

# HEINONLINE

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1753.

That they have Altered the 22d Article relative to the Size of the Cask Chest or Case in which Tobacco might be imported under the Act of the 10th and 11th of King William the Third, and made the same conformable to the Directions of An Act passed in the 24th Year of Your Majesty's Reign, Entituled an Act for the more effectual securing the Dutys upon Tobacco.

And that they have added the 27th Article in Consequence of An Act passed in the 21st Year of Your Majestys Reign, Entituled An Act for Encouraging the making of Indico in the British Plantations. [pp. 393-4, 406, 414.]

7 Mar. [206.] [Reference to the Committee of a Board of Trade  
Virginia. representation relating to a present for the Twightwees Indians in the west of Virginia.] [p. 347.]

3 April. [Referred by the Committee to the Treasury.] [p. 377.]

10 May. [The Committee having approved the favourable report of the Treasury on 19 April, order is given in accordance with the Board of Trade representation, which sets forth] That they have lately received a Letter from Robert Dinwiddie Esqr. Lieutenant Governor of Your Majestys Colony of Virginia, dated the 10th of December, 1752, proposing that a Sum of Money should be granted to be invested in Goods for a Present to the Nation or Tribe of Twightwees Indians, inhabiting the Western Parts of the said Colony. That this Nation or Tribe of Indians is very powerfull and together with other Nations their Friends and Allies, can bring into the Field a larger number of Fighting men, than any other Tribe of Indians in those Parts ;—That the securing them to the British Interest, will be of great utility and advantage, not only on account of the Trade and Commerce, which may be carried on with them, but also on account of the Security which from an Alliance with them, will be derived to Your Majestys Subjects, who may settle in the remote Parts of that Province, and that the most effectual Way of gaining the Friendship of those Indians, will be by making them Presents, as is proposed by Your Majestys

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said Lieutenant Governor. The said Lords Commissioners therefore propose that a sum not exceeding One thousand Pounds, should be applied to this Service, out of Your Majestys Revenue of two Shillings a Hogshead upon Tobacco, which Revenue is appropriated to the contingent Services of Government, has frequently been applied to this particular Service, and is at present in such a State, as very well to admit of this Charge, it appearing from the Receiver General's Accounts of the said Revenue transmitted to the said Lords Commissioners by Mr. Dinwiddie, that on the 25th of October last, there was then in his hands, a Ballance due to Your Majesty of Nine thousand Two hundred and Fifty Pounds, Eleven Shillings and Seven Pence. [pp. 394-5, 406.]

[207.] [Reference to the Committee of an extract of a letter from Robert Dinwiddie, Lt.-Governor of Virginia, to the Board of Trade,] representing the utility of Building some Forts upon the Ohio River in the Western part of that Colony for the security and Protection of His Majesty's Subjects, and the Indians in Alliance with His Majesty, and proposing, that Twenty or thirty Cannon three Pounders, may be forthwith sent from hence to place in the said Forts. [p. 347.]

7 Mar.  
Virginia.

[Referred by the Committee to the Ordnance.] [p. 377.]

3 April.

[Committee refer to the Board of Trade the Ordnance report that they] Conceive the Application of the said Governor for Cannon too be two early, in regard the Forts are not yet erected, and therefore cannot think it adviseable for His Majesty to Grant to the Colony this valuable Mark of His Royal Favour, untill such time, as at least a very considerable Progress is made in Erecting the said Forts, Magazines Built, and Plans transmitted, whereby a true Judgment may be formed of the number and Nature of Guns, with the proportion of Ordnance Stores, that will be necessary to Defend the same : [the Board of Trade are also to consider the nature of the forts proposed to be erected]. [p. 396.]

19 April.

[The Board of Trade report to the Committee] that if the Forts proposed to be Built were to be Forts of Strength and

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Consideration the applying for Cannon and Ordnance Stores for such Forts without transmitting regular Plans, or any Account of what progress was made in the Building them, would have been a very extraordinary Proceeding, But that this does not appear to them from any thing in Mr. Dinwiddie's Letter, to be the State of the Case ; On the contrary that they have reason to apprehend from the Terms of the Letter itself, as well as from the small Size and Number of the Cannon required, (insufficient for regular Forts of Strength,) That the Forts proposed by Mr. Dinwiddie to be erected, are nothing more, than small Wooden Block-houses such as are usually erected in His Majesty's Colonys in America for the Security of the Indians and the Defence of His Majestys Subjects, transient Traders amongst them, and that they are the rather inclined to be of this Opinion as no Demand has been made by the Colony here for defraying this Expence, and which would most Probably have been the Case, had it been intended that these Forts should have been Forts of Strength and Consideration. And upon the whole that the only Request of the Colony, Appears to them to be that His Majesty would be graciously pleased to grant them thirty, three Pound Cannon, for the use of such Works as they shall think proper to erect for the Defence of a valuable and extensive part of His Majestys Dominions. [The Committee order the Ordnance to prepare an estimate of 30 3-pounders with a proportion of stores for the forts.] [pp. 418-9.]

7 Aug. [On the Ordnance report] that there are no three Pounder Ordnance in Your Majesty's Stores proper for Land Service being much too Short to be mounted on standing Carriages : But that they can furnish the required number of Four Pounder Ordnance of Six Feet which they are of Opinion will Answer the End proposed much better ; and that they had therefore prepared an Estimate of the Expence of thirty Cannon Four Pounders, with a proper Proportion of Stores to accompany them. The Lords of the Committee having considered thereof do Agree humbly to lay the said Estimate before Your Majesty



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amounting to 1,196*l.* 10*s.* 11*d.* and to offer as their opinion, that Your Majesty may be pleased to Order the thirty Cannon of Four Pounders and Stores contained therein to be sent to Your Majestys said Colony of Virginia for the use of the said Forts. [p. 463.]

[Order accordingly for sending these stores, of which a detailed estimate is given. The expence is to be included in the next estimate laid before Parliament by the Ordnance. A memorandum is added to the estimate given by the Ordnance on 4 Aug. :] No Powder is herein mentioned as it is apprehended the Colony is supply'd therewith from the Powder Duty. [pp. 481-3.] 10 Aug.

[208.] [Reference to the Committee of a memorial of Governor Shirley, praying that Castle William may be supplied by the Ordnance with 11 24-pounders and 2 mortars of 13 and 11 inches diameter with stores, in lieu of the cannon and mortars taken from the said Castle and lost in his Majesty's service upon the reduction of Cape Breton.] [p. 348.] 7 Mar. Massachusetts Bay.

[Referred by Committee to the Ordnance.] [p. 378.] 3 April.

[On the Committee report of 15 May, approving the Ordnance report and estimate of 27 April, the stores are ordered to be sent and the expence included in the next estimate laid before Parliament by the Ordnance. The estimate amounts to 1,672*l.* 14*s.* 3*d.*, and is given in detail in the Register.] 21 May.

[pp. 417, 419, 551-3.]

Whereas the Lords Commissioners for Trade and Plantations (1754.) have laid before His Majesty at this Board, an humble Address of the Council and House of Representatives of His Majestys Province of the Massachusetts Bay in New England, returning their humble thanks to His Majesty for His Paternal Goodness to His Subjects in that Province, and among other instances thereof, for His late Royal bounty, in Causing a supply of Ordnance and Ordnance Stores to be sent thither—His Majesty was this day pleased to receive the said Address very graciously—It is therefore hereby Ordered, that the Lords Commissioners for Trade and Plantations, do signify the same, 21 June.

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to His Majestys Governor of the said Province of the Massachusetts Bay. [XV. p. 171.]

7 Mar.  
North  
Carolina.

[209.] [Reference to the Committee of the petition of Governor Dobbs of North Carolina, that stores be sent for the safety of the colony and shipping, as the fort and battery lately erected in Cape Fear River by the legislature of that province may necessarily require.] [p. 348.]

3 April.

[Referred by Committee to Board of Trade, along with a plan of the fort and battery and other papers.] [p. 381.]

(1754.)

21 June.

[The Council refer to the Ordinance for a report, and (if favourable) for an estimate, a memorial of Governor Dobbs of North Carolina, setting forth] That upon notice sent by the Governor of Virginia to the President of the Council of North Carolina, that the Indians in alliance with the French, had attacked the Western Settlements of Virginia, and had killed several of the Inhabitants of that Province, His Majesty's Subjects, and destroyed their Plantations, the said President and the Assembly of North Carolina, passed an Act to raise a Regiment of Seven hundred and fifty Effective men, to March to the Assistance of the Province of Virginia, and had raised a supply for that purpose—That the Memorialist being informed there is a number of small Arms in the Tower of London, that are not of an Assortment proper for His Majestys Forces here—He therefore humbly prays, that his Majesty will be pleased to Grant One thousand of those spare small Arms with their Bayonets, Swords, and other Accoutrements, to enable the Colony to give usefull Arms to the Troops raised for the present Expedition, to preserve the Countrys upon the Ohio, that they may Act without loss of time. [XV. p. 173.]

(1755.)

26 April.

[Reference to the Committee of a Board of Trade representation of 10 April with an extract of a letter from Governor Dobbs,] setting forth, the Weake and defenceless State of the said Province for want of Ammunition and Stores, of which it is quite destitute, and the necessity of having an independent Company of One hundred Men established there, not only to protect the back Settlements, but to support the Surveyors

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and Custom house Officers in their respective Dutys, and to prevent illicit Trade. [XV. p. 378.]

[This representation and the extract are referred by the Committee to the Ordnance for an estimate. The Committee agree with the following Board of Trade report of 24 April on the reference of 3 April, 1753, and refer it also to the Ordnance for an estimate :—] We did immediately take the said Memorial into Our Consideration, and were attended by Mr. Dobbs thereupon, But he being at that time unable to give us sufficient information with respect to the State and Condition of the said Fort, We directed him upon his arrival in his Government to prepare and transmit to Us a particular account thereof. And the said Governor having, in pursuance of Our Directions, viewed the said Fort, and transmitted to Us a Plan of it, together with an exact account of its State and Condition, We beg leave to lay the same before Your Lordships, and to Report thereupon, (1755.)  
7 May.

That altho' We are sensible that the frequent applications of this Nature, which have of late been made by the Colonies in America bring a very heavy expence on this Country, nevertheless as the Ordnance and Stores prayed for in the said Memorial are represented to Us to be absolutely necessary for the Security and defence of the Province of North Carolina, and as His Majesty has been graciously pleased to indulge other of his Colonies in the like Request, [such stores as appear from the plan and Mr. Dobbs's account to be absolutely necessary, should be sent.]

[XV. p. 394.]

[Reference to the Committee of a Board of Trade representation with an extract of a letter of 19 May from Governor Dobbs,] in which he gives a particular account of a fine Harbour which he has lately Surveyed at Cape Lookout, within the said Province, and proposes the Building a Strong Fort there, as a matter of the greatest Consequence to the Trade and Navigation of Great Britain, as well as of the Southern Colonys on that Continent. (1755.)  
26 Aug. [XV. p. 506.]

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(1755.) [The extract is referred by the Committee to the Board of  
2 Sept. Trade for their opinion.] [XV. p. 510.]

(1756.) [Committee. The Ordnance having reported] that as the  
24 June. Plan is of the Fort only, without describing the Environs, or  
a sufficient Tract of the Course of the River, they have it  
not in their power to judge properly of the number and nature  
of the Stores absolutely necessary for the defence thereof;  
That the Fort is small, and able to contain, as the Governor  
says, but thirty Men, with the Officer, Gunner &c. they  
therefore think the number of Guns proposed, to be very  
large for such a Garrison : But as the Governor hath requested  
fourteen Eighteen pounders, and Sixteen nine Pounders, with  
thirty Swivels, they have therefore prepared an Estimate  
of the expence of the same together with a proportion of  
Stores necessary to accompany them, amounting to  
3,235*l.* 7*s.* 1*d.* The Lords of the Committee having taken the  
said Estimate into their Consideration, do agree to lay the  
same, amounting to 3,235*l.* 7*s.* 1*d.*, before your Majesty, with  
their Opinion, that, in the present exigency of Affairs, it may  
be adviseable for your Majesty to order the said Board of  
Ordnance to send the said Ordnance and Stores forthwith  
to North Carolina. And that the expence thereof be made  
an article in the next Estimate that shall be prepared by the  
said Board of Ordnance to be laid before the Parliament.

[The Committee also recommend the sending of 30 barrels  
of powder and musket balls and flints to the value of  
213*l.* 0*s.* 9*d.*, as estimated by the Ordnance on the other  
reference of 7 May, 1755. When requesting the powder, the  
Governor had mentioned in his letter that he hourly expected  
the arrival from Virginia of the arms given to the province  
by his Majesty.] [XVI. pp. 225-6.]

(1756.) [Orders for sending the stores (of which detailed lists are  
7 July. given), and for appointing a storekeeper to take care of them.]

[XVI. pp. 238-41.]

(1756.) [Letter from W. Sharpe, Clerk of the Council, to William  
8 July. Bogdane, Secretary of the Board of Ordnance, asking if the

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stores ordered for North Carolina can be spared at this time : the Order in Council is not to be issued till an answer shall be sent to this. A postscript is added about another matter—the raising of 20 more companies of marines.] [XVI. p. 253.]

[210.] [Reference to the Committee of a Board of Trade representation of 18 April with a copy of a letter of 24 Jan. to them from Spencer Phipps, Esq., Lieutenant-Governor of Massachusetts Bay, reporting that he laid before the Council and Assembly the instruction of 16 April, 1752, relative to a revisal of the laws,] but that the Assembly have not thought proper to take any Notice thereof, being very Tenacious of the present Laws, and averse to any Alteration. 19 April. Massachusetts Bay. [p. 387.]

Afterwards their Lordships sat as a Committee and dispatched the following Business. . . The Lords of the Committee . . . being informed, that William Shirley Esq. Governor and Commander in Chief over the said Province, will soon return thither again, to take upon him the Command thereof, Do therefore think it adviseable for the said Lords Commissioners for Trade and Plantations to Discourse with him on this Subject, and Require him upon his Arrival there, to lay this matter in the Strongest manner before the said Assembly. [p. 396.]

[211.] [On a Board of Trade representation of 30 May, Sir Danvers Osborn, Bart., is approved as Governor of New York in place of George Clinton, who has requested his Majesty's permission to return to England. The Board of Trade are directed to prepare a commission and instructions.] 6 June. New York. [p. 423.]

[Commission approved. P.R. Instructions with Board of Trade report of 5 July, referred to Committee.] 19 July. [pp. 439-40.]

[Oaths taken: instructions approved (P.R.), in accordance with the Committee report of 26 July agreeing with the Board of Trade, who represented that besides ranging and digesting the instructions so that those which relate to the same subject 10 Aug.

may be found together,] 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 been made in the subject matter of these Instructions.

[Instructions similar to those for the Leeward Islands and North Carolina are given relating to correspondence with the Board of Trade, vacancies in the Council (as for N. Carolina), the appointment of magistrates, patent offices, forfeitures and mutiny (*pp.* 183-5, 187)].

. . they have inserted the Names of Eleven Persons, all of which have been already appointed by Your Majesty to be of Your Council in that Province ; But they have thought it adviseable to leave out the name of Daniel Horsmanden who since his appointment to be of Your Majestys said Council has been suspended from his Seat therein by the late Governor, and has in Consequence thereof presented a Petition to Your Majesty praying to be restored, which Petition is now before Your Majesty for Your Royal Determination thereupon.

. . it having been represented to them that the Instructions relating to Appeals to Your Majesty in Council from the Courts in the Plantations were improper, They referred them to Your Majesty's Attorney and Solicitor General, who prepared a Draught of Instructions for that purpose, which are inserted (Articles 26 and 27).

. . in the 55th Article which impowers the Governors to regrant the Lands resumed to Your Majesty by Virtue of an Act passed at New York in 1698-9 They have limited the number of Acres of such Lands to be granted to any one Person to One thousand instead of two thousand as it stood in the former Instruction ; And as most, if not all, of the Originall Patentees of these resumed Lands, to whom alone, as the Instruction stood, such Lands could be regranted, may

be Dead, they have added the following Words, Or to any other Persons who shall apply for the same.

. . the 63rd and 64th Articles, which relate to the Preservation of your Majesty's Woods in America, and to the Importation of Naval Stores are founded on several Acts of Parliament passed here for those purposes ; And as they have been Approved by Your Majesty in the Instructions given to Benning Wentworth Esqr. Your Majesty's Governor of New Hampshire in the Year 1741, They have inserted them instead of the former Instructions on those Heads.

. . they have also omitted several other Articles of the former Instructions relative to the Regulation and Return of able and sufficient Jurors, to the Bounds of Parishes, to the removal of Obstructions in the Trade of New York and Albany, to the Building a Fort in the Anondage Country, and to the Encouragement of the Royal African Company ; The purposes for which these Instructions were calculated, having either been long since carried into Execution, or the Causes on which they were founded having ceased and Determined.

. . besides the foregoing Alterations, they have added the following Articles No. 39, 46, 56, 57, 58, 59, 60, 61 and 62.

. . the 39th Article recites the several Encroachments which have of late Years been made upon Your Majesty's Authority and Prerogative in this Province, with respect to the method of raising and disposing of all Publick money for the support of Government, as set forth in the Report of the said Lords Commissioners, to the Lords of Your Majesty's Council dated the 2nd of April 1751, and as it appears, that the only Method of restoring the Peace and Tranquility of the Province which has been greatly disturbed by such proceedings, and of preventing the like Encroachments for the future, must be by having a permanent and fixed Revenue for the Support of Government, this Instruction Directs the Governor to use his best Endeavours to obtain such an Establishment.

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. . the 46th Article, whereby the Governor is forbidden to give his Assent to any Acts for imposing any Duties on the Importation of Negroes from Africa, or Felons from this Kingdom, and the 67 and 68th relative to the Surveyors General of Your Majesty's Customs in the several Colonies within their Respective Districts are to the same Effect as those Instructions on the like Subjects which have been approved by Your Majesty, and given to Your Governor of the Leeward Islands.

. . several exorbitant Grants of Lands having been formerly made within that part of Your Majesty's Province which adjoins to New Jersey, without any Proper Conditions of Cultivations, and upon Trifling and inconsiderable Quit Rents, by which Your Majestys Revenue has been injured, and the settling and improving the Province greatly obstructed, they have inserted the 56th Article, directing the Governor to enquire into the state of those Grants, and to take all Lawfull methods for vacating them ; And that Your Majesty may be truly informed of the State of all Grants in general within the said Province, and of Your Revenue of Quit Rents, and likewise to prevent the like Evil Practice of making Exorbitant and unconditioned Grants of Lands, The said Lords Commissioners have added the 57th, 58th, 59th, 60 and 61st Articles, directing the Governor to enquire into the State of all Grants of Lands, and of Your Majesty's Revenues of Quit Rents and prescribing Regulations for his further Direction in granting of Lands, with respect to all which Points, the former Instructions were either Totally silent or very Defective.

[The instructions about trade are altered, and that about the growing of indigo added, in the same way as in the recent instructions for the Leeward Islands and other colonies (*cf. p. 186*).] [pp. 447-53, 481, 491.]

6 June.  
Virginia.

[212.] [Reference to the Committee of the petition of Walter King, merchant of Virginia, for a day for hearing his appeal from a Chancery decree of 10 Oct., 1751,] in favour



of Charles Lewis and Lewis Burwell, whereby it was decreed, that an Injunction obtained by the said Charles Lewis to stay the Petitioners proceedings at Law on an Ejectment brought by the Petitioner for recovery of the Possession of a Tract of Land, scituate in the County called formerly Goochland, and now Albemarle in Virginia, and known by the name of the Fork, which the Petitioner had purchased from Micajah and Philip Perry late of London merchants, should be made perpetual, and it was further Decreed, that the Petitioner should at the said Charles Lewis's Costs, convey to the said Charles Lewis, all the Petitioners Right and Interest in One Moiety of the said Land upon the said Charles Lewis's paying unto the Petitioner, the sum of 500*l*. Sterling with Lawfull Interest from the time the Petitioner paid the same to the said Micajah and Philip Perry, and the Party were Ordered to bear their own Costs. [A like appeal of King against Carter Braxton and Lewis Burwell, in which Braxton's name takes the place of Lewis's in the above extract, is similarly referred.] [pp. 424-5, 465-6.]

[Reference to the Committee of a cross appeal from the same judgment by Carter Braxton, an infant, eldest son of George Braxton, jun., deceased, by John Robinson his next friend.] (1754.) 10 Jan. [XV. p. 4.]

[On the Committee report of 15 Jan., both King's appeals are sustained and the injunction dissolved. The disputed land was mortgaged by Dudley Digges to Micaiah and Philip Perry. After unsuccessful treaty with George Braxton, sen. (since deceased), Lewis Burwell and Benjamin Edwards, agents of the Perrys in Virginia, King purchased the land from the Perrys in England. But Braxton then professed that he had agreed to sell the land to his son, George Braxton and Charles Lewis. In the power of attorney granted by Perry for conveying the lands to King, Richard Corbin was named in addition to Braxton and Burwell. (1754.) 22 Jan. [XV. pp. 5-13, 20.]

[213.] [Reference to the Committee of a Board of Trade representation of 6 June on a South Carolina Act of 17 June, 19 July. S. Carolina.]

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1746,] for stamping, emitting, and making current the sum of Two hundred and ten thousand Pounds, in paper Bills of Credit, and for ascertaining and preserving the future value thereof, to be lett out at Interest, on good securitys, at eight per Cent. per Annum, and applying the said Interest to the Purposes therein after mentioned, and for exchanging the Paper Bills of Credit in this Province, and making them less subject to be Counterfeited. [p. 441.]

(1754.) [The Act is repealed, in accordance with the Committee  
8 April. report of 26 March, agreeing with the Board of Trade representation which contained a state of all the laws passed in South Carolina since 1703 for emitting paper money, and proposed] That in regard the Provisions contained in the aforementioned Act are in general fallacious and defective, and in many parts contrary to the very Instruction upon which it is founded, That therefore the said Act Ought to be Repealed. And that in Order to prevent the passing Acts of the like kind in the said Province for the future . . the 99th Article of Your Majestys Instructions to the Governor of the said Province, relating to the passing Acts for emitting Bills of Credit should be revoked, and the Governor Instructed to use his utmost Endeavours with the Assembly to pass a Law for establishing a proper and sufficient Fund or Funds for sinking and Discharging the Publick Bills of Credit now outstanding within a reasonable limited time, and that he should not for the Future, upon any pretence whatsoever, give his Assent to any Law, or Laws for emitting any further Sums in Paper Bills of Credit, without His Majestys especial Licence for that purpose, nor to any Act, Order, Resolution, or Vote, within that Province, whereby the time Limited, or the Resolution made, for sinking and discharging such Publick Orders, as may be at present Outstanding, be protracted or postponed; But that on the contrary, he do take particular Care, that the same be punctually and faithfully complied with, and the Publick Orders sunk and discharged, according

to the Tenor of, and the periods Limited, by the respective Acts, Orders, or Resolutions by which they were issued, and if it shall so happen, that any part of the publick Orders so outstanding shall have been issued without due Provision made, or periods fixed for sinking and discharging them, that he earnestly recommend to the Assembly, to make ample and immediate Provision for that purpose, so that they may be sunk and discharged within a reasonable time, and that the said Governor should be restrained from giving his Assent to any Act, Order or Resolution, for any further Emission of such Publick Orders, untill the Assembly shall have made due Provision for sinking and discharging the Paper Currency now subsisting, within a reasonable limited time, and that after such Provision shall have been made for sinking and discharging the Paper Currency, as aforesaid, he shall not be at liberty to give his Assent to any Act, or Acts, for issuing any greater quantity of the said Publick Orders, than may be absolutely necessary for the Current Service of the Year (except in Cases of sudden and extraordinary Emergencies) taking Care also, that sufficient Provision be made in the said Act, or Acts, for discharging such Publick Orders within a reasonable time, not exceeding two Years, and that the same be not made a Legal tender in payment of any private Bargains, Contracts, Debts, Dues, or Demands whatsoever; But that he should be at Liberty to give his Assent to any Act, or Acts, for issuing such a quantity of said publick Orders, as may at any time hereafter be necessary upon sudden and extraordinary Emergencies of Government, in Case of War or Invasion, taking Care in that Case also, that sufficient Provision be made for discharging the same within a reasonable time, not exceeding five Years, and that they be not made a Legal tender in payment of any private Bargains, Contracts, Debts, Dues, or Demands whatsoever. [The Committee directed the Board of Trade to prepare an instruction accordingly.] [XV. pp. 87-90, 117.]

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1753.

- 19 July. [214.] [Reference to the Committee of a Board of Trade  
Nevis. representation for confirming a Nevis Act of 9 June, 1751,  
—to repeal an Act entitled an Act to prevent papists and  
reputed papists from settling on this island for the future  
and for the better governance of those which are already  
settled.] [p. 442.]
- 26 July. [Committee order copies of the representations to be  
delivered to the Solicitors on both sides.] [p. 456.]
- 11 Dec. [Reference to the Committee of the petition of John  
Sharpe, agent for the island, to be heard on behalf of the  
Council and Assembly against the bill.] [p. 542.]
- 19 July. [215.] [Reference to the Committee of a Board of Trade  
New Jersey. representation of 18 July for disallowing a New Jersey Act of  
18 Feb., 1748, for running and ascertaining the line of partition  
and division between the province of New Jersey and the  
province of New York.] [p. 442.]
- 26 July. [Committee. Copies of the representation to be delivered  
to the solicitors on both sides.] [p. 456.]
- 26 Sept. [Reference to the Committee of a petition to be heard in  
support of the Act, from] the Council of Proprietors of the  
Eastern Division, of His Majestys Province of New Jersey.  
[p. 499.]
- (1756.) [Reference to the Committee of the petition of the pro-  
19 Nov. prietors of East New Jersey that] a Streight and direct Line,  
extending from a Place in Hudsons River, Eighty Nine Chains  
and Sixty Links, South of the old House, late belonging to  
John Corbett deceased, to the Station Point upon the  
Northermost Branch of Delaware River, as settled and agreed  
upon by the Commissioners and Surveyors of both Provinces  
in the Year 1719, Be, and remain the Line of Jurisdiction  
between the Province of New Jersey and the Province of  
New York, until the true Line of Property and Jurisdiction  
shall be finally settled, run and Marked under a Commission  
from His Majesty to be issued and carried into Execution,  
at the joint and equal expence of the Petitioners and the said  
Province of New York. [XVI. p. 344.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 215

1753.  
[Referred by Committee to Board of Trade.] (1756.)  
[XVI. p. 350.] 24 Nov.  
[Committee. Board of Trade report] Read. And their (1758.)  
Lordships agreed to postpone the Consideration of the said 17 Feb.  
Report for the present. [XVII. p. 38.]  
[216.] [Reference to the Committee of a Board of Trade 19 July.  
representation for disallowing 12 Jamaica Acts of 1751-2.] Jamaica.  
[p. 442.]  
[Committee. A copy of the representation to be 26 July.  
delivered to the agent for the island.] [p. 457.]  
[Reference to the Committee of a petition of John Sharpe, 28 Nov.  
agent for Jamaica, to be heard in support of the Acts.]  
[p. 523.]  
[On the Committee report of 26 Feb., seven of the Acts (1754.)  
are repealed, two are confirmed, and on three, being annual 28 Feb.  
Acts, no order is given, but an additional instruction is  
approved on a further report of 27 Feb., apprizing the  
Governor of the objections to them and requiring him not  
to assent to such laws for the future. (P.R.) The Com-  
mittee considered the Acts on 5 and 14 Feb. as well as on the  
day on which they made their report, which embodies the  
Board of Trade representation. The Acts approved are  
Nos. 5 and 12 *infra* ; the annual Acts are Nos. 7, 8, 10 ; the  
representation stated that the opinion of the law officers of  
the Crown and of Mr. Lamb, K.C., had been taken on such of  
the Acts as appeared to be of an extraordinary nature  
and importance, and] That upon the four following  
Acts your Majestys Attorney and Solicitor General have  
reported in general, that they are evidently of such a nature,  
as Your Majesty's Governor ought not, according to the 22d  
Article of Your Majesty's Instructions to him, to have assented  
to without causing Clauses to be inserted, suspending the  
Execution of them till your Majesty's pleasure should be  
known thereupon ; that the Want of such Clause of  
suspension, is in their Opinion a sufficient Reason for Your  
Majestys disallowance of them, as the Obedience to the said

Instruction has been always thought most necessary to be secured, and can be no way so effectually secured, as by constantly denying the Royal approbation to every Act passed in contradiction to it, and as they apprehend that the suffering any plain Deviation from that Rule to take effect will be attended with great Inconveniences to Your Majesty and your Subjects both here and abroad. But that there are other Objections both to the manner and substance of each of the said Acts, which the said Lords Commissioners beg leave to subjoin to each of them.

1. An Act providing that all the Judges of the Supreme Court of Judicature of this Island shall hold their Offices, *Quam diu se bene gesserint*.

That by a Clause in your Majesty's Commission to Your Governor of Jamaica, he is impowered to constitute and appoint Judges, and in Cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers.

That by the 44th Article of Your Majestys Instructions to the said Governor, he is directed not to displace any of the Judges, Justices, or other Officers or Ministers, without good and sufficient Cause, to be signified to your Majesty by your Commissioners for Trade and Plantations ; And to prevent Arbitrary Removals of Judges, and Justices of the Peace, he is forbidden to express any Limitation of Time in the Commissions which he is to Grant, with the Advice and Consent of Your Majestys Council to Persons fit for those Employments.

That this Act declares, that for the future, no Chief Justice or Judge of the Supreme Court of Judicature in the said Island shall be removed or suspended, except by Your Majesty's Command Signified by Your Royal Sign Manual, by Your Majestys Privy Council, by One of your Principal Secretaries of State, or by an Order from the Board of Trade, without Cause or Reason disclosed, or by the Governor for the time being, with the Advice and Consent of the Council,

upon sufficient Cause to be shewn, and Twenty one Days Notice given to the Party in writing, upon which there shall be an open Tryal and Hearing and Examination of Evidence on Both side.

That the Opinion of Your Majestys Attorney and Sollicitor General upon this Act is, That it directly affects Your Royal Prerogative in a point of Great Moment, and for which no Occasion is pretended to be given by the Abuse of any Power committed to Your Majestys said Governor, That, if even there had been any it would be much more suitable to Your Majestys Honour and dignity, to reform it by your own Authority, which is fully sufficient for that purpose, in such manner, as to Your Royal Wisdom should seem meet, than by an interposition of an Act of Assembly ; But that it does not appear, that in the situation and Circumstances in which the said Island or the other American Plantations stand, it would be adviseable, either for the Interest of the Plantations themselves, or of Great Britain, that the Judges in the former should hold their places, *quam diu se bene gesserint*.

2. An Act for choosing the Members of the Assembly of this Island by Ballot, and for the more effectual preventing abuses and indirect practices in Elections.

That by Your Majestys Commission, Your Governor of Jamaica is empowered, with the advice and Consent of the Council, from time to time, as need shall require, to summon and call general Assemblys of the Freeholders and Planters within his Government, according to the usage of the said Island, and the Persons thereupon duly elected by the Major Part of the Freeholders of the respective Parishes and places, having first taken the Oaths and subscribed the Declaration, are to be called and deemed the general Assembly of Jamaica.

That the Constant usage of the Island with respect to Elections of Representatives to sit in general Assembly has hitherto been, that such Representatives have been elected by the Major part of the Freeholders in the same manner as

Representatives in Parliament in this Kingdom are elected, which Method is followed in all Your Majesty's Plantations, except in South Carolina where the Assembly is elected by Ballot under the Authority of an Act passed in that Province many years ago, whilst that Province was under the Government of Proprietors.

That upon this Act Your Majestys Attorney and Sollicitor General have Reported, that as the present method of Election has been established by Virtue of Your Majesty's Commission and long usage agreeable in general to the practice here, and in all the other Plantations, except one, and as nothing has happened in the said Island to shew the Inconvenience of such method, Your Majesty's Attorney and Sollicitor General are of Opinion, that it would be very dangerous and imprudent to make so great an Innovation as is introduced by this Act.

3. An Act for explaining an Act entitled an Act for the further quieting Possessions and regulating Re-surveys and for establishing reputed Boundaries.

That this Act is explanatory of an Act passed in Jamaica in 1731 for the further quieting possessions, which was confirmed by Your Majesty in 1741; But Your Majesty's Attorney and Sollicitor General are of Opinion, that it is by no means adviseable, to confirm an Act which has a Retrospect for Twenty Years, in points which do not appear to have been within either the Words or meaning of that Act, and without excepting Cases that may have been adjudged, or where the Partys have enjoyed otherwise, whose quiet and legal possessions may be disturbed by this Act, passed under the Colour of quieting possessions.

4. An Act for appointing Commissioners of Nisi Prius, and enlarging the Jurisdiction of the Justices of the Peace in matters of Debt.

That by Your Majesty's Commission to Your Governor of Jamaica, he is invested with full power and authority, with the advice and consent of Your Majestys Council, to erect,



constitute, and appoint, such and so many Courts of Judicature, and publick Justice within the said Island, as he and they shall think fitt and necessary for the Hearing and Determining of all Causes, as well Criminal as Civil, according to Law and equity, and for awarding Execution thereupon, with all reasonable and necessary Powers, Authoritys, Fees and Privileges belonging thereunto; And your Majesty's Attorney and Sollicitor General have reported, that this Act would make so extensive a Change in the Constitution of Government with respect to the administration of Justice, and so great an ineroachment on Your Majestys Prerogative, to which the establishing Courts of Justice belongs, that they cannot think it adviseable to admit of such a precedent, neither are they of Opinion, that the Variation proposed by this Act, would be beneficial to Your Majestys Subjects, if it was carried into Execution.

That the Six following Acts are not liable to the same Objections with the four preceeding, namely the Want of a Clause of suspension, but that there are other reasons which appear to the said Lords Commissioners to render them unfit to Your Majestys Royal Approbation.

5. An Act for making good and wholesome Provision for raising and establishing the Credit of this Island, and repealing of an Act entitled a supplemental and explanatory Act.

That upon this Act Your Majestys Attorney and Sollicitor General have reported, that the part of it which relates to the increase of Costs, seems to them unnecessary and dangerous, as the present practice of giving Costs, includes Counsels Fees and all other expences that are reasonable, and more ought not to be allowed. That the Clause which prescribes a New Writ of Execution, proceeds partly on a mistake, as if Lands are not now subject to Judgments for Debt, which they are in Fact, both by the general Law and the British Act, passed in the Fifth Year of Your Majesty's Reign, where the Judgment is against the Original Debtor,

and if against his Heir or Executor, his own Lands ought not to be subjected, (unless he has Embezzled his Testators Assets) as they would by this Act unjustly be without distinction. That the Clause for giving five per Cent. to present Creditors in Great Britain for money lent there to Debtors in Jamaica, means either to give them an Interest, to which they have now no Right, or, by confining them to Five per Cent., to take away part of their Right, where the Contract was for an higher Rate ; that in both Cases the Act is unjust, and they think it not proper to be approved.

6. An Act for the further Regulation of the Provost Marshalls proceedings, establishing priority of Judgments, quieting possessions of Slaves purchased upon Venditioni, and for Limitation upon Bonds, Mortgages, Judgments, and other Securities, and empowering the Assistant Judges to Sign Writs and other Process.

That Your Majesty's Attorney and Solicitor General in their Report upon this Act have observed, that the Clause in it, which establishes certain Fees with Restitution of what has been already paid beyond them, has an unjust Retrospect ; That the prohibiting Writs of Execution to issue till the next Court day after Judgment is an unnecessary and dangerous delay of Justice, and may give great opportunities of Fraud, Concealments, and Embezzlements ; And that the Clause which relates to presumed satisfaction of Mortgages &c. From Twenty Years acquiescence &c., is without any Limitation or Exception, arising from the Circumstances of Age, Place or Capacity of either Creditor or Debtor, and has a very unjust retrospect.

7. An Act for raising several sums of Money, and applying the same to several Uses, for subsisting for one year, the Officers and Soldiers of the Regiment of Foot, of which Edward Trelawny Esq. is Colonel.

8. An Act for laying a Duty on all Wines, Rum, and other spirituous Liquors retailed within this Island, and applying the same to several uses, and for repealing, after the 1st day

of November in the present Year of Our Lord 1752, An Act intituled An Act, for laying a Duty on all Wines, Rum, and other Spirituous Liquors, retailed within this Island, and applying the same to several Uses. Passed the 31st day of October 1751.

9. An Act for raising Companys in the several Negroe Towns, and encouraging them to reduce Rebellious and runaway Negroes.

10. An Act to oblige the several Inhabitants of this Island, to provide themselves with a sufficient number of White Men, White Women or Children, or pay certain sums of money in Case they shall be deficient, and applying the same to several Uses.

That by these four Acts an Officer is appointed named a Commissioner who is authorized to receive and pay all the Duties and Taxes levied and raised by the said Acts. That this appears to be an open breach and violation of the 17th Article of Your Majestys Instructions to Your Governor of the said Island which was Occasioned by a like Practice having before prevailed in this Island, to the great prejudice of the Person whom Your Majesty had appointed to be Your Receiver General of Jamaica, and therefore this Instruction directs the Governor not to give his Assent to any Law for raising Money, or the value of Money, whereby it is not expressly declared that such Money shall be put into the Hands of and received by Your Majesty's said Receiver General.

And the said Lords Commissioners further Observe, that it is declared by these Acts, that in Case of the Death of the Commissioner thereby appointed, the Governor shall by his Warrant name another in his room ; And therefore Your Majestys Governor by consenting to these Acts, and thereby taking to himself a Power derived from the Assembly of nominating an Officer in prejudice to the Person appointed by Your Majesty under the Great Seal of this Kingdom, and by which Powers and Authoritys which the said Officer derives

from Your Majesty are set aside, appears to have shewn an improper disregard to Your Majestys Instructions.

11. An Act to oblige the Receiver General to give a larger security than what is directed by the Revenue Act, and to prevent certain Officers from being Members either of the Council or Assembly of this Island.

That by the Act commonly called the Revenue Act, passed in the said Island in 1728, and confirmed by Your Majesty, the Collector or Receiver General is required to enter into Security of Five thousand Pounds for the Faithfull Execution of his Trust, which security is by this Act enlarged to Twenty thousand Pounds without any Reason assigned in the Act itself for so great an Alteration, neither has Your Majesty's Governor assigned to the said Lords Commissioners any Reason for assenting to this Act, which as it is an Alteration of an Act already confirmed by Your Majesty, ought not to have been passed, considering it in this light only, without a Clause suspending its execution untill Your Majestys Pleasure might be known. But it is further directed by this Act, that Your Majestys Receiver General, and all the other Officers appointed by Your Majesty, shall be disabled from sitting and voting in the Assembly, and in Your Majestys Council, in a Legislative Capacity ; by which Your Majestys Officers and Servants, in this Island, are not only excluded from Privileges which they ought to enjoy, in Common with the rest of Your Majestys Subjects, but also from such as they are intitled to ex Officio, and which they derive immediately from Your Majesty ; And yet Your Majestys Governor, notwithstanding the extraordinary and unprecedented Provisions of the Law, has not assigned any reason for passing it, nor required a Clause to be inserted therein, suspending its Execution untill Your Majestys Pleasure might be known.

[12.] An Act to amend and explain a Clause in an Act passed in the year 1751, entitled An Act for making good and wholesome Provisions for raising and establishing the Credit

1753.

of this Island, and repealing of an Act Entituled a Supplemental and explanatory Act.

That this Act is for amending a Mistake in an Act upon which the said Lords Commissioners have already submitted their observations in a former Part of this Representation.

That these are all the Observations which Occur to them upon these Twelve Acts, and they humbly submit whether it may not be for Your Majestys Service that they should all receive Your Royal disallowance, and what steps it may be proper to take to prevent the like Encroachments upon Your Majestys Royal prerogative and Authority for the Future.

[XV. pp. 29, 31, 40, 42, 46-55, 58, 61.]

[217.] [Reference to the Committee of the petition of Frederick, Lord Baltimore, setting forth the grant to his ancestor, Sir George Calvert, by James I on 7 April, 1624, of the province of Avalon, a large tract of land in Newfoundland with all islands within ten leagues of the eastern shore, and praying that John Bradstreet, Esq., may be appointed Governor of Avalon on the nomination of the petitioner as Lord Proprietary.]

19 July.  
Newfound-  
land.

[Referred by Committee to Board of Trade.]

[p. 442.]

26 July.

[218.] [Reference to the Committee of the petition of Thomas Bontein, Esq., of Kingston, Ja., for a day for hearing his appeal from a Chancery order of 20 Jan., 1753, overruling his demurrer to a bill filed by Gov. Trelawny relating to three ships, *King's Meadow*, *Dolphin*, and *Mercury*, seized by the petitioner as Naval Officer and condemned in Jamaica, and that in the meantime proceedings against the petitioner for want of his answer to the said bill may be stayed.]

31 July.  
Jamaica.

[p. 459.]

[On the Committee report of 18 Dec. the appeal is dismissed.]

(1754).

[p. 546 ; XV. p. 19.]

22 Jan.

[219.] [Reference to the Committee of the petition of Lucas Rodriguez, commander of the Spanish schooner *La Santa Rosetta* for a day for hearing his appeal from the

10 Aug.  
Nevis.

1753.

condemnation of the vessel in the Vice-Admiralty Court of Nevis, 3 June, 1752, on a libel filed by John Scholes, a searcher, for having imported sundry merchandizes contrary to law.]

[p. 490.]

- (1756.) [In accordance with the report of the Committee, who heard  
3 Sept. the case *ex parte* on 18 Aug., no appearance having been entered for the respondent, the sentence is reversed and Scholes ordered to account for and restore the value of the schooner and cargo with 100*l.* *stg.* costs. The petition set forth] that the said Schooner was fitted out for Sea at Perito, a Port in America belonging to the King of Spain, and was the property of Marcos Rodriquez a Spaniard ; who about April 1752 let her out to freight to several other Spaniards, who loaded her with 40,000 Weight of Cocoa, and sundry other Goods, and the said Schooner was duly cleared out from Perito with such Cargo on Board, and was intended for Martinique, the Cargo being consigned to a Gentleman residing there. That such Voyage being directly against the Strong constant Trade Winds, the Petitioner after beating up against the wind for twenty three days together, had got no farther than the Dutch Island of Eustatia ; And having in that time exhausted the Provisions and Stores which had been taken in at his Outset, he put in to Eustatia, and by the Governors permission there stayed about three Days, and got in Wood, Water and Bread for about Six days Provision ; That the Petitioner proceeded from thence to the Southward, in the Tract of his Voyage for Martinique, for Seven days Sail from Eustatia his last Port ; But then, besides the Constant contrary winds, the Petitioner met with a severe Squall, whereby the said Schooner fell away greatly to Leeward, And the said Squall continuing very strong at South, and, at the same time, a great Leake being discovered in the said Schooner, occasioned by the unusual Severity of the Weather, And there being then left on Board, but one single Barrel of fresh Water and no wood at all, and the imminent danger not only of the loss of the Schooner and her Cargo, but of the Lives

of the Mariners, appearing manifest, if they did not bear away before the wind to Leeward for some near Port, the Petitioner after a Consultation held by all the People on Board, did accordingly bear away to Leeward down to the open road of Your Majestys Island of Nevis, and arrived there on the 21st of May 1752, at about Nine of the Clock in the morning of that day ; that the Petitioner did instantly on his coming into the said Road, send his Boat on Shore to the Commander of Your Majesty's Fort, acquainting him with the Petitioners distress, and desired leave to come to an Anchor, which the said Commander gave leave to do ; the Petitioner also desired leave to have his Leak repaired and to take in a supply of Provisions, but for that last mentioned matter, the said Commander acquainted the Petitioners Men, that application must be made to the President of the Council, who was then the Commander in Chief of that Island ; And the Petitioner immediately sent to him and obtained his Leave as to the latter part of such Request. That the Petitioner having obtained such leave to Anchor, did upon the said 21st of May 1752, in Broad day between Nine and ten in the morning, with his Spanish Colours flying, openly and publickly Sail into the Common Road at Nevis under the Guns of Your Majestys Fort there, in the Sight of great numbers of Persons, and dropt his Anchor, but immediately thereafter, and before ever his Ship was settled at Anchor, Mr. John Scoles, a Searcher there, came on Board the Petitioners Schooner, and by force took away and carried on Shore the Petitioner and the whole number of his Passengers and Sailors (one Common Sailor only excepted) and also Seized and took away every one of the Petitioners Ships Papers and Sea Briefs, and Seized the said Vessel and her Cargo, declaring that she was a good Prize, and absolutely refused to let the Petitioner or any of his Ships Company stay on Board of, or return, to the said Schooner. That four days after the said Scoles had seized and taken away the Petitioners Vessel and Cargo, to wit, on the 25 of May 1752,

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he libelled the said Schooner, in the Vice Admiralty Court of Nevis. . . [The following names occur in the report, William Symonds, President of Nevis ; Roger Pemberton, Judge of the Vice Admiralty Court, and Mr. Weekes, the Commander of the fort.] [XVI. *pp.* 257, 276-9, 296.]

