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of all the Acts and Proceedings, from time to time, of the Persons whom You shall appoint to execute this plan, it is proposed, that so soon as the Surveyors shall have made their Reports, as has been already mentioned, Copies thereof, and of the plans thereunto annexed, shall be transmitted to the Commissioners of Your Majesty's Treasury, and to this Board ; and We would humbly recommend, that the persons, to be appointed by Your Majesty, as aforesaid for the Disposal of your lands, do keep regular and exact Journals of all their proceedings in the execution of this Service, and transmit Copies of the same, by every opportunity that offers, to the Commissioners of Your Majestys Treasury and to this Board ; and when any of the said Lots shall be disposed of by Sale as aforesaid, to transmit an account thereof, together with a Copy of the plan, to be annexed to the Surveyors Reports, noting thereon the Lots sold, the price for which Sold, and the Name or Names of the Person or Persons to whom sold.

That all Grants and Conveyances, in consequence of the purchases or Leases aforesaid be entered at large in the Secretary's Office of that Island, in which the lands lie, and that Duplicates thereof, with a plan of the lands thereunto annexed, be transmitted to the Commissioners of Your Majesty's Treasury, and to this Board, to be entered upon Record in the said Offices.

The foregoing representation contains every material Proposition, that has occurred to us upon this important and extensive Subject what further may be expedient must, in its nature, be left to the Judgment and Discretion of the Persons whom Your Majesty shall appoint to execute this Service, or may be pointed out to them in the powers and Instructions, which We presume they will receive by Your Majesty's Command.

[The Treasury reported :—]

. . With respect to the Reservations for a Minister and a Schoolmaster, we think care should be taken not to allot for

those Purposes, Lands fit for Sugar Plantations, as Persons of those Professions will not be able to cultivate them to the utmost, and the valuable Produce of such Lands will thereby be lost to the Public.

With Respect to the Propositions which relate to the Disposal of his Majesty's Lands in those Islands, We beg Leave to submit to Your Lordships Consideration, some alterations therein, and some Additions thereto, which to us appear necessary to be made for the better Regulation of the Sales and Grants proposed in the said Representation. It seems to Us that the Time allowed in the said Representation for the Payment of the Purchase Money, whether for the cleared or uncleared Lands is longer than will be necessary, and that the several Instalments by which the same is to be paid are too small. We apprehend that it would be beneficial to the Revenue, and not attended with any great Inconvenience to the Purchasers, if the Indulgences proposed in both these respects were in some Degree restrained; And therefore we humbly propose that the Purchasers, instead of paying 20 per Cent. of the whole Purchase Money at the Time of the Sale, and 10 per Cent. in every successive Year, till the whole is paid; shall pay down at the Time of Sale 20 per Cent. of the said whole Purchase Money, 10 per Cent. within one year afterwards, 10 per Cent. more within the second year after such Sale, and 20 per Cent. within every successive Year until the whole is paid.

[As to the powers proposed to be vested in the persons who are to execute the plan,] we cannot think that speedy settlement (though an Object of very great Consequence) ought to be attended to, so far beyond all other Considerations as to make the Determination of the said Persons with Respect to the Sale absolutely final, and intitle the Purchaser immediately without any further Examination, to a Grant of the Lands so sold, under the Seal of the Island. We think these Persons should be Commissioners to be appointed by his Majesty for that purpose, but we cannot advise his Majesty to vest in any

Persons whatsoever a Power thus uncontrolled to dispose of so large and valuable a Part of his Majesty's Property. To us it appears indispensibly necessary to provide every Check which the Nature of the Service will allow upon the Conduct of Commissioners, who (in Order to keep the Expence of their Commission within tolerable Bounds) must be few in Number, and who (by Reason of their acting in so distant a Part of the World) must after all the Precautions than can be taken still exercise greater Powers than it is ever prudent to delegate where the same can be avoided. We therefore humbly propose that the said Commissioners shall report so much of their Proceedings as relates to each of the said Islands respectively, to the Lieutenant Governor of such Island and the whole of their Proceedings to the Governor General of the Grenades and Neutral Islands, or Commander in Chief for the Time being that the said Lieutenant Governors shall transmit the Report which shall be made to them, together with their Observations thereon, to the same Governor General: and that he shall immediately transmit the same together with his several Observations on the whole to this Board, and to the Lords Commissioners of Trade and Plantations; but that at the same Time the said Governor and Lieutenant Governors shall give a Copy of the Observations they may make to the said Commissioners in Order that they may have an Opportunity of making any answers thereto, which they may think proper: that the said Commissioners shall particularly report, and the said Governors particularly transmit in the same manner an Account of the Proceedings at the Sale immediately after it's Conclusion; that the Purchasers shall be at Liberty while the Report of the said Proceedings is under Consideration to take possession of the Lands purchased by them, by Virtue of the Bill of Sale, and Grant under the Seal of the Island recommended in the said Representation; but that such Purchases and such Grants shall be revocable, and in the said Grants shall be expressed to be revocable by this Board, for the Space of Months from the Date of such Grants: that

the same shall be immediately transmitted hither for Examination, and if not revoked within the said Term shall then be absolute, and the said Grants shall be sent back to be registered in the Office of the Secretary of the Island : but that if the Sale and Grant shall be disallowed by this Board then the Commissioners, on receiving Notice thereof shall return to the Purchaser the Money he may have paid, together with legal Interest thereon ; the Purchase shall be void ; and the Lands shall be again exposed to Sale. We further beg Leave to submit to Your Lordships that it appears to us an Object of the utmost Importance, to prevent the ingrossing into few Hands a large Proportion of the Lands in these Islands. The Lords Commissioners for Trade and Plantations represent strongly against the Mischiefs such a Tendency to a Monopoly would occasion. In order to prevent it, they propose that no one Person shall be allowed to purchase more than one Lot of uncleared Lands in his own Name or in the Names of others in Trust for him. Though we agree in the Principle upon which this Restriction is founded, yet we beg leave to observe that the same may be unequal with Respect to the several Purchasers as the Lots are intended to be of different Dimensions from 100 to 500 Acres each : And it does not seem reasonable that a Person who has already purchased 100 Acres should, by a Prohibition to buy another Lot, be put on a worse Footing than a Person who having no Property already in the Island is at Liberty to purchase 500 Acres at once. We therefore humbly propose in Lieu of the said Restriction to one Lot, that no Person shall be allowed to purchase at any of the public Sales more than 500 Acres, whether of cleared or uncleared Lands, in his own Name, or in the Names of others in Trust for him, in any of the said Islands ; except in Dominica ; where, on Account of its peculiar Situation, we think the Restriction should be to 300 Acres. And, to inforce the said Restriction, we humbly propose that it shall be inserted as a Condition, in every Grant, that in Case any Purchase shall be made Contrary thereto, so that the

Property of the Purchaser in the Island where the Lands lie, shall thereby amount to above 500 Acres, and in Dominica to more than 300 Acres, the same shall be Void, all the Money paid thereon shall be forfeited, and the Grant made in Consequence of such Purchase shall be of no Effect.

We approve of inserting in the Conditions of Sale a Covenant to compel the Purchasers of cleared Lands to keep a certain Number of White Servants : but we think the Proportion of one white Man or two white Women to every 40 Acres will be a heavier Burden, at least within the Time limited for the Performance of this Condition, than the Purchasers will be able to bear. Instead thereof, we are of Opinion that they might be obliged to keep one white Man or two white Women for every 100 Acres, and, in Default thereof, that they should not forfeit their Lands, but be liable to a Penalty of 20*l.* per Annum for every white Woman, and 40*l.* per Annum for every white Man that shall be wanting. The Penalty of Forfeiture seems also too severe on a Neglect to pay the Quit Rent reserved. A Penalty of 5*l.* for every Acre, the Quit Rent for which shall be thus left unpaid, appears to us to be at the same Time a more equitable and more effectual Method of enforcing the Payment thereof, even with Respect to the Non performance of the Condition for Payment of the several Proportions of the Purchase Money by Instalments. We think that the Penalty of Forfeiture should not be so strict as is recommended in the said Representation. So long as the Lands purchased are liable to such Forfeiture, it will be impossible for the Purchasers to borrow any Money thereon and many Purchasers will thereby be deprived of the Means of making such Payments. We are therefore of Opinion that upon Failure of paying any of the said Sums at the Time limited, the Purchaser shall lose all his Rights to the Lands, but yet that the Securities he may have given thereon, shall not be defeated : that therefore the same shall be sold : that out of the Money arising from such Sale, the Commissioners shall retain so much as was due to the Crown from the former

Purchaser, and that the Residue shall be applied for the Benefit of those who had advanced Money on the Security of the said Lands : if any Surplus remains after discharging such Demands that the same shall belong to the Crown. The same Observations apply to the Conditions proposed for the uncleared Lands : and to these we beg leave to add that nothing would more contribute to the speedy Cultivation of the said Lands than the making them burdensome on the Proprietors so long as they remain uncultivated : for which Purpose we recommend a Condition to be inserted in all Grants of the same,—that the Purchasers shall be obliged to clear one Acre in twenty every Year, until half the Lands so Purchased by them shall be cleared, under a Penalty of 5*l.* per Annum for every Acre not cleared in Pursuance of such Condition : With Respect to the Method propos'd in the said Representation for disposing of the cleared Lands now occupied by the French Inhabitants, We entirely approve of the Method proposed of disposing of them by Lease : but We humbly submit it to Your Lordships whether the French Inhabitants, unacquainted as they are with the Justice and Indulgence of a British Government, may not be discouraged, by the shortness of the Term, from continuing on the said Lands, or improving them to the utmost : in both which Cases the End proposed by Granting such Leases will be defeated. We therefore humbly propose, in Lieu of Leases to be granted for 21 Years only, that such Leases be granted to the said French Inhabitants either for 14, 21, 32, or 40 Years at the Option of the said Inhabitants : and that they shall have their still further Option, to hold the said Lands for either of the said Terms absolutely, or to take a Lease thereof for the Term of 14 Years renewable, at the Pleasure of the Lessee, for a Number of Years not exceeding 40 in the whole. And we further beg leave to propose, that for the shortest Term they shall pay a Fine of not less than 20*s.* per Acre, and more, if the Lands are so cleared, as to make a larger Fine reasonable that for the long Terms they shall pay a larger Fine in Proportion : that

for the renewable Terms they shall pay a Fine not less than 1*l.* 4*s.* per Acre, in Consideration of their Power of Renewal ; and a further Fine upon every Renewal, in Proportion to the Term for which the said Leases are renewed : and that in all these Leases, whether of absolute or renewable Terms, a Quit Rent be reserved to the Crown of not less than 1*s.* 6*d.* per Acre : but with Respect to such French Inhabitants as do not take a Lease of more than 10 Acres, their Fine shall not be more than 20*s.* for the whole.

We further beg Leave to observe to Your Lordships, that as the Lords Commissioners for Trade and Plantations have reserved out of the Lands proposed to be let to the French Inhabitants, such Parts thereof as shall be necessary for the several public Uses by them enumerated, and as by this necessary Attention to Regulations so expedient for the public Service, some of the said French Inhabitants may be deprived of great Part of their Lands, We therefore humbly propose that whenever the Commissioners shall think it necessary for the Purpose above mentioned, to take from any of the said French Inhabitants the whole or any Part of the Lands which they are now in Possession of, the Lands so taken shall be appraised by two indifferent Persons ; the one to be appointed by the French Possessor of such Lands, and the other by the Commissioners : and other Lands equal in Value thereto, and subject to the same Terms, and to the same Fines, upon the Leases to be made thereof, shall be allotted by the Commissioners to such French Inhabitant in a convenient Situation, the Value of these Lands also to be fixed by the said Appraisers.—We are farther of Opinion that it would be a Means of reconciling the French Inhabitants to an English Government, if they saw that all proper Regard was shewn to their Convenience and Interests : and for this Purpose we think that the Commissioners should not be too strictly confined in the Leases they are to grant of the Lands actually possessed and cultivated by the said French Inhabitants ; but may, if Occasion require, add to such Lands

any small Parcels of adjoining Lands which would make the Possessions of such French Inhabitants more convenient and complete. This Power however the Commissioners should be enjoined to exercise very sparingly and discreetly. But these Provisions are not to be construed to extend to such of the French Inhabitants as shall occupy a greater Number of Acres than are allowed to be purchased by others. To them no such Compensation shall be made, but, on the contrary, if any shall be found to occupy a greater number, their Possession shall always be reduced to the same Number of Acres as Purchasers are allowed to have. And the Acres to be taken from them, for the Purpose of such Reduction shall be disposed of in the same Manner as the Rest of the Island. And as a farther Inducement to the said French Inhabitants to remain in the said Islands, we think it expedient to permit those, who are not contented with any Lease of the Lands they have cleared, to take up and settle uncleared Lands, to be allotted to them by the Commissioners, in such Manner, and on such Terms, as shall be thought expedient and necessary, and to be allowed the Value of their Buildings on the Lands they have left, out of the money for which such Lands shall be sold.

With Respect to the Grants in the said Representation proposed to be made to poor Settlers, we humbly apprehend, that it will be an Encouragement to the said poor Settlers to clear the Lands so to be granted to them, if instead of paying a Quit Rent of 6*d.* per Acre for each Acre of Land actually cleared by them at the End of four Years, they shall pay at the end of the said Term a Quit Rent of 2*s.* per Acre for every Acre then uncleared, and no more than the Quit Rent of 6*d.* per Acre for each Acre which shall then be cleared : but for the Reasons already given with Respect to the Quit Rents of the Lands which are to be Sold we think that the Payment of the Quit Rents to be paid by poor Settlers should be enforced by a pecuniary Penalty of 5*l.* per Acre as above-mentioned and not by a Forfeiture of the whole Grant.

With Respect to the Town Lots, we think that no more than 6 Acres of Field Land, should be annexed to any Town Lot, and as every the least Discouragement to the Immediate Improvement of the said Town Lots by Buildings, will be extremely prejudicial to the public Service, we humbly propose that this Board shall not have a Power of Revocation of the Grants of such Town Lots, by the Governors of the said Islands, but that the said Grants shall be absolute. With Respect to the Conduct of the Sale. We approve of the Method proposed by the Lords Commissioners for Trade and Plantations, except in the many Particulars they require to be inserted in the Advertisements describing the Lands : which though we approve of the Idea, as far as the same may be practicable, yet, as in some Cases it may be attended with great Difficulty, we think had better not be so minutely required : and except the Power they recommend to be vested in the Commissioners to appoint the time and Place of such Sale without any Communication with Great Britain. We humbly apprehend that it is not necessary to leave those Circumstances entirely to them, and that such a Licence may be attended with Inconveniences. We therefore humbly propose that with Respect to the Time the first Sale should be appointed to be held in the Month of June next for selling Part of the Lands in one or more of the said Islands if the Proclamation can be made in Time to give proper Notice and that with Respect to the Place of that or any subsequent Sale and with Respect to other Circumstances relating to the Sales which are not suggested in the Representation of the Lords Commissioners for Trade and Plantations but which may hereafter be found expedient for the Regulation of the said Sales, the said Commissioners be directed to observe the Instructions which may be given them from Time to Time by his Majesty or by the Commissioners of his Majesty's Treasury.

[The Committee on 4 Feb. recommended the plan as amended by the Treasury and further amended in the following particulars :—]

1st. With respect to Ministers and Schoolmasters—

That no Lands fit for Sugar Plantations be allotted for a Minister and Schoolmaster except where it cannot be avoided, particular regard being first and principally had to the conveniency of Scituation. That not more than two hundred Acres nor less than one hundred Acres as a Glebe for a Minister, and not less than thirty Acres nor more than sixty Acres for a Protestant Schoolmaster in each Parish be reserved to His Majesty, His Heirs and Successors to be applied, if he or they shall think fit, for the Support and Maintenance of such Minister and Schoolmaster.

2d. With respect to Grants of Lands—

That Grants of Lands be Revokeable by the Treasury for the space of twelve Months from the date of such Grants, if not sooner confirmed; And where Grants of Lands shall be revoked, the purchasers of such Lands to have a reasonable allowance for Improvements.

3d. With respect to Town Lotts—

That no more than Six Acres of Field Land be annexed to any Town Lott whatever number of Feet the same shall contain in front, And one Acre for every ten feet in front of such Lotts as shall be under Sixty feet in front.

And the Lords of the Committee do further humbly offer it as their Opinion that Your Majesty may be pleased to order the Draught of a Proclamation to be prepared for promulging such parts of the said Plan as shall be judged necessary to be made publick upon this occasion.

[The Order, as given in the Register, arranges the regulations in their final form under 22 heads.]

[pp. 207-31, 246, 272, 322, 335-46.]

[526.] [Reference to the Committee of a Board of Trade report relative to the peopling and settling the new governments] with useful and industrious Inhabitants either from such of His Majestys Colonies as are overstocked with people, or from any foreign parts.

[p. 138.]

4 Nov.
Florida.

610 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1763.

14 Nov. [Orders are given to the Board of Trade and the Treasury respectively to carry out the proposals of the Board of Trade recommended by the Committee on 11 Nov., viz.] That they may receive Your Majestys Commands to insert from time to time proper Advertisements in the Gazette, or to take such other Methods as Your Majesty shall approve, for inviting Persons to offer proposals for settling the Townships in the new Governments of Florida at their own expence with Protestant Inhabitants either from Your Majestys other Colonies or from Foreign Parts subjecting themselves to such Conditions of Quit Rent, Cultivation and Improvement as shall be thought necessary and expedient ; and further proposing that in order to conciliate the Affections and good Will of the Indians to Your Majestys Subjects, which the Governors are directed by their Instructions to make a principal Object of immediate attention, a Sum of Money should be invested in proper Goods for presents to the said Indians upon the Governors Arrival. [pp. 144, 149.]

4 Nov. [527.] [A Board of Trade report of 30 Aug. on the petition
Nova Scotia. of the Sieur de Stumpel for settling French and German Protestants in Nova Scotia, not being signed by a sufficient number of hands, is referred back to be reconsidered, particularly with regard to the proposal to furnish the settlers with arms and ammunition at the public expence]. [p. 141.]

21 Dec. [Reference to the Committee of the revised representation of 15 Dec. for granting the petitioner, not 200,000 acres as prayed for, but 20,000 acres on the St. John or between it and the St. Croix.] [p. 199.]

(1764.) [On the Committee report of 4 Feb., order is given for

10 Feb. granting 20,000 acres on certain conditions. The petitioner's name is given as John Henry Christian de Stumpell, an officer in the Hanoverian service. The Board of Trade thought the settlement of 200,000 acres more than he could manage, having regard either to his own circumstances or to the number of people he had engaged. Stumpell accordingly reduced his proposal to 20,000 acres, and he has 45 families, 128 persons

1763.

in all, now in London engaged to settle under his protection. The grant is to be made on territory not occupied or used as hunting ground by the Indians, and is subject to the following conditions:—Within ten years it is to be settled with one white person for every hundred acres: if one third of the grant is not settled with Protestants in the above proportion within three years, the grant shall be void: such part as is not settled in the required proportion at the end of ten years is to revert to his Majesty: after the expiry of ten years a quitrent of two shillings shall be paid for every hundred acres: reservation is made of all mines of gold and silver and of all such spots as the person legally appointed to survey the lands previous to the grant shall report and mark out as proper for fortifications, public quays, beach for the fishery, roads and other public uses: at the end of three years the grantee must plant and continue to cultivate six acres with hemp and flax.]

[pp. 234-6, 252-3.] (1764.)

[On the same date a grant of the same size is made on the same conditions to John Marteilhe, merchant, of Quebec. His petition with a Board of Trade representation of 20 Dec. was referred to the Committee on 21 Dec. and reported on by them on 4 Feb. His township is south of the Baye des Chaleurs and the mouth of the river Caraquet, and the additional reservation is made in the grant of one hundred yards along the sea coast above high water mark for the free use and benefit of all his Majesty's subjects.]

10 Feb.

[pp. 200, 236-7, 255-6.]

[528.] [On the memorial of Joseph Sherwood, agent for Rhode Island and in the present case for Daniel and John Jencks, of Providence, merchants, owners of the British sloop *Kinnicut*, George Hopkins commander, taken since the cessation of hostilities by the Spanish schooner *Fortes* commanded by John Baz, and carried into Trinidad, and still detained by the Spaniards without any process of adjudication; praying that his Majesty would interpose with the King of Spain to obtain restitution to the value of 2,566*l. stg.* and

18 Nov.
West Indies.

satisfaction from the Governor of Trinidad and others for the barbarous treatment of the crew by committing them to prison and after releasing them therefrom by causing them to be carried out to sea and put on shore, some of them on a desolate part of the main where none but savages inhabit, and the rest on an uninhabited part of the island of Tobago without leaving them any provisions or subsistence whatsoever, contrary to the Articles of Peace ; it is ordered that a copy of the memorial be put into the hands of the Earl of Halifax, in order to receive his Majesty's commands for transmitting the same to his minister at the Court of Madrid.]

[pp. 155-6.]

18 Nov. [529.] [Reference to the Committee, and by them on
South 26 June, 1764, to the Board of Trade, of the petition of the
Carolina. Commons House of Assembly of South Carolina, complaining of Governor Boone] for refusing to administer the State Oaths to a Gentleman declared by the last Assembly duly elected and returned to serve as one of their Members who had accordingly taken the Qualification Oath therein, and for dissolving that House for no other Reason but because their determination was not agreeable to his Sentiments, thereby taking upon himself to be the sole judge of Elections.

[pp. 158, 482.]

(1764.) [Committee order that copies of the Board of Trade report
17 July. be delivered to the agent for South Carolina and to Governor Boone.]

[p. 536.]

(1764.) [On considering the petition of the agent, Charles Garth,
28 July. to be heard upon the report, it is ordered by the Committee that this petition be withdrawn, and that the agent] be at liberty to preffer a new Petition such manner as he shall be advised.

[p. 591.]

19 Dec. [530.] [Appearance for his Majesty, respondent to the appeal
Jamaica. of Zachary Bayly from Jamaica, entered by Joshua Sharpe, of Lincoln's Inn.]

[p. 190.]

(1764.) [Reference to the Committee of Bayly's petition for a
6 June. day for hearing his appeal from a judgment of the Court of

1763.

Errors, 18 Nov., 1762, affirming a judgment of the Supreme Court in Nov., 1755, on a bill exhibited by the Attorney General against Bayly and John Shutter, master of the snow *Nancy*, for 1,000*l.* Jamaica currency, the penalty of a bond for not transporting any person or persons, slave or slaves, from the island without a ticket from the Governor.]

[*p.* 471.]

[On the Committee report of 17 July, the appeal is dismissed.] (1765.)
[IV. *pp.* 286, 304.] 26 July.

[531.] [Appearance for William Parsons to the appeal of John Doe on the demise of John Parsons from Virginia, entered by Joshua Sharpe, of Lincoln's Inn.] 19 Dec. Virginia.
[*p.* 190.]

[Reference to the Committee of the petition of John Parsons for a day for hearing his appeal from a judgment of the General Court, 10 April, 1763, setting aside a special verdict of 10 Oct., 1759, in his favour on his bill of ejectment to recover from William Parsons an orchard formerly in the possession of William ap Thomas, deceased.] (1765.)
[IV. *p.* 162.] 19 Mar.

[On the Committee report of 18 July, the judgment of the General Court is reversed, and that of the court below ordered to be entered up.] (1765.)
[IV. *pp.* 299, 306.] 26 July.

[532.] [Reference to the Committee of a Board of Trade representation of 20 Dec., on a memorial of several disbanded officers in North America for a grant of the lands on which they have settled on St. John's river.] 21 Dec. Nova Scotia.
[*p.* 200.]

[On the Committee report of 4 Feb., orders are given as proposed by the Board of Trade. The officers had sold their estates in New England and settled with their families in Nova Scotia two hundred miles from any other British settlement. The Board of Trade approved the settlement and recommended that the Governor be directed to lay out the lands on which the officers had settled into a township of 100,000 acres or a plot of twelve miles square, one side of which to front the river ;] (1764.)
10 Feb.
That for the Greater Convenience of the Settlers and the more regular and uniform Establishment of this Township, a proper

1763.

and commodious Situation be set apart and reserved for the building a Town consisting of such a Number of Lots of different Size and Extent for Houses and Plantations adjoining to such Town as shall be sufficient for the Accommodation of the Settlers with proper preservations for a Church, Town House, Publick Quays and Wharfs, and all other publick Uses whatever. That Grants under the Seal of the Province be made to the Memorialists in proportion to their Ability and the Number of Persons in their Families not only of the said Town Lotts but also of a sufficient Quantity of Lands in the said Township for a Plantation near to the said Town, taking Care that the Grant to any one Person for such Plantation do not exceed One thousand Acres, such Grants to be subject to the same Conditions of Quit Rent and Cultivation as other Grantees of Land in the said Province are subject to.

That the Lands remaining within the said Township, after such Disposition, shall be granted either to such new Inhabitants as shall be disposed to settle there, or to the present Inhabitants as their Circumstances and Industry shall render them capable of cultivating larger Tracts than shall have been originally granted them.

That a Competent Quantity of Land be allotted in the said Township for the Maintenance of a Minister and Schoolmaster and also One Town Lot to each of them and their Successors in perpetuity. [pp. 233-4, 253-4.]

21 Dec.
Massachu-
setts Bay.

[533.] [Reference to the Committee, and by them on 4 Feb., 1764, to the Board of Trade, of (a) the petition of James Duncan, Benjamin Harrod, John Weir, Edmund Morse, Peter Parker, and David Marsh, for confirmation of a grant of six townships in the territory of Sagadahoc, made to them and others by the Governor, Council and House of Representatives of Massachusetts Bay; and (b) the petition of Governor Francis Bernard for confirmation of the grant of Mount Desart Island in Sagadahoc, made to him by the Government of Massachusetts Bay.] [pp. 200, 239.]

- 1763-4.
(1764.)
17 July,
- [The Board of Trade reports are referred back to them by the Committee] to consider whether the Province of the Massachusetts Bay have, or have not a Right to make Grants of Land within the Territory of Sagadehock. [p. 533.]
- [534.] [Reference to the Committee of a representation of 10 Jan. from the Treasury submitting whether the $4\frac{1}{2}$ per cent. duty may not be extended to the ceded islands in the West Indies.] 1764.
27 Jan.,
Grenada. [p. 205.]
- [The Committee order the Attorney and Solicitor General to prepare the draft of laws to be passed under the Great Seal of Great Britain for levying the $4\frac{1}{2}\%$ duty and the poll-tax of 6s. on negroes formerly paid to the French Crown in Grenada. The representation showed] that a Duty of four and an half per Cent. has been paid in Barbados and the Leeward Islands upon certain Goods exported from the said Islands, and that a like Duty was imposed by Order of Council bearing date the 28th of January 1703, in that part of the Island of St. Christophers which formerly belonged to His most Christian Majesty, soon after the Conquest thereof, and has ever since been collected there, and their Lordships thinking it of consequence to His Majesty's other Sugar Colonies, that the new Acquisitions should be liable to the same Impositions as the former Possessions of Great Britain are now Subject to, they therefore submit to His Majesty's Consideration, whether it may not be expedient and necessary to extend the same Duty to the Islands of Grenada, the Grenadines, Tobago, St. Vincents and Dominica, which were ceded to His Majesty by the late Treaty of Peace. And [as] a Duty of one per cent. on Goods exported, and a Poll Tax of Six Shillings a head upon Negroes within certain discriptions have been paid by the Inhabitants of Grenada (one of the aforementioned Islands) during the subjection of the said Island to His Most Christian Majesty, the said Lord Commissioners do therefore submit whether it may not be expedient to continue these Impositions likewise upon the said Inhabitants under His Majesty's Government. . .
- 4 Feb.,

1764.

The Committee thought proper upon this occasion to inspect the Entrys in the Council Books, that they might be fully apprised of the Steps taken by Her late Majesty Queen Ann in Council in the Year 1703, with respect to laying the said Duty upon Goods exported from the Conquer'd part of the Island of St. Christophers, whereby it appears that Sir Edward Northey the then Attorney General had given it as his opinion, that her said late Majesty might if she should so please under the Great Seal of England direct and command that the like Duty of 4 and $\frac{1}{2}$ per Cent. with that levied in the English part of St. Christophers be levied upon the Goods to be exported from the Conquer'd part, and that such Commands would be Law there, Her Majesty by her prerogative, being enabled to make Laws, that bind places obtained from Conquest, and all that shall inhabit therein. And that Her said late Majesty was thereupon pleased to cause a Law to be accordingly prepared and passed under the Great Seal of England for the aforementioned purpose. And upon consideration whereof the Lords of the Committee are of opinion that the new Acquisitions aforementioned should be made liable to the like impositions, and that the like method with the aforegoing should be taken for that purpose. [pp. 231-2.]

13 Feb. [Letter from Philip Sharpe, Clerk of the Council, to Sir Fletcher Norton, Attorney General, transmitting the above order and the draft prepared by Sir Edward Northey in 1703.] The Original Law passed in St. Christophers in the Year 1664, and mentioned in the preamble of the Draught of . . 1703 is not to be found, but a similar Law, having been passed at the same time in the Island of Nevis, I have sent you a book of those Laws. [p. 264.]

23 May. [On the Committee report of 21 May, five laws prepared by the Attorney and Solicitor General are approved, and warrants ordered to be prepared for passing them under the Great Seal.] [pp. 450, 456.]

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[Order for delivering the laws to Governor Melville,] who is to take care that the same be published and carried into due Execution within the said Islands accordingly. [p. 610.] 17 Aug.

[On an address of the House of Commons of 11 Feb. for papers relative to the $4\frac{1}{2}$ per cent. duty in the ceded islands, copies of the Treasury representation and the Orders of 27 Jan., 23 May, and 17 Aug., 1764, are transmitted from the Council Office by Robert Walpole, Clerk of the Council, to Lord Charles Spencer, Comptroller of H.M. Household, in order to be laid before the House of Commons.] (1765.) 18 Feb.

[IV. pp. 96-7.]

[535.] [Reference to the Committee, and by them on 4 Feb. to the Admiralty, of a Board of Trade representation on a letter from Governor Melville as to the expediency of sending two ships of war to Tobago as hulks for the accommodation of the Lieut.-Governor and other officers and settlers, until convenient habitations can be erected on shore.] 27 Jan.
Tobago

[pp. 205, 232.]

[Order in accordance with the Committee report of 7 May, which showed that the Admiralty had reported] That Your Majestys Ship the Lion of Sixty Guns at Chatham and the Colchester of Fifty Guns at Portsmouth being Old and unfit to be repaired for Sea Service may be Assigned for the above purposes [at an expense for one year of 17,902*l.* 11*s.*]; and that if it should be judged proper to purchase the Aquilon and Reyna two of the Spanish Ships of War taken at the Havanna they may be fitted for the said purpose at a moderate Expence if the other shall not be thought large enough [*i.e.* 26,988*l.* 18*s.* 3*d.*]; and that Considering the Expence of Carrying this Project into Execution, that no Provision is made by Parliament for such Expence, and that it cannot with any Degree of Propriety be placed under the Head of any Naval Charge, and moreover the interruption it will give to the Repairs of your Majestys Fleet intended to be Carried on in the Course of this Year towards putting it into 9 May.

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proper Condition for Service . . that it will not be adviseable to fit any of your Majestys Ships for the purposes before mentioned.

[The Committee, on considering this report and a Board of Trade representation on a letter from the Governor of Grenada, showing that Mr. Anthony Bacon, a London merchant, had offered to furnish two ships of 700 and 300 tons for this service at 8s. 9d. per ton per month for a year certain, *i.e.*, 5,000 guineas for 1,000 tons for one year, which ships may carry out the officials as well as the stores destined for the islands, proposed that the ships of war be not fitted, but that the Commissioners of the Navy] Contract with the said Mr. Bacon (or with any other Person who shall propose to furnish immediately and without Loss of time at a cheaper Rate) for two Ships One of about Seven hundred Tons and another of about Three hundred Tons . . for one Year certain and that such Ships during their Continuance at the Island of Tobago be under the Direction of the Commander in Chief for the time being of that Island. [pp. 425-6, 430.]

(1766.) [Reference to the Committee of an Admiralty memorial of
21 Mar. 6 March that they had given directions in accordance with the order of 9 May, 1764, and praying further directions as the Navy Board had acquainted them on 14 Feb. that Gov. Melville had certified that the two vessels were still continued on that service.] [IV. p. 554.]

(1766.) [On the Committee report of 22 March, it is ordered that
27 Mar. the vessels be continued on that service for one year more, and that a separate and particular account of the expence be made out and laid before Parliament.] [IV. pp. 555, 563.]

27 Jan. [536.] [Reference to the Committee of (a) the petition of
St. Vincent. George, Earl of Cardigan, Mary, Countess of Cardigan, John, Lord Montagu of Boughton, Edward Montagu and William Folkes, acting executors and devisees of John, Duke of Montagu, setting forth their claims to St. Lucia and St. Vincent under a grant to the Duke on 20 June, 1722, and praying that their right to St. Vincent be established, that the time for performing

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the conditions of the grant be enlarged, that they be compensated for the loss of their interest in St. Lucia, and that they may be heard on these matters by their counsel; and (b) a report of the Advocate, Attorney and Solicitor General on a former memorial of the Earl and Countess of Cardigan, praying that their rights may be secured in any peace with France, or compensation made for the loss thereof.] [p. 206.]

[The grant of 1722 is declared determined and void, in accordance with the report of the Committee of 22 March, after examination of witnesses on 17 and 19 March. The Advocate, Attorney and Solicitor General had reported against the claim, and the Attorney and Solicitor General gave farther reasons for their opinion to the Committee. Another claim was presented by Edward, Lord Beaulieu, and Isabella, Lady Beaulieu, late Duchess Dowager of Manchester, sister of the Countess of Cardigan and co-heiress with her of the Duke of Montagu, their father.] [pp. 315, 319, 321-2, 334.]

26 Mar.

[537.] [On the Committee report of 4 Feb. on a Board of Trade representation of 20 Dec. referred to them on 21 Dec., orders were given to the Treasury, the Admiralty and the Secretary at War for carrying out the proposals of the Board of Trade and of Captain Holland, whom the Board of Trade represent to be a person of great merit, ability and thorough knowledge of North America. The representation and memorial are given in full as follows :—]

10 Feb.
Plantations

We . . represent . . that in the consideration of measures proper to be pursued for the dividing laying out and settling such parts of your Majesty's American Dominions as it is expedient for your Majesty's Service to grant as soon as possible, in order that Your Subjects may avail themselves of the Advantages which such Settlements will produce to the Trade, Navigation and Manufactures of this Kingdom, We find ourselves under the greatest difficulties arising from the want of exact Surveys of those Countries, many parts of which have never been surveyed at all, and others so imperfectly that the Charts and Maps thereof are not to be depended upon,

and, in this situation, we are reduced to the necessity of making Representations to Your Majesty, founded upon little or no Information, or of delaying the Important Service of settling these parts of Your Majesty's Dominions.

For these reasons, it is our duty humbly to recommend to Your Majesty in the strongest manner, that no time should be lost in obtaining accurate Surveys of all Your Majesty's North American Dominions, but more especially of such parts, as from their natural Advantages, require our immediate Attention.

To effectuate this purpose, we would humbly submit to Your Majesty, whether it may not be expedient, that for the present, and with a view to this temporary Service, Your Majesty's Dominions upon the Continent of North America should be divided into a Northern and a Southern District, with a Surveyor General of Lands to be appointed for each to act under such Instructions as he shall receive from time to time from this Board.

If Your Majesty shall be graciously pleased to approve what we here propose, we doubt not but speedy Orders will be given for carrying this measure into execution, and we beg leave humbly to lay before Your Majesty for your Consideration, the annexed proposals offered to us by Captain Samuel Holland, who has great knowledge of the northern parts of America, and who has not only distinguished himself as a brave and active Officer and able Engineer in your Majesty's Service, but also is a skilfull Surveyor in the accurate map he has made of the settled parts of Your Majesty's Colony of Quebec; And we beg leave to observe to Your Majesty, that these proposals appear to us to arise entirely from Captain Holland's Zeal for Your Majesty's Service, as he desires no additional Emolument, being well satisfied with Your Majesty's gracious Intention of appointing him to the Office of provincial Surveyor of lands in Your Majesty's Colony of Quebec; We are further humbly of opinion, that the extraordinary Expences, which he proposes for this Service,

are perfectly reasonable and necessary, but We humbly recommend that two Sets of the Instruments mentioned in his Estate, should be allowed, lest the work should be interrupted by any accident happening to any of them. Hillsborough, Ed. Elliot, Orwell, Bamber Gascoyne.

[Holland's memorial] Sheweth That Your Memorialist understanding that he is to be nominated Surveyor of Lands in His Majesty's Province of Quebec, and that Your Lordships intend to recommend to His Majesty that a Survey should in time be made of all America, and to put the Conduct of such Survey under the Direction of two Surveyors General, one for a Northern the other for a Southern District, Your Memorialist actuated only by a Zeal for His Majesty's Service, and having no other View of Emolument, than what will arise from his Office of Provincial Surveyor of Quebec, humbly requests Your Lordships, that the Northern District under such Limits as your Lordships shall approve may be comprized within his Commission as Provincial Surveyor of that Colony.

By this Extension of Your Memorialist's Service and Duty, an accurate and just Survey with the Longitudes and Latitudes ascertained by Astronomical observation may in the Course of a few Years be obtained of the material and principal Parts of His Majesty's Dominions upon such a general Scale and uniform Plan, and in such a manner as your Lordships shall approve and direct.

If Your Memorialist is so happy to meet with Your Lordships Approbation, he begs leave to submit the following Proposals to Your Lordships Consideration.

The General Survey shall be made by a Scale of one Mile to an Inch, the Places of Note Channels and Harbours by a Scale of four Inches to a Mile, being Four Times larger. The Soundings of all Harbours and Channels shall be taken with a natural and Historical Description of the Counties the Rivers and Lakes and whatever other Remarks shall be thought necessary. The Latitudes and Longitudes of all Capes, Head Lands &c. shall be determined by Astronomical Observations.

It will be necessary to have Orders for all the Provincial Surveyors in the Department to give their Assistance, and also Copies of their Surveys already made which are in their Possession.

An Armed Cutter or other Small Armed Vessel will also be wanting, with two Whale Boats and one large Long Boat, which will also serve to transport the Party over Bays and Arms of the Sea, and may be used in the River St. Lawrence against Smuggling, and to prevent the French from Trading on the Continent.

[An estimate for the pay of assistants and other necessary expences is given in detail, the total being 700*l.* 17*s.*; and another detailed estimate for instruments amounts to 201*l.* 7*s.* 6*d.* The latter is appended :—]

	<i>l.</i>	<i>s.</i>	<i>d.</i>
An Astronomical Quadrant - - - - -	21	0	0
A Micrometer - - - - -	5	5	0
A Theodolite with Vertical Arch and Telescope divided to every Minute - - - - -	30	0	0
Three Pocket Theodolites at 1 <i>l.</i> 10 <i>s.</i> each - - - - -	4	10	0
One small Telescope divided to every Minute - - - - -	20	0	0
One Azimuth Compass - - - - -	4	14	6
One Twelve Inch round Protractor with Index and Nones to every Minute - - - - -	2	12	6
One Hadley's Quadrant 18 Inch radius - - - - -	4	14	6
One Telescope and Rules - - - - -	5	5	0
Mr. Sharts reflecting Telescope 24 Inches Focal Length Rock-worth Stand - - - - -	36	15	0
Sheltons Clock or Time piece for Astronomical Observations -	40	0	0
A pair of Globes 17 Inch - - - - -	6	6	0
A Copying Glass - - - - -	2	2	0
Three Brass Chains 50 feet each - - - - -	3	3	0
Stationary Wares, drawing Paper &c. - - - - -	15	0	0
	201	7	6

According to the foregoing Estimate as the Instruments will serve for the whole Survey the Expence will not amount to above 700*l.* Yearly, and in five Years at furthest, the Survey of all the Coast Rivers and Bays, and of such parts of the

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Land as can be settled for many Years to come will be finished ;
At which Time this Additional Expence may cease if Govern-
ment shall not think it necessary to Prosecute the Plan of
Survey of the whole Northern District. [pp. 233, 247-51.]

[538.] [Reference to the Committee of a Board of Trade 10 Feb.
representation of 9 Feb.] upon considering several Propositions Plantation
and Memorials laid before them by the Merchants of Great Trade.
Britain trading to His Majesty's Colonies in America.

[p. 259.]

[On the Committee report of 7 March, the proposals of the 9 Mar,
Board of Trade are approved and ordered to be laid before
Parliament, when his Majesty shall judge proper. The
representation is as follows :—] Several Memorials have been
presented to Us by Merchants and others, Interested in the
Commerce carried on between this Kingdom and Your Majestys
American Colonies and concerned in those Manufactures
which have been, and may be more improved and extended
by the increase of Raw Materials from the Plantations, Com-
plaining of the Obstructions which that Commerce meets with
from the ill regulated State and Condition of the Publick Credit
in some of the Colonies, and setting forth the Advantages
which may be derived to this Kingdom, from a proper Attention
to many Circumstances arising from the Variety of Climate,
fertility of Soil, and richness of Produce of this vast and
extensive part of your Majesty's Dominions.

These Memorials relate to

First. The Legal tender which is still Annexed to the Paper
Bills of Credit of those Colonies, which are not included in the
Act of the 24th of his late Majesty, for restraining such Paper
Bills of Credit, and preventing the same from being legal
Tender within the New England Governments.

Secondly. The Expediency of Encouraging the Importation
of Hemp from America into this Kingdom, in Order to induce
the Colonies to enter more largely into the Culture of that
Valuable Commodity.

Thirdly. The State of the Duties paid upon the Importation, and the Drawbacks Allowed upon the Exportation of Beaver skins.

Fourthly. The Duties now payable upon the Importation of Whale Fins, the Produce of the American Seas.

As these several Points appear to Us to be of very great Importance to the Commerce and Manufactures of your Majestys Dominions and to the reciprocal Interests of your Majestys Colonies and this Kingdom, We thought it our Duty to take them into our serious Consideration and having been Attended by and heard what the Memorialists had to offer in support of their several Allegations, and consulted many other Persons who are Interested therein, or who by their experience or knowledge in the Affairs of your Majestys Colonies might be able to furnish us with the fullest Lights and Informations We humbly beg leave to lay before your Majesty our Sentiments upon the whole and to submit to your Majesty such propositions as appear to Us necessary to be Offered to the Consideration of Parliament thereupon.

