fraud or undue practice from being Committed. [p. 40.]

2 Dec. [Referred by Committee to Board of Trade.] [p. 48.]

17 Nov. [40.] [Reference to the Committee of the petition of
Rhode Gulian Verplank of the city of New York, merchant, that the
Island. appeal of Isaac Pollock from a judgment of the Superior Court at Newport, R.I., 3 Sept., 1745, on an action of debt brought

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by the petitioner against Polock, be dismissed with costs for non-prosecution.] [p. 41.]

[On the Committee report of 17 Feb., the appeal is dismissed with *5l. stg.* costs.] [pp. 143, 184.] (1747.) 12 Mar.

[41.] [Reference to the Committee of the petition of the Hon. Isaac Gale of the parish of St. Elizabeth, Jamaica, for a day for hearing his appeal from a Chancery decree, 5 Feb., 1746, dismissing for want of parties a bill filed by him against Alexander Strachan, Edward Wilson, Richard Basnett and the Attorney General of Jamaica, to pay to the petitioner what should appear to be due to him as the proper representative and assignee of Mary Basnett, deceased.] [p. 41.] 17 Nov. Jamaica.

[Committee order for hearing on 3 April, and for affixing the usual summons, as the Attorney General has not entered his appearance.] [XII. p. 204.] (1749.) 1 Mar.

The Lords of the Committee this day took into Consideration the Appeal of Isaac Gale Esqr. against Alexander Strachan and others from Jamaica, and an Objection being made to the entering into the Merits of the said Appeal for want of proper Partys, Their Lordships heard Counsel thereupon, and were of Opinion That the Bill ought not to have been dismissed for want of proper Partys, For that if the Objection had been a good One, it was not a sufficient Reason for dismissing the Bill. But their Lordships were of Opinion, that there were sufficient Partys before the Court for the Court to have proceeded to the hearing and Determining the Merits of the Cause—Their Lordships therefore agreed to proceed upon the Merits at the next Committee. [XII. p. 299.] (1749.) 29 June.

[Order in accordance with the Committee report of 21 Nov., 1749.] The report gives an account of the disposal by Richard and Mary Basnett of the plantation of Brimmer Hall. Wilson and Strachan were trustees for Mary Basnett during her life. Gale, her loving kinsman, is her residuary legatee, but her will, as that of a *femme couverte*, is alleged to be void, and the trustees still claim to hold the estate in favour of Richard Basnett. Part of Gale's bill as against Wilson for conveying (1750.) 29 Mar.

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the plantation to him is dismissed, but Wilson is ordered to come to an account with Gale for the residue of the trust estate left by Mary Basnett. Gale's bill against the Attorney General is dismissed with costs, which are to be repaid him by Wilson or out of the trust estate after the account is taken. No costs are awarded on the appeal. [Other names mentioned in the report are Dr. William Hamilton, and Dorothy, wife of Isaac Gale.] [XII. pp. 340-8, 528.]

17 Nov.
Jamaica.

[42.] [Reference to the Committee of the petition of Sarah, widow of John Williams, and James Barclay of Kingston, Jamaica, and John Lewis of the parish of Westmoreland, Jamaica, for a day for hearing their appeal from an order of the Governor as Ordinary, 5 May, 1746, repealing an administration of the goods and chattels of John Williams granted to Norwood Witter and Benjamin Blake and granting administration *de bonis non* to their wives, Bonella Witter and Hannah Blake.] [p. 42.]

(1747.)
8 Sept.

[In explanation of the respondents' delay in entering an appearance Mr. Paris and Mr. Forrester explained on 30 July that two packet boats had been lost and no papers yet arrived. On the Committee report of 10 Aug. (when no counsel appeared for Witter and his wife), the administration in favour of Mrs. Witter and Mrs. Blake, sisters of the intestate deceased, is cancelled, and administration of all the goods, chattels, rights and credits of John Williams granted to Barclay and Lewis for the use of and during the absence of Sarah Williams. Mrs. Williams being in Great Britain at the time of her husband's death, authorised Barclay, Lewis and James Patterson of the county of Westmoreland, Jamaica, to be her attorneys as administratrix; Witter and Blake, who had married two sisters of John Williams, were meanwhile appointed by Governor Trelawny.]

[pp. 331, 344, 345, 362-5, 383.]

17 Nov.
Rhode
Island.

[43.] [Reference to the Committee of the petition of Wait Tripp of Newport, R.I., widow, for a day for hearing her

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appeal from a judgment of the Superior Court there, 26 March, 1745, on a writ of review brought by Benjamin Tripp against her for reversal of a judgment of the Superior Court, 2 October, 1744, in an action by Benjamin against Wait and Mary Tripp for recovery of the possession of a house and stable, land, garden and appurtenances, part of the estate of Othniel Tripp of Newport, yeoman, deceased.] [p. 42.]

[On the Committee report of 3 Dec., 1751, the appeal is dismissed.] (1752.) [p. 170; XIII. pp. 403-5, 427.] 14 Jan.

[44.] [Reference to the Committee of the petition of Edward Brownnett, master of the snow *Rudlow* of Cork, on behalf of Thomas Ottley and the Hon. John Douglas of St. Christopher and William Buckley late of St. Christopher and now of London, and of Ottley, Douglas and Buckley, from a judgment of the Vice Admiralty Court in St. Christopher, 9 Nov., 1745, condemning provisions imported from Ireland in the *Rudlow* on behalf of the petitioners, $\frac{1}{3}$ to the Crown, $\frac{1}{3}$ to the Governor, and $\frac{1}{3}$ to the libellant, James Smith.] 17 Nov. St. Christopher.

[p. 44.]

[Order in accordance with Committee report of 27 June,] (1750.) that so much of the said Sentence as Condemns the said Victuals and Provisions be reversed with Ten pounds Sterling Costs, and that the Respondent do pay and restore the full Value thereof to the Appellants Ottley Buckley and Douglas in the Proportion Claimed by them respectively with Interest and Costs of the Suit in St. Christophers. [The case was heard *ex parte*, no appearance having been entered for Smith.] 28 June.

[XII. p. 206; XIII. pp. 36, 39.]

[45.] [Reference to the Committee of a Board of Trade representation for repeal of an Antigua Act of April, 1745, to encourage the importation of provision into this island.] 17 Dec. Antigua.

[p. 80.]

[Reference to the Committee of the petition of merchants and planters interested in Antigua for approval of the Act and revocation of the Order in Council of 19 Feb., 1741,] (1747.) 3 June.

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1746.

forbidding provisions imported into the sugar islands to be exported thence to any islands or colonies but such as really belong to the Crown of Great Britain.] [p. 274.]

17 Dec.
Antigua.

[46.] [Reference to the Committee of the petition of the Council and Assembly of Antigua that a sufficient naval force should be kept in those parts and a complete regiment of foot well subsisted in that island, and that they may be supplied with cannon, and measures taken for destroying the enemy's settlements at St. Lucia and preserving those islands.] [p. 81.]

(1747.)
26 Nov.

[Committee. Reference to the Master General of the Ordnance of the petition of John Yeamans on behalf of the Council and Assembly of Antigua that a supply of ordnance and stores may be sent thither for their protection.] [p. 455.]

17 Dec.
Barbados
and
Antigua.

[47.] [Reference to the Committee of a letter from the Admiralty to the Duke of Newcastle proposing that Edward Legge, who is appointed to command his Majesty's ships at Barbados and the Leeward Islands in place of Commodore Lee, should during his command there be a member of the Council in Barbados and Antigua, as] they have reason to think that it would be advantagious to His Majestys Service in many respects that the Officers who Command His Majestys Ships in the West Indies and America should be Members of the Council in the respective Governments for whose Service and Protection they are employed which would probably beget a closer Correspondence and Agreement between them and be a means to carry on His Majestys Service as well as the Service of the Colonys with better Union than has sometimes happened and especially at this time that the Pressing Seamen is prohibited in America. [p. 82.]

18 Dec.

[Referred by Committee to Board of Trade.] [p. 84.]

(1747.)

3 June.

[Order in accordance with the Committee report of 27 May, agreeing with the Board of Trade that Legge may be a councillor extraordinary in Barbados and Antigua during his command, but that he be restrained from acting in a

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judicial capacity in cases of civil property and from assuming the government on the death or absence of the Governor and Lieutenant Governor.] [pp. 240, 267.]

[48.] [Reference to the Committee of the] Petition of the Planters of His Majestys Island of Jamaica thereto Subscribing as well in behalf of themselves as of sundry other Persons interested in Lands Slaves and Cattle in the said Island and now residing in His Majestys Kingdom of Great Britain Setting forth That it has been usual for the Governor Council and Assembly of the said Island to lay an Annual Tax by a Bill commonly called the Deficiency Law upon such persons having and possessing Slaves and Cattle in the said Island as should or did forbear maintaining and keeping such a Number of White Men upon their Estates as were thought reasonable in proportion to the Number of Slaves and Cattle thereupon That in process of time the said Tax has been Multiplied and extended by temporary Laws of the like Nature against such Persons who by reason of their Birth or Possessions in His Majestys European Dominions or thro' want of Health or on Account of necessary Business or other Avocations or Accidents were occasionally absent from their possessions in Jamaica to the amount of One half more upon each person so casually Absent than if they were constantly resident in the said Island And therefore humbly praying That His Majesty in Consideration of the great Utility resulting from his Subjects of Property in the said Island residing in Great Britain will give Orders to his Governor of the said Island to pass no more Bills of the like purport or any other that shall lay them under heavier Taxes than their fellow Subjects residing there. [p. 109.]

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15 Jan.
Jamaica.

[Referred by Committee to Board of Trade.] [p. 145.]

17 Feb.

[Reference to the Committee of the petition of John Sharpe, agent for Jamaica, that he be heard against the Board of Trade report of 1 May on the petition of the planters in Great Britain and that the petition be dismissed.] [p. 327.]

1 July.

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- (1748.) [On the Committee report of the same date, an additional
30 June, instruction is approved forbidding the passing of any Act for the differential taxation of absentees without a suspending clause. The instruction was drafted by the Board of Trade in accordance with an order made by the Committee on 25 June, when they approved the Board of Trade report recommending that directions should be given similar to those already given to the Governor of the Leeward Islands for the same purpose. P.R.] [XII. pp. 40, 43, 48.]

- 12 Feb. [49.] [Reference to the Committee of two Board of Trade
Newfound- representations on letters they had received from Joseph
land. Gledhill Esq., Captain of a company at Placentia in New-
foundland complaining of the want of arms and bedding for the men under his command.] [p. 140.]

- 26 Feb. [Referred by Committee to the Master General of the
Ordnance.] [p. 159.]

- 12 Feb. [50.] [Reference to the Committee of the petition of William
Antigua. Nibbs of Antigua, planter, and Mary his wife, for a day for hearing their appeal from a Chancery decree there, 3 March, 1746, upon a bill filed by Giles Blizard an infant, by Stephen Blizard his next friend, against them for setting aside a mortgage and lease of a plantation and other premises in Antigua made to the petitioner William by Giles Blizard, deceased.] [p. 140.]

- (1750.) [Committee order for reviving the appeal by making Robert
27 Mar. Nibbs, administrator of William Nibbs, now deceased, a party in his place.] [XII. p. 511.]

- (1752.) [On the Committee report of 10 March, 1752, the appeal is
11 Mar. dismissed.] [XIII. pp. 525, 533-5, 549.]

- 12 Feb. [51.] [Reference to the Committee of the petition of
Rhode Richard Partridge, attorney of Timothy Newell and Margaret
Island. his wife, of Newport, R.I., that the Council dismiss for non-prosecution the appeal of John Staniford from a judgment of the Superior Court of Rhode Island, 27 March, 1744, affirming a judgment of the Superior Court on an action of ejectment

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brought by Staniford for recovery of a parcel of land and certain houses in Newport.] [p. 141.]

[On the Committee report of 17 Feb., the appeal is dismissed.] 12 Mar. [pp. 144, 184.]

[52.] [Reference to the Committee of the petition of Patrick Roch Esq., of Montserrat for a day for hearing his appeal from a judgment of the President and Council as a Court of Errors, 16 Oct., 1746, affirming a judgment of the Court of King's Bench and Common Pleas, 13 Aug., 1746, in his action against the Rev. Edward Gaillard, Returning Officer of the members of Assembly for St. Patrick's parish, for refusing to allow him to vote though duly qualified as a freeholder and planter.] 3 April. Montserrat. [p. 199.]

[An appearance for Gaillard is entered by Mr. Paris.] 14 May. [p. 225.]

[53.] [Reference to the Committee of the petition of Jonathan Belcher, Governor of New Jersey, that, if the Assembly do not settle a fixed salary on him during the whole time of his government, he may be empowered to assent to bills annually passed for paying his salary, as was permitted to the Governor of Massachusetts Bay on a like occasion.] 16 April. New Jersey.

[p. 214.]

[Referred by Committee to Board of Trade.] [p. 230.] 19 May.

[54.] [Reference to the Committee of the memorial of Governor Belcher for leave to be absent for two or three months at such times as may necessarily require his going to New England, taking such seasons as shall be the least prejudice to his Majesty's service, and that, as he has no appointment from the Crown and the salary of the province is very slender, he may be dispensed from the 30th Article of his instructions which gives half his salary during his absence to the Lieutenant Governor or Commander in Chief.] 16 April. New Jersey. [p. 214.]

[Referred by Committee to Board of Trade.] [p. 231.] 19 May.

[55.] [Reference to the Committee of the memorial of Parke Pepper, late Duty Major at Rattan, on behalf of the 3 June. Honduras.

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inhabitants settled at the Bay of Honduras, with a letter to him from the principal inhabitants there, praying that a Governor may be appointed to reside constantly in Belize River and that some force may be sent thither to secure themselves and their trade.] [p. 273.]

9 July. [Referred by Committee to Board of Trade.] [p. 331.]

3 June. [56.] [Reference to the Committee of the petition of John Rhode Island. Freebody of Newport, R.I., merchant, for a day for hearing his appeal from a judgment of the Superior Court, 2 Sept., 1746, reversing a judgment of the Inferior Court, 27 May, 1746, in an action of trespass brought by him against Joseph Wanton for forcibly entering the petitioner's warehouse and seizing and carrying away 116 casks of muscovado sugar, 4 bags of cotton-wool, and 150 *cwt.* of ginger, all of the value of 20,000*l.*] [p. 274.]

(1751.) [Order, in accordance with the Committee report of 26 March, 30 April. reversing the judgment of the Superior Court, and affirming that of the Inferior Court,] with this Variation, that the Damages to be recovered by that Judgment should be no more than 2527*l.* 3*s.* 3½*d.* Current Money of the said Colony.

[XIII. *pp.* 177, 178, 186-7, 210.]

3 June. [57.] [Reference to the Committee of the petition of Rhode Island. Benjamin Brenton of Newport, R.I., mariner, for a day for hearing his appeal from a judgment of the Superior Court, 25 March, 1746, on a writ of ejectment brought by him against Gersham Remington for recovery of one-seventh part of a tract of land of 256 acres with a messuage and barn thereon standing.] [*pp.* 219, 275.]

(1751.) [Order, in accordance with the Committee report of 18 Jan., 30 April. dismissing the appeal with 40*l.* *sterling* costs. If the lands, which are situated in Jamestown, Newport co., have come into Brenton's possession under the former judgment of the Inferior Court, then they are to be restored to Remington.]

[XIII. *pp.* 142-3, 209.]

3 June. [58.] [Reference to the Committee of the appeal of Anna Jamaica. Hassall of Jamaica, widow and executrix of Arthur Hassall,

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merchant, from a Chancery order of 4 Aug., 1746, in an action brought by John Morse against her touching several shares of the *San Francisco* prize, by which order the Master's report of 12 March, 1746; on arguing exceptions taken by the petitioner, was confirmed.] [p. 279.]

[Order in accordance with Committee report of 2 Dec., for discharging proceedings taken in Jamaica by Morse since the appeal was allowed. A Chancery order of 20 June, 1747, is vacated and further proceedings forbidden till the appeal is determined.] [pp. 460, 467.]

3 Dec

[Order in accordance with the Committee report of 5 June. The dispute arose out of an agreement by Hassall and Morse to purchase the shares of the captors of the *San Francisco* prize. The order appealed from was made on exceptions taken by Morse to Mrs. Hassall's answer for prolixity and impertinence. The order is varied in part, but no costs are awarded on either side.] [XII. pp. 212, 255-8, 287.]

(1749.)
28 June.

[59.] [Reference to the Committee of a Board of Trade representation of 16 June for repealing an Act of the end of 1715 or beginning of 1716 concerning attorneys from foreign parts and for giving priority to country debts.] [p. 299.]

18 June.
North
Carolina.

[The Act is repealed, on the Committee report of 9 July, agreeing with the Board of Trade that] such part thereof as postpones the Execution on Judgments for Foreign Debts in the manner therein Provided is contrary to reason, inconsistent with the Laws greatly prejudicial to the Interests of this Kingdom and therefore not Warranted by the Charter and consequently void. [pp. 327, 350.]

7 Aug.

[60.] This day Mr. Paris Entered an Appearance for William Tab Respondent to the Appeale of John Lillie from Virginia. [p. 318.]

19 June.
Virginia.

[61.] [On a memorial from the Admiralty of 22 June, Captain Somers late commander of H.M.S. *Deal Castle* is allowed in the gunners' accounts 200 24*lb.* shot and 200 6*lb.* shot which Commodore Knowles, on the application of Governor

1 July.
St.
Christopher.

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Mathew, directed him to leave at Charles Fort in St. Christopher. The Ordnance Office cannot make allowance in such cases without an Order in Council.] [p. 324.]

1 July. [62.] [Reference to the Committee of (a) a letter from St. Bartholomew. Governor Mathew to the Duke of Newcastle setting forth that St. Bartholomew had been surrendered by the French inhabitants, but that, though the inhabitants had declared themselves his Majesty's subjects and received a Deputy Governor and the grant of religious toleration, yet they had been plundered by two privateers belonging to Benjamin King, Esq., wherefore his Majesty's favour is requested for securing the restoration to the poor inhabitants of their negroes and effects; and (b) a petition of the Hon. Benjamin King of Antigua to be heard by his counsel against the Governor's letter.] [pp. 325-6.]

9 July [The letter and the petition are referred by the Committee and on these respective dates to his Majesty's Advocate, Attorney, 23 July. and Solicitor General.] [pp. 329, 336.]

(1749.) [Reference to the Committee of the petition of Benjamin King, Esq., of Antigua, complaining of Governor Mathew and 2 May. desiring liberty to take depositions and copies of all necessary papers.] [XII. p. 244.]

(1751.) [Committee. Mathew's counsel objecting to the reading 15 Feb. of any evidence but what was admitted by his answer and the exhibits annexed, in regard no order had been made for taking depositions and proofs in the Leeward Islands as prayed by King's petition, further consideration is adjourned till evidence can be taken before commissioners in Antigua. But a marginal note reads,] The Names of the Commissioners not being delivered, this Order was never Issued.

[XIII. pp. 37, 97, 104, 128, 144, 156, 158-9.]

(1752.) [Reference to the Committee of King's petition for hearing 11 Mar. his complaints before the Governor is allowed to return to the Leeward Islands.] [XIII. p. 550.]

(1752.) [This new petition of King's is rejected in accordance with 7 May. the Committee report of 21 April. On Governor Mathew's

1747.

arrival in England, he became amenable to the courts of Common Law and an action about the petitioner's private injuries was brought in the Court of King's Bench at Westminster. The petition sought a hearing of King's public complaints also before Mathew should return.]

[XIV. pp. 39-40, 69.]

[63.] [Reference to the Committee of the petition of the Palatines in North Carolina complaining of Col. Thomas Pollock for having dispossessed them of lands granted them by Queen Anne, and praying to be restored to possession of them at any term of rents under his Majesty as shall be thought meet.]

1 July.
North
Carolina.

[p. 326.]

[Referred by Committee to Board of Trade.] [p. 336.]

13 July.

[The Committee approve the Board of Trade report of 30 Aug., and direct them to prepare a draft instruction accordingly.]

(1748.)

24 Nov.

[XII. p. 117.]

[Order in accordance with Committee report of 9 Feb., approving the draft instruction. The Board of Trade, when they considered the petition, were attended by Morris Walker, one of the Palatines, on behalf of the petitioners] who represented that they were a laborious people who had for many Years been employed in Manufacturing Pitch and Tar during which time they had Struggled with great Hardships and amongst other things that there had been several Years ago proceedings at Law in that province between the said Colonel Thomas Pollock and the Petitioners in consequence of which the Petitioners had been dispossessed of the Lands upon which they were first Settled But the Information of the said Morris Walker with respect to those transactions being very imperfect, [a copy of the petition was transmitted to Governor Johnston], in Answer whereto he hath informed them That the Palatines are a very sober industrious People and had a great many of their near Relations Murdered in the Indian War and yet are in a worse Condition than any of Your Majestys Subjects in that province for besides the common Quit Rents they want to oblige them to pay Two pence

(1749.)

16 Mar.

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proclamation Money for every Acre which Amounts to Sixteen Shillings and Eight pence Proclamation Money or Twelve Shillings and Sixpence Sterling Money for One hundred Acres which was a most intolerable Load especially if they insisted upon the Arrears That the Heirs of Thomas Pollock and these people were before him several Years ago and that he then made a particular enquiry into the Circumstances of this Affair and found by papers and other proofs then brought before him the Allegations which they have now laid before His Majesty to be true, That the only Answer he could get from the Heirs of the said Pollock was that they Allowed that the Baron de Graffenreidt Settled some of the Palatines upon the Lands they now live upon, but had no Patent for it, That the said Baron was at considerable more charge in furnishing the Palatines with Provisions and necessaries than the amount of what Money he had in his hands on their Account which run the Baron in Debt to their Father between Six and Seven hundred pounds Sterling for which Sum the Baron gave Bills of Exchange which Bills were returned protested That upon this the Baron Mortgaged all his Estate in that province both real and personal for the payment of the said Debt and promised to give some other Bills indorsed by some able Man in Virginia but returned into Germany without doing it That their Father after that obtained a Decree in Chancery for said Estate giving the Baron two Years from that time to redeem it which he failing to do these Lands were Surveyed and Patented in Pollocks Name That as Pollocks Heirs apprehended they had a legal Right to the Lands they would not depart from any of their pretensions unless compelled by Law and as the Palatines had lived on their Lands for so many Years they should pay to them the same Rent as they had agreed to do to the Baron That at that time the said Governor advised the Palatines to apply to Chancery for relief but as they were not well acquainted with the Language and ignorant of the Laws they were afraid to commence a Suit and he never heard more of it since Therefore as it appears that as the said Colonel

Thomas Pollock did obtain a Degree in the Court of Chancery in that Province from which there has been no Appeale and that the Lands were afterwards Surveyed and Patented in his Name the said Lords Commissioners were of Opinion that Your Majesty could not comply with the prayer of the said Petition But in Consideration of the repeated Hardships which these people who have been so many Years Settled in North Carolina have suffered by being dispossessed of their Lands and the advantages which will arise to the said Province by the continuance there of a Number of Useful and Industrious Inhabitants The said Lords Commissioners Submit whether it might not be adviseable that Your Majestys Governor of the said Province be directed to make a Grant or Grants to the said Petitioners of so much Land in the said Province hitherto ungranted as shall be equivalent to the Lands they have been dispossessed of to be free from Quit Rents for the first Ten Years and afterwards to pay the accustomed Quit Rent of four Shillings proclamation Money for every hundred Acres agreeable to the Tenor of Your Majestys Instructions to the said Governor and provided that he take care in the making of such Grant or Grants that the same shall become void as to so much of the said Land as shall not be cultivated within Ten Years from the Date of each respective Grant And the said Lords Commissioners further Submitted whether it might not likewise be adviseable that the said Governor should receive Your Majestys Directions to recommend to the Assembly of that province to make provision for defraying the Charge of Surveying the Lands so to be granted and of Issuing the Grants for the same or that the said Petitioners may be eased of the expence attending the said Survey and Grants in such other manner as should be thought proper. [P.R.] [pp. 180-2, 216.]

[64.] [Reference to the Committee of the petition of John White, Esq., of St. Christopher, complaining of Governor Mathew for suspending him from his seat in the Council, 7 Aug. ^{St.} Christopher.]

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removing him from the Commission of the Peace, and turning him out of his company of grenadiers in the militia of the island, and praying to be restored.] [p. 354.]

10 Aug. [Committee require Governor Mathew to transmit his reasons for suspending and removing White.] [p. 369.]

(1748.) [Reference to the Committee of White's petition showing
6 Oct. that Governor Mathew has made no return to the above order served on him on 18 Nov., 1747, and praying for relief and restoration to his places.] [XII. p. 95.]

(1750.) [Committee. Copy of Mathew's answer to be delivered to
17 Dec. White's solicitor.] [XIII. p. 129.]

8 Sept. [65.] [Reference to the Committee of a Board of Trade
South representation of 13 Aug. on considering an extract of a letter
Carolina. from Governor Glen] containing a Proposal made to him by the Cherokee Nation of Indians relating to a Fort which the said Indians have desired may be built in their Country to keep the French from coming amongst them. [p. 385.]

(1748.) [Additional instruction to Governor Glen approved, on Com-
30 June. mittee report of 25 June. The instruction was drafted by the Board of Trade in accordance with an order of the Committee on 20 May when they approved the Board of Trade representation referred to them on 8 Sept.] whereby it appears that the said Lords Commissioners are of Opinion that the complying with the said request will tend to the cultivating and maintaining a Friendship with the said Indians and to the Security of His Majestys said province of South Carolina and do therefore propose that His Majestys said Governor should be instructed to enter immediately into a Treaty with the said Indians for such a Quantity of Land as may be necessary for building the said Fort and in such a place as will most effectually Answer the purposes thereof and that he should forthwith transmit the Terms of such Agreement together with a Plan of the said Fort and an Estimate of the Expence in Order to be laid before His Majesty for His Majestys further Directions thereupon. [P.R.] [XII. pp. 27, 38, 48.]

1747.

[66.] [Reference to the Committee of a Board of Trade representation for repealing a Jamaica Act of May, 1746, for the further qualification of persons elected to serve in this and all future Assemblies.] [p. 385.] 8 Sept. Jamaica.

[On the Committee report of 20 May, the Act is repealed. (1748.)
The Board of Trade gave as their reason] That by this Act 30 June.
it is Declared That no person who shall hereafter be Elected shall be admitted to Sit or Vote in this or any future Assembly who shall not at the time of his Election have really and bona fide a free and clear Estate for his own life or the life of his Wife or a greater Estate in Lands Tenements and Negroes or either of them of the Value of three Hundred pounds per annum over and above what shall be sufficient to pay his just and proper Debts or such an Estate in Lands Tenements and Negroes or either of them of the Value of Four Thousand pounds over and above what shall be sufficient to pay all his just and proper Debts. And an Oath to this Effect is directed to be taken by the person so Elected, Which is an Alteration of An Act passed in His Majestys Island of Jamaica in the Year 1733 Entitled "An Act to Secure the Freedom of Elections and directing the proceedings in the Choice of Members to serve in the Assemblys in this Island, to Qualifie persons Elected to Serve in future Assemblys in this Island and to ascertain who shall be deemed Mullattos for the future," By which Act the Qualification of persons to be Elected to Serve in future Assemblys is ascertained and declared to be "An Estate of 300*l.* per annum or three thousand pounds in Gross over and above, what is sufficient to pay all just and proper Debts." And there does not appear any sufficient Reason for increasing the said Qualification.

[XII. *pp.* 25, 49.]

[67.] [Reference to the Committee of a Board of Trade representation for repealing a South Carolina Act of May, 1745, for enlarging the qualifications of the electors as well as of the persons to be elected to serve as members of the General Assembly of this province.] [p. 385.] 8 Sept. South Carolina.

1747.

(1748.) [On the Committee report of 20 May, the Act is repealed.

30 June. The Board of Trade objected] That This Act enlarges the Qualifications of the Electors as also of the persons to be Elected to Serve in the General Assembly of the said Province without any Apparent reason for such Alteration, and for this purpose repeals the third and Eighth Clauses in An Act passed in the said Province in September 1721 Entitled “An Act to ascertain the Manner and Form of Electing Members to represent the Inhabitants of this Province in the Commons House of Assembly and to appoint who shall be deemed and Adjudged capable of chusing or being chosen Members of the said House”—That this Act likewise repeals the Twenty first Clause in the said Act by which it is Enacted “That the General Assembly shall be dissolved every three Years next after the date of the respective Writs by which they are called” and directs the Assembly to continue only for One Year, That there is likewise a further Clause in this Act by which it is Enacted “That no person whatsoever holding possessing or enjoying any Office or place of profit in this province whereby he shall receive a Yearly Salary from the publick to be raised by the General Assembly shall hereafter be capable of Serving as a Member of the Assembly during the time such person shall be possessed of such Office or place any Law Usage or Custom to the contrary in any wise notwithstanding.” That this Act appears to be of a very extraordinary Nature and likewise repeals three Clauses of a former Act passed in the said province without having any Clause inserted therein suspending the Execution thereof until His Majestys pleasure should be known as required by the 19th Article of His Majestys Instructions to the Governor of the said Province. [XII. pp. 25, 50.]

8 Sept.
Jamaica.

[68.] [Reference to Committee of the petition of Richard Cargill, Esq., of Jamaica and Milborough his wife, late Milborough Hodgins, for a day for hearing their appeal from a Chancery decree, 10 Dec., 1746, in favour of Edward Hodgins,

Gibbons Hodgins, John Speke Sutton and Elizabeth, his wife.] [p. 386.]

[Committee order for hearing on 4 April, and for affixing the usual summons on the Royal Exchange and elsewhere, as none of the respondents has entered an appearance.] [XII. p. 204.] (1749.) 1 Mar.

[An appearance is entered for Sutton ; and his cross appeal referred to the Committee.] [XII. pp. 245-6.] (1749.) 2 May.

[Committee order for hearing Sutton's appeal on 20 June and for affixing the usual summons.] [XII. p. 247.] (1749.) 11 May.

[Appearance entered for the Cargills.] [XII. p. 248.] (1749.) 12 May.

[Orders are given in accordance with the Committee report of 27 June, reversing the decree and giving further directions. The appeal, which related to the will of George Hodgins, and involved John and William Hodgins, and Mary, wife of Thomas Cusans, besides those already named, was heard *ex parte*, no appearance being entered for Edward and Gibbons Hodgins.] (1750.) 28 June.

[XIII. pp. 35, 39.]

[69.] [Reference to the Committee of the petition of William Thomas, Esq., and Thomas Croose gent., of Jamaica, that the Council may dismiss with costs for non-prosecution the appeal of William Orgill from a Chancery order, 16 April, 1744, allowing a demurrer put in by the petitioners to a Bill of Revivor and Supplemental Bill filed by William Orgill against them in relation to a debt due from Jasper Ashworth to John Orgill deceased.] [pp. 345, 405.] 2 Oct. Jamaica.

[On the Committee report of 9 Feb., Orgill's appeal is dismissed with 10*l.* *stg.* costs.] [pp. 528, 540.] (1748.) 10 Feb.

[70.] [Reference to the Committee of the petition of Richard Kenner of Virginia for a day for hearing his appeal from a judgment of the General Court, 15 Oct., 1745, on an ejectment brought by him to recover from Jesse Ball seven messuages, a water grist mill, and 3,000 acres of land in Lancaster County.] [p. 443.] 4 Nov. Virginia.

[Committee. On a motion to report that the appeal should be dismissed with costs, having been abated a considerable (1749.) 8 Dec.

1747.

time by Kenner's death and no application made to revive it, Kenner's solicitor declared that he had no directions, but expected to receive them by the next ships from Virginia. The Committee agree to recommend the dismissal of the appeal if it is not revived within two months.] [XII. p. 397.]

(1750.) [The appeal is dismissed with 10*l.* *sterling* costs, on the 29 Mar. Committee report of 9 Feb., that no application has been made to revive it.] [XII. pp. 457, 528.]

3 Dec. [71.] [Reference to the Committee of the petition of] Peter
North Payne Mac^a. Scarbrough Simon Bryan Caleb Wilson Benjamin
Carolina. Hill and Stevens Lee in behalf of themselves and the several Inhabitants of the Precincts or Counties of Chowan Perquimons Pasquotank Currotuck Bertie and Tyrrel in North Carolina Complaining of an Act passed in that Province in 1746 intituled An Act for the better ascertaining the Number of Members to be Chosen for the several Countys within this province to sit in General Assembly and for establishing a more equal Representation of all His Majestys Subjects in the House of Burgesses. [p. 471.]

(1748.) [Referred by Committee to Board of Trade.] [p. 503.]

15 Jan.

(1748.)

14 July. [The Board of Trade having reported on 24 May that the petitioners' agent was not able to prove his allegations for want of due evidence, the Committee order that a copy of the petition be transmitted to Governor Johnston for his answer, and that] the Complainants or their Agents be at liberty to take Copys of all Records in any of the publick offices in the said Province touching the Matters Complained of as the said Complainants or their Agents shall think necessary to Support the said Petition of Complaint and that the same be delivered to the Complainants or their Agents Signed and authenticated in the usual Manner under the Seal of the Province upon paying the usual Fees for the same— And that free Liberty be also given to all such persons as the said Complainants or their Agents shall Name as also to all such persons as the said Governor shall Name to make

Affidavits before the Chief Justice and Judge of the Court of Admiralty of the said Province or either of them of what they know touching the Premises particularly as to the practice of the said province with regard to a Majority of the Assemblys being present before any Business could be proceeded upon and likewise with regard to the Number of Representatives sent by each of the Northern Countys to the General Assembly from the Year 1696 to the Year 1746 and that such Chief Justice and Judge of the Admiralty Court or either of them do Summon before him or them such persons as the Complainants or their Agents shall Name and Examine them upon such Interrogatorys as shall be exhibited for that purpose— Which the said Governor is to Signify to the said Chief Justice and Judge of the Admiralty Court at soon as may be ; And that [the complainants and the Governor exchange depositions and replies] And that the whole Matter be returned to this Committee under the Seal of the said Province within the Space of Six Months from the time that this Order shall be Served upon the said Governor of the Province of North Carolina—And their Lordships do hereby further Order that the said Governor do transmit to this Committee The Minutes of the General Assembly of the said Province in November 1746 with the Names of such Members as were present at their first Meeting, The Names of such as were Sworn in afterwards and the whole Number present during the Continuance of that Session and also Attested Copys of some of the Writs issued for calling Assemblys Antecedent to the Year 1736 if the same Form has been constantly observed ; And if there has been any Variation in the Form of those Writs, then to send Copys of such as have so Varied and also Copys of the Returns upon such Writs, together with a Copy of the Order of the Palatines Court in the Year 1696 directing Five Members to be chosen for the Northern Countys—And that the same be properly Authenticated under the Seal of the said Province and transmitted at the same time with the aforementioned proofs and Depositions.

[XII. pp. 65-7.]

1748.

(1749.) [The Committee refer to the Board of Trade two packets of
21 Nov. papers transmitted from N. Carolina, one delivered by
Mr. Abercrombie, agent for the Governor, containing his
answer and evidence on his behalf, the other by Mr. McCulloh,
containing the evidence for the petitioners.] [XII. *pp.* 348-51.]

1748.

14 Jan. [72.] [Reference to the Committee of a letter from Governor
Jamaica. Trelawny to the Duke of Newcastle] representing that there
are but twelve Matrosses and One Gunner allowed upon the
Island Establishment (the former for Port Royal the latter
for Rock Fort) and that they are such as can be got out of
the Inhabitants without understanding much the Theory and
as little the Practice of Gunnery—And therefore desiring that
a Detachment of a Company of Gunners and Matrosses (thirty
or under) may be sent for the Service of that Island which
being divided amongst the several Forts (of which there are
five Garrisoned by His Majestys Soldiers One by the Militia
and two or three others now raising by some of the Parishes
for the Defence of their own Barcadiers) might serve as the
principal Gunners of those Forts and might teach the others,
by which Means they might hope in time to have persons
knowing in the use of the great Guns as some of the In-
habitants might be put under their Instruction and Allotted
to that Service which they would not be averse to upon being
excused all other Duty in the Militia. [*p.* 493.]