14 Nov.  
Massachu-  
setts Bay.

[220.] [Reference to the Committee of the petition of William Vassall for a day for hearing his appeal from a judgment of the Superior Court at Boston, 12 Dec., 1752, on a writ of review brought by William Fletcher from a judgment of the said Court of the third Tuesday in Feb., 1752, affirming a judgment of the Inferior Court of the first Tuesday in Jan., 1752, in Fletcher's action] for Slander and defamation, charging the Petitioner with having said many words of the said William Fletcher to the prejudice of his Character and good name. [*pp.* 428, 506.]

(1754.)  
31 Jan.

[In accordance with the Committee report of 22 Jan., the judgment of the Court of Review is reversed, but Fletcher is to be at liberty, after repaying Vassall the damages and costs awarded with interest, to bring a new action in the Inferior Court. The ground for reversing the judgment is that the plaintiff gave no evidence in either of the former trials on which the case could with any propriety be reviewed by a jury, and was therefore not entitled to a writ of review.] [XV. *pp.* 14, 25-8, 32.]

28 Nov.  
Pennsyl-  
vania.

[221.] [A Pennsylvania Act of 18 Aug., 1750, for the continuance of an Act of Assembly of this province entitled a supplementary Act to the Act entitled an Act for preventing the exportation of bread and flour not merchantable and for the new appointment of officers to put the said law in execution, is delivered by the agent and referred to the Committee.] [*p.* 522.]

4 Dec.

[Referred by Committee to Board of Trade.] [*p.* 530.]

28 Nov.  
Barbados.

[222.] [Reference to the Committee of the petition of John Stone, Esq., of Barbados, and Margaret his wife, widow and devisee of George Ball, who was devisee of Joseph Ball,



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who was devisee of William Chapman, of Tewkesbury, Gloucestershire, for a day for hearing their appeal from an order of the Barbados Chancery, 17 Jan., 1753, on their bill for an injunction to stay proceedings by Peter Chapman on several actions brought by him to dispossess Margaret Stone of a plantation &c., formerly belonging to William Chapman.]

[p. 524.]

[On the Committee report of 21 Jan., the order of Jan., 1753, (1755.) is reversed. The appeal was heard *ex parte*, no appearance 23 Jan. having been entered for the respondent.]

[XV. pp. 203, 295-6, 303.]

[223.] [Reference to the Committee of the petition of 28 Nov. Churchill Jones, gent., of Virginia, for a day for hearing his Virginia. appeal from a judgment of the General Court, 10 April, 1753, in favour of Jane Porter, one of the daughters and coheirs of Francis Porter, heir at law of his mother, Jane Porter, relating to 400 acres of land in Christchurch parish south of the river Rappahannock, sold by Jane Porter the mother to Roger Jones, the petitioner's father.]

[p. 524.]

[On the Committee report of 30 Jan., 1755, the judgment (1755.) is affirmed with 40*l.* *stg.* costs of this appeal.] 25 Feb.

[XV. pp. 157, 240, 312, 347.]

[224.] [Reference to the Committee of (a) a petition of 11 Dec. the House of Representatives of New Jersey in General New Jersey. Assembly met] that for enabling the said Colony to sink the Bills of Credit made Current for the service of the late War, and for enabling them to support Government as amply as heretofore and for relieving the distresses of a Needy People and also for the real advantage of the British Merchants themselves, His Majesty will be pleased to grant His Royal leave to the Governor to give his Assent to a Bill for making Current 60,000*l.* in Bills of Credit upon the like footing of those heretofore emitted within that Colony by His Majestys Consent : [and (b) a remonstrance of Richard Partridge, agent for the province, to the same effect.]

[pp. 541-2.]

[Referred by Committee to Board of Trade.] [pp. 547-8.] 18 Dec.

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1753.

(1754.) [The Committee, on considering the Board of Trade report  
26 Mar. of 18 March, order an additional instruction to be prepared granting leave to the Governor to assent to a bill for the emission of 60,000*l.* in bills of credit under the conditions and restrictions contained in the report.] [XV. *p.* 97.]

(1754.) [The instruction is approved, on the Committee report of  
8 April. 2 April. (P.R.) The Board of Trade report set forth] That from the Evidence laid before them, of the Effect and Operation of the Bills of Credit formerly issued, in this Province, and from the Representation of Persons well acquainted with the nature of paper money in General, they were inclined to believe, that a moderate quantity, issued upon good security, and having a proper Fund for its Redemption, within a limited time, may operate to the Advantage of a Trading Colony, serve to improve and extend the Settlement of it, and may also be the least Burthensome method of Levying money for the support of Government ; And therefore if your Majesty, out of your Paternal regard and Indulgence to the Ease and Convenience of your Subjects in New Jersey, and in Order to restore the Peace and quiet of the Province, and conciliate the differences which have long subsisted therein, should be graciously pleased to allow of a new Emission of Sixty thousand Pounds in Bills of Credit upon the Terms of the former Emission, an express Condition ought to be made, that such Bills of Credit should not be declared to be legal Tenders, in payment of any Debt, Dues and Demands whatsoever, and that it ought likewise, to be made a Condition of your Majesty's consenting to this Emission, that the Interest arising from the Loan of the Bills, shall during their Continuance, be appropriated to all the established and contingent Services of Government, and be issued by Warrants from the Governor and Council only, and that in Order to prevent any future Doubts or Objections, a Clause for that purpose should be either prepared here, to be inserted verbatim in the Act for the Emission, or that a Draught of the Bill with a Clause to that Effect, should be transmitted

1753.

hither, before the Governor be allowed to give his Assent to it. And for the better carrying this into Execution, that an Instruction should be given to the Governor of New Jersey conformable thereto, but with directions, not to take any one Step towards the Execution of it, untill all the Bills of the former Emissions in 1730 and 1733, now outstanding, shall be finally sunk and destroyed. [XV. pp. 107-8, 116.]

[Reference to the Committee of (a) a Board of Trade (1755.) representation of 24 March on a draft of a bill transmitted 3 April. by the House of Representatives of New Jersey for his Majesty's approbation, for making current 70,000*l.* in bills of credit, with a petition from the said House relating thereto : and (b) a petition of the agent, Richard Partridge, that the draft may be approved, and an instruction given to the Governor accordingly.] [XV. p. 368.]

[Order in accordance with the Committee report of 7 May. (1755.) The Committee, on considering the representation of the 13 May. Board of Trade,] wherein are contained several Objections made by the said Lords Commissioners to the said Bill—And in regard it thereby appears, that the said Bill is drawn contrary in every respect to His Majestys aforementioned Instruction . . . Report . . . that the Governor of New Jersey should not be permitted to enact the said Bill ; and that the said Lords Commissioners for Trade and Plantations, should be directed to signify the same to the said Governor, and acquaint him with the Objections thereto. And . . . that it may be adviseable for Your Excellencys to reject the aforementioned Petition of the House of Representatives.

[XV. pp. 390, 408.]

[225.] [Reference to the Committee of the memorial of 11 Dec. Governor Popple,] setting forth that certain Disputes have Bermuda. arose and still subsist between the Memorialist and the Assembly of the said Island in relation to the Appointment of the Clerk of the said Assembly, and to the taxing of the publick Bills of the said Islands, And humbly praying His Majesty to give such Directions to the Memorialist or to the

Governor or Commander in Chief for the time being in relation to the said Points, as to His Majesty shall seem meet.

[p. 542.]

18 Dec. [Referred by Committee to Board of Trade.] [p. 547.]

(1754.) [An instruction to the Governor is approved (P.R.),

8 April. in accordance with a Committee report of 2 April on a draft which the Committee ordered to be prepared on 26 Feb. when they approved the following Board of Trade report of 20 Feb.] . . with respect to the first of these Points, the Right of Nominating a Clerk to the Assembly appears to Us to be undoubtedly in His Majestys Governor in Virtue of His Majestys Prerogative And altho it has unfortunately happened thro' the Remissness of former Governors that the Assembly of Bermudas have for many Years been suffered to enjoy what they now claim as a Privilege. We are humbly of Opinion, that such unjustifiable usage or Custom should not be permitted to Warrant the continuance of such an Encroachment on His Majesty's Prerogative, but that the Governor of the said Islands should be Instructed to insist on the Appointment of this Officer in Right of His Majesty, and to suffer no Person to Act as Clerk of the Assembly in the said Islands, but such as shall be thereunto Commissioned by him.

With regard to the second Point in dispute, We beg leave to observe to Your Lordships, that the disposal and issuing of Publick Monies are Powers which His Majesty has reserved as parts of His Royal Prerogative to the Governors and Councils of all His American Colonies ; And Mr. Popple is directed by the 32d Article of His Majesty's Instructions to him not to suffer any Publick Monys whatsoever to be issued or disposed of, otherwise than by Warrant under His Hand, by and with the Advice and Consent of His Majestys Council, But upon looking into the Act passed in Bermuda in 1698 as cited in the Memorial of Governor Popple, and Intituled, An Act for raising a Publick Revenue for the Support of the Government of these His Majesty's Islands,

We find, that it is thereby declared, that the sum and sums of Money, mentioned and intended by this Act to be raised, as also all other proffits or issues accruing by Virtue of the same, shall be paid for His Majesty's use, His Heirs and Successors, and shall be employed for and towards the defraying the Public Charges of the said Islands, The same to be paid from time to time by the Collector or Receiver thereof, as the Governor five of the Council at least, and ten Persons chosen by the Assembly or any five of them shall direct and Appoint and not otherwise, And in another Clause it is enacted, That ten Persons nominated, freely Elected and appointed by the Assembly (whose Names are here inserted in the Act) or any five of them at the least, do assemble Convene, or meet together, three times in the Year, or once in four Months, together with the Governor and five of the Council at least, on such day and Place as the Governor shall direct and appoint, to the Intent the Publick Accounts referring to the said Imposition, by this Act laid on Liquors, may be by them duly inspected and regulated, as also the disposal of the said Money Ordered and directed.

These being the Provisions of this Law, We do not think it would be adviseable to call in question a Priviledge which the Assembly derive from a Plain and possitive Law confirmed by the Crown, and which, tho' it does derogate from the Authority which the Crown has thought fit to delegate to its Governor, yet by making a permanent Provision for the support of Government has freed it from the many great Inconveniences and Obstructions with which it is clogged in those Colonies, where no such Establishment has taken Place.

[XV. pp. 56-7, 105-6, 116.]

[226.] [Reference to the Committee of the petition of Ezekiel and Caleb, sons of Caleb Dickinson, Esq., and grandsons of Francis Dickinson, Esq., deceased, for a day for hearing their appeal from a judgment of the Court of Errors of Jamaica, 27 Nov., 1752, affirming a judgment of the Supreme Court in Nov., 1750, in favour of John Doe on

11 Dec.  
Jamaica.

1754.

the demise of Alexander McFarlane, on an action of trespass and ejectment against the petitioners for lands, &c., in the parish of St. Elizabeth. The petitioners further complain] that the Transcript of the Record is very lately but imperfectly transmitted under the Seal of the said Island, the Officers having omitted to transcribe some parts of the said Record, and particularly the Writ of Possession which issued from the said Supreme Court, and a certain Diagram which Appears to have been annexed to the Interrogatorys on which (as pretended) Joshua Crosby was examined, and which was produced and exhibited to the said Joshua Crosby at the time of such pretended Examination, and to which Diagram he expressly referred in his Answer to the said Interrogatorys, and without the Transcript of which said last mentioned Diagram the proper weight cannot be given to what is mentioned in such Examination; The Petitioners therefore humbly pray His Majesty will be graciously pleased to Order, that the Proper Officers do permit the Petitioners Agent to have out true Copys of the said Writ of Possession and last mentioned Diagram duly Authenticated under the Great Seal of His Majestys said Island of Jamaica, on payment of the usual and accustomed Fees for the same, to enable the Petitioners to bring on their said Appeal to Hearing. [p. 543.]

(1754.) [On the Committee report of 30 July, the appeal is dismissed.]  
 6 Aug. [XV. pp. 204, 207-8, 219.]

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1754. [227.] [Reference to the Committee of (a) the petition of  
 31 Jan, Governor Dinwiddie of Virginia, setting forth] that by His  
 Virginia. Majesty's fifty first Instruction, the Governor of the said Colony is with the advice and Consent of His Majesty's Council there, authorized and required to regulate all Fees belonging to Places, or to be paid upon Emergencys. That there having been no settlement in the said Colony of a Fee to be taken by the

Governor for the Seal to be affixed to Grants of Lands as has been done in several other of His Majesty's Colonies in America, the Council by an Order of their Board of the 22nd of April 1752, declared it as their opinion, that the Petitioner might reasonably insist upon a fee for the great Seal to every Patent for Lands, and accordingly advised the Petitioner to demand and take One Pistole as a Fee for the Seal to every Patent before Sealing the same. That the Petitioner finds a great Opposition setting up in the said Colony to the paying the said Fee, or any other Fee whatsoever to the Governor for the Seal to such Grants, and there being at this time several Hundred Grants of Lands to divers persons which were ordered to be made out by the Petitioners Predecessors, on which Surveys have been made and returned into the Secretarys Office, and the Partys put in Possession, for which the Patents lye untaken out tho' the Petitioner has offered to Seal all such Grants without taking the said Fee of a Pistole or any other Fee for the same, Provided they would pay the arrears of Quit Rents due to His Majesty for such Lands, which they refuse to do. The Petitioner therefore humbly prays His Majesty would be graciously pleased to take the Premises into Consideration and to give such Directions for preventing the neglect of taking out the Patents for Grants of Lands that have been ordered, and for payment of the Quit Rents in Arrear thereon, And that the said Fee of a Pistole, to be taken by the Governor of the said Colony for the time being, for the affixing the Seal of the said Colony to the Grants of Lands there, may receive His Majesty's Sanction and Approbation,

[and (b) of an address of the Council of Virginia, representing] that they conceiving it for His Majestys Service, did on the 22d of April 1752, advise and Consent, that the Governor should demand and take one Pistole, as a reasonable Fee for every Patent for Land by him signed and Sealed, But the House of Burgesses having represented to His Majesty as a publick grievance, the Proceedure of His Majestys Governor in demanding the

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said Fee, and the Governor being informed of the House of Burgesses Dissatisfaction, declared in Council, that he would not require any Fee for signing and affixing the Seal to any Patents for Land, but such as were posterior to the 22d of April 1752, provided a Law was enacted for the payment of the arrears of Quit Rents from that time, the Council therefore prepared and passed a Bill for the purposes aforesaid, to which they desired the Concurrence of the House of Burgesses, but the Bill being rejected by them, and finding all methods of Accommodation to avail nothing, the Members of the said Council do most humbly lay the same at His Majesty's Royal Feet, beseeching His Majesty to be assured, that their utmost endeavours always have been, and ever shall be exerted to promote the Honour and Interest of His Majesty, and the Welfare, and prosperity of that His ancient Colony and Dominion. [pp. 35-6.]

28 Feb. [Reference to the Committee of an address of the House of Burgesses of Virginia complaining of the Governor's demand of a fee for affixing the public seal to patents for land, as] contrary to His Majestys Instructions, and those of His Royal Predecessors, and an express Violation of the Declaration of His late Majesty King William in Council, the 9th of September 1689; And representing, that this demand is not only unusual and Oppressive, to His Majesty's Subjects there, but very detrimental to His Majesty's Interest, And therefore humbly beseeching His Majesty, that He would be graciously pleased, by His Royal and Paternal Interposition, to relieve them from the payment of this Demand, which they have the greater reason to Hope for, as their Ancestors have established an Ample Fund for the support and maintenance of His Majesty's Governor there. [p. 66.]

21 June. [Order in accordance with the Committee report of 18 June] that the said Address of the House of Burgesses should be rejected. But that it may be adviseable for Your Majesty on this occasion, to order the Lords Commissioners for Trade and Plantations, to prepare a Letter to the Governor of



1754.

Virginia to regulate his Conduct with regard to his taking the Fee of a Pistole, and to make other Regulations relative to the Grants of Lands as may be most conducive to the welfare of the Province of Virginia and the benefit of Your Majestys Revenue and Service. [pp. 111, 144-6, 161.]

[Reference to the Committee of a representation of the House of Burgesses of Virginia, setting forth] that they have passed a Bill, for raising a further sum of 20,000*l.*, by a Poll Tax for protecting themselves against the Ambitious and cruel designs of the French, which hath been rejected by the Council of the said Colony, on account of a Clause being inserted therein, for paying 2,500*l.* to an Agent they had appointed to Sollicit His Majesty for Redress against a Fee of a Pistole demanded by the Governor for Sealing Grants of Lands, and praying, that they may be justified in their proceedings. [p. 271.]

5 Dec.

[228.] [Reference to the Committee of the petition of John Freebody, merchant of Newport, R.I., complaining of the General Assembly for refusing him another trial at the Superior Court on two judgments of Nov., 1751 (in the Inferior Court) and March, 1752 (in the Superior Court) in his action to recover a strip of land 3 feet wide and 60 feet long, which John Cook had taken in from a way belonging to the petitioner, and praying to be allowed an appeal here on the usual security.] [p. 36.]

31 Jan.  
Rhode  
Island.

[The appeal is admitted, on the Committee report of 26 Feb. Security is given on 26 March by Hungerford Spooner, merchant, of Abchurch Lane, London, and John Barratt, merchant, of the parish of St. Botolph, Bishopsgate, London.] [pp. 55, 62.]

28 Feb.

[On the Committee report of 17 Dec., the appeal is dismissed with 20*l. stg.* costs.] [pp. 100, 111, 244, 271-2, 283.]

(1755.)

9 Jan.

[229.] [Reference to the Committee, and by them on 2 April to the Board of Trade, of an address of the House of Burgesses of Virginia] setting forth, that to the West-

28 Feb.  
Virginia.

ward of the Ridge of Mountains which separates the Rivers Roanoke, James and Potomack from the Missisipi, there is an extensive Country lying within the Bounds of the said Colony, in which but few of His Majesty's Subjects are yet Seated, and some friendly Nations of Indians, on or near the River Ohio, who have long since given up their Lands to His Majesty, and as the peopling that part of the Country is of the greatest Consequence to His Majestys Colonys in America, they earnestly entreat His Majesty, that He will be graciously pleased, to grant his Lands in small quantities, free from the payment of Rights and Quit Rents, for the Term of ten years, which, from the like Indulgence granted to the Colonys of Spotsylvania, and Brunswick at their first Erection in 1720, they are Assured will produce the most happy and desireable Effects, all the encouragement in their power, given to foreign Protestants to settle on those Lands, will not be sufficient ; And representing, that several of His Majestys Subjects having obtained Grants for very large Tracts of those Lands, with an Indulgence for several Years for compleating the Surveys of the same, and making Settlements thereon, the Poorer sort of People are deterred from settling themselves on any of the Lands between the said Mountains and River Mississippi, for fear they should be taken in by those Grants, and after great trouble and expence, be under the necessity of Removing to some other Country, or of purchasing from those Grantees, at such Rates, as they think fit to demand from them, which has been, and will always continue, a great Obstruction to the peopling of that part of the Country, unless remedied by His Majestys gracious Interposition ; they therefore humbly hope to obtain these several favours, and they then make no Doubt, that foreign Protestants will be induced to settle among them, and that they shall be thereby enabled, to support His Majestys Just Title to that Territory, against the Pretensions of the French, and bind the neighbouring Indians to His Majestys Government, in a firm and lasting friendship. [pp. 66, 109.]

1754.

6 Aug.

[An additional instruction to the Governor, the Earl of Albemarle, is approved in accordance with the Committee report of 5 Aug. on the draft ordered by them on 18 July, when they approved the following Board of Trade report of 20 June:] That the Settlement of the Country lying to the Westward of the great Ridge of Mountains, appears to be of great Consequence, in as much as nothing can more effectually tend to defeat the dangerous designs of the French, and put a stop to the progress they have of late years made, in gaining Possession of that Country, to which Your Majesty has an undoubted Right, and which, if not prevented, will endanger the security not only of the Province of Virginia, but also that of Your Majestys other Colonys, they could not therefore but be of Opinion, that all proper encouragement should be given for the enlarging and extending the British Settlements in this part of the Country ; And as it appeared, that the Assembly of Virginia have made considerable advances towards promoting such Settlements, they were of Opinion, that it will be for Your Majestys Service, to remit the Quit Rents, upon all such Grants, as are made to the Westward of the Great Ridge of Mountains, to such Persons as shall take up Land there, for ten years, from the Date of their respective Grants ; And also the Fine of five shillings upon each fifty Acres, for ten Years to come ; And they are the rather of this Opinion, as Your Majestys Revenue, will in all Probability be increased at the expiration of the said Term of ten Years, and a good Barrier will be formed to the British Plantations, by a New Settlement, which cannot be supported without some advantages at the first Planting. That there are however two Particulars that should especially be guarded against, if your Majesty should be graciously disposed to remit Your Quit Rents for the time proposed by the Address, Vizt. That no Person already Possessed of Lands in any other part of Virginia, held by Quit Rents from the Crown, be admitted to take up Lands in this part of the Province, without giving sufficient security, for continuing

1754.

the Payment of the Quit Rents for the Lands by him already possessed, notwithstanding his Removal ; And that no Person whatever be allowed to take up more than One thousand acres in his own, or any other name in Trust for him, by which the Inconvenience that the House of Burgesses of Virginia State, to attend the making large Grants in that part of the Country, will be Remedied for the future. [P.R.]

[pp. 200-1, 214-5, 218-9.]

16 Mar. [230.] [Reference to the Committee of a Board of Trade  
N. Carolina. representation proposing that a certain and adequate provision be made for Governor Dobbs of North Carolina.]

[p. 83.]

26 Mar. [On considering the Board of Trade report on a memorial by Dobbs,] By which Report it appears, that your Majesty was pleased in September 1733, to direct a Salary of One thousand Pounds per Annum to be paid to the Governors of North Carolina, out of the Revenue of Quit Rents arising within that Province, and to establish other Salaries payable out of the same, to other Officers of that Government, amounting in the whole, to One thousand, Four hundred and fifty five pounds per Annum, But that Your Majestys said Revenue has fallen very far short of the said Establishment, The Arrears of Salary now due to the late Governor Johnston, amounting to the sum of 13,462*l.* 19*s.* 2*d.*—And in proportion to the other Officers, and that the Receipt of your Majestys said Quit Rents in the Four Years from 1745 to 1748, amount to no more, than 1,261*l.* 7*s.* 1*d.* The Lords of the Committee . . . looking upon it as absolutely necessary, for the better enabling the Governor to support the Honour and Dignity of His Government, that a certain provision be made for him out of some other Fund, than that beforementioned, Do therefore agree humbly to Report to your Majesty as their Opinion, that the said Revenue, in North Carolina should be discharged from payment of the Governors Salary of One thousand Pounds per Annum for the future, And that the like Salary should be settled upon the present Governor of North

1754.

Carolina, and be established upon such other Fund as the Lords Commissioners of Your Majestys Treasury shall judge most proper. [p. 95.]

[The report is approved and referred to the Treasury] to consider of a proper Fund for payment of the said Salary, and to prepare and lay before His Majesty the necessary Instrument for establishing the said Salary upon such Fund. 28 Mar.

[p. 100.]

[231.] [On the Committee report of 26 March—the Order of reference of 16 March is not given in the Register—John Merrill is allowed to appeal from judgments of the New Hampshire courts in favour of the proprietors of the township of Bow. Security is given on 29 March by Christopher Kilby, Esq., of St. Martins in the Fields and the Rev. Timothy Walker of New Hampshire.] 28 Mar.  
New Hampshire.

[pp. 86, 101.]

[On the Committee report of 27 May, the judgments against Merrill are reversed and order given for restoring him to all he has lost by them. Merrill's appeal sets forth] that, in 1755 (1755.) [1725], at a General Court or Assembly for His Majestys Province of the Massachusetts Bay, Benjamin Stephens and others, having applied by Petition for a Grant of Land at Pennycook, on the River Merrimack, and the said Petition having been referred to a Committee of both Houses, the said Committee made a Report thereon to the said Assembly, that the Lands Petitioned for, should be assigned and set apart for a Township, to contain seven miles square, and to begin where Contacook River falls into Merrimack River, which Report was agreed to by both Houses of the Council and Assembly of that Province, and concurred in by the Governor; That on the 10th of May 1726 a Committee proceeded to that Place, with Surveyors and Chainmen, and laid out one hundred and three Lotts on the said River Merrimack agreeable to the said Resolution, and in February following, they admitted the several Settlers, amongst whom the Petitioner was one. That the Petitioner together with several others of the said admitted Settlers, in the Spring of the Year 1727, went to 24 June.

the said Place, to bring forward the said Settlement of a New Town, and pursued their purpose with such Vigour, that in 1730 they had a Church built, and a Minister ordained, and in 1733, they were incorporated into a Township, by the name of Rumford, by an Act of Assembly of the said Province of the Massachusetts, which was confirmed by His Majesty, and the Petitioner and the said other Settlers, have been at very great Costs and Labour, in clearing and Cultivating the Lands, and improving the same, by Buildings and otherwise for almost thirty Years past. That the Petitioner and the said other Settlers, at the time of their entering on and settling the said Lands, had not the least doubt, but that they were quite safe in so doing under the said Governor and Company of the Massachusetts Bay, the said Town of Pennycook, otherwise Rumford, being situated upon the said River Merrimack, and included, as was then generally understood, within the Boundary of that Colony. That some Years since, upon a dispute about the Boundary Line, between the Provinces of the Massachusetts Bay and New Hampshire, His Majesty was pleased to issue a Commission to mark out the dividing Line between them, but with an express Declaration against Private property being affected thereby ; And upon hearing the Report of the Commissioners appointed to settle the said Boundaries, His Majesty was pleased, by His Order in Council, made in 1740, to adjudge and Order the Northern Boundaries of the said Massachusetts Bay to be a similar Curve Line pursuing the Course of the said Merrimack River, at three Miles Distance on the north side thereof, beginning at the Atlantick Ocean, and ending due North, at a Point called Pantuckett Falls, and a Streight Line drawn from thence cross the said River till it met with His Majesty's other Governments. Which adjudication determining the Boundary Line of the said Province of the Massachusetts to pursue the Course of the said River, no farther than the said falls, thereby excluded out of the Massachusetts great part of the said River Merrimack

with the Lands thereon adjoining, and particularly the said Town of Pennycook, otherwise Rumford, which had formerly been reputed to lye within that Province, and throwed the same into the said other Province of New Hampshire ; That notwithstanding His Majesty had been pleased at the time of issuing the said Commission to fix the said Boundary, to declare the same was not to affect Private Property, and in which all Persons acquiesced for several Years since elapsed, Yet, very lately, certain persons of New Hampshire, being minded to disturb the Petitioners, and others, the said first Settlers of the said Town of Pennycook, otherwise Rumford, and take from them the Benefit of all their Labours, on the 14th of November 1750, brought an Ejectment, by the name of the Proprietors of the Common and undivided Lands lying and being in the Town of Bow in New Hampshire, against the Petitioner, in the inferior Court of Common Pleas holden at Portsmouth for the said Province, by which they demanded against the Petitioner, Eight Acres of Land (being part of the Premises the Petitioner had settled and improved in the said Township of Pennycook alias Rumford as aforesaid) with the Edifices and appurtenances, alledging the same to lie in Bow aforesaid, and laid their title back as far as 1727, and alledging, that the Petitioner had, within Twenty three years then last past, entered thereon, and disseized them, and withheld the Possession from them. To which the Petitioner pleaded not Guilty ; And on the 7th of March 1750, the said Cause was brought on to Trial in the said inferior Court, before a Jury, who gave a for the Petitioner with Costs of Court, and Judgment was entered up for the Petitioner accordingly : From which the Plaintiffs Appealed to the next Superior Court ; And at the said Superior Court of Judicature held the Second Tuesday in December 1752, the said Cause was brought on to Tryal again before another Jury, when, amongst other things, the Plaintiffs produced a Grant, dated the 20th of May 1727, made by John Wentworth as Lieutenant Governor of New Hampshire, for the encouragement of

1754.

settling a New Plantation, to sundry of His Majestys Subjects, whose names were Entered in a Schedule thereunto annexed, that inhabited, or should inhabit within the said Grant, to whom he thereby granted a certain Tract of Land beginning on the South East Side of the Town of Chichester, and running Nine Miles square, as therein mentioned, and to be a Town Corporate by the name of Bow, To hold to the said Grantees, and such associates as they should admit, for ever, upon several Conditions therein mentioned, and amongst others, upon Condition of Building Seventy five Dwelling houses thereon, and settling a family in each house, and clearing three acres of Land within three Years. And the Plaintiffs also produced a Return of laying out the said Town of Bow in the latter end of 1728, in such manner as to interfere with a Considerable Part of the said Town of Pennycook, but it appeared by such Return, that instead of beginning the same on the South East Side of the Town of Chichester, according to the direction of the said Grant, they had begun it at the South West Side of the said Town, which was quite contrary thereto, and otherwise it is apprehended, there would not have been any interfering between the said Towns. And the said Plaintiffs also produced some Oral Evidence, to shew that they the said Grantees of Bow, in 1728 and 1729, after the Petitioner and the rest of the said Settlers at Pennycook had begun their said Settlement, and were carried on thereof, had made some Objections to their proceeding therein, but had not pursued any Course of Law against the said Pennycook Settlers in respect thereof till since the said Boundary Line between the said Two Provinces was settled by His Majesty. Yet the Jury on the said Tryal in the said Superior Court gave their Verdict for the Plaintiffs, and found for them a Reversion of the former Judgment and the Premises sued for and Costs of Court, and Judgment was thereupon entered up. . . From which last judgment the Petitioner on the 4th of June 1753, brought a Writ of Review before the



1754.

Justices of the said Superior Court, and on the first Tuesday in August 1753, the said Cause was brought on again to Tryal and the Jury gave their Verdict for the said Original Plaintiffs, and Judgment was thereupon entered up, Affirming the said former Judgment in the said Superior Court, against the Petitioner, and that the said Proprietors should recover Costs of the Petitioner, taxed at 18*l.* 5*s.* 0*d.* New Tenour. [Merrill was denied an appeal by the Superior Court because the premises were not of sufficient value, but on his petition to his Majesty, this was granted] the Question determined therein affecting the Petitioners Right to several other Lands, held by the Petitioner under the same Title, of very considerable Value in the whole, and much exceeding the sum limited by the Royal Instructions, and also affecting the Rights of many other persons, who are in the like Circumstances with the Petitioner, and hold under the same Title, and being intended to settle a general Question of Right, and for avoiding a multiplicity of other like suits.

[*pp.* 102, 111, 315, 415, 419-22, 454.]

[232.] [Reference to the Committee of the petition of Edmund Hyde, Esq., of Jamaica, for leave to appeal from four orders of the Jamaica Chancery, 23 Feb., 1 March, 19 April, and 3 May, 1753, in a case between the petitioner and Robert Greenlees and Dorothy his wife in relation to the payment of 1,933*l.* 3*s.* 3½*d.* Jamaica currency and interest.]

28 Mar.  
Jamaica.

[*p.* 102.]

[On the Committee report of 2 April, the appeal is admitted. Security is given on 11 April by Hugh Hamersley, of Lincoln's Inn, and Giles Hitchcock, of Chancery Lane.]

8 April.

[*pp.* 108, 122, 125, 157.]

[Reference to the Committee of another appeal by Hyde from a Chancery order of 17 May, 1754, in a case relating to the repayment to Hyde of 2,312*l.* 11*s.* 2½*d.* currency with interest and costs. Robert Greenlees is now dead, leaving his widow sole executrix.]

(1755.)

3 April.

[*p.* 370.]

1754.

(1755.) [Reference to the Committee of Mrs. Greenlees' petition  
26 April. for a reasonable time to answer and lay before his Majesty  
several matters relating to Hyde's first appeal.] [*p.* 379.]

(1756.) [In accordance with the Committee report of 24 June, order  
7 July. is given on Hyde's two appeals, dismissing the plaintiff's bill  
against him, reversing the orders of 23 Feb., 1 March, 19 April,  
and 3 May, 1753, and affirming that of 17 May, 1754, with  
an addition ordering Mrs. Greenlees to repay to Hyde  
2,312*l.* 11*s.* 2½*d.* and interest out of the assets of her husband,  
Robert Greenlees: no costs are allowed on either side.  
Persons named in the Committee report are Thomas Mitchell,  
senr., Pauncefort Miller, Jane Mitchell or Miller or Garth  
or Hamilton, Frances Mitchell, Humphrey Morice, James  
Garth, Robert Hamilton; Thomas Mitchell, junr., Charles  
Brown and Henry Stout (three previous husbands of Dorothy  
Greenlees), Abraham Richardson,—Spencer, Mr. Grove, and  
the Governor, Charles Knowles.]

[XVI. *pp.* 55, 135, 210-8, 246.]

28 Mar. [233.] [Reference to the Committee, and by them  
Ohio. on 2 April to the Board of Trade, of the] Petition of  
the Ohio Company, praying, that upon Condition the  
Petitioners enlarge their Settlements, and Seat three hundred  
Families instead of One hundred by their former Contract,  
and in Consideration of their Erecting Two Forts, one at  
Shurtees Creek, and the other at the Fork, where the great  
Conhaway enters the Ohio, and maintain them at their Own  
expençe, That His Majesty will be graciously pleased, to  
enlarge their Grant under the same Exemption of Rights and  
Quit Rents, as in the former Instructions, and to fix the  
Bounds without further delay of Survey from Romanetto or  
Kiskominetto Creek, on the South East Side of the Ohio, to the  
Fork, at the Entrance of the great Conhaway River, and from  
thence along the North side of the said Conhaway River, to  
the entrance of Green Briar River, and from thence in a Strait  
Line or Lines, to, and along the Mountains, to the South  
East Spring of Mohongaly River, and from thence Northwards,

along the Mountains, to the North East Springs of Romanetto or Kiskominetto Creek, or till a West Line from the Mountains intersects the said Spring, and along it, to its entrance into the Ohio, which will prevent all disputes or delay about the Limits, which are necessary to be immediately determined, as the Season is advancing, to procure Foreign Protestants, and others of His Majesty Subjects, to go on with the Settlement, and to procure materials to erect their second Fort at the mouth of the Great Conhaway River (the Fort on Shurtees Creek being now Building) to prevent the Intrusion and encroachments of the Indians in the French Alliance, and Secure Our Settlements upon the Ohio, which if not immediately put in Execution, before they get Possession, may be highly detrimental to the Colonys, and occasion a great future Expence to Britain. [pp. 103, 110.]

[234.] [The Council approve, and give orders to the 8 April.  
Nova Scotia.  
Ordnance in accordance with a Board of Trade representation of 4 April,] Setting forth, that directions have been given, to Erect a Strong Battery for the security and Defence of the Town and Harbour of Halifax in Nova Scotia, which is to consist of Fifteen Twenty four Pounders, and that the Engineer appointed to direct and superintend the Work, has laid before them, a List of some Utensils and Materials, which he apprehends, will be necessary in Order to carry this Service into Execution, Vizt. Wheelbarrows three hundred, Iron Shod Shovels five hundred, and Pick Axes and Helves five hundred ; And the said Lords Commissioners therefore humbly propose, that His Majesty would be graciously pleased to Order, that the said Utensils and Materials be sent to that Province, as soon as possible. [p. 124.]

[Reference to the Committee of a Board of Trade representation desiring directions on an estimate of ordnance stores transmitted by Lt.-Governor Charles Lawrence as necessary for the province of Nova Scotia. On 26 Nov. the Committee refer the estimate to the Ordnance.] 12 Nov.

[pp. 252, 265.]

246 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1754.

5 Dec.

[Reference to the Committee of a Board of Trade representation that they have received a letter of 14 Oct. from Lt.-Gov. Lawrence in which he represents the want of seven 24-pounders and appurtenances to complete the battery lately erected on the eastern shore of the harbour of Halifax. The Board of Trade propose that directions be given to the Ordnance to send the cannon &c. as soon as possible, as it is of great importance to the security of the province that the battery should be completed with all possible despatch.] [p. 270.]

17 Dec.

[The Committee refer to the Treasury an Ordnance report proposing that the expense of the stores desired by Lt.-Gov. Lawrence, 5,954*l.* 15*s.* 4*d.*, should be paid out of the money granted by Parliament for Nova Scotia, as the Board of Ordnance have no fund for the service of that colony. The Committee refer to the Ordnance for an estimate the representation and letter referred to them on 5 Dec.] [p. 274.]

(1755.)

21 Jan.

[The Committee refer to the Treasury the Ordnance estimate of 7 Jan. for the cannon for Halifax harbour—1,295*l.* 3*s.* 8*d.*, and a proposal similar to the above as to the payment therefor.] [p. 298.]

(1755.)

13 May.

[Order is given, in accordance with the Committee report of 7 May, for sending the cannon and the stores,] and that the expense thereof, should be defrayed by the Office of Ordnance, and charged to the account of the extraordinary expense of that Office, as a service incurred, and not provided for by Parliament. [The details of the estimates are given in the Register, amounting in all to 7,249*l.* 19*s.*] [pp. 392, 401-3.]

8 April.

New York.

[235.] [Reference to the Committee of a Board of Trade representation of 4 April with an address of the General Assembly of New York relating to article 39 of the late Governor's instructions.] [p. 125.]

6 Aug.

[The address is dismissed, in accordance with the Committee report of 18 July,] that the Assembly have in this Address, asserted, that the imputations contained in the said 39th Article, of Your Majestys Instructions were groundless and have been

most falsely and maliciously represented to Your Majesty. But the said Lords Commissioners set forth in their said Representation, That as this Instruction was founded upon their Report upon the State of that Province, dated the 2<sup>d</sup> of April 1751, they think it their duty in justification to themselves, and for the support of Your Majestys honour and dignity, to observe that the several Facts therein contained, and which are recited in the Instruction, are verified in the clearest and strongest manner, by a variety of incontestible evidence. That it appears from the Journals of the proceedings of the Council and Assembly, that during the greatest part of Mr. Clintons Administration, Faction, animosity and disagreement did subsist between the different Branches of the Legislature, and that the Publick Peace and tranquility of the Province was greatly disturbed. That it appears from the Acts of the Assembly, particularly by those for raising money for Publick Service, which are all of a temporary nature, and to which Your Majestys Governor was necessitated from the exigences of the Service in time of War, to give his Assent, that the Assembly have taken to themselves, not only the management and disposal of such Publick money, but have also wreted from Your Majestys Governor, the nomination of all Officers of Government, the Custody and direction of the Publick Military Stores, the Mustering and regulating of Troops raised for Your Majestys Service, and in short almost every other executive part of Government, by which unwarrantable Encroachments and Invasions of Your Majestys just and undoubted authority, Order and good Government were subverted, Your Majestys Service obstructed, and the Security of the Province endangered; As therefore every imputation of misconduct in the Assembly, mentioned in Your Majestys said Instruction, is so clearly proved from their own Acts and Proceedings, the said Lords Commissioners are of Opinion, that no regard ought to be had to the Assertion in their Address, that they have been falsely and maliciously represented. [pp. 220, 234-5.]

1754.

29 May.  
Jamaica.

[236.] [Reference to the Committee, and by them on 14 June to the Board of Trade, of the] Petition of the Merchants, Factors, and Agents, residing in the Island of Jamaica, in behalf of themselves and their Constituents, and all others, the Merchants of Great Britain, Ireland, and the Colonys of North America, Trading to the same, humbly praying for the reasons therein contained, that His Majesty will be pleased, of His Royal Grace and favour, to command the Governor of the said Island, to reside for dispatch of Business, and holding His Majesty's Courts in which he presides at the Town of Kingston, the Metropolis of the Trade of the said Island, And that His Majesty would be most graciously pleased to grant to the Petitioners such Relief with Respect to the Courts of Judicature and Records, as to His Majesty in his Royal Wisdom and Goodness shall seem meet : [and four other petitions from the justices and vestry and planters of the parishes of St. Andrew, St. Thomas in the East, St. Mary's and St. George's, and Port Royal, respectively,] together with several other Papers (a List whereof is hereunto annexed) in Support of the said Petition of the Merchants :—

Representation of the Merchants, Factors and Agents of Jamaica to the Board of Trade, containing their reasons at large in support of their request.

Copy of a Letter from Charles Knowles Esqr. Governor of Jamaica, to the Board of Trade dated the 5 of February 1754.

Copy of a minute of His Majestys Council of Jamaica, the 4th of February 1754, on a Petition presented by the Merchants, Factors and Agents of that Island, to the Governor and Council.

Copy of a Letter from Governor Knowles, to the Merchants of Kingston in Jamaica, dated 12th January 1754 in Answer to a Letter received from them.

Copy of a Letter from Thomas Cotes Esqr. Commodore of His Majestys Ship of War stationed at Jamaica, to the Merchants of Kingston, dated 20th January 1754, in answer to one received from them.

1754.

Plan of the Harbour of Kingston in Jamaica.

Copy of the Observations of Mr. Bontein, late Engineer of Jamaica, on the said Harbour. [pp. 133-4, 140.]

[Similar references of a] Petition of the Inhabitants of the Town of St. Iago de la Vega, in the Island of Jamaica and of the Planters and others, Proprietors and Occupiers of Lands and Settlements in the Neighbourhood of the same, Setting forth, amongst other things, that the Petitioners have been informed, that on the 24th of January last, a Petition to His Majesty, which had been drawn up and engrossed privately, was laid before a great number of the Inhabitants of the Town of Kingston, and parts adjacent thereto, who had been summoned by Advertizements, to meet at the Court House in the said Town, on that day; praying, that His Majesty would be pleased to remove the Seat of Government, the Courts of Justice, and the Records, from the Town of St. Iago de la Vega, to the Town of Kingston, and the Petitioners humbly pray, that His Majesty will be graciously pleased to suspend giving His Judgment upon the said Petition, in which the Property and very being of so many of His Majesty's Subjects is at Stake, in Case the same shall be presented, to His Majesty, untill such time, as the Petitioners shall be able to obtain Copys thereof, and have time and Opportunity of Laying before His Majesty their Answer thereto. And . . . a Copy of a Request made by the Inhabitants of St. Iago de la Vega to Charles Knowles Esqr. Governor of the said Island of Jamaica, desiring him to transmit their Petition to His Majesty, and also a Copy of a Letter from Charles Knowles Esqr. Governor of Jamaica, to the Lords Commissioners for Trade and Plantations, dated the 15th of February 1754, transmitting the said Petition, and taking notice of the riotous manner in which it was set on foot, and of the indecent behaviour of Mr. Fuller, the Chief Justice on that Occasion [pp. 134-5, 140-1.]

