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the Governor and people, all that he can anyways make of this government is but barely sufficient to support him suitable to his rank in the colony. It is impossible for him, unless he lives in such a manner as to disgrace his commission, to lay up in 20 years as much as would afterwards maintain a family with decency." The Chief Justice's salary is also inadequate ; and, although both have been raised in Franklin's time, they still bear no proportion to the increased expense of living in America. The Governor and the Chief Justice would have applied for an allowance before, had they known that such could have been provided from the revenues arising in other governments. This occasion of creating a revenue in New Jersey gives an opportunity for making known the situation of the officials.

5 June. ———. Order of reference.

6 June. [656.] JAMAICA. *Court Martial*. Admiralty report; and Order of 21 June, for restoration of W. Owen.

12 June. [657.] NEW HAMPSHIRE. *Grants of land*. B. of T. report IV. p.817. for R. Trail and S. Cutt : with letter transmitting it to the Council ; and Order of reference, 21 June.

16 June. ———. Petition of G. Messerve. His father, Col. Nathaniel Messerve, was Lieut.-Colonel of the New Hampshire regiment at Louisbourg in 1745, and in the later war served at Fort Edward, at Halifax, and at Louisbourg, where he and two of his sons took smallpox and died.

17 June. [658.] LEEWARD ISLANDS. *Councils*. B. of T. representations for A. Wyke (Montserrat) and for B. P. Markham 788, 796. (St. Christopher).

17 June. [659.] JAMAICA. *Dispute with Assembly*. B. of T. representation, submitting :—

(I.) Letter from Gov. Lyttelton, 24 March. The Speaker of the new Assembly which met on 19 March demanded the following privileges :—" 1. That for their better attendance on the public and important service of the House, they and

their attendants might be free both in person and goods from all arrests. 2. That they might have liberty of speech and freedom of debate, as by right and custom they had heretofore used, and that they might be allowed the full exercise and enjoyment of all other their ancient and just privileges and liberties. 3. That they might have free access to me upon all urgent occasions respecting his Majesty's service and the welfare and interest of the people,—which demand, I am told, is copied, *mutatis mutandis*, from one of the printed Journals of the House of Commons of Great Britain, and was, as I conjecture, made either in hopes that it would produce an immediate and abrupt denial or dismissal of the Assembly, or else that they might gain something from me by surprise."

The Governor answered, "Sir, I grant the privileges which you have desired, so far as they are agreeable to law and not repugnant to his Majesty's Commission and Instructions to me."

The Governor sent a copy of his 13th instruction to the Assembly, by which the *person* of members was freed from arrest but *not* their *attendants* or their *goods*. The Assembly then came to nine resolutions *nem con.*, numbers 5 to 8 being the same as were voted by the last Assembly. On the 22nd they made an address, following up the 9th of the resolutions, that the record of the determination to discharge P. Cook and L. McNeill be expunged from the Chancery records.

Seeing that supplies could not be obtained, the Governor prorogued the Assembly. His request to have the minutes sent him daily was refused, on the ground that the Clerk could only make them out during the usual adjournment from Saturday evening till Tuesday morning.

Half of the regular troops have gone with Rear Admiral Sir Wm. Burnaby to Honduras Bay, and will be subsisted on board the fleet; such care will be taken of the others as to prevent ill consequences from the want of the country pay until the Governor hears from the B. of T. and the Secretary at War.

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He hears that an address complaining of his conduct has been drawn up by several members of the Assembly, but "the present discontents could not have been prevented, unless I would have sacrificed the most essential duties of my station both civil and judicial to pretensions as boundless as they appeared to me to be illegal, and have suffered the Assemblies, under a notion of Parliamentary powers inherent in them, to treat the King's instructions with contempt, and to exercise a tyranny as oppressive to individuals in obstructing the course of public justice and restraining the liberty of their persons by commitments for pretended breach of privileges," as the authority they have assumed is injurious to the rights of the Crown.

II. From a Postscript to the *Kingston Journal*, 26 March. (a) Governor's speech. (b) Address of the Assembly, 19 March, about expunging the Chancery record as "absolutely destructive of one of the most essential privileges of the House." (c) Governor's reply, proroguing the Assembly till 16 Sept.

III. Nine resolutions, 19 March, bearing on the arrest of R. T. Wilson and the subsequent proceedings,—defining the privilege of freedom from arrest, the power of the House to commit non-members for breach of its privileges, and the expunging of the record in the Chancery Court.

20 June. [660.] NEW YORK. *Sir H. Moore's Commission*. B. of T. IV. p.777. representation.

21 June. [661.] QUEBEC. *Revenue*. Order of reference. IV. p.725.

24 June. [662.] EAST FLORIDA, NOVA SCOTIA (2) AND QUEBEC. IV. pp. *Grants of land*. Petitions of Capt. T. Lynn, L. Morris, M. 814, 817, Kearney, and Col. S. L. Morris.

820.

26 June. [663.] NORTH CAROLINA. *W. Tryon's Commission*. B. of IV. p.778. T. representation.

1765. THIRD BUNDLE.

1765.

[664.] PLANTATIONS. *Vice-Admiralty Courts*. Treasury memorial. Order of reference, 5 July; Committee report, IV. p.664. 4 July.
22 Aug.; Committee reference to Law Officers, 15 Oct.; and report of Yorke and De Grey, 21 Dec., proposing that the Halifax Court be revoked by the same authority by which it was established, and that the three new courts be established by commissions like the former granted to Dr. Spry, 15 June 1764, except that the judges in each district should be directed by express words to hold their courts at a place certain.

[665.] VIRGINIA. *Wilson v. Darell*. Petition of T. Wilson and others (7 pp.); also Order of reference. 10 July.
IV. p.727.

[666.] ANTIGUA. *Condemnation of seizures*. Four petitions of R. Fulton, and four Committee reports of 17 July. 10 July.
IV. pp.
728-9.

[667.] APPEALS. Committee reports on *Barker v. Somersall* and *McPherson v. Somersall* (St. Christopher); *Bayly v. Jackson*, *Bonynge v. Pusey*, *Hall v. Anderson*, and *Israel v. Donaldson* (Jamaica); and *McMurterie v. Browne* (Pennsylvania). 16 July.

[IV. pp. 693-4, 472-3, 672-3, 688-9, 704; and 724.]

———. Committee reports on *Charnock v. Sober and Bonnett* (Barbados); *Bayly v. Attorney General*, *Beckford v. Jeake*, *Perrin and Vaughan v. Witter and Blake*, and *Bayly v. Ord and Prevost* (Jamaica); and *Cunningham v. Forsey* (New York). 17 July.

[IV. pp. 688, 612-3, 682-3, 694-5, 724; and 727-8.]

———. Committee reports on *Peters and Molesworth v. Bourke &c.* (Jamaica); *Howlett v. Osburne*, and *Parsons v. Parsons* (Virginia). 18 July.

[IV. pp. 413-4, 568-9, 613.]

———. Committee report on *Merida and Bravo v. Advocate General* (Jamaica). 14 Aug.
IV. p.729.

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22 Aug. [668.] GRANTS OF LAND. Petitions of Capt. W. Stirling, R.N.
IV. (25 years in H.M. service), Capt. J. Ferguson, R.N. (23 years'
App. V. service, including settling of Halifax and taking of Louisbourg
and Quebec), and C. Lyell (10 years in H.M. service),—
Nova Scotia.

Sir J. St. Clair (Commission Officer for over 30 years, 10 in
America, where he was dangerously wounded),—*New York.*

Lt.-Col. D. Wedderburn—*East Florida.*

Committee report for 22 *New York* grants, 11 *West
Florida*, 2 *East Florida*, 1 each *Nova Scotia* and *Georgia*.

Committee report for J. and C. de Bernière &c.—*New York.*

3 Sept. ———. Committee report for R. Trail and S. Cutt—
New Hampshire.

1 Dec. ———. Petition of C. Townshend, Lord A. Gordon, and
F. Kinloch—*East Florida.*

24 Dec. ———. Petition of Richard, Lord Grosvenor, and W. Knox
—*Georgia*; and of Lieut. Simonides Cridland for 10,000 acres
in *New York.*

22 Aug. [669.] QUEBEC. *Complaint against Gov. Murray.* Letter
IV. p.734. from the Secretary of State's Office transmitting a petition
from the new French subjects of Canada; (and also two
addresses complaining of the regulations of ports in Bermuda
by Gov. Bruere—*cf.* 674).

I. Translation of the petition from the French of Montreal,
complaining of several Ordinances. (1) That about the
lodging of troops in their houses has been the cause of great
injury and inconvenience. (2) That about the registry of
titles at Quebec will cause great expence, and is unnecessary,
the titles being already entered in the Public Register at
Montreal. (3) "If permission is not given to the voyagers
to traffic with the savages which lie beyond the posts and
garrisons of his Majesty, that branch of trade will be lost to
them, it not being possible that they should subsist during
the winter in those parts for want of provision; besides
which, many nations (some of which are 600 miles distant

from any post), cannot come down so far to fetch all they want, when they might be provided by the voyagers (who are strangers) and who will go and carry everything to them by way of the river Mississippi." (4) The exaction of money for permission to carry a gun or treat with the savages is a violation of the rights granted to them. (5) The Court of Assize for their department, the best peopled in the province, is annulled at a time when they have the greatest occasion for it; "the greatest part of the principal inhabitants of the town are actually required to serve in the Grand and Petty Juries or else to appear as witnesses at his Majesty's Superior Court at Quebec (being at the distance of 60 miles), leaving their families and affairs at a season of the year when they are the most employed to make their equipments for the trade to the upper countries, which they have been deprived of for a long time past and which is their only resource." (6) The obligation to affix in the Secretary's Office 30 days beforehand the names of all persons who intend to quit the province greatly retards the sailing of their canoes. (7) The great number of licenses to keep public-houses tends to corrupt the people and to discourage industry.

(8) "They pray his Majesty's consideration of their distressed situation for want of being paid the debts which are lawfully due to them and contracted by their ancient sovereign to answer the expenses of the colony before the Conquest, and for the discharge of which they have received only bills and letters upon the Treasury, which being of no certain value has reduced most of the principal inhabitants amongst them to the last necessity." They hope for speedy and effectual payment through his Majesty's interposition with the King of France.

(9) "They are likewise unhappy witnesses of the discontent of the ancient subjects of his Majesty from the great number of military officers who occupy the principal civil offices, and the military power encouraged and set in opposition to the civil authority, from whence the most violent outrages

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are committed by the troops, such as assassinating the person of a magistrate and threatening the lives of others who have had the courage to oppose their unjust measures, the breaking open the prisons and setting the suspected persons at liberty."

2 Sept. [670.] COUNCILS. B. of T. representations for H. Finlay
IV. (*Quebec*); M. Browne (*West Florida*); and W. Lindow
App. III. (*Grenada*).

13 Sept. ———. B. of T. representation for F. Cooke (*Jamaica*);
Caveat entered, 26 Sept. (IV. p. 739).

13 Dec. ———. B. of T. representations for E. Styles (*Bermuda*);
F. Corsar and V. M. Horne (*Grenada*); A. Gordon (*Montserrat*);
A. Thompson and J. Vanderpool (*Nevis*); J. Warner and
four others (*New Hampshire*); T. Tredell (? Iredell) and
E. Long (*Jamaica*).—*Cf.* IV. p. 739.

2 Sept. [671.] *MASSACHUSETTS BAY. *Stamp Act*. Extract from
IV. pp. the *Boston. Evening Post* (printed). (1) Proclamation by
732-3. Gov. Bernard (15 Aug.) offering a reward of 100*l.* for the
discovery and conviction of any of the rioters who attacked
the Secretary's house. (2) Similar proclamation (28 Aug.)
re the attacks on the houses of W. Story, Deputy Register
of the Court of Admiralty, B. Hallowell, Comptroller of the
Customs, and Lt. Gov. Hutchinson: in this case 300*l.* is
offered for the ringleaders. (3) Reports of meetings of the
freeholders of Boston, 27 Aug., and of the inhabitants of
Charlestown, 28 Aug., expressing abhorrence of the outrages,
and desiring the selectmen and magistrates to use their
utmost endeavours to suppress the like disorders for the
future. (4) Letter from Newport, 26 Aug., with "a few
calculations of the cost of sundry sorts of blanks, arising
from the STAMP DUTY only, besides the cost of the paper
and printing." Contains also a report from New London
of the hanging and burning "the effigies of a *Distributor of*
Stamps, with a boot on one of the shoulders and the D——l

* In a separate bundle.

represented as looking out of the same": perfect decorum was observed and no person injured. The town of Norwich manifested its detestation of stamps and stampmen in much the same manner.

(5) Letter from Newport, 29 Aug., with an account of the hanging and burning in effigy of Martin Howard and Dr. Murphy; of the gutting of the houses of Martin Howard, jun., and Dr. Thomas Moffatt; and of Augustus Johnston's resignation of the office of Distributor. One foreigner was arrested as a rioter. Very brief reports are added from Providence, Virginia, Connecticut, New Hampshire and New York. The following song was posted beside the effigies at Newport:—

He who for a post or base sordid pelf
His country betrays makes a rope for himself;
Of this an example before you we bring
In these infamous rogues, who in effigy swing.

Huzza, my brave boys!—every man stand his ground.
With Liberty's praise let the welkin resound;
Eternal disgrace on those miscreants fall
Who through pride or for wealth would ruin us all.

Let us make wise resolves, and to them let's stand strong;
(Your puffs and your vapours do never last long).
To maintain our just rights ev'ry measure pursue,
To our King we'll be loyal—to ourselves we'll be true.

Those blessings our fathers obtained by their blood,
We are justly obliged as their sons to make good;
All internal taxes let us then nobly spurn
These effigies first—next the Stamp Paper burn.

Chorus.

Sing Tantarara, burn all, burn all,
Sing Tantarara, burn all.

———. B. of T. representation on the proceedings of the House of Representatives of Massachusetts Bay; and Order of reference, 2 Oct. On 25 June the House published an

1 Oct.

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account of its proceedings since 6 June. A congress of committees from the Houses of Representatives of the several colonies was summoned by a circular letter to meet at New York on the first Tuesday of October to consider a general and united, loyal and humble representation of their condition to his Majesty and the Parliament and to implore relief. James Otis, Oliver Partridge, and Timothy Ruggles were appointed to represent the Massachusetts House of Representatives.

The B. of T. submit the proceedings as unprecedented and of dangerous tendency, especially when taken for the purpose expressed and connected with the spirit that has appeared throughout the whole conduct of this particular Assembly.

3 Oct. ———. Committee report; and Order of 18 Oct.

8 Oct. ———. Letter from the Treasury, transmitting (I.) Minutes of Massachusetts Council, 14, 15 and 21 Aug., relating to the riots. On Oliver's excusing himself from acting as Distributor, it was resolved that the stamps be received at Castle William, and those for other colonies forwarded by H.M.S. *Fortune*. (II.) Account of the disturbances by A. Oliver, 20 and 23 Aug., and a note sent by him to his neighbour, Mr. Waterhouse, on the 15th, intimating his desire to resign the office of Distributor—which, he declares, was the only thing given out by his leave in order to quiet the people. The office, he is fully persuaded, "it will not be in the power of any native to execute. . . Much will depend on the behaviour of the other governments. If no acts of violence should take place there, the temper of our people may lower." (III.) Letter from Oliver to the Treasury, 2 Sept., enclosing newspaper of the same date (see *p.* 406.) The Governor is endeavouring to strengthen Castle William with 60 men, but some doubt whether any will be found to enlist.

10 Oct. ———. B. of T. representation, submitting (IV.) letter from Gov. Bernard, 15–16 Aug. "The publishing the Virginia Resolves proved an alarm-bell to the disaffected. From that time an infamous weekly paper, which is printed here, has swarmed with libels of the most atrocious kind." When

the effigy of Mr. Oliver was hanged on 14 Aug., "though the the Council were almost unanimous in advising that nothing should be done, they were averse to having such advice entered upon the Council Book. But I insisted upon their giving me an answer to my question, and that it should be entered in the Book ; when, after a long altercation, it was avoided by their advising me to order the Sheriff to assemble the peace officers and preserve the peace ; which I immediately ordered, being a matter of form rather than of real significance."

Bernard believed Oliver would have been murdered, if found by the mob. The Lieut.-Governor and Sheriff went to try to persuade the mob to disperse, but were met with a volley of stones and escaped not without some bruises. The militia, the only force the Governor had, would not act against the mob ; the Council even doubted whether they would assemble at all, and the Colonel of the regiment thought that all the drummers were probably in the mob. "There is not, that I know of, a company of regulars within 200 miles of me."

After Oliver's resignation, the leaders managed to prevent the mob from doing further mischief, but it will be impossible to execute the Act till further orders and powers come from England. "Everyone agrees that this riot has exceeded all others known here, both in the vehemence of action and mischievousness of intention, and never had any mob so many abettors of consequence, as this is supposed to have had. It is said there were 50 gentlemen, actors in this scene, disguised with trousers and jackets on, besides a much larger number behind the curtain. It is said also, that these disguised gentlemen proceeded no farther than the burning the effigy, and then departed, and had no hand in storming the house." The letter concludes with praise of Oliver, and the hope that his conduct will not be condemned.

(V.) Bernard's letter of 22 Aug. The stamps are to be received in the Castle, and the garrison completed by filling up the places of invalids ; to reinforce them by draughts

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from the militia might probably produce an effect the very reverse of defending the place. It is difficult to conceive the fury of the people; if a gentleman in common conversation signifies his disapprobation of this insurrection, his person is immediately in danger. The Governor fears much worse is to come than is passed. It is believed that great pains are taken to induce other colonies to follow the example of Massachusetts.

The Governor himself remains unmolested as yet, and is "allowed to be the Governor in the Council Chamber, provided I don't attempt it anywhere else. But in my present defenceless state, I consider myself only as a prisoner at large, being wholly in the power of the people. . . I presume that, after this experience, the authority of an American government will not be left to the mercy of the people."

(VI.-VIII.) The proclamations of 15 and 28 Aug.; and Council minutes of 14, 15 and 21 Aug.

17 Oct. ———. B. of T. representation, submitting (IX.) Bernard's letter of 31 Aug. (17 *pages*). Private resentments have been mixed with the public cause; one B.H.*, who had seen the depositions on behalf of the Crown in the affair of the attack on the Admiralty and Custom House above four years ago, published the substance of them with additions of his own, and concluded with an assertion that the whole body of merchants had been represented as smugglers.

On 26 Aug. "before it was quite dark a great company of people gathered together crying 'Liberty and Property,' which is the usual notice of their intention to plunder and pull down an house." The owner saved the house tenanted by Mr. Paxton, Marshall of the Court of Admiralty and Surveyor of the Port; but three houses were wrecked, and Hutchinson's collection of Massachusetts historical manuscripts destroyed. A military guard was kept the next night, which prevented the mob from attacking

* "I have taken the liberty to use only initial letters, as the person is of no significance, and has a brother who is a very faithful officer of the King's."

15 more houses, as they had planned. "It was now becoming a war of plunder, of general levelling and taking away the distinction of rich and poor; so that those gentlemen, who had promoted and approved the cruel treatment of Mr. Oliver, became now as fearful for themselves as the most loyal person in the town could be; they found, as I told some of them, that they had raised the Devil and could not lay him again." But, although the principal people are against the last riot, and arrests have been made in connection with it, a distinction is made between this and the first riot; and opposition to the Stamp Act is still approved.

The Governor is directed to have the advice of Council whenever he calls for military aid. The Council advised that Gen. Gage and Lord Colville should not be advertised of what had happened, as it would amount to a tacit request for forces; but the Governor sent to Gen. Gage a copy of this resolution and of the proclamations and a statement of the intention to keep the stamps in the Castle and to augment the garrison. The Council agreed to the raising of an Independent Company to augment the garrison.

Two things which may alter the situation are (1) the apprehension of confusion, when the courts of justice and the public offices are shut, as they must be on 1 Nov. unless stamps are allowed to be used; and (2) the prudence of the Assembly or their fear for the charter of the province, if they refuse to execute an Act of Parliament which is opposed by violence.

Members of the Council who live out of Boston will not come in, and those who attend disapprove of meeting anywhere else. Bernard takes the advice of the Council so as to guard himself from popular odium, to which it would be impolitic to expose himself. The town is now quiet again, and Bernard is going to reside in the Province House instead of the Castle.

(X.) Bernard's letter of 7 Sept. (8 pp.). On 5 Sept. a General Council, called by circular letters, met at Boston,

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25 out of 28 being present. On its advice the Assembly has been called to meet at Boston on 25 Sept., the date to which it was prorogued. The Governor also published a declaration that he had no power to unpack or distribute the stamps, and that they were to be lodged in the Castle only to prevent a high insult to the King. The reinforcement of the garrison is proceeding, and H.M. sloop *Jamaica* has arrived.

(XI.) Minutes of the Massachusetts Council, 27-8-9 Aug.

18 Oct. ———. Order of reference.

22 Oct. ———. Committee report; and three Orders of 23 Oct.

17 Dec. ———. B. of T. representation, submitting (XII.) an extract of Bernard's letter of 1 Oct. The faction is very angry because he has prevented the Assembly from making resolves in their present heat, which perhaps a month hence they would be sorry for. They aim, if not at an actual breach with Great Britain, at least at gaining such a triumph by obliging her to repeal this law under an actual resistance of it as to make her authority contemptible hereafter.

(XIII.) Bernard's letter of 12 Oct. "The real authority of the Government is at an end. . . And so it must remain until other orders than this government can give shall be taken."

(XIV.) Bernard's letter of 17 Oct., with an account of the conduct of Wm. Brattle, a member of the Council, at a town meeting at Cambridge. He has not hitherto complained of individuals, but Brattle had put himself at the head of this factious meeting and dictated their proceedings in opposition to and derogation of the government and sovereignty of Great Britain.

(XV.) Extract of Bernard's letter of 19 Oct. Marblehead and Salem are not disposed to lay aside their trade for the sake of a strict non-use of stamps; they have therefore been threatened with invasion, and are now associating to defend themselves. The Boston politician who has contributed most "to bring us into the state of outlawry and confusion we are now in . . now begins to be frightened at it. Before he left this town for New York, he said to a gentleman, 'If

the Government at home don't very soon send forces to keep the peace of this province, they will be cutting one another's throats from one end to the other of it.' . . I expect no good from the meeting of the General Court, such pains have been taken to poison the minds of the people that good and wise men don't dare to appear to act as such."

(XVI.) Extract of Bernard's letter of 26 Oct. "It is as I expected. The Faction have got possession of the Assembly and are driving on at a furious rate. . . Another thing proposed in the House is to proclaim a fast; at first it was moved to address me to appoint a general fast, but my compliance being much doubted, the motion was changed to having a a fast for the General Court only . . to be sure such a fast is a mere farce, and it were well if it is not the prologue to a tragedy. If the two Houses agree to a fast, I shall make one with them, for I never decline preaching and praying whatever is the occasion.

"But the grand effort and what, if it succeeds, will be a *coup de maître*, is to provide for keeping open the public offices without the use of stamps. . . It is true that they who bring in this Bill know that I cannot and shall not pass it; but what of that? It will answer their purpose, which is to bring upon me all the odium of the inconveniences, losses and miseries which will follow the non-usage of stamps."

(XVII.) Bernard's letter of 1 Nov. The Resolves "are much decenter than I expected; that is, comparatively with other Assemblies; and yet they are false in many instances and wholly destructive of the fundamentals of American government; as for the keeping a fast, that has been laid aside, being, I suppose, thought to be too glaring an abuse of religion, though it is very subject to be abused to such purposes."

The Bill for keeping open the public offices without the use of stamps was, after some proceedings, postponed, apparently with an intention not to resume it. "The principal difficulty was concerning the preamble; they

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could not assign a good reason for the resolve ; if they had alleged that it was for want of a distribution of the stamps, it would have been admitting that they would use them if they could get them ; and they were apprehensive that in such case I should make an offer of the stamps ; if they founded their resolve upon the illegality of the Act of Parliament, they were afraid it would be going too far ; so the thing, I believe, is dropped.”

The Council agreed to appoint a military watch from 31 Oct. to 6 Nov., but the officers could not get their men to muster. The Governor was assured “ that nothing would more tend to disturb the peace of the town than opposing this procession [planned for 1 Nov., the day the Stamp Act was to come into force], nor to preserve it than permitting it. We were obliged to acquiesce in these assurances, and the town accordingly kept very quiet that night ” [31 Oct.].

“ There is a high tree standing in the town, on which the Stamp Officer’s image was hung, which is called the Tree of Liberty. . . . On this tree early in the morning of Nov. 1st (which was ushered in by the tolling of bells) were found hanging two images, with inscriptions upon them, denoting that they were intended for G—e G—e and J—n H—k.”* These were carried in procession from about 2 o’clock, and hanged on the gallows outside the town ; order was maintained and all was quiet before dark. One Mackintosh, a noted captain of a mob, who was the ringleader in the destruction of Mr. Oliver’s house, was employed with his corps to keep the peace and prevent mischief.

P.S. of 5 Nov.—Mackintosh marshalled 2,000 men on the 1st ; Col. Brattle, one of the Council, walked arm-in-arm with him in the procession and conducted him round the Town House while both Houses were sitting. Next day, Mr. Otis, just returned from the Congress, made an inflammatory harangue at a town-meeting : “ he wondered that, considering the provocation, no greater mischief had been

* John Huske, M.P., a native of New Hampshire, who was believed to have suggested the Stamp Duty to George Grenville,

done. . . This very man at Gen. Gage's table at New York said that the province of Massachusetts would never be in order, until the Council were appointed from home. This he has been charged with since he came from New York, and he owns it to be true and says 'tis his opinion; and I believe most thinking people agree with him in that."

In the House of Representatives, Otis secured the appointment of a Committee with himself at its head to remonstrate against the Council's action in advising an augmentation of the garrison of the Castle. "He called the Council a cursed septemvirate (seven being a quorum) that ought to be damned for endeavouring to destroy the liberties of the people; an infernal Divan, which ought to be sunk to the place from whence they derived their counsels."

There was another procession on the 5th, "and I was obliged to consent that my people should give money to the pageants, when they halted before my door." Bernard considers that the best thing he could do would be to set out immediately for London, but the peremptoriness of his instructions deter him. Hutchinson, though he has leave of absence, cannot go on account of his recent losses. Bernard proposes that he too may have leave of absence to be used only if he thinks it necessary.

P.S. of Nov. 8.—"There is such an appearance of tranquillity that I may remain here a cipher some time longer."

(XVIII.) Votes of the Cambridge Town Meeting, 14 Oct.; W. Brattle presiding.

(XIX.) Minutes of the Massachusetts Council, 29, 30, 31 Oct., and 4 Nov.

———. Letter from the Duke of Grafton for copies of all letters, papers and Orders to be laid before the House of Lords; also letters from H. S. Conway for copies for the House of Commons, 19 Dec., and, on 25 Dec., for all further information that may be received. 18 Dec.

(a) List of letters, papers and Orders, 27 Aug. to 6 Nov.

(b) (Printed) copies and extracts of several newspapers, printed in New England, Sept.—Nov. 1765, and referred

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to in Gov. Bernard's letters. (108 *pp.*) The most solid contribution to the controversy,—practically the only one which considers the arguments in favour of the Stamp Act—is an article in the *Boston Evening Post* of 14, 21, 28 Nov. and 4 Dec.

A news item in this paper for 4 Nov. reads—"Saturday last was executed Henry Halbert, pursuant to his sentence for the murder of the son of Jacob Woolman.—*He will never pay any of the taxes unjustly laid on these once happy lands.*"

The quality of writing in the *Boston Gazette* is distinctly inferior. It abounds in Scriptural reference; and the style generally is exclamatory and emotional rather than well-reasoned—*e.g.*

(1) 7 Oct.—"Pause, therefore, my countrymen and consider. Revolve the consequences in a dispassionate mind. Weigh them in the scale of Reason—in the balance of cool deliberate reflection. If any of you have been till this time insensible of your danger, awake now out of your lethargy. Start, O start from your trance! By the unconquerable spirit of the ancient BRITONS, by the genius of that CONSTITUTION which abhors every species of vassallage, by the august title of ENGLISHMEN, by the grand prerogatives of HUMAN NATURE, the lovely image of the INFINITE DEITY, and, what is more than all, by that LIBERTY wherewith Christ *has made you free*; I exhort you to instruct your representatives against promoting by any ways or means whatever, the operation of this grievous and burdensome law."

(2) 14 Oct. (and reprinted in the *New London Gazette*). PHILADELPHIA.—The stamp papers have arrived. "Rage, resentment and grief appeared painted in every countenance, and the mournful language of one and all our inhabitants seems to be farewell, farewell liberty! AMERICA, AMERICA, doomed by a premature sentence to slavery! Was it thy loyalty—thy filial obedience—thy exhausted treasures—and the rivers of blood shed by thy sons in extending the glory of the British arms, provoked thy mother country thus unjustly to involve thee in distress, by tearing from thee the darling privileges of thy children?—or was it the perfidy?—but I cannot proceed—tears of vexation and sorrow stop my pen—O my country, my country! —"

(3) Same date.—A letter from Humphry Ploughjogger.—"Messieurs Edes and Gill, I han't rit nothing to be printed a great while; but I can't sleep a nights, one wink hardly, of late.—I hear so much talk about the stamp act and the governor's speech, that it seems as if 'twould make me crazy.—The governor has painted a dreadful picture of the times after the first of November—I hate the thoughts of the first of November.—I hope 'twill be a great storm, and black and gloomy weather, as our faces and hearts will all be.—'Tis worse than all the fifth of Novembers that ever was—The Pope never did half so much mischief, as that stamp act will do, if the world stands as long as the Pope has done.—However, seems to me the governor has represented the times worse than they will be.—For in the first place they do say, that thieves and robbers and rioters, ay and lyars too, and all sorts of rogues, may be punish'd as well after the stamp act takes place as before,—and as to suing poor folks for money, that does no body no good but the lawyers.—But as to trade and shipping and such like, it seems to me we had better be without the most of that than with it—for it only makes us all beaus, and dresses us up fine.—We got into a way on't o late,—our young men buy them blue surtouts, with fine yellow buttons, and boughton broad cloth coats, jackets and breeches—and our young women wear calicoes,

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chineses and laces, and other nicknacks to make them fine.—But the naughty jacks and trollops must leave off such vanity, and go to nitting and spinning. . . .”

(4) 21 Oct.—“Perhaps, as *French* fashions are all the taste at present, the genteel mode of DRAGOONING, which has been so successfully employed in France for the conversion of Protestants (*Horresco referens*) may be introduced here, to convince you that *no man ought to buy or sell, save he that hath the MARK of the Beast*.”

(5) 4 Nov. From a sermon on the story of Elymas the sorcerer, Acts XIII., 7-12.—“The name of Elymas, for so was the seducer named, is handed down to latest posterity with the *stamps* of infamy upon him. . . .

“Thirdly, To those who being filled with all subtlety and malice are opposing the cause of truth and justice by seeking to turn deputies from the faith, I entreat you see your danger and fear lest what is written against the perverters of the right ways should come upon you. . . . Restraints are sometimes taken off from the sons of violence, and the fury of that place from whence comes your and their wickedness may so pursue you in an enraged multitude, that you may be glad to retire into an inner chamber of your own house, or, not thinking yourselves secure there, take sanctuary under the roof of a poor neighbour, who by your crafty and cruel practices you have been stamping under your feet. . . .”

*[672.] NOVA SCOTIA. *Court Martial*. Petition of R. 6 Sept.
Dugdale; with a certificate signed by James Gethings, IV. p.740.
merchant, 18 Jan. 1765, that Dugdale refused to receive
provisions on board his ship, but that his clerk was prevailed
on to ship them while Dugdale was ashore.

———. Admiralty report; and Order of 22 Nov. 12 Nov.

[673.] N. ZEE. Petition for the expenses of a passage 6 Sept.
to America, his great patron in England, Lord Granville, being IV. p. 719.
dead.

———. Admiralty report, finding no reason to alter the 1 Nov.
opinion given by them on 19 May, 1764.

[674.] BERMUDA. *Ports*. Order of reference, with two 6 Sept.
lists of papers. (*Cf.* p. 404.) IV. p.737.

[675.] NORTH WEST PASSAGE. *R. Rogers*. B. of T. 13 Sept.
representation, submitting Rogers' plan, and suggesting IV. p.739.
references to the proper departments in view of the expense
and the military establishment involved.

I. Rogers' proposal (two copies). The plan was founded
on eight years' experience in the least known parts of America.
“He employed at his own expense certain Indians to explore
the distant rivers and their outlets either into the Pacific or the

* The following papers are in 1765 THIRD BUNDLE.

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Northern Ocean, and in regard to the latter he has received such lights as he thinks cannot possibly deceive him. In a true confidence of which, he is willing with 200 men under proper officers (a list of which officers he has ready to be presented when required) to undertake a march for the discovery of it, which, though of great length and difficulty, will be not a little facilitated and shortened by the help of Indian guides, and having water carriage a great part of the way, and by the carrying either of bark canoes from one river to another or felling trees on the banks and making fresh canoes where it shall be found necessary.

“The route Major Rogers proposes to take is from the Great Lakes towards the head of the Mississippi and from thence to the river called by the Indians Ouragon, which flows into a bay that projects north-eastwardly into the country from the Pacific Ocean, and there to explore the said bay and its outlets and also the western margin of the continent to such a northern latitude as shall be thought necessary.”

Rogers thought it would be necessary for his plan that he should be appointed Governor of the garrison of Michillimakinac with a reliable deputy; and that the Commander-in-Chief in America and Sir W. Johnson should have orders to assist him as occasion might require. With such encouragement he would undertake to perform the whole in about three years. If there is no passage, it will prevent further expensive and hazardous expeditions by sea. If, as he believes, there is “a passage in the latitude of 50° N. where it communicates with the Pacific, but much further where it joins the Atlantic or Northern Ocean, it may and indeed must prove of inexpressible benefit to this nation by establishing a communication with Japan and perhaps with nearer and hitherto unknown rich countries in the East, where both British and American commodities might fetch large prices, and a new and valuable commerce be opened and secured to his Majesty’s subjects.”

He concludes with a reference to his past services, hardships and expenses,

The estimate amounted to 32,182*l.* exclusive of ammunition and provisions; the men were to supply their own arms, but an armourer was desired to keep them in repair.

[676.] NEW YORK. *Regulation of appeals*—(*Forsey v. Cunningham*). Petition of R. Charles, complaining of the irregular interposition of Lt. Gov. Colden, and of his construction of his 32nd instruction. Upon a previous application by Charles, the B. of T. had not considered the matter, alleging that they had no leisure on account of the multiplicity of business wherein they were engaged. 14 Sept. IV. *pp.* 728, 740, 777.

I. Copy of the instruction.

II. and III. The two instruments issued by Colden to the Chief Justice, 31 Oct. and 2 Nov. 1764, (*a*) to forbear proceeding on the verdict against Cunningham till the case should be heard by the Governor and Council, and (*b*) to bring all the proceedings before the Governor and Council.

———. B. of T. representation on Gov. Moore's 24 Sept. instructions.

Since 1752, the words confining appeals to cases of error only have been omitted, but this is the first case in which a Governor has admitted an appeal from a judgment founded on the verdict of a jury. The Council and the judges of New York opposed Colden's view.

The B. of T. consider that the instruction was altered in 1752–3 merely to prevent the idea that liberty of appeal extended to criminal cases; and the restriction to cases of error is "upon the principles of law a rule so absolute of itself and so well established by the usage and constitution of this kingdom that it was thought unnecessary to point it out by express words in the instructions." They recommended that the words be re-inserted.

———. Report of Attorney and Solicitor General. 2 Nov. No change should be made which may prejudice the appeal now pending as an authoritative interpretation of the former instructions. The rule for construing the instructions is the

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usage of the province, and an appeal can lie in cases of error only.
The words were omitted in 1753 as superfluous.

19 Nov. ———. Committee report on the instructions.

22 Nov. ———. B. of T. report that they have rectified the instruction.

27 Sept. [677.] MASSACHUSETTS BAY. *Governor's Salary*. B. of T.
IV. p. 739. representation; and (I.) Extract of letter of 8 July from
Gov. Bernard.

2 Oct. [678.] QUEBEC. *Duties on wines &c.* Letter from the
IV. pp. Treasury, transmitting a letter of 20 July from Gov. Murray
725-6. and a paper printed at Quebec,—neither of which are in the
Bundle. "From some expressions in the said letter it may
be apprehended that none of the duties therein mentioned
are any longer collected."

2 Oct. [679.] BERMUDA. *Stores*. B. of T. representation,
IV. pp. submitting (I.) extract of a letter of 18 July from Gov. Bruere;
739-40. (II.) an address of the Governor, Council and Assembly;
and (III.) a list of the stores required.

10 Oct. [680.] OHIO. *Settlement*. B. of T. representation with
IV. pp. additional instruction for the Governors of Virginia and
729-30. Pennsylvania; also Committee report of 15 Oct.; and
copy of the instruction.

10 Oct. [681.] VIRGINIA. *Cherokee Indians*. B. of T. representa-
IV. pp. tion submitting an additional instruction.
730-2.

15 Oct. [682.] NEW HAMPSHIRE AND NEW YORK. *Grants in*
IV. pp. *disputed territory*. Committee report.
673-4.

18 Oct. [683.] PRINCE EDWARD ISLAND. *Petition of Sir C. Saunders*
IV. p. 659. *and others for a grant*. The surveys are now nearly complete.
The petitioners deprecate the old pernicious mode of loose
and partial grants, alleging that the distracted state of many
of the American provinces proceeds "plainly from the want

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of a regular division and sub-division of lands with proportional powers annexed thereto." The enormous charges incidental to the mode of separate grants would also be avoided by the plan proposed by them. (Lieut. Donald Campbell paid 320*l.* for passing his grant of 10,000 acres.) The island is adjacent to the part of Nova Scotia inhabited by the Abenaki Indians, who are most devoted to the French. These circumstances require a regular and firm system.

[684.] PENNSYLVANIA. *Petition of the Representatives Received against the Proprietary Government.* (May 1764.) "The 4 Nov. Proprietary Government here, not being attended with that IV. p.741. respect in the minds of the common people which usually accompanies a royal government, is weak, unable to support its own authority in a degree sufficient to maintain the common internal peace of the province, great riots having lately arisen therein, armed mobs marching from place to place and committing violent outrages and insults on the government with impunity, to the great terror of your Majesty's subjects. And these evils are not like to receive any remedy here during the continuance of the proprietary government, the continual disputes between the proprietaries and people and their mutual jealousies and distrusts preventing."

[685.] NEW YORK. *Settlement of reduced officers.* B. of T. 19 Nov. report on Capt. J. Campbell's petition, and on a memorial of IV. pp. the Earl of Ilchester and others. Mr. Rensselaer's claim does 699-700. not appear reasonable, and a suit should be commenced against it at his Majesty's expense.

I. The memorial of the Earl of Ilchester &c., who had also been refused a grant on account of Rensselaer's claims; they offered to conduct a suit at their own expense.

II. Extract of a letter from Lt. Gov. Colden, 25 Jan. 1762, enclosing a map of the land in dispute,* with the following explanation:—B to C is $9\frac{3}{4}$ miles; C, two heaps of stones erected by the Indians in memory of their sachems buried there; B to D, 24 miles; G to F, the south bounds of the

* See Appendix II.

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manor of Rensselaerwick, 24 miles. The part coloured green is supposed to have been intended to be granted to Killian van Rensselaer, 4 Nov. 1685, and confirmed on 20 May 1704. These grants do not specify the number of acres; the tract contains 23,800 acres. John van Rensselaer now claims 281,600 acres, bounded by B, D, E and Kinderhook Creek.

The grant was founded on a purchase from the Indians, who are ignorant of English measures; the place Wawanaquiasick is said in the grant to be 24 miles from Hudson river, but the place is well-known and has been known since the time of the grant; it is only $9\frac{3}{4}$ miles from the river. "Query.—Whether the terminations of a line being certain, any error in describing the length of it, whether it be supposed greater or less, can alter the termination?"

25 Nov. [686.] QUEBEC AND VIRGINIA. List of papers sent to the IV. *pp.* Attorney and Solicitor General.
696, 732.

10 Dec. [687.] BAHAMAS AND TURKS ISLANDS. *Settlement and* IV. *pp.* *defence.* B. of T. representation. Negotiations should be renewed for the purchase by the Crown of the property in the soil. Meanwhile, an agent should be appointed to reside at Turks Islands. The consideration of defence belongs to other departments.

I. Memorial of A. Symmer, dated 21 Aug. Count D'Estaing had attempted to seize Inagua and Turks Islands, but Symmer had received a commission from J. Gambier, President of the Bahamas, to keep the islands; and he persuaded D'Estaing to give up his pretensions, although the Count declared that he thought Spain had the best right to the islands. Turks Islands alone could furnish salt sufficient to serve North America; and if foreign vessels were allowed to trade there for flour, fish, oil, lumber and horses from the northern colonies, the islands would be settled at small expense; there would be no opportunity for smuggling, as Turks Islands produce none of the goods exported by the French and

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Spanish West Indies; and the Americans employed in the trade would be diverted from manufactures prejudicial to the interests of Great Britain.

[688.] ACTS CONFIRMED. B. of T. representations on a 12 Dec.
Bermuda Act, two *Jamaica* Acts, and four *Virginia* Acts. IV. pp.
In the *Jamaica* Act appointing S. Fuller agent in Great Britain. 802-3,
the Committee of Correspondence is larger than is prescribed 810.
by Article 24 of the Governor's instructions, but the proportion
between the members of each House is exactly and duly kept.

[689.] NORTH AND SOUTH CAROLINA. *Governors Tryon* 24 Dec.
and Montagu. B. of T. representations with instructions for IV. pp.
the former; and with commission and instructions for the 778, 742.
latter.

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[690.] PLANTATIONS. *Vice-Admiralty Courts*. List of 24 Jan.
papers laid before the House of Commons on 31 Jan. Also IV. p. 664.
another list of papers laid before the House of Commons on
3 March—dated 20 Feb.

[691.] SOUTH CAROLINA. *Gov. Boone's Salary*. B. of T. 24 Jan.
report; another of 25 Feb.; Committee report of 26 Feb., IV. pp.
and draft of an additional instruction. 743-4.

[692.] NEWFOUNDLAND. *Governor's Salary*. Admiralty 31 Jan.
memorial; Committee report of 11 Feb.; Order of IV. pp.
12 Feb.; Committee representation of 22 March; and 744-5.
Order of 27 March.

[693.] GRANTS OF LAND. *New York*, Memorials of Referred
Lieuts. Chetwode, Shirreff, and Roberts. *New York* or on
New Hampshire, J. Boddington and 12 others. *Nova Scotia*, 10 Feb.
B. Franklin. *South Carolina* or *Georgia*, John, Earl of Moira. IV.
App. V.

