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400 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1774. § 299 *cont.*  
passed before the instruction against such acts and has had  
its effect.] [pp. 78, 136-7, 167.]
- 6 July. [300.] [An Antigua act of Aug. 1773,—for the embodying  
*Antigua.* and better regulation of the matrosses on the forts and  
fortifications of this island—is disallowed in accordance with  
a Committee report of 20 June, agreeing with a Board of  
Trade representation referred to them on 20 May. Mr. Jackson  
considered the act improper, in exempting those who enlisted  
in the service stated from arrests for their just debts.]  
[pp. 78, 137, 168.]
- 6 July. [301.] [Reference to the Committee of the petition of  
*North* George Casey, master of the ship *Hope*, for a day for hearing  
*Carolina.* his appeal from the condemnation of the ship and cargo by a  
decree of the Vice Admiralty Judge of North Carolina, 16 July,  
1773, at the instance of William Dry, collector of customs for  
the port of Brunswick.] [p. 184.]
- 6 July. [302.] [Reference to the Committee of the petition of  
*Jamaica.* Sir Edward Hughes, Kt., that the Council dismiss with costs  
for non-prosecution the appeal of Nathaniel Philips from a  
decree of the Jamaica Chancery, 22 April, 1773, on Hughes' bill  
against Philips, Philip Pinnock, and Susannah, widow of  
Edmund Hyde.] [p. 185.]
- (1775.) [On the Committee report of 12 Jan., the appeal is dismissed  
23 Jan. with 20*l.* *stg.* costs for non-prosecution.] [pp. 351, 375.]
- 22 July. [303.] [Reference to the Committee of the petition of  
*Jamaica.* Stephen Attlay, gent., of Kingston, Jamaica, for a day for  
hearing his appeal from a Chancery order of 21 July, 1773,  
in his suit against Sarah Tiplar, widow, concerning a mortgage  
on the estate of her late husband, John.] [pp. 191, 211.]
- (1776.) [On the Committee report of 16 May, Attlay is allowed to  
31 May. withdraw the appeal. George Clinton, executor of Mrs. Tiplar,  
is named as the respondent.] [XII. pp. 564, 580.]
- 14 Sept. [304.] [Reference to the Committee of the petition of John  
*Massachu-* Wentworth, Surveyor General of H.M. woods in North  
*setts Bay.*

§ 304 *cont.*]

1774.

America, for a day for hearing his appeal from a decree of the Vice Admiralty Judge of Massachusetts Bay, 3 May, 1773, dismissing his libel against James and William Bowdoin, James Pitts, Silvester Gardiner, and Benjamin Hallowell, for the forfeiture of certain logs seized in Kennebec river. On 21 June the hearing was fixed for 3 Aug.] [*p.* 213 ; XII. *p.* 34.]

[305.] [Order prohibiting the export of arms or ammunition for six months—renewed for six months on 5 April, 1775, and then periodically renewed for three months. On 27 Sept., 1775, saltpetre was included in the prohibition. On 24 Feb., 1783, it was intimated to the Customs that the order would not be renewed.

19 Oct.  
Military  
Stores.

Of about 350 passes to carry munitions to the colonies during this period, 150 are for the West Indies (including the Mosquito Coast &c.), over 80 for Quebec, and 40 for the Floridas. Between 1778 and 1782 about 24 passes were granted for New York, South Carolina and Georgia. The others were chiefly for Newfoundland. Hudson's Bay and Nova Scotia. Transports were also allowed to carry powder for making signals. The object of sending the powder was in many instances the Indian trade, but defence was given as the reason in some cases, especially by West Indian islands. Supplies were sent for privateers fitting out in America against the rebels, and English coasting vessels were allowed to carry guns to defend themselves against American privateers.

Most of the petitioners were London merchants. Of the outports only Bristol figures prominently, but there also occur Liverpool, Poole, Falmouth, Portsmouth, Glasgow and Greenock.

On the day on which the following order was made, 8 such passes were granted for Quebec and 3 for West Florida on condition of carrying 20 to 50 soldiers in each case.] [*p.* 226.]

Whereas application hath been made to this Board by (1777.)  
John Strettell of London Merchant praying leave to Export 19 Feb.  
to Montreal on board the Ship Hector George Jeffery Master,  
three hundred and fifty four Indian Fusees one hundred and  
seventeen Barrels of Gunpowder one hundred and six hundred

1774, § 305 *cont.*]

weight of Ball and Twenty seven thousand Gunflints; and on Board the Ship New Adventure Thomas Wooden Master for Quebec, Sixty five Indian Fusees, fifty five Barrels of Gunpowder, twenty hundred weight of Balls, Twenty four thousand Gunflints, each Ship carrying fourteen Guns and twenty Men, and are to Sail under Convoy; Which being taken into Consideration together with a Report from the Lords Commissioners for Trade and plantations thereupon—It is hereby Ordered in Council that the petitioner be permitted to Export to the province of Quebec, the quantity of Military Stores aforementioned on Board the said Ships Hector and New Adventure; provided that the Masters of the said Ships shall each of them take on Board Twenty five Soldiers or Recruits, if they can be obtained, or any less Number that may be convenient for Government to send in the said Ships, and that the said Stores be wholly consigned to the Governor or Commander in Chief of the province of Quebec on account of the Merchants; and provided also that good security be given to the proper officers of His Majesty's Customs in six times the Value of the said Stores that they shall be Landed within that province and delivered agreeable to the consignment before mentioned, the danger of the Sea and Capture only Excepted; And it is further Ordered that such Security be not cancelled until proof of their having been so landed and delivered has been made by a Certificate under the Hand and Seal of the Governor or Commander in Chief of the said Province—Which Certificate the Commissioners of His Majesty's Customs are hereby required to transmit to the Lords Commissioners of His Majesty's Treasury in Order to be laid before this Board; And the Right Honourable the Lords Commissioners of His Majesty's Treasury are to give the necessary Directions herein accordingly.

[XIII, pp. 334–5.]

28 Oct.  
Pennsyl-  
vania.

[306.] [Reference to the Committee of the petitions of David, Robert, Elizabeth and Ann Dorothy Finney for a day for hearing their appeals from judgments of the Supreme



§ 306 *cont.*]

1774.

Court for the Delaware counties in April term, 1773, in cases between them and (a) Henry Bickerton and others, and (b) James Byrne and others—all heirs of Mary, widow of Patrick Martin.] [p. 237.]

[307.] [A Grenada act of June, 1774,—to explain and amend an act of 5 May, 1772, for re-establishing courts &c.—which latter was confirmed on this date (*cf.* App. III), is disallowed, on the Committee report of 2 Dec., agreeing with a Board of Trade representation of 5 Nov. referred to them on 16 Nov., which set forth that the reasons given in the preamble, in the Governor's letter to Lord Dartmouth, and by the agent, who was heard by his counsel, could not] justify a Law, the provisions of which are retrospective, and which by altering materially the time fixed by the former Act for the deposit of Monies secured to be paid upon Estates taken in Execution, and Sold by the Provost Marshall so openly, and directly violates publick Faith, and consequently injures Publick Credit.

2 Dec.  
Grenada.

That in this Light it is considered by all the Principal Merchants here, and others interested in, and trading to Grenada, who consider themselves as greatly injured by this Act, and who are unanimously of opinion that it will have the Effect to destroy the Credit, and ruin the Trade of that Island; and they cannot but be of opinion, that it is of such a nature and consequence, as that it ought not, under any emergency to have been passed by Your Majesty's Governor [without first obtaining His Majesty's permission or inserting a suspending clause.] [pp. 271, 281-3, 288.]

[308.] [A Georgia act of Sept., 1773,—to oblige masters of vessels and other transient persons importing negroes or other slaves, goods, wares and merchandizes to pay tax for the same and to compel the persons directed to recover the same to give security for the due performance of their office and for monies that may be received by them by virtue of any act of this province—is disallowed, on the Committee report

19 Dec.  
Georgia.

1774-5. § 308 *cont.*]

of the same date, agreeing with a Board of Trade representation of 5 Nov., referred to them on 16 Nov. Mr. Jackson K.C., found the act] improper, in that it Charges the Goods of Transient Persons with a Duty of two and a half per Cent. ; That this Impropriety is by no means cured, by the Declaration of the Assembly, that it is intended by this Act not to lay a Duty, but only to compel Transient Persons to contribute to the support of the Government of Georgia, as it appears to him no ways equitable or politick to call on such persons to support the Government of a Country they Trade to (unless under very special Circumstances) and least of all to the support of the Government of Georgia, so great a part of which is defrayed out of the Revenue of Great Britain.

[Another act of Sept., 1773,—to enforce the payment of the arrears of taxes due in this province from persons holding or claiming to hold lands by virtue of and under grants signed by the Governor of South Carolina in 1763 (elsewhere given as 1773)—was recommended for disallowance by the Board of Trade, but the Committee ordered it to lie by. Mr. Jackson considered that it might have been proper if extended to all cases in which the owner resided out of the province, but the limitation to owners under Carolina grants gave an appearance of partiality which might prove a mischievous example.]

[*pp.* 270, 308-9, 314.]

19 Dec. [309.] [Reference to the Committee of the petition of  
Pennsyl- James Logan, gent., of Philadelphia co., Pennsylvania, that  
vania. the appeal of Timothy Thrustout (on the demise of Peter  
Henry Sheipers) from a judgment of the Supreme Court,  
20 April, 1773, in a case concerning 50 acres of woodland, be  
dismissed with costs for non-prosecution.] [*p.* 318.]

(1775.) [On the Committee report of 12 Jan. the appeal is dismissed  
23 Jan. with 20*l.* *stg.* costs for non-prosecution.] [*pp.* 352, 375.]

1775. [310.] [Reference to the Committee of the petition of  
23 Jan. Samuel Williams Haughton and Margaret Bonella, his wife, for  
Jamaica. a day for hearing their appeal from an order of the Jamaica

1775.

Chancery, 18 Jan., 1774, in a case between Margaret and her mother, Hannah, widow of Benjamin Blake.] [*pp.* 377, 435.]

[On the Committee report of 10 April, the order is reversed.] (1777.)

[XIII. *pp.* 417-9, 472.] 30 April,

[311.] [Reference to the Committee of the petition of Mary Taliaferro, widow and administratrix of Kemp Taliaferro, Harry his son and heir, and William Strother and Mildred his wife, for a day for hearing their appeal from a decree of the General Court of Virginia, 10 April, 1773, on their action against Lawrence Taliaferro and others concerning the estate of Zachary Taliaferro.] 23 Jan. Virginia.  
[*p.* 377.]

[312.] [Orders on two New Jersey acts in accordance with a Committee report of the same date, agreeing with the following Board of Trade representation of 19 Dec., referred to them on 23 Dec. :—] 20 Feb. New Jersey.

An Act for striking 100,000*l.* in Bills of Credit and directing the mode for sinking the same.

That the propriety both in point of Justice and Policy of creating Paper Bills of Credit and lending them out at Interest upon Land Security in Order to create a Fund for Supplying the necessities of Government, will certainly in the abstract Consideration of the proposition, admit of some doubt, the provision however made by Act of Parliament for preventing such Bills of Credit being a legal Tender, has removed the principal Ground of Objection, and Experience has shewn that under that restriction it is a measure which has in Your Majestys Colonies been attended with a very salutary Effect, by Enabling the planters to Extend their Improvements to open new Channels of Commerce, to take of a greater Quantity of the Manufactures of Great Britain and to pay for them with that Gold and Silver which was it not for the advantage of this paper medium must be retained in Order to Answer the purposes of Circulation—[the act may therefore be confirmed, being provided with a suspending clause :] That they should however had the greater Satisfaction in recommending to

1775. § 312 *cont.*]

Your Majesty to confirm this Act, if the Assembly instead of a general appropriation of the Interest Money to the Support of Government, in such manner as should be directed by future Acts had made a Settlement during the Existence of the Loan upon the Civil Officers of Government, of Salaries more Suitable to their several Stations than what they now receive, and had appropriated a Specific portion of the Interest Money to Building Houses for the Residence of Your Majesty's Governor and the Meetings of the Legislature of which the Governor says there is a shameful want in that province ; That such an Appropriation of the Interest of the Loan is certainly no more than what they owe to the Dignity of their own Government and Your Majestys just Expectations, and they Trust that if Your Majesty shall be graciously pleased to direct Your Governor to make a requisition to the Effect of what is above Suggested the Legislature of New Jersey will not make such an ill return of Your Majesty's Grace and Favour in the Confirmation of the Law as not to Comply with it.

An Act for lowering the Interest of Money to Six per Cent. within this Colony.

[Disallowed. Mr. Jackson reported] that it is either useless, or mischievous ; for, if Money abounds sufficiently in the province to induce possessors of it to lend at Six per Cent. it will be lent at that rate, in case it does not, the only Effect of the Law will be a prohibition on the lending at all to the manifest Injury of the Trade of the Colony, and the Improvement of it's Lands ; [the Board of Trade added] that this Confirmation of the Act for issuing Paper Bills of Credit, which are to be lent out on Land Security at five per Cent, renders this Law at least unnecessary, if not Improper.

[*pp.* 321, 414-6, 421-3.]

27 Feb. [313.] [The Council approve an additional instruction to  
Jamaica. the Governor of Jamaica, the preparation of which they had ordered on 20 Feb., when they approved a Committee report of that date agreeing with a Board of Trade representation of 19 Dec. referred to them on 23 Dec., concerning

a Jamaica act of Feb., 1774, imposing an additional duty of 40s. per head on slaves imported, payable by the importer.

The Board of Trade had heard Mr. Fuller, agent for Jamaica, and several merchants, and reported] That it is alledged by the Merchants that this Law is not only unjustifiable in it's principle as it prejudicially affects the Commerce of this Kingdom, but by being made to take Effect without any previous Notice, it has had it's operation upon many Valuable Cargoes of Negroes purchased and in some instances contracted to be Sold upon a Speculation of the Duties, as they stood before this Addition, and that this hardship is the Greater from the Scituation of the Island, which lying furthest to Leeward of all Your Majestys possessions in the West Indies, Vessels arriving there are cut off from any other port, where they might have found a more advantageous Market; They further Alledge, that this additional Duty is such a Burthen, having already amounted to upwards of fifteen thousand pounds upon twenty six Cargoes, that without Your Majestys Interposition for their relief, they can no longer, with any hope of gain, carry on the Slave Trade to that Island.

That in Answer to these Allegations it has been alledged by the Agent that the Legislature of the Island of Jamaica have an unquestionable Right to judge of the ways and means of raising Supplies for the publick Service of that Island; That the public Exigency there required an Additional Supply and that in the present State of their Funds, there were no other means for providing for that Exigency, that, as it was the invariable practice of the Assembly to make all their Supplies Annual, the inconvenience complained of by the Merchants from want of Notice was unavoidable, and that in Fact the Burthen of the Duty must fall upon the Consumer and not upon the Importer, who doubtless has been paid an advanced price for his Slaves in proportion to the advance of the Duty.

[The Board of Trade submit these arguments on either side with their opinion] that those Stated by the Agent do not in

1775. § 313 *cont.*]

any Degree justify the Act ; That the Legislative Authority of the Assemblies in Your Majesty's Colonies in America in point of Taxation does not Extend beyond the imposing Taxes and Duties upon the Inhabitants of those Colonies, That all Laws Enacted by the Legislatures that operate to the Imposition of Duties upon Ships and Goods of the Merchants of this Kingdom or to prejudice or obstruct it's Commerce, are not warranted by the Constitution, that the Argument urged by the Agent to Support this Law, on the Ground of the Duty being ultimately paid by the Consumer, is Controvertible even as a general Argument ; but certainly does not apply in this Case in which the Duty is Expressly made payable by the Importer and not by the Purchaser, and that upon the whole the Act in question is improper as well upon its general principle as from the manner in which it has been passed.

That upon these grounds the said Lords Commissioners recommend the disallowance of it but as it is Enacted to continue in force only for one Year, and will consequently be Expired before Your Majestys Order can reach the Island, such a measure would be Nugatory and inexpedient, [and they therefore propose an instruction to the Governor not to assent to any act for increasing the duties beyond the amount payable previous to this act :] at the same time they do not mean to convey an opinion, than even the Duties as they then stood, which were in part payable by the Importer, are not liable to objection, they certainly do in some Degree militate against the principle above Stated with regard to the limited power of Dependent Legislatures in the Colonies ; But as the Merchants have declared themselves satisfied provided there is no increase of Duty, The said Lords Commissioners do not at present advise any further measure than what is above proposed.

[*pp.* 321, 411-4, 421, 430.]

12 May. [314.] Reference to the Committee of a letter from  
New York. Governor Tryon to Lord Dartmouth, with the draft of a new charter for King's College in New York, a copy of a minute of the Governors of the College, 4 Aug. 1774, and

§ 314 *cont.*]

a copy of a letter from Lieut.-Governor Colden about the charter.] [p. 509.]

1775.

[315.] [Reference to the Committee of the petition of Simon Pease, merchant of Newport, Rhode Island, for a day for hearing his appeal from a decree of the Vice Admiralty Court at Boston, 7 Feb. 1775, on the seizure of the schooner *Abigail* by Abraham Pullibank, customs officer.] [p. 510.]

12 May.  
Massachusetts Bay.

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GEORGE III. VOL. XII. (June 1775—May, 1776).

1775.

[316.] [Order is given as proposed by the Admiralty in a memorial] Setting forth, That Vice Admiral Graves Commander in Chief of His Majesty's Ships and Vessels employed in North America, having represented, that the said Ships and Vessels are considerably short of their Established Complement of Men; and there being no likelihood of completing the said Complement of Men by Volunteers the said Lords Commissioners therefore propose, that His Majesty will be pleased by His Order in Council to authorize and direct them to issue out such Warrants as they shall find requisite, for pressing so many Seamen, Seafaring Men, and Persons whose occupations or callings are to work in Vessels and Boats upon Rivers, in His Majesty's Dominions in North America as shall from time to time be necessary for manning His Majesty's Ships and Vessels, employed and to be employed in those Parts.

16 June.  
Plantations.

[p. 9.]

[317.] [Reference to the Committee of a Board of Trade representation of 1 June for removing William Henry Drayton, John Drayton, and Bernard Elliot from the Council of South Carolina and from any civil or military offices they may hold.] [p. 10.]

16 June.  
South Carolina.

[Order for their removal in accordance with the Committee report of 29 Nov., agreeing with the Board of Trade representation, which submitted copies of a letter from

22 Dec.

1775. § 317 *cont.*]

Lieut. Governor Bull announcing that he had suspended the three councillors and of papers giving the evidence on which he acted; and reported their opinion that the whole tenor of W. H. Drayton's conduct rendered him unfit to serve his Majesty, and that the others should also be removed for signing a protest in terms of indecent disrespect to his Majesty, and of approbation of the very unwarrantable conduct of W. H. Drayton.] [pp. 212-3, 272.]

16 June. [318.] [Reference to the Committee, and by them on  
New Jersey. 6 Feb., 1776, to the Attorney and Solicitor General and the Lord Advocate of Scotland, of the petition of John Swinton, sheriff of Perthshire, for an effectual grant of a half of one of the 24 shares into which New Jersey was formerly divided. This belonged originally to Richard Mews, and on the death of Francis Hancock passed to the Crown as *Ultimus Haeres*. It was granted to Swinton's grandfather by William III, but by a mistake the grant passed only under the Privy Seal of Scotland, which was not effectual for the conveyance.]

[pp. 12, 328.]

30 June. [319.] [Order in accordance with a Committee report of  
Newfound- 29 June on a memorial referred to them by the Treasury.  
land. The Committee minute is given in full :—] Memorial of the Merchants concerned in the Newfoundland Fishery praying relief by exporting further Quantities of Provisions—Read—Several Gentlemen attending called in and examined vizt.

Mr. Gregory Olive Merchant, being called in and desired to give an account of the State of the Fishery and asked whether he had been at Newfoundland, said that he had never been there—that he lives here but is concerned in an House at Newfoundland—that he has a Brother at Poole that he thinks the Consumption may be at least 5,000 Tons a Year—That his Brother and another House have frequently had Consignments to the amount of above 2,000*l.* per annum for Bread—said that very small Quantities of Flour are sent from America—that they have no Bakehouses at Newfoundland



baking only a little for Common Use but none for the Fishermen—that the people who live there eat Biscuit—that the Consumption of Bread is very great—said the Reason why they did not apply for larger Quantities to be allowed to be Exported when the Act was passing, was, that they did not imagine that the Ports would be shut up in America—Being asked whether the Ships gone out this Year did not carry with them larger Quantities than usual, replied, He believed not—does not believe any Accounts are received from Newfoundland of the Precise Quantity wanted—said he had Shipped a Cargo of Flour—That the only difficulty was in regard to Bread ; That the Price of wheat is above the exportation Price ; has heard that a Cargo of American wheat was lately Sold at Fifty Shillings the Quarter ;—Said, that the Letters say there is not Bread enough in Newfoundland to last six weeks—thinks 2,000 Ton will be wanted to Supply the whole Trade—That six or seven hundred Tons will be wanted for the Port of London including Jersey,—Being asked whether Flour might not be sent to Ireland and Baked there ?, replied, he did not think it possible to be done in Time, that they must send out the Bread in small Quantities as they can get it ready that they must pay a very high price for it, if sent to Ireland to be Baked—Being again Questioned as to there not being any Bread baked in Newfoundland, said that the fishermen cannot spare time to Bake—That last Year he sent to Canada for a Cargo of Flour (about 40 Tons) and his Vessel was detained four Months before the Flour could be Baked, and that he does not think it possible in the whole Course of the Summer to get 100 Tons of Bread Baked there.

Mr. Lempriere being called in and desired to give an Account of the State of the fishery at present with regard to Provisions, and being Questioned as to the Possibility of baking such Bread as might be wanted at Newfoundland—said—they had no ovens there—that Bread is the only Provision for the fishermen or for the Inhabitants in the winter, that Letters have been received mentioning, that they did not believe they

1775. § 319 *cont.*]

had Bread enough to last six weeks—that two vessels are arrived at Dartmouth and two at Poole for the purpose of getting a Supply and more are expected—Being asked whether they have taken the benefit of the Act allowing certain Quantities to be exported from certain Ports? said that from Poole they have exported the Quantity allowed by the Act—said that in Jersey the want of the Supply from America for the Fishery will be felt very heavily—That he had a Ship laden at New York but stopped there—that he has delivered in a List of the Quantities supposed to be wanted from the several Ports but does not imagine what is therein asked for will be sufficient, that the said List amounts to 750 Tons over and above the allowance by the Act, but conceives that for Jersey alone they shall want more than double the Quantity given in—that there is no other way of being Supplied, but by the permission they may get from hence—made the same objection as Mr. Olive to the having Flour sent to Ireland to be baked there,—imagines that from London and Jersey there will be 6 or 7 hundred Tons at least wanted—said that half the Fishery is now over, that from 1,500 to 2,000 Men from Jersey, are employed in it.

Mr. Shoolbred (a Merchant in London) being called in informed their Lordships, that by the last packet but one from New York he received a Letter informing him of the Resolution taken by that Town, and other Towns to the Eastward to put a Stop to all Supplies whatever, that with respect to himself he had lodged Orders last winter for supplies of Flour and Bread from Quebec—That Rum, Molasses, Indian Corn and Connecticut Pork were the Articles he chiefly wanted—that he had found difficulty in exporting Indian Meal, and therefore dispatched his Vessel with such Supplies as he could put on Board, that there are several others in the same Circumstances, that the Letters from Newfoundland are very distressing, that they have not bread for more than six weeks, and that Bread is in such demand it can be sold at 40 shillings the hundred weight tho' it cost originally only ten.

Mr. Lane—being called in—acquainted the Lords that he had received Letters of a Later Date, than any in Town ; and produced and read an Extract of a Letter signed William Dobell, and Dated Ferryland (a place not far from Port St. Marys) 5th June 1775, giving a particular account of the State of the ffishery, respecting the want of Provisions, and mentioning that any price might be had for Bread—that he (the Writer) had Sold some for 20, 25 and 27 shillings the hundred weight ; might now have 40 shillings, but was afraid of not having sufficient for his own people—Mr. Lane being Questioned as to the Quantities which might be wanted ; said his House will want from Ten to Fifteen Tons of Bread—that there is no getting Biscuit but from hence—cannot be had from Quebec—that there are neither Mills, nor Ovens in Newfoundland, said he did not apprehend they could get bread from Ireland ; and that the necessity is so urgent, they are afraid of losing any Time.

Admiral Shulldham (the late Governor of Newfoundland) being desired to give his opinion as to the Quantity of Bread that might be requisite for the Support of the People at Newfoundland, said he could not speak as to the Quantity wanted for the ffishery in general—that there may be from 12,000 to 14,000 Men employed in the Merchants Service—that the Squadron may amount to 500 or 600 Men—may consume about 500*lb.* of Bread per diem, the usual allowance being one pound a Man—that the Squadron carries out about half the Quantity of Biscuit they shall want, that they can be supplied with the remainder there at a cheaper rate than in England—being asked whether the present Governor might not take out with him a larger Supply than usual, said he imagines Mr. Duffe took on Board as much as he could possibly carry—said that Bread generally Sold from 14 shillings to 16 shillings the hundred weight during the Time he was governor, being asked whether the Inhabitants have not Bakehouses replied there were very few—that they chiefly live upon Biscuit and eat very little Soft Bread,—that they have no other Trade

1775. § 319 *cont.*]

but Fishing and the necessary repairs of their Stages, Boats, Casks &c.—that the Inhabitants in the Winter may amount to 8,000 or 10,000 in Number—that they are every Year increasing, and almost become a Colony.

Mr. Jackson, from the Admiralty, being called in and asked whether the present Governor Mr. Duffe did not carry out with him more than the Quantity of Biscuit usually taken on Board replied he Believed not—being asked what Quantity of Biscuit he imagined there might be ready at the victualling office—said he believed they did not keep any large Supply in Store by them ; but could supply any Quantity in a very Short time.

Mr. Olive—being again called in, was asked, whether it was necessary, that the whole of the Supply wanted, should be sent at the same time ; or whether it would not Answer the purpose equally to send it at different Periods ? replied it would be sufficient to have a part now, and a part in the Course of a Month—said that  $5\frac{1}{2}lb.$  of Bread is allowed each Man per week and that they consume about 75 Ton a week—that there are from 26,000 to 30,000 Inhabitants in the Fishing Season the Winter Residents may be about 10,000—that 2,000 Ton of Biscuit will be wanted, but thinks 1,000 Ton to be sent now and as much more a Month hence will answer the purpose ; being asked, as to the particular Quantities wanted from each Port ? replied that very little, he believed would be wanted from Bristol—that the Biscuit from Jersey goes from London, and thinks 600 Ton enough for Jersey—that he proposes to Ship only 50 Ton, that 600 Ton may be wanted for Poole ; and the remainder may be divided between Dartmouth and Topsham—being asked the Medium price of Wheat at Present, imagines the Medium of the London Market to be about 44 or 45 Shillings the Quarter—Being asked whether Foreign Flour will not do alone for Baking Biscuit, replied he was informed it would be impossible to get it ready by the time the Bread would be wanted, that they use a particular sort of Flour (called Stuff) for Biscuit, which is wheaten Flour and Pease

§ 319 *cont.*]

1775.

Flour mixed—imagines that 2,000 or 3,000 Barrels of American Flour will be sent—Being asked whether it might not be of use if the victualling office could lend any certain Quantity of Biscuit for the present? answered it would be of some Service—said he supposed there may be 200 or 300 Ton of Bread now upon Hand in London—that all the Bakers are already at work in the Isle of Wight at Poole and at Dartmouth, under Contracts for such Quantities of Biscuit as they can Bake in a Month; Being questioned as to the Period for allowing the Second Supply to be exported—replied that the 20th of August would be as good a time as they could desire.

[The memorial stated] that by an Act passed in the 13th Year of Your Majesty's Reign, entitled "An Act to regulate the Importation and Exportation of Corn," no export is allowed when Grain is above certain prices in the said Act specified, except certain Quantities from and to certain Ports, and except particular Quantities from certain ports to Newfoundland, allowed by another Act passed in the Fourteenth Year of Your Majesty; which Quantities, so allowed, are under the present Circumstances, insufficient; and therefor [prayed] Liberty to Export from the Port of London, a certain Quantity of Provisions, and that the Quantities allowed by the aforesaid Act, to be exported from the different ports therein mentioned may be Enlarged.

[On mature consideration the Committee reported that it would be advisable to allow the export to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador, for the use of the fisheries, of] any Quantity of Biscuit not exceeding One thousand Tons, between this and the 24th day of July next ensuing, in such Proportions with respect to the Quantity to be Shipt from each Port as the Lord Commissioners of Your Majesty's Treasury shall see fit: And further that the said Lords Commissioners do give Directions to the Officers of Your Majesty's Customs not to seize the Biscuit so permitted to be exported. [pp. 46-52, 53.]

[Letter to Edward Stanley, Secretary of the Customs, to 30 June.

1775. § 319 *cont.*]

make a return of the quantities of biscuit and pease exported to Newfoundland (under the act of 14 George III) since 1 Jan. last, distinguishing the ports of export.] [p. 60.]

12 July. [On a "representation of the Lords of the Council" of 7 July, Liverpool is allowed to export 200 tons of biscuit, Weymouth 50 tons, and also 100 quarters of pease, and Poole 200 quarters.] [pp. 63, 67.]

11 Aug. [On the representation of the merchants that they had not been able to export the whole of the provisions within the time limited by the order of 30 June, the time is enlarged until 10 Sept.] [p. 81.]

30 June. [320.] [Reference to the Committee of the petition of John Rhode Island. Farrint, mariner of Newport, Rhode Island, that the Council dismiss for non-prosecution the appeal of John Andrews from a judgment of the Superior Court in March, 1773, reversing two judgments of the Inferior Court in May and Nov. 1772, in Andrews' action against him for breach of his orders in deserting the ship *Hope Still*, whereby the ship and cargo were cast away, and Andrews, the owner, suffered loss to the amount of 2,000*l.*] [p. 59.]

12 July. [321.] [Reference to the Committee of the petition of Jamaica. Sir Richard Bickerton, Kt., of Upwood, Hunts, for a day for hearing his appeal from a decree of the Jamaica Chancery, 20 July, 1774, in an action of account with Jasper Hall and George Paplay, relating to the condemnation of the ship *General Wolfe* and her cargo. A cross-appeal by Hall was similarly referred on 26 Jan., 1776.] [pp. 69, 309.]

(1777.) [On the Committee report of 10 April on both appeals, the 30 April. decree is affirmed without costs.] [XIII. pp. 419-21, 473.]

28 July. [322.] [Order to Lord Suffolk, in accordance with the Rebellion. following "representation of the Lords of the Council" of 27 July :—] The Lords of Your Majesty's most Honourable Privy Council having taken into their most serious Consideration the present unnatural Rebellion of a part of Your

§ 322 *cont.*]

1775.

Majesty's North American Colonies, and being of Opinion, that the Forces employed in Subduing the said unnatural Rebellion should be augmented, crave leave humbly to Submit it to Your Majesty as their opinion, that it may be necessary and expedient for Your Majesty to receive into the Service of Great Britain Five Battalions of Your Majesty's Electoral Forces, and to employ the same in Your Majesty's Garrisons at Gibraltar and Minorca ; in order that Your Majesty may be the better enabled to remove an equal Number of Brittish Troops, now doing duty in those Garrisons to Great Britain—and that one of Your Majesty's Principal Secretaries of State should (if to Your Majesty shall so seem fit) receive Your Majesty's Pleasure for giving the necessary Directions for receiving the said Five Battalions of Your Majesty's Electoral Forces into the Service of Great Britain. [The same members were present on 27 and on 28 July, his Majesty being added on the 28th :—Lord Chancellor, the Earls of Suffolk, Sandwich, Rochford and Dartmouth, and Lord North.] [*pp.* 77–9.]

[A proclamation for suppressing rebellion and sedition is approved (C.R.).] [*pp.* 82–4.]

23 Aug.

[A proclamation declaring the cessation of hostilities with France, Spain, Holland and the United States of America, is approved : and on 26 Sept., 1783, another for publishing and declaring the definitive treaty of peace with France and Spain (C.R.).] [XXI. *pp.* 181–3, 493.]

(1783.)

14 Feb.

[323.] [From this date many entries occur of grants of pensions to wounded officers and to the dependants of those killed in the Revolutionary War :—

6 Sept.  
Pensions.

John Pitcairn (50*l.*), 27 Oct., 1775 ; Richard Shea (50*l.*), 1 Dec., 1775 ; Stawell Chudleigh (60*l.*), 20 Sept., 1776 ; and Stephen Ellis (60*l.*), 16 April, 1777—all marine officers killed at Bunker Hill, 17 June, 1775. Alexander Brisbane, marine, wounded there (50*l.*), 3 Dec., 1777. Lieut. Nathaniel Shields, of H.M.S. *Thetis*, ruined in health by exposure in an open boat at the time of Bunker's Hill—died in Nov., 1780,—referred on 5 Feb., 1781.

418 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1775. § 323 *cont.*]

25 Oct., 1776.—Capt. John Morris, of H.M.S. *Bristol*, mortally wounded at Sullivan's Island, South Carolina, 100*l.*

8 Nov., 1776.—Capt. Alexander Scott, R.N., wounded at same place : 300*l.*

14 Feb., 1777.—Lieut. Edward Pike, of the *Active* frigate, killed on same occasion : 25*l.*

20 Dec., 1776.—George Logan, marine, killed at Long Island, 27 Aug., 1776 : 60*l.*

31 Jan., 1777.—Walter Nugent, marine, mortally wounded on same occasion : 50*l.*

31 Jan., 1777.—Lieut. Henry Sebastian Leake, of H.M.S. *Roebuck*, killed in Hudson river near New York, 9 Oct., 1776 : 25*l.*

7 Nov., 1777.—Capt. Peter Carteret, of H.M. sloop *Druid*, slain in a fight with a rebel privateer, 4 Sept., 1777 : 70*l.*

3 Dec., 1777.—Capt. Henry Davis, of H.M. frigate *Repulse*, lost in a hurricane off Bermuda in Dec., 1776 : 100*l.*

11 Nov., 1778.—Lieut. Robert Brown, R.N., wounded in an attack by 16 American sail on the Lakes : 5*s.* a day—equal to the pay of a lieutenant of a first-rate.

10 July, 1778.—Lieut. Thomas Medelle, marine, wounded in attempt to seize a rebel privateer in the Delaware, March, 1778 : 50*l.*

5 Aug., 1778.—Lieut. William Dobbs, R.N., killed in a fight with the American privateer *Ranger* in Irish waters, 24 April, 1778 : 25*l.*

16 Sept., 1778.—Capt. George Burdon, R.N., killed in same engagement : 70*l.*

16 Feb., 1776.—100*l.* a year to the widow of Denys de Vitré (*cf. Acts of the Privy Council*, IV, p. 565).

11 Nov., 1778.—Reference of Charles Brailsford, loyalist of Charleston, South Carolina, obliged to leave property worth 100,000*l.*

12 Feb., 1779.—Capt. Samuel Graves, commanding on the Lakes, lost an arm at Ticonderoga : 200*l.* besides half-day.

12 Feb., 1779.—Capt. James Ayscough, wounded in the



leg while defending the forage vessels in New York Sound, 12 Dec., 1777 : 200*l.* besides half pay,

13 Oct., 1779.—Lieut. Leonard Mosey, lost his right arm in attack on Mud Island, 16 Nov., 1777 : 5*s.* a day.

16 June, 1779.—Capts. John Brisbane, Richard Smith, Hugh Dalrymple, Charles Hudson, and John Symons : 500*l.* compensation each for property lost when their vessels at Rhode Island were ordered to be destroyed on the approach of D'Estaing's squadron.

1 Jan., 1781.—Capts. Henry Harwood and Hugh Cloberry Christian : 300*l.* each on same grounds.

13 Dec., 1779.—George Posgate, pilot on H.M.S. *Serapis*, killed in action with Paul Jones : 20*l.*

2 Feb., 1780.—Capt. James Cook, the explorer : 200*l.* to widow, 25*l.* to each of three sons.

4 Aug., 1780.—The Hon. Henry St. John, commander of H.M.S. *Intrepid*, killed in action under Rodney in the West Indies : 100*l.* (The Admiralty would do nothing on his widow's petition for his expenses in maintaining refugees on board his ship at the time of the Stamp Act riots in New York.)

1 Sept., 1780.—Lieut. William Lawes, killed in action under Rodney in the West Indies on 15 May : 25*l.*

27 Oct., 1780.—Capt. Thomas Watson, of H.M.S. *Conqueror*, killed in action off the Leeward Islands on 19 May : 100*l.*

14 Dec., 1781.—Capt. Philip Brown, of H.M.S. *Rose*, who lost his life through exertions to save Georgia from D'Estaing in 1779 : 20*l.*

13 Oct., 1780.—Lieut. Edward Ellis Watmough, R.N., repeatedly wounded and ill-used as a prisoner for 11 months : 5*s.* a day.

27 April, 1781.—Capt. Thomas Newnham, of H.M.S. *Grafton*, wounded in Rodney's action of 17 April, 1780 : 150*l.*

27 April, 1781.—Lieut. Robert Twycross, of H.M.S. *Triumph*, wounded in action under Rodney in the West Indies : 5*s.* a day.

8 June, 1781.—Capt. Howel Lloyd, of H.M.S. *Shark*, lost with all his crew in a hurricane on the American coast : 100*l.*

1775. § 323 *cont.*]

3 Aug., 1781.—Robert Douglas, master of H.M.S. *Pallas*, wounded in engagement off Puerto Rico, 29 Feb., 1780 : superannuated with pension equal to that of a master of a third rate.

15 Aug., 1781.—Lieut. John Macklon, of H.M.S. *Sandwich*, killed in the action of 17 April, 1780, in West Indies : 25*l*.

12 Oct., 1781.—Capt. Nott, of H.M.S. *Centaur*, killed off Martinique in engagement with De Grasse, 29 April, 1781 : 100*l*.

16 Nov., 1781.—Lieut. John Salisbury, R.N., wounded when commanding flat boats in James River, 7 March, 1781 : 5*s*. a day.

22 March, 1782.—David Coutts, captain of marines, lost his right hand on Plumb Island : 100*l*.

10 April, 1782.—Lieut. Samuel Arden, of H.M. sloop *Atalanta*, lost his right arm in engagement with the American frigate *Alliance*, 28 May, 1781 : 5*s*. a day.

5 June, 1782.—Robert Carey, captain of marines, wounded in action off Martinique, 17 April, 1780 : 100*l*.

30 Oct., 1782.—Lieut. Richard Wimbleton, of H.M.S. *Valiant*, killed in action in West Indies, 9 April, 1782 : 25*l*.

20 Dec., 1782.—Lieut. John Callowhill, of H.M.S. *America*, killed in action in West Indies, 12 April, 1782 : 25*l*.

10 Jan., 1783.—Lieut. David McDowall, of H.M.S. *Princessa*, lost his left arm in action of 12 April, 1782 : 5*s*. a day.

22 Jan., 1783.—Thomas Love, master of H.M.S. *Prothée*, lost his right leg in action of 12 April, 1782, in West Indies : equal to allowance to superannuated master of a first-rate.

22 Jan., 1783.—William Charters, master of H.M.S. *Prudent*, lost his left leg in action off St. Kitt's, 25 Jan., 1782 : equal to allowance to superannuated master of a first-rate.

2 April, 1783.—William Burd, captain of marines, killed in action of 9 April, 1782, in West Indies : 60*l*.

2 April, 1783.—Lieut. Samuel Wightman, marine on H.M.S. *Serapis*, wounded in action with Paul Jones : 40*l*.

9 July, 1783.—Lieut. William Furnivall, R.N., wounded by the rebels, 16 May, 1779 : 5*s*. a day.

§ 323 *cont.*]

1775.

25 July, 1783.—Capt. George Wilkinson, lost in the *Ville de Paris* : 100*l.*

19 Dec., 1783.—Lieut. Thomas Williams, of H.M.S. *Chatham*, disabled by an accident off Sandy Hook, 8 Nov., 1781, and on boarding a prize, 1 June, 1782 : 2*s.* 6*d.* a day.

26 Dec., 1783.—Dr. Cuthbert Chaloner, physician to the Channel Fleet, who conducted the hospital in North America with economy and great advantage to H.M. service : 10*s.* a day.

[324.] [Reference to the Committee of the petition and appeal of James and Mary Simmons from a decree of the Barbados Chancery, 10 Aug., 1774, on a bill exhibited by Walter Caddell and Rebecca his wife for an account of certain of the effects of Rebecca's father, Philip Simmons.] [*pp.* 113, 180.]

3 Nov.  
Barbados.

[On the Committee report of 12 April, the decree is affirmed. Names in the report are Henry Peter King, Henry Peter Simmons, Thomas and Mary Mapp, Sampson Wood, and Benjamin Gittens.]

(1777.)  
30 April.

[XIII. *pp.* 436–40, 474.]

[325.] [Reference to the Committee of the petition of John Reid for a day for hearing his appeal from a decree of the Governor and Council of New Jersey as a Court of Errors, 14 May, 177–, affirming a judgment of the Provincial Court, 21 May, 1772, on an action by Joseph Reed about a tract of land called Tunicam.]

10 Nov.  
New Jersey.

[*p.* 197.]

[326.] [Letter to the Attorney General to prepare a proclamation for the distribution of prizes, on the ground of that issued in 1756, which is enclosed. The draft is required on Tuesday, in order to be engrossed and laid before his Majesty on Wednesday, and issued immediately after the act prohibiting trade and intercourse with the rebel colonies shall have received the royal assent.]

15 Dec.  
Prizes.

[*p.* 253.]

[The proclamation is approved (C.R.). A letter to Messrs. Eyre and Strahan, the King's printers, requires that the proclamation be immediately printed, and a proper number sent to the Admiralty Office with the utmost dispatch.]

22 Dec.

[*pp.* 267–71, 277.]

422 ACTS OF THE PRIVY COUNCIL COLONIAL).

1775. § 326 *cont.*]

(1776.) Whereas by an Act passed in this present Session of  
8 Mar. Parliament all manner of Trade and Commerce is prohibited with the Colonies of New Hampshire, Massachusetts Bay Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, and that all Ships and Vessels of or belonging to the Inhabitants of the said Colonies, together with their Cargoes, Apparel and Furniture, which shall be found trading in any port or place of the said Colonies or going to trade or coming from trading in any such place shall be forfeited to his Majesty, as if the same were the Ships and Effects of open Enemies, and shall be so adjudged deemed and taken in all Courts of Admiralty and in all other Courts whatsoever, [it is ordered that the Advocate General and the Advocate of the Admiralty prepare (a) a commission for the Admiralty to authorise the Admiralty Courts to try all seizures, forfeitures, captures, recaptures, prizes and reprisals ; and (b) instructions for commanders of H.M. ships and for the Admiralty Courts in the plantations.]  
[pp. 407-8.]

(1776.) [On the report of the Advocate General and the Advocate of  
25 April. the Admiralty, the commission, the instructions and the interrogatories to be used in preparatory examinations of persons taken on board prize vessels, or other witnesses, by Admiralty Courts in the colonies, are approved. (All C.R.)

The interrogatories are :—] 1st. Let each witness be interrogated to every of the following Questions and their Answer to each severally written down where were you born and where have you lived for these seven Years last past, where do you now live and how long have you lived in that place ? To what Prince or State or to whom are you or have you ever been a Subject, and of what cities or Towns have you been admitted a Bur or Freeman and at what time were you so admitted ?

2d. Interrogate were you present at the time of taking and seizing the Ship or her lading or any of the Goods or

§ 326 *cont.*]

1775.

Merchandizes concerning which you are now Examined ? If not, how and when were you first made acquainted therewith ? and had the Ship concerning which you are now Examined any Commission ? what and from whom.