[Reference to the Committee, and by them on 26 Nov. 12 Nov. to the Board of Trade, of (a) a petition from St. Iago de la Vega for restoration of the seat of government and

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for copies of the memorials, &c., on the other side that they may have an opportunity of answering them, or for relief] adequate to the Preservation of many of His Majestys usefull Subjects, a greater number of whom are in danger of being totally ruined and unsettled by these proceedings, than have been introduced and settled by virtue of the several Laws enacted for the encreasing the number of settlers in that Island, for half a Century past, and the immense sums that have been expended in carrying such Laws into Execution :

[(b) a petition from Cornwall county, Jamaica, against the removal of the seat of government : and (c) two petitions from the parishes of Hanover and St. James, in favour of its removal to Kingston.] [pp. 253-4, 265-7.]

(1755.) [Reference to the Committee, and by them on 10 Sept.  
26 Aug. to the Board of Trade, of an] Address and Representation of the Council and Assembly of the Island of Jamaica, setting forth, amongst other things, that to remedy the Grievances which have been felt by, and were become almost insupportable to the Inhabitants of those parts of the Island remote from the Place where the Supreme Court of Judicature is held, they have passed a Law to extend the Jurisdiction of the Inferior Courts of Common Pleas, over Personal Actions of the value of two hundred pounds. That to remedy the inconveniencys attending the Holding the Supreme Court of Judicature and the Keeping of the Publick Records at St. Iago de la Vega (a defenceless place) they have passed a Law for their removal to Kingston, the Principal Trading Town in the said Island—And that none of His Majestys Subjects may be injured in their property, by such removal of the Supreme Court of Judicature and of the Records, they have passed a Law to empower Commissioners to enquire what losses may be sustained by such of the Freeholders and Leaseholders of Houses in that Town, whose Livelyhood did depend upon the Records and Supreme Court being kept there, and they have pledged their faith for making



them a Reparation—And humbly imploring His Majesty's Royal Assent and approbation of the said several Laws.

[pp. 507, 513.]

[The Committee recommend the disallowance of the above (1756.)  
three Acts of May, 1755, in accordance with the following Board 19 Feb.  
of Trade report of 12 Feb.,] That they have been attended by  
Mr. John Sharpe, Agent for the Island of Jamaica, with his  
Counsel, by Mr. Hammond Solicitor for the Merchants and  
others of the Town of Kingston, and by Mr. Paris, Solicitor for  
the Planters and occupiers of Lands, Houses, and Tenements  
in St. Iago de la Vega, and its neighbourhood, with his Counsel,  
and have heard what the said Partys, by their Counsel, had to  
offer for and against the Confirmation of the said Acts.

That the [second] of these Acts repeals certain parts or  
Clauses of three several Acts therein recited, passed in the said  
Island in the year 1681, and of one other Act passed there in  
1703, all of which have received the Royal confirmation, and  
therefore the Governor of the said Island, in Obedience to  
the 20th Article of His Instructions, by which he is directed  
not to give his Assent to any Law for repealing any other  
Law passed in his Government, whether the same has, or  
has not received the Royal Approbation, unless he shall take  
Care that a Clause be inserted in it, suspending and deferring  
the Execution thereof, untill Your Majestys pleasure shall  
be known concerning the same—ought not to have given his  
Assent to this Act without such suspending Clause.

That the two other Acts, which have a Connection with, and  
dependance on the foregoing, being of an unusual and  
extraordinary Nature and importance, whereby the Property  
of Your Majestys Subjects may be prejudiced, are liable to  
a like objection, from the want of a suspending Clause, as  
required by the 22<sup>d</sup> Article of Your Majestys Instructions to  
the said Governor. For these Reasons, and because the  
practice, which is become too frequent in Your Majestys  
Colonys, of passing Laws of a Nature not Warranted by  
Your Majestys Instructions, which take immediate Effect,

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and continue in Force till Your Majestys pleasure be signified to the contrary, is productive of consequences very prejudicial to Your Majesty's Service, the said Lords Commissioners are of Opinion, that the said three Acts should receive Your Majestys Royal disallowance.

That the said Lords Commissioners found another Act to have been passed in the said Island, at the same time with the foregoing, entitled—

An Act to appoint Commissioners to erect and build a House and Offices in the Town of Kingston for the Residence of the Governor of this Island, and to empower the Justices and Vestry to assess and Levy a Tax upon the Proprietors of Houses and Lands, Inhabitants and Traders in the said Town.

And as this Act appeared to be Consequential of, and dependant on the Acts aforementioned, of a like extraordinary Nature, and liable to the like objection, the want of a suspending Clause, the said Lords Commissioners proposed that this Act might also receive His Majestys disallowance.

[XVI. *pp.* 51-3.]

(1757.) [On a Board of Trade representation of 16 Dec. an address  
4 Jan. of the Assembly of Jamaica submitting their opinion as to the proper seat of government and to the causes of the late dissensions, is referred to the Committee, and by them on 25 Jan. to the Board of Trade.] [XVI. *pp.* 390, 409.]

(1757.) [Similar references, on a Board of Trade representation of  
11 Jan. 28 Dec., of a representation of the Council of Jamaica containing their opinion concerning the removal of the seat of government.] [XVI. *pp.* 398, 409.]

(1757.) [The Committee, on considering the Board of Trade report  
15 June. of 25 May, order that the Board of Trade] consider what Places may be most adviseable for His Majesty to make Ports of Entry and Clearance, What orders they conceive necessary to be given to the Officers who are to attend the Business of such Ports, and what orders should be given with respect to the Division of the said Island in proper Districts, and to the manner of establishing Courts therein, And that they do

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make Report thereof to this Committee. And it is hereby further Ordered, that the said Lords Commissioners do likewise prepare and lay before this Committee, a Draught of an Additional Instruction for the Governor of the said Island, directing him to reside, and hold the Courts in which he Presides, at such place as he shall think most proper for His Majestys Service, and the Convenience of the said Island.

[XVI. p. 530.]

[The Committee refer a copy of the Board of Trade report of 8 Dec. to the Attorney and Solicitor General, and direct them to prepare heads of a bill for establishing such circuit courts as are intended to be erected by the report. A letter to the Attorney and Solicitor General of 21 Dec. is also given in the Register, asking them to use the utmost despatch, that no time may be lost in restoring peace and quiet to the island, and mentioning that a copy of a former Board of Trade report is also included in the reference.] [XVI. pp. 658, 660.] (1757.) 19 Dec.

[A report of the Attorney and Solicitor General of 3 May, with a draft of an Act for dividing Jamaica into 3 counties and appointing justices of assize and oyer and terminer in two of them, is referred by the Committee to the Board of Trade.] (1758.) 15 June.

[XVII. p. 162.]

[Orders are given in accordance with the Committee report of 28 June, agreeing with the Board of Trade] that the Principal, if not the only grievances and disadvantages resulting to the Commercial Interests of Your Majestys Subjects, and the General of the Island from the Governors Residence, and the Courts and Offices being fixt at the Town of St. Iago de la Vega are, that the Trade and Commerce of the Island are greatly obstructed, and the Merchants, Masters of Ships and other persons, exposed to great Risque and expence, by being obliged to wait on the Governor at St. Iago de la Vega, before they can unload, or clear their Ships, and likewise to attend the Supreme Court held there, either as prosecutors in Suits which they may have depending, or as Jurors; that they cannot however be of Opinion that the (1758.) 29 June.

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fixing the Governors Residence at Kingston, and removing the Courts and Offices thither, would be a proper Remedy to those grievances, for although it would be a Relief and particular convenience to such of His Majestys Subjects as Trade to Kingston, or reside in that Town, or its neighbourhood, Yet, besides the effect it would have to prejudice the Proprietors of Lands in and about the Town of St. Iago de la Vega, it would be so far from relieving those who Trade to, or reside in the North West parts of the Island, that the Inconvenience would be increased to them in proportion, as the Seat of Government would be further removed from them. That it appeared to them that the Opening Ports of Entry and Clearance for Ships in different parts of the Island, the dividing it into a proper number of Countys, and establishing Courts therein in the nature of Circuit Courts, would be a proper and adequate Remedy equally adapted to the Interests and convenience of the whole Island, but as it appeared doubtfull to the said Lords Commissioners, whether these measures could be carried into Execution consistently with certain Laws heretofore passed in the Island, and confirmed by the Crown, by which the Supreme Court of Judicature, and most of the Offices of Record are fixt and appointed to be held at St. Iago de la Vega, and by which Regulations were made with respect to the entering and clearing of Ships, they therefore thought it proper to refer a full State of the Case to Your Majestys Attorney and Sollicitor General, who have Reported, that Your Majesty may, consistently with the abovementioned Laws, open Ports of Entry and Clearance in such different parts of the Island as Your Majesty shall think proper, and direct your Officers to attend therein ; But that Circuit Courts cannot be established unless by an Act of the Legislature of Jamaica, or by the Parliament of Great Britain—and the said Lords Commissioners proposed, that the Governor of the said Island should be directed to reside and hold the Courts in which he presides, as such place as he shall think most proper for Your

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Majestys Service, and the Convenience of the said Island, and that the Acts passed in Jamaica in May 1755, for removing the Courts, Offices &c. from St. Iago de la Vega to Kingston, should be Repealed. [Action on the report of 19 Feb., 1756, for disallowing these Acts had been postponed till the new Governor, Henry Moore, should transmit the dispassionate opinion of the Legislature. The Council favoured Kingston, and the Assembly, St. Iago de la Vega. In view of the disadvantages felt by those who live remote from the capital, St. Iago de la Vega, further orders are given (in accordance with the reports) (a) for the Governor to recommend it to the Assembly to pass a law for establishing three districts or counties and courts in the nature of circuit courts in two of them, and to make proper provision for the payment of judges' and officers' salaries; (b) for the Board of Trade to transmit to the Governor the heads of a law for establishing the new counties and courts, which had been prepared by the Attorney and Solicitor General; and (c) for making Kingston, Savannah La Mar, Montego Bay, and Port Antonio legal ports of entry and clearance, and for appointing the necessary officers there, to be paid reasonable salaries not exceeding 70*l.* each by the Legislature of Jamaica.]

[XVII. *pp.* 179-83, 186-90.]

[237.] [Reference to the Committee of the petition of Zachary Bayly, merchant of Jamaica, for a day for hearing his appeal from a Chancery order of 14 Feb., 1754, over-ruling his demurrer to a bill filed by George Smith, merchant of Philadelphia, against him and others to account and pay him the value of 40 tons of logwood and ordering that the suit be not stayed on account of Bayly's appeal.] 29 May.  
Jamaica. [*p.* 135.]

[On a motion by Bayly's counsel, the Committee order the proceedings in Chancery to be stayed till the appeal is determined.] 20 June. [*p.* 155.]

[On the Committee report of 19 Feb., the appeal is dismissed with 40*l.* *stg.* costs. The case is now described as relating to] forty tons of Logwood, which was charged in the (1756.)  
2 March.

1754.

said Bill to have been shipt on Board the Ship Alexander, Robert Moody Commander, by David Littlejohn deceased, and intended to have been consigned to Marmaduke Hilton of London Merchant to pay the proceeds thereof to the said George Smith, towards satisfaction of his Demands on the said David Littlejohn, but for which Logwood the said Robert Moody, Commander of the Ship Alexander, had, by the procurement of the Petitioner and others, after the death of the said Littlejohn, signed Bills of Lading to Messrs. Pinfold and Morgan of London Merchants, the Petitioners Correspondents. [pp. 306, 445 ; XVI. pp. 39, 48-9, 84.]

21 June.  
New  
Hampshire.

[238.] [On the Committee report of 20 June, a New Hampshire Act of 1742—to ascertain the fee of a messuage and tract of land in Portsmouth, in the province of New Hampshire, containing about 12 acres, heretofore mortgaged by William Vaughan of Portsmouth aforesaid, gentleman—is repealed. (P.R.) The Committee agreed with a Board of Trade representation referred to them on 18 June, finding] that this Act is made upon the suggestion of a Mortgager and Mortgagee, that the Mortgaged Estate which appears by a Will to be an intailed Estate was intended by the Testator to be a Fee Simple, and was intailed by some mistake in the writing of the Will, and therefore the Act declares the Estate to be a Fee Simple Estate, and that the same shall be so held against the Heirs of the Testator that may claim the same under the said Will. That such suggestions did not Warrant the Legislature of the said Province to pass this Act, which declares an entailed Estate to be a Fee Simple without proofs at Law of the mistake, and that the Right of any person claiming under such intail, ought not to be prejudiced upon such suggestions only—And that [the suspending clause required in private acts by the 24th article of the Governor's instructions is omitted.]

[pp. 147, 153, 160.]

21 June.  
Virginia.

[239.] [On the Committee report of 20 June, a Virginia Act of April, 1752—to explain the charter and enlarge the

1754.

privileges of the borough of Norfolk, and for the purposes therein mentioned—is disallowed. The Committee agreed with the Board of Trade representation referred to them on 18 June, finding] that the Charter, of which this Act is explanatory, was granted by Your Majesty in the tenth year of Your Reign, and that the attempting to amend, alter, or explain it by Act of a Provincial Assembly, who have neither leave nor authority so to do, appears to be a very improper and unwarrantable Measure, and highly prejudicial to Your Majesty's Authority. [pp. 148, 153, 161.]

[240.] [On Board of Trade representations of 18 June, the following appointments are made, and warrants therefor, already prepared by the Board of Trade, are approved :— Jonathan Belcher to be Chief Justice of Nova Scotia, the appointment of one having been desired by the Governor ; Joseph Herbert to be Chief Justice of Nevis, to which office he had been appointed (*vice* John Dasent deceased) by Gilbert Fleming, Lieutenant-General and late Commander-in-Chief of the Leeward Islands ; Harry Webb, similarly appointed Attorney-General of the Leeward Islands *vice* Ashton Warner deceased ; and Henry McCulloh to be Secretary and Clerk of the Crown of North Carolina *vice* Nathaniel Rice, deceased. P.R.] [pp. 166–170.]

21 June.  
Appoint-  
ments.

[On a Board of Trade representation of 14 July, James Habersham is appointed Secretary and Register of the Records in Georgia, and on a similar representation of 24 July, William Clifton is appointed Attorney-General of Georgia. Warrants for the appointments, already prepared by the Board of Trade, are approved on the same day. P.R.] [pp. 220–1, 224.]

6 Aug.

[On Board of Trade representations of 22 April, referred to the Committee on 26 April, and approved by it on 7 May, Peter Henley is appointed Chief Justice of North Carolina *vice* Enoch Hall, deceased ; James De Lancey, who has acted in the capacity for some years under commission from the Governor, is appointed Chief Justice of New York ; and Peyton Randolph is appointed Attorney-General of Virginia.

(1755.)  
13 May.

258 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1754.

Warrants for these appointments are also approved on 13 May.] [pp. 376, 388, 409-11.]

- (1757.) [On Board of Trade representations of 9 Feb., William  
16 Feb. Aynsley is appointed Chief Justice of New Jersey *vice* Robert Hunter Morris, resigned; and Thomas Walker, Attorney-General of the Leeward Islands, *vice* Harry Webb, who has returned to this kingdom. Warrants are also approved.]

[XVI. pp. 435-6.]

- 21 June. [241.] [The draft of a public seal is approved for Georgia;  
Georgia. as is a warrant, already prepared by the Board of Trade to save time, for having it engraved. On the seal] a Figure representing the Genius of the Colony is described, offering a Skain of Silk to His Majesty, with this Motto—Hinc Laudem sperate Coloni, and this inscription round the Circumference—Sigillum Provinciæ Nostræ Georgiæ in America—and on the reverse, are His Majestys Arms, Crown, Garter, Supporters and Motto, with this Inscription round the Circumference—Georgius II. Dei Gratia magnæ Britanniæ Franciæ et Hiberniæ Rex, Fidei Defensor, Brunsvici et Lunebergi Dux, Sacri Romani Imperii, Archi Thesaurarius et Elector. [pp. 168, 170.]

- 6 Aug. [The seal and a warrant for its use by Governor Reynolds are approved—P.R. A certificate signed by W. Sharpe, Clerk of the Council, is also given, ordering the engraver, John Pine, to deliver the seal to Governor Reynolds.] [pp. 223, 225, 234.]

- 21 June. [242.] [In accordance with a Board of Trade representation  
Jamaica. of 22 May on a letter from Governor Knowles, order is given for remitting a fine of 20*l.* imposed by the Grand Court in August last on Terence Williamson Kennedy for sending a challenge to one Hog. Kennedy had remained in prison ever since the sentence from inability to pay the fine; the judges recommended the Governor to remit it, but the 42nd article of his instructions forbids him to remit any fine over 10*l.* without his Majesty's leave.] [p. 170.]

- 21 June. [243.] [Reference to the Committee of a Board of Trade  
Jamaica. representation of 24 May that the commission for holding



1754.

Courts of Admiralty in Jamaica for the trial of pirates may be renewed, as Governor Knowles has represented to them that the commission given about 26 years since] is so greatly damaged by time and vermin, as to be hardly legible.

[p. 171.]

[Committee.] Representation . . Read and Ordered, that the Agent for the said Island of Jamaica, do take out an Exemplification of the said Commission, under the Great Seal,

18 July.

[p. 204.]

[Letter from W. Sharpe, Clerk of the Council, to John Sharpe, agent for Jamaica, acquainting him that the Council are of opinion, that as the said Commission is enrolled in Chancery here, there is no occasion for His Majesty to cause a new one, but that the Agent for the said Island, should take out an exemplification of the said Commission, under the Great Seal of His Majestys high Court of Admiralty, and transmit the same to Governor of said Island—And as you are the Agent for this Island, I am to acquaint you with this.

17 Aug.

[p. 237.]

[Letter from W. Sharpe to Thomas Hill, Secretary to the Board of Trade, to inform the Board of Trade that there will be no occasion for his Majesty to cause the said commission to be renewed.]

16 Sept.

[p. 241.]

[244.] [Reference to the Committee, and by them on 18 July to the Treasury, of a Board of Trade representation that a present be given to the Indians of Georgia on the appointment of a new Governor, as is usual in other plantations, and, as the circumstances of an infant colony make it necessary to defray the expense here, that 1,500*l.* be issued for this purpose to the person appointed Governor, under such regulations as shall be thought necessary. A memorial of Benjamin Martin, agent for Georgia, with extracts of letters thereto annexed, is also referred.]

21 June,  
Georgia.

[pp. 172, 201.]

[245.] [Reference to the Committee, and by them' on 18 July to the Treasury, of a Board of Trade representation

21 June.  
South  
Carolina.

1754.

of 28 May on a memorial of Henry McCulloh,] praying that he may have His Majesty's permission, to sett off the sum of One thousand and thirty five Pounds Sterling, part of the sum of Six thousand two hundred pounds, due to him and his Assigns, by virtue of His Majestys Warrant on the Receiver of the Quit Rents in South Carolina, on Account of his Salary, as late Comptroller of the Quit Rents in South and North Carolina, in discharge of such Quit Rents, as may hereafter arise and become payable by him in North Carolina, and that when his Tenants or such as have Mesne Conveyances under him have attorned to His Majesty for the payment of their respective Quit Rents, he may be thereafter exempted from the payment of such part, or proportion of them.

[pp. 172, 202.]

(1756.) [Another petition of Henry M'Culloh is referred to the  
13 Aug. Committee, and on 18 Aug. by them to the Board of Trade.]

[XVI. pp. 273, 286.]

(1756.) [Orders in accordance with the Committee report of the  
13 Oct. same date. The petitioner prayed] that Your Majesty will be graciously pleased to Order the sum which was formerly deducted from the Arrears of Salary, due to him . . to be now set off against the Quit Rents of such Lands as the Petitioner and his Associates are intituled to in the Province of North Carolina, And, that in Consideration of his great sufferings, and the Obstructions which have been given him by the War in America, he may be at liberty to carry on the Settlement of the said Lands until the 25th of March 1760, at which time the Petitioner will Surrender to Your Majesty all the Lands which have been granted to him or his Associates within Your Majestys Division in the Province of North Carolina, that are not then settled in the proportion of one white Person for every two hundred Acres contained in the said Grants.—[The Committee recommended that the petition be granted, in accordance with the Board of Trade report,] That the Case of the Petitioner appears to them from the many difficulties and hardships with which it

has been attended, to be worthy of Compassion, That the Lords of Your Majestys Treasury seem to have considered it in the same light, and to have granted him five hundred pounds out of the duty of  $4\frac{1}{2}$  per Cent. from Motives of Commiseration, and upon Principles of Equity. . . Mr. McCulloh has, in explanation of the first part of the Prayer of his Petition, acquainted them, that his meaning (tho' not so expressed), is to deduct the said five hundred pounds from the three thousand and Eighty four pounds, being the Total Sum abated in March 1752, on the Arrears of Salary then due to him, and to pray, that the Remainder . . may be now set off against the Quit Rents of such Lands as he and his Associates are intituled to in the Province of North Carolina . . That with regard to the Second point contained in the Prayer of the said Petition, the said Lords Commissioners represent, that the term of ten Years, at the end of which the Petitioner is, by the Conditions of his Grants, to Surrender to Your Majesty all such parts of his Lands, as shall not then be settled in the proportion of One White Person for every two hundred Acres, will expire in March next : And that Your Majestys Governor of North Carolina, is, by the Eighty fourth Article of his Instructions, directed to examine into the State of the said Lands at the expiration of the said Term, and to seize and take Possession of all such parts of them as shall not at that time be so settled ; But as the many difficultys and Hardships which the Petitioner appears to have undergone, the State of Hostility in which America has so long been, and the War in which it is now engaged, must have greatly obstructed the Petitioner in the prosecution of his Settlements, the Indulgence of three Years longer, appeared to them to be reasonable Request, and therefore they humbly proposed, that Your Majestys Governor of North Carolina may accordingly be directed to deferr the Execution of the said Article of his Instructions till after the 25th of March 1760.

[XVI. *pp.* 313-4, 317-9.]

1754.

(1757.) [Reference to the Committee, and by them on 16 Jan.,  
16 Dec. 1758, to the Board of Trade, of M'Culloh's petition relating to  
the payment of arrears of salary due to him as inspector  
of quit rents.] [XVI. p. 656, XVII, p. 9.]

(1758.) [The Committee agree with the favourable report of the  
17 Feb. Board of Trade, and refer it to the Treasury to report how the  
relief may be granted.] [XVII. p. 37.]

(1758.) [On the Committee report of 15 June agreeing with the  
16 June. Treasury report, it is ordered that, upon the petitioner's  
executing proper discharges or assignments to his Majesty  
of the 1,035*l.* still due to him under warrant for 6,200*l.* from  
the quitrents of South Carolina, this sum be paid to him out  
of moneys remaining in the Exchequer of the 4½ per cent. duty  
in Barbados and the Leeward Islands. M'Culloh's petition set  
forth] that on the 24th of March 1752 there was owing to the  
Petitioner . . 9,284*l.* Sterling, in Consideration of which he has  
since that time received your Majestys Warrant for the  
payment of 6,200*l.* sterling out of the Quit Rents in South  
Carolina, 500*l.* Sterling out of the four and half per Cent.  
duty, and an Order to the Receiver General of Your Majestys  
Quit Rents in North Carolina to sett off against the Quit Rents  
of such Lands as the Petitioner is intitled to there 2,584*l.*  
Sterling, amounting in the whole to 9,284*l.* Sterling; that  
the Petitioner hath not, in the Course of many Years received  
more than 3,200*l.* Sterling out of the aforesaid Warrant  
payable in South Carolina, and Your Majestys Order for  
2,584*l.* to be sett off against His Quit Rents in North Carolina,  
will not be fully paid and discharged before the Year 1775,  
and humbly praying . . that the sum of 1,035*l.* Sterling,  
(being all that remains of the aforementioned sum of 6,200*l.*  
Sterling, payable from the Quit Rents in South Carolina, that  
can be applied to the Petitioners use, the rest being assigned  
to his Creditors) may be paid to him out of the four and half  
per Cent. duty, or any other fund Your Majesty shall think  
fit to direct. [XVII. pp. 162, 169.]

1754.  
(1762.)  
14 Oct.

[On McCulloh's petition, pointing out that, though the instruction suspended by the Order of 13 Oct., 1756,] refers not only to the Condition of the Grants with respect to the Settlement of the said Lands, and the Quit Rents arising therefrom but also to the resuming all such of the said Lands, belonging to the Memorialist or his Associates, as should not be settled in the proportion of One White Person for every two hundred Acres, so that His late Majesty having been graciously pleased to deferr carrying into Execution the said 84th Article of the Governors Instructions relative to the said Lands and Quit Rents, evidently shews that the Priviledges under the said Grant, belonging to the Memorialist, and to the other Grantees were extended from March 1757 until the 25th of March 1760, and that there could not be any regular Charge of Quit Rents made until the said Governor had certified what proportion of the said Lands were forfeited or escheated to the Crown, and what remained to each of the Grantees. Yet the Receiver of the Quit Rents in North Carolina has charged the Memorialist and the other Grantees with the whole of the Quit Rents from the Year 1757 to this time, and by this Means endeavours not only to defeat the Grantees of the Indulgence granted to them by the Crown, but also to make them liable to the Payment of Quit Rents for such Lands as are in pursuance of His Majestys 74th Instruction to the present Governor to be seized and taken possession of for the Use of the Crown.

[McCulloh's prayer is granted that the money be set off against the quitrents due since 25 March, 1760, from which time the payment of quitrents is to commence.]

[To the reference to this entry in the Index is appended a note—"There is a bundle of McCulloh's papers in the month of October, 1762."]

[Geo. III, Vol. II. p. 384.]

[246.] [Reference to the Committee of the petition of] 21 June,  
John Mills Esqr. by Thomas Mills Esqr. his Attorney; and St.  
of Peter Mathew Mills Esqr. an Infant, by Cornelia Mills Christopher.

1754.

Widow, Peter Soulegre Esqr., The said Thomas Mills and John Mills Merchants his Guardians ; And of the said John Mills Esqr. and the said Peter Matthew Mills the Infant, by his said four Guardians ; And of the said John Mills Esqr., And of the said Cornelia Mills, Peter Soulegre, Thomas Mills, and John Mills Merchant ; And of Richard Goodright their feigned Lessee, [for a day for hearing their appeal from a judgment of the Court of Errors of St. Christopher, 26 Nov., 1753, reversing a judgment of the Court of King's Bench and Common Pleas, 2 July, 1753, on their action of ejectment against George Bryan for recovery of various lands &c. in the parish of St. John Capsterre.] [p. 175.]

(1755.) [On the Committee report of 13 Feb., the judgment of 25 Feb. the Court of Errors is affirmed with 20*l.* *stg.* costs.]

[pp. 259, 332-3, 348.]

6 Aug. [247.] [In accordance with an Admiralty memorial of Jamaica. 10 July, order is given for allowing in the accounts of Captain Thomas Bloss of H.M. hulk *Ludlow Castle*, late at Jamaica, 23*l.* 6*s.* 2*d.* for a quantity of powder which was expended in blowing up rocks at English Harbour for erecting the naval battery there. An account is given of quantities supplied on various dates from Feb. to Sept., 1746.]

[pp. 226-7.]

6 Aug. [248.] [Reference to the Committee of a Board of Trade Montserrat. representation of 24 July with an extract of a letter from Governor George Thomas of the Leeward Islands transmitting a copy of the proceedings against George Frye, President of the Council in Montserrat, whom the Governor had suspended from that Council. The Board of Trade propose that the suspension be confirmed.] [p. 229.]

6 Aug. [249.] [On a Board of Trade representation of 24 July Antigua. there is referred to the Committee, and by them on 13 Feb., 1755, to the Board of Trade, an extract of a letter from Governor Thomas] Setting forth the expediency of augmenting the Regiment Commanded by Colonel Durour, and of Granting

to them the Navy Allowance, as is granted to His Majesty's Forces at Gibraltar, and desiring that an allowance may be made of a sum of money to compleat the Barracks which the publick of Antigua have begun to build at a great expence, and pointing out at the same time, an expedient, by which the same may be done with the least inconvenience to His Majestys Revenue.

[Similar references are made of a petition of John Sharpe, agent for Antigua, to the same effect ; the "expedient" suggested being—] by directing Charles Dunbar Esq., the Receiver of his Majestys Casual Revenue there, to pay the money in His Hands to the Treasurer of Antigua, to be by him applied to the finishing and compleating the said Barracks.

[*pp.* 229–30, 341.]

[The Committee approve the Board of Trade report of (1755.) 30 May, by which it appears] that in the Year 1739, His Majesty 12 June. was graciously pleased to augment the Companys of the Regiment then Stationed in the Leeward Islands from thirty to seventy Men per Company (which were afterwards reduced upon the Commencement of the late Peace, to their former number) and to allow the sum of 2,000*l.* Sterling, towards defraying the expences of Building Barracks under certain Conditions stipulated in His Majestys Order in Council of the 27th of December 1739, to be Complied with, by the Legislature of Antigua—And the said Lords Commissioners being of Opinion, that in Case it should be thought expedient to comply with the aforementioned Requests of the Governor of the Leeward Islands, Yet that they ought not to take place till the Commanding Officer of His Majestys Forces in the said Islands shall have certified, that all the Conditions stipulated in the Year 1739, have been punctually complied with, nor till the Commanding Officer of the Regiment stationed at Antigua shall have certified, that the Barracks now Building there, are free from all the Inconveniencys of the former, and fitly contrived for the Commodious reception of 700 Men with their Officers, [order] that a Copy of the

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said Report, as also of His Majestys aforementioned Order in Council of the 27th of December 1739, be transmitted to His Majestys Secretary at War, who is to write to the Commanding Officer of His Majestys Forces in the Leeward Islands, upon the aforementioned Heads. [pp. 440-1.]

(1755.) [Reference to the Committee of a Board of Trade representa-  
11 Nov. tion of 8 Oct., with an extract of a letter from Governor Thomas representing the defenceless state of the Leeward Islands, and the necessity of sending a strong squadron of ships and an augmentation of the regiment.] [p. 528.]

(1756.) [Reference to the Committee of an Ordnance report of  
17 May. 4 May,] relating to the repairing and keeping up the Fortifications at English Harbour in the Island of Antigua, which were erected there during the late War at the expence of the Navy, as being the only commodious Port for cleaning and refitting His Majestys Ships stationed at Barbados and the Leeward Islands, and Sheltring them in the Hurricane Seasons. [XVI. p. 185.]

(1756.) [Committee.] . . Whereas Colonel Durour, Colonel of the  
20 May. said Regiment, hath lately certified, that a very convenient Hospital for their present numbers is now compleated, and sufficient ground left to continue the Building for the reception of more Men upon an higher Establishment, and when the Plan laid down for the Barracks, and approved by the Legislature, shall be carried into Execution they will be fitly contrived for the Commodious Reception of an Establishment of seven hundred Men, with their Officers, and be free from all the inconveniences of the former Barracks. [The Committee find that the conditions of the 1739 grant had been complied with, but] Yet as the place whereon the Barracks were then erected, were attended with many and great inconveniencys, [being, as the agent alleged, ill situated in case of contagious distempers, ill constructed and every way inconvenient,] and that the said Island has been at a large expence in beginning to build the new ones, Do therefore think it proper, before they make their Report upon this



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matter, to His Majesty, to be informed, whether the Lords Commissioners of His Majestys Treasury have any objection to the payment of the money now in the Hands of the Casual Receiver, into the Hands of the Treasurer of the said Island, to be applied towards the Compleating the New Barracks. . .

[XVI. p. 187.]

[Committee report, quoting the Board of Trade report at length, including a paragraph not summarised above: If, in consideration of the decrease of the white inhabitants and great increase of the negroes, it is thought expedient to augment the forces as desired,] it should be made upon such terms and Conditions, as may Secure the mother Country from any Consequential expence for Additional Subsistence, For altho' it has been proved, that Your Majestys pay, and the Additional Allowance made by the Island, is insufficient for the support of a Private Soldier, on account of the great dearness and Scarcity of Provisions in the Island of Antigua, Yet, as that Scarcity and dearness is occasioned by the great extent to which the Cultivation of Sugar is carried in that Island, on account of which, little or no Land is set apart for raising Provisions, this is a Circumstance which operates greatly to the Advantage of the Planters, by increasing the value of property, and the wealth of the Inhabitants, and that therefore, if any augmentation is allowed, it ought to be upon the express Condition, that the same Additional Subsistence be given by the Island of Antigua, as is given by the Island of Jamaica, to the Regiment Stationed there—Vizt. Twenty Shillings a Week to every Commissioned Officer and Surgeon, and five Shillings per week to every Private Man, which altho' it does not amount to so much as the Navy allowance, will, as it is apprehended, be fully sufficient . . . [To Col. Durour's representation is added the fact that at present half of the intended building has no more than its foundation laid, and the contractors for building that half (in which is contained the pavilion for the officers), are bound to complete their work in 3 years from Sept., 1755.]

(1756.)  
18 Aug.

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The Treasury having no objection to the application to this purpose of the money in the hands of the Casual Receiver, the Committee recommend that the regiment be augmented to 700 men and that the money in the hands of the Casual Receiver be paid over to the Treasurer of the island to be applied in completing the barracks] upon the following express conditions, vizt. :

1st. That the Legislature of Antigua should make Provision for paying the following additional Subsistence to such Additional Forces as well as to those who were on their Establishment before such augmentation Vizt.

To every Commission Officer and Surgeon Twenty Shillings per Week.

To every Private Man five Shillings per Week.

2d. That the Island do proceed in Building and Compleating the Barracks according to the Plan which has been approved for seven hundred Men, and that this be done with all Expedition ; And do likewise make Cisterns and provide and find all other Conveniencies and necessaries for the said Barracks and Hospital, (which Hospital it is said is already Built) agreable to the said Plan.

3d. That the Island should provide fire and Candle for the said Barracks.

4th. That the said Island should make Provision for such Soldiers as should be discharged by their Officers as Invalids, by employing them as Gunners or Matrosses in the Forts of the said Island, as Vacancys should happen.

5th. That the said Island should pay and allow twelve pounds Sterling per Annum to such Soldiers as should be quite disabled, or who after ten Years Service should be regularly discharged by their Officers as Invalids, not exceeding three Men out of each Company at any one time ; And if the number of disabled or Invalid Soldiers should at any time exceed that number, and it should be thought proper to send any of them to Great Britain to be Provided for in Chelsea Hospital, they should be sent to London at the expence of the said Island.

[XVI. pp. 280-4.]

1754.

[John Sharpe, the Antigua agent, having represented that the public of Antigua are not in a state to comply with the first condition, the Committee refer back to the Board of Trade this part of their report.] (1756.)  
18 Aug.

[XVI. p. 284.]

[Order in accordance with the Committee report of 18 Aug.] (1756.)

[XVI. p. 295.] 3 Sept.

[Order substituting new conditions for those of the above order in accordance with reports of the Board of Trade and the Committee, which show] that the Additional Subsistence at present given to the Regiment, is but barely sufficient, and that it were to be wished, that some Addition (particularly to the allowance of the Subalterns and Private Men) could be made, yet as the exigencies of Government in time of War necessarily occasion an extraordinary weight of Taxes, and as in particular the Tax for building the Barracks is a very heavy burthen, which the publick must continue to bear for some years to come, it may not be within their Ability to make any Addition to the present Subsistence, till that expence shall have ceased, and that therefore the following temporary Conditions (proposed by the Gentlemen of the Island who have attended upon this Affair) may be substituted in lieu of those aforementioned Vizt.

1st. That the Barracks now building be compleated as soon as possible, for an Establishment of seven hundred Men, on the Spot, and according to the Plan approved.

2nd. That until the Barracks are finished the same Additional Subsistence as is now given, be given to the Officers and Soldiers of the Regiment when augmented.

3d. That Provision be made by the Legislature for supplying the Hospital with fresh Meats when demanded by the Commanding Officer of the Regiment on the Certificate of the Surgeon.

4th. That the Quarters to be Provided for the Additional Men as soon as they shall arrive on the Island, and until the Barracks shall be fit for their reception be fixed with the

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Consent of the Commander in Chief and the Commanding Officer of the Regiment.

. . And His Majesty doth hereby further Order, that so soon as the Building of the said Barracks shall be compleated, the said Governor or Commander in Chief, do transmit an account thereof to the Lords Commissioners for Trade and Plantations in order to His Majestys further signification of his Royal pleasure with regard to the making such further Addition to the present subsistence as shall then be judged proper and necessary. [XVI. pp. 377-8.]

6 Aug.  
St.  
Christopher.

[250.] [Reference to the Committee of the appeal of William Wells, jun., merchant of St. Christopher, and Elizabeth his wife, the widow, and administratrix jointly with Richard Wilson, of Nicholas Taylor, from a decree of 3 Dec., 1753, made by George Thomas, the Governor of the Leeward Islands, as Ordinary, declaring valid a will of Nicholas Taylor, dated 5 Nov., 1748, appointing Richard Wilson and Anthony Wharton executors and guardians of his four children, George, Elizabeth, William, and Samuel James.]

[p. 230.]

(1755.) [Committee order that the original writings propounded as  
11 June. the wills of Nicholas Taylor] be forthwith transmitted to this Committee ; but that before the same be so transmitted, to this Committee, an Exact Copy be taken of the said Original Writings—Which Copy is to be written upon a Sheet of Paper in the very same manner, form and Shape as the Originals are, and to be properly attested, and then deposited in the Office in lieu of the said Originals. [pp. 426-7.]

(1757.) [On the Committee report of 12 Jan., the decree is reversed,  
4 Feb. and it is ordered that Taylor be deemed to have died intestate and that his personal estate be disposed of according to the Statute of Distributions. John Taylor, a fifth child of the petitioner Elizabeth, is named in the report.]

[XVI. pp. 399-401, 415.]

12 Nov.  
Jamaica. [251.] [Reference to the Committee of a Board of Trade representation of 15 Oct. that they have received a letter from

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Governor Knowles, recommending the remission of a fine of 50*l.* to which Mr. Fornichon, a native of France, lately arrived in Jamaica, has ignorantly subjected himself. Fornichon has suffered the other part of his sentence, a year's imprisonment.]

[*p.* 252.]

[On the Committee report of 26 Nov. order is given for remitting the fine and discharging Fornichon from further confinement. His offence was] having employed another person's slave, (being unacquainted with the Laws of the country) contrary to an Act called the inveigling Act.

(1755.)

9 Jan.

[*pp.* 264, 282.]

[252.] [Reference to the Committee of a Board of Trade representation of 15 Oct. on several letters and papers received from Governor Knowles] relating to the disputes and differences which have arisen and been carried on with great heat and animosity between his Majestys said Governor, the Assembly, and the Courts of Justice there, to the prejudice of His Majesty's Interest and Service, and to the disturbance of the public peace and tranquility of the Island. [*p.* 253.]

12 Nov.  
Jamaica.

[Similarly referred are Board of Trade representations on letters from Governor Knowles of 29 Aug. and 25 June respectively giving his reasons for suspending Edmund Hyde from the Council and Mr. Beach from acting as Attorney General: also a petition of Thomas Beach complaining of his suspension: and a petition of Rose Fuller, Chief Justice of Jamaica, and John Ayscough and William Wynter, two of the assistant judges, complaining of a proclamation issued by Knowles on 8 July, 1754, forbidding them or any assistant judges or justices of the peace to hold *Nisi Prius* courts, as they would answer the contrary at their peril. They complain of the proclamation as laying great offences to their charge and as having been published without their having an opportunity of being heard in their own defence.] [*pp.* 255-6.]

12 Nov.

[Similar reference of Edmund Hyde's petition for the removal of his suspension, and of the] Petition of Samuel Jeake of the Inner Temple Esqr. Counsellor at Law now

(1755.)

9 Jan.

1754.

resident at St. Iago de la Vega in the Island of Jamaica, in behalf of Francis Delap Esqr. late Provost Marshall of the said Island, now lying imprisoned, and in Irons in His Majestys Fort at Port Royal in the said Island, in the Custody of Robert Spragge Esqr. Commander of the said Fort, and Lieutenant Colonel of His Majestys Regiment of Foot in that Island, under Colonel Walsh, humbly praying, in behalf of the said Prisoner Francis Delap, who hath it not in his Power to apply for himself, that His Majesty will take the said Francis Delap's Case into His Royal Consideration, and grant him such relief as His Majesty shall think he is, from the Nature of his Case intituled to, from the Laws of His Country—And further humbly praying His Majestys Protection, that the Petitioner may not feel the resentment of any of his remote Officers, for telling His Majesty the Case of His Client. [p. 285.]

- (1755.) [Order, in accordance with the Committee report of 21 Jan.,  
23 Jan. that Delap be discharged on his own recognisances in 1,000*l.* currency and two sureties of 500*l.* each to answer any complaints made against him by the Governor within three months, that Jeake or other counsel be permitted to assist him, and that a copy of Jeake's petition be sent to the Governor for his answer. The complaint is more fully given in this entry :—] in causing the said Francis Delap to be confined in Irons in the said Fort, which is no lawful Goal, and under a Military Force, without assigning any reason for the same, otherwise, than, as that he was Governor he need not assign any other for his Commitment, than matters of State—And also complaining of the said Francis Delaps being denied a Copy of his Mittimus, and a Writ of Habeas Corpus, contrary to Law, and being also debarred the use of Pen, Ink, and Paper, and the Access of any of his Friends. And further complaining that the Petitioner Samuel Jeake, had been twice confined for endeavouring to assist the said Francis Delap with his Advice as his Counsel. [pp. 293–5, 302–3.]

1754.

[Reference to the Committee of a representation of the Governor and Council relating to the proceedings against Delap.] (1755.) 3 April.  
[p. 369.]

[Reference to the Committee of a Board of Trade representation of 11 April with an extract of the minutes of the Council of Jamaica against Delap, lately received from Governor Knowles.] (1755.) 26 April.  
[p. 378.]

[Reference to the Committee of an address of the Governor and Council of Jamaica of 13 May, with a narrative of the proceedings against Delap, by way of answer to Jeake's petition, and also several affidavits and other papers transmitted therewith.] (1755.) 26 Aug.  
[p. 508.]

[On a Board of Trade representation of 7 Nov. Edmund Hyde is restored to the Council, having satisfied the Governor that no reflections on him were intended in the paper setting forth his case in a Chancery suit, which had given offence to the Governor and was the cause of the suspension. A warrant for restoring Hyde is approved on 18 Dec.] (1755.) 11 Nov.  
[pp. 527, 561.]

[Reference to the Committee of a Board of Trade representation of 4 Nov. with an extract of a letter of 25 July from Knowles requesting the Board of Trade to move his Majesty to permit him to resign his government and to serve in his capacity at sea.] (1755.) 11 Nov.  
[p. 527.]

[Reference to the Committee, and by them on 19 Jan. to the Board of Trade, of the] (1756.) 17 Jan.  
Petition of Charles Price Esqr. and nineteen others whose names are thereunto subscribed, Members of the General Assembly of His Majestys Island of Jamaica, complaining of the extraordinary and illegal methods made use of to obtain a Majority in the said Assembly, and that all the Petitioners except two, were taken into Custody on the 24th of October last, and have been continued in Custody ever since, whereby they are rendered incapable of discharging their trusts, And His Majestys Subjects in that Island are involved in the utmost confusion, and therefore humbly praying, that His Majesty will be

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graciously pleased to take the premises into his Royal Consideration, and to grant the Petitioners such Relief, as to His Majesty in His Great wisdom shall seem meet.

[XVI. pp. 4, 5.]

(1756.) [On the Committee report of 26 Jan., Knowles is permitted  
27 Jan. to resign the government of Jamaica.] [XVI. pp. 10, 12.]

(1756.) [List] of such of the Papers contained in the Address to  
17 Feb. His Majesty of the 23d of January last, as have been transmitted from the Island of Jamaica to His Majesty in Council, or to the Lords of His Majestys most Honourable Privy Council.

18 February 1756 Laid before the House of Commons by Mr. Secretary Fox. [21 papers or sets of papers are described.]

[XVI. pp. 46-8.]

(1756.) [The Committee order a copy of Knowles' reasons for  
6 Mar. removing Thomas Beach, the Attorney General, to be delivered to Beach's solicitor.] [XVI. p. 95.]

(1757.) [Addresses of the House of Commons for copies of the  
16 Feb. petitions of Beach and of Fuller, Ayscough and Wynter; with a note that on 22 Feb. copies were laid before the House by Mr. Secretary Pitt.] [XVI. p. 440.]