———. B. of T. report, and also Committee report of 14 Feb.
15 Feb., on 14 *Nova Scotia*, 3 *New Hampshire*, 26 *New York*,
9 *East Florida*, and 2 *West Florida* grants.

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Referred ———. Petition of Sir G. Yonge and others for lands for
26 Feb. German Protestants in *New York*.

Referred ———. *East Florida*, petitions of J. Grover and Dr. G.
21 March. Macaulay; *New York*, Lt. J. Phillips,—who claims to be
“in the most active time of life and from his original education
well acquainted with the clearing of ground and making of
settlements.”

Referred ———. *East Florida*, 3 petitions; *New York*, one petition.
27 March.

Referred ———. *New York*, 5 petitions, including J. T. Kemp,
12 May. the Attorney General of New York, who represented that
the perquisites of the office are so small that his father, who
also held it from 1751 to 1759, died in debt, while the petitioner
has also to maintain his four sisters. He alleges that his father
found the revenue inadequate, because “through the jealousy
of an officer in his department, few persons here will trust
their title deeds to his inspection.” *East Florida*, two
petitions; *Nova Scotia*, two petitions; *New Hampshire*, Capt.
J. Loring, who commanded a number of vessels on the Lakes
and was wounded at Fort Levis; *North Carolina*, N. Low;
Quebec, Lt. P. Halyburton.

28 May. ———. *Nova Scotia*, petition of Capt. A. Watson.

5 June. ———. Committee report on 21 *East Florida* and
four *Quebec* grants.

15 Feb. [694.] NORTH AND SOUTH CAROLINA. *Governors’*
IV. *pp. instructions*. Committee reports for W. Tryon and Lord C. G.
778, 742. Montagu.

21 Feb. [695.] PRINCE EDWARD ISLAND. *Settlement*. Memorial
IV. p.714. of H. Mure &c.

26 Feb. * [696.] COUNCILLORS APPOINTED. Committee report for
IV. T. Iredell (*Jamaica*); B. of T. reports for T. Mills (*Quebec*),
App. II. 14 March; G. W. Fairfax (*Virginia*), 21 March; J. Wereat
(*Grenada*), J. Gorham (*Nova Scotia*) and T. Dunn (*Quebec*), all
14 Ap.; J. Harvey and P. Gordon (*Grenada*), 1 Aug.;

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Committee report for F. Cooke (*Jamaica*), 6 Sept. (*cf.* IV. p. 739).

[697.] VIRGINIA. *Victualling the Navy*. Admiralty 28 Feb. memorial; and B. of T. report of 18 June, submitting an IV. *pp.* additional instruction. 746-7.

[698.] TOBAGO. *Hulks*. Admiralty memorial; and Com- 6 March. mittee report of 22 March. IV. p. 618.

[699.] NEW YORK. *Presbyterian Church*. Petition for 18 March. incorporation, — to enable them to receive benefactions, IV. *pp.* maintain a succession and make bye-laws (18 signatures). The 759-60. fee simple of the first site was vested in the minister, James Anderson, John Nicoll, Joseph Leddle, and Thomas Ingliss. They conveyed it on 16 May 1730 to a Committee of the General Assembly of the Church of Scotland. On 15 Aug. 1732 this Committee declared their desire that the building &c. should be preserved for the pious and religious purposes for which it was designed, the Presbyterians of New York maintaining it at their own charge. A larger church was built in 1748 under the ministry of Anderson's successor, Ebenezer Pemberton. This was a stone building 80 feet by 60, on the N.E. side of Wall Street in the north of the city of New York, in ground measuring 120 feet by 88. The Dutch and English Presbyterians are a great majority of all the inhabitants of New York, and they are desirous of acquiring a larger estate,—partly for use as a cemetery. There is no general establishment of rates for building churches in New York, and their support depends therefore on voluntary contributions. Though any attempt to force a uniformity would be detrimental, yet every congregation stands in need of some estate for pious uses; and the Governors of New York and New Jersey have granted charters to sundry churches, both Episcopalian and Presbyterian, to avoid the inconveniences of private trustees. Lt.-Gov. De Lancey refused a charter in this case, as the Lutherans had been disappointed in a

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similar application. To avoid all doubt as to the validity of a charter granted in New York, application is made to his Majesty.

21 March. [700.] MASSACHUSETTS BAY. Titles of 3 Acts referred.

IV. p.805.

22 March. [701.] NEW YORK. *Petition of W. Smith for compensation.*

IV. p.761. He acted as Attorney and Advocate General from 31 Aug. 1751 to 23 Dec. 1752; was admitted to the Council, 30 Ap. 1753; and sworn as one of the judges of the Supreme Court, 14 Ap. 1763. He received nothing for acting as Attorney General; and as Judge only 200*l.* a year currency, equal to 117*l.* sterling, although he has to make long and tedious circuits at his own charge. He has lost a lucrative private practice by his acceptance of these offices in his Majesty's service.

25 March. [702.] BAHAMAS. *Governor's salary.* B. of T. representa-
IV. p.747. tion. The Governor's income consisted of (1) a salary of 400*l.* allowed by the Crown; (2) fees amounting to 200*l.* to 300*l.* a year; (3) profits arising from the Independent Company, the principal emolument of the Governor. The Company being disbanded, the remaining income of about 600*l.* is inadequate, where the price of necessaries is so high. Mr. Shirley's services, old age, and reduced fortunes increase his claim on his Majesty's justice and clemency.

27 March. [703.] TURKS ISLANDS. *Defences.* B. of T. representation
IV. pp. on reconsideration of their former representation. The
745-6. measures the French are taking make it expedient to preserve possession of Turks Islands and Inagua and to secure the free navigation of these seas. What measures should be adopted depends on other departments.

27 March. [704.] NEWFOUNDLAND. *Fisheries.* B. of T. representation
IV. p.718. on several reports from the Governor (in all, 170 pp.). The abuses reported on last year have increased, and a revision of the regulations is necessary.

Full information is not available about Labrador, as the ships appointed for the service of that coast had gone out before the Governor received orders to report thereon. The Board consider the cod fishery there of greater importance than the exclusive posts for seal-fishing; the Governor had made regulations in the same sense.

(1) Policy with regard to the seal-fishing posts depends on whether they are temporary leases from the Governor of Quebec or come under the description of property reserved to the inhabitants of Canada by the Peace.

(2) The Magdalene Islands are used only for oil fishery, which must be exclusive in some one person; they may be granted in fee simple or leased for a term of years.

(3) A grant of 100,000 acres in Labrador may be made to the mission of the Unitas Fratrum, reserving to his Majesty's subjects the right of carrying on fisheries there.

There follows a list of the 18 papers annexed.

I. Palliser's letter of 30 Oct. 1765, enclosing (II.) a copy of his regulations for the Labrador fishery, 8 Ap. 1765; (III.) a copy of his regulations for salmon fishing in Newfoundland, 8 Ap. 1765; (IV.) his order of 9 July 1765, about deporting 11 persons for dealing with the French at St. Pierre and Miquelon, and for preserving the rights of the ship fishers from Britain.

Palliser had had interviews with a party of Labrador savages, expert whale-catchers and almost amphibious, who, he considers, may be made very useful. He had confiscated five New England vessels for trade with the French, and turned off the coast a French ship that had offered to trade with our people, whereby the Frenchman lost his fishing voyage; if he could have proved the actual sale of goods, he would have confiscated this vessel also. He expresses his apprehension of danger from the landing of 150 Micmac Indians in Newfoundland in the neighbourhood of St. Pierre and Miquelon, where the disaffected Acadians have settled.

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V. Palliser's letter of 5 Nov., enclosing (VI.) a general account of the French fisheries, and (VII.-VIII.) reports on the state of the forts and military stores. 269 ships and 13,362 men returned to France at the end of the season, all of which are maintained with French produce and manufactures. One-fifth, or 2,670 men, are green men and represent the yearly increase of French seamen through the fishery.

IX. Palliser's letter of 18 Dec. (from London). The records were destroyed in 1748; he asks that he may have the perusal of any authentic accounts of ancient practices. He encloses (X.) remarks on the disadvantages of the fishery being carried on by the inhabitants, proposing regulations to encourage and oblige the men to return yearly to England, &c. (36 *pp.*).

He estimates the inhabitants at 20,000, who have no employment during the winter, but live a most savage, detestable, wicked life. Three-fourths of them are Roman Catholics. Their consumption of wood for fuel makes a scarcity for the fishery. Many who are deeply in debt to the "merchant suppliers," have already fled to the French with their boats &c., and begun a fresh score for supplies with them. Last year they were supplied with provisions from the plantations to the value of 102,304*l.* 3*s.*, nine-tenths of which was immediately paid for in bills of exchange upon England.

The French employed this year 319 ships: 14,712 men.

The English employed this year 293 ships; 17,876 men (including 9,976 inhabitants).

13,362 men returned to France; 1,633 to England, 2,394 to Ireland, and 633 to Jersey.

The inhabitants are less diligent and employ fewer boats and men than ship fishermen would in the same place.

The yield of the Labrador whale-fishery within the Gulf from 14 May to 10 July was 104 whales, taken by 117 sloops with 1,563 men, within a space of 30 leagues. In the winter seal fishery 107 men secured 500 tons of oil, besides furs. The total value of the fisheries on that part of the coast was 100,000*l.*, "and not one Old England ship or seaman employed

therein, nor a seaman raised thereby for the service of the fleet; such is the effect of letting the Newfoundland fishery run into monopoly, that the rest of our merchants, if they can't have a monopoly likewise, will let the New England men or Frenchmen or anybody run away with it."

XI. Palliser to J. Pownall, 19 March 1766, enclosing (XII.) report on the sea-cow fishery at the Magdalene Islands, and (XIII.) copy of the oath of allegiance taken by 22 Acadians engaged in that fishery, 31 Aug. 1765.

Last year 630 cows, producing 42 tons of oil, were killed by Mr. Gridley and his four sons, who carry on the fishery with 17 Acadians and 5 Canadians. "The method of taking them is to watch their coming to the shore, which they do in great numbers, and by degrees they ascend the rocks and banks. Those that are not got out of the water, by striking those that are landed with their teeth, and them doing so to the next before, by degrees force each other upon the turplain. There are 20 men constantly attending. They never attempt a cut, though the cows are on the shore, without the wind from the sea and dry weather, as these animals either hear or smell with the wind any other way. . . People employed on this service are obliged to be extremely cautious in drawing upon each flank, leaving the distance of at least 12 feet from the brow of the bank, and then, when they have turned their heads and made a passage through, they begin to strike them with poles of about 12 feet in length. This is done on their hinder parts, as near as you possibly can to imitate the cows striking each other with their teeth. They drive on for about a quarter of a mile, and then place sentries over them for the night, and the next day they begin to separate such a number as can be conveniently skinned and the fat saved that day. The way they are killed is by shooting them in the head with musket balls, and that in a particular place (which is not larger than the diameter of a crown piece) at the back of the head, which immediately enters the brain."

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XIV. Palliser to Pownall, 19 March, with (XV.) such answers as he can give to the Board's inquiries about Labrador; (XVI.) sketch of the Labrador fisheries in May and June 1765; (XVII.) letter from Joseph Isbister at Mingan to Capt. Hamilton of H.M.S. *Zephyr*, 14 Aug. 1765; and (XVIII.) letter from John Lymburner in Labrador to Capt. Hamilton, 6 Aug. 1765.

(XV.) Labrador has 310 leagues of coast, 150 between Cape Charles and the river St. John, and 160 between Cape Charles and the entrance of Hudson Strait. It is not capable of any produce to subsist European inhabitants; the natural produce is timber only. There are excellent harbours and conveniencies for fisheries (cod, whale, seal and salmon). The cod fishery was carried on from Old France, the others by exclusive grants from the Governor of Quebec. The natives west of the Straits of Belleisle are called Mountaineers, those north of it call themselves Carolits—the Europeans call them Eskimos. Both are thieves, but the Eskimos do not drink like the Mountaineers. If order and good treatment are assured, an advantageous trade in furs may be carried on with the Mountaineers.

(XVI.) Gives particulars of the winter seal fishery on a three years' average at 11 posts on the Labrador coast, four or five of which are claimed by Monsr. La Fontaine and one by Monsr. Morrisseaux.

There is also an account of the fisheries, chiefly by New England vessels, for whale and cod, from 14 May to 10 July 1765. The post of Mingan was considerable, when it was in the hands of the French, and trade was restricted to those resident on the coast; now any vessel with a little rum can obtain furs. The Indians "are quite dispersed and the present settler, Mr. Joseph Isbister, has sunk a considerable sum amongst them. The schooner here mentioned produced a license from Francis Bernard, Esq., Governor of Massachusetts Bay, was plenteously provided with spirits, and stripped the Indians of everything valuable they had all along the

coast." The post of Labrador used to employ 60 men besides most of the Indians on the coast; they are now debauched and much dispersed; the whalers, by burning the brush on the islands and turning whale carcasses adrift in the harbour, prevented the seals from entering it.

Palliser calculates the produce of the Labrador whale fishery within 35 leagues in seven weeks at 49,234*l. stg.* The whales are supposed to sleep in the Gulf during the winter, and are caught going in in Nov. and coming out between May and July. Cod are taken from May to Aug. The winter seal fishery begins in Nov. "Furring begins when the snow falls. The savages come down with furs in May and June and come down again in Oct. and Nov."

(XVII.) Isbister's letter complains of interloping traders who exchange rum for furs, and contains a complaint of the Indians that the whalers had come to their tents by night and stolen their guns.

(XVIII.) Lymburner expresses regret that the whale fishery is not carried on directly from Great Britain, objects to the practice of throwing carcasses into the harbour, and proposes the appointment of a Resident with authority to restrict the sale of spirits to the Indians, to regulate trade and receive reports from the masters of vessels.

[705.] OHIO. *Quitrents*. Memorial of Auditor General. 17 Ap. In 1754 orders were made for surveying lands and patenting IV. *p.* 730. them in four years, but the completion of the grants was prevented by the war. The grant to the Ohio Company is now understood to be within the territory reserved to the Indians. The Virginia commissioners at the treaty of Lancaster in 1744 purchased from the Indians all their lands in our territories. The remission of 10 years' quitrents to settlers on the Mississippi has now expired, and the question arises whether these lands are to be excepted out of the Indian reserve or whether the revenue is to lose all claim to quitrents from these lands. The settlers plead that they must hold

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1766. § 705 *cont.*
 their lands from the Indians; but this is advanced in order to avoid paying quitrents.
- 22 Ap. [706.] NEW HAMPSHIRE AND NEW YORK. *Land on the*
 IV. p.674. *boundary.* Memorial of J. Nevin. In the settlements in question "are comprised the several towns and territories of Pownall, Bennington, Shaftesbury, Sunderland, Manchester, the greatest part of Arlington, in most of which there are not less than 60 families upon a medium or one with another; together with others, amounting in the whole to above 100 towns."
- I. A letter of 20 Dec. 1765, from S. Robinson and J. Searl to Nevin, on which his memorial was based.
- 29 Ap. [707.] NEW YORK. *Grant of lands.* Memorial of Sir W.
 IV. p.748. Johnson—three closely written folios, giving an account of his services; *very ragged.*
- 7 May. [708.] JAMAICA. *Privileges of the Assembly.* Minutes of
 IV. pp. the Council; also representation of "the Lords of the
 711-3. Council," 13 May.
- 8 May. ———. B. of T. representation about a letter from the
 Governor.
- 1 Aug. ———. B. of T. representation, submitting (a) a letter
 V. p. 15. from Gov. Lyttelton, 12 May. As soon as the business of the Stamp Act is over in Parliament, S. Fuller, the agent, is to lay before the Ministry a memorial about the political divisions in Jamaica.
- 16 May. [709.] NEW YORK. *Paper money.* B. of T. representation
 IV. pp. for allowing an emission, but not contrary to the Act of
 754-5. 4 George III. The present currency does not expire in 1767, as alleged, but in Nov. 1768.
- 18 June. ———. B. of T. report, submitting the draft of an
 instruction; also Committee report of 8 July.
- 13 June. [710.] BERMUDA. *Stores.* Committee report,
 IV. p.740.

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[711.] PENNSYLVANIA. *Acts*. B. of T. report on 31 Acts of 1763-5; also Committee report of 13 June.

13 June.

IV. pp.

761-7.

[712.] BARBADOS. *Act repealed*. B. of T. representation. If the Provost Marshal is guilty of malpractice, he should be made to answer for the same. It is an infringement of the rights of the Crown for the Assembly to take into its hands the power of naming a person to act as Provost Marshal.

20 June.

IV. p. 801.

[713.] VIRGINIA. *Act confirmed*. B. of T. representation.

20 June.

IV. p. 810.

1766. SECOND BUNDLE.

[714.] VIRGINIA. *Three Acts confirmed*. B. of T. representation.

4 July.

IV. p. 810.

[715.] PLANTATIONS. *Grants of land*. Petitions of Cols. R. and A. Maitland (*New York*); the Earl of Thanet and others, J. Coutts, T. Coutts, C. J. Garbrand, W. Faucitt, and Capt. J. Bagster (*East Florida*).

Read

11 July.

IV.

App. V.

———. B. of T. report for 18 *East Florida* grants. The Board again submit (as on 6 June 1765) whether the indiscriminate receiving of applications and issuing of Orders in England should not be stopped until the colonial Governors report what is the effect of the practice upon actual settlement.

3 Sept.

———. Committee report for 49 *East Florida* grants, 23 *Nova Scotia*, 3 *Quebec*, and 1 *West Florida*.

29 Nov.

[716.] ANTIGUA. *Council*. B. of T. representation for restoring A. Freeman. (a) Gov. Thomas's letter of 29 Jan., accusing Freeman of having insulted his public character and injured him in the most tender family concern. He had temporarily appointed Lt.-Col. Josiah Martin in Freeman's place. The appointment of R. H. Losack to the Council of St. Christopher is also intimated. (b) Minutes of the Antigua Council, 19 Dec. 1765. Freeman had eloped with the Governor's daughter.

11 July.

IV. p. 770.

———. Committee report.

6 Sept.

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14 July. [717.] NEW YORK. *Settlement of officers*. Letter from IV. p. 700. the Treasury. They have no objections to the defraying the expenses of the suit against Rensselaer out of the quitrents.

6 Sept. ———. Committee report.

17 July. [718.] NEW YORK AND NEW JERSEY. *Boundaries*. Report IV. p. 687 of Yorke and De Grey, with (a) draft of commission. Also and (I.) Wilmot's petition *re* some of the commissioners. He is V. p. 44. advised "that it would have been more agreeable to the provinces if there had been fewer commissioners appointed, and those the nearest to the places where the said line is to be run."

22 July. [719.] GOVERNORS' COMMISSIONS AND INSTRUCTIONS. IV. pp. 1. *Nova Scotia*. Two B. of T. representations of 22 July 769-70. and 30 Aug. 2. *New Hampshire*. B. of T. representations of 29 July and 30 Aug. The instructions relating to trade were not submitted on 30 Aug., having been laid before the Commissioners of the Customs in view of the alterations consequent on Acts passed in the three last sessions of Parliament.

25 July. [720.] JAMAICA. *Act confirmed*. B. of T. representation. IV. p. 803.

30 July. [721.] DETROIT. *Settlement*. Memorial of Lieut. E. IV. p. 821. Abbott for certain islands (with a plan, *see end of volume*). He served at Quebec and Montreal, and during the Indian War he was the only Artillery officer at Detroit.

1 Aug. [722.] PRINCE EDWARD ISLAND. *Lord Egmont's proposal*. IV. p. 659. Report of Yorke and De Grey (11 pp.).

As to the legality of the charter desired, his Majesty may grant *jura regalia* by general words, or prescribe what special form of government he thinks most suitable. As to the constitutional bearing of the plan, five points are raised :—
(1) The statute 12 Charles II., c. 24, for taking away the Court of Wards and Tenures *in capite* and by knight service, is quoted against the proposed tenure of finding 1,200 men

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for the defence of the island. (It was because of this abolition of tenure in chief that "the other proprietary grants in America, which have been made since the Restoration, create tenures in free and common socage, not immediately of the person of the King, but mediately as of some Honour or Manor within the realm belonging to the Crown."

(2) It should be ordered that "in all cases where the capital premises belonging to each holding shall be sold at the suit of any creditor, the same shall be sold entire; and so much of the money arising by sale as shall be necessary to satisfy the creditor shall be applied for that purpose, and the surplus paid to the debtor or those claiming under him." (3) The power of alienating the whole county of the island should be made subject to the license of his Majesty in Council. (4) The liberty of fishing enjoyed by his Majesty's subjects on the coasts should be safeguarded from large tolls or appropriated territorial rights. (5) Judicial powers should be more fully defined, and those of legislation fixed. With these alterations the grant may be made consistent with the constitution of this kingdom.

[723.] PLANTATIONS. *Governors' correspondence.* B. of T. 9 Aug.
representation with drafts of instructions. V. p. 4.

[724.] NEW YORK. *Dispute about lands.* Petition of the 30 July.
inhabitants of Ktukknauk (or Taukaunack), Noble Town V. p. 49.
and Spencer Town, who purchased Indian deeds under license from the Governor and Council of Massachusetts Bay, and are now reduced to beggary by the chicanery of a litigious set of men backed with superior fortunes and interests, the petitioners being only a poor set of hard-labouring farmers. There are about 50 or 60 signatures from each of the three towns.

[725.] EAST FLORIDA. *Lands purchased from Spaniards.* 3 Sept.
B. of T. representation. The Spanish titles had been IV. pp.
authenticated, not by any antecedent possession by the 737-8.

1766. § 725 *cont.*]

pretended proprietors, but by grants from the Crown of Spain more than 80 years before. The strictest examination should be required by due form of law ; but every legal remedy should be afforded to the petitioner at the speediest opportunity.

I. Extract of letter from Gov. J. Grant, St. Augustine, 22 Nov. 1764. " Francisco Chrysostimo, the proprietor of this extensive territory of Palica, was a soldier, and indeed all the inhabitants of the town were so, and none of them people of any rank in their profession. It therefore is not to be believed that they or their predecessors could have obtained from his Catholic Majesty titles and rights to ten million or indeed to ten thousand acres of this country ; and one cannot conceive any government to be so defective as to give the permanent property of a country to transient people, who were liable to be removed to any part of the Spanish dominions upon a military order being sent to the Governor for that purpose. Upon the footing the county is represented to have been, his Catholic Majesty must have purchased the houses and land from his own troops, in order to lodge and accomodate the new garrison in this town.

" Upon my arrival I found everything was claimed as private property except the Governor's house and the Hospital. I had declared the Bishop's Palace, the Convent of Franciscans and all the churches to be the King's ; also some other houses about which I have picked up information from the officers who came to take possession of the town ; for I can learn none from anybody else, as they are all concerned in the purchases.

" I do not admit that anything is private property, and only tell them with respect to the houses, their titles have not been inquired into, and that therefore the thing is not yet determined ; but I have hitherto permitted them to keep possession." The letter enclosed II. and III.

II. Gordon's memorial of 17 Nov. 1764.

III. Translation of the title deeds or conveyances, made by one of Gordon's clerks, a Spaniard ; 40 *pp.*, including a

§ 725 *cont.*]

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plan of the estate of Palica. This shows it bounded on the east by the sea ; on the south by the estate called Corrales ; on the west by the estates of St. Onope and Perigirigua ; and on the north by planting land of the inhabitants. Off the coast are several islands, one being named Anastasia. Separating the islands are the Bar of Matanzas and the Bar of Penion.

———. Committee report.

24 Nov.

[726.] SOUTH CAROLINA. *Dispute about use of unstamped paper.* Committee report.

6 Sept.

IV. pp.

770-1.

[727.] PROCEDURE. "*Course of Office between the Secretary of State's Office, the Council, and Board of Trade, as proposed by Mr. Sharpe.*" Mr. Sharpe recommends—

23 Oct.

V. p. 25.

1. That, when any laws from the colonies arrive for the royal approbation, they may be sent to the Council Chamber ; from whence they will be transmitted to the B. of T. for their report, after which, being considered and approved or rejected, they will be returned to the Secretary of State's Office to be transmitted to the colonies.

2. That your Lordship should order all the correspondences now lying at the B. of T. to be transmitted to the Secretary of State's Office, that such of them as your Lordship thinks proper may be referred back to them for their opinion.

3. In regard of Councillors, that the recommendation should be sent to the Council by the Secretary of State in the manner which has been practised by the B. of T., that, being approved of in Council, it may be returned to the Secretary of State's Office for the Sign Manual.

4. That the vast number of laws now lying in the Council Chamber and sent in there by the B. of T. since the late regulation, should be sent back to that Board, as soon as Lord Northington comes to town, for their report upon them, that, being approved of in Council, they may be sent to the Secretary of State's Office &c.

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5. That the making out of estimates should be referred entirely to the Treasury, to which he says it absolutely belongs. He cannot conceive how the B. of T. came first to intermeddle in them, but suspects that it arose from indolence at the Treasury Board, and that the B. of T. usurped a branch in consequence of that, which by no means belonged to them.

6. He proposes two ways of expediting business with the Council. 1st. By a letter from your Lordship to the President of the Council. 2. By a letter from one of your Under Secretaries to the Clerk of the Council in Waiting.

If these rules were observed, Mr. Sharpe imagines the business with the B. of T., as well from the Secretary of State's Office as the Council, will go on very smoothly; and that the B. of T. cannot then refuse going upon all such business as shall be referred to it for their opinion and dispatch. He offers every light and assistance which the Council Office can afford, and thinks that both Offices have a right to every intelligence which the papers deposited in the B. of T. can afford."

3 Dec. ———. List of Acts returned to the B. of T. by a general Order of reference. 14 separate lists of titles for various colonies.

28 Oct. [728.] CAPE BRETON ISLAND. *Coal Mines*. Treasury V. pp. report; also Committee report of 29 Nov.
18-20.

30 Oct. [729.] EAST FLORIDA. *Settlement*. Petition of D. Rolle: V. p. 47. 7 pp. In 1764 he formed a plan for settling two plantations, one on a river running into the Bay of Mexico convenient for the West Indies Trade, the other on the Altamaha for the European trade,—“as far up the rivers as navigation would permit, in order to possess the shortest communication of land portage for commodities of such light weight as could bear the expense of it, rendered safe by preserving the Indian friendship in the establishment of a trading storehouse on the middle spot of that communication with clear, express

and honourable terms of trade." Being precluded from settling so high up the Altamaha by a late Indian treaty with Georgia, he tried to find a place for settlement which might afford a shorter communication in East Florida. He hoped to obtain for his settlements "some proper inferior jurisdiction and judicature, county, hundred and manor courts with Court Leet and Courts Baron." Neither of these plans was successful, and Rolle was granted only 20,000 acres.

He went to East Florida, and was joined in July 1765 by a small shipload of families from England. He remained about a year with them, and became thoroughly convinced of the inexpediency of the mode of settlement now adopted, and of the necessity of a more intimate connection and subordination. Having cultivated the friendship of the Creek Indians, he petitions for a large tract of land in East Florida as a palatinate, to be held on the tenure of finding about 1,000 men ready to be called out whenever his Majesty in Council so directs.

"From your petitioner's own observation during his travels through the other provinces of America, and from the present apparent disposition of the grantees in East Florida, it is to be apprehended that the whole province will be peopled and cultivated by negroes, though your petitioner by his own experience has proved that the cultivation of the lands in the part of East Florida on the river St. John, whereon he was seated during the various seasons of a complete year, though in or near the latitude of 29°, may be well effected by white people, wherein consists the strength and security of this valuable frontier to your Majesty's American dominions. . ."

[730.] ANTIGUA. *Dispute about a grant of land.* Petition of C. Spooner and others for revocation of a grant to V. M. Horne. The issue was whether Robert Pearne, who died in 1717, had had any title to Reed's Island. 7 Nov. V. p. 23.

———. Petition of the same for delay, as a treaty is now depending for an accomodation of the matter. — Nov.

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7 Nov. [731.] APPEALS. Order of reference of *Bonner v. Greig* V. pp. (*Jamaica*); and, on 10 Dec., of *Bannister v. Brown* and of 23, 51. *Freebody v. Holmes* (*Rhode Island*).

27 Nov. ———. Committee report on *Camm v. Hansford* and *Moss* (*Virginia*); and, on 2 Dec., on *Lymburner v. Burke*, and *Moore v. Burke* (*Grenada*); and on *Stead v. Hart*, and *Stead v. Elizer* (*Rhode Island*).

[IV. pp. 699, 716–7, 741.]

24 Nov. [732.] LAKE CHAMPLAIN. *Plan*: in Lt. Gov. Carleton's of 24 Nov. 1766. Reproduced one half of the scale of the original. *See end of volume*.

28 Nov. [733.] LEEWARD ISLANDS. *Gov. W. Woodley's commission*. V. p. 555. B. of T. representation.

Read [734.] CANADA. *Trade on the Saguenay*. Petition of A. 3 Dec. Merry. The trade of Tadoussac and Chicoutimi was not V. p. 46. opened in 1763, but granted for a term of years to particular persons. On 31 Jan. 1765 Gen. Murray declared the trade open, but it has been again closed after being open only long enough for the petitioners to be at considerable expense.

I. Letter from T. Mills, Receiver General, (from London), giving warning that no one is to trade at Tadoussac but those possessed of the lease granted by Gov. Murray: dated 21 March, and delivered to G. Alsop, 30 May, 1766.

II. Copy of resolution of the President and Council, 8 Aug. 1766, requiring Alsop to take down and carry away the materials of the houses erected by him,—authenticated by D. Allgeo, 9 Aug.

III. Copy of Merry's petition to the Governor and Council, 30 May 1766, and the minute of 7 June, refusing it. 100 acres of land at Chicoutimi was asked, for building a dwelling-house, store-houses &c.

Read [735.] NEW YORK. *Complaint of G. Clarke*. His petition, 3 Dec. 4 pp. A marginal summary is given. Clarke narrates the V. pp. history of the office of Secretary, and then argues, as stated 47–9. in the margin,—“Sir Henry Moore pleads precedents. But

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those precedents extend only to the administering oaths, not granting probates &c."

1767. FIRST BUNDLE.

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[736.] PENNSYLVANIA. *Trade Instructions for proprietors.* 2 Jan.
B. of T. representation ; also Committee report of 2 Ap. V. p. 4.

[737.] NEW YORK. *Sir W. Johnson.* B. of T. report ; and 10 Feb.
Committee report of 24 Aug. IV. pp.
748-54.

[738.] COUNCILS. B. of T. representation for W. 26 Feb.
Hutchinson (*Bahamas*) ; others of 16 Ap. for A. Turnbull V. *App.* II.
(*East Florida*), W. Smith (*New York*), and G. W. Fairfax
(*Virginia*) ; 15 May for A. Stokes (*Antigua*) ; 27 July for
H. Cruger (*New York*) ; 15 Dec. for M. Jollie (*East Florida*),
and for B. Gerrish (*Nova Scotia*).

[739.] GEORGIA. *Cultivation of sago.* Petition of S. Bowen. 23 March.
He and James Flint, servants of the East India Company, V. pp.
had been made prisoners by order of the Emperor of China 89-90.
in 1759 ; and he had then seen the preparations made from
sago by the Chinese.

I. Copies of certificates from Gov. Wright ; from the
President of the Council and the Speaker of the Assembly ;
and from 13 firms of merchants at Savannah : with Bowen's
affidavit that the sago submitted to them was grown in Georgia.

II. Letter from John Fothergill, London, 21-5 May 1766,
to Dr. Templeman, describing the sago powder made by Bowen,
and expressing the opinion that " the person who discovers
in British America a natural production capable of affording
a wholesome nutriment, and in considerable quantities, to
which recourse may be had in times of scarcity, is a greater
benefactor to mankind than the inventor of the most curious
art, and this in proportion to its real utility."

III. Resolution of the Society for the encouragement of
Arts, Manufactures and Commerce, Strand, 11 June 1766,
awarding their gold medal to Mr. Bowen.

IV. Bowen's case.

1767.

25 March. [740.] NEW YORK AND NEW HAMPSHIRE. *Frontier grants.*

IV. *pp.* Petition of S. Robinson. There are upwards of 1,000 families settled on the west side of Connecticut river under grants from New Hampshire; the towns are 400 miles from New York city, where almost all public business of that province must be transacted. The New York claim was asserted by Lt. Gov. Colden in a proclamation of 28 Dec. 1763, soon after which he began to make grants of the land. The New York claim was upheld by Order in Council, 20 July 1764.

The petitioners have made applications to have their grants confirmed. Colden promised to make no more grants until the case had been heard before the Council of New York, but he did not keep his promise. Sir H. Moore, on being appointed Governor, issued a proclamation on 6 June 1766, ordering that all who claimed under New Hampshire grants should produce their titles within three months; otherwise they should be rejected. He refused to suspend making grants, and insisted on being paid for the parts not granted, including the lands reserved by Gov. Wentworth for public uses. This payment at 25*l.* New York money for every thousand acres would amount to about 33,000*l. stg.*—330*l. stg.* for each township.

28 March. ———. Petition of the Society for the Propagation of the Gospel.

2 June. ———. B. of T. report. On 10 July 1764 they had represented the irregularity of the grants made by the Governor of New Hampshire, their improper reservations and conditions, and their inconsistency with every rule prescribed in his Majesty's instructions. They now further submit (I. and II.) two letters of 16 Jan. and 20 March 1766 from Gov. Moore of New York; with (III.) a plan enclosed by the Governor in the second of these letters.

The reservations for pious uses can be effectually secured only by confirming the grants; and, if no direct decision is come to upon that question for the present, the most positive

orders should be sent to the Governor of New York not to grant any part of the lands until his Majesty's further pleasure shall be known.

I. The plan is being prepared. "Nothing as yet has been done by me in answer to the petitions delivered in, as the present disturbances in these parts have put a total stop to all business; for my orders to the Surveyors must be on stamped paper; and, as the people here are not willing to take them as directed by law, I have refused to issue them in any other shape."

II. Finding that great uneasiness prevailed, Moore, on his arrival as Governor, "made a declaration to the principal settlers there, which I desired might be made public, that every person who had really and *bonâ fide* settled and cultivated the lands agreeable to the conditions of the grants they had received should be quieted in their possessions; and that no grants would be issued by me to their prejudice; but that, at the same time, I should not have the least regard to the claim of those persons, who, with a view of appropriating whole townships to themselves, had made use of fictitious names to obtain grants, and, so far from making any cultivation on the lands granted, had publicly offered them to sale in this city and in the neighbouring provinces. I flatter myself that I have not been unsuccessful in my endeavours to encourage those who have made settlements there, for the returns of the regiment of militia formed in the lower part of that district exceeds 800 men, and applications are now made for commissions of a regiment for the upper part, which I am told will amount to pretty near the same number."

[741.] ACTS. *Virginia*. B. of T. representations for 24 March. confirming two Acts.

V. *App.*

III.

[742.] WEST FLORIDA. *Gov. J. Eliot's commission*. B. of 26 March. T. representation.

V. p. 560.

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- 26 March. [743.] NEW YORK. *Act repealed*. B. of T. representation.
 V. p. 581. The Act for furnishing the barracks with necessaries omits vinegar, salt, and small beer or cider, the provision of which was required by an Act of Parliament of 5 George III.; the furnishing of the provisions is committed to the Mayors, Recorders and Aldermen of New York and Albany, instead of being left, as the Act of Parliament directed, to persons to be appointed by the Governor and Council.

1767. (*Separate Bundle*.)

- 27 March. [744.] PLANTATIONS. *Grants of land*. 148 petitions referred—
 V. *App*. (a) 89 *East Florida*, including A. L. de Norac for French and German Protestants, J. C. Haberkorn for German Protestants, and G. Barboulou for Greeks to raise cotton, wine, silk &c.; several petitions refer to the expense that will be necessary in draining, damming and erecting floodgates. (b) 9 *Nova Scotia*, including P. de Gruchy and J. Le Breton for a settlement of Acadians; (c) 34 *Prince Edward Island*, including the application of G. Spence, J. Mill, H. Mure and R. Cathcart for the townships of St. Andrew of the three rivers, and of St. Peter du Nord, with that immediately adjoining it on the East, and also that adjoining it on the West; (d) 7 *West Florida*; (e) 2 *Quebec*; (f) 2 *Cape Breton Island*; (g) 1 each for Grand Manan, Isle Madame, and land in Gaspé. Also (h) a petition for land for the College of New Jersey (Nassau Hall)—in the area awarded to New York after dispute with New Hampshire; and (i) a petition of J. Wadman for the desert part of Cape Henry in Virginia, with the porpoise fishery there (*cf.* V. p. 324). Nassau Hall was incorporated in 1748: the original building accomodated 147 students.

1767. FIRST BUNDLE (*continued*).

- 27 March. [745.] JAMAICA. *Hall v. Laing*. Order of reference.
 V. p. 52.
 31 March. [746.] NORTH CAROLINA. *Act for establishing an orthodox*
 V. p. 100. *clergy*. B. of T. representation; and Committee report of
 19 May. The Act is free from the objections that caused the

repeal of those of 1755 and 1760 ; there is better provision for the payment of the clergy, whose salary is raised from 80*l.* to 133*l.* 6*s.* 8*d.* ; and his Majesty's right of patronage is not impaired by claims on behalf of the vestries. But the Bishop of London has raised other objections, and the Committee submit his letter along with the Act.

I. The Bishop's letter of 1 March 1766 (12 *pp.*). The Act does not require a certificate from the Bishop of London that the person preferred to any benefice has subscribed before him to the liturgy of the Church of England. But this is less necessary, as the right of presentation is in the Governor, who is bound by an instruction to prefer only such persons. The instruction should be carefully observed, as it is a fact " that they who have given this security have shown themselves in the late disturbances in the plantations the most decent and orderly in their behaviour and the firmest friends of his Majesty's government."

The Governor is given power to suspend a clergyman until the Bishop of London shall either restore or deprive him ; but the Bishop has no commission from the Crown which authorises him to restore or deprive. " It is far from being clear that a commission granted to the Bishop of London, as it was to Bishop Gibson, would be an adequate remedy to those inconveniences. Bishop Sherlock, who certainly could judge as well as any man how far the powers given by such a commission would enable him to go, and who, it is to be supposed, had no objections to the exercise of any such jurisdiction which would answer any good purpose effectually, laid his objections to such a commission before his Majesty in Council, as defective in many parts of it, and giving powers which no Bishop, at this distance from the plantations, could exercise with any satisfaction to himself or any material advantage to the clergy. These objections induced that prelate to offer his reasons at the same time for the necessity of establishing resident Bishops in America, as the only method of introducing order and proper discipline in the

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1767. § 746 *cont.*]

churches of our colonies ; and whoever considers the superior abilities of Bishop Sherlock, as well as the more enlarged extent of our dominions in America since his time, will readily allow that the objections may be urged with additional strength by one who by experience feels the force of them ; and sees every day too much reason to lament that, with the best inclinations to do his duty, he finds himself unequal to that important part of it, the care and superintendency of religion in the colonies.

“ Your Lordships want no information which I can presume to offer concerning those hardships that are peculiar to the Protestant Reformed Churches in America for want of a more complete establishment. Your attention to the state of affairs in that country must bring them into your view, and lead you to wish success to a measure which may be thought necessary for the sake of Government as well as of religion, as giving equal strength and security to both. The present times may not perhaps give any immediate prospect of such an establishment ; it must be left to the wisdom of Government to judge of the most favourable season for that important consideration. Whenever that season comes, it will, I doubt not, have all the attention it deserves. I will only beg leave to add that, whatever may be my own private thoughts upon that subject, I cannot have a wish to see any measure carried into execution, if it is not found, upon cool deliberation, to be consistent with the principles of true policy and free from every reasonable objection upon the principles of conscience and religious liberty.”

2 Ap. [747.] NEW YORK. *Settlement of officers.* Committee IV. *pp.* report of 2 Ap. ; and additional instruction, approved 700-1. 13 Ap.

2 Ap. [748.] NEWFOUNDLAND. *Losses by surrender of St. Pierre.* IV. p.717. Committee report on petition of J. Mauger and others.

2 Ap. [749.] QUEBEC. *Complaints against Gov. Murray.* Committee report. V. *pp.* 49-51.

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[750.] PLANTATIONS. *Grants of land.* Petition of J. Murray for land in *East Florida*. 2 Ap. V. App. V.

———. Two B. of T. reports for 100 grants in *East Florida* and 10 in *West Florida*; also Committee report of 11 May. 8 May.
The B. of T. submit, and the Committee recommend, that the persons to be settled on the land be either foreign Protestants or inhabitants of the existing colonies in North America.

———. List of petitions referred by Committee to B. of T. 23 May.

———. B. of T. representation for granting a township in *Nova Scotia* to Major Otho Hamilton; another for 12 grants in *Nova Scotia*; and Committee report of 12 June. 28 May.

———. 18 petitions for land in *East Florida*. Five of the petitioners allege that their influence has already proved successful in procuring German Protestant settlers for the plantations. 26 June.

———. Memorial of C. de Freudenberg for land in New York or in Canada. 24 July.

———. Committee report for 17 grants in *East Florida*. 5 Aug.

———. Draft of Order for two grants in *Quebec* (F. and H. Mounier). 26 Aug.

———. 15 petitions for land in *Cape Breton Island*, several of them specifying a particular lot; 9 more *Cape Breton* petitions referred on 23 Dec. 18 Nov.

———. Petition of E. Hill for lands in *Anticosti*. 12 Dec.

[751.] PRINCE EDWARD ISLAND. *Settlement.* Committee report on the petition of Sir C. Saunders and others. 2 Ap. V. p. 56.

———. Memorial of Capt. D. Maitland imploring despatch. Undated.

———. Committee report for granting 66 townships. 24 Aug.

[752.] PENNSYLVANIA. 16 *Acts confirmed.* B. of T. report, and Committee report of 11 May. 13 Ap. V. p. 582.

[753.] MASSACHUSETTS BAY. *Indemnity Act.* B. of T. representation, submitting the opinion of the Attorney and Solicitor General that the Massachusetts Assembly have no 13 Ap. V. pp. 86-7.

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power to pass such an Act; and Order of reference to Committee.

I. Printed copy of the Act, passed 6 Dec. 1766; and certificate of authenticity signed by Gov. Bernard. There is also a MS. copy of the Act.

II. Extracts from the Massachusetts Charter and from the Governor's commission and instructions.

9 May. ———. Committee report for disallowing the Act. (26 members were present.)

1767. SECOND BUNDLE.

16 May. [754.] MARYLAND AND PENNSYLVANIA. *Boundaries*. V. *pp.* Petition of Frederick, Lord Baltimore, and of Thomas and Richard Penn. (17 large pages.)

22 May. [755.] ACTS. *Virginia*. B. of T. representation for con- V. *p.* 585. firming a Virginia Act.

23 May. ———. *Plantations*. B. of T. report, and draft of Com- V. *pp.* mittee report, on several Acts and Ordinances of various 26-44. colonies.

