

18 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702. § 80 *cont.*]

for passing an Act to settle the revenue, from March till October, as the Governor has not yet been despatched.

8 Dec. [81.] NEW HAMPSHIRE. *Allen v. Waldron*. Committee II. p. 366. report : and Allen's petition, read 17 Dec.

10 Dec. [82.] MARYLAND. *Governorship*. Petition of merchants trading to Maryland for the appointment of Captain Matthew Smyth (55 signatures).

10 Dec. [83.] ST. CHRISTOPHER. *Act*. B. of T. representation for II. p. 852. disallowing an Act for the settling and strengthening his Majesty's part of this island, in agreement with the opinion of the Attorney General. (1) Attainting persons not named is useless, as no one could be executed under such an Act without a trial ; if it were done, it would be a very bad precedent. (2) It is unjust to attain those of the conquered who remained in their habitations and submitted. (3) It is unreasonable to destroy all titles in the Crown or its grantees of over twelve years standing, the Act not being restricted to those who had not had possession or begun their suits within that time. (4) It is unreasonable to make void patents passed by the Governor without the consent of the Council ; if a previous law forbids this practice, the titles can be proceeded against at law. (5) It is unreasonable to make patents void for non-improvement in three years, as no previous law required such improvement within any limited time. (6) It is unreasonable to declare void patents passed to papists since the beginning of the war, as this would also make void assignments by them to Protestants for valuable considerations.

17 Dec. [84.] NEW YORK. *Appeal from condemnation for treason*. II. p. 414. Petition of N. Bayard ; and Order of reference to the Committee. Bayard was tried before Special Commissioners appointed for the purpose. There were only 11 jurors, several of whom were aliens. The libels on which the charge was founded were addresses to the King and Parliament containing just