15 Jan. [Referred by Committee to the Master General of the
Ordnance.] [*p.* 503.]

14 Jan. [73.] [Reference to the Committee of the petition of the
St. Martins. inhabitants of Anguilla and the settlers on his Majesty's part
of St. Martins, setting forth that they had through great
hazard and expense taken St. Martins by virtue of the
declaration of war and by commission from Governor Mathew to
Arthur Hodge, Governor of Anguilla, and praying confirmation
of grants of land there made to them by Governor Hodge.]

[*p.* 493.]

15 Jan. [Referred by Committee to Board of Trade.] [*p.* 504.]

1748.

[74.] [Reference to the Committee of a Board of Trade representation on a letter of 31 Oct., 1747, lately received by them from Otho Hamilton, Esq., Lieutenant Governor of Placentia,] complaining of the want of Civil Officers there for the Administration of Justice and of his not having a Power to Appoint such Officers. [p. 540.] 10 Feb. Newfound-land.

[Referred by Committee to Board of Trade.] [p. 551.] 23 Feb.

[75.] [Reference to the Committee of a representation of the Board of Trade on a letter of 6 Nov., 1747, lately received by them from Sir William Gooch, Bart., Lieutenant Governor of Virginia, acquainting them] that Applications had been made to him for Grants of Lands lying on the Western Side of the Great Mountains but that he did not think proper to comply therewith until he had received His Majestys Directions therein. [p. 540.] 10 Feb. Virginia.

[Referred by Committee to Board of Trade to consider whether it may be for his Majesty's service and the advantage of the colony to empower the Lieutenant Governor to make such grants to persons in partnership.] [p. 551.] 23 Feb.

[Committee agree with Board of Trade report of 2 Sept. and direct them to prepare an instruction accordingly.] 24 Nov.

[XII. p. 117.]

[A petition for a grant of 500,000 acres is referred to the Committee.] (1749.) 11 Jan.

[XII. p. 145.]

[Committee refer the petition to the Board of Trade and also return their report of 13 December with the draft instruction, as the lands petitioned for are situated in the same place with those proposed to be granted by the instruction, and probably have some relation to each other.] [XII. pp. 184-6.] (1749.) 9 Feb.

[Order in accordance with the following Committee report of 24 Feb.—] Your Majesty having been pleased by Your Order in Council of the 11th of last Month to referr unto this Committee the humble Petition of John Hanbury of London Merchant in behalf of himself and of Thomas Lee Esq. a Member of Your Majestys Council and One of the Judges of 16 Mar.

the Supreme Court of Judicature in Your Majestys Colony of Virginia, Thomas Nelson also a Member of Your Majestys said Council, Colonel Cressup, Colonel William Thornton William Nimmo Daniel Cressup John Carlisle Lawrence Washington Augustus Washington George Fairfax, Jacob Gyles Nathaniel Chapman and James Woodrop Esqrs. all of Your Majestys Colony of Virginia and others their associates for Settling the Countrys upon the Ohio and extending the British Trade beyond the Mountains on the Western Confines of Virginia humbly praying (for the reasons therein contained) that Your Majesty will be graciously pleased to encourage their Undertaking by giving Instructions to Your Governor of Virginia to grant to them and such others as they shall admit as their Associates a Tract of Five hundred Thousand Acres of Land betwixt Romanettos and Buffalos Creek on the South Side of the River Alligane otherwise the Ohio and betwixt the Two Creeks and the Yellow Creek on the North Side of the River or in such other parts of the West of the said Mountains as shall be adjudged most proper by the Petitioners for that purpose and that Two hundred Thousand Acres part of the said Five hundred Thousand Acres may be granted immediately without Rights on Condition of the Petitioners Seating at their proper Expence an hundred Familys upon the Lands in Seven Years the Lands to be granted free of Quit Rents for Ten Years on Condition of their Erecting a Fort and Maintaining a Garrison for the protection of the Settlement for that time, The Petitioners paying the usual Quit Rent at the Expiration of the said Ten Years from the Date of their Patent And further praying that the said Governor may be further Instructed that as soon as these two hundred thousand Acres more the residue of the said five hundred thousand Acres of Land may be granted to the Petitioners adjoining to the said Two hundred Thousand Acres of Land so first granted with the like exemptions and under the like Covenants and to give all such further and other Encouragements to the Petitioners in their so usefull and publick an

Undertaking as to Your Majesty in Your great Wisdom shall seem meet.

[The Board of Trade, on the reference of 9 Feb.,] have reported to this Committee that they have been Attended upon this Occasion by Mr. John Hanbury in behalf of himself and the rest of the Petitioners resident in Your Majestys Colony of Virginia from whose Information and from other Circumstances it appears that the aforementioned Application made to Your Majestys Lieutenant Governor of the said Colony for a Grant of Lands is part of the present proposal and that such Application was made by the persons whose Names are mentioned in the present Petition to Your Majesty and that the Lands applied for were to be contained within the District now Petitioned for And that the said Lords Commissioners conceive the Settlement of the Country lying to the Westward of the great Mountains in the Colony of Virginia which is the Center of all Your Majestys Provinces will be for Your Majestys Interest and the Advantage and Security of that and the Neighbouring provinces inasmuch as Your Majestys Subjects will be thereby enabled to Cultivate a Friendship and carry on a more extensive Commerce with the Nations of Indians Inhabiting those parts and that such Settlement may likewise be a proper Step towards disappointing the views and checking the encroachments of the French by interrupting part of the communication from their Lodgments upon the great Lakes to the River Mississippi by means of which communication Your Majestys Plantations there are exposed to their Incursions and those of the Indian Nations in their Interest and altho' the Terms of this proposal of Mr. Hanbury and others differ from those of the former, and from such as are usually given to Grantees of Land in America Yet in Consideration that the Lands applied for are at so great a Distance from any Settled part of Your Majestys Colony of Virginia and are also entirely Waste and uncultivated and that no persons will care to Settle thereon without some provision is made for their Security which the Petitioners

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propose to do by building a Fort and Garrisoning the same, The said Lords Commissioners are of Opinion that it may be for Your Majestys Service to comply therewith, And as the Petitioners propose to Advance a considerable Sum of Money at the first Outset the said Lords Commissioners Submit whether it might not be proper as a further Encouragement to so beneficial an Undertaking that at the Expiration of the Term of Ten Years the Petitioners should be obliged to pay Quit Rents for no more of the said Lands than they shall have Cultivated within that time conformable to Your Majestys Instructions to the Governor of the said Colony and the Laws in force there relative to the Seating and Cultivating of Lands, [the Board of Trade prepared a draft instruction accordingly, the approval of which is recommended by the Committee. P.R.] [XII. pp. 189-92, 215.]

10 Feb. [76.] [Reference to the Committee of the petition of
New York. Daniel Horsmanden, Esq., of New York, complaining of Governor Clinton for suspending him from his seat in the Council and from being Judge of the Supreme Court and Recorder of the city of New York.] [p. 541.]

8 Mar. [Committee. The petitioner's agent declaring that Clinton's reasons for removing Horsmanden had been transmitted to the Board of Trade, a copy is ordered to be laid before the Committee.] [p. 569.]

(1750.) [Committee order a copy of the petition to be sent to Clinton
2 Feb. for his answer.] [XII. p. 448.]

19 Feb. [77.] [Reference to the Committee of the petition of Philip
Jamaica. Wilkinson and Daniel Ayrault, merchants of Newport, R.I., owners of the *Fame* privateer, for a day for hearing their appeal from a decree of the Jamaica Chancery, 23 Feb., 1747, in favour of Moses Mendez, Abraham Musquitta, Mary Edgar, Patrick Yeamans and Arthur Hassall, relating to a half part of the third share of a Spanish prize taken by the said privateer.] [p. 548.]

1748.

[On Committee report of 17 Dec., 1750, the decree is affirmed] without prejudice to any further Relief that the Appellants may seek in the Court of Vice Admiralty there. [The first two respondents and John Edgar were the owners of the *New Exchange* privateer: Yeamans and Hassall with George Hall were agents for disposing of the *San Francisco* prize.] (1751.) 30 April.

[XIII. pp. 103, 104, 119, 126, 208.]

[78.] [Reference to Committee of a Board of Trade representation of 4 March for repealing a South Carolina Act of June, 1747, to empower two Justices and three freeholders or a majority of them to determine in all actions of debt of between 20*l.* and 75*l.* currency, *i.e.* between 4*l.* and 15*l.* proclamation money.] 22 Mar.
South Carolina.

[p. 621.]

[Reference to Committee of the petition of Peregrine Fury, agent for S. Carolina, to be heard in favour of the Act and against the contrary petition to the Board of Trade of George Morley, the Provost Marshal, and James Wedderburn, Clerk of the Court of Common Pleas.] 30 June.

[XII. p. 56.]

[Orders for repealing the Act and signifying his Majesty's high displeasure to the Governor for giving his assent in breach of the 20th article of his Instructions, are given in accordance with the Committee report of 21 July, agreeing with the Board of Trade representation, by which it appears] that in the Year 1692 the Proprietors of the said Province passed an Act empowering One or more Justices of the Peace to Determine Actions not exceeding Forty Shillings Current Money of that Province which said Sum of Forty Shillings was by an Act passed in the Year 1721 enlarged to Ten pounds and by another Act passed in 1726 to Twenty pounds Current Money. That this Act establishes a New Jurisdiction in two Justices and three Freeholders or a Majority of them who are empowered thereby to try and Determine all Actions of Debt whatsoever for any Sum or Matter not exceeding the Value of Seventy five pounds Current Money of the said Province which being equal to Twelve pounds Sterling The 4 Aug.

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said Lords Commissioners are of Opinion is a Sum too large to be determined in so Summary a Way it being declared by the said Act that the same shall not be tryable in any other Court of Judicature in that province And as most of the Actions in the said Province are represented to be within the said Sum this Act greatly lessens the Jurisdiction of His Majestys Court of Common Pleas wherein all Actions above the Sum of Twenty pounds Current Money have hitherto been determined by juries—That the Execution of all process upon Actions above the Sum of Twenty pounds Current Money have hitherto been in the Provost Marshall (or his Deputy) who gives Security whereas by this Act that power is vested in the Constable who is to levy all Money upon Executions and to pay it over to One of the Justices who is to pay it to the Plaintiff which Provision the said Lords Commissioners apprehend will not Answer the intention of the said Act inasmuch as neither the Justice or Constable give any Security or are under any penalty in case they shall detain any Money levied upon such Executions—That there is no Oath prescribed by this Act to be taken by the plaintiff in Order to prove his Debt or by the Witnesses to be Examined in any Action brought before the said Court and that the Execution of this Act may likewise be Attended with difficulties for want of persons in all parts of the province properly qualified for that purpose [and that there is no suspending clause as required by article 20 of the Governor's instructions].

[XII. *pp.* 68-70, 76.]

22 Mar.
South
Carolina.

[79.] [Reference to the Committee of the petition of John Hamilton] Setting forth That there are great Tracts of Land in the Province of South Carolina lying ungranted and uncultivated And that having discovered an Improvement in Manufacturing Plantation Pitch and Tar and also a Species of Essential Oyl which will be usefull in all His Majestys Dominions He has engaged with some Merchants of Fortune and Integrity who have agreed to Advance a large Sum of Money to make an extensive Settlement and to Advance all

1748.

necessary Sums from time to time for transporting Inhabitants to that Province And therefore humbly praying that His Majesty will be graciously pleased to grant him 200,000 Acres of Land in South Carolina to be taken up together in a Convenient place for Manufacturing and Shipping of those Commodities for England if so much can be had together in such convenient place, if not that the Petitioner may take it up in parcells not less than 12,000 Acres in a parcel and not more than 10 Miles Distant from each other if such Parcels can be so taken up without the Lands of others interfering and that the Petitioner may be at liberty to take up the same from time to time as he shall bring people to settle thereon and to have the whole comprehended in one or more Grant or Grants as it shall appear most expedient And that the Quit rent may be remitted for the first Ten Years from the Date of each Grant and afterwards to pay the usual Quit Rent of Four Shillings Proclamation Money per annum for each hundred Acres.

[p. 621-2.]

[80.] [Reference to the Committee of the petition of George Hannay for a day for hearing his appeal from a decretal order of the Barbados Chancery, 3 Feb., 1747, on a bill filed by James Lyndall against the petitioner, Andrew Drury and Jonathan Tremain, for payment of 950*l.* currency with interest from the respective times the same became due by half-yearly payments, and for payment of an annuity of 50*l.* settled on Sarah Lyndall and assigned by Caleb and Sarah Lyndall to James Lyndall at two equal payments in every year during the life of the said Sarah Lyndall.]

22 Mar.
Barbados.

[p. 623.]

[On the Committee report of 23 May the appeal is dismissed. The decree of 3 Feb., 1747, ordered *inter alia* that if the annuity were not forthwith paid by Hannay, it should] be levied on any the Estate theretofore belonging to John Elliot and Dorothy his Wife, then in the possession of the Petitioner or in whose Hands soever the same should be found.

(1751.)
17 June.

[XIII. pp. 227, 235, 238-9, 248.]

1748.

22 Mar.
Jamaica.

[81.] [Reference to the Committee of the petition of Francis Hals (late Sadler) of Jamaica for a day for hearing his appeal from a judgment of the Court of Errors, 24 Nov., 1746, reversing a judgment of the Supreme Court of the last Tuesday in Feb., 1746, on a writ of dower brought against him by Benjamin Hume and Elizabeth his wife, demanding in right of the said Elizabeth as widow of Thomas Hals, one third of all the real estate of Thomas Hals in Jamaica, as her dower.]

[p. 623.]

VOL. XII. (1 May, 1748—29 March, 1750.)

2 May.
Tobacco
passes.

[82.] Passes to export tobacco to France, which continued to be granted in great numbers in the period covered by Vol. XI, are granted to nine vessels in the usual form on 2, 5 and 12 May. On 5 May, his Majesty made a declaration to the Council of his having agreed to a cessation of arms with the French King. *Cf.* Vol. III, 602.] [pp. 1-17.]

30 June.
Bermuda.

[83.] [An additional instruction to Governor Popple is approved in accordance with the following Board of Trade representation of 23 June :—] We have had under Our Consideration a Letter which We have lately received from William Popple Esqr. His Majestys Governor of the Bermuda Islands dated the 16th of February last, Setting forth amongst other things, That the Speaker of the Assembly of those Islands having on the 4th of the said Month adjourned the said Assembly to the third ringing of the Bell the next Morning and the Provost Marshall whom he the Governor had sent at twelve o'Clock of the said Morning with a Message to the Speaker having returned for Answer that the Speaker was not in Town, and that there was no House he Summoned the Council and represented to them that the Speaker by this Neglect or Omission for which he could assign no justifiable Reason had incapacitated the Members from Meeting, and had ipso facto vacated their Seats without dissolving the Assembly

and that he knew of no other Method of continuing the Assembly (which subsisted still, because the power of dissolving it was alone vested in him, and he had not dissolved it) but by issuing out fresh Writs for electing Members in the room of the Members thus incapacitated by their Speaker and that all the Members of the said Council then present except One agreed with him in this Opinion ; That during this time the Speaker apprehensive of what might happen had called the House together and insisted that he had adjourned the House till the third ringing of the Bell without mentioning the Morning whereas the contrary appeared by the Minutes of the preceeding day signed by the Clerk a sworn Officer who upon his Oath averred to the House he had made the Entry from the Speakers Mouth however it was put to the Vote and carried that the Word Morning should be expunged : That he having sent to the House for their Minutes which they sent up by the Clerk who declared to the Council the same as he had delivered to the House he thereupon sent the Provost Marshall with a Message to the Speaker desiring him to acquaint the late Members of the Assembly convened by him, that they having deserted the Service of their Country he could no longer look upon them as Members of that Assembly and should therefore cause new Writs to be issued for electing of Members in their Places ; On which they all dispersed.

Whereupon We take leave to represent to Your Excellencies That as this Proceeding Appeared to Us to be of a very extraordinary Nature, We immediately transmitted an Extract of so much of the said Letter together with Copies of such Papers received therewith as related thereto to His Majestys Attorney and Solicitor General for their Opinion whether the said Governor when the Speaker and all the Members of the Assembly neglected to meet at the time to which they were Adjourned on the 5th of February in the Morning could legally issue Writs for chusing new Representatives without dissolving that Assembly and whether the

Representatives chose by Virtue of such Writs issued as afore-said by the Governor without a Dissolution of the Assembly would constitute a legal Assembly so as to make the proceedings of such Assembly Valid ; Who have Reported to Us as their Opinion, That neither the Assembly was dissolved nor did the Members lose their Seats by their not Meeting at 12 o'Clock on the 5th of February 1747-8 and that there was no ground for the hasty step taken in issuing New Writs for Supplying their places ; And as the Writs were issued not upon the foot of any supposed dissolution but to supply Vacancies that had not happened they were of Opinion the Members so returned on those Writs were unduly chosen and cannot Constitute or sit as a legal Assembly.

And therefore as this proceeding must Occasion great Confusion in the Affairs of that Government and may be Attended with Consequences destructive of the Peace and Security of the said Islands, We beg leave to propose that an Instruction be forthwith sent to the said Governor directing him to issue a Proclamation in His Majestys Name for dissolving the Assembly and immediately after such Dissolution to issue Writs for calling a New Assembly.

And whereas by the 27th Article of His Majestys Instructions to his said Governor His Majesty has been pleased to allow that the Assembly of the said Islands may by any Act or Acts Settle upon him such Sum or Sums in Addition to his Salary as they shall think proper for the keeping up and repairing of the House Allotted for the said Governor, provided such Sum or Sums be Settled upon him and his Successors in that Government, or at least upon him during the whole time of his Government there and provided the same was done by the first Assembly after his Arrival in those Islands and whereas notwithstanding the said Instruction the Assembly did on the 18th day of September 1747 come to a Resolution not to Allow the said Governor any Salary, We are of Opinion that in Consideration of the Difficulties he has met with, and the perplex'd State of the Affairs of the said

Islands he may be permitted to accept of any Sum or Sums in addition to His said Salary as the next Assembly so to be chosen shall think proper to Allow him for the keeping up and repairing of the House Allotted for him provided such Sum or Sums be Settled upon him and his Successors in that Government or at least on him during the whole time of his Government there : And in Case this proposal should meet with the Approbation of Your Excellencies, We humbly take Leave to lay before Your Excellencies the Draught of such an Instruction as will in Our Opinion answer these purposes. [P.R.] [pp. 45-7.]

[84.] [Richard Rowland and the Rev. Andrew Perrot are appointed of the Council in St. Christopher in accordance with a Board of Trade representation of 25 May] which Sets forth, That frequent Complaints having been made to them from the several Governors of His Majestys Colonys and Plantations in America of the Absence of the Members of the respective Councils whereby His Majestys Service and the Course of Publick Business was greatly obstructed, They had therefore thought it necessary to write Circular Letters some-time since to such of the said Councillors as they were informed were then in England acquainting them with their Intention of recommending to His Majesty proper persons to fill up the places of all such Absent Councillors as should not before the end of November last produce to them His Majestys Licence for their Absence in Conformity to the Instructions given to the respective Governors of His Majestys Plantations and that among others they had wrote to Mathew Mills and Daniel Cunningham Esqrs. Two of His Majestys Council in the Island of St. Christophers the former of whom appears by the Lists transmitted to the said Lords Commissioners by His Majestys Governor of the Leeward Islands to have been absent Six Years and the other three ; And the said Mathew Mills and Daniel Cunningham Esqrs. [have] neither produced His Majestys Licence for such Absence nor Signified any Intention of returning to the said Island. [pp. 52-3.]

30 June.
St.
Christopher.

1748.

30 June. [85.] [Reference to the Committee of the petition of William
 Nova Scotia. Foye setting forth] that Governor Mascarene Commander in
 Chief of Nova Scotia having Intelligence that the Enemy
 designed a Sudden Attack upon the Fortress of Annapolis
 Royal sent an Express to Boston in Massachusetts Bay
 desiring Succour as the Fort was in bad repair, very few to
 Defend it, and the Enemy expected every Moment That the
 Petitioner immediately waited upon Governor Shirley and
 offered his Service which he accepted and gave him a Com-
 mission who then at great expence raised a Company and
 proceeded directly to Annapolis where he found the Place
 beseiged but found Means to Land his Men and enter the Fort
 upon which the Enemy being disappointed retreated, That
 after this His Majesty was pleased upon a Representation of
 these Services to Order that all Governor Shirleys Engage-
 ments for paying the said Forces should be complied with and
 directed him to certify the Dates of the Officers Commissions
 into the Secretary of States Office in Order to fix the
 Commencement of their pay which was accordingly done.
 That the Petitioner in Consequence of His Majestys Resolution
 aforesaid hath never received more than One Years pay
 altho' his Expence hath vastly exceeded that and therefore
 humbly praying that His Majesty will be graciously pleased to
 Order that he may receive His Majestys pay to this time,
 and be further employed in His Majestys Service or entered on
 the half pay List till His Majesty shall be graciously pleased
 to Order him some other Employment. [p. 57.]

30 June. [86.] [Reference to the Committee of the similar petition
 Nova Scotia. of Otis Little, who raised a company at his own expense
 and assisted in the relief of Annapolis. He prays that his
 commission from Governor Shirley may be confirmed from
 the original date] that he may be enabled to receive His
 Majestys pay to this time, and that His Majesty will be
 graciously pleased to grant him such other Provision or
 Employment as in His Majestys Royal Wisdom and Goodness
 may be thought meet. [p. 58.]

1748.

[87.] [Reference to the Committee of the petition of William Thomas, Esq., of Jamaica, residuary devisee of Walter Thomas, gent., of Jamaica, deceased, for a day for hearing his appeal from a Chancery decree of 18 Feb., 1747, on a bill filed by John Dickons, gent., late of Jamaica and now of London, and Alexander Sutherland, merchant, of Jamaica, and Mary his wife (John Dickons and Mary Sutherland being the only children of Daniel Dickons, cooper), against Thomas Croose, Mathias Philp, Charles Price, and Thomas Walters, surviving executors of Gersham Ely, for payment of 37*l.* 2*s.* 7*d.* with arrears of interest out of the estate of Walter Thomas, to which bill the petitioner was afterwards made a party.] [p. 59.]

30 June.
Jamaica.

[In accordance with the Committee report of 23 July, the appeal is revived on the death of Thomas Croose, by making his executor, Richard Lewing, a party.] [XIII. pp. 282, 338, 351.]

(1751.)
31 Oct.

[The case arose from a bond entered into by Walter Thomas to Gersham Ely, and later assigned to Dean Pointz, who left Joseph Pointz and Mathias Philp his executors in possession of the bond. To them payment was made by the hands of John Cavalier and John Reeves, both since deceased. These received the bond but failed to restore it to Thomas, who died in Oct., 1728, leaving as executors, his wife Jane, who later married Kyrle Bowerman, Thomas Croose, Adam M'Questin, Cavalier and Reeves, of whom Croose was the acting executor to whom the bond should have been restored. Dickons and Sutherland claim that the bond was assigned by Joseph Pointz and Philp to Cavalier and Reeves as joint executors of Daniel Dickons in part payment of a debt due by them, and that instead of assigning the bond, they receipted and indorsed it by mistake. They therefore claimed payment from Croose out of the estate of Walter Thomas. William Thomas was admitted a party in Jan., 1745, and appealed from a Chancery order of Feb., 1747, ordering an account to be taken before Sidney Marriot, one of the Masters in Chancery.]

(1751.)
26 Nov.

Order is now given in accordance with the Committee report of 19 Nov., reversing the decree and ordering a new

1748.

trial in which the representatives of Cavalier and Reeves shall be parties.] [pp. 363, 364-9, 388.]

30 June.
Jamaica.

[88.] [Reference to the Committee of the petition of Sarah Elletson, widow, one of the daughters and executrix of George Goodin, of Jamaica, deceased, for a day for hearing her appeal from a Chancery decree of 11 Nov., 1746, in favour of David Dehany and Mary his wife, relating to the payment of two legacies left by Goodin to Mary Dehany and her younger daughter, Mary.] [p. 59.]

(1757.) [Reference to the Committee of the respondents' petition
8 June. that the appeal be dismissed for non-prosecution, no proceedings having been taken since an appearance was entered for them on 14 June, 1751.]

[XIII. p. 247 ; XVI. p. 521.]

(1757.) [On the Committee report of 1 July, the appeal is dismissed.]

8 July. [XVI. pp. 546, 551.]

4 Aug.
St.
Christopher.

[89.] [Reference to the Committee of a Board of Trade representation of 12 July on a memorial of Edward Jessup, Esq., complaining of being suspended from his seat in the Council of St. Christopher by Governor Mathew without the advice of the Council.] [p. 82.]

15 Nov. [Jessup's petition to be heard against the Board of Trade report is also referred to the Committee.] [p. 113.]

(1749.) [Similar reference of Governor Mathew's petition to be heard
16 Mar. against the report.] [p. 229.]

4 Aug.
Jamaica.

[90.] [Reference to the Committee of the petition of Samuel Jackson, merchant, of Kingston, Ja., for a day for hearing his appeal from a sentence of the Governor and Council of Jamaica as a Court of Errors, 4 Aug., 1747, affirming a judgment of the Supreme Court of Judicature of the last Tuesday in Feb., 1745, in an action of debt brought by David Olyphant for 4,000*l.* Jamaica currency, which he pretended was due from the petitioner by bond dated 8 Dec., 1741.]

[p. 82.]

1748.

[In accordance with the Committee report of 16 Jan. the judgments of Feb., 1745, and Aug., 1747, are both reversed and costs of suit in the Supreme Court awarded to the appellant. Other names in the report are James Tayler, for whom Olyphant was alleged to be surety, and John Morse, Jackson's attorney. The appeal was heard *ex parte*, no appearance having been entered for the respondent.]

(1753.)
7 Feb.

[XIV. pp. 254, 285-7, 308.]

[91.] [Reference to the Committee of the petition of Elizabeth Frisby, widow and administratrix of Peregrine Frisby, Esq., late of Cecil co., Maryland, for a day for hearing her appeal from a decree of the High Court of Appeals there, 20 Oct., 1747, affirming a Chancery decree of Oct., 1741, ordering the dismissal of a bill exhibited by her late husband against Mary Frisby, widow and administratrix of William Frisby, deceased, since married to John Baldwin, gent., to pay to him the half of William Frisby's personal estate.]

13 Oct.
Maryland.

[p. 98.]

[On the Committee report of 14 July, the appeal is sustained. Both verdicts are reversed and Mary Baldwin ordered to pay to Elizabeth Frisby a moiety of William Frisby's estate with interest from the commencement of the suit. William's son Nicholas having died, his property, by his will, was to be divided equally between his widow Mary and his brother Peregrine. Mary Frisby afterwards married Dominick Carrol and, on his death, John Baldwin.] [p. 104; XIV. pp. 162-4, 178.]

(1752.)
6 Aug.

[92.] [Reference to the Committee of the petition of James Barclay, merchant, of Kingston, Ja., and John Knight, Esq., only son and heir of James Knight, Esq., deceased, for a day for hearing their appeal from a Chancery order there, 23 Nov., 1747, in favour of Frances Rigby, spinster, executrix of James Rigby, Esq., deceased, and Robert Penny, Esq., Attorney General for Jamaica, dismissing the petitioners' motion for staying till further order in Chancery all proceedings on a judgment obtained in the name of his Majesty against Barclay.]

13 Oct.
Jamaica.

1748.

Similar reference of Barclay's appeal from a judgment of the Court of Errors, 4 Aug., 1747, in favour of the Attorney General affirming another in the Supreme Court in Nov., 1745, for his Majesty to] recover against the Petitioner a Debt on a Replevin Bond entered into by the Petitioner to His Majesty in the Penalty of 1,000*l.* in relation to some Negroes and Mules and also 5*l.* 13*s.* 3*d.* for Damages and Costs. [*p.* 99.]

(1752.) [Order in accordance with the Committee report of 7 April, 14 April, reversing several judgments given in Jamaica and restoring Barclay to what he has lost by them, and ordering further proceedings. The cases arose from agreements about a plantation in St. Andrew parish, Jamaica, made in 1712 and 1720, between John and Susannah Clarke and Samuel Walter and his attorneys, James Knight, Robert Poole, and Alger Pestall. Barclay is administrator of Walter's estate. Other persons named in the report are Joshua Bowes, Francis Mellin, Nicholas Harris, Maynard Clarke, and Mr. Morse.]

[XIII. *pp.* 64, 535 ; XIV. *pp.* 6-12, 30.]

29 Oct. [93.] [Orders in accordance with Committee report of
Pennsyl- 13 Oct. on 12 Acts referred to them on 12 May and by them
vania. to the Board of Trade on 14 May. The Committee concurred with the Board of Trade report of 29 July, viz. :—]

An Act for the New Appointment of Trustees of the general Loan Office of Pennsylvania and for making Current ten thousand pounds in New Bills of Credit to exchange such of those now by Law Current as are torn and defaced. Passed 26th May 1744.

This Act is supplemental to An Act passed in the said Province in the Year 1739 and Approved by His Majesty entitled An Act for reprinting exchanging and reemitting all the Bills of Credit of this Province and for striking the further Sum of Eleven Thousand One hundred and ten pounds five shillings to be emitted upon Loan, by which Act Trustees were appointed for the due Execution thereof but Disputes having arisen concerning the Limitation of time for the continuance of the said Trust ; this Act Appoints three New Trustees in the

room of those appointed by the former Act and likewise directs ten Thousand pounds in New Bills of Credit to be Struck and issued by the said Trustees but as these Bills are directed to be exchanged for such of the Bills emitted by the former Act which are so torn and defaced as to be rendered unfit for passing in payments and therefore the quantity of the said Bills of Credit is not thereby increased We see no reason why this Act may not receive His Majestys Royal Approbation.

An Act for reemitting and continuing the Loan of the Bills of Credit of this Province. Passed the 7th of May 1745.

This Act is likewise Supplemental to the abovementioned Act passed in the Year 1739 and directs that the Loan of the Bills of Credit reemitted and issued by that Act shall be further continued for Sixteen Years from the 15th of October 1746 And as the said Act passed in the Year 1739 and confirmed by His Majesty was thought reasonable and necessary for carrying on the Commerce of that Country and the preamble of this Act recites several good Services performed by means of the Bills of Credit thereby emitted ; We see no reason why this Act may not likewise receive His Majestys Approbation.

An Act for granting Five Thousand pounds to the Kings Use out of the Bills of Credit now remaining in the Hands of the Trustees of the general Loan Office for exchanging torn and ragged Bills and for striking the like Sum to replace in their Hands. Passed the 24th of June 1746.

The Bills of Credit granted by this Act for His Majestys Use are directed to be received in payment of Duties laid upon Wine Brandy Rum and other Spirits by virtue of An Act passed in that Province in the Year 1743 and the Treasure is directed out of the Money received in discharge of the said Duties Annually to pay Five hundred pounds in Bills of Credit into the hands of the Trustees of the General Loan Office in Order to be burnt and destroyed so that the whole of the said Five Thousand pounds will be Sunk and discharged in Ten Years and therefore We see no Reason why His Majesty may not be graciously pleased to Approve of this Act.

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1748.

A Supplement to the Act entitled An Act for imposing a Duty on persons Convicted of heinous Crimes. Passed the 24th of June 1746.

This Act appoints a Collector of the Duties imposed upon Persons convicted of heinous Crimes by Virtue of An Act passed in the said Province in February 1742-3 which Act His Majesty has been pleased to repeal by His Order in Council of the 17th of December 1748 and therefore We are of Opinion that this Act being in Consequence of the former may likewise receive His Majestys Disapprobation.

[For the other 8 Acts, see App. III.] [pp. 14, 20, 100-3, 106-8.]

15 Nov. [94.] [Reference to the Committee of the petition of Richard
Rhode Partridge, agent of Jonathan Sheldon, of Providence, R.I.,
Island. that the Council should dismiss with costs for non-prosecution the appeal of Robert Gibbs from a judgment of the Superior Court on a writ of review, 2 Oct., 1744, affirming judgments of the Inferior Court, 20 Dec., 1743, and of the Superior Court, 27 March, 1744, in favour of Sheldon as master of the sloop *Hopewell*.] [p. 113.]

28 Nov. [On the Committee report of 24 Nov., the appeal is dismissed with *5l. stg.* costs.] [pp. 116, 119.]

15 Nov. [95.] [Reference to the Committee of the petition of Samuel
Montserrat. Lowman, Comptroller of Customs in Montserrat, for a day for hearing his appeal from a judgment of the Vice Admiralty Court there, 25 April, 1747, acquitting the ship *Industry*, Joseph Cordix, master, and Jotham Odiorne alleged owner, which Lowman had seized for illicit trade.] [p. 113.]

15 Nov. [96.] [Reference to the Committee of the petition of
Jamaica. Alexander McFarlane, merchant, of Kingston, Ja., for a day for hearing his appeal from a judgment of the Court of Errors, 3 Feb., 1747, affirming a judgment of the Supreme Court, the last Tuesday in May, 1746, on an action of debt brought against him by the Attorney General, Robert Penny, for 2,000*l.* Jamaica currency, being the penalty of a bond entered into by the petitioner to his Majesty in relation to the payment of duty upon prize goods.] [p. 114.]

1748.

28 Nov.
Antigua.

[97.] [An Antigua Act of Sept., 1746, to prevent the increase of papists in this island, is repealed on the Committee report of 24 Nov. agreeing with the Board of Trade representation referred to them on 15 Sept., showing] That it requires every Man above the Age of Eighteen who comes to reside in that Island for longer than three Months to take the Oaths of Allegiance Supremacy and Abjuration and Subscribe the Declaration according to the Laws of England and impowers One Justice of the Peace upon Information given in Writing or upon Oath of any Credible person of any Mans neglecting to take the Oaths to commit him to Goal until he gives Security to depart the Island within Ten days, the former of which provisions appears to be ineffectual inasmuch as it does not extend to Women or Males under the Age of Eighteen and the latter may in the Execution be attended with great Hardships as it authorizes a Committment of the Offender without the Oath of the Informer and there is no provision made in the Case of persons being obliged to depart in Ten days for unavoidable Accidents such as Sickness Contrary Winds or the want of Ships to carry them off the Island. That this Act may likewise discourage the Trade and Navigation of the said Island inasmuch as all Seamen who shall Arrive in that Island in any Vessels Trading thither who are Roman Catholicks are Subjected to the Penaltys thereof for altho' there is a provision that nothing therein contained shall extend to any Masters Supercargoes or Mariners of Vessels yet such Exception seems to be ineffectual as it is limited to the Masters and Supercargoes departing in the same Vessels they respectively arrived in without any Provision in case of the Death of such Master or Supercargoes or the Loss or inability of the said Vessels to proceed to Sea That this Act likewise declares that any person who encourages any Papist to reside upon the Island except such as have been upon the Island for twelve Months either by hiring or purchasing them as Servants or leasing them or giving them any Lands to dwell on shall be subjected to One Months Imprisonment and to pay fifty pounds for the first

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1748.

Offence And One hundred pounds and Six Months Imprisonment for every Offence after, but the usual Words are omitted by which the inflicting of the Penalty should be confined to such Offence being knowingly and wilfully committed. [pp. 91, 114, 120.]

28 Nov. [98.] [A St. Christopher Act of 1746 to indemnify the sufferers for the damages sustained by depredations committed by the enemy by descents from their ships of war or privateers is confirmed, on the Committee report of 24 Nov., agreeing with the Board of Trade representation of 12 July, referred to them on 4 Aug., that the Act is reasonable and founded upon the same principle as a clause in a Leeward Islands Act passed in Nevis on 5 Dec., 1701, and confirmed 17 May, 1733, for the better securing and defending his Majesty's Charribbee Leeward Islands in America in case of a war, and to establish a fund for the same. P.R.] [pp. 82, 115, 120.]

28 Nov. [99.] [Reference to the Committee of an Admiralty Piracy. memorial of 1 Nov.] proposing (as necessary at this time) that Commissions should be granted to the several Governors of His Majestys Plantations and other places in Foreign parts to whom such Commissions have been usually granted to Authorize and Empower them to try and Condemn all Pirates that shall be taken and to bring them to deserved Punishment. [p. 122.]

