

ACTS
OF
THE PRIVY COUNCIL (COLONIAL).

ACTS OF THE PRIVY COUNCIL (COLONIAL).

CHARLES II. VOL. 16. (1 June, 1680—31 May, 1683.)

[1.] [During this period the following additions are made to the Committee :

1680.
The
Committee.

29 June, 1680, Earl of Clarendon ; 20 Oct., 1680, Sir Robert Carr ; 2 Feb., 1681, Earl of Conway ; 23 Feb., 1681, Earls of Chesterfield and Aylesbury ; 9 March, 1681, Earl of Craven.]

[2.] Seth Southill Captive in Algeirs, Praying in regard of Vice Admirall Herberts urgent Affaires, that the Release of the Petitioner directed by Order of the 2nd of July last, . . . might be negotiated by Merchants, [it was referred to the Commissioners of the Admiralty, to effect his release in whatever way shall seem to them most convenient]. [p. 6.]

2 June.
Seth
Southell.

[Seth Southell setting forth that] . . . the Commissioners of the Admiralty . . . although they approve of the Petitioners Exchange and Ransome to be negotiated by Merchants doe require of the Petitioner to give Security for the safe returning of the said Prisoners in case he should happen to dye before he be exchanged which the Petitioner by reason of his Captivity is not in a Condition to procure, And alsoe that the Petitioner being more severely treated by the Turks than ever who are enraged at the Long delay of the said Prisoners Exchange, therefore make him carry Morter, Brick and stone for the Masons with a heavy Chaine of Nine links, each linke two inches and halfe thick upon his legg besides Bolt and Shackle Most humbly prays that . . . his Majestie would bee pleased to direct the Commissioners of the Admiralty to issue their Warrant

15 Sept.

4 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1680.

to the said Vice Admirall for sending the said Turkish Prisoners to Leghorne by the first opportunity and deliver them into the hands of Thomas Deerham Esqr. his Majestys Agent and Consull for the English there, to secure them till the Petitioners Exchange can bee effected pursuant to his Majestys said order of the 2d of July 1679, and to inspect the transacting thereof accordingly by the Negotiation of Mr. Charles Longland, Mr. Charles Harris and Mr. John Brookin English Merchants there and Company who will take care to pay all such charges as the said Consull shall bee putt to in this matter. [The petition is granted and orders given in accordance with its terms.] [p. 101.]

(1681.)

28 July.

[Though two captive Turkish captains were exchanged for Seth Southell, yet he was forced to enter into a bond of 3,000 pieces of eight to one Winbourne, an English subject living at Algiers despite the open hostility between his Majesty and those pirates. This bond is contrary to the agreement made with that Government, and yet Mr. Southell remains prisoner in the Counter. The case is referred to some of his Majesty's counsel learned in the law to consider what his Majesty may do legally for the relief of Mr. Southell.]

[p. 332.]

(1681.)

7 Sept.

[The Attorney General makes a report on Seth Southell's case, and the Council direct that proceedings follow the course therein proposed, viz.] that the only way for the Petitioners releif will be by Bill in Equity to be brought in the name of his Majesties Attorney Generall and the said Mr. Sothell, and that in the mean time the actions brought may bee removed into the Kings Bench. And that his Majestie may please to give direction for some persons to be bayle and to provide for their indemnity of which there will be little hazard if the case be as it was stated to him. [p. 353.]

(1683.)

31 May.

[In addition to the two Turkish captives, Seth Southell was forced to enter into an engagement to pay 6,000 pieces of eight, for which some English subjects at Algiers became his

sureties. On arriving in England Southell refused to pay, and though 3,000 pieces have been recovered at law from him, he has now gone to Carolina, where he is governor, leaving one Robert Cole engaged for the other 3,000 pieces.] The Dey and Government of Algier having writt very earnestly to his Majesty that the said summe may Speedily be satisfied . . . it is to be apprehended, that unlesse some effectuall care be taken therein (Cole not being worth the money) they may seize upon his Majesties Consull upon his Arrivall there, and that possibly worse Consequencyes may attend it. [Accordingly, on the recommendation of the Committee for redemption of captives, it is ordered that the] Attorney Generall doe forthwith prepare a Bill for his Majestys Signature commanding the said Seth Southell to Repaire into England within three moneths after notice thereof, and to render himselfe to one of his Majesties Principall Secretaryes of State as he tenders his Allegiance and will answer the Contrary at his utmost perill, unlesse he hath before notice thereof be given him, satisfied and payd the said three Thousand peeces of eight. [p. 700.]

[3.] Upon reading this day at the Boord the humble Petition of Dame Elizabeth Carteret Widdow Relict and Executrix of Sir George Carteret Knt. and Bart. late Vice-Chamberlain of his Majestys Household, Praying payment of the Summe of 500*l.* per annum with the Arrears thereof due unto her said late Husband out of the Revenue of the Caribdee Islands, which the ffarmers of that Revenue refuse to pay notwithstanding his Majestys Letters Patents in that behalf. [A copy of the petition is ordered to be delivered to the said Farmers, who are to return a written answer with all speed.] 9 June.
West Indies. [p. 10.]

[The Farmers return their answer, not submitting to payment of the sum alleged to be due, and praying for a hearing. The whole matter is thereupon referred to the Treasury to hear both parties and decide.] 4 August. [p. 60.]

6 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1680.

- 23 June. [4.] [A letter to the Commissioners of the Ordnance. As
 St. there is great scarcity of powder in the Leeward Islands, ten
 Christopher. barrels of "Corne Powder" are to be sent at once on board
 the *Norwich* frigate or the first ship known to be sailing
 for St. Christopher.] [p. 22.]
- 23 June. [5.] [A reference to the Attorney and Solicitor General as to
 Jamaica. the royal power of making laws for Jamaica — C.S.P. V. 1405.]
 [p. 22.]
- 30 June. [6.] Upon reading this day at the Boord the humble Petition
 Jamaica. of Dorothy Mingham Wife of Captain Francis Mingham
 Prisoner at Port Royall in Jamaica Complaining of the
 Oppressions and Imprisonment her Husband suffers by reason
 of the undue Proceedings against him by Sir Henry Morgan
 knt. Deputy Governor of Jamaica and Judge of the Admiralty
 there and Thomas Martin Gentleman Customer at Port
 Royall, for petitioning this Boord to be heard against a
 Sentence of Condemnation of the *Pink Francis* of London whereof
 the Petitioner was Master, which was exhibited in the
 Petitioners name in his absence by the Owners of the said
Pink, as by the said Petition at large appears, And Praying
 That her said Husband might be set at Liberty to come over
 and make good his Allegations at this Boord by living
 Witnesses as well as Records from Jamaica, And that he
 may have true Copies of the Returnes from Jamaica, [the case
 was appointed to be heard on 7 July], whereof the Agents
 of the said Sir Thomas Morgan and Mr. Martin are to have
 timely notice, that they may come prepared to make their
 Defence, but if they cannot be then ready, that the said
 Hearing be deferred till the Wensday following, And in the
 mean time, that Copies of all the Papers relating to this
 Busines, be mutually delivered to each Party. [p. 28.]
- 21 July. [On Mrs. Mingham's petition against the 2500*l.* damages
 imposed on her husband for appealing to the Board,
 it is ordered that upon security to the full amount being

1680.

given for abiding the determination of the Board, Captain Mingham be released and permitted to come to England to prosecute his appeal.] [p. 45. C.S.P. V. 1459.]

(1681.)

The Petition of Captain Francis Mingham being this day read Setting forth his acknowledgment of his Majestyes great favour, and Justice done to him upon the Petition of his Wife in July last, in ordering his Releasment from his confinement upon a Verdict recovered against him in the sayd Island, [and showing] That the Petitioner being returned hither in order to prosecute his said appeale and abide the Judgment of this Board thereupon, for the doing whereof his said Wife gave security to the full summe of the claime, and finding his sayd security very desirous to be discharged of their sayd Bonds, And therefore humbly praying his Majesty to appoint when the sayd matter should be heard as well in relation to the condemnation, and sale of his sayd ship, as to ye proceedings had against him, as aforesaid for appealing from that sentence to this Board, to the end he may receive such releife as should be agreable to Justice, and Consideration being had thereof, his Majesty was pleased to order That this matter be and it is hereby appointed to be heard at this Board the first Councill day after Easter next. . .

[p. 243.]

[The petition is referred to the Committee on 6 April (C.S.P. VI. 65), and on 15 April order is made as in C.S.P. VI. 77.] [pp. 257 and 267.]

[7.] [A warrant in the usual terms, and with the usual preamble, authorising William King, surveyor of the Customs at Bristol, to destroy all tobacco planted in divers places in the counties of Worcester, Gloucester, Hereford and places adjacent. A letter to the Earl of Oxford follows, praying him to send a troop of horse to assist King in the work.] 7 July. Tobacco.

[p. 32.]

[8.] [Stores for Jamaica.—C.S.P. V. 1464-5.] 27 July. Jamaica.

8 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1680.

4 August. [9.] Whereas Captain Henry Wilkinson . . hath humbly
 Carolina. besought his Majesty to lend him the Spanish merchant one of his
 Majestys fire shippes lying at Deptford Dock to transport the
 Petitioner his Servants and Passengers about one hundred
 and fifty in number to his Majestys plantation of Carolina, and
 that the said ship be refitted with speed, supplied with Guns
 and amunition at his Majesties charge, he himself being
 willing to victuall officer and man her at his owne Charges.
 [The petition is referred to the Admiralty to report thereon.]
 [p. 62.]

9 Sept. [10.] [The Council refer to the Committee for examination
 Slave Trade. and report the] Petition of the Royall African Company of
 England setting forth that whereas his Majestie was graciously
 pleased to grant to them, the sole Trade of the Coast of
 Guiny, and that many of his Majestys subjects as well from
 hence as from his Majestys Plantations and other parts, in
 contempt of his Majestys said Charter and Proclamation have
 of late and still doe presume to send out ships to Trade in
 those parts more abundantly then ever heretofore, and that
 severall have come lately to the Island of Barbados and
 landed their Blacks and Merchandize and gone away againe
 without Entring their ships or taking out their dispatches in
 Defyance of the Government and contrary to the Act of
 Trade and Navigation and a particular Act of the Country
 requiring it whereby the Company Stock will be soe much
 impayred as they shall not be able to carry on their Trade
 and support the charge of about 15000*l.* per annum for the
 necessary maintenance of their Forts and Guarrisons, And
 therefore praying that his Majestie would bee pleased to apply
 such further remedy for redresse of the said abuses as to his
 Majestie shall seeme meet. [p. 90.]

10 Sept. [11.] [The Clerk of the Council is directed to] take a Bond of
 Jamaica. 1000*l.* of Samuella Long of Jamaica, Esq., for his attendance
 from time to time on the Councill Board. [p. 91.]

5 Sept. [12.] Upon reading this day at the Board a Draught of a
 New Letter to the Governor and Company of the Massachusetts
 England.

Bay in New England in the words following, vizt. : Trusty and welbeloved Wee Greet you well. When by Our Royall Letters bearing date the 24th day of July in the 31th yeare of Our Reigne Wee signified unto you Our Gracious inclinations to have all past errors forgotten, setting before you the meanes whereby you might deserve Our pardon, and Commanding your ready obedience to severall particulars therein contained, requiring withall a speedy compliance with the intimations of your Duty given to your late Agents during their attendance here, all which wee esteem essentiall to your quiet Settlement and naturall obedience due unto us; Wee then little thought those markes of Our Grace and favour should have found no better acceptance among you, but that before all other things you should have given preference to the execution of all Our Commands when after soe many months wee come to understand, by a Letter from you to one of Our Principall Secretarys of State dated the 21th of May last, that very few of Our directions had been pursued by your General Court, the further consideration of the remaining particulars having been putt off upon insufficient pretences and even wholly neglecting your appointment of other Agents which were required to be sent over unto us within Six Months after the receipt of Our said Letters with full Instructions to attend Our Royall pleasure here in relation to that Our Government. Wee have alsoe received the Petition of Our Trusty and welbeloved Robert Mason Esqr. . . humbly laying before Us the state of his further pretentions to the propriety of soyle in a Tract of Land lying between Merrimack and Naumkeck Rivers . . . In the Examination whereof the Lords of Our Committee of Forreigne Plantations had made such a Progresse that the right of Our subjects had already been thereupon settled, without the humble intreaty of your said Agents, and consent of the said Robert Mason, that in regard of their sudden departure and want of powers in that behalfe, the Determination thereof might be suspended until the

1680.

arrivall of other Agents to be appointed according to the Limitation of Our aforesaid Letters, as your Agents were able to informe you. And although the vindication of Our Authority, and the demand of Justice from one of Our Subjects might have well induced us to the most speedy means of redress by doing us and our Subjects right, Wee have nevertheless continued Our Royall Clemency towards you, and thought fit to give you further opportunity of bearing evidence of your Duty towards us, soe as noe further occasion of Complaint may be offerd, in respect of your behavior: Wee do therefore, by these Our Letters strictly command and require you, as you tender your Allegiance unto us and will deserve the effects of Our Grace and favor (which Wee are inclined to afford you) seriously to reflect upon Our Commands contained in Our said Letters and other directions at severall times intimated unto your late Agents [and particularly to send over within three months after the receipt hereof new Agents with] sufficient Instructions to attend the Regulation and Settlement of that Our Government and to answer your proceedings therein. And that the matter of the Complaint of the said Robert Mason may be thus determined, Wee expect that your Agent or Agents bee not only prepared to lay before us such Evidences of Right as you may have to the propriety of soyle in that tract of Land claimed by him, but Wee direct you alsoe to make a publick signification of Our pleasure unto all the Inhabitants and Tertenants thereof, that they doe furnish att the same time your said Agents or such others as they may Depute with the proofs of their respective Titles to the Land possessed by them, to the end they may bee fully satisfied in Our Royall Justice that they have not been prevented in the full improvement of their Lawfull Defence, Which Wee hereby direct them to make before us in Councill. Such is the care and tenderness that wee will always continue towards you and other Our subjects by removeing those difficultys and mistakes that have arisen by the Execution of the Powers of your Charter at such

1680.

a Distance from us, which by the first intendment and present constitution thereof (as by the Charter appears) has its naturall seat and immediate direction within Our Kingdome of England.

And that the due observance of all Our Commands above mentioned may not be any longer protracted, Wee require you upon receipt hereof forthwith to call a Generall Court and therein to read these Our Letters, and provide for Our speedy satisfaction ; in default whereof wee shall take the most effectuall means to procure the same. And soe Wee bid you farewell.

His Majestie in Councill was pleased to approve of the said Letter and to Order [that] the Earle of Sunderland his Majestys Principall Secretary of State doe prepare the same for his Majestys Royall Signature accordingly.

[p. 103. C.S.P. V. 1506.]

[13.] [The Earl of Sunderland is also directed to prepare a warrant constituting Richard Chamberlain, Esq., Secretary of the Province of New Hampshire and Clerk of the Council, with powers similar to those of the like officers in other plantations], with such fees as are usuall in New England or shall be agreed on by the said Councill of New Hampshire and approved of by his Majestie, without any charge to his Majestie.

15 Sept.
New
Hampshire.

[p. 104.]

[14.] Upon reading this day at the Boord an Act for raying a publike Revenue for the better support of his Majestys Colony of Virginia, His Majesty was pleased to Declare That the Proviso for exempting Virginia Owners from the payment of 2*d.* per Hogshead and of the Cattle Dutys should be excepted. Vid. the Entry at large in the Booke kept for that purpose.*

13 Oct.
Virginia.

[p. 121. C.S.P. V. 1542.]

[15.] [On the report of the Committee, it was ordered that Sir Jonathan Atkins be required to bring back with him to

20 Oct.
Barbados.

* Given in full in Plantation Register and printed in (1) The Laws of Virginia from the year 1662 (London 1728) pp. 133-4; and (2) The Statutes at Large of Virginia (1823) Vol. II. pp. 466-9.

12 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1680.

this kingdom] the Three Hundred pounds being the Proceed of the ship Asia sold at Barbados, together with an account of the necessary Charges for the Salvage of her, to the end their Lordships may then adjust the same between him and the Dutch West India Company. [p. 126.]

20 Oct. Barbados. [16.] [Sir R. Dutton's commission and instructions as Governor of Barbados are confirmed, and in accordance with a report of the Committee, the Council direct that in all future patents conferring offices in that island a clause be added] to make them void in case the Patentees shall not reside upon the Place, Except the Secretary and Marshall, and that for the Encouragement of the Governor No places be granted under the Great Seale but that they be left to the Disposall of the Governor except such as are already granted by his Majesty which may be still reserved for his Majestys Gift.

[p. 128.]

(1682.)

21 April. It is this day Ordered by his Majestie in Council that an Order of this Board of the 20th of October 1680 concerning passing of Patents for offices in the Island of Barbados, hereunto annext, be entred in the offices of the Right honourable his Majesties Principall Secretaries of State, and at the Signet, Privy Seale, and all other offices concerned in the passing of such Patents. [p. 493. C.S.P. VI. 482.]

3 Nov. Leave of Absence. [17.] [Plantation governors not to return to England without special leave.—C.S.P. V. 1573.] [p. 138.]

3 Nov. Jamaica. [18.] [Retrenchments in the establishment of Jamaica.—C.S.P. V. 1569.] [p. 139.]

12 Nov. Slave Trade. [19.] [Order in accordance with the Committee's report on the slave trade.—C.S.P. V. 1583.] [p. 148.]

17 Nov. Plantation Trade. [20.] [Order on the petition of the owners of the *Virgin*.—C.S.P. V. 1591.] [p. 150.]

(1681.)

11 Aug. [On the Committee's report, Sir L. Jenkins is ordered to acquaint the Spanish Ambassador] that the case of the

1680.

Petitioners hath been so hard, their Delayes for redresse intolerably, and their importunities for granting letters of Reprizall in Case satisfaction be not speedily given them very pressing, As likewise to acquaint Sir Henry Goodrick with what hath been comunicated to the Spanish Ambassador.

[p. 339.]

[21.] [It is ordered that the Admiralty] doe cause a fourth rate frigott to be forthwith made ready, and Transport Sir Richard Dutton, his Lady, Children, and servants hereunder mentioned to his Majestyes Island of Barbadoes, . . . together with all his, and their Goods, Provisions, and necessary Equipages, of what kind soever, And that the Commander of the sayd frigott have Orders That at his arrivall there, he stay 14 dayes, to bring back Sir Jonathan Atkins the late Governour, provided he be ready to come away by that time.

19 Nov.
Barbados.

Mr. Gibbs, Mr. Dalison, Mr. Locke, John Thomas, Mr. Dutton, Mr. Rawlins, Mr. Sherborne, Mr. Watson, Mr. Gleane, Mr. Shaw, Mr. Wilson, Mr. Doughty, Mr. Adye, Mr. fuller, Mr. fitzherbert, Mr. Hill, Mr. Thomas, two Boyes and five Mayds.

[p. 154. C.S.P. V. 1598.]

[22.] [A copy of Samuel Long's petition is to be sent to the Earl of Carlisle for his answer thereto.]

[p. 162.]

3 Dec.

(1681.)

[Divers Jamaica traders and planters complaining against the government of the Earl of Carlisle, it is ordered] That the Petitioners doe forthwith put into writing the particular matters of their complaint against the said Earle which they are ready to prove against his Lordship and to transmit the same to the hands of the Clerke of the Councill in Waiting so as he may be able to send a Copy thereof to his Lordship by friday next that his Lordship may have due time to make answer to the same upon Wensday the 12th instant at 4 afternoon, [when both parties will be heard].

5 Jan.
Jamaica.

[p. 177.]

[The hearing is postponed to the 19th.]

[p. 181.]

12 Jan.

14 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1680-1.

19 Jan.

[It is ordered that] Colonell Samuell Long and the rest of the traders to, and Planters of Jamaica concerned in the said Complaint against his Lordship do putt the same into writing by way of Articles, as short as may be, all that they can say in relation to privateering, and in the margeant set downe which affidavits prove each article, and particularly by which part of the affidavits. [Copies of the said articles are to be transmitted to the Earl of Carlisle, whose written answer is to be presented to the Board on the 21st, when the whole matter will be heard.] [p. 186.]

15 Dec.
Virginia.

[23.] [Two letters as to a stint of tobacco in Virginia referred to the Treasury.—C.S.P. V. 1617.] [p. 165.]

21 Jan.
St. Eustatius
and Saba.

[24.] [On the Committee's report] upon a memoriall from the Ambassadors of Holland, dated 16-26 of December last, wherein they insist that the Islands of St. Eustace and Saba now in his Majestys possession, may be restored unto the States Generall from whom they were taken in the late Warre [Mr. Secretary Jenkins is directed to] acquaint the said Ambassadors that his Majestie having in pursuance of a former Memoriall commanded his Governour of the Leeward Caribbee Islands to send an Accompt of the condition the said Islands of St. Eustace and Saba were in, to the end the Sixth Article of the late Treaty of Peace concluded att Westminster the 10th of february 1673-4 might bee fully complied with, the said Governour has return'd for answer that he has been at the charge of one hundred pounds Sterling and fifty Musquetts in keeping the said Islands; Whereof his Majesty expects the reimbursement, since (besides the considerable improvement they have received by the English) His Majestie was ready to restore the said Islands many yeares past upon conclusion of the Peace, if they had been demanded by the States, which as it is conceived, was not done, least the french, with whom they continued in Warr, should have possesst themselves of them; Whereupon his Majestie will imediately give orders for the restitution of

1681.

the said Islands, according to the 6th Article of the Treaty, And . . . Mr. Secretary Jenkins is hereby further directed to prepare Orders for his Majestys Royall Signature unto Sir William Stapilton Governor of the Leeward Islands Comanding him to make Restitution of the said Islands of St. Eustace and Saba, unto the States Generall, or such who shall be Impowred to receive them on their part, in the condition they shall be in att the receipt of the said Orders. [p. 187.]

[25.] [Order as to the Bermuda Company.—C.S.P. VI. 18.] 16 Feb.
[p. 212.] Bermuda.

[The Governor and Company and such of the inhabitants as are in town are required to attend on the 25th; on the 25th the Order.—C.S.P. VI. 31, is given.] [pp. 221 and 223.] 23 Feb.

[The Committee representing] the necessity of the Attorney Generalls bringing a new Quo Warranto against the Charter of the Bermuda Company that the same may be forthwith brought to a finall Issue, [Orders are given to Sir Robert Sawyer to proceed accordingly.] (1682.) 22 Nov.
[p. 571.]

[26.] [The provisions of 22 and 23 Ch. II. c. " An Act for regulating the Plantation Trade " and of 25 Ch. II. c. " An Act for the better securing the Plantation Trade," are given.] 16 Feb.
Now for the Encouragement of all his Majestys Subjects in their Trade to his Majestys Plantations, His Majesty was pleased this day to Order in Councill, That for the avoyding the payment of the Dutys appointed to be paid by the aforesaid Act of the 25th year of his Majestys Reigne, Any Person or Persons concerned in any Ships or Vessells Entring for any of his Majestys aforesaid Plantations (which by Law may trade thither) shall voluntarily offer Bond with one Surety to bring their Lading of the abovesaid enumerated sorts of Goods to England, Wales, or Berwick upon Tweed, and to no other Place, and there to unload and put the same on shoar (the Danger of the Seas only excepted) That the Cheif Officers of the Custome House of such Port or Place from whence the said Ship shall set sayle, shall accept of and Plantation Trade.

16 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.

take such Bond accordingly, and give Certificates thereof, as in such cases hath been accustomed, And as to such Ships and Vessells as have already or may before the publication of this Order happen to have given Bond, to bring their Ladings of the said Goods to England, Wales, Berwick or Ireland, That if any Person or Persons concerned in the said Ships shall desire to take in the said Bonds, or any of them, and to give New Bonds with One Surety for the coming of the said Ships with their Ladings of the said Sorts of Goods to England, Wales, or Berwick and to no other place, and there to unlade and put the same on shoar, That the Officers who have the Keeping of the said Bonds shall deliver the same to them, and take new Bond from them as aforesaid, and give Certificates of their having delivered up the former Bond, and having taken such new Bonds, And in such case His Majesty is hereby pleased to remit the taking or demanding from any such Ships or Vessells any of the Dutys and Rates imposed by the aforesaid Act made in the 25th year of his Majestys Reigne, And the Commissioners of his Majestys Customes, and all his Majestys Officers of the Customes in England, and in the respective Plantations are required to take notice thereof and to take care that the same be duly observed.

[This order is to be publicly affixed] in all the Custome Houses in England and Wales and Towne and Port of Berwick upon Tweed, And the Commissioners of his Majestys Customes are hereby required to take care that the same be done accordingly. And also that notice of this his Majestys Order in Councill be given to the Collectors of his Majestys Customes in his Majestys respective Plantations.

[p. 213. C.S.P. VI. 19.]

19 Feb. [The Treasury is directed forthwith to transmit this Order to the Colonial Governors] to be by them punctually and duly observed, and put in execution. [p. 218.]

23 Feb. [27.] [Order as to the Earl of Carlisle's creditors.—C.S.P. Barbados. VI. 28.] [p. 220.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 17

[The creditors referred to Committee—C.S.P. VI. 615.]

(1682.)
13 July.

[p. 534.]

1681.
23 Feb.
Pennsyl-
vania.

[28.] [His Majesty was pleased to approve the draft of a Charter prepared by the Committee] (in pursuance of his Majestys Order signified unto them by the Earle of Sunderland the first of June last) for constituting William Penn Esqr. absolute Proprietary of a Tract of Land in America. . . . And did Order, That one of his Principall Secretarys of State do give Directions for preparing a Bill for his Majestys Royall Signature to passe the Great Seale of England, according to the said Draft (which was thereunto annexed) And that his Majestys Principall Secretary of State do receive his Majestys Pleasure, what Name he will give the said Province, to the end the same may be inserted in the said Bill accordingly.

[p. 224.]

[29.] [Reference to Committee of Mr. Randolph's petition.—C.S.P. VI. 45.]

11 March.
New
England.

[p. 244.]

[Mr. Randolph's petition "complaining of the Colony of the Masachusets" is referred to the Committee: and witnesses for Mr. Randolph are to attend the Committee.]

6 April.

[p. 257.]

[Letter to the Governor and Company of Massachusetts Bay.—C.S.P. VI. 264.]

21 Oct.

[p. 376.]

(1682.)
20 Sept.

[The Committee having reported] that the Agents or Messengers lately arrivyd from the Massachusetts Bay in New England not having brought sufficient powers for the regulation of his Majesties Government there according to his Majesties former Comands Their Lordships proposed that his Majestie would be pleased to order them forthwith to procure the same: Upon consideration whereof his Majestie in Council was pleased to Order and it is hereby Ordered accordingly that the said Agents or Messengers doe forthwith procure from his Majesties Governor and Company of the Massachusetts Bay Sufficient Commission and full powers

18 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.

to agree upon the Regulation of that Government and to consent to such matters as shalbe thought necessary pursuant to his Majesties Letters to that Colony, and that in the mean time the said Agents continue their attendance here ; And in case of Neglect or failure in the particulars above mentioned His Majestie was pleased to Declare that he would cause a Quo Warranto to be brought against the said Governour and Company for the abuses of their Charter, upon the first day of Hillary Terme next. [p. 545. C.S.P. VI. 697.]

(1683.)

13 June. [Order for bringing a *Quo Warranto*.—C.S.P. VI. 1124.]
[Vol. 17. p. 1.]

(1683.)

20 July. [The Agents allowed to return home.—C.S.P. VI. 1160.]
[p. 21.]

(1683.)

20 July. [Mr. Randolph to go to New England with a notification of the *Quo Warranto*.—C.S.P. VI. 1159.]
[p. 22.]

(1684.)

29 Feb. [Orders on Mr. Randolph's report and petition.—C.S.P. VI. 1566-7.]
[pp. 122-3.]

11 March. [30.] [Order concerning a proposed Treaty of Neutrality.—
West Indies. C.S.P. VI. 44.]
[p. 249.]

11 March. [31.] [An order to Samuel Mearne, his Majesty's Stationer,
Colonial Church. to dispatch to Sir Philip Stapleton for the use of the Leeward Islands, and to Sir Richard Dutton for Barbados, the following books, to be paid for by the Treasury, and to be disposed of as the Bishop of London may direct, viz. :—(to each)]
15 Common Prayer Bookes, folio gilt, 15 Homilyes of the Church, 15 Bookes of Cannons of the Church, 15 Bookes of the 39 Articles, and 15 Tables of Marriage. [p. 250.]

28 July. [A similar order for Jamaica.] [p. 333.]

[15 large Church Bibles are ordered for Jamaica on 12 Oct. (p. 367), for the Leeward Islands on 7 Dec. (p. 419. C.S.P. VI. 315), and for Barbados on 13 Jan, 1682 (p. 437); 40 Tables of Marriage and 6 copies of each of the other books are ordered for Maryland on 12 Oct., 1681 (p. 367), and 42 copies of each of the books for Virginia on 13 Jan.,

1681.

1682 (*p.* 437); 20 copies of the Articles and of the Tables of Marriage and 6 of the other books for New Hampshire 10 Feb., 1682 (*p.* 460); 11 Oct, 1685, for Virginia, 12 copies of each, save the Homilies (*James II. p.* 143); 30 Oct., 1685, for New England, 6 copies of each of the books (*p.* 147); 18 Mar., 1687, for Jamaica, 15 of each (*p.* 415); 6 Feb., 1690, for New York, 6 of each (*Wm. III. Vol. I. p.* 375); 21 Nov. 1695, 20 bibles, and various Church books for Maryland (Vol. IV. *p.* 215); 12 Aug. 1697, 6 bibles, and various other books for New York (Vol. V. *p.* 65); 20 Jan., 1698, 30 copies of various books for the use of 30 new erected parishes in Maryland; (Vol. V. *p.* 147).

[32.] Upon the Petition of Thomas Darvall merchant setting forth that he appealed to his Majesty in Council from a Judgment given against him in the generall Court of Assizes held for the City of New York in America, the 6th and 7th dayes of October last at the sute of Richard Hall. That the Petitioner entred into bond to his Majesty of 400*l.* penalty to prosecute the said Appeale with effect, wherfore upon praying that a day may be appointed for hearing of the said appeale, [the Committee is ordered] to consider what is fit to be don therupon for the releif of the Petitioner, and then his Majesty in Council will declare his further pleasure. 15 April.
New York

[*p.* 268. C.S.P. VI. 79.]

[Order dismissing the appeal.—C.S.P. VI. 314.] [*p.* 421.] 7 Dec.

[33.] [A petition for liberty to trade pending *Quo Warranto* proceedings is referred to the Committee.] 19 April.
Bermuda.

[*p.* 274. C.S.P. VI. 86.]

[34.] Upon reading the Petition of severall Planters of Jamaica, humbly praying his Majestys Protection for a small Frigat to saile to the Coast of Angola and from thence to Jamaica, [a copy is sent] to the Ginnee Company who are to attend this Boord on Wensday next, at which tyme his Majesty in Council will hear what the said Company can alleage against his Majesty gratifying the Petitioners in their request. 22 April.
Jamaica.

[*p.* 276.]

20 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.
27 April. [The above petition having been heard, and answered by the Royal African Company, as also another of divers merchants, planters, tradesmen, and seamen, praying a freedom of trade on the coast of Africa,] His Majesty in Council having considered the whole matter, and offered to the Petitioners the liberty of subscribing sixty thousand pounds in the said Companies Booke upon a moderate valuation, additional to the present stock, and under the Conditions and Regulations of the said Company, which they refused to accept, Is therefore pleased to order and it is hereby ordered that the said Petitions, and all matters contained therein, be dismissed this Board. [p. 281.]
- 19 May. [35.] [The Council approve the following report of the Newfoundland. Committee, and direct the Admiralty to give orders accordingly] Wee have received the petition of William Miles setting forth that about two yeares since he sent to Newfoundland in the ship Pembroke, in salt and other provisions to the value of 800*l.* principall which were partly sold and partly Left in the Planters hands there who were to make returne of the value thereof in Merchantable fish the next ensuing Season as by Severall Bonds produceable doth appear, and that a yeare since he sent the shipp Elizabeth John Vallet Master for the said ffish which receiv'd not above fifty pounds worth without any account of the remainder whereby he is become a great sufferer. [We advise that the Captain of one of the men of war appointed convoy for this year's fishing call before him the parties complained of, and endeavour to obtain satisfaction for the petitioner's representative, and report to your Majesty.] [p. 291.]
- 16 June. [36.] [Order for execution of pirates at Jamaica.—C.S.P. Jamaica. VI. 144.] [p. 305.]
- 30 June. [37.] [Order as to Christopher Rousby.—C.S.P. VI. 151.] Maryland. [p. 311.]
- 30 June. [38.] A Commission to Edward King, Gent., Surveyor of his Tobacco. Majesties Customes at Bristoll to destroy tobacco in

1681.

orcester, Gloucester, Hereford and parts adjacent of the
 me tenor with that which issued the 9th of July, 1680 to
 re said Mr. King and Arnold Browne.

A Letter to his Grace the Duke of Albemarle to send
 Troop of Horse to assist Mr. King. . . . [p. 312.]

[39.] A Warrant to Edward Griffin Esqr. Treasurer of his
 Majestyes Chamber for the time being to pay to Edward
 Loyd Clerke to Sir Philip Lloyd the summe of twenty pounds
 for Registering the Lawes of Jamaica and for makeing Copyes
 of the Earle of Rannelaghs Accounts, and severall other extra-
 ordinary Services. [p. 316.] 2 July.
 Jamaica.

[40.] [Order on the petition of William Fisher.—C.S.P. VI. 21 July.
 83 : further order of 10 Feb. 1682—C.S.P. VI. 412.] Plantation
 Trade.
 [pp. 327 and 459.] (1683.)

[Reference to Committee of a further petition of John Toton,
 Fisher's attorney and procurator.—C.S.P. VI. 914.] [p. 621.] 26 Jan.

[41.] [The Countess of Kinnoull's petition is referred to the
 Committee to examine the state of the case], together with
 what will thereupon Occurr, in reference to the Earle of
 Carlisles Creditors. [p. 332.] 28 July.
 West Indies.

[42.] [The Board approve the documents referred to in the
 following report from the Committee, and give orders for
 their dispatch]: Wee have in pursuance of your Majestyes
 order prepared a Commission and Instructions for Sir
 Thomas Lynch as Governour in Chiefe of Jamaica, Which
 wee are humbly of opinion may be transmitted, to the Right
 Honourable Mr. Secretary Jenkins, to be dispatched in the
 usuall forme, together with the Revocation of the Comissions
 to Sir Henry Morgan and Sir Francis Watson, of Lieutenant
 Generall, and Major Generall, which offices wee doe not thinke
 of any further use to your Majestyes service in that Colony.
 [p. 335. C.S.P. VI. 194.] 28 July.
 Jamaica.

[43.] [The Committee] having considered the affaires of 11 August.
 Virginia and particularly the State of the Quit Rents granted to Virginia.

1681.

the Earle of Arlington and Lord Culpeper, Did this day Report their opinion that henceforward his Majestie would resolve not to grant or dispose of any Quit Rents in Virginia or any other Parts of America to any person whatsoever, but reserve them intirely for the support of the respective Governments there. His Majestie was therupon pleased to Declare in Councill that he would henceforward make no grant of any Quit Rents to any person, and that Cavets should be entred in all offices against Graunts for passing away of Quit Rents as well in Virginia and other his Majesties forrein Plantations as in his Majesties Kingdome of Ireland, that they might be reserved for the support of the Government in the places aforesaid, as they were originally intended, Wherof his Majesties Principall Secretarys of State, and all others concern'd are to take notice. [p. 340.]

31 August. [The report of the Committee, dated 16 Aug. is read and approved, and orders given accordingly. C.S.P. VI. 203.] [p. 348.]

11 August. [44.] Whereas it hath been represented to his Majestie in Navigation Acts. Councill by Edward Randolph Esqr. . . . That in pursueance of the Acts of Trade and Navigation, and in the particular Execution of his office, he did at the Town of Boston and other Places there, seize, and prosecute divers ships and vessells with their Ladings, and other prohibited Goods and brought the same to triall in those Courts, where, not obtaining Justice, he did find himself obliged in Duty to make his appeals from the said Courts to his Majestie in Councill, humbly praying that the same may be entred in the Bookes of this Boord for Councill Causes, and summons issue out accordingly to the persons concerned therein. To the end therefore there may be no failer of Justice in the said Cases, and for the more effectuall preventing of future abuses of the like nature, His Majestie in Councill is pleased to order, and doth hereby Order and Comand that all and every master of the said ships and vessells seized by the said

Edward Randolph, (A list whereof is hereunto annexed), doe make their appearance before his Majestie in Councill, by themselves, or their respective attorneys duely impowered in Four months after signification hereof made unto them, in case the said Persons respectively be then remaining within any of his Majesties Plantations in America, or if in other places, then within such time as may be sufficient for them to give their attendence as aforesaid, in order to their Defence upon the said appeals exhibited against them, upon pain of incurring such penalties and forfeitures as by the severall Acts of Parliament for the encouragement of Trade and Navigation are provided, And all such other punishments as may be justly inflicted upon the Contemnners of the Majesties Royall Comand and authority.

The names of those whose vessels and Goods were seized :

John Hunkins master of the Ketch Industry of Plymouth.

Thomas Grecian master of the Pink Expectation of Boston.

Steven Clay master of the Ship Batchelor Delight of Providence.

Eli. Nichols master of the Barque Guift of God of Guernzey.

— Whetstone master of the Mary of Bristol.

John Brock master of the Guift of God of Kittery.

The rigging and sailes of two New Ships of Piscataqua, Philip Severet and Eli. Nicholls masters.

Two Barrells of Irish yarne belonging to John Harding of Salem.

John Huling master of the ship Maidenhead of Nuberry.

Timothy Armitage master of the ship two sisters of Boston.

Samuel Lucy[?] master of the ship Expedition of Bristoll.

Jeremia Janon master of a sloop of Scituate. .

Nathaniel Bollard master of a sloop of Linn.

John Hutchinson merchant of Boston or security for fittie hogsheads of Tobacco. [p. 343.]

[45.] [20. is ordered to be paid by the Treasury to James Fawket, clerk, now going to Barbados.] [p. 350.] 7 Sept. Barbados.

24 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1681.
Bermuda. [46.] [Orders of 7 Sep., 19 and 28 Oct. for hearing complaints against Sir John Heydon.—C.S.P. VI. 222, 261, and 271.]
[pp. 351, 374 and 381.]
- 2 Nov. [Order dismissing the complaints.—C.S.P. VI. 283.]
[p. 386.]
- 14 Sept.
New York. [47.] [An order for William Dyer of New York to be discharged from the messenger's custody, he having given security to appear when required.] [p. 356. C.S.P. VI. 229.]
(1682.)
- 29 June. [Dyer's petition is referred to the Committee.—C.S.P. VI. 591.]
(1682.) [p. 528.]
- 3 August. Order is given in accordance with the Committee's report],
Wee have considered the Petition of Captain William Dyer referred unto us by an Order in Councill and do finde that he was on the 31th of May 1681 accused in New York by one Samuel Winder of high Treason in levying Customes within the Province of New Yorke, and that being sent over hither some time past by the Court of assises of that place in order to his Triall, the said Samuel Winder had entred into a recognizance of five thousand Pounds to prosecute him, That he being accordingly arrived in England and attending your Majestie gave bond for his appearance when he should be summoned in pursueance wherof, having long expected the prosecution of the said Winder, without any effect, though it be certain, that the said Winder was lately in England, The petitioner humbly beseeches your Majestie that he may be at length freed of the obligation of his Bond and left at libertie to take his course at Law against the said Winder for his malicious accusation, whereby he is brought to ruyne. This being the Case, and humble Desires of the Petitioner Wee see no reason why your Majestie may not for his releif direct an advertismment to be put in the Gazett, and to be published upon the Royall Exchange, as also notice hereof to be sent to the mayor of Southampton where the said Winder is said to have lately been, summoning him to appear. within one month at furthest and to give good

1681.

security to prosecute the Petitioner at the next terme, in default wherof your Majestie may please to Order that the Petitioners bond may be delivered up to him to the end he may take his remedy at Law against the said Winder in New York, or else where he shall think fit. [p. 542. C.S.P. VI. 642.]

(1682.)

[As Winder has failed to appear, Dyer's bond is ordered to be delivered to him.] [p. 552.]

25 Oct.

[48.] Upon reading this day at the Boord the humble Petition of Nicholas Lowe Merchant Praying Liberty to export out of this Kingdome . . . Two Hundred Muskets, One Hundred Carabines and ffurnitures, One Hundred Pair of Pistolls and Holsters, One Hundred Saddles, and One Hundred ordinary Swords and Belts for Troopers, Nine Thousand Pounds of Lead Shot and Bullets and Twenty Barrells of Gunpowder, to be sent to the Lord Baltemore who desires the same to enable him to put the English in a posture of Defence against the Natives at Maryland. [The desired liberty was granted, security being given to send the stores to no other place.]

5 Oct.
Maryland.

[p. 364.]

[49.] [A letter to Lord Baltimore.—C.S.P. VI. 252.] [p. 366.]

8 Oct.
Maryland.

[50.] [Order referring to Committee petition of Elizabeth Binckes.—C.S.P. VI. 255.] [p. 366.]

12 Oct.
Barbados

[Order on Committee's report.—C.S.P. VI. 290.] [p. 397.]

11 Nov.

[51.] [A letter to Lord Baltimore.—C.S.P. VI. 256.]

12 Oct.
Maryland.

[p. 367.]

[52.] [The Council refer to the Admiralty Lord Culpeper's proposal] That there may be a Convoy appointed to guard ffour New England ships, and such Virginia ships as shalbe ready to sayle by the 20th instant, Wind and Weather permitting, to 150 Leagues from the Lands End of England. [p. 367.]

NewEngland
and
Virginia.

12 Oct.

[53.] Whereas his Majesty was this day informed, That Sir Henry Morgan . . . has at an Assembly lately called by him passed severall Laws and that severall other Bills were

14 Oct.
Jamaica.

1681.

ready to be presented to him for his Consent, without any Provision made for the better Support of the Government by passing the Act of Revenue according to his Majestys Instructions bearing date the Third of November 1680. And his Majesty withall taking notice of an Instruction to Sir Thomas Lynch, his Majestys present Governor in Cheif of Jamaica forbidding him to passe any Law in that Island, (Except an Act of Naturalization and an Act for the more effectuall suppressing of Privateers) in case the Assembly shall refuse to passe the Bill for the Publique Revenue for such terme as his Majesty has directed so that the Continuance of the Laws passed or to be passed by Sir Henry Morgan may very much obstruct his Majestys Service in that Island, unlesse the Act for the Publique Revenue were also agreed unto, [Mr. Secretary Jenkins is directed to] prepare a Warrant for his Majestys Royall Signet and Signe Manuall Declaring all Laws passed or to be passed by Sir Henry Morgan absolutely void and null, in case the said Bill for the Publique Revenue be not also passed into an Act before the Arrivall of Sir Thomas Linch, And that the said Warrant be delivered unto Sir Thomas Linch with an Instruction to publish the same, in case he shall find it necessary for his Majestys Service and not otherwise. [p. 368. C.S.P. VI. 257.]

11 Nov. [54.] [The Council refer to the determination of the Lord
West Indies. Chancellor the petition of] John Brathwaite and other
Marriners late belonging to his Majesties hired ship the
Thomas and Francis, George Gallop Commander [praying] his
Majestie to grant them a Commission of Review directed
to such Judges of the Common Law and Civilians as shall be
thought fit, and with the usuall Quorum that they may at
last reape the benefit of the Prize Long since taken in the
Susanna by the Said Ship the prosecution whereof has
almost quite ruined them. [p. 395.]

9 Dec. [55.] [Order on the petition of Reginald Wilson.—C.S.P.
Jamaica. VI. 310.] [p. 423.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 27

- 1681-2.
21 Dec.
Virginia.
- [56.] [Order as to debts for soldiers' quarters.—C.S.P. VI. 341.] [p. 430.]
- 21 Dec.
Virginia.
- [57.] [Directions to Lord Culpeper.—C.S.P. VI. 339-40.] [p. 431-2.]
- 18 Jan.
Virginia.
- [58.] His Majestie in Councill taking notice that the ships bound for Virginia on which the mony appointed for the pay of the Two Companys there (was put on Board) were yet detayned in the Downes is graciously pleased to Order that three monethes Pay more be allowed to the said Companys which is to be continued unto them untill the first of Aprill next ; [directions are given to the Treasury accordingly]. [p. 439.]
- 25 Jan.
New Hampshire.
- [59.] [It is referred to the Committee to consider a paper of Mr. Mason's, and also to report] what allowance is fit for Mr. Cranfield to enable him to performe his voyage to New Hampshire in America, and to settle himselfe as Governour there. [p. 442.]
- 3 Feb.
Antigua.
- [60.] [Order referring to Committee the petition of Benjamin Middleton.—C.S.P. VI. 396.] [p. 448.]
- [Order on Committee's report.—C.S.P. VI. 471.] [p. 489.] 12 April.
- 8 Feb.
West Indies.
- [61.] [Orders for subduing the Caribbee Indians.—C.S.P. VI. 410.] [p. 455.]
- 8 Feb.
West Indies.
- [62.] [The Committee report] that they have received from Sir William Stapleton . . . the Depositions of severall Persons, touching the Violence offered them by a Spanish Ship, and their being plundred of the value of One Hundred pounds besides Provisions out of the ship Agreement of Youghall in her voyage to New England. [Copies of the depositions are to be sent to Mr. Secretary Jenkins], who is to deliver the same to the Spanish Ambassador residing here, And demand Reparation for the Injurys aforesaid, And that

28 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

his Majestys subjects be permitted to proceed in their Trade without molestation from the Spaniards.

[p. 455. C.S.P. VI. 408.]

8 Feb.
St.
Christopher.

[63.] [The Committee having reported] the necessity the 2 ffoot Companys upon St. Christophers are in, for want of their Pay They together with the Governor in Cheif being above Three years in arrear . . . the Treasury [are] desired to take care for providing Monies to pay the said Governor and 2 ffoot Companies for the time aforesaid.

[p. 455. C.S.P. VI. 409.]

8 Feb.
Maryland.

[64.] [The Council, approving the following letter to Lord Baltimore as drafted by the Committee, order it to be prepared for his Majesty's signature and dispatched]: Right Trusty and Welbeloved Wee greet you well, When Wee reflect upon the many instances of Grace and ffavor derived to you from Us and Our Predecessors in the government of Our Subjects inhabiting Our Province of Maryland, Wee have great reason to hope that all your Actions and Proceedings, and most especially such as relate to Our Person and the Rights of Our Crowne would have been wholly guided by the Rules and directions of Our Royall Charter, and the knowne Laws of Our Kingdome of England, But Wee are not a little surprized to find by divers undenyable Testimonies Wee have received, as well as by the confession of your owne Letters, that you have obstructed Our Service and discouraged Our Officers in the execution of their Duty. And altho' by severall Letters Wee have already directed you by your self and your officers to be ayding and assisting to the Collector and other officers of Our Customes in Our Colony of Maryland in all matters relating to their respective Offices, and particularly in the due collection of the Impositions payable unto Us by [the Act of 1673], Wee are neverthelesse informed, that instead of being ayding and assisting to Our said officers in the due collection thereof, You have hindred and forbidden them to receive the same, And particularly Wee have been given to understand by Nicholas Badcock late Comptroller

and Surveyor of Our Customes in Our Colony of Maryland That upon the Arrivall of the ship St. George of London Captain Shephard comander, the ffreeman of Liverpool Edward Tarleton Master, and the Dolphin of Pool, Alexander Dennet Master, Our said Surveyor finding by their Certificates, that the Bonds which they had given were for carrying their Loading for England or Ireland, He did demand from the Masters of the said Ships the penny per pound due in such case for all Tobacco which they should lade on board the said ships, but that being refused by them he attended you severall times and desired your Assistance for the Collection thereof, but that you refused, to give him any countenance or Assistance therein, And that Our said Surveyor pressing you severall times in this matter, and urging the said Law, you ordered him to appear before your Councill at St. Marys, which he accordingly did, And there in Our Name prayed and required your Aid to levy Our Dutys upon the Lading of the said Ships, or to make seizure of the Goods, But that he was absolutely refused the same, and told that he should not meddle with them, for that he had nothing to do therewith. And Wee are further informed, That by a Letter under your owne hand to the Commissioners of Our Customes bearing date the 7th of June last, you acknowledge to have denyed him the Receiving of Our Dutys on the said Ladings, and to have hindred him from molesting the said Masters, by means whereof the said ships went away with their Lading of Tobacco, without paying any of the said Dutys to Us, whereby Wee are damnified in Our Customes to the value of 2,500*l.* sterling.

Wee have also been made acquainted at Our Council Boord with the Complaint insinuated by you against Our Trusty and Welbeloved Christopher Rousby Collector of Our Customes in Our said Province, as if he had behaved himself in such violent and unwarrantable manner as tended to the Discouragement of Trade, Diminution of Our Customes and Disturbance of the Publique Peace, But having for Our better

1682.

Information herein left the Examination of those matters to the Lords of Our Privy Councill appointed a Committee of Our fforrain Plantations who have consulted the Commissioners of Our Customes and heard the said Rousby upon Oath, It hath been thereupon represented unto Us, that you have proceeded in a very unusuall manner by charging the said Rousby with so great Enormitys in his absence, without giving him any Notice of those Accusations before his Departure from Maryland, which was well knowne unto you at least ffour Moneths before he embarqued. Nor have you transmitted any sufficient Proofs upon the Matters complained of, so that Wee cannot esteem it any waies agreeable to Our Justice to give any Credit thereunto, But do hereby command you to permit the said Rousby peaceably and quietly to execute his office, and to afford him all the Encouragement therein, which the Law requires. And Wee do thinke fit withall to give you this caution, that if you shall hereafter have any cause of Complaint against the said Rousby or any other Person, you do first give him or them a particular Charge thereof, and receive his or their Answer thereunto, and then transmit the said Charge and Answer to Us with the Proofs thereof to the end Wee may direct speedy Justice to be awarded according to the Merit of the Case.

And altho' your Proceedings abovementioned in the obstruction of Our officers and Contempt of Our Laws are of such a nature, as that Wee might justly direct a Writ of *Quo Warranto* to be thereupon issued out, Wee have neverthesse out of Our great Clemency thought fit for the present only to require the Commissioners of Our Customes to charge you with the payment of the said summe of Two Thousand ffive Hundred pounds, and to cause a Demand to be made from you for the same, And that upon adjusting of what shall appear to be truly due to Us you cause the same to be paid by you to Our Receiver Generall and Casheir of Our Customes for the time being residing in London.

And Wee do strictly command you for the future to take care, That all Our Laws relating to the Trade of Our Colonies and Plantations be duly observed and put in execution, and that all Encouragement and Assistance be given to the severall officers of Our Customes under your Government.

[*p.* 456. C.S.P. VI. 402.]

- [65.] [Order for monthly reports of plantation trade.— C.S.P. VI. 427.] 3 March. Plantation Trade. [*p.* 473.]
- [66.] [Copies of the Royal African Company's petition and papers annexed are to be sent to Sir J. Atkins, who is to answer the complaints against him at the Board on the 22nd instant.] 15 March. Barbados. [*p.* 478.]
- [67.] [Order *re* African Company's petition.—C.S.P. VI. 445.] 22 March. West Indies. [*p.* 481.]
- [68.] [Order as to William Kelso.—C.S.P. VI. 446.] 22 March. New England. [*p.* 481.]
- [69.] [Reference to Committee of Samuel Hanson's petition.—C.S.P. VI.469.] 12 April. Barbados. (1683.) [*p.* 486.]
- [A second petition referred.—C.S.P. VI. 915.] 26 Jan. (1683.) [*p.* 621.]
- [A third petition referred.—C.S.P. VI. 1040.] 11 April. (1683.) [*p.* 673.]
- [Orders to hasten Sir R. Dutton's answer and George Hannay's examination.] 20 July (1683.) [*Vol.* 17. *p.* 21.]
- [References to Committee.—C.S.P. VI. 1667 & 1334.] 21 July and 26 Oct. (1683.) [*pp.* 27 & 51.]

7 Nov.

[Order on Committee's report.—C.S.P. VI. 1368.] [*pp.* 61–2.]

[References and Orders of 14 Nov. (*p.* 65), 16 Nov. (*p.* 70), 23 Nov. (*p.* 75), 5 Dec. (allowing Dutton to return to Barbados), (*p.* 81), 19 Dec. (*p.* 94), and 9 Jan. 1684, (*p.* 99) are C.S.P. VI. 1384, 1391, 1407, 1479, and 1500. On the last date Hanson's complaint of menaces and evil treatment used toward the officers of the Sheriff of Middlesex who served a writ on Sir R. Dutton for a trial at Common Law is referred to the Court from which the writ issued.]

32 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

- 12 April. [70.] [The Bermuda Company is required to answer on
Bermuda. Wednesday next the petition of Joan, widow of Capt. John Somersall] setting forth that the Causes in difference between her and Israel Somersall touching the Estate of the said John Somersall, were by the authority at Bermudas transmitted to the Bermudas Company in London, who tooke upon them forthwith to hear and Determine the same. That the said Causes have depended before the said Company above 12 months, without Coming to a finall resolution, to the Petitioners utter ruyne, and praying to be releived. [p. 487.]
- 19 April. [Both sides having been heard by counsel, a state of the case is to be prepared by counsel, and submitted to the Board, and then a day for hearing the matter will be appointed.] [p. 492.]
- 17 June. [Mrs. Somersall complaining that Mr. Tucker, agent for Israel Somersall, refuses to appoint counsel to agree upon a case for presentation, the business is ordered to be heard on 8 July or at the first Council thereafter, and the Bermuda Company are to produce all relevant documents in their possession.] [p. 522.]
- 13 July. [The case of Joan Somersall and her son-in-law Israel Somersall is recapitulated, showing the great delays that have been used by the said Israel; though his agent Mr. Tucker pretends his authority insufficient to warrant the further proceedings of the Board, his Majesty proceeds to hear the case and orders] that the said Bermudas Company in London doe forthwith give strict, and effectuall Orders to their Deputyes, and Officers in the said Island to putt the said Joane Somersall into the immediate full and quiet possession of all the Real and Personal Estate, aswell what was settled on her before her Marriage to the said Somersall as given, and bequeathed to her in the said Island by the last Will and Testament of the said John Somersall deceased, and that the powers by the said Will given her for altering or making voyd all or any part thereof, is good in Law and

well executed. And it is further Ordered that in case the said Company shall refuse or delay to give immediate Orders for the putting of this Order in Execution, That thus the said Deputyes and Officers on the said Island are hereby required and empowered to putt the same in full Execution. [p. 535.]

[71.] [Order for payment of Sir R. Dutton's salary,] he having not yet received any part therof since his being Governor. 12 April. Barbados. [p. 488. C.S.P. VI. 468.]

[72.] The petition of Robert Orchard Complaining of severall abuses and injuries don him by the authority or Government of Boston in New England [is to be sent to] the Governour and Company of the said Towne of Boston who are to return their answer to it, in writing and to appoint some agent sufficiently impowered to appear for them before this Boord within three months after the delivery of this order, and to abide such Judgment and Determination as this Boord shall think fit to make therein. 19 April. Massachusetts Bay. [p. 491.]

[References to Committee.—C.S.P. VI. 1166 & 1215.] (1683.) 27 July and [Vol. 17. pp. 26 & 34.] 25 August. (1687.)

[Order on Committee's report.—C.S.P. VII. 1309.] 18 June. [James II. p. 471.]

[73.] [Order for attendance of Mr. Summers.—C.S.P. VI. 483.] 21 April. Barbados. [p. 493.]

[74.] [Letters to the New England colonies on the establishment of a royal Governor in New Hampshire.—C.S.P. VI. 517.] 23 May. New England. [p. 505.]

[75.] [Letter to Massachusetts Bay as to Mason's claim to New Hampshire.—C.S.P. VI. 516.] 23 May. Massachusetts Bay. [p. 505.]

[76.] [Drafts of several letters to the Governors of Plantations in favour of the Royal African Company are read and referred to the Committee, who are to meet in the Council Chamber at Whitehall on Wednesday at 10 in the morning to consider the letters and report their opinion to the Council.] 10 June. Plantation Trade. [p. 514.]

34 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

17 June. [77.] Upon reading this day at the Boord an Extract of a
Jamaica. Letter from Sir Henry Morgan [to the Committee] Giving an
Account of his having apprehended ffour of those Pirates,
who had for these Two years greivously molested the Spaniards
in the South Seas, and committed great Depredations and
Enormitys in plundering some of their Townes, and taking
about Thirty ffive of their Vessells, And that upon their
Tryalls, Three were condemned, One whereof appeared to
be a cruell and bloody man, who deserves to be made an
Example but the other Two are represented by the Judges as
fit Objects of Mercy, and the ffourth being the Informer is
like to obteyne the favor of the Court, And therefore
desiring his Majestys Pleasure about them. [Mr. Secretary
Jenkins is directed to] prepare a Letter for his Majestys
Royall Signature to the Governor of Jamaica to give Order
for the Execution of the said Pirate, who appears to have
so justly deserved it, And that he cause the other Three to
be kept in Prison till further Order. [p. 522.]

17 June. [78.] [The Council approve, and give orders to Lord Culpeper
Virginia. in accordance with the following report of the Treasury, at
the same time declaring that the case is not to be taken as
a precedent] : Wee have considered of the Petition of
Thomas Sands of London Merchant referred to Us by your
Majestys Order in Councill of the 14th of July, 1681, wherein
he humbly Prays your Majestys finall and positive Order to
the Governor and Councill of Virginia for giving due
Obedience to an Order made by your Majesty in Councill the
24th of May 1678 grounded upon a Report of the then Lord
Treasurer for giving liberty to the Petitioner to ship out of
Virginia free of the Impost of that Country ffive Hundred and
Eighty Hogsheads of Tobacco in lieu of the like quantity which
after payment of that Duty was taken by the Dutch in the
late Warr [in 1665] and lost, and Wee having received a Report
in this matter from the Commissioners of your Majestys
Customes bearing date the 18th of November last with Copys
of a former Report made by them to the Earle of Danby as

1682.

also of severall Affidavits and other Proofs exhibited in the part of the Petitioner to prove the Usage in Virginia as to the Reallowance of the Country Duty of Two shillings per Hogsheads in case of Losses by Capture or otherwise, Wee are humbly of opinion that your Petitioner (if your Majesty thinkes fit) be allowed the Liberty he desires of shipping out the said Quantity of Tobacco at Virginia free of the Impost of that Country, which amounts to fifty Eight pounds sterling according to your Majestys said former Order.

[p. 523. C.S.P. VI. 568.]

(1683.)

[The Council refer to the determination of the Treasury Sands' petition for leave to export 800 hogsheads of tobacco instead of the 580 previously ordered, but never allowed despite the great expenses of his five years' solicitation.]

16 Nov.

[Vol. 17. p. 69.]

[79.] Whereas his Majesty upon Information of the Disorders and Tumults lately arisen and carried on by severall Inhabitants within his Colony of Virginia, Hath thought fit in order to the suppressing thereof to command the Lord Culpeper . . . to embarque himself for that Place by the first of August next, and in the meane time so to prepare himself in case of any sudden Emergency, as to be in readines within a Weeks time after notice to repayre to his said Government, [the Admiralty are directed forthwith to] give directions for the immediate equipping one of his Majestys firegats such as they shall judge fittest to be in readines within the time abovementioned for transporting the said Lord Culpeper to Virginia.

17 June
Virginia.

[p. 523. C.S.P. VI. 567.]

[80.] [Orders to Lord Culpeper on the tobacco-cutting riots in Virginia.—C.S.P. VI. 566.]

17 June.
Virginia.

[p. 524.]

[81.] A Commission in the usuall forme to Giles Dowles Gent. to destroy Tobacco in Worcester, Gloucester, Hereford and other places, Being the same with that passed the 9th of July, 1680. . . .

17 June.
Tobacco.

[p. 525.]

36 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- (1683.)
 23 June. [The Commission is renewed.] [Vol. 17. p. 10.]
 (1684.)
 13 June. [The Commission is renewed.] [Vol. 17. p. 190.]
 (1685.)
 18 Dec. [The Commission is renewed.] [James II., I. p. 177.]
 (1690.)
 20 Feb. [The Commission is renewed.] [William III., I. p. 391.]

1682.
 23 June. [82.] There being this day read at the Boord a Certificate
 Transport- under the hands of severall of his Majestys Justices of the Peace
 ation. for the County of Devon, Representing, That at severall Generall
 Quarter Sessions of the Peace for the said County, Richard
 Stanley, Thomas Stanley, Peter Stanley and Matthew Eyres
 were indicted for wandring in the said County as Rogues
 dangerous to the inferior sort of People contrary to the
 Statute in that case made, And upon full Evidence being found
 guilty, were adjudged by the Court to be banished out of the
 Realme, according to the Statute of the 39th of Queen
 Elizabeth, And the said Justices desiring their Lordships to
 assigne some of his Majestys Plantations beyond the seas, to
 which the said Persons shalbe banished. It was this day
 Ordered by their Lordships in regard such Offenders are by
 the aforesaid Statute to be Transported at the Charge of the
 County, That in case the said Justices or any Three of them
 shall contract with any Merchant or Master of a ship
 who will give good Security for the safe transportation of the
 aforesaid severall offenders either to Jamaica or Barbados,
 And that they nor any of them shall returne again into this
 Kingdome, Their Lordships upon Certificate thereof under
 the said Justices hands, will signe a Warrant for the banishing
 of the said Offenders accordingly. [p. 525.]

29 Nov. [Four of the said Justices having certified that they
 have contracted with Walter Kelland merchant to transport
 the said persons to Barbados and received from him security
 to perform the same, order is given that Barbados be the
 place of banishment.] [p. 581.]

1682.

[83.] [An order for a new seal for the province of New Hampshire—to be affixed to all Public Acts, Orders, and Proceedings, and to have the same validity as the public seals in other provinces. The seal appointed for the use of the President and Council on 19 September 1679 is now recalled, and ordered to be sent home by Governor Cranfield at the first opportunity.]

29 June.
New
Hampshire.

[p. 529.]

[84.] [Orders to be given to Lord Culpeper and others in view of the disorders in Virginia.—C.S.P. VI. 612–3.]

13 July.
Virginia.

[pp. 531 & 532.]

[85.] Whereas it was this day represented to his Majesty by the Right Honourable the Master Generall of the Ordnance that a considerable quantity of Ammunition, Armes, and other stores of Warr sent to Virginia during the late Rebellion are yet remaining there, It is hereby ordered by his Majesty in Councell That so much of the stores as are necessary for his Majestyes service may be kept in some place, where they may be secure.

13 July.
Virginia.

And that if any part of the stores shall appeare necessary for the use of the Inhabitants, they may be sold to such persons, and at such reasonable rates, as the Governour or Commander in Chief of Virginia (with the advice of the Councell) shall agree for. And that the Money for which they shall be sold, be forthwith transmitted to the office of the Ordnance, and an account thereof returned into the Exchequer as is usuall in like cases. [And that what is not absolutely necessary for the plantation be sent home in the *Norwich* frigate.]

[p. 532. C.S.P. VI. 614.]

[86.] [The Council give order in accordance with the Committee's report] that having heard the petition of the Governour and Company of Adventurers Tradeing to Hudsons Bay (Referred to them by the Right Honourable the Earle of Conway, one of his Majestyes principall Secretaryes of State) mentioning the powers and directions of their Charter, and that some persons contrary thereunto were about to interrupt their

13 July.
Hudson's
Bay.

38 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

trade, and therefore praying his Majesty to grant an Order, and Declaration in Councell in their favour, according to the Tenour of a proclamation lately issued out in behalfe of the East Indya Company, they were humbly of opinion That it be referred to the Attorney or Sollicitor Generall, to consider of this petition and Consult both his Majestyes Lord Chiefe Justices therein, and thereupon to report whether the same may be granted by Law. [p. 534.]

3 Aug. [87.] [Order is given in accordance with the report, C.S.P. VI. St. Christopher. 586, on the seizure of Henry Brunet's ship at St. Christopher.] [p. 541.]

3 Aug. [88.] [Governor and Council of Virginia to answer Sarah Virginia. Bland's petition.—C.S.P. VI. 641.] [p. 541.] (1683.)

26 April. [Order as to Mrs. Bland's security.—C.S.P. VI. 1054.] [p. 684.] (1684.)

29 Sept [Col. St. Leger Codd and his wife appear in accordance with the Order of 3 Aug. 1682.] [Vol. 17. p. 235.] (1684.)

31 Oct. [Codd petitions for protection from arrest as he is a stranger and cannot find bail. He also seeks and is ordered to be provided with a copy of the appeal; and on Mrs. Bland's petition for a speedy hearing, 7 Nov., is fixed.] And in the mean time both the petitioners are required mutually to forbear prosecuting each other by arrest or otherwise upon any pretext whatsoever. [p. 242.] (1684.)

7 Nov. [On the desire of both parties, the hearing is postponed to the 19th.] [p. 247. C.S.P. VI. 1922.] (1684.)

19 Nov. [Referred to the Committee.] [p. 255. C.S.P. VI. 1951.]

25 Oct. [89.] [The Council refer to the Committee for examination West Indies. and report—with special reference to the offence for which Captain Billop has already received his trial—] the humble Petition of Sir William Stapleton . . . conteyning severall Complaints against Captain Christopher Billop Comander of his Majestyes Ketch the Debtford for encouraging

1682.

the Interloping Trade (which he had Orders to prevent) pillaging his Majesties subjects and their Ships, affronting the Petitioner, and speaking opprobrious Language of him and his Majesties Council there . . . And praying, That the said Captain may receive exemplary Punishment for his said Misdemeanours, His former Tryall having been only for coming into England without Order. [p. 552.]

[90.] [Reference to the Committee of a petition as to servants sent to the plantations.—C.S.P. VI. 768.] [p. 560.]

3 Nov.
White
servants.

[91.] His Majesty this Day in Council being made acquainted by the Commissioners of the Admiralty with the loss of the Norwich frigate Captain Heywood Commander lately at Jamaica, and that it appeared to the sayd Commissioners upon the Examinations of divers persons belonging to the sayd ship (who are since returned hither) that the sayd Frigate was cast away partly by the said Captains taking Marchants Goods on board, contrary to his Instructions from the sayd Commissioners of the Admiralty : [It was ordered that a warrant be sent to Sir Thomas Lynch requiring him to send over Captain Heywood in safe custody.]

15 Nov.
Jamaica.

[p. 568. C.S.P. VI. 793.]

[Further order is also given as to the carrying of merchandise on his Majesty's ships.—C.S.P. VI. 792.] [p. 568.]

[92.] [Orders for sending recruits to St. Christopher.—C.S.P. VI. 812-6.] [p. 575.]

22 Nov.
St.
Christopher.

[93.] [Notwithstanding the order of 22 March, 1676, that no foreign masters, mariners, or seamen be made denizens, which had reference principally to the trade to the foreign plantations, Sir George Downing, for the Commissioners of Customs, recommends that the petition for letters of denization of two harpooners who have served for three years in the Greenland trade be granted to enable them to be masters or mariners of ships provided no precedent be established,] but that in the generall it would be a great prejudice to the Trade and

24 Nov.
Plantation
Trade.

40 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1682.

Navigation of this Kingdome, to permit forreigners to be Denized, so as to be Capable of being Masters of Vessels in the European, aswell as the Plantation Trade. [Order is given accordingly.] [p. 576.]

29 Nov.
Huguenot
Colonists.

[94.] [The Board refer to the Committee the consideration of] the Petition of Gabriele Rappee one of those french Protestants that fled into this Kingdome for releife, praying liberty to build Salt Panns, Plant Vynyards, and sow Hemp and Flax in such places within his Majestyes Dominions in America, not yet used for those or other usefull purposes from the Latitude of 36 to 52 with prohibition to all others to meddle in the same within the places he shall chuse for the space of 14 Yeares, according to the Law in such Cases, with liberty also to purchase Lands to make the sayd plantations, on, and that those he shall employ herein may have their passage free, it being the Petitioners design to ease his Majesty of many of the poore french protestants.

[p. 582. C.S.P. VI. 823.]

29 Nov.
Plantation
Trade.

[95.] [The Board refer it to the Treasury to deal as they see fit with the petition of Sir Richard Hart and other Bristol merchants] praying that a fift part of all sugars (imported into Bristoll from any of his Majestyes Forreigne Plantations into this Kingdome) maybe allowed to them, for Tarre, in like manner, as the Marchants of London have hitherto had, untill the Tare of Sugars, which the sayd Marchants of London import, shall be advanced to a sixth part, according to the opinion of the Commissioners of his Majestyes Customes, in that matter some time since.

[p. 583.]

6 Dec.
Barbados.

[96.] [Order as to Sir R. Dutton, etc.—C.S.P. VI. 832.]

[p. 589.]

13 Dec.

[Letter in accordance therewith.—C.S.P. VI. 844.] [p. 597.]

6 Dec.
Virginia.

[97.] [Order on Mrs. Jeffreys' petition.—C.S.P. VI. 831. Cf. Vol. I. 1324.]

[p. 590.]

[98.] [Reference to Committee of Richard Thayre's petition.—C.S.P. VI. 834.] [p. 591.]

1682.
8 Dec.
New
England.
(1683.)

[Order admitting his appeal.—C.S.P. VI. 989.] [p. 643.]

2 March.
(1684.)

[Reference to Committee of his petition.—C.S.P. VI. 1621.] [Vol. 17. p. 137.]

13 Dec.
Indentured
Servants.

[99.] Whereas it has bin represented to his Majesty that by reason of the frequent abuses of a lewd sort of People called Spirits in seducing many of his Majestys subjects to go on shipboard where they have been seized and carried by force to his Majestys Plantations in America, and that many idle persons who have listed themselves voluntarily to be transported thither, and have received money upon their entring into service for that purpose, have afterwards pretended they were betrayed, and carried away against their wills and procured their friends to prosecute the merchants who transported them, or in whose service they are, by Indictments or Information in the Crown office in his Majestys Name, which is a great discouragment to them and an hinderance to the management of the Trade of the said Plantations and Navigation of this Kingdom, and severall merchants and Planters having made humble applications to his Majesty that he would be graciously pleased to Direct such methods for their retaining of servants to serve in his Majestys Plantations as in his Royall wisdom, He should think meet, wherby his Majesty may be so satisfied of their fair dealing, as to take of all Prosecutions against them at his Majestys sute, and also that the scandall that now lyes upon them in generall by reason of such evill disposed persons may not remain upon such as shall for the future follow such methods as his Majesty shall think fit to be pursued.

His Majesty taking into his Royall Consideration the said request, is graciously pleased to Declare, that such Merchants, Factors, masters of shippes or other Persons that shall use the method hereafter following in the hiring of servants for his

1682.

Majestys Plantations, shall not be disquieted by any sute on his Majestys behalf, but, upon certificate therof, that he will cause all such sutes to be stopped, to the end they may receive no further Molestation therby :

1. Such servants are to be taken by Indenture to be executed by the servant in the presence of the Magistrat or Magistrats herafter appointed, one part therof signed by such servant, and also underwritten or endorsed with the name and hand writing of such Magistrate, which is to remain with the clerk of the Peace to be returned to the next sessions there to be filed upon a distinct file, and numbred and kept with the Records.

2. The clerk of the Peace is to keep a fair book, wherin the name of the Person so bound, and the magistrats name before whom the same was don, and the time and place of doing therof, and the number of the file shalbe entred, and for the more easy finding the same, the Entries are to be made alphabetically according to the first letter of the surname.

3. All persons above the age of one and twenty yeares or who shall upon view and examination appear to be so in the Judgment of the Magistrate may be bound in the presence of one Justice of the Peace, or of the Mayor or Cheif Magistrate of the place where they shall go on shipboard, who is to be fully satisfied from him of his free and voluntary agreement to enter into the said service.

4. If any person be under the age of one and twenty years, or shall appear so to be, he shalbe bound in the presence of the Lord Mayor of London, or One of the Judges, or an Alderman of London who shall carefully examin whether the person so to be bound have any Parents or Masters, And if he be not free they are not to take such Indenture unlesse the Parents or Masters give their Consent, and some person that knows the said servant to be of the name and addition mentioned in the Indenture is to attest his said knowledg upon the said Indenture.

5. If the person be under the age of fourteen years, unlesse his Parents shall be present and consent, he is not to be carried on shipboard till a fortnight at least after he becomes bound to the intent that if there be any abuse it may be discovered before he be transported, And where his Parents do not appear before the Magistrate, notice is to be sent to them, or where they cannot be found to the Church wardens or Overseers of the Parish where he was last settled in such manner as the said Magistrate shall think fit and direct.

And because Clerks of the Peace may Conceive this not to be any part of the duty of their office, and may therfore exact unreasonable Rewards for their trouble and pains therin. His Majesty doth declare that if any merchants or other Persons shall be aggrieved therby, and upon Complaint to the Justices, cannot obtain releif, His Majesty will take such further Care for their ease herein, as in his Royall wisdom, hee shall think meet.

And his Majestys further pleasure is, that this order be printed and published, to the end all persons whom it may Concern take notice therof, and govern themselves accordingly. [p. 595. C.S.P. VI. 846.]

[On the same day, a *scire facias* is ordered to be brought against Roger Whitley's patent for registering the covenants of servants going to the plantations,] as being found of no use, but rather a prejudice to his Majestys service. [p. 598.]

(1686).

[The general Order is repeated.—C.S.P. VII. 611.]

26 March.

[James II., pp. 235-7.]

[100.] [Reference to Committee of Capt. Billop's petition.— C.S.P. VI. 854.] 15 Dec.

[p. 601.] West Indies.

[101.] . . Richard Owsley Merchant setting forth that the petitioner being a trader to his Majestys Island of Jamaica, one Haviland did bring a young man one Richard Turner to the petitioner who desired to goe in the petitioners Service to the said Island, whereupon the petitioner finding him to be of

10 Jan.
Jamaica.

1683.

ability and of age fit for his trust did examine him touching his willingness to goe upon which the petitioner did accept of him and cloath him, and by Indenture bound him as a Covenant Servant for five yeares according to the Custome of the said Island, at the then knowne office appointed by his Majestie as the Petitioner was informed ; and that after having provided him passage the said Turner was again viewed and examined by his Majestys Searcher at Graves-End, about his Age and will to goe, and having declared his free consent, and taken the Oaths of Allegiance and Supremacy did depart to the said Island, where he remains as a Supervisor of the Petitioners Negroe Servants in his plantation. That notwithstanding the petitioners honest and faire dealing with the said Richard Turner some persons to trouble the petitioner have maliciously caused an Information to be exhibited against him, in his Majestys Court of Kings Bench. And praying that the same may be stopt. [The Attorney General is directed to examine the matter], and if he finds the same to be true then that he do cause a Noli prosequi to be entred to stop proceedings against the petitioner upon the said Information. [p. 607.]

- 10 Jan. [102.] [Reference to Committee of James Guiball and
Virginia. other French gentlemen.—C.S.P. VI. 884.] [p. 607.*]
- 12 Jan. [103.] [Reference to Committee of Royal African Company's
Jamaica. petition.—C.S.P. VI. 892.] [p. 607.*]
- 12 Jan. [104.] [Reference to Committee of Christopher Jeaffreson's
St. Christopher. petition.—C.S.P. VI. 890.] [p. 610.]
- 19 Jan. [105.] [Order on complaints against Spain in West
West Indies. Indies.—C.S.P. VI. 900.] [p. 614.]
- 19 Jan. [106.] [The Commissioners of the Admiralty are directed to]
Jamaica. provide passage together with such provision of Victualls as shall be necessary for 42 french protestants, whose names are to be Certified unto them by [the Bishop of London], to be transported to his Majestys Island of Jamaica, with the first conveniency they can. And . . . Mr. Secretary Jenkins

is to send Letters recommending the said persons to the favourable reception of Sir Thomas Linch . . . they intending to plant and settle there.

[p. 615. C.S.P. VI. 903.]

[107.] [Order as to French privateers.—C.S.P. VI. 927.] 31 Jan.
Hispaniola.
[p. 622.]

[108.] [On the proposal of the Treasury, the Admiralty are ordered to prepare instructions for all ships having commissions from his Majesty, more especially those going toward the West Indies, as authorised and required by the Act of Navigation], to seize and bring in as Prize all such ships or vessels as shall have offended contrary to the provisions of the said Act. 7 Feb.
Navigation Acts.

[p. 628.]

[A draft of instructions prepared by the Customs is referred to the Attorney General for a legal opinion. A draft from the Admiralty is deemed too short and less effectual than the other : they are to consider the Customs draft and report whether they have any objections thereunto.] 7 March.
[p. 660.]

[The instructions as returned by the Admiralty are approved and ordered to be put in execution.] 28 March.
[p. 667.]

[109.] [The Committee report that] Sir Thomas Lynch having by his Letter dated the 6th of November last to Mr. Secretary Jenkins, and other Letters, complained of the Deprædations committed by certain Privateerspretending Commissions from the French Governor of Hispaniola, and of the unjust Seizures made by him and his Deputy especially of one Lenham, that only touched at Petit Guaves to deliver a Letter from Jamaica, as also of those many Piracys the French commit dayly to the total ruine and interruption of the English Trade, having taken Eight or Ten of Our Vessells, and barbarously used Our Seamen. It is therefore humbly proposed by the Committee of Plantations, that a Memoriall be given to the French Ambassador residing here, as likewise another by the Lord Preston to the French Court representing these 14 Feb.
Hispaniola.

1683.

Proceedings which are not only destructive to Trade, but contrary to the Treatys between the Two Crownes, And therefore desiring that Satisfaction may be made for these Injurers and the Power of the Commissions given to these Privateers limited, And that in case the French Governor shall continue to grant Commissions of this nature, Order may be sent to make him distinguish between the English and the Spaniards. And it is further offered, That Sir Thomas Lynch may have directions to seize as many as he can of such Vessells and Privateers that have or shall injure his Majestys Subjects, And that he send a Lyst of all those Vessells that have been robbed by the French or by Pirates pretending Commissions from them, with the names of such as have robbed them. [The report is approved and Mr. Secretary Jenkins directed to] prepare and dispatch all such Memorials, Letters, and other Directions as shalbe necessary for procuring Redresse of the Injurers and Deprædations abovementioned, and prevention of the like for the future.

[p. 634. C.S.P. VI. 942.]

14 Feb. [110.] [The Council admit, and refer to the Committee
New York. the appeal] of Robert Wright and Francis Pew of New Yorke. Gentlemen . . . from Two severall Judgments obteyned against them by Robert Cornwall, The one at a Generall Court of Assize held in the City of New Yorke on the 4th, 5th and 6th of October, 1682, in confirmation of one other Judgment obteyned against them by the said Cornwall for the same matter at the Court of Sessions held at Gravesend for the West Riding of Yorke on Long Island the 21st of December, 1681, Which Appeal the Petitioners have given good Security to prosecute at this Boord.

[p. 634. C.S.P. VI. 941.]

23 Feb. [111.] [The following draft of a letter to Sir Thomas Lynch
Jamaica. prepared by the Committee is approved and ordered to be engrossed for his Majesty's signature and transmitted by the first conveniency]: Wee have with great Satisfaction understood from you the dutyfull Proceedings of Our Assembly of

Jamaica in repealing a former Act for raising a Publique Revenue, wherein were divers Clauses derogatory to Our Royall Authority, and in presenting Us with another Act for the support of Our Government, wherein all those distrustfull and offensive Clauses are omitted, Which as Wee take in very good part, so are Wee resolved to give those Our good Subjects further Testimonies of Our Favor by the effects of Our Protection and Royall Provisions for the finall settlement of that Our Island.

Wee have been no lesse pleased to receive the Adresse of Our good Subjects, presented to Us by [the Committee], which gives Us Assurance of their Resolutions to pay all ready Obedience to Our Commands, and faithfully to support Our Government to the utmost of their Power, In returne of all which dutifull Acknowledgments Wee have graciously received the Body of Laws transmitted unto Us. And although by the Powers given unto Our Governors those laws are to continue in force untill Our Pleasure be signified to the contrary. To the end neverthelesse that by the especial Allowance of them according to the humble desires of Our good Subjects made knowne unto Us, the Settlement of Our Island may be the better carried on by the Establishment of constant and certain Laws, We have upon the perusall of the said Laws by [the Committee] thought fit Out of Our great Grace and Condescension to signify Our Royal Confirmation of the same under the Seale of Our Privy Councill in such manner as other Laws have been formerly approved and confirmed, whereby for the space of Seven years, Wee have not left it in Our owne Power to vacate or repeale them, Excepting only the Act ascertyning the Rates of Negros and such other Laws as Wee have remitted unto you to be proposed unto our Assembly for their Amendment according to the particular Instructions given you by Our said Committee hereby engaging Our Royall Word and Promise in like manner to confirme the said Laws, when they shall have received the said Amendments, which Wee have left to your prudent Care and Management : whereof

1683.

Wee have the lesse Reason to doubt, inasmuch as you have already made Us fully sensible of your ffidelity and Zeale for Our Service in the Discharge of the Trust reposed in you, aswell in passing the said Act of Revenue, as in the Civil and Military Regulations of that Our Government.

And whereas you have complained of the Deprædations comitted by certain Privateers pretending Commissions from the ffrench Governor of Hispaniola Wee have Ordered a Representation to be made thereof to his most Christian Majesty, that satisfaction may be given for the Injurers susteyned by Our Subjects, and that their Trade may be the better secured for the future, Wee do hereby direct and empower you to seize in the best manner you can, such Vessells and Privateers as have injured Our Subjects, or shall disturb their Lawfull Trade.

And so assuring Our selves of the same Care and Successe as Wee have hitherto found in all your Proceedings Wee bid you farewell. [p. 636. C.S.P. VI. 966.]

- 28 Feb. [112.] [Order as to St. Thomas.—C.S.P. VI. 977.] [p. 640.]
 Virgin
 Islands.
- 14 Nov. [Order as in C.S.P. VI. 1382, to which is added that, if the King of Denmark shall think fit to send a new Governor to St. Thomas], he may be conveyed in safety thither by his Majestyes ships bound for those parts. [Vol. 17. p. 67.]
 (1684.)
- 15 May. [Order to Sir W. Stapleton to assist the new Governor of St. Thomas.—C.S.P. VI. 1686.] [p. 174.]
- 2 March. [113.] [Reference to Committee of Richard Buller.—C.S.P. Virginia. VI. 984.] [p. 643.]
- 21 March. [Order on Committee's report.—C.S.P. VI. 1009.] [p. 663.]
- 2 March. [114.] [The Committee are directed to] cause the severall Jamaica. Governors of Jamaica (who have received the six hundred pounds, or any part thereof allowed hertofore on the Establishment for Jamaica for the repayres of the fort there,

1683.

And have not layd the same out upon the sayd forts) to account for the same in his Majestyes Court of Exchequer, That so any Imbezzellements thereof, if any are, may be found out and brought to a just Accompt.

[p. 643. C.S.P. VI. 991.]

[115.] Upon reading this day at the Board the petition of 21 March.
 Mary Ayres Mother, and Guardian of Thomas Ayres an Infant, Barbados
 Nephew to Robert Ayres deceased Complaininge that Sir Richard Dutton . . . had upon the arrivall. of Captain Robert Smith Commander of the Mary of London at that Island, in his way to Guinee, and his proveing the Nuncupative Will of the sayd Robert Ayres before the sayd Governour the 14th of June 1681, forced out of the sayd Captains hands 57 Ounces of Gold, a summe of money, a silver Meddall, and a paire of Gold Buckles, in all to the value of above 300*l*. bequeathed by the said Ayres to the sayd Infant, on pretence that he was father of all Orphans, and must take care of the sayd Goods for the sayd Infant, and still deteyned the same, though the said petitioner had taken out Letters of Administration in London, of the sayd Robert Ayre's Estate, and sent severall Letters of Attorney to the Barbadoes, empowering divers persons to receive the sayd Goods from the sayd Governor and returne them to her, and therefore praying this Board to Order the sayd Goods to be delivered to the Petitioners Attorney in that Island, [it was ordered that a copy of the petition be sent to Sir Richard Dutton and his answer thereto required,] That thereupon such further Order may be given for the petitioners releife in the premises, as their Lordships shall find just, and reasonable.

[p. 664. C.S.P. VI. 1010.]

[116.] [Order on the petition of the Sieur de Chambré.— 28 March.
 C.S.P. VI. 1027.] [p. 667.] ^{St.} Christopher.

[117.] [An order to the Ordnance to repay to Thomas Cheek, 4 April.
 Lieutenant of the Tower] such money as he hath disbursed ^{St.} Christopher.
 in providing Beds and bedding for the thirty soldiers lately shipped for Saint Christophers. [p. 672.]

R

50 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1683.

11 April. [118.] [The Council refer to the Attorney General] the petition
Nevis. of William Winter mariner setting forth that on the Complaint
of Anne Warberton to a Justice of the Peace, the Petitioner
did engage to bring back into England Thomas Warberton
a Youth whom he carried to Nevis upon the Accompt of Mr.
Gibson a Planter, and although it hath since appeared that
the said Thomas died at Nevis, yet the said Ann hath not
onely sued the Petitioner on his engagement, but exhibited
an Information, and a verdict passed against him . . .
and praying releif. [p. 674.]

26 April. [Order is given in accordance with the report of 24 April] :
Upon examination of the matter hereby to me referred,
I do finde that the Petitioner was no otherwise concerned then
as master of the shipp which carried the yong man beyond
the seas to your Majestys Plantation of Nevis, and that
towards satisfaction of the yong mans mothers expences in
looking after her child he paid unto her seaven pounds and
gave Bond to bring over her son, And it appears to me by
two affidavits that her son died at Nevis, that he could not
be brought back according to the Condition of the Bond.
The mother hath since prosecuted the Petitioner in your
Majestys name, and he is found guilty of carrying away of
her son ; the circumstances of the Case considered, I humbly
am of opinion that he is a fit object for your Majestys mercy,
which your Majesty may extend to him, by an order for
a Noli prosequi, the Petitioner paying to the Prosecutor her
charges for the prosecution, which I conceive in this sute
cannot amount to more than ten pounds, which I humbly
submit to your Majesty. [p. 679.]

31 May. [On Mrs. Warberton's petition, the Attorney General is
directed to] take care that Capt. William Winter doe renew
his security to bring back her son within a year if he be
living. [p. 704.]

31 May. [119.] [Petition of Richard Burke referred to the Com-
Maryland. mittee. C.S.P. VI. 1091.] [p. 702.]

1683.

31 May.
Plantations.

[120.] [The Commissioners of the Admiralty having represented through the Earl of Nottingham] that they have bin informed that some Governours of his Majestys forreigne Plantations have lately put his Majesty to the Expence of Victualls for Prisoners and Passengers transported from thence in his Majestys ships by which his Majesty doth not only Susteyne a certain losse, But it may soe happen that his Majestys Service may suffer greater prejudice, in case any ship should be hindred, by reason of the falling short of Provisions (by this meanes) to proceed on her intended Expedition, [it was ordered] That no Governor, or Cheif Commander of any of his Majestys Plantations, doe hereafter put his Majestie to any Expence of Victualls for any persons that shalbe sent on board any of his Majestys ships or Vessells from their respective Governments to any other place, unlesse in case of great necessity, and then they are to take care that his Majestys ship be Revictualled with the Like Provision so Expended, or for want of such conveniency that the value thereof be made good to his Majestie. [p. 704.]

CHARLES II. Volume 17. (13 June, 1683—4 Feb., 1685.)

[121.] [A copy of a memorial prepared by the Committee of 23 June. the lamentable spoils and oppressions done to his Majesty's West Indies. subjects in the West Indies by the subjects of the King of Spain is ordered to be given to the Spanish Ambassador to be transmitted to his Court. See C.S.P. VI. 307. The treaty between the English on Beef Island and the Spaniards at Trist is given as follows]:—

Don Philip de Varrera Villago, Alcalde in ordinary, first in vote, Lieutenant to the Captain Generall of the Towne and Port of Francisco de Campeche Cheif Comander of the Navall fforces that belong to the Districts of this Lagoone.

Whereas on Monday May the 20th arrived here Captain Robert Bockenham, Walter Streight and 2 other Englishmen,

1683.

that came from the Island Jica Lanoga Apatan to surrender themselves as Prisoners having made severall Demands, It was agreed, that they and the rest of the English that are in the said Island, which are supposed to be about Eighty or Ninety shall deliver themselves up, to all which I grant and offer Security of their Lives and wearing Apparrell in the name of Our Sovereigne Lord the King, And that they shalbe conducted to the Island of Jamaica, or the Caimanes or either of them, which is left to their owne choice, Provided they deliver up all the Armes, Silver Gold, Prisoners and Slaves which are at present in their hands. And the said Captain Bockenham and Walter Streight shall use their best Endeavours with the Governor of Jamaica to put into the hands of such Person or Persons as the Governor and Captain Generall of these Provinces shall dispatch to him, all the Prisoners that are in that Island, Subjects of the King Our Master : And the said English shalbe dispatched and transported from the Port of St. Francisco de Campeche within the space of Two Moneths, to be reckoned from the day that they shall arrive to the said Port of St. Francisco, And all such of his Majestys Subjects as shalbe found in the aforesaid Island of Jamaica shalbe conducted and transported to this Court or Jurisdiction.

Given in the Island of Terminos 1680. And it is further Declared, that Captain* George Reeves and Captain Nevill shall enjoy the Benefit of these Capitulations in the same measure as the rest, And that no Body shalbe suffered to do them any Hurt. Datum ut supra. [pp. 11-14.]

25 Aug. [122.] [Richard Braine's petition referred to Sir T. Lynch.
Jamaica. —C.S.P. VI. 1211.] [p. 34.]

25 Aug. [123.] [The Council refer to the Committee] the petition of
New Robert Wadleigh setting forth that he is by letter of Atturney
Hampshire. under the hands and seales of Jeremy Walford and John
Amazeen of New England Planters impowered to appear to
an appeale brought against them before this Boord by Georg

- Walton for Lands in great Island there, wherefore humbly praying a short day may be appointed for hearing the said appeale. [p. 34.] 1683.
- [Similar reference is made of Wadleigh's petition for the hearing of Walter Barefoot's appeal against him, to answer which he has come at great trouble and charge from Great Island, where the Order of the Board was served on him on 5 March last.] [p. 48. C.S.P. VI. 1324.] 24 Oct. (1684.)
- [Both appeals, in accordance with C.S.P. VI. 1513, are dismissed for non-prosecution, and a general order is made that no appeals from the plantations be admitted till sufficient security be given.—C.S.P. VI. 1518.] [pp. 107-8.] 23 Jan.
- [124.] [Order in behalf of Edwyn Stede.—C.S.P. VI. 1212.] [p. 36.] 25 Aug. Barbados.
- [125.] [Letters in behalf of Royal African Company.—C.S.P. VI. 1213-4.] [pp. 37-40.] 25 Aug. Barbados and St. Christopher.
- [126.] [The Council refer to the determination of the Treasury] the humble petition of Robert Smith Major Generall of his Majestys Colony and Forces in Virginia, Praying that in Consideration of his great losse by a late Insurrection there, his arrears of Pay of 300*l.* a year for two yeares and 3 quarters may be paid him for his support in that Service. [p. 44.] 28 Sept. Virginia.
- [127.] [Reference to Committee of William Freeman's petition.—C.S.P. VI. 1276.] [p. 45.] 28 Sept. Montserrat. (1684.)
- [Order declaring the disputed partition void because not made in legal form,—C.S.P. VI. 1798: future partitions must be made by the Provost Marshall (acting as the Sheriff in England) on the oath of twelve lawful jurymen.] [p. 203.] 11 July.
- [128.] [Francis, Lord Howard of Effingham, takes the oaths as Governor of Virginia. Upon a motion made in his behalf, it is ordered that] Mr. Secy. Jenkins do prepare a Warrant for his Majestys Royall Signature granting Licence to the said Lord Howard to go off from his said Government of Virginia 24 Oct. Virginia.

54 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1683.

to any of the Neighbouring Colonys, when his Lordship shall see cause so as the time of his absence exceed not the space of Two Moneths in any one year, And that the said Colony be then in a good and quiet disposition, and no emergent occasion to deteyne him there. [p. 49. C.S.P. VI. 1326.]

26 Oct. [129.] [Reference to Committee of a petition as to the
Leeward law of debt.—C.S.P. VI. 1333.] [p. 52.]
Islands.

31 Oct. [130.] [The Committee report] That having received a Pro-
Virginia. posall of the Lord Howard of Effingham Setting forth the great want of a small Fregat in Virginia, as well to give countenance to his Majestys Authority, and to prevent any future Insurrections there, As for securing his Majestys Customes, and opposing the Pirates that have lately infested that Coast, Their Lordships thereupon consulted the Lords Commissioners of the Treasury, who have received the Opinion of the Commissioners of the Admiralty and Commissioners of the Customes, And upon consideration aswell of the Reasons given by the said Lord Howard, as of the Reports made unto them in that behalf: The said Lords of the Committee are humbly of Opinion, that it will conduce very much to his Majestys Service and Security of Virginia, That a Man of Warr Ketch be forthwith fitted out for the service aforesaid, and that the Captain receive Directions from his Majestys Cheif Governor of Virginia and also from the Customers there and at Maryland in relation to their employments but neverthelesse to be subject to the superior Comands of the Governor. [It is accordingly ordered that the Admiralty equip a ketch with forty men for this service to be under the ultimate direction of the governor as recommended.] [p. 53. C.S.P. VI. 1343.]

31 Oct. [131.] [Order in accordance with report concerning a
Jamaica. Lieut.-Governor for Jamaica.—C.S.P. VI. 1298.] [p. 53.]

7 Nov. [132.] [Sir W. Stapleton is granted leave of absence for
Leeward a short time, to give his Majesty an account of the Leeward
Islands, and to dispatch some particular business of his own.]
Islands. [p. 60.]

1683.
14 Nov.
Leeward
Islands.
- [133.] Upon reading this Day at the Board a Letter from Sir William Stapleton [to the Committee], dated the 15th of August last, representing that he had delivered on Board Captain Billop, and Captain Carlisle Commanders of his Majestyes ships, the Deptford ketch, and the francis frigatt, so much powder for his Majestyes service, as ammounted in value to twenty two Barrells, at the rate of One Thousand pound of sugar per Barrill, [it was ordered that Sir Christopher Musgrave, Lieutenant of the Ordnance take care that twenty two barrels of powder be sent to Sir Wm. Stapleton at Nevis by the first ship bound thither]. [p. 67. C.S.P. VI. 1383.]
- 16 Nov.
West Indies.
- [134.] [The petition of Martha Young for relief in consideration of the loss of her husband slain in the West Indies in the war with the French, is referred to the Treasury.] [p. 69.]
- 21 Nov.
Barbados.
- [135.] [A letter as to bonds from ships trading to Barbados. —C.S.P. VI. 1402.] [p. 73.]
- 28 Nov.
Bermuda.
- [136.] [It was ordered that the Attorney General appoint a fit person or persons] to peruse the Bookes, and all other publique Letters, papers, and Records, belonging to the Bermuda Company, aswell Here, as in the sayd Island And to take Copyes of such things, as he or they shall thinke fit, for his Majestyes service, in Order to the better prosecution of the Quo Warranto, lately brought against the Charter of the sayd Company, [whereof all who have any such records in their custody are to take notice and permit the same accordingly]. [p. 77.] (1684.)
- 29 Feb.
- [With reference to this Order, a petition of the inhabitants of the island represents] That the said Company have been duly served with the said Order by the Clerks appointed by Mr. Attorney in pursuance thereof, And that after many Attendencys, the said Clerks have been denyed a Sight of the said Bookes, whereby the said Company intends to delay his Majestys Cause for want of the Copies necessary for a Tryall against them, since they cannot by course of Law put it off

1683. longer than the next Terme, And therefore Praying that some leave may be taken for getting Copies of the said Bookes Letters and Records against the said Terme, the Petitioners [are ordered to] attend Mr. Attorney Generall, who is to move the Court, if he finds occasion for such Papers and Records in the said companys custody, as he shall judge necessary for his Majestys Service at the said Tryall. [p. 124.]
- (1684.) 13 June. [The Company having represented] that they are readily willing to resigne to His Majesty the Government of the said Island . . . and in all things to submit themselves to his Majestys good Will and Pleasure, And therefore Praying his Majesty would please to accept of that their Submission and to stay Proceedings on the Quo Warranto brought against them last Michaelmas Terme, which is to be tryed on Monday next at the Barr of his Majestys Court of Kings Bench, the Earle of Sunderland [is directed to] write to Mr. Attorney Generall to prosecute with effect the said Quo Warranto against the Companys Charter, but not to enter Judgment thereupon, till his Majestys Pleasure be further signified. [p. 189.]
- (1684.) 27 June. . . Lord Chief Justice Jefferyes this day representing to his Majesty that [as ordered on the 13th] Judgment hath been given for his Majesty upon the said Quo Warranto, but that the same was not yet entred upon Record: [it was referred to the Committee to inform themselves of the present state of the islands, and to report what government they judge fittest to be established for his Majesty's service and the good and benefit of his subjects trading to and inhabiting those islands, as also their opinion about entering the said judgment upon record. [p. 193. C.S.P. VI. 1778.]
- 12 Dec. [137.] [A letter to the Earl of Arran, Lord Deputy of Ireland, Plantation Trade. to give directions through the Commissioners of the Revenue] that the Patent Customers or their Deputyes in the respective Ports of Ireland do, from time to time, give an accompt of all ships Entring out to any of his Majesties Plantations, to such person residing in Dublyn as now is, or, from time to time,

1683.

shalbe appointed by the Commissioners of his Majestyes Customs in England to receive the same, expressing therein the name of the ship and master, her Burthen, whether English or Forrein Built, and whether Ship, Pink or Ketch, or what other kinde of vessell she is, narrow sternd or brode stern'd, Fore Castle or noe Fore Castle, to what Port or Place belonging, For which of his Majestyes Plantations she is Entred out, what Bond given by the master, and what her lading. [And the same for vessels] Entred inwards, from any of his Majestyes Plantations. [p. 85.]

[138.] Sir Richard Derham, Captain Poyntz, and others concern'd in the Plantation of Tabago to attend the Boord the next Councill day. 12 Dec. Tobago. [p. 86.]

. . . Captain Poyntz and others have undertaken to settle a Plantation in the Island of Tabago to the prejudice of his Majestyes Plantations, and are about transporting divers of his Majestyes Subjects thither . . . Their ship is now at Graves End or thereabouts ready to saile away. [Orders are given to the Admiralty] to stop the said ship of Captain Poyntz and any others suspected to be fitted out for a voyage to Tabago as aforesaid. [Consideration of the whole matter is referred to] the Treasury, who are to inquire into all Pretensions to the Island of Tabago, either of the Duke of Courland or any other, and from whence derived, and to endeavour either by agreement with the agent of the Duke of Courland, if he appears to have Right therto, or by other meanes to prevent any settlement of that Island that may be of prejudice to Barbados, or any other of his Majestyes neighbouring Plantations. . . . And Sir Richard Dutton . . . is hereby directed to make the best inquiry he can concerning this matter, and to prevent such irregular proceedings as far as it lyes in his power, wherof he is to return an accompt to the Lords Commissioners of the Treasury. [p. 90. C.S.P. VI. 1459.] 14 Dec.

[On the petition of Elias Andrews master of the ship *Fountain* (C.S.P. VI. 1468), the Treasury are directed to] 19 Dec.

1683.

examine how far the said Captain Poyntz is concern'd in the said Ship, who are likewise Sharers in her, whether the said Ship is bound for Tabago, and whether any on board her design settling a Plantation in that Island, And give such order therein as their Lordships shall judg most proper for his Majestys Service, and the Petitioners relief. [p. 93.]

(1684.)

1 Feb.

[Elias Andrews, Captain Poyntz, Dr. Hugh Chamberlain, and such others now in town as are concerned in the ship *Fountain*, the voyage or the plantation are ordered to attend on the 6th, and the Treasury are in the mean time to consider of the Treaty of Breda in relation to the said plantation.] [p. 110.]

(1684)

1 Feb.

[The following report of 31 Jan. from the Treasury is approved]; Wee have . . . had from the Commissioners of the Customes and otherwise the best Information Wee can get concerning the said Island, aswell as the Ship and Persons bound thither which are represented to Us as followeth vizt.

That the Island of Tobago being about Thirty Miles long and 12 miles broad, is one of the Charibbee Islands, which Sir Thomas Warner taking Possession of about the year 1626 were by Letters Patents granted the next year unto James Earle of Carlisle whose Interest in those Islands your Majesty is since possessed of by the Surrender of such as claimed any Title under him thereunto.

That severall years before your Majestys happy Restauration the Duke of Courland and certain Merchants of Zealand called the Lansons endeavoured to settle a Plantation there, but that the Duke upon his Imprisonment by the Swedes was wholly dispossessed by the Zealanders of this Island, as He was also of the Fort St. Andrew seated in the Mouth of the River Gambia (whether by Agreement or otherwise by the Dutch West India Company).

That about the year 1661 Sir Robert Holmes took the Fort St. Andrew from the Dutch which was soon after put into the possession of the Royall African Company of England and

1684.

being afterwards claimed by the Duke of Courland who had then a great Desire to be repossessed of the Island of Tobago, a Contract was agreed on between your Majesty and the said Duke wherein Mention is made, that in lieu of the said ffort St. Andrew the Duke of Courland should have full Liberty of Trade for his owne Ships throughout the English Territorys in Africa not exceeding the value of 12000*l.* per annum And upon the same Consideration, your Majesty thereupon granted to the said Duke the Island of Tobago under your Royall Protection, Provided the said Island be inhabited only by English and Courlanders, and that the said Duke (neither himself nor any other for him or his Subjects) shall not export or import any Goods otherwise than out of, or into some of the Ports belonging to England and Courland, or the Port of the City of Dantzick, The said Duke in acknowledgment of his tenure thereby further promising in case of Warr to furnish your Majesty with a Ship of ffourty Guns.

That notwithstanding this Grant the Dutch West India Company were possessed of this Island in the year 1672, when it was retaken by your Majestys Subjects, and the Plantation destroyed.

That neverthelesse after the Peace was made, the Dutch tooke upon them to resettle Tobago, where they continued untill the yeare 1676, when Count D'Estree destroyed their Fleet, and ruined all their Forts, leaving the Island desolate, as it has since remained till of late upon pretence of the Duke of Courlands Right by your Majestys Grant, some small Ships were fitted out in Holland to settle a Plantation there, but without Successe.

That by Articles of Agreement between Abraham Marin then Resident for the Duke of Courland, and Captain John Poyntz dated 20th September 1681, there is granted in behalf of the Duke unto the said John Poyntz and Company and their Heires for ever 120000 acres of Land in Tobago, under the Conditions hereafter mentioned, vizt.

That the said Pointz shall transport 1200 Persons thither within Three yeares to commence from the time the said

1684.

Pointz and Company shall arrive upon the Island And within ffour or ffive years next after the like number of 1200 People in case it shalbe so thought fit by the Governor and Assembly there, the said Pointz obliging himself in the like manner to build and mainteyne Two or Three more Forts upon the Land so granted him, where a free Port is to be allowed unto the said Poyntz for the space of seven years with certain fformes of Government mentioned in the said Articles and the payment of 2*d.* per acre to the Duke of Courland after a certain time.

That the said Pointz and Company shall, saving their Allegiance to their natural Prince, take an Oath to be true and faithfull to the Duke of Courland, and be obedient to him, as their Prince in the said Island.

That in case of a Warr between your Majesty and the Duke of Courland, the said Poyntz and Company are to remain Neuters, and to be a free People after the manner of an Imperiall City or Hanse Towne.

That the said Duke shall nominate the Governor of the Place.

That the said Poyntz and Company shall have Liberty to traffick into all parts whatsoever with the Products of the said Island.

And Wee are further informed, that in pursuance thereof the said Poyntz and Company, undertaking to settle this Plantation, presented a Petition to your Majesty Praying your Majestys Order, what manner of Standard or Colours should be used in that Island, And that some Person may be appointed to see them take the Oaths of Allegiance and Supremacy before their going, which being referred by your Majesty in February last to the Committee of Plantations, and the Petitioners summoned to attend, they fayled to give their Appearance accordingly.

Wee have been likewise attended by Captain Poyntz, who has exhibited unto Us the Articles of Agreementaforementioned, making great Professions of Duty to your Majesty and

Resolution not to proceed on the Settlement of Tobago, without your Majestys Leave. As to the Ship which being bound for Barbados and Tobago, has been stopped by a Warrant from the Admiralty pursuant to an Order of Council of the 14th of December last, the Commissioners of the Customes have informed Us, that the Master has made Affidavit before them, that he is at present bound for Barbados and Tobago, but that Captain Poyntz with Three Servants were going to Tobago only as Passengers, as the said Poyntz also informs us without his having any Interest in the Vessell.

The Matter of Fact being thus laid before your Majesty as it hath been related unto Us, Wee humbly take Leave to observe the great prejudice that may arise to your Majestys Plantations by the Scituation and Neighbourhood of Tobago to Barbados, and the other Caribbee Islands, with which and your other Dominions in case of a Settlement it will most probably entertheyne an unlawfull Trade, which by the aforesaid Grant may be conveyed to Dantzick, or to any part of the Duke of Courlands Territorys, And that in case the Settlement do not prosper, it will then be the ruine of your Majestys Subjects, who upon specious pretences may be enticed thither.

That in case this Island be reputed one of your Majestys Plantations by the tenure reserved in the said Grant, it will then be repugnant to the Acts of Parliament that any Trade be permitted from thence with Courland or Dantzick, or any other places then such as are belonging to England.

That if it shalbe esteemed a Plantation apperteyning to a Forrainer the said Acts do prohibite any Trade or Commerce between it and your Majestys English Dominions.

Besides that if your Majesty permit the Settlement of the Island by the Duke of Courland, that Duke will have the same Right to the Trade of Africa, from which he has been hitherto hindred not only by the Foresight of the ill Consequences that must happen by it, but upon a full Hearing of this Matter in March 1670 by a Committee of the Council when (as Wee

62 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1684.

are informed) it was found that in regard the Duke of Courland had first sold the Fort St. Andrew to the Dutch, your Majesty was surprized in your Grant to the Duke of Courland.

That although the Grant from your Majesty to that Duke has restrained the Trade to the Ports belonging to England, Courland or Dantzick, Yet by these late Articles of the Duke of Courland, Liberty is given to Captain Poyntz and Company of Trading to all parts whatsoever, and of remaying Neuters in case of Warr between your Majesty and that Duke or any other Forrain Prince, with whom he may be allyed which Wee take to be a Violation, and may amount to a just forfeiture of Your Majestys Grant, although it were duly obeyned. To which considerations may be added whether this Island having changed Masters so often since the first Grant, and that Duke having not settled it in due time, nor furnished your Majesty with such a Ship during your Warrs, as is therein covenanted, Your Majesty should neverthesse hold yourself obliged to allow a Title, which may prove of se very great prejudice to the Trade of your other Plantations.

(1684.)

[pp. 111-3.]

6 Feb.

[Further orders with the regard to the *Fountain*.—C.S.P. VI. 1530, and in accordance with report, C.S.P. 1533.]

15 Feb.

(1684.)

[pp. 114 & 117.]

20 Feb.

[Captain Poyntz and others appear and are informed that on consideration, His Majesty does not think fit to allow the plan of settlement in Tobago under the title of the Duke of Courland, and forbids the prosecution of such a design from England or elsewhere. The Governor of Barbados is to be instructed to discourage any such undertaking.]

[p. 118.]

(1686.)

26 March.

[Reference to Committee of Captain Poyntz's petition for leave to settle the island with his Majesty's subjects.]

(1692.)

[*James II.* p. 239.]

1 Dec.

[The Council refer to the Committee for consideration and report with all convenient speed] the humble Petition of

1683-4.

Captain John Poyntz in the behalfe of himselfe and others, for a Patent to erect a Company and raise a Joynt Stock for settling the Island of Tobago in the West Indies.

[*Wm. III. Vol. III. p. 45.*]

[139.] [Order on the claims of Thomas Forrester.—C.S.P. VI. 1460.] 12 Dec. Barbados. [p. 88.]

[140.] [Order as to "one Lawrence a privatier."—C.S.P. VI. 1461.] 14 Dec. Jamaica. 1684. [p. 91.]

[141.] [The Council refer to the Treasury] the Petition of the poor Widdows Orphans &c. of the late Barbados officers and souldiers deceased, and of such as are living and unpaid . . . to be examined and do thereupon as to their Lordships shall seem just; [also] the petition of Samuel Johnson, Robert Ramsey, and Richard Hall yet living, and the executors of 7 other late soldiers in Sir Tobias Bridges regiment. 20 Feb. Barbados. [*pp. 117-18.*]

[142.] [Order for suppression of piracy—C.S.P. VI. 1561, representing the great damage to his Majesty's service] by harbouring and encouraging of Pirates in Carolina and other Governments and Proprietys where there is no Law to restrain them. 27 Feb. Piracy. [p. 120.]

[143.] [Reference to Committee of a petition for incorporation in Connecticut.—C.S.P. VI. 1556.] 27 Feb. Narragansett. [p. 120.]

[144.] [Order for removing Sir H. Morgan and others.—C.S.P. VI. 1565.] 29 Feb. Jamaica. [p. 123.]

[Petition of the displaced officials referred to the Committee.—C.S.P. VI. 1657.] 2 May. [p. 166.]

[Order dismissing their appeal.—C.S.P. VI. 1777.] 27 June. (1688.) [p. 195.]

[Sir H. Morgan and Col. Ivy readmitted.—C.S.P. VII. 1721.] 27 April. [*James II. p. 659.*]

[145.] [Order on George Hannay's petition.—C.S.P. VI. 1568.] 29 Feb. Barbados. [p. 124.]

64 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1684.
2 April.
Jamaica.

[146.] [Orders as to African Company and slave trade.—
C.S.P. VI. 1616-7.] [pp. 138-9.]

[The Act referred to in C.S.P. VI. 1571 is given in full]:—
An Act for the encouragement of the Royall African Company
of England to Import Negros into his Majesties Island
of Jamaica.

Whereas his Majesty hath been pleased by his Letters Patents under the great Seale bearing date the 27th day of September 1672 to grant the Sole Trade to Africa from Sally to Cape buon Esperanza to the Royall African Company, And wheras his Majestys Subjects of this Island have made Complaint to [the Committee] that the said Company have not brought into this Island a sufficient quantity of Negros for the supply therof, wherby there is a great want of them to the great prejudice of his Majestys Customes and the Inhabitants of this Island; To which the said Royall Company have answered and alleaged for reason of their not Importing into this Island the quantity of Negros required the great number of Interlopers who contrary to his Majestys said letters Patents Doe Trade on the Coast of Africa within the Limits aforesaid and freely bring Negros to this Island which doth disable them the said Company from bringing hither that quantity of Negros they otherwise should; Which his Majestys Subjects of this Island taking into Consideration and being willing to give all reasonable encouragement to the said Royall African Company to supply this Island with Negro Slaves, Do enact and Declare, and it is hereby enacted and Declared by the Governor, Council and Assembly and by the authority of the same that it shall not be the practice of any of his Majestys Subjects of this Island to encourage any Interlopers nor deale with them for Negros, but whosoever of his Majestys Subjects residing in this Island shall directly or indirectly by himself or any other or by any Covin or fraudulent way or means buy or Cause to be bought in this Island any Negro or Negros brought by any Interloper or any person or persons

whatsoever, but such as are therto impowered or appointed by the said Royall African Company from any of the Parts or Coast of Africa which are within the Limits of their Patent aforesaid shall forfeit and pay for every such Negro so bought the sum of ten pounds currant money of this Island, the one half therof shalbe to our sovereign Lord the King his Heires and Successors for the publique use of this Island, and the other half to him or them that shall first sue for the same in any publique Court of Record in this Island in which no Essoign, Protection or wager of Law shalbe allowed. And this Act to continue in force for one whole year to comence from four months after the day of the passing the same; and if within the said year the said Royall African Company shall have Imported into this Island five thousand Negros then to continue in force for one year more otherwise to cease and determine at the end of the first year. And if the said Royall African Company shall before the expiration of the second yeare have Imported into this Island the Number of Three thousand Negros, then this Act to be in force for one year longer comencing from the expiration of the second year, otherwise to cease and determine at the end of the second year, The true intent and meaning of this Act being that if the said Royall African Company do not bring in the full number of five thousand Negros before the expiration of one year . . . then this Act to cease and determine at the end of one year [and so for 3000 more in the second year]. But in case the said Royall African Company do continue to bring in the full number of three thousand Negros yearly then this Act to continue and be in force from year to year reckoning from the expiration of the first year untill the end of that year wherin the said Company shall have failed to bring in the full number of three thousand Negros. . . . Provided always that in consideration of the uncertainty of timeing the arrivall of Negros there, It shalbe understood that the supernumeraries of any yeare shalbe accounted on to the next year and so from year to year to be continued on as long as this Act shalbe in force.

66 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1684.

And whereas this Island being of great extent and having many Bayes and Harbours where Interlopers may land their Negros and Dispose of the same to the Inhabitants of this Island in such manner that it wilbe very difficult for any one to prove that any Negros were bought from Interlopers, wherby the true intent and meaning of this Act may be frustrated, It is hereby further declared . . . that if any new Negros be found in the possession of any of the Inhabitants of this Island, and he or she be sued for the penalty appointed by this Act on such as do buy Negros of Interlopers, and that the said Party in whose possession such new Negro or Negros are found cannot prove they have had the said Negro or Negros in their possession for the space of three months before the comencement of the sute for the penalty, nor prove that the said Negro or Negros were Imported into this Island by Persons therto authorized by the said Royall African Company or there sold by the said Companies Factors, that then it shall be taken for granted, they were Imported by Interlopers, and the Party or Partys in whose possession the said Negro or Negros were found to pay the penalty by this Act Imposed.

[pp. 145-7.]

- 2 May. [Further orders on the African Company's petition.—
15 May. C.S.P. VI. 1656, 1687.] [pp. 166, 175.]
- 2 May. [147.] [The Admiralty are directed to] give striekt Orders
Newfound- that an account of the Trade and ffishery of Newfoundland
land. be duely returned to this Board by the yearly Convoys which
are sent thither as formerly hath been done according to the
Instructions given by [the Committee]. [p. 165.]
- 15 May. [148.] [Order on taking of New Providence by Spain.—
Bahamas. C.S.P. VI. 1688.] [p. 173.]
- 15 May. [149.] [Order as to a Court in Barbados.—C.S.P. VI. 1685.]
Barbados. [p. 174.]
- 15 May. [150.] Upon reading this day at the Board the humble
West Indies. petition of John Banks Merchant and others his Majestys Sub-
jects in London setting forth that the petitioners Brother James

1684.

Bankes Merchant Living in Jamaica did in September last 1683 dispatch from the said Island a Pinke called the St. George of London Benjamin Beard Master soly belonging to the Petitioner (with a Cargo of Goods on the Account of the petitioner his Brother and others) on a trading Voyage for the South Keys amongst the Spanyolds, And the said Ship being disabled by Distresse of weather and wanting water, put into the Bay of Mereguana belonging to the Government of Petit Guaves (being first refused the said supply at Petit Guaves) where the said ship with her Cargo to the value of 5500*l*. sterling was seized on and made prize off By pretence of Order from Monsieur Franquenay Lieutenant Generall of Petit Guaves, although they had not otherwise traded or Dealt there more than for water to supply their present want, Whereupon his Excellency Sir Thomas Linch sent the Guernzey friggatt to Petit Guaves to demand satisfaction for the said Pinke, But the Governour answered that he had orders to seize on all ships that dropt their Anckor in any of their Ports, and that he was rich enough and able to answer what he had done, the truth of all which appeares by the affidavit of the master and severall of the mariners belonging to the said ship. [The Earl of Sunderland was directed to cause application for satisfaction to be made to the Court of France by Lord Preston his Majesty's ambassador there and through the French ambassador in England.]

[*p.* 176.]

(1685.)

[The petitioners complaining that no satisfaction has been obtained, instructions for renewed applications by the same channels are given.]

[*James II*, *p.* 148.]

30 Oct.

[151.] The humble petition of Edward Gove of New Hampshire in New England a Prisoner in the Tower of London Praying that he may be released from his Irons and have the Liberty of the Tower [is granted] upon good Security that he will remaine a true Prisoner there.

[*p.* 180.]

28 May.

New
Hampshire.

(1686.)

[Gove's petition is granted,] setting forth that his Majesty was graciously pleased to order the Petitioner should be

9 April.

1684.

Released from his Imprisonment in the Tower, and his name to be inserted in the next Pardon of the Convicts in Newgate, But in regard the said Pardon, as he is informed will not issue till Michaelmas next, and for that his family beyond Sea are in a necessitous Condition, he humbly prays his Majesty to signify to the Government of New England His said gracious Pardon, and that he may be restored to his former Estate and Condition. [*James II*, p. 251.]

28 May. [152.] [Order for establishing an Admiralty Court in
Jamaica. (1685.) Jamaica.—C.S.P. VI. 1712.] [p. 184.]

21 Jan. [Order in accordance with a further report.—C.S.P. VI.
2060.] [p. 292.]

13 June. [153.] Whereas [the Committee] did this day represent to the
St. Board, That they have received the address of the Island
Christopher. of St. Christophers Praying, That for the Strengthening and
Security thereof, Three Hundred men Malefactors, long since
ordered, might accordingly be transported to that Island,
And their Lordships having likewise received a Lyste of
Prisoners in London and Middlesex that are like suddenly to
be transported, [the Recorder of the City of London is
directed to] take care That in the generall Pardons granted
or to be granted to Malefactors, who are or shalbe condemned
at the Generall Goal Deliverys for the said City of London and
County of Middlesex there be a Clause inserted with this con-
dition that the Persons to be transported be sent to such of
the Plantations, as the Lord Cheif Justice, or any Three
Commissioners for the said Generall Goal Deliverys shall
appoint, And . . . That the said Lord Cheif Justice
or Commissioners do direct, That the severall Persons named
in the abovesaid Lyste, and such others as shall hereafter be
condemned to be transported, Be sent to the said Island of
St. Christophers, and not to any other Place (unlesse His
Majesty shall at any time otherwise signify his Pleasure by
Order of Councill, or his Signe Manuall) untill the said number
of Three Hundred be fully compleated, who are from time to

1684.

time to be received from Prison, and conveyed to the said Island on the conditions, and according to the directions specified in his Majestys Order of Council of the 1st of June 1677 hereunto annexed, wherein the Right Honourable the Lords Commissioners of his Majestys Treasury have Power to give all necessary directions. [p. 189.]

[154.] [Reference to Committee of Sir John Knight's petition—C.S.P. VI. 1744.] 13 June. Leeward Islands. [p. 191.]

[155.] [A copy of the report of the Commissioners of the Customs of 24 April this day presented by the Treasury] touching the taking off a half penny per pound on Tobacco of his Majestys Plantations brought into England, and from thence exported to Ireland [is ordered to be sent to] the Duke of Ormonde Lord Lieutenant of Ireland to be transmitted to the Commissioners of the Revenue there, to consider of the latter part of the said Report, the matter whereof hath not yet been communicated to them. 27 June. Tobacco.

[A letter follows to the Earl of Arran, Lord Deputy of Ireland, ordering that] the half penny per pound on Tobacco of his Majestys Plantations payable in Ireland (if the same be imported thither from England) more then if the same be imported thither from His Majestys Plantations Be taken off in Ireland, [and that directions be accordingly given to the Commissioners of the Revenue] that only Two pence on the pound be taken for the same, untill His Majestys Pleasure be further signified. . . . [pp. 195-6.]

[156.] [The petition of Nathaniel Weare and other inhabitants of New Hampshire against Edward Cranfield, Governor of the province, is referred to the Committee.] 11 July. New Hampshire.

[p. 201. C.S.P. VI. 1800.] (1685.)

[Order on the Committee's report.—C.S.P. VII. 118.] 8 April.

[James II, p. 65.] (1685.)

[Letter to Cranfield in accordance therewith.] [p. 74.] 29 April.

70 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1684.

[By the order of 8 April 1685 Wm. Vaughan was permitted to appeal; on 22 April 1685 he entered his appeal which was referred to the Committee on 29 April.] [pp. 70 & 73.]

(1686.)

28 June. [In accordance with an order of the Committee of 2 May, 1685, Weare appears on behalf of Vaughan to prosecute the appeal.] [p. 292.]

(1686.)

3 July. [A petition from New Hampshire is referred to the Committee.—C.S.P. VII. 748.] [p. 292.]

(1686.)

19 Nov. [Order dismissing Vaughan's appeal.—C.S.P. VII. 999.] [p. 340.]

(1686.)

10 Dec. [Four sections dealing with Vaughan's appeal.—C.S.P. VII. 1053-6. For 40 *shillings*, C.S.P. 1055, Register reads 40 *pounds*.] [pp. 355-6.]

11 July.
Plantation
Trade.

[157.] [The Council refer to the Treasury the petition of Nicholas White, Stephen Deane and Redmond FitzGerald, merchants, who three years since freighted the *Warewell*] in Mariland with 300 hogsheads of Tobacco and gave the Customary bonds to carry the same to some part of England, [and] the said ship coming into Galloway in Ireland in her way to England, only to repair, without intention of breaking bulke, the Officers of the Customes there violently Entred the same and tooke out the goods and put them into the storehouses there where being detained six months, the petitioners for preservation of the goods consented to the giving security for the payment of the Dutys of the said goods, and thereby the Securitys entred into in Maryland for the ships touching in England became thereby forfeited, and their Estates there under sequestration as are also the petitioner Nicholas White, and notwithstanding the equity of the Case, the Court of Exchequer for want of the petitioners Agents proving that Carpenters actually worked on the said ship to repair her as they really did rejected the petitioners bill for releif and

1684.

thereupon he was clapt into prison to his utter ruin and therefore praying an order for rehearing the said cause before the Lord Lieutenant and Councill of Ireland, and so many of the Judges as their Lordships shall thinke fit, that such releife may thereupon be given to the petitioners as shall be equitable. [p. 202.]

[158.] [Leave of absence for Governor Cranfield.—C.S.P. VI. 1832.] 8 Aug. New Hampshire. [p. 218.]

[159.] [Petition as to Spanish depredations referred to the Committee.—C.S.P. VI. 1924.] 7 Nov. Bahamas. [p. 245.]

[Committee's report approved; the Spanish ambassador and Spanish subjects upon the London Exchange are to be notified of the trial in the Admiralty.—C.S.P. VI. 2013.] 17 Dec. [p. 277.]

[160.] [Petition as to Spanish seizure in 1681 of the *Wheel of Fortune* bound from Barbados to Newfoundland, referred to the Committee.—C.S.P. VI. 1925.] 7 Nov. Barbados. [p. 245.]

[161.] [The Council refer for consideration and report to the Governor and Company trading to Hudson's Bay] the petition of Eliakim Hutchinson and other Merchants of London, praying a Review of the Sentence given at Quibecke in Canada against the ship Batchellour and goods therein, taken out of Batchellors Island in Hudsons Bay by a french shipp fitted out by Monsieur Chimay and Company at Quibecke under pretence of a Commission from his Most Christian Majesty to the petitioners damage above 5000*l*. [p. 251.] 14 Nov. Canada.

[162.] Letters are written to the various plantations, and ordered to be sent by the Commissioners of the Customs, requiring the Governors to examine into the performance of the conditions of the bonds given by shipmasters in the plantation trade, and prosecution in all cases of non-fulfilment.] 26-8 Nov. Navigation Acts. [pp. 260 & 263-5.]

72 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1684.
 3 Dec. [163.] [Consideration of the public debts of Bermuda is
 Bermudas. referred to the Committee.—C.S.P. VI. 1978.] [p. 267.]
- 17 Dec. [A memorandum of the Committee is referred to the
 Treasury to do in the matter as they shall judge fit.]
 (1685.) [p. 275. C.S.P. VI. 2012.]
- 14 Jan. [The following report of the Treasury is approved and
 referred to the Committee to put in execution.] Wee have
 considered of the proposall of the Members of the late
 Bermuda Company that your Majesty would be pleased
 to confirme the sale of eight shares of the publick lands
 for the satisfying a debt of the late Company amounting
 to the sum of 828*l.* in lieu whereof they have offered
 to relinquish their claim to all the Publick Lands, which
 they have lately placed in Trustees for the payment of
 these Debts, and to all the Guns Negroes and other Estate
 belonging to that Company : But as wee cannot advise your
 Majesty to alienate any part of your Crowne Lands, which
 wee find also to be Scituated in that part of the Country which
 is of greatest importance to the Security and defence
 thereof, so for the removing of all pretences wee are humbly
 of opinion that one third part of all such Levyes or taxes upon
 Tobacco or otherwise, which shall be hereafter imposed within
 those Islands be appointed by your Majesty to satisfye the
 said Debts proportionably till they shall be extinguished. Pro-
 vided alwayes that the Members of the late Company or their
 Trustees do quitt claim to all the particulars abovementioned,
 and release your Majesty from all demands whatsoever relating
 to those Islands. [p. 289. C.S.P. VI. 2047.]
- 10 Dec. [164.] [Matthew Meverall's petition referred to the Com-
 Jamaica. mittee.—C.S.P. VI. 1998.] [p. 272.]
- 10 Dec. [165.] [Abraham Gill similarly referred and the African
 Jamaica. Company notified.—C.S.P. VI. 1999.] [p. 272.]
- 10 Dec. [166.] [Mrs. Audrey Beale referred to the Committee.—
 Maryland. C.S.P. VI. 1997.] [p. 273.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 73

1684.
17 Dec.
Bermuda.
1685.
21 Jan.
Massachu-
setts Bay.

[167.] [Short commission to be prepared for Governor Coney.—C.S.P. VI. 2011.] [p. 279.]

[168.] Upon reading this day at the board the humble petition of Edward Randolph setting forth the hardships which he has endured in Prosecuting the Quo Warranto against the Charter of the Colony of the Massachusetts Bay, Praying that the Charges and expences he has been at in 8 severall voyages made by him to and from New England together with the great losses he has sustained at sea, the whole amounting to 471*l*. may be payd him, His Majesty in Council being very well satisfied with the Petitioners good services and graciously inclined to grant his request was pleased to Order that his case be and it is hereby recomended to the [Treasury] to give such order therein for the petitioners releif as their Lordships shall think reasonable with consideration to the petitioners merits. [p. 292.]

[The same or a similar petition is read and referred to the Lord Treasurer to give such order as shall seem reasonable.] [James II, p. 21.]

[169.] [The Committee report] :—Having received from Sir Richard Dutton . . . the state of severall Informations brought by your Majestys Attorney Generall in the Court of Exchequer Established in that Island against Captain Richard Young Commander of the shipp Malaga Merchant and his securitys upon his Bond entred into in the Secretarys Office not to carry off any person without a Tickett first had, pursuant to a Law of that Island, together with the Judgement pass'd in that Court, whereby the said Bond of 2000*l*. is become forfeited to your Majesty. And, upon the desire of Sir Richard Dutton to receive your Majestys determination thereupon, Wee have consulted your Majestys Attorney Generall who, upon perusall of all those papers, is of opinion, that the Bond being taken in the Governors Name as a publick person representing your Majesty and being so in trust for your Majesty and the Government, the suit is well brought by the Attorney Generall there ; Whereupon wee humbly offer, That

27 Feb.
21 Jan.
Barbados.

74 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1685.

Execution be ordered to be issued forth upon the said Judgment and forfeiture and the value answered to your Majesty, so as the Law may be satisfied and your Majestys right maintained for the deterring of Offenders in the like cases. And in as much as Samuel Hanson who occasioned the breach of the Act and, as we are informed, gave countersecurity to the master to save him harmlesse, appeared soe farr guilty before your Majesty as that a further Tryall was ordered for his offence, wee see no cause why any remission should be granted him, or the persons concerned for him, upon the forfeiture of the said Bond.

His Majestie in Council was pleased to approve of the said Report, and to Order that prosecution be had thereupon accordingly. And that [the Commissioners of the Treasury] doe write to Sir Richard Dutton about it. [p. 293.]

21 Oct.

[A petition of Young and Hanson that their appeal may be heard while Sir R. Dutton is in town and the disposal of the 2000*l.* bond meanwhile respited, is referred to the Lord Treasurer.] [James II, p. 146.]

JAMES II. (6 Feb. 1685—16 Dec. 1688.)*

30 Oct.

The
Committee.

[170.] [The Earl of Berkeley is added to the Committee.] [p. 148.]

6 Feb.

The new
reign.

[171.] A Minute of Letters to the severall Governors of his Majestys Plantations of the tenor following.

It having pleased Almighty God, this day to take to his Mercy out of this troublesome Life Our late Sovereigne Lord King Charles of most blessed memory, And thereupon his late Majestys Brother and Heir King James the Second being here proclaimed Wee have thought fit to signify the same unto you, with directions, that with the Assistance of the

* On being rebound in 1850 the volume was divided into two parts, but the pages run consecutively Part I. extends to 18 March 1687, p. 426.

Councill, and other the Principall Officers and Inhabitants of ——— you proclaime his most sacred Majesty according to the fforme here enclosed with the Solemnitys and Ceremonys requisite on the like occasion. And Wee do further transmit unto you, his Majestys most gracious Proclamation, Signifying his Majestys Pleasure, That all Men being in office of Government at the Decease of the late King His Majestys most Dear, and most entirely beloved Brother, shall so continue as during his late Majestys Life, untill his Majestys Pleasure be further knowne, which Wee do in like manner will and require you forthwith to cause to be proclaimed and published in the Cheif Place or Places within your Jurisdiction.

[*p.* 5. C.S.P. VII. 1.]

[The proclamations sent are copied in the Register, but contain nothing peculiarly affecting the plantations.]

[Samuel Pepys, Secretary to the Admiralty, is directed 7–13 Feb. to stop all ships going to the plantations (*p.* 7. C.S.P. VII. 5); 9 Feb., he is ordered to send an advice boat with proclamations of James II. as King (*p.* 9. C.S.P. VII. 6); 13 Feb., the embargo is removed (*p.* 11. C.S.P. VII. 13).]

[Governors of plantations are authorised to use the present seals till others be prepared.] 11 Feb. [*p.* 10.]

[The standing Committees of the Council are revived and ordered to meet as before.] 20 Feb. [*p.* 17.]

[New seals are ordered to be prepared.] [*pp.* 27–8.] 6 Mar.

[172.] [The Council refer to the Committee for examination and report] the humble Petition of Walter Stephens of West Indies. the City of Bristoll Linendraper, and the other Creditors of Ralph Moxon and James Holloway Bankerupts, . . . Setting forth, That upon a Commission of Bankerupt taken out and duly executed, the said Moxon and Holloway were found Bankerupts, and the Petitioners legally entituled to their Estates by assignment of the Commissioners and otherwise. But the greatest part thereof being in Barbados

1685.

Antegoa, and other his Majestys forrain Plantations, The factors and Debtors of the said Bankerupts refuse to deliver the same, or come to any account with the Petitioners, upon pretence that the same belong to his Majesty by the forfeiture of the said Holloway, who was executed for Treason, And Praying his Majestys Order to the Governors of the said Plantations, that the Petitioners may have the Benefit of the said Commission upon the effects of the said Bankerupts, to which they were intituled before the Conviction of the said Holloway. [p. 16. C.S.P. VII. 25.]

8 May.

[Order to the Lord Treasurer to give orders in accordance with the Committee's report of 27 March] :—Wee are most humbly of opinion that the said Holloway, having been convicted of high treason, his Estate is thereby forfeited unto your Majesty, notwithstanding the Deeds produced unto us, which appeared to us to be manifestly fraudulent; But inasmuch as it is alleaged that the said Moxon traded in partnership with the said Holoway, and was wholly ignorant of the said Treason, wee further offer that upon proof of the said partnership such part of the said Estate as belonged unto the said Moxon may be made good to the Creditors of the said Moxon, They undertaking to discover as much as in them lyes their joynt Debts and Estate, for which purpose Letters may be alsoe written to the Governours and Proprietors of his Majestys Plantations in America, where the same are chiefly remaining, to make seizure thereof, and to remit the Effects into England, whereupon such a Dividend may be made between your Majesty and the said Creditors as abovementioned. [p. 83. C.S.P. VII. 179.]

(1686.)

19 June.

[Order that upon the petitioners discovering any estate of their debtors in the plantations, and acquainting the Committee therewith, right shall be done them, despite the seizure of the estates as forfeited to the Crown. The debt is stated at over 10,000*l.*, the date of making over the estate to the creditors as June, 1683, and of the issue of the

1685.

Commission of Bankrupts as July 1683. Under this 2000%.
had been received and distributed.] [p. 290.]