3d. Interrogate In what place Latitude or part and in what Year Month and Day was the Ship and Goods concerning which you are now Examined taken and seized upon what Pretence and for what reasons were they seized ? Into what place or port were they carried and under what colours did the said Ship Sail ? was any Resistance made at the time when the said Ship was taken ? And if yea ? How many Guns were fired and by whom ? and by what Ship or Ships were you taken ? Was such Vessel a Ship of War or a vessel acting without any commission as you believe.

4th. Interrogate what is the name of the Master or Commander of the Ship or Vessel taken ? How long have you known the said Master and who appointed him to the command of the said Ship where did such Master take possession of her ? And what was the name of the Person who delivered the possession to the said Master ? where doth he live ? where is the said Masters fixed place of abode ? If he has no fixed place of abode then let him be asked ? where was his last place of abode and where does he generally reside ? How long he lived there ? where was he born and of whom is he now a Subject ? Is he married If yea where doth his wife and family reside ?

5th. Interrogate of what Tonnage or Burthen is the Ship which has been taken ? what was the number of the Mariners and of what country were the said Seamen or Mariners ? Did they all come on board at the same port or different ports ? and who shipped or hired them ? and when and where.

6th. Interrogate had you or any of the Officers or Mariners belonging to the Ship or Vessel . . any and what part share or Interest in the said Ship or in any of her Lading ? if yea set forth who and what Goods or Interest you or they have ? Did you belong to the said Ship or Vessel at the time she was

1775. § 326 *cont.*]

seized and taken ? In what capacity did you belong to her How long have you known her ? when and where did you first see her, and where was she built.

7th. Interrogate what is the name of the said Ship ? How long hath she been so called ? Do you know of any other Name or Names by which she hath been called ? if yea ? what were they ? Had she any passport or Sea Brief on board and from whom ? To what ports and places did she sail during her said Voyage before she was taken ? Where did her last Voyage begin and where was the said Voyage to have ended ? set forth the Quality of every cargo the Ship has carried to the time of her Capture and what port such Cargoes have been delivered at ?

8th. Interrogate what Lading did the said Ship carry at the time of her first setting Sail in her last Voyage—and what particular sort of Lading and Goods had she on Board at the time when she was taken ? In what year and in what Month was the same put on Board ; set forth the different Species of the Lading and the Quantities of each sort.

9th. Interrogate who were the owners of the Ship or Vessel.. at the time when she was seized ? how do you know that they were the owners of the said Ship at that time ? of what Nation or Country are such owners by birth ? where do they reside and where doth their Wives or Families reside ? to whom are they Subject.

10th. Interrogate was any Bill of Sale made to the aforesaid owners of the said Ship ; and if any such was made in what Month and year ? where and in the presence of what Witnesses was such Bill of Sale made ? where did you last see it and what is become of it.

11th. Interrogate was the said Lading put on Board in one port and at one time ? or at several ports and at several times ? and at what ports by name ? set forth what Quantities of each sort of Goods were Shipped at each port.

12th. Interrogate what are the Names of the respective Laders or owners or consigners of the said Goods ? what

countrymen are they where do they now live and carry on their Business or Trade and where were the said Goods to be delivered and for whose real Account Risk or Benefit? Can you take upon yourself to swear that you believe that at the time of the Lading the cargo and at this present time and also if the goods shall be restored and unladen at the destined ports the Goods did, do, and will belong to the same persons and to none others.

13th. Interrogate how many bills of Lading were signed for the Goods seized on board the Ships? were any of those bills of lading false or colourable or were any Bills of Lading signed which were different in any respect from those which were on board the Ship at the time she was taken? what were the Contents of such other Bills of Lading and what became of them.

14th. Interrogate are there in great Britain any Bills of Lading Invoices Sellers or Instruments relative to the Ship or Goods...? If yea set forth where they are and in whose possession and what is the purport thereof and when where they brought or sent to this Kingdom.

15th. Interrogate was there any Charter party signed for the voyage in which the Ship ... was seized and taken? what became thereof? when were and between whom was such Charter party made and what were the Contents of it.

16th. Interrogate what papers Bills of Lading Letters or other writings were on board the Ship at the time she took her departure from the last clearing ports before her being taken as prize? were any of them burnt torn thrown over board destroyed or cancelled concealed or attempted to be concealed, and when and by whom and who was then present.

17. Interrogate has the ship . . been at any time and when seized as prize and condemned as such? If yea set forth into what port she was carried and by whom or by what authority and on what account she was condemned.

18th. Interrogate have you sustained any loss by the seizing and taking the said Ship...? If yea in what manner

1775. § 326 *cont.*]

do you compute such your Loss ? have you already received any Indemnity Satisfaction or Promise of Satisfaction for any part of the Damage which you have or may sustain by this capture and Detention and when and from whom.

19th. Interrogate Is the said Ship or Goods or any and what part Insured If yea for what Voyage is such Insurance made and at what premium and when and by what persons and in what Country was such Insurance made.

20th. Interrogate In Case you had arrived at your destined ports would your cargo or any part thereof on being unladen have immediately became the property of the Consignee or any other person and whom ? or was the Lader to taken the chance of the Market for the Sale of his Goods.

In Case of Recapture of Ship and Goods or of Recapture of a Hostage and Ransom Bill for British Ship and Goods or Foreign Ship in his Majestys Service besides the above Interrogatories.

21st. Interrogate every witness precisely as to the true place and Circumstances of the Capture and Recapture so that it may appear with certainty what number of Hours the prize or Hostage and Ransom Bill were in the custody of the Enemy and their Treatment of the Hostages and particularly where a Hostage is retaken let him be examined fully as to every Circumstance of the Capture and Recapture.

And in Case of a Ransom besides the above Interrogatories.

22d. Interrogate the Hostages particularly into the Reasons and Conditions of the Ransoms and be very circumspect as to the number of prisoners which may have been released the place where the Ship was discharged, the Quality of her Cargo and the time of her being released and the Necessity for releasing the prisoners.

[The instructions are :—] 1st. That by virtue of the abovementioned Act of this present Session of Parliament and of our Commission aforesaid The Commanders of our Ships and vessels of war are Authorized and required to set upon by Force of Arms and Subdue and take the Ships and



Vessels of or belonging to the Inhabitants of the said Rebellious Colonies together with their Cargoes Apparel and furniture which shall be found trading in any port or place of the said Colonies or going to trade or coming from trading in any such place and all such other Ships Vessels and Goods as are or shall be liable to Confiscation by the several Statute Laws of the Realm or pursuant to the respective Treaties between us and other princes States and potentates or the Law and usage of Nations but so as that no Hostility be committed nor prize attacked seized or taken within the Harbours of Princes and States in Amity with us or in their Rivers or Roads within Shot of their Cannon unless by permission of such princes or States or of their Commanders or Governors in Chief in such places.

2d. That all Ships carrying Soldiers Arms powder Ammunition or any naval or warlike Stores or provisions or other Goods Wares Merchandizes or Effects to any of the said Rebellious Colonies for the use Benefit or advantage or on Account of the Inhabitants thereof shall be seized as prizes except Ships and Vessels retained or employed in our Service or Ships or Vessels laden with provisions or other Stores for the use of our Fleets Armies or Garrisons or for the use of the Inhabitants of any Town or place Garrisoned or possessed by any of our Troops or of any Colony or province county, Town, port District or place which may or shall be proclaimed by lawful Authority to be at the peace of his Majesty or except as in the said Act of the present parliament is excepted.

3d. That our said Commanders of our Ships and Vessels of war shall bring such Ships Vessels and Goods as they have seized or shall seize and take to such Port of this our Realm of England or some other Port of our Dominions as shall be most convenient for them in Order to have the same legally adjudged in our high Court of Admiralty of England or before the Judge of such other Admiralty Court as shall be lawfully Authorized within our Dominions except as in the said Act is excepted.

1775. § 326 *cont.*]

4th. That after such Ships Vessels and Goods shall be taken and brought into any port The taker or one of his Chief Officers or some other person present at the Capture shall be obliged to bring or send as soon as possibly may be three or four of the principal of the Company (whereof the Master Mate or Pilot to be always two) of every Ship or Vessel so brought into Port [before an Admiralty judge authorised as above or commissioned in that behalf] to be sworn and examined upon such Interrogatores as shall tend to the discovery of the Truth touching the Interest or property of such Ship or Ships Vessel or Vessels and of the Goods Merchandizes or other Effects found therein and the taker shall be further obliged at the time he produceth the Company to be examined to bring and deliver into the Hands of the [Admiralty judge] all such papers Sea Briefs, Charter parties Bills of Lading Cockets Letters and other Documents and writings as shall be delivered up or found on Board any such Ship. The said Taker or one of his Chief Officers or some other persons who was present at the capture and saw the said papers and writings delivered up or otherwise found on board at the time of the capture making Oath that the said papers and writings are brought and delivered in as they were received or taken without any Fraud Addition Subduction or Embezzlement.

5th. That such Ships or Vessels Goods Wares Merchandizes and Effects taken by any of our Ships or Vessels of war shall be kept and preserved and no part of them shall be sold spoiled wasted or diminished and that the bulk thereof shall not be broken before judgment be given [in an Admiralty court that they are lawful prize].

6th. That no Commander or other Officer of any of our Ships or Vessels of war shall unless in case of the greatest necessity ransom Ships or Vessels taken as prize when such Ship may be brought into some Port of our Dominions (except the ports of the said Rebellious Colonies or Plantations) and in case any Ship or Vessel taken as prize shall be removed the

§ 326 *cont.*]

1775.

Reasons of Ransoming any Ship or Vessel and any Persons on board the same and the Conditions of such Ransom shall be transmitted to the Lords Commissioners of the Admiralty and to the Judge of the High Court of Admiralty and preparatory Examinations upon the Standing Interrogatories shall be taken as in Cases of prize and a Condemnation of such Ransom shall be had according to the Ancient Course and practise of the Admiralty.

7th. That no Commander or other Officer of any of our Ships or Vessels of War do presume upon any pretence whatsoever to Ransom or Release any Prisoners unless such as may be necessary to navigate the Ship which shall be taken and ransomed. [pp. 532-42.]

[Letter to the Advocate General, returning a draft of (1776.) additional instructions. The Lord President thinks them 4. May. highly proper, and will take the first opportunity of laying them before his Majesty after they are received again at this office. The Clerk adds that if the Attorney's report and the draft are sent before Wednesday they may probably be approved in Council on that day.] [p. 555.]

[On a representation from the Advocate General and the (1776.) Advocate of the Admiralty, five additional interrogatories are 21 June. approved :—] 1. Let each Witness be Interrogated of the growth produce and Manufacture of what Country and place was the lading of the Ship or Vessel . . or any part thereof.

2. Interrogate Whether all the said Cargo or any and what part thereof was taken from the Shore or Quay or removed or transhipped from one Board Bark Vessel or Ship to another—from what and to what Shore, Quay, Boat Bark, Vessel or Ship and when and where was the same so done.

3. Interrogate. Are there in any Country besides Great Britain and where or on board any and what Ship and Vessel concerning which you are now examined any Bills of Lading Invoices Letters or Instruments or Papers relative to the said Ship or Vessel and Cargo.

4. Interrogate. Were any Papers delivered out of the

1775. § 326 *cont.*]

said Ship or Vessel or carried away in any manner whatsoever and when and by whom and to whom and in whose Custody Possession or Power do you believe the same now are.

5. Interrogate. Was Bulk broken during the voyage in which you were taken or since the capture of the said Ship and when and where, by whom and by whose Orders and for what purpose, and in what manner. [XIII. *pp.* 15, 537-8.]

(1777.) [Reference to the Committee of an Admiralty memorial  
7 Mar. proposing, in accordance with an Act of Parliament, that the Advocate General and the Advocate of the Admiralty prepare (a) a commission authorising the Admiralty to grant commissions to privateers, and (b) instructions to the commanders of these vessels.] [XIII. *p.* 360.]

(1777.) [Committee minute. The memorial] Read and Postponed.  
8 Mar. [XIII. *p.* 361.]

(1777.) [Referred by the Committee to the Advocate, Attorney and  
11 Mar. Solicitor General to report whether it is necessary to give orders for preparing the commission and instructions.] [XIII. *p.* 363.]

(1777.) [On the Committee report of this date, it is declared to be  
24 Mar. unnecessary to give specific orders about the commission as sufficient powers are conferred on the Admiralty by the Act of Parliament; but the Advocates are directed to prepare instructions for the commanders. A letter of 25 March to the Dukes of Queensberry and Chandos, the Earls of Sandwich and Marchmont, Sir Eardley Wilmot and Sir Thomas Parker, who were present on the 24th, desired their attendance at the Committee at Lord Weymouth's office at St. James's on the 26th, the Council Chamber at Whitehall being under repair, and the Lord President being absent.]

[XIII. *pp.* 378-80, 383.]

(1777.) [On the Committee report of this date, the instructions for  
26 Mar. privateers are approved. Articles 1-4 correspond to 1-5 for ships of war, *supra.*]

Article 5. That if any Ship or Vessel belonging to us or our

§ 326 *cont.*]

1775.

Subjects shall be found in distress by being in fight, set upon or taken by the Enemy or by reason of any other Accident the Commanders Officers and Company of such Merchant Ships or Vessels as shall be so Commissioned as aforesaid shall use their best endeavours and give aid and succour to all such Ship and Ships and shall to the utmost of their power labour to free the same from the Enemy or any other distress.

Article 6. That the Commanders of such Ships and Vessels before the taking out Commissions shall make application in writing subscribed with their hands to [the Admiralty or a judge of the High Court of Admiralty] and shall therein set forth a particular true and exact description of the Ship or Vessel employed in Trade or retained in our Service for which such Commission is requested specifying the Cargo thereof the burthen of such Ship or Vessel and the number and nature of the Guns and what other warlike Furniture and Ammunition are on board the same to what place the Ship belongs and on what Voyage bound and the name or names of the principal Owner or Owners of such Ship and Vessel and the number of Men intended to be put on board and for what time they are Victualled also the names of the Commander and Officers,

Article 7. That the Commanders of Ships and Vessels having Commissions as aforesaid shall hold and keep and are hereby enjoined to hold and keep a correspondence by all conveniencies and upon all occasions with [the Admiralty,] so as from time to time to render . . . not only an Account or intelligence of their Captures and proceedings by virtue of such Commissions but also of whatsoever else shall occur unto them, or be discovered and declared to them or found out by them by examination of or conference with any mariners or Passengers of or in the Ships or Vessels taken or by any other ways and means whatsoever touching or concerning the Designs of the Enemy or any of their Fleets Ships Vessels or Parties and of the Stations Seas Ports and Places and of their intents therein and of what Ships or Vessels of the Enemy bound out or home or where cruizing as they shall

1775. § 326 *cont.*]

hear of and of what else material in these cases may arise at their knowledge to the end such course may be thereupon taken and such Orders given as may be requisite.

Article 8. That no Commander of any Ship or Vessel having a Commission as aforesaid shall presume as they will answer it at their peril to wear any Jack Pennant or other Ensign or Colours usually born by our Ships but that besides the Colours usually borne by Merchant Ships they do wear red Jack with the union Jack described in the Canton at the upper Corner thereof near the Staff.

Article 9. That no Commander of any Ship or Vessel so Commissioned as aforesaid shall ransom or agree to ransom or quit or set at Liberty any Ship or Vessel or their Cargoes which shall be seized and taken upon pain of being deemed and adjudged to be guilty of Piracy Felony and Robbery upon the Seas and to be punished accordingly.

Article 10. That no Prisoners shall be ransomed by the takers.

Article 11. That the Commanders of Merchant Ships Commissioned as aforesaid shall send an Account of all the Prisoners whom they shall take with their numbers Names and Qualities to [the Admiralty] and with respect to the Masters and other Persons and all such others of the Mariners and Crews of the said Prize Ships as shall be seized and taken not having any pretended Commission for the committing Hostilities upon the high Seas against us and our Subjects the Takers shall cause them to be put on board any of our Ships or Vessels of War and that such of the said Prisoners shall be entered upon the Book or Books of our said Ships or Vessels as they the Commanders of our Ships shall respectively think fit and with respect to all Prisoners who shall not be put on Board and entered upon the Books of our Ships or Vessels of War the takers shall detain or cause them to be detained and kept in or on board any Ship or Ships Vessel or Vessels until the arrival of such last mentioned Ships and Vessels in some Port in Great Britain or Ireland or in any

Port of America not in Rebellion. And with respect to Prisoners taken on Board armed Ships or Vessels fitted out with Commission by the pretended Authority of the Assembly calling themselves the Congress of the united States of America or which may or shall be fitted out by any other pretended Authority whatsoever contrary to Law for the Committing Hostilities upon the High Seas against us and our subjects the takers shall deliver and cause such Prisoners on their arrival in any Port or Place of Great Britain or Ireland or elsewhere in his Majestys Dominions not in Rebellion to be delivered to the care and custody of some civil Magistrate of such Port or Place or to such of our Officers and Commanders or others there who are hereby authorized and required to receive the said Prisoners.

Article 12. That in Case the Commander of any Ship Commissioned as aforesaid shall Act contrary to these Instructions or any such farther Instructions of which he shall have due Notice he shall forfeit his Commission to all intents and purposes and shall together with his Bail be proceeded against according to Law and be condemned in Costs and Damages.

Article 13. That all Commanders of Ships and Vessels so Commissioned shall by every opportunity send exact Copies of their Journals to the Secretary of the Admiralty and proceed to the Condemnation of their prizes as soon as may be and without delay.

Article 14. That Commanders of Ships and Vessels so Commissioned shall upon due Notice being given to them observe all such other Instructions and Orders as we shall think fit to direct from time to time for the better carrying on this service.

Article 15. That all persons who shall violate these or any other of our Instructions shall be severely punished and also required to make full reparation to Persons injured contrary to our instructions for all damages they shall sustain by any Capture Embezzlement Demurrer or otherwise.

1775. § 326 *cont.*]

Article 16. That before any Commissions for the purposes aforesaid shall issue under Seal Bail shall be given with sureties before the Lieutenant and Judge of our High Court of Admiralty of England or his Surrogate in the sum of three thousand Pounds Sterling if the Ship carries above one hundred and fifty Men and if a less number in the Sum of fifteen hundred Pounds Sterling which bail shall be to the effect and in the form following.

Which day time and place personally appeared  
and who submitting themselves to the Jurisdiction  
of the High Court of Admiralty of England obliged themselves  
their Heirs Executors and Administrators in the Sum of

Pounds of lawful Money of Great Britain to this  
effect that is to say that Whereas is

duly authorized by Commission with the Ship called the  
of the burthen of about Tons whereof he

the said goeth Master by force of Arms to attack  
surprize seize and take all Ships and Vessels Goods Wares  
and Merchandize Chattles and Effects belonging to the  
Inhabitants the Colonies of New Hampshire [etc.] now in  
Rebellion and all Ships and Vessels with their Cargoes Apparel  
and Furniture belonging to his Majestys Subjects in Great  
Britain or Ireland which shall be found trading to or from  
the said Colonies contrary to the Provisions of any Act passed  
in the last Sessions of Parliament intituled an Act to prohibit  
all Trade and intercourse with the said Colonies And whereas  
he the said hath a Copy of certain Instructions

approved of and passed by His Majesty in Council as by the  
Tenor of the said Commission and Instructions thereto relating  
more at large appeareth, If therefore nothing be done by the  
said or any of his Officers Marriners or Company

contrary to the true meaning of the said Instructions and of  
all other Instructions which may be issued in like manner  
hereafter and whereof due Notice shall be given him but that  
the Commission aforesaid and the said Instructions shall in  
all particulars be well and duly observed and performed as



§ 326 *cont.*]

1775.

far as they shall the said Ship Master and Company anyway concern And if they shall give full satisfaction for any damage or injury which shall be done by them or any of them to any of his Majestys Subjects or of Foreign States in amity with his Majesty and also shall duly and truly pay or cause to be paid to his Majesty or the Customers or Officers appointed to receive the same for his Majesty, the usual Customs due to his Majesty of and for all Ships and Goods so as aforesaid taken and adjudged for prize And moreover if the said

shall not take any Ship or Vessel or any Goods or Merchandizes belonging to the Enemy or otherwise liable to Confiscation through consent or clandestinely, or by Collusion, by virtue colour or pretence of his said Commission that then this bail shall be void and of none effect and unless they shall so do they do all hereby severally consent that Execution shall issue forth against them their Heirs Executors and Administrators Goods and Chattels wheresoever the same shall be found to the value of the Sum of                      Pounds before mentioned and in testimony of the truth thereof they have hereunto subscribed their names. [XII. *pp.* 384-92.]

[A second set of additional interrogatories (submitted by (1777.) the Advocate General, James Marriott, and the Advocate of the Admiralty, George Harris, but not given in the Register) 3 Oct. is approved. The draft was ordered by the Council on 24 Sept. on considering an Admiralty memorial of 18 Sept., which showed that the Advocates had found that] more particular Interrogatories are necessary for the Cases of fraudulent transfers of American property also in regard to Foreign Ships laden with warlike and Naval Stores, powder, arms and ammunition, in order to discover the true destination of such Ships and Stores and whether they are the property of, or intended for the Service of Your Majestys Enemies; and at all events, in Order to justify the Commanders and officers of Your Majestys Navy from all Costs Damages and demurrage for Stopping and detaining such foreign Ships and

436 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1775-6. § 326 *cont.*]

their Cargoes, which have been taken or shall be taken and brought in for adjudication in obedience to your Majestys Instructions; and that your Majesty's Ministers may be furnished from the Evidence of Foreigners themselves with sufficient matter to answer any Complaints from Foreign Courts upon the Subject of detention. [XIV. *pp.* 270, 292.]

[Instructions for Admiralty Courts in the plantations relative to the trial of French prizes (with standing interrogatories) were approved on 5 Aug., 1778; relative to Spanish prizes on 23 June, 1779; and to Dutch prizes on 20 Dec., 1780.] [XV. *pp.* 365-77; XVI. *pp.* 567-79; XVIII. *pp.* 504-10.]

1776. [327.] [A Prince Edward Island act of Oct., 1774,—for  
3 Jan. regulating fees—is disallowed, in accordance with a Committee  
Prince Report of 21 Dec., agreeing with a Board of Trade repre-  
Edward sentation of 24 Nov., referred to them on 1 Dec. Mr. Jackson  
Island. reported that the act, in so far as it related to customs officers,  
appeared to be repugnant to an Act of Parliament of  
5 George III continued by others of 10, 12 and 14 George III,  
regulating the fees of customs officers in H.M. dominions.]

[*pp.* 223, 259, 290.]

3 Jan. [328.] [A Bahamas act of Feb., 1774,—for regulating the  
Bahamas. proceedings on attachments issuing out of the courts of  
judicature within these islands—is disallowed in accordance  
with a Committee Report of 21 Dec., agreeing with a Board  
of Trade representation of 21 Nov. referred to them on 1 Dec.  
Mr. Jackson reported] That although a reasonable Construction  
would confine the description, which it contains, to persons  
who having once resided within the Government, have since  
removed out of it, without fixing up an Advertizement;  
Yet . . it literally includes all persons, that have been absent  
six Months without the Limits of Government, though they  
have never been within it and may be consequently extended  
to the Inhabitants of Great Britain, who have Debts or Effects  
in the Bahamas. [The Board of Trade added the remark  
that the objections to a former Bahamas act of this nature

§ 328 *cont.*]

1776.

had not been removed but applied in their full force to the present act.] [pp. 225, 261, 291.]

[329.] [(a) A Grenada act of Nov., 1773,—to establish regular markets, to fix the prices of fresh provisions, and other commodities brought to such markets for sale, and to appoint clerks of such markets and to ascertain and regulate their duty and conduct in their office ; and (b) a Dominica act of May, 1774,—for settling and regulating markets in the several towns of this island, and for appointing clerks of the market, and common whippers, and fixing their fees, and the price of all butchers meat and fish, and for appointing standards for all weights and measures—are disallowed, in accordance with a Committee report of 21 Dec., agreeing with a Board of Trade representation of 21 Nov., referred to them on 1 Dec.

3 Jan.  
Grenada,  
Dominica  
and  
Montserrat.

On the same date and for similar reasons (c) a Montserrat act of Dec., 1774,—to regulate the assize and price of bread, the prices of butchers' meat, poultry and fish, and to prevent abuses in the fishery about this island—is disallowed, on a Committee report of 21 Dec., agreeing with a Board of Trade representation of 5 Dec., referred to them on 13 Dec. Mr. Jackson reported in this case] that a great part of it is liable to objection, being nearly similar to the provisions of the Law of this Kingdom in like Cases : but he Submits that, however Specious that part may be, which limits the Price of Provisions (other than Bread) it cannot but be highly dangerous to an Island, whose produce of Provisions is always far short of it's necessary consumption. That the Experience of all ages has shewn, that the price of Provisions can only be reduced by encreasing the Plenty of them ; and this can only be produced by Encouragement ; that a price fixed above the Natural rate, will be useless, a price equal to the natural rate impossible, because the natural rate will frequently vary, and one below the natural rate may operate to decrease the product, but can never Augment it, or lower the Price, insomuch as the Amount of such a regulation is in truth no more than that the Commodity shall not be Consumed at

438 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1776. § 329 *cont.*]

all, unless at the rate fixed not that any Man shall produce and sell it at the rate. [The report on the Grenada and Dominica acts similarly declared that experience shows] that a limited rate may discourage the growth, as well as the Import of Provisions, and may thereby make them dear, because Scarce, but never Yet made them cheap and consequently that such a Regulation may tend to Starve the place, it is intended to serve, but never Yet was found to answer any beneficial purpose. [pp. 224, 250, 258-60, 293-4.]

3 Jan. [330.] [Reference to the Committee of the petition of  
Maryland. Crispin Heeltap, lessee of William Chew, of Ann Arundel co., Maryland, and of William Chew, for a day for hearing their appeal from a judgment of the Court of Appeals and Errors, 21 Feb., 1775, reversing a judgment of the Provincial Court, 8 Sept., 1772, on an action of ejectment by James and David Weems. On 5 March an appearance was entered for James, John and David Weems.] [pp. 295, 394.]

26 Jan. [331.] [Reference to the Committee of the petition of  
Massachu- Lieut. Richard Beale, of H.M.S. *Mercury*, for a day for hearing  
setts Bay. his appeal from a decree of the Vice Admiralty Court at Boston, 7 Feb., 1775, on his libel for condemnation of the schooner *Industry*, Joseph Rose, master. An appearance for Rose was entered on 12 Feb.] [pp. 308, 344.]

28 Feb. [332.] [Reference to the Committee, and by them on  
Prince 4 March to the Board of Trade, of the petition of the proprietors  
Edward of Prince Edward Island] Setting forth their inability to  
Island. support the Expences of the Civil Government of that Island, on the present Plan, and therefore praying that the said Island may participate of His Majesty's Bounty in the same manner as the Florida's &c. towards defraying the Expence of the Civil Government ; That the Quit Rents now payable may be granted for ten Years as a Fund to make Publick Roads, and other Contingencies and that the increase of Quit Rent may be totally abated to those who have or shall fulfill their Engagements before the 1st of August next ; and that

§ 332 *cont.*]

1776.

levys may be made on Defaulters for Arrears by Publick Sale, agreeable to a Law of the Island passed for that purpose.

[*pp.* 380, 391.]

[Reference to the Committee of the petition of proprietors (1783.) of land in the island of St. John relating to two acts passed 30 April. there about payment of the quitrents, and praying a remission of arrears and such a suspension as the impeded progress of the island may require.] [XXI. *p.* 253.]

[Referred by the Committee to the Treasury to consider (1783.) whether directions may be given to forbear proceedings under the act of 1774, and whether in the case of all who, on 1 May, 1784, have paid all arrears up to 1 May, 1783, the quitrents should be reduced by one half from May, 1783, to May, 1789, and for the next ten years exacted at the present rate and not at the advanced rate then due under the terms of the grant. A letter transmitting the order was addressed on 3 May by W. Fawkener to Richard Brinsley Sheridan.] [XXI. *pp.* 253, 257.] 1 May.

[Orders are given in accordance with the Committee report (1783.) of 10 July. A letter from Thomas Townshend to the Lord 11 July. President, said to have been referred on 14 Feb., but not entered under that date, is quoted as follows :—] ‘My Lord, An Act has been passed in the Island of St. John on the 12th of March 1781, Entitled, An Act for enforcing the Payment of His Majesty’s Quit Rent due or which may become due in this Government, and to Authorize the Receiver General to recover the same by Sale of the Land or otherwise, with a Clause suspending the operation thereof until His Majesty’s pleasure should be known ; [and Mr. Jackson having found no objection in point of law,] I must request Your Lordship will lay the same before His Majesty in Council ; I must at the same time beg leave to inform Your Lordship that an Act to the same purpose Entitled, An Act for the effectual recovery of certain of His Majesty’s Quit Rents in the Island of St. John was passed in that Island in the year 1774, and confirmed by His Majesty ; but as that Act only applied to a part of the Lands granted, upon which Lands only any

1776. § 332 *cont.*]

Quit Rents were then due, and which were particularly specified therein, it was thought necessary to pass the Act now in Question, that the whole of the Lands held in the Island might be under the same regulation with respect to the recovery of the Arrears of Quit Rents from the several proprietors, and therefore it seems expedient that the Act should be Submitted for His Majesty's approbation ; I must however beg leave to Observe to Your Lordship that applications have lately been made on behalf of some Officers now abroad in His Majesty's Service and who are proprietors of Lands in that Island, praying, That the Arrears of Quit Rents now due upon their respective Lands may be remitted ; And that no proceedings may be had to sell those Lands for future Arrears until the Expiration of the present Hostilities, when it is alledged they may be enabled to settle and improve the same " If it should appear that their Lands were or are liable to the provisions of the Act passed in 1774, that Act being Confirmed by His Majesty and having probably already had its full operation, no relief can be afforded them, but if those Lands are to be affected by the present Act only, it may be submitted to His Majesty's Pleasure whether His Royal allowance thereof should not be for the present withheld, and an Instruction be given to the Governor of the Island of St. John that an Act be passed by the Council and Assembly of the said Island, to which Act he should be directed to Assent, excepting from the Provisions thereof, and of the Act passed in 1774, in cases where the last mentioned Act shall not have had its effect, All Lands and Allotments held by and being the property of Officers Actually employed in His Majesty's Land and Sea Service until a certain fixed time after the Expiration of Hostilities and no longer. And whenever it shall appear that such Act has been passed His Majesty's Confirmation of the Act now in Question may take place and be signified to the Governor of St. John. This my Lord it is presumed will be the only relief that can with Propriety be afforded those Officers who have made the application and others in similar

Circumstances ; A Remission of the Arrears of Quit Rent in this Instance would be a precedent for others to apply for the like indulgence, which in fact cannot be granted as the Quit Rents of the Island of St. John stand pledged to Parliament for the Reimbursement of part of the Yearly grants for the Civil Establishment of that Island and the full defraying of the whole of that Establishment in future.'

[The petition referred on 30 April, besides asking for a remission of quitrents, prayed that they might be payable in England or in the island, alleging that in consequence of orders from the Treasury in 1776 and 1778 for receiving the quitrents nowhere but in the island] the greatest part of the Allotments in the said Island have been Adjudged to be sold for default and many have been actually put up to Sale, and some of the most valuable purchased by the Officers resident on the Island for little more than the Arrears and Charges of confiscation.

[Having obtained the approval of the Treasury, the Committee recommend, that the quitrents be mitigated [as in entry of 1 May *supra*], that the Act of 1781 lie by, and that the Governor be instructed to lay before the Assembly a bill to repeal the Act of 1774 and to regulate future proceedings so as to avoid hardships to the proprietors] by fixing what arrear shall Subject the Land to forfeiture ; by regulating the manner in which the Sales shall be made ; and by allowing such of the proprietors as may be resident in Great Britain or Ireland, upon Condition of Paying up all Arrears of Quit Rent, and a punctual Yearly payment in future, to pay such arrears of Quit Rent, and likewise the growing Quit Rents, as they become due, in London . . And in regard it appears to this Committee that many of the Proprietors whose Lands have been forfeited and Sold under the Act passed in 1774, had not notice of the situation in which their Lands stood, and thereby an Opportunity of Paying up their respective Arrears, and that many others were prevented from making their Payments regularly by the Circumstances of

442 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1776: § 332 *cont.*]

the War . . that a Clause should be inserted in the Bill to make all Sales of the Lands formerly belonging to the Petitioners voidable, and to allow them to re-enter into possession of their Lands, in case they shall desire the same within twelve Months after the Act shall have been allowed by His Majesty, upon repayment of the purchase money Interest and Charges incurred by the Purchasers, and a fair allowance for such Improvements as may have been made on the said Lands since the Sale thereof ; the purchasers under the Act of 1774 on their parts accounting with the petitioners for the receipts Issues and Profits.

[Lord . North is to receive his Majesty's pleasure for having a draft of the bill prepared and sent to the Governor to be laid before the Assembly, and the Governor is to be empowered to assent to it when passed.]

[XXI. pp. 327-32, 339-40.]

8 Mar.  
Bermuda.

[333.] [Two Bermuda acts of May, 1775,—to repeal an act for addition to and amendment of an act to prohibit any persons from retailing rum or liquors publicly, without license from the Justice of the Peace; and—as well to prohibit for a certain time the exportation of Indian corn, Guinea corn, wheat, barley, rice, beans, pease, oats, rye and wheat flour, bread or biscuit, yams and potatoes, as to stipulate the respective prices of the same—are disallowed, on the Committee report of 4 March, agreeing with a Board of Trade representation of 20 Feb., referred to them on 28 Feb.

Mr. Jackson reported adversely to the former act,] First, Because it Repeals an Act for imposing a Tax which is of itself highly beneficial to the Islands by tending to restrain the number of Publick Houses, though it should raise no Revenue ; Secondly, Because two very important publick Services remain by this Repeal unprovided for, namely the Support of Matrosses, and the Repair of the Publick Roads ; Thirdly, because the Preamble seems Palpably calculated to mislead, inasmuch as there is no Ground to say, that the



1776.

payment of the Salaries mentioned in the Act was the Principal object in view, much less that there is any Doubt whether the Act is in force.

[Mr. Jackson reported that the second act] is altogether improper for the End proposed by it inasmuch as an Island in part subsisting on Foreign Supplies, can never reasonably Expect such Supplies to be brought by Vessels which are obliged to sell at fixed prices, without a Liberty to Depart in case these prices are less, than what may be expected elsewhere ; That tho' it is true, that the prices fixed may be higher than the Master of the Vessel has Reason to Expect in another place ; Yet it is obvious that the restraint on the Departure of the Vessel is unnecessary, Experience has therefore shewn, that measures like these adopted by the Assembly of Bermuda however they may afford a flattering prospect of present Relief, are highly dangerous in a View to the future, and . . every beneficial purpose that can be answered by this Act, has already been answered . . . [pp. 379, 388-9, 413.]

[334.] [An Antigua act of May, 1775,—for the ease and relief of several insolvent debtors confined in the common jail on 6 April, 1775,—is disallowed, on the Committee report of 4 March, agreeing with a Board of Trade representation of 20 Feb., referred to them on 28 Feb. Mr. Jackson found the act] improper in that it discharges not only the person and present Estate and Effects, but the future Estate and Effects of the prisoner. [pp. 379, 387, 414.]

8 Mar.  
Antigua.

[335.] [Appearance for Samuel Husbands to the appeal of Maycock from Barbados, entered by Thomas Hunt, of Bread Street.] [p. 560.]

10 May.  
Barbados.

[336.] [Reference to the Committee of the petition of John Drummond for restoration to an estate in Grenada which—under the treaty of 22 Nov., 1762,—he brought in May, 1764, from the Provincial Vicar and Superior of the Hospitals belonging to the Order of Charity of St. Jean de Dieu, for 9,750*l.* currency, part of which was paid to them for the use

31 May.  
Grenada.

444 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1776. § 336 *cont.*]

of their Order and community, but from which estate he was immediately evicted by Governor Scott.] [p. 582.]

10 July. [Reference to the Committee of the petition of Charles Pearce, merchant of London, against Drummond's restoration. In April, 1763, the trustees of the Hospital leased the plantation to Thomas Sheppard for 15 years, who built various premises and borrowed 6,614*l.* from Pearce, mortgaging the estate to him and releasing the equity of redemption in Feb., 1774.] [XIII. p. 31.]

(1777.) [On the Committee report of 24 June, Drummond's petition is dismissed. The Trustees of the Hospital in 1763 are named in the report :—] Messrs. John Baptist Pitchery Captain Commandant in the quarter of Basseterre Alexander Le Pelletier Berlonnette Commandant and Inhabiting the quarter and parish of Saint John the Baptist de Mugren, Peter Serrer Ancient Officer of Horse residing in the said Quarter or part of Bassiterre. [Other names occurring are Ninian Home, collector of customs, Maury de la Perouse, and Andre Philip.] [XIV. pp. 110-3, 132.]

1776. GEORGE III. VOL. XIII. (June, 1776—May, 1777.)

21 June. [337.] [Reference to the Committee, and by them on Nova Scotia. 11 March, 1777 to the Board of Trade, of the petition of Jonathan Binney, one of the Council of Nova Scotia and a Judge of the Court of Common Pleas, for payment of his salary as Superintendent of a settlement and fishery at Canso, and for the cancelling of a certain bond.] [pp. 17, 364.]

12 July. [338.] [A New York act of March, 1774,—to empower New York. certain persons therein named to complete a ditch that is partly dug from Gawanee Bay to the East river in King's co. under certain restrictions—is disallowed in accordance with a Committee report of 11 July, agreeing with a Board of Trade representation of 3 June, referred to them on 5 June. Though a private act, it had no suspending clause, and Mr. Jackson

§ 338 *cont.*]

1776.

found it] improper in point of Law, in that, being founded on a Contract which the Contracting Parties appear to have permitted to lie unexecuted for twenty three Years; no step has been taken to establish and obtain a Decree for the performance of the Contract in a Court of Justice, previous to the passing this Act. [pp. 2, 42, 50.]

[339.] [Reference to the Committee of the complaint of James Shepherd, late Chief Baron of the Exchequer in Barbados, that after six years' service he has been removed by Governor Hay without cause assigned.] [p. 62.] 24 July. Barbados.

[Committee order for the Governor to return his answer in writing.] [p. 443.] (1777.) 12 April.

[Reference to the Committee of the petition for an inquiry and for restoration of Francis Cawley Boson, who was removed by Governor Hay from his offices of Chief Baron of the Exchequer and Chief Justice of the Pleas of the Crown.] (1780.) 10 May.

[XVIII. p. 99.]

[340.] [On a Board of Trade representation of 9 Aug., an additional instruction is approved for Governor Morris] to affix the publick Seal of the Island to such Instruments as shall be offered to him for changing the Leasehold Tenures of Land in the said Island into Fee Simple; Provided that such Instruments be prepared in Conformity to the Regulations and Conditions which shall be made for that purpose [by the Treasury.] [p. 76.] 21 Aug. St. Vincent.

[Reference to the Committee of a Board of Trade representation of 9 Dec. on a memorial from seven members of the Council of St. Vincent complaining of Governor Morris's manner of disposing of the Crown lands as contrary to his commission and prejudicial to the rights of the Crown and the interests of the island.] (1778.) 23 Jan. [XIV. p. 464.]

[The Committee, agreeing with the Board of Trade that an immediate stop should be put to a proceeding so irregular, order them to prepare an instruction to the Governor to pass grants only with the advice and consent of the Council and (1778.) 7 Feb.]

1776. § 340 *cont.*]

according to the intention of his commission. As to lands already granted by the Governor, the Board of Trade are to lay all papers relating to them before the law officers of the Crown for their opinion whether they are effectual to alienate the lands from the Crown.] [XIV. *p.* 495.]

(1778.) [On the Committee report of 4 May, the instruction is  
13 May. approved (C.R.).] [XV. *pp.* 67, 93.]

(1783.) [An additional instruction for Governor Lincoln of  
28 Nov. St. Vincent for resuming and regranteeing certain lands granted by Governor Morris without the consent of the Council, is approved in accordance with a letter from Lord North, referred on 21 Nov. and approved by the Committee on 25 Nov. An account of the irregular grants is to be entered on record in the proper offices, and original grantees who have improved their lands are to have a preference in making new grants. The Governor is also instructed to take effectual care that the Caribs do not trespass beyond the boundaries of the treaty of 1773—(C.R.).]

[XXI. *pp.* 560, 566, 574–7.]

21 Aug. [341.] [Reference to the Committee of a Board of Trade  
Dominica. representation of 25 July on a letter from Governor Shirley, proposing that Robert Seaman be removed from the Council of Dominica.] [*p.* 78.]

25 Oct. [342.] [A general embargo was laid on the export of  
Embargo. provisions from Great Britain and Ireland. A letter of 11 Nov., 1776, to Edward Stanley, Secretary of the Customs, explained that bread, flour and oatmeal did not come within the meaning of the embargo: In view of the scarcity of seamen, a general embargo was laid on 29 May, 1778, but on 19 June this was taken off ships laden with provisions for the West Indies and the American colonies other than those in rebellion: on 21 Oct. it was taken off all ships bound for the West Indies not carrying more than their necessary complement of men: on 23 Dec. it was taken off all ships. On 2 Sept., 1778, butter was allowed to be exported from Ireland,

On 25 June another general embargo was laid because of the scarcity of seamen. In July 1780, the question was raised by the customs officers at Port Glasgow, whether the embargo was not affected by an Act of Parliament allowing the export of provisions and goods from Great Britain and Ireland to certain places in North America under the protection of his Majesty's arms. The Attorney General having reported that the embargo was rendered ineffective in certain cases by this Act, a new embargo was laid on 18 Aug., 1780, on ships laden with provisions, varying the conditions upon which trade with the West Indies and non-rebel colonies should be allowed, so as to make them conformable to the regulations of the Act of Parliament. Thenceforward Orders in Council were no longer necessary in each particular case. On 5 Sept. 1783, the embargo was taken off and the regulations of Aug. 1780 determined.

Among ships detained by an embargo of 27 March, 1778 on French vessels was one which was recognised by Edward Browne as having been taken from him by an American privateer and sold in France. He proved its identity by two broken screws in the beams on which he hung his hammock. The ship was restored to him and freed from the embargo.

Altogether before the end of 1780 about 680 passes were granted for ships to carry provisions to the colonies—350 to the West Indies, 165 to New York, 60 to Canada, Nova Scotia and Hudson Bay, 44 to Newfoundland, 23 to the Floridas, 18 (all before the end of 1778) to Pennsylvania, and 14 to Georgia.

The chief English ports from which the vessels sailed were Liverpool (143), London (118), Bristol (81), and Lancaster (35). The following Scottish ports secured 158 passes in all: Glasgow, Greenock, Ayr, Kirkcudbright, Leith; and there were nearly 100 exports by the Irish merchants of Cork, Waterford, Dublin and Newry.

An example of a pass is appended :—]

1776. § 342 *cont.*]

(1777.) Whereas there was this day read at the Board the humble  
 30 May. Petition of Messrs. Davis Prothero and Co. of Bristol Merchants,  
 Setting forth that they have fitted out their Ship *Levant* John Martin Master burthen two hundred and fifty Tons with twenty eight Guns and to be navigated by one hundred and twenty men, in order to carry some Provisions to the Leeward Islands and Jamaica for the use of the Inhabitants; And therefore praying that the said Ship may be permitted to sail on her intended Voyage without waiting for Convoy; Which being taken into Consideration; It is hereby ordered in Council that the said Ship the *Levant* be permitted to proceed from Bristol with such Articles of Provision as she may have on Board to the Leeward Islands and Jamaica without waiting for Convoy notwithstanding the present Embargo; provided that the Merchant exporter of the said Provisions do make Oath on her entry of the due destination thereof to the Leeward Islands and Jamaica and do give Security by Bond to the proper Officers of the Customs at Bristol with two other able and sufficient Securities (of whom the Master of the said Ship shall be one) to be approved of by the Principal Officers of his Majestys Customs in treble the value of the Cargo of such Provisions to produce within twelve Months from the date of the Bond a Certificate from the proper officers of the Customs at the Port to which the said Ship shall go of her having delivered her Cargo of Provisions at the places for which the same shall be entered; And it is further Ordered that such Bond or Security shall not be delivered up, but on the production of such Certificate or by order from his Majesty or his Privy Council, And the Right Honourable the Lords Commissioners of his Majestys Treasury, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain. [p. 533.]