26 June. ———. *Barbados*. B. of T. representation: others of V. *App.* 14 Oct. on a *St. Christopher* Act (V. *pp.* 118-9); of 23 Oct. III. on two *Virginia* Acts; and of 29 Oct. on a *Grenada* Act.

Referred [756.] GRAND MANAN. Petition of Lord Wm. Campbell by Com- for a grant of the island, which he undertakes to settle and mittee. make useful to the public. It lies at the entrance of the

23 May. Bay of Fundy out of the way of the fishery; but, when cleared, will answer for cultivation. The area is about 18,000 acres.

26 May. [757.] GEORGIA. *Settlement*. B. of T. representation for V. *pp.* disallowing a Georgia Act, and sending instructions to the Gover- 112-3. nors of Georgia and of South Carolina. By the proclamation of 7 Oct. 1763 the land south of the river St. Mary was made into the province of East Florida, and that between the St. Mary and the Altamaha was added to Georgia. Before this arrangement, the Governor of South Carolina made grants in the latter territory, on the ground that it was within

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the limits of the charters of Charles II. The grants were made to opulent planters of South Carolina; the surveys had been slightly and incorrectly made; and in most cases no steps were likely to be taken for proper cultivation. The B. of T. had signified to the Governor of Georgia that they would concur in a law for obliging the grantees to cultivate the lands according to the conditions of the grants.

To the Act passed, however, valid objections were made by Mr. Dunning, counsel for the grantees:—(1) It prescribes other conditions than those on which the lands were granted conformable to the instructions to the Governor of South Carolina; (2) the manner of proof is left to be decided by the Governor and Council; (3) only six months from notification of the royal assent are allowed for making proof, without due exceptions in the case of infants, insane persons, or those under other natural disabilities.

———. B. of T. report; and Committee report of 24 Aug., 13 July. submitting and approving the instructions.

[758.] QUEBEC. *Law courts.* Draft of Committee minutes. 29 May.
V. pp.
91–4.

[759.] CANADA. *Trade on the Saguenay.* B. of T. report 2 June. on the petition of A. Merry; Committee report of 12 June; V. p. 46. and Order of 26 June.

B. of T. report. “The erecting buildings and warehouses there upon the idea of permanent establishment is expressly contrary to both the letter and spirit of that Proclamation”—[7 Oct. 1763]; their proceeding with the plan after being warned to the contrary by proper authority was irregular; their request for lands ought not to be complied with; the question whether they should be allowed to dispose of the goods they have sent to these posts depends on the policy of continuing or not continuing the posts as part of the royal domain,—a question now depending before the Treasury; if they are to be so continued, the

1767. § 759 *cont.*]

merchants should be allowed to dispose of the goods (except spirituous liquors) which were lodged there before the resolution of the Governor and Council on 8 Aug. 1766.

Gov. Murray's letter of 26 May, 1767, with his report on the posts of the King's domain in Canada (23 pp.).

(a) *The letter.* "The lands of the King's domain were never ceded to nor purchased by the French King nor by his Britannic Majesty; but, by compact with the savages inhabiting the said lands, the particular posts or spots of ground whereon the King's buildings are erected and now stand were ceded to the French King for the purpose of erecting storehouses and other conveniences for the factors, commis, or servants employed to carry on the trade; and the savages residing within the limits of the domain and who resort to the said posts of his Majesty at certain seasons of the year, were adopted as domiciled Indians under the sole and immediate protection of the King, and so remained till the reduction of the province, and a missionary was sent to reside constantly among them. The lands of the domain, therefore, are to all intents and purposes reserved as hunting-grounds to the savages, of which they are ever jealous on the least appearance of an encroachment among themselves." The Governor could not, therefore, have complied with Alsop's petition for land there; and the contempt shown by Alsop will not entitle him to favour. "I must further add that this man has been the author of all the disputes, factions and jealousies, which have taken place since the establishment of civil government in the colony; and I firmly believe his enterprise to these posts was with a view to augment the same; he being the only man who attempted it, corroborates this opinion."

(b) *The report.* The posts of the King's domain—Tadoussac, Islands de Jeremie, Chicoutimi, and Sept Isles, during the French government were under the immediate management of a Director appointed by the Governor and Intendant. "He furnished them at the King's expense with

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the merchandise and effects proper for the Indian trade or fisheries, which were carried on at these several posts, and received from thence likewise upon the King's account the furs, oil, fish or other produce of the same. They had formerly been farmed; but, the lease expiring in 1756, they were advertised; and, no one bidding for them on account of the war, the Intendant, lest the savages should quit their usual haunts, ordered them under the before mentioned direction, which continued until our arrival, although the expense far exceeded the produce. When they were let out to farm, the highest rent paid for them under the French government was 7,000 *livres* or 291*l.* 13*s.* 4*d.* *stg.*”

After the reduction of Canada in 1760 the Indians deputed their chief and missionary to represent to Gen. Murray that they were left destitute and to beg to be taken under the protection of his Britannic Majesty. Murray reported to Amherst, who ordered the posts to be continued on the same footing as formerly. An agent or director was again appointed for the conduct of trade, and an officer and party sent to preserve order and prevent abuses.

In 1762 the revenue appeared so trifling that Gen. Murray recommended letting the posts out to farm. On receiving authority to do so, he leased them to the highest bidder—at 400*l.* *per annum*—for one year certain, from 1 Oct. 1762, and for 14 years if no orders to the contrary should arrive from Great Britain. If such orders arrived later than the beginning of June in any year, the lease would not be determined till 30 Sept. in the following year. The General received no answer at the time to the reports of his proceedings which he transmitted to the B. of T. and to the Treasury.

By his Majesty's proclamation of 7 Oct. 1763, the Indian trade was declared free and open to all his subjects. On 31 Jan. 1765 (after Pontiac's war), Murray issued a proclamation to the same effect. Murray had reported to the B. of T. about the King's domain posts, and was answered that their fate depended on the proclamation of 7 Oct. 1763.

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On 9 March 1765 several Quebec merchants applied to the Governor and Council for liberty to trade to the domain. The lessees represented their case, and prayed to be supported in their possession till 30 Sept. This appeared reasonable to the Governor and Council, and an advertisement was inserted in the *Quebec Gazette*, forbidding anyone to interrupt them in their trade to the domain until 31 Aug.—“which was giving sufficient time for any traders to avail themselves of the same for the succeeding year, if the domain should finally be laid open.”

In Oct. 1765 the General granted the petition of Messrs. Alsop, Chinn and Co. for a special permission to trade with the Indians of the domain.

On 21 March 1766 T. Mills, on his appointment as Receiver-General for Quebec, directed the person acting in that capacity for the time being to apply to the Governor and Council to support the lessees in uninterrupted possession of their lease, until his Majesty's further pleasure should be known. On 2 June the acting Receiver-General laid this letter before the Council, along with the information that Messrs. Alsop and Co. had laden two vessels with materials for building in the domain, contrary to the proclamation. It was ordered that they should be warned and forbid at their peril to erect buildings on the lands reserved to the savages, but Mills's letter was not regarded as of sufficient authority to confine the trade to the lessees only.

In July 1766 Mills arrived, and, finding that Alsop and Co. had persisted in erecting buildings, applied to the Governor and Council to protect the lessees. An affidavit of Peter Stuart, J.P., agent for the lessees at the posts, was also produced, showing that Alsop, Chinn and Co. had erected buildings there and supplied the Indians with spirits.

On 15 Aug. 1766 the President and Council ordered the issue of a warrant for taking down the buildings and sent a party of men to execute the warrant. On 9 Oct. Lt.-Gov. Carleton, on his arrival, granted an order to suspend

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execution of the warrant, and sent a party to recall the other, and to put Alsop, Chinn and Co. into possession, with liberty to trade with the Indians.

Messrs. Alsop, Chinn and Co. have made a general objection to the posts being farmed; but the plan was adopted with success by the French ("who more than any other nation seem to have studied the temper and genius of the Indians"), in order to avoid the evils of an open trade, which leads to the natives being supplied with spirits. Storehouses were established at the different posts with necessities for the Indians, and rates fixed for the trade. "When an Indian family came to a post, whether they had been successful in their hunting or had nothing to exchange, they were always supplied with necessities until the chance of the hunt should enable him to pay; and, in case of sickness or death, their wives and orphans were maintained and supported, until capable to provide for themselves." The attachment of the Indians to the French, which resulted from this fatherly treatment, "neither time, change of power, the address of the English, nor any other consideration could efface," as was seen in the late troubles, when the Indians massacred almost every English subject they could lay hands on, and ransomed some at Michillimakinac only through the interposition of the French. Such friendly relations are impossible unless the trade is carefully regulated. An open trade would not increase the consumption of manufactures but that of liquor, would lead to the extirpation of the Indians, "and by losing the people will follow a total loss of the returns to Britain."

[760.] NEW YORK AND NEW JERSEY. *Boundary*. B. of T. 2 June. report, with list of Commissioners: with (a) the Order of V. *pp.* reference of H. Wilmot's petition, 3 Dec. 1766; and (b) Committee report of 12 June 1767. 44-5.

[761.] APPEALS. Committee reports on *Payne v. Abdy* 10 June. (*Antigua*); *Taylor v. Nash*, and *Grant v. Singleton and Welch*

1767. § 761 *cont.*
(Barbados); *Inglis v. Burke (Grenada)*; *Long and Plumstead v. Harper (Pennsylvania)*; *Arnold v. Green, Lewis v. Wilkinson, and Shearman v. Cornell (Rhode Island)*; and two of *Corbin v. Lomax (Virginia)*.
 [IV. p. 729; V. pp. 55-6, IV. p. 767; V. p. 17; IV. p. 745; V. p. 17; IV. p. 759, IV. p. 718; and IV. pp. 767-8.]
- 26 June. ———. Order referring *Bannister v. Brown (Rhode Island)*—[V. pp. 51-2].
- 18 Nov. ———. Order referring *Jeffries v. Donnell (Massachusetts)*—[V. p. 119].
- 13 June. [762.] NEW YORK. *Lands purchased from Indians*. Petition V. p. 110. for confirmation of title. In Vol. V. Sir James Say should be Sir James Jay.
- 18 June. [763.] FALKLAND ISLANDS. *Gunners' stores*. Admiralty memorial for allowing the gunner of H.M.S. *Jason* for stores left for the defence of a blockhouse at Port Egmont.
- 22 June. [764.] NEW YORK. *Settlement in the northern parts*. Petition of reduced officers of the 42nd, 76th, 77th and 90th regiments. The lands petitioned for are on the east of Lake Champlain, near Crown Point. "So far back as the time when the Dutch were in possession of New York, that province was allowed to extend to a certain rock in Lake Champlain about 30 miles north from Crown Point, which the French did not controvert; and in consequence thereof lands were not long thereafter granted in those parts by one of the first English Governors of New York; but the French afterwards unjustly encroached on that province and built forts at Crown Point and Ticonderoga, which was one of the original causes of the late war in America. Lands are also claimed east of the Hudson river and west of the Green Mountains.
- The New Hampshire grantees "are in general a set of men in indigent circumstances, unable to fulfil the conditions of their grants or of settling the great number of townships claimed by them, which they obtained in general with a

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view to an immediate profit, several of those townships having been offered to sale for a mere trifle immediately after they were granted."

The petitioners pray that the Governor of New York be instructed "to grant lands to those officers at whose expence they have already been located and surveyed, and to confirm to others the grants which have already been made." A list of over 70 officers is given, besides non-commissioned officers and soldiers. There are five divisions according to the location of the land desired (1) on "Barton Kill and Hosaick river"; (2) on South Bay, Wood Creek &c.; (3) on the south branch of Lake Champlain; (4) on Lake Champlain and branches of Otter Creek; (5) on the main branch of Otter Creek.

———. Committee report on the petitions from New Hampshire.—§ 740. 30 June.
V. p. 89.

[765.] MASSACHUSETTS BAY. *Insolvency Act disallowed*. 26 June.
B. of T. report; and Committee report of 30 June. V. pp.
20-2.

[766.] (1) BARBADOS; (2) JAMAICA; (3) LEEWARD ISLANDS; June-Oct.
(4) BAHAMAS. *Governors*. B. of T. representations, with V. App. I.
(1) commission (26 June) and instructions (29 July) for
W. Spry; (2) commission (8 July) and instructions (29 July)
for Sir W. Trelawny; (3) instructions for W. Woodley
(29 July); and (4) commission for T. Shirley (23 Oct.).

[767.] NEW JERSEY. *Act re salvage of stranded ships*. 8 July.
B. of T. representation. V. pp.
111-2.

[768.] NEW YORK. *Presbyterian Church*. B. of T. report; 10 July.
and Committee report of 24 Aug. IV. pp.

I. Report of a Committee of the New York Council, 760-1.
24 March 1767. Four petitions for incorporation have been
received—(1) 8 Feb. 1759 and 9 Sept. 1763, Lutherans of
New York; (2) 30 March 1759, Presbyterians of New York;

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(3) 9 Feb. 1763, Protestant Dutch of Orange ; (4) 16 March 1763, French Protestants of New York. On 15 July 1764 the B. of T. wrote that they saw no necessity for the incorporation of the Lutheran Church. The Dutch Church had four incorporations in the province, grounded on the Articles of Capitulation in 1664. Although the Presbyterians are in the majority in New York, as stated by the present petitioners, this is not true of Presbyterians "according to the Westminster Confession of Faith, Catechisms and Directory, agreeable to the present established Church of Scotland."

The Committee see no essential ground of preference over other Protestant congregations not of the communion of the Church of England. Before coming to a final resolution, they deem it necessary to have it determined on the highest authority whether the English Statutes of Uniformity or the Act of 5 Anne, cap. 5, which is made an essential part of the Act of Union, extend to the plantations.

13 July. [769.] NORTH CAROLINA. *Act for an orthodox clergy.*
V. p. 100. B. of T. report, with (a) an additional instruction for passing an explanatory Act.

17 July. [770.] GEORGIA. *Act re settlement disallowed.* B. of T.
V. pp. report ; and Committee reports of 24 Aug.
112-3.

24 July. [771.] PLANTATIONS. *Alterations in number of Assembly*
V. p. 40. *forbidden.* B. of T. report with (a) draft of instruction for South Carolina, and (b) draft of circular instruction for other plantations.

24 July. [772.] NEW YORK. *Instructions to Governor about two Acts.*
V. pp. B. of T. report.
34-5.

24 July. [773.] MASSACHUSETTS BAY. *Instruction about duties on*
V. pp. *imports.* B. of T. report, with (a) copy of instruction.
30-1.

- 1767-8.
- [774.] DETROIT. *Grant of Hog Island*. Petition of Lieut. G. MacDougal. He "was judged by Capt. Campbell to be the most proper person at Detroit to attend him when he left the fort in order to accomodate the differences with the savages ; this dangerous though necessary piece of duty he cheerfully accepted of, and on that service was stripped and continually treated in the most cruel manner, and would certainly have been put to death, if he had not made his escape while the savages were murdering Capt. Campbell." 4 Dec. V. pp. 119-20.
- I. Copy of his grant from the Ottawa Indians, signed with the marks of "Pondiaack" and "Oquhinon," 3 Sept. 1767.
- [775.] PENNSYLVANIA. List of 19 Acts presented by H. Wilmot, agent for the proprietors. 17 Dec. V. p. 582.
- [776.] DOMINICA. *Separate government*. B. of T. report on the petition of the Bristol merchants. 21 Dec. V. pp. 5-6, 12-14.
- [777.] JAMAICA. *Two Acts disallowed*. B. of T. representation. Others of 24 Dec. on Acts of *Jamaica, Virginia, North Carolina, and Nova Scotia*. 24 Dec. V. pp. 123-8.
1768. FIRST BUNDLE. 1768.
- [778.] PLANTATIONS. *Grants of Land*. Petition of J. Burrow (*Nova Scotia*). 15 Jan. V. App. V.
- . Committee reports for W. Penrice and E. Purnell in *East Florida*, and Lieut. J. Pigott in *Georgia* ; with B. of T. reports of 14 and 23 Oct. and 27 Nov. 1767 respectively. 26 Jan.
- . B. of T. report for R. and T. R. Johnston in *East Florida* ; and Committee report of 9 Aug. 1768. 4 Feb.
- . B. of T. report for Sir E. Hawke in *East Florida*. 16 July.
- . B. of T. report for G. Croghan in *New York*, in consideration of his services in the treaty with the savages at Pittsburgh ; and Committee report of 9 Aug. 21 July.
- . B. of T. report on (a) the memorial of Major-Gen. Gage (*New York*) ; and Committee report of 9 Aug. 3 Aug.
- Reports of same respective dates for E. Mease (*West Florida*).

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16 Sept. ———. Memorial of I. Levy.

11 Nov. ———. B. of T. report for J. Maurice (*East Florida*).

The question of the advisability of receiving applications indiscriminately is again submitted by the B. of T. "We therefore hope no further petitions may be referred to us, unless they contain some plan or proposition, which shall appear to your Lordships to deserve particular consideration."

17 Nov. ———. B. of T. report on (a) C. de Freudenberg's memorial of 3 Nov. (*New York*). And Committee report of 22 Dec.

Read ———. (1) Petition of W. de Brahm (*East Florida*).

16 Dec. (2) Petition and memorial of the *Mississippi Co.* (36 signatures). Several of the members are determined to be themselves among the first settlers. The valuable commodities to be cultivated are such as hemp, flax, silk, wine, potash, cochineal, indigo, and especially naval stores.

— Dec. ———. B. of T. report for Col. J. Hale (*Nova Scotia*); and Committee report of 22 Dec. for Hale, J. Maurice (*cf.* 11 Nov.) and Sir E. Hawke (*cf.* 16 July).

16 Jan. [779.] NEW YORK. *Boundary with Quebec*. Extract of a V. p. 143. letter from Gov. Moore to Lord Shelburne. The 45th degree of N. latitude having been declared the southern boundary of Canada by his Majesty's proclamation, and New York having always claimed to that parallel, Moore proposed to the Commander-in-Chief in Canada to attend at a determination of the boundary. Col. Irving, the President of the Council, accordingly agreed to meet him about the upper end of Lake Champlain. Moore was also accompanied by Brigadier Carleton, who arrived as Lieutenant-Governor of Canada a few days before Moore left New York. Carleton was called away to Montreal two or three days before the observations were completed, but Col. Irving remained to the end. Some gentlemen from Canada who held grants from French Governors, which proved to be south of 45° N. latitude, desired to have their lands confirmed without paying any quitrent to the Crown; but Moore refused, as the English had never admitted these lands to be

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in Canada. On 19 Dec. 1766 he had written to the B. of T. to confirm the determination of the boundary line, Carleton having agreed to do so likewise; but he has up till now received no answer.

[779A.] QUEBEC. *Ecclesiastical settlement*. Report of 18 Jan. Marriott, De Grey and Willes, on the plan submitted by the V. p. 96. B. of T., 30 May 1765.—*cf.* § 654. (Article 2)—A person may be licensed to superintend the affairs of the Roman Church in the province, *provided* his Majesty's supremacy, in all causes as well ecclesiastical as civil, be preserved entire, and *provided* that no obstruction be caused to his Majesty's service or the due course of law. (3)—The limitation of the Superintendent to such powers as are absolutely necessary to the exercise of the Roman Catholic religion is too vague, if the Superintendent is to be the judge of such powers. (4)—The consent of the Governor is required for appointments to ecclesiastical benefices; it does not appear how far this may affect private rights of patronage. (7)—It is not clear by what legal mode the Superintendent is to be admitted Superior of the Seminary of Quebec and provided for out of its revenues. (8, 10–13)—There is not sufficient information before the Law Officers for them to judge of the legality and method of abolishing the community of Jesuits, the present Dean and Canons of Quebec, or the Provincial Commissary; of restraining the admission of new members to the Order of Mendicant Friars, or to convents of women; and of consolidating the Seminaries of Quebec and Montreal. (14)—The exclusion of native regular priests from Roman Catholic benefices may be injurious to the rights of his Majesty's subjects, if any of them have the patronage of such benefices. (15–20)—Are consonant to law, except as to the sanction of deprivation, which cannot be enforced without legal process. (21)—Mixed or alternate possession of the churches is not illegal, if it can be safely effected with the consent of those who have by law a right to the churches. (22) The exemption of Protestants from paying tithes and dues to the Romish clergy cannot be effected

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by the Royal prerogative, if the tithes and dues belong to these persons by the laws and usages of Canada.

20 Jan. [780.] COUNCILS. B. of T. representation for T. Harrison
V.App.II. (*Jamaica*); others for I. Moe and Rev. R. Braithwaite
(*Barbados*),* 29 Jan.; D. Rogers (*New Hampshire*), J. Smith
(*Nevis*), and H. Dyer (*Montserrat*), 4 Aug.; R. H. May
(*Jamaica*), J. De Lancey (*New York*) and D. Otley (*St. Christo-*
pher), 1 Nov.; and H. White (*New York*), 8 Dec.

26 Jan. [781.] NORTH CAROLINA. *Quitrents of escheated lands.*
V. pp. Committee report on the memorial of H. McCulloh and others;
116-7. draft of Order of 1 Feb.

I. Copy of Order of 14 Oct. 1762. (IV. p. 263.)

II. Caveat of the Auditor General of the Plantations against
any application by H. McCulloh, 11 Ap. 1767.

III. G. A. Selwyn's application, 22 Sept. 1767.

IV. Letter from R. Cholmondeley, Auditor General of
Plantations, to P. Sharpe, Clerk of the Council, Hertingford-
bury, 9 Oct. 1767. His report to the Treasury has been
delayed by a dangerous illness, but he hopes to be in town
to deliver it on Monday. He hopes the Council have post-
poned the business, as the object of his caveat was to allow
them to have his report before them.

V. Treasury Minute on Auditor General's report (*two copies*).
The period of remission of quitrents is determined by the
Order of 14 Oct. 1762. The other points are proper only
for the decision of the Council.

VI. Letter from the Auditor General, withdrawing his
caveat, 11 Dec. 1767.

VII. Memorandum (no date or signature) explaining the
object of the memorials.

5 Feb. [782.] ACTS. B. of T. representations for confirming
V. one *Jamaica* Act; and one *Virginia* Act; and Committee
App. III. report of 23 Feb. for the latter.

* Of six absentees, F. Ford has returned to the island, E. Jordan is about
to do so, H. Frere has leave of absence, and Sir J. Gibbons is in the service
of his country in Parliament.

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- Also a B. of T. representation on four Virginia Acts—one confirmed, one postponed and two disallowed; and Committee report of 23 Feb. (V. p. 126.)
- [783.] MASSACHUSETTS BAY. *Appeals*. Committee report on *Apthorpe v. Pateshall*; and one of 23 Feb. for admitting *Jeffries v. Donnell*. 9 Feb. V. pp. 122-3. 119.
- [784.] JAMAICA. *Acts disallowed*. Committee report; and petition of S. Fuller, read that day, in support of one of the Acts. 9 Feb. V. pp. 123-5.
- I. Extract from a Committee report of 11 Feb. 1762. (*Cf.* IV. pp. 510-1.)
- [785.] MASSACHUSETTS BAY. *Act repealed*. B. of T. representation. 18 Feb. V. pp. 150-1.
- [786.] NOVA SCOTIA. *Settlement*. Letter from Lord Wm. Campbell to Lord Hillsborough, enclosing a memorial asking permission to make grants of land (*a*) to people who obtained votes of Council for lots in the townships of Yarmouth, Barrington, Sackville, Amherst and Cumberland, before the late alterations in the conditions were ordered; and (*b*) to people settled at Louisbourg. He points out the evils of insecurity, especially in the case of Louisbourg. 19 Feb. V. pp. 149-50.
- . Letter of Campbell to Hillsborough, with memorial pointing out that the proprietors in Prince Edward Island are not obliged to take out their grants in any certain time, and so may retard settlement there; and suggesting that a limit be appointed by proclamation. (*Two copies*.) 6 Ap.
- . Memorial of Campbell (12 pp.). The conditions of settlement have totally discouraged people from taking up lands. (1) The payment of 5s. for every 50 acres deters settlers from asking for any quantity of land. (2) The exclusion of emigrants from England and Ireland hinders settlement. "Nor is it less difficult to procure settlers from

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other places, for even the German States hinder people from passing through their dominions, so that the Palatines, who were wont to go in great numbers to America, are now as difficult to be got as people from any part of his Majesty's dominions who are forbid to be engaged for this purpose. (3) The former conditions of settlement were much more favourable than the present, which require three acres in every fifty to be cleared in three years—*i.e.* 6,000 acres in a common township of 100,000 acres.

“Your Lordship will please to consider that little individuals can by no means struggle alone with the difficulties they have to encounter. Opulent and great grantees can alone furnish the means and gather the numbers necessary; and this they cannot do without making subordinate grants to others of middling substance, but those of even indifferent circumstances will not engage under the former, because on the present difficult tenure on which the grants are ordered to be given, the original grantee cannot make them a title, but what may be liable to be defeated after a great deal of their own respective labour and expense, by the neglect or failure of some or other of the adventurers concerned with them in the same grant.”

Campbell proposes that titles should be made perfect on this single condition, “*of their paying to his Majesty yearly after the expiration of two years a quitrent of two shillings for every hundred acres of land per annum, on pain of absolute and immediate forfeiture without excuse on failure of the payment thereof within six months after each annual payment shall respectively become due.*” This single condition would be of more advantage to the Crown than any yet made; and, if not complied with, the lands would sooner revert to the Crown than under any conditions yet made.

The Governor calls attention to the need of provision for the case of the death of a grantee and a disputed inheritance. He also suggests that the clause forbidding alienation of lands within ten years without the Governor's license, should

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be omitted, and alienation allowed on payment of a moderate fee, so as to reassure grantees that they will be able to dispose of their lands to the best advantage, should any misfortune happen to them.

The Governor is not allowed to make grants of more than a thousand acres; but application to the B. of T. takes over a year, and the lands are then granted on terms different from those on which the Governor is allowed to make grants. He proposes that a uniform method be adopted and the Governor given power to make large grants.

[787.] ACTS DISALLOWED. Committee reports against Acts of *New Jersey, St. Christopher, Virginia, North Carolina and Nova Scotia.* 23 Feb.

[V. pp. 111-2, 118-9, 125-8.]

[788.] QUEBEC. *Gov. Carleton's commission.* B. of T. representation; and Committee report of 9 Aug. on his instructions. 25 Feb. V. p. 559.

[789.] LAKE SUPERIOR. *Grant of Mines.* Petition of H. Bostwick and several others [*very ragged*]. 4 May. V. pp.

129-30.

———. B. of T. report on a supplemental memorial of Bostwick; with (I.) copy of a former report of 7 May, from the advice given in which they see no reason to depart. Also Committee report of 9 Aug.; and Order of 12 Aug. 29 July.

[790.] TOBAGO. *Appointment of a Council disallowed.* B. of T. representation. Gov. Melville was empowered by his instructions in case of exigency to assemble a Council in Tobago, St. Vincent or Dominica, adding occasional and extraordinary members *pro tempore* to make a quorum (five). He had no authority to appoint at large a Council of twelve members for the island of Tobago. 10 June. V. p. 6.

[791.] NEW YORK. *Suspension of the legislature.* Committee order of reference to the Attorney and Solicitor General. And (a) B. of T. representation of 7 May. 28 June. V. pp. 137-9.

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- 24 July. ———. Report of De Grey and Dunning.
9 Aug. ———. Committee report.

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- 6 July. [792.] NOVA SCOTIA. *Impost and Excise duties*. B. of T. V. p. 156. representation; and Committee report of 9 Aug., with an additional instruction to the Governor.
- 7 July. [793.] JAMAICA AND RHODE ISLAND. *Appeals*. Committee V. pp. reports on *Bonner v. Greig*, and *Hall v. Laing* (Jamaica); 23-4, *Holmes v. Freebody*, and *Bannister v. Brown* (Rhode Island). 51-5.
- 14 July. [794.] BARBADOS. *Dispute about land*. Letter from Cf. V. Lord Hillsborough to Gov. Spry, enclosing (I.) a memorial p. 325. of J. Keeling, complaining of delay in hearing his actions in Barbados; and asking for a report from the Governor.
- 24 Sept. ———. Spry to Hillsborough, promising to keep a watchful eye over the proceedings. He has asked the judges for copies of papers and their observations thereon, but has not yet received their answer.
- 4 Nov. ———. Spry to Hillsborough, expressing confidence in the judges, and transmitting (II.) a copy of the proceedings (29 pp.); and (III.) the answer of S. Bedford, the Chief Judge of Common Pleas (43 pp.), supported by four affidavits of James Polgreen, Deputy Provost Marshal, Wm. Forbes and James Elder, attorneys, and Thomas Chase—all dated 26 Oct. Keeling filed seven actions on 28 May 1762, but failed to prosecute them. On 28 Aug. 1765 he filed eighteen other actions, "which appear to have been proceeded on with as much dispatch as the rules and practice of the Court could admit."
- 10 Dec. ———. Hillsborough to Spry, enclosing (IV.) Keeling's second memorial, complaining that on 15 July he was required, as an absentee, to give security for costs of suit before the defendants should be obliged to go to trial.

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[795.] NEWFOUNDLAND. *Fishing post at St. Julian's*. 15 July.
 Petition of G. Milner [*very ragged*]. He was partner of V. pp.
 Matthew Glover of Poole, who received a grant of several posts 153-4.
 from Gov. Webb, 28 Oct. 1760. On the dissolution of the
 partnership in 1761, two rooms at St. Julian's were left to
 Milner. In 1763 Nicholas Darby of Bristol turned out
 the petitioner's servants and took possession, but Deputy Gov.
 Ruthven, who was appointed to determine the case, ordered
 restitution to be made to Milner. By orders of 10 Sept. 1764
 and 17 May 1765, Gov. Palliser has annulled the grant of
 28 Oct. 1760, and declared the fishing conveniences to be
 public and free to all his Majesty's subjects and the subjects
 of France.

[796.] DOMINICA. *Separate government*. Petition of the 19 July.
 Council of Dominica ; and Order of reference of 28 Sept. V. p. 12.

[797.] JAMAICA. *Act confirmed*. B. of T. representation ; 21 July.
 and Committee report of 9 Aug. V. p. 579.

The Act (for dividing the island into three counties) is agreeable to the draft prepared by the Attorney and Solicitor General, with the addition of two clauses, which have been supported by the merchants of London and Bristol trading to the West Indies at their General Meetings.

I. Petition of 15 Jamaica planters residing in Great Britain in favour of the Act, with the opinions of the London and Bristol meetings, 7 and 18 June.

II. Extract of a Jamaica Act of Oct. 1758 for dividing the island into three counties.

[798.] MARYLAND. *Lt. Gov. R. Eden*. Representation of 28 July.
 Lord Baltimore for his appointment. V. p. 556.

———. B. of T. report on the instructions for the 11 Nov.
 proprietor.

[799.] VIRGINIA. *Seven Acts*. B. of T. representation ; 29 July.
 and Committee report of 9 Aug. Representation and report V. pp.
 of same dates on three WEST FLORIDA Acts. Representation 157-66.

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of 3 Aug. and report of 9 Aug. on six NEW HAMPSHIRE Acts. Representation of 4 Aug. and report of 9 Aug. on a JAMAICA Act. Report of 9 Aug. on a NEW JERSEY Act.

3 Aug. [800.] NEW YORK AND QUEBEC. *Boundary*. B. of T. V. *pp.* report on an extract of a letter from Gov. Moore; and Committee report of 9 Aug. 143-4.

3 Aug. [801.] VIRGINIA. *Lord Botetourt's commission and instructions*. B. of T. representation; and Committee report of 9 Aug. 154-5.

4 Aug. [802.] NEW HAMPSHIRE. *Roads*. B. of T. representation V. *pp.* on a proposal of Gov. Wentworth to employ part of the 155-6. quitrents for making roads and offering small rewards for the encouragement of agriculture. The B. of T. suggest that it be left to the Governor to recommend a method for carrying these purposes into execution—by vesting the direction of the fund in the Governor and Council, in a Society constituted for the purpose, or in the Legislature. In any case, annual accounts of the receipt and application of the quitrents should be sent home by the Governor.

“And we the rather humbly advise your Majesty graciously to extend this mark of your bounty to your said province of New Hampshire, as a favourable distinction to which the inhabitants of that colony, by their dutiful and becoming behaviour at this crisis, seem particularly entitled.”

25 Aug. [803.] PLANTATIONS. *Salary for Vice-Admiralty judges*. V. p. 153. Admiralty memorial.

9 Sept. [804.] EAST FLORIDA. *Land purchased from Spaniards*. V. p. 177. Schedule of purchases by J. Gordon and J. Fish,—enclosed in a letter from Gov. Grant. 18 items. Total, 60,525 pieces of eight reals. The cost of the conveyances, 310 pieces, 4½ reals more. At 24s. South Carolina currency for a piece of eight, this is 73,002*l.* 13*s.* 6*d.* Exchange at 7 for 1 is sterling 10,428*l.* 19*s.*

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[805.] SOUTH CAROLINA. *Act re sheriffs*. B. of T. report. 15 Sept. V. pp.

166-71.

[806.] CAPE BRETON ISLAND. *Settlement*. Letter from 26 Sept. Michael Franklin, Lt. Gov. of Nova Scotia; enclosing (I.) a V. p. 150. list of improvements made on the island; (II.) a list of licenses of occupation granted, and other improvements made by permission; (III.) the state of the town of Louisbourg, 10 Aug. 1768.

(I.) gives an account of land fenced and houses and fishing stages built—at *Louisbourg* by Lawrence Kavanagh, Thomas and Richard Wheeler, Thomas Mortho, John Moss, William Brimigion, Matthew Rowe, Gregory Townsend, and William Russell; at *Manadou* by John Gould, Cornelius Bollong, Richard Wheeler, Alexander Ley, John Neale, and Thomas Huxford; at *Le Balleine* by Thomas Meador, Benjamin Cann, and William Jissot; at *Caberous Bay* by Richard Collins, Edward and Thomas McDonald, John Clewly, Francis Joice, Peter Jervois, John Persy and — Curdo; at *Le Bras D'Or* by James Townsend, John Bagnal, Peter Jermaine, and Boniface Benoit; at *Miré River* by Francis Nairing and Richard Mascall (?), discharged soldiers; and at *Petit Degrat* by 47 Acadian men, women and children under licenses granted in 1763 by Lt. Col. Tulikins.

(II.) *Licences &c. from the Government of Nova Scotia*. George Cotnam, William Russell, James Gethings and Lawrence Kavanagh, and John Reily, by license; Capt. Antrobus, R.N., Elias Gerrot, late pilot in the Navy, and Major Robert Milward of the 59th Regiment, by permission only.

(III.) *Louisbourg*. A tabular account of the buildings, consisting of 142 lines under the following heads: "Number on the plan, Built of Stone, Built of Wood, In what repair, Whether occupied by the French as private or public buildings, By whom at present occupied." Only 19 buildings were of stone. 68 are marked tolerable, 54 bad, 15 good, 3 ruins and 1 an old shed.

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“Remarks. Those houses called in *good* repair want much expense to make them really so. Those called *tolerable* are much out of repair. Those called *bad* have had for the most part the floors, partitions and windows taken away for fuel. Those called *in ruins* are totally irreparable, but yet the materials will be of use to the settlers who may have them.”

The most notable of the public buildings are—15 Admiralty Judge—ruins; 34-5 Artillery—bad; 48 Nunnery—ruins; 65 General Hospital—bad; 83 The Town Maj. [? Mayor]—good; 111 The Market—tolerable; 116, 139 and 142 Guard Houses—tolerable; 118 Intendant’s House—tolerable; 124 French Jail—good; 130-2 The Victualling Office, Ordnance Store, and King’s Stables—tolerable; 140 The Governor’s House—tolerable; 141 Barracks—tolerable.

The names of only 21 occupiers are given, but “some French families” are also mentioned.

“N.B. The Coal Wharf is in ruins. Port Frederick Wharf tolerable.”

“N.B. The Original Plan was sent to the Board of Trade.”

Franklin recommends that the houses which are not to be reserved for public uses should be granted to such persons as will occupy them at a ground rent of 2*d.* for every square foot for those in *good* repair, 1*d.* for the *tolerable*, $\frac{1}{2}$ *d.* for the *bad*, and $\frac{1}{4}$ *d.* for those in *ruins*. He proposes that 10,000 acres be laid out for the township of Louisbourg, including 500 acres to be used as a common, 2,500 acres in pasture lots of 5 acres each, and farm lots for the Governor, Church, School, and Naval and Military Commanders. A quitrent of 3*d.* per acre should be paid for the pasture lots; half the ground rent and quitrents to begin to be paid after five years, and the whole after ten years.

The improvements made in the island “are for the most part on the waterside for the convenience of carrying on the fishery, so that, if a reservation is made, from high water mark of the lands all round the island, of five or six hundred feet

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for the purpose of carrying on the fishery, these people might be confirmed in their present improvements."

[807.] GEORGIA. *Slaves as chattels personal*. Extract of letter from Gov. Wright, pointing out that in South Carolina slaves have ever been deemed chattels personal, as in an Act of 1740 which was explained and continued in 1751 and 1754. The people of Georgia, he apprehends, "will not choose to be on a different footing with respect to their right and property in their slaves, than his Majesty's subjects on the other side of the Savannah river are." 5 Oct. V. pp. 176-7.

[808.] GRENADA, DOMINICA, ST. VINCENT AND TOBAGO. *Separate Councils and Assemblies*. B. of T. report; and additional instruction to the Governor of Grenada. 6 Oct. V. pp. 7-12.

[809.] MARYLAND AND PENNSYLVANIA. *Boundaries*. B. of T. report. 11 Nov. V. p. 101.

I. Report of De Grey and Dunning, 20 Aug. His Majesty's confirmation of the various agreements and proceedings is not necessary; but, as it may tend to procure greater confidence, it may be granted, without diminishing his Majesty's claim of right to the Three Lower Counties or the interests of planters within the same.

[810.] NORTH CAROLINA. *Act confirmed*. B. of T. representation. Others of 6 and 22 Dec. respectively for a Jamaica Act and against a St. Christopher Act. (V. *App.* III.) 22 Nov. V. pp. 178-9.

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[811.] BARBADOS. *J. Keeling*. Extract of letter from Lord Hillsborough to Gov. Spry, postponing his answer to a despatch, as he expects very soon to receive the Governor's answer to his letter enclosing Keeling's second memorial. 3 March. V. p. 325.

———. Spry to Hillsborough. No proceedings have been had in the business since his Lordship's last letter. Benjamin Nicolls has been appointed Chief Justice *vice* Samuel Bedford, deceased. 6 June.

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31 July. ———. Spry to Hillsborough. Failing in his motion to discharge the rule in respect to security for costs, Keeling's counsel waived his motion for leave to enlarge the demise. The Governor has discovered no intention of delay or injustice on the part of the members of the Court. Enclosed are Minutes of the Court of Common Pleas, 21-23 June and 19-22 July.

11 March. [812.] APPEALS. Committee reports on *Furnell v. Ashburne (Jamaica)*, and *Carter v. Sims (Barbados)*; others of 13 March on *Tullideph v. Symes &c. (Montserrat)*, *Laycock v. Southwick and Clarke (Rhode Island)*, and *Mure and Malcolm v. Fogerty (Jamaica)*; of 14 March on *Coleman v. Truman* and cross-appeal (*St. Christopher*), and *Pusey v. Clarke*, and *Cunningham v. Reid (Jamaica)*; of 15 March on *Mure and Kerr v. Palmer (Jamaica)* and two appeals of *Freebody v. Brenton* with cross-appeals (*Rhode Island*); of 10 Ap. on *Rennalls v. Tripier (Jamaica)*.

[V. p. 174; IV. p. 695; V. pp. 52, 115, 109; 121, 171, 182; 179, 24; 186.]

3 Ap. [813.] GRANTS OF LANDS. *Sir Wm. Johnson*. Report of IV. pp. De Grey and Dunning with (a) draft of grant, and (b) copy of 748-54. Order of reference, 26 Aug. 1767.

10 Ap. ———. *Sir J. Amherst*. B. of T. report; and Committee V. App. V. report of 10 Ap. (*New York*).

11 Ap. ———. *East Florida*. B. of T. report for Messrs. Bowman.

7 Ap. [814.] NEWFOUNDLAND. *Gov. J. Byron's commission and V. pp. instructions*. B. of T. representation. In Vol. V. p. 190 l. 22 189-91. insert "20th" after "19th."

11 Ap. [815.] ACTS. B. of T. report for confirming a *Virginia V. pp. Act*; and another upon two Bills transmitted from *Nova Scotia*. 585, 192-3.

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17 Ap.
V. pp.
194-6.
- [816.] WESTERN EXPLORATION. *J. Carver*. His petition for a reward. Capt. Rogers assured the petitioner that he had authority to employ him to explore the interior of America. Though he had not time to apply to Gov. Gage before setting out on 1 May 1766, he has a letter from Gov. Bernard. He was absent on this employment two years and a half. On his return he found Rogers charged with being a traitor, but Gen. Gage and Gov. Bernard promised to help him.
- . B. of T. report. 10 July.
- I. Carver's account of his necessary expenses during his travels from May 1766 to Dec. 1768—in all, 735*l.* 11*s.* 3*d.*
- II. Certificate from Gen. Gage, 11 Aug. 1768.
- III. Letter from Timothy Ruggles to Gov. Bernard, 1 Sept. 1768, recommending Carver.
- [817.] NEW JERSEY. *Paper money*. B. of T. representation; and Committee report of 8 May, for preventing the passing of a Bill. 2 May.
V. pp.
196-7.
- [818.] COUNCILS. B. of T. representation for P. Brown and T. Gordon (*Jamaica*); and others of 6 July for W. Wragg and R. Rugeley (*South Carolina*), and for P. Gilman and T. W. Waldron (*New Hampshire*). 11 May.
V. App.II.
- [819.] NEW YORK. *Lands on Lake Champlain, north of Crown Point*. B. of T. report transmitting a draft instruction. 5 July.
V. pp.
145-6.
- [820.] GRENADA. *Public accounts*. B. of T. report with draft of additional instruction. 6 July.
V. pp.
198-200.
- [821.] PRINCE EDWARD ISLAND. *New Seal*. B. of T. report, proposing the device. 10 July.
V. p. 85
- [822.] VANDALIA. Petition of T. Walpole and others for a grant of land out of a tract sold to his Majesty by the Iroquois, Shawnees, Delawares and Mingoes on 4 Nov. 1768. 24 July.
V. p. 202.