9 Dec. [Committee.] Memorial . . Read—and the Committee observing that Commissions were passed the Seal of the High Court of Admiralty in the Year 1728 upon a Memorial made for that purpose by the then Admiralty Board dated the 15th of November 1728 and were soon after transmitted to the Governors of all His Majestys American Colonys, Which Commissions are in Force and will continue so during His Majesty's Reign—Ordered that the Clerk of the Council do write to the Secretarys of the Admiralty to acquaint the Lords Commissioners of the Admiralty therewith. [The letter is given in the same terms. It is dated 10 Dec. and signed by Temple Stanyan.] [pp. 131-2.]

1749.

[100.] [Reference to the Committee of an Admiralty memorial of 30 Jan.,] Setting forth That English Harbour in the Island of Antigua being the only commodious Port for cleaning and refitting His Majestys Ships stationed at Barbados and the Leeward Islands and Sheltering them in the Hurricane Seasons and considerable Squadrons of Ships having been employed during the late War at those Islands for protecting the same and annoying the Enemy and their Trade in the Neighbouring Settlements great Sums have been necessarily laid out by the Navy in building Wharfs Storehouses and other proper Conveniencys for cleaning and refitting them, That the Harbour has been likewise fortified at a considerable Expence out of Naval Moneys which more properly belongs to the Ordnance Office And as this Harbour is of the greatest Importance in time of War and will be much resorted to by Your Majestys Ships even in time of Peace, The said Lords Commissioners think it for His Majestys Service to keep up the Naval Storehouses and Conveniencys for Careening and have committed the Care thereof to an Officer duly Qualified But as the Fortifications which are of considerable Strength will soon fall into Ruin if they are not duly Supported and the Expence of keeping them up being not the proper Business of the Navy the said Lords Commissioners propose that it may be considered in what Manner they are to be taken care of for the future and that the Navy may be wholly discharged from an Expence and Trouble which has no relation to it.

1 Feb.
Antigua.

[p. 161.]

[Referred by Committee to the Master General of the Ordnance.]

9 Feb.

[p. 184.]

[Reference to the Committee of an Admiralty memorial, setting forth that the Ordnance Board reported on 7 April, 1749,] that an Engineer should be sent to Survey the State and Condition of the said Fortifications and transmit home Plans and Profiles of them together with an Estimate of the Annual Charge of keeping them up or of making such Addition or Alteration thereto as shall be judged necessary

(1750.)
29 Mar.

1749.

which Report is now depending before a Committee of the Lords of His Majestys Privy Council ; The said Lords Commissioners therefore propose that an Engineer may be sent out to Antegoa accordingly with proper Instructions for that Service and that the Expençe of the said Fortifications may be put upon the Establishment of the Ordnance Office and inserted in the Estimates laid by that Board annually before the Parliament. [p. 539.]

(1751.) [Order, in accordance with the Committee report of
26 Nov. 22 Nov., for sending an engineer forthwith with the pay of 20*s. per diem* to survey the fortifications and transmit plans and an estimate of the cost of their maintenance and improvement.] [XIII. pp. 377, 387.]

16 Feb. [101.] This day John Sharpe Esq. entered an Appearance
Massachu- for Dennie to the Appeale of
setts Bay. Liebenrood from Massachusetts Bay. [p. 187.]

16 Feb. [102.] This day John Sharpe Esq. Entered an Appearance
Jamaica. for Bucknor to the Appeale of Collin Campbell
from Jamaica. [p. 187.]

16 Mar. [103.] [Reference to the Committee of the] Petition of the
New Jersey. Council of Proprietors of the Eastern Division of New Jersey in behalf of themselves and the rest of the General Proprietors of the Soil of the said Eastern Division and other His Majestys Loyal Subjects therein complaining of the riotous and rebellious proceedings of several of the Inhabitants and that the Assembly have refused to afford the Government any Assistance and praying His Majesty to take the deplorable Case of the said province of New Jersey into Consideration and to put a stop to the growing Rebellion therein that His Majestys Authority and Laws may be therein restored and preserved and the Petitioners and other His Majestys Loyal Subjects may by and under them be protected in the enjoyment of their Lives and propertys. [p. 229.]

13 April. [Referred by Committee to Board of Trade.] [p. 232.]

1749.

[Reference to the Committee of] the Petition of the House of Representatives of the Colony of New Jersey in General Assembly convened Setting forth amongst other things that the Proprietors of the Eastern Division of that Colony from the first Settlement thereof have Surveyed Patented and Divided their Lands by Concessions amongst themselves in such Manner as that many irregularitys have insued from thence which have occasioned Multitudes of Controversys and Law Suits about Titles and Boundarys of Lands That the Inhabitants of the said Colony have hitherto fully demonstrated their Principles of Duty and Loyalty to the Government by Supporting of Government to their best Ability granting Aid in time of War when required by any intimations of the Royal Pleasure and by a ready Submission to the Laws of the Land excepting of late some imprudent People have in a riotous Manner obstructed the Course of legal Proceedings brought against them by their Antagonists touching some of those Controversys about Lands and therefore humbly beseeching that His Majesty will be graciously pleased to continue to His Loyal Subjects of that Colony His Royal Countenance in such Manner as He in his Wisdom shall see meet.

(1750.)

11 April.

[p. 548.]

[The Committee refer the petition to the Board of Trade, who have now under their consideration a state of the said province (127).]

(1750.)

3 May.

[XIII. p. 9.]

[Reference to the Committee of] the Petition of the Subscribers being a Committee chosen and appointed by the possessors of Land lying in the Township of Newark and other Parts of the County of Essex in His Majestys Colony of New Jersey in behalf of the said People relating to some extraordinary proceedings of the said People and humbly praying that His Majesty will be pleased to extend his Gracious pardon to them for their past Offences in such Method and Manner as His Majesty in His great Wisdom shall think proper and that His Majesty will be pleased to remove the Grievances of these poor distressed Possessors in protecting them from

(1750.)

6 Dec.

a Multiplicity of vexatious expensive Law Suits that they may not be utterly disabled to bring a few Suits that will decide all their Controversys with the Claimers by Appeals to be tryed in His Majestys Royal presence And further praying that His Majesty will provide effectual means wholly to put it out of the power of the great and potent Men in New Jersey for the future by any Device whatsoever to obstruct His Majestys poor and remote Subjects from having a speedy Recourse to the Fountain of Justice that all His Majestys loyal Subjects there may equally enjoy the Benefit of His Majestys Mild and Auspicious Reign.

[Similar reference is made of two other petitions of a like nature. One from Newark seeks] Redress of their Grievances with respect to the quiet possession of their Lands which they and their Ancestors have legally and regularly purchased and spent their Lives Labour and Strength upon.

[Another from Middlesex and Somerset counties concludes,] And further praying that His Majesty will be pleased to grant to Dollius Hagerman and those other suffering Purchasers who have kept in their Duty to the Government such Relief that they and all other His Majestys Subjects in New Jersey may enjoy the benefit of the Law in being secured in their long possessions and that they may not lose their Birthright of being tried by Jurys but may enjoy the benefit of Verdicts. And likewise that His Majesty will provide effectual Means wholly to put it out of the power of the Proprietors and other great Men to sell Lands to the poor labouring people and receive their pay for it and when the Lands are cleared and made valuable then to sue for them again and compell the people to buy the same a Second time or under them with many and expensive Law Suits so as to debarr them from Appealing to His Majestys Presence where all His Majestys poor remote Subjects with the Great and Rich men do all equally enjoy the happy benefit of His Majestys Auspicious Administration of Justice.

[XIII. pp. 114-6.]

1749.

[Committee. In accordance with the Board of Trade (1751.) report on the state of New Jersey,] whereby it appears That 30 July. many and great Outragious and Riotous proceedings have been carried on for some Years past by several of the Inhabitants in that Province That the Goals have been broke open by large Bodys of People, and Prisoners freed and set at Liberty ; And that the power of the Government has not been sufficient to put a Stop thereto in regard the Assembly did not concur with the proposals repeatedly made to them by the Governor and Council for strengthening their Hands and bringing the Offenders to Justice—That the Reasons assigned for the Cause and Foundation of these violent Proceedings as appear by Three Petitions of the possessors of Land in Essex Middlesex and Somerset (referred by His Majesty to this Committee) are the Apprehensions they are under of being turned out of the Possession of their lands which they alledge to have been purchased by their Ancestors and themselves from the Indian Sachems the Original possessors of all the Lands there, several Ejectments having been brought against them for that purpose : [Orders are given (a) to the Attorney and Solicitor General to consider proper methods of inquiring into the grievances of the inhabitants of New Jersey, to consider precedents and similar commissions, and to prepare the draft of a commission leaving blanks for the names of commissioners to be appointed ; and (b) to the Board of Trade to prepare a draft instruction to the Governor upon the following heads—] First, For expressing His Majestys Displeasure at the Conduct of the Assembly, in not assisting the Government to suppress the violent and outrageous Proceedings of several of the Inhabitants, though repeatedly called upon by the Governor and Council to concur in proper Measures for that purpose ; And also for signifying His Majestys Expectations that the Assembly shall hereafter contribute their best Endeavours, as well by supporting the Government as by other proper Methods for re-establishing and preserving the Peace and Tranquility of the Province.

2d, To inform all the Inhabitants, that His Majesty out of his Tender Regard for their Welfare, and as a means to put a Stop to the Continuance of such Outragious Proceedings for the future hath been graciously pleased to Order a Commission to be passed under the Great Seal empowering proper persons to enquire into the Cause and Foundation of all the Grievances complained of, and to make a Return thereof to His Majesty, that His further Will and Pleasure may be signified thereupon—

And 3d, To declare to them, that His Majesty hath under his Consideration the granting An Act of Indemnity to all those who shall appear to have merited the same, and to recommend in strong Terms to all His Majestys Subjects to behave themselves in such Manner, that Peace and good Order may be preserved for the future. [XIII. pp. 283-6.]

(1752.) [The Committee refer to the Board of Trade the report of
7 May. the Attorney and Solicitor General, submitting a draft commission for inquiring into the causes of the rise, progress and continuance of the commotions in New Jersey.]

[XIV. p. 65.]

(1752.) [Reference to the Committee of a petition from a number
6 Aug. of the inhabitants of Essex co., New Jersey, relating to the contests between them and the proprietors,] and Particularly with respect to a Riot which was lately committed at Perth Amboy where the Goal was broke open and a Prisoner set at Liberty, who had been a few Weeks before, committed upon an Indictment of Five Years Standing, for having been concerned in some of the Riots which had at that time Disturbed the Province. And the Petitioners at the same time Declare not only their Innocence therein but their Abhorrence of such Outragious Proceedings and therefore humbly Praying that the False and Invidious Representations their Oponents may make of this Affair may not any ways Prevent, Obstruct or Delay the Execution of the Wise and Merciful Measures which the Court of Great Britain were falling upon or have already entered into in Order to bring

1749.

about a peaceable Settlement of the Contests and Confusions which have long subsisted in that Province. [XIV. p. 181.]

[104.] [Reference to the Committee of the petition of William Goleborn, Esq., and Mary his wife, for a day for hearing their appeal from a decree of the Jamaica Chancery, 17 Feb., 1747, on a bill filed against them and John Morse by Daniel Axtell, gent., to cancel several deeds obtained from Axtell and come to an account and pay him what should be found due in relation to the estate of Daniel Axtell, deceased.] 16 Mar. Jamaica.
[p. 230.]

[105.] [Reference to the Committee of the] Petition of Hans Jacob Rie Mersperger late of Toggenburgh in Switzerland now of Saxe Gotha in Carolina Setting forth that he hath been twice in South Carolina and hath Settled several Familys of Swiss and German Protestants there and that he proposes to make a Settlement of many more Familys provided the Obstructions mentioned in the said Petition may be removed and that the encouragements therein proposed may be granted to him. 2 May. South Carolina.
[p. 243.]

[Referred by Committee to Board of Trade.] [p. 248.] 11 May.

[The Committee refer to the Treasury the Board of Trade report,] by which it appears, that near Six hundred persons of the Lutheran Religion, Natives of five Bailliwickes of the Dutchy of Wirtemberg have lately left their own Country, several of whom are already come over to England and the rest embarked to come over in order to go and Settle in South Carolina but that they are unable by reason of their poverty to pay the Charge of their Transportation to Carolina the said Lords Commissioners therefore Submitt whether it may not be adviseable to Transport them at the publick Expence. 5 June.

[pp. 260-1.]

[106.] [Reference to the Committee of the] Petition of sundry Merchants and principal Inhabitants of the Town of Boston in His Majestys Province of the Massachusetts Bay humbly praying that His Majesty would be graciously pleased 2 May. New England.

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1749.

to cause such effectual Measures to be taken as shall compel the Governments of New Hampshire Connecticut and Rhode Island to redeem their Bills at the same rate at which the Bills of this Government shall be redeemed and that the said Governments may be immediately restrained from making any Addition to the paper Currency as such Addition will tend to render the drawing in and sinking the whole so much the more difficult. [p. 243.]

5 May. Memdm. A Copy of the Petition . . was this Day laid before the House of Commons pursuant to their Address of the 2d. Instant. [p. 246.]

2 May. [107.] [Reference to the Committee of the petition of
Montserrat. William Chambers and William Roynon, Esqrs., on behalf of themselves and the rest of the freeholders and inhabitants of Montserrat, complaining of Governor Mathew for issuing a writ in 1748 for electing four additional members to the Assembly, and praying that the writ and all proceedings thereon be annulled, and that they be otherwise relieved in the premises.] [p. 243.]

19 June. [Committee order a copy of the petition to be sent to Governor Mathew for his answer. The petitioners are to be allowed copies of all necessary papers and records authenticated under the seal of the colony on paying the usual fees.] [p. 280.]

2 May. [108.] [Reference to the Committee of the petition of
Antigua. Benjamin King, Esq., of Antigua, for leave to bring a writ of error before the Governor and Council and, if necessary, to appeal to his Majesty, from a fine of 100*l.* imposed on him by the Court of King's Bench and Grand Sessions for Antigua, 12 July, 1748, on the Attorney General's information against him] for having unlawfully and extorsively received several Sums of Money during the time the Petitioner had been Commissary and Judge of the Court of Vice Admiralty of that Island. [p. 244.]

2 May. [109.] [Reference to the Committee of the petition and
Antigua. appeal of] John Dunbar of His Majestys Island of Antigua

1749.

Doctor in Physick and Eleanor his Wife and of Elizabeth Watkins and Ann Watkins of the said Island Spinsters, The said Eleanor Elizabeth and Ann being the three Surviving Daughters and Heir at Law of Elizabeth Watkins deceased who was One of the Two Daughters of Jacob Morgan Esqr. deceased and being the three Surviving Sisters and Heir at Law of Mary Watkins their late Sister deceased, and being Infants by Jonas Langford and William Mackinen Esqrs. their Guardians, from a Judgment given in the Court of Errors of the said Island on the 18th of August 1748 reversing a Judgment of the Court of Common Pleas of the said Island of the 17th of September 1746 upon a Declaration in an Action of Detinue filed in the said Court of Common Pleas against the Petitioners by Thomas Shephard and Rachel his Wife to deliver to them Thirty Negroe Slaves lately belonging to the said Jacob Morgan deceased. [p. 245.]

[On the death of Thomas Shephard the Committee revive (1752.) the appeal by making Rachel, his widow, Thomas, his son and 30 June. heir, and Thomas Warner, Daniel Warner, and Richard Bingham, Esqrs., Robert Shephard, gent., Richard Boddicott and Stephen Mignian (Minion), his six surviving executors, parties in his stead.] [XIV. p. 153.]

[Appearance entered for Shephard's widow, son and seven (1753.) executors, George White being added.] [XIV. p. 281.] 11 Jan.

[In accordance with the Committee report of 6 March, the (1753.) judgment of Aug., 1748, is reversed and that of Sept., 1746, 7 Mar. affirmed, with costs of the affirmance in the Court of Errors.]

[XIV. pp. 337-8, 344.]

[110.] [Reference to the Committee of the petition and 2 May. appeal of Robert Thackeray, Esq., of the parish of St. George Jamaica. in Jamaica from a Chancery order of 20 Feb., 1747, directing him to pay to Richard Farrill 1,921*l.* 5*s.* 10*d.* with interest and costs of suit.] [p. 246.]

[111.] [Reference to the Committee of an] Address and 12 June. Remonstrance of the General Assembly and principal Bermuda.

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1749.

Inhabitants of the Bermuda Islands complaining of the Male Administration of William Popple Esqr. Governor of the said Islands, And humbly praying that the said Governor may be removed from his Government and the Inhabitants receive such other Redress as His Majesty shall think proper.

[p. 262.]

8 Dec. [Committee order a copy of the complaints to be sent to Governor Popple for his answer. The complainants are to be allowed copies of all necessary papers.] [p. 397.]

(1751.) [Reference to the Committee of an address from the Council
16 Jan. of Bermuda complaining of Popple's maladministration.]

[XIII. p. 136.]

(1751.) [Committee. A copy of Popple's return to the complaint
23 May. of the Assembly to be delivered to the agent for the islands.]

[XIII. p. 241.]

(1751.) [Committee. Popple's objections to the regularity of the
9 July. complaint of the Assembly to be heard on 23 July, and each party to have liberty to examine the written evidence on either side.]

[XIII. p. 263.]

(1751.) [The Committee overrule Popple's objections and order him
23 July. to return his answer to the complaints both of the Assembly and of the Council.]

[XIII. pp. 279-80.]

(1753.) [Committee. A motion having been made on behalf of
7 Aug. Popple for a day for hearing the complaints, and on behalf of the complainants for an order to examine witnesses in Bermuda before the complaints are heard, the Committee, after hearing the solicitors for both parties, order the matter to be heard after the vacation upon the addresses and the Governor's answers and upon the Journals of the Council and Assembly and such other records as may have been transmitted duly authenticated under the seal of the islands.]

[XIV. p. 464.]

12 June. [112.] [Reference to the Committee of the petition of
Rhode Nathaniel Wheelwright, merchant of Boston, for a day for
Island. hearing his appeal from judgments of the Superior Court of Rhode Island, 1 March, 1748, and of the Inferior Court,

1749.

17 Sept., 1747, on his action of Trover against Ebenezer Tyler for 26 casks of brandy, 5 barrels of indigo, 10 cases of bottles of wine, 8 barrels and 2 half-barrels of sugar, 2 hogsheads of claret, 4 quarter-casks of white wine, and 1 hogshead of almonds, of the value of 3,000*l.*, the petitioner laying his damage at 6,000*l.* New England currency.] [pp. 248, 263.]

[Order in accordance with the Committee report of 26 Nov., 1751. The case arose out of a business agreement between Tyler and Lewis Dumoulin of Boston, as to the goods and a bill of sale by Dumoulin to Wheelwright. Wheelwright sold part of the brandy to William Pearce, but Tyler refused to deliver it unless Wheelwright should pay him money alleged to be due from Dumoulin for freight. Both the judgments are reversed by the Council (save the award of costs to the appellant), and directions are given for further proceedings in the Superior Court.] (1752.) 14 Jan. [XIII. pp. 391-5, 427.]

[113.] [On the Committee report of 29 May, a Massachusetts Act of Jan., 1749 is confirmed, for drawing in the bills of credit of the several denominations which have at any time been issued by this Government and are still outstanding, and for ascertaining the rate of coined silver in this province for the future. The Act was referred to the Committee on 16 March, and by them to the Board of Trade on 13 April. The Committee agreed with the Board of Trade report of 11 May, which is quoted:—] That they have taken the said Act into their Consideration and also consulted Mr. Lamb One of Your Majestys Counsel at Law thereupon who has reported to them, That the said Act is imperfectly worded concerning the Receipt of the Money which has been granted by Parliament for the Use of this Province ; ffor there are no express Words that Authorize Sir Peter Warren and the others to receive the Money, but they are Authorized and empowered to give a full Discharge for whensoever the same shall have been issued without mentioning to whom it is to be issued, That they are also Authorized to Address Your Majesty to Order the Money to be transported in Foreign

28 June.
Massachu-
setts Bay.

Coined Silver on Board Your Majestys Ships, and to pursue such Instructions as the General Court of the said Province shall think necessary concerning the transporting the said Money, And that he had applied for the Instructions given to Sir Peter Warren &c. and found thereby that the Act was thus Worded with a Design to have the Money transported by Your Majestys Order according to the Address rather than to be received by Sir Peter Warren &c. to save the Charges of Freight and Insurance and the Risque of the Money being transported and in case they do not succeed in getting the Money transported that way then Sir Peter Warren &c. are directed by their Instructions to receive the Money themselves and transport the same in such manner as is therein directed : But that he has no Objection thereto in point of Law. However the said Lords Commissioners laid before this Committee their Observations upon such other parts of the said Act as appeared to them to deserve the Consideration of this Committee.

The two great Objects of this Act are—

1st. Entirely to sink and Abolish all the Paper Bills of Credit at present Outstanding in the said Province, and 2ndly. By means of the Money granted by Parliament for reimbursing to the said province their Expences in taking and securing to the Crown of Great Britain the Island of Cape Breton and its Dependencies, to substitute in lieu of the Bills of Credit an invariable Silver Currency for the future.

That the Legislature of the said Province in Order to carry the beneficial purposes of this Act into Execution in a manner as effectual and as Equitable as the Circumstances of their Scituation will admit have thought it necessary to exchange their outstanding Bills for Silver at the Rate of Ten pounds in Bills of what is called the Old Tenor for One pound Sterling (which is less than Half the Nominal Value affixed to the said Bills by the several Acts for creating them) at which Rate the whole Paper Currency will be Sunk except the Sum of Seventy five Thousand pounds New Tenor for the sinking of which

provision is made by a Tax to be levied in the present Year so that the whole will be entirely abolished within the Year 1750 provided the Money granted by Parliament arrives in the province within that time.

But as the Alteration made by this Act in the Nominal Value so set upon the said Bills of Credit may appear at the first View to be in some Degree a Breach of the publick Faith of the Province and an Injustice to the possessors of the said Bills The said Lords Commissioners think it proper to observe that the said Bills of Credit have by frequent and large Emissions of them both before and since the breaking out of the late War as well as by many other concurrent Circumstances been from time to time greatly depreciated And that it is represented, that by far the greatest part thereof have passed from hand to hand and been received by the present possessors at even a lower Rate than is set upon them by this Act therefore should they be redeemed at their Nominal Value (which at the very time of their Emission they never really bore) as the first possessors never did or could receive near that Nominal Value so it would be unreasonable that the present possessors should avail themselves of a Benefit which they have never purchased and cannot in Equity be entituled to, If to these are added the following Considerations The exhausted Condition of this Province. The great Scarcity or rather total Want of Silver there. The excessive Quantity of Bills now Current. The Distance of the periods for calling them in by Taxes. The little Expectations the possessors of the Bills could entertain, and indeed the absolute impossibility of their being exchanged for Silver by any other means than the Application of the Money granted by Parliament to that purpose, This must seem to be the most equal Rate that could be fixed between the possessors of the Bills and the Government and so it is represented to the said Lords Commissioners by Mr. Shirley the Governor of that Province.

That in Order to establish a Silver Currency for the future in lieu of the said Bills of Credit, there is a Clause in the Act

1749.

which declares that all Bargains Contracts Debts Dues &c. which shall be made or agreed after the 31st of March 1750 shall be in Silver at Six Shillings and Eight pence per Ounce and that all Spanish Milled Pieces of Eight of full Weight shall be accounted taken and paid at the Rate of Six Shillings per Piece for the Discharge of every Contract or Bargain after the said 31st March 1750 and the Halves Quarters and other lesser pieces of the same Coin to be taken or paid in the same proportion with a penalty of Fifty pounds upon any person taking or paying them at a higher Rate which said Rates are agreeable to the Act of the 6th of Queen Anne for ascertaining the Rates of Foreign Coins in the Plantations in America.

The said Lords Commissioners likewise reported, That Provision is made by this Act to prevent the Bills of Credit of the Neighbouring Governments of Rhode Island Connecticut and New Hampshire who have not yet taken any steps to abolish them from passing Current in the Massachusetts Bay and tho' the Oaths and penalties imposed to prevent the same may appear of an extraordinary Nature Yet as the Governor of that province hath represented to the said Lords Commissioners that all Pecuniary Penalties alone though imposed in the strictest manner have been found by Experience to have had no Effect in this Case several Penal Laws for that purpose having proved ineffectual and that there seems to be a necessity for having recourse to other provisions which may be effectual, and also that the provisions of this Act are no more than what the Nature of the Case requires in Order to suppress an Evil which prevails so strongly and the continuation of which will defeat the good intention of this Province in sinking their own Bills, The said Lords Commissioners hope they will appear to be necessary for the effectual Execution of this Act especially as these provisions are only temporary from March 1750 to March 1754.

The said Lords Commissioners further observe that this Act repeals several Clauses in former Acts which have been con-

firmed by Your Majesty whereby these Bills of Credit were to have been called in by Taxes to be levied in certain Years without having a Clause inserted therein suspending the Execution of it untill Your Majestys pleasure be known, but as that Repeal is only Conditional in Case the Money granted by Parliament arrives within the Time limited, in which Case the whole end and intended Operation of those Clauses will be performed in a more beneficial manner and that if that Condition should not happen then those Clauses will continue in force and the outstanding Bills of Credit will be drawn into the Treasury and Sunk by the Taxes laid on the several Years till 1760 in the same manner as if this Act had not been made The said Lords Commissioners therefore submitted whether the not having such a Clause inserted therein may not be dispensed with and the rather as Your Majestys Governor of the said province has represented that a Dispute with the Assembly upon that Subject would have prevented the passing this Act so advantagious to the Welfare of that province and so necessary to the Commerce of this Kingdom.

Upon the whole the said Lords Commissioners are of Opinion that it may be adviseable to lay the said Act before Your Majesty for Your Royal Confirmation. [pp. 228, 231, 249-52, 283.]

[114.] [A Jamaica Act of May, 1741, for limiting the duration of future Assemblies, is referred to the Committee with a Board of Trade representation for its repeal.] [p. 317.]

5 Oct.
Jamaica.

[Committee. A copy of the Board of Trade representation to be delivered to the agent for the island.] [p. 352.]

21 Nov.

[Reference to the Committee of the petition of the agent, John Sharpe, to be heard in support of the Act.] [p. 368.]

23 Nov.

[The Act is disallowed on the report of the Committee of 16 June, agreeing with the Board of Trade, who represented]

(1752.)
30 June.

That by this Act it is declared that no Assembly thereafter to be held and Convened, should continue longer than three Years to be accounted from the Day appointed by the Writ of Summons for their Meeting. This the said Lords

Commissioners apprehend to be an Innovation and Inroad upon His Majesty's Prerogative and derogatory of the Authority of the Crown, the securing and Supporting which, in His Majesty's Colonys and Plantations is become every Day the more necessary by frequent unwarrantable Attempts made to diminish it.

That the Limiting the Duration of Assemblys to Short Periods and fixing their Determination by Law, Manifestly tends to the Discouragement of Industry and the Prejudice of Trade, Destroys good Neighbourhood, keeps up ill Blood, nourishes a Spirit of Party Divisions, and gives Faction an Opportunity to Act with better Concert and to greater Effect ; And in Fact it hath been represented that the repeal of this Act will give great Pleasure to the Honest and Considerate, even to those of that Character that Voted for it, and now see their Error, and that upon the Determination of the last Assembly in Jamaica in Consequence of it, the many False Reports that were raised against particular Persons for some time before the Election in Order to hurt their Interests with the Electors, and the Heats that were Occasioned thereby, were Evident Proofs that an Act of this Kind is not Suited to that Country, but is of great Prejudice to it.—

That altho' it appears that Assemblys in Jamaica have hitherto generally been dissolved in three Years, and most frequently in lesser time, except a few Instances where they have Continued longer, yet no pretence of Right can be deduced from such Usage, nor does any Argument arise from such unexpected Dissolutions without Previous Notice varied according to the Circumstances and Exigencies of Affairs, and which have Depended entirely upon the Discretionary Power Vested in the Governor in favour of a Law for fixing One invariable Rule for the Determination of Assemblys And if Acts of the like Nature have been passed in other Colonys the Experience of the bad Effects of such Acts does not recommend the extending such a Regulation to those Colonys where it has not hitherto taken Place.

1749.

That there is also another Strong Objection to this Act from the manner in which it was passed, for it appears from the Journals of the Assembly at that time, that His Majestys Governor when the said Act was first presented to him by the Assembly without a Clause suspending the Execution of it untill His Majestys Pleasure should be known, thought Proper in pursuance of His Instructions, and according to his Duty, to refuse his Assent thereto, after which the Assembly compelled him to give his Assent to it without such a Clause by keeping back an Annual Bill usually Passed for raising several Sums of Money for defraying the necessary Charges of the Government; And the said Lords Commissioners are of Opinion, that this Practice, which has all the Effect of a Tack, and is so fundamentally destructive of His Majestys Authority, ought to be Discouraged whenever it Occurs.

And the said Lords Commissioners further represent, That it does not Appear, that the Repeal of this Act, can in anyways affect the Legallity of the Assembly now sitting, because the last Assembly, which Commenced on the 24th of September 1745 was dissolved by the Governor by Proclamation some Days before it would have Determined in Consequence of this Act.—

For which Reasons the said Lords Commissioners humbly laid the said Act before His Majesty for His Majestys Disapprobation

[XIV. *pp.* 117, 124-6, 147.]

[115.] [Reference to the Committee of the petition of William Beckford Ellis, Esq., of Jamaica, one of the devisees of George Ellis, Esq., deceased, by his guardians specially appointed, Rose Fuller and Richard Beckford, Esqrs., of Jamaica, for a day for hearing his appeal from a judgment of the Court of Errors, 27 Feb., 1749, reversing a judgment of the Supreme Court on a declaration of partition filed by Richard Halked against him,] averring that he the said Richard Halked and the Petitioner did together and undivided hold a Plantation called Rio Flora formerly containing 1200 acres but since on a Resurvey found to contain

5 Oct.
Jamaica.

1749.

only 913 Acres of Land with the Appurtenances, whereof it belonged to the said Richard and his Heirs (as he pretended by his Declaration) to have 600 acres and to the Petitioner it belonged to have the residue of the said Plantation and premises. [p. 318.]

(1752.) [In accordance with the Committee report of 14 Nov., the
20 Dec. appeal is dismissed.] [p. 323 ; XIV. pp. 210, 212-4, 260.]

23 Nov. [116.] [A New Jersey Act of Feb., 1748, for punishing
New Jersey. the coiners and counterfeiters of foreign coin passing current and the counterfeiters of bills of credit of this province, is repealed on the Committee report of 2 Nov. agreeing with a Board of Trade representation referred to them on 5 Oct., which showed that] as this Act appeared to contain Provisions of an Extraordinary Nature The said Lords Commissioners have taken the Opinion of Your Majestys Attorney and Sollicitor General thereupon Who have Reported to them That they did not see any Objection to that part which concerns the Coiners of Foreign Coin made Current by lawful authority but the extending the Penalty to Coiners of Foreign Coin that is or shall be by Common Consent usually passed and taken or received as full Satisfaction for Debts appears to them very improper both on Account of the great Uncertainty of the Description on which a Capital punishment is to Depend and the too great Credit that is given to what is called Common Consent not founded on the Act of Your Majesty or of the General Assembly . . and . . there is no Clause inserted therein Suspending the Execution thereof until Your Majestys Pleasure might have been known conformable to Your Majestys Instructions. [pp. 317, 327-8, 355.]

23 Nov. [117.] [Reference to the Committee of the petition of
Rhode doleance of George Taylor, schoolmaster, of Providence, R.I.,
Island. and Mary his wife, for leave to appeal from a judgment of the
Inferior Court of Common Pleas for Providence, 21 June, 1748, and from a verdict of the Superior Court of Judicature, Court of Assize and general gaol delivery at Providence,

1749.

21 March, 1749, in their action against James Clark and Mary his wife for dower out of the estate of Job Harris, deceased, former husband of the petitioner Mary.] [p. 364.]

[On the Committee report of 8 Dec., order is given for admitting the appeal on the usual security.] (1750.) [pp. 396, 429.] 17 Jan.

[118.] [Reference to the Committee of the petition of John Channing, merchant, of Newport, R.I., from a judgment of the Superior Court there, 7 March, 1749, in favour of Arthur Fenner], whereby the said Court instead of giving Judgment for the Petitioners recovering of the said Fenner the Sum of 3000*l*. Damages as Assessed by a Jury and Costs the said Court gave Judgment that the Petitioner should be barred of all further proceedings by way of a Writ of inquiry of Damages in a Cause depending between the Petitioner and the said Fenner and awarded the said Fenner his Costs. [p. 364.] 23 Nov. Rhode Island.

[Order, in accordance with Committee report of 21 Jan., 1752, reversing the judgment of the Inferior Court and affirming that of the Superior Court so far as it sets aside the writ of inquiry and the judgment debarring appellant from further proceedings. Directions are given for proceedings in the Superior Court. The dealings out of which the case arose concerned an agreement for insuring the *Providence* brigantine, Jonathan Sheldon master, which on a voyage from Surinam to Providence in 1747 was reported missing, but afterwards arrived safely. Channing entered into the agreement with Charles Bowler and Robert Cooke of Newport, jointly with James, son of Arthur Fenner, and as surety for him, relying on Arthur Fenner's promise to indemnify him from all loss. Fenner later refused to fulfil his obligation.] (1752.) 23 Jan.

[XIII. pp. 456-9, 464.]

[119.] [Reference to the Committee of the petition of Philip Ludwell, of Virginia, for a day for hearing his appeal from an order of the General Court, 10 Oct., 1746, affirming an order of the County Court for the County of Surrey, 16 Jan., 1746,] whereby it was directed that the Surveyor of the Road 23 Nov. Virginia.

1749.

near a Plantation belonging to the Petitioner with the Company under his Care should clear and keep in repair a Road sufficient for Carts to pass to and from thro' the Petitioners Pasture Lands and down to a Landing place belonging to the Petitioner called Lucas's Landing. [p. 365.]

23 Nov. [120.] [Reference to the Committee of the petition of
Virginia. Thomas Man Randolph, Esq., of Virginia, an infant, by his guardian Peter Randolph, for a day for hearing his appeal from a judgment of the General Court, 10 April, 1749, on an action of trespass and ejectment brought against him by Ralph Wormley for recovery of 2,200 acres of land in the parish of Hanover, in the county of King George.] [p. 365.]

(1758.) [On the Committee report of 13 March, the judgment of
1 April. 10 April, 1749 is reversed.] [XVII. pp. 53, 55-6, 93.]

14 Dec. [121.] [Reference to the Committee of Board of Trade
New representation of 30 Nov. for confirmation of two New
Hampshire. Hampshire Acts of Sept., 1743 and July, 1745, viz. :]

An Act for the better executing An Act for emitting the Sum of Twenty five Thousand pounds in Bills of Credit on this Province equal to so much Proclamation Money upon Loan and for granting to His Majesty the Interest that shall arise thereby for the purposes in the said Act mentioned.

An Act in addition to an Act entitled An Act for emitting the Sum of 25000*l.* in Bills of Credit on this Province equal to so much Proclamation Money upon Loan and for granting to His Majesty the Interest that shall arise thereby for the purposes in the said Act mentioned And an Act entitled An Act for the better executing An Act for the emitting 25000*l.* in Bills of Credit on this Province equal to so much Proclamation Money upon Loan and for granting to His Majesty the Interest that shall arise thereby for the purposes in the said Act mentioned. [p. 410.]

(1750.) [The Acts are confirmed, on the Committee report of 3 May
31 May. agreeing with the Board of Trade representation :—As to the first Act,] This Act appearing to Us to be an Alteration of

a former Act passed in the said Province and confirmed by Your Majesty without having a Clause inserted therein suspending the Execution of it until Your Majestys Pleasure might have been known pursuant to Your Majestys Instructions to Your Governor of the said Province We thought it Our Duty to take Notice thereof in a Letter to him and to desire him to transmit to Us an Explanation of the said Act and the Reasons which induced him to pass it; Whereupon he has in a late Letter represented to Us That by the former Act no equal Distribution of the Bills of Credit thereby emitted among the respective Towns was provided for and by this Act it is provided, That the Distribution shall be made to the respective Towns in proportion to the Taxes they pay, which he hoped would be esteemed the most impartial Distribution that could be made, otherwise, as the Act stood the Trustees might have let out the whole to two or three Towns.