25 Oct. [343.] [Reference to the Committee of the petition of  
 Jamaica. Tristram Ratcliffe and Dorothy his wife and Mary Read, an infant, by Ratcliffe, her guardian, for a day for hearing

§ 343 *cont.*]

1776-7.

their appeal from a judgment of the Jamaica Court of Appeals, 21 Feb., 1775, reversing a judgment of the Supreme Court of the same month, in their action against Richard Huggins Read about the estate of their father, Ennis Read.]

[*p.* 168.]

[On the Committee report of 10 April, and by consent of (1777.)  
all parties, the appeal is dismissed without costs.] 30 April.

[*pp.* 423, 477.]

[344.] [Reference to the Committee of the petition of 1777.  
James Rowe for a day for hearing his appeal from a decree 17 Feb.  
of the Jamaica Chancery, 26 April, 1776, in favour of William Jamaica.  
Harvie, in a suit about debts due from the estate of Nicholas  
Newton.] [*pp.* 329, 464.]

[On the Committee report of 3 June, the appeal is allowed (1779.)  
to be withdrawn by consent on payment of 50*l. stg.* costs. 16 June.  
Other names in the report are John, Alexander and Thomas  
Harvie, John Morse, Edward Clarke, Wastel Biscoe, Elizabeth  
Newton, Richard Batty, Thomas Collett, and George Maxwell.]

[XVI. *pp.* 492-4, 532.]

[345.] [Reference to the Committee of the petition of 17 Feb.  
Fortunatus Dwaris that the Council dismiss with costs for Jamaica.  
non-prosecution the appeal of Mary Hiscutt, widow, and  
Dr. William Mann from a decree of the Jamaica Chancery,  
24 July, 1775, on his bill for execution of a former decree of  
19 Jan., 1753, for the conveyance to him of the title to a  
moiety of Golden Grove plantation, St. George parish,  
formerly belonging to William James.] [*p.* 330.]

[On the Committee report of 10 April, the appeal is dismissed 30 April.  
with 10*l. stg.* costs for non-prosecution.] [*pp.* 424-6, 477.]

[Reference to the Committee of the petition of Mrs. Hiscutt (1781.)  
and Mann's heir, Isaac Lascells Winn, that the above order 17 Dec.  
(due to the neglect of the solicitor employed) be discharged  
and the appeal revived in their names.] [XX. *p.* 96.]

[On the Committee report of 5 March, the petition is (1782.)  
dismissed.] [XX. *pp.* 215, 231.] 13 Mar.

1777.

17 Feb. [346.] [Reference to the Committee, and on 11 March by  
 Dominica. them to the Board of Trade, of the petition of Bruno Largarite, a free mulatto of Roseau, to be heard against a Dominica act of Sept., 1774,—] for regulating the manumission of slaves, for better preventing slaves so manumitted becoming burthensome to the colony and for punishing free Negroes, Mulattoes and Mustees in a more speedy manner than heretofore, for any offences by them committed, not being capital; and for invalidating their Evidences in capital Prosecutions against White Persons. [pp. 331, 364.]

(1778.) [The petitioner having represented that, at the time of  
 7 Feb. hearing before the Board of Trade, he was deprived of all his papers and particularly of an affidavit which he is advised would have verified the facts in his petition, the Committee refer the matter back to the Board of Trade to consider all Largarite's evidence and a petition against the act from sundry of the free negroes, mulattoes and mustees of Dominica (said to have been referred to the Committee on 13 Aug., 1777, but not there entered in the Register).] [XIV. p. 492.]

(1778.) [On the Committee report of 13 Aug., an additional instruc-  
 19 Aug. tion, which was proposed by the Board of Trade on 5 May and the preparation of which was ordered by the Committee on 8 June, is approved. The petition of Aug. 1777, showed that by the act] a Fine of Fifty Pounds is imposed on any Person, who should manumit or set free any Slave or Slaves; and . . any two or more Justices of the peace are invested with a Discretionary Power of Whipping, Fining and Imprisoning, either Free Negroes, Mulattos or Mustees; and the Petitioners are Subjected to many other unmerited restraints.

[The Board of Trade reported] that this act appears to comprehend three several and distinct Objects of Regulation.

1st. As to the future Manumission of Slaves.

2d. Declaring the Disability of Persons therein described to be admitted evidence against White People in capital cases.



3d. The Subjecting those persons to a Summary Mode of Punishment for certain offences.

That with respect to the two first heads they appear to be founded upon such sufficient Grounds of necessity that they cannot object to them, and therefore the discretionary power of Punishment by order of two Justices is the only provision of the act which appears to the said Lords Commissioners reprehensible and particularly so, as the words of the sixth Clause which Declares the offence of breaking the peace by abusing liable to Fine, Imprisonment or Whipping, at the Discretion of two Justices may be extended to unjustifiable lengths ; and therefore [they submit whether this may not be remedied by an instruction to recommend to the Legislature the passing an amending act,] by which a less summary Jurisdiction may be established for the Trial of all offences committed by Free Negroes Mulattoes or Mustees, and the different Degrees of Offence and punishment be clearly expressed, and pointed out, such Jurisdiction to consist of at least two Justices, and three or five Freeholders or persons eligible to serve upon Juries, who shall be sworn to give a Verdict according to the Evidence which shall be given ; By which means . . the free Negroes Mulattoes and Mustees will be distinguished from those in actual Slavery and at the same time be put upon such a different footing from Your Majestys White Subjects in the Island of Dominica, as true Policy requires and indeed renders absolutely necessary.

[XV. *pp.* 155, 411-2, 423.]

[347.] [Reference to the Committee of a Board of Trade representation of 25 Feb., proposing an additional instruction to the Governor of St. Vincent, for erecting a new parish within the limits of the parish of St. George, and for augmenting the members in the Assembly.] [p. 372.]

19 Mar.  
St. Vincent.

[The Committee concur and direct the preparation of an instruction to the Governor to fix the boundaries by proclamation, nominate the proper officers to be chosen for the new parish, and summon three members to represent it

(1778.)  
7 Feb.

1777. § 347 *ont.*]

in the Assembly, which with one from the town of Calliaqua will increase the number from 13 to 17. The representation was based on a letter of 6 Sept., 1776, from Governor Morris to Lord G. Germain.] [XIV. p. 494.]

19 Mar. [348.] [Reference to the Board of Trade of the petition of  
Quebec. Henry Caldwell of Lauzon in Quebec, for the grant of an exclusive privilege to establish a ferry from his seigneurie to the town of Quebec and the opposite shore, on his providing sufficient boats and passing over people &c. at the accustomed rates.] [p. 372.]

16 April. [349.] [Reference to the Committee of a Board of Trade  
East Florida. representation of 25 March, with the draft of an additional instruction for Governor Tonyn of East Florida about the settlement of loyalists in that province.] [p. 451.]

(1778.) [On the Committee report of 16 Jan. the instruction is  
23 Jan. approved, as follows :—] Whereas it hath been represented unto us that several persons late Inhabitants of Georgia have taken refuge from the persecution of the Rebels in Our Province of East Florida, under the proclamation of our Governor of that province dated the second of November 1775, expecting to obtain gratuitous Grants of Lands as therein is expressed but that the state of our said Province of East Florida was such, that from large Tracts of Lands being granted on the East Coast, and the most valuable Lands near Latchway being claimed by the Indians, neither the said Refugees, nor many others well affected to us who want only a safe opportunity of removing their Effects into our said Province, can reap the benefit of our Royal Bounty or take up Lands with any advantage to themselves and their Families, [the Governor is instructed] that in all cases where persons taking refuge in that Province, and resorting thereto shall apply for lands with the Sole purpose and Intent of settling themselves thereon, and becoming bona fide Inhabitants of the same, you . . upon the application of every such proponent, as you . . with the advice of our Council for the

§ 349 *cont.*]

1777.

said province shall think intitled thereto shall issue out a warrant of Survey for such a number of acres in one contiguous Tract, not exceeding five hundred as shall appear proportionable to the wants and circumstances of the proponent, and as the said proponent shall choose. But in case it shall so happen from the multiplicity of former grants that free lands cannot be had suitable to the purposes of the said several proponents Then and in all such cases, you . . shall proceed to cause other Lands such as the proponent shall choose to be surveyed notwithstanding such lands shall fall within the Boundaries of any Grant or Grants heretofore made under our order or Orders in Council ; provided it shall sufficiently appear to you . . and the Council of our said Province, that the Term of three years at least hath Expired since such Grant or Grants were dated, and that either no Settlement hath been made thereon, or not in the proportion required by the conditions of the said Grant or Grants, and in order to avoid as much as possible all foundation of complaint which might be made in such cases, by former Grantees if no notice was given of the said proceeding . . upon the return of any warrant for surveying lands already granted, no patent for suspending any such Subsisting Grants shall be passed until notice be given to the first grantee or his attorney to shew cause before you . . and Council, if he shall so think fit, within six months where the said Grantee shall be in the province, and in case of absence within Twelve Months why such patent to such proponet should not pass at the Expiration of which notice nothing to the contrary appearing, you . . shall proceed to pass a Grant for Lands according to the respective Survey to each proponent with the usual Terms, Conditions and Reservations to be granted free of all costs, Fees or perquisites for the same. [XIV. pp. 441, 462-3.]

[350.] [Reference to the Committee of the petition of 16 April. William Mathew Burt for leave to withdraw, without forfeiture of his recognisance, an appeal from a judgment of the Court of Errors in St. Christopher, 12 May, 1775, on Sir Gilliess Payne's

St.  
Christopher.

454 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1777. § 350 *cont.*  
 ejectment for 190 acres of mountain land in the parish of Sandy Point. The merits of the question do not appear on the transcript of the record and hence cannot be decided upon an appeal.] [p. 454.]
- 4 July. [On the Committee report of 24 June, the petition is granted.] [XIV. pp. 110, 131.]
- 16 April. [351.] [Reference to the Committee of the petition of Jamaica. Frances Elizabeth Watts (late Low, widow) by Adam Hobkirk, her next friend, that the Council dismiss with costs for non-prosecution the appeal of her husband, Robert Watts, planter of Jamaica, from a Chancery decree of 27 Jan., 1776, about her rights under her marriage settlement.] [p. 455.]
- 13 June. [On the Committee report of 27 May, the appeal is dismissed for non-prosecution without costs. Francis Allwood, James Claypole and Edward Foord are also named in the report.] [p. 523 ; XIV. p. 15.]
- 16 April. [352.] [Reference to the Committee of the petition of Antigua. Philip Hicks and Tryphena Ronan, executor and executrix of William Redhead, that the Council dismiss with costs for non-prosecution the appeal of Samuel Redhead from a decree of Thomas Jarvis, deputy-ordinary of Antigua, 20 Jan., 1776, in his suit to have his brother's will set aside.] [p. 456.]
- 20 June. [Redhead's petition for a hearing is similarly referred.] [XIV. p. 40.]
- (1781.) [On the Committee report of 3 Feb., the appeal is dismissed.
- 16 Feb. Thomas Warner is the only other named in the report.] [XIX. pp. 87-9, 126.]

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1777. GEORGE III. VOL. XIV. (June, 1777—March, 1778.)

- 13 June. [353.] [Reference to the Committee of the petition of Jamaica. William Jackson of Papine, Jamaica, and Richard Thomas of Kingston, two of the executors of Adam Tinling, for a day for hearing their appeal from an order of the Supreme Court,

§ 353 *cont.*]

1777.

24 April, 1776, allowing exceptions filed by John Lamond, to a report by Robert Forrester.] [pp. 23, 119.]

[On the Committee report of 3 June, the order is affirmed, (1779.)  
with costs to be settled by the proper officers of the Supreme 16 June.  
Court. Other names in the report are the testator's brother  
Patrick; his sisters Alice Tate, now wife of William Dryden,  
and Elizabeth, now wife of Andrew Morton; William  
Middlemitt, Robert Davidson, Philip and Thomas Pinnock,  
and Lewis Cuthbert.] [XVI. pp. 489-92, 531.]

[354.] [Reference to the Committee of the petition of Henry 13 June.  
Cruger, sen., of Bristol, for leave to appeal from the con-  
demnation of the sloop *George* (Robert Gibb, master) and her <sup>St.</sup>  
cargo in the Vice Admiralty Court of St. Christopher. Christopher.  
1776, in favour of William Garnier, commander of H.M.S.  
*Argo*.] [p. 23.]

[On the Committee report of 24 June, the appeal was 4 July.  
admitted.] [pp. 109, 131.]

[On the Committee report of 3 Feb., the appeal is dismissed. (1781.)  
Craister Greathead, commander in chief in the Leeward Islands, 5 Feb.  
and Archibald Esdaile, the Judge Surrogate, are the only others  
named in the report.]

[XV. p. 265; XVI. p. 498; XIX. pp. 74-6, 95.]

[355.] [On Committee reports of 24 June, on the appeals 4 July.  
of Perrin and Vaughan against Blake and against Witter, Jamaica.  
judgments of the Supreme Court of Jamaica in Nov. 1758,  
and of the Court of Errors in Nov. 1762, are reversed. (*Cf.*  
*Acts of the Privy Council* IV. p. 694.) The reports give the  
history of Dean's Valley plantation, several appeals concerning  
which were noticed in vol. IV. Since it was last before the  
Council, the case had been tried in the Court of King's Bench,  
in the Exchequer Chamber and in the House of Lords.]

[pp. 71-106, 129-30.]

[356.] [Reference to the Committee of the petition of 13 Aug.  
Thomas Hibbert, administrator of John Crow during the Jamaica.  
absence from Jamaica of John Trattle, Timothy Forbes,

456 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1777. § 356 *cont.*]

John Wagstaff, and Ann Crow, the widow, and of Timothy Forbes, the acting executor, that the Council dismiss for non-prosecution the appeal of Peter Serjeant from a Chancery decree of 26 Jan. 1776.] [p. 206.]

(1778.) [On the Committee report of 29 Nov., the appeal is  
20 Feb. dismissed with 20*l.* *stg.* costs for non-prosecution.]

[pp. 368-70, 529.]

13 Aug. [357.] [Reference to the Committee of the petition of  
Jamaica. Milbee Johnson, Francis Boyce, Edward Chaplin, and Stephen Charles Craford, executors of John Truxton, and Elizabeth Truxton, spinster, that the Council dismiss for non-prosecution the appeal of John Roberts and Mary his wife from an order of the Jamaica Chancery, 23 April, 1776, in their action for legacies and an annuity payable under the will of Richard Truxton.] [p. 206.]

12 Dec. [The appellants' petition for hearing is also referred.] [p. 402.]

(1779.) [On the Committee report of 3 June, the appeal is dismissed  
16 June. by consent, with 20*l.* *stg.* costs. Noah Brere, Master in Chancery, is named in the report.] [XVI. pp. 494, 533.]

7 Nov. [358.] [On an Admiralty memorial of 25 Oct., orders are  
Courts Martial. given for restoring to their former rank Lieut. John Brown and Leonard Mosey, late commander and master respectively of H.M. schooner *Trial*, who had been dismissed by court martial for destroying that vessel to prevent her falling into the hands of the rebels when she ran ashore near Prudence Island. Lord Howe gave both officers a good character, and Brown's action was attributed to an error in judgment and not to any want of courage or zeal for his Majesty's service.] [pp. 295, 342.]

(1778.) [Reference to the Committee of the petition of Jacob Rogers,  
28 Jan. late commander of H.M. schooner *Halifax*, for restoration, he having been dismissed by court martial in Boston harbour, 18 April, 1774.] [p. 467.]

(1781.) [Reference to the Admiralty of the petition of Capt.  
23 Feb. Nathaniel Bateman of H.M.S. *Yarmouth*, for restoration, he

§ 358 *cont.*]

having been dismissed for diffidence and error of judgment but recommended to his Majesty's clemency by a court martial at New York in Nov. 1780, on account of his conduct in an action with the French in the West Indies on 12 April, 1780.]

[XIX. p. 150.]

1777-8.

[359.] [An Antigua act of Feb. 1777,—for the regulation of H.M. forts and fortifications in this island, and for the better government and payment of the gunners and matrosses employed therein—is disallowed, on the Committee report of 7 Feb., agreeing with a Board of Trade representation of 6 Jan., referred to them on 23 Jan. Mr. Jackson objected] that it does in great measure exclude the Governor from any Share in the Exercise of what is certainly a necessary part of the Executive power of the Crown, by authorizing the Committees of both Houses not only to muster, but to discharge the Matrosses and Gunners and to approve of the appointment of new ones, and put the Forts under their Command.

[pp. 464, 491, 528.]

1778.  
20 Feb.  
Antigua.

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GEORGE III. VOL. XV. (April—Sept. 1778.)

1778.

[360.] [Reference to the Committee of the petition of Henry Lynch, merchant of Galway, for leave to appeal from the condemnation of the *Maria Theresa* at Halifax, 19 Sept., 1777, the master, Philip Withers, having apparently neglected to appeal or to give security. The captor was Henry Mowat, commanding H.M. sloop *Albany*.]

[p. 31.]

[On the Committee report of 15 Feb., the appeal was admitted. Depositions were produced from Daniel Wood, Withers's advocate, and Robert McLintock, merchant of Halifax, to show that Withers was not sufficiently known in Halifax to procure the required security.]

[XVII. pp. 542, 570.]

(1780.)  
23 Feb.

[On the Committee report of 9 May, the sentence was reversed. The case was heard *ex parte*, no appearance having been entered for the respondent. Other names in the report are,

(1781.)  
18 May.

1778. § 360 *cont.*]

William Nesbitt, the Attorney General, James Brenton, surrogate of Jonathan Sewal, and Messrs. Bewick and Mourgue.]

[XVIII. *pp.* 54, 460 ; XIX. *pp.* 319-22, 347.]

13 May.  
Quebec.

[361.] [A Quebec ordinance—concerning the distribution of the estate and effects of persons leaving the province without paying their debts—is disallowed, on a Committee report of 4 May, agreeing with a Board of Trade representation referred to them on 22 April. Mr. Jackson objected that] the provisions of it are extended as well to persons having left the province before as to those who have left it since the passing an Ordinance for preventing persons leaving the province without a pass to which Ordinance this in some measure applies, That by this Extension the Ordinance in question is an *Expost facto* Law and however peculiar Circumstances at the time may have warranted its being past, seems too dangerous a precedent to stand in force in any part of your Majestys Dominions.

[*pp.* 47, 68, 94.]

22 May.  
Prizes.

[362.] [Petitions for the distribution of condemned prizes amongst the captors are referred to the Treasury, as follows :—

(a) Benjamin Sandford, merchant of Dominica, owner of the sloop *Abraham*, Gilbert Grant master, which took the brigantine *Guillarde*, owned at Martinique and trading to the rebel colonies, and had her condemned at Dominica.

(b) William Matthews, merchant of London, who fitted out the brigantine *Favourite Betsey*, George Moore master, to carry provisions to Halifax for the army, and having there received a license from Governor Arbuthnot, in May, 1776, to proceed to New York, whither the army had been removed, captured on his voyage the *Molly*, carrying wheat and flour to the rebel colonies.

(c) William Goodricke, by his agent, Anthony van Dam of New York, for the schooner *Neptune*, Arthur Wharf master, Virginia to Boston on congress account, taken by his ship *Hammond* in July last and condemned at New York. Goodricke had been taken prisoner in Virginia and carried to



§ 362 *cont.*]

1778.

Philadelphia and then to Baltimore, whence he and one of his brothers escaped, his father still remaining a prisoner. The *Hammond* was employed in bringing necessities from St. Christopher for the navy and loyal inhabitants. [*pp.* 112-4.]

Reference to the Attorney and Solicitor General of (d) a 26 May.  
memorial of George Lempriere and John Fiott, merchants of London, on behalf of the owners of the Jersey privateers *Charming Nancy* and *Lively*, submitting the case of the capture of three ships bound from St. Domingo to France with sugar, coffee, indigo, Virginia tobacco, etc.—*L'Ami au Besoin*, *Le Hazard*, and *L'Aimable*. [*p.* 125.]

Reference to the Treasury of petitions for distribution (1779.)  
of prizes by (e) Messrs. Matthews and Barton, merchants of 21 April.  
London, joint owners with Thomas Taylor, Joshua Young, Robert and John Johnson, of the brig *Enterprise*, Daniel Squire master, which took the snow *Marquise Entraques*, Capt. Jean Larrandouette, off North Carolina and had her condemned at New York; and

(f) John Goodrick and Sons, owners of the brigantine *Dunmore*, William Goodrick master, which took the snow *La Nannette Marguarette*, Alexander Athanaze Remouit master, 11 Oct., 1778, and had her condemned at New York.

[XVI. *pp.* 408-9.]

Similar reference of (g) Frederick William Geyer and (1779.)  
James Dick, of New York, agents for John Kidd, James 16 June.  
Bonner, John Wheatley, William Wood and Philip Flinn, respective commanders of the privateers *Empress of Russia*, *Camden*, *Britannia*, *Thames* and *Sovereign*, which, when carrying provisions to New York, were on 8 Aug., 1778, attacked by three French ships, and took one, the snow *L'Amitié*, John Joseph Pascall master, laden with sugar, coffee etc. and had her condemned in New York as a droit of Admiralty. [XVI. *p.* 535.]

Reference to the Committee, and by them on 2 Dec. to (1779.)  
Lieut.-Colonel Campbell and Sir Hyde Parker for their answer, 28 July.

460 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1778. § 362 *cont.*]

of (*h*) the petition of William Greenwood, William Higginson, John Nutt, John Clark, David Milligan, James Graham and John Simpson, merchants of London, claiming as the property of debtors of theirs a quantity of rice and logwood seized at Savannah by the officers named, brought to Plymouth and there condemned. [XVII. *pp.* 62, 418–20.]

(1779.) Reference to the Treasury of petitions for the distribution  
20 Aug. of prizes—(*i*) by Sir William James, Bart. and John Durand, owners of the *Nottingham*, Lawrence Bowden commander, which, on a voyage from Cork to Philadelphia with provisions for the army, on 11 Feb., 1778, took the snow *L'Espérance*, François Barrade commander, laden with salt, blankets and naval stores from Bayonne to the rebel colonies, since condemned at New York; and

(1780.) (*j*) John Robertson and other seamen by their agent,  
23 Feb. William Eccles of New York, for the schooner *Lydia*, in which they escaped from captivity at Boston, 23 July, 1779, and which was then condemned at New York with its cargo of sugar, coffee and cotton from Hispaniola.

[XVII. *pp.* 116, 575.]

(1780.) (*b*) Reference to the Treasury of the petition of Henry  
15 Dec. Pearson and Thomas Scott, London merchants, agents for Isaac Hudson, now at sea, for the proceeds of Hudson's ship, *Molly*, taken by the Americans and recaptured by the *Favourite Betsey*. [XVIII. *p.* 484.]

(1781.) Reference to the Treasury of a petition for distribution by  
12 Oct. (*k*) Robert Jenner of Doctors' Commons, proctor for Messrs. Edmund Thornton, Thomas Campbell and Co., and Jeremiah Williamson, merchants of Grenada, the owners, and Robert Fendall, the master, and the crew of the *Revenge* privateer, whose prizes *L'Heros* and *Le Marquis de Flammerius* were condemned in Jamaica as droits of Admiralty, Sir Peter Parker contending that Governor Burt had no right to grant a commission to the petitioners.] [XX. *p.* 17.]

(1772.) [Reference to the Treasury of (*l*) the petition of John  
13 Mar. Spiller, owner of the *Betty*, for the whole of the proceeds of

§ 362 *cont.*]

1778.

the American schooner *Port au Prince*, two-thirds of which had been detained as a droit of Admiralty by reason of the *Betty* having no letters of marque. The capture took place in Jan. 1777, on the way home from St. Augustine.]

[XX. p. 232.]

[Reference to the Treasury of (*m*) the memorial of Edward (1782.)  
Thompson, commander of H.M.S. *Hyæna*, for distribution of 17 May.  
the Dutch ship *De Jonge Jan en Theodore*, Jan Reygers master,  
(Surinam to Amsterdam with sugar, coffee, cocoa and cotton),  
taken on 6 March, 1782, and condemned in Barbados as a droit  
of Admiralty, as having been first boarded by the armed sloop  
*Howe*, which had no letters of marque.] [XX. p. 349.]

[Reference to the Treasury of (*n*) the petition of Leslie Grove (1782.)  
and John Hood, merchants of London, attorneys of James 20 Dec.  
Bull, commander of H.M. packet *Grantham*, for the whole  
of the proceeds of the American merchant ship *Thorn*, Philip  
Aubin, master, and her cargo of molasses, cotton and rum,  
taken in July, 1780, and condemned as a droit of Admiralty.]

[XXI. p. 112.]

[Reference to the Treasury of (*o*) the petition of Robert (1783.)  
Jenner, proctor for Tarletons and Backhouse of Liverpool, 10 Jan.  
the owners, and Thomas Walker, the commander of the  
privateer *Jenny*, and John Brown, commander of the brig  
*Venus*, for the whole proceeds of the American ship *Friends*,  
John Norcam, master, taken by them about 27 March 1782,  
when sailing from the West Indies to England.]

[XXI. p. 127.]

[Reference to the Treasury of (*p*) the petition of Stephen (1783.)  
Skinner and Richard Yates, merchants of New York, owners 9 July.  
of the armed schooner *Reid*, John Candell master, for the  
whole proceeds of their prize, the *Betsey* sloop, condemned  
in New York.] [XXI. p. 325.]

[Reference to the Treasury of (*q*) the petition of William (1783.)  
Whitehead, William Wilkinson, and Joseph Blake Higgins, 22 Oct.  
merchants of Antigua, for the proceeds of the American sloop  
*Rover*, (Martinique to Boston with rum and molasses), taken

1778. § 362 *cont.*]

by their sloop *Juno*, William Roberts master, though the latter had no letters of marque.] [XXI. p. 521.]

10 June. [363.] [Reference to the Committee of a Board of Trade  
Jamaica. representation of 2 June for disallowing a Jamaica act of Dec. 1776,] to enable the Justices and Vestry of the Parish of Kingston to avail the Inhabitants of the Town of Kingston of the Grant of Hope Plantation Water made to the said Town by His late Honor Roger Hope Elletson Esquire deceased and late Lieutenant Governor of this Island and to conduct the said Water to and thro' the said Town and places adjacent thereunto. [On 24 June a memorial of the agent, S. Fuller, to be heard against the representation, was also referred.]

[*pp.* 171, 217.]

10 July. [The act is disallowed, on the Committee report of 9 July, agreeing with the Board of Trade who represented] That this Act . . . does in the preamble recite two other Acts of Assembly Stated to have passed in the Years 1752, and 1757, the first, An Act for the purpose of Enabling Thomas Hope Elleston Esquire to take up a Sufficient quantity of Water for turning Mills for grinding of Sugar Canes out of Hope River in the Parish of Saint Andrew, and to convey the same through the Lands of divers Persons to the Plantation of the said Thomas Hope Elleston called Hope Plantation in the said Parish ; and the second, an Act to render more effectual the first, both which Acts [had a suspending clause ; and as the second has never been confirmed the present act, so far as dependent on it, is exceptionable. After hearing all the parties, the Board of Trade deemed this objection decisive.] [*pp.* 278-9, 282.]

23 Dec. [364.] Reference to the Committee, and by them on 26 Jan.  
Prizes. 1779, to the Advocate, Attorney and Solicitor General, of the petition of the owners and freighters of the *Martha*, of London, part of whose cargo was condemned at Halifax, that commissioners be appointed before whom their appeal may be heard in accordance with an Act of Parliament of 16 George III prohibiting trade with the rebel colonies. The law officers are

§ 364 *cont.*]

1778-9.

to report whether the subsisting commission of 19 Jan. 1762, for the trial of prizes is not competent for cases under this act.]

[XVI. *pp.* 175, 225.]

[Reference to the Committee, and by them on the same (1779.) date to the Attorney and Solicitor General, of a letter of 10 Mar. 4 March from Lord Weymouth to the Lord President suggesting that in all appeals relating to prizes taken by H.M. ships of war the Procurator General should be empowered to appear for his Majesty and proceed under the direction of the Advocate and Attorney General. If the law officers think it proper they are to prepare a draft order for this purpose.]

[XVI. *pp.* 313-5.]

[The Council approve Committee reports of 27 March on (1779.) both the above references. The standing commission is 29 Mar. declared competent. The practice of proceeding against the captors only without mention of his Majesty is to be stopped, and appeals are not to be admitted unless entered by or against the Procurator General in his Majesty's name.]

[XVI. *pp.* 348-9, 374-5.]

GEORGE III. VOL. XVI. (October, 1778—June, 1779.)

[365.] [Reference to the Committee, and by them on 1779. 26 Jan. to the Board of Trade, of the petition of Francois 22 Jan. La Godiere of St. Vincent, a Carib, and Marie Therese Trouya, St. Vincent. his wife, and of John Townson, Esq. of London, and John Mackie, planter of St. Vincent, that the Governor be directed to grant to Townson and Mackie a piece of land allotted to La Godiere by the Commissioners in 1773.] [*pp.* 218, 228.]

[366.] [A letter giving notice to Sir Guy Carleton that a 16 Mar. Board of Trade representation on the complaint of Peter Quebec. Livius is about to be considered by the Council, so that he may be in readiness to attend if he wishes to offer anything to the Council thereupon.] [*p.* 322.]

1779. § 366 *cont.*]

19 Mar. [The Board of Trade representation of 2 March is referred to the Committee.] [p. 325.]

27 Mar. [The Committee order the Board of Trade to prepare drafts of two additional instructions as proposed in their representation.] [p. 351.]

29 Mar. [On the Committee report of the same date the instructions are approved (C.R.), and order is given for restoring Livius.

The Board of Trade representation was as follows :—] We have taken into our Consideration the humble Memorial of Peter Livius Esquire, appointed by your Majesty to be Chief Justice of the province of Quebec, complaining of his having been amoved from his said office by order of Sir Guy Carleton Knight of the Bath late your Majestys Governor of that province without assigning any cause, and without authority for so doing ; and praying, that Sir Guy Carleton may be now required to assign the reasons for his amoval, and that the same may be enquired into, we have thereupon, in pursuance of our duty, required of Sir Guy Carleton a Communication of the reasons which induced him to displace Mr. Livius ; and having received for answer, that he had Stated those reasons in one of his last Letters to Lord George Germain . . and had referred his Lordship for proof of the necessity of the measure, to the minutes of the Législative Council in their last Session, we have examined those minutes together with the Letter referred to by Sir Guy Carleton, (copy of which has been communicated to us by Lord George Germain) and having made known to Mr. Livius the matters in Charge against him we did appoint a day for hearing him in his Defence, and gave notice thereof to Sir Guy Carleton, that he might attend and make good the Reasons assigned for the said amoval ; but he submitting, whether his attendance might be necessary, as his charge was confined to the papers then before us, we [considered what Mr. Livius had to offer in justification.]

. . we think it necessary to premise, that no part of the Charges contained in those papers apply to impeach the

§ 366 *cont.*]

1779.

Chief Justice in his Judicial Character and Capacity in particular ; and it is our duty here to observe, that your Majesty by the Seventeenth Article of your Instructions to the Governor of Quebec was graciously pleased to direct that he should not displace any of the Judges, Justices of the peace or other officers or Ministers without good and sufficient Cause which he was to signify in the fullest and most distinct manner to your Majesty, by one of your Majestys principal Secretaries of State, and to your Majestys Commissioners for Trade and Plantations for their information, we shall now proceed to examine his Conduct, as one of the Legislative Council, and . . observe . .

That it does appear to us, that your Majestys Council of Quebec were called together by the late Governor for the purposes of Legislation on the 23d of March last, and were prorouged by his order on the 25th of April following ; That this was the first and only Session of the Legislative Council at which the Chief Justice was present, and that, during the period of this Session, he constantly attended ; That upon the first day of the meeting the late Governor being present recommended to the Consideration of the Council the regulation of Fees to be taken in the several offices and that upon the day following they resolved themselves into two Committees for the purpose of making the necessary Examinations and Reports preparatory to the framing an Ordinance, the Chief Justice being Foreman of the Committee for Law Fees ; That upon this occasion it appears on the minutes, that the Chief Justice moved in the following words vizt.

“ That in order to regulate in Compliance with His Excellency the Governors recommendation, the Judges of the Court of Common Pleas for the Districts of Quebec and Montreal might be Directed to furnish a state of the Course of Proceedings in their respective Courts and of such Rules, orders, and notices of Practices as they have made to regulate the course of their respective Courts, in order that this Board

1779. § 366 *cont.*]

may receive the Information necessary to apportion Justly the Fees to be allowed to the Labour necessary to be done.”

This Motion being rejected upon a Division, the Committee proceeded in their Business ; but before they were prepared to make their Report, it appears that Mr. Finlay Joint Postmaster of America, and Mr. Grant acting receiver General each moved certain regulations for the better managing and collecting your Majestys Revenue within their respective departments, That the Chief Justice voted for referring these to a Committee in both instances, which were overruled ; and the Reasons he assigns for so doing are, because these propositions were offered by those to whom your Majesty had Committed the care of the matters, to which they referred ; and because it was, as he conceives, a breach of decency in the proceedings to refuse them the common attention of being considered by a Committee.

When we state these proceedings to your Majesty, we would not wish to convey an idea, that it is upon them the late Governor founds his reasons for displacing the Chief Justice, especially as Your Majesty had in the eighth Article of your Royal Instructions to your Governor signified your Express will and Pleasure that he should permit to all the members of the Council to have and enjoy Freedom of debate and vote in all affairs of public concern that might be debated in Council : but we lay these facts before your Majesty simply as they stand upon the Minutes, to which we are referred that no particular of the proceedings wherein the Chief Justice dissented from the prevailing sense of the Council, may be withheld from view on this examination ; at the same time also, that we state those Instances, in which the Chief Justice divided against the Majority of the Council, we must in Justice observe, that in the case of certain prepositions as the foundation of an Ordinance moved for by Mr. Caldwell, one of the said Council, and rejected by a Majority, it is Stated by Mr. Livius, that he took part in the rejection of those Motions, and the Ordinance thereupon dependent ; we proceed now



to consider what we must believe to have been the especial cause of Mr. Livius's removal, the two following motions made and proposed by him in Council ; the first of which we find in the Minutes of the 8th of April in the following words Vizt.

The Chief Justice moved, that this Board not having hitherto had communication of his Majestys Instructions for making and passing Laws in this province His Excellency the Governor be humbly requested to Communicate to this Board such Royal Instructions, as may have received, relative to the Legislation of this Province, and he may think are proper to be disclosed to us ; in order that this Legative Council may dutifully endeavour to conform themselves to His Majestys Intentions, and they may, so far as they are able to carry into effect His Majestys most gracious purposes for the good Government of his Subjects in this Province.

This Motion conveyed in words, to which no exception seems to lye ; is in effect a call upon the Governor to comply with your Majestys Commands by imparting to the Council such and so many of your Majesty's Royal Instructions as he may have been directed to Communicate, or may find convenient so to do and it is our duty on this occasion to observe that if none of your Majestys said Instructions had at that time been laid before the Council board, the Motion appears fully warranted by the 7th Article of your Majestys said Royal Instructions, by which Article your said Governor is directed forthwith to communicate such and so many of those your Majestys Instructions to your said Council, wherein their advice and consent are mentioned to be requisite as likewise all such others from time to time, as he should find convenient for your Majestys Service to be imparted to them. By a Communication of these Instructions, particularly the 10th, 11th, 12th and 13th your Majestys gracious ends and designs in the Constitution proposed for the province of Quebec and the effectual Security to personal Liberty held forth to

1779. § 366 *cont.*]

all Men under the Common Law of this Realm, would have been fully manifested ; neither do we see, how the said Council, empowered as they are by Act of Parliament to all purposes of Legislation jointly with the Governor, could, without this Communication be so well instructed either in their own duty or in your Majestys gracious will and pleasure, as to what might be fitting to be provided for by Law within the province agreeably to [the Quebec Act].

Wherefore lest your Majesty's present Governor should not in due time advert to this part of his duty and lest a Constitution, calculated to promote the welfare and happiness of your Majestys Subjects there ; and adapted to the peculiar Circumstances of that province should be Mistaken or withheld, [an instruction should be given to the Governor to comply with the seventh article of his general instructions described above].

We come now to consider the motion made by the Chief Justice on the Twenty third day of April, being the Meeting of Council immediately antecedent to their Prorogation ; and this Motion stands on the Journal in the following words vizt.

“ That whereas, [by the Quebec Act of 1774], it is enacted that it should be lawful for his Majesty, His Heirs or Successors in manner as therein expressed, to constitute and appoint a Council for the affairs of the province of Quebec, to consist of persons resident there, not exceeding twenty three nor less than seventeen, That his Excellency the Governor was pleased by an order of the eighth of August 1776 to appoint a Council (calling the same a Privy Council) to consist only of five particular persons in the said Order named and of such others, as the Lieutenant Governor should think proper to send for.

That by virtue of the said order the five Persons in the said order named repeatedly in different affairs of different natures have taken upon themselves to act, as a Council for the affairs of the province of Quebec in opposition to the said Act of Parliament, and in exclusion of his Majestys Council

for the affairs of the province of Quebec legally constituted and appointed according to the said act.

That the accounts of the Expenditures of all the public Monies for the use of this province have been examined only by these five persons, or such others as the Lieutenant Governor chose to send for, and afterwards have been reported by them to the Governor and by him approved in the presence indeed of the legal Council but without their Interference, approbation or Consent.

That the said approbation of the Governor in the presence of the legal Council by some accident has been entered in the Journals in words that may naturally be understood to mean that the said accounts have received the approbation and Sanction of His Majestys legal council for the affairs of this Province.

That these proceedings are irregular and illegal, tend to introduce Confusion, uncertainty and discontent and, if not timely remedied, will give opportunity and means of Collusion, and Impuriety to future peculation and Perversion of Public Money under any future Governor.

The Chief Justice therefore moved, than an humble address be prepared and presented to His Excellency the Governor, stating the premises, and humbly praying that he will be pleased to order convenient remedy."

This Motion, tho' consisting of several Clauses, strikes us as containing an assertion, which it behoves us in the first place to examine into, and consider . .

The Numbers of your Majesty's Council ascertained by this Act of Parliament, to which the Motion refers, are to consist of not less than Seventeen, nor more than twenty three Members ; and of this Council not less than a Majority are to co-operate with the Governor in all acts of Legislation Thus the Regulation stood under the act of Parliament, when your Majesty, judging it probable, that occasions might arise, when the advice and Consent of the Council might be wanted in other matters, besides acts of Legislation when a majority of the

1779. § 366 *cont.*]

whole could not conveniently be assembled, was pleased to direct (and it stands as the second Article in your Majestys Royal Instructions to your late Governor) that any five of the said Council should constitute a Board of Council for Transacting all kind of Business, in which their advice and consent may be requisite, acts of Legislature only excepted, in which he is not to act without a Majority of the whole.

By this Instruction it appears that the Governor is empowered to proceed upon Business (acts of Legislature only excepted) with a board of five Councillors, if more do not attend his Summons ; but it does not as we conceive, delegate authority to him to select and appoint any such Persons by name as he shall think fit to make a Quorum, or extend to excuse him from calling into Council all such thereunto belonging, as are within convenient distance from the place of meeting.

[The Board of Trade therefore proposed a second additional instruction] which by enjoining a discontinuance of the mode hitherto pursued, of nominating and appointing what has been Termed a Privy Council, may by an explanation of the second article of your Majestys general Instructions, confirm to the Council at large the Trusts, Powers and privileges intended to be reposed and vested in them by your Majestys said General Instructions This being Submitted, it is our duty to lay before your Majesty the proceedings to which the Chief Justice's motion refers ; and we find in the minutes of Council of the 8th of August 1776 that the Governor, Hugh Finlay, Thomas Dunn John Collins, and Adam Mabane, being the only Members present, appointed the said five Members a Board of Privy Council, and ordered " That they examine and Report upon the Provincial Accounts down to the first of May last, the Military contingent accounts for the defence of the province to the time of discharging the Militia of the City of Quebec ; the Indian Contingent accounts including the Bills drawn at Oswegatche Niagara Detroit, and

Michilimakinac and all other accounts which may be laid before them by His Excellency's orders.

That they enquire into the State of the province with regard to the provisions both in wheat and Live Stock which it is capable of furnishing to His Majestys Troops over and above the Consumption of the Inhabitants; and that they forthwith give their opinion to His Excellency upon the propriety of stopping the exportation of those articles.

That they take into Consideration the Fees of the different Offices and of the Attorneys of the different Courts of Justice in the province, and cause a List thereof to be made out and laid before his Excellency.

That they also take into Consideration the Regulation of the police of the province and cause commissions to be prepared for constituting an inferior criminal Jurisdiction in the respective districts of Quebec and Montreal.

That the Lieutenant Governor may cause any other Member or Members of the Council to be Summoned to assist at the Board, whenever he shall think it necessary to consider any matters regarding the tranquility and good order of the Province."

Having thus at large recited the minute, to which the Motion refers, the whole of Mr. Livius's Conduct in Council is before your Majesty, and Submitted to your Royal Wisdom, but your Majesty having been pleased to require our opinion in the case, it is our Duty to say, that although it were much to be wished, that the last of the above recited Motions had been propounded in Terms more Studiously guarded, and to appearance not so offensive to the Governor, yet upon a full Review of these proceedings, without entering into any discussion of the Authority Assumed by the Governor in the mode of removal, there does not appear to us good and sufficient cause for displacing Mr. Livius especially when we consider, what has been before observed, that no Complaint or Imputation whatsoever has been preferred against him in his Judicial Capacity.

1779.

19 Mar. [367.] [Reference to the Committee of the petition of the  
Jamaica. Rev. Dr. John Lindsay and Grace his wife, widow of Thomas  
Gardner, for a day for hearing their appeal from a decree of  
the Jamaica Chancery, 19 Feb., 1778, in favour of Dr. Charles  
Wake and William Mathew Burt, executors of William  
Beckford.] [p. 326.]

28 July. [Reference to the Committee of the petition of Wake, Burt, and  
William Beckford, that the appeal of Humphrey Sturt and  
William Beckford from a decree of the Chancellor, 19 and 20 May,  
1778, be dismissed with costs for non-prosecution.] [XVII. p. 61.]

(1780.) [On the Committee report of 15 Feb., the latter appeal is  
23 Feb. dismissed with 20*l.* *stg.* costs for non-prosecution.]

[XVII. pp. 542, 571.]

(1781.) [On the Committee report of 3 Feb., the decree of 19 Feb.,  
18 May. 1778, is reversed in part and directions given for further  
proceedings. Names in the report are Richard Lewing, Rose  
Herring May, Sir John Gibbons, John Millward, James Lewis,  
John Gardner, John Pusey, father of the appellant, Grace,  
Jonathan Gale and Norwood Booth, two of her husbands, and  
Thomas Penoyre.] [XIX. pp. 76–84, 345.]

29 Mar. [368.] [On a Committee report of 27 March (on a reference  
Georgia. of 26 March, which is not entered in the Register), an  
additional instruction to Sir James Wright, Governor of  
Georgia, is approved, for revoking the authority of the old  
council and for constituting a new one to consist of the  
Lieut.-Governor, the Chief Justice, and ten others nominated  
by the Governor (C.R.).] [pp. 347, 373.]