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- 26 July. [823.] DOMINICA. *Separate government*. Memorial of Sir G. Colebrooke and others. It takes 15 or 20 days, and costs 20*l.*, to receive a reply to a common letter to Grenada, where the Governor resides; an appeal to Grenada costs from 100*l.* to 300*l.*, lawyers and witnesses having to be transported. The legislature would find half the expense of a separate government, and the other half could be paid out of the 4½ *per cent.* duty, or part of it saved "by a reduction of the staff, which is thought to be altogether unnecessary." The settlers, who pay a high price for their land and a duty of 30*s.* per head on slaves, can do no more while they are improving their estates.
- 23 Sept. [824.] MASSACHUSETTS BAY. *Charges against Gov. Bernard*. V. p. 211. His petition for a speedy hearing. The articles were voted some time before 15 July, but he was denied a copy until 27 July, three days before he sailed. Yet he has no doubt that he can satisfy his Majesty by the help of the papers in his possession and in his Majesty's offices here.
- 20 Nov. [825.] EAST FLORIDA. *Grant of land*. Committee report on petition of W. Fortrey. V. pp. 592-3.
- 29 Nov. [826.] NEW YORK. *Grant of land*. Petition of Major Robert Rogers. In 1764 he received a grant, from Gov. B. Wentworth of New Hampshire, of the lands of Hubbarton and Dunbar on Lake Champlain. By the determination of the boundary these are included in New York, and Gov. Moore has granted them to other persons. He and some officers associated with him have settled 30 families on another tract called Draper Town, granted to them by Gov. Wentworth, and for this also an application was made to Gov. Moore; the same is true of another tract on which he has settled 13 families, many of whom are his own relations. He asks that orders be given to the Governor of New York to grant him the two latter tracts and an equivalent for Hubbarton and Dunbar.

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[827.] NEW YORK. *Paper money*. Committee report on a petition of the Assembly. 20 Jan. V. pp. 215-6.

———. B. of T. representation on an Act; also reports of Attorney and Solicitor General (12 Feb.), and of the Committee (13 Feb.). 8 Feb.

I. Extract of a letter from Lt. Gov. Colden to Lord Hillsborough, 6 Jan. 1770. The supply of the troops is very unpopular; but, instead of opposing it directly, the party proposed that it should be paid out of bills of credit. The friends of Government made a compromise by granting 1,000*l.* out of the Treasury and 1,000*l.* out of the bills of credit; but even this was carried only by a very small majority. Colden had agreed to assent to the Bill, if it were passed in the same terms as that of the preceding session and six months allowed to know his Majesty's pleasure before the bills can be emitted. The Council unanimously advised him in this sense. "No public business could have been carried on in the Assembly without my assent to this Bill . . . and, as the interest money arising from these bills of credit cannot be disposed of without the Governor's consent, it may be a fund hereafter for supplying the troops."

II. Extract of Colden's letter to the B. of T., 6 Jan.

[828.] APPEALS. Committee reports on *Dunn v. Woollery*, 30 Jan. *Lousada v. Woollery*, *Hardyman v. Goodin* (*Jamaica*); and *Seguin v. Nesbitt* (*Nova Scotia*).

[V. pp. 118, 192, 123.]

[829.] GRANTS OF LAND. B. of T. representation for J. Cornwall and for G. Thornton (*East Florida*), and J. Greeve V. App. V. (*Nova Scotia*). Also Committee reports of 13 Feb. 7 Feb.

———. B. of T. representation for E. Wildman, who is setting out for *West Florida* with Gov. P. Chester; and Committee report of 28 Feb. 7 Feb.

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15 Feb. ———. B. of T. report for H. Yonge; and Committee report of 28 Feb. Yonge has resided many years in Georgia and left there a numerous family.

5 Ap. ———. Committee report for W. Baillie (*Nova Scotia*).

10 May. ———. B. of T. representation for Col. Josiah Martin (*New York*): Martin's memorial for ten years' exemption from quitrents (as was granted to C. de Freudenberg, 21 May); and Committee report, 5 July.

25 May. ———. Committee reports for J. Thompson (*New York*), W. Humphreys (*East Florida*), and P. Lyman (*East Florida*).

4 Dec. ———. Committee report for Mrs. Timberlake (*West Florida*).

8 Feb. [830.] COUNCILS. B. of T. representation for J. Horrocks V. App.II. (*Virginia*); others for R. Welch (*Jamaica*), 1 March; M. Howard and S. Cornell (*North Carolina*), A. Johnson and F. Phillips (*St. Christopher*), 1 May; H. Tucker and J. Tudor (*Bermuda*), 15 June.

9 Feb. [831.] SOUTH CAROLINA. *Money voted to the Society of the* V. p. 229. *Bill of Rights in London*. Letter from J. Pownall to the Clerk of the Council, transmitting (I.) a letter from Lt. Gov. Bull to Lord Hillsborough, Charleston, 12 Dec. 1769. A solicitation for aid had been sent to the province by the Committee in London. Bull explains why the measure was not prevented by him.

"From the great religious and civil indulgences granted by the Crown to encourage adventurers to settle in America, the government in the colonies has gradually inclined more to the democratical than regal scale. In former times it was the practice in this province on any emergency to order the Treasurer, by a resolution concurred to by the Governor, Council and Assembly, to issue the sum wanted from any monies in the Treasury, and the Assembly resolved to make provision to replace the same. But since the late unhappy discontents, and the universal extension of the claims of the American Commons, their power hath risen to a great height ;

and lately in this province, as your Lordship may see in our journals, the mode of an order in the Commons House to the Treasurer to advance money has been adopted, as less liable to any obstruction from the Governor or Council to their pursuing any favourite object. In this mode, the only control to the Commons is an opposition made by the Council to the passing of the Bill, wherein the sum so advanced is to be provided; in which manner a stand hath several times been made by the Council, who, after much struggle, have in the end been obliged to yield the point to the necessity of the times requiring supplies for the general service.

“ In our epitome of the English constitution, I must beg leave to observe to your Lordship, the business of our Treasury has no resemblance to that of Great Britain. We have no officers therein but the Treasurer. The only check upon him is a Committee of Council and the Assembly, before whom indeed the Treasurer’s accounts pass a very strict annual examination. And I am further to take notice to your Lordship, that the Treasurer, who formerly had been appointed by the Commons House alone, as is now practised in New York, is, by an Act passed in 1721, to be appointed by law, and consequently by the Governor, Council and Assembly. This law may be seen *p.* 381, in the 1st vol. of private Carolina Laws, which I sent to the Rt. Hon. the Lords of Trade a few years ago.

“ I humbly hope that from hence it will appear that I could not prevent this step in the Assembly. It is true I might have shown my resentment by a dissolution; but I am persuaded your Lordship will think resentment without consequence to be of little avail in public as well as private concerns. And I have represented to your Lordship in my letter No. 14, that no change in men or measures would follow from a dissolution.

“ I will now beg leave to acquaint your Lordship that I communicated in a private way the favourable sentiments entertained by your Lordship and his Majesty’s other servants

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employed in the most elevated and confidential stations, relative to the repeal of the Act imposing duties on paper, glass and paint. They were received with great satisfaction, as holding out pleasing hopes, but had not the least effect towards even relaxing the resolutions for non-importation of English goods, which are to be rigidly observed till the repeal of the American Revenue Acts. It was from this reason I avoided mentioning that agreeable intelligence in my speech at opening the Session of Assembly, as I was unwilling to expose such benign and favourable intentions to the hazard of any expressions, which might hesitate the least diffidence in the immediate and effectual execution thereof, which have appeared in some addresses in our neighbouring colonies.

“I have always conceived it to be my duty, and that his Majesty’s ministers expect, that I shall not, in order to make my representation of our affairs appear more agreeable, make them less consistent with the whole truth of their state, which is more especially necessary at this critical and important juncture, big with present discontent and future hopes. When every event, occurrence, and even the general sentiments of the people, are fully and truly laid before your Lordship, your Lordship’s wisdom, sagacity and justice will be enabled to exert their powers more effectually to concert such measures as will maintain the honour of his Majesty, the authority of Parliament, and restoring and establishing the true happiness, safety, tranquillity and constitutional liberties of America.”

- 10 Feb. [832.] NEW YORK AND NEW JERSEY. *Boundary*. Letter
 V. p. 45. from J. Pownall to the Clerk of the Council, transmitting (I.) Copy of the commission for settling the boundary; (II.) Minutes of the Commissioners’ proceedings, 8, 9, and 11 Dec. 1769; (III.) The Commissioners’ letter to Lord Hillsborough, Hartford, 11 Dec. 1769, transmitting (I.) and (II.).
 (II.) The boundary had been determined in October, and two months later the Commissioners were to meet to receive

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appeals. No quorum attended on 8, 9 or 11 Dec., but those present on the last date,—(A. Elliot, A. Oliver, C. Morris and J. Ingersoll)—received the appeals of both sides,—of New York against the whole determination, and of New Jersey against the fixing a point on the northern boundary at the junction of the Mahackamack with the Delaware. The Commissioners agreed to transmit the appeals and their proceedings, and, to allow time to receive his Majesty's instructions, adjourned to 4 July 1770, to meet at the Chamber of Commerce in New York, on receiving notice that a sufficient number of Commissioners to constitute a quorum is expected.

[833.] JAMAICA. *Money advanced for the troops.* Letter 10 Feb. from J. Pownall to the Clerk of the Council, transmitting V. p. 181. (I.) Extract of a letter from Sir W. Trelawny to Lord Hillsborough, 20 Nov. 1769. The Governor does not think it expedient at present to renew the requisition for repayment of the money advanced.

“I am apprehensive that the Council and Assembly will soon be at variance about a clause the Assembly have inserted in the Act commonly called the Deficiency Bill, whereby the Assembly have disposed of the surplusage of the revenue, which by Act 271 is in the Governor, Council and Assembly. The Council do not seem disposed at present to assent to this tack, considering it as a virtual repeal of part of the Revenue Act, and destructive of their negative and that of the Governor. The Assembly, fearful that in this view the Council will ultimately reject the Bill, are enforcing their claim in a manner likely to produce an open rupture between them and to make my interposition necessary. I shall exert my utmost endeavours to preserve on this occasion the just rights of each branch of the Legislature and the general peace of the country. This is also a circumstance that renders the requisition still more unseasonable.”

———. Order referring the extract to the Committee.	14 Feb.
———. Committee report (with two drafts).	1 June.

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21 Feb. [834.] GRENADA. *Complaints against Gov. Melville.* Committee report.

224-7.

26 Feb. [835.] NEW YORK. *Act disallowed.* The Act was V. p. 581. dependent on one disallowed on 14 Feb. (*cf.* V. p. 216).

28 Feb. [836.] MASSACHUSETTS BAY. *Complaints against Gov. Bernard.* Committee minute.

211-4.

1 March. [837.] DOMINICA. *Separate government.* B. of T. report, V. pp. and Committee report of 25 May.

12-15. The B. of T. divided the subject into three considerations,—separate government, Governor's salary, and defences. A survey of the island, and plans and estimates of fortifications had already been ordered.

7 Nov. ———. B. of T. representation with instructions for Sir W. Young.

2 March. [838.] GRENADA. *Suspension of six councillors.* B. of T. V. pp. representation (33 pp.: with appendices, 115 pp.). The six 237-8. had opposed the admission of two Roman Catholics as councillors. The Governor's instructions laid down the conditions of such appointments, but no instructions or authority had been given for making these appointments. When the Governor insisted on swearing in the two members, the councillors withdrew, not to absent themselves from his Majesty's service, but to give time for the Governor to reconsider what they deemed an illegal proceeding. On the protest of the six councillors, the two Catholics were induced to await his Majesty's pleasure, and meanwhile to sit in the Assembly, to which they had been elected. The Council, meeting, as Lt. Gov. Fitzmaurice says, without his authority, on 25 Sept. condemned the Lieut. Governor for making the appointments without authority and at a time when there were no vacancies. On 29 Sept. Fitzmaurice suspended the six councillors by a letter to the Clerk of the Council; but they

met again, declared the suspension null and void, and claimed that they were still acting as members of the Council. On 6 Oct. the suspension was repeated by an instrument in writing.

The B. of T. report that the regulation about the admission of Roman Catholic members to the Council depended upon further instructions, that the Governor had no authority for the appointments, and that the suspension of the six members was unjustifiable. Their conduct in meeting as a Council without a regular summons, in having their proceedings published, and in preventing the Clerk from laying the Council Books before the Lieut. Governor, was highly unjustifiable and full of personal disrespect to the Lieut. Governor: it was fit subject for complaint to his Majesty, but did not warrant the removal of a majority of the Council. The B. of T. propose that the two Roman Catholics be appointed to the first vacancies, in order to remove any doubts and apprehensions caused among the French by the immediate restoration of the six suspended councillors.

(I.) Letter from seven councillors (including the six suspended members) to Lord Hillsborough, 4 Oct. 1769. As P. Maxwell had been uniformly of the same opinion as the six suspended members, he thought himself bound to desist from acting with any other persons as members of the Council, so that the colony was entirely deprived of the benefit of a Council. The six members base their opposition not on the new members being Roman Catholics, but on the fact that there were then no vacancies for the Governor to fill.

II. Copy of the minutes of the Council of Grenada, 24 Aug., 25 and 29 Sept. 1769. On 24 Aug., G. L. Staunton, who had been appointed by the Governor when there were less than seven resident Councillors, was required to resign, as his Majesty had since completed the Council. The Council also refused to assent to the appointment of Roume de St. Laurent as an Assistant Judge of the Court of Common Pleas, there being already a Chief Justice and four Assistant Justices, the number established by a Grenada Act.

1770. § 838 *cont.*]

On 25 Sept. the Council rejected a Bill for regulating fees, as an attempt by the Assembly to lower unduly the docket regularly established by the Governor and Council. A Committee was appointed to prepare copies of the docket to be exhibited in the public offices and duly observed.

“Information having been made to the Board that the Council Books had frequently been taken out of the custody of the Clerk: Resolved unanimously, that for the future, when any recourse is to be had to the Council Books, it is to be done either at the Council Board, or in the presence of the Clerk of the Council at his Office.”

(III.) Fitzmaurice's letter to John Forbes, Deputy Clerk of the Council of Grenada, 29 Sept. 1769, intimating that he had suspended the six members.

(IV.) Letter from seven members of the Grenada Council to Lord Hillsborough, 7 Oct. 1769, transmitting a copy of the second suspension.

(V.) Copy of the instrument of suspension, 6 Oct. 1769.

(VI.) Copy of an additional instruction to Gov. Melville, 12 Oct. 1768, about the appointment of Councils in the several islands.

(VII.) Hillsborough to Fitzmaurice, 12 Oct. 1768, enclosing and explaining the instruction (VI.); disallowing certain Acts; permitting the Assemblies to pass laws for establishing Chancery Courts, and a militia; offering to desist from demanding the $4\frac{1}{2}$ *per cent.* duty on the present authority, if the Assemblies will pass laws for the purpose, like that of St. Christopher (1726) and Barbados (1663); also offering to abandon the Capitation Tax, if due provision be made by law for erecting a church and paying a stipend to a minister of the Church of England in each parish, as in the Leeward Islands.

(VIII.) Fitzmaurice to Hillsborough, 19 Feb. 1769. He had appointed a Roman Catholic Justice of the Peace in each parish in accordance with his instructions; “but as they give no authority to nominate the two new Roman Catholic

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members of the Council, I did not think myself at liberty to do it; and the Council, whom I consulted, agreed with me in opinion; for the same reasons I have desisted from appointing the Assistant Justice, till I hear further from your Lordship."

(IX.) Extract of Hillsborough to Fitzmaurice, 13 May 1769. As the appointment of two of the new subjects as Councillors and one as Assistant Judge will be the completion of his Majesty's plan for their satisfaction, "I shall take the King's pleasure thereupon the moment I receive intelligence from you of those measures being carried into execution on your side of the water, which make an essential part of (I may indeed say) the foundation, upon which the whole is built, and without which it must fall to the ground."

(X.) Fitzmaurice to Hillsborough, 26 Aug. 1769. In consequence of Hillsborough's letter, he thought it his duty "to carry into execution what remained to be done of his Majesty's additional instructions. In the choice of two persons among his Majesty's new subjects to be members of the Council, I thought too much care could not be taken to fix upon persons of the most unexceptionable conduct and character, as well as of considerable property here," &c. He mentions the opposition of the six members who withdrew when the two Catholics were called in, but claims that he had "received directions from your Lordship on that particular point, and thought it my duty to follow them."

(XI.) Fitzmaurice to Hillsborough, 5 Oct. 1769, enclosing the resolutions of the Council on 25 Sept., when they met without being summoned. As to the double suspension,— "The design I formed of giving them immediately my reasons for suspending them, that they might have an opportunity of giving the best and speediest answer their case could admit, and be the sooner restored, if his Majesty should think it proper, they have turned to a pretext of not being legally suspended. I have therefore been induced, in order to remove all doubts, to suspend them by an instrument of

1770. § 838 *cont.*]

writing." . . He had filled up the Council to the number of seven by adding, besides the Frenchmen, R. Young; J. MacFarraan, the Solicitor General; and A. J. Alexander.

(XII.) Copy of the Lieut.-Governor's reasons for suspending the six councillors—7 paragraphs dated 28 Sept., and 3 more dated 5 Oct.

1770. SECOND BUNDLE.

25 March. [839.] LAKE SUPERIOR. *Grant of mines.* Report of V. p. 131. De Grey and Dunning. (a) The Company cannot be empowered to arrest and punish offenders and appoint justices of the peace; but his Majesty may by the letters patent establish a court of judicature of certain persons named therein, and may appoint certain officers and their successors to be justices of the peace. (b) The petitioners should be restrained from exercising their rights on any lands without the written consent of the occupiers, and (if any has been granted by the Crown) of the proprietors. (c) They should also be restrained from exercising their rights within a certain distance of castles, forts and other public works. (d) They should not allow anything to be done contrary to an Act of Parliament of 6 George I. for better securing certain powers and privileges intended to be granted by two charters for assurance of ships &c. (e) If they neglect to lay accounts before his Majesty for seven successive years, or if the accounts show that a certain minimum has not been imported in a certain number of years, his Majesty should have the power by Order in Council to declare the letters patent to be void.

25 May. ———. Committee report; and draft of same.

28 Nov. ———. Letter from J. Pownall to the Clerk of the Council, transmitting (I.) a letter from Gen. Gage to Lord Hillsborough; and (II.) an extract of an address of the House of Burgesses of Virginia.

(I.) Since Hillsborough sent him a copy of the petition, Gage heard no more of the project till lately, when the officer commanding at Michillimakinac reported that the Company had built a stockaded fort at the Falls of

St. Mary, which commands the pass from Lake Huron into Lake Superior, "that the proceeding had alarmed the traders in general, and that the permitting craft to enter Lake Superior without any calling at Michillimakinac may have a bad effect." Baxter, the Company's agent, also wrote to Gage, apologising for not acquainting him with their design of fortifying, "which he had not judged necessary, because Gov. Carleton had given him a pass to carry up tools; and that it was absolutely necessary to do it for the security of their people, who were building a vessel. He also mentions that he had had a meeting with the Indians on the subject of their undertaking, but I have never heard in what manner he has transacted this affair with the Indians of that country, who are very numerous and more disposed to mischief than most other tribes. It is as proper for the good of the Company as for the safety and interest of all the traders, that the free consent and approbation of the Indians should have been previously obtained; and their minds reconciled to all their undertakings, before any works were begun. This is mentioned to them in my answer, and they are further told, if they go rashly on, and withdraw themselves from all authority, they must answer for all difficulties they bring upon themselves, and must not expect that assistance from the King's garrisons they might otherwise be entitled to receive.

"The jealousy of the traders has arisen from the first operation of the agent in seizing the important pass of St. Mary, which is the key to the Northern trade; and from thence they apprehend they have more in view the trade of peltry than the opening of mines; for they have no opinion of the success of mining in Lake Superior; and they apprehend the real design of the agents is to monopolise all the Northern trade and keep them out of it. I hope their fears are ill-founded, or there will be no end to memorials, complaints and disputes."

(II.) The Address desires a copper currency, allowing for the difference between Virginia money and sterling at

1770. § 839 *cont.*
 25 *per cent.*, and asks Lord Botetourt, the Governor, to use his good offices to obtain this.
- 2 Ap. [840.] APPEALS. Committee reports on Watson and Gregory *v.* Laird (*Jamaica*), and Isaacs *v.* Stead (*Rhode Island*). Others of 6 Ap. on Thurman *v.* Palliser, and Shannahan *v.* Dunn (*Newfoundland*), Reid *v.* Bourke (*Jamaica*), and Coursey *v.* Underwood (*Antigua*); of 7 Ap. on Holmes *v.* Freebody (*Rhode Island*); of 7 Nov. admitting appeal of R. Alexander (*Bahamas*); of 20 Dec. on Le Jeune *v.* Irwin (*Grenada*), McFarlane and Priddie *v.* Barrett (*Jamaica*), and Hiscox *v.* Hill (*Virginia*).
 [V. *pp.* 109, 175; IV. *p.* 694, V. *pp.* 198, 174, 174; V. *p.* 51; V. *p.* 281; V. *pp.* 289, 236-7, 172.]
- 3 Ap. [841.] GRENADA. *The six suspended councillors.* Committee report for restoring them.
 V. *pp.* 237-8.
- 11 Ap. [842.] NEW YORK. *Act disallowed.* B. of T. representation; and Committee report of 25 May. Representation and
 244-5. report of same dates for disallowing a NEW JERSEY Act: with copy of petition of W. Bayard.
- 4 May. [843.] MASSACHUSETTS BAY. *Mount Desert Island.*
 V. *p.* 220. B. of T. report on the petition of Sir F. Bernard. In 1764 the B. of T. had reported that Bernard's conduct had ever been without reproach and did not leave the least room to suspect that any undue influence could arise from this grant, which was made from considerations of Bernard's expenses in taking out two commissions for that government before he could receive any advantage. Doubts having occurred about the jurisdiction of Massachusetts Bay over Sagadahoc, determination was suspended till that matter had been further examined. The B. of T. now propose that the grant be ratified, without prejudice to the rights of the Crown in and over the territory of Sagadahoc: which proviso corresponds with a B. of T. report of 6 June 1732 (III. *pp.* 282-3).

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- [844.] ANTIGUA. *Act confirmed.* B. of T. representation. 21 May.
Others of 7 June for Acts of JAMAICA and S. CAROLINA. V. App.
III.
- [845.] NEW YORK. *Lord Dunmore's instructions.* B. of T. 21 May.
representation ; and Committee report of 25 May. V. pp.
219-20.
- [846.] NEW JERSEY. *Paper money.* Committee report 25 May.
for disallowing an Act. V. p. 197.
- [847.] DOMINICA. *Separate government.* Draft of Orders 6 June.
to the Secretary of State, the Treasury, and the Board of V. pp.
Trade. 12-15.
- [848.] JONATHAN CARVER'S EXPLORATION. Copy of his 7 June.
memorial and accounts, with an explanation of the items V. p. 196.
in the latter. The Treasury were awaiting information
from the B. of T. about the amount of the bounty to be given
to Carver. This memorial claims 1,129*l.* 15*s.* 3*d.* These
papers were sent to the Treasury on 7 June.
- I. Letter from J. Pownall to the Treasury, 29 Jan. 1770,
enclosing a copy of the B. of T. report, and stating that the
Board can form no opinion on the amount of the bounty to
be given, as they are not apprised of the grounds on which
the Council recommended a bounty.
- II. Letter of 15 March from the Treasury to the Clerk of
the Council transmitting (I.), and asking for further infor-
mation.
- [849.] NEW HAMPSHIRE. *Value of coins.* B. of T. report 7 June.
about a proclamation by Gov. J. Wentworth ; and Committee V. p. 201.
report of 4 Dec.
- [850.] ACTS. B. of T. representation for disallowing four 15 June.
New York Acts ; and Committee report of 4 Dec. V. pp.
284-5.
- . B. of T. representations, and Committee reports 20 July.
of 4 Dec., for confirming a *New Hampshire Act* ; for dis-
allowing a *New Jersey Act* ; and for confirming Acts of

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New Hampshire, Nova Scotia, and Virginia. (V. pp. 282, 284, 580, 582, 585.)
- 4 Dec. ———. Committee reports for disallowing Acts of *Virginia* and *West Florida* (V. p. 286), and two of *South Carolina* (V. p. 584); and for confirming two *Virginia* Acts (V. p. 585).
- 12 Dec. ———. B. of T. representation for disallowing two *North Carolina* Acts. (V. pp. 308–9.)
- 19 Dec. ———. B. of T. representations for disallowing Acts of *New Jersey* and of *Barbados*. (V. pp. 309–11, 577.)
- 15 June. [851.] JAMAICA. *Tacks applying surplus revenue.* B. of T.
 V. pp. representation; and Committee report of 6 Dec.
 265–6. I. Extract from Gov. Trelawny's letter to Lord Hillsborough, 31 Dec. 1769. "It is now become manifest that the plan of the Kingston party this session has been to repeat their violation of the constitution till they forced a dissolution, in hopes of increasing their numbers at the next election; and many of the other party, either from contrary expectations or other designs, have wished them success, and on some occasions seemed to co-operate with them towards the attainment of this end." He proposes to meet the Assembly again on 13 Feb., "and if the Bills come up in the same form, either to give them a further prorogation or a dissolution, as best suits the interest of the island and is the least palatable to themselves; however, I cannot imagine that the Assembly will, in opposition to what appears to be the general sense of the public, long persevere in their present measures, or that the troops will be put to much inconvenience without some remedy being found to remove it."
- II. Trelawny to Hillsborough, 3 March 1770; enclosing the proceedings of the Assembly which met in Feb. "As the provision of the troops admits of no delay, I shall meet the new Assembly on the 10th of April; many gentlemen of the country have expressed their readiness to obviate by subscriptions the inconveniences that may in the meantime arise from the want of the Island Pay, but the officers have

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rather preferred taking all difficulties on themselves." If the Bills again come before the Council with the same clauses, he has reason to hope they will be passed, and he will also give his assent for the peace of the country, and await his Majesty's pleasure for the regulation of his future conduct.

III. Extract from the minutes of the Jamaica Council, 26 and 28 Dec. 1769: including a Representation of the proceedings of the last Session; which, they propose, should be transmitted to his Majesty's ministers (*with appendices, 35 pages*).

(A) Resolutions of the Council, on passing the Rum Bill, 30 Dec. 1768.

(B) Heads of a speech to be made on behalf of the Council at a Conference desired by them on passing the Deficiency Bill: (which conference was refused by the Assembly, on the ground that it was a Money Bill).

(C) A message sent by the Council to the Assembly on their declining a Conference, 6 Dec. 1769.

(D) Extract from the Assembly minutes, Sunday, 16 Dec. 1769, showing that a motion was made to strike out the objectionable words in the Rum Bill, but that it was defeated—i.e. the clause was not the result of inadvertency, but of design. The Council therefore rejected the Rum Bill, and the Poll Tax Bill, which contained a similar clause.

(E) Extract from the minutes of the Assembly, 16 Nov. 1769, showing that they changed the title of the Additional Duty Bill, applying the money not to the subsistence of the soldiers, but "to several uses"—the only uses mentioned in the Act being the salaries of some waiters and the upkeep of about five negroes for their use.

(F) Extract from the minutes of the Assembly, 20 Dec. 1769, on the Council's amending an Act for regulating the importation of wines—which the Assembly claimed as a Money Bill, because it contained penalties. The Assembly resolved that the rejection of the Bill by the Council, "because the House did not agree to their *absurd and unconstitutional*

1770. § 851 *cont.*]

amendments, clearly demonstrates a disposition in them to violate the sacred rights of the people."

(G) Copy of a Bill passed by the Council and rejected by the Assembly, declaring that writs of *certiorari* shall not supersede proceedings at law upon complaints of forcible entry and forcible detainers. The Assembly passed a similar Bill soon after with heavier penalties, which the Council rejected.

The "Representation" of the Jamaica Council describes several other encroachments of the Assembly. "Our apprehensions on these heads are still increased, when we reflect on the conduct of former Assemblies, who have too frequently, on breaches between them and either of the two other branches of the Legislature, resumed the cause of quarrels at their next meeting, and in some cases even after a dissolution; and the promoters of discord, on such occasions, have found themselves strengthened by the accession of those who originally dissented from them, owing to the introduction of a most extraordinary doctrine, that a measure, however wrong in its origin, once adopted by the House, cannot be departed from, consistently with their honour.

"We are clearly of opinion that these evils have in great measure flowed from the precedents heretofore made by Mr. Moore during his administration, and of late by Mr. Elletson, in their suspensions of the major part of the members of the Council, to answer particular purposes; in consequence of which, that branch in legislation has been greatly debased; and the representatives of the people, when a difference of opinion has subsisted between the two bodies, have been taught to expect that by perseverance they shall carry their point, and tauntingly and openly assert that the members of the Council, being appointed and removable at pleasure, in the end must submit, or be displaced. If this doctrine is to prevail, the Council must yield on every occasion, and even be deprived of the exercise of their negative voice and the power to add their weight to the support of administration. . .

“The Bill for establishing and declaring rules and articles of war, is, in the opinion of the Board, rather calculated to encourage mutiny and desertion, than to promote good discipline ; and, if it passed into a law without the amendment proposed by the Board, could never have answered any salutary purposes. By the failure of this Bill, the Act for raising and fitting out parties is rendered in a great measure useless whenever martial law ceases ; and this, with the want of an effectual Militia Bill, has laid your Excellency under the necessity to provide for the safety of the country at this juncture, by subjecting it, with the advice of a Council at War, to Martial Law.”

The Council express the opinion that the troubles “spring from a settled plan in the House of Representatives to engross all power to themselves ; this it seems to be their fixed intention to effect, by forcing their favourite measures on the Governor and Council, either by absolutely withholding the pay of the troops or delaying it till their purposes are attained by unconstitutional tacks to the Bills passed for their provision ; by a denial to the Council of a right to amend penal Bills, and a refusal of conferences on these occasions ; by introducing Bills calculated only to regulate the trade and police of the country with preambles peculiar to Money Bills ; by rejecting Bills for no other reason than that they have their commencement at the Board ; by denominating, resolving and enacting a private Bill to be a public one, with a pretence and intent that no petition might be received, and thereby the sense and dissent of the persons affected be excluded ; by enquiring, on petitions exhibited to them for that purpose, into matters depending before the courts of justice ; by infringing the prerogative of the Crown, and the just rights and privileges of your Excellency as the representative thereof ; and finally by persevering to render contemptible, useless, and in effect to annihilate, the Council. The effects of such proceedings are too obvious to need explanation, and of too serious and alarming a nature not to require a

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remedy. We therefore submit these grievances to the consideration of your Excellency, humbly advising your Excellency to transmit the state of them to his Majesty and his Ministers."

IV. Addresses of the Council and of the Assembly, and the Governor's answers, 15 Feb. 1770; a second address of the Assembly complaining of the Governor's censure of them at the close of the last session, and demanding to know his advisers; and his answer, 16 Feb.

V. Minutes of the Jamaica Council, 26 Feb., containing a representation to the Governor on the proceedings of the session, to be transmitted to his Majesty's ministers. In eleven days no money Bill was sent up.

VI. Two speeches of Gov. Trelawny to the Council and Assembly—not dated; one (? 23 Dec. 1769) prorogues them till 23 Jan. [1770]; the other opens a session [? 13 Feb. 1770].

VII. A Remonstrance of the Assembly (21 *pp.*), and the Governor's answer (13 *pp.*). [23 Feb. 1770.] The Assembly contend that the words of the Act of 1728, that any surplus "shall be applied to such other use or uses as the Governor, Council and Assembly for the time being, by any law or laws, shall think proper," imply the ordinary procedure of a Money Bill, and are not sufficient to destroy a fundamental right of the people. They claim that precedent is on their side, and that the Governor and Council are introducing unheard-of innovations. For the failure of the Bills for subsisting the troops &c., they throw all the blame upon the Council.

Trelawny's answer. He believes that the first attempt to appropriate the surplus by express words was made by the Assembly in 1736, and was opposed by the Council and the Commander-in-Chief. The Bill was rejected. At the next session the House receded from its claim, which was not renewed till 1741; the Speaker can inform the Assembly whether the insertion of such clauses, when discovered, was not complained of during the time he sat at the Board. Temporary acquiescences by the Governor and Council in cases of exigency have no

weight against a positive and perpetual law. By the Revenue Law, a deficiency was "to be made good by the Assembly"—*i.e.* a new grant, a Money Bill; but a surplus was to be appropriated by the Governor, Council and Assembly by a law—*i.e.* dealing with part of what had already been granted.

"Your sanguine hopes 'that my answer to your address of Friday last would have been satisfactory' could be supported only by opinions equally disrespectful to my understanding and fidelity. When you assert "that you have found in my answer a declaration that the censure" (you charge me to have passed on you) "was not unmerited," and when, by construction, you convert a pressing entreaty to dispatch the public business into a peremptory command, you could be answered only in the language of your remonstrance—which I will never use.

"The duty I owe to my Sovereign, and my attention to the good of the people he has graciously committed to my care, forbid me to exercise any further forbearance; and I am at length obliged to indulge you in what you seem by your conduct to have pressed on me with such earnest perseverance. How far the means used will defeat the advantages you may hope to receive from the end obtained, is a question I must leave to the candid and impartial decision of the public.

"I have stayed long enough to perceive that you mean not to provide for his Majesty's troops and the other exigencies of Government but on terms inconsistent with his Royal dignity to accept, and on a submission on my part to a continuation of indignities it would ill become me any longer to endure.

"I do in his Majesty's name, by and with the advice of his Majesty's Council, dissolve this General Assembly; and it is dissolved accordingly."

[852.] MASSACHUSETTS BAY. "*Disorders, confusion and misgovernment.*" Letter from J. Pownall to the Clerk of the Council, enclosing (I.) a State of the "*Disorders,*" (57 pp.). 21 June. V. pp. 262-4.

1770. § 852 *cont.*]

Marginal references are made to 22 appendices, which are not now in the bundle.

Illegal, violent and unwarrantable acts have been done, tending to deny the right of Parliament to make laws for the colonies; the General Court has done nothing to suppress these; the Council, on being consulted by the Governor, has shown a backwardness to concur in the measures judged necessary for the preservation of the public peace; and the House of Representatives has encouraged such violent acts by declaring the same principles upon which they were grounded.

On the proposal of the Revenue Laws and the establishment of Commissioners of the Customs for America, the Press teemed with publications of the most daring nature, tending to excite the people to an opposition to the Acts of Parliament. Unwarrantable attempts were made to evade the payment of duties imposed by Parliament, seizures were rescued, and the Revenue Officers and all who aided them grossly ill-treated.

In May 1766, and again in 1767 and 1768, the Lieut.-Governor, the Secretary, the Judges of the Superior Court, who were usually elected, were excluded from the Council, apparently to mark a disrespect to the Crown Officers.

During the recess in 1766 a transport was driven by stress of weather into Boston, and, on the application of the Commander, the Governor and Council directed that provision should be made for two artillery companies on board *pursuant to Act of Parliament*. In Jan. 1767 the Assembly declared this proceeding "a violation of the Charter, which was (they say) the more grievous to them, as it was justified upon the authority of an Act of Parliament, which was as great a grievance as the Stamp Act, which took away the inalienable right of freedom from all taxation but such as they should voluntarily consent to and grant." They also criticised the registry of "*Ordinances*, which the Legislature there had not consented to"—*i.e.* of the Act of Parliament.

On 11 Feb. 1768 the Assembly invited the other colonies by a circular letter to concur in petitions for redress, in the

case of the Revenue Laws, "asserting that the Acts, imposing duties upon the people of that province with the sole and express purpose of raising a revenue, were infringements of their natural and constitutional rights."

There were some disorders on 18 March, the anniversary of the repeal of the Stamp Act; the Commissioners of the Customs wrote expressing their apprehensions that insults would be offered to them; but the Council gave their opinion that no measures were necessary for securing the peace of the town. The Governor therefore informed the Commissioners that he could give them no protection.

"In the beginning of March 1768, subscriptions were made and Associations entered into for the Non-Importation of goods from Great Britain; but this last measure was at that time defeated by the merchants in other colonies refusing to concur in it."

On 10 June 1768, on the seizure of a vessel in Boston Harbour for running uncustomed goods, a mob assembled and assaulted the officers and others who were assisting in the seizure. The Council on the 11th postponed consideration, and on the 13th advised that the matter should be referred to the General Court. "Upon the Governor's acquainting the Commissioners that he could give them no protection and that Boston was no place of safety for them, they went on board H.M.S. *Romney*, and obtained an order from the Governor for their admission into Castle William.

On 14 June 1768 there was a tumultuous meeting at Liberty Tree, summoned by a paper fixed on the Tree the previous day. From this arose a Town Meeting, which the Selectmen were required to summon for that afternoon. They assembled in a Meeting House, the Town Hall not being large enough. Mr. Otis was chosen Moderator. Many wild and violent proposals were made, but were warded off. A petition to the Governor was drawn up, and a Committee appointed to prepare instructions for their representatives. They protested against being subjected to laws and taxes to which

1770. § 852 *cont.*]

they had not assented, "as violations of their constitution, and as meant only to support swarms of officers and pensioners in idleness and luxury." "They say that to contend with their parent state is a dreadful extremity, but that they cannot bear the reflection of tamely submitting without one struggle, and apprehend that it is in the option and power of the Governor to prevent them effecting too much, and save them the reproaches and shame of attempting too little. That as the Board of Customs have thought fit *of their own motion* to relinquish the exercise of their commission, and as they cannot but hope that, being convinced of the impropriety and injustice of such an establishment and *of the inevitable destruction which would ensue from the exercise of their office*, they will never re-assume it. They flatter themselves the Governor will redress the other grievance by immediately ordering the *Romney* man-of-war to remove from the harbour. That they would maintain their loyalty to the King, a reverence and *due* subordination to the British Parliament as the supreme legislative *in all cases of necessity, for the preservation of the whole Empire*, but at the same time to assert and vindicate their dear and invaluable rights and liberties at the utmost hazard of their lives and fortunes. They then state the case of impressing as a grievance contrary to an express Act of Parliament, desire their representatives will pursue measures for their redress, and for preventing impresses of all kinds; and to promote Parliamentary inquiry whether the Commissioners of the Customs or any other persons whatever have really written or solicited for troops, and for what end; and that they would forward, if they thought expedient, resolutions that every such person who shall solicit or promote the importation of troops at this time, is an enemy to that town and province and a disturber of the peace."

The Council and Assembly voted the next day that inquiry should be made into the grounds for the apprehensions of

the people that measures were being taken for executing the Revenue Laws by a naval and military force.

On 27 July Bernard asked the advice of the Council upon a letter from Gen. Gage, stating that the troops at Halifax were ordered to be in readiness in case the Governor required their assistance. The Council replied on the 29th that the disorders of 10 June arose from the violent and unprecedented manner in which the officers of the Customs had made seizure of the sloop *Liberty*; that the matter had been referred to a Committee, who were prevented from reporting by the prorogation and dissolution that followed; "that they are now ready, upon the first call since that dissolution, to do everything in their power to prevent future disturbances; that, with regard to the Commissioners of the Customs, their quitting the town was a mere voluntary act of their own, no insult having been offered to them, nor any attack upon their persons or houses; that the posting men-of-war in the harbour was an imputation on the loyalty of the town and a discouragement to its trade; that if the Commissioners had procured those ships or had endeavoured to procure troops to be sent thither, it could not be thought strange that the province entertained no affection for them; that they detested and abhorred the riots and disorders which had been committed, and therefore advised the Governor to direct the Attorney General to prosecute all persons guilty thereof, or that any ways aided or abetted the same, and to issue a proclamation for preventing, suppressing and punishing all tumults and unlawful assemblies; that, with regard to the offer made by Gen. Gage, they were of opinion the civil power did not need the support of troops, and that it was not for his Majesty's service or the peace of the province, that any troops should be required; and that, if any persons have made application to Gen. Gage for troops, they deemed them in the highest degree unfriendly to the peace and good order of the Government, as well as to his Majesty's service, and the British interest in America."

1770. § 852 *cont.*]

The General Court was dissolved in Aug. 1768 in consequence of the Assembly's refusal to rescind the resolution that gave birth to the circular letter of 11 March. The Non-Importation agreements were renewed by the Boston merchants with better success in the beginning of August.

On 5 Sept. there appeared in the *Boston Gazette* a paper suggesting that by the actions of Parliament and the Government the political union between Great Britain and the colonies was dissolved.

Gage had informed Bernard that by the King's command troops were being sent from Halifax, and the Governor thought it wise to prepare the people for their arrival. Resistance was advocated at several private meetings, and a town meeting on 12 Sept., (J. Otis, Moderator), petitioned the Governor to convene a General Assembly with all speed. On that day a Committee was appointed to report on the state of public affairs, and the next day the adjourned meeting adopted their report, protesting against the keeping a standing army in the province without their consent as contrary to the Bill of Rights and the Massachusetts Charter. They also voted that as the Governor declared himself unable to call a General Court, the town should appoint James Otis, Thomas Cushing, Samuel Adams, and John Hancock, "a Committee, in convention with such as may be sent to join them from the several towns in this province, in order that such measures may be consulted and advised as his Majesty's service and the peace and safety of his subjects in the province may require." The Selectmen were directed to write to the Selectmen of the other towns in the province proposing a convention at Faneuil Hall on 22 Sept. Further, "as there is at this time a prevailing apprehension in the minds of many of an approaching war with France, in order that the inhabitants of this town may be prepared in case of sudden danger, [it was] voted, that those of the said inhabitants, who may at present be unprovided," should supply themselves with arms, as required by a law of

the province. A letter from a Committee of Merchants at New York was read acquainting those of Boston with their Non-Importation agreement. Tuesday next was ordered to be set aside as a day of fasting and prayer; and the votes were directed to be published in the several newspapers.

The letter to the Selectmen of other towns in Massachusetts Bay is quoted in the "state." "Petitions from the Representatives of this province for the redress of these heavy and very threatening grievances have hitherto been ineffectual, being assured from authentic intelligence that they have not yet reached the Royal ear." A copy of the Boston votes in view of the anticipated war with *France* was included; and support of the Convention recommended, as it "must tend to the real service of our most gracious Sovereign and the welfare of his subjects in this province, and may happily prevent any sudden and unconnected measures, which in their present anxiety and even agony of mind they may be in danger of falling into."

(The "state" frequently refers to Bernard's letters as giving fuller information.)

On 22 Sept. 1768, over 70 persons, representing 66 towns and districts met in the Convention at Faneuil Hall. The Speaker and Clerk of the late Assembly were chosen as Chairman and Clerk respectively. The Governor refused to receive a petition for the calling of an Assembly, as he could not recognise the Convention as a legal assembly; he admonished them to break up instantly. They sat for three days, adjourned to 3 Oct., and then broke up, finishing by the publication of "The Results" of their conference.

On 19 Sept. the Governor consulted the Council about the reception of the two regiments which were being sent from Halifax, and the two from Ireland. Reference is made to appendices (not in the Bundle) for the difficulties made by the Council. To the disposition of the Council Bernard attributed the weakness of Government and the failure of every measure proposed for remedying the disorders in the province.

1770. § 852 *cont.*]

In the beginning of 1769 the state of the colony was referred to the consideration of Parliament. Both Houses addressed the King in Feb. censuring the Council and magistrates of Massachusetts Bay, and approving the sending of troops.