That One Clause in this Act provides that a Majority of the Trustees shall be empowered to transact any Business relating to the General Act Whereas before no Business could be done unless every Trustee was present which occasioned Delays in the Execution of the Act.

That another Clause provides that the Trustees may exchange Securitys after the expiration of the third Year provided it be without prejudice to the Fund by which it is to be understood, that if any person finds it for his Advantage to pay in his principal and Interest either for One Reason or another, and another appears to give equal Security in such a Manner as the Interest may not be lessened, the Trustees have power to do it and not otherwise.

That another Clause provides for the Denomination and Form of the Bills to be imprinted, neither of the foregoing Clauses according to his apprehension at the time he passed this Act could make any alteration or Infringement on the Act Your Majesty was pleased to give Your Royal Assent to.

We further humbly beg leave to represent to Your Majesty that another Additional Act of the like Import and Tendency

1749-50,

was passed by the Governor Council and Assembly of Your Majestys said Province of New Hampshire in July 1745 without any Clause inserted therein suspending the Execution of it until Your Majestys Pleasure might have been known Entitled [as above].

This Act directs that when Distress shall be made on the personal Estate of any person or persons and Sold for the payment of the Interest of any part of the said 25,000*l.* any one of the Trustees appointed by the former Acts shall be impowered to do the same as fully and effectually as the Whole or Major part of the said Trustees or their Successors in the said Trust could or might do by Virtue of the former Acts.

We humbly beg leave however to represent to Your Majesty that it was the Duty of Your Majestys said Governor not to have given his Assent to the said Acts without having Clauses inserted therein suspending the Execution thereof untill Your Majestys Pleasure might have been known; but as the Regulations prescribed by the said Acts for the better Execution of the former Act which has been already confirmed by Your Majesty appear to Us to be just and necessary and may render the said former Act of more publick Utility and Benefit We would humbly propose to Your Majesty that the said two Acts may receive Your Majestys Royal Approbation.

[XIII. *pp.* 7-9, 21.]

1750. [122.] [Reference to the Committee of the petition of John
17 Jan. Garrioche, of Jamaica, planter, for a stay of proceedings on,
Jamaica. and a day for hearing his appeal from, a Chancery decree
of 5 Aug., 1749, on a bill brought against him by James Uniacke
and Mary his wife, and Cardiffe Targart for an account of the
rents and profits of three estates belonging to Thomas
Cardiffe, deceased, received on Cardiffe's death by George
Garrioche and Margaret his wife, and, on George's death,
by the petitioner, John.] [*p.* 436.]
- 16 Feb. [Committee order for staying execution of part of the decree.]
[*pp.* 465-7.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 97

[In accordance with the Committee report of 11 Dec., 1753, the decree of Aug., 1749, is entirely reversed.]

[XIV. pp. 531, 544 ; XV. p. 19.]

[123.] It having been represented to this Board that His Majestys Provinces of New York and New Jersey have been for sometime past and still continue to be in great Disorder, [it is ordered that the Board of Trade] do forthwith lay before this Board the present State and Condition of both the said Provinces together with their Opinion what may be most adviseable for His Majesty to do therein.

[p. 449.]

[The Committee, approving the proposals of a Board of Trade report on the state of New York,] Whereby it appears that great Disputes have arisen between the Governor and the Assembly of that Province which are still subsisting and that many Encroachments have been made by the Assembly on His Majestys Prerogative by wresting from the Governor several of the Executive parts of Government—Which were vested in him by His Majestys Commission—, [order the Board of Trade to prepare draft instructions accordingly for putting a stop thereto.]

[XIII. p. 286.]

[124.] [Four Acts of 4 Feb., 1749, are confirmed on the Committee report of 27 March. The Committee agreed with the report of the Board of Trade, to whom the Acts—delivered by the agent on 27 July, 1749—had been referred by the Council on 5 Oct., 1749. The Board of Trade having consulted Mr. Lamb, one of his Majesty's counsel, who had no objections in point of law, recommended the Acts with the following observations :—]

An Act to encourage the killing of Squirrels within this Province.

An Act for the New Appointment of Trustees of the General Loan Office of Pennsylvania and for the making Current Five Thousand pounds in New Bills of Credit to exchange such of those now by Law Current as are Torn and Defaced.

These two Acts appear to Us to relate only to the Private Oeconomy of the province and to have been enacted for their

1750.

(1754.)

22 Jan.

2 Feb.

New York
and New
Jersey.

(1751.)

6 Aug.

29 Mar.
Penn-
sylvania.

1750,

particular Conveniency and therefore We see no reason why His Majesty may not be graciously pleased to confirm them.

An Act for amending the Laws relating to the Partition and Distribution of Intestates Estates.

This Act is in Addition to and for the better Execution of an Act of the like Tenor passed in the said Province in the Year 1705 by which some Regulations were made with respect to the Division of Intestates Estates different from those prescribed by the Laws of England but as the said Act was approved of and confirmed by the Crown at that time and as Acts of the like Nature and Tendency have been since passed and Approved of in other Colonys We are of Opinion that this may also receive His Majestys Royal Approbation.

An Act to regulate Horse Jockeys and Dealers in Horses and to prevent the bringing into this Province for Sale such as are Small Unsizeable or Unsound.

This Act directs that no Dealer in Horses shall bring into that province for Sale Traffick or Exchange any Horse Mare Gelding or Colt without a Licence from the Governor, and entring into a Bond of 100*l.* penalty not to bring any Horse Mare Gelding &c. into the said Province contrary to the Tenor of this Act which further Directs that no Horse Mare or Gelding shall after a certain time therein fixed be brought into the said Province for Sale less than fourteen Hands in Height not exceeding the Age of Eight Years well proportioned and Sound in Wind and Limb.

The doubtful and uncertain Construction of which Words may We apprehend occasion Difficulty in the Execution of the Act, but as it relates only to the Private Oeconomy of the Province We are of Opinion it may receive His Majestys Royal Approbation.

[*pp.* 317, 509-11, 527.]

29 Mar.
Virginia.

[125.] [John Custis is removed from the Council of Virginia and William Beverley appointed in his stead, on a Board of Trade representation of 23 Jan.] Setting forth That His Majesty having been graciously pleased to give leave to Sir William Gooch Baronet Lieutenant Governor of

1750.

His Majestys Colony of Virginia to come to England for the Recovery of His Health the Administration of the Affairs of His Majestys Government there did in his Absence according to His Majestys Commission devolve upon John Custis Esqr. the Eldest of his Majestys Council there but the said John Custis Esq. having upon Notice given him thereof declined accepting the same on account of his ill State of Health and having signified that he was determined not to interfere with any Affairs of the Government during the Incapacity he laboured under His Majestys said Council were Unanimously of Opinion that the said John Custis was utterly incapable of Managing the Business of the Government and therefore advised the said Lieutenant Governor to Suspend him and he was accordingly Suspended and Thomas Lee Esq. next in Seniority in His Majestys said Council Sworn into the Execution of that Office.

[p. 535.]

[126.] [Reference to the Committee of the petition of Governor Shirley for a day for hearing his appeal from a judgment of the Superior Court, 5 Sept., 1749, on a writ of review in a case between him and Samuel Waldo] in relation to several Bills of Exchange and Bills of Credit issued to the said Samuel Waldo for the Pay of One of the American Regiments.

29 Mar.
Massachu-
setts Bay.

[p. 539.]

[127.] [Reference to the Committee of the petition of Edmund Duany, merchant, of Kingston, Ja., for a day for hearing his appeal from a Chancery order of 21 March, 1748, on a bill filed by Dr. Robert Dallas to restrain the petitioner from proceeding at law on several judgments obtained by him against Dallas.]

11 April.
Jamaica.

[p. 549.]

[On the Committee report of 7 Nov., the order of March, 1748, is reversed. The judgments obtained by Duany were on several actions by him as executor of Ambrose Duany against Dallas as executor of Elizabeth Garvey and of Thomas Alexander.]

(1752.)
20 Dec.

[XIII. p. 419; XIV. pp. 161, 165, 205-7, 259.]

100 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1750.

- 11 April. [128.] [Reference to the Committee of the petition of
Rhode Richard Partridge, agent for John Angel, of Providence, R.I.,
Island. that the Council dismiss with costs for non-prosecution an
appeal of Thomas Clemence from a judgment of the Superior
Court, the third Tuesday in March, 1749, on Angel's action of
trespass and ejectment against him to recover possession of
300 acres of land &c. till further proof be made of the
insufficiency of the deed.] [p. 549.]
- 2 Aug. [On the Committee report of 19 July, the appeal is dismissed
with 5*l.* *stg.* costs.] [XIII. *pp.* 60, 68.]
- 11 April. [129.] A Representation of the Lord Bishop of London
Plantations. relating to the Establishing Bishops in America was this
day laid before His Majesty in Council and His Majesty was
pleased to Order that the Consideration of it should be post-
poned to a further time and till after His Majestys Return.
[p. 550.]
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VOL. XIII. (1 May, 1750—30 March, 1752.)

- 31 May. [130.] [Reference to the Committee of the petition of Joseph
New Sherburne of New Hampshire, one of the captains in the late
Hampshire. New Hampshire Regiment, complaining of the proceedings
of Governor Wentworth] in denying to do Justice to the
Petitioner in regard to his Pay as Captain of Foot from the
30th of June 1746 to the 31st of October 1747 and praying
that the said Governor Wentworth may be Ordered to make
the Petitioner Satisfaction for his loss of time and Expences in
prosecuting this Affair he was the Occasion of it thro' his
unjustifiable Proceeding. [An extract of a report by the
Board of Trade on the complaint is also referred.] [p. 28.]
- 31 May. [131.] [Reference to the Committee of the petition of
New Thomas Folensby of Haverhill district, Peter Moss and Moses
Hampshire. Calton, both of Kingstown, N.H., that the Council dismiss
with costs for non-prosecution the appeal of Nathaniel
French from a judgment of the Court of Appeals, 10 May,

1750.

1748, reversing judgments of the Superior Court, 4 Feb., 1746, and of the Inferior Court, 6 Sept., 1744, on an ejectment brought against them by French for recovery of the possession of 37 acres of land, &c.] [p. 28.]

[Reference to the Committee of French's petition for a day for hearing his appeal.] 28 June. [p. 42.]

[132.] [Reference to the Committee of an address of the Council and Assembly of Montserrat] in behalf of themselves and the Freeholders of the several parishes in the said Island in Justification of the Measures which Governor Mathew has happily taken for the promotion of the good Government Peace and Tranquility of the said Island And praying that His Majesty will be graciously pleased to give his Royal Assent to an Act lately passed there to regulate their future Assemblies and to confirm the Governors wise and well accepted proceedings in enlarging the same. 28 June. Montserrat. [p. 42.]

[A Board of Trade representation of 12 March for repealing a Montserrat Act of Feb., 1749, to regulate the Assembly of this island and the elections of the members thereof, is referred to the Committee.] (1752.) 14 April. [XIV. p. 33.]

[Similar reference of the petition of Henry Willmot, agent for Montserrat, to be heard by his counsel in favour of the Act.] (1752.) 28 May. [XIV. p. 113.]

[The Act is repealed, in accordance with the Committee report of 5 Dec., agreeing with the Board of Trade, who, after being attended by Mr. Martin and Mr. Pratt, counsel respectively against the Act and in support of it, represented] That the Assembly of Montserrat heretofore consisted of Eight Members representing the Commons of that Island five of which Members made an House; But Your Majesty's Governor of the Leeward Islands, finding that number insufficient to Carry on the Publick Business, did issue Writs in Your Majesty's name dated the 8th of October 1748 to the Towns of Plimouth and Kinsale in the said Island, directing them to Chuse and send each, two Members to Represent them in Assembly, whereby the Number of the said Assembly (1752.) 20 Dec.

was enlarged to Twelve, This Law now in Question ratifies and Confirms this Act of your Majesty's Governor, and is so far unnecessary as by Virtue of the Powers delegated to him by your Majesty he may issue Writs to any such New Towns, Parishes or Districts, as he shall judge duly Qualified to send Representatives to the Assembly without the advice or Concurrence of the Assembly.—

But that this Law goes still further, and enacts, that from the time of its passing, and for ever after, the Assembly of that Island shall consist of Twelve able and sufficient men and no more, Which Clause, in as much as it restrains your Majestys Governor for the future from issuing your Majesty's Writs to any new Town or Place to elect and send Members to the Assembly whatever the Circumstances or Qualifications thereof may be, is a strong Violation of your Majesty's Authority and may prove a Discouragement to the Inhabitants of such new Towns or Districts, as may hereafter be settled.—

And the said Lords Commissioners further represent, that this Act likewise Limits the Assemblys Continuance to three Years, enacts, that within four Months after the Expiration thereof Your Majestys Governor shall Issue Writts for Calling a New one, and excludes the Treasurer under a severe Penalty from sitting or Voting therein.—

That the said Lords Commissioners have lately had frequent Occasions of laying their thoughts before your Majesty upon Acts of this Nature passed in other Colonys, and have pointed out the Inexpediency and Impropriety of such Regulations and Restrictions and the Inconveniencys which have attended them, they shall therefore only observe, that the Legislature of this Island by attempting in so many instances in this one Law to Controll the Powers, which, by Your Majestys Commission and Instructions are vested solely in your Majestys Governor, and that without even inserting a Clause suspending the Execution thereof untill your Majesty's Pleasure might have been known, has in a manner highly unbecoming encroached upon your Majesty's just Prerogative.—

1750.

That other objections have been made to this Law, but that the said Lords Commissioners apprehend those already stated sufficiently justify their Laying it before Your Majesty for Your Majestys Disapprobation. [XIV. pp. 242-4, 258.]

[133.] [Two Pennsylvania Acts of Aug., 1749 (referred to the Committee on 21 Feb. and by them to the Board of Trade on 28 Feb., 1749,)—for amending the laws relating to the poor; and for erecting part of the province of Pennsylvania westward of Susquehannah and south-eastward of the South Mountains into a county,—are confirmed, on the Committee report of 19 July agreeing with the Board of Trade, who reported :—] We have also consulted Mr. Lamb one of His Majestys Counsel at Law upon the said Acts, who has reported to Us That the first of these Acts has something New in it from what he had ever seen by making the Overseers of the Poor of every Town City and Borough in the said Province a Body Corporate in Order to take Real and Personal Estates by Deed or Will from any Person for the Use of the Poor without any Restriction only as to the Value, and seemed to be designed to promote such Charities, That he submitted how far this might be proper in regard to Real Estates as the Legislature had so lately passed an Act called the Mortmain Act, which restrains and puts the Disposition of Real Estates under particular Restrictions to prevent the Inconvenience that such Dispositions were then thought lyable to. On this Occasion We have been attended by Mr. Paris Solicitor in behalf of the Proprietors of the said Province who has represented to Us—

2 Aug.
Pennsyl-
vania.

That this Act is Supplemental to Acts of the like Nature heretofore passed in the said Province and Approved of by His Majesty That the Province of Pennsylvania not being divided into Parishes and consequently no Parsons to be a Corporation to take Grants or Devises for the Use of the Poor as in England the Legislature there found it necessary to make the Overseers of the Poor a Body Corporate to take Real as

well as Personal Estates for that purpose That the Mortmain Act passed in the 9th Year of His Present Majesty was intended to extend to the Southern part of this Kingdom only and that the Colonies not being named therein it does not extend thereto.

Upon the whole as these Acts appear to Us to relate only to the Private Oeconomy of the said Province and not to be inconsistent with the Sovereignty or lawful Prerogative of the Crown or contrary to the Faith and Allegiance due by the legal Government of this Realm from the Patentees or the Inhabitants of the said Province in which case only the Crown has in the Charter granted to the Proprietors of this Province reserved to itself a power of repealing Laws passed there We see no Reason why these Acts may not receive His Majestys Approbation. [XII. *pp.* 468, 474 ; XIII. *pp.* 61-2, 66.]

2 Aug.
Virginia.

[134.] [Orders are given in accordance with the following report of the Auditor General of the Plantations, dated 1 May and submitted on this date by the Treasury, upon a memorial of John Roberts, Joint Receiver General of the Quitrents in Virginia :—] I have examined the said proposal Setting forth That His Majestys full and express Orders for revoking the present indulgence (which allows the people of Virginia to pay their Quitt Rents in Silver at the rate of 17½ pennyweight for five Shillings or in Tobacco at One penny per pound for the Continuance of which Indulgence there seems to be no reason) be sent to the Governor and Receiver General, And directing that his Officers shall demand and receive an English Shilling for every fifty Acres of Land it being the Quitt Rents reserved in every Grant And if that cannot be had thro' the scarcity of English Money in Spanish coined Silver at the rate of 19 pennyweight for every five Shillings or in Tobacco at the rate of three Farthings per pound Or (which will be the same thing) at the rate of 16 pounds of Tobacco for every Shilling.

Your Memorialist proposes Nineteen pennyweight because it is apprehended to be very near to the Value of five English

Shillings as well as because Lord Fairfax's Tenants pay the same and the alteration in the Tobacco payments is (if possible) more necessary than that in the Money not only to prevent the people paying more Tobacco upon the raising of the payment in Money but because the Crown suffers great Loss in the Sale of Tobacco It is observable from the Quitt Rent Accounts that little or no Tobacco is paid for Quitt Rents except in the Counties where a great Allowance is made for making it convenient for Shipping or where the Tobacco is very mean and always sells very low and in both Cases the Crown suffers too great a loss.

Your Memorialist further says shou'd the proposed Alterations in the payment of the Quitt Rents be established the Receiver General will certainly be able to remit the Money in time of Peace by Bills of Exchange without any Charge to the Crown ; And that in time of War it cannot be done without the usual Allowance of 5½ per Cent. as the Charge attending the sending the Money in Specie will considerably exceed that Allowance as well as the uncertainty of sending it by a Man of War All which Your Memorialist most humbly Submits to Your Lordships Judgment.

Having thus laid before Your Lordships the Facts contained in the said Memorial and Examined the proposals therein I beg leave to acquaint Your Lordships that I am of Opinion with your Memorialist that His Majesty shou'd Revoke the present Indulgence in allowing the people of Virginia in paying their Quittrents in Silver at the rate of 17½ pennyweight for five Shillings Or in Tobacco at 1*l*. per pound because by the Original Institution and Instructions for the Grant of Lands there The Patentees should pay Annually an English Shilling Sterling for 50 Acres of Land or as much Spanish Silver as will produce it And as the Difference between Bills of Exchange and Current Money was no more than from 15 to 17 and ½ per Cent. And 17½ pennyweight of Silver received for five Shillings English in Quittrents which exceeded the Value of Current Money by 16*l*. 13*s*. 0*d*. per Cent. which

induced the then Lords Commissioners of His Majestys Treasury in the Year 1733 to authorize and Allow by His Majestys Sign Manual the Receiver to Charge $5\frac{1}{2}\%$ for remitting the Ballance into England which was sufficient in the time of Peace But in the late War when the Exchange was got up to 32 and 35 the Receiver in Order to remitt the Ballance was obliged to charge in the Years 1745, 1746 and 1747 $12\frac{1}{2}\%$ per Cent. which was 982*l.* 3*s.* 0*d.* more than $5\frac{1}{2}\%$ the usual allowance for those Years And in the Year 1748 he charged $6\frac{2}{3}\%$ which was 47*l.* 15*s.* 6*d.* more than the $5\frac{1}{2}\%$ and the Crown thereby lost 1029*l.* 18*s.* 6*d.* and therefore to obviate the many inconveniencys that may arise from the extravagant and precarious rate of Exchange I am of Opinion with Your Memorialist that the Receiver shou'd be directed to demand an English Shilling for every Fifty Acres of Land or Spanish Silver at the rate of 19 pennyweight for five English Shillings which will exceed the Current Money about 22 per Cent. and that will be sufficient to remitt home without any charge to the Crown the full Value of the Quittrents at the Rate of One Shilling for every Fifty Acres in time of Peace.

And I agree with Your Memorialists proposal for the alteration in the Tobacco from one penny per pound to three farthings without which the people would be induced to pay their Quittrents in Tobacco rather than to pay 19 pennyweight of Silver for five English Shillings which wou'd be attended with great inconveniencies to the Officers and a Loss to the Crown.

But as the Receiver made the extraordinary Charge of $6\frac{2}{3}\%$ per Cent. without any Warrant or Sign Manual for so doing from His Majesty: And I was therefore obliged to make my objection to it in the accounts as wanting a sufficient authority or Voucher for passing those Articles I must desire Your Lordships will be pleased to obtain His Majestys Warrant for my allowing in his said accounts of 1745, 1746, 1747 and 1748 the said Charge of 1029*l.* 18*s.* 6*d.* for remitting the Ballance home and so much as shall be necessary for that purpose in his future

Account beyond the former Allowance of $5\frac{5}{8}$ per Cent. untill this new Regulation of paying the Quittrents by One Shilling for every Fifty Acres or Spanish Silver at the Rate of 19 pennyweight for five Shillings or if in Tobacco at three farthings per pound shall be received in Virginia and take place in the Collection of the Quittrents for without such a Warrant the Receiver will stand Charged with the extraordinary Sum of 1029*l.* 18*s.* 6*d.* for remitting the Ballance Home.

[*pp.* 69-72.]

[135.] [Reference to the Committee of the petition of Catherine, the mother, and Roger, the brother, of Murray Crymble, deceased, praying that an alleged will of Murray Crymble, established before Governor Trelawny as Ordinary on 3 Oct., 1746, by Charles Price, Esq., Walker Buor Lodge, merchant, and Robert Brown, ironmonger, who claimed to be the executors, may be set aside, that Governor Trelawny's decision not to reopen the case at their instance on 25 Aug., 1749, may be reversed, and that administration of the estate, as that of an intestate, be granted to Catherine Crymble, or her attorneys, Richard Beckford, Esq., Thomas Baldwin, Esq. and James Ramadge, merchant.]

16 Aug.
Jamaica.

[*p.* 77.]

[136.] [Reference to the Committee of the appeal of Charles Knowles, Rear Admiral of the White Squadron, from judgments of the courts at Boston in his action against Dr. William Douglas of Boston for 10,000*l.* damages for a scandalous and infamous libel published in June, 1748. On 5 Jan., 1749, the Inferior Court found for Douglas. On Knowles' appeal the Superior Court in Feb., 1749, awarded him only 750*l.* and costs. Both parties brought a writ of review, and on 15 Aug., 1749, judgment was given in favour of Douglas with costs of Court in each action.]

16 Aug.
Massachu-
setts Bay.

[*p.* 78.]

[137.] [Reference to the Committee of a memorial of the Georgia Trustees for his Majesty's approbation of an Act prepared by them, entitled,] An Act for repealing an Act intituled an Act for rendering the Colony of Georgia more

4 Oct.
Georgia.

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defensible by prohibiting the Importation and use of Black Slaves or Negroes into the same and for permitting the Importation and use of them in the Colony under proper Restrictions and Regulations, and for other purposes therein mentioned. [p. 87.]

15 Nov. [Referred by Committee to Board of Trade.] [p. 90.]

4 Oct. [138.] [Reference to the Committee of the petition of
St. John and Matthew Mills, Esqrs., and Richard Roe, their
Christopher. lessee, for a day for hearing their appeal from a judgment of the Court of Errors in St. Christopher, 11 Sept., 1749, reversing a judgment of the Court of King's Bench and Common Pleas, 15 June, 1749, in an action brought by them against William Ottley, Esq., and Margaret Willett for possession of 300 acres of land, &c., in the parish of St John Capsterre.] [p. 87.]

(1752.) [In accordance with the Committee report of 5 Dec.,
20 Dec. permission is given to withdraw the appeal on paying 5*l.* costs. The appellants have entered a new ejectment in order to have the facts better found by the jury, as there are defects in the special verdict on which the first appeal was founded. These defects Ottley refused to have remedied, and the Court of King's Bench and Common Pleas in St. Christopher refused to proceed with the new trial till the former appeal should be withdrawn.] [XIV. pp. 244-5, 262.]

18 Oct. [139.] [Reference to the Committee of the petition of the
Antigua. Council and Assembly of Antigua that provision be made for securing a constant and uninterrupted administration of justice in the Court of Chancery there. The Commander-in-Chief of the Leeward Islands, who should preside, is often absent on necessary visits to the other islands ; the Lieutenant General of the Leeward Islands, who should act in his absence, resides constantly in St. Christopher : and the Lieutenant Governor of Antigua, who should preside in the absence of both of these, has ever since his appointment been resident in Great Britain.] [p. 89.]

1750.
[Referred by Committee to Board of Trade.] [p. 91.] 15 Nov.
[On the Committee report of 12 March, an additional (1751.)
instruction is approved for Governor Mathew (P.R.), extending 30 April.
the power of presiding in the Antigua Chancery, in the absence
of the three officials already appointed; to the President of
the Council or Commander-in-Chief of Antigua for the time
being. The Board of Trade had recommended this on
1 Feb. and on 7 Feb. had been directed by the Committee to
prepare an instruction accordingly.] [pp. 152, 175-7, 207.]
- [140.] [Order is given for engraving a new silver seal for 6 Dec.
Virginia similar to that approved on 18 Aug., 1729, on a Virginia.
representation of the Board of Trade that they have been
acquainted by a letter from Thomas Lee, President of the
Council and Commander-in-Chief of the Colony, that the
public seal has been broken.] [p. 106.]
- [The seal is approved and ordered to be sent to Virginia. (1751.)
The old one is to be returned in order to be defaced.] [p. 212.] 30 April.
- [141.] [Reference to the Committee of a Board of Trade 6 Dec.
representation of 23 Oct.] Setting forth that a Doubt hath Leeward
arisen whether the powers of Collating to Benefices granting Islands.
Licences for Marriages, and Probate of Wills commonly called
the Office of Ordinary reserved to the Governor of His
Majestys Leeward Charribbee Islands by the 67th Article of
his Instructions can be exercised by Deputation from him
to any other Person in the several Islands within that
Government where the said Governor does not reside And that
it hath been a Practice heretofore for Governors of the said
Leeward Islands to grant Deputations for the Exercise of
this Office to persons in the said Islands not vested with the
other powers of Government whereby much Inconvenience
and prejudice to His Majestys Service has arisen, The said
Lords Commissioners therefore propose that the Governor of
the said Islands should be directed by Additional Instruction
or in such other manner as shall be judged proper not to grant
Deputations for Exercising the Office of Ordinary to any person

1750.

or persons whatsoever in any of the Islands where he does not reside but the Lieutenant Governor or other person who exercises the other powers of Government conformable to the Tenor of His Majestys Commission and Instructions.

[p. 107.]

(1751.) [On the Committee report of 18 Jan. an additional instruction to Governor Mathew for this purpose is approved (P.R.). On 11 Dec., 1750, the Committee had approved the representation and directed the preparation of the instruction.]

[pp. 119, 143, 207.]

6 Dec. [142.] [Reference to the Committee of the petition of Jamaica. Norwood Witter, Esq., of Westmoreland parish, Ja. and Bonella, his wife, and Benjamin Blake, jun., Esq., of the same parish, and Hannah, his wife, for a day for hearing their appeal from a judgment of the Court of Errors, 17 Dec., 1749, reversing a judgment of the Supreme Court of Judicature of Feb., 1747, on an action of trespass and ejectment brought against them by John Doe on the demise of John Sharpe, Esq., William Perrin and Thomas Vaughan, gent., for recovery of the plantation known as Deans Valley, in the parish of Westmoreland.]

[p. 113.]

(1752.) [In accordance with the Committee report of 21 Nov., the judgment of Dec., 1749, is reversed, but without prejudice to the merits of the case. If the respondents bring a new ejectment within twelve months, the jury are to find the matter specially, if either party desires it. The case involves the will of William Williams, owner of Deans Valley plantation, and father of Bonella Witter and Hannah Blake; an indenture made on the marriage of his son, John Williams, with Sarah Knight, the other parties to this being James and John Knight of Stoke Newington and Samuel Pennant of London; and a quadrupartite indenture of lease and release between John Williams, Hugh Hamersley of the Inner Temple, London, the Knights and Pennant, and Sharpe, Perrin and Vaughan as trustees for Sarah Williams on the death of her husband. Other names mentioned in the

1751.

report are Anna Williams, a daughter of William Williams, who died an infant and unmarried, Mary Williams, his wife, Thomas Wollery, sen., Philip Hooper, Poyntzes and Garbrand, Samuel Cleaver, Michael Lynch, Isaac Gale, brother-in-law of William Williams, Jonathan Gale, John Gale, Barnard Lewis, Lewis Williams.] [XIV. *pp.* 215, 218-33, 260.]

[143.] [Reference to the Committee of the petition of James Barclay, Esq., of Jamaica, administrator of Samuel Walter, fishmonger of London, deceased, for a day for hearing his appeal from a judgment of the Court of Errors, 28 May, 1750, affirming a judgment of the Supreme Court of Judicature in Nov., 1748, in his action of replevin against Humphrey Morley to recover possession of 28 negro slaves, valued at 2,000*l.* currency with 4,000*l.* currency damages.] [*p.* 219.]

1751.

30 April.
Jamaica.

[The negroes belonged to an estate mortgaged by John Clarke to Walter in 1712, and were taken off the estate on Walter's death in 1748 by Humphrey Morley, one of the Deputy Marshals of Jamaica on an execution returned 31 years before at the suit of William Townsend against John Clarke. On 7 April the case was heard by the Committee *ex parte*, no appearance having been entered for the respondent, and on their report, order is given reversing both judgments and ordering the issue of a writ of enquiry to determine what is due to the plaintiff.] (1752.)
14 April.

[*p.* 504 ; XIV. *pp.* 12-16, 31.]

[144.] [Reference to the Committee of the petition of John Bonner for a day for hearing his appeal from a decree of the Jamaica Chancery, 23 March, 1748, on his bill against the Hon. Charles Price, for an account of the estates of the petitioner's father, Henry Bonner, deceased, for payment of what was due on that account and for possession of the estates.] 30 April.
Jamaica.

[*p.* 219.]

[In accordance with the Committee report of 26 May, the decree is in part reversed, and in part varied. The history of a plantation in St. Dorothy parish, Jamaica, is given from 1709, when the petitioner's grandfather John Bonner devised (1752.)
28 May.

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1751.

it to his son, William, the petitioner's uncle. The persons named in the report are Jane, widow of William Bonner ; Catherine, wife of Henry Bonner, Richard Mill, guardian of the children of Charles Reed, Christopher Fowler, Musgrave Yeamans, William Russell and his wife Margaret, daughter of John Bonner, sen., Edmund Dennis, Samuel Barton, John Serocold, Thomas Port and James Barnard, Master in Chancery, before whom accounts are ordered to be taken.]

[XIV. pp. 80, 84-90, 109.]

(1755.) [Reference to the Committee of Price's petition for a day
26 April. for hearing his appeal from a Chancery order of 15 July, 1754, and for the stay of proceedings thereon till his appeal is heard.]

[XV. p. 380.]

(1755.) [Committee order for the stay of proceedings accordingly.]

12 June. [XV. pp. 442, 464.]

(1755.) [A further appeal by Price from a Chancery order of
22 July. 8 Feb. and final decree of 18 April, 1755, and petition for the stay of proceedings thereon, are referred to the Committee.]

[XV. p. 468.]

(1755.) [Committee order for the stay of proceedings accordingly.]

7 Aug. [XV. p. 492.]

(1756.) [Reference to the Committee of another appeal by Price
17 May. from a Chancery order of 10 Feb., 1756, on his petition for the restoration to him, pending determination of his appeals, of sundry lands, &c. delivered up by him on the order of 18 April, 1755.]

[XVI. p. 186.]

(1756.) [A petition by Bonner relating to Price's appeals is referred
7 July. to the Committee.]

[XVI. p. 252.]

(1757.) [On the Committee report of 15 June, orders subsequent
30 June. to Price's appeal of 17 May, 1754, are set aside, and both parties left at liberty to take exceptions to the Master's report of 31 Jan., 1754, *de novo*. In the meantime the lands and negroes are to be restored to Price. Names occurring in the Report are: Mary Dennis, Edmund Kelly and Ballard Beckford ; Daniel Broadbelt and Sidney Marriott, Masters in Chancery.]

[XVI. pp. 526-30, 540.]

1751.

[145.] [Reference to the Committee of the petition of William Degge, George Russell and Thomas Russell of Richmond co., Virginia, for leave to appeal from a judgment of the General Court, 21 April, 1749, on an action of trespass brought by the Rev. William Kay, minister of the parish of Lunenburgh, against them as tenants of the glebe for working the lands.] [p. 220.] 30 April. Virginia.

[On the Committee report of 24 Oct., the appeal is admitted on the usual security being given. On 20 Nov. security was given by Jonathan Sydenham and Thomas Hodgson of London, merchants.] [pp. 241, 334, 353.] 31 Oct.

[On the Committee report of 15 May, the appeal is dismissed with 80*l.* *stg.* costs. The petition set forth] that the Parish Church of Lunenburgh in the County of Richmond in Virginia being Vacant by the Death of David Morthland, Minister thereof, William Kay Clerk, was by the Governor of the said Colony, and the Commissary Mr. Dawson recommended to the Vestry of the said Parish who have the Right of Presentation and out of Compliment to such Recommendation, was received by the said Vestry to Officiate as Minister, that if he proved agreeable to the Parish he might be presented to the said Church, and was permitted to lodge in the Glebe House, with a Person who was then in the Occupation of it. That the said William Kay, never was either presented by the said Vestry or admitted, or inducted by the Governor; or under his Authority, all which are necessary to establish a Minister in his Church according to the Rules and Laws of the said Colony. That by Letter signed by seven of the Vestry men of the said Parish in Vestry Assembled, dated the 4th of August, 1746, the Parish for several Reasons in the said Letter contained, gave the said William Kay Notice to Depart from them at the same time acquainting him that they proposed to make him a handsome present, for the time he had continued amongst them. That the Vestry the same Day Ordered the said Letter to be delivered to him by the Churchwardens who had Directions (1753.) 6 June.

to Ask for an Answer, and a time was likewise appointed by the Vestry to receive this Answer, and in Case of his refusing to depart, then to determine in what manner they should Act towards him. That the Churchwardens at a Vestry held the 15th of August 1746 acquainted the Vestry that they had delivered the Letter to Mr. Kay as directed, and desired his Answer, but that he had declared to them he would give no Answer at all to it; Whereupon the Vestry Ordered the Church Wardens to lock up the Church Doors, Pulpit and Desks, for that they would not any longer entertain the said Mr. Kay as their Minister; and that the Glebe Lands might remain in the Possession of the Parish, they put them into the Occupation of the Petitioners as Tenants of the Parish. That the said William Kay under colour of his having been received as aforesaid, and in Order to compleat his design of establishment himself as Minister of the said Church, insisted on being the Lawfull Incumbent thereof, and brought his action of Trespass in the General Court of the Colony against the Petitioners as Tenants of the Glebe for working the Lands to which the Petitioners Pleaded not guilty and the Cause being brought to a Tryal, a Verdict passed for the Plaintiff, Vizt. That the Defendants were guilty in manner and Form as the Plaintiff against them had complained, and assessed the Plaintiffs Damages by Occasion thereof to thirty Pounds Sterling besides his Costs. And the Cause was continued 'till next Court upon the matter of Law arising upon a certain Point reserved at the said Trial for the Opinion of the Court Vizt. Whether the Reception of a Minister under the Act of Assembly made in the Year 1727, will enable him to maintain an Action of Tresspass committed on the Glebe Land without Induction against Persons acting under an Order of Vestry. And at the next General Court being the 21st of April 1749, This Point was Argued and the Court gave Judgment Vizt. That it seemed to the Court that the Law was for the Plaintiff, Therefore it was Considered, that the Plaintiff should recover against the said Defendants

1751.

thirty Pounds Sterling and the Damages by the Jurors in their Verdict assessed and his Costs by him about his Suit in this behalf expended.

[*pp.* 380, 405 ; XIV. *pp.* 242, 386, 415-7, 422.]

[146.] [Six Pennsylvania Acts of 27 Jan., 1750 (referred to the Committee on 6 Dec., and by them to the Board of Trade on 11 Dec., 1750), are confirmed on the Committee report of 3 May, agreeing with the Board of Trade, who reported :—]

13 May.
Penn-
sylvania.

An Act for erecting Part of the Province of Pennsylvania Westward of Susquehannah and Northward and Westward of the County of York into a County.