29 Mar. [369.] [Reference to the Committee of the petition of John  
Jamaica. Gardner Kemeys of Bertholey, Monmouthshire, James  
Clitherow of Boston House, Middlesex, Paul Feilde of Stanstead  
Bury, Herts., and Joseph Banks of Lincoln's Inn, for a day for  
hearing their appeal from two orders of the Jamaica Chancery,  
21 and 22 May, 1778, in favour of the executors of Sir Simon  
Clark—Dame Ann Clark, Richard Brissett and Benjamin  
Lyon.] [pp. 378, 395.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 473	
§ 369 <i>cont.</i> ]	1779.
[On the Committee report of 5 March, the order of 21 May (1782.) is affirmed, and that of 22 May reversed. Other names in the report are Thomas Harrison, Matthew Wallen, Henry Brown, and James Pinnock.] [XX. pp. 202-6, 229.]	13 Mar.
[370.] [Reference to the Committee of the petition of the Hon. Elias Durnford, Lieut.-Governor of West Florida, for leave to appeal to the Council, or for order to the Governor to grant a writ of error, from a judgment of the Court of Common Pleas in April, 1778, in his action of trespass against Alexander Macullagh.] [p. 409.]	21 April. West Florida.
[Committee.] Counsel called in and heard. Nothing ordered. The party to make affidavit before the Governor of the Quantum of the Damages. [p. 499.]	3 June.
[371.] [Appearance for John Bertrand to the appeal of Matthew Craymer from Nevis.] [p. 501.]	3 June. Nevis.
[On the Committee report of 3 Feb., sentences of the Vice Admiralty Court of Nevis of 5 Sept. 1776, and 13 Jan. 1777, are reversed. About 10 June, 1776, the ship <i>The Brothers</i> , of which Craymer was master, arrived at Nevis from St. Vincent :] having performed a Voyage to the Coast of Africa she had on board Thirty Camels consigned for Sale to Daniel Ross of Nevis Esquire with Directions from James Baillie of Grenada Esquire to get the said Ship loaded at Nevis for London being capable of carrying about six hundred Casks of Sugar with Rum [the ship having in Sept., 1775, carried 590 hogsheads of tobacco from Maryland to Great Britain.] That the Petitioner on his Arrival at Nevis waited on the President of the Island with his Papers and regularly entered his Ship at each of the offices in the usual and Customary manner and required of John Bertrand Esquire the Deputy Collector of the Customs there a Permit to Land his Camels who informed the Petitioner that he might begin to land them as soon as he pleased as permits in Writing were deemed unnecessary and never given to Vessels that made a regular Entry and came to the Island either to load or unload Whereupon the Petitioner landed his	(1781.) 16 Feb.

1779. § 371 *cont.*]

Camels as expeditiously as he could and in a day or two afterwards a Hogshead of Sugar having been carted to the Custom house Scales there for the payment of Your Majesty's Duty of 4 and  $\frac{1}{2}$  per Cent. the Petitioner applied to the Officers of the Customs for leave to take on Board the Hogshead in order to begin the Loading of his intended Cargo which was accordingly granted him and the Petitioner required of Mr. Arrendell a Clerk in the Custom House a permit to load the said Ship but was informed that such permit was unnecessary and that Mr. Bertrand the Collector never granted any—That about [1 July, 1776,] the Petitioner took on Board Twelve Ton and an half of Fustick which had been imported in the Sloop Betsey Captain Miller and regularly cleared by Certificate from the Island of Tortola and had been duly entered at the Custom house in Nevis and about the same Time the Petitioner took on board Sixty Ton of Fustick out of the Sloop Polly from the Island of Saint Thomas which last mentioned Fustick also had been regularly entered at the Custom House in Nevis and was permitted to be taken on Board by the Collector—That on Thursday [1 Aug., 1776,] the Petitioner having Completed the Loading of his said Ship except about Ten Casks was preparing his Manifest Cockets and Depositions at the Custom house in order to Sail in the Evening to the Road of Basseterre in the Island of Saint Christopher and proceed from thence under Convoy for England while the Petitioner was so employed the Mate of the Ship between Twelve and Two of the Clock in the afternoon of that day for the purpose of accomplishing the Loading and with no other Intent took on Board out of a Sloop called the Irish Gimlet Captain Ray a Drogher belonging to the Island of Nevis Ten Casks of Sugar which afterwards appeared to be Foreign Sugars but before these Ten Casks were taken on Board the Petitioner returned from the Custom house and also Mr. Bertrand the Collector and Mr. Arrendell the Comptroller in Consequence of an Information came on Board and made a Seizure of the said Ship the



§ 371 *cont.*]

1779.

Brothers and of the said Ten Casks of Sugar then in view the said Daniel Ross to whom the said Ship was addressed in the interim went to the Custom house in Order to pay the Duty on the Foreign Sugars above mentioned and waited there until the return of the Collector and then made a Tender of the Duty and offered to produce satisfactory proofs that no other foreign Sugars were on Board except the said Ten Casks and requested the Collector to allow the said Ten Casks to be landed and to clear out the said Ship and the remainder of the Cargo in order that the Ship might join the Convoy but the Collector declined to comply therewith—That on [9 Aug., 1776,] a Monition issued out of the Vice Admiralty Court in Nevis against the said Ship and Cargo . . . Contrary to all Expectations the Judge thought fit to Order that the said Ship should be unloaded and that all Papers not filed before [30 Aug. 1776 should be set aside for irregularity, and on 5 Sept. he decreed the ship forfeited.] That on the sixth of September the Petitioner was forced by a Violent Storm of Wind and Rain to put out to Sea with the said Ship and Cargo and to proceed to Great Britain where upon his arrival he made a regular protest by which it appears the Petitioner was necessarily drove to take that Measure. [On the petition of Daniel Ross the case was re-heard in Nevis in Jan. 1777, and the former sentence affirmed.] [XIX. *pp.* 84–6, 126.]

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GEORGE III. VOL. XVII. (July, 1779—Feb., 1780.)

1779.

[372.] [Reference to the Committee of a Board of Trade representation of 1 July, proposing an instruction to the Governor of Quebec to frame an ordinance to amend certain ordinances of 1777 for establishing civil and criminal courts and regulating proceedings therein.] [p. 21.]

14 July.  
Quebec.

[On the Committee report of the same date, the instruction, ordered by the Committee on 15 July, is approved. The Board of Trade representation was founded on directions from

16 July.

1779. § 372 *cont.*]

Lord G. Germain to consider] the Instructions to your Majesty's Governor at Quebec, respecting the Establishment of Courts of Justice, and the Ordinances passed, by the Legislative Council, in Consequence of the said Instructions ; and . . the Subsisting practice of the Courts in that province, and . . what Amendments appear necessary in the Constitution of the said Courts, so as to afford to your Majesty's Subjects every advantage they ought to enjoy, from the Chief Justice of that province presiding in all Causes of Importance whether of a Civil or Criminal Nature.

. . however it might have appeared to Your Majesty's Governor and Legislative Council, That these Ordinances would be adequate to the Salutary purposes for which they were framed, we find on the best Information, that they are in many instances insufficient, and particularly for that the official Duty of the Chief Justice is thereby Confined to matters Criminal, and Cases of Appeal, and that the frequency of Appeals, from the Courts of Common Pleas under their present Establishment is attended with very manifest inconveniences to your Majestys Subjects, Suitors in the said Courts, We conceive however, that by further Regulations and Amendments these inconveniences may be remedied ; [and propose an instruction to the Governor to frame an amending ordinance,] directing that the Chief Justice shall preside and be made a Member of the Court of Common Pleas, and, as such, shall sit in the said Court four times in the Year at Quebec, and twice in the Year at Montreal, at the latter place immediately after, or before the present Circuit Business, as shall deemed most convenient ; That notwithstanding his having given his opinion in the Court below, he may sit and give his opinion in the Court of appeal ; That such Court of appeal shall consist of four persons, besides the Chief Justice, to be nominated by the Governor from amongst the Members of the Council, and approved by your Majesty, together with the Judges of the Court of that district, from whence the appeal does not come ; The Lieutenant Governor of the

§ 372 *cont.*]

1779.

province not to be one ; That of these persons five should be a Quorum, The Chief Justice or the person, or one of the persons, officiating in that Capacity always to be one ; That the said Court of Appeal be confined to examine Errors of Law only, taking the Facts as Stated in the Transcript, transmitted by the Court, where such Cause shall have been determined, and without going into new Evidence, or reexamining the Evidence taken before. [pp. 23-9.]

[373.] [Reference to the Committee of James Hardyman's appeal from a judgment of the Jamaica Court of Appeals, 15 Nov. 1777, in an action against him by the Attorney General, Thomas Harrison, for the penalty of a bond entered into by the appellant and others as executors of Mark Hardyman.] 28 July. Jamaica. [pp. 61, 545.]

[On the Committee report of 12 May, the judgment is affirmed. The case was heard *ex parte*, no appearance having been entered for the respondent. Other names in the report are Robert and Walter, the petitioners' brothers ; Patrick Hanlon and Henry Cuniffe.] (1781.) 18 May. [XIX. pp. 315-8, 346.]

[374.] [On the Committee report of 7 Oct., agreeing with a Board of Trade representation of 1 July, referred to them on 9 July, it is ordered that the Governor of Nova Scotia pass a grant to the Rev. Peter de la Roche of certain lands formerly belonging to the Rev. Mr. Vincent, his predecessor as missionary at Lunenburg, if it shall appear that the lands have been escheated or forfeited to his Majesty by due course of law. Vincent, who died in 1765, had no children, and his widow was lost at sea. Since his death the lands—800 acres—have been unclaimed and unimproved, and De la Roche has been six years at Lunenburg without any grant, although his predecessors uniformly obtained one. The Lieut.-Governor recommended de la Roche as deserving to be encouraged.] 13 Oct. Nova Scotia.

[pp. 16, 262, 283.]

[375.] [Reference to the Committee, and by them on 11 Nov. 1780 to the Board of Trade, of the petition for relief 19 Nov. Bermuda.]

# 478 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1779-80. § 375 *cont.*]

of Bridger Goodricke, William Shedden, Andrew Miller, and Abraham Evening, merchants residing in Bermuda, setting forth that they and other loyal subjects fitted out privateers against the enemy,] That many of the principal Inhabitants of the said Islands, as if determine to obstruct every Loyal Endeavour to support the Honor of His Majestys Crown, did sometime ago by an association, forbid all Intercourse, either of Friendship or Commerce with the Petitioners, and all others concerned in privateers, and have since by an Act of Assembly passed and concurred to by the Governor and Council, Imposed a Tax of three and three quarters per Cent, upon all prizes taken by Privateers, and sold in the said Islands, whereby the Petitioners are deprived of Considerable Sums of Money, to their great loss and Detriment, and which the Petitioner humbly Conceive to be altogether Impolitic, Illegal and unjust. [The reference to the Board of Trade has a marginal note—] This order was never taken out by Mr. Ingram, the agent for the petitioners. [p. 391 ; XVIII. p. 430.]

1780. [376.] [Reference to the Committee of the petition of  
5 Jan. William Pyle of St. Johns, Antigua, the owner of the sloop  
St. Christopher. *Linnet*, Peter Cockran, the master, and Lucas Berners, of St. Eustatius, the owner (along with Pyle) of the cargo, for a day for hearing their appeal from the condemnation of ship and cargo by John Fahie, Judge of the Vice Admiralty Court of St. Christopher, 18 Jan. 1779, in favour of Henry Bennett, collector of customs.] [pp. 489, 546.]

(1781.) [On the Committee report of 12 May, the sentence is reversed.  
18 May. The case was heard *ex parte*, no appearance having been entered for the respondent.] [XIX. pp. 90, 322-4, 347.]

2 Feb. [377.] [Reference to the Committee of the appeal of  
Jamaica. Thomas Harrison, Attorney General of Jamaica, from an order of the Chancellor, 19-21 Aug. 1779, allowing a plea put in to his bill against Thomas Barker, late collecting constable for Westmoreland parish, for an account of his receipts and payments from 1768 to 1771.] [p. 521.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 479  
 § 377 *cont.*]

[On the Committee report of 25 April, the appeal is dismissed without costs, and the appellant left at liberty to apply to the Supreme Court for further directions on his complaint. William Cathcart, a clerk in the Receiver General's office, who by mistake gave Barker a receipt for the taxes of 1769 instead of 1768, is the only other named in the report.]

[XXI. *pp.* 225-30, 249.]

1780.

(1783.)

30 April.

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GEORGE III. VOL. XVIII. (Mar.—Dec., 1780.)

1780.

[378.] [Reference to the Committee of the petition of John Parkinson, Esq. of London, for a day for hearing his appeal from several orders of the Chancellor of Jamaica, 8 April, 1778, and 20 Jan. 1779, on his bill against Thomas Parkinson (since deceased), John Myrie, George Robert Goodin, and the Attorney General, concerning the will of George Williams.]

20 Mar.  
Jamaica.

[*pp.* 36, 50.]

[Similar reference of an appeal by Parkinson, Myrie and Goodin, Williams' executors, against the Attorney General, from a judgment of the Court of Appeals, 29 Dec. 1780, affirming an order made at the May Grand Court in 1779 by Richard Welsh, the Chief Judge.]

(1782.)  
24 Apr.

[XX. *p.* 306.]

[On Committee reports of 25 April, both appeals are dismissed without costs. In the report are named Governor Dalling, Thomas Harrison, the Attorney General, seven natural sons of G. Williams by two negresses, Quasheba or Queen and Fanny Douglas; Jenny Webb, Hugh White and Samuel Williams Haughton.]

(1783.)  
30 April.

[XXI. *pp.* 235-42, 249-50.]

[379.] [A letter from William Fawkenner, Clerk of the Council, to Edward Stanley, Secretary to the Customs, for an account of the cargoes of all vessels cleared outward for New York or entered inwards therefrom during the period the said port was open in consequence of the proclamation by the Commissioners under the act of 18 George III.]

23 Mar.  
New York.

[*p.* 45.]

1780.

31 May. [380.] [Reference to the Committee of four petitions about  
 Omoa. the distribution of the plunder taken at the storming of the  
 fort of St. Ferdinando de Omoa, in Honduras Bay, 20 Oct.,  
 1779,—(1) from the Hon. John Luttrell, captain of H.M.S.  
*Charon*, who commanded the squadron, and his captains,  
 Christopher Parker of the *Lowestoff*, Charles Edmund Nugent  
 of the *Pomona*, and John Packenham of the *Porcupine* ;  
 Lieut. Philip Trott, the officers and crews of the *Charon*,  
*Lowestoff*, *Porcupine*, and *Racehorse*, Capt.-Commandant  
 William Dalrymple, Lieut. Hans Carden, Ensign John Branden,  
 and all others under his command, praying that if any share of  
 the plunder is still inherent in the Crown, it may be confirmed  
 to the captors ; (2) from Governor Dalling of Jamaica, on  
 behalf of the Loyal Irish Corps, the men of Honduras Bay and  
 the Mosquito Coast, and the Mosquito Indians concerned in  
 the capture ; (3) Henry Lutwidge of Walton in the Dale,  
 in Lancashire, agent for Dalrymple, the Loyal Irish, some  
 officers and the Indians ; and (4) George Dyer, merchant of  
 London, on behalf of some Honduras Bay and Mosquito Coast  
 men.] [pp. 123-6.]

(1780.) [The Committee defer consideration till the shares of the  
 3 June. officers and seamen shall have been determined in the High  
 Court of Admiralty.] [p. 129.]

(1781.) [Reference to the Committee of Dalling's petition for a share  
 5 Sept. of the treasure taken in the fort or on shore. The ships and  
 cargoes have been condemned to H.M. ships of war. The  
 land booty was brought to Jamaica, and John Robinson  
 has now remitted over 5,000*l.* on that account to his  
 Majesty's agent, William Chamberlayne, in whose hands  
 it remains distributable at his Majesty's pleasure.]

[XIX. p. 514.]

(1781.) [Reference to the Committee of Luttrell's petition for a  
 9 Nov. distribution of the booty taken in the fort according to an  
 agreement by all the captors.] [XX. p. 35.]

(1782.) [Reference to the Committee of Dalling's petition that the  
 10 April. expenses of litigation to establish the right of the Crown be

§ 380 *cont.*]

1780.

first paid out of the land booty and that he may have a share of the remainder.] [XX. p. 295.]

[Reference to the Committee of a petition of Sir Peter Parker, Vice Admiral of the White and commander in chief on the Jamaica station, relating to the expenses of the lawsuits.] (1782.)  
4 Sept.

[XX. p. 532.]

[Order in accordance with the Committee report of 28 Jan., which recapitulates the proceedings. The sentence of the Judge of Admiralty (signed at Doctor's Commons 8 Sept. 1780, by Andrew Colter Ducarel, surrogate, William Wynne and George Harris, and witnessed by Nathaniel Bishop, notary public, and Godfrey Lee Tarrant, register), declared all the goods &c. taken at Omoa lawful prize. On the question as to the rights of the captors, the Solicitor to the Treasury reported to that Board that the booty taken in the fort was a droit of the Crown. The captors, anticipating the bounty of the Crown for which they now petition, made a provisional agreement as to distribution, the parties being (1) Luttrell and Sir Nicholas Nugent, Bart. (Sir P. Parker's agent)—for the seamen ; (2) Lutwidge—for the soldiers ; (3) Dyer—for the Baymen, of whom are named James Ferrell, Archibald Campbell, Daniel and James MacAuley, James Valentine, Richard Hoare, Richard Francis O'Brien, Walter Davidson, Patrick Bourke, Jonathan Ram, George Home, Colvil Cairnes, James Lowrie junr., James Bartlet and John Christopher. Luttrell accounted for the whole proceeds of the booty to William Chamberlayne, the King's nominee, and by the payment of over 11,000*l.* satisfied the claims of Dalrymple and Dyer. The Indian chiefs—one, General Tempest, is named in particular—besides sharing on the footing of warrant officers, claimed an ordinary seaman's share for every Indian engaged, and this would be paid if his Majesty confirms the agreement.

Dalling's petition emphasised the claims of the land forces commanded by Dalrymple under his directions, and also explained that actions to establish the right of the Crown, before Chamberlayne's appointment, had

1780. § 380 *cont.*]

involved a cost of 2,000*l.*, which should first be paid out of the plunder.

Parker's petition gave an account of the legal proceedings, and objected to both Dalling's claims, suggesting that he did not even know the destination of the expedition till its success had become notorious.

The Committee reported (1) that the costs of suits be determined by William Graves, master in Chancery, and be refunded to the Governor out of the monies in the hands of Chamberlayne, who is to set aside 2,500*l.* to answer that payment; and (2) that the residue of the booty be granted to the captors and immediately paid to the agents of the respective parties to be disposed of according to their agreement of 14 Aug. 1780. Other names in the report are James and John Allen, merchants, acting for the Baymen in Jamaica.]

[XXI. *pp.* 152-163.]

18 Aug.  
Appeals in  
cases of  
prizes.

[381] [Reference to the Committee of a memorial of Sir James Marriott, Judge of the High Court of Admiralty, proposing] That an Order of Council should be issued, directing, That no appeal whatsoever in Causes of Prize shall be entered in a private or Secret manner, but that all Appeals entered before any public Notary shall upon the same Day or the Day following be entered in the Registry of the Court of Admiralty from whence the Appeal is made, or in the Registry of the Court of Appeals, and that Notice thereof in Writing be given by the Proctor of the Appellant to the Judge of the said Court and to the proctor concerned for the opposite party; and that no Inhibition shall Issue from the Office of the Registrar of Appeals or other Act or Matter be sped or done to the prejudice of the party Appellate in Cases where the Appeal hath been made after the time prescribed by Act of Parliament, or prosecuted after the usual Term of the Law without the party Appellate being first Served with a Monition to shew Cause why such Time of Appealing or prosecuting the Appeal should not be enlarged, under the Circumstances of the case; and also that all such proctocōls of appeals



§ 381 *cont.*]

1780.

entered in the Registry shall be Entered as appeals duly Stampd according to the Act of Parliament with three Stamps of Forty Shillings each ; and that in the said proctocol of Appeal the party Appellant shall set forth the prasetim or especial Cause or Causes of his said Appeal. [p. 350.]

[A letter to Nathaniel Bishop, Deputy Registrar of the High Court of Admiralty, to send in a list of appeals now ready for hearing and to direct the proctors to send in their cases as usual.] [p. 412.] 23 Oct.

[The Committee refer Marriott's memorial to the Advocate, and Attorney General, who are to call upon the Registrar and other officers of the High Court of Admiralty and prepare the draft of an Order.] [p. 429.] 11 Nov.

[The Committee refer the draft back to the Advocate and Attorney General to add a clause providing for the case of appeals already entered before a notary.] [p. 449.] 5 Dec.

[On the Committee report of 14 Dec., the following order is approved and ordered to be transmitted to the Admiralty Courts in the plantations for their guidance :]— Whereas it has been represented unto His Majesty that great Inconveniencies have arisen by Appeals in prize-Causes not being prosecuted in a reasonable Time, and from secret Appeals or protocols of Appeals being Entered before a Notary Public, without any Notice given to the Court or Parties Appellate, or their proctors ; For remedy whereof, His Majesty hath thought fit, by and with the Advice of His Privy Council, to Order and direct that every person being a Party in a Prize Cause in the High Court of Admiralty of England, or in any Vice Admiralty Court, and against whom a Sentence shall hereafter be given, or an Interlocutory Decree pronounced, and who shall appeal therefrom within fourteen Days, shall prosecute such his Appeal, by taking out the usual Inhibition [within three months from a decree of the High Court of Admiralty, and within nine months from the decree of any Vice Admiralty Court, and otherwise no appeal by any of the parties is to be allowed to be prosecuted after the expiry of these respective 15 Dec

# 484 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1780. § 381 *cont.*]

terms. Persons who were not parties in the first instance are not to be entitled to an appeal after a year has elapsed. In the case of appeals already entered the periods of three, nine and twelve months are to be computed from the date of this order. In the case of decrees given a year before this order in which no inhibition has been obtained, no appeal may now be prosecuted by any of the parties or entered by any other without the order of the Commissioners of Appeals after notice to the parties appellate.

The order was transmitted to Mr. Bishop with a letter of 16 Dec.] [pp. 465, 468-70, 486.]

18 Aug. [382.] [Reference to the Committee of the petition of John Sagadahoc. Calef, Esq., of Massachusetts Bay, on behalf of James Duncan, Benjamin Herrod, John Wire, Edmund Morse, Peter Parker, David Marsh and other grantees of land between Nova Scotia and the river Sagadahoc, setting forth that they and many other settlers east and west of Penobscot river have taken the oath of fidelity and are desirous of being severed from Massachusetts Bay and made a separate province.] [p. 351.]

18 Aug. [383.] [Reference to the Committee of the petition of Jamaica. Jasper Hall and Philip Livingston, surviving executors of George Paplay, who was executor of Edward Manning, for a day for hearing their appeal from an order of the Chancellor of Jamaica, 25 July, 1777, on a bill filed by the Attorney General against Paplay for an account of four French prizes taken by H.M. ships of war.] [p. 352.]

20 Sept. [384.] [An Antigua act of 3 July, 1779,—for borrowing Antigua. 20,000*l. stg.* by drawing bills on the Treasury for the purchase of provisions to be deposited in public granaries and distributed to all owners of slaves, and for laying certain capitation taxes on slaves to pay off the loan etc.—is confirmed, on the Committee report of 14 Sept., agreeing with a Board of Trade representation of 1 June, referred to them on 21 June, showing that the distressed state of the island justified the measure, that the Treasury had accepted the

§ 384 *cont.*]

1780.

bills, that Mr. Jackson had nothing to object in point of law, and that it was necessary that the fund for the reimbursement of the Treasury should be effectually raised.]

[*pp.* 185, 375, 382.]

[385.] [A Bahama act of 3 April, 1780,—for raising a sum of money and empowering commissioners for putting this island in a better state of defence—is disallowed, on the Committee report of 14 Sept., agreeing with a Board of Trade representation of 31 Aug., referred to them on 1 Sept., showing that the act] altho' well intended for this necessary and salutary purpose, contains such unusual and extraordinary powers vested in the persons, thereby authorized not only to assess and levy, but also to apply the sum proposed to be raised for that End, and which Sum is not particularly fixed, that it becomes our Duty to advise Your Majesty, that the said Act be disallowed; [although it has long since had its effect], this Mark of Your Majesty's Disapprobation of an Act, passed against the Spirit and Letter of the Governor's Instructions will be the means of preventing his giving way in future to any Innovations in the usual mode of raising and disposing of Monies granted to Your Majesty for similar Services.

20 Sept.  
Bahamas.

[*pp.* 366, 376, 383.]

[386.] [On the petition of Antonio de Lague, master of the cartel brigantine *Nuestra Señora del Carmen*, setting forth] That by the Articles of Capitulation for the Garrison and District of Baton Rouge in West Florida—It was Stipulated that “all the Inhabitants who shall prefer quitting the Country or District, in order to establish themselves in some part of the Dominions of His Britannick Majesty, should be provided with a passport for their persons, Families, and Effects.”—That Patrick Morgan and James Mather junior Merchants two of His Majesty's Subjects residing at the Mississippi, being included, and having a Right to the Benefit of the said Capitulation, did apply for and obtain Leave to Transport themselves and their Effects to London and to Freight a Vessel

11 Nov.  
Cartel Ships.  
West  
Florida.

1780. § 386 *cont.*]

for that purpose, and did accordingly Charter from Geronimo la Chapelle Merchant and Inhabitant of the City of New Orleans, the said Brigantine Neustra Senoara del Carmen, Commanded by the petitioner Burthen Two hundred Tons or thereabouts, Carrying Sixteen Men, and not mounted with any Guns, on a Voyage to London under the Terms for Freight and Demurrage mentioned in the said Petition . . . That upon his arrival at the said port the petitioner applied to the officers of His Majesty's Customs, and under the Special Circumstances of the Case, the said Brig was permitted to be Reported, and the Goods and Effects on Board to be Entered, and the same have been accordingly Landed and delivered to the Owners thereof, His Majesty's said Subjects ; That the petitioner has received from the said Patrick Morgan his Freight, which, with the Demurrage, will amount to about 3,000*l.* ; and humbly conceives that by the Laws of Nations, and the Rules of War, he is entitled to safe Conduct and protection for his said Vessel, and the amount or value of his Freight ; which last, the petitioner is desirous, under His Majesty's Sanction, and by His Majesty's Authority, to lay out in British Manufactures to be Enumerated by the petitioner, so as to ascertain the Innocence of their Nature and Species, and that no Warlike Stores or other offensive Articles, shall be contained among them ; And therefore Praying His Majesty's Royal Licence and permission to Ship on Board his said Vessel, the several Articles of British Manufacture and Merchandize specified in the List hereunto annexed (not exceeding in Value 4,000*l.*) under such Limitations and restrictions as to His Majesty shall seem meet, and His Majesty's Royal Licence, Safe guard, passport and protection to proceed with his said Vessel, and such her Cargo from London to the port of New Orleans ;— [Order is given as desired,] provided that the said vessel shall not take on board or carry out any passenger or persons whatsoever, other than the Crew belonging to the said Ship, and who came with her from New Orleans, nor any Goods Wares or Merchandize whatever, other than the Articles

§ 386 *cont.*]

1780.

Enumerated in the said List (hereunto annexed) Except only such Provisions as are necessary for the Voyage and provided also that she shall depart within the space of One Month from the Date hereof . .

The List referred to in the foregoing Order,—Earthen and Glass Ware, Coarse and fine Linens, Millinery and Silks, Cask and Bottled Porter, Thread Stockings, Household Furniture, Grind Stones, Hats, Stationary Wares and Four Months provisions for the Ship's Voyage Back to New Orleans. Ironmongery vizt., 40 Groce. [pp. 431-3.]

[De Lague having represented that some obstructions had arisen touching the entry of the goods and the duties payable, the time for sailing is extended one month. His petition that the merchants be at liberty to enter out their goods in their own names and be allowed the usual drawbacks is referred to the Treasury to give the proper directions. Another order, allowing this vessel to sail under similar circumstances is dated 12 March, 1782, two months being allowed. Benjamin Gower, James Fairly, James Mather and Robert Tait were the merchants chartering the vessel on this occasion.]

9 Dec.

[pp. 461-2 ; XX. p. 225.]

[Andres Dumont, master of the Spanish cartel vessel *El Galves*, chartered by Thomas Topham from Juan Baptista Macarti of New Orleans, is allowed to invest the produce of his freight and demurrage (not exceeding 4,000*l.*) in an innocent cargo of British merchandise for New Orleans. On 31 July, 1782, the *El Galves* and Dumont's ship *St. Antonio* are given passes for 7,000*l.* and 4,000*l.* worth of British goods respectively. These vessels had been chartered by David Ross and by Edward Rush Wegg, the late Attorney General of West Florida, respectively.] [XIX. p. 36 ; XX. pp. 469-71.]

(1781.)

12 Jan.

[Similar order for Andres Orange, who brought a cargo belonging to Patrick Morgan and James Mather of Baton Rouge from the Mississippi, but whose ship *Victoria* was condemned at Dublin and the value restored on appeal, the *Victoria* having meanwhile sunk. He is to buy a vessel of 100 tons

(1781.)

29 Nov.

488 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1780. § 386 *cont.*  
and ship British goods to the value of 3,000*l.* thereon to New Orleans. A letter of 20 Feb., 1782, sanctions the purchase of a vessel of 105 tons.] [XX. *pp.* 62, 180.]
- (1783.) [Reference to the determination of the Treasury of a  
15 Aug. petition of James Mather of London, showing that P. Morgan and J. Mather consigned to him in the *Victoria* from Baton Rouge in April 1779, a cargo of skins of deer, beaver and otter, etc., and praying that the skins may be brought to London in any British ship on paying the usual duties. By the Navigation Acts they could be imported only from the immediate place of their growth.] [XXI. *p.* 493.]
- 9 Dec. [387.] [Appearance for Henry Mears, commander of the  
Tortola. armed brigantine *Admiral Barrington*, to the appeal of Jacob Schwartzkopff from a decree of the Vice Admiralty Court in Tortola.] [*p.* 463.]
- (1781.) [Reference to the Committee of Mears' petition that the appeal  
30 May. of the claimants of the brigantine *Tiger* (James Prince master,) from its condemnation on 2 March 1780, be dismissed for non-prosecution. To the index reference to this entry is appended :] N.B. Nothing further was done in this Matter the Appeal carried on in the Commons. [XIX. *p.* 378.]
- 29 Dec. [388.] [It is ordered that Dutch ships carrying the produce  
Cartel Ships. of Grenada, the Grenadines, St. Vincent and Dominica (being  
Windward Islands. English property, cleared for any Dutch or neutral port), be considered as neutrals for four months, in accordance with an Act of Parliament of last session for trade in neutral ships from these islands and with the articles of capitulation of St. Vincent and Dominica. An instruction to commanders of ships of war and privateers not to seize such ships was ordered on 23 Dec. and approved on 29 Dec. (C.R.). A letter of 5 Jan. 1781, to Mr. John Hankey explained that the ships might sail to any Dutch port.] [*pp.* 519, 541-3 ; XIX. *p.* 19.]
- (1781.) [Reference to the Committee of a petition of traders  
16 Mar. interested in Dominica for a prolongation of the time owing to the late hurricane.] [XIX. *p.* 210.]

§ 388 *cont.*]

1780.

[An Order in Council and an instruction to commanders at sea (C.R.), prepared by the Advocate General and the Advocate of the Admiralty in accordance with a letter of 20 March, are approved. For five vessels at Dominica (named) an extension of two months is granted; to prevent abuse in the case of ships at the other islands (which have not been specified), the condition is exacted that they be cleared and have their certificates dated before 1 April.] (1781.)  
23 Mar.

[XIX. *pp.* 221, 228–32.]

[On the petition of Messrs. Simond and Hankey a pass is given to protect the Dutch ship *Adrichan* on its voyage from Brest to Amsterdam. The ship was taken by the English privateer *Kingston* on its voyage from Grenada to Amsterdam, but retaken by the French frigate *Minotaur*. The capture having been illegal in view of the order of 29 Dec., the French Court had admitted the recapture to be a nullity, and sanctioned the resumption of the voyage. As the ship's papers were carried off by the privateer, a further protection may be necessary against a second capture by some English vessel. Passes of the same nature were granted for two other ships on 12 and 14 June.] (1781.)  
3 April.

[XIX. *pp.* 245, 395, 399.]

[An Order in Council and an instruction (C.R.) prepared by the Advocate General and the Advocate of the Admiralty in consequence of a letter of 20 June, are approved, for granting an extension of four months to two of the five Dominica vessels which have been detained by cruisers and received damage at sea. On 6 July similar extension (C.R.) was granted to six ships from Grenada, and one other which had received the cargo of a Grenada ship condemned at Curaçao as unseaworthy. One of these got a further extension of five months on 2 Nov., as she was still under repair at Santa Cruz.] (1781.)  
22 June.

[XIV. *pp.* 408, 412–5, 434, 442–6; XX. *p.* 28.]

[Reference to the Committee of the] petition of the Committee appointed for the encouragement and protection of Trade and Manufactures at Manchester, on behalf of themselves and all other Cotton Manufacturers in the said (1782.)  
15 Feb.

1780-1. § 388 *cont.*]

Town and Neighbourhood ; Setting forth, that the Petitioners are apprehensive the Salutary purposes intended by the late Act of Parliament to protect Goods and Merchandize of the Growth produce or Manufacture of the Islands of Grenada and the Grenadines on board Neutral Vessels, bound to Neutral ports during the present Hostilities, have been in a great measure frustrated by the Depredations committed by English privateers, against the express Letter of said Act ; That since the loss of the said Islands, with those of Saint Vincent and Tobago, the price of Cotton is advanced to such an amazing heighth, that the Manufactures and Commerce of this Country are materially injured ; [and praying that measures be adopted for removing the injury complained of]. [XX. p. 171.]

(1782.) [The Committee direct copies of the opinion of the law officers  
12 Mar. about this neutral trade to be sent to the Governors of the colonies for the guidance of Admiralty courts there, and also to the commanders-in-chief, admirals and captains of his Majesty's ships of war.] [XX. p. 224.]

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GEORGE III. VOL. XIX. (Jan.—Sept. 1781.)

1781.

1 Feb. [389.] [On a memorial from the London merchants trading  
New York. to New York, stating that the customs officers have refused to make the usual entries for the exportation of flour to New York, as the act of 13 George III c. 43 forbids exportation when the price exceeds a certain standard, pointing out the entire dependence of New York on supplies from Britain, and referring to the exception in the act for the supply of H.M. forces, forts or garrisons ; it was ordered that New York be considered as a garrison and the necessary entrances and clearances forthwith granted. The order was transmitted to the Treasury in a letter of 2 Feb.] [pp. 69, 73.]

5 Feb. [390.] [Reference to the Committee of a Board of Trade  
Bahamas. representation of 29 Jan. on several articles of complaint by John Gambier, the late Lieut.-Governor, and some of the



§ 390 *cont.*]

1781.

Council of the Bahamas against the Governor, Montfort Browne.] [p. 96.]

[Order in accordance with the Committee report of 17 Feb, 23 Feb. after hearing counsel &c. on 13 and 15 Feb. The Board of Trade represented that they had already, on 6 Aug. 1779, stated the complaints preferred against the Governor,] and that Governor Browne had on his part Criminated the said Lieutenant Governor, and thereupon Submitted to Your Majesty, whether Mr. Browne should not be called home to answer the said Complaints—Your Majesty having been pleased to give such Orders, Lord George Germain . . directed that Mr. Browne, and his accusers, should interchange their respective Charges with each other, upon the Spot—This being accordingly done, Mr. Browne included in those delivered by him, the Names of John Brown, Samuel Gambier, Robert Hunt, Robert Sterling and Thomas Atwood Esq. Members of Your Majesty's Council, together with that of John Gambier Esq. the Lieutenant Governor. Upon having Notice of the Arrival of Mr. Browne and the Lieutenant Governor (who appears to have been deputed by the Complainants to support the Charges by them made) in this Kingdom, we appointed a Day for hearing the Parties by their Council, [and, upon mature deliberation, represent] That the Complainants reduced their Charges against Mr. Browne to twelve distinct Heads Vizt.—

1st. That Montfort Browne Esq. did by his neglect and misconduct, suffer the Rebels to possess themselves of the Island of New Providence in March 1776, and of His Majesty's Forts and Stores there; and himself to be made Prisoner.

2nd. That soon after the Return of the said Montfort Browne from New York to this Government, he issued a proclamation, without the advice of His Majesty's Council, highly derogatory to them and to the Inhabitants in general.

3rd. That the said Montfort Browne obliged Adventurers in several Private Ships of War, to enter into unwarrantable and illegal Stipulations, under heavy Penalties, and that he

1781. § 390 *cont.*].

granted a particular Commission to One John Petty, to Seize a Brigantine at the time She was under the Guns of Harbour Island, one of the Bahamas and in possession of the Inhabitants thereof.

4th. That the said Montfort Browne did, contrary to His Majesty's Instructions remove Several Persons from Offices of great Importance, and bestow them on others not Qualified.

5th. That the said Montfort Browne did Attempt to introduce to the Council Board one Robert Cumming, a Man of infamous Character ; when the Board, upon the Question being put to them by the said Montfort Browne were unanimously of Opinion, that by His Majesty's Commission, there was no vacancy.

6th. That the said Montfort Browne did appoint two persons, not mentioned in His Majesty's Commission for the Tryal of Offences, committed on the High Seas, to sit as judges in a Court held for that purpose, when a sufficient Number of persons particularly mentioned in the said Commission, were present to constitute such Court, and that, without the Consent of the other Members.

7th. That the said Montfort Browne did Skreen offenders from Justice, did prevent the Civil officers from executing their office, and did endeavour to deterr others from doing their Duty.

8th. That on certain and well grounded Information having been received of an intended Invasion, the said Montfort Brown did refuse to call together the general Assembly, tho' the principal Inhabitants, among whom were the whole Council, and most of the Members of the last Assembly, did by Memorial, request him thereto, that proper and immediate Steps might be taken for the defence of these Islands.

9th. That the said Montfort Browne harboured and employed several Negroes who had deserted from their Masters, and by the Laws of these Islands, had become outlawed.

10th. That the said Montfort Browne did exact at different

times, a tenth part of certain Goods and Effects saved from Vessels Stranded, under pretence of the same being wrecked.

11th. That the said Montfort Browne hath suspended the Lieutenant Governor, and several other Members of His Majesty's Council, without any reason assigned, and without the advice of His Majesty's Council.

12th. That the said Montfort Brown hath neglected to appoint Judges to hold the Courts of Law, and Oyer and Terminer; hath neglected to hold Courts of Chancery, and hath frequently dissolved the General Assembly, whereby these Islands have been reduced to a State of Anarchy, and Confusion, without a due administration of Justice; and without Laws necessary for the Revenue and other purposes essential to the well being of the Community.

Of these twelve Complaints, [eight] were abandoned by the Complainants who proceeded to produce Evidence in support of the first, second, third, and eighth only.

With respect to the first Charge, we must beg leave to observe that it was not made a part of the Complaints against Mr. Browne which gave rise to the Representation from this Board to your Majesty in 1779, and that from the Affidavits and Documents which were produced in Evidence before us, if clearly appear'd, that Mr. Browne abandoned Fort Nassau in consequence, not only of the opinion of a Majority of the Council of War, held on that occasion, contrary to his own; but of his being deserted by the Inhabitants, upon whom alone he could rely for defence; And altho' it was alledged by the Complainants, that Mr. Browne had of himself, and without the concurrence of a Council of War, previously abandoned Fort Montague, where they asserted an effectual stand might have been made against the Enemy, that allegation was not established and it appear to us the said Fort was so much out of repair, and incapable of Defence that had it been attempted, the consequence must probably have been, the Defenders would have been buried in the Ruins, by the firing of their own Guns. We must therefore as far as we think

1781. § 390 *cont.*]

ourselves Qualified to judge upon the Military part of this Question, and from the Nature of the Evidence before us, clear Mr. Browne of this Charge, and consequently of any imputation in this instance against his Military Character.

[As to the second charge, the Board of Trade adhered to the opinion expressed in their representation of 1779] that the Terms of the proclamation, considering the Circumstances that gave rise to it, and the situation, as well of Mr. Browne, as your Majesty's Subjects in the Bahama Islands, were reprehensible, and tended rather to inflame than extinguish, any discontents that had arisen.

In support of the third Charge it appeared in Evidence, that in many instances, in the Bonds taken by the Secretary of the Bahama Islands, upon granting Letters of Marque, a Clause was inserted in the Condition, that the Captures made by virtue thereof, should be brought within the limits of that Government to be there adjudicated—This particular Condition we conceive to be highly improper, illegal and contrary to the Instructions under which, Governors in Your Majesty's Colonies are authorized to grant Letters of Marque, as clearly appears by the second Instruction always given therewith, and must in many instances, if complied with be an obvious hardship upon the Captors. In extenuation of this fact, it was urged by Mr. Browne's Council, that the Bahama Islands being greatly distressed for want of provisions, that clause was inserted in the Bonds, in order to obtain relief by any vessel laden therewith, which might be Captured.—No Evidence was however produced to prove that such a distress actually existed; and even had that been done, we conceive the Condition in Question, which nothing but the most apparent and absolute necessity could excuse, ought to have been confined to vessels laden with provisions only.—This part of the Charge we therefore think was fully established.—Another part of the same Charge relates to a Transaction with John Petty, which by an Affidavit of the said Petty appears to

§ 390 *cont.*]

1781.

stand thus ; That an American vessel having taken Shelter in Harbour Island, within the limits of Mr. Brownes Government, the said Petty having knowledge of it, applied for Letters of Marque, and the Application not being immediately complied with, Petty informed the Judge of the Court of Vice Admiralty, a Mr. Cumming, who is represented as a person in the Confidence of Mr. Browne, that he knew where to take a prize ; That upon Mr. Cumming proposing to him to account to Mr. Browne for a Moiety of the Prize, and he consenting thereto, a Bond was tendered to him to that purport, which he executed, and thereupon Obtained a written Authority from Mr. Browne to take the said vessel, and after the Capture, and while he was bringing it into New Providence Proper Letters of Marque were forwarded to him. Upon this State of the case we must observe, that the transaction is with Mr. Cumming who is since dead, and as Mr. Browne absolutely denies the Charge, or any knowledge of the Fact, it must of course stand upon the Sole Evidence, upon Oath of Petty ; We must however add as a Circumstance worthy of Notice, and which also stands as a part of the same Charge, that at this very juncture, one Henry Leader having applied for Letters of Marque, it appeared, that exclusive of the usual Security given on obtaining the same, and under the extraordinary Condition before mentioned, he executed another Bond in the Penal sum of three thousand pounds, with a Condition reciting that “ Whereas his Excellency Brigadier General Montfort Browne had duly Commissioned John Petty Commander of the Sloop Sally, to seize, take, and bring into that Harbour a certain Brigantine lying at Harbour Island, belonging to His Majesty’s Enemies, he the said Henry Leader was not to Molest or obstruct the said Petty in the Execution of the said Commission ” Without hazarding a decisive opinion upon these facts as they Stand connected with each other, we shall only observe, that if there really was no particular transaction with Petty, or regard had to the Success of his proposed attempt, such a

1781. § 390 *cont.*]

Condition, extraordinary and unprecedented as to it's intended effect, appears to us unaccountable.

[The fact referred to in the 8th charge is admitted by Mr. Browne, and the Board of Trade concur in the sentiments of their representation in 1779, which] expressed their surprize that Your Majesty's Governor should, at such a time and on such an Occasion oppose any obstacles arising from private and personal Motives, to the legal exertion of the Constitution for the preservation and Security of the Community . . We therefore are of opinion, That Mr. Browne is unjustifiable in not calling the Legislature together in Compliance with what appears to us to have been the general wish of the People, for the general benefit of the Community, and the good of Your Majesty's Service.

[It was therefore submitted whether the Governor should be reinstated.

As to the Lieut.-Governor and members of Council, although Mr. Browne has declined to proceed on his complaints, their conduct came before the Board of Trade in discussing the charges against the Governor.] Exclusive of the Circumstance of their having abandoned eight out of twelve Charges brought against Mr. Browne, which seemed to Us the more extraordinary as those Charges appear to have been brought forward by the Complainants with equal Warmth and Confidence as those which they produced Evidence to Establish, it is evident that the Lieutenant Governor, so far from endeavouring to allay the ferment, or appease the factions that prevailed in every department of Government, took the lead with the Members of Council, in many Acts unbecoming the Station they were honored with, contrary to their Duty to your Majesty, the good of Your Service, and the Interest and Welfare of the Community; more especially in the three following instances.—

First—Their adjourning themselves contrary to the express directions and protest of Mr. Browne, upon which the Board have . . in 1779, given their opinion.