Meetings of the merchants associated in the Non-Importation agreements "are represented to have been held in as regular a manner as any other meeting authorised by the constitution. Committees were appointed to examine the cargoes of all vessels arriving from Great Britain, and regular votes and resolutions of censure were passed in these meetings upon all such as refused to concur in these unlawful Associations; their names were published in the public newspapers as enemies to their country; and the mandates and decrees of those committees met with a respect and obedience denied to the constitutional authority of Government. In some cases goods imported from Great Britain were locked up in warehouses under the care of these committees, in order to prevent their being sold; and in one or two instances they were shipped to Great Britain."

On 31 May 1769 the General Court met. "The first step the Assembly took before they proceeded on any business was to send a message to the Governor, asserting that the having ships in the harbour and troops in the town of Boston was inconsistent with their dignity and freedom, and therefore that they had a right to expect that he would give orders for the removal of the forces by sea and land from that port and from the gates of the city during the session of the Assembly." On the Governor's reply that he had no authority over the ships or troops, the Assembly proceeded to elect Councillors, excluding all those well-affected to the Government. On 13 June they sent a message to the Governor, asserting that by the principles of the constitution he had the absolute military command, and condemning the sending of troops as inconsistent with the nature of government and the spirit of a free constitution. They declared "that the unwillingness of a people in general that a law should be

executed was a strong presumption of its being an unjust law ; that it could not be *their* law, as the people must consent to laws before they can be obliged in conscience to obey them." The altercation ended with a resolution of the Assembly on 21 June condemning the sending of troops.

On receiving intelligence of the resolutions of Parliament, the Assembly on 7 July resolved that the sole right of taxing the people of the colony was vested in the House of Representatives with the consent of the Council and of his Majesty or his Governor ; that the Convention of 1768 was necessary and not illegal, as they positively disclaimed all governmental acts ; that a standing army was an infringement of their rights ; " that too many persons in power at home do avow most rancorous enmity against the free part of the British constitution, and are indefatigable in their endeavours to render the monarchy absolute and the administration arbitrary in every part of the British Empire " ; that the extension of the powers of the Admiralty Courts was highly dangerous and alarming ; and that trials for treason or felony committed in the colony ought to be held within the courts of the colony.

Bernard recommended the Assembly to make provision for the expense of quartering the troops ; but " the session ended with an answer to these messages in which they arraign in the strongest terms the justice of the supreme Legislature in passing the Revenue Laws, and more especially that for quartering the King's troops, and declare their resolution never to make provision for the services pointed out in the Governor's messages." The General Court was then prorogued to Jan. 1770.

Nothing beyond violent support of the Non-Importation agreement occurred, until the unhappy quarrel between the townspeople of Boston and the soldiery on 5 March : " there is much reason to apprehend that there was a premeditated design to seek occasion by such quarrels for forcing the regiments to leave the town.

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1770. § 852 *cont.*]

“Since this event every endeavour has been exerted by the people of Boston to accelerate the trial of Captain Preston and the soldiers who surrendered themselves up to justice, and to involve the Commissioners of the Customs and their officers in the guilt of aiding and abetting the soldiers in what is called the massacre of the people; and, though the courts of justice have endeavoured to withstand the attempts that have been made to influence their proceedings, yet there are but too many symptoms of their being awed and terrified by the violences of the people.

The firmness of the Lieut.-Governor in negating, in one or two instances, the elections of persons who have been most forward in opposition to the authority of the Parliament, seems in some degree to have checked the dangerous spirit which hath prevailed; yet there is great reason to believe that he has only the shadow of power, not being able to act without the Council, who will not consent to any proposal for discountenancing the usurpation of the powers of government by the town of Boston; and the people being now possessed with an opinion that they have many advocates in Parliament, who justify them in all they have done, the state of the colony is more desperate than ever.”

4 July. ———. Committee report (with two drafts or sketches of it).

13 July. [853.] PENNSYLVANIA AND CONNECTICUT. *Boundary.*
V. pp. B. of T. report.
238-9.

15 Aug. [854.] ST. CHRISTOPHER. *Complaints against the Assembly.*
V. p. 277. Petition of W. Wharton and five others [*ragged*]. They left the Assembly as a protest against its disallowing the vote of a member of the Council in an election, against all precedent and merely on an analogy with the House of Lords. They were called to order and remanded to their seats by the Speaker, but disobeyed. They were committed to the common gaol by order of twelve members, which is not a quorum.

§ 854 *cont.*]

1770-1.

Their release was only brought about by the payment of their fees by some unknown friend ; one of those imprisoned, Anthony Bryan, died a few days after his release of a fever supposed to have been caught in the gaol.

[855.] SPANISH CRUELTY IN WEST INDIES. Ordinance 13 Sept.
report on petition of Lieut. Wm. Pierie. V. p. 292.

[856.] DOMINICA. *Separate Commission for trying pirates.* 6 Dec.
B. of T. representation ; Order of 15 Dec. for the B. of T. V. pp.
to propose names of Commissioners ; and B. of T. report of 289-90.
19 Dec. proposing Commissioners for Grenada, St. Vincent,
Tobago and Dominica.

1771.

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[857.] LAKE SUPERIOR. *Grant of mines.* Report of De 22 Jan.
Grey and Thurlow with draft of a charter ; copy of Bostwick's V. p. 131.
petition.

———. B. of T. report. The B. of T. called upon the 27 June.
gentlemen interested to give an account of the steps taken
by them, and represented to them the impropriety of
appointing an agent before any final determination upon
their petition. (*Cf.* § 839.) They replied " that, admitting
that their agent may have proceeded further than he
was authorised to do, yet that he had not in view the
designs imputed to him ; and that what is stated to be a
stockaded fort commanding the pass of St. Mary was no
more than a small space of ground not exceeding a quarter
of an acre, fenced in with a palisado, in order to secure the
agent and his servants from the insults of drunken Indians,
and their provisions from being destroyed by Indian dogs or
wild beasts."

The B. of T. believe these assertions to be true ; but, as
great alarm has been occasioned to the traders, it may be
expedient to insert clauses in the charter restraining the
adventurers as a company (*a*) from interfering with the trade
for peltry—to which the gentlemen concerned are very willing

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1771. § 857 *cont.*]

to submit; (b) from searching for mines or having any post within 20 miles of any part of the channel which forms the passage between Lakes Huron and Superior; and (c) from erecting any fortifications whatever in any part of the district within their grant.

22 Nov. ———. Letter from J. Pownall to the Clerk of the Council, transmitting (I.) an extract of a letter from Gen. Gage to Lord Hillsborough, 3 Sept. 1771. Through the solicitations of a Frenchman resident at the Falls of St. Mary, the agents obtained the consent of the Indian tribes about Lake Superior to search for mines in their country. Should they ever begin to work the mines, a more formal and regular treaty should be concluded under the direction of Sir W. Johnson. Though some of these people trade, other traders meet with no obstruction; their alarm arose merely from their suspicions.

The officer commanding at Michillimakinac complains of the irregularity of the traders in general, in not coming to the fort to produce their passes; the number of these is increasing; they supply the Indians with rum from Albany, which causes them to neglect their hunting. Commissaries deputed by the several provinces are soon to meet to agree upon general regulations for the Indian trade.

25 Jan. [858.] COUNCILS. B. of T. representation for J. Blizard V.App.II. (*Antigua*); others for C. N. De Chanteloup (*Grenada*) and for G. Franklyn and A. Stewart (*Tobago*), 6 Feb.; T. K. Gordon and W. H. Drayton (*South Carolina*), 13 Feb.; J. Brooke (*Antigua*), 20 Feb.; J. Jones (*West Florida*), 10 Ap.; J. Ellis (*Jamaica*), D. Cox (*New Jersey*), W. Axtell (*New York*), Sir N. Duckenfield and M. Jones (*North Carolina*), and B. Elliot and D. Deas (*South Carolina*), 26 Ap.; J. Lawrence (*New Jersey*) and T. Fairholm (*Tobago*), 27 June.

25 Jan. [859.] ACTS. B. of T. representation for confirming a *Virginia* Act, and for another on 30 Jan. (V. p. 586); one of 6 Feb. for disallowing a *Nova Scotia* Act, because of its going

beyond the law of England in inflicting the penalty of death (V. p. 291); others for disallowing three *West Florida* Acts, 20 Feb. (V. pp. 312-3); for confirming a *Jamaica* Act, 27 Feb. (V. p. 579); for confirming a *Georgia* Act, 8 March (V. p. 578); three of 15 March for disallowing Acts of *St. Vincent, New York* and *Georgia*, (V. pp. 306-8, 311-2, 316); B. of T. representation of 27 March, and Committee report of 23 May, on 4 *St. Vincent* Acts (V. pp. 302-6); B. of T. representation of 11 May for disallowing a *New Jersey* Act (V. pp. 315-6); Committee report of 23 May on 20 *Pennsylvania* Acts (V. pp. 300-2, 582); B. of T. representation of 27 June for disallowing a *Georgia* Act and four ordinances—with copy of an additional instruction, approved 3 Feb. 1772 (V. pp. 322-3); Committee report of 20 July for disallowing a *Massachusetts* Act (V. p. 323); list of 25 *Massachusetts* Acts received from the B. of T. on 5 Sept. and referred on 25 Sept. and 4 Oct. (V. p. 580); and five B. of T. representations of 18 Dec. for confirming Acts of *Jamaica, New York, St. Christopher, South Carolina, and Virginia* (V. App. III.).

[860.] GOVERNORS' COMMISSIONS AND INSTRUCTIONS. B. of 30 Jan. T. representations on instructions for W. Tryon (*New York*), V. App. I. J. Martin (*North Carolina*) and Lord Dunmore (*Virginia*).

Also B. of T. representation of 6 March, and Committee report of 26 March, on commission and instructions for W. L. Leyborne (*Grenada*); B. of T. representation of 15 May, Committee report of 23 May, and copy of additional instruction for an additional salary for Leyborne (V. p. 296).

Also B. of T. representation of 6 March with instructions for T. Hutchinson (*Massachusetts Bay*) (V. pp. 264-5, 556).

[861.] NEW HAMPSHIRE. *Custody of lunatics*. Letter from 5 Feb. J. Pownall to the Clerk of the Council, transmitting (I.) Copy V. p. 189. of a letter from Gov. J. Wentworth to Lord Hillsborough, asking for powers to issue commissions. It does not appear whether the Chancellor has the power to sell real estate in fee (as it is said the idiot remains seized, though the King

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1771. § 861 *cont.*]

has the custody and must surrender to the heir after the idiot's death); "but in this province the estate is often so very inconsiderable that the income is nothing in proportion to the demand, wherefore there is an absolute necessity of such power to answer the end in this country."

8 Feb. [862.] GRANTS OF LAND. B. of T. representation for V. *App. V.* T. Martin (*East Florida*); others of 10 Ap. and 12 Ap. for W. Markham and Col. T. Howard (*New York*). Committee reports of 12 Ap. for Martin and for C. W. Mackinnen (*Georgia*), and of 23 May for Howard.

22 Feb. [863.] NEW YORK. *Mines*. B. of T. report on petition V. *pp.* of F. Philipse; B. of T. report of 15 May, and Committee 298-300. report of 23 May submitting an instruction.

8 March. [864.] MASSACHUSETTS BAY. *Mount Desert Island*. Committee report for confirming Sir F. Bernard's grant; and V. *p.* 220. Order of 28 March.

12 Ap. [865.] DOMINICA & C. *Trial of pirates*. Committee report; V. *pp.* and Order of 15 Ap.
289-90.

24 Ap. [866.] NORTH AND SOUTH CAROLINA. *Boundary*. B. of T. V. *pp.* report; and copy of draft instruction for North Carolina.
201-2.

1 July. [867.] NEW YORK. *H. Remsen*. His petition, and his V. *pp.* memorial (slightly shorter). On 27 May 1766 Remsen and 327-8. his associates procured a 999 years' lease from the Indians of two tracts, one north of the Mohawk (from seven miles west of Canada Creek down to a mountain called Anthony's Nose), the other south of the Mohawk (between Fort Herkimer and Nowadago Creek). The best part of the lands has been granted to Sir W. Johnson and others; the petitioners ask for a grant of the remainder—poor and barren land, remote from any settlement—under a small quitrent.

9 July. [868.] APPEALS. Committee reports on *Richards v. Alpress* and *Macqueen v. Taylor* (*Jamaica*); *Scandret* and

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Anderton v. White (Montserrat), and *Grant v. Hardy* (Rhode Island); others on *Gray v. Shreyer* (Jamaica), 11 July; *Mure and Kerr v. Palmer* (Jamaica), and *Levy v. Burton* (Quebec), 20 July.

[V. pp. 214, 240, 216-7, 210-1; 239-40; 179-80, 142-3.]

[869.] VIRGINIA. *Cape Henry*. Petition of J. Wadman for a grant; with extracts from various petitions, minutes and orders, bearing out his statements. He had an entry for the land made for him by J. Tayloe about Ap. 1765. His petition of 1765 to his Majesty was referred to the B. of T. in 1767. In 1770 he found that Samuel Bush had got an Order of Council for the land to remain a common—five years after his first entry for the land. His petition of 1 Feb. 1771 signified the poor should not be hindered from fishing for their own eating; that of 19 Ap. 1771 mentions a lighthouse and fort. The Order of Council of 3 May declares that Cape Henry is reserved waste for a common fishery, a lighthouse and a fort. He is willing to give a bond to erect a lighthouse and fort, and to allow the poor to fish; and, thinking all objections are taken off, declares he has a scheme to make salt and oil of tar. (The extracts annexed occupy six large pages.) 1 Nov. V. p. 324.

[870.] BARBADOS. *J. Keeling*. His petition; and his memorial (slightly shorter than the petition); and letter of 22 Nov. from J. Pownall, transmitting the results of Lord Hillsborough's correspondence with the Governor of Barbados. 13 Nov. V. p. 325.

[871.] RHODE ISLAND. *Opposition to the jurisdiction of the Privy Council*. Letter from J. Pownall to the Clerk of the Council, transmitting (I.) a letter of 22 July 1771 from J., T. and S. Freebody (19 pp.); and (II.) a sworn declaration by them. 22 Nov. V. pp. 24-5.

When the Freebodys entered the judgments of the Privy Council in their suits against J. Brenton and others, Henry Marchant, the opposing counsel, "did aver and say that the

1771. § 871 *cont.*]

King and Council had made up said judgments contrary to law, reason, equity and justice; and when the King and Council made up such a judgment, the King was no King, and therefore the Court ought to set aside said judgments and make up a judgment of their own according to law. And the said Henry Marchant did also aver and say that they never had a hearing on the causes before the King and Council, their counsel having deserted them. To which we replied they had a hearing, for the Lords Committee of Council reported to his Majesty that they had fully heard counsel learned in the law on both sides; to which the said Henry Marchant replied there was nothing in their report, it was only a matter of form, for they never had a hearing. Which was making the Lords Committee of Council the authors of reporting to his Majesty a falsehood."

At the March Court in 1770 James Helme (C.J.), Searle and Comstock gave judgment for carrying out the Order of the Privy Council, and Benoni Hall and Greene against. But at the annual choice of officers in May the three judges who had decided in favour of executing the judgment of the King and Council were turned out, and Stephen Hopkins, a known supporter of the other party, was chosen Chief Justice. (Some years before, Hopkins had "publicly declared that the King and Parliament had no more right to pass any Acts of Parliament to govern us than the Mohawks,"—as was proved by the evidence of Job Almy and William Richmond, gentlemen of the first rank.) Helme was made second judge for some political reason, but the other three were men of the same principles with Judge Hopkins.

Marchant was heard again in Oct. 1770, and the case continued to March 1771. Judge Hall being then absent, the Court was divided; Helme and Bowler for carrying out the judgment of the Privy Council, Hopkins and Stephen Potter against. The Chief Justice then proposed to carry the case to the county of Providence, where Hall attended and gave his judgment, as in 1770, against the Order of the King in

§ 871 *cont.*]

1771-2.

Council. Judge Helme entered his protest: he is called by many "a Prerogative man."

The Governor and Company approve the action of the three judges; the Governor has been endeavouring to get the Freebodys to agree to a compromise. Marchant has been sent home to induce the Privy Council to alter their judgment, and the Governor has appointed him joint agent with Mr. Sherewood.

The Freebodys also complained of a fraudulent Act of Assembly of Sept. 1770 about the redemption of the old paper currency.

[872.] NEW YORK. *Complaint of the Secretary*. Petition of G. Clarke; and Order of reference (15 Jan. 1772). In 1766 Gov. Moore dispossessed Clarke's deputy, Goldsborough Banyar, who had acted in that capacity for 24 years, from part of the Secretary's office, and disposed of it in favour of his private secretary. Gov. Tryon continued this policy in favour of his private secretary, Edmund Fanning. 26 Dec. V. p. 47.

1772. FIRST BUNDLE.

1772.

[873.] LAKE SUPERIOR. *Mining Company*. Committee reference to Attorney and Solicitor General; Committee report, 17 June; Order of 19 June; and copy of charter. 10 Jan. V. pp. 131-7.

[874.] APPEALS. Committee report on Clozier *v.* Dufaur (*Grenada*); another of 8 Ap. on Ruecastle and Smith *v.* Hawker (*Pennsylvania*). [V. pp. 288-9, 18.] 20 Jan.

[875.] NEWFOUNDLAND. *Petition of G. Milner*. B. of T. report; and Committee report of 17 June. 1 Feb. V. p. 154.

[876.] RHODE ISLAND. *Opposition to jurisdiction of Privy Council*. Petition of the Freebodys' solicitors, Bennett and Lewis: substance of the proceedings stated therein; and Order of reference. 3 Feb. V. pp. 24-5.

[877.] COURT MARTIAL. *Lieut. A. Gibbs*. His petition; and Admiralty report of 28 Feb. Gibbs, in command of 13 Feb. V. p. 332.

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1772. § 877 *cont.*]

H.M. armed schooner *Sir Edward Hawke*, accompanied two Spanish ships which had been sent to bring him into Carthagena to discover who he was ; on producing his commission, he was supplied with what he required and allowed to depart, no indignity having been offered to the colours. In his petition he rehearsed his services in Canada in 1759–60.

17 Feb. [878.] PRAYERS FOR ROYAL FAMILY. Copy of an instruction to Colonial Governors for making an alteration.

21 Feb. [879.] NEWFOUNDLAND. *Gov. M. Skulldham's Commission*. V. p. 557. B. of T. representation.

25 Feb. [880.] GRANTS OF LAND. (1) Committee report for D. de St. V. App. V. Pierre (*South Carolina*). (2) Petition of C. S. Grossett, 8 May ; and B. of T. report, 24 June (*West Florida*),—the B. of T. report in this case again protests against the general and unlimited consideration by the Board of applications for lands in America, and expresses alarm at the increasing emigration from Great Britain and Ireland. (3) B. of T. representation of 12 May for J. D. Roux for a colony of Protestant Swiss in *East Florida*,—Roux asked for 12,000 acres, but the Board represent again the impolicy of making exorbitant grants of valuable land to private persons ; should many others of the same canton follow Roux, it is presumed his Majesty will extend his bounty in proportion to their number, industry and abilities. (4) Another representation of 12 May for Bishop Markham and his brothers (*New York*), and Committee report of 17 June :—their father, Major William Markham, received an Order for a grant on 24 May 1771, but died before it could be carried out. (5) Memorial of Major A. Maclean, 14 May, for reducing the quitrent on lots 23 and 24 in *Prince Edward Island* (V. p. 342). (6) Petition of Col. J. Dalling (*New York*), 14 Aug. (7) Memorial of Major F. Drake (*West Florida*), 24 Dec., rehearsing his services and sufferings in North America and the East Indies.

1772.

[881.] Acts. Committee report for disallowing a *Virginia* Act (V. pp. 318-9); B. of T. report of 4 March on 25 *Massachusetts* Acts (V. p. 580); and another of 13 Ap. for disallowing a *North Carolina* Act, with a letter of 4 March from the G.P.O. (V. pp. 341-2). 25 Feb. V. pp. 341-2.

B. of T. representation of 13 Ap. on 21 *Pennsylvania* Acts, on five of which special comment is made. (1) An Act for preventing tumults, is made to continue in force for six months only—a practice condemned by the Privy Council in 1714. A copy is appended of the opinion of Att. Gen. Northey, 22 July 1714, that the power of law-making in the proprietary and chartered colonies can be restricted only by Act of Parliament. (2) By an Act for the immediate raising of money, the counterfeiting of bills of credit out of the province is made an offence, a provision not strictly warranted by the charter nor capable of being carried into execution, although something equivalent thereto seems necessary. (3) An Act about the navigation of the Delaware &c. Two objections were considered by Mr. Jackson—(a) that it is an exercise of legislative authority beyond the limits of the charter, and (b) that its confirmation may infer a prejudice to his Majesty's property in the Delaware. On the other hand, (a) Penn was granted the free use of all bays and inlets leading to his province, and therefore *the use* of the river and *the regulation of that use* are within the powers of legislation. Except by such an Act, no regulation could be made at all, save by Act of Parliament. (b) The enjoyment of the use of a thing does not infer a claim of property. (4) An Act for the relief of three debtors, does not contain clauses saving the debts due to his Majesty, to absentees, or to creditors not *sui juris*:—but in such case the future effects of the debtors remain liable. (5) A private Naturalisation Act confers rights of trading which may be repugnant to the Navigation Act of 1660:—but the determination of this may be left to the decision of a Court of Justice. The B. of T. do not recommend the repeal of any of the Acts.

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1772. § 881 *cont.*]

B. of T. representation of 1 May, and Committee report of 17 June, for disallowing 3 *New York Acts* (V. pp. 342-3 : after "purpose," line 12, p. 343, the following is omitted,— "that had the Act been confined to the purpose").

B. of T. representations of 7 and 12 May respectively, and Committee reports of 17 June, on *West Florida* and *Dominica Acts* (V. pp. 343-6).

B. of T. representations for confirming a *Jamaica Act* (12 May), and others of 5, 9 and 19 Nov. for six *Virginia Acts* (V. App. III.).

4 March. [882.] COUNCILS. B. of T. representation for J. Hume V.App.II. (*Georgia*); others for W. Salmond (*Antigua*), 12 May; R. Cobham (*Barbados*), and J. Palmer (*Jamaica*), 2 Nov.

17 March. [883.] NORTH WEST PASSAGE. B. of T. report on V. pp. Major R. Rogers' proposed explorations. They can give 316-7. no judgment as to the probability of success. Rogers seems particularly qualified for conducting the adventure. His plan is not on a military establishment, as formerly, and it is much reduced in expense; yet, as it is still formed upon an estimate of public charge, it should be referred to the departments to which such considerations properly belong.

I. Copy of former report of 13 Sept. 1765. (§ 675.)

21 March. [884.] BARBADOS. J. Keeling. Committee report.

V. pp.

325-7.

5 Nov. ———. Extract of a letter from Pres. Rous to Lord Hillsborough, transmitting (I.) Copy of the minutes of the Court of Common Pleas, 15 and 18 July, 12, 14, 15 Aug., 9, 11, 12 Sept. 1772 (17 *large pp.*). The Court on 12 Sept. expressed their willingness to obey a mandate from so high an authority "so far as the same is clear and express, without using harsh and unreasonable constructions, and consistent at the same time with the duty of their offices, positive laws and the oaths they have taken, which must necessarily rule the conduct,

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as well as bind the consciences, of all courts and judges. But they are fully satisfied and convinced in their own minds that the present Order was not, and could not be, meant and intended to be a direction to this Court to enlarge the terms in the several actions of ejectment brought by Mr. Keeling, as the counsel for the plaintiff would have it. Such a construction is not warranted by the words of the Order, nor agreeable to reason ; and, as it cannot be admitted with a due regard to the honour of his Majesty's Privy Council, ought not to have been contended for by the counsel for Mr. Keeling. In the sense they want to have it understood, to answer their own purpose, the Privy Council would take cognisance of the matter *per saltum*, before it comes regularly before them as a court of *dernier ressort* . . . This Order, therefore, can purport and intend no more than what the words of it do naturally imply, to wit, a direction to the Court to proceed to try the memorialists' said actions in the order in which they stood in April 1768, without delay ; that is, in the order in which they then stood in the list of causes, without unnecessary, illegal and unwarrantable delays (as it is suggested in the memorial there had been)." This the Court will certainly do ; any delay there has been, has been caused by those concerned for Mr. Keeling. This being the last Court for this year, nothing can be done till after the vacation.

[885.] DELAWARE. *Petition of Lord Rochford for some islands.* Committee reports ; with minutes of the hearing by the Committee on 9 and 10 Ap., and rough notes of the evidence. 14 Ap. V. pp. 332-5.

I. Minutes of 9 Ap. Mr. James Mease sworn—says he has resided in Pennsylvania upwards of 20 years—knows the little island next the Falls ; that the Falls are 40 or 50 miles above Chester—knows nothing higher up the river than two or three miles above the Falls—the little island is very close to the shore and joined to it by a mill dam—that this island may contain about 60 or 70 acres—and is so

1772. § 885 *cont.*]

near the shore, that you may walk to it in summer without being wet—that the proprietor of the island has built a mill on the mainland opposite the island—that some parts of the island are not twenty yards from the shore—knew nothing respecting the property till within six or seven years, when purchased by Adam Hoops—that it has been cultivated ever since he remembers it first,” &c. There are 13½ pages of Mease’s evidence about the cultivation of the islands, including his cross-examination by the Attorney General. Phineas Bond (2 *pp.*), John Macpherson (1½ *pp.*), William Peters (2½ *pp.*), and John Allen (4 *pp.*) were also examined on 9 Ap.,—and on 10 Ap. Samuel Wharton (19 *pp.*).

13 Ap. [886.] GEORGIA. *Dispute about land-grants.* B. of T. V. *pp.* report; and Committee report of 17 June; on a petition *re* 295-6. the claims of Sir W. Baker’s heirs.

1772. SECOND BUNDLE.

29 Ap. [887.] VANDALIA. B. of T. report (43 *pp.*; a sketch of V. *pp.* the tract asked for is said to be annexed, but is not now in 203-9. the bundle). Parts of the land are west of the line fixed as the boundary with the Indians, and it would be highly improper to allow settlement there.

As to the policy of making a grant east of the line, the Board recall the principle adopted immediately after the Treaty of Paris—“the confining the western extent of settlements to such a distance from the sea-coast, as that those settlements should lie within the reach of the trade and commerce of this kingdom . . . and also of the exercise of that authority and jurisdiction, which was conceived to be necessary for the preservation of the colonies in a due subordination to, and dependence upon, the mother country.”

By later agreements the Indian hunting-grounds have been reduced within narrower limits than were specified by the proclamation of 1763, but the same principles of policy still subsist in reference to inland colonies; the obvious

dangers and disadvantages have defeated every attempt made to establish such new colonies.

A B. of T. representation of March 1768 is quoted as the best collection of arguments on the subject. The object of colonisation in North America has been to improve and extend the commerce, navigation and manufactures of this kingdom,—(1) by the fisheries on the northern coast ; (2) by the growth of naval stores and raw produce to be exchanged for manufactures and other merchandise ; (3) by securing a supply of lumber and provisions for the island colonies. For these purposes, settlements were confined as much as possible to the sea-coast, so as to be accessible to merchant ships and defensible by the British Navy, which could use the ports as stations in time of war.

The actual effect of this policy is considered, “because, if it shall appear, from the present state of those settlements and the progress they have made, that they are likely to produce the advantages above stated, it will, we apprehend, be a very strong argument against forming settlements in the interior country, more especially where every advantage derived from an established government would naturally tend to draw the stream of population, fertility of soil and temperature of climate offering superior incitements to settlers, who, exposed to few hardships and struggling with few difficulties, could with little labour earn an abundance for their own wants, but without a possibility of supplying ours with any considerable quantities ; nor would these inducements be confined in their operation to foreign emigrants, determining their choice where to settle, but would act most powerfully upon the inhabitants of the northern and southern latitudes of your Majesty’s American dominions, who, ever suffering under the opposite extremes of heat and cold, would be equally tempted by a moderate climate to abandon latitudes peculiarly adapted to the

1772. § 887 *cont.*]

production of those things which are by nature denied to us, and for the whole of which we should, without their assistance, stand indebted to and dependent upon other countries.”

The results of the settlement of Nova Scotia since 1749 are considered. The establishment of government caused a zeal for migration in the other colonies, and associations were formed for taking up land. Over 10,000 people have gone from the other colonies to Nova Scotia, “who have either engaged in the fisheries or become exporters of lumber and provisions to the West Indies; and further settlements to the extent of 21 townships of 100,000 acres each have been engaged to be made there by many of the principal persons in Pennsylvania. . . The government of Massachusetts Bay, as well as the proprietors of large tracts to the eastward of the province of Maine, excited by the success of these settlements, are giving every encouragement to the like settlements in that valuable country lying between them and Nova Scotia.” The same policy of encouraging settlements on the sea-coast is being pursued in Cape Breton Island and Prince Edward Island and the new colonies to the south.

The arguments in favour of inland settlements are, (1) Such colonies promote population and form a market for English woollens; (2) they secure the fur trade from the French and Spaniards; (3) they defend the old colonies against the Indians; (4) they lessen the expense of supplying the distant forts with provisions; (5) the people already residing there require some form of civil government.

(1) The new sea-coast colonies provide a market for manufactures; but *these*, being 1,500 miles inland, would supply no returns to pay for British manufactures, and would probably be led to manufacture for themselves, “which experience shows has constantly attended in a greater or lesser degree every inland settlement.”

(2) "It does appear to us that the extension of the fur trade depends entirely upon the Indians being undisturbed in the possession of their hunting-grounds; that all colonising does in its nature, and must in its consequences, operate to the prejudice of that branch of commerce, and that the French and Spaniards would be left in possession of a great part of what remained; as New Orleans would still continue the best and surest market."

(3) "So far from affording protection to the old colonies, they will stand most in need of it themselves."

(4) The degree of utility of the provisions raised will be proportioned to the number of the forts; the French inhabitants near the Lakes, and on the Mississippi, Illinois and Ohio could supply all the forts that will be required.

(5) Settlements formed under military establishments require no other superintendence than that of the military officers in command.

The B. of T. next quote the opinion of the Commander in Chief in America in a letter to Lord Hillsborough: he conceived such settlements inconsistent with sound policy. The only commodities these parts could have to barter for manufactures would be furs and skins, which will naturally decrease as the country increases in people. Necessity would force them to manufacture for themselves, "and when all connection upheld by commerce with the mother country shall cease, it may be expected that an independency on her government will soon follow . . . there is room enough for the colonists to spread within our present limits for a century to come. If we reflect how the people of themselves have gradually retired from the coast, we shall be convinced they want no encouragement to desert the sea-coasts and go into the back-countries, where the lands are better and got upon easier terms. They are already almost out of the reach of law and government. . . The lower provinces are still thinly

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inhabited, and not brought to the point of perfection that has been aimed at for the mutual benefit of Great Britain and themselves. Although America may supply the mother country with many articles, few of them are yet supplied in quantities equal to her consumption ; the quantity of iron transported is not great, of hemp very small ; and there are many other commodities not necessary to enumerate, which America has not yet been able to raise, notwithstanding the encouragement given her by bounties and premiums. The laying open new tracts of fertile territory in moderate climates might lessen her present produce, for it is the passion of every man to be a landholder, and the people have a natural disposition to rove in search of good lands, however distant. It may be a question likewise whether colonisations of the kind could be effected without an Indian war and fighting for every inch of the ground. . . I conceive that to procure all the commerce it will afford, and at as little expense to ourselves as we can, is the only object we should have in view in the interior country for a century to come." The Indians desire our manufactures as much as we do their peltry ; firearms are necessary to them for hunting, as they are disused to the bow ; for their own sakes, therefore, they would protect the trade. There are neither forts nor settlements in the Southern Department, and they are not necessary in the Northern. Their Lordships are the best judges which of these departments has given least trouble.

The sentiments of the Governor of Georgia (Sir James Wright) were also very hostile to settlements which, he feared, would soon become a kind of separate and independent people, "formidable enough to oppose his Majesty's authority, disturb government, and even give law to the other or first settled part of the country and throw everything into confusion." He urged that the coast should first be well settled and improved, and the people kept together in a narrow compass, so that, as they expanded, the power of government and law would of course naturally and easily go with them. He

considered it dangerous and improper to suffer a kind of *province within a province*, which must in time become too big for the head or original settlement or seat of government.

On the other side, great stress is laid on the argument "that such is the state of the country now proposed to be granted and erected into a separate government, that no endeavours on the part of the Crown can prevail to prevent its being settled by those who, by the increase of population in the middle colonies, are continually emigrating to the westward, and forming themselves into colonies in that country without the intervention or control of government, and who, if suffered to continue in that lawless state of anarchy and confusion, will commit such abuses as cannot fail of involving us in quarrel and dispute with the Indians, and thereby endangering the security of his Majesty's colonies."

Yet, if the settlers are as numerous as is reported, and if the foregoing reasoning has any weight, "it certainly ought to induce your Lordships to advise his Majesty to take every method to check the progress of those settlements, and not to make such grants of the land as will have an immediate tendency to encourage them; a measure which, we conceive, is altogether as unnecessary as it is impolitic, as we see nothing to hinder the Government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there under legal titles."

The B. of T. also draw attention to Gov. Wright's objection to the emigration of his Majesty's subjects from his European dominions, an argument which had already induced them to refuse their concurrence to many proposed grants of lands in parts where they considered it otherwise the true policy of this kingdom to encourage settlements.

The grant would also be objectionable in point of justice if it disturbed existing possessions or exposed the proprietors to suits and litigation.

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The B. of T. propose that no grant be made, and that another proclamation be issued against any settlement beyond the line prescribed by the Proclamation of 1763.

1 July. ———. Committee report.

Undated. ———. Memorial of Thomas Pownall, stating that he was one of the original petitioners and for a time acted as one of their Committee, and asking, if a grant is to be made, that he may be heard "touching the point of ascertaining to him and his friends, supposed associates in this business, such property as the Crown shall be advised to grant in consideration of the premises"; but, if a grant is to be made to Walpole and his associates without specially naming those concerned, he desires that he may withdraw his application, as he does not wish either to oppose Walpole and his associates or to be involved in doubtful terms of partnership, not first legally ascertained, or to be concerned in any property of disputed right or title.

4 May. [888.] NEW YORK. *Remission of quitrents*. Letter from V. p. 342. J. Pownall to the Clerk of the Council, transmitting addresses from (I.) the Rector and inhabitants of New York of the Church of England, and (II.) the Governors of the College of New York.

6 May. ———. Order of reference to the Treasury.

21 May. ———. B. of T. reports, proposing that, instead of the quitrent, an annual rent of six shillings and eight pence be paid in each case. Consideration of the proposal to erect the College into a University is postponed until further information has been transmitted.

25 June. ———. Treasury reports for remitting the quitrents, so long as the lands are possessed by the Church and by the College respectively.

12 May. [889.] NORTH CAROLINA. *Acts re riots and re Post Office*. V. pp. 338, Two B. of T. representations submitting draft instructions—341-2. with copy of that *re* a Post Office Act.

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[890.] RHODE ISLAND. *Burning of the Gaspée*. Copies of 20 May.
letter from Gov. J. Wanton to Lord Hillsborough, 20 May, V. pp.
enclosing copies of letters (a) from Wanton to Lieut. Dudingston 356-8.
22 March ; (b) Dudingston to Wanton, 23 March ; (c) Wanton
to Dudingston, 23 March ; (d) Rear-Admiral Montagu to
Wanton, 8 Ap. ; (e) Wanton to Montagu, 8 May. (There are
two copies of each of these enclosures.)

(a) Complaints of Dudingston's having in the most illegal and unwarrantable manner interrupted the trade of the colony by searching and detaining every little packet-boat plying between the several towns, and demands that he produce his commission and instructions, " which was your duty to have done, when you first came within the jurisdiction of this colony."

(b) " I have done nothing but what was my duty, and their complaint can only be founded on their ignorance of that. When I waited on you on my arrival, I acquainted you of my being sent to this Government to assist the revenue and had my commission to show you, if required ; as it was ever understood by all his Majesty's Governors I have had the honour to wait on, that every officer commanding one of his Majesty's vessels were properly authorised and never did produce it unasked for. The officer I send is equally qualified, and has been in the boats at boarding most of the vessels, and can give any information relative to my proceedings."

(c) " Yours of this day I have received, and which does not give me that satisfaction I had a right to expect, neither was the bearer of the letter qualified to give me any authentic information respecting the legality of that authority you have presumed to exercise within this colony. I expect that you do without delay comply with my request of yesterday, and you may be assured that my utmost exertions shall not be wanting to protect your person from any insult or outrage on coming ashore."

(d) Dudingston " has done his duty and behaved like an officer, and it is your duty as a Governor to give him your

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assistance, and not endeavour to distress the King's officers from strictly complying with my orders. I shall give them directions that, in case they receive any molestation in the execution of their duty, they shall send every man so taken in molesting them to me.

"I am also informed that the people at Newport talk of fitting out an armed vessel to rescue any vessel the King's schooner may take carrying on an illicit trade. Let them be cautious what they do; for, as sure as they attempt it, and any of them are taken, I will hang them as pirates.

"I shall report your two insolent letters to my officer to his Majesty's Secretaries of State, and leave them to determine what right you have to demand a sight of all orders I shall give to all officers of my squadron, and I would advise you not to send your sheriff on board the King's ship again on such ridiculous errands.

"The Captain and Lieutenants have all my orders to give you assistance whenever you demand it, but further you have no business with them, and be assured it is not their duty to show you any part of my orders or instructions to them."

(e). Wanton alleges that Dudingston misinformed Montagu that he had waited on the Governor and shown his orders; on the contrary, Dudingston "positively denied that he derived any authority either from you or the Commissioners [*sc.* of the Admiralty]; therefore it was altogether out of my power to know whether he came hither to protect us from pirates or was a pirate himself. . . . As to your attempt to point out what was my duty as Governor, please to be informed that I do not receive instructions for the administration of my government from the King's Admirals stationed in America." He denies that he has distressed the King's officers or that there is any design of fitting out an armed vessel to rescue seizures. He will transmit Montagu's letter to the Secretary of State, and leave it to the King and his ministers to determine on which side the charge of insolence

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lies. "As to your advice not to send the sheriff on board any of your squadron, please to know that I will send the sheriff of this colony at any time and to any place within the body of it, as I shall think fit." The conclusion of Montagu's letter (*d*) is not consistent with the statement in the beginning of it, that Dudingston showed his orders to the Governor, "which agreeable to his instructions he is to do."

Wanton's letter to Hillsborough stated that a number of the inhabitants, gentlemen of established character, complained to him on 21 March about the interruption given to trade by a certain schooner in the Narragansett River.

After Wanton's second letter, Dudingston sent an officer ashore with the order from the Admiralty for his commanding the *Gaspée* and their letter to the Commissioners at Boston requesting them to give him a deputation in the Customs. When Wanton wrote his first letter, he was unaware whether the schooner complained of was the *Gaspée* or not; in any case, he does not believe Dudingston had any right to officiate as a Custom House officer in the body of the colony before he had communicated his commission to the Governor or some proper authority.

"It is now my turn to complain of Mr. Dudingston's illegal proceedings in carrying a quantity of rum he seized on board a small boat lying within the county of Kent in this colony to Boston for trial, notwithstanding by the 8th of his present Majesty, it is expressly declared that such offences shall be tried in that colony where they are committed. To recite every particular of his unwarrantable proceedings would, my Lord, be too tedious. Let it then suffice that, since the *Gaspée* and *Beaver* have been stationed in this colony, the inhabitants have been insulted without any just cause, with the most abusive and contumelious language; and I am sorry that I have reason to say that the principal officers belonging to these vessels have exercised that power with which they

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are vested in the most wanton and arbitrary manner, to the very great injury and disturbance of the colony.

“I have, my Lord, afforded the King’s officers all the assistance in my power in the legal discharge of their trust; but if any of them, through prejudice, ignorance of their duty or youthful indiscretion, insult this colony, it is my duty, as his Majesty’s Governor, to remonstrate against it.”

12 June. ———. Montagu to Hillsborough, enclosing (*f*) Dudingston to Montagu, 24 March; (*g*) a deposition of Wm. Dickinson, midshipman on the *Gaspée*, 12 June; and copies of *a*, *b*, *c*, *d*, *e*.

(*f*) states that Dudingston showed Wanton his orders from the Admiralty and his deputation from the Customs, but would not show his instructions from Montagu. Two or three writs are ready to be served on him to prevent his carrying any seizure to Boston; “nor dare I send a boat on shore with safety; every invention of infamous lies (calculated to inflame the country) is put into the newspapers.

(*g*) is an account of the burning of the *Gaspée* on the night of 9–10 June 1772. The assailants came down the river in a number of boats, refused to keep off when ordered, exchanged shots and boarded the *Gaspée*. Dudingston was wounded, and the ship surrendered to the Rhode Islanders, of whom there were about 150 in all. “When they had got possession of the schooner, they used the people very ill by pinioning of them and throwing them into their boats, and refused the Lieutenant and officers any necessaries but what they had on, and not even suffered the commanding officer to have his papers, and robbed his servant of several silver spoons, and throwed his linen and apparel over board. We were then sent ashore in two different boats. . . I remained on the beach, and about half-past three o’clock saw the schooner afire.” Three boats came away from her and went up towards Providence, and one to “Pertuxet.”

Dickinson added further information in answer to questions by Admiral Montagu,—The *Gaspée* had sent no boats ashore, but had employed some in sounding the harbour. It had not been

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at Providence before, while on that station. "One of the people took me by the collar, and said, Damn you, where is your pilot Doggett? I answered he was discharged six weeks ago. He answered, Damn your blood, you lie, and said they would find him and flay him alive." To Dudingston, the two ring-leaders said, "Now, you piratical rascal, we have got you, damn you, we will hang you all, by the laws of Great Britain, damn you, what made you fire when we answered you the Head Sheriff was in the boat," and the Captain (the Head Sheriff and the Captain are fictitious names the two ring-leaders went by), said "Stand aside and let me dispatch the piratical dog." They said, "Damn your blood, you are shot by your own people." Dickinson showed them Dudingston's orders and instructions from the Admiral, which they took away. Going ashore in the boat, one of the mob said that he and some of the others would not have been there, "but that they were taken out of the house by force and compelled to go; that they beat a drum round the town of Providence in the evening to raise a mob."

Montagu's letter enclosing these papers commends Dudingston as "a sober, diligent, good officer," and asserts that the only cause of the attack was his diligent discharge of his duty in endeavouring to suppress the illicit trade, which is carried on to such an extent in that province that it cannot be checked but by stationing more men-of-war there.

———. Copy of a letter from Montagu to Philip Stephens, 12 June. Secretary of the Admiralty. He had sent a copy of Dickinson's deposition to Gov. Wanton, "but as the inhabitants of Rhode Island in general are a set of lawless, piratical people, and whose whole business is that of smuggling and defrauding the King of his duties, I cannot expect any satisfaction from that letter."