An Act for amending of the Act entitled An Act to encourage the killing of Squirrels within this Province.

An Act for amending the Laws of the Province against killing of Deer out of Season.

These three Acts appear to Us to have been Enacted for the Benefit and Convenience of this Province and . . Mr. Lamb has no Objection to them in point of Law. . .

An Act for the continuance of an Act of Assembly of this Province entitled An Act for the more easy Recovery of Legacies within this Province.

The Act for the more easy Recovery of Legacies which is by this Act continued for Seven Years was passed in the Year 1742 and has been Approved of and Confirmed by His Majesty. . .

An Act for prohibiting the Importation of Germans or other Passengers in too great Numbers in any One Ship.

The View of this Law is highly commendable as it is framed in Order to prevent for the future the pernicious practice of crowding too great a Number of persons in One Vessel which for the sake of Gain has prevailed among the Masters and Owners of Ships who contract for the Transportation of Foreign Protestants to this Colony and has been attended with fatal Consequences, and the several Provisions appear to

Us to be well calculated for this purpose. There are also prudent Regulations to oblige the said Masters and Owners of Vessels to allow their Passengers a proper Quantity of good Provisions and such other Necessarys as may contribute to their Health and Safety during the Voyage. We must however observe to Your Lordships that there is a Clause in this Act which directs that the Officer appointed for Collecting the Dutys to arise by the Act intituled An Act for imposing Dutys on Persons convicted of Heinous Crimes &c. shall visit Ships upon their Arrival and inform himself of the Condition and Circumstances of the Passengers, and whether they have been accommodated and provided with Necessarys agreeable to the Direction of this Law, which last mentioned Act having been repealed by His Majesty in Council upon a Representation of this Board dated the 5th of December 1746 and consequently no such Officer existing, the Check intended by this Clause upon the persons who shall Act in Contravention to the Regulations of this Law will be ineffectual; But as the other Provisions of this Act appear to Us to be highly salutary and beneficial, We submit it to Your Lordships Judgment whether this Law should not likewise receive his Majestys Approbation.

An Act for barring Estates Tail.

Mr. Lamb in his Report to Us upon this Law observes That it is to introduce a Law in this Province for barring Estates Tail by Fines and Recoverys according to the Custom and Law of England which may be attended with many Difficultys; That there is no such Law in being in any of the Colonys or Plantations and that the same would not fully Answer the End intended, as no Intail could be barred but by the Persons entituled to Estates Tail actually being in the province at the time of such Fines and Recoverys being passed, and that the Custom of barring Entails in the other Provinces and Plantations either of persons residing there or in England are either by the Act of Assembly or by Deeds acknowledged and recorded in such Manner as the Acts establishing the

same direct which is a plain and easy Method and fully Answers the purposes intended. But We must observe to Your Lordships that this Act appears to Us to be conformable to the Laws and Practice of England and the Inhabitants of this Province whose Property alone will be affected thereby are of Opinion that it is sufficient to answer the Ends proposed by them and that Mr. Lambs Objection seems to be founded only upon an Opinion that other Methods might be more effectual And as upon the whole We do not observe any thing in these Laws inconsistent with the Terms of the Charter granted to the Proprietors of this province which declares that all Laws passed there shall be consonant to Reason and not repugnant to the Statutes and Rights of the Kingdom of England but as near as may be agreeable thereto And as We conceive there is nothing contained in them inconsistent with the Sovereignty or lawful Prerogative of the Crown or contrary to the Faith and Allegiance due from the Proprietors of the said Province to His Majesty in all which Cases the Crown has by the said Charter reserved to itself a Power of repealing Laws passed there. We submit it to Your Lordships whether this as well as the former Acts may not receive His Majestys Approbation. [pp. 109, 120, 223-6, 230.]

[147.] [On a Board of Trade representation of 8 May, a commission for Francis William Drake to be Governor of Newfoundland, in the same form as that of 1750, is approved. P.R.] 13 May. Newfoundland.
[p. 231.]

[On a Board of Trade representation of 17 May, instructions for Governor Drake are approved (P.R.), differing from those of 1750 only in the following articles :—] That they have entirely omitted the 2d Article of the said Instructions which directed that all persons guilty of Capital Offences should be sent over to this Kingdom with Witnesses and sufficient proof of their Crimes along with them which Instruction they apprehend to be now no longer necessary His Majesty having been pleased by His Commission to Empower the Governor 4 June.

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to appoint Commissioners of Oyer and Terminer for the Tryal of such Capital Offences upon the Spot and for awarding Execution thereupon That the said Governor having in his Answer to that part of the Instructions given to him the last Year which contains certain Heads of Enquiry relative to the Directions of the Act of Parliament passed in the 10th and 11th Years of the Reign of King William the third entitled An Act to encourage the Trade to Newfoundland, represented that the By Boat Keepers and Masters of Fishing Ships do not carry over with them and that the Inhabitants do not employ such a Number of Fresh or Green Men as the said Act directs, and that the Admirals in the respective Harbours do not take care to preserve peace and good Government in their said respective Harbours or on Shore and that they do not keep any Journals of the Number of Ships employed in the several Harbours concerning themselves only with their own Fishery And these Neglects and Omissions appearing to the said Lords Commissioners to have a tendency to defeat the good Intentions of the said Act which in these particulars is so well calculated for encreasing the Number of Seamen for the Service of the Navy and promoting the Trade and Navigation of this Kingdom, They have added the 27th Article in the Draught of these Instructions, by which the Governor is required to use his best endeavours to enforce a due compliance with the said Act, and to recommend to the Admirals in the respective Harbours to be more exact for the future in the performance of their Duty.

That by the 70th Article of the Instructions to the said Governor the last Year relative to the power given him by his Commission of appointing Commissioners of Oyer and Terminer for the Trial of Capital Offences, he was directed not to suffer any Criminal to be deprived of Life or Limb by any Sentence of such Court but in all Cases to reprieve the Offender untill His Majestys Pleasure might be known Whereupon the said Governor has in a Letter to the said Lords Commissioners represented, That unless power be

granted to Execute in case of necessity it will be impossible to bring the Offenders to the punishment due to their Crimes, for as there are no Prisons of sufficient Strength to confine them in during the Winter Season they will undoubtedly be rescued by their Companions as had frequently been the case or should they remain in Prison they must be destroyed by Hunger and the Excess of Cold. That this appearing to the said Lords Commissioners to be a Matter of great difficulty and Importance and at the same time the Inconveniency which attended the want of such a power in the Governor to be very great they thought it their Duty to lay a State of the Case before His Majestys Attorney General for his Opinion thereupon and whether he had any and what Objection to giving the said Governor a power of Executing as well as trying Persons guilty of Capital Offences ; And His Majestys Attorney General having reported to the said Lords Commissioners that he had Considered the Matter and had no Objection in point of Law to the giving the Governor such power as is proposed with respect to Capital Offences, but that it does not seem proper to extend it to Treason, nor to the case of the Officers of his own Ship or of any of the Trading Ships that shall be there, The said Lords Commissioners have thought it adviseable to leave out all the Words in the said 70th Article of the Instructions which restrain the Governor from executing any Criminal upon the Sentence of the Courts of Oyer and Terminer, and in lieu thereof have inserted the following Words agreeable to the Opinion of His Majestys said Attorney General. "And it is Our express Will and Pleasure that you do not suffer any of the Officers of Our Ships of War or of any of the Trading Ships of Our Subjects which shall happen to be there to be deprived of Life or Limb by any Sentence of such Court but in such Case You shall reprieve the Criminal until Our Pleasure be known thereon And You shall take especial Care, that all persons guilty of Treason be sent over to this Our Kingdom with Witnesses and sufficient Proof of the Crime along with them." [pp. 241-3.]

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13 May.
Jamaica.

[148.] [Reference to the Committee of a Board of Trade representation of 8 May] upon considering a proposal made to Edward Trelawny Esqr. His Majestys Governor of the Island of Jamaica by Mr. Price a Gentleman of very considerable Fortune in that Island for draining and improving two Morasses or Lagunes there now in His Majestys Possession upon Condition the same may be granted to the said Mr. Price with an Exemption from the usual Condition of Quit Rents and keeping White Servants. [p. 233.]

5 July.

[Letter from W. Sharpe, Clerk of the Council, to Thomas Hill, Secretary to the Board of Trade, for Governor Trelawny's letter or a copy thereof.] [p. 258.]

31 Oct.

[Order in accordance with the Committee report of 24 Oct. agreeing with the Board of Trade representation,] whereby it appears That Governor Trelawny hath by Letter of the 15th of November last acquainted them that these two Morasses are Scituated in the Parish of St. Elizabeth and contain several Thousand Acres, That it is impossible to make an exact Calculation or indeed to form a probable Conjecture of the Quantity of Acres the greatest part of the Land being overflowed by the Confluence of two Rivers That this place is surrounded by many well settled Plantations The Owners whereof have not yet applied for any Grant of the Neighbouring Waste imagining perhaps that it was impracticable to reduce it to any profitable Condition by Culture or that the Advantage to be expected would be far from being a Compensation for the Hazard and Expence of such an Undertaking ; That in its present State therefore this great Extent of Ground is totally useless both to Your Majesty and Your Subjects nor is there any probability that Application will be made to have it divided into Small parcels or Lots as it would be impossible to drain and cultivate it unless the whole Property was vested in One person and that then it must necessarily be attended with an Expence of many Thousand Pounds a Sum which few of the Inhabitants of that Island are either Able or willing to disburse.

That what Mr. Price proposes is to drain and inclose that Tract of Land and to convert it into a Plantation of Logwood if he can obtain a Grant from Your Majesty of the Land with an Exemption from the usual Condition of Quit Rents and keeping White Servants.

That by the 31st Article of Your Majestys Instructions to the Governor of the said Island of Jamaica Your Majesty has been pleased to declare that no Grant of Land shall be made on Your Majestys behalf more than One Thousand Acres as aforesaid and that no Grant be for the future made but upon the Express Condition that each Grantee shall have and maintain One White Man for every hundred Acres and annually pay the usual Quit Rent for every hundred Acres so to be granted.

That the like Regulations and Restrictions with respect to Grants of Lands have by express Instructions to the Governors taken place in all other Your Majestys Colonys and Plantations to the End that a Stop might be put to the great prejudice which had formerly arisen to Your Majestys Interest and that of Your Majestys Subjects by extravagant Grants of Land having been heretofore made to Persons unable to Cultivate or improve them or to pay the Quit Rents due to Your Majesty thereon, The said Lords Commissioners however observe that upon Applications to Your Majesty for Grants of considerable Tracts of Land when it has appeared that the persons applying for the same have been of Ability and Fortune to improve and Cultivate the Land and render it usefull and beneficial to the publick Your Majesty has oftentimes been graciously pleased to dispence with the abovementioned Instruction under such other Limitations and Restrictions as the Circumstances of the Case required And as it appears that if this proposal now under Consideration can be carried into Execution and so large a Tract of Land which is represented to be at present not only useless but even noxious to Your Majestys Subjects in that Island can be drained and cultivated it will be greatly for the advantage

and Emolument of the said Island ; The said Lords Commissioners cannot but think it adviseable to encourage so usefull and salutary an Undertaking and therefore they submit whether Your Majesty may not be graciously pleased to impower Your Governor of the said Island to make a Grant to the Petitioner in Your Majestys behalf of the said two Lagunes or Morasses That if this should meet with Your Majestys Approbation The said Lords Commissioners further submit whether in Consideration of the great Expence the Petitioner must be at in an Undertaking of this sort he should not be exempted from the payment of the usual Quit Rents reserved to Your Majesty Subject nevertheless to this express Condition that in Case the Grantee shall not Cultivate and improve the Land within Thirty Years the Grant to be void to all Intents and purposes whatsoever That with respect to the other Condition contained in Your Majestys said Instruction whereby all Grantees are obliged to keep One White Man for every hundred Acres The said Lords Commissioners observe that it is peculiar to this Island and what the frequent Dangers the Inhabitants are Subject to from the Insurrection and Rebellion of Negroes has rendered unhappily necessary for their Peace and Security and therefore they should have been extreemly cautious under any other Circumstances of recommending to Your Majesty to dispense therewith, but as it has been represented to them that it will be impossible for this Undertaking to be accomplished but by Negroe Slaves only and as this Case rests upon its own particular Circumstances, and the particular Expediencys which attend it They submit it to Your Majesty whether those Considerations as well as that already mentioned of the great Expence which the Grantee must be at in carrying his Undertaking into Execution may not induce Your Majesty to dispense with that Instruction in the present Case The said Lords Commissioners however represent that the Grantee will be equally affected by a Law which it has been usual for several Years for the Legislature of the Island Annually to

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pass in Conformity to Your Majestys Instructions whereby all persons are obliged to keep a certain Number of White Men upon their Plantations in proportion to their Negroes and other Stock and the said Lords Commissioners apprehend the Grantee cannot by the Tenor of his Grant be exempted from complying with the Regulation But if the Legislature of the Island should in Consideration of the publick Utility of this Undertaking and the great Expence which will arise to the Grantee in carrying it into Execution think it adviseable to insert a Clause in any Act which they may hereafter pass for that purpose whereby the Petitioner shall be exempted from Compliance with the Conditions thereof so far as it regards this particular Tract of Land, The said Lords Commissioners see no Reason why Your Majesty may not be graciously pleased to permit Your Governor to give his Assent thereto.

[*pp.* 334-7, 350-1.]

[149.] [Reference to the Committee of a memorial of the Georgia Trustees.] [*p.* 233.]

13 May.
Georgia.

[Committee. The memorial sets forth] amongst other things, that His Majesty was pleased by His Royal Charter to declare that during the Term of Twenty One Years the Memorialists should and might prepare Laws Statutes and Ordinances fit and necessary for the Government of the said Colony and appoint such Governor Judges Magistrates Ministers and Officers as should by them be thought fit ; And that the said Term of Twenty One Years will expire on the 9th of June 1753 though the power of granting the Lands is vested in them for ever And further Setting forth the several Steps they have taken under the said Charter towards establishing the said Colony, and that by the Assistance they have received from Parliament amounting to 130,000*l.* Sterling they have been enabled to establish Courts of Judicature, Build Forts and other Publick Edifices and settle great Numbers of British and Foreign Protestants who have raised Indigo, Rice &c. and are now in a sure and speedy Way of producing the invaluable Commodity of fine Raw Silk ; But that in regard all

15 May.

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the Money granted by Parliament the last Session is already applied, and no Means left to them for paying the Magistrates and Answering the other Expences of Government, they are under Apprehensions, That all the whole of what has been hitherto done, will be now dissolved by a general Confusion and Desertion of the Province : And therefore humbly pray His Majesty to take the Premises into His Wise and Gracious Consideration, that they may be enabled to Discharge the Trust reposed in them and to make good the Engagements they are under, for maintaining the Civil Government, for furnishing the Detachments with Provisions and for giving Encouragements for the Produce of fine Raw Silk ; And that proper Means may be soon provided for putting the Government of the Colony on a more sure Foundation than it is at present, thro the uncertainty of the Trustees being enabled to Support it, lest so great a misfortune should happen to his Majesty as the immediate Desertion and Loss of this important Province. [The Committee refer to the Treasury the part relating to the enabling the Trustees to comply with their engagements, and to the Board of Trade the part relating to the expiration of their term of government and to the proper means for putting the government on a more sure foundation.] [pp. 235-7.]

19 Dec. [The Committee consider the memorial. A committee of the Trustees attend and make the following proposal, which is referred to the Attorney and Solicitor General :—]

We whose Names are here underwritten being a Committee appointed by the Common Council of the Trustees for establishing the Colony of Georgia in America and fully Authorized by them do hereby signifie That We are ready and willing to make an absolute Surrender of all the powers Rights and Trusts vested in the said Trustees by His Majestys Charter bearing date the Ninth day of June 1732 without any Condition or Limitation humbly recommending the Rights and Privileges of the Inhabitants of the said Colony to His Majestys most gracious Protection. December

1751.

19th 1751. Saml. Lloyd Edward Hooper Shaftesbury Robt. Tracy John Frederick. [pp. 411-3.]

[Committee. Reference to the Board of Trade to prepare a draft of what is advisable to obviate the inconveniences contemplated in a memorial this day presented to the Committee by the Georgia Trustees,] setting forth, That the House of Commons have in consequence of the Trustees offer to Surrender their Trust to his Majesty Voted them such a Sum of Money as they hope will enable them to furnish the Troops with Provisions and Support the Civil Government of the Province 'till Midsummer next but cannot beyond that time; They therefore humbly Offer whether a New Administration of Government should not be formed before their Act of Surrender, to take place immediately thereon— Or least any Confusions might arise to the great Prejudice if not the ruin of the Colony by an Intermission of Government That the present Magistrates and other Officers should be impowered to Act in their respective Employments till a New Administration of Government shall be Established. [p. 483.]

(1752.)
8 Feb.

[The Committee order the Attorney and Solicitor General to prepare a draft of a deed of surrender as proposed in their report, by which] it appears that they had considered the said Proposal and perused the said Charter of the 9th of June 1732 and the Grant from Lord Carteret of the same Year and find that by the Charter the Colony of Georgia was made a separte province to be Governed by its own Laws and not by the Laws or Government of South Carolina That the Memorialists were thereby made a Corporate Body with perpetual Succession and that Seven Eighths of the Lands there were granted to them for ever to be held of the Crown at the Rents thereinmentioned with power for them by their Common Council named and to be named according to the Directions of the Charter under their Common Seal to distribute and Convey Portions of such Lands to such Subjects Natural Born or Denizens or others that shall be willing to become Subjects on such Terms and for such Estates and on such

(1752.)
8 Feb.

Conditions as the same can be lawfully granted and as to the Common Council should seem meet And that for the Term of Twenty One Years the Memorialists should have power of making such Laws and appointing Governors and Officers as they Judge proper And the said Attorney and Sollicitor General also find by the Lord Carterets said Grant ; His One eighth of the Lands was vested in the same Trustees on the same Trusts.—In consequence of those Grants they are of Opinion That the Memorialists have sufficient power to make such Surrender and Grant as is proposed And that the proper Method of doing this will be (as they conceive) for the Trustees with the Privity and by Direction of the Common Council to Execute a Deed of Surrender enrolled under their Common Seal and thereby to Surrender to His Majesty their said Charter and all the powers Jurisdictions Franchises and Priviledges therein conveyed to them and thereby to grant all their Lands and Territories to His Majesty as well the One Eighth derived from Lord Carterets Grant as the Seven Eighths included in His Majestys said Charter but subject to such Estates and Interests as the Inhabitants there have in any of the Lands by virtue of Grants from the Corporation.

[*pp.* 483-5.]

(1752.) [Letter from W. Sharpe, Clerk of the Council, to Sir Dudley
21 Mar. Ryder, Attorney General]—Sir, The Lords Commissioners for Trade and Plantations have laid before my Lord President, a Report made to them by Yourself and Mr. Sollicitor General dated the 25th of last Month upon considering the following Question Vizt. ; In what Manner the present Magistrates and other Officers appointed by the Trustees of the Colony of Georgia for the Administration of Justice and Execution of Government in that Colony can upon the Surrender of the Charter be impowered to Act in their respective Employments till a New Administration of Government shall be settled.

And You having thereupon Reported as Your Opinion that if the Surrender of the Charter by the Trustees cannot be

1751.

postponed and the present Government there kept up, till a New Method of Administring the Government can be Settled (which seems most adviseable) the properest Way for Authorizing the present Magistrates and Officers to continue in the Exercise of their respective Offices in the mean time, will be, for His Majesty to issue a proclamation for that purpose And my Lord President being doubtfull whether the Trustees Surrender of their Charter can be postponed for so great a length of time as may be necessary to form a New Plan of Government hath therefore commanded me to desire You will be pleased to prepare the Draught of a Proclamation to Authorize the present Magistrates and Officers in the Colony of Georgia to continue in the Exercise of their respective Offices untill a New Method of Administring the Government can be settled and to lay the same as soon as conveniently You can before the Lords of the Council for their Consideration.

[*pp.* 558-9.]

[The Committee submit the drafts of the Deed of Surrender and of the proclamation for approval; and recommend that the proclamation be not issued till the surrender is actually executed.] And when such Grant and Surrender shall be made, His Majesty will have both the Government of the Colony in His Own Hands and the Lands and Territorys thereto belonging Subject to the Grants of any Part thereof now Subsisting, and as to the One Eighth Subject to the Quit Rents reserved in the Lord Carterets Grant, the Government thereof may then be put on such a foot as His Majesty shall in His Great Wisdom think Proper. (1752.)
7 May.

[XIV. *pp.* 58-61.] (1752.)

[Orders accordingly, approving the drafts (P.R.); and that one part of the deed] be passed under the Great Seal of Great Britain as a Signification of His Majestys Acceptance of the said Surrender and Grant, to be kept by the said Trustees, and that the other Part thereof, which is to remain with His Majesty, be executed by the said Trustees with the Privy and by the Direction of the Common Council of the said 28 May.

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Corporation, enrolled under their Common Seal upon the same day and Year with that Part which is to be passed under the Great Seal. [The proclamation is given in the Register, dated 25 June, 1752.] [XIV. pp. 102-6.]

4 June.
Georgia.

[150.] [Reference to the Committee of the] Petition of Caleb Davis, late Commander of the Guard Schooner Walker in His Majestys Service at Georgia in America Setting forth amongst other things that James Edward Powell as Owner of a Vessel called the Murray which the Petitioner had taken as Prize brought an Action against the Petitioner in the Court of Savannah in Georgia for 1250*l.* Sterling on Account of the said Capture notwithstanding the said Powell had before paid the Petitioner 600*l.* not to proceed in the Condemnation of the said Prize and given the Petitioner a Receipt in full of all Demands—That notwithstanding such Receipt a Verdict was given against the Petitioner for 820*l.* 7*s.* 9*d.* Sterling besides Costs amounting in the whole to 1600*l.* Sterling. That the Petitioner offered to Appeale from the said Verdict but was refused by the Judges and was compelled to pay One Half of the Money and Costs and give Security for the other—That the Petitioner apprehending that he is greatly aggrieved by the said Verdict humbly prays that he may be admitted to Appeal therefrom. [p. 245.]

12 July.

[On the Committee report of 9 July, the appeal is admitted. The security required is given on 18 July by Caleb Davis, gent., of Lambeth, Surrey, William Bradley, Esq., of Michelham, Surrey, and James Wall, gent., of Lambeth.] [pp. 259, 276.]

(1752.)

20 Dec.

[The appeal shows] That War being declared against Spain the Petitioner entered into Your Majestys Service in Georgia under the Command of Lieutenant General Oglethorpe, And Commanded the Principal Vessel of War in that Service belonging to Your Majesty untill the Reduction of the Georgia Troops ; That in 1745 the Petitioner received Orders from Major William Horton then Commanding Officer at Georgia to get ready the Vessel under the Petitioners Command,

and go in pursuit of, take and Seize all Vessels, that were Trading to St. Augustine, and that had and were supplying Your Majestys Enemys with Provisions &c. and to bring them into the Port of Frederica in Georgia; That the said Major Horton delivered at the same time a Copy of an Order from their Excellencys the Lords Justices to the same purport and Effect; That in Obedience to such Order the Petitioner took a Vessel called the Murray which the Petitioner caused to be Legally Libelled, and proved, that the Master of the said Vessel had Actually sold a large Quantity of Provisions, and put the same into the Castle of St. Augustine, and that by several Letters and other Papers which were found on Board the said Vessel and produced in Court, it appeared, that the Spanish Officers and Merchants had wrote to the Merchants of Charles Town in South Carolina and New York for several thousand Barrels of Provisions, and that the Spanish Privateers should give the English Vessels that should bring in the said Provisions safe Convoy to the Havannah and St. Augustine, Notwithstanding which, the said Trial being industriously delayed by the Judge of the Court of Vice Admiralty of Frederica in Georgia where the said Vessel was to be Condemned or acquitted, the Petitioner from such Tokens of Partiality and the repeated Instances of others to that Effect was obliged to take 600*l.* only, in Lieu of the said Prize for the Petitioner and his Men, although the said Prize was worth 1400*l.* and upwards, and as an Inducement, for the Petitioner to accept of the said 600*l.* and to proceed no further towards the Condemnation of the said Prize, James Edward Powell the Owner of the said Vessel gave the Petitioner a Receipt in full of all Demands; That Lieutenant Colonel Alexander Heron Lieutenant Colonel of a Regiment in Georgia after the Discharge of the said Major Horton in Order to distress and ruin the Petitioner by His Artfull Management and Officious Interposition, caused [Powell to bring the action on which judgment was given on 21 Feb., 1749, and which led to the present appeal. On the report of the Committee, who heard

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the case *ex parte* on 7 Nov., no appearance having been entered for the respondent, though notice had been served at his place of abode in Christchurch parish, S. Carolina, the decree of Feb., 1749, is reversed and money paid under it ordered to be restored to Davis with interest, as also his securities for further payments.]

[*pp.* 278, 281 ; XIV. *pp.* 161, 165, 207-9, 259.]

9 Aug.
Jamaica.

[151.] [Reference to the Committee of two petitions of Edmund Pusey, planter of St. Dorothy parish, Jamaica, that two appeals of John Pusey from Chancery orders of 23 March, 1747, and 23 Feb., 1749, relating to the property left by Cornelius Wellekins, father of Edmund's wife, Mary, may be dismissed with costs for non-prosecution.] [*pp.* 286, 291.]

31 Oct.

[On the Committee reports of 24 Oct., each appeal is dismissed with 80*l. stg.* costs.] Provided the said John Pusey did enter into the usual Security in Jamaica for prosecuting his said Appeal to Effect. [*pp.* 332-3, 352-3.]

9 Aug.
Jamaica.

[152.] [Reference to the Committee of the petition of the Rt. Hon. David Lord Olyphant for a day for hearing his appeal from a decree of the Jamaica Chancery, 19 Nov., 1750, on a bill filed against him by Edward Manning, Esq., executor of Edward Pratter, Esq., deceased, for payment of 204*l.* 17*s.* 6½*d.* with interest from 6 Dec., 1739.] [*p.* 289.]

(1753.)

10 May.

[On the Committee report of 3 April, when the appeal was heard *ex parte*, no appearance having been entered for the respondent, the Chancery decrees of Nov., 1750, and of 20 Feb., 1747, are both reversed, and Manning's bill against the appellant dismissed with costs. The case arose out of a mortgage of lands in Clarendon parish by John Sutton to Edward Pratter, which mortgage was assigned by Manning to Olyphant on payment of what remained due thereon. The dispute is due to a mistake in the principal sum on which interest was computed in settling accounts. Other names occurring in the report are John Olyphant, Thomas Golding and Sidney Marriott, Master in Chancery.]

[XIV. *pp.* 292, 359, 370-5, 409.]

1751.
9 Aug. Montserrat.
[153.] [Reference to the Committee of the address of the Council and Assembly of Montserrat praying that his Majesty would confirm under his royal seal the commission of John Dyer, who was appointed by Governor Mathew to be Chief Justice of the island, and has enjoyed the place these seven years past, to the greatest satisfaction of the inhabitants.] [*p.* 290.]
[In accordance with the Committee report of 24 Oct., order is given as desired.] 31 Oct. [*pp.* 337, 349.]
- 26 Sept. Jamaica.
[154.] [Reference to the Committee of the petition of John Patten, merchant of St. Catherine parish, Jamaica, a creditor under bond and mortgage from John Kelly of the same parish, deceased, for a day for hearing his appeal from a Chancery decree of 19 May, 1750, in favour of Esther Nunes in relation to the payment of a debt due from Kelly to her late husband, Jacob Nunes, deceased, and also from a Chancery order of 25 Aug., 1750, for carrying the said decree into execution.] [*p.* 305.]
- (1753.)
20 Mar.
[On Patten's death, the Committee revive the appeal by making Richard Beckford and Forster March, Esqrs., and Stephen Richard Redwood and Francis Hamilton, merchants, his surviving executors, parties. William Aikenhead, Esq., is at the same time made a respondent.] [XIV. *p.* 357.]
- (1754.)
6 Aug.
[In accordance with the Committee report of 18 July, the decree of 19 May, 1750, is affirmed with certain variations. The case arose from a mortgage on Risbee's plantation held by the Kellys. Names occurring in the report are Benjamin Bravo, Dennis Kelly, Henry Dawkins, Charles Price, Samuel Whitehorne and Sarah his wife, Charles Kelly and Sarah his wife, Walter Thomas, Henry Kelly and Samuel Gordon.]
[XIV. *p.* 365 ; XV. *pp.* 41, 45, 182-99, 219.]
- 31 Oct. Virginia.
[155.] [Order confirming 57 Virginia Acts and disallowing 10, in accordance with the Committee report of 16 Oct. agreeing with the following Board of Trade representation of 6 Aug., referred to them on 9 Aug. :—] We have had under Our Consideration the Laws passed in Your Majesty's Colony

of Virginia in the Years 1748 and 1749 for revising and altering the Laws before subsisting and in force within that Colony.

This Revisal as has been represented to Us by Sir William Gooch Baronet Your Majestys Lieutenant Governor of the said Colony arose from the Necessity there was of having a New Edition of the said Laws printed for the use and Convenience of the Members of the Assembly and Justices of the Peace in the several New Countys which have been lately created ; and the Council and Assembly considering that as of late Years many Acts have been entirely or in part repealed and others expired altered amended or explained so that a New Edition of them as they stood before might lead Men not well experienced into Errors and Mistakes appointed a joint Committee of both Houses consisting of their principal Members best acquainted with Business to perform this Work and the Bills prepared by them were reported to the General Assembly.

We humbly beg leave to represent this to Your Majesty as a Method worthy of Imitation and which We could wish to see followed in all other Your Majestys Colonies in America since nothing can more effectually tend to promote Order and good Government secure the Properties and Possessions of Your Majestys Subjects and prevent litigious Controversies and Disputes than a clear and well digested Body of the Laws.

In laying these Acts before Your Majesty We shall humbly beg leave to Submit to Your Majestys Consideration such Observations as have occurred to Us upon each Act either from the Letters of Your Majestys Lieutenant Governor of the said Colony or the Report of Mr. Lamb one of Your Majestys Counsel at Law whose Opinion in point of Law has been taken thereupon omitting however such Laws as from the Nature of them require a further Consideration and Discussion or the Utility or Inutility of which can only be shewn by the Practice and Exercise of them.

We must however humbly beg leave to represent to Your Majesty that all these Laws do repeal alter and amend the former Laws of the Colony ; and therefore ought in Conformity to Your Majestys Instructions to Your Governor of the said Colony to have had Clauses inserted therein suspending the Execution until Your Majestys pleasure might be known : But as there was a necessity and expediency of having these Laws take place as soon as possible We shall not propose to Your Majesty a repeal of any of them excepting only such as do repeal Laws heretofore confirmed by Your Majesty or Your Predecessors without such suspending Clause which is a Deviation and Departing from Your Majestys Instructions which no Circumstances or Necessity can justify.

The Fifty Seven following Acts appearing to Us to relate chiefly to the particular Convenience and Government of Your Majestys said Colony and to be no way contrary or repugnant to the Laws of this Kingdom or Your Majestys Instructions to Your Governor excepting in the aforementioned Instance and Mr. Lamb Your Majestys said Counsel not having any Objection thereto in point of Law We humbly beg leave to lay them before Your Majesty for Your Majestys Royal Approbation.

1. An Act for continuing the Act entituled An Act for reducing the Laws for laying a Duty upon Liquors into One Act of Assembly.

This Act continues the Act therein recited for four Years to commence from the 10th of June last ; and lays an Additional Duty of One Penny per Gallon on Spirituous Liquors and Wine imported except from Great Britain. The publick Debts of the Colony the Expence of the Session of Assembly of reprinting the Laws and of rebuilding the Capital are the reasons assigned for imposing this additional Duty which, as Sir William Gooch hath represented to Us has always been found the easiest Expedient for raising Money for publick Uses it being neither burthensome to the Trade of Great Britain nor oppressive to that of Your Majestys other Plantations.

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2. An Act for giving a certain Sum of Money to Trustees for the clearing Roads over the great Mountains.

The Design of this Act is to preserve to Your Majestys said Colony the Trade in Beeves Butter and Cheese which the Inhabitants to the Westward of the great Mountains have generally for want of good Roads carried on at Philadelphia.

3. An Act for the better Management and Security of Orphans and their Estates.

The Act is agreeable to former Laws passed for the like purposes ; and the provisions contained in it appear to Us to be very useful and Necessary.

4. An Act for directing the Manner of granting Probates of Wills and Administration of Intestates Estates.

Besides Clauses Collected from several former Laws this Act contains several Clauses of the Statute of the 29th of King Charles the Second commonly called the Statute of Frauds and Perjuries relating to Wills both written and nuncupative By this Act every Executor is obliged to give Security for the Estate of the Testator to the Court granting Probate, except where the Testator leaves a visible Estate more than sufficient to pay all his just Debts : For which Case no such Security is to be demanded.

5. An Act for establishing County Courts and for regulating and settling the Proceedings therein.

The Old Jurisdiction and Practice of the County Courts are by this Act continued agreeable as near as may be to the Rules in this Kingdom except that Defendants who plead non est factum are to swear to the Truth of that Plea. This Amendment is not consonant with the practice of Your Majestys Courts in England but the dilatory and oppressive Practices which the use of the said Plea had occasioned in Your Majestys said Colony appear to Us to have made such Amendment necessary.

6. An Act to prevent frivolous and vexatious Suits.

This Act relates only to persons belonging to Your Majestys Colony of Virginia and is agreeable to former Laws of the like Nature.

7. An Act for prescribing the Method of appointing Sheriffs and for limiting the time of their Continuance in Office and directing their Duty therein.

The Laws formerly passed in Your Majestys said Colony concerning Sheriffs are all reduced into this One Act in which there is only One new Clause; whereby the power of the Sheriff is extended to the Bays Rivers and Creeks adjoining to their respective Counties, in Order to prevent Debtors eluding their just Debts by getting on Board Vessels in the said Bays Rivers and Creeks.

8. An Act declaring the Laws concerning Executions and for relief of Insolvent Debtors.

This Act repeals all former Laws passed in Your Majestys said Colony for the like purposes, and provides for the purposes intended more fully and in a manner more agreeable to the Laws of this Your Majestys Kingdom except in some Clauses which are adapted to the Circumstances and particular Convenience of Your Majestys said Colony.

9. An Act directing the Method of Tryal of Criminals for Capital Offences and for other purposes therein mentioned.

The Method of Tryal prescribed by this Act is not quite agreeable to that of this Kingdom but it differs only in respects peculiar to the Circumstances of Your Majesty's said Colony.

10. An Act for better securing the Payment of Rents and preventing the fraudulent Practices of Tenants.

11. An Act concerning Seamen.

The purposes of this Act are to prevent the Desertion of Seamen and Mutinies on Board Ships and to redress the just Complaints of Seamen against their Commanders An Act of this Nature was passed in 1710 and made perpetual by an Act in 1713 This Act repeals that Law and provides more extensively for the purposes aforementioned.

12. An Act directing the Duty of Surveyors of Land.

This Act repeals a Law passed in Your Majestys said Colony in 1705 for the like purpose and amends it in the following particular By the Law of 1705 Surveyors only gave

Bond to the President and Masters of the College to whom the Office of Surveyor General is granted for paying their part of the Fees. By this Act they are obliged to give Bond in 500*l.* payable to Your Majesty for the true and faithfull Execution of their Office. And in Order to detect Frauds in Priority of Entries with the Surveyors for Your Majestys Lands this Act obliges the Surveyor himself to make Entry for such Lands in the presence of a Justice of the Peace who is to return the Entry to the County Court there to be recorded.

13. An Act for preventing Trespasses by unruly Horses Cattle Hogs Sheep or Goats and by taking away Boats or other Vessels.

This Act repeals the Act passed in 1705 for the same purposes and re-enacts it with very little variation.

14. An Act concerning Titheables.

This Act repeals and amends a Law of the like Nature passed in 1705 whereby the Owners of Plantations were Subjected to heavy Penalties upon the Neglect of their Overseers to list their Titheables. This Act declares that Overseers where the Owner does not reside upon the Plantation shall be liable to the Forfeiture for such neglect or for Concealment of Titheables.