§ 390 *cont.*]

1781.

Secondly.—Their questioning the propriety and legality of Mr. Browne's continuing in the Exercise of Government, upon the ill founded pretence, that his Commission (which was known to have been taken by the Enemy (could not be produced) although the same was as usual, entered of Record in the Secretary's office for the Bahama Islands and no Authority from Your Majesty appeared to revoke the said Commission.

Thirdly.—Their persisting to pass an Act for raising Money containing provisions obviously derogatory to Your Majesty's Royal Authority, and contrary to the Instructions given to Your Majesty's Governor, even after those Instructions had been Communicated to them in Order to prevent their taking so exceptionable a Step.—

[The Board of Trade therefore recommended that J. Gambier be not continued as Lieut.-Governor, and that the five councillors should be reprimanded ; also that Andrew Symmer and Robert Collins, suspended by Governor Maxwell on the representation of the five members, be readmitted to the Council.

The Committee concurred in general, but added with respect to the second charge against Browne,—] how far an allowance is to be made for that Warmth of Expression, arising as we conceive from the Governors disappointment in having been deserted by the Inhabitants, upon whom alone he could rely for Defence, at the time the place was invaded, and from having found himself and Secretary the only persons made Prisoners upon that occasion, is humbly Submitted to Your Majesty's Consideration ; But we think it our Duty to inform your Majesty, that the said Governor did on the 11th of the said Month issue a Second Proclamation, with the advice of Your Majesty's Council of that Island, to the same End and purpose, in which the injudicious parts of the former were Omitted.

[As to the third charge, no complaint has ever been made by any one of injury caused by the insertion of the clause

498 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1781. § 390 *cont.*]

obliging privateers to have prizes made within the limits of the Bahamas tried in the courts there. The transaction with Petty is not established on legal evidence.

As to the eighth charge,] This Committee is of opinion that the reason assigned by the Governor for not calling the Legislature together at such a Crisis in Compliance with such a request was improper and intemperate considering the breach which unhappily Subsisted between him and the Legislative Body of the Island.

[The Committee therefore submitted whether Governor Browne should be reinstated, observing] that it is not their intention thereby to diminish the Merit of that Zeal, which he has on some occasions exerted in Your Majesty's Service. [The Committee would have recommended that the Lieut.-Governor be removed, had this not already been done. Brown, S. Gambier, and Atwood are to be removed from the Council, and Symmer and Collins readmitted; Hunt and Stirling are to be reprimanded.] [*pp.* 109, 116, 133-43, 149.]

16 Feb. [391.] [A Nova Scotia act of June 1778,—to empower the Governor, Lieut.-Governor or Commander-in-Chief to appoint sheriffs in such counties where it may be found necessary—is confirmed, on the Committee report of 13 Feb., agreeing with a Board of Trade representation of 24 Jan., referred to them on 5 Feb. The appointment of the sheriffs was by this Act vested in the Governor; and, on the recommendation of the Board of Trade, the Assembly had agreed to compensate the Provost Marshal for the loss he would sustain.]

[*pp.* 96, 108, 125.]

23 Feb. [392.] [Reference to the Committee, and by them on 8 March to the Treasury, the Admiralty and the Ordnance, of a Board of Trade representation of 13 Feb. on a memorial of Andrew Symmer, H.M. agent at Turks Islands, relating to the defence of the islands (with an estimate of the cost), and to the regulation of the salt ponds and those that resort there to make salt.]

[*pp.* 150, 190-1.]



1781.

[Letter to the Treasury asking for their report, the other departments having made their returns and the Lord President being desirous of having the matter considered by the Committee on Wednesday.] 25 May.  
[p. 370.]

[On the Committee report of 28 June, orders are given to the departments named above, in accordance with their reports and the Board of Trade representation—] 29 June.  
That the continuing in possession of the said Islands is a matter of the utmost Importance, whether we consider their Local situation, or the Quantity of Salt made there ; and we therefore conceive, that every Measure for that purpose should be pursued, The plan proposed by Mr. Symmer seems to us as far as we can judge, well calculated for that purpose. The Requisition of Ordnance and Arms indispensably necessary and the Expence trifling . . what comes more immediately within the line of Our Duty to Submit to Your Majesty are the regulations necessary for the preservation of Order, and Security of property among Your Majesty's Subjects employed in making Salt upon Turks Islands : and which being at a great distance from the Legislature of the Bahama Islands, although included in Your Majesty's Commission to the Governor. The Inhabitants are naturally precluded from the participation of the Laws and Customs, which obtain in that Government, many of which would, from the peculiar situation of Turks Islands, be improper there. [Having considered the former regulations, the objections made to them, and the observations of Mr. Symmer, whose long residence as agent has qualified him to judge, the Board of Trade submitted new regulations, which are not given in the Register ; and added that the state of affairs in America made it necessary] that some Competent Authority should be given to Your Majesty's Agent at Turks Islands to give Clearances to Vessels, which may load with Salt, and enter out for any of Your Majesty's Colonies and Dominions, or places under the protection of Your Majesty's Fleets or Armies, expressing the exact Quantity of Salt laden on board such Vessels ; And that, upon the

1781. § 392 *cont.*]

arrival of such Vessel at the Port for which she shall be cleared out, or any other due Examination be made by the proper officers . . into the Quantity of Salt actually on Board. By this and other proper directions and Regulations We humbly Conceive any illegal and illicit Trade with the Colonies now in Rebellion, and their being Supplied with an Article so necessary for their wants, and for which they are so greatly distressed, may in a great measure be prevented.

[The order to the Admiralty mentions that two vessels are to be stationed at the islands.] [pp. 423-6, 428-31.]

16 Mar.  
Tobago.

[393.] [An additional instruction (C.R.) authorising George Ferguson, Lieut.-Governor of Tobago, to assent to an act or acts for settling an additional salary on him during the time he shall be commander-in-chief, is approved, on the Committee report of 8 March, on a reference of 23 Feb.]

[pp. 150, 189, 207.]

16 Mar.  
Nova  
Scotia.

[394.] [Reference to the Admiralty of the memorial of Joseph Frederick Walleth Des Barres for compensation for his losses and services in taking surveys and soundings of the coasts and harbours of Nova Scotia by direction of the Admiralty.] [p. 211.]

3 Aug.

[The Admiralty report was referred to the Committee, and by them on 21 Dec. back to the Admiralty to reconsider it, and report whether the observations and explanations submitted by the memorialist to the Committee do not contain grounds for the Admiralty to alter their opinion in respect to the compensation to be made.] [p. 470 ; XX. p. 100.]

(1783.)

28 Nov.

[On the Committee report of 25 Nov., Desbarres is allowed 592*l.* 19*s.* still due to him for instruments &c. (which he is to return to the Admiralty) ; 1,916*l.* 5*s.* for assistants, pilots &c. ; 306*l.* 13*s.* 8*d.* for an instrument maker from May 1766, to Dec. 1773 ; 500*l.* for house rent, fuel &c. ; 600*l.* for making good provisions lost, damaged or stolen (on producing vouchers where possible, or otherwise verifying his purchases by oath) ;— in all 3,915*l.* 17*s.* 8*d.* The Committee also submitted the

§ 394 *cont.*]

1781.

recommendation of the Admiralty that some mark of his Majesty's favour be further bestowed on Desbarres, who represented that for similar services surveyors had been paid sums of money far beyond any claim made by him.]

[XXI. *pp.* 563-6, 573.]

[395.] [Reference to the Committee of the petition of Joseph Holt, merchant of London, for a day for hearing his appeal from the condemnation of the ship *Jason*, Timothy Williamson master, in the Vice Admiralty Court in Antigua, 29 Aug., 1780, in favour of George Savage and others.] [*p.* 211.]

16 Mar.  
Antigua.

[On the Committee report of 19 July, the condemnation of the ship is affirmed, but the award of the costs of the prosecution to the informer is reversed without prejudice to the question whether the informer be entitled to costs under the security given upon the admission of the claim. Names in the report are Robert Parry, H.M. agent for transports, Lieut.-General Vaughan (at St. Lucia), William Walker (commissary in Antigua), Stewart Rose, comptroller, and Richard Joseph, a deputy searcher, at St. Johns, and Edward Byam, the Vice Admiralty judge.] [XX. *pp.* 216, 460-3, 467.]

(1782.)  
31 July.

[396.] [Order for restoring four assistant judges of the Supreme Court of Jamaica is given in accordance with the Committee report of 23 March, agreeing with a Board of Trade representation of 9 March, referred to them on 16 March.

23 Mar.  
Jamaica.

On considering the petition of the judges, James Trower, Lewis Burwell Martin, John Grant and William Elphinstone,] Stating That on the tenth day of June last they had been degraded by John Dalling Esquire Your Majestys Governor pending the Proceedings in a certain Matter upon which they had given their opinion . . together with the proceedings of the supreme Court relative to Mr. Harrison ; [the Board of Trade represented] That the Petitioners, Exclusive of a Memorial Explanatory of a Petition to Your Majesty . . have laid before us the Proceedings in the said Supreme Court and other Documents to which the said Petition and Memorial refer

1781. § 396 *cont.*]

authenticated under the Great Seal of the Island of Jamaica and that Governor Dalling has on his part transmitted the Proceedings of the House of Assembly of the said Island upon an Enquiry made into the Conduct of the Petitioners and into the Cause of their being displaced, together with some other Papers, his observations thereupon and some Reasoning upon the whole of the Transaction tending to his Justification and that the Correspondence of the Lords Commissioners of the Admiralty with Governor Dalling has been transmitted to us, together with some Information from Your Majestys Secretary of State for the American Department.—Upon a view of these Papers, being apprized that Your Majesty has granted Governor Dalling leave of Absence from his Government and that his Arrival here may be soon expected ; And as We do not find that he has Authorized any Person to appear, or to apply for the admission of Council in his behalf, We must defer Complying with the prayer of the Memorialists to be heard by their Counsel [about the Governor's conduct,] which we are concerned to find has given occasion to a variety of Contention and altercation and disturbed the Peace and Harmony of your Majesty's Subjects in the Island of Jamaica. It nevertheless becomes Our Duty humbly to observe to Your Majesty that a due impartial and uninfluenced administration of Justice in your Majesty's Colonies is a Matter in which the lives and Properties of your Majestys Subjects are most materially interested and that the interference of a Governor in any Proceedings in a Court of Judicature which do not come in due course and officially before him and more especially pending the Cause, is highly improper and ever to be discouraged ; That the Characters, Integrity and Conduct in office (Except in this Instance) of the displaced Judges are fully admitted by Governor Dalling as standing unimpeached ; And that the Reasons adduced by him in justification of the Steps he has taken (the objection to which seems in a great Measure to be aggravated by the dismissal taking place while three out of four of the Petitioners were actually sitting

§ 396 *cont.*]

1781.

in Judgment) do not appear by any means sufficient, and more especially as it was partly founded upon a presupposition of what might be in future their opinion upon the matter before them—It may not be improper for us to add here, that Governor Dalling omitted at the time to transmit his Reasons for displacing the Petitioners, altho' by his Instructions he is pointedly directed so to do, in every instance where he might think it necessary to exert the Powers intrusted to him by your Majesty. Upon the whole it clearly appears, that had Governor Dalling thought proper to reinstate Mr. Harrison in the office of Advocate General in the Court of Vice Admiralty agreeable to the directions of the Lords Commissioners of the Admiralty, whose Authority over the Courts under their own regulation; he appears to have denied the whole of the subsequent disagreement and the Complaints now before us could not have existed; Therefore in order that Justice may be done to the Character and Integrity of the Petitioners and that the minds of your Majestys Subjects in the Island of Jamaica may be quieted, that the good of your Majestys Service may no longer be impeded, and that Harmony and Confidence may be restored; We [submit that the four assistant judges be reinstated]. [pp. 209, 224, 233.]

[Governor Dalling, from a misconception of the signification of his Majesty's pleasure by Lord George Germain requiring him to come over to Great Britain, having delayed to comply therewith, he is peremptorily ordered to repair to Great Britain forthwith, delivering the public seal, his commission, instructions and additional instructions to the Lieut.-Governor, Brigadier-General Archibald Campbell, who is to exercise the government and command the forces.]

4 Dec.

[XX. p. 70.]

[A Jamaica act of Jan. 1781,—to make the places of the Judges of the Supreme Court of Judicature and Justices of Assize in this island more permanent and respectable—is confirmed, and an additional instruction for the Governor ordered to be prepared, in accordance with a Committee

(1782.)

2 Jan.

1781. § 396 *cont.*]

report of the same date on a Board of Trade representation, referred to them on 26 Dec., vizt.:—]

That the said Act by it's provisions, not corresponding with the Regulations contained in your Majesty's fifty second Instruction to your Governor of the said Island, were we to confine ourselves to that Circumstance alone, we should not hesitate to propose to Your Majesty, that your Royal disallowance of this Act should be immediately signified; But altho' Governor Dalling has not thought proper to transmit to us his Motives for assenting to an Act of this Extraordinary Nature, without a suspending Clause; as it appears to us, that your Majesty's Subjects in Jamaica have, from a very recent Transaction in that Island, and which gave rise to the Act now before us, well founded reasons for wishing to prevent if possible, any future abuse of the power delegated by Your Majesty in the above mentioned Instruction to Your Governor; and that they have in the said Act made a very just and proper Distinction between the Situation of the Judges in this Kingdom, and what from local Circumstances ought to be that of the Judges in Jamaica: We humbly conceive that the objection to the Act on the single Ground we have mentioned, should not prevent your Majesty's gracious Compliance with what appears to us to be the general Wish of Your Majesty's Subjects in that Island.

The too frequent displacing of Judges in your Majesty's Colonies, upon light and ill founded Occasions, certainly calls for some effectual Check and Restraint, Exclusive of the late Examples in the provinces of East Florida and Quebec, which we might adduce in support of this opinion . . And in Justice of the House of Assembly, we must state to your Majesty, that it appears from their Minutes, that the said Act did not proceed from a Desire of Innovation, but was grounded upon a very minute and solemn Examination into the State of Facts; and the Conduct of Governor Dalling in displacing four Judges of the Supreme Court . . to prevent such an improper Use of Authority, appears to be the Chief object of

§ 396 *cont.*]

1781:

the Act, as it reserves the power of displacing to your Majesty's Pleasure; And provides, that a power of suspension, upon just and necessary Occasions, should still be in Your Majesty's Governor, with the Consent of a certain Number of Your Majesty's Council,—This Regulation we must acknowledge, seems to us very unexceptionable; and by no means contrary to policy. [The act should therefore be confirmed, the 52nd article of the Governor's instructions repealed, and a new instruction substituted in accordance with the act. On a Board of Trade representation of 8 Jan., the instruction was approved on 9 Jan.—P.R. and C.R.]

[XX. *pp.* 103, 109–11, 112, 127.]

[397.] [Reference to the Committee of a Board of Trade representation for confirmation of a Nova Scotia act of Nov. 1780, for raising 1,500*l.* by a lottery for building a public school; for disallowing an act of the same date limiting the duration of General Assemblies; and for an instruction to the Lieut.-Governor to dissolve the Assembly and issue writs for calling another.] [p. 235.]

23 Mar.  
Nova  
Scotia.

[On the Committee report of 28 April, orders are given as proposed in the representation. The Committee had directed preparation of the instruction on 3 April.]

2 May.

The representation showed that the acts had suspending clauses, and that, notwithstanding the instruction not to assent to lottery acts, such had been allowed to operate when for the general benefit of the community, as in this case.

The regulation of the Assembly is also contrary to instructions, and the act must be disallowed: but as the present Assembly has been sitting over ten years, it is submitted] whether in case it shall appear necessary and expedient, and an apparent Ease to the Members, Your Majesty's Lieutenant Governor may not be directed to dissolve the present Assembly, and issue Writs for the calling another, observing at the same Time, that the Good of Your Majesty's Service in the Consequences, that may arise from this Step must be the ruling Guide of his Conduct therein. [pp. 245, 294–6, 306–8.]

506. ACTS OF THE PRIVY COUNCIL (COLONIAL).

1781. § 397 *cont.*
- (1783.) [An instruction to Governor Parr to dissolve the Assembly  
16 May. and call another as soon as he shall judge convenient, is approved (C.R.), on a Committee report of 15 May on a letter from Lord North referred to them on 14 May, suggesting that the previous instruction had not got to hand.]  
[XXI. *pp.* 260, 263, 270.]
- 6 April. [398.] [Reference to the Committee, and by them on  
Tobago. 28 April to the Board of Trade, of the petition of Anthony Brown and Anthony Richardson, for a communication to them of the reasons why Lieut.-Governor Ferguson on 3 Nov. 1780, suspended Gilbert and Peter Franklyn from the council.] [*pp.* 256, 296.]
- 30 May. [Order in accordance with the Committee report of 30 May, that the reasons be not communicated nor the suspension removed. The Lieut.-Governor has a right to suspend members without advising with the Council, and giving his reasons only to his Majesty through the Secretary of State.]  
[*pp.* 373-4, 377.]
- 6 April. [399.] [Reference to the Committee of the appeal of  
Nova Scotia. William Lovegrove from a judgment of the Supreme Court of Nova Scotia, 7 Feb. 1780, overruling his exceptions to the award of arbiters in his action of trespass against Jonathan Binney and Thomas Peart.] [*p.* 257.]
- (1783.) [On the Committee report of 25 April, the appeal is  
30 April. dismissed with 100*l.* *stg.* costs or to the full amount of the recognisance, if under 100*l.* Governors Wilmot and Legge, and Byran Finucanè, the Chief Justice, are named in the report. The appeal was heard *ex parte*, no one appearing for the appellant.]  
[XX. *pp.* 59, 325, 449; XXI. *pp.* 223-5, 252.]
- 11 April. [400.] [Reference to the Committee of (a) a memorial of  
St. Eustatius. the Merchant Adventurers of Bristol, and (b) a petition of the West India planters and merchants, praying directions for the security of private property seized at the surrender of St. Eustatius and St. Martin.] [*p.* 259.]



ACTS OF THE PRIVY COUNCIL (COLONIAL). 507

§ 400 *cont.*]

1781.

[Similar reference of a like petition from the Mayor, Bailiffs and Burgesses of Liverpool.] 27 April. [p. 285.]

[Letters to the Admiralty and to the Secretary of State's office for copies of official letters and papers relative to the seizure of property.] 28 April. [pp. 298-9.]

[Order approving the Committee report of 30 May] that the said Petitions are of an unusual nature inasmuch as it is not alledged that the Petitioners are Personally or immediately interested and being of opinion that all the Directions at Present necessary and Expedient to be given are contained in the Instructions sent by your Majestys Command to the said Commanders in Chief, Their Lordships cannot advise Your Majesty to interpose further therein. 30 May. [pp. 372, 376.]

[401.] [Reference to the Committee of a Board of Trade representation on two Quebec ordinances of March and April, 1780, (a) to prohibit for a limited Time, the exportation of Wheat, Pease, Oats, Biscuit, Flour or Meal of any kind; also of Horned Cattle; and thereby to reduce the present High price of Wheat and Flour; and (b) describing the persons, who shall be deemed Forestallers Regraters and Ingrossers in this province, and Inflicting punishments upon those, who shall be guilty of such Offences. 27 April. Quebec. [p. 282.]

[The Committee refer the report on (b) back to the Board of Trade to reconsider and report how far the general principle adopted by the ordinance is applicable to the province of Quebec in its present circumstances.] 28 April. [p. 296.]

[On the Committee report of 17 May, (a) is confirmed and (b) disallowed. The Board of Trade represented] 18 May. That upon an apparent Intention in some ill disposed Persons to engross Provisions, and particularly the Articles of Wheat, and Flour in Your Majesty's said province; The Governor and Legislative Council, in order to prevent the bad consequences apprehended from such a blameable Combination thought it necessary to pass the two Ordinances above mentioned; the first seems to us well calculated for that purpose, as tending by it's provisions to the certain

1781. § 401 *cont.*]

Reduction of the Prices of the Articles, the Exportation of which was thereby prohibited; at the same Time that a very proper exception was made, as to any of the enumerated Articles, which might be Actually necessary for your Majesty's Service, and the public good in any other part of Your Majesty's Dominions . . .

[As to (b)]—by an Act of Parliament passed in the twelfth Year of Your Majesty's Reign it was thought expedient to repeal several Statutes, then in Force, for the Punishment of Forestallers, Regrators, and Ingrossers; Because the Restraints laid by these Statutes upon the dealing in provisions, by preventing a free Trade therein had a tendency to discourage the Growth, and enhance the price of the same. This position appears to us equally applicable to your Majesty's province of Quebec; and as we think the prohibition to export may of itself defeat the evil Intentions of those, who proposed to Ingross provisions in that province, there seems the less necessity for exacting the Ordinance in Question, more especially as any Person Forestalling, or ingrossing for improper or illegal purposes, might, we conceive, be punished by the Common Law.

[The Board of Trade in their second report repeated their opinion, after considering] the State of the province of Quebec when in the Hands of France and it's Situation in point of Commerce and Cultivation the particular Transaction which gave rise to the Ordinance in Question, and . . . the General principle of the said Ordinance. [pp. 336–9, 344–5.]

- 27 April. [402.] [Reference to the Committee of the petition of  
Barbados. Samuel Estwick, agent for Barbados, about certain complaints against Governor Cunninghame, praying to be heard in the meantime about certain fees and that the exaction of these be forbidden by his Majesty.] [p. 283.]
- 28 April. [Committee minute, declining to consider any part of the charge until the Governor has returned his answer to the Board of Trade.] [p. 299.]
- 5 Sept. [Reference to the Committee of Estwick's petition for

§ 402 *cont.*]

.1781.

Cunninghame's removal, containing further matters of complaint.] [p. 513.]

[Reference to the Committee of Estwick's petition presenting to his Majesty by order of the Commons House of Assembly in Barbados a petition to the Assembly from the inhabitants of St. James parish, stating that Governor Cunninghame,] with the Sanction of the Council, continues to levy and exact from the people large Sums of Money, under the Title of Fees, contrary to all Law, Usage and precedent, encumbering thereby all public Business, impeding the free Course of Justice, and subverting the principles of that Constitution, the Birthright of the Natives of Barbados, in Common with the Inhabitants of England, by taxing the people, without their Representatives; And humbly praying His Majesty to signify His Royal Disapprobation of the Conduct of those Members of the Council, who voted for the Establishment of the Fees, so as in Time to come to deter the Members of that Board from prostituting the Honor of their High Station, by obsequious Compliances with the arbitrary and avaricious Inclinations of any future Governor. [XX. p. 36.]

9 Nov.

[A Barbados act of 21 Jan. 1783,—declaring the right of establishing fees to be only in the three branches of the legislature in their collective body, and for the better support of his Excellency and the dignity of the government of this island—is disallowed, on the Committee report of 24 June on a letter from Lord North referred to them on 28 May. James Mansfield, K.C., found no objection in point of law, but Lord North observed that by the 8th article of the Governor's instructions] he is directed not to assent to any Law containing Clauses relating to matters which have no connexion with each other, which are foreign to what the Title imports; or where a perpetual Clause is made a part of a Temporary Law, and that in all those particulars the Act is highly exceptionable; The two purposes proposed and declared by the Act are widely different in themselves and have no Connection with each other; the Declaration that the Conduct of the late Governor

(1783.)  
25 June.

1781. § 402 *cont.*]

Major General Cunninghame, in establishing certain Fees of his own Authority, without the Concurrence of the General Assembly, was contrary to the Laws and Statutes of the Island, and the right and property of the Subject, and annulling and making void his proceedings therein, is not alluded to in the title, and the Clause declaring the Right of Establishing Fees to be only in the three Branches of the Legislature collectively, is to operate as a perpetual declaratory Law ; Whereas the other part of the Act, establishing a Salary for the Governor, and making provision for raising and paying it during the time of his Government, is in it's nature temporary.

. . the bringing forward an Act of this extraordinary Nature, and that in the very exceptionable form of a Tack or Rider to that for establishing a Salary for the Governor, and which has certainly the appearance of an intention to compel an assent, is the more extraordinary, as altho' the Assembly of Barbado's had preferred a Complaint against the late Governor for establishing those Fees, which by this Act they reprobate and Condemn, which Complaint was by His Majesty's Commands laid before the late Board of Trade for their Consideration and Opinion, the Agent did not chuse that a final determination upon the legality of the Fees complained of should be had, and therefore from the undecided State of that Question, The Assembly could not reasonably expect that His Majesty would confirm this Act which would in effect be confirming the accusation and Condemnation of Governor Cunninghame who never had the advantage of his Conduct's undergoing a regular Examination, or having a decided opinion formed upon it by that Board to whom His Majesty had been pleased to referr it ; I must add for Your Lordships further Information, that His Majesty without deciding upon the legality of the Fees established by the late Governor, and being desirous that no future doubts or discussion upon that head should arise, was by an Instruction to Governor Parry, graciously pleased to direct, that he should propose to the

Assembly at their first meeting, the framing a Bill for the full and Permanent Regulation and Establishment of such Fees as might be deemed Just and Equitable, in respect to the Publick Officers, and as little burdensome as possible to His good Subjects in Barbado's, and that a Draft of such Bill when prepared should be transmitted for his pleasure thereupon.

[XXI. *pp.* 290, 307-9, 311.]

[403.] [Reference to the Committee of the petition of Conrad Gagy of Machiche, for a day for hearing his appeal from a judgment of the Governor and Council of Quebec, 13 June 1780, affirming a judgment of the Court of Common Pleas, 20 Oct. 1779, dismissing his action against Francois le Maitre Duême of the River du Loup, for obstructing the navigation of the great river Machiche by erecting a mill dam in the bed thereof. 27 April. Quebec.]

Similar reference on 18 May, of the appeal of the Ursuline Nuns at Three Rivers from a decree of the Governor and Council, 5 June 1780, reversing a judgment of the Court of Common Pleas in 1779, condemning Duême, as assignee of Francois Guillet La Rose, to give up certain mills in the Seigneurie of the River du Loup on Lake St. Pierre, belonging to the appellants and leased by them to La Rose in 1770.]

[*pp.* 285, 351, 371.]

[Committee orders for hearing the appeals on 4 Nov.] (1783.)

[XXI. *p.* 355.] 23 July.

[404.] [Two Quebec ordinances of 9 March 1780, (*a*) for regulating all such persons as keep horses and carriages to let and hire for the accommodation of travellers commonly called and known by the name of *maîtres de poste*, and (*b*) for the regulation and establishment of fees, are confirmed, on the Committee report of 28 April, agreeing with a Board of Trade representation of 10 April, referred to them on 27 April. 2 May. Quebec.] The first is of great local conveniency and meets with the approbation of the people of Quebec. The second is particularly important to suitors in the courts of justice, who

512. ACTS OF THE PRIVY COUNCIL (COLONIAL).

1781. § 404 *cont.*  
 have been aggrieved by excessive fees and charges: this measure, although experience of it during the two years it has to run may induce some alteration in it, puts the fees on such a footing as to remedy, at least in some degree, the evil complained of.] [pp. 282, 292, 308.]
- 2 June. [405.] [A letter to the Attorney General reminding him  
 Plantations. to prepare the draft of an Order in Council for discharging a person out of prison under the Act for suspending the Habeas Corpus Act.] [p. 381.]
- 12 June. [Order to the Governor of Tothill Fields Bridewell for the discharge of John Trumbull on taking security for his appearance. The charge was that of high treason committed in the American colonies.] [p. 394.]
- 29 Dec. [Similar orders (1) to the Lieutenant of the Tower of London for Henry Laurens, (2) on 28 Feb. 1782, to the Master of the King's Bench prison for Isaac Gouverneur, and to Edward Mann, one of H.M. messengers, for Samuel Curson, all accused of treason in Pennsylvania.] [XX. pp. 106, 194-5.]  
 [Orders in cases of treason at sea or piracy in which the colonies are not definitely named are made for discharging William Pritchard from gaol at Haverfordwest; for trying at the Old Bailey on 31 Oct. 1781, Luke Ryan, Thomas Coppinger, James Sweetman, Matthew Knight, William Paine, and William Strange; for trying at the Old Bailey on 30 March 1782, Luke Ryan, Thomas Coppinger, Edward Maccatter, Edward Duffey, and Nicholas Field, and also John Smith, Thomas Kelly, John Howe, *alias* Evans, Thomas Farrell, *alias* Miller, George Perry, John Redding, *alias* Reardon, Henry Nelson, Daniel Casey, Michael Hackett, John Roseland, Dennis Kelly and William Milsom; and for trying at the Old Bailey on 30 Oct. 1782, John Bolland, John Bannister and Joseph Evans.]  
 [pp. 481, 489; XX. pp. 25-6, 256-9; XXI. pp. 37-9.]
- 8 June. [406.] [Reference to the Committee of the memorial of  
 Guiana. Sir Patrick Craufurd, Conservator of Scotch privileges in the

§ 406 *cont.*]

1781.

Netherlands, praying on behalf of the Zeeland merchants interested in Essequibo and Demerara, that certain vessels which were in these rivers at the time of the surrender and also those taken out by the privateers and since retained by Admiral Rodney, may have the benefit of the terms of capitulation and be allowed to proceed to Zeeland.] [p. 386.]

[Committee minute.] . . the Petitioner called in and acquainted, that it is impossible for their Lordships to recommend it to His Majesty to make any distinction between the province of Zeeland and the other provinces of the United Netherlands But that a Bill would be brought into Parliament for permitting Sugars the produce of the said Settlements to be imported. 12 June. [p. 394.]

[Reference to the Committee of two representations presented by Mr. Cornelis Vander Oudermeulen on behalf of the people of Holland, for confirmation of the capitulation granted by Admiral Rodney and General Vaughan on 12 March 1781.] 3 Aug. [p. 470.]

[On the Committee report of 4 Aug., an Order in Council is issued confirming the capitulation, and an additional instruction (P.R.) is approved for commanders at sea not to molest British ships carrying the produce of Demarara, Essequibo or Berbice to any part of the British dominions to which British ships may lawfully trade. The taxes collected by the Dutch government are to continue to be collected, and no others, until further orders. A note enclosing the drafts of Order and instruction is signed by William Wynne, J. Mansfield, Geo. Harris.] 10 Aug. [pp. 474, 483-6.]

[407.] [On a Board of Trade representation of 20 Feb., a new seal for Grenada, the Grenadines and Tobago was ordered on 16 March, the former seal having been taken by the enemy. To prevent any improper use of the former seal, the new seal is to be smaller, the device larger, and the inscription round instead of under the device. The draft was approved on 6 April, and the seal itself on 27 June.] 27 June. Seals.

[pp. 209, 255, 423.]

1781. § 407 *cont.*]

(1783.) [A new seal for Dominica is approved. A letter from  
21 Nov. Lord North, proposing devices for new seals for Grenada,  
Dominica and St. Vincent to replace others which had fallen  
into the hands of the enemy, had been referred to the  
Committee on 17 Sept., and approved by them on 18 Sept.]

[XXI. *pp.* 474, 484, 560.]

29 June. [408.] [On a Committee report of 28 June, agreeing with  
Prince Ed- a Board of Trade representation referred to them on 27 June,  
ward Island. two Prince Edward Island acts of 1779 and 1780 (*a*) for  
ascertaining the privileges of the members of the General  
Assembly and their servants, and the mode of general and  
partial elections; and (*b*) directing the proceedings against  
forcible entry, are disallowed.

(*a*) is contrary to instructions; and though the Assembly  
may regulate elections, a draft of the proposed act should  
first have been submitted to his Majesty. The act was  
assented to by the Lieut.-Governor in the Governor's absence.

Against (*b*) it was objected], 1st. It declares the with-  
holding by force, after Possession is demanded an Offence  
however lawful the possession may be, or however lawfully  
obtained—2ndly. It may be implied by the last Clause, that  
a Possession of less than two Years is not within the protection  
of the Act, and that, be the length of possession what it will,  
a forcible Entry may be justified by a good Title.

[*pp.* 422, 426, 431.]

5 Sept. [409.] [Order for preventing the brig *Haskett and John*  
America. taken by the *Enterprise* privateer and sold in London, from  
clearing out or proceeding to sea, as there is probable suspicion  
that it is intended for Ostend and from thence to a northern  
port in America or to be employed as a vessel of force in the  
service of the enemy.]

[*p.* 510.]

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GEORGE III. VOL. XX. (Oct. 1781—Sept. 1782.)

1781.  
9 Nov. [410.] [Reference to the Committee of an address from  
Jamaica. the Assembly of Jamaica] Stating the great Expences the



§ 410 *cont.*]

1781-2.

Island has been at in the Course of the present War, and that the Efforts of His Majesty's faithful people have far exceeded their Abilities, whereby their Fortunes are impaired, the Revenues anticipated, and by the pressure of accumulated Debts, they have been drained of the Specie necessary for the purposes of Commerce;—That while under these Difficulties they were visited with a most severe Calamity; And stating that the British House of Commons, while they voted a relief to the Distresses of Individuals, have drawn from them by an excessive Tax on their Staple, a Revenue equal to the Interest of Six Millions Sterling, raised and funded on their Credit;—which additional Burthen, they despair of supporting; [and praying relief therefrom]. [p. 35.]

[411.] [Reference to the Committee of the petition of George Pinnock and Grace his wife for a day for hearing their appeal from a decree of the Court of Appeals of Jamaica, 2 Jan. 1781, reversing a judgment of the Supreme Court on their action of replevin against Mary Dickson, an infant, touching the caption, detention and value of certain negro and other slaves.] [pp. 37, 68.]

9 Nov.  
Jamaica.

[412.] [Reference to the Committee of the petition of Thomas Harrison, Attorney General of Jamaica, for a day for hearing his appeal from a Chancery order of 14 Nov. 1781, dismissing his bill against James Elford for an account of his transactions &c. as deputy collector for the port of Kingston.] [p. 46.]

16 Nov.  
Jamaica.

[On the Committee report of 11 July, the order is reversed. Others named in the report are Robert Sewell, now Attorney General of Jamaica, Sir Basil Keith, Thomas Davison, Richard Smith and John Ridgely.] [pp. 68, 443-6, 466.]

(1782.)  
31 July.

[413.] [Reference to the Committee of the petition of Charles Abraham Du Pasquier, native of Neufchatel, in Switzerland, and late planter in the Dutch colonies of Demerara and Essequibo, that the Council may hear an appeal which he had entered from a sentence of the Court of Justice at

1782.  
2 Jan.  
Guiana.

516 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1782. § 413 *cont.*]

Essequibo, 15-6 July, 1778 (before the capture by the English) in a case between him and Jean Cornelis Vanden Fleuvel (? Heuvel), touching sundry bills of exchange.] [*p.* 115.]

1 Feb. [On the Committee report of 22 Jan., the appeal is admitted, a summons issued to the respondent, and the attachment on his estates continued till further order. The Secretary, Peter Bont Wouters, is named in the report.]

[*pp.* 139-41, 149-50.]

4 Jan. [414.] [Reference to the Committee of the petition of  
Jamaica. William Jackson and Joan his wife, the widow of Thomas Harper, for a day for hearing their appeal from an order of the Chancellor of Jamaica, 5 Jan. 1781, overruling their plea to a bill filed by the Hon. James Wildman and Johanna his wife, Harper's only child.] [*pp.* 121, 135, 362.]

31 July. [On the Committee report of 11 July, when all parties were heard, the appeal is dismissed with 20*l.* *stg.* costs.]

[*pp.* 439-43, 465.]

11 Jan. [415.] [A proclamation declaring how the First Captain of  
Prize the Fleet and the Physician to the Fleet shall share in prizes, Money. is based on reports on separate petitions on behalf of Sir Charles Douglas, Bart., serving under Sir G. Rodney, and Gilbert Blane, M.D., serving with the fleet and in the hospitals at Barbados and the Leeward Islands.]

[*pp.* 92, 95, 99-100, 120-1, 130-2.]

15 Feb. [416.] [Reference to the Committee, and by them on  
Carthageria. 28 Feb. to the Treasury, of the petition of John Sherratt, showing that he was appointed consul at Carthageria in July, 1775, and besides great but necessary expenses suffered much from unjust imprisonment by the Governor for a pretended breach of the civil power of Spain, and praying compensation for his long sufferings, disbursements and losses.] [*pp.* 172, 193.]

15 Feb. [417.] [Reference to the Committee of the petition of John  
Antigua. Otto Bayer, late of Antigua but now of Ham in Surrey, for

§ 417 *cont.*]

1782.

a day for hearing his appeal from a judgment of the Antigua Court of Errors, 19 April, 1781, affirming a judgment of the Court of Common Pleas, 29 July, 1780, in favour of Rowland Otto Bayer in disputes about the estate of Edward Otto Bayer.]

[*pp.* 173, 319.]

[On the Committee report of 25 April, the judgment is affirmed with 100*l.* *stg.* costs. Thomas Jarvis, the Chief Justice, Edward Byam, the President of the Court of Errors, and Mr. Justice Gray, are the only other names in the report.] (1783.) 30 April.

[XXI. *pp.* 230–3, 250.]

[418.] [Letter to the Treasury to stop the prosecution of James Bloy and Robert Kaye, who exported goods to the Mosquito Coast but could not get a certificate as there was no Superintendent there.] 19 Feb. Plantation Trade. [*p.* 177.]

[419.] [Order in accordance with a Committee report of 28 Feb., agreeing with the following Board of Trade representation referred to them on 25 Feb.:—On considering a memorial of the Nova Scotia Assembly] Stating their reasons for not passing a Bill brought into that House for the purpose of Exempting Rum and Molasses imported into the Province for the Use of Your Majesty's Troops therein, from the payment of Duties; And humbly praying, that your Majesty would be graciously pleased to acquiesce in the Motives, upon which they grounded their rejection of the said Bill. 4 Mar. Nova Scotia.

Which Bill we have also had under Our Consideration and . . some necessary Information from Sir Richard Hughes the late Lieutenant Governor and others . . We . . represent . .

That altho' the Loyalty of your Majesty's Subjects in Nova Scotia, and their well known Zeal for Your Majesty's Service, exclusive of the very dutiful and proper Terms of the Address before Us: would be sufficient Motives for Us to pay the utmost Attention to the general Interest of the province: Yet, in the present Instance, we cannot recommend to Your Majesty a Compliance with their Wishes; And it

1782. § 419 *cont.*]

becomes our Duty to represent, That previous to our forming an Opinion upon this Subject on a former Occasion, it was Communicated to us by the Lords Commissioners of Your Majesty's Treasury, That all Wines, Rum, Brandy, and other Supplies, furnished in Great Britain and Ireland for the Use of your Majesty's Fleets and Armies, are free and exempted from all Duties, being for the public Service ;—Upon this principle, and as it appears, that certain daily allowances of Rum and Molasses are issued to Your Majesty's Troops in Nova Scotia, We conceive those Articles so issued, ought to be exempted from the Duties imposed by the several Acts in force in that province ; And from the Circumstances that attended the Rejection of the Bill now before us, which was carried by one voice only ; and the readiness expressed by the Assembly to acquiesce in whatever may be the ultimate Determination of your Majesty :—We are founded in the Belief, that the Equity and propriety of the Measure thereby proposed, is generally felt and acknowledged ; At the same Time, it is certainly proper, that every possible precaution should be taken to prevent the province suffering any further Defalcation in it's Revenue, by any Frauds or Malpractice of the Parties concerned in the Importation, or having the Charge of the Articles proposed to be Exempted from the payment of Duties ; The Assembly seem to think the provisions of the Bill in question would in a great degree effect this ; We therefore most humbly propose to Your Majesty, that the Lieutenant Governor may be directed again to recommend to the Assembly, to bring forward the Bill, which they have rejected :—Unless an Expedient, which has occurred to us may appear to them more simple, and that being passed into a Law, it would prove equally effectual to prevent the Frauds apprehended ; That is, that the Deputy Commissary General should enter into Bond for the payment of Duties upon such Rum and Molasses as may be Imported for the actual Use, and to be issued to your Majesty's Troops ; and that upon his making a Return, quarterly, Monthly, or oftner, of the quantities actually issued

§ 419 *cont.*]

1782.

by him or his Deputies, the said Return to be satisfactorily authenticated and proved : The Duties upon the quantities so issued, shall be written off the said Bond in discharge thereof, together with a proper and sufficient ascertained Allowance for Waste and Leakage.—With respect to the Sums that have already been claimed from, and paid or secured by the Deputy Commissary for Duties : We should conceive it necessary, that they should be repaid, or the Bonds entred into by the said Deputy Commissary delivered up ; But in case the Rum and Molasses issued to your Majesty's Troops, and for which the said Duties were paid or secured, have been charged and paid for, at a price in which those Duties were included ;—We submit to Your Majesty, Whether in Consideration of the heavy Expences incurred by Your Majesty's Subjects in Nova Scotia, and of the Considerable Debt, which remains to be Discharged by the Duty Revenue, the Exemption should not be Declared to take place from the Passing of the Act only. [pp. 187, 191–3, 199.]

[420.] [Reference to the Committee of the petition of Andrew Miller of Charleston, South Carolina, for leave to appeal from a decree of the Board of Police, 2 April, 1781, confirming an award of William Smith, William Snodgrass and John Deas on a reference to them by the Board of Police on considering a complaint of William Hodgward that the petitioner had found their brig the *Little William* casually lost by them, and refused to deliver it. On 12 March the Committee postponed consideration till their next meeting.] [pp. 223–4.]

11 Mar.  
South  
Carolina.

[421.] [Reference to the Committee of a Board of Trade representation of 12 April on a complaint of the Council and Assembly of Nevis, praying the dismissal of James Dasent, the Chief Justice, and of the Solicitor General. Two assistant judges were also complained of, but one is dead and the other has resigned.] [p. 304.]

24 April.  
Nevis.

[422.] [Reference to the Committee of a Board of Trade representation of 12 April on two bills included in one, passed

24 April.  
Virgin  
Islands.

1782. § 422 *cont.*]

in the Virgin Islands—] for confirming Titles to Lands in the said Islands, and for quieting the Inhabitants and others in their possessions thereof,—And also for confirming the Proceedings of the Lieutenant Governors and Councils and the Presidents and Councils of the Virgin Islands as a Court of Law before the Establishment of the Legislature in [1774] and for removing all Doubts touching the Authority of the said Court, and for providing a Remedy for such, who have obtained Judgments therein and still remain unsatisfied, and for indemnifying the Judges and Officers of the said Court ; And also An Act for establishing Courts of Common Pleas, Error, Kings Bench, and Grand Sessions, and for the Compelling the Specific performance of Money Contracts, and an equitable performance of other Contracts, and for the better regulating and Settling due Methods for the Administration of Justice and limiting a Time for Executing Executions out of the Court of Chancery and other Courts in these Islands, and more effectual support of Credit. [p. 304.]

10 May. [On the Committee report of 7 May, an additional instruction ordered by them on 29 April is approved.—(C.R.) The Board of Trade had represented] That a distinct Legislature being Established in the Virgin Islands in the Year 1774, it has since that period been the uniform wish of Your Majesty's Subjects in those Islands, that Acts might be passed for quieting their possessions, and establishing Courts of Judicature ; for these purposes Bills have been at different times framed, but none hitherto which have appeared free from objection ; And altho' 'till the present Instance, the proposed Regulations were always contained in distinct Bills, it appears to us that the Inhabitants of the said Islands (from what cause we cannot conceive) entertain apprehensions that the Bill for establishing Courts of Judicature being assented to, a negative would be put upon that for Quieting possessions : this We presume was their reason for bringing forwards those Bills in their present Form, which as it is repugnant to Your Majesty's General Instructions We must submit as highly exceptionable :

At the same time the expediency and indeed necessity that the Regulations should be established in the Virgin Islands, induces us to Represent to Your Majesty, That if it shall be Your Gracious pleasure to wave in this Instance your Right to Lands settled in those Islands without a Grant, which Right will be barred by the first of those Bills, it will be highly proper that they should have operation, if made separate and distinct ; observing however, that in the sixth Clause of the first Bill the word *not* is omitted in two places, which we suppose to be an Error in the Transcriber, if not it should certainly be inserted.