———. Wanton to Hillsborough, enclosing (*h*) copy of 16 June. a proclamation by Gov. Wanton, 12 June, offering 100*l. stg.* reward for the apprehension and conviction of any of the perpetrators of this "atrocious crime." Wanton's letter shows that the *Gaspée* had run aground on 9 June.

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“ Mr. Sessions, Deputy Governor of this colony, immediately upon hearing of this unhappy affair, went directly to Mr. Dudingston and offered him all the help and assistance in his power, but Mr. Dudingston said he wanted no favours for himself. The Deputy Governor then told him that he came not only to afford him any relief his distressed circumstances might require, but also to gain a declaration from his own mouth respecting the destruction of the schooner under his command, that proper and vigorous measures might be pursued to discover and bring the perpetrators to justice. Mr Dudingston answered he would give him no account because of his indisposition, and also because it was his duty to forbear doing anything of that kind till he had done it to his commanding officer at a Court Martial, to which, if he lived, he must be called ; but, if he died, he desired it might all die with him.” The Deputy Governor, with Dudingston’s consent, examined a number of the men ; and, on his report, the proclamation was issued.

Wanton again complains of the conduct of the officers in interrupting trade without colourable pretext. The continuance of such measures will involve the trade of the colony in the deepest calamity ; and, as the profits ultimately centre in the mother country for the purchase of her manufactures, he has no doubt of Hillsborough’s intervention on behalf of the colony. Out of 200 sail which have entered Newport since 1 March, only two have been prosecuted and condemned for breach of the Acts of Trade, and one of these belonged to Massachusetts—a proof “ that the trade of this colony stands upon as fair and legal a footing as the trade in any part of his Majesty’s dominions.” These seizures were sent to Boston for sale in direct opposition to the orders of the Vice Admiralty Court in the colony.

18 June. ———. Montagu to Hillsborough, enclosing (i) Dudingston to Montagu, 12 June ; and (j) Wm. Checkley to the Commissioners of the Customs.

(i) Dudingston gave the order for surrendering, on being assured that his people should not be hurt. Two surgeons attended to his wound, and the mob appeared to be merchants and masters of vessels. They were commanded with regularity by one who personated the Sheriff.

(j) Checkley asks directions in view of the arrest of Dudingston for goods seized by him. Checkley had offered to be security for him, "but Capt. Dudingston told me he should not ask any person to be security for him, as he did not expect to live long, and the Sheriff might do as he pleased."

———. Letter from the Admiralty to Lord Hillsborough; 15 July. and two copies of Dickinson's deposition—(g).

———. Admiralty to Hillsborough, with a copy of (j); 6 Aug. and (k) Montagu to Stephens, 30 June.

———. Report of Thurlow and Wedderburn. The Act 10 Aug. of the last session of Parliament for preserving dockyards &c. does not apply to ships upon actual service. Those who attacked the *Gaspée* may be indicted for high treason either here or in Rhode Island.

———. Two copies of a minute proposing (1) a com- 21 Aug. mission to take informations; (2) that any persons committed be surrendered by the Governor of Rhode Island to the Admiral on that station for trial in England; (3) that Gen. Gage hold himself in readiness to send a sufficient force into the province; (4) that a proclamation be issued offering pardon to any informer (with two exceptions).

———. Letter from J. Pownall to the Clerk of the Council, 21 Aug. enclosing the report of the Attorney and Solicitor General and other papers; and Order in Council.

———. Letter from Stephen Cottrell to the Attorney 22 Aug. General.

———. Draft of Order in Council; and of a warrant 26 Aug. appointing commissioners.

[891.] NEW YORK. *H. Remsen's memorial re lands pur-* 17 June.
chased from the Indians. Committee report. V. p. 328.

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17 June. [892.] VIRGINIA. *J. Wadman's petition for a grant of V. pp. Cape Henry.* Two committee reports.

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17 June. [893.] ST. CHRISTOPHER. *Encroachments of Assembly.*
V. p. 280. Committee report on additional instruction.

9 July. [894.] NEW HAMPSHIRE. *Complaints of P. Livius.* (1) The V. p. 370. Governor and Council, without legal process, have deprived grantees under the Crown of their lands, which they have regranted to others. (2) No accounts of the powder money have been given since 1741; the Assembly passed a vote for an inquiry in 1763, but the Council would not concur, and would not allow Livius to enter reasons for his dissent from their decision. (3) Livius annexes in a separate paper seven reasons for dissenting from an order making void grants to the late Governor (uncle of the present), because they were granted in his own name. The widow of his predecessor being dispossessed, the present Governor proposed that the lands be granted to himself, but through other persons. (4) Livius himself has been very injuriously treated by the Governor and at one time received much personal abuse. (5) In an action by the executors of Benjamin Plummer against the executors of Sarah Wentworth, which was brought for the benefit of the Governor, the judges were several times changed until a judgment upon a particular point was at length obtained in favour of the Governor. (6) Livius expected to find proofs in the copies of the Journals of the Council transmitted by the Governor, but it appears that Wentworth has disobeyed his instructions by failing to transmit copies.

The journals are not transmitted, protests are not allowed to be entered in them, and the Council is filled up with the Governor's relations.

28 Oct. ———. Extract of a letter from Gov. Wentworth to Lord Dartmouth, promising to answer each article, and transmitting a copy of the Council's minute of 13 June 1772,—that Livius's protest was a libellous production against the

Governor and Council, unjust, untrue and unbecoming; with an authenticated copy of what passed in the Council on 19 March 1771.

[895.] NEW YORK. *Complaints of G. Clarke*. Answer of 1 Dec. Gov. Tryon (16 pp.). The question did not first arise in his V. p. 47. administration. In 1766 Sir H. Moore appointed his private secretary, Mr. French, to be Register of the Prerogative Court; and, when Mr. French died, Mr. Philip Livingstone. When Gov. Moore died, Mr. Banyar became Register, paying part of the profits to Mr. David Colden, private secretary to his father, Lieut. Gov. Colden. On Lord Dunmore's arrival, Banyar was continued on terms beneficial to Capt. Foy, Dunmore's private secretary. Tryon therefore followed the example of the three preceding administrations in appointing his private secretary, Mr. E. Fanning, instead of admitting Clarke's claims.

None of the commissions to the Secretary, since the conquest of New York in 1664, contains any express authority for intermeddling in the business of the Prerogative Court—the erection of which was subsequent to the creation of the office of Secretary. Again, by a law of the colony, the grant of the probate of wills and administrations is expressly vested in the Governor or his delegate under the prerogative seal. Although Mr. Clarkson, who was appointed Secretary in 1692, and the two Mr. Clarkes who succeeded him, have issued probates and administrations from the Secretary's Office and recorded them there until 1766; yet, on the other hand, at the time of the passing of the Act of 1692, a Surrogate or Deputy had been appointed by the Governor for the business of the Prerogative Court, and there has been a constant succession since then of Surrogates commissioned by the Governors under the prerogative seal, who have performed Prerogative Court business in the same place where the Secretary held his office—a public building where the business of various distinct offices

1772. § 895 *cont.*]

is transacted. The commissions to the Surrogates put the seal of the Court into their hands. The Secretary always received the commission as Surrogate until 1766, when Moore preferred his private secretary.

“It is not uncommon, my Lords, to find in new or infant colonies several distinct offices engrossed by one person; and it is owing to the low state of their business. But, when the increase of the country takes away the necessity for these monopolies, their inexpediency must be very manifest. The public becomes ill-served and the Government weakened; especially when there seems to be a want of dependence upon the Crown for counterpoise to the popular scale.”

Besides being Secretary, Clarke is Clerk of the Council, and of the Supreme Court. These employments have been in the hands of his father and himself for near seventy years; and, all things considered, must be as lucrative as the position of Commander-in-Chief. The office of Register is the only one by which the Governor can without loss support a private secretary, “there being no provision for that officer, and the growing business of the colonies rendering such a place more and more necessary, and calling for such confidence and abilities as no contracted income can command.

“In behalf of the appointment of Mr. Fanning, a native of this province, I can assure your Lordships it was made on the principles of grateful acknowledgment to that gentleman’s eminent services to the Crown in the late disturbances in North Carolina, though but a small recompense for the injuries and insults he received, with all the aggravating circumstances of cruelty attending them both to his person and in his property—himself being inhumanly beat and abused in the attack made by a lawless banditti upon the officers of public justice during the sitting of Hillsborough Superior Court, and his house pulled down, his furniture and effects destroyed to the amount at least of 1,200*l. stg.*; and for no other cause than that he, with more determined spirit than others, opposed their wicked designs—a gentleman,

§ 895 *cont.*]

1772-3.

my Lords, that on the auspicious 16 May, her Majesty's birthday, headed 200 men at the Battle of Alamance, and by his brave example contributed to the success of that day."

(I.) Copy of a New York Act of 1692 for the supervising intestates' estates and regulating the probate of wills and granting of letters of administration.

(II.) Copy of the Secretary's fees from an Act of 1709 (which was disallowed). The fees of the Office of Register were included.

(III.) Copy of the Secretary's fees from Gov. Hunter's Ordinance in 1710. The fees are again included, as the Secretary was also Register at the time. The Ordinance was valid only for Hunter's term as Governor.

(IV.-VIII.) Copies of commissions as Surrogate, for Goldsborow Banyar, 1753; for John French, 1766; P. Livingston, 1768; G. Banyar, 1769; and Banyar again, 1770.

(IX.) Copy of Matthew Clarkson's commission as Secretary, 1688.

1773. FIRST BUNDLE.

1773.

[896.] NEW HAMPSHIRE. *Complaints of P. Livius against Gov. Wentworth.* Copy of a letter from Wentworth to Lord Dartmouth. He had always transmitted transcripts of proceedings in Council when he thought the business of any use or importance, and Lord Hillsborough had approved as recently as March last. He did not imagine that more was requisite, and so very innocently omitted to send the journals. On 20 Dec., however, after receiving his Lordship's letter of 4 Nov., he forwarded the journals.

9 Jan.
V. pp.
370-5.

Wentworth asserts his own fidelity, probity and honour, and the prosperity, quiet and uncommon increase of the province. "But it is my duty to observe that in an obscure corner of the province near Merrimac river, a person infamous upon record is employed in keeping a peasants' table and giving liquor to the poor ignorant people to prevail on them

1773. § 896 *cont.*]

to sign something they don't read nor understand if they did, to serve Mr. Livius's views. One or two others of equal virtue (who have been restrained in their pernicious monopolising land-jobbing schemes, destructive of settlement, oppressive to the poor industrious subject, refusing to make roads passable or to pay quitrents themselves, and to prevent others) are assisting in the like mode, promising commissions to signers, suggesting that by their present oppugnation they will rise into power or profit, vainly flattering themselves they shall find great advantages in, and soon be able to reduce the royal authority and interest in, this government, which, however they might wish for, they never presumed to speak until Mr. Livius had set them an example, and I am convinced too plainly lead many into such unwarrantable sentiments as by no means exemplifies his loyalty. . . . They make a handle of this to betray the ignorant into folly, representing to them that they may soon join in town-meeting votes, if they will but oppose the Governor."

In place of 1,100*l. stg.* due to him, he accepted 500*l.* province money, equal to 375*l. stg.*, "expressed under the terms extraordinary services, to distinguish it from any grants for administration of government." He has also asked that a house be built for the Governor. He raises the question of commissions for the custody of lunatics, proposing that an Act be passed with a suspending clause.

"I am extremely obliged in your Lordship's goodness relative to the expensive alteration in my commission, which could not profit me one guinea in a year, and which the provincial income does not afford me means to reimburse; I shall therefore consider myself highly favoured by your Lordship, if I may be permitted to remain free of it."

11 Jan. ———. George Wentworth's deposition as to the Governor's family connection with the members of the Council of New Hampshire. T. Atkinson, the Governor's father-in-law, married his aunt. M. Wentworth is his father. D. Rogers and D. Peirce married his aunts. D. Rindge is his uncle.

§ 896 *cont.*]

1773.

D. Warner—his sons married the Governor's cousins.
J. Warner—married two cousins. G. Jaffrey—his father married the Governor's aunt. P. Gilman and T. Waldron were recommended by the Governor. P. Livius and P. Wentworth are absent.

———. T. Macdonogh to J. Pownall, intimating that he has brought from Gov. Wentworth the Council Minutes from 30 July 1767 (the commencement of his administration) to 4 Dec. 1772 to be laid before the B. of T., and desiring that Livius's solicitor be acquainted of this in order that he may have recourse to the papers. 17 Feb.

———. T. Macdonogh to J. Pownall. The Governor took depositions in his defence, and gave notice to Mrs. Livius and to the Attorney General, Mr. Livermore, who had been employed on sundry occasions by Livius, and to others whom he thought likely to be concerned; but none appeared for Livius with whom he might exchange depositions. Although Mr. Sharp informs him that it is usual to retain the depositions till the day of hearing, he transmits them in order that they may abide their Lordships' directions. Mr. Sharp will soon be ready to apply for a day of hearing, and has signified this to Livius. 26 Feb.

———. Memorial of T. Macdonogh to the B. of T. for leave to lay before them on Thursday next further new matter in Gov. Wentworth's defence. Read 29 March.

———. T. Macdonogh to J. Pownall, enclosing voluntary depositions made in favour of the Governor without his knowledge. 6 May.

———. B. of T. representation (95 *pp.*); and copy of same. The charges (as quoted in V. *pp.* 371–5) are held to be proved; but the colony has been kept in a state of peace and prosperity by Wentworth's firm and temperate conduct; it is submitted whether he is a fit person to be entrusted with his Majesty's interests in the important station he now holds. 10 May.

I. Livius's memorial, containing the charges proved, with others relating to powder-money and to personal abuse

1773. § 896 *cont.*]

received by himself from the Governor. (*Cf.* 894.) Annexed to this is a copy of Livius's reasons for dissenting from the resumption and regranting of the grants made to Wentworth's uncle, the previous Governor. (Presented at the New Hampshire Council, 19 March 1771.)

II. Wentworth's answer, 18 Dec. 1772. (1) An opinion of Ryder and Murray in 1752 declared that "the Crown may resume lands granted on conditions of settling within a stated time, where there has in fact been no settlement." Wentworth asserts that his proofs show "that proper care was always taken to do strict justice to the first grantees, and that no land was regranting without full evidence that no settlement was made upon it pursuant to the conditions of the grant. . . There is the utmost necessity for regranting of lands in this manner to promote the cultivation of the province." The procedure proposed by Livius is impracticable, "for, these lands being granted in tracts in severalty to sixty or seventy persons, the verdict of a jury would be requisite to vacate each person's share . . in many instances the grantees never took possession and no resident is to be found on the land, nor perhaps within 20 miles of it." He considers that the intervention of a jury was not meant to be necessary for these forfeitures, and that this is shown by the reservation to his Majesty in the grant of an immediate right to regrant the land where no settlement was made.

(2) The powder-money has been regularly collected. The question of an inquiry was between the Council and the Assembly, in which the Governor did not interfere.

(3) Wentworth's uncle, the late Governor, altered his will and left the whole of his estate to his widow for her life ; but "the respondent has not been in any degree influenced thereby." There was uncertainty as to the validity of the title, and the lands remained uncultivated. The Council advised that they should be regranting to persons who would cultivate them. Wentworth has no interest himself in any of the grants made thereupon.

(4) Wentworth declares on his honour that, in spite of provocation, he never showed any personal abuse to Livius. When County Judges were appointed under an Act of the Assembly, Livius was not appointed because of his partiality and malpractices as a Judge of the Court of Common Pleas, and because he was very much embarrassed in his private circumstances, being even absent from the province to avoid an execution issued against him for a debt of 374*l*.

(5) He denies that judges were changed or other unfair means exercised by him or by anyone on his behalf; the prosecution was carried on in the usual course. "Every judge and other officer in the province are sensible that they cannot recommend themselves to the respondent more than by exercising their judgment with the utmost freedom and impartiality in all cases."

(6) The Secretary did not acquaint him on his appointment that the journals of the Council were usually transmitted home; but they have all been properly kept, and all persons, that have had occasion, have had access to them.

He has only one blood relation that ever attends the Council, and has never recommended any such as councillors.

III. Livius's reply, 10 March 1773. (1) The opinion of Ryder and Murray in 1752 related to land disposed of by Massachusetts Bay, which proved to be within the colony of New Hampshire. The circumstances were altogether different from the depriving grantees under the Crown of their lands on the suggestion only that the conditions had not been performed.

(2) The Governor was present when Livius was refused leave to enter his protest against the Council's refusing an inquiry about the powder-money. The Assembly should know how far this appropriation goes, in order to judge what further provision is necessary. "This duty was granted by the General Assembly, and every reason for laying annually before them all the other public receipts and expenditures does equally and very strongly apply to the present case."

1773. § 896 *cont.*]

(3) The former Governor did not "reserve" lands out of his grants for his own use ; grants were made to him and others by the Crown, on the advice of the Governor and Council of the province. The new grants were made by the Council not to any particular persons by name, but generally to such as the Governor pleased.

(4) He admits that his circumstances have been much injured by his not siding with the Governor. When a judgment was unexpectedly given against him for 374*l.*, and he had not so much money by him, knowing that every opportunity of troubling and disgracing him would be seized, he crossed the river into another province for about a week till he raised the money and satisfied the judgment. "At no time was he indebted to the amount of near one-fifth of the property belonging to him, but money is so scarce there that it is hardly possible for a man on a sudden emergency to raise such a sum immediately, though his property be very considerable." The Governor's accusations of malpractices and partiality are general, and no single instance is given ; Livius can only deny them in the strongest terms and bring forward testimonies to his character : he is willing to produce every person he can who is now in England and has any knowledge of New Hampshire.

(5) In the case in which the Governor admits that he was interested, four special courts tried the issue before a decision was given for the Governor (which was reversed on appeal). Out of nine judges who tried the case in these special courts, only three were for the Governor, and yet by changing the judges, he carried his point. (Daniel Warner, Clement March, Peter Livius, Nathaniel Folsom, George Frost, Joshua Bracket, Samuel Penhallow, Jacob Sheaffe, and John Phillips, were the judges ; Warner, Folsom and Phillips were for the Governor.)

(6) It is of the greatest moment that the King's instructions for sending over the proceedings of the Governor and Council should be obeyed, for otherwise ministers may have no

knowledge of the perpetration of unjustifiable and arbitrary Acts until the consequences become very alarming. What makes the Governor's offence worse is the fact that the same disobedience was a cause of the removal of his predecessor.

The province has so increased that it is now of great importance to dissolve a family combination which has been already productive of so much injustice.

Annexed to Livius's reply are : (i) Copy of a letter from Phillips White, Dec. 1772, complaining of the difficulty in bringing forward settlements so remote as are most of the towns granted in the last ten years—the charge of transporting provisions, the want of labour, uncertain boundaries, liability to forfeiture, &c. It is grievous for the settlers who fail, after great labour and pains, to fulfil the conditions, to have their lands taken from them. White had some years before dropped his business in trade in order to forward the settlement of these towns.

(ii) Deposition of Thomas Palmer, 10 March 1773, authenticating White's letter, and testifying to Livius's character and to the existence of complaints of partiality against the Council, as being generally related to the Governor.

(iii) G. Wentworth's deposition of 11 Jan. 1773 with the list of the Council. (*Cf. pp. 530–1.*)

IV. Opinion of Ryder and Murray in the case of the lands in New Hampshire granted by Massachusetts and Connecticut, with state of the case, 14 Aug. 1752.

———. Memorial of Sir Thomas Wentworth, Bart., of 12 June. Bretton in Yorkshire, Paul Wentworth and T. Macdonogh, asking that the matter be referred to the consideration of the Privy Council.

———. Letter from Lord Dartmouth to the Lord President 19 June. stating that his Majesty had approved of the memorial and that Mr. Pownall had been directed to deliver all the papers to the Clerk of the Council. Also a copy of same.

———. Order of reference to Committee.

30 June.

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1773. § 896 *cont.*]

26 Aug. ———. Committee report ; with minute of heads of the report ; and draft of report. The “ minute of heads ” concludes—“ Ordered that the Clerk of the Council do prepare the draft of a report agreeable to the above heads and transmit the same to Mr. Speaker, Sir Eardley Wilmot and Sir Thomas Parker for their perusal.”

8 Oct. ———. Order approving the report.

Also (a) Extracts from the Governor’s commission and instructions relative to grants of land ; (b) Index of Livius’s evidence ; and (c) List of papers relative to Livius’s complaint transmitted to the Speaker, ending with draft of Committee report.

18 Jan. [897.] NOVA SCOTIA. *Pension for J. Gerrish, storekeeper V. p. 358. of the dockyard at Halifax.* Admiralty memorial.

19 Jan. [898.] PENNSYLVANIA. Titles of two Acts received from Henry Wilmot, agent for the proprietors.

Received [899.] BARBADOS. *J. Keeling.* Two copies of his
22 Jan. memorial.

V. pp.

325-7.

27 Feb. ———. Letter from J. Pownall to the Clerk of the Council, transmitting a copy of the minutes of the Court of Common Pleas for St. Michael precinct, Barbados ; an extract of a letter from President Rous ; and (a) copy of a letter from Wm. Moore, Attorney General of Barbados, to Lord Hillsborough, 25 Oct. 1772, reporting the proceedings in the island. In July, “ when Mr. Keeling’s counsel objected to the impropriety of suffering his Majesty’s Order, which was mandatory to the Court, to be impeached by the parties, they were surprised into silence by this very remarkable reply of the judges, ‘ that his Majesty in Council was as likely to err as the Judges of that Court.’ ” In Sept. the defendant’s counsel “ was permitted by the Court to expatiate uninterruptedly for near three hours in a train of illiberal reflections

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avowedly calculated to prove that his Majesty's Order was illegal and immoral." The Attorney General considered that it would be impossible for Keeling to have a fair impartial trial in Barbados.

———. Committee report.

6 March.

[900.] RHODE ISLAND. *Attack on the GASPÉE*. Admiralty memorial for a pension for Lieut. Wm. Dudingston. 28 Jan. V. p. 358.

[901.] DOMINICA. *Grants of land*. B. of T. report with draft instructions for Grenada and for Dominica. 11 Feb. V. p. 347.

[902.] COUNCILS. B. of T. representations for J. Page (*Virginia*), T. Dorset (*Montserrat*), and D. Mill (*Tobago*). 11 Feb. V. App. II.

[903.] ACTS CONFIRMED. (a) B. of T. representation for two *Virginia* Acts; and others (b, c) of 15 March, with Committee reports of 5 Ap., for a *Nova Scotia* Act, and *re a Montserrat* Act (V. p. 363); and (d) of 18 March for a *Bermuda* Act. The Governor of Bermuda represented that the last Act would be beneficial to the revenue and tend to prevent smuggling. (e) B. of T. representation of 27 May, and Committee report of 26 Aug., on Acts of *New York* and *New Jersey re boundary* (V. p. 45). (f) B. of T. representation for a *Virginia* Act, 28 Oct. 11 Feb. V. App. III.

[904.] ACTS DISALLOWED. (a) B. of T. report on reconsidering a *Jamaica* Act, and Committee report of 2 March; also B. of T. representations (b) upon three *Virginia* Acts, 11 March, (with copy of a B. of T. representation of 29 July 1768 on a former Act *re quarantine on ships importing convicts*); (c) on two *Antigua* Acts; and (d) on a *St. Vincent* Act, 15 March —with Committee report of 5 Ap. (e) Committee report on 30 *Pennsylvania* Acts, and reference of one to the Law Officers, 7 Ap.; their report, 10 May; and Committee report of 19 May. B. of T. representations (f) on a *New Hampshire* Act, 6 May; and (g) on four *New Jersey* Acts, 27 May; and (h) Committee report on two *New York* Acts, 26 Aug. 18 Feb. V. pp. 351-2, 362-8, 580, 379-82.

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25 Feb. [905.] GRANTS OF LAND. Petition of J. Robinson, one V. p. 594. of the Commissioners of the Customs for North America, for land in *West Florida*.

2 March. ———. Petition of Major Gen. John Bradstreet for land V. p. 359. on the Susquehanna and Delaware ; and B. of T. representation of 1 July submitting on the one hand Bradstreet's great merits and on the other the exorbitant extent of the tract, and the inconsistency of his proceedings with the Proclamation of 1763 and with the instructions subsisting before it.

15 March. ———. Petition of the Mohegan Indians for a grant of 60 square miles on the Ohio between the Falls and the junction with the Mississippi, and for authority to sell their lands in Connecticut within three years. The petition was presented by John Mason, whom the Indians wished to be appointed by his Majesty as their trustee in dealing with the lands. The old lawsuit between Connecticut and the Mohegans having been decided against the Indians in Jan. (*cf.* V. p. 218), they will not be able long to subsist in their present settlement, the narrow limits assigned to them by the colony being already encroached upon by the colonists. They desire therefore for the peace of the colony to give up their present territory and obtain more adequate lands in some unpeopled country, where they may retain them in safety under his Majesty's protection.

14 June. ———. Petition of Major R. Rogers (from the Fleet Prison) for lands on the banks of some great and convenient river or lake in America, so that he may compromise with his creditors. On various services in America he had incurred debts of over 13,000*l.* He has large unsatisfied claims upon the government, but is in the greatest distress, far distant from his family and friends from whom he might expect relief. The names of 12 officers who have certified in his favour are appended—including Loudon, Amherst and Monckton. Six of Rogers's creditors also recommend the petitioner to his Majesty's consideration.

19 Nov. ———. Petitions of Lord Dunmore and of Capt. E. Foy V. p. 595. (*Virginia*).

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[906.] GOVERNORS. Committee report for approving 2 March.
R. Eden as Lieut. Governor of *Maryland*. V. App. I.

———. B. of T. representation with instructions for 18 March.
E. Hay as Governor of *Barbados*.

———. B. of T. representations on instructions for 1 July.
Govs. Sir B. Keith, F. Legge and P. Tonnyn, (*Jamaica, Nova Scotia, East Florida*).

[907.] APPEALS. Committee report and minute on the 27 March.
appeal of M. Brislane (*Montserrat*); also reports on Crowder
v. Bourke, and Spragge *v. Stone* (*Jamaica*), Van Rensselaer *v.*
Jackson (*New York*); and one of 29 July on Sandford *v.*
Smith (*Rhode Island*).

[V. pp. 293–5, 331, 291, 358, 359–60.]

[908.] PENNSYLVANIA. *Boundaries*. Petition of T. and 27 March.
J. Penn to have persons appointed to set out the northern, V. p. 239.
southern and western boundaries; Order of reference to
Committee, 7 Ap.; and reference by Committee to B. of T.
26 Aug.

The boundary with Maryland was determined by Order
of 11 Jan. 1769. The petitioners represent that Maryland
“extends now considerably further northward than it was
apprehended the same would have extended at the time
of the grant to the said William Penn, and it is now certainly
known that the circle at twelve miles distance from Newcastle
can never touch the beginning of the 40th degree of northern
latitude, as the said grant of the said province of Pennsylvania
supposed. Your petitioners could not therefore have three
degrees of latitude according to the intention of their grant
without encroaching upon the province of Maryland, and
the line between your petitioners and Lord Baltimore, which
ought to have been run due west from the circle twelve miles
distant from Newcastle at the beginning of the 40th degree
of northern latitude, was run in that direction towards the
end of the said 40th degree, but to the manifest prejudice
of your petitioners. Wherefore your petitioners apprehend

1773. § 908 *cont.*]

that to the westward of Maryland where no other grant interferes they ought to have the whole extent of three degrees of latitude, vizt., from the beginning of the fortieth to the beginning of the forty-third degree of Northern latitude.

“That your petitioners also apprehend it is now certainly known that the said river Delaware doth extend to and beyond the beginning of the three and fortieth degree of Northern latitude from twelve miles distance northwards of Newcastle town, yet still the spot at which the two and fortieth degree of Northern latitude doth end and the forty-third degree doth begin hath never been fixed, and the whole northern and western boundaries and the southern boundary to the westward of Maryland remain yet to be drawn.

“That great numbers of people under grants from the province of New York are settled and daily settling in those parts where (as your petitioners apprehend) the northern boundary of the said province of Pennsylvania according to the intention of their charter ought to run, and others are settled and daily settling without any grants whatever in those parts where (as your petitioners apprehend) the western boundary of the said province ought to run; and, an application having lately been made to your Majesty for erecting into a separate province a large tract of land on the river Ohio to the westward of Pennsylvania, unless the bounds of the province of Pennsylvania be set out and ascertained, your petitioners apprehend great contentions may hereafter arise between the inhabitants of their said province and those claiming to be within the lines of New York or of such other province as may be erected to the westward of Pennsylvania and many outrages be committed, the perpetrators whereof by reason of the uncertainty of the said northern and western boundaries will with difficulty be made amenable to the justice of any of the said provinces.” The marking out the boundary would prevent such outrages and promote settlement.

“That the western boundary of the said Province of Pennsylvania, being five degrees of longitude to be computed

§ 908 *cont.*]

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from the eastern boundary, ought, if strictly drawn, to run parallel with the river Delaware, the eastern boundary thereof, in all its parts as far as the said boundary is by the charter of Pennsylvania directed to extend, and correspond exactly with the windings and turnings of the same river, but, as it is apprehended that the running of the western boundary in such manner would be attended with great difficulty and inconvenience," the petitioners propose that the western boundary be formed by "a line as nearly straight as may be at the end of the five degrees of longitude in such manner as that allowance may be made for the windings and turnings of the river Delaware, and your petitioners may (if possible) neither gain nor lose by the running thereof."

1773. SECOND BUNDLE.

[909.] LABRADOR. *Part re-annexed to Quebec.* Committee report. 7 Ap. V. pp. 348-51.

[910.] ANTIGUA. *Law to be passed for determining disputes by arbitration.* B. of T. report; and copy of instruction. 29 Ap. V. p. 364.

[911.] VANDALIA. *Plan of government.* B. of T. report. 6 May. (28 pp.). The Board presume that it is not intended that the limits of the new government should be confined to the tract to be granted to Walpole and his associates, but that it should comprehend the part of the country which is reserved for settlement but too distant from the seats of government of the existing colonies to partake of the advantages of their constitution. V. p. 210.

After suggesting boundaries, the Board propose that there be a Governor and Council appointed by the Crown, and an elective House of Representatives. Until there are twelve counties erected, which may then return two members each, the whole province is to be a single electorate returning 24 members. Protestant freeholders of 200 acres may vote, and Protestant freeholders of 1,000 acres are to be capable of being elected. The Governor is to call, prorogue and

1773. § 911 *cont.*]

dissolve the Assembly, but its meetings are never to be discontinued for longer than twelve months; the House of Representatives may adjourn itself only *de die in diem*. The Clerk of the Assembly is to be appointed by his Majesty. The Governor is to have a negative on all laws passed by the Assembly. Acts disallowed by the Crown are not to be revived or re-enacted without his Majesty's consent first obtained. The Governor is forbidden to assent to any Act imposing duties on goods imported or exported, or affecting the estates of private persons, or affecting the trade and shipping of Great Britain, or regulating the establishments made under the Great Seal of Great Britain,—without the insertion of clauses suspending their execution till his Majesty's pleasure be known. The Church of England is to be established in the province, and the authority of the Bishop of London over the ministers of that Church recognised; but full liberty of conscience is granted to all Protestant dissenters. The vestry of each parish is to collect for the minister an annual stipend of not less than 100*l. stg.*, as in Virginia.

There is to be a Superior Court with a Chief Justice and two assistant judges. Justices of the Peace are to be appointed by the Governor for each county; and any four of them may be commissioned to hold an inferior Court of Common Pleas. Appeals may be carried to the Privy Council. The Crown is to appoint the Clerk and other officers of the Superior Court, the Attorney General, the Secretary, and the Receiver General; and the Governor is to appoint sheriffs and the officers of the inferior courts. Other provisions deal with the regulation of trade (customs &c.), fees and salaries. 10,000*l.* security for the payment of the salaries of Crown officials is to be given by the proprietors of the tract which is to be granted in accordance with the Order of 14 Aug. 1772.

The boundaries and the conditions of the grant of land are given, and also the names of 50 grantees. Reservation is made in favour of all claims prior to the agreement of the petitioners with the Treasury in Jan. 1770; and the 200,000 acres granted

§ 911 *cont.*]

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to the officers of the regiment raised by Virginia in 1754 are to be located in one contiguous tract.

———. Report of Thurlow and Wedderburn. Besides 16 July.
criticising the grant in joint-tenancy (*cf.* V. p. 210), they object to the looseness of the description of the boundaries. The area seems to be wholly unknown. "The bounds are described to cross an indeterminate number of mountains, and then to run *by the side* of such mountains, and *along* other mountains, and by the *north branch* or *north-easterly branch* of rivers, which in maps appear to have several branches corresponding to those descriptions. We take it to be of the essence of his Majesty's grants that his Majesty should appear to be informed of what he bestows.

———. Committee order, and draft of same. 28 Oct.

[912.] NEWFOUNDLAND. *Grant of mines.* Petition of 13 May.
J. Agnew; and Order of reference, 3 July; with copy of V. pp.
B. of T. report of 3 June. The B. of T. considered that it 368-9.
was not sufficiently precise to make the St. Lawrence the southern boundary, and that an extension to Hudson Strait on the north would conflict with the grant to the Hudson Bay Company.

[913.] PLANTATIONS. *Grants of lands.* B. of T. representation, 3 June.
with draft instruction for colonies other than Quebec; and a V. pp.
note of the colonies to which the instruction was sent. 360-1.

[914.] NEW HAMPSHIRE. *Vote of 500*l.* to the Governor.* 1 July.
B. of T. representation; and Committee report of 26 Aug. V. pp.
376-7.

[915.] NEW YORK AND NEW HAMPSHIRE. *Boundary.* 16 Oct.
Petition of deputies from towns west of the Connecticut river V. p. 276.
to be re-annexed to New Hampshire, (8 *large pp.*); and Order of reference, 29 Oct.

The settlements were made under New Hampshire grants in 1749, and the claims of the Stockbridge Indians were purchased without any interference by New York. Many of the settlers

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served in the New Hampshire militia for the defence of the frontier during the war.

1,500 families had been settled when the Governor of New York issued a proclamation in 1763 stating the claim of New York to jurisdiction over the lands they possessed, and warning persons not to settle there under New Hampshire titles. In 1764, when the jurisdiction was assigned to New York, "we began to experience more severities from this government than we have ever heard were inflicted upon your Majesty's enemies when conquered. Grants were made to others, some of them the chief men and principal lawyers in the province of New York, of the lands we possessed and cultivated; orders were given to the sheriffs with the civil power to dispossess us. In consequence of which, some of us were dragged with every circumstance of cruelty to prison; our wives and children threatened with being driven out of our houses; and our lands, which we had rendered valuable by buildings, cultivation and improvement at the expense of all we possessed in the world, were to be ravished from us and delivered to the new grantees."

The petitioners were driven to the last extremity, and confess with hearts full of contrition that they determined to stand up in defence of their persons and property till they could lay their complaints at his Majesty's feet. They "have it in proof upon oath that Gov. Colden's sole view was to extort from them a large sum of money for new patents; which because they could not afford, new grants were made to richer people. . .

"Your Majesty's petitioners are natives of New England, familiarised to its government, its laws, customs and inhabitants. Their attachment to and affection for these were strong motives with them to expend their money and their labour on the lands now in dispute. On the contrary, they are strangers to the laws, customs and inhabitants of New York; the manners of that people are irreconcilable with their own, and they have had such bitter experience

of the injustice of the government, and the severity of the laws of New York as cannot be easily erased from their minds, or suffer them to continue under its jurisdiction without inquietude and dread.

“They apprehend, too, that the progress of the settlements will be very greatly impeded by the change of jurisdiction, because the grants under the New York Government, being made in very large patents, to one or a few patentees, who endeavour only to lease them out, which leases the people are averse to take, as they can have lands in fee in the other provinces, the lands so granted remain unsettled. Another great discouragement to settlers under such patents is that the property of non-residents bears no part in the public taxes, leaving the whole burden upon the settlers. These consequences may be seen in the old grants of New York, which are, at this day, very little settled or improved. Whereas the New Hampshire grants, being in small parcels, and in fee, and every proprietor paying his proportion to the public expenses, are eagerly purchased and easily settled.

“In the latter grants there are always certain portions allotted in every township for the propagation of the Gospel, for the maintenance of a free school and a minister, which, securing to the poor people the easy enjoyment of religious worship and the attainment of useful learning for their children, is a strong inducement with them to prefer the settling under these grants.

“The distance, too, which they must be obliged to travel to the city of New York for the purposes of justice and of trade, being at least double that to Portsmouth in New Hampshire, they cannot but feel as a very great hardship. And indeed, in carrying criminals to trial, as the road runs through different provinces, they conceive that, if not absolutely impracticable, it would yet be infinitely inconvenient to execute criminal justice under the jurisdiction of New York. Moreover, the expense of attending as witnesses will fall so heavy on individuals that it must often

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reduce them to the unhappy alternative of suffering criminals to pass unpunished, or ruining themselves in the prosecution—a recent instance of which we beg leave to submit in the paper annexed.

“The river of Connecticut has been stated as a natural boundary between your Majesty’s colonies of New York and New Hampshire. But your Majesty’s petitioners beg leave to submit a consequence from this boundary, which they most humbly conceive is unknown to your Majesty. As this river, from a late accurate survey, is found to alter its course and run almost east, it will actually cross the east boundary of New Hampshire, so as very considerably to abridge the northern part of this province. And as the lands so cut off do incontestably appertain to New Hampshire, this boundary is plainly inadmissible on that side.

“Your Majesty’s unhappy petitioners experience every day fresh proofs of its being impossible for them to remain in possession of their property, or in peace, under the government of New York. They are sorry to say, nor would they presume to do it without the fullest evidence, that interested motives prevail over every tie of duty and obedience in your Majesty’s Governors and other servants at New York. In consequence of this, the benefit of your royal interposition and clemency towards us has been totally intercepted. New grants have been made of our property since your Majesty’s order to the contrary. In setting out the lines of these grants, every means have been used, either through inattention or design, of distressing the New Hampshire settlers by running lines so as to cut off their gardens from their houses, and sometimes intersect the houses themselves.

“To colour the injustice of these proceedings, the names of some few of the officers who served your Majesty in the late war are artfully included among the grantees, though it is notorious that there are lands enough unpatented and undisputed, with which those gentlemen might be accommodated agreeable to the faith of the royal promise.

“Every undue method has also been used to induce some of the settlers and many who are not concerned to sign a petition counter to that of your Majesty’s most humble and most aggrieved supplicants. Threats, promises, falsehoods and force have been alternately employed to obtain this end; even armed bodies have been sent down to terrify them into compliance. All which is in proof on the oaths of many of those petitioners.

“To aggravate our distress by absolute despair, they have found out a secret of law which utterly frustrates the benefit of your Majesty’s most gracious interposition, and leaves us no hope of redress, but in a removal from their jurisdiction. They say that, your Majesty having placed us under the Government of New York, and patents for our lands being granted to others, your royal instruction not to molest us cannot control or arrest the proceedings at law. Thus we see ourselves exposed, without hope of relief to perpetual law suits in courts where, by refusing to admit the only possible evidence we can give of our titles, your Majesty’s grants from the Governor of New Hampshire, they totally incapacitate us to answer the claim of the new patentees. And the subtleties of the lawyers having advised these patentees to bring their actions for such parcels as exclude an appeal, they at once harass your petitioners with innumerable suits, and prevent their appealing to your Majesty in Council for that justice which we cannot hope for here.”

Both the petition and the Order of reference have dockets stating that nothing further was done upon the petition, the agent for the settlers, Paul Wentworth, having desired it to be withdrawn.

[915A.] COUNCILS. B. of T. representation for five 26 Oct. councillors for *Dominica*; and others of 25 Nov. for T. Thomas V. *App.* II. (*St. Christopher*), F. Levett (*East Florida*), and three councillors for *Antigua*.

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28 Oct. [915B.] PLANTATIONS. *Naturalisation and Divorce*. B. of V. p. 552. T. report with draft instructions.

12 Nov. [916.] EAST FLORIDA. *Transfer of lands*. Indenture relating to the sale by Thomas Bridges of York to Samuel Fontenelle of New Inn, Middlesex, for 42*l.*, of 10,000 acres in East Florida granted to him by Order of 13 May 1767.

30 Dec. [917.] DOMINICA. *Docket of fees for the Governor*. With additions of 1784.

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1774. FIRST BUNDLE.

13 Jan. [918.] ACTS. (1) B. of T. representation for confirming a *New York Act*—V. p. 581.

(2) B. of T. representation of 20 Jan., and Committee report of 18 March, for confirming a *New Jersey Act*—V. p. 393.

(3) List of 15 *Pennsylvania Acts* presented by the agent on 26 Jan.

(4) Committee report of 18 March for disallowing a *Massachusetts Act*—V. p. 393.

(5) B. of T. representation of 31 March, and Committee report of 28 May, for disallowing five *North Carolina Acts*—V. pp. 396-7.

(6) Representation and report of same dates on 26 *Massachusetts Acts*—V. p. 395.

(7) Representation and report of same dates for disallowing a *New Hampshire Act*—V. p. 395.

(8) B. of T. representation of 12 May for disallowing two *New York Acts*—V. p. 399.

(9) B. of T. report of 12 May, and Committee report of 20 June, on 15 *Pennsylvania Acts*—V. pp. 398-9.

(10) B. of T. representation of 12 May for disallowing an *Antigua Act*—V. p. 400.

(11) B. of T. representation of 16 June for confirming a *St. Christopher Act*—V. p. 583.

(12) B. of T. report on 20 *Massachusetts Acts*, making no objection to any of them—V. p. 580.

(13) B. of T. representation of 5 Nov. on 2 *Grenada* Acts (with an extract of a letter of 26 June from Gov. Leyborne), and Committee report of 2 Dec. Leyborne wrote: "The distressed situation of this island, owing to the failure of credit, the low price of coffee, and the very great scarcity of money, is beyond conception. I have now before me an account of several estates sold within these two months by the Provost Marshal on forfeited recognisances, for which ready gold and silver was paid, which on account of the scarcity of money were sold some for one-sixth and others for one-tenth of what they really cost. These unfavourable circumstances have induced a great number of the planters (all of them new subjects) to quit the island and retire with their negroes to St. Lucia, where they receive protection from the French Governors; and these emigrations have been so frequent as to be extremely alarming, their estates and negroes being mortgaged to merchants in London for very considerable sums. Some steps were therefore necessary to be taken immediately to prevent these great evils; and nothing appeared to the legislature so effectual as extending the time and altering the mode of payment on estates sold by the Provost Marshal.

"I must confess the putting a stop to these emigrations had great weight with me in giving my assent to the Bill, and more particularly so, when I could get no satisfaction from the Governor of Martinique, to whom I applied for restitution at least of the negroes of those persons who had so fraudulently absconded; and I had information of a number of others who intended to quit the island with their negroes, tempted thereto by the reception and protection they met with. I have the satisfaction to find that, since the passing this Bill, no more have removed off the island."