15. An Act to prevent the Clandestine Transportation or carrying of Persons in Debt Servants or Slaves out of this Colony.

16. An Act for prevention of Abuses in Tobacco Shipped on Freight.

17. An Act prescribing the Method for proving Book Debts.

The Laws passed in Your Majestys said Colony for the like purposes in 1705 are by these Acts repealed and re-enacted with some Amendments.

18. An Act concerning Water Mills.

This Act is agreeable to former Acts of the like Nature save only that it lessens the Toll for grinding Indian Corn from a Sixth to an Eighth part and prohibits the Owners of Mills

who do not hold fifty Acres of Land adjoining to their Mills from raising Hogs and letting them run at large.

19. An Act for ascertaining the Damage upon protested Bills of Exchange and for the better Recovery of Debts due on promissory Notes and for Assignment of Bonds Obligations and Notes.

This Act repeals An Act of the third and fourth of Your Majestys Reign and lowers the Rate of Interest upon Judgments obtained on protested Bills of Exchange.

20. An Act for the better Support of the Clergy and for the regular collecting and paying the Parish Levies.

This Act repeals An Act passed for the like purposes in the first Year of Your Majestys Reign and contains several New Clauses which appear to Us very usefull and necessary.

21. An Act concerning the Publick Prisons and directing the Method of appointing the Keepers thereof.

This Act repeals two former Laws from which it only differs in obliging the Keeper to give sufficient Security for the due Execution of His Office which as he is intrusted with all Your Majestys Prisoners appears to Us to be a proper Amendment.

22. An Act for encouraging the making Tar and Hemp.

Three Acts passed in Your Majestys said Colony for this purpose have been found ineffectual This Act reduces the three into One and gives greater Rewards to the Makers of Hemp and Tar.

23. An Act for repealing several Acts of Assembly therein-mentioned.

The Acts repealed by this Law are obsolete useless or better provided for by others since passed; And therefore such Acts are repealed to prevent their being inserted in the intended New Edition of the Laws of Your Majestys said Colony.

24. An Act concerning Strays.

This Act repeals an Imperfect Act passed in the fourth Year of Her late Majesty Queen Anne and makes better Provisions in Cases of Strays.

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25. An Act for making provision against Invasion and Insurrections.

This Act contains all the Provisions of former Laws passed for the like purposes in Your Majestys said Colony.

[On the other 32 Acts confirmed no comment is made, but that they are convenient and agreeable to others formerly passed for the like purposes. See App. III.]

The following Ten Acts appear to Us to be liable to many Objections which We humbly beg leave to submit to Your Majestys Consideration in Our Observations upon each Act.

1. An Act for allowing Fairs to be kept in the Town of Suffolk and preventing Hogs and Goats going at large therein and for altering the times of holding Fairs in the Town of Newcastle.

2. An Act for establishing a Town in Augusta County and allowing Fairs to be kept there.

These Acts appear to Us to be an Encroachment upon Your Majestys Prerogative inasmuch as the power of appointing Fairs is by Your Majestys Commission vested in Your Governor of that Colony. There is also a Clause in each of these Acts whereby all persons going to being at or returning from the Fairs thereby appointed are exempted from all Arrests Attachments and Executions whatsoever except for capital Offences or Breaches of the Peace ; which Privilege appears to Us to be of an unusual and extraordinary Nature and contrary to the Laws of this Your Majestys Kingdom.

3. An Act declaring Slaves to be personal Estate and for other Purposes thereinmentioned.

Upon this Act We beg leave humbly to represent to Your Majesty that by an Act passed in Virginia in 1705 which was further explained and amended by another Act passed there in the first Year of Your Majestys Reign Slaves were declared to be real Estate. This Act repeals the said two Laws, for which it does not assign sufficient Cause neither is there a Clause inserted therein as required by the Twentieth Article of Your Majestys Instructions to Your Governor of Virginia suspending the

Execution thereof until Your Majestys Pleasure should be known thereupon The Policy and Intention of the two Laws repealed by this Act were to enable the Planter to annex Negroes to Land to keep Estates in Families to increase the Trade of Great Britain to raise the Credit of Your Majestys said Colony and to strengthen it in point of Defence : And We are informed by Sir William Gooch Your Majestys Lieutenant Governor of Virginia that the said Laws have well answered the purposes for which they were enacted, and that it will be greatly for the Service of the Colony that they should be continued in Force and that this Act should receive Your Majestys Disapprobation.

4. An Act for the Distribution of Intestates Estates.

This Act appears to Us to have been passed in consequence of the last mentioned Act which declares Slaves to be personal Estate and there are good Laws already in being in this Colony which settle the Distribution of Intestates Estates in a great measure agreeable to the Laws of this Kingdom.

5. An Act for establishing the general Court and for regulating and settling the proceedings therein.

This Act relates to the fixing the Method of Proceedings in the Courts and varies a good deal from the Act passed for this purpose in 1705 It prohibits the bringing Suits in the general Court for Actions under 20*l.* which by the former Act was limited at 10*l.* and it forbids Appeals to the General Court upon Actions not exceeding 10*l.* which by the former Law were not limited These prohibitions may be attended with great Inconvenience and Detriment to Your Majestys Trading Subjects and therefore We are humbly of Opinion that the Law passed in 1705 is more eligible as being less oppressive.

6. An Act for limitation of Actions and avoiding of Suits.

Altho' this Act repeals a Law passed for the same purpose in 1705 and confirmed by her late Majesty Queen Ann there is no Clause inserted in it suspending the Execution thereof 'till Your Majestys Pleasure shall be known thereupon as

required by the twentieth Article of Your Majestys Instructions to Your Governor of Virginia.

7. An Act concerning Servants and Slaves.

This Act is liable to the same Objection as the foregoing as it repeals an Act passed in 1705 for the like purposes. It varies greatly from the said repealed Act and contains some Clauses whereby Convicts transported from this Kingdom for Felony are declared to be entitled to the same Care and Freedom Dues that are given for Encouragement to Volunteers for serving by Indenture ; which in its tendency is contrary to the Design of the Laws of this Kingdom relating to Felons.

8. An Act to prevent the tending of Seconds.

This Act also repeals an Act passed in 1705 and confirmed by her late Majesty Queen Anne entitled An Act for improving the Staple of Tobacco and for regulating the Size and Tare of Tobacco Hogsheads without having any Clause to suspend its Execution 'till Your Majestys Pleasure shall be known. The Law repealed by this Act relates in some parts to the tending of Seconds and in others to the packing of Tobacco in Hogsheads &c. This Act repeals all former Laws except so much of the said Act as relates to the tending of Seconds, which appears to Us to be a Mistake as this Act provides sufficiently for that part and takes no Notice of the others.

9. An Act for the better Support of the College of William and Mary.

This Act repeals An Act passed in the first Year of Your Majestys Reign and is in that respect liable to the same Objection as the foregoing.

10. An Act to prevent the Building of Wooden Chimnies in the Town of Walkerton and also to prevent the Inhabitants thereof from raising and keeping Hogs.

There is a Clause in this Act which declares that if any Swine shall be found going at large within the Limits of the said Town it shall be lawful for any person to kill and destroy the same Which Clause appears to Us to be of an unusual and

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extraordinary Nature and may be productive of many inconveniencies.

For all which Reasons We humbly Submit it to Your Majesty whether the ten foregoing Acts should not receive Your Majestys Royal Disapprobation. [*pp.* 289, 315–27, 342–8.]

[156.] [Two South Carolina Acts of June, 1747, and March, 1748, are disallowed on the Committee report of 16 Oct. agreeing with the Board of Trade representation of 6 Aug. referred to them on 9 Aug. that they had considered the Acts :—] An Additional Act to An Act of the General Assembly of this Province entitled An Act for preventing as much as may be the Spreading of Contagious Distempers and to revive and continue An Act for the establishing of a Market in the Parish of St. Philip Charles Town and for preventing engrossing forestalling regrating and unjust Exactions in the said Town and Market.

31 Oct.
Carolina.

An Additional Act to An Act of the General Assembly of this Province intituled An Act for enlarging the Qualifications of the Electors as well as of the Persons to be Elected to Serve as Members of the General Assembly of this Province.

Which Acts the said Lords Commissioners humbly offer to Your Majesty as proper to be repealed in regard that the first of the said Acts contains a Clause whereby a Penalty of Ten pounds is inflicted on Passengers coming to Charles Town before the Ship in which they arrived has obtained leave to pass by Johnsons Fort and that the said Penalty is to be recovered in the Manner prescribed by An Act passed in Your Majestys said Province in June 1747 entitled An Act to impower two Justices and three Freeholders to determine small Suits Which Act Your Majesty hath been pleased to repeal. And that the Second of these Acts is Additional to An Act passed in Your Majestys said Province in May 1745 which Your Majesty hath been also pleased to repeal.

[*pp.* 289, 327–8, 348.]

[157.] [Reference to the Committee of the petition of James Crean, gent., late of St. Catherine parish, Jamaica, but now

31 Oct.
Jamaica.

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of Great Britain, for a day for hearing his appeal from a decree of the Jamaica Chancery, 16 Jan., 1751, on his bill against Thomas Biggs and Elizabeth his wife in relation to a bond entered into by the petitioner on 25 March, 1739, in the penalty of 1,000*l.*, to Paul Crean, deceased.] [p. 356.]

(1760.) [On the Committee report of 10 July, the decree is reversed

11 July. and Crean's bond ordered to be cancelled, satisfaction to be entered on the judgment and a perpetual injunction. The other demands of the plaintiff are dismissed and he is left to his remedy at law. The case was heard *ex parte*, no appearance having been entered for the respondents. Other names occurring in the report are John Fagan and Mrs. Anne Dufresny. Elizabeth Biggs was formerly wife of Paul Crean, brother of the appellant.] [XVIII. pp. 303, 430, 431-4, 442.]

31 Oct. [158.] [Reference to the Committee of the petition of
Rhode Robert Rodman for a day for hearing his appeal from a
Island. judgment of the Superior Court of Rhode Island reversing a judgment of the Inferior Court, on an action of trover brought against him in May, 1750, by John Bannister for conversion of the ship *Jacob* (lately called the *Noble Jane*) and her appurtenances of the value of 346*l. stg.*] [p. 357.]

(1753.) [Order, in accordance with the Committee report of 23 Jan.,
7 Feb. reversing the judgment of the Superior Court of April, 1751, and affirming that of the Inferior Court of 29 May, 1750 in favour of Rodman. The appeal set forth] That Noble Park, Master and part Owner of the Ship Noble Jane late of Great Britain in the Year 1749 was bound out on a Voyage from Newcastle to Newport in the said Colony of Rhode Island, where being arrived, and on application to Mr. John Bannister Merchant there for a supply of money, he took of him certain Sums for which he drew Bills of Exchange to the amount of three hundred forty Six Pounds Sterling, payable in ten days after the Ships arrival in London, and as a Collateral security, gave the said Bannister his Bond of Hypothecation of the said Ship; wherein it was stipulated, that if the said Ship should be taken by Enemys, lost, or

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otherwise miscarry before she should arrive at London, That then the said Noble Park his Executors &c. were to make good the Payment. But as to the Ship itself together with her Appurtenances they were in that Case to be totally discharged, for she was thereby only liable 'till her arrival in London (which never happened) For that after she was fitted at Rhode Island she proceeded on her Voyage to Virginia, where she arrived and when loaded departed from thence intending for London, but in her Passage in the Bay near New York meeting with very violent Weather was cast away and Wrecked. That the said Master used his utmost Endeavours to save what he could of the said Vessell and Cargo (being in a Miserable Condition) which when he had done, the same was sold to the best Bidder at Publick Auction in the City of New York, whereof notice was properly Published, and at which Sale the Hull or Wreck of the Ship only was sold to Cornelius Wynkoop for thirty five Pounds New York Currency, who sold it afterwards to Jacob Isaacks by a proper Bill of Sale and The Tackle and her Appurtenances were sold at the same Auction to several other Persons. That the said Isaacks with a very great expense, fitted the Hull or Wreck of the said Ship up, so as to make her Capable of proceeding to Sea, wherein he laid out many thousand Pounds Rhode Island Currency, and put the Appellant Robert Rodman in Master of her, and then from New York sailed on a Voyage to the said Colony of Rhode Island, where being arrived The said Bannister at the Inferior Court of the said Colony held in May 1750 brought his Action of Trover against the said Appellant the Petitioner for the Conversion of the said Ship.

[XIV. pp. 122, 161, 162, 255, 289-90, 309.]

[159.] [Reference to the Committee of the petition of sundry merchants of London trading to Virginia with two memorials annexed from the Merchant Adventurers of Bristol and from the merchants of Liverpool respectively, complaining of a clause in a Virginia Act of 10 May, 1749, declaring the law concerning executions and for relief of insolvent debtors,] By which Clause

26 Nov.
Virginia.

1751. 144 ACTS OF THE PRIVY COUNCIL (COLONIAL).

it is Enacted that where any Writ of Execution shall after the 10th of June 1751 be sued out upon any Judgment Decree or Recovery had or to be had or obtained in any Court of Record of that Colony for Sterling Money the Sheriff or Officer to whom such Writ shall be directed shall levy the same in Current Money at the rate of 25 per Cent. advance upon the Sterling for difference of Exchange and not otherwise.

[p. 389.]

12 Dec. [Referred by Committee to Board of Trade.] [p. 407.]

(1754.) [On the Committee report of 5 Aug. an additional instruction

6 Aug. prepared by the Board of Trade in accordance with their report approved by the Committee on 18 July, is approved. (P.R.) The Board of Trade reported :—] That as the late Lieutenant of Virginia had represented to them, that Twenty five per Cent. was the real difference between the Current money of that Colony and English Gold and Silver Coin, and that the Object of Establishing that Rate of Exchange by Law, was to ease the Sheriffs from the perplexity they frequently met with, in settling such Rate between Debtor and Creditor ; And as Mr. Lambe, Your Majestys Counsel, had Reported this Act as liable to no Objection in Point of Law ; And no Complaint being made against it during the time it lay at the Board of Trade, The said Lords Commissioners did, in their Representation of the 6th of August 1751, humbly lay it, with many other Acts of Virginia, before Your Majesty for Your Royal Approbation ; And it has accordingly been confirmed by Your Majestys Order in Council, dated the 31st of October 1751 ; But, as the Objection which the Petitioners make, to the abovementioned Clause of the said Act, appears to have great weight, and as they have fully proved the several Allegations of their Petition, with respect to the usual Rate of Exchange between Great Britain and Virginia, The said Lords Commissioners are of Opinion, that they are laid under great hardships, and must be considerable Sufferers, by being obliged to accept payment of all Debts owing to them in Sterling Money, or on any Bill of Exchange in the said Colony,

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in Currency, at the Rate of Twenty five per Cent. Advance : And therefore the said Lords Commissioners humbly propose, that Your Majesty's Governor of Virginia should be instructed, to endeavour to get another Law passed for the like purposes, taking Care, that no Clause be inserted in such Act, for Regulating the Rate of Exchange, to the prejudice of the Merchants trading to the said Colony.

[XV. pp. 200, 212-3, 217.]

[160.] [Reference to the Committee of a representation of Governor Tinker praying that 30 cannon, 20 12-pounders and 10 24-pounders, with stores, be sent for the use of Forts Nassau and Montague ; that he may be allowed 100 barrels of powder borrowed by him from Capt. Reynolds, commanding the fleet stationed in South Carolina ; and that he may be paid 135*l.* due to him for his expences in completing the fortifications.]

1752.

14 Jan.
Bahamas.

[p. 430.]

[Referred by the Committee to the Ordnance.] [p. 485.]

8 Feb.

[A Committee order adds in the summary of Tinker's representation a parenthesis proposing that the carriages for the cannon may be made of the wood of those islands. The Ordnance on 18 Jan.] Reported, that in the Year 1720, they sent a supply of Ordnance and Stores to these Islands amounting to the sum of 2,283*l.* 6*s.* 4*d.*, and in 1729, another supply to the amount of 3,802*l.* 7*s.* 2½*d.*, and in 1740 a further Supply to the amount of 1,380*l.* 13*s.* 2*d.*, That they have it not in their power to Judge of the State and Condition of the Guns and Stores at present in those Islands, nor whether they have been duly preserved and taken Care of in regard those Islands are not within the Department of the Office of Ordnance. That they have seen no return of their Guns and Stores or Report of their particular Defects, which is necessary to Form a Judgment ; That they have consulted the Plans, and observe, That Fort Nassau is capable of Mounting Sixteen Eighteen Pounders, Three Twelve Pounders, Four Nine Pounders, Eighteen six Pounders, and Four four Pounders, in all Forty five Guns ; And that Fort Montague can Mount Eight Eighteen Pounders,

(1753.)
3 April.

1752.

Three Nine Pounders, and Six Six Pounders, in all Seventeen Guns, But know not how many Serviceable Guns of the above Natures they have at present, And they further Observe, That tho' the Governor requests to have Twenty Twelve Pounders and Ten Twenty four Pounders granted him, Yet it appears by the Plans, that these Forts are designed to mount but three Twelve Pounders, and not one Twenty Four Pounder. That they have been likewise favoured by the Lords Commissioners for Trade and Plantations with an Extract from the Answers to the General Queries from the Board of Trade by James Scott Esqr. President of the Council and Commander in Chief of the Bahama Islands, dated 6th April 1752, wherein he says, There are only Two Forts with a Battery of Five Guns to each within the Government. Which Account the Board of Ordnance know not how to reconcile with the Plans, But they Agree in Opinion with the Governor that the Carriages made of the Wood of those Islands are far more durable than what are made here And that if it should be thought for His Majestys Service that the Governors Request should be granted, they had drawn out an Account thereof, but in this State of uncertainty they cannot recommend it. And that with regard to the Powder, the said Board Report, that they had Caused a Quantity to be sent in April 1747 to South Carolina for the service of His Majesty's Ship the Aldborough, which being on a Cruize was lodged in the Publick Magazine, where it continued till the 6th of June 1750, when Captain Reynolds then Commander of the said Ship, upon a Representation of Governor Tinkers, sent him 100 Barrels Copper Hooped, the amount of which including Freight comes to 465*l.*, and which they cannot allow in the said Captains Accounts, without receiving the Ballance thereof in some shape or other :—Upon Consideration whereof, the Lords of the Committee are of Opinion that the said Governor ought to be informed of what is above sett forth . . And . . that the Lords Commissioners for Trade and Plantations do apprise him thereof and at the same time require him to

transmit a particular Account of the number and Nature of all the Guns and Stores now in those Islands, and of their Present State and Condition, together with exact Plans of the Forts of Nassau and Montagu, as also a List of what further Guns and Stores and of their several sorts and Sizes that will be necessary to send thither in order to put the said Forts in a Posture of Defence. And the Lords of the Committee observing from the List of Stores sent in the Year 1740 (which was laid before them) that Fifty Barrels of Powder was at that time sent thither, and that no account hath been yet transmitted of the Expenditure of the said Powder, they cannot therefore advise His Majesty to approve of the Step taken by Governor Tinker in demanding from Captain Reynolds so large a Quantity as one hundred Barrels, especially as this does not appear to have been done during the late War but Subsequent thereto. But their Lordships conceive it necessary for the said Lords Commissioners for Trade and Plantations to require the said Governor to transmit a particular account of the Expenditure of the Fifty Barrels of Powder sent in the Year 1740 in Case the same shall have been expended. And likewise to make appear that the service of the said Islands did require so large a supply as one hundred Barrels at the time he received the same from Captain Reynolds.

[XIV. pp. 378-80.]

[Governor Tinker's answer is laid before the Committee by (1754.)
the Board of Trade, and is referred to the Ordnance.] 18 July.

[XV. p. 203.]

[The Ordnance having reported that the Governor's demands (1755.)
should be complied with, orders are given, in accordance with 13 May.
the Committee report of 7 May, for sending the stores, for appointing a storekeeper to take care of them, for allowing Capt. Reynolds the powder lent to the islands, for repaying the Governor his expenditure on the fortifications, and for disbursing 132*l.* 15*s.* for spikes, nails, &c., supplied by the engineer for the works carrying on there in 1740. The cannon to be sent are 10 18-pounders and 20 12-pounders. The

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1752.

Ordinance list and estimate, dated 18 Feb., 1755, is given in detail, and amounts in all to 5,423*l.* 0*s.* 9*½d.*]

[XV. *pp.* 391-2, 404-8.]

(1757.) [Reference to the Committee of a Board of Trade representation of 12 July,] Setting forth, that they have lately
21 July. received a Letter from John Tinker Esqr. Governor of the Bahama Islands, relating to the importance of those Islands, and the expediency of affording them at this time some Additional Strength, for the particulars of which he referred to his Letters on the like Subject during the Course of the last War, but as they apprehended that the Representations made by the said Governors during the last War, however full and satisfactory they might have been at that time, cannot be considered as a proper foundation whereon to ground an Opinion of what may be proper to be done now, they have thought proper to direct the said Governor to transmit a full and particular Account of the present actual State of defence of the said Islands, to the end that they may be enabled to form a Judgment of what is really necessary for their Security, and propose such measures to His Majesty. [XVI. *p.* 559.]

(1757.) [Reference to the Committee of a Board of Trade representation of 6 Nov. with an address of the Council and
9 Nov. Assembly of the Bahama Islands transmitted by Governor Tinker, praying his Majesty to take the fortifications under his protection.] [XVI. *p.* 624.]

(1757.) [Referred by Committee to Board of Trade.] [XVI. *p.* 628.]
16 Nov.

(1759.) [The address of the Council and Assembly sets forth,] That
14 April. the Inhabitants of those Islands being unable to defray any great or extraordinary Charges arising from a State of War Governor Tinker did in the last War advance a considerable Sum of his own Money to carry on the Fortifications there and since the commencement of the present War has again become answerable for a New sett of Carriages and other Works absolutely necessary for putting the said Islands in a posture of Defence and therefore [prays] that His Majesty

would be pleased to take the Fortifications of the said Island under his own Royal Protection. [The Board of Trade and the Committee have reported,] That the Request contained in the Prayer of the said Address is of the most unusual Nature and that it appears to be the more extraordinary as the Legislature of these Islands lately applied for a supply of Arms Ammunition and Stores which His Majesty was graciously pleased to grant in confidence of that intention which seemed to be implied in the Request namely that this like the rest of His Majestys Colonies would bear the Expence of erecting and maintaining its own Fortifications And as no one of the American Colonies has as yet obtained or even desired such a total Exemption from this sort of Expence as is now applied for, that therefore it is by no means adviseable to make a precedent which in its consequences may become so grievously burthensome to the Mother Country But that however it is of great Importance that the said Islands should in time of War be put into such a State as may prevent their falling into the hands of the Enemy and be rendered of that utility (to which they are by their Situation peculiarly adapted) in distressing the commerce of France. [It is ordered that the Governor] do give full Information to the Lords Commissioners for Trade and Plantations in Order to be laid before His Majesty at this Board in what way the expence of maintaining the Fortifications in the said Islands has hitherto been provided for, and do also transmit Plans of the several Forts with full and particular Accounts of their actual Condition, of the number of Cannon, Small Arms, Soldiers and Militia, and of every Circumstance relative to their present State of Defence together with his Opinion as to the Species and degree of Additional Strength which he conceives absolutely necessary for the Security of the said Islands, to the end that such Measures may be taken thereupon as His Majesty shall judge proper. [XVII. pp. 481-2.]

[161.] [Reference to the Committee of the] Petition and Appeal of John Dunbar Esqr. and Elinor his Wife William

14 Jan.
Antigua.

1752.

Gunthorpe Esqr. and Elizabeth his Wife and Ann Watkins Spinster by her Guardians and also of Stephen Blizard Jonas Langford William Mackinen Robert Christian and John Watkins Esqrs. all now or late of His Majestys Island of Antigua from two Decrees made by the Court of Chancery of the said Island on the 29th of January 1750 and 16th of May 1751 in favour of Ashton Warner Esqr. His Majestys Attorney General of the Leeward Islands Daniel Warner Esqr. De la Court Walsh Esqr. Margaret Watkins Widow John Watkins (son of Samuel) Christopher Baldwin and Jane his Wife and Mary Watkins an Infant and Richard Lee her Guardian in relation to the Will of Thomas Watkins Esqr. deceased whereby it was pretended that the said Thomas Watkins had devised several Estates to Charitable Uses. [p. 432.]

11 Feb. This day John Sharpe of Lincolns Inn Esqr. Entered an Appearance for Ashton Warner at the relation of Daniel Warner Esqr. Deputy Treasurer of Antigua and for the said Daniel Warner on behalf of the present and future Councils and Assemblys of Antigua and the poor reduced and honest Familys of the said Island, the Original Complainant to the Appeal of John Dunbar and others. [p. 493.]

4 June. [On the death of Ashton Warner, the Committee revive the appeal by making Henry Webb, the present Attorney General of the Leeward Islands, a party.] [XIV. p. 117.]

(1753.) [In accordance with the Committee report of 1 March, both
7 Mar. decrees are reversed and the information dismissed without costs, but the appellants are to pay 50*l. stg.* out of the estate of Thomas Watkins to the respondents Margaret and John Watkins, Christopher and Jane Baldwin, Mary Watkins, and Richard Lee.] [XIV. pp. 129, 130, 255, 301, 322, 329, 330-1, 344.]

14 Jan. [162.] [Reference to the Committee of the petitions of
Virginia. Anne, the widow, and George, the son and heir, of George Mason, gent., of Virginia, for a day for hearing their appeal from a Chancery decree of 14 April, 1748, overruling their demurrer to Edmund Withers' bill against them for recovery of an estate late belonging to John Withers, deceased, and

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ordering a commission to be granted for examining the plaintiff's witnesses in Great Britain.] [pp. 433, 526.]

[163.] [Reference to the Committee of the] Petition and Appeal of William Perrin Mark Hall Charles Burnett and Charles Spencer Esqr. all of His Majestys Island of Jamaica Esqrs. Executors and the said William Perrin residuary Devisee of Mathias Philp late of the said Island of Jamaica Esqr. deceased from an Order made by the Governor of Jamaica as Chancellor on the 24th of May 1751 in favour of Thomas Crowder James Barclay and Samuel Johnston Merchants John Wilmore Hatter and Mary his Wife Alexander Greig Practitioner in Physick and Surgery William Gale and Robert Sawyers Gentlemen Surviving Executors of the Honourable John Gale Esqr. deceased Thomas Reid Practitioner in Physick and Surgery Isaac Lamego, Daniel Mendes Da Costa, Aaron Baruh Lousada and Abigail Brandon Widow Administratrix of Isaac Pereira Brandon, Abraham and Jacob Gonsales Samuel Seagrave Clement Hoy Executor of Thomas Hoy Judith De Castro Widow Moses Lamera and Aaron Lamera Executors of Jacob De Castro John Glen John Hussey and Catherine his Wife Exeutrix of John Needy deceased John Morse Mary Macey and Caleb Foyster all of the said Island of Jamaica and all being or pretending to be Creditors of the said Mathias Philp And by which Order an Injunction prayed by the Petitioners to restrain the said Defendants from Proceeding at Law against the Petitioners as Executors of the said Mathias Philp was denied to be granted. [p. 433.]

14 Jan.
Jamaica.

[The Committee order the appeal to be heard on 28 July, and a summons to be fixed on the Royal Exchange and elsewhere.] [XIV. p. 154.] 30 June.

[164.] [Eight petitions by Thomas Beach, Attorney General of Jamaica, for the dismissal of appeals for non-prosecution, are referred to the Committee. All these cases arose from actions by the former Attorney General, Robert

14 Jan.
Jamaica.

52.

Penny, for the payment of duties on French prizes brought into Jamaica, vizt.—by Alexander McFarlane for the *Jean Paul*, taken by H.M.S. *Drake*; William Thomas for the *Princess*, the *St. Paul*, *L'Ameriquane* alias *America de Taure*, and the *Amity*, taken by H.M.S. *Assistance*; Patrick Yeamans for the *San Francisco* alias *Peregrine* taken by the sloop *Exchange*; Anna Hassall for the same, her late husband Arthur Hassall, having entered into the bond for payment of the duties along with Yeamans; Patrick Yeamans for the *Rattan* packet taken by the schooner *Indian Queen*. In each case the judgment appealed from was dated 16 Jan., 1746. James Tyler shared in Thomas's bonds, but is not named as appealing from the judgments.] [pp. 434–7.]

13 Feb. [On the Committee report of 8 Feb. the appeals are dismissed with 80*l.* costs in each case.] [pp. 474–80, 498–502.]

14 Jan. [165.] [Reference to the Committee of the petition of John
Antigua. Turnbull, gent., of Antigua, for leave to bring a writ of error from a judgment of the Court of King's Bench and Common Pleas there, and if necessary to appeal to his Majesty, on an action of debt brought against him by the Rev. William Topham] on a joint Bond of 200*l.* Entered into by the Petitioner who was under Age and William Teale for Indemnifying the said William Topham from the Payment of two Setts of Bills of Exchange drawn by the said William Teale upon Henry Lascells Esq. Merchant of London and endorsed by the said William Topham. [p. 437.]

13 Feb. [On the Committee report of 8 Feb., the petition is granted, although the matter is under the value of 300*l.*] It was alleged that such exceptions cannot be argued without a writ of error: that there were few actions for over 300*l. stg.* in the Court; and that if a writ of error could not be had, the petitioner would be bound by an act done by him in his infancy, against all principles of law. One of the bills was to enable William Teale to purchase the sloop *Jane* from Nicholas Dromgole and Giles Mardenborough, of St. Christopher. [pp. 480–3, 496.]

1752.

[166.] [Reference to the Committee of the petition of John and Thomas Peirce, yeomen of Rhode Island, that the Superior Court for the county of Providence may be directed to allow them to appeal from several judgments in favour of John Rice, whereby the petitioners are dispossessed of two fiftieth parts of their inheritance and may be dispossessed of 47 other fiftieths.] [p. 438.]

14 Jan.
Rhode
Island.

[On the Committee report of 11 Feb., order is given as desired, upon 100*l.* security being given for prosecuting the appeal before his Majesty in Council. This had been denied by the Rhode Island court on the ground that the matter in question—the two fiftieths—did not appear to be of the value of 150*l. sterling.*] [pp. 491–2, 497.]

13 Feb.

[167.] [The Committee, approving the representation of the Board of Trade on the revision of the laws of Virginia (*see* 155), that the framing a new body of good and well-digested laws in all the colonies will be of great use to the inhabitants, direct the Board of Trade to prepare additional instructions to the Governors for this purpose.] And Whereas some of the Proprietary and Charter Governments in America tho' empowered to make Laws are not required to transmit such Laws to His Majesty for His Approbation or Disallowance Yet in regard Appeales are frequently brought before His Majesty in Council from the Judgments and Decrees made in the several Courts of Judicature within the said Governments the Determination whereof depends upon being duly informed of the Laws subsisting there. It is therefore thought expedient that those respective Governments should transmit hither as soon as conveniently may be a true and Authentick Copy of all their Laws now in force. [The Board of Trade are ordered to prepare instructions accordingly.]

21 Jan.
Plantations.

[pp. 459–60.]

[On the Committee report of 26 March, the instructions are approved. P.R.] [pp. 561–2; XIV. p. 30.]

14 April.

[168.] [Reference to the Committee of a letter from the Earl of Holderness, Secretary of State, with a paper] con-

23 Jan.
Plantations.

1752.

taining some Proposals for the better Regulating His Majestys Dominions in America and the conduct of the Governors and Officers there. [p. 467.]

11 Mar. [The following Order drafted by the Committee on 24 Feb. is issued :] His Majesty having taken into His Consideration the flourishing State and Condition of the Manufactures Trade and Commerce of these Kingdoms and also the State and Condition of His Colonys and Plantations in America and elsewhere with respect as well to their Trade and Commerce as to their Civil Policy and Government ; And Whereas it doth Appear to His Majesty that the said Colonys and Plantations have of late Years been greatly improved the Wealth of his Subjects much increased and the Navigation of these Kingdoms extended by the Mutual Intercourse between them and the said Colonys and Plantations and by the Trade and Commerce arising therefrom. And His Majesty being sensible of how great Importance it is to his Crown and Government and how much it will contribute to the Satisfaction Convenience and Advantage of His Subjects that all due care be taken and proper and necessary Regulations made for the further Improvement and Extension of the Manufactures and commerce of these Kingdoms and for the Encouragement Protection and Security of the said Colonys and Plantations His Majesty [orders that the Board of Trade] do with all Diligence care and Concern Apply themselves to a faithfull and vigorous Execution and Discharge of all the Trusts and Powers vested in them by their Commission under the Great Seal ; And Whereas nothing can more effectually tend to the Peace Welfare and good Government of the said Colonys and Plantations than the appointment of able Discreet and Prudent persons to be Governors Lieutenant Governors and other Officers and Magistrates It is therefore hereby further Ordered that the said Lords Commissioners for Trade and Plantations do from time to time as Vacancys shall happen by Deaths or Removals present unto His Majesty in Council

for His Approbation the Names of such persons as the said Commissioners from the best of their Judgment and Information shall think duly qualified to be Governors or Deputy Governors or to be of His Majestys Council or of His Counsel at Law or Secretarys in the respective Plantations and likewise to present to His Majesty for His Approbation the names of all other Officers which have been or may be found necessary for the Administration of Justice and the Execution of Government there excepting only such as are or may be appointed for the Direction and Regulation of His Majestys Customs and Revenues and such as are or may be under the Directions and Authority of the Lords Commissioners of the Admiralty; And when any persons shall have been Approved of by His Majesty in Council for any of the above-mentioned Offices The said Lords Commissioners shall (unless His Majesty shall otherwise Direct) prepare and make out proper Draughts of such Commissions Warrants or Instructions as may be thought necessary to be given to such Officers in Order to be laid before His Majesty in Council for His Royal Approbation And when any persons shall be presented to His Majesty for any of the other Offices of an Inferior nature not judged necessary to be laid before his Majesty in Council and yet shall have otherwise received His Majestys Approbation The said Lords Commissioners shall in those Cases (unless His Majesty shall otherwise Direct) prepare and make out proper Draughts of Commissions or Warrants necessary to be given to such Officers in Order to be laid before His Majesty for His Royal Approbation accordingly. And it is hereby further Ordered that the said Lords Commissioners for Trade and Plantations do Execute and perform all other things necessary or proper for answering the Intention of their said Commission. And whereas the Governors of all His Majestys Colonys and Plantations in America more immediately under His Majestys Government are in particular Cases as well as in general directed by His Majestys Instructions to transmit unto His Majesty by One of His Principal Secretarys of State

and to the Commissioners for Trade and Plantations Accounts from time to time of all their proceedings and of the Condition of Affairs within their respective Governments. And Whereas it will tend to the Benefit of the said Colonys the ease and convenience of His Majestys Subjects and the greater regularity and Dispatch of Business if the Correspondence be confined to and pass through but One Channel. It is therefore further Ordered that the said Lords Commissioners do prepare the Draught of an Additional Instruction to be sent to the Governors of all His Majestys said Colonys and Plantations respectively signifying His Majestys pleasure that in all Cases wherein by His Majestys Instructions they are directed to transmit any particular or General Accounts of their Proceedings or of matters relative to their Governments they do for the future transmit the same to the Lords Commissioners for Trade and Plantations only in Order that they may be laid before His Majesty Provided nevertheless that whenever any Occurencys shall happen within their respective Governments of such a Nature and Importance as may require His Majestys more immediate Directions by One of His principal Secretarys of State and also upon all Occasions and in all Affairs whereon they may receive His Majestys Orders by One of His Principal Secretarys of State the said Governors shall in all such Cases transmit to the Secretary of State only an Account of all such Occurencys and of their Proceedings relative to such Orders and it is hereby further Ordered that a Copy of this Order be transmitted to the said Lords Commissioners for Trade and Plantations to be entered upon the Books of the Plantation Office and that the said Commissioners do likewise transmit Copys thereof to the Governors of His Majestys Colonys and plantations respectively to the End that all persons concerned may Govern themselves accordingly.

[*pp.* 511-4, 545-8.]

11 Mar. [Draft of instructions prepared by the Board of Trade in conformity with this order, are referred to the Committee,

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are recommended by them on 26 March, and approved on 14 April. P.R.] [pp. 550, 560 ; XIV. p. 29.]