(1757.) [Address of the House of Commons for a copy of a  
23 Feb. representation of 13 Nov., 1756, by the Jamaica Assembly, and of the papers and examinations taken before a Committee of Grievances in Jamaica about Oct., 1756; with a note of their being laid before the House on 1 March by Mr. Pitt.]

[XVI. p. 443.]

(1757.) [Similar address for copies of an address of the Council of  
25 Mar. Jamaica to his Majesty of 23 Oct., 1756, of examinations taken in the Council, and of their address to the Governor: laid before the House on 31 March by Viscount Bateman, Treasurer of the Household.] [p. 465.]

12 Nov. [253.] [Reference to the Committee of the] Petition of  
Connecticut and William Bollen Esqr. Agent for His Majestys Province of  
Mass. Bay. the Massachusetts Bay in America, humbly praying, that His Majesty will be most graciously pleased to inhibit and enjoin the Colony of Connecticut, from breaking in upon, or



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disputing the Settlement of the Boundary or Divisional Line solemnly made so long since as the Year 1713, both with regard to the right of Property and Jurisdiction between the two Governments ; And that His Majesty will be graciously pleased to give the said Settlement in 1713, the additional Sanction of His Royal Approbation and Confirmation, and thereby quiet the present intestine disputes between the said two Governments, and restore and settle perpetual Peace and Amity between them and the several Townships scituate on the borders of each Province ; Or that His Majesty will be pleased to make such further and other Order in the Premises, as the nature and Circumstances of the Case shall require. [p. 257.]

[Committee order a copy of the petition to be given to the Connecticut agent to be transmitted to the Governor and Company for their answer.] [p. 275.]

17 Dec.

[254.] [Reference to the Committee, and by them on 17 Dec. to the determination of the Treasury, of a Board of Trade representation on considering a representation from the House of Delegates of Maryland praying the Board of Trade to recommend his Majesty and the Parliament to pass an Act to explain a clause in the Navigation Act of 15 Charles II,] so as that Salt may be imported into that Province from any part of Europe in Amity with His Majesty, in Vessels Owned by British Subjects, and Navigated according to Law.

5 Dec.  
Maryland.

[pp. 270, 274.]

1755.

[255.] [Reference to the Committee of the petition of Richard Partridge, agent for Samuel Dyre, jun., mariner of Newport, R.I., that the Council dismiss for non-prosecution the appeal of Patrick Grant and Andrew Heatley, merchants of Newport, from a judgment of the Superior Court in Sept., 1753, reversing a judgment of the Inferior Court, 29 May, 1753, on their action of trover against Dyre for converting to his own use 3,840 gallons of molasses of the value of 3,840*l.* New England currency belonging to them.]

9 Jan.  
Rhode  
Island.

[pp. 245, 286.]

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- 12 Aug. [On the Committee report of 7 Aug., the appeal is dismissed with 20*l.* *stg.* costs.] [pp. 490, 499.]
- 23 Jan. [256.] [William Henry Lyttelton is appointed Governor of S. Carolina. South Carolina on the recommendation of the Board of Trade.] [p. 304.]
- 6 Feb. [His commission and a warrant for passing it under the Great Seal are approved.] [p. 319.]
- 26 April. [A Board of Trade representation of 22 April with draft instructions, is referred to the Committee.] [p. 375.]
- 13 May. [Lyttelton takes the oaths. His instructions are approved on the Committee report of 7 May agreeing with the Board of Trade representation, which shows that besides the directions as to correspondence with the Board of Trade (*cf.* p. 156), they have made the following alterations from the instructions given to Governor Glen :—]

In the first Article of these Instructions, they have inserted the names of twelve Persons who have been appointed of His Majestys Council, leaving out the latter part of the first Article to the late Governor, which relates to the Surveyor General of the Customs sitting and voting as a Councillor extraordinary, It being provided for by Article 62, in a manner more explicit, and agreeable to what hath been approved of by His Majesty in His Instructions to the other Governors in America.

The 25th Article containing Regulations for the Governors conduct with respect to the Paper Bills of Credit now outstanding in this Province and with respect to any future emission, is in lieu of the 99th Article of the Instructions to the late Governor, which was revoked by His Majestys Order in Council, dated the 26th of March 1754, and the Regulations contained in this New Article, are agreeable to the directions of that Order.

In the 58th Article, which contains regulations for the Governors Conduct in case of Suspension of any of the Patent Officers, or their Deputys, they have inserted some words to make these Regulations extend to Cases where the Deputy

may happen to die, which was not Provided for by the former Instructions, from whence great inconveniencys and disputes had arisen.

They have intirely omitted the 48, 75, 84, 87, 98, 107, 109, and 110th Articles of the Instructions to the late Governor, having become useless and improper, either by the purposes for which they were given having been complied with, or by other Regulations having been since made, with respect to the matters therein contained.

They have also omitted the 36th Article of the Instructions to the late Governor concerning the Boundary Line between South Carolina and North Carolina, it having been represented to them, that the said Instruction was improper and ineffectual.

They have likewise omitted the 58, 59, and 60, Article of the said Instructions relating to Appeals from the Courts in that Province, the method therein prescribed having been since altered by His Majestys Order in Council, dated the 11th of December 1753. And they have inserted in lieu thereof the Additional Instructions given to His Majesty's late Governor in consequence of that Alteration.

They have for the same reason omitted the 100th Article of the former Instructions, relating to the revisal of the Laws, and have inserted in Lieu thereof the Additional Instruction given by His Majesty to the late Governor with respect to this matter.

They have also omitted the 101st and 106th Articles of the former Instructions prescribing the Terms upon which Lands were to be granted in this Province, and have in lieu thereof inserted the 65th, and 66th Articles containing the Regulations approved of by His Majesty in the Instructions for the Governor of North Carolina, with respect to the Terms upon which Lands were to be granted, and prescribing the form and method of passing the Grants, which appear to them to be equally well adapted to the Circumstances of this Province,

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They have also omitted the 66th Article of the former Instructions, directing the Governor to Survey and Grant Nine Townships, under certain Regulations therein prescribed ; which Instruction they apprehend has been carried into Execution ; But as the Settling in Townships has been represented to them to have had a very good Effect in other Provinces, they have inserted the 67th Article, whereby the Governor is directed, as the number of Inhabitants increase, to lay out such a number of Townships as shall be necessary for their reception and accommodation, under the Regulations prescribed by the former Instructions.

They have added such Instructions as have been given from time to time to the Governors of other Colonys, conceiving the same to be equally well adapted to the Circumstances of this Province, and have made such alterations in those Articles which have been usually given to all the Governors as have been lately approved of by His Majesty in the Instructions to the Governors of New York, the Leeward Islands, Jamaica, and North Carolina.

[Alterations in the trade instructions are made conformable to those of Jamaica, *p.* 162.] [pp. 382-4, 400, 413.]

21 Nov. [Reference to the Committee of a Board of Trade representation of 4 Nov., with drafts of instructions for Governor Lyttelton in lieu of the former,] which were sunk, When he was taken by the French as he was repairing to his Government. [p. 536.]

18 Dec. [The instructions are approved, in accordance with the Committee report of 26 Nov. that the only alterations made by the Board of Trade from the former instructions are] That in the first Article of the General Instructions they have inserted the names of James Michie and Othniel Beale Esqrs, amongst the Councillors, who have since the date of the former Instructions, been appointed to fill two Vacancys occasioned by the Death of William Bull Esqr., and by the Resignation of William Myddleton Esqr. And that in the 67th Article of the same Instructions they have inserted some

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words empowering the present Governor to make Grants of all such Lands as remain yet ungranted within the Nine Townships laid out in pursuance of Your Majestys Instructions to James Glen Esqr. late Governor of South Carolina, free from the payment of Quit Rents for ten Years after the date of such Grants respectively, such exemption having, by Your Majestys said Instruction to Mr. Glen, been granted to all Persons who should take up Lands within the said Nine Townships. [P.R.] [pp. 538, 559.]

[257.] [On a Board of Trade representation, there is referred to the Committee, and by them on 13 Feb. to the Board of Trade, a memorial from Governor Henry Grenville of Barbados, setting forth that the people have built a new fort, and praying for 15 32-pounders and stores necessary for furnishing and completing it.] [pp. 305, 340.]

23 Jan.  
Barbados.

[The Committee agree with the following Board of Trade report of 19 March for granting the petition, and order the Ordnance to prepare an estimate :—] . . Governor Grenville informs us, that this New Fort is erected upon a Point of Land which Commands the Entrance into one of the most considerable Harbours of the Island, that it is in lieu of two old Batteries which are become useless, and their Guns honey comb'd and unfit for Service, and that he is of Opinion, as far as he can judge in matters of this nature, that this new Fort, with two others which are allready erected in the said Harbour, will effectually defend and secure it in case of any attack or Invasion : That the Building the said New Fort will Cost the Publick of Barbados between five and Six thousand pounds, and as they are utterly unable to bear the heavy Expence of furnishing it with Ordnance and Stores he fears it may damp and discourage the Zeal and alacrity with which they have always provided for the defence and Security of the said Island, if His Majesty should withhold his Royal Bounty upon this Occasion . . [p. 393.]

7 May.

[Letter from W. Sharpe, Clerk of the Council, to William Bogdane, Secretary to the Board of Ordnance, to acquaint (1756.) 17 April.

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the Ordnance Board with a new application of the agent, planters and merchants of Barbados for 15 32-pounders. The Ordnance having made a report on 13 June last about the said cannon, they are desired to inform the Committee whether the said quantity of cannon can be now spared, in case the request should be granted.] [XVI. *p.* 168.]

(1756.) [In accordance with the Committee report of 6 May, order  
17 May. is given for sending the stores, of which a detailed list and Ordnance estimate is given amounting in all to 1,895*l.* 14*s.* 4*d.* The stores are to be put under the care of the storekeeper whose appointment was ordered on 27 Feb., 1746. The expence is to be made an article in the next estimate laid before Parliament by the Ordnance.] [XVI. *pp.* 173, 180–2.]

29 Jan. [258.] [Charles Hardy is appointed Governor of New York,  
New York. on the Board of Trade recommendation of 28 Jan.] [*p.* 307.]

6 Feb. [His commission and the warrant for passing it are approved.  
P.R.] [*pp.* 318, 320.]

26 April. [A Board of Trade representation of 22 April with draft  
instructions, is referred to the Committee.] [*p.* 375.]

13 May. [Hardy—now Sir Charles—takes the oaths : His instructions  
are approved (P.R.), on the Committee report of 7 May agreeing  
with the Board of Trade representation, which shows that  
they have made the following alterations from the instructions  
given to Sir Danvers Osborne :—] In the first Article of these  
Instructions, in which His Majestys Council for this Province  
are named, they have inserted the names of Eleven Persons  
as they stood in His Majestys former Instructions to the late  
Governor leaving out the name of Daniel Horsmanden, who,  
tho' formerly appointed of the said Council, was suspended  
from his Seat by the late Governor, but in regard this  
Gentleman has since been appointed a Judge in the Supreme  
Court of this Province, and has acted with a due Regard to  
His Majestys Service, they Submit whether he may not be  
restored to his Rank and Seat in the said Council and his  
name accordingly inserted in this Instruction.

The 17th Article is in lieu of the 39th Article of the Instructions given by His Majesty to the late Governor, wherein His Majesty was pleased to signify His Disapprobation of the extraordinary Conduct and Proceedings of the Council and Assembly of this Province, during the Administration of the Honourable George Clinton Esqr., of their unjustifiable Encroachments upon His Majestys Rights and Prerogative, and of their unwarrantable and illegal attempts to wrest the Powers of Government out of the Hands of His Majestys Governor, signifying at the same time, His Majestys pleasure, that the Governor should recommend to them to prepare a proper Law for establishing a lasting and permanent Revenue for the support of Government, as the only effectual method of restoring Peace and tranquility to the Province, and preventing the like disorders and irregularitys for the future ; and lastly, directing\* His Majestys Council or other Officers appointed by His Majesty who should concur and join in such unwarrantable measures for the future ; This Instruction was laid before His Majestys Council and Assembly, by James Delancey Esqr., His Majestys Lieutenant Governor of New York, and from the Letters and Representations which we have since received from thence, it appears, that His Majestys Council, truly sensible of the Justice of His Majestys Censure upon their former proceedings, have since shown a proper regard to their Duty and Obedience to His Majestys Commands, and have always appeared ready to oppose any measures which the Assembly might propose, and which appeared to them inconsistent with His Majestys just Rights, and the true Constitution of that Province ; The said Lords Commissioners hope this Instruction may have had the like good Effect upon the minds of the Representatives of the People, and that they will for the future, by shewing a proper Regard to what shall be recommended to them from His Majesty, and by departing from all unwarrantable and illegal Encroachments

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\* The insertion of such words as "the removal of such of," is necessary to make sense.

upon His Majestys Rights and Prerogative attone for the Errors of their former Conduct, The said Lords Commissioners therefore thought it adviseable to leave out those parts of the Instruction which contain His Majestys Censure upon their former Proceedings, and also the latter part of it directing the Removal of such of the Council who shall be guilty of the like misconduct for the future, but have retained the Substance of that part which directs the Governor to recommend to the Council and Assembly to consider of a proper Law for establishing a permanent Revenue for the Support of Government, which they are humbly of Opinion is essential to the future Peace and Security of that Government, and by which alone real Stability can be given to it, however they humbly Represent, that it being doubtfull whether by the words of the former Instructions His Majestys Governor was not tied up from assenting to any Law for making Provision for Temporary Services until he should have obtained a permanent Revenue, they have thought it adviseable in the present critical scituation of Affairs in America, to alter the Instruction in such a manner, that upon any great and sudden emergency, whereon the immediate Security and preservation of that Province, or any of the Neighbouring ones may make an immediate supply necessary, he may be at liberty to assent to a Law for making provision for such exigency, altho' a Law for a permanent Revenue should not have been passed.

The 21st Article which contains Regulations for the Governors Conduct with respect to the emissions of Paper Bills of Credit, is in lieu of the Article in the former Instructions, by which His Majestys Governor was restrained from assenting to any Law for this purpose without a Clause suspending its execution until His Majestys pleasure might be known ; And it having been represented to Us, that in Case of any great or Sudden Emergency, the most Effectual and least burthensome method of raising supplys would be by issuing Bills of Credit, they have thought it adviseable to alter the Instruction so,



that upon any great and sudden Emergency and in such Case only, the Governor may be at Liberty to Assent to a Law for issuing a reasonable Quantity of such Bills of Credit, provided proper Funds be established for calling in and cancelling them within a Limited time, and that they be not declared to be legal Tenders in payment of any Debts, Dues or Demands whatever.

[Art. 43 about the suspension of patent officers is the same as for Gov. Lyttelton (*pp.* 276-7).]

The 95th and 96th Articles of the former Instructions, ascertaining the Quota of Men and money to be sent to New York by the Neighbouring Colonies, for erecting Forts, and in Case of distress by Invasion or otherways, having been found entirely ineffectual, and the Quota therein prescribed, bearing no proportion to the present Circumstances of the Colonies, they have entirely omitted those Articles the purposes of which are fully provided for, by the Plan of Union of the Colonies.

Great Complaints having been lately made by the five Nations or Cantons of Indians, that Settlements had been made upon their Hunting Grounds contrary to express and solemn Treaties and Engagements heretofore made with them by His Majestys former Governors of this Province, and that they were disposed of their Lands in other Places by persons claiming them under fraudulent purchases, and great discontents and uneasiness appearing amongst the Indians, on this Account, which in the present situation of Affairs might be attended with very fatal Consequences, they have thought it for His Majestys Service to insert the 91st, 92d, and 93d Articles, the first of which recites the Treaty made with them in the Year 1726, and the Deed by which they surrendered their hunting Grounds to the Crown to be protected and defended for their use, and enjoins the Governor not to Grant any Lands, or suffer any Settlements to be made within the Limits marked out in that Deed. The other two enjoin him to enquire into, and use his utmost endeavours

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to redress the Complaints of the Indians with respect to the Lands which they say have been taken from them by fraudulent purchasers, not to suffer any Persons to purchase Lands of the Indians without a Licence from him and prescribe the Regulations under which such licenses are to be Granted in Order to prevent the Indians being defrauded in the manner they set forth in the many Representations they have made to His Majestys Governors and others upon this Subject.

The said Lords Commissioners have added to this Draught several Instructions which have been given from time to time to the Governors of His Majestys other Colonies, but which have been omitted in those given to the Governor of New York, tho' equally well adapted to the Circumstances of this Province.

[No alteration is made in the trade instructions.]

[*pp.* 384-7, 400, 413.]

29 Jan. Barbados. [259.] [Reference to the Committee of the petition of William, the eldest son and heir, and Susannah, the widow, of Samuel Broome, Esq., of Barbados, that the appeal of John Pratt and Sarah his wife and Elizabeth Eyles from a Chancery order of 11 April, 1753, be dismissed with exemplary costs for non-prosecution.] [*p.* 308.]

24 June. [On the Committee report of 12 June, the appeal is dismissed with 80*l. stg.* costs for non-prosecution. Sarah, wife of John Pratt of Highwood Hill, Middlesex, and Elizabeth Eyles of the parish of St. George, Bloomsbury, are the only daughters of Sir Joseph Eyles, and sisters and heirs of Joseph Eyles, deceased. The Chancery order upheld the Broomes' plea in bar of a bill by the appellants to revive a former suit by Sir Joseph Eyles relating to a mortgage on a sugar plantation in Barbados.] [*pp.* 438, 456.]

29 Jan. Jamaica. [260.] [Reference to the Committee of the petition of Samuel Gordon, executor, and William Thomas and Elizabeth his wife, residuary legatees of Thomas Hill of Jamaica, deceased, that their appeal from a Chancery order of 19 Oct., 1753, be dismissed without costs, as no inconvenience has

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been caused to the respondent, Anna Margaretta, widow of Thomas Hill. The petitioners are informed that their plea over-ruled by this order was not right in strictness of form and the case has proceeded below just as if no appeal had interposed. The petitioners have appealed from a subsequent order, on which the plaintiff must have taken out copies of the proceedings, so that no expense has been caused to her by the former appeal.] [pp. 210, 309.]

[The later appeal from Chancery orders of 18 and 24 May, 1754, is referred to the Committee.] 25 Feb. [p. 349.]

[On the Committee report of 9 July, the earlier appeal is dismissed with 20*l. stg.* costs, and the later appeal affirmed and the Chancery orders of 18 and 24 May, 1754 reversed. The only additional names in the report are those of two Masters in Chancery, John Duncommun and Daniel Stott.] (1756.) 13 Aug.

[p. 373 ; XVI. pp. 55, 254-6, 266.]

[261.] [Reference to the Committee of the petition of John Bannister, merchant, of Newport, R.I., in his own right and as administrator of his late brother Samuel Bannister, merchant of Stonington, New London, Conn., and his sister Frances Bowen, widow of William Bowen, gent., of Boston, for leave to appeal from a judgment of the Superior Court at Boston, 19 Feb., 1754, in an action of ejectment against Nathaniel Cunningham for lands in Boston.] [p. 323.]

6 Feb.  
Massachusetts  
Bay.

[On the Committee report of 12 June, the appeal is admitted on the usual security.] 24 June. [pp. 439, 455.]

[262.] [Reference to the Committee of a Board of Trade representation of 5 Feb. on a memorial by William Beverley, proposing that, according to the general custom, he may take rank and precedence in the Council of Virginia from the date of the mandamus to him in 1749. Before it arrived, he had embarked for England, where he resided on account of his private affairs and by virtue of his Majesty's leave of absence till Feb., 1751. Thus he was not sworn of the Council till May, 1751, and Philip Ludwell who was sworn and admitted in 1750 claims precedence of him.] [p. 348.]

25 Feb.  
Virginia.

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13 May. [On the Committee report of 7 May, it is ordered that Beverley take rank from the date of the warrant or mandamus for swearing and admitting him.] [pp. 389, 401.]

25 Feb. [263.] [Reference to the Committee of the petition of John  
Virginia. Lidderdale and John Harmer, merchants, of Bristol, surviving partners of Thomas Chamberlayne, deceased, for leave to appeal from a judgment of the General Court of Virginia, 10 April, 1754, in their action against John Chiswell, merchant and planter, and for directions to the Court to accept the appellant's bill of exceptions to the defendant's evidence, and to forward the bill and acceptance as part of the record.]

[p. 349.]

24 June. [On the Committee report of 12 June, the petition is granted. The required security for prosecuting the appeal is given on 27 June by Hugh Hamersley of Lincoln's Inn.]

[pp. 439, 455.]

(1758.) [On the Committee report of 27 Feb., the judgment is  
1 April. reversed and the plaintiffs allowed to proceed to a new trial.]  
[XVI. pp. 131, 168; XVII. pp. 43-6, 92.]

11 Mar. [264.] [Reference to the Committee of the petition of  
Newfound- Nicholas Fiott, merchant, of Jersey, for himself and Company, land. for a day for hearing his appeal from a sentence of the Royal Court of Jersey, 2 March, 1754, in his action against John Hue,] demanding general and particular accounts of all Commerce which the said Hue had carried on at Newfoundland in the Years 1749 and 1750, during which time the said was under engagement to the Petitioner, not to carry on any Trade, but for the account and benefit of the Petitioner.

[pp. 127, 267, 358.]

(1757.) [On the Committee report of 17 March, the appeal is  
26 Mar. dismissed. The agreement had not been reduced into writing, and Fiott was unable to prove his case.] [XVI. pp. 456-7, 469.]

27 Mar. [265.] [Reference to the Committee of the petition of  
Georgia. Raymond Demere, Esq., of Frederica in Georgia for an order for transmitting the proceedings and a day for hearing his

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appeal from a judgment of a Court held at Savannah, 7 July, 1749, awarding 300*l. stg.* damages against him in an action brought by Caleb Davis for his refusal to allow the *Duke of Cumberland* and the *Heron* to proceed on their respective voyages. [p. 363.]

[266.] [Reference to the Committee of the petition of Daniel Stanton of Philadelphia, son and heir of Daniel Stanton of the same place, mariner, for leave to appeal from a judgment of the Superior Court of Rhode Island in Oct., 1749, in favour of Elias Thompson, reversing a judgment of the Superior Court in March, 1748, in a case between them relating to a fifth part of 600 acres in King's co., R.I., known as the Cedar Swamp.] [p. 363.]

27 Mar.  
Rhode  
Island.

\* [The appeal is admitted, on the Committee report of 12 Feb. (1756.) Security is given on 28 Feb., by Richard Partridge.] 17 Feb.

[XVI. pp. 34, 42.]

[On the Committee report of 2 March, the appeal is dismissed.] [XVII. pp. 118, 379, 381-2, 396.] (1759.) 3 Mar.

[267.] [Reference to the Committee of a Board of Trade representation on the state of the Virgin Islands,] proposing, that a Civil Government should be established on the said Islands, dependant upon the Government of the Leeward Islands, and that Custom house Officers should also be appointed to take care that the Laws of Trade and Navigation be observed as in His Majestys other Colonys and Plantations in America, by which Means the said Lords Commissioners conceive those Islands may become a real and considerable advantage to Great Britain. [p. 367.]

3 April.  
Virgin  
Islands.

[Committee.] Representation . . Read and the consideration thereof Ordered to be Postponed for the Present. [p. 396.] 7 May.

[268.] [Reference to the Committee of a Board of Trade representation of 20 March, transmitting a letter from Governor Reynolds,] setting forth the present defenceless State of the said Province, and the danger it appears to him to be in from the precarious disposition of the Neighbouring

3 April.  
Georgia.

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Indians, and the artifices practiced by the French to persuade them to attack the English, and therefore praying that a small number of regular Forces may be Stationed in the said Province, for its Security and defence, with what Cannon, Arms, Ammunition &c. may be thought proper. [p. 368.]

7 May. [Committee.] Representation . . Read, and the Consideration thereof Ordered to be Postponed for the Present.

[p. 396.]

3 April.  
Pennsyl-  
vania.

[269.] [Reference to the Committee, and by them on 15 April to the Board of Trade, of an address of the Representatives of the Freemen of Pennsylvania, setting forth] that in consequence of the Letters received from His Majestys Secretary of State, they had prepared and sent up to the Governor of the said Province, a Bill for Striking twenty thousand pounds in Bills of Credit for His Majestys use, but that the Governor, after repeated Sollicitations, had refused to pass the same, induced thereto, as they believe, by Restrictions he had received from the Proprietarys of the said Province ; That tho' they had been thus hindred from shewing their Chearfull and ready compliance to the Royal Orders, Yet they had procured a supply of Fresh Victuals and other necessarys for the Kings Troops whenever they might arrive there—And therefore humbly beseech His Majesty, if, after hearing them upon these Important Heads, it should be made appear that such Proprietary Restrictions are of dangerous consequence to the British Interest, or an Infringement of their Charter, that he would be graciously pleased to grant them such redress as may be agreeable to compassion and Justice.

[pp. 369, 371.]

12 June. [Committee. Copies of the Board of Trade report to be delivered to the agent for the province and to the agent for the proprietors.]

[p. 445.]

3 April.  
Virginia.

[270.] [Reference to the Committee of the petition of Charles Dunbar, Esq., of Antigua, only surviving acting executor of Thomas Dunbar Parke, for a day for hearing

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his appeal from a decree of the Virginia Chancery, 10 April, 1754, dismissing his bill against Daniel Parke Custis for a discovery of the estates in Virginia and in England left by Daniel Parke.] [p. 370.]

[In accordance with the Committee report of 24 June, the (1757.)  
decree is reversed, the case is ordered to stand over for want 30 June.  
of parties, and the plaintiffs are allowed to amend their bill  
by adding proper parties. Governor Parke, in order to throw  
the burden of his debts wholly on his Virginian and English  
estates, by a will made in 1709 gave all his estate in the Leeward  
Islands to Thomas Long and Caesar Rodney, for the use of  
Lucy, daughter of Mrs. Catherine Chester, or if she died in  
infancy, for her mother : and after her death to his godson  
Julius Caesar Parke. A condition of the bequest to Lucy  
Chester was that she and her husband and heirs should take  
the name of Parke and use the coat of arms of that family,  
which belonged to Essex. Failing the heirs of Julius Caesar  
Parke, the estate was to pass to the heirs of his daughter,  
Frances wife of John Custis ; failing whom, to the heirs of  
his daughter, Lucy Byrd ; always provided that the possessor  
of the estate should take the name of Parke. The order  
of succession to the Virginian and English estates placed the  
heirs of Frances Custis first, then those of Lucy Byrd, those  
of Lucy Chester, those of Julius Caesar Parke. In default  
of these or on breach of the proviso, the estate was to go to the  
poor of Whitchurch parish in Hampshire. Various legacies  
and debts were to be paid from the Virginian and Hampshire  
estates. The executors included, besides the trustees already  
named, Samuel Byam, Micaiah and Richard Perry and  
Abraham Redwood. Lucy Chester married Thomas Dunbar,  
who took the name of Parke, and sought to have the testators'  
debts paid by Custis out of the Virginian and English estates.  
On the death of Thomas Dunbar Parke, proceedings were  
continued by Charles Dunbar and Ashton Warner, two of  
his executors (the others being William MacKinnen,  
Dr. Walter Sydceref, and his wife Lucy during her widowhood) ;

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and on John Custis' death, the present respondent was left his sole heir and executor. The parties sued in 1750 were Micaiah Perry, jun., Lucy Chester Parke, Daniel Parke Custis, Thomas Chamberlain and his wife Wilhelmina, daughter and heir of Lucy Byrd, Custis' answer in Nov., 1753, objected to the omission of the other executors, and of Daniel, Elizabeth and Lucy, children of Thomas Dunbar Parke, as parties.

[XVI. *pp.* 531, 534-7, 540.]

26 April. [271.] [Reference to the Committee of a Board of Trade  
North representation of 16 April proposing that the Governor of  
Carolina. North Carolina be authorised to assent to Acts for re-establishing towns heretofore erected under the laws repealed on 8 April, 1754.] [*p.* 377.]

7 May. [The Committee approve, and direct the preparation of instructions in accordance with, the representation of the Board of Trade, which set forth that they had received from Gov. Dobbs a copy of an address by the Assembly, complaining of the inconvenience that would be caused by repealing the Acts and conferring charters by virtue of the Governor's instructions, and proposing that the Governor be authorised to assent to the Acts,] provided such New Acts do not give power to such Towns or Countys to send Representatives to the Assembly, nor ascertain the number of Representatives to be sent, and Provided also, that any other Laws which may have been passed in the said Province since the Date of His Majestys aforesaid Order in Council, which might not at that time be laid before His Majesty, by which any Countys or Townships may have been erected and impowered to send Representatives to the Assembly be repealed and other Laws passed for the said purposes not liable to that Objection. [*p.* 395.]

24 June. [On the Committee report of 12 June, the instruction is approved.] [*pp.* 432, 451.]

26 April. [272.] [Reference to the Committee of a Board of Trade  
North representation of 16 April, setting forth that Governor Dobbs,  
Carolina. in several letters to them, has represented] that great numbers



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of rich and substantial Persons desirous of Settling in the Western parts of the said Province, daily resort thither, but are unwilling to take up the small quantity of Land which the Governor by the 88th Article of his Instructions is empowered to grant, And that it would greatly tend to the benefit and improvement of the said Province, if the Governor was impowered to grant a larger quantity of Land to persons of Substance and ability. And therefore the said Lords Commissioners humbly propose, that an Instruction may be given to the said Governor, authorizing him to make Grants of any Quantity of Land on the Western Frontiers near the Mountains, not exceeding 640 Acres to any one Person, of whose wealth and ability to cultivate the same he shall be assured, Provided the Grantees be obliged to clear and Cultivate three Acres in every Year for every hundred Acres Granted, And that the said Governor do in all other Respects, observe the Regulations prescribed in His Majestys Instructions with regard to the method of passing Grants of Lands, and ascertaining the Payment of Quit Rents. [p. 377.]

[Committee.] Representation . . . Read, and the Consideration thereof, Ordered to be Postponed for the Present. 7 May.  
[p. 396.]

[Reference to the Committee of a Board of Trade representation of 6 Nov. with an extract of a letter from Governor Dobbs,] setting forth the expediency of empowering him to grant Lands in larger quantities and on more easy terms of Cultivation than those prescribed by his present Instructions. 11 Nov.  
[p. 528.]

[273.] [Reference to the Committee, and by them on 7 May to the Board of Trade, of a Massachusetts Act of Dec., 1754 (delivered by the agent on 11 April), for granting unto his Majesty an excise upon spirits distilled and wine and upon lemons, limes and oranges.] 26 April.  
Massachusetts Bay.  
[pp. 378, 395.]

[The Act is confirmed, on the Committee report of 7 Aug. agreeing with the Board of Trade, who reported] That they have examined into the said Act, and been attended by 12 Aug.

Mr. Kilby, whom the Towns of Boston, Marblehead and Gloucester, within the said Province, have appointed their Agent, to Sollicit the Repeal of the said Act, and by Mr. Bollan, Agent for the Province, in support of it, and heard what each Party had to Offer, And the said Lords Commissioners represent,

That so much of this Act as relates to the excised Liquors sold by Taverners, Innholders, and other Retailors, in quantitys less than thirty Gallons, to any Person at one time, is conformable to the Ordinary Excise Act annually passed in the said Province: That part of it only is new, which imposes an Excise upon Rum and other Spirits, and Wine bought in larger quantitys than thirty Gallons, and consumed in Private familys, and which, by the Method prescribed for collecting this part of the duty, Subjects every person to render to the Town Clerk, once in a Year, an Account of the quantity of Rum, and other Spirits and Wine, consumed in his private family; And in Case the farmer of the Excise, for that particular County, shall think fit to summon him before a Justice of the Peace for that purpose, to make oath to the truth of his Account; or on failure thereof, to pay ten pounds, being the value of the Seven pounds ten Shillings Sterling, to the use of the said farmer.

That on this new part of the Act, the Objections of the three Towns abovementioned are Chiefly founded. It has been urged on their behalf, that the method of Collecting the excise by farmers, or their deputies is grievous; That by giving them power to administer an Oath to every person in the Community, they may harrass and perplex His Majestys Subjects; That the multiplying Oaths on trifling occasions, has a tendency to lessen the Sanctity of an Oath, and contributes to the spreading of perjury; That the obliging persons to expose the Secrets of their familys, by rendring an Account of their private Consumption, is inconsistent with the natural Rights of mankind, unconstitutional, and unprecedented in the English Government.

That it has also been objected, that there being no Clause in this Act to exempt the fishermen from the payment of this Excise, they will be obliged to pay Excise for all Spirituous Liquors they may purchase at Newfoundland, Halifax, or any other Port they may put into for Supplies, altho' they should have paid an Excise in those Governments, since they cannot take the Oath required by this Act, without giving an Account of the Liquors they purchased in those Provinces, and therefore, that this Act tends greatly to the discouragement of the Fishery.

That on the other hand it has been urged in Support of this Act, that it is founded on the principal of equality and impartiality ; That the motives which induced the House of Representatives to extend the Duty of Excise in the manner above stated, were, that it seemed just, that those Members of the Community, whose Estates were large enough to enable them to buy the said liquors of the Merchant in larger quantitys than thirty Gallons, should pay their proportionate part of the duty (from which under all former Excise Acts they have been exempt) with those whose Circumstances would not afford their purchasing in so large quantitys. This they conceived would make the Tax more equal, produce a larger Revenue towards the Support of His Majesty's Government, and consequently lighten the burthen of the poorer Sort in the other Taxes necessary to be raised for that purpose ; That with respect to the rendering an account of Private Consumption, the Legislature have laid this Burthen on themselves, equally with the rest of the Community ; That it is no great hardship to give once in a Year an Account, to the best of the Partys Knowledge, of liquors purchased in large quantitys, to the truth of which, he is not required to make Oath, unless on Cause of Suspicion ; That the fishermen never purchase their Rum for the Voyage, but the owner of the Vessel constantly provides all supplies for it, and among other articles sells that of Rum to the Crew, at the Excise Price ; That for this Reason the fishermen were never excepted out

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of the Ordinary Excise Acts, and there never was a Complaint of their being burthened by being subjected to the Payment of the Duty ; and that there can be no just pretence for the Owner of the Vessel to charge the Fishermen more for his Rum than the Excise Price now ; but on the other hand, that the excepting of Rum consumed in Fishing Voyages out of this New Act, would open a Door to Frauds, without procuring any benefit to the Fishermen.

That it has been further alledged, that the Act will expire by its own Limitation in December next, by which time the new Assembly (chosen in May last) will be fully apprized of its Effects, and Operation, and of the Sense of their Constituents upon it, and if it shall have been found Grievous and burthensome, they will not pass another Act of the like nature, but that as it has now been in force for Six Months and upwards, the disallowance of it must produce many bad Consequences : For the Poorer and middling sort of people who buy Liquors of Retailers, have already contributed to this Tax, by paying the Excise Price for them ; and whatever Sums have so accrued, will be sunk either in the Pockets of such Retailers, or of the Farmers of Excise, who are not obliged to pay the Sum they have contracted for, with the Publick, till the end of the Year ; and thus the Publick will be deprived of the benefit of this part of the Tax : That if the Act be disallowed before it has had its full operation, the Publick will also lose the Benefit of that part of the Duty which is laid on exciseable Liquors purchased in larger quantitys than thirty Gallons, which is computed at about four thousand pounds Sterling : That this Sum will be sunk in the Pockets of the Richer sort of People, who have no reasonable pretensions to be exempted from paying their part of the Duty, and the Burthen of other Taxes will be thereby increased upon the Poorer sort : That in such Case likewise, all the Governments Creditors, who have advanced any Sums of money, upon the Security of this Fund, will lose their Security, which will not only be of great detriment to the

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Publick, as it will create a necessity of imposing a New Tax in Order to satisfye such Creditors, but must give such a Shock to its Credit as may have the most fatal Effects upon any future Occasions of raising money on Emergencys.

That upon the whole, as the mode of Levying Taxes is a matter of Provincial Oeconomy, of which the Representatives of the People are the Competent Judges ; and as the Repeal of this Act would disappoint His Majestys Service, deprive the Publick of the benefit of the duty thereby imposed, put that part of it which is already accrued into the Private Pockets of Retailers and farmers, of Excise ; and above all, as it must necessarily weaken the Credit of the Province, which the said Lords Commissioners conceive may in the présent Conjuncture, be of fatal Consequence, they are humbly of Opinion, that the said Act should receive His Majestys Royal Confirmation.

[pp. 479-82, 496.]

[274.] [Reference to the Committee, and by them on 7 May 26 April.  
to the Board of Trade, of the petition of Joseph Hauser and New York.  
Philip Ludig, on behalf of themselves and the Lutheran  
inhabitants of New York, for letters patent for collecting in  
England for building a church in New York.] [pp. 378, 396.]

[275.] [Reference to the Committee of the petition of 26 April.  
William Foster, Esq., of Jamaica, for a day for hearing his Jamaica.  
appeal from a Chancery decree of 16 Oct., 1754, and several  
proceedings relating thereto in favour of Augustine Dupouy,  
in a case arising from the sale of goods on board the *Santa*  
*Rosa*, a prize taken by one of his Majesty's ships of war, which  
goods have been ordered by the Admiralty Court to be restored  
to the claimants.] [p. 379.]

[On the motion of Foster's solicitor, the Committee order 12 June.  
the stay of proceedings in the Jamaica Chancery till the  
appeal is determined.] [p. 442.]

[Reference to the Committee of the petition of Margaret (1756.)  
Blancau (or Renaire), widow and heiress of John Blancau, 27 Jan.  
merchant of Bordeaux, deceased, and of Dominic Laraldi,

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merchant of Cape Francis in America, Blancau's surviving partner, for a day for hearing their appeal from two orders of the Jamaica Chancery 17 May, and 2 Aug., 1754, in the suit arising from the sale of the *Santa Rosa* and her cargo.]

[XVI. pp. 15, 406.]

(1758.) [Committee. On the death of William Foster, the appeals  
13 Mar. are revived by making his executors James Spagg and Martha his wife, parties.] [XVII. p. 59.]

(1758.) [On the Committee report of 22 June, the order of 16 Oct.,  
28 July. 1754, is affirmed; and on the appeal of Blancau and Laraldi, directions are given for taking accounts in Chancery. Names occurring in the report are Robert Foster, Francis Anthony Piccarere, Alexander MacFarlane, Adam Milan, Mr. Crymble (the Receiver General), John Sibbald, and Charles White.]

[XVII. pp. 163, 173-8, 221.]

13 May. [276.] [Reference to the Committee, and by them on 15  
Georgia. May to the Board of Trade, of a Board of Trade representation with a remonstrance from the Council and House of Representatives of Georgia,] Setting forth, that the Governor of the said Province has, in Consequence of His Majestys Instructions, issued a Proclamation, obliging all Grantees of Lands, to clear and Cultivate at the Rate of five Acres per Year for every hundred Acres contained in their Grants, in failure of which, such Grants are to be void, and humbly praying for the reasons therein contained, that the said Condition may be altered, and that His Majesty would be graciously pleased to grant such Redress, as to His Majestys great Wisdom shall seem meet. [pp. 412, 416.]

12 Aug. [On the Committee report of 7 Aug. the Council approve an instruction prepared by the Board of Trade in accordance with a Committee order of 23 July, when they approved the Board of Trade report of 1 July, viz. :—] That the Governor of the said Province hath informed them, that great part of the Lands is Pine Barren, totally unfit for Cultivation, and that it generally happens, that one half of each Tract granted, is such Land; From whence the said Lords Commissioners

conceived great inconveniencys and difficultys may arise under the present Regulation, And therefore proposed,

That for every fifty Acres of Land, accounted Plantable, the Patentee shall be obliged, within three Years after the date of his Patent, to clear and work three Acres at the least, in that part of his tract which he shall judge most Convenient and advantageous ; or else, to Clear and drain three Acres of Swamp, or Sunken Grounds, or drain three Acres of Marsh, if any such be within the Bounds of his Grant.

That for every fifty Acres of Land accounted Barren, every Patentee shall be obliged to put and keep on his Land, within three Years after the date of his Grant, three Neat Cattle or Six Sheep or Goats, which number he shall be obliged to continue on his Land, untill three Acres for every fifty, be fully cleared and improved.

That if any Person shall take up a Tract of Land wherein there shall be no part fit for present Cultivation, without manuring and improving the same, every such Grantee shall be obliged, within three Years from the date of his Grant, to erect on some part of his Land, one good dwelling house, after the manner of Georgia Building, to contain at least, twenty feet in length, and Sixteen feet in Breadth, and also to put thereon, the like number of three neat Cattle or Six Sheep or Goats for every fifty Acres.

That if any person shall take up any Stony or Rocky Grounds, not fit for Planting or Pasture, if any such Patentee shall, within three Years after the passing of his Grant, begin to employ thereon and so to continue to work for three Years then next ensuing, in digging any Stone Quarry, or Coal, or other Mine, One good and able hand, for every hundred Acres of the said Tract, it shall be accounted a sufficient Cultivation and improvement.

That every three Acres which shall be Cleared and worked as aforesaid, and every three Acres which shall be Cleared and drained as aforesaid, shall be accounted a sufficient Seating, Planting, Cultivation and Improvement, to save for ever

from forfeiture, fifty Acres of Land in any part of the Tract contained within the same Patent, and the Patentee shall be at Liberty to withdraw his Stock, or to forbear working in any Quarry or Mine, in proportion to such Cultivation and Improvements as shall be made upon the Plantable Lands, or upon the Swamps, sunken Grounds and Marshes, which are included in the same Patent.

That when any person, who shall hereafter take up and Patent any Land, shall have seated, planted, Cultivated, or improved the said Land, or any part of it, according to the directions abovementioned, such Patentee may make proof of such Seating, Planting, Cultivation and Improvement, in the General Court, or in the Court of the County District, in Precinct, where such Land shall lie, and have such proof Certified to the Registers Office, and there Entered with the Record of the said Patent, a Copy of which shall be admitted as good Evidence on any Trial to prove the Seating and Planting of such Land.

And lastly, in order to ascertain the quantity of Plantable and Barren Land contained in each Grant hereafter to be made within the said Province; That upon all Surveys hereafter to be made, the Surveyor shall be required and enjoined to take particular notice, according to the best of his Judgment and understanding, how much of the Land so surveyed, is Plantable, and how much of it is Barren and unfit for Cultivation, and accordingly to insert in the Survey and Plat by him to be returned into the Registers Office, the true quantity of each kind of Land.

- That these Regulations are Chiefly taken from an Act passed in Virginia in the Year 1713, under which the Settlement and Cultivation of that Colony have been greatly extended, and therefore the said Lords Commissioners proposed that an Instruction conformable thereto, should be given to His Majestys Governor of Georgia. [pp. 471, 485-7, 499.]

13 May. [277.] [Reference to the Committee, and by them on  
Georgia. 15 May to the Board of Trade, of a Board of Trade repre-



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sensation with a letter of 28 Feb. from Governor Reynolds] setting forth the present uncertainty of the Southern Boundary of the said Province, the great Inconveniences that will attend its remaining so, and the importance of having it ascertained. [pp. 412, 416.]

[278.] [Reference to the Committee, and by them on 12 June to the Board of Trade, of a Board of Trade representation] transmitting a Petition of sundry Persons, Inhabitants of a Tract of Land scituate upon Connecticut River within the Province of New Hampshire, to His Majesty, Setting forth the Dangers to which by their scituation they are exposed from the incursions of the French and their Indians, and by their being destitute of any protection from the Government of New Hampshire, and humbly praying His Majesty to afford them such Relief, as in His great Wisdom shall seem meet. [pp. 413, 441.]