(14) B. of T. representation of 5 Nov., and Committee report of 19 Dec., on three *Georgia* Acts—V. pp. 403–4, 578.

(15) B. of T. representation of 12 Dec. for confirming a *Jamaica* Act—V. p. 579.

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(16) B. of T. representation on three *New Jersey Acts*—
V. pp. 405–6, 581.

(17) B. of T. representation of 19 Dec. on a *Jamaica Act*
—V. pp. 406–8.

25 Jan. [919.] NEW YORK AND MASSACHUSETTS BAY. *Boundary*.
V. p. 376. Committee report; and Order of 2 Feb.

25 Jan. [920.] PLANTATIONS. *Grants of lands*. Committee report
V. p. 361. on draft instructions.

29 Jan. [921.] MASSACHUSETTS BAY. *Petition of the House of*
V. pp. *Representatives for removal of Gov. Hutchinson and Lt. Gov.*
387–8. *Oliver*. Committee report; and draft of same.

7 Feb. [922.] GOVERNORS. B. of T. representation with com-
V. App. I. mission for M. Browne (*Bahamas*); others of 31 March with
commission and instructions for T. Gage (*Massachusetts Bay*),
of 5 May with instructions for M. Browne, and for T. Shirley
(*Dominica*), of 20 June with instructions for Lord W. Campbell
(*South Carolina*), of 5 Dec. with commission for G. Carleton
(*Quebec*), and of 22 Dec. with his instructions; Committee
reports of 19 and 28 Dec. on Carleton's instructions; and
draft of his commission.

14 Feb. [923.] LABRADOR. *Grant to UNITAS FRATRUM*. B. of T.
V. pp. representation.
184–5.

1774. SECOND BUNDLE.

19 Feb. [924.] MASSACHUSETTS BAY. *Boston Tea Riot*. Deposi-
V. pp. tions of 10 persons before the Privy Council (two copies of
391–2. each).

(1) Wm. Turner. He was at several meetings of the
people to concert measures for opposing the introduction
of the tea sent by the East India Company. It was ordered at
one of these meetings that messengers or post riders should be
sent into the country to give alarm, should an attempt be
made to land the tea by any persons they deemed enemies to

the country. Messrs. John Rowe, Hancock and Adams were amongst the members of the Committee appointed to carry these orders into execution. On 29 Nov. a guard of 25 persons was appointed to keep watch on board the tea-ships. Jonathan Williams was moderator at that meeting. There was a different guard each night. One night it was composed of part of the Cadet Company, to which Turner belonged, but he got himself excused. Hancock is captain of the Cadet Company; he was on board one night, but out of curiosity only, not as captain. The principal speakers at the meetings of the people were Messrs. Adams, Hancock and Quincy, Dr. Young and Dr. Warren. The only particular expression he recollects is that several persons said, Now you have put your hand to the plough, do not turn back.

(2) Dr. Wm. Tyler. He was at a meeting on 16 Dec., three or four thousand present, Samuel Phillips Savage moderator. Samuel Adams and Dr. Young spoke in support of a resolution that the tea be sent back to England without being landed. "That Mr. Rotch, the owner of the *Dartmouth*, was called in and asked by the moderator, whether he would consent that the said ship should carry back to England the tea she had brought from thence without landing it at Boston. That, upon Mr. Rotch's saying it was not in his power to do so, he was directed by the moderator to apply to the Governor for an order to pass the Castle."

(3) Francis Rotch, part owner of the *Dartmouth*, Capt. Hall. He was at Boston when the ship arrived on 28 Nov. Mr. Molineux, Capt. Bradford and another, who stated themselves to be deputed by a Committee of Correspondence, asked him not to enter the ship till the 30th. On the 29th he attended a meeting of the people held to prevent the landing of the tea, Jonathan Williams moderator, and Mr. Cooper, clerk of the Town Meeting, clerk. The printed account of the proceedings on the 29th and 30th sent by the Governor to Lord Dartmouth is an exact record. The leaders were

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S. Adams, J. Hancock, Dr. Young, Mr. Molineux and Dr. Warren.

On 13 Dec. Molineux and others required him to attend a meeting of the Committee of Correspondence of Boston and other towns. S. Adams appeared to act as chairman. J. Hancock, Oliver Wendell, Capt. John Bradford, Nathaniel Appelton, Capt. Foster, Nathaniel Barber and Dr. Foster were also present. Rotch was asked why his ship was not ready to depart as ordered ; he said it was out of his power, as measures were taking by the men of war to prevent her going out of the harbour. He was told the ship must go, for the people of Boston and the neighbouring towns absolutely required and expected it.

On 14 Dec. he was summoned to another meeting, S. P. Savage moderator, and was required to send his ship to sea by Wednesday morning. He was directed to apply to the Collector for a clearance, and a committee of ten was appointed to go with him to be witnesses of what passed. Among the ten were Benjamin Kent, Adams, Appelton, Foster, Dr. Church, Dr. Young, and Mr. Cheevers. The Collector refused to clear the ship. Rotch, seeing that the people were determined to prevent the landing of the cargo, entered a protest against their proceedings with a notary public.

He attended a meeting of the people on the next day and was required to apply to the Governor for a let pass. The Governor refused this, but offered to try to give him protection, which Rotch dared not accept. On his reporting to the meeting the Governor's refusal, Mr. Adams said he did not see what more they could do to serve their country.

He believes an armed guard was put on board his ship every night from 29 Nov. till the tea was destroyed on 16 Dec. Edward Proctor was captain of the first guard ; he does not recollect the names of the others. " He heard that a proposal had been made to Mr. Hancock to burn his ship and cargo two nights before the tea was destroyed, but that Mr. Hancock opposed any such proceeding."

(4) James Hall, master of the *Dartmouth*. He was at the meeting on 29 Nov. Several of the Selectmen of Boston were present in a seat near the moderator, elevated above the rest of the people,—Messrs. Scolly, Marshall, Hancock and Newell. Messrs. Adams and Phillips and others of the Representatives for Boston were also present. Dr. Young said the only way to get rid of the tea was to throw it overboard and destroy it. Amongst people who were on guard on the ship at night were Mr. Wheelwright and Capt. Brown; Mr. Hancock was also on board for some time one night.

Hall was also present at the meeting on 16 Dec. "A short time before the tea was destroyed several gentlemen came to him at the wharf and advised him to haul his ship into the stream, from whence he concluded that the persons who gave him this advice very well knew that the tea would be destroyed."

(5) Nathan Frazier. He was present at the meetings on 29 and 30 Nov. Mr. Coply offered to go to the persons to whom the tea was consigned to persuade them to resign their commissions. The people declared against Dr. Young's proposal that the tea be destroyed. It was resolved "that it was the determination of the body to carry their votes and resolutions into execution at the risk of their lives and property."

(6) John Dean Whitworth. He was present at the meetings on 29 and 30 Nov. Of the guard appointed he remembers the names of Edward Proctor and Ezekiel Cheevers only. He was present when Mr. Rowe and Mr. Timmings were desired to attend, and when a committee of six was appointed. Messrs. Wood and Wm. Rogers were two of the post riders appointed to give alarm in the country. The Committee were also to correspond with Nova Scotia and Philadelphia.

He was also present at the meeting on 16 Dec. "That he saw the people who destroyed the tea on the 16th of Dec. going down to the ships. That they consisted of about forty or fifty, who were all disguised, having their

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faces blacked. That they came to the meeting of the people before they went down to destroy the tea, and that upon their appearance the meeting was immediately dissolved.'

(7) David Black. Hancock declared there was no occasion for a guard, as the word of Rotch and Hall was sufficient. S. Adams said the guard was not because of distrust of Rotch and Hall, but for the preservation of the ship and their personal safety; whereupon Hancock declared that, if that was the intention, he would be one of the guard.

(8) James Henderson. When the question was put on 16 Dec. whether the tea should be sent back without being landed, "every person present appeared to assent to this proposition except Mr. Rotch, the owner of the said ship *Dartmouth*."

(9) Andrew Mackenzie, mariner. Agreed with the other accounts of the proceedings of 29-30 Nov. Thought one of the post-riders appointed was called Bellknapp.

(10) Dr. Hugh Williamson. He arrived at Boston from Rhode Island on 17 or 18 Nov. with the purpose of proceeding in the first vessel for London. He went to a town meeting on 18 Dec. out of curiosity, to see "whether it was a rude collection of the lower class of people or an orderly assembly of respectable citizens." A letter from the tea consignees, refusing to resign, was read and voted not satisfactory. He identified the letter in the *Massachusetts Gazette*, No. 3660.

He was also present on 29 Nov. at "a meeting of the people not a regular Town meeting"—a meeting which adjourned from Faneuil Hall to the South Meeting House. "While some advised to moderation and by all means to abstain from violence, a few talked in a virulent and inflammatory style."

On the evening of 16 Dec. "about an hour after dark, having heard that a number of people were employed in destroying the tea, he immediately went down towards the wharf, and from a small eminence about 50 yards from the nearest ship saw people on board who, he apprehends, were

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disguised; that he could hear them break open the tea-chests when they brought them upon deck, and that he understood the whole of the tea was destroyed that night."

———. B. of T. representation with a draft instruction 20 May. appointing a new Council.

[925.] COUNCILS. B. of T. representation for T. Irving 21 Feb. (*South Carolina*); others of 21 Ap. for M. Bryan (*Antigua*), V. App. II. W. Barnett (*Jamaica*), and F. Hopkinson (*New Jersey*); of 2 June for S. Alpress (*Jamaica*); and of 15 Dec. for T. H. Barritt (*Jamaica*), and J. Sherburne (*New Hampshire*).

[926.] PLANTATIONS. *Survey of the Southern District*. 10 March. B. of T. representation for an armed cutter to attend the V. p. 394. survey.

[927.] NEW YORK. *Complaint of G. Clarke, the Secretary*. 21 March. B. of T. report. V. pp. 48-9.

[928.] APPEALS. Committee reports on *Solomons v. Israel (Jamaica)*, *Nash v. Dobbs (North Carolina)*, and *Elam v. Dockray (Rhode Island)*; also sketch of report on 20 June on Freebody's petition *re* enforcement of the Orders on a *Rhode Island* appeal.

[V. pp. 378, 359, 360, 25.]

[929.] NEWFOUNDLAND. *Grant of mines to J. Agnew*. 28 June—Report of Thurlow and Wedderburn; Committee report —6 July. of 2 Dec., and copy of the grant (5 large pp.). V. pp. 368-9.

[930.] VANDALIA. *Memorial of T. Walpole and others that the grant of lands and establishment of government be no longer delayed* (19 large pp.). 8 Aug. V. p. 210. On the petitioners' offer to purchase lands from his Majesty after the Treaty of Fort Stanwix, Lord Hillsborough in Dec. 1769 recommended them to try to contract with the Treasury for such a part of the Indian purchase on the Ohio as would be sufficient in extent to form a separate government. Hillsborough himself went

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immediately to the Treasury, and on his return informed the petitioners that the Treasury desired to receive their proposal. The Treasury in Jan. 1770 agreed to accept the price offered (10,460*l.* 7*s.* 3*d.*—the same as the Crown had paid to the Indians for the whole of the lands ceded at Fort Stanwix), provided the other departments of government approved of the policy of such a purchase.

Other petitions having been presented in March 1770 by Arthur Lee, and by Col. George Mercer for the Ohio Co., the petitioners on 8 May prayed a grant, reserving the just rights of other persons. They also came to an agreement with Mercer, who withdrew his application.

On 15 Ap. 1772 the B. of T. reported that the tract prayed for was out of all advantageous intercourse with this kingdom; but the Committee, having heard further evidence, reported favourably to the petitioners on 1 July, and Order was given accordingly for the establishment of a separate government, 14 Aug. 1772.

On 3 Ap. 1773 the Deputy Agent for Indian Affairs assembled the chiefs of the western nations and informed them of the intended settlement; on the 6th, the Indians welcomed the plan of sending a Governor. "As their brethren the white people had for some years past been settling in great numbers through that country, they could not help being alarmed, as they appeared to do it without the authority of their wise people or any good intentions towards them."

On 6 May the B. of T. presented a plan of government for "Vandalia," on which the Attorney and Solicitor General reported on 16 July. On 28 Oct. the Committee directed the Attorney and Solicitor General to prepare an instrument for granting the lands.

Two of the memorialists have been kept from their families in America upon this business for nearly six years. They have been at the expense of providing presents to conciliate the Indians on the Ohio.

"By recent advices from the Ohio they have the strongest reasons to believe, that, from the gross irregularities and

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riotous behaviour of many of your Majesty's numerous subjects in that quarter (who have lived so many years *without* law or subordination), the peace and harmony between them and the native Indians, so essential to the commerce and security of that country, as well as of your Majesty's colonies of New Jersey; Pennsylvania, Maryland and Virginia, will be unhappily interrupted and destroyed; the great property of the British merchants lodged *there* and in the Indian country for sale, will be *totally lost*, and the lives of vast numbers of your Majesty's subjects will be sacrificed, if the government of the new colony aforesaid *is any longer delayed.*"

[931.] PENNSYLVANIA AND CONNECTICUT. *Petition of the proprietors of Pennsylvania against intruders from Connecticut*, V. p. 239. (7 very large closely written pages); and Order of reference, 14 Sept. The Connecticut boundary with New York, fixed in 1664, was revised by an agreement of 1683, which was confirmed by an Order in Council in 1700 and by a deed of release by Connecticut in 1732. The extension of Connecticut westward to the South Sea was blocked by New Netherland, and later by New York. But in 1755 a claim was made that Connecticut should skip over New York and New Jersey and should have jurisdiction over the whole extent of their latitude from the western limits of New York and New Jersey to the South Sea, which would take away one-third of Pennsylvania. Connecticut at that time disowned the persons who were advising Pennsylvania settlers there to get their titles confirmed by Connecticut. The war stopped prosecution of the claim for a time, but in 1763 Eliphalet Dyer claimed lands for the Susquehannah and Delaware Companies on account of purchases made from the Indians in 1754-5, and approved by the General Assembly of Connecticut in May 1755.

On 26 Jan. 1763 Lord Egremont, Secretary of State, wrote to the Governor of Connecticut to withdraw all settlers from

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the lands claimed by these Companies. The Companies agreed to make no settlement till his Majesty's pleasure should be known.

Yet, in 1769, 100 people from Connecticut settled themselves on the land, and built themselves houses with portholes for forcibly defending such their possessions. In Feb. 1769 the Sheriff of Northampton County, Pennsylvania, arrested several of the settlers, but discharged them on a promise that all of them would return home. They returned, however, in March, and refused a conference with the Sheriff, declaring that they were in Connecticut, and would defend their possession. They were again dispossessed, but in May 150 armed men from Connecticut took possession. In Sept. 16 (out of 120 indicted) appeared for trial at the sessions for Northampton County, and were convicted. Yet 200 fortified themselves and defended their possession by force of arms.

The Six Nations have disavowed as fraudulent the purchases asserted to have been made by the Connecticut people ; the purchases in any case are invalid, because not authorised by the Government within which the lands lie—*i.e.*, Pennsylvania.

The proceedings in 1770-1 (V. *pp.* 238-9) are rehearsed.

Gov. Walcot of Connecticut wrote to Gov. Hamilton of Pennsylvania, on 13 March 1754, " There being no unappropriated lands with us, some of our inhabitants, hearing of this land at Susquehannah, and that it was north of the grant made to Mr. Penn and that to Virginia, have a design of making a purchase of it from the Indians, and hope to obtain a grant of it from the Crown ; but Mr. Armstrong informs me that this land is certainly within Mr. Penn's grant. If so, I don't suppose our people had any purpose to quarrel with Pennsylvania. Indeed I don't know the mind of every private man, but I never heard our leading men express themselves so inclined."

Lt. Gov. Fitch wrote on the same day from Hartford, " I do well approve of the notice you take of the attempt some of the

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people of this colony are making, and the concern you manifest for the general peace. I know nothing of anything done by the Government to countenance such a procedure, and I shall in all proper ways use my interest to prevent everything that may tend to prejudice the general good of these Governments, and am inclined to believe this wild scheme of our people will come to nothing, though I cannot certainly say it."

Yet, a number of people from Connecticut have taken possession of a large tract of country within the grant of Pennsylvania and keep the possession thereof in a hostile manner, and have attempted to dispossess the peaceful Pennsylvanian inhabitants. Connecticut has at last avowed the intrusion; in Oct. 1773 the General Assembly resolved to assert their claim to the lands westward of New York, and to send a committee to Pennsylvania to treat about the boundary and about the peace of these lands pending determination of the boundary.

The Governor of Pennsylvania told this Committee from Connecticut "he knew of no lines that could be the object of negotiation between them. . . that he could not enter into any negotiation about lines without allowing the limits of their charter to extend far beyond what was heretofore fixed by royal authority; nor could he join with them in an application to your Majesty for an appointment of commissioners to settle lines or bounds, as that would be admitting (what he totally denied) that the lines of Pennsylvania and Connecticut interfered with each other; and recommended it to the commissioners to withdraw their people from those settlements made in so violent and lawless a manner within the bounds of Pennsylvania."

[932.] VIRGINIA. *New coinage of copper.* Report of 29 Oct. Thurlow and Wedderburn, submitting the draft of a V. pp. proclamation. 384-5.

[933.] EAST FLORIDA. *Lands purchased from Spaniards.* 2 Dec. Committee order referring petition of J. Gordon to the B. of T. V. p. 178.

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30 Dec. [934.] AMERICA. *Grant of lands.* Petition of Lieut. George Lindsay, R.N., who served at Halifax and Louisbourg, 1757-8; at Lagos; and at Martinique, Grenada and Havana.

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9 Feb. [935.] ACTS. B. of T. representation, and Committee report of 20 Feb., for confirming a *Nova Scotia* Act (V. p. 582); Committee report of 20 Feb. on three *New Jersey* Acts (V. pp. 405-6, 581); B. of T. representations of 21 Nov. for disallowing a *Grenada* and a *Dominica* Act (V. pp. 437-8), and a *Bahama* Act (V. pp. 436-7), and for confirming a *Jamaica* Act (V. p. 579); of 24 Nov. for disallowing a *Prince Edward Island* Act (V. p. 436); of 5 Dec. for confirming two *Nova Scotia* Acts (V. p. 582); of 12 Dec. for confirming a *Jamaica* Act (V. p. 579); and of 19 Dec. for confirming a *St. Christopher* Act (V. p. 583).

16 Feb. [936.] COUNCILS. B. of T. representation for G. Corbin V.App.II. (*Virginia*); others of 24 Nov. for W. Hutchinson (*Dominica*); of 28 Nov. for J. Tattnall (*Georgia*); and of 19 Dec. for T. Wallen (*Jamaica*).

19 Feb. [937.] JAMAICA. *Pension for storekeeper of the dockyard.*
V. pp. Admiralty memorial.
358-9.

23 Feb. [938.] JAMAICA. *Duty on negroes imported.* B. of T. V. p. 406. representation submitting an instruction.

28 Feb. [939.] EXPORT OF GUNPOWDER AND MILITARY STORES. V. p. 401. Admiralty representation for leave to ship gunpowder on transports to America.

Petition of 30 Aug. for a ship engaged in the slave trade.

B. of T. representation of 30 Oct. for a general Order for permitting ships trading to Africa to export military stores for the purchase of slaves and for the defence of the ships.

There is also a letter of 2 Nov. from the Customs about the cancelling of a bond for exporting gunpowder to Tobago : the ship had been detained by an Order of 23 Aug. revoking all previous licenses for exportation, and the gunpowder was allowed to be landed at Deal.

———. Letter from the Treasury to the Clerk of the Council, transmitting (a) copy of a letter of 14 Sept. from the Customs—that flints fit for fire-arms are not to be shipped during the present prohibition. (Flint stones, not the produce of America, had been carried by way of ballast.) 15 Sept.

Also an undated letter from E. Thurlow—" I am afraid that . . . *flints* will not fall within the compass of the King's power to prohibit " under the present Acts ; " and yet they are certainly much nearer the description in the statute than saltpetre was to gunpowder or any sort of ammunition." He thought there might be inconvenience in altering the proclamation ; the extent of the word " ammunition " was doubtful, and " practice is the best expounder of that."

[940.] EAST FLORIDA. *Lands purchased from Spaniards.* 16 March. B. of T. representation. The B. of T. believe that Gordon has not overstated his losses at 15,000*l.* His plan for the collection of quitrents and casual revenue in America would considerably augment these branches of revenue. They recommend that he be granted an assignment on this revenue for 15,000*l.*, without prejudice to other appropriations already made from these funds.

(a) Gordon's memorial setting forth his scheme for improving the revenue (15 *pp.*). Arrears of quitrents have been allowed to accumulate. " An Act of Parliament authorising the Governors, Lieut.-Governors or Commanders-in-Chief of the several provinces for the time being, with any three or more of the Council, in a summary way to issue process against the defaulters, would answer the purpose, if carried into execution, and could not be objected to ; which Act of Parliament may be declared to be in force in the several

1775. § 940 *cont.*]

respective provinces, only until sufficient provincial laws are provided in them respectively and approved of by his Majesty.

“His Majesty’s ministers will for many reasons consider whether it will not be politic to remit (upon certain conditions) the past, in order to facilitate the regular payment of future quitrents,” and conditionally to remit the quitrents for some years to those who have regularly paid them.

It should be made a condition of these remissions that those benefiting “should, in a certain time limited, enter with the Receiver General of each respective province a particular and distinct account of the lands held by him or them, and also a docket of the same in the Auditor’s office.” A complete “Land-Roll” should be formed and should be maintained complete by the registration of all transfers.

The Act of Parliament should authorise the commander-in-chief and a certain number of the Council to put up to public sale lands on which no quitrent has been paid for a certain number of years, first giving twelve months’ notice of the same. The surplus from the sale, after satisfying the arrears of quitrents, should be paid to the Treasurer of the province for the use of the owner of the lands, if he should establish his claim within a certain time: otherwise to go to the Receiver-General for his Majesty. This is aimed especially at absentees who hold large tracts without doing anything to improve them.

For a better collection of the casual revenue from the plantations, Gordon proposes the appointment of two Deputy Surveyors General, one for the northern and one for the southern colonies. The functions of these officers and of the Receivers and Auditors are described.

Plats of every tract surveyed and granted are entered of record. If these were joined on a small scale, an exact account of the land held in each parish and of its situation could be had with little trouble; and many advantages (foreign to the present point) may arise from such surveys.

§ 940 *cont.*]

1775.

The regular and effectual collection of quitrents would tend to break up the large holdings which discourage population and improvement.

[941.] NEW YORK. *Charter for King's College*. Letter from J. Pownall transmitting to the Clerk of the Council, and Order of 12 May, referring to the Committee, (a) copy of a letter from Gov. Tryon to Lord Dartmouth (London, 17 Feb.). 22 Ap.

(b) A draft charter for King's College (50 *large pages*).

(c) A letter from Lt. Gov. Colden to Tryon (New York, 22 Aug. 1774). "The dissenters from the Church of England have the sole education, not only in all the seminaries of learning in the New England colonies, but likewise in New Jersey and other colonies. It therefore seems highly requisite that a seminary on the principles of the Church of England be distinguished in America by particular privileges, not only on account of religion, but of good policy, to prevent the growth of republican principles, which already too much prevail in the colonies."

(d) Minute of the meeting of the Governors of the College, 4 Aug. 1774, when the draft was approved and ordered to be delivered to the Lieut.-Governor to be forwarded to Gov. Tryon in England.

[942.] LANDS ON BOUNDARY OF NEW YORK AND QUEBEC. 25 May. *Claim of M. C. de Lotbinière*. B. of T. report. After considering the case of the seigneurie D'Hocquart, the Board V. pp. 147-9. report that, as many of his Majesty's subjects, trusting to the validity of the Canadian titles, had bought seigneuries for valuable considerations, it was unjust and unwarrantable to make grants of these under the seal of New York. They should be quieted in the possession of what remains ungranted, and recompensed for what they have lost by gratuitous grants in Quebec or New York.

As Lotbinière had asserted that Lord Hillsborough in 1764 acknowledged the validity of his claims, the Board

1775. § 942 *cont.*]

show that Hillsborough's expressions referred only to possessions and property anywhere to which the petitioner could show a legal title ; and they annex (a) a letter from the B. of T. to Lt. Gov. Colden, 13 July 1764, stating that they have sent to Quebec for copies of Lotbinière's grants, and directing that in the meantime no grants be made by New York within the limits claimed by the petitioner.

1 June. [943.] SOUTH CAROLINA. *Three Councillors removed.*
V. *pp.* B. of T. representation ; and Committee report of 29 Nov.

409-10. (I.) Letter from Lt. Gov. W. Bull, Charleston, 8 March.

(II.) Record of the suspension of W. H. Drayton, 1 March, and copy of papers relative thereto, ordered by the Governor to be entered in the journals of the Council.

(a) Address of the Upper House of Assembly to the Governor, 11 Feb., complaining of Drayton's conduct as "influenced by a determined purpose, as far as in him lies, not only to destroy all confidence in the people in this House, and to bring it into contempt, but to subvert the constitution and unhinge government."

(b) The Lieut.-Governor's answer of 13 Feb., asking for the facts on which the complaint was founded.

(c) Report of the Committee of the Upper House of Assembly, and record of its adoption, 22 Feb. Drayton has made frivolous and captious protests, and caused to be printed in the newspapers, as reasons for the determination of the House, arguments which have had no influence in the question ; he has thrown out very illiberal charges and invectives against a particular member of the House ; he has declared in the face of the House "that this House is no branch of the Legislature, grounding his extraordinary assertion on this extraordinary reason, because his Majesty hath not hitherto been pleased to give any answer to the Address of this House, dated 11 Sept. 1773, or to a petition presented to him at the desire of the Commons House of Assembly by Charles Garth, Esq., agent for this province,

complaining of the conduct of some of the members of this House for acts done in their legislative capacity, although your Committee are well assured that his Majesty's ministers have informed Mr. Garth, that he would not be permitted to be heard upon such parts of the said petition as tended to call in question the legislative authority of this House, and although Mr. Drayton about eleven months ago was very instrumental in procuring a resolution of the House that the said petition was absurd, false, unparliamentary and unconstitutional, and was a scandalous libel upon the Upper House of Assembly of this province, tending to destroy the ancient constitution of this government. . .” Drayton had also avowed himself to be the author of a pamphlet published here, entitled “A letter from Freeman of South Carolina to the Deputies of North America assembled in the High Court of Congress at Philadelphia.” The Committee think it would be improper to discuss more fully the facts upon which Mr. Drayton was charged with trying to subvert the constitution, except in a formal judicial manner; and that it would be unnecessary, because they are facts of such public notoriety that they cannot be unknown to any intelligent person in Charleston.

The House adopted the report, the two Draytons and Elliot dissenting. The address of 11 Sept. 1773 complained of a dangerous adjudication that this House was no Upper House of Assembly and branch of the legislature, and of the discharge of a person committed by their warrant for contempt. His Majesty has given no answer, although, as he lately stated to Parliament, he is of a “resolution to withstand every attempt to weaken the supreme authority of this legislature” (of Great Britain), and although it is equally the object of his royal care to withstand every attempt to weaken the legal authority of the legislature of South Carolina. His silence can only be out of tenderness to this House, “in effect tacitly telling us, *Le roi s'avisera*, the mild mode in which a British sovereign refuses those Parliamentary

1775. § 943 *cont.*]

applications which in his royal wisdom he deems improper." The author of the "Letter to the Deputies" is deemed by the dissentients so far from being unworthy to be a member of the House that "his dismissal must be considered as a most arbitrary proceeding—a violation of the constitutional rights of the people—and that a seat in this House upon a tenure of so arbitrary a nature cannot be worthy the attention of an independent American."

(III.) Representation of W. H. Drayton to the Lieut. Governor, 27 Feb. His defence depends on the answer to the question, "When the representatives of the people (according to Act of Assembly) are convened in the Commons House, do his Majesty's Council sitting in the Council Chamber of themselves form an Upper House of Assembly and a branch of the Legislature?" The question has ever been a point of dispute, and in 1773 it received two contrary determinations in law. The Court of Common Pleas declared the Council to be an Upper House of Assembly; but a competent tribunal on 3 Sept. 1773 took the contrary view. The King, although applied to 16 months ago, has not declared the Council to be an Upper House of Assembly.

Of Drayton's conduct in the Assembly, the House itself alone would be competent to judge; and thus their action in appealing to the Governor to punish him for that conduct stultifies their claim. 'In short, I have no doubt but by their own contrivances they will, if it is yet to do, effectually "destroy all confidence of the people in the House"—a people ready to join in the chorus of the report—"and bring it into contempt."'

If the Council is the Upper House of Assembly, the Assembly has the privilege of freedom of speech, and Drayton should not have been impeached out of Assembly; and two judges sent from England, Chief Justice Gregory and Justice Gordon have deceived the lay members in moving and assisting in such impeachment. On 16 Oct. 1773 Sir Egerton Leigh, Bart., was protected against a suit by

Thomas Powell on the plea that the proceedings were done in the Upper House of Assembly, and should not be questioned out of the House. The same Chief Justice has now caused Drayton to be questioned out of Assembly for his conduct in the Assembly.

The protest against the adoption of the Committee's report on 22 Feb. was "signed by all the Carolinians who at present act as Councillors in this colony.

"Finally, may it please your Honour, I cannot finish the representation without expressing the high satisfaction I feel in being sensible, that the present fate of this dispute must depend upon your Honour's wisdom and justice independent of advice from his Majesty's Council. The Secretary of the province, the Chief Justice, the Receiver General of the Quitrents, Mr. Justice Gregory, and Mr. Superintendent of Indian Affairs are my accusers; the protesting members compose the other part of the Council. Whether your Honour shall determine the question in the affirmative or negative or refer the question to be determined by the King, my triumph over my accusers will be equally conspicuous.

In the first case the Address of impeachment must remain a monument of a foiled undertaking upon a violation of law, *judicum principe duce*.

In the next case, I shall have the honour of being the cause of his Majesty's Council understanding that they are not an Upper House of Assembly, and thereby of contributing in some degree to compose the minds of the people.

And in the third case, my accusers must be in some degree mortified to find they have rashly touched a subject, upon which prudence will not allow the tribunal to which they applied to give judgment; and that they have unwarily furnished materials, enabling me thus to draw up a state of their absurdities and criminal conduct in their public station, which must be laid before their royal master."

(d) Record of proceedings in the Court of Common Pleas (*Powell v. Leigh*), 13 and 16 Oct. 1773.

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1775-6.

26 June [944.] NEWFOUNDLAND. *Provisions sent.* Three petitions
and for liberty to export provisions from Poole, Weymouth and
6 July Liverpool. "The Americans have prohibited the exportation
V. pp. of bread, flour &c., and unloaded the ships with those articles,
410-6. which were bound to Newfoundland and all other parts where
fisheries are carried on." The Liverpool petitioner suggests
that more ports should be opened, so that the bakers would
have less power to support their present exorbitant demands ;
at present it is impossible for them to get a supply of bread
near any of the ports opened, the bakers being engaged to
furnish all their ovens can make for some time to come.

8 July. ———. Letter from the Customs, transmitting (a) an
account of biscuit and pease exported to Newfoundland from
1 Jan. to 4 July, distinguishing the places from which they
were sent. The ports named are Poole, Dartmouth, and
Bristol, about two-thirds of the total being from Poole.

24 Aug. [945.] WAR PENSIONS. Petition of the widow of Major
V. p. 417. John Pitcairn, of the Marines ; and Admiralty report of
22 Sept. Also a report of 21 Nov. for the widow of
Lieut. R. Shea.

1776.

1776.

13 Feb. [946.] LANDS ON BOUNDARY OF NEW YORK AND QUEBEC.
V. pp. *Claims of M. C. de Lotbinière.* B. of T. report. They cannot
148-9. report that de Lotbinière has acquiesced in the proposed
compensation, as he has declined to attend the Board,
although invited. If he do not accept the compensation offered,
it will remain for him to pursue his claims by due course
of law.

4 March. ———. Committee minute.

25 Ap. [947.] AMERICAN PRIZES. Order approving (a) draft
V. pp. instruction for commanders of H.M. ships of war.
422-9.

11 July. [948.] JAMAICA. *Act confirmed.* Committee report.
V. p. 579.

1776-7.

[949.] WAR PENSION. Admiralty report for a pension for Capt. A. Scott. 7 Nov. V. p. 418.

[950.] EXPORT OF PROVISIONS TO NEW YORK. Letters from W. Crichton of Brabant Court, Philpot Lane, to the Clerk of the Council; and from him to the Treasury; transmitting an application of James Gammell of Greenock, for leave to export provisions for transports at New York owned by him. Gammell sacrificed a great part of his fortune in North Carolina, which he might have saved, had he permitted his agents to join the Provincials. He would do everything in his power to prevent the provisions from falling into the hands of the Americans or going to France or Spain. 19 Nov. V. p. 447.

———. Letter from the Treasury to the Clerk of the Council. The provisions may be exported without convoy, if the names of the ships on which they are to be laden be specified and if the restrictions of the embargo be complied with in all other respects. 26 Nov.

———. Letter from Gammell to Crichton about the license for the *Ulysses* to sail, and enclosing a list of articles to be shipped. If he could be allowed to ship sailcloth and rigging for his ships at New York, it would be very agreeable; but if Crichton thinks this request improper, he is not to mention it. Gammell does not wish to be troublesome, and will not ship one article but what he has liberty for. 5 Dec.

———. Crichton to the Clerk of the Council. Encloses Gammell's list, and asks that it be expedited, striking out any articles that may be exceptionable. 11 Dec.

1777.

1777.

[951.] COUNCILS. B. of T. representation for J. Wildman (*Jamaica*); others of 25 March for J. Collins and T. Ottley (*St. Vincent*) and W. Grant (*Quebec*); 12 June for A. Henderson (*Dominica*); 7 Aug. for F. Baby and — de Longueuil (*Quebec*); 20 Aug. for S. Williams and J. Black (*Grenada*). 17 Jan. V. App. II.

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22 Jan. [952.] GOVERNORS' INSTRUCTIONS. Committee report for V. p. 555. W. M. Burt (*Leeward Islands*); also B. of T. representation of 20 Aug. with draft of commission for J. Dalling (*Jamaica*).

27 Jan. [953.] WAR PENSIONS. Admiralty report for the widow V. pp. of W. Nugent; others of 28 Jan., 2 Ap., 7 June and 29 Oct. 417-8. for the widows of H. S. Leake, S. Ellis, T. Eastwood and P. Carteret; also petitions of Mrs. Ellis, Mrs. Carteret, Capt. A. Brisbane, Mrs. Wilson and Mrs. Davis, 19 March, 15 Oct., 20 Oct., 24 Oct., and 6 Nov. respectively. The Order is given in the case of Carteret only. Eastwood, Captain of H.M.S. *Pomona*, was lost in a hurricane in the West Indies, 7 Sept. 1776.

25 Feb. [954.] ST. VINCENT. *New parish*. B. of T. representation. V. pp. Gov. Morris had represented that the "parish of St. George is 451-2. become of an unreasonable and incommodious extent by the including of new tracts now under settlement"; and "the town of Calliaqua . . is reported to be in such a state of inhabitancy, as to be likely soon to become a superior town to Kingston, the nominal capital of the island."

5 March. [955.] PRIVATEERS. Admiralty memorial for a com- V. p. 430. mission to empower them to grant letters of marque, and for preparing instructions for the commanders of privateers.

22 March. ———. Report of Marriott, Thurlow and Wedderburn. The Act of Parliament is sufficient authority without a commission to the Admiralty under the Great Seal.

24 March. ———. Committee report.

18 Sept. ———. Admiralty memorial proposing additional interro- V. pp. gatories to be used in examinations in colonial Courts of 435-6. Admiralty.

24 March. [956.] EMBARGO. Order for the export of provisions V. p. 447. to Hudson Bay for the Company's servants, on board the *King George*, Jonathan Fowler master, the *Prince Rupert*, Joseph Richards master, and the *Seahorse*, William Christopher master.

1777.

[957.] EAST FLORIDA. *Grant of lands to loyalists from* 25 March. Georgia. B. of T. representation with a draft instruction. V. p. 452.

[958.] BARBADOS. *Complaint of J. Shepherd.* Order for 12 Ap. transmitting it to the Governor ; with (a) copy of the petition, V. p. 445. received 23 July 1776 ; and (b) Order referring it to the Committee.

———. Letter from Gov. E. Hay, transmitting (c) his 14 July. answer. To explain the suspension he quotes his letter of 13 Ap. 1776 to Lord G. Germain, Secretary of State for the Colonies ; and he justifies his not consulting the Council by quoting Articles 39 and 40 of his instructions. The letter of 13 Ap. 1776 is as follows :—

“ In my letter of 15 Feb. (No. 11), I transmitted your Lordship a copy of the address of the General Assembly to the King ; and a copy of a private letter of my own to the Speaker of the Assembly. I then informed your Lordship that I had given orders for the suspending Mr. Duke from the post of his Majesty’s Solicitor General for proposing such an address to the House.

“ The real truth of our wants is expressed in my letter (No. 10), and which are chiefly India and Guinea corn for the negroes. Other provisions, such as live stock of all kinds, are in as much plenty as ever, and there seems to be no scarcity of such provisions as we are supplied with from England and Ireland. As to these latter, indeed, the traders use every art to keep up the prices. Upon the whole, I must say it is wicked to talk of famine in the most plentiful island of all the West Indies, and where I, who have no plantation and must buy all the provisions for my table, can assure your Lordship that scarcely any one article of provisions and live stock of the island has varied in price for near these three years that I have been here.

“ Mr. Duke has been very busy, since he was suspended from his post of Solicitor General. He sent a letter to Mr. Workman and a memorial to me, copies of which papers

1777. § 958 *cont.*]

I here enclose.” [They are not in the bundle.] “After which a cabal was formed to address a letter from the freeholders of St. Michael’s parish to their two members of Assembly, who are Mr. Duke himself and Mr. Valentine Jones, a merchant or storekeeper, the substance of which is contained in Mr. Duke’s answer to the freeholders. The freeholders’ letter was signed by few men of any property ; the principal man among them was James Shepherd, Chief Baron of the Court of Exchequer, who, I am told, was very busy upon the occasion, and whom I propose to remove, as having rendered himself unworthy of holding a post of that dignity by putting himself at the head of a cabal to create mischief. Many papers have appeared in the *Barbados Mercury* under the signature of *Impavidus*, which nobody doubts being Mr. Duke’s composition, all levelled at me. These I overlook ; let him scribble on !

“In the Assembly held the 19 March some motions were made by Mr. Duke and his colleague Mr. Jones, but they were not seconded and nothing succeeded ; so now I suppose the matter is dropped.

“All this bustle arises from a pique of the Assembly against myself and the Council for giving Capt. Paine leave to buy provisions for Gen. Howe’s army at Boston, because the Assembly themselves were not consulted, who had no right to be consulted, for the Council was called upon that occasion as a Privy Council, and not as the second branch of the legislature of the island.”

Hay now adds that, if Shepherd had not acted from faction, “he ought to have known that neither the freeholders nor the Assembly had anything to do with the Governor’s suspending Mr. Duke, an officer of the Crown, the Governor being only accountable to his Majesty in all these cases.”

27 May. [1959.] APPEALS. Committee report on *Reid v. Burke (Jamaica)*—V. p. 174.

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1777-8.

———. Memorial of the solicitors on both sides for the postponement of *Keeling v. Niles (Barbados)*; also Committee minute and report of 13 Dec.—V. p. 327. 19 June.

———. Committee report on *Perrin and Vaughan v. Blake (Jamaica)*—V. p. 455. 24 June.

———. Committee report on *Serjeant v. Hibbert (Jamaica)* —V. pp. 455-6. 29 Nov.

[960.] JAMAICA. *Act confirmed.* B. of T. representation. 19 June. V. p. 579.

[961.] GRENADA. *Dispute about land.* Committee report; and Order of 4 July; on petition of J. Drummond. 24 June. V. p. 444.

[962.] DOMINICA. *Petition of the mulattos against an Act re manumission of slaves.* Order of reference. 13 Aug. V. p. 450.

[963.] COURT MARTIAL. Admiralty report; and Order of 7 Nov.; for restoring J. Brown and L. Mosey. 25 Oct. V. p. 456.

[964.] ST. VINCENT. *Grants of land.* B. of T. representation. Gov. Morris had granted 3,854 acres in 64 lots, some of them very considerable, out of the country ceded to the Crown by the Caribs, without having advised with the Council, seven of whom remonstrated against the measure. 9 Dec. V. p. 445.

1778.

1778.

[965.] ST. VINCENT. *Grants of land.* Letter from W. Knox, enclosing a representation of the B. of T.; B. of T. report of 3 March with draft instruction; and Committee report of 4 May. 1 Jan. V. pp. 445-6.

[966.] ACTS. (1) B. of T. representation, and Committee report of 7 Feb., for confirming five Acts of the *Virgin Islands*; (2) B. of T. representation of 6 Jan., and Committee report of 7 Feb., for disallowing an *Antigua Act*; (3) B. of T. representation, and Committee report, for disallowing a Quebec ordinance. 6 Jan. V. pp. 584-5, 457-8.

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6 Jan. [1967.] COUNCILS. B. of T. representation for W. L. V. App.II. Hamilton and J. Rawlins (*St. Christopher*); others of 10 Feb. for J. Campbell (*Grenada*)—with one of 24 March about his rank; 17 Feb. for J. Keeling (*Barbados*); 10 March for R. Johnston (*Grenada*); 20 Aug. for J. Ince (*Barbados*), and for A. Hodges (*Montserrat*); and 25 Sept. for J. Baird (*West Florida*).

16 Jan. [1968.] EAST FLORIDA. *Grants of land to Georgia loyalists*. V. p. 452. Committee report.

Received [1969.] NEWFOUNDLAND. *Mines*. Report by T. Halse 24 Jan. and J. Dun. From 18 to 22 miners have been employed, V. pp. and from six to eight labourers engaged in cutting wood, 369-70. catching fish and doing other work for the benefit of the mine.

4 May. ———. Committee report.

14 Ap. [1970.] JAMAICA. *Gov. J. Dalling's instructions*. B. of T. V. p. 555. representation.

10 June. [1971.] PRIZES. Report of Wedderburn and Wallace V. p. 459. on French prizes taken by two Jersey privateers: with copy of the memorial of G. Lemprière and J. Fiott; and of the Committee's order of reference to the Law Officers. "The tobacco on board the *L'Hazard* was interlined in the manifest of the cargo and is in casks marked Coffee, which showed an intention to conceal and disguise, if possible." The tobacco and rice on the *L'Ami au Besoin* were not mentioned in any of the ship's papers.

