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1722. § 316 *cont.*]

Rhode Island. He anchored in Tarpaulin Cove and fired guns to alarm ships which approached and to attract his confederates, who sent sloops to convey the goods to Providence Plantation. But the accessories were so many and the cargo so considerable that the Customs officers of Massachusetts and Rhode Island (between which Tarpaulin Cove lies) seized both the remainder of the cargo, Norton having absconded, and also a sloop belonging to one Draper.

III. Committee report of 24 Aug.

6 Oct. [317.] VIRGINIA. *Jones v. Winder*. Petition of Mr. and II. p. 756. Mrs. Jones, and order of reference.

20 Oct. [318.] BARBADOS. *Rev. W. Gordon v. Ex-Gov. Lowther*. II. pp. Attorney General Raymond's report (14 pp.), with (a) Order 753-5. referring it to the Committee, 29 Nov. ; (b) copy of Lowther's petition, and (c) of several articles of his instructions, referred to by him in his petition ; (d) copy of Gordon's declaration in his action *v. G. Macmahon*, and (e) affidavit of its authenticity by Lowther.

On 28 June 1715 an address of the Assembly complained of Mr. Gordon as a person of scandalous and infamous life. In July 1716 Gordon brought to Lowther a commission from the Bishop of London (constituting him Commissary in Barbados) for the Governor's allowance ; but Lowther did not think this was permitted by his instructions, and asked Gordon to procure further evidence of his authority from the Bishop. In spite of this Gordon set up an Ecclesiastical Court, which sat in St. Michael's town on 25 Oct. 1716. The Bishop of London sent a letter on 14 Feb. 1717 in support of Gordon's authority. On 26 Ap. the Governor answered that he could not admit his commission till he had seen some authority from his Majesty for granting it, and also represented Gordon as a very improper person, giving the following description of him from the address of the Assembly and depositions taken at that time :—

“ . . you could not have pitched on a more insidious, restless, meddling and ambitious person than Mr. Gordon. . . you could not have appointed a worse liver and more flagrant incendiary, or one who hath given greater marks of disaffection to our happy establishment. Two-thirds of his time is spent in gaming, trading, and caballing and mischief-making. He came a contracted servant to this island : after he was out of servitude, he got to be an usher, then into Holy Orders, after that to be a parson of St. James’s parish, and then to be a parson of St. George’s, where for many months together he neither administered the sacraments, visited the sick, preached, prayed, christened, buried or performed any pastoral duty whatever : in short he left his flock so often and so long, and went so frequently from thence to the Leeward Islands that the Antegonians called him The Wandering Apostle, and the French at Martinique La Marchand Spiritual. Notwithstanding all which, all his profligate patrons Mr. Wm. Sharp and Mr. Wm. Walker preferred him to a benefice of 600*l.* a year, which he now enjoys : but where’s the wonder ? Since he had been their tool so long and is a man so entirely after their own hearts. . . The sermon he preached on the day of thanksgiving, which I appointed to be observed for the happy suppression of the late unnatural Rebellion, was nothing but a virulent satire against the King’s best subjects and friends. He had the impudence to assert that the Whigs were the fomenters and contrivers of the late Rebellion, that it was from them all our animosities arose and from them all our danger proceeded. . . ”

On 17 July 1719 the Council unanimously resolved that this character of Gordon was just and true, and thanked the Governor for his letter and for opposing the attempt to erect a spiritual court in the island ; an Act was also passed for depriving Gordon of his living. On 17 Dec. 1718 the Grand Jury also thanked the Governor for opposing an ecclesiastical court. Their address was printed in the *Postman and Whitehall*

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1722-3. § 318 *cont.*]

*Evening Post* on 4 May 1719, soon after which there appeared a most scandalous and wicked libel, entitled "A Representation of the miserable state of Barbados under the arbitrary and corrupt administration of his Excellency, Robert Lowther Esq., the present Governor." It was proved by several affidavits before Lord Chief Justice Pratt that Gordon wrote a preface to the pamphlet, and procured the whole to be printed in London. On 15 Oct. 1719 the Governor, with the advice of the Council, published a "Declaration" in answer to the libel. Lowther's petition next dealt with President Cox's removal of his opponents, repeated after their restoration upon an Order in Council of 28 May 1721—*e.g.* in place of Chief Justice Edmund Sutton he appointed his son-in-law Mr. Beekless. Two Acts were also repealed—one of May 1720, not yet confirmed, about security to be given by appellees; the other, about returning special verdicts with a view to appeals. Then Gordon brought an action against Lowther's attorney, G. Macmahon, for losses sustained through the publication of the "Declaration." Lowther, therefore, prayed that execution be respited on any judgment obtained against him by Gordon, on his giving sufficient security in England to answer his Majesty's final determination.

The Attorney General recommends that the Act of May 1720 be confirmed and that repealing it disallowed, but submits whether the petition should be granted, as that would be in effect to make a new law for this particular case. As to Mr. Cox's behaviour, the Attorney General had had no proofs before him nor had any opportunity to hear the parties concerned.

1723.

1723.

10 Jan.

[319.] PIRACY. B. of T. representation for a proclamation of pardon, which should induce pirates to surrender by ordering Governors not to seize goods in the possession of the pirates, but to leave the owners to recover their effects by due course of law.