13 May.  
New  
Hampshire.

[On the Committee report of 7 Aug. the Council approve an additional instruction prepared by the Board of Trade in accordance with an order of the Committee on 23 July, when they approved the Board of Trade report of 15 July on the petition of the inhabitants of a tract of land known as Number 4, about 30 miles north of Fort Dummer, viz. :—] That it has been represented to them, as well by His Majestys Governor of New Hampshire, as by other persons well acquainted with the present State of that Province, that the Settlements on its Frontiers have been, ever since the determination of the dispute with the Massachusetts Bay, concerning the Boundary Line, greatly neglected, and left exposed to the incursions of the St. Francis and other Indians in the French Interest, who have of late, by means of the Passes thro' the Rivers and Lakes, with which that Country abounds, greatly infested and disturbed those Settlements, and committed Hostilitys and depredations upon His Majesty's Subjects; The said Lords Commissioners were therefore of Opinion, that it would be for His Majestys Service, not only with respect to the Security of this Province, but also

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to that of the Neighbouring Colonies, that some measure should be taken for the defence and protection of these Settlements, and proposed, that an Additional Instruction should be given to His Majestys Governor of New Hampshire directing him to recommend it, in His Majestys name, to the Assembly of that Province (whose duty it is) to make Provision, in some certain, constant and effectual manner for the said purpose. And in Case the said Assembly should neglect or refuse to comply with such Recommendation, the said Lords Commissioners submitted, whether it might not be adviseable, that the said Governor should be directed to represent the Case to General Braddock, Commander in Chief of His Majestys Forces in America, to the end, that he may give such directions therein as shall appear to him to be proper and consistent with the General Good of the Service. [*pp.* 471, 483-4, 498.]

(1757.) [Reference to the Committee, and by them on 17 Mar.  
10 Mar. to the Board of Trade, of a Board of Trade representation of 9 March with two petitions, one from Number 4, and the other from Hinsdale, another settlement on the Connecticut, setting forth that, despite the above instruction, they still remain neglected and exposed in the most defenceless state to the incursions of the enemy.] [*XVI. pp.* 454, 458.]

(1757.) [The Committee concur with the Board of Trade, who reported  
1 April. on 30 March] that although it is the duty of the Assembly of New Hampshire to provide for the defence and Security of these and all other the Frontier Settlements of that Province, yet the Assembly have neglected or refused to make such Provision, notwithstanding it was particularly recommended to them by His Majestys Instructions to Mr. Wentworth in August 1755; The said Lords Commissioners cannot therefore suggest any better method upon this occasion, than that Copys of the said Petitions should be transmitted to the Earl of Loudoun, Commander in Chief of His Majestys Forces in North America, with His Majestys Orders for His Lordship to take such measures for the Protection and Security of the said Settlements, as, upon examination of their respective

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Circumstances, shall appear to him to be requisite, and consistent with the General Good of His Majestys Service.

[XVI. p. 478.]

[279.] [Reference to the Committee of a Board of Trade representation,] proposing, that an Act passed in His Majestys Province of New York in December last, Entituled An Act for submitting the Controversy between the Colonys of New York and New Jersey, relating to the Partition between the said Colonys to the final determination of His Majesty—may be Repealed, and that an Additional Instruction may be given to the Governor of New York, to recommend to the Assembly of that Province, the making Provision for defraying one half of the expence of obtaining and executing a Commission for running the Boundary Line between the said Colonys.

10 June.  
New York.

[p. 426.]

[On the Committee report of 12 June the Act is repealed.]

24 June.

[pp. 434, 453.]

[On the Committee report of 7 Aug. the Council approve an additional instruction prepared by the Board of Trade in accordance with an order of the Committee on 12 June, when they approved the Board of Trade representation, viz. :—] that this Act is improper, as the method of determination which it proposes, is unusual, and contrary to the Constant Practice in Cases of the like nature, Questions of disputed Boundary, whereby Private property may be Affected, having never been determined by the Crown in the first Instance, but always by a Commission from His Majesty, with liberty for all Partys, who shall think themselves aggrieved by the Judgment of the Commissioners to Appeal to His Majesty from their decision. That it is also improper, because, although the very Object of the Act is to Submit the matter in dispute, as far as private property is concerned, to the determination of His Majesty, Yet it previously ascertains in some degree, the limits of Private Right and property, by declaring, that certain Patentees therein mentioned, shall not extend their Claim beyond a Limit therein described; And if it was not liable to these

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Objections, yet it would be ineffectual, as the Proprietors of New Jersey have not consented to the method of Decision therein proposed. For which reasons the said Lords Commissioners are of Opinion, that the said Act ought to be repealed. And that as it appears to be of the greatest importance to the Peace and tranquility of the two Provinces, that some certain Line of Property and Jurisdiction should be speedily settled between them, the said Lords Commissioners conceive the same can only be done by a Commission to be issued in the same manner, and under the same Regulations as that issued in the year 1737, for running the Boundary between the Provinces of the Massachusetts Bay and New Hampshire, with Liberty to either Party who shall think themselves aggrieved, to Appeal to His Majesty in His Privy Council, The Agent for the Proprietors of New Jersey has declared himself willing to concur in this measure, and has Offered to give Ample Security, that the said Proprietors shall and will defray one half of the expence of such a Commission, but the Agent of New York not being authorized by his Constituents, has declined entering into such an Agreement, [the Board of Trade propose an instruction to the Governor to recommend the passing of an act for defraying half of the expense].

[pp. 434-6, 487, 498.]

24 June. [280.] [New general instructions for Governor William  
Bermuda. Popple are approved, on a Committee report of 12 June, approving the following Board of Trade representation of 2 May, referred to them on 10 June :—] That upon a Revisal, in the year 1752, of the General Instructions given by His Majesty to the Governors of the several Colonys and Plantations in America, they directed each of the said Governors to consider the said Instructions, and to transmit his Opinion upon such parts of them, as, from an alteration of Circumstances, might have become useless, obsolete or improper. And William Popple Esq. His Majestys Governor of the Bermuda or Somers Islands, having transmitted his Observations upon His Majestys Instructions to him. The

said Lords Commissioners have taken the same into consideration ; And it appearing to them, that many parts of the said Instructions are become useless and improper, and that in Order to put an end to the disputes which have arisen in the said Islands, to the great detriment of His Majestys Service, and of the Publick Peace and Welfare, it is necessary to alter several Articles, and to add several others, relative to points hitherto unprovided for, they have therefore prepared a New Draught of General Instructions . .

That in this Draught they have ranged and digested the several Articles, in such Manner, as that those which relate to the same subject, may be found together ; That they have made all those Parts which direct the Governor to send any particular or General Account of his proceedings, and of the State of Affairs within His Government, conformable to the Directions of that part of His Majestys Order in Council of the 11th of March 1752, containing Regulations with respect to the Plantations, which relates to the method of Governors Correspondence, and have made all such general Alterations as His Majesty has been graciously pleased to approve in the Instructions given to the Governors of Jamaica, the Leeward Islands, New York, North Carolina, and Georgia.

That they have omitted the 1st and 2nd Articles of the former Instructions, directing the said Governor to take upon him the Administration of Government, to call the Council, publish his Commission, and take and Administer the Oaths, those several directions having already been complied with.

That they have omitted that part of the 28th Article of the former Instructions, which directed the Governor to recommend it to the Assembly to impose a Duty on Tobacco exported, and to settle a moderate Quit Rent on the Lands enjoyed by the Inhabitants, no Tobacco being grown in or exported from the Bermuda Islands, nor any Quit Rents paid for Lands enjoyed by the Inhabitants.

That they have omitted the former Articles No. 74, 75, 76 Relative to the Royal African Company, which are become

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unnecessary, as that Company is dissolved, and the Trade laid open by Parliament.

That they have also omitted part of the 80th, and all the 82d Article of the former Instructions, directing an enquiry to be made concerning the Slaves belonging to the late Bermuda Company, and the Publick money received by any Officer at, or since the Eviction of their Charter. That these Articles seem to have been part of the Instructions given to the first Governors on the Eviction of the said Companys Charter, and are now quite absolute and useless.

That they have likewise made alterations in the following particulars. To the 3d Article of the present Draught, by which the Governor is directed to Communicate to the Council certain Articles of His Instructions, they have, added a Clause forbidding the said Governor or Commander in Chief to give a Copy of any Instruction (except such as are described in the former part of this Article) to any Member of the Council or Assembly, or any other Person, without His Majestys especial Leave ; And also directing the President of the Council or Commander in Chief, upon the Return of a Governor who hath been absent, or upon the arrival of a New one, to deliver up to such Governor all the Instructions he may have received during his Administration, and all other Publick Papers whatsoever, His Majestys said Governor having represented, that Presidents of the Council, on whom the Government has devolved, have given Copys of the whole Bodys of Instructions to every Member of the Council, from whom Members of the Assembly, and Private Persons, have obtained other Copys, and the whole hath become Publick, to the great prejudice of His Majestys Service.

That the 29th and 30th Articles of the present Draught are in the room of the 71st Article of the former Instructions, by which His Majestys said Governor was directed to oblige all Vessels to clear and enter at Castle Harbour or St. Georges Harbour, without obliging them to load and unload there. That Mr. Popple has represented, That it has been impossible

to carry this direction into Execution, That the tedious, dangerous, and difficult Navigation round the Island from the West end into the Castle or St. Georges Harbour, is one great Cause of the General refusal to comply with the said Direction, besides which, great disputes have arisen, concerning the true Intent and meaning of it, the Inhabitants contending, that only such Vessels as design to enter and Clear, are under obligation to come into the said Harbours ; and in consequence of such construction, it has been the General Practice for Vessels coming from french and Dutch Settlements and other parts, to go to the West end, where there is no Custom house Officer, and remain there till they proceed again to Sea, without entering or clearing at all ; and that the few Vessels which do come round to clear out, return to the West end before they proceed to Sea ; That this Practice appears to the said Lords Commissioners to give great opportunity of carrying on illicit Trade, for preservation of which, as well as for Remedy of the difficultys, Dangers and delays to which the Commerce of the said Islands is alledged to be liable under the present Regulations, They humbly offer the Alterations contained in the said 29th and 30th Articles, and humbly propose, that Your Excellencys would accordingly be graciously pleased to give directions for the appointment of a Searcher to reside at the West end of the said Islands.

That in the 52d Article, which contains Regulations for the Governors Conduct in Case of the Suspencion of Patent Officers or their Deputys, the said Lords Commissioners have inserted some words to extend these Regulations to Cases where the Deputy may happen to die, which was not provided for by the former Instructions, and from whence great inconveniencys and disputes have arisen.

That in the 58th Article they have omitted that part of the former Instruction on the same Subject, which required the Governor with the Advice of the Council, to consider of the Publick Lands, School Land, Whale fishing, and all other His Majestys profits and Revenues. And as Mr. Popple

represents, that great abuses are Committed with respect to the said Lands, they have in lieu of the said Words inserted very particular Directions for making a strict enquiry into quantity, Tenure and Revenue of the said Lands, and returning an accurate account of the whole, that they may lay it before His Majesty, and receive His Directions thereupon.

That the 59th Article contains the Substance of the 79th and 80th Articles of the former Instructions, except only, that such Parts of them are left out as appear to be absolute, or are included in the preceeding Article of the present Draught.

That besides the several Omissions and alterations above stated, they have made the following Additions.

The several Articles No. 13 : directing the Governor to appoint a Clerk of the Assembly ; No. 18 : relative to a revisal of the Laws, No. 24 concerning the issuing and disposing of Publick money ; and No. 95 relative to the Whale fishery, are the Substance of so many Additional Instructions given by His Majesty to the said Governor, at different times, which they have inserted in their proper Places.

That the Article No. 1, is a new one, and its purport is, to revoke and Annul the Instructions formerly given by His Majesty to the said Governor.

That the Assembly of Bermuda having taken upon themselves to fix the Quorum of that House at Seventeen, the said Lords Commissioners have added the Article No. 11, by which it is declared, that a Quorum of the said Assembly shall consist of fifteen Members, and no more ; And this they thought necessary, not only for the Support of His Majestys Prerogative, to which it belongs to determine that Point, but for remedy of the delay and inconvenience which the Publick Service must suffer, while so large a part of the whole number (being thirty Six) is made necessary to transact the Publick Business.

That the said Assembly having also insisted on Choosing a Speaker at the beginning of every fourth Session, the said Lords Commissioners have added the Article No. 12, to forbid



such Practice, as contrary to the usage of Parliament, and to declare, that the Person chosen to be Speaker, at the first Session of a New Assembly, shall continue to be Speaker during the continuance of such Assembly, unless by his death, or any legal incapacity, it shall become necessary to choose another.

That they have added the 36th Article, relative to the Custody of the Records, in Order to put an end to the disputes which have frequently arisen, between the Secretary, the Clerk of the Council, and the Clerk of the Assembly, concerning their respective Rights in that behalf.

And that they have added the 96th Article, directing the Governor to recommend it to the Assembly, to raise and pay to him, an allowance of One hundred pounds a Year, for the several Years during which he had no Proffit from granting Licences to fish for Whales (being forbid by His Majestys Instructions to take any) nor any allowance from the Assembly in lieu thereof, it appearing highly reasonable, that as the Inhabitants had during those Years, the free enjoyment of the said fishery, they should make good such loss to His Majestys said Governor.

[A separate order to the Treasury to give directions for appointing a searcher and suppressing illicit trade, follows.]

[*pp.* 425, 428-32, 450-1.]

[Reference to the Committee of a Board of Trade representation of 12 May,] proposing that an Instruction may be given to the Governor of the Bermuda Islands, to authorize and require him to grant and dispose of His Majestys Lands in those Islands, upon the Terms, and in the manner prescribed in a Bill prepared by the said Governor and transmitted by him to the said Lords Commissioners for Trade and Plantations. (1757.)  
8 June.

[XVI. *p.* 520.]

[The Committee order the Board of Trade to prepare an additional instruction in accordance with their representation.] (1757.)  
15 June.

[XVI. *p.* 531.]

[An instruction is approved in accordance with the Committee report of 15 June, 1758, and the Board of Trade (1758.)  
16 June.

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representation, which set forth that] Governor Popple having in his Letter to [the Board of Trade] dated the 5 May 1756, transmitted the several accounts required by the said Instruction [Article 58], and also the Plan of an Act which had been prepared for raising the value of the said Lands, the said Lords Commissioners immediately laid the said Papers before the Lords of the Treasury, for such Opinion or directions as they should think proper to give thereupon. That whilst these matters remained under the Consideration of the Lords of the Treasury, they received a Second Letter from the said Governor transmitting another Copy of the said Bill, with some Additional Clauses of amendment, and acquainting them, that having laid the same before the Assembly, they had proceeded to new model it, and had Clogged it with many Clauses so exceptionable, that neither he nor His Majestys Council could give their consent to them, and therefore proposing, that without moving this matter any further to the Assembly, he might receive an Instruction to dispose of the said Lands in the manner prescribed in the Bill prepared and amended by him. [The Treasury having approved of the proposed measures, which will greatly improve the revenue, and be of much benefit to the inhabitants, the Board of Trade proposed that an instruction be given accordingly.] [XVII. pp. 161, 164.]

24 June.  
S. Carolina.

[281.] [A South Carolina Act of 1738—for easing the port charges to coasting vessels entering into and clearing out from port to port within this province, and to prevent any impotent, lame or infirm person or persons being imported, brought to, or landed in any part within this province who shall be likely to become burthensome, or be a charge to the public—is disallowed, on the Committee report of 12 June agreeing with a Board of Trade representation referred to them on 13 May, which set forth] that by this Act, all Ships and Vessels belonging to the Inhabitants of the said Province, whatever Port or place they come from, or may be bound to, are exempted from the Payment of Powder money, or Powder Duty, and if employed in the Coasting Trade, they are also

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discharged from the expence of Pilotage, when they do not actually take a Pilot on board. That by the Twentieth Article of His Majestys Instructions to James Glen Esqr. the late Governor of South Carolina, he is strictly charged and Commanded, on pain of His Majestys highest displeasure, not to give his Assent to any Law, whereby the Natives or Inhabitants of the said Province might be put on a more advantageous footing, than those of this Kingdom ; And that as this Act has been passed in contradiction to the said Instruction, the said Lords Commissioners for Trade and Plantations, propose the Repeal thereof. [pp. 412, 433, 452.]

[282.] [Reference to the Committee of the petition of Thomas Pinnock, late Receiver General of Jamaica, for a day for hearing his appeal from a sentence of the Vice-Admiralty Court, 23 Feb., 1754, on his bill for the condemnation of the sloop *Prince William* and her tackle, and of 46 serons and 25 bags of cocoa as imported contrary to law,] By which Sentence the said Sloop *Prince William* with the Appurtenances, and Twenty Serons of Cocoa claimed by Thomas Hartley was decreed to be restored to him in behalf of William Dorrill Esqr. the Owner thereof, but that as to the other twenty Six Serons and Twenty five Baggs of Cocoa, claimed by James Hayes, the Judge was of Opinion, the same was not properly before the Court, because it was not monited, as is usual in such Cases, and therefore no Order was made with respect to that part of the Libell. [p. 468.] 22 July. Jamaica.

[283.] Whereas the Committee of Lords of the Privy Council for hearing Appeals from the Plantations, have represented to their Excellencys the Lords Justices at this Board [on 7 Aug.,] that a Practice hath of late been introduced into the Court of Chancery in His Majestys Island of Jamaica of Carrying on Proceedings in Causes after Appeals have been prayed and actually allowed by the said Court to His Majesty in Council, from Orders and Decrees made upon such Causes in the said Court, in the same manner, as if no such Appeals 26 Aug. Jamaica.

had been prayed or allowed therefrom, without waiting until His Majestys Royal determination has been given on such Appeals, and in direct contradiction to the Orders and Instructions given by His Majesty to the Governor of that Island for allowing Appeals to His Majesty in Council ; And that altho' the said Committee have upon all Cases of this kind, which have come under their Consideration, Ordered the Governor to put a Stop to all further proceedings in the said Causes, pending the Appeals before His Majesty in Council, yet they conceive it absolutely necessary, in Order to put a final Stop to a Practice of this kind, so contrary to His Majestys Orders and Instructions, as well as the Common Course of Proceedings in all other Courts of Judicature, where an Appeal is always allowed to be a Supersedeas to all further proceedings in the Court from whence the Appeal is brought, that some peremptory Orders may be forthwith sent to the Governor of Jamaica, suitable to the occasion, and as may most Effectually prevent any further proceedings of this Nature for the time to come. [The Lords Justices, considering such proceedings in Chancery] to be not only derogatory of His Majestys Royal Authority, but of great prejudice to such of His Subjects as become Appellants to His Majesty, are therefore hereby pleased, with the Advice of His Majestys Privy Council, to declare Null and void, all proceedings of this kind that have been hitherto carried on in the said Court of Chancery, after Appeals have been granted, and pending such Appeals before His Majesty in Council, except only with regard to such final Judgments and Decrees, as may have been carried into Execution upon the Appellees having given sufficient Security to make ample Restitution of all that the Appellant shall have lost by means of such final Judgment or Decree having been so carried into Execution, in Case upon the Determination of such Appeal, such final Judgment or Decree should be reversed, and restitution awarded to the Appellant. And their Excellencys do hereby peremptorily require and Command the Governor . . . to pay, for the future, a due and Exact Obedience to the Orders and

Instructions given by His Majesty upon this Head, as he will answer the contrary, and not to permit or suffer proceedings of any kind whatsoever to be carried on in any Cause, after an Appeal has been prayed and allowed to His Majesty in Council, [save in the case of final judgments when the appellee gives security to make restitution]. And it is hereby further Ordered, that this Order be entered in the Register of the said Court of Chancery in Jamaica.

[*pp.* 491-2, 501-2.]

[284.] [Reference to the Committee, and by them on 2 Sept. to the Board of Trade, of a Board of Trade representation of 6 Aug., with a remonstrance of the Georgia House of Representatives transmitted to them by Governor Reynolds,] that the Qualifications of Electors and Representatives as Settled by His Majestys Instructions, to the said Governor, may be detrimental to the Welfare of the said Colony, and praying, for the reasons therein contained, that they may be permitted to settle such Qualifications as aforesaid by such Laws, as may most conduce to the Interest and Welfare of the said Colony.

26 Aug.  
Georgia.

[*pp.* 506, 509.]

[285.] [Reference to the Committee, and by them on 2 Sept. to the Board of Trade, of a Board of Trade representation of 6 Aug. with a remonstrance of the Assembly of Georgia transmitted to them by Governor Reynolds, setting forth] that the fixing and settling the Fees of the Publick Officers of that Colony, being solely in the Power of the Governor and Council, without the Concurrence and Consent of the Assembly, seems to them a great hardship, and may be attended with Consequences hurtful to their Constituents, as it puts it entirely out of their power to procure them any Redress if ever they should have reason to complain on this head; They therefore humbly pray, that the Fees of the Publick Officers of that Colony, may be settled by Act of General Assembly, and no otherwise, as is the Custom of all His Majestys other Colonys in America.

26 Aug.  
Georgia.

[*pp.* 507, 510.]

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1755.

26 Aug.  
Virginia.

[286.] [Reference to the Committee of an address of the Council of Virginia, praying] that His Majesty will be Graciously pleased to revoke the Instruction lately given to the Lieutenant Governor of the said Colony, whereby he is required to issue his Warrant from time to time to His Majestys Receiver General, for the payment of the Ballance of the account of the two Shillings per Hogshead on Tobacco, which duty was imposed by an Act passed in the said Colony in the Reign of King Charles the Second, for the better Support of Government in the said Colony and for no other use whatsoever, to be applied towards the Repayment of the twenty thousand pounds, which His Majesty was graciously pleased to Order for the protection of His Majestys American Dominions, against the unjust attempts and incroachments of the French. [p. 508.]

26 Aug.  
Georgia.

[287.] [Reference to the Committee, and by them on 10 Sept. to the Board of Trade, of a memorial of] Causaponakeesa, Rightful and natural born Princess of the upper and lower Creek Nations, in behalf of herself, Micos, Chieftains, beloved Men, Captains, Warriors, Subjects and Vassals, who by the Laws of God and Nature enjoy any Hereditary Rights, Privileges or dignities whatsoever in the said Nations, setting forth her good Services to the Crown of Great Britain, and praying a Reimbursement of what she has expended for the British Interest, and such recompence for Twenty Years personal Services as His Majesty shall think fitt. [pp. 509, 513.]

(1759.)

2 Feb.

[An instruction to the Governor of Georgia is approved in accordance with the Committee report of 1 Feb. The preparation of this instruction was ordered by the Committee on 11 Jan. when they approved the following Board of Trade report of 6 Dec., 1758 :—] Upon this Occasion We beg leave to observe to Your Lordships that besides the Services alledged in the said Memorial there are other Claims long since set up by the Memorialist and her Husband the Reverend Mr. Thomas Bosomworth respecting Lands in the province of Georgia

And as their Conduct in founding and supporting those Claims is nearly Connected with and must greatly affect the Merits of the Pretensions Stated in the Memorial We think it Our Duty to lay before Your Lordships such a short Account of that Conduct as We conceive to be necessary towards forming a Judgment of the Merits of the whole Case and of the Expediency of what We shall propose to Your Lordships as most adviseable for His Majesty to do therein.

It appears by the Books of the late Trustees that in the Year 1747 the Reverend Mr. Thomas Bosomworth a Minister in the Province by their Appointment, having Married the Memorialist a Daughter of an Indian Woman by a White Man and who called herself the rightful and natural born Princess of the upper and lower Creek Nations he thereupon deserted his Ministry and going up with his Wife into the Creek Nation, without any Licence from the Trustees made a pretended Purchase of the three Islands of St. Catherine, Ossebaw and Sappela which together with other Lands in the Neighbourhood of the Town of Savanna had by Treaties with the Creeks in 1733 and 1739 been reserved to them in common for their hunting Lands And at a Second interview in the Year 1750 they pretend to have obtained from the Creek Nations a Confirmation of that Grant a further Grant of the residue of the reserved Lands and a Deed declaring Mrs. Bosomworth to be rightful Empress of the Creek Nations, and empowering her to treat with his Majesty and his Ministers upon all Affairs respecting those Indians.

The authority and validity of these several Deeds have at some times been acknowledged and at others totally disavowed by the Chiefs of these Indians according to the temporary Effect of Liquor on the One Side or presents on the other But besides a variety of Circumstances which shew them to have been fraudulently obtained One which alone seems sufficient to invalidate them appears upon the Face of the Deeds themselves. The first of them being signed only by one of the Chiefs of the lower Creeks who appears to have received the

whole and Sole benefit of the pretended Sale and who could have no right of himself to dispose of Lands which had been reserved by the two Nations for their common Use And the three Subsequent Instruments being subscribed only by Six Chiefs of the lower and One of the Upper Nation of Creeks.

In Order however to support these Claims the Memorialist and her husband have most industriously employed every Art to keep up a Connection with the Creek Nations and to gain an Influence over them And the means which they have used for these purposes have been at once the most prevalent and the most injurious to His Majestys Interests For they have succeeded by making frequent presents to these Savages by entertaining them often at their House by inspiring them with Jealousies of the dispositions and designs of His Majestys Government by poisoning their Minds with such false and wicked suggestions as might best serve to discredit the professions of the Governor and frustrate his endeavours for the publick Service And by many other flagitious practices which interrupt the Quiet of the Colony alienate the Affections of the Indians and weaken the Influence of Government.

From this state of Facts it will appear to Your Lordship that whatever good Services the Memorialist may have done to the British Interest in the beginning of the Settlement under General Oglethorpe (and We have reason to believe that at that time She was serviceable to the undertaking) yet her Conduct since the Year 1747 has been highly Criminal with respect to His Majestys Government and much more deserving of Punishment than Reward. Your Lordships will also be of Opinion That it is highly expedient that some effectual Means should be speedily employed for putting an end to the pretensions of these people the Effects of which for many Years have been a source of variance with the Indians have kept the Colony under constant apprehensions and occasioned a large Quantity of the best Land on its Sea Coast to lie waste.

The means which should seem the most proper and effectual for bringing a Question of this Nature to decision would be



by due course of Law But besides the delay with which a process would be attended the practices of these persons have so much intimidated the Inhabitants of the Colony that there is great reason to doubt whether any Court of Judicature there would dare to decide against them through fear of the troubles they might create by means of the Indians And even if such a Decision could be obtained it could not but operate as an incentive to their Animosity and excite them to strengthen their Connection with the Indians and encrease their Efforts to embroil the Colony with them Whereas the Principal Object of the means to be used for terminating this Affair should be as We conceive to induce the Bosomworths to employ that ascendancy which they certainly have over some of the Tribes of Indians to the good instead of the prejudice of his Majestys service.

The Method which has been suggested to Us by His Majestys Governor . . is that of a Compromise whereby they may receive such a Satisfaction as may induce them amicably to give up all Claims and pretensions whatever he thinks it highly expedient for His Majestys Service that such an Accommodation should speedily take place and is convinced that these people being once made Satisfied many Advantages would accrue to the Colony from the Additional Influence of their Interest And as We have the greatest Confidence in the Judgment and Integrity of this Gentleman who upon every Occasion throughout the whole of his Administration has conducted himself with the greatest Prudence and Discretion, We would propose to Your Lordships that he should be forthwith authorized to carry this Measure into Execution which We recommend the rather because We conceive that he will be able to do it without any Expence to His Majesty, For the Creek Indians having as he informs Us lately made a formal Resignation of all the reserved Lands abovementioned to His Majesty for ever We conceive that the necessary Satisfaction may be made to the Memorialist and her Husband by giving them a Grant of those Lands as they now actually possess

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subject to the Conditions prescribed by His Majestys Instructions with respect to Quit Rents and Cultivation And by settling the residue of the said Surrendered Lands to such persons as shall be willing to purchase them And by giving to the Memorialist and her Husband such a part of the Money which such Sale shall produce as together with the Grant of Land abovementioned shall be agreed on between them and His Majestys Governor as a reasonable Satisfaction for all their Services Claims and pretensions whatever.

If these propositions shall meet with Your Lordships Approbation We would humbly propose that an Instruction be sent to the said Governor empowering him to carry them into Execution and directing him to transmit to the Lords Commissioners of His Majestys Treasury and to this Board an Account of all his proceedings therein specifying the Sum of Money which shall remain in his hands after making Satisfaction as above proposed to the end that such Surplus may be applied to His Majestys Service in such manner as his Majesty shall please to direct. [XVII. pp. 320, 340-4, 349.]

(1759.) [Reference to the Committee, and by them on 20 Dec.  
15 Dec. to the Board of Trade, of two petitions,] The One in the Name of John Whiteside and Thomas Le Breton of Sun Court Cornhill London Gentlemen Agents for and on the behalf of Isaac Levy formerly of Broad Street London Esqr. but now resident at Philadelphia in America And the other in the Name of the said Isaac Levy both of which petitions represent the Right of the said Isaac Levy to a Moiety of some Lands in the Colony of Georgia which have been lately advertised to be Sold at the Town of Savannah in Georgia agreeable to His Majestys Order in Council for the Benefit of Thomas Bosomworth and Mary his Wife otherwise the Princess Couseponakeesa And therefore pray that the said Isaac Levy may be restored to his Share of the said Lands or to have a Recompence for the same. [XVIII. pp. 218, 219.]

22 Sept. [288.] [Reference to the Committee of the petition of  
Barbados. appeal of William Letts, Esq., Deputy Provost Marshal General

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of Barbados and Deputy Serjeant at Arms attending the Court of Chancery there, from an order of the President and Council, 4 Sept., 1754, touching the rights of his office.] [p. 517.]

[Committee order for sending a copy of the petition to the President and Council for their answer, and for both parties to take depositions in Barbados and return their evidence to the Committee within nine months.] (1756.)  
[XVI. p. 39.] 12 Feb.

[289.] [Proclamation to prohibit the exportation of gunpowder for three months.] 20 Oct.  
[p. 520.] Powder.

[On a report of the Ordnance on a petition of John Sharpe, agent for Jamaica, Barbados, and the Leeward Islands, referred to them on 19 Nov., order is given to allow ships bound from England to these sugar islands] to take on board such quantities of Gunpowder, as shall be sufficient to enable them to pay the Powder Duty on their arrival at the said Islands, and for the defence of the Ships in the Voyage, not exceeding one pound and a half of Gunpowder for every Ton, according to the Tonnage of the said ship. [Care is to be taken that no greater quantities be put on board any of the ships.] 2 Dec.  
[pp. 534, 545.]

[Letter to the Officers of the Ordnance.] His Majesty 15 Dec.  
intending to Hold a Council some day this Week, I have my Lord Presidents Commands to acquaint You with it, that in Case you should have anything to offer to His Majesty with Regard to the continuing the Prohibition upon the export of Gunpowder for a Longer time than the 20th of next Month, or to the Prohibiting the export of any sort of Arms or Ammunition, that you will be pleased to expedite Your Representation thereupon, so that it may be laid before His Majesty at this next Council.  
[p. 552.]

[Very many licences to export military stores to the plantations were granted in spite of the above order. An Act of Parliament was passed empowering his Majesty to prohibit the export of arms and ammunition, and, in accordance with this, Orders in Council continuing the prohibition for 6 months were issued on 29 April and 13 Oct., 1756, 9 April and 20 Sept., 1757, 29 March and 15 Sept., 1758, 14 April and (1755-63.)

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16 Oct., 1759, 25 April and 27 Oct., 1760, 30 April and 19 Oct., 1761, 9 April and 17 Sept., 1762. The prohibition was removed on 16 March, 1763.

In Vol. XVI. of the Register, there are 15 licences for exportation to Pennsylvania or for the use of ships bound thither, 22 to Virginia, 12 to Maryland, 16 to New England, 16 to New York, 12 to Carolina and Georgia, 9 to St. Christopher, 13 to Jamaica, 5 to Antigua, 8 to Barbados, 1 to the West Indies, 1 to Nevis and St. Christopher, 3 to Bermuda, 1 to Newfoundland, 1 for presents to the Indians to be taken out by the Earl of Loudoun, 2 for the Hudson's Bay Co., 1 for a ship to Gambia and Antigua, 1 to the American plantations, and a very large number for ships engaged in the African trade.

In Vol. XVII. there are 88 entries under individual colonies—20 for export to South Carolina, 13 to Virginia, 12 to New England, 9 each to New York and Antigua, 6 to Pennsylvania, and 5 to Newfoundland.

Vol. XVIII. contains 80 entries, 16 under Virginia, 14 each under Pennsylvania and South Carolina, 8 for New York, 7 for Maryland, and 5 for New England.

Geo. III. Vol. I. records 45 passes, distributed chiefly among the southern colonies, but including also 5 for Quebec, 1 for Halifax, and 1 for Hudson's Bay.

Geo. III. Vol. II. contains 46 entries, 15 referring to South Carolina.

On 1 Sept. 1762 there was referred to the Ordnance a memorial of the merchants trading to S. Carolina and Georgia, setting forth the want of powder there for supplying the Indians, for the security of H.M. subjects, and for fitting out privateers especially against the Spaniards at St. Augustine, and praying, as they have been unable to export gunpowder for nine months, and as it is urgently required to cement an alliance concluded with the Indians, that they may have leave to send powder thither under the same restrictions as the traders to Africa. On 30 Sept. W. Blair, one of the Clerks

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of the Council, wrote to the Ordnance that the Council had approved their report. The merchants were to apply to the Ordnance, giving particulars of each separate consignment, "Provided the powdermakers be those who are employed for His Majesty, and the same be part of the Stock they have Reported to the Board of Ordnance to have on their hands not fit for His Majesty's Service." On these conditions the Ordnance were to comply with the proposals, and certify their approbation to the Council so that the necessary orders might be issued.]

[290.] [Reference to the Committee of the petition of Elias Bland, merchant of London, that the Council dismiss for non-prosecution the appeal of John Chaloner, merchant, of Newport, R.I., from a judgment of the Superior Court for King's County, at South Kingstown in April, 1754, increasing the sum awarded to the petitioner by a judgment of the Inferior Court in Feb., 1754.] [pp. 360, 529.] 11 Nov. Rhode Island.

[On the Committee report of 9 July, the appeal is dismissed (1756.) with 20*l.* *stg.* costs.] [XVI. pp. 256, 267.] 13 Aug.

[291.] [Reference to the Committee of the petition of Robert Kirke for some artillery and stores taken at Port Louis in the late war.] [p. 542.] 28 Nov. Jamaica.

[Committee.] . . . Robert Kirke, Agent to the Officers, Seamen, and others, who belonged to a Squadron of His Majesty's Ships, commanded by Rear Admiral Knowles at the taking Port Louis from the french in the late War, Setting forth, that at the time of the Surrender of the said Fort, several Pieces of Artillery and Stores of War were seized and carried to Jamaica, where they were Condemned as Lawful Prize for the benefit of the Captors—That apprehending the said Guns and Stores might be of service to the said Island, proposals were made to the Assembly to become purchasers thereof; But they not coming to any Resolution, and Mr. Trelawny the Governor being removed, Mr. Knowles who succeeded him, looking upon the said Ordnance as necessary 11 Dec.

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for the defence of the Island, thought proper to Order the Guns to be placed on the Fortifications where Guns were wanting, and where they now remain—That altho' application has several times been made for payment of the value of the said Artillery and Stores, yet nothing has hitherto been done therein—The Petitioner therefore humbly prays, that His Majesty will be pleased to give directions to the Governor of Jamaica, to Cause the said Artillery and Stores to be delivered to the Petitioner, in order to be disposed of for the Benefit of the Captors, unless His Majesty shall be graciously pleased to make a Grant thereof for the use of the said Island of Jamaica, and to pay for the same, which will be a most acceptable Instance of His Majestys goodness to the Officers and Seamen, who are constantly complaining of the injury done them by this Long Delay. [The Committee refer it to the Board of Trade] to write forthwith to the Governor of the said Island, to Cause an exact inventory to be made of all the said Artillery and Stores, and of the Condition in which they are, and where placed, together with an Estimate of the value thereof, And in Case he is of Opinion that the said Artillery and Stores are necessary for the Security and defence of the Island, that he do then lay the same before the Council and Assembly, and recommend it to them, in the strongest manner, to make Provision for the speedy payment of the value thereof, that the same may be distributed without further Delay amongst the Captors, And to transmit as soon as conveniently he can, an Account of his proceedings herein, in Order to be laid before His Majesty in Council. [p. 551.]

28 Nov.  
Jamaica.

[292.] [Reference to the Committee of the petition of William Perrin, Esq., of Jamaica, for a day for hearing his appeal from a judgment of the Court of Errors, 12 Oct., 1754, affirming a judgment of the Supreme Court, 20 Sept., 1753, on an action brought against him as surviving partner of Mathias Philp, deceased, by Richard Beckford, Esq., and Richard Lewing, merchant, as executors of Thomas Croose,

for a debt of 2,500*l.* currency due to Croose from the partnership.] [*p.* 542.]

1755.

[Committee. Order for hearing on 12 Aug. Appearance (1756.)  
for the respondents entered on 17 July.] [XVI. *pp.* 258, 260.] 9 July.

[293.] [Reference to the Committee of the petition of John 28 Nov.  
Whipple, gent., of Providence, R.I., for a day for hearing Rhode  
his appeal from a judgment of the Supreme Court, 18 March, Island.  
1755, reversing a judgment of the Inferior Court, 17 Dec.,  
1754, in his action of trespass and ejectment against Ephraim  
Bowen, John Carlisle, and Joseph Sweeting, tertendants under  
John Mawney, deceased, of lands and premises in Providence,  
devised to the petitioner in fee by the will of his father, Joseph  
Whipple, deceased.] [*p.* 543.]

[In accordance with the Committee report of 1 July, part (1757.)  
of the judgment is reversed and a further trial ordered on 8 July.  
certain specified issues.] [*p.* 576 ; XVI. *pp.* 543–6, 551.]

[294.] [Reference to the Committee of the petition of 28 Nov.  
Benjamin Hazard for a day for hearing his appeal from a Rhode  
judgment of the Superior Court of Rhode Island in Oct., 1753, Island.  
affirming a judgment of the Inferior Court, 20 Feb., 1753, in  
his action against Mary Hazard (now wife of John Potter) as  
administratrix of George Hazard, deceased, for 5,992*l.* 10*s.*  
currency which the petitioner had paid to Francis Brinley  
for the use of George Hazard, with interest thereon.] [*p.* 543.]

[295.] [Reference to the Committee of the petition of 28 Nov.  
Thomas Ninigret, gent., an infant, sachem of the tribe of Rhode  
Narragansett Indians in Rhode Island, by his guardian Island.  
Jonathan Nichols of Newport, R.I., that the Council dismiss  
for non-prosecution the appeal of Joseph Whipple, Daniel  
Coggeshall, John Spencer, Samuel Perry and David Anthony  
Esqrs., from a judgment of the Superior Court at Newport,  
2 Sept., 1746, affirming a judgment of the Inferior Court,  
5 Aug., 1746, in his action of trespass and ejectment against  
them for recovery of 300 acres of land, &c., in Charles Town,  
King's co., R.I.] [*pp.* 238, 544.]

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1755.

18 Dec. [On the Committee report of 11 Dec., the appeal is dismissed with 30*l.* *stg.* costs.] [pp. 550, 561.]

18 Dec. [296.] [Reference to the Committee, and by them on  
Delaware Bay. 12 Feb., 1756 to the Board of Trade, of the petition of Dr. Cadwallader Evans, of Pennsylvania, for a grant of] all the Islands, scituate in the River and Bay of Delaware in America, and to annex the same to either of the Provinces of Pensilvania or new Jersey, to be Governed as part and parcel thereof. [p. 565; XVI. p. 38.]

(1756.) [The petition is rejected, on the Committee report of  
7 July. 24 June agreeing with the following report of the Board of Trade :—] That the requests of this Nature, have usually been founded on the merit of Services already performed, or the certain prospect of Benefit hereafter to accrue to the Publick, but that the Prayer of this Petition appears to them quite destitute of such foundations, and therefore unreasonable.

That they find also the Proprietors of Pensilvania claim a Right as derived to them from the Duke of York, to all the Islands in the Bay and River of Delawar; And that many private persons have for many Years past, held, and do now hold under Quit Rents paid to the said Proprietors, several of the said Islands, in the Cultivation and improvement of which, they have expended considerable sums of money.

As therefore the Request of the Petitioner cannot be complied with without injustice to the Proprietors of Pensilvania, upon whose said Claim no determination has as yet been made, as well as to all those Private Persons who have long possessed and improved some of the said Islands; And as the Petitioner had not been able to ascertain to the satisfaction of the said Lords Commissioners, that the rest of the said Islands, or which of them, are not now under some Degree of Improvement, they were of Opinion for all these Persons, that his Petition should be rejected.

[XVI. pp. 227-8, 247.]



GEORGE II. VOL. XVI. (1 Jan., 1756—31 Dec., 1757.)

[297.] This day Messrs. Browne and Smith Entered an Appearance for Joseph Sylvester, Respondent to the Appeal of Jahleel Brenton, Esq., Benjamin Wickham, Merchant, and George Gardner from Rhode Island. [p. 2.]

1756.

7 Jan.  
Rhode  
Island.

[298.] [Order is given in accordance with the following Admiralty memorial of 20 Jan. :—] Vice-Admiral Boscawen having represented to Us, that when he lately commanded a Squadron of Your Majestys Ships in North America, he received a Letter from Lieutenant Governor Dinwiddie soon after the defeat of General Braddock near the Ohio, acquainting him of the distress the Province of Virginia was then in for the want of Arms and powder, and desiring a supply of what could be spared from the Squadron under his Command; whereupon he caused him to be supplied with four hundred Stands of Arms compleat, and five. hundred Barrels of Powder, the Receipt of which Mr. Dinwiddie has acknowledged by the Letter hereunto annexed. But as the Gunners of the Ships from whence the said Arms and Powder were issued cannot be allowed the same on their accounts without particular Orders for that purpose, We do most humbly propose, that Your Majesty will be pleased to give orders to the Master General of the Ordnance to Cause the said Arms and powder to be allowed on the Accounts of the said Gunners.

27 Jan.  
Virginia.

Virginia Williamsburg Nov. 15th 1755.

Sir

I had the honour of Your Letter of the 11th of September, with five hundred Barrels of Powder, and four hundred small Arms &c. which supply was very seasonable, as Our Magazine was quite empty, and I had no Arms for the new Levys. I now in behalf of this Colony return You sincere thanks for this necessary supply of His Majestys Service.

1756.

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The french and their Indians on Our Frontiers have done great mischief in robbing and murdering our back settlers ; there are now to the Number of 1500 in Pensilvania, perpetrating the most egregious Villanies, I hope it will rouse the people in that Province from their lethargic Indolence, and with Resentment and Spirit grant proper supplies to the necessary expedition.

We have some Sloops arrived and others expected with Neutral french from Nova Scotia ; this is mighty disagreeable to the people here, but shall consult with the Council the most proper method to settle them.

I sincerely wish you great success in all Your operations against the Common Enemy, and for the Service of Our King and Country

I remain with very great Respect

Hon. Sir

Your most Obedient humble Servant

ROBT. DINWIDDIE.

Honble. Admiral Boscawen.

[pp. 13-4.]

27 Jan.  
Newfound-  
land.

[299.] [Reference to the Committee, and by them on 20 May to the Board of Trade, of the petition of Worthington Brice, shipbuilder, for a grant of powers to himself and two associates to dig and work all mines he shall discover in Newfoundland, under such restrictions as his Majesty shall think proper.

[pp. 14, 188.]

27 Jan.  
Jamaica.

[300.] [Reference to the Committee of the petition of James Barclay, Esq., of Jamaica, executor of James Knight, Esq., deceased, for a day for hearing his appeal from a Chancery order of 8 Feb., 1755, overruling his plea to a bill filed by Daniel Monro, son of Daniel Monro, Esq., deceased, to set aside a report made by commissioners on 27 Sept., 1735, and a Chancery decree of 9 April, 1736, confirming it and decreeing 8,334*l.* 1*ls.* 2*½d.* to be due from Monro's estate to Knight, and praying that an indenture tripartite of 4 March, 1742, be cancelled, and that the accounts be unravelled and a new examination had thereof.]

[p. 15.]

1756.

[Order, in accordance with the Committee report of (1757.)  
25 March, that the Chancery order] be varied, by ordering the 26 Mar.  
Plea to stand for an Answer, with Liberty to except, and that  
the Benefit of it should be saved till the Hearing of the Cause.

