

504 ACTS OF THE PRIVY COUNCIL (COLONIAL).

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

§ 868 *cont.*]

1771.

*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 1 Nov. a grant; with extracts from various petitions, minutes and V. p. 324. 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.)

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

[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 Freebодys 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