[173.] [The Council approve of, and give orders in accordance with, the following report of the Committee of 23 February]: Wee have received from the . . . Earle of Sunderland a Letter to his Lordship from the Lord Howard of Effingham your Majestys Governor of Virginia, with other papers concerning a barbarous Murther, committed on Christopher Rousby, Collector of his late Majestys Customes in Maryland, by Colonell George Talbot one of the Councill, and first in the Commission of the Government of that Province, during the absence of the Lord Baltemore, And therein Wee do find, That on the 31th of October last, the said Collector being on board your Majestys Ketch the Quaker, in Patuxent River near Maryland, The said Talbot came on board, And after some words had passed between Captain Allen the Comander, and the said Talbot, chiefly concerning your Majestys Right of Jurisdiction in those parts, The said Talbot without any just provocation, embracing the said Rousby stab'd him with a Dagger, newly prepared and sharpned, whereof he immediately dyed; After which the said Talbot being put in Irons by Captain Allen, The Councill of Maryland had demanded him in their Lord Proprietarys Name in order to his Tryall by common Law in Maryland, as for a Fact committed within the Body of that Province; But Two of their Members who came on board the said Ketch having refused to demand the Prisoner in his late Majestys Name, And Captain Allen conceiving the Fact to have been committed as upon the Sea, carried him to Virginia, where he delivered him to your Majestys Governor; who with the advice of the Councill has humbly represented the State and Evidence of this Case for your Majestys Directions, in what manner and place the Tryall shalbe had, whereunto his Lordship was induced, as well by the Nature and Enormity of the Crime, both in relation to the Murther, which was committed on a Person, who had the Honour of

25 Feb.
Maryland.

78 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1685.

his late Majestys Commission and Trust in an Employment of such Importance to your Majestys Revenue. As to the Quality of the Prisoner who had after the Fact threatned, that if he were on shoar he would raise a Thousand Men for his further Revenge, Upon which Considerations, and that the Authority and Revenue of the Crowne, as the Lord Howard in his Letters, conceives from the Circumstances of this Fact, and other late Claimes of the Lord Baltemore is greatly concerned and designed to be lessned, Wee most humbly offer Our Opinions, That the said Talbot be tryed by speciall Commission here in England, To which end your Majesty may please to Order another Vessell to be forthwith sent to Virginia with the like Instructions to attend the Lord Howard, and your Majestys Service there, And with particular directions that the said Talbot be immediately brought in safe custody hither on board the Quaker Ketch, And that such of the Ships Company, as are able to give Evidence of the ffact be particularly required to come over, [and that the Lord Treasurer send by the same vessel a successor to Rousby].

[Orders follow to the Admiralty to despatch a vessel to relieve the *Quaker* ketch, and for transporting in the relieving vessel such fit person as the Lord Treasurer shall constitute Collector of Customs in Mr. Rousby's place.]

[pp. 18 & 19. C.S.P. VII. 31-32.]

12 June. [On news of Talbot's escape and flight, orders are sent to Lord Baltimore for confiscating his estate and for prosecuting him, and to Lord Howard of Effingham for proceeding against the gaolers responsible for his custody. [p. 100.]

27 Feb. [174.] [The Committee having reported on a letter from Jamaica. Colonel Molesworth that complaint should be made to the Spanish ambassador of the disturbance given by Spaniards to the Turtle fishing at Jamaica, the Earl of Sunderland was directed to examine the letter and acquaint the Ambassador with its contents and desire him] so to represent it to the

1685.

Court of Spain, that a speedy Course may be taken for Redresse thereof. [p. 21.]

[The Secretary of the Admiralty is further ordered to] give directions for one of his Majestys ffregats of the Sixth Rate to be forthwith equipped and sent to Jamaica to protect his Majestys Subjects in the said Fishing, according to such Instructions as shalbe thought requisite on this occasion. [p. 21.]

[175.] [Order—C.S.P. VII. 35, on Committee's report on a letter from the Governor of Bermuda (C.S.P. VI. 1899) and articles drawn up by Wm. Milbourn and Wm. Righton (C.S.P. VI. 1913).] 27 Feb. Bermuda. [pp. 21-2.]

[176.] Whereas it hath been this day represented to his Majesty at this Board That Christopher Sibthorpe Brasier is a prisoner in Woodstreet Compter, upon a Capias on the Writt de Excomunicato capiendo, His Majesty was pleased to order . . . That the Sheriffes of the City of London (taking good security of the said Christopher Sibthorpe that he do forthwith transport himselfe, and family to Pensilvania in America, and paying the charges of the Court) sett him at liberty, in order to his sayd Voyage. [p. 28.] 11 Mar. Pennsylv-
vania.

[177.] [The Council refer to the Committee for examination and report] the Petition of Richard Wharton of Boston in New England, praying his Majesty to take into his Royall Protection and Government, divers Lands, Islands and other places within his Majestyes Province of Mayne in New England (heretofore purchased by him from sundry of his Majestyes Subjects, and from the Antient Indyan Proprietors) under such Quitt Rents, and acknowledgments, and Name to the place (being of great Extent and profitt for the Cod and other advantageous Fisheryes) as his Majesty should thinke fit, with Confirmation of the sayd Lands, and such immunities, and priviledges as may encourage the Petitioner and his freinds, to lay out their Estates in the designed Improvement thereof. [p. 36. C.S.P. VII. 81.] 20 Mar. Maine.

80 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1685.

24 Mar.
New
England.

[178.] [The Council refer to the Committee for examination and report] the Petition of Thomas Lord Culpeper, Richard Wharton, Thomas Deane, and William Wharton in behalfe of themselves, and the rest of the owners of the soyle of the Narragansett Territory, Praying his Majestyes Confirmation under the Great Seale of England, of the soyle of the sayd Territory, under the yearly quitt Rent of two shillings, and sixpence for every hundred acres thereof, the one halfe to Commence at Michaelmas 1686, and the whole from Michaelmas 1690, to the intent they may speedily apply themselves to the better planting and seating thereof, without further loss of time.

[p. 39. C.S.P. VII. 91.]

(1688.)

13 Jan.

[Lord Culpeper, Wharton, and Thos. Brinley are referred to the Committee.—C.S.P. VII. 1594.]

[p. 572.]

24 Mar.
African
Company.

[179.] [On the petition of the Royal African Company, the Attorney General is directed to prepare a proclamation forbidding all subjects both here and in the plantations from trading within the limits of their Charter.]

[p. 40.]

[The proclamation is entered on 1 April and a similar one as to the East India Company.]

[pp. 55–8.]

27 Mar.
Barbados.

[180.] [The Council refer to the Committee for consideration and determination] the Petition of Sir John Wytham of the Island of Barbadoes Baronett, Praying that true Copyes of all the Indictments and proceedings against him in that Island, may be transmitted hither, and he to have Copyes thereof, and that by order of this Board, all persons in that Island authorized to administer Oathes, may be required to take Depositions there, in order to his Defence, and that he may on his own Recognizance, come for England, to prosecute his Appeale before his Majesty in Councill, and all proceedings against him in the sayd Island, may be stopt in the meane time.

[p. 42. C.S.P. VII. 94.]

27 Mar.

[Order—C.S.P. VII. 95, on Committee report on the account of Sir John Witham's government returned by the Council

1685.

of Barbados (C.S.P. VI. 1890) and the charges brought against him by Sir R. Dutton (C.S.P. VI. 2023).] [pp. 46-51.]

[Order in accordance with report given in C.S.P. VII. 439.] 13 Nov.
[pp. 151-4.] (1688^o)

[Permission for appearance of Wm. Blathwayt, one of the Clerks of the Council, as a witness for Sir John Witham in the matters mentioned in his petition.] 18 May.
[p. 668.]

[181.] [Reference to Committee of the Earl of Arran's petition as to Narragansett and the King's Province.— C.S.P. VII. 115.] 3 April.
New England.
[p. 62.]

[182.] Whereas his Majesty hath been informed that notwithstanding the severall Injunctions that have been signified from time to time to the Governors of his Majestys Plantations in America for the due observance of the Acts of Trade and Navigation, Yet neverthelesse that forrein vessells have Traded in those Parts, For the prevention wherof it is this day Ordered by his Majesty in Councill, that the Captains of such of his Majestys Shippes as shall be sent into America do seize all vessells belonging to strangers and forreine vessells not made free, which they shall finde trading or attempting to Trade there Contrary to the said Acts in order to their prosecution pursuant to the Lawes in that behalf, with this exception onely, that such Spanish vessells and ships employed by Spaniards as shall come to Buy Negros at Jamaica or Barbados be permitted so to do, and that the said ships and persons may have free admission and liberty of bringing either money or Goods of the product of the Spanish Dominions in America, and to carry away from the said Places such negros as shall be agreed for provided they do nothing otherwise contrary to the Acts of Navigation and the Lawes Established on those Islands. Wherof Samuel Pepys Esqre. Secretary of the Admiralty is to take notice, and to cause all such Instructions to be given to the said Captaines of Shippes as shall be requisite for the said purpose. 29 April.
Plantation Trade.
[p. 73.]

82 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1685.

29 April. [183.] [Letter to the Governors of the Plantations, ordering the strict observance of the Navigation Acts. In the letters to Barbados, the Leeward Islands and Jamaica an exception is made of the Spanish trade in negroes, as above. *[pp. 75-7. C.S.P. VII. 120.]*

6 May. [184.] [The Council refer to the Committee for examination and report] the Petition of Sarah Harrison widdow and Relict of Marke Harrison late Commander of severall of his Majestys ships setting forth that the petitioners late husband was in his life time possessed of a small parcell of Land with the Buildings thereon Erected, scituate at Point Cagway in his Majestys Island of Jamaica by virtue of his late Majestys Grant (of happy memory) Inrolled in his Majestys Principall Court at the said Island, at the yearly rent of sixteen shillings, and that since the death of her said husband she being remote and unacquainted at the said Island, the said yearly rent hath been unpaid, for which the premisses are seized into his Majestys hands, being the greatest part of her Estate to maintaine her selfe and Children, therefore praying that upon her payment of the Arreages of Rent she may be admitted his Majestys tenant according to the said Grant.

[p. 80. C.S.P. VII. 175.]

8 May. [185.] [The Council refer to the Committee the petition of Captain Mudd, owner of the ketch *Ruth* of 80 tons burden valued with her lading at 800*l.*, which, having been seized by a Spanish brigantine (Captain John Corso) in Honduras Bay while on a voyage to the West Indies, and abandoned by her captain Edward Oakeley and the crew in order to save their lives, was recaptured by English buccaneers and carried to New York,] praying that his Majesty will be pleased to order his Majestys Governor of New Yorke to seize the said Vessell that so the petitioner may have and enjoy the same it being his owne proper goods. *[p. 84. C.S.P. VII. 181.]*

8 May. [186.] [The Council refer to the Lord Treasurer for West Indies. consideration and decision or report] the humble petition of

1685.

the Sugar Planters now residing in London in behalfe of themselves and the rest of his Majestys subjects the Planters of Sugar in Barbados, Jamaica and other parts of America complayning amongst other things of an order made by the Commissioners of his Majesties Customes on or about the 9th of October last for a great abatement in the allowance of Tare which they formerly had upon each Caske of Sugar.

[p. 85.]

[187.] [The Council refer to the Lord Treasurer for decision or report] the humble petition of Thomas Ryves, Symon Musgrave, and William Bragg Esqrs. and Robert Compier gentleman Executors of the last will and testament of Thomas Martin lately Deceased setting forth That the said Thomas Martin was Receiver Generall of his Majestys Quitt rent, Dutys and Impositions of Wines and Brandy, etc., in his Majesties Island of Jamaica, and that he payd at severall times to the order of Sir Thomas Linch Severall summes of money amounting to the summ of 1800*l.* or 2000*l.* in expectation of having the same allowed him on his Account Currant for the Government, And alsoe that the petitioners being sued to Accompt for the summ of 35000*l.* as Executors to the said Thomas Martin, were found in arreare to his Majesty in the summ of 1100, and odd pounds which they are ready to discharge with all possible speed, And therefore praying That upon such security as his Majesty or his Majestys Governor shall approve off some reasonable time may be allowed them, to pay the same, and in the mean time that his Majesty wilbe pleased to order a stop on the Execution.

15 May.
Jamaica.

[p. 90.]

[188.] [The Council refer to the Lord Treasurer for examination and report] the humble petition of Leonard Compear . . . setting forth That his late Majesty of ever blessed memory was pleased to grant to Thomas Martin (since deceased) and the petitioner for their respective lives and the longest Liver of them the Office of Receiver Generall of all Dutyes and Impositions on Wines, Brandy, &c.,

15 May.
Jamaica.

1685.

Imported into his Majestys Island of Jamaica, and that the petitioners name therein was only used in trust for the said Martin his Executors and Assignes, and that pursuant to the said trust the petitioner being the Survivor (according to the Letters Patents) Deputed one Major Thomas Ryves of the Island aforesaid to Execute the same, who by force of the said Deputation attended and humbly petitioned the Present Lieutenant Governor to be admitted offering unquestionable security for the well discharging of the said Office, But that through the favour of the late and present Government another person without any pretence of right was and still is admitted and continued and two-thirds of the cleare profits of the office allowed to the said person for executing the same, and that the said person by virtue of the possession aforesaid declares he will not resigne the same, or pay the remayning third part of the profits of the said Office without suit at Law, although the petitioner hath remitted thither his whole case stated to and resolved by his Majestys Council Learned in the Law here, by which the petitioners right to the same clearly appeares, soe that the Petitioner is likely to bee involved in a chargeable suit at Law to recover his just right and therefore praying that his Majesty will be pleased to order such speedy right and justice to the Petitioner in the Premisses as to his Majestys accustomed goodnesse shall seeme meet. [p. 91.]

12 June. [189.] [Reference to Committee of the petition of Samuel
Jamaica Beake, John Knap, Robert Rowland, John Byndlosse, and Susan Bourchier.—C.S.P. VII. 229.] [p. 98.]

12 June. [190.] The humble Petition of Judah Clerk being this
Bahamas day read at the Boord, Complayning of the Rapines and Murders lately committed by the Spaniards from the Havana in Cuba upon his Majestys Subjects in the Island of New Providence in the West Indies, and particularly of their having killed the Petitioners Father the late Governor there, after Articles sealed and sworne to the contrary, imprisoning the Petitioner, and damnifying him in his Estate and Trade to

1685.

the value of 500*l.* sterling. . And therefore humbly praying to be relieved herein, [it was ordered that upon the petitioner making out the truth of his allegations upon oath, the Earl of Sunderland should represent the case for reparation and satisfaction to the Spanish ambassador here and likewise to his Majesty's Envoy at the Court of Spain.] [p. 98.]

[191.] [To the Lord Treasurer is referred, to receive the information of the Customs, and report to the Board] the humble Petition of John Clippingdale Master of the Ship John and Catherine, Praying That in consideration of his owne and his ffathers Services and Sufferings, His Majesty would please to grant a Freedome for the said Ship, the Petitioner having with great charge, caused her to be refitted in English fforme, out of a wrack'd Outlandish Bottome, insomuch that Three 4th parts are English built, Or that a Passe may be granted her to go to any of his Majestys Caribee Islands with leave to lade back for England, He having inadvisedly contracted to carry about Two Hundred French People to Carolina. [p. 99.]

12 June.
Carolina.

[192.] Whereas it hath been this day represented to the Boord, That Captain Thomas Allen Comander of his Majestys Vessell the Quaker Ketch now attending his Majestys Service at Virginia has lately desired an Explanation from the Commissioners of his Majestys Customes here, of some points of the Instructions given from his Majesty (in pursuance of the Act of Parliament for encouraging and encreasing of Shipping and Navigation) relating to his Proceeding with Ships and Vessells trading to his Majestys Plantations contrary to the intent of the said Act, And the said Commissioners having prepared and presented to the Right Honorable the Lord High Treasurer of England, their Answer to the said Questions, which his Lordship has perused and approved, And the same having been this day read and considered at the Boord, His Majesty was pleased to confirme, and allow thereof, And did Order That Samuel Pepys Esqr. Secretary

19 June.
Navigation
Acts.

1685.

for the Affaires of the Admiralty of England do transmit the said Quæries and Answers (Copies whereof are hereunto annexed) to the said Captain Allen, and to the Comanders of all his Majestys other Ships, which now are, or hereafter shalbe sent to that, or any other of his Majestys Plantations, with his Majestys Royall Command to him and them, for their future Observance of the same, in the execution of their Instructions accordingly.

Capt. Thomas Allens Queries. 1st and 2d.

May it please your Honors,

1. To certify me in this point ; For my Instructions do say, there is no forrain built Ships to trade in these Plantations, but shalbe made free before the 1st of October anno Domini 1662, But I do find some forrain built Ships here ; that have a freedome from Sir John Shaw of the Custome House of London, of Ten years since and more, This makes me at a stand, but I do make them give Bond to answer it in England, ffor I am unwilling to hinder their Voyage, And I have sent home to your Honors a Copy of their Freedome, and a Copy of their Bonds. And I desire your Honors wilbe pleased, to put me in a method how I may proceed for the future in this affair ?

2. How comes a great many Ships from Ireland, with written Certificates from Galloway and from Belfast, with the clearing from Whitehaven, and from Biddiford, and from Plymouth and Mynhead, with written Certificates, and give Bond there, I desire your Honors would be pleased to put me in a method how I may proceed in this Affair likewise.

Answer.

1. No fforrain built Ship ought to trade in the Plantations, but what shall produce a Certificate of his Freedome before October 1662, unlesse such Ships as his late Majesty was pleased to make free by particular Warrant, which Freedome ought to appear by the Certificate from the Registring thereof by Sir Jon Shaw in the Port of London, and in all such cases

speciall care is to be taken, that good Proof be made, That the Ship claiming such freedome is the Ship for which the freedome and Certificate was given, and not another Ship applyed thereunto, and where Doubt doth arise, to take Bond to make their Freedomes appear more satisfactory to the Commissioners in England.

2. For the Ships coming from Ireland with English Certificates, it is to [be] doubted, that for the most part they are counterfeited, and if any have come since Christmas not attested by the Commissioners you may conclude them to be so, And for the future Care wilbe taken to prevent that fraud by the Attestation of all Certificates, as is already practised, And the formes and Copies thereof is herewith communicated, which wilbe sufficient Guide for all officers concerned in the Plantations, And tho' it be permitted that Bond may be taken in Ireland, and Certificates thereof given to returne to Ireland, as well as England, Yet all such Ships are to pay the Plantation Duty settled by the Act of the 25th of the late King, and for want of payment of that Duty, all the Goods are forfeitable, and ought to be seized in the Plantations or wheresoever they be met withall; But if any such Ships be already arrived from Ireland with true Certificate of Bond given there, of returning to Ireland aswell as England, not knowing of the late direction and Regulation made for the Certificates, and is willing to enter into Bond to returne to England. Only it may be admitted for the present, Returning the Bonds so taken to the Commissioners of his Majestys Customes in England, But this not to be drawne into Example in the future, nor further tolerated after this publique Admonition and Declaration.

Capt. Thomas Allens Querie, 3d.

3. There comes severall English Built Ships that clear in England for the Maderas, and for the Capes de Verd Island, and their Goods fit for this Country, and give no Bond in England, I would likewise desire your Honors wilbe pleased to put me in a way, how I shall proceed in this Affair, and

1685.

would also desire your Honors would give me Instructions, whether I may let the written Passes go free, or none but Printed Passes that shall come from your Honors nothing else at present, only remain.

Your Honors most humble Servant.

Answer.

3. No Ship coming from any part of the World, except from one Plantation to another, or from his Majestys Islands or Territorys in Asia, Africa or America, is to be permitted to enter into any Bond whatever in the Plantations but if they take in any Goods there, both the said Ship and Goods are become forfeitable, and ought to be seized and prosecuted accordingly. [pp. 105-106.]

10 July.
Maryland.

[193.] [Lord Baltimore is to receive a copy of a letter] from the office of his Majestys Customes in Maryland, complaining of divers great misdemeanors and offences comitted there to the great prejudice of her Majestys service, [and is to attend on the next Council day].

His Majesty having received Information of divers irregular proceedings of the Government of Maryland, to the prejudice of his Majestys Revenue there and obstruction of the publique Justice in that Colony, his Majesty, for remedy thereof, was pleased to order [the Attorney General to bring a Quo Warranto against Lord Baltimore's Charter]. [p. 115.]

17 July.
(1686.)

[The hearing of Lord Baltimore's answer is fixed for the 24th.—C.S.P. VII. 284.] [p. 118.]

30 April.

Prosecution of the writ is ordered.—C.S.P. VII. 645.] [p. 258.]

17 July.

Connecticut,
Rhode
Island,
E. & W.
New Jersey,
Delaware.
(1686.)

[194.] [The Council give orders in accordance with the Committee's report on Mr. Randolph's charges, proposing the issue of *Quo Warrantos* against colonial charters.—C.S.P. VII. 282-3.] [p. 119.]

30 April.

[The Attorney General is directed to prosecute the proprietors on the writ in order to the vacating of the charters or grants.] [p. 258. C.S.P. VII. 645.]

1685.

[195.] Upon reading this day at the Boord a Copy of a Letter to the Commissioners of his Majestyes Customes, from William Dyre an officer of the Customes at East New Jersey wherein he complains of the Abuses and Injuriys offered to his Majesty in that Province, and particularly of the hard Usage he hath met with, in prosecuting a Jersey Mans Sloop called the Dolphin, trading thither with European Goods, having but one English Man on board, and relading with Commoditys of that Country, without producing any Certificate, or making Entry as ought to have been done, [the Attorney General is directed to bring a *Quo Warranto* against the Corporation of East New Jersey for the abuses stated].

16 Oct.
New Jersey.

[p. 143. C.S.P. VII. 411]

[196.] [A letter of recommendation for Robert Ratcliffe.— C.S.P. VII. 434.]

30 Oct.
New
England.

[p. 149.]

[197.] [Order as to grants of money by the Assembly to Sir R. Dutton and H. Walrond.—C.S.P. VII. 455.]

13 Nov.
Barbados.

[p. 155.]

[198.] [Order on Lord Baltimore's claim to Delaware.— C.S.P. VII. 456.]

13 Nov.
Delaware.

[p. 156.]

[199.] [The Council refer to the Committee the petitions of Robert Colbeck and other heirs of Col. John Colbeck of Jamaica that the validity of the latter's will may be determined by the Committee.]

27 Nov.
Jamaica.

[p. 162.]

[200.] [Reference to Committee of Capt. Billop's petition.—C.S.P. VII. 489.]

4 Dec.
New York.

[p. 167.]

[Order on the report.—C.S.P. VII. 515.]

[p. 181.]

23 Dec.

[201.] [On the report of the Committee, Stephen Duport is granted leave to retain in his service Andrew Partenson, a native of France, whose estate is wholly among the English of the island. Duport had a license from Sir W. Stapleton, but upon the Governor's departure to England Partenson had been molested upon pretence of a law prohibiting the entertaining of foreigners.]

4 Dec.
St.
Christopher

[p. 169. C.S.P. VII. 484.]

90 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1685-6.
 11 Dec. [202.] [Reference to Committee of the appeal of John
 Barbados. Goldingham and Ralph Lane.—C.S.P. VII. 494.] [p. 174.]
 (1686.)
- 12 March. [Order in accordance with Committee's report.—C.S.P. VII.
 595.] [p. 222.]
 1685.
- 18 Dec. [203.] [The following report from the Committee is
 Virginia. approved, and the Earl of Sunderland directed to prepare
 a letter accordingly] :—In obedience to your Majestys Order
 of the 10th Instant Wee have considered the petition of
 Edward Plampin complaining that as administrator to one
 John Bagnall, he is entituled to a Debt of five thousand
 pounds upon a bond from Edmund Scarborough deceased to
 the said Bagnall ; That about three years since the Petitioner
 did cause the said Bond to be put in suit in Virginia against
 the Executors of the said Scarborough, who have possessed
 themselves of the said Scarboroughs Estate to a Considerable
 value ; but that by reason of their great Interest and power
 in that Country the Petitioners Agents, have not been able
 to procure his cause to be tryed, And therefore humbly
 praying your Majestys orders, that the said Cause may be
 speedily tryed, and Justice don to the Petitioner, Whereupon
 Wee are humbly of opinion that your Majesty may be pleased
 by your letter to the Lord Howard your Majestys Governor
 Generall of Virginia to Order that the Petitioners cause be
 brought to a Speedy Tryall and Determination in the Courts
 of that Colony. [pp. 175-6. C.S.P. VII. 508 & 2126.]
- 1686.
- 19 March. [204.] [Reference to Committee of petition of Charles
 Antigua. Henderson.—C.S.P. VII. 604.] [p. 228.]
- 19 March. [205.] . . The petition of Roger Elletson Esqr. Complaining
 Jamaica. that the 17th of October, 1683, he was by Sir Thomas Lynch
 then Governor of Jamaica, suspended from his practice, as
 an Attorney at Law there, and bound with suretyes to appear
 at the next Grand Court, save one, to answer what should
 be objected against him, where he appeared and was cleared
 by Proclamation, nothing being layd to his charge, and
 praying to be releived herein . . is hereby referred to

1686.

Collonell Hender Molesworth, Lt. Governor of Jamaica and to the Comander in Cheif there for the time being, to examine the Allegations thereof and either restore the Petitioner to his practice againe, by taking off the said suspention, or to report forthwith to his Majesty at this Board the state of the Case, And then his Majesty will declare his further pleasure.

[p. 228.]

[206.] Upon reading this day at the Board the Petition of Anne Baxter Widdow, Setting forth that her son James Baxter was some yeares past, tryed, and found guilty at Barbados of murdering of one Holands servant, a Smith there, That his late Majesty of ever Blessed Memory, being informed, that the fact was done on a suddain, and not with premeditated malice, was graciously pleased to order Sir Richard Dutton then Governor of the sayd Island, to suspend the Execution of the sentence of death, given against her sayd Son there, till he had informed his Majesty the truth thereof, which the sayd Sir Richard Dutton had since done, and therefore praying his Majesty to grant to the sayd James Baxter his Royall Pardon for the sayd Crime, [the Earl of Sunderland is directed to prepare a warrant for Baxter's pardon accordingly].

26 March.
Barbados.

[p. 238.]

[207.] [The Council refer to the Committee the following letters and papers :—

12 May.
Plantation
Trade.

From the Earl of Clarendon, Lord Lieutenant of Ireland, Dublin Castle, 16 March, 1686 :

From the Commissioners of the Revenue in Ireland, Custom House, Dublin, 15 Feb., 1686 :

Reply of the Commissioners of the Revenue in Ireland to the objections of the Commissioners of the Customs in England to their representations concerning the trade from Ireland to the Plantations ; Custom House, Dublin, 22 April, 1686 :

Two reports from the Commissioners of the Customs in England, Custom House, London, 29 March and 12 May, 1686.]

[p. 272. C.S.P. VII. 672.]

92 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1686.

19 June. [Order is given in accordance with the Committee's report that the Act of 22-3 Charles II for regulating Irish Trade with the plantations lately revived by the present Parliament be continued in full force ; notification of this is to be sent to the Earl of Clarendon, Lord Lieutenant of Ireland.]

[p. 290. C.S.P. VII. 734.]

12 May. [208.] [The Council refer to the Committee] the humble
Barbados. Petition and Appeale of Dame Ayliffe Raynsford and William Stokes of the Middle Temple Esqr. and Diana his wife lately called Diana Elliot from a Decree given against them in the Chancery Court in his Majestys Island of Barbados in favor of one Henry Gorges Esqr. of the same Island concerning severall Portions he was to pay the Petitioners and for which he Entred into a Judgement of 5000*l.* to one Mr. John Elliot a relation in trust for the said Petitioners, . . . and praying to be releived. [p. 274. C.S.P. VII. 669.]

28 May. [On the Committee's report, the appeal is admitted on security of 2000*l.* being given, and an account of the proceedings in Barbados is ordered to be transmitted.]

(1687.)

[p. 280. C.S.P. VII. 698.]

2 Dec. [On the Committee's report, it is ordered that the decree of 18 Feb., 1685 be reversed], and that if in pursuance thereof Satisfaction be already acknowledged upon Record of the said Judgement of 5000*l.* sterling the same be forthwith vacated, so that the Judgement and Decree of the Court of Common Pleas in that Island in favor of the Petitioners may remain in full force. [p. 546. C.S.P. VII. 1546.]

30 May. [209.] His Majesty having this day in Councill taken into
Pennsyl- his Royall consideration the state of his Plantations in
vania. America, was pleased to Order that Master Attorney Generall doe forthwith proceed by Quo Warranto against the Charter Granted to William Pen Esqr. of the Proprietie of Pensilvania and alsoe against the Charters Granted to the Proprietors of Carolina, and to the Proprietors of the Bahama Islands in America. [p. 282.]

1686.
(1688.)
24 Aug.

The letter hereunto annexed from Captain Spragg Commander of his Majestys ship the Drake having been this day presented to his majesty in Councill, His majesty was thereupon pleased to order, as it is hereby ordered that Sir Thomas Powys Knight his majestys atturny Generall do forthwith proceed by Scire facias against the Lords and other Proprietors of the Bahama Islands and Province of Carolina, in order to the vacating their respective Charters, with as much Expedition as may be. [p. 728.]

[210.] [Representations are ordered to be made at the Court of Spain and through the Spanish Ambassador for restitution and satisfaction to be made to Robert Hyde, George Styles and Francis Appleby owners of the *Genoa Merchant*.] The said ship, Thomas Appleby Commander, being at Lisbon in February last, and freighted on a Monethly Employ to saile to any part of Christendome in amity with his Majesty, but not to know whether bound, till got over the Barr, There then came aboard him a Spaniard for his Supra Cargo with Instructions for the Commander to proceed for the Havana in the West Indies to deliver Two Packets from his Catholique Majesty to the Governor there, and Captain Generall of the Galleons, But the Commander wanting a Pilot and some Provisions was Ordered by his Supra Cargo, to touch at Theneriffe, where he was no sooner landed, but the Judge of the Indies Dr. Joseph Majestez y Borrás seized the Commander Mate and Supra Cargo, committed them to the Common Goale, and (getting the Seamen on shoar by a wile) put Spaniards into the Ship, leaving the poor Men to beg for their Victualls, Of which, his Majestys Consul . . . hath not hitherto obteyned any Redresse. [p. 286.]

5 June.
West Indies.

[211.] [The Lord President, at the desire of the Committee, having] humbly moved his Majesty to Declare his Pleasure, whether the ffort and Country of Pemaquid in New England shall remaine under the Government of New Yorke, or be annexed to New England. His Majesty . . . was pleased

20 June.
New
England.

94 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1686-7.

to Declare and Order, That the said Fort and Country of Pemaquid, in regard of his distance from New Yorke be for the future annexed to, and continued under the Government of New England. [p. 291. C.S.P. VII. 736.]

27 Oct. [212.] [Order as to value of coinage in New England.—
New C.S.P. VII. 944.] [p. 329.]
England.

27 Oct. [213.] [Order on Thomas Cooke's petition as to the ship
Nevis. *O'Brien*.—C.S.P. VII. 947.] [p. 330.]
(1687.)

18 June. [This order having been complied with, the hearing is
fixed for 2 July.] [p. 466.]

2 July. [Order dismissing the appeal.—C.S.P. VII. 1329.]
[p. 475.]

27 Oct. [214.] [Order as to ecclesiastical jurisdiction in the plan-
Plantations. tations.—C.S.P. VII. 946.] [p. 330.]

19 Nov. [215.] [Order for hearing petition of five inhabitants of
Bermudas. Bermudas.—C.S.P. VII. 1003.] [p. 339.]

10 Dec. [Order on the Committee's report.—C.S.P. VII. 1057.]
[pp. 354-5.]

1687.

14 Jan. [216.] [The Hudson's Bay Company are directed to answer
Hudson's on the 28th the] petition of Onesiphorus Albin late Secretary
Bay. and Accomptant to the . . . Company complaining of
severall hardships which he hath received from the said
Company. [p. 385.]

28 Jan. [On the answer of Sir Edward Dering, Deputy Governor,
the petition is dismissed.] [p. 391.]

21 Jan. [217.] [Order admitting the appeal of Richard Scott.—
Barbados. C.S.P. VII. 1108.] [p. 389.]

16 Dec. [Order on the Committee's report.—C.S.P. VII. 1564.]
[p. 556.]

[Order on a further petition.—C.S.P. VII. 1739.] [p. 664.] (1688.)
4 May.

[218.] [Order as to Sir T. Thornhill.—C.S.P. VII. 1131.] 11 Feb.
Barbados. [p. 398.]

Upon reading the Petition of Sir Timothy Thornhill of Barbados Baronet setting forth, that he is greatly afflicted to find himself misrepresented to his majesty and this Boord as a Person Turbulent, of Republican Principles, and disaffected to the Government, to which he hath alwayes shewn himself most intirely devoted, and therefore humbly praying to have leave, to make his vindication before his majesty, as in the Petition annext is more at large Expressed; His Majesty in Councill having taken the same into Consideration and the Fine of five hundred pounds lately imposed upon the Petitioner in Barbados Is pleased to declare that assoon as he shall duly answer and Pay the said Fine, he may then be admitted to make his vindication before his Majesty and not before, Otherwise then to prosecute the Appeale now depending before this Boord, which he is permitted to do, within the time Limited for the same if he shall so think fitt. [p. 551.]

[His appeal against the fine imposed by the Court of Grand Sessions in Barbados on 7 June is referred to the Committee.] 16 Dec.
[p. 555. C.S.P. VII. 1563.]

[On the report of the Committee, the fine is ratified.—C.S.P. VII. 1652.] 25 March.
[p. 621.] (1688.)

[219.] The humble Petition of Manoel Henriques of London Merchant . . . Representing, That he hath for severall years last past, lived and traded in the City of London, And his present Affaires requiring his going over to reside in one of his Majestys Plantations in America, where he hopes to become a usefull Subject to his Majesty in promoting of Trade, He is advised that he cannot inhabite and trade there without being endenized, And therefore Praying his Majestys Letters Patents for that purpose, [was granted, and the 25 Feb.
Naturalisa-
tion.]

96 ACTS OF THE PRIVY COUNCIL (COLONIAL).

(1687-8)

Earl of Sunderland directed to cause a warrant to be prepared authorising the Attorney General to prepare a Bill for his Majesty's signature], conteyning a Grant for making the Petitioner a free Denizen of this Kingdome, to enable him to trade and reside within his Majestys American Plantations, under such Provisos and Restrictions as are usually inserted in Grants of this nature. [p. 402.]

4 March.
Leeward
Islands.

[220.] [Letter to Sir Nathaniel Johnson Governor of the Leeward Islands.] Whereas the Commissioners of his Majestys Customes have represented, that they did receive from the Commissioners of the four and half per Cent. at Nevis and the rest of the Leeward Islands the Copy of an Order past by the Deputy Governor and Councill of Antigoa the 18th of November, 1686, appointing the Severall Places therein named to be the Lawfull Places for Riding of Shippes and Shipping off all Sorts of Goods untill his Majestys Order should be made known therein ; And the said Commissioners having Offered that the Vacating of the said Order will be for his Majestys Service, in regard the Charge of Store Houses and waytors should they be provided Answerable all round the Island, would eate up a great part of his Majestys Revenue there. Wee do by his Majestys Command in Council, hereby will and require you, at your arrivall within your Government to cause the said Order of the 18th of November 1686 to be made null and voyd. Whereupon, with the advice and assistance of the Commissioners of the Four and half per Cent. You are to name and appoint such Places for the Riding of Shippes, and Shipping off all Sorts of Goods, as may best consist with his Majestys Service, and the ease of the Traders. And whereas at the Same time an Order likewise past at Antigoa to Compell the Officers there to Collect the Duty on Sugar, payable by the Act of the 25th year of his late Majestys Reign, at the rate of One penny half penny per pound, although Sugar, as the Commissioners of the Customes are Credibly informed according to the Currant rate there, is not worth above One penny per pound, whereby his

1687.

Majesty is defrauded of about One third part of his Revenue arising by the Said Act on that Commodity. Wee do therefore further will and require you . . . to ascertain the price and Value of Sugar, according to the Currant Rate of the respective Islands, and to take Care that His Majestys Officers be not obliged to accept of Sugar in Liew of His Majestys Said Duty at a greater Price or Value then shall be so adjusted and ascertained.

[p. 408. C.S.P. VII. 1167.]

JAMES II.—PART II. (1 April 1687—16 Dec. 1688.)

[221.] [The Council refer to Samuel Pepys Esqr., Secretary of the Admiralty, for examination and report] the Petition of John Kirwan merchant Complaining of Captain St. Lowe for seizing at Antigo, his vessell called the Good Intention of Galway, and sending her over heither, where the Petitioner became repossesst of the said Vessell by Decree of the high Court of Admiralty, And praying, in regard he is sending her again to Antigo that a Pass may be granted with directions to the Commissioners of the Customes to cleer her as an English built ship, and also leave to sue Captain St. Lowe for damages. 8 April.
Antigua.

[p. 433.]

[Capt. George St. Loe's petition concerning the *Good Intention* is referred to the Judge of the High Court of Admiralty.] 6 May.

[p. 453.]

[Capt. St. Loe's petition, complaining of molestation for doing his duty in seizing ships for illegal trading, and praying to be indemnified as he cannot produce the same evidence here as in the West Indies, is referred to the Attorney and Solicitor General.] 13 May.

[p. 458.]

[Order as to the *Good Intention*.—C.S.P. VII. 1303 and 1313.] 18 June.

[p. 468.]

98 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1687.
2 July. [Captain St. Loe's appeal against the decision of the Court of Common Pleas in Antigua to be heard on the 16th.] [p. 476.]
- 16 July. [Order in Captain St. Loe's favour.—C.S.P. VII. 1350.]
[p. 481.]
- 15 April.
Antigua. [222.] [Order on the petition of Richard Lavington and Company.—C.S.P. VII. 1209.] [p. 437.]
- 22 April.
Barbados. [223.] [The Council refer to the Commissioners of the Treasury, to do therein as their Lordships shall see cause,] the Petition of Sibilla Stephens praying 15*l.* 15*s.*00, due to her son Paul Stephens who served at Barbados under Sir Tobias Bridge. [p. 446.]
- 29 April.
New York. [224.] Upon reading the Petition of Lucas Santen his Majestys Collector and Receiver of New York, setting forth, that being sent over by the Governor of that Plantation, upon some pretences of Debt to his Majesty and misdemeanors against him, he is now in the Custody of a messenger, and praying a Copy of the charge against him, and to be heard, and to have his Liberty on Baile, [order is made for his discharge] upon giving sufficient security for his appearance at this Board, and before the Lords Commissioners of his Majestys Treasury from time to time, when required. [p. 450.]
- 6 May.
Jamaica. [225.] [Order admitting the appeal of Capt. Charles Talbot of H.M.S. *Falcon* from the acquittal of the *Swallow*.—C.S.P. VII. 1238.] [p. 456.]
- 28 May.
Declaration
of
Indulgence. [226.] [A letter to the Duke of Albemarle (Jamaica) and all other Governors of Plantations.] Whereas his Majesty has been pleased to issue out His Gracious Declaration unto all his Loving Subjects for Liberty of Conscience and Indulgence in Religious matters, severall Copies whereof are herewith sent your Grace ; These are by his Majestys express Comands to Charge and require your Grace to cause the same to be forthwith published, and to be duely observed and put in Execution within the Plantations under your Grace's

1687.

Government : And that in all Cases wherein particular Pardons shall bee desired, relating to matters comprised in his Majestys Gracious Declaration, your Grace doe forthwith Grant the same under his Majestys Seall for that Plantation ; whereof all Judges, Justices of the Peace and other Officers within your Grace's Government are to take notice and give due obedience thereunto. [p. 461. C.S.P. VII. 1278.]

[227.] [A letter to the Lieutenant Governor of Barbados and to the rest of the plantations, with a proclamation for the better suppressing of pirates and privateers.] 28 May. Piracy.

[p. 461. C.S.P. VII. 1278.]

[228.] [On reading a report from the Committee, it is ordered.] That Mr. Attorney and Mr. Solicitor Generall doe forthwith Proceed upon and Prosecute the Quo Warrantos which have been Issued, or ordered to be Issued out against the severall Proprietyes and Corporations in America. 28 May. Plantations.

[p. 463. C.S.P. VII. 1275.]

[229.] [A letter to Barbados as to a Dutch ship rescued from Grammont the pirate.—C.S.P. VII. 1304.] 15 June. Barbados. [p. 465].

[Another letter.] Whereas by Our Letter bearing date 30 July. the 15th day of June last, you were directed to receive into your Care and Custody from—Beach late Lieutenant of his Majestys Ship the Mary Rose, a certain Dutch Ship called the Hardreen, which had been before taken by that Shipp from a French Pirate, in order to your disposing of the Same according as you should be further directed ; And whereas it appears unto us, by an authentick Instrument in writing made the 22th of this instant July at Amsterdam by a publick and allowed notary of that place. That the Owners and Proprietors of the said Ship and lading have constituted and appointed Samuel de Paz their Lawfull Procurator for the receiving and disposing of the said Ship and her lading on their behalves, with power therein given him to Substitute one or more in his place for the doing the Same. These are therefore to direct and require you to cause the said Ship

100 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1687.

the Hardereen, immediatly upon receipt hereof, with her Furniture Lading and whatever is in your possession belonging to her, or the full produce of what, if any thing, shall have been sold or disposed of, since she came into your hands, to be delivered to Joseph Mendez Merchant at Barbados and in his absence to Solomon Mendez who will produce unto you a Letter of Atturny from the aforesaid Samuel de Paz empowering him to receive the Same, taking one or more receipts from him, expressing particularly the number quantity and Condition of what ever Goods or other necessarys of the Ship or other things, and the Summ of money, if any, which he shall receive from you on her account. But forasmuch as wee have been informed that great Imbezlements have been made aswell of the Rigging apparell and other things belonging to the said Ship by the Officers and Company of his Majestys said ship the Mary Rose, Wee do hereby further direct and require you, notwithstanding Our aforesaid Orders of the 15th of June, not to Suffer any Salvage to be paid to them on the Score of her Capture, untill full restitution be made of what ever shall be found to have been so Imbezled, either by the returne of the things themselues, or the payment of the Value of them as the same shall be lawfully appraised. Lastly you are in generall to proceed in the discharginge your self of this affaire with ail tender regard and Compassion to the Suffering Owners of this Vessell and to [report to us].

[pp. 491-2. C.S.P. VII. 1364.]

18 June. [230.] [Order as to the government of Connecticut.—C.S.P. Connecticut. VII. 1308.] [p. 467.]

18 June. [231.] [A letter to Sir N. Johnson as to illegal trade by Leeward Dutch ships.—C.S.P. VII. 1312.] [p. 470.]
Islands.

18 June. [232.] [The Council refer to Samuel Pepys Esqr., Secretary of the Admiralty, for examination and report,] the humble Petition of his Majestys Loyall and Dutifull subjects the Merchants and Traders in Newfoundland Fishery, in his Newfound-land. Majesty's Port of Biddiford in the County of Devon,

1687.

Praying, That they having sent forth from the said Port a considerable number of Ships to the Newfoundland, on Fishing Voyages, with directions to sayle from thence to Portugall Spain and Italy for Sale of their Fish . . . such Order may be given therein as shalbe found necessary, both for the safety of the Ships already gone to that ffishery this Season, and such as shalbe employed therein for the future. [p. 470.]

[233.] [Order on the petition of the proprietors of East New Jersey as to ports.—C.S.P. VII. 1310, and see 1279.] 18 June.
New York and East New Jersey. [p. 471.]

[Letter thereon to Gov. Dongan of New York.—C.S.P. VII. 1398.] 14 Aug.
[p. 498.]

[234.] The Petition of John Smith of London merchant concerning his pretensions to one Eighth part of the Treasure taken out of a wreck near Hispaniola in America, and brought home by Sir William Phipps, and to the benefit of a new Patent Endeavoured for other Treasure not yet obtained, And the Petition of his Grace the Duke of Albemarle, the Lord Viscount Falkland, Sir James Hayes, Sir John Narborough, Isaac Foxcroft and Francis Nicholson, [by the consent of both parties, are referred to the Court of Chancery, the latter parties after the filing of Mr. Smith's bill to put in their answer with all convenient speed, and to give security to abide the decree.] 16 July.
Sir Wm. Phips. [p. 480.] (1688.)

[Order in accordance with C.S.P. VII. 1821.] 6 July.
[p. 702.] (1688.)

[Upon reading the petition of Richard Covell mariner against Sir W. Phips for detaining 5 cwt. of silver allotted to Covell for provisions supplied to Sir William and as a reward from the wreck: Sir William is ordered to attend with a written answer on the first Council day after his Majesty's return to Whitehall.] 9 Sept.
[p. 734]

[235.] Upon reading the Petition of Christopher Duke of Albemarle setting forth that there being in his Majesty's 30 July.
Plantations.

102 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1687.

Plantations in America such vast quantities of wood, that by reason of the want of Labourers the same cannot be so well cleared from the ground, and made fit for use as it might be, by saw mills, which were never yet known or used in those parts, by reason whereof many thousands of acres of Land have been heitherto unimproved to the prejudice of his Majestys Revenue ; And humbly praying his majestys Letters Patents for Erecting saw mills to move either by wind or water, and the sole use and Exercise thereof, within any his majestys Colonys and Plantations in America, except new England, for fourteen yeares. His Majesty in Council is graciously pleased to grant the Petitioners request, And to order that one of his majestys principal Secretarys of State do prepare a warrant for his majestys Royall signature in Order to the passing of Letters Patents unto his Grace the Duke of Albemarle of the said New Invention. [p. 488.]

- 30 July. [236.] [The Council refer to the Commissioners of the
Jamaica. Treasury for an opinion the proposal of the Duke of Albemarle, Governor of Jamaica], that, if there be no manifest Inconvenience in it, his Grace may have power to Coine small money in that Island, vizt., pence, half pence and farthings of Tin or Copper, as shall be thought convenient. [p. 489.]
- 30 July. [237.] [Papers relating to illegal trade with Scotland and
Carolina. Ireland referred to Committee.—C.S.P. VII. 1367.] [p. 491.]
- 30 July. [238.] [Letter as to slave trade.—C.S.P. VII. 1365.]
Leeward Islands. [p. 493.]
- 14 Aug. [239.] [Leave of absence is granted to the Duke of
Jamaica. Albemarle.—C.S.P. VII. 1401.] [p. 497.]
- 21 Oct. [240.] The petition of Joseph Terrey in behalf of himself
Havana. and ten poor Captives at the Havana, taken by a Spanish pirate [is referred to the Committee for consideration and report]. [p. 514.]
- 21 Oct. [241.] [The Council refer to the Commissioners of the
Virginia. Treasury for consideration and report] the humble Petition

1687.

of John Trotman of London Merchant and Partners . . .
 Praying, That his Majesty would be graciously pleased to grant unto them the same Liberty of shipping salt in any part of Europe in English Vessells duly manned, for the use of the fishery they are now about setting up in Virginia which wilbe very advantagious, both to his Majesty and his Subjects, as by the Act for Encouragement of Trade is given for New England and Newfoundland, they being then the only Fisherys his Majestys Subjects had in America. [p. 515.]

[The Commissioners report of 21 Nov. is read]: Wee 25 Nov.
 have considered the said Petition, and do humbly Report to your Majesty that for our better information in this matter wee Referred the Consideration thereof to the Commissioners of your Majestys Customes, who by their Report of the 10th of November instant, certify us that they had heard some of the Petitioners who acquainted them they were in hopes of setting up such a Fishery as is Proposed ; which they look upon as a very desirable undertaking, and have nothing to object to the making an Experiment thereof for one voyage under the same advantages as the Fisherys of New England and Newfoundland enjoy, which by the Act of Trade are priviledged to lade in any Port of Europe salt for their respective Fisheries ; yet because so great Art and Industry is used, and so much deceit practiced in the Plantation Trade to the prejudice of your Majestys Revenue in this Kingdom, They humbly offer that they be under a certain Regulation and Security, That under pretence of Lading Salt, they take not in or convey to any of your Majestys Plantations any other European Goods but salt for the Fishery aforesaid, and that if they shall lade any of the enumerated Plantation Goods they shall be obliged to bring the same to England Wales or Berwick only. with whose opinion wee do fully agree. [The report was approved, and the desired permission granted, under such regulation and security as their Lordships shall think fit to prevent the shipping of other European goods.] [p. 538.]

1687.

28 Oct. [242.] [Order on petition of Virginia and Maryland merchants as to bulk tobacco.—C.S.P. VII. 1489 *and see* 1481.]

(1693.)

[p. 517.]

2 Feb.

[The Council refer to the Committee for consideration and report] a Memoriall exhibited to the Commissioners of the Customes by the Principall Merchants of London concerned in the Virginia Trade, together with severall Reasons thereunto annexed against the Importation of Bulk Tobacco into this Kingdome. And desiring that it may be recommended to his Majesty that the same may passe into a Law here.

[*Wm. III. Vol. III. p. 84.*]

4 Nov. Bermuda.

[243.] [Richard Coney to receive a copy of the petition of Mary Smailes (C.S.P. VII. 1488) and to attend the Lord President to-morrow.] [See 333.]

[p. 520.]

7 Nov. New England.

[244.] [A letter to Sir E. Andros—C.S.P. VII. 1502, containing a state of the revenue in New England previously transmitted by him.]

The present Revenue Arises by Customes, Imposts, Excise and Country Rates continued by an Act passed there Since the arrival of Sr Edmund Andros, Vizt.

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
The Imposts and Customes with the usuall abatement of one third for the payment in money as heretofore, amounted to	1346	4	7			
But that abatement being now taken of, and only an allowance made of twelve per Cent. for Leakage upon Liquors, it will, as is supposed, amount to more	250	0	0	1596	4	7
The Excise was farmed by the late President and Council last yeare for	450	0	0			
But being now managed by Commissioners will probably amount to more	600	0	0	1050	00	00
The Country Rate at one penny per pound in the Country pay by the abatement of one third to reduce it to money as Usual and other Charges may bring it in money to about . .	670	00	0			
But by an Act lately passed no abatement being to be made, it may amount to more about..	530	0	0	1200	00	00

In all 3846 4 7

ACTS OF THE PRIVY COUNCIL (COLONIAL). 105

1687.

Which you have represented to be short of the necessary Charge of the Government, which is as followeth :

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For two Companies of Foot Soldiers a Chirurgion Chaplain, Master Gunner, and Armorer ..	2278	4	2
Two Gunners for Boston, Fort Hill, South and north Battery at 12 <i>d.</i> per diem each.. ..	36	10	00
A Commissary and Storekeeper at 4 <i>s.</i> per diem	73	00	00
One Master Gunner in the Castle on Castle Island at 2 <i>s.</i> per diem.. .. .	36	10	00
A Gunner for the Castle and Battery on Castle Island	18	5	00
A Gunner at Pascataway at 12 <i>d.</i> a day		18	5
A Gunner at Pemaquid		18	5
The cheif Judge	150	00	00
Two other Judges	240	00	00
The Treasurers Allowance at five per Cent. for receiving the Revenue for 384 <i>l.</i> 4 <i>s.</i> 7 <i>d.</i> computed at	192	6	3
Receiver of the Customes and Imposts at two Shillings per pound computed at.. .. .	159	12	6
Severall officers in the Out Ports for receiving the Duties there about	100	00	00
For Collecting the Excise about	200	00	00
The Governors Salary as paid in England ..		1200	00
	<hr/>		
Which in all amounts to	4720	12	11
Which is more then the present Revenue Computed at	3846	4	7
	<hr/>		
By the Summ of	874	8	4

Besides

Repaires for the Fortifications.

Fire and Candle for the severall Guards.

Other Contingent Charges in the Government.

[*pp.* 525-7.]

[245.] [The Council refer to the Commissioners of the Treasury for consideration and report] the Petition of George Penne gent. setting forth that his family having been great sufferers for their Loyalty, Hee humbly begs that his majesty would be graciously pleased to grant him a Patent for the Sole exercising the Royall Oake Lottery, and Licensing of all other Games in his Majestys Plantations in America for twenty one Yeares. [p. 540.]

25 Nov.
Royal Oak
Lottery.

[246.] [The Council refer to the Committee] the Petition of Philip Siveret master and owner of the ship Johanna of New

2 Dec.
New
England

106 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1687-8.

England, setting forth that his said ship being seized in New England and her lading of mallago wine condemned there as forfeited, And his Majesty having ordered Sir Edmund Andros Governor of New England, and Colonel Dungan Governor of New York to examin' the matter of the said seizure, and to Report how they find the same. And foras-much as the ship is like to be totally spoiled, if she continues under seizure till the said Report is made, he humbly prayes that she may be restored to him, on security to abide such order as shall be made concerning her by his Majesty.

[p. 545. C.S.P. VII. 1545.]

(1688.)

27 Jan.

[Order for the restoration of the *Joanna*.—C.S.P. VII. 1608.]

[p. 585.]

9 Dec.

Nevis.

[247.] Upon reading this day at the Boord the humble Petition of Penelope Russell Relict of Sir James Russell [requesting his Majesty's confirmation of a grant of one hundred thousand weight of sugar made by the inhabitants of Nevis to her husband as deputy-governor of the Leeward Islands.] His Majesty in Councill taking notice of the misbehavior of the said Sir James Russell in the Government of the said Islands, was pleased to dismiss the said Petition, And to order, as it is hereby ordered, that the Right honour-able the Lords Commissioners of the Treasury doe consider what use the said Guift of One hundred thousand pound weight of Sugar may be best applyed to for his majestys Ser-vice, in pursuance of his majestys Instructions to Sir William Stapleton late Governor in chief of those Islands in that behalf, and to cause the same to be so applyed accordingly.

[p. 553.]

1688.

20 Jan.

Piracy.

[248.] A Proclamation for the more effectuall reducing and suppressing of Pirates and Privateers in America [is approved].

[pp. 577-9.]

27 Jan.

The
Committee.

[249.] [The whole Council to be a standing Committee for Trade and Plantations.—C.S.P. VII. 1607.]

[p. 585.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 107

1688.
 [250.] [Reference to Committee of Lt.-Governor Thomas Hill's petition.—C.S.P. VII. 1623.] [p. 608.] 10 Feb. St. Christopher.
- [Petition granted.—C.S.P. VII. 1743.] [p. 662.] 4 May.
- [251.] [The Council refer to the Committee for consideration and report] the humble Petition of Sir John Shorter knight Lord Mayor of London, John Lacy, Daniel Cox, Robert Wolley, Richard Butler, Edmond Cox, Richard Wharton, Elisha Hutchinson, Jaheel Brenton and Thomas Brattle Gentlemen and Merchants in behalf of themselves, and many others of his Majestys Subjects residing in his Majestys Dominions in Europe and America, Setting forth, That having by their many years industry and great Charges discovered Mines of Copper and Lead and the Blossomes of Royall Mines in New England, And that severall sorts of Gumms, Resines, Balsomes, ffine Turpentine, Mastick, Salt, Salt Petre, and all Materialls for building and storing Ships may be produced and made there to the Encrease of Trade and his Majestys Revenue, And being desirous to improve the same by advancing a sufficient ffond of Money for that end, They humbly prayed his Majestys Charter of Incorporation to enable them to secure to his Majesty and Adventurers the Benefits that shall arise by the Mines, and such Drugs and Dying Wares, as by their Expencc and Industry may be found out in his Majestys Dominions of New England.
 [p. 609. Cf. C.S.P. VII. 1774.]
- [252.] [On the Committee's report (C.S.P. VII. 1629), Sir N. Johnson is allowed to receive gifts of 60,000 and 100,000 pounds of sugar from the Assemblies of St. Christopher and Nevis respectively.] [p. 614.] 17 Feb. St. Christopher and Nevis.
- [253.] Upon reading the Petition of John Garrett and others Seamen late belonging to the Ship Success John Outlaw master, setting forth that the said Ship was Cast away on the 11th of December 1685 in the service of the Hudsons Bay Company, who refuse to allow the Petitioners any consideration for their service, notwithstanding their sufferings 2 March. Hudson's Bay.

108 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1688.

. . . And praying to be releived. [It is ordered that the Hudson's Bay Company receive a copy of the petition, and return their answer to the Board on Friday next.] [*p.* 620.]

16 March. [The answer of the Hudson's Bay Company is heard, and the petition dismissed.] [*p.* 635.]

23 March. [254.] Upon reading the Petition of Dame Anne Stapleton
Leeward
Islands. Sir Edward Scott and others Executors of Sir William Stapleton late Governor of the Leeward Islands deceased on the behalf of the said Lady the Relict and of the six children of the said Sir William Stapleton, setting forth that they are informed Sir Patrick Trant Bart. is endeavouring to get his Majestys pardon, among other things extending to perjury ; That Sir William Stapleton did repose great trust and Confidence in the said Sir Patrick in receiving great summs of money for him, In which trust the Petitioners have reason to beleive the said Sir Patrick did much misbehave himself, and thereby and by severall other things he hath endeavored to defraud the said Testator and the Petitioners the widow and children of 6000*l.* and Interest ever since 1683 when he received the same, . . . and humbly praying his Majesty not to grant the said Pardon, in regard they have preferred a Bill in Chancery against Sir Patrick Trant, to which he hath put in an answer, upon which and several affidavits by him made in the Court of Exchequer the Petitioners conceive and are advised they have good Grounds to question him for Perjury. It is this day ordered by his Majesty in Council that in the Pardon intended to be granted to the said Sir Patrick Trant the word Perjury be left out, And also that the Right honourable the Lord Chancellor do stop the Patent when it Comes to the Great Seale untill his Lordship shall have satisfied his Majesty concerning it. [*p.* 637.]

30 March. [255.] [Order approving] a Proclamation prohibiting his
Hudson's
Bay. Majesty's subjects to Trade within the Limits assigned to the Governor and Company of Adventurers of England trading into Hudsons Bay except those of the Company. [*pp.* 641-4.]

1688.
 [256.] [Order granting leave of absence to Lord Howard of Effingham.—C.S.P. VII. 1722 and 1786.] [p. 650.] 27 April. Virginia.
- [257.] [Colonial governors forbidden to return to England without obtaining leave.—C.S.P. VII. 1720.] [p. 658.] 27 April. Colonial Governors.
- [258.] [A letter to the Governor of the Leeward Islands.] 4 May. Leeward Islands.
 Wee have laid before his Majesty the cheife particulars mentioned in your Letter to Us of the 20th of February last and in answer to what you write concerning the French Protestants that resort to the Leeward Islands, His Majesty has Comanded us to signify unto you his pleasure that you give unto such Protestants as shall come and settle under your Government all necessary Countenance and Protection soe farr forth as may consist with his Majestys service in those parts, And that for their better Encouragement and enabling them to become His Majestys Subjects You doe forthwith transmit unto us upon receipt hereof and so from time to time the Names of Such french Protestants as desire to settle or continue within any of his Majestys Islands within your Government to the end that Letters of Denization may passe unto them and be remitted unto you under the Great Seale of England, whereby they may receive such Qualifications as are requisit both in relation to Trade and other Priviledges according to Law. [p. 663.]
- [259.] [Order as to payment and relief of troops in St. Christopher.—C.S.P. VII. 1742.] [p. 663.] 4 May. St. Christopher.
- [260.] Upon reading the Petition and Appeal of Richard Knights of Norwich Merchant Administrator of John Knights late of the Island of Barbados Merchant deceased and Executor of Benjamin Knights late of the said Island of Barbados Merchant also deceased, from Severall Decrees made in the Chancery Court of the said Island bearing date 16th of April 1684, the one for 300*l.* part of a Legacy of 500*l.* bequeathed by the said Benjamin Knights to one John Woodward, another for 100*l.* Legacy bequeathed also by the said Benjamin

1688.

Knights to One Enoch Woodward, against John Hallett Esqr. Richard Hallett, and Christopher Fowler Merchants in Barbados Trustees appointed by the said Benjamin for payment of the Debts and performance of the Bequests of the said John Knights, and also from an other Decree dated the 6th of August 1685, obtained by William Chester Executor of the said John Woodward for 200%, Residue of the said 500%. given the said John Woodward, against the Trustees appointed by the Petitioner, Praying that his Majesty would be pleased to admit of the said appeal : [the appeal is admitted on security being given to prosecute it effectually and to abide by the Council's determination : and the examination of the whole matter is referred to the Committee]. [p. 666.]

1 June.
Jamaica.

[261.] [The Council approve, and give orders in accordance with, the report of the Committee of 30 May] :—Wee have received a Letter from his Grace the Duke of Albemarle dated at Jamaica the 6th day of March last, Acquainting Us, that being informed, That a considerable Treasure had been brought into that Island from the Wreck near Hispaniola, before his Arrivall there, He had required One Hundred Thousand pounds Security from Hender Molesworth Esqr. your Majestys Lieutenant Governor, to answer your Majestys Demands touching one Moyety thereof, And having in obedience to your Majestys Commands considered the humble Request of the said Hender Molesworth, Praying that he may be permitted by the Duke of Albemarle to come into England without being obliged to give such Bond as was demanded from him by his Grace, Wee do thereupon humbly offer Our Opinion to your Majesty that the Duke of Albemarle may receive your Majestys Commands to permit Col. Molesworth to come forthwith into England, And that he be not hindred therein upon any accompt whatsoever, He having first complied with the Directions formerly given by your Majestys Letter bearing date the 10th day of July, 1687, touching a Moyety of the Salary Perquisites and Emoluments of the Government And giving also his owne

Bond in the summe of Ten Thousand pounds, the Draft whereof is hereunto annexed, to answer and satisfy unto your Majesty upon his Arrivall in England, what shall appear to have been received by him in Jamaica for your Majestys Tenths of the Treasure brought to that Island from the said Wreck, which your Majesty has been pleased to accept of in pursuance of a Proclamation issued by your Majestys Lieutenant Governor and Declaration of the Council of that Island touching the same.

The Condition of this Obligation is such, That if the above bounden Hender Molesworth, shall upon his first Departure from this Island, repair for England, and then and there (Danger of the Seas and Mortality excepted) render himself to one of the Principall Secretarys of State, and answer unto his Majesty all such Demands, as shalbe brought against him on behalf of his said Majesty for or concerning any Treasure or Treasures taken out of the Wreck near Hispaniola, and imported here during the time of his being Commander in cheif, and before the Arrivall of his Grace the Duke of Albemarle, And do further Answer unto his said Majesty all such Matters and Things as shalbe laid unto his Charge relating to his late Government, and shall not depart from his Majestys Court untill he hath given such other Security, as on the behalf of his Majesty shall then and there be required of him, And shall also remit unto his Grace (or his Majestys Governor for the time being) a sufficient Certificate from his Majesty or One of the Principall Secretarys of State, that such Security hath been given, in case it shalbe required, or that his Majesty is otherwise satisfyed concerning the Premisses, And shall also indemnify his said Grace, his Heires, Executors and Administrators and either and every of them, of and from all and all manner of Damages that may be legally objected and recovered against his said Grace his Heires, Executors and Administrators on behalf of his Majesty for or concerning the said Treasure so imported as aforesaid, untill his Graces Arrivall in this Island, Then this Obligation to be void, otherwise to stand and be in full force and vertue.

[pp. 679-80. C.S.P. VII. 1770.]

112 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1688.

12 Oct. [The humble Petition of Colonel Molesworth representing,] That the Petitioner according to some Precedents which he heard of, and the best of his Understanding, with the Consent and Advice of his Majestys Councill of that Island (in want of other Commands from his Majesty) received the Tenths of such Treasure as had been imported into that Island, and taken out of the Wreck near Hispaniola, in the time of his Government, whereof he sent a true Accompt to the [Treasury,] and caused the same to be shipt in Ten severall Chests on board the Ship (wherein the Petitioner designed to come home) mark't with his Majestys Marke, and by Bills of Lading declared to be for his Majestys Accompt and consigned to the said Lords Commissioners unto whom the Petitioner sent Advice of the same, together with one of the Bills of Lading, [Notwithstanding which and the security] His Grace, upon the Application of William Constable Esqr., and his producing his Majestys Orders of the 30th of July and 4th of August 1687 (which the Petitioner apprehends did not require or extend to the taking any part of his Majestys Dues out of the Petitioners hands) was pleased to grant a Warrant for seizing and delivering the said Ten Chests to Mr. Constable, which was accordingly done, and the Petitioner thereby deprived of the Honor of presenting his Majesty that which by his great Care he had preserved for his Majestys use. And therefore Praying to be acquitted from the said Tenths and Chests of Silver, [the matter is referred for decision to the Treasury].

[p. 746.]

12 Oct. [On the same day, order is given for vacating Mr. Molesworth's bond and that it be delivered up by the Duke of Albemarle to the petitioner, or to Samuel Bernard, Charles Penhallow, or Walter Rudeing.—C.S.P. VII. 1905.]

[p. 747.]

(1692.)
21 Jan.

[On the recommendation of the Committee the Council refer it to the Treasury to pass a Privy Seal granting the petition of Sir John Molesworth, which sets forth the preceding order, in accordance with which a letter was written on 17 Oct., 1688]

1688.

And that the said Duke being dead before the Arrivall of the said Letter; the said Recognizance was Vacated on Record accordingly, but that the Dutchess of Albemarle in whose hands the Originall doth remain, Has refused to deliver up the said Recognizance without a Privy Seal, which the Petitioner humbly prayes may be passed for that purpose.

[*Wm. III. Vol. II. pp. 312, 313. C.S.P. IX. 2019.*]

[262.] [Letters intimating the birth of a prince sent to the proprietors of Maryland and Pennsylvania and to the colonies named in C.S.P. VII. 1785.] 18 May. Plantations. [p. 687.]

[263.] [An order to the Ordnance for stores.—C.S.P. VII. 1795.] 15 June. Antigua. [p. 690.]

[264.] [Sir N. Johnson and Col. Nathaniel Blakiston, Lieutenant Governor of Montserrat, permitted to accept gifts from the Assembly.—C.S.P. VII. 1806.] 22 June. Montserrat. [p. 691.]

[265.] Upon reading the Petition of Sir John Witham Bart. setting forth, that John Gray, merchant, one of the Executors of the Lady Ann Willoughby of Parham, having before the Governor and Council of Barbados prosecuted a writt of Error against a Judgement at Common Law obtained by the Petitioner in February 1683 for about the summ of seven hundred pounds; Hee did thereupon, on the 17th of February 1684 get a Reversall of the said Judgement; And that the Executors lately procured from the Lieutenant Governor and Council of Barbados a writt of Restitution; From which the Petitioner hath entred his appeal in the said Island, and given security as in such Cases is usuall, And humbly praying that his said appeale may be heard, [the petition is referred to the Committee, who are to hear the appeal if they see cause, and report to the Council]. 6 July. Barbados.

[p. 705. C.S.P. VII. 2180.]

(1692.)

[Order confirming the judgment of February, 1683.—C.S.P. VIII. 2020.] 21 Jan. [*Wm. III., Vol. II. p. 313.*]

1688.

13 July. [266.] The petition of Henry Walrond [is referred to the
Barbados. Committee]. [p. 716.]

20 July. [267.] [The Council refer to the Committee for examination
Leeward and report] the Petition of Charles Matthew Esqr. setting
Islands. forth that Sir William Stapleton Knight late Governor of the
Charibbee Islands, did grant a parcell of Land unto the
Petitioners Father Colonel Abednego Matthew and his heires,
not then valuable at fifty pounds ; whereon he disbursed for
the Improvement thereof more the three thousand pounds
sterling. That Sir Nathaniel Johnson, having Commissionated
a Person to inspect all Titles to Land in the Leeward Islands ;
And the Petitioner not knowing whether in the said Grant
to his Father the Exact formes prescribed by the Lawes of
England, have been observed, humbly prays that his
Majesty would be pleased to confirm this Estate unto him,
in case his title shall appear to be wanting in Form.

[p. 718. C.S.P. VIII. 1847.]

22 July. [268.] On the report of the Attorney-General and of
Jamaica. Mr. Pollexfen, it is ordered,] That a Generall Letter
office be Erected and Established in the Town of Port
Royall or elsewhere in his Majestys Island of Jamaica,
from whence all Letters and Packets whatsoever may be
with Speed and Expedition sent to any part of the said
Island of Jamaica, or into any part of his Majestys King-
domes of England Scotland and Ireland ; And to that
end that the Right Honourable the Earle of Rochester his
Majestys Post Master Generall, do Constitute and appoint
a Deputy Postmaster in the said Island of Jamaica, aswell
to Erect and Settle one or more Letter offices in the said
Town of Port Royall or elsewhere in the said Island, for the
taking up and delivering such Letters as shall be directed
to the Merchants and Inhabitants of the said Island, as to
Settle such and so many Stages or running Posts in the severall
most convenient parts of the said Island, as to him shall seem
requisite, for the distribution and Speedy dispersing of all
Such Letters according to their directions ; And for the same

the said Deputy Postmaster is to ask receive and demand the particular Rates, within the said Island following, That is to say, For the Port of every letter not exceeding One Sheet from England unto the said Town of Port Royall in Jamaica Six pence of English money, And for the like port of every Letter not exceeding two sheetes one shilling, and proportionably to the Same Rates for every Packett of Letters; And for the Port of every other Packett of any kind of greater Bulk two Shillings for every ounce weight; And for the Port of Such Letters or Packetts as shall be conveyed or carryed from the Town of Port Royall unto any other place or Places within the Island of Jamaica, or from any other place unto the said Town, or to, or from any other place within the Said Island according to the Rates or Summs of English money hereafter following Vizt. For every Letter not exceeding one Sheet to or from any place within Forty English Miles distance from Port Royall or any other place, where Such Letter shall be received, Two pence; and for every Letter not exceeding two sheets four pence, and proportionably to the Same Rates for every Packett of Letters; And for every packett of greater Bulk Eight pence for every ounce weight; And for every Letter not exceeding one Sheet to carryed or Conveyed a further distance then Forty English Miles Four pence, And for the Port of every Letter not exceeding two Sheets Eight pence, and proportionably unto the Same Rates for the like Port of every Packett of Letters; and for the like Port of every Packett of greater Bulk one Shilling for every ounce weight.

And his Majesty is also pleased to Order that letter offices be settled in such other of his Majestys Plantations in America, as shall, by the said Earle of Rochester, be found convenient for his Majestys Service, and the ease and benefit of His Subjects according to the Method and Rates herein settled for his Majestys Island of Jamaica. [pp. 721-2. C.S.P. VII. 1848.]

[269.] [Reference to Committee of the petition of Charles Sadler of Jamaica.—C.S.P. VII. 1906.] 12 Oct. Jamaica. [p. 748.]

1688.

26 Oct. [270.] [Embargoes having been imposed on the 19th and
Virginia 22nd Oct. in view of the impending invasion, Thomas Arnold,
Trade. master of the *Jeffreys*, and Henry Sutton, master of the
St. Thomas, on behalf of themselves and of other ships
ready to sail for Virginia, represent that] having his Majestys
Protection for their Men vizt Thirty Men for the *Jeffreys* and
Twenty ffour for the *St. Thomas*, They are notwithstanding
pressed from aboard the said ships, so that they cannot procure
English Mariners, on any terms whatsoever. And therefore
Praying Liberty to take in such Seamen as they can procure,
Forrainers or others, without being lyable to the Penaltys of
the Acts of Navigation, and also to proceed in their Voyages
notwithstanding the Embargo, [their petition was referred to
the Commissioners of the Treasury who are to consult the
Commissioners of the Customs and then give order on the
matter]. [p. 779.]

29 Oct. It is this day Ordered by his Majesty in Council that
the present Embargo shall no longer extend to any Ships
or Vessells belonging to his Majestys Subjects trading into
France, Spain, Portugall, the Streights, Asia, Africa or
America; And that Samuel Pepys Esqr. Secretary of the
Admiralty be, and he is hereby directed from time to time
to prepare and issue out all necessary Orders herein accord-
ingly. [p. 783.]

16 Dec. [The embargo is ordered to be taken off.] [p. 804.]

26 Oct. [271.] [Order for readmitting Col. Richard Coney as
Bermuda. Governor of Bermuda.—C.S.P. VII. 1923.] [p. 780.]
(1689.)

26 Feb. [Reference to Committee of Col. Coney's petition to succeed
Sir Robert Robinson as Governor of Bermuda.]
[*Wm. III. Vol. I. p. 20.*]

16 Nov. [272.] Upon reading the petition of Clifford Chamberlain,
West Indies. setting forth that having upon the death of Captain Temple
and Lieutenant Beach in the West Indies, Received Com-
missions from the Governor of Barbados, first to be Lieutenant,

1688-9.

and then Captain of his Majestys Ship Mary Rose, and having bene obliged to be at great Expence to maintain the Port and Table of a Commander till the arrivall of Captain Wren above a year ago, He humbly prayes an Order from his Majesty to receive the pay which usually in like cases hath been granted. [Samuel Pepys Esqr. Secretary of the Admiralty is ordered to give him satisfaction as he shall see cause.] [p. 794.]

[273.] [Order as to the government of Jamaica.—C.S.P. 30 Nov. VII. 1940.] [p. 799.] Jamaica.

WILLIAM III.—VOL. 1. (14 Feb. 1689—21 August 1690.)

1689.

[274.] (1.) [England, Wales and Berwick on Tweed placed under a complete embargo. Orders in accordance to be given by the Admiralty.] [p. 74.] 15 April. Plantation Trade.

(2.) [Passes granted to the Hudson's Bay Company to send to the said Bay the *Royall Hudson's Bay* frigate, Leonard Edgcombe commander, fifty mariners, and the *Northwest Fox*, John Ford commander, twenty mariners.] 18 April.

(3.) [The petition of Giles Biggs of London merchant, for the *Prosperous*, Richard Mocher master, and the *Desire*, Caleb Barnes master, to sail from London with provisions for the relief of his Majesty's subjects in Newfoundland, whereof they are in great want, is referred to the Commissioners of the Customs for examination and report.] [p. 76.] 18 April.

(4.) [Among orders for taking off the embargo in certain cases, is given]—Fifthly, That the Embargo be taken off from all Ships returning from Virginia or other Parts of the West Indies or from other Forein Parts, bound for any Port of England, if they put into any Out Port by Chance or necessity, giving Security to the officers of the Customes that they shall bring their men directly to the Port of London or to some other Port of England. [p. 84.] 26 April.

(5.) [On a report from the Customs, passes are granted to the *Prosperous*, 70 tons, 8 men, and a boy, and the *Desire*, 50 tons, 6 men, and a boy, on condition that Biggs gives security to sail direct to Newfoundland.] [p. 94.] 4 May.

(6.) [A pass on condition of her direct return to England for the *James*] arrived from Virginia, and bound for Rotterdam, but . . . stopt att the Isle of Wight by the Present Embargo. [p. 96.] 6 May.

1689.

9 May.

(7.) [Among applications for passes, and for protection from impressment of the mariners, referred to the Customs are those of John Shorter for the *Katherine*, 250 tons, 14 guns and 18 men, Robert Scottin master, bound for Barbados; Sir William Hayman for the *America Merchant* bound for Jamaica; Sir Robert Davers, Dalby Thomas and John Gardner of London, owners and freighters of the *Prince of Orange*, 400 tons, 26 guns, 30 men, bound for Virginia; John Fleming of Barnstaple, for the *Tiger*, about 60 tons, with provisions for Newfoundland; Henry Lane, freighter of the *Elizabeth* of Dartmouth, one Bowden master, for Newfoundland; Solomon Merrett, for the *Andrew*, Robert Cheeke master, with provisions for Newfoundland.] [pp. 107-8.]

6 June.

(8.) [On the petition of Richard Haynes and Samuel Lupton of London, merchants, a pass is granted to the *Elizabeth and Catherine*, William Young master, 120 tons, 12 men, to sail to Newfoundland with provisions and ammunition, whereof the inhabitants, including some of the petitioners' relations, are in great want.]

The like Order for the Ship Sarah, Richard Beasant Master, 120 Tons, 12 Men. [p. 134.]

19 June.

(9.) [On the petition of Solomon Merret of London a pass for the *Andrew* of Poole, 7 men, to Trinity Bay in Newfoundland, from which she has been detained by the Embargo above three months. She carries] Provisions for the subsistence of his Majestys subjects there, who went over in the Spring to fish, without which they must perish, in regard they depend wholly upon these Provisions, having contracted for them before their Departure. [p. 148.]

27 June.

(10.) [On the petition of Robert Rogers of Cork in Ireland], That having laden a parcell of Beef, Porke and Butter on board the Ship Arabella John Lethun Master, for the Barbados, he was enforced by the cruelty of the Irish, to Embarke also his Wife and Family upon her for Bristol, And being forced into Milford Haven, was there embargo'd, and her Men pres't And forasmuch as the Provisions abovementioned, are a great part of what the Potitioner hath saved of his Estate in Ireland, and that the same is greatly wanting at the Barbados, He humbly prayed a Protection for the said Ship and Nine Men to go to the Barbados; [a pass was granted].

[p. 157.]

1 July.

(11.) [A pass for the *John* of London, Daniel Pensax master, from Virginia, and stopped in the Isle of Wight, and her men pressed, to proceed with eleven men to Holland, on giving the usual security.] [p. 162.]

4 July.

(12.) [Passes for the following vessels:—*Katherine* (see 7); *Prince of Orange* (see 7); *Martin* frigate, John Martin, 120 tons, for Plymouth and Newfoundland, 17 men; *Thomasine*, Edward Milbury, 60 tons, for Newfoundland, 9 men and a boy; *Richard and Michael*, John Williams, 300 tons, for Barbados, 30 men; *Bayly*, Wm. Norrington, 300 tons, for Virginia 24 men; *Tryall* of London, James Hathway, 90 tons, for Pennsylvania, 11 men and a boy; *America Merchant*, Thomas Masters, 120 tons, for Jamaica, 14 men (see 7); *Phoenix*, Peter Dingle, for Newfoundland, 14 men; *America*, William Clerk, 250 tons, for New England, 22 men; *Heritage* pink, William Patten, 120 tons, for Newfoundland, 14 men; *Katherine*,

1689.

Edward Custis, 200 tons, for Barbados, 20 men; *Amity*, John Compton, 70 tons, for Montserrat, 9 men; *Geroge* ketch, Ralph Parr, 80 tons, for Newfoundland, 10 men; on the petition of Gilbert Heathcote and Arthur Shallet of London, merchants, the *Southampton*, Wm. Tiler, 160 tons, for Newfoundland, 18 men.] [pp. 167-9.]

(13.) [For the *Mehitabell* of Boston in New England, Gilbert Bant master, 150 tons, for New England, 14 men, on certificate that she had cleared the Customs at London on 13 April; for the *Adventure*, Anthony Luggier master, 45 tons, 7 men, with provisions for Newfoundland.] [p. 171.] 8 July.

(14.) [The embargo is taken off all ships in English ports other than those between Padstow and Carlisle] Except from such Ships within the Rivers of Thames and Medway only of Lesser burthen then one hundred and fifty Tunns, to which no particular Licences have been already granted. [p. 171.] 8 July.

(15.) [Pass for the *Three Friends* of London, Daniel Hodson master, 180 tons, to Barbados, 18 men and a boy. [p. 195.] 22 July.

Passes for the *Bideford Merchant*, Richard Martin master, 140 tons, for Newfoundland,—on the petition of John Davye of Bideford; for the *Pelican*, Valentine Trin master, 150 tons, for Barbados,—on the petition of Robert Yate and Company, merchants of Bristol; for the *Elizabeth and Ann* of Bristol, Francis Brome master, 230 tons, for Barbados.] [p. 199.] 25 July.

(16.) [In pursuance of his Majestys late Order in Council permitting ships laden with Provisions for the Plantations to proceed on their voyages [the embargo is taken off the following ships:—*Lamb* of Liverpool, Matthew Bushell master, 130 tons, with provisions for New England; *Pharo Merchant*, Simon Stokes master, 45 tons, for New England; *Golden Lion* of Bristol, Wm. Strutton master, 150 tons, for Barbados; *Boston Merchant* with provisions for New England; *Robert*, William Morgan master, 80 tons, for Barbados; *Three Sisters*, Christopher Scandrett, 100 tons, for Barbados; *Samuel and Mary*, Thomas Skeves, 250 tons, for Jamaica; *Arthur and Mary*, George Winter, 55 tons, for Barbados; *London Arms*, John Wade, 300 tons, for Barbados; *Thomas* of Cork, Jerom Deeble, for Barbados; *Joseph* of Bristol, William Jefferies, 200 tons, for the West Indies; *Triple Crown*, Bartholomew Heckleworth, for Jamaica; *Zant* frigate, John Templeman, for Barbados.] [pp. 207-8.] 8 Aug.

(17.) [The embargo is taken off all ships, save those in the ports between Padstow and Carlisle, both inclusive.] [p. 214.] 15 Aug.

(18.) [The embargo is taken off all ships laden to the plantations.] [p. 221.] 2 Sept.

120 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689-90.

9 Sept. (19.) [The taking off of the embargo is referred to the Committee for the affairs of Ireland, to do therein as they shall see fit, unless the Commissioners of the Admiralty can show that this would be prejudicial to his Majesty's service.]

[p. 228.]

19 Sept. (20.) [The embargo is removed.]

1690.

9 Jan. (21.) [An embargo is laid on all ports from St. Ives to Carlisle, except for ships laden with provisions for Ireland or such as shall be employed in his Majesty's service. No merchant ships outward bound are to sail out of the Channel, except to the place appointed for their rendezvous in England till such time as their respective convoys are ready to sail with them.]

(pp. 332-3).

12 Jan. (22.) A List of Merchantships outward bound from the Out-Ports of this Kingdom to Forrain Parts, [(under the titles Ships' Names, Burden, Masters' Names, Whither bound, Men shipped on board, and Men wanting) includes the following vessels bound for the Plantations:—For Virginia: from Exeter 2, from Plymouth 16, from Dartmouth 1, from Lancaster 1, from Bristol 8, from Portsmouth 1, from Weymouth 1, from Deal 1, from Southampton 1, from Poole 2, from Liverpool 7, from Falmouth 1, from Whitehaven 1, total 43; for Barbados: from Exeter 1, from Plymouth 11, from Dartmouth 1, from Bristol 4, from Portsmouth 1, from Dover 1, from Poole 1, from Falmouth 1, total 21; for New England: from Exeter 1, from Dartmouth 1, total 2; for Newfoundland: from Exeter 1, from Dartmouth 2, total 3; for Pennsylvania: from Plymouth 1; for Jamaica: from Plymouth 1, from Bristol 4, total 5; for Nevis: from Plymouth 1, from Bristol 1, total 2; for the West Indies: from Dover 1; for New York: from Dover 1; for Maryland: from "Chistester" 1, from Barnstaple 1, total 2].

[pp. 336-44.]

An Account of what ships in the River of Thames Laden and Lading for severall Places. [The names of 34 ships carrying 1053 men are given under the heading "Plantations" without further indication of their destination.]

[p. 346.]

23 Jan. (23.) [On the petition of Dame Letitia Bowden, widow of Sir John Bowden late of London merchant, a pass is granted for the *Friendship*. Edward Watkins master, 160 tons, 8 guns, 16 men, to sail with the present convoy with provisions and other necessaries for her plantations in Barbados and Nevis, they being in extreme want thereof.]

(24.) [A list of ships (with names of commanders, tonnage, number of seamen, landmen, guns), is added to the list of the 12th instant as freed from the Embargo and ready to sail with the convoy for Virginia and Maryland. Thirty-one additional ships are given with three omitted from the previous list. Of all these only three are of less than 200 tons burden and only one

of over four hundred and fifty tons. Eight more ships are given in the schedule, but with a note that these do not proceed on their voyage.]

[pp. 355-7.]

(25.) [A pass for the *Nightingale* of Bideford, 70 tons and 10 men, to go to Newfoundland, though not included in the list of the 12th instant. The petition of the Antigua traders for the *Ossory*, John Russell master, 150 tons and 20 men, to sail with provisions to that Island, is referred to the Treasury for examination and report.]

[p. 360.]

(26.) [No ship whatsoever to clear at the Custom house of any port without particular license] Except the West India Ships mention'd in a List transmitted to this Board in a Report from the Commissioners of the Customs of the 24th instant. [This list (with names of commanders, burden, and number of men), contains the names of 45 ships, with 763 men, bound for Barbados, Jamaica and the Leeward Islands, which are to be added to those permitted to sail by order of the 12th instant.]

[pp. 363-5.]

(27.) [Passes for the *Providence*, John Hurlle master, bound for the Plantations with 24 men; the *Adventure*, William Gelding master, for Virginia; the *Welcome* of Bristol, Philip Freaks master, for Jamaica; the *Leghorn Merchant*, Benjamin James master, 30 men, for Virginia; the *Industry*, John Holland master, 26 men, for Virginia; the *Ossory* (see 25).]

[pp. 370-1.]

(28.) [On reading a report from the Customs to the Treasury, passes for the *Dolphin*, Richard Breswick master, and the *Benjamin*, Frederick Johnson master, which were driven back to Rye and Cowes respectively after clearing for Virginia, and are now ready to go along with the convoy.]

[p. 381.]

(29.) [Pass for the *Sarah and Anne* (on a report from the Customs upon the petition of John Graham of London, merchant), 7 men and a boy, wholly laden with provisions for Montserrat, which is in great distress, no ship having yet gone thither by reason of some French ships cruising about the Island.]

[p. 384.]

(30.) [The embargo is taken off all ships giving security not to sail to the French King's dominions.]

[p. 437.]

(31.) [On the petition of Giles Biggs for protection for several vessels to sail to Newfoundland with provisions under the present convoy, it was ordered that he attend the Commissioners of the Admiralty with the names of the seamen who are to navigate each ship, and that then their Lordships grant the protections as soon as they shall judge it convenient for their Majesties' service.]

[p. 454.]

(32.) [An embargo is laid on all shipping in the Thames and the Medway.]

[p. 468.]

(33.) [The embargo is extended to all England, Wales, and Berwick, save such as are employed in their Majesties' immediate service.]

[p. 474.]

1690.

27 Jan.

30 Jan.

13 Feb.

15 May.

12 June.

3 July.

9 July.

122 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.
8 Aug. (34.) [It is removed.] [p. 514.]
- 11 Aug. (35.) [On a memorial from the Dutch Ambassador, a protection is given for 18 English mariners to navigate the English ship *Friends Adventure* which has touched at Hull on her way (with 80 Dutch passengers) to Jamaica, whither she is sent in order to bring back the *St. Jago de Victoria*.] [p. 517.]
[The imposition of the general embargo on 18 Sep., 1690 [Vol. II. p. 7] hindered the vessel from sailing, and on 6 November, 1690, the protection was renewed and permission to sail given notwithstanding the embargo.] [Vol. II. p. 44.]
1689.
16 Feb. [275.] A Committee of this Boord for Trade and fforrain
The Plantations [is appointed.—C.S.P. VIII. 17]. [p. 8.]
Committee.
1689.
19 Feb. [276.] [Letters to the colonies for proclaiming the King
The new and Queen and for continuing officers in their posts.—
reign. C.S.P. VIII. 20–2.] [pp. 12–14.]
1689.
19 Feb. [277.] This day The ensuing Letter to the President and
Jamaica. Council of Jamaica, for restoring all Persons displaced by the Duke of Albemarle, to their Employments, was read at the Boord and approved, and Ordered to be engrossed for his Majestys Royall Signature, and dispatcht to the said Island by the first Conveniency.

Trusty and Welbeloved Wee greet you well, Forasmuch as it hath pleased God to call Us to the Throne, and that thereby it is incumbent upon Us to provide in the best manner for the good Government of Our Colony and Plantation of Jamaica, Wee are pleased to Direct Hender Molesworth Esqr. Lieutenant Governor thereof, to repair forthwith thither, and to take upon him the Discharge of the Government according to the severall Commissions and Instructions to him in that behalf. And it being Our Intention that all things within that Government be put into the same State and Condition, wherein they were at the time of the Arrivall of the late Duke of Albemarle, Wee have thought fitt, That Roger Eletson Esqr. the present Cheif Justice of Jamaica, Sir Richard Derham Attorney Generall, and Thomas Wait Deputy Provost Marshall be removed from all Places of Trust within that Island, as Wee do hereby charge and require

you forthwith upon receipt hereof, to remove the said Persons accordingly, And also to Restore John Bourden and John White Esqrs. to their Places and Trusts in the Council, Samuel Bernard Esqr to the Place of Cheif Justice, Simon Musgrave Esqr to the Place of Attorney Generall and Smith Kelley Esqr to the Place of Deputy Provost Marshall within the said Island, As likewise all other Persons to the severall Places and Trusts they enjoyed in that Government at the time of the Arrivall of the said Duke of Albemarle, who are to be reinvested in the same immediately upon the Receipt hereof, if they shalbe then residing upon the Place, and in case of absence as soon as they shall returne to that Island, notwithstanding any Suspension, Dismission, or other Act to the contrary. And forasmuch as Wee are given to Understand, that the Assembly convened by the Duke of Albemarle had taken upon them to continue their Sessions since his Decease without any Legall Authority for so doing. Wee have thought fit hereby to disprove of such their Proceedings, And to Declare as Wee do hereby Declare all Acts and Orders of the said Assembly made and enacted since the Decease of the said Duke of Albemarle to be void and null. And Wee do hereby charge and require that no Assembly be summoned to take upon them to meet within that Island, untill the Arrivall of Our said Lieutenant Governor or such other Person as shalbe commissioned by Us to be Commander in Cheif of that Island. And in the mean time Wee do expresly charge and direct you to pursue such Methods in the Administration of the Government, as were used and practised by the late Governor Sir Thomas Linch, particularly Requiring you to take care, that no ffines or Forfeitures be taken or levyed upon any pretence whatsoever untill the Arrivall of the said Hender Molesworth, or that Our further Pleasure shalbe knowne. And for the further Settlement of the Peace and Quiet of that Island, Wee do hereby Direct and appoint that all other Persons, not being Papists, who at the time of the Receipt of these Letters shalbe duly and

124 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

lawfully possessed of any office or Place of Authority or Government either Civill or Military within that Island, Except as before Excepted, shall be, and hold themselves continued in the said offices or Places, under the same Condition as they formerly enjoyed the same, until further Orders from Us or that other Provision be made in pursuance of the Powers and Authoritys of the Government And that in the mean time, for the Preservation of the State and necessary Proceedings in matters of Justice, the said Persons of whatsoever Degree or Condition de not fail every one severally according to his Place, Office or Charge to proceed in the performance of all Dutys thereunto belonging as formerly apperteyned unto them. And Wee do hereby further charge and Require all Persons of what Estate or Degree soever within that Island to be aiding and assisting to the said Officers and Ministers in the Performance and Execution of their said Offices and Places, as they and every One of them will answer the contrary at their perill. Provided alwaies that nothing herein shalbe construed or taken to extend to give or continue any Authority Priviledge, Jurisdiction or Command to any Papist or Papists within the said Colony or Plantation. [pp. 14-15. C.S.P. VIII. 29.]

26 Feb. [278.] [On reading a report of 22 Feb. from the Committee] :—Wee have in obedience to your Majestys Order of the 13th instant, considered the Petition of Sir William Phips and Increase Mather, Praying, That the Colonies of the Massachusetts Bay, New Plymouth, Connecticut, Rhode Island, and Providence Plantation in New England may have their respective Charters restored unto them, And those Magistrates permitted to take upon them the Government of the said Colonies. Wee have also heard what the Petitioners could allege by their Councill Learned, and been informed by Sir Robert Sawyer of the Proceedings relating to those Charters. Whereupon Wee most humbly offer, That aswell in reference to your Majestys Revenue of the Plantations, which is very much concerned therein, as in consideration of

New
England.

the Neighbourhood of the French, who border upon those Colonies, and have lately invaded your Majestys Dominions in those parts, your Majesty would be pleased to send forth with another Governor to New England in the place of Sir Edmond Andros, with a Provisionall Commission and Instructions to Proclaim your Majesty in those Colonies, and to take the present Care of the Administration of the Government of those parts untill further Order, In which Commission and Instructions, it may be Expressed, That no money shalbe raised by the Governor and Councill only, which they were lately Empowred to do. And Wee do likewise humbly propose, That your Majesty do thereupon give Order for preparing as soon as may be, such a further Establishment, as may be lasting, and Preserve the Rights and Properties of the People of New England, and yet Reserve such a Dependance on the Crowne of England, as shalbe thought requisite.

His Majesty . . . was pleased to Order, That it be referred back to the said Committee to consider of, and prepare the Draft of a New Charter to be granted to the Inhabitants of New England, with such Powers and Clauses, as may suite with, and be agreeable to the Laws and Government of this Kingdome, and may preserve the Rights and Properties of those Colonies, and reserve such a Dependance on this Crowne, as is advised in the said Report, And that instead of a Governor to be sent in the room of Sir Edmond Andros, there be appointed Two Commissioners to take upon them the Administration of the Government there, with Directions immediately to Proclaim King William and Queen Mary, And his Majesty is graciously pleased further to Order, That such of the Merchants and Planters as are at present here in England do forthwith attend the said Committee in order to their Recommending to their Lordships One of the said Commissioners for his Majestys Approbation.

[p. 21. C.S.P. VIII. 37.] (1691.)

His Majesty having upon the application of the Agents of the Massachusetts Bay in New England, thought fit to Referr 30 April.

126 ACTS OF THE PRIVY COUNCIL (COLONIAL).

(1691.)

the Draught of a New Charter for that Colony unto [the Committee] And Their Lordships having, upon consideration thereof this day Reported to His Majesty that They humbly conceived it necessary that before there be any further Proceedings relating to that Charter, His Majesty would Declare whether it be His Royall Pleasure to have a Governor or Single Representative of His own appointment from time to time to give His consent to all Laws and Acts of Government as in Barbados and the other Plantations, or whether His Majesty would leave the Power of making Laws to the People, or officers appointed by Them. And His Majesty upon Debate of this matter having been acquainted that the former Charter of the Massachusetts Bay stood legally Vacated, And that the agents of that Colony had desired a new Charter from His Majesty with divers Variations from the former Charter ; His Majesty was thereupon pleased to Declare in Councill That He did Resolve to send a Governor of His own nomination and appointment for the administration of the Government of the Massachusetts Colony, as in Barbados and other Plantations ; And did further Order, as it is hereby Ordered That the Right Honorable the Lords of the Committee of Trade and Plantations do forthwith prepare the Draught of a new Charter upon that Foundation, for the speedy settlement of the said Colony. [*Vol. II. p. 161. C.S.P. VIII. 1440.*]

(1691.)

14 May.

[On the Committee's report this day received, the Attorney General is ordered to prepare the draft of a charter as proposed.—C.S.P. VIII. 1500.] [*Vol. II. p. 172.*]

(1691.)

30 July.

[Order in accordance with the Committee's report that they had agreed on several minutes for a charter which the Attorney General had discussed with the Agents, who refused to accept several powers thought necessary for his Majesty's Governor, viz.] :—

Minute.—First agreed by the Committee that officers of all sorts, Except Judges Justices of the Peace, Sheriffs, and officers more especially relating to the Person of the Governor and to the Councill, be chosen by the General Assembly.

Objection.—Against which the Agents Insist that the Judges, Justices of the Peace and Sheriffs be chosen by the Generall Assembly, as well as other officers of all sorts, and not by the Governor with the advice and consent of the assistants or Council as the Committee has thought requisite.

Minute.—Secondly, Agreed by the Committee that the assistants or Council of State be chosen by the Generall Assembly, with the approbation of the Governor.

Objection.—Against which the Agents do insist that the Generall Assembly chosen by the People may have power to Elect those Assistants or Counsellors, without the approbation of the Governor, to whom they are not willing to allow a negative voice, except in passing of Laws only, and not in the Election of Assistants, or Counsellors, or any other officer whatsoever.

Which objections being insisted on by the agents, the Committee have not thought fitt to proceed on the said Charter, without receiving Their Majestys Determination, in order whereunto Their Lordships humbly offer that His Majesty having directed in Council, the preparing the said Charter, with sutable Powers for a Governor, the aforesaid Minutes and objections may be Represented to His Majesty by the Earle of Nottingham, That His Majestys further Pleasure may be known therein. [Charter given in P.R.]

[*Vol. II. pp. 220-1. C.S.P. VIII. 1675.*]

[279.] [Reference to Committee of the petition of Micaiah Perry (for Edward Davies, John Hinson, Lionel Delawafer, pirates.)—C.S.P. VIII. 60.] 28 March. Virginia. [I. p. 60.] (1690.)

[Petition of the three pirates to be answered by Lord Howard of Effingham.—C.S.P. VIII. 1185.] 13 Nov. [II. p. 50.] (1690.)

[Petition and answer referred to the Treasury for speedy report.—C.S.P. VIII. 1254.] 18 Dec. [II. p. 84.] (1691.)

[The report of the Treasury having been this day received, Lord Sydney, principal Secretary of State, is ordered to bring the matter before the Spanish Ambassador.—C.S.P. VIII. 1359.] 12 March. [II. p. 139.]

128 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689. [A further petition is referred to the Committee.—C.S.P.
(1691.) VIII. 1470.] [II. p. 165.]
- 7 May. [Sir R. Holmes's letter of 7 Aug.—C.S.P. VIII. 1693—is
(1691.) ordered to be considered on 10 Sept.] [II. p. 230.]
- 20 Aug. [A further petition is referred to the Committee.—C.S.P.
(1691) VIII. 1962.] [II. p. 297.]
- 26 Dec. [Order given as in C.S.P. VIII. 2119.] [II. p. 346.]
(1692.)
- 10 March. [280.] [Reference to Committee of a petition of the Royal
Jamaica. African Company as to a Jamaica Act fixing the value of
pieces of eight.—C.S.P. VIII. 59.] [p. 63.]
- 15 July. [Reference repeated.—C.S.P. VIII. 259.] [p. 185.]
- 1 April. [281.] [Reference to Committee of the petition of Edward
Indentured Thompson as to enregistering servants for the plantations.—
servants. C.S.P. VIII. 63.] [p. 66.]
- 30 May. [The Committee reporting that the vacating of the office
of registrar is a matter determinable at law by *scire facias*
if his Majesty shall so think fit, the petition is referred to the
Attorney and Solicitor General. [p. 130. C.S.P. VIII. 154.]
- 21 Nov. [Order for proceeding by *scire facias*.—C.S.P. VIII. 582.]
(1691.) [p. 291.]
- 28 May. [The former patent to Col. John Legg, Christopher Guise,
and John Robins having been vacated, the petition is granted :
the Earl of Nottingham is ordered to prepare a warrant under
the Queen's sign manual directing the Attorney General to
prepare a bill to pass the Great Seal granting the office for
21 years.] Mr. Attorney Generall first appointing a time to
hear what any Merchants or others have to object thereunto,
and in case any Difficulty arrise [to report to the Boord].
[Vol. II. p. 189.]
- 8 April. [282.] [The Admiralty to have two of the lesser rates and
Plantations. best-sailing ships of the squadron for the Plantations fitted out
ready to sail on receiving notice.] [p. 68.]

1689.
 [283.] [The Earl of Shrewsbury to inquire as to a suitable governor and lieut.-governor for New England, New York, and New Jersey.—C.S.P. VIII. 75.] [p. 77.] 18 April.
 New England, &c.
- [284.] [Reference to Committee of Hudson's Bay Company petition concerning injuries done them by the French.—C.S.P. VIII. 89.] [p. 82.] 25 April.
 Hudson's Bay.
- [On the Committee's report letters of marque are granted, and the Admiralty required to give the necessary directions.] 30 May.
 [p. 129.]
- [285.] [Reference to Committee of] the Petition of his Majestys Subjects concerned in the Island of Jamaica setting forth that there will want Frigatts to secure the Coasts of that Island from the French Pirats and others who are seated in places so neer that in two dayes or less they can saile to any Port of Jamaica, so that one ship may destroy the Plantations by Landing undiscovered, unless there be some force of shipping sufficient to defend the Place, And praying that some Frigatts may be speedily sent thither. [p. 87.] 29 April.
 Jamaica.
- [286.] [Order as to colonial defences in view of the war with France.—C.S.P. VIII. 102.] [pp. 91-2.] 2 May.
 French War.
- [287.] [The Council refer to the Committee] the Petition of the Planters and Merchants trading to and interested in his Majestys Plantations of Antego, St. Christophers, Nevis and Montserat, setting forth that during his Majestys Administration of the Government of these Kingdomes before his Majestys accession to the Throne, they represented to his Majesty that the said Islands would run great hazard of being lost in Case of a Warr with France unlesse timely Succors were sent to prevent it ; The French having generall great Strengeth in those Parts, and being near Neighbours, ready to take advantage, and make the first Attaque. And in the last Warr actually tooke and destroyed the Islands of St. Christophers, Antego and Montserat, and Nevis only preserved by a Squadron of Men of Warr sent hence. And

130 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

finding now the reason of their fears to encrease, and considering the inevitable ruine which the Petitioners and many thousands of his Majestys Subjects would fall under, aswell as the losse that will acruce to his Majesty in his Revenue, in case the French seize or destroy the said Islands, the French in St. Christophers being already upon their Guard. And Praying that such speedy and effectuall Assistance may be sent thither as may secure the said Islands from the danger which threatens them. [p. 93.]

6 May. [Order in accordance with the Committee's report that the first and most pressing service is the reinforcement of St. Christopher.—C.S.P. VIII. 113.] [pp. 97-8.]

6 May. Colonial
Governors. [288.] It is this day Ordered by his Majesty in Councill That on Thursday next at three of the Clock in the afternoon the Merchants, Inhabitants and others concerned in New England, New Yorke and the New Jerseys doe attend att the Councill Board to be there heard before his Majesty Concerning a Governor to be sent to those parts. [The Attorney and Solicitor General and Sir Robert Sawyer are also to attend] to give his Majesty the best information they can concerning the Grants and Charters of [these Colonies], and of His Majestys right to appoint a Governour for those parts if his Majesty shall soe thinke fit. [p. 98.]

9 May. [The hearing is put off till the 16th [p. 108], and on the 12th till the 18th.] [p. 112.]

18 May. Newfoundland. [289.] [On the recommendation of the Committee, order is given for stores not exceeding 3000*l.* in value to be sent to Newfoundland with the first convoys.—C.S.P. VIII. 132.] [p. 117.]

18 May. Bermuda. [290.] [Six cannon and 300 muskets with ammunition proportionable to be sent to Bermuda.—C.S.P. VIII. 131.] [p. 117.]

23 May. Advice Ships. [291.] It is Ordered by his Majesty in Councill, That Sir Nicholas Slanning doe cause a Search to be made of what

1689.

Goods the Two ships have now on Board att Plymouth, which were Ordered some time since to goe as Advice ships to the Plantations, and to hasten them away on that Voyage.

[p. 124.]

[292.] [The Admiralty to have provisions put on board 31 May. for the regiment going to the West Indies—43 commissioned West Indies officers, 92 non-commissioned officers and 780 privates].

[p. 131. C.S.P. VIII. 165.]

[293.] Complaint having been this day made to his Majesty in Councill, That the Bibles Common Prayer Bookes, and other Bookes formerly sent by Directions of the Boord into the Island of Barbados to be distributed to severall Ministers there, Have been embezelled and not disposed of accordingly. It is this day Ordered by his Majesty in Council, That Sir Richard Dutton knight, in the time of whose Government of that Island the said Bookes were sent over, do attend this Boord on Thursday the 13th instant, to give an Account of this matter, whereof he is not to fayle.

[p. 132.]

Upon reading the answer of Sir Richard Dutton, [order 1 July. is given to the Attorney General to proceed in law against him.]

[p. 164.]

[294.] [The Admiralty are to] give directions for the Equipping and hastning out to Sea, with all Expedition, the Nine hired Ships, which were at first intended for the West Indies.

[p. 134.]

[295.] Upon reading in Councill the annexed Memorial which was this day presented to his Majesty by their Excellencys the Ambassadors Extraordinary of the States Generall of the United Provinces, concerning the ship St. Iago de la Victoria seized and condemned at Jamaica, It was Ordered by his Majesty That Sir Charles Hedges Judge of the High Court of Admiralty do forthwith take care to cause stop to be made of what Money and Goods belonging to the St. Iago de la Victoria is lately arrived at Plymouth with

6 June.
Jamaica.

132 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689. Mr. George Needham, who is alleged to be One of the Judges that condemned that Ship. And his Majesty did further Order That the said George Needham do forthwith attend this Boord to give an Account of the whole Matter relating to the said Ship St. Iago. [p. 135.]
- 27 June. [Needham, who has not yet appeared, is ordered to do so at once.] [p. 159.]
- 8 July. [The case is ordered to be heard on Thursday next, when all parties are to attend.] [p. 174.]
- 6 June. [296.] The humble Petition of his Majestys Subjects concerned in the Island of Jamaica being this day read at the Boord, Setting forth the great Danger, that Island lyes under for want of Force by Sea to withstand the Strength of the French, especially since the sending away the Assistance Fregat, having left only the Drake a Vessell too small to encounter any considerable French Privateer, which may by Surprize or otherwise greatly dammage all the Plantations bordering on the Sea Coast, And therefore Praying some Ships may be sent for their Security It is Ordered by his Majesty in Councill, That [the Commissioners of the Admiralty] do take this Matter into their Consideration, and give Order for sending a Ship of the 4th Rate thither, with all convenient speed. [p. 135.]
- 6 June. [297.] [Directions are given for the preparation of Commissions according to the drafts annexed, desired by the Hudson's Bay Company] as well for appointing Governors and Commanders in Cheif, as authorizing and Empowring them to take and seize any French Ships or Vessells, Men, Goods, or Effects whatsoever.
- Hudson's Bay. William and Mary by the Grace of God, King and Queen of England, Scotland, France and Ireland Defenders of the Faith &ca., To Our Trusty and Welbeloved Capt. George Geyer Greeting, Wee reposing especiall Trust and Confidence, aswell in your Loyalty and Courage as in your Experience and good Conduct, Do by these presents constitute and appoint

you to be Our Governor and Commander in Cheif of all and every Our Ports, Rivers, Creekes, Factorys, Lands and Territorys with their Dependancys conteyned and lying in the Northerly parts of the Bay within the Streights, comonly called Hudsons Streights in America, and in particular of the respective Factorys, Forts and Places called or lately called Fort Nelson, New Severne and Churchill River, and of all other Places which of late have been in, or of right do belong to us, or may be new erected setled or discovered, and are or were granted by the Charter of Our late Royall Uncle King Charles the Second, to the Governor and Company of Adventurers of England trading into Hudsons Bay and their Successors. And Wee do hereby command, authorize and empower you by fforce of Armes by Sea and Land offensively and defensively to take and seize any French Ships or Vessells, Men Goods and Effects whatsoever and wheresoever, And Wee do require and comand you and all others serving under you to the utmost to mainteyne and defend all such Places, Factorys and Territorys as are or shalbe under your Command (and them to recover if need be) against any the Subjects of the French King, or any pretending to Act by any Commission or Authority under him or any other who-soever contrary to Our Royall Right and Propriety, Requiring all Persons of what Degree soever within the Limits and Precincts of your Commission to be obedient to your Commands in all things for the Recovery or better defence of the said Places, and promoting and securing the Interest and Benefit of the said Hudsons Bay Company, For the better effecting of which, and more security of Our Places, Wee do Require and authorize you, and the Governors there resident for the time being from time to time, to enter into what Leagues and Allyances you can or shall thinke necessary with the Native Indians particularly against the French, for the Honour of the Crowne of England, and for the Advantage of the Hudsons Bay Company, and the promoting of the Beavor Trade, And to protect and assist all such Indians as are Friends to, and trade with the said Company against

134 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

any Nations of the Indians, that are in alliance or Confederacy with the French. And if any Ship or Ships Vessel or Vessells belonging to any of Our Subjects or navigated by such, shall from time to time be within the Limits of the said Hudsons Bay, Wee do will and require the Commanders and Seamen, and all others belonging to the same and every of them, and all other Our Loving Subjects to be aiding and assisting to you, and follow and obey such Orders as they shall from time to time receive from you, for the Recovery and better Defence and Preservation of Our Rights and Places against all Persons whatsoever according to the Priviledges granted to the said Company, when and as often as need shall require upon pain of Our High Displeasure, and as they will answer the contrary at their perill ; And you are to follow and observe such further Orders and Instructions, as you shall from time to time receive from Us, or the Governor Deputy Governor and Committee of the said Hudsons Bay Company residing in England pursuant to this Our Commission, and the Trust reposed in you. [pp. 136-7.]

24 June.
Assiento.

[298.] [His Majesty grants, and gives order in accordance with] the humble Petition of Don St. Iago del Castillo Factor and Administrator Generall to his most Catholique Majesty for the Assiento of Spain for Introduction of Negros in the West Indies, shewing, That he lately arrived at Biddiford in the Ship St. Peter Burthen 100 Tuns, Peter Power Commander from Spain, about the Affaires of his said Majesty and Assiento, to whom the Ship doth belong, On board of which were severall English Seamen, who were pressed for his Majestys Service, for want of whom or other Seamen, the said Ship cannot go to the West Indies about his said most Catholique Majestys Affaires, And therefore Praying Leave to procure what English Men he can, not exceeding the number of Twelve to navigate the said Ship. [p. 151.]

3 Sept.

[The Committee refer another memorial from him to the Treasury to consult with the Customs and report.—C.S.P. VIII. 403.] [p. 225.]

[Memorial and reports referred to the Judges.—C.S.P. VIII. 529.] 1689.
7 Nov. [p. 278.]

[299.] [On the recommendation of the Commissioners of the Customs, orders are given to Mr. Arnold Aram and Mr. Edward Gibbs, Customer and Comptroller of Gloucester, and to Mr. William Cooke, one of the surveyors of the Port of London, to destroy, and to the Duke of Schomberg, Lord General of his Majesty's forces, to send some troops to assist in destroying, English tobacco which, despite several statutes imposing great penalties, is still grown in the counties of Gloucester, Worcester, Warwick, and Hereford, particularly at Cheltenham and other places in Gloucestershire.] 27 June.
English Tobacco.

[p. 158.]

[300.] [On the petition of] severall Captains and Commanders of ships, setting forth that they are part Owners and Commanders of severall Ships come from the East Indies, Barbados, Virginia, and other parts of the West Indies, and severall other Parts beyond the Sea, of which Ships being bound for London some have been long in the Port of Falmouth waiting for a Convoy, [the Admiralty are required to provide a convoy to London as desired.] 1 July.
Plantation Trade.

[p. 161.]

[301.] [Col. Molesworth's proposals referred to the Admiralty.—C.S.P. VIII. 228.] 4 July.
Jamaica.

[p. 165.]

[302.] [Reference to Committee of Ralph Lane's petition.—C.S.P. VIII. 244.] 11 July.
Barbados.

[p. 177.]

[Order on Committee report.—C.S.P. VIII. 440.] 19 Sept.
(1692.)

[p. 243.]

[Orders are given in accordance with the Committee's report] that their Lordships have considered the Petition of Edward Bushell in behalfe of Ralph Lane of Barbados referred to them by his Majestys Order of the 21st of October last and are humbly of opinion that [his appeal be allowed on his giving 500*l.* security; that Governor Kendall be instructed to allow all persons to give evidence without

15 Dec.

136 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689. interruption ; and that authentic copies of all proceedings and depositions be sent from Barbados to the Committee.]
 [Vol. III. p. 50.]
- (1693.) 7 Dec. [A further petition is referred to the Committee.—C.S.P. IX. 726.]
 [Vol. III. p. 295.]
- (1695.) 15 Aug. [On a report from the Committee, the Governor of Jamaica is ordered to set Lane at liberty that he may come to England to prosecute his appeal before his Majesty in Council.]
 [Vol. IV. p. 179.]
- 11 July. [303.] [His Majesty in Council grants, and gives order in accordance with,] the humble Petition of Robert Ayleway praying that in regard he is appointed Commissary Generall of the Ammunition and Stores of Warr for the Reduction of Ireland, He may be permitted to Execute by Deputy the office of Auditor Generall of Virginia, Wherein he is legally Stated by Letters Patents bearing date the 12th day of February 1685. [p. 179. C.S.P. VIII. 250.]
 Virginia.
- 11 July. [304.] Whereas an Estimate of Powder and Ammunition wanting for the supply of the Island of Jamaica delivered in by Colonel Molesworth . . . was this day presented to his Majesty by . . . the Committee . . . as follows :—
 Jamaica.
- | | |
|--|-----------------------|
| Powder 400 Barrells. | Shott wanting. |
| Musket and Pistoll Bullett 20 Barrells. | Demy Cannon 1200. |
| Match 2,000 pounds. | Whole Culverin 1800. |
| Materialls for fire works to fitt 5 shippes. | Cul. Drake 900. |
| Hand Granados 1000. | Twelve pounders 2400. |
| Fire Locks 500. | Dem. Culv. 3300. |
| Pikes 1000. | Saker 1500. |
| | Minion 200. |
- [Order is given that the Master General of the Ordnance direct that the same be provided and put on board the ships now bound for Jamaica.] [p. 179. C.S.P. VIII. 249.]
- 22 July. [305.] Whereas the Commissioners of his Majestys Customes have Represented that they have issued forth their Deputation unto Mr. Patrick Mein to be Surveyor Generall of the Rates and Dutys arising and growing due to their Majestys in the
 Revenue from Plantations.

Severall Colonies and Plantations in America by virtue of an Act of Parliament made in the 25th year of the Reign of King Charles the Second, as also of the Duty of Four and a half per Cent. at Barbados and the Leeward Islands with particular Instructions to visit Jamaica, Barbados and the said Leeward Islands; And praying that his Majesty may be moved in Councill, to write to the Governors of Jamaica Barbados and the said Leeward Islands according to the purport of a letter presented by the said Commissioners and hereunto annexed.

His Majesty in Councill is pleased to order that one of his Majestys Principall Secretaries of State do prepare Letters for his Majestys Royall Signature to the Governors of Jamaica, Barbados and the Leeward Islands accordingly.

The letter abovementioned.

Wee Greet you well. Whereas the Commissioners of Our Customes in this Our Kingdome of England haue appointed Our Trusty and Welbeloved Patrick Mein Gent the bearer hereof, to be Surveyor Generall for inspecting the Actions of Our Collector and other officers within Our Island of Barbados and elsewhere, and to give such orders and directions as he shall find necessary for Our Service, particularly for the better Collecting of Our Dutys due by the Act of Parliament made in the 25th year of the late King Charles the Second, Intituled an Act for the Encouragement of the Eastland and Greenland Trades and for better Securing the Plantation Trade (and likewise of the Duty of four and half per Cent) And for preventing of any Ships coming from Our said Island, without first giving good Security as by Law is provided. Wee will and require you to be ayding and assisting, And that you do direct all officers civill and military under your Government to be aiding and assisting to the said Patrick Mein in the Execution and discharge of the Trust Committed to him in the service aforesaid, And in putting in Execution all other the Laws relating to the Trade of Our Plantations, according as he is or shall be instructed

These words
to be
omitted in
the letter to
Jamaica.

138 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689. from time to time by the Commissioners of our Customs in England now and for the time being. [p. 196.]
- 22 July. [306.] [Reference to Ordnance as to cannon thought Barbados. necessary by the Committee for Barbados.—C.S.P. VIII. 279.] [p. 196.]
- 25 July. [307.] [Order on petition of Sir E. Andros.—C.S.P. VIII. New England. 291.] [p. 198.]
- 25 July. [308.] [Reference to Committee of petition of Ralph Jamaica. Knight.—C.S.P. VIII. 294.] [p. 199.]
- 21 Nov. [His further petition to the same effect is ordered to be heard on Thursday next, when all concerned are to attend, with their Counsel learned, if they so please.] [p. 291.]
- [At the same time is also to be heard] the Petition of the merchants and Planters of Jamaica now in London in the behalf of themselves and friends in the said Island, setting forth that there was lately in the said Island an Assembly called in the Election of which the Constitution of the Government of that Island was wholly subverted; wherein severall Laws have been made and sent hither for the Royall assent, which assent they humbly pray may be suspended untill the truth of the matter be represented to his Majesty by His Governor now going thither and a free assembly convened by him. [p. 291.]
- 25 July. [309.] [On the petition of William Arbuckle of Glasgow, Plantation and James Smith, captain of the pink *Mary* of Boston from Trade. Virginia, leave is given to unlade the *Mary* at Newport in Glasgow; the Treasury is to see that security is given for payment of the same duty as would have been due had the ship come direct.] [p. 202.]
- 1 Aug. [310.] [It is ordered that the Commissioners of the Newfoundland. Admiralty] give directions that Mr. Peter Smith minister, appointed by the Lord Bishop of London to go to Newfoundland have his passage to and from that place with all necessary

1689.

Conveniences on board the Convoys designed thither, And that he receive his Dyet on board one of the said Convoyes in his going thither, stay there, and return from thence.

[p. 203.]

[311.] [In view of the injury to His Majesty's honour and the losses of his subjects due to masters of Newfoundland fishing vessels leaving before the convoy or departing from it on the voyage in order to forestall the others in the markets of south-western Europe, it is ordered that no seaman of such a vessel, if taken by the Turks, shall be released by virtue of a public treaty or exchanged for Turkish prisoners, and that frigates other than the convoy be not charged with any care of such single ships as may come into their company. On the arrival of the convoys, this order is to be published throughout the several ports of Newfoundland.]

1 Aug.
Newfound-
land.

[p. 205.]

[312.] [A letter directing the proclamation of their Majesties, addressed to] Francis Nicholson Esqre. Their Majestys Lieutenant Governor and Commander in Cheif of the Province of New York, and in his absence to such as for the time being take care for preserving the Peace and administring the Lawes in their Majestys Province of New York in America.

8 Aug.
New York.

[p. 208.]

[313.] [Convoys are granted to conduct from Beaumaris into the river Severn three ships lately come from the West Indies by way of the North Channel about Ireland, laden with sugars and tobacco of great value belonging to merchants of Bristol, to wit, the *Lamb*, George Colwell master; the *Jamica Merchant*, Richard Browning master, and the *Bristol Factor*, Totterdale master.]

8 Aug.
Plantation
Trade.

[p. 208.]

[314.] [Orders for stores to be sent to Leeward Islands.—C.S.P. VIII. 342-4.]

15 Aug.
Leeward
Islands.

[p. 211.]

[A supplementary order.—C.S.P. VIII. 384.]

29 Aug.

[p. 219.]

[3000*l.* to be paid to the Victuallers of the Navy for 6 months provisions for the regiment going thither.—C.S.P. VIII. 401.]

2 Sept.

[p. 222.]

140 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

29 Aug. [315.] [Order on the petition of Margaret, wife of Lt.
St. Christopher. Gov. Hill.—C.S.P. VIII. 385.] [p. 219.]
(1690.)

23 Jan. [Order that she be repaid the money expended in clothing
and provisions.—C.S.P. VIII. 732.] [p. 360.]

29 Aug. [316.] It is this day ordered by his Majesty in Council
Jamaica, Leeward Islands and Virginia. that the Lieutenant Generall and Principall officers of the
ordnance do take care that of the Four hundred barrells of
powder lately directed to be sent to Jamaica, Two hundred
Barrells only be dispatcht thither at present, and that
Seventy five Barrells of Powder with five hundred muskets, match
and Ball proportionable be put on board the Fleet intended
for the West Indies for the use of the Regiment of foot his
Majesty is sending to those Parts, and that other materialls
of Warr vizt. Shovells, Wheel Barrows, Pick axes, and other
necessarys for Entrenchments and defence of the Fortification
be also sent to the Leeward Islands with the said Fleet, And
it is further Ordered that One hundred Barrells of Powder
be sent to Virginia with the first ships that shall be bound
thither to be lodged in their majesties storehouses within that
Colony. [p. 219. C.S.P. VIII. 384.]

2 Sept. [317.] [The Council approve, and give orders in accordance
New York. with, the report of the Committee of 16 Aug.]:—Wee have
been attended by the Earle of Sterlin who Lays claime to the
Propriety of Long Island within your Majestys Province of
New Yorke in America, And upon Examination of the said
Earl's Pretensions, we find that about the year 1663, the
Earl of Clarendon in behalfe of the late King then Duke of
Yorke did treat with the Earl of Sterlin for his Interest in
Long Island, for which his then Royall Highness did after-
wards promise to pay to the said Earle 3500*l.* as the Lord
Berkley Informed him, which the said Earl of Sterlin not
haveing received, in the year 1674 the said Duke of York in
Consideration of the Earle of Sterlin ; Releasing all his
Pretence of Right and Title to the Colony of New Yorke in
America (whereof Long Island is part) did grant unto the

1689.

said Earle of Sterlin a Pension of Three hundred pounds per annum for the life of the said Earle, out of the surplusage of the Neat Proffits of the Revenue arrising out of the said Colony, all manner of Charges be it Civil or Military first Deducted and allowed with a Contract that if in any yeare there should not be sufficient out of the Neate Proffits, all Charges allowed to pay the said Pension as aforesaid, the same and all the Arrears thereof should be paid, when there should be a sufficient surplusage in any other year for the same, But there having not hitherto accrued any Neat proffits out of the Revenue of New Yorke the Charges of the Government being first Defrayed by reason whereof the said Pension of 300*l.* per Annum is become above fourteen years in arrear, Wee most humbly offer Our opinions, That your Majesty be graciously pleased to Order the said Pension of 300*l.* per annum to be paid to the said Earle with the said Arrears, Out of the Surplusage of the Neat Proffits of the Revenue of the said Colony as the same shall arrise, all manner of Charges Civil and Military within the said Colony being first deducted pursuant to his grant from the Duke of York as aforesaid, And that the said Earle, May have free Liberty by his Agent, or Officer at New York, yearly to Inspect the Publick Accounts and Managment of the Revenue of that Colony to the End his Lordship may be fully informed of the Neat Proffits that may arise out of the said Revenue, to be satisfied and paid to his Lordship in such manner and under such Conditions as is before Exprest. [p. 223.]

[318.] [Order for presents to the Five Nations.—C.S.P. 2 Sept. New York.
VIII. 400.] [p. 224.]

[319.] [Order] that Two Companies of Foot of sixty Men 2 Sept. New York.
in each Company besides Officers be forthwith raised for their Majestys Service in New York to be carried thither on Board the ship which shall be appointed by . . . the Commissioners of the Admiralty to carry the Governor of New York to that Government. And His Majesty is further

142 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

Pleased to Order that the said Two Companies be paid out of the Revenue here in England untill the Government of New Yorke be settled and a Provision made for them out of the Revenue of that Country. [p. 224. C.S.P. VIII. 399.]

9 Sept.
Virginia.

[320.] [Order to the Governor of Virginia in accordance with the Committee's report of 26 August on Philip Ludwell's petition, with the address of the House of Burgesses of Virginia to the late king touching several matters of complaint]:—First, That whereas a Proclamation had been Issued in Virginia by the Lord Howard, Governor in Cheif, In pursuance of Instructions from his Late Majesty King Charles the Second Declaring an Act passed in Virginia in November 1682, for Repealing the Sixth Act of Assembly, made in June 1680, about Attorneys to be Voyd, and thereby reviving the said Act of June 1680, The House of Burgesses Conceive the said Proclamation to be unwarrantable and of ill Consequence, and therefore humbly pray, that the same be made void, Wee have thereupon Consulted your Majestys Attorney and Solicitor Generall, who have Reported unto Us their Opinion, That they Conceive the said Act made in June 1680, was Revived by the King's Disallowing of the Subsequent Act of Repeal, Yet inasmuch as the said Act of Assembly is Represented as Inconvenient and Prejudiciall to that Colony, Wee humbly offer to your Majesty that by the Like Proclamation, the said Act of June 1680, be also sett aside and declared void.

Secondly, whereas Complaint is made of a Fee of Two hundred Pounds of Tobacco, and Cask Lately Received by the Lord Howard, for the vse of the Publick Seale, Wee are humbly of Opinion, that altho' it appears unto Us that the said Fee upon Complaint thereof, was not disallowed or thought unreasonable by your Majestys Councill in Virginia yet inasmuch as the same hath not been Establisht by the said Councill as by the Commission to the Lord Howard is Requisite, and the same being also Represented as Burthensome and uneasy to the Colony, Wee are humbly of Opinion that it

be discontinued, as also the Fee of thirty pounds of tobacco, demanded by the secretary of that Colony, for Recording Surveys of Lands, But as to the fee of Five Pounds Sterlin Received by the Escheator, for every Office found, whereof Complaint is also made, Wee are humbly of Opinion that the same is Legall and fitt to be Continued as being an Ancient and Customary Fee, and paid only by such who receive a Considerable benefit thereby.

Lastly as to the Complaint made that ffines and fforfeitures in Virginia are not applyed to such purposes as by the said Representation is particularly sett forth and desired, Wee most Humbly Represent to your Majesty that the said ffines and fforfeitures, having by Letters Patents, been granted by King Charles the Second, to the Lord Culpeper and others, were Repurchased, by the Late King for divers Considerable Sums of mony actually paid to the said Lord Culpeper, and a further Pension of Six hundred Pounds a yeare payable for Twenty One yeares, and now Charged upon the Establishment of your Majestys Army, so that the said ffines and fforfeitures are become wholly att the disposall of the Crowne as they were, before this purchase, the property of the said Patentees, Yet upon Examination Wee do find that since the said Purchase, no part of the said Revenue has been Employed or disposed of, otherwise than for the better Support of the Government of Virginia to which use, Wee are humbly of opinion, it may be hereafter applyed in such manner as your Majesty shall thinke fit from time to time to Direct, and not otherwise, The same being not in any manner appropriated to any particular use or purpose whatsoever.

[pp. 229-30. C.S.P. VIII. 412.]

[Ludwell's petition is referred to the Committee, who are 19 Sept. to report what they] think fit to be done therein as well for the redressing of the said Grievances and oppressions as the preservation of his Majestys said Colony of Virginia in Peace and quietness for the future.

[p. 239. C.S.P. VIII. 447.]

144 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

16 Sept. [321.] It is this day Ordered by his Majesty in Council
West Indies. that the Lieutenant Generall and Principall Officers of the
Ordnance do forthwith furnish Tents to the Duke of Bolton's
Regiment intended for the West Indies in case it shall
apppeare that Tents have been at any time sent with soldiers
to the Plantations. [p. 236.]

26 Sept. [322.] [Order on petition of John Usher.—C.S.P. VIII.
New 457.] [p. 255.]
Hampshire.
(1691.)

12 Oct. [The report of the Committee is approved.—C.S.P. VIII.
1826.] [Vol. II. p. 255.]
(1693.)

23 Nov. [A further petition is referred to the Committee.—C.S.P.
IX. 694.] [Vol. III. p. 285.]
(1694.)

22 March. [Order to the Governor and Council of New England that
payment be at once made, or reason for delay explained.
A Committee had been appointed in Massachusetts in
accordance with the Order of 12 Oct. 1691, but no Order had
been made on their report that on the balance of his accounts
85*l.* 2*s.* 10*d.* remained due to him.]
[Vol. III. p. 383. C.S.P. IX. 985.]

17 Oct. [323.] [The Commissioners of the Admiralty to provide]
Jamaica. One Hundred Ton of Freight for the Household Goods and
other Necessarys belonging to the Earle of Insiquin to Jamaica,
and Passage for so many Persons not exceeding Seventy Five
as his Lordship shall certify to be his Meniall Servants.
[p. 267. C.S.P. VIII. 495.]

17 Oct. [324.] [A presentment from the Commissioners of Prizes
Jamaica. about the appointment of Sub-Commissioners for Prizes at
Jamaica is referred to the Commissioners of the Treasury for
determination.] [p. 267.]

31 Oct. [325.] [Orders in accordance with Committee recommen-
Officers dations [C.S.P. VIII. 426 & 452] for John Stede and Richard
appointed. Lloyd for offices in Barbados and Jamaica respectively.]
[p. 276.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 145

1689.

- [Order in accordance with C.S.P. VIII. 541 for Matthew Clarkson to be Secretary of New York.] [p. 284.] 14 Nov.
- [Thomas Farneley to be Secretary of Leeward Islands.] [p. 295.] 28 Nov. (1690.)
- [Col. William Cole to be Secretary of Virginia.] [p. 324. C.S.P. VIII. 683.] 2 Jan. (1691.)
- [Col. Rowland Williams to be Naval Clerk of the Leeward Islands.] [Vol. II. p. 190.] 28 May. (1691.)
- [Sir Thomas Laurence to be Secretary of Maryland.] [Vol. II. p. 218.] 30 July.
- [326.] [The Officers of the Ordnance to receive a copy of the following list of stores desired by Colonel Hill for the Leeward Islands in a letter of 20 August last, and to attend the Committee on Monday at 5 in the afternoon]:—A mortar piece, Bombs, Feild Pieces, Ladells, Spunges, Powder, Balls, Shovells, Hoes, Pickaxes, A good Engineer, 2 or 3 Miners, A good Chirurgeon, new medicines, A quantity of Provisions. [p. 278.] 7 Nov. Leeward Islands.
- [The Ordnance to see that an engineer and two miners are sent.—C.S.P. VIII. 580.] [p. 288.] 21 Nov.
- [327.] [For the payment of the Duke of Bolton's regiment of foot (Henry Holt, Lieutenant Colonel), going to the West Indies, it is ordered, in accordance with the Committee's recommendation], that from the first day of January the Duty of Four and a half per Cent arising in Barbados and the Leeward Islands (the usual Charge of the Government being first provided for) be applyed towards the Pay of the said Regiment and the Company of Foot, at present remaining at Nevis, upon accompt; and that the Remainder of their Pay be satisfied by the Pay master Generall of the Forces in England. [p. 280. C.S.P. VIII. 530.] 7 Nov. Leeward Islands.
- [328.] [The Officers of the Ordnance are to supply, and the Commissioners of the Admiralty to provide for the transportation of the following stores for New York]:— 14 Nov. New York.

146 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

A Proportion of Ammunition Stores, to be provided for Their Majestys Garrison of New York in New England.

Corn powder, 100 barrells 40 of them fine.		Nails	40d	..	..	..	2000
Match	20	Bundles.	30d	..	..	..	2000
Round Shot for—			24d	..	..	..	3000
Demi Canon	40		20d	..	..	..	3000
24 pounders	40		10d	..	..	..	4000
Culverins	50		6d	..	..	..	10000
12 pounders	50		4d	..	..	..	10000
Demi Culverin	60		3d	..	..	..	12000
8 pounders	60		2d	..	..	..	14000
6 pounders	60					of Severall Sorts	500 wt.
Sakers	70					Bedds	40
Minion	70					Coins	300
3 pounders	70					Axle Trees for—	
Faulcons	70					Demi Canon	8
Faulconetts	70					Culverin and Demi	
To each respective Piece of						Culverin	16
Ordnance.						Saker and Minion	16
Tinn Cases filled with Musket						Tampeon great	50
Shot for—						Tampeon Small	50
Demi Canon	10					Heads and Rammers	
24 pounders	10					great	40
Culverins	10					Heads and Rammers	
12 pounders	15					Small	40
Demi Culverin	15					Formers Great	30
8 pounders	15					Formers Small	30
6 pounders	20					Budge Barrells	10
Saker	20					Tannd Hides	24
Minion	20					Sheep Skins	60
3 pounders	20					Baskets	18 doz.
Faulcon	20					Canvas	100 Ells
Faulconet	20					Paper Royall	10 Reams
To each respective Piece.						Parchment	50 Skins
Ladles and Spunges for—	la. sp.					Linseed oyle	6 Gall.
Demi Canon	2	3				Tallow	10 firr.
24 pounders	2	3				Starch	15½.
Culverin	2	3				Needles	6 doz.
12 pounders	2	3				Thrid	12½.
Demi Culverin	3	4				Oile of Petre	2 gall.
8 pounders	3	4				Lanthorns—	
6 pounders	3	4				Tinn	2 } doz.
Sakers	3	4				Dark	1 } of
Minion	4	5				Ordinary	2 } each
3 pounders	4	5				Muscovia light ordinary	12
Faulcon	4	5				ditto Extraordinary	12
Faulconet	4	5				Powder Horns	150
Ladell Staves	100					Priming Irons	300

Cases of Wood for Cart- ridges for—	Lint Stock 40
Demi Canon 2	Merlin 100% wt.
24 pounders 2	Twine 50% wt.
Culverin 2	Wire 10%.
12 pounders 2	Hand Screws 6 pair
Demi Culverin 3	One Ginn, Block, Rope & Slings.
8 pounders 3	Tard Rope of 4 Inch .. 1
6 pounders 3	3 " .. 1
Saker 3	2 " .. 2
Minion 3	White Rope of 4 Inch .. 1
3 pounders 3	3 " .. 1
Faulcon 3	2 " .. 2
Falconet 3	Snacht Blocks 6
Wadhooks 30	Double Blocks 2
	Tacles 6
Blunderbusses .. iron, 4; brass 2.	Demi Culverin and Saker Shells 300 and Fuzees for the same.
Short Pikes 60	Pickaxes 5 doz.
Bills 60	Spittens 5 doz.
Hammer Hatchets 100	Shovells 6 doz.
Hangers 50	Wheel Barrows 10 doz.
Musket Shott.. .. . 2000 wt.	Hand Barrows 1 doz.
Carabin Shot 1000 wt.	Crow Feet 200 wt.
Pistoll Shot 1000 wt.	Tarpolins 6
Sheet Lead 500 wt.	Two hand Saws 6
Aprons of Lead 60	Hand Saws 16
Barrs of Iron 2000 wt.	Camphire' 10%.
Crows of Iron 20	Sulphur 40%.
Hand Spikes 100	Petre 20%.
Lince Pinns 150	Cotton Wick 5%.
Large Spikes 2000 wt.	Hand Mallets.. .. . 1 doz.
Fire Locks 500	Small Iron drifts 1 doz.
Double Headed Sledges 6	
Great Melting Ladles .. 2	
Small melting Ladles .. 4	

[pp. 285-6. C.S.P. VIII. 559.]