[*pp.* 459, 462, 465, 469.]

[301.] [Reference to the Committee of the petition of 27 Jan.  
Alexander Graeme and James Shepherd, Esqrs., and Henry Barbados.  
Dowell, gent., all of Barbados, for a day for hearing their  
appeal from an order of the President and Council, 16 Nov.,  
1754, in relation to a grant made by the President to Thomas  
Bedford, Esq.,] of a Piece of Land in the Bay to the Westward  
of the Road leading from the Place of Execution of Condemned  
Criminals to the Facine Battery on the South side of the Place  
commonly called Haningtons Spring, containing about four  
Acres and three Roods. [*p.* 15.]

[302.] [Reference to the Committee of the petitions of 27 Jan.  
Samuel Danielson, Esq., of Connecticut, brother and heir of Connecticut.  
James Danielson, and of Nathan West, his lessee, for leave  
to appeal from judgments of Aug. and Dec., 1753, and 19 March,  
1754, on an action of account brought by Dan Throop  
and Caleb and Irena Hide, pretended executors of James  
Danielson; and from other judgments of the same dates  
on an action of disseisin by Aaron Fish, as devisee of James  
Danielson, for 90 acres of land in Lebanon.] [*p.* 16.]

[On the Committee report of 27 July, 1764, the appeals were (1764.)  
admitted. On 27 Sept. security was given by Francis Eyre 3 Aug.  
Surrey Street in the Strand. On 10 July, 1765, the appeals  
were referred to the Committee, who on 16 July fixed the  
hearing for the first meeting in Jan., 1766.]

[*Geo.* III. Vol. III. *pp.* 587-9, 602-3; IV. *pp.* 263, 281-2.]

[303.] [Reference to the Committee of a Board of Trade 11 Feb.  
representation of 10 Feb. for the repeal of a Jamaica Act of Jamaica.  
May, 1749, for the more effectual carrying into execution a  
clause in an act entitled an act for encouraging white people  
to come over and become settlers in this island, and for the

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1756.

more easy and speedy Settling the north-east part thereof, for making Port Antonio a port of entry and clearance of all ships and vessels.] [p. 32.]

19 Feb. [The Committee postpone consideration of the representation,] Mr. John Sharpe, Agent for the said Island, having moved the Lords of the Committee, that no directions might be signified for the repeal of this Law for the present.

[p. 53.]

11 Feb. [304.] [Reference to the Committee, and by them on  
Penn-  
sylvania. 12 Feb. to the Board of Trade, of a petition from sundry inhabitants of Pennsylvania, setting forth the distressed and defenceless state of that province, and praying his Majesty] to interpose his Royal authority that this important Province, situated in the Centre of His Majestys American Dominions, may be put into a Posture of Defence. [pp. 33, 38.]

19 Feb. List of Copyes of the two Petitions which have been presented to His Majesty from the Inhabitants of Pensilvania, together with the Orders made thereupon: 20 February 1756 Delivered into the House of Commons by Mr. Secretary Fox pursuant to their Address of the 18th Instant.

1st. Copy of the Petition of the Mayor and Commonality of the City of Philadelphia in Pensilvania touching the defenceless State of that Province. Lodged in the Council Office on the 6th of July 1744.

2: [Order referring the petition to a Committee, 7 Feb., 1745.]

[3-5: The above petition and orders of reference, 11-12 Feb., 1756.] [p. 56.]

2 Mar. [305.] [On a memorial from the Admiralty relating to the  
Embargo. scarcity of seamen for the fleet, a general embargo is laid.]

[p. 80.]

12 Mar. [The embargo is taken off all neutral ships, and also off a number of English vessels, of which the following were bound to the plantations:—On the petition of William and Richard Baker and Christopher Kilby, the *Four Cantons*, Capt. Christopher Heysham, 120 tons, 12 men, now at Dublin; the *James*, Capt. William Gordon, 120 tons, 11 men, going to load at Cork; and the *Earl of Halifax*, Capt. John Philips, 140 tons, 12 men, loading in the

1756.

Thames, to carry provisions for the troops in North America by contract with the Treasury: on the petition of Chancey Townshend, contractor for victualling the garrisons of Newfoundland, the *Earl of Halifax*, Capt. Parker Hare, 200 tons, 11 men, to leave the Thames and finish loading at Cork: on the petition of John Buchanan, the *Betsy*, Capt. John White, 13 men, 170 tons, with merchandise for Maryland, on furnishing two good seamen for his Majesty's service: on the petition of Messrs. Perrott, Dawson & Co., of Hull, the *Middlethorpe*, Capt. Richard Seaman, 200 tons, with perishable commodities for St. Christopher: on the petition of Moses Franks, the *Maria*, Capt. Thomas Robinson, 180 tons, 12 men, with arms which the Assembly of New Jersey had instructed Franks to send as early in the spring as possible: on the petition of David Barclay and Sons, of London, the *Carolina*, Capt. Stephen Mesnard, 200 tons, 14 men, with arms and ammunition for the public use of the province of Pennsylvania.] [pp. 101-5.]

[The embargo is taken off.]

[p. 119.]

18 Mar.

[Pursuant to an address of the House of Commons, an embargo was laid on all ships laden with corn, malt, meal, flour, bread, biscuit and starch, bound to foreign parts. One of the licences granted allowed the export of beans for feeding negroes carried as slaves to the West Indies.] [p. 360.]

4 Dec.

[An address of the House of Commons for a copy (1757.) of the Order of 2 March, 1756, for a general embargo, is entered, with a note that on 19 April, 1757, the Order was laid before the House by Viscount Bateman, Treasurer of the Household.] [p. 479.]

7 April.

[306.] [Order to the Board of Trade to write to the Governor of New York, in accordance with a Committee report of 19 Feb. approving a Board of Trade representation of 4 Feb. referred to them on 11 Feb.,] Setting forth, amongst other things, that they have lately received a Letter from Sir Charles Hardy, Governor of Your Majestys Province of New York, acquainting them, that the Assembly of the said Province have declared their Resolution, not to comply with the 17th Article of Your Majestys Instructions to the said Governor, in which it is recommended to them to establish a Permanent Revenue for the support of Government; And the said Lords Commissioners humbly propose, for the several reasons therein contained, and particularly with regard to the present scituation of Affairs, when a good understanding between your Majestys Governor and the People

2 Mar.

New York.

are so absolutely necessary, that the Governor may be directed not to press the Establishment of a perpetual Revenue for the present, but to assent to such Temporary Bills, as the Assembly shall from time to time, frame and Pass, for the support of Government: Provided they be in all other respects, conformable to Your Majestys Instructions, with regard to the granting and disposing of Publick money; And that . . . they may receive Your Majestys Commands to signify your directions to the said Governor, upon this Head, by a Letter, which appears to them to be a more proper method of doing it, than by a Publick Instruction.

[*pp.* 31, 50, 84.]

18 Mar. [307.] [Order on the Committee report of 12 March,  
Tobacco. on a reference of 2 March :—] Whereas Sir Joshua Van Neck Baronet and Company, have by their Petition to His Majesty at this Board set forth, “that for upwards of twenty five Years past, the Petitioners have been employed in exporting Tobaccos to France, twenty thousand Hogsheads of Tobacco of the growth of His Majestys Plantations having been, communibus Annis, bought up in this Kingdom for the account of the French Kings Subjects, commonly called les fermiers Genereaux, and exported to some of the Ports of France, to the amount of one hundred and Sixty thousand pounds Sterling per Annum, which hath been Constantly paid in present money to His Majestys Subjects. That the Consumption of these Tobaccos in the Kingdom of France, hath annually increased, and above Sixty British Ships or Vessels are employed in this Branch of Trade, which is the more beneficial to His Majestys Subjects, in regard the particular Sortment consumed there, is only used in France, and not fit for any other Market in Europe. That in Case His Majestys faithful Subjects should be restrained or impeded, on account of the present Scituation of Publick Affairs, from vending to the French Kings Subjects, and exporting these Tobaccos into France, the Petitioners conceive the Subjects of France may probably be induced to cultivate the growth

of them in the french Colonys, in Consequence whereof, should they not be supplied from hence, they may, in progress of time, furnish great part of Europe with other Sortments of Tobaccos, in prejudice to the Trade of His Majestys Kingdoms, in like manner as experience shews they now do Sugars of the growth of their Colonys. That the French Court has given Liberty to the Farmers General, to import into France, in English or Neutral Bottoms, all such quantitys of Tobacco as they shall think proper, and granted Passes for all Vessels employed in that Trade only, since which the Farmers General have applied to the Petitioners to use their best endeavours for obtaining His Majestys Royal Licence to the Petitioners for the exporting such Tobaccos from His Majestys Kingdom of Great Britain, into the Ports of France, free of Capture ; that inasmuch as the granting His Majestys Royal Licence to the Petitioners to export such Tobaccos from His Majestys Ports of Great Britain into France, as His Majesty was pleased to do during the late War, will be a Common benefit to His Majestys Trading Subjects, the Petitioners most humbly pray, that His Majesty will be graciously pleased to grant unto them, His Royal Licence, to permit and suffer them, from time to time, during the interruption of Trade with France, to export from any one or more of His Majestys Ports in this Kingdom, into any of the Ports of France, all such quantitys of Tobacco, of the growth of His Majestys Plantations only, as the Petitioners shall think fit ; And that His Majesty will also be graciously pleased to grant them His Royal Passes for such Ships or Vessels and Cargoes of Tobacco, out and Home, so as that the same may be exempted from Capture or molestation, under such Restrictions as to His Majesty in His great Wisdom shall seem meet." And Whereas the Lords of the Committee of Council, to whom His Majesty thought proper to referr the Consideration of the said Petition Have this day reported, that the Petitioners have laid before them several Passes signed by the French King and dated at Versailles the 22d day of February last, to permit English Ships and Vessels

to import Tobacco into France, and that their Lordships are of Opinion it may be adviseable for His Majesty to declare His Royal Intention to grant likewise Passes at this time to British Ships for the exportation of Tobacco to France, in the same manner and under the like Conditions Restrictions and limitations as were practiced during the time of the late War with France, His Majesty upon Consideration thereof, was pleased with the Advice of His Privy Council, to approve of what is proposed by the said Report, and Doth hereby accordingly Declare His Royal and Gracious Intention to grant the like Passes at this time, with those granted during the last War (a Copy of which is hereunto annexed) to British Ships of not less than 150 Tons burthen for the exportation of Tobacco of the growth and manufacture of His Majestys Plantations in America, from any of the Ports of Great Britain to the Ports of France. And that the said Passes shall be granted upon application to be made from time to time for that purpose to His Majesty in Council, And that such Passes as shall be granted to such Ships carrying Tobacco into any of the French Ports on this side the Streights mouth, be made to continue for the Space of three Months, and to Ships going into the Mediterranean Six Months, which Passes are to be passed under the Great Seal of Great Britain, and Inrolled in Chancery. But it is His Majestys express Command, that in all Cases where such Passes shall be granted, Security shall be given before the Departure out of Port of any Ship with such Pass, by the Master of such Ship, and two other Substantial Persons, and be taken by the Principal Officers of the Port from whence the Tobacco shall be exported, in the Penalty of two thousand pounds, with Condition for the due performance of the respective Terms, Provisoos, Conditions, and Restrictions in the said Pass contained. Of the taking of which Security a Certificate shall be had from the said Principal Officers or some of them. And the Right Honourable the Lords Commissioners of His Majestys Treasury, are to give the necessary directions for taking Bonds in the Penalty,



and with the conditions aforementioned, in all Cases where such Passes shall be granted.

George the Second by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, To all Admirals, Vice Admirals, Captains, Commanders of Our Ships of War, or Privateers, Governors of Our Forts and Castles, Customers, Comptrollers, Searchers, and to all and singular Our Officers, Civil and Military, Our Ministers and loving Subjects, whom it may concern, Greeting, Our Will and Pleasure is, and We do hereby strictly charge and require you, as we do likewise pray and desire the Officers and Ministers of all Princes and States in Amity with us, to permit and suffer the following English Ship, that is to say, the Ship called the . . . . . being British Built, Burden . . . . . or thereabouts, carrying . . . . . Men, whereof . . . . . is Master, laden with . . . . . Hogsheads of Tobacco, of the growth and Manufacture of Our Plantations in America, to Sail from the Port of . . . . . in { England } to the Port of . . . . .

Scotland }  
in France, and to return from thence, directly to some Port of Great Britain, without any Lett Hindrance, or molestation whatsoever, but on the Contrary affording the said Ship all such Aid, and assistance as may be necessary, Provided nevertheless, that the said Ship do not carry any arms Offensive or defensive, Ordnance, Ordnance Stores, Powder, Match, Bullets, Pitch, Tar, Hemp, Mast, Cordage, Iron, Lead, Salt Petre, Horses, Saddles, Holsters, or other Utensils or Habiliments of War, or any other Contraband Goods, to, or for, any Port or place belonging to the Crown of France, nor Trade in any manner whatsoever for or in the forementioned Goods and Merchandizes, Provided also that the said Ship shall not in her outward bound Voyage be laden with any Goods, Wares, or Merchandize, other than Tobacco of the growth, product and manufacture of Our Plantations in America, nor in her Homeward bound Voyage be laden with any Goods, Wares, or Merchandizes whatsoever. Provided

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1756.

also, that the said Ship shall not in her outward, or Homeward bound Voyage, take on Board or carry any Passengers whatsoever, Provided also, that Security has been, or shall be given by the Master of the said Ship and two other substantial Persons, before her departure out of the said Port, to Our Principal Officers of the said Port, in the Penalty of two thousand pounds, with Condition for the due performance of the respective Terms, Provisoos, Conditions, and Restrictions, in this Our Pass contained. Of the taking of which Security a Certificate shall be had from the said Principal Officers, or some of them. And We do declare that this Our Pass shall continue for the space of . . . Months and no longer. Given at Our Court at . . . the . . . day of . . . One thousand Seven hundred and . . . in the . . . Year of Our Reign. [pp. 86, 108, 122-4.]

1756-62. [Under this order over fifty passes were granted in 1756-7. The form of the letter sent to the Customs to inform them that passes are granted is given under date, 3 June, 1756 :—] Sir. Upon application made to His Majesty in Council, a Pass hath been ordered to be forthwith issued under the Great Seal, for the following Ship to export Tobacco to France, in like manner and form as was done during the last War with France Vizt.

The Marion of Glasgow, British Built, Burthen one hundred and fifty Tons or thereabouts, carrying Twelve Men, Alexander Morison Master, Laden with two hundred Hogsheads of Tobacco, to Sail from Glasgow to Bourdeaux in France.

I am ordered to acquaint you with this for the information of the Commissioners of His Majestys Customs, that the necessary directions may be given to the proper Officers at the Port of Glasgow, from whence the said Ship is to Sail, to take Care, that the Security required by Order of His Majesty in Council of the 18th of March 1756, be taken before the departure of the said Ship (a Copy of which order I herewith inclose, lest the same should not have been transmitted in form to You by the Treasury. Though three Months time is

1756.

allowed by this Pass for performing the Voyage to and from Bourdeaux, yet I apprehend that upon her return she ought to deliver up the Pass, though it should happen to be before the expiration of the said time, as the Pass is only asked and intended for this Voyage. I am, &c.

W. SHARPE.

To Corbyn Morris Esq.

Secretary of the Customs for North Britain. [p. 196.]

[In Vol. 17 there are 80 entries dealing with this trade, but the form of the pass (given on p. 316) remains the same. In Vol. 18 there are 133 entries, and from 10 Aug., 1759, an additional proviso was inserted—] Provided nevertheless That the said Port of ——— in France at the time of the said Ships Arrival there be not block'd up by any of Our Ships of War. [In Geo. III, Vol. I, 48 passes are recorded, and the form of the pass is given without further change at p. 53. In Vol. II the form is again entered at p. 17, and 51 passes were granted. In two cases the export of tobacco to Spain was permitted, and on 3 Nov., 1762, this trade was put on the same footing with that to France, the same form of pass serving for both. The proclamation of the cessation of arms is entered on 26 Nov., 1762.]

[308.] [On an Admiralty memorial of 2 March, order is given for allowing in the accounts of David Christopher, gunner of H.M.S. *Portmahon*, Capt. Robert Hughes, stores issued by order of Commodore the Hon. Augustus Keppel, Commander-in-Chief of the fleet in North America, on 3 May, 1755, to Captain T. Owen, appointed to command a vessel which was built in America to be employed on Lake Ontario. Details of the stores are given in the Register.] [pp. 128-30.]

18 Mar.  
Lake  
Ontario.

[On an Admiralty memorial of 14 May, order is given for allowing in the gunner's accounts (on the production of vouchers) various stores, of which detailed lists are given, issued by order of Commodore Keppel from H.M.S. *Norwich*, *Centurion*, *Seahorse*, *Portmahon*, *Syren*, *Guarland* and *Nightingale*, between March and May, 1755, for the use of

(1757.)  
8 June.

1756.

two sloops building at Oswego on Lake Ontario, for the use of the army under General Braddock, and for a detachment of seamen sent with Braddock under Lieut. Charles Spendelow.]

[*pp.* 516–20.]

18 Mar.  
Virgin  
Islands.

[309.] [Reference to the Committee of a Board of Trade representation of 12 March with a memorial from merchants concerned in the trade of Tortola and the rest of the Virgin Islands, setting forth their defenceless state and praying a supply of cannon, ammunition, and small arms.]

[*p.* 131.]

10 April.  
Barbados.

[310.] [Reference to the Committee of the appeal of Samuel Adams and George Greeme, Esqrs., Elizabeth Maxwell, spinster, and Thomas Inch, Esq., and Elizabeth his wife, from an order of the Barbados Chancery, 9 July, 1755, reviving in favour of William Sturge, administrator of Robert Bishop, deceased, an appeal from a Chancery order of 2 Dec., 1737, in favour of the petitioners or those whom they represent, granted to John Gibbons, deceased, as Bishop's administrator, but never prosecuted; and their petition that Gibbons' appeal against them be dismissed with exemplary costs for non-prosecution.]

[*pp.* 158, 159.]

(1757.) [Reference to the Committee of Sturge's petition that  
30 June. if the Chancery order of revival be deemed irregular, the appeal be revived by Order in Council.]

[*p.* 541.]

(1757.) [The Chancery order is reversed, on the Committee report  
9 Aug. of 8 July, when it was agreed to hear Sturge's petition at the first meeting after the vacation.]

[*pp.* 548, 554–5, 570.]

(1758.) [On the Committee report of 27 Feb., Sturge's present  
1 April. petition and Gibbons' appeal of 1737, are dismissed. The bill in 1737 was brought by John Gibbons, as administrator of Robert Bishop, against Thomas Maxwell, as administrator of his wife Margaret, widow of Robert Bishop, her son Robert Bishop, jun., and Samuel Adams, her brother, for payment of legacies left to her by her father and her brother, John Adams, and for all that should appear to be due to the estate of Robert Bishop, sen., at his decease.]

[XVII. *pp.* 46–7, 93.]

1756.

[311.] [Reference to the Committee of a Board of Trade representation of 11 May] upon returns they have received from the Governors of New Hampshire, Rhode Island, New York, New Jersey, Pensilvania, Virginia, Georgia, Jamaica, the Leeward Islands, and the Virgin Islands, of the numbers of Inhabitants, State of the Militia, Fortifications, Cannon, Small Arms, Ammunition and other Ordnance Stores in the said Colonys, and also of what the said Governors apprehend is necessary for the better security and defence of the said respective Colonys. [p. 185.]

17 May.  
Plantations.

[Similar reference of a Board of Trade representation of 20 July on like returns from the Governors of Connecticut, Maryland, N. Carolina, and Bermuda.] [p. 271.]

13 Aug.

[312.] [Order approving a draft instruction prepared by the Board of Trade in accordance with an order of 27 May on their proposal of 25 May] that an Additional Instruction should be given to the Governors of His Majestys several Colonys and Plantations in America, directing them to take especial Care, and to use their utmost endeavours to hinder all Correspondence between His Majestys Subjects in America, and the Subjects of the French King, and to prevent any of the Colonys and Plantations belonging to the Enemy in America being supplied either by Land or by Sea from any of His Majestys Colonys, with Provisions or Warlike Stores of any kind. [pp. 192, 230.]

30 June.  
Plantations

[313.] Whereas for preventing any irregularitys being committed in the manner of granting Commissions in the Plantations to Private Ships of War, the Governors of His Majestys Colonys and Plantations in America, are particularly required by their Instructions, to govern themselves according to the Commissions and Instructions granted in this Kingdom: [copies of these commissions and instructions are ordered to be sent to all the Governors, and also copies of the warrants issued by the Admiralty here requiring them to grant the commissions.] [p. 230.]

30 June.  
Privateers.

1756.

5 Oct. [On a report from the Advocate General and the Advocate of the Admiralty, the Council approve] a Draught of an Additional Instruction prepared by them to forbid the Commanders of all such Ships and Vessels as may have Letters of Marque or Commissions for Private Men of War against France, to molest the Persons or interrupt the Navigation of the Subjects of the Crown of Spain, or to Seize or detain any Ships or Vessels belonging to them, on any pretence whatever, unless on account of Contraband Goods and Merchandizes on Board the same.

Whereas Complaint has been made to His Majesty by Order of the King of Spain, that some of the Private Ships of War belonging to British Subjects, have, since the Declaration of the present War with France, seized, and brought into Port, certain Spanish Ships, without sufficient Cause, and contrary to the Stipulations of the Treaty made between the two Crowns in 1667: [an additional instruction to put a stop to such practices is approved, and copies ordered to be sent to the Governors of the colonies in America]. [pp. 305-6.]

(1757.) His Majesty having been this day pleased to approve of an  
8 June. Additional Instruction to enjoin all Commanders of Ships and Vessels having Letters of Marque or Commissions for Private Men of War, during the present War, not to commit any Act of Hostility against the Ships and Subjects of the French King within the small Islands of Ponza, Vintotens, Palmarola, and Gulph of Gaeta, or any other Islands which form the mouth of the Gulph of Naples; Provided that Orders or Instructions shall be given by the Court of France to the Commanders of their Privateers and Ships to the same Effect, and that such Orders or Instructions shall be strictly observed on their part: [copies of the instruction are to be sent to the Governors of the American colonies and to the Commander in Chief at Gibraltar]. [p. 515.]

7 July.  
Pennsyl-  
vania.

[314.] [Five Pennsylvania Acts of 1755 are confirmed and two repealed, in accordance with the Committee report of 24 June, agreeing with the Board of Trade report *infra*. The Act for granting 60,000*l.* was delivered on 15 Jan.,

referred to the Committee on 17 Jan., and by them to the Board of Trade on 19 Jan. The other six Acts were delivered and referred to the Committee on 11 Feb., and to the Board of Trade on 12 Feb. For 3 of the Acts recommended without comment, *see* App. III. On the others the Board of Trade reported,] That the following Act passed the 5th day of April 1755 intituled,

An Act to prevent the exportation of Provisions, Naval or Warlike Stores from this Province to Cape Breton, or to any other the Dominions of the French King, or places at present in Possession of any of his Subjects, having been enacted for one year only, is continued for the Space of one year by the first mentioned Act passed in June 1755 for that purpose [confirmed without comment].

That with respect to the following Act intituled

An Act for granting the sum of sixty thousand pounds to the King's use, and for striking fifty-five thousand pounds thereof in Bills of Credit, and to Provide a Fund for sinking the same.

The said Lords Commissioners reported, that since their Report dated the 3d of March last, in which they Stated certain Objections to such terms and Provisions of this Act, as gave them great room to doubt whether any part of the money thereby to be raised would be effectually applied to the purposes of defence, they have been well informed, that numbers of Men have been levied in Pensilvania, and that Forts are now building in that Province. For these reasons, and because the Act establishes a Fund for sinking the Bills of Credit to be thereby emitted within so short and reasonable a Period as four years, they are of Opinion, that your Majesty may be graciously pleased to approve and confirm it. . . . . and that the following Act intituled

An Act for extending so much of an Act of Parliament entitled An Act for punishing Mutiny and desertion, and for the better payment of the Army and their Quarters passed in the twenty Eighth year of the

present Reign, as relates to the Quartering and Billeting of Soldiers and payment of their Quarters in that part of Great Britain called England—

Appearing to them to be of an extraordinary and unusual Nature ; They thought it their Duty to referr it to Your Majestys Attorney General, who hath Reported to them as his Opinion, that it is not adviseable for your Majesty to approve thereof, that the tendency of this Act must unavoidably be to Cramp the Publick Service, and obstruct the defence of the Province. That it assumes propositions true in the mother Country, and rightly asserted in the Reigns of Charles the first and Charles the Second in time of Peace, when soldiers were kept up without Consent of Parliament, but that the application of such propositions to a Colony in time of War in Case of Troops raised for their Protection by the authority of the Parliament of Great Britain made the first time by an Assembly, many of whom plead what they call Conscience, for not making or assisting Military operations to resist the Enemy, should not be allowed to stand as Law.

And With respect to the Act passed in November 1755 Intituled,

An Act for the better ordering and Regulating such as are willing and desirous to be united for Military purposes within this Province.

The said Lords Commissioners have Reported, that it is in every Respect the most improper and inadequate to the Service which could have been framed and passed, and seems rather calculated to exempt persons from Military Services, than to encourage and promote them, No methods are prescribed for compelling persons by proper penalties to associate in defence of their Country, or for obliging those who are conscientiously scrupulous of bearing Arms themselves, to find others in their stead, or to provide for such as might by the Executive power, be found ready and willing to enlist. The whole both in respect of enlistment, and of the Subsistence of those who may be enlisted, is voluntary ;



The Officers are to be elected by Ballot, and no Provision is made for that due subordination without which all Bodies of Men associated for Military purposes would be absolutely useless. But that these are not the only defective and mischievous Provisions of this Act ; for it is Enacted, that no person under twenty one Years of Age shall be enlisted, by which means many able Bodied Men fit for the Service of their Country as Soldiers, would be excluded ; and that no Regiment, Company or Party shall be compelled or Lead more than three days March beyond the Inhabited parts of the Province, nor be detained against their Wills, longer than three Weeks in any Garrison, let the necessity of the Case be what it will. A Proviso, which instead of rendring this Militia effectual to the purposes of defence, may be the means of encouraging desertion, and of Sacrificing such of Your Majestys Troops as may happen to be joined with them in the same Service, But were the Provisions of this Act never so good and proper, yet little advantage or Benefit could be hoped for from a Law, in the preamble of which it is declared, that the Majority of the Assembly, which is in effect the Governing part of the Province in which is to operate, and from whom Your Majestys Subjects ought to receive Support and protection are principled against bearing Arms ; and that the making a Law to compell persons thereto would be to violate a fundamental of the Constitution, and be a direct breach of the Privileges of the People, the said Lords Commissioners were therefore of Opinion, that this Act should receive Your Majestys disallowance.

[pp. 4, 5, 32, 37, 223-5, 245-6.]

[315.] [On an Admiralty report on references of 27 Jan. and 17 April, 200*l*. a year is granted to Henry Hutchinson for the time he acted as agent victualler to Lord Anson's expedition, in which 12,000*l*. worth of stores provided by him were lost and destroyed. To recoup his losses, he had been appointed Commissary of Stores of War under Lieut.-Gen. St. Clair on 16 April, 1746, but as the expedition was short

7 July.  
Anson's  
Expedition.

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1756.

and the expense of fitting out, great, he gained nothing. He is therefore to be allowed half pay as Commissary of Stores from the end of the expedition till his appointment as agent for victualling the Navy at Chatham.]

[*pp.* 17, 166-7, 248-50.]

7 July. [316.] [Reference to the Committee of the petition of  
Jamaica. Thomas Hall, Esq., of Jamaica, that the Council dismiss with full and exemplary costs for non-prosecution the appeal of Andrew Arcedeckne from a judgment of the Court of Errors in Jamaica, 12 Oct., 1754, reversing a judgment of the Supreme Court in Nov., 1753, in Arcedeckne's action for 7,606*l.* 16*s.* alleged to be due to him from the petitioner's father, William Hall, deceased.] [*p.* 253.]

3 Sept. [On the Committee report of 18 Aug., the appeal is dismissed with 40*l.* *stg.* costs.] [*pp.* 279, 296.]

3 Sept. [Reference to the Committee of Arcedeckne's petition for a day for hearing his appeal, as the proceedings have been transmitted.] [*p.* 297.]

(1758.) [On the Committee report of 9 Feb., when all parties were  
24 Feb. heard, the appeal is dismissed.] [XVII. *pp.* 28, 39.]

13 Aug. [317.] [Two Pennsylvania Acts of March—April, 1756,  
Pennsyl- delivered this day, are referred to the Committee, and by  
vania. them on 18 Aug. to the Board of Trade.] [*pp.* 272, 286.]

19 Nov. [An Act of 18 May, 1756, delivered this day, is referred to the Committee, and by them on 24 Nov. to the Board of Trade.] [*pp.* 344, 349.]

(1757.) [3 Acts, delivered on 12 May, are referred to the Committee,  
13 May. and by them on 19 May to the Board of Trade.] [*pp.* 493, 506.]

(1758.) [11 Acts of Dec., 1755—Aug., 1757, delivered on  
27 Jan. 20 Jan., are referred to the Committee, and by them to the Board of Trade on 31 Jan.] [XVII. *pp.* 17, 23.]

(1758.) [Order in accordance with the Committee report of 15 June.  
16 June. For 10 Acts expired and 4 confirmed without comment, *see* App. III. On the other 3, the Committee reported]

That with respect to the two following Acts, intituled,

A Supplement to the Act intituled, An Act, for granting the sum of Sixty thousand pounds to the King's use, and for striking fifty-five thousand pounds thereof in bills of Credit, and to provide a fund for sinking the same, and for granting to His Majesty the Additional Sum of One hundred thousand pounds. (Passed 23d March 1757.) And

An Act for striking the sum of fifty-five thousand pounds, the remainder of the sum of One hundred thousand pounds granted by this Assembly to the King's use, and for making the same Current within this Province. (Passed 17th June 1757.)

They beg leave to observe, that they are both liable to the Objection which they have so frequently had occasion to make to Acts passed for the like purposes in this and other Colonies, namely, that the Bills of Credit, thereby to be made Current are declared to be Legal Tenders in all Payments. But as these Acts have, in a great measure, had their Effect, the Bills of Credit having been issued and Circulated, and the Services performed for which they were issued, they conceive that the Repeal of these Acts, would occasion the greatest confusion in the Province, and therefore, they do not propose, that they should receive Your Majestys Disallowance.

That the following is An Act of the most extraordinary and unprecedented nature. It is intituled,

An Act for the Relief of George Croghan and William Trent, for and during the space of ten Years.

It appears to have been passed in December 1755, and they cannot but express their surprize to find, that it was not delivered to the Clerk of the Council till the 20th of January last ; The object of this Act is to protect the two persons therein mentioned from all Suits and Actions on account of their just debts, for the space of ten Years. And this extraordinary indulgence is declared in the Act to have been granted on the Petition of several, but not of the whole number of their

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Creditors. On this partial Application to the Assembly, the Bill was brought into the house, and we find, by the Journal of that House, that it was read twice in the forenoon, never committed, but passed in the afternoon of the same day ; And they are humbly of Opinion that to suffer the continuance of An Act so unjust and partial in its nature, passed so irregularly, and without the Observance of any one of those Rules which justice requires in all Cases which affect private property would be a precedent of the most dangerous consequence in the Colonies, and therefore proposing, that it be forthwith repealed and annulled.

[XVII. *pp.* 157-60, 164-5.]

13 Aug.  
Nevis.

[318.] [Reference to the Committee, and by them on 18 Aug. to the Ordnance, of the petition of John Sharpe, agent for Nevis, praying for ordnance and warlike stores for the defence of the island.]

[*pp.* 272, 285.]

13 Aug.  
Jamaica.

[319.] [Reference to the Committee of the petition of Joseph Williams, Esq., of Westmoreland parish, Jamaica, for a day for hearing his appeal from a Chancery order of 1 Aug., 1754, and subsequent proceedings on 1 Aug., 1755, on a bill filed by Hannah Beecher, widow, for the petitioner and Lewis Williams to account with and pay her a legacy of 300*l.* currency given by will of Rowland Williams, deceased, to Mary Sharpe, widow, with interest from 28 May, 1723, to 6 Dec., 1750, and for an annuity of 100*l.* sterling also left to Mary Sharpe by Rowland Williams with interest from 6 Dec., 1722, to 6 Dec., 1750, and for the said annuity so long as Mary Sharpe should continue a widow.]

[*pp.* 263, 273.]

(1757.)  
26 Mar.

[In accordance with the Committee report of 22 March, the decrees and the proceedings under them are reversed, and the respondents are allowed to amend their bill by adding proper parties or otherwise ; on giving security to perform any future decree, the appellant is to be restored to all he has lost by the decrees ; the respondents are directed to speed the suit : they are

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to account before a Master in Chancery for any rents and profits of the estate of which they have been in perception: if sequestrators have been in perception, an account is to be taken against them and the balance paid to the appellant. From the report it appears that Hannah Beecher is now wife of William Jenkins, Esq.] [pp. 459, 461-2, 468.]

[320.] [Reference to the Committee of the petition of Mary Baillie, widow, of Jamaica, for a day for hearing her appeal from a Chancery decree of 5 Aug., 1755, on a bill filed by Thomas and John Cussans, infants, (by Henry Morgan Byndloss and Thomas Byndloss, their guardians), as the sons, and by Matthew Gregory and Patrick Taylors, as the surviving executors, of Thomas Cussans, deceased, for payment of a bond of 1,715*l.* 8*s.* penalty entered into on 27 June, 1721, by the petitioner's late husband, Dr. Robert Baillie to Thomas Cussans.] [p. 273.]

13 Aug.  
Jamaica.

[321.] [Reference to the Committee of the petition of Thomas Powell, gent., of Jamaica, for a day for hearing his appeal from a Chancery decree of 15 Aug., 1755, on a bill filed against him and Alisha, his late wife, by Elizabeth, the widow, and Walter, the son, of Walter Hughes, deceased, Charles the brother of Matthew Hughes, and Jennet, Catherine, Joan and Mary, the children of Stephen Hughes, deceased, for an account of the estates of Walter, Matthew, and Stephen Hughes.] [p. 274.]

13 Aug.  
Jamaica.

[Similar reference of Powell's petition to be allowed to appeal from Chancery orders of 2 and 5 Aug. in favour of the same parties and Catherine, widow of Stephen Hughes.] [p. 274.]

13 Aug.

[Committee report for dismissing the second petition, with marginal note,] this Report was never approved, but another Report upon this matter was as Vide Page 516. [p. 279.]

18 Aug.

[The Committee recommend that the second petition be dismissed and that, if the first is not brought on to be heard at the first Committee after the holidays, the judgment of 15 Aug., 1755, should be confirmed save as to costs, which their Lordships will consider of.] [pp. 466, 479.]

(1757.)  
1 April,

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1756.

(1757.) [Order, in accordance with the Committee report of 19 May,  
8 June. dismissing the first petition and affirming the judgment of  
15 Aug., 1755, but without costs against Powell. Counsel  
for the appellant alleged that they could lay nothing before  
their Lordships in support of the appeal by reason of the  
dismissal of the petition. Names mentioned in the report are  
—Benjamin Hume, Lucock Griffin, John and William  
Williams, and Sarah, widow of Charles Hughes.]

[p. 504–6, 516.]

13 Aug. [322.] [Reference to the Committee of the petition of  
St. Jackson Brown, Esq., of St. Christopher for a day for hearing  
Christopher. his appeal from a Chancery decree of 21 Feb., 1756, on a bill  
filed against him] in the names of Henry Sharpe, George  
Maxwell, Henry Lascelles, Lord and Lady Cranstoun, William  
Cranstoun and Brown Cranstoun Esqrs. their Sons, Infants,  
by him the said Henry Sharpe their next Friend, Anthony  
Hodges and Elizabeth his Wife, and Jeremiah Hodges and  
Anthony Hodges their Sons, for the Plaintiffs Sharpe and  
Maxwell to be let into Possession of a Plantation, and of the  
Slaves, Cattles and Utensils thereto belonging, late the Estate  
of Jeremiah Browne the Petitioners father deceased, and for  
the Petitioner to deliver up to them and the Plaintiff Lascelles,  
all the said Jeremiah Browns Personal Estate, and for a Ne  
Exeat to restrain the Petitioner from departing from  
the said Island, and for further Relief. [p. 274.]

(1757.) [In accordance with the Committee report of 19 May, the  
8 June. decree is reversed, and orders given for further proceedings in  
Chancery. Names in the report are George Huddlestone,  
Frances Payne, Sarah Browne, and the Governor of the  
Leeward Islands, George Thomas, as Chancellor.]

[pp. 329, 497–504, 515.]

13 Oct. [323.] [The following Board of Trade representation of  
Georgia. 9 Oct. is referred to the Duke of Marlborough, Master General  
of the Ordnance, for an estimate :—] Henry Ellis Esq.,  
whom Your Majesty has been pleased to appoint Lieutenant  
Governor of Your Colony of Georgia, having expressed to us

his apprehensions of the Dangers to which the Colony he is going to preside over, stands exposed, in this critical conjuncture, by its very naked and defenceless Condition ; And having requested Us to move Your Majesty that you would be graciously pleased to direct that five hundred Stands of Arms, with a proportionable quantity of Powder and Ball, be forthwith sent to the said Colony, to be put into the hands of the Inhabitants, as the only immediate means of defence against the attempts of any small force ; We beg leave humbly to represent,

That the Colony of Georgia, important as it is by its Scituation, as a Barrier against the Spaniards, French and Indians, as well as by the Produce, which may be reasonably expected from it, of many Commodities of High value and great utility to this Kingdom, is (as We have particularly set forth in Our humble Representation of the 11 of May last, destitute of every means of defence. It has not a single Fort to secure its frontiers ; nor are there any Troops in the Colony, except a detachment of forty Men from an independent Company belonging to a Neighbouring Province, and as to the Inhabitants although there are about Eight hundred Men capable of bearing Arms, yet as the Colony in its present Circumstances is unable to furnish them with Arms, they also are quite defenceless.

For these reasons, and in Consideration of this time of danger, We [recommend that the aforesaid supplies be sent,] which appears to Us the more expedient and necessary, as the Legislature of Georgia have lately passed An Act for establishing and Regulating a Militia, the Intent and operation of which, can have no Effect without this Instance of Your Majestys Royal Bounty. [pp. 320-1.]

[Orders to the Ordnance for sending stores (of which a list and estimate amounting to 1,277*l.* 3*s.* 7*d.* are given), and to the Governor for taking care of them.] [pp. 339-40.] 19 Nov.

[324.] [Reference to the Treasury of a memorial of Thomas Harris, merchant of Bristol, for relief, inasmuch as] on the 9 of 19 Nov.  
Plantation  
Trade.

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1756-7.

March 1756, before the Declaration of War, a Ship belonging to the Memorialist called the Somerset, on a Voyage from Jamaica, and Honduras to Great Britain, was, in Latitude 48 Degrees North, Longitude 18 Degrees West from London, met by a Squadron of Ships of War belonging to the French King, commanded by Monsieur Perier Salver, who, by way of Reprizal, took and sunk the Memorialists said Ship Somerset and Cargo. [p. 345.]

15 Dec. [325.] [Reference to the Committee, and by them on  
New York. 22 Dec. to the Master General of the Ordnance, of a Board of Trade representation of 7 Dec. with an extract of a letter of 27 Oct. from Governor Hardy of New York] with respect to its fortifications already compleated and to be constructed, and the number of Cannon now mounted, and of those that are wanted etc. [pp. 381, 385.]

1757. [326.] [Reference to the Committee, and by them on  
11 Jan. 25 Jan. to the Board of Trade, of a Pennsylvania Act of  
Pennsylv- 21 Sept., 1756, for striking the sum of 30,000*l.* in bills of credit  
vania. and giving the same to the King's use and for providing a fund to sink the bills so to be emitted by laying an excise upon wine, rum, brandy and other spirits.] [pp. 398, 410.]

8 July. [The Act is confirmed, on the Committee report of 1 July, agreeing with the Board of Trade report :—] that the Bills of Credit emitted by this Act are to be Current and received as a legal Tender in payments of all Debts and Contracts for the space of ten Years, in which time they are to be sunk and discharged by the produce of the excise on Strong Liquors, at the rate of three thousand pounds a Year. And that Commissioners are named in this Act, as in the money Bills passed of late Years in the Colony of Virginia, who with the Consent and approbation of the Governor or Commander in Chief, are to order and Appoint the disposition of the sum emitted for His Majestys use.

That in these respects, and inasmuch as there is no Clause suspending the Executing of this Act, till your Majestys



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pleasure might be known, it is certainly liable to objection ; but in the great exigencies of the present conjuncture, when supplies are so absolutely necessary for Your Majestys Service, the said Lords Commissioners submitted, whether it might not be adviseable, that Your Majesty should be graciously pleased to confirm and allow the said Act. [Sir Matthew Lamb, K.C., who was consulted by the Board of Trade, had no objection to the bill in point of law.] [pp. 546-7, 550.]

[327.] [Reference to the Committee, and by them on 12 Jan. to the Master General of the Ordnance, of the petition of the Lieut.-Governor, Council and Assembly of St. Christopher, setting forth that the island has long been in a weak and defenceless condition, and that, although they are repairing their forts and batteries, their efforts will be ineffectual unless his Majesty will grant them a supply of cannon and military stores.] 11 Jan. St. Christopher. [pp. 398, 401.]

[328.] [Reference to the Master General of the Ordnance of a Board of Trade representation of 3 Feb. with a list of Ordnance stores represented by Governor Charles Lawrence of Nova Scotia to be immediately necessary for the garrison of Halifax.] 9 Feb. Nova Scotia. [p. 426.]

[Reference to the Committee of the Ordnance report and estimate of 22 Feb.] 13 May. [p. 494.]

[329.] [Thomas Pownall is appointed Governor of Massachusetts Bay, on a Board of Trade representation of 9 Feb. His commission, and a warrant for passing it, already prepared by the Board of Trade, are also approved.] 16 Feb. Massachusetts Bay. [pp. 434-5.]

[Instructions for Pownall are approved, on the Board of Trade report of 28 Feb., which shows that they have made the following alterations :—] In this Draught of General Instructions, We have omitted all such Articles of those given to Mr. Shirley, as appeared to Us to have become absolute, useless or improper ; And have inserted such Articles of the Instructions given to the Governors of Your Majestys other 1 Mar.

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Colonies, as seem well adapted to the Situation and Circumstances of the Massachusetts Bay, making the same Conformable to what has been approved by Your Majesty in the Instructions given to such of the said Governors, as have lately been appointed.

We have also inserted in this Draught (Article 40 and 20) two Additional Instructions which were given to Mr. Shirley, the one in the Year 1743, for preventing the Inconveniences which were found to arise from the practice of dividing Old Townships and erecting each part into a new Township; the other in the Year 1752, directing the Governor, with the Council and Assembly to revise the Laws of the Province, and to frame and digest them into a New Body.

And as in the present Situation of Affairs in America, Your Majestys said Governor may frequently be required by the Commander in Chief of Your Majestys forces there, to repair to other Governments on the said Continent, We have in the 64th Article (whereby provision is made for the support of the Lieutenant Governor during the absence of the Governor) added such Cause of Absence to the other Cases therein excepted, in which such Provision for the Lieutenant Governor is not to take place.

[The trade instructions are conformable to those approved for other colonial governors.] [pp. 447-8.]

16 Feb. [330.] It is this day Ordered by His Majesty in Council,  
New York. that Sir Charles Hardy the present Governor and Commander in Chief of His Majestys Province of New York, Be, and he is hereby permitted and allowed to resign the Government of the said Province, agreeable to the request made by him in his Letter to the Lords Commissioners for Trade and Plantations, dated the 2d day of August last. [p. 437.]

