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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 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 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

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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

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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 26 Dec. of G. Clarke; and Order of reference (15 Jan. 1772). In V. p. 47. 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.

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1772.

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

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

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

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

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