The bad effect and pernicious operation of the legal Tender Annexed to Paper Bills of Credit are universally admitted, and have been severely felt in most of your Majestys American Colonies, and to shew the Sense of the Merchants of the Principal Cities of Great Britain, upon this Subject, We beg leave to Subjoin their Memorials No. 1, 2, 3, 4 Complaining of the Losses they have Sustained, and the Confusion that has arisen from the Introduction of this Impolitick as well as fraudulent System into the Colonies of Virginia and North Carolina.

We are not sufficiently informed to say with certainty in what manner and from what Causes, this absurd and destructive notion of Converting Paper Bills of Credit into legal Currency first took it's rise, not being in the Possession of the Antient Records of the Colony of the Massachusetts Bay, where We apprehend it first begun, but we conceive that between the Years One thousand Six hundred eighty nine, and

One thousand Six hundred Ninety two, that Colony growing necessitous from the Expences incurred Chiefly on Account of Sir William Phipps's Expedition against Canada, borrowed Money in a method of which we are not particularly apprized, upon such Security, and under such Terms and Conditions, that the Notes or Bills given for the same, carried with them such a Degree of Credit, that they passed in Dealings and transactions with as little difficulty as Bank Bills do now in this Kingdom.

The first Obvious Effect of these Notes, thus from their Credit passing in Payment was, the Exportation of almost all the Gold and Silver in the Province : And the necessities of the Government at the same time increasing, without a possibility of finding Funds to give sufficient Securities for the Principal and Interest of Money to be borrowed, soon made it necessary for the Assembly to turn their thoughts to some New Method of Answering the Publick Exigencies, and the before mentioned Notes being in part paid off, after having occasioned the Exportation of most of the Gold and Silver the Apparent want of a Medium of Trade and Commerce furnished a further pretence for a New Scheme of Paper Credit, and that this is no uncertain conclusion will evidently appear from the first Act of the General Court of the Massachusetts Bay, that We are in possession of, which Act, reciting the extreme scarcity of Money, and want of other Medium of Commerce, gives an additional Advantage to a New emission of Paper Bills of Credit, by directing that they should pass and be received in all Publick Payments at the Advance and after the rate of five per cent., which Additional Advantages the General Court was probably induced to give from an Apprehension that without such Advantages these New Bills would not carry sufficient Credit to make them pass, so as to Answer the General purposes of Trade and Government.

This Expedient, We presume had it's effect for some years, for We do not find any Depretiation of these Bills of Credit from their Original nominal Value of One hundred thirty Six

Pounds, for One hundred Pounds Sterling, till the year 1705, when One hundred Pound Sterling became worth One hundred and forty Pounds Currency ; from which time they continued, at every new emission gradually to depreciate until the year 1711, when One hundred Pounds Sterling became worth One hundred and fifty Pounds Currency ; Disputes then arising between Debtors and Creditors upon taking these Bills in payment for Debts Contracted before the Depretiation, the general Court thought fit to Enact, that these Paper Bills should be a legal Tender in all Payments 'till the Year 1715, and we find afterwards, that the same regulation was continued to the year 1730.

The palpable fraud of this regulation in 1711 is so glaring, that it is impossible to suppose that the general Court, was not sensible of it, for by this Law every Creditor who had lent his Money before the Depretiation, was defrauded of the whole difference, and as every New emission was constantly followed by Depretiation ; the fraud was increased to such a Degree, that many fair Creditors and other Persons not in Debt lost half or three fourths of what was due to them, and of their Personal Estate.

The Grievance at length became so enormous in this and the other Colonies upon the Continent of America, almost all of which had followed the example of the Province of the Massachusetts Bay, in issuing Paper Bills of Credit, and making them legal Tender, though upon different principles and under different Regulations, and this practise had so pernicious an Operation, not only within the Colonies themselves, but also upon their Commerce and dealings with this Kingdom, that the House of Commons thought proper in the years 1739 and 1740 to take up the Consideration of the dangerous State of Publick Credit in the Colonies, and to interpose in Order to stop those Abuses, which the Crown had in vain endeavoured to check by it's own Authority and on the 14th of April 1740 upon full Consideration thereof, they unanimously resolved that the Creating Paper Bills of

Credit, and declaring them to be legal Tender in all Payments had been a great discouragment to the Commerce of this Kingdom, by occasioning confusion in dealings and lessening of Credit in those parts and that the Instructions given by the Crown to the several Governors not to assent to any Acts for making such Bills of Credit without Clauses, suspending their Execution until the Crown's Pleasure could be known, ought to be enforced and duly observed.

These Resolutions however in which the Sense of one branch of the Legislature was so clearly and fully expressed, had not the effect to restrain the destructive practice, and the quantity of this Paper Currency having been greatly increased on Account of the Real or pretended exigency of the Service during the War with France and Spain, the Mischiefs of it were severely felt, as well by the Merchants of Great Britain as by the Colonies themselves, and occasioned another Parliamentary Enquiry, which produced the Act passed in the 24th of his late Majesty for restraining such Paper Bills of Credit in the New England Governments ; but We beg leave to observe to your Majesty, that the Limitation of this Act to those Governments did not arise from any Opinion which our Predecessors in Office, who supported this Bill had entertained that the reasonings and principle upon which it was founded were not equally applicable to the other Colonies, but from an Unwillingness in Parliament to involve those Colonies, whose Conduct had not been Complained of, in a measure, that at the same time that it restrained, was intended as a just Censure of the Conduct of those, to which it was applied, For that Board of Trade, which upon many other Occasions, as well in this instance, has very eminently distinguished itself, appears to have had the clearest Conviction, that this measure of declaring paper Bills of Credit to be a legal Tender, was false in it's Principles, unjust in it's foundation and Manifestly fraudulent in it's Operation.

What We shall humbly propose to your Majesty, is founded upon the same principles which appear to have been the

Rule of the Conduct of that Board, and our Intention is not to convey censure upon any particular Colonies, but to Suggest a general Regulation upon full Conviction, that it is necessary as well for the Security and Interest of the Colonies themselves, as of the Trade and Commerce of this Kingdom.

It is not necessary for Us to enter into many Arguments to evince, that the practise of making Paper Bills of Credit a legal Tender is absurd, unjust and impolitic, being supported in this Opinion by the experience of it's Effect in every Colony, where it has been practised to any great Degree by the Sufferings and Losses of the Merchants trading to America, by the Opinion of our ablest Predecessors at this Board by the Resolutions of the House of Commons, and the Orders of the Crown thereupon, by the Sense of the whole Legislature, expressed in the Act of the 24th of the late King, and by the beneficial effect of that Act in the Colonies, to which it was applied, more particularly in the Province of Massachusetts Bay, where, though by the extensive operation of the War in North America, they were obliged to make greater Efforts in every respect, than was ever required in any former War, yet such was the State of Publick Credit under the Effect of this Law, that larger Supplies were raised, and with more Satisfaction and facility than was ever known before.

It would otherwise not be very difficult to shew, that a Medium of Trade must in it's nature not only be a measure of the Value ; but an equivalent, and that in a Country which has any Foreign Trade, the Equivalent must be of a material, which is universally of intrinsic Value, which Paper Bills of Credit, Created in any particular Country never can be. That different Countries must agree upon the material for this measure and Equivalent, which they have tacitly done in favour of Gold or Silver ; but never will or did, or can do so with regard to Paper. That Gold or Silver are the Materials fittest for this measure and equivalent for several reasons too

long to enumerate, and that Paper is perhaps as unfit as anything can possibly be, All which would be enough to evince the absurdity of this Measure.

If were to enter into a Discussion of the Fraud and Injustice of it, We should find it only necessary to refer to the effects of the Depretiations in the several Colonies, where Debtors have been enabled to pay their Debts with three or four Shillings in the Pound, merely by Majorities of Men under that Description in the Assemblies, making New and large emissions of Paper Bills ; For these Bills have but one property in Common with Real Money, which is, that the larger the quantity, the less the Value with regard to other Commodities, and this perhaps may arise from the quantity affecting the Credit, as in the other Case the quantity overstock the Markett, thus it would easily be made to appear that fraud and injustice are and must be the Attendants upon this practice.

And as nothing can be Consonant with true Policy that is absurd and unjust, that Consideration would be sufficient to shew, that this strange and deceitful System is impolitic ; but when added to this, we consider that such a Paper Currency in a Commercial Country banishes the Real medium of Trade, Gold or Silver, and that such a Country is paid in Paper, and pays and must pay either in Gold or Silver or it's other valuable Commodities, We humbly presume the Art of Man cannot contrive any measure more ruinous and destructive to the unhappy Country, where it is allowed to take place.

It will, we trust, appear to Your Majesty from what has been said, that the Practice, which at present prevails in those Colonies, not included in the Act of the 24th of his late Majesty of issuing Paper Bills of Credit, upon pretence either of discharging Publick Debts, defraying Publick Services, or establishing a Medium of Commerce, which Bills bear no Interest, are in some Cases redeemable at very distant Periods, and in other Cases have no ffund at all for their redemption, and the Compelling Persons by Law to receive these Bills

at an Arbitrary Artificial and Nominal Value, is of the most pernicious nature, destructive of Publick Credit, ruinous to the Colonies themselves, and highly injurious to the Commerce of this Country ; and that the Complaints lately made by the Merchants of the principal trading Cities in Great Britain, of the prejudice which they have Sustained from this practice, do call for that redress from Parliament, which, as We have before Observed, the Crown has in vain endeavoured to obtain for them by it's own Authority.

It has been urged upon this occasion, that the Complaints of this practice are merely Confined to Virginia and Carolina, and that in the middle Colonies the Publick faith has been preserved, and no inconvenience has been found to Attend this practice, but on the contrary, that it has produced very beneficial Consequences ; this however will, we humbly conceive, appear upon Examination not to be founded upon fact, for though the Credit of the Bills in these Provinces, has been better supported than the Credit of those of other Colonies, yet they have never kept to their nominal Value in Circula, and have constantly depreciated to a certain Degree whenever the quantity has been increased ; but if the fact could be admitted as it is Stated, yet it would be no Argument in favour of a practice, in it's nature founded in fraud and injustice, which are Stamped upon the Bills themselves, by Compelling all Persons to receive that as Lawful Money, which has no real intrinsic Value in itself.

It is this Circumstance of declaring those Bills to be a legal tender, which we humbly conceive Constitutes all the fraud and abuse Attendant upon this practice, and that if this was not Allowed, the Colonies whenever they should find it necessary to make use of their Publick Credit would be constrained to do it in a just and equitable manner and therefore We humbly Submit to your Majesty whether it may not be adviseable to move in Parliament for a Bill to Enact “ That all Acts, Orders, Votes, or Resolutions, which shall be hereafter passed, or made in any of the American Colonies by the

provision, effect or operation of which any paper Bills or Notes commonly called Bills of Credit, which may be Created or Issued in the said Colonies, shall be declared to be or any ways enforced as a legal Tender, shall be null and void to all intents and purposes, as also all Acts, Votes or Resolutions, by which the Periods fixed or funds established for the Redemption and discharge of such Paper Bills of Credit, as are now existing and passing Current in the said Colonies, in virtue of any Acts, Orders, Votes or Resolutions heretofore made or passed, shall be postponed or any ways altered or Changed, or by which the said Bills of Credit, or any part thereof shall be re-emitted, or obtain any New or further Currency.

“ That any Governor, Lieutenant Governor, or Commander in Chief in any of the said Colonies, who shall give his Assent to any Act, Order, Vote or Resolution contrary to the abovementioned Regulations and Limitations, shall forfeit One thousand Pounds and be rendered incapable of Serving your Majesty in any Employment Civil or Military.

“ That no Bills of Credit now existing in the Colonies, and passing Current in Payment there, shall be a legal Tender, after the Expiration of the Periods fixed for their Redemption, by the several Acts, Orders, Votes or Resolutions, by which they were Created and Issued, and that in Cases where Bills of Credit do exist and pass Current in Payments, without any Periods fixed, or Funds Established for their Redemption, such Bills shall Cease to be a legal Tender, from and after a certain time to be limited in the said Bill.”

The Second Consideration, which we beg leave to lay before Your Majesty, respects the Expediency of giving Encouragement to the Importation of Hemp from the American Colonies ; And We humbly represent to Your Majesty, that among the many Laws, which have been passed from time to time for securing to this Kingdom the Commercial Advantages of the Colonies, those for Encouraging the Importation of Naval Stores, do, both from the Wisdom of their Provisions, and the

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benefit of their operation, deserve particular Attention ; The Articles to which these Laws at present apply their Encouragements are Masts, Yards, and Bowsprits, Pitch, Tar and Turpentine upon the Importation of which certain Premiums are paid, and of late Years particular Encouragement has also been given with great success to the importation of American Iron, by admitting it to be Imported in Bars, free of Duty under stated Regulations.

When the Premiums upon the aforementioned Articles of Naval Stores were first established, that of Hemp was, with great propriety included among the rest, and so continued until the Year 1740, but the Bounty not having in the Course of many Years Experiment, produced any effect, it was, either from want of Attention or from despair of it's Success, suffered to expire in that Year.

The Inefficacy of this Bounty is We conceive Chiefly to be Attributed to the following Causes. Vizt.

1. That those parts of America which are most advantageously situated, and by Nature best adapted to the culture of this Commodity as Nova Scotia, and the Eastern parts of New England, remained, during the Continuance of the Bounty, without any Considerable Settlement or Inhabitancy.

- 2dly. That in the other Settled Colonies where this Commodity might have been raised, the Planters had engaged in other Articles of Culture from which they derived a very great and more certain Profit.

- 3dly. That there was no Encouragement to the Importation of Iron from America, which is a necessary Article to Alleviate the Expence of the Freight of so bulky a Commodity as Hemp in so long a Voyage.

These Obstructions however do now, not only, no longer remain, but new Prospects of Advantage in this beneficial Culture are opened ; for as on the one hand, Nova Scotia and the Contiguous parts of New England are now, in great measure, Settled, and your Majesty's Dominions extended

by the invaluable Acquisition of Canada ; so, on the other hand the Established Articles of produce in other Colonies. which engaged the first Attention of the Planters, more especially Rice and Tobacco, have been pushed to their utmost extent, and those Planters, scarce find a market for what they raise, and therefore have begun to turn their thoughts and Labour to the production of other Articles more especially of Hemp, considerable quantitys of which are now Actually raised in Pensylvania, Virginia and the Carolina's.

From these Considerations the Merchants Trading to the Colonies have in Conjunction with the respective agents requested by a Memorial, a Copy of which is hereunto Annexed (No. 5) that the bounty Allowed by the former Laws, upon the Importation of Hemp from America, may be revived and enlarged for a certain time.

We shall not upon this Occasion enter into a Discussion of every Advantage that will accompany the Obtaining Hemp from the British Colonies, it will be sufficient to say, that it is for the Interest of this Kingdom, in every light, both political and Commercial ; to Secure a Supply of so important an Article, which is not only a very Valuable material of Manufacture, but is also essential to the Commerce, the strength and Security of this Kingdom, and for which we have hitherto remained in a dangerous State of dependance upon Foreign Nations.

The only Consideration therefore is, whether Hemp can be supplied from America of such quality, and at such price as, all things Considered, may make it adviseable to encourage it's growth there, and the introduction of it, from thence into this Country.

As to the quality of the American Hemp, it no longer, we presume, remains a doubt that it is as good as that Imported from Russia, and as a Proof of this, We humbly beg leave to Subjoin a Copy (No. 6) of a Report, made to Us by the Commissioners of your Majesty's Navy, of the effect of several Trials made in your Majesty's Yards, by which it appeared,

that the American Hemp was in its nature of equal strength and goodness to the best Russian Hemp, though inferior in some Circumstances from a want of Skill and Attention in the preparation of it.

The main Obstacle to the importation from America of this and many other materials of Manufacture, for which we now Chiefly depend upon other Countrys, is the disproportion in the price, arising from the excessive dearness of Labour in these Colonies, and from the difference in the Charge of Freight.

From the best Information We have been able to procure, We find that before the late War the Medium price of a Ton of Russia Hemp at the lowest Computation (Freight included, which is about 40s. per Ton) was from Twenty one Pounds to Twenty two Pounds per Ton, and that a Ton of American Hemp could not be afforded here for less than Twenty nine Pounds per Ton, including the Freight, which is Stated at four Pounds per Ton at the least.

The difference, however, in the Charge of the Freight arose in some Degree from the difference of Shipping and Method of Package, it being Stated, that the Ships used in the Trade to the Baltick and East Country are less expensive and more roomy, than those used in the American Trade, insomuch that though a Baltick Ship, which measures two hundred Tons, will take in One hundred and Seventy Ton of Hemp, yet an American Ship of the like Admeasurement will not receive more than One hundred and ten to One hundred and twenty Ton ; And it is further Stated, that they have a Method in the Baltick Ships of Skrewing down the Hemp in the Ships Hold, by which means they stow the greater quantity.

Another Circumstance which has Operated in some Degree to alleviate the Charge of the Freight of Hemp from Russia, has been the bringing with it a Cargo of Iron, which at the same time that it is an Article of great intrinsic Value in itself and produces great profit to the Importer, is in it's nature as we observed before the best adapted to assort with a Cargo of so light and bulky a Commodity as Hemp.

All these Circumstances, however, which do now operate in favour of the Russia Hemp, to the disadvantage of America, are evils, which will, under proper Encouragement, Work out their own Cure ; for there can be little doubt, but that such Encouragements will introduce the same sort of Shipping, and the same method of Package now used in the Russia Trade, and as most if not all the Colonies where this Commodity either is or may be produced, do likewise produce Iron, equal in goodness to what we now receive from the Northern parts of Europe, the same Advantage in point of Freight and every other that is stated to arise from this favourable Circumstance to the Hemp of Europe, will in a few Years equally attend that from America.

The difference in the prime Cost of this Material, arising from the difference in the Price of Labour, will undoubtedly for some time have an Effect to the Disadvantage of the American Hemp, and to remedy this evil is one of the principal Objects of the Application for this Bounty ; But we have good reason to hope, that the necessity of a large bounty on this Account, will not be of long continuance as the price of Labour in general will diminish in proportion as the number of Inhabitants increases, and as there is an immediate prospect of the culture of Hemp succeeding in Canada, where from the number of Inhabitants, labour is cheaper than in other Colonies, where the nature of the Soil in many parts of it, is particularly adapted to the raising of this Commodity, and where the best Iron in the World is produced.

There is another Circumstance arising from a Consideration of this matter, which We humbly Conceive to be of the greatest Importance, and which appears to Us greatly to favour a reasonable Encouragement to the Importation of this material, which is, that it is already Manufactured in the Colonies, not only into Cordage, but also into Linnen of Various Species, and there is great reason to fear, that, unless some Channel of beneficial exportation of it, as a Raw material is soon opened,

these Manufactures will be greatly increased and extended, contrary to the Policy upon which the mutual Interests and Commerce of this Kingdom and the Colonies do so essentially depend.

In Order therefore effectually to open this Channel of Exportation to Encourage the Introduction of a proper Species of Shipping, and to reduce the price of the American Hemp, to nearly the same level, with the Hemp from Russia ; We are humbly of Opinion, that Hemp Imported from your Majesty's Colonies under proper Regulations, in respect to the quality of it, should be Entitled to the following bounties, payable for a Term of Twenty one years, divided into three equal Periods. Vizt.

For the first Seven Years Eight Pounds per Ton.

For the second Seven Years Six Pounds per Ton.

For the third Seven Years four Pounds per Ton.

The Third Proposition, upon which we shall humbly beg leave to Submit our Sentiments to your Majesty, arises from a Consideration of the present State of the Duties and Drawbacks upon Beaver Skins Imported and Exported, and We humbly Crave your Majestys Permission to lay before you the Annexed Copy (No. 7) of a Memorial presented to Us by the Makers and Venders of Hats in your Majestys Cities of London and Westminster Stating the disadvantage they lye under from the manner in which these Duties are at present regulated.

By the Regulation of the Duties upon Beaver Skins as they stand at present, each Skin pays upon importation Seven pence $\frac{3}{20}$ ths - $\frac{5}{8}$ ths, and there is a Drawback of four pence $\frac{6}{20}$ - $\frac{1}{16}$ of the said Duty upon Exportation.

The Makers and Venders of Hats alledge, that these Regulations operate by means of the Drawback upon Exportation to Supply the French and other Foreigners with this material of Manufacture, at a Cheaper, or at least at as Cheap a Rate, as it can be procured here, Loaded with the present Duties

upon Importation, so that by this means, and by means of other Advantages, which the French have from the Cheapness of Labour, they have been Enabled to supply the Foreign Markets, more particularly that of Portugal, with Hats, which were heretofore supply'd from this Kingdom, and therefore they desire, that this Drawback upon Exportation may be taken off and a Duty Substituted in it's Place, both upon Beaver Skins and Beaver Wool.

As the Memorialists in Order to support their Allegations, as to the decrease in the Exportation of Hats, referred themselves to the Custom House Books, We have thought proper to procure from that Office an Account of the Exportation of Hats to foreign parts in these different Periods. Vizt.

First Period from Christmas 1735, to Christmas 1738.

Second Period from Christmas 1750 to Christmas 1753.

Third Period from Christmas 1759 to Christmas 1762.

From these Accounts, Copies of which are hereunto Annexed (No. 8, 9, 10) it will appear to your Majesty, that there is a very great diminution in the Exportation of Hatts to Portugal in the last Period, more particularly in the last Year of it, when the quantity of Beaver Hats Exported to that Country, which at a Medium of the two first Periods Amounted to upwards of thirteen Thousand Dozen Annually, does not Amount to more than Two thousand three hundred ninety seven Dozen.

This decrease in the exportation of Hats to Portugal, must not however be Charged entirely to the account of any Advantage, which the Exportation of Beaver Skins from this Country derives from the Drawback of a part of the Duty ; It is a Circumstance of disadvantage to the English Manufactures, much too inconsiderable to produce of itself such an effect, which is rather to be attributed to the great increase in the price of Labour in this Country, more particularly in the Metropolis, and to the discredit which we are sorry to say, Many of our Manufacturers have fallen into

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in Foreign Markets, from a deceit and unfairness in their Fabric ; It is nevertheless apparent, that the Drawback upon the exportation of Beaver Skins, of which this Kingdom has now by the Acquisitions of the late definitive Treaty almost a Monopoly, does give an Advantage to the foreign Manufactures, that ought in justice and Policy to be thrown into the other Scale, if it can be done without prejudice to the Trade in General ; But it is Alledged by the Hudson's Bay Company, and other Importers and Exporters of Beaver Skins, by whom we have been attended upon this Occasion, that as not much more than one half of the Beaver Skins Imported are Worked up in our own Manufactures, the taking off the Drawback and imposing a Duty in lieu thereof, upon Exportation as proposed by the Makers and Venders of Hats, will in it's Consequences affect their Trade in this Commodity, by not only Encouraging and increasing the illicit Exportation of it, from the Colonies directly to foreign Markets, but will also encourage the Manufacture of Hats in the Colonies, which is now carried on to a great extent, particularly in the Province of New York, contrary to that Policy, which We have beforementioned in the Case of Hemp, and which is so essential to the mutual Interests of this Kingdom and the Plantations.

From a Consideration of these facts and Arguments, it appears to Us, that the best method of giving that Relief to the Manufacturers of Hats, which their Case appears to require without Incurring the risque of smuggling or a deviation in the Colonies from their true interest, will be to take off the Duty now paid upon the importation of Beaver Skins, which We humbly Conceive to be a heavy burthen upon Trade and inconsistent with those general Principles, which appear of late Years to have been wisely adopted by the Legislature of this Kingdom, in taking off those Dutys which the Error of former times had imposed upon the Raw Materials of Manufacture and that in lieu of such Duties now paid upon Importation, the following Dutys should be imposed upon Exportation of Beaver Skins (Vizt.) Upon every

Beaver Skin Seven Pence, and upon every Pound of Beaver Wool One Shilling and Six Pence, which Duty upon Beaver Wool is proposed to be lower in proportion than that upon the Skins, as the Cutting the Wool from the Pelt is in some degree a Manufacture in itself, and leaves the Pelt here an useful Material in another Manufacture, producing an increase in the Revenue of Excise.

We would however humbly recommend that one Penny per Skin should continue to be paid upon the Beaver Skins Imported, in Order to insure certain and regular Entries of the quantity and thereby Enable your Majesty to judge of the true State of the Trade.

We find, upon Enquiry, that some Beaver is Imported and Exported, cut into small Pieces and Passes under the Denomination of Cut Beaver, in Order therefore to prevent any evasion of the Payment of the Duty upon Exportation, by Exporting Beaver in this shape, we would humbly recommend that the Exportation of Cut Beaver should be entirely Prohibited.

These Alterations in the Dutys upon Beaver Considered in a Commercial View are Unanimously approved by all Parties, by whom We have been attended upon this occasion excepting only with some hisitation on the part of the Hudson's Bay Company, who having an exclusive Possession of a very great part of the Beaver Trade, have Private Interests, seperate from, and there is too much reason to fear adverse to those of the Publick, the Promoting of which, has been the great foundation of those Measures, Your Majesty has thought adviseable to pursue in the Regulations laid down for encouraging a free and open Trade to all your Subjects in America.

We humbly hope therefore, that what we have proposed will have your Majestys Approbation, and that it will appear to your Majesty to be not only just in it's general Principles, but Conducive to the Relief and Advantage of the Manufacturers of this Kingdom, as far as can be reasonably expected

or desired, without prejudice to the Importers and Exporters of Beaver Skins or the hazard of increasing Smugling.

How far it may be proper or expedient from a Consideration of the effect it will have upon the Revenue is a Question not before Us ; but We humbly apprehend, that the Loss, if any, to the Revenue as it now stands, by such an Alteration, will be found too inconsiderable to be put in Opposition to a measure so expedient in its general Principle, and so necessary to the Relief of the Manufacturers of this Kingdom.

As to the proposition of taking off the Duty upon the Importation of Whale Fins, the produce of the American Seas, which is the last point proposed at present to be Submitted to your Majesty's Consideration, We humbly presume it will appear highly reasonable and expedient in a Commercial View, not only as it is a material of Manufacture, for a supply of which We do now in great measure depend upon other Nations, but as it will be no inconsiderable Encouragement to the Whale Fishery in general in the American Seas.

This Whale Fishery, which was entirely neglected by the French, has been prosecuted with great Spirit and Vigour, since Canada has been in your Majesty's Possession, in so much that great Quantities of Oil have last Year been exported from this Kingdom to France, which never happened before and therefore We humbly Submit to your Majesty whether a Trade of so much Advantage to these Kingdoms, is not deserving of that Relief, which the Legislature has in it's Wisdom thought proper to give to the Whale Fishery of your Majestys Subjects in the Greenland Seas, and therefore, whether it may not be Adviseable that the Duties now paid upon the Fin of Whales caught in the American Seas Imported into this Kingdom should be taken off, leaving only that which arises by the Old Subsidy of the 12th of Charles the Second. Hillsborough, Soame Jenyns, Ed. Eliot, Ed. Bacon, Geo. Rice, Orwell, Bamber Gascoyne.

APPENDIX.

No. 1.

[The memorial of the London merchants trading to Virginia rehearses the proceedings on their complaint in 1758 (360), and sets forth that the instruction of 1759] was transmitted by your Lordships to the Governor who on the 1st of November 1759 Communicated the same to the Council and House of Burgesses of the said Colony.

That on the 8th of the same November the said House of Burgesses Resolved that by the Act passed in the 28th Year of His Majestys Reign Entituled "An Act to Amend an Act Entituled An Act declaring the Law concerning Executions and for the Relief of Insolvent Debtors and for other purpose therein mentioned" the Security of the Merchants of Great Britain in the Recovery of Sterling Debts due to them from that Colony is provided for and their property Secured in the fullest and amplest manner and that they have not any just Cause of Complaint on that Head.

That notwithstanding this Assertion your Memorialists are advised that the Act of Assembly in 1748, which directs that Executions for Sterling Debts shall be Levied in Current Money at 25*l.* per Cent. advance for a difference of Exchange and not otherwise (and of which the above is Alledged to be an Amendment) is still in force, it having received the Royal Assent, which the Amending Law could not obtain the former remaining unrepealed And if so a tender in Paper Money at 25*l.* per Cent. advance is a legal Discharge for Sterling Debts, though the Exchange hath risen from 25*l.* to 60*l.* per Cent. and upwards as before observed And had the said Act passed in 1748 been Repealed Yet your Memorialists Deny that their property is fully and amply Secured (as above suggested) by the Amended Act, because it leaves the same to the Determination of the Judges of the Colony by permitting them to settle the Exchange upon a Sterling Judgement in such manner as they shall think just (and however uprightly

and impartially hitherto exercised) is introducing a Mode and form of Justice unheard of in this Realm and experience has shewn in many instances the same to be insufficient, inasmuch as the Exchange hath arisen between the time of such Orders of Court and a possibility of the Creditors obtaining a remittance 5*l.* 10*s.* nay 15 per Cent. to his Advantage, which must be the Case in all exchanges Subject to fluctuation, and for which he can have no Satisfaction the General Assembly of Virginia having Assumed to themselves by this very Amending Act as well as others a power of making Paper Notes a legal tender in Payment of Debts, a Sanction that no Law in this Kingdom has given to Bank Notes or even Exchequer Bills though the latter are issued by Authority of Parliament and carry an Interest which the Paper Bills of Credit in Virginia do not.

That the said Assembly have at different times since the Year 1757 and even since their being Acquainted with his late Majestys aforesaid Instruction passed several Acts, whereby their Provincial Treasurer is Authorized to issue a further quantity of these Paper Notes, which with all the former Emission of 80,000*l.* amounting to 250,000*l.* and upwards.

That the little Regard shewn to the Representations of your Memorialists upon this important occasion and the great deficiency of the Taxes appointed for sinking this paper Currency, Whereby (as they are informed) a Debt of 100,000*l.* and upwards must remain unprovided for when these Taxes cease and no Provision having been made for this deficiency to the knowledge or belief of your Memorialists, and which they conceive ought in justice to have been done obliges them most humbly to Represent to your Lordships their Apprehensions that a continuance of this Power or the exertion thereof in this Colony (if suffered) will be found further prejudicial to your Memorialists as well as to his Majesty's Subjects in Virginia themselves, by lessening the Security of the one and the Credit of the other, which your

Lordships are sensible cannot Subsist, but by Principles founded on Rules of Equity and Justice as their only proper and significant Basis and they conceive themselves Warranted in these their Apprehensions by the protest of several of his Majestys Council in Virginia against an Act passed in April last Entituled An Act for Granting an Aid to his Majesty and other purposes therein mentioned A Copy of which Protest is hereunto Subjoined.

Your Memorialists therefore most humbly Pray your Lordships again to interpose with his Majesty for a further and effectual Instruction to the Governor of Virginia upon the matters aforesaid and for restraining the Assembly from such Injurious and Unwarrantable Proceedings for the future By providing that no Paper Notes or Bills of Credit of any kind or denomination whatever, which now are or hereafter may be made Created or issued in the Colony of Virginia, shall extend or be Construed to extend as legal tender in Payment of Sterling Debts And that the same shall not be paid or any Judgment for Sterling Debts be deemed or taken to be Satisfied or Discharged in any other manner than by an Actual Payment in Sterling Money either in Virginia or Great Britain, or in such other manner as your Lordships shall think proper to recommend and His Majesty in his great Wisdom to direct And that your Lordships will be pleased to Suspend giving your Approbation of any of the said Acts so passed in the Assembly 'till such time as the property of your Memorialist shall be effectually secured. Edward Athawes, John Buchanan, W. Bowder, Capel and Osgood Hanbury, John Stewart and Campbell, Thomas Flowerdewe, Cary Moorey and Welch, James Russell, Lyon Lyde, Samuel Lyde, Edward Hunt and Son, John Bell, James Buchanan, Matthew Gale, John Bland, Bosworth and Griffith, Samuel Waterman, Anthony Baun and Co.

The Protest above Referred to

An Act for Granting an Aid to his Majesty and other Purposes therein mentioned being read a third time.—

Dissent—Because this Bill with a Specious Title has a most dangerous tendency and We cannot Suppress our Opinion or Conceal our Apprehensions of the Mischiefs that must be the Consequence of issuing more Paper Money and making it a legal tender, and these Apprehensions are sufficiently Warranted by the Acknowledged deficiency of the Taxes for Sinking our Paper Currency a deficiency so alarming to the general Assembly which met in November last, that even astonished the warmest Advocates for Paper Money.

2dly. Because the want of a sufficient quantity of Circulating Money, which was at first the pretence for Issuing Paper Bills of Credit, is now removed by the several large Emissions since that Period, And We think it will be more for the Interest of the Colony to raise within the Year the necessary Supplies, as it will prevent that confusion and those many inconveniencies and Frauds so loudly complained of in the Northern Colonies which Occasioned the Act of Parliament made in the 24th Year of his late Majestys Reign ; to such a Bill we should chearfully have given our Assent or to any other Bill that was agreeable to the Sense of the British Parliament and his Majestys Instructions.

3dly. Because the Merchants were well Acquainted with the Act of Assembly made in 1755 to impower the Courts to settle the Exchange upon a Sterling Judgment before they presented their Memorial at the Close of the Year 1757, but they were then advised that this Act could not Repeal or alter the Act made in 1749 for discharging these Judgments at 25 per Cent., it having received the Royal Assent for this reason they procured his Majestys Additional Instruction [*cf. p. 392*].

4thly. Because this Instruction has not been Complied with in any part of it, and we are of Opinion it ought to be inforced for the support of Credit in General and the Trading Interest of Great Britain in particular Our Duty therefore to his Majesty our Attachment to the Constitution of our Country our Zeal in support of Publick Credit and the trading Interest

of Great Britain Obliges Us to give our Dissent to this Bill and to enter upon Record these our reasons to justify our Conduct to posterity and to shew them we used our Endeavours to check the growth of these bitter Herbs that will fall to their Share. Richard Corbin, William Nelson, Thomas Nelson.

No. 2.

[A similar, but shorter, memorial from the merchants of Liverpool trading to Virginia, is signed by] John Backhouse, Henry Goore, Ja. Clemens, T. Spencer, Thos. Weston, Chas. Lowndes, Jona. Blundell, Thos. Stainsforth, John Tarlton, Wm. Gregson, Richard Savage, John Williamson, Nichs. Ashton, Will. Pownall, John Atkinson, Bryan Blundell, Joseph Brooks, Benj. Heywood, Ar. Heywood, Jno. Crosbie, Joseph Bird, John Brooks, Sam. Shaw, John Knight, Willm. Boats, Charles Goore, Jam. Gildart, John Walker, Thos. Rumbold, Thos. Dunbar, Thos. Midgley, Richard Clay.

No. 3.

[A petition of the Glasgow merchants trading to Virginia, signed by Andrew Cockran, the Provost, complains of the Virginia Act for granting an Aid to His Majesty and other purposes, which added to the paper currency of this colony :] That by former emissions of this nature, and the insufficiency of the Funds for paying thereof the Exchange between Britain and Virginia, has risen from 25 per Cent., the par, to 40 and since passing the said Act $57\frac{1}{2}$, as we are informed, and likely to be much higher, whereby your Petitioners great part of whose Stocks consist of Debts Contracted before making this Law, are greatly injured, and our propertys in these distant parts, rendered altogether uncertain and precarious.

That the Notes or Bills of the Bank of England, whose foundation and credit is far Superior to any one Colony in America, never were made a legal tender in Britain or any where else—And the extending this emission to Debts Contracted before making the Law Authorizing thereof, is a stretch of the power never practised in any free Commercial Country,

No. 4.

[A petition of the London merchants trading to N. Carolina and of gentlemen and merchants in and from that colony gives the facts recited in 386, about the paper money acts of 1748 and 1754, and prays for an instruction to the Governor] to Use his Endeavours, with the Assembly to procure an Amendment to these Acts ; to the purpose that all Debts due or that hereafter may be due to the Merchants in Britain, and elsewhere, upon all Contracts, shall as well as the Debts due to the Crown be paid ad Valorem. And that for the future the Governor shall pass no Act of Assembly without a Clause to the above purpose expressly inserted. Anthony Bacon, Cullen Pollock, George Pollock, Bridgen and Waller, Wight and Graham, Fran. Mannock, John Greenlees and Co., Richd. Oswald and Co., James Buckanan and Co., Alexander Mackintosh, James Johnson, George Udney.

No. 5.

[A memorial of the London merchants trading to the American plantations and of the several agents in behalf of their respective provinces, rehearses Acts of Parliament of 4 and 12 Anne encouraging the importation of tar, pitch, rosin, and hemp, and of 8 George I for hemp only, and a Board of Trade representation laid before the House of Lords in Jan., 1733, proposing to encourage the production of naval stores in the plantations in order to divert the thoughts of the colonists from the manufacture of woollen and linen cloth into which they had fallen. The object of these Acts was never attained, and they were suffered to expire in 1739. Yet the petitioners deem it now an opportune time to revive the encouragement to grow hemp in the plantations for the following reasons :—]

. . That at the time this usefull Law was first passed many of the Colonies were in a State of Infancy with Regard to Trade and People, and the Subjects then Inhabiting those parts were applying themselves to the Improvement of

several Articles of Commerce, which although not so immediately necessary for the Shipping, yet by the great Encrease of Trade between this Kingdom and the Colonies within this half Century, have proved most highly beneficial to the Commerce and Navigation of Great Britain and tended to the further Employment and Encrease of English Shipping and Seamen.

That many of his Majestys Subjects residing in the Plantations have lately made the Culture of Hemp an Object of their Attention particularly in Pennsylvania, Virginia, North and South Carolina where the Experiments made have so happily Answered, that lying near the Sea and upon Navigable Rivers with a due Encouragement, and the Assistance of the Legislature of Great Britain, there is the greatest reason to hope that these Kingdoms may be provided with Hemp in a more certain and beneficial manner from his Majestys own Dominions, and no longer be dependant for the same on Foreigners.

That in Consequence of the Experiments made, the Soil and Climate have been found to be equally adapted to the growth of Hemp and Flax as in those places from whence this Kingdom is now necessitated to be supplied; the Province of South Carolina have lately grown so much, that they have exported of their growth to other Colonies on the Continent, and have supplied one of his Majestys Ships of War with Cables of the growth and Manufacture of that Colony; but the Expence of Labour there being dearer than in the parts of Europe where Hemp is chiefly raised, the Culture thereof will not immediately Answer to the Planter without the Encouragement and benevolence of Government by means of which and their Contiguity to the Sea and their large navigable Rivers they will be enabled in the Course of a few Years to supply their Mother Country with Hemp as good and upon as cheap Terms as it is furnished with at present. Lane and Booth, David Barclay and Sons, John Beswick, Edwd. Athawes, John Hunt, Graham Frank and Co., Richard Shubreck,

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Jas. Crokatt, Wm. Thompson, Thos. Hudgyer and Co., Richd. Neave, John Nutt, Chas. Crokatt, Trecothick and Thomlinson, John West, Neate and Pigou, John Strettel, Sargent Anfrere and Co., Elias Bland, Edwd. Hunt and Son, John Maynard, Mattw. Gale, Jas. Buchanan and Co., Thos. Philpot, James Russell, John Bell, Thos. Flowerdewe, Jno. Stewart, Robt. and Jas. Christia, Edwd. Bridgen, Anthony Bacon, Wm. Higginson, Nickleson and King, Cha. Rolleston, Wm. Greenwood, Chas. Ogilvie, Chas. Blandy, John Watson, Budgen and Waller, Alexr. Watson, Arr. Middleton, Bing Stead, Mildred and Roberts, Rd. and Jno. Samuel, Peter Hodgson, Johnston and Jolly, Saml. Hannay, Cook, Lawrence and Co., De Berot and Burket, Nash, Eddowes, Marshall and Petrie, Barnards and Harrison, Champion and Hayley, Edmund Quiney, John Timmins, Biggs Hollowell, Caleb Blanchard, Joseph Scot, William Stead, Edwd. Cahill, Corbyn Brown and Marshall, John Nunay, Wm. Brice, Richard Grubb, John Rose, John Greg, H. Kennan, George Curling, Alex. Peronneau, Benjn. Gudard, Wm. Anderson, Capel and Osgood Hanbury, William Perkins, John Bland, John Bland, John Buchanan, Robert Boyle, Sil. Grove, W. Bowder, Saml. Waterman, Cary, Mourey and Welch, John Lidderdale, Antho. Bucan and Co., Lionel and Samuel Lyde, Crafton and Coulson, Isaac Foster, Pomeray and Hodgkin, Collinson and Pottinger, James Logan, Thos. Wagstaffe, Alexr. Todd, James Davis, Wm. Macklay, Thos. Crowley, John, Edward and Bene. Payne, David Harvey, Anty. Richardson, Robt. Palmer, Patk. Larkane, Robt. Eyre, Israel Maudit, Robt. Charles, Edwd. Montagu, Charles Garth, Joseph Sherwood, Cuckett Jouvencel.

No. 6.

[Letter from the Navy Office to the Board of Trade, 2 Jan., 1764.]

Your Lordships having been pleased by Mr. Pownall's Letter of the 21st past, to desire we would inform you, whether during the continuance of the Bounty upon Hemp Imported

from the American Colonies, any good effect was produced from it to that branch of his Majestys Service under our direction We are to Acquaint your Lordships, that We do not apprehend any good effect was produced from it, as We do not find upon the most careful Examination of the Books in this Office, that any American Hemp was Imported or Bounty paid during the time the Acts for allowing it were in force.