[On consideration of the order of 11 March, 1752, his Majesty] (1761.)
[is hereby pleased with the Advice of the Privy Council, to revoke and repeal the same in every part, except 15 May.
that which Relates to the Correspondence to be carried on between the Lords Commissioners of Trade and Plantations and the Governors of his Majestys Colonies, which is still to be carried on in the same manner prescribed by the additional Instruction which was directed by the above Order of Council of his late Majesty of 11th March 1752 to be prepared and sent to the Governors of all His Majestys Colonies and Plantations respectively. And his Majesty doth hereby signify his further Pleasure, that the Lords Commissioners for Trade and Plantations do Cause a Copy of this Order to be Entered upon the Books of the Plantation Office ; And that one of his Majestys Principal Secretarys of State do cause Copys thereof to be sent to the Governors of his Majestys Colonies and Plantations in America to the End that all Persons concerned may govern themselves accordingly.]

[Geo. III. Vol. I. p. 323.]

[169.] [Reference to the Committee of the petition of John Spooner to be restored to the possession of a plantation in Jamaica, half of which had been sold and the other half mortgaged to him by John Cossley, and from which he has been unjustly and against law removed in defiance of a decree of the High Court of Chancery of Great Britain.] [p. 468.] 23 Jan.
Jamaica.
- [Reference to the Committee of the petition of John Spooner, Esq., for a day for hearing his appeal from an order of the Jamaica Chancery, 22 Nov., 1755, on his bills against John Cossley, Judith Burrows, and Cossley Hall, to be restored to possession of an estate, half of which he had purchased from Cossley and to the other half of which he was entitled by mortgage, and to foreclose Cossley from the equity of redemption of the mortgaged moiety pursuant to several orders and decrees of the Court of Chancery in England.] [XVI. p. 158.] (1756.)
10 April.

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1752.

(1758.) [On the death of John Spooner, the Committee revive the
17 Feb. appeal by making Charles Spooner, his sole executor, a party.]

[XVI. p. 259 ; XVII. p. 38.]

(1758.) [On the Committee report of 6 March, it is ordered that
1 April. Spooner be put in possession of the whole plantation (Eolus's Valley) and that the Jamaica Chancery carry this order into speedy and effectual execution. Names occurring in the report are Joseph Hiscox, Zachariah Bourryan, Richard Oliver, Sarah Cossley, and Mr. Holford.]

[XVII. pp. 47, 49-53, 93.]

11 Mar. [170.] [Reference to the Committee of the petition of
Antigua. Gedney Clarke and Richard Gosling, Esqrs., of St. Michael parish, Barbados, for a day for hearing their appeal from a judgment of the Court of Errors of Antigua, 12 March, 1751, whereby a judgment confest by Robert Jocelyn, Esq., on 28 Sept., 1747, to Richard Smith by virtue of a warrant of attorney to Jocelyn from William Jenkins, was amended by adding the words, "for and in the name and behalf of William Jenkins of the parish of St. Michael in the island abovesaid, Esqr."]
[pp. 304, 551.]

(1753.) [On the Committee report of 20 March, the appeal is
10 May. dismissed.] [XIV. pp. 353, 355-6, 408.]

11 Mar. [171.] [Reference to the Committee of the petition of
Barbados. Gedney Clarke, Esq., Collector of Customs and of the $4\frac{1}{2}\%$ Duty at Bridgetown, Barbados, for a day for hearing his appeal from a decree of the Vice Admiralty Court there, 22 Feb., 1751, in favour of Stephen Wolfenden, John Brichinsa, and Thomas Liddel, on his libel for condemnation of the ship *Infant Augusta* with its guns, &c., and 21 head of cattle, 10 asses, 50 hogs, and 2 pipes of Vidonia wine, brought into the island contrary to law.] [p. 552.]

(1753.) [Order, in accordance with the Committee report of 16 Jan.,
7 Feb. reversing the decree in part, and ordering the condemnation of the whole of the cargo and the payment to the appellant of his costs in the court below. The Committee heard the case *ex parte*, no appearance having been entered for the

respondents. Wolfenden and Brichinsa, the owners, and Liddel, the master, admitted that the ship belonged to Hamburg, and set up the frivolous excuse that she was not registered, because she was bought in and sailed from a foreign port, the very case which some of the clauses in the Acts were made to prevent. Depositions were also made in the courts in Barbados by Joseph Owen, mate, Robert Forrester, second mate, and Hendrick String, carpenter, of the ship concerning the sale of the ship's longboat by Liddel eight days after the seizure was made.]

[XIV. pp. 210, 254, 282-5, 307.]

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[172.] [A Commission for Peregrine Thomas Hopson as Gov- 14 April.
ernor of Nova Scotia is approved. (P.R.) The only changes from Nova Scotia.
that given to the Hon. Edward Cornwallis are] the Omitting
that Clause, in the former Commission whereby the Governor
was empowered to nominate and appoint Twelve Persons to
be of His Majestys Council in the said Province and likewise
such other Officers and Ministers as the Service intrusted to
his Care might require, the necessity of which Powers no longer
existing His Majesty's intentions in giving them having been
already fully carried into Execution by the present Governor.
And in that Part of His Majesty's former Commission whereby
a Power is given of calling a General Assembly of the
Freeholders these Words are added, Vizt. " In such manner and
Form as you in Your Discretion shall Judge most proper or
according to such further Powers, Instructions and Authoritys
as shall at any time hereafter be granted or Appointed you
under our Signet and Sign Manual or by Our Order in Our
Privy Council." [p. 32.]

[Draft of instructions referred to the Committee.] [p. 44.] 23 April.

[Order in accordance with the Committee report of the same 7 May.
date recommending approval of the instructions. Articles

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of a temporary nature in Cornwallis's instructions have been omitted, and alterations made such as are proper in the present state of the province and will most effectually answer his Majesty's intention in the settling and improving it. The names of only six Councillors were inserted, the others to be supplied when the Governor shall send a list of persons qualified. The Governor took the oaths on the same day. P.R.] [pp. 61, 69, 75.]

14 April. [173.] [A Commission for Charles Knowles as Governor of
Jamaica. Jamaica is approved. P.R.] [p. 32.]

21 May. [Draft instructions referred to Committee.] [p. 84.]

28 May. [The Governor takes the oaths: his instructions are approved on the Committee report of the same date. (P.R.) Necessary alterations had been made by the Board of Trade as follows: correspondence with the Board of Trade is directed, as ordered on 11 March (168): 12 Councillors are named: the revision of the laws is directed, as ordered on 14 April (167).]

The 31st Article relating to Grants and Cultivation of Lands is in Substance the same as the 30th 31st and 41st Articles of Mr. Trelawny's Instructions and as these three Articles related to the same Subject and as the 30th and 41st were almost in the same Words The said Lords Commissioners thought it would be more clear and distinct to consolidate them in One Article.

The 32nd Article directing the Governor to transmitt an Account of the present State of the Island with respect to its Strength, Trade and Fortifications and Grants of Land is inserted In Obedience to His Majesty's Commands signified by a Letter from the Earl of Holdernesse dated the 22d of March last in pursuance of An Address of the House of Commons to His Majesty of the 24th of the same Month.

The 33d Article contains the Substance of the 32d Article of His Majesty's Instructions to Mr. Trelawny relative to the Act passed in that Island in 1704 which directs what number of white Persons shall be kept in Proportion to the Number of

Slaves, and Cattle, and also the Substance of An Additional Instruction given to Mr. Trelawny in 1748 directing him not to give his Assent to any Laws whereby any Absentees should be taxed in a greater Proportion than Resients without inserting a Suspending Clause.

Upon this Occasion the said Lords Commissioners represent that the Assembly of that Island did in 1749 transmitt an humble Address to His Majesty Praying that His Majesty would be graciously Pleased for the reasons therein Contained to revoke the said Additional Instruction which said Address having been referred to the said Lords Commissioners, for their Opinion and Report They have been attended by the Agent for the said Island in Support of it and by the Agent for the Absentees against it. But as no new matter has been laid before them, which might induce them to alter the Opinion which they gave in their Representation of the 1st of May 1747 which after a Solemn hearing in Council was Approved of by His Majesty, and upon which the said Additional Instruction was founded ; And as it appears that the Act complained of had been Considered only as a method of Levying Publick money and has been constantly Operated as such and the unequal Taxing of Absentees in this as well as other Islands having of late been so frequently disapproved by His Majesty in Council, The said Lords Commissioners are of Opinion that this Instruction ought to be Continued to the Present Governor And for as much as the number of white Persons directed to be kept in Proportion to the Slaves and Cattle by the several Acts that have been lately Passed appear to be less than was directed by the Act of 1704 and upon that Account, as well as because they do allow of a Composition in money for the Deficiency, those Acts are Contrary to the forementioned 32d Article of His Majesty's Instructions to Mr. Trelawny, The said Lords Commissioners have therefore Incorporated the said Two Instructions that the Governor may have before him in one View the whole of His Majesty's Pleasure relative to such Acts.

The 35th Article directing the Governor not to Tax the Jews in a greater Proportion than the rest of His Majestys Subjects is conformable to His Majesty's Additional Instruction to Mr. Trelawny dated the 12th day of January 1737 and to a Letter from His Majestys Council to Mr. Trelawny dated the 22d of March 1738-9.

The 45th Article whereby His Majesty's Governor is vested with a Power of Granting Royal Mines contains the Substance of His Majestys Additional Instruction to Mr. Trelawny of the 25th of May 1738 relating to granting Royal Mines together with some further Regulations for the more effectual Answering the Intentions thereof.

The 46th Article Contains Directions with respect to the more Effectual Collection and Receipt of a Powder Duty established by An Act passed in that Island in 1728 and is the same as An Additional Instruction given to Mr. Trelawny on the 30th of July 1751.

The 75th Article relating to the Colours to be Worn by Private Ships is made Conformable to His Majestys Order in Council of the 7th of January 1730 containing Regulations with Respect thereto.

In the Instructions relative to the Acts concerning Trade and Navigation the said Lords Commissioners have inserted the Titles of many Laws which were Omitted when the former Instructions were given to Mr. Trelawny and of such as have been passed since relative to the Plantation Trade, They have also added the 3d and 7th Articles and have made some other alterations therein chiefly containing Directions for the more Effectual preventing Frauds in the Plantation Trade conformable to a Representation of the Commissioners of His Majesty's Customs in the Year 1737. [pp. 91-5, 109, 115.]

14 April.
Antigua.

[174.] [Reference to the Committee of the petition of Richard Kirwan, Esq., of Antigua, administrator of his late wife, Mary, formerly wife of Archibald Hamilton, and before that Mary Bisse, spinster ; and also administrator *de bonis non* of William Ling, Esq., deceased, who was a trustee for Mary

1752.

Bisse, for a day for hearing his appeal from Chancery decrees and orders of 26 March and 6 and 18 April, in cases between him and] Charles Alexander and Bisse his Wife, Samuel Lyons and Jane his Wife, Rowland Hamilton, John Gunthorpe, Ashton Warner, William Byam, William Yeamans, Rowland Oliver and Sarah his Wife, William Denbow, and Byam Denbow, an Infant, by the said William Denbow, his Father and Guardian, In relation to the Payment of what remains due for Principal money, of the arrears of a Jointure annuity of 200*l.* Sterling per Annum, down to the time of the Decease of the Petitioners said late Wife with Interest from the Respective times that each part of the same grew due, at the rate of 10 per Cent., and also of what remains due, on a Bond, entered into, by the said Archibald Hamilton, Deceased, to the said William Ling, as Trustee for the said Mary Bisse on the 2*d* of June 1702, in the Penalty of 1,000*l.* with the like Interest thereon.

[*p.* 36.]

[Order, in accordance with the Committee report of (1755.)
26 Nov., for reversing the decrees of March and April 1750, 9 Jan.
and for dismissing part of Kirwan's bill. Directions are given
for taking accounts and for the payments to be made thereon.
The annuity was to be paid by Col. John Hamilton, under an
agreement of 1702 on the marriage of Mary Bisse to his son,
Archibald.]

[*p.* 545 ; XV. *pp.* 260–4, 282.]

[175.] [Reference to the Committee of the petition of the
President, Council and Assembly of Antigua, setting forth]
that by an Instruction given to the Chief Governors of the
Charribbee Islands, they are Ordered not to suffer any Publick
money whatsoever to be issued or disposed of otherwise than
by Warrant under their Hands, the Hand of the Lieutenant
General or the Lieutenant Governors respectively by and with
the Advice and Consent of the Council, But that the Assemblies
may nevertheless be permitted from time to time to View and
examine the Accounts of money or value of money disposed
of by Virtue of Laws made by them which such Governors were
to Signify to them as their should be Occasion and humbly

7 May.
Antigua.

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praying for the reasons therein Contained that His Majesty would be pleased to take the said Instruction into His Royal Consideration and in regard to the Rights Libertys and Happiness of His most Loyal Subjects of that Island signify His gracious confirmation of the Assemblys Priviledge of examining and ascertaining all Publick Debts before Orders for payment are issued by the Commanders in Chief as the only effectual Method of preventing Misapplications of the Publick money and of supporting Publick Credit. [p. 73.]

12 May. [Referred by Committee to Board of Trade.] [p. 79.]

7 May. [176.] Reference to the Committee of the petition of William Walker, gent., of Aldridge, Staffordshire, for leave to appeal from a judgment of the Superior Court of Rhode Island in Sept., 1749, reversing a judgment of the Inferior Court, 15 Dec., 1747, on his action against Henry Paget, merchant of Providence, R.I., to recover possession of lands, &c., possessed by Walker's father, William, in the county of Providence, and now unjustly withheld from the petitioner by Paget.] [p. 74.]

28 May. [On the Committee report of 12 May, the appeal is admitted on the usual security, which is given on 10 July by Walker, John Richards, innholder, of the parish of St. Dunstan's in the West, Middlesex, and Robert Farmer, master hackney man, of the same parish.] [pp. 78, 110.]

(1754.) [On the Committee report of 26 March, the judgment of 28 March, Sept., 1749, is reversed and that of Dec., 1747, affirmed. The appeal was heard *ex parte*, no appearance having been entered for the respondent.] [pp. 169, 188 ; XV. pp. 28, 85-6, 101.]

28 May. [177.] [In accordance with a Board of Trade representation Bermuda. of 14 May, Governor Popple, to whom leave of absence was granted for twelve months from 10 June last, is allowed a further twelve months on his representation that his affairs necessarily require this extension in order that he may answer the complaints exhibited against him. On 30 June a warrant prepared by the Board of Trade for granting a year's leave of absence from 10 June, 1752, is approved.] [pp. 111, 148.]

1752.

[178.] [On a Board of Trade representation of 14 May, 28 May. Gilbert Fleming, Lieut.-General of the Leeward Islands and Lieut.-Governor of St. Christopher, is granted twelve months' leave of absence to return to England for the recovery of his health. Gilbert Fane Fleming, one of the Council of St. Christopher, is also granted twelve months' leave of absence, on a similar representation, as his private affairs will require his stay here longer than he expected. On 30 June warrants for granting leave are approved in both cases. P.R.]

[pp. 112, 148.]

[On a Board of Trade representation of 16 June, twelve months' leave of absence is granted to Henry Brouncker, Collector of Customs and one of the Council of St. Christopher, to return to this kingdom to pass his accounts as Collector and to settle his private affairs. On 14 July a warrant for the purpose is approved. P.R.]

[pp. 149, 165.]

[179.] [Reference to the Committee of the petition of James Lawrence, Esq., of St. James parish, Jamaica, for a day for hearing his appeal from a Chancery decree of 22 Jan., 1751, on his bill against William Tayler and John Wilson millwrights, to account with him for money received by them for erecting a watermill on his plantation and making a canal or watercourse to work it, and to pay him damages for the unskilfulness of their work, and that till the accounts were settled Tayler and Wilson should not receive, or should refund, the damages and costs awarded against the petitioner on an action at law.]

[p. 113.]

[Order for varying the decree in accordance with the Committee report of 28 Nov. The mill was erected on the plantation of Towerhill and supplied with water from the Montego river. Owing to losses by its defects, Lawrence commenced an action for damages, but this was continued from the Grand Court in May to that in August, 1744. Meanwhile he became dangerously ill, and Tayler and Wilson took advantage of this to bring an action against him at Spanish Town, 100 miles distant, and by the single evidence

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of their apprentice, Richard Brown, recovered the whole sum laid on their declaration, 353*l.*, without allowing anything for moneys and goods delivered by Lawrence in the process of the work.] [pp. 235, 237-40, 260.]

30 June.
Massachu-
setts Bay.

[180.] [On the Committee report of the same date, orders are given on 46 Massachusetts acts. (*See App. III.*) The report comments on only a few of the Acts, as follows: An Act in addition to that confirmed in 113, and another in addition to and for rendering more effectual the same Act, with an Act] for ascertaining the Rates at which Coined Silver and Gold and English halfpence and farthings may pass within this Government—contain certain Regulations for the more effectual carrying into Execution and supplying some Defects in the Provisions of the aforementioned Law confirmed by His Majesty (113): And as the last of them is not Contrary but as near as may be agreeable to the Act of the Sixth of Queen Anne for ascertaining the Rates of Foreign Coins in the Plantations in America The said Lords Commissioners laid it before this Committee as proper to be confirmed.

... upon the following Acts entitled.—

An Act for continuing sundry Laws of this Province expired or near expiring.

An Act for Continuing two Laws of this Province in this Act mentioned which are near expiring.

An Act for reviving and Continuing of sundry Laws that are expired or near expiring.

The said Lords Commissioners represent, that all the several Laws thereby revived or continued have been Confirmed by His Majesty except the Act to enable the Town of Weymouth to regulate and order the taking and disposing of the Fish called Shadd and Alewives within the Limits of that Town And the Act to enable Creditors to receive their just Debts out of the Effects of their Absent or Absconding Debtors, Which Acts do not appear to have been laid before his Majesty as they ought to have been pursuant to the Directions of the Charter of the said Province granted by King William and

Queen Mary. As it appeared however from Copys of the said Acts transmitted by the Secretary of the said Province, that they were enacted only for their Private Convenience, The said Lords Commissioners see no Reason why his Majesty may not be graciously pleased to confirm the abovementioned three Acts.

. . with respect to the following Act entitled.—

An Act for granting unto His Majesty an Excise upon Sundry Articles hereafter enumerated for and towards the Support of His Majestys Government of this Province.

The said Lords Commissioners represent that Mr. Lamb has Reported to them, That it lays a Duty by Way of Excise upon several Commodities therein mentioned, which seems to be intended to be laid upon and paid by the Retailer, as there is a Proviso that all and every Person's that shall import any of the Commodities may sell and dispose of the same within this Province to such as are Licensed to sell and retail the same and to no other person without being subject to the Penalty of this Act. But tho' the Importer may sell the same to the Retailer without being subject to the Penalty yet as he is restrained from selling to any other person and as this Restraint may be a prejudice to the importer in this respect as well as to the price of the Goods that he sells to the Retailer, who is afterwards to pay an Excise upon them, and therefore lessens the value of the Goods imported for which Reasons he submits whether this Excise will not affect the Trade of this Kingdom and fall within the meaning of the Sixteenth Article of the Governor's Instructions, [which requires a suspending clause in any Act affecting the trade or shipping of Great Britain, and forbids the imposition of any duty on British shipping, products or manufactures].

And as this Law lays a Duty upon Several Commodities imported from this Kingdom whereby the Trade thereof will be manifestly prejudiced and affected contrary to the Tenor of the said Instruction, the said Lords Commissioners submit whether this Act should not receive His Majestys Disapprobation.

[XIV. pp. 132-8, 143-6.]

1752.

- 30 June. [181.] [Reference to the Committee of the petition of Thomas and Richard Penn, proprietors of Pennsylvania, setting forth that under the grant of 1681,] the Petitioners have settled great numbers of Foreign Protestants in the said Province, and are very desirous to fix a Settlement at the back part of the said Province, to make a Frontier against the French, and to carry on Trade with the Indians, but are prevented from pursuing the same from the uncertainty of their Exact Boundaries, least they should intrench upon His Majestys Lands, and praying for these and other reasons therein Contained, that His Majesty will be graciously pleased to Order such disinterested persons in those parts as His Majesty shall think most proper to be appointed, with power to join with such persons as shall be named by the Petitioners in the marking out and ascertaining the Meridian Line, and also the Northern, Western, and Southern Limits of Pensilvania, (so far as the same border on His Majestys Provinces) with such particular Orders and Instructions to them, and in such manner as to His Majesty's great Wisdom and Goodness shall seem meet. [p. 150.]
- 2 July. [Referred by Committee to Board of Trade.] [p. 156.]
- 6 Aug. [Reference to the Committee of the petition of the Rt. Hon. Arthur Onslow, Speaker of the House of Commons and one of the Privy Council, and John Sharpe, Esq., of Lincoln's Inn, guardians of Frederick, Lord Baltimore, praying that proceedings on the Penns' petition be stayed till the proprietor of Maryland shall have completed his twenty-first year in February next]. [p. 181.]
- 27 Aug. [Referred by Committee to Board of Trade.] [p. 187.]
- 21 Nov. [Committee. The hearing is by mutual consent postponed to the first Thursday in April, the Board of Trade having reported on 17 Nov. that Mr. Penn had declared by his counsel that he had no intention to carry on this affair in an adverse manner, but was willing to agree to the postponement out of civility to Lord Baltimore and his guardians.] [p. 234.]

1752.

[Reference to the Committee of the petition of Frederick, Lord Baltimore,] That no separte Commission may issue on the Petition of the Proprietors of Pensylvania, for running any of the Boundarys whatsoever of that Province in exclusion of and without the Intervention of the Petitioner, But that His Majesty will be graciously pleased, as well on the Petition of the Proprietors of Pensylvania, as on this the Petitioners humble Application to Order such disinterested Persons in those parts of America to which the Provinces of Maryland and Pensylvania have either of them the least Proximity, Connection or Relation as His Majesty shall think most proper to be appointed with power to join with such persons as shall be named as well by the Petitioner as by the Proprietors of Pensylvania in the Running, marking out and ascertaining the Limits of the said Provinces of Maryland and Pensylvania so far as the same border on His Majestys Provinces or on Lands remaining in His Majesty, or on each other, with such Powers and Authoritys, as to His Majesty in His Royal Wisdom and Goodness shall seem meet.

[p. 443.]

[Referred by Committee to Board of Trade.]

[p. 456.]

(1753.)

[Reference to the Committee of the Penns' petition] that His Majesty will be pleased to postpone so much and such part of their former Petition as prays for the settlement of the Western and Southern Boundaries of Pensylvania so far as the same border on His Majesty's Provinces, And that His Majesty will be graciously pleased to Order such disinterested Persons in those parts, as His Majesty shall think most proper to be appointed, with power to join with such Persons as shall be named by the Petitioners in marking out and ascertaining the Meridian Line on the Eastern part and the Northern Limits of Pensylvania (so far as the same borders on His Majestys Provinces) with such particular Orders and Instructions to them, and in such manner as to His Majesty shall seem meet, and that without any Conjunction of the Lord Baltimore, or any Commissioners on his Part, who can have no sort of Interest or Concert whatsoever with the same. [p. 523.]

26 July.

(1753.)

28 Nov.

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1752.
(1753.)
4 Dec. [Referred by Committee to Board of Trade]. [p. 530.]
- 30 June. [182.] [Reference to the Committee of the petition of Caleb Davis that Lt.-Col. Alexander Heron, late Commander in Chief of the colony of Georgia,] who at present has an independent Company in South Carolina may be Ordered to come personally to answer the several Articles of this Complaint, That he may be Ordered to return the money with Interest that the Petitioner left in his Hands whilst on his Duty upon a Cruize and which the said Colonel has unlawfully embezzelled to the Petitioners great Detriment, That he may be Obligated to make Restitution and Satisfaction for what has been taken away from the Petitioners Ships by his Order and for the other Injuries, which he has done, or caused to be done to the Petitioner or that such other Order or Orders, may be made thereupon as their Excellencys in their great Wisdom shall Judge most fitt. [p. 151.]
- 7 July. [The Committee order a copy of the petition to be sent to Heron for his answer.] [p. 160.]
- (1753.) [Committee. On the petition of William Bradley, attorney for Capt. Caleb Davis, setting forth] That Captain Davis did his utmost to fit out his Ship in Order to serve the said Order upon Colonel Heron with his Own Hands, but was prevented by unforeseen Accidents from getting his Clearance at the Custom House till October last, when he proceeded on his intended Voyage to South Carolina and in the Interim, Colonel Heron is arrived in England from thence, Whereupon a true Copy of the said Complaint and Order had been left with Colonel Heron's Servant, at his Lodgings by Mr. John Green on the 24th of February last, But no Answer has been yet returned thereto by the said Colonel Heron. That the said Lieutenant Colonel absconds at present and waits for an Opportunity to go for America, and thereby defeat the said Davis from his Rights and Property, And therefore humbly praying, that the said Lieutenant Colonel Heron may be Ordered to Appear personally before this Board to give an Answer in Writing to the several Articles of this Complaint,

1752.

and to give security to abide the Determination of His Majesty in Council thereupon. And that the said Lieutenant Colonel Heron may be Ordered to stay in England till the said Complaint of Captain Caleb Davis is heard and Determined: [the Committee, having examined the matter, order that Heron] do personally Appear before this Committee on Tuesday the 10th day of April next at Six of the Clock in the Evening and that he do not depart the Kingdom till he shall have made such his Appearance, and have put in his Answer to the said Complaint of Captain Caleb Davis. [pp. 364-5.]

[Committee.] Whereas the said Lieutenant Colonel (1753.) Alexander Heron did this day return his Answer to the said 10 April. Complaint, but did not make his Personal Appearance pursuant to the said Order, being Apprehensive (as was alledged by his Sollicitor) that the Agents of the said Caleb Davis would take that Opportunity to arrest him in regard to a Writ or Writts being issued for that Purpose. But the Agents for the said Caleb Davis (who likewise attended this Committee) declared that they had no such Intentions, yet however as the said . . Heron had for sometime past absconded, and did then still abscond, and as they had good reason to apprehend he intended to leave the Kingdom in a short time, The said Agents proposed that the said . . Heron should enter into a Bond in the Penalty of Five hundred Pounds to abide by the Determination of His Majesty in Council upon the said Complaint of Caleb Davis and not Depart the Kingdom till the said Complaint should be finally determined And William Sherratt of the Kings Bench Walks Inner Temple Sollicitor for the said Lieutenant Colonel Alexander Heron having consented thereto; [order is given accordingly]. [pp. 385-6.]

[On the Committee report of 5 March, the complaint is (1754.) dismissed with 40*l. stg.* costs, and order given for cancelling 28 Mar. the bond entered into by Heron. The articles of complaint are more fully described, viz.] particularly with regard to confining him in Prison for demanding a sum of money, which the Complainant had left in the Hands of the said Lieutenant

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Colonel Heron, and also for Imprisoning in a Lawless manner, the Captain and Lieutenant of a Privateer belonging to the Petitioner as Pirates, as also the Petitioner the Owner, and taking from them a Vessel they had taken as Prize, and restoring her to her former Owners, likewise for preventing the Petitioners Steward from disposing of any of the Petitioners Cattle in the publick Market, beating and Maltreating his said Steward, and imprisoning several others of the Petitioners Servants, and for Ordering a Soldier to kill and destroy all the Petitioners Hogs on the Island of St. Simons, which was accordingly done, and also for several other Acts of Violence Committed on the Petitioner and his Effects by the said Lieutenant Colonel Heron, or by His Orders.

[XV. pp. 14, 28, 77-8, 100.]

6 Aug.
Barbados.

[183.] [Reference to the Committee of the petition of George Hogshard, gent., of St. Michael parish, Barbados, for a day for hearing his appeal from two Chancery orders of 7 Aug. and 2 Oct., 1751, on a bill filed by John Fuller and Hannah his wife, and Anthony Lynch against him] to come to an Account for and Pay to them the Proportion of 50*l.* a Year Covenanted by an Indenture Quadrupartite dated the 31st of March 1716 to be paid for the Maintenance and Education of the said Hannah the Wife of the said John Fuller then Hannah Newport.

[p. 182.]

18 Oct.
Virginia.

[184.] This Day Mr. Thomas Francis Attorney entered an Appearance for John Anderson Executor of Mathew Anderson Respondent to the Appeal of John Robinson and Humphry Hill Executors of George Branton from Virginia.

[p. 199.]

(1754.)
29 May.

[Reference to the Committee of Anderson's petition that the Council dismiss for non-prosecution the appeal of Robinson and Hill from a judgment of the General Court, 10 April, 1751, affirming a judgment of the Justices of the Peace for York co. in March, 1751, on Anderson's action to recover 500*l. stg.* for insurance on 80 hogsheads of tobacco.]

[XV. p. 135.]

1752.

[On the Committee report of 20 June, the appeal is dismissed with 80*l. stg.* costs.] [XV. *pp.* 154, 163.] 21 June.

[185.] [A South Carolina Act of 17 May, 1751, to incorporate the Society commonly called and known by the name of the South Carolina Society, is confirmed, on the Committee report of 14 Nov. agreeing with the Board of Trade representation referred to them on 6 Aug. It appears that] the View and Design of this Act is only to incorporate certain persons who have associated themselves together for Pious and Charitable Purposes into a Society and to enable them to apply certain Sums of money collected by contribution, towards erecting, endowing and Supporting proper Schools and Alms-houses for the Maintenance and Education of Poor and helpless Orphans. [P.R.] [pp. 179, 215, 258.] 20 Dec. S. Carolina.

[186.] [Reference to the Committee of the] Address of the Council and House of Burgesses of the Colony of Virginia to His Majesty, relative to some Laws lately passed there which have been repealed by His Majesty, and praying, that the Governor may be permitted to give his Assent to any Laws they shall pass for Altering or Amending Laws confirmed by His Majesty without inserting a suspending Clause in such Acts of Alteration or Amendment—Together with a paper containing their Reasons in support of the said Address so far as relates to the repealed Laws. [p. 265.] 20 Dec. Virginia.

[Referred by Committee to Board of Trade.] [p. 277.] 21 Dec.

[Committee report. The Board of Trade have reported:] (1753.) 1 Mar.
We have been attended by Mr. Leheup Agent for the Colony, and by Mr. Abercrombie Solicitor on behalf of the Council and House of Burgesses and heard what they had to offer in support of the said Address, and beg leave to acquaint Your Lordships, That this Address appears to Us to consist of two Points or Propositions, Vizt.

1st. That the Legislature there, may have a Power of passing Laws, to repeal, alter or amend Laws which have been already confirmed by His Majesty without inserting therein

Clauses to suspend their Execution untill His Majesty's Pleasure can be known, as required by the 20th Article of His Majestys Instructions to His Governor, and

2ly That they may have leave to Re-enact Eight Laws lately Repealed by His Majesty in Council.

As to the first of these Points We are of Opinion, that the permitting the Legislature to repeal or Alter Laws confirmed by the Crown without a Clause of suspension, would be to take away, or at least to render useless and ineffectual that Power which the Crown has so Wisely and properly reserved to itself of rejecting such Laws passed in the Colonys, as shall upon due Consideration be thought improper or liable to Objection and would destroy that Check, which was established not only to preserve the just and proper influence and Authority which the Crown ought to have in the Direction and Government of its Colonys in America, but also to secure to its Subjects their just Libertys and Privileges, and therefore We cannot recommend to Your Lordships to Advise His Majesty to comply with this proposition.

As to the second Proposition, We beg leave to Acquaint Your Lordships, that We have carefully revised the Laws which the Legislature desire may be reenacted, together with the Reasons given in Our Representation to His Majesty dated the 6th August 1751, for the Repeal thereof ; And are of Opinion that the Objections Stated in our said Representation to the Six following Laws [No. 1-5, 8, pp. 138-40] are such as render them highly improper to be reenacted, And therefore We cannot recommend it to Your Lordships to Advise His Majesty to permitt them to be reenacted.

As to the following Act entitled An Act to prevent the Building of Wooden Chimneys in the Town of Walkerton, and also to prevent the Inhabitants thereof from raising and keeping Hogs : The Objection to this Law was only to that Part of it, whereby a Liberty is given to any Person, to kill Swine that should be running at large within the Limits of

the said Town, which We apprehend is highly unjust and improper ; But as it is represented, that the principal Object of this Law was to secure the publick Warehouses in the Town from Fire, which appears to Us to be a proper and necessary Regulation, We humbly propose, that His Majesty may be graciously pleased to give permission to His Governor to Assent to any Law for reenacting that part of the said Law, which relates to this Point, leaving out that part, which is liable to Objection.

As to the following Law, Vizt. An Act for the better support of the College of William and Mary. The only objection to it was, that it repealed a former Law confirmed by Your Majesty without inserting a suspending Clause, contrary to His Majesty's Instructions as it appears in other respects to be a just and reasonable Law, We have no Objection to His Majestys giving permission to His Governor to reenact it.

[The Committee agree with the Board of Trade] That it is by no means Adviseable for Your Majesty to Authorize the Council and House of Burgesses of Virginia to Repeal Alter and Amend Laws after they have received Your Majestys Royal Approbation, without inserting a suspending Clause therein ; And with regard to the aforementioned Eight Laws, that Your Majesty may be pleased to permit the Six first mentioned to remain repealed. And to allow the Governor of Virginia to give his Assent to the reenacting the two others agreeable to what is above proposed. [pp. 331-4.]

[The report is approved, and a draft instruction to the Governor of Virginia ordered to be prepared for re-enacting the two laws. This instruction is approved on 10 May, 1753. P.R.] (1753.)
7 Mar.

[pp. 340, 410.]

[187.] [Reference to the Committee of the] Representation of the Judges of the General Court of His Majestys Ancient Colony and Dominion of Virginia, praying for the reasons therein contained, That His Majesty from His known goodness and equity may be induced for the future to allow them a Salary more proportionable to the Attendance they are 20 Dec. .
Virginia.

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Obliged to give in the several stations to which they have the honour to be appointed, and humbly proposing, that the sum of Twelve hundred Pounds per Annum may be paid them out of the Fund of Two Shillings a Hogshead, which will amount but to one hundred Pounds a Year to each of them, and which in the whole will not exceed the profits of the Office of a Chief Justice in some of His Majesty's Plantations in America. [p. 265.]

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

(1753.) [Orders to the Treasury to give directions to the Receiver General for the payment of such salary, in accordance with the Committee report of 1 March, agreeing with the opinion of the Board of Trade,] That the Salarys at present allowed to the Judges in Virginia are too small and inadequate to the Duty and Fatigue of attending the service of the General Court, That it is of great Consequence that the Judges should have Salarys suitable to the Dignity and Service of their Office, and that the Additional Allowance prayed for, by the said Judges is a very reasonable One being no more, than will bearly answer the Expences of their Attendance in the said General Court. And as Your Majestys Revenue of two Shillings per Hogshead upon Tobacco is appropriated for such Contingent services of Government and is at present in a very flourishing State, it appearing upon an Examination of an Account of the said Revenue from the 25th of October 1751, to the 25th of April 1752 transmitted to the Auditor General of Your Majesty's American Revenues, that there was then remaining in the hands of the Receiver General a Ballance of 8,173*l.* 10*s.* 11*d.* they see no reason why Your Majesty may not be graciously pleased to comply with the Prayer of the said Representation. [pp. 334; 341.]

20 Dec. [188.] [Reference to the Committee of a Board of Trade
Georgia. representation] relating to the want of an Establishment of a Plan of Civil Government in His Majestys Colony of Georgia which deters many people from settling in that Colony and much discourages the Industry and retards the improvements

of those already settled in it ; and likewise relating to the great danger that will follow to the present Culture and Produce of Raw Silk in that Province if some measures be not immediately taken to encourage the People in the growth of it.

[p. 267.]