[Order to the Admiralty to provide a small frigate for transporting Colonel Slaughter, his servants and goods, the stores above mentioned, and the two companies of foot.— C.S.P. VIII. 562.] 14 Nov. [p. 286.] (1690.)

[The Admiralty representing that a single frigate is insufficient, they are ordered to take care that the necessary provision be made on board any of the merchantmen going with the convoy or other vessel hired for the purpose. The whole is to be despatched at once, the government suffering very much for want thereof.] 9 Jan. [p. 333.]

148 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.
(1690.)
30 Jan. [Order to the Ordnance for bedding for the troops.—
C.S.P. VIII. 749.] [p. 369.]
- 21 Nov. [329.] [200*l.* to be paid to Mr. Richier for his transporta-
Bermuda. tion to Bermuda.] [p. 288.]
- 21 Nov. [330.] [Order for transporting the Earl of Inchiquin to
Jamaica. Jamaica and Barbados.—C.S.P. VIII. 563.] [p. 289.]
- 28 Nov. [Further order.—C.S.P. VIII. 599.] [p. 297.]
- 21 Nov. [331.] The Commissioners of the Admiralty to attend the
Virginia and Maryland. Committee at nine on Saturday morning about the matter of]
the Petition of severall merchants Trading to the Plantations
of Virginia and Mariland humbly praying his Majesty to
appoint them such a Protection for their men, and Convoy
to attend the ships which the Petitioners are sending into
those parts during the whole Voyage, as to his Majesty shall
seem meet. [p. 290.]
- 28 Nov. [His Majesty in Council approves and gives orders in
accordance with the Committee's report of 25 Nov.]:—That
it is of very great Importance to Your Majestys Revenue, and
the safety of your subjects that such a Convoy be granted them
as is desired, which we are humbly of opinion may consist of
two or more ships of Strength to attend the Fleet of merchant
ships bound to those Parts during the whole voyage, which
they commonly make in five or six months, The Return of
those ships usually bringing in no less than three hundred
thousand pounds to the Revenue of Your Majestys Customs.
[p. 296. C.S.P. VIII. 596.]
- 21 Nov. [332.] [The complaint of the Brandenburg Envoy regard-
West Indies. ing the seizure by Captain Robinson of the *Sampson* frigate
of His Electoral Highness's ship *Dorothy* at Weymouth, where
it had put in on returning from the West Indies, is referred
to the Judge of the Admiralty Court for examination and
report. Order is given to the Commissioners for sick and
wounded seamen, and prisoners of war, for the release of the

1689.

commander, Captain Balopin, and the crew, who are permitted to prosecute their claims to the ship.] [p. 292.]

[The Council grant the Envoy's petition that the *Dorothy*, Michael Chalopin commander, discharged from seizure by the Judge of the Admiralty but detained by the Officers of Prizes till certain incident charges should be paid, may be freed without such payment. Captain Robinson was at the same time ordered to make restitution of various goods taken by him from the *Dorothy*. A list of the goods is given]:—400*l.* Indico, Tortoise Shells, Severall Barrells of Sugar, Cacao, 26 Pistolls, A great Cable, 750 pieces of 8, with 12 more of French and Dutch mony, a little Barrell of Fine Sugar, an other of white Sugar, a little Barrell of Confiture, Canefisse. A good quantity of Provision which the Captain bought at Weymouth. A black moor, aged 11 or 12 yeares. 80 Parrots, or upwards. 100 Rolls of Tobacco. Besides what is taken from the seamen of their apparell, shirts, and other things by the men the abovesaid Captain brought upon the said ship *Dorothy*.

[p. 317.]

[333.] [Reference to Attorney General of John Hubbard's petition, appealing against a verdict obtained against him by Captain James Smailes.—C.S.P. VIII. 615.] [p. 300.]

2 Dec.
Bermuda.

(1690.)
17 April.

[On the Attorney General's reporting that Captain Smailes obtained a verdict in 1688 for 350*l.* for ship and goods and 435*l.* for damages, from which an appeal of right lies to his Majesty in Council, and is the common course and practice in cases of this nature; that he has vainly attempted to accomodate the matter, and that Mr. Smailes has been at great charge in the prosecution besides losing ship and goods; order is given as in C.S.P. VIII. 834; if security be not given, the appeal is to be dismissed.] [p. 424.]

(1691.)
17 Sept.

[Report of Committee approved.—C.S.P. VIII. 1762.] [Vol. II. p. 244.]

(1713.)
18 May.

[Reference to the Committee for Appeals of James Smailes' petition that execution, which he has hitherto been

150 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1689.

unable to obtain, be granted him by order to the present Governor of Bermuda, on a verdict obtained by him for his ship the *Bachelor's Adventure*, unjustly seized and converted to his own use in 1685 by John Hubbard, Sheriff of Bermuda.]

[Anne, Vol. VI., p. 109.]

(1713.)

3 June. [Committee minute recommending it to Governor Pullein to examine into the matter and report.] [p. 184.]

(1716.)

13 Sept. [Reference to Committee for Appeals of the petition of Richard, brother and administrator of James Smailes deceased, for relief in the matter of the seizure of the *Bachelor's Adventure*.] [George I, Vol. I., p. 445.]

5 Dec. [334.] [The following Instruction is added to those given
West Indies. to the Commander of the West India Squadron]:—You are hereby required to protect as much as in you lyes the Ships and Vessells belonging to the Subjects of the States Generall of the United Provinces, which shall be bound your way, and desire to put them selves under your Protection ; And if, upon your arrivall in the West Indies, or during your Stay there any of the Plantations and Colonies belonging to the said States Generall shall have occasion for help to defend them against the attacks or Insults of their Enemies and that your assistance shall be desired therein, You are to ayd and assist the said Plantations and Colonies as much as the Condition of those belonging to their Majestys will permit you to do. [p. 304.]

12 Dec.
Leeward
Islands.

[335.] [On the petition of the merchants and planters interested in the Leeward Islands, the Admiralty are directed to] give all necessary directions for the despatching away immediately the ships designed for the said Islands. [p. 306.]

12 Dec.
Barbados.

[336.] Upon reading a Petition in the behalf of the People called Quakers inhabiting the Island of Barbados setting forth that because the said Quakers could not bear Arms, nor take an Oath in any Case, They have suffered much by Virtue of an Act made to settle the Militia in the said

1689-90.

Island, [the matter was referred to the Governor or Commander in chief in Barbados for the time being], who is to give the Petitioners such Relief in relation to the Militia as to him shall seem just and reasonable to answer their particular Circumstances, and to make Report thereof to his Majesty.

[p. 307.]

[337.] [Letters to be prepared] to the Vice Roy of Mexico and the Governor of Vera Cruz that they Cause all English Prisoners under their Government to be released. [p. 308.] 12 Dec. Mexico.

[338.] [Reference to Committee of New York merchants as to defence.—C.S.P. VIII. 646.] [p. 312.] 19 Dec. New York.

[339.] [The Lieutenant General of the Ordnance to deliver two Field Pieces at Plymouth for the Duke of Bolton's Regiment.] [p. 315.] 26 Dec. West Indies.

(1690.)

[The Admiralty are directed to send orders to the Commanders of the Ships of war appointed for the West Indies to receive on board, and carry thither] such cloaths as shall be put on board for the Duke of Bolton's Regiment. [p. 322.] 2 Jan.

1690.

[340.] [The Admiralty are directed to] add one of the Ships of the West India Squadron to the Virginia Convoy: and . . . in case the two ships or either of them which the Commissioners shall appoint for this service are now at Spitt head, it is his Majestys pleasure that the Commissioners should have Orders that they immediately come into the Downs their to receive the Merchant Ships under their Convoy, who are Ordered to be in the Downes by the Eighth of this instant January att the farthest and to be ready to saile wind and weather permitting directly for Virginia. [p. 322.] 2 Jan. Virginia.

[341.] [Order on John Towers' petition.—C.S.P. VIII. 684.] [p. 325.] 2 Jan.

[342.] [Petition of Col. Wm. Ivy, John Towers, Francis Blackmore, Charles Bouchier, James Banister, and Wm. Ivy, jr., referred to Earl of Inchiquin.] 2 Jan. Jamaica.

[p. 325. C.S.P. VIII. 685.]

152 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.
(1691.)
23 April. [Order for remitting their fines.—C.S.P. VIII. 1423.]
[Vol. II. p. 159.]
- 12 Jan. [343.] [The Admiralty to give directions for the ships of
West Indies. war now at Spithead or coming thither for the voyage to
the Caribee Islands, to receive on board at Portsmouth
and supply with provisions 210 men of the Duke of Bolton's
Regiment under Lieutenant Colonel Norton, and to carry them
to Plymouth Sound as recruits for the Duke of Bolton's other
regiment, with whom they shall then be disposed of on board
the ships bound to those parts.] [p. 349.]
- 16 Jan. [344.] [On the petition of James and Benjamin Brayne
Plantation owners of the *Mary*, taken by the French while returning
Trade. from Virginia and retaken by a Dutch man of war, it is
ordered that, as they have adjusted their salvage with the
Dutch Ambassador and paid off the Dutch seamen on board,
they are to receive back the ship and their bond of 4000*l.*,
if the Commissioners of Prizes have no other cause to detain
them.] [p. 354.]
- 23 Jan. [345.] Upon reading the Petition of the Traders to
West Indies. Barbados, Jamaica and the Leeward Islands setting forth
that the said Islands have been always supplied with great
part of their Provisions from England and Ireland, and with
all their Cloathing and Vtensills for Making Sugar from
hence, and by Act of Navigation cannot have anything from,
or send to any other part of Europ, that since the Stop of
Trade from Ireland, they have not had any Supplys from
thence and few ships have gone from England in above a
twelve month, whereby the said Islands will be in great want
of Provisions, Cloathing and Vtensills for making Sugar, and
of Ships to bring home their Commoditys which will spoile
in lying there, that the Plantations were much Impovershed
by the heavy Dutys layd upon Sugar in the late King's
Reigne, and by the Losse of Severall ships taken this year
by the French and praying that the ships designed for the
said Islands which are already Cleered out may be permitted

1690.

to proceed on their Voyages. [The petition is referred to the Treasury to direct the Commissioners of the Customs to report if, and why, any of the ships in a list to be submitted to them to-morrow by the West Indian traders, should be stopped from proceeding.] [p. 358.]

[346.] [Letter to the Government of Maryland approved. 30 Jan.
—C.S.P. VIII. 748, 752.] [p. 370.] Maryland.

[347.] [His Majesty assents to, and gives orders in 6 Feb.
accordance with, a memorial of the Spanish Ambassador, West Indies.
Don Pedro de Ronquillo, representing] That Don Nicolas Porcio having made a Contract or Assiento with his Catholique Majesty for furnishing Negro Slaves in his said Majestys Plantations in America, And in order thereunto his Cheif Agent Sir James del Castillo hath contracted with the Royall African Company here, and other English Merchants for all or the Major part of the Negros he shall want for that purpose, from which Trade this Kingdome and the American Plantations belonging to it will receive very great Advantage, And therefore . . . desiring his Majesty wilbe pleased to give effectuall Orders to his Governors in the American Colonys, and particularly to those of Jamaica and Barbados (where the Cheif Spanish Factorys will reside) that they protect and receive all such Persons and Ships, as shalbe sent for the said Trade by vertue of his Catholique Majestys Orders, and permit and countenance that Trade in the same manner as hath been done in the late Reignes and Governments. [p. 379.]

[348.] [Order as to musters and pay of troops.—C.S.P. 27 Feb.
VIII. 775.] [p. 392.] Leeward Islands.

[349.] The Committee . . . having this day humbly 27 Feb.
proposed to his Majesty, That in consideration of the West Indies.
present Warr in the West Indies His Majesty would please to grant a Generall Pardon as is desired, to all such Pirates and Privateers, as shall render themselves to any of the Governors in his Majestys Plantations in America, within a certain

1690.

time to be prefixed. [It was ordered that the Spanish Ambassador be acquainted with the proposal, and that any exception he may have to offer be reported to his Majesty.]
[p. 393.]

13 March. [350.] [The Council refer to the Committee for a report
Hudson's Bay. the petition of the Hudson's Bay Company for] one of the smallest Fourth Rate Frigats to convoy their ships thither And to return with them, which according to the annual Course is usually expected in October: [as also a further petition, in connection with which the Deputy Governor of the Company is to attend the Committee], praying Protection for One hundred men to saile two Ships which they are sending to the said Bay, with Releif to those they imploy in their Factories there, and for the preservation of the same.
[pp. 405-6.]

27 March. [The Hudson's Bay Company having represented, in support of their petition,] that one of their ships having been taken last year by the French, and another so disabled that she could not proceed on the voyage, the said Companys Factories in Hudsons Bay are left destitute of Food and necessary Provisions to support them longer, if not Releived by your Petitioners Ships to be sent thither this year: [And the Committee having reported] the State and Condition of the Forts and Factories of the said Company, and that it is absolutely necessary that supplys be sent to them this season from England, without which his Majestys Subjects there are no wayes able to preserve them selves from starving, and from the attempts of the French: [passes are granted for the *Royall Hudson's Bay* frigate, Captain Leonard Edgecombe commander, and the *Dering* frigate, Captain James Young commander, to sail to Hudson's Bay notwithstanding the embargo, and protections for fifty mariners for each ship.]
[p. 413.]

17 April. [The petition of the Hudson's Bay Company for the ship *Prosperous*, Michael Grimington commander, with 15 men,

1690.

to go as a fire-ship for the better defence of the other two ships they are now sending to the said Bay, is granted, and orders given accordingly.] [p. 425.]

[351.] [James Twyford and James Hallidge as to the ship *Society* referred to Committee.—C.S.P. VIII. 822.] 10 April.
Virginia.
[p. 422.]

[352.] [Order as to Sir E. Andros and others.—C.S.P. VIII. 846.] 24 April.
New
England.
[p. 428.]

[353.] [Orders as to the murder of John Payne.—C.S.P. VIII. 850-2.] 24 April.
Maryland.
[p. 429.]

[354.] [Reference to Committee of Daniel Cox.—C.S.P. VIII. 843 & 2767.] 24 April.
New colony
proposed.
[p. 430.]

[355.] [On the report of the Committee, one of the two sloops lately built at the joint charge of the Colonies, the guns and stores lately brought to Boston from Pemaquid, and the public records of New York, now at Boston, are ordered to be delivered to Colonel Slaughter or his agents by] such as are in the administration of the government of the Massachusetts Bay. [p. 431. C.S.P. VIII. 855.] 26 April.
New York.

[356.] [On news of Leisler's usurpation, order for the speedy dispatch of the convoy.—C.S.P. VIII. 892.] [p. 441.] 22 May.
New York.

[357.] [The Council refer to the Treasury for examination and report a memorial of the Dutch Ambassador regarding the seizure of twenty-one barrels of indigo by Paul Hix and other Officers of the Customs at Plymouth. The indigo had been part of the lading of a French vessel from St. Christopher bound for Nantes; which had been taken by Garrett Hendricksen of the *King William* and Benjamin Le Sage of the *Queen Mary* of Middelburg in Zeeland. At Plymouth they found it convenient to transfer the indigo back to the prize from which it had been taken, whereupon it was seized on the ground that the petitioners intended to land it, which they deny.] [p. 446.] 30 May.
St.
Christopher

156 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.
4 Aug. [The Treasury are directed to give an account of the value of the indigo seized.] [p. 510.]
- 30 Oct. [The Dutch captains, though confident of the justice of their cause, propose that his Majesty, to avoid a tedious suit, remit his part of the forfeiture, they agreeing with Mr. Hix for the release of his part. The Treasury are required to estimate his Majesty's share in the indigo.] [Vol. II. p. 37.]
- 5 June.
Newfound-land. [358.] [The stay of the convoys having prevented the sending of an engineer to Newfoundland as ordered last year, it is now ordered that the Lieutenant General of the Ordnance] do forthwith appoint an Engineer to go on board the Convoyes designed this year for Newfoundland with Order to visit the said Harbours of St. Johns and Ferriland, and such other Harbours as the Stay of the Convoyes will permit, with whom he is to returne with an accompt of the Scituation of those Ports, and such other Informations, as may be necessary for the building a ffort there the next Spring, according to such Instructions as he shall receive from the Principall Officers of the Ordnance. [p. 452.]
- [A letter follows to the Commissioners of the Admiralty requiring them to direct the Commander in Chief of the Convoy to cause the King and Queen to be proclaimed in Newfoundland, as no convoys had gone thither the previous year, and to enquire into and report on the state of the island under certain heads not given in the Register: and to provide a passage, victuals, and other accommodation for the engineer who is to be sent.] [p. 452.]
- (1691.)
28 May. [The convoy having been hitherto stopped, the order the Ordnance to send an engineer is repeated.] [Vol. II. p. 189.]
- 12 June.
New England. [359.] [The consideration of the New England trade having been fixed for ten in the morning of Saturday, the 14th instant, it is ordered that such of the Commissioners of the Customs as the Commissioners of the Treasury shall appoint

1690.

do then attend the Board], and be prepared to informe their Lordships what Care is taken, and also what they have to offer for hindring the irregular Trade and putting in due execution the Acts of Trade and Navigation in New England. A Summons to the Agents of New England, and to the Merchants and Traders in those parts, and any others acquainted with that Trade, as also to such as have been lately employed in New England and New Yorke to attend . . . and to come prepared to inform their Lordships ut supra. [p. 454.]

[The letters of Mr. Randolph and Mr. Livingstone (C.S.P. VIII. 796, 949) are read, and ordered to] Be given to the Agents employed here by the Government of New England, who are to returne their Answer thereunto in writing to the Clerk of the Council attending on Tuesday morning next, that the whole Busines may be in a readines to be heard at the Boord on Wensday the 25th instant, at ffour in the afternoon, when all Parties concerned are to give their attendance. [p. 460.] 19 June.

[The answer of the New England Agents is delivered and a copy ordered to be given to Mr. Randolph and the business heard on the 2nd of July.] 25 June. [p. 465.]

[360.] [Stores for New England.—C.S.P. VIII. 941.] 12 June. [p. 456.]
New
England.

[361.] [The Council refer to the Commissioners of Prizes for examination and report] the Petition of Hugh Sampson, William Gore, John Hall, James Eyton, James Ball, Jeremiah Johnson and others masters and owners of the ship America and her lading bound from Boston in New England, to London setting forth that their said ship was, on the 5th of July last taken by a French Privateer, and great part of her loading with her master and most of her men, carryed into France. That within five Hours after the said ship with the remaining part of her lading was retaken by the Mary Gally and brought into Plymouth. That they have paid the Captain Eighty six pounds for Salvage, yet nevertheless the Officers 15 August. Plantation Trade.

158 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.
of Prizes at Plymouth do detain their said Ship; wherefore praying that the said ship may be delivered unto them. [p. 523.]
- 18 Dec. [Referred to the Judge of the Admiralty.] [Vol. II. p. 88.]
(1691.)
- 1 Jan. [Further report required from the judge, as it does not appear that witnesses have been examined or proof made.] [Vol. II. p. 94.]
1691.
14 May. [The report of the Judge is approved, recommending that on account of the brave defence made by the *America*, 25*l.* 13*s.* 9*d.*, the remainder of the salvage due to Captain Wishart of the *Mary* be remitted.] [Vol. II. p. 171.]
- 21 August. [362.] [On reading a paper from the Treasury] Concerning
Jamaica. a wreck discovered upon the Serranillas about Forty Leagues to the southward of the West End of Jamaica, [it is ordered that the Commissioners of the Admiralty] do cause a Report to be made to this Board whether such a fourth Rate Frigatt as is mentioned in the Paper, or any other ship can be spared to contenance and Protect their Majestys Subjects at the said wreck against any Enemy. [p. 525.]
- [363.] [At the end of this volume of the Register occurs a
West Indies. list of 800 or 900 Western rebels transported to the West Indies and now included in a general pardon, dated 9 Jan. 1690 with a marginal note:] this should have been Entred the 9th Janry. but was not taken out till three months after. [pp. 529-33.]

WILLIAM III. VOL. II. (3 Sept. 1690—29 Sept. 1692.)

- 18 Sept. [364.] (1) [An embargo is laid with certain exceptions not
Ship Passes. affecting colonial trade.] [p. 7.]
- 25 Sept. (2) [On the petition of Simon Cole and Solomon Merrett of London, mechantes, passes are granted for the *Newfoundland* frigate, 50 tons, John Corbin master, 6 men, for Newfoundland with provisions; also for the *Providence* and the *John and Thomas* for New England and Virginia.] [p. 13.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 159

1690.

- (3) [The *Malaga* frigate, 200 tons, John Ketchner master, 16 men, being already on the list of ships allowed to go to Barbados and the Leeward Islands, is permitted to sail with the *Archangel*, the New York convoy, and is to carry to Barbados and the Leeward Islands his Majesty's packets of advices.] [p. 15.] 30 Sept.
- (4) [On the petition of Joseph Richard Hayns and Thomas Merrett of London, permission to sail with the New York convoy is granted to the *Carolina*, Joseph Hall master, 22 men, and the *Barbados Merchant*, George Prissick master, both for Barbados.] [p. 16.] 30 Sept.
- (5) [On the report of the Customs to the Treasury, the *Virginia Merchant*, John Willis master, 25 men, and the *Friendship*, George Webb master, 14 men, ships belonging to Bristol but loading in the Thames for Virginia and Maryland, are permitted to sail from the Thames, but their mariners to be abated from the quota assigned to Bristol.] [p. 23.] 16 Oct.
- (6) [On the report of the Customs to the Treasury, in the list of ships for the Leeward Islands, the *Hope*, Samuel Kelly master, is inserted in place of the *Lily* pink, James Smith master, who refuseth to proceed in that voyage.] [p. 23.] 16 Oct.
- (7) [On the report of the Customs to the Treasury, Mr. Scawen's brigantine *Madeira Merchant*, Thomas Prince master, is included in the list of ships for Jamaica. The merchants agree to accommodate him by sparing five men out of other ships to make up his complement—1 from the *Gilbert and Anne* and 2 from the *Unity* bound to Jamaica, and 2 from the *Carolina*, bound to Barbados. A similar arrangement is made for the *Salisbury* ketch, 30 tons and 5 men, for New England.] [p. 29.] 23 Oct.
- (8) [The Council grant the] Petition of John Want Master of the Bonadventure Sloop of Jamaica 30 tons and four Men, whereof Mr. Taylor was late Master, and Abraham Fifield Master of the Brigantine called the Abraham and James of Maryland with Four Men now at Bristoll, Praying in regard they were employed in the publique Service of those Islands in bringing over from the Governors Letters to his Majesty or the Principall Secretarys of State, They may be permitted to returne home with the like number of Men they brought into this Kingdome without giving Bond, vizt., four Men to each Vessell besides the Master. [p. 29.] 23 Oct.
- (9) [The ketch *Crown* of Boston, Mass., Piam Blowers master, which had cleared the customs at Liverpool before the last embargo, is added to the New England list and given a crew of five men from the other ships, they agreeing to take landsmen instead.] [p. 30.] 23 Oct.
- (10) [On the report of the Customs to the Treasury, that the *Adventure*, 300 tons, James Till master, assigned with 18 men to the share of Thomas and John Taylor in the list for Virginia and Maryland has been since lost, it is replaced by the *Samuel*, Captain Atkey master, 160 tons and 12 men, and the *Francis and Mary*, Thomas Puts master, 80 tons and 6 men.] [p. 30.] 23 Oct.
- (11) [The *Virginia Factor*, Samuel Isaac master, 10 men, is added to the Virginia list.] [p. 31.] 23 Oct.

160 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1690.
- 23 Oct. (12) [On the petition of Sir Robert Davers, the *America*, Hugh Sampson master, 170 tons, 15 men and a boy, is allowed to go to Barbados to bring home a quantity of sugars from his plantation there, which will pay a considerable sum to his Majesty for customs.] [p. 30.]
- 27 Oct. (13) [On the report of this day's date of the Customs to the Treasury, in the list of vessels to sail with the Virginia and Maryland convoy, John Abington is allowed to send the *John*, 10 men, and *Thomas and Susan*, 80 tons and 9 men, Thomas Everard master, instead of the *John*, 260 tons, 19 men, the owner himself master; and Arthur North to send the *Resolution*, Wm. Barnes master, 120 tons, 16 men, instead of the *Samuel*, John Harrison master, 200 tons and 16 men.] [p. 34.]
- 30 Oct. (14) [On the petition of Edward Martindale of Bristol, the *Constant Love*, 140 tons, 8 English seamen, Thomas Opie master, is added to the Virginia list, as laden with perishable commodities and entered at the Customs before notice was given of the general embargo [p. 35]; along with the *Crown* and the *Virginia Factor*, it is formally added to the list on 15 November.] [p. 53.]
- 30 Oct. (15) [On the petition of William Scawen of London, the *King William* yacht, Thomas James master, 90 tons, 7 Englishmen and 3 foreigners, is allowed to go to Jamaica without the Convoy, as it is already included in the list, and as the cargo of provisions, which had been taken on board before the embargo, is so perishable that further delay would be very prejudicial to the petitioner.] [p. 36.]
- 30 Oct. (16) [The Council refer to the determination of the Commissioners of the Admiralty] the humble Petition of Gilbert Nelson Merchant, Setting forth, That in August last, he bought of the Commissioners for victualling his Majesty's Navy about Three Hundred Tons of defective Provisions, most of which were then at Portsmouth, and agreed with the Commissioners, that they should obtayne his Majesty's Leave to transport them to the West India Islands, And that for that purpose the Petitioner had hired Two Ships vizt. The Prince of Orange, Josias Daniel, and the Ship Anne John Leech Master, and obteyned an Order from the Lords Commissioners of the Treasury to the Commissicners of the Customes to permit the said Provisions to be shipt out Custome free according to the Agreement, and a Protection from the Commissioners of the Admiralty for the said Ships and Thirty ffive English Seamen. And therefore Praying, that in regard the said Provisions were deteyned by contrary Winds, untill the late Generall Embargo, by means whereof the Commissioners of the Customes, refuse to clear the said Ships, His Majesty would be graciously pleased to Direct, that the said Ships may proceed on their Voyage according to the said Contract, The Petitioner having already agreed with the Victuallers of the Navy to carry Seventy Tons of Provision freight free for supply of the Duke of Boltons Regiment And further proposing in behalf of himself and Company, that they are willing to take ffifty Souldiers in the Ships abovementioned, and to provide Passage for the Remainder of the 400 Recruitcs of the Duke of Boltons Regiment his Majesty finding Provisions for them. [p. 38.]
- 10 Nov. (17) [Orders for strict enforcement of the embargo, and requiring a list from the Customs of all ships cleared at Gravesend since 18 Sept.] [p. 47.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 161

1690.
10 Nov. (18) [Permission for the *Providence*, Robert Lewis master, 20 English mariners and the *John and Thomas*, Andrew Elton master, 14 English mariners (*see* 2) to sail from Portsmouth or Cowes to the West Indies under convoy of the *Archangel* frigate.] [p. 47.]
- 15 Nov. (19) [On presentments of the Customs, Mr. Francis Eyles, a very considerable trader to Barbados, but unrepresented in the list, is allowed to send the *Agreement* with fourteen men, and is accommodated with this complement from three ships bound to Virginia or Maryland; and the *Concord*, Captain Crow, 17 men, is inserted in the Virginia list for Peter Paggan in place of the *Samuel*, Captain Baker, lost on her way to the Downs [p. 54]. The *Concord* having been taken into his Majesty's service as a Hospital Ship, the *James*, Symon Emberly master, 17 men, is substituted on 18 December.] [p. 86.]
- 20 Nov. (20) [On the report of the Customs, the *Amity* of Jamaica, John Holland master, four men, and the *Ann Arundell* of Maryland, John Harman master, 80 tons, 8 men, are allowed to return home without giving bond to return to England. Similar order is given for the *Friendship* of Bermuda, 20 tons, on the petitioner, Ephraim Gilbert, proving to the Treasury that the vessel, lately come from Bermuda with tobacco, is now bound thither with clothes, ammunition, etc., for the inhabitants, and is manned only by himself, 3 other men and 2 boys, all natives of Bermuda.] [p. 61.]
- 27 Nov. (21) [On the report of the Customs, the *Pennsylvania Merchant*, Samuel Harrison master, 6 men, four living in Pennsylvania, is allowed to sail to that place with provisions, being the only ship bound thither this year and that colony having been overlooked in drawing up the lists. The permission is repeated on 10 Dec.] [pp. 67 & 77.]
- 4 Dec. (22) [The *Mary*, John Ivy master, is allowed to sail from Plymouth to Virginia without convoy as an advice boat, to carry his Majesty's packets and to attend further orders from the Admiralty.] [p. 72.]
- 8 Dec. (23) [On the petition of William Thornborough, Colonel Kendall's agent, the *Baltic Merchant*, Richard Lister master, 14 men, which was in the list and sailed with the fleet, but is now stopped at Plymouth, is allowed to sail with the convoy to Barbados.] [p. 76.]
- 18 Dec. (24) [On a report from the Customs on the petition of Martin Skinner, his ketch, the *Beginning* of Barbados, with four seamen belonging to Barbados, is allowed to return thither.] [p. 86.]
- 18 Dec. (25) [Edward Haistwell is allowed to substitute the *Bordeaux Merchant*, Lyson Portray master, 6 men, on the Barbados list, for the *John*, Joseph Walker master, 6 men, disabled while going to the Downs.] [p. 85.]
- 18 Dec. (26) [Henry Archer of Wexford is allowed to send the *John*, 60 tons 5 seamen and 3 landmen, with provisions to the West Indies, no number of men having been allowed from Ireland to the West Indies.] [p. 87.]
- (1691.)
1 Jan. (27) [The *Newport*, Edward Burwash master, 100 tons, 6 English men and a boy, is allowed to sail, touching at Waterford for beef, to Montserrat, where a cargo awaits him the want of which would reduce his family to poverty, on his proving to the Customs that no other ship is bound for Montserrat with provisions, and on giving security to return by the end of August.] [p. 94.]

162 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.
 1 Jan. (28) [The *Rebecca* sloop of Jamaica, Wm. Peartree master, is allowed to return thither with 6 Jamaica men and 2 foreigners [p. 94]. The *Rebecca* having been detained by the master's sickness, on his petition the Order is confirmed on 19 Feb. after the renewal of the embargo on 12 Feb.] [p. 123.]
- 10 Jan. (29) [On the petition of several Cork and Kinsale merchants trading to the West Indies, license is given for the ketch *Success*, 40 tons, 4 seamen and 2 landsmen, from Cork to Barbados: and for the *Bordeaux Merchant*, 145 tons, Laurence Starman master, 14 seamen, from Kinsale to Jamaica.] [p. 98.]
- 12 Feb. (30) [Orders for continuing the embargo.] [p. 119.]
- 12 Feb. (31) [On the petition of John Chapman commander, the sloop *Mary* of Jamaica, 30 tons, 4 guns, 6 men, employed in bringing letters for his Majesty from Bermuda is allowed to return to Jamaica with as many men as the Admiralty shall deem convenient.] [p. 120.]
- 19 Feb. (32) [The petition of the Hudson's Bay Company for a protection for the *Royal Hudson's Bay* frigate, Captain Leonard Edgcomb, 60 men, to go thither is referred to the Admiralty [p. 123]. On their report on 12 March the pass is granted, 15 of the 60 seamen to be immediately protected in fitting out the ship, and the remainder when the Admiralty shall judge convenient.] [p. 137.]
- 26 Feb. (33) [Michael Taylor's petition for a pass for the *Relief* of Newcastle, Edward Robinson commander, which was in the Newcastle list and sailed for the Indies, but was driven by contrary winds to Norway and has lately returned to Hull, where her men have been taken away, is referred to the Customs [p. 129]. On their report, a pass to Virginia is granted on 2 March.] [p. 133.]
- 12 March. (34) [On the petition of Edward Randolph and a representation from the Customs that his presence in Bridgetown as Officer of the 4½% duty is very necessary, permission is granted for the ketch *William* of Barbados, 40 tons, John Peybridge master, to return thither with two English men and a boy.] [p. 137.]
- 12 March. (35) [The Council refer to the Customs John Knight's petition for a new pass for the *Increase* of Bristol with provisions for Barbados, she having sailed with the ships in the Bristol list, and having been taken by and retaken from the French and being now at Plymouth and ready to sail [p. 137]; a pass is granted on 26 March.] [p. 142.]
- 26 March. (36) [A pass similar to that for the *Royal Hudson's Bay* frigate, is granted for the *Loyalty*, James Young commander, to accompany her to Hudson's Bay.] Their necessary Provisions for the Relief of their Factories, aswell as their Trading Goods which they must send to commerce with the Indians, not being possible to be Transported in less than two ships. [p. 141.]
- 26 March. (37) [A pass is granted to Anthony Taylor of Carolina for the *Happy Return* to return thither with ammunition and other necessaries, a report from the Customs showing that no particular provision for Carolina was made in the distribution of mariners for the Plantation Trade.] [p. 141.]
- 30 March. (38) [John Cornish's petition for a fresh pass for the *Happy Return* of Plymouth to go to Barbados, she having been prevented from sailing with

1691.

the West India Fleet by his sudden sickness, is referred to the Customs [p. 144]. A pass is granted on 9 April for three English seamen on the petitioner's finding as many for his Majesty's service.] [p. 150.]

(39) [Protection is granted for the *Samuel and Mary*, John Scuse master, 30 March. and the *Maryland Merchant*, Walter Upington master, each of about 200 tons, to sail without convoy with provisions to the Leeward Islands to enable them to carry on the war against the French, eight English mariners besides landsmen and foreigners to man each ship,] The Petitioners first procuring Twenty four able seamen to serve on board Their Majesties Fleet [p. 145]. [Further order for the *Maryland Merchant* to sail to Virginia north about Ireland is made on 21 May.] [p. 177.]

(40) [A new pass for the *Amity* of Jamaica—cf. (20)—is to be granted 30 March. on satisfying the Customs of the truth of her capture by and recapture from the French.] [p. 145.]

(41) [The Council refer to the Treasury the petition of Robert Beckford 9 April. commander of the *Greyhound* privateer of Jamaica to return with his seven men to that island whence he had come to prosecute a grievance against Captain Spragg, since dead [p. 150]. The petition is granted on 7 May.] [p. 164.]

(42) [On the petition of Richard Cary and Joseph Martin of London, a 9 April. pass is granted for the *Prudence*, John Garford master, with provisions to St. Christopher, seven seamen, on furnishing a like number for his Majesty's service, the Customs having reported that no ship has sailed this season for St. Christopher (lately taken from the French) and that the island is in great want of provisions.] [p. 150.]

(43) [On the petition of Nathaniel Whitewell of Dublin that the bonds 16 April. given at Liverpool for the return of the *Hester*, Robert Ross master, from Ireland, were cancelled by the Lords Justices of Ireland that he might carry to the West Indies a considerable quantity of provisions bought in a perishing condition from the Commissary General, but that the Customs refuse to cancel the bonds, without their Majesties' order, order is given accordingly.] [p. 155.]

(44) [The embargo is taken off, with certain exceptions 30 April. among which is] to any part of America. [p. 161.]

(45) . . . all ships giving Bond to goe to Newfoundland, and to noe 7 May. other Part of America [are to] be permitted to saile, the Order of the 30th of April last, or any other Order of this Board to the Contrary notwithstanding. [p. 164. C.S.P. XII. 1256.]

(46) [On the petition of Robert Kirke and other merchants of Bristol, 7 May. permission is given for the *Britannia*, Richard Townsend master, laden these six months past with herrings, butter, cheese, cider, and beer for the West Indies, to sail thither north about Ireland before the convoy with 8 men.] [p. 165.]

(47) [Similar permission to John Roach and other Bristol merchants for 7 May. the *Providence*, Francis Price master, 50 tons, 3 seamen, 3 landsmen and a boy, and the *Lamb*, George Colwell master, 120 tons, 6 seamen and 5 landsmen, both laden since September with herrings, beer, and butter for the West Indies.] [p. 165.]

164 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.
7 May. (48) [On the petition of John Dudlestone of Bristol, the *Patience*, John Compton commander, 50 tons, 5 men, is allowed to go to Montserrat] to fetch home the Petitioners Effects in the room of his ship the *Margaret* which was pressed there for their Majesties service. [p. 165.]
- 7 May. (49) [On a memorial from the Admiralty, the *Bayly*, 300 tons, 30 men and 20 guns, hired to carry stores for the Navy to Plymouth, is allowed to proceed thence to Virginia, as is desired by the Navy Board.] [p. 166.]
- 14 May. (50) Upon reading the Petition of Peter Renew and other Merchants of London, praying that the Eight Ships hired by the Commissioners for Transportation to carry ammunition to Ireland may have Liberty to sail to the West Indies with Protection for their men according to a contract made with the said Commissioners and the Promise of the Lords of the Committee for the affairs of Ireland, [order is given that they be permitted to sail before the convoy. The names are given.] [p. 167.]
- 14 May. (51) [The *Matthew*, Joseph Dudley master, 16 guns, 25 men, and the *Aleppo Merchant*, Thomas Spooner master, 250 tons, 28 men, are permitted to sail with provisions for the West Indies, with either the West Indies or Newfoundland convoy.] [p. 167.]
- 14 May. (52) [On the petition of John Swymmer and other merchants of Bristol, three ships, whose names are given, are permitted to sail to Virginia before the convoy with perishable commodities which have been on board for 7 months, as appears by 3 several affidavits taken before the Mayor of Bristol.] [p. 168.]
- 14 May. (53) An other of the like kind for 4 Ships to go to the West Indies [names given.] [p. 168.]
- 14 May. (54) [On the petition of John Cary of Bristol for the *Mary*, Richard Hyde master, laden seven months since with perishable commodities, as appears by an affidavit taken before Sir Patience Ward, one of the Commissioners of the Customs, she is permitted to go to Nevis north about Ireland before the convoy.] [p. 168.]
- 21 May. (55) [On the petition of Edward Hoar of Cork, the *Joseph*, John Whiteing master, 200 tons, 18 guns, 24 men, is allowed to go to Virginia north about Ireland before the convoy, on proving to the Commissioners of the Customs that the goods, laden six or seven months before, have remained on board ever since.] [p. 174.]
- 21 May. (56) [On the petition of Francis Broom of Bristol, a similar order in favour of his ship the *Elizabeth and Ann*, Solomon Summers master, 200 tons, 25 men.] [p. 176.]
- 21 May. (57) [On the petition of Henry Trenchard Esqr. of Poole and John Cary merchant of London, the *Consent* ("of Bristol" or "of Poole"—both given in Register in different parts), Wm. Cock master, 130 tons, 12 men, previously hired by the Commissaries General to carry provisions to Ireland is allowed] to proceed to the West Indies according to their Contract as soon as she Discharged her lading in Ireland. [p. 175.]
- 21 May. (58) [On the petition of James Deane of London on behalf of the Governor and inhabitants of Nevis, the *Hopewell* of Nevis, George Holland master, 40 tons, 4 men all of Nevis, is allowed to return thither from Bristol with provisions with the convoy.] [pp. 176-7.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 165

- (59) [On the petition of Barrakiah Arnold, master, the *Three Brothers* of New England, 130 tons, 14 men, is allowed to return thither with ammunition and wearing apparel with either the Newfoundland or the West Indies convoy.] 1691.
4 June. [p. 193.]
- (60) [The Admiralty presenting a report from the Commissioners of the Navy that the *Bayley* (49), lately hired to carry stores for a magazine at Plymouth, is inadequate, and that they have agreed with the *William and Mary*, John Browne master, 340 tons, 30 men, 20 guns, on the same terms, with liberty for her to proceed to Virginia, to be freed from embargo there, and to come home without let or molestation, order is given accordingly.] 4 June.
[p. 194.]
- (61) [On the petition of Henry Gibbs of Bristol, the *Elinor* ketch of Bristol, 40 tons, Robert Higgins master, is allowed to return to New England whence she came five months since.] 18 June.
[p. 197.]
- (62) [On the petition of the owners, Gilbert Heathcote, Arthur Shallet, and Thomas Byfield, of London, that the *Sea Venture*, one of the West India fleet of last winter, was wrecked near Madeira, they are permitted to send out the *Thomas*, Robert Weiles master, 10 English mariners, to carry their wines from Madeira to Jamaica and bring home their sugars.] 2 July.
[p. 201.]
- (63) [On the petition of Joseph Ashton merchant, and Edward Brook, commander, the *Caesar*, 500 tons, 40 guns, 80 men, is allowed to go to Jamaica in place of the *Aleppo Merchant*, blown up and destroyed below Hole Haven, to the loss to the petitioners of over 3000*l*.] 16 July.
[p. 206.]
- (64) [The petition of James Clarke for the *Katherine* pink, John Phynny master, to sail from Ireland to Newfoundland, and thence to Malaga, and to have a pass to secure her against the Algerines, is referred to the Admiralty.] 16 July.
[p. 207.]
- (65) [So also is the petition of Joseph Earle for a similar pass for the *Merchants Goodwill*.] 16 July.
[p. 207.]
- (66) [On the petition of Peter Henriquez of London, the yacht *King William*, 8 guns, 6 patereros, lately arrived with advices from the Governor of Jamaica, is allowed to return thither with 12 English mariners.] 23 July.
[p. 213.]
- (67) [In the case of the *Katherine* (64) the Admiralty report that to grant a pass would infringe the rules established by Order in Council of 19 Sept. 1689; they are however ordered to grant it forthwith, notwithstanding the rules.] 30 July.
[p. 216.]
- (68) [On the report of the Admiralty, it is ordered] that the ship *Ann* burthen about Two hundred Tuns, Hired by the Commissioners of the Navy to carry stores to Portsmouth, be permitted after the delivery of the said stores, to proceed on her voyage to Virginia and to be freed from any Embargo there. 6 Aug.
[p. 223.]
- (69) [The Council refer to the Treasury the petition of Simon Cole and Solomon Merrett for leave to send the *Pelican* to Newfoundland for a cargo of fish left in Newfoundland by the master John Corbin on his former voyage—(this *Pelican* being a vessel bought to replace the other *Pelican* lost on the homeward voyage on the coast of Portugal.)] 13 Aug.
[p. 227.]

166 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.
 20 Aug. (70) [On the petition of John Hyde, the *Isabella*, 90 tons, 8 men, is allowed to sail from Workington in Cumberland to the north of Ireland, and thence to the Leeward Islands.] [p. 228.]
- 20 Aug. (71) [The embargo on all ships, bound to the American plantations is taken off till 15 Sept., bond being given to go and return with the convoy, and to carry landsmen as one-fifth of the crew.] [p. 229.]
- 27 Aug. (72) [On the petition of the master, letters of marque are granted to the *Caesar* (63).] [p. 231.]
- 3 Sept. (73) [On the petition of their commanders, letters of marque are granted to the *Bengal Merchant*, 620 tons, 30 guns, 80 men, bound to Virginia, and the *New Industry*, 300 tons, 20 guns, 40 men bound to Jamaica.] [p. 236.]
- 24 Sept. (74) [The *John*, Thomas Salmon master, 70 tons, 8 men, bound for Carolina, is allowed to sail with the Barbados convoy. So also the *Dolphin*, for Virginia, 16 men.] [pp. 246-7.]
- 8 Oct. (75) [An embargo is laid on all ships for Virginia and Maryland, from the River of Thames to Falmouth inclusive, which do not sail with the appointed convoys on 2 Nov.] [p. 254.]
- 12 Oct. (76) [On the petition of William Martin, commander of the *Inchiquin*, long laden with perishable commodities, and in the Downs ready to sail for Jamaica, the Customs are ordered to examine the matter, and if they find no objection to allow her to sail in company with the *Caesar* and the Guinea fleet.] [p. 256.]
- 15 Oct. (77) [On the petition of Thomas Addison, one of the Commissioners for sick and wounded seamen passes are granted for the *Phoenix*, Thomas Moason master, 80 tons, and the *Freeman*, George Ribson master, 140 tons, from Whitehaven and Workington to Virginia and Maryland, though they could not be cleared within the time limited by the Rule, in regard of their being in their Majestys Transport Service.] [p. 259.]
- 27 Oct. (78) [The *John and Thomas*, 200 tons, 16 men, is allowed to sail to New York with the first convoy, having been entered in the list of ships for colonies other than Barbados, Leeward Islands, Jamaica, Virginia, and Maryland, though not yet cleared at the Custom House, care being taken that under pretence of this liberty, no more than the aforesaid number of men be taken.] [p. 265.]
- 27 Oct. (79) [Similar orders for the *William*, London to Carolina, 7 men, and for the *Catherine* for New York, 14 men.] [p. 265.]
- 27 Oct. (80) [An embargo is laid on all ports from Carlisle to St. Ives inclusive.] [p. 265.]
- 27 Oct. (81) [The embargo is taken off a list of ships bound for American plantations other than Barbados, Leeward Islands,

1691.

Jamaica, Virginia and Maryland, presented to the Board by the Committee on behalf of the Customs as ready to sail with the present convoys.] [p. 267.]

(82) [The Commissioners of the Customs knowing no inconvenience in the matter, the owners of the *Constant Thomas* in the list of ships for Virginia and Maryland, are allowed to substitute John Richardson as master in place of Richard Cook, who is too ill to make the voyage.] [p. 273.] 19 Nov.

(83) [With the consent of the Commissioners of the Customs the ship *Susanna*, Richard Laycock master, 14 men, is allowed to Mr. Thomas Ellis to replace the *Robert and Mary* in the same list.] [p. 273.] 19 Nov.

(84) [On satisfying the Customs that, though Dartmouth trades largely to the West Indies, yet as all their ships were abroad when they should have cleared the Custom House and so none belonging to the town appears in the list for the West Indies for this year, permission is to be granted to Sir Joseph Herne and William Hayne to send the *Dorcas*, 160 tons, 24 English seamen, to the West Indies.] [p. 274.] 19 Nov.

(85) [On the petition of the owners, the name of the master of the *John and Thomas* (78) is altered to Thomas Daniel, Capt. Joseph Scotting having left their service.] [p. 275.] 27 Nov.

(86) [On the petition of Solomon Merrett and Joseph Paice of London, it is referred to the Customs whether the *Union*, 40 tons, 6 men, may go to Barbados in place of the *Hope*, 75 tons, 8 men, and the *Hope* go to Portugal [p. 279]: also whether the *Lark* of Boston in New England may return thither from Hull [p. 279]: and whether the *John* of Minehead may go to Barbados to bring home some of the goods of the petitioners, Anthony Lucas, James Pratt and other merchants.] [p. 286.] 3 Dec.

(87) The embargo is taken off ships cleared for the plantations in ports between Carlisle and St. Ives, security being given first to make one voyage to Ireland to bring back some of his Majesty's forces.] [p. 286.] 4 Dec.

(88) [Sir John Dudlestone is allowed to send the *John and Susanna*, 200 tons, 16 seamen, 12 landsmen, from Bristol to the West Indies, provided he let to hire to the Commissioners of Transportation two ships of about 400 tons in the whole, to bring over the troops from Ireland within 16 days, and another of 100 tons as soon as she can be got ready.] [p. 287.] 10 Dec.

(89) [The *Union* and *Hope* (86) are allowed to sail.] [p. 290.] 17 Dec.

(90) [On the report of the Customs, Mr. Lee is allowed to insert Matthew Ryder as master of the *Thamer*, in place of Robert Goodfellow.] [p. 294.] 21 Dec.

(91) [The *Beaver* and the *Resolution*, vessels belonging with most of their crews, to New York, are permitted to return thither [p. 295]. On 14 April the masters of the *Beaver* and the *Resolution* are ordered to contract to carry to New York 40 tons of goods and 19 servants of Col. Fletcher, and also to attend the Earl of Nottingham about their allegation that it cost them 180L.] 21 Dec.

168 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

to secure their passes [p. 377]. On reading their affidavits concerning the money which they gave to Mr. Overton to procure them passes, the latter on 21 Ap. is ordered to attend the Board on Thursday next [p. 382]. On 12 May the masters' petition for restoration of pressed seamen and permission to join the convoy in the Downs is referred to the Admiralty. [p. 397.]

7 Jan. (92) [The embargo is again imposed with exceptions not affecting the colonies.] [p. 303.]

7 Jan. (93) [To the Admiralty is referred a petition for license for the *Elizabeth* to return to New England, stating that, if such vessels are to be embargoed, it] will be a total Discouragement to all Masters, Marriners and ships belonging to their Majesties American Plantations from Coming to England, and the utter ruine of the Petitioner. [p. 307.]

7 Jan. (94) [A petition for the *James and Robert* to go with provisions to Jamaica is referred to the Committee.] [p. 307.]

4 Feb. (95) [On the petition of Sir Wm. Phips and Increase Mather, the *Edward and Mary*, 260 tons, 14 guns, 24 seamen, Michael Staples commander, is permitted to sail with the *Nonesuch* frigate to New England carrying ammunitiion and stores.] [p. 325.]

4 Feb. (96) [On the petition of the merchants trading to Jamaica, permission is given for the *Susanna*, John Douglas commander, with 6 English mariners to go to Jamaica immediately] with the Advice of a Squadron of French Ships being gone towards those parts, that they may put themselves in a Posture of Defence in case of any Attempt from the French. [p. 325.]

4 Feb. (97) [The cases of the *Lark* of Boston (86) and of Henry Mead, Robert Cole and Thomas Corbet, masters of three unnamed vessels seeking liberty to return to the plantations, are all, upon report from the Customs, referred back to the Treasury for fuller examination [p. 326]. On 14 April on the report of the Customs, permission is given for the *Lark* to sail.] [p. 377.]

11 Feb. (98) [On the report of the Customs on the petition of Henry Ryceroft and Matthew Ryder, masters of the *Jeremy*, 200 tons, 16 men, and the *Thamer*, 160 tons, 12 men, and on the petition of Micaiah Perry, Peter Paggan, and other merchants and traders to Virginia, they are allowed to sail with the convoy now attending for Sir William Phips, having been delayed behind their own convoy by contrary winds and tides.] [p. 329.]

18 Feb. (99) [The Treasury presenting a presentment from the Customs as to ships lately stolen forth from Bristol and Barnstaple, orders are given to the Attorney General to prosecute persons violating the embargo and to consider means of preventing its violation, and how Governors of plantations may arrest vessels arriving there after breaking the embargo [p. 331]. On his report, Orders for the

1692.

enforcement of the embargo are given on 25 Feb. to the Governors of plantations and to the Commissioners of the Admiralty.] [pp. 337-8.]

(100) [The *Dolphin*, 300 tons, John Frye master, in her voyage from New England was taken by the French after five hours' close fight. The master and men, being of New England, are not allowed the benefit of an exchange, as some Frenchmen are kept in prison in New England, but it is proposed by the French that if the owners redeem the ship, the men will be permitted to come away in her. A pass is therefore asked for her to go empty from St. Malo, where she now is, to the Madeiras and so to the Plantations and thence to England. The petition is referred to the Admiralty for examination, a pass to be granted if it appear that the vessel made as stout a resistance as is alleged.] [p. 332.]

18 Feb.

(101) [On the petition of Philip Raynes of Antigua, the *Mary* sloop, James Barry master, sent with advices from the Governor of Antigua is allowed to return thither with the master, two men and a boy.] [p. 333.]

18 Feb.

(102) Warrant for bringing before the Council Richard Gottley of Bristol for breaking the embargo by sending out the ship *Richard and John* to Virginia in contempt thereof [p. 343]. On 24 March Gottley is discharged on promising to raise 50 seamen for their Majesties' service, and giving security for his appearance at the King's Bench next term to answer any information against him [p. 364]. Gottley having secured 47 seamen at Bristol, his recognizance is cancelled on 14 April.] [p. 376.]

1 March.

(103) [On the report of the Admiralty ten ships (named in the Register) are permitted to sail to Newfoundland, the Admiralty providing a convoy.] [p. 345.]

10 March.

(104) [Petitions for the *Madeira Merchant* to return to Jamaica, and the *George* to New England—to which places they are said to belong—are referred to the Admiralty.] [p. 349.]

17 March.

(105) [So also is a petition of John Bird, John Pargiter and others of London, that the *Mary* may sail to Jamaica with advice for the owners' correspondents there of a contract made with the Spaniards for negroes to be furnished at Jamaica and delivered at Havana [p. 349]. This matter is referred to the Committee on 16 June [p. 421] and permission to sail is given on 21 July [p. 441]. From the last entry it appears that 200 negroes were to be supplied by the end of October at 28*l.* per head.]

17 March.

(106) [The Council also refer to the Admiralty the petition of John Usher, Lieutenant Governor of New Hampshire, for protection for the *New England Charity* with 8 English mariners to sail to New England with himself and various stores for the Government of New Hampshire [p. 350]. The Admiralty on 24 March give their consent, if it be judged necessary to send the stores at once, and the Council considering that such urgency does exist, order the Admiralty to find freight for the stores in some ship going to New England or report further to the Board [p. 366]. On 28 Ap. on the report of the Admiralty, the *Charity* is allowed to sail with 8 men on providing 16 men for their Majesties' service [p. 384]. On 16 June permission is given to sail on satisfying the Admiralty [p. 421]. On the report of the Admiralty an unconditional order is given on 23 June.] [p. 425.]

17 March.

170 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

21 April.

(107) [On a report from the Customs, agreed unto by the Treasury, the *Fellowship*, 180 tons, Thomas Cobbett master, is allowed to return to New England, if her 10 seamen really belong to New England [p. 382]. Like orders for the *Escape* of Barbados, Robert Cole master, 70 tons, and the *Lark* of New York, Thomas Mead master, 80 tons [p. 382]. On 9 June all three vessels are allowed to sail.] [p. 417.]

28 April.

(108) [The *Dering* frigate, Leonard Edgcomb master, 260 tons, 60 men; the *Hudson's Bay* frigate, Michael Grimington master, 200 tons, 55 men; the *Perry*, 90 tons, 18 men; the *Prosperous* fireship, 120 tons, 17 men, are allowed to sail to Hudson's Bay on providing as many men for their Majesties' service as are included in their complements for the voyage. On 12 May a further petition for protection for the 150 seamen on those vessels before they provide the like number for the fleet is referred to the Admiralty [p. 397]. On 9 June on the report of the Admiralty, they are permitted to sail.] [p. 416.]

5 May.

(109) [A general embargo is laid on England, Wales and Berwick-on-Tweed [p. 389]: on the 12th certain exceptions are made, which do not affect the plantations [p. 395]. Other similar exceptions are made later.]

19 May.

(110) [The *Carolina* and the *Resolution*, according to their contracts with the Commissioners of the Navy, are allowed to sail to the West Indies after delivering stores at Plymouth.] [p. 406.]

9 June.

(111) [The petition of William Scawen of London, and other merchants, seeking liberty to return to Jamaica for the *King William* yacht,] which came from Jamaica Exprese, when the Earle of Insiquin dyed, with a Pacquet for their Majesties Service [is referred to the Treasury, for investigation and report. [p. 418.] On their report, on 23 June, permission to sail with 9 mariners and 3 landsmen is given [p. 425]. On 8 August, order is given for stopping her in the Downs, or if she have sailed thence, at Plymouth [p. 458]. On 23 Aug. she is allowed to sail on the petition of several merchants that she is carrying letters of advice from them to the island.] [p. 468.]

16 June.

(112) [Petitions for the *Three Johns* and the *Greyhound* to return to Jamaica, are referred to the Customs [p. 420]. On reading this report, the Council grant the passes on 8 August.] [p. 459.]

14 July.

(113) [On the petition of Thomas Lane and other proprietors of New Jersey, the *Jersey* ketch is allowed to go thither with powder and other ammunition.] [p. 439.]

8 Aug.

(114) [All such merchant ships as intend for the West Indies are to send in to the Board on Monday next their names and other details,] and such of them as will Carry a proportion of Men Provisions and Stores for their Majesty's service to the Plantations in the West Indies [shall have leave to sail, and protections, if ready by the end of August].

[p. 458.]

ACTS OF THE PRIVY COUNCIL (COLONIAL), 171

- (115) [The *John and William*, which, when ready to sail from Bristol to Virginia, unloaded and entered their Majesties' service to fetch soldiers from Ireland, is now granted protection for 10 men to go to Barbados with provisions.] [p. 459.] 1692.
8 Aug.
- (116) [On a representation from the Customs to the Committee, a warrant is issued to bring Robert Allen and Tobias Smith of the ship *Ann* of Stockton in Durham before the Council for defiance of the embargo in departing from that port for Virginia on 23 March 1691, and for assaulting and abusing the officers of the Customs [p. 463]. Allen is discharged on bail, 15 September, and the Attorney General directed to bring an information against him in the King's Bench.] [p. 497.] 11 Aug.
- (117) [The embargo is taken off two lists of ships which have agreed with the Commissioners for victualling the navy to carry provisions, stores, and soldiers to the West Indies.] [p. 464.] 18 Aug.
- (118) [The *Peter and Elizabeth*, 10 men, is permitted to go to Virginia and Maryland as an advice boat with their Majesties letters and orders.] [p. 467.] 18 Aug.
- (119) [The *George*, Roger Goulding master, 50 tons, 5 men, and the *Theneriffe Merchant*, Jacob Walters master, 100 tons, 8 men, are permitted to return to New England, the men all belonging to New England.] [p. 469.] 23 Aug.
- (120) [The *Dolphin* of New York, William Baker master, 35 tons, 6 men, touched at the Isle of Wight on her way back from Holland to comply with the Navigation Act, and is stopped by the embargo; a petition for license to return with the Newfoundland convoy is referred to the Treasury and Customs for examination.] [p. 469.] 23 Aug.
- (121) [On the petition of James Ball, William Crowch, and others, the *America*, Gilbert Bant master, 160 tons, 16 guns, is permitted to sail to New England with the West Indies convoy on giving the like bond to that for New England ships last year.] [p. 469.] 23 Aug.
- (122) [On the petition of Gilbert Heathcote and partners, the small buss the *Margaret*, 40 tons, is permitted to sail with five men from Newcastle north about Scotland to Jamaica with coals, iron work, etc., for rebuilding store houses and works destroyed in the late earthquake.] [p. 473.] 25 Aug.
- (123) [The *Cádiz Merchant* to be free to sail to Jamaica before the end of September, on Captain Samuel Kempthorne's completing his contract with the Victuallers of the Navy and taking in the stores he has undertaken to carry to Jamaica for their Majesties' service.] [p. 475.] 29 Aug.
- (124) [A convoy of one ship is to be appointed for vessels carrying stores to Jamaica, to sail by the 22nd instant, if possible.] [p. 477.] 1 Sept.
- (125) [On the representation of the Commissioners for victualling the navy, it is ordered that masters of ships that contracted to carry stores to the West Indies by the end of August, be proceeded against for non-performance of their agreements if they are not ready to sail within one week [p. 478]. Another order stopping such vessels is issued on 22 September

172 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1690-2. [p. 501]. On the same day further time is allowed to such as will carry stores for their Majesties' service, provided they be ready to sail with the next convoy and observe the conditions of their contract.] [p. 501.]
1692.
2 Sept. (126) [The merchants who are sending ships to Jamaica ask that, for the security and keeping together of their ships in the voyage, a Commission may be granted to Captain Samuel Jones of the *Josiah*, 600 tons, 40 guns, 65 men, to determine on his arrival at Jamaica. The matter is referred to the Admiralty.] [p. 482.]
- 2 Sept. (127) [On the representation of the Committee, protections for the *Cadiz Merchant* and the *James and Mary* are granted for voyages to Jamaica, if they are ready according to contract to sail on the 22nd September from the Thames carrying not over 50 tons of stores for their Majesties' service at forty shillings per ton.] [p. 482.]
- 2 Sept. (128) [Similar permission for four other vessels to sail on 20 October under Captain Jones of the *Josiah* with stores for Jamaica.] [p. 482.]
- 8 Sept. (129) [Order to the Victuallers of the Navy to contract for 120 tons of shipping to carry provisions with the convoy of 22 Sept., for the supply of Their Majesties' Ship *Mordant* at Jamaica.] [p. 484.]
- (130) [The *Sarah*, John Simpson commander, and the *Mary*, James Cole commander, are to be stopped from proceeding on their voyages for failing to perform their contracts with the Victuallers of the Navy.] [p. 484.]
- 12 Sept. (131) [14 ships (names given) from Bristol and Liverpool to sail to the West Indies if agreeable to the rules to be prescribed by the Customs on the Order in Council of this date [see 463]. Similar orders for the *Hope* of London, David Godin owner, Samuel Kalley master, 150 tons, to Boston in New England; the *Agreement* and *Swift*, Francis Eyles and others owners, Edward Dobbins and John James masters, to the Madeiras to load wine for the West Indies; the *New England Merchant* with provisions for Barbados; the *Samuel and James* and the *Providence* of New England to sail to the Isle of May for salt for New England [pp. 487-8]; the *Concord* of Boston in New England, New England built and Boston manned, 20 men; the *George* of New England, 7 New England men and 3 foreigners; the *Ann and Mary*, 80 tons, 8 men inhabitants of Bermuda, to return thither [p. 490]; the *John Adventure* for New England, and the *Hope* for Madeira and New York, both desiring to sail with the Barbados convoy.] [p. 492.]
- The Committee. [365.] [During this period there is added to the Committee Sydney, Lord Godolphin, 20 Nov., 1690; the Earl of Bridgewater, 14 May, 1691.]
1690.
18 Sept. Barbados. [366.] [Order to the Principal Secretary of State to discharge Sir Thomas Montgomery sent in custody from Barbados for misdemeanour, security being given for his appearance at the Board whenever required for the space of two months after his recognizance.] [p. 6.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 173

[1000*l.* bail and 2 sureties of 500*l.* each to be found by Sir T. Montgomery for his appearance at any time within two months.] 1690.
25 Sept.
[*p.* 13.]

[367.] [Two ships to convoy the Virginia and Maryland fleets are to be ready in the Downs on 20 October. Ships for the West Indies will sail at first with the Straits Convoy, and one man of war escorting the provision ships intended for Captain Wright's squadron in the West Indies shall remain with them as convoy to Barbados or the Leeward Islands. For a convoy on the return voyage, Captain Wright is to appoint one vessel each for the fleets from Barbados, the Leeward Islands, and Jamaica, and the convoy for the Jamaica fleet for the homeward voyage is also to bring it from Barbados or the Leeward Islands to Jamaica.] 18 Sept.
Plantation
Trade.
[*p.* 7. C.S.P. VIII. 1056.]

[368.] [Orders for Captain Wright.—C.S.P. VIII. 1057. He is to take measures to be in England by the last of March, their Majesties' service requiring the use of the squadron here. Besides the necessary convoys, he is to leave for the defence of the islands one frigate at Barbados and one at the Leeward Islands and a fourth rate at Jamaica instead of the *Swan*, or a fifth and a sixth rate, as the Governor proposed. If he requires provisions before the supply arrives, he is to apply to the Governor of Barbados or of the Leeward Islands.] 18 Sept.
West Indies.
[*p.* 8.]

[Captain Wright to send a fifth-rate frigate to New York.— C.S.P. VIII. 1090.] 1 Oct.
[*p.* 18.]

[369.] Whereas upon the humble Request of the Merchants Trading to the Plantations, His Majesty is pleased, notwithstanding the Present Embargo, to allow so many ships to go this year to the Barbados, the Leeward Islands and Jamaica, as shall be Navigated by Twelve hundred seamen being English, or accounted such by the Acts of Trade, and no more, besides Forreigners, And the like Number of Ships and English Mariners to Virginia and Maryland, [the Treasury 21 Sept.
Plantation
Trade.

174 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

are required to give directions], that the adjusting what Ships shall go to those severall Plantations, and how the Numbers of Men shall be distributed and Apportioned among the Merchants in each Port, be left to the Commissioners of the Customs, . . . As also . . . the settling such Proportions, as may be fittest to be allowed between London and the Out Ports; Wherein Regard is to be had, to the respective Customes paid in those Ports. [The Convoys are to be ready in the Downs; for Barbados, Leeward Islands, Jamaica and Bilbao, on 20 Oct.; For Virginia, Maryland, Portugal, Spain and the Canaries, on 31 Oct.]

[p. 9. C.S.P. VIII. 1062.]

1 Oct. [On a report from the Customs that] They having in great measure adjusted with the Merchants of this Port of London, trading to the Plantations, what number of Ships shall go to the severall Plantations, and the Numbers of Men to be apportioned thereunto. And being about to do the like for the severall Out Ports, Do observe by the Returns made from severall of them, that many Ships are already gone to the Plantations this Season, and particularly from the Port of Bristoll, a greater number of Seamen, than (if Retrospection shalbe had from June last) will come to their Share in proportion to the rest of the Ports, according to the Distribution the Commissioners are now making, with regard to the Customes paid by each Port. And therefore Praying to receive his Majestys Pleasure, from what time the Accounts shall begin to be made of the number of Seamen to be allowed to each Port for the Trade of the Plantations, whether from the 4th of September last, at which time the Commissioners were first summoned to attend the Lords of the Council concerning this Affair, Or from the 18th of the said Moneth, at which time the Embargo tooke Place, and not from any former period of time It appearing by the List from Bristoll, that Ships have been going to the Plantations from that Port, ever since the beginning of June last: [it is ordered that the reckoning be from 4 Sept.]

[p. 17.]

1690. -
16 Oct.

[The Treasury] having this day laid before his Majesty in Council a Presentment of the Commissioners of the Customes of the 4th instant with the severall Lists of Ships, and Men allotted to each Ship designed from the Port of London to the Plantations, pursuant to an Order of the Boord of the 21th of September last, as they stand adjusted by the said Commissioners of the Customes and agreed to by the Merchants respectively concerned in those Trades, vizt.

		Ships.	Men.
To	{	Virginia and Maryland.....	46 800
		Barbados	31 400
		The Leeward Islands.....	17 199
		Jamaica	14 200

[The lists are ordered to be sent to the Admiralty], to be by them transmitted to the respective Convoys who are to have directions to take them under their Care, With this further Signification, That by the Numbers of Men appointed to each Ship, are to be understood that number of English Men, which is to be supposed to be $\frac{3}{4}$ of each Ships Complement besides the Master, Over and above which, each Ship is allowed by Law to have $\frac{1}{4}$ of her Mariners Strangers.

[A similar order is made on the report of the Customs as to the 6 ships and 70 men for New England and the 4 ships and 40 men for Newfoundland.] [p. 22.]

[370.] [Permission for the Virginia and West India fleets to sail with their convoys, the master of each ship delivering to the Commissioners of the Customs a true list of the mariners on board, and giving bond to sail only to the port for which he entered, to return with the convoy and hand over the mariners to such person as the Commissioners of the Admiralty shall appoint, and to carry one fifth landsmen on the voyage. Permission to sail with the convoys is also granted to five ships with 70 men belonging to New England, and to six ships with forty men bound for Newfoundland.]

25 Sept.
Plantation
Trade.

[p. 11.]

176 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

[With regard to convoys it is further ordered] That there be Two months time allowed for the Loading of the Leeward Island ships from their Arrivall, Two months for those of Jamaica and Six Weeks for the Ships at Barbados, which times respectively being Expired, the Convoys are forthwith to Return to England from each place, without Staying for one another. [Three months are allowed for loading in Maryland and Virginia. On leaving the Downs, the Convoys shall call at Plymouth and Falmouth for such ships as are ready to go with them, but without entering these ports.]
[p. 12.]

25 Sept. [371.] [The officers of the New York Companies referred
New York. to the Committee.—C.S.P. VIII. 1069–70.] [p. 13.]

30 Sept. [372.] [The petition of Charles Hickman, Doctor in
Jamaica. Divinity and Chaplain in ordinary to their Majesties, is referred to the Earl of Inchiquin.—C.S.P. VIII. 1079, 1081.]
[p. 14.]

1 Oct. [373.] [Order for 400 recruits for the Duke of Bolton's
West Indies. regiment and for a competent number of corporals and sergeants to conduct them to the West Indies.]
[p. 17. C.S.P. VIII. 1089.]

30 Oct. [Admiralty to provide transport and victuals.—C.S.P. VIII.
1155.] [p. 38.]

9 Oct. [374.] . . . the Order of the 25th of the last Moneth,
Plantation Trade. for hindring any Persons whatsoever to go out of, or come into this Kingdome, without Passes from his Majesty, his Privy Councill, or one of the Secretarys of State, or from their Majestys Allies [is explained, at the request of the Commissioners of the Customs, so as not to extend] to Passengers going to the Plantations; so as such Passengers produce good Certificates from the Magistrates, or other Cheif Officer of the Corporation or Place, from whence they go, of their good Affections to their Majestys Government, And do give Security to the officers of the Port where they

1690.

embarque, that they will not act contrary to their Majestys Service nor repair to any of their Majestys Enemys.

[p. 19.]

[375.] [The Treasury] having this day laid before the Boord a Presentment of the Commissioners of the Customes with a Memoriall of Mr. Giles Lytcot Comptroller Generall of the Accompts, Taking notice, that there are considerable Summes of Money and Quantitys of Goods remayning in the hands of the respective Collectors in the Plantations for the Dutys arising to their Majesties by vertue of the Act made in the 25th year of King Charles the Second. And proposing by reason of the Difficulty in obteyning good Bills in the Plantations for remitting the Money from thence, And also that the Freight of Goods hither is extravagantly dear, That the Commanders of their Majesties Ships of Warr which go Convoyes to the respective Plantations, may be directed to receive from the Collectors and Officers of the Customes in the said Plantations such Goods as they shall have to load for their Majesties Accompt, not exceeding the Proportion of Ten Tons of that Tonnage to every Hundred Tons of the Ships Burthen; which the said Commissioners approve of, as a very proper Expedient for the bringing home those Effects for their Majesties use at this juncture. [The Council also approve the proposal and give orders accordingly.]

16 Oct.
Plantation
Trade.

[p. 23.]

[376.] [Order as to Samuel Trot.—C.S.P. VIII. 1105.]

16 Oct.
Bermuda.

[p. 24.]

[377.] [A letter to Col. Sloughter as to the state of New York.—C.S.P. VIII. 1113.]

17 Oct.
New York.

[p. 25.]

[378.] [Tobias Frere referred to Committee.—C.S.P. VIII. 1133.]

23 Oct.
Barbados.

[p. 26.]

[379.] A List of such Ships as are agreed upon and adjusted to go to the severall Plantations from the following Out Ports hereunder named this Season with the number of Men allotted to each ship [is submitted by the Commissioners

23 Oct.
Plantation
Trade.

1690.

of the Customs through the Treasury, and is ordered to be sent to the Commissioners of the Admiralty for transmission to the respective convoys] :—

			Ships.	English Men.	Land- men.	Forrainers.
Southampton .. ..	..	..	2	13		
Exon .. ..	..	..	9	70		
Lime Regis .. ..	..	..	1	7		
Poole .. ..	..	..	5	29	6	
Yarmouth .. ..	..	..	1	21		7
Stockton .. ..	..	..	1	16		
Chester Eight Men transferred hence to Leverpoole						
Leverpoole .. ..	..	..	8	60	29	8
More .. ..	..	..	2	8		

[p. 28.]

13 Nov. [A list of ships at Newcastle bound for Virginia all this season gives the names of five vessels with a total complement of 40 men.] [p. 53.]

23 Oct. [380.] [The Council refer to the Committee for consideration and report] the Petition of Edward Randolph Collector of the Customes in New England, Setting forth his Services in that Employment. [p. 32.]

New
England.

(1691.)

26 March. It is ordered that the New England Agents receive a copy of, and forthwith return their answer to] the Petition of Edward Randolph setting forth that he was about sixteen yeares last past Employed in the Service of the Crown in New England Where he continued with great Zeal and fidelity to manage the severall Trusts reposed in him, untill disturbed by an Armed Multitude, who on the 18th of Aprill 1689, seized upon him, and made him a Close Prisoner, and forcibly tooke all his Papers and Books of publick and private concern, out of his house and conveyed them to the Town House in Boston, and still detein them. That the Petitioner has accounts to pass at the Navy Board, which for want of his Papers and Vouchers so deteined he cannot close; Wherefore humbly praying that his Books, Papers and accounts may be restored to him by the Government in Boston. [p. 143.]

[Petition and accounts referred to the Admiralty.]

(1691.)

7 May.

[p. 164.]

1690.

[381.] [The Council refer to the Commissioners of the Admiralty for consideration and report] the Petition of Caleb Heathcot and others Merchants and Traders to New Yorke . . . That the Arch Angell Frigat now going Convoy to the Fleet of Merchantmen intended for those parts may continue at New Yorke for the Security thereof, untill some other Man of Warr be settled as a Guardship there. [p. 36.]

30 Oct.
New York

[The *Archangel* to remain at New York till relieved by another frigate.] 13 Nov.
[p. 50.]

[382.] [The Victuallers of the Navy to provide, and the Commissioners of the Admiralty to transport to the West Indies, beef, pork, peas, biscuit, flour and oatmeal, to serve as two months provision for the 930 men of the Duke of Bolton's foot regiment there,] according to such proportions as are usually provided for the Navy, Except that there be One Third only of Bisket in hand, and Flower instead of the Two other Thirds of Bisket. [The Officers of the Ordnance to supply for the four hundred recruits to be raised for the Duke of Bolton's regiment 400 firelocks with halberts, drums, bayonets, and bandoliers proportionable: and further to send for the defence of the Leeward Islands an engineer and two miners, and the following stores of war]:—4000 pound weight of Bullets or Shot for whole Culverin, Demy Culverin and Saker for the Guns already there, proportionable of each sort: 100 Barrills of Powder for the Great Guns; 50 Barrills of Powder for small Armes; 100 pound of Match; 600 Fire Locks; 1000 pounds of Bullet to them; 1 Barrill of Flints; 100 Cutlasses; 300 Bayonets; 1000 Hand Grenados; 1500 Half Pikes; 1 Mortar Peice with its appurtenances, and Store of Shells or Granados to the same.

30 Oct.
West Indies.

[pp. 31-2. C.S.P. VIII. 1137 & 1139-40.]

[383.] Upon reading this day at the Boord the humble Petition of Charles Lord Baltemore, Setting forth, That he 30 Oct.
Maryland.

180 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

is informed, That John Coode and Kenelme Cheseldyn Two of the Ringleaders of the Disturbers of the Petitioners Government in Maryland, and who have got the greatest part of his Revenue into their Hands are lately landed at Plymouth, and are there Embezelling and spending the same. And therefore Praying, that they may be sent for to answer his just Complaints, and to make Satisfaction for the great Wrongs and Injurs he hath suffered by them . . . they are hereby required personally to attend this Boord on Thursday the 20th of November next to answer the aforesaid Complaint Whereof they are not to fayle at their perill.

[p. 36.]

20 Nov. [All parties appear, but witnesses for Coode and Cheseldyn not being ready, the hearing is postponed till the 22nd.]

[p. 56. C.S.P. VIII. 1195.]

30 Oct. [384.] [On consideration of a presentment from the
West Indies. Customs] touching Merchants Ships bound with Provisions for their Majesties Fleet in the West Indies, being excused from giving Bond at the Custome House to go to a certain Port and to returne home, in regard the Masters of the said Merchants Ships are obliged to deliver the said Provisions to the Comander in Cheif of the aforesaid Squadron at whatever Port he shalbe. [It is ordered that the Provision Ships go directly to the West Indies, find the fleet, and after delivering their consignment return directly to this place], according to the Rules prescribed by the late Order in Council of the 25th of September last.

[p. 37.]

6 Nov. [385.] [A list of ships at Dartmouth bound for the Plantations
Plantation Trade. sent from the Customs to the Treasury and presented at the Board is ordered to be transmitted to the Admiralty for the information of the respective convoys. Three ships of 120 to 150 tons for Virginia are allowed a total of 19 English seamen ; 4 of 30 to 40 tons for Barbados, and one of 60 tons for Virginia, two English seamen each, and one of 80 tons for Jamaica 6 English seamen.]

[p. 46.]

1690.
15 Nov.

Whereas for the better supplying the Fleet with Seamen His Majesty by an Order in Council of the 18th of September last and other Orders made since that time has been pleased to direct an Embargo to be laid on all Ships Outward bound, except as therein excepted; And upon further consideration of the state of the severall Trades has thought fit to Regulate the Number of Seamen allowed to go out this year. It is this day Ordered by His Majesty in Council that the severall Ships and Number of Seamen mentioned in the lists hereunto annexed be allotted to the Out Ports be permitted to go to Their Majestys Plantations in America, That is to say the Ships belonging to the severall Ports lying between the Port of Dover and Falmouth Inclusive, with their respective Convoys, and the other Ships therein mentioned with the first opportunity of wind and weather, under Such Conditions and Limitations as haue been formerly directed, Provided the said Ships haue had their respectiue Clearings before the Eleaventh day of this month, and not otherwise.

And it is further Ordered that the said Commissioners of Their Majestys Customes take especiall Care, that as much as in them lyes, no more English Mariners be permitted to go or remain on board any of the said Ships respectiuey then is mentioned in the said Lists, And that in case any more English Mariners be found on board the same, such Super-numerary Mariners be not only taken out, but the respectiue ships stopt from proceeding on their intended Voyage. It being His Majestys Pleasure that in all other respects the former Embargo and Restraint on the severall Ships and Trades be continued untill further Order. And the Right Honorable the Lords Commissioners of the Treasury are to give Speedy directions to the Commissioners of the Customes accordingly. [p. 51.]

[The list of ships allowed to sail is not appended, but an order of this date gives 13 ships with 266 English seamen from London to Barbados and one from Plymouth with 5 men; 4 ships with 26 English seamen each from London to

4 Dec.

182 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

Jamaica and one from Plymouth with 5 men. The Virginia and Maryland ships are stopped till May, and their crews ordered to be secured for his Majesty's service.] [p. 72.]

10 Dec. [The ships are directed to sail with their convoys at the first opportunity, not only for the West Indies, but also (despite the order of 4 December) for Virginia, Maryland, New England and other Plantations.] [p. 76.]

13 Nov. [386.] [On a representation in behalf of the merchants
St. Christopher. and others interested in St. Christopher that his Majesty would signify his pleasure that the settlement of the island be suspended during the war, it is ordered that the direction of the matter be left to Colonel Codrington, Governor of the Leeward Islands.] [p. 49.]

13 Nov. [387.] [Order as to restoration of St. Eustatius.—C.S.P.
St. Eustatius. VIII. 1191.] [p. 50.]

(1691.) [The Governor of the Leeward Islands to deliver "the
31 Dec. island of Statia" to such persons as the States General shall appoint.—C.S.P. VIII. 1973.] [p. 300.]

20 Nov. [388.] [His Majesty, to strengthen the militia for the
Barbados. Jamaica. Leeward Islands. defence of the islands, as well as of his mercy to the persons concerned, gives orders for a conditional release of persons convicted as rebels and sent as servants to the West Indies.—C.S.P. VIII. 1193-4.] [pp. 59 & 60.]

24 Nov. [389.] Whereas Giles Biggs of London merchant hath by
Massachusetts Bay his Petition set forth that in the yeare 1689 having had two vessells bound to Newfoundland taken by the French and Carryed into St. Mallo's, and there being then no Exchange for Prisoners Setled, whereby to get the Enlargement of the masters, Super Cargo and Men belonging to the vessells, The Petitioner there bought a Ship called the Richard of Boston, now the Frederick, which had been condemned in France as a Prize and Sold to a Portuguez, And thereby redeemed twenty of Their Majestys Subjects without Exchange, which Ship proceeded to the Harbor of Bonavist in Newfound

Land, and there took in about two thousand Three hundred Quintalls of Fish taken by their Majestys Subjects, Where came on board the said ship Frederick one Leonard Walkinton who seized and carried Her to St. Jones to One Ciprian Southack Commander of the Ship Porcupine who pretended that he had a Commission from the Right Honorable the Commissioners for Executing the office of Lord High Admirall of England for Seizing of Prizes, and by Vertue thereof did seize and carry away the said Ship Frederick to Boston in New England under pretence of her being Prize as coming from France, altho' the Petitioners said Ship was English Built manned with English, and had nothing on board but the said Fish : Wherefore humbly praying Releif in the Premisses and that the said ship Frederick and her Cargo be Restored to him or his agents. And whereas it appeares by Certificate from the Secretary of the Admiralty of England that upon a strict Search made into the Books of that Office it does not appear that there hath been any such Commission as aforesaid granted by the said Commissioners of the Admiralty to the said Ciprian Southack Commander of the Porcupine. It is this day Ordered in Councill That such as take care for the administration of the Government of the Massachusetts Colony in New England do give Order that Speedy and effectuall Justice be done the Petitioner in the matter aforesaid, And in case the said Ship and Goods or any of them be, or shall happen to be Condemned within that Colony, That then the said Giles Biggs or his Agents be admitted, as he is hereby admitted to appeal from the Sentence of Condemnation, to His Majesty in Councill, And upon Such Appeal the Ship and Goods are to be delivered to him, or his agents upon Security to abide the determination of His Majesty in Councill, or such other care is to be taken for preservation of the Ship and Goods from Embezzlement as may be most effectuall. [p. 64.]

[390.] Upon reading the Petition of George Nedham concerning his son Edward Nedham who was enticed by one 27 Nov.
Carolina.

184 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1690.

Joseph Strutt and others on board the ship *Carolina* Joseph Hall master, bound for Carolina, It is this day ordered [that the ship be stopped and searched] and such children as shall be there found to have been spirited away to be taken on shoar. [p. 65.]

2 Dec. [The *Carolina* is allowed to proceed in spite of this order.] [p. 71.]

27 Nov. Barbados. [391.] [One year's leave is to be granted, if Colonel Kendall shall see cause, to Archibald Carmichael, Clerk of the naval office in Barbados] to come into England for the Recovery of his Health, leaving a sufficient Deputy to execute his said Office in Barbados, till his Return thither. [p. 66.]

11 Dec. Newfoundland. [392.] [The Council refer to the Admiralty for consideration and report the petition of Thomas Edwards and other Bristol merchants] at the request and on the behalfe of the Inhabitants of Newfoundland Concerning their sad and Deplorable condition for want of Cloathing and Provisions [praying] leave to fit out by February next two Vessells of Thirty Gunns each at their own Charge with only twenty seamen in each ship, and that the Commanders may have Commissions. [p. 81.]

19 Dec. Virginia. [393.] [The Council refer to the Committee for examination and report] the Petition of Philip Ludwell setting forth, That the Petitioner being sued as Marrying the Executrix of Sir William Berkeley late Governor of Virginia, by One John Toton, upon an Action relating to what the said Sir William did as Governor of that Place. Vpon hearing whereof in the Generall Court, the Petitioner offered, a Plea to the Jurisdiction of the Court; Whether that Court would or Could proceed in that action, against Executors for what the Testator was not sueable in his life time, without a speciall Commission; He being accountable for what he did as Governor to None but the King. Which Plea the Court over-ruleing, the Petitioner Appealed from thence to his Majesty in Council; All which will more at Large appeare by the Order of the Generall Court of Virginia, which the Petitioner hath ready

ACTS OF THE PRIVY COUNCIL (COLONIAL). 185

1690-1.

to produce ; And praying, the Premisses may be Considered, and have such Determination, as to his Majesty shall seem most meet. [p. 88. C.S.P. VIII. 1259.]

1691.

[394.] [Order as to exchange of French prisoners.—C.S.P. VIII. 1279.] [p. 95.] 1 Jan. St. Christopher.

[395.] [On the recommendation of the Committee, Colonel Henry Darnell is released from the bail given] for his good Behaviour for Words alleged to be spoken in Mariland against His Majesty before His Accession to the Crown, and the late Act of Indemnity . . . and discharged from any further attendance on that occasion. [p. 95.] 1 Jan. Maryland.

[396.] [The petition of the New England agents referred to the Committee.] [p. 95. C.S.P. VIII. 1277.] 1 Jan. Massachusetts Bay.

[Draft Charter read and approved (P.R.).—C.S.P. VIII. 1769.] [p. 241.] 17 Sept.

[397.] Whereas upon the Memoriall of Colonel Bastian Bayer and other the Deputys of the Leeward Caribee Islands in America, Setting forth the Necessity (in case the Squadron of the Men of Warr under the command of Captain Wright on those Islands should be recalled) of sending another Navall fforce, that may be sufficient for the Preservation of those Islands, and the Trade of those parts, assoon as the Exigency of their Majestys Affairs can admit thereof, Her Majesty hath been graciously pleased to Declare, That the aforesaid Squadron should be continued on the Coasts of the said Islands till further Order, It is thereupon this day Ordered [that the Admiralty give directions for the immediate despatch of six months' provisions for the squadron]. [p. 127. C.S.P. VIII. 1338.] 26 Feb. Leeward Islands.

[398.] The humble Petition of Lieutenant James Weemes being this day read at the Boord Praying, That the Agents of New England who are now in Towne, and were Two of the Principall Members of that Government that promised to pay the Petitioner and his Company, who had the Command 26 Feb. New England.

186 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.

of their Majesties Frontier Garrison of Pemmaquid may be Ordered to satisfy the Petitioner his Pay and Disbursements in that Service Amounting to 172*l.* 6*s.* 2*d.* [It was ordered that the agents receive a copy of the petition and return their answer on Thursday next.] [p. 129.]

12 March. [The New England Agents are to sign their answer and attend the Board next Thursday.] [p. 136.]

(1694.)

22 Oct. [Order concerning Captain Weemes in accordance with C.S.P. IX. 1359.] [Vol. III. p. 493.]

(1697.)

26 Aug. [Captain Weemes petitioning for a renewal of the above order is recommended to the Earl of Bellomont, who is to take effectual care that the petitioner is satisfied according to the former Order.] [Vol. V. p. 74.]

26 Feb. [399.] [Order concerning the revenue of Maryland.—C.S.P. Maryland. VIII. 1333, 1339.] [p. 132.]

12 March. [Letter to the Government there.—C.S.P. VIII. 1358.] [p. 138.]

10 Sept. [The Council refer to the Treasury for consideration and report] the Petition of the Agents of their Majesties Province of Maryland, Praying that the severall Persons Indebted by Bills of Exchange or otherwise for the Duty of twelve pence per Hogshead on Tobacco may be proceeded against as their Majestys Debtors, that so the said Agents may Defray their Charges and Expences, and the rest of the said Duty may be paid into the hands of their Majesties Governor now to be sent thither, whereby the said Province may be furnished with Armes and Ammunition for their Majesties Service, whereof they have Extream want and do make great Complaint.

[p. 239.]

10 Sept. Whereas Peter Paggen merchant Trading to Maryland did this day acquaint the Board, that he had Received Bills by Order of the Convention of Maryland drawn by several Masters of ships in those parts upon their Corespondents in England Amounting to the summe of One Thousand, and

1691.

Seaventy One Pounds, Sixteen Shillings, and Twopence, and being in Discharge of One Moiety of the Duty of Two Shillings per Hogshead and of the Port Dutys, payable by them in Maryland, It is this day Ordered in Councill that the Right honourable the Lords Commissioners of the Treasury be Desired to call before them the said Peter Paggen And taking into their hands the said Bills to give orders that they be presented to the severall Merchants Concern'd therein for Payment of the Contents, and to dispose of the same for their Majesties service according to the Act passed in Maryland in that behalfe. [p. 239. C.S.P. VIII. 1749.]

[The Council refer to the determination of the Treasury] the humble Petition of Charles Lord Baltemore Praying, That in regard his Agents at Maryland, are by their Confinement disabled from Acting for him according to the Power sent them, Order may be given to all such Masters of Vessells, as have already made this last Voyage, and are come home, as also to those that are dayly expected from Maryland, to pay the One shilling Impost on Tobacco and ffourteen pence per Ton, to the Petitioner pursuant to the Order of the 26th of february last. [p. 257. C.S.P. VIII. 1825.]

12 Oct.

[Lord Baltimore setting forth that he has not received any benefit of the orders of 1 Feb., 1690, and 26 Feb., 1691, order is given for their enforcement.—C.S.P. VIII. 1873.]

3 Nov.

[p. 270.]

(1692.)

[Mr. Peter Paggan having informed the Board that he had received bills payable to him drawn by several masters of vessels in Maryland on their correspondents here—amounting to 248*l.* 2*s.* 6*d.* in payment of so much of one moiety of the two shilling duty and the Port Duties in Maryland, the Commissioners of the Treasury were directed to require Mr. Paggan to deliver the bills to the Receiver General of the Customs endorsed by him as for their Majesties service, in order to be presented to the merchants concerned and disposed of according to the Laws of Maryland.] [p. 307.]

7 Jan.

188 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.

- 30 March. [400.] [Samuel Allen referred to the Committee.—C.S.P.
New Hampshire. VIII. 1377.] [p. 147.]
- 9 April. [401.] An address from Boston, Charlestown, etc., referred
New England. to the Committee.—C.S.P. VIII. 1391, 1393.] [p. 149.]
- 14 May. [402.] [Mounteney Boncle referred to the Committee.—
Antigua. C.S.P. VIII. 1501.] [p. 168.]
- 4 June. [A letter directing Colonel Codrington to see speedy
justice done to Mounteney Boncle of London on his com-
plaint of the illegal detention of his plantation in Antigua
by the Agents of Colonell Edward Powell who is now in
Rebellion in Ireland, under pretence of an Assignment from
one James Boyd. . A duplicate of this letter was issued
14 Oct. 1691.] [p. 192.]
- 14 May. [403.] [Reference to Committee of petition on behalf of
St. Christopher. Major Joseph Crisp.—C.S.P. VIII. 1503.] [p. 170.]
- 28 May. [Reference to Col. Codrington.—C.S.P. VIII. 1545.]
(1694.) [p. 190.]
- 12 April. [A further petition of Major Crisp referred to the Commit-
tee.—C.S.P. IX. 1010.] [Vol. III. p. 394.]
- 21 May. [404.] [Reference to Committee of Lady Culpeper, Thomas
Virginia. Lord Fairfax and Katharine his wife, and Alexander Culpeper.
—C.S.P. VIII. 1514.] [p. 179.]
- 30 July. [Papers to be sent to the Lieutenant-Governor and Council
of Virginia for an answer.—C.S.P. VIII. 1679.] [p. 219.]
(1692.)
- (8 Dec.) [Their petition, complaining against the Lieutenant Governor
and Council touching their claim to a tract or territory of
land called the Northern Neck, is ordered to be heard on the
15th inst. when the Attorney General is to attend to defend
their Majesty's right therein.] [Vol. III. p. 45.]
- (1692.)
- 15 Dec. [All parties having been heard, the whole matter is referred
to the Attorney General] who is to examine the Ways and
Methods by which the said Letters Patents were obtained

1691.

and have passed the Great Seale and the Validity thereof, and to Report his Opinion upon the whole matter to his Majesty in Council whether the said Letters Patents may be Vacated by Scire facias or otherwise, and in the mean time the Petitions are to Enjoy the benefit of the said Patent according to Law, so as they keep strictly to the Tenor thereof in Execution of the severall Powers and Authorities thereby Granted, of which all Persons whom it may Concern are to take notice.

[Vol. III. p. 53. C.S.P. VIII. 2691.]

(1693.)

26 Jan.

[On the report of the Attorney General setting forth]:— I have considered the matter to me Referred, and have heard Council as well on behalf of the Inhabitants of the said Northern Neck (who take themselves aggrieved by the said Letters Patents of Confirmation) as on the behalf of the Petitioners ; And it appears to me that the said Grant did Pass in all the usual Methods of Grants of that Nature, Except only that I do not find it had been under the Consideration of the Lords of the Committee of Trade and Plantations. And upon peruseall and consideration of the letters Patents themselves I do not see, but that the same are valid in point of law, nor has there been any thing made out to me hitherto which will be sufficient to ground a Prosecution for vacating the said letters Patents by scire facias or otherwise. [The petitioners are accordingly allowed to enjoy the benefit of the Letters Patents] so as they keep strictly to the Tenor thereof in Execution of the severall Powers and authority thereby Granted.

[p. 72. C.S.P. IX. 34.]

[405.] [The Council refer to the Committee for consideration and report] the humble Petition of Sir Joseph Herne knight, John Brisco, Richard Munford, Samuel Howard, and Nicholas Cutler of London Merchants on the behalf of themselves and divers others, Praying That her Majesty would be graciously pleased to grant unto them her Royall Charter for the sole Trade and Commerce of all such Seas, Straits, Bays, Coasts, Sounds, Continent and Islands formerly discovered

18 June.
North West
America.

1691.

by Sir Martin Frobisher and others in the Search of a North-west Passage, and by them possessed in the Right of Queen Elizabeth and King James the first, her Majestys Royall Predecessors, which are not actually possessed by, or granted to any of her Majestys Subjects, and which are in her Majesty to grant, The Petitioners intending to Erect Forts and Castles, and Establish Factorys for Setling a Trade on the Northwest parts, and to send out yearly a competent number of Ships to fish for Whales on the Coast of Greenland, which wilbe of great Advantage to this Kingdome by the Encrease of Navigation, and Breeding up of Seamen. [p. 196.]

23 July. [On the report of the Committee, order is given for preparing a patent in accordance with the Attorney General's opinion received by them that their Majesties] may at Their Pleasure Incorporate any Persons for the using Exercising and carrying on a Trade But as to the Granting that such Trade shall be appropriate to such Company excluding all other Persons, there need be great caution, for I conceive when a Trade is become known and used by Their Majestys Subjects in any Seas, Streights Sounds, Bays, Lands Islands or Territories, Their Majestys cannot (other then by Act of Parliament) restrain such Trade to any Company or Select Number of Subjects. But if the said Trade be not managed as it may and ought to be, by private and particular Persons; Their Majestys may Grant the Petitioners a Charter of Incorporation for the advancement and Increase of the said Trade not Exclusive to others; But where there are any Discoveries made or to be made of any Seas, Streights, Sounds, Bays Lands Islands and Territories, not restorted unto and Traded by any English Subjects, there Their Majestys may grant the Sole Trade and Commerce to a Company and Select Number of their Subjects for Their Encouragement to Traffick and Inhabite there, with Powers to Erect Forts, and Settle Factorys, without which such Traffick cannot be maintained, but would be lost to the Kingdome. [pp. 214-5.]

1691.

[406.] Upon reading the Petition of Sir John Hoskyns setting forth, that the Petitioner taking notice that there were severall small uninhabited Islands called Ascention, Trinidad and Martin Vaz, Scituate between 18 and 22 Degrees of Southern Latitude and Seven hundred Miles East of Brazile, which is the nearest Main Land, Did, by his Petition, desire a Grant thereof from his then Majesty, who returned a gracious Answer in Order to the having such a Grant perfected, towards which the Petitioner made some Progress, but was delayed, by the Debates about Regulating Plantations, and by the unsetledness of publick affaires ; Wherefore, the Planting of the said Islands, tending to the Increase of Their Majestys Dominions, Revenue and Number of Subjects, and to the prejudice of no Person, and being to be managed at the Petitioners sole charge, He humbly Begs of Her Majesty a Grant of the said Islands, to be Planted within seven yeares, and Governed as Their Majestys other Plantations are, in Barbados and Jamaica. And upon hearing the Report [of the Committee thereon, it is ordered that it be referred to the said Committee] to cause such Commissions and Powers of Government to be prepared for the Petitioner as Their Lordships shall think fitt.

18 June.
West Indies.

[p. 199.]

[Petition granted.—C.S.P. IX. 690.] [Vol. IV. p. 282.]

(1693.)
23 Nov.

[407.] [Order as to payment for stores for the squadron.— C.S.P. VIII. 1607.] [p. 201.]

2 July.
West Indies.

[408.] [The following report of 13 July from the Commissioners of the Customs to the Treasury is referred to the Attorney General]:—In obedience to your Lordships commands signified to us by Mr. Guy the 9th instant On the Petition of the merchants, and Planters concernd in, and Trading to Their Majestys Plantations in America, Setting forth, That in the Body of the Book of Rates Ginger of the West Indies is Rated at 1s. 4*d.* per pound, That at the End of the Book of Rates printed in the year 1660, is a memorandum that Ginger of the English Plantations should be Rated at 20s. per

30 July.
West Indies.

1691.

hundred, which was allowed of by the then Lord Treasurer, and ever since hath paid Custome accordingly. That by a late Act of Parliament Ginger is charged to pay 10s. per Cent of what it is Rated in the Booke of Rates, which in the Body of the Book being 1s. 4*l.* per pound, would make the said Additionall Rate amount to 14s. per hundred and upwards, whereas it seems to be intended that it should only pay double what it paid before according to the said Memorandum; Praying that your Lordships would please to Order the Payment of two shillings only per hundred weight for the New Duty; Wee do humbly Report to your Lordships that in the first Impression of the Book of Rates in the year 1660, there is at the end of the Rules and Instructions thereto annexed, such a memorandum as is mentioned in the Petition, that Ginger be Rated at one pound the hundred weight, And by the Petition of Mr. Waterson one of and most experienced officer of the Customs, it is testified that the practice was from that time, according to the said Memorandum, to receive only 12*l.* for every hundred Weight, which practice after the King took the Customs into His own hands and the management of Commissioners, was upon a Presentment of this Board approved by the Lord Treasurer Danby in the year 1673, and the practice has been accordingly ever since. And Wee do humbly acquaint your Lordships that by the best inquiry wee can make, That the Collecting the new Impost strictly according to the Rate in the Body of the Book of Rates, and not accordingly to the said Memorandum and the practice thereupon would amount to a totall Prohibition of the said Commodity, And therefore we humbly conceive it may not be unadvisable to Grant the Petitioners Request by Collecting the New Impost at two shilling per hundred, which is 10 per Cent. cording to the Constructive Rate by the said Memorandum in the Book of Rates, and the practice thereupon. [p. 218.]

30 July.
Massachu-
setts Bay.

[409.] [Reference to Committee of petition and appeal of Col. Nicholas Page and Capt. Nicholas Laurence.—C.S.P. VIII. 1678.] [p. 219.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 193

[Laurence's bond of 500*l.*, given to prosecute his appeal to the Admiralty against the condemnation of his vessel, is ordered to be cancelled, he having made an end with the Commissioners of the Treasury, to whom he should properly have appealed.]

(1692.)
28 Jan.

[*p.* 319.]

1691.

[410.] [Lord Gorges referred to the Committee.—C.S.P. VIII. 1676.]

30 July.
Massachusetts Bay.

[*p.* 221.]

[411.] [The time of sailing for the convoys bound for Barbados, Leeward Islands and Jamaica is prolonged to the 30th instant, on the representation of the Committee that more ships will be necessary for the plantations this year than can be ready by the 15th, the date appointed in the Order of 20 August. The convoys for Virginia and Maryland are stopped till further order, as very few ships will be ready on the day appointed.]

10 Sept.
Plantation Trade.

[*p.* 239.]

[412.] Upon reading this day at the Board the Petition of Sir Mathew Dudley Bart., Sir Edward Dering, Sir Humphry Edwin, Sir Thomas Lane, and Sir Samuel Thompson Knights, Daniel Cox, Jacob Foster, and William Wharton Esqrs., John Ashby, Nicholas Lechmere, Thomas Phips, John Cosley, David Congnard, John Sweetaple, Jeremiah Johnson, Francis Boynton Robert Hackshaw, and William Crey, in behalfe of themselves and severall hundred Merchants and others their Majestys subjects Praying a Stop to be put to a Patent now Passing to others (upon their foundation) for working Mines of Copper and other Mineralls in New England, It was Ordered by her Majesty in Councill, that the Persons above Named do attend Mr. Attorney Generall with their said Petition . . . who is to Examine their Pretentions to the same, and Report His Opinion to this Board.

17 Sept.
New England.

[*p.* 243.]

[The report of the Attorney General is approved, and orders given for passing the grant in question.—C.S.P. VIII. 1811.]

8 Oct.

[*p.* 253.]

(1692.)

[Their further petition] That the Consideration of their former Petitions to be incorporated for Working Copper Mines

18 Feb.

194 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.

etc. in New England may be reassumed [is referred, with these former petitions, to the Attorney General for consideration and report.] [p. 334.]

(1692.)

17 March. [The Attorney General's report is approved.—C.S.P. VIII. 2125.] [p. 361.]

(1692.)

28 April. [The Council appoint Thursday next for hearing the petition of the Governor and Company of Copperminers in England against the passing of a charter of incorporation to Sir Matthew Dudley and others.] [p. 384.]

(1692.)

16 May. [Hearing postponed to 26 May.] [p. 404.]

(1692.)

26 May. [All parties having been heard, the giving an opinion is postponed till 30 May; orders are given for the attendance of Sir Joseph Herne, Governor of the English Company, with Mr. Thomas Hebbs, Mr. Wm. Wharton, Mr. Thomas Lechmere, and Mr. John Bulfinch.] [p. 410.]

(1692.)

2 June. [The case is referred for consideration and report to Sir George Treby, Chief Justice of the Common Pleas, and Sir John Somers, the Attorney General.] [p. 414.]

(1692.)

7 July. [The Council approve, and give order in accordance with their report of 1st July, which recapitulates the case, and continues :—]Upon Our Hearing the Partys in obedience to your Majestys Order in Councill, It was testified by severall persons that at the said former Hearing Sir Joseph Herne did consent and declare that if the Letters Patents desired by him and his partners might passe, he would not oppose the Passing of the Letters Patents desired by Sir Matthew Dudley and his Partners, But Sir Joseph Herne and some others then present do Testify that they do not remember that any such words were then said, but this Testimony being in the Negative, and going no farther then to a not remembring, does not seem to be of equall weight with the possitive Testimony of the affirmative Witnesses on the other side, nor does it seem to agree with the Report above mentioned. And therefore, upon the whole matter, it seems to us, That

1691.

if Her Majesty be pleased to Grant to Sir Matthew Dudley and his partners, Her gracious Patents for Incorporating them in order to the working Mines of Copper and other Mineralls in New England, without authorizing them to smelt, refine and purify Copper, (which is all that is granted to the Governor and Company) the same will be no injury to the Company, now will interfere with their Letters Patents And this Wee conceive the rather, because the Ground of the Incorporating of the Governor and Company (as it appears in their Letters Patents) was that they had found out Severall Furnaces, Engins and other methods for the more easy and effectuall melting down, Refining and purifying Copper oar, without any mention of the working of Copper Mines.

[*pp.* 433-4.]

(1692.)

[Sir M. Dudley's further petition referred to the Committee.—C.S.P. VIII. 2466.]

12 Sept.

[*p.* 491.]

(1693.)

[A further petition is referred to the Committee. In addition to most of the former petitioners, the names appear of Thomas Neal, John Holland, James Pickering and Samuel Layfield.—C.S.P. IX. 249.]

6 April.

[Vol. III. *p.* 130.]

(1693.)

[In accordance with the Committee's recommendation, the Council refer to the Treasury a report of the Attorney General upon several heads for a proposed charter, and other heads proposed by the Attorney General himself.—C.S.P. IX. 597.]

5 Oct.

[Vol. III. *p.* 248.]

(1694.)

[On reading the report of the Treasury, it is ordered that the business of the proposed charter be heard at the Board on Thursday next at four in the afternoon, when the agents for New England as well as Sir M. Dudley are to attend.]

11 Jan.

[Vol. III. *p.* 312.]

(1694.)

[The Treasury report is referred to the Committee] to Receive all Proposals for bringing Navall Stores from any of the Plantations, and to give fitting encouragement to those who will undertake it. [Vol. III. *p.* 318. C.S.P. IX. 822.]

18 Jan.

196 ACTS OF THE PRIVY COUNCIL (COLONIAL).

(1702.)

6 Aug.

[The Council refer to the Board of Trade, and also to the Lord Admiral], the Petition of Sir Matthew Dudley, Bart., Sir Humphrey Edwin, Sir Samuel Thompson, And Sir Edward Dering Kts., Charles Cox, Daniel Cox, Robert West and William Wharton Esqrs., Matthew Alured, Robert Wolley, William Coney and John Watson Merchants on behalfe of themselves and many other Gentlemen and Merchants, setting forth that they and many other Her Majestys Subjects, being Informed and fully satisfied that all Sorts of Navall Stores might be made and produced within Her Majestys Teritorys and Dominions of New England and Plantations Adjacent, and that severall Gumms, Mines and Minerals were Discovered and might be wrought there, That being apprehensive that such Navall and other Stores will be of Great Service and Benefit to the Crowne and this Nation, Especially in times of War, and being ready and willing at their owne Charge to begin and carry on a design so usefull for the Publick, They humbly pray a Charter of Incorporation for the purposes aforesaid under such Name and with such Priviledges as shall be necessary.

[Anne, Vol. I. p. 193.]

(1703.)

4 March.

[The Council refer to the Lord Admiral a representation from the Board of Trade with the draft of the desired charter.]

[Anne, Vol. I. p. 331.]

(1703.)

4 March.

[The petition of Sir M. Dudley and the draft charter are also referred for a legal opinion to the Attorney General.]

[Anne, Vol. I. p. 332.]

(1703.)

3 April.

[The Council refer to the Board of Trade the Admiralty report recommending the granting of a charter as] they are Informed and fully Satisfied that all sorts of Navall Stores may be made and produced within Her Majestys Territorys and Dominions of New England and Plantations adjacent, which will be of great Service and benefitt to the Crowne and this Nation.

[Anne, Vol. I. p. 342.]

(1703.)

30 July.

[The Council approve the following report of the Lord Admiral on the petition of Sir M. Dudley, and desire the Board

of Trade to intimate that her Majesty is graciously inclined to grant a charter subject to the restrictions and provisions mentioned in the report and such others as may be thought necessary by their Lordships] :—1st That it is not distinguished what part of the 5000*l.* per annum allowed by the said Charter to be purchased in Land, in America and England is to be purchased in One and the other ; nor in what parts of America the said Purchases are to be made, and therefore in my Opinion it ought to be particularly provided for therein, For

2. If the most, or any considerable part of the said Purchase be made in New England, the Gentlemen to be thus Incorporated may by that means possess themselves of all the Woods which lye near unto the Sea from whence the Masts, Bowsprits and Yards are now had for Her Majestys Service ; And it is to be Doubted that they will thereby be left too much at Liberty to Impose what Prices they please upon Her Majesty for the same, which above all things ought to be avoided, And that by a Strict reservation of the Crowne of all Pine and Firr Trees fitting for Masts of 16 Inches Diamiter and upwards, and Bowsprits from 20 to 38 Inches Diamiter, with the Strictest Orders that none of these Dimensions be Cutt downe without Licence from the Crowne either by them or any Other Person whatever.

3d. Altho' it is provided for in the Draught of the Charter that other Persons tho' not Incorporated with the aforesaid Gentlemen, shall not be excluded from the Trade to those parts, yett it may be worth consideration whether such a Scope of Land and the allowance of 150000*l.* in Trade will leave any Great Room, if any, for other Traders.

4. It may also be necessary to reserve to the Crowne all Regalities of Mines &c., in the Land to be purchased for which there is no Provision made in the present Draught of the Charter, Nor is it lesse necessary to Oblidge the Persons incorporated to be Subjects of England, a thing usuall in all such Cases.

198 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.

And lastly, I do think it necessary to Informe Her Majesty that the Principall Officers and Commissioners of the Navy have always been, and still are Willing to Treat with any Persons who will apply to them for the Importing Navall Stores of all sorts from Her Majestys Plantations, and to give them all Encouragement for the Carrying on a Trade so necessary for the good of Her Majestys Service.

But in Case Her Majestie shall think fitt to Incorporate the Gentlemen, as they desire, I am so farr from making any Objections to the same, that it is in my Opinion, a Thing which may (with the restrictions beforementioned) tend very much to the Advantage of the Publick, provided Effectuall Care be taken that the Trade be not so ingrossed by them, as to prejudice Her Majesty in her Purchase of Navall Stores, but more Especially Masts.

I have also considered of the Lord Cornburys Proposition for providing Navall Stores at New Yorke; And am entirely of Opinion that such Services do deserve Encouragement, but then Her Majesty ought to be at a Certainty as to the Prices, and the Contractors to be Oblidged to Qualifications as well as Quantitys, by Articles between the Principall Officers and Commissioners of Her Majestys Navy and them, and to Deliver the Goods into Her Majestys Stores in England, at Prices to be adjusted by the said Contracts; for in the Experiment made of this Kind by the late Lord Bellomont (as the Navy Board have reported to Mee) the Mony Demanded by Bills of Exchange for the Stores Provided by His Lordship and brought home by the Benjamin Storeship, amounted to more than the Value of the Goods, without the Addition of Freight, which Freight is the most considerable Charge in these Cases. [Anne, Vol. I. p. 432.]

(1704.)
2 March.

[On the report of the Solicitor General, the Adventurers are granted a Charter of Incorporation.]

[Anne, Vol. II. p. 73.]

17 Sept.
Jamaica.

[413.] [The report of the Committee on the petition of George Harris is approved.—C.S.P. VIII. 1770.] [p. 243.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 199

- [414.] Upon reading this day at the Boord the humble
Petition of Susan Bond, Catharine Miller and severall others
whose Husbands were taken by the French in the Service
of the Hudsons Bay Company in America, and from thence
carried to Canada, and now brought to Rochelle, where they
are kept Prisoners, notwithstanding the late Agreement between
the Two Crownes, Praying That some Order may be taken
for their Discharge. It was Ordered [that the Hudson's Bay
Company receive a copy of the petition and on Thursday
next return answer to the Board] why Care is not taken for
the Exchange of the said Prisoners by those who employed
them. [p. 249.] 1691.
1 Oct.
Hudson's
Bay.
- [On reading their further petition against the answer
returned by the Company, the case is ordered to be heard on
the first Thursday in November.] [p. 261.] 15 Oct.
- [On the request of the relations of Captain William Bond,
Captain John Simpson, Captain Richard Smithsend, James
Miller, Jonathan Codlin, Anthony Beale, Layton Steele, John
Fullerton, William Arrington, John Dryver and Richard
Williams, taken by the French in the service of the Hudson's
Bay Company, and now prisoners at Rochelle, for their
discharge, it is ordered that the Commissioners for Sick
and Wounded Seamen and Prisoners endeavour as much as
in them lies to procure their release, and receive reimburse-
ment of the sums so expended from the Hudson's Bay
Company.] [p. 274.] 19 Nov.
- [415.] [Stores to be sent to New England and Virginia.—
C.S.P. VIII. 1809, 1812.] [p. 251.] 8 Oct.
New
England.
Virginia.
- [416.] [The Admiralty to provide passage to Maryland
and victuals for Colonel Copley and Sir Thomas Lawrence,
with their families, servants, and goods.—C.S.P. VIII. 1815.]
[p. 252.] 8 Oct.
Maryland.
- [417.] [In accordance with the report of the Committee
on the petition of Sir Edmund Andros, his accounts are
Massachu-
setts.] 12 Oct.

200 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.
referred to the examination of the Governor and Council of
Massachusetts.] [p. 256. C.S.P. VIII. 1827.]
- (1694.)
22 March. [A letter to the Governor and Council of Massachusetts
Bay. Sir Edmund Andros having represented that nothing
has yet been done, payment is at once to be made, or the
reasons for delay put before the Board.—C.S.P. IX. 985.]
[Vol. III. p. 383.]
- (1719.)
26 May and
(1721.)
24 Aug. [References to the Committee of the petition of John Andros,
executor of Sir Edmund Andros, for renewal of an order to the
Governor and Council of New England for the payment of a
debt due to Sir Edmund during his Government there.]
[Geo. I. Vol. II. p. 264 and Vol. III. p. 292.]
- 12 Oct.
Virginia. [418.] [Direction is given to Lord Howard of Effingham
to examine the ground of Captain Thomas Gardner's petition
for 200*l.* reward for taking Nathaniel Bacon junior, a rebel
in Virginia, and on satisfying himself of its truth, to pay the
petitioner the said sum out of the stock of the colony, as
desired.] [p. 255. C.S.P. VIII. 1818.]
- (1694.)
16 Aug. [Order in accordance with C.S.P. IX. 1224.]
[Vol. III. p. 460.]
- 12 Oct.
Virginia. [419.] [The Council refer to the Treasury for examination
and report] the humble Petition of Elizabeth late the Widdow
of Thomas Jarvis deceased, and of Thomas their son, setting
forth their Pretensions to their Majesties Favour, for a Grant
of Nathaniel Bacon's Estate, forfeited for his being in the
late Rebellion in that Colony. [p. 257.]
- 15 Oct.
Maryland. [420.] [Order as to the salary of Governor Copley.—
C.S.P. VIII. 1839.] [p. 258.]
- 15 Oct.
Maryland. [421.] [The Ordnance directed to provide stores for Mary-
land.—C.S.P. VIII. 1838.] [p. 258.]
- 15 Oct.
Barbados. [422.] [Order stopping all proceedings against Samuel
Crisp.—C.S.P. VIII. 1837.] [p. 259.]

[423.] [On the report of the Committee, the Admiralty are ordered to] cause a small Fregat to be equipped and sent to Virginia instead of the Dunbarton, for the Guard and Service of that Colony and of Maryland, and hindring the irregular Trade in those parts. [p. 259.]

1691.
15 Oct.
Virginia.

[424.] [The Committee having reported] That they had discourst with the Commissioners of their Majestys Customes, as also with the Principall Traders to Virginia and Maryland ; who, amongst other things, had Represented to their Lordships That by reason of the unlimited number of Seamen permitted to go from the Out Ports to Virginia and Maryland, the Traders from the Port of London would be much discouraged if a proportionable Number of Seamen be not allowed unto them for this years Trade ; And the Commissioners of the Customes having likewise Offered, That Two Hundred English Seamen over and above the Eight Hundred allowed the last year to the Port of London for the Trade of Virginia and Maryland may sufficiently accommodate the Merchants for the present year. It was upon Consideration thereof Ordered in Councill, As it is hereby Ordered, That One Thousand English Seamen be allowed to the Port of London for this years Trade to Virginia and Maryland, with the Addition of One fourth part of Forrainers, and that the Commissioners of the Customes do apportion and distribute the said Number of English Seamen unto the severall Ships, And that they report with all speed to the Lords of the Committee for Trade and Plantations such Distribution and Allotment, with the Names of the Ships, their Burthen and Number of English Seamen apportioned to each of them. And the said Commissioners of the Customes are likewise to send to the Committee an exact List of all Ships their Burthen and Number of Seamen Entred or cleared out for any other part of America than Barbados, the Leeward Islands, Jamaica, Virginia and Maryland, that such Orders may be given therein, as by this Boord shalbe found requisite. And the Right

15 Oct.
Plantation
Trade.

202 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1691.

Honorable the Lords Commissioners of the Treasury are desired to give the necessary Directions to the Commissioners of the Customes accordingly. [p. 260.]

27 Oct. [The list is delivered by the Customs, containing the names of 61 Ships and one not named, carrying 1004 seamen in all. The list, which is not given in the Register, is ordered to be transmitted to the respective convoys.] [p. 266.]

15 Oct. [425.] [On the report of the Committee, Colonel Nicholson Virginia. is authorised to accept a present of 300*l.*—C.S.P. VIII. 1853.] [p. 261.]

(1693.)

9 Feb. [His Majesty approves, and gives order in accordance with], an Adresse of the Generall Assembly of Virginia, Humbly praying, That Colonel Nicholson Lieutenant Governor of Virginia may be permitted to receive the summe of Two Hundred pounds, out of the Money arising by the Impost upon Liquors in that Colony, in consideration of his Extraordinary Care and Charge in the Government. [p. 90.]

19 Nov. [426.] [Order as to Roger Elletson and others.—C.S.P. Jamaica. VIII. 1909.] [p. 274.]

21 Dec. [The petition of George Elletson on behalf of himself, Thomas Ryves and George Reid, that execution of the judgment of the Grand Court of Jamaica against them be stayed pending their appeal to the Council, is referred to the Committee for examination and report.] [p. 295.]

19 Nov. [427.] [The Council refer to the Governor and Council of Maryland. Maryland. for examination and report] the Petition of Nicholas Sewall setting forth, That being necessitated to return from Virginia to his own Plantation in Mariland, one Mr. John Payne Comptroller under His late Majesty King James, did on the Third of January 1689, with severall armed men, at an unseasonable time of the night, come to seize the Petitioners Vessell then Riding at Anchor in Patuxent River ; whereupon Guns being fired on both sides, the said Payne was killd ; That some time after the Persons belonging

1691.

to the Petitioners vessell were brought to a Tryall, and Three of them condemned; Whereof one named John Woodcock was executed, and the Execution of the other two deferrd, till His Majestys Pleasure were signified concerning them. That the Grand Jury found the Bill against the Petitioner although he was in Bed at his own Plantation, at the time of the said action. Wherefore humbly praying His Majesty to extend His Grace and mercy to the said Two Condemned Men, and also Protection for himself to Return and live Peaceably at Home.

[p. 277.]

(1696.)

[Pardon granted to Mason and Burley in accordance with memorial of Sir T. Lawrence.—C.S.P. IX. 2233.]

13 Feb.

[Vol. IV. p. 283.]

[428.] [Letters to be sent to the Governors of Plantations as in C.S.P. VIII. 1926.]

[p. 275.]

27 Nov.
Plantation
Trade.

[429.] [The Council refer to the Committee for examination and report the] Petition of the merchants and Traders to Jamaica in behalf of themselves and the Planters of the said Island, humbly praying that certain Lawes made by an Assembly unduly Elected at Jamaica in the Government of the late Duke of Albemarle, may not be confirmed, or otherwise that the Petitioners may have time to send to Jamaica for the Depositions of their wittnesses to prove the illegality of the said Assembly.

[p. 277.]

27 Nov.
Jamaica.

[430.] [A Representation of Richard Smithsend referred to the Committee.]

[p. 280. C.S.P. VIII. 1921.]

3 Dec.
Canada.

[431.] [Order for guarding coasts of New England and Nova Scotia.—C.S.P. VIII. 1956.]

[p. 291.]

17 Dec.
New
England.
(1692.)

[On the representation of the Committee] that they are given to understand by Letters from New England that Port Royall in Nova Scotia was lately retaken by a French Man of Warr of 36 Gunns and that the french and Indians were expected to fall upon Piscataqua and threatned in the Spring with Assistance from Europe to attack Boston it selfe and that

14 Jan.

204 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1691-2. all that Coast being unguarded the french Privateers had lately taken Eighteen Merchants Vessells and otherwise much Infested those parts : [order is therefore given as in C.S.P. VIII. 2008.] [p. 311.]
- 21 Dec. [432.] [Order in accordance with the Committee's report
Maryland. on Sir T. Lawrence's memorial.—C.S.P. VIII. 1954.] [p. 294.]
1692. [433.] [On reading the petition of Francis Jones of
West Indies. Plymouth, and a report from the Judge of the Admiralty, the *Hawk*, captured by the French on the way home from Antigua with tobacco, molasses and sugar, and retaken by the *Dreadnought* frigate, is declared good prize, but the owners being recommended to his Majesty's bounty, it is ordered that the ship be restored to them.] [p. 305.]
- 7 Jan. [434.] [Petition of Leisler referred to the Committee.—
New York. C.S.P. VIII. 1984.] [p. 306.]
- 17 March. [Order in accordance with Committee's report.—C.S.P. VIII. 2127.] [p. 351.]
- 7 April. [In accordance with the report of the Committee, pardon is granted to Abraham Gouverneur, Gerardus Beckman, Mindert Courteen, Thomas Williams, Johannes Vermuillen, and Abraham Brasier.] [p. 375. C.S.P. VIII. 2159.]
- 13 May. [Order in accordance with C.S.P. VIII. 2215.] [p. 400.]
(1694.)
- 15 March. [Order is given in accordance with the following report of the Committee.—Upon reading a letter from Colonel Fletcher (C.S.P. IX. 604), and taking into consideration a former representation (C.S.P. VIII. 2159), their Lordships] agree to lay this whole matter before His Majesty in Council, and thereupon to move His Majesty that, for quieting the differences in New Yorke, His Majesty would be graciously pleased to order a Pardon for the said Persons above mentioned, to be past the Great Seale at His Majestys charge, and that Mr. Aaron Smith may be directed to sollicite the same. [Vol. III. pp. 376-7.]

(1695.)
28 Feb.

Vpon reading this day at the Boord, the humble Petition of Jacob Leisler and Abraham Gouverneur both of New Yorke in America, Setting forth the Services of the Petitioner Leislars late Father, Jacob Leisler, in securing the Province of New Yorke for his Majesty in the late Revolution, And that upon his Majestys Letter directed (in the absence of Capt. Nicholson) to such as for the time being tooke care for preserving the Peace and administring the Laws there, the said Jacob Leisler the elder faithfully executed his Majestys Commands, till the Arrivall of Capt. Ingoldesby, with one Company of ffoot, who demanding the Fort of the said Province without any authority, which being refused by the Petitioner Leislars said Father, He laid Seige to it from the 29th of January to the 19th of March 1690, being the day that Col. Slaughter the late Governor there arrived, unto whom the said Fort was peaceably delivered, Notwithstanding which the said Jacob Leisler the Elder, and Jacob Milborne were attainted and executed for High Treason, in not delivering the Fort to the said Ingoldesby and his Accomplices, [and six others attainted but afterwards pardoned], And therefore Praying to be restored to the Residue of their Estates, and Leave to apply to the Parliament for Reversall of their Attainders. It is this day Ordered by his Majesty in Council, That that part of the Petition for having the several Persons therein mentioned, restored to the Remainder of their respective Estates be, and it is hereby Referred to the Right Honorable the Lords of the Committee for Trade and Plantations to examine and consider thereof, and report to this Boord what they judge fit to be done thereupon. And as to the Reversing their severall Attainders, they may apply themselves to the Parliament for Obteyning the same if they thinke fit.

[p. 75. C.S.P. IX. 1689.]

1692.

[435.] [Order in favour of Thomas Offley in accordance with C.S.P. VIII. 2000.] [p. 314.] 21 Jan. NavalStores.

[436.] [Order in accordance with Customs' report as to 4½ % duty.—C.S.P. 2038.] [p. 318.] 28 Jan. Leeward Islands.

206 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

- 11 Feb. [437.] [In Colonel Fletcher's Commission the Committee
New York. report that they,] in consideration of the great Disorders, the
Country of East and West new Jersey have a long time lain
under, The Absence of the Proprietor of Pensilvania, and
the Danger that Province is exposed to from the French.
Have inserted a Clause for putting those Colonys under the
Care and Government of the said Colonel Fletcher. [The
clause is approved.] [p. 328.]
- 25 Feb. [The clause is reserved for consideration.—C.S.P. VIII.
2071.] [p. 336.]
- 10 March. [Order as in C.S.P. VIII. 2118.] [pp. 346-7.]
- 12 May. [Fletcher to appoint Lieut. Governor and Council of
Pensylvania.—C.S.P. VIII. 2227.] [p. 399.]
- 11 Feb. [438.] [Colonel Copley's arrival in Maryland being very
Maryland. uncertain, he having missed the convoys, a commission under
his Majesty's Signet is sent on the proposal of the Com-
mittee, to Colonel Nicholson, Lieutenant-Governor of Virginia,
to be Lieutenant Governor of Maryland, and exercise the
power of Colonel Copley's commission (of which an exempli-
fication is sent him) in case of his death or absence. And
a like commission is sent to Sir Edmund Andros to act
as Commander in Chief of Maryland on the death of Colonel
Nicholson and absence of Colonel Copley, and to exercise
the powers of Colonel Copley's commission.] [p. 328.]
- 1 March. [439.] [The Council refer to the Admiralty for consideration
Newfound- and report] the Petition of severall merchants of London
land. and the west Country Trading to Newfoundland setting forth
that this is the proper season of the year for sending ships
Provisions and necessarys thither, Wherefore praying Licence
for the severall ships named in their Petition, to go out on the
said Fishing Trade, and that such convoy be allowed them
as shall be thought fitt. [p. 340.]
- 9 June. [The proposal of the Admiralty, to whom had been referred
the taking off of the embargo, that liberty be given for not

more than 30 ships to sail for Newfoundland under convoy by the 20th of this month, is referred to the Committee for consideration and report,] and also the whole Matter of the Trade to Newfoundland . . . as also of the Means for Rendering that Trade more usefull and advantageous to the Kingdome in generall, and uselesse to their Majesties Enemys. [p. 417.]

[On the report of the Committee, and notwithstanding the embargo, protections are granted for all ships ready to sail with the Newfoundland convoy by the 30th instant,] Provided that the Master, and one of the reall Owners of each Ship, Except the Fox of Biddeford, do before they clear, Enter into One Thousand pounds Security at the Custome House to go directly with the said Convoy to Newfoundland, and there Endeavour to take in their Lading. [p. 423.] 23 June.

[On further consideration, and with the advice of the Committee, the obligation is added] to returne to Europe, and so to England with their Convoy, and not to go to the Plantations. [p. 428.] 30 June.

[440.] [The Committee representing the petition of Mr. Allen, Governor of New Hampshire, His Majesty is pleased to order the Officers of the Ordnance to provide him for the fortifications he is building in that Province, twenty great guns and 100 barrels of powder with shot proportionable.] [p. 341.] 1 March.
New Hampshire.

[441.] [Orders as to voyage of Colonel Fletcher and Sir E. Andros.—C.S.P. VIII. 2093-5, and 2100-1.] [p. 342.] 1 March.
New York.
Virginia.

[Two papers from Colonel Fletcher as to his voyage referred to the Treasury.—C.S.P. VIII. 2126.] [p. 351.] 17 March.

[442.] [On reading the report of the Committee, the Officers of the Ordnance are ordered to consider the following list of stores desired for New York (those sent with Col. Sloughter having been distributed to the garrisons of 1 March.
New York.]

208 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

Albany and Schenectady for their defence against the French), and to provide and send such of them as they shall think requisite] :—

	Proposed by	
	Governor.	Council.
Powder, one hundred of them to be fine	200 barrells.	200 barrells.
Shott for Small Arms	1000 wt.	—
Pickaxes	—	50
Sheet lead for Aprons, etc.	200 wt.	600 wt.
Hand Granados	1000	—
Match	20 bundles.	1200 wt.
Granadiers Hatchets	120	—
Fire Locks	500	1000
Halberds	—	12
Salt Petre	—	100 li.
Brimstone	—	100 li.
Cartridge Paper	—	50 Reams.
Lanthorns	—	12
Gunns, 24 Pounders	—	10
Gunns, 18 Pounders	—	10
Shott agreeable	agreeable.	
Shott of 2 and 3 li. Ball	—	600

[p. 342. C.S.P. VIII. 2096.]

17 March. [On a report from the Ordnance approving of the list proposed by the Council, save that only 500 firelocks are thought necessary, order is given accordingly.]

[p. 351. C.S.P. VIII. 2132.]

31 March. [On a report from the Ordnance, 1000 hand grenades and 120 grenadier's hatchets are also sent.]

[p. 367. C.S.P. VIII. 2144.]

17 March. [443.] [Petition of proprietors of land and traders referred New York. to Committee.—C.S.P. VIII. 2129.] [p. 350.]

17 March. [444.] [Petition of Jacob Mauritz referred to Committee. New York. C.S.P. VIII. 2128.] [p. 350.]

12 May. [Report approved.—C.S.P. VIII. 2226.] [p. 398.]

(1693.)

18 May. [To the Committee is referred the] Petition of Frederick Philips [Flypse?] Esqr one of Their Majestys Council in the Province of New Yorke concerning the ship Francis and Thomas alias St. Peter, directed to be taken from him by the Governor of New Yorke, and delivered unto Jacob Mauritz.

[Vol. III. p. 156.]

1692.

[445.] [The Council refer to the determination of the Treasury the] Petition of Peter de la Noy, touching the account of Mony Received and disbursed by him during the time of his being Collector of Their Majestys Dutys at New York.

17 March.
New York.

[p. 350.]

[446.] [The Council refer to the Treasury Sir Edmund Andros's proposal, brought before them by the Committee], That he may have Instructions upon any Exigency of the Government by an attempt of the French or otherwise, to dispose of the Value of One thousand pounds of the Quit Rents of that Colony for the publick service, and the Security of the Country, or for the assistance of any of the neighbouring Colonys upon the like occasion.

7 April.
Virginia.

[p. 371.]

[447.] [The Council refer to the Attorney General for examination and report] the Petition of Talbot Edwards Esqr. setting forth that he conceives Royall Mines may possibly be found in their Majesties Islands of Nevis Montserat and St. Christophers, and also other Mines there; That he is desirous at his own Cost and Charge to search and dig for the same, and to be obliged to search and dig, and to bring all Gold and Silver thence to Their Majesties Mint in the Tower of London; Wherefore humbly praying letters Patents, or a lease granting the said Mines to him and his Assignes.

14 April.
Leeward
Islands.

[p. 378.]

[On hearing the Attorney General's report, the Council remit the business to the Treasury.]

28 April.

[p. 384.]

[448.] [A petition as to exportation of tobacco is referred to the Committee.—C.S.P. VIII. 2209.]

28 April.
Virginia.

[p. 385.]

[On the Committee's report, order is given accordingly.—C.S.P. VIII. 2307.]

7 July.

[p. 430.]

[449.] [On a representation from the Committee, it is referred to them to prepare a draft of a general pardon to Their Majesties' subjects in the American Plantations.]

13 May.
General
Pardon in
America.

[p. 400.]

1692.

- 19 May. [450.] [A copy of] the Petition of Major Edward Nott,
West Indies. humbly praying to be Tryed by a Court Martiall, touching
the Crimes whereof he is, by Captain Powell Accused to have
Committed in the West Indies, where he served above two
years as Major to the Duke of Boltons Regiment, [is ordered
to be sent to] the Duke of Bolton who is desired to acquaint
this Board, whether his Grace is ready to go on with the
Tryall, and wherefore the said Major Nott should not imme-
diately be Tryed here by a Court Martiall. [p. 406.]
- 13 June. [On considering Major Nott's petition and the Duke of
Bolton's letter of 30 May, it is ordered that the Duke of
Bolton send up to the Board in writing with all convenient
speed particulars of the charge against Major Nott that such
proceedings may be taken against him as are expedient and
according to law.] [p. 419.]
- 23 June. [A letter to the Duke of Bolton, stating that his answer
is unsatisfactory, and that her Majesty's intention as to
Major Nott is], if the Charge against him, be not laid before this
Boord on Thursday the 7th of July next whereby Her Majesty
may judge, what Prosecution may be fit to Direct against
him, . . . to continue him in her Service, without any
Mark of Her Displeasure. [p. 426.]
- 7 July. [It is ordered that such part of the Duke of Bolton's letter
of 28 June] as concerns the charge against Major Nott, be
herewith sent to the said Major Nott, who is to return his
answer thereunto in writing to this Board, with all convenient
speed. [p. 432.]
- 2 June. [451.] [To the Admiralty is referred for report] whether
Plantation Trade. it be expedient, that the Embargo be now taken off . . .
and particularly to consider whether ships may be at present
permitted to trade from Ireland to the Plantations. [p. 413.]
- 13 June. The Article in the Report made to this Boord by [the
Commissioners of the Admiralty], in pursuance of an Order
of the 2nd instant for permitting Ships belonging to Ireland

to trade from thence to the Plantations, having been this day taken into further Consideration, [it was referred to the Treasury to receive the opinion of the Customs] how that Liberty may be so limited, as that under pretence thereof, no other Ships, then such as really belong to Ireland be permitted to enjoy the Freedome of the said Trade from that Kingdome. [p. 418.]

[The Council approves the following report from the Customs of 27 June, and directs the Treasury to issue orders in accordance therewith :—] . . . Wee do humbly Report to your Lordshipps that the Lawes of Trade and Navigation have taken great care to preserve and Restrain the Plantation Trade to this Kingdome, allowing only a limited Trade from Ireland to the Plantations; and if it should be thought fitt, at this time, to permitt the Shipping of Ireland to Trade from thence to the Plantations, and at the same time to continue the Embargo upon that Trade to the Shipping of this Kingdome it would be the giving up the whole Plantation Navigation to that Kingdome and the denying of it to this. Which is all that Wee have to remark upon this Occasion. [p. 442.]

21 July.

[452.] [The Council refer to the Committee the petition of the freighters of the *Tiger*.—C.S.P. VIII. 2266.] [p. 419.]

13 June.
Plantation
Trade.

[453.] [Two Acts referred back to the Governor of Virginia. The Act for Advancement of the Manufacture of the Growth of that Country is particularly unreasonable, as it contains a clause compelling the merchants trading from England to receive their debts in commodities.—C.S.P. VIII. 2308.] [p. 429.]

30 June.
Virginia.

[454.] [The Council refer to the Admiralty for examination and report] the Petition of Ellen Wren Widow setting forth that Her late Husband Captain Wren Commander of Their Majesties Ship the *Mary*, being taken off, by the late mortality in the West Indies, left the Petitioner with Four Small

14 July.
West Indies.

212 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

Children, destitute of all manner of subsistence, And humbly praying Her Majesty to bestow some Releif for the support of her self and Children. [p. 439.]

28 July. [Upon considering the following report from the Admiralty on Mrs. Wrenn's petition, the Council order that she] be paid such summ of money, according to the Rules of the Navy, as if the said Captain Wrenn had been slain in fight, [and also a pension of 200*l.* per annum, as was paid to the widow of Captain Aylmer] :—Wee do report that the Petitioners husband served many yeares as a Commander in Their Majestys Navy, and being Commander in Cheif of Their Majesties Ships in the West Indies, did behave himself very well in defending and securing the said ships, and severall merchant ships under his convoy, when they were attaqued by a much greater force of the French in February last ; But the Rules of the Navy not allowing any Releif in the Petitioners case, Wee Referr her to such Releif, Her Majesty shall please to Order her. [p. 449.]