Your Lordships having been likewise pleased in Mr. Pownall's aforesaid Letter to Acquaint Us, that you have under Consideration a Memorial from the North American Merchants, recommending a Revival of the Bounty ; It may on this occasion be useful to your Lordships to be informed that in the Year 1760 Mr. Penn who had imported a small Quantity of Hemp from Pensilvania presented his Majestys Service with two Tons to be made into Cordage for Tryal in Comparison with Cordage made of Petersburgh Hemp, which we caused to be done at his Majestys Yard at Woolwich. The Hemp being cleaned and dressed, was wrought into small Cordage and accordingly tryed against Cordage of equal Sizes made out of Petersburgh Hemp. In the course of several Tryals which were made in the most particular manner that could be done, the Advantage appeared rather in Favor of the Petersburgh, but this seemed to be owing more to want of Skill in the Manufactory of the American Hemp than to the quantity of it, which was very strong, and would if properly improved be equal in goodness and strength to the Petersburgh ; And could it by any Encouragement given to that branch of Trade, be brought to equal perfection, and sufficient quantity be imported to supply the Uses of the Royal Navy without trusting to Supplies from Russia, which would be liable to much difficulty and uncertainty in case of a Northern War, the same would in our Opinion, be a point of great advantage to the Publick Service. E. Mason, G. Cokburne, Tho. Slade, R. Osborn.

No. 7.

The humble Memorial of several Persons employed in making and vending Beaver Hats and Hats made with Coney Wool and other Materials in behalf of themselves and others concerned in the Manufacture in Great Britain, Sheweth

That the Art of making Hats chiefly composed of Beaver Wool hath been carried to such perfection in this Kingdom, that great quantities of such Hats have heretofore been exported from hence to several foreign parts.

That owing to the French Policy in preventing the Exportation of Beaver Wool and Beaver Skins, the Beaver Wool in France has been principally if not wholly Worked up into Hats of which the French have sent large quantities to foreign Markets and particularly to Spain and Portugal where there are great demands for them and where they have so much undersold the Manufactures of this Kingdom as to drive them out of those and most of the other European Markets.

That Beaver Skins though greatly different in Size, Weight and Value pay the same Duties inwards, which is $7d.\frac{3}{20}-\frac{5}{8}$ per Skin and Drawback $4d.\frac{6}{20}-\frac{1}{16}$ per Skin, and as two Cub Skins hardly weigh so much as one Skin which is full grown, these Cub Skins are principally bought for Exportation.

That the price of Labour being much cheaper in France than in England, the French are Enabled to Manufacture Beaver Hats and Hats mixed with Beaver and other Materials much cheaper than the Subjects of Great Britain can do.

That the Portuguese, who never used to make any other than Felt or Wool Hats, have lately established a Manufacture for making fine Hats which meets with great Encouragement.

That your Memorialists had conceived hopes upon the acquisition of Canada they should have been enabled to regain to this Kingdom the Beaver Hat Trade, which used heretofore to be carried on with Spain, Portugal and Italy but they have the mortification to find the Subjects of France still greatly undersell them in all those Markets and that of

late Years large quantities of Beaver Skins have been Exported and Considerable Sums of Money have been paid as Drawbacks thereupon, so that your Memorialists have no hopes of regaining the said Trade to foreign parts without the aid of Parliament.

That the Memorialists humbly apprehend the Acquisition of Canada might be Rendred more important and beneficial to His Majestys Revenue and to the Trade of this Kingdom, if the Drawbacks now Allowed upon the Exportation of Beaver Skins were taken off and a New Duty were laid upon the Exportation of Beaver Skins and Beaver Wool Unmanufactured This your Memorialists humbly apprehend would enable them to regain and extend the Beaver Hat Trade and to export Beaver worked into Hats to Spain Portugal and Italy with the Labour of great numbers of Persons charged upon it, who are destitute of the means of Supporting themselves and likely to seek for employment in Foreign Countries. Martin Hurdis, Dl. Alexander, Wm. Phillips, Phil. Cox, James Bernard, Geo. Warren, John Wathen, Geo. Vaughan, John Collinson, Jas. Rosseter, Saml. Baughan, Richd. Crafton, John P. Mosley.

Nos. 8-10.

[Tables are given in the Register of the export of hats for nine years—three beginning at Christmas, 1735, three from 1750, and three from 1759. Of these the first, last and middle years are here quoted:—]

Countries Exported to.	1736.		1752.		1762.	
	Beavor and Castor.	Felt.	Beavor and Castor.	Felt.	Beavor and Castor.	Felt.
	Doz. No.	Doz. No.	Doz. No.	Doz. No.	Doz. No.	Doz. No.
Africa . .	42	554	77 0	882 3	224 0	954 0
Canaries .	645	236	792 0	130 0	—	—
Denmark and Norway	7 2	53	4 0	83 0	—	197 8
East Country	251 8	2	40 7	10 0	18 0	—

	1736.		1752.		1762.	
Countries Exported to.	Beavor and Castor.	Felt.	Beavor and Castor.	Felt.	Beavor and Castor.	Felt.
	Doz. No.	Doz. No.	Doz. No.	Doz. No.	Doz. No.	Doz. No.
East India .	521 6	477	2,600 8	2,600 0	2,392 0	2,250 0
Flanders .	278 2	—	143 6	9 0	3 0	—
France .	3 7	93	—	—	—	—
Germany .	1,831 8	9	694 0	147 0	859 6	210 0
Holland .	3,272 1	33 6	1,718 11	61 6	1,736 10	124 0
Ireland .	36 4	13	163 2	14 4	12 0	4 0
Italy .	439	—	284 0	40 0	275 6	20 0
Maderas .	116 1	134 6	275 0	225 0	203 0	304 0
Portugal .	13,587 5	157	10,984 5	236 0	2,397 0	—
Russia .	92	1	58 2	—	14 0	6 0
Spain .	5,456 7	447 6	7,706 8	1,289 0	407 2	173 0
Streights .	3,902 2	150 10	2,319 0	—	—	—
Turkey .	1	—	6 4	—	—	—
Venice .	303 4	—	10 0	—	5 6	—
Belleisle .	—	—	—	—	20 0	62 0
Isles— .						
Guernsey	120	28	48 0	13 0	121 0	87 0
Jersey .	12	19 6	62 0	59 0	20 0	180 0
TOTAL	30,917 10	2,408 10	27,987 5	5,799 1	8,708 6	4,571 8

[pp. 273-4, 283-311.]

17 Feb. [539.] [Reference to the Committee of the petition of
Montserrat. Henry M'David, mariner of Montserrat, that the Council
dismiss with exemplary costs the appeals of Thomas Dubery,
and of William Irish, the owners of the ship *Princess Carolina*,
from a judgment of the Court of Errors, 24 July, 1762,
affirming a judgment of the Court of King's Bench and
Common Pleas, 19 May, 1762, in M'David's actions upon
bonds entered into by the owners to secure payment to him
of 9,263*l.* 5*s.* 4½*d.* currency, the appraised value of the ship.]

[p. 268.]

9 May. [On the Committee report of 1 May, the appeals are
dismissed with 20*l.* *stg.* costs in each case.] [pp. 418, 434.]

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[540.] [Reference to the Committee of a Board of Trade representation of 23 Feb., that they have received information of very extraordinary purchases of land in East Florida and have reason to suspect the like in West Florida.] [p. 270.] 24 Feb. Florida.

[The Committee direct the Board of Trade to prepare drafts of additional instructions for the Governors of East and West Florida,] requiring them not to admit Claims of Lands in those Provinces under Grants from the Spaniards except the same shall have been approved of by his Majestys Law Officers here. 7 Mar.
[p. 275.]

[On the Committee report of 16 April, the instructions are approved.] 18 April.
[pp. 373, 392.]

[541.] [Reference to the Committee, and by them on 7 March to the Advocate, Attorney and Solicitor General, of a Board of Trade representation on the conduct of the Rev. Thomas Bernard, rector of St. Michael's, Bridgetown, Barbados, who has wilfully absented himself from his cure for more than twelve months after the expiration of the license given him by the Governor, in opposition to his express injunction.] 2 Mar. Barbados.
[pp. 273, 276.]

[Reference to the Committee of a Board of Trade representation with two extracts of letters from Governor Pinfold, expressing great impatience to receive his Majesty's order on this complaint.] 12 Dec.
[IV., p. 48.]

[The Committee direct the law officers to take the complaint into immediate consideration.] 14 Dec.
[IV., p. 57.]

[Order for preparing an instrument adapted to the ends proposed by the law officers and recommended by the Committee on 19 March—] That there being no Act of Assembly at Barbados that has made any Provision for this Case, and the Ecclesiastical Laws, and the Acts of Parliament here, relative to this Subject, not being in force there, they are of opinion, that it may be adviseable for Your Majesty, if you shall so please, by proper Powers under the Great Seal, to authorize the Governor of Barbados to make in this, and similar Cases, an enquiry into the Matter, after a Citation fixed upon the (1765.) 19 Mar.

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Church Door, and to proceed to sequester the Profits of the Living, providing in the mean time for the Cure of the Parish ; or to declare the Living Vacant, and to collate or appoint a new Incumbent to the same, as the Circumstances of the Case may require. [IV. pp. 139, 157.]

9 Mar. [542.] [Reference to the Board of Trade of the memorial
Prince of John, earl of Egmont, on behalf of himself and his nine
Edward children, and a great number of land and sea officers, for a
Island. grant in fee of the island of St. John's.] [p. 312.]

26 Mar. [The Board of Trade report of 23 March is referred to the
Committee.] [p. 348.]

9 May. [On the Committee report of 7 May it is ordered that no
land be granted in the island on any conditions other than
those proposed by the Board of Trade, who reported :] We are of
Opinion it may be highly conducive to the speedy Cultivation
of your Majesty's American Dominions, that the Nobility and
other Persons of Rank and Distinction in this Country should
take the Lead and shew the example in the Undertaking and
carrying into Execution the Settlement thereof, and that all
due Encouragement should be given to Officers of your Majestys
Fleet and Army, to whose distinguished Bravery and Conduct
this Kingdom is so much Indebted for the Acquisitions made
in the late War.

We therefore humbly recommend to your Majesty that a
proper distribution be made of Lands in this Island to the
said Earl, for himself and Family, and to the other Memorialists,
Conformable to such Divisions and Subdivisions of the said
Island, as we shall humbly recommend to your Majesty, and
in such proportions as may be Suited to the particular
purposes and intentions of the said several Persons, so far as
the same shall be found to be consistent with those Principles
of Settlement, Cultivation and Government which have been
adopted for many Years past, and are founded upon the
experience of former times.

To this end, We humbly beg leave to lay before your
Majesty the Plan for the Division and Allotment of the Lands

in this Island, which We had intended to Submit to your Majesty, after having taken into our Consideration, the Proposals of several Officers Merchants and others for making Settlements therein; which proposals were withdrawn, upon the Earl of Egmonts having made his first Application to your Majesty.

The propositions contained in this plan were

That the Island should be forthwith Surveyed by your Majesty's Surveyor for the Northern District.

That it should be divided into Counties of Five hundred thousand Acres each, so near as natural and proper Boundaries would Admit.

That the said Counties should be laid out in like manner into Parishes of One hundred thousand Acres each.

That each Parish should be laid out in like manner into Townships of Twenty thousand Acres each.

That each County, Parish and Township should be laid out in such manner as to partake as much as possible of the natural Advantages of the Country, especially those which arise from the Sea Coasts and from the sides of Navigable Rivers.

That there should be laid out in each County a sufficient quantity of Land for the Scite and accomodation of a Town in the best and most Commodious part of the said County for the situation thereof, and that there should be reserved in each Parish a proper Scite for a Church and a proper number of Acres near the same for a Glebe for a Minister.

As this Plan is with great propriety applicable to the Proposals now under Consideration, and does, we conceive, equally Answer to the Views and intentions of the Memorialists, We humbly beg leave to recommend, that it may be adopted upon the present Occasion; and that, when the Survey we have proposed, with the several Divisions and Subdivisions, shall have been made and returned to your Majestys Governor of Nova Scotia, regular Grants of such Divisions and Subdivisions be made under the Seal of the Province to the said

Earl and his Family and to each of the other Memorialists under the same Regulations and Conditions of Cultivation and Settlement, as are prescribed by your Majestys Instructions, in respect to Grants of Lands in other parts of the said Province; due regard being had to the Intentions and Abilities of the several Memorialists, as well as to your Majestys Proclamation of the 7th of October last; but we would humbly recommend, that (Except in the Case of the said Earl, who proposes not only for himself, but for his nine Children) no one Person should possess more, under such Grants, than Twenty thousand Acres, and that each should have a seperate Grant; for We beg leave to Observe, that We do not see, that any Advantage whatever can arise to the Public, or to the several Adventurers by leaving the parcelling out of the Lands to the said Earl; but on the contrary experience has shewn, in the Cases of the great and exorbitant Patents of Lands in the Colonies, particularly in New York, that the making such Grants in joint Tenancy and Copartnership, and leaving the future distribution to be made by Deeds of Partition, have been ever found to be attended with great Inconveniencies and Obstruction to Settlement, with endless litigation and dispute amongst the Proprietors, and have made it difficult to ascertain and impossible to Collect the Quit Rents reserved to the Crown.

With regard to the Grant your Majesty shall think fit to make to the Earl of Egmont, We humbly Submit, whether, in Consideration of his Lordships extensive designs and his Abilities and Zeal to carry them into Execution, and that his Lordship proposes not only for himself, but for his nine Children, your Majesty may not be pleased to Grant to his Lordship, one whole Parish in the said Island for himself and his Family; but We beg leave to Observe to your Majesty, that We do by no means recommend to your Majesty the making Grants of so large extent in general.

If therefore what we have proposed shall be approved by your Majesty, and the several Memorialists shall be willing

to accept Grants in the method we have recommended, we would further propose, that in Order to prevent any Delay in carrying the abovementioned Plan into Execution, and to the end that your Majestys Governor may be enabled in making the Grants to Execute with exactness and precision, your Majestys Royal Intentions, the Memorialists should severally make their proposals to this Board, that the proper directions may be transmitted to your Majesty said Governour for making out Grants proportioned to the intentions and Abilities of the said several Memorialists as aforesaid.

As to the Conditions which the said Earl mentions to have been already declared and agreed upon between his Lordship and the other Memorialists, We beg leave to Represent to your Majesty, that every Condition, besides those of Cultivation and Settlement, which your Majesty usually inserts in Grants of Lands, will tend, as we apprehend only to embarrass the Settlers, and to delay and discourage or altogether prevent the Settlements.

We have Received no Official information relative to these Conditions ; but, if they are similar to, or partake of the nature of those, which his Lordship proposed in his first Memorial to your Majesty for the Island of St. John ; We beg leave to Repeat our Opinion, that the Introduction of such Conditions of Settlement and Tenure is entirely impolitick, inexpedient and Anticommercial.

The Earl of Egmont proposes that the several intended Grantees of the Island should come under the same Conditions of Quit Rent to your Majesty as are usual in the Continental part of your Majestys Province of Nova Scotia ; whereupon we think it our Duty to State to your Majesty, that, as this Island is particularly valuable from it's Soil as well as Situation, We had it in our Intention before his Lordships proposals were made, to raise for your Majesty an higher Revenue of Quit Rent from this Island than from the other parts of your Majestys Province of Nova Scotia ; and that certain Merchants had actually agreed to accept Grants of

Townships at the rate of Three Shillings per Hundred Acres; which addition of One Shilling per Hundred Acres will make a difference in the Quit Rents of the whole Island of a Sum not less than One thousand two hundred and fifty Pounds per Annum; And We have further to Submit to your Majesty upon this Head, how far it may be reasonable, that the cleared Lands of the said Island, consisting as we are informed, of many thousand Acres, in the most fertile parts, should be exempted from Quit Rent for ten Years, the Policy of which Encouragement is applicable only to such Lands as are not cleared at the time of Granting.

If therefore upon the whole your Majesty shall be pleased to direct, that Lands in the said Island should be Granted in Townships of Twenty thousand Acres, and such Subdivisions thereof as may be found Convenient, We have nothing farther to recommend to your Majesty but that out of the said Grants there may be reserved to Your Majesty according to the Instructions given to your Majestys Governor of Nova Scotia all Mines of Gold, Silver, Copper, Lead and Coals; and a sufficient breadth on the Sea Coast from High Water mark for the free Accomodation of all your Majestys Subjects in carrying on the Fisheries, for which the Coasts of this Island are so Advantageously situated together with proper Accommodations for the Fishery of Sea Cows, which, we understand abound on some parts of the Coast of the said Island. Hillsborough, Soame Jenyns, Ed. Eliot, Geo. Rice, Orwell.

[*pp.* 427, 431-4.]

9 May. [Reference to the Committee of a] Memorial of Admiral Charles Knowles, Sir Charles Saunders, Sir George Brydges Rodney and Richard Spry Esquire in behalf of themselves and other officers and Merchants, humbly praying for the reasons therein contained that a Grant may be made of the whole Island of St. Johns to be divided among them by Lots of Twenty thousand Acres each the Memorialists undertaking to make good and fully compleat the Settlement of that Island within the expiration of ten Years. [*p.* 437.]

1764.

[The Committee, considering the above orders of 9 May,] 14 May.
refer the aforesaid Memorialists to make severally their
Applications to the Lords Commissioners for Trade and
Plantations accordingly. [p. 443.]

[Reference to the Committee of the petition of Sir Charles (1765.)
Saunders, Admiral Keppel and others, that the Earl of 18 Oct.
Egmont's memorial be reconsidered, and a grant of the island
made to the petitioners on the terms laid down in Lord
Egmont's memorial, the jurisdiction to be subject to
alteration by the Council on the address of both Houses
of Parliament, if at the end of ten years any ill consequences
shall be found to have arisen from the grant. On 15 Nov.
the Committee refer it to the Attorney and Solicitor General
to report whether anything in the proposals is anticonstitutional
or illegal, and, if so, to suggest amendments.]

[IV. pp. 384, 407.]

[Reference to the Committee of a Board of Trade repre- (1766.)
sentation with a plan of the island.] [IV. p. 637.] 28 May.

[543.] [Reference to the Committee, and on 19 March by 9 Mar.
them to the Board of Trade, of the memorial of the Hon. Cape Breton
William Howe on behalf of himself and other officers who Island.
served in America in the late war and are entitled under
the proclamation to grants of land there :] being desirous to
become Adventurers in Opening Coal Mines and Endeavouring
to Establish a Colliery on the Island of Cape Breton for the
better Supplying the several Colonies and Garrisons, on the
Continent with Fuel, They humbly pray, that they may have
granted to them (as their Allotment) a Tract of Land on the
East shore of the aforesaid Island extending from the Point
on the North side of Mire Bay to the South East side of the
Entrance into the Labrador and Seven Miles Inland to be
computed from the point and entrance abovementioned and
supposed to contain about fifty five thousand Acres, which
Tract the Memorialists will settle with Inhabitants in the
manner directed by his Majestys Royal Proclamation.

[pp. 313, 319.]

660 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1764.

26 Mar. [A memorial of Charles, Duke of Richmond, Lennox and Aubigny, for a grant in fee of Cape Breton Island to himself and others of the nobility and gentry, is referred to the Board of Trade. On 18 May their report is referred to the Committee.] [pp. 348, 444.]

23 May. [Order is given in accordance with the Committee report of 21 May, agreeing with the Board of Trade, who represented] That was there no other Consideration in this matter than whether your Majesty should be graciously pleased to Grant the Island of Cape Breton to the Noble Memorialist as a Mark of your Royal favour and regard, we should not Hesitate to recommend to your Majesty to comply with his Graces request ; but it is our Duty in the Station We are in, to consider the Publick Interest only, and to lay before your Majesty such Plans as will in our Judgment most effectively conduce to the promoting and extending the Commerce of your Majestys Kingdoms by encouraging the speedy Settlement of those Valuable Territories and Islands Ceded and Confirmed to your Majesty by the late Treaty of Peace ; Your Majesty has been pleased to approve the Opinion, which we humbly offered in our Representations upon the Earl of Egmont's Memorials, praying a Grant of the Island of St. John, to which We beg leave to refer, and as the great extent of the Grant then desired was one Principal Argument which induced us humbly to advise your Majesty not to Comply with his Lordships Proposal, the same Argument Operates more strongly upon our Judgment in the present Instance, as the Island of Cape Breton is very Considerably larger than that of St. John. We cannot therefore avoid giving our humble Advice to your Majesty, that the same Principles your Majesty has been pleased to direct to be pursued in the Granting your Majestys Lands in the Island of St. John, should be adopted in Grants to be made of Lands in the Island of Cape Breton. [pp. 451, 459.]

11 July. [Reference to the Committee of a Board of Trade representation of 10 July on several proposals for working collieries in Cape Breton Island.] [p. 504.]

1764.

[Order in accordance with the Committee report of 17 July, 20 July. that the proposal of Sir Samuel Fludyer and his associates should be accepted as the most advantageous for his Majesty's service, and that the proposals, the Board of Trade representation, and the scheme of Joseph Guerish for the improvement of the coal mines in Nova Scotia, be referred to the Treasury for their opinion as to the manner and terms of the grant.] [pp. 526, 539.]

[544.] [On a Board of Trade representation of 20 March, 26 Mar. a commission for Hugh Palliser to be Governor of Newfound- land. land. is approved.] [p. 346.]

[His instructions, referred to the Committee on 11 April, 25 April. are approved on their report of 25 April, agreeing with the omission by the Board of Trade of the article requiring the Governor to assist his Majesty's subjects in removing their persons and effects, the object of which article no longer exists; and approving the additions made for securing the French fishing rights under the treaty] except only such part of the third Article as directs that the Fishing Season shall be understood to expire on the 30th of September, which the Committee are of Opinion ought not to be understood to expire on any limited Day, but to continue so long as the Subjects of France shall be Actually employed in Fishing and drying of Fish; Their Lordships have therefore thought proper to alter that part of the said Article by leaving out some Words and inserting others which will make the same run as follows (Vizt.) To chuse their Stations there during the Fishing Season according as they shall respectively Arrive in the said Harbours, and to occupy such a space of Beach as shall be proportioned to their number of Boats so long as the said Subjects of France shall be actually employed in Fishing and Drying of Fish agreeably in these respects to the Treaties of Utrecht and Paris and the established Practice in Consequence thereof. [pp. 369, 413, 416.]

[545.] [Reference to the Admiralty of a Board of Trade 26 Mar. representation of 23 March agreeing with a memorial of West Florida.

1764.

Governor George Johnstone proposing that a transport ship be provided to carry to West Florida ordnance stores and presents for the Indians, and to receive the civil officers appointed for the government.] [p. 347.]

- 11 April. [The Admiralty report of 7 April proposing that the Ordnance be directed to provide a vessel, is referred to the Committee: as is an Ordnance report of 30 March on the Governor's application for stores with an estimate therefor of 6,865*l.* 14*s.* 2*d.*] [p. 368.]

- 18 April. [On the Committee report of 16 April, the stores, of which a detailed estimate is given, are ordered to be sent in shipping provided by the Ordnance. The Admiralty represented that it had not been usual for them to pay such freight out of money voted for the Navy, and that four-fifths of the total tonnage to be carried was composed of ordnance stores—200 tons stores, 30 tons presents, 30 tons for “the other articles mentioned.” For the freight charges on the two latter heads the Ordnance are to be reimbursed by the Treasury. The Governor is ordered to take care in the preservation of the stores.] [pp. 374, 401–6.]

- 9 May. [Establishments for the preservation of the stores sent to West Florida and to the ceded islands are approved, on the representation of the Ordnance. Detailed estimates are given, the former amounting to 967*l.* 5*s.* and the latter to 1,076*l.* 15*s.*] [pp. 435–6.]

- 11 April. [Reference to the Committee of an Ordnance report and estimate of 9 April on an application by Governor James Grant for stores for East Florida. On the Committee report of 16 April, order is given on 18 April for sending stores (of which detailed estimate amounting to 1,680*l.* 11*s.* 9*d.* is given), and also for establishing officers to take care of the stores at Fort Augustine at an annual charge of 456*l.* 15*s.*] [pp. 368, 374, 406–10.]

- Grenada. [Similar entries occur on the corresponding dates on the application of Governor Robert Melville for stores estimated at 28,319*l.* 18*s.* 1*d.* for the defence of 32 bays in the ceded

islands and for protection against their own negroes. The Ordinance in their report of 27 March reduced the estimate to 9,295*l.* 12*s.* 11*d.*, of which the details are given. On 18 April the Governor is ordered to take care of the stores, but an establishment for their preservation is created on 9 May by the Order entered above under West Florida.]

[*pp.* 369, 375, 393-401, 435.]

[546.] [Reference to the Treasury of an Admiralty memorial of 14 March] relating to the Appointing a Judge of the Admiralty for all North America and the parts adjacent and to the Annexing a Salary to the said Office of not less than 800*l.* per Annum during the residence of the Judge in that Country to be paid out of the Moiety or other part of Seizures of Prohibited and Unaccustomed Goods directed by Act of Parliament to be paid into the Receipt of his Majestys Exchequer in lieu of his Majestys Share thereof, and if such Funds should prove insufficient, that then the said Salary should be paid by the Treasurer of the Navy out of the Money arising by the Sale of decayed and unserviceable Naval Stores.

26 Mar.
Plantations.

[*p.* 347.]

[A letter of 7 April from the Secretary of the Treasury intimating their approval of the proposal, is referred with the Admiralty memorial to the Committee.]

11 April.

[*p.* 367.]

[The judge to be appointed had been described as] Commissary Deputy and Surrogate in and throughout all and every the Provinces of North America and Maritime parts thereof, and thereto adjacent whatsoever, who may have a Concurrency of Powers with the several Judges of the Vice Admiralty Court already appointed in each Province, but without Power of hearing Appeals from those Courts, and saving in all things the Rights of the High Court of Admiralty in England.

13 April.

[Order is now given in accordance with the Committee report of 16 April, approving the plan] with this difference that such Jurisdiction be extended over all America instead of North America only, An Act of Parliament having passed since the

1764.

Date of the said Memorial, which Enacts that all Penalties and Forfeitures which may be recovered in any Court of Record or Court of Admiralty in the respective Colonies and Plantations where the Offence may be Committed may likewise be prosecuted and recovered in any Court of Vice Admiralty which may or shall be appointed over all America at the Election of the Prosecutor. [pp. 372, 393.]

9 May. [On an Admiralty memorial that it may be requisite to constitute a Vice Admiral of all America previous to the appointing of a judge, and praying to be empowered to do so, and on a Committee report of 7 May (on a reference of 25 April), a commission granting authority to the Admiralty to make such an appointment is ordered to be passed under the Great Seal.] [pp. 416, 422, 429.]

(1765.) [Reference to the Committee of a Treasury representation
5 July. of 4 July proposing that the Vice Admiralty Court at Halifax be transferred to Boston and that two other courts be established at Philadelphia and Charleston with jurisdiction over districts to be allotted to them by his Majesty. A plan of these districts is included in the reference.] [IV. p. 255.]

(1765.) [The Committee refer it to the Attorney and Solicitor General
15 Oct. to consider the representation and certain clauses in Acts of Parliament of 4 and 5 George III, and report whether his Majesty can revoke the Admiralty Court already established at Halifax for the whole of America and in lieu thereof establish the three other courts in the manner proposed by the representation.] [IV. p. 379.]

(1766.) [On an address of the House of Commons of 24 Jan. for
31 Jan. papers, Mr. Secretary Conway laid before it the Treasury representation, the Orders of 5 July, the reference by the Committee on 15 Oct., and the law officers' report thereon dated 21 Dec.] [IV. pp. 456-7.]

(1766.) [On an address of 15 Feb., copies of 14 other papers, from
3 Mar. the Treasury memorial of 4 Oct., 1763 to the Order of 9 May, 1764, were laid before the House of Commons. On 25 Feb.

1764.

these 18 papers were laid before the House of Lords by the Lord President, pursuant to two addresses of 14 and 17 Feb.]

[IV. pp. 513-8.]

[547.] [Order in accordance with the following Admiralty memorial of 19 March :—] Vice Admiral Sir Charles Saunders, having transmitted to Us a Petition of Augustine Rabbi, a North American French Pilot, Setting forth, that being a Prisoner in England in the Month of January 1759, he was sent on Board your Majestys Ship Neptune, to serve as Pilot for the Gulph and River of St. Lawrence ; and that in the Years 1760 and 1761, he served as Pilot on Board other of your Majestys Ships ; that during the Siege of Quebec, his House in that Town was burnt, and every thing he had there destroyed ; that he has had no allowance since August 1761, which has obliged him to Contract several Debts at Quebec for the support of himself and Family ; And Sir Charles Saunders having informed Us, that this Pilot served with him in the Neptune, during the Expedition against Quebec, and was very Serviceable, for which Sir Charles was authorized to promise him, that he should be rewarded here ; We beg leave to lay this State of the said Rabbi's Case before your Majesty, and in Consideration of his Services, and also in regard to his Losses, which are Certified by Brigadier General Murray, We do humbly propose, that a Pension of Five Shillings a Day may be Allowed him for his future support, and that the same be placed upon the Ordinary Estimate of the Navy.

26 Mar.
Quebec.

[p. 347.]

[548.] [Reference to the Committee, and by them on 16 April to the Board of Trade, of an address of the Council and Assembly of Jamaica,] setting forth, That his Majestys 49th and 70th Regiment which had been sent to that Island, consisted jointly of Two thousand Men, a number they apprehended absolutely necessary and scarce sufficient to secure and preserve the Peace and tranquility of that Island from the Secret Machinations and open Insurrection of their internal Enemys—That the number of Forces now in

11 April,
Jamaica.

1764.

that Island do not amount to more than Nine hundred and that in expectation of allways having the full Complement of Two thousand Men on that Establishment, they have at a very great Expence, built many good and convenient Barracks proper for their reception and accommodation ; and therefore humbly praying for such Augmentation of their Forces as His Majesty shall think fit. [pp. 369, 375.]

11 April.
Jamaica.

[549.] [Reference to the Committee, and by them on 16 April to the Board of Trade, of an address of the Council and Assembly of Jamaica setting forth] That the Duties imposed on the Staple Commodities of that Country, Sugar and Rum, particularly the latter, are so high that they do not afford any Adequate Subsistence, or give any Encouragement for the Manufacturing thereof ; And humbly praying for an Aleviation of those heavy Duties and Taxes under which they at present Labour. [pp. 369, 376.]

18 April.
Grenada.

[550.] [An additional instruction is ordered to be prepared for the Governor of Grenada in accordance with a Board of Trade representation of 13 April,] Setting forth, That the Persons, a List of whose Names are thereunto Annexed have been recommended to them as well qualified to serve his Majesty in the Station of Members of his Majestys Council for the Island of Grenada and the other Islands dependent thereon and therefore proposing that they may be accordingly appointed of his Majestys said Council, with an exclusion to the Gentlemen who hold the Offices of Chief Justice first Commissioner for the Sale of Lands Attorney and Sollicitor General and Receiver General of the Revenue, from taking upon them respectively the Administration of Government as Senior Councillor, upon a Devolution, so long as they shall continue in the said Offices ; That by this Appointment if his Majesty should be graciously pleased to approve thereof, the Council for the said Islands will for the present Consist of fifteen Persons, exclusive of the Lieutenant Governor of Grenada, the Lieutenant Governors of St. Vincents, Dominica

and Tobago and the Surveyor General of the Customs, Conformable to the second Article of his Majestys Instructions to his said Governor, which Article in so far as it leaves the Nomination to the Governor, will require to be Changed if his Majesty should approve the Persons the said Lords Commissioners have recommended ; But as his Majestys Governor has expressed his Apprehension that this number will not be sufficient to Assemble a Council in the Islands of Tobago St. Vincents or Dominica respectively as occasion may require the said Lords Commissioners humbly propose to his Majesty, that in Case it shall so happen that there shall not be a sufficient Quorum of Councillors present in any one of these Islands, within which it may be occasionally necessary to Assemble a Council ; His Majestys Governor may be empowered to appoint a number of Persons as shall be sufficient to make a Quorum from amongst the most Considerable of the Inhabitants of such Island, to Act as Councillors pro tempore during such exigency only.

List of Persons to be appointed of his Majestys Council for the Island of Grenada and the other Islands dependent thereupon. Francis Gore . . George Scott . . George Maddison . . Alexander Brown, [Lieutenant Governors respectively of Grenada, Dominica, St. Vincent and Tobago, and the respective Lieutenant Governors for the time being], The Surveyor General of the Customs in America for the Southern District for the time being, James Brebner, Chief Justice of the said Islands, William Young, First Commissioner for the Sale of Lands, Edward Horn, Attorney General, Edmund Griffith, Solicitor General, Richard Burke, Receiver General of his Majestys Revenues, Richard Ottley, Walter Pringle, Robert Turner, John Graham, Patrick Maxwell, Oliver Nugent, Anthony Malcolm, Thomas Proudfoot, John Cargill, — Jones. [pp. 411-2.]

[On a Board of Trade report of 30 April, the instruction is approved. George Maddison having resigned the Lieutenant

9 May.

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Governorship of St. Vincent, the name of his successor, Joseph Higginson, is inserted in his stead.] [p. 435.]

9 May.

West
Florida.

[551.] [The Council approve an instrument submitted on 1 May by the law officers on an Order of 26 March approving a Board of Trade representation of 23 March, viz. :—] By Your Majestys Royal Proclamation of the 7th of October last, and your Majestys Commission to your Governor of West Florida, it is declared that the said Province shall be bounded to the North by a Line drawn due East from that part of the River Mississippi which lyes in Thirty one Degrees North Latitude to the River Apalachicola ; but it is our Duty to Represent to your Majesty, that We are Informed by your Majestys Governor, that it appears, from Observations and Surveys made since the said Province has been in your Majestys Possession, that there are not only very considerable Settlements upon the East Bank of the Mississippi above that Line, but also that the Town and Settlement of Mobile itself is some Miles to the North of it ; and therefore We humbly beg leave to propose, that an Instrument may pass under the Great Seal (in like manner as was directed in the Case of the extension of the South boundary of Georgia) declaring that the Province of West Florida shall be bounded to the North by a Line drawn from the Mouth of the River Yasons, where it unites with the Mississippi due East to the River Apalachicola, by which we humbly conceive every material Settlement depending upon West Florida will be Comprehended within the Limits of that Government. [pp. 346, 435.]

9 May.

Florida and
Nova Scotia.

[552.] [Reference to the Committee of two Board of Trade representations of 8 May, proposing (a)] that Additional Instructions should be given to the Governors of the Provinces of East Florida and West Florida, revoking those parts of his Majestys General Instructions, which relate to the Reservation of Quit Rents in Grants of Land, and requiring them to reserve to his Majesty in all such Grants a Quit Rent of

1764.

One half Penny Sterling per Acre payable on the Feast of St. Michael in every Year, the first Payment to Commence on the said Feast of St. Michael which shall happen after the Expiration of two years from the Date of the Grant, and to be payable on every ensuing Feast of St. Michael or within fourteen Days after, [and (b) that a similar instruction for Nova Scotia fix the quitrents at not less than a farthing per acre.] [pp. 436-7.]

[Additional instructions are approved, on the Committee report of 21 May on drafts prepared by the Board of Trade in accordance with the order of the Committee on 14 May when they considered the representations.] [pp. 442, 451, 457-8.] 23 May.

[553.] [A draft of instructions for George James Bruere, Governor of Bermuda, is referred to the Committee, and on their report of 21 May, is approved on 23 May, when the Governor takes the oaths. The only changes are the reinsertion after the war of the article relating to the Neutrality Treaty of 1686, and the omission of article 53 for the disposal of certain lands belonging to his Majesty, this having been carried out, and of article 90 relating to the allowance made in lieu of the profits of licenses for whale fishing, after that fishery was made free to the inhabitants, that article respecting the late Governor alone.] 18 May. Bermuda.

[pp. 444, 452, 457, 463.]

[Reference to the Committee of a Board of Trade representation of 5 June, submitting Bruere's memorial] stating that by the reduction of the Independent Company usually stationed in those Islands, the Command of which was always given to the said Governor, the Emoluments of that Government are become insufficient to support His Majestys Governor with suitable Dignity and respect. [p. 470.] 6 June.

[The Committee refer to the Treasury the Board of Trade representation, which proposes] That the said Governor may have an Instruction to take such additional Salary out of the Annual Revenue arising to His Majesty in those Islands 26 June.

670 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1764.

from the Sale which His late Majesty ordered to be made of the Shares of Land in the said Islands belonging to the Crown.

[p. 482.]

(1765.) [On the Committee report of the same date agreeing with
19 Mar. the proposal of the Treasury, Governor Bruere is granted an addition to his salary of 250*l.* out of the revenue from the sale of Crown lands in Bermuda.] [IV. pp. 140, 156.]

18 May. [554.] [Reference to the Committee of a Board of Trade
Plantations. representation proposing an instruction to every colonial governor] to Cause a Table of all Fees legally Established within his Government to be hung up in every Publick Office, and forthwith to Publish a Proclamation in his Majestys Name, Setting forth in general, that frequent Complaints have been made of exorbitant Fees demanded and taken in the Publick Offices in his Majestys Colonies in America for Business transacted in such Offices and expressing his Majestys indignation at such Unwarrantable Practices, and strictly enjoining and requiring all Publick Officers whatever in their respective Stations to demand or receive no other Fees than what have been established by proper Authority upon pain of being removed from their said Offices and prosecuted with the utmost severity of the Law. [p. 445.]

6 June. [On 21 May the Committee directed the preparation of an instruction as proposed, with the addition of a clause requiring the Governor to transmit to the Board of Trade exact copies or tables of all fees legally established within their respective governments. On the Committee report of 6 June, instructions are approved on the same day for the Governors of Nova Scotia, Massachusetts Bay, New Hampshire, New York, New Jersey, Virginia, North and South Carolina, Georgia, Jamaica, Barbados, Leeward Islands, Bahamas, and Bermuda.] [pp. 454, 465, 468.]

18 May. [555.] [Reference to the Committee of a Board of Trade
East representation proposing an instruction to the Governor of
Florida. East Florida] to restrain him from Granting to any Person

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whatever, without his Majestys particular Orders and directions, those parts of the Coast of the said Province which are frequented by the Animals called Monati or Sea Cows.

[p. 445.]

[On the Committee report of 6 June, an instruction prepared in accordance with their order of 21 May, is approved. The name is spelled manatee in the later entries, and the phrase is added :—] And where they have their Echouries or landing places. 6 June.

[pp. 454, 465, 468.]

[556.] [Reference to the Committee of a Board of Trade representation of 19 June on a letter to them from the Governor of Nova Scotia] relative to the permitting the Acadians now remaining in that Province to become Settlers there upon taking an Oath of Allegiance. 22 June. Nova Scotia.

[p. 474.]

[The Council approve an instruction to the Governor to allow the Acadians to become settlers, prepared in accordance with an order of 11 July on a Committee report of 26 June. The Governor's letter desired directions in case the Acadians, who were very numerous, should incline to take the oaths of allegiance and fidelity. The Board of Trade represented] that there is no doubt that the Acquisition of so large a Body of useful Inhabitants would be of great Advantage to, and promote the speedy Settlement of this valuable Province, and therefore they submit to Your Majesty whether it would not be more adviseable to receive them into the Community under the Security of an Oath of Allegiance, which Example of Lenity might excite a due return of Gratitude, than to aggravate their present Resentments by absolutely proscribing them, which may drive them to despair and produce Consequences that may make it necessary to remove them by force at a great Expence to the Publick ; That Governor Wilmot represents these People as having a Warm Attachment to the French Government and capable under that Influence of greatly prejudicing Your Majesty's Interests in case of a future War, and therefore if Your Majesty should be graciously pleased upon a consideration 20 July.

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of what has been offered to direct, that they be permitted upon Condition of taking an Oath of Allegiance to become Settlers under Your Majesty's Government the greatest Attention should be had to disperse them in small Numbers amongst the rest of Your Majesty's Subjects, and to place them in scituations where they can have no Opportunity of Commerce or Correspondence with the Subjects of France in the Islands of Miquelon and Saint Peter, where Several of their Friends have been already settled, and where every Encouragement will be offered to them that can tend to establish their Prejudices for the Religion and Interests of that Nation.

[pp. 480, 494, 558.]

30 June. [557.] [An appearance for John and Alexander Harvie,
Jamaica. administrators of Samuel Collett, deceased, to the appeal of Zachary Bayly, one of the executors of Walker Buor Lodge, is entered by Mr. Woodhouse of Bridewell Hospital.] [p. 486.]

(1765.) [The petition of Alexander Harvie (John being now dead),
5 May. that the appeal be dismissed for non-prosecution is referred to the Committee. Harvie is described as attorney for Samuel Lewin, Collett's executor. Bayly appealed from a Chancery order of 23 July, 1763, on the Harvies' bill for Bayly and Robert Stanton, Lodge's executors, to come to an account with them for Lodge's estate, pay the balance, and deliver all bonds and other securities belonging to Collett's estate.] [IV. p. 185.]

(1765.) [On the Committee report of 16 May, the appeal is dismissed
21 May. with 80*l.* *stg.* costs for non-prosecution.] [IV. pp. 197, 204.]

5 July. [558.] [An appearance for George Anderson and Christian
Jamaica. his wife to the appeal of Malcolm Laing from Jamaica, is entered by Thomas Goostrey.] [p. 491.]

(1765.) [Reference to the Committee of the] Petition and Appeal of
1 Feb. Mark Hall and Charles Spencer Esqrs. (Surviving Executors of Mathias Philp Esq. deceased) and Malcolm Laing Esq. (only acting Executor of William Perrin Esq. deceased, who was an Executor and Residuary Devisee and Legatee of the said

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Mathias Philp) and William Philp Perrin (Residuary Devisee and Legatee of the said William Perrin) the said William Philp Perrin being an Infant by the said Malcolm Laing his next friend, from a Decree made in the Court of Chancery of the Island of Jamaica on the 28th of January 1764 whereby a Demurrer put into a Bill filed by the Petitioners against George Anderson and Christian his Wife and others was allowed and the said Bill dismissed as to them, which Bill prayed payment of one thousand pounds Jamaica Currency which had been paid by the said Mathias Philp towards discharging a Bond dated 5th of March 1724 given by Alexander Forbes to Richard Rigby Esqr. for payment of 3,500*l.* Sterling, and to indemnify the said Philp's Estate from any future payments on account thereof, the said Philp's being only a Surety in the said Bond for Alexander Forbes.

[IV. *p.* 83.]

[On the Committee report of 16 July, the decree of 28 Jan., (1765.)
1764, is reversed.] [IV. *pp.* 273-4, 303.] 26 July.

[559.] [Reference to the Committee of a Board of Trade 11 July.
representation of 10 July on the boundary dispute between New York and New Hampshire and the conduct of the Governor of New Hampshire in respect to granting lands.] New York and New Hampshire.

[*p.* 502.]