[The Committee refer to the Treasury the representation,] 21 Dec.
wherein it is set forth (amongst other things) that the present Culture and produce of Raw Silk in that Province may be in great Danger if some measures be not immediately taken to encourage the People in the growth of it, and that by the Regulations prescribed by the late Trustees for the Encouragement of this Commodity a person was appointed by them to receive from and pay the Inhabitants for the Balls or Cocoons produced by the Silk Worms which Person was empowered to draw Bills upon the said Trustees for the Cost thereof, but as the Regulations of Course ceased with the Power of the Trustees the Inhabitants will probably drop this valuable produce, when they no longer find the same easy method of disposing of their Cocoons unless a proper person be appointed to receive and pay for them with Authority to draw Bills upon the Commissioners of His Majesty's Treasury or such other Person as His Majesty shall be pleased to Nominate to the amount of such a sum as His Majesty shall think most proper, by which the Inhabitants will be induced to Continue the Cultivation of this valuable Commodity until some regular plan for the Future Encouragement of it shall be determined upon and the making some such immediate Temporary Regulation with respect to this matter appears the more necessity as the Silk Worms usually produce their Eggs in the month of March and the said Commissioners have good reason to apprehend they shall have only one Opportunity more of Writing to Georgia early enough to give this Regulation its desired Effect, which will be by the Ship that Sails the latter End of this Month.

[p. 275.]

[Reference to the Committee of a Board of Trade (1753.)
representation of 17 Jan.] Setting forth, the necessity, that 18 Jan.

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appears to them for the immediate establishing a Form of Civil Government in His Majesty's Colony of Georgia.

[p. 288.]

(1753.) [The Council approve the Treasury report with regard
5 Feb. to silk culture in Georgia, and order a copy to be transmitted to the Board of Trade that they may govern themselves according to what is therein proposed. The Treasury reported] that untill a New Form and Order of Government shall be established in Georgia a Temporary Provision should be made for continuing under proper Limitations some encouragement to this produce, and that an Agent for the said Colony should be appointed with Power, under the Direction of the Commissioners for Trade and Plantations to pay such Bills, (not exceeding a sum to be Limited) as proper Persons in the said Colony, Authorized for that purpose, shall draw upon him for expenses defrayed by them on the Silk Account, And that Mr. Martyn (late Secretary to the Trustees for the said Colony) having informed them, that the sum of One thousand Pounds might be sufficient for this Service. They are further of Opinion, that an Estimate thereof should be prepared, in Order to be laid before Parliament, and that such limited Sum, as shall be Appropriated to this Service, should be advanced to such Agent, to enable him to pay the Bills which shall be drawn upon him for this Service, and in the manner beforementioned.

[p. 303.]

(1753.) [The Committee consider the representation referred on
19 April. 18 Jan. and direct the Board of Trade to prepare and lay before them a plan for establishing a civil government in Georgia such as they shall conceive proper and best adapted for that colony.]

[p. 395.]

(1754.) [Committee. The Board of Trade report] That of the different
5 Mar. Constitutions now subsisting in His Majesty's Dominions in America, that Form of Government established by the Crown in such of the Colonys as are more immediately subject to its direction and Government, appears to Us, the most proper Form of Government for the Province of Georgia.

We would therefore propose, that a Governor should be appointed by Commission under the Great Seal, in like manner as the Governors of His Majestys other Colonies and Plantations are appointed, with Powers and Directions to call an Assembly to pass Laws, and to do all other necessary and proper things, in such manner and under such Regulations, as shall upon due Consideration, appear to be best adapted to the Present Circumstances of the Colony ; All which matters, as well as every other Regulation necessary to be made for the better Ordering and Governing the Colony conformable to the Plan proposed, will come under Consideration, When We shall receive His Majesty's directions to prepare Instructions for the Governor, and therefore We shall not trouble Your Lordships with a detail of them at present.

We should likewise propose, that twelve Persons should be appointed by His Majesty to be His Council of the said Colony, with the same Powers, Authoritys and Priviledges, as are given to, or enjoyed by the Councils of His Majesty's other Colonies.

That the Governor be appointed Vice-Admiral of the said Colony, with the same Powers and Authoritys as are usually given to the Governors of other His Majesty's Colonies, and that he together with such other Officers as shall be thought proper to be appointed, do constitute a Court of Admiralty for the Regulation of matters subject to the Admiralty Jurisdiction.

That proper Officers be appointed for the better collecting and regulating His Majestys Customs and Duties, and for other Matters subject to the Jurisdiction of the Lords Commissioners of His Majestys Treasury, and the Commissioners of the Customs.

That for matters relative to His Majesty's Revenue of Quit Rents and Grants of Lands, there be appointed a Register and Receiver of Quit Rents, and a Surveyor of Lands.

That a Secretary be appointed for the transaction of all Affairs usually belonging to the Office of Secretary in the other Colonies, such as Registring of Deeds, and keeping the Publick Records, and who may likewise Act as Clerk of the Council.

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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 Expence 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. [189.] [Reference to the Committee of a petition of the
Labrador. 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. [190.] [Reference to the Committee of the petition of
Virginia. Daniel McCarty of Virginia, an infant, by his guardian Joseph

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 Richard Partridge, agent for John Whitman, yeoman, of 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. 20 Dec. Rhode Island. [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.

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with costs for non-prosecution the appeal of Stephen Cook, yeoman, of Tiverton, from a judgment of the Superior Court at Newport in March, 1750, affirming a judgment of the Inferior Court in Nov., 1749, on William's declaration of ejectment to recover 45 acres of land in Tiverton laying his damages at 2,000*l.* New England currency.] [XV. *p.* 136.]

(1754.) [On the Committee report of 20 June, the appeal is dismissed
21 June. with 80*l.* *stg.* costs.] [XV. *pp.* 154, 162.]

25 Jan. [193.] [On a Board of Trade representation of 11 Jan.,
Leeward George Thomas is appointed Governor of the Leeward Islands
Islands. *vice* William Mathew, deceased. The Board of Trade are
directed to prepare a commission and instructions.] [*p.* 293.]

7 Feb. [The Commission is approved. P.R.] [*p.* 305.]

10 May. [Thomas takes the oaths. His instructions are approved (P.R.),
in accordance with the Committee report of 19 April approving
the Board of Trade report referred to them on 19 April, which
set forth that alterations from Governor Mathew's instructions
had been made in the following particulars,] That upon a
revisal of the former general Instructions, it appeared, that
by a frequent insertion of the Additional Instructions given
from time to time to the several Successive Governors, of the
Leeward Islands, and by not observing a proper method in
inserting these Additional Instructions, the Order in which
the said general Instructions had been first arraigned was
altered, and things which had no proper relation to each other
so intermixed, as to create Confusion and perplexity, They
have therefore in the present Draught ranged and digested
the several Articles in such a manner, as that those which
relate to the same subject may be found together. That they
have likewise in many parts of the said Instructions where the
Expressions might admit of a doubtfull construction,
endeavoured to make them more explicit; But as a Minute
detail of such Variations as are merely literal seems
unnecessary, they shall only point out those Alterations
which have made in the Subject matter of these Instruc-
tions.

[Correspondence with the Board of Trade is directed, as ordered on 11 March, 1752.]

That there being seven Vacancys on Your Majestys Council of Antigua they have inserted the names of John Gunthorp, Richard Tyrrell, Reverend Francis Byam, Nathaniel Gilbert, Daniel Warner, William Byam, and Walter Tullideph Esqrs. to supply the said Vacancys.

That there being One Vacancy in Your Majestys Council of St. Christophers they have inserted the Name of Constantine Phipps Esqr. to supply the said Vacancy and they beg leave to acquaint Your Majesty that Edward Jessup Esqr. the Eldest Councillor in Your Majestys said Island, having been appointed of Your Majestys said Council in the Year 1739, was on the 17th of August 1744, suspended from his Seat in the said Council by Your Majestys late Governor of the Leeward Islands ; That in February 1745 he presented a Memorial to the said Lords Commissioners, praying to be restored to his Seat and Rank, and that upon a hearing before them, as well of the Petitioner as of the Agent of Governor Mathew in support of such Suspension, they did on the 12th of July 1748 make a Report thereupon to their Excellencys the Lords Justices in Council, in which Report they sett forth, the Evidence by which he was acquitted of the most material Parts of the Charge brought against him by Mr. Mathew, and represented the irregularity of Mr. Mathews proceedings in the said Suspension ; But for certain reasons contained in the said Report, proposed the Confirmation of such Suspension ; But the same having never been Confirmed by Your Majesty, they thought it their Duty to insert Mr. Jessups Name in these Instructions and to submit it to Your Majesty whether he may not be restored to his Seat and Rank in the said Council.

That there being three Vacancys in the Council of Nevis, and two in the Council of Montserrat, and no persons having been recommended to them as proper to supply the said Vacancys, they have left them to be filled up, when Your Majestys Governor shall have transmitted to them the Names

of such persons as he shall think properly qualified for that Station.

That in the Article relative to the Recommendation of Persons to supply Vacancys in the Council (No. 10) instead of the Direction to transmit a List of the Names of Six Persons and always to keep that List compleat, as this Article formerly stood, the Governor is directed as often as any Vacancy shall happen, to transmit the Names of three Persons in Order to be laid before Your Majesty for Your Choice of One of them, to fill up the said Vacancy, which they humbly Apprehend to be the more proper Method, as the Governor may not be able at One time to name Six persons fitt to supply Vacancys in the Council, or his Opinion of Persons named, may by their subsequent Conduct or their Circumstances be justly Altered, so as to render them improper to be admitted into the Council, when it may their Turn to supply Vacancys.

That in the Article relative to the Appointment of Judges, Justices of the Peace and other Magistrates and Officers (No. 13) the Governor is particularly directed not to make such Appointments, without the Consent of his Council, to which Direction, tho' plainly implied in the former Instructions, the Governors have not strictly adhered. That they have likewise omitted that part of the former Instruction, which Directs the Governor not to express any Limitation of time in the Commissions which he is impowered to Grant to Persons which he may appoint to the aforesaid Offices, this Direction appearing to the said Lords Commissioners to be inconsistent with the following Instructions.

That they have made the 24th Article relating to the Power of Presiding in the Court of Chancery upon a Devolution of Government conformable to Your Majestys late Additional Instruction to the Governor of the Leeward Islands, relative to this matter, which directs, that in Case of the Death or absence of the Governor Lieutenant General, and Lieutenant Governor the Power of Presiding in the Court of Chancery, shall devolve upon the President of the Council.

That in the Article which directs the Governor to transmit an Account of all Courts, Offices &c. (No. 25) they have omitted that part, which directs him to transmit to them, the Proceedings upon Appeals brought before Your Majesty in Council, Authentick Copys of all the Proceedings being always taken out by both the Partys in order to be produced before Your Majesty in Council upon the Hearing of such Appeal, and the sending Duplicates to the said Lords Commissioners appear to be an unnecessary trouble and Expence, and has never been practiced.

That it having been represented to them that the Instructions relating to Appeals to Your Majesty in Council from the Courts in the said Islands were improper, they referred them to Your Majestys Attorney and Sollicitor General, who prepared a Draught of Instructions for that purpose, which they have inserted, Articles 34th and 35th.

That in the Instruction to Patent Officers (No. 37) they have inserted the Words, Or to which any Person is, or shall be appointed by Warrant under Our Signet or Sign Manual, it appearing that there are several Offices in these Islands to which Persons are appointed by such Warrant under Your Majestys Signet or Sign Manual.

That in the Article relating to Fines, Forfeitures and Escheats (No. 61) they have to prevent the disposal of them for less than the real value, inserted an Additional direction to the Governor not to dispose thereof, untill he shall have transmitted an Account of such Fines, Forfeitures and Escheats after valuation made, and received Your Majestys Directions thereupon, And in Case of a disposal of them, by Your Majestys Orders, the money arising therefrom, is to be paid to the Receiver General of the Casual Revenue, who by Your Majestys Warrant is the proper Officer to receive the same, and not to the Treasurer of the Island as it formerly stood.

That they have omitted that Article of the former Instructions, which directs the Governor to get a Law passed for punishing Mutiny and Desertion, which Appears to be

highly improper, as the Act passed here for punishing Mutiny and Desertion extends to the Plantations, and as Your Majesty by Warrant impowers the Commanding Officer of the Regiment of Foot in the said Islands to hold Courts Martial and the Governor to Confirm the Sentences of such Courts Martial.

That in the Article which directs the Governor to recommend to the Assembly to raise Money for building Fortifications &c. (No. 95) they have omitted the Preamble, which recited, that directions had been given to apply the whole Duty of $4\frac{1}{2}$ per Cent. to that Service ; that they cannot find any Traces of such Directions, and the Preamble seemed unnecessary, as the Instruction only recommends the Continuance of the Levies that have been usually raised in the said Islands for that purpose.

That they have omitted several Articles in the former Instructions relative to the Royal African Company, which are become unnecessary, as that Company is dissolved, and the Trade laid Open.

That besides the foregoing Alterations, they have added the following Articles, which are the Substance of such Additional Instructions as have been given by Your Majesty to Your Governor of the Leeward Islands, since the Date of the last general Instructions and which appear proper to be continued, Vizt. Article No. 65 relating to the Surveyor General, being a Councillor Extraordinary in the several Islands ; Article No. 73 relating to the Office of Ordinary ; Article No. 92, concerning the Powder Duty ; and Article No. 93, concerning the appointment of Storekeepers.

[The trade instructions are amended as were those for Gov. Knowles of Jamaica (*p.* 162). In the third last line " Plantation Bonds " is given in place of " Plantation Trade."]

And that they have also added the Article No. 22, containing Directions to the said Governor for the more effectual Execution of the Act passed in the 21st Year of Your Majestys Reign for encouraging the making of Indico, in the British Plantations in America. [pp. 387, 388-93, 405, 414.]

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- [194.] [On a Board of Trade representation of 11 Jan. Arthur Dobbs is appointed Governor of North Carolina *vice* Gabriel Johnston, deceased : the Board of Trade are directed to prepare his commission and instructions.] [p. 293.] 1753. 25 Jan. North Carolina.
- [The Commission is approved. P.R.] [p. 305.] 7 Feb. (1754.)
- [The Committee consider a Board of Trade representation of 14 March on the state of North Carolina, and order instructions to be prepared on certain specified heads (which become articles 12-16, 41-2, and 75-92 of the Governor's instructions).] 26 Mar. [XV. pp. 94-5.]
- [The draft of Dobbs's instructions is referred to the Committee.] (1754.) [XV. p. 147.] 18 June.
- [The Governor takes the oaths. His instructions are approved (P.R.), on the Committee report of 20 June, which describes the same rearrangement and revision as in those for the Leeward Islands (193). The preamble and instruction about correspondence are repeated as in 193. Henry McCulloh is added to the Council *vice* Nathaniel Rice, deceased. Instead of a list of 12 suitable councillors, the Governor is on each vacancy to transmit three names. The assent of the Council is required to the appointment of judges and justices of the peace : and their commissions are to be granted during pleasure only,] which words appear to be more consistent with the Article next following in these Instructions which leaves a power to the Governor, of removing Judges and Justices under certain restrictions. (1754.) 21 June.
- [The clauses relating to patent offices and to forfeitures and escheats are amended as in the Leeward Islands draft, and that relating to the Royal African Company is omitted.]
- The 115th Article relating to the colours to be worn by Private Ships, is made conformable to Your Majestys Order in Council of the 7th of January 1730, containing Regulations with respect thereto.
- They have omitted the 101st Article of the Instructions to the late Governor relative to the boundary line between the Provinces of North and South Carolina, a Line having

been run in consequence of the said Instruction ; But as that Line does not appear to be run in conformity to the said Instruction, and many inconveniencys have been represented to arise from it, they have directed the Governor upon his arrival in his Government, to enquire into the proceedings of the Commissioners appointed to run the said Line, to point out in what particulars the same is contrary to Your Majesty's said Instruction, and what are the inconveniencys thereby arising to the Inhabitants of North Carolina, and to consider with Your Majestys Governor of South Carolina of the Boundary Line, which for the ease and advantage of both Provinces it may be most expedient to Establish, to the end that the same may be laid before Your Majesty, for Your Majestys further Directions therein.

Besides the foregoing Alterations, they have added the following Articles, in Obedience to an Order of the Lords of the Committee of Your Majestys most Honourable Privy Council, dated 26th March last, approving their Representation to Your Majesty of the 14th of the same Month, upon the State of North Carolina, and directing them to prepare Instructions for Mr. Dobbs.

Number 12, 13, 14, to prescribe the manner of electing an Assembly and the number of Members of which it is to consist, and to Limit the Quorum to Fifteen.

Number 15, to erect Towns and Countys in the Southern District, as the Province grows more peopled.

Number 16 : directing the Governor to confirm the Rights of the several Towns, Precincts or Countys, by Charters of Incorporation, and forbidding him to assent to any Law, whereby the duration of the assembly may be limited, or ascertained, or any other Regulation made with respect thereto, contrary to Your Majestys Rights and Prerogative.

Number 41 : to establish such, and so many Courts of Justice, as shall appear to be necessary, and to consider of the most proper place for the Seat of Government, and to make Report thereof to Your Majesty.

Number 42 : to establish a Court of Exchequer.

Number 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, to establish such new Regulations with respect to Grants of Lands, and Your Majestys Quit Rents, as are become necessary upon the Repeal of the Quit Rent Act, passed in 1748.

Number 84, to accept a Surrender from Mr. McCulloh and his associates (when the term allowed them to compleat their Settlement is expired) of such part of the Lands granted, as shall not be settled according to the proportion of one Person for every two hundred Acres, and to regrant the same, to any other Persons, and to release the present Grantees from being Obligated to pay Quit Rents for the Lands so surrendered.

And number 85 to support and maintain Mr. McCulloh and his Associates in their just and legal Rights, and in the quiet Possession of their Lands.

To these they have thought it necessary to add one other Article Number 93 declaring that the several Regulations prescribed by these Instructions with Respect to Grants of Lands and Quit Rents, shall not be construed to extend to such parts of Your Majestys said Province, as are included within Your Majestys Grant to the Earl of Granville.

They have also added the Article (No. 24) relative to the Establishment of a permanent Revenue for the support of Government in North Carolina, it appearing that no such Revenue has yet been settled there, and that such an Establishment would most effectually tend to the security and good government of Your Majestys said Province.

[The trade instructions are altered and the article for encouraging the making of indigo are given as in the instructions for Gov. Thomas (*p.* 186).

The Committee approved all these changes,] except only with respect to that part of the 84th Article for accepting a Surrender from Mr. McCulloh and his Associates. . . Instead whereof the Lords of the Committee are of Opinion, that the following Directions should be given to the said Governor, Vizt,

That upon his arrival he do enquire what progress hath been made by the said Grantees, in settling the said Lands, and how far the terms and Conditions of the said Grants have been complied with ; and also what quantitys of Land remain unsettled in the proportion of One white Person for every two Hundred Acres, and to transmit a particular account thereof, as soon as conveniently may be, to the Lords Commissioners for Trade and Plantations : And when the Term of ten Years (to be computed from the Dates of the said Grants) is fully compleated and ended, that he do seize and take possession of in Your Majestys Name, and Right, as forfeited and escheated, all such parts and Tracts of the said Land, as shall not at that time be settled, according to the Terms of the Grants. And that he do afterwards govern himself in relation to the said Lands, conformable to the 96th Article of these his instructions, relative to forfeitures and Escheats.

[XV. pp. 148-52, 159, 177.]

25 Jan. [195.] [On Board of Trade representations of 18 Jan.,
Barbados. 12 months' leave of absence is granted to Abel Dottin, Richard Salter and John Gybbon, three Barbados councillors resident in England on their private affairs, which will detain them longer than they expected. Warrants granting the permission are approved on 7 Feb.] [pp. 294-5, 312.]

25 Jan. [196.] [Reference to the Committee of the petition of
St. Thomas Young, waiter and boatman of H.M. Customs at
Christopher. Basseterre, St. Christopher, praying that the Governor be instructed to grant him a writ of error from a judgment of the Court of King's Bench there in favour of Nicholas Dunbabin, relating to the seizure of 18 casks of sugar from Santa Cruz, brought by night into Basseterre and shipped on board the brigantine *Sarah and Elizabeth* contrary to law, and that he may appeal to his Majesty in Council if unsuccessful in the Court of Errors ; or otherwise for leave to appeal to his Majesty in Council from a former order of the Court of Errors quashing a writ of error granted from the said judgment of the Court of King's Bench.] [p. 297.]

1753.

[Order, in accordance with Committee report of 27 Feb., allowing proceedings in the Court of Errors and an appeal therefrom. The sugar was taken in at sea by a small sloop, brought to Basseterre by night, and there put on board the *Sarah and Elizabeth*, bound to Bristol, without any notice to the authorities. Yet, after the seizure on 23 April, 1752, Henry Brouncker, Collector of Customs at Basseterre, admitted the sugar to an entry, because it had not been actually landed. The Assembly, hearing that the seizure was taken off without any previous trial at law, ordered the petitioner to renew his claim. On a very extraordinary special verdict, the Court of King's Bench gave judgment against the seizor. In the Court of Errors, which quashed his writ of error because the value of the sugar was under 300*l.*, Brouncker sat as one of the judges, though objected to, as in some measure interested.]

7 Mar.

[*pp.* 326-8, 345.]

[197.] [Reference to the Committee of the petition of James Innes, Advocate for the Vice-Admiralty of Jamaica, on behalf of his Majesty and Governor Trelawny, and Benjamin Hume, Receiver General of Jamaica, that the Council dismiss for non-prosecution the appeal of John Bontin master of the sloop *Jupiter*, from its condemnation by the Vice-Admiralty Court, 18 May, 1751, for breach of the Navigation Laws.]

25 Jan.
Jamaica.

[*p.* 297.]

[On the Committee report of 27 Feb., Bontin's appeal is dismissed with 80*l. stg.* costs.]

7 Mar.

[*pp.* 328-9, 346.]

[Reference to the Committee of the petition of Gideon Cornell of Rhode Island, sole owner of the sloop *Jupiter*, John Bontin late master, praying that the order dismissing Bontin's appeal be discharged and leave given to prosecute the appeal.]

(1754.)
21 June.

[XV. *p.* 175.]

[The petitioner having explained that] this delay was unavoidably occasioned by the Petitioners Correspondent becoming a Bankrupt, and neglecting to take the necessary steps [the Committee order that, if he pay the 80*l.* costs

(1754.)
17 Dec.

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1753.

awarded by the order of dismissal, he shall be then at liberty to make application for leave to appeal.] [XV. pp. 205, 276.]

(1756.)

2 Mar.

[The costs having been paid, the appeal is admitted, on the Committee report of 19 Feb. Security is given on 6 March by Cornell and Richard Partridge of London.]

[XVI. pp. 49, 85.]

(1758.)

28 July.

[On the Committee report of 4 July, the sentence is reversed, and ship, tackle and cargo are ordered to be restored with interest and 100*l.* costs. The case was heard *ex parte*, no appearance having been entered for the respondent. Bontin's appeal set forth] That in 1750 the said Gideon Cornell fitted out the said Sloop Jupiter, which was built in the British Plantations, with a Cargo of Lumber and Horses from Newport in Rhode Island, for the Island of Hispaniola, there to dispose of the said outward bound Cargo, and purchase another Lading of Merchandize there, with which the said Sloop was to return to Rhode Island, and the said Gideon Cornell appointed the Petitioner John Bontin, who was born in France, but had been Naturalized and made a Subject of Great Britain, Master of the said Sloop for that Voyage, with three fourth parts of the Mariners on board English agreeable to the Acts of Trade and Navigation That about the 26th of September 1750 the said Sloop sailed from Newport aforesaid to Hispaniola, where she safely arrived on the 10th of November following, and disposed of the said Cargo, and in Return took on board a Cargo of Sugar and Molasses for and on Account of the said Gideon Cornell, and also took in some Passengers and some small Quantities of Goods on Freight, and some Goods belonging to the Master, Officers and Mariners, and some Mariners that went out in the said Sloop, deserting at Hispaniola, the Petitioner was obliged to procure others in their Stead. That about the 19th of January 1750 the said Sloop sailed from Hispaniola on her return to Rhode Island, but in the Course of the said Voyage, on the 26th of the same Month met with a fresh Gale of Wind that broke the Boom of the said Sloop, which rendered her incapable of proceeding

on the said Voyage, and was therefore obliged to bear away for the Nearest Place, which was the Island of Jamaica, in order to refit. That the said Sloop arrived at Jamaica on the 30th of the same Month of January and coming to an Anchor off Port Royal the Petitioner immediately went to the Captain of the Fort, and acquainted him with the Occasion of the Sloops coming thither, that she was in Distress and wanted to refit, upon which the Captain bid the Petitioner to bring the said Sloop into the Harbour of Kingston, which the Petitioner accordingly did, and the next Morning went to Spanish Town in the said Island of Jamaica, attended the several Officers and entered his Vessel giving the usual Security, and the Officers there told the Petitioner he had no Occasion to report his Cargo as he did not intend to land it, But in a few Hours after Benjamin Hume Esqr. Receiver General of the said Island caused the said Sloop and her Cargo to be Seized as forfeited under a pretence that she was not Navigated according to Law ; And on the 18th of March 1750, a Libell was exhibited in the Vice Admiralty Court at Jamaica against the said Sloop and Cargo [which alleged that] on the 2d of February the Goods following Vizt. Eighty Three Tierces of French Sugars, Twenty four Hogsheads and twenty Tierces of Molasses were brought into Jamaica, and imported into Kingston in Jamaica, in the said Sloop called the Jupiter, Built as pretended at Rhode Island, and not navigated with the Master and three fourths of the Mariners Subjects of Your Majesty, but navigated with Foreigners contrary to the said Act, and further alledged that the said Sloop ought not to be deemed a Vessel of the Built of Rhode Island, because not registered in the precise manner required by the said Act. . . That on the 4th of April 1751 the Petitioner as Master of the said Sloop as well on behalf of himself his Officers and Mariners as of the said Gideon Cornell of Rhode Island Merchant sole owner of the said Sloop, and also of the said Cornell and several others of Rhode Island Merchants Subjects of Your Majesty, part Owners of the Cargo of the said Sloop, and also of Jowin

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De Pond and other Subjects of the French King also part Owners of the said Cargo, put in a Claim for the said Sloop and Cargo. [The name of the Captain, who was naturalised in Ireland in 1724, was spelled "Botang" on the ship's register.]

[XVI. *pp.* 86, 95; XVII. *pp.* 75, 190, 194-8, 222.]

25 Jan. [198.] [Reference to the Committee of the petition of
Virginia. James Shields, gent., of Virginia, that the Council dismiss with costs for non-prosecution the appeal of Robert Jones, jun., and Sarah his wife, and Dudley Richardson and Martha his wife, from a decree of the General Court, 10 Oct., 1751, affirming a decree of the County Court of Chancery for York co., 20 Nov., 1749, dismissing a bill of complaint exhibited by them against the petitioner.] [*pp.* 205, 298.]

30 Jan. [The Committee hear counsel for the petitioner, but postpone making any report for two months, as the time allowed is not elapsed above three months.] [*p.* 301.]

7 Mar. [The appellants' petition for a day for hearing is referred to the Committee.] [*p.* 351.]

20 Mar. [Committee order that the appeal may be heard on 10 April on the appellants paying 5*l. stg.* costs to the respondent: otherwise the appeal is to be dismissed.] [*p.* 358.]

10 May. [On the Committee report of 10 April—when all parties were heard—the appeal is dismissed with 10*l. stg.* costs. The case concerns some negroes left by William Pinkethman in 1712 to his daughter Rebecca, who married Robert Cobbs, and left an only daughter, Elizabeth. Robert Cobbs married a second wife, Elizabeth, by whom he had two daughters, the appellants Sarah and Martha. Shields married Elizabeth, Cobbs, daughter by the first marriage. Cobbs left as executors his widow and one Daniel Allen, both of whom, as well as Elizabeth Shields, are now deceased.] [*pp.* 383-5, 409.]

5 Feb. [199.] [On reading a letter of 30 Jan. from the Ordnance to
Jamaica. Earl Granville, the Lord President of the Council,] Complaining, of the Orders given by the Governor of the Island of Jamaica to the Engineer employed by that Island, to take in the Land

next the Fort at Mosquito Point, which Land, with all the Buildings and Appurtenances thereto belonging, had been purchased in 1742 by the said Board of Ordnance, and actually conveyed by Indenture to the use of His Majesty for the convenience of Landing and securing the Ordnance Stores, belonging to His Majesty's Ships on that Station. And therefore praying, that Orders may be given to the said Governor for restoring the said Lands, or making such Satisfaction to the Office of Ordnance for the use of His Majesty, as His Majesty in Council shall judge most proper ; [it is ordered that a copy thereof be transmitted to the Board of Trade, who are to write to the Governor,] to enquire into the Cause of such his proceeding, without having first apprized the Board of Ordnance thereof, and to require him forthwith to recall the Orders he has so given . . But in Case it should so happen, that the said Land, should from its scituation, be judged the most proper Spot to be Fortified for the security and defence of the Island, than then the said Governor be required, to Cause the like Quantity of Land to be set apart in some other Place equally Convenient for the service of His Majestys Ordnance and Ordnance Stores, and for Landing and Airing the Powder belonging to His Majesty's Ships, and that the said Land be conveyed to His Majestys use, in the same manner with the aforementioned Land. And if there be any Buildings or Erections of any Kind, upon this Land, that the same be either removed and Rebuilt, or else new ones Built in their stead upon the New Land to be so set out and conveyed as aforesaid. And the said Lords Commissioners are to lay before this Board an Account of what the said Governor shall do herein. [p. 304.]

[The Committee refer to the Ordnance papers received by (1754.) the Board of Trade from Governor Knowles in answer to their 26 Mar. memorial, together with a plan, also transmitted by the Governor, of the fort and new works designed for the defence of the channel between Port Royal and Kingston.]

[XV. p. 97.]

1753.

7 Feb.
Jamaica.

[200.] [Two Jamaica Acts of Nov., 1750, and Dec., 1751, are confirmed, in accordance with Committee report of 30 Jan., agreeing with a Board of Trade representation referred to them on 20 Dec., 1752. The titles are :—] An Act for giving the same allowances to New Comers who shall take up and settle Lands, within the Parish of Portland, as those New Comers are entituled to, who have taken up Lands, at or near Norman's Valley, or at or near Mantioneel Harbour, by Virtue of an Act entituled an Act for introducing of White People into this Island, for subsisting them for a certain time, and providing them with Land, that they may become Settlers.

An Act to make the Copys and Transcripts of Plotts, Plott Books, and other Records in the Office of Clerk of the Patents and Register in Chancery, Valid, Legal and effectual Records.

[Approval of the first Act was recommended, as it appeared that its object was] to encourage and promote the introducing and settling White People in Your Majestys Island of Jamaica, which measure will contribute to the Security and better Cultivation of the said Island, and thereby extend and improve the Trade and Commerce of this Kingdom . . with Respect to the second of these Acts the Necessity of passing such a Law arose from the Old Records being much torn and defaced, and . . the method of Authenticating the Transcripts and Copys prescribed in the Act, appears to be proper.

[pp. 267, 300, 307.]

7 Feb.
Jamaica.

[201.] [Reference to the Assembly of an address of the Council and Representatives of Jamaica relative to the state of the trade, strength and fortifications of the island, and praying for relief.]

[p. 313.]

10 Feb.

[Committee. The Board of Trade having been directed, in consequence of an address of the House of Commons during last session, to lay before the House a state of Jamaica with respect to matters to which this address has a reference, they are directed to annex to the state they are preparing such

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parts of this address as appear to them necessary for the information of the House.] [p. 321.]

[Reference to the Committee of an extract of a letter from Gov. Knowles to the Board of Trade relating to the want of some great guns and other stores for the service of the island.] 23 Feb.

[p. 323.]

[Referred by the Committee to the Ordnance.] [p. 336.] 1 Mar.

[202.] [Reference to the Committee of a Board of Trade representation of 22 Jan.,] containing a state of several Difficulties and Disputes which have lately arisen within His Majestys Province of New Hampshire, with respect to the Property of Lands, by which the Peace and good Government of the said Province have been affected, and the further Improvement and Cultivation thereof greatly retarded and Obstructed. 7 Feb.
New Hampshire.

[p. 313.]

[Committee. The Board of Trade representation] Read (1754.)
and Ordered to be postponed, till the New York Claim is heard by the Board of Trade. 26 Mar.

[XV. p. 97.]

[The above entry is repeated.] [XV. p. 204.] (1754.)

18 July.

[Reference to the Committee of a Board of Trade representation of 8 July on a petition of the Rev. Timothy Walker, on behalf of himself and other proprietors of land in New Hampshire,] setting forth, that the Petitioner and several others, being, by virtue of Grants from the Province of the Massachusetts Bay, made above twenty Years ago, possessed of many small parcells of Land, which, by the late Settlement of the Boundary between the said Province and New Hampshire, have been determined to lye within the said last mentioned Province, Actions of Ejectment have been brought against several of the Persons so claiming, by persons pretending to have Grants of the same Lands from the Governor of New Hampshire, and as several of the said parcels of Land are seperately of a smaller value than that for which, by His Majestys Instructions, an Appeal is allowed to be made to His Majesty in his Privy Council, he 22 July.
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therefore prays, that the Additional Instruction lately given by His Majesty, may be so far explained, or such further Instruction be given, as may admit Appeals to His Majesty in Council, in Cases where the matter in Question relates to the Titles of Lands, Messuages or Tenements, and on which the Right to other Lands, Messuages, or Tenements of the full value now Limited for the allowing of Appeals, depends, altho' the value of the Lands immediately appealed for, be of less value. [XV. p. 465.]

12 Aug. [On the Committee report of 7 Aug., the Council approve an additional instruction prepared by the Board of Trade on an order made by the Committee on 23 July, when they approved the original representation of the Board of Trade recommending that the petition be granted, as the Attorney and Solicitor General consider it convenient and reasonable.] [XV. pp. 470, 484, 498.]

7 Feb. [203.] [Reference to the Committee of the petition of
Barbados. William Kennedy, Esq., of Barbados, for a day for hearing his appeal from a Chancery decree of 19 Feb., 1752, on a bill filed by John Gay Alleyne and Christian his wife, and Thomas Nicholas, for an injunction against him to stay his proceedings on a *Scire Facias* to have satisfaction of a judgment confessed by George Nicholas, Esq., deceased, to Oliver Kennedy, Esq., deceased, on 5 July, 1725.] [p. 315.]

7 Feb. [204.] [Reference to the Committee of the petition of
Leeward Islands. Wavel Smith and Savile Cust, Esqs., Secretary and Clerk of the Crown of the Leeward Islands, for leave to bring a writ of error from a judgment of the Court of King's Bench and Common Pleas in St. Christopher, 14 July, 1752, and if necessary to appeal to the King in Council in their action of trespass against William Buckley] for money for their Use, by him had, and received for Fees due to them by Virtue of their said Offices. [p. 315.]

7 Mar. [On the Committee report of 27 Feb. the petition is granted. As far back as the records of St. Christopher go, *i.e.* 1675, it was customary to record in the office of Secretary, powers

of attorney for recovery of debts in the island, and for this the Secretary received a fee. To this office the petitioners were appointed by letters patent under the Great Seal of Great Britain on 18 Oct., 1722. On 14 June, 1727, an Act was passed in St. Christopher establishing a compulsive registry of all deeds, conveyances and wills of lands and slaves there. William Buckley is the Register of this new office, appointed by the Governor, Council and Assembly, and has encroached yet farther on the petitioner's office, as in the case of powers of attorney to sue for debts. The petitioners brought their action on a particular case of this kind, but as it affects the rights of an office, the matter in dispute may in the course of years greatly exceed the sum appealable.]

[pp. 324-6, 345.]

[205.] [Horatio Sharpe is approved as Lieut.-Governor of Maryland on the usual conditions.] 7 Mar. Maryland. [p. 340.]

[Board of Trade report of 18 April with trade instructions for the proprietor referred to the Committee.] 19 April. [p. 387.]

[Sharpe takes the oaths. The instructions are approved (P.R.), on the Committee report of 19 April approving the Board of Trade report that security has been given, and that the instructions differ from those given to Samuel Ogle in the direction to correspond with the Board of Trade instead of with the Secretary of State in accordance with the Order in Council of 11 March, 1752, and in the following particulars :—] 10 May.

That in the first Article of these Instructions they have inserted the Titles of many Laws, which were omitted when the former Instructions were given to the late Lord Baltimore, for the Direction of Mr. Ogle and of such as have been passed since that time relative to the Plantation Trade.

That they have added the 3d and 7th Articles, and have made Additions to the 2nd 6th 9th and 12th Articles, chiefly containing Directions for the more effectual preventing Frauds in the Plantation Bonds, conformable to a Representation of the Commissioners of Your Majestys Customs in the Year 1737.