12 Sept. [To the Admiralty is referred a similar petition of] Elizabeth Johnson widow of Captain Thomas Johnson late Commander of their Majestys Ship the Swan. [p. 491.]

21 July. [455.] [Order to the Admiralty for the transportation of Jamaica. Colonel Beeston to Jamaica.—C.S.P. VIII. 2354.] [p. 444.]

15 Sept. [Freight to be provided for 50 tons of his household goods.] [p. 497.]

21 July. [456.] [William Talbot referred to the Committee.—C.S.P. Leeward VIII. 2353.] [p. 444.]
Islands.

28 July. [457.] [Upon reading the petition of James Blair, clerk, Virginia. and also a report from the Treasury and other papers as to a free school and college in Virginia, the matter is referred to the Attorney General.—C.S.P. VIII. 2365.] [p. 448.]

1 Sept. [The Treasury report as in C.S.P. VIII. 2341, and 2427. The report is approved, except the last clause thereof concerning escheats ; the Treasury are to issue all necessary orders and directions.] [pp. 479-80.]

1692.

[458.] [Orders as to the public records and seal of New Hampshire in accordance with C.S.P. VIII. 2371-2.] 1 August.
New
Hampshire.
[p. 453.]

[459.] [On reading the following report of 27 July from the Customs]:—In Obedience to your Lordships Comands signified by Mr. Guy the 25th instant Requiring Us to let your Lordships know, what Wee think upon the Information Wee had touching the Sickness and Mortality at Jamaica, as well as the Leeward Islands, and whether there is sufficient grounds to cause the ships comeing from Jamaica to make a Quarentine. Wee humbly acquaint your Lordships That the Information Wee received was by a Letter from Mr. Napper the Surveyor of the Customes at Penzance of the 10th instant (Copy whereof is herewith presented) giving an Account of Two Vessells then arrived from Jamaica, One of which Confessed to have Lost Five Men, and the other thô he would not Confess the loss of any, agreed that the sickness increased rather then deceased at Jamaica, And there seems to Us to be the same reason for the obliging ships from that Island to performe the Quarentine, as those from Barbados, and the Leeward Islands. And upon this Occasion Wee humbly acquaint your Lordships that Wee having in pursuance of Her Majestys pleasure formerly signified directed Major Lane Surveyer of the Navigation with the Assistance of Mr. Whitehall to Repaire downe the River with Instructions to Execute the Quarentine at Holchaven, Have received from the said Mr. Lane and his Assistant a Letter (copy whereof is herewith presented) giving their Opinion, That the Hope is a more Convenient and safe place for the ships from the West Indies to remaine in, during the Quarentine then Hole Haven; In which Opinion Wee are inclinable to Concurr with them, because upon discourse with Capt. Nash an officer of good Experience who Remembers the keeping a former Quarentine Wee are Informed That althô (the said former Quarentine being only upon ships from Holland and parts thereabouts, which are generally ships of smaller

1692.

burthen then those that use the Trade to the West Indies) Hole haven might be Capable of Receiving them, Yet the ships from the West Indies being large, the Hope may be more safe and secure place for them to Ryde in, Hole haven being a Narrow Channell, and not soe secure for Numbers of ships of great burthen to Ryde in. And Wee humbly pray That her Majestys pleasure may be knowne concerning such ships who having touched in some parts of Ireland or Scotland the Islands of Scilly or Man, and spent some time there (divers instances hereof daily happen) Whether the time spent in those places, shall not be Accompted part of their Quarentine.

Farther, Wee humbly pray, That your Lordships will be pleased to Receive Her Majestys Commands touching what sort of Testimony of Health shall be required at the End of the Quarentine, Whether a Certificate of the Officer of the Customes respectively who shall be appointed to Execute the Quarentine, of his haveing frequently Mustered the Men on board during the time of the Quarentine ; And also the Oath of the Master before the Mayor or other Magistrate of the place, Or what other Testimony her Majesty shall be pleased to require. And whatsoever Her Majesty shall be pleased to direct upon this occasion, Wee humbly pray may be put into an Order of Councill to be publickly shewne to all persons Concerned, Aswell to give the greater Countenance and Authority to the Persons that shall be appointed to Execute Her Majestys Commands, As to prevent Clamour.

[Order is given that the Treasury direct the Customs to put the report in execution], And it was Likewise further Ordered that the Hope shall be the place for the said ships to Ryde in to performe their Quarentine ; And that the time the said ships have remained or stayed in any Port of Ireland Scotland the Islands of Scilly or Man shall be allowed to them as part of their Quarentine, Provided, They make sufficient prooffe either by the Oath of the Master or Cheife Officer of the ship, or otherwise, That the said ship touched and stayed in such a Port

1692.

or Place so long in the said Kingdomes or Islands ; And . . . that at the End of the Quarentine, the Officer of the Customes respectively who shall be appointed to Execute the same, is to Certifie his having frequently Mustered the Men on Board during the time of the said Quarentine, as also the Oath of the Master taken before the Mayor or other Magistrate of the place touching the Condition of their Healthes is hereby required to be given before the shipp bee discharged from her Quarentine. [pp. 455-6.]

[Letters brought by the *Pembroke* sloop are to be forwarded forthwith, after being dipped in vinegar and smoked as hath been accustomed in the like cases.] 8 Aug. [p. 458.]

[The Council refer to the Treasury the examination of the petition of Ruth Mudd and the other owners of the *East India Merchant*, Thomas Shirley commander, from Jamaica, for an immediate entry despite the Quarantine order.] 8 Aug. [p. 459.]

. . . a Letter, Delivered by the Right honourable the Lord Cornwallis of the 6th instant from Samuel Vincent Comander of their Majesties ffire ship the *St. Paul* Rideing in Plymouth Sound, giving an account of the Health of the People in the West Indies [is ordered to be returned to him by the Commissioners of the Admiralty to make an affidavit of what he alleges therein.] 11 Aug. [p. 461.]

[The Council refer to the Admiralty a complaint of the Mayor of Plymouth of the affront and slight given him by Captain Butler of the *Mary* from Barbados for doing his duty in execution of the order relating to Quarantine.] 18 Aug. [p. 464.]

[The *Neptune* is allowed to enter despite the Quarantine, being sent from Jamaica with a packet reporting a violent earthquake on the 7th of June, and having on 1 July left the island in good health and suffered from no disease on board during the voyage.] 18 Aug. [p. 465.]

216 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

18 Aug. [On consideration of various letters and affidavits as to the health of Jamaica, the Quarantine is removed from vessels coming from that island.] [p. 467.]

15 Sept. [On reading a presentment from the Commissioners of the Customs, it is referred to the Admiralty to consider the disregard of the Quarantine shown by boats belonging to men of war which continue to press seamen from ships newly arrived from Barbados, and to give such order therein as they shall judge most proper.] [p. 496.]

15 Sept. [The Commissioners of the Customs are to direct their officers to assist the Admiralty in enforcing the Quarantine.] [p. 496.]

3 Nov. Upon reading the Petition of John Bennet master of the Ship *Coronation*, setting forth that the said Ship being lately arrived in the River of Thames from the West Indies is obliged to perform a Quarantine, although she hath been one of the most healthy Ships that ever went and came from thence, not one man having been sick or dyed in her these Four Months. That her men were Imprested and New Pylots and men put on Board, therefore humbly praying that the Quarantine be taken off and the ship permitted to an entry : [directions are given for taking off the Quarantine from the *Coronation* and all ships coming from the Plantations in America.] [Vol. III. p. 24.]

8 Aug. [460.] [Orders to the Admiralty and Ordnance to impress West Indies. such ships for carrying provisions and stores to the West Indies as they shall judge requisite, in accordance with the powers given to them by an Act of the first year of James II] for Reviving an Act for Providing of Carriage by Land and by water for the use of his Majestys Navy and Ordnance. [p. 457.]

23 Aug. [461.] [The report of the Committee as to ships and stores Jamaica. to be sent to Jamaica is referred for speedy report to the Admiralty.—C.S.P. VIII. 2398 and 2406.] [p. 470.]

[The Council refer to the Ordinance the Committee's recommendation for the despatch of the following stores] :—

- Two hundred Borels of Powder, fifty of them for small shott.
- One thousand Firelock Musquetts.
- Sixty pair of Pistolls for Horse.
- Three hundred Carabines.
- Flints proportionable for Musquetts, Carabines and Pistolls.
- Fifty Reams of Cartouch Paper.
- One thousand Weight of Match.
- Twenty Barrells of Musquet and Carabine Bulletts.
- And forty or fifty Carriages for Demy Cannon and Culverine.

[p. 471. C.S.P. VIII. 2405.]

[On the report from the Ordinance, order is given for the stores to be sent.] 25 Aug. [p. 473.]

[On a report from the Committee, the *Neptune* is ordered to be dispatched at once, with advice of the stores being sent.—C.S.P. VIII. 2458.] 8 Sept. [p. 485.]

[462.] [The Council appoint Thursday next at 10 in the forenoon for hearing all parties on] the Petition of the Merchants and Planters concerned in the Island of Jamaica, Setting forth, that Jamaica having a Soile proper for the Planting of Indico, the People have applyed themselves to the produceing of that Commodity, and in order to it have laid out their Estates in buying Negros, clearing the Land, building Houses and erecting other necessarys for making thereof. That the African Company have made an agreement with One Whiston to carry this Art of produceing Indico to Africa, and the said Whiston hath gott Planters from Jamaica, to teach it to the Natives, which persons with Seed and other Materialls, were sent by the Companys last Ships for the Coast of Africa, whereby this Art and Commodity will be made known to the great loss of this Kingdome, and to the utter undoing the Petitioners. . 8 Sept. Jamaica. [p. 486.]

[All parties having been heard, the dispute is referred to the Committee. Some of the Commissioners of the Customs, prepared in the business, are to be made acquainted with the matter, and attend the Committee on Wednesday next at ten in the forenoon.—C.S.P. VIII. 2530.] 29 Sept. [p. 503.]

218 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.
12 Sept.
Plantation
Trade. [463.] [The Commissioners of the Customs to settle the trade to the Plantations as in 1690. From 1 May to 12 Sept. 1692 the number of men allowed by particular permission to go to the Plantations was 1059 and these are to be counted as part in making up the lists. The 1059 were thus distributed :— to New York 35, New Jersey 6, New England 46, Barbados 14, Jamaica 238, Newfoundland 150, Hudson's Bay 150, Virginia 10, in 25 store ships hired for transport to West Indies 510. The Commissioners are also to inform the Board what they have done touching the prosecution of bonds taken from ships which went last year to the West Indies, and touching the nature of the bonds they intend to take this year.]
[pp. 486 and 491.]
- 12 Sept.
New
England. [464.] [The Council refer to the Commissioners for Sick and Wounded Seamen and Prisoners] the Petition of divers Gentlemen and merchants Trading to New England Setting forth that many of Their Majestys Subjects belonging to and passing from New England in their Lawfull Employments and occasions, have been taken Prisoners of Warr by the French and carried into their Ports, but not Set at liberty or allowed to come thence as others are, because severall subjects of France taken at Port Royall are continued Prisoners at Boston and New Yorke. And humbly praying that the Governors of New England and New Yorke may be directed to Release all French in their possession, so they in like manner Release all English.
[p. 491.]
- 20 Sept.
Barbados. [465.] [Stores for Barbados.—C.S.P. VIII. 2495.]
[p. 499.]
- 29 Sept.
Jamaica. [466.] [A memorial of Colonel Beeston's referred to the Admiralty.—C.S.P. VIII. 2529.]
[p. 504.]
- 13 Oct. [The Admiralty report is approved.—C.S.P. VIII. 2553.]
[Vol. III. p. 15.]

WILLIAM III. VOL. III. (1 Oct. 1692—29 Nov. 1694).

1692.
1 Oct. Ship passes.
- [467.] [Permission is given for (1) the *Supply* ketch of Boston, James Clay master, to return to New England with six seamen if they belong to that place : (2) the *Swallow* brigantine to sail to Jamaica with iron, coals and other materials for rebuilding several houses, workhouses, and warehouses which had fallen down by the late earthquake there : (3) the *Dolphin* brigantine with a crew American born—save two Dutchmen—to return to New York. [pp. 1-2.]
- [Leave (4) for the *Richard and Sarah*, 15 seamen, to go to New York with stores sent by the Commissioners of the Navy for their Majesties' ketch *Aldborough* ; (5) for the *Margaret* of New York, James Duncan of New York master, to proceed thither, having called at Dover on the way home from Holland to pay the duties required by law.] [pp. 13-14.]
- (6) [Protections for the *Mary, Hope, Mary,* and *William and Mary,*] employed in their Majesties Service for carrying Stores and Provisions for the Souldiers in the West Indies and for their Majesties Ships the *Norwich* and *Diamond*. [p. 17.]
- (7) [Permission to Sir Richard Levett and others for the *Katherine* to sail to Guinea and load negroes for Virginia, on showing that they have license from the African Company for so doing and on agreeing to deduct the ship's complement from the quota directly assigned to the owners for the Virginia trade.] [p. 24.]
- (8) [In a similar petition Thomas Starke, John Mudge and others, owners of the *Concord*, allege] that having had no supplies of Blacks since the warr with France, and the Whites in their service growing out of their times and becoming free, their Plantations are falne under a great Scarcity of hands, so that they have not sufficient for the management of them. [Like conditional permission is granted, with the additional stipulation] that the Commissioners of the Customes on conferring with the merchants Trading to Virginia upon the intended Repartition for this yeares Trade do think fitt to assigne the aforesaid number of men to the Petitioners for Their respective Dividends. [p. 25.]
- (9) [Petition for the *Mary*, James Cole commander, to sail to Barbados referred to the Commissioners for Victualling the Navy.] [p. 30.]
- (10) [The *Two Brothers* of New England, Thomas Gwyn master, 9 New England men, which had sailed with a New England crew from thence and Virginia to Scotland and is now stopped at Beaumaris by the embargo, is allowed to return home.] [p. 30.]
- (11) [The *Friendship* of New England and the *James* of Boston, both New England built and owned, are allowed to return thither after loading salt at the Isle of May.] [p. 31.]
- (12) [The Victuallers of the Navy to contract with the *Martin's Delight*] to Carry Provisions to the West Indies instead of a ship Bulged at Spit head, so as Nevertheless the Fleet going to the Plantations doe not Stay upon this Occasion. [p. 50.]
- 13 Oct.
20 Oct.
3 Nov.
3 Nov.
17 Nov.
24 Nov.
24 Nov.
15 Dec.

220 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692-3.
22 Dec.

(13) [The *Friends Adventure*, John King master, six men all belonging to Pennsylvania, is allowed to return thither.] [p. 56.]

29 Dec.

(14) [The report of the Victuallers on the *Mary* (9) is referred to the Commissioners of the Customs.] [p. 61.]

29 Dec.

(15) [The *Good Success*, Anthony Taylor of Carolina master, to be allowed to sail with provisions to Carolina with the first opportunity of convoy, some of her six seamen being inhabitants there.] [p. 62.]

29 Dec.

(16) [The *Josiah*, *Beeston*, *London*, and *Laurel* which, after carrying stores for his Majesty's service, had license to sail to Jamaica, before 20th October, but were prevented by the merchants' inability to ship their goods by that date, are now permitted to sail on proving their statements before the Commissioners of the Customs.] [p. 62.]

29 Dec.

(17) [The ketch *Endeavour*, 40 tons, belonging with its 3 men to New England, is allowed to sail thither.] [p. 62.]

1693.

12 Jan.

(18) [The *Adventure* of London, Henry Sutton master, is allowed to sail to the West Indies with the Virginia convoy to bring into this kingdom from thence saltpetre, according to a proposal made by the master to the Treasury.] [p. 69.]

26 Jan.

(19) [The *Mary* (9, 14) is allowed to sail to Barbados with the Virginia Convoy, the crew having been on board and in pay for four months.] [p. 71.]

2 Feb.

(20) [Owing to the illness of Arthur Bayly, one of the owners of the *Katherine* (7) by whom the arrangements under the Order of 3 November were to be made, that ship was left out of the Virginia list. Hence Sir Richard Levett, though a person of considerable interest in that trade, has no ship assigned him for his share in that distribution: but Mr. Bayly offers the 13 men who were assigned for his ship *Ann* towards the *Katherine's* complement of 30, and his Majesty grants another seventeen out of the 30 assigned to Milford Haven, but not yet apportioned, for the voyage to Guinea and Virginia.] [p. 75.]

2 Feb.

(21) [The *Robert*, Jacob Allen master, 6 men, which had returned to England from Kinsale with the arms and stores of their Majesties' ship *Swallow* on the application of the Officers of the Ordnance, is permitted to set out again for New England, where ship and crew belong.] [p. 83.]

2 Feb.

(22) [The Customs representing the humble desires of Gilbert Heathcote and Joseph Martin merchants, the *Union* and the *Providence* with 4 and 6 men respectively are allowed to sail to the Leeward Islands in place of the *Robert* and *Richard* with 10 men], And the rather because one of the said ships is a Vessell that belongs to the Island of Nevis, and brought from thence so many seamen as she now desires, which are already imprest into their Majesties Service. [p. 84.]

2 Feb.

(23) [The Council refer to the Admiralty for consideration and report] the humble Petition of the Merchants of Barnstable and Biddiford concerned in the Newfoundland Fishery, Praying Liberty for the Reasons set forth in the said Petition to send out for the said Trade Eight Fishing Ships with Sixty Seamen. [p. 86.]

[On 23 Feb., on the report of the Admiralty, they are allowed to sail: names, tonnage, etc., are given.] [p. 98.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 221

1693.
9 Feb.
- (24) [On the petition of John Barrill, master, the *Abigail* is permitted to return to New England with five New England seamen, one landsman, and one foreigner.] [p. 89.]
- 16 Feb.
- (25) [The Council refer to the Admiralty the petition of the freighters of the *Loyalty*, 350 tons, 30 men, driven ashore and disabled at Spithead, for the *Nassau*, same tonnage and crew, to proceed in her stead with her cargo of English manufactures for Barbados.] [p. 93.]
- 23 Feb.
- (26) [The *Hope*, stranded in Stokes Bay in the Isle of Wight when proceeding to Barbados according to the Order of 20th October, but refitted and laded with goods salvaged from her own cargo and that of the *Loyalty*, is allowed to pursue her intended voyage, setting out with the Virginia Convoy.] [p. 96.]
- 23 Feb.
- (27) [The *Katherine* (7, 20) is allowed, besides her 30 seamen, $\frac{1}{3}$ of that number foreigners, and $\frac{1}{5}$ of the whole complement landsmen, for looking after the negroes.] [p. 98.]
- 9 March.
- (28) [The petition of Sir Joseph Herne and William Hayne, Esq., in behalf of several merchants of Dartmouth for 10 ships and 82 seamen, besides landsmen, to sail to Newfoundland, is favourably referred to the Admiralty [p. 109]. On 16 March the Admiralty report against permitting the going abroad of so many seamen, but permission is given by the Board for the ten ships with 55 English seamen, besides foreigners and landsmen.] [p. 113.]
- 9 March.
- (29) [The Council refer to the Admiralty the petition of the Hudson's Bay Company for 110 mariners to navigate two ships designed to be sent out by them this year. [p. 110.] On the report of the Admiralty, protection is granted, on 16 March, for twenty men meanwhile for fitting out the vessels and for the remainder in April next.] [p. 112.]
- 23 March.
- (30) [On the report of the Customs, the *Seven Brothers*, Robert Curtis master, 18 Englishmen, besides landsmen and foreigners, is permitted to sail to Jamaica instead of the *Friendly Society*, with the like number of English seamen, assigned to Mr. Anthony Hawke for the Virginia trade.] [p. 119.]
- 23 March.
- (31) [A report of the Commissioners of the Customs and Transportation concerning the laying of an embargo is] Referred to the Committee of this whole Board appointed for settling the Embargo. [p. 122.]
- 30 March.
- (32) [The *Sarah* of Topsham, 20 English seamen, is allowed to sail to Newfoundland; 15 ships of Exeter, Topsham, Bristol, Plymouth, Weymouth, Lyme, and Southampton, 80 men besides landsmen and foreigners, desiring to sail to Newfoundland, are favourably referred to the Admiralty. [pp. 122-3.] On 6 April, the petition is granted, and the names and details of the ships are given, on the report of the Admiralty that] Wee have considered of the Petitioners' Allegations, which wee find reasonable, and are of opinion, that all fitting Encouragement should be given to the Fishing Trade at Newfoundland; But Wee humbly submit it to her Majesty Whether Shee will please to permitt the going abroad of the Number of Seamen desired at this time. [p. 129.]

222 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

- 13 April. (33) [A petition for 16 ships with 120 men, besides landsmen, foreigners, and boys, to sail to Newfoundland, is favourably referred to the Admiralty. [p. 134.] On their report, on 20 April, the ships and men are allowed to sail. [p. 137.] So also is the *Providence*, owned by Nathaniel Herne and Francis Gosfright of London, 250 tons, 20 guns, 15 men.] [p. 139.]
- 13 April. (34) [On the report of the Committee appointed on 23 March, the embargo is continued, but not made any stricter.] [p. 135.]
- 13 April. (35) [The *Mary* brigantine, Philip Philips commander, 13 seamen, lately come from Barbados on their Majesties' service, is permitted to return thither.] [p. 139.]
- 13 April. (36) [Lord Inchiquin's petition for the *Spotted Calf* to carry his goods and horses to Cork, and thence sail to Virginia, is referred to the Admiralty, on whose report it is granted on the 27th. The *Cherubin*, Bristol to Boston, is similarly referred, and on the Admiralty report, on 11 May is allowed to sail.] [pp. 140, 142, 153.]
- 27 April. (37) [On the petition of Henry Sutton, the *Hopewell*, 8 men, Bristol to West Indies, is allowed to sail.] [p. 142.]
- 27 April. (38) [The Council refer to the Admiralty the petition of divers Virginia merchants of Bristol] that no Embargo may be laid on their ships in Virginia, but that they be permitted to saile home assoon as they are ready, more especially the shippes *Bengall* and *Bristol Merchant*. [p. 142.]
- 27 April. (39) [On a report from the Admiralty, 13 ships (names and details given) are allowed to sail to Newfoundland.] [pp. 142-3.]
- 27 April. (40) [On a report from the Admiralty, on the petition of Thomas Sutton, master of the *Concord*, permitted by Order in Council to proceed to Virginia, but delayed beyond her time by the ill condition she was in, she is allowed to proceed to Maryland, with six mariners of that country.] [p. 143.]
- 4 May. (41) [9 named ships are allowed, on a report from the Admiralty, to sail to Newfoundland with the convoy which is now preparing.] [p. 147.]
- 4 May. (42) [The petition of James Brayne and others for a pass for the *Elizabeth and Mary*, formerly cleared out for Virginia, to proceed now, is referred to the Admiralty. [p. 149.] On their report, allowed to sail on 11 May.] [p. 153.]
- 11 May. (43) [On a report from the Admiralty, 6 named ships with 45 seamen are allowed to sail to Newfoundland.] [p. 153.]
- 11 May. (44) [On the petition of John Fay, master of the *European*, built and owned in Boston, she is permitted to return home from Bristol, if the Admiralty have nothing to object.] [p. 154.]
- 11 May. (45) [On the Admiralty report on (38)] that for the greater Security of the Virginia Ships in their Passage home, the Commander of the Convoy which lately went thither, is directed to stay there two months for such ships as shall be ready, and then Convoy them to England; And there being no Embargo that Wee know of, laid on the said merchants ships, Wee cannot

ACTS OF THE PRIVY COUNCIL (COLONIAL). 223

- foresee that the two ships before mentioned or any others, will meet with any difficulty in coming away so soon as they are ready, if they shall think fitt, to venture without a Convoy. [The Governor of Virginia is directed not to stop the ships from returning, if their numbers be sufficient to defend themselves in the passage home.] [p. 154.] 1693.
- (46) [On the petition of Charles, Lord Baltimore, the *Little Baltimore*, 250 tons, is allowed to sail to Maryland, unless the Admiralty have good cause to the contrary.] [p. 157.] 18 May.
- (47) [On the petition of Adam Luxton master, a similar order for the *Good Intent*, Plymouth to Virginia.] [p. 160.] 25 May.
- (48) [The Royal African Company are allowed to send six named ships with 200 men to Guinea with stores] and also Merchandizes, whereof the most part wilbe English Manufactures, for purchasing Negroes to furnish their Majesties Plantations in the West Indies, It being Six Moneths since they had Licence to send any Ships into those parts. [p. 169.] 15 June.
- (49) [The *Adventure* and the *Bridgetown* are allowed] to proceed to the Maderas for Wine, and thence to the West Indies, no ships having gone out on that Trade this year, nor ever any Convoy granted thither. [p. 170.] 15 June.
- (50) [The Council refer to the Admiralty the petition of Alderman William Swymer of Bristol for the *Betty* and the *Rose* to sail to Barbados and Virginia] to bring home the Petitioners Effects remayning there (which are considerable) now their Majesties Fleets are out, clearing the Coasts, before which the Petitioner was unwilling to venture, there never going any Convoy from Bristoll to those Places. [p. 170.] 15 June.
- (51) [The Council also refer to the Admiralty the petition of Alderman Richard Horton of Liverpool that the *Loyalty*, 150 tons, 15 men, which has been several years in their Majestys transport service—for which about 3000*l.* is due—may be permitted to go to Virginia for the petitioner's effects, now that the royal fleet is at sea. [p. 171.] On the 22nd, on their report, the desired permission is granted.] [p. 172.] 15 June.
- (52) [Three ships for Newfoundland are referred to the Admiralty.] [p. 176.] 29 June.
- (53) [The *Rebecca* and *Elizabeth* of Boston, 30 tons, 3 men, lately sent from New England with a packet for her Majesty, is allowed to return, on proving the facts to the Treasury.] [p. 179.] 6 July.
- (54) [The Council refer to the Admiralty the petition of Thomas Wallis and others for five ships to sail to Virginia and the West Indies; and also a petition of the owners of the *Loyalty* of Whitehaven, 30 tons, to sail from Lancaster to Virginia.] [p. 194.] 3 Aug.
- (55) [The petition of Richard Kelsick and Clement Nicholson for two ships to go to Virginia is referred to the Admiralty; as are the petitions of the merchants of Liverpool for 17 ships to bring home their effects from Virginia and the West Indies; and of Thomas Ely for the *Society* to go to the Madeiras for wine, and thence to the West Indies and back to England. The *Pembroke* sloop, Stephen Elliot master, sent from Jamaica with letters or their Majesties' service is permitted to return thither.] [pp. 197-9.] 17 Aug.

224 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

24 Aug.

(56) [On the report of the Admiralty, the 17 ships are allowed to sail from Liverpool to Virginia and the West Indies; the *Susanna*, wholly belonging to owners in Jamaica, sent by the Governor and Council of Jamaica as an advice boat, is allowed to return thither from Bristol, as is the *King William* yacht, Sir William Scawen owner, which lately brought their Majesties' packet from Jamaica and is now returning thither with materials for building houses and with provisions for the Island; passes are also granted for Thomas Wallis's five ships (54), for the *Love* and *Resolution* to go to Virginia (59), for the *Society* (55), and for the *John* and *Susanna*, owned by Sir Thomas Southwell, to go to Limerick and thence to the West Indies.]
[pp. 200-2.]

31 Aug.

(57) [The petition of William Bayly, John Creech and others for a pass for the *Susanna*, Joseph Dudley master, to sail to New York is referred to the Admiralty. On a report from the Admiralty the merchants of Bristol and Whitehaven are allowed to send seven ships to Virginia and the West Indies.]
[pp. 206-7.]

7 Sept.

(58) [On reading reports from the Admiralty, the *Loyalty* of Whitehaven (54) is allowed to sail to Virginia, and the *Susanna* (57) to New York. [p. 218.] A petition for the *Virginia Merchant* and the *Patucent Merchant* to sail to Virginia is referred to the Admiralty. [p. 219.] On their report on the 21st, these two vessels are allowed to sail.]
[pp. 226-7.]

21 Sept.

(59) [A petition of William Clarke of Bristol for the *Industry* to sail to Jamaica is referred to the Admiralty [p. 227]: so also petitions for the *Pennsylvania Merchant* and *Friendship* to return to Pennsylvania and Carolina where ship and crew belong: for six ships in the outports of St. George's Channel to sail to Virginia and other parts of the West Indies: on the petition of John Staples, junior, of Leeds, for the *Samuel* to sail from Liverpool with necessary goods for Virginia and Maryland: and for four ships to sail to Barbados without being obliged to attend any particular convoy. [pp. 227-8.] The last entry has a marginal note: datum 14 instant.]

28 Sept.

(60) [Permission to sail is granted to all the ships mentioned in (59): also to the *Lamb* of Bristol for Virginia, for the *Planter* and the *Sarah* from Liverpool and Whitehaven to Virginia [pp. 230-2], and on a report from the Committee, ships allowed to sail from the outports to Virginia and Maryland are permitted to proceed as they can get ready.]
[p. 244.]

19 Oct.

(61) [The Council refer to the Committee the petition of the West India traders for an extension of the time for clearing their ships at Gravesend from 1 November to 31 December and that they be not detained in the West Indies against their will.]
[p. 259.]

19 Oct.

(62) [In view of this possible extension of time, a petition is presented that the *Amity*, *Lucy*, and *New Employment* may sail at the appointed time with the Canary or other convoy then sailing, as a delay of two months would be an irreparable loss to the owners as well as to the island of Barbados. The petition is referred to the Admiralty. [p. 259.] On 26 October, on the Admiralty report, these three ships are allowed to sail on satisfying the Customs.]
[p. 265.]

2 Nov.

(63) [Petitions referred to Admiralty: Jeremy Johnson of London for the *Prudent Sarah*, Benjamin Gillam master, with stores for shipping being

1693.

built at New England: Daniel Philips for the *Hopewell* brigantine to sail home to Maryland. On their report the latter is allowed to sail 9 November [p. 275] and the former 23 November—p. 282.] [p. 271.]

(64) [On a report from the Customs after conference with some of the leading merchants, the 15th of November is confirmed as the date of sailing for the Canary convoy, and twelve to fifteen vessels for Barbados are allowed to sail with this convoy: the other Barbados ships receive an extension to 31st December, while the Virginia, New England, and Jamaica fleets are to sail on 1 December. [pp. 273-4.] On 16 November the ships for the Leeward Islands and Jamaica are allowed to sail on 31 December, and the embargo is removed from ships in the outports ready to sail to the Canaries and Barbados. [p. 279.] On 23 November the sailing of the Virginia and Maryland fleet is fixed for 31 December, quotas of seamen to be distributed as formerly by the Customs.] [p. 281.]

6 Nov.

(65) [On a report from the Committee, the *Concord* of London, Richard Long master, 16 English seamen, is allowed to sail to Jamaica.] [p. 282.]

23 Nov.

(66) [On a report from the Committee, lists of ships are permitted to sail—21 with 200 seamen to Leeward Islands: 5 with 59 seamen to New England and New York.] [pp. 286-7]

30 Nov.

(67) [On reading a report from the Secretary of the Customs, the *Concord* and *Flying Horse* of Bristol are put on the Plantation List in place of the *Leopard* of Bristol, specially allowed to sail to the Straits instead of for Barbados as entered, the number of seamen in either case being the same.] [p. 296.]

7 Dec.

(68) [On a memorial from the Admiralty, an embargo is laid on all ships trading to Newfoundland, to be taken off as soon as the fleet is at sea.] [p. 299.]

14 Dec.

(69) [The petitions of Cyprian Southack, master of the *Friend's Adventure*, 120 tons, 12 men, of Thomas Gleave, master of the *Happy Jane*, 100 tons, 12 men, and Elisha Bennett, master of the *Eagle*, 230 tons, 20 men, to return home to New England and New York, where ships and men belong, is referred to the Admiralty.] [p. 302.]

28 Dec.

(70) [In explanation of the embargo, it is declared that trading ships not already permitted to go to Newfoundland are to be subject to the embargo.] [p. 305.]

28 Dec.

(71) [On the presentation by the Committee of a list drawn up by the Customs, the Council grant leave for the ships thereon with 136 seamen to sail for London merchants to Virginia and Maryland, and for 66 seamen to go to Jamaica. The embargo is removed from the other ships thither bound ready to sail with the convoys appointed, and the *Trial*, John Horton master, is allowed to sail for New England with 11 English mariners. After the sailing of the convoys the Customs are to return to the Committee a list of ships cleared for Virginia, Maryland, and Jamaica.] [pp. 307-8.]

28 Dec.

226 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.

- 22 Jan. (72) [A petition of Sir Joseph Herne for the *Fidelia* to sail to Newfoundland is referred to the Admiralty [*p.* 320]; the three ships in (69) are referred to the Treasury and Customs; the *Bristol Factor* and the *Mountjoy* are allowed to sail to the West Indies in place of the *Bristol Merchant* to Virginia; and the *John* is allowed to sail from London to Newcastle for coals, thence to Portugal for salt, and so to Newfoundland to bring home a loading of fish.] [*p.* 322.]
- 25 Jan. (73) [On a report from the Customs the three vessels in (69) are allowed to sail.] [*p.* 326.]
- 29 Jan. (74) [A petition for the *John and Samuel*, Joseph Eldredge master, 12 men, to return home to New England is referred to the Admiralty.] [*p.* 328.]
- 15 Feb. (75) [A petition for the *Little Falcon* with men allowed from the London Jamaica quota to call in Ireland for provisions and thence sail to Jamaica, is referred to the Admiralty. On their report, despite the Order of the Board that the vessels go and return directly to and from the plantation the desired permission is granted on 20 February.] [*p.* 348.]
- 22 Feb. (76) [A petition of merchants concerned in the Newfoundland fishery for 16 ships to go thither with 114 men, is referred to the Admiralty.] [*p.* 349.]
- [The same petition is referred to the Customs on 1 March [*p.* 364], and on their report to the Admiralty on 15 March [*p.* 374]; on their report order is given on 5 April permitting the ships to sail.] [*pp.* 389-90.]
- 1 March. (77) [The Hudson's Bay Company are allowed to send out 3 ships with 130 men on the 20th April next for the relief of their factories and soldiers.] [*p.* 363.]
- 1 March. (78) [The Council refer to the Customs a petition of Jeremy Johnson, William Crouch and others for the *European* with 30 men belonging to New England to sail thither with stores for shipping which the owners are building there.] [*p.* 364.]
- 22 March. (79) [On a report from the Customs that the seamen of the *Supply*, which has exceeded the time limit for her departure for Madeira and the West Indies, as fixed in the Order of 28 September, are threatened with impressment, the vessel is now permitted to proceed on her voyage.] [*p.* 382.]
- 5 April. (80) [Order is given for the *European* to return to New England, on a report from the Customs that the crew is to be composed of New Englanders, that the master has a reasonable prospect of making up his complement of 30 men of the mariners of that country out of such as are lately returned or returning from France, and that, though he cannot furnish their names owing to the unwillingness of the men to list themselves till a protection has been secured, he is willing to submit to examination to prevent his taking in any English mariners.] [*pp.* 390-1.]
- 19 April. (81) [The embargo is taken off.] [*p.* 398.]
- 15 Nov. (82) [Commissioners of Admiralty and of Customs to attend the Council on Sunday next at Kensington at six in the afternoon about an embargo.] [*p.* 503.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 227

- (83) [An embargo is laid from 10 December next. Certain trades are excepted, but these are to Northern Europe and not to the plantations.] (1694.)
18 Nov. [p. 506.]
- (84) [The embargo is to include all London ships on this side of the Downs on 10 December.] (1694.)
22 Nov. [p. 509.]
- [468.] [The Council approve, and give orders in accordance with, the representation of the Committee as to St. Christopher. —C.S.P. VIII. 2482.] 1692.
1 Oct. St. Christopher.
[p. 2.]
- [469.] Vpon reading the Extract of a Letter presented by the Right Honourable the Lords of the Committee of Trade and Plantations from Major Ingoldsby Commander in Chief of New Yorke, Setting forth the great Expence that Province has been at for the Preservation and Defence of Albany, the Frontiers of New Yorke against the French, by the Losse whereof the Inhabitants of Maryland and Virginia, would not be able to live, but in Garrison, That having hitherto preserved that Post, the Burthen thereby is now intollerable to the Inhabitants of New Yorke. And therefore humbly Praying, That Mandatory Letters from their Majesties may be sent to New England, Maryland and Pensilvania to be assistant to them in the maintenance thereof during the Warr, [the Earl of Nottingham, Chief Secretary of State, is ordered to write letters as in C.S.P. VIII. 2533.] 1 Oct.
New York. [p. 3.]
- [Similar letters to be sent to Connecticut and Rhode Island.—C.S.P. IX. 93.] (1693.)
16 Feb. [p. 95.]
- [On the representation of the Committee, orders are given] That the Summe of Five Hundred pounds out of their Majesties Revenue arising by Quit Rents in Virginia, And the Summe of Two Hundred and Fifty pounds out of the Publique Revenue of their Majesties Province of Maryland be sent to the Governor of New Yorke for their Majesties Service in providing for the Defence and Security of that Province against the French in those parts. (1693.)
16 Feb. [p. 96. C.S.P. IX. 97.]

228 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.
(1694.) [The petition of Connecticut against Colonel Fletcher is referred to the Committee.—C.S.P. IX. 846.] [p. 328.]
29 Jan. (1694.)
2 Aug. [Orders as to quotas of Massachusetts Bay, Virginia, Maryland, Rhode Island as recommended in C.S.P. IX. 1176.] [pp. 452 & 521-5.]
(1695.)
24 Oct. [To the Committee is referred an address from Maryland, praying to be excused.—C.S.P. IX. 2102.] [Vol. IV. p. 203.]
(1695.)
29 Dec. [Sums of 500*l.* and 200*l.* to be accepted from Virginia and Maryland respectively in place of the quotas previously ordered.—C.S.P. IX. 2226-7.] [Vol. IV. p. 249.]
(1696.)
23 April. [The petition of Connecticut against Governor Fletcher is referred to the Committee.—C.S.P. IX. 2343.] [Vol. IV. p. 402.]
1 Oct. [470.] [The Council approve and order to be prepared for transmission the draft of additional instructions prepared by the Committee] for the Governors of Barbados, Leeward Islands, Jamaica, Virginia and Maryland, not to permit Ships to come from those parts, but with Convoyes or in Fleets, for the better Securing them from the French. [p. 3.]
Plantation Trade.
1 Dec. [The Council approve the following report of 24 Nov. from the Commissioners of the Customs and order the Treasury and the Admiralty to give directions accordingly]:—In obedience to your Lordships Commands of the 19th of September last on an Order of Council of the 12th of the same Month Wee have made a Distribution of the Number of English Seamen Allotted to the severall out Ports of this Kingdome for their Trade to the Plantations this season according to the Quota of the Yeare 1690, in those Ports Where wee were advertised of any ships bound thither. The Lists whereof according to the Proportions of Men allowed them (whereof such as have gone thither by particular permission since the First of May last are accompted part) are herewith humbly Presented, In which Adjustment Wee haue not Tyed ourselves strictly to the Numbers assigned to each particular

Port in the year 1690, some of the Ports that had an Allowance in that yeare, requireing more then their Proportion at that time, and some less, But Wee have endeavoured to keep within the Totall allowance that was made to the Out Ports that yeare, by the Most Equall Distribution Wee could, according to their severall Exigences, as follows, vizt.

	Ships.	Men.
Bristol	55	333
Plymouth	21	130
Exeter	7	60
Leverpoole	14	76
Biddeford	5	37
Whitehaven	6	36
Lancaster	4	26
Lime	1	8
Stocton	1	6
Chester	3	12
Barnstable	1	6
Dover	2	18
Portsmouth	1	16
Cowes	1	8
Milford	2	30

802

And there was allowed to the severall Out Ports in the year 1690, 801 men, so that this Distribution exceeds the former Quota only by One Man.

And Wee humbly acquaint your Lordships That Wee have Recomendited it to the Merchants of London Tradeing to Virginia and Maryland to agree amongst themselves the Distribution of Seamen for that Trade who acquaint us They will Adjust the Matter amongst themselves and Returne a Schedule of that adjustment in due time, But Wee crave Leave humbly to observe to your Lordships That Whereas the Number of Seamen allowed to the Trade for the Plantations in the yeare 1690, from this Port was as follows Vizt.

To Barbados	400 men.
Leeward Islands	200
Jamaica	200

there are already allotted to Barbados and the Leeward Islands by Severall Orders of Councill 28 ships with 456 men

1692.

(whereof three Ships with 54 Men are applyed to the Quota of the Leeward Islands) soe that there are already allotted to the Trade of Barbados only from this Port 25 Ships 402 men which is 2 men beyond the Quota in the year 1690.

And Wee have already observed to your Lordships by Our Report of the 21th of October last upon the Petition of the Merchants Tradeing to Jamaica, that there had been already allotted to that Trade from this Board by severall Orders of Councill, 301 men, which is 101 men more then their Quota allowed them in the yeare 1690, so that Wee have no Number of Seamen left to Distribute to those Trades.

And Wee did by Our said Report humbly observe to your Lordships That Wee were Informed That the permissions which had been before granted for ships to carry their Majesties stores, and those obteyned for particular ships upon private application might prove a surprize to divers of the Traders in Generall unless some further Quota should be assigned them, And therefore Wee were humbly of Opinion, That a farther Quota of Men should be allowed to that Trade this yeare to be distributed among such as had not had the advantage of the former Permissions, If it might consist with their Majestys Navall Service. And Wee doe humbly acquaint your Lordships That the Merchants Tradeing to the Leeward Islands, have amongst themselves made an Adjustment of the Number of Seamen allotted to that Trade wherein they have Complied with the Quota allowed them in the 90, including the three ships with 54 men above mentioned Permitted to goe by former Orders of Councill, A List of Which Distribution is herewith Presented. Besides which Wee doe humbly acquaint your Lordships That Wee find by our Booke that there was allotted to the Trade of New England in the yeare 1690, 70 men, and there have already gone to that place by particular permission from this Port 4 shipps with 54 men, soe that there Remaines of the former Quota to be Disposed off to that Trade this yeare 16 men, to Employ which, the

1692.

Merchants concerned in that Trade desire That the ships undermentioned may be assigned. Vizt.

The Friendship	100 Tuns	..	7 Men.
Harman	120	..	9

—
16

All which is humbly submitted to your Lordships Consideration.

Farther Wee doe humbly observe to your Lordships That by the Number of Men mentioned in the severall Lists above Written is to be understood English Mariners, besides which each ship is to add $\frac{1}{4}$ Landmen, and $\frac{1}{8}$ more Foreigners if they will. [pp. 38-40.]

(1693.)
20 July.

[The Committee to meet on Monday] to consider of the settling the Trade and Convoys, [notice being given to the Admiralty, the Customs, and the merchants, who may then attend.] [p. 185.]

(1693.)
28 Sept.

[On reading the report of the 18th from the Committee, The Commissioners of the Customs are ordered to settle the year's trade to the plantations as in 1690, including all such ships as have been allowed by Order in Council to sail since 1 June, 1693. Of these the following list is given:]

Barbados.....	4 ships	60 men.
Leeward Islands and Virginia ...	17 ships	124 men.
Jamaica.....	4 ships	31 men.
Virginia and Other parts of the West Indies	29 ships	316 men.
West Indies	1 ship	25 men.
Maderas, and the West Indies ...	3 ships	52 men.
Other plantations	3 ships	29 men.

[p. 233.]

(1693.)
28 Sept.

[On a report of the Committee, 120 English seamen are allowed for the trade in December to Madeira and the West Indies and protection granted for so many ships as shall be sailed by them.] [p. 235.]

232 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.
(1694.)
30 Aug. [On a report from the Committee, the Admiralty are ordered to consult with the merchants concerned in the several trades and with the Customs and to arrange for the next year's trade.] [p. 465.]
- (1694.)
25 Oct. [The Admiralty to consider the Committee's list of ships and men desired by various merchants, particularly for the trades to the East Indies, Africa, Barbados, and Hudson's Bay, which propose to go out between December and May.] [p. 495. C.S.P. XII. 1328.]
- (1694.)
30 Oct. [The Admiralty report is read, but discussion is deferred till 1 Nov.] [p. 496.]
- 13 Oct.
Virginia and Maryland. [471.] [The Committee representing that they have been attended by the Virginia merchants, the said merchants are ordered to attend the Commissioners of the Admiralty] about the going out of their Ships for that Trade, which they say cannot be ready before the beginning of January next, at which time they humbly pray to have such Convoys as were allowed to that Trade the last year. [p. 14.]
- 20 Oct. [The Treasury representing that the merchants have attended them, and promised to be ready by 15 Jan. ; and the merchants this day representing that] the Ships bound for Virginia and Maryland from the Bristoll and St. Georges Channells not going with the Convoy, will upon taking off the Embargo sayle, and get to their Market and returne home a Moneth or Two sooner than the London Ships, [it is ordered] That all Ships that shall have Liberty to go this year to Virginia and Maryland . . . Be subject to the Rules following, vizt., That such of them as are bound to the said Places going from any Ports of the English Channell between St. Ives and Berwick inclusive, Be obliged, before they be cleared at the Custome House, to give Security according to former Orders, to go and returne with the Convoy, to which end, the ships that sayle from the Port of London, or any Port Northward are to be ready in the Downes on the said 15th of January next to sayle with the Convoy there, And

1692.

those in the Western Ports from the Downes to St. Ives in the English Channell to be in a readines to joyne and sayle with the said Convoys as they passe along the Channell. And for the ships that go from the Ports in the Bristoll and St. Georges Channells, between St. Ives and Carlisle inclusive, that they be not permitted to sayle out of Port till the 25th of January next, being Ten days after the time appointed for the London and other ships aforesaid to be in the Downes, The usuall Bonds being first given with good security according to former Orders particularly to returne from Virginia and Maryland in company with the Convoy that shalbe appointed for them. [p. 18.]

[The Council approve the Admiralty report allowing the 853 seamen allotted to the Virginia trade to proceed.] 22 Dec.

[p. 56.]

(1693.)
26 Jan.

[Order that the Admiralty] do give all necessary directions for the hastening the Departure of the Convoy to Virginia, And that they give Notice to the Merchants whose Ships are allowed to go out upon that Trade to be in a readiness at the time appointed for the Sailing of the said Convoy. [p. 71.]

(1693.)
14 Dec.

[On the petition of the London merchants trading to Virginia and Maryland, the Admiralty are ordered to appoint some men of war] to Cruize to the Westward for the Securing of the ships expected home from Virginia and Maryland to the respective Ports to which they are bound. [p. 300.]

(1693.)
14 Dec.

[Orders to the Treasury and the Admiralty as in C.S.P. XII. 1308.] [p. 298.]

(1694.)
8 March.

[On the petition of the merchants trading to Virginia and Maryland, the Admiralty are ordered to give directions] that besides the Three men of warr already Ordered, two of the ships appointed to Cruize off Jerzey and Guernzey, be sent with all Expedition to Cruize in the Soundings, for the Security of the Virginia Ships now expected home, and that these Orders be given this night and dispatched by Express.

[p. 368.]

234 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.
(1694.) [The merchants petitioning his Majesty to direct the
22 March. Admiralty to see to the carrying out of the order of 8 March,
the Admiralty is ordered to give the necessary directions.] [p. 380.]
- (1694.)
26 July. [Reference to the Committee of a petition of several Vir-
ginia traders.—C.S.P. XII. 1320.] [p. 448.]
- (1694.)
11 Oct. [The Commissioners of the Customs are ordered to present
on Saturday next a list of London ships for Virginia and
Maryland.] [p. 490.]
- (1694.)
25 Oct. [On the petition of several merchants trading to Virginia,
praying that a positive day be named, it is ordered that the
convoys for the Virginia and Maryland traders be in the Downs
on 1 December, and that no ships not then ready to sail be
afterwards permitted to proceed.] [p. 493.]
- 13 Oct. [472.] [The Commissioners of the Treasury are ordered to
Jamaica and direct the Customs to examine and report on] the humble Petition
Barbados. of Sundry Planters and Merchants trading to Jamaica, Praying
to have Eighty or One Hundred Seamen allowed them for
this years Trade over and above the Two Hundred already
granted, and such as have particular Licences, that number
being already taken up by the Six Ships which carry their
Majesties Stores and Provisions thither, And the Petitioners
having occasion to send greater Quantitys of Goods this
year then formerly for Rebuilding their Houses and Works
demolished by the Earthquake, and supplying the present
Necessitys of the People. [p. 14.]
- 10 Nov. [The report from the Customs of 21 Oct. is referred to the
Admiralty for consideration and report.] [p. 27.]
- 15 Dec. [In sending to the Admiralty the lists of ships and men
prepared by the Customs for the several trades, the Council
specially inquire whether it will consist with his Majesty's
naval service to allow the additional 227 men and 17 ships
desired for the trades of Jamaica and Barbados.] [p. 53.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 235

- [On the report of the Admiralty, the request is refused, as not consistent with the timely manning of their Majesties' fleet.] [p. 56.] 1692.
22 Dec.
- [The petition of the Barbados merchants of London about a convoy is referred to the Admiralty.] [p. 205.] (1693.)
31 Aug.
- [On the petition of the Jamaica merchants, it is referred to the Admiralty to take care for the preservation of the very rich fleet now expected from Jamaica with a great deal of gold and silver besides other products, the withdrawal of all the cruisers save one from the Westward having put them in fears] that their Fleet may run the same Fate with that from Barbados. [p. 245.] (1693.)
5 Oct.
- [On a report from the Committee, it is ordered that the Jamaica and Barbados convoys are to sail on the 20th at furthest; the Jamaica convoy is to accompany the other within sight of Barbados but not to stop there except in case of necessity. None of the men in ships bound to Jamaica are to be pressed at Barbados without express leave from the Governor, which is not to be granted save on the greatest exigency.] [p. 397.] (1694.)
15 April.
- [Some of the Barbados ships not being ready, and particularly a ship that is to carry the goods of the Governor, the convoy is to be stopped till further order.] [p. 405.] (1694.)
19 April.
- [The Barbados convoy is allowed to sail.] [p. 408.] (1694.)
7 May.
- [473.] [Order is given to prepare a warrant for the adoption and use of the public seal of Jamaica prepared by the Committee's directions with their Majesties' names, images, and inscriptions.] [p. 17. C.S.P. VIII. 2558.] 14 Oct.
Jamaica.
- [474.] [The Council grant Lord Baltimore's petition] setting forth that severall Bills have as he is informed on the 10th of May last passed in Mariland, depriving him of a considerable part of his Revenue in that Province, and utterly tending to the taking away the Petitioners whole Right 3 Nov.
Maryland.

236 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1692.

and Property there; And praying to have the perusal of the said Bills before they obtain the Royall Assent. [p. 24.]

3 Nov.
New York.

[475.] [The Council refer to the Treasury for examination and report] the Petition of Colonel Thomas Dongan late Governor of New Yorke setting forth that he hath mortgaged all his Estate for Debts contracted and mony expended in the service of the Crown of England against the French, which Estate will be forfeited in May next unless in the mean time redeemed, his person being likewise in dayly hazard of being arrested on the same account. And humbly praying that his case may be considered, and Relief given him therein.

[p. 25.]

24 Nov.
Bermuda.

[476.] [Dispute between Nicholas Trott and Isaac Richier referred to the Committee.—C.S.P. VIII. 2635-8.]

(1693.)

[pp. 32-3.]

14 Sept.

[A presentment from the Customs on the matter dated 6 Dec., 1692, is referred to the Committee.—C.S.P. IX. 553.]

[p. 223.]

1 Dec.
Virginia and
West Indies.

[477.] [On reading a letter from the Commissioners of Transportation to the Earl of Nottingham that the ships at Bristol, Bideford, and Barnstaple bound for Virginia and the West Indies are ready to sail and willing to transport 2000 men or more to Cork and Waterford at reasonable rates, orders are given for a contract to be made with them for this purpose, and for a fourth rate frigate to be added to the two men of war already appointed to convoy them, after landing the soldiers, 150 leagues to sea from the West of Ireland.]

[p. 36.]

8 Dec.

[On a memorial from the Admiralty that no other ship is available, one of the two men of war appointed to convoy the Virginia and West India fleet is detached to go with the empty transport ships into the Bristol Channel and thence to return to the Downs with the coasters from the Western Ports. The convoy for the plantation traders is thus reduced to the *St. Martin's Prize* and the *Prince of Orange* frigate added in accordance with the Order of 1 December.] [p. 45.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 237

[It being uncertain whether four regiments of foot contracted for are to be sent to Ireland and the season for sailing to the Plantations being far advanced, the Bristol and Bideford vessels which were to have acted as transports before sailing for Virginia and the West Indies are released from their contract, and allowed to sail under convoy of the *Martin Prize* if the *Prince of Orange* doth not meanwhile arrive at Bristol.]

[p. 68.]

1692.
(1693.)
12 Jan.

[478.] [The Council confirm the appointment by the Lieutenant Governor and Council of Virginia, whose representation was this day presented by the Committee, of Christopher Robinson as Secretary of the Colony in place of Colonel Cole.]

[p. 37. C.S.P. VIII. 2658.]

1 Dec.
Virginia.

[479.] [The Commissioners of the Admiralty to] be heard at this Board on Thursday next concerning a Caveat Entred by them, against the Passing of a Patent for the Navall or Navigation in Jamaica.

[p. 44.]

8 Dec.
Jamaica.

[After this hearing the whole matter is referred to the Committee for examination and report.]

[p. 49. C.S.P. VIII. 2692.]

15 Dec.

[The Committee having considered the Caveat in question] and it having been proposed on the part of the Commissioners of the Admiralty that a clause may be inserted in the same for reserving the Right of the Admiralty, which clause Their Lordships are of opinion may be added, and that the said Patent or Commission do Pass accordingly: [The Council approve and give orders accordingly].

[p. 73.]

(1693.)
26 Jan.

[480.] Vpon reading this day at the Board the humble Petition of Jahleel Brenton Gent. Setting forth, That he having bin by His Majesty appointed Collector, Surveyor and Searcher of the Customes in New England, had, with great Expence, used all Lawfull meanes to seize and proceed against all ships and goods brought in Contrary to Law, and that some persons taking advantage of no ship of Warr of his Majestys being on that Coast to seize and bring in offenders against

22 Dec.
New
England.

1692.

Law have not only brought in Goods and Merchandizes from severall places in Europe in alliance with his Majesty without paying Customes in England as by Law, but have brought directly from France severall Comoditys of that Kingdome. And whereas a Pinck, The Two Brothers, unfree bottom, George Lawson Comander was privately in an unlawfull Port of the Colony of the Massacusetts Loading goods, and as the Petitioner has reason to believe, had unladen there, without account on her Arrivall as Law Directs whereupon the Petitioner seized and brought her to Tryall at a County Court at Boston in that Colony the 25th of August 1691 where a Jury of Experienced Merchants and Comanders of ships found the said ship and Goods forfeited to his Majesty from which Verdict and Judgement in the said Court Lawson prevailed for an appeale to the next Court of Assistants at Boston on the 1st of September following where the Petitioners reasons Entred against the Appeale shewing it's repugnancy to Law and practice of the Colony, were overuled and the former Judgment given for his Majesty reversed by a Jury, ignorant in such affairs. And whereas another Pinck, the Three Brothers, Thomas Wilkinson Comander an unfree bottom Came Directly from Cales Loaden with Fruite, Wine, Oyle, Brimpston Salt and Woollen Cloath and was on the Coast of the Massachusetts, by two Privateer Sloops, Comanded by Thomas Griffin and George Dew taken and Carried into New Hampshire, where Griffin and Dew pretended to sit as Judges of Admiralty and to Condemn and sell the said Pinck and Goods to Wilkinson and others, and with force of Armes defended the same against the Petitioner who, with great Expencc and hazard of his Life and the lives of those acting with him, made at Length Seizure of the said Pinck and part of her Loading, brought the same to Tryall at a Court of assistants in Boston where the same was Cleared, though in Justice, ought to have been Condemned. From both which Verdicts and Judgments the Petitioner Appealed to His Majesty in Councill, gave 1100*l*. Security to prosecute

1692.

the same Effectually, And praying his Majesty to allow of the said Appeale. His Majesty in Council was pleased to admit of the said Appeale and to Order as it is hereby Ordered That Sir William Phips their Majesties Capt. Generall and Governor in Cheife of the Province of the Massachusetts Bay in New England as also their Majestys Lieutenant and Commander in Chief of the Militia within the whole Territory and Dominion of New England to take sufficient Security (not exceeding Ealeven Thousand pounds for the Petitioners prosecuting of his said Appeale, before his Majesty in Council, and to answer such Determination as His Majesty shall think fit to award thereon ; And it is further Ordered by His Majesty in Council That the said Sir William Phips doe give directions that all Persons be permitted without Interruption to give Evidence, or discouragement to any to give their Testimony in behalfe of the Appellant, And that all Authentick Copies of all proceedings in the said Cases and of all Depositions taken thereon be Transmitted to the Right Honorable the Lords of the Committee of Trade and Plantations under the Publique Seale of the said Province. [p. 59.]

(1696.)
23 April.

[A presentment from the Customs is referred to the Committee.—C.S.P. IX. 2342.] [Vol. IV. p. 402.]

(1697.)
23 Feb.

[The Committee of the whole Council, on reading a petition from Mr. Brenton, order that the cases be heard on 1 March.] [Vol. IV. p. 585.]

(1697.)
27 May.

Upon reading a Report from the Lords of the Committee of His Majesty's most Honourable Privy Council, [the case of the *Three Brothers* is appointed to be heard on Thursday.] [Vol. V. p. 19.]

(1697.)
27 May.

[In accordance with a report of the Committee of the whole Council [Vol. V. p. 1] Mr. Brenton is admitted to appeal to the Board, on giving security, against a judgment of the Court of Assistants at Boston of 1 March 1692 reversing a judgment of the County Court of 17 Feb. 1692, by which the brigantine *Mary*, with her lading of tobacco, was adjudged forfeited to

(1697.)

her Majesty for not giving bonds for her cargo of tobacco : and from another judgment of the County Court at Boston on 26 July 1692 against his seizure of a parcel of iron imported from Spain, from which he appealed for a review but was thwarted by the forcible removal of the iron from the store house by the claimer, an officer and 20 men (*see* 716). General orders are also given for admitting appeals by the Customs Officers to the Council in cases of like nature, and for preventing the discharge of seized goods without due process at law. A memorandum is appended noting that on 10 Aug. 1697 Mr. Brenton and Stephen Mason of London merchant, entered into bond of 1500*l.* to prosecute the said appeals.]

[Vol. V. p. 22.]

3 June. [The hearing of the case of the *Three Brothers* is postponed till 24 June.] [Vol. V. p. 26.]

17 June. [Further postponed till 1 July.] [Vol. V. p. 30.]

1 July. [Further postponed till 8 July.] [Vol. V. p. 34.]

8 July. [Mr. Brenton's appeal is heard, but continued till the 15th in order that the defendant may make due proof that the copies of depositions offered by him] are true Copies of the Depositions taken in New England relating thereunto ; And that the authentick Copies of the said Depositions alleaged to have been transmitted to this Board under the Seal of the Province of the Massachusetts Bay in New England, are lost with the ship wherein they were transmitted from thence, In default of which Proof Their Excellencys will proceed finally to hear and determine the said appeale, as to Their Excellencys shall seem most just. [Vol. V. p. 38.]

15 July. [The Commissioners of the Customs having represented that it will be for his Majesty's service that the appeal be determined as soon as may be, the further hearing is fixed for the 22nd, when evidence will be admitted, even if not attested under the seal of any colony.] [Vol. V. p. 40.]

22 July. [On the report of the Committee of the Council of 15 July, Mr. Brenton's appeal in the case of the *Two Brothers* is

1692.

upheld, neither Mr. Anthony Merry nor any of the others concerned in the ship having answered the summons, and the vessel is accordingly declared to be forfeited.] [Vol. V. p. 55.] (1697.)

[On hearing Mr. Brenton's appeal, the Council annul the decision of the Boston Court of Assistants in favour of the *Three Brothers*, owned by Ambrose Upton and commanded by Thomas Wilkinson, and declare the vessel with all its loading, tackle etc. forfeited for breach of the Acts of Trade.] 29 July.

[Vol. V. p. 55.] (1700.)

[The Committee for Appeals dismiss the appeal of Mr. Brenton] touching the Brigantine *Mary* and her lading of Tobacco and Hides Seized by the appellant in the year 1691. 3 May.

[Vol. VI. p. 21.] (1700.)

[The Council approve the Committee's report, affirming and ratifying the] Judgement given in the Court of Assistants at Boston in the Province of the Massachusetts Bay in New England the first day of March 1691, Reversing a former Judgement given in the County Court in that Province the 17th day of February 1691. 9 May.

[Vol. VI. p. 21.]

[481.] [The Council approve, and give orders in accordance with, the proposal of the Committee] that Instructions be sent to Colonel Codrington Governor in Chief of the Leeward Islands to sett a part a Glebe towards the maintenance of the Ministers in each Parish out of the Lands yet undisposed of, and where there is none such, out of the Lands that shall Escheat from time to time to the Crown, and that he propose to the Assembly that the Stated and Additionall Stipends of Ministers there may be ordered to be paid in mony. 22 Dec. Leeward Islands.

[p. 60. C.S.P. VIII. 2714.]

[482.] [The Council refer to the Admiralty for consideration and report] the humble Petition of Martha Dolby wife of William Dolby late Boatswain of the Assurance in the West Indies, Praying His Majestys Pardon for her said husband who is detayned in Virginia under Sentence of Death as accessory to the Murder of One Mr. William Marshall an Inhabitant of Virginia. 29 Dec. Virginia.

[p. 62.]

242 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

- 5 Jan. [483.] His Majesty being Informed that some of the Pro-
West Indies. visions on board the Ships bound to the West Indies for the
use of the Land Forces designed thither, has been lately
damaged, [orders are given to the Admiralty and to the
Victuallers of the Navy to have them changed], in case the
same may be done without hindering the sailing of the said
Ships, or of the West India Squadron. [p. 64.]
- 5 Jan. [484.] [Complaints against the Governor of Bermuda are
Bermuda. referred to the Committee.—C.S.P. IX. 4.] [p. 65.]
- 26 Jan. [485.] [To the Committee is referred the petition of
Maryland. Sir Thomas Lawrence] praying to be permitted quietly to enjoy
what former Secretarys there alwayes had, and the benefit
of navall officer or licencer of the Ordinarys there.
[p. 72. C.S.P. IX. 35.]
- 2 March. [Order in accordance with report of Committee.—C.S.P.
(1697.) IX. 150.] [p. 103.]
- 26 Aug. [A further petition of Sir Thomas Lawrence is referred to the
Lords of Trade.] [Vol. V. p. 74. C.S.P. X. 1282.]
- 26 Jan. [486.] [Order in favour of Stephen Duport.—C.S.P. IX.
St. Christopher. 32.] [p. 73.]
- 30 Nov. [His further petition referred to the Committee.—C.S.P.
(1694.) IX. 707.] [p. 291.]
- 29 March. [A further petition referred to the Attorney General.]
(1694.) [p. 387.]
- 12 April. [On the Attorney General's report, order is given as in
(1698.) C.S.P. IX. 1012.] [p. 394.]
- 16 July. [A further petition is referred to the Board of Trade.—
C.S.P. XI. 675.] [Vol. V. p. 204.]
- 26 Jan. [487.] [The Committee having laid before the Council
New England. a letter from Sir William Phips, a letter is ordered to
be written to him approving of his action as to witchcraft.—
C.S.P. IX. 33.] [p. 74.]

[488.] [The petition of Joseph Earle and partners of Bristol is referred to the Admiralty] setting forth their late great Losses at sea, and proposing for the prevention thereof for the future to have a Ship of the Dimensions specified in the Petition ready by the 20th of July next to convoy their ships to the West Indies or elsewhere, His Majesty allowing Commissions to Officers for the said Ship, as are usuall to his Majestys Ships of the like Rate, as by the Petition more at large appears, and therefore Praying the Commissioners of the Admiralty may be directed to issue Commissions to such Persons to command the said ship, as the Petitioners shall name, with Power to dispose of such Prizes as they shall take, and to be allowed Presse warrants. [p. 83.]

1693.
2 Feb.
West Indies.

[489.] [It is referred to Colonel Codrington to examine, and, so far as it is just and true, to grant] the humble Petition of Elizabeth Salenave Relict of Monsieur Salenave late Deputy Governor of the French part of the Island of St. Christophers Setting forth, That after the taking of that Island by Generall Codrington, the whole Army did consent, that the Petitioner should enjoy her Estate intire and undisturbed, whether Lands, Negros or other Goods in consideration that she was a Protestant, had suffered for her Religion, and on all occasions together with her Husband, had done friendly Offices to the English, and also readily submitted to their Majesties Government. Notwithstanding which, most of her Negros are taken and deteyned from her, though directed to be restored by Order from Generall Codrington, by the Advice of a Councill of Warr, And her Lands given her only for Life, And therefore Praying to be Reinstated in the Inheritance of her said Lands, and to have her Negros and other Goods effectually restored to her. [p. 85. C.S.P. IX. 49.]

2 Feb.
St.
Christopher.

[Reference to the Board of Trade of the] Petition of Elizabeth Salenave, Widdow of Jordain Salenave . . . Praying That Her Majesty wilbe graciously pleased to let her possess and enjoy the Plantation left her by her said Husband

(1712.)
17 April.

244 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

within the said Island in the same manner as it was granted her by Order of Council of the 2d of February 1692 The French being driven out of the said Island, and the whole remaining under Her Majestys Dominion, and the Petitioner capable by Naturalization of claiming her Rights, as One of Her Majestys natural born Subjects.

[Anne, Vol. V. *pp.* 410-11.]

(1715.)

5 Jan.

[Reference to the Board of Trade of Elizabeth Salenave's petition for the restitution of her estate, of which she was dispossessed by the Peace of Ryswick.]

[Geo. I., Vol. I. *p.* 156.]

(1715.)

30 April.

[Order for the restoration of her lands and storehouse to Madame Salenave in accordance with a report of the Board of Trade, the facts being as reported by them on 5 May 1714, and the Treasury having no objection to the restoration of the French Protestant refugees whose cases had been examined by the Board of Trade.]

[Geo. I., Vol. I. *p.* 209.]

9 Feb.

New York.

[490.] [On the Committee's report, order is given that the Admiralty] do forthwith cause to be Equipped and sent to New Yorke a Fifth Rate Fregat, for the Guard of that Coast, instead of the Alborough Ketch now there, which is of no use to the Colony, or otherwise, being a heavy Sayler and of no force.

[*p.* 88.]

[Also on the representation of the Committee, order is given to the Treasury to make provision] for Paying the Arrears due to the Two Fort Companys at New Yorke, before the Departure of the ships bound to Virginia and those parts, no other ships going thither till the next year.

[*p.* 88.]

9 Feb.

Bermuda.

[491.] [The Officers of the Ordnance are directed to furnish for the defence and service of Bermuda]:—Fifty Barrills of Powder, Some Lanthornes, Six Melting Ladles, Four Barrills of Musquett Shott, One Barrill of Pistoll Shott, Fourty pounds of Twine, One Barrill of good Musquett flints, Ten Wicker Baskets, A Bouge Barrill of Thred, Timbles etc., Three Ream

of Cartridge Paper, 100 Weight of Sheet Lead, Ten yards of Trainbrough, Twelve Flags, Six Jacks, Six Pennants.

[p. 88. C.S.P. IX. 66.]

1693.

[492.] [The Council refer to the Committee for examination and report] the humble Petition of Richard and Killian van Renselaer.—C.S.P. IX. 68.]

[p. 89.]

9 Feb.
New York.

(1695.)

10 Jan.

[The Council approve, and give orders in accordance with, the following report of the Committee] :—The Lords of the Committee having had under Consideration the Petition of Richard and Kilian van Renslaer . . . humbly praying to be Restored to their Inheritance in the Colony of Renslaerwyck in the Province of New Yorke. And the Petitioner Kilian van Renslaer having lately Represented, by his Petition to the Committee, that he has been Refused to be admitted to the Possession of the said Colony at New Yorke as being an alien borne, Whereupon he had been lately Naturalized by Act of Parliament in England. Their Lordships agree humbly to Report their Opinion in Councill that the Petitioners case be Referred to the Governor and Council of New Yorke, and to return to the Committee a state of the whole matter, if upon the further consideration thereof, it shall not be thought fit to restore the Petitioners to their said Inheritance according to their Petition.

[p. 33.]

[493.] [To the Committee is referred Lord Baltimore's petition, praying for an order] to Colonel Copley Governor of Maryland to suffer the Petitioners Collectors to receive the Port Dutys or Anchorage Money, as formerly, according to Two severall Letters from his Majesty, and an Order of this Board in that behalf.

[p. 90. C.S.P. IX. 67.]

9 Feb.
Maryland.

[494.] [Order to the Treasury to pay 200*l.* to Captain Goddard, Lieutenant Governor of Bermuda] for the Transportation of himself, Family, and Household Goods, being the usuall Allowance that hath been made to his Predecessors to carry them to that Government.

[p. 94.]

16 Feb.
Bermuda.

246 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

2 March. [His Majesty is pleased—if the Admiralty have nothing to object—to confirm Captain Goddard's design of sailing to his Government in Bermuda with stores for the Island in the ship *David*, 300 tons, James Smailes master, 12 mariners besides landsmen, the said ship to be protected and to be accompanied by the *St. Albans* prize, which is to wait fifteen days for that purpose before sailing for Virginia.]

[p. 105.]

16 March. [On a report from the Admiralty, the order is confirmed.]

[p. 113.]

16 Feb. [495.] [Order is given in accordance with a recommendation
New York. of the Committee] That a Commission may passe under the Great Seale Appointing the Governor of New Yorke to be Comander in Cheif of the Militia of the Colony of Connecticut in New England, with a Clause therein for Superseding so much of Sir Wm. Phips Commission, as gives him the Command of the Militia of that Colony.

[p. 95. C.S.P. IX. 96.]

(1694.)
19 April. [The report of the Committee on the petition of Connecticut is approved.—C.S.P. IX. 845-6, 1022.] [pp. 401-4.]

23 Feb. [496.] [The Council refer to the Treasury for examination
West Indies. and report] the humble Petition of severall Merchants of London that supplied his Majesty with Ships to transport Souldiers to the West Indies, Praying to be recompensed for the Stay of their Ships, to take aboard the Souldiers about Three Moneths beyond the time agreed on with the Commissioners for victualling.

[p. 99.]

23 Feb. [497.] [The Council approve, and give order in accordance
Maryland. with the following report of the Solicitor General, Sir Thomas Trevor, dated 2 November, 1692, laid before them by the Committee]:—In obedience to your Lordships Order of Reference of the 19th of September last I have considered of the severall Demands made by my Lord Baltemore in the Province of Maryland, and Represented to their Majesties by the Assembly of that Province, and I have been attended

by the Lord Baltimore and his Council, And as to his Lordships first Demand of 12*d.* per Hogshead for all Tobacco exported out of that Province, I find the said Duty is part of a certain Duty of Two shillings a Hogshead for all Tobacco Exported from that Province granted by an Act of the Assembly there of the 7th of March 1671. One Moyety whereof is by the said Act appropriated to the Publique Service for the better support of the Government, and the other Moyety (which is the 12*d.* a Hogshead now demanded by the Lord Baltimore) is thereby granted to the Lord Baltimore, to be received by him for his owne use as Proprietor of the said Province, and that the said 12*d.* a Hogshead was by Order of Council the 26th of February 1690 directed to be answered and paid to the Lord Baltimore as Proprietor of Maryland, And I do not find, that the Assembly do much contest my Lords Right to this Duty of 12*d.* a Hogshead in the Representation they have made to their Majesties, where they say they are with their Majesties Royall Assent ready to confirm the same to his Lordship; Provided his Lordship grant the same Conditions of Plantations, he did before the happy Revolutions, or the same that their Majesties do to the Colony of Virginia, to the Inhabitants of that Province, But what those Conditions are, it doth not appear to me otherwise then by looking into the said Act of the Assembly in 1671, by which the said Duty was granted to the Lord Baltimore, upon condition that his Lordship should accept a pound of Tobacco instead and in lieu of every 2*d.* Rent at any time reserved upon any Grant of Land made by his Lordship which Condition his Lordship affirms to me, He alwaies hath, and still is ready to comply with.

As to the Second Demand of Fourteen pence per Ton for all Tobaccos Exported out of that Province, I find that by an Act of the Assembly of that Province in 1661 It was Enacted, That all Vessells whatsoever, not properly belonging to that Province having a Deck flush fore and aft, coming in, and trading within that Province should pay for Port

1693.

Dutys and Anchorage a Pound of Powder, and Three pounds of Shot, or so much in value for every Ton of Burden to the said Proprietor and his Heires.

Which Duty hath by usage been turned into Money vizt. Fourteen pence per Ton, and so answered to the Lord Baltimore, and constantly applyed to his owne use, and not to the Support of the Government, as the Lord Baltimore affirms to me, and by Order of Councill of the 26th of February 1690, This Duty of 14*d.* per Ton, was directed to be answered to the Lord Baltimore, as Proprietor of the Province, and likewise Instructions given Col. Copley Governor of Maryland, to permit the Lord Baltimore or his Agents to receive the same without any Disturbance or Interruption, and I conceive, that upon the Words of the Act, this Duty doth belong to my Lord Baltimore as Proprietor, to be received by him to his owne use, and it would be a Thing of dangerous Consequence to admit of Paroll Prooffe of an Intention in the Lawmakers different from the Words of the Law, to say that the Duty which the Act calls a Port Duty, was intended to be a Fort Duty, And it seems to be admitted by the Assembly, that this Duty of 14*d.* per Ton doth by Law now belong to the Lord Baltimore, by desiring their Majesties Royall Assent to an Act to invest it in their Majestys.

As to the Demands of Fines and Amerciaments I conceive upon perusall of the Charter granted by King Charles the 1st to the Lord Baltimore, and of their Majesties Commission granted to Col. Copley to be Governor in Cheif of that Province, that the Lord Baltimore hath not a Right to the Fines and Amerciaments that have accrued since their Majesties said Commission to Col. Copley, whereby their Majesties have taken the whole Government of that Province into their owne hands, Except only Fines and Amerciaments in the Courts of any Mannor of which the Lord Baltimore is Lord ; because I do not find, that Fines and Amerciaments are expresly granted to the Lord Baltimore by the Charter of King Charles the 1st so that I conceive he never had any

other Title to them, but as Governor of the Province, the Courts of Justice being held in his name, which Title is now determined by their Majesties Assumption of the Government into their owne hands, and appointing a Governor there, who by his Commission hath expresse Power granted him, to Erect Courts of Judicature for the better administration of Justice, as Occasion shall require, which Courts I conceive being erected by their Majesties Commission must be held in their Names, and are their Courts and not the Lord Baltemores, and the Fines and Amerciaments there set, will belong to their Majesties and I conceive such a Right in the Lord Baltimore to all fines etc. would be inconsistent with that part of their Majesties Commission to the Governor of that Province, whereby he hath Power granted him of Remitting and Pardoning Fines set upon offenders, according as he shall think them fit Objects of Mercy, which he cannot do, if the Lord Baltimore be intituled to them.

As to the Demand of Waifes, Strays, Wild Horses and Wild Hogs, I conceive that such Cattle as are mentioned in the Representation to be claimed as Strays, are not in Law such, because they are marked with the Mark of the Owner, Which Mark being on Record, Every Person is obliged to take notice to whom they belong, And I do not find, that Wild Horses or Hogs are granted to the Lord Baltimore by the Charter of King Charles the 1st and therefore I conceive the Right to them is in the Crowne as being Fera naturâ, and the Property thereof in no particular Person, And tho' there be an Act of the Assembly which gives such Goods (to which no Person hath a Right) to the Lord Proprietor, yet I conceive that Act cannot take away their Majesties Right thereto, unlesse the Royall Assent had been given to such Act, which doth not appear to me, was ever obteyned.

As to the last Demand in relation to Bills, Bonds, Records and other Writings belonging to his Lordships Lands, I conceive that the Bills and Bonds, if the Fact be as 'tis affirmed to me by the Lord Baltimore, that they are his

250 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

securitys for the severall summes of Money agreed to be paid his Lordship by the Planters, upon his granting Land to them, and that they were in his custody, and seized and taken from his servant there, upon his Lordships being discharged of the Government. The Case being so, I thinke it may be just and reasonable, that they should be restored to his Lordship again, and I do not see any Prejudice can thereby happen to the Partys by whom such Bonds or Bills were given, tho' they have not Executed thèir Warrants, nor had Certificates returned, for the Bonds cannot be put in suit till the Lord Baltmore hath performed the Conditions on his part.

But I conceive it proper, that the Records which are of Publique Use to preserve the Inhabitants Title to their Lands should be kept under the Custody of the Governor.

All which is humbly submitted to your Lordships great Wisedome.

[pp. 99-101. C.S.P. IX. 117.]

2 March. [498.] [The Council refer to the Admiralty a petition for
New Letters of Marque to be sent to Lisbon for the New England-
England. built frigate *Baron*, George Lawson commander, 250 tons,
30 guns, and 50 men.] [p. 103.]

2 March. [499.] [His Majesty approves a Barbados Act granting
Barbados. to Sir Timothy Thornhill 1000*l.* current money of the island
out of the duty arising on the excise of wines and other strong
liquors] in consideration of his great charges and expences
in Commanding a Regiment Employed in the Defence of
Their Majestys Leeward Charibee Islands against the French
. . . to be received by the said Sir Timothy Thorn-
hill as soon as the Debts now due for the Fortifications and
Pay of the matrosses of that Island shall be provided for.

[p. 104. C.S.P. IX. 151.]

30 March. [500.] [The Council refer to the Treasury the petition of
Jamaica. Sir John Fleet as to the *Joseph*.—C.S.P. IX. 230.] [p. 122.]

[Also] the Petition of Richard Perry Esqr. and other merchants of London Owners of the ship Richard and Sarah

1693.

John Marshall Commander setting forth that the said ship being at Jamaica in the time of the late Earthquake there was taken up into Their Majestys Service as a Guard Ship for the safety and defence of the said Island, for which service there is due to them the summ of 121*l.* 7*s.* 7½*d.* And praying to be paid the same. [p. 123.]

[The report of the Treasury and one from the Commissioners of the Navy on Sir John Fleet's claim are referred to the Committee—C.S.P. IX. 601.] 5 Oct. [p. 252.]

[A further petition of Sir John Fleet for payment is referred to the Lord Treasurer.] 10 Dec. [Anne, Vol. I. p. 271.] (1702.)

[501.] [To the Committee are referred two addresses for the union of New Hampshire and Massachusetts Bay.—C.S.P. IX. 250.] 6 April. [p. 130.] New Hampshire.

[Order is given in accordance with the report of the Committee, that] it not appearing to the Committee that the said addresses were brought over or presented to Their Majestys by any Person duly authorised thereunto by the Representatives or Inhabitants of that Province, Their Lordships are humbly of opinion that Directions be sent to the Governor or Commander in Cheif of New Hampshire, that with the Council and Assembly there, he propose to Her Majesty what may be done for the security of the Inhabitants, and for the support of Their Majestys Government in that Province. 4 May. [p. 150. C.S.P. IX. 326.]

[The petition of the Agents of Massachusetts Bay for a new Governor, and for union with New Hampshire, is referred to the Committee.—C.S.P. IX. 1876.] 6 June. [Vol. IV. p. 143.] (1695.)

[502.] [The Council refer to the Committee for examination and report] the Petition of Thomas Couch, William Lovell and others of Plymouth Merchants, Praying her Majesty to Signify her pleasure to the Lieutenant Governor of Virginia, to Review the Proceedings there, Concerning the Ship Fortune of Plymouth and her Cargoe. 13 April. [p. 135.] Virginia.

252 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.
 4 May. [Order in accordance with report of Committee.—C.S.P. IX. 328.] [p. 150.]
- 27 April. [503.] [The Council, on hearing the report of 26 April
 Jamaica and Barbados. from the Admiralty, refer the whole matter of Admiralty Courts in Jamaica and Barbados to the Committee.—C.S.P. IX. 299.] [p. 141.]
- 25 May. [It is referred to the Committee] to consider and ascertain the Boundaries of the respective Jurisdictions of the said Governors, in Order to the filling up a Blank left for it in the said Commission. [p. 163. C.S.P. IX. 368.]
- 30 June. [The draft commissions are approved.—C.S.P. IX. 431.] [p. 177.]
- 4 May. [504.] [Order as to Luke Lopdell and the *Biscay Merchant*.
 Virginia. —C.S.P. IX. 327.] [p. 149.]
- 11 May. [505.] [The Council refer to the Treasury for examination
 New York. and report the petition of Thomas Dongan, late Governor of New York,] praying Her Majesty to Grant and Confirm to him and his Heires all Their Majestys Right and Interest in the soile and Quit Rents of the Island of Staten, within the Province of New Yorke, and other Lands, purchased by the Petitioner. [p. 152.]
- 18 May. [506.] [To the Committee is referred the petition of
 Barbados. Colonel John Hallet.—C.S.P. IX. 351.] [p. 156.]
- 5 Oct. [On the report of the Committee—C.S.P. IX. 425—order is made for the transmission of all papers relating to the case, for hindering any disposal of the 2350*l.* deposited in the Courts, and for protecting witnesses in the petitioner's behalf.] [p. 247.]
- (1695.)
 19 Dec. [Order given in accordance with C.S.P. IX. 2176.] [Vol. IV. p. 237]
- 15 June. [507.] [The Ordnance are to provide, and the Admiralty
 New York. to cause to be transported in the *Richmond* frigate] Armes and Accoutrements for Two Troops of Dragoons, consisting of Sixty Men in each Troop. [p. 170. C.S.P. IX. 419.]

1693.
15 June. Virginia.
- [508.] [On the report of the Committee, the appointment is confirmed of Ralph Wormley, appointed Secretary of Virginia by the Governor and Council in place of Christopher Robinson, deceased.] [p. 170.]
- 27 July. Plantation Trade.
- [509.] [Among various memorials of different merchants and traders referred to the Admiralty, are those of the merchants and traders to New York, the planters and merchants trading to the Leeward Islands, the Jamaica merchants, the merchants trading to the Madeiras and thence to the West Indies, the merchant adventurers of the City of Exeter and places adjacent traders in the fishery of the New found land, the merchants trading to New found-land, and the traders to Barbados.] [p. 189.]
- Several other Petitions, Memorialls and Proposals [are also referred to the Committee]. [p. 190.]
- 3 Aug. Jamaica.
- [510.] [The Council refer to the Committee] the Petition of Sir Richard White.—C.S.P. IX. 490.] [p. 194.]
- 5 Oct.
- [His appeal is admitted on the usual terms.—C.S.P. IX. 600.] [p. 253.]
- 10 Aug. Leeward Islands.
- [511.] [The Council refer to the Committee] the humble Memoriall of the Commissioners of the Leeward Islands. [p. 196. C.S.P. IX. 494.]
- 24 Aug. Rhode Island. (1694.)
- [512.] [The petition of Christopher Almy and the address of the Government of Rhode Island concerning their grievances are referred to the Committee.] [p. 203. C.S.P. IX. 524.]
- 2 Aug. (1698.)
- [Order as to command of militia of Rhode Island, and as to disputed boundaries of that province in accordance with C.S.P. IX. 1176.] [pp. 521-5.]
- [The order is renewed.] [Vol. V. pp. 243-7.] 29 Sept.
- 24 Aug. Pennsylvania and New Jersey.
- [513.] [Two draft charters for trading companies to New Jersey and Pennsylvania with the Attorney General's opinion thereon, referred to the Committee.—C.S.P. XII. 1302.] [p. 204.]

1693.

28 Dec. [The Council approve, and give orders in accordance with, the Committee's report]—The Lords of the Committee having . . . Considered the Draught of a Charter proposed to be granted to Richard Haynes and others, to Incorporate them to trade with a Joynt Stock to Pensilvania in America, And the Committee having received their Proposals in writing touching the Pitch, Tar, Rosin and other Navall Stores of the Growth and production of those parts, they will undertake to provide yearly, to be sold for the use of their Majesties Navy, and the Petitioners having been heard thereupon and agreeing that a Clause shall be inserted in the Charter desired by them, whereby their Majesties may by Order in Councill determine or revoke the said Charter, in Case the Company shall not after five yeares make a yearly Provision of Pitch, Tarr, Rosin, and other Navall Stores to be sold for the use of their Majesties Navy, according to the said Proposals and the intents of the Charter to be granted them in this behalfe, And the Petitioners having further Offered to give security for the due performance of what is set forth in their said proposals, Their Lordships agree to present to his Majesty in Councill the said Draught of the Charter, with the Petitioners Proposals thereupon, and humbly to offer their Opinion, That his Majesty may please to Grant to the Petitioners a Charter according to the said Draught. . . .

[p. 307. C.S.P. IX. 571.]

28 Sept. [514.] Whereas it hath been Represented to Her Majesty
Barbados. in Councill that a contagious sickness is yet remaining in the Island of Barbados, [order is given for quarantine to be performed at the Hope by all vessels coming thence.]

[p. 230.]

16 Oct. Their Lordships being informed, That Sir Francis Wheeler is arrived with the Ships under his Command and Convoy, at Spithead, and other the Western Ports, from America, And that as well the Seamen as Souldiers on board, are all in perfect Health ; But that possibly there may remain some Contagion in the Clothes, which they have brought with him

1693.

for Barbados. It is thereupon Ordered by their Lordships, That all Persons on board the said Ships, who came from Barbados, be obliged to wash, Air and Dry their Clothes, before they be permitted to come on shoar in any the Ports of this Kingdome. [The Treasury and the Admiralty are to give directions accordingly.] [p. 257.]

[515.] [Orders given confirming Committee's report as to Sir Thomas Lawrence.—C.S.P. IX. 588.] 28 Sept. [p. 234.]

(1695.)

[Sir T. Lawrence's answer is referred to the Committee.—C.S.P. IX. 1839.] 13 June. [Vol. IV. p. 144.]

(1695.)

[Order in accordance with C.S.P. IX. 1937.] 25 July. [Vol. IV. p. 165.]

[516.] [Extracts from two letters of Colonel Kendall referred to the Admiralty.—C.S.P. IX. 567.] 5 Oct. Barbados. [p. 246.]

[517.] [The Council give order, subject to the approval of the Admiralty, in accordance with a letter from Mr. Guy submitted by the Committee with an extract of a letter from Mr. Taylor], Representing that he is informed from New England, that Sir William Phips had taken from Piscataqua a Company of Souldiers, that secured the Place from the French and Indians, to whom the Masts and all other Concerns there are now exposed, and Proposing, that the Fregat in those parts may be Ordered to be at Piscataqua. [The Order of Council refers to "One of the Ships appointed for the Security of the Coast of New England."] 5 Oct. New England. [p. 246. C.S.P. IX. 596.]

[The Admiralty report is referred to the Committee.—C.S.P. IX. 620.] 12 Oct. [p. 256.]

[518.] [Order in accordance with Committee's report as to Captain Oakley.—C.S.P. IX. 599.] 5 Oct. Jamaica. [p. 246.]

[519.] [To the Treasury is referred an extract from a letter of Colonel Codrington, and it is recommended] to their Lordships Consideration, as a Matter, wherein their Majesties 5 Oct. Leeward Islands.

256 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693. Service in those parts is very much concerned, that some speedy Order may be given therein.
[p. 246. C.S.P. IX. 598.]
- 23 Nov. [520.] The Petition of the Planters and merchants Interested
Barbados. in the Island of Barbados [is referred to the Committee.—
C.S.P. IX. 692.] [p. 284.]
- 7 Dec. [The same or a similar petition is referred to the Treasury.—
C.S.P. IX. 727.] [p. 296.]
- 23 Nov. [521.] [A memorial of the Commissioners of the Leeward
Leeward Islands. Islands is referred to the Committee.—C.S.P. IX. 696.] [p. 284.]
- 30 Nov. [A petition as to defence of Barbados is similarly referred.
—C.S.P. IX. 709.] [p. 291.]
- 7 Dec. [The report of the Committee is referred to the Admiralty
to report to the Committee.—C.S.P. IX. 725.] [p. 293.]
- 7 Dec. [Committee's report as to Barbados referred to Treasury.—
(1694.) C.S.P. IX. 724.] [p. 293.]
- 4 Jan. [The Admiralty are called on to make their report forth-
(1694.) with.] [p. 310.]
- 4 Jan. [A further memorial is referred to the Committee.—C.S.P.
(1694.) IX. 770.] [p. 311.]
- 11 Jan. [On the Committee's report, order is given to the Treasury]
That the arreares due to the Regiment of Foot, and Colonell
Hills company in the Leeward Islands be paid, to the end
the officers may be thereby enabled to Raise the Recruits
now to be sent thither. [p. 313. C.S.P. IX. 803.]
(1694.)
- 18 Jan. [The Admiralty report is referred to the Committee.—
(1694.) C.S.P. IX. 821.] [p. 317.]
- 8 Feb. [On the report of the Committee, order is given accordingly.
(1694.) —C.S.P. IX. 870.] [p. 335.]
- 5 April. [The ships of war intended for the service of the Leeward
Islands] not being as yet ready or appointed, And the French
having some weeks agoe sent from Rochell, Three men of

1693.

Warr more to those parts, whereby the said Islands may bee greatly Endangered, [order is given, on the petition of the Commissioners of the Leeward Islands, that the ships required to be sent in accordance with the Order of 8 February, be despatched as soon as may be.] [p. 390.]

[522.] [The petition of Thomas Newton is referred to the Committee.—C.S.P. IX. 695.] [p. 285.] 23 Nov.
New
England.

[523.] [To the Committee is referred a presentment from the Customs as to Jahleel Brenton.—C.S.P. IX. 708.] [p. 290.] 30 Nov.
New
England.

[The Council approve the Committee's report] that Commissioners should be appointed in New England to Examine upon Oath all persons, that shall be able to give Evidence relating to the Complaint of Jaleel Brenton Collector and Surveyor of their Majestys Customes in New England against Sir William Phips Governor of the Massachusetts Bay, and that the same and such other Examinations as have been taken in this matter, together with Authentick Copyes under the Seale of the Province of the Massachusetts bay in New England of all proceedings in the Complainant's Case be transmitted to the said Committee, as also that all parties concerned in the said Complaint bee ordered to returne their answer in writing assoon as may be, that their Lordships may be Enabled to lay before his Majesty the matter with their Opinion upon it. [The Treasury is directed to consider whether anything should be at present further done in this matter, and to present the names of persons fit to be commissioners for taking the examinations.] [pp. 293, 294.] 7 Dec.

[524.] [Captain Richard Short's petition is referred to the Committee.—C.S.P. IX. 728.] [p. 294.] 7 Dec.
New
England.

[525.] [His Majesty in Council is graciously pleased to give orders to the Treasury in accordance with,] the Petition of Thomas Dungan Esqr. setting forth, that the Petitioner having disbursed the greatest part of his Own Estate in the service of the Crowne for the defence of New York, against 14 Dec.
New York.

1693.

the French (which is still remayning due to him) and being defeated of his Expectations of his brother the Earl of Limerick's Estate in Ireland, by his Majestys grant thereof to the Earl of Athlone, is unable to subsist in England, without receiving his debt due from the Crown, which he is unwilling to presse his Majesty for during this present expensive Warr, and that having therefore determined to goe and live upon a small Estate he has in America he has obtained Credit for goods from severall Merchants, but the charge of freight in this time of Warr, will eat up a great part of his profits, That some of their Majesties ffrigatts having lately taken a small Vessell called the Margarette Prize of One hundred and sixty tuns now condemned as Prize, and Lying at Plymouth, which will bee of litle service or value to their Majesties, but may bee a great security to the Petitioner in his Voyage and a means to support him there, and therefore praying His Majesty to Grant him the said Prize Vessell with her Rigging Apparell and eight or ten Guns for her defence against any French Privateer that may be Cruising on the Coast of America.

[p. 301.]

(1694.) [This entry is repeated at pp. 308-9, the name of the ship being given as the *St. Margaret* privateer of St. Malo.]

25 Jan.

[With reference to the grant of the *Margaret* of St. Malo to Col. Dongan, the Treasury report]: Wee sent to the Principall Commissioners for Prizes for an account of the said Ship, who have acquainted Us that the said Privateer is burthen about 260 Tunns, carrying Twenty four Gunns, was taken by Your Majestys Ship the Chatham Capt. John Leader Commander, and brought into Plymouth, where she now lyes and is appraised at Nine hundred ninety Eight pounds fourteen shillings six pence, For which is to be paid, as by the Act for Encourageing of Privateers is directed vizt.

		l.
For 24 Gunns	. . . . .	240 0 0
For charges in Condemning etc. by Com-		
putation about	. . . . .	40 0 0

1693.

For $\frac{1}{10}$ to the Treasurer of the Navy for	l.		
meddalls etc.	96	0	0
For $\frac{1}{3}$ part to Ditto for the sick and wounded	288	0	0
For $\frac{1}{3}$ to the Captain and Seamen	288	0	0
	<hr/>		
	952	0	0
Upon Balance of this account Your			
Majestys Share by the Act amounts			
but to	46	14	6
	<hr/>		
	998	14	6

And wee further humbly Represent to your Majesty that wee cannot comply with the Order of Council, unlesse your Majesty shall be pleased to give directions that the Commissioners of the Prizes, pay the particular Summs above mentioned, out of any mony in their hands, and be allowed it on their account. [On reading this report, which is signed by Godolphin, Stephen Fox and Charles Montague, order was given that the *Margaret* should be bought for Col. Dongan by the Commissioners of Prizes, and the money so employed should be applied towards lessening the debt due to the petitioner from the Crown.] [p. 325.]

(1694.)
1 Feb.

[On Colonel Dongan's representation that, despite the Order of the Board, the Commissioners of Prizes have sold the *Margaret* to the Admiralty], which, if deteyned by them, will tend to the Petitioners ruine, having on dependance of his Majestys Promise, Entred into Contracts with Merchants for Freight, and laid out all his Money for a Cargo, [order is given that the Admiralty forthwith deliver the ship to the petitioner without further trouble.] [p. 331.]

(1694.)
8 Feb.

[On Colonel Dongan's petition that in accordance with the previous order, the Admiralty had directed the Commissioners of the Navy forthwith to deliver the ship to the petitioner, but the Commissioners of the Navy having acquitted the *Margaret* to the Commissioners of Prizes, refusing

260 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.

to stand to their agreement, for no other reason than that of his Majesty having granted the vessel to the petitioner, the money sent to the Treasurer of the Navy for the purchase of the vessel is ordered to be returned to the Exchequer and paid to the Commissioners of Prizes, who are thereupon to deliver the ship to Colonel Dongan without any further trouble.]

[p. 334.]

28 Dec. [526.] [On a report from the Committee, order is given
New York. for sending to New York the following stores of war] the Brasse Guns onely excepted, instead whereof Iron guns are to bee sent.

Account of Stores wanting in their Majestys Guarrison Fort William Henry in New York in America vizt.

10 Brasse Guns with the Kings Cipher and Crown on them vizt.

High Culverin	.. ..	2
Demie Culverin	.. ..	2
Sakers	.. ..	2
Minion	.. ..	2
Field Peeeces	.. ..	2
Barrell Powder	.. ..	100

Glass for the windows of the Kings Chappell and Fort 500 foot uncutt.

The Kings Standard	
6 large Jack Flaggs	
2 Midlings Jacks	
26 Drums	
26 Spare Drum heads	
26 Drum Cords and Snears	

Canvas and Oszenbridge of each 100 Ells

Needles	.. ..	5 dozen
Thread	.. ..	12 li.
Starch	.. ..	30 li.
Tard Merling	.. ..	40 li.
White Merling	.. ..	50 li. for the Lying of Tompkins

Paper for Cartridges 10 small Armes

Locks and hinges of all sorts, 8 dozen

Nails from 30d. to 2d.

Tard Rope of	4 Inches	.. ..	1 Quile
	3 Inches	.. ..	1 Quile
	2 Inches	.. ..	2 Quile
White Rope	4 Inches	.. ..	1 Quile
	3	.. ..	1 Quile
	2	.. ..	2 Quile

1693.

Glew for Carpenters 12 li.
 Linseed Oyle 8 Gallons
 Oyle of Turpentine 4 Gallons
 Oyle of Petre 2 Gallons
 Oyle of Spike 4 Gallons
 Oyle for small Armes 8 Gallons

Tand Hides for the Covering of Powder, 30.
 Sheet Lead 500 wt.
 Melting Lades both sorts 6
 Spanish brown 100 wt.
 Red lead and whit Lead 200 wt.
 Black lead dust 12 li.
 Yellow Oaker 50 li.
 Fine blew 20 li.

A bell for the Kings Chappell 30 Inches Diameter

Wyre Lettices for the Windows of the Chappell and Fort

Coll. Fletcher by his letter to the Lords of the Committee of Trade and Plantations dated the 9th of October 1693 does further desire

20 Great Guns besides the 10 above mentioned

And 200 light Fuzees for presents for the Indians who will not carry heavy Arms. [p. 303-304.] (1694.)

18 Jan.

[Viscount Sydney, Master of the Ordnance, reports that the stores in question will amount to 2347*l.* 17*s.* 6*d.*, and the Ordnance Office insists] that money be assigned by the Treasury, before the same be granted, as also that severall of the Particulars mentioned in the said Estimate, do not properly belong to the officers of the Ordnance to provide, and that there will be great difficulty in finding out the Twenty great Guns therein last mentioned. His Majesty in Councill taking notice of the great necessity of supplying the Forts at New Yorke and Albany with the said Stores for their present Security [orders] that only Ten of the Twenty Great Guns mentioned in the Estimate returned by the Office of the Ordnance . . with stores proportionable for them, and such other stores mentioned in the said Estimate, as are properly belonging to the Office of the Ordnance to provide, be forthwith provided and sent, by the said Office.

[p. 317. C.S.P. IX. 819.]

[527.] [On the Committee's report, order is given to raise the New York garrison to 400 men.—C.S.P. IX. 754.] [p. 304.]

28 Dec.
 New York.
 (1694.)

[Orders to the Treasury and the Admiralty to send the reinforcements with all speed.—C.S.P. IX 1023.] [p. 399.]

19 April.

262 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1693.
(1694.) [As there are to be sent to New York two companies of
28 June. foot at 100 men each, 80 men to complete the two companies
now there to the like number, and 60 more as recruits for
these companies, order is given to the Earl of Romney, Master
of the Ordnance, to provide (1) bedding for the 340 soldiers ;
(2) powder, ball, and flints for the two new companies ; and
(3) for the 80 recruits] 80ty Firelocks, 80 Cartridge Boxes,
80ty Girdles and Frogs, 80 Byonets, 80ty Hatchets, 2 Drums,
2 Halberts, with Powder, Ball and Flints proportionable.
[p. 439.]
- 28 Dec. [528.] [To the Committee is referred the petition of
Barbados. Charles Mein.—C.S.P. IX. 750.] [p. 304.]
(1694.)
- 18 Jan. [Charles Mein's petition that his father Patrick may enjoy
the office of Naval Clerk in Barbados to which he was
appointed by the Governor and for which Mr. Cranfield is
nevertheless obtaining letters patent, is referred to the
Treasury, on the representation of the Committee, who, after
hearing both parties by counsel, report] that the Navy
Office in Barbados is appointed for the better Execution
of the Acts of Trade and Navigation in those Parts, wherein
Their Majestys Revenue of the Customes is greatly concerned.
[p. 316. C.S.P. IX. 820.]
- (1694.)
15 March. [On a report from the Treasury, who had consulted the
Customs and the Attorney General, the opinion is adopted
that the Governor is not liable to any of the penalties men-
tioned in the Committee's report concerning the Navy Office
in Barbados where the officer is put in by his Majesty, and
Mr. Cranfield is accordingly appointed Clerk of the Navy
Office there.] [p. 378.]
- 28 Dec. [529.] [On the Committee's report, it is ordered] that Colonel
Barbados. Russell Governor of the Barbados be, and he is hereby
allowed in consideration he has been a long time detained
here to his Extraordinary expence in preparing for his Voyage
to the said Island to Receive the first present, the Assembly
of Barbados shall thinke fitt to give him in mony or Sugar

ACTS OF THE PRIVY COUNCIL (COLONIAL). 263

- 1693-4.
 after his Arrivall there, any Order or Instruction to the
 contrary notwithstanding. [p. 306.] (1695.)
 [Colonel Russell is allowed to receive a present of 200*l*. granted him by the Assembly of Barbados.] 23 May.
 [Vol. IV. p. 138. C.S.P. IX. 1850.] (1696.)
 [Leave to accept another similar present is granted.—C.S.P. X. 156.] [Vol. IV. p. 502.] 20 Aug.
 (1697.)
 [Leave granted to his executors to receive a further present.—C.S.P. XI. 208.] [Vol. V. p. 156.] 3 Feb.
 [530.] [To the Admiralty is referred the Committee's representation of Colonel Russell's desire for 200 tons of shipping to transport his family and effects.] 28 Dec.
 Barbados. (1694.)
 [On the Admiralty report, order is given for providing one hundred tons of shipping for the purpose.] 1 Feb.
 [p. 331.] (1694.)
 [Order that Col. Russell's goods may be shipped to Barbados without paying any custom or duty.] 15 Feb.
 [p. 345.] (1694.)
 [On Colonel Russell's petition, it is ordered that the Admiralty do provide, besides the hundred tons of shipping already ordered, so much] as they shall conceive necessary for transporting to the said Island his Equipage, vizt. Two Coaches, One and Twenty Horses, Thirty Two Servants, and Twenty Chaldrons of Coales. 22 Feb.
 [p. 350.]
 [531.] [Order as to William Barnes in accordance with C.S.P. IX. 785.] 11 Jan.
 [p. 313.] Leeward Islands.
 [532.] [Jean Reaux to be prosecuted.—C.S.P. IX. 804.] 11 Jan.
 [p. 313.] New York.
 [533.] [The petition of Richard Rawstone of Maryland is referred to the Committee.—C.S.P. IX. 832.] 22 Jan.
 [p. 321.] Maryland.
 [534.] [The Council refer to the Treasury Colonel Nicholson's petition] that the Government of the Massachusetts Bay, be directed, out of the publick Revenue there, 22 Jan.
 New England.

264 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.

to pay the Petitioner the summ of Three hundred Eighty one pounds sterling due to him as Lieutenant Governor of New England. [p. 322.]

22 Jan.
Tobacco.

[535.] [The Council refer it to the Treasury to give order upon the petition of] John Gray, praying some allowance for his service in destroying Tobacco Planted about Bristoll.

(1703.)

[p. 322.]

4 Feb.

[The Council refer to the Lord Treasurer the petition of Dorothy Gray] that consideration may be had of her and her Childrens Sufferings and ruined condition occasioned by her late Husbands Services in discovering divers Tobacco Plantations growing near Bristoll, for which he never received any reward out of the Penaltys due to the Crowne, the same being Privately compounded for, to avoyd Tryalls at Law.

[Anne, Vol. I. p. 308.]

25 Jan.
Jamaica.

[536.] [The Council refer to the Admiralty the petition of Susannah Brown for] some allowance, in Consideration of the loss of her husband Nathaniel Browne Commander of Their Majestys Ship Falcon who dyed at Jamaica.

[p. 326.]

1 Feb.
New
England and
Canada.

[537.] Whereas Captain Cyprian Southack, who has been for severall years employed by the Government of New England at sea, and has performed divers Signall Services in severall Expeditions against the French in those parts, having this day had the Honour to kisse his Majestys Hand, Hath presented to his Majesty a Draft of Newfoundland, Nova Scotia, the River of Canada, and the Seas and Territorys thereunto adjoining made by himself in the said severall Expeditions, His Majesty taking into his gracious Consideration the Services of the said Cyprian Southack, and for his further Encouragment is pleased to Order, As it is hereby Ordered, That the summe of Fifty pounds be paid to him for the buying of a Gold Chain, as a Mark of his Majestys Royall Favour, and that the . . Admiralty do give all necessary Directions for the speedy payment of the said summe.

[p. 330. C.S.P. IX. 855.]

[538.] [The Committee having presented a Barbados Act of 15 June 1692] for enabling John Kirton to sell certain Lands in the Parish of Christchurch in the said Island, for the payment of his debts, [and also a petition against the Act by the daughter and coheirs of John Brookhoven merchant deceased, the Attorney General is directed to insert a clause preserving the rights of the Crown, as usual in Acts of Parliament, and the Act is then to be confirmed by his Majesty.]

1694.
8 Feb.
Barbados.

[p. 332. C.S.P. IX. 869.]

[539.] [On the report of the Committee] That having under Consideration the great Encrease of the Quakers in Pennsylvania and other parts of America, And taking notice of a Representation from Col. Fletcher, That those of Pennsylvania deny their Assistance for the Defence of New Yorke and Albany the Frontiers of those Parts against the French, which may endanger the Losse of some of those Plantations, And having likewise had before them the Extract of a Letter writ by Mr. Pen to Pennsylvania Advising them to protest against the Commission under the Great Seale of England for the Governor of New Yorke to take upon him the Government of Pennsylvania, . . . It was Ordered by his Majesty in Councill, That Mr. Attorney Generall do peruse the Patent granted to Mr. Pen of the Propriety of Pennsylvania, that he may be prepared to give the said Committee an account thereof.

8 Feb.
Pennsylvania.

[p. 334.]

[540.] [Order to recall Sir William Phips given in accordance with C.S.P. IX. 862.]

8 Feb.
New England.
(1695.)

[p. 336.]

[The petition of Phips for a speedy hearing is referred to the Committee.—C.S.P. IX. 1666.]

31 Jan.

[Vol. IV. p. 48.]

[541.] [On the report of the Committee, the Master of the Ordnance is ordered to present an estimate for the stores desired by the Commissioners of the Leeward Islands (500 firearms, 2000 weight of shot, and a barrell of flints) in order that it may be transmitted to the Treasury who are to provide money for that service.]

15 Feb.
Leeward
Islands.

[p. 347. C.S.P. IX. 883.]

266 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.

8 March. [517]., the amount of the estimate presented by the Master of the Ordnance, is ordered to be paid by the Treasury to the Treasurer of the Ordnance, that the stores may be provided and sent by the officers of the Ordnance. The necessary Order is also given to the Ordnance.]

[p. 369. C.S.P. IX. 938.]

15 Feb. [542.] [The Council refer to the Committee the] Petition Barbados. of the People called Quakers in London in behalf of their Friends in the island of Barbados, with their Case annexed setting forth the Sufferings and Hardships they undergo in that Island, by reason they cannot for Conscience sake bare Armes. And Praying to be relieved therein. [p. 348.]

22 Feb. [543.] [The petition of Lord Baltimore is referred to the Maryland. Committee.—C.S.P. IX. 895.] [p. 350.]

1 March. [544.] [The petition of Isaac Richier against Lieut. Governor Bermuda. Goddard is granted, and execution thereof referred to the Committee.—C.S.P. IX. 911.] [p. 365.]

15 March. [Letter in accordance sent to Lieut. Governor Goddard.] (1695.) [p. 377.]

17 March. [The Council refer to the Committee the petition of Isaac Richier praying the appointment of some indifferent person on the island to examine his complaint against Governor Goddard.] (1695.) [Vol. IV. p. 93.]

19 Dec. [On Richier's complaint that despite the letter of 15 March, 1694, he has been kept a prisoner and his goods detained from him, order is given as in C.S.P. IX. 2209.]

[Vol. IV. p. 241.]

(1697.) [Orders given in accordance with report of Committee.— 17 May. C.S.P. X. 1029.] [Vol. V. p. 12.]

(1699) [A further petition is referred to the Board of Trade.— 22 Aug. C.S.P. XII. 934.] [Vol. V. p. 368.]

(1699.) [The appeal is to be heard on the 30th.—C.S.P. XII. 992.] 23 Nov. [Vol. V. p. 393.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 267

[On a report from the Board of Trade, the whole matter is referred to the Committee for Appeals.] [Vol. V. p. 396.]

1694.
(1699.)
30 Nov.
(1699.)
21 Dec.

[The report of that Committee is approved, and order given that on Richier giving 1000*l.* bail to answer such action as shall be brought against him by Mr. Trott in the King's Bench at Westminster, the two judgments given against him on 15 Dec. 1693 in Bermuda for 2000*l.* and 95*l.* be declared null and void, and that a Commission be issued under the public seal of Bermuda to three nominees of each of the parties to examine witnesses and take depositions to be sent to the King's Bench with the record of all former proceedings.

A memorandum is added that Richier gave the required bail before Lord Chief Justice Holt on 20 February 1700.]

[Vol. V. pp. 404 and 444-5.]

[545.] [On the report of the Committee, order is given to the Admiralty for Col. Nicholson's passage to his Government in Maryland in one of their Majesties' frigates and for the transport of his servants and goods in like manner as Col. Copley was accommodated.] [p. 369.]

8 March.
Maryland.

[546.] [The stores for New York being on board the *Canterbury* and the *Happy Jane*, one of the men of war convoying the Virginia fleet is to take these two ships under convoy] and to see them safe in the Port to which they are bound.

8 March.
New York.

[p. 369.]

[547.] [On the Committee's report, it is ordered] that for the present Security of the Island of Jamaica, One good Fourth Rate Frigatt, One fifth, and one Sixth Rate be sent thither, to guard the Island from the Continuall Depredations made upon it by the French, and that particularly the Fourth Rate Frigatt be forthwith sent to Jamaica, in the place of the Mordant, lately lost upon the Coast of Hispaniola; And that Directions be given to the Commanders of such men of warr as shall be sent from time to time to Jamaica, not to Imprest Seamen there without the Governors leave, and that the said Commanders carry with them, such Number of

8 March.
Jamaica.

1694.

Supernumerary Seamen, as may Serve to Recruit the Ships remaining at Jamaica for the Guard of the Island. And the Lords Commissioners of the Admiralty are to give all necessary Directions accordingly. [p. 370. C.S.P. IX. 937.]

22 March. [548.] [Leave of absence granted to Sir E. Andros.—C.S.P.
Virginia. IX. 979.] [p. 380.]

29 March. [549.] Whereas it hath been Represented to His Majesty
Barbados. that Colonel Kendall Governor of Barbados did suspend Major George Andrewes and Mr. John Bromley from their Places in the Councill of Barbados, and bound them over to the Generall Sessions for returning members to the Generall Assembly, who had not produced Certificates of their having received the Sacrament within Twelve months, as was provided by an Act then in force for Regulating Elections, which Act has been since disallowed by His Majesty. And whereas His Majesty hath been pleased to Restore them to their Places in the Councill there. It is this day Ordered by His Majesty in Councill, That Colonell Francis Russell, now appointed Governor of Barbados, do upon his Arrivall in the said Islands, cause the Recognizances of the said Major Andrews and Mr. Bromley either to be discharged, or to suspend all Prosecutions thereupon, untill upon his transmitting over an account of the matter, His Majestys Pleasure shall be known therein. And the Right Honourable Mr. Secretary Trenchard, is to prepare an additionall Instruction to Colonel Russell accordingly. [p. 385.]

29 March. [550.] [On the representation of the Committee, His Majesty
New England. is pleased to approve, and to give orders in accordance with], the Proposals of Sir Henry Ashurst and Sir Stephen Evance for the bringing to the Port of London within One year if possible, a Ship load of the severall species of Navall Stores from New England vizt. Pitch, Tarr, Rosin, Plank and Knee Timber usefull for Shipping, with an account attested under the hands of the Governor and Assembly, what quantities thereof, They will engage to send over yearly, The Proposers humbly praying,

that upon producing Bills of parcels of the first Cost, Interest, Charges, and Insurance of the said Goods, the same may be paid to them, Referring themselves to His Majesty for such further allowance for their paines and hazard as His Majesty shall think they may deserve. [p. 388. C.S.P. IX. 994.]

1694.

[A letter to the Governor of Massachusetts Bay to give all possible aid to the promoters of the undertaking] which tends so much to the Encrease of the Trade and Navigation of New England, and to the Good of Their Majesty's Service in Generall. [p. 388. C.S.P. IX. 1003.]

5 April.

[551.] [The Council refer to the Committee] the Petition of Jeronimy Clifford an Inhabitant of Surinam, Praying his Majestys Letter to the States of Holland, that he may have Liberty to returne to England, his Native Country, with his Estate. [p. 390.]

5 April.
Surinam.

(1702.)

. . The Petition of Jeronimy Clifford setting forth that being an Inhabitant of Surinam in the year 1667, and Intituled to the Articles of Capitulation then made upon the Surrender of that Colony to the Dutch, and thereupon intended in the year 1687 to Transport himselfe and Estate to Jamaica, but by an Order of the Governor and Councill of Surinam was Prohibited to Remove or Dispose of his Estate, together with severall other matters of Complaint . . . is hereby Referred to the Lords Commissioners of Trade and Plantations.

21 April.

[Anne, Vol. I. p. 107.]

(1702.)

[On their report it is ordered that the Envoy at the Hague be furnished with papers and proofs to solicit the States General for relief to the petitioner.] [Anne, Vol. I. p. 137.]

31 May.

(1704.)

[It is referred to the Board of Trade to have a definite statement of the accounts of Jeronimy Clifford prepared by some able merchants so as to show what is due to him, and to report their opinion on his petition] Complaining of the many vexatious and unjust proceedings of the Governor and Councill of Surinam, in laying Great Fines on him, Imprisoning his

10 Feb.

1694.

Person, and contrary to the Articles of Capitulation . . . and the Treaty of Peace concluded in 1674 denying him the Liberty to remove, or dispose of his Estate or Effects, and that he hath not yett had any good Effect from the severall Applications that have been made to the States Generall in his behalfe, And therefore Praying, That his case may be taken into consideration, and such Order given for Obteynning Redress and Satisfaction for his Great Damages, and for removing his Estate from Surinam, as shall be thought meet.

(1704.)

[Anne, Vol. II. p. 54.]

6 Sept.

[A petition of Mr. Clifford complaining of delays in examining his papers is referred to the Board of Trade who are to recommend to the referees the hastening of their report.]

[Anne, Vol. II. p. 172.]

(1705.)

3 May.

[The petition of Jeronimy Clifford, prisoner in the Fleet, is recommended to the Treasury for some allowance while his difference with the Dutch as to the excessive damage done him at Surinam is still dependng, and the Board of Trade are to recommend those to whom Clifford's accounts are referred to hasten their report, that an early statement of the matter may be laid before her Majesty.]

[Anne, Vol. II. p. 348.]

(1705.)

9 July.

[The report of two eminent merchants on his accounts is submitted by the Board of Trade and approved, and Mr. Secretary Harley directed to lay the same before her Majesty at a convenient time for her Majesty's further pleasure therein.]

[Anne, Vol. II. p. 385.]

5 April.
Jamaica.

[552.] [Order is given granting in full the petition of sundry merchants and others concerned in the Island of Jamaica that the Commission for the Condemning of Prizes there] being for the Publick good of all his Majestys subjects concerned there, and Trading thither may bee passed without fees, except Clerkes fees.

[p. 392.]

5 April.
New
England.

[553.] [The Council refer to the Committee] a Memoriall of John Taylor merchant concerning his Contract for New England Masts, Bowsprits, etc. [p. 393. C.S.P. IX. 1006.]

1694.
 [Letters in his behalf to the Governors of Massachusetts Bay and New Hampshire.—C.S.P. IX. 1066.] [pp. 417-8.] 28 May.
 (1695.)
- [A further petition of John Taylor is referred to the Committee.—C.S.P. IX. 1922.] [Vol. IV. p. 150.] 28 June.
- [554.] [The petition of William Alexander is referred to the Committee.—C.S.P. IX. 1024.] [p. 398.] 19 April.
 Pennsylvania.
- [The petition of Robert Lee on behalf of the children of the late Earl of Stirling is referred to the Committee.—C.S.P. IX. 1596.] [Vol. IV. p. 7.] 13 Dec.
 (1703.)
- [The Council refer to the Board of Trade] the Petition of Robert Lee, Executor in Trust for the Younger Children of the late Earl of Stirling, relating to a large Tract of Land in America, conveyed by the said Earl to His Royall Highness the Duke of York, in or about the year 1663. 7 Jan.
 [Anne, Vol. I. p. 284.] (1703.)
- [On the representation of the Board of Trade, the matter is referred to the Lord Treasurer to report to the Council.] 20 March.
 [Anne, Vol. I. p. 339.]
- [555.] [The Council refer to the Committee] the Petition of the Agents for the Pensilvania Charter, Praying that the same may Passe under the Great Seale of England. 19 April.
 Pennsylvania.
 [p. 398. C.S.P. XII. 1318.]
- [556.] [The Council refer to the Treasury the] Petition and Papers of Lionell Copley, for himself, his Brother and sister, humbly praying that Mr. Plaister, Mr. Paggen, and Mr. Knight, may be directed to Pay such mony as they stop in their hands, which was due to Colonel Lionell Copley late Governor of Mariland. 17 May.
 Maryland.
 [p. 414.]
- [On the report of the Treasury it is ordered that the Treasury do give all necessary directions to Mr. Plater Collector of the moiety of two shillings per hogshead, and the additionall Impost of Three pence per hogshead, on Tobacco in Mariland, for the returning over the Bills for the said Dutys by him] 26 July.

272 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.

Collected, And that when the Bills are so returned, their Lordships do cause to be paid therout to the Petitioner, what mony shall appear to have been due unto the said Colonell Copley deceased. [p. 449.]

14 June. [557.] [The Council give order in accordance with a Memorial Barbados. from the Agents for Barbados representing] That the Owner of the Ship Friends Adventure now ready to sayle for that Island, Proposes to carry, without any Charge to their Majesty, One Hundred Souldiers of Colonel Russells Regiment, which were raised for their Majestys Service in the said Island, So as there may be forthwith put on board her by the Victuallers of the Navy, Two Moneths Provisions for the said Souldiers, which the said Agents humbly prayed, might be granted, in consideration of the great Necessity, the Island is at present in for Men. [p. 434.]

21 June. [558.] [The Committee lay before the Board a presentment of Navigation Acts. the Customs to the Treasury of 22 Feb.] for Preventing Ships trading from Virginia, Maryland and Pensilvania to Scotland and Ireland, contrary to the Acts of Trade and Navigation. [It is referred to the Treasury, who are to consult the Attorney General and the Commissioners of the Customs, and propose remedies] for the future preventing the abuses complained of, so much tending to the Diminution of their Majestys Revenue, and the Trade and Navigation of this Kingdome. [p. 437.]

12 July. [On reading the report of the Treasury, it is referred to the Committee to consider of this matter.]

[p. 445. C.S.P. IX. 1139.]

9 Aug. [On the report of the Committee, it is ordered that Governor Nicholson be instructed] to cause one or more small Vessells of about 40 tuns each, to be hired with skilfull Comanders in those parts, for whom he will be answerable, and to appoint them to Cruise upon the Coasts of Maryland and Pensilvania with Power to Examine all Ships trading to and from those parts, and to Inspect the Clearings of the said Ships in the Collectors Bookes, in order to the discovery of

1694.

Forged Cocquetts and Certificates, And that for the defraying the Charges of such Vessells and the Encouragement of the Commanders, he dispose of their Majesties Third part of the forfeitures upon the Acts of Trade and Navigation, and the Penalties recovered on forfeited Bonds within his Government, in such manner as he shall most Conducing to their Majesties Service herein.

[Similar orders are sent to Sir Edmond Andros.]

[p. 455. C.S.P. IX. 1212.]

(1696.)

[A presentment from the Customs of 17 Dec., brought in by the Treasury] concerning illegal Trading of ships between the Plantations and Scotland [is referred] to a Committee of the whole Council.

[Vol. IV. p. 257.]

9 Jan.

[559.] [The Council refer to the Admiralty] the Petition of William White a Prisoner in the Marshalseas on pretence of his running into Martenico with 24 men as he was coming from Barbados.

28 June.
Martinique.

[p. 440.]

[560.] [The Council refer to the Attorney General the] Petition of James Earle of Arran Son and Heir of William Duke of Hamilton and Anne Dutchesse of Hamilton, Praying to be heard touching his Right to certain Lands in New England, before the Boundarys of Rhode Island now under Consideration be settled, As part whereof the Petitioners said Lands are claimed by the Governour and Company of that Colony . . . But it is not intended, That the Settlement of the Boundarys of Rhode Island, now lying before him, and the Reporting thereof to this Boord, should by means thereof, be in any wise obstructed or delayed.

28 June.
Rhode Island.

[p. 442.]

(1698.)

[In accordance with Sir Henry Ashurst's petition, it is ordered that he receive] a copy of the Representation of the Councill of Trade dated the 10th of August 1697, upon the Petition, and Case of the Dutchess of Hamilton relating to the Narragansett Country or Kings Province in America.

24 Nov.

[V. p. 270.]

s

274 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1694.
- 5 July. [561.] [Mr. Penn's petition is referred to the Attorney
Pennsylvania. and Solicitor General.—C.S.P. IX. 1128.] [p. 444.]
- 12 July. [On their report, the matter is referred to the Committee.—
C.S.P. IX. 1138.] [p. 445.]
- 9 Aug. [Order in accordance with Committee's report.—C.S.P.
IX. 1213.] [pp. 453-4.]
- 2 Aug. [562.] [The petition of Jane, wife of William May, steward
Piracy. of the ship *Charles the Second*, merchantman of London, Capt. Gibson late commander, Ann Johnson, Mary Gulston, Mary Gyham, Ann Ivy and others, to be answered by Sir James Houblon and such others of those concerned as are in or about London.] [p. 452.]
- 16 Aug. [The petition and Houblon's answer referred to the Com-
mittee.—C.S.P. XII. 1321.] [p. 461.]
- 13 Sept. [On reading a representation from the Committee, orders
are given for the seizure of the *Charles the Second* in the plantations or wherever met with, the crew having run away with the vessel from Corunna, as is supposed, upon a piratical design. The Admiralty are to give the necessary directions to all commanders of ships, etc.] [p. 473.]
[Letters to this intent are addressed to the Governors of Jamaica and Barbados on 13 Sept, but entered under date 27 September.] [p. 487.]
- 9 Aug. [563.] [On the representation of the Committee, orders are
New York. given to the Master of the Ordnance to deliver a sufficient quantity of powder and ball for two companies of foot, consisting in all of 150 fusiliers, now going under command of Captain Hide to New York or New England by the *Hope*, Aaron Everden commander.] [p. 455. C.S.P. IX. 1209.]
- 9 Aug. [564.] [A memorial from the Commissioners of the Leeward
Leeward Islands. Islands as to neutrality in America is referred to the Committee.—C.S.P. IX. 1215.] [p. 455.]
- 29 Nov. [A memorial praying for reinforcements is similarly referred.
—C.S.P. IX. 1564.] [p. 513.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 275

- [A similar memorial is similarly referred.—C.S.P. IX. 1703.] (1694.)
 [Vol. IV. p. 85.] 7 March. (1695.)
- [On the report of the Committee, it is ordered that the 10 March.
Hastings frigate be at once despatched.] [Vol. IV. p. 87.]
- [565.] [Order for the speedy departure of an advice boat 23 Aug.
 to Jamaica with a despatch from the Privy Council, and for Jamaica.
 its return with Sir William Beeston's despatches.] [p. 463.]
- [566.] [In accordance with the Committee's representations, 6 Sept.
 orders are given for the despatch to Jamaica of the ships of Jamaica.
 war, *Dunkirk*, *Ruby*, *Reserve* and *Assistance* with the *Terrible* New York.
 and the *Hawk* fireships with four months provision for 1700
 men of two regiments being sent thither, besides other
 necessary stores. Ten more men of the companies bound
 for New York are to be shipped and victualled with the others
 on the *Hope* at Plymouth.] [p. 470. C.S.P. IX. 1294.]
- [The troops for Jamaica to be victualled by petty warrant. 23 Dec.
 —C.S.P. IX. 1641.] [Vol. IV. p. 33.]
- [567.] [The petition of Paul de Brissack is referred to the 20 Sept.
 Committee.—C.S.P. IX. 1327.] [p. 475.] Antigua.
- [568.] [The Council refer to the Committee the petition 20 Sept.
 of William Carbonell for payment for the services of the Barbados.
Coronation and the *New England* frigate taken into employ-
 ment as fourth rate men of war by the Governor and
 Council of Barbados.] [p. 476. C.S.P. IX. 1326.]
 (1697.)
- [The Council refer to the Treasury a memorial from the 24 June.
 Admiralty on the petition of William Carbonell and other
 merchants of London for 615*l.* 13*s.* 5*d.* for the service of the
England frigate and 222*l.* 11*s.* 5*d.* for the *Coronation*, taken
 into his Majesty's service at Barbados in 1691, at the rate
 of ten shillings per ton *per mensem* for the time of service.]
 [Vol. V. p. 31.]
- [569.] [Order for the appointment of John Murray as 27 Sept.
 Commissary etc.—C.S.P. IX. 1352.] [p. 478.] Jamaica.

276 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.
30 Oct. [Dr. Wm. Fleming is appointed Physician to the forces for Jamaica at a salary of 20 shillings a day, and Mr. Wm. Mortimer Apothecary at 200*l.* per annum.] [p. 496. C.S.P. IX. 1463.]
- 27 Sept. [570.] [800*l.* of arrears due to Leeward Islands regiment ordered to be paid.—C.S.P. IX. 1353.] [p. 479.]
Leeward Islands.
- 20 Dec. [1400*l.* to be paid by the Treasury.—C.S.P. IX. 1612.] [Vol. IV. p. 11.]
(1695.)
- 10 March. [On the report of the Committee, they are ordered to confer with Colonel Holt and the officers of the regiment of foot now in the Leeward Islands as to the manner of raising 200 men besides the 200 recruits already ordered, and to report to the Board.] [IV. p. 87.]
(1695.)
- 14 March. [The Treasury to pay 1400*l.* to the officers of the Leeward Islands regiment, as ordered on 16 December, for raising 200 recruits, and as soon as these are raised to pay another 1400*l.* for 200 more recruits.] [IV. p. 89.]
(1695.)
- 14 March. [The remainder of Colonel Russell's regiment being this day ordered to the Leeward Islands, the Treasury are to] satisfy the Clothiers of the said Regiment by such Assurances of Payment for their Cloths, as their Lordships shall think fitt, that the same may be forthwith delivered out to the Officers, [and to give the requisite directions for the pay and subsistance of the regiment]. [IV. p. 90.]
(1695.)
- 14 March. [On reading the memorial of William Bridges, and on a representation from the Committee, orders are given as to the transportation of Colonel Russell's regiment and as to aid from Barbados.—C.S.P. IX. 1719–20.] [IV. p. 94.]
(1695.)
- 28 March. [On the Committee's representation, further orders as to their transportation.—C.S.P. IX. 1750–2.] [IV. p. 99.]
(1695.)
- 23 May. [On the representation of the Committee, the Commissioners of Transportation are ordered to provide "Hamacas" or bedding for the Leeward Islands recruits, and to pay the surgeons half a crown per man for their care of them on the voyage.] [IV. p. 135.]

- [On the representation of the Committee, orders are given that the necessary orders be given by the Admiralty that the recruits for Colonel Russell's regiment be victualled by petty warrant till they sail from Plymouth so that they may have their full complement of provisions on board at the time of sailing.] [IV. p. 142.] 1694.
(1695.)
6 June.
- [On reading the petition for payment of arrears of Colonel Holt—C.S.P. IX. 1894-5—he and such of his officers as are in or about town are ordered to appear on Thursday next. The Agents of the Leeward Islands are also ordered to attend on Thursday next with their charter parties and agreements for transporting the recruits of Colonel Russell's regiment.] [IV. p. 146.] (1695.)
20 June.
- [The Admiralty are ordered to transport 160 recruits now ready to embark at Portsmouth for Colonel Holt's regiment.] [IV. p. 253.] (1696.)
4 Jan.
- [Two memorials of Colonel Holt relating to his regiment are referred to the Treasury.] [IV. p. 257.] (1696.)
9 Jan.
- [On the report of the Committee, it is ordered that four tons of clothing for the Leeward Islands regiment be carried in the ships now going thither with recruits.] [IV. p. 280.] (1696.)
6 Feb.
- [Orders to the Admiralty to deliver to the officer in chief with the recruits going to the Leeward Islands,] the Hamacers remaineing in the handes of Mr. Weaver the Officer of the Commissioners of the Customes att Portsmouth. [The like order to the Master of the Ordnance about delivering "the Hamacos and Bedding."] [IV. p. 414.] (1696.)
30 April.
- [571.] [The petition of Thomas Sutton and Francis Blackmore is referred to the Committee.—C.S.P. IX. 1490.] [p. 499.] 8 Nov.
Jamaica.
- [On the report of the Committee, the petition is referred to the Governor and Council of Jamaica.—C.S.P. IX. 1565.] [p. 520.] 29 Nov.

278 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1694.
15 Nov. Jamaica. [572.] [Order in accordance with C.S.P. IX. 1476. In addition, Captain Elliot is recommended to the Admiralty for command of a ship of war.] [p. 505.]
- 22 Nov. Virgin Islands. [573.] [On the report of the Committee, Colonel Codrington is ordered to hinder foreign settlement in the Virgin Islands. —C.S.P. IX. 1539.] [p. 510.]
- 22 Nov. New York. [574.] [10*l.* is allowed to the surgeon going with the troops to New York besides the half-crown per man allowed for his care of the men. Another month's provision for the men is to be put on board for which the usual deductions will be made from their pay. The necessary directions are to be given by the Admiralty. To complete the companies, 30 recruits are to be taken from any regiments lying near the Thames, the usual levy money allowed for recruits being paid by the commanding officer. The necessary directions are to be given by William Blathwayt Esqr. Secretary at War.] [p. 510. C.S.P. IX. 1538.]
- 29 Nov. Jamaica. [575.] [The Council refer to the Committee a petition of divers Jamaica merchants for putting impartially into execution the clause in the Jamaica Militia Act relating to invasions, and for the appointment by the sufferers in the late French invasion of Commissioners to act with the Council's nominees in assessing damages and distributing the money raised.] [p. 513. C.S.P. IX. 1566.]
- 13 Dec. [4000*l.* from the profit on exchange to be applied to the relief of the sufferers.—C.S.P. IX. 1594.] [Vol. IV. p. 8.]
- 29 Nov. New York. [576.] [On the Committee's report, the Council refer to the Treasury the petition of the captains of the two companies going to New York that two months' subsistence now due and one month's in advance be allowed them to provide necessaries for themselves and their men during the voyage], in regard the said Companys have been three months on board and suffered very much at Sea, and by the losse they have Sustained in an Engagement with the Enemy. [p. 518.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 279

[The 150 men for New York being still detained at Plymouth for their convoy, order is given for the transport and victualling in the same ships of fifty more men who have meanwhile been raised to complete the two companies.] [Vol. IV. p. 51.]

1694-5.
(1695.)
5 Feb.

WILLIAM III. VOL. IV. (2 Dec. 1694—23 April 1697.)

[577.] (1) [To the Admiralty are referred the petitions of several merchants and planters trading to Jamaica that the *Robert and William*, Edward Moor master, 120 tons, 10 men, may replace the disabled *James and Mary*; of Gilbert Heathcote, that the *Anne*, which was sent from Jamaica with an account to his Majesty of the state of that island, may be permitted to return thither; and of Thomas Dade and other merchants of London for the *Phoenix* with 25 men to sail to Jamaica.] [pp. 5-8.]

13 Dec.
Ship Passes.

[On the report of the Admiralty, permission is granted.] [pp. 11-12.]

16 Dec.
1695.
3 Jan.

(2) [Petitions for the *Swan* to return home to New England, and for the *Recovery* to go to Barbados in place of the *Success* sunk at Beachy, are referred respectively to the Admiralty and the Treasury.] [p. 25.]

[On a report from the Admiralty, the *Swan* is allowed to sail] with six men, two Native Indians, and a Boy, all belonging to New England. [On the report of the Customs, the *Recovery* is also allowed to sail.] [p. 31.]

10 Jan.

(3) [To the Admiralty is referred the petition of Philip Bass, commander of the *Mary Ann*, to return to Boston with 20 men, all of New England.]

10 Jan.

[The same or a similar petition is referred to the Customs.] [p. 48.]

31 Jan.

[On the report of the Customs, he is allowed to sail.] [p. 63.]

14 Feb.

(4) [To the Admiralty are referred the petitions of Sir William Cann of Bristol, merchant, for the *Gift* of Bristol to Barbados; of several Jamaica merchants of London for the *Elizabeth* to Jamaica, with some naval stores for his Majesty's service beside their own goods; of Samuel Travers, Simon Alcock, and Trial Travers of Dublin for the *Unity*, 70 tons, laden with servants and provisions, to sail from Dublin to Jamaica, without coming first for England; of Alexander Lorimore and other merchants of London for the *Friendship* to sail with servants and provisions from Dublin to Jamaica.]

18 Jan.

[p. 40.]

(5) [To the Customs is referred to examine, and to report whether the mariners are natives of New England, or how long they have been inhabitants there, the petition of John Cooper, master of the *Elizabeth*, New England built, owned and manned, to return home.] [p. 55.]

7 Feb.

[On their report, allowed to sail.] [p. 65.]