26 Mar. [331.] [Reference to the Committee of the petition of Jacob  
Rhode Isaacs, of Newport, R.I., for a day for hearing his appeal  
Island. from a judgment of the Superior Court, 23 March, 1756, affirming another of the Inferior Court, 17 Dec., 1755,

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condemning him to pay to John Merrett 165*l.* 14*s.* 9*d.* New York currency with 120*l.* 18*s.* 4*d.* interest, on a judgment obtained at New York, and 74*l.* 6*s.* Rhode Island currency as costs of suit.] [p. 471.]

[The case concerns a promissory note given by Abraham Isaacs to John Merrett. His widow and administratrix, Hannah, died before completing the administration, and the appellant, being granted administration of the residue, on condition that the plaintiff would forbear suing him, promised in April, 1749, to pay the money sued for in a short time. On the Committee report of 17 Feb., the judgments as against Isaacs personally are reversed, without prejudice to Merrett's right to recover from him as administrator of the intestate's estate.] (1758.) 24 Feb. [XVII. pp. 33-5, 40.]

[332.] [Reference to the Board of Trade of a letter of 12 Dec., 1756, from Lieut.-Governor Henry Moore, submitted by them with a representation of 22 April. The letter encloses] a Copy of the Proceedings in Council on the 4th of that Month, whereby it appears, that a Paper signed by Seven Members of the Council, having that day been presented to the said Lieutenant Governor containing their Advice and Opinion, That, for the Reasons therein set forth, a New Assembly should be called, and the Lieutenant Governor having refused to dissolve the Assembly then in being, in compliance with such their Advice, the said Members came to a Resolution not to sit in their Legislative Capacity, And that thereupon the Lieutenant Governor had thought proper to suspend the said Members until His Majestys Pleasure should be known. [The representation and reference also include a letter of 18 Jan. from Mr. Moore,] inclosing a Representation from the New Council, and an Address of the Assembly to him, expressing their Sense of the said Transaction. 10 May. Jamaica. [p. 490.]

[Reference to the Committee, and by them on 19 Dec. 16 Dec. to the Board of Trade, of three petitions from the suspended councillors, one from John Scott, one from Philip Pinnock,

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and one from Edmund Hyde, Charles Dawes, Samuel Long, Henry Nedham, and Ballard Beckford. *Cf.* 347.]

[*pp.* 655-6, 658-9.]

13 May.  
Massachu-  
setts Bay.

[333.] [Reference to the Committee, and by them on 19 May to the Board of Trade, of the petition of William Bollan, Esq., agent for Massachusetts Bay, setting forth] that the late Governor of that Province took out of His Majestys Castle William there, four Cannon, two of 24*lb.*, and two of 9*lb.* Ball, One Brass Mortar of ten Inches, and one Iron Mortar of thirteen Inches Diameter, with sundry small Stores, for His Majestys Service at Oswego, or on the Crown point expedition, none of which were returned; that one of the Cannon of 42*lb.*, lately sent for the Service of the said Castle, proved defective and burst, and many of the other Guns having been there for a large Course of Years, cannot be depended upon, that at the Royal Battery consisting of about thirty pieces of Cannon, there are but four of 42*lb.* Ball, whereas for the proper Strength of this Principal Battery, it is apprehended the whole should consist of Cannon carrying 42*lb.* Ball; the Petitioner therefore prays, in behalf of the said Province, that His Majesty will be graciously pleased to order such a supply of Cannon and Stores to be sent to Strengthen the said Castle, as to His Majesty shall seem meet.

[*pp.* 494, 507.]

4 Aug. [The Committee refer to the Ordnance the Board of Trade report] that as the defence and preservation of the Province of the Massachusetts Bay, which is of the greatest consequence, and has exerted itself with great Zeal, and at a vast expence for the publick Service, is a Consideration of much importance, they therefore Submit, whether it might not be adviseable, that the Cannon and Stores taken for His Majestys Service, and alledged not to be returned, and also those which have been found defective, should be replaced: But that as the Petitioner had not produced any Plan of the Fortification, nor the Report of any Engineer to support the Opinion of the Committee of the General Assembly of the Massachusetts

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Bay, as to the necessity of having heavier Cannon, on that Battery, nor, if he could have produced such, the said Lords Commissioners did not conceive themselves competent Judges in Cases of this Sort, and have therefore proposed, that this matter should be referred to the Board of Ordnance, with directions to enquire into the Fact set forth, and report their Opinion of what may be proper to be done therein. [p. 562.]

[334.] [Reference to the Committee of the petition of William Coleman, merchant of London, that the Council dismiss with exemplary costs for non-prosecution the appeal of the Rev. John Tittle from a Chancery order given in St. Christopher, 16 March, 1756,] whereby it was directed, that the Petitioner, or his Attorneys, in his behalf, should be let into the Possession of certain Plantations, Negroes and Stock in that Island, purchased jointly by the Petitioner and the said John Tittle from the Society for the propagation of the Gospel, in Foreign parts, upon the Petitioners giving 6,000*l.* Sterling Security, to be approved of by the Master of the Court, to account for the profits to be made therefrom, from the time of being so let into Possession, And it was thereby further directed, that the Petitioner or his Attorneys, should be at liberty to appoint such Persons to take upon them the Care and Management of the said Premises, as they should think fit for the Interest of the Partys concerned, and that the said John Tittle should not intermeddle therein, but should deliver up the Possession thereof as aforesaid, and that all the Sugar, Rum, and other produce of the said Partnership Estate, should be Shipt to the Petitioner agreeable to the partnership Articles, subject to the further Order of the Court. [p. 495.]

[Tittle's petition for hearing his appeal is referred to the Committee.] 8 June. [p. 521.]

[335.] [Reference to the Committee of a Board of Trade representation of 25 May,] proposing that His Majesty would be graciously pleased by His Order in Council to establish a Line to be drawn northerly from a Point on the South 8 June. New York and Massachusetts Bay.

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Boundary Line of the Massachusetts Bay, twenty Miles distant, due East from Hudsons River to another point twenty miles distant due East from the said River, on that Line which divides the Provinces of New Hampshire and the Massachusetts Bay, as a final Boundary of Property and Jurisdiction between the Province of New York and the Massachusetts Bay, and to direct the Governor of New York in Conjunction with the Governor of the Massachusetts Bay to settle the said Boundary agreeable to the aforesaid description, and to recommend it, each to the Assembly of his respective Government to provide jointly and equally for the expence which may attend such Settlement. [p. 520.]

9 Nov. [Reference to the Committee of a Board of Trade representation of 6 Nov.] laying before his Majesty for His Royal Directions an Extract of a Letter and Copies of Several papers therein referred, to which they have lately received from James de Lancey Esqr. His Majestys Lieutenant Governor of the Province of New York acquainting the said Lords Commissioners that Riot and Outrage have again prevailed and Blood has again been shed on account of the Disputes that have long been subsisted between the Provinces of New York and Massachusetts Bay concerning their true Boundary or Line of Partition. [p. 623.]

(1758.) [Reference to the Committee of a Board of Trade representation of 12 May with several papers received from Governor Thomas Pownall relating to the boundary and to the riots on the borders.] [XVII. p. 141.]

(1758.) [Committee. Four representations of the Board of Trade on the outrages committed on the borders] Read. And the Consideration thereof Postponed. [XVII. p. 163.]

17 June. [336.] [Reference to the Committee, and by them on  
Bermuda. 24 June to the Board of Trade, of an address of the Governor, Council and Assembly of Bermuda transmitted to the Board of Trade by the Governor, setting forth the condition of the harbours and fortifications and proposing measures for the effectual preservation of the islands.] [pp. 532, 538.]

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[The Committee refer to the Ordinance for a report and estimate, the address with lists of the stores now belonging to the islands and of those judged necessary by the legislature.] (1758.)  
9 May.

[XVII. p. 135.]

[337.] This Day Henry Wilmot of Grays Inn Esqr. entered an appearance for William Warner Deputy Collector of the Customs in Antigua, to the Appeal of the Owner and Commander of the Ship *Duke of Queensberry* condemned as forfeited in the Vice Admiralty Court of Antigua. 8 July.  
Antigua. [p. 555.]

[Reference to the Committee of the appeal of Robert Davis, the master, from the sentence of the Vice Admiralty Court, (1758.)  
29 Mar. 4 Aug., 1756, condemning the ship *Duke of Queensberry* and imposing on him a fine of 100*l. stg.* for unlawful trade.]

[XVII. p. 69.]

[Orders are given in accordance with the Committee report of 4 July, which showed that Warner exhibited an information in the Vice Admiralty Court about 28 July, 1756,] Setting forth, That between the 16th day of the said Month of July 1756, and the day of exhibiting the said Information, the said Ship *Duke of Queensberry*, whereof the Appellant was then Master, came to an Anchor in the Harbour of St. Johns and did there unlade Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow, before the Master had made known to the Governor or Naval Officer of Antigua the Arrival of the said Ship with her Name or the Name of the Master, or delivered an Invoice of her Lading or the Place in which the same was taken into the said Ship, against the Form of the Statute of the 15th Charles 2d . . . That the Appellant within the time aforesaid did unlade or suffer to be unloaded from the said Ship the said Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow, in the said Island, before he made Oath of the Identity or Ownership of the said Ship before the Governor or Collector of the Customs of the said Island, as directed by the Statute of the 15th and 16th of Your Majesty's Reign . . . That the Appellant between the Times aforesaid did unload or suffered to be

(1758.)  
28 July.

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discharged from the said Ship in the said Island, the said Candles and Tallow, being Goods laden on Board the said Ship and brought from Parts beyond Sea, before the Appellant or any Person having Charge of the said Ship declared in Writing under his hand unto the Persons appointed for managing the Custom of the said Port of St. Johns, the names of the Laders with the Numbers and Quantities of every Parcel of Goods on board the said Ship, and had answered upon Oath such Questions concerning the same as should be administred to him in the open Custom House of the said Port ; contrary to the Form of the Statutes of the 13th and 14th of King Charles the second, and of the 7th and 8th of King William the Third whereby the said Information alledged the Appellant did forfeit the Sum of One hundred Pounds . . . To which Information the Appellant as Master of the said Ship, put in a Claim, and thereby claimed the said Ship, her Guns, Ammunition, Tackle and Furniture and also the Goods and Merchandize on Board, And also Ten Boxes of Candles Numbered 1 to 10 and five Boxes of Soap Numbered 11 to 15 and ten Keggs of Tallow Numbered 1 to 10, as the property of Thomas Eaton, John Ruscomb, and James Stevens of Bristol Merchants. And as to the several Matters in the first Count in the said Information, the Appellant pleaded the general issue not guilty. And as to the several Matters contained in the second Count the Appellant pleaded specially, protesting that the said Ship did not unlade Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow but admitting that she did unlade Ten Boxes of Candles, Five Boxes of Soap, and ten Keggs of Tallow and other Goods and Merchandize before the Master made such Oath as required by the said Act of the 15th and 16th Years of Your Majesty's Reign, and pleaded that on Friday the 16th of July 1756, the Day of the arrival of the said Ship, the Appellant made known to the said Governor the Arrival of the said Ship and her Name, and the



Name of her Master, and delivered to him all such Papers relating to the said Ship and her Lading as were required by him, and that the next morning the Appellant did the like to the Deputy Collector of the said Port (the Collector not being then upon the Island) and that the Deputy Collector gave the Appellant leave to land the Goods as soon as he pleased, and that the Appellant immediately entered the Ship in the Treasurers Office, and went into the Custom-house and delivered to the Deputy Naval Officer the Ships Register and all his Cockets, and Clearances relating to the Cargo on Board and offered to make the Oath directed by the said Statute of the 15th and 16th of Your Majesty's Reign, and required him to Enter the said Ship, but the said Naval Officer redelivered all the said Papers to the Appellant, saying he was very busy and could not then Enter the Ship, but that the Appellant might land whenever he pleased. And as to the last Count in the said Information which sought to charge the Appellant with the Penalty of One hundred Pounds, The Appellant pleaded not Guilty and prayed Restitution of the said Ship and the Cargo. That Diverse Witnesses were examined in the said Cause, and the Appellant made out in proof the several Matters set forth and insisted on by his Plea, Notwithstanding, which, [ship and cargo were declared forfeited, save the candles, tallow and soap claimed by the appellant. The Committee recommended that the sentence be reversed, and that an account be taken in the Vice Admiralty Court of the value of the ship and cargo, and restitution made of the same and 100*l.* costs.]

And in regard it appeared to this Committee in the Course of their Examination into the Proceedings in this Cause, in the said Vice Admiralty Court, and by the Evidence therewith transmitted, that the Respondent William Warner (being the Deputy Collector of the Customs) gave permission to the Appellant to land his Goods without making a proper and Legal Entry, and then made such landing of the Goods a Pretext for seizing both Ship and Cargo—Which

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being a Proceeding of a very extraordinary nature—Their Lordships are of Opinion that the said Respondent William Warner ought to be removed from his said Employment, of Deputy Collector of the Customs at St. Johns in Antigua, for the same. [XVII. *pp.* 190, 191-4, 222.]

(1761.) [Reference to the Committee of Davis's petition that the  
25 June. Council dismiss with costs for non-prosecution Warner's appeal from an order of the Vice Admiralty Court of Antigua relating to the award by the Register of the Vice Admiralty Court on 23 May, 1759, of 3,573*l.* 17*s.* 7*d.* currency to the petitioner for his ship and cargo.] [*Geo.* III. *Vol.* I. *p.* 394.]

(1761.) [On the Committee report of 29 June, the appeal is dismissed  
2 July. with 50*l.* *stg.* costs.] [I. *pp.* 414, 427.]

9 Aug. [338.] Whereas by an Act passed the last Session of Parlia-  
New York. ment, Entituled, "An Act to prohibit for a limited time the Exportation of Corn, Grain, Meal, Malt, flour, Bread, Biscuit, Starch, Beef, Pork, Bacon, and other Victual (except Fish and Roots and Rice to be exported to any part of Europe, Southward of Cape Finisterre), from His Majestys Colonys and Plantations, in America, unless to Great Britain or Ireland, or to some of the said Colonys and Plantations, and to permit the importation of Corn and flour into Great Britain and Ireland in neutral Ships; and to allow the exportation of Wheat, Barley, Oats, Meal, and Flour, from Great Britain to the Isle of Man, for the use of the Inhabitants there"—It is provided amongst other things, that in Case His Majesty at any time, or times during the continuance of the said Act, shall (in his Royal discretion) judge it to be expedient to permit the exportation of Corn and other the Commodities aforesaid, or any of them, from the said Colonys and Plantations, that then it shall and may be lawfull to and for His Majesty by His Royal Proclamation or Proclamations to be issued, by and with the advice of His Privy Council, or by His Majestys Order in Council from time to time to permit and suffer all and Singular His Majestys Subjects (but not any particular Person or persons) to export or carry out of all or any of the

said Colonies or Plantations, in any Ship or Ships, Vessel or Vessels duly Navigated owned and qualified according to Law to trade there, all or any of the Commodities aforesaid to all or any other place or places and upon or without giving Security for the Landing thereof in such place or places and returning Certificates of such Landing as to His Majesty shall seem meet, and as in such Proclamation or Proclamations, or such Orders of Council shall be expressed and declared. And Whereas it has been represented to His Majesty at this Board, that in Case the said prohibition shall continue and extend during the continuance of the present War with France, without exception to the Province or Colony of New York, the Spanish Garrison of Fort St. Augustine, which has hitherto been supplied with Provisions from the said Province or Colony of New York, and which can scarce subsist without the aid of that Colony for the purpose aforesaid may be put to great inconveniencies, and be totally deprived of all means of Subsistence unless the said Law be dispensed with for their benefit[, it is ordered that it be lawful, during his Majesty's pleasure, for British subjects to export to St. Augustine any of the commodities prohibited by the Act for the subsistence of the garrison,] but for no other purpose whatsoever, so as the said Commodities be exported, or carried in some Ship or Ships, Vessel or Vessels duly Navigated owned and qualified according to Law to Trade in the said Province or Colony. And so as the Exporter do before the Shipping or laying on Board the same declare that the said Commodities are designed for the said Fort of St. Augustine, and do likewise take out a Cocquet or Cocquets expressing the particulars of such Commodities, and do likewise become bound with two Sureties of known Residence in the said Province or Colony of New York, and of Ability to answer the Penalty mentioned in such Bonds, in treble the value of such Commodities, to the Chief Officer or Officers of His Majestys Customs belonging to the Port or place where the same shall be Shipt or put on Board (who are hereby

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empowered to take such Security in His Majestys name, and to His Majestys use) that such Commoditys shall not be Landed or sold in any parts whatsoever other than the said Fort of St. Augustine, for the purpose only of supporting the Garrison there, and that a Certificate under the Hand and Seal of the Commanding Officer of the said Garrison, shall within the space of twelve Calendar Months after the date of such Bond, be returned to the Officer or Officers to whom such Security shall be given as aforesaid, that the said Commoditys have been Landed at the said Fort of St. Augustine for the Supply of the said Garrison. [pp. 566-8.]

11 Aug. [Letter from W. Sharpe, Clerk of the Council, to James West, Secretary to the Treasury, enclosing a copy of the order so that directions may be sent to the Customs Officers in New York.] [p. 572.]

9 Aug. [339.] [Reference to the Committee of the petition of Jamaica. Gifford Rodon of Jamaica that Zachary Bayly's appeal from an order of the Jamaica Chancery, 13 Feb., 1756, in a case between them relating to the estate of the petitioner's late brother, James Rodon, be dismissed for non-prosecution with exemplary costs.] [pp. 291, 571.]

(1758.) [On the Committee report of 9 Feb., the appeal is dismissed  
24 Feb. with 80*l.* *stg.* costs.] [XVII. pp. 29, 40.]

9 Nov. [340.] [Reference to the Committee of a Board of Trade South representation of 8 Nov.] Submitting to His Majesty whether Carolina. in Consideration of the very Dutifull and Vigorous Efforts which the Province of South Carolina has made and for the Sake of Procuring to it an effectual Defence by a proper application of the Great Sums raised for that Purpose it may not be expedient that His Majesty should be graciously pleased to Direct a Skilfull Engineer or two to be forthwith sent to the said Province of South Carolina. [p. 624.]

6 Dec. [In accordance with the Committee report of 3 Dec., order is given for sending an engineer to South Carolina. The Board of Trade representation showed that by letters from

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Governor Lyttelton it appeared] that his Prudent Conduct in the Administration of Government has established such a Confidence and Harmony in the minds of the people as have produced in the Assembly Exertions of the most becoming Zeal for the Defence and Security of the said Province in particular and for the support of Your Majestys Service in General That they have enabled Your Majestys said Governor to furnish with Sufficient Garrisons the Two Forts which have lately been built (and Chiefly at the Expence of South Carolina) in the Cherokee Country and to supply them plentifully with Provisions, That they have made Provision for repairing the Fortifications of Charles Town which were destroyed in the year 1752 by Innundation and Tempest for constructing new Works and repairing such as are decayed in several Parts of the Province and for raising a Regiment to consist of Seven Companies of One hundred men each, five of which may be employed in whatever Part of North America Your Majestys Service may require. That the Sums granted for these Several Services amount to Forty eight Thousand Nine hundred and Seventy seven pounds Sterling which is near five times as much as has been usually granted in South Carolina in One year and that the Governor had informed the said Lords Commissioners that if Your Majesty would be graciously pleased to send over an able and Skilfull Engineer or two such mark of your Royal Favour and approbation would not only remove a Want which greatly distresses him but would Compleat the Satisfaction and encrease the zeal of the Assembly as they would then have an Assurance that the Supplies which they have granted for the Purposes of Defence would not be thrown away.

[pp. 639, 644.]

[341.] [Reference to the Committee of a Board of Trade representation of this date for removing William Wragg from the Council of South Carolina.]

9 Nov.  
South  
Carolina.

[p. 624.]

[Wragg is removed in accordance with the Committee report of 3 Dec. The Board of Trade representation showed

6 Dec.

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that Governor Lyttelton had] acquainted them that he had judged it necessary to suspend William Wragg Esqr. one of your Majestys Council in that Province on Account of His Misconduct in exciting Contests and Divisions and embarrassing and opposing the measures of Government. That the said Lords Commissioners in their answer to Mr. Lyttelton had Expressed their Surprize at a Behaviour so inconsistent with the Character which they received<sup>d</sup> of Mr. Wragg at the time they recommended him to His Majesty and as they were not without hopes that he might be brought to a proper Sence of his misconduct they acquainted the said Governor that they should not propose to Your Majesty to confirm the Suspension until they should hear further from him ; and the said Lords Commissioners having in Consequence of this Letter lately received one from Mr. Lyttelton wherein he intreated them to recommend to Your Majesty the Confirmation of the said Suspencion and urged many Reasons in Support of such Request [reported that it was expedient and necessary for the peace of the province and support of the Governor that Wragg should be removed from the Council.]

[pp. 460, 645.]

9 Nov.  
North  
Carolina.

[342.] [Reference to the Committee, and by them on 16 Nov. to the Board of Trade, of a petition of the Council of North Carolina, transmitted by Governor Dobbs and submitted by the Board of Trade to the Council on 6 Nov., praying] that His Majesty would be graciously pleased to appoint and Direct an allowance to be paid to them out of His Majestys Quit Rents in consideration of their great fatigue and Expence in attending His Majestys Service in Council and in the several Courts in which they sit as Judges.

[pp. 624, 628.]

(1758.)  
16 Jan.

[The Committee refer to the Treasury the petition and the Board of Trade report of 22 Dec. By this report] it appears that the Governor of the said Province hath informed the said Lords Commissioners, that His Majestys Quit Rents in North Carolina are daily improving, and will, if properly

1757.

collected, soon be able to discharge all the Arrears now due from them, as well as to pay the whole establishment of the Province, altho' the present Request should be granted, and that therefore the said Lords Commissioners are of Opinion, that His Majesty may be graciously pleased to allow an appointment out of the said Revenue to the Members of the Council in the said Province. And that as Six hundred pounds was the yearly sum originally allowed to the Judges of the general Court of the Colony of Virginia, they conceived the like sum, being fifty pounds per year to each Member of the Council, might be a proper allowance on the present occasion. [XVII. p. 8.]

[343.] [Reference to the Committee, and by them on 9 Nov. 16 Nov. to the Board of Trade, of a petition of Richard New Jersey. Partridge, agent for the House of Representatives of New Jersey, that the Governor be directed to assent to an Act passed by them in March, 1757,] for making Current Sixty Thousand pounds in Bills of Credit to be emitted on Loan within the Colony of New Jersey the Interest whereof to sink the further Sum of Seventy nine Thousand pounds to be also made Current for the emediate Service of the Crown if the same should be needed otherwise for the Relief of the said Colony. [pp. 625, 629.]

[The Committee consider the Board of Trade report of 21 Feb. (1758.) adverse to the bill and a further petition and remonstrance 13 Mar. of Partridge in its favour, and refer the latter to the Board of Trade for further consideration,] And in case they shall apprehend that a Law of this kind is anywise necessary to be passed in the said Province at this time, that their Lordships do then prepare a Draught of such a one as they conceive will best answer the ends proposed, and lay the same before this Committee. [XVII. p. 58.]

[Committee. Board of Trade report] Read and Agreed to, (1758.) and nothing to be done upon it. Ordered that a Copy of 15 June. the said Report be given to the said Agent. [XVII. p. 163.]

362 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1757.

(1758.) [Reference to the Committee of a Board of Trade representation of 7 Dec. on several letters from Governor Bernard] 19 Dec. setting forth, that in case it should be required of the said Colony to furnish any number of Troops for His Majesty's Service in the ensuing year, there will be a necessity, that he should be empower'd to assent to a Law for issuing a certain Quantity of Paper Bills of Credit without a Clause suspending its Execution until His Majestys Pleasure can be known.

[XVII. p. 305.]

(1759.) [The Committee agree with the Board of Trade that it may 7 Feb. be for his Majesty's interest and the advantage of the colony to later the instruction to the Governor about credit bills, and direct the Board of Trade to prepare an additional instruction accordingly.]

[XVII. p. 359.]

(1759.) [On the Committee report of 9 Feb., an additional 10 Feb. instruction empowering the Governor to assent to an Act for issuing 40,000*l.* in credit bills, is approved. The Board of Trade representation set forth] That the Propriety or impropriety of complying with the Governors request appears to them to depend upon what shall be Your Majestys Orders and Resolutions with respect to the Extent of and the mode of carrying on the Operation of Your Majestys Arms in America in the next Year, and it is their Opinion that if Your Majesty should think proper to require the said Colony to furnish any Number of Troops for the General Service in America in the ensuing Year there will be a necessity of altering Your Majestys Instructions to the Governor by permitting him to Assent to a Law for issuing a certain quantity of paper Bills of Credit without a Suspending Clause or to acquiesce in a Breach of the said Instructions as has been done in the Neighbouring Colonies of New York and Pensilvania where the Governors have upon a presumption of the Necessity of the Service provided for such Service by passing Laws for issuing paper Bills of Credit without Suspending Clauses and contrary to the Tenor of Your Majestys Instructions with respect to the Duration of the Currency of



such Bills Under these Circumstances the said Lords Commissioners for Trade and Plantations are of Opinion that it would be more for Your Majestys Interest and the Advantage of the said Colony to alter the Instruction than tacitly to acquiesce in a breach of it inasmuch as in the one Case the Quantity of the Sum to be issued as well as the Limitations and Restrictions under which it is to be issued may be ascertained whereas in the other Case the Legislature there will be left at large to issue it under such Regulations both with respect to the Nature of the Security and the Duration of the Currency of the Bills as they shall think proper which may operate to the prejudice of the Colony, of the Trade and Commerce of this Country and of Your Majestys Colonys and Plantations in General.

[XVII. pp. 360-1, 362.]

[344.] [Reference to the Committee, and by them on 24 Nov. to the Board of Trade, of a representation and memorial of James Wright, agent for South Carolina, setting forth the defenceless condition of the province and praying for aid and relief. A plan of the fortifications now carrying on at Charleston and an account of the cannon in the province are annexed to the memorial.]

[pp. 631, 632.]

22 Nov.  
South  
Carolina.

[The Committee refer the Board of Trade report of 27 Jan. to the Duke of Marlborough, Master-General of the Ordnance, for a report and estimate.]

[XVII. p. 37.]

[Board of Trade and Ordnance reports] Read. Nothing done upon it. The Petitioner must apply to the Treasury.

[XVII. p. 163.]

[A memorial of Wright relating to his former application and praying that an immediate supply and some gunners and matrosses may be sent, is referred by the Committee to the Ordnance to report what can be immediately spared for the use of the province.]

[XVII. p. 378.]

[On the Committee report of 29 March, orders are given for sending stores (specified in two lists in the Register), and in case they can be spared, for sending from some of the eight companies of artillery in North America a small detachment

(1758.)  
17 Feb.  
  
(1758.)  
15 June.  
  
(1759.)  
24 Feb.  
  
(1759.)  
7 April.

to instruct the people of South Carolina in the management of their guns and mortars. The Governor is also instructed to appoint a storekeeper and to take care that the carriages for the guns and beds for the mortars be made of the best and most durable wood in the province.

Wright's memorial set forth] That the said Province not only on the Sea Coast but to the Westward in the Indian Countrys being in a very Weak and Defenceless Condition and in imminent Danger of being attackt by Your Majestys Enemies as well by Land from the French Settlements at New Orleance and Mobille through the Indian Countries as by Sea and consequently a great probability of that most valuable Country falling into their Hands The Inhabitants of the said Province have for some time past raised very large Sums of Money and been at a very great Expence in erecting making and repairing Fortifications in divers parts of the said province particularly a Fort in the upper Cherokee Country at an Expence of Seven Thousand pounds Sterling and another Fort in the lower Cherokee Country also at a very considerable Expence. That the Legislature of the said Province in the Year 1757 raised and granted unto Your Majesty near 70,000*l.* Sterling for Additional Fortifications at Charles Town and Fort Johnson and for fortifying Port Royal a Sea port Town about Seventy five Miles to the Southward of Charles Town and for fortifying George Town a Sea Port about Sixty miles to the Northward of Charles Town and also for raising and paying Seven hundred Men for One Year and for other Expences of Government. That the said Fortifications are compleating and finishing with the utmost Diligence and Dispatch and it is conceived there will be wanting to Mount upon the said Works and for their necessary Defence (besides the Cannon now in the said Province) Twenty Pieces of Cannon for 32*lb.* Shott Twenty pieces of Cannon for 24*lb.* Shott and Thirty pieces of Cannon for 18*lb.* Shott with a sufficient Quantity of Shott Carriages and other Implements for the same and in Case Your Majestys

Forces now in the said province and the Regiment raised there and the Militia of the said Province should have Occasion to take the Field it will be absolutely necessary to have Ten pieces of Cannon proper on that Occasion compleatly equipped for a Train. That there is also wanting for the Cannon already in the said province for a Defence of Eight Days only 15,000, Eighteen pounder Shott, 30,000 Twelve pounder Shott, 30,000 Nine pounder Shott, Thirteen Thousand Six pounder Shott 400 Bomb Shells-for a Mortar of Ten Inches Caliber 500 Cohorn Shells also a Quantity of Double Headed Shott Grape Shott Musquet Balls, Flints Cartridge Paper and Match That the Assembly of the said Province were frequently assured by Governor Glen that if the Province would be at the Expence of Building a Fort in the upper Cherokee Country Your Majesty would be graciously pleased to direct that the said Fort should be garrisoned by a proper Number of Your Majestys Forces And as the said Fort, in Case of an Attack by the French or Indians will require such a Garrison to defend it as the said Province is totally unable to furnish and support being loaded with other very great and heavy Charges and Expences of Government, and as the same, if left in a Weak and defenceless State, it is greatly to be feared may easily fall a prey to the French who are ever active and vigilant in attempting to corrupt and draw off the Indians from their Attachment to the English in which Event one of the best and most considerable Barriers against the French would be lost, The Memorialist therefore hopes this may be thought an Expedient Duty and Service for part of His Majestys Forces now in the said province, And the Memorialist further prays that a Company of Gunners and Matrosses may be sent over to the said Province for the better and more effectual Use and Management of the Cannon there being no persons in the said Province who are skilled in the Art of Gunnery and Management of the Great Guns for want of which in Case of an Attack by the French the said Province would be in the utmost Danger.

[The Ordnance report showed] that the Ships now equipping will require all the 32 and 24 Pounder Guns that can possibly be procured in any reasonable time however if it should be thought proper to furnish this province with some of the French Guns taken from the Enemy in that Case Thirty New 26 Pounders may be immediately spared which are too long for the Navy, and Stores (Gunpowder excepted) may be provided for them in a short time agreeable to the List hereunto annexed.

That with regard to the Gunners and Matrosses there are at present no less than Six Companys of Artillery in North America and two more now sent out with the Stores, and the variety of Services now going forward press so much for Assistance from this Corps that the Board of Ordnance cannot recommend the sending any further Number from hence but should conceive that in Case of Necessity the Commander in Chief there might Order a small Detachment to Instruct the people at South Carolina in the Management of their Guns and Mortars. That with respect to the Stores wanted for the Guns now in the said Province The Board of Ordnance have Reported That the Seven One pounder Ordnance are too small for Garrison Service and that no Carriages can be made here for them That Four pounder Brass Ordnance are not in use for Field Service nor can any Carriages be sent thither that will fit them as their Dimensions are not known, That with respect to the standing Carriages wanting for their 18 Pounders, 12 Pounders, 9 Pounders and 4 Pounders as there are no Dimensions sent of those Guns, there can be no certainty in making Carriages for them, but a Pattern Carriage of each Nature may be sent from hence together with Iron Work and Iron Trucks for the whole, and the Carriages may be made on the Spot where Timber sufficient is to be had. So likewise with regard to their Seven Cohorn Mortars, The Beds for them cannot be made in England with any certainty, their Dimensions not being known, but the Iron Work may be sent from hence and the

1757.

Beds may be made on the Spot The said Board of Ordnance have therefore drawn out the annexed account of Stores which they apprehend will render what they now have compleat for Service. [XVII. pp. 448-51, 462-8.]

[345.] [On the recommendation of the Board of Trade, twelve months leave of absence is granted to Gilbert Fleming, Lieut.-General of the Leeward Islands and Lieut-Governor of St. Christopher, who had represented that he had been troubled with a dangerous disorder in his face and that it was necessary for him to return to England in order to obtain a cure. A warrant for the purpose is also approved.] [p. 646.]

6 Dec.  
Leeward  
Islands.

[346.] [Reference to the Committee of the petition of Lovell Stanhope, agent for Jamaica, that a regiment of foot or sufficient reinforcements be sent thither for the sole service of that island and that troops be not sent thence to Rattan or the Mosquito Shore, and praying other relief and assistance.] [p. 647.]

6 Dec.  
Jamaica.

It is ordered by His Majesty in Council, that the said Petition . . . Be . . . referred to the Right Honourable the Lords Commissioners for Trade and Plantations, to consider the same, and Report to a Committee of the Lords of His Majestys most Honourable Privy Council, whether they conceive it adviseable for His Majesty to cause the Regiment of foot, or Reinforcement of Regular Troops prayed for, to be sent for the Service of the said Island of Jamaica.

(1758.)  
27 Jan.

[XVII. p. 18.]

[Orders are given in accordance with the Committee report of 17 Feb., which set forth] that in the Year 1744 during the late War, a like Application with the present was made to Your Majesty in Council, and that Your Majesty was thereupon graciously pleased, in regard to the weak and defenceless condition of that Island, where the number of White people are but few in Comparison of the very great number of Blacks, to order, that a Regiment of Foot should be sent thither,

(1758.)  
24 Feb.

upon Condition that Barracks, and all other accommodations should be made for the Convenience and preservation of the said Regiment and that they should likewise give the same Additional Subsistence as they gave to the Regiment Stationed there. But the unnatural Rebellion breaking out about that time, it was Judged not expedient to lessen the number of Your Majestys Forces at home, and a stop was of Course put to the sending over such Regiment. [The Committee agreed with the Board of Trade report] that during the last War, the Security of Your Majestys Islands, and the Annoyance of the Enemys Possessions in the West Indies having been the great Object of the Governments attention it became necessary in the Prosecution of that Plan, to Station a very great part of the Naval Force of this Kingdom in the West Indies ; But the recovery of Your Majestys Possessions in North America, and the Annoyance of the Enemy there, being the more immediate Object of the present War, so large a Proportion of Our Naval Strength must necessarily be destined to that Object, as may possibly put it out of the power of the Government to furnish such a Naval Force for the defence and protection of Your Majestys Colonys in the West Indies as may be effectual to defeat any blow which the Enemy may meditate there, in hopes of making themselves amends for any losses which they may expect to sustain from Our Superiority in the Northern parts of America. But that independent of these Considerations, the weak State of the Island in respect to the small number of its white Inhabitants, and the many Additional fortifications which the people have lately at a great expence erected in different parts of the Island, and which will necessarily require a greater number of Troops to defend them than has usually been Stationed there, are reasons which operate Strongly in favour of this measure ; And the said Lords Commissioners likewise say, that they have not only received assurances from the Gentlemen of the Island, by whom they had been attended on this occasion, that they will be answerable, that proper Provision should be

made for the reception of such an Additional number of Troops as Your Majesty shall think proper to send to Jamaica, and for allowing them the same Additional Subsistence as is given to the Regiment now Stationed in that Island, but the Agent has also declared, that he is authorized by his Constituents to say, that as soon as they shall receive Notice of His Majestys gracious Compliance with this request, they will make immediate Provision for both those purposes; Which readiness on their part to burthen themselves with so heavy an expence, carries with it the clearest Evidence of their Opinion of the necessity of the measure now proposed; And that upon the examination of an Engineer lately arrived from Jamaica, it appears there are Barracks already Built, and now Building in different parts of the Island sufficient to contain twenty four Companys of One hundred Men each; Wherefore the said Lords Commissioners are of Opinion that it may be adviseable for Your Majesty with the prayer of the said Petition in such manner as Your Majesty shall judge most proper, excepting only that part of it, in which it is requested, that none of the Troops now in Jamaica, or to be sent thither, may be ordered off that Island, which they apprehend an improper and unreasonable proposition, as it would, if complied with, preclude Your Majesty from the use of those Troops on any event or Exigency which might require their Service, in any other of Your Majestys Islands in the West Indies. [Viscount Barrington, Secretary at War, is to give the necessary directions, and to lay before Parliament an estimate of the expence. The Governor is to take care that the additional subsistence be given to the troops, and barracks, etc., provided.] [XVII. pp. 35-7, 39.]

[Reference to the Committee of a Board of Trade representation of 12 May proposing that an able engineer be sent to Jamaica to examine the fortifications, and that the Governor be directed to recommend it to the Assembly to make immediate provision for making such alterations or additions as shall appear to be necessary.] [XVII. p. 141.] (1758.)  
2 June.

370 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1757-8.

(1758.) [On the Committee report of 15 June, orders are given  
16 June. for sending an engineer (if one can be spared), and for recommending the Assembly to repair the defences, in accordance with the Board of Trade representation of 12 May, which was made on information from Governor Haldane that an engineer lately returned from Jamaica had reported that the defences of Kingston Harbour and the fort on Mosquito Point are unfinished and open to assault.] [XVII. pp. 160, 168, 173.]

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GEORGE II. VOL. XVII. (1 Jan., 1758—21 May, 1759.)

1758.

27 Jan. [347.] [On a Board of Trade representation of 26 Jan.,  
Jamaica. George Haldane is appointed Governor of Jamaica. The Council approve his commission, already prepared by the Board of Trade, who are also directed to prepare his instructions.] [pp. 13-4.]

8 May. [The instructions are approved, on the report of the Committee of 10 April on a reference of 1 April. The Board of Trade report of 22 March showed only the following alterations from the instructions given to Governor Knowles :—] That having in Obedience to your Majestys Order in Council dated the 10th of May last, and in pursuance of the several Orders of the Lords of the Committee of Your Majestys most Honourable Privy Council dated the 19th of December, fully considered the several Letters, Petitions and Papers thereby referred, relating to the suspension of Philip Pinnock, Edmund Hyde, Charles Dawes, Samuel Long, Henry Nedham, Ballard Beckford and John Scott Esqrs. from their Seats in your Majestys Council; And it appearing that the proceedings of Your Majestys Lieutenant Governor with respect to those Gentlemen, was irregular and inconsistent with your Majestys Instructions relative to the Suspension of Councillors, they are of Opinion,



that such of the said Members as are now living should be restored to their Seats in the said Council, and they have accordingly inserted their names in the first Article of this Draught of General Instructions; and in Order to render the number of Your Majestys said Council compleat, they have in the same Article, inserted the names of Samuel Whitehorne, Henry Dawkins, and Edward Morant, who have been recommended as persons well qualified to serve Your Majesty in that Station.

That in the said Draught, they have omitted such Articles of the Instructions given to Mr. Knowles as appeared to have become Useless or improper, And have inserted such Articles of the Instructions given to the Governors of Your Majestys other Colonies, as seem well adapted to the Situation and Circumstances of Jamaica, making the whole, as well with respect to the matter, as the Method of arrangement, conformable to what has been approved by Your Majesty in the Instructions given to such of the said Governors as have been lately appointed.

[The trade instructions are also made conformable to those of other West Indian Governors.] [pp. 96, 106-7, 131-2.]

[The Governor takes the oaths.] [p. 135.] 9 May.

[348.] [On a Board of Trade representation of 26 Jan. 27 Jan. Francis Bernard is appointed Governor of New Jersey. His commission already prepared by the Board of Trade is approved, and directions given for drawing up his instructions.] [pp. 13-4.] New Jersey.

[The Board of Trade report of 23 Feb. with draft instructions is referred to the Committee.] [p. 41.] 24 Feb.

[The instructions are approved, as amended by the Committee in their report of 13 March. The Board of Trade made the following alterations from Governor Belcher's instructions :—] That there being but eleven persons appointed by your Majesty to be of your Counsel in New Jersey, they have, in the first Article of this draught of General Instructions, added the name of William Alexander, Esqr. who has been 1 April.

recommended to them as a Person well qualified to supply the Vacancy.

That they have omitted the 19th Article of the former Instructions, whereby the Governor was directed not to give his assent to any act for issuing Paper Bills of Credit, upon any account whatever, unless a Draught of such Act was previously transmitted for your Majestys directions, or a Clause inserted in it, suspending its execution till your Majestys pleasure should be known thereupon, apprehending such an Instruction might deprive the Legislature of New Jersey of the means of Providing for any Military Services, or sudden Emergency, which may arise in time of War, and have therefore inserted in its place, the 22 Article of the present draught, whereby he is permitted to assent to Acts for issuing Paper Currency in Cases of Emergency, and for Military purposes, in time of War, upon such Conditions and under such Regulations as are prescribed in the like Cases, by the Act of Parliament passed in the year 1750, for restraining the Paper Currency in the four Colonys of New England, conformable to the Instruction given by your Majesty to the late Governor of New York.

[Obsolete articles (not specified) are omitted and the instructions made conformable to those lately given to other governors. The trade instructions are also made conformable to those for governors on the continent of North America.]

The Lords of the Committee upon Mature Consideration of both the said Draughts of Instructions, and of the several additions and alterations made therein, are of Opinion, that all the said alterations are proper to receive your Majestys Royal approbation, except only the one before proposed, of leaving out the 19th Article of the Instruction given to the late Governor of that Province, and substituting in lieu thereof the aforementioned 22d Article of the general Instructions, whereby power is vested in the Governor to assent to Acts for issuing a Paper Currency in Cases of Emergency, and for military purposes, in time of War; Which power the Lords

of the Committee apprehend to be by no means proper to be given to the Governor, at least for the present ; Not that they are willing to suppose the Governor anywise inclined to exercise such power without an emergency, but they conceive as soon as it shall become known within the Province, that the Governors hands are not tied up, but that he is at Liberty to assent to Acts for issuing more Paper money in Cases of Emergency, the Inhabitants will take advantage of it, and soon enter into measures to create some emergency or other, and the Governor will, in such Case, find it difficult to execute the power so vested in him, which would be attended not only with great inconveniences, but ill Consequences to the said Province, as must manifestly appear, when the Committee informs your Majesty, that there is actually at this time paper Bills outstanding and Current in that Colony, amounting to no less a sum than 107,000*l*. And as a proof of their being in want at this very time of more Paper money, and that consequently what is above suggested as likely to happen, would most probably come to Pass, the Committee take leave to inform your Majesty, that they have now under their Consideration, a Draught of an Act sent over from this Province, for emitting more paper Bills to the amount of 60,000*l*. over and above the 107,000*l*. now Current in the Province. And the Committee take leave further humbly to inform your Majesty, that at such a time as this, when there is so great a quantity of Paper money Current in this small Province, and a desire of having so large an addition as 60,000*l*. more, the Committee cannot but think the hands of the Governor ought to be tied up in the strictest manner from accumulating any more of this paper money, if not till the whole of that large sum, now Current, shall be paid off and cancelled, yet at least for the present, and have therefore, under these Circumstances, judged it to be more for your Majestys Service and the good of the said Province, to leave out the said 22d Article of the present Governors General Instructions, and to re-instate that which was the 19th Article

1758.

in those given to the late Governor, whereby he will be restrained from Passing any Act for the issuing any more Paper Bills of Credit without first transmitting a Draught of such Act for Your Majestys Directions, or inserting a Clause therein suspending the Execution of it till your Majestys pleasure should be known thereupon. [pp. 56-8, 91.]

27 Jan.  
Appoint-  
ments.

[349.] [On Board of Trade representations of 26 Jan., Francis Fauquier is appointed Lieut.-Governor of Virginia vice Robert Dinwiddie, resigned, Thomas Hutchinson Lieut.-Governor of Massachusetts Bay vice Spencer Phipps, deceased, and Andrew Oliver, Secretary of Massachusetts Bay vice Josiah Willard, deceased. Commissions for the first two and a warrant for the third are also approved.] [pp. 13-5.]

6 Nov.

[On Board of Trade representations of 25 Oct., William Gower is appointed Chief Justice of Georgia; Charles Berry *vice* Peter Henley, deceased, as Chief Justice of North Carolina; and Thomas Warner *vice* Thomas Walker, deceased, as Attorney General of the Leeward Islands. Warrants are approved on the same day.] [pp. 265-7.]