The Law Officers reported that, if the ships "are to be treated as belonging to the subjects of a neutral state, there are no circumstances stated in the memorial that can afford a ground of condemnation of the ships or cargo, or justify their detention. Unless, therefore, all French ships are to be treated as the ships of enemies, it seems to be advisable to release the ships in question."

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§ 971 *cont.*] 1778-9.

———. Record of the condemnation of the *Marquise* 1 Dec.
D'Entraques in the Vice-Admiralty Court at New York.

[972.] EMBARGO. Draft of Order for taking off the 19 June.
embargo on provisions from ships bound to the West Indian V. p. 446.
colonies and American plantations not in rebellion.

———. Draft of Order for taking off the general embargo 21 Oct.
from ships bound to the British West Indies.

[973.] JAMAICA. *Appeals*. Committee reports on *Jones* 26 June.
and *Lightfoot v. Hall*, and on two appeals of *Hall v. Hood and*
Edwards.

[V. pp. 321-2, 297-8.]

[974.] WAR PENSIONS. Admiralty report for T. Medelle. 3 July.
V. p. 418.

———. Memorial of Capt. S. Graves. 13 Nov.

[975.] EXPORT OF MILITARY STORES. Draft of Order for 19 Aug.
allowing some to be sent to Antigua. V. p. 401.

1779.

1779.

[976.] WEST FLORIDA. *Councillor removed*. B. of T. 19 Jan.
representation. V. p. 576.

[977.] WAR PENSIONS. Admiralty reports for J. 5 Feb.
Ayscough; and (11 June) for five captains whose vessels V. pp.
were destroyed at Rhode Island; also (6 Oct.) for L. Mosey. 418-9.

[978.] JAMAICA. *Lindsay v. Gibbons &c.* Petition of 18 Feb.
Appeal; and Order of reference, 19 March. Also draft V. p. 472.
of a report (undated).

[979.] QUEBEC. *Complaints of P. Livius against* 2 March.
Gov. Carleton. B. of T. representation; letter of 11 March V. pp.
from W. Knox, transmitting it; letter of 16 March to Carleton, 464-71.
apprizing him that it is to be considered by a Committee of
the Privy Council, in order that he may be ready to attend;
and Order of reference to the Committee, 19 March.

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21 March. ———. Letter from Carleton at Bath. "I am very sensible of the Lord President's attention, but I submit the propriety of that measure to their Lordships' judgment; and leave Mr. Livius to explain his own proceedings in the Legislative Council of that province in March and April '78, together with his letters to the Lieut.-Governor when I was at St. John's the preceding fall; without a wish to offer anything further or make the least observation thereon. To his own words I refer their Lordships that from them they may judge whether it would have proved detrimental to the King's service and to the tranquility of his province of Quebec, had Mr. Livius continued Chief Justice during Gen. Haldimand's administration. If not, I can wish for nothing more ardently than his being immediately reinstated in his office, and that he may not suffer the smallest inconvenience from any injudicious opinion of mine."

29 March. ———. Committee report. On same date, a B. of T. representation with (*a*, *b*) two additional instructions for Gov. Haldimand.

29 March. [980.] PRIZE APPEALS. *Order re procedure.*

V. *p.* 463.

30 March. [981.] COUNCILS. B. of T. representation for R. Hunter V. *App.* II. (*Virgin Islands*); and one of 19 Aug. for W. Lewis (*Jamaica*).

27 Ap. [982.] GOVERNORS' INSTRUCTIONS. B. of T. representation for R. Edwards (*Newfoundland*); B. of T. representation of 8 June, and Committee report of 22 June, for J. Robertson (*New York*); and B. of T. representation of 10 Sept. for J. Maxwell (*Bahamas*).

4 May. [983.] ACTS. B. of T. representation for disallowing V. a *Jamaica* Act; and one of 5 Oct. for confirming a *New York App.* III. Act.

3 June. [984.] APPEALS. Committee reports on Jackson and V. *pp.* Thomas *v.* Lamond, and on Roberts *v.* Johnson (*Jamaica*).

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- 1779-80.
- [985.] WAR WITH SPAIN. Papers *re* granting letters of 18-23
marque, and *re* the trial of prizes. June.
V. p. 436.
- [986.] NOVA SCOTIA. *Grant of lands to a minister.* 1 July.
B. of T. representation ; and Committee report of 7 Oct. V. p. 477.
- [987.] NEWFOUNDLAND. *Export of fish to France.* 5 July.
Petition of J. Nesbitt for passes for ships, which had per-
mission from the French government to carry on such a trade.
The tobacco passes of former wars are referred to as forming
a precedent.
Referred to Committee on 7 July, and to the B. of T. on
8 July.
- [988.] QUEBEC. *Instruction re law courts.* B. of T. 16 July.
report submitting a draft. V. p. 475.
- [989.] EMBARGO. Order for taking it off from 10 ships 4 Aug.
which are ready to sail with the convoy on the 10th. A list V. p. 446.
of the ships is appended, six of them bound to the West Indies
in Government service. The other four are bound respectively
to Jamaica, St. Lucia, Africa and Pensacola.

1780.

1780.

- [990.] PENSIONS. Admiralty memorial for the widow 27 Jan.
and sons of Capt. James Cook. "This meritorious officer, V. p. 419.
after having received from your Majesty's gracious benevolence,
as a reward for his public services in two successful circum-
navigations, a comfortable and honourable retreat where he
might have lived many years to benefit his family, he
voluntarily relinquished that ease and emolument to under-
take another of these voyages of discovery, in which the life
of a commander who does his duty must always be particularly
exposed, and in which, in the execution of that duty, he fell ;
leaving his family, whom his public spirit had led him to
abandon, as a legacy to his country."

———. Admiralty memorial for the widow of Lieut. W. 18 Aug.
Lawes.

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- 3 Feb. [991.] ACTS. B. of T. representation for confirming a
V. pp. *Jamaica* Act; and another of 11 May. B. of T. representa-
580, tion of 31 Aug. for disallowing an Act of the *Bahamas*, and
485. Committee report of 14 Sept.

Received [992.] DROIT OF ADMIRALTY. The *Lydia*. Petition of J.
15 Feb. Robertson and 37 other seamen, by their agent William
V. p. 460. Eccles of New York. The petitioners were kept on a prison
ship in Boston harbour (the *Pennet*), but escaped and seized
the *Lydia*.

(I.) Record of the condemnation and sale of the *Lydia*
at New York, 4 and 10 Sept. 1779. The proceeds of the sale
amounted to 714*l.* 17*s.* 8*d.* An account of the escape is
included in the record. The prisoners disarmed the guard placed
over them, and locked them in a store-room. On boarding
the *Lydia*, they captured three of her crew. They weighed
one anchor and cut the other cable, and sailed off without
bread and almost without any water on board. They arrived
at New York five days later.

17 Feb. [993.] BARBADOS. *Gov. J. Cunninghame's instructions*.
V. p. 553. B. of T. representation.

Received [994.] BARBADOS. *Complaints against Gov. Hay*. Petition
17 Ap. of F. C. Boson; and Order of reference, 10 May. Boson
V. p. 445. was appointed Chief Baron of the Court of Exchequer and
Chief Justice of the Pleas of the Crown by commission under
the Great Seal of Barbados, 24 Oct. 1776. Such commissions
had been firmly established and doubts removed by Act 219,
passed on 18 March 1760. Such a Court should be opened
on the island because in some of the five precincts the Courts
of Common Pleas are irregularly held, and, as every inhabitant
must be sued in the precinct in which he resides, it may take
two or three years to recover a judgment. Further, there
is no Court in the island wherein the conduct of justices of
the peace and parish officers is cognisable. The only method
of obtaining redress at present is by bringing a writ of error

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§ 994 *cont.*]

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before the Council, which is attended with such heavy expenses that people prefer to submit to whatever judgment a magistrate may give. The Court cannot be lost by non-usage : it can be abolished only by an Act of the Legislature confirmed by the Crown. Yet the Governor has not only made no answer for two years to the petitioner's memorial for holding the Court, but on 11 May 1769 removed him from his office without assigning any cause.

[995.] THE DUTCH. Draft of instructions to privateers 19 Ap.
for seizing contraband goods ; and Order approving it.

———. Instructions to privateers and to colonial Courts 20 Dec.
of Admiralty.

[996.] OMOA. *Distribution of plunder.* Committee 3 June.
minute. V. p. 480.

[997.] EMBARGO. Petition, on behalf of Michael Walton 4 July.
and Son of Manchester, that a Danish ship, chartered by them V. p. 447.
to carry bale goods of the manufacture of this country to
Madeira and St. Eustatius, may complete her loading at
Dublin with salted provisions for St. Eustatius.

———. Report of Att. Gen. Wallace on a question raised 22 July.
by the Customs officers at Port Glasgow.

[998.] PRIZE APPEALS. *Procedure.* Representation of 1 Aug.
Sir J. Marriott ; report of Wynne, Wallace and Harris, V. pp.
4 Dec., with draft of an Order ; and further report of 11 Dec., 482-4.
with an additional clause.

[999.] WEST FLORIDA. *Cartel ship.* Petition of A. De Received
Lague. 14 Oct.

(a) Translation of his passport and safe conduct, signed V. pp.
by the Secretary of the Government at New Orleans, 10 May 485-7.
1780.

(b) Letter from Francis Gregg, submitting to the exclusion
of potatoes from the list of goods to be exported, 20 Oct.

1780-1. § 999 *cont.*]

(c) Note from Messrs. Gregg and Potts, transmitting, as desired by the Lord President, particulars of the quantities of four species of goods to be exported, 2 Nov.

(d) Rough note, showing that the Order was made out to contain only these four particularised species of goods, and not the other kinds mentioned in the original list. "If Mr. Litchfield will be so good as to speak to Mr. Faulkner, he will certainly satisfy him with respect to the above."

The persons carried to England by De Lague were P. Morgan, his wife and two children, Thomas Kender Crew, an apprentice, Sarah Dark, servant; Thomas Hackshaw, George Oleron, his mulatto servant; and James Wilson, Lieutenant of the Royal Artillery, prisoner of war.

1781.

1781.

1 Jan. [1000.] WAR PENSIONS. (1) Orders for H. Harmood and V. *pp.* H. C. Christian, with Admiralty memorial of 29 Dec. 1780.
419-20. (2) Petition of J. Salisbury, 30 Aug., and Admiralty report, 7 Nov. (3) Admiralty report for the widow of Capt. Nott, 26 Sept.

24 Jan. [1001.] ACTS. B. of T. representation, and Committee report of 13 Feb., for a *Nova Scotia* Act; and draft of Order, 16 Feb.—V. *p.* 498.

B. of T. representation of 10 Ap. on two *Quebec* Ordinances; and draft Orders of 18 May. Also a second B. of T. representation of 8 May, and Committee report of 17 May, on one of these Ordinances. The B. of T. reported:—"The commerce of Canada, my Lords, when part of the French dominions, was confined to the exportation of peltry, received in barter from the savages, to Europe, and a very inconsiderable trade of fish and lumber to the French islands. The produce of their lands did not afford a supply for their own consumption, a very considerable part of their provisions being imported from France. The peasants were in a state of poverty and abject subjection to the noblesse or seigneurs, under whom in general they held their lands,

§ 1001 *cont.*]

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and who were not disposed to hold out any encouragement to their industry, more than their own immediate interest required.

“Since that province has been a part of the British Empire, it has been the constant view and attention of government to convince the new subjects of the difference between their former and their present situation ; that state of subjection and vassalage in which the lower order was kept, is in a great measure abolished ; the spirit of industry and cultivation has gradually appeared, and been properly encouraged among them ; and the consequence has been, that, finding markets upon the Continent of America, and the Southern parts of Europe, for the sale of their grain and provisions, the average of their annual export for five years, *vizt.*, from 1771 to 1775, was :

Wheat	..	..	..	265,000	Bushels.
Flour	..	..	..	1,700	Barrels.
Biscuit	..	..	..	2,000	Barrels.
Pease	..	..	..	2,400	Bushels.

“The rebellion in America taking place, the Northern colonies were no longer supplied from thence, and a numerous force being kept in Quebec, a part of the usual surplus of provisions was of course consumed within themselves, and their exportation confined to Nova Scotia, and those parts of America in possession of his Majesty’s forces, for whose use they have since that period, annually supplied upwards of 12,000 barrels of flour, and 6,000 barrels of biscuit.—From this state of facts we were naturally led to conceive that every proper encouragement should be given to agriculture in the province of Quebec, and, of course, to the dealing and trading in provisions, and that any measure tending to discourage the growth and enhance the price, by preventing a free trade therein, ought to be guarded against.

“This general principle we doubt not but your Lordships will admit, and we shall now briefly state the particular transaction which give rise to the Ordinance now under your Lordships’ consideration.

1781. § 1001 *cont.*]

“An attempt was made by some interested persons in the year 1779 to engross all the wheat and flour for sale in the province of Quebec, upon a presumption that those articles would soon become scarce, and of course they would reap a considerable profit upon their purchases. In order to defeat this intention, the Governor and Council thought it prudent to issue a proclamation, prohibiting the exportation of those articles and provisions in general, except for his Majesty's service. This step, together with a tolerable crop made that year in one part of the province, in some measure reduced the exorbitant prices the monopolisers had raised them to.

“In the beginning of the year 1780, the Legislative Council passed an Ordinance for the same purpose of prohibition, upon which we have humbly submitted our opinion to his Majesty, as proper to be confirmed; and Gov. Haldimand, in a letter of the 25th of October last, has expressed his firm expectations and hopes, that the operation of the said Ordinance would effectually reduce the price of provisions during the present year. This we the more readily believe will be the case, as it is beyond a doubt, that, if any article of provision produced in a country, more than equal to its internal supply in times of tolerable plenty, is effectually prevented from being exported, the price will of course be reduced, and a monopoly scarcely to be apprehended.

“From this consideration we conceived the prohibitory Ordinance would answer every purpose intended, and therefore, that the Ordinance in question was improper upon the general principle we have before stated to your Lordships, and unnecessary as to the purpose for which it was avowedly framed; more especially as we presume that, upon the apprehensions of any persons withholding or engrossing any provisions for the supply or convenience of an enemy, the military authority in Quebec might be properly and effectually exerted to prevent their designs; and that any persons forestalling or engrossing for these or any other improper or illegal

§ 1001 *cont.*]

1781.

purpose, may be punished by a sentence of the Supreme Court, upon prosecution by information on indictment, as offending against the common law of this kingdom.—V. *pp.* 507–8.

Drafts of Orders of 2 May on two *Quebec* Ordinances (V. *pp.* 511–2), on two *Nova Scotia* Acts (V. *p.* 505), and on a *Tobago* Act (V. *p.* 584).

B. of T. representation of 14 June for a *Georgia* Act (V. *p.* 578). The Act is declared to be “a laudable example to your Majesty’s deluded subjects in America, and which, we trust, will be generally followed, as soon as good order and government shall be re-established among them.”

B. of T. representations (*a*) for disallowing two Acts of *Prince Edward Island* (V. *p.* 514), and (*b*) submitting an Act for changing the name of the island (V. *p.* 583). The object was to remove the confusion and inconvenience occasioned by the large number of places in America known by the name of St. John. A copy of the Act is enclosed. The preamble refers to correspondence going astray to St. Johns in Nova Scotia, in Newfoundland, in Labrador, &c., and to the prejudice against settlement caused by confusing these places, some of which are “for a considerable part of the year buried in impenetrable fogs,” with this island, which “constantly enjoys in the summer season of the year a serene air and fair weather.”*

B. of T. representation of 21 Dec. for confirming a *Jamaica* Act, and sending an additional instruction to the Governor. (V. *pp.* 503–5.)

[1002.] BARBADOS. *Council.* Order for appointing 16 Feb.
Sir P. Gibbs. V. *p.* 563.

[1003.] TOBAGO. *Governor’s salary.* Order referring a 23 Feb.
B. of T. representation with draft of an instruction. V. *p.* 500.

* No reason for the proposed name “New Ireland” is stated in the preamble, but it was probably suggested by its neighbourhood to New England and Nova Scotia.

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23 Feb. [1004.] BAHAMAS. *Complaints against Gov. Browne.* Order V. p. 491. in accordance with Committee report.

23 Feb. [1005.] TURKS ISLANDS. *Defences and salt works.* Order V. p. 498. referring a B. of T. representation.

25 Feb. [1006.] CAPITULATION OF DEMERARA. Letter from V. p. 513. Gov. Cunninghame of Barbados to Lord G. Germain.

“A gentleman of the name of Clark who came lately from Demerara representing to me that the Governor, or Commodore, as he is called, of that river, being extremely apprehensive that the privateers fitted out from this port were likely to attack, plunder and destroy and commit cruelties upon the subjects of the States General in that river; and that, as he could make no resistance, he was desirous that a King's frigate might be sent to receive his submission; in consequence of this information I took Mr. Clark's deposition upon oath, and sent an officer on board a frigate bound upon a cruise to that coast with the enclosed letter No. 2 to the Governor to feel his pulse as to Mr. Clark's information, and to grant him the protection he demanded. I also obliged the privateers to give bond not to plunder or commit cruelties upon that coast on shore upon the subjects of the States General of the United Provinces, and I flatter myself that his Majesty will approve of the humanity to our old allies which dictated the measure.

“Before the departure of Sir George Rodney and Gen. Vaughan on the Statia expedition, I had the honour to propose to them sending as soon as possible an expedition to that coast, as I found the inhabitants of this island perfectly well inclined to assist in an expedition to get possession of that country from whence alone their mill timber must come. The Admiral and General not having as yet conveyed to me their intentions to this proposition, the sending the officer with my letter was the only expedient I could devise, as I had no force to compel.”

(a) Cunninghame to the Governor of Demerara, 18 Feb.
“ . . I therefore, to comply with your wishes, have sent Lieut. Forrest of the 90th regiment with a flag of truce, which flag the commander of the King’s ship will convey to you, and afford you an opportunity of surrendering the government under your command to the King of Great Britain, which will entitle you to the terms granted by Sir George B. Rodney and Gen. Vaughan to St. Eustatius, Saba, and St. Martin’s.

“Capt. Pinder, of H.M.S. *Bermuda*, I flatter myself, will be able to accomplish this object, who will acquaint me with your resolution, when a proper force shall be sent to keep possession for the King, my master.”

———. Cunninghame to Germain. Forrest has arrived 26 March. with the capitulation of Demerara. It was not in Cunninghame’s power to grant them further protection considering the situation of the island. “Your Lordship will see the Commodore and Council of Demerara meant that Lieut. Forrest with the Committee of their Council should have immediately come to me, but the Captain of the *Bermuda* sloop of war with whom they were informs me he was obliged by being drove so much to leeward to proceed to Sir George B. Rodney at St. Eustatius, where the Admiral and General thought proper to grant them the enclosed terms No. 1. Had they arrived at Barbados, I own I should have found myself under some difficulty what terms to have granted them.”

(b) Extract from the minutes of the Barbados Council, 14 Feb. The Governor laid before the Council Clark’s account of his interview with Paulus van Schuylenburch, Commodore of Demerara, on 1 Feb. The Commodore could not with propriety convey his sentiments by letter, but he desired Clark, in case of an attack upon Demerara, to ask the Governor to use his interest that the King’s ships, and not privateers, should be employed ; for the honour of the colours he should make some resistance, which, however, would be but feeble, and then strike his colours.

1781. § 1006 *cont.*]

Clark believed that nearly two-thirds of the inhabitants were English, and that they were desirous of being under an English Government, as they said it would be one of the most flourishing colonies in the West Indies. The number of inhabitants is guessed at about 500. There is a company of 50 or 60 regulars from Surinam; he saw no forts in the country, but some guns—not more than a dozen—close to the water side at the Brandy Wharf upon logs. The banks of the river are very little above the height of the spring tides. The river is navigable for ships of large burden for over 100 miles. When Clark left, there were about twenty sail of square-rigged vessels of 8 to 18 guns each, and six more at Essequibo. He had heard that a famous fort had been lately built at Surinam.

Sir Chaloner Ogle, commanding H.M. ships at Barbados, was called in, and asked whether he could give any assistance, if an expedition were undertaken against Demerara. He answered that he would very readily assist them, but it was entirely out of his power to do so.

The Council thereupon resolved (1) that an attack upon Demerara would probably be successful; (2) that the acquisition of Demerara would be very serviceable in furnishing timber and destroying the illegal trade now carried on; (3) that assistance from the King's frigate would be necessary to such an expedition from Barbados; and, as that cannot be had, that the expedition is impossible; (4) that the Governor should forward the information he has received to Sir George Rodney, and assure him of the willingness of this island to join in an expedition against the southern Dutch settlements.

(c) Van Schuylenburch to Cunninghame, 28 Feb., expressing satisfaction with Lieut. Forrest's conduct of his mission. "I was obligated to detain him last night, by which he has had occasion of seeing the disagreeable circumstances we labour under this moment from the insults of the privateers.

(d) The same to the same, 1 March, thanking him in his private capacity for his "care and attention of your neighbours, and at present fellow-citizens.—It arrived quite in

§ 1006 *cont.*]

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good time, four privateers or six having entered our river three or four days before, and caused much distress and anxiety to our inhabitants. I suppose and hope the Admiral will give the inhabitants the advantage by disposing here the captures made by the shipping, and their cargoes." He recommends one John Hasten, who may be serviceable both to the captures and to the colony.

(e) The Capitulation for Demerara and Essequibo, signed by Rodney and Vaughan, 17 March. "It is hereby granted to the inhabitants to remain in full possession of their property, and to be governed by their present laws till his Majesty's pleasure is known.

"All the property, stores &c., belonging to the Dutch West India Company to be delivered up to his Britannic Majesty's officers.

"The inhabitants to take the oaths of allegiance to, and be admitted under, the Crown of Great Britain, and will be allowed to export their produce to Great Britain or the British islands of Tobago and Barbados in British bottoms, and treated in all respects as British subjects till his Majesty's pleasure is known.

"The Commandant and other officers have leave to go to Holland in a cartel, taking with them all their effects of whatever nature. The troops to have the same indulgence."

———. Letter from Capt. Edward Thompson of H.M.S. 9 June. *Hyaena*, at Demerara, enclosing (a) a list of estates belonging to merchants in Amsterdam not resident in Berbice, which he has the Admiral's orders to seize; also (b) the mortgages of Demerara and Essequibo; (c) a list of the vessels seized in the three rivers; and (d) a digest of the whole.

(a) dated 26 Ap., gives a list of 51 plantations with 3,136 slaves; and of four more, with 211 slaves, whose owners are temporarily in Amsterdam. "The products gathered from the above plantations consist in sugar, coffee and cotton, and likewise in a small quantity of cocoa."

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1781. § 1006 *cont.*]

(b) 62 Demerara estates were mortgaged for 3,357,674 guilders ; and 14 in Essequibo for 484,869 guilders.

(c) 10 ships are described, with their equipment, cargo &c. The average burden was 270 tons.

(d) The Company's effects are valued at 80,000*l.* in Berbice and 9,000*l.* in Demerara. The annual revenue of each of the three rivers is about 10,000*l.* Berbice had a white civil population of 230, with 220 military, and 7,000 slaves. Six vessels were sold for over 4,000*l.* This was to be taken in produce and shipped in another captured vessel. Details are given of two cargoes shipped for Barbados on 22 Ap.

Taxes were paid in the Dutch colonies in produce at the following rates :—Coffee, 5 stivers *per lb.* ; sugar, 2½ ; cotton, 14 ; rum, 16½ stivers *per gallon.*

7 July. ———. Opinion of W. Wynne, Advocate General, on the case of proprietors of estates in Demerara and Essequibo who are resident in Holland. The Declaration confirmed the *inhabitants* in their possessions. No Act of Parliament or Order in Council has yet secured the property of those resident in Holland. Without such authority, the Court of Admiralty must condemn goods coming from Demerara and Essequibo which are the property of persons resident in the dominions of the States General.

28 July. ———. Letter from W. Knox transmitting to the Clerk of the Council (*f, g, h, i*) two petitions and two memorials of C. van der Oudermeulen on behalf of residents in Holland interested in Demerara and Essequibo.

2 Aug. ———. Letter from W. Knox transmitting to the Clerk of the Council papers relating to the capitulation and state of Demerara and Essequibo.

4 Aug. ———. Committee report.

10 Aug. ———. Drafts of Orders approving the Committee report, confirming the capitulation, and approving (*j*) an additional instruction to the commanders of men of war and privateers.

1781.

[1007.] ST. EUSTATIUS. *Confiscation of property*. Petition 26 March. of 39 merchants of Liverpool, pointing to the more lenient V. p. 507. treatment of Grenada as an example to be followed.

———. Petition of the Mayor, Bailiffs and Burgesses of 7 Ap. Liverpool under their common seal, for the restitution of British property,—provisions, warlike stores and contraband goods excepted.

———. Another petition, signed by 72 Liverpool 8 May. merchants.

———. Letter transmitting the last petition to the Clerk 14 May. of the Council by Lord G. Germain's directions.

[1008.] GOVERNORS. Order approving instructions for 2 May. T. Shirley (*Leeward Islands*). Also records of the oaths V. App.I. being taken by Shirley on 9 May, and by W. Browne (*Bermuda*) on 18 May.

[1009.] NOVA SCOTIA. *Instruction about dissolving the* 2 May. *Assembly*. Order approving the draft. V. p. 505.

[1010.] APPEALS. Committee reports on Pyle and Berners 12 May. *v. Bennett (St. Christopher)*; *Lynch v. Binney and Mowat* V. pp. (*Nova Scotia*); and *Hardyman v. Attorney General of* 457, 472, *Jamaica*. Also Orders of 18 May on *Hardyman v. Attorney* 477, 478. *General*, and on *Lindsay v. Gibbons (Jamaica)*.

[1011.] TOBAGO. *Suspension of G. and P. Franklyn*. 22 May. B. of T. representation—with appendices, 38 pp. They annex V. p. 506. copies of the correspondence, and submit whether the reasons for the suspension should be communicated to the petitioners or not.

I. Lt. Gov. Ferguson to the B. of T., 12 Nov. 1780. His predecessor, Mr. Graham, had intended to suspend the Franklyns; and they continued to obstruct the business of the colony under Ferguson's administration. Some instances are given of the behaviour of the Franklyns. (a) They objected to the swearing in of the members of a new Assembly, because the general writ had been issued

1781. § 1011 *cont.*]

without their consent, although the example of Lord Macartney and former Governors had been implicitly followed. (b) They induced the Council to reject a Money Bill which had been voted by the Assembly to pay the debts of the island. (c) On an alarm a number of negroes were called out to repair the batteries; the Franklyns refused to provide their own proportion and offered to support others in the like refusal.

(II.) A. Bacon and A. Richardson to the B. of T., 7 March 1781. [In vol. V. "Brown" should be "Bacon."]

(III.) W. Knox to Grey Elliot, 16 March 1781, transmitting the following papers for the B. of T.

(IV.) Ferguson to Germain, 5 June 1780. For two years an opposition has prevailed against every measure of Government. No Money Bill has been passed, and the public debt amounts to 16,000*l*. A Bill has passed the Assembly, but he fears that, in order to make it pass the Council, some of the members must be suspended. Mr. Robley has always supported the Franklyns; but, since Ferguson's arrival, his conduct has been much less exceptionable than theirs. He will not suspend the Franklyns if he can keep a majority in the Council without doing so, as they would be more troublesome if they got into the Assembly.

Unfortunately Mr. Lincoln, one of the best and worthiest members of the Council, is going home on account of a wound he received near two years ago in very bravely attacking the crew of a rebel privateer who were plundering his neighbour's plantation. Three of the other members are inhabitants of Grenada, and cannot take their seats. The majority of the remaining eight had frequently been against the Governor, but this has not yet happened to Ferguson.

(V.) Ferguson to Germain, 24 July 1780. The Assembly passed the Money Bill, but it will not go through the Council. As soon as they reject the Bill, the members will be suspended. This is the more necessary, as there have been French spies on the island, and they are not altogether free from the suspicion of giving intelligence to the enemy.

§ 1011 *cont.*]

1781.

(VI.) Ferguson to Germain, 16 Oct. 1780. The Council rejected the Bill. The members will be suspended, when a new Assembly meets and passes another Bill, as he hopes they will.

(VII.) Ferguson to Germain, 12 Nov. 1780. The Franklyns were suspended as soon as the new Assembly met. This has given general satisfaction. He is delaying to fill up the vacancy in the Council, because parties are so evenly balanced that the credit and safety of the colony will largely depend on the person to be appointed, and the Governor must be as little liable as possible to be deceived in his choice.

(VIII.) G. and P. Franklyn to Germain, 24 Nov. 1780. No reason has been given for their suspension; and they can conjecture none, but that some of their votes in Council have been contrary to the Lieut.-Governor's inclination. They protest their loyalty, and are confident that his Majesty permits his Council the freedom of sentiment and debate.

(IX.) Ferguson to P. Franklyn, 3 Nov. 1780, announcing his suspension.

(X.) G. and P. Franklyn to Ferguson, 10 Nov. 1780, inquiring the reason of the suspension, in order that they may have an opportunity of justifying their conduct.

(XI.) Extract of Ferguson to Germain, 16 Jan. 1781. He did not suspend the younger Franklyn from the Collectorship, the most lucrative office in the island, for fear lest the Surveyor General should appoint his brother. But he hopes his Lordship may have Franklyn removed.

———. Committee report.

30 May.

[1012.] TREASON AND PIRACY. Report of Att. Gen. 12 June. Wallace with draft of an Order for discharge of J. Trumbull, V. p. 512. charged with high treason.

———. Warrant for the discharge of W. Pritchard.

10 Aug.

[1012.] DOMINICA. *Cartel ships*. Report of the Advocate 21 June. General and the Advocate of the Admiralty; with draft V. p. 489. Orders (a) for extending the time allowed to two ships, and

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1781-2. § 1012 *cont.*]

(b) approving (c) an additional instruction to commanders at sea.

31 Aug. [1013.] ANTIGUA. *Pension for naval storekeeper.* Admiralty V. p. 359. memorial.

8 Oct. [1014.] DROITS OF ADMIRALTY. *French prizes condemned* V. p. 460. *at Jamaica.* Petition on behalf of the owners, officers and seamen of the *Revenge* privateer; with (a) copy of the commission given to the *Revenge* by Gov. Burt in St. Christopher, 4 Sept. 1778.

1782.

1782.

22 Feb. [1015.] NOVA SCOTIA. *Exemption from duties of rum and* V. pp. *molasses for the troops.* B. of T. representation; and Committee 517-9. report of 28 Feb.

12 March. [1016.] DOMINICA. CAPITULATION. Committee report *re* V. p. 490. trade in neutral ships; with (a) an opinion of Wynne, Wedderburn and Wallace, 4 March 1780; and (b) a draft of the Order to be made upon the Committee report (13 March 1782).

The case submitted to the Law Officers related to the purchase of lands in Dominica by British subjects after 1763 in spite of its dangerous situation, relying on protection from the British Government. Most of the lands not actually vested in British subjects are mortgaged to London merchants. Dominica owes 1,500,000*l. stg.* to the Mother Country. The capitulation has not made the people in Dominica French subjects, and they still look to Britain for succour and support in the event of any infraction of the terms of the capitulation. They are bound only to strict neutrality; their property is not enemy's property, and any damage to it would be Britain's loss.

The opinion was given that neither the produce of Dominica on board neutral ships bound to neutral ports, nor the ships themselves, were liable to condemnation.

Received ———. Copy of the Articles of Capitulation. The most 10 Aug. important of these are :—

Article 5. "That the inhabitants of the island shall be allowed their civil government, their laws, customs, and ordinances. Justice shall be administered by the same persons who are now in office, and what relates to the interior police of the island shall be settled between his most Christian Majesty's Governor and the inhabitants; and, in case the island should be ceded to the King of France at the Peace, the inhabitants shall have their choice, either to keep their own political government, or accept that which is established at Martinique and the other French lands."

Granted until the Peace.

Article 6. "That the inhabitants, as well as religious orders, shall be maintained in the possession of their estates, and the enjoyment of their possessions, as well real as personal estates, noble and ignoble, of what nature soever they be, and that they shall be supported and preserved in their privileges, rights, honours, and exemptions, and the free mulattos and negroes in their liberty."

Granted.

Article 7. "That they shall pay no other duty to his most Christian Majesty than they have paid to his Britannic Majesty, without any charge or imposts. The expenses attending the administration of justice, the ministers' stipends and the other customary charges shall be paid out of the revenue of his most Christian Majesty in the same manner as under the Government of his Britannic Majesty."

"Granted; and the inhabitants of Dominica may freely export their produce to all parts, on paying into the Custom House the duties which the inhabitants of the French islands pay in the islands or in Europe; but the expenses for the administration of justice shall be paid by the colony."

Article 8. "That the slaves, baggage, merchandise and every other thing which shall have been taken during the attack of the island, shall be restored."

Granted that they shall be faithfully restored.

1782. § 1016 *cont.*]

Article 9. "The absent inhabitants, and such as are in the service of his Britannic Majesty, shall be maintained in the possession and enjoyment of their estates, which shall be managed for them by attorneys."

Granted.

Article 10. "The inhabitants shall not be obliged to furnish quarters or any other thing for the troops, nor slaves to work at the fortifications."

"There are cases of absolute necessity wherein there are no exceptions, but in ordinary cases the troops shall be lodged at the King's expense, and in houses to him belonging; the negroes employed for the public works shall be paid for."

Article 15. "That the inhabitants shall observe a strict neutrality and shall not be forced to take up arms against his Britannic Majesty nor against any other Power."

"Granted; but the subjects who were born Frenchmen may freely serve the King of France, without being called to an account for it in case the island of Dominica should return to the Government of England, and those who will not serve shall not be molested by the French Government."

Article 17. "The merchants of the place may receive vessels to their address from all parts of the world without their being confiscated, and they may sell their merchandise and carry on their trade, and the port shall be entirely free for them for that purpose, paying the customary duties paid in the French islands."

Granted until the Peace, English vessels excepted.

12 Ap. [1017.] EMBARGO. Petition of J. Hawkins about the V. p. 514. *Haskett and John*. He dare not give security, as required, that the vessel shall never be disposed of to, or found in the possession of, the enemy; but offers to give security that he will not dispose of her to the enemy or to any one who, he has cause to suspect, has any intention so to do

(I.) Letter from the Admiralty, 30 Aug. 1781, sending, for Lord Stormont's information,

(II.) A letter from T. Eden and Co., London, 28 Aug. 1781. They sold the ship for 1,150*l.*, which is much more than she was worth as a merchantman. Their suspicions were aroused by some manœuvres of the purchaser; and, when the last payment was due, the purchaser's name was left blank on the Bill of Sale, and further time asked for payment, as the Dutch mails had not arrived. The ship is the completest vessel for privateering they ever saw. Some of the parties concerned are well known on 'Change to contribute to carrying on an illicit trade from Ostend to Boston.

(III.) Draft of Order of 5 Sept. 1781.

(IV.) Hawkins' petition of 19 Sept. 1781, offering to relinquish the vessel to the State, and to procure instead one better calculated for his purpose as a merchant ship. His design was to trade from Ostend to the Danish island of St. Thomas.

(V.) Letter of 29 Jan. 1782, from Robert Furnass to Hawkins. Mr. I. Levin Salomons of Clapton, is ready to sign the bond that he buys the brigantine for Messrs. Prager and Co. of Ostend, and begs Hawkins to lay the matter before the Council as soon as he possibly can.

———. Letter from the Admiralty to the Clerk of the Council, transmitting (VI.) a letter of 1 May from the Marshal of the Admiralty intimating the perishable state of the vessel, whose value will be greatly lessened, if she remains stopped. 3 May.

[1018.] GOVERNORS' INSTRUCTIONS. Committee report for 29 Ap. J. Campbell (*Newfoundland*); letter from T. Townshend, V. *App.* I. 16 Aug., and Committee report of 23 Aug., for J. Parr (*Nova Scotia*); and letter from Townshend with draft for A. Campbell (*Jamaica*). Also letter from Townshend with draft of a circular instruction *re* paper money.

[1019.] DROITS OF ADMIRALTY. Memorial of Capt. E. 9 May. Thompson of H.M.S. *Hyaena* *re* a Dutch ship condemned at V. p. 461. Barbados (6 *pp.*).

596 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1782.

11 July. [1020.] JAMAICA. *Appeals*. Committee reports on V. pp. Attorney General v. Elford, and on Jackson v. Wildman. 515-6.

2 Aug. [1021.] WAR PENSIONS. (1) Petition on behalf of the V. pp. sons of P. Brown. (2) Petition of D. McDowall; and 419-20. Admiralty report of 24 Dec. (3) Admiralty report of 18 Dec. for the widow of J. Callowhill.

22 and [1022.] PRINCE EDWARD ISLAND AND EAST FLORIDA. Two 27 Aug. letters from T. Townshend with drafts of instructions not V. App. I. to assent to Acts for attaching the estates of absentees. Circular instructions to this effect had been given in 1772, but his Majesty's pleasure was not signified to the Governors of these colonies, in each of which an Act has now been passed contrary to the instruction.

11 Sept. [1023.] ACTS. *Barbados*. Letter from T. Townshend V. for confirming an Act; and (a) a copy of the Act, authenticated App. III. by Gov. Cunninghame on 16 Ap. 1782.

20 Sept. ———. *Bermuda*. Letter from Townshend for confirming two Acts: (b and c) copies of the Acts. Townshend calls the attention of the Council to a B. of T. report of 22 July 1781 on a Bermuda Act, which has not yet been considered by the Council; the operation of another Act lately passed depends upon the fate of the former.

21 Oct. [1024.] NOVA SCOTIA. *Surveys*. Admiralty report on a V. pp. memorial of J. F. W. Des Barres.

500-1. (I.) Des Barres's memorial: with an account of contingent disbursements, 1764-73. He engaged on the surveys and soundings "at a time when the numerous and excellent harbours of your Majesty's province of Nova Scotia were unknown, and the approach of its coast was a dread to navigators, having frequently proved fatal. . ."

(II.) Statement of his services (14 pp.). In 1756 he raised 327 recruits in Philadelphia. In 1757 he lived for three months

among the Mohawks near Schenectady, and won their friendship for the British. He was so useful to Wolfe at Louisbourg that he received the King's particular command to serve with him again as engineer in the Quebec expedition. His hopes of preferment "were blighted in the glorious fall of his best friend." After the taking of Quebec, he made a survey of the town and took soundings of the harbour. He fortified a post ten miles above Quebec ("Carrouge"), but was recalled on 27 Ap. on the advance of the enemy.

Col. Mackellar, the commanding engineer, was disabled in the Battle of Ste. Foi, and Des Barres's services became of peculiar effect in the preservation of Quebec. "He had the good fortune effectually to anticipate the enemy's designs, by unmasking, upon their opening their batteries, such a superiority of fire against them as frustrated their attempt until the 17th of the following month, when the squadron from England hove in view, and the enemy, being sallied upon by the garrison, was put to flight." He served in the remainder of the campaign up the river, which ended in the conquest of Canada.

He was then ordered to Nova Scotia to take surveys &c., and calculate the expense of fortifying the harbour and securing the dockyard of Halifax. "His occasional excursions into the interior parts of the country furnished him various observations for its benefit, and his suggestions for removing the causes obstructing the progress of the industrious settlers and for accelerating general prosperity have been carried into effect and produced great advantages."

In 1762 he accompanied Amherst in the expedition for retaking Fort St. John in Newfoundland, when the General thanked him and promised him every kind office in his power. After making surveys of some of the harbours of Newfoundland, he returned to Halifax. In Newfoundland and on previous occasions he was assisted by the late Capt. Cook, "and he presumes to mention his happiness in the progress and fame which that celebrated navigator derived from the informations

1782. § 1024 *cont.*]

and the divers methods he had observed him pursue in the prosecution of nautical discoveries and surveys."

After the war, he was employed under the patronage of the Admiralty in surveying the coasts and harbours of North America, "having received the most flattering assurances that his success therein would forward his promotion." Gen. Gage was ready to promote him immediately by way of purchase, but Lord Colville, in whose department he was employed, strongly objected, and insisted on his relying upon the aforementioned assurances.

After ten years diligent work on the coasts of Nova Scotia, he was permitted towards the end of 1773 to come to England to prepare for the eye of the public the surveys he then had made. The King directed "that application to Parliament should be made to defray the expense of engraving the plates on a scale whereby the accuracy and perspicuity (in which the author flatters himself his performance will be found to excel all others of that nature) might be preserved, and the public reap the benefits of it at an expense not exceeding the mere cost of printing, paper and attendant charges."

Lord Townshend in 1774 offered to promote him in the Corps of Engineers which his Lordship then commanded, but Des Barres felt himself pledged to complete the important work he had in hand. Owing to his not being with his regiment, he was so often passed over, that, while he remained a Lieutenant, he found the Lieutenant-Coloneley in the possession of one who had often done duty under his command. He was made a Captain only in 1775—sixteen years after the death of Wolfe, when he was allowed to be justly entitled thereto.

Since 1776 he has been employed in making charts of other parts of the American coast, composed for nautical use from the labours of various surveyors. His estates in America were devastated by the rebels, and remittances from them ceased. The Admiralty refused to admit his claim for contingent disbursements, whereupon he petitioned the King.

As a result, he received in January 3,915*l.* 17*s.* 8*d.* ; but he has claims for other expenses, in respect of which he has received nothing.

A note at the foot of the page indicates that, since the Statement was drawn up, he had been appointed Lieut.-Governor of Cape Breton Island.

Another note signed by A. Prevost, and dated at Barnet, 1 May 1784, declares that Des Barres has understated his services ; had he remained with his corps, which Prevost commanded throughout the Seven Years War, he would have been a Lieut.-Colonel in 1775. Fraser, his junior, who became Lieut.-Colonel, “ was not more the inferior in rank of Mr. Des Barres than he was in talents and science, both natural and acquired.”

(III.) Copy of First Report of the Admiralty, 12 July 1781 (13 *pp.*). In Dec. 1769 the Board had signified to Commodore Hood (who succeeded Lord Colville) that 10 guineas a year should be allowed for keeping up instruments, stationery &c. ; and that no allowance should be made for house rent, fuel, or exchange of money. Claims by Des Barres which went beyond the limits fixed in 1769 were rejected by the Admiralty in 1779 and 1780. Now, upon a reference from the Privy Council, the Admiralty criticise the five heads of Des Barres’s claims.

(IV.) Des Barres’s remarks on the report (9 *pp.*), leading to the modified report of 21 Oct. 1782.

———. Des Barres’s explanations on the second report. 21 Oct. Gives an abstract of his services, to which the following is added :—“ Lord Howe ascribed the advantage he gained over the French fleet under the command of Count D’Estaing to the accuracy of the soundings of the Nantucket shoals, of which his Lordship had availed himself, the want of which the pilots of that country could not supply. The *Invincible*, of 90 guns, together with the convoy under the command of Admiral Evans, was saved from being lost on the Isle of Sable—*vide* Admiral Evans’s letter annexed.* The *Phœnix*, of 50 guns, &c.,

* Not in the bundle.