17 Feb.

(6) [The Council refer to the Admiralty the petition of the Newfoundland merchants of Plymouth for five ships to sail under convoy of the *Africa*

14 Feb.

280 ACTS OF THE PRIVY COUNCIL (COLONIAL)

1695.

frigate, designed for New England, till they are out of the Channel; for convoys for the ships that will be ready to sail in May; and for a light frigate or two to secure the Newfoundland coast from the insults of the French. [p. 63.] On the report of the Admiralty, the five ships are referred to the Customs, on 13 March, to inquire into the matter of fact, whether the ships design to sail to Newfoundland, as they pretend. [p. 80.] On 17 March, 6 ships are allowed to sail. [p. 93.] On 21 March, 4 more. [p. 96.] 8 more on 28 March [p. 100.] On 4 April a petition that the convoy be fitted out and sail with the first fair wind is referred to the Admiralty [p. 104]; 6 more ships are allowed to sail on 7 April [p. 107]; on 21 April, 14 are referred to the Customs, and on 28 April allowed to sail [pp. 118 and 121]; on 9 May, 7 more [p. 131]. On 23 May, 7 more are referred to the Admiralty. [p. 135.] The names, tonnage, etc., of all are given in the Register.]

- 21 Feb. (7) [To the Admiralty is referred the *Nicholas*, Roger Vavator commander, 300 tons, 35 guns, praying for letters of marque to enable her to go with Two other Privateers of like force upon a Designe against the French, on the Backside of Newfoundland. [p. 69.]
- 21 Feb. (8) [William Wormall, master of the *Fisher* of Boston, 100 tons, 6 guns, 10 men, New England built, owned, and manned, is referred to the Customs.] [p. 70.]
- 3 March. [On the report of the Customs that he and the mariners have been inhabitants of New England for more than ten years, and that most of them are natives, the ship is allowed to sail.] [p. 79.]
- 28 Feb. (9) [The *William*, Jamaica owned and manned, praying to return home, is referred to the Customs.] [p. 74.]
- 10 March. [Allowed to sail; names of crew given.] [p. 88.]
- 24 March. (10) [Nathaniel Wilmer owner, and James Thomas master, for the New England built and manned *London Merchant*, to proceed to Barbados, are referred to the Admiralty.] [p. 98.]
- 31 March. (11) [Reference to the Treasury of the report of Captain Foulis of the *Gloucester* from Bristol, touching the merchant ship *Potomac Merchant*, which he had stopped from breaking the embargo, and sailing for Nevis.] [p. 102.]
- 4 April. (12) [The *John's Adventure*, New England owned and manned, to return home, is referred to the Customs.] [p. 104.]
- 14 April. [Allowed to sail; names of crew given.] [p. 114.]
- 11 April. (13) [*St. Jago* of New England to return home with Barbados and Leeward Island convoy referred to Customs.] [p. 109.]
- 21 April. [Allowed to sail; names of crew given.] [p. 117.]
- 11 April. (14) [The *Unity* with perishable merchandise for Pennsylvania to sail with the next convoy for Cadiz—referred to the Admiralty.] [p. 110.]
- 14 April. (15) [On two reports from the Customs and a letter from Mr. Symms, one of the Surveyors of the Port of Bristol, the Admiralty are directed to prosecute such as have broken the embargo or assisted in so doing.] [p. 113.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 281

- 1695-6.
21 April.
- (16) [The *Johnson* frigate, Samuel White commander, 250 tons, 30 guns, 20 seamen, 15 landsmen including boys, New England built and manned, is referred to the Admiralty.] [p. 116.]
- [On their report, allowed to sail.] [p. 131.] 9 May.
- (17) [The *Martin's Adventure* to Barbados for Robert Heysham's sugars, which have lain for some time perishing—referred to the Admiralty.] [p. 119.] 21 April.
- (18) [The *Robert* of New York to return home—referred to the Customs.] [p. 127.] 2 May.
- [Allowed to sail.] [p. 131.] 9 May.
- (19) [The *Merchants Adventure* with stores for H.M.'s ships in the Leeward Islands is allowed to sail thither.] [p. 128.] 2 May.
- (20) [On a memorial from the Master General of the Ordnance, the *Ann and Hannah* with stores for the *Bristol* and *Play* prize at Barbados, the *Adventure* with stores for the *Chester* at Antigua, and the *Elizabeth* pink with stores for the *Hampshire* and *Experiment* at Jamaica, are allowed to sail. So also is the *Durham Yard*, on a memorial from the Admiralty, with stores for the *Bristol* and *Play* prize.] [pp. 134-5.] 23 May.
- (21) [The *Barbara* of Coleraine from Beaumaris to the Leeward Islands with beef, pork, and Irish linen—referred to the Customs.] [p. 135.] 23 May.
- (22) [On a memorial from the Admiralty, the embargo is taken off.] [p. 139.] 30 May.
- (23) [On a report from the Committee, a general embargo is ordered to be laid on 1 Dec. next, with certain exceptions not affecting the plantations. See also 594..] [p. 188.] 12 Sept.
- (24) [Reference to the Admiralty of the petition of Jeremiah Johnson of London for twenty seamen to go to New England by the *Prudent Sarah* in order to bring from thence the petitioner's new ship *Jeremiah*, 400 tons.] [p. 213.] [On 5 December, on the Admiralty report, protection is granted for 20 men in New England to bring over the *Jeremiah*, and for such of them as are New Englanders to return thither.] [p. 228.] [On the 13th Johnson's petition for 30 men in New England to sail the *Prudent Sarah*, Benjamin Gillam master, is referred to the Admiralty] [p. 234]: [on 9 Jan. 1696, on their report of 21 December, the petition is granted on the same conditions as for the *Jeremiah*.] [p. 256.] 21 Nov.
- (25) [The petition of several London and West Country merchants for their ships to sail to Newfoundland, and to have a convoy assigned, is referred to the Admiralty; names not given.] [p. 257.] 1696.
9 Jan.
- [On the report of the Admiralty, 28 ships (names given) with 272 seamen and 321 landsmen, are allowed to sail. The Admiralty report that orders will be sent to the several ports forbidding the pressing of any of these men, provided they keep on board the ships whereto they belong.] [pp. 275-6.] 23 Jan.

282 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1696.
6 Feb. [The petition of several merchants for 17 ships (names not given) with 223 seamen, to sail to Newfoundland, since of the 600 men annually allowed for that trade only 272 have yet been granted protection, is referred to the Admiralty.] [p. 280.]
- 16 Jan. (26) [Christopher Fowler and others of London, owners and freighters of the *Richard and Michael*, already cleared at the Custom House for Barbados, are referred to the Customs; so also is Thomas Man, master of the *Edward and Francis*, already cleared for Carolina.] [p. 270.]
- 23 Jan. [The latter is permitted to sail.] [p. 275.]
- 6 Feb. [The *Edward and Francis* to proceed with the convoy.] [p. 280.]
- 6 Feb. (27) [The *New York Merchant*, Thomas Jeffars master, 80 tons, which on 14 December put in at Cowes to pay his Majesty's customs, on her way from Holland to New York, petitions to be allowed to proceed.] [p. 281.]
- 13 Feb. [Allowed to sail.] [p. 285.]
- 13 Feb. (28) [The *Peter and Mary* a prize ship bought at Falmouth for London merchants and delayed on the way from Falmouth to London, to sail to Jamaica with perishable goods—referred to the Admiralty.] [p. 283.]
- 23 Feb. (29) [A strict general embargo is laid; all protections are vacated and recalled, except such as are for his Majesty's immediate service.] [p. 290.]
- 23 April. (30) [The petition of Nicholas Oursell of London for 35 seamen to sail the *Oursell* frigate, 300 tons, 20 guns, 35 men, New England built, from New England to London, is referred to the Admiralty to be granted, such of the seamen as are New Englanders to be allowed to return thither.] [p. 403.]
- 26 April. (31) [The embargo is removed.] [p. 405.]
1694.
6 Dec. Jamaica. [578.] [Protections are granted to the seamen on the transport ships hired to carry the soldiers to Jamaica.] [p. 4.]
- (1695.)
10 Jan. [It is referred to the Admiralty whether it shall be an instruction to Captain Wilmot to send a man of war home as convoy with the merchant ships from Jamaica.] [p. 32.]
- (1695.)
18 Jan. [On an Admiralty report, desiring to know his Majesty's pleasure in the matter, order is given that Captain Wilmot send home one of the men of war.] [p. 38.]
- (1695.)
28 Nov. [The Jamaica merchants, petitioning for an extension of time till 31 Dec. for their ships sailing to Jamaica, are referred to the Admiralty.] [p. 215.]
- (1695.)
5 Dec. [On their report, the prolongation is granted.] [p. 226.]

1694.
9 Dec. Virginia and Maryland.
- [579.] [Notwithstanding the embargo, in consideration of the late contrary winds, the Admiralty are to allow some further time for the Virginia, Canary and Portugal ships to reach the Downs.] [p. 5.] (1695.) 14 Nov.
- [The petition of the Virginia and Maryland merchants for an extension of the time for their ships to be ready in the Downs to attend the convoy, from 1 Dec. to 31 Dec. is referred to the Admiralty.] [p. 210.] (1695.) 21 Dec.
- [On the Admiralty report, the time is prolonged accordingly.] [p. 214.] (1696.) 24 Sept.
- [A report of the Board of Trade as to convoys for the Virginia merchants is referred to the Admiralty.] [p. 518.] (1696.) 1 Oct.
- [On their report, it is referred back to them to consider] whether it is most advisable to stop the Convoy that is now at Virginia, or to send a New Convoy thither. [p. 523.] (1696.) 2 Oct.
- [The Customs are ordered to] send an Account to this Board in writing on Tuesday next, of what numbers of Ships have been cleared in the Port of London for Virginia and Maryland, and went with the last Convoy or since, As also what Ships have returned from those Places to the Port of London since the First of January last. [p. 524.] (1696.) 22 Oct.
- Upon consideration this day had at the Boord of a Representation of the Councill of Trade touching Convoyes for the Virginia and Maryland Trade, [as it is deemed too late to send orders to the Convoy now in Virginia and Maryland to stay till the merchant ships there (over 100) can load this year's crop, the Admiralty are directed to send two men of war to be there in February to convoy home the fleet bringing this year's tobacco crop]. [p. 526. •C.S.P. X. 332.]
- [580.] [The Committee's report on the petition of the Commissioners of the Leeward Islands, recommending that one or two ships be sent to replace the *Chester*, now become useless by reason of her long stay in those parts, is referred to the Admiralty.] [p. 11.] 16 Dec. Leeward Islands.

284 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1694-5.
 23 Dec. [A fifth-rate ship to be sent.—C.S.P. IX. 1616.] [p. 15.]
- 23 Dec. [581.] [His Majesty in Council approves the instructions
 Jamaica. prepared by the Committee for Sir William Beeston, relating
 to the expedition to Jamaica, for Colonel Lillingston, com-
 manding the foot regiment, for John Murray, the Commissary.
 —C.S.P. IX. 1617—and for Captain Robert Wilmot, com-
 mander of the squadron.] [pp. 10 and 14.]
1695.
 10 Jan. [582.] [Letters from the Court of Madrid to the Governors
 Hispaniola. of Hispaniola and Cuba and the Captain General of the
 Spanish Fleet in the West Indies relating to the intended
 expedition in these parts are to be delivered to the Governor
 of St. Domingo by Captain Wilmot, who is also to send
 copies in advance by the *Swan* frigate, whose commander is
 to proceed thither directly from the Straits and to use all
 expedition.] [p. 32.]
- 10 Jan. [583.] [Prizes to be distributed.—C.S.P. IX. 1643.]
 West Indies. [p. 32.]
- 18 Jan. [584.] [Officers and seamen captured in H.M.S. *Falcon*
 Jamaica. to be exchanged.—C.S.P. IX. 1655.] [p. 38.]
- 28 Feb. [585.] [The Council refer to the Committee the petition
 Newfoundland. of Hugh Redman of London to be made Governor of New-
 foundland.] [p. 74. C.S.P. XII. 1331.]
- 14 March. [586.] [The Council refer to the Committee the petition
 Barbados. of Richard Holder and Wylde Clarke of London merchants
 that an appeal be admitted against the condemnation at
 Barbados of their ship *Experiment*, taken on the coast of
 Barbary by Charles Coates, commander of the *Exchange*
 privateer.] [p. 92. C.S.P. IX. 1721.]
- 19 Dec. [On the Committee's report, the Council admit the appeal
 and appoint the first Council day in November 1696 for its
 (1696.) hearing.] [p. 241. C.S.P. IX. 2208.]
- 5 Nov. [Holder and Clarke representing that they are now ready
 to be heard on their appeal, the hearing of the case] is hereby
 referred to the Council of Trade. [p. 532.]

[The Council, on the report of the Committee of the whole Council, reverse the sentence given at Barbados in Nov. 1693 against the *Experiment*. It was held that his Majesty's subjects had been allowed for years to trade with South Barbary and to export thither gunlocks and other English manufactures, and as no one appeared on behalf of Captain Coates to defend the seizure, the judgment was annulled.] [p. 573.]

1695.
(1697.)
21 Jan.

[587.] [The Council refer to the Treasury the petition of Captain Robert Dorrill for payment of 1015*l.* 6*s.* 3*d.*, the amount of two bills on the Victuallers of the Navy drawn by the captains of the *Tiger* and *Mermaid* frigates whom he supplied at Barbados.] [p. 98.]

24 March.
Barbados.

[588.] [The Council refer to the Admiralty, to give such further bounty as they shall think fit, the petition of Mary Heath for a pension and his Majesty's bounty in consideration of the loss of her husband, Captain Thomas Heath of the *Chester*, in the West Indies, and of his services in burning the *Royal Sun*.] [p. 98.]

28 March.
West Indies.

[To the Admiralty are referred for consideration and report the petitions of Anne Pugh and Hannah Warren for allowances for the loss of their respective husbands, Captain Richard Pugh, cast away in the *Norwich* in the West Indies, and Captain George Warren of the *Pembroke*, lost at Martinique.] [p. 127.]

2 May.

[589.] [Peter Gaillardet having put 1700 livres worth of goods on board the *Unity* the better to discover the designs of persons concerned in a trade with France, and the ship on her voyage to Guadeloupe having been taken by his help and condemned in the Admiralty here, the value of his goods is ordered to be restored to him from the money arising by the sale of prizes.] [p. 126.]

2 May.

[590.] [The petition of Wait Winthrop, Samuel Sewall, John Saffin and others is referred to the Committee.—C.S.P. IX. 1844.] [p. 127.]

2 May.
New
England.

286 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1695.

23 May.
Virginia.

[591.] [A list of stores ordered to be sent to Virginia from the Ordnance Office and paid for out of his Majesty's revenue of quit rents in the said province]:—

Round Shott	{ Culvering	1040	
	{ Demy Culvering	320	
			La. Spon.
Ladles and Spunges for	{ Culvering	26	26
	{ Demi Culvering.. .. .	8	8
	Ladle Staves	18	
Cases of wood for Cartridges for	{ Culvering	36	
	{ Demy Culvering	12	
	Funnells of Plates	3	
	Corn Powder	126	barlls.
	Match	4	cwt.
	Sheet Lead.. .. .	4	cwt.
	Crowes of Iron	34	
	Spikes	300	
	Fore Lockeyes	40	pr.
	20 d.	200	
	10	400	
	6	1000	
	2	2000	
	Heads and Rammers grt.	20	pr.
Formers	{ Great	3	pr.
	{ Small	2	
	Budge barrells	3	
	Tann'd Hydes	6	
	Baskets	24	
	Paper Royll.	5	Rhm.
	Starch	8	li.
	Needles	8	Doz.
	Thread	8	li.
Lanthornes	{ Ordinary	2	
	{ Dark Do.	1	
	Muscovia Lights	3	
	Wadhookes.. .. .	8	
	Hand Crow leavers	40	
	Powder Hornes	46	
	Priming Irons	18	
	Linstocks	6	
	Marlin	30	li.
	Twine	6	li.
	Wyre	6	li.
	Hand screws	2	

[p. 138. C.S.P. IX. 1851.]

6 June.
Virginia.

[592.] [The Council refer to the Admiralty the petition of Captain Isaac Townsend, late commander of H.M.S. *Foresight*

for repayment of money disbursed by him for quarters of sick men in Virginia.] [p. 143.]

1695.

[The Admiralty memorial is referred to the Committee, who are also to inspect the commission and instructions of the Commissioners for Sick and Wounded Seamen and to settle such further powers and authority for them as they shall think necessary.] [p. 161.]

11 July.

[593.] [On the Committee's report that Colonel Fletcher has represented to them that a present from the King would confirm the Five Nations in their allegiance and prevent them from starting to the French, the Treasury are directed to pay to Mr. Gilbert Heathcote 200*l.* desired by Colonel Fletcher for the purchase of the goods named in the following list] :—

6 June.
New York.

A Lyste of Goods proper to be presented to the Five Nations of Mohaques and Sineques and the River Indians at Albany :—

- 24 Coates of Blew Cloath which costs in England about 9*l.* the Peice, the said Coates to be laced with St. Martins Lace and brasse Buttons finely set forth.
- 24 Hats of about four shillings apeice in England, laced about as above.
- 24 Shirts of Ordinary Linnen.
- 24 Striped Neckclothes.
- 24 pair of Shoes and Buckles.
- 24 Pair of Ordinary Stockings.
- 6 Half peices of Red Stroud water Cloth.
- 6 Peices of striped Blankets.
- 10 Peices of Blew } Duffells.
- 2 Peices of Red }
- 20 dozen of Woollen Hose Red, Blew, Yellow and White.
- 500 Ells of White Osenb. for Shirts.
- 2 Grosse of Knives, black hafted, sharp Points
- 1 Grosse of Brasse Tobacco Boxes.
- 1 Barrill of Tobaco Pipes.
- 6 li. of Vermillion.
- 50 Brasse Kettles of 2, 3 and 4 pounds apeice, thin beaten and light to carry when they go a Hunting or to Warr.

[The list is dated New York 10 November 1694 and signed, S. V. Cortland, David Jamison, S. Conly.]

[p. 143. C.S.P. IX. 1877.]

288. ACTS OF THE PRIVY COUNCIL (COLONIAL).

1695.

20 June. [594.] [The Committee are ordered to prepare a scheme
Plantation of next year's trade and convoys.] [p. 147.]
Trade.

12 Sept. [To the order to the Admiralty, laying an embargo, is added]
That the usuall convoys be Provided for the severall forrein
Trades ready at or before the said first of December; and that
three convoys be Provided for the ships bound for the Barbados,
in case the same may be spared from other services, so as to
be ready by the said first of December And that the men of
warr in the West Indies be Releived by the Convoys that shall
be sent to those Parts. [p. 188.]

(1696.)

3 Sept. The merchants trading to the plantations desiring to send
out their ships next month if the convoys may be then ready,
the Council of Trade is directed to confer with the merchants
as to the convoys and report to the Board. [p. 509.]

20 June. [595.] [The Council admit and refer to the Committee
Barbados. the petition and appeal of William Sharpe.—C.S.P. IX.
1904.] [p. 147.]

25 July. [On the report of the Committee, the appeal is ordered
to be heard on Thursday next.] [p. 164.]

1 Aug. [The appeal is dismissed, and the judgments against the
petitioner confirmed.—C.S.P. IX. 1984.] [p. 168.]

28 June. [596.] [The Council refer to the Committee the] Petition
Jamaica and of Anthony Gomez Serra, Nuno Fernandes Nunes, Andrew
Barbados. Lopez and Manoel Lopez of London Merchants in behalf of
several of the Hebrew nation settled in Jamaica and
Barbados.] [p. 150. C.S.P. IX. 1921.]

6 July. [597.] [The Council refer to the Committee the petition
Jamaica. of Captain Philip Dawes.—C.S.P. IX. 1945.] [p. 157.]

6 July. [598.] [The Council refer to the Committce the] Petition
Newfound- of Captain William Holman Commander of the William and
land. Mary Galley; humbly praying to be satisfyed for the
losses and Charges he was at last year, in preserving the

- Harbour of Ferryland in Newfoundland, and some English Ships, from being destroyed by two French Men of Warr, and for building Forts there. [p. 157.] 1695.
(1697.)
- [A similar petition is similarly referred.—C.S.P. X. 1038.] 20 May.
[Vol. V. p. 16.] (1697.)
- [Order in accordance with the report of the Board of Trade.—C.S.P. X. 1105.] 24 June.
[Vol. V. p. 33.]
- [599.] [The Council refer to the Committee the] Petition and Appeal of Richard Bate, Isaac Hawkins, John Burrow and Christopher Prissick, Executors of Barbara Newton Deceased. [p. 160. C.S.P. IX. 1954.] 11 July.
Barbados.
- [On the Committee's report, the appeal is ordered to be heard on this day fortnight] [p. 164]; [on 1 August it is postponed till the 15th] [p. 172]; [on the 8th till the 22nd] [p. 174]; [on the 22nd till the 29th] [p. 181]. 25 July.
- [The judgment at law and decree in equity given against Barbara Newton in Barbados are reversed.] [p. 184.] 29 Aug.
- [600.] [Extra instructions for Governor Russell.—C.S.P. IX. 1997.] [p. 174.] 8 Aug.
Barbados.
- [601.] [The Committee's report about quit-rents in Virginia is referred to the Treasury.] [p. 176.] 15 Aug.
Virginia.
- [602.] [The petition of Sir Henry Ashurst and the memorial of the Massachusetts Agents are referred to the Committee with directions for a speedy report in order that instructions may be given to the Earl of Bellomont, appointed Governor of that colony, before his departure thither.] [p. 179.] 15 Aug.
New
England.
- [603.] [The Council refer to the Committee the petition and appeal of Samuel Hubbard.—C.S.P. IX. 2017.] [p. 181.] 22 Aug.
Bermuda.
- [On the Committee's report, the appeal is dismissed.] [p. 237.] 19 Dec.

290 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1695.
 22 Aug. [604.] [The Council refer to the Committee the petition
 New York. of Robert Livingston of Albany in New York.—C.S.P. IX.
 2018.] [p. 181.]
- 21 Nov. [The Committee having reported, order is given as in C.S.P.
 IX. 2149.] [p. 211.]
- 21 Nov. [A further report of the Committee is referred to the
 Treasury.—C S.P. IX. 2147.] [p. 216.]
- 21 Nov. [Orders are sent to Colonel Fletcher in accordance with
 a report of the Committee.—C.S.P. IX. 2148.] [pp. 216-7.]
 (1695.)
- 16 Jan. [Livingstone's claim for interest allowed.—C.S.P. IX. 2242.]
 (1695.) [p. 272.]
- 16 Jan. [He is confirmed in certain offices.—C.S.P. IX. 2241.]
 [p. 273.]
- 24 Oct. [605.] [The Councill refer to the Committee the] Address
 Maryland. of His Majestys Governor, Councill and Burgesses of
 Assembly of the Province of Mariland, Praying leave to
 make a law for advancement of Coyns in that Province.
 [p. 203.]
- 14 Nov. [606.] [The Council refer to the Admiralty (A) the petition of
 West Indian the traders to Barbados for prolongation of the time of sailing
 Trade. from 1 Dec. till 1 Jan., or that one man of war designed for
 Barbados may remain to convoy the ships that cannot be
 sooner got ready: (B) the memorial of the Leeward Islands
 Commissioners for one fourth and one sixth rate ship to
 protect the islands and their trade, and that convoy be
 appointed for merchant ships homeward bound from thence.]
 [p. 210.]
- 21 Nov. [On the report of the Admiralty, the date of sailing for the
 Barbados convoys is extended to 31 Dec.; the *Hastings*,
 a 5th rate ship now at the Leeward Islands, is ordered to
 convoy home the merchant ships there, and a 4th and a 6th rate
 ship are to be forthwith sent for the security of the islands.]
 [p. 214.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 291

- [On the petition of the traders to the Leeward Islands, the time for sailing is extended to 1 Jan.] [p. 226.] 1695.
5 Dec. (1696.)
- [A representation of the Council of Trade as to convoys for the trade to the plantations in the southern parts of America, is referred to the Admiralty.] [p. 523.] 1 Oct. (1696.)
- [Order is given in accordance with the Admiralty report, which agrees with that of the Council of Trade—C.S.P. X. 287—save that merchant ships may be allowed to put in at the Madeiras to take in water and buy wine for their men.—C.S.P. X. 333.] 22 Oct. (1696.)
- [Order is also given as to New York and the West Indies.—C.S.P. X. 336.] [pp. 525-7.] 22 Oct. (1697.)
- [The Council refer to the Admiralty petitions of the Leeward Islands Commissioners and the Barbados merchants about the convoys for their respective trades. In accordance with these petitions, it is ordered on the 18th that, unless the winds hang westerly till the other ships of war can be victualled (in which case they may proceed with their proper convoys as was first designed), the three men of war now ready proceed to the West Indies as convoys to the merchant ships now at the Isle of Wight, and that one of them go directly to the Leeward Islands without touching at Barbados.] 11 March. [pp. 590-595-6.]
- [607.] [The Council refer to the Committee the] Petition of Sir Thomas Laurence Secretary of Mariland relating to his office and the Passing of Grants for lands in that Province. 21 Nov. Maryland. [p. 212.] (1696.)
- [The matter is referred to the Attorney General.—C.S.P. IX. 2229.] [p. 253.] 4 Jan. (1696.)
- [The Council approve, and give orders in accordance with the following report of the Attorney General of 21 Jan. on Sir Thomas Lawrence's petition and Lord Baltimore's answer]:—The first Thing in controversy between them being whether the Warrants and Patents for Land in that Province, to be 13 Feb. (1696.)

1695.

granted by my Lord Baltimore the Proprietor thereof, and the Returns and Entrys of Certificates from my Lords Surveyors ought of right to be prepared and passe through the Petitioners Office, or by such Persons, as my Lord Baltimore should think fit to Appoint; My Lord Baltimore to avoyd any further Dispute thereupon, Did offer, that in case such Warrants and Grants, and Certificates might be prepared and passed by his Officers, that such Fees as are allowed by the Acts of Assembly there for the same, should be equally divided between the Petitioner and the Secretary of the said Province for the time being and his Officers, Which offer the Petitioner is willing to comply with, as to his owne Concerne therein, if your Majesty shall think fit so to direct.

The next Thing in Question being, Whether such Grants to be made by the Lord Baltimore should passe under his Lordships Seale, or under your Majestys Greater or Lesser Seale of that Province in custody of your Majestys Chancellor there, The Lord Baltimore made the same Offer as before, that the Fees for sealing such Grants should be divided between those Persons he should appoint to seale such Grants, and your Majestys officers in whose custody your Majestys Lesser and Greater Seale of that Province shall be, so as he may have Leave to seale such Grants with his owne Seale, which Offer the Petitioner is willing to comply with, if your Majesty shall think fit to Approve thereof. And as to all the other Matters mentioned in the said Petition, vizt. That all such Grants and Patents to be made by the Lord Baltimore should be Recorded in the Petitioners Office, and that the Records of that Province which are the Enrolled Securitys of all the Freeholders Estates there, may remain in the Petitioners Office as Secretary, who has given Security for the safe Keeping thereof, And that the usuall Fees for Searches and Copies of the same may be paid by the Lord Baltimore and his Agents, aswell as by other Persons, And that no Searches be made into the said Publique Records, but by the proper Officer appointed, with such Fees as are settled

1695.

by Law, I am humbly of Opinion, that what the Petitioner desires therein is reasonable, Except only that the Lord Baltimore may have Leave by his Servants, and in the presence of the Petitioner or any appointed by him to make Search, and to take Copies of former Grants and Patents in order to make up his Rent Rolls, without paying any Fees for the same, which the Petitioners do not oppose.

[p. 282.]

[608.] [On reading a presentment from the Customs to the Treasury] touching the stealing and seiseing of the Shipp Isaac Brigantine, comeing from Barbados, out of the Harbour of the Groyne in Spain by a Dutch Privateer, called the Mount Ætna, Captain Ulrick alias Falconier Commander [representations are ordered to be made to the Dutch Ambassador here, and also at the Hague, to stay proceedings till further examination.]

12 Dec.
Plantation
Trade.

[p. 230.]

[609.] [On the report of the Committee, orders are given for settling 50*l.* per annum on a Protestant divine and 30*l.* on a schoolmaster to be sent to Pennsylvania on the recommendation of the Bishop of London, these sums to be paid] out of the Revenue of the Penny per pound on the Side Trade of Pensilvania and the arreares of the same.

19 Dec.
Pennsylvania.

[p. 240.]

(1697.)

[A similar order.]

[Vol. V. p. 137.]

16 Dec.

(1698.)

[A report from the Customs concerning the salaries of the two officials is referred back to the Treasury for a true state of the matter relating to the duty of a penny per pound in Virginia and Maryland upon tobacco exported thence to other plantations in America.]

[Vol. V. p. 267.]

10 Nov.

(1700.)

[A petition of Colonel Quarry for continuance of the payments is referred to the Treasury.]

[Vol. VI. p. 6.]

18 April.

(1702.)

The Right Reverend the Lord Bishop of London having humbly moved her Majesty this day, [the payments are continued].

[Anne, Vol. I. p. 114.]

2 May.

294 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1695-6.
19 Dec. Maryland. [610.] [His Majesty grants Sir Thomas Lawrence's petition, presented by the Committee, setting forth] that a Church, Free schoole, and State-house for the Administration of Justice, are building att Anapolis, Designed to be the Cheif Seate of that Province and humbly praying his Majesties Picture and Armes to be Placed there. [*p.* 240.]
1696.
4 Jan. St. Christopher. (1698.) [611.] [The Lieut. Governor of St Christopher is allowed to come to England.—C.S.P. IX. 2231.] [*p.* 253.]
- 16 July. [The Council refer to the Treasury the petition of Margaret, widow of Lieutenant General Thomas Hill, for satisfaction out of the 4½ per cent. duty in the Leeward Islands or otherwise for the pay due to her husband as Captain of an independent Company in St. Christopher, but never received by him.] [*Vol. V. p.* 203.]
- 13 Jan. New England. [612.] At the Committee of the whole Council. [Upon reading a presentment from the Customs, two memorials from Edward Randolph are referred to the Treasury.—C.S.P. IX. 2237.] [*p.* 269.]
- 28 Jan. [An extract from the report of the Customs dated 17 Jan., is referred to Sir Charles Hedges, Judge of the Admiralty,] for his opinion, Whether the Privateers therein mentioned may not be treated as Pyrates, or how they are otherwise to be proceeded with. [*p.* 278. C.S.P. IX. 2250.]
- 28 Jan. [Another extract from the report “relating to the Erecting Courts of Exchequer in the Plantations” is referred to Sir Thomas Trevor, the Attorney General.] [*p.* 278.]
- 23 Jan. Newfoundland. [613.] [Orders are given in accordance with the Admiralty report—] in regard the Merchants of Biddeford have desired that a Man of Warr may be appointed to Convoy their Ships from Ireland to Newfoundland by the later end of this Month, Wee cannot comply with the Petitioners request, in sending two Men of Warr together from Plymouth, but will appoint one to proceed from thence at the time they desire,

1696.

and will direct her Commander upon joining the other that goes with the Biddeford Ships off of Newfoundland to cruise in Company with her there, during the Fishing Season.

To the second Article of their Petition praying that one Ship may be ordered to sail from Cadiz by the 15th of March next, with the Ships that are there, loaden with Salt &c., Wee do not think it advisable in regard the ships which go on that Trade from Portugall, Spain and other Places do but seldome return to England in less then two or three years, but in case there shall be any ships at Cadiz bound with Salt for Newfound Land, Wee doubt not but the cheif Flagge officer in those parts, will take care for their being seen into the Sea, as was done the last year.

To the third Article praying that an other Man of Warr may be ordered to Sail from England by the 10th of June next with the Ships that shall be then ready to fetch off the Fish and carry it to forein markets, wee do humbly Report Our Opinion that it is very reasonable to grant the same.

And Wee do also think it reasonable that after the Frigats haue Cruised on the Coast of Newfound Land, till the begining of September next, they should proceed and Convoy their Ships to the Severall Ports according as is Proposed in the 4th Article of their Petition, and that a Frigatt be timely sent from hence to bring home the Ships with Train Oile and Passengers. [p. 277.]

[614.] [On reading the petition of John Ive, Joseph Alford and others, setting forth that the ship *Dolphin* of New England, sailing with tobacco from Virginia to England] was taken by a Dunkirk Privateer and afterwards ransomed by the Master for Eight Hundred pounds, and delivered into the possession of her Mate and Mariners (the Master being kept in France till the payment of the Money) to bring her to London. [On her way she was captured by an Ostend man-of-war, carried into Ostend, and condemned as prize, only allowing the said 800*l.* ransom. Not content with this, the captor has appealed

6 Feb.
Plantation
Trade.

1696.

for a new trial by way of review, intending to have the whole ship and cargo, without allowing the ransom money. The Duke of Shrewsbury is ordered to write to Mr. Wolsley, his Majesty's Envoy Extraordinary at Brussels, with orders effectually to interpose, and to have the ship and goods restored.] [p. 279.]

6 Feb. [615.] [The Council refer to the Admiralty the Committee's West Indies. report on Colonel Russell's letters.—C.S.P. IX. 2264.] [p. 279.]

13 Feb. [616.] [Circular letters to enforce the Laws of Trade, etc., Scotch Darien Company. (1700.) against the Scotch Darien Company.—C.S.P. IX. 2273.] [p. 284.]

25 Jan. [A proclamation is read and approved for seizing the author etc. of a libel entitled] An Enquiry into the Causes of the Miscarriage of the Scotch Colony at Darien, or, Answer to a Libell, Intituled, A Defence of the Scots Abdicating Darien. [Vol. V. p. 412.]

13 Feb. [617.] [The Council refer to the Ordnance the petition of New York. Abraham Depeyster of New York for 15 barrels of gunpowder for the like quantity taken from him by Jacob Leisler.] [p. 286.]

27 Feb. [618.] [The petition of Usher Tyrrell is referred to the Jamaica. Committee.—C.S.P. IX. 2290.] [p. 301.] (1697.)

23 Dec. [A similar petition is referred to the Board of Trade.—C.S.P. XI. 119.] [Vol. V. p. 142.]

4 March. [619.] [The Admiralty to send two advice boats to the Advice Boats. Island Plantations and two to the Continent from the Western Ports with packets prepared for the Governors by His Majesty and this Board.] [p. 310.]

10 March. [620.] [Circular letters concerning the frustration of the Embargo. plot against the King's life, and subsequent embargo.—C.S.P. IX. 2299.] [p. 320.]

- [A letter of congratulation from Rhode Island is referred to the Board of Trade.—C.S.P. X. 1159.] [Vol. V. p. 36.] 1696.
(1697.)
6 July.
- [621.] [The Council refer to the Treasury the petition of Colonel Nathaniel Blakiston, late Lieutenant Governor of Montserrat, for payment of arrears due to him as Captain in the regiment now commanded by Colonel Holt.] [p. 367.] 2 April.
Montserrat.
- [622.] [The Council refer to the Committee the petition of Colonel Luke Lillingston.—C.S.P. IX. 2307.] [p. 368.] 2 April.
West Indies.
- [623.] [The Council refer to the Committee the petition of Charles Knights and others.] [p. 368.] 2 April.
Jamaica.
- [624.] [The Council refer to the Committee the petition of Nicholas Trott junior that his Majesty would confirm his appointment by Lieutenant Governor Goddard as Secretary and Attorney General of Bermuda.] [p. 385.] 9 April.
Bermuda.
- [625.] [The Council refer to the Treasury the petition of Joseph White for payment of a bill for the hire of a shallop employed in his Majesty's service by Captain Wilmot in Jamaica.] [p. 385.] 9 April.
Jamaica.
- [626.] [A circular letter to colonial governors enclosing an Act for preventing frauds and regulating abuses in the Plantation Trade and requiring the due execution of this and other Acts of Trade; 200 copies of the Act are ordered to be delivered at the Plantation Office.] [pp. 393-4.] 15 April.
Plantation Trade.
- [627.] [Circular letters of warning against a French attack.—C.S.P. IX. 2337.] [p. 398.] 20 April.
Colonial Defence.
- [628.] [To the Admiralty is referred a petition of the merchants and planters concerned in the island of Jamaica as to the sending a fireship and some men of war, and the impresting of seamen.] [p. 402.] 23 April.
Jamaica.
- [The Committee having reported the desire of the Jamaica merchants for some recruits to be sent to secure the island against the French, order is given as in C.S.P. IX. 2341.] [p. 403.]

1696.

29 April.
Colonial
Defence.

[629.] [The Council refer to the Admiralty the following report of the Committee] :—The Lords of the Committee agree to Represent to His Majesty in Council that the Publick Service in the Plantations has Suffered very much by the Generall Disagreement between the Governours there and the Commanders of the Men of Warr, sent to those parts and particularly upon Account of the Irregular Impresting Seamen by such Commanders whereby the Merchants shippes are much Disabled in their Voyage and the Seafaring men forced to Leave their Habitations in those parts to the greate hindrance of Trade.

That there is a great Want of Navall Stores and of a Magazine to be settled in those parts, for Supplying the Kings Shippes and the Refitting such of them as may be Disabled by Fight or the Accidents of Weather, which is the more wanted for that the French have such a Magazine provided with all Necessary Stores att Martinico, whereby they are Enabled to give so great Annoyance to the Plantation Trade.

The Merchants of Jamaica do further pray, that a Fireship be sent thither to Lye att the Entrance of the Chief Harbour of the Island, which would hinder the comeing in of the Enemies Shippes.

That it has been proposed to the Committee by Collonell Codrington, Governour of the Leeward Islands and others that the Men of Warr in New England and Northern Plantations instead of being laid up there all the Winter by reason of the Ice and Ill Weather may be sent to Cruise amongst the Leeward Charibee Islands or Southern Plantations, where the Weather is more Favourable in those Seasons And Convoy the Merchants Shippes from New England and the Salt Tortudos. [p. 409.]

30 April.
New
Hampshire.

[630.] [The Council refer to the Committee the] Petition of Samuell Allen, Proprietor and Governour of the Province of New Hampshire, Setting forth, that the present Lieutenant

- 1696.
- Governour desires to be Dismist from that Trust and that Mr William Partridge Merchant is a person well Quallified to succeed. [p. 414.]
- Mr. William Partridge an eminent Merchant there, and Treasurer of the Province, [is appointed Lieutenant Governor of New Hampshire during his Majesty's pleasure.] [p. 448.] 8 June.
- [631.] [The Council refer to the Admiralty the] Petition of William Partridge of the Province of New Hampshire . . . together with Proposals for building of Ships there fit for his Majestys Navy, and providing Navall Stores to the great Advantage of this Kingdome. [p. 446.] 8 June.
New
Hampshire.
- [This or a similar petition is again referred to the Admiralty.] [p. 463.] 9 July.
- [William Partridge's answer to the report of the Commissioners of the Navy on his proposals is referred to the Admiralty, who are to receive the reply of the Commissioners of the Navy, and report to the Board.] [p. 474.] 16 July.
- [On reading the representation of Sir Henry Ashurst and Sir Stephen Evans on the report of the Commissioners of the Navy, the Council appoint the matter to be heard on Thursday next.] [p. 480.] 23 July.
- [632.] To the Right Honourable the Lords of the Council of Trade lately established by his Majesty under the great seal [is referred the petition of William Bowtell and Thomas Wenborne.—C.S.P. X. 46.] [p. 451.] 18 June.
Virginia.
- [633.] [Books and papers in the Plantation Office relating to the Committee of Trade and Plantations to be delivered by Mr. Povey to Mr. Popple, Secretary to the Council of Trade, by list or schedule to be signed by the said Secretary, and all matters which were depending before the Committee to be referred to the said Council of Trade.] [p. 461.] 7 July.
Colonial
Administra-
tion.
- [634.] [On the petition of the East India Company] setting forth, that Henry Every Commander of a Ship called the 16 July.
Every the
Pirate.

1696.

Phancy of Forty Six Gunns is turned Pyrate and now in the Seas of India or Persia, who with diverse other Englishmen and Forreigners to the Number of about One hundred Thirty, run away with the said Ship then called the Charles from the Port of Corunna in Spaine, That the said Pyrate had Pillaged severall Ships belonging to the Subjects of the Mogull in their Passage from the Red Sea to Suratt. And Praying that effectuall means may be Used for preventing the great Losse and Dammage which thereby Threatens the said Company, [the Attorney General is ordered to prepare the draft of a proclamation] for Seizeing the said Every, with the said Ship and men, as Pyrates and Sea Robbers with a Promise of Pardon to such of them as shall be Instrumentall in the Seizeing or apprehending them. And a Reward of Five hundred pounds to such person or persons who shall Seize or Apprehend or cause to be Apprehended the said Every with his said Ship and men. [p. 474.]

17 July. [The draft of the proclamation is approved, and the East India Company having agreed to pay the reward, it is ordered to be prepared in order to be printed.] [pp 475-6.]

10 Aug. [The proclamation is ordered to be engrossed and laid before the Lords Justices in Council for their signature in order to be printed and published.] [p. 492.]

[The proclamation is given in full both at p. 475 and at p. 493, and includes orders for the arrest of Every not only to all commanders at sea, but to] all His Majestys Governours and Commanders of any Forts Castles or other Places in His Majestys Plantations. [On 10 Aug. a second proclamation is given on further information] that the said Henry Every hath Changed his Name and now goes by the Name of Henry Bridgeman and that James Cray, Thomas Summerton, Edward Kirwood, William Down, John Reddy, John Stroger, Nathaniel Pike, Peter Soanes, Henry Adams, Francis Frennier, Thomas Johnson, Joseph Dawson, Samuell Dawson, James Lewis, John Sparks, Joseph Goss, Charles Falconer, James

1696.

Murray, Robert Rich, John Miller, John King, Edward Savill, William Philips, Thomas Jope and Thomas Belisha, together with severall others whose Names are not yet Discovered (amongst whom were Fifty Two Frenchmen, Fourteene Danes and others of other Nations) were with the said Henry Every alias Bridgeman in the said Ship Phansie, when the severall Acts of Piracye were Committed and were Aydeing and Assisting therein and shared in the Plunder so by them Piratically taken to the Amount of One thousand poundes a Man or thereabouts. And Whereas Wee are Informed, that the said Henry Every [and his crew] have since they Committed such acts of Piracy, left the said Ship in the Island of Providence and are arrived in Ireland in Two small Sloops, and have there dispersed themselves, some of which persons remaine there and others are come into this Kingdome and the Kingdome of Scotland, as Two of their Accomplices, who are now taken and in Custody, have Confessed and Declared . . . [They] may probably be knowne and Discovered by the greate Quantities of Gold and Silver of fforreign Coynes which they have with them. [pp. 494-5.]

[Sir Charles Hedges is to give directions for seizing the 12 Aug.
sloop *Seaflower* now at Bristol, on information that it belongs
to Henry Every and brought him and others of his com-
panions from America to Ireland.] [p. 495.]

[Reference to the Admiralty of a memorial from the East 12 Aug.
India Company and the owners of the ship *Charles* which
was carried away by several pirates, praying that a man of
war be sent from Jamaica or otherwise to bring the *Charles*
and all that belongs to her from Providence to Jamaica.] [p. 496.]

[A letter to the Governors of plantations recites the facts 27 Aug.
about Every, and encloses a copy of the proclamation.]
And whereas Information has been likewise given that divers
Pirates and Sea Robbers have of late yeares gonn from
Severall parts of His Majesties Plantations in America, to

1696.

the Seas of India and Persia and other Remote partes upon the like Pyraticall Designes, and that some of them have returned home againe and Dispersed themselves in His Majesties Plantations, with great Quantities of Gold and other Plunder. Wee do hereby in His Majesties Name strictly require and Command you forthwith upon Receipt hereof to cause the said Proclamation to be Published within your Government and that for the Suppressing as much as may be all such Evill Practices for the Future. Whereby the Trade of His Majesties good Subjects in Forreign Parts may be Otherwise greatly Disturbed. Wee do hereby in His Majesties Name strictly charge and require you and all His Majesties Officers and Loving Subjects within your Government to take all possible Care and vse all due meanes for the seizeing and Apprehending all such Pyrates and Sea Robbers and such as may reasonably be suspected for the same, either by reason of the Great Quantities of Gold and Silver of Forreign Coynes they usually have with them, or, by other Probable Circumstances. And to cause them to be Streightly Imprisoned and their Ships Goodes and Plunder to be kept in safe Custody, untill upon returneing a full Account unto Us of the said persons, their Ships Goodes and Plunder, with the Evidences relateing to them, His Majesties Pleasure shall be known and Signified concerneing them. [pp. 506-7.]

3 Dec. [Orders are given warning proprietors of plantations against sheltering pirates.—C.S P. X. 456.] [p. 551.]
(1697.)

5 Oct. [A letter of 30 June from Colonel Nicholson with a copy of his proclamation for apprehending Henry Every, the pirate, is sent to the Council of Trade.] [Vol. V. p 93 C.S.P. X. 1363.]
(1697.)

25 Nov. [The Council refer to the Treasury the claim of John Dann and Brockett Smith for the 500*l.* reward offered by proclamation for their informing the Duke of Shrewsbury that Every's ship *Charles the Second* was at the island of Providence in the West Indies, where she was afterwards found, and is now in the possession of the East India Company.] [Vol. V. p 135.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 303

- [635.] [An extract of a presentment from the Customs to the Treasury is referred to the Admiralty for an opinion on the erection of Admiralty Courts in the Plantations, and another extract to the Council of Trade] as to what Relates to Attorney Generalls to be appointed for the Plantations. [Cf. 639.] [p. 480. C.S.P. X. 107.] 1696.
23 July.
Admiralty
Jurisdiction.
- [The Admiralty representation is referred to the Council of Trade.—C.S.P. X. 405.] [p. 540.] 19 Nov.
- [Directions are given in accordance with the report of the Council of Trade.—C.S.P. X. 454.] [p. 549.] 3 Dec.
- [A further report of the Council of Trade.—C.S.P. X. 511—is read.] [p. 562.] 31 Dec.
(1697.)
- [Commissions of Vice-Admiralty requested for the proprietary colonies.—C.S.P. X. 606.] [p. 574.] 21 Jan.
(1701.)
- [On a representation from the Committee for Appeals touching some doubts as to the regular method of appealing from the Courts of Admiralty in the Plantations in cases relating to the execution of the Navigation Acts, it is referred to the Board of Trade] to send to the Governors of His Majesty's Plantations in America for an account whether the Courts of Admiralty there, are held by Vertue of the Power given to the said Governors, by the Commission they receive from the Lords Commissioners of the Admiralty, or by Vertue of a Clause under the great Seal, Impowering them to Erect the said Court of Admiralty [and to report to the Board]. 18 Dec.
[Vol VI. p. 282.]
- [636.] The Commissioners of the Navy and the Agents for the Massachusetts Bay in New England haveing been this day heard at the Board, upon the Proposals of the Agents for Importing Navall Stores from those parts for the vse of His Majesty's Navy. Their Excellencies in Council are pleased to Order, that the Commissioners of the Navy and the Agents for New England do each of them Propose a person fittly Quallified to Judge what Shipp Timber of the Growth of that 30 July.
New
England.

1696.

Colony may be proper for Standards Knees Compass Timber, Clamps, Beams, Futtocks and other Timbers for the Use of His Majesties Navy and in a Particular manner what Oak Planks, and Ciprus Masts may be there found for the said Service. And that they do further Propose each of them another person who may be fitly Quallified to Judge what Rozin, Pitch, Tar, Hemp, and other Navall Stores may be there had of the Product of the said Colony for the use of his Majesties Navy. Which said Four persons are to be sent over into New England and to bring over Specimens of the said severall Sortes of Navall Stores, which they shall Judge fit for His Majesties Use in the Navy as aforementioned And the Right Honorable the Lords Commissioners of the Admiralty are to prepare a Draught of Instructions to be laid before this Board, for the said Four persons so to be sent to New England.

[p. 486.]

3 Sept. [The draft instructions from the Admiralty are referred to the Council of Trade.—C.S.P. X. 182.] [p. 510.]

17 Sept. [The Council refer to the Treasury the] Representation and Petition of Sir Henry Ashurst Bart. concerning two Persons named by him to go to New England as Commissioners to Inspect and bring over Severall Species of Navall Stores and praying One thousand Pounds per annum for his charge and Trouble for so long, as the said Persons shall be Employed in His Majestys Service, And that Four hundred Pounds thereof may be presently advanced for the hiring of Servants and making Provision for their Voyage. [p. 516.]

22 Oct. [The instructions prepared by the Admiralty for John Bridger and Benjamin Furzer going on his Majesty's behalf to inspect the naval commodities of the growth of New England, differing from those prepared by Sir Henry Ashurst, agent for Massachusetts, for William Partridge and Captain Robert Lamb on behalf of the said Colony, instructions are ordered to be prepared by the Admiralty according to the amendments and additions proposed by the Council of Trade.] [p. 526. C.S.P. X. 334.]

1696.

[The Treasury, on considering a report from the Admiralty and an extract of a letter from the Navy Board, are to report their opinion as to the allowance to be made to the two persons sent on his Majesty's account,] such allowance to be one intire Summe, and not an Annuall Salary for the said service.

[p. 537.]

12 Nov.

[The Council refer to the Treasury Sir Henry Ashurst's petition] that the Method of Payment of the Costs and Charges of the Navall Stores to be sent from New England may be Referred to . . . the Treasury to be settled there according to the Representation of the Councill of Trade.

[p. 542.]

26 Nov.

[500*l.* is allowed to the nominees of Sir H. Ashurst and the same to those of the Navy Board for inspecting the naval stores of New England production : when the service is completed, such further reward will be made as shall seem reasonable.]

[p. 553.]

10 Dec.

[On the petition of Sir Henry Ashurst, Thomas Bletso is approved of in place of Mr. Lamb.]

[p. 564.]

31 Dec.

(1697.)

[Mr. Benjamin Jackson is approved of in place of Mr. Bletso.]

[Vol. V. p. 47.]

22 July.

(1700.)

[The Council approve and give orders in accordance with a report of the Admiralty representing as to the inspectors appointed that] Whereas the said Persons did some time since send over to England Specimens of those Commoditys and are now Ordered to dispatch some others, which they have got in readiness, by which a Judgement may be made of the Qualities thereof ; It is therefore most humbly Proposed, that in regard the Charge of Maintaining the aforesaid two Agents on this Service, has already been very considerable, They may be ordered to Desist in Collecting any more Specimens of those Navall Stores ; And that Mr. Bridger may be forthwith Ordered home, the other who succeeded, upon the Death of his Companion, being an Inhabitant of New England, and consequently will continue his Residence there. [Vol. VI. p. 98.]

306 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1696.

20 Aug. [637.] [The Council refer back to the Council of Trade their
New York. report on the present state of the plantations, and a memorial
from the New York Agents.—C.S.P. X. 157.] [p. 502.]

27 Aug. [638.] [A letter from the Governor of New York is referred
New York. to the Council of Trade.] [p. 504. C.S.P. X. 169.]

10 Sept. [639.] [On a representation from the Council of Trade, it is]
Attorneys Referred to Mr. Attorney Generall to consider whether an
General in Attorney Generall may not be appointed for His Majesty in
Plantations. each of the severall Colonys and Provinces of Carolina,
Pensilvania, East and West New Jerzey, Conecticut, Road
Island and the Massachusets Bay in America, notwithstanding
the Grants and Charters to the said Colonys and
Provinces. [See 635.] [p. 514. C.S.P. X. 198.]

5 Nov. [The petition of the colonies concerned is referred to the
Council of Trade.—C.S.P. X. 365.] [p. 532.]

24 Sept. [640.] [The Council refer to the Council of Trade a petition
Barbados. of Philip Kirton of Barbados for confirmation of an Act passed
there empowering him to sell certain lands in the parish of
Christ Church.] [p. 518.]

24 Sept. [641.] [The Council refer to the Council of Trade the]
East New Petition of Jeffrie Jones of East New Jersey in America,
Jersey. humbly praying that all further Proceedings against him and
his Estate, on a Judgement given in the Court of Common
Right held at the Town of Amboy Perth in East New Jerzey,
in the behalf of James Fullerton may be superseded, and the
Petitioner Restored to whatsoever by the said Judgement he
hath lost. [p. 520.]

(1697.)

4 Feb. By a Committee of the whole Councill, Present Earle of
Bridgewater, Earl of Stamford, Mr. Secretary Trumbull,
[Tuesday the 23rd instant at 10 in the morning is appointed
the time for hearing the matter of the appeal of] Geoffrey
Jones of Elizabeth Towne in the County of Essex in the
Province of East New Jersey . . . from a Judgment in

Ejection obtained against him in the Court held at Amboj Perth by James Fullerton, upon the Demise of the Proprietors of the said Province. [p. 578.] 1696.
 (1697.)
 [The Lords of the Committee of the whole Council agree to recommend that the verdict against Jones be reversed.] 23 Feb.
 [p. 585.] (1697.)
 [This decision is confirmed.] [p. 586.] 25 Feb.
 [642.] [A letter to be written to Colonel Fletcher.— C.S.P.X. 338.] [p. 527.] 22 Oct. New York

[643.] [On a representation of the Council of Trade, four hundred light Dutch fusees, to be disposed of amongst the Indians for confirming them in their friendship and union with the English and for arming them against the French, are to be sent by the Master of the Ordnance to Colonel Fletcher together with the following stores desired by him.] 22 Oct. New York.

Cannon Powder	60	} Barrlls.
Fine Powder	40	
Match	100 wt.	
Shovells and Spades	8 doz.	
Hand Baskets	100	
Stock Locks large	4 doz.	
Spring Locks ditto	4 doz.	
A Bell for the use of the Fort	30 Inches Diamr.	
Musket Locks for spare Barrells	50	
Hooks and Hinges large and small	8 doz.	
Starch for making up Cartridges	50 pound.	
White Lead, Red ditto with other Colours	100 wt.	
Falcon Shot	200	
White Marlin	50 li.	
Cartridge Boxes for Demy Canon	2 doz.	
Lanthorns Ordinary	1 doz.	
Lamb black	12 Barrlls.	

[p. 528. C.S.P. X. 335.]

[644.] [On a representation from the Council of Trade of pressing instances from Colonel Fletcher, order is given as in C.S.P. X. 337.] [p. 528.] 22 Oct. New York.

[645.] [Orders are given for sending a skilful engineer to Jamaica, and advice boats to the West Indies, in accordance] 12 Nov. Jamaica.

308 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1696. with the report of the Council of Trade.—C.S.P. X. 387 and 391. The question of fire-ships, etc., is referred to the Admiralty.] [pp. 535-6.]
- 12 Nov. [646.] [Reference to Sir C. Hedges of the petition for
Piracy. pardon of William Bishop, one of Every's crew, the execution being in the meantime respited.] [p. 538.]
- 31 Dec. [On the petition of Charles Falconer, surgeon, and on information that he was not concerned in Every's design, but forcibly carried away by him, it is ordered that bail be taken for his appearance by one of the Judges, and that a pass be given him to come into England, if it shall be desired.] [p. 563.]
- (1698.)
- 17 Feb. [The Council refer to the Treasury John Tyzack's petition for a grant of one third of such of the moneys and goods concealed by the men executed for Every's piracy as he shall discover.] [Vol. V. p. 156.]
- 12 Nov. [647.] [On a representation from the Council of Trade,
St. letters regarding St. Christopher are to be written to Colonel
Christopher. Codrington by the Council of Trade.—C.S.P. X. 386.] [p. 537.]
- 12 Nov. [648.] [Petitions from the merchants of Barnstaple and
Newfound- of Bideford, are referred to the Council of Trade.] [p. 537. C.S.P. X. 392-3.]
land.
- 19 Nov. [649.] [Orders for sending an engineer, mortars, and flags
New York. to New York.—C.S.P. X. 404.] [pp. 541-2.]
- 3 Dec. [650.] [On a representation from the Council of Trade,
West Indies. order is given for freeing certain pressed men.—C.S.P. X. 460.] [p. 549.]
- 3 Dec. [651.] [An engineer and master gunner for Barbados.—
Leeward C.S.P. X. 457.] [p. 550.]
Islands and Barbados.
- 3 Dec. [652.] [The Council refer to the Admiralty various pro-
Navy in posals of the Council of Trade :—[1. that to obviate] the
Plantations. Great Inconveniencies arising to His Majesties Affaires in

the Plantations, for Want of an Agent, some Person or Persons be appointed by the Lords Commissioners of the Admiralty to Supply His Majesties Ships of Warr in these Parts with the Necessary Provisions at such Times as they may stand in Need thereof, as it often falls out, that for Want of an Officer so Appointed, that no Person will act therein, nor give any Credit for the Supply of His Majesties Navall Service there, His Majesties said Ships in these Parts do often remaine Uselesse. [2] That for the better Health of the Seamen of His Majesties Ships of Warr in the Plantations, they may dureing their Stay there be Furnished with Fresh Provisions, the Want whereof is Complained of as the Occasion of the Greate Mortallity of Seafareing men in these Parts . . . [3] And . . . for the takeing away the Occasion of the Greate Inconvenience arising to His Majesties Plantations by Impresting of Seamen, That if it shall be Inconvenient for His Majesties Ships of Warr, to take with them thither more men then their respective Complements, some Supernumerary for His Majesties said Ships of Warr, in these Parts, may be sent thither in Fleets to be Divided Proportionally among the Merchant Ships, who will accept their Labour, dureing their Voyage for their Passage and deliver them, when arrived to whomsoever they shall be Directed to do it.

[p. 550. C.S.P. X. 459.]

[653.] [Power of impressment placed solely in the hands of the Governors.—C.S.P. X. 455.] 3 Dec. [p. 551.] Impressment.

[654.] [Several papers from the Massachusetts Assembly and letters from the Governor of New York are referred to the Council of Trade.] 10 Dec. New England. [p. 552. C.S.P. X. 483.]

(1697.)

[The Council approve the report of the Council of Trade.—C.S.P. X. 763.] 25 Feb. [pp. 586–8.]

[655.] [A memorial from the Council of Trade about convoys for the Newfoundland salt ships is referred to the Admiralty.—C.S.P. X. 482.] 10 Dec. Newfoundland. [p. 553.]

310 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1696.

10 Dec. [656.] [A skilful engineer is to be sent to Bermuda.—
Bermuda. C.S.P. X. 488.] [p. 559.]

10 Dec. [657.] [It is ordered] That all Appeals from any of the
Appeals from Plantations. Plantations be heard as Formerly by a Committee who are
to Report the Matters so heard by them with their Opinion
thereupon to His Majestie in Councill. And in Order there-
unto His Majestie did Declare His Further Pleasure, that all
the Lords of the Councill or any Three or more of them, be
Appointed a Committee for that Purpose. [p. 559.]

10 Dec. [658.] [Order as to New Tertholen in accordance with
Tortola. C.S.P. X. 490.] [pp. 560-1.]

31 Dec. [659.] [A presentment from the Customs] concerning
Maryland. a Small Vessell to be Employed on the Coasts of Maryland
Pennsyl- and Pensilvania for Examining all Ships and Vessells Tradeing
vania. there [is referred back to the Customs to report] in what
Manner they Propose the said Vessell should be Provided and
by whom. [p. 564.]

(1697.)

6 May. [On reading a report from the Customs the Council refer it
to the Admiralty to give the necessary orders accordingly or
state any objections to the course proposed. The report states
that the intention of their proposal of 7 November was that
a vessel of 40 tons] with a Proportionable force of men and
Gunnns should be sent away by the Lords of the Admiralty
and at the Charge of the Navy instead of a man of warr, which,
as the said Colonel Nicholson [Governor of Maryland]
adviseth, signifies little in looking after undue Traders, And
that for defraying the Charges thereof in the Country and the
Commanders Encouragement, That the said Colonel Nicholson
might be authorized to dispose of His Majestys Third part of
the Forfeitures upon the acts of Trade and Navigation, and
the Penalties Recovered on Forfeited Bonds in such manner
as he should find most conducing to His Majestys Service
and in case of any want or deficiency therein, the remainder
to be charged on the Navy. [Vol. V. p. 2.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 311

- 1696-7.
31 Dec.
Maryland.
- [660.] Three Ministers to have 20*l.* apiece, paid them out of His Majesties Treasury of Maryland, when they arrive there. [p. 567. C.S.P. X. 550.]
- 31 Dec.
Barbados.
- [661.] [Order for sending forthwith to Barbados certain stores of war.—C.S.P. X. 546.] [p. 567.]
- 31 Dec.
Jamaica.
1697.
- [662.] [Emigrants for Jamaica.—C.S.P. X. 547-8.] [p. 568.]
- 28 Jan.
Bahamas.
- [663.] [The Council of Trade to inquire into the record of Nicholas Webb.—C.S.P. X. 644.] [p. 575.]
- 4 Feb.
Bahamas.
- [664.] [The petition of Thomas Bulkeley is referred to the Council of Trade.—C.S.P. X. 681.] [p. 579.]
- 11 Feb.
Leeward
Islands.
- [665.] [Edward Parsons to succeed John Palmer as Secretary of the Leeward Islands.—C.S.P. X. 707-8.] [p. 581.]
- 16 Feb.
Canada.
- [666.] [No person to be permitted to speak with the Canadian prisoners.—C.S.P. X. 731.] [p. 584.]
- 25 Feb.
- [Order as to their treatment.—C.S.P. X. 761.] [p. 589.]
- 25 Feb.
Connecticut.
Rhode
Island.
- [667.] [The Attorney General to inspect and report on the Charters of Connecticut and Rhode Island.] [p. 585. C.S.P. X. 764.]
- 11 March.
Newfound-
land.
West Indies.
- [668.] [Orders to the Ordnance and Admiralty] that each of His Majestys Ships of Warr now going to Newfoundland, be supplied with fifteen Rounds Extraordinary of Powder and Shott to carry with them ; And that all other of His Majestys Ships of Warr which shall hereafter be ordered to the Streights and the West Indies be allowed and supplied with their highest Complement of Guns, though not with a greater Proportion of Stores then for their middle Complement. [p. 590.]
- 11 March.
New York.
- [669.] [To the Duke of Schomberg and the Horse Guards is referred a representation from the Council of Trade upon the complaints of three officers.—C.S.P. X. 794.] [p. 592.]

312 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1697.

- 25 March. [670.] [The Victuallers of the Navy are to put on board Newfoundland. the transport ships bound for Newfoundland three months provisions of the quality usually allowed to seamen, with water cask proportionable, for 450 land soldiers, and to take care that the masters are furnished with necessary and extra necessary money to provide candles, firing, platters, spoons etc. for the use of the men, as pursers are allowed on men of war.] [p. 597.]
- 28 March. [A similar order for stores and accomodations for sixty men belonging to the Ordnance Office on these ships. The 60 men are to sail, 35 in the *Katherine*, 15 in the *Oxenden*, and 10 in the *Ninion and Benjamin*.] [p. 602.]
- 8 April. [671.] [Two private Jamaica bills referred to the Council Jamaica. of Trade.—C.S.P. X. 912.] [p. 604.]
- 8 April. [672.] [On a memorial from the Admiralty, the *Benjamin*, Newfoundland. given by the enemy at Newfoundland to convey home several English seamen and inhabitants there, is made a free ship, and the money arising from the sale is to be for the sole benefit of those to whom the ship was so given.] [p. 606.]
- 15 April. [673.] [The report of the Council of Trade as to salaries New York. is referred to the Treasury.—C.S.P. X. 941.] [p. 609.]
Massachu-
setts.
- 15 April. [674.] [The appeal of Anthony Peterson of Nevis, planter, Nevis. from a judgment of the Court of Nisi Prius there in favour of his sister Christian, relating to part of a plantation there, which he claims to be contrary to the will of his father and to law, is referred to the Committee for Appeals.] [p. 610.]
- 8 July. [The Committee appoint the 15th instant for hearing the appeal.] [Vol. V. p. 37.]
- (1698.)
- 4 Aug. [In accordance with a report of the Committee of 21 Dec. 1697, his appeal is dismissed, and the judgment of the Nevis Court upheld and confirmed.] [Vol. V. p. 213.]

[675.] [A petition of the Clerks of the Privy Council for the continuance of the extra salary of 100*l.* formerly paid them for their transmission and dispatch of business to the Committee of Trade and Plantations, is granted on their representation that their work has been rather increased than lessened by the establishment of the Council of Trade in place of the Committee.] [p. 613.]

1697.
15 April.
Clerks *re*
Plantation
business.

WILLIAM III. VOL. V. (5 May 1697—30 March 1700.)

[676.] [Order for Lord Bellomont's transportation, and for light fuses to the value of 200*l.* to be provided by the Ordnance for presents to the Five Nations on the occasion of a change of Governors.] [pp. 8-9. C.S.P. X. 1009.]

11 May.
New
England.

[Order for 200*l.* of warlike stores instead of fuses.—C.S.P. X. 1074.] [p. 26.]

10 June.

[677.] [To the Admiralty is referred the report of the Council of Trade on three memorials from the Massachusetts Agents: (1) that a fourth rate frigate may be added to those already appointed; (2) that one of the guardships may in winter act as convoy to the vessels going to Salt Tortudas for salt; and (3) that the men of war convoying the mast ships for New England may be directed to take charge of other merchant ships ready to sail with them both out and home.]

17 May.
Massachu-
setts Bay.

A similar report upon three further memorials is referred to the Ordnance: (1) and (2) that it is quite unseasonable at present to propose the building of fortifications and the maintenance of garrisons at Port Royal and St. Johns in Acadia; (3) that Massachusetts Bay be pressed to use the utmost efforts in its own defence.—C.S.P. X. 1024.]

[p. 13.]

314 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1697.
27 May. [The Admiralty approve of the report, and promise to give orders accordingly to the captain of the *Deptford*, appointed to carry Lord Bellomont to his government. The Council approve of the Admiralty report, and order directions to be issued accordingly.—C.S.P. X. 1044.] [p. 21.]
- 20 May. [678.] [The Council refer to the Treasury the petition
West Indies. of Captain James Norton for five years arrears due for service in the West Indies], and that he may be subsisted as a Reformed Captain, untill he be otherwise Provided for. [p. 17.]
- 27 May. [679.] [Mr. John Nelson and Mr. Duport to attend next
Hudson's Council day in connection with the petition of Gabriel de la
Bay. Forest late Governor of Fort Bourbon alias Nelson. De la Forest claims to be set at liberty, as he had been promised his discharge as soon as the French Court should release Mr. Nelson of a certain obligation, which has now been offered to be delivered to him by Mr. Duport.] [p. 19.]
- 3 June. [The petition of Gabriel de la Forest is referred to the Commissioners for Exchange of Prisoners of War.] [p. 25.]
- 5 Aug. [Order for the discharge of Gabriel de la Forest, and his conveyance to France in the first ship for exchange of prisoners.] [p. 62.]
- 22 July. [680.] [Order in Council as to salary of Governors and
New York. Lieutenant Governors.—C.S.P. X. 1199.] [p. 55.]
New
England.
- 29 July. [681.] [Order as to disorders in New Hampshire.—C.S.P.
New X. 1215.] [p. 51.]
Hampshire.
- 29 July. [682.] [Directions to Lord Bellomont as to appeals by
New officers of the Customs.—C.S.P. X. 1214.] [p. 54.]
England.
- 29 July. [683.] [On the representation of the Council of Trade, fifty
Leeward women convicts are ordered to be transported to the Leeward
Islands.—C.S.P. X. 1216.] [p. 56.]
Islands.

1697.

[684.] [Order to the Ordnance Office to despatch the following stores to New York with the Earl of Bellomont] :— 5 Aug. New York.

Shovells and Spades 300
 Pickaxes 150
 Nailes of 8 inches 500, of 7 Inches 500, of 6 inches 4000,
 in all 5000
 Nailes of all sorts to make Weelbarrows 16000
 Four square iron barrs to make Spindles for the
 Weelbarrows 600 wt.
 Ditto of a larger sort for severall Vses 500 wt.
 Greate Flatt barrs of two Sorts 1000 wt.
 Rodd Iron one bundle.
 One two handed Saw, two fine whip Saws to Slit Deal Boards.
 Two ditto Saws of a Courser Sort, twelve hand Saws.
 Six files of three sorts to sharpen the respective Saws.
 Trowells for Masons 25, Hammers for Ditto 25.
 Iron Crows 8, Greate Iron Sledges 6.
 Lyne of 9 Threads to Keelspitt 400 yards.
 Smiths Coals two Chaldron.

[p. 63.]

[685.] [Captain James Norton to be Lieutenant Governor of St. Christopher and Captain of a Company there in place of Colonel Hill deceased. Colonel Codrington to have his choice between his present company in Colonel Holt's regiment and the independent company lately commanded by Colonel Hill.] 12 Aug. St. Christopher.

[p. 65. C.S.P. X. 1241.]

(1698.)

[The Council refer to the Treasury Captain Norton's petition for the payment of such a sum out of the money due to him for service in the Leeward Islands as shall be thought fit, towards his expense in equipping and transporting himself and family to St. Christopher.] 3 Feb.

[p. 159.]

[686.] [The Council refer to the Council of Trade the petition of Captains William Hide and James Weemes.— C.S.P. X. 1283.] 26 Aug. New York.

[p. 74.]

[As Captain Weemes' and Captain Hide's troops have already received and spent their pay till the time of landing in New York, the deduction of 30 per cent. is not to be required by the Governor. The Council of Trade further report on the general question that, after deduction of 349*l.* 15*s.* 10*d.* for 4 Nov.

1697.

payment of chaplain, storekeeper, armourer, master gunner, and two matrosses from the 2040*l.* 7*s.* arising by the deduction of 30 per cent. from the pay of the companies, a surplus of 1619*l.* 11*s.* 2*d.* remains to be applied to the service of the companies and the fortifications of the Province, but that an account of this sum should be required from the Commander in Chief by the Council of Trade: and orders are given accordingly. Their Excellencies the Lords Justices in Council will submit to His Majesty's royal determination at this Board a further recommendation of the Council of Trade that as a great encouragement to the forces in performance of their duty the Order for the deduction of the 30 per cent. should be revoked.] [p. 114. C.S.P. XI. 29.]

(1701.)

16 Jan.

[The Council approve and give orders in accordance with a representation from the Board of Trade as to the pay of the troops in New York. Hitherto the deduction of 30 per cent. on the exchange for the establishment for two companies of fifty men each has amounted to 553*l.* 4*s.* 11*d.* of which 349*l.* 15*s.* 10*d.* has sufficed for maintaining a chaplain, surgeon, storekeeper, armourer, master gunner, and two matrosses, leaving 203*l.* 9*s.* 1*d.* available for contingent uses of the companies. But as four companies of 100 men each have lately been established at a charge of 7093*l.* 3*s.* 4*d.*, the men's grievance as to the deduction of 30 per cent. may be redressed, as a deduction of 10 per cent. will provide about 709*l.* 6*s.*, leaving a greater overplus for contingent uses after the payment of chaplain etc. than formerly. [Vol. VI. pp. 128-9.]

23 Sept.
East New
Jersey.

[687.] [The Council refer to the Council of Trade the petition of the proprietors of East New Jersey.—C.S.P. X. 1342.] [p. 86.]

25 Nov.

(1699.)

[Order given on report of Council of Trade.—C.S.P. XI. 69.] [pp. 139-141.]

9 March.

[A further petition is referred to the Council of Trade, assisted by the Attorney and Solicitor General.—C.S.P. XII. 164.] [p. 308.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 317

- [The representation of the Board of Trade—C.S.P. XII. 272—is referred to the Attorney General.] [p. 325.] 1697. (1699.) 20 April.
- [688.] [Proclamation of peace to be sent to all Plantation Governors.—C.S.P. X. 1399.] [p. 104.] 21 Oct. Peace.
- [689.] [A copy of the representation of the Council of Trade relating to men of war that may be henceforward necessary to attend Barbados, Jamaica, and the Leeward Islands, is referred to the Admiralty.] [p. 114. C.S.P. XI. 26.] 4 Nov. West Indies.
- [The Admiralty having reported their agreement with the proposal of the Council of Trade to send to Barbados one fifth rate, to the Leeward Islands a fifth or sixth rate, and to Jamaica one 4th and one 6th rate ship, the Council direct the issue of orders accordingly.] [p. 117. C.S.P. XI. 32.] 8 Nov.
- [690.] [On the report of the Council of Trade, it is ordered that no more members be added to the Council of Barbados till the number be reduced to 12.] [p. 114. C.S.P. XI. 28.] 4 Nov. Barbados.
- [691.] [On the petition of David Waterhouse of London, merchant, it is ordered that the British Plenipotentiary at the Hague use his best endeavours with the French Plenipotentiaries to secure the restoration of the barque *Andrew*, laden with sugar at Montserrat and taken by the French on 18 Oct. five leagues south of Scilly and carried into Brest.] [p. 132.] 25 Nov. Montserrat.
- [692.] [150 tons of shipping to be provided to convey Mr. Grey's servants and goods to Barbados.—C.S.P. XI. 63.] [p. 133.] 25 Nov. Barbados.
- [Mr. Grey is to be provided with shipping for his goods beyond the 150 tons already allowed, to the same extent as was granted to Col. Russell in February 1694.] [p. 143.] 30 Dec. Barbados. (1698.)
- [Mr. Grey's goods to be transported to Barbados free of any custom or duty.] [p. 160.] 17 Feb.
- [693.] [Order as to transportation.—C.S.P. XI. 65.] [pp. 133 and 135.] 25 Nov. Transported Convicts.
- [694.] [A letter from Col. Codrington of 5 July 1697 is referred to the Council of Trade.] [p. 137. C.S.P. XI. 105.] 16 Dec. Leeward Islands.

318 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1697-8.
- 16 Dec. [695.] [The Council refer to the Treasury the Council of
Newfound- Trade's representation on the accounts of Colonel Gibson.]
land. [p. 138. C.S.P. XI. 102.]
- 16 Dec. [696.] [The Council refer to the Treasury a memorial from
Ships built in the Admiralty relating to the granting of Mediterranean
Plantations. passes desired for ships built in the plantations.] [p. 138.]
(1698.)
- 17 Feb. [Some doubt having arisen in the case of the application
for such a pass for the *John and Margaret*, now on a voyage
to Virginia, or at present there, it is ordered by his Majesty
that a pass be granted], And that for the future all Ships
belonging to his Majestys Subjects, that are on trading Voyages
to, or remayning in any Port of his Majestys Plantations,
may have Passes granted them in like manner as if they
were in a Forrain Port, The Owners first making the Usual
Oathes and giving the Security required for Passes for Ships
(1698.) in forrain Ports. [p. 157.]
- 31 March. [On a report from the Treasury, after consultation with
the 'Customs, it is ordered that the Admiralty] grant
Mediterranean Passes to ships built in the plantations in the
same manner as those Built in Scotland and Ireland upon
produceing the usual certificates and entring into Bond as
(1700.) is required. [p. 168.]
- 6 June. [Further orders as to passes.—C.S.P. XIII. 502.]
[Vol. VI. pp. 48-50.]
- 13 June. [In pursuance with the traité of 10 April 1682 with
Algiers, all vessels trading from England or Ireland to the
Mediterranean, the Plantations, or elsewhere "in the way of
the Algerines" are required to provide themselves with passes,
"purporting their ships to belong to his Majestys Subjects,
and to no Forrainer,"—such passes to be produced on
demand by any Algerine ship of war or other vessel.] [p. 52.]
1698.
- 13 Jan. [697.] [The Ordnance Office having represented the great
Engineers in expense of maintaining so many engineers in the plantations,
Plantations, their memorial is referred to the Council of Trade along with
the annexed list for an opinion whether any of the engineers
should be continued in his Majesty's service in the plantations]:—

Employments.	Places.	Names of Persons.	By what Warrant or Order of the King or Council.	Date of Commission.	Time of Comencement.	Pay pr diem.
Engineers	Antigua	Hugh Simms	11th September 1691	26° September 1691	1691 September 26	10s.
	Jamaica.	Christian Lilly	12th November 1696	17th November 1696	1696 November 17th	20s.
	Berbado's.	Talbot Edwards	10° December 1696	23° January 169 $\frac{6}{7}$	169 $\frac{6}{7}$ January 23d.	20s.
	Leward Islands	Heber Lands	10° December 1696	26th January 169 $\frac{6}{7}$	169 $\frac{6}{7}$ January 26°	12s.
	New Yorke	Coll. Romer	15th July 1697	27th July 1697	1697 July 27th	10s.
Master Gunner	Berbado's.	Robert Chapman	15th December 1696	15th December 1696	1696 December 15th	5s.
Which per annum amounts to 1405						5 0

1698.

320 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1698.
17 Feb. [Order for their recall.—C.S.P. XI. 237.] [p. 158.]
- 27 Jan. [698.] [On a report from the Solicitor General of Ireland],
Montserrat. Thomas Nugent of Streamstowne in the County of West
Meath Gentleman alias Thomas Nugent of London Merchant
alias Thomas Nugent of Montserrat in America Merchant
[is pardoned and freed from outlawry, as he was not any ways
concerned in the late rebellion in Ireland, being a Protestant
who lately lived with his family in one of his Majesty's
American plantations.] [p. 151.]
- 3 Feb. [699.] Vpon reading this day at the Boord the humble
Maryland. Petition of Thomas Bray Dr. in Divinity, Praying That his
Majesty would be graciously pleased, in order to promote and
propagate the true Reformed Religion in Maryland, to grant
to him his Heirs and Assignes, the Rents, Issues and Profits
of a certain parcell of Ground called Middle Row alias Rotten
Row in the Parish of St. Giles Cripple Gate in the County of
Middlesex with the Arrears thereof due to the Crowne, To be
employed in setling of a compleat Library in every Parish
within his Majestys said Plantation of Maryland, The
Petitioner having already with the Contribution of severall
Lords and Gentleman, aswell as Clergy sent thither such
Librarys for half the Parishes there. It is Ordered by his
Majesty in Council, That the Consideration of this Petition
be referred to the Right Honorable the Lords Commissioners
of the Treasury, who are to cause Enquiry to be made into the
true value of the Rents mentioned in the Petition, and his
Majestys Right and Title thereunto, and to report the state
thereof to his Majesty with their Opinion what may be done
for gratefying the Petitioner in his Request. [p. 154.]
- (1701.)
8 May. [On the petition of Thomas Bray D.D.,] praying Letters
Patents for Constituting such Persons as your Majesty shall
think fitt a Body Politick, and Corporate, and Granting to
them and their Successors power to receive Gifts and Legacyes
from any Persons for the Maintenance of an Orthodox Clergy
in your Majestys Provinces and Plantations in America, and

1698.

other your Majestys Provinces Plantations and Factories beyond the Seas, [the Attorney General reports that there is no objection in law to the request, and that the petitioner has submitted a suitable list of names. Order is given for granting the request]. [Vol. VI. p. 199.]

[His Majesty approves and gives order for preparing for his signature the Attorney General's draft of a warrant for a Charter to the Archbishop of Canterbury and others for propagating the Gospel in the plantations, with Dr. Bray's alterations of articles 7, 8, and 9 as conducing more to the furtherance and better management of that work, and with the further alteration of making the quorum 7 instead of 9.] 5 June.
[Vol. VI. p. 214.]

[700.] [The Council refer to the Council of Trade the petition of John Lord Cutts, Sir Henry Pickering of Barbados and Joseph Dudley of New England.—C.S.P. XI. 209.] 3 Feb.
Coining in
Plantations.
[p. 155.]

[701.] [A representation of the Council of Trade of 27 January was read regarding Barbados Acts passed from 9 Oct. 1694 to 1 July, 1696.] 3 Feb.
Barbados.
[p. 156. C.S.P. XI. 207.]

[702.] [The request of the Board of Ordnance to be relieved from the charge of the Newfoundland garrison is referred to the Council of Trade.—C.S.P. XI. 239.] 17 Feb.
Newfound-
land.
[p. 159.]

[Order is given in accordance with the report of the Council of Trade.—C.S.P. XI. 337. The report includes the following section :] 31 March.

Wee also find that Col. Gibson upon his departure thence did leave for Guard of the said Fortifications, the Major of his Regiment, Lieutenant Col. Thomas Handasyd as Commander in Cheif, together with three Captains, four Lieutenants, three Ensignes twelve Serjeants, twelve Corporalls, Eight Drummers and two hundred and twenty private Centinells, besides thirty seven sick men who were not fit to be put on

1698. board the Hospitall Ships, and likewise one Enginier, One Fire Master, One Sub Engineer One Gentleman of the Ordnance, One Fire worker, three Bombardeers, One master Gunner Twelve other Gunners, four Carpenters, four Smiths, with One Surgeon. [pp. 169-70.]
- 31 March. [Further order in accordance with a representation of the Council of Trade.—C.S.P. XI. 338 and 340.] [p. 171.]
- 17 Feb. [703.] [Order, on the representation of the Council of Trade, as to white servants in plantations.—C.S.P. XI. 238.]
White Servants. [p. 160.]
- 24 Feb. [704.] [The Council refer to the Admiralty the petition of Mary, widow of John Fletcher, late commander of H.M.S. *Hampshire*, sunk by an unexpected shot from a French man of war near Hayes River in Hudson's Bay, to which place he was convoying several merchantmen.] [p. 162.]
Hudson's Bay.
- 4 Aug. [On a report from the Admiralty that Captain John Fletcher of the *Hampshire* lost his life in actual engagement with a French man of war in Hayes River, Hudson's Bay, it is ordered that a pension of the value of half the pay he received as captain of the *Hampshire* be settled on his widow.] [p. 212.]
- 24 Feb. [705.] [The Council refer to the Admiralty the petition of Samuel Day for a ship to transport himself, his family and his goods, to Bermuda.] [p. 162.]
Bermuda.
- 31 March. [The Admiralty having reported that they can find no precedent for one of his Majesty's ships to transport a Governor to Bermuda, but that Mr. Day represents that there is a more particular occasion at this time for one of his Majesty's ships to go thither by reason of recent disorders and to bring over some persons thence, and as it is now time of peace, a small frigate is granted to transport Mr. Day.] [p. 168.]
- 31 March. [706.] [Directions are given for preparing proper seals for the use of Virginia, Bermuda, and New Hampshire.] [p. 167. C.S.P. XI. 344.]
Virginia.
Bermuda.
New Hampshire.

ACTS OF THE PRIVY COUNCIL (COLONIAL). 323

1698.
(1699.)
5 Jan.

[The new seals for Virginia and New Hampshire are directed to be transmitted to these provinces with warrants allowing and directing their use in the respective governments.] [p. 287.]

[707.] [The petition of Governor Ralph Grey is referred to the Council of Trade.—C.S.P. XI. 452.] [p. 178.] 12 May.
Barbados.
(1699.)

[The petition of Francis Eyles, on behalf of Governor Grey, is similarly referred.—C.S.P. XII. 218.] [p. 318.] 30 March.

[On their report, the payment of the 2000*l.* is approved.—C.S.P. XII. 425.] [p. 333.] 18 May.

[708.] [The Council refer to the Admiralty a complaint from the Customs about the beating and abusing of the tidesmen who boarded his Majesty's hired ship *Princess Anne* on her arrival from Jamaica and desiring orders to be given to the officers of the King's ships that the officers of the Customs be not hindered in the performance of their duty.] [p. 184.] 9 June.
Jamaica.

[709.] [In accordance with a report from the Admiralty, to whom it had been referred on 9 May, his Majesty grants a pension of 200*l.* a year to the widow of Vice Admiral Neville who died on board the *Cambridge* during the epidemic in the West Indies, in like manner as the pension to the widow of Sir Francis Wheeler was settled, although by the rules of the Navy no pension is allowed in such a case.] [p. 202.] 16 July.
West Indies.

[710.] [The Council refer to the Council of Trade the petition of Edward Walrond.—C.S.P. XI. 676.] [p. 204.] 16 July.
Leeward
Islands.

[A further complaint is similarly referred.—C.S.P. XI. 774.] [p. 219.] 25 Aug.

[Order in accordance with their report.—C.S.P. XI. 970.] [p. 266.] 3 Nov.

[711.] [The Council refer to the Council of Trade the petition of John Tucker and others.—C.S.P. XI. 678.] [p. 204.] 16 July.
Barbados.

1698.
16 July. Rhode
Island. [712.] [The Council refer to the Committee for Appeals] the Petition of Daniel Peirce and others, Tenants of William Brown and Benjamin Brown of New England Esqrs and of the said William and Benjamin Brown . . . humbly praying to be allowed to appeal from a Verdict and judgement in the Court held at Newport in Rode Island, in the behalf of Edmund Willie and Margaret his wife, and Richard Hancock and Judith his wife, touching a Moiety of Prudence Island in New England. [p. 205.]
- 2 Sept. [The Committee for Appeals refer it to the Attorney General to inspect the charter of the colony and report to the Committee what may be done for the petitioner's relief.] [p. 223.]
- 16 July. Massachusetts. [713.] [The Council refer to the Council of Trade the address of the Lieutenant Governor and Council of Massachusetts.—C.S.P. XI. 677.] [p. 206.]
- 4 Aug. Maryland. [714.] [Directions for providing the usual accommodation for transporting Colonel Nathaniel Blakiston to his Government of Maryland.] [p. 212.]
- 25 Aug. [On a report from the Admiralty and a petition from Col. Blakiston, the Council give directions that the usual accomodation be provided for Col. Blakiston's transportation by the Commissioners of the Navy, the freight or hire and other charges whereof are to be paid by Col. Blakiston.] [p. 218.]
- 25 Aug. [A further order directs the Treasury to pay the amount of these charges to Col. Blakiston, in order to his discharging the same.] [p. 218.]
- 9 Aug. Maryland. [715.] [The Council refer to the Attorney General, in consultation with the Judge of the Admiralty, an alteration made by the Council of Trade in Col. Blakiston's commission.—C.S.P. X. 736.] [p. 215.]
- 1 Sept. Massachusetts. [716.] [The Council refer to the Committee for Appeals the] Petition of Elizabeth Shrimpton Widdow and Executrix of Colonell Samuel Shrimpton late of Boston in New England

1698.

praying, that the Appeales of Jahleel Brenton Esqr. Collector of His Majesties Customes in New England, touching his Seizure of a Parcell of Iron claimed by the Petitioners late Husband may be Dismissed he haveing not Prosecuted the same within the Time limited in an Order of Councill for that purpose. [*Cf.* 480. 27 May 1697.] [p. 222.]

(1700.)
30 May.

[The Council admit, and refer to the Committee for Appeals, the appeal of Jahleel Brenton from the judgment given against him in the County Court at Boston on 26 July 1692 in the case of a parcel of iron seized by him as illegally imported from Spain.] [VI. p. 34.]

(1700.)
28 June.

[The Committee report in favour of dismissing the appeal as having been lodged only about May 1697, he having meanwhile] acquiesced under the said Judgment. [VI. p. 72.]

(1700.)
18 July.

[Order accordingly.]

[VI. p. 72.]

[717.] [The Council refer to the Council of Trade Sir Thomas Lawrence's claim for 150*l.*—C.S.P. XI. 863.] [p. 233.]

29 Sept.
Maryland.

[Order in accordance with their report.—C.S.P. XI. 935 and 968.] [pp. 264–5.]

3 Nov.

[718.] [Order as to government of Leeward Islands on death of Colonel Codrington.—C.S.P. XI. 861.] [p. 234.]

29 Sept.
Leeward
Islands.

[719.] [The Council refer to the Council of Trade several papers concerning Arnold Nodine.—C.S.P. XI. 910.]

20 Oct.
Maryland.

[p. 257.]

[720.] [Orders concerning New York (P.R.).—C.S.P. XI. 936.] [pp. 261–2.]

25 Oct.
New York.

[721.] [Colonel Fletcher to be heard in his defence.—C.S.P. XI. 937.] [p. 262.]

25 Oct.
New York.
(1699.)

[The Council refer to the Attorney and Solicitor General a representation from the Council of Trade, who have heard Colonel Fletcher.—C.S.P. XII. 167.] [p. 316.]

16 March.

326 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1698.
(1699.) [Part of the representation of the Board of Trade is to be
16 March. sent for reexamination to the Commissary General of the
Musters or his Chief Deputy.—C.S.P. XII. 181.] [p. 313.]
- 3 Nov. [722.] [Draft of a letter to Lord Bellomont approved.—
New York. C.S.P. XI. 967.] [p. 263.]
- 3 Nov. [723.] [The Council approve the draft of an instruction
Naval Office for Colonial Governors relating to the Naval Officers in those
in
Plantations. parts (P.R.).—C.S.P. XI. 971.] [p. 263.]
- 3 Nov. [724.] [Colonel Romer to stay in New York till Christmas
New York. 1699, and his allowance to be reduced to twenty shillings
a day.—C.S.P. XI. 966.] [p. 264.]
- 10 Nov. [725.] Upon reading this day at the Board the annexed
Slave Trade. memoriall of the Royall African Company of England desiring
leave to export Beans for carrying on their Trade to Africa,
and supplying the Negroes in their Transportation from thence
to the Plantations; And also a Presentment from the Com-
missioners of the Customes relating to the Exportation of the
said Beans, for the said purpose, and other Graines for the
Plantations. It is this day Ordered by Their Excellencies
the Lords Justices in Council, That the Right Honorable the
Lords Commissioners of the Treasury do send for the Royall
African Company and adjust with them the Conditions upon
which they may be permitted to Export Beans, for the supply
of negroes from the Coast of Africa to the Plantations, and
what security the Company may give that the said Beans
shall not be Employed to other uses then for the sustenance
of the Negroes in their said Passage. And Their Lordshippes
are also to receive Information from the Commissioners of the
Customes, whether Corne, meal Biscuit or Bread have hereto-
fore been usually Exported for the supply of His Majestys
Plantations in America; And to Report the same to this
Board. [p. 268.]
- 8 Dec. [726.] [A proclamation is read and ordered to be issued
Piracy. for suppressing the pirates in the East Indies.] [p. 276.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 327

- [The Attorney and Solicitor General are to prepare drafts of commissions for trial of pirates in the East Indies, as desired by the East India Company.] [VI. p. 19.] 1698-9. (1700.) 2 May.
- [727.] [Order for a Commission of Inquiry into the state of Rhode Island.—C.S.P. XII. 17.] [p. 287.] 1699. 5 Jan. Rhode Island.
- [The draft of the commission is approved.—P.R.] [p. 297.] 16 Feb.
- [The draft of the instructions to Lord Bellomont—P.R.—are approved.—C.S.P. XII. 163.] [p. 308.] 9 March.
- [728.] [The Council refer to the Admiralty a representation from the Council of Trade—C.S.P. XII. 29—as to sending men of war to the plantations on the Continent of America.] [p. 291.] 12 Jan. Navy in Plantations.
- [Order for sending ships of war to the colonies.—C.S.P. XII. 157.] [pp. 311-3.] 9 March.
- [729.] [The Council refer to the Admiralty the proposals made by the Jamaica agents to the Council of Trade.—C.S.P. XII. 92.] [p. 297.] 9 Feb. Indented Servants.
- [Order is given in accordance with the Admiralty report.—C.S.P. XII. 166.] [p. 313.] 9 March.
- [On a further complaint from Barbados, order is given in accordance with a representation thereon of the Board of Trade.—C.S.P. XII. 990.] [p. 395.] 23 Nov.
- [730.] [Order as to residence of patent officers.—C.S.P. XII. 91(1).] [p. 300.] 16 Feb. Jamaica.
- [731.] [The Council refer to the Admiralty the] Petition of Elizabeth Meese Widdow Praying a Grant of Five Hundred pounds, which was received for contingent Charges of the Treasurer of the Navy, by her Son George Meese, when he went with a Squadron of his Majestys Ships of Warr under his Command, to the West Indies, where he lost his Life, to the end she may receive the Pay due to him which is stopt till an Accompt be given of the Disposall of the 23 Feb. West Indies.

328 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699. said contingent Money, which the Petitioner is unable to do by reason of the Losse of her Sons Papers. [p. 301.]
- 18 May. [Mrs. Meese is discharged of the sum of 500*l.* according to her petition, the Admiralty having this day reported :—]that the said Captain Meese dying in the West Indies, it is very probable the Papers necessary for Passing the account of the said Imprest, are lost ; And in regard the Rules and Methods of the Navy do not allow of the setling Pensions on any others, then the widows of such Persons who loose their lives in His Majestys Service, that Two hundred Pounds per annum is, by His Majestys Order, allowed to the widow of Vice Admirall Nevill who likewise dyed in the said Expedition ; And Captain Meese having always faithfully served His Majesty and deservedly gained the Character of a very good Officer ; Wee do most humbly Recommend the necessities of His Mother and Relations to His Majestys Charity. [p. 336.]
- 23 Feb. [732.] [The Council refer to the Council of Trade the petition of Francis Brinley, a Rhode Island merchant.—C.S.P. XII. 122.] [p. 302.]
Rhode Island.
- 27 April. [Order in accordance with the report of the Board of Trade.—C.S.P. XII. 315. The order adds :—]As also, that in all such Cases the Governor and Company of the Colony of Rhode Island do take notice that it is the Inherent Right of His Majesty to Receive and Determine Appeals from all His Majestys Colonies in America : and that they do Govern themselves accordingly. [p. 331.]
- 23 Feb. [733.] [The Council refer to the Council of Trade the Connecticut. petition of Edward Palmes Esqr. and John Hallam merchant of Connecticut.—C.S.P. XII. 119.] [p. 302.]
- 9 March. [Orders given in accordance with their report.—C.S.P. XII. 160.] [p. 310.]
- 9 Feb. [734.] [The Council refer to the Council of Trade the Connecticut. petition of John and Nicholas Hallam of Connecticut.—C.S.P. XII. 120.] [p. 302.]

[A further petition is similarly referred.—C.S.P. XIII. 974.] [Vol. VI. p. 109.]

1699.
(1700.)
5 Dec.
(1701.)
12 June.

[On their report the appeal is admitted on the usual security being given, and ordered to be heard on the first Council day in February, 1702.] [Vol. VI. p. 218.]

(1702.)
12 Feb.

[The Council refer to the Committee for Appeals the petition of Nicholas Hallam that a day be appointed for hearing his appeal from a sentence of the Court of Assistants in Connecticut in a case in which he and his brother John are plaintiffs, and John Fitz Winthrop and Edward Palmes defendants, as also an Address from the General Assembly of Connecticut relating to the case.] [VI. pp. 343-4.]

(1702.)
18 March.

[The Council approve, and give orders in accordance with the report of the Committee for Appeals on the appeal of Nicholas Hallam against a sentence of the Court of Assistants in Connecticut of 2 May 1700 in favour of Fitzjohn Winthrop and Edward Palmes and on the address of the Assembly of Connecticut relating to the case:] it appearing that the Examinations taken in Connecticut, in behalf of both Partys relating thereunto, had not been taken regularly in such manner as that the Partys might Interchangeably Examine the Witnesses. Their Lordships humbly offer their Opinion to His Majesty that Order may be given that both Partys be sent back to Connecticut, to Examine such Witnesses as they can Produce in the said Cause respectively, and that the Examination be regularly taken in such manner as that they may Interchangeably Examine the said Witnesses without any Lett or Molestation whatsoever, by the Governor and Magistrates of that Colony, or any other whom it may concerne, and that such Examinations as shall be taken in this Case in Connecticut be transmitted to this Board under the Seal of the Colony, the whole Proceeding to be at the Cost and Charges of the Respondents, it appearing to the Committee, that the Appellant has been greatly delayed in the Prosecution of his said Appeal, by the Proceedings and at the

330 ACTS OF THE PRIVY COUNCIL (COLONIAL)

1699. Instance of the said Respondents to the Extraordinary Charge and Damage of the Appellant. [Anne, Vol. I. p. 39.]
- (1703.)
2 Dec. [Hallam's petition that his appeal may be heard and determined is referred to the Committee for Appeals.] [Anne, Vol. I. p. 467.]
- (1704.)
3 Jan. [The Committee for Appeals report in favour of confirming the sentence of the Court of Assistants in favour of Mr. Winthrop and Mr. Palmes.] [Anne, I. p. 489.]
- (1704.)
9 Jan. [Order accordingly.] [Anne, I. p. 494.]
- 16 March.
Antigua. [735.] [The Council refer to the Council of Trade, to be granted if no objection is seen, the petition of Sir William Phippard.—C.S.P. XII. 185.] [p. 316.]
- 30 March.
Tobago. [736.] [The Council refer to the Council of Trade the petition of Sir William Waller and Nicholas Dupin.—C.S.P. XII. 219.] [p. 319.]
- 18 May. [The settlement of Tobago is forbidden.—C.S.P. XII. 422.] [p. 337.]
- (1700.)
7 March. [A further petition is referred to the Board of Trade.—C.S.P. XIII. 203.] [p. 430.]
- (1700.)
28 March. [A representation from the Board of Trade is sent to Mr. Secretary Vernon to be used in answering the Duke of Courland's envoy.—C.S.P. XIII. 265.] [p. 440.]
- 6 April.
Newfound-land. [737.] [The Council approve, and give orders to the Admiralty, the Treasury, the Ordnance, and the Board of Trade, in accordance with a representation from the Board of Trade upon the defence of Newfoundland.—C.S.P. XII. 238.] [pp. 321-3.]
- 27 April. [On reading reports from the Treasury, Admiralty, and Ordnance, orders are sent to them for speedy compliance with the above orders] His Majesty being very sensible of the Importance of the said services. [p. 328. C.S.P. XII. 312-4.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 331

- [Further orders in accordance with a representation from the Board of Trade.—C.S.P. XIII. 55.] [p. 413.] 1699.
(1700.)
25 Jan.
(1700.)
8 Feb.
- [On two reports from the Ordnance, orders are given (1) as in C.S.P. XIII. 102; (2) for sending 46 cartridge boxes, 26 flock beds furnished, and 52 pairs of sheets for the use of the company there.] [p. 419.]
- [738.] [In the draft commission for Colonel Codrington, His Majesty in Council directs that in place of the words “To execute martial law in time of invasion or war,” there be inserted these words, “to execute martial law in time of invasion, insurrection or war, as also upon soldiers in pay, according to former Commissions.”] 20 April.
Leeward
Islands.
- [p. 324. C.S.P. XII. 281.]
- [Further amendment and instructions.—C.S.P. XII. 308.] 27 April.
[p. 330.]
- [739.] [Edward Chilton is appointed Attorney General of Barbados.] 27 April.
Barbados.
[p. 329. C.S.P. XII. 311.]
- [740.] [On reading a representation from the Board of Trade, that part of it referring to the stationing ships of war off the coasts of Africa for suppressing piracy is referred to the Admiralty.] 27 April.
Piracy.
[p. 330.]
- [741.] [The fine laid on John Lucas in Antigua is remitted.—C.S.P. XII. 405.] 18 May.
Antigua.
[p. 334.]
- [742.] [On the representation of the Board of Trade that John Dudgeon, secretary of Bermuda, is willing by reason of some infirmities to resign his place of secretary, and that Edward Jones is a suitable person to be appointed secretary and provost marshal in accordance with his petition, he is accordingly appointed to these posts.] 18 May.
Bermuda.
[p. 334. C.S.P. XII. 418.]
- [743.] [The Council refer to the Board of Trade a presentment from the Customs] relating to the Province of Transylvania, with the Papers thereunto annexed.—C.S.P. XII. 450. [p. 338.] 25 May.
Pennsyl-
vania.

332 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1699.
- 29 June. [A letter from Robert Quarry is similarly referred.—C.S.P. XII. 574.] [p. 352.]
- 29 June. [On a report from the Council of Trade, they are ordered to prepare circular letters urging Governors to assist the officers of the Customs and Admiralty.—C.S.P. XII. 573.] [p. 353.]
- 31 Aug. [Two representations from the Board of Trade are approved, and recommended to Mr. Penn.—C.S.P. XII. 749.] [p. 371.]
- 31 May. [744.] [The Council refer to the Treasury in consultation with the Lords Commissioners of Trade and Plantations the deposition of Chidley Brooke, late Collector of New York, and] the Petition of divers merchants and Traders to New Yorke from the City of London, setting forth that their Factors and other Correspondents Residing at New Yorke, vizt. Miles Forster, Robert Lurting, Ebenezar Wilson, Thomas Wenham, Caleb Heathcote, John Morris, William Morris, Jeremiah Tothill merchants, Col. Nicholas Bayard, William Nicolls Esq. James Emmett Esq. Capt. John Evans, Major William Merritt and Matthew Clerkson Esq., were Jointly and Severally bound to His Majesty in the summ of Ten thousand pounds, conditioned that Colonell Benjamin Fletcher late Governor of New Yorke, should be answerable to His Majesty for what publick mony should appear to be converted by him to his own use. And humbly praying that the said Bond may be Cancelled for that Col. Fletcher hath been in England almost twelve months. [p. 341.]
- 31 May. [745.] [The Council refer to the Board of Trade the report Barbados. of the Customs on the complaint of William Sharpe of Barbados.—C.S.P. XII. 476.] [p. 343.]
- 13 July. [The Council approve the draft of a letter to the Governor in this matter, and also the draft of another letter to the Governors of Plantations for putting in execution the Acts of Trade (P.R.).] [p. 357.]
- 31 May. [746.] [Application is ordered to be made at the Spanish West Indies. Court for redress in accordance with] the petition of Thomas

1699.

Dalton late master and part Owner of the Friendship Sloop of New Providence in America, in behalf of himself, his mate and mariners, complaining of Fransico Ferdinando a Spaniard of Compeachy for taking away the said Sloop and her Cargo as Prize on the 2d of March 1697 as she was at Anchor, between the West End of Cuba and the Maine, and of other hard Usage and Sufferings by the Spaniards, Alleaging their Losses thereby Sustained, Amount to near Three Thousand five hundred Pounds and praying to be Relieved. [p. 344.]

(1700.)

18 April.

[On a further petition of Dalton praying letters of marque and reprisal, since nothing has been effected by Mr. Stanhope's intervention at the Court of Spain, further representation is ordered to be made at that Court by the Earl of Jersey.]

[Vol. VI. p. 7.]

[747.] [On condition that security be given and that execution be not meanwhile stayed, the Council admit for hearing on the first Council day in June 1700, the Appeal] of George Peers of Barbados merchant, in behalf of himself and the rest of the Owners and Laders of the Sloop called the Turtle of Barbados, Robert Cunningham master, Setting forth that about the month of July 1697, The Petitioners laded on Board the said Sloop at Barbados, some sugar, Rum, Malosses and Negro Slaves, to the value of above Twelve hundred Pounds, and sent her on a Trading Voyage to Charles Town in the Province of Carolina; where she arrived on the 14th of August following, That on her arrivall in the said Port, the master duly Entred the said Sloop with the Navall Officer there Mr. Jonathan Amory, who afterwards seized and proceeded against her and her Cargo, in the Court of Admiralty of Carolina, as forfeited on pretence that the master was a Scots man, and so not navigated according to the Act of navigation. That the said Court on the 27th of August last, condemned the said Sloop and Cargo as forfeited, only because the master was a Scots man borne; From which Judgement the Petitioners Correspondents would have appealed, first to the Governor and Council there, and afterwards to His Majesty

31 May.
Carolina.

334 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699.
in Council, But were Refused ; Wherefore humbly praying
to be admitted to Appeal from the aforesaid Judgement. .
[p. 345.]
- (1700.)
20 June. [His petition for a short day for hearing is referred to the
Committee for Appeals. The defendant's agent, Mr. Mountague,
is required to attend their Lordships from time to time.]
[Vol. VI. p. 57.]
- (1700.)
31 Dec. [Committee for Appeals. On consideration of the case
of the *Turtle* of Barbados referred on 20 June, it is
alleged that the informer against the vessel or his
executors had not been duly summoned, and the Committee
recommend that the hearing of the case be further postponed
till 1 June 1701.] [VI. p. 123.]
- (1700.)
31 Dec. [Order accordingly.] [VI. p. 125.]
- (1701.)
17 July. [The petitioners seek a hearing, copies of the proceedings
having been transmitted and all the parties summoned.
They are referred to the Committee for Appeals.] [VI. p. 233.]
- (1701.)
11 Sept. [The Committee agree to hear their appeal.] [VI. p. 256.]
- 15 June. [748.] [The Council refer to the Admiralty the petition of
West Indies. Elizabeth, widow of Charles Coates, late captain of the
Owners' Content under the command of Col. Russell to be
considered for the loss of her husband in his Majesty's
service.] [p. 348.]
- 22 June. [749.] [Order as to Robert Chaplain of London.—C.S.P.
Barbados. XII. 544.] [p. 349.]
- (1700.)
20 June. [The Council refer to the Committee for Appeals the
petition of Robert Chaplin of London, merchant, for a
speedy hearing of his appeal against a sentence of the
Governor and Council of Barbados in favour of Captain
Alexander Cunningham, the petitioner having obtained
authentic copies of all proceedings relating to the said
appeal.] [VI. p. 56.]

1699.
(1700.)
2 Nov.

[The Committee report that it appears to them] that Alexander Cunningham the Defendent, having in the year 1677, taken a Lease from John Peers Esqr. of Staple Grove Plantation, at the Yearly Rent of Eight hundred Pounds; The Defendant and the said Peers did on the 23th of May 1684, Enter into Covenants concerning a further Lease, And that in consideration of two hundred Pounds per annum to be advanced in the Rent, The said Peers should put fifty negros more on the Plantation, within Three years after the said Lease; That a new lease was accordingly Granted to the Defendant the first of March 1685, at the yearly Rent of One Thousand Pounds, And Accompts Stated between him and the said Peers the 10th day of June following, Upon the Balance whereof there remained due to the said Peers the Sum of two thousand Three hundred and Ninety Pounds, for the Payment Whereof the Defendant Entred Securitys according to Agreement between them. That the said Peers having Omitted to put the said fifty Negros on the said Plantation, within the said Three Years, Dyed; And the Petitioner as administrator to him, suing the Defendant in Barbados, for arrears of Rent for the said Plantation, Commissioners were appointed by the Court of Chancery there, to state and adjust Accompts between them, who, not taking notice of the stated Accompt in 1686, Proceeded to Retrospect and New Examine the Accompts relating to the Plantation from the year 1680, And allowed the Defendant Damages at the Rate of five hundred Pounds per annum for want of the said fifty Negros from that time, tho' four years before the said Covenant, Thereby making the Appellant Indebted to him in the sum of Twelve hundred and fourteen Pounds seventeen Shillings five pence and one third of a Peny; Whereupon a Decree was past laying a perpetuall Injunction upon the Appellant, and from an other Decree for the said Sum of 1214*l.* 17*s.* 5½*d.*, in favour of the Defendant, And the mony levyed accordingly. Upon the whole matter, Their Lordshipps agree humbly to offer their Opinion to His Majesty, That the Decree for the

1699.

Injunction and the Decree for the said 1214*l.* 17*s.* 5½*d.* be Reversed and set aside by His Majesty, And the appellant permitted to take his Remedy at Law in Barbados against the Defendant [and] that in the Hearing and Determining the said Differences between the said Parties, The Courts in Barbados do allow of the Balance of the Accompt Stated between the Defendant and the said Peers in the year 1686, And that the Accompts be Stated between the said Parties from the said Balance without Retrospect before that time ; As also that the Damages to be Allowed to the Defendant for the said Peers not having put the said fifty Negros on the Plantation within Three years from the Lease in 1685, according to the Covenant in 1684, be Tryed and Assessed, by a jury of twelve Men upon Oath in Barbados, and be Reckonned only from the first of March 1688, being three years after the making of the said Second Lease.

[VI. *pp.* 93-94.]

(1700.)

5 Nov. [Order accordingly.]

[VI. *p.* 97.]29 June.
Bermuda.

[750.] [The Council refer to the Committee for Appeals the] Petition and Appeale of Martha Johnstowne, Widdow and Relict of Captain Edward Johnstowne, late of the Island of Bermudas, and formerly the Relict and Executrix of Thomas Outerbridge the Elder, and of William Outerbridge junior Son and another Executor of the said Thomas, Praying to be releived as to their Pretensions to a House and One Share of Land in Hambleton Tribe in the said Island, which was mortgaged by William Outerbridge Father of the said Thomas, to Robert Wood Esqr.

[*p.* 352.]

(1701.)

24 April.

[Their further petition is similarly referred, the hearing of the case on the former reference having been prevented by the death of John Place and some hopes of accommodation.]

[Vol. VI. *p.* 192.]

(1702.)

29 Jan.

[On the report of the Committee for Appeals the Council reverse the judgment of the Court of Chancery in Bermuda

of 7 Nov. 1696 which dismissed the appellants' bill against William Place touching the house and lands in question.]

1699.

[Vol. VI. p. 332.] (1704.)

[The Council refer to the Committee for Appeals the petition of Rhoda Place, widow, and William Place, an infant, for hearing their appeal against a decree of the Bermuda Chancery in favour of Martha Johnstowne and others.] 6 Sept.

[Anne, Vol. II. p. 173.]

[751.] [The Council refer to the Committee for Appeals the] Petition of George Powell of the Island of Antegoa in America Planter Brother and Administrator of Captain Garret Powell of the said Island deceased, Praying Liberty to proceed on a Decree made in his Majestys Court of Chancery in the said Island in a Cause depending between John Cockrane and Robert Cockrane by his Father and Guardian William Cockrane and the said Garret Powell and Elizabeth his Wife, formerly the Wife of Col. Archibald Cockrane, notwithstanding the Appeal of the said William Cockrane in regard he hath neglected to prosecute the same within the time limited, And that the Bond of 1000*l.* entred into by him and his Suretys may be put in suit in order to satisfy the Petitioner the Expence and Damage he has susteyned by the said Vexatious Appeals. [p. 353.]

29 June.
Antigua.

On the Petition of George Powell of Antigoa, The Partys concerned to be summoned to attend the next Committee. 6 July.

[p. 355.]

[His petition for liberty to proceed on the decree is ordered to be sent to the Governor of the Leeward Islands, to examine it, and to grant it if true, the Committee for Appeals having reported] that there was a summons sent upon the Exchange, and time given for the Appellant to appear, But the messenger who served it, was informed by divers Eminent Merchants Trading to the Leeward Islands, that the said appellant was not in England, nor expected that they knew off, and it being Eight months since that the said appeal should have been prosecuted, as the Petitioner sets forth. [p. 362.] 3 Aug.

338 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699.

- 13 July. [752.] [Order to the Ordnance to furnish an estimate of New York. the cost of stores for New York.—C.S.P. XII. 640.] [*p.* 356.]
- 22 Aug. [The estimate is approved, and orders in accordance given to the Ordnance and the Treasury.—C.S.P. XII. 733.] [*pp.* 369–70.]
- 13 July. [753.] [On a representation of the Board of Trade, order Bermuda. as to Edward Randolph, imprisoned by Governor Day of Bermuda.—C.S.P. XII. 642.] [*p.* 357.]
- 31 Aug. [Order approving of the report of the Board of Trade, and admonishing Mr. Day.—C.S.P. XII. 753.] [*pp.* 372–3.]
- (1700.)
- 29 Feb. [Sir Thomas Day to be heard in his son's defence.—C.S.P. XIII. 173.] [*p.* 428.]
- (1700.)
- 7 March. [On hearing Sir Thomas Day, six weeks is allowed him to present the answer he expects shortly to receive from his son concerning the charges against him.] [*p.* 432.]
- (1700.)
- 18 April. [Sir Thomas Day is granted two weeks longer, no letters having yet arrived.] [Vol. VI. *p.* 6.]
- (1700.)
- 2 May. [The Council refer to the Board of Trade an abstract of letters to the Board of Trade from Mr. Day and Mr. Randolph, dated 29 January, as also the petition of Sir Thomas Day —C.S.P. XIII. 383.] [VI. *p.* 20.]
- (1700.)
- 9 May. [On a representation of the 8th instant from the Board of Trade, the determination of the matter is suspended till the 30th and no longer.] [VI. *p.* 24.]
- (1700.)
- 21 May. [The Council grant and give orders in accordance with the petition of Sir Thomas Day] setting forth, that altho' he might have great reason to beleive, from the last Letters he Received from his son, now His Majestys Lieutenant Governor at Bermudas, together with severall Affidavits and other Papers attested under the Seal of that Island, that such further Proofs would suddenly arrive and be attended by a Person of Credit, and one of the Council there, by which the Reputation of the said Governors Behaviour would be cleared; [yet that his

1699.

son's adversaries refuse him copies of the depositions against him, and therefore praying that his son may be recalled, to clear himself in person]. [VI. p. 30.]

(1701.)
21 Aug.

[Sir Thomas Day setting forth that his son was recalled, and] was ready to return for England, but was arrested and still Detained Prisoner at Bermudas by Vertue of an Action for two Thousand Pounds there Entred against him by Colonell Richier late Governor of the said Islands, upon pretence he did not put in Execution an Order of His Majesty in Council for a Security to be Reciprocally given by the said Richier and Colonell Goddard, And praying the said Samuel Day may be forthwith sent Home to England to Answer what shall be Objected against him. [It was ordered that on his giving security of 2000*l.* to answer Col. Richier's complaint at the Board on the first Council day in May, Mr. Day be allowed to return to give his Majesty an account of his government.] [VI. p. 248.]

(1702.)
21 April.

[Samuel Day's petition is referred to the Attorney General, setting forth that he is under arrest, and praying to be sent for to England] upon giving Bail for his appearance to answer what shall be alleaged against him by any of his Accusers or Prosecutors at Bermudas. [Anne, Vol. I. p. 125.]

(1702.)
11 June.

[The Attorney General having reported that her Majesty may properly grant her royal order for the said Mr. Day's being sent for to England, security being first given for his answering suits brought against him for his conduct in Bermuda, and that the Secretary of the colony give him copies of such papers as are necessary for his defence; and bond for 4000*l.* having been furnished accordingly, Her Majesty gives orders in accordance with the report.] [Anne I. p. 150.]

[754.] [On reading a letter from the Board of Trade to the Earl of Jersey, Mr. Day is directed to send into England Daniel Smith, whom he had committed to prison on suspicion of piracy until further orders should be received from the Secretary of State.] [p. 357.]

13 July.
Bermuda.

340 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699.

- 13 July. [755.] [The Council refer to the Attorney and Solicitor
Slave Trade. General a representation from the Board of Trade] on the
Petition of Sir Stephen Evance, Jeffrey Jeffreys Esqr. John
Stafford and William Richardson Merchants, on behalf of them-
selves and other merchants. [p. 358. C.S.P. XII. 645.]
- 31 Aug. [The report of the Board of Trade is approved, and
orders given accordingly.—C.S.P. XII. 752.] [pp. 373-4.]
- 22 Aug. [756.] [The petition of Richard Bate is referred to the
Barbados. Board of Trade.—C.S.P. XII. 732.] [p. 367.]
- 26 Sept. [The Council approve, and give orders in accordance with,
a report of the Board of Trade of 20 Sept., which adds to the
facts previously given, that Dr. de la Rouze was “endenized” in
Barbados in 1651, after which he purchased the estate, in
which he was confirmed by Lord Willoughby in 1666; the report
bases on the Solicitor General’s report the opinion] not only
that the Letters of Denization within the Island of Barbados
granted unto the foresaid Dr. de la Rouze severall years before
the Purchase of the said Estate in pursuance of the Letters
Patents granted by King Charles the first to the Earl of
Carlisle for all the Charibbee Islands, did sufficiently capacitate
the said Doctor to purchase the same, and make his Purchase
valid, and that therefore (according to Mr. Solicitors Opinion)
there remains no pretence of Title in His Majesty to the Estate
in Question; But also, though there were any defect in the
Instrument of Denization aforesaid, Yet there having been
now above thirty years’ quiet possession (after which Mr.
Solicitor Esteems that a Prosecution upon such a Pretence in
England would be thought very hard and not prevaile) Wee are
further humbly of Opinion that it would be much more hard,
that any Such pretence should be countenanced in His Majestys
Plantations, and very prejudiciall to the Settlement and
Improvement thereof, upon both which Considerations as well
of Justice to the Petitioner as that the present case may not be
made a President for other Prosecutions of this nature, Wee
humbly offer unto your Excellencys that order may be given,

1699.

according to the prayer of the foresaid Petition, that His Majestys Atturney Generall of the Island of Barbados, do enter a noli prosequi in the Proceedings there begun against the Petitioner for the foresaid Estate. [pp. 378-379.]

[757.] [The Council refer to the Committee for Appeals] 22 Aug.
the Petition of More Darrell an infant by His Guardian Daniel Bermuda.
Keel, Setting forth that he hath appealed from a sentence of
the Governor and Councill of Bermudas of the 7th of February
1697, touching a Store House with half an acre of land lying
round about it, and the wharf thereunto belonging on the North
side share of the land of Mr. John Darrell Deceased, in
Southampton Tribe in Bermudas, And humbly praying to
be heard on the said appeal. [p. 368.]

[The Committee report in favour of reversing the sentence 13 Dec.
in favour of George Darrell.] [p. 401.]

[Order accordingly.] [p. 406.] 21 Dec.

[758.] [Order disallowing and disapproving of William 31 Aug.
Markham as Lieutenant-Governor of Pennsylvania.—C.S.P. Pennsylv-
XII. 750]. [p. 370.] ania.

[759.] [Certain Acts of Pennsylvania declared null and 31 Aug.
void.—C.S.P. XII. 751.] [p. 371.] Pennsylv-
vania.

[760.] [All persons committed for piracy in plantations 31 Aug.
to be sent to England for trial.—C.S.P. XII. 749.] [p. 371.] Piracy.

[On a representation of the Board of Trade, a similar, but 26 Sept.
more general order is given.—C.S.P. XII. 819.] [p. 376.]

[Drafts of letters are approved.—C.S.P. XII. 924.] 2 Nov.
[p. 385.]

[Three further orders.—C.S.P. XII. 942, 944, 945.] 9 Nov.
[pp. 388-9.] (1700.)

[Letters to Plantation governors to be prepared.—C.S.P. 11 Jan.
XIII. 30.] [p. 409.] (1700.)

[The drafts are approved (P.R.).—C.S.P. XIII. 82.] [p. 418.] 1 Feb.

342 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699.
 (1700.) Commissions for trying pirates in America are to pass under
 9 May. the Great Seal of England, not under the seal of the Admiralty.
 —C.S.P. XIII. 419.] [Vol. VI. p. 23.]
- (1700.)
 6 June. [Further orders as to commissions.—C.S.P. XIII. 503-4.]
 [VI. p. 50.]
- (1701.)
 23 Jan. [A draft of a proclamation for apprehending pirates is
 referred to the Admiralty to propose the amount of the
 rewards to be offered.] [VI. p. 129.]
- (1701.)
 20 Feb. [The draft is sent to the Board of Trade to fix the time to
 be allowed to pirates to come in and confess.] [VI. p. 137.]
- (1701.)
 6 March. [The proclamation is approved.] [VI. pp. 162-5.]
- (1701.)
 10 April. [On a representation from the Board of Trade, Mr. Secretary
 Vernon is directed to prepare and deliver to George
 Larkin Esqr. his instructions as to the commissions
 for trial of pirates in the plantations, and also letters to the
 Governors of the several plantations—P.R.] [VI. p. 185.]
- (1704.)
 3 Aug. [The Council approve, and give orders in accordance with,
 the following representation of the Board of Trade] —
 Commissions having been Granted by His late Majesty to all
 the Governors in America for the Tryall of Pirates, in
 pursuance of an Act of Parliament past in the Year 1700 for
 the more Effectuall Suppression of Piracy, And Sir Beville
 Granville Your Majestys Governor of Barbados, having
 Transmitted to Us the Report of the Atturney and Sollicitor
 Generall of that Island, containing their reasons why upon the
 Demise of his late Majesty, no proceedings can now be had upon
 the Commission to the Lord Gray late Governor of that Island,
 We have thereupon Consulted Your Majestys Atturney Generall
 who is of Opinion, that it is necessary that a New Commission
 be Issued out in Your Majestys Name pursuant to the said
 Act; Whereupon We humbly Offer that such Commission
 be renewed accordingly as well for the Government of
 Barbados, as for the other Governments in the Plantations
 amongst which We have Comprehended the Bahama Islands

1699.

as formerly, to take Effect when these Islands shall be resettled and brought under a Regular Government, they remaining Uninhabited since their being Destroyed by the French and Spaniards; And in Order thereunto, We humbly lay before Your Majesty the Names of Commissioners to be inserted in each respective Commission, which We are humbly of Opinion may be prepared by Your Majestys Atturny and Sollicitor General, and Dispatched to the Plantations by the first Opportunity. [The names are not given.]

[Anne, Vol. II. p. 154.]

[761.] [The Council refer to the Board of Trade the petition of Charles Walker, gentleman, Lieutenant Colonel Anthony White and Captain Thomas Harford for restoration to the Council of Bermuda.—C.S.P. XII. 754.] [p. 372.]

31 Aug.
Bermuda.

[762.] [The Council refer to Lord Chief Justice Holt in consultation with the Attorney and Solicitor General a representation from the Board of Trade as to Massachusetts appeals.—C.S.P. XII. 818.] [p. 376.]

26 Sept.
Massachu-
setts.

[763.] [The Council approve, and give orders in accordance with, the following report of the Board of Trade of 14 September]:—A Memoriall having some while since been presented to us by Catherine the wife of Robert Richardson and William Thornburgh Executors to Sir Peter Colleton deceased complaining, that by reason of Colonel James Colletons being made Judge in a Precinet of the Island of Barbados where certain actions brought against him by the said Executors about Lands and Negros of Considerable Value were to be Tryed, They were obstructed in Justice and could haue no Redress in Law. And Wee having thereupon wrote to the President and Councill of the said Island the 7th of December 1697, to take such care in those Cases, that the Regular Course of Justice might not be obstructed; but having never received any Answer upon that Subject, nor the said Executors (as they have set forth in a late Memoriall) having yet been able to obtain any Releif, Wee humbly crave

26 Sept.
Barbados.

1699.

leave to lay before your Excellencys the annexed Copy of the said late Memoriall offered to us by the foresaid Robert Richardson in the Name and Right of Catherine his Wife daughter and Executrix to Sir Peter Colleton aforesaid deceased, together with the Copy of Petition presented to the President and Council of Barbados the 27th of July 1697, by William Sharp, George Peers and Thomas Gath Attornys for the said Executors in the Island of Barbados, praying that the foresaid Colonell James Colleton might not be made judge in the Precinct where such considerable actions were depending between him and the said Executors ; notwithstanding which the said President did constitute him judge in the said Precinct. And Wee thereupon humbly offer unto your Excellencys that Our foresaid letter having been ineffectuall, and it being wholly unfit that any person should either be Judge in his own Case, or by being judge in a Precinct where matters in Controversy between him and others lye, be thereby enabled to obstruct the Regular Course of Justice ; Your Excellencys would therefore be pleased to give directions to Mr. Grey at present Governor of the foresaid Island, that some other impartiall and disinterested Judge be appointed to hear and determine the matters there in Controversy between the Executors of Sir Peter Colleton, and Colonel James Colleton aforesaid, or such other way taken as may be effectuall to remove all delay or obstruction of Justice in the Case.

(1702.)

[pp. 377-78. C.S.P. XII. 823.]

22 Oct.

[The Council refer to the Committee for Appeals the petition of Sir John Colleton] praying that some impartiall and Disinterested person may be appointed a Judge in the Room of Mr. James Colleton at Barbados, for hearing and determining the Petitioners Action against the said James and Peter Colleton for Severall Lands and Negroes devised to the Petitioner by his Fathers Will, which they unjustly deteyned from him.

(1702.)

[Anne, Vol. I. p. 227.]

31 Dec.

[On the Committee's report the Order of 26 Sept. 1699 is renewed in favour of the petitioner, and some impartial person

is to be appointed to act as judge in the case, or other effectual means for the removal of all delay or obstruction of justice to be taken by the Governor, Sir Bevil Grenville.]

1699.

[Anne, I. p. 279.] (1703.)

[The draft of an instruction to the Governor in this matter is approved.] 21 Jan.

[Anne, I. p. 296.]

[764.] [The estimate and report of the Ordnance as to stores for St. Christophers are referred to the Board of Trade.—C.S.P. XII. 884.] 23 Oct. St. Christopher.

[p. 381.]

[765.] [An extract of a presentment from the Customs touching a seizure made by Charles Goodman, Collector at Perth Amboy in East New Jersey, is referred to the Board of Trade.—C.S.P. XII. 885.] 23 Oct. East New Jersey.

[p. 382.]

[766.] [On a representation from the Board of Trade on an extract of a letter from Venice, the Treasury are ordered to give directions to the Customs to prosecute on the first opportunity the ship *Sea Flower* (30 tons, Caleb Fibber master), reported to be at Venice with logwood from Honduras, and designing to proceed to Guinea for negroes and thence to the West Indies, thus illegally managing an indirect trade without touching in England.] 23 Oct. Illegal Trade.

[p. 382.]

[767.] [The Council refer to the Committee for Appeals the examination of the petition and appeal of Valentine Cruger for a speedy hearing of his appeal from a sentence of the Governor and Council of New York given against him on 4 April last in a case touching matters of account between the petitioner and Abraham Depeyster.] 23 Oct. New York.

[p. 384.]

[The Committee report] that in the Proceedings at New Yorke, the Record had not been Removed up, by the Proper Persons, from the Supream Court, to the Court of the Governor and Council of that Province; and that therefore, They are of opinion the Judgement of the said Governor and Council of the 4th of Aprill last should be Declared null and void, But at the same time the appeal be Dismist, so farr as relates to the Judgement of the Governor and Council, And 19 Dec.

346 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699.

that the appellant may be at liberty to go back and proceed in due form, before the Governor and Council of New Yorke. [p. 401.]

21 Dec (1700.) [Order accordingly.] [p. 404.]

5 Dec. [The Council refer to the Committee for Appeals Valentine Cruger's petition for a speedy hearing of his appeal against a sentence of the Governor and Council of New York of 22 June in favour of Abraham Depeyster.] [Vol. VI. p. 108.] (1701.)

12 June. [On the report of the Committee, the appeal is upheld, and the decree of the Governor and Council reversed.] [Vol. VI. p. 219.]

23 Oct. [768.] [The Governor of Barbados to defend his Majesty's right to Santa Lucia.—C.S.P. XII. 883.] [p. 384.]
Sta. Lucia.
Tobago.

2 Nov. [The draft of a letter to the Governor is referred back to the Board of Trade for alteration. A claim is also to be made as to Tobago.—C.S.P. XII. 923.] [p. 385.]

9 Nov. [The draft is approved] with the amendment following, vizt. after the words in the 17th line (That unlesse they remove from off that Island and discontinue their Settlement there) these words be added (in some short time which you shall appoint). [p. 389. C.S.P. XII. 939.] (1700.)

4 Jan. [A report of the Board of Trade on Tobago is approved, and orders given accordingly.—C.S.P. XIII. 10.] [p. 408.]

2 Nov. [769.] [The report of the Board of Trade as to Mr. Day's seizure of the *Dolphin* is approved, and orders given accordingly.—C.S.P. XII. 917.] [pp. 385-7.]
Bermuda.

2 May. [A further petition of the owners is referred to the Board of Trade.—C.S.P. XIII. 383A.] [Vol. VI. p. 20.] (1700.)

9 May. [On the report of the Board of Trade, order is given as in C.S.P. XIII. 413.] [Vol. VI. p. 25.]

7 Dec. [770.] [The Council refer to the Committee for Appeals the petition and appeal of Thomas Starke of London merchant
Virginia.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 347

1699-1700.

- from a judgment at a General Court in Virginia of 17 April last.] [p. 398.] (1700.)
22 May.
- [The Committee dismiss his appeal and affirm the judgment of a General Court in Virginia, 17 April 1699, in favour of Thomas Parker and Francillia his wife as executrix of Joseph Goodricke deceased, 5*l.* being awarded to the defendants for costs relating to the said appeal.] [Vol. VI. p. 31.] (1700.)
30 May.
- [Order accordingly.] [Vol. VI. p. 34.] (1700.)
7 Dec.
Piracy.
- [771.] [The draft is approved of an instruction for the Governors of the Leeward Islands and of Jamaica as to Kidd the pirate.—C.S.P. XII. 1041.] [p. 399.] (1700.)
2 May.
- [On a memorial from the Admiralty, the trial of Captain Kidd and his accomplices is put off for some time longer.] [Vol. VI. p. 19.] (1700.)
14 Dec.
Jamaica.
- [772.] [The Council approves the draught of an Instruction] whereby Sir William Beeston . . . may be empowered to take to himself the summ of two thousand Pounds per annum, appointed for a salary of a Captain Generall and Governor in Chief [of Jamaica]. [p. 402. C.S.P. XII. 1055.] (1700.)
21 Dec.
Carolana.
- [773.] [Dr. Cox's title to Caralana, *alias* Carolana Florida is referred to the Board of Trade.—C.S.P. XII. 1081.] [p. 405.] 1700.
- [774.] [The petition of Dorothy Bishop of Barbados is referred to the Board of Trade.—C.S.P. XIII. 27.] [p. 409.] 11 Jan.
Barbados.
- [775.] [The petition of Samuel Allen, proprietor of New Hampshire, is referred to the Board of Trade.—C.S.P. XIII. 42.] [p. 410.] 18 Jan.
New
England.
- [The petition of certain London merchants is similarly referred.—C.S.P. XIII. 336.] [Vol. VI. p. 7.] 18 April.
- [The petition of the London merchants is granted.—C.S.P. XIII. 412.] [Vol. VI. p. 24.] 9 May.
- [The London merchants, owners of the *Mary*, representing that before the granting of their petition, their correspondent,

1700

Mr. Partridge, had entered into bond of 3,000*l.* for the *Mary* to sail directly to England, where she is accordingly now arrived, and praying that she may sail to Lisbon as originally intended and that the bond given in New England be cancelled: the Council, on the representation of the Board of Trade, grant the request.] [Vol. VI. p. 85.]

18 Jan.
Naturalisa-
tion in
Plantations.

[776.] [The report of the Attorney and Solicitor General on reference of 3 November 1698—C.S.P. XI. 969)—as to denization of aliens is approved, and orders given accordingly.—C.S.P. XIII. 44. The cases given are]:—By an Act Passed in the Generall Assembly of the Province of Mariland the 10th of June 1697, Stephen Francis an Italian and George Hacombe a German were naturalized, and thereby vested with all the Rights and Priviledges of naturall born Subjects of that Province; and that by an other Act Passed in the same Assembly the 31th of March 1698, one Peter Dondee a Frenchman was in like manner Naturalized, but in both the said Acts, there is an express Provisoe, that they shall not be Construed to enable or qualify the said Persons, to hold or enjoy any Place, office calling or Employment, Prohibited by an Act of Parliament, made in the 7th and 8th years of your Majestys Reigne, for preventing Frauds and Regulating abuses in the Plantation Trade, or any other Statute Law of England. And Wee likewise find that in November 1697, Col. Benjamin Fletcher then Governor of the Province of New Yorke, did Grant Letters of Denization, under the Seal of the said Province, unto one Arnold Nodine a foreiner, in which Grant, there is a Clause to Enable the said Nodine, to take and hold Lands, Tenements, Hereditaments, etc., to himself, his heires and assignes in fee Simple, with Power to sue and be sued, and to Enjoy all other Rights and Priviledges as a naturall Borne Subject of that Province, without any Restriction or regard to the said Act of Navigation or any other Statute of England; but Wee do not find that the said Col. Fletcher had any Express Power by his Commission to Grant any Letters of Denization. [pp. 410–11.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 349

1700.
25 Jan. West Indies.
[777.] [The Council refer to the Admiralty the petition of Ruth, widow of Captain Robert Wilmott, late commodore of the West India Squadron], relating to several stops put to the Payment of her husbands Wages, particularly one for five hundred Pounds, Imprested to him for contingencies and necessary Expences relating to the said Squadron; And humbly praying that the said stops may be taken off, and that She may be Discharged of the said Debt of 500*l*. [p. 415.]
- 25 July.
[On the Admiralty report, the petition is granted. Of the papers necessary for passing her husband's accounts all that the petitioner has been able to secure is a book of his writing forwarded to her long after his death by his successor, Captain Butler. In this book disbursements are noted to the amount of 160*l*., and the Admiralty believe] that had he lived to come home, he would have Passed a fair Account for the said Five hundred pounds. [Vol. VI. p. 74.]
- 5 Dec.
[A similar petition for 200*l*. of Elizabeth, widow of Captain Horatio Townsend of H.M.S. *Lynn*, who died at Jamaica of a pestilential fever :—granted on 16 Jan, 1701.]
[Vol. VI. pp. 109 and 127.]
- 25 Jan. Bermuda.
[778.] [The petition of Francis Burghill to be made governor of Bermuda is referred to the Board of Trade.—C.S.P. XIII. 57.] [p. 416.]
- 8 Feb. New England.
[779.] [A memorial from the Admiralty as to naval timber in New England is referred to the Board of Trade.—C.S.P. XIII. 104.] [p. 419.]
- 15 Feb. West Indies.
[780.] [The Council refer to the Admiralty the petition of Philemon Pownoll, late Lieutenant on H.M.S. *Rupert* to be allowed half pay, he being rendered incapable of service at sea by sickness contracted in the West Indies.] [p. 423.]
- 7 March.
[The Admiralty report was read and] nothing done thereon. [p. 434.]
- 22 Feb. New York.
[781.] [Petition against union with New England referred to the Board of Trade.—C.S.P. XIII. 151.] [p. 427.]

350 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700.