[On the Committee report of 17 July agreeing with the Board of Trade, the western banks of the Connecticut from where it enters the province of Massachusetts Bay as far north as 45° N. lat. is declared the boundary line between New York and New Hampshire.] 20 July.
[*pp.* 525, 540.]

[Committee.] Whereas by several Papers referred to this Committee it appears, that while the late Controversy was depending concerning the Boundary Line between the Provinces of New Hampshire and New York, which was finally determined by His Majesty's Order in Council of the 20th of July 1764 declaring the Western Banks of the River Connecticut from where it enters the Province of Massachusetts Bay as far North as the 45th Degree of Northern Latitude (1765.)
15 Oct.

1764.

to be the Boundary Line between the said Provinces. His Majesty's Governor of New Hampshire and Lieutenant Governor of New York, disposed of several Tracts of Land within those parts, the Jurisdiction of which was in dispute, and that since the issuing of His Majesty's said Order in Council, the Lieutenant Governor of New York without regard paid to the Grants made by the Governor of New Hampshire has regranted several Tracts of the said Land so granted by the Governor of New Hampshire: [the Committee direct the Board of Trade to write to the Governors of the two provinces for particulars of the grants made by them respectively in the disputed area.] [p. 378.]

(1766.) [Reference to the Committee, and by them on 5 June to the
12 May. Board of Trade, of a memorial of James Nevin on behalf of Samuel Robinson, Isaac Searle and many other British settlers in New Hampshire, setting forth that they had received a grant from Governor Wentworth of lands, which, on the fixing of the boundary, were found to be in New York, and praying confirmation of their property and charter of incorporation passed in New Hampshire, and the stay of any proceedings for ejecting them.] [pp. 618, 652.]

11 July. [560.] [Reference to the Committee of a Board of Trade
New representation of 10 July on several acts passed in New
Hampshire. Hampshire and on the Governor's conduct in passing them.] [p. 502.]

20 July. [Sixteen Acts of 1758-61 are repealed in accordance with the Committee report of 17 July, as being of an extraordinary nature, passed contrary to the Governor's instructions, and without any suspending clause. The Acts are]

1. An Act altering the times appointed by Law for holding the several Courts of Justice and other Matters relative to the Business of the said Courts therein mentioned—passed 2d March 1758.

2. An Act for making a Partition and Division of certain Lands therein mentioned, passed January 14th 1758.

3. An Act for vacating the Division and Settlement of the real Estate of Robert Thompson, and ordering a new Division—passed 4th February 1758.

4. An Act to settle the Title of certain Lands therein mentioned passed 14th February 1758.

5. An Act to enable Abigaile Hale to sell a certain Tract of Land therein mentioned, passed 28th February 1758.

6. An Act to prevent the killing of Wild Deer at unseasonable times—passed 1st March 1758.

7. An Act to empower, authorize and enable Jonathan Thompson of Durham in the Province of New Hampshire Yeoman and his Wife Susanna, who is Administratrix to the Estate of Samuel Thompson late of Durham aforesaid, Yeoman, deceased, intestate, to make a Deed of certain Lands in Durham aforesaid unto Robert Thompson of Durham aforesaid Yeoman passed 30th March 1758.

8. An Act to enable Thomas Millet Esquire to execute a Deed of Conveyance of certain Lands therein referred to as a Trustee and to make such Conveyance good, and for other purposes therein mentioned, passed 31st January 1759.

9. An Act to enable John Griffiths and George Huntress to make Sale of a Lot of Land and small House thereon situate in Portsmouth passed 1st November 1759.

10. An Act for making Partition of certain Lands therein mentioned passed 29th January 1760.

11. An Act to enable Obediah Tibbets a Minor to make an Exchange of Lands as therein set forth. Passed 10th February 1761.

12. An Act for ascertaining the Title to and preventing Disputes about certain Lands in Durham in this Province hereafter mentioned—passed 10th February 1761.

13. An Act to enable Joseph Jackson to sell certain Lands therein mentioned, and directing how the Money raised by the Sale shall be applied—passed 20th February 1761.

14. An Act to authorize Mr. Jeremiah Fogg as Guardian to Daniel Fogg his nephew to sell Part of his Lands for his Support at College—passed 5th March 1761.

15. An Act to enable Charles Benfill and others to revive a Suit at Law with Richard Wibird Esquire—passed 25th April 1761.

16. An Act to enable Zacheus Clough to sell and convey a certain Parcel of Land therein mentioned for the Ends therein declared passed 4th February 1758.

[The reasons given for their repeal are as follows :—]That the general Purport of the first mentioned Act is proper, but it establishes a Regulation respecting the Service of Writs of Summons, Scire facias, and other Writs, contrary to the Practice of this Kingdom.

That the purposes of the Second Act ought to have been regularly provided for by Writs of Partition, and not by Act of the Legislature, and there is no Description of the Lands of which Partition is to be made nor are the Names of the Parties inserted, or any Provision made for binding their Heirs.

That it does not appear that the Persons in possession of the Estates mentioned in the 3d and 4th Acts, had regular Notice given them of the Intention of the Parties (in whose Favour the said Acts were respectively passed) to apply to the Legislature ; and they relate to matter properly cognizable in a Court of justice.

That the 5th Act is attended with particular Circumstances, and that nothing but those could justify the passing it, and although these Circumstances are favourable yet the Enabling a Wife to sell and dispose of the Estate of her Husband under any Pretext whatsoever, he not consenting, is contrary to Law, and that this Act is further liable to objection, as an Injury is thereby done to the Heir, and as it does not appear that the Heir was privy to the passing of it.

That the Intention of the 6th Act to prevent the killing of wild Deer at unseasonable times may have been very good,

and perhaps the prohibitions therein contained absolutely necessary, but that the Powers therein given are very extraordinary and totally inconsistent with the Principles of this Constitution, for the Act after having prohibited the killing wild Deer at certain Seasons, inflicts the Penalty of fifteen Pounds upon every Offence, and then directs the Proof requisite for Conviction, in which it says, that where there is no Witness to prove the Fact, and the Party is charged upon Suspicion, by the Oath of any Person, that such Party must acquit himself upon Oath, or be deemed guilty, and that after such Oath so taken, the prosecutor may nevertheless produce Evidence and the Party may be convicted.—That this is the only Instance in which the Party charged upon a Penal Statute shall be obliged to accuse himself, if guilty, and perhaps the only Instance in which a Person can be tried twice for the same Offence.—It is also Enacted that the Grand Jury may present such Offence, if no Prosecution be then commenced, which presentment shall be sufficient to put the Party accused upon his Oath to discharge himself, or be deemed guilty and incur the Penalty, That this appears very unconstitutional that a Grand Jury may take Cognizance of an Offence, and yet the Court may proceed to a summary Conviction of the Party without the Assistance of a Petit Jury.—That this Act further enacts, That every Parish shall be empowered to choose Deer keepers, and they to have full Power to search all Places, and to open any Doors and Chests, or other Places locked or concealed where they have reason to suspect the Flesh or Skins of any Deer killed at such unseasonable times to be hid, and they to have full Power to apprehend *ex Officio* any Person in whose Custody the same shall be found, and shall carry him before the next Justice of the Peace, who is to take sufficient Security to answer the Judgment upon Conviction, and in Default of such Security being given to commit the Person so apprehended till he finds Security—That the Power of searching given by this Clause is so very extensive, that it is unsafe to be entrusted with

any one, as no Information upon Oath is required, nor the Warrant of any Civil Magistrate made necessary, nor indeed is the having in possession any such Flesh or Skins created an Offence by this or any other Act, nor any Penalty thereon inflicted, and yet this Act is to supersede all other Methods of Prosecution for killing Deer as aforesaid.

That the 7th Act relates to Private Property, which under the Circumstances of it, is properly determinable in a Court of Equity, and not by Act of Assembly ; That the Party praying Relief will in such Court be put upon proving his Right, and the Party opposing will make their Defence, and then the Merits will appear, but that this Act determines the Right on a Suggestion of one of the Parties, and in his favour, without any Proof appearing in support of it, or how far the other Party approved it.—That this Act obliges an Administratrix and her Husband to convey to the Person who Petitioned the Assembly for the Act, an Estate which the Intestate bought of the Petitioner in 1754, for the Sum mentioned therein, upon a Suggestion that the Deed was not designed as a Conveyance of the Premises but in the Nature of a Mortgage ; and it does not appear that Notice was given of the Application to the Assembly for the passing this Act.

That the 8th Act is highly exceptionable, as upon the face of it there appears a Compulsion on a Feoffee of Lands in Trust, and a Bribe to induce him to acquiesce without Opposition.—

That although the 9th Act may be for the Benefit of the Parties Interested, it has been passed very irregularly, no Notice having been given according to the Governors Instructions, and one of the Parties Interested being beyond Sea, and no Person having appeared on his behalf.

That as to the 10th Act, The Names of the Minors interested therein are not mentioned, nor what Proportion belongs to them of the Lands in Hampton, and elsewhere in this Province, which they hold in common with other Persons, nor are the Names mentioned or the Shares expressed of those other Persons, although they are to be bound by the Partition ;

nor does it appear there was particular Notice given to the Parties concerned of the Application for the Act.—It is likewise unjust to appoint a Guardian to Benjamin Towle on the Petition of his Brother Elisha, for a Partition of Lands devised to him in Fee Simple, and to his Brother for Life, on a Suggestion that Benjamin is Subject to Fits of Distraction, though favoured with lucid Intervals, but yet not able to apprehend so as to have the same property stated in a Deed, for if Benjamin is a Lunatick, he ought to be found so upon an Inquisition, and then His Heir at Law would be appointed Committee of his Estate and could act for him.—

That as to the 11th Act, however reasonable and convenient it might be to the Party to make the Exchange of the Lands intended by this Act yet his being a Minor, and not appearing by the Act to have any Guardian consenting thereto, he should not have been authorized to do the same, and execute Deeds as if he had been of full Age ; That this is what the Legislature never does, and might be attended with great Inconveniencies if practiced, and that the Lords Commissioners for Trade and Plantations apprehend this Act to be defective as the Heir is not made a Party to it.—

That by the 12th Act, the Private Property of Persons are settled and determined upon Suggestions which are not properly cognizable by the Legislature ; That the Matters therein mentioned should be determined by the Courts of Law where the Parties, if aggrieved, will, upon proper Proofs, have such Remedy as the Law allows of, and that the Legislature should not take upon them to determine Matters of Property this way ; and that the Provisions of the Act appear to be unreasonable, arbitrary and cruel.

That the 13th is an unusual Act, by empowering any one to sell the Estate belonging to Minors, but the Party Joseph Jackson being Executor of their Fathers Will may be properly supposed to be a Friend and judge what is proper for the Minors Interest, however the Heir of the Minors is not made a Party to this Act.

1764.

That the 14th Act is of a very unusual Nature, and there are no Instances of a Guardian being empowered to sell a Minors Estate for such Purposes as is therein mentioned ; That it is very probable it may be convenient but that great Inconveniencies might attend such a Precedent ; That it does not clearly appear whether the Act be proper, and for the benefit of the Minor as the Value of the Land that is to be sold is not set forth nor how long the Minor is still to remain at College, That no Notice appears to have been given of the application for this Act, and that the Heir of the Minor is not made a Party to it.

That the 15th Act was passed in 1761 and was to enable the Parties to proceed at any time within one Year after the passing it, which time is now expired ; But that the Matters contained in it were not proper for an Act of Assembly ; That the Provisions of this Act are unreasonable and unjust, and it does not appear that any Notice of the Application for it was given to any of the Parties interested therein.

And that the 16th and last mentioned Act is unjust and oppressive, for it is to take away an Estate descended on the Suggestion of an Executor that it was the Intention of the Testator the Father to sell it to discharge a Mortgage on another Estate.

[pp. 516-21, 541-3.]

11 July. [561.] [The petition of Alexander, Earl of Eglinton and
Florida. others] for a Grant of the Soil of the Provinces of Georgia and
and two Floridas under the Conditions therein mentioned in order
Georgia. to a speedy and perfect settlement thereof [is referred to the
Committee, and by them on 17 July to the Board of Trade.]

[pp. 507, 534.]

11 July. [562.] [Reference to the Committee, and by them
Delaware. on 17 July to the Board of Trade, of the petition of
Eliphalet Dyer on behalf of himself and others,] Purchasers of
several large Tracts of Land on or near the Rivers Susque-
hannah and Delaware in North America, commonly called by
the Names of the Susquehannah and Delaware Companies,

amounting to the Number of Two Thousand Persons or thereabouts, humbly praying, that he may be permitted to lay before His Majesty in Council, or in any other manner as to His Majesty's Wisdom shall seem meet, the fullest Proof of the Validity Justice and fairness of the said several purchases, and the perfect satisfaction and acquiescence therein by the Indians from whom the same were made ; and further praying, that upon the Renunciation of the Assembly of the Colony of Connecticut of all Right and Title to the said purchased Lands, as lying within the Limits of their Charter, His Majesty will be most graciously pleased to grant the said purchased Lands to the Petitioners Constituents, and to constitute and erect them into a new Colony or Settlement by such Name in such Form and under such Regulations and Restrictions as to His Majesty in His Royal Wisdom shall seem most fitting and convenient. [pp. 508, 535.]

[Reference to the Committee, and by them on 22 Aug. to the Board of Trade, of the petition of sundry of the owners and possessors of the islands in the river Delaware, that the islands be annexed to New Jersey and their property confirmed to them on rendering to his Majesty such rents or acknowledgments as shall seem reasonable.] (1765.)
5 June [IV. pp. 216, 334.]

[563.] [Reference to the Committee, and by them on 17 July to the Board of Trade, of the petition of Sir James Jay, on behalf of the Governors of King's College in New York, praying a grant of 20,000 acres for the College free of conditions of cultivation and quitrent, and to be selected by the Governors out of the Crown lands before any person or persons who have obtained orders for lands in the said province are permitted to locate the same.] 11 July.
New York [pp. 508, 534.]

[Committee.] Report of the Board of Trade . . Read and Postponed. 14 Dec.
[IV. p. 61.]

[Order in accordance with the Committee report of 25 March, agreeing with the Board of Trade, who reported :—] That as this new established Seminary for the encouragement of Religion and useful Learning, appears to be a laudable (1765.)
29 Mar.

1764.

Institution, and, as such, has already been favoured with Your Majestys Countenance and Protection, They see no Reason why Your Majesty may not endow it with such a landed Property as the Petitioner requests which will give it greater Respect and stability and will under proper Restrictions and prudent Management be no inconsiderable Addition to its present Slender and precarious Support, and therefore the said Lords Commissioners recommend, that your Majestys Orders may be given to the Governor of New York to cause Twenty thousand Acres of Land to be surveyed and laid out for this purpose in one contiguous Tract, in such Part of the Province as the acting and resident Governors of the College shall choose and upon a return of such Survey to pass a Patent for the same to the Governors of the said College as named in the Charter and their Successors for ever for the Use and benefit of the said College, with a power to the said Governors to grant Leases of the Premises for three Lives or any Term not exceeding Ninety Nine Years, reserving a Rent to the College of at least one Third of the improved Value.—As to the Request of the Petitioner that these Lands may be granted free of Quit Rent, if Your Majesty shall be pleased, as a mark of Your Royal Grace and Favour, to approve of such Remission of the usual Quit Rent, The said Lords Commissioners recommend, that an annual Quit Rent of Six Shillings and Eight pence should be reserved to be paid by the President and Fellows of the College to the Governor or Commander in Chief of the Province, sitting in Council, in the Council Chamber, on every Monday after Easter in each Year; but they do not think it either expedient, or for the Interest or Advantage of the College, that this Grant should be made free from the Conditions of Cultivation prescribed in Your Majestys Instructions, or that it is either just or equitable to allow that Priority of Location of the Lands desired by the Petitioner.

[IV. pp. 168–9, 173–4.]

11 July.
Jamaica.

[564.] [Reference to the Committee of the petition of William Beckford for a day for hearing his appeal from a

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judgment of the Governor and Council of Jamaica, 1 Nov., 1763, reversing a judgment of the Supreme Court in his action of trespass and ejectment to recover from Samuel Jeake 1,360 acres of land in the parish of St. Mary.] [p. 509.]

[On the Committee report of 17 July, the judgment is affirmed without prejudice to any remedy the appellant may think himself entitled to respecting an information exhibited by the Attorney General of Jamaica at the instance of Jeake, on 27 Aug., 1754, against the representatives of Sir Thomas Lynch for non-payment of quitrents. Beckford had purchased the land from Sir Lynch Salusbury Cotton: Jeake, on 2 March, 1756, secured a grant of it as escheated to the Crown for non-fulfilment of conditions. [IV. pp. 66, 285-6, 304.] (1765.) 26 July.

[565.] [A Nova Scotia Act of June, 1763, for regulating the proceedings of the courts of judicature, is disallowed on the Committee report of 17 July (on a reference of 11 July), showing] That this Act makes an Alteration in the Law in relation to Bills of Exchange, Notes of Hand, and Settlements of Accounts, by declaring and enacting the same to have the force and effect of Specialties; That the Reasons given for this Province to make an Alteration of the Law in this respect and be upon a different footing from other Provinces do not appear, and that it does not seem reasonable to admit of such alteration, but that such Debts should rest upon the footing the general Law has established them in all Places. [pp. 500, 513, 543.] 20 July. Nova Scotia.

[566.] [A North Carolina Act of Dec., 1762, appointing the method of distributing intestates' estates, is disallowed on the Committee report of 17 July (on a reference of 11 July), showing] that this Act seems to have been intended to be made agreeable to the Act of Parliament of the 22d and 23d of King Charles the Second for the distribution of Intestates Estates, and most part of it is so, but that there is a very material difference, which must have arisen by mistake, for this Act directs the distribution of one third of the Intestates Estate to the Wife, and the rest by equal portions amongst 20 July. North Carolina.

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the Children, without including the legal Representatives of any Children that may happen to be dead ; That in this manner the distribution is directed to be made by the said Act of Parliament and ought to have been inserted so in this, and their Lordships further [find] that this Act is defective in the proper directions. [pp. 500, 514, 544.]

20 July. [567.] [A New Jersey Act of Sept., 1762—for rendering
New Jersey. void the lottery lately made by Peter Gordon for the sale of certain lands lying in the county of Middlesex and to relieve and secure the trustees and managers of the said lottery against any action that is or may be brought against them concerning the same—is disallowed on the Committee report of 17 July (on a reference of 11 July), showing] that it relates to a private transaction, in which the Legislature of this Province has no concern, nor ought in that capacity to have interfered by any Act of Assembly in relation to it ; That if Peter Gordon and the Managers appointed by him to conduct the Lottery have either by Fraud or mistake done any thing to the prejudice and loss of the Adventurers, they must justify themselves, or be made accountable for the same in a legal Course, and the adventurers ought to be left at liberty to make use of such remedies for their redress as they are legally intitled to without being debarred in their proceedings by any Legislative Act in favour of the Managers. [pp. 501, 514, 547.]

20 July. [568.] [A Virginia Act of 18 Dec., 1762—to empower the
Virginia. vestry of the parish of Bruton to sell certain lots in the city of Williamsburgh for the purposes therein mentioned—is disallowed on the Committee report of 17 July (on a reference of 11 July), showing] that this Act empowers the Vestry of the Parish of Bruton to sell a real Estate vested in them for the benefit of the Poor of that parish, and to lend out the purchase money on personal Security, by which means the purchase money and the benefit of the same may be lost to the Parish ; The empowering the Vestry to sell the Estate may be proper and convenient, but they should be restrained to lay the money

out again on some other real Estate, or if the money be lent out, it should be on real Security, and not on personal, and . . the Interest of the Parish is not properly Secured.

[*pp.* 501, 515, 544.]

[569.] [Two Georgia Acts of April, 1763—for empowering the General Court of Pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common in this province, and appointing the method of proceeding therein: and—for preventing fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made in respect to any defect in the form and manner of making thereof—are disallowed, on the Committee report of 17 July (on a reference of 11 July), showing] that the first mentioned Act by the title, appears to be for the general partition of Lands held in Coparcenary, joint Tenancy and Tenancy in common, and in the Preamble recites, that the same cannot be made by Writ of Partition in the manner of proceedings in England, therefore by this Act, a method is prescribed for that purpose which appears not to be effectual so as to comprehend the general partition of such Estates as may belong to infants, and obliges such infants, when they come to age, and Guardians of such other infants as may have shares in the same Estates, to apply for Writs of Partition which are to be prosecuted and Partition made, and be conclusive to the Infants and all Parties without any Appeal—This is a power too great to be executed in this manner.—The Act of Parliament of the 8th and 9th of William for Partition of Lands has reserved an Appeal from Judgments upon Writs of Partition in cases of Infancy and other disabilities, and this Act is so loosely worded as not to be well understood as to the intent and effect of it.—That with respect to the second Act so far as it relates to the Registering of Deeds &c., it is different from any of the Acts of Parliament that have passed here for that purpose which are extended to all Deeds &c. that shall be made from and after a fixed day after the passing of the Act, by which all persons

20 July.
Georgia.

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have Notice of what they are to do, and the inconveniencies that will attend their neglecting the same, and includes no Deeds that have been made before—But this Act as it is worded includes all Deeds which shall be first Registered after the passing it, and may by that means let in second Purchasers and Mortgagees to take the start in Registering of their Deeds before the prior purchasers or Mortgagees, who were not obliged before to register their Deeds and thereby defeat them of their right.—And it goes farther in confirming all Deeds &c. made before the passing this Act, which may have been made and executed in any defective way—This is too general and extensive a confirmation of Deeds, the validity of which should remain upon the usual and Legal proofs when they are required, and is not in any other Act relating to the Registering of Deeds ; And it further appears that this Act is a temporary one, when, from the nature of it, it ought to have been perpetual. [pp. 503, 521, 545.]

20 July. [570.] [A Barbados Act of Nov., 1762—to preserve Barbados. inviolate the tranquillity and the credit of this island by rendering John Adams, Esq., incapable of being elected a member of the General Assembly or of exercising any office, civil or military, in the government of the said island—is disallowed, on the Committee report of 17 July (on a reference of 11 July), showing] that this Act is of an unusual nature, not any having been passed for the same purpose in any of your Majesty's Plantations. That this Act appears to be subversive of every principle of justice, it Enacts a punishment for a crime *ex post facto*, and inflicts a second punishment upon a man for a misdemeanor after he had been tried before his Country, found guilty, and suffered the punishment for the same, and as a precedent of so dangerous a nature ought to be checked in the first instance.

[pp. 503, 522, 546.]

20 July. [571.] [Two Acts of New Jersey and one of New York New York, submitting to his Majesty the partition of the lands in dispute and New Jersey. between these colonies are approved (*cf.* App. III), and the

1764.

Board of Trade are ordered to propose the names of fit persons to be commissioners for settling the boundary.] [p. 549.]

[The Board of Trade report of 20 July submitting a list of names is referred to the Committee.] 3 Aug. [p. 604.]

[On the Committee report of 14 Dec., the Attorney and Solicitor General are ordered to prepare a draft of a commission for settling the boundary not yet ascertained from the station on the Hudson River to that on the Delaware. The commissioners to be appointed are—John Temple and Peter Randolph, Surveyors General of Customs for the Northern and Southern districts; Andrew Elliot, Receiver General of Quitrents in New York; Chambers Russel, Judge of Vice Admiralty in Massachusetts Bay; William Allen, Chief Justice of Pennsylvania; Samuel Holland and William de Brahm, Surveyors General of Lands for the Northern and Southern districts; Andrew Oliver, Secretary of Massachusetts Bay; Richard Bulkley, Secretary and one of the Council of Nova Scotia; Charles Morris, Surveyor of Lands and one of the Council of Nova Scotia; Peyton Randolph, Attorney General and one of the Council of Virginia; Joseph Guerish, one of the Council of Nova Scotia; Joseph Gorham of Nova Scotia; Benjamin Franklin of Pennsylvania; and Jared Ingersoll of Connecticut.] 19 Dec. [IV. pp. 55-6, 63-4.]

[572.] [Reference to the Committee of the petition of George Webbe, jun., and John Richardson Herbert, of Nevis, that the appeal be dismissed which they brought from a decree of the Vice Admiralty Court there, 16 Jan., 1760, pronouncing them contumacious for default of performing a previous decree of 30 Oct., 1759, on a libel brought against them by John Bourke for sale of the brigantine *St. Peter* to pay a ransom and other charges he had sustained. The petitioners have now paid to John Broadbelt, proctor for Bourke, the penalty of a bond entered into by them for performing the judgment of the Vice Admiralty Court.] 20 July. Nevis.

[p. 559.]

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3 Aug. [On the Committee report of 27 July, the appeal is dismissed without costs.] [pp. 585, 599.]

20 July. [573.] [Reference to the Committee of the petition of
Massachusetts Bay. Thomas Dudley, gent., of Massachusetts Bay, eldest son and heir of William Dudley, deceased, who was a son and devisee of Joseph Dudley, for leave to appeal from a judgment of the Superior Court in Feb., 1763 (but entered on record as of Oct., 1762), on his writ of review from a judgment of the said Court, 18 Sept., 1758, in an action about a farm of 1,000 acres at Manchaug (or Mancheag) between the petitioner and Joseph Richards and Elizabeth his wife, Benjamin Guerrish and Rebecca his wife, Joseph Dudley, John Cotton and Mary his wife, and Ann Dudley, a minor.] [p. 560.]

3 Aug. [On the Committee report of 27 July, the appeal was admitted. Security was given on 6 Sept., by Joshua Sharpe of Lincoln's Inn.—The appeal was referred to the Committee on 5 May, and an order for hearing was made on 16 May, 1765. On 16 Dec. an appearance was entered for the respondents by Messrs. Brown and Smith in Austin Friars. No further entry has been found.] [pp. 586, 601 ; IV. pp. 186, 197, 444.]

1 Aug. [574.] [An appearance for Mary, widow of John Sober,
Barbados. and Dowding Thornhill Bonnett, son and heir of Edward Bonnett, to the appeal of Benjamin Charnock from Barbados, is entered by Thomas Fell of Clifford's Inn.] [p. 592.]

(1765.) [Reference to the Committee of the petition of Sober and
5 July. Bonnett that the appeal be dismissed for non-prosecution. It relates to a Chancery judgment of 10 May, 1764, dismissing Charnock's bill against them for payment of moneys due on a mortgage and judgment affecting an estate called Thornhills.] [IV. p. 258.]

(1765.) [On the Committee report of 17 July, the appeal is dismissed
26 July. for non-prosecution.] [IV. pp. 289, 310.]

3 Aug. [575.] [Reference to the Committee of the petition of
Jamaica. Henry Israel, jun., of St. Ann parish, Ja., for a day for hearing his appeal from the condemnation of the sloop *Diamond*, Joseph

1764.

Rondon master, by the Vice Admiralty Court, 24 July, 1762,
at the instance of William Donaldson.] [p. 604.]

[On the Committee report of 16 July, the appeal is dismissed.] (1765.)
[IV. pp. 68, 274, 303.] 26 July.

[576.] [On the petition of Peregrine Cust, George Prescott, William Fitzherbert, Robert Nettleton, and others who are chosen a committee to manage the charitable contributions in favour of the German protestants brought into this kingdom, setting forth] That upwards of four hundred industrious foreign Protestant Inhabitants of the Palatinate and other parts of Germany, having been seduced from their own Country, and brought into this Kingdom by the Sieur Stumpell a German Officer, upon Promises and Assurances of Encouragement and Support which he had neither Authority to declare or Ability to execute, the said Foreign Protestants, abandoned by the said Stumpell, were reduced to great Distress, and very deplorable must have been their Fate, had they not been relieved by the charitable Contributions of many of His Majestys loyal and well disposed Subjects, excited and animated thereto by His Majestys great Example : That the said Contributions have already amounted to a very considerable Sum, and the Petitioners who are a Committee chosen to manage the said Charity are humbly of opinion, that the Intention of this Charitable Contribution cannot be answered in a manner more advantageous to the Interest and Happiness of the Objects of it, and more for the publick utility, than in applying what shall remain, after their immediate Wants are supplied, and their Support here provided for, to defraying the Expençe of their Passage to such Part of His Majestys American Colonies, where His Majesty shall think they may be settled with the greatest Advantage and Propriety, The Petitioners therefore submit their Intentions to His Majestys Royal Consideration, humbly beseeching, that if His Majesty shall be graciously pleased to approve thereof, His Majesty will issue His Orders to what Colony they shall be sent, and also to signify His Royal Directions to

14 Sept.
South
Carolina

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the Governor of such Colony, that he do forthwith upon their Arrival give them all possible Countenance Protection and Support, and cause a proper District of Land, in a convenient Situation, to be surveyed and allotted to them, with Exemption from Quit Rent and Remission of Fees of Survey and other Rents and Charges as has been usually granted in Cases of the like nature more particularly, in the Case of the French Protestants which have been lately settled in the Province of South Carolina with so much Advantage to themselves and Benefit to the Publick. [It is ordered that they be sent to South Carolina, granted lands free of quitrents for ten years, and supplied on their arrival with arms and ammunition. The expense of surveying and laying out the grants is to be defrayed out of the revenue from quitrents. [*pp.* 617–20.]

12 Dec. [Reference to the Committee, and by them on 14 Dec. to the Board of Trade, of a letter from the Secretary of the Treasury transmitting a memorial of George Saxby, Receiver General of South Carolina, relative to the orders for settling French Protestants and Palatines there.] [IV. *pp.* 49, 59.]

GEORGE III. VOL. IV. (1 Oct., 1764—27 Aug., 1766.)

1 Nov. [577.] [Reference to the Committee* of a letter from the
Rhode Treasury with] extracts of letters from Rear Admiral
Island. Lord Colville Commander in Chief of His Majestys Ships
and Vessels in North America, and likewise from Lieutenant
Hill Commanding Officer of the Schooner St. John and
acting as a Custom House Officer to prevent smuggling
and carrying on an illicit Trade in those parts relating
to the Riotous Behaviour of the Inhabitants of Rhode
Island, in opposition to the said Lieutenant Hill acting
in his Duty as aforesaid. [*p.* 34.]

* The entry is of a reference to the Attorney and Solicitor General, but the marginal heading says "to a Committee," and the following extract indicates that this is correct.

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[The Committee consider the papers and refer them to the Attorney and Solicitor General,] finding that they contain an Account of some violent and outrageous proceedings of the People in Rhode Island against the Officers and Men belonging to the said Schooner, by opposing them in the Discharge of their Duty, wounding several of them, threatening to burn the said Schooner and actually firing upon them from a Battery at Goat Island . . [The letter transmitting this order to the Attorney General is also given, dated 3 Nov. It adds :—] It may not be improper for me upon this occasion to apprise you that Rhode Island is one of those Charter Governments, which elect their own Governors, and appoint the Judges and all other Officers excepting only the Judge of the Vice Admiralty and the Custom House Officer, and hold no correspondence with the Officers of the Crown, nor transmit any of their Laws for His Majesty's approbation. [*pp.* 35–6.]

2 Nov.

[On the Committee report of 15 March, copies of the report of the law officers are ordered to be sent to the Governor and Company of Rhode Island and to the Collector of Customs there] with directions to return with all possible dispatch an exact and punctual Account of the whole Proceeding authenticated in the best manner the Nature of the Case will admit of together with the Names and descriptions of the Offenders and what means were used at the time of the tumult by the Government and Magistracy of that Colony for the Suppression thereof and the Protection of your Majestys Vessels and their Crews, particularly whether anything and what done by the Government of the said Colony when the Populace possessed themselves of the Battery upon Goat Island and what measures have been since taken to discover and bring to Justice the Offenders. [*pp.* 136, 154–5.]

(1765.)

19 Mar.

[Reference to the Committee of a letter from the Secretary of the Treasury with a copy of a letter of 30 Aug. from the Collector and Comptroller of Rhode Island] containing a particular account of the Riot at that place in June 1764

(1765.)

22 Nov.

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1764.

when the people forced the Gunner of Fort George to fire upon the St. John Cutter belonging to His Majesty. [p. 423.]

(1766.) [A return from the Governor is also referred to the
10 Feb. Committee.] [p. 475.]

12 Dec. [578.] [Reference to the Committee of a Board of Trade
Massachu- representation of 11 Dec.] relative to the Resolutions and
setts Bay proceedings of the Houses of Representatives of the Provinces
and of Massachusetts Bay and New York which shews the most
New York. indecent disrespect to the Legislature of Great Britain. [p. 48.]

19 Dec. [Order in accordance with the Committee report of 14 Dec.
The Committee considered the representation,] together with
several Votes of the House of Representatives of the Province
of Massachusetts Bay, of the 1st, 8th, 12th and 13th of June
1764, and also an Address of the General Assembly of the
Colony of New York, to the Lieutenant Governor of that
Colony, dated the 11th of September 1764, with the said
Lieutenant Governors answer thereto ; And do thereupon
humbly report to Your Majesty as their opinion, That it is
a matter of the highest consequence to the Kingdom, and the
Legislature of Great Britain, and worthy the Consideration
of Parliament ; and to that end, that it may be adviseable for
Your Majesty to give Directions that the same be laid before
the Parliament at such time and in such manner as Your
Majesty shall be pleased to direct and appoint. [pp. 54, 62.]

(1766.) [Another extract from the Votes and Proceedings of the
1 Feb. New York Assembly of 18 Oct., 1764, of the same tendency
with the other papers, is ordered to be put into the hands of
the Earl of Halifax, Secretary of State, to be laid before
Parliament at the same time as the others.] [p. 80.]

12 Dec. [579.] [Reference to the Committee (and by them on
Massachu- 14 Dec. to the Board of Trade,) of a letter from the Secretary
setts Bay. of the Treasury transmitting papers relative to the conduct
of Governor Bernard,] which is therein represented to have
been contrary to the Instructions given him with respect to
the Officers of the Revenue within his Government. [pp. 48, 59.]

1764.

[Letter from Philip Sharpe, Clerk of the Council, to John Pownall, Secretary to the Board of Trade, transmitting to the Board of Trade several other letters and papers from Mr. Temple, Surveyor General of the Customs in New England in support of the charge against Governor Bernard.]

(1765.)
12 Jan.

[p. 69.]

[Another letter, enclosing copies of two letters from Mr. Temple to the Commissioners of the Customs and a copy of an affidavit. More papers from Governor Bernard are sent on 28 June.]

(1765.)
25 May.

[pp. 209, 249.]

[580.] [Reference to the Committee, and by them on 14 Dec. to the Board of Trade, of a memorial of the Governor and officers of North Carolina, setting forth that they have long laboured under great disadvantages occasioned by an Act passed by Governor Gabriel Johnston in 1748, for regulating the several officers' fees within this Province and ascertaining the method of paying the same ; and praying that the Act be repealed or orders given] for receiving the Crown Revenues and the Fees of Officers on the establishment of this Province ad Valorem and that such adequate fees may be taken for Services not in the Act of Assembly particularly mentioned as to His Majestys Royal Wisdom shall seem meet.

12 Dec.
North
Carolina.

[pp. 50, 60.]

[581.] [Reference to the Committee of (a) the petition of John Barker, late commander of H.M.S. *Culloden* for a day for hearing his appeal from a sentence of the Vice Admiralty Court at St. Christopher, 2 March, 1761, in favour of Anthony Somersall, commander of the privateer *Mary Ann Elizabeth*, on a question of collusion in the seizure of the *Elizabeth*, Saiker Pieters master : and (b) a similar appeal of John McPherson, commander of the private sloop of war *Britannia*, against a sentence of 5 March, 1761, in favour of Somersall in relation to the *Young Jan*, Jan Navaret master.]

12 Dec.
St.
Christopher.

[On Committee report of 16 July, the appeals are dismissed.]

(1765.)

[pp. 95, 275-6, 306.] 26 July.

1764.

12 Dec. [582.] [Reference to the Committee of the petition of
New- Hezekiah Thurman, master of the brigantine *John and Ann*,
foundland. 120 tons, on behalf of himself, John Elliot, owner of the
vessel, and the owners of the cargo, for a day for hearing his
appeal from the condemnation of ship and cargo by the Judge
of the Admiralty Court at Newfoundland, 9 Oct., 1764, in
favour of Hugh Palliser.] [pp. 51, 317.]

(1770.) [On the Committee report of 6 April, the sentence is
27 April. affirmed.] [VII. pp. 331, 357.]

12 Dec. [583.] [Reference to the Committee of petitions of John
Jamaica. Doe, lessee of William Perrin and Thomas Vaughan, for a
day for hearing appeals from two judgments of 20 Nov., 1762,
in the Jamaica Court of Errors, affirming judgments of the
Supreme Court in Nov., 1758, in favour of Norwood Witter
and Hannah Blake respectively, relating to plantations in
Westmoreland parish.] [p. 52.]

(1765.) [Committee minute.] . . It appearing to their Lordships from
17 July. the Cases and Authorities Cited that a material Question
which Arises upon the Construction of the Will of William
Williams has undergone great Litigation in Westminster Hall
and has in Different shapes received Various Determinations
so that the Rule of Law by which such Question ought to be
Decided is not thoroughly settled—Their Lordships think
it highly fit for the sake of uniformity and Certainty in a
matter upon which titles to Land may depend, that a Case
should be made for the opinion of the Court of King's Bench.
[The case is accordingly stated at the end of the volume of the
Register. William Williams and his wife, Mary, had three
daughters, Bonella, Hannah, and Anna, and a son, John.
His brother-in-law, Isaac Gale, and Thomas Wollery, were the
only other devisees of any of the testator's real estate.]

[The Committee agree to report their opinion for the plaintiff
or defendant according as the Court of King's Bench are of
opinion that John Williams was or was not seized in fee or in
tail of the whole or any part of the premises devised by the
will of William Williams.] And in Case the Court of King's

1764-5.

Bench should be of opinion that it is proper to have the Question arising upon the above Case, treated in a more Solemn Way than the parties to this Cause are to agree to take the Judgment of the said Court in a Fictitious Suit.

[*pp.* 283-4, 739-41.]

[584.] [Letter from Philip Sharpe, Clerk of the Council, to Edward Sedgwick, transmitting to the Earl of Halifax, Secretary of State, a Board of Trade representation] relating to the conduct of the French Court in having the last Season sent several Ships of War to St. Pierre and Miquelon, and to the designs and proceedings of those Ships, and relating also to the defenceless and neglected State of the Forts and Garrisons in Newfoundland, that his Lordship may be pleased to receive His Majesty's Commands thereupon.

1765.

12 Jan.
Newfound-
land.

[*p.* 69.]

[585.] [A certificate signed by the four Clerks of the Council in Ordinary (W. Sharpe, W. Blair, Phil. Sharpe, Robert Walpole), acknowledging receipt from Capt. Thomas Blackburn of a box addressed to them by Governor Pinfold, containing a bond dated 16 Nov., 1753, purporting to be entered into by William Sims to John Carter for the payment of 4,000*l.* on Sims' death, with a minute of the Barbados Chancery showing that it was there exhibited on the hearing of a case between Sims' executrix and Carter.]

15 Jan.
Barbados.

[*p.* 70.]

[Reference to the Committee of Carter's petition for a day for hearing his appeal from a Chancery decree of 14 Jan., 1764, in favour of Katherine Sims, widow, making perpetual an injunction to stay proceedings for recovery of the bond.]

19 Mar.

[*p.* 162.]

[On the Committee report of 11 March, the decree is in part affirmed and in part reversed. The only additional name in the report is James Butcher.] [VI. *pp.* 476-7, 536.]

(1769.)
14 April.

[586.] [Reference to the Board of Trade of a] Petition from a considerable number of His Majestys New Subjects of the Province of Quebec representing against the Constitution

1 Feb.
Quebec.

1765.

lately established there with the papers thereto annexed, and transmitted therewith by the [Board of Trade]. [*p.* 80.]

6 Sept.

[Reference to the Committee of (*a*)] two petitions, the one in the names of His Majesty's most Faithfull and loyal Subjects, British Merchants and Traders in behalf of themselves and their fellow Subjects, Inhabitants of the Province of Quebec, the other in the names of His Majestys Most Dutiful Subjects the Merchants and others now residing in London interested in and trading to the Province of Canada in North America on behalf of themselves and others trading to and interested in the said Colonies, by way of Supplement to the aforementioned Petition, complaining of the Governor of the Province of Quebec, and of the Hardships the Inhabitants of that Province labour under from the Military Government; And humbly praying for Redress therein: [and (*b*) a Board of Trade representation] proposing that an Assembly shou'd be called in the Province of Quebec, and that the Governor shou'd be ordered to return to this Kingdom to give an account of the state of that Province. [*pp.* 355-6.]

3 Oct.

[Committee.] Several Representations and Reports of the Board of Trade and other Papers relative to Quebec—Read and the further Consideration thereof postponed to another time. [*p.* 370.]

19 Nov.

[The Committee consider] several Memorials and Petitions from His Majesty's Subjects in Canada, as well British as French, complaining of several of the Ordinances and Proceedings of the Governor and Council of Quebec, and of the present establishment of Courts of Judicature, and other Civil Constitutions, [and refer them, with a Board of Trade report of 2 Sept. proposing another system of judicature, to the Attorney and Solicitor General, who are to report their opinion and make suggestions for forming a plan of civil government for Quebec. They are to consider the parts of Governor Murray's report which relate to the civil government of Quebec while a French province, and to send for, and receive further information from, Lewis Cramahé, secretary

1765.

to Governor Murray, and Fowler Walker, agent for the province of Quebec.] [p. 412.]

[On the Committee report of 15 Feb., the Council approve (1766.) an instruction, of which the Committee had directed the 17 Feb. preparation on 15 Nov., on considering a Board of Trade report of 2 Sept. on the establishment of courts in Quebec,] and particularly that part thereof which relates to the admitting Canadians to serve on Juries, and likewise to the permitting them to practice in the Courts as Barristers, Advocates, etc. [The instruction requires the Governor] to publish an Ordinance declaring that all His Majesty's Subjects in the said Province without distinction are intitled to be impannelled and sit and act upon Juries ; And that for the more equal and impartial Distribution of Justice in Causes between British born Subjects and British born Subjects the Juries be composed of British born Subjects only. That in Causes between Canadians and Canadians the Juries be composed of Canadians only ; And that in Causes between British born Subjects and Canadians the Juries be composed of an equal number of each if required by either of the Parties in any of the above Instances. And likewise declaring that His Majesty's Canadian Subjects shall be permitted and allowed to practice as Barristers, Advocates, Attorneys and Proctors, in all the Courts within the said Province, under such Regulations as shall be prescribed by the respective Courts for Persons in General under those Descriptions. And that the said Ordinance shall continue in force until His Majesty's further Pleasure shall be known thereupon ; And that with respect to the Ordinance of the 17th of September 1764 for establishing Courts of Judicature, so much thereof as shall not be altered by the Ordinance above proposed shall be declared to be temporary only. [pp. 405, 493, 502.]