[The second bill] gives a power to prosecute Civil Suits against absentees, even such as have neither House nor Agent in the Islands, and that without any exception of persons who have never resided therein, and of course is contrary to the Spirit and Letter of Your Majesty's 18th General Instruction . . it may not on this occasion be improper for us to submit to your Majesty's attention, That the Relief proposed to be given to Absentees by the Instruction last mentioned has been represented to us as inadequate to the Intended purpose, because it often happens that persons engaged in Commerce in Great Britain, and who might be materially injured by Suits of Attachment being brought against their Effects in the Colonies, have at times resided therein, and of course are not within the exception of any Acts of Attachment, even if passed agreeable to Your Majesty's said Instruction.

[It was submitted that the Governor might be instructed to inform the Council and Assembly that he had his Majesty's command to assent to the bills if presented to him separately and free from the objections stated.] [*pp.* 311, 327-9, 335-6.]

[423.] [Reference to the Committee of the petition of Elizabeth Edlyne, widow, for a day for hearing her appeal from an order of the Chancellor of Jamaica, 12 Jan. 1781, overruling her exceptions to a report by Samuel Howell, master in Chancery, in pursuance of a decree of 19 Aug. 1779, in a case

26 June.  
Jamaica.

522 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1782. § 423 *cont.*]

concerning a mortgage on Hampton Court plantation brought by Robert Bontine against the petitioner and Waldron Fearon and Mary, his wife.] [p. 419.]

(1783.) [On the Committee report of 28 Jan., the appeal is withdrawn  
31 Jan. by consent without costs.] [XXI. pp. 148, 166.]

28 Aug. [424.] [In accordance with a letter from Thomas  
Nova Scotia. Townshend, the following changes were made in the Governor's Instructions, on the appointment of John Parr (*cf.* Appendix I):—] to the 26th the following Words are now added. "In case such Court shall not have been already Settled and Established" . . In the 32d after the Word Emergencies The following Words are now added—"In case the same shall not have been regulated and established by any Act or Acts of the Legislature." The reason of this addition is to prevent any misapprehension of the Instruction, by which His Majesty's Governor may think himself with the Advice of his Council authorized to alter Fees established by Law . .

In the 34th The Words of the said offices are Expunged, and the Words "Office of Judge within our said province" Inserted as the former seemed to apply to a possibility of exercising the office of Justice of Peace by Deputy.

In the 35th The Words "or Suspend" are added, that the Governor may not suppose himself authorized on every occasion to displace, and the alteration has in several Instances been approved by His Majesty . .

To the 41st a Clause is added enforcing the observation of the Act passed in the last Sessions of Parliament respecting future patentees of offices in the plantations.

The 45th Article of the former Instructions prohibiting the Governor to Grant Lands is totally omitted, as it is presumed in the present situation of things it will be agreeable to sound policy to Strengthen the Province of Nova Scotia as much as possible by an Admission of Useful Settlers; and the usual Instructions for Granting Lands which formerly obtained in that province are inserted and form from the 45th to the 60th Article inclusive.



§ 424 *cont.*]

1782.

The 80th is the Additional Instruction of the 28th October 1773, relating to Bills passing for Naturalizing of Aliens and Divorces.

The 81st is the Additional Instruction of the 13th February 1776, relating to the prohibitory Act . .

In the 88th after the Words in our said Province, the following are inserted “ in case the same shall not have already been done ” . .

. . both in the General Instructions and those for the observance of the Laws of Trade, The Words “ the Committee of our Privy Council for Trade and Plantations ” have been uniformly substituted for “ Our Commissioners for Trade and Plantations.” [pp. 499–501.]

[425.] [In accordance with a letter from Thomas Townshend, the following changes were made in the Governor's Instructions on the appointment of David Parry (*cf.* Appendix I) :—] To the 15th the following addition has been made, “ Provided however and it is Our Will and Pleasure that if any Money Bill shall be presented to You for Your Assent the provisions of which with Respect to the Disposition of the Monies to be raised by such Bill, altho' not Conformable to this Our Instruction, shall nevertheless be agreeable to the Usual and Established Custom and Practice in Bills of a Similar Nature in Our said Island, You may give Your Assent thereunto, any thing herein contained to the Contrary Notwithstanding.”

4 Sept.  
Barbados.

The ground of this Essential Alteration is, that it has been a long Established Custom and in many Instances permitted by the Crown, that Laws in the Island of Barbado's for raising Money for particular and local purposes, have provided that the disposition of the Money so raised should be in Commissioners appointed in the Act for executing the purposes, for which such Money was raised, and who grant Certificates upon the Treasury for defraying the Expence; in other Instances the Treasurer has been directed by the Acts how to dispose of the Monies raised—The late Governor thought

1782. § 425 *cont.*]

himself, and he certainly was justified in refusing his Assent to a Levy Bill, the provisions of which were not Conformable to this Instruction, Although a Bill containing the same provisions had been Assented to by his Immediate Predecessor agreeable to former Precedents ; The Inconveniences that have Arisen, and which may Arise from a strict Adherence to this Instruction, seem therefore to require the addition proposed . .

[33 is altered as Nova Scotia 34 ; and 38 as Nova Scotia 41. In place of 36, the article about the regulation of fees described on *pp.* 510-1 is inserted.]

To the 39th the following addition has been made, “ Nor shall you in case of a Vacancy give, grant, or Dispose of any office or place within Our said Island, which by any Law thereof now in force, or by long and established Custom has hitherto been deemed to be in the appointment of, and to which any Persons have heretofore been and now are Actually appointed by the House of Assembly, or the Legislature of Our said Island.”

The former part of this Instruction confined the prohibition of appointment to Patent Offices only, by which it should seem that every other appointment is in the Governor, but should such a construction be uncontroverted, the fact is that many offices in that Island, particularly those of Treasurer and Storekeeper have been by long Custom and Usage, in the appointment of the Public, and as their Right to these Appointments in particular, has been of late unnecessarily brought in Question, It seems very proper to prevent any exertion of Authority under His Majesty's Instructions which may create dissention between the Governors and the Governed, and which in the present situation of the Islands in the West Indies may be productive of the greatest Inconvenience . . The 62d is omitted. The Extention of the Mutiny Act to the Islands makes it totally useless. In this place the 75th comes more naturally in, and it is therefore inserted as the 62d . . As a great part of the 64th Instruction had long since been complied with, it is omitted, and the

§ 425 *cont.*]

1782.

following appears to answer the purpose "You are to take care that the Duty arising from the Import of Powder on the Tonnage of Shipping be duly collected, and to transmit to Us every six Months by one of Our Principal Secretaries of State an Account of the particular Quantities of Powder collected under the Acts Imposing such Duty, and also Duplicates thereof to the Committee of Our Privy Council for Trade and Plantations, and to the Master General or Principal Officers of Our Ordnance for their Information."

[The abolition of the Board of Trade causes the same changes as in the Nova Scotia instructions.] [pp. 526-30.]

GEORGE III. VOL. XXI. (Oct. 1782—Dec. 1783.)

1782.

[426.] [Reference to the Committee of an address of the Council and Assembly of Bermuda with divers charges and complaints against Lieut.-Governor George Bruere. Similar reference on 10 Jan. 1783, of Bruere's charges against Francis Jones, the president, and other members of the Council.]

30 Oct.  
Bermuda.

[pp. 46, 126.]

[427.] [Reference to the Committee of the petition of Peter Franklyn, collector of customs in Tobago, for a day for hearing his appeal from a sentence of the Vice Admiralty Court, 13 June 1780, acquitting the ship *Alexander* and directing the marshal of the court to deliver her on payment of the proper duties to John and Alexander Campbell, as agent for Alexander Brymer of Halifax.]

30 Oct.  
Tobago.

[p. 47.]

[428.] [Reference to the Committee of the petition of Duncan Davidson, merchant, surviving partner of George Chandler, that the Council dismiss for non-prosecution the appeal of Samuel Hurlock from a decree of the Chancellor of Jamaica, 24 July 1781, in a case relating to certain mortgages. On 22 Jan. Hurlock's appeal was also referred.]

4 Dec.  
Jamaica.

[pp. 92, 144.]

526 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1782-3. § 428 *cont.*]

(1783.) [On the Committee report of 30 Oct., when all parties were  
5 Nov. heard, the appeal is dismissed with 100*l.* *stg.* costs. Edward  
Marriott, a master in Chancery, is mentioned in the report.]  
[*pp.* 535-7, 541.]

20 Dec. [429.] [Reference to the Committee of the petition of  
Jamaica. Samuel Cam, John Whitehead and Charles Phillott, bankers,  
of Bath, complaining that Rose-Herring May of Jamaica  
refuses to pay their just demands and is protected from arrest  
as a member of the Council.] [*p.* 113.]

(1783.) [On the report of 28 Jan., it is ordered that a copy  
31 Jan. of the petition be sent to the Governor, who is to deliver  
it to May, to acquaint him that if he attempts to evade the  
lawful demands of his creditors he will be removed from the  
Council, and to report the result of this proceeding. The  
bankers' late partner, Daniel Danvers, had advanced to May  
when in England in Jan. 1777, 2,200*l.* *stg.* on a note of  
hand payable four months after date. May's estates and  
goods are protected by mortgages and deeds of trust.]  
[*pp.* 145, 164.]

1783. [430.] [A Quebec ordinance of Feb. 1782, for altering,  
31 Jan. fixing and establishing the age of majority, is confirmed on  
Quebec. a Committee report of 28 Jan., agreeing with a letter from  
Thomas Townshend, referred to them on 20 Dec. William  
Selwyn, K.C., had found no objection in point of law. The  
letter stated that the age of majority in French Canada had  
been 25, and in the case of British subjects 21, but this had  
been found inconvenient, and the confirmation of a general  
rule established by law would be received by all the  
inhabitants as a gracious mark of his Majesty's paternal  
attention.] [*pp.* 112, 147, 166.]

24 Feb. [431.] [Reference to the Committee of the petition of  
Barbados. Thomas Maxwell Adams for a day for hearing his appeal from  
a decree of the Barbados Chancery, 8 Aug., 1778, dismissing  
his bill to recover certain sums from Margaret Graeme as  
executrix of Alexander Stevenson.] [*pp.* 196, 203.]

[432.] [Appearance entered for John Melvin and Meredith Wills to the appeal of Adam Lymburner from Quebec.] [p. 200.] 1783.  
3 Mar. Quebec.

[433.] [Reference to the Committee of the appeal of James, Duke of Chandos, and Anna Eliza, Duchess of Chandos, from several judgments of the Lieut.-Governor and Council of Jamaica as a Court of Appeals, 27-30 Nov. 1782, affirming judgments of the Supreme Court in Nov. 1781, in favour of Walrond Fearon and Mary his wife concerning possession of Hopes or Hope Harding's estate, lately belonging to Richard Elletson.] 5 Mar. Jamaica.  
[pp. 202, 258.]

[On the Committee report of 24 July, the judgments are reversed and the appellants are to be restored to all they have lost by means of them. Other names in the report are Elletson's wife, Susannah, his sons, Thomas Hope and Roger Hope, his daughter, Anna Petronella, and James Ord, her husband, his brother, Thomas Edlyne; Sarah Shanks, James Prevost, Marmaduke Hilton, Sir Archibald Grant, Bart., and Elizabeth his wife (formerly Elizabeth Callender, widow,) Anna Shanks or Hassall, Rev. John Venn, and David Mitchell. The Duchess of Chandos was widow of Roger Hope Elletson, and Mary Fearon the daughter of Thomas Edlyne.] 25 July.

[pp. 360-77, 386.]

434.] [Reference to the Committee of the memorial of John Ferdinand Dalziel Smith, setting forth that he] took the most early and decided part against the Rebels in America, and thereby sacrificed his Fortune by his Attachment to the British Government and Stating his several Services and sufferings during the Hostilities in America; [and praying, as compensation for his losses,] a Grant of one of the Baham Islands named Yumitta or Long Island, with all the Lesser Islands, Keys, Rocks &c. within four Leagues of the Shores contains exclusive of Rocks Sands &c. about Twenty thousand Acres of Land, capable of Cultivation. 2 April. Bahamas.  
[p. 213.]

[435.] [Under an Act of Parliament which conferred powers on the Crown for regulating trade with America, several orders May-Nov. American Trade.

1783. § 435 *cont.*]

were given for allowing trade with the United States in certain commodities on the same footing as with British colonies— (1) 14 *May*, for the import of oil or any unmanufactured goods or merchandize, the produce of the United States, arrived here since 20 Jan. 1783: the same drawbacks are allowed on re-exports to the United States as on re-exports to the colonies. (2) 6 *June*\*: Similar order for the import of pitch, tar, turpentine, indigo, masts, yards and bowsprits; and tobacco (the warehousing and payment of duties on which are regulated as below). (3) 2 *July*: Permit for trade between the United States and the West Indies in certain specified articles—as below. (4) 5 *Sept.*: The certificates of landing in the United States prescribed in the Act of Parliament for exports from Britain is declared adequate in the case of the West Indian trade also. (5) 5 and 19 *Nov.*: Provision for discharging the bonds for payment of duties on American tobacco (save the Old Subsidy) on taking it out of the warehouses for re-exportation.

[*pp.* 258–9, 263, 291–3, 313, 316, 454, 458–60, 547–8, 552, 647–8.]

29 Nov. [On an address of the House of Commons of 24 Nov., copies of these orders were sent to the Earl of Ludlow, Comptroller of the Household, to be laid before the House. A marginal note declares that the Address of the House was never transmitted to the Council Office.] [*pp.* 578–80.]

26 Dec. [The Act of Parliament on which the above orders were founded having been continued by another Act till 20 April 1784, they are collected in the following order—] That any unmanufactured Goods or Merchandizes, the Importation of which into this Kingdom is not prohibited by Law (Except Oil) and any Pitch, Tar, Turpentine, Indico, Masts, Yards and Bowsprits, being the growth or production of any of the United States of America, may (until further Order) be imported directly from thence into any of the Ports of this Kingdom, either in British or American Ships, by British

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\* This is given at the end of the Register and undated, but its identification seems certain from other references.

Subjects, or by any of the people Inhabiting in, and belonging to the said United States, or any of them, and may be entered and landed in any port in this Kingdom [upon the same terms as if from a British colony, notwithstanding the absence of the certificate heretofore required.]

And . . . that there shall be the same Drawbacks, Exemptions and Bounties on Merchandizes and Goods Exported from Great Britain [to the United States as to the British colonies in America].

And . . . That any Tobacco being the growth or production of any of the Territories of the said United States of America, may (until further Order) be Imported directly from thence, in manner abovementioned, and may be landed in this Kingdom ; And upon the Importer paying down in ready Money the Duty commonly called the Old Subsidy (Except as hereinafter excepted) such Tobacco may be Warehoused under His Majesty's Locks, upon the Importers own Bond, for payment of all the farther Duties due for such Tobacco, within the time limited by Law, according to the net weight and Quantity of such Tobacco, at the time it shall be so landed, with the same allowances for the payment of such farther Duties, and under the like Restrictions and Regulations in all other respects, not altered by this Order, as such Tobacco is and may be warehoused by Virtue of any Act or Acts of Parliament in force ; But it is His Majesty's pleasure nevertheless, that upon the Importation of any such Tobacco, into the Ports of London, Bristol, Liverpool, Cowes, Whitehaven, Greenock and Port Glasgow, or either of them, in the manner hereinbefore expressed, the Importer shall be at Liberty, until further Order, to enter into Bond for the payment as well of the Duty commonly called the Old Subsidy, as of all the farther Duties due for such Tobacco, but without any Allowance for prompt payment of the said Duty commonly called the Old Subsidy or any other of the Duties which were formerly payable in ready Money ; and that if any Tobacco which has been or shall be so Imported, during the continuance

1783. § 435 *cont.*]

of this Order . . shall be afterwards taken within the time limited, out of the Warehouses . . to be exported directly from thence, the Bonds which have been or shall be entered into for Payment of the said Duties, shall be discharged in manner directed by the several Acts of Parliament in force.

And in Order to facilitate the carrying on Trade and Commerce between the people and Territories belonging to the Crown of Great Britain in the West Indies including in that description the Bahama Islands and the Bermuda or Somers Islands, and the people and Territories belonging to the said United States of America ; His Majesty is hereby further pleased to Order, that Pitch, Tar, Turpentine Hemp and Flax, Masts, Yards and Bowsprits, Slaves, Heading, Boards, Timber Shingles, and all other Species of Lumber ; Horses, Neat Cattle, Sheep, Hogs, Poultry, and all other Species of Live Stock, and live provisions ; Peas, Beans, Potatoes, Wheat, Flour, Bread, Biscuit, Rice, Oats, Barley and all other Species of Grain, being the growth or Production of any of the said United States of America may (until further Order) be Imported by British Subjects in British built Ships Owned by His Majesty's Subjects and Navigated according to Law, from any Port of the said United States of America, to any of His Majestys West India Islands or Bahama Islands, and the Bermuda or Somers Islands, and that Rum, Sugar, Melasses, Coffee, Cocoa Nutts, Ginger and Pimento, may (until further Order) [be similarly exported from the West Indies to the United States on the same terms as to another British colony] ; and the Bonds and Securities heretofore required to be taken for such Ships carrying such Goods shall and may be cancelled and discharged upon the like Certificates as are required by the above recited Act to discharge any Bonds given in Great Britain for the due landing any other Goods in the said United States of America ; And . . the said several Regulations herein comprized shall in all respects be extended to such Ships' and Goods as shall have been brought and imported from, or may be entered and



§ 435 *cont.*]

1783.

Shipt for Exportation [to the United States, since 20 Dec. 1783.] [pp. 61-8.]

[A letter to the Customs approving the refusal of their officers at Bristol to clear a French ship with goods for New York, and signifying that the Orders in Council do not warrant such a departure from the Navigation Acts as allowing foreign vessels to trade with the United States and receive a drawback and bounty on goods exported. Another letter of 6 July corrects this by substituting "any British colony or plantation in America" for "the United States."]

4 July.

[pp. 320, 350.]

[Order for admitting 32 casks of pearl-ashes from New York to an entry duty free, though not accompanied with the usual certificates to specify their being the growth of that place. On 29 Aug. 449 casks of pot and pearl-ashes from New York are similarly admitted, the want of certificates being attributed to the present unsettled situation of the country. Four similar orders were given in 1783, but an order of 3 Sept. for admitting 35 casks of linseed oil was not at once obeyed by the Customs, and a letter was sent on 17 Sept. asking what were their objections.]

23 July.

[pp. 356, 454-5, 467, 476, 551, 553, 607.]

[Reference to the Treasury of the petition of the Russia Company that the same drawback be granted on export to the United States as on export to Europe of articles imported from Russia and cordage of British manufacture.] [p. 520.]

22 Oct.

[Reference to the Customs of the petition of Samuel Smith of London,] Setting forth, That on the ratification of the preliminaries of Peace, the Petitioner prepared a Ship and loaded her with the Manufactories of Great Britain, and on the 15th of April last, cleared her out for New York, and entered into Bond to land the Cargo at that port; That the Petitioner conceiving that the Spirit of the Law, which demanded the Bond and Penalty, existed not, after the Peace had taken place, he proceeded on his Voyage, and delivered

25 Nov.

1783. § 435 *cont.*]

his Cargo at Philadelphia, Expecting that Parliament would have give the Laws they were then framing, a retrospective Power to release such as were in the Petitioners irksome situation ; That the Petitioner, for the due landing said Cargo obtained the best Certificats the Times there would admit of ; And humbly Praying that the said Bond may be Cancelled:

[p. 569.]

16 May. [436.] [An additional instruction is approved for Governor  
Loyalists. Parr of Nova Scotia, on the Committee report of 15 May on  
Nova the following letter from Lord North, referred to them on  
Scotia. 14 May :—] My Lord, A Considerable Number of Loyalists from the United States of America having arrived with their Families in the province of Nova Scotia and others being Expected who propose to Settle and Improve Lands therein, It becomes expedient both for the future Welfare and well Settling of that province, and as a proof of His Majesty's approbation and sense of their Loyalty and sufferings, that every Encouragement should be given to them with Respect to the taking up of Lands, and as the General Instructions given to His Majesty's Governor of Nova Scotia are not sufficient for that purpose, in the present distressed situation of those unhappy people, The Instruction which I have the Honor now to transmit to Your Lordship has been prepared for that End, and will, it is conceived answer every Expectation they may have formed on this Occasion, as they will have their different allotments made free of any Expence whatever, and be indulged with a limited remission of Quit Rents to the Utmost Extent of their wishes. Exclusive of the Relief intended the Loyalists by this Instruction your Lordship will see that it is Extended to those non Commissioned Officers and Soldiers who may be reduced in that province, and of whom many, it is probable will wish to remain there with their Families rather than come to Great Britain, exclusive of the saving that will be made thereby, they will greatly encrease and strengthen the province, and I must Inform your Lordship that the measure and Encouragement held

out to them by the Instruction is approved by the Commander in Chief. I therefore beg your Lordship will lay the same before His Majesty in Council for His Approbation.

[The instruction is given in the Register. On any application by loyalists from the former colonies, the Governor is to conform to his general instructions,] and in particular to that part of our said Instructions by which you are authorized to Grant Lands to any person who shall be of ability to Improve the same, in addition to their Family rights, Provided that such Addition do not exceed one thousand acres. And for the further encouragement of our Subjects being under the above description . . that the purchase Money of ten shillings for every hundred acres . . shall be remitted; and that the Quit Rent . . shall not Commence or be payable till after the End and expiration of ten years from the Date of the respective Grants.

And . . that the Lands . . shall be laid out in such Townships as shall be most Convenient and consistent with the views of the sellers, and at the same Time Conformable to Our General Instructions; and with the same reservations of Lands for Fortifications, and allotments for Building of Churches and Schools, and for Glebes, as are therein directed, allowing however a Quantity not exceeding one thousand acres for a Glebe, and five hundred Acres for the Maintenance of a Schoolmaster in each Township.

And as a further encouragement to Our Subjects who shall become Settlers as aforesaid, and in Consideration of approved Loyalty of Our Subjects in Nova Scotia, and of the heavy Debt they have contracted on occasion of the late Hostilities, by which the providing for any Expences attending New Settlements, however of benefit to the Community, would be an additional burthen upon the provisional Funds; [the surveys are to be made by the Surveyor General or some skilful person authorised by him, and delivered with the warrants and grants free of any expence or fees. Once in three months the Surveyor General is to give an account of the

1783. § 436 *cont.*]

expences of these surveys on oath to the Governor,] for which Expences, and one half of the usual Fees of office for the different Allotments and Grants, you . . shall grant a Certificate And you . . shall also once in every three Months grant the like Certificate for one half of the usual Fees of office, upon such Warrants or Grants to the several officers intitled thereunto, including in the Certificate for the Fees due to the Secretary of our said Province, one half of the usual Fees due to you . . to be accounted for by the said Secretary.

And Whereas We are desirous of testifying Our approbation of the Service and bravery of such of our Land Forces who may be reduced in our said province—It is therefore Our Will and pleasure that you do grant to such of the Non Commissioned Officers and private Men of our Land Forces now serving in our said province who shall be reduced therein and personally apply for the same with an intent to become actual Settlers, and not otherwise, the following Quantities of Land Subject to the usual conditions of Cultivation and Improvement, and the usual reserved Quit Rent at the expiration of ten Years from the Date of the Grant, vizt. to every Non Commissioned officer Two hundred Acres, to every Private Man one hundred acres, exclusive of the quantity such Non Commissioned officer or private Man may otherwise be intitled to, for every person in Family except himself And that the Warrants and Grants for the said Lands be delivered to them free of any fees and expence whatsoever, but that such fees together with the expence of Surveys be paid as [in the case of grants to loyalists].

. . this Our Instruction . . shall extend only to Lands actually granted to persons within the meaning of this Instruction ; [in all other cases the general instructions are to be followed.] [pp. 261, 264, 271–5.]

6 June. [In accordance with a representation of the Lords of the Council of the same date, a clause proposed by Lord North to be added to the instruction, is approved, as follows—] And in order to prevent any Persons disaffected to us and our

Government from becoming settlers in our said Province of Nova Scotia, It is our Will and pleasure that no Warrants for Surveying of Lands be granted by you or our Commander in Chief for the time being, unless the Person or Persons applying for the same, do at the Time of making such application, besides taking the Usual Oaths directed by Law, also make and Subscribe the following Declaration in Your or his presence or in the presence of such Person or Persons as shall by you or him be appointed for that purpose—vizt.

I. A. B. do promise and declare that I will maintain and defend to the utmost of my Power the Authority of the King in His Parliament as the supreme Legislature of this Province.

[A proviso is to be inserted in all grants that the oaths be taken and this declaration made before a magistrate by any new owner (by sale or otherwise) within twelve months of taking possession, under penalty of forfeiture.]

[*pp.* 295, 298–9.]

[An additional instruction to Governor Haldimand of Quebec—to grant lands to the loyalists and disbanded troops and particularly in the seigneurie of Sorel, which is vested in his Majesty by purchase and requires immediate settlement, is approved, on a Committee report of 10 July, upon a letter from Lord North, referred to them on 9 July. This instruction is also given in the Register : on receiving it, the Governor is immediately to direct the Surveyor General to lay out as much land as the Governor and Council deem necessary and convenient for the settlement of loyalists and reduced soldiers,] such lands to be divided into distinct Seigneuries or Fiefs, to extend from two to four Leagues in front, and from three to five Leagues in depth, if situated upon a navigable River, otherwise to run Square or in such Shape and in such Quantities as shall be convenient and practicable, and in each Seigneurie a Glebe to be reserved and laid out in the most convenient spot to contain not less than 300, nor more than 500 acres ; the propriety of which Seigneuries or Fiefs shall be and remain vested in Us Our Heirs and Successors, and you shall allot such

11 July.  
Quebec.

1783. § 436 *cont.*]

parts of the same as shall be applied for by [loyalists or soldiers, at the rate of 100 acres for a married man, with 50 more for each of his family, 50 for a single man, 200 for a non-commissioned officer, 100 for a private, and 50 for each person in their families. The lands are to be held of the Crown on the same conditions as holdings from other seigneuries or fiefs in Quebec. After 10 years a quitrent of  $\frac{1}{2}d.$  per acre is to be paid. The regulations made in the case of Nova Scotia are to be observed with respect to the oaths and declaration, the expenses of surveys and the payment of half the fees. Similar regulations are given for making small allotments of lands in the seigneurie of Sorel. A record is to be] kept in the Office of the Receiver General of our Revenue of every Admission into Lands as well by virtue of this our Instruction, as in cases of future Admission by alienation or otherwise, a Docquet of which shall be transmitted yearly to [the Secretary of State and a duplicate to the Treasury.]

[*pp.* 323, 324, 342-6.]

25 July.

Prince  
Edward  
Island.

[The following additional instruction for Governor Paterson of Prince Edward Island to give the same indulgence and encouragements to loyalists from the United States, is approved, in accordance with a Committee report of 18 July on a letter from Lord North, referred to them on 2 July :—] Whereas it has been represented to Us, that certain of Our loving Subjects proprietors of Lands in Our Island of St. John in Consideration of the distress to which many of our faithful Subjects, heretofore Inhabitants of the provinces and Colonies now the United States of America, are reduced in consequence of their Loyalty and adherence to their allegiance to Us, have agreed to transferr and convey certain proportions of the Lands by them respectively held by Grant from Us, to such of our said faithful Subjects who may be inclined to settle thereupon, and their Heirs and Assigns for ever in fee ; [the Governor is to] give directions that all Conveyances and other Deeds necessary for transferring such parts of the Lands as shall be agreed to . . be prepared by Our Attorney General

§ 436 *cont.*]

1783.

of the said Island . . and . . recorded in the Secretarys Office . . and that our Secretary . . shall make out a Docquet of all Deeds so recorded specifying the Name of the Proprietor Conveying, of the Persons to whom the Land is Conveyed, the Quantity of Land conveyed and the Number of the Lot of which the same was a part ; which Docquet shall from time to time be delivered by him to the Receiver General of our Quit Rents, [who shall discharge the former proprietors from further payments and make the new holders liable—after 10 years' grace.]

And . . any arrears of Quit Rent that may have been due and unpaid upon the Quantities of Land which they may convey shall be remitted, and they discharged therefrom ; Or in case such Arrears shall have been paid, Our Receiver General of the Quit Rents shall repay to the person or persons so Conveying, so much of the last payment made, as shall have been paid for the part of the Lands so Conveyed ; You are however to take especial Care that under Colour of complying with this Our Instruction, no Collusive Conveyances are made in Order to Obtain a remission of arrears of Quit Rent, but that in every Instance the Indulgence and encouragement hereby granted be confined to actual and bona fide Conveyances for the purposes hereinbefore mentioned and no other.

[Provision is made similar to that in the Nova Scotia order about the oaths and declaration ; if any of those to whom land is conveyed fails to comply with this within twelve months, the former proprietor is to be entitled to resume possession of the land. Surveys and fees are regulated as in the other colonies, and the Attorney General is to receive not more than ten shillings for each deed of conveyance prepared by him. Accounts of the transfers are to be sent to the Secretary of State and to the Treasury.]

[*pp.* 318, 352, 389–93.]

[An additional instruction, prepared by Lord North for the Governors of Nova Scotia and Quebec, is approved, for making grants to commissioned officers of the provincial forces

8 Aug.  
Nova Scotia  
and  
Quebec.

1783. § 436 *cont.*]

in the following proportions :—a field officer, 1,000 acres ; a captain, 700 ; subaltern, staff or warrant officer, 500 ; besides 50 for each member of their families.] The allotments to be made to the Non Commissioned officers and Privates under [the previous] Additional Instruction, shall be, where the same is practicable, by Corps, and as contiguous as may be to each other ; and . . the Allotments to be made to the several Commissioned officers under Our Instruction, shall be Interspersed therein, that the same may be thereby United, and in Case of Attack be defended by those who have been accustomed to bear Arms and serve together.

And Whereas many of Our Loyal subjects have taken Arms, and Associated themselves in the provinces now the United States of America, for the support of Our Government and Authority, under the name of Associated Loyalists, without being put upon any particular Establishment, many of whom may take refuge [in these provinces, they are to be entitled according to their rank to the same encouragements as the non-commissioned regular soldiers in the previous, and the commissioned officers of the provincial forces in the present, instruction.] [*pp.* 420–4.]

26 Sept. [Order to the Treasury to take effectual and speedy measures  
Bahamas. to purchase the Bahamas from those claiming under the original proprietors, in order that loyalists may be settled there. Lord North's letter, referred on 17 Sept. and approved by the Committee on 18 Sept., submitted the following particulars :—The Treasury having been directed by an Order in Council in 1733 to complete the purchase of the Bahamas, the Attorney and Solicitor General reported in 1739 that] an Act of Parliament should be obtained for the Effectual conveying the same to the Crown. Upon this Report it appears that a Motion was made in the House of Commons for a Grant of the necessary Sum to enable the Crown to make the purchase, which was accordingly resolved, and the Draught of a Bill for that purpose was prepared and Settled by the Attorney General, and a Draught of the proposed Surrender to be enrolled



§ 436 *cont.*]

1783.

in Chancery was also prepared, but it does not appear that anything further was done therein.

The present distressed situation of the Numerous Loyalists from the Southern provinces in America, who with their Slaves have taken refuge in the province of East Florida, calls for the most immediate and effectual Relief and Assistance, as that province being by the late Treaty of Peace ceded to Spain, they are put under the necessity of removing from thence—If the Soil of the Bahama Islands was vested in His Majesty they would afford means of Settlement, Subsistence and Improvement to many of those Meritorious Subjects—And the benefit that would Arise to these Kingdoms from the Cultivation of those Islands, appears an object of no little Consequence, more especially as Cotton is an Article that may be produced there in very considerable Quantities. This Attention to the Distress and approved Loyalty of those unfortunate Sufferers is the more necessary, as His Majesty has been graciously pleased to adopt the most effectual measures to Encourage and provide for the Settlement of the Loyalists from the more Northern provinces, in those of Quebec and Nova Scotia and the Island of St. John, and . . the Bahama Islands appear to be the only eligible part of His Majesty's Dominions where those from the Southward can be settled.

[*pp.* 474, 483–4, 498.]

[437.] [A Nova Scotia act of 4 July 1782,—to provide for 16 May.  
the support of the puisne judges of H.M. Supreme Court— Nova Scotia.  
is disallowed, on a Committee report of 15 May upon a letter  
from Lord North, referred to them on 14 May. Mr. Selwyn  
had no objection in point of law, but Lord North observed  
that the provision made was conditional on the appointment  
of the judges during good conduct, whereas the regular  
practice was to appoint judges in the colonies “during pleasure  
and their residence in the province.” No provision was made  
for the removal of the judges by addresses of both Houses  
as in this kingdom. Not only would the commission of the  
Chief Justice of Nova Scotia have to be altered to conform

540 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1783. § 437 *cont.*]

with this, but acquiescence in this act would be regarded as a precedent for applications from other colonies.]

[*pp.* 261, 268, 277.]

16 May. [438.] [A Nova Scotia act of 29 June 1782,—to repeal  
Nova Scotia. certain clauses in two acts which have been found to be injurious and oppressive to that part of H.M. subjects professing the Roman Catholic religion—is disallowed, and the Governor ordered to be acquainted with the reasons therefor, in accordance with a Committee report of 15 May on a letter from Lord North, referred to them on 14 May, which shewed that] The Act of Parliament of the 18th of His present Majesty for repealing certain Clauses of acts which were oppressive to the Roman Catholic Subjects in England, requires that all those Subjects claiming the relief intended by that Act, should take the Oath, prescribed therein, and that a Register be kept of the Names of such persons as should take the said Oath, and although the penalties and disabilities declared in the Clauses repealed were taken away no Express or implied Establishment by Law of the Roman Catholic Religion, is thereby granted, nor any priest or place of publick Worship tolerated by Licence. The Act passed in Nova Scotia repeals those Clauses of former Acts passed in that province which were deemed grievous to His Majesty's Roman Catholick Subjects, but prescribing an Oath materially different from that directed by the Act of Parliament above mentioned, requires it to be taken only by persons exercising the functions of a priest or setting up places of Publick Worship *by virtue of a Licence* from the Governor or Commander in Chief of that Province, with the advice and Consent of His Majesty's Council.

.. I must beg leave to add that if His Majesty should be graciously disposed to admit His Roman Catholic Subjects in Nova Scotia to the enjoyment of similar Indulgences with those of that profession in England, and the allowance of the present Act should be thought improper, the Governor of that province may be informed of the Reasons for disallowing the

§ 438 *cont.*]

1783.

same, and the Assembly have thereby an opportunity of bringing forwards another Bill more consonant with the Act passed in Great Britain. [pp. 262, 266-8, 278-80.]

[439.] [On a representation of the Lords of the Council of 6 June. the same date, an additional instruction for Governor Parr <sup>Nova Scotia.</sup> of Nova Scotia is approved (C.R.), for] reserving to the use of your Majesty such Lands in the said Province where there are considerable Growths of Timber fit for Masts and other Naval purposes; and authorizing and Directing the said Governor to cause proper legal Steps to be taken for revesting in the Crown certain Lands formerly granted to persons who have not complied with the Terms and Conditions of their respective Grants. [pp. 294, 295-8.]

[Order in accordance with the following letter of Lord North, 25 July. referred to the Committee on 2 July, and approved by them on 18 July:—] My Lord, There being reason to apprehend that several Persons, who formerly obtained Orders from His Majesty in Council for Lands in the province of Nova Scotia, did not proceed to locate and Survey the Lands directed to be granted to them by such Orders, but have in many Instances Sold and transferred them to others, who have also delayed to carry them into Execution to the great Injury of His Majesty's Revenue of Quit Rents, and retardment of the Cultivation and Improvement of the Province; And as no Time is limited for the Execution of those Orders, the possessors of them may now or at some future period present them to the Governor of Nova Scotia, and Demand a Compliance therewith, and thereby frustrate His Majesty's gracious Intentions in favor of the Loyal American Refugees; [The Lord President is desired to lay these facts before his Majesty for his consideration], whether an Order of Council should not be made for revoking all Orders of His Majesty in Council for the Grant of Lands in Nova Scotia, dated before the year 1774, which have not been carried into Execution.

[The Governor is directed to issue no order of survey and pass no grants upon any order prior to 1 Jan. 1774. This

1783. § 439 *cont.*]

order is to be published in the *London Gazette* that all may have due notice.] [pp. 317, 351, 387.]

2 July. [440.] [Reference to the Committee of the petition of  
Jamaica. Alexander Forbes and Mary his wife, Alexander McRae, and James Lewis, executors of William Harvie, for a day for hearing their appeal from a decree of the Jamaica Chancery, 26 Oct. 1776, on a bill filed by Samuel Gregory, John Watson and Thomas Hibbert for the recovery of a mortgage debt.] [pp. 314, 319.]

11 July. [441.] [A Bermuda act of April 1783,—for limiting the  
Bermuda. duration of Assemblies—is disallowed, and an additional instruction ordered to be prepared, in accordance with a Committee report of 10 July, agreeing with a letter from Lord North, referred to them on 25 June. Mr. Mansfield had no objection in point of law, but Lord North observed that all colonial governors were instructed not to assent to acts for limiting the duration of assemblies, and proposed that, if the act were disallowed, the Governor should be instructed] to dissolve the present Assembly about the time it would have expired under the operation of the Act in Question; Provided such a Measure would be desirable to the Members, and the situation of public affairs may not render it objectionable, and upon future occasions it may not perhaps be proper to continue the Assembly longer than two or three years, unless the good of His Majesty's Service or any particular circumstances of necessity or convenience should render a dissolution inexpedient, but this should not be regulated by an Act of Assembly, but left to the Pleasure of His Majesty, and under that, to the discretion and prudence of the Governor.

[The additional instruction to Governor Browne (not including anything about future occasions) was approved on 25 July.—C.R.] [pp. 312, 332-4, 340-2, 394-5.]

8 Aug. [442.] [Reference to the Committee of the appeal of  
Jamaica. Sir Charles Price, Bart., from an order of the Chancellor of

§ 442 *cont.*]

1783.

Jamaica, 27 July 1782, overruling his plea to a bill filed by Abel Smith, Rene Payne and Robert Smith, bankers, for recovery of certain mortgage debts.] [pp. 426, 439.]

[443.] [Reference to the Committee of the appeal of Thomas Hakey, Peter Cazalet, and Charles Dalbiac, of London, assignees under a commission of bankrupt of Peter Robert Luard, late merchant of London, and of Luard himself, from several judgments of the Montserrat Court of Errors, 18 May and 27 Oct. 1781, quashing a writ of *scire facias* to revive a judgment for 1,131*l.* 7*s.* 7½*d.* against James Schaw, William Musgrave, William Irish, Charles and Crisp Molineux, executors of John Davis Molineux.] [p. 426.]

8 Aug.  
Montserrat.

[Committee order for hearing on 20 Dec.]

[p. 537.] 30 Oct.

[444.] [Reference to the determination of the Treasury of the petition of John Semple, late merchant of New York, setting forth] that at the time Hostilities ceased with North America, Sir Guy Carleton as Commander in Chief published an order or permission of the Lords of His Majesty's Treasury, declaring that such Loyalists who thought fit to resort to Great Britain should be permitted to take with them their Family Stores and Land them at any port in Great Britain Duty free ; That the Petitioner and his Family accordingly Embarked on board his Ship Catharine then lying at New York and Shipped sundry Family Stores and 100 Casks of pot and pearl Ashes some Barrel Staves and Ash Oars all the produce of the British plantations in America and arrived at Greenock on the 30th of July last ; That the petitioner was nevertheless refused the Entry of his said vessel or to unload his Cargo, and was therefore under the necessity of Paying a Sum of 100*l.* as a Deposit to answer the Duties upon the Cargo which was thereupon delivered up to him, but the Family Stores were lodged in the Custom House and are still there detained to the great loss of the petitioner ; [and praying that his stores and his deposit of 100*l.* be returned to him, with compensation for his losses]. [p. 466.]

10 Sept.  
New York.

1783.

26 Sept.  
Grenada,  
Dominica,  
St.  
Vincent.

[445.] [Additional instructions for the Governors of Grenada, Dominica and St. Vincent are approved, in accordance with the following letter from Lord North, referred to the Committee on 17 Sept. and approved by them on 18 Sept. :—] My Lord, As the Islands of Grenada, Dominica and St. Vincent and their Dependencies have not heretofore granted to His Majesty, His Heirs and Successors, the Duty of  $4\frac{1}{2}$  per Cent, which has been done in the Island of Barbados, and in the Leeward Islands ; and as from the disposition of His Majesty's Subjects in those Islands previous to their being Captured by the Enemy, during the late Hostilities, there was every reason to expect they would be disposed to agree to such Grant ; it may reasonably be supposed that a Juncture when they are restored to the Blessings of a British Government, and the Island of Grenada in particular to the Enjoyment of our Happy Constitution, they may be the more inclined to conform to the Situation of their fellow Subjects in the Islands where those Grants have been made, and more especially if a Considerable part of the Duty imposed, is expressly to be applied to such purposes, and for such Services as are usually provided for by a general internal Taxation ; [instructions to the Governors to recommend the passing of acts for this purpose have accordingly been prepared, and are transmitted to be laid before his Majesty : in case the duty should be granted, the Governors should be instructed to inform the Assemblies of the promised appropriations, and to assent to an act to that effect.] [pp. 473, 481–2, 497.]

26 Sept.  
Grenada.

[446.] [On the appointment of Edward Mathew, the Governor's instructions were altered in accordance with the following letter from Lord North (*cf.* Appendix I). Changes were made as required by the abolition of the Board of Trade, the cession of Tobago to France, and the annexation of some of the Grenadines to St. Vincent.]

The 10th Article of the former Instructions is omitted, not only on account of the present limits of the Government, but that the Commission does not Authorize the Governor to

suspend a Lieutenant Governor.—In the 11th Article *the Words with the advice and Consent of our Council* have been added, as the authority of the Governor to call Assemblies &c. is by the Commission directed to be exercised with their Advice and Consent. The 15th Article of the former Instructions limited the Indulgence to be granted to His Majesty's New Subjects professing the Religion of the Church of Rome to those who were, or whose Ancestors were Residents at the time of the Treaty of Paris ; and as it may have perhaps happened, that persons of that description have become Residents during the period Grenada was under the Dominion of France, who may chuse to remain and become Subjects to His Majesty ; *the Words or the late Treaty of Peace* have been added, that His Majestys New Subjects may be entitled to an equal Indulgence in that respect.—instead of the 30th former Instruction which was repugnant to an Act of Parliament the present is substituted and the Act recited. The 31st former Instruction is also omitted, the Act of Queen Anne, for regulating of Coins was calculated for the Colonies on the Continent and never was, and by the usual rate of Exchange in the Islands, never can be complied with.—the 32d. and 33d. of the former Instructions are comprized in the 30th of the present. in the 37th of the present Instructions the Word *suspend* has been inserted instead of the Word *displace* this Alteration has been approved by His Majesty in former Instructions and was made necessary by some recent Instances. To the 44th Instruction is added an Injunction to comply with the Act of Parliament passed in 1782, relating to patent officers in the Colonies. In the 47th *the Words in Case the same shall hereafter be laid and imposed within your Government* are added as no Duty of  $4\frac{1}{2}$  per Cent. has as yet been granted to His Majesty in the Island of Grenada. In the 55th Article it is said that a Commission for trying Pirates *will be transmitted*, instead of its *having been so*, as a New Commission must be issued for that purpose. The 61st Instruction for liberty of Conscience is in every respect similar to His Majesty's

546 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1783. § 446 *cont.*]

Instructions in other Colonies. The 83d Article of the former Instructions is omitted being unnecessary from the present Extent of the Government.