- 29 Feb. [782.] [The *Frederick* of New York having been seized
New York. by Sir Paul Ricaut His Majestys Resident at Hamburg in
1698 for illegal trading there, Robert Heysham of London
claimed ship and goods for the owner Frederick Philips of New
York, and consented to the sale of the goods, leaving the money
in the hands of the Resident. The case now depending before
the Court of Delegates, Heysham petitions that Sir Paul
Ricaut pay in to the Court the money received for the goods ;
the petition is referred to the Court of Delegates.] [p. 429.]
- 7 March. [783.] [On a representation from the Board of Trade.—
Virginia. C.S.P. XIII. 199—they are ordered to prepare a letter to
Virginia as to the settlement of French Protestant refugees
in Norfolk County, Virginia.—C.S.P. XIII. 201.] [p. 431.]
- 14 March. [The draft of the letter is approved.—C.S.P. XIII. 226.]
[p. 435.]
- 22 Oct. Whereas it hath been this day Represented to his Majesty
in Council by his Grace the Lord Arch Bishop of Canterbury,
That a further Number of five hundred Vaudois and other
Protestant Refugies in this Kingdome, have humbly Craved
his Majestys Leave to Settle in Norfolk County in Virginia.
[A similar order is made in their favour, and a letter ordered
to be prepared.] [Vol. VI. p. 92.]
- 14 March. [784.] [Order as to boundary between New York and
New York. Connecticut.—C.S.P. XIII. 221.] [p. 435.]
Conn.
- 28 March. [Letters to be written to the Governors—C.S.P. XIII. 270—
enclosing the order of Council—C.S.P. XIII. 268. The report
of 10 Oct. 1684 of the surveyors and commissioners appointed
is quoted in full, as follows :] Wee went to Lyons Point on
the East side of Byram River, and from the Mouth of said
River where it falls into the Sea, Wee measured up said River,
and found it to be One Mile and a half and twenty Rodds,
bearing North, half Easterly, and so came to a great stone
at the Wading Place where the Road Cutts the said River,
thence directed Our Course, North, North West Six Miles
C.R. and a half, and there marked three white Oake Trees as in

the margint, Then directed Our Course West and by North Seven Miles and one hundred and twenty Rodds, which brought us to the Norther-most End of a Reach of Hudsons River, which bears, Wee Judge, South and by West a Quarter Westerly, and North and by East, a Quarter Easterly, which abovesaid Line falls upon the said Reach, about Three Miles above Frederick Philips's upper Mills over against Tapan, And the said River bearing North as to its generall Course upwards, Wee concluded the above mentioned West and by North Line to be the shortest from said Three marked Trees to Hudsons River, And having unanimously concluded that part of the sound from Lyons point Easterly, to bear East North East ; Wee did from said Trees, at Eight Miles Distance, runn a Paralell to the Sound, vizt. East North East, Twelve Miles, and still continued said Twelve Mile Line East North East, One Mile and sixty four Rodds, which then gave us Twenty Miles from Hudsons River, and is Eight Miles North Northwest from the Sound ; Then finding the Oblong of twelve miles East North East, and Eight Miles North, North West, did Diminish, sixty one Thousand four hundred Forty Acres, from the Twenty Miles from Hudson's River, Wee added to the abovesaid Twenty Miles, upon the East North East line, Three hundred and five Rodds more, to run at the additionall Breadth Paralell to Hudsons River, till it meet with the Massachusets Line, which wee deemed One hundred distant Miles from Our Eight Mile Line, which severall Courses, with their Distances, together with Three hundred and five Rodds added, do clearly appear in the Plat by the Surveyors drawn and hereto annexed ; which addition of Three hundred and five Rodds Wee Referr for its Confirmation and Ratification to the Two Governments from whence Wee are Inspired. [pp. 441-3.]

[785.] [Thomas Cotton, Chief Clerk of the Supreme Court, 28 March. and Leonard Compere, Receiver General of Jamaica, having Jamaica. represented that the Act transmitted from Jamaica for patentees to "Execute in their proper Persons," lies with others before the Attorney General, and petitioning that his report

352 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700.

may be made forthwith to the Board of Trade, directions are given accordingly to the Attorney General.] [p. 440.]

WILLIAM III. VOL. VI. (4 April 1700—19 Feb. 1702.)

- 11 April. [786.] [The Council refer to the Board of Trade the
Bahamas. petition of Captain Haskett to be confirmed in the governor-
ship of the Bahamas.—C.S.P. XIII. 308.] [p. 2.]
- 6 June. [A further petition of Captain Haskett is similarly referred.
—C.S.P. XIII. 505.] [p. 47.]
- 13 June. [The report of the Board of Trade is referred to the
Attorney General.—C.S.P. XIII. 540.] [p. 51.]
- 20 June. [The case is referred to the Board of Trade.—C.S.P. XIII.
572.] [p. 57.]
- 27 June. [On their report his appointment is confirmed, and he takes
the oath accordingly.—C.S.P. XIII. 597.] [p. 60.]
- 11 April. [787.] [The Admiralty are ordered to grant the same
pension to Elizabeth, widow of Captain Thomas Urry, late
commander of the *Margate* who died in the West Indies of
wounds received in fight, as would have been granted in
case he had been actually killed in fight at sea in his Majesty's
service.] [p. 3.]
- 11 April. [788.] [The representation of the Board of Trade of
Rhode 8 April as to Rhode Island is referred to the Attorney and
Island. Solicitor General.—C.S.P. XIII. 309.] [p. 3.]
- 18 April. [789.] [The Council refer to the Board of Trade the
Bermuda. petition of Captain George Brock for the Government of
Bermuda.—C.S.P. XIII. 339.] [p. 7.]
- 18 April. [790.] [The Council refer to the Admiralty] the Petition
West Indies. of Edmunder Bugdon, setting forth that being Commander

1700.

of the Ship Jersey in the Year 1696, he, according to Orders from the Lords Commissioners of the Admiralty, brought home the said Ship, from the Leeward Islands ; But five Months after, he was Tryed by a Court Martiall, under pretence of bringing the Ship home, without Orders, and not being then able to produce a Copy of the same in his Justification, was Condemned by the Said Court ; That now he can produce Copies of such Orders, which he conceives do clear him, Wherefore praying to be again Employed in His Majestys service. [p. 7.]

Report from the Admiralty about Captain Bugden Read, nothing done. 2 May. [p. 20.]

[791.] [The Council refer to the Attorney and Solicitor General] the Petition of Alexander Skene Esqr. Relating to His Majestys Grant of the Office of Secretary of the Island of Barbados ; into which office, the Governor and Council of that Island have Refused to admit the Petitioner under pretence of his not being a Naturall Borne subject of England ; And praying to have the Enjoyment of his said Office and the benefit of His Patent. 2 May. Barbados. [p. 20.]

[Their report of 11 May is read and approved, and orders given accordingly.—C.S.P. XIII. 444.] 16 May. [p. 27.] (1701.)

[To the Board of Trade is referred a further petition of Skene, complaining of obstruction made to his enjoyment of the office.] 3 April. [p. 182.] (1701.)

[To the Board of Trade is referred a further petition of Skene, complaining against the Governor of Barbados for refusing to admit him as Secretary of the Island and forcing him to make a deputation to Edmond Bedingfield, who kept from him the greatest and most beneficial part of the said office.] 12 June. [p. 217.]

[792.] [A letter to be written to the plantation governors to seize the *Beckford* galley, commanded by one Ryder, a notorious pirate.—C.S.P. XIII. 415.] 9 May. Piracy. [p. 23.]

354 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700.
20 June. [The draft of the letter is approved.—C.S.P. XIII. 571.] [p. 57.]
- 6 June. [793.] [On the petition of Christopher Codrington, the Admiralty are directed] to provide in the best manner they can, such Accomodation for transporting the Petitioner to his Government of the Leeward Islands as hath been usuall in like Cases. [p. 50.]
Leeward Islands.
- 20 June. [794.] [The Council refer to the Committee for Appeals the petition and appeal of Lewis Johnstowne gentleman against a sentence of the Bermuda Court of Chancery of 5 February] in a Cause there depending, between Thomas Burton Mary his Wife and severall others Complainants in the said Cause, against the Apellant, who was Defendant there, touching Four Messuages and Five Shares of Land in the said Islands heretofore the Estate of Henry Ford, the Petitioners great Uncle, Praying a Reversall of the said Decree, And that a day may be appointed for hearing his Appeale. [p. 56.]
Bermuda.
- 8 July. [The Committee report in favour of reversing the decree in favour of Thomas and Mary Burton, Benjamin and Rebecca Wood, and William and Elizabeth Outerbridge] so as nevertheless, that the said Reversall of the said Decree, be not prejudiciall to the Defendents Proceeding by Writt of Ejectment, for the Tryall of their Title, to the said Lands and Messuages in Question. [p. 70.]
- 18 July. [Order accordingly.] [p. 71.]
(1701.)
- 15 May. [The Council refer to the Committee for Appeals the petition of Lewis Johnstowne for a speedy hearing of his appeal from a decree of the Court of Chancery in Bermuda in February last in favour of Thomas Burton and others regarding the estate of the late Henry Ford.] [p. 203.]
- 29 May. [The Committee recommend the reversal of the Bermuda decree of 24 February, and that the parties be at liberty to proceed at law as if there had been no such judgment] And that if upon a New Tryall at the Court of Assizes in the said Islands

1700.

in the Petitioners Case matter of Law shall Arise, the Jury be Directed to find the matter of Fact Specialy, to the end that upon a True State thereof Justice may be done. [p. 213.]

[Order accordingly.] [p. 218.] 12 June.
(1705.)

[The Council refer to the Committee for Appeals a further petition of Lewis Johnstowne, complaining that the Governor of Bermuda refuses to obey the order of 12 June, 1701.]

[Anne, Vol. III. p. 20.] (1705.)

[The Committee recommend that the petitioner be put into quiet and immediate possession of his estate.] 12 Dec.

[Anne, Vol. III. p. 31.] (1705.)

[Order for the Governor and Council] to take Notice and Yeld Obedience hereunto, by Causing Possession to be Delivered accordingly. 13 Dec.
[Anne, Vol. III. p. 43.]

[795.] [The Council refer to the Committee for Appeals] 20 June.
The Petition of Charles Walker of Bermuda Merchant . . . Bermuda.
Praying his Majestys Order to the Lieutenant Governor of Bermuda to grant him a Probate of the Will of Henry Ford, whereby he gave the Petitioner Five Shares of Land in the said Island with all his personall Estate, in trust for severall of his poor Relations and Servants, And that the Hearing of the Difference between Lewis Johnstown and Thomas Burton and others touching the said Shares of Land may be put off for a year, in which time the Petitioners Right may be tryed.

[p. 56.]

[The Committee report that Walker be allowed to appeal to the new Governor for probate of the will of Henry Ford, but that the determination of Lewis Johnstowne's appeal be not deferred, as its decision can be no bar to his right, if he have any.] 8 July.
[p. 70.]

[Order accordingly.] [p. 71.] 18 July.

[796.] [The Council refer to the Treasury for consideration and report the petition of Andrew Hamilton and Robert West 27 June.
Post Office.]

356 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700. to her Majesty] to grant unto them a further Term of years in the Post Office in North America, after the Expiration of the Terme of 21 years granted by Letters Patents unto Thomas Neale Esqr. deceased, with such additionall Priviledges as are necessary for the Improvement of the said Post. [p. 62.]
- 18 July. [797.] [Plantation Governors to give an account of their Judicial Procedure. methods of procedure in all sorts of causes.—C.S.P. XIII. 651.] [p. 72.]
- 18 July. [798.] [The Council refer to the Committee for Appeals] Carolina. the Petition of Benjamin Niccoll, John Crosse Patrick Walsh, and Giles Been of London merchants, Owners and Freighters of the Cole and Bean Gally and her Cargoe, condemned in the Court of Admiralty in Carolina, under pretence of not having a Register or Certificate in forme, according to a late Act of Parliament; And praying to be admitted to appeal therefrom. [p. 72.]
- 19 Sept. [The Committee report in favour of admitting the appeal, on security being given by the owners.] [pp. 82 & 85.]
- 22 Oct. [Order accordingly. The hearing is fixed for the first Council day in May.] [p. 85.]
- (1701.) 22 May. [A petition of the owners for a speedy hearing is referred to the Committee for Appeals.] [p. 210.]
- (1701.) 31 July. [The Council approve and give orders in accordance with the report of the Committee recommending the reversal of the sentence of condemnation passed in the Carolina Court of Admiralty on 3 Jan. 1700.] [pp. 241-2.]
- 25 July. [799.] [The petition of John Cole of St. Christopher is St. Christopher. referred to the Board of Trade.—C.S.P. XIII. 658.] [p. 74.]
- 11 Sept. [On their report Colonel Codrington is ordered to have (1701.) the matter investigated.—C.S.P. XIII. 773.] [p. 82.]
- 8 May. [Colonel Codrington having reported that, on examination of the complaints against Captain Norton, he had suspended him from being Lieutenant Governor of St. Christopher, the

Council, on the recommendation of the Board of Trade remove Captain Norton from that office and direct Colonel Codrington to appoint a fit person in his place till his Majesty's further pleasure be known.] [p. 201.]

1700.

[To the Board of Trade is referred Norton's petition], complaining of the Proceedings of the Governor of the Leeward Islands against him. [p. 283.]

(1701.)
18 Dec.

[800.] [The Council refer to the Committee for Appeals] the Petition of Richard Alsop, setting forth that having, in the 5th year of His Majestys Reign, obtained a Verdict and Judgement thereupon for an Estate of Houses and Lands in the Province of New Yorke, together with Damages and Costs of Suite, against Audry Vaudall widow ; which said Judgement was afterwards, upon the Appeal of the said Vaudall, confirmed by the Governor and Council of the said Province ; which notwithstanding, the present Governor and Council of New Yorke, have Reversed the said Judgement and the Affirmation thereof ; The Petitioner therefore humbly prays to be Restored to the Premisses. [p. 81.]

5 Sept.
New York.

[The Committee recommend that his petition be admitted on security being given, and that copies of the proceedings be sent from New York under the seal of the province.]

2 Nov.

[p. 95.]

[Order for hearing the appeal on the first Council day in August 1701.]

5 Nov.

[p. 102.]

(1701.)

[The Council refer to the Committee for Appeals Alsop's petition for a hearing, copies of the proceedings having been sent.]

16 Sept.

[p. 258.]

[801.] [The Council refer to the Committee for Appeals] the Petition of Perient Trott, Samuel Trott, and John Trott of Bermudas Gent., Humbly praying that their Appeal from a Decree of the Court of Chancery in the Bermudas of the 4th of March last, for vacating a Verdict and Judgement against Gilbert Nelson Esqr. for Five hundred pounds, for

5 Sept.
Bermuda.

358 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700. denying the Petitioners Father Hamilton Trott Esqr. an habeas Corpus, may be heard, and that the said Decree may be Reversed. [p. 81.]
- 22 Oct. [802.] [Thomas Lawrence is appointed to fill a vacancy in Maryland. the Council of Maryland occasioned by the departure of his father, Sir Thomas Lawrence, from the colony, the Board of Trade reporting that they understand from Colonel Blakiston, the Governor, that it is expedient to keep the number of the Council full, since] by reason of the distance of the Habitations of the Members of his Majestys Council there, He many times finds it difficult to get together a sufficient Quorum of Councillors, when the Publique Service requires their Meeting. [p. 86.]
- 22 Oct. [803.] [The Council refer to the Committee for Appeals Massachusetts. the petition and Appeal of Jonathan Ting of Boston in New England, Executor of Hezekiah Usher late of Boston] from a Judgment given in the Superior Court of Judicature at Boston, for affirming a former Verdict and Judgment in the inferior Court of Common Pleas, against the Petitioner's tenant Wait Wynthorp, for present Possession of a messuage and certain Lands in Boston, to which the Petitioner is intitled, as sole Executor of the said Hezekiah Usher. [p. 86.]
- 5 Nov. [804.] [The petition of Lord Baltimore is referred to the Maryland. Board of Trade.—C.S.P. XIII. 905.] [p. 96.]
- 5 Nov. [805.] [The petition against their proprietors of the East New Jersey. inhabitants of East New Jersey is referred to the Board of Trade.—C.S.P. XIII. 908.] [p. 96.]
- 5 Dec. [806.] [Order as to validity of Acts of the Leeward Leeward Islands. Islands.—C.S.P. XIII. 972.] [p. 107.]
- 5 Dec. [807.] [The Council refer to the Treasury] the Petition of Plantation Trade. Ann Washington Widdow of John Washington late of Virginia, humbly praying to be released from a Bond of one Thousand Pounds dated the 5th of February 1693/4 Entred into by her said Husband, in the Navall Office at Virginia

1700.
 Conditioned that the Lading of a Small Vessell (being 89 Hogsheads of Tobacco) should be delivered at some Port in England, but was falsly Carryed by the Master Nicholas Lawrence into Scotland; Whereby the Bond became forfeited, altho' the Petitioners Husband was not any Way Concerned in Interest therein. [p. 110.]
- [808.] [The Board of Trade are directed to write to the Governor of Barbados as to delays in the Court of Chancery there.—C.S.P. XIII. 975.] 5 Dec. Barbados. [p. 110.]
- [The petition of Isaac Hawkins on behalf of Barbara Newton, making the same complaint, is referred to the Board of Trade.—C.S.P. XIII. 993.] 12 Dec. [p. 115.]
- [A similar petition of Thomas Hodges is similarly referred.—C.S.P. XIII. 1030.] 19 Dec. [p. 119.] (1701.)
- [On a report from the Board of Trade, they are directed to prepare drafts of letters to the Governor.] 13 Feb. [p. 137.] (1702.)
- [The Council refer to the Board of Trade] the Petition of Isaac Hawkins Esqr. one of the Executors of Barbara Newton late of the Island of Barbados Widow, Complaining of the present Constitution of the Court of Chancery and Court of Errors in that Island, and praying His Majesty for the better Administration of Justice there, will give such further Directions therein as shall seem fitt. [p. 291.] 1 Jan. (1702.)
- [On a representation from the Board of Trade dated 12 December] Relating to Complaints of Delays and other Irregularitys in the Administration of Justice in Barbados [they are directed to write to the Governor] Admonishing him to a Constant Care and Watchfullness in this behalfe. [p. 294.] 4 Jan. (1702.)
- [The Council, approving a representation of the Board of Trade of 23 Jan. on the petition of Isaac Hawkins, order that in the draft of Instructions for Mitford Crowe, the new Governor] an Article be Inserted as is proposed in the most 5 Feb. (1702.)

360 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1700-1.

Pressing Manner to Enforce the Directions which have been already given by His Majesty for the Reformation of all Irregularitys in those Courts, and for the due and speedy Administration of Justice. [p. 333]

12 Dec.
Virginia.

[809.] [The Council refer to the Admiralty the petition of Joseph Man for a recompense for his services, he having been sent over by the Governor of Virginia to be an evidence against the pirates sent thence to be tried here.] [p. 113.]

19 Dec.

[On the Admiralty report Man is granted 60*l.* for his services on board the *Shoreham* which captured the pirate ship off the Capes of Virginia ; besides the five months' pay as an able seaman which he and the others sent hither will receive from the Governor of Virginia.] [p. 118.]

(1701.)

18 Dec.

[The Council refer to the Admiralty] the Petition of Samuell Baker, John Jollers, Peter Shaw, and Thomas Lisle, praying some allowance for their Service, at Virginia, on board the Ship *Shoreham*, in the taking of a Pirate Ship. [p. 284.]

19 Dec.
Jamaica.

[810.] [The petition of Robert Chaplin is referred to the Board of Trade.—C.S.P. XIII. 1031.] [p. 119.]

1701.

23 Jan.
Newfound-
land.

[811.] [On the representation of the Board of Trade, the last convoys being now about to sail for Newfoundland, orders are given to the Treasury and Admiralty for sending thither for the company of foot now there :—

For a full and Entire Cloathing, to serve them two Years ; (the Cloathing they have at present, having been sent them last May was Twelvemonth).	}	260 11 6
For Subsistance Money (at 2 <i>d.</i> a day each Soldier, 8 <i>d.</i> each Ser- jant, and 4 <i>d.</i> each Corporall and Drummer) which with what has been already Issued, will support them to the first of May 1702 ; They receiving the rest in Provisions fur- nished them by the Victuallers of the Navy	}	62 9 4
For one Years Allowance for Fire and Candle, and other Con- tingency	}	50 0 0
Making In all		£373 0 10

1701.

The Species and Quantity of the Provisions sent yearly to the Company of Foot in His Majestys Service at Newfoundland.

Hopps	.. .. .	168 Pound.	
Biscuit	.. .. .	14784 Pound.	
Pease	.. .. .	66 B: one Gallon—In Cask.	
Oatmeal	.. .. .	99 B: one Gallon.	
Flower	.. .. .	2115 Pound.	
Beef	.. .. .	1410 Peices	} In Cask all Iron Bound.
Pork	.. .. .	2115 Peices	
Suett	.. .. .	352 Pound—In Do.	
Butter	.. .. .	793 Pound.	
Cheese	.. .. .	In Cask 1586 Pound.	
Malt	.. .. .	56 Quarters—In Iron Bound Cask.	

[pp. 130-1.]

[812.] [The Council approve, and give orders in accordance with, the following representation from the Board of Trade]:—
Wee humbly begg leave to lay before Your Majesty some Considerations relating to the settlement of your Majestys Revenue in Jamaica.

23 Jan.
Jamaica.

An Act having been past in the Generall Assembly of that Island, for raising a Publick Revenue for the support of the Government thereof, the same was Confirmed by His late Majesty King Charles the Second, together with severall other Laws for the Good of that Island, to Continue in force for 21 Years, from the first of November 1683, and will accordingly expire, the first of November 1704.

In the Year 1688, an Act of Assembly was past there, by the Duke of Albemarle to the same Effect, for Raising a Publick Revenue to the King His Heirs and Successors, without any Limitation of time. [But owing to various disputes, no determination has been come to, and the Assembly have shewn an averseness to the perpetuating of the revenue and given many intimations of their design to keep it precarious; it is therefore recommended that a letter be written to the Governor, to be communicated to the Council and Assembly, to the effect that one year longer be allowed them to present a fitting Act for settling the revenue, whereupon the other Acts temporarily sanctioned with the 21 Years Revenue Act will also be confirmed; but failing the passing of a suitable permanent Revenue Act, His Majesty will be obliged to confirm the Act of 1688.]

[pp. 131-3.]

362 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.
 22 May. [The draft of a letter to the Governor is approved (P.R.)].
 (1702.) [p. 210.]
- 10 Dec. [Order is given in accordance with a representation of the Lords of Trade that] the Governor not being yett dispatched, We look upon that time as too Short, and Offer Our Opinion to Your Lordship that in the Instructions now to be given to the Earl of Peterborough the time may be Prolongued untill October next. [Anne, Vol. I. p. 261.]
- 23 Jan. [813.] A Representation from the Commissioners of Trade
 New and Plantations on the petition of John Crown Esqr. Read, England. ordered to be given to Mr. Secretary Vernon. [p. 133.]
- 13 Feb. [814.] [Vpon consideration of a representation from the
 Maryland. Board of Trade] relating to an Act passed in the Generall Assembly of Maryland the 26th of Aprill last, For the Service of Almighty God and Establishment of Religion in that Province according to the Church of England, wherein are conteyned severall Matters and Clauses, besides those mentioned in the Representation, which are lyable to materiall Exceptions ; It is Ordered [that the Board of Trade] do present to his Majesty a new Bill . . . Inserting therein such proper Alterations, as are agreeable to the Toleration allowed here, with a Clause for Repealing the Act now in force, upon passing the New Bill in the Generall Assembly of the said Province, which is to be done immediately in the next Generall Assembly, if it arrives there while they are setting, Otherwise . . . before Christmas next ; And in the mean time, the present Act is to subsist, and continue in force, but not to be put too rigorously in execution. [Instructions to this effect are to be sent to the Governor along with the new bill.] [p. 136.]
- 22 May. [Order for hearing on 5 June counsel for certain Quakers petitioning on behalf of their friends in Maryland against the proposed Act.] [p. 211.]
- 5 June. [On hearing counsel for the Quakers and also the reasons offered in favour of the bill, it is ordered that the draft of the

1701.

bill be transmitted to the Governor and Council of Maryland to be offered to the General Assembly at the first session after receipt thereof.] [p. 215.]

[815.] [His Majesty having approved a representation of the Board of Trade of 4 Dec. 1699 that a Chief Justice and an Attorney General for New York should be appointed with powers to act respectively as Judge of the Admiralty and Advocate General (with particular regard to pirates and illegal traders) in the neighbouring colonies as well as in New York, and having appointed William Attwood and Sampson Shelton Broughton to the said offices, further commissions are granted to them, on the representation of the Board of Trade, to act for the purposes mentioned as Judge of the Admiralty and as Advocate General in Massachusetts, New Hampshire, Rhode Island, Connecticut, and the Jerseys as well as in New York.] 6 March.
New York.
[pp. 166-7.]

[816.] [The Council refer to the Committee for Appeals the petition of James Cowes and his wife Elizabeth complaining of proceedings in the Courts of Barbados and the refusal to allow an appeal to his Majesty, in their case against William Sharpe for 5512*l.* 10*s.* decreed to Elizabeth Cowes by the Court of Chancery in England out of the estate of her father, the late Colonel William Sharpe of Barbados.] 6 March.
Barbados.
[p. 167.]

[The Committee recommend that the appeal be admitted, and heard the first Council day in November next.] 9 April.
[p. 183.]

[Order accordingly, Mr. Cowes and Mr. Melalial Holder entering into bond of 500*l.* on 1 May to prosecute the appeal.] 10 April.
[p. 187.]

[The Council refer to the Committee for Appeals a further petition of James and Elizabeth Cowes for liberty to appeal (and to be heard at the same time as already ordered) against a decree of the Court of Chancery of 28 April 1693 to the prejudice of Elizabeth Cowes then under age and destitute of counsel, friends and money.] 24 April.
[p. 191.]

364 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.
30 April. [On the report of the Committee that no appeal from this sentence was made within fourteen days, as by law provided, and that it would be of ill consequence to allow appeals after so long a time, this appeal is dismissed.] [p. 195.]
- 28 June. [A further petition of James and Elizabeth Cowes, John Farmer, Humphry Waterman, William Rawlin, John Pilgrim, and John Holder that their first appeal be heard at the next sitting of the Committee, the Governor having before the order of 10 April admitted the appeal and certified all the proceedings, is referred to the Committee.] [p. 227.]
- 9 July. [The Committee fix the hearing for the 23rd instant.] [p. 231.]
- 31 July. [The Council approve, and give orders in accordance with the report of the Committee], that the Order or Decree made in the Court of Chancery in Barbados the 6th day of November 1700, Dismissing the Appellants said Bill, upon the Defendants Plea in Bar, be Reversed by Their Excellencys and all Issues thereupon Declared Null and Void ; And that the Courts in Barbados be left at Liberty to Examine the whole merits of the Cause without being bound by the Decree made in the High Court of Chancery here in England, And that the Decree made in the Court of Chancery in Barbados the 28th day of April 1693, In favour of the said Defendant William Sharpe be also Declared Null and Void by their Excellencys, so far forth as the same relates to Elizabeth Sharpe one of the Defendants therein mentioned, now Elizabeth Cowse one of the Appellants. [pp. 240-1.]
- (1702.)
19 Feb. [On the petition of James Cowes and others, they are permitted to amend their said bill so as to make the same conformable to the Order of 31 July, 1701.] [p. 355.]
- (1704.)
23 Feb. [The Council refer to the Board of Trade the petition of James Cowes of Barbados and his wife Elizabeth praying an order to the Governor and Council of Barbados to compel William and John Sharpe to put in an answer without further

1701.

delay to the petitioners' bill filed in the Chancery Court there for the recovery of the portion assigned to Elizabeth by her father William Sharpe and detained from her by his sons, the defendants.]

[Anne, Vol. II. p. 61.] (1704.)

[On their report on the petition, in which the delay is ascribed to the influence of William Sharpe the younger, who is a member of the Council and a Chancery Judge in Barbados, the desired letter is ordered to be prepared by one of the Secretaries of State.]

[Anne, Vol. II. p. 77.] (1704.)

[A petition of William Sharpe and his wife Barbara relating to the proceedings both here and in Barbados, is referred to the Board of Trade.]

[Anne, Vol. II. p. 90.] (1704.)

[The Council refer to the Committee for Appeals the petition of James and Elizabeth Cowes for a hearing of their appeal from a decree of the Barbados Chancery of 17 May dismissing their bill.]

[Anne, Vol. II. p. 173.] (1704.)

[The Committee recommend that the decree be reversed and the defendants obliged to answer the appellants' bill, and that the decree of April 1693 in favour of Wm. Sharpe be annulled so far as it relates to Elizabeth Cowes.]

[Anne, Vol. II. p. 207.] (1704.)

[Order accordingly.] [Anne, Vol. II. p. 219.] 14 Dec.

[817.] [A representation from the Board of Trade on a petition from the Agents of Barbados and others concerned there for applying the $4\frac{1}{2}$ per cent. duty to uses therein mentioned was read but nothing done thereon.] [p. 174.] 20 March. Barbados.

[818.] [The Council refer to the Board of Trade the petition of Samuel Allen proprietor of New Hampshire that his appeal be admitted from a verdict in favour of Richard Waldron given in the Superior Court of Judicature in New Hampshire on 13 August last.] [p. 174.] 20 March. New Hampshire.

[On a representation from the Board of Trade, the appeal, which relates to certain quit rents of land, is granted, and ordered to be heard on the first Council day in December.] [p. 191.] 24 April.

366 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.
20 Nov. [The Council refer to the Committee for Appeals Allen's petition for a further day, since by reason of a miscarriage of the Order of 24 April in the sending of it to New Hampshire,] the Petitioner cannot Summon the Partys Concerned against the said day. [p. 275.]
- 18 Dec. [On the report of the Committee for Appeals, Allen is granted further time to prosecute his appeal until the first council day in August next, security of 500*l.* for his then prosecuting the appeal and abiding by the determination of the Council being given. On 26 Dec. this is given by John Usher and Whitfield Hayter.] [p. 285.]
- (1702.)
9 July. [The petition of Richard Waldron and others for a further delay was referred to the Committee for Appeals.] [Anne, Vol. I. p. 177.]
- (1702.)
23 July. [On a petition of Samuel Allen, representing the consent of the solicitors of both parties that the case be heard on the first Council day in October, it is referred to the Committee for Appeals to be heard on that date.] [p. 185.]
- (1702.)
17 Dec. [In accordance with a report from the Committee for Appeals, it is ordered] that the said Judgement be Affirmed, But in regard the said Judgement is not finall in its Nature that the Appellant be left at Liberty to bring a New Action in Ejectment in the Courts in New Hampshire in Order to trye his Title to the Propriety of the Lands in Question, or certaine Quitt Rents, payable out of the same, and that in Case upon such Tryall any Doubt in Law shall arrise the Jury be Directed to find the matter Specially, that is what Title the Appellant and Defendant do severally make out to the said Lands in Question, and that the Point in Law be reserved to the Court before whom the same shall be Tried, or if upon such Tryall any Doubt shall arrise concerning the Evidence given at such Tryall such Doubts are to be Specially Stated and taken in Writing, To the end that in Case either Party shall think fitt to Appeal to Her Majesty

ACTS OF THE PRIVY COUNCIL (COLONIAL). 367

1701.
in Council from the Judgement of the Court therein, Her Majesty may be more fully Informed in Order to a finall Determination of the said Case. [pp. 269-70.] (1705.)
11 Oct.
- [The Council refer to the Board of Trade the petition of Thomas Allen that the appeal of his father Samuel Allen to the Governor and Council of New Hampshire against a verdict of the Superior Court there in favour of Richard Waldron, defendat to an Ejectment at Law brought by Samuel Allen in a dispute as to lands there, be revived in the petitioner's name, it having been abated by the death of his father.]
[Anne, Vol. III. p. 5.] (1706.)
16 May.
- [The petition is granted, and the jury ordered to find the matter specially as to the titles made out by the parties and to state specially any doubts concerning the evidence taken, for the information of the Council in case either party shall appeal to her Majesty.] [III. p. 199.] (1708.)
26 June.
- [Reference to Committee for Appeals of Allen's petition that a day be appointed for hearing his appeal.] [IV. p. 119.] (1708.)
20 Dec.
- [Committee minute for dismissal of Allen's appeal and affirmation of the judgments of 15 April and 12 Aug. 1707.] [p. 221.] (1708.)
[p. 227.] 30 Dec.
- [Order accordingly.]
- [819.] [On the petition of Nicholas Gillibrand, he is recommended to the Admiralty for employment in the Navy for his services in the seizure of King the pirate at Cape Mountserade on the Guinea Coast in 1699.] [p. 175.] 20 March.
Piracy.
- [820.] Representation from the Council of Trade, relating to the Governments under Proprietors and Charters Read. [p. 183.] 3 April.
Proprietary Colonies.
- [821.] [The Council refer to the Treasury the petition of Lieutenant Daniel Hunt for examination of his services in the plantations and an allowance for the same] and particularly for bringing over Captain Kidds Treasure. [p. 193.] 24 April.
West Indies.
- [822.] [The Council refer to the Board of Trade the petition of William Partridge Lieutenant Governor of New Hampshire 24 April.
New Hampshire.]

368 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.
for leave of absence from his province for a short time in order to the settling of his affairs in this kingdom.] [p. 193.]
- 30 April. [Leave granted on their recommendation.] [p. 196.]
- 30 April. [823.] [In an order for the sale of decayed naval stores New England. mention is made of "Wreckt Timber and Cordage sent from New England" but so inconsiderable as not to be worth the cost of transport from Cornwall to Plymouth.] [p. 196.]
- 30 April. [824.] [Upon a representation of the Board of Trade Plantation to presents to Governors of Plantations] nothing done. [p. 197.]
Governors.
- 8 May. [825.] [The Council refer to the Board of Trade the petition Virginia. of William Byrd for the office of Secretary of Virginia vacant by the death of Mr. Wormley.] [p. 200.]
- 5 June. [A similar petition of William Spencer is similarly referred.]
(1702.) [p. 214.]
- 1 Jan. [On a representation from the Board of Trade on Edmund Virginia. Jennings' petition, Jennings is appointed Secretary of Virginia in the place of Ralph Wormley deceased, and obliged to reside in the town of Williamsburg during his tenure of the office.] [p. 291.]
- 5 June. [826.] [An estimate of 2895*l.* 9*s.* 8*d.* for brass mortar Jamaica. pieces, iron ordnance and other stores for Jamaica is approved, and the stores ordered to be despatched from the Ordnance Office by the first opportunity.] [p. 215.]
- 31 July. [A representation from the Board of Trade is referred to the Ordnance to consider what is therein proposed as to field pieces and other stores of war to be sent to Jamaica.] [p. 237.]
- 12 June. [827.] [To the Admiralty is referred the petition] of Dorothy West Indies. Searle Widdow of the late Captain Henry Searle, Praying a Pension in consideration of the Losse of her said Husband and Two Brothers in his Majestys Service, Carey Meese Captain of a Troop of Horse in Ireland, and George Meese Rere Admirall in the West Indies. [p. 216.]
- 28 June. [On the Admiralty report, she is granted the same pension as if her husband had been killed in fight at sea.] [p. 225.]

[828.] [Sir Thomas Lawrence is appointed Secretary of Maryland, the Board of Trade representing that he formerly behaved very well in that employment and promises to reside there and execute the office in person.] [p. 218.]

1701.
12 June.
Maryland.

[829.] [On reading a report from the Board of Trade upon the several petitions of Lieutenants George Wingfield and Henry Harris for the Government of St. Christopher, it is ordered that Colonel Codrington be informed of the applications made and desired to return an account of the state of the island and to recommend a fit person for the government.] In the mean time, His Majesty is pleased to leave it to him to take such Methods for the governing and securing that Island, as he shall judge most proper. [p. 220.]

19 June.
St.
Christopher.

[830.] [His Majesty approves the drafts of commissions for Colonel Joseph Dudley to be Governor of New Hampshire and Massachusetts. Order is also given on the recommendation of the Board of Trade for the issue to him of a Vice Admiralty Commission for these colonies, Rhode Island and the Narragansett County or King's Province. The Admiralty are directed to make provision for the Governor's passage as usual, and the Ordnance are to supply him with fifty barrels of powder to be sent by the first conveyance to answer a present exigency reported by Mr. Stoughton, Lieutenant Governor of Massachusetts, but this is not to be drawn into precedent,] His Majesty expecting, that for the future the said Colony do provide for their Security, at their own Expence. [pp. 222-3.]

28 June.
New
Hampshire.
Massachu-
setts.

[His Majesty approves the draft of a commission for Lord Cornbury as Governor of New York with a clause for determining the commission of Captain John Nanfan, the Lieutenant Governor, and another empowering the Governor to command the militia of the Jerseys and of Connecticut, since, though the latter was comprised in Lord Bellomont's commission as Governor of New England, not of New York, it is now deemed more convenient that it should be in the hands of the Governor of New York.

370 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.

On the recommendation of the Board of Trade, it is ordered that in consideration of the great expences of the colony for several years in its defence, there be sent thither with Lord Cornbury, 100 light muskets, 50 barrels of powder with ball proportionable, 6000 flints, 100 "Granado Shells," and 6 drums with drum cords proportionable. The Ordnance are also to] direct Colonel Romer, who has been Employed about the Forts and Fortifications necessary for the Security of the said Province to Inform the Lord Cornbury in all things relating thereunto, [and so to remain there as long as his Lordship shall find requisite.

Order is given for the issue of a commission to Lord Cornbury to be Vice Admiral of New York, Connecticut, and the Jerseys : and provision is to be made by the Admiralty for his passage.] [pp. 223-4.]

28 June.
Nevis.

[831.] [The Council refer to the Attorney General the petition of Daniel Collet, a French Protestant refugee, who had been made a free denizen of the kingdom and not rightly understanding the purpose of the letters patents, after making two voyages unmolested, made a third to Nevis as master of the *Adventure*. The ship being seized there for breach of the Navigation Acts, he was forced to find security for 577*l.*, the value of the ship, and allowed 15 months to prove himself legally qualified to be master thereof.] [p. 228.]

31 July.
Bahamas.

[832.] [The Council refer to the Board of Trade a letter from the Admiralty to Mr. Secretary Vernon with five papers relating to proceedings in the Bahamas about the Vice Admiralty Jurisdiction there.] [p. 236.]

31 July.
Bermuda.

[833.] [To the Board of Trade is referred an extract of a letter from Mr. Bennett, Lieutenant Governor of Bermuda, of 9 June, proposing that stores of war be sent thither and giving an account of the fortifications and munitions now there.] [p. 237.]

21 Aug.

[The Council approve an estimate from the Ordnance of 3579*l.* 0*s.* 4*d.* for the stores desired, and give orders for furnishing and transporting them.] [p. 248.]

1701.
31 July.

[834.] [On a representation by the Admiralty of the Inconvenience by Merchant Ships wearing the King's Collours in and among the Plantations abroad, under Collour of Commissions from the Governors of the said Plantations and Proposing other Colours to be worne by the said Ships to distinguish them from Private Ships, [the Council approve of the suggestion and give orders to the Admiralty and to the Governors of Plantations accordingly. A further Admiralty report gives details: no other Jack is to be worn by ships commissioned by Governors of Plantations than that worn by his Majesty's ships], with the distinction of a White Escutcheon in the Middle thereof, and that the said Marke of Distinction may extend itselke to one halfe of the Depth of the Jack, and one Third part of the Fly thereof, [according to a sample annexed in the margin]. [p. 238.]

[835.] [On considering a representation from the Board of Trade on a memorial from Brigadier Selwyn, the Lords Justices in Council give orders to the Ordnance] to send an Engineer and Sub-Engineer with two Armourers or Gunsmiths with the said Brigadier Selwyn to Jamaica and that such of the said Stores as are mentioned in the Schedule hereunto annexed as can be Immediately furnished be forthwith Delivered out and put on Board such of His Majestys Ships as are bound to that Island and that the rest be gott ready and sent by the first Opportunity, and the said Brigadier Selwin is to have Notice that none of the said Armes or Stores are to be Delivered out, but upon very necessary Occasions, unless the Assembly of that Island take Care for the Reimbursing the Cost of the same.

12 Aug.
Jamaica.

1000 Musketts,	300 Wheelbarrows.
200 Carbines.	100 Handbarrows.
1200 Cartouch boxes.	800 Spades.
200 pair of Pistolls	500 Shovells.
with Flints and Powder and Ball	500 Pickaxes.
proportionable.	100 Felling Axes.
also 600 French Tents.	100 Hand hatchetts
100 Horse Tents, and	And Nails for Platforms for 50 Peices.
100 Barrells of Powder besides.	

[pp. 244-5.]

1701.

21 Aug.

[It is ordered] That Six Brass Minions and Six Falcons, with Carriages, Harness, Ammunition and whatsoever else the Principal Officers of the Ordnance shall think necessary for such a Train be forthwith provided and sent for His Majestys Service to the Island of Jamaica and an Estimate thereof returned to this Board, As also that One Master Gunner and two Mates, one able Mason and two Mates for building Fortifications, one Master Carpenter and two Mates, one Master Smith and Mate with their necessary Tools, And the Ingredients for fixing of Bombs, Carcasses and hand Granados mentioned in the Annexed Estimate from the Board of Ordnance be likewise Provided and sent thither. [These ingredients are to be entrusted to Mr. Bell, one of the engineers going to Jamaica and not to be delivered out by him without order in writing from the Governor. The master gunner and his mates are to instruct the inhabitants in the art of gunnery. Stores are not to be issued save upon absolute necessity, unless the Assembly reimburse the Ordnance Office the costs of the same—which the Governor is to endeavour to induce the Assembly to do. The stores are to be furnished and sent with all expedition.]

		<i>l. s. d.</i>
Pitch	2 Barls. pd. 6 Cwt. at 15s. per C.	4 10 00
Tar	1 Barrll. att 26s. per Barell ..	1 06 04
Saltpetre double refined	300lb. at 18d. per lb.	22 10 00
Brimstone.....	150lb. att 3d. per lb.	1 17 06
Rozin	100lb. att 6d. per lb.	2 10 00
Wax	100lb. att 15d. per lb.....	6 05 00
Antimony	5lb. att 6d. per lb.	0 02 06
Linseed Oile	4 Galls. att 4s. per Gallon....	0 16 00
Turpentine	4 Galls. att 11s. 3d. per Gall...	2 05 00
Spirit of Wine	2 Galls. att 11s. per Gall.....	1 02 00
Camphire	4lb. at 6s. per lb.....	1 04 00
Cottonwick	60lb. att 2s. 9d. per lb.....	8 05 00
Saile Cloth	150 yds. att 18d. per yd.	11 05 00
Hambro Lines	5 pces. att 20d. per pce.	0 08 04
Packthread.....	50lb. att 8d. per lb.....	1 13 04
Glew	30lb. att 8d. per lb.	1 00 00
Cartridge Paper	3 Rhs. att 19s. per Rhe.....	2 17 00
fine Sives	4 att 4s. each	0 16 00
Iron pots 3 galls. each	2 att 8s. each	0 16 00
Brass Kettle of 2 Galls .....	.....	0 10 00
Brass Glew pott .....	.....	0 04 00
Furs for Handgranado's	1200 att 5s. 6d. per C.....	3 06 00

75 08 08

Package freight to Portsm ^o and other incident Charges.....	<i>l. s. d.</i> 5 00 00
	80 08 08

[*pp.* 249-251.]

[As the Ordnance represent] that they have but three Falcons and no Minions, and therefore propose the sending of Twelve three pounders which they conceive may be as proper for the service, and that they must Wait for further Directions whether One Hundred Rounds or more of Powder and Ball will be Sufficient, [orders are given for sending to Jamaica 12 three-pounders and 100 rounds of powder and ball]. [*p.* 252.] 4 Sept.

[The Admiralty representing that the ships at Plymouth have loaded as much of the stores for Jamaica as they can conveniently stow and that there is no frigate going to Bermuda, it is ordered, on their recommendation, that such of the stores ordered as cannot be sent on ships of war now bound for Jamaica or Bermuda], be sent thither in Merchant Ships, to be provided at the Expence of the Office of the Ordnance, with all Convenient speed. [*p.* 252.]

An Estimate of the Charge of the Ordnance &c. for a Traine and Tools for Artificers to be sent to His Majestys Island of Jamaica with the Annuall Pay of Gunners and the said Artificers to be sent there also.

		<i>l. s. d.</i>
Brass Ordnance mounted on Travl. Carriages compt.	} 3 Pounders 12	{ Ordnance 720 0 0
		{ Carriages..... 216 0 0
Spare Travellg. Carriages Compt. ...	} 3 Pounders..... 2 att 18l. Each.....	36 0 0
Spare Fore wheels for Ditto	} 3 Pounders..... 2 pr. att 9l. each pr.	18 0 0
Spare hand wheels for Ditto.....	} 3 Pounders 3 pr.att 9l. each per pr.	27 0 0
	Guin furnished ... 1.....	8 0 0
	Sling Cart 1.....	20 0 0
Spare Extree for do.	3 Pounders 3 at 10s. Each.....	1 10 0
Round Shott	3 Pounders..... 1200 pois. 32T. 16lb.	
	at 12s. per C....	19 5 8½
Sadles and Sponges	3 Pounders..... 12 Sa. 12 Sp.	8 14 0

374 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.

			<i>l. s. d.</i>
Tinn Cases filld with } Musqt. Shott ... }	3 Pounders.....	240 at 8 <i>d.</i> Each....	8 0 0
Cases of Wood	3 Pounders.....	24 at 14 <i>d.</i> Ea.....	1 8 0
	Funnells of Plate .	6 att 3 <i>s.</i> Ea.....	0 18 0
	Hatchetts	12 att 3 <i>s.</i> Ea.....	1 16 0
	Sheet Lead	1 Cwt.	0 14 0
	Aprons of Lead ..	12 att 8 <i>d.</i> Each....	0 8 0
	Crows of Iron ...	12 att 10 <i>s.</i> Ea.....	6 0 0
	Linch pins	18 pr. at 8 <i>d.</i> per pair	0 12 0
	Spikes	200 at 3 <i>d.</i> Ea.....	2 10 0
	Forelockeys	24 pr. at 1½ <i>d.</i> per Pr..	0 3 0
	Feild Beds	12 at 2 <i>s.</i> 6 <i>d.</i> Each..	1 10 0
	Ditto Coines	36 at 9 <i>d.</i> Each.....	1 7 0
	Feild Tampeons ..	12 small at 9 <i>d.</i> Ea..	0 9 0
	Formers Small ...	4 att 6 <i>d.</i> Each.....	0 2 0
	Budge Barls.....	12 att 2 <i>s.</i> 4 <i>d.</i> Each..	1 10 0
	Basketts	20 at 6 <i>d.</i> Ea.....	0 10 0
	Barras	30 Ells at 8 <i>d.</i> per Ell	1 0 0
	Paper Royall	2 Rh at 19 <i>s.</i> 6 <i>d.</i> per Rh	1 19 0
	Oyl	2 Galls at 6 <i>s.</i> 3 <i>d.</i> ...	0 12 6
	Starch	6lb. at 5 <i>d.</i> per lb....	0 2 6
	Needles	6 Dozn.....	0 0 8
	Thread	6lb. at 2 <i>s.</i> 6 <i>d.</i>	0 15 0
		{ Ordinary.....	5 at 20 <i>d.</i> each.....
Lanterns.....		{ Tinn	3 at 4 <i>s.</i> Ea.....
		{ Dark	2 at 2 <i>s.</i> 9 <i>d.</i> Ea.....
Muscovia Lights ..	Ordinary	2 at 7 <i>s.</i> Ea.....	0 14 0
	Wad Hookes	12 at 21 <i>d.</i> Ea.....	1 1 0
	Hand Crow Leavrs.	24 at 20 <i>d.</i> Ea.....	2 0 0
	Powder Hornes ..	18 at 8 <i>d.</i> Each.....	0 12 0
	Priming Irons ...	12 at 2½ <i>d.</i> Each....	0 2 6
	Linstocks with		
	Cakes.....	12 at 2 <i>s.</i> 6 <i>d.</i> Each..	1 10 0
	Marlin	12lb. at 6 <i>d.</i> per lb..	0 6 0
	Twine	6lb. at 6 <i>d.</i> per lb....	0 4 0
	Wire	3lb. at 12 <i>d.</i> per lb..	0 3 0
	Hand Screws	2 at 24 <i>s.</i> 6 <i>d.</i> Ea....	4 5 0
	Claw Hamers.....	12 at 20 <i>d.</i> Ea.....	1 0 0
	Pincers	12 pr. at 2 <i>s.</i> per pr.	1 4 0
	Brass Scale with		
	Iron Beam with	{ 2 pr. at 3 <i>l.</i> Ea. ..	6 0 0
	Weights of 8 <i>l.</i> Pile		
	Great Melt Ladles	2 at 3 <i>s.</i> Ea.....	0 6 0
	Small Ditto	4 at 5½ <i>d.</i> Ea.....	0 1 10
		{ 40 <i>d.</i>	200.....
		{ 30	200.....
		{ 20	400.....
		{ 10	500.....
		{ 6	1000.....
		{ 2	1000.....
Nailes			0 6 8
			0 5 0
			0 6 8
			0 4 2
			0 5 0
			0 1 8

White Rope.....	{ 2½ Ins. 1 Co. } per 2C. at 48s.	l. s. d.	
	{ 1½ Ins. 1 Co. } per C.	4 16 0	
Sheepskins	1 doz.	1 2 6	
Tanned Hydes ...	4 at 18s. Each.....	3 12 0	
Tallow	½ Hundred weight...	1 3 0	
Tarr	2 Barl. at 27s.....	2 14 0	
Candles	50lb. at 6d.....	1 5 0	
Bushell Bags	300 at 20d.	25 0 0	
½ Bushell Ditto ..	400 at 10d.	16 13 4	
Felling Axes	25 at 2s. 6d.....	4 7 6	
Leather Bucketts..	8 at 3s. 4d.....	1 6 8	
Hatchetts helv'd..	200 at 3d.....	30 0 0	
Close Tumbrills ..	12 at 10l.....	120 0 0	
Ditto open	6 at 8l.....	48 0 0	
Clouts	4 doz. at 6s. per doz.	1 4 0	
Clout Nails.....	2000 at 8d. per 100..	0 13 4	
Washers	4 doz. at 8s. per doz.	1 12 0	
Tarpawling for the	} 12 at 18d. Each ..	0 18 0	
Lockers			
Corne Powder	27 Barl. at 3l. 10s...	94 10 0	
Match	3 Cwt. at 30s. per C	4 10 0	
Harness for Horse	{ Thrill Harness ... 30	} at 25s. 6d.....	114 15 0
	{ Ditto Trace 60		
	{ Fore Horse Halters 30		
	{ Bitt Halters..... 30		
	{ Hemp Halters ... 90		
Mens Harness	at 15 to a Sett .. 12 Setts at 4l. 17s. 6d.	22 10 0	
Brass Kettles with			
Covers	12.....	5 2 0	
Iron in Bars	2 C. } at 18l. per tn..	2 14 0	
Ditto in Rods ...	1 C. }		
Handsaws	4 at 5s. Each	1 0 0	
Grindstone	1	1 5 0	
Bare Hydes	2 at 7l. 10s. Ea....	15 0 0	
Tilts of Wadmil	4 at 1l. 10s. Ea....	6 0 0	
		<hr/>	
		1660 14 0½	
	Insident Charges in Packing and Shipping		
	the same, Freight being to be provided		
	by the Admiralty	50 0 0	
Charge of Tools for	{ 3 Masons	15 9 0	
	{ 3 Carpenters	16 8 10	
	{ 2 Smiths	49 1 6	
	{ 2 Armourers	25 13 5	
		<hr/>	
		106 12 9	
		<hr/>	
		1817 6 9½	

376 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
Annuall Pay of the Gunners and Artificers	1 Master Gunner/.....	91	5	0
	2 Mates /.....	109	10	0
	1 Master Mason.....	91	5	0
	2 Mates /.....	109	10	0
	1 Master Carpenter.....	91	5	0
	2 Mates.....	109	10	0
	1 Master Smith	73	0	0
1 Mate	54	15	0	
		730		0 0

[pp. 253-5.]

21 Aug. [836.] [On a report from the Admiralty upon a memorial
Pracy. of the Royal African Company, order for the Royal African
Company to send to England an exact inventory of pirates' goods
seized by them, and to sell perishable goods, and transmit
the proceeds to England with an inventory.] [p. 247.]

21 Aug. [837.] [The Council refer to the Committee for Appeals]
Barbados. the Petition of Thomas Symcocks, Merchant owner of the Ship
Rebecca and her Cargo arrived at Barbados, where before she
broke Bulk, she was Seized and Condemned under pretence
of not having a Register according to an Act of Parliament,
for preventing frauds and regulating abuses in the Plantation
Trade; Wherefore humbly praying to be admitted to Appeal
from the Sentence of Condemnation in Barbados. [p. 249.]

11 Sept. [At the Committee for Appeals.] Report on the Petition
of Thomas Symcocks, owner of the Ship Rebecca, That the
Appeal be admitted, the Report is Entred underneath.
[p. 256.]

16 Sept. [The Council approve the report of the Committee in favour
of admitting the appeal. The *Rebecca* was sent with provisions
from Galway to Barbados, ship and cargo being valued at
1500*l.*, seized at Barbados for breach of an Act of which both
the owner and the Customs Officers at Galway were] wholly
Ignorant not having had any Notice thereof from the Com-
missioners of the Revenue in Ireland, [and] Condemned in
the Court of Admiralty in Barbados, for want of such a Register,
Notwithstanding she had the usuall Passport from the Mayor

1701.

of the Towne, Certifying that she was English Built and belonged to His Majestys Subjects, and altho the Master of the said Ship had by His Petition to the Governor prayed that he might be permitted to Depart the Island without Breaking Bulk, or to Trade there, giving Security to procure a Register in Convenient time. [On security being given, the Council agree to hear the appeal the first Council day in June.]

Memorandum. That the said Thomas Symcocks and Daniel Alford of London Merchants did enter into Bond of Five hundred Pounds, to prosecute the Appeal according to the above Order, the 24th day of September, 1701. [p. 256.]

(1703.)
27 May.

[The Committee for the Affairs of Jersey and Guernsey remit a petition of Symcocks to the Board of Trade desiring their Lordships to speak with Lord Grey and return their opinion. Symcocks' appeal against the seizure of the *Rebecca* in Barbados had been depending before the Committee for twelve months until answers should be received to letters written by the Board of Trade to colonial Governors at the desire of the Committee to determine a question which had arisen as to the authority by which Admiralty Courts in the plantations are constituted. The only reply yet received was from the Governor of the Leeward Islands, but Lord Grey, who was Governor of Barbados at the time of the seizure, was now in England, and Symcocks petitioned that he be summoned to answer to this point and that the case be heard.] [p. 395.]

[838.] [The Council refer to the Committee for Appeals the petition of Anthony Monteyro and others owners of the *Experience and Susanna* and cargo condemned in the Antigua Court of Admiralty on her arrival there from Boston in New England, under pretence that the master and three fourths of the crew were not English, whereas the petitioners maintain that they were duly qualified under the Navigation Acts.] [p. 257.]

16 Sept.
Antigua.

[839.] [The Council refer to the Committee for Appeals the petition of Samuel Barron, owner of the *America*, seized

16 Sept.
Leeward
Islands.

378 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1701. in March 1701 at Antigua by Colonel Codrington, complaining of Governor Codrington's reversal of the sentence of the Leeward Islands Court of Admiralty in favour of the ship. Barron] had Appealed to the High Court of Admiralty here in England, But is since Advised and accordingly doth humbly pray leave to Appeal to His Majesty in Council from the said Sentence. [p. 258.]
- 18 Dec. [On the report of the Committee for Appeals the Council reverse the sentence of condemnation given by Colonel Codrington on 18 March against the *America* and order that she and her cargo be restored to the owner.] [p. 286.]
- (1702.)
30 Oct. [The complaint of Barron or Barons that Colonel Codrington still refuses to restore the *America*, is referred to the Committee for Appeals, who are to be attended by the petitioner or his agents at 6 on Monday at Whitehall.] [Anne, Vol. I. p. 230.]
- (1702.)
17 Dec. [On the Committee's report it is ordered that] Colonel Codrington do forthwith and without further delay give due and Punctuall Obedience to the said first Order . . . And . . . returne an Account to this Board, why he hath refused to Obey the said first Order as is alledged by the Petitioner. [p. 273.]
- (1705.)
5 April. [The Council refer to the Attorney and Advocate General the petition of Samuel Barons, complaining that, notwithstanding two Orders of Council and royal letters of 29 Jan. 1703 he hath not yet been able to obtain his ship, and praying an instruction to that end to the new Governor of the islands and satisfaction and damages from Colonel Codrington.] [Anne, Vol. II. p. 316.]
- (1705.)
9 July. [Orders are given in accordance with the report of the Advocate and Attorney General, which gives the history of the case, and recommends that as the value of the ship and cargo cannot be appraised without some further proceedings, the new Governor give all necessary directions for the

1701.

recovery of ship and cargo or full value from the parties concerned, and that if difficulty be made about restitution, an action be commenced in Antigua for obtaining the same, and all the evidence be found specially that the facts may fully appear if there should be a further appeal to His Majesty.] [pp. 397-400.]

[840.] [The Council refer it to the Attorney and Solicitor General to examine and report upon] a Presentment from the Commissioners of the Customes dated the 23rd of this Month, concerning a Ship which came directly from the Bay of Campeach to Leghorne without having touched at any of His Majestys Plantations or any part of England, to Pay His Majestys Customes. [p. 263.]

25 Sept.
Campeachy
Bay.

[841.] The Petition of Theophilus Turner, setting forth his Services in discovering of Pyrates, and of being a Wittness against them, for which he has been inserted in His Majestys most Gracious Pardon; [and humbly praying the restitution and delivery out of the Court of Admiralty of his treasure, which was brought over by Admiral Benbow, is referred to the Admiralty for consideration and report]. [p. 272.]

11 Nov.
Pennsylv-
vania.

[Similar reference is made of the similar petition of Robert Bradenham, surgeon, an evidence against Captain Kidd and other pirates, whose treasure amounted in value to 350*l.*] together with the Cases of such others as have been lately Pardoned upon account of their being Evidences against Pirates. [p. 276.]

20 Nov.

[842.] [A presentment from the Customs of 28 October with an extract of a letter of 26 August from Henry Carpenter of Nevis] relating to the hardships and Ill Usage Received by the said Mr. Carpenter, who was appointed to Act as one of the Commissioners and Collectors of His Majestys Duty of Four and half per Cent. at Nevis, in the Execution of his Office, from Colonel Roger Elrington, the Lieutenant Governor of the said Island, [is referred to the Board of Trade to consider and write to Col. Elrington requiring him to permit

11 Nov.
Nevis.

1701. Carpenter and his subordinates to attend the duty of their respective employments, and to send an answer to Carpenter's complaints, on consideration of which their Lordships are to report to the Board.] [p. 273.]
- 20 Nov. [843.] [The Council refer to the Board of Trade] the
Barbados. Petition of Richard Worsham, Bartholomew Rees, and William Battin Esqrs. Executors of the last Will and Testament of John Cousens late of the Island of Barbadoes Esqr. Deceased, Complaining of the great delay in the Proceedings of the Lord Grey Governor of Barbados, upon their Petition relating to the Guardianship of John Cousens an Infant, Son of the Deceased John Cousens, whereby the Petitioners are Disabled to Pay the Debts and Legacys of the said Deceased, And humbly praying to be relieved. [p. 275.]
- 27 Nov. [844.] [The Council refer to the Board of Trade] the
Nevis. Petition of William Mead Esqr. complaining of Proceedings in the Court at Nevis, Relating to Two Plantations called Harveys Plantations [and] the Petition and Appeal of William Shipman Gent. and Mary his wife, and Thomas Harvey a Minor by the said William Shipman his Guardian [to the same effect]. [p. 283.]
- (1702.)
19 Feb. [The Council, on the report of the Board of Trade, admit the appeal of Mead and of the others and order that Colonel Codrington receive a copy of the petition and return a speedy answer, taking care that the petitioners be not prejudiced by any forcible or irregular proceedings.] [p. 353.]
- 18 Dec. [845.] [The Council refer to the Board of Trade] the
St. Petition of William Freeman Esqr. complaining of Proceedings
Christopher. in St. Christophers relating to the Plantation called the mannor of Godwyn Granted to the Petitioner and his Heirs by his Majestys Letters Patents. [p. 283.]
- (1702.)
5 Feb. [On the report of the Board of Trade, as Freeman's complaint seems to be directed chiefly against Colonel Codrington, it is ordered that copies of the petition, and of the order of

1701-2.

18 December and the report in accordance therewith be sent to him to be immediately answered]: he is hereby also required not to give any Obstruction Directly or Indirectly by himselfe or others to such Legall proceedings as the Petitioner shall have recourse to, for the Redresse of the Injury that he conceives to have been done him by the Actings of the two Pretended Justices of the Peace of the said Island mentioned in the said Report, or otherwise in relation to the Plantation in Question. And . . . in Case the Partys concerned or any of them aggrieved by any Sentence passed in this Matter in the Proper Courts of Justice in the Leeward Islands, they are not to be hindred from Appealing to his Majesty in Councill; Care being taken that as well the Defendants as Appellants do give Sufficient Security to abide by his Majestys Determination, and to Answer all Costs and Damages, that may have accrewed, and shall be awarded against them. [p. 333.]

[846.] [The Council refer to the Committee for Appeals the petition of John Farmer and Katherine his wife for the hearing of their appeal against a judgment of the Barbados Court of Chancery of 3 September last in favour of Elizabeth Bond widow, John Hallett and John Eginton Esqrs, and Francis Bond gentleman, in a suit for 5000%.] [p. 286.]

18 Dec.
Barbados.

(1702.)

[In accordance with the report of the Committee for Appeals, the sentence of the Barbados Court of Chancery dismissing the bill of complaint of John and Katherine Farmer is reversed, and the bill retained in the said Court to be answered by the defendants.] [p. 308.]

18 Jan.

1702.

[847.] [The Council refer to the Board of Trade] the Petition of Joseph Jory Agent for the Island of Nevis, setting forth that the Lieutenant Governor Councill and Assembly of the said Island, have sent Home Six hundred Match lock Barrells belonging to His Majestys Forts there, and humbly praying that the said Barrells may be received into the Tower of London, and that a sufficient Number of Firelock Armes

1 Jan.
Nevis.

382 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

may be Ordered to be forthwith delivered for a Supply of His Majestys Forts in that Island as his Majesty shall think most fitt. [p. 291.]

8 Jan.

[The Council approve and give orders in accordance with the report of the Board of Trade that, since] there have been 550 Match Locks, sent to the Leeward Islands since Your Majestys Accession to the Crowne, and other Numbers of the like Armes formerly ; And Whereas such Match locks are Generally not so Serviceable as Fire locks, and more particularly Dangerous in Marches through a Country full of Sugar Canes . . . the Board of Ordnance may be Directed to receive the foresaid Six hundred Match lock Barrils and in lieu thereof to Deliver to Mr. Jory the like Number of Firelocks, to be forthwith sent by him to the Island of Nevis for Your Majestys Service in the Defence of the said Island, which we humbly conceive to be very requisite in this present Conjuncture. [p. 293.]

1 Jan.
Barbados.

[848.] [The Council refer to the Committee for Appeals the petition of Anne Baylie for a hearing at the Board of her appeal from a sentence of the Barbados Court of Chancery of 9 July in favour of John Holder and others, all proceedings in the case having been certified and notice given to the defendants in Barbados.] [p. 291.]

29 Jan.

[On the report of the Committee for Appeals, the Council reverse the sentence of the Barbados Court of Chancery in favour of John Holder and his wife Margaret, administratrix of John Baylie, William Baylie, Mathias and Thomasin Lake, Nicholas Prideaux, and William Carter, executors of Edward Baylie deceased.] [p. 319.]

8 Jan.
Jamaica.

[849.] [The Council refer to the Committee for Appeals] the Petition of Edward Baugh, setting forth that he Obtained a Decree in the High Court of Chancery against one Thomas Woods, Administrator of Jonathan Woods, late of the Island of Jamaica for one hundred Seventy Seven Pounds, Fourteen Shillings ; That the Petitioner Obtained a writt

1702.

of Sequestration directed to the Governor of Jamaica, and others to Sequester the Estate of the said Jonathan Wood, who have Neglected to Execute the same without His Majestys Particular Order. [p. 294.]

[850.] [On a representation from the Board of Trade] relating to the Disorders in His Majestys Provinces of East and West New Jersey in America and the Surrender the Proprietors of those Provinces are willing and ready to make to His Majesty of all their Right or Pretence of Right to the Government they have hitherto Claimed, [the Attorney General is ordered to prepare such a form of surrender] as may be most Effectual to the Extinguishing their said Pretentions. 8 Jan.

[p. 294.]

[The Attorney General's form of surrender for the proprietors of New Jersey having been approved, the Board of Trade are directed to call upon them to execute the surrender according to the said form.] 29 Jan.

[p. 319.]

This day the severall Proprietors of East and West New Jersey in America, did in Person, present a Deed of Surrender by them Executed under their hands and Seals to Her Majesty in Councill, and did Acknowledge the same to be their Act and Deed, and humbly desire Her Majesty to accept the same that it might be enrolled in the Court of Chancery, whereby they did Surrender their Power of the Government of those Plantations, which Her Majesty Graciously accepted and was pleased to Order as it is hereby Ordered, that the same be Enrolled in Her Majestys said High Court of Chancery . . . and the said Instruments are to be Delivered to Mr. Attorney Generall who is to take Care that the same be enrolled accordingly. 17 April.

[Anne, Vol. I. pp. 96-7. P.R.]

[851.] [The Council refer to the Board of Trade the petition of Caleb Heathcote in behalf of himself and the other inhabitants of the parish of Westchester in New York] That His Majesty will Bestow an Escheat of One Hundred and 8 Jan.
New York.

384 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702. Ten Acres of Land, faine to His Majesty by the Death of Thomas Williams, towards the Maintenance of their Minister. [p. 299.]
- 18 Jan. [852.] [The Council refer to the Committee for Appeals the
Nevis. petition of William Mead, Collector of Nevis and one of the Commissioners of the $4\frac{1}{2}$ per cent. duty in the Leeward Islands, to be admitted to appeal from a sentence of the Antigua High Court of Admiralty of 20 March 1701, reversing a sentence of the Nevis Court of Admiralty, relating to the condemnation of the *Swan*, Joseph Wright master, for trading contrary to law.] [p. 303.]
- 18 March. [The Council approve, and give orders in accordance with the report of the Committee that the sentence pronounced by Colonel Codrington, Governor of the Leeward Islands, Principal Judge and Commissary of the High Court of Admiralty there, be] Reversed and declared Null and Voyd. [Mead is to be] put into the Possession of the said Swan Sloop with her Guns, Tackle and Apparell, or the full Value thereof, to be disposed of as the Statute Directs. [Anne, Vol. I. p. 41.]
- 29 Jan. [853.] [The Council refer to the Judge of the Admiralty]
Maryland. the Petition of Thomas Webb Esqr. Administrator of the Estate of His Brother Colonell Nicholas Webb Deceased, relating to the Effects of the said Coll. Webb, which were taken out of the Sloop Sea Flower by Capt. Munday Commander of the Ship Hopewell, and put on Board his own Ship, and Carried to Mariland where they were Seized by the Governor, as Pirates Goods for His Majestys use. And humbly praying that His Majesty will be pleased to Grant the Petitioner His Majesty s Interest in the said Effects. [p. 318.]
- 12 Feb. [The Council approve, and give orders in accordance with, the following report from Sir Charles Hedges, Judge of the Admiralty] :—
In humble Obedience to Your Majestys Order of Referrence upon the Petition of Thomas Webb Esqr., relating to severall Peices of Plate, Chequins and some Spanish and other Forreign

1702.

Silver, said to be the Effects of Coll. Nicholas Webb, taken by Pirates, and afterwards Seized as Pirates Goods by the Governor of Maryland, it is my humble Opinion that your Majestys Interest in the said Goods cannot regularly be Granted to the Petitioner before they are legally condemned as Pirates Goods, and therefore the Proper Course with humble Submission will be to Direct a Prosecution against the said Goods at your Majestys Suit, and then the Petitioner may put in his Claim, and upon due proofs restitution will be Decreed to him, or if they shall, for want of such Proofs, be Condemned to your Majesty they may be Granted to the Petitioner if your Majesty shall think meet, however if any of the Plate has the Armes of Colonel Webb engraved upon it, as is suggested, I can see no just Cause why the same should not be Delivered to the Petitioner without farther Charge or trouble, all which is most humbly Submitted to your Majestys Royall Wisdom. [p. 344.]

[854.] Upon reading this day at the Board the Petition of
 Severall Merchants of London Trading to Virginia and
 Maryland, setting forth that a Considerable fleet of Merchant
 Ships are already gone to Virginia and Maryland, and some
 other ships are now ready to sail thither in all to the Number
 of two hundred sail or upwards that will all be Laden and
 ready to return Home by the latter end of May or the
 begining of June next, That the said Fleet is of great Value
 and will Pay a considerable Sume to his Majesty for Customes,
 And therefore humbly praying that a Convoy of four fourth
 Rates and one Fifth Rate Frigatts may be Ordered for them,
 to be in Virginia by the Middle of May next if Possible; [His
 Majesty in Council grants the request, and gives orders
 accordingly to the Lord High Admiral]. [p. 319.]

29 Jan.
 Virginia and
 Maryland.

[855.] [Reference to the Judge of the Admiralty of the
 petition of Joseph Wheeler, Arnout Viele and other prisoners
 in the Marshalsea, who had embraced the benefits of his
 Majesty's proclamation offering pardon to such pirates as

5 Feb.
 Piracy.

386 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702. surrendered themselves, and were returning home when seized by Captain Lowth and brought from the Cape of Good Hope and cast into prison.] [p. 334.]
- 12 Feb. Barbados. [856.] [The Council refer to the Committee for Appeals the petition of several merchants and others having interests in Barbados] setting forth the great Difficultys they lye under and the Danger of their being great Sufferers by reason of a Clause inserted in the Governors Instructions for allowing Appeals to his Majesty in Council from Judgements given by the Governor and Council in that Island And therefore praying to be heard, as to the reasonableness of Altering that Instruction. [p. 344.]
- 18 March. [On the report of the Committee, the matter is ordered to be heard at the second meeting of the Council in April.] [Anne, Vol. I. p. 37.]
- 21 May. [It is ordered to be heard next Council day.] [p. 129.]
- 2 July. [On hearing the merchants, the matter is ordered to be further heard on 9 July.] [p. 166.]
- 9 July. [On hearing all parties and a report from the Committee of the whole Council on the complaint against a clause in the Governor's instructions providing for appeals to her Majesty in Council in cases of over 500*l.* on notice being given within fourteen days after sentence and also security to abide by the award of the Council, it is referred to the Board of Trade to consider not only this clause but also for what lesser sum appeals may fittingly be admitted, and also the method of admitting appeals from the inferior Courts of Barbados to the Governor and Council there.] [p. 178.]
- 26 Nov. [A representation from the Board of Trade is approved, and order given for issuing the necessary directions.] [p. 248.]
- 12 Feb. Maryland and New York. [857.] [The orders of 12 Aug. 1697 and 20 Jan. 1698 (*see* 31), for the despatch of 30 large bibles, and the like number of other Church books to Maryland, and of 6 large folio bibles and other

1702.

Church books to New York could not be complied with] by reason that at that time there were no such Bibles and Prayer Books Printed. [It is ordered that Samuel Carr, H.M. Stationer, deliver the books forthwith to the Bishop of London or his nominee.] [p. 345.]

[858.] [The Council refer to the Committee for the Affairs of Jersey and Guernsey the petition of the Procurator of the Royal Court of Jersey and William Chamberlain, Register of Certificates there] setting forth that the Ship Rachel being partly Owned by Aliens, and having Traded to and from Virginia, and Imported a Loading of Tobacco contrary to the Act of Navigation, The Petitioners Exhibited an Information against the said Ship and Lading in the Royall Court of the said Island, And being brought to a hearing the Court did not proceed to a finall Sentence, but referred the same to this Board. And therefore praying his Majestys Direction herein. [p. 345.]

12 Feb.
Plantation
Trade.

[The Council approve, and give order in accordance with 18 March. the report of "the Lords of the Committee of the Privy Council" that the Royal Court of Jersey be directed to proceed to final sentence.] [Anne, Vol. I. p. 40.]

[859.] [On 4 January 1702 on a memorial from the Admiralty, orders are given for laying a complete embargo, coasters excepted, till such time as the fleet be manned, and the Admiralty and Treasury are notified on the 18th. In spite of this, the following passes are granted, the name of the master, tonnage, guns, and number of crew being almost always given :—]

Jan.-Feb.
Ship Passes.

<i>Date.</i>	<i>Ship.</i>	<i>From</i>	<i>Destination.</i>	<i>Cargo.</i>	<i>Notes.</i>
18 Jan.	<i>Rose</i>	—	Antigua	20 barrels of powder and other supplies	—
	<i>Way galley</i>	—	Africa and Jamaica.	—	This being the only proper season for that part of Africa she is bound to.

388 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Date.	Ship.	From	Destination.	Cargo.	Notes.
18 Jan.	<i>Selwyn</i>	—	Jamaica	50 or 60 tons of H.M.'s Ordnance and other goods.	—
	<i>Nassau</i>	—	Virginia	—	With 150 passengers.
	<i>New Frisby</i>	—	Virginia	—	With 15 passengers.
	<i>Prince Louis of Baden</i>	London	New York	—	With several poor French families, transported passage free by the charity of the owner, Nicholas Oursell, a French Protestant refugee.
25 Jan.	<i>Loyalty</i>	} Liverpool	} Virginia	} —	} The first vessel is laden with beef and other perishable commodities; the cargo of the others is not given. These and the other vessels allowed to sail were ready laden before the embargo was imposed, but detained by contrary winds.
	<i>Virginia</i>				
	<i>Merchant</i>				
	<i>Elizabeth and Ann</i>				
	<i>Lion</i>				
	<i>Adventure</i>	} Bristol	} Jamaica	} Mainly British manufactures	} On a memorial from the representatives of Bristol.
	<i>Amity</i>				
	<i>Thomas and Mary Society</i>	} Bristol	} { West Indies	} Mainly British manufactures	} On a memorial from the representatives of Bristol.
	<i>Happy Return . Mountjoy</i>				
	<i>Thomas and John</i>	London	Guinea and Virginia	—	To be accompanied by the tender, the little <i>John</i> .
	<i>Tiger galley</i> ...	London	Guinea and Jamaica	—	—
	<i>Swan</i>	—	Virginia	—	—
29 Jan.	<i>Happy Union</i> ..	London	Virginia	—	Sailed before embargo, driven into Plymouth after 29 days at sea.
	<i>Essex</i> frigate ...	—	Jamaica	Passengers and provisions.	Similarly driven back after 16 days.
	<i>Urseley</i>	London	Maryland	—	Also forced back by contrary winds and bad weather.
	<i>Moses</i> brigantine	London	Cork & Nevis	Beef, herrings, etc.	—
	<i>Jonathan and Mary</i>	London	Virginia	—	—
	<i>Exchange</i> ketch	London	New England	—	Sailed over a month past, but was driven into Falmouth.
	<i>Messenger</i> brigantine	London	"The Plantations"	Wine and other goods.	—
	<i>Industry</i> pink .	London	Maryland	Perishable provisions.	—

ACTS OF THE PRIVY COUNCIL (COLONIAL). 389

1702.

Date.	Shíp.	From	Destination.	Cargo.	Notes.
29 Jan.	<i>Adventure</i>	London	Nevis	<i>Inter alia</i> 15 tons of provisions for H.M.S. <i>Maidstone</i> .	—
	<i>Mary</i>	London	Cork and St. Kitts.	Provisions.	—
	<i>Bennet</i>	London	Barbados	Provisions and necessaries.	—
	<i>Speedwell</i>	London	Leeward Ids.	Provisions.	—
	<i>Alexander galley</i>	—	Leeward Ids.	"Plantation necessaries."	—
	<i>Abigail</i>	London	Virginia	—	Sailed on 6 December, but was forced back to Plymouth.
	<i>Dispatch brigantine</i>	Bristol	Ireland and Jamaica	—	—
	<i>Elizabeth</i>	—	New York	Lord Cornbury's household goods.	—
	<i>Barbados Merchant</i>	London	Maryland	—	A Maryland ship, ready to sail 24 Dec, detained by sickness of master, now dead.
	<i>Sarah Mary</i>	—	} Barbados	} Provisions and Necessaries.	} "In Consideration of the Great Want of Provisions and other Necessaries in the Island of Barbados."
	<i>Hopewell</i>	—			
	<i>Lascelles frigate</i>	—			
	<i>Friend's Adventure</i>	—			
	<i>Crowder</i>	—			
	<i>Endeavour</i>	—			
	<i>Isaac</i>	—	} Jamaica	} —	} —
	<i>Princess Anne</i> .	—			
5 Feb.	<i>Gilbert and Ann</i>	—	Jamaica	—	—
	<i>Reswick</i>	—	Barbados	Perishable goods.	—
	<i>Lark</i>	London	New York	—	Sailed above 5 weeks since : forced back to Falmouth.
	<i>Don Carlos</i>	London	Guinea and Jamaica.	—	To Angola in Guinea to purchase negroes for Jamaica : this being the proper time to sail for those parts.
	<i>Content</i>	} Lancas-ter	} Virginia and Barbados	} —	} —
	<i>Employment</i> ...				
	<i>Friendship</i>	Topsham	New England	} —	} New England ships, to carry only such seamen as are inhabitants of New England.
	<i>Greyhound</i>	London	England		
	<i>Albion galley</i> ..	} —	} Newfoundland	} —	} On the recommendation of the Ordnance. To carry 390 tons of stores for works and fortifications freight free.
	<i>Heart pink</i>				
	<i>Rotterdam Merchant</i>				
	<i>Hopewell</i>				

390 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Date.	Ship.	From	Destination.	Cargo.	Notes.
5 Feb.	<i>Society</i>	—	Newfoundland	—	{ On the recommendation of the Ordnance. To carry 390 tons of stores for works and fortifications freight free. — <i>Virginia Merchant</i> has a cargo of 5000 <i>l.</i> value on board and has been ready to sail since before Christmas. Ready to sail 22-3 December : embargoed while waiting in the port of Minehead for a wind. "The Inhabitants . . . without Speedy Supplies cannot Subsist." — { The goods and equipage of Col. Dudley, Governor of Massachusetts Bay and New Hampshire. } — —
	<i>Desire</i>				
	<i>Mary pink</i>				
	—	London	Barbados	Provisions, etc.	
	<i>Canary Merchant</i>				
	<i>Phœnix</i>	Plymouth	Maryland	—	
	<i>Virginia Merchant</i>				
<i>Maryland Merchant</i>					
<i>Somerset</i>	Minehead	Barbados	White herrings		
<i>Elizabeth</i>					
5 Feb.	<i>Nisbett</i>	—	Barbados	Stores and provisions.	
15 Feb.	<i>Bellomont</i>	—	New England	—	
	<i>Michael and Samuel</i>				
19 Feb.	<i>Prosperous Hannah</i>	—	Barbados	Provisions and perishable commodities.	—
	<i>Henry</i>				
	<i>Tryon</i>				
	<i>William & John</i>				
	<i>Elizabeth</i>	Newcastle	Newfoundland	—	Carrying 30 chaldrons of coals freight free for his Majesty's service.

[pp. 305-355.]

ANNE. VOL. I. (8 March 1702—18 Jan. 1704.)

1702.

8 March. [860.] (1) Upon reading this day at the Board the Petition of Thomas Ship Passes. Power junr. of Biddeford Merchant and others, humbly praying that the Hope of Biddeford, Gilbert Berry Master, Burthen Seventy Tuns with Six Men, which was Manned, Victualled, Cleared at the Custome House long before the Embargo, and Laden with Goods Proper for Virginia, Sailed from Biddeford on her intended Voyage, and was above a fortnight at Sea, but by the late Storms and contrary Winds was Driven into Ilford Comb ; may have leave to Sayle, It is Ordered in Councill that the said Ship Hope with Six Men be Protected and Permitted to proceed on her Intended Voyage, Notwithstanding the Embargo, Provided the Petitioners make out the truth of their Allegations above recited ; And the Right Honourable

the Lord High Admirall And the Lords Commissioners of the Treasury are to give the necessary Directions accordingly. [p. 22.]

(2) [On this date, similar orders are issued for *Samuel Barwick of Antigua, *Samuel*, 200 tons: George Wheateley and 18 men, to Antigua, carrying pease, bread, flour and other perishable goods for the subsistence of the people of Antigua. James Crispin: *London*, 200 tons: James Crispin with 14 seamen and 4 able landsmen, to Montserrat, with provisions, powder, arms and other necessaries for the use of the island. John Buck: *Dolphin* of Bideford: Jonathan Fallomy and 7 men, to the West Indies; at sea seven weeks before the embargo, but driven back to Ilfracombe. Benjamin Braines: *John* of London, 250 tons: Richard Berwick and 17 men, Isle of Wight to Virginia, with a loading of considerable value proper for that country and divers passengers: sailed on 30 December, and driven back to Plymouth by stress of weather. William Scott: *Providence* pink, 50 tons: Charles Hunt, 5 men and a boy, to Londonderry and Barbados, with perishable commodities: ready to be cleared when the embargo was laid. Stephen Godin of London, *David*, 60 tons: John James and 7 men, to Madeira and the West Indies, sailed in December: forced back to Plymouth from 70 leagues beyond the Scilly Islands. Samuel Everson of New England: *Friends' Adventure*, 60 tons: John Vauteman and 6 men, from London to New England, the crew are New England men and the cargo consists of English manufactures. John Forster of New England: *Boston*, 100 tons: 8 men, to New England; Ditto. Robert Heysham: *Employ*: Charles Culliford, to Madeira and Barbados; provisions and woollen manufactures to be unloaded at Madeira, and a fresh cargo taken to Barbados. John Goodman and Thomas Drake of London: *Ovenden*, 140 tons: Elias Pearse and 16 men, to Jamaica; with provisions, arms and 21 tons of coal for the use of the island: stopped by the embargo while clearing at the Custom House. Robert Bristow and Richard Perry of London: *Johannah*, 120 tons: Richard Burbridge and 9 men, to Ireland and Virginia; carrying 1000 bushels of salt, and designing to load provisions in Ireland for the petitioners' ships in Virginia, which have waited three or four months in hope of a convoy, and will be much straightened for want of provisions unless supplied. James Cock and Henry Ceane of Plymouth: *Daniel* pink, Richard Pearse and 5 seamen and 2 landsmen, to Virginia; cleared before the embargo, but kept back by contrary winds. William Nicholas and Richard Harris: *Primrose*, 70 tons: Edward Thompson and 7 men, to Jamaica; sent from Jamaica for naval stores, ammunition, and provisions of absolute necessity for subsistence and defence. Joseph Jory, agent for Nevis: *Mary and Sarah*, 240 tons: James Elleis and 18 men and boys, to Nevis, with 600 firelocks from the Tower in 24 chests, for the forts in Nevis. Charles Cox: *Southwark*, 200 tons: John Tuckey and 18 men, to Jamaica; cleared and ready to sail by 24 Dec., but detained by contrary winds: laden with bread, beer, malt and other necessaries. Joseph Martin of London: *Exchange*, 100 tons: Nicholas Burrows with 10 men, from Bristol to Cork and Nevis; sailed in November, but driven back for repairs: laden with herrings, beef and other provisions which do daily suffer great damage. [pp. 22-31.]

* The name of the petitioning owner precedes that of the ship, and that of the master follows.

1702.

18 March. (3) John Rolles: *New Hopewell*, 140 tons: John Rolles, 13 men and a boy, Poole to Newfoundland; sailed 29 November, driven back and damaged by storm. James Doliff of London: *Speedwell*, 70 tons: Robert Hatch, 7 men and 2 boys, Dartmouth to Ireland to take in provisions for Newfoundland; the petitioner's correspondent at Dartmouth has procured a number of able seamen equal to the ship's complement for service in H.M.S. *St. George*. Sir William Phippard: *Dolphin*, 200 tons: Josias Toms and 14 men: *Katherine*, 30 tons: Hugh Rockett and 5 men, to the Isle of May and Newfoundland; according to the petitioner's desire, 200 men from Poole have entered on board H.M.S. *St. George* and other ships of war.

[pp. 42-3.]

26 March. (4) Symon Cole of London: *Tobias*: David Roberts and 6 men, Dartmouth to Newfoundland; to bring home fish belonging to the owners, who have sent six able seamen on board the *Elizabeth*, tender to H.M.S. *St. George*. Micaiah Perry of London: *Richard and Sarah*: 300 tons, Edward Forrest and 18 men, to Virginia; with materials to rebuild the State House and prison lately burned: and with arms and ammunition. Samuel Turrell: *Lydia*, 100 tons: Samuel Turrell, 8 men and a boy, to return home to New England; owned and manned by New England men: carrying bale goods, cordage and other English products and merchandise. James Aynsworth of London: *Wheeler* frigate, 200 tons: 36 men, to Guinea with stores for the Company: thence to Barbados with negroes; ready to sail for two months. John Champante: *Hopefor*, 120 tons: John Cumby and 14 men, to New York, with "a Double Clothing" for the four independent companies. Thomas Byfield: *Friends' Adventure*: 80: Michael Cole and 8 men, to South Carolina; to supply a great want of arms and ammunition there. Benjamin Braines of London: *Dover Merchant*, 90: Richard Hubbard and 9 men, to Maryland; in place of the *Barbados Merchant*, for which a pass was secured on 29 Jan., but which refuses to sail. Samuel White of London: *Rainbow*, 300: William Young and 20 men, to Barbados; with 1200 barrels of strong beer, and considerable quantities of bread, pease, oatmeal, flour and other goods for the troops and inhabitants. Nathaniel Balston: *Elizabeth and Mary*, 100: Nathaniel Balston and 9 men, to return home to New England; manned by New Englanders, and laden with English manufactures.

[pp. 59-63.]

12 April. (5) Forty-nine ships, all named in Register: to Newfoundland; if ready to sail by the beginning of May (this applies to all the passes of this date). In one case the vessel is to carry beef, pork, etc., to the Isle of May and there load salt. William Wallis: *Hope*: Aaron Everden and 30 men, to New England; to load masts for the Navy according to contract (cf. 868) Thomas Turner of Exeter: *Thomas and Samuel*, 10: Daniel Browne and 16 men, to Ireland and Barbados. Thomas Clarke: a hoy with 3 men, to Cherbourg; for the rigging and other salvage of the *Happy Return*, wrecked on 5 October while coming from Antigua. Cap. Vavasor Cage: *Berbuda*, 100: 8 men, to Antigua. Nathaniel Marks of London: *Philadelphian*, 120: Nathaniel Puckle and 10 men, to Pennsylvania; with passengers and goods: on 21 May Richard Harvey, one of 6 men impressed from this ship, is ordered to be released as being entrusted with confidential business by one of the owners. [p. 130.] Thirteen ships, all named, to Virginia; with passengers, necessaries, woollen manufactures and other goods. Bigley Wilson for John Harris: *Sarah*, 90: Andrew Elton and 10 men, Topsham to New

England; with woollen manufactures. Thomas Corbin and Robert Dunkley: *Martha and Sarah* of London, 120: Thomas Crofts, 10 men and a boy, to Maryland; to bring home the petitioners' effects. Robert Cage and Edward Morris: *Morris* galley. Nevison Taylor and 16 men, to Guinea; for negroes for the petitioners' and other plantations in Virginia. Charles Noden and Charles Hosier: *Carolina Merchant* pink, 120: Thomas Foster and 14 men, to Carolina; with 40 passengers and cargo. James Wallis of Bristol: *Nightingale*: John Noyes and 7 men, to Barbados; to bring over tobacco sent from Virginia in the *Sarah*, which sprung a leak and had to put in to Barbados. John Hall of London: *Lucy* frigate, 150: William Evans and 18 men, to Madeira and Jamaica; to carry wine from Madeira to Jamaica. Samuel Hutchins: *Newnham*, 80: William Wassell and 8 men, to Madeira and Jamaica; to carry wine from Madeira to Jamaica. Francis Rogers of Bristol: *Robert and Francis*, 200: John Burroughs and 16 men, to Ireland and Jamaica; with 100 tons of perishable commodities and to take in 1000 barrels of beef at Cork. Barbados merchants: *Hanover* galley, 70: 10 seamen and 6 landsmen, to Guinea; for negroes for Barbados. Abraham Mendez of London: *Adventure*, 120: John Blackburne and 10 men, to Barbados; with provisions and other necessaries much wanted there. Josua Gee of London: *Unity* of Bridgewater, 80: 7 men and 2 boys, to the West Indies; with fish and other commodities. William Holberton, master of the *Mary*, 50, with 5 men and 2 boys, to return to New England; the crew being New Englanders. John Smith of Bideford: *Laurel*, 120: Thomas Whaitfield and 15 men, to Maryland; with English manufactures. Sylvanus Grove of London: *Recovery*, 150: 10 men and 2 boys, to the West Indies; with bread, oatmeal, pease, etc. 11 vessels, all named, to Newfoundland; three of these sail first to Portugal, as the lading is to be taken in there. [pp. 82-94.]

(6) Abel Ward: *Katherine* sloop, 60: Henry Van Bael and 9 men: and *Endeavour* brigantine, 40: Thomas Duly and 6 men, Isle of Wight to the West Indies; with provisions. Six ships, averaging nearly 300 tons, to West Indies; to sail under convoy with stores for Admiral Benbow's squadron. 13 April.

(7) John Burrige and Joseph Paice: *John* of Lyme, 100: Robert Read and 11 men, to Barbados; with provisions. *Thanet*, Robert Eason, to New England; for masts and naval stores for her Majesty's service. 19 April. [pp. 99-101.]

(8) [The declaration of war against France and Spain is read, and a strict embargo laid.] 2 May. [p. 111.]

(9) *Katherine* sloop, Henry van Bael; *Industry*: James Bridgeman; and *Adventure*: Thomas Dudley: Cowes to Boston and New York. *Hopefor*: John Cumby and 13 men, to New York; with clothing for the four companies there. *Friends' Adventure*: Michael Cole and 8 men, to South Carolina; with arms, ammunition, and other English merchandise. 14 May. [pp. 123-4.]

(10) John Baker of London: *Charles* galley, 70: Bristol to Barbados and Jamaica; with packets from the Secretary of State. 24 May. [p. 135.]

(11) *Joseph* of Carolina, James Norman and 8 men: to Bermuda; with packets from the Secretary of State. 31 May. [p. 138.]

394 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1702-4.
11 June. (12) [On a memorial from the Lord High Admiral, the embargo is removed.] [p. 146.]
1703.
1 Feb. (13) [On a memorial from the Lord High Admiral, for the more effectual and speedy manning of the fleet, an embargo is laid on all ships till those already cleared furnish one-fourth and those not yet cleared one-half of their complement for service in the fleet. Coasters are to have no pass till one-half the seamen of their respective ports have been produced and entered Her Majesty's service.] [p. 300.]
- 4 Feb. (14) [The Lord High Admiral is authorised to issue passes to ships which have complied with these conditions to enable them to sail immediately.] [p. 305.]
- 4 March. (15) [It is referred to the Lord High Admiral to report on the petition of several merchants that their ships (names not given in Register) with provisions for Virginia may be allowed to pass Gravesend and join the convoy in the Downs as they may then more readily furnish the required half of their men for the fleet.] [p. 330.]
[Similarly referred is the petition of several merchants trading to Newfoundland for permission for their ships to set sail.] [p. 330.]
- 7 March. (16) [On his report, 18 named ships are allowed to sail to Newfoundland, without supplying the number of men required by the Order of 1 Feb.] [p. 335.]
- 16 March. (17) [On his report, on the petition of Edward and Dudley Carleton, merchants of London, the *Providence*, Thomas Markin master, 18 men, is allowed to sail for Maryland on supplying four men to the fleet. On his report on the petition of the merchants to Barbados, 7 named ships are allowed to sail to Barbados with the present convoy, though they have not furnished their whole quota.] [p. 336.]
- 20 March. (18) [On the petition of John Lordell, Nicholas Hutching and other merchants, the *Reformation*, John Province master, 9 seamen, 18 landsmen, and the *Partridge*, Joseph Prall master, 6 seamen, 12 landsmen, are allowed to sail from Topsham with the convoy, if the Lord Admiral have no objection.] [p. 338.]
- 23 March. (19) [On a memorial from the Lord Admiral of 19 March, the embargo is taken off all ships outward bound.] [p. 341.]
1704.
15 Jan. (20) [Several Newfoundland merchants referred to Lord Admiral.] [p. 508.]
- 28 Jan. [Granted on his report. Ships not named.] [II. p. 37.]
1702.
26 Nov. [861.] (1) Upon reading this day at the Board the Petition of
Plantation Embargo. the Merchants and Owners of the Ship Richard and James, James Greenwell Commander, Burthen Three hundred and

1702.

Fifty Tuns, Twenty four Guns with forty men, bound for Virginia, humbly praying that the said Ship being of Good Defence, may not be Embargo'd by the Governor of Virginia, but may Sail from thence to London as soon as she shall be Laden. It is ordered by Her Majesty in Council that it be, and it is hereby Referred to His Royall Highness Prince George of Denmarke, Lord High Admirall, who is desired to consider of the matter of the said Petition, a Copy whereof is hereunto annext, and to Report to this Board what His Royall Highness thinks fit to be done therein. [p. 249.]

[Upon reading this day at the Board a Report from His Royall Highness Prince George of Denmarke Lord High Admirall in the words following, vizt. : 3 Dec.

Her Majesty having been pleased by Her Order in Council of the 26th Instant, to referr unto me, the Petition of the Master and Owners of the Ship Richard and James, James Greenwell Commander, Burthen 350 Tuns, 24 Guns, with 40 men bound for Virginia, wherein they pray that the said Ship may not be Imbargoed by the Governor of Virginia, being of Good Defence, but permitted to sail from thence to London as soon as she shall be Loaden, I have considered of the same, and doe report to Her Majesty that I have no Objection to the Petitioners having their desire granted, which is nevertheless submitted to Her Majesty.

By Command of his Royal Highness. George.

J. Burchett.

Admiralty Office, 30th November, 1702.

Her Majesty in Council approving the same, is Pleased to Order, as it is hereby Ordered that Francis Nicholson Esqr. Governor of Virginia or the Commander in Cheif thereof for the time being do not lay any stop or Embargo on the said Ship Richard and James but to suffer and permitt her and her Lading to Returne from Virginia to London when the Master or Owners shall think fit according to their Request.

[pp. 252-3.]

396 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1702.
- 31 Dec. (2) [Similarly dealt with are] *Golden Lion*, John Gundry, 26 guns and 50 men ; and *Baltimore*, Matthew Foster, 24 guns and 40 men, Virginia and Maryland to London, having already received letters of marque ; referred to Lord Admiral on 31 Dec., 1702 [*p.* 280] ; petition granted on 7 Jan. 1703, on his report. [*pp.* 283 and 286.]
- 8 March. [862.] [The public seals in use in the plantations in the time of the late king are to be made use of till others are sent.] [*p.* 12.]
The new
Reign.
- 9 March. [A draft of a proclamation for proclaiming the Queen in the plantations is approved and ordered to be printed and sent to the plantations.] [*p.* 15]. [A proclamation for continuing persons in offices in the plantation is also given under this date.] [*p.* 15]. [Formal letters sent with these proclamations to the Governor of Barbados, to the Proprietors of Carolina, and to the Governor of New York for East and West New Jersey, are also given. *pp.* 18-20.]
- 31 May. [On a representation from the Board of Trade, new seals are ordered to be prepared and sent.] [*p.* 136.]
- 18 March. [863.] [Order is made for the passage to Barbados on board a man-of-war of Governor Mitford Crowe, with 150 tons of shipping for his household goods.] [*p.* 37.]
Barbados.
- 18 March. [864.] [A memorial from Joseph Dudley, Governor of Massachusetts] humbly offering to consideration, wether it might not be for Her Majestys Service that one of the four Companys of Foot now at New York be removed from that Province and disposed in Proper Places within the Provinces of the Massachusetts Bay and New Hampshire in New England for their Security and Defence [is referred to the Board of Trade : and another] relating to Cannon and Great Ordnance for the Fortifications, in the Province of the Massachusetts Bay in New England as also humbly praying, that the Adventure Brigantine may have Liberty to Import from Holland forty Barells of Gun Powder in Order to be
New
England.

1702.

shipt for New England, and that the Katherine Sloop may Import the like Quantity to be shipt for New Yorke for the Benefitt and Defence of Her Majestys Subjects there, [to the Officers of the Ordnance]. [p. 38.]

[The desired permission to import powder into Massa- 26 March.
chusetts Bay and New York is granted.] [p. 54.]

[865.] [The Council approve, and give orders in accordance 26 March.
with, the following representation of the Board of Trade]:— Newfoundland.
The Season of the Year Approaching for the usuall Convoys to be sent to Newfoundland, We humbly take leave to lay before Your Majesty such Account of the State of that Place as We conceive necessary for the further Security and Advantage thereof.

The Importance of that Trade and Fishery being very great, to this Kingdome and severall Provisions having been made by a late Act of Parliament for the better regulating the same, We did in pursuance thereof prepare particular heads of Enquiry and Directions, which were accordingly given by the Lords Commissioners of the Admiralty to Captain Graydon Commander in Cheif of the Squadron sent thither the last Year unto which We received Answers; And humbly Offer to Your Majesty, that it does appear to Us;

That the Inhabitants in Generall have not a due regard to the severall Regulations for the more Advantageous, Managment of the Fishery; It being found that Northward of St. Johns as far as Carbonier, and to the Southward as far as Ferryland, the Trees are Rinded and the woods Destroyed as much as before the late Act.

That the Admiralls and Masters of Ships do not Exactly observe the Rules prescribed by Act of Parliament.

That the Vessells from Newfoundland Supply the People of Newfoundland with Provisions.

That European Commoditys are carryed Directly from France, Spain, and Portugal to Newfoundland in English Ships, contrary to Law, and Sold or Truckt, with the Traders

1702.

from New England, for Tobacco, Sugar and other of the Enumerated Commodities, and carried to Forreign parts; So that at the latter end of the Year the Masters are wholly taken up in the management of that Illegall Trade, which might in some measure be prevented, had the Officer or Officers, Commanding Your Majestys Ships, Power like that of a Custome house Officer, to Seize such Goods.

That the New England Traders Seldome depart the Country, 'til the Men-of-War are first Sailed; And then they carry with them Numbers of Handy Crafts Men, Seamen, and Fishermen, whom they Entice thither in expectation of great Wages.

That the Masters of Ships are very negligent in bringing their Men Home, whereby they save the Charge of their Passage, and those Men so left are enticed and Carried to New England.

Against which Irregularitys, We humbly conceive it necessary that the Commander of the Convoy now going thither be directed to take Care as far as in him lyes, that upon his arrival there, the best remedys be applyed for the prevention of those Mischeifs: And that upon his Report some further Clauses be Proposed at the next Sessions of Parliament, for the more Effectuall regulating that Trade.

As to the State of the Fortifications in St. Johns Harbor which is the Principal Place of Defence, We have already humbly represented that Stone and other Materials are wanting for compleating the same, for the Transporting of which, We have disposed some Merchants to be Assistant with their Ships at easy Charge; and We humbly Offer that Your Majesty would be Pleased to give the necessary Directions therein to the Master Generall of Your Majestys Ordnance.

And Whereas there is wanting a Boom and other Materials for Floating and Fixing a Chain, which has been sent thither some time since for the Security of that Harbour; And the Officers of Your Majestys Ordnance having alleaged that the

Charge thereof ought to be born by the Navy Board, and that Board (on the other side) having insisted that the Care of this Service appertains to the Board of Ordnance; We humbly Offer that Your Majesty be pleased to interpose your Directions that this necessary Service be Performed.

And it having been further Offered to Us, that it may be usefull for the better carrying on the Works there, that the Seamen on Board your Majestys Ships of War have Orders to Assist therein, dureing their Stay in those Parts, We humbly Report to Your Majesty that those Orders have been formerly given, and further Offer that they be now renewed, as likewise that such other Workmen, and what ever else may appear necessary to the Office of Ordnance for these Services, by the Informations they have received, be sent thither with the aforementioned Materials.

And Whereas Your Majesty has there one Company of Foot consisting of Eighty Men beside Officers, for whom all necessarys are Yearly sent by every Convoy; We humbly lay before Your Majesty hereunto annexed the several accounts of what appears to Us to be wanting for the Support of the said Company in Subsistance, Cloathing, and Provisions for the Provideing of which the most Speedy Orders are requisite.

In relation to the said Company, We further humbly Report that We have received from Captain Powell their Commander, severall Letters of Complaints against the Agent Employed in Transacting for them here, As if he had not duly remitted the Subsistence Mony allowed them according to their Establishment; To which having required the said Agent to give Answer, He has Stated, and layed before Us such Accounts of his Transactions as seem to Us to be without Exception; But in Order to the more perfect Examination of those matters, We humbly Offer that Copys of all Papers relating thereunto be given to the Commander of this Years Convoy and that he be Directed to Report his Opinion thereupon and redress as far as in h'im lyes what he shall find amiss.

1702.

Wee likewise humbly Represent to Your Majesty, that the Commander of the Newfoundland Convoy may have the like Commission to Command in Cheif the Soldiers in Pay there as has been given the former Years.

And Whereas We have also received from the Lord Bishop of London a great Complaint of the Ill and Scandalous Usage that Mr. Jackson the Minister of St. Johns in Newfoundland hath received from Capt. Powell, and Samuell Francis his first Lieutenant and of their Proffligate Lives, which is of very Ill Example to the Soldiers, and Inhabitants of that Place, We cannot but represent to Your Majesty that one or both of them be removed from their Employments there, and Succeeded by such as may behave themselves as they ought to do.

And Whereas Mr. John Thurston has been Employed for three Years past in the Business of Newfoundland, relating to the Soldiers there, which has been a matter of great Trouble and some expence, for which he has as yet had no reward, We do think he may deserve the summe of One hundred Pounds in Consideration of his said Services, and Expences, and that an Allowance of Forty Pounds per Annum be allowed him for the future during the said Agency the Company there no ways contributing thereunto.

[pp. 46-49.]

26 March. [Directions are given to the Lord High Admiral that seamen on board the convoy assist in the work of fortification in Newfoundland, and that the convoy take out thither provisions for the foot company of 80 men besides officers, which the Treasury is directed to supply] :—

An Account of smal Cloathing to be sent the Company at Newfoundland this Year 1702.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
88 pair of Strong Shoes for Soldiers and Non Commission Officers being one pair for each Man at 4 <i>s.</i> 6 <i>d.</i> per pair.....	19	16	0
80 pair of Stockings for Soldiers at 18 <i>d.</i> a pair.....	6	0	0
5 pair of do. for Corporals and Drumers at 20 <i>d.</i>	0	8	4
3 pair of do. for Serjeants at 3 <i>s.</i>	0	9	0
	—	6	17 4

ACTS OF THE PRIVY COUNCIL (COLONIAL). 401

1702.

	<i>l. s. d.</i>	<i>l. s. d.</i>
160 Shirts for Soldiers (being 2 for each Man) at 3s. 6d.	28 0 0	
10 do. for 5 Corporals and Drumers at do.	1 15 0	
6 do. for Serjeants at 5sh.	1 10 0	
	<hr/>	31 5 0
160 Neckcloths for Soldiers at 12d.	8 0 0	
10 do. for Corporals and Drummers at 1s. 6d.	0 15 0	
6 do. for Serjants at 4s.	1 4 0	
	<hr/>	9 19 0
		<hr/>
		67 17 4
Freight with Charge of Packing &c.		5 0 0
		<hr/>
		72l. 17 4

An Account of Provisions to be sent this Year 1702 for the Company at Newfoundland.

Bisket	24752 Pounds.
Malt	93 Quarters 4 Bushells.
Beef	2358 Pieces.
Pork	3536 Peices.
Pease	110 Bushels 4 Gallons.
Oat Meale	165 Bushells 6 Gallons.
Butter	1326 Pounds.
Cheshire Chease	1772 Pounds.
Flouer	3536 Pounds.
Suet	589 Pounds.
Hopps	2½ Cwt.

An Account of Money wanting for the Company at Newfoundland.

	<i>l. s. d.</i>
One Years Subsistence for a Captaine at 3s. per Diem. A first Lieutenant at 2s. 6d.; A Second Lieutenant at 2s.; Three Serjants at 4d. each; 5 Corporals and Drumers at 3d. each, and 80 Private Soldiers each at 2d. in all 1l. 3s. 1d. per Diem	415 4 7
One Years contingent mony ending the first of September 1702	50 0 0
Severall small necessarys for the Company	72 17 4
A Years Subsistance for a Surgeons Mate which is Represented to Us as absolutely necessary in Addition to the Establish-ment at 2s. a day beside Provision	36 10 0
A Chest of Medicines	25 0 0
Left unsatisfyed of the Cloathing provided the last Year	79 10 7
One Years Contingent Mony in Arrear	50 0 0
	<hr/>
	729l. 2 6

[Orders are given to the Master of the Ordnance] that the Stone and other Materials, what the said Lords Commissioners

1702.

have already Represented to be wanting for Compleating the Fortifications in St. Johns Harbour in Newfoundland be Transported thither, the said Lords Commissioners having Represented that they have disposed severall Merchants to be Assistant therein, with their Ship at Easie Charge. That a Boom and other Materials be sent thither for Floating and Fixing a Chain sent some time since for the Security of that Harbour. That such Workmen and what ever else may appear necessary for carrying on the works at the Fortifications there according to such Informations as the Office of the Ordnance have received be also sent thither. [pp. 50-52.]

[On a representation from the Ordnance, four ships, names given, are permitted to sail with 140 tons of Ordnance stores for the fortifications in Newfoundland.] [p. 54.]

26 March. [866.] The petition of William Byrd together with Virginia. a Petition from the Councill and Burgesses of Virginia relating to the Sume of Nine hundred Pounds towards the Assistance of New Yorke [is referred to the Board of Trade]. [p. 54.]

21 May. [The Council approve, and give orders in accordance with their Lordships' representation] That his late Majesty having judged it requisite for the Generall Security of the Plantations upon the Continent of America, that they should upon occasion asist each other in proportion to their respective Abilitys; and Signification having accordingly been made to the Governors of severall Plantations of the Quota of Assistance judged requisite for the Security and Defence of the Province of New Yorke, His Majesty was pleased by His Letters of the 19th of January 1700/1 to require Colonell Nicholson Governor of Virginia to recommend to the Councill and Assembly of that Colony their furnishing their Share of a Contribution for that Service.

That the said Governor did accordingly communicate to them His Majestys said Letter, and Press them to a Compliance, but found them averse, and unwilling to furnish what was expected from them.

That upon this occasion, They constituted an Agent of their own Directing him to present their Address to His late Majesty and to Sollicit an approbation of their proceedings, tho' the same ought regularly to have been transmitted thro' the hands of Your Majestys Governor there, from whom they had received his late Majesty's Directions.

That we humbly conceive it would prove of very Ill consequence in the Government of your Majestys Plantations if countenance should be given to this manner of Applycation, And that the Councils and Assemblys should thereby be encouraged to make Representations to your Majesty by particular Agents of their Own appointment, without the Governors Consent ; Except only when those Representations containe matter of Complaint against the Governor for Male Administration, or that he refuse to transmitt or represent what they desire.

That in the present Case no applycation was made to Your Majestys Governor for transmitting the said Address, Nor is any Complaint Offered against him in Reference thereunto. On the Contrary it has been acknowledged to Us, as well by the said Agent as by other Persons considerably interested in the Trade of that Colony, that the Governor in all his Transactions with the Assembly had done his duty and that they had nothing to Object against him.

That the said Address presented in the Name of the Council and Burgesses of Virginia is signed only by four Members of the said Council.

That besides the Objections against the manner of presenting the said Address, We are humbly of Opinion that the reasons therein Offered for Excusing themselves from the foresaid Contribution are Insufficient : For that the Forts at New York are so far advanced towards Canada as to be a Common Security as well to Virginia as to New Yorke and both those Provinces, tho' they lye distant from each other, have no other Barrier against the French.

We therefore humbly Offer that Your Majesty would be pleased to write your Royall Letters to the Governor of

1702.

Virginia, taking Notice of the Irregularity of this proceeding, and againe recommending what has been already proposed for an Assistance to be given by Your Majestys Plantations on the Continent to each other ; which Letters the Governour may be Ordered (as formerly) to lay before the Councill and Assembly, and use his best perswasions to encline them to a Voluntary Compliance. [pp. 132-4.]

11 June. [A letter in the terms of the representation is approved.] [pp. 148-9.]

12 April. [867.] [A letter to] Jahleel Brenton Esqr., Surveyor of Her ^{New} England. Majestys Woods in New England, or in his absence to such as the Governour of Massachusetts Bay and New Hampshire shall appoint. It having been Represented to Her Majesty in Councill, That William Wallis of London Merchant, is become a Contractor with the Commissioners and Officers of Her Majestys Navy to furnish a Certain quantity of Masts and Bow Spritts from New England for the Service of the Fleet, and Her Majesty having been humbly prayed to Grant her Royall Licence to the said William Wallis to Cutt the same out of such of the Woods in those Parts as have been reserved for Her Majestys Service. We have thereupon Received Her Majestys Commands and do accordingly Order and direct You to Mark and sett out to the said William Wallis such Masts and Timber Trees, belonging to Her Majesty in New England as shall be requisite for this Service, and permitt him to Cutt down and fell the same and no others, In Order to be Transported and furnished by him for the Service of Her Majestys Royall Navy according to his said Contract, a Copy whereof you will herewith receive for the enabling you to prevent the making any Spoils or Wast of the Masts and Timber Trees, belonging to Her Majesty in those Parts, further then shall be absolutely necessary upon this occasion. And so not Doubting of Your ready Compliance and Especial Care herein, We bid You farewell. [p. 82.]

17 April. [868.] [The Board of Trade are directed to make Barbados and Leeward Islands. a further report upon the address of the House of Commons for applying the 4½ per cent. revenue in Barbados and the

1702.

Leeward Islands to fortifications and other public services there.] [p. 98.]

[The Council refer to the Ordnance for an estimate a report of the Board of Trade as to the defences of the Leeward Islands.] 17 April. [p. 99.]

[The Board of Trade represent] That in the years 1663 and 1664, severall Acts were past in the Island of Barbados and the Leeward Islands for raising a Duty of four and half Per Cent. upon all Dead Commoditys Exported from thence, which was in consideration of an acknowledgement of 40 Pound of Cotton per Head, and all other Dutys, Rents and Arrears of Rents due to the Proprietor, and for Quieting the Possessions, of the Inhabitants of those Islands and for a full Confirmation of their Estates and Tenures, and for holding their severall Plantations to them and their Heirs for ever in free and Common Soccage, and in Consideration also of the Great Charges necessary for maintaining the Honour and Dignity of His Majestys Authority there, the Publick Meetings of the Sessions, the Often attendance of the Councill, the Reparations of the Forts and other Publick Charges incumbent on the Government; Which Duty or Impost was Granted to King Charles the Second, His Heirs and Successors for ever, and has been from that time let to Farm or managed by the Commissioners of the Customs here under the direction of the Treasury; and as we understand has one Year with another amounted in Barbados to about ten Thousand Pound Sterling and in the Leeward Islands to about three thousand pound Sterling per Annum. 14 May.

And We further humbly Report to Your Majesty that by a Report of the 24th of January last, We laid before His late Majesty the present State of Barbados in relation to its Defence, upon the Information we had received on that subject from the Lord Grey and the Agents of the Island, By which it did Appear, that upon a Strict Survey of the Fortifications by his Lordship and Commissioners appointed for that purpose, he found (in 29 Forts and Batteries) 308 Guns of severall

1702.

Sorts, whereof 58 only were Serviceable, and that most of the Forts and Batteries were out of repair ; Upon which his Lordship (having also consulted with the most experienced Inhabitants of the Island) Offered his Opinion, that such of the Forts and Batteries as may be most usefull be forthwith repaired, And that there be sent thither at least a hundred great Guns of Twelve Foot long, together with a Suitable Proportion of that and all other Ordnance Stores needfull for them ; Adding that there is a want of small Arms and Shot ; Whereupon We humbly Repeat Our Opinion, that such a Number of Great Guns, as your Majesty may think convenient, together with a Quantity of small Arms and Amunition, the particulars whereof (as We have received them from the Agents) are Twelve hundred Fuzils Slung, Six hundred pair of Horse Pistolls with Holsters, Six hundred horse Mens Swords, Six hundred Belts, two hundred Musketoons and a Suitable Proportion of Bullets, Flints and Cartouch Boxes for the Fire Arms be speedily sent thither, and do humbly conceive that the Duty of four and half per Cent. arising there is Chargeable towards this Expence.

The said Agents proposing also in a Memoriall Delivered to Us, that the present Forts and Fortifications be forthwith repaired, We are humbly of Opinion that the same be done under the Direction of Commissioners to be appointed by the Governor and Council there, and that an able Engineer be sent from hence for that purpose, together with some experienced Gunners (the Agents mention the Number of Eighteen) as likewise that Magazines be built for the better preservation of Powder and other Ordnance Stores, for which we humbly Offer that your Majesty will be pleased to allow a Competent Summe out of the said Duty.

And We further Observe that the said Agents have likewise Proposed that an Hospital be Built for the Reception and accommodation of Sick and Wounded Seamen and Soldiers, which may be done when other more pressing Services are provided for.

We have also very lately received Letters from the President and Council of that Island (Dated the 19th of February last) expressing the Great Alarm they had received by the arrival of a French Squadron under the Command of Monsieur Chateau renaud at Martinico, And adding that tho' the said Squadron was Sailed to Leeward they should Still continue to be under apprehensions untill a Regiment of Foot be sent thither, and that they be Supplied with the Great Guns formerly desired as is above mentioned.

As to the Leeward Islands.

At St. Christophers there is a Fort called Cleverly Point Fort where Twenty Guns are mounted; Brimstone Hill Fort where there are Twelve. And a Small Platform where are Six. There being also Thirty Peices of Cannon brought out of the French Part of this Island, dureing the late War; Colonel Codrington the Governor in Cheif of those Islands has given Directions, for the mounting and Placeing them with all Speed; Which being done he conceives that there is not occasion at present for more Artillery there.

At Antego are severall little Forts and Platforms; The Governor Proposes the sending thither twenty long Sakers, which may serve as well against the Indians as any other Enemy; As likewise the building a Small Fort at Parham, for which he desires Twelve Guns. He would also make a New Platform in another Place where Privateers in time of War, and unlawfull Traders in time of Peace are very busy. He informs Us that they very much Want small Arms, Adding that those Arms which have been sent to those Islands from the Tower were Slight and of no Service.

At Nevis, He represents the want of New Carriages for the Guns, and desires further four long Sakers; Six Guns Twelve Pounders; and six Eighteen Pounders, with a sufficient quantity of shott for them, and five hundred Saker shot for the Guns already in the Fort and Platforms; together with Twenty Barrills of Canon Powder. And Six hundred Fire locks having been lately sent to this Island, for as many

1702.

Matchlocks returned from thence, We are humbly of Opinion that upon the Receipt thereof, they will be Sufficiently provided with small Arms for the present.

As to Mountserrat We have no Account from the Governor of any Wants. Upon all which We humbly Offer that such part of this duty of four half per Cent. as Your Majesty shall direct be applyed towards the supply of these Demands.

And upon the whole, We further humbly propose, that Your Majesty would be pleased to send Your Royall Letters to the Governors of Barbados, and of the Leeward Islands to use their best endeavours to encline those Assemblys to continue the Publick Levies for the more Effectuall carrying on and Compleating the Services abovementioned and others conducing to the Safety of those Islands. [The Council refer it to the Lord High Treasurer to consider what relates to the supplying money for the several demands therein mentioned, and to the Ordnance for an estimate of the stores required in addition to those ordered on 17 April.]

[pp. 125-8.]

21 May. [The Ordnance estimate is also referred to the Lord High Treasurer.] [p. 132.]

31 May. [The letters ordered in the last paragraph of the report are read and approved.] [pp. 144-5.]

6 Aug. [The Council approve, and give orders for putting into execution, the report of the Lord Treasurer of 25 July, as to the money required for Barbados]:—I find by an account from the Persons Employed in the Sale of Goods arising by the Duty of $4\frac{1}{2}$ Per Cent. in the Charibee Islands, That there are Effects remaining in Your Majestys Ware Houses to the Value of Five Thousand Five hundred Pounds Sterling, Three Thousand Five hundred pounds whereof, when the goods shall be sold, I humbly Propose may be Applied in the first Place, for the sending over an Able Engenier, a Store keeper, One Master Gunner, and Seventeen other Gunners, mentioned in the said Report, and paying them

1702.

the Advance of one Quarters Sallary, And that the Residue of the said Three Thousand Five hundred Pounds be laid out in Fire Arms, and such Ammunition as is most wanted in that Island, as also that the remaining Sume of Two Thousand Pounds be Employed towards making good the Demands of Your Majestys Governor of the Leeward Islands, as far as it will Reach by a Proportionable quantity of each Species, and Especially of Fire Arms and the necessary Ammunition, and that as there shall be any further produce of the same Revenue over and above the Yearly Sume of One Thousand Pounds payable to the Heirs and Assignes of the Earl of Kinoul Your Majestys do give Order for the particular Application thereof from time to time as shall be found most requisite upon future Reports to be made to Your Majestys from Your Governours and Councils there.

[The estimates are given minutely in the Register. Stores for Barbados amount to 17,467*l.* 15*s.* 9*d.* and the charge of an engineer &c. to 1258*l.* 15*s.* 0*d.*: Stores for Antigua 2516*l.* 9*s.* 10½*d.*: for Nevis 1111*l.* 5*s.* 2*d.*] [pp. 197-204.]

[A representation from the Board of Trade of 21 Aug. on a petition of the inhabitants in and traders to Barbados is referred back to the Board of Trade to report] whether instead of the Application of Part of the duty of 4 & ½ arising to Her Majesty in the Charibees, Directed by Her Majesty's Order in Council of the 6th of this Month for the use of the Fortifications and other the necessary occasions of the Islands of Barbados the Petitioners are desirous that the same shall be applied towards the Keeping of Soldiers in Her Majesty's Pay for the Defence and Security of the said Island.

24 Aug.

[p. 210.]

[869.] The humble Petition of Robert Quarry setting forth that being Judge of the Court of Vice Admiralty and Surveyor Generall of Her Majesty's Customes in Pensilvania and having in discharge of His Duty proceed according to Law against Piracy and Illegal Traders and being obliged for Her Majesty's Service to come over to lay before her Majesty the State of

2 May.
Pennsyl-
vania.

410 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Her Majestys Plantations in those Parts relating to Trade, and the Danger they are in from the French in Case of War, Mr. Pen by Vixatious proceedings here has Caused him to be arrested in severall Great Actions and obtained a Writt of ne Exeat Regnum against him and oblidged him to give two Thousand pounds Security without any just right purely to oppress him and oppose his Prosecuting Her Majestys Interest and therefore humbly praying that Care may be taken for His Protection [is referred to the Lord Keeper]. [p. 114.]

2 May.
Leeward
Islands.

[870.] The Petition of the Planters, Merchants, Inhabitants and Traders of Her Majestys Leeward Islands in America, humbly praying a Sufficent Number of Ships of War and Men to be sent to those Islands, to prevent any designes of the French upon them, [is referred to the Lord High Admiral for consideration and report]. [p. 116.]

14 May.
New Jersey.

[871.] The petition of Peter Sonmans and William Dockwra, for themselves and on the behalfe of others Proprietors of the Provinces of East and West New Jersey . . . relating to a Governor to be appointed by Her Majesty for the said Provinces, [and] the Petition of the greatest part of the Proprietors . . . humbly proposing Colonell Andrew Hamilton as a fitt Person, [are referred to the Board of Trade.]

[p. 124.]

11 June.
New York.

[872.] [The Council refer to the Committee for Appeals the petition of John Wake, late commander and part owner of the *Elizabeth and Catherine*, for a speedy hearing of his appeal against the irregular condemnation of that vessel in the Courts of Admiralty and Places in New York on pretence of her not being registered according to the Act for preventing frauds and regulating abuses in the plantation trade.]

[p. 148.]

10 April.

[A further petition of Elizabeth Wake, widow, and the owners for leave to appeal is similarly referred.] [p. 352.]

18 June.
Bahamas.

[873.] [A representation of the Board of Trade] of a Remonstrance made by the Inhabitants of Her Majestys Bahama

1702.

Islands, against the Conduct of Captaine Elias Haskett commissioned by the Lords Proprietors . . . to be their Governor, [is ordered to be sent to the Proprietors], with Signification of Her Majestys Pleasure, that they take due Care for the Security of the said Islands and for sending thither a Governor, who may have Her Majestys Approbation as by Law is requisite. [p. 155.]

The Petition of Elias Haskett Esqr. Governor of the Island of Providence and other the Bahama Islands . . . relating to Injurys and wrongs don him by the Inhabitants of that Island, and humbly praying to be Redressed therein, [is referred to the Board of Trade]. 2 July. [p. 168.]

[On the report of the Board of Trade that they] have been further Confirmed of the Defenceless and Disorderly Condition of those Islands, whereby they are Exposed to the French and Spaniards, [their proposal is adopted] that, the Scituation of the said Islands being of very great Importance . . . Her Majesty do againe recommend to the said Lords Proprietors the Care and Defence of the said Islands, and a more Regular Administration of that Government, and in particular that upon a due Inquiry made into these matters Offenders may be punished and Justice done to all such as have been Injured thereby. 24 Aug. [p. 211.]

[Upon a representation from the Board of Trade as to the petition of Captain Haskett, who complained that he had been forcibly seized and sent to England by the inhabitants of the Bahama Islands], by reason of his Prosecuting Divers Offenders for Piracy and Violating the Laws of Trade and Navigation, and for the Endeavouring to Reform the Disorderly way of Living of those Inhabitants, and their Lordships not being able to determine the truth of the matter of Fact on either side which they conceive cannot otherwise be done, then by a Commission of Inquiry, [the Proprietors are recommended to issue such a commission] Captain Haskett being a Person of whom Her Majesty has a good opinion, and whom her 24 Aug.

412 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

Majesty is well Informed may do good Service to her Majesty in those Parts. [p. 211.]

27 Sept. [Colonel Haskett in a further petition alleging that a Commission of Inquiry would cause a great loss of time] and that the Earl of Nottingham . . . had taken before him two affidavits, proving the whole matter, which he humbly hoped would be sufficient, [it was ordered] in favor to the Petitioner and for his more speedy reliefe, that the said Petition and Affidavits be referred to the Lords Proprietors who are to proceed thereon instead of the said Commission of Enquiry, and report their Opinion upon the whole to her Majesty in Council. [p. 224.]

18 June. [874.] [A letter to the Master of the Ordnance from the Virginia. officers thereof, giving the estimate of 3388*l.* 3*s.* 4*d.* for the stores demanded by Colonel Nicholson for 1000 foot and 400 horse in Virginia], against which the Officers of the Ordnance have no Objection but the Charge it brings upon the Office, there being no manner of Provision made for it by Parliament, and therefore hope Directions may be given for reimbursing the said Sume, [is referred to the Lord High Treasurer.] [p. 156.]

6 Aug. [On his report, the stores, of which details are given, are ordered to be sent to Virginia, and payment made out of the quitrents of the colony and remitted to England by bills payable to the Treasurer and Paymaster of the Ordnance. Arms delivered to the inhabitants for the ordinary service of the militia are to be paid for at the price given in the estimate and the proceeds put into the hands of the Receiver General or Treasurer of her Majesty's revenues in Virginia.] [p. 204.]

18 June. [875.] [The Council refer to the Attorney and Solicitor New York. General] the humble Petition of Henry Adderley and Charles Lodwick Merchants in behalfe of Colonel Nicholas Bayard of New Yorke [who] has been indicted and convicted and had Sentence of Death and forfeiture passed upon him as in

Cases of High Treason for Offences pretended to be Committed against an Act of Assembly there, which makes it high Treason to disturb the Peace Good and Peace of their late Majestys Government, praying that he may be Admitted to bring a Writt of Error, to reverse the said Judgement and Attainder, and for that purpose that the Record and all proceedings relating thereunto may be transmitted hither, together with the Minutes of all the Evidence at the said Tryall.

[p. 156.]

[On the report of the Attorney and Solicitor General that the proceedings against Colonel Bayard are very extraordinary, he is permitted to appeal from a conviction for treason in New York and to bail, on giving sufficient security. All records in the case are to be transmitted to the Board, with the minutes of the evidence taken, as also the Act under which he was condemned,]—Whereby it is Enacted, That whatsoever Person should by any manner of way, or upon any pretence whatsoever endeavor by force of Arms or otherwise to disturb the Peace, Good and Quiett of the Government of their late Majestys King William and Queen Mary as it was then Established, should be Deemed and Esteemed as Rebels and Traytors unto their Majestys and incur the Pains, Penaltys and Forfeitures as the Law of England have for such Offences made and Provided. [Similar orders are made on the like appeal of John Hutchins.]

[pp. 169-170.]

[On the report of the Committee of the whole Council, Lord Cornbury is directed to induce the Assembly of New York to repeal the clause above quoted] the meaning of which Clause having been of late Misinterpreted to the Oppression of Her Majestys Subjects.

[p. 175.]

[On the same day, Sampson Shelton Broughton is restored to his office of Attorney General of New York, from which he had been suspended by the late Lieutenant Governor and Council on account of his opinion on the charge against Colonel Bayard and John Hutchins.]

[p. 177.]

414 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.
17 Dec. [Colonel Bayard's petition that his appeal may be heard is referred to the Committee for Appeals; in order thereunto they are to be attended on Tuesday next by Mr. Atwood and Mr. Weaver.] [p. 268.]
- (1703.)
21 Jan. [On hearing counsel in behalf of Colonel Bayard and Alderman Hutchins condemned for treason in New York, as also Thomas Weaver who prosecuted them as Solicitor General and William Atwood who pronounced sentence as chief judge], Her Majesty having considered the said matter, and being Sensible of the undue and Illegall Prosecutions against the said Bayard and Hutchins, [it is ordered that Lord Cornbury do direct the Attorney General of New York] to consent to the Reversing the Sentence and Sentences given against the said Colonel Bayard and Alderman Hutchins, and all Issues and proceedings thereupon, And to do whatever else may be requisite in the Law for reinstating the said Bayard and Hutchins in their Honours and Property as if no such Prosecution or Tryall had been. [p. 295.]
- (1704.)
18 Dec. [On a representation from the Board of Trade, Her Majesty agrees to ratify an Act lately passed in New York declaring the illegality of the proceedings against Col. Bayard and Alderman Hutchins, and nullifying the judgment against them; the Governor is to see that Col. Bayard and Alderman Hutchins enter into recognizance upon record: or else to transmit a new Act with a clause of indemnification as proposed by the Board of Trade.] [Vol. II. p. 229.]
- (1708.)
8 Jan. [Two New York Acts annulling proceedings against Col. Bayard and Alderman Hutchins are confirmed and an Act of 1705 about Col. Bayard repealed. (See Appendix III.)] [Vol. III. pp. 493-4.]
- 18 June.
Tobago. [876.] [A petition of several merchants and gentlemen concerned in the settlement of Tobago, for her Majesty's countenance in possessing, peopling, and improving the island] under such Graunts and Encouragements and such

1702.

Acknowledgements to Her Majesty as shall be thought necessary and fitt, [is referred to the Board of Trade].

[p. 162.]

[877.] Representation from the Commissioners of Trade about sending a Governor to Barbados, and repairing the Fortifications, to be Lodged with the Earl of Nottingham. 18 June. Barbados.

[p. 162.]

[878.] [A representation from the Board of Trade] relating to Divers Acts past in the Generall Assemblys of Barbados . . . is hereby Referred to the Right Honourable the Lords of a Committee of the whole Councill. 2 July. Barbados.

[p. 166.]

[The Committee recommend that the Acts be confirmed, save one "for the better securing the Liberty of His Majestys Subjects within this Island, and preventing long Imprisonment": this is disallowed as containing divers imperfections and unprecedented clauses, but instructions are to be given to the Governor securing the liberties sought to be safeguarded by the Act, these instructions to be made public and registered in the Council Books of Barbados.] 6 July.

[p. 173.]

[Order accordingly.] [p. 180.] 9 July.

[879.] The Petition of John Wentworth and Richard Garrish humbly praying that the Men in the Ships which the Petitioners have Equipt for the West Indies, to annoy Her Majestys Enemies, may not be Imprest in the West Indies or elsewhere . . . is hereby Referred to His Royall Highness Prince George of Denmarke Lord High Admirall. 2 July. West Indies.

[p. 167.]

[880.] The Petition of Mary Elliott, Wife of Captaine Stephen Elliott, Commander of the Ship Scarborough at Jamaica, humbly praying that in Consideration of the losse of Her Husband in the Service, she may have the benefitt as other Captains Widows of 4th rates have had, whose Husbands Dyed Abroad in those Parts, [is also referred to the Lord Admirall]. 2 July. Jamaica.

[p. 167.]

Report . . . nothing. [p. 205.] 6 Aug.

416 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702.

9 July. [The Council refer to the Lord Admiral the petition of Hester Viall for some bounty or pension in consideration of the loss of her husband, Captain John Viall of H.M.S. *Pendennis*, who died in the West Indies in March, when serving under Admiral Benbow.] [p. 178.]

9 July. [881.] [A copy of] the Petition of John Wilks, setting forth that his Brother in Law Joseph Haynes of Jamaica Merchant was, upon a Complaint from his Wife, by the Authority of Sir William Beeston late Governor and his Council there at a Court of Chancery, Confined a Close Prisoner in the said Island for near four years, and humbly praying that the said John Haynes may be Relieved, [is ordered to be sent to Sir William Beeston, who is to return a written answer with all convenient speed]. [p. 179.]

6 Aug. [882.] [The Council refer to the Board of Trade] the Petition of the Inhabitants of the Island of Barbados now in England, and of the Merchants Trading thither, setting forth that the said Island for two years has been Visited with such unseasonable dry Wether that many of the poor People for want of Bread have been forced to leave it, and all of them brought to great Distress, and humbly praying that Three small Ships of War may be forthwith sent thither for the Security of the Trade thereof and of Ships coming thither with Provisions, and also such a Number of Well Disciplined regular Troops to Strengthen their Weak Militia, for preservation of the said Island, and the better to Secure the Petitioners from the Insults of the Enemy as shall be thought fitt. [pp. 193-4.]

24 Aug. [Their Lordships report that] it would be very convenient that the Island of Barbados be attended by a Competent Number of Frigatts to be relieved from time to time, and that the Trade of those parts, and the Security of the said Island may well deserve that two or three Frigatts be appointed for that Service dureing the War. [The report is referred to the Lord High Admiral.] [p. 212.]

1702.
27 Sept.

[The Council approve, and give orders in accordance with], a Report from the Council deputed by His Royall Highness the Lord High Admirall . . . that it is very necessary all Care should be taken for the Security . . . of Barbados, and the Trade thither ; But finding that dureing the whole Course of the last War with France, there was not more than One fourth, and one fifth Rate allowed at the same time for this Service, We shall so soon as an opportunity offers, and that a Ship can be Spared, Add a fourth rate to the fifth that is now attending that Government, and in the mean while we hope they will be safe thro' the Countenance which they may receive from the Squadron of Her Majestys Ships with Vice Admirall Bembow in the West Indies, who tho' he is in a particular manner directed to have a regard to Jamaica, yet he has also Instructions to Protect, and Assist the other Plantations, which is a greater Security then they had all the last War. [p. 223.]

[883.] [The Council refer to the Committee for Appeals] the Petition of William Battyn Esqr. Complaining of Proceedings in the Courts of Barbados relating to an Estate of Negroes Descended to him, as Cousin and Heir to Elizabeth Binyon of Barbados Deceased, and humbly praying Releife upon his Appeal made from a Sentence of the Court of Chancery there, the Petitioner being ready to Prosecute the same. [p. 196.]

6 Aug.
Barbados.

[On the recommendation of the Committee of 3 March, the appeal is dismissed, as the decree of the Chancery is not final, but he is to have liberty to appeal from such final sentence as shall be made by that Court.] [p. 332.]

(1703.)
4 March.

[884.] [On the representation of the Board of Trade of 17 April] that Virginia and Maryland being large Territorys and lying open by Great Rivers, cannot be Secured by Fortifications and are therefore no ways able to Defend themselves against an Attempt of an Enemy by Sea unless it shall please Her Majesty to send a Sufficent Squadron to Cruise in those

24 Aug.
Colonial
Defences.

1702.

parts from the beginning of Aprill to the end of October, the time of the Greatest Danger, which the said Lords Commissioners humbly conceive will in like manner be a Security to the rest of Her Majestys Colonys on the Continent, and the Islands Adjacent in America, [it is referred to the Lord High Admiral to consider the matter and to give the necessary directions for providing in the best manner for the security of the coasts of her Majesty's dominions in America.] [p. 215.]