[The Committee direct the Board of Trade to revise the (1766.) commission and instructions of the Governor of Quebec and 13 May. make alterations conformable to the report of the law officers, and to submit a draft of instructions proper to be given

1765.

thereon to the Commander-in-Chief of the said province. Copies of the part of the Board of Trade report of 2 Sept. relating to the administration of justice and of the law officers' report thereon, are to be delivered to the Governor or Commander-in-Chief, the Chief Justice and other judges, and the Attorney General of Quebec,] to the end, that they may make such use of the hints and Regulations therein contained, as the Circumstances of the said Province shall admit on their arrival there. [p. 630.]

(1766.) [Letters, signed by Philip Sharpe, Clerk of the Council, to
7 June. the Lord Chancellor, Lord Mansfield, Lord Camden and the Master of the Rolls, enclosing copies of the reports of the Board of Trade and of the Attorney and Solicitor General on civil jurisdiction in Quebec;] And as this is a matter of importance and requires dispatch, the Lords of the Council would be glad of your Assistance and advice upon this occasion at the next meeting of the Council. [The letter to the Lord Chancellor substitutes for the last seven words—] as early as it may suit with your Lordships conveniency to be at the meeting of the Council. [pp. 653–4.]

(1766.) [The Committee consider the Board of Trade report of
13 June. 3 June with the draft of an additional instruction relative to the establishment of courts of civil judicature in Quebec, and refer back the draft for the Board of Trade to prepare a draught of particular instructions according to the plan proposed by them on 2 Sept., with the variations suggested by the Attorney and Solicitor General.] [p. 666.]

1 Feb. [587.] [Reference to the Committee of the petition of John
Pennsyl- Fothergill, Daniel Zachary, Thomas How, Devereux Bowley,
vania. Luke Hind, Jacob Hagen, Silvanus Grove, and William Heron, the survivors of the trustees in whom the lands of the Pennsylvania Land Company in Pennsylvania, New Jersey, and Maryland, were vested by an Act of Parliament in 1760, for a day for hearing their appeal from a judgment of the Supreme Court of Pennsylvania, 15 April, 1763, in their

1765.

action of ejectment against Christian Stover for 340 acres of land in the township of Lampiter in Lancaster county.]

[*pp.* 83, 199.]

[On the Committee report of 4 Dec., 1766, the appeal is dismissed.] (1767.)
[*V. pp.* 126, 167.] 13 Feb.

[588.] [Reference to the Committee of the petition of the Rev. John Camm for a day for hearing his appeal from a judgment of the General Court of Williamsburgh, Va., 10 April, 1764, in his action to recover from Charles Hansford, jun., and William Moss 17,280*lbs.* of tobacco, being his whole salary for one year as minister of the parish of Yorkhampton, and, in accordance with a Virginia Act, to be paid double the value of the tobacco—*i.e.* 864*l.*—as on 31 May, 1759, the value of the tobacco was 432*l.* Virginia currency.] 6 Feb. Virginia.

[*pp.* 89, 95.]

[On the Committee report of 27 Nov., the appeal is dismissed.] 3 Dec.
[*V. pp.* 96, 113.]

[589.] [Reference to the Board of Trade of the petition of John Tufton Mason that commissioners be appointed to settle the bounds of the lands in New England granted by the Council of Plymouth on 17 Nov., 1629, to Sir Ferdinando Gorges and Capt. John Mason, the petitioner's ancestor, and that in the meantime the Governor be instructed to make no grants within the claimed limits.] 14 Feb. New England.
[*p.* 91.]

[590.] [Reference to the Committee of the petition of Capt. John Campbell, seeking relief on behalf of himself and 29 other reduced officers who served in North America during the last war, setting forth] that having discovered a large Tract of uncultivated Ground on the back part of the Province of New York and near the Banks of Hudson's River, and being informed that the same remained with the Crown, they Petitioned the Governor for Grants thereof according to the proportions ordered by His Majesty's Proclamation of the 7th of October 1763, but a Caveat having been entered against such Grants by Mr. Renselaer claiming under an ancient 14 Feb. New York

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Grant before the Revolution, the matter was referred to the Council of the said Province, who upon hearing the Parties resolved that it did not appear with sufficient certainty whether the Lands prayed for as Vacant were vacant or not and that therefore the Petitions ought to be rejected; that the Petitioners apprehend the Grant under which Mr. Renselaer claims does not extend to the Lands petitioned for by them.

[p. 93.]

(1766.) [Campbell having represented that the petitioners had
10 Feb. laid the whole circumstances before the Board of Trade and that he is informed that the latter have reported thereon, the Council refer to the Committee his petition that the Attorney General of New York be directed to take speedy and effectual measures to have his Majesty's right to the land judicially declared.]

[p. 477.]

(1766.) [The Committee postpone consideration of the Board of
15 Feb. Trade report on Campbell's petition, on a memorial of the Earl of Ilchester, Lord Holland and others, and on another petition of Campbell thereon.]

[p. 499.]

(1766.) [The Board of Trade having proposed the commencement
13 June. of a suit to determine his Majesty's title to the land and, having recommended that the expense be defrayed out of the quitrents, the Committee refer the report to the Treasury to consider whether they have any objection to such mode of payment.]

[p. 667.]

(1766.) [On the Committee report of 6 Sept., order is given to the
10 Sept. Board of Trade to prepare an instruction to the Governor to institute a suit against Mr. Rensselaer for the lands, to defray the costs from the quitrents, and, if successful, to make grants to the petitioners.]

[V. pp. 15, 32.]

(1767.) [Reference to the Committee of the petition of Capt. Lewis
13 Feb. Ourry, late of the 60th or Royal American regiment that he, and 17 other reduced officers, be included in the order and instructions desired by Capt. Campbell.]

[V. p. 174.]

(1767.) [The Council approve the draft instruction, which had
13 April. been referred to the Committee on 27 March and amended

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by them on 2 April. The order to grant the lands was omitted and instead the Governor was instructed not to make any grant of the lands until he shall receive further directions. Pending determination of the suit in New York and any appeal therefrom, the petitions for grants are to lie by.]

[V. pp. 191, 199, 216.]

[591.] [Reference to the Committee of the petition of Robert Etherington and of Waddle Cunningham, administrator of James Wardrop, deceased, owners of the ship *Maxwell*, and of Elias Debrosses, owner, and Richard Thomas, master of the schooner *St. Stephen*, for the benefit of their capture of the French snow *Bon Rencontre*, 250 tons, Mr. Guillarie master, on 22 March, 1757. On the condemnation of the snow at New York, the money arising from its sale was adjudged and decreed for his Majesty's use, as the ships had no letters of marque.] 14 Feb. New York. [p. 93.]

[Referred by the Committee to the Treasury to do therein as their Lordships shall think proper.] 19 Mar. [p. 145.]

[592.] [Reference to the Committee, and by them on 19 March to the Board of Trade, of the petition of the Hon. Nicholas Herbert, Andrew Stone, and John Pownall, respectively Secretary, Register in Chancery, and Naval Officer, of Jamaica, for themselves and their deputies, and of James Charles Sholto Douglas, collector of customs, setting forth that the House of Representatives] have thought proper (in consequence of a Report of a Committee of that House appointed to inspect the publick Offices) to arraign the Conduct and Justice of the Petitioners, and to Condemn the practice of taking fees established by Custom and long usage and to declare that if the publick Officers should continue to take the same they ought to be displaced and prosecuted with the utmost severity of the Law ; which Declaration has excited several vexatious Suits against some of the Petitioners Deputies and is grounded upon a Proclamation lately issued in the said Island in consequence of an Instruction to the Governor relative to 22 Feb. Jamaica.

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fees taken in publick Offices and upon an Act passed in that Island in 1711 the Petitioners therefore pray that if, upon an Examination of the Customary Fees which have been of long usages taken in the several Offices of Secretary Register in Chancery, Naval Officer, and Collector of the Customs (Lists of which, properly authenticated, the Petitioners are ready to produce) it shall appear to His Majesty that such Fees are no other than what are reasonable and Competent to the said Offices, His Majesty will be graciously pleased to establish the same by an Order in Council, or by an Instruction to His Governor in like manner as was done in the Case of Fees upon Grants of Lands, established for the Lieutenant Governor of Virginia, or, if that should not be thought adviseable that His Majesty will be graciously pleased to signify to His Governor of Jamaica his Royal disapprobation of the aforesaid proceedings of the Assembly of that Island in respect to the Petitioners to direct him to establish with the Advice of the Council, a Table of such Additional fees to those regulated by the Act of 1711 as shall appear to be adequate and Competent to the said Offices in their present state, and in the mean time, and until such Tables of Fees can be settled to support the Petitioners in their just Rights and accustomed Fees, and to stay any proceedings, suit or Action which may be commenced against them grounded on the said Act of 1711.

[pp. 119, 144.]

21 June. [Order is given in accordance with the Committee report of 13 June, agreeing with the Board of Trade, who reported :—] That the Resolutions and Proceedings of the Committee of the Assembly of Jamaica, referred to in the said Petition, appear not only unreasonable and oppressive to the Petitioners, but also to be calculated, and to have a manifest tendency to affect and lessen Your Majesty's immediate Interest and Authority in that Island, for though it be true that the Act of 1711, to which the Assembly now refers, and which it is now endeavoured for the first time to carry into strict Execution, does fix the Fees of the several Offices according

to the Business of them, and the Value of money at that time, and is severely peremptory in forbidding any other or greater Fees to be taken, yet it is to be considered—

1st. That the Duty of these Offices has been extended since that time to many Branches, for which no Fees are given by that Law.

2dly. That the value of Money is less now by one half than it was when the Act of 1711 was passed.

3dly. That the Law now attempted to be set up was never actually enforced or carried into Execution.

4thly. That the Fees at present taken in these Offices have been taken of long Usage for upwards of thirty Years without any the least Complaint on the part of any Persons who have paid the same.

5thly. That in the Case of other Officers the Legislature of the Island do, from a Conviction of the Insufficiency of the Fees given by the Law of 1711, still allow the customary Fees to be taken, although exceeding the Rates settled by that Act.

Upon the whole therefore, when all these Circumstances in favour of the Petitioners are taken together, and when it is considered how manifest and unjustifiable a partiality the Assembly have in this Instance shewn, by singling out such Officers only, as hold their Offices under Your Majesty's immediate Appointment to be made the Objects of a Publick Prosecution for such Matters only as they stand chargeable with in common with the other Officers of the Island, whom yet they suffer to pass altogether unquestioned, The said Lords Commissioners cannot but be of Opinion, that the Governor should be directed by an Order of Your Majesty in Council to exert the Powers legally vested in him for protecting the Petitioners or their Deputies against any Suits or Actions that may be brought against them upon Account of their having taken such Fees as have by long Usage been taken by them or their Predecessors in Office, although the same should have exceeded the Rates settled

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by that Act, signifying at the same time to the Assembly that Your Majesty will ever be ready to meet the Legislature of that Island in any Proposition for a Revisal of the Law of 1711, and establishing and fixing such Fees for Publick Officers as shall be adequate to the present state of their Business and the Circumstances of the Times. [*pp.* 221-4, 239.]

22 Feb. [593.] [Reference to the Committee of the petition of
Jamaica. John Pusey that the appeal of George Bonyngge and Mary his wife from an order of the Chancellor of Jamaica, 25 Jan., 1764, overruling their exceptions to a master's report on Pusey's bill against them for an account of the estate of Cornelius Wellekins, be dismissed for non-prosecution.] [*pp.* 72, 120.]

26 July. [On the Committee report of 16 July, the appeal is dismissed for non-prosecution.] [*pp.* 277, 309.]

4 Mar. [594.] [Reference to the Committee of a Board of Trade
Jamaica. representation of 1 March, transmitting several papers from the Governor of Jamaica relative to a dispute with the Assembly concerning privileges claimed by them, whereby it appears that he has judged it necessary for preserving the peace and tranquillity of the island to dissolve the Assembly and issue writs for a new one. No supply bills had been passed, and the Governor,] being apprehensive in case the New Assembly should revive the said Disputes and adopt the Doctrines and Resolutions of the former, that no Supply Bills will be passed by them, whereby His Majestys Troops will be left destitute of the Additional Pay usually granted by the Assembly, requests to be enabled upon such an Emergency to subsist the Forces, and suggests some expedients for that purpose. [*p.* 124.]

15 Mar. [The Committee consider Governor Lyttelton's letter of 24 Dec., 1764, and other papers,] wherein it is set forth, That upon the 8th of December last, the House of Assembly of Jamaica ordered one Richard Thomas Wilson, an Officer of the Provost Marshall to be taken into the Custody of their Messenger for what they termed a Breach of their Priviledge with such other

Persons as were concerned with him in executing a Writ of Venditioni exponas on the Coach Horses of John Olyphant Esq. one of their Members at the Suit of Mr. Pierce Cook who had obtained a Judgment for a considerable Sum of Money ; And that two Days after the House came to a Resolution, That as it appeared from the Examination of Richard Thomas Wilson, that Mr. Pierce Cook, and Lachlan McNeill, had been concerned with him in executing the Writ of Venditioni exponas, they should be taken into Custody which was done accordingly ; whereupon the said Pierce Cook and Lachlan McNeill made immediate Application to the Governor as Chancellor, praying for Writs of Habeas Corpus, who ordered the same to be issued ; That the Governor did, as an expedient to preserve the publick Tranquility, with the unanimous Advice of the Council, prorogue the Assembly for one Day, in consequence of which the Persons in Custody were of course set free without having been brought before the Governor or any Decision given whether the Commitment of them was legal or not ; But that the said Assembly did, upon their Meeting after the said Prorogation, upon the 19th of December come to several Resolutions in Support of certain pretended Priviledges, among which were [orders that Wilson, Cooke, and McNeill be again] taken into the Custody of the Messenger ; And that Mr. Speaker sign Warrants for that purpose.

That Mr. Pierce Cook and Lachlan McNeill, being thereupon again taken into Custody of Edward Bolt the Messenger, did Petition the Governor as Chancellor a second time for Writs of Habeas Corpus, and having obtained them, were carried before him on the 21st of December in the Court of Chancery, and upon full hearing of what was alledged by Counsel, the Governor, as Chancellor, Declared, That it did not appear to him, from the Words of any Act of Parliament, or of any Act of the Governor, Council and Assembly of the said Island, or of Your Majestys Commission and Instructions to him, as Governor of the said Island, or by any other Means whatsoever, that the Commitment of the said Pierce Cook, and

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Lachlan McNeill, into the Custody of the said Edward Bolt, was legal, the said Governor as Chancellor therefore Ordered, adjudged and Decreed, that the said Pierce Cook and Lachlan McNeill should be, by the Authority of the said Court released and discharged from the Custody of the said Edward Bolt.—That the said House of Assembly, being informed thereof, did, on the said 21st of December come to several Resolutions among which were the following Vizt.

“That his Excellency William Henry Lyttelton Esqr. in taking upon himself, as Chancellor, to determine against the Priviledge of this House, and to discharge Pierce Cook and Lachlan McNeill who were committed to the Custody of the Messenger of this House for a Contempt and Breach of the Priviledge of this House has acted in an unjustifiable Manner, and has been guilty of a flagrant Breach, Contempt and Violation of the Priviledges of this House, and the Liberties of the People”—And “That this House cannot with any Dignity to itself, or Justice to the People, proceed to any other Business under such a Violation and unexampled Breach of its Priviledges; And that this House would not proceed to any other Business until it should be righted in its Priviledges, and has received ample Reparation for the Indignity that has been offered to this House; And also that the said Mr. Pierce Cook and Lachlan McNeill be severally taken into and kept close in the Custody of the Messenger of this House for a Contempt and Breach of the Priviledges of this House”—And that Mr. Speaker do sign Warrants for that purpose.

That the said Governor being made acquainted with the Resolutions of the said House of Assembly judged it necessary to put the said Assembly under an immediate prorogation, and did, on the 24th of the said December, with the Unanimous Advice of the Council, Dissolve them, and ordered Writs to be issued for the Election of a New Assembly returnable on the 5th day of this Instant March.

[The Committee reported] That the Governor has in every respect acted in conformity to the Oath and Duty of his

Office ; And that the said House of Assembly has passed several Resolutions unjustly reflecting upon the Conduct of the said Governor, affecting Your Majestys Authority, the Liberty of Your Majestys Subjects, and tending to throw the Affairs of Your Majestys said Island into the greatest Confusion, and that by means of that of the 21st of December, wherein it is resolved not to proceed to any Business till that House should be righted in its Priviledges, The Supply Bills for the Support of Government were not passed and in case the future Assembly should not pass them Your Majestys Troops stationed there will be left destitute of the necessary Supplies annually granted by the said Assembly—And the Lords of the Committee having upon this Occasion taken into their Consideration Your Majesty's Instructions to the Governor of Jamaica find, That with respect to the Priviledge of the Members of the Assembly, it is by the 13th Article ordered in the Words following—Vizt.

“ And Whereas the Members of several of the Assemblies in the Plantations have frequently assumed to themselves the Priviledge of being protected from Suits at Law, during the Term they remain of the Assembly, to the great prejudice of their Creditors, and the Obstruction of Justice ; And Whereas it was declared by Her Majesty Queen Anne in Council, on the 31st of May 1713, upon a full Examination of the Matter, That there was no ground for the claiming such pretended Priviledge, nor have You Our Governor any Authority by Our Commission to You to allow the same ; It is therefore Our Will and Pleasure, that no such pretended Priviledge be be allowed to any Member of the Assembly, or of Our Council, otherwise than in their Persons, which You are to signify to them, that all Officers and other Persons, whom it may concern, may take Notice thereof and pay due Obedience hereunto.”

And their Lordships are of opinion, That it may be adviseable for Your Majesty to signify to the said Governor Your Majestys Royal Approbation of his Conduct and that Your Majesty is highly displeased with the several Resolutions

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passed by the late House of Assembly in Support of certain pretended Priviledges ; And that Your Majesty is perswaded, that the new Assembly will not adopt the Doctrines and Principles of the former Assembly, but that they will in every respect proceed with Temper and Moderation in carrying on the Business of the Publick, and expects to hear that the new House of Assembly has passed the necessary supply Bills for the Support of Government, and for the payment of Your Majestys Troops stationed in the said Island in the manner hitherto constantly practiced ; otherwise Your Majesty will find Yourself obliged to lay the whole of the matter before the Parliament of Great Britain, in order that they may take such Measures for raising the usual Supplies within the said Island, and for providing for the Publick Service, and the Security of Your Majestys Subjects there, as so unbecoming a Proceeding in the Assembly will render unavoidably necessary.

And that in the mean time Your Majesty may be pleased to referr it to the Lords Commissioners of your Treasury, to consider of such an Expedient for the payment of Your Majestys Troops in the said Island, in case the said House of Assembly do not pass the proper Bills for that purpose as may be necessary to prevent Disorder and Confusion in Your Majesty's said Island of Jamaica. [pp. 132-5.]

19 Mar. [A letter in the terms of the Committee report, and signed by 17 members of the Privy Council, is ordered to be sent to the Governor. The Treasury are directed to consider means of subsisting the troops in the event of the Assembly proving recalcitrant, and the following expedients proposed by the Governor are referred to them :--] That he should be empowered to issue the Kings Provisions to the Troops, over and above their ordinary pay or that the Paymasters of the two Regiments in Jamaica should be authorized to draw for an extraordinary pay for them, equivalent to that which the Assembly has been accustomed to Vote for them ; Vizt. Sixpence Sterling per diem for each private man, Drum,

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Corporal, and Serjeant and 14s. and 3½ Sterling per Week to each field Officer, Captain, Subaltern, Chaplain, Adjutant, Quarter Master, Surgeon and Surgeons Mate ; But should this allowance to the Officers be thought too expensive, the Service may be carried on, if only the Non Commission Officers and private Men have the Sixpence per diem replaced to them.

[*pp.* 150-4.]

[Letter from W. Sharpe, Clerk of the Council, to John Pownall, Secretary to the Board of Trade, enclosing the letter to be transmitted to the Governor with an intimation that he is at liberty to make such use of it as seems expedient.] 20 Mar.

[*p.* 163.]

[Reference to the Committee of a Board of Trade representation of 17 June that they had received a letter from Governor Lyttelton,] by which it appeared, that the New Assembly of that Island, which met on the 19th of March last had not only adopted the same Sentiments expressed in the Resolutions of the former Assembly in respect to their Privileges upon which His Majesty was pleased to signify His pleasure to the Governor in March last but had also pursued other extraordinary measures and come to several Resolutions which the said Lords Commissioners conceive to be unconstitutional and of a very dangerous tendency. [p. 244.] 21 June.

[Reference to the Committee of a Board of Trade representation of 8 Nov. with a letter from the Governor of Jamaica containing a particular account of the proceedings of the Assembly summoned by him for 13 Aug. in consequence of the letter from the Council of 19 March.] [p. 423.] 22 Nov.

[Order in accordance with the Committee report of 26 Nov., which shows that the Governor's letters give an account] of the proceedings of the two last new Assemblies in that Island whereby it appears, that the first of the said Assemblies had claimed and demanded Privileges of a very extraordinary nature, and had come to several resolutions thereupon which had obliged the Governor to prorogue, and afterwards dissolve the said Assembly ; And that upon the Meeting of the 29 Nov.

subsequent Assembly, when the Speaker was presented to the Governor and approved of, he refused to make application to the Governor for the usual Privileges (though the same had been constantly applied for by the Speakers of all former Assemblies) under a notion, as the Governor had been afterwards informed, that the Privileges of the Assembly did not flow from the Grace of the King, but are Rights inherent in themselves ; The Governor therefore in order to preserve the just Orders of the proceedings of the Assembly and to maintain their usual privileges, and to prevent Your Majesty's Prerogative from suffering any violation, did judge it necessary to dissolve that Assembly likewise ; That it further appeared by the Governor's Letter of the 24th August, that a project had been devised and adopted by a Majority of the Members of the last Assembly to apply to the House of Commons for redress concerning the violation of their Privileges and that a Petition for this purpose, had been actually subscribed by a Majority of the said last Assembly. [As it appears] that the Governor had caused the aforementioned Letter from the Lords of the Council to be communicated to the respective Members of the last Assembly by the Attorney General of the said Island without producing any good effect—The Committee do therefore agree humbly to report as their Opinion, that it may be adviseable for Your Majesty to cause Copies of the aforementioned Letters, Order of Council, and other Papers relative to this matter, to be laid before Parliament. And in case your Majesty shall be pleased to approve thereof, the Committee think it would be proper, that the Lords Commissioners for Trade and Plantations should be directed to notify the same to the Governor of Jamaica for his Information, and at the same time to apprise the said Governor, that as to the calling another New Assembly or not, previous to his being informed of the Sentiments of Parliament upon this affair it is left entirely to his own discretion.

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[A list of three letters from, and one to, the Governor, and two Committee reports, sent to Mr. Secretary Conway to be laid before Parliament, is given in the Register.]

[*pp.* 426-7, 429-31.]

[Letter from W. Blair, Clerk of the Council, transmitting the above Order and papers to the Attorney General in order that he and the Solicitor General may be fully apprised of the affair previous to its being laid before Parliament.] [*p.* 448.] 20 Dec.

[Various letters, reports and orders in relation to this affair were read.] Mr. Secretary Conway then acquainted the Board that he had (soon after he received His Majesty's Order in Council dated 29th November 1765 for laying before Parliament the Letters and other Papers relative to the extraordinary Proceedings of some of the late Assemblies in the Island of Jamaica respecting their Priviledges) applied to His Majesty for His Pleasure with respect to the time and manner of laying the said Papers before Parliament, and at the same time acquainted His Majesty, that application had been made to him by the Agent for the Island of Jamaica, and some of the Principal Inhabitants and Planters of the said Island, in which they had represented their desire, that if possible some Accommodation might be made of the several Matters in dispute between the Governor, and House of Assembly of Jamaica wishing the Affair might take that Course, and not be brought before Parliament.—In consequence of which he received His Majesty's Commands to delay laying the several Papers aforementioned before Parliament, until it should be known whether any such accommodation could be effected; And His Majesty commanded Mr. Secretary Conway to communicate this to the Board. (1766.) 7 May.

Mr. Conway further acquainted this Board, that the great Attention necessarily given to the American Affairs before Parliament had prevented any thing being done upon this Subject in the first part of the Session, that his Illness for Six weeks past had further prevented his laying this matter before their Lordships, and that the several Persons above-

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mentioned have lately signified to Mr. Conway their Desire of attending this Board, in order to lay before the Committee their Sentiments and Propositions upon the Subject Matter of their Application.

The Lords of the Council are pleased to order that this Affair be taken into Consideration on Tuesday next the 13th Instant at one o'Clock, and that Mr. Alderman Beckford, Rose Fuller Esq. and Stephen Fuller Esq. Agent for the Island of Jamaica be summoned to attend at that time and that Mr. Attorney General and Mr. Solicitor General be also summoned to attend at the same time.

[Letters to Alderman Beckford and to R. and S. Fuller intimating the day of hearing and desiring their presence, are appended : also one to the Attorney and Solicitor General, dated 8 May.] [pp. 598-601, 607.]

(1766.) [Reference to the Committee of a Board of Trade repre-
12 May. sentation that they had received a letter from the Governor of Jamaica stating that he had, with the consent of his Council, called a new Assembly for which the writs were returnable on 13 May, 1766.] [p. 617.]

(1766.) [Order for preparing an additional instruction for the
28 May. Governor in accordance with a representation of "the Lords of the Council," dated 13 May, which recapitulates the proceedings, and declares their opinion, upon further hearing several of the parties,] that it may be adviseable for Your Majesty to suspend (during the present Session) signifying Your Royal pleasure for laying before Parliament the several Papers mentioned in Your Majesty's said Order in Council of the 29th of November last ; And humbly propose as an Expedient for restoring Peace and Tranquility to the said Island, and preventing for the future any Disputes between the Governor and Assembly, respecting Matters of Privilege, that by an Additional Instruction to the Governor of the said Island, Your Majesty would be pleased to signify Your Royal Will and Pleasure, That there be allowed to every Member of the Council, and House of Assembly respectively,

during the sitting of the General Assembly, and for Six Days before the Meeting of such Assembly, and for the like Number of Days after an Adjournment Prorogation or Dissolution of such Assembly (in Addition to the Privilege already allowed to the said Members respectively in their Persons by Your Majesty's Royal Instructions to Your Governor) a further Privilege from Arrests in all Civil Suits for such Servants and Equipage only as are absolutely necessary for the personal Accommodation of the said Members in attending their respective Duties in general Assembly.

And if Your Majesty shall be pleased to approve of what is above proposed, Their Lordships submit, That Your Majestys Governor should be instructed to recommend to the Council and House of Assembly, as a Means for securing, as far as may be, such Additional Privilege from being violated, That every Member of the Council, and House of Assembly respectively, do cause to be set down in Writing the Names of the several Servants, with a Description of the Equipage, and other particulars for which such Additional Privilege is to be allowed to the Extent above proposed, and having subscribed his Name thereto, deliver, or cause such Writing so subscribed to be delivered to the Provost Marshall General of the said Island, or his Deputy, or left at the Office of the said Provost Marshall, to the Intent that He or his Deputy, and all other Officers and Persons whom it may concern, may take Notice of the same, and govern themselves agreeably thereunto. [pp. 626-8, 635.]

[On a Board of Trade report of 3 June, the instruction is (1766.) approved.] [p. 679.] 18 June.

[595.] [Reference to the Board of Trade of the petition of 4 Mar. Hutchison Mure, John Cathcart, George Spence, and John Nova Scotia. Mill, merchants of London, that they may receive the grants in the island of St. John which the Board of Trade had encouraged them to hope for, as they have sent out 70 people and stores to settle and prosecute the fishery there.] [p. 124.]

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27 Aug. [The Committee report the facts as above stated. A marginal note shows that the report was never laid before his Majesty.] [pp. 338, 733.]

(1766.) [On a petition that the Governor be directed to protect the
22 Feb. settlement till the application for a grant is determined, the Committee recommend the memorialists to apply to the Secretary of State, that the same kind of letter or order may be sent to the Governor to protect them as was done upon a similar application in the last year.] [p. 520.]

19 Mar. [596.] [Order in accordance with the Committee report
New York. of 15 March on a letter of Lieut. Laugharne, commander of H.M. armed sloop *Chaleur*, to Lord Colville, from Halifax, 11 Aug., 1764, setting forth that on 11 July, 1764, when on a cruise,] he perceived five Vessels at Anchor in a small Bay under Long Island in the Colony of New York and suspecting they were carrying on an illicit Trade he sent his Boat to examine them, and if they appeared well manned to Impress what Seamen it might be reasonably imagined they could spare without endangering their Navigation and safety, which was accordingly done, and the ensuing Morning the said Lieutenant went on Shore in the Moses Boat on the said Sloops Service, which the Mob immediately Seized, on Account as they alledged of the Men being impressed as aforesaid, and notwithstanding the said Men were delivered up, they drewed the Boat to the City Hall, where they burnt her and dispersed themselves before the Mayor and Civil Officers who had been applied to for assistance could arrive, whereupon the said Lieutenant gave information against three of the Ringleaders in this Riot two of whom were apprehended and delivered a Charge against them to Your Majestys Attorney General of New York.

[The Committee recommend that a copy of the letter be sent to the Governor, with directions for the rigorous prosecution of the two persons already apprehended and all others who may appear to have been concerned with them. The Governor is to report the result of the prosecution to the

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Privy Council, and to use his utmost care and diligence in preventing such outrageous proceedings for the future.]

[pp. 136, 155.]

[The Lieut.-Governor's return to this order is referred to the Committee.] (1766.)
[p. 475.] 10 Feb.

[597.] [Reference to the Committee of a Board of Trade representation] relating to the appointing four Clergymen to officiate in the Provinces of East and West Florida, Provision having been made for them by Parliament during their last Session. 19 Mar.
Florida.
[p. 161.]

[On the Committee report of 25 March, the Earl of Halifax is directed to appoint properly qualified persons, who shall have obtained certificates from the Bishop of London and are to be collated to benefices by the respective Governors.] 29 Mar.
[pp. 165, 173.]

[598.] [Reference to the Committee, and by them on 25 March to the Board of Trade, of a Board of Trade representation transmitting an extract of a letter of 14 Sept., 1763, from Governor Murray to Lord Shelburne, First Commissioner for Trade and Plantations, relating to the state of the R.C. Church in Quebec, with an address from the Chapter of the province praying for the appointment of a R.C. bishop]. 19 Mar.
Quebec.
[pp. 161, 169.]

[The Board of Trade report of 30 May, with heads of a plan for the establishment of ecclesiastical affairs in Quebec, is referred by the Committee to the Advocate, Attorney and Solicitor General,] and as this matter is of great National moment and requires despatch, they are hereby ordered to make their Report thereupon as soon as possible to this Committee.] 13 June.
[p. 224.]

[599.] [Reference to the Committee of the petition of Victor McNelly, merchant of Cork, for a day for hearing his appeal from a sentence of the Vice Admiralty Court of Antigua, 15 June, 1764, condemning 181 hogsheads of sugar seized in the ship *Two Sisters*, James Lyne master, by Thomas Knowler, commander of H.M.S. *Milford*.] 19 Mar.
Antigua.
[pp. 162, 270.]

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- 21 June. [Similar reference of three other appeals from judgments of the same date on seizures by Knowler—(a) by William Woodbridge, late of Guadaloupe, merchant, for sugar belonging to him seized in the *Two Sisters* and in the stores of John Sargenton, a British merchant in Dominica: (b) by Joseph and Henry Guinand, London merchants, for sugars taken on the snow *John and Betsey*, Thomas Wills commander; and (c) by Anthony Columbier, a London merchant, for his sugar taken in the ship *Elizabeth*, Thomas Love, master.]

[pp. 245–6, 270.]

- (1767.) [On Committee reports of 11 Dec., 1766, the judgments are affirmed, save that the claimants are not to pay the informer's costs: directions are to be given for the distribution according to the Acts of Parliament and Proclamation. The petitioners alleged that the *Two Sisters* delivered provisions to Sargenton, and the *Jane and Betsey* to John Turcon and Co., British merchants in Dominica, loaded sugar in payment under the inspection and permission of General Dalrymple, who was then present, and the acting collector and naval officer of the island: that the sugar seized in the *Elizabeth* was consigned by Michael Talon to Columbier for debts due in Martinique when it was evacuated by the British and in return for a former cargo sold to British merchants in Dominica, and that Gen. Dalrymple and, after his departure, the acting commander-in-chief of the island, Joseph Partridge, permitted the lading of the sugar. The sugar on board all three vessels was seized at Roseau on 30 Jan., 1764, on the ground that it had been illegally imported into Dominica from some foreign colony.]

[V. pp. 132–8, 167–9.]

19 Mar.
Rhode
Island.

- [600.] [Reference to the Committee of the petitions of William Stead, merchant of London, for a day for hearing his appeals from judgments of the Superior Court at Newport, R.I., in Sept., 1764, reversing judgments of the Inferior Court in May, 1764, in his favour, on his actions against Naphthali and Isaac Hart, and against Isaac Elizer, in each case to

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recover 1,200*l. stg.* due upon a note endorsed by the defendants and payable to Stead.] [pp. 163, 328-9.]

[On the Committee reports of 2 Dec., the judgments of (1766.) Sept., 1764, are reversed, and those of May, 1764, affirmed. 3 Dec. A note for 1,200*l. stg.* was drawn by Jacob Isaacks, payable to Elizer, endorsed by him to the Harts, and by them to the appellant. In the second case the sum sued for is now said to be 986*l. 3s. 6d.* due upon a note drawn by Jacob and Moses Isaacks payable to Elizer, and endorsed to the Harts and then to Stead.] [V. pp. 104-5, 114.]

[601.] [An appearance for Philip Fowler to the appeal of 23 Mar. Josiah Hilton from a judgment of the New Hampshire Court ^{New} Hampshire. of Errors, 11 Oct., 1763, is entered by Mr. Holker of St. Thomas the Apostle's.] [p. 164.]

[Reference to the Committee of Fowler's appeal from the 10 July. same judgment and his petition for the restoration, pending determination of the appeal, of 56 acres of land in Newmarket awarded by the judgment to Hilton.] [p. 261.]

[602.] [Reference to the Board of Trade of the petition 29 Mar. for relief of] Joshua Mauger of Grosvenor Street Middlesex, St. Pierre. Gregory Olive and John Le Breton of London Merchants Agents for Thomas Meader, Robert Barnes, Morgan Snook junior, Messrs. Lempriere Durell and Co., John and William Anderson, Robert, George, John and Lewis Vigours, John Brown, Morgan Snook Junior, Messrs. Clark and Young, James McMichael, William Buffett and James Page, setting forth the Losses they have sustained by the surrender of the Island of St. Peter to the French in pursuance of the late Treaty of Peace. [p. 174.]

[The Committee refer to the Treasury the Board of Trade 16 May. report that the facts are fully verified by a state and valuation of the property returned to them by the Governor of Newfoundland, which is also referred.] [p. 200.]

[On the Committee report of 2 April, the petition is (1767.) dismissed.] [V. pp. 202, 217.] 13 April.

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22 April. [603.] [Reference to the Committee of the petition of
Rhode Thomas Shearman, of Portsmouth, R.I., for a day for hearing
Island. his appeal from a judgment of the Superior Court in March,
1764, adjudging Gideon Cornell to recover possession of a
house and land in Newport on paying petitioner 363*l.* currency
and 1*l.* 8*s.* 4 $\frac{3}{4}$ *d.* costs.] [p. 179.]

(1767.) [On the Committee report of 10 June, the judgments of
26 June. May, 1763, and March, 1764, are reversed, and Cornell is to
recover the premises in dispute on condition of paying to
Shearman within a time to be limited by the Court below,
18,087*l.* 10*s.* 4*d.* currency with 6% interest from 21 May, 1763.
Names occurring in the report are Ann, wife of the petitioner,
Benjamin Nicholls, and Joseph Wanton.]

[V. pp. 315–7, 356.]

5 May. [604.] [A Board of Trade representation of 29 April relative
Newfound- to the fisheries of Newfoundland and of the territories
land. dependent thereon in America, is approved, and a draft of
instructions for the Governor ordered to be prepared in
accordance therewith.] [p. 183.]

9 May. [The instruction is approved. It directs the Governor] not
to allow any exclusive Possession to be taken as private
Property of any Lands, Rivers or Islands in the Northern
parts of Newfoundland between Bonavista and Point Riche
and to take care that such Ships as shall resort to that part of
the Island for carrying on the Fishery do chuse their Stations
as they respectively arrive and do take up and occupy, subject
to the said Governors Controul, such space only of Beach as
shall be proportioned to the number of their Boats. [p. 188.]

24 Oct. [The Committee consider several representations of the
Board of Trade about the Newfoundland fisheries, but,
finding the information before them insufficient, postpone
further consideration.] [p. 398.]

(1766.) [Reference to the Committee of a Board of Trade
18 April. representation of 27 March about the Newfoundland fisheries.]
[p. 589.]

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[605.] [Reference to the Treasury of the petitions of Nicholas Zee for his Majesty's bounty to pay his passage to America and purchase a few necessaries for the voyage. Zee was a Greek of Candia, who engaged several Greeks, Turks, Armenians, etc., for the Navy in the late war, and dares not return to his native country for fear of the resentment of the friends of those who were killed. On 6 Sept. the petition was referred to the Admiralty to do what they should think proper for Zee's relief.] 5 May.
America.
[pp. 186, 358.]

[606.] [Reference to the Committee of a Board of Trade representation of 29 April] with several Papers relative to the irregular and unconstitutional proceedings at Quebec, and particularly respecting the Assassination of Thomas Walker Esq. one of His Majestys Justices of the Peace at Montreal. 15 May.
Quebec.
[p. 195.]

[Order in accordance with the report of the Committee, who on 13 June considered the representation and an extract of a memorial from London merchants interested in Quebec with copies of letters from Quebec and Montreal thereto annexed, showing] That on the 6th of December 1764, a violent Assault and Assassination had been made on Thomas Walker Esq. an eminent Merchant at Montreal, in the said Province of Quebec, and one of Your Majesty's Justices of the Peace for that Place, by several Persons having their Faces blacked, and armed with various Weapons of Destruction, giving him several dangerous Wounds, and leaving him for dead. That several Persons being afterwards taken into Custody, on the strongest presumptions of being Principals in this atrocious Act, certain Officers and Soldiers of Your Majesty's Twenty Eighth Regiment, then quartered at Montreal, broke open the Jail, and in Defiance of all Law, set the Prisoners at Liberty, publicly threatening Death to all Persons who should make any further Enquiry into that affair: That Governor Murray, and Lieutenant Governor Burton, did not upon this Occasion conduct themselves according to the Duty 21 June.

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of their several Stations, and that the Offenders have been suffered to escape unpunished.

[The Committee, finding that no account of the proceedings has been received from Governor Murray by any of his Majesty's servants with whom he is instructed to correspond, reported that the Board of Trade should be instructed to write to the Governor expressing his Majesty's surprise and requiring an immediate and particular account, and also to call before them the memorialists, to acquaint them with the writing of the letter to the Governor, to learn how they propose to verify their complaints, and to require them to communicate to them any further information they may receive.] [pp, 219, 237.]

5 July, [Reference to the Committee of a Board of Trade representation of 26 June upon papers received from Governor Murray and a memorial of the merchants trading to Quebec.]

[p. 255.]

6 Sept. [Reference to the Committee of a Board of Trade representation of 2 Sept., with papers received from the Governor relative to the trial of the persons accused of the assault. On 2 Oct. another representation of that date with further information from the Governor is similarly referred.]

[pp. 355, 365.]

6 Sept. [Reference to the Committee of two petitions complaining of the military government, one from British merchants in Quebec and the other from London merchants trading to Canada.]

[p. 355.]

8 Oct. [The Committee consider various accounts of the assault on Mr. Walker, for which several subaltern officers and soldiers of the 28th regiment were imprisoned and rescued by their comrades, and though again secured, have not yet been tried; and] having also considered various Representations and Letters of Complaint of the Civil Magistrates against the Military, and of the Military against the Civil, do find, that such differences have arisen, and such animosities now subsist between them, in consequence of this unhappy Event,

as have thrown the said Province into great confusion, and threaten dangers there, which it is of great importance speedily to prevent : Yet in regard to the difficulty of being assured of the Truth of the Facts alledged on either side, their Lordships submit to Your Majesty whether it may not be most prudent in the first place to direct General Murray Governor of Quebec and General Burton, Lieutenant Governor of Montreal, to repair to England as soon as possible, that Your Majesty may receive full information from them, in relation to the said disorders, and the general State of the said Province ; And in the mean time for your Majesty to appoint a proper person to command in the said Government, during the absence of the said General Murray.—The Lords of the Committee having likewise taken into consideration, Complaints from the said Mr. Walker and other Inhabitants of the said Province, that a Commission of Oyer and Terminer having been at first legally established at Montreal, the same was revoked, and another Court appointed for that purpose at Quebec, with a Jury out of the whole Province at large, that in consequence thereof, not only from the great expence of travelling near two hundred Miles from home, but from the danger apprehended by the said Walker and his Witnesses on the Road of being way laid by the Soldiers of the said twenty Eighth Regiment, and in the Town of Quebec, surrounded by that Regiment then removed from Montreal, and Quartered at Quebec, He the said Walker and his Witnesses could not venture to attend the Trial of the said supposed Offenders there, whereby their punishment has been eluded ; And it appearing also by the papers under the consideration of the Committee, that a Court of Oyer and Terminer was afterwards appointed to be held at Trois Rivieres, with a Jury to be summoned out of the whole Province at large, for the trial of the Offences committed at Montreal, but that the said Walker not attending there with his Witnesses, several of the supposed Offenders were acquitted ; Their Lordships are humbly of opinion, that a new Commission (if it may be

legally done) should be issued in such manner as Your Majesty's Attorney and Solicitor General shall advise, for the Trial of the said supposed Offenders at Montreal, but as this matter is proper for the consideration of Your Majesty's Servants of the Law, the Lords of the Committee have referred it to Your Majesty's Attorney and Solicitor General for their Opinion thereupon.—And the Conduct of the Chief Justice having appeared to the Committee extremely irregular, Their Lordships further humbly submit to Your Majesty, whether it may not be adviseable that the said Chief Justice be removed, and a more fitting person appointed in his room.—And their Lordships humbly submit further to Your Majesty, whether in the present state of mutual resentment which is manifest between Your Majesty's British Subjects of the said Province and the said Twenty eighth Regiment, it may not be adviseable to remove the said Regiment entirely out of the said Province, unless the discontents now subsisting, may be subsided therein.