With respect to the Instructions for a due observance of the Acts of Trade they are in every respect similar to those approved of by His Majesty, being new modelled in the Year 1781, but as the present situation of the United States of America, and the regulation of the Trade between His Majesty's Subjects in the West India Islands and the Inhabitants of those States by order of His Majesty in Council, and by virtue of the Act passed during the last Session of Parliament, has made it necessary to adopt the present Instructions to that situation and Regulation, the second Articles have been added.

[An additional instruction was approved at the same time, allowing the Governor to assent to an act for granting him an additional salary.] [pp. 472, 477-9, 495-6.]

1 Oct. [Reference to the Committee, and by them on 13 Oct. to the Attorney and Solicitor General, of a letter from Lord North] stating that the Island of Grenada and the Islands commonly called the Grenadines having been Captured by France during the late Hostilities without any Capitulation, whereby the French Laws were immediately Established and Declared to be in force in those Islands; and His Majesty having been graciously pleased to appoint a Captain General and Governor in Chief for the said Island of Grenada, and a certain part of the Grenadines ascertained in the Commission and by the said Commission and the Instructions given therewith to restore the former Constitution. It becomes necessary that the Laws heretofore passed in the said Islands and those of Great Britain, which have been adopted or of force therein should again be Established and have operation; and [submitting whether it be not expedient that this be done by proclamation]. [pp. 505, 511.]

27 Oct. [A letter to Lord North encloses a copy of the Attorney General's report that by the restoration of the islands the



ACTS OF THE PRIVY COUNCIL (COLONIAL). 547

§ 446 *cont.*]

1783.

constitution, government and laws in force at the time of the capture are revived, and that a proclamation is not expedient or necessary.] [pp. 532-4.]

[447.] [Reference to the Committee of the appeal of Thomas Cargill from an order of the Jamaica Chancery, 23 Oct. 1782, allowing William Beckford's demurrer to his bill for redemption of Ward's Plantation in St. Thomas in the East parish.] 22 Oct. Jamaica. [pp. 246, 521.]

[448.] [Reference to the Committee of the appeal of John Mead from a decree of the Jamaica Chancery, 23 July 1782, in a case between him and Robert McGhie, relating to the effects of Thomas Griffin, whose estate was administered first by Mead and Patrick Henly, and then by McGhie.] 22 Oct. Jamaica. [p. 522.]

[449.] [Reference to the Committee of the appeal of William Scheviz, Henry Benskin Lightfoot, John Taylor and William Scott, merchants of Antigua, from the condemnation of the brigantine *Lightfoot*, John Gibson master, in the Vice Admiralty Court of East Florida, 26 May 1783, on the information of Edward Edwards.] 12 Dec. East Florida. [p. 595.]

[450.] [An additional instruction for Governor Lincoln of St. Vincent to assent to an act or acts for settling on him such addition to his salary of 1,300*l.* as the Assembly shall think proper, is approved (C.R.), in accordance with a letter from Lord North, referred on 12 Dec., and approved by the Committee on 18 Dec.] 18 Dec. St. Vincent. [pp. 595, 599, 603-5.]

[451.] [Reference to the Committee of the appeal of William Taylor and George Forsyth, merchants of Niagara, from a decree of the Quebec Court of Appeals, 21 Oct. 1782, affirming a sentence of the Court of Common Pleas, on an information filed by the Attorney General, James Monk, alleging sundry overcharges in an account given in by them for goods and monies supplied to the Indians.] 19 Dec. Quebec. [p. 610.]



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## APPENDICES.

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## APPENDIX I.

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### COMMISSIONS AND INSTRUCTIONS TO GOVERNORS.

Changes in Governors' instructions consist normally of the omission of obsolete articles and the insertion of additional instructions given since the appointment of the last Governor. Changes of more particular importance are generally given in the body of the book. Circular instructions added in the case of more than one colony are here referred to by the page on which the original order will be found, *i.e.* :—

*p.* 4.—About correspondence with the Secretary of State.

*p.* 40.—About regulating the Assembly.

*p.* 188.—About lotteries.

*p.* 189.—About commissions for the custody of lunatics.

*p.* 321.—About attachments against the estates of non-residents.

\*App. I. A.—About naturalisation, lands purchased from aliens before naturalisation, and divorce.

\*App. I. B.—About intercourse with the rebel colonies.

\*App. I. C.—About abolition of Board of Trade, and about patents of office.

Other circular instructions, not found in the body of the book, are thus referred to :—

Change *re* oaths—a change in the oath of abjuration by an Act of 6 George III.

Change *re* customs—Commissioners of Customs substituted for Surveyors General.

Duration of Laws—articles relating to this amalgamated and made more explicit.

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\* See *p.* 552.

## General.

1772. 17 Feb.—Instructions for altering the prayers for the Royal Family, ordered to be prepared on 8 Feb., are approved [P.R.]

A. 1773. 19 Nov.—Additional instructions (ordered on 1 Sept.), not to assent to acts for naturalisation, divorce, or confirmation of titles to land purchased before naturalisation of the seller. (*Cf.* § 265 and Appendix III, New Hampshire.)

B. 1776. 21 Feb. (on Board of Trade representation of 13 Feb.).—Governors of Barbados, Jamaica, Leeward Islands, Grenada, Dominica, Bahamas, Bermuda, Prince Edward Island, Nova Scotia, Quebec and the Floridas, to carry into effect the act prohibiting trade and intercourse with the rebel colonies.

C. 1782. 11 Sept.—Additional instruction (prepared by T. Townshend) for Quebec, Prince Edward Island, New York, East Florida, Bermuda and Leeward Islands—to transmit duplicates of papers and accounts to the Committee of the Privy Council for Plantation Affairs, and also to comply with the Act of Parliament for granting patents of offices in the colonies only during personal performance of the duties and good conduct.

1782. 27 Sept.—Additional instruction (prepared by T. Townshend) for colonial governors to observe two Acts of Parliament of 4 and 13 George III, for restraining the issue of paper bills of credit in the colonies, “both with respect to the not assenting to any Laws which may be presented to them for the purpose of Issuing or Creating Paper Bills or Bills of Credit to be a legal Tender in Payment; and the assenting to any Law, by which Certificates, Notes, or Debentures which may be voluntarily accepted in Payment by the Public Creditors, shall be made a legal Tender to the Treasury, for Taxes, Duties and other Payments, to the Publick Treasury.”

1776. 28 Aug. and 1783. 31 Dec.—Orders relating to the calling in old and issuing new Mediterranean passes.

1767-8.—Thomas Shirley.—(23 Oct.), 18 Nov. Commission [P.R.]; change *re* oaths.—(7 March), 23 March, 28 June, 29 June. Instructions [P.R.]; changes *re* oath; *p.* 4; and the names of the Council.—29 June. Oaths taken. Bahamas.

1774.—Montfort Brown.—(7 Feb.), 21 Feb. Commission (*p.* 189).—(5 May), 11 May. Instructions—additions not specified.—24 June. Oaths taken.

1779.—John Maxwell.—(14 Aug.), 20 Aug. Commission [P.R.].—(10 Sept.), 15 Sept. Instructions [P.R.], omitting obsolete references to obstructions in the course of justice and the imposition of heavier duties on English than on native merchants; change *re* religious liberty; App. I. B.

1767.—William Spry.—(26 June), 24 July. Commission, omitting other islands formerly included; change *re* oaths.—(29 July), 5 Aug. Instructions, changes as in commission; and *p.* 4. Barbados.

1772-3.—Hon. Edward Hay.—(2 Nov.), 6 Nov. Commission.—8 Feb. Oaths taken.—(18 March), 26 March, 31 March, 31 March. Instructions; *pp.* 40, 188, 321; duration of laws.

1780.—James Cunningham.—(3 Feb.), 9 Feb. Commission [P.R.] (*p.* 189).—16 Feb. Oaths taken.—(17 Feb.), 23 Feb. Instructions [P.R.]; change *re* religious liberty; arrangement of some articles and omission of preamble to six others; clause about foreign coins more clearly expressed; power is given to *suspend* not to *displace* officers; omissions relate to paper money and to the power of repealing acts.

1782.—David Parry.—10 July. Commission, prepared by Lord Shelburne [P.R.].—28 Aug., 4 Sept., 4 Sept. Instructions, prepared by T. Townshend [P.R.]: (*see p.* 523).—16 Oct. Oaths taken.

1781.—William Browne.—(19 Jan.), 24 Jan. Commission (*p.* 189).—18 May. Oaths taken.—(29 May), 15 June. Instructions; changes *re* oaths, religious liberty; *pp.* 4, Bermuda.

188, 321, App. I. A. ; omissions concern discipline of troops and fund for paying Governor's salary. An additional instruction of the same date directed that the whale fishery be opened to all British subjects in Bermuda without payment of any duty.

Dominica. 1774.—Thomas Shirley.—(7 Feb.), 21 Feb. Commission (*p.* 189).—(5 May), 11 May. Instructions : additions not specified.

1783.—John Orde.—24 Feb. Commission.—17 Sept. Oaths taken.—17 Sept., 18 Sept., 26 Sept. Instructions [P.R.], similar to those for Grenada, *mutatis mutandis* : the indulgence to Roman Catholics did not extend to Dominica.

East  
Florida.

1773.—Patrick Tonym.—(14 June), 30 June. Commission (*p.* 189).—(1 July), 28 July. Instructions : change *re* customs ; duration of laws ; no lands to be granted for the present (*cf.* *p.* 361) ; omissions relate to 1686 Treaty of Neutrality, constituting the Council, transmitting copies of commissions for constituting courts, and the Spanish inhabitants.—29 Oct. Oaths taken.

1782.—28 Aug.—Additional instruction, as *p.* 321.

Grenada.

1771.—William Leyborne Leyborne.—(6 March), 8 March, 26 March, 15 April. Commission and Instructions [P.R.], as for the Leeward Islands, representative institutions having been now introduced in the new colonies ; Councils and Assemblies are provided in the separate islands, and Roman Catholics conditionally admitted to office in Grenada.—19 July. Oaths taken.

1775–6.—Sir George Macartney.—(12 Dec.), 26 Jan. Commission : St. Vincent detached, especially in view of the strength of the Caribs.—14 Feb. Oaths taken.—(6 Feb.), 16 Feb. Instructions : *p.* 321, App. I. A.



1783.—Edward Mathew.—24 Feb. Commission.—17 Sept., 18 Sept., 26 Sept. Instructions [P.R.]. *Cf.* § 446.

1767.—Sir William Trelawny.—(8 July), 24 July. Commission : change *re* oaths.—(29 July), 5 Aug. Instructions : *p.* 4 ; oaths ; addition about privileges of members of the Assembly.—23 Dec. Oaths taken. Jamaica.

1773.—Sir Basil Keith.—(1 April), 7 April. Commission.—9 June. Oaths taken.—(1 July), 28 July. Instructions : duration of laws ; *pp.* 40, 188, 321 ; addition about disposal of surplus in revenue acts—*see p.* 265.

1777–8.—John Dalling.—(20 Aug.), 29 Aug. Commission : *p.* 189.—(14 April), 22 April, 9 July, 10 July. Instructions : App. I. A. & B. ; changes *re* importation of negroes and felons, liberty of conscience, and privileges of Council and Assembly no longer in dispute ; omissions *re* white servants and absentees, obstructions in the course of justice, grants of royal mines, transmission of a map, grants of land, and the powder duty.

1782.—Archibald Campbell.—(10 July). Commission, prepared by Lord Shelburne [P.R.].—28 Aug. Instructions, prepared by T. Townshend [P.R.] : App. I. C., and *re* judges (*cf. pp.* 503–5).

1766–7.—William Woodley.—(28 Nov.), 3 Dec. Commission ; change *re* oaths.—(29 July), 5 Aug. Instructions : *p.* 4 and *re* oaths.—18 Nov. Oaths taken. Leeward Islands.

1771.—Sir Ralph Payne, K.C.B.—(10 May), 15 May. Commission [P.R.].—(6 June), 14 June. Instructions [P.R.] : duration of laws ; *pp.* 40 and 188.—13 Nov. Oaths taken.

1776–7.—William Mathew Burt.—(13 Sept.), 20 Sept. Commission : *p.* 189.—8 Jan., 22 Jan., 22 Jan. Instructions : changes in articles 18, 19, 20, not specified.—22 Jan. Oaths taken.

1781.—Thomas Shirley.—(23 March), 23 March, 3 April, 6 April. Commission [P.R.]: to the direction about the issue of public monies by warrant for the support of the government is added: "or for such other purposes as shall be particularly directed and appointed in and by such Act"; and the senior councillor in St. Christopher is directed, if he has to assume the government, to repair to Antigua.—(10 April), 27 April, 28 April, 2 May. Instructions [P.R.], simplified and shortened by omitting unnecessary recitals (not specified).—9 May. Oaths taken.

## Maryland.

1768.—Robert Eden, brother-in-law of Lord Baltimore, and late of the Coldstream Guards.—5 Aug. Approved on usual conditions.—(11 Nov.), 23 Nov. Instructions [P.R.]; change *re* customs.—22 Dec. Oaths taken.

(On the death of Frederick, Lord Baltimore, at Naples, 4 Sept. 1771, Eden was continued, on the petition of Robert Morris, Hugh Hammersley and Peter Prevost, trustees for Henry Harford, Baltimore's heir, in spite of the contrary petition of William Eden, who claimed to have acted as attorney for his brother. The petitions were referred to the Committee on 22 April 1772, and a second petition of the trustees, including the Rev. Dr. John Moore, Dean of Canterbury in place of Morris, on 13 Jan. 1773. On the Committee report of 2 March, Eden's appointment was confirmed on 5 March 1773, and orders given for him to qualify in the usual way. John Browning, husband of another sister of Lord Baltimore, was also represented by counsel before the Committee.)

## Massachusetts Bay.

1770-1.—Thomas Hutchinson.—(11 April), 27 April. Commission.—(6 March), 8 March, 26 March, 28 March. Instructions [P.R.]: duration of laws; change *re* customs; articles omitted related to the passing a Mutiny Act, the provision of a salary for the Governor, and watching the French and their Indians (*cf.* p. 264).

1774.—Thomas Gage.—(31 March), 31 March. Commission and Instructions, omitting directions to be given to the military commander, as Gage holds that position also.

1772.—Molineux Shuldham.—(21 Feb.), 28 Feb. Com- mission.—(18 March), 25 March. Instructions. Newfound-  
land.

1775.—Robert Duff.—(16 March), 5 April. Commission and instructions : boundaries altered in accordance with the Quebec Act.

1776.—John Montagu, Vice Admiral of the Blue.—(5 March), 8 March. Commission and instructions.

1779.—Richard Edwards, Rear Admiral of the Blue.—(12 March), 19 March. Commission [P.R.].—(27 April), 5 May. Instructions [P.R.], omitting article for securing to the French their concurrent fishery, and adding App. I. B. and one about receiving the tenth of mineral ores (*cf.* § 253).

1781.—R. Edwards.—(30 March), 3 April, 6 April.—Additional instruction to observe four Acts of Parliament of 15, 18 and 19 George III, for the encouragement of the fisheries and for extending the trade of Ireland to the colonies.

1782.—Vice Admiral John Campbell.—(12 April), 24 April. Commission [P.R.].—(19 April), 24 April, 29 April, 3 May. Instructions [P.R.] : article 11 is made more comprehensive by addition of the last entry *supra* ; articles 17–34 and 36–60, relating to the Act of 1699, are omitted ; art. 35 is retrenched, and three articles are substituted concerning the present regulation of the fishery and the treatment of the natives ; art. 31 is added to control British subjects settling on St. Pierre and Miquelon, in order to carry on fisheries.

1783.—J. Campbell.—15 May, 16 May.—Additional instructions [C.R.] to act in conformity with the provisional articles agreed upon with the United States and the preliminaries of peace with France.

1770–1.—William Tryon.—(14 Dec.), 19 Dec. Commission [P.R.].—(30 Jan.), 6 Feb. Instructions [P.R.] New York.

1779.—James Robertson, Major-General of the Forces.—(20 April), 21 April. Commission [P.R.]: *p.* 189; adding to the clause about the use of the public seal “or such other seal as we may direct to be used in lieu thereof”; and excluding the Chief Justice from assuming the administration.—(8 June), 16 June, 22 June, 23 June. Instructions [P.R.], reduced practically to the first eleven of the former instructions so as not to embarrass the Governor by directing him to the observance of orders and regulations which it may not be practicable for him to carry into execution.

North  
Carolina.

1770-1.—Josiah Martin.—(14 Dec.), 19 Dec. Commission [P.R.].—(30 Jan.), 6 Feb. Instructions [P.R.]; changes *re* customs; *pp.* 40, 188; only 10 councillors are named besides the Lieut.-Governor, but others will be added when recommended.

Nova Scotia.

1773.—Francis Legge.—(10 June), 30 June. Commission, excluding Prince Edward Island, now a separate colony; *p.* 189.—(1 July), 28 July. Instructions; change *re* customs; duration of laws; *pp.* 40, 188, 321; no lands to be granted for the present (*cf.* *p.* 361).—30 June. Oaths taken.

1782.—John Parr.—(10 July.) Commission, prepared by Lord Shelburne.—16 Aug. Oaths taken.—16 Aug., 23 Aug., 28 Aug. Instructions, prepared by T. Townshend [P.R.]: (*see p.* 522).

Pennsyl-  
vania.

1771.—Richard Penn.—(19 July). Appointed on usual conditions.—16 Aug. Oaths taken.—28 Aug. Instructions, unchanged from those for John Penn (*cf.* *p.* 5).

1773.—John Penn.—22 April. Appointed on usual conditions.—(17 Aug.), 30 Aug. Instructions—addressed to the Deputy Governor himself, who is one of the proprietors.—30 Aug. Oaths taken.

1775.—John Penn.—23 Aug. Appointed, on the death of

Thomas Penn, Deputy Governor for his infant son John during his minority unless the commission be sooner revoked ; oaths to be administered by the Governor of one of the neighbouring provinces.—(14 Sept.), 27 Sept. Instructions. (John, the Deputy Governor, was proprietor of one quarter ; his cousin John, the son of Thomas, proprietor of three-quarters of the province.)

1782.—28 Aug. Additional instruction, as *p.* 321.

Prince  
Edward  
Island.  
Quebec.

1768.—Guy Carleton.—(25 Feb.), 11 March. Commission [P.R.].—(7 March), 23 March, 9 Aug., 12 Aug. Instructions [P.R.] ; changes *re* oath, customs, Treaty of 1686, names of Council, reservation of woodland near forts ; and *p.* 4.

1774.—Guy Carleton.—9 Dec., 19 Dec., 19 Dec. Commission. On 10 Dec. the draft was referred by the Committee to the Attorney and Solicitor General. Changes in pursuance of the Quebec Act ; Roman Catholic Canadians not to assume the government as senior councillor in the absence of Governor and Lieut.-Governor.—(22 Dec.), 23 Dec., 28 Dec., 28 Dec. Instructions in accordance with the new constitution, including regulations for lawcourts, the Church, Labrador and the interior country. The Committee raised the salary of the six Judges of Common Pleas from 300*l.* to 500*l.*, and allowed 100*l.* a year each for the two schoolmasters.

1777-8.—Frederick Haldimand.—(3 Sept.), 12 Sept. Commission.—(13 April), 15 April. Instructions, changes in arts. 1, 10, 16, not specified.—15 April. Oaths taken.

1776.—26 Jan.—On a Board of Trade representation of St. Vincent. 12 Dec., St. Vincent is made a separate government, in view of its troubles with the Caribs. Directions are given to the Treasury and to the Board of Trade for making the necessary arrangements—

Valentine Morris.—(9 Feb.), 14 Feb. Commission.—

(19 March), 22 March. Instructions as for Dominica, with an addition requiring the observance of the treaty of 17 Feb. 1773 with the Caribs. Device of seal approved on same date, showing Peace and Justice offering oblations on an altar, and the inscription *Pax et Justitia*.—10 July. The seal approved.

1783.—Edmund Lincoln.—24 Feb. Commission.—17 Sept. Oaths taken.—17 Sept., 18 Sept., 26 Sept. Instructions [P.R.] as for Grenada, *mutatis mutandis*, but without the indulgence to Roman Catholic subjects. A change is also required by the partition of the Grenadines between St. Vincent and Grenada.

South  
Carolina.

1773-5.—Lord William Campbell.—(10 June), 30 June. Commission : *p.* 189.—(20 June, 1774), 6 July. Instructions : duration of laws ; additions about the issue of public money from the Treasury (*see p.* 235), and *pp.* 40, 188, 321 ; omissions *re* customs, the temporary boundary with North Carolina, bills of credit, building and repair of prisons, tenure of judges' commissions and fees of public offices—the last four having now been provided for by the colony or by Parliament ; changes also about the granting of lands.—27 Feb. 1775. Oaths taken.

Virginia.

1770-1.—John, Earl of Dunmore.—(14 Dec.), 19 Dec. Commission [P.R.]. (30 Jan.), 6 Feb. Instructions [P.R.] : *pp.* 40 and 188.

West  
Florida.

1767-8.—John Eliot.—(26 March), 13 April. Commission ; change *re* oaths.—(27 July), 5 Aug. Instructions : *p.* 4 ; other changes not specified.—29 June 1768 ; oaths taken.

1769-70.—Peter Chester.—(29 Dec.), 5 Jan. Commission [P.R.].—9 Feb. Oaths taken.—(15 Feb.), 26 Feb. Instructions. Changes *re* customs ; *pp.* 40 and 188.

## APPENDIX II.

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### APPOINTMENTS TO COLONIAL COUNCILS.

1767.—(6 Jan.), 13 Feb. Oliver Nugent and Josiah Martin. *Antigua.*

1767.—(15 May), 26 June. Anthony Stokes, *vice* James Brebner, appointed Chief Justice of the Southern Caribbee Islands.

1770.—(1 May), 4 May. Edward Byam.

1771.—(25 Jan.), 6 Feb. Jeremiah Blizard.

1771.—(20 Feb.), 24 Feb. John Brooke.

1771.—14 June. (Payne's instructions.) Richard Hawshaw Losack (Lieut.-General of Leeward Islands), Francis, Lord Hawley (Lieut.-Governor of Antigua), Edward Otto Bayer, Thomas Jarvis, Arthur Freeman, Francis Freeman, Valentine Morris, William Warner, Ashton Warner, O. Nugent, E. Byam, J. Blizard, and J. Brooke.

1772.—(12 May), 15 May. William Salmond, *vice* W. Warner, deceased.

1773.—(25 Nov.), 10 Dec. Francis Farley, John Gray, and William Mackinnen.

1774.—(21 April), 4 May. Martin Byam.

1778.—(27 Jan.), 19 June. James Athill and John Duer.

1779.—(12 Nov.), 19 Nov. John Laforey.

1779.—(2 Dec.), 6 Dec. Robert Jeaffreson.

1781.—(3 April), 27 April. Charles Winstone.

1781.—8 May. (Shirley's instructions.) R. H. Losack (Lieut.-General), James Prevost (Lieut.-Governor of Antigua), T. Jarvis, A. Warner, E. Byam, J. Gray,

W. Mackinnen, M. Byam, J. Duer, J. Laforey, R. Jeaffreson, and C. Winstone.

1782.—(22 Feb.), 4 March. Sir John Ogilvie, Bart.

1783.—5 Nov. Thomas Norbury Kerby.

1783.—21 Nov. William Gunthorpe, to rank according to his appointment by the Governor, *i.e.* after Sir John Ogilvie.

1783.—18 Dec. Lockhart Russel, appointed by the Governor, confirmed.

Bahamas. 1767.—(26 Feb.), 13 April. William Hutchinson, there being only five councillors.

1768.—29 June. (T. Shirley's instructions.) John Gambier, John Brown, James Bradford, Samuel Gambier, W. Hutchinson, William Bradford and Thomas Bunch.

1770.—(13 July), 27 July. Robert Hunt, *vice* W. Bradford, removed to one of the northern continental colonies.

1779.—15 Sept. (Maxwell's instructions.) J. Gambier (Lieut.-Governor), J. Brown, S. Gambier, W. Bradford, Robert Sterling, Andrew Symmer, R. Hunt, James Babbidge and Thomas Atwood.

Barbados. 1767.—(6 Jan.), 13 Feb. Francis Ford, *vice* Richard Worsam, deceased.

1768.—(20 Jan.), 1 Feb. Irenaeus Moe and Rev. Robert Brathwaite, *vice* Richard Salter and George Walker, absent from the island since 1757 and 1763 respectively. (Letters from the President of the Council and an address of the House of Representatives had alleged that such absenteeism was delaying justice and obstructing the business of government.)

1770.—(13 July), 27 July. William Fitzherbert, *vice* Henry Thornhill, deceased.

1772.—(2 Nov.), 6 Nov. Richard Cobham, *vice* F. Ford, deceased.



1773. 31 March. (Hay's instructions.) William Bishop, *vice* Sir John Gybbons, who had not resided on the island for some years.

1774.—(25 Oct.), 28 Oct. John Best, *vice* Edward Jordan, deceased.

1778.—(17 Feb.), 6 March. Joseph Keeling, *vice* Gedney Clarke, deceased.

1778.—(20 Aug.), 23 Oct. John Ince, *vice* Conrade Adams, resigned.

1780.—23 Feb. (Cunninghame's instructions.) Samuel Rous, John Dottin, Abraham Comberbatch, Henry Frere, I. Moe, Rev. R. Brathwaite, R. Cobham, W. Bishop, J. Best, J. Keeling and J. Ince.

1780-1.—(1 Nov.), 16 Feb. Sir Philip Gibbs Bart.

1782.—4 Sept. (Parry's instructions.) As in 1780, omitting Rous and Cobham.

1782.—16 Oct. William Fitzherbert, for some years prevented from attending by residence in Great Britain,—to take rank from his appointment in 1770.

1782.—30 Oct. Richard James Estwick and Timothy Calendar.

1770.—(15 June), 22 June. Henry Tucker, jun., and John Tudor, *vice* Col. Thomas Gilbert and Samuel Spofferth, deceased. Bermuda.

1774.—(21 Feb.), 9 March. John Hinson, *vice* Leonard White, deceased.

1775.—(11 May), 26 May. Samuel Trott, *vice* his father of the same name, deceased.

1780.—(30 July), 4 Aug. Robert Trail, collector of customs.

1781.—(29 May), 15 June. (Browne's instructions.) Thomas Hunt, Jonathan Burch, Edmund Styles, H. Tucker, J. Tudor, S. Trott, and R. Trail.

1781.—28 Nov. Daniel Leonard, the Attorney General, and Andrew Cazneau.

1783.—3 Aug. George Forbes.

**Dominica.** 1770.—16 Nov. (Young's instructions.) The Lieut.-Governor, James Ashley Hall, Andrew Dewar, Alex. Stuart, John Weir, Charles Dunlop, John Gregg, Robert Seaman, Abraham Shaw, Charles Winstone, Oliver Nugent, Garratt Burton, and James Furlong.

1773.—(26 Oct.), 29 Oct. John Lyons, Robert George Bruce, William Garnier, Thomas Smith, and Thomas Wilson.

1775.—1 Dec. William Hutchinson, *vice* J. Lyons, deceased.

1776.—21 Aug. In accordance with a letter of 6 May from Governor Shirley, and a Board of Trade representation, Abraham Shaw, who has arrived after two years' absence, is allowed to take his place and rank in accordance with his appointment in 1770.

1777.—(12 June), 4 July. Alexander Henderson.

1778.—(31 March), 15 April. Francis Home.

1783.—26 Sept. (Orde's instructions.) The Lieut.-Governor, A. Stuart, J. Gregg, A. Shaw, C. Winstone, T. Wilson, S. Dewar, and J. Bruce.

1783.—1 Oct. Samuel Dewar and James Bruce.

1783.—22 Oct. — Vance.

**East  
Florida.**

1767.—(6 Jan.), 13 Feb. The Governor not yet having found a sufficient number of qualified persons, Thomas Wooldridge, lately appointed Provost Marshall, is added to the Council.

1767.—(16 April), 13 May. Andrew Turnbull.

1767.—(15 Dec.), 23 Dec. Martin Jollie.

1771.—(31 May), 7 June. John Moultrie (Lieut.-Governor), John Stuart, Robert Catherwood, John Holmes, Rev. John Forbes, William Drayton, Witter Cuming, A. Turnbull, Sir Charles Burdett, Bart., and M. Jollie, appointed by Governor Grant, confirmed.

1772.—(29 July), 31 July. William Owen, Arthur Gordon, and Frederick George Mulcaster, *vice* Turnbull and Drayton, resigned, and to fill another vacancy.

1773.—(25 Nov.), 10 Dec. Francis Levett, there being only eight councillors.

1771.—(27 Feb.), 1 March. Henry Yonge and Anthony Stokes. Georgia.

1772.—(4 March), 16 March. James Hume, *vice* Francis Harris, deceased.

1775.—(28 Nov.), 13 Dec. Josiah Tattnall, *vice* James Habersham, deceased.

1776.—(12 Aug.), 21 Aug. Charles William Mackinnen.

1766.—(8 Aug.), 8 Aug. John Harvey and Peter Gordon, *vice* Edward Horne, deceased, and Oliver Nugent, resigned. Grenada.

1770.—(29 March), 5 April. Paul Mignot Devoconnu, *vice* James Brebner *alias* Gordon, deceased, in accordance with the instruction for admitting not more than two Roman Catholic inhabitants, as councillors (*pp.* 8-9). Should Devoconnu become the senior member of the Council, he is not to be capable of assuming the administration in the absence of the Governor and Lieut.-Governor.

1771.—(6 Feb.), 11 Feb. Charles Nicholas de Chanteloup, *vice* John Harvey, deceased. Assumption of the government is not now absolutely prohibited, but conditional on taking the oaths and subscribing the declaration prescribed.

1771.—15 April. (Leyborne's instructions.) Francis Gore (Lieut.-Governor), Robert Turner, John Graham, Patrick Maxwell, William Lindow, Frederick Corsar, Thomas Townshend, William Lucas, John Melvill, Thomas Williams, P. M. Devoconnu and C. N. de Chanteloup.

1773.—(1 July), 28 July. Hugh Dalrymple, Andrew Irwin, Hugh Hall Wentworth, Thomas Martyn, James Taylor,

and Gilbert Eames, there being now only two members of his Majesty's appointment. Also Roume de St. Laurent, a Roman Catholic, *vice* C. N. de Chanteloup, deceased.

1775.—(18 May), 26 May. George Leonard Stanton, *vice* H. H. Wentworth, deceased.

1776.—(10 Dec.), 20 Dec. James Fotheringham.

1777.—(20 Aug.), 29 Aug. Samuel Williams and John Black.

1778.—(10 Feb.), 6 March. James Campbell. 30 March : allowed to take rank after S. Williams, on his petition for precedence from his nomination by Lieut.-Governor Young in Jan., 1776.

1778.—(10 March), 16 March. Robert Johnston, *vice* J. Fotheringham, deceased.

1778.—(5 May), 13 May, 8 June, 10 June. T. Martyn, J. Taylor, and G. L. Stanton, who had been suspended, are restored on Lord Macartney's recommendation.

1783.—17 Sept. Asheton Warner Byam.

1783.—26 Sept. (Mathew's instructions.) W. Lucas, J. Campbell, S. Williams, J. Black, G. Eames, Sir Francis Laurent, R. Johnstone, A. W. Byam.

1783.—21 Nov. Samuel Sandbatch.

**Jamaica.** 1768.—(20 Jan.), 1 Feb. Thomas Harrison, *vice* Gilbert Ford, deceased.

1768.—(1 Nov.), 2 Nov. Rose Herring May, *vice* Samuel Whitehorne, deceased.

1769.—(11 May), 26 May. William Patrick Brown and Thomas Gordon, *vice* Philip Pinnock and Zachary Bayly, resigned.

1770.—(1 March), 14 March. Richard Welch, *vice* William Lewis, resigned.

1771.—(26 April), 1 May. John Ellis, *vice* John Kennion, resigned.

1772.—(25 March), 22 April. Bryan Edwards, *vice* Thomas Gordon, deceased.

1772.—(2 Nov.), 6 Nov. John Palmer, *vice* William Wynter, deceased.

1774.—(21 April), 4 May. William Barnett, *vice* Charles Dawes, deceased.

1774.—(2 June), 8 June. Samuel Alpress, *vice* T. Harrison, resigned.

1774.—(15 Dec.), 19 Dec. Thomas Hersey Barritt.

1775.—(11 May), 26 May. Richard Welch, *vice* Archibald Sinclair, deceased.

1775.—(19 Dec.), 22 Dec. Thomas Wallen.

1776.—(14 May), 17 May. Edward Foord, *vice* B. Edwards, resigned.

1777.—(17 Jan.), 22 Jan. James Wildman, *vice* J. Ellis, who has been absent for a long time.

1777.—(10 July), 13 Aug. Nathaniel Beckford.

1779.—(19 Aug.), 10 Sept. William Lewis, *vice* R. Welch, resigned.

1782.—28 Aug. (Campbell's instructions.) Thomas Iredell, Francis Cooke, R. H. May, W. P. Brown, J. Palmer, W. Barnett, S. Alpress, T. H. Barritt, T. Wallen, J. Wildman, N. Beckford, and W. Lewis.

1783.—24 Feb. Thomas Sewell, Attorney General, and Thomas Davison, collector of customs, *vice* T. H. Barritt, resigned, and F. Cooke, deceased.

1783.—15 Aug. John Campbell of Hope, *vice* W. Barnett, deceased.

1768.—(4 Aug.), 5 Aug. Henry Dyer, as there are only Montserrat. eight councillors.

1768.—(1 Nov.), 2 Nov. John Ravell Frye and Robert Piper.

1771.—14 June. (Payne's instructions.) R. H. Losack (Lieut.-General of Leeward Islands), Benjamin Carpenter (Lieut.-Governor of Montserrat), James Schaw, William Musgrave, Michael White, John Symes, Anthony Wyke, Alexander Gordon, H. Dyer, J. R. Frye, and R. Piper.

1773.—(11 Feb.), 26 Feb. Thomas Dorset, appointed by the Governor, confirmed.

1774.—(25 Oct.), 28 Oct. Rev. Henry Robert Duckworth, *vice* J. Schaw, gone to live in England.

1777.—(24 July), 13 Aug. Richard Isles, *vice* J. Symes, deceased.

1778.—(20 Aug.), 23 Oct. Anthony Hodges.

1781.—8 May. (Shirley's instructions.) R. H. Losack, B. Carpenter, W. Musgrave, M. White, A. Gordon, H. Dyer, J. R. Frye, and R. Piper.

Nevis. 1768.—(4 Aug.), 5 Aug. James Smith, as there are only 7 councillors.

1768.—(1 Nov.), 2 Nov. John Ward.

1769.—(11 May), 26 May. John Dasent and John Pinney, *vice* J. Ward and Walter Nesbitt, resigned.

1771.—14 June. [Payne's instructions.] R. H. Losack (Lieut.-General), James Johnston (Lieut.-Governor of Nevis), John Richardson Herbert, John Symmonds, Henry Sharpe, Archibald Thompson, John Vanderpoole, J. Smith, J. Dasent, and J. Pinney.

1772.—(30 Nov.), 18 Dec. John Browne, *vice* J. Smith, deceased.

1773.—(25 Nov.), 10 Dec. Robert Pemberton, there being only 8 councillors.

1774.—(11 May), 26 May. John Taylor, *vice* J. Vanderpoole, deceased.

1776.—(3 Dec.), 20 Dec. James Tobin, *vice* H. Sharpe, who has been resident for a considerable time in St. Vincent; also Robert Thompson.

1781.—8 May. [Shirley's instructions.] R. H. Losack, J. Johnston, J. R. Herbert, J. Symmonds, A. Thompson, J. Dasent, J. Pinney, J. Browne, R. Pemberton, J. Taylor, and J. Tobin.

1768.—(4 Aug.), 5 Aug. Daniel Rogers, *vice* Henry Sherburne, deceased. New  
Hampshire.

1769.—(6 July), 14 July. Peter Gilman and Thomas Westbrooke Waldron.

1770.—(14 Nov.), 16 Nov. Paul Wentworth.

1774.—(25 Oct.), 28 Oct. Ammoni Ruhamah Cutter, *vice* Daniel Peirce, deceased.

1774.—(15 Dec.), 19 Dec. John Sherburne, *vice* James Nevin, deceased.

1775.—12 May. George Boyd, *vice* Peter Livius, appointed a judge in Quebec.

1768.—(1 Nov.), 2 Nov. Richard Stockton, *vice* Samuel Woodruffe, deceased. New  
Jersey.

1769.—(13 Dec.), 14 Dec. Stephen Skinner, *vice* Lewis Ashfield, deceased.

1771.—(26 April), 1 May. Daniel Coxe, *vice* John Ladd, deceased.

1771.—(27 June), 19 July. John Lawrence, *vice* John Smith, deceased.

1774.—(21 April), 4 May. Francis Hopkinson, *vice* Charles Read, gone to settle in Santa Cruz.

1767.—(16 April), 13 May. William Smith, jun., *vice* New York. William Smith, resigned on account of age and infirmities.

1767.—(27 July), 5 Aug. Henry Cruger, sen., as there are only 11 councillors.

1768.—(1 Nov.), 2 Nov. Hugh Wallace, *vice* William Walton, deceased, and James de Lancey, *vice* William Alexander, resigned.

1768.—(8 Dec.), 16 Dec. Henry White, there being only 11 councillors besides the Lieut.-Governor, and the Governor having frequently represented that the administration of public affairs is obstructed and delayed from the want of a greater number of councillors.

1770.—11 June. [Lord Dunmore's instructions.] Cadwallader Colden (Lieut.-Governor), Daniel Horsmanden, Sir William Johnson, Bart., John Watts, Oliver De Lancey, Charles Ward Apthorpe, Joseph Read, Roger Morris, W. Smith, H. Cruger, H. Wallace and H. White.

1771.—(26 April), 1 May. William Axtell, *vice* J. Read, deceased.

1773.—(26 April), 6 May. John Harris Cruger, *vice* H. Cruger, resigned.

1774.—(25 Oct.), 28 Oct. James Jauncey, *vice* Sir W. Johnson, deceased.

1779.—23 June. [Robertson's instructions.] The Lieut.-Governor, the Chief Justice, J. Watts, O. De Lancey, C. W. Apthorpe, R. Morris, W. Smith, H. Wallace, W. Axtell, and J. H. Cruger.

North  
Carolina.

1767.—(6 Jan.), 13 Feb. Samuel Strudwick, *vice* Richard Spaight, deceased.

1767.—13 Feb. James Murray restored, having been omitted by mistake in Governor Tryon's instructions.

1770.—(1 May), 4 May. Martin Howard (the Chief Justice), and Samuel Cornell, *vice* J. Murray and Edward Brice Dobbs, who have vacated their seats by their long absence.

1771.—(30 Jan.), 6 Feb. [Martin's instructions.] George Mercer (Lieut.-Governor), James Hassell, John Rutherford, Lewis de Rosset, John Sampson, Alexander McCulloh,



William Dry, Robert Palmer, S. Strudwick, M. Howard, and S. Cornell.

1771.—(26 April), 1 May. Sir Nathaniel Duckenfield, Bart., and Marmaduke Jones.

1774.—(21 Feb.), 9 March. Thomas M'Gwire (Attorney General), and Willie Jones.

1775.—(11 May), 26 May. William Palmer, *vice* his father, R. Palmer, resigned.

1767.—(15 Dec.), 23 Dec. Benjamin Gerrish, *vice* Edmund Nova Scotia. Crawley, who has left the province.

1772.—(29 July), 31 July. Arthur Goold and John Butler, *vice* John Collier and B. Gerrish, deceased.

1773.—(25 Nov.), 31 Dec. James Burrow, *vice* Benjamin Green, deceased.

1774.—(25 Oct.), 28 Oct. John Creighton, *vice* Joseph Gerrish, deceased.

1777.—(24 July), 13 Aug. Bryan Finucane, the Chief Justice, with rank immediately below the Lieut.-Governor.

1782.—(29 Jan.), 11 Feb. Alexander Brymer, *vice* Charles Morris, deceased.

1782.—28 Aug. [Parr's instructions.] Sir Andrew Snape Hammond (Lieut.-Governor), B. Finucane (Chief Justice), Michael Franklyn, Richard Bulkeley, Henry Newton, Jonathan Binney, Joseph Gorham, A. Goold, J. Butler, J. Creighton and A. Brymer.

1783.—2 April. Isaac Deschamps.

1769.—4 Aug. [Paterson's instructions.]—Thomas Desbrisay (Lieut.-Governor), the Chief Justice, Wm. Allanbey, and David Higgins. Prince  
Edward  
Island.

1768.—12 Aug. [Carleton's instructions.]—Wm. Hey Quebec.  
(Chief Justice), Hector Theophilus Cramahé, James Goldfrap,

Hugh Finlay, Thomas Mills, Thomas Dunn, Walter Murray, Samuel Holland, Francis Mounier, Benjamin Price, and Colin Drummond.

1776.—(14 May), 17 May. Henry Caldwell.

1776.—(20 Sept.), 25 Sept. John Drummond, *vice* C. Drummond, deceased.

1777.—(25 March), 16 April. William Grant of St. Roc, Deputy Receiver General.

1777.—(24 July), 13 Aug. Roque St. Ours, *vice* his father, of same name, deceased.

1777.—(7 Aug.), 15 Aug. Francis Baby and — de Longueuil.

1779.—(30 July), 4 Aug. Samuel Holland, *vice* Alexander Johnstone, deceased.

1783.—8 Aug. George Davison, *vice* J. Drummond, resident in Great Britain.

St.  
Christopher.

1767.—(6 Jan.), 13 Feb. Edward Peters.

1768.—(1 Nov.), 2 Nov. Drewry Ottley, *vice* Gilbert Fane Fleming, deceased.

1770.—(1 May), 4 May. Anthony Johnson and Francis Phillips.

1770.—(7 Dec.), 9 Dec. John Stanley and Archibald Esdaile.

1771. (31 May), 7 June. Stephen Payne Gallway and William Wells.

1771.—14 June. [Payne's instructions.] R. H. Losack (Lieut.-General), James Poole (Lieut.-Governor of St. Christopher), Craister Greathead, John Estridge, Lewis Brotherson, Samuel Croke, E. Peters, D. Ottley, A. Johnson, F. Phillips, J. Stanley, A. Esdaile, S. P. Gallway, and W. Wells.

1772.—(2 Nov.), 6 Nov. Samuel Croke.

1773.—(25 Nov.), 10 Dec. Thomas Thomas.

1775.—(26 June), 30 June. James Pilkington Vanderpoole and Stedman Rawlins.

1777.—(6 Jan.), 6 March. William Leslie Hamilton and Joseph Rawlins.

1780.—(11 May), 21 June. John Smith Thomas, *vice* C. Greathead, deceased.

1781.—8 May. [Shirley's instructions.] R. H. Losack, J. Poole, L. Brotherson, A. Johnson, J. Stanley, A. Esdaile, S. P. Galloway, W. Wells, S. Crooke, T. Thomas, S. Rawlins, W. L. Hamilton, J. Rawlins and J. S. Thomas.

1771.—15 April. [Leyborne's instructions.] Francis Gore St. Vincent. (Lieut.-General of Grenada Islands), Ulysses Fitzmaurice (Lieut.-Governor of St. Vincent), Richard Ottley, Henry Sharpe, Harry Alexander, Robert Wynne, William Fitzhugh, Josiah Jackson, Rowland Ash, William Byam, Henry Smith, Thomas Hackshaw, George Young, and John Hunt.

1771.—(24 May), 7 June. Archibald Ingram, *vice* W. Fitzhugh, resigned.

1776.—(19 March), 22 March. [Morris's instructions.] William Walker.

1776.—(22 Nov.), 11 Dec. William Crooke, *vice* R. Ash, who has left the island.