[The remaining part of the representation as to defences is referred to the Committee of the whole Council, and it is ordered] That the Governors of Her Majestys Provinces of the Massachusetts Bay and New Hampshire be Writt to in the most pressing manner to endeavor that according to what has been proposed by Colonel Romer the Engineer lately sent thither, a good Fort be built at Pamequid about the same place where the last stood, and for its better Defence in Case of an Attack from the Sea, that a Battery be raised on the next Point of Land and a Redoubt or Round Tower in St. Johns Island, and a New Fort in Piscataway River, where the Present Fort now stands to be such as the Growing Trade of that River and Country requires according to the Designe thereof sent by Coll. Romer to the said Lords Commissioners, as also a strong Tower on the Point of Fryers Island, a Battery on Wood Island, and another on Clarks Island, and further acquainting him that when the said Fortifications shall be Built, Her Majesty may be Induced to send thither some Great Guns and other Stores of War towards the finishing and for the use of the same, That the Magistrates in Her Majestys Colonys of Connecticut in Rhode Island and the Proprietors of Pensilvania Carolina, and the Bahama Islands be also required to take Care that due Preparations be made in the said Respective Colonys and Proprieties for the Defence and Security of the same against any attempt that may be made upon them by the Enemy dureing this time of War. That the Governor of the Massachusetts Bay, and the said Magistrates of the Colonys of Connecticut and Rhode Island, that in Case of an Invasion or appearance of Imminent Danger

1702.

on the side of New Yorke they forthwith send Assistance to that Province of Men or Money according to former Directions sent to them on that behalfe. [p. 216.]

[885.] [The Council approve, and give orders in accordance with, the representation of the Board of Trade of 11 Nov.:—] In Obedience to Your Majestys Commands, Signified to Us by the Right Honorable Mr. Secretary Hedges, upon the Petition of William Penn Esqr. that Colonell Andrew Hamilton appointed by him to be Deputy or Lieutenant Governor of Pennsylvania, may have Your Majestys Royall approbation for the Executing of that Trust, for one Year only, We humbly report, that we have lately represented to Your Majesty, That having been Informed that the said Hamilton had been a favorer of Illegal Trade with Scotland and other Parts, We did not think it for Your Majestys Service that he should receive Your Royall Approbation as Lieutenant Governor of that Province, But Your Majesty having now Signified to Us Your Gracious Inclination to Gratifie Mr. Penn in his present request, and considering the Absolute necessity, which he alledges, for a Temporary approbation of the said Hamilton, We humbly Offer that Security be given to Your Majesty in Two Thousand pounds Sterling at the least by the said William Penn or other Persons for the said Hamiltons duly observing the Acts of Trade &c. as is usually done for the Propriety Governments. Provided always that Your Majestys favour herein be not construed or extended in any manner to diminish or set aside Your Majestys Right and Title to the three lower Counties upon Delaware River adjoining to Pennsylvania, And we further humbly take this occasion to pray Your Majestys Order to the said William Pen, that he be Oblidged to returne a speedy answer in writing to the four Queries delivered to him by Us in May last; The same very much importing the Good of the Trade and Settlement of those and the neighbouring parts. [p. 242.]

11 Nov.
Pennsyl-
vania.

(1703.)

[In accordance with a representation from the Board of Trade of 21 Jan. that this order had been complied with, 21 Jan.]

1702.

and that in pursuance of his answers, their Lordships are still considering the ascertaining of one current rate or value of coin in the plantations, and also Mr. Penn's claims to the three lower counties, it is ordered] that all Persons in Judiciall or any other Office or Offices in Pennsylvania and the said Lower Counties, before their entring upon any such Office or Offices do take the Oath Directed by the Law of England or the Affirmation allowed by the said Law to Quakers, and that no Judge be allowed to sitt upon the Bench, who shall not first take the Oath of a Judge or in lieu thereof the aforesaid Affirmation as Directed by the Law of England, as also that all Persons who in England are Oblidged and are willing to take an Oath in any Publick or Judiciall proceeding, be admitted so to do by the Proper Officers and Judges in Pennsylvania, and in the said Lower Counties, In default of all which or in Case the Judges shall refuse to Administer the said Oath or attestation; Her Majesty is pleased to Declare their proceedings, and they are hereby accordingly declared to be Null and Voyd, And the said William Pen Esqr. and the severall Judges of Her Majestys Courts within the said Province and Territorys, and all others whom it may concerne are to take Notice hereof and Govern themselves accordingly. [Her Majesty is also pleased] to extend her allowance and approbation of Andrew Hamilton Esqr. to be Deputy Governor for the said William Pen of the said Province of Pennsylvania, and the said Territorys adjacent to the first day of May which shall be in the Year 1704 and no longer. [pp. 298-9.]

19 Nov. [886.] Her Majesty in Council is pleased to declare that
West Indies. for the Encouragement of such Regiments, Troops and Companies, as have been or shall be sent to the West Indies in Her Majestys Service and Pay dureing this War, It is Her Royall Intention, That such Officers and Private Soldiers, as shall desire to be relieved, shall accordingly be relieved by other Her Majestys Land Forces to be sent thither once in three Years. And that dureing their Stay in the West Indies their pay shall be duly and fully Satisfied every Week,

1702.

or as often as possible, in Money or Provisions ; and that the Officers shall not only receive at such times of Payment their usuall Subsistence Money, but their full pay, according to the Establishment Subject only to such Deductions from the said Officers and Soldiers as are usuall, for Cloathing, the poundage, and the One days pay for the Royall Hospitall at Chelsea, and such others as they themselves shall desire, and 'tis Her Majestys further pleasure, that this Declaration be Published in the Gazette. [p. 247.]

(1704.)
6 July.

Upon reading this day at the Board the humble Petition of Colonel Thomas Handasyd, Coll. John Lewsay and Coll. Thomas Whetham in behalfe of the Officers and Soldiers of the Regiments under their Command in the West Indies, Setting forth that the time Limited by Her Majestys Declaration bearing date the 19th of November 1702 for the Reliefe of the said Regiments is near Expired, and humbly praying the Benefitt of the said Declaration. [Order is given that] the said three Regiments shall be Relieved with all convenient speed upon the Expiration of the time Limited, And One of Her Majestys Principall Secretarys of State is to lay the same before Her Majesty for Her further Directions therein accordingly. [Vol. II. p. 140.]

[887.] Representation from the Lords Commissioners of Trade and Plantations relating to Road Island. Read. 26 Nov.
Rhode
Island.
[p. 250.]

[888.] [The Council approve, and give orders in accordance with, the following report of the Lord Admiral of 7 Dec] :— 10 Dec.
West Indies.
The Principall Commissioners for Prizes having Represented to the Lord High Treasurer, that they are under some difficultys in the Execution of the Trust reposed in them, with relation to the Ships which are, or shall be taken as Prize, and carried into any of Her Majestys Ports in the West Indies, by reason no proper Courts are there Established for the Legall condemnation of such Prizes, and that it will certainly prove very Expensive, if not impracticable, to detain such Ships in

1702

the aforesaid Parts, till such time as adjudication can be thereupon had in the High Court of Admiralty in England, and likewise very hazardous as well as delatory, to have them Navigated thence for England, in Order to their condemnation here, for which reason they pray, that Directions may be given that Courts of Admiralty may be appointed in the West Indies, for the Condemnation of all Prizes taken and brought into the aforesaid Ports; and Her Majesty having upon the Debating this matter in Council, been pleased to Referr the consideration thereof to me, I have accordingly considered thereof and do Report to Her Majesty that for the more regular and Effectuall condemning the said Prizes in the West Indies, it is necessary that Her Majesty does particularly empower me by Commission under the Great Seal, to Authorize the Vice Admiralls in the Plantations to do the same. [p. 260.]

(1703)

18 Nov.

[The Lord Admiral having represented on 18 Nov. that in spite of the existence of duly constituted Courts of Admiralty in the plantations, the Governors there dispose of prizes without giving any account of the produce, it is referred to the Board of Trade] to Examine the matter of Prizes in the Plantations and Lord High Admiralls dues in particular, And to Report to this Board how the same Stands at Present, in reference to the Laws and Practice of the Severall Plantations, and the Instructions to the respective Governors in that behalfe.

(1704.)

28 Jan.

[In their Lordships' report of 26 Jan. the Lord Admiral is desired] to give the necessary Orders to His Vice Admiralls, Judges of Admiralty, and other officers concerned in the Courts of Admiralty in Her Majestys Plantations in America, that they proceed in all Cases before them according to such Instructions as His Royall Highness shall think fitt to give them and according to Her Majestys Declaration for the Encouragement of Her Majestys Ships of War and Privateers with relation to Prizes: [the report is approved, and the Board of Trade are directed to write to the Governors of plantations accordingly]. [Vol. II. p. 38.]

[The Council approve a letter prepared by the Board of Trade for the Governors of plantations] relating to the Distribution of the proceed of Prizes and mainteyning the Rights of the Admiralty. (P.R.) [Vol. II. p. 59.]

1702.
(1704.)
23 Feb.

[889.] [The Council refer to the Board of Trade] the Petition of Samuell Allen Esqr. humbly praying that the Governor of New Hampshire in America may be Directed to permitt the Petitioner to have and Enjoy the Wast and unimproved Lands within the Province of New Hampshire and that he may be Quieted in the Possession thereof.

17 Dec.
New
Hampshire.

[p. 271.] (1703.)

[The Council approve the following representation of the Board of Trade of 9 April, and direct them to prepare a letter accordingly for Her Majesty's approbation] :—Upon consulting Your Majestys Attorney General in relation to Mr. Allens Title to those Lands, We have received his Opinion.

10 April.

That the said Allen hath a good Title to the Waste Lands in the said Province ; That he may enter into and take Possession of the same ; That if he be Disturbed in the Possession thereof, it may be proper for him to Assert his Right by Legall Proceedings in the Courts of Justice within that Province, And that if upon the Tryalls which may thereupon be had, the said Allen do insist that the matters of Fact be Specially found by the Juries that shall be there Impanned, it may be reasonable that the said Juries be Directed to find Specially the matters of Fact relating to the Titles of the said Allen, and of others claiming the same Lands.

Whereupon We humbly Offer, that considering the Inhabitants of the said Province (whereupon both Judges and Juries consist) are Generally the Parties against whom the said Allen is to contend, and that the said Allen and those from whom he derives his Claime have for a long Tract of time prosecuted their Right without Effect, and that those Familys have Sustained great Damage by the Delays they have met with in the Determination of Justice, your Majesty would be pleased to give express Direction to Colonell Dudley Your

1702.

Majestys Governor in Cheif of the said Province, that in Case the said Allen shall be opposed by the Inhabitants and hindred from Entring quietly into Possession of the said Waste Lands or that he be Disturbed in the Possession thereof, Whereupon any Tryall or Tryalls shall be brought before Your Majestys Courts there for Setling the Title to the said Wast Lands, and that on such Tryall or Tryalls the said Allen do insist that the matters of Fact be Specially found by the Juries, Hee the said Governor in Cheif do all that in him lyes that the matters of Fact be specially found accordingly. And further that Exemplifications of the Entries of all Proceedings and other Papers, relating to the Setling of the Title to the said Lands be Delivered, under the Seal of the Province, to the Parties desireing the same To the end that upon an Appeal or Appeals from the Judgements thereupon given to your Majesty in Councill Your Majesty may be fully Informed of those matters, in Order to a ffnall Determination thereof. [p. 351.]

(1703.)

17 April. [A letter in accordance with the report is approved by Her Majesty in Council.—P.R.]. [p. 360.]

31 Dec.
New York.

[890.] [The Board of Trade present a draft of instructions for Lord Cornbury, and represent that] having Received from the Lord Cornbury an Account of his Suspending William Attwood and Thomas Weaver, and three other Members of the Council of New Yorke for their Misbehavior, and Divers Irregular and Illegall Proceedings in Government, [they conceived it fit that these persons be displaced and others appointed in their stead by instructions to Lord Cornbury. Orders were thereupon given for hearing Mr. Atwood and Mr. Weaver and their counsel on 14 January, the Attorney and Solicitor General being instructed by the agents of the Governor, and the parties charged being provided by the Board of Trade with such papers transmitted by Lord Cornbury as may be proper for their information]. [p. 277.]

(1703.)

14 Jan. [On the petition of William Atwood and Thomas Weaver for copies of papers transmitted by Lord Cornbury, the

1702.

hearing of their case is fixed for the 21st instant, and the petitioners are to receive by the 18th instant copies of documents relating to the case in the Council Office or with the Board of Trade and both parties are to interchange copies of all papers they intend to use at the hearing of the case.] [p. 289.]

(1703.)

17 Jan.

[It is ordered] that Copys of such Papers only be given to Mr. Attwood and Mr. Weaver upon their desire as have been Transmitted by the Lord Cornbury to make Good the Charge sent over by his Lordship against them. [p. 293.]

(1703.)

21 Jan.

[An instruction to Lord Cornbury is approved (*cf.* Appendix II) in which Atwood, Weaver, Abraham Depeyster, Samuel Staats and Robert Walters are replaced by five nominees of the Governor.] [p. 296.]

31 Dec.

Virginia.

[891.] [The Council approve, and give orders in accordance with, a memorial of 23 Dec. from the Lord Admiral, who, after consulting the Board of Trade on the inability of the merchants of London and the outports to agree as to the time of sailing of the convoys to Virginia, reports:—] It is thereupon proposed unto Her Majesty that it may be reasonable to send from hence two Ships of the 4th Rate, by the end of January next, to Carry all the Trade from the severall Ports, which Ships will joyne at Virginia two others which I have Ordered Vice Admirall Benbow to detach thither from his Squadron in the West Indies, and to Depart from thence in Company with the Trade by the first or Tenth of July next. And Whereas the Merchants of London have represented, that there will be occasion to send to Virginia the begining of July next, a Considerable Trade, It is further Proposed, that two fourth Rate Ships may be appointed, at that time, or by the latter end of August, to Convoy the said Trade, which for their better Security, may be seen well into the Sea by other Ships to be particularly appointed and that the said Convoy may depart from Virginia and Maryland with the Trade, by the begining of Aprill following, and that

426 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1702-3.

during their stay there they may Cruise in some proper Station to protect the Trade of the Leeward Islands.

And lastly it is further proposed unto Her Majesty that the Governors of Maryland and Virginia may be Enjoyed, by Her Majestys Orders, to take Care that noe Ships Sayle out of the Capes without Convoy, to prevent the Mischeifs which otherwise may happen to the said Trade from the Enemy. [p. 278.]

31 Dec.
Bahamas.

[892.] [The Council refer to the Lord Admiral the petition of Captain Elias Haskett for] the Command of a Fifth Rate Ship or some other Employment to Enable him to Performe the severall Services mentioned in the said Petition. [p. 281.]

1703.

11 Feb.
Privateers.

[893.] [The Council refer to the Lord Admiral the petition of] William Price, Michael Mitford and Company, Owners of the two Ships the St. George and the Fame Privateers, setting forth, that upon Encouragement of Her Majestys Commission they have been at above 8000*l.* Charge in fitting out the said Ships for a Voyage of 30 Months under the Conduct of Captaine Dampier, on a Designe to Cruise on her Majestys Enemys, in such Parts of America, where they presume no other of Her Majestys Subjects have as yett attempted, which undertaking wilbe lost to them, if they should be disappointed in their Design, And therefore praying Liberty to proceed on their intended Expedition, without having their Men taken from them. [p. 315.]

18 Feb.

[Petition granted.]

[p. 319.]

18 Feb.
West Indies.

[894.] [The Council refer to the Lord High Admiral the petition of Martha, widow of Vice Admiral Benbow, for provision for herself and five children in consideration of the loss of her husband in an engagement against her Majesty's enemies in the West Indies.] [p. 317.]

25 Feb.

[A pension is granted her, equal to those granted in the late reign to widows of flag officers of the same rank as the petitioner's husband.] [p. 323.]

[Reference to the Lord Admiral of the petition of Martha, widow of Admiral Benbow, for] payment of Table Money and Extraordinarys Expended by her said Husband in his Voyage to the West Indies, in Like manner as has been allowed to Others in Like Circumstances with the petitioner and her Family.

1703.
(1709.)
19 May.

[IV. p. 322.]

[Report of the Lord Admiral.] Nothing.

(1709.)
23 June.

[IV. p. 341.]

[895.] [On the representation of the Board of Trade, her Majesty's picture and arms are ordered to be sent to each of the] Colonys in America under Her Majestys Imediate Government, to be sett up in the respective Councill Chambers and Supreame Courts of Justice : [directions are to be given accordingly by the Lord Chamberlain and the Earl Marshal.]

25 Feb.
Plantations.

[p. 324.]

[896.] [On a representation from the Board of Trade of this date, they are directed to prepare an account of the salaries payable to the Governors of plantations] in order to the hindering such Governors from receiving presents from the Assemblies for the future.

4 March.
Plantations.

[p. 332.]

[Their report of 2 April is approved, and its provisions ordered to be communicated to the various colonies and put in execution.]

10 April.

As to Barbados and the Leeward Islands, the 4½ per cent. duty amounts one year with another to about 10,000*l.* in Barbados, and 3,000*l.* in the Leeward Islands :] For the Disposition whereof an humble Address was likewise presented to Your Majesty by the late house of Commons that the same (Subject to an Annuity payable to the Heirs of the Earl of Kinowle) be applyed for the repairing and Errecting such Fortifications and other Publick Uses for the Safety of the said Islands as Your Majesty shall Direct.

That out of the said Duty in Barbados there has hitherto been Assigned Twelve hundred pounds Sterling per Annum Salary to the Governors of that Island ; But that Sume having been Judged not Sufficient for their Support, they have been

1703.

permitted from time to time to receive Presents from the Assemblys, and considerable Sums have accordingly been raised by Publick Levies, For the Preventing of which Practice, We humbly propose that Your Majesty would be pleased to Add the sume of Eight hundred pounds Sterling per Annum, out of the said Duty of $4\frac{1}{2}$ per Cent, to the present Salary of the Governor of that Island ; which by such Addition will amount to Two Thousand pound Sterling, and may be a Competent Maintenance for that Governor without dependance on the People.

And We humbly Offer that upon the Establishment of Two Thousand pound per Annum as aforesaid, Your Majesty do Signifie Your Express Pleasure that no Governor, Lieutenant Governor, Commander in Cheif, or President of the Council of Barbados for the time being, do hereafter receive any Gift or Present from the Assembly ; And likewise that no Assembly do make any such Gift or Present to him or any of them upon any Account whatsoever ; except only that there being no House appointed or set apart for the Governor, and it having been Customary for the Assemblys to make a Temporary Assignment of a House, or Rent for the same, out of the Publick Levies ; Your Majesty may be Graciously pleased to permitt the Assembly to Assign such a House, or Rent for the same not exceeding Three hundred pounds Sterling per Annum, out of the Publick Levies, And to allow the Governor to accept thereof, notwithstanding what has been before Offered, untill a House be built for him : Provided always that this be done at the first Session of the Assembly after such Governors arrivall, or Receipt of Your Majestys Order in this behalfe, And that it be Assigned him for the whole time of his Government.

And We do thereupon humbly observe, that the foresaid Increase of Salary being Supplied by Your Majesty out of the Duty of $4\frac{1}{2}$ per Cent. The Assembly of Barbados (and other Assemblys in the like Case, will have an opportunity and be in a condition of Applying those large Sums which

they usually gave in Presents, by Yearly Levies, to their Governors, towards such other Publick uses as may be most necessary for the Defence and Safety of those Plantations. And We humbly conceive that in Consideration of Your Majestys Goodness in exempting them from this Customary Burden of Presents, they may be the more easily induced to contribute in such other manner to their own preservation.

As to the Government in the Leeward Islands, We likewise humbly Represent to Your Majesty that the present Salary of the Governor in Cheif, arising out of the said Duty of $4\frac{1}{2}$ per Cent. there, being no more then Seven hundred pounds Sterling, The Insufficiency thereof has been the reason (as in Barbados) that the Governors have been permitted to receive Presents from the Assemblies of those Islands : And We therefore humbly Propose that Your Majesty be pleased to add the Sume of Five hundred pounds Sterling per Annum out of the said Duty of $4\frac{1}{2}$ per Cent there, to the present Salary of the Governor in Cheif, which by that Addition will amount to Twelve hundred pounds Sterling, and may be a Competent maintenance for him.

And Whereas besides the Governor in Cheif of all the Leeward Islands there are particular Lieut. Governors of each of the said Islands, vizt. of St. Christophers, Antego, Nevis, and Mountserratt, who have no Established Salarys ; We humbly conceive that if Your Majesty would be pleased to appoint the Sume of Two hundred pounds Sterling Per Annum to each of them out of the said Duty of $4\frac{1}{2}$ per Cent., if Your Majesty shall so think fitt, It would likewise be for Your Majestys Service and the Interest of this Kingdome in referrence to Trade, and otherwise, in Freeing such Lieutenant Governors from their Obligation to the Assemblies ; Whereby Your Majesty may be likewise enabled to send from England fit Persons for those Commands as there may be occasion.

And We thereupon humbly Offer that the same Injunctions be Signified to the Governor, Lieutenant Governors Presidents and Assemblies of the Leeward Islands, as to the Governor

1703.

and Assembly of Barbados, with the like Exception that the Governor in Cheif and Lieutenant Governors be permitted to accept of a House, or Rent for the same from the severall Assemblys in the same manner as proposed for Barbados.

As to Jamaica, there being an Established Salary for the Governor of Two Thousand per Annum currant Mony of that Island, out of the Revenue arrising there for the Support of that Government, We humbly Offer that the same be made up out of the said Revenue, Two Thousand five hundred pounds of such Currant Mony, which may amount to about Two Thousand pounds Sterling; And that the like Directions be given herein as in Barbados and the Leeward Islands; Excepting only what relates to a house, Your Majesty having already a House there convenient for the Residence of the Governor.

As to the Bermuda Islands there being a hundred and Sixty pounds per Annum, Settled by Your Majesty for the Support of the Governor out of the Shares of Land and Licences for Whale Fishing there, and the further Summe of Two hundred and Forty Pound out of Your Majestys Exchequer making in all four hundred pound Sterling; We humbly conceive that the Addition of a hundred pounds per Annum more out of the Exchequer may inable him to Support himself in that Government without Presents from the assembly.

The Sallary of Your Majestys Governor of Virginia being Two Thousand pounds Sterling per Annum, We conceive the same sufficient for his Maintenance without receiving any Presents from the Assembly.

As to the Government of Maryland, We find the constant Revenue arising by the Two Shillings per hhd. upon Tobacco exported, to have amounted in the Year 1701 to about Three Thousand Two hundred pounds; One Moyety whereof is belonging to the Lord Proprietor, And the other Moyety being for the support of the Government, One 4th part thereof is by Act of Assembly to be Applied to the buying of Arms, and the other $\frac{3}{4}$ ths amounting to Twelve hundred pounds is

applicable to the Governors Salary ; Besides which an Act was past upon the Arrivall of the last Governor in Maryland for raising a Revenue of 3 pence per Hhd. as an Additional allowance to him for his better maintenance dureing his Government, which may amount to five hundred pounds per Annum more, And there being no House in Maryland for his Reception, We humbly conceive Your Majesty may allow the Assembly to repass the like Act for the better maintenance of the present Governor, provided the same be for an Unlitted time, or dureing his Government, And that the said Governor be not permitted to receive any Present or Gratification from the Assembly upon any Account whatsoever.

The Sallary Established to be payd out of Your Majestys Revenue in New Yorke to that Governor, being no more than Six hundred pounds Sterling per Annum, which is no ways Sufficient ; And that Defect having been hitherto Supplied by Presents from the Assembly, We humbly Offer that Six hundred pounds more may be added to it out of the said Revenue, which Twelve hundred pound may be a Competency for his Support. And upon the Settlement thereof We humbly propose, That the like Directions be given in New York in reference to Presents as for other Colonys.

As to the Province of New Jersey which has been lately brought under Your Majestys immediate Government, and the Lord Cornbury constituted Governor of the same, as of New Yorke ; We conceive the Assembly there ought to Settle a constant and fixt allowance for the maintenance of their Governors, as also of the Lieutenant Governor who is to be resident there.

As to the Province of the Massachusetts Bay, which is a Charter Government, The Inhabitants have been always averse to any Compliance with the Directions that have been frequently sent from hence for Settling a fixed Revenue for the support of that Government or the Governor, and upon applycation made to the Council and Assembly by Colonell

1703.

Dudley your Majestys Present Governor, pursuant to Your Majestys Instructions to him, They have wholly declined the same, persisting in their usuall way of making only Temporary Provisions for the Charge of the Government whereby they have kept Your Majestys Governors there in a continuall dependance upon them for Voluntary Presents, which to the Present Governor have been as yett very Inconsiderable.

Whereupon We humbly Offer that Your Majesty would be pleased by a Letter under Your Royall Sign Manuall, directed to the Councill of that Province, to be Communicated likewise to the Assembly to require them that in consideration of the great Priviledges they Enjoy, they do Settle a constant allowance Suitable to the Character and Dignity of that Government, without Limitation of time, upon the Governor; together with a fitting Provision for the Lieutenant Governor or Commander in Cheif for the time being; In which Letter it may be intimated to them that if they neglect this opportunity of Complying with Your Majestys just expectations, Your Majesty will be oblided to have recourse to such Remedies as may be proper and Effectuall, in Order to a due Provision herein.

As to New Hampshire, where no certaine Provision has yett been made, We conceive there ought likewise to be a fitting Salary, without Limitation of time, raised by the Assembly; And We humbly Offer that Directions be given accordingly.

As to the Proprietary and Charter Colonys, vizt. Rhode Island, Connecticut, Pennsylvania, Carolina, and the Bahama Islands, We cannot propose any thing upon this occasion; The Governors of those Colonys not being appointed by Your Majesty, and depending either upon the Proprietors or the People from whom they have very mean and uncertaine Salarys; Which Incourages them to connive at unlawfull Trade, and other Irregularitys inconsistent with the Interest of this Kingdome, which great mischief can only be remedied, as We humbly conceive by reduceing these Colonys to an immediate dependance on the Crowne. [pp. 353-356.]

1703.

[Ten letters to colonial governors in accordance with this order are submitted and approved—P.R.] [p. 360.] 17 April.

[897.] [A representation from the Board of Trade of 19 March as to stores for Newfoundland is ordered to be put in the hands of the Earl of Nottingham who is to see that the Admiralty, Treasury and other officials are notified to provide and send to Newfoundland the several particulars.] 20 March. Newfoundland.

[p. 337.]

[898.] [Directions are ordered to be given to Lord Cornbury in accordance with a representation from the Board of Trade] 3 April. New York.
 Setting forth that by Letters and Papers lately received from the Lord Cornbury they are Informed, That the Forts in that Province are in a Ruinous condition, That his Lordship is rebuilding the Fort at Albany, and desirous to put the other Forts in a better State of Repair, Whereupon the said Commissioners humbly Offer that the Lord Cornbury may be Ordered to use his best Endeavors with the Assembly to dispose them to make Suitable Provisions for repairing the Old and Erecting the New Fortifications, as he shall judge necessary, which together with the Quotas of the Neighbouring Plantations, wherein the said Lords Commissioners are humbly of Opinion, Her Majesty may be pleased to renew Her Majestys Directions, may be Applied to this Worke, That the Militia of the Province is in a very Ill State, whereupon their Lordships humbly Offer, that among the Acts which the Lord Cornbury had Transmitted, there being one for the better Settling the said Militia and makeing it more usefull, His Lordship be Directed to take Care that it be duly Executed and that in Case the said Act be found by Experience to be Defective he move the Assembly that further Provision be made for that purpose, That the Lord Cornbury having had a Conference at Albany with the Cheif Sachims of the Five Nations of Indians, Bordering upon New York, had made them Presents as usuall in Order to confirm them in their Submission to Her Majesty, The said Lords Commissioners are humbly of Opinion that the usuall Method of Engaging

1703.

them by Presents be continued, and Especially as any extraordinary Occasion may require, That the Lord Cornbury having Informed the said Lords Commissioners that he found things in great Disorder, the Animosities between Partys being very high, Their Lordships humbly Report that having Recommended to his Lordship as well as to former Governors, the Endeavoring to reconcile all Partys, His Lordship Assures them he has accordingly applyed themselves to the Worke and will continue to do soe without exposing any party further then Her Majestys Service, and the Rules of Justice do oblige him. [The governors and proprietors of adjacent plantations are also to be required to furnish their respective quotas for the assistance of New York.] [p. 343.]

[It is also referred to the Earl of Nottingham to give directions in accordance with the representation of the Board of Trade on Lord Cornbury's letters]—

That as to the Four Foot Companys, which ought to consist of four hundred Private Soldiers, besides Officers, There were not in his owne Company more then 76 Men; In Major Ingoldsbys Company 84 Men, and in Capt. Weems's Company 92 Men; so there are wanting 68 Men for the Compleating of the said Companys which his Lordship desires may be recruited.

In relation to the Cruits demanded by his Lordship for the Four Companys We find by the accompts layd before Us, that besides what is due from the Executors of the Earl of Bellomont there is remaining in the hands of Capt. Nanan late Lieut. Governor of New York, the Sume of five hundred and Ten pounds for Respitts, from the 9th of March 1700, untill the 8th of May 1702, and in the Lord Cornburys hands, Two hundred Thirty Eight pounds for respitts from the 9th of May 1702, untill the 24th of December following, whereof a particular Accompt may be made up in the Pay Office; Which Respitts We humbly propose may be Applyed towards recruiting the said four Companys, and together with what shall appear to be further due from the Pay Office upon the

Clearings of those Companys (which We judge to be very requisite) may be Employed, So far forth as the same is Applicable to this Service, towards providing Arms, Accoutrements and other necessarys which they stand in need of, according to the particulars hereunto annexed. [p. 344.]

[The Council also refer to the Lord Treasurer part of the representation recommending that Lord Cornbury should endeavour to induce the Assembly to make suitable provision for repairing old and creating new fortifications, that the respites mentioned in the last Order should be used as far as possible to provide for defence, and reporting that only 500*l.* out of 2500*l.* ordered for the assistance of New York by his late Majesty had been remitted: The Council also refer to the Lord High Admiral that part in which Lord Cornbury states] That the Earl of Bellomont having formerly contracted for a Parcell of Masts and Some Timber for the use of the Royall Navy, and a Vessell called the Benjamin, sent by the Commissioners of the Navy to fetch the same being lately arrived at New Yorke, he had upon Examination into the Condition of those Masts, found them to be Serviceable but not of the Demensions agreed for; And having thereupon prevailed with the Contractor to abate considerably of the Price, he had caused them to be put on Board the foresaid Vessell, together with so much of the Timber as was at New Yorke, adding that there was more Timber lying in the woods which should be brought downe as soon as the Frost was hard enough to bear a Sledge but could not be done sooner . . . and [proposals from the Lord Cornbury touching such naval stores as may be provided from New York]. [pp. 345-6.]

[A representation of the same date setting forth] That as to the Five Nations of Indians Bordering upon New York, least the Intreagues of the French of Canada and the Influence of their Preists who frequently Converse and sometimes Inhabit with those Indians, should debauch them from Her Majestys Allegiance, Their Lordships are humbly of Opinion that besides the usuall Method of Engaging the

1703.

said Indians by Presents, another means to prevent the Influence of the French Missionarys upon them, and thereby more Effectually to Secure their Fidelity, would be that Two Protestant Ministers be appointed with a Competent allowance to Dwell amongst them, in Order to Instruct them in the true Religion and Confirme them in their Duty to Her Majesty [is referred to the Archbishop of Canterbury to do what he shall think best. As to the ruinous state of the defences of New York, as reported by Lord Cornbury, it is referred to the Ordnance to consider the lists forwarded by the Governor and furnish an estimate of the stores which he thinks requisite—if not 60 cannon, 1000 firelocks and 200 barrels of powder as requested, at least one third the number of cannon and one half of the other stores.] [pp. 346-7.]

1 May. [The Ordnance estimate—5568*l.* 1*s.* 6*d.*—is returned, and notice being taken of the great sums lately expended on stores of war for the plantations, the report and estimate is ordered to be laid before her Majesty by the Earl of Nottingham at a fitting opportunity to consider of the proper method of defraying such charges.] [p. 377.]

24 April. [899.] [The Council approve, and direct urgent letters to be sent to the Governor of Massachusetts Bay and New Hampshire in accordance with a representation from the Lords of Trade] laying before Her Majesty the last Account they have received from Colonell Dudley, Governor of the Provinces of the Massachusetts Bay and New Hampshire in New England relating to the State of Defence of those Provinces and other adjacent parts, and humbly Offering to Her Majesty that the Orders formerly given that the Assembly of New Hampshire be urged in the most pressing manner to do their utmost for their owne preservation and particularly in keeping the Fort at Pescataway in good repair be reinforced to which Charge also their Lordships humbly conceive the Assembly of the Massachusetts Bay be in like manner Exhorted to contribute, and that the Orders formerly sent requireing the said Assembly of the Massachusetts Bay to Exert their utmost Endeavors

Massachu-
setts Bay and
New
Hampshire.

in providing for their owne Preservation particularly in Building the Fort at Pemaquid and furnishing their other Fortifications and Stores with necessarys be likewise Reinforced. [p. 365.]

[It is referred to the Lord High Admiral to give directions upon Colonel Dudley's proposal, also included in the same representation] that a fourth rate Frigatt may be added to the fifth Rate now attending her Majestys Service in those parts, with which if no greater Force of Shiping be sent him, he hopes to doe some considerable Service, The People of New England Commissionated by him having already (as he represents) been very successful in their undertakings at Sea against the French. [p. 365.]

[It is referred to the Ordnance to consider the representation as to the defences of New England and to return an estimate of the stores therein mentioned. Colonel Romer, chief engineer in Massachusetts, had particularised 50 cannon of 18 to 24 pound ball shot : 2 mortars : grenades and bullets in proportion : 4000 hand grenades with fusees : 600 firearms, 400 heads for half pikes, and two master gunners and a bombardier. Colonel Dudley reports that the French had 400 men at Port Royal in Nova Scotia, and expected more, besides 200 Indians, listed, clothed, and armed. The Board of Trade propose to send 50 barrels of powder with small arms and appurtenances to New Hampshire, and 20 cannon and 2 mortars with bullet and shot proportionable to Massachusetts Bay.] [p. 365.]

[It is referred to the Earl of Nottingham to bring before her Majesty, when the squadron for the West Indies shall be going thither, the representation of the Board of Trade on Colonel Dudley's proposal to destroy Port Royal by sending three or four men of war with the assistance of some of the people of New England for the land part. Colonel Dudley also reports] that upon Intimation of an Invasion intended by the French and Indians by Land he had prevailed with the Assembly to agree to an Act for Listing every 4th Man in the Province to be ready Armed and Cloathed fit for a March in Twenty four heures. [p. 366.]

438 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

- 1 May. [On the Lord Admiral's report order is given for sending a fourth rate frigate to New England against the next spring.] [p. 372.]
- 17 May. [Draft letters to Colonel Dudley to exhort the Councils and Assemblies to make due provision for their own defence are approved and ordered to be despatched.] [p. 390.]
- 10 June. [The report and estimate of the Ordnance, 3213*l.* 15*s.* 7*d.* is ordered to be laid before her Majesty by the Earl of Nottingham at a proper opportunity to consider of a proper method of defraying such charges,] there being nothing given by Parliament to that office for supplying any of the Plantations with stores. [p. 402.]
- 30 July. [The Board of Trade representing the necessity of sending great guns and stores for the defence of the castle near Boston in New England, their Lordships are requested to report specifically what guns and stores are required for these fortifications.] [p. 429.]
- 24 April. [900.] [To the Committee for Appeals is referred the petition Barbados. of Richard Knights for a hearing of his appeal against three decrees of the Barbados Court of Chancery, all proceedings in the case having now been sent over.] [p. 368.]
- 17 May. [The Council approve the compromise effected by the Committee, who report that Knights appealed from three decrees], the one made the 18th day of June 1684 in favor of John Woodward Merchant, against Colonell John Hallett, Richard Hallett and Christopher Fowler, Executors of Benjamin Knights late of Barbados in Trust for the Appellant, one other made the said 18th day of June 1684, in favor of Enoch Woodward against the Executors in Trust as aforesaid for the Appellant, and the other made the 6th day of August 1685, in favor of William Chester Executor of the said John Woodward, against Thomas du Boiss Attorney of Francis Bond Esqr. who was Attorney of the Executors in Trust as aforesaid for the Appellant, and having heard the

1703.

Partys concerned therein with their Council Learned, and both the said Partys Declareing before the said Committee to be content that the said Decree made the 6th day of August 1685, stand confirmed by Her Majesty and that the two other Decrees made the 18th of June 1684, be reversed by Her Majesty and the Appellant lett into Possession of Twenty two Acres of Land in Barbados, late of the said Benjamin Knights, Extended by Force of the said Decrees, upon the Appellant's paying the Sume of Two hundred and Nineteen pounds ten shillings and Seven pence to John Edgington and Sarah his Wife Executors of William Chester Junr. Son and Heir and Executor of William Chester Senr. Deceased who was Executor of the said John Woodward. [pp. 386 and 392.]

[901.] [On reading a representation from the Board of Trade with the draft of a commission for John Usher as Lieut.-Governor of New Hampshire, and] the Petition of Major William Vaughan on behalfe of himselfe and other Inhabitants of the Province of New Hampshire . . . praying that the said Commission be Stopt, and that no Letter may be Writt to put Mr. Allen into the Possession of any Wast Lands till the Petitioner be heard by His Council, [the petition is referred to the Board of Trade and Mr. Usher's commission is not to pass the Great Seal till her Majesty's further pleasure be known]. [p. 373.]

1 May.
New
Hampshire.

[The Council approve, and give orders in accordance with the report of the Board of Trade]:—That Mr. Usher does not appear to Us to have been Guilty of the mismanagements and misdemeanors layd to his Charge by the Petitioner, dureing his being Lieutenant Governor there: But that the Disturbances which happened in that time did in great measure proceed from the disorderly Practices of some of those Men, who now oppose his being restored by Your Majesty to that Government.

10 June.

And Whereas those Disorders seem to have arisen from the Difference in Point of Interest between the present Possessors of the Lands and Samuell Allen Esqr. the

440 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.

General Proprietor of that Country, to whom the said Usher is nearly related. We are humbly of Opinion that, upon the said Ushers receiving your Majestys Commission of Lieutenant Governor, he may likewise have special Directions not to intermeddle in any manner whatsoever with the appointing of Judges or Juries, or otherwise, in matters relating to the Disputes between the said Allen and the Inhabitants of that Province, but that Your Majesty do Impower and require Colonell Dudley Governor in Cheif of this Province to give all necessary Directions in those matters, and to appoint the Judges and other Officers that shall be concerned in transacting this particular business ; By which means all pretence of partiality in the Execution of that Government relating to the said Differences will be taken away. [p. 398.]

8 July. [Instructions for Governors Dudley and Usher in this matter are approved.—P.R.] [p. 417.]

1 May. [902.] [The Board of Trade having represented the complaint of George Larkin, one of the commissioners sent out by King William to methodise the proceedings of colonial courts in pursuance of the Act for the more effectual suppressing of piracy, that Captain Bennet had imprisoned and detained him in the Bermudas, a letter is directed to be prepared for Captain Bennet ordering the discharge of Mr. Larkin, and an advice boat is to be furnished by the Lord High Admiral to carry this message should no other speedy conveyance offer for the same.] [p. 374]

17 May. [The draft of the letter is approved and ordered to be prepared and despatched.] [p. 390.]

27 May [903.] [The Council refer to the Lord High Admiral the West Indies. petition of Elizabeth, widow of Captain Andrew Pedder, for provision for herself and four children in consideration of the death of her husband when commanding H.M.S. *Chichester* in the West Indies.] [p. 403.]

8 July. [Similar reference is made of the like petition of Elizabeth, widow of Captain Richard Paule of the *Pendennis*, who died at Jamaica.] [p. 416.]

Report on Mrs. Pauls Petition nothing. [p. 435.]

1703.
30 July.
(1704.)
17 April.

[The petition of Mrs. Pedder is referred to the Admiralty, asking help] in Consideration of Her Husband's Invention for Securing the Powder Roomes in Ships. [Vol. II. p. 104.]

[904.] [On a representation from the Board of Trade of 7 July, Stephens Thompson is appointed Attorney General for Virginia], Provided he be Oblidged to make his Ordinary Residence at Williamsburg within that Province where Her Majestys Service will Cheifly require his Presence. [As] the business of that office is of late years much Increased, And . . . the Ancient Sallary . . . being but Forty pounds per annum, and the perquisites few, which are not sufficient Encouragements for a Person fittly Quallified to Supply that Place, [Colonel Nicholson's proposal to augment the salary to 100*l.* is referred to the Lord Treasurer to regulate the same as he sees fit.] [p. 429.]

30 July.
Virginia.

[905.] [The Council approve, and give orders in accordance with, the report of the Board of Trade of 7 July]:—Having had under consideration the Great Inconveniencys arrising from the Different Rates at which foreign Coins do pass in Your Majestys Plantations in America, and particularly upon a Complaint that the Advancing the Rates of Coin in Pennsylvania much higher than in other Places has drawn away the Money from Maryland, and does tend greatly to the Prejudice of that Province: And finding accordingly that there is an Act in Pennsylvania appointing the Rate of Money or Coin within that Province, whereby Peices of Eight and Dollars of fifteen penny weight are made currant at Seven Shillings per peice, and that for every penny weight under or over there is to be abated or advanced four pence per peice, So that a Peice of Eight of Seventeen penny weight and a half (which is the due weight) is made currant at Seven Shillings and ten pence, tho' the same be not intrinsically worth more than four Shillings and Six pence; And having also advised with your Majestys Attorney Generall, in Order

30 July.
Pennsylv-
vania.

442 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703. to a further Report for the remedying this mischeif in all your Majestys Plantations, We humbly Offer in the mean time that Your Majesty be pleased to Declare your Disallowance of the foresaid Act in Pennsylvania, and to Direct that neither the Assembly, the Proprietor, nor Council of that Province do repass the said Act, nor make any other Act or Order for the Regulating of Coin untill Your Majesty shall give further Directions therein. [p. 434.]
- 20 Sept. [906.] [The Council refer to the Board of Trade] the Case
Jamaica. of the Officers of Colonel John Livesays and Colonel Thomas Handasyds Regiments now Quartered in Her Majestys Island of Jamaica, humbly represented, relating to an allowance in Mony for the Officers Quarters; [and also] the Act lately Transmitted from Jamaica for the better Settling the Towne of Kingston. [p. 443.]
- 11 Nov. [The report of the Board of Trade of 15 Oct. is approved,
and instructions for the Governor ordered to be prepared in
accordance therewith.] [p. 451]
- 11 Nov. [907.] [On a representation from the Board of Trade of
Jamaica. 22 Oct., it is ordered that they write to the Governor and Council of Jamaica] taking Notice of the Disorders, mentioned in the said Representation and her Majestys Dislike thereof, and enjoying the Assembly to lay aside their Private Heats and Animositys and to attend with Dilligence and Moderation. [A copy of the representation is also to be sent to the Admiralty] who are to Examine the late Proceedings of the Captains of the Men of War at Jamaica in reference to the Impresting of Seamen, and to lay before His Royall Highness such further Instructions as may be necessary to be given for preventing the like Irregularitys and mischiefs in the Impressing of Men in Jamaica and the other the Plantations for the future. [pp. 450-1.]
- 18 Nov. [908.] [The Council refer to the Admiralty] the Petition of
New John Bridger Setting forth that he was sent by Order in Council
England. in the Year 1696 as Commissioner to New England, to Inspect

1703.

and Survey that Country, thereby to gaine a Perfect and true Account of those Plantations, and their Product relating to Navall Stores, In which Service he has been more then Seven Years. And humbly praying that his Accounts, now lying before His Royall Highness Lord High Admirall, may be allowed. [p. 459.]

[The Admiralty report is referred, with copies of accounts and other papers, to the Board of Trade.] 9 Dec.
[p. 470.] (1704.)

[On their report they are instructed to consider of a fitting recompense or salary for Mr. Bridger's services.] 23 March.

[Vol. II. p. 89.] (1704.)

[The report from the Board of Trade of 6 April is referred to the Lord Treasurer]: We humbly represent, that in the year 1696, the said Bridger was sent over to New England with Commission to Inspect and give an Account of Stores in those parts. And having accordingly Surveyed the Woods in New England, did Collect and send over severall Species thereof, And did likewise Survey severall Harbours, Bays and Rivers, which were not before so fully Discovered, and has made and brought over Draughts thereof for Publick use.

That these Services were performed with great Difficulty and Hazard, he being Obliged to lye out in the Woods Exposed to the Rigour of the Seasons and the Eastern Indians in War with Us.

Upon all which We begg leave to Represent that Your Majesty having already allowed the said Bridger only the Expences which he made dureing his Stay in New England, and he having Quitted all other Employments out of his Earnest desire of performing this Commission, and having been Obliged since his return for more than 2 Years to a Constant attendance and Sollicitation, We are humbly of Opinion that if Your Majesty be pleased to allow him 250*l.* per annum as his Salary and recompence for 5 Years and 3 Months, vizt. from the 1st October 1696, the day of his Setting forth, till the 31st December 1701: the day of his return to England, it may Satisfie the Petitioner and

444 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703. encourage him in any further undertaking of this kind as Your
 Majestys Service may require. [p. 99.]
- (1704.)
 15 June. [The report of the Lord Treasurer, and a petition from
 Mr. Bridger setting forth the expense and trouble he has been
 at in order to obtain the passing of his accounts, and the
 necessity to which he is reduced for want thereof are referred
 to the Lord Treasurer, to consult with the Commissioners of
 the Navy, and to report.] [p. 128.]
- (1704.)
 26 Oct. [The Council approve, and give orders in accordance with
 a memorial from the Lord Admiral]: the Principall Officers
 and Commissioners [of the Navy] having in May 1703, layd
 before Me his Account of Disbursments in his Voyage to and
 from New England, and in severall Journeys in the Province of
 the Massachusetts, New Hampshire and Connecticott Colonys
 between the 15th of October 1696, and the 22d of October
 1701, which they say they doe not conceive themselves Suffi-
 ciently Empowered to allow of (according to the Ordinary
 Rules of the Navy) from the want of Proper Vouchers for
 the same, tho' they doe beleive most of the Disbursments
 mentioned therein have been necessarily made in the Progress
 of the said business, and that Regular Vouchers could not by
 the Nature of it, be had for them: And having taken the
 said Disbursments into consideration, with the advice of the
 Navy Board thereupon; I doe humbly Offer it to Her Majesty
 as my Opinion. That Orders be given for allowing of the
 following Disbursments, vizt.:

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Victuals for himselfe, Partner, Servants Guides &c.	806	2	9			
Lodging for Do.....	79	7	7			
Horse hire and horse Meat.....	403	5	4			
Hire of Ferry Boats at severall Places.....	18	11	1			
Payd to Guides at severall times at 3s. per Diem ..	19	13	0			
				1326	19	9
Travelling Charges in October. 1696 from Ports- mouth to London.....	2	17	4			
Postage of Letters.....	11	15	4			
Expences with the Country People to Instruct them in the Sowing making and prepareing Hemp and Tar.....	14	10	0			
A Marking Hammer.....	0	12	0			

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Charges on Receiving the Rafters.....	0	12	0			
Price of Hemp seed and Planting thereof.....	4	10	0			
Expences on the Guards at severall times when he was viewing the woods.....	25	16	4			
Charges on attending the Councils and General Assemblies in Boston to procure an Act for a Guard	28	14	0			
For Paper and Pensills.....	3	9	0			
Charges on attending the Councils and Assemblies in Boston to procure an Act for Sowing Hemp	3	2	0			
Preparing Tar Trees and making 6 Barls of Tar..	13	0	0			
	<hr/>			108	18	0
Price of 131 Oak Trees.....	13	16	0			
Payd for the Copy of an Order of Council.....	1	10	0			
Necessarys for his Voyage home from New England	20	12	0			
Expences on his Journey from Wales to London..	12	15	6			
Charges on his Voyage from Barbados to New England and to Doctors, Nurses &c. dureing his Sickness at Barbados.....	69	0	0			
	<hr/>			117	13	6
Charge of Surveying Piscataqua and Pimaquid, and of the Rivers and Countrys adjacent and for which he produces Receipts for the Payment of	102	10	0	102	10	0
Charge occasioned by his attendance at the Admiralty Treasury and Plantation Offices between the 15th October 1696 and 24 October 1697, and attendance on severall Persons at London to gett Instructions in the affaires he went about	200	0	0	200	0	0
Charges on Mustring his Majestys Ships in New England from the 5th October 1700 to the 22nd following, having a Boat and 4 Men each time	9	6	0	9	6	0
By so much payd to Mr. Tho. Holland by a Bill of Exchange Drawn on the Navy Board, as appears by his affidavit and Certificate from the Mer- chants that received the same.....	125	0	0	125	0	0
But this Sume of 125 <i>l.</i> is to be Charged upon the said Holland, and he to be Ac- countable for the same.						
Claimed by the two Agents for the King sent to New England on this Project, being Granted to them by an Order in Council dated the 10th December 1696 in part of their reward for the said Service.....	500	0	0	500	0	0
	<hr/>			2490	7	3
TOTALL						

But this 500*l.* is to be reckoned as part of Mr. Bridgers reward, when his Sallary shall be Settled for the time he was Employed on the aforesaid Service, the other Agents for the Merchants having had the like Allowance.

1703.

But altho the Totall Sume of Mr. Bridgers Disbursments aforesaid amount to 2490*l.* 7*s.* 3*d.*, Yet 1790*l.* 7*s.* 3*d.*, thereof being New England Money, there is to be Deducted from the said Sume, after the Rate of 25*l.* per Cent for Exchange to Reduce it to Sterling Money the Sume of 358*l.* 1*s.* 5*d.*, as also 15*l.* 2*s.* 6*d.* acknowledged by him to have been received for the Sale of Provisions left in the Sloop which was Employed in the said Service which two Sums being Deducted from the said 2490*l.* 7*s.* 3*d.* reduces his Claim on this Account to 2117*l.* 3*s.* 4*d.* [pp. 182-3.]

18 Nov. [909.] [The Council refer to the Committee of Appeals the
Virginia. petition of Samuel Selden for a hearing of his complaint of the proceedings of the Court of Virginia in the case between the petitioner and Robert Beverley, an inhabitant of that country, touching two plantations of lands.] [p. 459.]

23 Dec. [Similar reference is made of a like petition of Francis Ballard, lessee of Samuel Selden, and Rebecca his wife on behalf of himself and the said lessors.] [p. 481.]

(1704.)

18 Jan. [The Committee for Appeals agree to advise the reversal of the judgment, and that judgment be entered for the appellants with 5*l.* costs to be paid by the defendant], But that nevertheless the said Partys be at Liberty to Trye the said Cause againe in the Courts in Virginia, and that in Case upon such Tryall either of the said Partys shall desire it, the matter be found specially by the Jury to the end, that if either Party shall think fit to appeal to Her Majesty in Councill, Her Majesty be more fully Informed in Order to a Finall Determination in this Case. [p. 512.]

(1704.)

20 Jan. [Order accordingly.] [Vol. II. p. 3.]

(1704.)

3 Feb. [The Council refer to the Attorney General the petition of Robert Beverley for an order of leave to take a writ of attain in Virginia in the case of ejection brought against him by Francis Ballard, in regard that, upon Ballard's appeal to the

Council], the General Court of Virginia will deny the Petitioner any further Process or Releif by Attaint to come to his Right. [Vol. II. p. 48.]

1703.

[On his report the petition is dismissed.] [p. 55.]

(1704.)

10 Feb.

[910.] [The Council refer to the Board of Trade] the Petition of Edward Jones Gentleman Secretary and Provost Marshall Generall of the Bermuda Islands, Setting forth that the Governor hath suspended him from both Offices upon Severall Articles Malitiously procured, and presented to the Governor and Council there. And humbly praying that the said Places may be restored to him with the Rents and Profitts of the same since his said Suspension. [p. 460.]

18 Nov.
Bermudas.

(1704.)

20 April.

[The Council approve, and give orders in accordance with the report of the Board of Trade on this petition]—We have Examined the Same, and heard the Petitioner to the said Articles, and thereupon humbly do observe, That those Articles are not Sufficiently proved, but that the said Jones may on One side have behaved himselfe with to much Warmth and Indiscretion in the Discharge of his Employment of Provost Marshall, and that on the other hand he might have found great Provocation from the Stubborness and Ill Temper of those Persons with whom he had to doe in his said Employment, and he having made due Submission to the Governor for some Reflecting Expressions relating to him; We humbly Offer to Your Majesty that his Suspension be taken Off, and the Fines Imposed on him be remitted, and that Your Majestys Pleasure be Signified to Capt. Bennet accordingly. [Vol. II. p. 98.]

(1706.)

4 April.

[The Council approve, and give orders in accordance with, a report from the Board of Trade, setting forth that they have examined the petition of the Assembly of Bermuda against Jones, and find] that the Differences between the Lieutenant Governor the Council and Assembly of the said Islands, and Mr. Jones are so increased, and his Disrespect to the Governour has appeared to be such, That they are

448 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.
humbly of Opinioun, that he be required forthwith to Come over to answer the same, [commissioning a deputy named by the Governor to act in his absence]. [Vol. III. p. 165.]
- (1707.)
4 Aug. [The Board of Trade desiring to know whether they are to hear only the new complaints of Mr. Jones's behaviour since the removal of his suspension, they are directed to proceed with the hearing of any new matter only.] [p. 428.]
- (1708.)
18 Aug. [Reference to the Board of Trade of the] Petition, Information, and Complaint of Edward Jones Her Majestys Secretary and Provost Marshall Generall of the Bermuda Islands setting forth not only the many hardships and Oppressions the Inhabitants in the said Island Lye under by the Illegall and Arbitrary proceedings of Benjamin Bennet Esq. Her Majestys Lieutenant Governor there but also Severall matters by him Committed in prejudice to the Crowne.
[Vol. IV. p. 156.]
- (1711.)
3 Sept. [Reference to the Committee for Appeals of the petition of Edward Jones, Secretary and Provost Marshall of Bermuda, relating to illegal proceedings of the Governor against him and praying confirmation of former Orders of Council in his favour.] [Vol. V. p. 299.]
- (1711.)
18 Oct. [Committee minute recommending that on the reference of Dec. 1703 Jones be not allowed to produce evidence to disprove matters of fact in the records of judgments and convictions against him before a Court having jurisdiction: some being for cruelty and extortion, and one for perjury. The Board of Trade are to report on the matters before them without allowing such proofs.] [V. p. 332.]
- (1711.)
13 Dec. [Order accordingly.] [V. p. 341.]
- (1712.)
8 March. Report Relating to the Secretary of Bermudas. Read. To be further Considered by Her Majesty. [V. p. 396.]
- (1716.)
13 Sept. [Reference to the Committee for Appeals of the petition and appeal of Edward Jones, late Secretary, etc., of Bermuda,

1703.

relating to the perquisites of his place received by Governor Bennet and others during his suspension.]

[Geo. I., Vol. I. *p.* 445.] (1718.)

[Reference to the Committee for Appeals of Bennet's 16 March. petition that Jones's appeal be dismissed, and his own recognizances for abiding the determination of a suit in Bermuda be discharged.] [II. *p.* 118.] (1718.)

[Committee: On the motion of Sir Edward Northey in behalf of the Governor for delay as the Governor and counsel are out of town, the hearing is peremptorily fixed for the second meeting in October.] [II. *p.* 166.] (1719.)

[Committee (on reference of 13 Sept. 1716) recommend the reversing two judgments petitioned against by Jones—(a) of the Court of Errors, 3 Mar., 1713, confirming (b) a sentence of the Court of General Assizes of 20*l.* fine and six months imprisonment, with perpetual disqualification as a witness, for perjury: and for dismissing his petition that proceedings pending in the Bermuda Chancery against Bennet for the fees of his office be transferred to England, since the case appears to have been already determined in Bermuda.] (1719.)

[II. *p.* 297.] (1719.)

[Committee (on reference of 16 Mar., 1718) recommend that Bennet be at liberty to apply to the Chancery Court here for the discharge of his recognizance.] [II. *p.* 298.] (1719.)

29 July.

[Orders in accordance with the two reports of 29 July.] 6 Aug.

[II. *p.* 299.] (1719.)

[Reference to the Committee for Appeals of Jones's petition for liberty to appeal from two judgments of the Bermuda Chancery and for not discharging Bennet's recognizances till the appeal is determined.] [*p.* 300.] (1719.)

6 Aug.

[Committee—recommending that the dismissal by the Barbados Chancery of Jones's bill against Bennet as to fees be reversed and the case heard there: and that Jones have liberty to appeal from the Chancery decree dismissing his appeal

18 Nov.

450 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703.
 from a judgment at law for 10,000*l.* for scandal, all proceedings
 in this case to be transmitted to the Board.] [p. 351.]
- (1720.)
 8 Jan. [Orders accordingly.] [p. 362.]
 (1721.)
- 11 June. [Reference to the Committee for Appeals of Lt. Gov.
 Bennet's petition for directions that the President and Council
 may sit without him to determine his case with Mr. Jones
 and any other case wherein he may be a party.] [III. p. 239.]
- (1721.)
 13 July. [Committee—for granting the petition. The case of
 Mr. Jones is to be heard at once, and Mr. Bennet on six days'
 notice from Mr. Jones's agent is to appear gratis by his counsel
 to hear judgment.] [p. 262.]
- (1721.)
 23 July. [Order accordingly.] [p. 265.]
 (1723.)
- 14 Nov. [To the Committee for Appeals is referred Jones' petition]
 Setting forth among other things That after Many Delays a
 Decree was made in the Court of Chancery of those Islands on
 the 20th of December 1722, whereby the Petitioners Bill
 brought against Benjamin Bennet Esqr. the late Governor
 there, and others for an account and payment of the Rents
 and Profitts of his said offices which they had during the time
 the said Petitioner was suspended therefrom—was Dismist
 with Costs, and that upon his Sons demanding an appeal there-
 from to His Majesty in Councill the same was Granted, he
 giving Security to pay treble Damages, which the Petitioner
 alledges was impossible for him to do, He therefore most
 humbly Prays to be admitted to appeale from the said Decree
 on his giving Security here as usuall in such cases, and that
 he may have such relief in the premisses as the said Circum-
 stances of his Case requires. [IV. p. 357.]
- (1724.)
 21 Feb. [To the Committee for Appeals is referred Bennet's petition
 that Jones' petition of appeal from a decree of 18 July, 1715
 about slander be discharged, as the matter in question is of
 small amount, and Jones had not given the legal security.]
 [IV. p. 480.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 451

- [The Committee give peremptory order that the matter be heard on Friday, 12 June.] [p. 528.] 1703.
(1724.)
15 May.
(1724.)
- [The Committee recommend that Jones be allowed to appeal on giving 100*l.* security for the prosecution of each appeal.] 17 June.
[IV. p. 538.] (1724.)
- [Order accordingly.] [IV. p. 563.] 4 July.
(1724.)
- [Jones, with Philip Watson and Samuel Sandys, give the necessary security.] [IV. p. 563.] 16 July.
(1724.)
- [Two petitions of Jones for a short day for hearing his appeal are referred to the Committee for Appeals.] 22 Aug.
[IV. pp. 616-7.] (1724.)
- [The Committee give peremptory order for hearing the case between Christmas next and Hilary Term.] [Vol. V. p. 7.] 4 Nov.
(1726.)
- [The Committee recommend that the decree of 20 Dec., 1722 be reversed] and that an account should be taken by the proper officers of the Court of all and every the sums that have been respectively received by, or come to the hands or Power of the Defendants Bennett and Tucker or either of them and that all proper and usuall directions be given for the taking the said account and that the Costs that have been paid to the said Defendant Bennett be by him forthwith repaid to the said Jones, and the said Defendants to pay the said Jones costs to the time of the Decree to be taxed and that the Consideration of Subsequent Costs to the end of the Cause be reserved till after such account taken. 10 June.
- [As Mr. Bennett is now resident in England, it is recommended, with the consent of all parties, that he be examined upon interrogatories in relation to the said account before Robert Holford, one of the Masters of the High Court of Chancery, who, in case the parties differ, should be empowered to decide.] [V. pp. 232-3.] (1726.)
- [The Committee report, recommending that as all parties have come to an agreement, the decree of the Bermuda Court of Chancery of 15th July, 1715 dismissing Jones' appeal from 1 July.

452 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1703. a Judgment of the Court of Common Pleas of 2 July, 1714 be reversed, and that within one month of the order confirming this report Bennett repay to Jones 110*l.* Bermuda money which he had recovered by the said judgment, and 18*l.* 13*s.* 0*d.* costs, like money, to be repaid in sterling at the present rate of exchange.] [V. pp. 243-4.]
- (1726.) 9 Aug. [Orders confirming both reports.] [V. pp. 273-4.]
- 18 Nov. [911.] [The Council refer to the Lord Treasurer a representation from the Board of Trade] for Settling the Rates of Forreign Coines in Her Majesty's Plantations in America. [p. 459.]
- (1704.) 18 May. [The Lord Treasurer having submitted a report from the Officers of the Mint with their table of the weight and value of foreign coins current in the plantations, it is referred to the Attorney and Solicitor General after consideration of these documents and consultation with the Officers of the Mint, to prepare the draft of a proclamation to be published throughout the plantations fixing the value at which all of these coins are to be received.] [Vol. II. p. 115.]
- (1704.) 15 June. [The draft is approved and copies of the proclamation ordered to be sent to the plantations.] [II. p. 132.]
- (1708.) 8 Jan. [A representation from the Board of Trade of 10 June 1707 as to the disobedience of the proprietary and charter governments to this proclamation is referred to the Attorney and Solicitor General.] [III. p. 483.]
- (1708.) 22 Jan. [Their report and the representation with a letter of 24 Oct. from the Board of Trade to the Earl of Sunderland are ordered to be sent to one of the Secretaries of State, who is to receive her Majesty's further pleasure as to the passing an Act of Parliament for the better enforcing the proclamation.] [p. 504.]
- 25 Nov. [912.] [The Lords of the whole Council are appointed a West Indies. Committee to meet at 5 o'clock on 29 November at Whitehall to examine Vice Admiral Graydon's proceedings in his passage

1703.

to the West Indies and in pressing men there. One of the Lord High Admiral's council is to attend with a copy of the Admiral's orders, and one of the Board of Trade is to bring all papers or extracts relating to pressing at Jamaica.] [p. 462.]

[913.] [The Council refer to the Committee for Appeals the petition of Edward Palmes for the hearing of his appeals from two sentences of the Connecticut Court of Assistants of October 1699 and May 1700 in favour of John Winthrop, Richard Christopher, and Samuel Fosdick.] [p. 476.]

17 Dec.
Connecticut.

(1704.)

3 Jan.

[The Committee recommend that the Court of Assistants in Connecticut send over copies of all proceedings and give their reasons for refusing to admit Palmes to appeal from two sentences—one relating to the ship *Liveen*, the other to the title of the petitioner through his late wife Lucy to part of the estate of her father John Winthrop deceased, and that all parties concerned in both cases attend to be heard on the first Council day in October, the petitioner giving the usual security to abide by her Majesty's determination.] [p. 489.]

(1704.)

7 Jan.

(1706.)

10 Jan.

[Order accordingly.] [p. 496.]

[The Council refer to the Committee for Appeals Palmes' petition for a short day for hearing his former petition, copies of the proceedings in Connecticut having been transmitted.] [p. 68.]

(1706.)

16 Jan.

[The Committee appoint the first meeting in Feb. for hearing the whole matter.] [p. 71.]

(1706.)

14 Feb.

[The Council refer to the Committee for Appeals the petitions of Fitzjohn Winthrop, Governor of Connecticut, one of the executors of John Winthrop, deceased, and of Richard Christopher,] Praying that they may not be Obligated to the trouble and Expenses of Two Appeals brought by Edward Palmes, touching his Pretentions to a Share of the Estate of the said John Winthrop Deceased. [p. 109.]

(1706.)

20 Feb.

[In spite of a memorial from Palmes pleading for further delay on the ground of indisposition, the Committee propose,

1703.
and the Council next day order, that the Committee may proceed to hear the matter of the appeal as well as of the petition if they shall see cause.] [pp. 111 & 114.]
- (1706.)
8 April. [The Committee report, recommending that the appeal in relation to the ship Liveen be dismissed, and the judgment touching the appellants administration of the estate of his late Wife be dismissed. [p. 170.]
- (1706.)
11 April. [Order accordingly.] [pp. 174-5.]
- (1707.)
13 March. [Palmer's petition complaining of the delay of the Governor and Council of Connecticut is referred to the Committee for Appeals.] [p. 315.]
- (1707.)
25 April. [The Committee recommend that the Governors of New England and New York issue to him letters of administration of his wife's estate.] [p. 350.]
- (1707.)
29 April. [Order accordingly.] [p. 354.]
- 23 Dec.
St. Christopher. [914.] [The Council refer to the Board of Trade a presentment from the Commissioners of the Customs] relating to the duty of $4\frac{1}{2}$ per cent. in the French part of St. Christophers since the taking thereof from the French. [p. 481.]
- (1704.)
23 March. [In accordance with the report of the Board of Trade of 14 March that on the representation from the Customs that their officers were not permitted to receive the $4\frac{1}{2}$ per cent. duty in the part of St. Christopher lately taken from the French they have consulted the Attorney General, who reports], That altho' the Officers of the Customes in the English part of St. Christophers have no Authority by Vertue of the Act of Assembly made there for the $4\frac{1}{2}$ per cent to Levy the same for Goods Exported from that Part of St. Christophers lately Gained by Conquest from the French, that Law extending only to such Part of St. Christophers as belonged to the Crowne of England when that Law was made, Yet that Her Majesty may, if Her Majesty shall so please, under the Great Seal of England Direct and Command that the like Duty

1704-5.

be Levied for Goods to be Exported from the Conquered part, and that such Commands are Law there, Her Majesty by Her Prerogative being Enabled to make Lawes that bind Places obtained by conquest, and all that shall Inhabitt therein, The said Lords Commissioners have thereupon humbly Offered their Opinion, that Her Majestys Pleasure under the Great Seal of England be forthwith Signified accordingly to Her Majestys Governor or Commander in Cheif, of St. Christophers for the time being, and to all others whom it may concerne [it is ordered that a warrant to the Governor be prepared to pass Her Majesty's sign manual and signet in order to pass the Great Seal, and that in the meantime the Board of Trade give him directions for the time being.] [II. p. 39.]

(1704.)

[A law prepared by the Attorney General for imposing the 23 March. 4½ per cent. duty on the French part of the island, is approved and ordered to be passed under the Great Seal.]

[II. p. 85.]

ANNE. VOL. II. (20 Jan. 1704—29 Sept. 1705.)

1705.

[915.] (1) [On a memorial from the Lord Admiral, it is ordered] That for the more speedy and Effectuall manning and Setting out Her Majestys Fleet, a Stop and Embargo be forthwith Layd upon all Ships, except the Pacquet Boats and such Ships as are Employed in the Coal and Coast Trades, and also such Ships bound to the Plantations and Portugall as are Cleared at Gravesend. [The Lord Admiral and the Lord Treasurer are to give directions accordingly.] [p. 278.]

22 Feb. Ship Passes.

(2) [Referred to the Admiralty are the *Bonaventure*, Thomas Sands of London owner, Matthew Beesley master, 400 tons, 6 men, bound to fetch home sugars unladen out of a ship that foundered at St. Thomas; the *Bristol* galley with recruits to Ireland and thence to Barbados; and the *Cowslip*, *Swallow*, and such other Newfoundland traders as the Lord Admiral may approve.] [pp. 288-9.]

1 March.

(3) [On the petition of Sir Jeffrey Jeffreys, the *Greyhound* galley, for New York, with effects for the performance of a contract made with the Treasury and the Paymaster-General towards the weekly subsisting of four independent companies there, is allowed to sail.] [p. 290.]

4 March.

456 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704-5.

8 March.

(4) [To the Lord Treasurer are referred John Hyde for the *Samuel*, James Duncan master, 200 tons, 10 guns, 18 men, for Antigua with perishable provisions; Richard Perry for the *Rumbo* galley to Ireland and Barbados; the *Golden Lion* for Barbados; Sir Jeffrey Jeffreys for the *Granville* frigate, with provisions for Barbados.] [p. 293.]

11 March.

(5) [*Cowslip*, *Swallow*, and other Newfoundland ships not named, allowed to sail on report of Lord Admiral] [p. 294]. [The merchants trading to Virginia and Maryland, to the Leeward Islands and to Barbados for leave to sail, and for a convoy, are referred to the Admiralty [p. 296]; on whose report the petition is granted on 15 March] [p. 300]. [Richard Levitt and William Low for the *Dolphin* and *Mermaid*, bound from Bristol for Calabar and Virginia, are referred to the Admiralty [p. 296], on whose report the petition is granted on 13 March.] [p. 297.]

15 March.

(6) [The *James* and *Mary*, and *Charles*, with provisions for Jamaica, referred to the Treasury.] [p. 301.]

24 March.

(7) [On a report of the Lord Admiral, the Embargo is removed.] [p. 303.]

1704-5.

Plantation
Embargo.

[916.] Richard Bailey, &c., *Tiger*, 300, 18 guns and 40 men, Virginia to Bristol: referred to Lord Admiral, 16 Mar. [p. 81]; granted 23 March [p. 90]. Micaiah Perry, *Corbyn* and *Codrington* galley, Virginia: hindered by stress of weather and damage from receiving the benefit of the convoy; referred to Lord Admiral 17 Aug. [p. 164]; granted 17 Aug. [p. 166]. *James*, 350, John Hastings, 24 guns and 40 men, Virginia and Maryland: with tobacco; carries letters-of-marque; referred to Lord Admiral 6 Sept. [p. 170]; granted 21 Sept. [p. 176]. Richard Bailey, &c., *Expectation*, 150, 10 guns, Virginia to Bristol: an embargo would endanger the loss of ship and men; the case of this ship is particular, and, as it does not prejudice the general trade, she is allowed to sail without convoy; referred to Lord Admiral 26 Oct. [p. 181]; granted 9 Nov. [p. 192]. Micaiah Perry, *Antelope* galley, Jamaica: carries letters-of-marque; referred to Lord Admiral 18 Dec. [p. 228]; granted 2 Jan., 1705 [p. 244]. Thomas Wharton, &c., *York Merchant*, Virginia: the ship is carrying provisions to Lisbon for the Navy, and goes thence to Virginia; referred to Lord Admiral 23 Dec. [p. 239]; granted 11 Jan. [p. 251]. Robert Dunkley, *Levett*, Virginia: carries letters-of-marque; referred to Lord Admiral 18 Jan. [p. 264]; granted 2 Feb. [p. 273]. John Hyde, *Herbert* galley, Lisbon, Madeira, and West Indies: referred to Lord Admiral 11 Jan. [p. 252]; granted 2 Feb. [p. 273]. *Richard* and *James*, 300, 24 guns and 40 men, Virginia and Maryland: referred to Lord Admiral 2 Feb. [p. 274]; granted 1 March [p. 287]. *Rumbo* galley, 180, 10 guns and 36 men, Ireland, Barbados, and Leeward Islands: referred to Lord Admiral 2 Feb. [p. 274]; granted 1 March [p. 287]. Thomas Palmer of London, *Raby* frigate, 150, Samuel Rickards, 10 guns and 20 men, Lisbon and American plantations: referred to Lord Admiral 17 May [p. 364]; granted 31 May [p. 369].

[917.] [On a representation by the Board of Trade of 13 Jan. of the irregularities practised in Rhode Island, an Act of that colony of 7 Jan. 1695 relating to Admiralty jurisdiction is annulled, and a letter ordered to be prepared requiring the Governor and Company to submit to the Court of Admiralty constituted by His Royal Highness in those parts and to Colonel Dudley's powers of Vice-Admiralty, and forbidding them to assume the power of any such court. Other offences of Rhode Island are] Refusing to Submit to Her Majesty's Command relating to their Militia during the time of War, Their Declining to Transmitt Authentick Copys of the Acts of their Assemblys, their Harboursing Pirates, Encourageing Illegall Tradeing, and Protecting Deserting Soldiers and Fugative Servants. [pp. 40-1.]

1704.
28 Jan.
Rhode
Island.

[The draft of the letter to the Governor and Company is approved, and the letter ordered to be prepared for Her Majesty's signature and despatched.] [p. 59.]

23 Feb.

[918.] [Her Majesty approves, and gives orders in accordance with, a representation of 3 Feb. from the Board of Trade]—We have received from Sir Beville Granville Your Majesty's Governor of Barbados the Copy of an Act of the Generall Assembly of that Island for Settling five hundred pounds a Year upon him for House Rent, during his Government, Whereupon We humbly take leave to Represent that Your Majesty having given Instructions whereby the said Governor was Limited to the Sume of Three hundred pounds Sterling for house Rent these Instructions did not arrive at Barbados till after the Passing this Act, and the Five hundred pound Currant Mony of that Island not Exceeding the Sume of Three hundred and Seventy pound Sterling, and the said act in all other respects being conformable to Your Majesty's Instructions, We are humbly of Opinion that Your Majesty be pleased to approve of the said Act, the said Governor having since his receiveing the said Instructions refused a Present of Two Thousand pounds Offered to him by the Assembly, and having in all other

3 Feb.
Barbados.

458 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704. particulars behaved himselfe with Great Zeal and Application in Your Majestys Service. [pp. 45-46.]
- 10 Feb. [1919.] [Three Jamaica Acts are repealed, after the Council
Jamaica. consider a petition from merchants and planters concerned in the island regarding the first of the Acts, the Board of Trade having already several times heard the merchants and others concerned in two petitions from Jamaica and one from Bristol.] [p. 50.]
- 23 Feb. [1920.] [The Council refer to the Duke of Marlborough,
Massachusetts Bay. Master General of the Ordnance, the representation of the Board of Trade of 16 Feb. proposing that, in consideration of the great want of small arms in Massachusetts Bay, 400 firearms be sent to the Governor] with Directions to take Care that the Value thereof be reimbursed by the Assembly, or by such Persons to whom the said Armes shall be Delivered and not otherwise. [p. 59.]
- 23 Feb. [1921.] [On the representation of the Board of Trade, stores,
Leeward Islands. for which the Ordnance estimate is 2749*l.* 4*s.* 5*d.* with freight, are ordered to be sent to the Governor of the Leeward Islands, the necessary money being issued by the Lord Treasurer.] [p. 59.]
- 23 Feb. [1922.] [The Board of Trade setting forth the complaint of
New England. the Governor of Massachusetts Bay] that the French in Conjunction with the Eastern Indians had attacked severall Places upon the Frontiers of that Province and had killed and Carried away severall Persons, and that upon his Application to the Governor of Connecticutt and Rhode Island for Assistance, could obtaine nothing from them, [letters are ordered to be written to these colonies] enjoying them to Assist their Neighbours upon Occasion for their Mutuall Security. [p. 60.]
- 23 March. [The letters are approved.—P.R.] [p. 85.]
- 2 March. [1923.] [On the representation of the Board of Trade, it
Barbados. is referred to the Lord Treasurer to consider how far the

1704.

request of the Agents of Barbados for stores estimated by the Ordnance at 7667*l.* 6*s.* 5*d.* may be complied with in relation to the present state of the 4½ per cent. revenue.] [*p.* 74.]

Md.—Copy of the Representation and Estimate were annexed to the above Order, and are in the bundle of this month.

[924.] [The Council refer to the Board of Trade] the 9 March.
Petition of Peter Van Belle together with the State of the ^{St.} Christopher.
Case, Setting forth that being a Denizen and Possessed of a Plantation in the Island of St. Christophers he sent thither from the Island of St. Thomas. Forty One Negro Slaves being of his Family and not for Merchandize in a Danish Vessel which with others, were at a Court of Admiralty at Nevis, the 3rd of May 1699 adjudged forfeited, from which Sentence the Petitioner appealed and humbly prayed that Directions may be sent to the Governor of the said Island, to Examine the Petitioners allegations in this matter, and to returne a true State thereof, together with Copys of Proceedings in Order to his being heard before Her Majesty in Council.

[*p.* 77.]

[On a representation from the Board of Trade, it is ordered 6 July.
that a letter be written to the Governor of the Leeward Islands with directions for his conduct in this case.]

[*p.* 139.]

[925.] [On reading a representation from the Board of Trade 9 March.
of 9 March on a complaint made on behalf of the Mohican Connecticut.
Indians in Connecticut] Relating to a Small Parcell of Land which that Nation of Indians reserved to Plant and Hunt in, when they Granted for a very small and Inconsiderable Value to the English at their first Coming to Settle in that Country, great part of their Lands, [a Commission is granted to the Governor of Massachusetts Bay and other persons, five including the Governor to be a quorum, for erecting a court to do justice in this matter, and letters are ordered to be written to notify the Governors of Massachusetts Bay and of Connecticut]. [*p.* 78.]

460 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
 23 March. [The Commission is approved.—P.R.] [p. 85.]
- 20 April. [On a petition from Nicholas Hallam, that the Commission be passed at the Offices at her Majesty's charges, it is referred to the Lord Treasurer to give the necessary directions.] [p. 99.]
- 6 July. [Mr. Hallam's petition that he finds a delay in passing the Commission, and asking payment for time and money expended in this business is referred to the Treasury.] (1706.) [p. 141.]
- 14 Feb. [The Council refer to the Committee for Appeals a representation from the Board of Trade in this matter, and also Sir Henry Ashurst's petition desiring to be heard on an appeal on behalf of the Governor and Company of Connecticut and many freeholders there against the Commission.] [III. p. 108.] (1706.)
- 20 Feb. [The Committee direct that the Agent for the Mohicans receive copies of the petition and representation, and that the matter be heard at the first meeting after Easter.] [III. p. 110.] (1706.)
- 17 May. [At the Committee Sir H. Ashurst gives 400*l.* security to abide her Majesty's determination on his appeal, and the case is ordered to be heard Tuesday next.] [III. p. 202.] (1706.)
- 21 May. [The Committee recommend that the sentence of costs given by the Commissioners in August, 1705, be reversed and that a new Commission of review be granted,] and that in regard of the Poverty of the said Nation of Indians and for preventing them from going over to the French the said Commission of Review, and all other necessary Dispatches be expedited at her Majesty's charges. [III. p. 204.] (1706.)
- 10 June. [Order accordingly. The Council refer to the Board of Trade Sir H. Ashurst's petition relating to the executing of the said Commission in Connecticut. Lord Cornbury is appointed one of the Commissioners.] [p. 214.] (1706.)
- 26 June. [On a proposal of the Board of Trade of this date, it is ordered that the Commission be issued gratis to Lord

1704.

Cornbury, and 11 members of the Council of New York not interested in the dispute, 5 including Lord Cornbury to be a quorum.] [pp. 223-4.]

(1706.)

12 July.

[The Committee order Mr. Secretary Hedges to be acquainted with their opinion that a clause be inserted in the Commission to exclude any of the Commissioners from acting who have any interests in the lands in question, or have contracted for any of them.] [III. p. 232.]

(1707.)

5 Feb.

[On a representation from the Board of Trade, the draft of the Commission is approved.] [III. p. 292.]

[926.] [The Council approve the following representation of the Board of Trade and desire the Lord Admiral to give the necessary directions for its execution]:—The season now approaching for sending the usuall Convoys to Newfoundland, and there being an Annuall Provision to be made for the Company there, We humbly take leave to lay before Your Majesty in relation to the Provision, it having been found, that Beer Brewed there with Molosses is much more Wholesome and better than that Brewed with Malt; And Your Majesty having been pleased upon Our Representation the last Year, to Order the sending of Money to the Commander in Cheif to Buy Molosses accordingly, We humbly Offer that Your Majesty be pleased to give the like Directions for this Year. But Whereas We have been Informed that the Money allowed for such Molosses was not Sufficient, We humbly Offer that such an Augmentation be made as the Commissioners of the Victualling Office may upon due Examination find reasonable, as also that a Competent Proportion of Flower and Oatmeal be sent and less Biscuitt, which will be more beneficiall to the Soldiers. And in Order to the better performance of whatsoever may be necessary for the Security of the Place and the Protection of that Trade and Fishery, We further humbly Offer that the Commander of the Convoy, to be sent thither this Year may have the like Commission to Command in Cheif the Soldiers in Pay there and the Fort, as has in former

23 March.
Newfound-
land.

1704.

Years been given to others ; and that he may be Ordered to take an Exact Muster of the Soldiers in the Fort and Harbour of St. Johns, and to bring the Roles with him to England with an Account of the State of the Company, and their fitness for Service as usuall, as also of the Condition of the Fortifications and what may be further necessary for so Important a Place, and that the like Orders be given as in former Years for the Seamen on Board Your Majestys Ships of War to Assist in perfecting the Fortifications dureing their stay in those parts, in such manner as may not be prejudicial to the Sea Service. [p. 86.]

[The Council refer to the Treasury the following part of the representation with the accounts annexed.] We humbly take leave to lay before Your Majesty the annexed account of what appears to Us to be wanting for the Support of the Company, in Pay Cloathing and Provisions. And Whereas there being but one opportunity of Conveyance in the Year for bringing from thence the Muster Rolls, upon the Musters to be taken by the Commanders of the Convoys ; And We having Received a Muster Rolle Signed by the two Lieutenants now there, and the Commander of One of Her Majestys Ships of War for the last Year, which We have Transmitted to the Commissary Generall, and which appears to Us to be Compleat We humbly Offer that the said Muster Rolle be taken as Sufficient for the Clearing of the said Company tho' it be not conformable to the Method in England, which is not Practicable in those parts.

Wanting for the Company at Newfoundland for the Year 1704.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
A Years Subsistance ending Christmas 1704.....	421	5	5
One Years nett Clearings to the same time.....	227	15	9
One Years Off Reckonings to pay off the last Years Cloathing and provide the small necessarys for this Year.....	217	11	6
A Years Contingent Mony.....	50	0	0
	916 <i>l.</i> 12 8		

A YEARS PROVISIONS

Out of which the Value of Malt and Hops to be sent in Mony as the last Year.

A CHEST OF MEDICINS

To be payd for by a Deduction from the Company as last Year, pursuant to Her Majestys Warrant in that behalfe.

Memd.

The Chirurgeons Subsistance as well as Clearings is included in the Sume of 227*l.* 15*s.* 9*d.* and not provided for under the head of Subsistance.

Small Cloathing necessary for the Company at Newfoundland for the Year 1704.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
88 pair of Strong Shoes for Soldiers and Non Commission Officers being one pair to each Man at 4 <i>s.</i> a pair.....	17	12	0
80 pair of Stockings for Soldiers at 18 <i>d.</i> per pair.....	6	0	0
5 Ditto for Corporalls and Drumers at 20 <i>d.</i> pair.....	0	8	4
3 Ditto for Serjeants at 3 <i>s.</i>	0	9	0
80 Shirts for Soldiers at 3 <i>s.</i> 6 <i>d.</i>	14	0	0
5 Ditto for Corporalls and Drumers at 4 <i>s.</i>	1	0	0
3 Ditto for Sergeants at 5 <i>s.</i>	0	15	0
160 Neckcloths for Soldiers at 12 <i>d.</i>	8	0	0
10 Ditto for Corporalls and Drumers at 18 <i>d.</i>	0	15	0
6 Ditto for Serjeants at 4 <i>s.</i>	1	4	0
	<hr/>	50	3 4
Freight with other Charges.....	3	10	0
	<hr/>	53 <i>l.</i>	13 4

[*pp.* 87-8.]

[The following representation is also approved and the Ordnance required to give the necessary orders for its execution] —Having Discoursed with Captaine Richards Your Majestys Ingenier lately come from Newfoundland, concerning the State of the Fortifications there, We have been Informed by Him that the Fort was in a good condition at the time he left it, that there are forty Guns mounted, but that there wanted Soldiers to Defend the Fort, and Traverse those Guns, Your Majesty having only One Company of Eighty Men there, and the Neighbouring French Fort at Placentia having a more considerable Garrison, so that your Majestys Subjects are under apprehension of being attacked by the Enemy there. And Whereas We understand that the said Engineer being otherwise employed in Your Majestys Service here, is not to return to Newfoundland We humbly Offer that Your Majesty be pleased to Order another able Engineer to be appointed for that Service, with Directions from the Office

1704.

of Your Majestys Ordnance that he take Care to do all that is further necessary for perfecting the Fortifications, and keeping the same in due Repair, the said Fort being of the Greatest Importance for Secureing the Fishery in those parts. [p. 89.]

- 30 March. [927.] [It is referred to the Board of Trade to consider Virginia. a petition of six members of the Council of Virginia complaining of the proceedings and behaviour of Colonel Nicholson, and any other addresses or papers relating to his conduct as Governor.] [p. 93.]
- 15 June. [Colonel Nicholson is directed to return his answer to this complaint and all papers relating thereto, copies to be forwarded to him to that end.] [p. 129.]
- 30 March. [928.] [The Council refer to the Committee for Appeals Barbados. the petition of Richard Worsham to be admitted to appeal to Her Majesty from a decree of the Barbados Court of Chancery in favour of Henry Applethwaite.] [p. 93.]
- 24 May. [The Committee recommend that the appeal be admitted as the original judgment of 412*l.* amounts with interest to over 500*l.*] [p. 119.]
- 25 May. [The Council order the appeal to be heard on the first Council day in December.] [p. 123.]
- 19 Dec. [Joshua Cobb entered an appearance for Henry Applethwaite.] [p. 229.]
- 20 April. [929.] [The Council refer to the Admiralty the petition West Indies. of Elizabeth, widow of Captain William Harman, praying to be satisfied the wages due to her husband who was killed in an engagement with the French at Petit Guaves about October 1694, the purser having put a stop to the payment of the said wages.] [p. 99.]
- 20 April. [930.] [The Council refer to the Attorney and Solicitor NavalStores. General the draft submitted by the Board of Trade of a

1704.

charter to Thomas Byfeild and others relating to the importation of pitch, tar and other naval stores from the plantations.] [p. 101.]

[Further consideration of their report is referred to a Committee of the whole Council, who are to hear the petitioners thereupon.] 15 June. [p. 128.]

[The Committee of Council refer it to the Customs to consider all the papers, and particularly the clause in the draft charter which empowers the petitioners to carry on a general trade to Pennsylvania and other parts of America.] 17 June. [p. 135.]

[A letter from John Povey to Mr. Lowndes, desiring the Commissioners of the Customs to present their report to the Board of Trade at their meeting at Whitehall on 4 December.] 9 Nov. [p. 194.]

[The Committee for Appeals agree to report to Her Majesty] 6 Dec.
 That Mr. Attorney and Mr. Solicitor General having Reported that the said Charter as proposed is to Incorporate Mr. Byfeild with Eleven Persons more by name, and all others concerned with them to Carry on a Generall Trade to the Plantations in America without any Clause obliging the Petitioners to Apply themselves to the Importation of Navall Stores from thence except for two years, So that the Charter may be made use of only to Carry on a Generall Trade to the Plantations for Private advantage, and not to Supply Her Majesty and her Subjects with Navall Stores, Whereupon they doe not See any reason to Incorporate the Petitioners for the Plantation Trade, unless they be obliged to Import Navall Stores in time of War when they may be Imported without loss as the Petitioners alledge they cannot be in time of Peace, the Freight being then of greater Value then the Goods will be if Imported from Sweeden. That all that is Proposed in the Draught as to Navall Stores is that the Company be Impowered to make Pitch, Tarr, Rosin and Turpentine in the Plantations, which others may now make, and that they

1704.

be Obliged to Import from thence in the First Year 200 Barrills of Pitch and 400 Barrills of Tarr ; In the Second 400 Barrells of Pitch and 800 Barrells of Tarr which is mentioned in the Bond annexed to the Draught, but not in the Charter to be the Produce of the Plantations, unless prevented by Casualtys at Sea, Enemys or other inevitable Accidents and if they cannot have them in the Plantations that will be an Inevitable Accident. That there is no Obligation after the first two Years to Import Navall Stores, Nor to Sell those that are to be Imported to Her Majesty, nor are they Obliged to Import Masts, tho One reason given for making the Corporation, is for that the American Plantation abound in Pine Trees in those Parts fitt for the Navy. Wherefore it is to be Apprehended that the Errecting such a Corporation will be prejudicial to the rest of Her Majestys Subjects Trading to the Plantations. That by the said Draught Notice is taken that the Twelve Persons therein Named with Divers others had for severall Years Carried on a Joynt Trade to Pennsylvania, Carolina and other Parts of America with a Joynt Stock of 20,000*l*. which said 20,000*l*. is Declared to be the Capitall Stock of the said Company which Recitall will give great Countenance to the Practices that have been of late, of Great Numbers of Persons to Joyne together in Trade, and Act as a Corporation without Her Majestys Charter which is Illegall, and that it will be presumed that Her Majesty has had full Satisfaction that the present Stock is 20,000*l*. That in the said Draught it is Provided that the Company shall not Carry Navall Stores from the Plantations to any Country or Place other then Her Majestys Dominions, without Her Majestys or the Lord High Admiralls Licence, Which Mr. Attorny and Mr. Sollicitor Generall are of Opinion is against the Act : 22 : Car : 2 : whereby all Goods of the Produce of the Plantations are to be brought Directly to England. That the Persons Interested in the Company object against the Power reserved to Her Majesty by the said Draught to Determine the Corporation by Order in Councill, if they misuse the Power to be Granted them, and

make them Grievous to any if Her Majestys Subjects, or prejudiciall to the rest of the Traders or Inhabitants in the Plantations, alledging that it will be hard on them to be lyable to be Determined on less then Three Years Notice to gett in their Estate, Whereupon Mr. Atturney and Mr. Sollicito· Generall are of Opinion that if such Charter shall be Granted to Reserve a Power to Determine it, if the Company shall not make themselves usefull to Her Majesty and her Kingdome in Importing Navall Stores. That the Petitioners Absolutely Refuse to be Obliged to Import Pitch and Tarr in time of War other than for Two Years, or to furnish Her Majesty with any Certaine Quantity unless Her Majesty shall Agree to take them at a Certaine Price, But Declare themselves willing to give Her Majesty the Refusall 1800 Barrells of Pitch and Tarr, and what other Quantitys they shall Import at the Markett Price, Her Majestys Officers Declareing their Acceptance or Refusall within a reasonable time after Tender. Which Report having been Communicated to the Petitioners they have Represented in Answer thereunto. That they are willing the said 1800 Barrells of Pitch and Tarr be Exprest to be of the Produce of the Plantations. That the said Draught may be so altered, That their not being able to procure Navall Stores in the Plantations be not Allowed as An Inevitable Accident but that they be Obliged to Ship the said Quantity in Order to be Imported into England. That they never proposed to Import Masts tho' they have good Prospect that they may be Able to Effect it. That their present Stock was 20,000*l*. : and they have Exported Great Quantitys of Woollen Manufactures of England and Imported great quantitys of the Produce of the Plantations without having been Complained of as prejudiciall to any other Traders, and they have very near their first Stock, But they are Willing the Recitall thereof be left out, That as to their being Obliged not to Carry Navall Stores from the Plantations to any Place other than Her Majestys Dominions without Licence, if such Licence be not Lawfull, they are willing the

1704.

same be left out. That they are Willing to be Dissolved on Three Years Notice upon Misdemeanor or Misuser, But hope their Trade Interfering with others, or their not being usefull to Her Majesty or the Kingdome in Importing Navall Stores, may not be a Sufficient Cause of such Disolution. That they are willing to be Obliged to Import a Sufficient Quantity Yearly for ever at such a Price as not to be losers by it. That they are willing to give Her Majesty the Refusall of all the Pitch and Tarr they Import, Her Majestys Officers Declaring their Acceptance or Refusall within a reasonable time after Tender. They remark, that the Pitch and Tar Imported from Sweeden is payd for with ready Money whereas what shall be Imported from the Plantations will be payd for with the produce and Manufacture of England. That they think they cannot Answer the Intent of the Government without a Charter, without which they shall Desist. Whereupon the Petitioners being heard before the Committee, they persisted in the severall Articles proposed by the said Draught, except what alterations they agreed to in their Answer and Particularly to be Incorporated with Power to Trade Generally to the Plantations, except further that they Agreed that Her Majesty by Order in Councill might Dissolve them upon Misdemeanor or Misuser upon One Years Notice if the same shall be found prejudiciall to the rest of Her Majestys Subjects, And Provided Power might be Continued to them for the Recovery of their Debts. Whereupon the Committee having Referred the said Draught with the Report of Mr. Atturney and Sollicitor Generall and the Petitioners Answer to the Consideration of the Commissioners of the Customes, and Particularly the Clause in the said Draught, Empowering them to Carry on a Generall Trade to the Plantations; The Commissioners of the Customes have Reported, That having heard some of the Petitioners One of the Principall Merchants Concerned and Disowned and Quitted all his Pretentions thereunto, as they have understood some others have also done. That some very Considerable Merchants who have perused and Considered

1704.

the said Draught and Report, have Offered by Memorial under their hands to Deliver a larger Quantity of Pitch and Tarr at Reasonable Rates and in a Lesser time without any Charter. That upon the Discourse they have had with the Petitioners and others, they are Inclined to believe That the Charter desired is designed more for a Private advantage than for any real Service to the Publick in the pretended Importation of Navall Stores at Cheaper Rates than they can be had from particular Merchants and therefore can by no means think it adviseable to Incorporate them under such a Specious Pretence of serving the Government with Navall Stores from the Plantations, being assured that other very responsible Merchants will undertake it at better and Easier Terms to the Government. Which Report together with the Memorials of Mr. Renew and other Considerable Merchants Proposing to Engage at reasonable Rates to Deliver a larger quantity of Pitch and Tarr in a lesser time without any Charter, having been read to the Petitioners at the Committee, they continued to Insist upon a Charter, without which they would not Engage in this matter. That Upon the whole matter the Committee Submitts it to Her Majestys Determination whether a Charter shall be Granted to the Petitioners. [pp. 207-211.]

[On consideration of this report, the best means of encouraging the importation of naval stores from the plantations] being thought a matter more properly Cognizable in both Houses of Parliament, Her Majesty is not pleased to give any further Order therein at Present. [p. 216.] 14 Dec.

[931.] [On the proposal of the Ordnance, it is ordered] That One of the two Enginiers sent by that Office to Jamaica in pursuance of an Order of Councill of the 12th of August 1701, he removed to Barbados, to Supply the Place of the Enginier there who they hear is Dead. [p. 103.] 27 April. Barbados.

[932.] At the Committee of the Whole Council appointed to consider of the complaints against Comadore Walker in the West Indies. 29 April. West Indies.

1704.

[The Earl of Peterborough was heard upon the advices he had received from Colonel Codrington, and Captain Walker was also heard.]

2 May. [The Earl of Peterborough for Colonel Codrington, Colonel Wills who commanded the land forces in the absence of Colonel Codrington, Captain Walker and Major Bowles are heard; and their Lordships agree to represent this matter specially to her Majesty at the Board.] [pp. 104-5.]

4 May. [On the Committee's representation, the Council dismiss Captain Walker from attendance on the Board relating to the complaint.] [p. 110.]

4 May. [The Committee of Council having represented] that Notwithstanding the said Squadron had been sent to Barbados, with Orders upon adviseing with the Governor to use his best Endeavor to Defend Barbados and the Leeward Islands against the attempts of the Enemy, and that upon his arriving with the Squadron at Barbados he had applyed himselfe to the President and Council in whom the Cheif Command was then vested that Notice of the said Squadrons being there might be sent to Colonel Codrington Governor of the Leeward Islands, to the end that if he had wanted the assistance of the said Squadron for Her Majestys Service he might have acquainted the said Capt. Walker therewith; Notice thereof was not sent to the said Colonel Codrington. Her Majesty in Council is thereupon pleased to Order that the Governor or Commander in Cheif of Barbados Examine into the proceeding of the said President and Council of Barbados in this matter, and why with so little regard to Her Majestys Service in the Safety of those Islands, Notice was not forthwith sent to the Governor of the Leeward Islands of the Arrivall of the said Squadron at Barbados and what he finds to be the reason of so Great Neglect of Her Majestys Service and the Publick Safety of those Islands, and that he returne an Account thereof to the Lords Commissioners of Trade and Plantations who are to Signifie Her Majestys Pleasure herein to the Governor

or Commander in Cheif of Barbados for the time being, and upon receiving his Answer to Report the same together with their Opinion upon the whole matter to Her Majesty at this Board.

[Further], it had appeared to the Committee, by the Testimony of the Sea and Land Officers, that the Provisions sent with that Squadron upon their arrivall at Barbados, being but three Months from their going from England, were found to be for the most Part unfitt for use, and particularly the Bread, whereby the Health of the Men of the said Squadron were much in Danger and Her Majestys Service for which the said Squadron was sent to those Parts with Great Expençe, was in Great Hazard of being Disappointed; Her Majesty in Councill is pleased to Order, that His Royall Highness Prince George of Denmarke Lord High Admirall be desired to Cause this matter to be Strictly Examined, and that as well Capt. Walker who Commanded the said Squadron, and Coll. Wills who Commanded the Land Forces, in the Absence of Coll. Codrington in that Expedition and Major Bowles as the Commissioner for Victualling Her Majestys Navy be heard thereupon, and that Enquiry be made whether the Bread and other Provisions sent with that Squadron were New at their being sent from hence, and to Report upon a true State of the matter of Fact as the same shall appear, together with his Royall Highnesses Opinion to Her Majesty at this Board.

[pp. 106-7.]

Report from his Royal Highness upon the Complaint of the badness of provisions in Captain Walker's squadron read. 6 Sept.

[p. 174.]

[933.] [An additional instruction for all who shall have letters of marque]—Whereas We in Conjunction with Our Allies the States Generall of the United Provinces are Willing to Encourage Our's and their Subjects in their Intercourse and Correspondence with such of the Spanish Nation in the West Indies as shall be Inclined to Acknowledge the Title and Sovereignty of Charles the Third King of Spain with whom 4 May. West Indies.

1704.

We are in Friendship and Alliance, and to the Intent that such Mutuall Intercourse and Correspondence may be Beneficiall as well to Our Subjects and Allies, as to the Spaniards in America, Wee have therefore thought fitt, and do hereby Direct that from and after the first day of June 1704 no Injury, Violence, Spoile or Mollestation whatsoever shall be done or Committed by any of Our Ships of War, Privateers or Merchants Ships having Letters of Marque, or by any of Our Governors or by or under their permission, or Authority, or any other Officers of, in, or belonging to any of Our Islands, Colonys or Plantations in America, upon or within the Main Land of the Continent, or of the Islands or Plantations belonging to the Spaniards in America or against any of Our Subjects or the Subjects of the States Generall or any of them, their Ships, Vessells, or Goods, that shall be found coming to, or going from any Port or Place in the Spanish West Indies, being for the proper Account and risque of Our Subjects, or of the Subjects of the said States Generall respectively anything contained in Our Declaration of War, against Spain, or any Commission or Commiss'ons to any of Our Men of War, Privateers or Merchant Ships, or any Instructions to Our Men of War, Privateers or to any of Our Governors or other Officers in the West Indies, or any other Instructions or Orders whatsoever to the Contrary hereof in any ways notwithstanding Provided that no Goods whatsoever belonging to the Inhabitants of France or its Vassals, or any others Inhabiting within the Dominions and Territorys of that Crown, nor any Contraband Goods, Stores or Provisions of War be permitted to be Carried to any Spanish Plantation in any Ship whatsoever but that they may be, and are hereby Declared to be lyable to Seizure and Confiscation as before the Giving this Instruction Provided also that this Instruction be so understood as that it may and shall Still be Lawfull for any of Our Men of War, Privateers, or Merchant Ships having Letters of Marque to attack, take and Possess themselves of any Spanish Ship, Vessell or Gallion either on the Main Sea or in fresh Waters,

1704.

or in any Port, Bay, Creek or Harbour in America, as well as elsewhere, and to Seize and bring away such Ship, Vessell or Gallion, and all Treasure, Goods and Merchandize, which may be found on Board such Ship, Vessell, or Gallion according to the Intent and meaning of Our former Instructions, and We do hereby Charge and Command all the Commanders, and other Officers of Our Men of War, and of Privateers, or Merchant Ships having Letters of Marque, that they severally take due Notice of this Our Royall Pleasure as an Additional Instruction, and Conform themselves hereunto accordingly.

[pp. 108-110.]

[In a long draft of instructions for such as have Letters of Marque, the above clause is repeated as No. 2. No. 12 allows any prizes captured in the plantations to be taken to any port in the plantations.]

23 Dec.

[pp. 231-8.]

(1706.)

[The clauses are renewed.]

[Vol. III. p. 190.]

2 May.

[934.] [The Council refer to the Admiralty] the Petition of Doctor Nicholas Ogle late Physitian to the West India Squadron, humbly praying such allowance for his Service in the Hospitall at Jamaica as is usuall for that Service in the Ports in England.

11 May.
West Indies.

[p. 111.]

[935.] [The Council refer to the Admiralty] the Petition of the Merchants Trading to Virginia and Mariland, humbly praying that Directions may be Lodged with the Governors of all the Plantations, as a Standing Order for the future, that they may be Aiding and Assisting in Secureing to the Petitioners their Men that belong to such Ships, who may Shelter themselves on Shore, having in their Voyage by Stress of Wether and Loss of Masts been forced to Barbados, Bermudas, Antigoa, and Jamaica, as often happens.

18 May.
Virginia and
Maryland.

[p. 115.]

[The Lord Admiral reporting that he has no objection, instructions for the Governors of plantations are ordered to be prepared in the tenor desired.]

6 July.

[p. 139.]

[936.] [The Council refer to the Lord Treasurer the petition of Elizabeth, widow of Major Peter Minshall of Colonel Lucy's

25 May.
West Indies.

1704.

regiment, for relief in consideration of the services of her husband who died at Barbados in January 1703.] [p. 124.]

6 July.
Jamaica.

[1937.] [The Council approve, and give orders in accordance with the representation of the Board of Trade of 21 June]—
In Obedience to Your Majestys Commands Signified to Us by the Right Honorable Mr. Secretary Hedges upon the Petition of Capt. Robert Gardner, on behalfe of the Heir at Law of the late Major Generall Sellwyn Governor of Jamaica We have considered the same, and humbly Represent to Your Majesty, That in August 1702, Upon the Death of the said Sellwyn which happened not long after his Arrivall, the Assembly of Jamaica past an Act Entituled, An Act for raising severall Sumes of Money to Discharge the Publick Debts and providing Funds for the Safeguard of the Island, in which Act the Sume of 2000*l.* is given to the Heir at Law of the said Selwyn towards the Defraying the Charge the Father had been at in Transporting himselfe and Family thither, And Whereas the said Act was past long before the Signification of Your Majestys Pleasure forbiding Governors to receive Presents from Assemblies, And that We have reason to believe the said Money was accordingly Levyed, and that it lyes in the hands of the Treasurer of that Island.

We humbly Represent that We find no Objection why Your Majesty may not be Graciously pleased in Consideration of the Great Charge the said Sellwyn was at in Transporting himselfe and Family and the loss that Family Sustained by his Death to permitt that his Heir may receive the said Sume of 2000*l.* according to the intent of the said Act. [p. 140.]

6 July.
New York
and New
Jersey.

[1938.] [The Council refer to the Board of Trade the petition of Peter Sonmans and William Dockwra on behalf of themselves and the other proprietors of East New Jersey] relating to the Island of Staten, which the Governor of New Yorke pretends to in right and for the use of Her Majesty and keeps Possession thereof, and praying that Directions be given for the hearing and finally Determining of that matter.

[p. 141.]

1704.

6 July.
Barbados.

[939.] Upon reading this day at the Board the Petition of Thomas Foulerton Esqr. Complaining of Thomas Maycock Esqr. Cheif Judge of One of the Courts of Common Pleas in the Island of Barbados, Colonel of a Regiment and a Justice of the Peace there, who by means of his Great Offices finds ways as is alledged to keep the Petitioner from any Tryall at Law or in Equity against him for arrears of Rent amounting to upwards of One Thousand Five Hundred and Forty Seven pounds, and humbly praying that the said Thomas Maycock may no longer Shelter himselve from Law and Justice. It is hereby Ordered by Her Majesty in Councill, That a Copy of the said Petition, which is annexed, be sent to the Lords Commissioners for Trade and Plantations, who are to write a Letter to the Governor of Barbados therein taking Notice of the Delays and Obstruction of Justice Complained of by the Petitioner and requiring him to take Care that the Administration of Justice be there Expedited in the Petitioners Case as the Law requires, as also Signifieing Her Majestys Pleasure, that if the said Thomas Maycock do by means or under the Protection of the Offices he Enjoys continue to Impede or Obstruct the Course of Justice in the Present Case the said Governor do Suspend the said Maycock from the Place of Judge and all other Offices, untill the Cause or Causes in which the said Maycock and the Petitioner are concerned shall be Determined. [p. 142.]

3 Aug.
New
England.

[940.] [(A) On a representation from the Board of Trade of 10 July upon letters from Colonel Dudley relating to the state of New England, an extract thereof concerning ships for the guard of those coasts is sent to the Lord Admiral to give such orders as seem most fitting : (B) another extract complaining of the charter governments of Connecticut and Rhode Island is referred, along with the opinion of the Attorney and Solicitor General of 1694 on all the proprietary colonies, to the Attorney and Solicitor General for their opinion] what they conceive Her Majesty may Legally do upon these and the like Complaints against them : [(c) orders are also given

476 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
for renewing the directions to Colonel Dudley as to the building of Pemaquid fort and settling a salary upon the Governor and Lieutenant-Governor.] [pp. 152-3.]
- 30 Nov. [A letter is ordered to be written to Colonel Dudley in accordance with (c).] [p. 204.]
(1705.)
- 11 Jan. [The draft of such a letter submitted by the Board of Trade was approved and ordered to be sent.—P.R.] [p. 248.]
- 3 Aug. [941.] [A representation of the Board of Trade relating to Bermuda. "An Act for Raising a Public Revenue for the Support of the Government in Her Majesty's Bermuda Islands" is approved and directions ordered to be sent to the Lieutenant Governor and Council of the islands] to Cause the same to be put in Execution, and to take Care not to pass any Temporary Law in Derogation of the said Act. [p. 161.]
- 17 Aug. [942.] Upon Representation made to Her Majesty that Canada. there were severall Prisoners of Different Qualitys taken in the la Seine Prize bound to Canada and praying Directions what allowance should be made to them. [The Commissioners of Sick and Wounded Seamen and Exchange of Prisoners at War are to make strict inquiry into the numbers and quality of each, and to report. Should they receive from the prisoners any papers relating to the French settlement in Canada, these are to be sent to the Board of Trade.] [p. 164.]
- 17 Aug. [943.] [The Board of Trade are directed to send to one Canada. of the Secretaries of State an account of the English prisoners lately taken by the French of Canada.] [p. 164.]
- 6 Sept. [944.] [The Council refer to the Board of Trade] the Petition Barbados. of Edward Chilton Esqr. Attorney Generall of Barbados, humbly praying to be permitted to be absent from Barbados for about One year for Recovery of his Health and Settling his Affaires without prejudice to his Patent for Attorney Generall of the said Island. [p. 170.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 477

[On their report, leave is granted, on his leaving such sufficient deputy as shall be approved by the Governor.]

1704.
14 Dec.

[p. 220.]

[945.] [On considering a representation of the Board of Trade upon a collection of bills lately compiled by a committee of the Council and Assembly in Virginia, the alterations proposed are approved], Except that it is not thought requisite that Instructions be sent to the Governor of Virginia instead of the Bill Entituled an Act for the better Secureing the Liberty of the Subject, and Her Majesty is pleased to Order that the said Collection of Bills be Remitted back to the Governor of Virginia, that the same may be layd before the Council and Assembly for their further Consideration in Order to their being passed into Acts in the usuall manner, Except as is proposed by the said Representation what relates to the said Instruction.

6 Sept.
Virginia.

[p. 172.]

[946.] [On a representation from the Board of Trade it is ordered that Sir Bevil Grenville remove the suspension of Samuel Cox, one of the Council of Barbados, as upon full examination he had been cleared of the charge of entertaining correspondence with the French and carrying on an illegal trade.

6 Sept.
Barbados.

[p. 174.]

[947.] [The Council refer to the Board of Trade the petition of George Lillington, Michael Terrill, David Ramsay and Benjamin Cryer to have their suspension from the Council of Barbados taken off.]

21 Sept.
Barbados.

[p. 175.]

[On a report from the Board of Trade that the petitioners are unable to prove their allegations here, leave is granted to have affidavits taken in Barbados, and the Governor is required to return his answer, with such depositions in his own behalf as he thinks fit.]

16 Nov.

[p. 196.]

[A similar petition seeking copies of the papers sent over by the Governor is ordered to be laid before her Majesty when the papers being sent over in the *Milford* shall arrive,

14 Dec.

478 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704. and all papers relating to the matter which were to be sent from her Majesty to Barbados are respited in the meantime.] [p. 239.]
- (1705.)
1 March. [On another petition for her Majesty's letter for examining their witnesses, it is ordered that the Board of Trade examine the papers lately transmitted to them by the Governor, and after hearing the petitioners report to the Board, when her Majesty will declare her further pleasure.] [p. 285.]
- (1705.)
20 April. [The Lords of the Committee having read a report from the Board of Trade agree to represent that the Agents of Barbados inform them that they have now received the answer of the Council and Assembly of Barbados, which had been sent months before by a member of the Council who was taken by the French and afterwards wrecked, the papers being lost. The Agents praying that no determination be made till the answer be examined, it is recommended that the matter be referred to the Board of Trade, to send copies of the said answer to the parties concerned, and thereupon to hear them.] [p. 320.]
- (1705.)
23 April. [Order accordingly.] [p. 326.]
- (1705.)
23 April. [The Council also refer to the Board of Trade the petition of Richard Downes, whom her Majesty proposed to Sir B. Grenville in Feb. 1704 to be one of the Council of Barbados at the first vacancy, and who has been twice passed over by the Governor for reasons transmitted by him to the Board of Trade. Downes prays to be heard as to these reasons, and, if he be found innocent, to be admitted to the Council with precedency according to the date of her Majesty's letter.] [p. 328.]
- (1705.)
20 July. [On reading two reports from the Board of Trade and two from the Attorney and Solicitor General, it is ordered that Her Majesty's approval of his conduct be signified to the Governor for his suspension of the four councillors for acting with and privately countenancing those members of the Assembly

1704.

from whose irregular behaviour and continued absence from their duty Barbados had greatly suffered; and that he be empowered, if he think fit, to readmit any of the Councillors, on their application and submission; the exclusion of Downes is also approved, and notwithstanding the former order, he is not to be admitted to the Council.]

[pp. 406-8.]

[948.] [The Council refer to the Admiralty a representation of the Board of Trade on a petition of the merchants trading to the Leeward Islands and a memorial of the Royal African Company relating to convoys for the trade to Barbados and the Leeward Islands.]

21 Sept.
Leeward
Islands.

[p. 177.]

[949.] [A report from the Board of Trade on a complaint of several members of the Assembly of Barbados is referred back to their Lordships to consult the Attorney and Solicitor General] what Method they can propose, for Punishing such Members of the Assembly of Barbados, as Wilfully absent themselves from the said Assembly.

26 Oct.
Barbados.

[p. 179.]

(1705.)

[The Council refer to the consideration of the Board of Trade when the *Milford* shall arrive with papers sent over by Sir B. Grenville, the petition of John Lesley, Philip Kirton, Christopher Estwick, Enoch Gretton, and Thomas Maxwell, members of the late Assembly of Barbados, complaining of the Governor's proceedings] as tending to the Great Discouragement of Many of Her Majesty's Loyall and Dutyfull Subjects, to the Subversion of the Laws, and to the Decay and Ruin of Trade and Industry in the said Island.

11 Jan.
Barbados.

[p. 249.]

(1705.)

[The report of the Attorney and Solicitor General on the disorders in the late Assembly of Barbados] having been taken into Consideration at the Board, together with a Petition of Tho. Maycock and William Tirrell Esqrs. on behalfe of themselves and the rest of the said Absenting Members, [is] sent back to Mr. Atturney and Mr. Sollicitor General, who are to hear the Petitioners thereupon, and to return their Report to Her Majesty at this Board the next Councill day. [p. 281.]

22 Feb.

480 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1704.
(1705.) [On reading reports from the Board of Trade and from
20 July. the Attorney and Solicitor General, the Governor is recom-
mended to obtain the passing of an Act to provide against
the disorders result'ng from members wilfully absenting them-
selves.] [pp. 406-8.]
- 26 Oct. [950.] [The Council refer to the Lord Admiral the] Petition
Carolina. of John Lord Granville Palatine, in behalfe of himselfe and
the rest of the Lords Proprietors of Carolina, Praying that
Her Majesty will be pleased to Grant them the Guns of Her
Majestys Ship Winchester cast away off of the Cape Florida,
which they are willing to Search for and Weigh up. to be
planted on their Fortifications for the Defence and Security
of the said Province and its Trade. [p. 180]
- 9 Nov. [On his report the petition is granted.] [p. 191.]
- 9 Nov. [951.] [The Council refer to the Ordnance for an estimate
New a representation of the Board of Trade concerning 20 cannon,
England. 100 barrels of powder and ball proportionable desired for the
fort on Castle Island, Boston, and also 500 small arms for
the defence of the people against the French of Canada and the
Indians, who have invaded them and destroyed several of their
towns.] [p. 193.]
- 30 Nov. [The stores for the fort are ordered to be issued to Captain
Nathaniel Carey free of charge as promised by Her Majesty
upon the completion of the fort ; although the effects where-
with the small arms were to have been purchased had been
lost at sea, yet for these payment or good security is to be
required.] [p. 203]
- (1705.)
29 March. Petition of Nathaniel Cary merchant in behalfe of New
England, read and nothing done thereupon. [p. 310.]
- 16 Nov. [952.] [The report of the Attorney and Solicitor General
Rhode as to the complaints against the charter governments of
Island and Connecticut. Connecticut and Rhode Island is sent to the Board
of Trade to be communicated to the Agents of these colonies,
who are to attend the Council on 30 Nov. to state] their

1704.

Objections in Point of Law (if they have any) against Her Majesty's Appointing a Governor or Governors over those Provinces as is proposed in Mr. Attorney and Mr. Solicitor Generalls Report. [And their Lordships are to give the Attorney and Solicitor General what further information they can, that they may be fully prepared when the Agents are heard.] [p. 197.]

[On Sir Henry Ashurst's petition, the hearing is postponed till 14 Dec.] 30 Nov. [p. 205.]

[A letter from John Povey to Mr. Popple, Secretary to the Board of Trade, intimating a further postponement to 4 January, 1705.] 11 Dec. [p. 211.]

[The date is altered to 1 February.] 14 Dec. [p. 218.] (1705.)

[On a hearing of the complaints, the Agents making a further appeal for time, it is ordered that the Board of Trade prepare a charge to be answered with proper evidence before the Council in six months' time by the governments of Rhode Island and Connecticut: the Governors of Massachusetts Bay and New York are also to take depositions upon oath in the most public manner as to the truth of the charges.] 12 Feb.

[p. 269.] (1705.)

[A representation from the Board of Trade] Relating to the 20 Dec.

Proceedings of the severall Charter Governments of New England, Detrementall to the Trade in Generall and in Prejudice of the other Plantations under her Majesty's immediate Government [is referred back to them to enumerate the misfeasances and illegal proceedings of these and the other charter governments and proprieties in America, and the advantages and conveniences that would arise by reducing such proprieties and charter governments.] [III. p. 56.]

(1706.)

[Their representation thereon of 10 Jan. is sent to Mr. Secretary Hedges as] Proper for the Consideration of the Legislature of this Kingdome. 7 Feb. [III. p. 89.]

482 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1704-5.
14 Dec. Barbados. [953.] [The Council refer to the Committee for Appeals Tobias Frere's appeal from a decree of the Barbados Chancery of 11 July] in favor of William Springham Esqr. and Elenor his Wife Daughter and Heir of Anne Lytcott Deceased touching a Share of 24 Negroes late the Estate of Colonel Thomas Spair of the said Island. [p. 220.]
- (1705.)
11 Jan. [The Committee report that Anne Lytcott conveyed the negroes to Frere, he entering into bond of 1000*l.* on 24 Jan. 1700 to pay all costs or damages that might accrue to her or her heirs by any action concerning the sale. This does not amount to "valuable consideration" as claimed by Frere, and the dismissal of the appeal is recommended, Springham giving up the bond to Frere to be destroyed.] [p. 257.]
- (1705.)
18 Jan. [Order accordingly.] [p. 264.]
- 14 Dec. New York. [954.] [The Council refer to the Board of Trade the petition of Robert Livingston for restoration to his office of Secretary for Indian Affairs at New York, from which he alleges that he has been suspended by Col. Fletcher without any just cause.] [p. 221.]
- (1705.)
11 Jan. [In accordance with their report Livingston is ordered to be readmitted to his office, and as he has continued to be very serviceable in managing the treaties with the Indians despite his suspension, his salary of 100*l.* per annum is ordered to be paid, although the Board of Trade apprehended the revenue of New York by reason of anticipations would not be able to satisfy this.] [p. 252.]
1705.
2 Jan. Guadeloupe. [955.] [On a report from the Ordnance, 50*l.* is ordered to be paid to David Orris, gunner of H.M.S. *Boyne*, for his services in taking from the French at Guadeloupe in 1703 stores to the value of 332*l.* which he delivered into her Majesty's magazines.] [p. 245.]
- 11 Jan. Plantations. [956.] [The Board of Trade are directed to prepare a draft of an Instruction to the Governors of plantations] to returne an Account by the first Opportunity, to the Office of Ordnance

1705.

within the Tower of London, of the present State of the severall Ordnance Stores within their respective Governments, the Cause of their being Lessoned, and what have been Expended since the beginning of the Present Warr, with further Directions to the Governors, for the future to Transmitt to the said Office of the Ordnance every Six Months or oftener as opportunity shall offer, an Account of the Expenditure of Ordnance Stores within their Governments with a State of the Remains thereof. [p. 249.]

[957.] [The Council refer to the Board of Trade the petition of the Agents of Barbados], Complaining that in Breach of the known Laws and Violation of the Liberty of the Subject One Mr. Francis Lee a Sollicitor Inhabiting in the said Island was Seized at Ten of the Clock at Night when he was upon Duty, as Ensigne of the Militia, by Nicholas Wanley Lieutenant of Her Majestys Ship the Dolphin, and severall of the Seamen belonging to Her, and Carried away against his Consent, Notwithstanding his Earnest Application to Captain St. Loe Commander of the said Ship to suffer him to go a shoar, And therefore Praying that this matter may be Examined, and that the Persons who shall be found Guilty of so bold a Breach of Her Majestys Laws may be Punished. [p. 249.]

11 Jan.
Barbados.

[958.] [The Council refer to the Treasury a representation of the Board of Trade upon Governor Sir W. Mathew's account of the Leeward Islands, representing the need of 30 cannon of 18-pound ball without carriages, and 6 mortars of 50-pound shell with carriages and bomb proportionable, or such part thereof as the revenue of 4½ per cent. now in hand will extend to, and also of sending over four master gunners to manage the guns and instruct the inhabitants,—these also to be paid out of the 4½ per cent. duty.] [p. 250.]

11 Jan.
Leeward
Islands.

[959.] [On a memorial from the Ordnance, divers artificers sent to Jamaica at an annual charge of 520*l.* 2*s.* 6*d.* are recalled, in regard it does not appear that they are of any further use there.] [p. 269.]

12 Feb.
Jamaica.

1705.

22 Feb.
New York.

[960.] [The Council refer to the Ordnance for an estimate and opinion the following representation of the Board of Trade]—Having Received Letters from the Lord Cornbury Your Majestys Governor of New York, We humbly take leave to Represent to Your Majesty That his Lordship has Informed Us, that there are not in the severall Forts of that Province above One hundred and fifty Barrills of Powder left severall whereof are Damnified, That there is a great want of small Armes and of Bedding for the 4 Companys of Soldiers, The Bedds formerly sent there being worne out and Spoiled, and that in the present Circumstances that Country is in, he is not able to resist the Enemy in Case they should make any attempt upon the Frontiers, or from the Sea of which his Lordship says there is Great Apprehension.

We take leave to Add that the Lord Cornbury had 50 Barrills of Powder, 100 Muskets and 100 Bedds in the Year 1701, and that 100 Fuzees together with their Accoutrements which were provided out of the Pay of the 4 Companys, the List whereof is hereunto annexed were taken by the French the last Summer in their way to New York.

We are further humbly of Opinion that the like Proportion of small Armes and Accoutrements instead of those Mentioned to have been taken by the French, be sent to New York for the use of those Companys who are in great want of the said Armes, since the same cannot be made Good out of their Pay.

And that there be likewise sent 50 Barrills of Powder, the Charge whereof to be repayd by the Assembly of that Province to Your Majestys Office of Ordnance, And the Lord Cornbury to receive Your Majestys Directions for remitting the Value of the said Powder accordingly. [p. 279]

8 March.

[The Council refer to the Treasury the Ordnance report and estimate of 667*l.* 9*s.* with an extract of the report of the Lords of Trade relating thereto.] [p. 291.]

22 Feb.
New York

[961.] [The Council refer to the Treasury a representation of the Board of Trade of 22 Feb.,] Setting forth that it is Customary for Her Majesty to make presents to the 5 Nations

1705.

of Indians Bordering upon New York who are as a Barrier between that Province and Canada in those parts, in Order to the Keeping them steady in their Dependance on the Crowne of England, which is of great Importance to the Security of that and the Neighbouring Colonys, and that those Presents do usually consist of Light Guns and Powder, Ketles, Hatchets, Blankets and other Coarse Cloathing : That there was sent in the Year 1700 to the Value of 800*l.* in such Presents, which the said Lords Commissioners find have been distributed to them at Three severall times of their Generall Meetings with Her Majestys Governors of New York, And their Lordships therefore humbly Offering that the Value of 300*l.* in the severall Species beforementioned be now sent, to be disposed of to those Indians as there shall be occasion.

[*p.* 280.]

[962.] [A representation of the Board of Trade relating to the raising 100 recruits to complete the four companies of foot at New York is referred to the Treasury.] 1 March.
New York.

[*p.* 284.]

[963.] [The Council refer to the Treasury the petition of Captain Thomas Lloyd, commander of the Independent Company in Newfoundland, praying the repayment of money advanced by him for the necessities of the said garrison.] 15 March.
Newfound-land.

[*p.* 299.]

[964.] [The Council refer to the Treasury the petition of John Hays, master of the *Valentine* of Jamaica, to have the full sum of 370*l.* sterling in Spanish money found in an iron chest taken up by his crew out of the sea near Jamaica, and confiscated by Col. Handasyde the Governor with the exception of 20*l.*] 15 March.
Jamaica.

[*p.* 299.]

[965.] [The Council refer to the Board of Trade a representation from the Treasury and a presentment to the Treasury from the Customs upon a memorial of several traders to Virginia] relating to the Settlement of certain Portes and Places thereinmentioned exclusive of others for the Discharge and Lading of Ships at Virginia. 29 March.
Virginia.

[*p.* 307.]

486 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705.
5 April. [The Council approve their Lordships' report that the appointing of such places is necessary for carrying on a fair and regular trade, and particularly useful in Virginia by reason of the great rivers and the scattered habitations of the planters there. Instructions in accordance with the report are ordered to be prepared for the Governor.] [p. 314.]
- 29 March. [966.] [On his petition, James Hannay, Provost Marshal Barbados, is allowed one year's leave of absence to come to England for the recovery of his health, leaving a sufficient deputy to execute his office.] [p. 308.]
- 23 April. [967.] [On a report from the Board of Trade laying before her Majesty several seals prepared for the use of the plantations with draft warrants for making use of these and defacing the old seals, these are ordered to be prepared and sent to Virginia, Maryland, New Hampshire, Massachusetts Bay, New Jersey, Barbados, Leeward Islands, and Bermuda.—P.R.] [p. 323.]
- 17 May. [A similar order for Jamaica.] [p. 364.]
- 26 April. [968.] [In accordance with a representation of the Board of Trade, Mr. Secretary Hedges is instructed to give the necessary directions for recalling Robert Henley, Lieutenant of the company of soldiers in Bermuda, for misbehaviour, and sending another Lieutenant to take his place.] [p. 332.]
- 26 April. [969.] [The Council refer to the Committee for Appeals Barbados. the petition of Elizabeth Burgess, widow, and Robert Wright, her lessee, for the hearing of their appeal against a judgment of 29 June 1704 in Barbados in favour of William Ross (*alias* Bartholomew Rees) touching a plantation in the island, and the affirmation of that judgment by the Governor and Council, 12 Sept. 1704.] [p. 333.]
- 1 June. [The Committee appoint the first meeting in July for the hearing of this appeal.] [p. 377.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 487

- [They decide that the appeal should be upheld, the decisions of the Barbados courts reversed, and 5*l.* damages paid to the appellants.] [p. 380.] 1705.
6 July.
- [Order accordingly.] [p. 387.] 9 July.
(1706.)
14 Nov.
- [To the Committee for Appeals is referred a petition of Elizabeth Burgess complaining of delay in the execution of this order.] [Vol. III. p. 261.] (1707.)
5 Feb.
- [On the report of the Committee of 8 Jan., setting forth that by reason of the delay the interest of Robert Wright as lessee is expired, it is ordered that the petitioner be admitted to peaceable and quiet possession of the plantation, and that the defendants pay her 5*l.* costs.] [Vol. III. pp. 284 and 296.]
- [970.] [George Willcox, on behalf of Colonel Nicholson, having petitioned that James Blair be not permitted to return to Virginia without making good his charges or leaving security to answer the award upon his false and malicious informations to which the Governor's answer is very soon expected, it is declared that it is for her Majesty's service that Blair do not depart for Virginia but give his attendance to make out his accusation against Governor Nicholson, and Blair is to be notified accordingly.] [p. 346.] 3 May.
Virginia.
- [971.] [The Council approve, and give orders in accordance with a report from the Board of Trade of 26 May]—In Obedience to Your Majestys Command Signified to Us by the Right Honourable Mr. Secretary Harley, We have Examined a Petition of severall Merchants of Virginia and Maryland Complaining of Undue Practices in Muscovy by some of Your Majestys Subjects in relation to the Vending and Manufacturing of Tobacco there. We have heard the Petitioners And likewise Nathaniel Gold, Wm. Dawson, Edward Haistwell, Samuel Heathcote and others, As also Joseph Martin in behalfe of his Partners, who are alledged to be Concerned in the said Practices, And upon the whole matter do find that 31 May.
Tobacco.

1705.

the said Nathaniel Gold and others who had made a Contract with the Czar of Muscovy here in England in the Year 1698 for importing certain quantities of Tobacco into his Dominions, which accordingly they did perform, and wanting a Vent for the same, whereby great part of the said Tobacco became Dry and like to be unfitt for Sale, unless the same methods as in England were used for the preservation thereof, They had thereupon sent over Peter Marshall and his Wife versed in the Cutting and Rowling of Tobacco, together with Instruments and Materials necessary thereunto, with a Design as they alledge to Recall the said Persons immediately after their having performed this Particular Service, without allowing them the Liberty to Employ their Skill in the Rowling or Cutting any Tobacco of the Growth of the Dominions of the Czar. And We do likewise find that the said Mr. Joseph Martin Merchant of London by his Son Samuel Martin and James Spilman, his Correspondents at Muscov, have very lately made a Contract with some Officers of the Czar for the Importation of other quantities of Tobacco into those Dominions from England, As likewise for the sending thither as many Persons Skilled in the Spinning and Rowling of Tobacco as the Czar should require together with the Instruments Engines Materials and Liquors Comonly used in that work, to be Employed not only for the Manufactureing of English Tobacco thus Imported, but even for the Tobacco of the Growth of Circassia, a large Province appertaining to that Prince, by which means his Subjects would become equally Skilled in that Mystery with any of Your Majestys Subjects Dealers in Tobacco. Which proceedings being of the most pernicious consequence to the Trade of Your Majestys Subjects and the Welfare of your Plantations, We are humbly of Opinion That the Persons mentioned to have been already sent to Muscov by the first Contractors may be imediately recalled by Letters of Privy Seal to be sent to Your Majestys Envoy for that Purpose, and that the Engines and Materials already there be Ordered

1705.

by Your Majesty to be broken and destroyed in the presence of your Majestys said Envoy, as likewise that the said Martin and Correspondence and all other Persons whatsoever be Directed by your Majestys Declaration in such manner as Your Majesty shall think proper, not to send any Persons versed in this Mystery, or any Instruments and Materials for the same, or employing any Persons therein notwithstanding any Clause in his said Contract obliging them to a matter so injurious to other Your Majestys Subjects. And Whereas the Petitioners Merchants and Planters of Virginia and Maryland do Suggest that severall Persons are Solliciting for themselves at Muscow, the Sole Trade and intire Importation of Tobacco exclusive of all others into those parts; We further humbly Offer that Your Majesty would be pleased to Direct Your Envoyé at that Court that he be equally and impartially Assisting to all Your Majestys Subjects in the Free Trade of such Tobacco of the Growth of Your Majestys Plantations as shall be Imported into the Dominions of the Czar.

[pp. 370-372.]

[972.] [The Council refer it to the Board of Trade to report on the regularity of the form of proceeding proposed by Samuel Allen in his petition that he be admitted to appeal from a judgment of the Superior Court of Boston (confirming a judgment of the Court of Common Pleas in Maine) and that the Boston Court be ordered to certify the record of all the proceedings in the case.]

9 July.
New
England.

[p. 388.]

[973.] [On a report from the Board of Trade, it is ordered that for contriving and abetting the carrying off of Francis Lee by Captain St. Loe of the *Dolphin*, the exaction of irregular fees in the execution of his office, and taking a bribe from Guy Ball for procuring an order from the Governor to stop a fleet then ready to sail, Alexander Skene be dismissed from being Secretary of Barbados, and be prosecuted by the Attorney General of the island, who shall be assisted in the collection of evidence in England by the Attorney and Solicitor General.]

20 July.
Barbados.

[pp. 408-9.]

490 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705-6.

13 Aug. [On the petition of Skene's agent, the order is altered to one of suspension until he have returned his answer to the Board of Trade, and he is permitted to have affidavits taken in Barbados in his behalf. At the same time the prosecution in Barbados is also to proceed.] [pp. 416-7.]

(1708.)

18 Aug. [Skene's answer having been returned, and the Board of Trade in their report of 8 July holding him guilty of exacting unusual fees and of bribery, he is dismissed from the post of Secretary.] [Vol. IV. p. 153.]

(1708.)

20 Sept. [Skene's agent having been absent at the last hearing, his petition for a further hearing and for suspension of the order till the Board of Trade have heard his agent and reported, is granted.] [IV. p. 168.]

(1709.)

27 Feb. [On reading the report of the Board of Trade, Skene is restored to the full and free execution of his office, and the Governor of Barbados is to be informed of her Majesty's disapprobation of the exaction of 12s. 6d. for every petition to him for liberty for the sailing of a ship and 5s. more for his order thereupon, and instructed that henceforth no more than the ancient and accustomed fee of 3s. 6d. be exacted.] [IV. pp. 263-4.]

ANNE. VOL. III. (11 Oct. 1705—29 Feb. 1708.)

1706.

14 Feb. [974.] (1) [An embargo is laid on all vessels not already Ship Passes. cleared.] [p. 102.]

1 March.

(2) [The embargo is taken off ships bound for Newfoundland from the Western ports, under convoy of the *Warwick* and the *Swallow* [p. 120]: reference is made to the Admiralty in the cases of the *Indian King*, carrying Colonel Park's equipages to the Leeward Islands, the *Greyhound* frigate, the *Betty*, the *Prince George* and ten other ships with stores for Jamaica; the *Fortitude* and the *Carlisle* with provisions for Barbados; the *Adventure* for Virginia.] [pp. 122-6.]

7 March.

(3) [On the Admiralty report, the *Greyhound* frigate is freed from the embargo; the *Dorothy* of Bristol, to proceed to Jamaica with the convoy, and the Leeward Island merchants, for taking off the embargo, and for a convoy, are referred to the Admiralty.] [pp. 127 and 131.]