And the Lords of the Committee having likewise taken into consideration several Presentments from a Grand Jury at Quebec, assuming to themselves authority similar to that of a House of Representatives, against the Orders and Regulations of Your Majesty's Government now established there, supporting the said Presentments by the names of several of the principal French Inhabitants, who declare they were fraudulently drawn in to sign the same, and by a Representation since sent over, deny their previous knowlege, or their intended approbation of the Contents, which being wrote in English, they did not then understand, their Lordships do humbly advise Your Majesty, that directions may be sent over forthwith to the Governor, that he may signify Your Majesty's highest disapprobation of such their proceedings and abuse of the good faith of the said French Inhabitants ; And that Your Majesty's Governor be likewise directed to signify, that Your Majesty will give the utmost attention and Consideration to all proper Representations from Your Majesty's Canadian

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Subjects, and will cause to be removed, every grievance of which they may have reason justly to complain.

[The order of reference to the law officers adds the facts that on the trial at Three Rivers on 1 July a bill was found against one person for the assault by a jury of 21, 7 from Montreal and 14 from Quebec, but for want of witnesses for the prosecution, the accused was acquitted by a Petty Jury, of whom 5 were from Montreal: and that bills were found against five others for the riot, prison breach and rescue, four of whom were acquitted and one found guilty of the riot only.]

[pp. 372-4.]

[The report is approved, and Henry Seymour Conway, Secretary of State, directed to receive his Majesty's pleasure thereupon.] 18 Oct. [p. 382.]

[Order in accordance with the Committee report of 15 Nov. 22 Nov. The law officers] being of opinion that the Governor of Quebec is fully authorized and impowered by His Commission and Instructions to appoint Courts of Oyer and Terminer within all the Districts of that Province, and that no Special Commission can be lawfully issued for a new Trial of those persons who had been indicted, tried, and acquitted, at the said Court held at Trois Rivières, but as there is reason to believe there are several other Principal Offenders, who have not yet been apprehended or brought to trial, The Committee think it adviseable for Your Majesty to require Your Governor or Commander in Chief of the Province of Quebec to exert himself in causing a diligent search to be made after such Persons, and bringing them to trial in due course of Law in the Vicinage of the Place, where the Offence was committed, and by a Jury of the said Vicinage. [pp. 405, 418.]

[607.] [Committee order for hearing at the first meeting 16 May. after the Christmas holidays, the appeal of the Mohegan Connecticut. Indians against the Governor and Company of Connecticut and other possessors of lands in the north parish of New London and in the townships of Colchester, Lyme, and Hebron. (See *Acts of the Privy Council (Colonial)*, Vol. III, pp. 531-9.)] [p. 198.]

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1765.

(1766.) [Committee order for reviving the appeal against the heirs of, and others claiming from, such of the respondents as are dead, without prejudice to any objection that may be made to the appellants' being now under the present circumstances entitled to revive. The hearing is fixed for the first meeting in Feb., 1767.] [pp. 695-8.]

21 May. [608.] [Reference to the Committee of the petition of Jamaica. Zachary Bayly for a day for hearing his appeal from an order of the Jamaica Chancery, 26 May, 1764, over-ruling his demurrer to a bill filed by James Ord and James Prevost for an account of what was due to them for arrears of an annuity of 400*l. stg.* from the death of Samuel Orgill to the death of Anna Patronella Ord.] [p. 205.]

26 July. [On the Committee report of 17 July, the appeal is dismissed with 60*l. stg.* costs.] [pp. 287, 304.]

29 May. [609.] [Reference to the Committee of the petition of Pennsylvania. David and William McMurterie, merchants of Philadelphia county, for a day for hearing their appeal from a judgment of the Supreme Court of Pennsylvania, 21 April, 1763, that John Browne should recover from them 127*l.* 10*s.* 3*d.* on an action brought by John and Obadiah Browne on a policy underwritten by the petitioners for insuring the brigantine *Providence* and her cargo.] [pp. 95, 212.]

26 July. [On the Committee report of 16 July, the appeal is dismissed.] [pp. 277, 307.]

29 May. [610.] [Reference to the Committee of the petition of Quebec and Nova Scotia. Nicholas Enouf of Guernsey, late master of the brig *Two Friends*, owned by Thomas Dobree and Charles De Carteret, for leave to appeal from the condemnation of the brig by the Vice Admiralty Court of Quebec, 17 Oct., 1764, on an information exhibited by the Advocate General, George Suckling, at the instance of Thomas Ainsley, collector of customs, for importing sundry wines as contraband goods.] [p. 212.]

21 June. [Similar reference of Enouf's appeal from a sentence of the Vice Admiralty Court at Halifax, 18 June, 1764, condemning

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the sloop *Two Friends* and cargo, except salt, in favour of Henry Newton, collector of customs, and Thomas Haywood, commander of H.M.S. *Senegal*.] [p. 246.]

[611.] [Reference to the Committee of a Treasury representation of 14 June, showing] that no Provision has been made by Parliament for defraying the expences of the Civil Government of Quebec and its dependencies and that as such expences are usually defrayed in the other British Colonies in America by a Revenue raised within each of the said Colonies respectively the said Lords Commissioners therefore propose (for the reasons contained in their said Representation) that proper authority may be given for collecting such part of the Revenues which were levied while the said Colony was under the Dominion of the French King, as His Majesty shall think proper, in order to be applied to defray the expences of the Civil Government of the said Colony, or that the said Lords Commissioners may receive His Majesty's Royal Instructions and Orders in what manner the said charge should be defrayed.

21 June.
Quebec.

[p. 243.]

[The Committee finding that the late Attorney and present Solicitor General, when consulted by the Treasury, were of opinion that the duties payable to the French Government at the time of the conquest may be legally collected by a proper authority from his Majesty, order the present Attorney and Solicitor General to prepare a draft of an instrument containing a proper authority from his Majesty for collecting the said duties, particulars of which are contained in a report by the Governor.]

22 Aug.

[p. 333.]

Ordered that the Clerk of the Council write to the Attorney General forthwith to prepare a Draught [as ordered above. The letter is also given, dated 4 Oct., and signed by Robert Walpole.]

3 Oct.

[p. 371.]

[Order in accordance with the Committee report of 19 Nov. upon the opinion of the law officers that] the proper authority in this Case is the appointment of a Receiver General (according to the usual form in Your Majestys Colonies) by

22 Nov.

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Warrant under the Sign Manual, countersigned by the Lords of the Treasury, referring to such Instructions as are or shall be given by the Treasury to regulate that Officer in the execution of his Duty, it being most certain, that all the Duties payable to the French King before the Conquest and Cession are now due and payable to Your Majesty, and as they are vested in Your Majesty by right of Conquest at Common Law, nothing seems to have been wanting, since that time, but the appointment of an Officer duly authorized to receive and collect them ; and if your Majesty should think fit to direct only the Collection of some part and not of all, they submitted whether that end may not be answered by Special Instructions to be given by the Lords of the Treasury to such Receiver General of Quebec. And the Lords of the Committee, being informed, That a Receiver General of Quebec has been lately appointed by Sign Manual, countersigned by the Lords Commissioners of the Treasury, [report that the Treasury should be directed] to give Instructions to the said Receiver General to receive and collect all, or such part of the said Revenues (to be applied to defray the Charges of the Civil Government of the said Colony and to any other uses) as the said Lords Commissioners shall think proper and expedient.

[pp. 409-10, 420.]

(1766.) [A letter, signed by P. Sharpe, transmitting to Grey Cooper, Secretary of the Treasury, the above order, and returning] 14 Jan. a Letter and other Papers from Governor Murray (sometime ago sent by Mr. Lowndes to this Office) relating to the Duties on Wines and Spirits which have been Collected in that Colony, the Lords of the Council not thinking it necessary for them to give any directions thereupon, but I submit to you whether it may not be proper that the Governor should be set right as to the mistake he has made with respect to his power of Collecting the Duties which had been paid whilst the Province was under the Dominion of France, no such restraint having been laid upon in his Instructions as Civil Governor.

[p. 454.]

1765.

[612.] [Reference to the Board of Trade of a memorial of the Ohio Company addressed to his Majesty, and a memorial of Colonel George Mercer, on behalf of the Company, that the instruction of 16 March, 1749, in their favour (*see pp.* 55–8) be renewed, or that some provision be recommended to Parliament for reimbursing their expences, or that they receive compensation by way of a grant of land in some other part of his Majesty's American dominions.] 21 June.
Ohio Company.

[*p.* 244.]

[The Committee order a copy of the Board of Trade report on Mercer's petition] to be sent to the Earl of Shelburne in order to write to the Governor thereupon. (1767.)
24 Aug.

[*V. p.* 425.]

[613.] [Reference to the Committee of the petition of Thomas Wilson, William Huggins and Anne, his wife, John Wilson, William Wilson, and Isaac Hobday and Elizabeth, his wife, for a day for hearing their appeal from a decree of the Virginia Chancery, 11 April, 1763, upon a bill filed against them and Lewis Almond and Jane, his wife, to account for all the personal estate of Sampson Darrell, the elder, and pay the same with interest, and deliver the real estate to Sampson Darrell, George Turner and Elizabeth, his wife, William Sansom and Ann, his wife, John Noble and Elizabeth, his wife, and William Slaughter.] 10 July.
Virginia.

[*pp.* 261, 280.]

[Appearance for the respondents entered by Mr. Walton of Girdlers Hall, Basinghall Street.] (1769.)
8 Mar.

[*VI. p.* 468.]

[614.] [Reference to the Committee of the petition of Elisha Whittlesey for leave to appeal from a resolution of the General Assembly of Connecticut in May, 1763, whereby certain agreements between him and Jacob Pierpoint for the purchase of each other's lands were declared null and void and prohibited from being given in evidence in any court in the colony.] 10 July.
Connecticut.

[*p.* 262.]

[615.] [Reference to the Committee of the petition of Waddell Cunningham for leave to appeal from a judgment of the Supreme Court of New York in October term, 1764, on an action of trespass, assault and battery brought against New York.

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him by Thomas Forsey, whereby he was condemned in 1,500*l.* damages and 75*l.* 19*s.* 6*d.* costs, and also from an order of the Lieut.-Governor and Council denying him an appeal to them.]

[p. 262.]

28 July. [On the Committee report of 17 July, it is ordered that Cunningham's appeal be admitted by the Governor and Council as a Court of Errors, and if either party is aggrieved by their determination, that an appeal be admitted to his Majesty in Council.] [pp. 289-91, 311.]

2 Oct. [Reference to the Committee of the petition of Robert Charles, agent for New York, on behalf of the Council and Representatives, that the above order be suspended till the merits of Cunningham's petition are fully examined into and final order made therein consonant to the practice of the Common Law of England.] [p. 366.]

10 July. [616.] [Reference to the Committee of the petition of Antigua. Robert Fulton, agent for Richard Tyrrell, Rear Admiral of the White Squadron, and the officers and seamen now serving on the Leeward Island station under his command, on behalf of Admiral Tyrrell and the officers and seamen of H.M.S. *Princess Louisa*, Joseph Norwood commander, for leave to appeal from so much of a sentence of the Vice Admiralty Court of Antigua, 19 April, 1764, as divided the condemned schooner *Mary Ann* and her cargo, $\frac{1}{3}$ to the Crown, $\frac{1}{3}$ to the Governor, and $\frac{1}{3}$ to Norwood as informer, and from a subsequent order of 2 Aug., 1764, refusing to admit their claim of a division in moieties between the crown and the captor.

[Other similar petitions concern the sloop *Union*, condemned on 20 Jan., 1764, sugar seized on board the sloop *Sarah* and condemned on 13 Jan., 1764, and the schooner *Pastor*, condemned on 23 March, 1764—all taken by the *Princess Louisa*.] [pp. 264-6.]

26 July. [On Committee reports of 17 July, the Vice Admiralty Court is directed to receive the petitioner's claim and proceed

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thereon according to law : either party may then appeal to the Privy Council.] [pp. 291-4, 311-3.]

[617.] [Reference to the Committee of the petition of Governor Lyttelton, James Innes, Advocate General, and Robert Graham, Receiver General of Jamaica, that the Council dismiss with costs for non-prosecution the appeal of Augustine Merida and Jacob Bravo from the condemnation of the schooner *Isabella*, Don Joseph de Micolto master, in the Vice Admiralty Court of Jamaica, 22 Oct., 1762.] [p. 315.] 26 July. Jamaica.

[On the Committee report of 14 Aug., the appeal is dismissed for non-prosecution.] [pp. 324, 343.] 6 Sept.

[618.] [Reference to the Committee of the petition of John Payne, vintner, of Antigua, for leave to appeal from the condemnation of his small schooner *Freemason* in the Vice Admiralty Court of Antigua, 22 Feb., 1765, in favour of William Abdy, commander of H.M.S. Beaver, for taking goods on board before the master had made the oath or affirmation required by statute.] [p. 320.] 1 Aug. Antigua.

[On the Committee report of 14 Aug., the appeal is admitted. Security is given on 18 Sept. by Richard Oliver, merchant, and Michael Lovell, gent., of Goults Square, London.] [pp. 323, 343.] 6 Sept.

[On the Committee report of 10 June, that part of the sentence which condemned the ship is reversed. On the trial in the Vice Admiralty Court, the judge declared that he was convinced no illegal trade was intended, yet by the letter of the law he was obliged to declare the ship forfeit for want of having the proper papers on board. At the same time, he restored to the petitioner five slaves who were on board, and allowed a plea of Edward Horne to the jurisdiction of the Court, in respect of 3,500*l.* gold and silver money of Antigua currency. Joseph Richardson was master of the *Freemason* at the time of the seizure.] [V. pp. 326-8, 358.] (1767.) 26 June.

[619.] [Reference to the Committee of a Board of Trade representation of 27 Aug. upon papers transmitted by the Ohio.] 6 Sept.

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Lieut.-Governor relating to settlements made on the Ohio in disobedience to the proclamation of 7 Oct., 1763.] [*p.* 355.]

18 Oct. [An instruction prepared by the Board of Trade on a Committee order of 3 Oct. is approved by the Committee on 15 Oct., and by the Council on 18 Oct. The instruction directed the Governors of Virginia and Pennsylvania] to cause an immediate Evacuation of those Settlements and to enjoin a more strict Obedience to His Majestys Commands signified in the said Proclamation, and provide against any future Violation thereof. [*pp.* 368, 378, 382.]

(1766.) [Reference to the Committee, and by them on 5 June
May 12. to the Board of Trade, of a memorial of the Auditor General of the Plantations, desiring instructions as he is informed] that the people inhabiting on the Branches of the Ohio, a Branch of the Mississippi River, though holding their Lands by Grants from His late Majesty, refuse to pay the Quit Rents any longer, pleading, that His Majesty has lately granted all those Lands to the Indians, and that they must now hold their Lands and Improvements from the Indians on the best terms they can. [*pp.* 617, 651.]

6 Sept. [620.] [Reference to the Committee of a Board of Trade
Virginia. representation of 27 Aug. on papers transmitted by Lieut.-Governor Fauquier of Virginia, relative to an attack on ten Cherokee Indians by frontier settlers in which five Indians were killed. Another representation and more papers are referred on 2 Oct.] [*pp.* 355, 365.]

3 Oct. [The Committee find from the papers] That a Party of Indians consisting of ten of the Cherpkee Nation, one of the most powerful Tribes in the Southern District, and with whom a Treaty of Peace and Alliance had been lately entered into, travelling through Augusta County and provided with proper Colours and a Pass from Colonel Andrew Lewis, were without any Provocation in the most treacherous manner attacked by a number of the Frontier Inhabitants, their Chief with four more Massacred on the Spot, and two of the Surviving five, who made their Escape to the Woods wounded. That one

of the Perpetrators of this Barbarity being wounded by an Arrow was taken but rescued by his Associates before he reached the Goal, another being lodged in prison was forcibly released from thence by a Party of at least one hundred men and a Proclamation of a most insolent and factious tendency publickly set up by the Abettors of this Transaction in mockery and derision of a Proclamation issued by the Lieutenant Governor for the Discovery and apprehension of the Offenders. That the Perpetrators of these Outrages have adopted an opinion, and declared it to be the principle on which they Act that the Killing a Savage is an Act for which no men ought to suffer, and that these People have been encouraged by a Promise of Support from a number of Inhabitants of Pensylvania adopting the same Principles and of like evil disposition with themselves.—That the Cherokee Nation had deputed the little Carpenter and a Party to Virginia to see what Justice the Government of Virginia were disposed to give them on account of the abovementioned Murder ; That about ten days after the Departure of the little Carpenter the Lieutenant Governor of Virginia received Information, that forty pickt men well armed from Augusta were set out with a declared intention to cutt off the said Little Carpenter and his Party on their Road home, and destroy the Presents they had received at Williamsburgh ; That the Lieutenant Governor had Summoned the Council thereupon to consult what was proper to be done, and a motion was made for raising the Militia to escort the Indians home, but that the Council did not think proper therewith, and therefore no Assistance had been sent.—And the Lords of the Committee being of opinion that some Directions should be given to enable the Governor to resist any measures that may be taken by such Offenders [order the Board of Trade to prepare an additional instruction] strictly enjoining and requiring him vigorously to repress for the future by Military power, or otherwise, as occasion may require any such outrages and Disturbances, and to make application from time to time,

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in case he shall judge the same necessary and expedient, to the Commander in Chief of His Majesty's Forces in North America for such a number of Troops as may be necessary and sufficient for such purpose who will receive His Majesty's Orders to furnish the same accordingly. [p. 369.]

15 Oct. [Consideration of the Board of Trade representation and draft instruction is postponed by the Committee.] [p. 379.]

19 Nov. [The Committee refer the draft to the Attorney and Solicitor General for their opinion. This entry gives the additional facts that the Virginia council refused to allow the militia to escort the Indians,] apprehending that setting one part of the Colony against another, might be the means of sowing the seeds of a Civil War, and instead thereof, proposed, that notice should be sent to the said Party to take a different Road. [p. 413.]

6 Sept. [621.] [Reference to the Committee of a Board of Trade representation of 27 Aug. upon papers transmitted by the Virginia and Massachusetts Bay. Lieut.-Governor of Virginia relating to the resolutions of the House of Burgesses about the Stamp Act.] [p. 355.]

2 Oct. [Reference to the Committee of a Board of Trade representation of 1 Oct. on the proceedings of the Massachusetts House of Representatives with respect to the Stamp Duty and other Acts of Parliament.] [p. 363.]

18 Oct. [Order in accordance with the opinion of the Committee, who on 3 Oct considered the proceedings (those of Massachusetts being dated 6, 8, 20, 24 June), and reported] That this is a Matter of the utmost Importance to the Kingdom and the Legislature of Great Britain, and of too high a Nature for the Determination of Your Majesty in Your Privy Council, and is proper only for the Consideration of Parliament, and to that End that it may be adviseable for Your Majesty to give Directions that the same be laid before the Parliament at such time, and in such manner, as Your Majesty shall be pleased to direct and appoint. [The Virginia resolutions are described as] containing an absolute Disavowal of the Right of the

1765.

Parliament of Great Britain to impose Taxes upon the Colonies, and a daring attack upon the Constitution of this Country.

[*pp.* 367, 382.]

[Reference to the Committee of two Board of Trade representations of 10 and 17 Oct. with papers received from Governor Bernard] giving an account of Riots of a dangerous tendency which had arisen in the Town of Boston with a view to prevent the execution of an Act of the Parliament of Great Britain for levying a Stamp Duty in His Majesty's Colonies and Plantations [and also of other papers transmitted by the Secretary of the Treasury]. 18 Oct.

[*p.* 383.]

[Orders are given to the Governors, to the Admiralty, and to the Secretary at War, Viscount Barrington, in accordance with the opinion of the Committee, who reported on 22 Oct.] That it may be adviseable for Your Majesty to direct one of Your Principal Secretaries of State immediately to write Letters to the several Governors of Your Majesty's Colonies in North America, signifying Your Majesty's Royal Will and Pleasure, that they do, in their respective Provinces, provide by all prudent and proper Methods for the Support of the Honour and Safety of Government, and use all legal means to preserve peace and good order by a full Exertion of the Civil Power, and in case by the Exigency of Affairs in any of the said Provinces, it should be necessary to procure the Aid of the Military in Support of the Civil Power, that, for that purpose, the Governor of the Province where that may happen, do apply to the Commanders of Your Majesty's Land and Sea Forces in America, or either of them, as the occasion may require, to whom it is humbly submitted Your Majesty should give the necessary Orders for their Concurrence and Assistance. 23 Oct.

[*pp.* 386, 388-90.]

[Letter to the King's Printer to print and deliver to the Clerk of the Council] Four hundred setts of Copys and Extracts of News Papers lately printed in New England and transmitted from thence. 21 Dec.

[*p.* 449.]

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1765.

6 Sept.
Quebec.

[622.] [Reference to the Committee of the petition of the French inhabitants of Montreal complaining against several edicts or ordinances made by the Governor and Council.] [*p.* 356.]

2 Oct.

[A Board of Trade report of 24 Sept. on seven ordinances of 1764-5, is similarly referred.] [*p.* 364.]

(1765.)

[The first three of the following ordinances are

22 Nov.

repealed, and orders given to prepare an instruction about the currency, in accordance with the Committee report of 19 Nov. —]

1st. . . for the better discovering and suppressing unlicensed Houses [3 Nov., 1764].

2d. . . for the better observance of the Lords day [16 June, 1764].

3d. . . for Billeting Your Majesty's Troops on private Housekeepers in the Province of Quebec [12 Nov., 1764, with supplement of 29 Nov].

4th. . . for regulating and establishing the Currency of the Province [4 Sept., 1764, with supplement of 15 May, 1765].

5. . . for amending and explaining an Ordinance made on the 20th day of September last for ratifying and Confirming the Decrees of the several Courts of Justice established in the Districts of Quebec, Montreal, and Trois Rivières prior to the Establishment of Civil Government, and for enlarging the time for lodging Appeals from the Decrees of the said Courts [12 Nov., 1764].

6th. . . to prevent the effects of Absentees &c. from being taken out of the province without being first liable to the Debts contracted by them therein, and also for making the Real and personal Estates of Merchants and Traders liable to the payment of their debts, rateably and proportionably amongst their Creditors, notwithstanding private Security given to any particular person to the contrary [9 March, 1764].

7th. . . for preventing the Imprisonment of Soldiers and Seamen for debt, and for liberating them now in Custody [31 May, 1765].

[The Committee agreed with the Board of Trade] that the first of the said Ordinances . . . is proper to be repealed in regard it virtually raises a Tax which power the Governor is expressly excluded from by his Instructions. That the second Ordinance . . . is also proper to be repealed in regard it enforces an Observance of that day with a greater strictness and more severe penalties than are prescribed by the Laws of England. That the third Ordinance . . . ought likewise to be repealed in regard there are many objections against a measure, which it is conceived must be productive of much oppression, and in regard the same is virtually repealed by an Act passed the last Session of Parliament. That with respect to the fourth Ordinance . . . it appears the Conquest of Canada by His Majesty's Arms had introduced into different parts of the Province different Customs and Modes of valuation of the several species of Coin therein used, and those Customs and Modes had been severally confirmed by Ordinances and Decrees of the Military Governors of those respective places, so that before the establishment of civil Government, the currency at New York (as they had been informed) was adopted at Montreal, and that of Nova Scotia at Quebec. To remedy the inconveniences which are said to have resulted from the want of one uniform fixt Standard for the several species of Coin current in the Province, and to make the same general throughout all parts of it, the Governor issued this Ordinance, by which the Currency is settled, and made to conform to those Rates for the respective Coins, as they pass in the Province of the Massachusetts Bay ; and according to these Rates it is Ordained, that they shall be received by all Persons as a legal Tender. To prevent the ill effects which it is obvious must have ensued from an Ordinance like this, that arbitrarily alters the value of every Contract made, and every Debt incurred previous to its promulgation, the Governor on the 15th of May 1765 published an explanatory Ordinance in addition to this of the 4th of September 1764, by which latter Ordinance, it is declared, that all Agreements, Bills, Bonds &c. made before

1765.

the first of January 1765 shall be respectively discharged in the Species and Denomination of money in the said Ordinance mentioned, as shall be in value and proportion to the Species or Denominations of money of such respective Agreements, Bills, Bonds &c. That by an Act of the Sixth year of Queen Anne for ascertaining the Rates of Foreign Silver Coin in the Plantations it is declared, that any persons, paying or receiving any foreign Silver Coins at a higher Rate, than is there regulated, are made liable to suffer Six Months Imprisonment, and forfeit the Sum of Ten pounds, but that no persons shall be compelled to receive any Species of foreign Silver Coins at the respective Rates thereinmentioned, that the Governor in framing such Compulsary Clause, obliges all persons to receive the new regulated Currency as a legal Tender, has not sufficiently attended to the Spirit and intent of the British Laws in this particular. That in a matter of such extent and Importance, as the present case, the Governor should not have put any Ordinance respecting the Coin in force, till the approbation of Government had been received upon it, and therefore that it may be adviseable for the Governor to be instructed, that in case he sees reason from the particular circumstances of the Province of Quebec, which makes it necessary to depart from the Rates established by the Act of the Sixth of Queen Anne above recited, that he should upon such sufficient Grounds frame such an Ordinance, as shall seem to him best adapted to the uses and Interest of the said Colony, and as nearly as convenience will admit of, correspondent to the said Act, which Ordinance he should be directed to transmit before he puts it in force for His Majesty's Royal Approbation, and as to the three last mentioned Ordinances their Lordships have thought proper to postpone the consideration thereof for the present. [pp. 410-12, 418-20.]

(1766.) [The additional instruction, referred to the Committee on
17 Feb. 10 Feb., is approved on their report of 15 Feb.]

[pp. 473, 493, 501.]

1765.

[623.] [Reference to the Committee, and by them on 17 Sept. to the Board of Trade, of two addresses to his Majesty, one from the Assembly, and the other from the principal inhabitants of Bermuda, complaining of regulations made by Governor Bruere in regard to the number of ports to be allowed in the island; and of eighteen other papers in connection with this matter, the titles of which are given in the Register.] [pp. 356-7, 361.] 6 Sept. Bermuda.

[The Committee refer to the Treasury the Board of Trade report of 3 Sept. on the addresses for making Elys Harbour and Crow Lane Harbour as well as St. George ports of entry and clearance.] (1766.) 24 Nov. [V. p. 92.]

[624.] [Reference to the Committee, and by them on 8 Oct. to the Board of Trade, of] the Memorial of William Thomson, William Greenwood and William Higginson Merchants of London in behalf of John Gordon of South Carolina Esq. setting forth amongst other things, that the said John Gordon, jointly with Jesse Fish in behalf of themselves and other British Subjects, did purchase from sundry Spanish Subjects Inhabitants of East Florida, divers large and extensive tracts of some of the most valuable Lands in that Country, to a very considerable amount in the whole a schedule whereof, specifying their several Dimensions and Contents in Spanish admeasurement together with their respective situations is annexed to the said Petition, that the said John Gordon being apprehensive, that the holding such extensive Tracts of Land in a few hands might be deemed injurious to the publick Interest, and impede the establishing a Colony in East Florida, wrote to some of his friends in London to make a Tender of the said Lands to His Majesty's Ministers upon the most reasonable Terms, reserving only a moderate quantity for the use and occupation of those concerned in the purchases, but no such step having been taken, and as the Governor of the said Province of East Florida hath (in consequence of an Instruction given him by His Majesty) refused to admit Claims to Lands under Purchases from the 6 Sept. East Florida.

Subjects of Spain or to suffer them to be Entered upon Record until they shall have received the Royal Approbation ; The Petitioners therefore most humbly pray that in case His Majesty shall decline to accept such Surrender as aforesaid at a reasonable valuation, that such Orders may be issued to the Governor of East Florida and such other publick Officers as the same shall concern, that the said John Gordon may meet with no further impediments in the Assertion of his just Rights, and may be quieted in the possession of his Legal purchases, or that he may be otherwise relieved in the premises.

[pp. 358, 374.]

- (1766.) [On the Committee report of 24 Nov., it is ordered] that the
 3 Dec. Governor or Commander in Chief of His Majesty's province of East Florida for the time being do give the said John Gordon or his Assignees an Oppertunity of trying their pretended Right by making a Grant of part of the premises to some person as Trustee for his Majesty or otherwise as he shall be advised for his bringing such Action, as he or they shall be advised, and that against such Action His Majesty's Attorney General there do defend for and on behalf of His Majesty And in Case Judgment shall be given for the plaintiff, contrary to the opinion of the said Attorney General, that he do prosecute an Appeal from such Judgment in the usual manner to his Majesty in Council ; But in case the said John Gordon or his Assignees shall not within a Convenient Time after Notice of such Grant commence such Action to assert his Right and prosecute the same to Effect ; That then His Majestys said Governor or Commander in Chief of East Florida do commence, or cause to be commenced such proper Action in the name of such Grantee or otherwise as he shall be advised for asserting his Majesty's Right at his Majesty's Expence, and in case Judgment shall be given on such Action Contrary to the opinion of the Attorney General there, that he do prosecute an Appeal from such Judgement in the usual manner to his Majesty in Council.

[V. pp. 91, 111.]

1765.
2 Oct. Massachusetts Bay.
- [625.] [Reference to the Committee of a Board of Trade representation of 27 Sept. on a letter from Governor Bernard stating] that an opposition had been made in the General Court of that Province to the usual Grant to the Governor upon this Principle, that as the Parliament had Taxed the American Colonies, they ought also to provide for the expence of their Government, which, though withdrawn at that time, was declared to be intended to be inforced the next year ; The said Lords Commissioners therefore humbly propose, that such a fixt and permanent Salary should be allowed to the Governor of the said Province as shall be sufficient for his support, without the precarious Grant of the General Court.
- [On 15 Feb., 1766, the Committee postponed consideration.]
[pp. 363, 499.]
- [626.] [Reference to the Committee of a Board of Trade representation of 13 Sept. for appointing Francis Cooke of the Council of Jamaica *vice* Norwood Witter, deceased.] [p. 364.] 2 Oct. Jamaica.
- [Letter to Francis Eyre, who had entered a caveat on 26 Sept. at the instance of Hutchison Mure and others against Cooke's appointment, intimating that he must transmit a petition to the Council Office.] (1766.) 3 Feb.
[p. 460.]
- [Reference to the Committee of a Board of Trade representation proposing, if Cooke's nomination be not approved, that Edward Long be appointed.] (1766.) 10 Feb.
[p. 473.]
- [On the Committee report of 6 Sept., Cooke is appointed.] (1766.) 10 Sept.
[V. pp. 18, 30.]
- [627.] [Reference to the Committee of a Board of Trade representation of 13 Sept. with a memorial from Major Robert Rogers of the corps of Rangers suggesting a plan of an expedition by land for the discovery of a North West Passage from North America to China.] 2 Oct. North West Passage.
[p. 364.]
- [The Committee postpone consideration, as it appears that the execution of the plan will be attended with a very considerable expence.] 3 Oct.
[p. 371.]
- [628.] [A petition of the legislature of Bermuda for a supply of military stores and an extract of a letter from the Governor, 2 Oct. Bermuda.]

740 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1765.

with a Board of Trade representation, are referred to the Committee, and by them on 3 Oct. to the Ordnance.]

[pp. 365, 370.]

(1766.) [On the Committee report of 13 June, stores are ordered
18 June. to be sent to the value of 2,612*l.* 18*s.* 10*d.* A detailed estimate is given. The Ordnance prepared the list of what is necessary by comparing the accounts transmitted to them with the original proportion granted. The expence is to be made an article in the next Ordnance estimate laid before Parliament.]

[pp. 665, 669-71.]

3 Oct. [629.] [The Committee refer to the Attorney and Solicitor
New York. General the draft instructions for Sir Henry Moore as Governor of New York, as a change has been made by the Board of Trade in the article relating to the admission of appeals.]

[p. 370.]

15 Nov. [On the law officers' report that it was inadvisable to make any alteration till the appeal of Cunningham against Forsey (615) had been determined, the Committee directed the Board of Trade to restore the former instruction, which was done accordingly. See Appendix I.]

[p. 406.]

18 Oct. [630.] [Reference to the Committee of the petition of
Jamaica. Nicholas Bourke, Esq., of Jamaica, for a day for hearing his appeal from a decree of the Governor as Ordinary, 6 Dec., 1764, in favour of Matthew Gregory and Foster March, receiving a certain paper as the will of Andrew Arcedeckne, deceased.]

[pp. 384, 399.]

22 Nov. [631.] [Lieut. Robert Dugdale, R.N., commander of the
Nova schooner *Magdalen*, was dismissed the service by court
Scotia. martial on 18 Nov., 1764, for receiving freight for carrying 85 barrels of beef and pork from Louisbourg to Halifax. On a report of 12 Nov. from the Admiralty to whom his petition for restoration to his rank was referred on 6 Sept., he is not restored, but placed on the half-pay list]

[pp. 359, 421.]

(1767.) [Reference to the Admiralty of Dugdale's petition that the
7 Oct. sentence of the court martial be reversed, and that he be put on the public list of officers.]

[V. p. 482.]

[632.] [Reference to the Committee, and by them on 26 Nov. 1765. 22 Nov. Barbados to the Advocate, Attorney and Solicitor General, of a Board of Trade representation with a letter and other papers received from Governor Pinfold, of Barbados, representing that in June, 1765, the Rev. Thomas Harris, rector of St. Lucy's, was convicted of an attempt to ravish Frances Bonnett, spinster, sister of his wife Oriana, and sentenced to one year's imprisonment and a fine of 25*l.*, and that the inhabitants had petitioned for Harris's deprivation ; apprehending himself unable to give any relief under his present commission and instructions, and there being no ecclesiastical jurisdiction in the island, the Governor seeks directions which may be carried into execution before Harris's confinement expires in June, 1766. A letter of 30 Nov. transmitting the papers and the law officers' report in the case of the Rev. Thomas Bernard of Barbados, to the Advocate General, James Marriott, is also given in the Register.] [*pp.* 423, 427, 431.]

[633.] [Reference to the Committee of two appeals from 22 Nov. Grenada. the condemnation of ships in the Vice Admiralty Court of Grenada, 26 Jan., 1765, at the instance of Richard Burke : the *Hope*, William Dickie master, was owned by John Lymburner and Magnus Brash of Quebec, and its cargo by William McKenzie, James Shephard, James Ferroux and Lymburner : the *Laratte*, William Kelso master, and its cargo, were owned by Stephen Moore and Hugh Finlay of Quebec. In each case the master had been fined 100*l.* besides the confiscation of ship and goods.] [*pp.* 424, 452.]

[On Committee reports of 2 Dec., the appeals are dismissed. (1766.) 3 Dec. The masters were unable to produce certificates that they had given the bonds required by law on lading certain non-enumerated goods at Quebec.] [*V. pp.* 105-7, 114-5.]

[634.] Three Petitions from the Assembly and Inhabitants 22 Nov. of the Province of Pensilvania praying His Majesty to resume Pennsylv- vania. the Government of that Province. Consideration thereof postponed for the present. [*p.* 426.]

742 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1766.

10 Feb.
South
Carolina.

[635.] [A commission for Lord Charles Greville Montagu to be Governor of South Carolina is approved, and the draft of his instructions referred to the Committee.] [p. 468, 473.]

17 Feb.

[On the Committee report of 15 Feb., the instructions are approved. The Councillors named in the first article had all been already appointed by his Majesty; the trade instructions are as approved for the Governor of New York; article 91 directs the observance of the temporary line of jurisdiction between N. and S. Carolina; and the other changes are conformable to what his Majesty has already approved—42, about the tenure of judges; 89, about settlements interfering with the Indians; 47, about fees; and 56, about the reservation in all grants of woodland to provide fuel for the garrisons of the adjacent forts. On 15 Feb. Montagu took the oaths.] [pp. 491-2, 499, 500.]

10 Feb.
Grenada.

[636.] [Reference to the Committee of a Board of Trade representation of 10 Dec. on a memorial presented to the Governor of Grenada by the inhabitants in Feb., 1765, and another presented to the Board of Trade by the leading London merchants trading to Grenada,] relating to the expediency of constituting a complete Legislature in that Government, conformable to the Powers and authorities already vested in His Majesty's Governor. [p. 474.]

15 Feb.

[The Committee direct the Board of Trade to prepare an additional instruction to the Governor,] empowering and directing him to constitute an Assembly for the Island of Grenada only, by issuing Writs to the several Parishes, requiring each to return such a number of Representatives as shall be thought expedient, under such regulations and restrictions as have been established and approved in the other Islands in the West Indies. And particularly directing the said Governor not to assent to any Act or Acts for confirming any Titles or Claims to Land whatever, or by which His Majesty's Rights in general either in present or in future, shall be any way affected, or the Duties and Taxes existing

1766,

there be any ways altered or changed, without first transmitting for His Majesty's information a Draught or Draughts of such Bill or Bills as shall be passed for the purposes abovementioned, unless he take care, that a Clause or Clauses be inserted therein suspending and deferring the execution thereof until His Majesty's Pleasure should be further known, and empowering the said Governor to constitute a Council of Twelve Persons for that Island, to be composed of such of the Members, who at present constitute the general Council, as are resident in and have Property in the said Island of Grenada.

[pp. 498-9.]

[On considering the Board of Trade report and draft instructions, the Committee direct the Board of Trade to write to the Governor,] requiring him to send a particular account of what he may have done with respect to Constituting a General Assembly or Assemblies within that Government, and acquainting him, that in case he has not constituted a General Assembly for all the Islands under his Government, he may proceed to constitute a general Assembly with a Council of Twelve Persons for the Island of Grenada only, if he judges the same necessary and expedient (subject to such alterations and regulations as his Majesty shall hereafter think proper to make). The Council to be composed of such of the Members, who, at present constitute the general Council as are resident in and have Property in the said Island of Grenada and directing the said Governor to transmit to the said Lords Commissioners an account of the number of Inhabitants, and of the Division and Sub Division of Lands within the said Government, what Qualification he thinks necessary for Electors, what number of Representatives he would propose, and what should be their qualifications, together with every particular of what he has thought fit to do, or may think proper to be done towards the Establishment of Legislation within the said Government. [p. 534.]

1 Mar.

[637.] [Reference to the Committee of a Board of Trade report of 24 Jan. on a memorial by ex-Governor Boone of

10 Feb.
South
Carolina.

1766.

South Carolina to the Treasury relative to the Assembly's having persisted in withholding from him for two years and an half the usual salary of 500*l. stg.* per annum.] [p. 474.]

22 Feb. [The Committee order the Board of Trade to prepare an additional instruction to the Governor] to recommend it earnestly to the Assembly of that province and to require of them in His Majesty's Name to provide in the usual manner for making good to Mr. Boone for the time he continued in the Government [the usual salary]. [p. 519.]

26 Feb. [The instruction is approved, on the Committee report of the same date agreeing with the Board of Trade] that the point in dispute, which merely relative to matter of Privilege, did not appear to be a just reason for the Assembly to withhold a Salary and allowance from your Majesty's Governor, which has for fifty years past been interruptedly allowed, and which (as the Governor represented) was never withheld from any of his Predecessors within that period before; And as precedent of this nature may be justly apprehended to operate to the prejudice and discouragement of Your Majesty's Service in that Province, by awing and deterring Your Majesty's Governors from the due and faithful execution of their duty and the proper exertion of those legal Rights and Privileges which they are by Your Majesty Commissioned to support. [pp. 526, 528.]

10 Feb. [638.] [Reference to the Committee of an Admiralty memorial proposing] to establish a Salary upon Captain Palliser as Governor of Newfoundland and the Coast of Labradore &c. as a reward for his past services and an encouragement to him to persevere in so commendable a Conduct, as well as to excite others to follow so good an example; and further submitting whether it may not be adviseable that such Salary be included in the Estimates delivered into Parliament for the Salaries established on the Lieutenant Governor of Placentia, and the Lieutenant Governor and other Officers at St. Johns in Newfoundland. [p. 474.]

1766.

[On the Committee report of 11 Feb., an allowance of thirty shillings a day from this date is established on Hugh Palliser as Governor of Newfoundland, and is to be included in the estimate for other officers in Newfoundland. The Admiralty memorial was based on a letter from Palliser, representing the great care and attention requisite to the due performance of the various services expected from him and the expence which attended their execution and the maintenance of the dignity of his employment. His pay as Captain of H.M.S. *Guernsey* and allowance as Commander-in-Chief of the squadron had not exceeded 460*l.* per annum, exclusive of his proportion of the freight of bullion brought to England from Cadiz and Lisbon in the said ship, which of late has been very inconsiderable.]

12 Feb.

[*pp.* 485, 488.]

[On the Committee report of 22 March, the Treasury are directed to cause Palliser's salary to be paid and an estimate presented to Parliament next session, the Newfoundland estimates for the year having been delivered into Parliament before the issuing of the Order of 12 Feb.]

27 Mar.

[*pp.* 556, 564.]

[639.] [Reference to the Committee of the petition of John Long and William Plumstead, merchants, of Philadelphia, for a day for hearing their appeal from a judgment of the Supreme Court, 25 April, 1765, condemning them to pay to Thomas Harper, John Nixon and Co., owners of the ship *Molly*, James Sparkes master, 1,616*l.* 14*s.* 10*d.* for breach of covenant contained in a charter party of 29 Oct., 1759.]

10 Feb.
Pennsyl-
vania.

[*pp.* 476, 546.]

[On the Committee report of 10 June, the judgment of April, 1765, is affirmed.]

(1767.)

[*V. pp.* 314, 355.]