1777.—(25 March), 16 April. John Collins and Thomas Ottley.

1778.—(10 March), 19 June. John Sharpe.

1767.—(6 Jan.), 13 Feb. Daniel Moore.

1769.—(6 July), 14 July. William Wragg and Rowland Rugely.

1771.—(13 Feb.), 24 Feb. Thomas Knox Gordon (Chief Justice), and William Henry Drayton.

1771.—(26 April), 1 May. Barnard Elliot and David Deas.

South  
Carolina.

1772.—(2 Nov.), 6 Nov. Charles Pinckney, sen., *vice* John Burn, who has quitted the province and does not intend to return.

1774.—(21 Feb.), 9 March. Thomas Irving.

1774.—(20 June), 6 July. William Bull, jun., added in Lord W. Campbell's instructions.

1774.—(25 Oct.), 28 Oct. William Gregory.

Tobago. 1769.—(15 Feb.), 20 Feb. Edmund Lincoln.

1771.—(6 Feb.), 11 Feb. Gilbert Franklyn and Archibald Stewart, *vice* William Hall and Adam Fairholm, deceased.

1771.—15 April. [Leyborne's instructions.] Francis Gore (Lieut.-General of Grenada Islands), William Young (Lieut.-Governor of Tobago), Robert Stuart, Benjamin Brown, Archibald Kennedy, Peter Campbell, John Leith, James Duncan, Alexander Sympson, Walter Robertson, Joseph Robley, E. Lincoln, G. Franklyn and A. Stewart.

1771.—(27 June), 19 July. Thomas Fairholm, *vice* G. Franklyn, who does not intend to reside in the island.

1772.—(29 July), 31 July. James Elder, appointed by the Governor, confirmed.

1773.—(11 Feb.), 26 Feb. David Mill, appointed by the Lieut.-Governor of St. Vincent, confirmed.

1777.—(24 July), 13 Aug. James Campbell, *vice* T. Fairholm, resigned.

1778.—(29 May), 19 June. Gilbert Petrie, *vice* J. Elder, deceased, and James Ottley, *vice* P. Campbell, appointed Lieut.-Governor.

Virgin  
Islands.

1776.—(9 Dec.), 20 Dec. John Fahie, Abraham Chadwild, Bazaliel Hodge, James Dawson, George Leonard, jun., Thomas Thomason, John Hodge, George Nibbs, Henry Martin and William Turnbull.

1778.—(6 Jan.), 19 June. Henry Webb.

1778.—(5 May), 13 May, 8 June, 10 June. James Dawson *removed*. He had refused to sit in the Council, and was elected to the Assembly.

1778.—(23 July), 24 July. In accordance with the dates of their appointments by Governors prior to Governor Burt's instructions, Nibbs, Martin and Turnbull are given precedence (in the order named) immediately after Chadwild.

1779.—(30 March), 21 April. Robert Hunter.

1781.—2 May. [Shirley's instructions.] R. Losack (Lieut.-General of Leeward Islands), John Nugent (Lieut.-Governor of Virgin Islands) J. Fahie, A. Chadwild, G. Nibbs, H. Martin, W. Turnbull, G. Leonard, T. Thomason and R. Hunter.

1781.—(12 June), 15 June. Richard Hetherington.

1783.—8 Aug. Thomas Braithwaite.

1767.—(16 April), 13 May. George William Fairfax, *vice* Virginia. Philip Ludwell, deceased.

1767.—(15 Dec.), 23 Dec. John Page, *vice* Peter Randolph, deceased.

1770.—(8 Feb.), 9 Feb. Rev. James Horrocks, *vice* Presly Thornton, deceased.

1771.—(30 Jan.), 6 Feb. [Lord Dunmore's instructions,] William Nelson, Thomas Nelson, Richard Corbin, William Byrd, Philip Ludwell Lee, Robert Carter, Robert Burwell, G. W. Fairfax, J. Page, Rev. J. Horrocks, and Ralph Wormley, the last *vice* John Blair, the President, resigned.

1772.—(29 July), 31 July. Rev. John Camm, commissary of the Bishop of London, *vice* Rev. J. Horrocks, deceased, who was also commissary.

1773.—(11 Feb.), 26 Feb. John Page, jun., *vice* W. Nelson, deceased.

1775.—(16 Feb.), 20 Feb. Gawin Corbin, *vice* J. Page, deceased.

West  
Florida.

1769.—(15 Feb.), 20 Feb. James Bruce, collector of customs at Pensacola, being about to return to West Florida after eighteen months leave of absence, is allowed to rank according to the date of his former appointment by commission from the Governor, 22 Nov., 1764, and receives a mandamus accordingly to rank next to the Chief Justice.

1770.—26 Feb. [Chester's instructions.] Elias Durnford (Lieut.-Governor), William Clifton (Chief Justice), James Bruce, and Jacob Blackwell.

1770.—(16 March), 5 April. Arthur Neil and Philip Comyns, there being only 4 councillors.

1771.—(20 Feb.), 24 Feb. David Hodge, appointed by Governor Chester.

1771.—(10 April), 15 April. James Jones, appointed by Governor Chester.

1774.—(25 Oct.), 28 Oct. James Barbutt, there being only 10 councillors.

1778.—(25 Sept.), 23 Oct. James Baird, *vice* Philip Comyns, deceased.

1779.—(19 Jan.), 22 Jan. J. Jones *removed*. He had been absent since 1773, and had now taken an oath of fidelity to the Spanish Governor of Louisiana.

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## APPENDIX III.

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### ACTS CONFIRMED OR DISALLOWED.

Colonial acts whose confirmation or disallowance is recorded in the Register without special comment are collected in this appendix. In the case of most colonies, reference is made to an edition of the "Laws" in which they may be found; in the other cases the title of the act is given. Unless otherwise stated, the acts were confirmed. Dates are given as in previous volumes. A leaded date—8 J u n e—means that reference was made direct to the Board of Trade, not first to the Committee. A date in brackets is, as in other appendices, the date of a Board of Trade representation or report.

("Laws of Antigua," London, 1805.)

Antigua.

1770.—24 May. No. 318. [P.R.]

1767.—24 July. Act to amend an Act for the governing negroes. (April, 1766.) Barbados.

1770-1.—(19 Dec.), 9 Jan., 25 May, 7 June. Act for Samuel Massett's trustees (June, 1769)—*disallowed*, for want of a suspending clause.

1782.—13 Sept. Act to enable the commissioners herein appointed to dispose of the Parliamentary bounty. (April, 1782.)

("The Acts of Bermuda," New York, 1862,—titles given as in the list at the end of the book.) Bermuda.

1773.—26 March, 5 April, 7 April. 1770 title 1.

1781.—3 Aug. 1780 title 7 *referred*.

1782.—27 Sept. 1782 titles 1, 14.

1782-3.—3 Nov., 28 Jan., 31 Jan. 1780 title 5. (The order of confirmation is entered again on 25 July, 1783.)

1783.—5 Nov. 1775 title 9.

Dominica. 1771.—27 June. Act for Henry Williams' executors. (Feb., 1771.) [P.R.]

Georgia. 1771.—(8 March), 28 March, 23 May, 7 June. Act for ordering and governing slaves within this province and for establishing a jurisdiction for the trial of offences committed by such slaves and other purposes therein mentioned and to prevent the inveigling and carrying away slaves from their masters, owners or employers. (May, 1770.)

1774.—(5 Nov.), 16 Nov., 19 Dec., 19 Dec. Act for the settling and ascertaining the fees to be taken by the several public officers and persons hereinafter named. (Sept., 1773.)

1781.—22 June. An act for granting to his Majesty certain duties upon all goods, wares and merchandise whatsoever of the growth or production of this province, which may be exported from hence as the contribution of Georgia to the general charge of the British Empire. (9 March, 1781.)

Grenada. ("The Laws of Grenada, 1763-1805," London, 1808. Numbers as in the table at the beginning of the book.)

1767.—18 Nov. No. 5. [P.R.]

1774.—13 April. No. 45.

1774.—(5 Nov.), 16 Nov., 2 Dec., 2 Dec. No. 40—*disallowed*.

Jamaica. ("The Laws of Jamaica," St. Iago de la Vega, 1802. In this edition only public acts are given in the body of the book, though a list of private acts is given at the beginning, which includes all those mentioned below.)



*A. Public Acts.*

- 1768.—(21 July), 5 Aug., 9 Aug., 12 Aug. 31 Geo. II. c. 4.  
 1768.—16 Dec. 6 Geo. III. c. 4. [P.R.]  
 1775.—30 June. 15 Geo. III. c. 12—*disallowed*.  
 1776.—5 Feb. 15 Geo. III. c. 14.  
 1776.—31 May, 11 July, 12 July. 14 Geo. III. c. 5.  
 1779.—5 May. 19 Geo. III. c. 21—*disallowed*.  
 1782.—11 Jan. 21 Geo. III. c. 23.

*B. Private Acts.*

- 1768.—17 Feb. For John Donaldson. [P.R.] (Passed in 1766.)  
 1770.—27 April. For Ballard Beckford's trustees. [P.R.]  
     (Dec., 1769.)  
 1770.—15 June. For Wm. Patrick Browne. [P.R.] (Dec.,  
     1768.)  
 1771.—1 March. For Ann Shermore and others. [P.R.]  
     (Dec., 1769.)  
 1771.—27 Dec. For George Ricketts' trustees. [P.R.]  
     (Dec., 1770.)  
 1772.—15 May. For W. Gilchrist. (Dec., 1768.)  
 1774.—19 Dec. For the trustees of certain waste lands in  
     St. Elizabeth and Westmoreland parishes.  
     (March, 1773.)  
 1775.—27 Oct. For John Donaldson. (Dec., 1774.)  
 1775.—1 Dec. For Dugald Clarke. (Dec., 1771.)  
 1775.—22 Dec. For Daniel Morse. (Feb., 1770.)  
 1777.—13 June. For Robert Cooper Lee: and for Sarah  
     Walters Bolt and her children by Henry  
     Strudwick and James Lewis. (Dec., 1776.)  
 1777.—4 July. For Mary Powell and the reputed son of  
     George Brooks. (Dec., 1775.)  
 1777.—13 Aug. For the reputed children of William Clarke  
     by Charlotte Pawlett. (Dec., 1774.)

1778.—10 June. For Thomas Harper's trustees. (Dec., 1777.)

1780.—20 March. For George Brooks. (Dec., 1775.)

1780.—31 May. For Thomas Cussans. (Dec., 1779.)

Massachu-  
setts Bay.

("Acts and Resolves," Boston, 1878.)

1767.—24 July. 1766-7, c. 5.

1771.—25 Sept. and 4 Oct., 31 March,——, No order made on 1770-1, cc. 20-35, and 1771-2, cc. 1-9.

1772.—19 June and 1 July. *Reference* of 1771, cc. 10-22, and a private act for changing the name of William Clark Tyler to Royall Tyler.

1772.—18 Dec. and 19 Dec. *Reference* of 26 acts of June-July, 1772, not named in the Register.

1773.—30 June. *Reference* of 1772-3, cc. 26-43 and 45-52. For 44, the only act objected to, see § 288.

1773.—8 Oct. *Reference* of 1773-4, cc. 1-14, and a private act for changing the name of Bunker Sprague to Ebenezer Harnden.

1774.—1 June. *Reference* of 1773-4, cc. 15-34.

1774.—9 Oct. and 15 Nov. *Reference* of eight acts of June 1774, not named in the Register.

Nevis.

1776.—21 Feb. Act for Joseph Clarke and John Richardson Herbert. (July, 1772.)

1781.—23 March. Act appointing John Stanley agent in Great Britain. (1778.)

New Hamp-  
shire.

1770.—(20 July), 27 July, 4 Dec., 9 Dec. Act for dividing this province into counties and for the more easy administration of justice. (April, 1769.)

1773.—(6 May), 19 May, 26 Aug., 1 Sept. Act to dissolve the marriage of Greenwood Carpenter of Swanzey with Sarah



- 1770.—(20 July), 27 July, 4 Dec., 9 Dec. cc. 9, 10 of 7th session of 4th Assembly.
- 1773.—26 March, 5 April, 7 April. c. 4 of 3rd session of 5th Assembly.
- 1775.—(9 Feb.), 15 Feb., 20 Feb., 20 Feb. c. 6 of 6th session of 5th Assembly.
- 1775-6.—(5 Dec.), 13 Dec., 21 Dec., 3 Jan. cc. 5, 6 of 7th session of 5th Assembly.
- 1775.—(21 Nov.), 1 Dec., —, —. cc. 4, 13 of 5th session, and c. 1 of 6th session, of 5th Assembly, *referred*. The Board of Trade recommended disallowance.
- 1777.—17 Feb. c. 3 of 9th session of 5th Assembly—*disallowed*.

Pennsyl-  
vania.

("Laws of Pennsylvania," published by authority of the Legislature, 1797.)

- 1767.—13 Feb. and 2 April, 11 May, 13 May. Nos. 543-58 inclusive.
- 1767-8.—23 Dec. and 26 Jan. *Reference* of 19 acts of Feb. and May, 1767.
- 1768-9.—23 Nov. and 16 Dec., 18 Feb., 6 March. Nos. 578-85 and 587-8.
- 1770.—26 Feb. and 28 Feb. *Reference* of Nos. 590-608.
- 1771.—11 Feb., 23 May, 24 May. Nos. 610-1, 613-7, 619-21, 623-8.
- 1772.—9 Oct. *Reference* of Nos. 629-49.
- 1773.—15 Jan., 7 April, 7 April. Nos. 652-73, 675-7, 679-81.
- 1773.—8 Feb. *Reference* of two acts (a) for preventing tumults, &c.; (b) for the support of the light-house at the mouth of Delaware Bay, &c.

1774.—2 Feb., 20 June, 6 July. Nos. 683-91, 693-4, and a private act for Wm. Martin.

1774.—1 2 Aug. *Reference* of Nos. 698-705.

1775.—2 0 Feb. *Reference* of Nos. 695-7, 706-8.

1775.—2 1 July. *Reference* of Nos. 709-20.

1776.—(20 Feb.), 28 Feb., 4 March, 8 March. Act for the effectual recovery of certain of H.M. quitrents. (Oct., 1774.) Prince  
Edward  
Island.

1781.—27 June, 28 June, —: (*postponed by Committee*). Act of 17 July, 1780, for altering the name of the island from St. John to New Ireland.

1782.—13 Nov. *Reference* of an act for enforcing the payment of his Majesty's quit rents, due or which may become due within this Government, and to authorize the Receiver General to recover the same by sale of the land or otherwise.

("The Laws of St. Christopher," 1791.)

St.  
Christopher.

1768-9.—(22 Dec.), 11 Jan., 18 Feb., 6 March. Act for bringing down fresh water from the public rivers of this island to the town of Basseterre and other places, where there is a want of the same—*disallowed*, for want of a suspending clause. (Aug., 1768.)

1771.—27 Dec. No. 209. [P.R.]

1774.—6 July. No. 220.

1775.—22 Dec. No. 219.

1779.—22 Jan. No. 229.

1782.—11 Feb. No. 236.

1776.—(6 Feb.), 14 Feb., —, —. An act for establishing St. Vincent. markets, encouraging the raising of live stock, settling the price of fresh provisions, settling the weights to be used, and for preventing abuses in the fishery about this island. (March, 1774.)—*referred*. The representation was for disallowing the act.

South  
Carolina.

("The Statutes at Large," Columbia, 1838.)

1769.—29 Nov. No. 980. [P.R.]

1770.—15 June. No. 984. [P.R.]

1770.—(21 Nov.), 26 Nov., 4 Dec., 9 Dec. Nos. 961 and 989—*disallowed*. 961 augments the number of the Assembly ; 989 is for issuing bills of credit.

1771-2.—(18 Dec.), 27 Dec., 10 Jan., 15 Jan. 939. [P.R.]

## Tobago.

1776.—(7 May), 17 May, 11 July, 12 July. (1) An Act for the good order and government of slaves, and for repealing an act for the good order and government of slaves and for keeping them under proper restraint, for establishing a method of trial in capital cases and other regulations for the greater security of that part of the inhabitants' property (Sept., 1775) ; and (2) an act for establishing a Court of Chancery (Nov., 1775).

1781.—(27 March), 11 April, 28 April, 2 May. Act for a recompense to Edmund Lincoln for wounds received by him in the service of the public. [P.R.]. (July, 1780.)

Virgin  
Islands.

1774.—8 June. An act to subject all goods and commodities of the growth and produce of the island of Tortola, Spanish Town, Joost Van Dyke and the other Virgin Islands which shall be shipped from the said islands to the payment of a duty of four and a half per cent., and to ascertain at what places all the duties of four and a half per cent. shall be paid and received. (Feb., 1774.)

1776-7.—(10 June), 21 June, 1776, —, 13 June, 1777. Act for appointing an agent to negotiate the affairs of these islands in Great Britain, fixing a salary, and settling methods for the duly executing that trust. (Oct., 1766.)

1778.—(6 Jan.), 23 Jan., 7 Feb., 20 Feb. Five acts confirmed, although, being the first passed by the legislature, they want the correctness which a longer exercise of this power will give to their future acts :—(1) confirming all marriages by

members of the Council and Justices of the Peace of the Virgin Islands ; (2) for laying a duty of powder on all vessels trading to and from these islands for the protection of the same ; (3) for the supplying the want of fines and recoveries in these islands, and for making any deed or deeds duly executed and acknowledged before any of his Majesty's Justices of the Courts of Common Pleas in the kingdom of England, or Ireland, or any of these islands equivalent to a fine or recovery or fines or recoveries duly and regularly levied and suffered in any of his Majesty's Courts of Record at Westminster ; (4) for establishing a militia and regulating the same ; (5) for dividing these islands into districts and parishes, to ascertain the number of representatives, with the qualification of electors and candidates, and preserving the freedom of elections, as well as regulating the future assemblies.

(" The Statutes at Large," New York, 1823.)

Virginia.

1767.—13 April. Feb., 1752, *c.* 53, and Nov., 1766, *c.* 20.

1767.—26 June. Oct., 1765, *c.* 44.

1767.—18 Nov. Nov., 1766, *cc.* 23, 25. [P.R.]

1768.—(5 Feb.), 17 Feb., 23 Feb., 26 Feb. Jan., 1764, *c.* 8, and Nov., 1766, *c.* 59. [P.R.]

1768.—4 May. Nov., 1766, *cc.* 54–5. [P.R.]

1769.—(21 Jan.), 27 Jan., 9 March, 13 March. Sept., 1744, *c.* 42. Nov., 1766, *cc.* 57, 60. [P.R.]

1769.—14 April. Nov., 1766, *c.* 26. [P.R.]

1769.—28 June. Nov., 1766, *c.* 56. [P.R.]

1769.—15 Sept. Mar., 1768, *c.* 6. [P.R.]

1770.—24 May. Nov., 1769, *cc.* 68, 70. [P.R.]

1770.—(20 July), 27 July, 4 Dec., 9 Dec. Nov., 1769, *cc.* 3, 4, 37.

1770.—26 Nov. Nov., 1769, *cc.* 78–9, 81–2, 84–6, 88. Oct., 1764, *c.* 13. Oct., 1765, *c.* 4. [P.R.]

- 1771.—6 Feb. Nov., 1769, cc. 75, 87. [P.R.]
- 1771.—12 June, 14 June, 14 June. Nov., 1769, c. 24—  
*disallowed*, for want of a suspending clause.
- 1771.—27 Dec. Nov., 1766, c. 53, and Nov., 1769, cc. 71,  
74, 80. [P.R.]
- 1772.—25 March. Nov., 1769, c. 77. [P.R.]
- 1772.—20 Nov. Feb., 1772, cc. 63–6, 68. [P.R.]
- 1773.—26 Feb. Feb., 1772, cc. 62, 67. [P.R.]
- 1773.—26 March, 5 April, 7 April. Nov., 1769, cc. 18–9, 29.
- 1773.—19 Nov. March, 1773, c. 13.
- 1774.—13 April. March, 1773, c. 14.

Ireland. 1778.—13 April, 4 May, 13 May. An act to authorise for a limited time the punishment by hard labour of offenders who for certain crimes are or shall become liable to be transported to any of H.M. colonies and plantations.

1780. Acts about the sugar trade were approved on 4 Aug., 23 Aug. and 14 Dec., and one about the tobacco trade on 14 Dec.

1782.—28 June, 5 July, 5 July. (a) An act to allow the importation of goods of the growth, produce or manufacture of St. Christopher, Nevis and Montserrat, upon the duties as are payable upon the importation of British Plantation goods, and to amend an act passed this session of Parliament entitled “An act for regulating the Sugar Trade, and for granting to his Majesty, his heirs and successors the duties therein mentioned”; and (b) an act to permit the importation of British Plantation tobacco from any port or place either in America or the West Indies or in Europe during the present hostilities.

1783.—16 Dec., 18 Dec., 18 Dec. An act for facilitating the trade and intercourse between this kingdom and the United States of America.



## APPENDIX IV.

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### THE PLANTATION REGISTER.

Two volumes of the Plantation Register cover the whole of this period, and, besides the entries marked P.R. in the present volume, contain only the following :—

#### VOL. XII. 1767–71.

15 July, 1768. Grant of booty and plunder taken at Pondicherry to the forces employed there.

#### VOL. XIII. 1771–84.

14 Jan., 1784. Two private Jamaica acts for W. Wright and T. Wynter respectively.

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## APPENDIX V.

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### GRANTS OF LANDS.

Two different forms of procedure were used in considering petitions for grants. The dates prefixed to the grants recorded in this Appendix refer to the stages in these respective cases.

(a) The Council refer the petition to the Committee : the Committee refer it to the Board of Trade : the Board of Trade report to the Committee : the Committee report to the Council : and the Council make an order. Five stages, the normal course of procedure.

Where the Council refer the petition *directly to the Board of Trade* to report to a Committee, the date is leaded, thus :  
9 D e c .

(b) A Board of Trade representation is made on the petition : this is referred by the Council to the Committee : reported on by them : and an order made by the Council.

No Board of Trade representation or report forms a substantive entry in the Council Register, though many are quoted in Committee reports. The date of a Board of Trade representation or report is always hereunder given in round brackets, thus : (9 Dec.).

A Committee minute of 22 Dec., 1768, agreed with the Board of Trade as to the expediency of discontinuing the practice of referring petitions for land in general to that Board, and ordered that such references " should hereafter be worded in giving particular directions to that Board."

#### 1.—EAST FLORIDA.

The conditions of grants in this province were as follows :—  
" That the Grantee do Settle the Lands with protestant White

Inhabitants within ten Years from the Date of the Grant in the proportion of one person for every hundred Acres.

“ That if one third of the Land is not settled with protestant White Inhabitants in the above mentioned proportion within three Years from the Date of the Grant the whole be forfeited to his Majesty his Heirs and Successors.

“ That such part of the whole Tract as is not Settled with protestant White Inhabitants at the Expiration of ten Years from the Date of the Grant do revert to His Majesty his Heirs and Successors.

“ That an Annual Quit Rent of one halfpenny Sterling per Acre be reserved to his Majesty his Heirs and Successors payable on the Feast of St. Michael in every Year, to Commence and become payable upon one half of the said Land on the Feast of St. Michael which shall first happen after the expiration of five Years from the Date of the Grant and to be payable on every ensuing Feast of St. Michael, or within fourteen Days after and the whole quantity to be Subject in like manner to the like Quit Rent at the expiration of ten Years.

“ That there be a reservation in the said Grant to his Majesty his Heirs and Successors of all those parts of the Land which the Surveyor shall upon the Return of the Survey, Report to be Proper for Erecting Fortifications, Public Wharfs and Naval Yards, or for other Military Purposes.

“ That there be a Reservation to His Majesty his Heirs and Successors of all Mines of Gold Silver Copper Lead and Coals.

“ That if any part of the said Land shall appear by the Surveyors Report, to be well adapted to the Growth of Hemp or Flax, it shall be a Condition of the Grant, that the Grantee shall sow and Continue annually to Cultivate a Due proportion of the Land not less than one Acre in every thousand with that beneficial Article of Produce.”

In order to restrict emigration from Great Britain and Ireland, “ Protestant white inhabitants ” is expanded in the grants from May 1767 awards into “ foreign protestants or

persons that shall be brought from his Majesty's other colonies in America."

1766.— —, —, (29 July and 3 Sept.—two Board of Trade reports), 29 Nov., 3 Dec. 20,000 acres each for William, Earl of Bessborough, Thomas, Earl of Cassilis, John, Earl of Moira, Lord William Campbell, Sir John Lindsey, Sir John Hussey Delaval, Sir Alexander Grant, William Fitzherbert, Lieut.-Col. William Fawcett, Thomas Townshend, Henry, Duke of Buccleugh, George, Viscount Townshend, the Hon. Charles Sloan Cadogan, Major-General Charles Vernon, Lieut.-Col. George Scott, William Neale, Jonathan Hampton, Sackville Tufton, Earl of Thanet, Edward Southwell, Cotworthy Upton, Major Charles Lee, Samuel Campbell, Humphrey Mackworth Praed, Neighbour Frith, Thomas Weston, Richard Neave, Lemuel Bowers; 10,000 each for Robert Paris Taylor, William Crowle, Luke Lillingston, James Anderson, John Murray, James Fortrey, Pierce Galliard, Anthony Tissington, James Johnson, Alexander Montgomery, Thomas Coutts, James Coutts, Duncan Grant, Richard Brett, Col. James Robertson, Captain John Bagster, R.N.; 5,000 each for Caleb John Garbrand, Lancelot Reed, Henry Baden, Edward Wood, James Morrison; 2,000 for Thomas Harcombe.

1767.—27 March, 2 April, (8 May), 11 May, 13 May. 10,000 acres each for Col. Dudley Ackland, Georgio Barboulou, Peter Mackenzie, Thomas Zachary, Thomas Nixon, Lieut.-Col. Edward Stopford, Thomas Bridges, Thomas Dunnage, Duncan Davidson, Henry Davidson, George Moore, William Macbean, Capt. Alexander Poittier, Francis Levett, Emanuel Lutterloh, Richard Whitworth, Nathaniel Hone, William Mills, Joshua Wilson, Thomas Philpot, James Mill, Gilbert Ross, Robert Symes, Edward Williams, Peter Paumier, Thomas Ashby, Daniel Wier, Francis Rush Clark, Edmund Jenings, John Gilpin Sawrey, James Fenton, Joseph Scarr, Richard Russell, Walter Radcliffe, Capt. William Shakerley, John Murray, Thomas Shirley, Henry Appleton, Samuel Tooker;

20,000 each for Antoine Louis de Norac (Chevalier, Seigneur de la Tour Dupres de Wailly), William Stork, William Barker, John Scott, John Augustus Ernst, Patrick Tonym, John Callander, John Grant, Grey Cooper, Robert Campbell, George Wyatt, Benjamin Bond, Commodore Thomas Harrison, Thomas Smith, Baker John Littlehales, John Roberts, Sir Archibald Grant, Richard Fuller, Sir James Esdaile, John Christopher Haberkorn, John Henry Mayenberg, John Deike, Sir Robert Bernard, James Townshend, John Dunning, Sir Richard Temple, George, Earl of Tyrone, the Hon. John and William Beresford, William Henry Ricketts, Capt. Samuel Barrington, Capt. John Jervis, Frederick Pigou, jun., Lieut.-Col. David Wedderburn, and William Mills ; 15,000 for Thomas Wooldridge, provost marshal of East Florida ; 5,000 each for John Hincks, Frederick Rolfes, Capt. Robert Bisset, Harriett Priscella Garbrand of Jamaica, Michael Herries, Robert Herries, Henry Constable, John Michael Dwyer, George Kemp, Dr. Henry Chittick, Walter Thomas Chittick, George Rolfes, Charles Bernard, Andrew Turnbull for each of his four children, Nicholas, Mary, Jane and Margaret, Fowler Walker, Thomas Millichin Mills, Robert Bisset, John Warburton, George Laidler, senr., James Athill, William Smith, Alexander Crauford, Christopher Baldwin, Richard Oliver, Thomas Oliver, Robert Bremner.

1767.—26 J u n e, (22 July), 5 Aug., 5 Aug. 20,000 for William McGuire ; 10,000 each for George Onslow of Ember Court, Sir William Sinclair, William White, David Jennings, Henry Meyerhoffer, William Hodgson, Samuel Tolfrey, Miller Hill Hunt, Christopher Thornton, Benjamin Thomas, Benjamin Stichall, John Jackson, William Faden ; 5,000 each for Robert Short, John Sinclair, Dr. Robert Willan.

1767-8.—26 J u n e, (14 and 23 Oct.), 26 Jan., 1 Feb. 10,000 each for Edward Purnell and William Penrice.

1767-9. 26 J u n e,—, 22 Dec., 1768, 11 Jan., 1769. 20,000 for Sir Edward Hawke and 10,000 for John Maurice. Others

included in the reference of 26 June, 1769, were Sir John Anstruther, Richard Wilson, Jonathan Chadwick Durden, Archibald Routledge, Zacharias Stichall, Richard Jennings, Ernest Jackson, John Anthony Selto, and Thomas Hodgson.

1767-8.—7 Oct., 9 Oct., (4 Feb.), 9 Aug., 12 Aug. Robert and Thomas Ridout Johnston, 10,000 each. No order for Baker Hill, whose petition was referred at the same time.

1769.—24 April. The Committee refer to the Board of Trade the following petitions : (referred to Committee on 17 Feb.; 1768):—Lieut. Thomas Gilbert, Alex. Graham, General James Oglethorpe, Gousse Bonning, and George Hooper, for 20,000 each ; Henry and Valentine Humphreys for 10,000 each ; and John Graham, for 5,000 ;—(referred to Committee on 29 June, 1768,)—Henry Dagge, Richard Neave, John Allen, John Horton and David Bruce for 20,000 each ; Richard and Samuel Davis, John Pennant, John Powell, and George Freeland for 10,000 each ; Michael Saxby for 5,000 ;—(referred to Committee on 16 Dec., 1768,)—William De Brahm, for 10,000 ;—(referred to Committee on 20 Feb., 1769,)—Michael Smith, for 10,000 ;—(reference to Committee not given)—William Lavender for 20,000. On 17 Feb. a petition by Lavender for lands in Cape Breton Island had been referred. M. Smith had asked for lands in East Florida or New York.

1769.—20 Feb., 9 March., —, 24 April, 3 May. 5,000 each to John Bowman and John Bowman, jun.

1769.—, —, —, 24 April, 3 May. 6,000 to William and Samuel Haven.

1768-70.—29 June, 24 April, 1769, —, 25 May, 1770, 6 June. 2,000 to Walter Humphrys.

1769-70.—26 May, —, —, 21 Dec., 4 Jan. 10,000 each to Thomas Wynn and Henry Strachey ; 5,000 to Thomas Astle, and 3,000 to James Cusack.

1769.—9 June, —, —, 20 Nov., 29 Nov. 10,000 to

Wm. Fortrey—the tract ordered to be granted to his deceased brother, James, on 3 Dec., 1766.

1769.—15 Sept., 20 Nov. John Todd, Wm. Stratton, and John Eagle, *referred*.

1769. 13 Dec. John Oldis Boucher and Thomas Griffiths, *referred*.

1770.—(7 Feb.), 9 Feb., 13 Feb., 14 Feb. 10,000 each to Godfrey Thornton and John Cornwall.

1770.—26 Nov., 27 Nov., —, 6 Dec., 9 Dec. 100,000 for the Earl of Dartmouth and his four sons, George, Charles, William and Heneage Legge.

1771.—(8 Feb.), 11 Feb., 12 April, 15 April. 10,000 for Thomas Martin.

1771.—11 Feb. Ralph Sneed, for himself and his sons, Edward, George, Henry and John, *referred*.

1772.—(12 May), 15 May, 17 June, 19 June. 6,000 for John Daniel Roux.

1772.—31 July. William Cawthorne, for 20,000 acres in East Florida or on the Mississippi in exchange for the like amount granted to him in Nova Scotia, *referred*.

1774.—9 March. 20,000 acres, formerly granted to Col. David Wedderburn, regranted to his brother, Alexander.

#### WEST FLORIDA.

The conditions are as in East Florida.

1766.— —, —, (29 July and 3 Sept.), 29 Nov., 3 Dec. George Dempster, 20,000 acres.

1767.—27 March, 2 April, (8 May), 11 May, 13 May. 20,000 each for the Earl of Craufurd, Alexander Duncan, John Johnstone; 10,000 each for Alexander Callander, James Danskin, George Stewart; 25,000 for Capt. Amos Ogden.

1767.— —, —, (8 May), 11 May, 13 May. 10,000 each for the Hon. Lieut.-Col. William Harcourt, Elias Durnford, and Michael Fury.

1767-8.—7 Oct., 9 Oct., (6 Aug.), 9 Aug., 12 Aug. 5,000 for Edward Mease, merchant.

1768-9.—17 Feb., 24 April, 1769. Lieut.-Col. Ralph Walsh, for 5,000, referred.

1768-70.—29 June, 24 April, 1769, —, 21 Dec., 5 Jan., 1770. David Taitt, 5,000 acres.

1769.—(—), 20 Feb., 24 April, 3 May. Thomas Comyn, merchant, 10,000 acres.

1770.—(—), 14 Feb., 28 Feb., 14 March. Edward Wildman, 5,000 acres.

1770.—(16 March), 5 April, 25 May, 6 June. Phineas Lyman, 20,000 acres.

1770.—(—), 30 Nov., 4 Dec., 9 Dec. Helen Maria Timberlake, 6,000 acres.

1770-1.—Referred to Committee:—27 April. Lieut.-Governor Desbrisay, Moses Park, Peter Fowler. 14 Sept. Ensign Joseph Henegan. 19 Oct. Major John Murray. 11 Feb. 1771. Lieut. John Campbell.

1772.—8 May, (—), 29 Sept., 9 Oct. Charles Schaw Cathcart Grossett of Hercules Row, in the county of Surrey, and his children, James, John, Charles, Alexander and Jane, 10,000.

1773-4.—References only:—15 Jan., 2 March. Major Francis Drake, 10,000. 5 Mar. John Robinson, 20,000. 13 April, 1774, 20 June. William Sumpter of Sheerness, for 2,000 in lieu of the like quantity directed to be granted to his father by order of 6 Sept., 1765.

1776-7.—25 April, (3 June), —, 13 June. Lieut.-Col. Douglas, 10,000 acres, on surrender of a grant made to him in East Florida by a mistake for West Florida.

1776.—28 Aug., James Milne and Walter Humphreys, referred.

1777.——, (12 June), —, 4 July. Wm. Roberts and



Samuel Fontenelle, 12,000 acres in four separate tracts, on surrendering two orders for grants in East Florida, the petitioners wishing their holdings to be less dispersed.

### 3.—GEORGIA.

(The conditions are those contained in the Governor's instructions, with the additional restriction that the settlers be foreign Protestants or old American colonists.)

1767-8.—7 Oct., 9 Oct., (27 Nov.), 26 Jan., 1 Feb. Lieut. John Pigott of the 62nd, 5,000.

1770.—5 Jan., 20 Jan., —, 28 Feb., 14 March. Henry Yonge, Surveyor-General of Georgia, 5,000.

1771.—(8 March), 26 March, 12 April, 15 April. Charles Wm. Mackinnen, 5,000.

1772-3.—19 June, 26 Aug., 1773. Reference of Edward Mease, late of West Florida, who is no longer desirous of settling on the Mississippi, as it is to have neither a separate government nor a military force to defend the settlers.

### 4.—VIRGINIA.

(References only : no grants recorded.)

1769.—4 Aug., 20 Nov. Nathaniel Falconer, George Allen, Robert Burdy, William Gallacher, and John Little, for the sale to them of 200,000 acres in the tract at the back of Virginia purchased from the Six Nations.

1770.—5 Jan., 10 Feb. Edward Bell (100,000 acres).

1773.—19 Nov. John, Earl of Dunmore (100,000), and Capt. Edward Foy, of the Royal Regiment of Artillery (20,000),

1774.—9 March. Capt. Philipps Newton for a tract of land.

### 5.—SOUTH CAROLINA.

1771-2.—(11 Dec.), 27 Dec., 25 Feb., 28 Feb. Lewis Dumesnil de St. Pierre, 5,000 acres.

1775.—4 April. Reference to Committee of Henry Moore, Drum Major-Gen., for lands in North or South Carolina.

## 6.—NEW YORK.

1767.—27 March, 23 May. Reference of the trustees of the College of New Jersey, called Nassau Hall, for 60,000 acres free of quitrent for 21 years.

1768-9.—24 July, 24 Aug., (3 Nov.), 22 Dec., 11 Jan. Charles de Freudenberg of New York, who petitioned for 30,000 acres in Cumberland Bay, formerly in Canada, but now part of New York, or, if no lands remain ungranted in New York, for 30,000 acres in Canada.

1769.—(15 Feb.), 20 Feb., 24 April, 3 May. David Pryce, 5,000.

1768.—4 May, 28 June, (21 July), 9 Aug., 11 Aug. George Croghan, 10,000.

1768.—(3 Aug.), 5 Aug., 9 Aug., 11 Aug. Major-Gen. Gage, Commander-in-Chief of the Forces in North America, 18,000 acres which he and others had purchased from the Mohawks.

1769.—22 March, 23 March, (—), 10 April, 14 April. Jeffrey Amherst, Lieut.-Gen of the Forces, 20,000 acres.

1769.—References only. 14 July, 20 Nov. Frederick De la Porte. 29 Nov., 21 Dec. Major Robert Rogers.

1770.—(4 April), 5 April, 25 May, 6 June. Lieut. John Thompson, 2,000.

1770.—(10 May), 24 May, 5 July, 6 July. Lieut.-Col. Josiah Martin, 20,000 acres.

1770.—6 June. Reference of John Stedman for 5,000 acres at Niagara.

1771.—(—), 15 April, 23 May, 24 May. William Markham, 5,000 acres and Lieut.-Col. Thomas Howard, 10,000.

1771.—7 June. Reference of Lancelot Rutter, Lieut. of Marines.

1772.—22 April, 17 June. References of Charles Williams, Simon Metcalf, and Lieut. George Campbell of the 35th.

1772.—(12 May), 15 May, 17 June, 19 June. William, Bishop of Chester, and his two sons, George and Major Enoch Markham, 15,000 acres.

1772-3. 14 Aug., 2 March. Reference of Col. John Dalling.

1773.—28 July, 26 Aug., Reference of (a) Lieut.-Cols. Robert Stuart, Alex. Campbell, Francis McLean, Simon Fraser, Charles Heathcote, John Campbell, Allan McLean, and Sir Allan McLean, Bart., for 250,000 acres as a reward for their services and compensation for their expenses in prosecuting his Majesty's right to lands claimed by John van Rensselaer in Albany co., New York, including the tract petitioned for ; and (b) a petition of the following officers to share in any grant to Capts. Campbell and Ourry,—Major-Gen. Simon Fraser, Colonel of the late 78th, Major John Macdonnell, who was captain in the 78th, Capts. John, Simon, and Hugh Fraser, Donald MacBean, Lieut. Alex. Fraser, and Ensign Charles Sinclair, all of the same regiment ; Capt. Stephen Kemble of the 60th, Capt. Gabriel Maturin of the 31st, Capt. Daniel Disney of the 44th, Lieut. Charles Sheriff of the 45th, Capt. John Grant of the 58th, Capts. Philip Affleck and John Laforey, R.N., William Sheriff of the 47th, and Capt. Wm. Handfield of the 94th. (*Cf.* Acts of P.C. IV, p. 700.)

#### 7.—NOVA SCOTIA.

In Nova Scotia lands had to be settled in 10 years with one person for every 200 acres ; the quitrent of a farthing per acre was to begin after 10 years ; the right of all his Majesty's subjects to fish on the coast was reserved where grants abutted on the shore ; the mines reserved were gold, silver, copper, lead, and coal ; one rood in every thousand acres was to be sown with hemp, if the ground were suitable.

1766.— —, —, (29 July and 3 Sept.), 29 Nov., 3 Dec. 10,000 each for John Tucker, Major Gorham, George Edie, Alexander Campbell, Charles Shirreff, Augustin Oldham, John Phillips, Francis Millar, Norman McLeod, Benjamin Guerrish, Joseph William Gorham, John Creighton, Charles Morris,

William Gorham, Edward Crosby, Benoni Danks, Joshua Loring; 2,000 each for John, David, Claud, Jabez and Paul Edie; 20,000 for Andrew Watson.

1767.—27 March, 2 April, (28 May), 12 June, 26 June. 20,000 acres each for Ensign John Fletcher, William Cawthorne, merchant, Rear Admiral Samuel Graves, Lieut.-Gen. Robert Armiger; 10,000 each for Capt. John Brewer and Capt. Philip Fall; 5,000 each for Capt. Henry Alt and Lieut. Philip Plaistowe, R.N.

1767.———, ——, (28 May), 12 June, 26 June. 20,000 for Benjamin Franklin, LL.D.; 10,000 each for Capt. Michael Kearney, Lewis Morris, Lieut. Richard Williams.

1767.—23 May. Committee refer to Board of Trade the petitions of (a) Philip Peter de Gruchy and John le Breton for 50,000 acres for a settlement of French neutrals who formerly resided there; (b) James and John Forrest for a grant in Isle Madame in the Gulf of Canso, the land they expected to receive in the island of Canso having been granted by the Governor to other applicants; and (c) Lord William Campbell, the Governor of Nova Scotia, for the island of Grand Manan in the Bay of Fundy, to establish a fishery there.

1767-8.—7 Oct., 9 Oct. Reference of Col. Simon Frazer and other reduced officers of the 78th for 146,000 acres, Capt. Joshua Loring for 20,000, and Hannah, widow of Capt. Horsey, who was slain in defending H.M. schooner *Huron* in the river Detroit, for 10,000. On 31 May the Committee reported against an exemption from quitrents desired by the petitioners on their present lands, and, observing that the conditions of the grant required residence thereon, postponed consideration of the request for further grants.

1768.—15 Jan. Reference of James Burrow, comptroller of the revenue in Nova Scotia.

1768-9.—17 Feb., 12 Dec., ——, 22 Dec., 11 Jan. Col. John Hale, 10,000.

1768-9.—17 Feb., 1768, 24 April, 1769. Reference of Capt. Samuel Hood, R.N., for Isle Madame, near Canso, which is about 20,000 acres.

1768-9.—29 June, 24 April. Reference of Nathan Sheppard and others not named.

1769.—(7 March), 13 March, 24 April, 3 May. A township of 100,000 acres for Sir Wm. Mayne, Bart., William Scott, Henry Pelham, Peter Edward Turquant, John Bryan, William Gray.

1770.—(7 Feb.), 9 Feb., 13 Feb., 14 Feb.—John Greeve, 10,000 acres.

1770.—14 March, 16 March, (—), 5 April, 27 April. Capt. William Baillie, 10,000 acres.

#### 8.—CAPE BRETON ISLAND.

1767.—27 March, 23 May. Reference of (a) Lieut. Ralph Dundas for 10,000 acres ; (b) John Knutton for 5,000 ; (c) Henry Sparke, merchant of Dartmouth, for a tract of land two miles square on Gaspée Bay, north-west from Cape North in Cape Breton Island, to erect quays, wharfs &c. to carry on a fishery.

1767.—26 Aug.—Reference of Sir Edward Hawke, K.C.B., Edward, Chaloner, and Martin Bladen Hawke, and Philip Stephens, each specifying a particular lot by its number.

1767.—7 Oct., 9 Oct. Reference of Lieuts. Henry Dalway and Alexander Fowler of the 74th, Lieuts. Thomas Carroll and Richard Shea of the Marines, Lieut. John Thompson of the 95th, and Bartholomew Smith, surgeon, for 10,000 each ; Dr. Richard Brocklesby and William Mitchell, surgeon, for 20,000 each ; Richard Ball, surgeon, for a lot, and George Papps for lot 60. Fowler is added in the reference to the Board of Trade.

1769.—24 April. The Committee refer to the Board of Trade the following applicants, whose petitions had been referred to them in 1767 and 1768, on the dates given in