(1759.) [On a Board of Trade representation of 22 May, Nathaniel

24 May. Jones is appointed Chief Justice of New Jersey *vice* William Aynsley, deceased. The warrant for his appointment by the Governor is approved on 31 May.] [XVIII. pp. 1, 14.]

(1759.) [On a Board of Trade representation of 21 June, a new  
26 June. warrant is passed for Thomas Child's appointment as Attorney General of North Carolina, in order to obviate any doubt whether he can resume the functions of his office after an absence of several years under licence from the late Governor for the settlement of his private affairs and those of his office.]

[XVIII. pp. 43, 45.]

(1759.) [On Board of Trade representations of 14 Nov., Ralph  
27 Nov. Payne is appointed Chief Justice of St. Christopher *vice* Richard Wilson, deceased; and John Tabor Kemp, Attorney General of New York *vice* William Kemp, deceased. Warrants for these appointments are approved on the same day.]

[XVIII. pp. 200, 202.]

1758.

[On representations from the Board of Trade, David Graham is appointed Attorney General of South Carolina *vice* James Wright, and Gilbert Ford, Attorney General of Jamaica *vice* Thomas Beach, removed in 1754. Warrants are approved on 20 May.] (1760.)  
13 May.

[XVIII. pp. 372, 391-2.]

[350.] [An appearance is entered by Mr. White of Arundel Street in the Strand for John Scaife, commander of H.M.S. *Vulture* to the appeal of John Mascal, the master, and others, the owners, of the schooner *Love*, condemned in the Vice Admiralty Court at Halifax, N.S.] 29 Mar.  
Nova Scotia.

[p. 70.]

[Reference to the Committee of Scaife's petition that the appeal be dismissed with exemplary costs for non-prosecution. The date of the condemnation of the *Love* is given as 11 July, 1757.] (1761.)  
16 Jan.

[Geo. III. Vol. I. p. 151.]

[351.] [Reference to the Committee, and by them on 10 April to the Attorney and Solicitor General, of the petition, complaint and appeal of the Rev. William Smith of Philadelphia, and of a similar petition of William Moore.] 1 April.  
Pennsylvania.

[pp. 96, 107-8.]

[Orders in accordance with the Committee report of the same date. Smith's petition set forth] That the Petitioner on the 6th day of January, 1758 by Order of the Representatives of the people of the said Province in Assembly then Sitting was arrested by their Serjeant at Arms and by virtue of that Order held in close Custody untill the 25th day of the said Month ; A great part of that time not being permitted to speak to any person but in the presence of the said Serjeant nor to hold any Correspondence in writing but with his Privy and Consent. That during the Petitioners Confinement He was in a formal manner brought to the Barr of the House of Assembly And by them charged with being a promoter and abettor of the writing and publishing a Libell intituled the humble address of William Moore One of the Justices of the Peace for the County of Chester That the Petitioner being One of the Trustees under an Honourable (1759.)  
26 June.

1758.

Private Society in London for maintaining Charity Schools to instruct Germans there And to that end having the Care and Direction of a printing Press to furnish them with a News Paper and other Matters in their own Language doth acknowledge and never did deny That when he found the said Address which animadverted on the proceedings of a former dissolved Assembly printed and published in the Pensilvania Gazette by Benjamin Franklin and David Hall who are the known and publick printers to the Assembly and in the Pensilvania Journal by William Bradford of the said City he did (though a considerable time after such printing and publishing in the English Papers) advise it to be translated into the German Tongue and published in the said German News Paper. That the Petitioner answered to the Charge of the Assembly That he was not Guilty of any matters of which he stood accused and protesting he never had the least Intention to violate the privileges of that House with great Humility prayed them to Order him a Tryal for his supposed offence in some Court of Justice according to the Laws of England and this Province For Reason alledging that if he had committed the Crime charged it was cognizable in the established Courts of Justice and by the Assemblys Imprisoning Trying putting him to great Charge in his said Defence and finally punishing him (if they should so far proceed) he might be twice punished for One and the same Offence. That the House rejecting the Petitioners Prayer did by Vote resolve to try the Petitioner themselves and for that purpose did direct him to bring his Witnesses before them for summoning of whom they gave their Orders and did allow the Petitioners Counsel to speak to matters of Fact only ; They by another Vote having resolved that neither the Petitioner or his Counsel should be heard concerning their Jurisdiction or any other matter of Law and did appoint a Day for the Petitioners Tryal That the petitioner being thus compelled to waive points which he judged very material in his Defence and to Submit to the Jurisdiction power and

Direction of those who did not scruple to acknowledge themselves principal partys Yet hoping to mollify them by his Submission and by making it appear he had no design of violating their priviledges did undertake to defend himself and manifest his Innocence in the manner prescribed to him which he humbly apprehends he did so effectually as must have given entire Satisfaction to all unprejudiced Judges and have obtained his Discharge. That notwithstanding the Assemblys in all the Forms of an indifferent and legal Court of Judicature by Summoning Witnesses examining them on their Oaths in and by the Authority of the House administred terrifying some (who were not inclined to Swear or Answer) with Imprisonment and hearing the prisoner at the Bar as they called the petitioner in his Defence still reserving to themselves the conclusive power of declaring the Petitioner guilty or not guilty did at last very unjustly by the Votes of a Majority as their Verdict find the Petitioner guilty of part of their Charge against him namely the promoting and publishing the said Libel entitled as above and thereupon intending to render the Petitioner infamous among the people and to brand with Disgrace and Ignominy the Character of a Clergyman of the Church of England who is placed at the Head of a Seminary of Learning in the City aforesaid and engaged in sundry other publick Undertakings did by their final Sentence adjudge that the Petitioner should be committed to the Newgate or Common Goal of the said County The place for Thieves Murderers and Felons as well as Debtors There to be detained until further Orders from the House ; To which loathsome Goal he was committed on the aforesaid 25th of January and therein lay at the time of sending over his petition That the petitioner did immediately read and tender an Appeal from this Judgment to Your Sacred Majesty in Council and prayed to have the same entered upon their Minutes ; which they refused to do intimating that no Appeal lay from any Judgment of theirs to Your Sacred Majesty in Council. That the Petitioner in his said Appeal did further

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pray that their Clerk should deliver to the Petitioner attested Copys of all papers Minutes and proceedings relative to the Petitioners Tryal humbly to be lay'd before Your Majesty To which Prayer although the Matters therein mentioned have been since specially desired they have not yet vouchsafed to give the Petitioner any Answer That although by the Depositions taken before the House it appeared that very many persons Lawyers and others had seen approved of and advised the printing and publishing the Address of William Moore before it was printed That the Speaker and two other Members of Assembly being consulted on the said Address previous to its Publication by the Printer to the House and by him acquainted with the Contents thereof did Counsel and advise and as far as in them lay authorize the printing and Publishing the same That David Hall the acting Printer of the Pensilvania Gazette and William Bradford the Printer of the Pennsilvania Journal did also before the House acknowledge they had printed and published it and that although it appeared that the paper lay'd to the Charge of the Petitioner was only a Republication in the way of his Business and that of all those concerned in it he was the least so Yet no person had ever been called in Question as a Criminal for any matters relating thereto but the unhappy Petitioner except Mr. Moore who declared himself the Author That the Petitioner on the 4th day of February following in due form of Law applyed to the Chief Justice of the Province to grant him Your Majestys Writ of Habeas Corpus in Order that the Petitioner on the return thereof might either be discharged or bailed as the Nature of his Case should require Whereupon the said Chief Justice answered that on a view of the Copy of the Petitioners Committment it appearing to him that among other things the Petitioner was committed for a Breach of Privilege he did not think himself authorized in granting a Habeas Corpus and bailing the Petitioner during the sitting of the House ; And therefore was obliged to reject the Prayer of the said petition—That the Petitioner



verily believes the Words in the said Committment which appear to the Chief Justice to imply a Breach of Priviledge were untruly inserted therein on purpose to exclude the Petitioner from this legal Relief; As there was no breach of Privilege intimated in the Sentence passed against the Petitioner by the House; and as he was never charged even by the Assembly with the least indecency of Behaviour or mark of Disrespect to the House during the whole process; nor with any other matter that could be construed a breach of Privilege of the Assembly then convened. That the Petitioner did afterward on the said 4th day of February petition William Denny Esquire Governor of the Province Setting forth the peculiar hardships of his Case praying such relief as his Honour thought Suitable and just; To this the Petitioner received for Answer that the Governor with great Compassion beheld the Petitioners Afflictions but if he had any power to interfere in that matter the Exercise of it might at that critical Juncture endanger the safety of the whole province. That under these distressing and miserable Circumstances destitute of any aid from Our Laws or Government So that this Imprisonment might be continued during his Life the Petitioner really unable to contend with so weighty a Body who are in possession of all the publick Money of the Province was compelled to apply to Your Majesty the last resort from Your Colonys and Fountain of all Justice within Your Majestys Dominion for Redress. And most humbly implored Your Majesty to afford the Petitioner such relief as in Your Wisdom should appear just and equitable. [The Attorney and Solicitor General reported] That they had been attended by Counsel for the Petitioner and likewise by Counsel on behalf of the Assembly of the Province of Pensilvania and had examined into the Allegations of the said Petition and did find that the Petitioner was concerned in advising a certain paper intituled an humble Address of William Moore One of the Justices of the Peace for the County of Chester directed to the Honourable William Denny Esquire Lieutenant

Governor of the said Province to be printed and published in the Pensilvania Gazette and that the said Petitioner did afterwards direct and procure the same to be translated into the German Language and published in another publick News Paper for the perusal of those Foreigners residing within the said province who understood that Language only.

And that the said paper contains many Scandalous Reflections upon the Assembly of that Province to whose proceedings it related and was a Libel upon the said Assembly.

And they further found that the Petitioner on the 6th of January 1750 was arrested by the Serjeant at Arms of the Assembly then sitting and being afterwards brought before the said Assembly was permitted to make his Defence by Counsel But the Assembly having before resolved that the said petitioner or his Counsel should not be allowed to speak or Argue against the Authority or power of that House to take Cognizance of the Charge against him Or to argue that the said Address was not a Libel they did refuse to permit either him or his Counsel to Argue either of the said Points.

And the said Attorney and Sollicitor General find further that the said Petitioner with many other persons having been examined touching the said Complaint and the said Petitioner and his Counsel having been heard in Answer thereto, The Assembly proceeded to pass this Sentence upon the Petitioner.

Mr. Smith. This House having enquired into the Charge against you have found you guilty of promoting and publishing the Libel intituled The Address of William Moore Esqr. and do Order that you be committed to the Goal of this County until you make Satisfaction to this House.

That in pursuance thereof the Assembly made an Order for the Commitment of the Petitioner to the Common Gaol of the City of Philadelphia which Order of Commitment bears date the 25th day of January 1758 and is in the following Words.

Pensilvania. To James Coultas Esqr. Sheriff of the City and County of Philadelphia. The House of Assembly of the Province of Pensilvania hath this day adjudged William

Smith for promoting and publishing a false Scandalous virulent and seditious Libel against the last House of Assembly of this Province and highly derogatory of and obstructive to the Rights of this House and the Privileges of Assembly These are therefore in behalf and by Order of the said last mentioned House of Assembly to require and charge you to receive the said William Smith into your Custody within the Common Goal of Your County under Your Charge and him therein safely to keep and detain until you shall receive further Orders from this House, Hereof fail not as you shall answer the contrary at your peril Given under my hand this 25th day of January in the Year of Our Lord 1758 Thomas Leech Speaker And Your Majestys said Attorney and Solicitor General further Certifyed that the said Assembly being apprehensive that the Petitioner might apply for a Writ of Habeas Corpus in Order to his Discharge they did pass the following Vote :—

Ordered that Mr. Speaker do give it in Charge to the Sheriff to keep his prisoner Mr. Smith provost of the Academy of Philadelphia in close Custody agreeable to the Directions of the Commitment to him delivered ; And that he do not obey any Writ of Habeas Corpus or other Writ whatsoever that may come to his Hands for bailing and discharging the said William Smith or otherwise discharge him from his Custody on any pretence whatsoever and that this House will Support him in his Obedience to this Order.

And they further find that when the Petitioner upon the 4th of February applyed to the Chief Justice of the Province to grant him Your Majestys Writ of Habeas Corpus the said Chief Justice refused the same alledging that as the Petitioner was committed for a Breach of Priviledge He the said Chief Justice did not think himself authorized in granting an Habeas Corpus and bailing the Petitioner during the Sitting of the House.

That upon this State of Facts the Counsel for the Petitioner insisted

1st. That the Assembly had no Right to take Cognizance of this Offence and erect themselves into a New Court of Judicature by trying and punishing any Man for a Crime which by the Ordinary Course of the Law was only cognizable in Your Majestys Courts of Justice and tryable by a Jury.

2d. That abetting the publication of the Libel was no Contempt or Breach of the Priviledge of the Assembly ; Nor was so described either in the Charge or Sentence drawn up against the Petitioner.

3d. That it was arbitrary and illegal to refuse the Petitioner the Liberty of arguing against the Jurisdiction of the Assembly or to shew that the paper in Question was no Libel.

4th. That admitting the Paper to be a Libel and likewise a Contempt of the Assembly and admitting likewise that an Assembly in America had a Jurisdiction to try and punish Contempts and Breaches of Privilege yet that this Right could exist no longer than that Body existed which had been so insulted ; And that therefore in the present Case the Assembly so reflected upon by the paper in Question being dissolved no future Assembly could take up the Consideration of this matter.

Lastly. That it was a high violation of Your Majestys prerogative and a Subversion of the Law to Issue an Order commanding the Sheriff to pay no Obedience to Your Majestys Writ of Habeas Corpus.

In answer to which it was insisted that all Courts of Justice and all Branches of a Legislative Body had a Right to punish Contempts against themselves ; and that the House of Commons in England had always asserted and exercised such Right.

That the Libel in Question was a manifest Contempt of the Authority of the Assembly arraigining their publick Acts and charging the whole Body with Injustice Oppression and Calumny And as such was the Highest Breach of Priviledge though not so called in the Charge.

That if it be once admitted that this Libel was an Offence of this kind and properly cognizable by the Assembly it was highly improper to suffer the point of Jurisdiction to be argued Or the nature of the Paper to be debated at the Bar wherein the Assembly had followed the Example of the House of Commons in Great Britain.

That according to the reasoning of the Counsel for the Petitioner as the Assembly by the Laws of Pensilvania Meet and are dissolved annually every House of Assembly would be subject to the Scandal and abuse of every Libeller who would be content to wait till the Dissolution Or if he presumed to insult them even during their Sitting might be sure to escape with impunity by keeping out of the way till they were dissolved.

That though the Order to the Sherif might be irregular yet it was done upon a presumption that if the Writ had issued the prisoner must have been remanded ; because it is a Commitment in Execution and not bailable.

Upon the whole Your Majestys Attorney and Sollicitor General were of Opinion That the paper in Question was a Libel and if it had been published whilst the Assembly was sitting, which it had aspersed They wou'd have had a Right to have punished the Authors and publishers thereof the same being a manifest Contempt but after that Assembly was dissolved that kind of Jurisdiction ceased and the Subsequent Assembly had no Right to take up the Consideration of this Offence as a Contempt to themselves who were not then in being ; And consequently could not be aimed at described or calumniated by a Libel published before their Election.

That this Objection appeared upon the Face of the Warrant of Committment And the Distinction had been frequently taken with respect to proceedings for Contempt even by the House of Commons in Great Britain but even supposing that the Jurisdiction of that House in similar Cases might be extended further according to the Law and usage of Parliament Your Majestys said Attorney and Sollicitor General

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were humbly of Opinion that this extraordinary power ought never to be Suffered in these inferior Assemblys in America who must not be compared either in power or privileges to the Commons of Great Britain ; And that it was observable that the Assembly themselves had studiously avoided to declare the Libel to be a Contempt or Breach of Privilege either in the Charge or Sentence pronounced ; Notwithstanding that the Contempt to themselves the then existing Assembly was the only legal or colourable Ground upon which they could take Cognizance of the Matter in Order to punish the Offender.

And lastly that they were of Opinion it was a high and unwarrantable Invasion both of Your Majestys Royal Prerogative and the Liberties of the Subject to Order the Sherif not to Obey Your Majestys Writ of Habeas Corpus And that as Mr. Smith was guilty of no Offence against any Assembly then in being and no Assembly had a Right to proceed against him for a Contempt to any former Assembly And as the Law had provided sufficient Remedy in all Cases of illegal and arbitrary Commitments It was their Opinion that the Petitioner should be directed to seek Redress (as he should be advised) in the proper Courts of Justice in Your Majestys Province of Pensilvania And that Your Majesty if it was Your Royal pleasure might graciously issue Your Orders to the Governor of Pensilvania to take care that in all Cases Your Majestys Writs should Issue freely according to Law and that all Officers of Justice and others should be protected in the due Execution of them And that no person or persons whatsoever should presume to disobey the same.

[The Committee concurred in the report and recommendations, and added] that the Governor of the said Province for the time being be commanded to signify to the Assembly there Your Majestys high Displeasure against all such unwarrantable proceedings and Oppressions of the Subject and be required to take the utmost Care and to use all the means in his power to support and preserve the Laws

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and Your Majestys prerogative against all usurpations and encroachments whatsoever by the Assembly of that province at all times and on all Occasions. [XVIII. *pp.* 27-37, 41.]

[352.] [Reference to the Committee of the petition of John Anthony Balaguier setting forth that the Council of Jamaica have of late assumed the nomination of their Clerk, a position hitherto held by the petitioner and his predecessors in the office of Secretary, and praying to be reinstated.]

2 May.  
Jamaica.

[*p.* 125.]

[On the Committee report of 3 May, order is given for reinstating Balaguier as Clerk. On considering the petition and a representation of the Board of Trade, it appeared to the Committee] that the several Allegations contained in the aforementioned Petition are just and true, and that the Secretary for the time being of the Island of Jamaica, or his deputy, has exercised and enjoyed the Office of Clerk of the Council till very lately, and that the Secretaries of all your Majestys Colonys in America, have at all times enjoyed the same Right. And it further appearing to their Lordships, that the Governors of Jamaica have been constantly directed by their Instructions to require the Secretary of the said Island to furnish them with the Journals of the Council, in order to be transmitted to Your Majesty, or the Lords Commissioners for Trade and Plantations, upon pain of incurring the forfeiture of his Office, which could not be complied with, unless it had been the intentions of the Crown, that the Secretary and Clerk of the Council, should be in one and the same person; . . . the Claim of the Council of Jamaica to appoint their Clerk, is injurious to Your Majestys Prerogative, and not Warranted by the usage or Practice of any other Colony. [*pp.* 128, 132.]

8 May.

[353.] [On a Board of Trade representation of 21 April, Henry Ellis is appointed Governor of Georgia. The Board of Trade are directed to prepare his commission and instructions. The commission is approved on 16 June, and the instructions referred to the Committee on 29 June.] [*pp.* 133, 164, 190.]

8 May.  
Georgia.

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8 July. [On the Committee report of 7 July, the instructions are approved. The only changes from those for Governor Reynolds are—Article 58 relative to the supplying of vacancies occasioned by the death or suspension of patentees or their deputies, is made conformable to those recently prepared for Massachusetts Bay, New Jersey &c. In article 67 relative to grants of land, terms of cultivation and improvement are given as prescribed in an additional instruction to Governor Reynolds in Aug., 1755. Article 95 about the neutrality in America is omitted owing to the war.] [pp. 202, 206.]

2 June. [354.] [Reference to the Committee of a Board of Trade  
North representation of 12 May relating to the suspension of John  
Carolina. Rutherford and James Murray from the council of North Carolina by Governor Arthur Dobbs.] [p. 141.]

15 June. [The Committee refer to the Board of Trade a letter from Rutherford to Lord Granville, Lord President of the Council, and direct them to hear Rutherford in his own defence.] [p. 163.]

(1761.) [On the Committee report of 18 April, Rutherford is  
30 April. restored, but Murray's place is left vacant till further enquiry can be made. The Treasury, after examination of the case, had removed Rutherford's suspension from the office of Receiver of the Quitrents, and the Committee thought it desirable for the service of the revenue that the holder of this office should be a member of the council.]

[Geo. III. Vol. I. pp. 303, 307.]

(1762.) [Murray is also restored, the reason for his suspension  
19 June. having been the same as in the case of Rutherford.] [II. p. 263.]

16 June. [355.] [Reference to the Committee of the petition of  
Maryland. the Upper and Lower Houses of Assembly of Maryland] Setting forth the distresses the Inhabitants of that Province labour under by the Restrictions laid upon the Trade and Commerce of His Majestys Plantations and Colonys in America, by An Act of Parliament passed in the thirtieth Year of His Majestys Reign, for prohibiting the exportation of Grain and



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other Provisions from His Majestys Colonies and Plantations in America, unless to Great Britain or Ireland, or to some of the said Colonies and Plantations ; And humbly praying that His Majesty will be graciously pleased to exercise the power which the Legislature has placed in His Majesty to the Relief of the good people of that Province, in such manner as may be most agreeable to His Royal Will and pleasure.

[p. 171.]

[The Committee, observing that the petitioners mention that they have transmitted a full representation of the matter to the Board of Trade, refer the petition to that Board.] 22 June.

[p. 178.]

[The Committee] being of opinion that it is not advisable to comply with the Petitioners Requests at this Juncture, are therefore pleased to Order that the further Consideration of this Matter be postponed to a further time. 20 July.

[p. 215.]

[Letter from the Clerk of the Council to Lord Baltimore, transmitting a copy of the Board of Trade report, and intimating that its consideration has been postponed by the Committee.] Your Lordship will be pleased to observe that they have reported against complying with that Part of the Petition which prays to be relieved from the Restrictions under which the Act of Parliament permits the Exportation of Grain &c. to Great Britain, Ireland or the Plantations ; And as to the other Part of the Petition which prays leave to export Corn &c. to places prohibited by the said Act, The Board of Trade have given no Opinion thereupon, but say, that as the Scarcity of Corn in this Kingdom was the Occasion of passing the said Act, if the Lords of the Committee should be of Opinion that this Country has no further Occasion for Supplies of Corn or other Provisions, from the Colonies in North America, that then they see no Reason why His Majesty may not permit the Inhabitants of the said Colonies to export their Corn and other Provisions to the Madeiras and to the European Dominions of Princes and States in Amity with His Majesty. 23 Aug.

[pp. 237-8.]

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16 June. [356.] [Reference to the Committee of the petition of  
Jamaica. Edmund Hyde of Jamaica for a day for hearing his appeal from a Chancery order of 4 May, 1756, allowing an exception taken by Daniel Monro, James Barclay, Thomas Crowder and Samuel Gordon, to his answer to their bill against him and others, to be at liberty to redeem certain mortgaged premises, late the estate of Daniel Monro, deceased.] [*p.* 171.]

(1759.) [On the Committee report of 2 March, the appeal is  
3 Mar. dismissed with 40*l.* *stg.* costs, no one having appeared for the appellant.] [*pp.* 379, 380, 396.]

16 June. [357.] [Reference to the Committee of the appeal of John  
Jamaica. Vanhorne and Hannah, his wife, from a decree of the Jamaica Chancery, 22 June, 1757, ordering him to pay 3,471*l.* 14*s.*, as legacies from Patrick Montgomery, deceased, to John and Dennis Montgomery, William Hall and Elizabeth his wife, and James Campsey and Margaret his wife.]

[*p.* 172.]

(1759.) [On the Committee report of 12 July, the appeal is dismissed  
24 July. with 40*l.* *stg.* costs. The solicitor for the respondents produced to the Committee a letter from the appellants' solicitor signifying that, as their agent had no further instructions about prosecuting the appeal, he did not think it advisable to proceed.] [XVIII. *pp.* 68, 79.]

16 June. [358.] [Reference to the Committee of the petition of  
Jamaica. Alexander Graham for a day for hearing his appeal from an order of the Jamaica Chancery, 24 Aug., 1757, granting an injunction to stay him from issuing a writ of Venditioni on a judgment obtained by him against William Perrin for 1,166*l.* for business performed by him as Perrin's solicitor and attorney.] [*p.* 172.]

28 July. [359.] [A Massachusetts Act of Aug. 1757, for providing  
Massachu- remedy for bankrupts and their creditors, delivered by the  
setts Bay. agent on 3 May, referred to the Committee on 8 May, and by them to the Board of Trade on 9 May, is disallowed on the Committee report of 7 July, agreeing with the Board of

Trade, who reported] That several of the Principal Merchants trading to the said Province, apprehensive that their Interest would be greatly affected by this Act, having made application to be heard against it they thought it their Duty to take it into their immediate Consideration, And having accordingly been attended by the said Merchants, as well as by the Agent for the Massachusetts Bay, and heard what each Party had to offer for and against the said Act, they thereupon represented, That it appeared to them, upon Consideration of the whole Matter, that a Bankrupt Law though it be just and equitable in its abstract Principle, has always been found in its Execution to afford such opportunities for fraudulent Practices, that even in this Country, where, in most Cases, the whole number of Creditors are resident on the spot, it may well be doubted whether the Fair Trader does not receive more Detriment than Benefit from such Law. But if a like Law should take place in a Colony, where (as they are informed) not above a Tenth part of its Creditors are resident, and where that small proportion of the whole, both in Number and Value, might (as under the present Act they might) upon a Commission being issued, get possession of the Bankrupt's Effects, and proceed to make a Dividend before the Merchants in England, who make the other Nine Tenths of the Bankrupts Creditors could even be informed of such Bankruptcy, it is easy to foresee that such a Law can be beneficial to the very small part of the Creditors resident in the Colony only, and that the Nine Tenths of them, who reside here, would be exposed to Frauds and difficulties of every Sort, and might be greatly injured in their properties, For these Reasons the said Lords Commissioners were of Opinion that the said Act should forthwith receive Your Majesty's disallowance. [*pp.* 134, 135, 203, 221.]

[360.] [Reference to the Committee of a Board of Trade representation of 12 July proposing that the Governor of Virginia be instructed to recommend the Council and Burgesses to pass an act for amending two acts of 1748 and 1757.] [*p.* 226.]

28 July.  
Virginia.

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(1759.)

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[The instruction, prepared by the Board of Trade on a Committee order of 11 Jan., is approved on the Committee report of 1 Feb., which quotes the Board of Trade representation, as follows,] We have had under Our Consideration two Memorials presented to Us by several of the principal Merchants of London and Bristol in behalf of themselves and others Trading to and interested in Your Majestys Colony of Virginia Setting forth the great injury which does and will arise to the Trading Interest of this Kingdom in general and to the Memorialists in particular from two Acts passed in the said Colony the One in 1748 entituled, An Act declaring the Law concerning Executions and for relief of Insolvent Debtors. The other passed in 1757 Entituled, An Act for granting an Aid to His Majesty for the better protection of this Colony and for other Purposes thereinmentioned. And having been attended by several of the said Merchants and also by the late Lieutenant Governor and by the Agent for the Colony of Virginia and heard what each party had to offer for and against the said Acts We beg leave humbly to represent to Your Majesty.

That by the first of them it is enacted that Executions for Sterling Debts shall be levied in Current Money of the Colony at the rate of 25 per Cent. advance on Sterling for difference of Exchange.

This Act with many others We laid before Your Majesty in Our humble Representation of the 6th of August, 1751 as fit to receive Your Royal Approbation no Objection having at that time been made to Us against it And it has accordingly received Your Majestys Confirmation But as it is now alledged that the Exchange between Sterling Money and the Currency of Virginia has risen from 25 to 45 per Cent. it is evident that the provision above Stated must be attended with great injustice for although We have reason to believe that the Courts in Virginia in Actions of Debt where all the Partys appear in Court do find means by way of Damages to Decree the whole amount of the Debt according to the actual

value of it in Sterling Money yet We apprehend that in Cases of Executorship where Minors are concerned the Courts are under a necessity of adhering to the Letter of the Law whereby the Parties must be greatly injured.

The provisions in the Second Act of which the said Merchants complain are That it establishes a paper Currency to the amount of 80,000*l.* to be issued partly in lieu of the Treasurers Notes heretofore Current in the Colony and bearing an Interest of 5 per Cent. and partly for the several Services therein directed which Paper Bills are during the time limited for their Currency to pass and be received as a lawful Tender in payment of all Debts whatsoever already due or hereafter to be contracted.

By this Act the Merchants alledge that the very Nature of their Trade is inverted from a certain to an uncertain Value and they conceive the said provision to be oppressive and injurious in as much as it does *ex post Facto* extend to all Debts actually due and owing before the passing of the Act as it depreciates the value of such Debts owing in Sterling Money of certain and fixed Value and Subjects them to be discharged in paper Notes of a local uncertain and fluctuating Value without any provision for making payments in such paper Notes *ad valorem* of Sterling according to the difference of Exchange at the time of making such payment which provision they conceive to be requisite on the principles of Law and Equity.

Having thus Stated to Your Majesty the provisions of this Act and the Objections made to it by the said Merchants We beg leave humbly to observe to Your Majesty that a paper Currency of this Nature is a New thing in Your Majestys Colony of Virginia where there being a Staple Commodity of Trade such Currency must be the less necessary the late Lieutenant Governor Mr. Dinwiddie in Justification of his Conduct in giving his Assent to this Act has represented to Us That at the time of passing it the issuing Bills of Credit was become a Matter of absolute necessity the Silver and

Gold which should have been current there having been chiefly collected by the Agent for the public and transmitted by him to the Northward for the payment of Your Majestys Forces That there were at that time upon the Frontiers of Virginia One thousand Men in the pay of the Colony and no Money in the Treasury That the disbanding them would not only have exposed the whole province to the Depredations and Cruelties of the French and their Indians but would also have prevented the Execution of the Operations concerted with Your Majestys Commander in Chief And that there was no other Means of paying the said Forces but the issuing of Bills of Credit.

From these Allegations of Mr. Dinwiddie it results that the said Act has already been carried into Execution and that the repeal of it might be productive of many Difficulties and great Inconveniencies In Order however to remove the hardships arising from the two Acts abovementioned it has been proposed by the said Merchants as well as by Mr. Dinwiddie that the Governor of Virginia should be instructed to recommend it in Your Majestys Name to the Council and House of Burgesses to pass an Act for amending the two Acts in Question and thereby to provide that all Debts due before the passing of the said two Acts shall be dischargeable in Sterling Money only and that all Debts since Contracted or hereafter to be Contracted between Your Majestys Subjects in Great Britain and Virginia be made payable in the said Bills of Credit (if the Creditor is willing to accept them and not otherwise) not according to their nominal Value but according to the actual Difference of Exchange between such Paper Bills and Sterling Money at the time of making such Payment.

As this proposition appears to Us to be a proper necessary and effectual Remedy to the Grievances complained of, We beg leave humbly to propose to Your Majesty that an Instruction for carrying it into Execution be forthwith sent to Your Majestys Governor of Virginia and that Your

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Majesty would be graciously pleased to suspend Your Royal Determination upon the last mentioned Act whereby a paper Currency is established until Your Majesty shall have been made acquainted with the Effect of the Instruction above proposed and the proceedings of the Council and House of Burgesses thereupon. [pp. 320, 344-7, 350.]

[361.] [Reference to the Committee of the petition of Amy Cross, residuary devisee and administratrix of Charles Cross of Kingston, deceased, for a day for hearing her appeal from a decree of the Jamaica Chancery, 18 Feb., 1757, in favour of Thomas Nicholas Swigle, reversing another decree of 22 Feb., 1749, in favour of Charles Cross, relating to an estate which had been escheated and afterwards granted to Ignatius Duany and assigned by him to Thomas Wilson in prejudice to the right of Charles Cross. An appearance for Swigle was entered on 29 July.] 28 July. Jamaica. [pp. 226-7.]

[362.] [Reference to the Committee of the petition of Barlow Trecothick of London, merchant, for a day for hearing his appeal from a judgment of the Superior Court of New Hampshire at Portsmouth, 20 Sept., 1757, affirming judgments of 5 June, 1755, and Feb. 1756, on his action against Samuel Wentworth for 5,770*l.* 16*s.* in Massachusetts bills of credit of the old tenor.] 4 Sept. New Hampshire. [p. 243.]

[On the Committee report of 16 March, when the case was heard *ex parte*, no appearance having been made for the respondent, the judgments are reversed, and the respondent ordered to pay the appellant's costs and] 479*l.* 9*s.* 6*d.* Sterling being equal to 4,794*l.* 17*s.* 9½*d.* the Amount of the Appellants Debt in Massachusetts Paper Currency at that time to be paid in the Silver Currency of the Massachusetts or New Hampshire at the Rate of Five Shillings Sterling to the Ounce of Silver or Fifty Shillings Massachusetts Currency being the Rate the Massachusetts Paper Currency bore to Silver in the Year 1750, when the Massachusetts by Act of Assembly redeemed them at the rate of Fifty Shillings to the Ounce (1762.) 5 April.

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and thenceforward abolished them. [The New Hampshire Courts had awarded 1,198*l.* 10*s.* 6*d.* new tenor bills of credit of New Hampshire. Other names in the report are Ebenezar Wentworth and John Pierson.]

[Geo. III. Vol. I. *p.* 359; II. *pp.* 123-5, 169.]

3 Oct. [363.] [Reference to the Committee of the petition of  
St. Thomas Joyner, late master of the ship *Lady Charlotte*, for a  
Christopher. day for hearing his appeal from the condemnation of the ship in the Vice Admiralty Court of St. Christopher, 3 March, 1758, on a libel exhibited by Stephen Payne, Collector of Customs for the port of Sandy Point, for having imported 803 barrels of herring, 105 barrels of beef, and 100 firkins of butter contrary to law. An appearance for Payne was entered on 16 Oct.] [*pp.* 256, 258.]

6 Nov. [364.] [Reference to the Committee of a Board of Trade  
New representation of 1 Nov. that an additional instruction be  
Hampshire. given to the Governor of New Hampshire to recommend it to the Assembly to make provision for the payment of competent salaries to the Chief Justice and Justices of the Superior Court or Court of King's Bench.] [*p.* 268.]

14 Nov. [The Committee direct the Board of Trade to prepare an instruction in accordance with their representation, which set forth that Governor Benning Wentworth had reported that the Assembly had refused to make such provision] for the Chief Justice and other Three Justices of the Superior Court, or Court of Kings Bench, and that those Judges had resigned their Commissions : and no other Persons being willing to accept the like Commissions, the said Court must thereupon have ceased, and the Government have fallen into a State of the greatest Confusion had not the said Governor, to prevent so great an Evil, agreed to allow the Chief Justice the Yearly Sum of Forty Pounds Sterling out of his own Salary untill His Majestys Pleasure should be known thereupon.

[The instruction is] to acquaint the said Assembly that His Majesty does not only expect from them a ready Compliance



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in providing such Salaries in future, but also that they take speedy and effectual Care to reimburse the said Governor whatever Sums he shall appear to have paid out of own Appointments as a Salary to the said Chief Justice, in Consequence of their Refusal to comply with his Request in that Behalf. [p. 279.]

[On the Committee report of 1 Dec., the instruction is approved.] 19 Dec. [pp. 292, 301.]

[365.] [Reference to the Committee of the petition of John Bell of Kingston, gent., for a day for hearing his appeal from a judgment of the Jamaica Court of Errors, 21 March, 1757, in favour of William Perrin, Charles Spencer, and Mark Hall, surviving executors of Mathias Philp, reversing a judgment of the Supreme Court in Aug. 1755, whereby Bell as administrator of Ann Rigby, deceased, was granted execution of a debt of 7,000*l. stg.* and 1*l.* 19*s.* 6*d.* costs, recovered by Ann Rigby against Mathias Philp, with damages for detention of the debt.] 6 Nov. Jamaica. [p. 270.]

[On the Committee report of 15 March, the appeal is dismissed. The original debt was to Richard Rigby, and the Committee find] That the now Appellant, Plaintiff below cannot by Law, as Administrator de bonis non of the said Richard Rigby revive the Judgment in Question recovered by the said Ann Rigby the Executrix of the said Richard Rigby against the said Mathias Philip The said Judgment not having been after a Verdict nor proceed upon such Judgment in any way whatsoever, but is put to bring an Action as if no such Judgment had ever been recovered And that as Administrator of the said Ann Rigby he has no Right at all. (1759.) 29 Mar. [pp. 405, 437-9, 454.]

[366.] [Reference to the Committee of the petitions of John Freebody, merchant, of Newport, R.I., for the hearing of his two appeals from judgments of the Superior Court in March, 1757, affirming previous judgments in favour of Jahleel Brenton, Benjamin Wickham, and George Gardiner, 21 Nov. Rhode Island.]

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commissioners for the distribution of the estate of Joseph Whipple, an insolvent, on Freebody's actions of trespass and ejectment to recover (a) 520 acres of lands with 2 dwelling houses, etc., in the town of Middletown, and (b) 287 acres of land with 3 dwelling houses, etc., also in Middletown.]

[pp. 284-5.]

(1764.) [Committee. On Freebody's death, the appeals are revived  
1 May. in the names of his sons John, Thomas and Samuel.]

[Geo. III. Vol. III. pp. 419-20.]

(1764.) [On the Committee reports of 27 July, the judgments are  
3 Aug. reversed, but on payment of certain sums the defendants may have the mortgaged premises reconveyed to them. The dispute is about the depreciation of the old tenor bills of credit which were named in the condition of the mortgage.]

[III. pp. 562-8, 593-4.]

21 Nov. [367.] [Reference to the Committee of the petition of  
Jamaica. John M'Leod of St. Dorothy parish and William Patrick Brown of St. John parish, Jamaica, for a day for hearing their appeal from a Chancery order of 26 May, 1758, on a bill filed by Susannah Elletson and Thomas Hope Elletson against the petitioners as executors of William Foster, deceased, and also against Thomas Nicholas Swigle, devisee and personal representative of Thomas Wilson, deceased, touching a mortgage of certain plantations made by Richard and Susannah Elletson in 1734 to Wilson and assigned by him to Foster.]

[p. 285.]

(1765.) [Committee order for hearing on 27 June, and for affixing  
16 May. a summons on the Royal Exchange as no appearance has been entered for the respondents.] [Geo. III. Vol. IV. p. 199.]

21 Nov. [368.] [Reference to the Committee of the petition of  
Antigua. Robert Ritchie, late master of the snow *Elizabeth* for a day for hearing his appeal from the condemnation of the ship and cargo by the Vice Admiraty Court in Antigua, 2 Nov., 1756, on a libel exhibited by John Dearman Nanton, waiter of H.M. Customs for the port of Old Road, for importing

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certain commodities contrary to law. One fifth of the value was awarded as salvage to two privateers who retook the vessel from the French, and such of the remainder as was not shipped in England, Wales, or Berwick-on-Tweed, forfeited in the usual proportions.] [p. 285.]

[The judgment is reversed, on the Committee report of 8 March, when the case was heard *ex parte*, no appearance having been entered for the respondent. The appeal set forth] That in 1756 the said Ship being bound to Jamaica and intending in her Voyage to touch at the Madeiras there to dispose of part of her Cargo and buy Wines, went to Cork in Ireland and took in a Quantity of Butter Candles and Soap for the Madeiras, which She cleared out for that place and proceeded on her Voyage in the Course of which She was taken by a French Privateer and after remaining some time in the Enemys Custody was retaken by a British Privateer called the Dove in Company with another Privateer who being entitled to Salvage for the Recapture that is to say to One fifth part of the Value of the said Snow and her Cargo carried her into Antigua in Order to ascertain and receive Satisfaction for the said Salvage. That upon the said Ship Elizabeths being so carried into the port of St. Johns in the Island of Antigua with the said Candles and Soap on Board [she was seized by Nanton for illegally importing them].

[pp. 332, 389, 403-5, 454.]

[369.] [On a Board of Trade representation of 29 Nov., Henry Ellis, Governor of Georgia, is granted the same permission as is constantly granted to Governors in the West Indian Islands, to repair to some of the northern colonies in times of sickness to recover his health, which has been much impaired by the extraordinary heat of the last summer.]

4 Dec.  
Georgia.

[p. 293.]

[On a Board of Trade representation that Governor Ellis hath represented to them that the excessive heat of the climate hath reduced his health to so bad a state as renders him almost incapable of discharging properly the duties of

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his station, and that he has no prospect of recovering in America, leave is given him to return to this kingdom. On the same date James Wright is appointed Lieut.-Governor, and his commission approved. A warrant for Ellis's leave of absence is approved on 20 May.] [XVIII. pp. 371-2, 391.]

11 Dec. [370.] [An appearance is entered by Mr. Thomas Parker  
Jamaica. of Bloomsbury Square, for Samuel Malcher and others to the appeal of William Perrin from Jamaica.] [p. 294.]

(1759.) [An appearance is entered by Messrs. Ross and Seagrave  
7 Mar. for Sarah East, widow, to Perrin's appeal.] [p. 402.]

(1762.) [Reference to the Committee of the petition of Frances  
14 July. Perrin, widow, and sole acting executrix in England of William Perrin of Jamaica, that an appeal of her late husband from a Chancery order of 25 May, 1758, overruling a plea and disallowing his demurrer to a bill exhibited by Samuel Malcher and George Hinde, surviving trustees of Robert Poyntz and Anna Maria Poyntz, who was widow and sole executrix and devisee of the Rt. Hon. Stephen Poyntz, who was surviving executor and devisee of Dean Poyntz, should be dismissed without costs, as she is advised that the plea and demurrer were informal and therefore liable to be overruled and disallowed.] [p. 285.]

(1762.) [On the Committee report of 15 July, the appeal is dismissed  
3 Aug. without costs.] [pp. 299, 324.]

1759. [371.] [Reference to the Committee, and by them on  
5 Jan. 11 Jan. to the Board of Trade, of the petition of Edward  
Jamaica. Fullerton and Ann his wife, who was the widow and sole executrix of George Duckett of Jamaica,] relating to a Debt owing to the Petitioners from Norwood Witter Esq. One of His Majestys Council in that Island and which he refuses to pay having told the Petitioner Edward Fullerton that his person was Sacred on Account of being one of His Majestys Council, and as to his Estate and Effects they were all made over, and that the Petitioner might get the Money he required how he could. And humbly praying in regard they have

been obliged to desist from all attempts and hopes of Redress in that Island, that His Majesty will be graciously pleased to grant them such Relief in the Premises as to His Majesty out of His Zeal to Justice and Regard to Charity shall seem meet.

[*pp.* 317, 320.]

[A similar complaint of Peter Furnell is referred to the Committee, and by them on 3 June to the Board of Trade.]

(1760.)

20 May.

[XVIII. *pp.* 392, 398.]

[Order is given in accordance with the Committee report of 28 Aug., agreeing with the Board of Trade, who reported] that altho' Your Majesty by the 13th Article of Your Instructions to the late Governor of Jamaica had restrained the exorbitant Claim of Privilege formerly assumed by the Members of the Council and Assembly, of being protected from Suits at Law, Your Majesty had nevertheless thought proper to allow to each the privilege of protection in their persons, that by the said Instruction it appears to be the Royal Intention, that the person of a Member of the Assembly or Council should be Secure from Interruption in their Attendance on Your Majestys Service, and the publick Business, but that their Estate and Effects should not be sheltered from the Compulsion of the Law to satisfy their just debts and that the present application has not been made to your Majesty 'till after the Petitioner had obtained a determination of Law in his favour by which both the Justice and the Quantum of his Demand have been ascertained. The Lords of the Committee upon Consideration thereof, do agree humbly to Report as their Opinion to Your Majesty, that a Copy of Mr. Furnell's Petition should be transmitted to the Commander in Chief of Jamaica with your Majesty's directions to deliver it to Mr. Witter, and to acquaint him, that if, by means of Mortgages, Deeds of Trust or other practices, he has defeated or shall attempt to defeat the lawful endeavours of the Petitioner or any other of his Creditors to obtain satisfaction of their just demands, a Conduct so disgracefull to the Station with which your Majesty has been pleased to honour him, will render him

(1760.)

2 Sept.