26 June.

[640.] [Reference to the Committee, and by them on 1 March to the Board of Trade for reconsideration, of a Board of Trade representation of 10 Dec. on extracts of two letters from William Shirley, Governor of the Bahamas,] stating the expediency of making such Establishments in those Islands in the Southern parts of his Government as may have the

26 Feb.
Bahamas.

1766.

effect to counteract the Measures which the French appear to be forming in the Island of St. Domingo with an apparent view to obstruct and interrupt the Commerce and Navigation of His Majesty's Subjects in those Seas; And also upon considering a Memorial of Andrew Symmer lately employed amongst His Majesty's Bahama Islands, setting forth the expediency of making effectual Settlements on Turks Island and Inagua, and enumerating the advantages which might be derived to Great Britain and her Colonies from such Establishments. [pp. 529, 534.]

28 May. [Reference to the Committee, and by them on 5 June to the determination of the Treasury, of Symmer's petition, that as his Majesty has appointed him Agent for Turks Islands, to assist and protect his Majesty's subjects there, he may have an allowance for his necessary support and the building of a house.] [p. 637, 653.]

21 Mar. [641.] [Reference to the Committee of an Admiralty
Virginia. memorial of 28 Feb. submitting whether the victualling service may not be relieved from any extraordinary expense which may arise from a Virginia Act of 1765—to prevent frauds in the drawback of the duties on liquors imported into that colony—or from any other Act.] [p. 553.]

22 Mar. [The memorial is referred by the Committee to the Board of Trade, who are to report without delay on the Act, if it has been laid before them, and are also to suggest measures for the relief of the victualling service. The memorial shows] that the Legislature of that Province in 1746 passed an Act laying a Duty of three pence a Gallon upon all Rum landed and consumed in that Colony but allowing a Drawback on Exportation which Drawback hath been allowed on the Rum furnished to His Majesty's Ships it being looked upon as exported; That in 1748 another Act was passed by which an Additional Duty of one penny a Gallon was laid upon the said Species and that the whole Duty of four pence per Gallon has been continued by subsequent Acts down to the present time and is to continue to the 1st of August next, and to the end of the then next

1766.

Session of Assembly allowing the like Drawback as in the first of the said Acts, but notwithstanding His Majesty's Ships have been allowed the said Drawback the Legislature of Virginia passed an Act in 1765 entitled an Act to prevent Frauds in the Drawback of the Duties on Liquors imported into that Colony whereby it is enacted that no Person whatever shall be entitled to the Drawback of the Duties of any Liquors purchased for the use of any Ship or Vessel whatsoever, by which Act the said Contractors will be obliged to pay the Duty of four pence per Gallon for all the Rum which they may supply to His Majesty's Ships, so that it will be unsafe for them to continue the Contract or for any other Persons to undertake it unless at a Price adequate to the Risque they must run ; And the Commissioners for Victualling [are] of opinion, that the Prohibition of the Drawback as aforesaid contrary to what hath been the practice from the time of first laying a Duty on that Commodity must be attended with an encrease of Expence in the Victualling His Majesty's Navy as it cannot be expected that any Persons will contract in future for Victualling His Majesty's Ships at Virginia, but at an advanced Price, equal at least to the amount of the Duty. [pp. 557-8.]

[Committee order for the Board of Trade to prepare an additional instruction in accordance with their report, directing the Governor not to assent to any act imposing duties on liquors or other provisions unless accompanied with a strict reservation and restriction that such duties shall not extend to supplies furnished to his Majesty's ships.] [p. 651.] 5 June.

[On the Committee report of 8 July, the instruction is approved and the Act of 1765 disallowed.] [pp. 692, 704.] 11 July.

[642.] [Reference to the Committee, and by them on 6 Sept. to the Treasury, of a Board of Trade representation of 25 March proposing that an additional salary be given to Lieut.-General Shirley, Governor of the Bahamas,] proportionable to the loss he has sustained by the defalcation of his Independent Company, which it was thought expedient to break upon the Establishment of the Peace. [p. 565 ; V. p. 21.] 27 Mar. Bahamas.

1766.

12 May.
Sir William
Johnson.

[643.] [Reference to the Committee, and by them on 8 July to the Board of Trade, of] the Memorial of Sir William Johnson Bart.—His Majesty's sole Agent and Superintendant of Indian Affairs of the Northern District of North America, and Colonel of the Six United Nations, their Allies and Dependants &c. humbly praying for the reasons therein contained, that his Majesty will be graciously pleased to grant to him and his Heirs a certain Tract of Land on the North side of the Mohawk River, to which the Memorialist has an indisputable Indian Title, to confirm him in his Rank, to augment his Salary as Superintendant of Indian Affairs in such manner as to enable him to support the Expence thereof, to grant him a Recompence for his Pay as an Officer, and for the money he has advanced for the Publick Service, or to relieve him in such other manner as His Majesty in his great Wisdom shall judge most fit.

[p. 618, 698.]

(1767.) [The Committee refer back to the Board of Trade their report
16 May. of 20 Feb. for further information upon the authenticity of the grant made to Sir William Johnson, and whether any of the lands lie within the parts reserved to the Indians by the proclamation of 7 Oct., 1763, or by any compact with the Indians.]

[V. p. 266.]

(1767.) [On the Committee report of 24 Aug., the grant is confirmed
26 Aug. and the Attorney and Solicitor General ordered to prepare the draft of an instrument for the purpose. The Board of Trade reported] That with respect to the first of these particulars wherein the Memorialist Solicits Your Majesty's Bounty for conferring upon him and his Heirs the Grant of a Tract of Land lying on the North side of the Mohawk River near Canajoharee the Memorialist sets forth that this Grant was bestowed upon him by a Deed from the whole Mohawk Nation in Testimony of their Friendship for him, for which he then paid them before Witnesses one thousand two hundred pieces of eight and that the expences of Surveying and of some Presents since made to the Indians amount to as much more That before the said Lords Commissioners proceed any further in

stating the several Circumstances that seem particularly to distinguish the Case of Sir William Johnson, they observe, That there are certain General objections which have always been understood to take place against the practice of private persons obtaining Grants and Concessions of Lands from the different Tribes and Nations of Indians ; a proceeding which the policy and Experience of all times have agreed to look upon in a very unfavourable Light, in as much as the many fraudulent and irregular Courses that have been taken for inducing the Savages to alienate and dispose of large Tracts of Land have been found not only highly injurious and offensive to them, but of very prejudicial Consequences to the Interest of the Crown, as well as those of the particular provinces within whose Limits such Grants have been obtained, and in no province have these Inconveniences been more sensibly felt than in that of New York ; That upon these reasons it was founded as a principle, That no Subject should purchase Grants of Lands from the Indians, and this Doctrine in General obtained throughout the Provinces till Your Majesty's Proclamation of the 7th of October 1763 put a more effectual Stop to the practice of an express prohibition strictly forbidding any private person to presume to make any purchase from the Indians of any Lands reserved to the said Indians within those parts of the Colonies where your Majesty had thought proper to allow Settlement, alledging it as the Ground and Foundation of this prohibition, that great Frauds and Abuses had been Committed in the purchasing Lands to the great prejudice of the Interests of the Crown and to the great Dissatisfaction of the said Indians. That having thus stated the general Objections and Impediments which stand in the way of Grants of Land obtained by purchase from the Indians, the said Lords Commissioners proceed to Consider the Case in Question by which it may be more clearly distinguished how far it is or is not affected by the Circumstances above Stated and consequently the Committee be better able to judge what Degree of Favour and Attention

is due to this Branch of the Memorialists petition Had this Transaction with the Mohawk Nation for the Surrender of a Considerable Tract of Lands to a private person, without Licence from the Crown, taken place subsequent to the proclamation above referred to, it is clear beyond a Doubt that such a proceeding would have been expressly Disallowed as Contrary to the Letter of the said proclamation, it seems therefore in the first place necessary to premise that this Grant being obtained previous to the date of that proclamation and the Lands in Question not lying within these Territories which not being ceded to, or purchased by the Crown, are by the above proclamation reserved to the Indians, and all Settlement thereon expressly Disallowed, no absolute Deprivation or disability can result to the Petitioner from the Terms and provisions of your Majesty's Proclamation, That upon these Grounds it is the petitioner founds what he Terms in his Memorial an indisputable Indian Title to the Grant in Question ; not a Title obtained (as has been commonly the Case) by base and fraudulent means, or which can be supposed to be productive of Illwill and Dissatisfaction to the Indians, not a Clandestine or partial purchase from a few deluded Savages, not specially empowered for such Purchases, but a free voluntary and general Concession made by the whole Mohawk Nation in Testimony of their Friendship and Esteem for his person. That the Established Character and Reputation of Sir William Johnson leave no room to doubt of the Veracity of his relation of this matter as above Stated, and in this light it does not appear to the said Lords Commissioners that the Grant in Question can properly come under the description of a purchase, since the Money which the petitioner alledges that he paid to the Indians who bestowed these Lands upon him seems not so much to have been considered as an equivalent by way of Bargain as a Customary present regularly expected by them in acknowledgment even of their most disinterested Benefactions That as the peculiar Nature of Sir William Johnsons Connections with these Indians and the extra-

ordinary Degree of Influence which he is known to have over them, may well account for this Mark of their Friendship and favour to him, so this Consideration not only exempts his particular Case from those general Objections that are found in the apprehension of prejudicial Consequences resulting from Dissatisfaction of the Indians, but leaves a Doubt whether on the Contrary they would not probably Consider themselves as suffering an Indignity and Affront by a Disallowance and refusal of their Grant, That the Grant in Question does appear both by the returns of the said Lords Commissioners have received from your Majesty's Governor of New York, as well as from the Survey made by Sir William Johnson to Amount to Sixty six thousand acres of Land, a larger portion than has been usually allotted professedly to any one Individual ; To this Consideration they should naturally oppose the eminent Merits of the petitioner in the publick Service if they were not already too well known to need any particular Recapitulation or Description ; They will undoubtedly have their due weight and Influence, and when taken into Consideration jointly with the Circumstances above related the Committee will then have everything before them that can direct their Judgments in this matter, according to which it will be for the Committee to determine what advice it may be expedient to give to your Majesty relative to this Article of Sir William Johnsons Memorial.

[The second particular, that Johnson be confirmed in his rank of Colonel, the Board of Trade declared entirely foreign to the business and occupation of that department, and expressed no opinion thereon.]

That the third particular which the prayer of this Memorialist enumerates, is for an augmentation of Salary as Superintendant of Indian affairs,—The Lucrative Occupation which the Memorialist abandoned in order to execute this Branch of the publick Service and the great Degree of Labour and Fatigue which accompanies its discharge are represented as very incompetently repaid by an allowance amounting only

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to six hundred pounds per Annum, Upon these Considerations he seems Principally to Ground his plea for a more suitable Appointment. And upon this Occasion the said Lords Commissioners have reported That it is but justice to Sir William Johnsons Conduct and Behaviour as Superintendant of Indian Affairs, to represent that his extraordinary Diligence and Assiduity in that Occupation as far as they have come in Course of Office to their knowledge deserve their particular Recommendation ; The Discharge of these duties must no Doubt be attended with Considerable Trouble and Fatigue, and they think it very probable from the Zeal which the Memorialist has ever exhibited in the publick Service, that he might engage in this understanding to the detriment of his own private Affairs ; That upon the whole there can be no Question but that he is justly entitled to a Competent and sufficient Salary, adequate to the Station he fills, and proportioned to Toil and Fatigue which he undergoes ; But although the said Lords Commissioners find that their predecessors in office, in their general plan for the future Management of Indian Officers have give it as their opinion that a higher appointment should be made to the officer acting in this Station, Yet they think, that when the Consideration of these matters comes to be resumed it will then be for your Majesty and your Council to determine at what rate to fix the Salaries of Superintendants of Indian Affairs.

That the last particular which falls under Consideration is the Recompence which the Memorialist prays for in Consideration of his pay as an Officer, and for the Money which he has expended on the publick Account—the Memorialist sets forth, that he acted as Colonel of a provincial Regiment of fourteen Companies during the Year 1747 By virtue of a Commission from Your Majesty's Governor of New York ; That he served a Campaign in 1756, and Commanded the Army in 1759 after the death of General Prideaux, at the Seige and Reduction of Niagara, for which Services he never received any pay or allowance whatever : He represents likewise

that in the year 1746, he supplied at his own private Hazard the important and (at that time) only frontier Fort called Oswego ; That he continued furnishing these Supplies till the Year 1750 at the particular Instance of the late Governor Clinton ; That he expended considerable Sums on Flags of Truce for the Redemption of prisoners from Canada, and in the Entertainment of several French Officers on publick Business, whose Charges he paid by the Governors express Orders, and that notwithstanding these Services, the House of Assembly objected to the payment of his just accounts, in Consequence of which there still remains due to him the Sum of Two thousand four hundred and seventy six pounds five shillings and seven pence half penny Sterling. That the said Lords Commissioners have thus briefly enumerated the particulars stated by the Memorialist in Recommendation and Support of this part of his petition—with respect to such part of the Expences he has incurred as properly belong to the province of New York to repay, The said Lords Commissioners are at a Loss to guess upon what Motives the Assembly should continue to withhold from him a just and equitable Compensation for Services performed at the express Requisition of their Governor and for the special defence and Security of their Frontiers. That as to the Reconpence which he is entitled to for his acting in a Military Capacity without pay, and which seems to be the only Circumstance which properly falls under your Majesty's Consideration, the said Lords Commissioners are inclined to think, that as Sir William Johnson has already received a parliamentary Bounty of five thousand pounds, if Your Majesty shall be pleased to bestow upon him the Grant of Lands above mentioned, such a Mark of Your Majesty's Favour may well be Considered by the Memorialist as an ample and sufficient Compensation for all such Arrears and Deficiencies on Account of his pay as in justice it may be incumbent on the Crown to make good. [V. pp. 414-8, 427.]

[The instrument is approved (P.R.) in accordance with a report of 24 April from the Committee, to whom the draft (1769.) 3 May.

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was referred on 14 April. The Committee supplied two blanks by fixing the rent at two beaver skins and the proportion of gold and silver ore reserved to the Crown at one-fifth.]

[VI. pp. 546, 562 ; VII. p. 9.]

12 May. [644.] [Reference to the Committee of the petition of
West Daniel Clarke, deputy collector of customs at Mobile, for a day
Florida. for hearing his appeal from the judgment given by the Vice
Admiralty Court of West Florida, 16 July, 1765, in favour of
Major Farmer, on Clarke's information against the schooner
Charlotte, the boat *Little Bob*, and five hogsheads of claret,
for illegal trade.] [p. 619.]

(1769.) [On the Committee report of 11 March, the part of the decree
14 April. which ordered the restoration of the *Little Bob* and payment of
costs is reversed and the boat declared forfeit. The case was
heard *ex parte*, no appearance having been entered for the
respondent.] [V. p. 97 ; VI. pp. 473, 535.]

28 May. [645.] [On the petition of John Thornton, Fowler Walker,
Montreal. and James Hanway, agents for the sufferers by fire at Montreal,
letters patent are ordered to be passed under the Great Seal
for the collection of the charity of all well-disposed persons.
The fire occurred on 18 May, 1765, and in three hours destroyed
108 dwelling-houses inhabited by 215 families, doing damage
to the amount of 87,580*l.* 8*s.* 10*d.* *stg.*, as appears by a certificate
from Governor Murray. The petition declares] That the Poor
Sufferers are a Loyal, obedient, and Laborious People, and
before this dreadful Accident were recovering from the
Calamities of War and the suspension of their Trade and well
inclined to assist each other, but so many of them are now
reduced to the utmost distress, that if not relieved by their
Fellow Subjects here, many numerous Families will be
unavoidably involved in and exposed to the greatest misery.
[p. 635.]

28 May. [646.] [Reference to the Committee of a Board of Trade
New York. representation of 16 May on a letter from Governor Moore of
New York requesting instructions about measures for the

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relief of the province when the time for the circulation of its paper currency expires in 1767—to put them on a footing of equal advantage with neighbouring colonies whose paper credit is extended to more distant periods.] [p. 636.]

[On the Committee report of 8 July, an additional instruction prepared for the Governor by the Board of Trade on an order of 13 June from the Committee, is approved, revoking the 20th article of his general instructions about bills for the issue of paper money, and allowing him to assent to an act for issuing not more than 260,000*l.* New York currency in bills of credit, taking care that in the Act the real value of the bills be ascertained, a fund for sinking them within five years be provided, and a suspending clause be inserted.] 11 July.

[pp. 666, 691, 705.]

[647.] [Reference to the Committee of a Board of Trade representation of 15 May relative to the settling 21 townships of 100,000 acres in Nova Scotia.] 28 May.
Nova
Scotia. [p. 637.]

[Committee report for laying out the townships on the terms proposed by the Board of Trade. The representation shows that the Governor of Nova Scotia has informed the Board of Trade that in other less sparsely-populated colonies associations have been formed for making settlements in Nova Scotia and has sent an account of the lands requested by these companies. On considering this information and a memorial by Col. Alexander McNutt, who has already introduced several hundred families into Nova Scotia and appears to be largely concerned in these associations, the Board of Trade represent that the conditions proposed are :—] 5 June.

First That the Land should be laid out in Townships consisting of one hundred Thousand Acres, and each Township granted to two or three of the Principal Persons engaged in each Association, upon Condition of introducing one hundred Families into the Township within four years from the Date of the Grant otherwise the Grant to be forfeited.

Secondly. That the Quit Rent should be reduced from one Farthing per Acre, to Two Shillings the hundred Acres, and

instead of being payable at the Expiration of Two Years, which is now required by Your Majesty's Instructions, that it should not be payable until the Expiration of Ten Years from the Date of the Grant.

Thirdly. That the Reservation to Your Majesty of Coal Mines, which has lately been made a Condition of all Grants, should be remitted.

Fourthly. That the Terms of Cultivation should be the same as those established and approved in Your Majesty's Colony of Virginia.

That the great Abuses which have been committed by those to whom large Tracts of Land in America have been heretofore granted, and the ill use they have made of those Grants have been so notorious, and have operated so much to the prejudice of the Publick Interest, and to the Discouragement of actual Settlement and Improvement, that it becomes highly necessary before any Proposal of this Nature is adopted, that the real Ability and Intention of the Proponents should be ascertained, as far as the Nature of the Case will admit ; That in the present Case, the Representation made by the Governor, and the great Expence which these associated Companies are stated to have been already at, to the amount of upwards of fifteen hundred pounds Sterling, in making Surveys of the Lands, and in taking other Measures preparatory to the Execution of the Plan, do induce a Belief of the Reality both of their Ability and Intention to accomplish what they propose, and therefore when it is considered.

First. That the Acquisition to this important and infant Province of so large a Number of useful Colonists must be attended with great Publick Benefit.

Secondly. That this Benefit will be attended without any Expence to the Publick.

Thirdly. That what is desired in respect to Terms of Quit Rent and Cultivation is no more than what has been already approved in former Grants under which several flourishing Townships have been settled.

Fourthly. That the Reservation of Coals at present required by Your Majesty's Instructions, and now proposed to be remitted is altogether new, and represented by Your Majesty's Governor to have operated to the Discouragement of Settlement and Cultivation, and,

Lastly. That the Residue of the Lands in each Township, that will fall to the Share of the original Grantees, after the Number of Families are settled in the proportion of five hundred Acres to each Family, will be no more than a reasonable Compensation for the great Expence they must be at in carrying the Plan into Execution.

That for all these Considerations, and for as much as the said Lords Commissioners conceive, if the Conditions on the part of the Grantees are not performed, the Land may, by a Mode of short Process already established in that Province be resumed without any trouble or Expence, they are humbly of opinion, that it will be for Your Majesty's Service, and for the Interest and Welfare of that Province, that Your Majesty's Governor should be instructed to lay out the Number of Townships required in such parts of the Province, as the Proponents shall chuse, not already surveyed for or granted to other persons and to grant the same on the abovementioned Conditions, to those Persons and their Associates, whose Names are contained in the List transmitted by the Governor, a Copy of which is hereunto annexed ; taking care that in each Township, so to be granted, there be a Clause reserving to Your Majesty, Your Heirs and Successors, all white or other Pine Trees of the Growth of Twenty four Inches Diameter and upwards at Twelve Inches from the Earth, and declaring, That if such Trees shall be cut or felled without Licence for so doing either from the Surveyor General of the Woods or his Deputy or from the Governor of the Province for the time being, the Lot or Share of Land, on which they shall be so cut or destroyed shall be forfeited and the Lands revert to Your Majesty.

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That this is a Consideration not only necessary in itself but also as it is conformable to what Your Majesty has thought proper to direct in respect to Grants of Lands in other Colonies founded upon the Regulations of several Acts of Parliament for the better preservation of Your Majesty's Woods in America, and is a Restriction highly expedient until some more perfect and effectual Plan shall be adopted for so National and important an Object.

Another Caution necessary to be attended to in so extensive a Plan of Settlement in the preventing its operating to the Encouragement of the Migration of any considerable Number of Your Majesty's Subjects from Your European Dominions, more especially from the Northern Parts of Ireland, where the ill effects of such Migration to the American Colonies has been severely felt, and therefore the said Lords Commissioners propose, that it should be a further Condition of the Grants, that no Persons should be settled within the said Townships but Protestants from such parts of Europe as are not within Your Majesty's Dominions, or such Persons as have resided in Your Majesty's Colonies in America for two Years antecedent to the Date of the Grant. [pp. 647-50.]

18 June. [A blank of a page and a half appears under this date after a marginal reference purporting to be the title of an order approving the Committee report.] [p. 673.]

28 May. [648.] [Reference to the Committee of the petition of
Bahamas. Edward Scott, merchant, late of New Providence and now of London, for leave to appeal from a judgment of the Supreme Court of the Bahamas, 15 July, 1765, reversing a judgment of the Court of Common Pleas, 31 May, 1765,] upon an Action brought there in the Name of John Brown as Attorney General of the said Islands against the Petitioner for Payment of 8,703 Pieces of Eight the Neat proceeds of a Prize sold by the Vendue Master and not paid or Accounted for by him to the Captors agreeably to the general Security given to His Majesty by the said Vendue Master in which Security the petitioner was jointly bound. [p. 637.]

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[649.] [Reference to the Committee of the petition of William Stead, merchant, of London, for a day for hearing his appeal from judgments of the Inferior and Superior Courts at Newport, R.I., in May, 1764, and March, 1765, in an action of damages brought against him by Jacob Isaacs on account of the insurance of the ship *Rising Sun*, William Pennegar master. On 23 May, an appearance had been entered for Stead to an appeal by Isaacs.] [pp. 632, 638.]

28 May.
Rhode
Island

[On the Committee report of 11 March, both judgments are reversed and a new trial ordered, in which Stead is to be liable as if he were the insurer of the ship. He had failed to carry out the full directions given him by Isaacs for insuring the ship in London, whereby Isaacs received no compensation for its loss on the Mosquito Coast, Stead having taken out a policy only for the voyage from Honduras to Europe. On the other hand, Isaacs did not prove the value of the cargo in the Rhode Island courts, so that the jury had no foundation for estimating the damages as they did.]

(1769.)
14 April.

[VI. pp. 477-81, 537.]

[650.] [Reference to the Committee of the petition of Robert and Ellis Lewis, merchants, of Philadelphia, for a day for hearing their appeal from a judgment of the Superior Court of Rhode Island at Providence in March, 1765, reversing a former judgment of Sept., 1764, in their favour, and affirming a judgment of the Inferior Court of 18 June, 1764, in favour of Benjamin Wilkinson, defendant to their action of trespass and ejectment for recovering possession of 300 acres of land.] [p. 638.]

28 May.
Rhode
Island.

[On the Committee report of 10 June, the judgment of March, 1765, is affirmed.] [V. pp. 322, 357.]

(1767.)
26 June.

[651.] [Reference to the Board of Trade of the] Petition of the present Ministers, Elders, Deacons and Trustees of the Presbyterian Church of the City of New York, humbly praying for the reasons therein contained that His Majesty will be graciously pleased to create them a Body Politic and Corporate

28 May.
New York.

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by the Name and Stile of the Ministers, Elders Deacons and Trustees of the Presbyterian Church of the City of New York according to the Westminster Confession of faith, Catechisms and Directory, agreeable to the present Established Church of Scotland ; And that they and their Successors may be thereby enabled under the Great Seal of the Province to hold and enjoy the said Church and Ground belonging to the same, and to acquire and hold a further Estate, and enjoy such other powers and privileges as may be necessary for the encouragement of Religious Worship ; And that His Majesty will be graciously pleased to grant them such other aid, protection and Countenance, as to His Royal Wisdom shall seem meet.

[p. 639.]

(1767.) [On the Committee report of 24 Aug., the petition is
26 Aug. dismissed. The Board of Trade reported] That it appearing as well upon the face of the said Petition itself as from other papers in possession of that Board, that many Proceedings had been had before the Council of New York touching an application of the Presbyterian Church there for a Charter of Incorporation it was thought Adviseable to Transmit a Copy of the said Petition to the Governor there, with directions to communicate the same to the Council, for their Advice and Information thereupon and to Report in the fullest manner, the present State and Condition of this protestant Establishment and also all the proceedings upon a petition to the same effect presented to them during the Administration of Lieutenant Governor Colden, and the reasons why such Applications did not succeed at that time. That in return to this reference to the Governor of New York, he had lately Transmitted to the said Lords Commissioners a Report made to him thereupon by a Committee of Your Majesty's Council there, wherein is set forth not only a true account of the proceedings and precedents to which the petition to Your Majesty refers, but a doubt is likewise stated of great weight and Importance in this Question Vizt. whether your Majesty, Consistent with the obligation you are under by Your

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Coronation Oath, founded on the Act of the 5th of Queen Ann Cap. 5 intituled " An Act for securing the Church of England, as by Law established " can create such an establishment in favour of the Presbyterian Church, as is now requested ? Which Question the said Lords Commissioners conceive to be of too great importance for them to decide upon, but upon the fullest Consideration of what is stated in the report of the Council of New York, they are of opinion that independent of the objection arising out of this Question, it is not expedient upon Principals of general policy, to Comply with the prayer of this petition, or to give the Presbyterian Church of New York any other privileges and Immunities than it is intituled to by the Laws of Toleration. [V. pp. 421-2, 429.]

[652.] [Reference to the Board of Trade of the petition of William Smith, of the Society of Gray's Inn, resident in New York, for compensation for his services out of the Privy Purse or the Quit Rent Fund or by a grant of forty or fifty thousand acres ; as such a grant could probably be made only on a remote frontier by reason of the numerous grants lately made to reduced officers or soldiers, settlers will be difficult to obtain, and he therefore prays the remission of quit rents for ten years and the extension of the period of settlement to 15 or 20 years.] 28 May.
New York. [p. 639.]

[653.] [On the Committee report of 13 June, one Pennsylvania Act is disallowed and of 30 others all are confirmed, save those which require no order as having expired or had their effect. These 31 Acts were delivered by the agent on 19 Dec., 1765, referred to the Committee on 10 Feb., and to the Board of Trade on 11 Feb. 18 June.
Penn-
sylvania.

1. An Act for regulating the Hire of Carriages to be employed in His Majesty's Service—Passed July 8th 1763.

2. An Act for granting to His Majesty Twenty four Thousand Pounds for the Defence and Protection of this Province and for other Purposes therein mentioned—Passed October 22d 1763.

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3. An Act for regulating the Officers and Soldiers in the Pay of this Province—Passed October 22d 1763.

4. An Act to prohibit the selling of Guns, Gunpowder, or other Warlike Stores to the Indians—Passed October 22nd 1763.

5. An Act for the Payment of Ten Thousand Nine hundred and forty Seven Pounds Sterling, in certain Proportions, to several Colonies in America—Passed March 23d 1764.

6. An Act for granting to His Majesty the Sum of fifty five thousand Pounds, and for striking the same in Bills of Credit, in the manner hereinafter directed, and for providing a Fund for sinking the said Bills of Credit by a Tax on all Estates Real and Personal and Taxables within this Province—Passed 30th May 1764.

7. An Act for regulating the Officers and Soldiers in the Pay of this Province, and for continuing [No. 1 *supra*]—Passed 30th May 1764.

8. A Supplement to [No. 2 *supra*]—Passed September 22d 1764.

[These eight Acts] relate to the Expences incurred and Military Services necessary to be provided for during the State of Hostility with the Savages in which that Province was involved in the Year 1763 . . and being calculated to answer a temporary Service or Exigency, were, by their own Limitation, or by the Nature of their Provisions, temporary Laws, and are either expired, or have had their full Effect and operation.

9. An Act for the erecting a Light House at the Mouth of the Bay of Delaware, at or near Cape Henlopen, for placing and fixing Buoys in the said Bay and River Delaware, and for appointing Commissioners to receive collect and recover certain Sums of Money heretofore raised by way of Lottery, and to appropriate the same to the purposes aforesaid—Passed September 30th 1763.

10. A Supplement to [No.9] Passed September 22d 1764.

11. A Supplement to the Act intituled An Act for the prohibiting the Importation of Germans, or other passengers in too great Numbers in one Vessel—Passed May 18th 1765.

[These three Acts] relate to, or operate externally upon the Navigation and Commerce between Great Britain and that Province . . when they consider the salutary and humane purposes for which these Laws are enacted, it is with concern they find themselves under the necessity of submitting an Objection to a particular Provision in one of them, by which they conceive the Legislature of this Province has exceeded its Jurisdiction, encroached upon Your Majesty's Sovereignty and established a Precedent which, if allowed in the present Case, might in process of time lead to more unwarrantable Exertions of Power ; for in the Act (No. 10 which is supplemental to that for erecting a Light House) a Penalty of Ten pounds is imposed upon every Officer of your Majesty's Customs within the said Province who shall clear any Vessel without a Certificate of such Vessel having paid the Light House Duty of Six pence per Ton established by this Act. That as this is evidently calculated and must necessarily operate to controul a Constitutional Officer of the Crown in the execution of those Duties, which the Laws of Trade and Navigation require of him, it does, as they conceive, stand liable to the Objection above stated in the full Extent of it, and therefore the said Lords Commissioners recommended it to this Committee to advise Your Majesty to repeal this Law.

That this is the only Consideration which induced the said Lords Commissioners to propose the Repeal of a Law, the Object of which is so commendable, at the same time they thought it their Duty to submit an Observation which occurred to them in the consideration of these Laws, not applying itself either to their particular Provisions, or the general purpose for which they were enacted, but arising out of a Consideration of that general Policy, by which, they conceive, the Negative which the Crown has reserved to itself upon Acts of Legislature

in the American Colonies, ought to be governed and directed, and which is at all times necessary to be strictly attended to, in order to prevent those Legislatures exceeding the Bounds of the Authority vested in them by their Constitution.

That the general Policy to which they mean to refer, is that of not allowing the Legislatures in the American Colonies to pass Laws by which the Trade and Shipping of this Kingdom may be affected, either by being subjected to Duties and Taxes, or otherways cramped or restrained.

That the inconvenience and impropriety of allowing such a Practice to prevail has been frequently heretofore Matter of serious Consideration in those Departments of Government entrusted with the Administration of the Affairs of the Colonies, and that Consideration has produced Orders and Instructions to the Governors of those Colonies which are under the immediate Direction of the Crown, strictly forbidden them to assent to any Laws that fall under either one or other of those Descriptions, without Your Majesty's Permission for that purpose. These Orders and Directions have been repealed and enforced as occasion has called for it; and therefore seeing that these Laws of Pensilvania now under Consideration do, from the Nature of their Provisions, and must, from their Operation, affect the Trade and Shipping of this Kingdom in both the Cases abovementioned, The said Lords Commissioners should have been wanting in their Duty, if they had not submitted this Observation, not urging it as a reason for the Repeal of the Laws, seeing that notwithstanding the general Rule laid down by the abovementioned Orders and Instructions, other Colonies have in particular Cases been indulged in passing Laws of the same Nature, but submitting it as the Ground for such Directions as may be thought expedient to advise Your Majesty to give to the Proprietaries of this Province, in order to prevent this practice being further extended, and to restrain the Legislature of Pensilvania from exceeding the Bounds of their Constitutional Authority.

12. An Act for preventing Tumults and riotous Assemblies, and for the more speedy and effectual Punishing the Rioters—Passed February 3d 1764.

13. A Supplement to the Act intituled An Act for taking Lands in Execution for Payment of Debts and for confirming Partitions in several Instances heretofore made—Passed March 23d 1764.

14. A Supplement to the Act intituled An Act for the better settling Intestates Estates, and for repealing one other Act of General Assembly of this Province intituled An Act for amending the Laws relating to the Partition and Distribution of Intestates Estates—Passed March 23d 1764.

15. A Supplement to an Act intituled An Act for the Relief of Insolvent Debtors within the Province of Pensilvania—Passed February 2d 1765.

16. An Act the better to enable the Persons therein named to hold Lands and to vest them with the Privileges of Natural born Subjects of this Province—Passed February 2d 1765.

17. An Act to explain and amend [No. 15]—Passed September 20th 1765.

18. An Act for the more easy Recovery of Legacies—Passed September 20th 1765.

19. An Act for the Relief of Samuel Wallis a Prisoner in the Goal of Philadelphia, with respect to the Imprisonment of his Person—Passed 23d March 1764.

20-2. [Similar Acts of 2 Feb., 1765, for Walter Davies, James Pearson, and Robert Lettice Hooper, jun.]

[These eleven Acts] relate to Matters of Constitutional Establishment operating upon the Persons and Estates of the Inhabitants, or certain Provisions in respect to insolvent Debtors . . . to all these Laws, except the four last, Sir Mathew Lamb has reported he has no objection in Point of Law, and though most of them do more or less differ from the Laws of this Kingdom in like Cases, yet as they do not appear to be

inconsistent with reason or natural Justice, and are, the said Lords Commissioners presume, founded upon local Usage and Custom, they see no reason why such of them as have not expired by their own Limitation may not be allowed to continue in Force.

That with respect to the four last mentioned Laws No, 19, 20, 21, 22, the Object of which is to release particular Persons confined in the Goal of Philadelphia at the Suit of their Creditors, the said Lords Commissioners agree with Sir Mathew Lamb in opinion, that it would be of the greatest Inconvenience to credit, if Persons confined for Debt could get released without their Creditors Consent, by Application to the Legislature, and that this is a Power which such Legislature ought not to be suffered to exercise.

That it is true indeed, the Circumstances attending the Case of the Person to whom the first of these Acts refers are of peculiar Hardship under which he could have no Relief, but by the Interposition of the Legislative Authority, and yet the Legislature of Pensilvania in granting this Relief appear to have been sensible of the Irregularity of the Proceeding adopting in the Preamble of the Act itself the opinion of the Inhabitants Merchants and Traders of Philadelphia, that it cannot be desirable to make Precedents of enlarging Debtors from the Suits of their Creditors.

Notwithstanding which, such is the dangerous Prevalence of Precedent in Cases of this Nature, that in the very next Session of Assembly they passed the three other Acts above-mentioned in favour of three other Prisoners for Debt, none of whose Cases appear to have been accompanied with Circumstances of the same peculiar Hardship and two of them not distinguished from Cases of a common and ordinary nature, For these Reasons, and in order to check so unusual and irregular a Practice, the said Lords Commissioners recommended it to this Committee to advise Your Majesty to repeal these Laws.

1766.

[Nine other Acts are merely of local operation and have a reference to internal police and economy. Such as are not expired are to be allowed to continue in force. Two of 30 Sept., 1763, related to paving, lighting and policing the streets of Philadelphia: four of 15 Feb., 1765, to raising money by a lottery for building and repairing churches, to the upkeep of highways and sewers in Philadelphia, and to the draining of two marshes; one of 18 May, 1765, to the repair of public roads; and two of 20 Sept., 1765, to the police of Lancaster and to a lottery for erecting a bridge over Shippack Creek.] [pp. 476, 486, 657-65, 671-2.]

[654.] [Reference to the Committee of the petition of Francis Grant, late commander of H.M.S. *Greyhound*, for a day for hearing his appeal from two sentences of the Barbados Vice Admiralty Court, 13 and 24 Aug., 1765, allowing a demurrer put in by William Singleton and Samuel Welch and dismissing his information against the ship *Patient Mary*, for illegal trade.] 18 June. Barbados. [p. 681.]

[On the Committee report of 10 June, the sentences are reversed, and the ship and cargo, or their value, forfeited in moieties to his Majesty and the captors, for landing European goods from Cork, in Carlisle Bay without exhibiting a certificate that they had been shipped in Great Britain.] (1767.) 26 June. [V. pp. 323-6, 358.]

[655.] [Reference to the Committee of the petition of Michael Scott and his wife for letters of administration in the Grenada islands of the effects of Herbert Dujardin and Joseph Herbert.] 18 June. Grenada. [p. 682.]

[656.] [Reference to the Committee of the petitions of Gawen Corbin, of Virginia, a minor, by his guardian, Lettice Corbin, for a day for hearing his appeals from judgments of the General Court, 26 April, 1764, in favour of Lunsford Lomax and Aminadab Seekright, his lessee, in their actions to recover from him (a) an island of 500 acres with the sunken grounds and marsh adjacent and 250 acres next 2 July. Virginia.]

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adjoining on the lower side of Portobago creek or swamp, and (b) for 350 acres on the lower side of Portobago creek.]

[p. 686.]

(1767.) [On the Committee report of 10 June, the judgments are affirmed. The island and lands on Rappahannock river are those described in a patent to Sir Thomas Lunsford, Kt. and Bart., dated 24 Oct., 1650.] [V. pp. 317-8, 356-7.]

2 July. [657.] [Reference to the Committee of the petition of Bermuda. Lawrence Furlong, late master of the ship *Newbury*, for leave to appeal from its condemnation in the Bermuda Vice Admiralty Court, 20 Feb., 1765, in favour of Thomas Smith, collector of customs, and John Slater, Attorney General.]

[p. 687.]

11 July. [On the Committee report of 8 July, the appeal is admitted. By a mistake, the petitioner's proctor had prayed and been allowed an appeal to the Commissioners appointed, or to be appointed, under the Great Seal, for receiving, hearing and determining appeals in cases of seizure: but petitioner has been advised that the proper jurisdiction in England is his Majesty in Council.] [pp. 695, 705.]

5 Aug. [The appeal is referred to the Committee. On 6 Sept. the hearing is appointed for the first meeting in March. On 25 June, 1767, an appearance is entered for Smith by Daniel Stone, attorney, of Lawrence Pountenay Lane.]

[V. pp. 5, 21, 338.]

2 July. [658.] [Reference to the Committee of the petition of John Bahamas. Bryant, late master of the brigantine *Recovery*, for leave to appeal from the condemnation of the vessel in the Vice Admiralty Court at New Providence, 13 March, 1765, in favour of Samuel Gambier, Advocate General of the Bahamas, James Bradford, collector of customs, John Brown, naval officer, and Samuel Gambier, deputy searcher.] [p. 688.]

11 July. [On the Committee report of 8 July, the appeal is admitted. On 5 Aug. it is referred to the Committee, who on 6 Sept. agree to hear it at the first meeting in March, 1767.]

[pp. 694, 706 ; V. pp. 5. 22.]

1766.

[659.] [Reference to the Committee of] the Memorial of Daniel Bayne, and William Brymer, setting forth amongst other things, That His Excellency James Murray Esqr., Governor of Quebec, did, on the 26th of April 1763 (which was previous to His Majesty's Proclamation declaring the Labrador Coast to be annexed to the Government of Newfoundland) grant to the Memorialist William Brymer, a certain fishing Post called Cape Charles near the Straights of Belleisle on the Labrador Coast for the term of four years or until His Majesty's pleasure should be further known concerning the same ; whereupon the Memorialists at a very considerable expence erected Stages at the said Post, equiped a Sloop and other Vessels, purchased large Netts and other Implements necessary for carrying on a Seal fishery ; that in August 1765 their Agent [William Lead] was interrupted in carrying on the same, and obliged to quit the said Post and abandon the Memorialists' property to a very considerable amount in consequence of an Order dated the 28th of the said Month of August issued by Hugh Palliser Esq. Governor of Newfoundland and the Coast of Labrador ; that the Memorialists being ignorant of any Law to prevent His Majesty's Subjects carrying on the said Fishery, most humbly pray [relief]. 11 July.
Labrador.

[p. 712.]

[Order in accordance with the Committee report of 6 Sept.,] That if the Memorialists have any Right to what they claim in their said Memorial (which does not appear to this Committee) Yet, that Your Majesty in Your Privy Council not having any Jurisdiction in this matter the said Memorial ought to be dismissed. 10 Sept.

[V. pp. 20, 36.]

[660.] [On Board of Trade representations of 22 and 29 July respectively, commissions are approved for Lord William Campbell to be Governor of Nova Scotia, and for John Wentworth to be Governor of New Hampshire. The only changes are those necessitated by the Act of the last session of Parliament for altering the oath of abjuration.] 30 July.
Nova Scotia
and New
Hampshire.

[pp. 729-30.]

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10 Sept. [On Board of Trade representations of 30 Aug., general instructions are approved for both Governors. Correspondence is ordered with the Secretary of State instead of the Board of Trade. The New Hampshire instructions omit reference to the Treaty of Neutrality of 1686, as the Attorney and Solicitor General have given their opinion that the treaty is not now in force. No other changes are made. On the same date Lord William Campbell took the oaths.] [V. pp. 29-30, 39.]

(1767.) [Instructions relating to trade are approved for both

13 April. Governors, in accordance with a Committee report of 2 April on the drafts referred to them on 13 Feb. In view of alterations in the Acts of Parliament regulating trade and the passing of new Acts in the last three sessions of Parliament, the Board of Trade consulted the Commissioners of Customs, and, on their recommendation, made changes in the 5th, 10th, and 15th articles (not specified in the Register).]

[V. pp. 172, 197, 215.]

30 July. [661.] [Reference to the Committee of a Board of Trade
Antigua. representation proposing that Arthur Freeman be restored to the Council of Antigua.] [p. 731.]

10 Sept. [On the Committee report of 6 Sept. Freeman is restored. The Governor's letter of 29 Jan. showed that Freeman's offence was of a domestic nature, and did not affect his character or capacity as councillor.] [V. pp. 18, 31.]

30 July. [662.] [Reference to the Committee of a Board of Trade
South representation of 11 July on letters and papers received from
Carolina. William Bull, Lieut.-Governor of South Carolina,] relative to his Conduct in not suspending Dougal Campbell Clerk of the Court of Common Pleas from his Office for refusing to enter up a Judgment of the said Court upon unstamped Paper, and for remitting a fine impos'd by the said Court upon the said Dougal Campbell. [p. 731.]

10 Sept. [On the Committee report of 6 Sept., order is given approving the Lieut.-Governor's conduct and directing him to remit the fine. Addresses were made to Bull for Campbell's suspension

by the four assistant judges of the Court of Common Pleas, and by the Assembly—and the latter was enforced by a subsequent message. On his refusal, the Assembly passed several resolutions, and the judges fined Campbell 100*l.* proclamation money. The Lieut.-Governor thereupon issued an order suspending payment of the fine till his Majesty's pleasure should be known.]

[V. *pp.* 19, 35.]

APPENDICES.

APPENDIX I.

COMMISSIONS AND INSTRUCTIONS.

From 1745 to 1766 the notice in the Register of the approval of a Governor's commission and instructions generally mentions any changes from the instructions given to his predecessor, and these are given in the body of the book. The following, however, were approved without special comment. Where three dates are given they are respectively those of the order referring the draft to the Committee, of the Committee report, and of the order approving it. If the date of the Board of Trade representation with the draft appears in the register it is given in brackets. If a reference to the Committee is followed by a reference by them to the Board of Trade, the two dates are connected by "and."

Instructions for altering the prayers for the royal family are given on 22 March 1751 (P.R.) on the death of Frederick, Prince of Wales : on 24 April, 1751, on making his son, George, Prince of Wales : on 30 Oct., 1760, approving a draft ordered on 29 Oct. on the accession of George III. : on 24 Sept., 1761, approving a draft ordered on 11 Sept. on the King's marriage : and on 29 Sept., 1762, approving a draft ordered on 17 Sept. on the birth of an heir (Geo. IV).

General.

1753.—Instructions relative to the admitting of appeals in cases of error—as sent to the Leeward Islands (*p.* 185).—12 July. Board of Trade proposal to send the like to all governors.—19 July. Committee approve and order drafts.—11 Dec. The instructions approved on Committee report of 10 Dec.

- Bahamas.** 1758-9.—William Shirley.—6 Nov. Appointed and his commission approved, on Board of Trade representation of 25 Oct.—20 Feb. 1759. Instructions approved, conformable to those for governors recently appointed.—8 March. Oaths taken.
- Barbados.** 1756.—Charles Pinfold.—16 Feb. Appointed and his commission approved, on Board of Trade representation of 3 Feb.—15 March, 17 March, 18 March. Instructions approved (*cf.* Virginia under same dates) : oaths taken.
- Georgia.** 1754.—John Reynolds.—6 Aug. Appointed on Board of Trade representation of 24 July. Commission and instructions approved, being already prepared and recommended by the Committee on 5 Aug., the Governor being obliged to sail away : oaths taken.
- Jamaica.** 1756.—Henry Moore.—16 Feb. Appointed Lieut.-Governor on Board of Trade representation of 10 Feb.—15 March, 17 March, 18 March. Instruction to dissolve the Assembly, as soon as the government devolves upon him, and to call another that his Majesty may receive the unprejudiced and dispassionate sense of the legislature on the removal of the seat of government from St. Iago de la Vega to Kingston.
- 1759.—William Henry Lyttelton.—27 Nov. Appointed and his commission approved on Board of Trade representation of 14 Nov.
- Maryland.** 1746-7.—Samuel Ogle.—25 Sept. Approved as Lieut.-Governor on the usual terms. Trade instructions for proprietors to be prepared by the Board of Trade.—15 Jan. Instructions (as for his predecessor Thomas Bladen) approved on a Board of Trade report of 21 Nov. [P.R.]
- 1751.—21 June. On the death of Charles, Lord Baltimore, Ogle is continued, on the petition of the Hon. Arthur Onslow

and John Sharpe, guardians of Frederick, Lord Baltimore, a minor. The Governor of Virginia is to administer the oaths and take security.

1759-60.—Francis Bernard.—27 Nov. Appointed and his commission approved, on Board of Trade representation of 14 Nov.—16 Jan. Instructions as for his predecessor, Thomas Pownall. Trade instructions, as for other governors lately appointed. Massachusetts Bay.

1755.—Thomas Pownall appointed Lieut.-Governor, New Jersey. Governor Belcher being very old and infirm.—(22 April), 26 April, 7 May, 13 May.

1759-60.—Thomas Boone. Corresponding entries on same dates as under Massachusetts Bay.

1765.—Sir Henry Moore, Bart.—(20 June), 5 July.—Commission.—14 Aug. Oaths taken.—(24 Sept.), 2 Oct., 19 Nov., 22 Nov. Instructions. *Cf.* § 629. New York.

1748.—Charles Watson.—(21 April), 5 May. Commission.—(27 Ap.), 5 May. Instructions [P.R.], adding a direction to give an account of Irish Roman Catholics in the towns of Newfoundland; omitting in art. 63 the words, “and whereas this practice is not warranted by the late treaties with France” which they apprehend to be unnecessary in time of war when no treaties subsist; and adding to art. 66 the words, “what justices of the peace are now in actual commission and do execute the same in the respective towns in Newfoundland, particularly at Placentia” in order that his Majesty may be fully informed of whatever is defective in the state of that island. Newfoundland.

1749.—George Brydges Rodney.—29 April, 1 May, 2 May. Commission and instructions. [P.R.]

1750.—Francis William Drake. New commission, revoking a former one to Drake, and instructions differing from those

of 1738 in the same way as the commission, whereby he is empowered to appoint judges and in cases requisite commissions of oyer and terminer for the trial of criminal causes, treason excepted. [P.R.]

1753.—Hugh Bonfoy.—(17 May), 21 May. Commission and instructions, altered in conformity to the order of 11 March, 1752 (*p.* 154). [P.R.]

1755.—Richard Dorrell.—(30 May), 3 June. Commission.—(5 June), 10 June. Instructions.

1757.—Richard Edwards.—(22 March), 26 March. Commission and instructions.

1760.—James Webb.—(8 May), 13 May. Commission and instructions.

1761.—James Webb.—30 April. Commission.—(1 May), 8 May. Instructions, omitting former directions to make certain inquiries about the French inhabitants at Placentia.

1761.—Thomas Graves *vice* James Webb, deceased.—19 May. Commission.—(23 May), 26 May. Instructions.

1763.—Thomas Graves.—(15 March), 30 March. Commission.—and (29 March), 30 March. Instructions; extending over “the Island of Newfoundland and all the Coast of Labradore from the entrance of Hudson’s Streights to the River St. John’s which discharges itself into the sea nearly opposite to the West end of the Island of Anticosti, including that Island, with any other small Islands on the said coast of Labradore, and also the Islands of Madelaines in the Gulph of St. Lawrence.”

North
Carolina.

1765-6.—William Tryon.—(26 June), 5 July. Commission.—10 Feb., 15 Feb., 17 Feb. Instructions. Changes as for Governor Montagu of South Carolina (*cf.* § 635).

Nova Scotia.

1749.—Edward Cornwallis.—29 April, 1 May, 2 May. Commission and instructions. [P.R.] New powers and authorities are conferred for laying out and making a settlement.

1754.—Charles Lawrence, Lieut.-Governor.—(18 June), 6 Aug. Appointed and his commission approved. [P.R.]

1755-6.—Charles Lawrence, Governor.—18 Dec. Commission,—warrant for passing it approved on 22 Dec.—15 March, 17 March, 18 March. Instructions, omitting articles no longer suitable and adding others lately given to other colonies.

1755.—Robert Monckton, Lieut.-Governor.—18 Dec. Appointed and his commission approved, on a Board of Trade representation recommending his zeal and ability, especially in command of H.M. troops at the reduction of the French forts at Beauséjour and Baye Verte.

1748.—James Hamilton *vice* George Thomas, who has come to England to recover his health.—22 March, 11 May, 12 May. Nomination approved.—(29 July), 4 Aug. Trade instructions. [P.R.] Oaths taken. Only change is in Art. 27 in consequence of an Act of Parliament for encouraging the making of indigo in the plantations.

Pennsylvania.

1754.—Robert Hunter Morris.—21 June. Approved. Oaths taken.—7 July. Trade instructions.

1756.—William Denny.—17 May. Approved. Oaths taken.—7 July. Trade instructions.

1759.—James Hamilton.—10 Aug. Approved. Oaths taken.—29 Aug. Trade instructions.

1763.—John Penn, son of Richard Penn.—15 June. Approved.—31 Aug. Trade instructions. Oaths taken.

1759.—Thomas Pownall.—(14 Nov.), 27 Nov. Appointed and commission approved. Also William Bull, Lieut.-Governor.

South Carolina.

1756.—John, Earl of Loudoun.—(10 Feb.), 16 Feb. Appointed and commission approved.—15 March, 17 March, 18 March. Instructions. Oaths taken. Obsolete instructions

Virginia.

are omitted, and new ones added which have recently been approved for other colonies. The trade instructions are similarly brought up to date, but the changes are not specified in the Register.

1759.—Jeffrey Amherst.—12 Sept. Appointed and commission approved.—9 Nov. Instructions.

APPENDIX II.

APPOINTMENTS TO COLONIAL COUNCILS.

In this period the Register rarely records the three stages of reference to the Committee, Committee report, and approval thereof (*cf.* Vol. III.). Where these are given they are again indicated by three successive dates. A single date is that of an order appointing a councillor. Where the date of the Board of Trade representation (on which the Order was always founded), is mentioned in the Register, it is given in brackets *before* the date of the order or orders thereon. A date in brackets *following* the order or orders is that of the Council's approval of the warrant for the appointment addressed to the Governor of the colony. This is given in many cases from 1752 onwards, and is sometimes found also in the Plantation Register.

1746.—(27 June), 23 July. Andrew Leslie, *vice* Thomas Watkins, deceased. Antigua.

1746.—(23 July), 17 Nov. John Thomlinson, *vice* Daniel Mathew, who has resigned, as his private affairs will not permit him to attend.

1748.—(25 May), 30 June. Edward Otto Bayer and Henry Douglas, *vice* Richard Oliver and James Gordon, who have been absent several years (*cf.* 84).

1753.—10 May. [Thomas's instructions.] Gilbert Fleming [Lieut.-General], Francis, Lord Hawley [Lieut.-Governor], Charles Dunbar, Benjamin King, William Mackinnen, Andrew Leslie, John Thomlinson, John Gunthorpe, Richard Tyrrell, Reverend Francis Byam, Nathaniel Gilbert, Daniel Warner, William Byam and Walter Tullideph.

1753.—(27 Nov.), 28 Nov. (11 Dec., P.R.). Rowland Oliver, *vice* Charles Dunbar, resigned on account of his age and infirmity.

1754.—(4 April), 8 April, (21 June, P.R.). Edward Otto Bayer is restored to the Council, from the list of which in Governor Thomas's instructions he was omitted, on misinformation that he was coming to England and had no intention to return to Antigua. He is now about to return there.

1755.—10 June, 12 June, 24 June, (24 June). Thomas Jarvis, *vice* John Gunthorpe, deceased.

1759.—20 Feb. (20 Feb.). Arthur Freeman, Francis Frye, Byam Freeman, and Valentine Morris, *vice* Benjamin King, Rev. Francis Byam, and William Byam, deceased, and William Mackinnen, who has never taken his seat since his appointment in 1739.

1761.—25 June. (*Cf. p. 486.*) Gilbert Fleming (Lieut.-General), Francis, Lord Hawley (Lieut.-Governor), Andrew Leslie, Edward Otto Bayer, Richard Tyrrell, Nathaniel Gilbert, Walter Tullideph, Rowland Oliver, Thomas Jarvis, Arthur Freeman, Francis Frye, Byam Freeman, Valentine Morris, James Brebner.

1761.—(13 Nov.), 23 Nov. William Young, *vice* Nathaniel Gilbert, deceased.

1762.—(21 April), 7 May. William Warner, nominated by Governor George Thomas, as there were not sufficient councillors resident on the island to carry on the public business, is confirmed.

1763.—(18 March), 30 March. Ashton Warner, *vice* Andrew Leslie, who has been absent from the island three years and does not intend to return.

Bahamas. 1752.—(14 June), 30 June, (14 July, P.R.). James Scott and Jeremiah Tinker, *vice* John Howell and William Spatchers, deceased.

1753.—(21 May), 21 May, (6 June, P.R.). John Gambier, *vice* James Jenner, deceased.

1753.—(27 Nov.), 28 Nov. (11 Dec., P.R.). Robert Stewart and Nehemiah Duncombe, *vice* Thomas Barnett and Benjamin Saunders, deceased.

1757.—(6 Dec.), 16 Dec. (16 Dec.). John Browne, as there are only 5 councillors.

1759.—20 Feb. Shirley's instructions. John Peyton and James Bradford added, as there are only 5 councillors.

1765.—(11 April), 22 April. Samuel Gambier, as there are only 6 councillors.

1745.—(20 June), 4 July, 4 July, 18 July. James Carter, Barbados, *vice* Thomas Harrison, as Sir Thomas Robinson, the Governor, reports that there is not at present a sufficient number of councillors resident in the island to transact the business thereof, and that Harrison, having been suspended from the council 4 Oct., 1743, has since been elected and acted as a member of the House of Representatives, which is inconsistent with his duty as a councillor.

1745.—(26 June), 4 July, 4 July, 18 July. William Barwick, *vice* Charles Dunbar, who hath not for some years attended his duty in the said council, and resides at Antigua, where he is one of the council.

1746.—(26 June), 23 July. John Gibbons, *vice* James Dottin, deceased.

1746.—10 Nov. [Grenville's instructions.] Ralph Weekes, John Frere, Thomas Applewaite, Richard Salter, John Gollop, Abel Dottin, John Maycock, Reynold Hooper, James Carter, William Barwick, John Gibbons, and Samuel Rous.

1748.—(21 July), 4 Aug. John Dottin, *vice* John Maycock, resigned on account of his private affairs.

1749.—(31 Oct.), 23 Nov. Samuel Husbands and George Walker, *vice* Reynold Hooper and Thomas Applewaite, deceased.

1753.—(27 Nov.), 28 Nov. (11 Dec., P.R.). Edward Jordan, *vice* James Carter, deceased.

1754.—(22 May), 29 May, (21 June, P.R.). Nathaniel Weekes, *vice* John Gollop, deceased.

1754-5.—(31 Oct.), 12 Nov., (9 Jan., P.R.). Henry Thornhill, *vice* Abel Dottin, who has been absent over 12 years and represents that his private affairs will not yet permit him to return.

1757.—(25 Jan.), 4 Feb., (4 Feb.). Abraham Comberbatch, *vice* William Barwick, deceased.

1761.—(17 March), 25 March, (14 April). Henry Frere, *vice* Samuel Husbands, deceased.

1761.—25 June. (*Cf. p. 486.*) Ralph Weekes, John Frere, Richard Salter, Sir John Gibbons Bart., Samuel Rous, John Dottin, George Walker, Edward Jordan, Nathaniel Weekes, Henry Thornhill, Abraham Comberbatch, Henry Frere.

1764.—12 Dec. Richard Worsam, *vice* Ralph Weekes, deceased.

1765.—(29 April), 5 May. Conrade Adams, *vice* Nathaniel Weekes, deceased.

1766 —(3 June), 18 June. Gedney Clarke, *vice* John Frere, deceased.

Bermuda. 1745.—1 May. [Wm. Popple's instructions.] Francis Jones, John Butterfield, Nathaniel Butterfield, Leonard White, Charles Dunbar, Samuel Burrows, Samuel Spofferth, Nathaniel Bascombe, William Riddell, John Harvey, Henry Corbusier and Thomas Gilbert.

1752.—(14 May), 28 May, (30 June, P.R.). George Forbes, *vice* Samuel Burrows, deceased.

1753.—(20 Feb.), 7 March, (10 May, P.R.). Thomas Jones, *vice* Nathaniel Bascombe, deceased.

1754.—(2 July), 6 Aug. (6 Aug. P.R.). Samuel Trott, *vice* Charles Dunbar, who has never attended his duty, but has resided in Antigua for many years.

1755.—(23 Jan.) 27 Jan. (27 Jan.). Thomas Hunt, *vice* William Riddell.

1760.—(20 June), 11 July, (11 July). Thomas Smith and Jonathan Burch, *vice* John Butterfield, deceased, and Henry Corbusier, resigned on account of his age and infirmities.

1760.—(2 Dec.), 3 Dec. (3 Dec.). John Harvey, *vice* his father of the same name, deceased.

1761.—25 June. (*Cf.* p. 486.) Francis Jones, Leonard White, Samuel Spofferth, Thomas Gilbert, George Forbes, William Jones, Samuel Trott, Thomas Hunt, Thomas Smith, Jonathan Burch, John Harvey.

1766. 10 Feb. Edward Styles.

1754.—6 Aug. [Reynolds' instructions.] Patrick Graham, Georgia. Sir Patrick Houston, Bart., James Habersham, Alexander Kellet, William Clifton, Noble Jones, Pickering Robinson, Francis Harris, Jonathan Bryan and William Russell.

1754-5.—5 Dec., (9 Jan., P.R.). Clement Martin, as only 10 councillors are appointed in Governor Reynolds' instructions.

1761.—(17 March), 25 March, (14 April). Gray Elliot.

1761.—25 June. (*Cf.* p. 486.) Sir Patrick Houston, James Habersham, Noble Jones, Francis Harris, Jonathan Bryan, James McKay, James Edward Powell, William Knox, William Grover, William Clifton, Gray Elliot, Clement Martin.

1763.—(4 Aug.), 31 Aug. Lewis Johnson and John Graham, *vice* Sir Patrick Houston, Bart., deceased, and William Grover, removed.

1764.—(10 July), 11 July, 17 July, 20 July. James Read, *vice* William Knox, who is resident in England and does not intend to return.

1766.—(14 April), 12 May. John Wereat, *vice* William Clifton, appointed Chief Justice of W. Florida.

Grenada. 1765.—(2 Sept.), 6 Sept. William Lindow, *vice* John Cargill, deceased.

1766.—10 Feb. Frederick Corsar and Valentine Morris Horne, *vice* Edward Griffiths and Anthony Malcolm, deceased.

Jamaica. 1745.—29 Oct., 29 Oct., 7 Nov. William Williams, *vice* Thomas Fearon, who declines to serve owing to ill-health and private affairs.

1747.—(11 Aug.), 8 Sept. Isaac Gale, *vice* Samuel Dicker, who does not intend to return to the island, and has therefore resigned.

1748.—(26 May), 30 June. Charles Dawes, *vice* Colin Campbell, who has been absent five years (*cf.* 84).

1749.—(31 Oct.), 23 Nov. John Palmer and Samuel Long, *vice* John Stewart and William Williams, deceased.

1750.—(29 June), 2 Aug. Henry Archbould, Philip Pinnock, and Henry Moore, *vice* Matthew Concannen, John Gale and Isaac Gale, deceased.

1750.—(13 Sept.), 4 Oct. Henry Nedham, *vice* Thomas Rodon, deceased.

1752.—28 May. [Knowles' instructions.] John Gregory, Sir Simon Clarke Bart., Hampson Nedham, Edmund Hyde, Benjamin Hume, Charles Dawes, John Palmer, Samuel Long, Henry Archbould, Philip Pinnock, Henry Moore and Henry Nedham.

1753.—(27 Nov.), 28 Nov., (11 Dec., P.R.). Edward Manning, *vice* Hampson Nedham, deceased.

1754.—(16 Jan.), 22 Jan. (31 Jan., P.R.). John Scott, *vice* John Palmer, deceased.

1754.—(29 March), 2 April, (8 April, P.R.). Ballard Beckford, *vice* Benjamin Hume, Receiver General of H.M. revenues,

removed. (Hume had been found, upon an examination of his accounts by a committee of the Council and Assembly, to have embezzled upwards of 20,000*l.* of the public money, and had thereupon been suspended by the Governor on the advice of the Council.)

1758.—(25 Jan.), 1 April, (1 April, P.R.). Norwood Witter, *vice* Henry Archbould, deceased.

1759.—(20 June), 26 June, (26 June). Edward Clarke, *vice* Sir Simon Clarke, resigned on account of his age and infirmities.

1759.—(31 July), 10 Aug. (10 Aug.). William Dandy Nedham and William Wynter, *vice* John Gregory and Henry Dawkins, who are now resident in this kingdom and have desired leave to resign.

1761.—(17 March), 25 March, (14 April). John Kennion.

1761.—25 June. (*Cf. p. 486.*) Edmund Hyde, Charles Dawes, Philip Pinnock, Henry Moore, John Scott, Norwood Witter, Samuel Whitehorne, Edward Clarke, William Dandy Nedham, William Wynter, and John Kennion.

1761.—(23 June), 25 June. Zachary Bayly.

1762.—(11 Nov.), 17 Nov. William Lewis, *vice* William Dandy Nedham, resigned.

1763.—(13 Oct.), 4 Nov. Gilbert Ford, *vice* Edmund Hyde, deceased.

1765.—(15 March), 19 March. Archibald Sinclair, *vice* Edward Clarke, resigned.

1766.—10 Feb., 26 Feb., 26 Feb. Thomas Tredell, *vice* Sir Henry Moore, appointed Governor of New York.

1748.—(12 July), 4 Aug. George Frye, *vice* Charles Dunbar, Montserrat, who has been some years absent, residing at Antigua, where he is also one of the council.

1748-9.—(7 and 17 Dec.), 11 Jan. Nicholas Daniel and Edward Daniel, appointed by Governor Mathew in

accordance with his instructions to make up the number of the council to seven.

1749.—(19 Jan.), 1 Feb. George Wyke, similarly appointed.

1750.—(16 Nov.), 21 Nov. Benjamin Walker, James Schaw, and William Musgrave, appointed by Gilbert Fleming, Lieutenant General of the Leeward Islands, to make up the number to seven; and also William Chambers and Edward Luther.

1750.—(19 Dec.), 20 Dec. Thomas Lee and John Piper, as there are only nine councillors yet appointed.

1753.—10 May. [Thomas's instructions.] Gilbert Fleming [Lieutenant General], Benjamin Carpenter [Lieutenant Governor], George Frye, George Wyke, Nicholas Daniel, Edward Daniel, Benjamin Walker, James Schaw, William Musgrave, William Chambers, Edward Luther and John Piper.

1755.—(2 Dec.), 18 Dec. (18 Dec.). Thomas Caines, jun., as there are only 9 councillors.

1758.—(25 Oct.), 6 Nov. (6 Nov.). Webb Stone, *vice* Benjamin Walker, who has settled in St. Eustatius.

1759.—20 Feb. (20 Feb.). Michael White, jun., as there are only 10 councillors.

1759.—(27 Feb.), 3 March, (3 March). John Symes, as there are only 11 councillors.

1761. 25 June. (*Cf. p. 486.*) Gilbert Fleming [Lieutenant General], Benjamin Carpenter [Lieutenant Governor], George Wyke, Edward Daniel, James Schaw, William Musgrave, William Chambers, Edward Luther, John Piper, Thomas Caines, jun., Webb Stone, Michael White, John Symes.

1765.—(17 June), 21 June. Anthony Wyke, *vice* William Chambers, deceased.

1766.—10 Feb. Alexander Gordon, *vice* Edward Daniel, who has left the island.

1748-9.—(17 Dec.), 11 Jan. William Jones, who had been appointed by Governor Mathew to make up the number of the council to seven. Nevis.

1749.—(19 and 24 Jan.), 1 Feb. James Emra and William Maynard, similarly appointed.

1749.—(3 Feb.), 16 March. John Richardson, similarly appointed.

1749.—(21 June), 28 June. Joseph Herbert, similarly appointed.

1750.—(23 March), 29 March. Charles Payne, similarly appointed.

1751.—(24 April), 30 April. James Brown, *vice* William Pym Burt, deceased.

1753.—10 May. [Thomas's instructions.] Gilbert Fleming [Lieutenant General], Lancelot Storey [Lieutenant Governor], James Symmonds, Richard Cox, James Emra, William Jones, Joseph Herbert, William Maynard, John Richardson, Charles Payne and James Brown.

1753.—(21 May), 21 May, (6 June, P.R.). Charles Pym Burt, there being only nine councillors at present.

1754.—(24 July), 6 Aug. (6 Aug., P.R.). William Mills, *vice* William Jones, deceased.

1757.—(8 Dec.), 16 Dec., (16 Dec.). John Richardson Herbert, as there are only 10 councillors.

1759.—20 Feb. (20 Feb.). Thomas Ottley and Matthew Mills Gallwey, *vice* James Symmonds, resigned on account of his age and infirmities, and James Emra, who has settled in Antigua.

1759.—20 Feb. (20 Feb.). John Symmonds and Henry Sharpe, *vice* John Richardson and William Mills, who have left the island (Mills going to St. Christopher); and Walter Nisbet, to complete the number of 12 councillors.

1760.—(8 May), 13 May, (13 May). Thomas Cottle, *vice* Thomas Ottley, deceased.

1761.—25 June. (*Cf. p. 486.*) Gilbert Fleming [Lieutenant General], James Johnston [Lieutenant Governor], Richard Cox, Joseph Herbert, William Maynard, Charles Payne, James Brown, Charles Pym Burt, John Symmonds, Matthew Mills Gallway, Henry Sharpe, Walter Nesbitt, and Thomas Cottle.

1766.—10 Feb. Archibald Thompson and John Vanderpool, to fill two of the vacancies caused by the death of Charles Payne and Walter Nesbitt and the resignation of James Brown.

New
Hampshire

1745.—(3 April), 5 April, 6 April, 11 April. Sampson Sheaff, *vice* Joshua Pierce, deceased.

1752.—(14 July), 21 July, (28 July, P.R.). Daniel Warner, *vice* George Jaffrey, deceased.

1754.—(16 Jan.), 22 Jan. (31 Jan., P.R.). Joseph Newmarch, as there are only 8 councillors.

1758.—(25 Oct.), 6 Nov. (6 Nov.). Mark Hunking Wentworth and James Nevin, as there are only 8 councillors.

1761.—25 June. (*Cf. p. 486.*) Theodore Atkinson, Richard Wibird, Samuel Smith, John Downing, Samuel Solly, Sampson Sheaff, Daniel Warner, Joseph Newmarch, Mark Hunking Westworth, James Nevin.

1763.—(17 Jan.), 21 Jan. Theodore Atkinson, jun., and Nathaniel Barrell, *vice* Samuel Smith and Henry Apthorpe, deceased.

1764.—(5 June), 6 June. Peter Levins, as there are only 11 councillors.

1766.—10 Feb. Jonathan Warner, Daniel Rindge, Daniel Pierce, Henry Sherburne, and George Jaffrey, *vice* Richard Wibird and Joseph Newmarch, deceased, Sampson Sheaff, resigned, and William Temple and John Nelson, departed from the province.

New Jersey. 1745.—18 July, 18 Sept., 18 Sept. Edward Antill, James Hude, and Andrew Johnson, *vice* Fenwick Lyell, Peter

Baynton, and Archibald Home, deceased. Peter Kimboll, John Coxe and Thomas Leonard, *vice* Cornelius Vanhorne, John Schuyler, and John Wells, who have desired leave to resign, the first two on account of their private affairs, and Wells on account of his great age and infirmities.

1747.—12 Feb. [Belcher's instructions.] John Hamilton, John Reading, James Alexander, John Rodman, Richard Smith, Robert Hunter Morris, Edward Antill, James Hude, John Cox, Andrew Johnson, Peter Kimboll, and Thomas Leonard (as also Thomas Lechmere, Surveyor General of the Customs, as a councillor extraordinary).

1748.—(15 Nov.), 28 Nov. Richard Salter, *vice* John Hamilton, deceased.

1751.—(15 Jan.), 30 April. David Ogden, *vice* John Coxe, who had been suspended by Governor Belcher for having traduced his name and character, and is now removed.

1751.—(26 March), 30 April. Lewis Ashfield, *vice* Richard Smith, deceased.

1757.—(17 Feb.), 1 March, (1 March). Samuel Woodruffe, *vice* John Rodman, deceased.

1758.—12 Dec. (12 Dec.). Charles Read and John Smith, *vice* John Reading and Thomas Leonard, resigned on account of age and infirmities.

1761.—25 June. (*Cf.* p. 486.) Robert Hunter Morris, Edward Antill, James Hude, Andrew Johnson, Peter Kimboll, Richard Salter, David Ogden, Lewis Ashfield, Samuel Woodruffe, William Alexander, claiming to be Earl of Stirling, Charles Read, John Smith.

1761-2.—(22 Dec.), 2 Jan. John Stevens, *vice* Edward Antill, suspended and now removed because he has refused to attend since Governor Boone was appointed.

1763.—(4 Aug.), 31 Aug. Samuel Smith and John Ladd, *vice* James Hude and Andrew Johnson, deceased.

1764.—(3 July), 11 July. Frederick Smyth and James Parker, *vice* Robert Hunter Morris and Richard Salter, deceased.

New York. 1745.—(3 April), 5 April, 6 April, 11 April. Jeremiah Rensselaer, *vice* George Clarke, the Lieut.-Governor, who desires to be excused from qualifying as a councillor by reason of his infirmities.

1745.—(17 July), 18 July, 18 Sept., 18 Sept. Stephen Bayard, *vice* Jeremiah Rensselaer.

1750.—(9 April), 11 April. Edward Holland, *vice* Philip van Courtland, deceased.

1750.—(10 April), 11 April. William Johnson, *vice* Philip Livingston, deceased.

1750.—(25 July), 2 Aug. James Alexander, *vice* John Moore, deceased. Alexander had lost his seat in the council by a mistake in omitting his name from Clinton's instructions. He is now restored to his rank.

1752.—(17 Jan.), 23 Jan. John Chambers, *vice* Stephen Bayard, who has settled in another province.

1753.—(18 Jan.), 25 Jan. (7 Feb.). William Smith, *vice* Sir Peter Warren, deceased.

1753.—19 July. [Osborne's instructions.] Cadwallader Colden, James Alexander, Archibald Kennedy, James De Lancey, George Clarke, Joseph Murray, John Rutherford, Edward Holland, William Johnson, John Chambers and William Smith.

1755.—13 May. [Hardy's instructions.] Identical with above.

1757.—(17 Feb.), 6 Dec. (6 Dec.). John Watts and William Walton, *vice* James Alexander and Edward Holland, deceased.

1758.—(22 Nov.), 4 Dec. (12 Dec.). Josiah Martin and Oliver De Lancey, *vice* Joseph Murray and John Rutherford, deceased.

1761. 25 June. (*Cf.* p. 486.) Cadwallader Colden, Archibald Kennedy, Daniel Horsmanden, George Clarke, Sir William Johnston, John Chambers, William Smith, John Watts, William Walton, Josiah Martin, Oliver De Lancey, Benjamin Pratt.

1762.—(20 Jan.), 15 Feb. William Alexander, claiming to be Earl of Stirling, *vice* Archibald Kennedy, resigned.

1763.—(4 Aug.), 31 Aug. Charles Ward Apthorpe, *vice* Benjamin Pratt, deceased.

1764.—(6 March), 9 March. Joseph Reade, *vice* Josiah Martin, who has settled in Antigua.

1764.—18 May, 21 May, 23 May. Roger Morris, *vice* John Chambers, deceased.

1752.—(27 April), 7 May, (28 May, P.R.). James Russell, James Innes, John Rutherford, Francis Corbin, John Swan, John Dawson, James Craven, Lewis de Rosset, jun., and John Rieusset, *vice* Robert Hatton, Eliezer Allen, Edward Moseley, Roger Moore, Cullen Pollock, and William Forbes, deceased, and James Stallard and Richard Eyans, who were named in Governor Johnston's instructions, but have never taken their seats or appeared in the province.

North
Carolina.

1754.—21 June. [Dobbs' instructions.] Mathew Rowan, James Murray, James Hassell, James Innes, John Rutherford, Francis Corbin, John Swan, John Dawson, James Craven, Lewis de Rosset, John Rieusset, Henry McCulloh.

1756.—(28 Jan.), 3 Feb. (3 Feb.). Edward Brice Dobbs, *vice* James Craven, deceased.

1757.—4 Feb., (4 Feb.). Richard Spaight, *vice* Henry McCulloh, deceased.

1760.—(2 Dec.), 3 Dec. (3 Dec.). John Sampson, *vice* James Innes, deceased.

1761.—25 June. (*Cf.* p. 486.) James Hassell, John Rutherford, John Swan, John Dawson, Lewis de Rosset,

John Rieusset, Edward Brice Dobbs, Richard Spaight, John Sampson, Alexander McCulloh, Henry Eustace McCulloh.

1762.—(9 June), 19 June. Charles Berry, the Chief Justice, *vice* John Swan, deceased.

1763.—(4 Aug.), 31 Aug. William Dry and Robert Palmer, *vice* John Swan and John Dawson, deceased.

1763.—(13 Oct.), 4 Nov. Benjamin Heron, *vice* John Rieusset, deceased.

Nova
Scotia.

1752.—7 May. [Hopson's instructions.] Charles Lawrence, Benjamin Green, John Salusbury, William Steele, John Collier and George Fotheringham.

1754.—(24 July), 6 Aug. (6 Aug., P.R.). Jonathan Belcher the Chief Justice, is appointed, as there are only six councillors.

1755.—18 Dec. (18 Dec.). Robert Grant appointed, as there are only four councillors.

1761.—(23 June), 25 June. Alexander Grant, Edmund Crawley, Henry Newton, and Michael Franklyn, as there are only eight councillors.

1763.—20 May. Jonathan Belcher, Benjamin Green, John Collier, Charles Morris, Richard Bulkeley, Joseph Gerrish,—appointed in the last reign: Alexander Grant, Edmund Crawley, Henry Newton, Michael Franklyn—already appointed: William Nesbitt and Sebastian Zouberbuhler, now added, *vice* Robert Grant and Thomas Saul, who have left Nova Scotia and settled in Great Britain.

1764.—(20 June), 11 July. Jonathan Binney, as there are only 11 councillors.

1766.—(14 April), 12 May. Joseph Gorham, *vice* Alexander Grant, resigned.

Quebec.

1764.—(20 June), 11 July. James Goldfrap.

1765.—(2 Sept.), 6 Sept. Hugh Finlay, as there are only 11 councillors.

1766.—(14 March), 21 March. Thomas Mills.

1766.—(14 April), 12 May. Thomas Dunn.

1766.—(2 June), 18 June. Hector Theophilus Cramahé, appointed by Governor Murray, confirmed.

1748.—(24 May), 30 June. William Mathew Burt, James Verchild and Ralph Payne, *vice* Rev. Walter Thomas, Joseph Estridge and John Douglas, deceased. St.
Christopher

1748.—(28 May), 30 June. Gilbert Fane Fleming, *vice* Charles Dunbar, who has been for some years absent, residing at Antigua, where he is also one of the council; and George Leigh, to complete the number of the council to twelve (*c/. 84*).

1750.—(14 June), 28 June. Henry Brouncker, collector of customs at Basseterre, *vice* Samuel Crooke, who has been absent several years without licence and has not signified any intention of returning.

1753.—10 May. [Thomas's instructions.] Gilbert Fleming [Lieut.-General of the Leeward Islands and Lieut.-Governor of St. Christopher], Edward Jessup, William Ottley, Richard Holmes, John White, William Mathew Burt, James Verchild, Ralph Payne, Richard Rowland, Reverend Andrew Perrot, Gilbert Fane Fleming, Henry Brouncker and Constantine Phipps.

1754.—(24 July), 6 Aug. (6 Aug., P.R.). James Losack, *vice* Richard Rowland, resigned on account of his age and infirmities.

1755.—(15 July), 22 July, 7 Aug., 12 Aug. (12 Aug.). Stephen Payne, *vice* John White, who is now resident in Great Britain, and has no intention of returning.

1755.—(6 Aug.), 26 Aug. (26 Aug.). Henry Sharpe, *vice* William Mathew Burt, who has no intention of returning.

1757.—(1 Feb.), 4 Feb. (4 Feb.). Craister Greathead, *vice* Henry Sharpe, who has settled in Nevis.

1757.—(8 Dec.), 16 Dec. (16 Dec.). James Thomas, *vice* Rev. Andrew Perrot, resigned.

1759.—20 Feb. (20 Feb.). George Weatherill, Lewis Brotherson and John Estridge, as there are only 9 councillors.

1761.—25 June. (*Cf.* p. 486.) Gilbert Fleming [Lieutenant General and Lieutenant Governor], James Verchild, Ralph Payne, Gilbert Fane Fléming, Henry Brouncker, Constantine Phipps, Stephen Payne, Craister Greathead, James Thomas, George Weatherill, Lewis Brotherson, John Estridge.

1763.—(23 March), 30 March. Samuel Crooke, suspended in 1750 for being absent without leave, having now returned to the island, is restored, as there are only 10 councillors.

1763.—(4 Aug.), 31 Aug. Ralph Payne, as there are only 11 councillors.

1765.—(17 June), 21 June. Benjamin Pym Markham, *vice* James Thomas, deceased.

South
Carolina.

1746.—14 May, 27 May, 28 May. Alexander Vanderdussen, *vice* Joseph Wragg, resigned on account of ill-health.

1747.—(11 Feb.), 3 June. Hector Bérenger de Beaufin, *vice* John Fenwicke, resigned on account of ill-health.

1747.—12 Feb., 26 Feb., 12 March. Edward Fenwicke, *vice* Richard Hill, deceased.

1748.—(26 Oct.), 15 Nov. William Bull, jun., *vice* John Hammerton (*cf.* 84).

1750.—(10 Dec.), 20 Dec. James Graeme, *vice* John Colleton, deceased.

1751.—(17 July), 9 Aug. Isaac Holmes, *vice* Joseph Blake, deceased.

1752-3.—(22 Dec.), 10 Jan. (25 Jan., P.R.). William Wragg and George Saxby, *vice* James Graeme and Isaac Holmes, deceased.

1755.—(28 May), 10 June, 12 June, 24 June, (24 June). James Michie, *vice* William Bull, deceased.

1755.—(3 July), 22 July, 7 Aug., 12 Aug. (12 Aug.). Othniel Beale, *vice* William Middleton, resigned, as he does not intend to return from England.

1755.—18 Dec. [Lyttelton's instructions.] James Kinloch, Edmund Atkins, John Cleland, Charles Pinckney, Alexander Vanderdussen, Edward Fenwicke, Hector Béranger de Beaufin, William Bull, William Wragg, George Saxby, James Michie and Othniel Beale.

1755.—(2 Dec.), 18 Dec., 18 Dec. Henry Middleton, *vice* Alexander Vanderdussen, who is disordered in his senses and incapable of serving.

1756.—(9 Oct.), 13 Oct. (13 Oct.). Henry Drayton, *vice* Hector Béranger de Beaufin, who has desired leave to resign.

1758.—(1 March), 1 April, (1 April). John Guerard, *vice* James Kinloch, deceased.

1759.—(20 June), 26 June, (26 June). George Austin and Egerton Leigh, *vice* William Wragg, whose suspension has been confirmed, and Charles Pinckney, deceased.

1761.—(6 May), 15 May. Charles Skinner, Chief Justice of South Carolina, John Drayton and John Rattray, *vice* John Cleland, deceased, and George Saxby and Edward Fenwicke, resigned.

1761. 25 June. (*Cf.* p. 486.) Edmund Atkins, William Bull, Othniel Beale, Henry Middleton, John Guerard, George Austin, Egerton Leigh, John Drayton, Charles Skinner, John Rattray.

1761.—(13 Nov.), 23 Nov. Daniel Blake, as there are only 10 councillors.

1763.—(4 Aug.), 31 Aug. John Burn, *vice* John Rattray, deceased.

1763.—(13 Oct.), 4 Nov. Thomas Skottowe, as there are only 10 councillors.

1764.—(10 July), 11 July, 17 July, 20 July. Sir John Colleton Bart., and Henry Lawrence, as there are only 9 councillors.

Virginia. 1745.—(5 Feb.), 7 March, 29 March, 11 April. William Nelson, *vice* William Byrd, deceased.

1745.—(26 April), 1 May, 16 May, 23 May. Rev. William Dawson, *vice* Cole Diggs, deceased.

1747-8.—(8 Dec.), 12 Jan., 13 Jan., 14 Jan. John Lewis *vice* John Tayloe, deceased.

1748-9.—(15 Nov.), 11 Jan. Thomas Nelson, *vice* Philip Lightfoot, deceased.

1749.—16 March. Philip Grymes, *vice* John Grymes, his father, deceased.

1749.—(14 April), 2 May. Peter Randolph, Surveyor General of Customs for Southern America, *vice* Robert Dinwiddie, the late Surveyor, who has signified to the Board of Trade that he has no intention of returning to the colony.

1749-50.—(19 Dec.), 17 Jan. Richard Corbin, *vice* John Robinson, deceased.

1751.—(15 Jan.), 16 Jan. Philip Ludwell, *vice* Thomas Lee, deceased.

1752-3.—(11 Nov.), 20 Dec. (16 Jan., P.R.). Thomas Dawson, *vice* William Dawson, deceased.

1754.—(4 April), 8 April, (21 June, P.R.). William Byrd, *vice* John Lewis, deceased.

1756.—(30 June), 7 July, (7 July). Philip Ludwell Lee, *vice* William Beverley, deceased.

1756.—(9 Oct.), 13 Oct. (13 Oct.). John Tayloe, *vice* Lewis Burwell, deceased.

1758.—(2 March), 1 April, (1 April). Robert Carter, *vice* William Fairfax, deceased.

1761.—(11 Feb.), 27 Feb. (10 March). Presly Thornton, *vice* Rev. Thomas Dawson, deceased.

1761.—25 June. (*Cf. p. 486.*) John Blair, William Nelson, Thomas Nelson, Peyton Randolph, Philip Grymes, Richard Corbin, Philip Ludwell, William Byrd, Philip Ludwell Lee, John Tayloe, Robert Carter, and Presly Thornton.

1762.—(27 March), 5 April. Robert Burwell, *vice* Philip Grymes, deceased.

1766.—(21 March), 27 March. George William Fairfax, *vice* Peter Randolph, deceased.

1765.—(2 Sept.), 6 Sept. Montfort Browne, Lieut. Governor, to be of the council with precedence of the other members.

West
Florida.