- (4) [The embargo is taken off.] [p. 135.] 10 March. 1705-8.
- (5) [Embargo laid.] [p. 531.] 20 Feb. 1708.
- [Embargo taken off.] [p. 546.] 29 Feb. 1705.
- [975.] *James*, 350, John Hastings, 20 guns and 40 men, Maryland, with letters-of-marque : referred to Lord Admiral 29 Nov. [p. 18]; granted 5 Dec. [p. 27]. Richard Perry of London, *Dolphin*, 120, John Wells, 6 guns and 20 men ; *Jenny* galley, 200, Robert Bolton, 12 guns and 30 men, West Indies : referred to Lord Admiral 14 Feb. [pp. 109-10]; granted 2 May [p. 184]. Edward Carlton of London, *Joseph and Mary*, 100, John Bernard, 4 guns and 16 men, Maryland and Virginia : referred 14 Feb. [p. 110]; granted 2 May [p. 184]. John Hyde, *Herbert* galley, 280 tons, 16 guns, 40 men ; referred 16 May [p. 201]. David Waterhouse, *David and Joseph*, 350, James Potts, 30 guns and 50 men, American plantations ; granted 10 June [p. 216]. Wm. Clayton and Thos. Johnson of Liverpool, *Virginia Merchant*, 200, 18 guns and 35 men, Barbados, Virginia, and Maryland ; granted 12 Sept. [p. 247]. *Concord*, Jonas Motes, 250 tons, 16 guns, 36 men, to Lisbon, Virginia and Maryland ; referred 12 Sept. [p. 247]. Thomas Johnson of Liverpool, *Elizabeth*, Edward Rochdale, 22 guns, 60 men, to the Plantations ; referred 12 Sept. [p. 24]. Edward and Arden Carlton of London, *Arden*, 300, Thos. Markin, 22 guns and 40 men ; *Providence*, 200, Nicholas Markin, 10 guns and 30 men, *Joseph and Mary*, 100, Alex. Saunderson, 16 men, to Virginia and Maryland : referred 14 Nov. 1706 [p. 261]; granted 2 Jan. [p. 280]. Peregrine Browne, *Friend's Adventure*, 130, Thos Hurst, 10 guns and 4 "pataroeros" and 20 men and arms, Maryland : referred 2 Jan. [p. 281]; granted 15 Jan. [p. 285]. John Hyde and George Buck, *Potuxon Merchant*, 300, 16 guns and 36 men ; *Ann Arundell*, 300, Daniel Watts, 16 guns and 36 men ; *Robert*, 250, Charles Broadwater, 10 guns and 30 men ; *Ruby of Bideford*, 120, Wm. Randle, 10 guns and 20 men, Virginia and Maryland ; referred 5 Feb. [p. 293]; granted 20 Feb. [pp. 307-8]. Alderman Wm. Swimer of Bristol, *Mary* galley, 200, Peter Day, 16 guns and 40 men, Jamaica ; referred 20 Feb. [p. 307]; granted 27 Feb. [p. 312]. Thomas Wharton of London, *Friend's Goodwill*, 350, Richard Read, 18 guns and 36 men, Virginia ; referred 23 Feb. [p. 309]; granted 27 Feb. [p. 313]. Jasper Cullum, *Ann* frigate, 200, John Smith, 18 guns and 25 men, Virginia and Maryland ; referred 17 April [p. 349]; granted 29 April [p. 364]. Sir Wm. Daines, *Bristol* galley, 220, Thomas Gibbs, 12 guns and 35 men, Barbados and Leeward Islands ; referred 17 April [p. 349]; granted 29 April [p. 354]. Peregrine Browne, *Nicholson*, 370, John Wise, 18 guns and 30 men, Maryland ; referred 29 April [p. 354]; granted 20 May [p. 364]. *Charles* galley, 200, Robert Duke, 16 guns and 25 men, to the plantations ; *Ann*, 300, John Jones, 16 guns and 50 men, Bristol, Ireland, Jamaica, Virginia, Bristol ; referred 12 June [p. 383]; granted 23 June [p. 388]. George Buck, *Zant*, of Bideford, 200, Jonathan
- 1706.
- 1707.
- Plantation Embargo.

492 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705-8.

Whitefield, 16 men and 16 guns, Maryland and Virginia; referred 1 Sept. [p. 434]; granted 8 Sept. [p. 443]. Sir William Daines, *Lyon*, 250, William Edgley, 16 guns and 45 men, Bristol to Virginia and Maryland; referred 8 Sept. [p. 444]; granted 15 Sept. [p. 452]. Benjamin Hatley, Richard Lee, and Thomas Corbyn, *George*, 400, John Brookes, 20 guns and 35 men; *Page* frigate, 450, Joshua Cooke, 20 guns and 40 men; *Anne and Frances*, 300, George Way (Wray), 16 guns and 27 men; *Corbin*, 300, Walter Cock (Cooke), 10 guns and 26 men, all to Virginia; referred 15 Sept. [p. 453]; granted 24 Sept. [p. 465]. John Hyde and William Love of London, *Jenny* galley, 200, Robert Bolton, 10 guns and 30 men, to West Indies; *Alexander* galley, 160, Giles Love, 12 guns and 26 men, to Guinea and Virginia; referred 18 Dec. [p. 484]; granted 8 Jan., 1708 [p. 484].

1708.

John Hyde of London and Lawrence Hollister of Bristol, *Maryland Merchant*, 300, 14 guns and 30 men; *Robert and John*, 250, Charles Broadwater, 8 guns and 25 men; *Friendship*, 250, Wm. Clarke, 4 guns and 25 men; *Joseph and Thomas*, 350, Thos. Rogers, 16 guns and 30 men; *Mary*, 150, Thos. Lewis, 6 guns and 15 men, to Virginia and Maryland; *Blenheim* galley, 80, Ed. Hollister, 4 guns and 12 men, Bristol to Barbados, Newfoundland and the Straits; referred 8 Jan. [p. 494]; granted 22 Jan. [pp. 509-10]. Wm. Swymer and Richard Richinson, *Swift* galley, 200, John Good, 12 guns and 36 men; *Defiance* galley, 250, Robert Mears, 20 guns and 60 men, for Jamaica; referred 22 Jan. [p. 509]; granted 25 Jan. [p. 520]. Sir W. Daines, Isaac Millner, John Hyde, *Don Carlos*, 150, Robert Summers, 10 guns and 28 men, for Jamaica; *Katherine*, 500, Robert Readhead, 30 guns and 55 men, for Maryland; *James*, 350, Thomas Fogg, 22 guns and 40 men, for Virginia; *Herbert* galley, 300, Valentine Wye, 20 guns and 50 men, for West Indies; referred 20 Feb. [p. 534]; granted 29 Feb. [pp. 548-9.]

1705.

11 Oct.
Barbados.

[1706.] [The Council refer to the Board of Trade the petition of George Lillington, late eldest member of the Council of Barbados, complaining of the proceedings of the Superior Court of Barbados in fining him 2000*l.* for misdemeanours, and praying that copies of the commission by which the Court sat and of all proceedings may be sent over for consideration here.] [p. 5.]

26 Oct.

[The petition is granted. Four Justices of the Peace of Barbados, two named by the Governor and two by the petitioner, are to take depositions, and the parties are to inform each other of the time and place of taking them in order that cross-examinations may be taken.] [p. 8.]

[A further petition of Lillington and one from the Agents of Barbados for suspending the Order till further examination, are ordered to be heard on the second Council day in December.] [pp. 17-8.] 1705. 29 Nov.

[The Order of 26 Oct. is vacated : copies of all proceedings are to be transmitted to the Council, and copies of complaints made here sent to the Governor and Council for their answer : Lillington is left free to appeal, and on giving security to prosecute his appeal the fine of 2000*l.* is to be restored to him for his use in carrying on his lawful trade.] [p. 33.] 13 Dec. (1706.)

[Lillington's appeal is admitted and all records and papers ordered to be transmitted from Barbados with the answer of the Governor and Council to his petition. Order is also given to the Deputy Auditor of Barbados to restore to Lillington the 2000*l.* paid as a fine.] [pp. 75-6.] 18 Jan. (1706.)

[Lillington's petition that a day be fixed for hearing his appeal is referred to the Committee.] [p. 254.] 21 Oct. (1707.)

[The Committee recommend that the judgment be reversed, and the fine remitted to the petitioner.] [p. 283.] 8 Jan. (1707.)

[Order accordingly.] [p. 298.] 5 Feb. (1707.)

[On a report from the Attorney General, order is sent to the Governor to see justice done in the matter of the 2000*l.*] [p. 312.] 27 Feb.

[977.] [The Council refer to the Board of Trade the petition of Thomas Maycock for the restoration of his estate sequestered by the Barbados Chancery at the suit of Josias Harrison during the petitioner's absence in England, the proceedings being contrary to the usual practice of that Court.] [p. 8.] 26 Oct. Barbados.

[On the report of the Board of Trade that] We . . have received the Opinion of Your Majestys Atturny Generall thereupon, That the Petitioner hath been hardly Dealt with, Which hardships Consist Cheifly as We humbly Conceive in 13 Dec.

1705.

the following particulars Vizt. That Whereas this is the first Sequestration of this Kind, which as We are Informed, has ever been Decreed in Barbados the Estate is Sequestred into the hands of five Persons, who have given no Security to be Answerable for the Produce and Profitts thereof, and that the said Persons as the said Maycock does aver are his known Enemy, as likewise in that the Offer of the said Maycock by his Atturnys there to give Ten Thousand pounds Security for the said Estate, in Case it might be put into the hand of his said Atturnys, was refused; And that the Estates of Your Majestys Subjects there Consisting in Negroes and Moveables are liable to Suffer very much by the least Neglect, So that Your Petitioner cannot Expect that a due Care shall be taken Of his Estate by the Persons in whose Possession it is at present, [It is ordered, as recommended, that copies of the petition and report be sent to the Governor with directions to take security not exceeding 10,000*l.*; that the estate be put into the hands of persons named by the petitioner or his attorneys; and that the Governor take care that speedy justice be done and the proceedings transmitted hither. [The Council add] That the Security to be taken of the Petitioner to Answer any Demands Her Majesty may have upon him, by reason of the matters now depending, may also extend to Satisfie such Demands of the said Josias Harrison, as upon his Bill Exhibited in the said Court of Chancery shall Appear to be justly due unto him. [pp. 35-6.]

29 Nov. Barbados. [1778.] [The Council refer to the Committee for Appeals the petition of Thomas Maxwell of Barbados against the action of Sir B. Grenville in debarring him the liberty of returning with his family to England without any legal cause for so doing.] [p. 19.]

15 Dec. [The Committee report, recommending that the writ *Ne Exeat Insulam* be superseded, and the petitioner's bond not to leave the island cancelled, and himself discharged without payment of fees and permitted to come to England when he shall think fit.] [pp. 44-5.]

- [Order accordingly.] [p. 46.] 1705.
- [179.] [The Council refer to the Committee for Appeals the petition of Joseph Mason and his wife Mary that their appeal be heard from a decree of the Barbados Chancery in September last in favour of George and Mary Brice in a suit touching a legacy of 500*l.* sterling left to Mary Mason by William Dymock, deceased.] [p. 21.] 29 Nov. (1706.)
- [The Committee recommend that the demurrer of Brice and his wife be overruled and the defendants ordered to answer the petitioners' bill in the Barbados Chancery and to pay five pounds costs.] [p. 73.] 16 Jan. (1706.)
- [Order accordingly.] [p. 83.] 18 Jan.
- [180.] [The Council refer to the Committee for Appeals the petition of Andrew Harris, Thomas Field, and Nathaniel Waterman of Patuxent praying relief touching their title to several lands in New England.] [p. 21.] 29 Nov. ^{New} England.
- [The Committee give their opinion that the petition and papers be transmitted to the Governor and Magistrates of Rhode Island for their answer with their reasons why the petitioners have not been put into possession of the lands in question pursuant to several verdicts for that purpose, and that the case be heard on the first Council day in November next.] [p. 44.] 15 Dec.
- [Order accordingly.] [p. 47.] 18 Dec. (1707.)
- [The Council refer to the Committee for Appeals a petition of John Chamberlain in behalf of Andrew Harris and others that a day may be fixed for hearing the case.] [p. 315.] 13 March. (1707.)
- [The Committee report] That in regard the Complainants are not the proper Parties to the Cause, that therefore the same be Dismist. [p. 380.] 11 June. (1707.)
- [Order accordingly.] [p. 383.] 12 June.

496 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1705.
5 Dec. Barbados. [981.] [The Council refer to the Committee for Appeals the petition of Edward Chilton complaining of his suspension by the Governor from being Attorney General of Barbados, and of his being imprisoned and prosecuted on two judgments against him, which he apprehends to be erroneous, and praying that his appeal may be heard and that copies of the commission of the Court of Oyer and Terminer and of its proceedings and other papers may be transmitted hither.] [p. 27.]
- 12 Dec. [The Committee propose to grant the petition.] [p. 30.]
- 13 Dec. [Order accordingly; the petitioner, William Terrill, and Joseph Mason give 500*l.* bond to prosecute the appeal.] [p. 34.]
- (1706.) [Mr. Chilton's petition that a day be fixed for hearing his two appeals is referred to the Committee.] [p. 253.]
- (1707.)
8 Jan. [The Committee recommend that the judgments be reserved, and the fines of 25*l.* and 50*l.* remitted to the petitioner.] [p. 283.]
- (1707.)
5 Feb. [Order accordingly.] [p. 297.]
- 18 Dec. Maryland. [982.] [The Board of Trade are directed to give orders in accordance with their representation of 29 Nov. upon Governor Seymour's letters] touching severall Particulars relating to the Present State of [Maryland]. [p. 47*a.*]
- 18 Dec. Maryland. [983.] [In consideration of the losses sustained by Sir Thomas Lawrence in the office of Secretary of Maryland and of his imperfect health, his leave of absence is extended during her Majesty's pleasure, upon his leaving a sufficient deputy.] [p. 47*a.*]
- 20 Dec. Barbados. [984.] [The Council refer to the Committee for Appeals the petition] of Richard Holt of Islington in the County of Middlesex Merchant and Martha his Wife, and Mary Croft of Bampton in the County of Oxford Widow, humbly praying a Short day for hearing their Appeal from an Order of Dismission of their Bill Exhibited in the Court of Chancery

ACTS OF THE PRIVY COUNCIL (COLONIAL). 497

1705-6.

in Barbados against Edward Burke Esqr. and Mary his Wife,
in Order to Recover Part of the Estate of Stephen Gascoigne
Deceased. [p. 58.]

(1706.)

[The Committee resolve to recommend the reversal of the
sentence dismissing the petitioners' bill, and that the
defendants deliver their answers to the petitioners' bill in the
Barbados Chancery that the case may be fairly determined
there. 5*l.* costs are to be paid by the defendants to the
petitioners.] [p. 73.]

16 Jan.

(1706.)

[Order accordingly.]

[p. 83.]

18 Jan.

[985.] [The Council refer to the Committee for Appeals
the petition of Samuel Gookin of Cambridge in New
England for the hearing of his appeal from a judgment of the
Superior Court at Boston in favour of Sarah Smith widow for
a certain ship or 700*l.* in lieu thereof with costs of suit.]

20 Dec.

New
England.

[p. 58.]

(1706.)

[The Committee recommend that the appeal be dismissed.]

9 April.

[p. 171.]

(1706.)

[Order accordingly.]

[p. 174.]

11 April.

[986.] [The Council refer to the Admiralty the petition
for relief of Jean, widow of Corporal William Raley, who in
Nov. 1703 was lost in a longboat assisting her Majesty's ships
in a violent tempest in James River, Virginia.] [p. 58.]

20 Dec.

Virginia.

(1706.)

Report from the Lord High Admiral . . . nothing
ordered thereupon. [p. 64.]

3 Jan.

[p. 64.]

[987.] [The Council refer to the Board of Trade the
petition of Thomas Newton mariner for an impartial trial in
the next adjacent province where the judges are no way
concerned in the dispute, of the title to Hog Island, claimed
by the petitioner and by the Government of Rhode Island.]

20 Dec.

New
England.

[p. 59.]

1706.

[988.] [The Council approve, and give orders in accordance
with, the following report of the Board of Trade]—Wec

3 Jan.

Maryland.

1706.

humbly take leave to lay before Your Majesty Two Acts, Which amongst others, We have lately Received from Maryland, the One Entituled an Act, To prevent the growth of Popery within that Province, past the 3d of October 1704. The other Entituled an Act For Suspending the Prosecution of any Priests of the Communion of the Church of Roome, incurring the Penaltys of an Act of Assembly Entituled An Act for Preventing the Growth of Popery by Exercising his Function in a Private Family of the Roman Communion but in no otherwise whatsoever. Past 9th December 1704.

By the first of which Acts it is Enacted, that if any Popish Bishop, Priest or Jesuit, shall Baptize any Child or Children other than such who have Popish Parents, or shall say Mass or Exercise the Function of a Popish, Bishop or Priest, within the said Province, or shall Endeavour to perswade any of your Majestys Subjects to imbrace the Romish Religion, and shall thereof be Legally Convict, shall forfeit the Sume of Fifty pounds Sterling for every such Offence, and suffer Six Months Imprisonment; That if any such Popish Bishop, Priest, or Jesuit, shall After such Conviction say Mass or Exercise any other part of the Office or Function of a Popish Bishop, or Priest; Or if any Priest or other Person professing the Popish Religion, shall keep School, or take upon themselves the Education of Youth, such Person shall upon Conviction be Transported to England in Order to his Suffering such Pains as are Provided by the Statute of the 11th and 12th Year of the Reigne of his late Majesty King William Entituled, An Act for the further preventing the Growth of Popery. And to the end that Protestant Children of Popish Parents may not in the life time of such their Parents for want of fitting Maintenance be necessitated, in Compliance with their Parents to Embrace the Popish Releigion contrary to their owne Inclination, It is further Enacted, That the Governor or Keeper of the Great Seal for the time being do make such Order therein as shall be Agreeable to the intent and meaning of the said Act.

By the Second Act, which is for Suspending part of the former Act, It is Enacted, That no Popish Bishop, Priest or Jesuit, shall be prosecuted by Vertue of the former Act for Exercising his Function in a Private Family of the Roman Communion untill the full end, and expiration of Eighteen Months from the Publication of this Law, or untill Your Majestys Pleasure be Declared therein. All the other Clauses in the other Act being to remain in full force and Vertue, any thing in this Act to the Contrary notwithstanding.

Having Considered of both which Acts, and advised thereupon with the Right Reverend Father in God the Lord Bishop of London, to whom the Care of Ecclesiastical matters in the Plantations do's belong, We humbly Offer Our joynt Opinion, That Whereas the first Act will forbid the Exercise of the Popish Religion even in Private Familys, tho' in the most inoffensive manner, Which We humbly conceive is not Your Majesty's Gracious Intention And that the Rigorous Execution of the said Act would in a great Measure tend to Depopulate, That Your Majesty's profitable Colony, Considering also that the Design of this Law was only to restrain the Exorbitant Practices of the Romish Clergy, which were Increasing in Maryland, Your Majesty would therefore be Graciously pleased by Your Royall Letter to Direct the Governor of Maryland to Represent to the Assembly of that Province, That the Second Act before-mentioned vizt. The Act of Suspension be Continued by a New Act or Clause of an Act without Limitation of time which Subjects the Continuance or Repeal thereof at all times to Your Majesty's Royall Pleasure. [pp. 60-2.]

[1989.] [The Council refer to the Board of Trade the petition of Tobias Frere to be reinstated in the Council of Barbados, in which he had served for 17 years when dismissed by the Governor on 11 July 1704 without any manner of misbehaviour alleged.] [p. 64.]

3 Jan.
Barbados.

[1990.] [The Council refer to the Committee for Appeals the petition of George Lason to be permitted to appeal from

3 Jan.
Massachu-
setts Bay.

500 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

a sentence in favour of Peter Serjeant given in the Inferior Court of Common Pleas at Boston in October 1704, and confirmed by the Superior Court on 7 November 1704.] [p. 69.]

16 Jan. [The Committee resolve to hear the petition at the first meeting in February.] [p. 71.]

20 Feb. [The Committee recommend that the Governor of Massachusetts state the reasons for refusing to admit the appeal and forward all papers relating to the case, and that all parties concerned attend the first meeting in November prepared to be heard if the appeal be admitted.] [p. 111.]

21 Feb. [Order accordingly.] [p. 115.]
(1707.)

13 March. [Lason's petition for a hearing as the papers have been forwarded is referred to the Committee.] [p. 314.]
(1707.)

3 May. [The Committee recommend that the petition be dismissed, the sum affected being less than 300*l*.] [p. 358.]
(1707.)

20 May. [Order accordingly.] [p. 365.]

7 Feb. [991.] [The Council refer to the Admiralty the petition
Newfound- of several Newfoundland merchants] Praying to have Pro-
land. tectations for their Men, and a Convoy of 4 Men of Warr to proceed with the Fishing Ships the first Fair Wind after the 10th of March, And that the Convoy for the Sack Ships may proceed with the first Fair Wind after the 20th day of May. [p. 92.]

14 Feb. [The Admiralty are directed to issue orders in accordance with the following representation from the Board of Trade and for furnishing a year's provision for the Garrison at St. John's exclusive of malt and hops]—Having regard to the great losses Your Majestys Subjects Sustained the last Winter upon the Coast of Newfoundland from the French, and to the apprehensions there may be, that the Enemy will continue to Infest the Coast by their Shiping dureing the Fishery of this Year, and being likewise of Opinion, That Your Majestys Subjects may have all Encouragement to Apply themselves to the Recovery of this Trade We humbly

1706.

Offer that Six Ships of good Strength may be necessary for this Years Fishery ; One forthwith to Sail with the Ships for Salt to Portugall, Two to Sail by the 10th of March with the Fishing Ships from the Southern Channel, one to proceed from Milford Haven about the same time with the Ships of the Northern Channell, and the Two others to Sail with the Sack Ships from Spithead by the 20th of May ; Some of which Ships may be always Cruizing on the Coast of Newfoundland, whilst the others are Secureing the severall Principal Harbours dureing the Fishery, and that the Convoys do proceed from thence with the respective Ships under their Care as early as may be as well for the Security of the Ships that go to forreign Marketts as of those that come immediately to England. [p. 107.]

[On a memorial from the Admiralty, the convoy now ready to sail to Newfoundland, being the last for the year, is ordered to stay for the *Willing Mind*, laden with provisions and stores for the garrison.] 10 June. [p. 217.]

[992.] [The Council approve, and direct the Treasury to give orders in accordance with, a representation from the Board of Trade of the pay, clothing and victuals required for the company at St. John's, Newfoundland] :— 14 Feb. Newfoundland.

	l.	s.	d.
One Years Pay ending at Christmas 1706, including the Off			
Reckonings for Clothing furnished and to be furnished..	961	12	6
One Years Contingencies ending 1st September 1706.....	50	0	0
	1011l. 12 6		

A Years Provisions for Victualling the Garrison (exclusive of Malt and Hops) which Captain Loyd has already received for To be furnished by the Victuallers of the Navy.

A Chest of Medicines..... To be Satisfied for by a Deduction from the Company pursuant to Her Majesty's Warrant in that behalfe.

A full Cloathing (writ for by the Captain of the Company as absolutely necessary) for the Men, which with Charge of Freight will amount to..... 294 6 6

Of which the Sume of 215*l.*, is included in the years Mony in the first Article mentioned, unless the same be taken up by the Lord Pastons Officers for Cloathing delivered by them, with the Detachment made from that Regiment.

[p. 104.]

1706.

[The Ordnance is directed to give orders in accordance with the following part of the representation.] That Whereas the Two Forts at St. Johns have Suffered very much by the Attack of the French the last Winter, and do otherwise require reparation and amendment, as also a Recruit of Stores of Warr, as We are Informed by Lieutenant Moody, who Defended that Fort against the French the last Year, We humbly Offer to Your Majesty, that the Examination hereof be Referred to the Master Generall, or Principal Officers of Your Majestys Ordnance, to give such Directions therein, as shall be found necessary, as well in respect of the reparations of the said Forts, as of the Stores of Warr wanting there.

We further humbly Represent to Your Majesty that the Boom which by Your Majestys Order, and the Care of the Office of Ordnance was placed at the Entrance of St. Johns Harbour has been also Damnified by the French, for the Repairing whereof and rendring the same more Serviceable there will be wanting the particulars also hereunto annexed.

Particulars of what is wanting for the Boom that is Cross the Entrance of the Harbour of St. Johns Newfoundland.

Three 5 Inch hasers instead of those that the French destroyed.

One Anchor of 10 hundred Weight.

Five hundred Weight of Flat etc. like quantity of Square Barr Iron.

One of the Garrison to have Some allowance to look after said Boom.

Besides 40 Tun of Timber instead of what was destroyed by the French, which may be Provided there and will Cost about 50*l*.

A Boat with 6 Oars to be provided there which will Cost about 10*l*.

[p. 105.]

[Mr. Secretary Hedges is directed to see to the issue of orders in accordance with the following extract]:—And it appearing to us by Divers Informations, and by the late Attempt of the French, that a more particular Care ought

to be taken of the Defence of the Forts and Harbour of St. Johns, which is the only Strength Your Majesty has in Newfoundland, and the loss of them to the Enemy will prove the Total Destruction of that Important Trade; We are humbly of Opinion that Your Majesty be pleased to send a further Recruit of Men for the Defence of that Place, so as to make up the said Garrison which at Present Consists but of 80 at least Two hundred Private Soldiers, to be Commanded by an Officer of good Experience and known Integrity and Conduct.

And Whereas we understand, That severall of Your Majestys Subjects were taken out of the Harbours at Newfoundland and out of severall Vessells there by the French, some of which are detained Prisoners at Placentia, and others sent to Canada or France, We humbly Offer, That Your Majestys particular Directions be given for Remanding or Exchangeing the said Prisoners not only as they are Your Majestys Subjects but Persons well versed in that Trade and Fishery.

And Whereas it is necessary for the better Security of Newfoundland that a Militia be settled there, We humbly Offer that your Majesty by Your Royall Declaration to be Published by the Commodore, to Constitute such and so many Militia Officers in the respective Harbours there, as shall be found most Conducing to Your Majesty's Service and the Security of the Land: The said Officers to Inlist the Inhabitants of their respective Harbours, and Discipline them in the best manner they can, and to Appoint a Constant Watch to be kept the Winter Season, for the prevention of any Surprizes.

We further humbly Offer that the Officers of the Garrison of St. Johns be Strictly Prohibited from Trading for that they may have Oppertunitys of Engrossing the Trade to themselves and forestalling the Markett, to the great Discouragement of the Merchants and Fishermen.

And We likewise humbly Represent, that the Prize Officer there be for the same reasons prohibited to Trade otherwise

504 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

than according to such Instructions as he shall Receive from the Commissioners of Prizes here, for the Disposall of such Ships and goods as shall be brought as Prize into Newfoundland. [pp. 105-6.]

21 Feb.
Newfound-
land.

[993.] [Masters of ships going from London to the Newfoundland fishery are to be reminded by the Commissioners of the Customs of their duty under an Act of 1699, viz.]:—That each of the Fishing Admiralls do yearly keep a Journall of the Number of all Ships, Boates, Stages and Train Fatts, and of all the Seamen belonging to and Employed in each of their respective Harbours, and shall also at their Return to England Deliver a true Copy thereof under their hands to Her Majestys most Honourable Privy Council, The due Execution whereof which have been for so many Years omitted will be of use and Benefitt to the further Regulation of that Fishery. [p. 116.]

1 March.

[Circular letters are ordered to be sent to the Mayors of the Western Ports directing them to give similar instructions to the masters of vessels going from their respective ports to Newfoundland.] [p. 118.]

25 March.
Jamaica and
Newfound-
land.

[994.] [It is ordered, on a report from the Admiralty of 27 Feb., that when Sir William Whetstone's fleet at Jamaica is relieved, he shall convoy home the merchant fleet thence, but that he immediately detach two ships, one fourth-rate and one fifth-rate, to protect the coasts of Newfoundland till the end of the fishing season, when they shall form part of the convoy for the fishing fleet on its way home.]

[p. 157.]

25 March.
Maryland.

[995.] [The Council refer to the Admiralty the petition for a pension of Mary, widow of Captain Peter Coode, of the advice-boat *Messenger* missing since October 1701, when, in returning from Maryland, it was separated from the ships then in company with it 200 leagues on this side of the Capes of Virginia.] [p. 153.]

1706.

[996.] [The Council approve, and give orders in accordance with a representation of the Board of Trade that as Colonel Ingoldesby's commissions as Lieutenant Governor of New York and New Jersey have caused differences with the Governor and others, and as in the Governor's absence from New York business is dispatched by the President and Council, the office of Lieutenant Governor of New York may be dispensed with and Colonel Ingoldesby's commission revoked : he is, however, to remain Lieutenant Governor of New Jersey and to be admitted of the Council there.] [p. 178.]

11 April.
New York
and New
Jersey.

[997.] [The Council refer to the Treasury the petition of Sir Thomas Day for] an order for stopping all Process that shall be brought against him in Her Majestys Name for a wast Peice of Ground in Bermudas, whereon his Son Samuel Day late Governour of the said Island Deceased built a house, And that he may have a Grant of Her Majestys Title to the said House and Ground, and the Salary payd that was due to his said Son at the time of his Death. [p. 180.]

25 April.
Bermuda.

[998.] [The petition of William Sloper, Agent for New York, for her Majesty's order to the Ordnance authorising the issue of stores of war already promised by that board, is referred to the Ordnance, who are to return an account of the stores already sent during her Majesty's reign and of the reports received concerning the disposal of these.] [p. 184.]

2 May.
New York.

[A similar order is made regarding stores sent to each of the plantations.] [p. 199.]

16 May.

[999.] [The Council refer to the Admiralty the petition of the traders to New England that a convoy may be appointed for their ships bound thither, as they have been disappointed of the convoy of which such hopes were held out by the Admiralty as induced them to order large quantities of naval stores from their correspondents in New England in accordance with a recent Act of Parliament for encouraging that trade, and to lade two ships in the River to the value of about 100,000*l*.] [p. 184.]

2 May.
New
England.

506 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.
16 May. Report from his Royall Highness Lord High Admirall upon the Petition of the New England Merchants, approved, nothing. [p. 202.]
- 16 May. [1000.] [The Council refer to the Admiralty the petition of John Shippen of London for a hearing as to his contract for furnishing the ships of war in New England with provisions, for which the Victualling Office are indebted to him 1027*l.*, but deny payment.] [p. 201.]
New England.
- 16 May. [1001.] [The Council refer to the Ordnance the petition of the widow Roberts for compensation for the loss of her husband sent to Newfoundland by the Ordnance and killed there at the burning of the harbour of St. John's by the French.] [p. 201.]
Newfound-land.
- 10 June. Petition of the Widow Roberts (upon a Report from the Ordnance) Dismist. [p. 221.]
- 10 June. [1002.] [Her Majesty having approved a representation from the Board of Trade of 24 May on an Address from the House of Lords to Her Majesty concerning complaints of many Carolina settlers and merchants against the Proprietors, which was referred to them on 3 April], and accordingly having Declared the Laws mentioned therein, to be Null and voyd, doth hereby Order, That for the more Effectuall Proceeding against their said Charters by way of Quo Warranto, Mr. Attorney and Mr. Solicitor General do Inform themselves fully concerning what may be most necessary for Effecting the same, and Report the whole matter with their Opinion therein to Her Majesty in Council with all Convenient Speed. [The representation of the Board of Trade endorsed the opinion of the Attorney and Solicitor General that two laws, one for the establishment of religious worship, the other compelling all members of Assembly to conform to the religious worship of the Church of England, are not consonant to reason and repugnant to the laws of England, and are therefore not warranted by the Charters of 1663 and 1665, but were made without any sufficient power or authority derived from the

1706.

Crown of England, and therefore do not oblige or bind the inhabitants of the colony, and that the making of such laws, if approved by the proprietors, which, however, does not appear by the Address, justifies her Majesty in reassuming the Charters.] [p. 211.]

[On reading the report of the Attorney and Solicitor General as to *Quo Warrantos* against the charters of Carolina and the Bahama Islands] Representing, that altho' they have not Sufficient Materialls to Carry on the said Prosecution to an end, yett they are Sufficiently informed to Exhibite the said Informations and that the same are now Prepareing, and may be forthwith filed, But at the same time Offering at the Board, whether the filing such Information against a Peer in Parliament may not be thought a Breach of the Priviledge of Peerage. Her Majesty having taken this matter into Consideration, and it being presumed, that the house of Peers are the best Judges of their owne Priviledges, Her Majesty with the Advice of Her Privy Council doth not think fitt to give any further Directions therein at present.

26 June.

[p. 223.]

[1003.] [The Council refer to the Board of Trade the petition of] Richard Buttler, William Ashton, Henry Pacey, Gentlemen, and others, humbly Offering a Proposall with severall Queries annexed for an annuall Consumption of the English Woollen Manufactory in the Plantations, the Produce whereof may serve for Yearly Funds towards Carrying on the Warr, and humbly Praying that the same may be Transmitted to Her Majestys severall Governours in America, for their Answer thereunto.

10 June.
Plantations.

[p. 219.]

[1004.] [A representation of 24 May from the Board of Trade, to whom it had been referred on 3 May to consider an address from the House of Lords, is considered, and ordered to be laid before her Majesty when other affairs shall permit]—We humbly lay before your Majesty, That the Bahama Islands having from the first Discovery

26 June.
Bahamas.

1706.

of those Parts, been Possessed by the English, were granted in the Year 1670 by Your Majestys Royall Uncle King Charles the 2d to the Duke of Albemarle, the Earl of Craven, the Lord Berkeley and others as Lords Proprietors thereof, and have been enjoyed by them, and their Successors until the Year 1703, when the French and Spaniards invaded the same, and have not been Resettled since that time That the said Islands lying in the Gulph of Florida, and in the way of all Ships that come from the Havana and the Bay of Mexico, it is of great Consequence to the Trade of England as also for Annoying the Enemy as We have formerly Represented to Your Majesty. That upon the present occasion we have discoursed with severall Persons lately come from thence, and particularly with John Graves late Collector of Your Majestys Customes there, who had lived many Yeares there and was taken Prisoner, in the Disolation of those Islands who has acquainted us that the Fort there upon the Island of Providence was in part Demolished by the Enemy, and the Guns Nailed up and Carriages broke and that the Towne was also burnt, and that upon a further invasion soon after the Inhabitants were again Surprized and made Prisoners or forced to make their Escapes, amongst whom was the said Graves, and that at his coming away there was about four or 500 People remaining Scattered in the severall Islands, the Enemy having then left the same.

We further humbly Represent to Your Majesty that having upon Consideration of the said Adress of the house of Lords Consulted Your Majestys Atturney and Sollicitor Generall in Point of Law as to the Propriety and Government of the said Islands, They have given Us their Opinion as follows, That Whereas by the Grant of those Islands to the Duke of Albemarle and others (as before mentioned) there is Granted to them large Powers to make Laws with the Assent and Approbation of the Freemen there Inhabiting, and to Errect Courts for Justice, to Pardon Offences, and for the Defence thereof, to Errect Forts, and Fortresses and other Fortifications and

1706.

to Fortifie them, and to Levy, Muster and Train the Inhabitants there, and to make Warr, and that Whereas in the said Grant, there is a saving of the Faith Allegiance and Sovereign Dominion due to the said late King, His Heires and Successors for the same, and that the said Islands are thereby Declared to be Subject to the Crowne of England as Depending thereon, and that it appearing by the said Address that the Proprietors of these Islands under that Grant have Deserted the same, and that there is not now any Form of Government remaining there Your Majestys said Attorney and Sollicitor Generall are of Opinion that the Proprietors now Interested under the said Grant have thereby Forfeited their Powers of Government, and that those Powers may by Scire facias in Your Majestys Court of Chancery on the Patent or by Quo Warranto, in Your Majestys Court of Queens Bench be by Judgement Seized into Your Majestys hands as forfeited; And that this Extraordinary exigency happening through the Default and neglect of the Proprietors, Your Majesty may for the Secureing of those Islands and the Inhabitants thereof constitute a Governour and provide both for the Civill and Military Government thereof before any Suit be commenced, All which having had under Our Consideration, We do concurr with your Majestys said Attorney and Sollicitor Generall in their said Opinions, and do humbly Offer that Your Majesty be pleased at such time as Your Majestys other affaires shall permitt to appoint and send over a Governour of the said Islands with Your Royall Commission, and a Sufficient Force, and Suitable Provisions of Warlike Stores for the Security of the said Islands from being Possessed by an Enemy and for the Protection of good Government of Your Majestys Subjects that are now Remaining or may be Settled there.

[pp. 224-6.]

[1005.] [The Council refer to the Board of Trade the petition of the merchants of Bristol trading to Jamaica] 26 June.
Jamaica.
that the Duty on Bottled Beer, Ale and Cyder Transported into Jamaica from England may be Lowered. [p. 230.]

510 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1706.

15 July. [On the report of the Board of Trade that the Act was passed in August for one year owing to an extraordinary falling off in the revenue of the island, and that the duty on bottled beer, ale and cider of 2s. 6d. per dozen amounts to 10l. per tun, whereas the duty on beer in cask is but 4s. per tun, the petition and representation are ordered to be forwarded to the Governor, who is to acquaint the Assembly, that in the case of their passing another Act of this nature a duty of 6d. per dozen may suffice.] [pp. 234-5.]

15 July. [1006] [On giving security, Thomas Allen is granted leave to appeal from a sentence of the Superior Court at Boston of 7 Nov. 1704 confirming the verdict of an Inferior Court at Wells in favour of Humphrey Spencer, defendant to a Writ of Ejectment brought by the petitioner's late father, claimant to certain lands near Newichawanock by grant from Sir Ferdinando Gorges. The case is to be heard at the first meeting of Council in April next.] [pp. 238-9.]
New Hampshire.

21 Oct. [1007.] [Her Majesty, disallowing a Barbados Act for the establishment of a method of credit, and] taking notices of the ill consequences that might happen by the passing of Acts of the like unusual and extraordinary nature and importance, orders circular letters to be sent to the Governors of plantations directing them not to pass such Acts without having first received her Majesty's pleasure thereupon.] [p. 252.]
Plantations.

21 Oct. [1008.] [The Council refer to the Admiralty the petition of William Olive, late gunner of H.M.S. *Pendennis*, for removal of the dismissal inflicted on him by a Court Martial in the West Indies.] [p. 255.]
West Indies.

(1707.)
 20 Feb. Petition . . . dismiss. [p. 308.]

14 Nov. [1009.] [The Council refer to the Board of Trade the petition of Thomas Hodges, councillor at law in Barbados, for removal of his suspension from legal practice by Sir B. Grenville, inflicted without proof of misconduct and without his being heard.] [p. 258.]
Barbados.

ACTS OF THE PRIVY COUNCIL (COLONIAL). 511

- [On their report the petition was granted.] [p. 280.] 1706-7.
(1707.)
2 Jan.
- [1010.] [To the Committee for Appeals is referred a petition of Thomas Hodges for leave to appeal from a judgment of reversal given against him by the Governor and Council on a writ of error.] [p. 259.] 14 Nov.
Barbados.
- [1011.] [The Council refer to the Board of Trade the petition of several Barbados merchants and others against a new law lately passed there], For altering an ancient Law appointing a free annual Election of a General Assembly of the said Island. [p. 259.] 14 Nov.
Barbados.
- [Five similar petitions showing that the bill had been passed in spite of petitions to the contrary are likewise referred to the Board of Trade.] [p. 260.]
- [1012.] [The Council refer to the Board of Trade the petition of the Council and Assembly of Barbados as to the weakness of the militia and praying that some regular troops should be sent and the fortifications begun at the charge of the inhabitants on a late alarm of French invasion completed out of the $4\frac{1}{2}$ per cent. duty.] [p. 267.] 19 Nov.
Barbados.
- [A representation from the Board of Trade as to the application of the duty to fortifications and other uses of the island is referred to the Treasury.] [p. 311.] (1707.)
27 Feb.
- [1013.] [The Council refer to the Committee for Appeals the petition of Ann Ramsey, widow, and Rebecca Butler of Barbados, that the appeal against them of Mitford Crowe, late of London, merchant, from the Barbados Courts in a case in which they are respondents be dismissed on account of the appellant's delays.] [p. 282.] 1707.
2 Jan.
Barbados.
- [The Committee order the appeal to be heard at their first meeting in February.] [p. 284.] 8 Jan.
- [The Committee report that the appellant had notice in January and yet failed to prosecute the appeal, and recommend that the appeal be dismissed.] [p. 337.] 29 March.

- 1707.
- 17 April. [Order accordingly.] [p. 348.]
- 2 Jan. [1014.] [The Council refer to the Committee for Appeals
Barbados. the petition of George Lyte, a wine cooper, for leave to
appeal from a sentence of public whipping passed on him by
a Court of Oyer and Terminer in Barbados on 13 Dec. 1705]
for Speaking some Reflecting words, on Colonel John Holder,
after he had broke the Petitioners head. [p. 282.]
- 17 March. [The Committee report, recommending that the appeal be
admitted.] [p. 316.]
- 20 March. [Order that the appeal be heard in November.] [p. 323.]
- 5 Feb. [1015.] [A representation of the Board of Trade is
Newfound- approved, and the execution of its recommendations referred
land. to the Treasury and the Admiralty :—(A) to the Treasury]
“ It being Our Duty to lay before Your Majesty as Wee have
“ Yearly done what may most conduce to the Improvement
“ of the Trade and Fishery of Newfoundland, and what
“ Provision is necessary to be made for the Forts and
“ Garrison at St. Johns, and the Season now Approaching for
“ sending the usuall Convoys there ; We humbly take leave
“ to Represent as follows :—
“ That by a Memoriall from the Agent from the Company in
“ Garrison at St. Johns it dos appear there is wanting for
“ the said Company :
“ Their whole pay (exclusive of Provisions) *l. s. d.*
“ for the year 1706, Amounting to .. 961 12 6
“ The same for the Year 1707, amounting to 961 12 6
“ Two Years Contingencys 100 0 0
“ A full Cloathing (the particulars whereof
“ We humbly take leave to annex hereunto)
“ amounting to 300 11 10
“ Which the Company stands in great need of having had
“ no Cloathing the last Year, except Shirts, Shoes, Stockings
“ and Neckclothes.
“ There is also wanting Provision for One Year together
“ with Mony in lieu of Malt and hops as usuall, As likewise
“ a Chest of Medicines to be Satisfied by a Deduction from

“the Company pursuant to Your Majestys Warrantt in
“that behalfe.

“An Estimate of the Charge of Cloathing necessary
“to be provided for the Company at Newfoundland,
“for the Year 1707.

For a private Soldier.

Coat, Wastecoat, and	<i>l.</i>	<i>s.</i>	<i>d.</i>
Breeches	1	15	0
A Hat	0	4	0
2 pair of Stockings ...	0	3	0
2 pair of Shoos	0	9	0
2 pair of Buckles	0	0	6
2 Shirts	0	6	0
2 Neckclothes	0	2	2
1 pair of Mittens	0	1	2
	<u>3</u>	<u>0</u>	<u>10</u>

For a Drummer.

Coat, Wastecoat, and	<i>l.</i>	<i>s.</i>	<i>d.</i>
Breeches	2	10	0
A Hat	0	5	6
2 pair of Stockings.....	0	3	6
2 pair of Shoos.....	0	9	0
2 pair of Buckles	0	0	8
2 Shirts.....	0	9	0
2 Neckclothes	0	3	0
1 pair of Mittens.....	0	1	2
1 pair of Gloves.....	0	1	6
Drum Collars	0	4	0
	<u>4</u>	<u>7</u>	<u>4</u>

For a Corporall.

Coat, Wastecoat and	<i>l.</i>	<i>s.</i>	<i>d.</i>
Breeches	2	10	0
A Hat	0	5	6
2 pair of Stockings	0	3	6
2 pair of Shoos	0	9	0
2 pair of Buckles	0	0	8
2 Shirts	0	9	0
2 Neckclothes	0	3	0
1 pair of Mittens	0	1	2
1 pair of Gloves	0	1	6
	<u>4</u>	<u>3</u>	<u>4</u>

For a Serjeant

Coat, Wastecoat and	<i>l.</i>	<i>s.</i>	<i>d.</i>
Breeches	4	10	0
A Hatt	1	0	0
2 pair of Stockins	0	6	0
2 pair of Shoos	0	9	0
2 pair of Buckles	0	2	0
2 Shirts	0	10	0
2 Neckclothes	0	8	0
1 pair of Mittens	0	1	2
1 pair of Gloves	0	2	0
	<u>7</u>	<u>8</u>	<u>2</u>

Which for 80 Soldiers is.....	243	6	8
3 Serjeants.....	22	4	6
3 Corporalls	12	10	0
2 Drumers	8	14	8
	<u>286</u>	<u>15</u>	<u>10</u>
2 Drums	2	0	0
2 pair of Drum Sticks.....	0	6	0
1 Doz. of Drum Heads.....	1	4	0
6 pair of Snairs.....	0	6	0
for Freight &c.	10	0	0
	<u>300</u>	<u>11</u>	<u>10</u>

1707.

[(B) to the Admiralty] :—That as to the Convoys for this Year ; We have Conferred with the Merchants of London, and have had Application made to Us from those of the Western Ports who are Cheifly concerned in the Trade to Newfoundland, upon which We humbly Offer that in Consideration of the great Losses Your Majestys Subjects Sustained when the French attacked St. Johns, and of the apprehensions there might be that the Enemy will again infest the Coast by their Shipping dureing this next Fishing Season, That Six Ships of Good Strength are necessary for the Service of this Years Fishery, One to Sail in February next with the Ships for Salt to Portugall, Two to Sail by the 10th of March with the Fishing Ships from the Southern Channel, One to proceed from Milford Haven about the same time with the Ships of the Northern Channel, And two others to Sail with the Sack Ships from Spithead by the 20th of May, Some of which Ships may be always Cruising on the Coast of Newfoundland whilst the others lye before the severall Principall Harbours dureing the Fishery ; And that the Convoys do proceed from thence with the respective Ships under their Care as Early as may be, for the Security of the Ships that go to Forreign Markets as of those that come immediately to England.

[The Admiralty are also to give directions] for furnishing One Years Provision for Victualling the Garrison at St Johns together with Mony in lieu of Malt and Hops, as likewise a Chest of Medicines to be Satisfied by a Deduction from the Company pursuant to Her Majestys Warrant in that behalfe.

[pp. 300-2]

20 Feb. [1016] [The Council approve, and give orders in accordance with, a representation from the Board of Trade] :—Having Virginia and Maryland. In Obedience to Your Majestys Commands Considered the State of the Trade of Virginia and Maryland, and in April last humbly Offered Our Opinion to Your Majesty that with regard to the Generall Security and Advantage of that Trade. and to the present occasions which your Majesty might other-

1707.

wise have for your Shipping, One Convoy a Year, may Suffice to Carry on this Trade dureing the Warr, which Convoy as is Generally Agreed by all the Traders, may be appointed to Sail about the Midle of August or not later than the beginning of September, So as to Arrive in the Rivers of Virginia in December, that they may have time to unload and Distribute the Manufactures and other Goods from England to the Planters, As also to Load the Tobacco within the severall Rivers of Virginia and Maryland, and to Return from thence in the Month of May following by which Means the Convoy and Fleet will avoid the Badd Seasons in the Country and the Worm, which in the Hott Months is so prejudiciall to them, and may arrive in England Soon enough to goe out again with the next Convoy at the same Season, which method We humbly conceive may best furnish the Planters with those European Commodities which they stand in need of, and hinder them from applying their Labour to any other Product or Manufacture then that of Tobacco.

Wee also humbly Represented that after the Arrivall of the Convoy One of the Ships of Warr might remain dureing the Winter Season in the Rivers of Virginia another in Maryland, and the rest in Case they arrive soon enough to Wood and Water and fit themselves for a Cruise before the Setting in of the Frost, may be ordered to Cruise off of Barbados and the Leeward Islands, or else where within the Tropics, in such manner as his Royall Highness the Lord High Admirall Should Direct, for the better Security of the Trade of those Southern parts which has lately very much Suffered by the Enemy, We did likewise humbly Offer Our Opinion, That if Your Majesty should be pleased to agree to the September Convoy as proposed it would be necessary that the same do Commence and take Place in the Month of September 1707; That in the mean time the Merchants here and the Planters in Virginia and Maryland may have due Notice thereof, and Order their affairs with relation to such Stated Convoy accordingly. In Which Case We humbly Represented, That it

1707.

would be Further absolutely necessary, That for the Ensuing Year a Convoy likewise go out in January next, without which this Years Crop will be lost to the Planters, and to Your Majestys Revenue of the Customes to the great Damage of both ; Though perhaps to the Advantage of some Merchants who will be thereby Enabled very much to Enhance the Price of the Tobacco which they may then have in Store. In which Opinion for a Stated Convoy We are the more at this time Confirmed by reason of the great losses, the Merchants and Planters, as also Your Majestys Revenue of the Customes have Sustained by the Fleets coming away from thence, so late this Year. [pp. 304-5.]

20 Feb.
New
England.

[1017.] [The Council refer to the Board of Trade the petition of William Rouse, Ebenezer Coffin and John Philips of Boston praying her Majesty not to confirm the Acts lately passed in the General Assembly there for imposing on them several fines upon suspicion of their having aided her Majesty's enemies, the French and the Indians, and also a similar petition of Samuel Vetch, John Boreland, and Roger Lawson, similarly fined for trading with the French and Indians.] [p. 306.]

24 Sept.

[The Acts are disallowed, as the crime stated is not cognisable before the General Assembly. A fresh trial is ordered in the ordinary course of law. On being set free or having their fines restored, the petitioners are to give security to abide the result of such trial if prosecuted within a year. If they refuse to do so, they are to be detained by the Governor.]

[pp. 466-8]

20 March.
Jamaica.

[1018.] [The Board of Trade report that they are informed by letters from Col. Handasyde that many of his soldiers have been carried off by a raging mortality and that he wants 300 men to complete his regiment according to the late establishment. As it highly imports her Majesty's service that recruits should be hastened over, the Earl of Sunderland is to receive her Majesty's directions in the matter.] [p. 320]

20 March.
Maryland.

[1019.] [The Council refer to the Committee for Appeals the petition of John Taylor of London, merchant, for leave

1707.

to appeal notwithstanding the lapse of time from a judgment of the Provincial Court of Maryland in favour of Ann Jones and Thomas Gassaway, executors of Nicholas Gassaway deceased.] [p. 324.]

[The Committee recommend that the appeal be admitted provided the Governor and Council there have no other legal objection thereto : if they have, they are to return an account thereof to her Majesty.] 25 April. [p. 350.]

[Order accordingly.] [p. 356.] 29 April.

[1020.] [The Council refer to the Board of Trade the petition of Charles Squire complaining that he is not allowed by the Governor and Council to follow his profession as a barrister at law in Barbados, and praying relief.] 27 March. Barbados. [p. 331.]

[On their report, order is given that Mr. Squire be permitted to follow his profession.] 17 April. [p. 348.]

[1021.] [The Council refer to the Board of Trade the petition of John Sandford and John Dorn complaining of the proceedings of Samuel Cox, the Chief Judge at a Court of Oyer and Terminer in Barbados on 10 Dec. last, of which they were members.] 27 March. Barbados. [p. 332.]

In accordance with the report of the Board of Trade, Cox is discharged from the complaint.] 4 Aug. [p. 427.]

[1022.] [The Council refer to the Board of Trade a memorial of William Cleland, James Colleton, and John Holder, three members of the Council of Barbados, complaining of the proceedings of William Sharp, the President.] 27 March. Barbados. [p. 332.]

[In accordance with their Lordships' report and the opinion of the Attorney General and other counsel, Sharp's proceedings are approved. From his wife's petition in his favour it appeared that he called a new Assembly upon the addresses of the inhabitants, to quiet the minds of the people by applying a remedy to the inconveniences arisen by the Paper Act : 4 Aug.

518 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1707.

and that he acted by advice of such of the Council as would attend, the petitioners wilfully absenting themselves though often summoned.] [pp. 426-7.]

17 April. [1023.] [An order for corrections of titles in the Book of
Church. Common Prayer as used in the plantations, necessitated by the Union of the Parliaments of England and Scotland.]

[p. 345.]

17 April. [1024.] [On a representation from the Board of Trade of
Leeward 3 April, Captain John Pogson is turned out of all public
Islands. employments. Acquitted by a petty jury of the murder of Col. Johnson, Lieut.-Gov. of Nevis, he was, however, held guilty by Governor Park on the oath of three witnesses, and to avoid a fresh trial, which was ordered, he fled from the islands.]

[p. 347.]

20 May. [1025.] [The Council refer to the Committee for Appeals
Barbados. the petition of John Egginton for a hearing of his appeal from a decree of the Barbados Chancery on 17 April] for making voyd the will of William Chester Junior in favour of Middleton Chamberlain Esqr. and Dorothy his Wife, John Nanfan and Elizabeth his Wife.

[p. 364.]

5 June. [The petition of the respondents, who are daughters and sons-in-law of the testator] that the said Appeal may not be heard nor Determined untill a certain Bible can be Transmitted hither, which will be of very great advantage to the Petitioners in discovering the Ill practices of the Appellant, [is similarly referred].

[p. 379.]

11 June. [The Committee recommend] that in regard no Tryall at Law having been had upon the Validity of the Will nor has the Legatees been made Parties to the Bill in the Court of Chancery there, That therefore the Decree . . . against the Appellant be Reversed and sett aside and all Issues and proceedings had thereupon, And that the said appellant be Restored to all the Losses he sustained thereby.

[p. 380.]

12 June. [Order accordingly.]

[p. 382.]

1707.

[1026.] [The Council refer to the Lord Admiral the petition for relief of Elizabeth, widow of Captain Browne of H.M.S. *Hazardous*] who Dyed in the Service upon his Return home with the last Virginia Fleet, and lost his papers and other things he had on Board. [p. 366.]

20 May.
Virginia.

[1027.] [On a memorial from the Lord Admiral, the Master of the Ordnance is directed, on the production of vouchers, to discharge Sir John Jennings, Rear Admiral of the Blue, who was detached from the Straits to the West Indies, of certain ordnance and gunners' stores from Lisbon which he put on shore at Nevis, St. Christopher and Montserrat.] [p. 375.]

5 June.
Leeward
Islands.

[1028.] [Order is given in accordance with a report of 17 May from the Lord Admiral]:—A Petition having been presented unto Me by Richard Johnson, late Master and part Owner of a Brigantine called the Betty of Maryland, Setting forth, That the Petitioner in the said Brigantine was taken by a French privateer going from Barbados to Maryland aforesaid, and lost to the Value of 3500*l.*: That the Petitioner with his Servant and another English Mariner being put a Board a Merchant Ship, called the Ortolon, where he was very Ill used, but found an Oppertunity to Supprize the Master and Crew of the said Ship and with Her Cargoe carryed Her into Anapolis in Maryland, which Ship he Delivered to the Governor of that Colony, and She was Condemned in the High Court of Admiralty as a perquisite of the Lord High Admiral and appraised at 1500*l.* of that Country Mony, That the Petitioner was at the Charge of 100*l.* besides the loss of his Owne Ship and Cargo in maintaining the Prisoners and therefore prays in Consideration of his Great loss and Charges, and for an Encouragement of his aforesaid Service, that the produce of the said Prize may be bestowed on him in as beneficiall a manner as if he had had a Commission. I have considered of the same and have taken the Opinion of Doctor Bramston Surrogate to the Judge of the High Court

5 June.
Maryland.

1707.

of Admiralty, who having Examined therein, Reports unto me as followeth, vizt. :

“I have in Obedience to His Royall Highness’s
 “Directions considered of the Petition of Richard
 “Johnson, and doe from the Affidavits and Certificates
 “thereunto annexed, with the proceedings had here in
 “the Court of Admiralty, beleive the severall Facts in
 “the Petition to be true and realy done as therein is
 “Sett forth. And am humbly of Opinion that the
 “Capture is so Remarkable and Redounds so much to
 “the Honour of the English Nation, that it deserves all
 “Incouragement and Reward Possible, and that due
 “Consideration should be had of the Petitioners Meritt
 “and Bravery. I am also humbly of opinion, that the
 “Petitioner well deserves both Ship and Lading, The
 “Lord Admiralls Tenth and all reasonable Charges, being
 “thereout first Deducted, it having been the usuall Course
 “in such Cases to allow the like Reward, to those who
 “take without Commission as to those who have Letters
 “of Marque Especially when the Exploit Carrys with it
 “so much hazard, and brings so much Glory and
 “Renown.”

I doe therefore offer my humble Opinion to Her Majesty,
 That the whole Ship and Cargoe may be allowed to the
 Petitioner, the Lord High Admiralls Tenths, and other Incident
 Charges being thereout first Deducted. [pp. 377-78.]

- 12 June. [1029.] [A petition of divers inhabitants of New England
 Massachusetts Bay. and traders thereto complaining against the proceedings and
 ill practices of Governor Dudley and praying for his removal,
 is ordered to be heard by the Council at Windsor on 23 June.]
 [p. 382.]
- 23 June. [The complaint is heard and the answer of Col. Dudley’s
 agents required on 7 July.] [p. 388.]
- 14 July. [A further hearing is appointed for the first Council in
 Michaelmas term.] [p. 408.]
- 20 Nov. [The hearing is put off till 4 Dec.] [p. 477.]

Complaint . . heard by Council on both sides. [p. 510.]

1707.
(1708.)
22 Jan.

[1030.] [Col. Park's action in removing Col. Walter Hamilton from the Government of St. Christopher to that of Nevis on the death of Col. Johnson, and appointing Col. Michael Lambert, President of the Council of St. Christopher, to be Governor there, though it was not strictly agreeable to her Majesty's instructions, is approved on the representation of the Board of Trade that it was done at the desire of the inhabitants and in their greatest exigencies. At the same time Colonel Park is required to appoint to the first vacant post of Lieutenant-Governor in the Leeward Islands Col. Daniel Smith, who particularly signalised himself in the defence of Nevis against a French invasion and is recommended by the Board of Trade as deserving of her Majesty's favour.]

23 June.
Leeward
Islands.

[pp. 389-90.]

[1031.] [The Council refer to the Committee for Appeals the petition of Catherine Sparling, widow, of Bristol, praying relief as the Governor of Jamaica refuses her letters of administration of the estate of Priscilla Emery deceased, to which she is entitled.]

23 June.
Jamaica.

[p. 390.]

The Committee report in favour of granting the petition. The letters of administration had been refused by the Governor unless a general release for all his proceedings were first given to John Ayscough, who had by the Governor's directions taken possession till the right heir should appear.]

11 July.

[p. 403.]

[Order accordingly.]

[p. 411.] 21 July.

[1032.] [The Council refer to the Committee for Appeals the petition of Thomas Barrow late of Bermuda seeking relief from a judgment given there fining him 40*l.* for words pretended to be spoken against the government.]

23 June.
Bermuda.

[p. 391.]

[The Committee recommend that he be allowed to appeal, and that he be heard at the first Council in February next.]

11 July.

[p. 404.]

522 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1707.
 21 July. [Order accordingly.] [p. 410.]
- 22 Sept. [Thomas Barrow and Joseph Harvey entered into 50*l.* bond
 (1709.) to prosecute the appeal.] [p. 411 margin.]
- 21 May. [The Committee report in favour of dismissing the appeal.]
 (1709.) [Vol. IV. p. 324.]
- 2 June. [Order accordingly. A petition for remission of the fine,
 as Barrow is now blind and his family much reduced in their
 circumstances, is referred to the Lord Treasurer.]
 [Vol. IV. pp. 327, 330.]
- 23 June. [1032A.] [The Council refer to the Board of Trade the
 Jamaica. petition of Thomas Barrow, late Attorney General in Jamaica,
 for leave to practise as an attorney there, which is denied
 him by the Governor.] [p. 391.]
- 4 Aug. [The Board of Trade reporting that, having been once
 admitted by the Courts there, Barrow has an undoubted right
 to enjoy the same until convicted of such misdemeanour as
 shall amount to forfeiture of such right, order is given that,
 upon making application to the Governor, he be admitted to
 practise, behaving himself peaceably and with a respectful
 deportment to the Governor and to the Courts there.]
 [p. 428.]
- 23 June. [1033.] [The Council refer to the Board of Trade the
 New York. petition of Sampson Broughton to be admitted, despite the
 Governor's prohibition, to the exercise of his office of Attorney-
 General in New York.] [p. 391.]
- (1708.)
- 11 July. [John Rayner is appointed Attorney-General of New York
 on consideration of the report of the Board of Trade of 28 June
 on his petition wherein he sets forth] That Sampson
 Broughton Esq. about two Years since was appointed
 Attorney and Advocate Generall of Your Majestys Province
 of New York, contrary to the Constant Methods in such
 Cases used, for Your Majestys Service, in regard the said
 Broughton, never Obtained any Report of his ability to serve
 Your Majesty in those Offices, from the Commissioners of
 Trade and Plantations, to whom (as the petitioner Suggests)

1707.

the said Broughton's petition was referred. The petitioner further Alledges, That the Lord Cornbury, Your Majestys Governour there, Looking upon the said Broughton, as a person incapable of Executing the said Offices, had never admitted him to Act as Attorney Generall but had put In Mr. Bickley (no Barrister at Law) who at present Officiates as Attorney Generall, and therefore the Petitioner Rayner prays that he may be appointed Your Majestys Attorney and Advocate Generall of New York, in the Room of the said Broughton: Whereupon Wee humbly represent to Your Majesty, That the said Rayner has produced to Us, a paper, Signed by Eight of the Justices of Your Majesty's Courts of Record in Westminster Hall (a Copy whereof is hereunto annexed) Certifying that they believe him to be well affected to Your Majesties' Government, and very well Quallified in his Profession to Serve Your Majesty as Judge or Attorney Generall in any of Your Majesties Plantations. Wee further Represent to Your Majesty, that wee find the said Sampson Broughton, upon the Death of his Father (who was made Attorney Generall of New York by his late Majesty, in the Year 1700, and Dyed in that Office) did Exhibit a Petition to the then Commissioners for Trade and Plantations, praying to be recommended to Your Majesty, for the place of Attorney General of New York; which petition (so Originally brought before them, and not by way of Reference as in the petition of the said Rayner is Suggested) was by the said Commissioners, referred to Sir Edward Northey, Your Majestys then Attorney Generall for his Opinion as to the Qualifications of the said Broughton, but no Report was made thereupon; for soon after, the said Broughton (who had taken the Degree of a Barrister at Law in the Year 1700, as appears by the Register of the Middle Temple) did procure Your Majestys Letters Mandatory to the Lord Cornbury, dated the 18 of June, in the fourth Year of Your Majestys Reign, directing his Lordship to Constitute the said Broughton, Attorney Generall of Your Majestie's Province of New York.

1707.

Wee find that the Lord Cornbury did receive Your Majestie's said Letters, and that upon the 22d of August 1706, he did Communicate the same to the Councill there, declaring at the same time, that there were many actions Depending at Your Majestys Suit in the Supreme Court of that province (then near at hand) wherein Mr. Broughton could not be timely Instructed, and therefore he thought proper to Deferr the passing a patent to the said Broughton till that Court was over, whereby, the person, who then Officiated as Attorney Generall, might have the management of those Tryals, as appears by a Minute of that Councill of the said 22d of August 1706 : So that the not admitting the said Broughton into the Office of Attorney Generall at that time, appears by the said Minute to have been for the reason aforesaid nor is there mentioned in the said Minute, that it was on Account of his Inability, for the Discharge of that Trust as is alledged by the petitioner Rayner.

Wee further find that on the 26th of June 1707, the said Broughton petitioned his Lordship (as appears by a Minute of the Councill of New York of that Date) to Grant him Letters patents under the Seal of New York, for the said Office of Attorney Generall according to Your Majestys before-mentioned Letters Mandatory ; That thereupon his Lordship informed the Councill he had writ to one of Your Majesties principall Secretariys of State, and to Your Commissioners For Trade and Plantations in relation to the said Broughton and that he Expected an answer thereunto. Wee Cannot tell Whether any such Letter has been Writ to Either of Your Majesties principall Secretariys of State, but Wee have received none such from his Lordship, nor has he at any time given Us an Account of his proceedings in relation to the said Broughton.

Wee further humbly Represent to Your Majesty That since the Receipt of Your Majestys Order of Reference upon the petition of the said Rayner and while that matter was under Examination, Wee have received Your Majesties Order in Councill of the 23d of June 1707 (which however it may have happened, was not delivered to Us till now) referring to

Us the petition of the said Sampson Broughton, wherein he Complains, That the Lord Cornbury, contrary to Your Majestys foresaid Gracious Letters, Long since Granted on his behalfe, had refused to admitt him the said Broughton, to Act as Attorney Generall, without assigning any Crime or Misdemeanor against the petitioner ; for such his Lordships Refusal, and therefore the said petitioner prays Your Majesties Gracious Directions therein.

Upon which Wee humbly Represent to Your Majesty that We find the Case of the last mentioned Petitioner Sampson Broughton to be, as set forth in His petition, and as the same is herein before more fully Stated, in Relation to the first mentioned petition of John Rayner.

Upon Mr. Broughton's Arrivall here from New York, he Applied to Us, whereupon Wee directed him to attend Sir Edward Northey to whom his former petition had been referred, for a Certificate of his ability for the Discharge of the said Office of Attorney Generall ; and he has brought Us a Certificate in the Words following ; Vizt. :

“ Mr. Sampson Shelton Broughton the Father of the
 “ present Mr. Broughton, I knew many Years ; he was
 “ a Barrister of Long Standing in the Middle Temple
 “ and his son was bred there under him, and was called
 “ to the Barr at the time his Father went to New York,
 “ and went thither with him : He not having practiced
 “ in England before he went to New York, I am not
 “ able to give any Account of what proficiency he had
 “ then made in the Study of the Law, but that being
 “ Seven Years Since, by the Account he and others have
 “ given me of his Application to his Studies in New
 “ York, and the Knowledge he has gained of the people,
 “ Laws and Methods there ; it seems probable to me,
 “ that he will be able to serve Her Majesty there in the
 “ place in which She was pleased by Her Letter to Direct
 “ him to be placed.”

Edward Northey,
 June 24th, 1708.

1707.

Upon the whole matter Wee are humbly of Opinion that in due Obedience to Your Majestys foresaid Letters Mandatory, the Lord Cornbury ought to have admitted the said Broughton in the Office of Attorney Generall ; the not doing whereof has been Injurious to him in Depriving him thus long of the Sallarys and Fees belonging to the said Office ; And if his Lordship after Tryall of him, had any Just Objections to the said Broughtons being Continued in that Employment, he should have made them known to one of Your Majestys principall Secretarys of State, or to Your Commissioners for Trade and plantations, for Your Majesties further pleasure therein. This Method ought to have been Observed, but in the Case before Us, Wee find neither Want of Ability, nor any Misbehaviour proved upon the said Broughton nor any Legal Objection made against the manner of Obtaining Your Majesty's Letters Mandatory ; for as to the Objection of their being Obtained without any Report first made to Your Majesty from the Commissioners for Trade and plantations, there is no weight in that, the Disposition of places and Offices being entirely in Your Majesty ; Nevertheless if Your Majesty shall be Graciously disposed to Gratify the petitioner Rayner by a Grant of the said Office of Attorney Generall (his Qualifycations for the Discharge of that Trust appearing very fully by the said Annexed Certifycate) Wee have no Objection to the said Rayner's receiving the benefitt of such Your Majestys Royall Favour. [Vol. IV. pp. 129-32.]

1 July.
Jamaica.

[1034.] [The Council refer to the Committee for Appeals the petition of Robert Briscoe of London to be admitted to appeal from a decree of the Jamaica Chancery in favour of John Hodgings, for the transmission of copies of all records, and the stay of proceedings on a second bill exhibited by Hodgings.] [p. 400.]

11 July.

[The Committee report in favour of allowing the appeal.] [p. 402.]

21 July.

[Order accordingly ; the hearing of the appeal is fixed for the first Council day in February next] [p. 409.]

[Robert Briscoe and Thomas Kilby of London, druggists, enter into 200*l.* bail to prosecute the appeal.] [p. 410.] 1707. 9 Sept.

[1035.] [The Council refer to the Lord Admiral the petition of John Hite and Peter Hall, who became bound to Her Majesty eight years since for Stephen Tymewell, late purser of H.M.S. *Warwick*, to be acquitted in the matter of waste of provisions occurring in a voyage to the West Indies while Tymewell was sick.] [p. 401.] 1 July. West Indies

Report read . . . nothing. [p. 468.] 24 Sept.

[1036.] [The Board of Trade report of 9th June on several Jamaica Acts of Apl.—June 1704, July—Augt. 1705, and Feb. 1707, is approved, and order given for compliance with its proposals.] And Whereas for divers Reasons mentioned in the said Report relating to the Act for Providing an Additional Subsistence for Her Majestys Officers and Soldiers Their Lordships have humbly Represented to Her Majesty That they do not think it for Her Majestys Service, That the said Act be disapproved for the present, but that it be Suffered to continue till nearer the Term of Expiration which will be the First of February next ; Her Majesty is pleased to agree thereunto, And their Lordships are to take Care, Her Majesty be in due Time again moved for the Repeal of the said Act ; And in the mean while the Draught of a Letter is to be prepared by their Lordships from Her Majesty to the Governor of Jamaica, taking Notice of the Assembly's Disregard to Her Majestys Order in Passing an Act with the same Clauses as those formerly repealed by Her Majesty, And directing the said Governor to move the Assembly in the most effectual Manner That they do not in any future Act lay such Hardships upon the Soldiers sent thither by Her Majesty for their Defence and security : Which Draught of a Letter to Her Majesty's said Governor is to be presented by One of Her Majesty's Principall Secretaries of State for Her Royall Signature [p. 413.] 21 July. Jamaica

528 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1707-8.
 4 Aug. [1037.] [A report of 7 July from the Board of Trade as
 West Indies. to suppressing the privateers of Martinique and Guadeloupe
 is referred to the Lord Admiral.] [p. 425.]
- 4 Aug [1038.] [On a representation from the Board of Trade, the
 Barbados. Council dismiss from all public employments in Barbados
 Colonel Cleland, already suspended by the President and
 Council there] for the Neglecting of his Duty, for Promoting
 and Encouraging Divisions and Factions in that Island and
 for obstructing the administration of the Government. [p. 426.]
- 1 Sept. [1039.] [The Council refer to the Lord Treasurer the
 New Jersey. petition of Sarah Griffith for payment of the salary of her
 husband, the Attorney General of New Jersey.] [p. 434.]
1708.
 8 Jan [1040.] [An address from the Governor, Council and
 Maryland and Pennsylv- Assembly of Maryland as to the settlement of the Pennsylvania
 vania. boundary, is referred to the Board of Trade.] [p. 484.]
- 8 Jan. [1041.] [On the report of the Board of Trade of 23 Oct.
 New York. last on Mr. Budge's petition about the condemnation of
 his ship, it is ordered] That a certain Judgement which was
 given by the High Court of Admiralty here upon his appeal
 against his Lordship [Lord Cornbury] be put in Execution
 according to the ordinary Course of Law. [p. 486.]
- 8 Jan. [1042.] [A letter to the Governor of Maryland is ordered
 Maryland. to be written in accordance with the report of 23 Oct. from the
 Board of Trade on Sir T. Lawrence's petition, which was
 referred to them on 2 Jan. 1705 [II. p. 246] setting forth]
 That upon his late Majestys taking the Government of the
 said Province into his hand, with the Consent of the Lord
 Baltimore the Proprietor, and appointing a Governour thereof,
 He was Graciously pleased to Grant unto the Petitioner the
 Place and Office of Secretary of the said Province, withall the
 Rights and Privileges thereunto belonging ; That the Yearly
 Fee, for every Licensed Ordinary or Publick house of Entertain-
 ment had for many years past been payd to the Secretary
 in the Lord Baltimores time in lieu of the Navall Officers

1708.

Fee for Entring and Clearing of Ships, which his Lordship in Exchange took to his owne use; That the said Governour arrived in Maryland before the Petitioner and obtained an Act of Assembly for Settling the Benefitt of those Ordinary Licences upon himselfe, which Act upon the Petitioners Complaint to his late Majesty was Repealed by Order in Councill of the 2d of March 169²/₈, and another Act passed for making the profitts of the said Ordinary Licences payable to the Secretary for the time being; which Act was accordingly complied with till October 1703, when it expired being Temporary; That the House of Delegates in October 1703 and in Aprill 1704, upon the arrivall of Your Majestys present Governour, reviving the said Law for keeping Ordinarys, Applied the said Profitts of those Licences towards Defraying the Charge of the respective Counties in which the said Ordinarys are kept, by which means a Branch of the said Office, to the Yearly Value of at least 150*l*. Sterling is cut off; and that the Petitioner applyed himselfe to Your Majestys said Governour and Councill in Assembly who referred the Consideration of this matter to the Assembly who appointed to meet in September.

Whereupon the Petitioner humbly prays, that Directions may be sent to Your Majestys Governour of Maryland, for preserving the Office of Secretary of that province in the Quiet Possession and Enjoyment of its just Rights.

And having taken the Opinion of Your Majestys Attorney Generall upon the Petitioners Case. We doe humbly take leave to lay before your Majesty his Report as follows, vizt. :

“ That he had perused certaine Letters Patents of their
 “ late Majesties King William and Queen Mary, bearing
 “ date the 5th of September in the 3d Year of their Reign,
 “ whereby the said Sir Thomas Lawrence was Constituted
 “ Secretary of the said Province of Maryland, dureing their
 “ Majesties Pleasure and his Residence in the said Province.

“ That there is not any Salary Granted by those Letters
 “ Patents, nor any Express mention that the Ordinary Licences,

1708.

“ or any other matter in particular is Granted to the Secretary,
 “ But that the Patent contains a Grant of the Office, with all
 “ Rights, Privileges, Profits, Perquisites and advantages to the
 “ said Office belonging, incident or appertaining, and in such
 “ manner and form as any Secretary of any of their Majesties
 “ Provinces in America for or by reason of the Exercise of such
 “ Office might lawfully have or enjoy.

“ Under the Generall words of which Patent, Mr. Attorney
 “ conceives, Sir Thomas Lawrence, as Secretary of Maryland,
 “ ought to have the benefitt of the Ordinary Licences, the
 “ same having been usually enjoyed as perquisites of that
 “ Office, under the Government of the Lord Baltimore, the
 “ late Proprietor thereof, untill his late Majesty with the
 “ consent of the Lord Baltimore, thought fitt to take that
 “ Government under his immediate Care and Protection,
 “ But by the said Act of Assembly for Regulating Ordinaries,
 “ past in Maryland the 3d of October 1704 (which Act is to
 “ continue from the making thereof for three Years and from
 “ thence to the end of the next Assembly) the benefitt of the
 “ Ordinary Licences, is taken away from the Secretary of that
 “ Province, and applyed in ease of the Publick Charge of each
 “ County in which such Ordinary keepers live, and that this
 “ Act is the Second Attempt of this Kind that has been made
 “ since the Resuming the Government of this Province by
 “ the Crowne.

“ That the first act, whereby this Perquisite of the Secretarys
 “ Office was taken away, passed at an assembly held in
 “ Maryland the 10th day of May 1692, under the Government
 “ of Colonell Copley, by which Act the Benefitt of Ordinary
 “ Licences was Granted to Colonell Copley himselfe, and that
 “ Act of Assembly by his late Majestys Order in Council the
 “ 2d March 1692, upon a Report of the Lords of the Committee
 “ of Trade and Plantations was Disallowed ; and his Majesty
 “ in Council was then pleased to Order That the said Sir Thomas
 “ Lawrence should enjoy the full benefitt of his Office of
 “ Secretary of Maryland, according to the said Letters Patents

1708.

“In Obedience to which Order, severall Temporary Acts of Assembly, from three years to three years, have since passed whereby the profitts of the Ordinary Licences, dureing the Continuance of those Acts, were given to the Secretary of the Province of Maryland, by Vertue whereof Sir Thomas Lawrence Enjoyed the same, but the last of those Acts being Expired the Act of Assembly now under Consideration passed in October 1704, whereby the profitts of those Licences are appropriated to Defray the Charge of the Publick.

“And he further Adds, That he is humbly of Opinion The last mentioned Act of Assembly is Derogatory to Her Majestys Prerogative in taking away from the Secretary of that Province who is a Patent Officer of the Crowne the just perquisites of his Office, without any previous Order from Your Majesty for that purpose ; and that it will be for Your Majestys Service that this Law be Disallowed as soon as conveniently may be, especially since the like Act hath been once already Disapproved in Councill and Disallowed.”

With which Opinion of your Majestys Attorney Generall We concur, and thereupon humbly offer, That the Act being now expired it will not be proper for Your Majesty to Repeal the same, but that Your Majesty may Signifie to the Governour of Maryland, under your Royall Signature, Your Dislike of the said Law, requiring him not to pass any Law for the future, whereby the advantage of the Ordinary Licences shall be taken from the Secretary's Office.

The Granting of Licences by the Justices of each County, to such Persons as they think proper for keeping Ordinarys having been found for many Years to be of great Conveniency ; there seems to be no reason why the said Act should be made Temporary from three Years to three Years only ; And therefore we humbly conceive it for Your Majestys Service, that at the next Assembly the Act concerning Ordinarys be made perpetuall, or at least for a much longer duration than it has hitherto been made, and the benefitt of the Licences appropriated to the use of the Secretary for the time being

1708.

as fully to all intents and purposes as the said Sir Thomas Lawrence, or any other Secretary of that Province has at any time heretofore held or enjoyed the same ; which will not only be some satisfaction to Sir Thomas Lawrence for the Damage he has sustained by this Act of Assembly, but will be a certain Establishment for the Secretary of that Province whereby his Office will be rendred less precarious and dependent upon the Inhabitants of that Province, than at present it is.

[pp. 487-90.]

22 Jan. [Sir T. Lawrence's petition against the Governor and Assembly is referred to the Board of Trade.] [p. 507.]
(1710.)

26 Jan. [Reference to the Board of Trade of Sir T. Lawrence's petition complaining that Col. Seymour, Governor of Maryland, has not procured the Act ordered, but has allowed the Assembly to make an Ordinance of themselves and to address her Majesty against the Order of Jan. 1708 ; and that he has suffered great oppression from the Governor and William Bladen, his chief instrument, in the matter of several years' arrears due to him ; and praying that the matter be referred to persons named in his petition, as the proper means of making the truth of his allegations appear.]

[Vol. IV. p. 522.]

(1710.)
30 March. [Order in accordance with the report of the Board of Trade] . . . as to what relates to the Complaints against the Said late Governor the Petitioner has waved the Same ; It appearing from the Minutes of Assembly, That on the 30th of November 1708, the said Governor Recommended the Petitioner's Case to them in the Words following,

Gentlemen: Her Majesty thinks Sir Thomas Lawrence hardly used in respect of the Ordinary Licences, which Sir Simon Harcourt Her late Attorney General has Reported to belong to the Office of Secretary ; Mr. Speaker shall have that Report and Her Majesty's Order thereon, and what Orders I have receiv'd from the Right Honourable The Lords Commissioners of Trade and Plantations on Sir Thomas's Complaint, whereby you will perceive how

1708.

earnestly Her Majesty recommends a Law to appropriate the Fines of those Licences to his Office for a longer Duration of Time than three Years, therefore I hope You will be so prudent to shew Your ready Compliance herein.

Upon this Several Conferences were had between the Council and Assembly, and on the 3d of December 1708 They Resolved That in Consideration of the low price of Tobacco the mony arising by Ordinary Licences be Applied to defray the Charge of the several Counties.

And Whereas Your Majesty was pleased by Your 'foresaid Letter to direct the Governor not to pass any Law for the future, whereby the advantage of the Ordinary Licences should be taken from the Secretary's Office ; The Council and Assembly Considering, That the 'forementioned Act (of 1704) for Regulating Ordinaries, would Expire at the Conclusion of that Assembly, did on the 9th of December 1708, Pass an Ordinance Directing and Empowering the Justices of the County Courts to Grant Licences to Ordinary Keepers, and to take Recognizance for their Keeping Good Rules and Orders in their Houses, And Settling the Rates of Liquors etc., a Copy whereof is hereunto Annext.

Upon this We humbly take Leave to Observe, That the passing the said Ordinance by the Council and Assembly is not Warranted by Your Majesty's Commission or Instructions to the Governor ; On the Contrary, it is expressly Declar'd by the Commission, That Laws, Statutes and Ordinances shall be past by the Governor, with the Advice and Consent of the Council and Assembly ; And this Ordinance having been passed by the Council and Assembly only (it not appearing that the Governor was Concern'd Therein) is in Our Opinion Null and Voyd, and therefore We humbly offer, that your Majesty be pleas'd to Signify Your Dislike of such manner of proceeding.

As to the Petitioner's particular Case, We did by Our Representation of the 23d of October 1707 (having had the Opinion of Your Majesty's Then Attorney General) lay before Your

1708.

Majesty a full State of the Hardships the Petitioner had Suffered by the forementioned Act of 1704, And We are Still of Opinion, that the Said Act was derogatory to Your Majesty's Prerogative in taking away from the Secretary of that Province, who is a Patent Officer of the Crown, the just perquisites of his Office, without any previous Order from Your Majesty for that purpose; and therefore We humbly Offer, That when Your Majesty shall be pleas'd to send a new Governor to that purpose, he be directed to Use his Utmost Endeavors with the Assembly, that a new Law be passed for Regulating Ordinaries without Limitation of Time, or at least for a longer Duration than it has hitherto been made, and That the Benefit of the Licences be Thereby Appropriated to the Use of the Secretary for the Time being, as fully to all Intents and purposes, as the said Sir Thomas Lawrence or any Other Secretary of that Province has at any time heretofore had, or lawfully Enjoy'd the Same, And that they give him a Consideration for the Loss of the Mean Profits Since the Year 1704. [Vol. IV. pp. 561-2.]

8 Jan.
Leeward
Islands.

[1043.] [An instruction to be sent to Col. Park in accordance with a representation of 7 Nov. from the Board of Trade]—Her Majesty having been pleased by Her Instructions to restrain the Governours in the Plantations from receiving any Gifts or presents from the Generall Assemblies in their respective Governments excepting only that they may receive any annual allowance for House Rent in Case there be no house for their Residence; And provided the said Allowance be made at the first Sessions of Assembly after the said Governours Arrivall, and Settled on them for the whole time of their Government.

The Generall Assemblies of Antigoa and St. Christophers have lately pass'd two Acts, the one Entituled,

An Act for the payment of the Value of One Thousand pounds Currant Mony Annually to Daniel Park Esqr. in lieu and Satisfaction for the Rent of a House for his Accomodation dureing his Residence and Abode in that Island past at Antigoa the 26th July 1706.

And the other Entituled,

An Act for raising the Quantity of One hundred Thousand pounds of good Muscovada Sugar per annum for Discharging the Rent of a house for the Accomodation of Daniel Park Esqr. dureing the continuance of his Government past at St. Christophers the 4th of September 1706.

Whereupon Wee take leave to Observe that the Mony given by the first of these Acts may amount to between five and Six hundred pounds Sterling, which being given to Colonel Park dureing his Residence at that Island, he may from the Ill Penning of the Act pretend to the said Allowance (if he reside there) though he should not be Governour ; That the Sugar given by the Second of these Acts may likewise amount to between five and Six hundred pounds Sterling and being Granted to Colonel Park dureing the continuance of his Government (without Limitting it to his Residence) he may Claime the same though he should not reside upon the Island.

And Whereas Her Majesty has been pleased by Her Instructions to other Governours to limitt the Allowance for a House to three hundred pounds Sterling, it was thought fitt to leave that of the Leeward Islands undetermined by reason of the Governours being obliged frequently to Transport himselfe from One Island to another : Yet Wee think the Sumes given by these two Acts too much to be allowed for house Rent.

Wee further take leave to observe, that these Acts were past as encouragements to the Governours Residing upon those Islands, But Wee find by the Extract of a Letter from Sir Charles Hedges of the first of August 1706 Communicated to Us, that Colonel Park is thereby Directed to make his Residence at St. Christophers or Nevis, or the rather at Nevis (where there is a house for the Governour) since by his Authority and Presence he will be better able to put an end to the Disorders that have been Committed and still continue to be Committed there.

1708.

Upon which Wee humbly Offer, that though it may be for the Incouragement of the Inhabitants of Nevis (who have very much Suffered by the French) That the Governour make his Abode on that Island, Yet it appears to Us more for Her Majestys Service that his Cheif Residence be at Antigoa That being the Windermost Island and from whence he may by Consequence more easily and speedily come to the Assistance of the others in Case of need, and therefore Wee pray Her Majesty would be pleased to Signifie Her Pleasure in this particular.

And if Her Majesty shall be pleased to permitt Colonel Park to make Antigoa the Cheif Place of his Residence, Then Wee humbly Offer That Her Majestys Royall Pleasure be Signified to Colonel Park that he may move the respective Assemblys in his Government That New Acts be past for Settling the Value of four hundred pounds Sterling per annum upon Her Majestys said Governour in Cheif for House Rent, to be payd in proportion to the Number of Days he shall Actually reside upon each Island respectively. [pp. 491-3.]

18 Jan.
Tobacco.

[1044.] [Extracts from a report of 1 July from the Board of Trade on the tobacco trade are referred:—to the Lord Admiral, a proposal that pursers in the Navy be restrained from buying foreign tobacco and obliged to buy such as has paid the full duty:—to the Secretaries of State to have proper applications made by her Majesty's ministers in the Courts of Spain, Portugal, Sweden and Muscovy for the encouragement of the tobacco trade:—to the Lord Treasurer, and also, for a legal opinion, to the Attorney, Solicitor and Advocate General, a proposal that neutral ships be permitted to load tobacco in this kingdom on the account of foreign merchants in amity with her Majesty and to carry the same directly to France and further.] [pp. 498-9.]

20 Feb.

[The Lord Treasurer presents a report from the Customs] That they find not any Law that hinders the Subjects of Neutrall Princes or States from Loading Tobacco here on Neutrall Ships and when they have done soe from Carrying it

1708.

(being not a Contraband Comodity) where they think fitt. [The proposal of the Board of Trade is accordingly approved, and fitting directions ordered to be given to the Customs, to the commanders of ships of war and privateers and to the Dutch Government for communication to their naval commanders also.] [p. 532.]

[1045.] [Extracts from a representation of the Board of Trade relating to Newfoundland are referred for the issue of the necessary directions—(1) to the Lord Treasurer an account by the agent for the company of soldiers at St. Johns of things required by them, viz.]:—

22 Jan.
Newfound-
land.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
One Years Pay exclusive of the Provision mony for the present Year 1708 amounting to	961	12	6
Three Years Contingent Mony ending the first of September next	150	0	0
Provisions for one Year, together with Mony in lieu of Malt and hops, as usuall.			

As likewise a Chest of Medicines to be provided by the said Agent as usuall, and to be Satisfied by a Deduction from the Company pursuant to Your Majestys Warrant in that behalfe.

There are also wanting Eighty Swords and Belts for the soldiers at Ten Shillings each ..	40	0	0
And 12 Spare ones at Ditto	6	0	0
	46	0	0

Which is to be Deducted out of the Off Reekonings included in the Years pay abovementioned. [p. 505.]

[(2) to the Master of the Ordnance to provide bedding for 80 men and take care that the supply be not again rendered rotten and unserviceable by its usage on shipboard:—and (3) to the Lord Admiral a proposal, in view of probable French retaliation for injuries inflicted on their fishery last season, that six ships be ready to sail in February with the ships going to Portugal for salt, and to depart thence by the first

1708.

of April, that two ships be ready by 1 March to sail with the fishing fleet from the Southern Channel, one with the Northern fleet from Milford Haven, and 2 others with the sack ships from Spithead by 10 May: that some of these cruise on the coast of Newfoundland during the fishery while others lie before the principal harbours; and that the convoys return as early as may be to secure the ships bound for foreign markets as well as those that come immediately home. Notice of the times of sailing is to be given in the Gazette, and the convoys are to make stay for no one, but sail with the first fair wind after the day named. It is also referred to the Lord Admiral to give orders for sending one year's provisions for the garrison at St. Johns with money in lieu of malt and hops as usual.] [pp. 505-7.]

1 Feb.

[On a letter from Mr. Birchett, Secretary to the Lord Admiral, it is ordered that notice of the time of sailing of the convoys be not published in the Gazette because it may give the enemy an opportunity of intercepting them, but that timely notice be given to the several ports.] [p. 521.]

22 Jan.
Pennsyl-
vania.

[1046.] [The Council refer to the Lord Chancellor the petition of Bridget, widow of Philip Ford, and her children], Setting forth, that William Penn Esq. had first Mortgaged and afterwards for 1065*l.* Conveyed to the said Deceased Philip Ford and his heirs Pennsylvania and other Lands in America, That the said Mr. Penn by his Power and Interest there retains the Possession from the Petitioners, whereby they are deprived of their Subsistance, and praying Her Majesty to Grant to the Petitioners Effectual Powers by Her Royall Letters Patents for the purposes Specified in the Letters Patents, Whereby the said Mr. Penn held the said Lands, and that Her Majesty would be pleased to Assist the Petitioners in the Putting and Quieting them in the Possession of the premises, and to prevent the said Mr. Penn from making any Sayles of any Parts thereof. [p. 508.]

15 April.

Report from the Right Honourable the Lord High Chancellor . . . Nothing. [Vol. IV. p. 59.]

1708.

[1047.] [The Council refer to the Board of Trade the petition of Samuel Cox, Clerk of the Naval Office in Barbados] Setting forth, That he had a Grant of the said Office under the Great Seal of England, and Enjoyed the same for severall years, but the present Governor Mr. Crow has seized on it as a perquisite belonging to him, And praying that his said Office may be Restored unto him and the profitts thereof.

22 Jan.
Barbados.

[p. 508.]

[1048.] [The Council refer to the Board of Trade the petition of James Bengar of Newfoundland merchant and Mary his wife praying examination of their complaint that they have been] unjustly and arbitrarily Dispossessed of a certain Plantation in that Country to them belonging. [p. 508.]

22 Jan.
Newfound-
land.

[Order is given in accordance with the report of the Board of Trade]—We have Examined the petitioners allegations, and heard severall Persons thereto and have likewise received the Affidavits of Capt. Tho. Claisby and other persons, The said Claisby having in the Years 1696, 1697 and 1699, been Commander of Your Majestys Ships the Lime and Mary Galley Employed in those respective Years at Newfoundland. Whereupon Wee humbly take leave to Represent to Your Majesty the State of the Case as it appears to Us From the said Affidavits, Vizt. :—

15 April.

That Sir David Kirke in the Reigne of Your Majestys Royall Grandfather King Charles the first was possessed of Ferryland and of a plantation there, called Pool Plantation, upon which he lived during his Life And that after his Death the same was possessed by His Widow, and after her Decease, by David Kirke, second Son of the said Sir David with the Consent of His three other Brothers.

That David Kirke continued in the peaceable possession of the said plantation for many Years together. But at Length permitted Philip his Younger Brother to enjoy it in Order to the Setting of him up in the World.

That upon the Death of Philip, who left no Issue and Likewise upon the Death of David, who was the petitioner Mary

1708.

Benger's first Husband, the said Plantation, by Davids Will, became Vested in Her and Her Heires ; but that before the said David Kirk Dy'd the Country was Invaded and plundered by the French and the said David Kirke and his Wife, with all the other Inhabitants of Ferryland, were taken and Carried away prisoners to Placentia.

That thereupon in the Year 1697, Captain Cleasby was sent to recover the Country ; and upon his arrivall found it Abandon'd and wasted And that while he was there the petitioner Mary Benger came to the Harbour of St. Johns, and related the Death of her said Husband, David Kirke, during his Imprisonment.

That after the Act of Parliament passed in 1698 relating to Newfoundland, the said Captain Cleasby was again sent to put the same Execution, Upon whose arrival, and also of Commadore Leake a Court was Opened for the Settlement of the properties of the Inhabitants, pursuant to the said Act, and upon proclamation made for any persons to come in and Claime Pool plantation aforesaid, a Master of a Fishing Ship appear'd and Insisted that he had a Right Thereto by Virtue of the said Act Under pretence that the same Was deserted and not Built upon ; But that upon a Hearing of the Matter before Commadore Leake and Captain Cleasby, it appeared that the said Mary Benger had a plain and full Right by a Continued and Long Succession of possession, and that during all that time the Stages Rooms and all other things requisite for the maintenance of the Fishery, were Annually erected and kept up and had been so then, if not unavoidably hindred by the Invasion, and there being carryed away to Placentia ; Upon which it was adjudged That she had an undoubted Right to the said plantation and a quiet possession thereof accordingly given her by the said Comadore.

That in all the time She has enjoyed the said plantation, no person appeared as Claimant thereunto, but the Master of the Ship aforesaid nor has any other person Offered to Disturb the petitioners, till of late when Major Lloyd as is

1708.

alleged in favour of ——— Kirke who claims as Heir at Law has not only forbid the Tenants to pay the Rent for the said plantation, but has also threatened to Dispossess the said Benger of Her Dwelling House and plantation at St. Johns.

For Our further information we sent to Mr. Merrett Agent for the said Major Lloyd to know if he had anything to Offer against the petitioners Claim who inform'd Us, That he had nothing to Offer in this Matter ; but that he has heard of it and believes it true that the petitioners have been Disspossessed, but knows not that it was by Major Lloyd's Order.

This being the State of the Case, as it appears to Us, wee take leave to Represent to Your Majesty That the petitioners have been Unlawfully Dispossess'd of the said plantation and humbly Offers That Your Majesty would be graciously pleased to send Order to the Commadore of this Year's Convoy, That he put the petitioners in possession of the said Plantation at Ferryland, unless full and sufficient Proof be made to him that the petitioners were not in actual and Quiet possession pursuant to the said Act of Parliament, according to the aforesaid State of the Case.

[Vol. IV. pp. 56-7.]

[1049.] [On a representation of the Board of Trade of 5 Jan on a clause in the Revenue Act disallowed this day as to the admeasurement of ships, it is ordered that a letter be sent to the Governor of Virginia directing the passing of a new law to that end in accordance with the rule of the British Act of 1695 if practicable in those parts : otherwise, according to the method prescribed in the representation.] [p. 519.]

25 Jan.
Virginia.

[1050.] [The Council refer to the Lord Treasurer the petition of Captain Richard Long for payment of 80*l*.] which he disburst in the Reign of his late Majesty when he was sent Commander of the ship Rupert Prize, to make Discoverys on the Coasts of America. [p. 534.]

20 Feb.
America.

[1051.] [The Council refer to the Lord Admiral the petition of Capt. Arthur Holdsworth, Capt. Moxham, Capt. Hayman,

23 Feb.
Newfound-
land.

1708.

and others owners of the ship *Grand Canary*, praying, in consideration of their good services in Newfoundland, that 350*l.*, the proceeds of the *St. John Baptista*, a prize taken by the said ship while on loan in her Majesty's service, may be divided between them and the lieutenants and men who were the captors.] [p. 544.]

10 May. [In accordance with the Lord Admiral's report, the ship and lading are awarded to the petitioners after deduction of the Lord Admiral's tenths and other incident charges. The report is based on the opinion of Sir C. Hedges, Judge of the Admiralty, who said]—"I do find that the ship *Grand Canary* was a prize ship sold at Newfoundland and fitted out there by the Petitioners upon a Cruize in pursuit of a French Privatier on that Coast, at their own Charge, and mann'd by Capt. Underdowne Commander in Chief at Newfoundland and Major Lloyd Commander of Her Majesty's Garrison there, upon the representation and at the request of the Inhabitants and Traders. . . .

I do further find, that by this ship so fitted and mann'd, the Coast was cleared of the Enemies Sloops, and the Prize called the *St. John Baptista* laden with Fish was taken and carried to Newfoundland, and afterwards sold there, for Four hundred and One pounds, and that the said summ belongs to Your Royall Highness as a perquisite of the Admiralty, the said Ship *Canary* which made the Capture, having no Commission, But I am humbly of Opinion the Service was so well undertaken and performed that the petitioners may reasonably hope Your Royall Highness will give so favourable an Ear to their request as may not only compensate their Charge and hazard but also be such a reward for their zeal in this service as may be an encouragement for the like attempts upon the Enemy for the future.

[Vol. IV. pp. 76-7.]

29 Feb.
Plantation
Trade.

[1052.] [The Council refer to the determination of the Lord Admiral the petition of Sir Thomas Webster and others], setting forth, That they have fitted out and with great

1708.

expencc Cleared at Gravesend ever Since the 26th day of January last, the Ship Alexander Gally with a very considerable Cargo for Guinea, and from thence designed with Staves to Potuxant River in Maryland, and takeing the Opportunity of sailing in Company of three Dutch Men of Warr from the Downs to Portsmouth, all Her Men as well as Her Carpenter were taken from Her to serve on board the Berwick to the Distruction of the Voyage and great Losse and Damage of the petitioners, and therefore praying that the said Men may be restored, and the Ship permitted to proceed in Her Voyage. [p. 548.]

ANNE, VOL. IV. (5 March 1708—31 May 1710.)

[1053.] Upon reading this day at the Board the humble 26 March. petition of Sir William Dains, and Hugh Heyward of Bristol, Ship passes. Setting forth that they have fitted out in the said port of Bristol, on Trading Voyages the Ships Levant Gally to Jamaica, and Stonehedge Gally to Barbadoes, praying her Majesty to order to the Governours, That they may not be Embargoed there, nor in any other of Her Majesty's Plantations in America. It is Ordered by Her Majesty in Council, that It be, and It is hereby referred to His Royal Highness Lord High Admiral who is desired to Cause the allegation of the Said Petition (a Copy whereof is hereunto annexed) to be Examined, and to Report to Her Majesty at this Board His Royal Highness's Opinion Thereupon. [pp. 35-6.]

[The Lord Admiral] having made report, That he has no 1 April. objection to the Petitioners request, And it having been this day taken into consideration at the Board, It was thereupon Ordered by Her Majesty with the advice of Her Privy Council, That the said Ship Levant Gally be not detained or Embargoed in Jamaica nor in any other of Her Majestys Plantations, But that she be permitted to Depart when the Commander of the said ship shall think fit; And the Governour

1708.

or Commander in Cheif for the time being of Her Majestys Colonys or plantations in America and all others whom it may concerne, are respectively to take Care of this Her Majestys Pleasure and not to lay any stop or embargo on the said ship, but to permit her to proceed in Her said Voyage accordingly.

A like Order upon the Petition of Hugh Hayward for the ship Stonehedge Galley Burden 80 Tons four Guns and 20 men Samuell King Commander Bound to Barbados.

[N.B. All other petitions follow this model. We have given simply the name of the ship, her tonnage, the name of the master, number of guns and men, and destination. In the case where a name precedes that of the ship, it is that of the owner who petitions. The entries in the Register get more and more brief, till they are little longer than our own formula.]

[Jonathan Scarth: *Mary and Anne*, 200, Daniel Maud, 16 Men, to Maryland; referred 15 April [p. 52]; granted 22 April [p. 68]. Thomas Lloyd: *Mitford*, 250, Wm. Foule, 10 guns and 19 men, to Virginia; referred 15 April [p. 52]; granted 25 April [p. 69]. Matthew Jones and John Alston of London: *Mary* galley, 130, William Smith, 4 guns and 20 men, to the plantations in America; referred 26 June [p. 119]; granted 11 July [p. 133]. Alderman Wm. Swymmer of Bristol: *Swift* galley, 200, John Good, 12 guns and 40 men, to Jamaica and other plantations; referred 8 August [p. 150]; granted 18 Aug. [p. 157]. *Colchester Adventure*, 220, Jeremiah Sampson, 8 guns and 20 men, to Maryland; *Providence* galley, 100, Thomas Johnson, 10 guns and 25 men, to Guinea and Maryland; *Dolphin* galley, 140, Samuel Payne, 10 guns and 26 men, to Guinea, Virginia, and Maryland; referred 6 Oct. [p. 172]; granted 17 Oct. [p. 175]. *Ann and Francis*, 300, George Wray, 14 guns and 24 men, to Virginia; referred 5 Dec. [p. 217]; granted 12 Dec. [p. 219]. Richard Perry: *Averilla*, 300, Robert Hurst, 12 guns and 24 men, to Virginia; referred 12 Dec. [p. 220]; granted 30 Dec. [p. 223]. John Hyde, — Wharton, John Scarth, John Faulconer: *Hercules*, 100, Jos. Burrell, 4 and 10; *Baltimore*, 300, Barthol. Whitehome, 14 and 30; *Ann and Mary*, 200, David Greenhill, 6 and 18; *Fame*, 400, Walter Hoxon, 18 and 36; *William and Mary*, 260, John Smith, 10 and 22; *Mary*, 280, Stephen Yoakley, 12 and 24; *Maryland Factor*, 250, Wm. Crissoope, 10 and 20; *Thomas and Sarah*, 220, Ephram Stephens, 6 and 13; *Eagle* pink, 200, Stephen Robins, 2 and 14; *Nicolson*, 370, Francis Partis, 18 and 30; *Young St. Quinton*, 140, Thos. Hunt, 4 and 12; all to Maryland; referred 9 Jan., 1709 [p. 236]; granted 27 Jan. [pp. 254-5]. *Briannia*, 300, John Wilcox, 6 and 24, to Virginia and back; referred 9 Jan. [p. 236]; granted 27 Jan. [pp. 254-5]. *Anne*, 160, John Hales, 6 and 15; *Bradley*, 250, Richard Burridge, 14 and 24; *Carter*, 400, Geo. Beveridge,

20 and 30; *Herbert* galley, 350, Valentine Wye, 10 and 50; *Jonathan and Anne*, 300, Francis Watson, 2 and 25; *Friendship*, 250, Wm. Clarke, 2 and 18; all for Virginia and Maryland; the *Diamond* galley, 140, John Burroughs, 10 and 20; the *Henbury*, 120, John Stone, 8 and 16; both to Barbados; the *Colchester*, 500, Thos. Wilkinson, 30 and 40, to Jamaica; all referred 3 Feb. [p. 257]; granted 13 Feb. [p. 259]. *Union*, 400, Chas. Burroughs, 24 and 40, to Jamaica; *Leopard* galley, 150, Richard Child, 8 and 24, to Leeward Is. and Jamaica; *Francis*, 200, John Walker, 10 and 25, to Virginia and Maryland; *Bond*, 400, Peter Blackiston, 18 and 35, to Virginia and Maryland; *Sarah* galley, 200, James Atkinson, 12 and 27, to Virginia and Maryland; *Margaret*, 250, James Tribby, 20 and 40, to Guinea and Maryland; *Lusitania*, 400, John Wentworth, 24 and 40, to New England and Barbados; *Endeavour*, 180, Thomas Dansie, 10 and 20, to Virginia and Maryland; *Edward and Mary*, 350, John Cotterell, 16 and 28, to Maryland; *Providence*, 300, Richard Hunkin, 6 and 18, to Maryland; *Mary* brigantine, 50, Henry Vir, 8 men, to Virginia; all referred 3 Feb. [p. 257]; granted 13 Feb. [p. 259]. *Blenheim* galley, 100, Edward Hollister, 4 and 16, to Jamaica; *Mattapony* galley, 100, ———, 4 and 14, to Barbados and Virginia; *Gloucester* galley, 150, Joseph Lymen, 10 and 20, to Virginia; *Hopefor Betty*, 280, John Welch, 12 and 25, to Virginia; *Fortitude*, 220, Edmond Forrester, 12 and 18, to Virginia; *York Merchant*, 400, Samuëll Ingram, 20 and 40, to Barbados; *Elizabeth* galley, 100, Silvanus Grevell, 0 and 14, to West Indies; *Betty* brigantine, 50, Isaac Lowry, 0 and 8, to West Indies; *Wharton* galley, 40, John Drysdale, 8 and 14, to Carolina; *David and Joseph*, 400, Wm. Arnold, 28 and 50, to Lisbon and America; all referred 16 Feb. [pp. 262 and 264]; granted 10 April [pp. 299-300]. *Watervall*, 50, Henry Thoinnton, 4 and 10, to Jamaica; *Richard and James*, 350, Richard Johnson, 26 and 70, to Plantations; *Harrison*, 360, Edw. Botting, 20 and 30, to Virginia; *Jamaica Merchant*, 100, Cha. Burnham, 12 and 16, to Jamaica; *Society*, 80, Joseph Veazey, 6 and 12, to Virginia; *Hester*, 200, Daniel Groom, 16 and 30, to Virginia; *Pearl* galley, 100, Fran. Pinnell, 4 and 16, to Antigua; *Friendship*, 60, John Moody, 0 and 15, to Jamaica; all referred 8 Aug. [p. 405]; granted 22 Aug. [p. 418]. *Friendship* galley; *James and John*; *Richard* galley; *Mary*; marginal note says, "Not issued"; *Elizabeth and Martha*, 400, Robert Redhead, 20 and 45, to West Indies; referred 18 Nov. [p. 474]; granted 27 Nov. [p. 480]. *Corbin*, 300, Walter Cock, 10 and 26, to Virginia, etc.; *Page* frigate, 400, Josuah Cock, 16 and 40, to Virginia, etc; *Expedition*, 160, George Cock, 6 and 16, to Plantations; *Newland* galley, 130, Henry Inverser, 10 and 28, Barbados, etc.; *Francis*, 220, John Walker, 10 and 30, to Virginia; *Honest Endeavour*, 80, Francis Fisher, 4 and 12, to Barbados; *Hester*, 200, John Vicary, 12 and 40, to Leeward Is.; *Charles* frigate, 350, John Beezley, 15 and 35, to Maryland; *Baltimore*, 350, Barth. Whitehorne, 15 and 36, to New York; *Friend's Good Will*, 350, Richard Read, 15 and 36, to Maryland; *Betty* frigate, 350, John Hunt, 10 and 26, to Antigua; *Lusitania*, 500, John Wentworth, 24 and 40, to New England and Barbados; *Granville* frigate, 350, James Waldie, 24 and 40, to Barbados; *Offley* frigate, 250, Samuel Cousins, 16 and 20, to Plantations; *Essex* frigate, 450, Wm. Evance, 12 and 30, to Virginia, referred 1 Dec. [p. 484]; granted 15 Dec. [p. 490]. *Mary*, 250, Stephen Yoakley, 14 and 25, to Leeward Is.; *New Edward and Mary*, 350, John Cotterell, 16 and 26, to

546 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

Maryland; *Providence*, 250, Edw. Haukin, 8 and 18, to Maryland; *Newport* galley, 150, John Faulkinham, 10 and 20, to Barbados; *Granville* frigate, 350, James Waldie, 24 and 40, to Barbados; *York Merchant*, 350, Ch. Bartelet, 24 and 40, Plantations; *Elizabeth*, 170, Stephen Ashbie, 10 and 16, to Jamaica; *London* frigate, 380, John Swan, 26 and 40, to Barbados; referred 3 Jan., 1710 [p. 501]; granted 5 Jan. [pp. 507-8]. *Medford*, 250, Wm. Fowle, 10 and 24, for New York, Maryland, etc.; *Robert and Thomas*, 320, James Bagwell, 16 and 30; *Crow*, 300, Richard Hubbard, 16 and 30; *Providence* pink, 120, John Beale, 4 and 14; *Marlbrow* hag-boat, 303, John Hunt, 10 and 30, for Plantations; all referred 22 Jan. [p. 514]; granted 26 Jan. [p. 523]. Joseph and Robert Jackson: *Good Will*, 250, 10 and 20, to Virginia and Maryland; *Herbert* galley, 300, Valentine Wye, 20 and 60; *Jeremiah and Anna*, 230, Rob. Alain, 20 and 30; *John* hagboat, 230, Solomon Summerskell, 16 and 30; *South River Merchant*, 250, John Reas, 6 and 20; *Henbury* galley, 250, John Stone, 12 and 35; *Canterbury*, 200, Roger Lamming, 14 and 24; *Friendship*, 180, Geo. Harris, 6 and 12, for Plantations; referred 18 Feb. [p. 538]; granted 26 Feb. [p. 543].

5 March. [1054.] . . The humble petition of several Gentlemen in Barbados. England who are Proprietors of very Considerable Plantations in . . Barbadoes [is ordered to be laid before her Majesty by the Earl of Sunderland] for Her Royal Pleasure and Directions Therein, So farr as particularly relates to the Force desired by the Petitioners. [p. 5.]

26 June. [A report from the Board of Trade on an address from Barbados for a regiment of foot to be sent thither is to be laid before her Majesty by the Earl of Sunderland.] [p. 108.]

26 March. [1055.] [Reference to Committee for Appeals of Colonel Barbados. John Holder's petition to be allowed to appeal from] the proceedings of the Commissioners appointed for the putting in Execution an Act lately passed There for Repealing a former Act, Establishing a Bank and paper Credit in [Barbados]. [p. 32.]

20 May. [Reference to the Committee for Appeals of the petition of William Sharpe, President of the Council of Barbados and one of the Commissioners for executing the Act, praying that Holder's petition be dismissed in regard he does not prosecute it.] [pp. 95-6.]

28 May. [Committee Minute. Both parties ordered to be heard on 30 June.] [p. 101.]

1708.

[Committee minute recommending that Holder's petition be dismissed and the Act put into execution. (Mr. Holder was Treasurer of the island and Manager of the Bank.)]

13 Dec.

[p. 220.]

[Order accordingly.]

[p. 224.] 30 Dec.

[1056.] [Upon a representation from the Board of Trade of 23 March, order is sent to the Governor of Maryland to move the Assembly to pass an Act similar to that approved for Virginia on this date (*see* Appendix). Two Maryland Acts dealing with the subject of tobacco hogsheads are disallowed, because] The first . . . doth Enact . . . That no Tobacco Hodgsheads shall exceed Fourty Eight Inches in Length, and Thirty two Inches in the Head, and that in case any person shall make Hodsheads of a Larger Demension he shall forfeit One hundred pounds of Tobacco for each Hodgshead so made which the merchants complain of as a great Hardship upon them for though by this Maryland Act, their Hodgsheads exceed those of Virginia but two Inches in the head Yet in the Loading of a ship the Difference is Considerable for a ship built to carry 7 Hundred Virginia Hodgsheads cannot Load above Six hundred of those of Maryland, Besides that very often such ships do take in part of their Lading in Virginia and part in Maryland so that by reason of the Different Sizes of the Cask the Masters cannot take in their full Lading, nor stow the Cask so conveniently and without Loss of Room, as if they were of an equall Size which is a great Discouragement of the Navigation of this Kingdom.

1 April.
Maryland.

The second Law enacts, That every Master of a Ship, taking freight shall give Bond with One Surety in the sume of Two hundred pounds Sterling that he shall not for that Voyage, cut, Cropp, lessen, Diminish, Deface, or Impair any Tobacco Hogsheads taken on board his said ship or suffer the same to be done under the penalty of Three pounds Sterling for every hodgshead so defaced, This the Merchants complain of as an other Hardship upon them for the penalty upon those that shall make the Hodgsheads larger than the Size in the

1708.

aforementioned Act is to forfeit but one hundred pounds of Tobacco amounting to about Six Shillings Whereas the penalty for defacing or Endamageing a Hodgshead in the Stowing, being Three pounds Sterling, is more than the Value of Hodgshead of Tobacco there which the said Commissioners Conceive to be unreasonable ; for the Large Size of Maryland Hodgsheads, abridges the Masters to Use Screws to squeeze them in their Stowage which is liable to be interpreted a Defacing or Endamaging the said Cask ; And therefore Wee humbly Offer to Your Majesty That this Law be also repealed.

[pp. 47-8.]

1 April.
Antigua.

[1057.] [Reference to the Committee for Appeals, of the] Petition of Thomas Elliot and Elizabeth his Wife John Earle and Sarah his Wife and Mary Ligham Spinster, Complaining of Severall unjust proceedings against them in relation to their Right to two plantations called Blubber Valey and Musketto Cove in Her Majestys Island of Antegoa particularly of a certain Verdict and Judgment given at a Court of Common pleas held in the said Island, the 15th of July last, from which the petitioners have appealed, and humbly pray that before the said Appeale be heard and Determined, Her Majestys Governor there be Directed to Examine into the said Indirect and unjust practices, and to Transmitt his Report of the same, and of such affidavits as may be taken therein to Her Majesty at this Board, in Order to their being relieved.

[p. 48.]

30 June.

[Committee Minute—granting the petition and giving the requisite orders to Col. Park.]

[pp. 123-4.]

(1709.)

2 May.

[Committee minute on considering Col. Park's report, and hearing both parties, recommending dismissal of the appeal as irregularly brought.]

[p. 312.]

19 May.

[Order accordingly.]

[p. 317.]

15 April.
St.
Christopher.

[1058.] [Reference to the Board of Trade of the petition of Mary Bowden, widow, of St. Christopher], Complaining

1708.

of very great Hardships sustained there by the Unjust and severe Usage of Collonel park Governor in Chief . . . who has Dispossessed her of a very Considerable Estate and Converted the same to his Own Use [and seeking relief].

[p. 52.] (1709.)

16 Feb.

[The complaint appearing, on examination by the Board of Trade, to be false and scandalous, it is dismissed] And the Governour Left at Liberty to take his Remedy against the petitioner if he thinks fitt, for the Groundless and Vexatious Complaint.

[p. 262.]

[1059.] [Reference to the Board of Trade of a petition of Jamaica planters and merchants] Complaining of severall unjust and vexatious proceedings that have been obtained there by the Contrivance of some ill designing Men and Common Informers, And that severall Writs of Escheats have Issued out of Her Majesties Supream Court of Judicature there for Trying the petitioners Title to their Lands and Negroes notwithstanding they have held and enjoyed the same many Years, And that when Judgment was given for her Majesty upon such Writs the said Lands and Negroes have been Granted by the Governor there to the said prosecutors and Informers, [and praying restoration of estates thus illegally seized and discouragement of such proceedings for the future.]

15 April.
Jamaica.

[p. 54.]

[Similar reference of a petition of Colonel Richard Lloyd of Jamaica, who has been informed by his agents there] that a Writ of Escheat is Issued out against 18 or 19 of the said Slaves upon pretence that his Title is defective.

[pp. 54-5.]

[On the report of the Board of Trade of 15 June, order is given for sending instructions to the Governor] not to proceed against or Molest the petitioners or any other Her Majestys Subjects there on Account of Escheats or forfeitures of Lands or Negroes without Good and sufficient ground for his so doing, and for the More strictly Observing his Instructions relating to Escheats and Forfeitures for the future. [Order

26 June.

1708.

is also given, in accordance with the report, for stopping proceedings and forwarding a state of the case of Capt. Samuel Jones, who has made affidavit that his estate of about a thousand acres was seized for arrears of quit rent, due to an agent's negligence, and bestowed on John Stewart, to whom it had been promised by the Governor. Jones claims that he had always had sufficient effects in the island upon which distraint should legally have been made; that the arrears have since been tendered and refused; that the case has been continued from court to court, and that at last, despite a verdict in the petitioner's favour, the Receiver General refuses to accept the quitrents, so that the deponent is still in fear of new trouble in this affair.] [pp. 117-8.]

18 Aug. [Additional Instruction to the Governor in this matter approved.] [p. 155.]

22 April. [1060.] [Reference to the Solicitor General of a representation of the Board of Trade of 17 June last] relating to the security of the Bahama Islands the Scituation whereof being soe highly Beneficiall and Advantageous to this Kingdome. [p. 64.]

30 Dec. [Reference to the Board of Trade of the] Petition of the Merchants and Comanders of Ships trading to, and living on the Continent of North America, and on the Island of Jamaica and also of the distressed Inhabitants of the Bahama Islands, Complaining that notwithstanding the great Advantages the Bahama Islands may yield to the Crown of Great Britain and the Subjects thereof, they have been deserted by their Proprietors, their Fortifications demolished, and the Inhabitants deprived of all manner of Defence or Form of Government among them. And therefore Praying Her Majesty wilbe graciously pleased to take the said Islands into Her immediate Protection and Government, and to cause the Harbour of New Providence to be fortified for securing the Petitioners Trade in their Passage through the said Islands, and the Gulph of Florida. [p. 224.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 551

- [The Board of Trade having presented their report with the opinion of the Attorney and Solicitor General, further consideration of the business is referred to the Attorney and Solicitor General.] [p. 257.] 1708.
(1709.)
3 Feb.
- [On a report from the Attorney and Solicitor General, and a representation from the Board of Trade, the petition is granted, and orders given for putting it into execution.] (1710.)
26 Jan.
- [p. 527.] (1710.)
28 Aug.
- [The report is again approved and referred back to the Attorney and Solicitor General to devise the best way of putting it in speedy execution.] [V. p. 88.] (1710.)
5 Oct.
- [The representation of the Board of Trade and the scheme thereto annexed are referred to the Ordnance.] [V. p. 113.] (1710)
2 Nov.
- [On the proposal of the Ordnance, orders are given for the engineer now at Jamaica to be carried to New Providence and back by one of her Majesty's ships now cruising there, and that he make a survey and estimate of the charge of putting the fort into a serviceable condition for securing trade.] [V. p. 146.] (1711.)
19 Dec.
- Report from the Board of Ordnance relating to the Fortifying of New Providence, Read. [V. p. 351.]
- [1061.] [A memorial being received from Lord Lovelace, the newly appointed Governor of New York, an extract relating to stores required for that province is referred to the Ordnance, and one relating to a present for the Indians, to the Lord Treasurer.] [p. 73.] 10 May.
New York.
- [The Ordnance report and estimate of 18,158*l.* 15*s.* 8½*d.* is referred to the Lord Treasurer.] [p. 108.] 26 June.
- [In accordance with the Lord Treasurer's report, orders are given that the most necessary stores to the value of 6782*l.* 15*s.* 2½*d.* be forthwith sent to New York: and that the Governors of plantations be directed to transmit to the Ordnance], as soon as may be, an Account of the Remains 25 July.

1708.

of all the Ordnance Stores in their respective Governments; and also to send like Accounts Once a Year (and oftner if it shall be found necessary) . . . [pp. 142-4.]

10 May.
New York.

[1062.] [Orders are given in accordance with the following report of the Board of Trade of 28 April]:—Having in Obedience to Your Majesties Commands signified to Us by the Right Honorable Mr. Secretary Boyle, considered the petition of Joshua de Kocherthal, the evangelical minister, in behalf of himself and several poor Lutherans, come hither from the Lower Palatinat in Germany praying to be Transported to some of Your Majestys plantations in America, We humbly take leave to Represent to Your Majesty, that they are in Number Forty One Vizt. Ten Men, ten Women, and twenty One Children, That they are very necessitous and in the utmost Want, not having at present any thing (but what they get by Charity) to subsist themselves, That they have been reduced to this Miserable Condition by the Ravages committed by the French in the Lower Palatinat, where they Lost all they had; That they have produced to Us several Testimonials from the Bayliffs or principal Magistrates in the Villages where they dwelt, which, by the Assistance of the Ministers of the Lutheran Church here, We have Examined, and find they give a good Character of the said Minister and the others with him, Whereupon We would have Offered, that these people might be settled in Jamaica or Antego, there being large Tracts of Land not taken up or Inhabited, and great Want of white people; But in regard that the Climate of those Islands is so much hotter than that part of Germany from whence they came, it is to be fear'd, it may not be agreeable to their Constitutions; And therefore We humbly propose, that they be sent to settle upon Hudson's River in the province of New York, where they may be Usefull to this Kingdom, particularly in the production of Naval Stores, and as a frontier against the French and their Indians: and this Your Majesty may be enabled to do by granting them the usual Number of Acres of Land, if Your

1708.

Majesty shall please to Confirm the Act passed at New York the 2d of March 1698; Entituled An Act for Vacating Breaking and Annulling Several Extravagant Grants of Land made by Colonel Fletcher late Governor of that Province, as We humbly offered to Your Majesty by Our Representation of the 29th of July last, without which, there is no Land, but what is Engrossed by the Patentees of the foresaid Extravagant Grants.

And in Case Your Majesty shall approve of their going to New York, We humbly represent to Your Majesty, that the Cheapest way of Transporting them, will be in the Man of War and Transport Ship, that shall be ordered to go with the Lord Lovelace, for We do not find, they can be carryed thither, by any other way, under Eight or Ten pounds per head, for the Men and Women, and proportionably for the Children.

And We further humbly Offer, that they be supplied here with the Necessary Tools for Agriculture, to be sent with them, to enable them to begin and make Settlements.

As these people are in the Utmost necessity, they will not be able to subsist there, till they can reap the fruit of their Labour (which will not be till after One Years time) unless assisted by Your Majestys Bounty, or that the province of New York contribute towards their Maintenance during that time, but as We are informed that province is at present very poor and much in Debt, there will be no Reason to Expect any great Supply from thence.

We further offer, That before their Departure they be made Denizens of this Kingdom, for their greater Encouragement in the Enjoyment of the priviledges accruing by such Letters of Denization. [pp. 74-5.]

[1063.] [Orders are given in accordance with a report of the Board of Trade of 19 May], made pursuant to an Address of the house of Commons on the 13th of March Last. In Obedience to Your Majestys Commands Signified to Us by the Right Honorable Mr. Secretary Boyle the 3d Instant, Wee have

20 May.
Newfound-
land.

1708.

Considered of the Address of the House of Commons to Your Majesty of the 31th March last humbly beseeching Your Majesty to give directions that the Laws relating to the Trade and Fishery of Newfoundland may be Effectually put in Execution against such Commanders of Her Majesty's Ships of Warr and of the Forts, or Fortifications there, as have, or shall presume to exact demand, or receive any sune, or sums of Money, or other reward from any of Your Majesties Subjects in their Voyages, Trade, and Fishery to, from or at Newfoundland; and that the Commanders and Officers be strictly forbidden to keep, Use or Employ any Fishing Boats for their Own private Use or Advantage, as Likewise that the Laws relating to the said Fishery be put in Execution against all other persons who shall offend therein.

Upon which Wee humbly take Leave to represent to Your Majesty that as to what relates to the Commanders of Your Majesties Ships of Warr no complaint has been made at this Board of their having exacted, demanded or received any Money or other reward from your Majesty's Subjects trading at, to, or from Newfoundland, But in regard such Corrupt practices do very much tend to the Discouragement of a Trade so Beneficial to this Kingdom, they ought to be strictly forbidden; Wherefore, if upon Complaint and due proof, it shall be found that any Commanders of Your Majestys Ships of Warr have been Guilty thereof, Wee Cannot but think they have justly Incurred Your Royall Displeasure and are punishable by the Loss of their Severall and respective Employments or otherwise according to the Discipline of Your Royall Navy; And Wee are humbly of Opinion, that they may be further proceeded against, upon the 13th Article in an Act of the Thirteenth Yeare of King Charles the Second Entituled An Act for the Establishing Articles and Orders for Regulating and better Government of His Majesty's Navy, ships of Warr and Forces by Sea, Whereby it is provided "that if any such Commander shall Demand and exact any Money or other Reward from any Merchant or Master for Convoying of any

1708.

such ships or other Vessells belonging to Your Majesties Subjects, he shall be Condemned to make reparation of the Damage to the Merchants, Owners and Others, as the Court of Admiralty shall Adjudge; and also be punished criminally according to the Quality of his Offences, as shall be adjudged fitt by a Court Martiall."

As to what relates to the Commander of the Forts at Newfoundland, We further humbly Represent, that upon severall Occasions wee laid before Your Majesty the ill Consequences that may attend such Commanders, Trading by Himselfe or by any other person for his Benefitt, during his stay there; Whereupon Your Majesty was pleased to send an Instruction to Major Lloyd the present Commander of the said Forts and Garrisons dated 11th of Aprill 1706, Directing that neither he nor any Other Officer there, by themselves Agent or Factor, should Carry on any Trade during their stay in Newfoundland, to prevent any further Complaint of his or their Engrossing the Trade to themselves, and forestalling the Markett to the great Discouragement of the Merchants and Western Fishermen. Notwithstanding which Instruction, We have been Inform'd that Major Lloyd has, by his Agents, Traded very Considerably; But as the Examination into that Matter is still depending, We cannot at present lay before Your Majesty a full Account thereof; however We beg leave to mention that We have Several Affidavits that Major Lloyd has let the soldiers out to hire, during the Fishery, taking to himself three fourth parts of their Wages, and that he has, during the two last Summer Seasons, laid a Duty of three Quintals of fish upon every Fishing Boat, and the like upon the Inhabitants, under pretence that the same is for a Maintenance to the Minister there, which if duly Collected, would amount (as is suggested in the Affidavit) to fourteen of fifteen Hundred pounds Sterling a Year; Whereas We have been informed that the Minister has not One Hundred pounds a Year out of the said Collection. All which when more fully examin'd We shall humbly lay before Your Majesty, for Your Royal pleasure therein.

1708.

Upon this Occasion We further beg leave to Represent to Your Majesty, that in Our Opinion the most proper Method to prevent the Arbitrary proceedings of Commanders of the Forts and Garrison in Newfoundland, with relation either to that ffishery, or to the Good of the Inhabitants, is by giving the Commodore of the Convoy for the time being, a Commission with Power to Command at Land, during his stay there, as was practised from the time of the first sending over of a Garrison, till about three Years ago, when that method was discontinued.

One Reason for such a Method, is, that there is no Governor or other person Commissionated by Your Majesty, to see good Order kept among Your Majesty's Subjects there (who are very numerous, during the Fishing Season) whereby frequent Complaints have been made, as well by the Soldiers against their Officers, as by the Planters and Inhabitants against both Officers and Soldiers; so that, without some such power, the said Officers and soldiers will not be under a due Disciplin, nor will the Inhabitants and Fishermen have a speedy Redress of such Abuses as shall be put upon them. And We further think that such a Commission Annually to be granted to the Commodore of the Convoy will contribute very much to the Security of the Forts there, by enabling him to demand an Inspection and Account of the Stores, Ammunition and Provisions, and by viewing the Condition of the said Forts, and taking the Muster Rolls of the Company there.

To which foregoing Reasons, it may be added, that such a Power lodged in the Commodore, will enable him to make more full and sufficient Returns to the several Heads of Inquiry, Yearly given him in Charge, with Regard to the Fishery and Inhabitants there than what have hitherto been made.

As to the putting the Laws relating to the said Fishery in Execution against all other Persons who shall offend therein, We humbly Represent to Your Majesty, That there are several Abuses still practised by the Masters of Ships, and by the Inhabitants, contrary to the Directions of an Act past in the

Tenth and Eleventh Years of His late Majesty's Reign,
Entituled, An Act to encourage the Trade to Newfoundland Vizt.

The Inhabitants do continue to rind the Trees.

They ingross and incroach upon Fishing Ships Rooms.

They frequently in the Winter destroy Several of the
Stages, Flakes and Cook Rooms.

The Fishing Admirals are very negligent in seeing the Rules
and Orders concerning the Regulation of the Fishery, duly
put in Execution and in keeping Journals of the Fishery, or in
transmitting Copies thereof to Your Majesty's most Honourable
Privy Council as directed by the said Act.

The said Fishing Admirals being Traders themselves, are
very partial in their Determination of Differences. And the
Appeals from their Sentence to the Captains of Your Majesty's
Ships of War are seldom heard, by reason of their Arrival so
late in the year at Newfoundland.

Lastly, Masters of fishing Ships and of By-Boats do very
often neglect to produce Certificates of their having their
Complements of Green Men or fresh men, as by the said Law
they are required to have, for the better Increase of Seamen.

All which Offences have been committed in manifest
contempt of Law, the Offenders having been encouraged
thereto, in regard there is no particular penalty, or Reward
to any prosecutor expressed or given in the said Act; And
for the same Reason the like Offences may still be continued
to the great prejudice of that Fishery, unless prevented by
a due Execution of the Law, in punishing such persons as
shall for the future offend therein. Though We made no doubt
but this might be done, Since every Breach of a Law is
punishable, though no particular penalty be adapted to that
Offence; yet on this Occasion, We consulted Your Majesty's
Solicitor-General, who is of Opinion, That tho' there be no
particular Penalty mentioned in an Act of parliament requiring
or prohibiting the doing of any thing, yet if any person shall
offend against such Acts, he may be Fined at the Discretion
of the Court, upon being found Guilty on an Indictment or

1708.

Information which may be exhibited against him for acting contra Formam Statuti. Wherefore if Your Majesty shall think fit to approve of what is before proposed in relation to the Commodores having a Commission to Command at Land, during his stay in those parts, We humbly offer that he be fully impowered thereby to redress and punish all such Abuses or Offences as shall be committed at Newfoundland, contrary to the said Act in such Manner as the same have formerly been or lawfully may be redressed or punished according to the known Usage or Customs there, and that in all other Cases not to be redressed there, he be strictly required to inform himself whether the several Directions and provisions in the said Act, particularly those relating to the Complements of Green Men or Fresh Men, as likewise the keeping of Journals by Admirals of Harbours, be duly observed and complied with, and if he shall find they are not then and in such Case to transmitt to One of Your Majesty's Principal Secretarys of State, and to Your Commissioners for Trade and plantations, the Names of the Several persons so offending, with a particular and exact Account of their respective Offences, and how proved, to the end such Offenders may be proceeded against and punished here according to Law in such manner as is before mentioned.

We further humbly offer to Your Majesty, that the Collector or other Principal Officer of the Customs in every Port of this Kingdom, from whence any ffishing Ship or By Boat shall sail, on account of the said Fishery, be required to transmit to the Commissioners for Trade and plantations every Year (or oftner if need be) Compleat Lists of the Names of all Masters of such Fishing-Ships and By-Boats, distinguishing therein the Names of such Masters as have duly complied with the Directions in the said Act, with regard to their respective Complements of Green Men or Fresh Men, and of their having made Oath, and taken out a Certificate thereof, as the said Act directs, and of such others who shall refuse or neglect so to do.

1708.

And to the end all persons concerned in the said Fishery, may have due Notice of Your Majesties Royall Intentions, at the humble suit of Your Commons in Parliament, to put the said Act in Execution against all such who shall for the future offend therein, We must humbly submit it to Your Majesty, whether according to Your Majesty's wonted Justice and Goodness, it may not be convenient to Issue Your Royall Proclamation for the better putting in Execution and observation of the several Matters and things in the said Act, contained, upon pain that every person thereafter offending shall be proceeded against and punished according to Law.

On this Occasion We must further beg leave to Represent to Your Majesty, that considerable Quantities of Wine, Brandy, Salt, Oyl, French Linnens, &c., are carryed to Newfoundland by the ships that fetch salt from Portugal, which Goods are trucked at Newfoundland with the Masters of New England ships for Tobacco, Sugar, and other enumerated Goods which are then carryed to portugal and other Foreign Markets in the Streights; This illegal Trade (for some time carryed on in those parts) ought to be prevented: But We do not see how it can be effectually done otherwise than by an Officer appointed by the Commissioners of the Customs to reside there, for that Purpose, And We hope, the Service to be performed may answer the Charge of such an Officer. [pp. 80-83.]

[1064.] [Reference to the Committee for Appeals of the petition of William Copp for a short day for hearing his appeal against William Rayner and Eleanor his wife relating to a debt of 500*l.* due from the defendant to the appellant.]

20 May.
Barbados.

[p. 96.]

[Minute of Committee. Hearing postponed to 30 June on the prayer of the defendants for a further time.]

28 May.

[p. 101.]

[Minute of Committee. Report that Copp having obtained a verdict in 1702, the Rayners presented a bill in equity against the appellant and Elizabeth Belgrave widow, and obtained an injunction to stay proceedings at law, and that on 7 Aug.

30 June.

1708.

1706 the Court declared the injunction perpetual : and recommendation that the perpetual injunction be dissolved, that Copp be at liberty to proceed on his verdict, and that Rayner be free, on giving security to indemnify the widow Belgrave from any costs or damages, to prosecute a bond executed by Copp to her late husband William Belgrave for the arrears of the debt alleged to be due.] [p. 124.]

11 July. [Order accordingly.] [pp. 134-5.]

26 May. [1065.] [Orders are given in accordance with the following
Jamaica, report of the Board of Trade of 27 April.] In Obedience to Your Majestys Commands . . . upon the Petition of James Whitchurch Merchant Complaining, That Brigadier Handasyd, Your Majestys Governour of Jamaica, had disposed of a Negroe Woeman and Her Children, belonging to the petitioner, as Escheated to Your Majesty We have Considered the same, and thereupon humbly take leave, to lay before Your Majesty the state of the Case and it Appears to Us, which is ass follows, Vizt.

That Wroth Delamaine, of the Island of Jamaica about Twenty five Years since, Dying Intestate, Administration of his personall Estate, was granted to Francis Vincent Esqr. Deceased, Negroes being at that time Deemed personall Estates though since made real Estates by the Laws of that Island.

That the said Wroth Delamaine being at his Death indebted to Sarah, Wife of the said Whitchurch, in a Considerable sume of mony, the said Francis Vincent sold and Delivered to the said Sarah a Negroe Woeman Slave belonging to the Estate of the said Delamaine, called Catalena in Satisfaction of the said Debt.

That the said Whitchurch in the Year 1682 intermarried with the said Sarah and became Entituled to the said Negroe Woeman and was in quiet possession for about twenty five Years without any Interruption or Disturbance during which time, she has had Tenn Children and Grand Children, born on the said Whitchurch's Plantation.

That by the Earth Quake and Fire at Port Royall in Jamaica great Part of the Records of the said Island were Destroyed as were likewise the Papers and Writings of the said Whitchurch whereby as he Suggests he could have made out his title to the said Negroe Woeman and Her Children.

That the Loss of the said Records being a Generall Calamity, by which all the Inhabitants must inevitably suffred had not the Generall Assembly passed an Act Entituled An Act for Confirming and securing Titles to Estates, whereby it is Enacted, That the Present Possessors of Lands Tenements, Hereditaments, or Negroes who had been five Years in Quiet and peaceable possession without Claim or Interruption, or should remain Quietly or peaceably possessed, without Claim or Interruption for the Space of five Years from the time of each possession should for ever after hold the same against all persons Whatsoever.

That notwithstanding the said Whitchurch having had many years quiet possession of the said Negroe Woeman and Her Children, as well before as since the making the said Act without any Claime or other Interruption and that the said Children and Grand Children were born on his plantation and bred up at his Charge, Yet the petitioner being necessitated to come to this Kingdome, for the Recovery of His Health during His Absence the said Negroe Woeman and Her Children being Eleven in Number, were upon an Inquisition found adjudged to be Escheated to Your Majesty, on a Suggestion that Charles Delamaine, Son of the aforesaid Wroth Delamaine, Dyed without Heire, That Brigadier Handasyde had Contrary to the Opinion of the Cheif Justice of that Island, procured such Inquisition to be Executed, on a Writ of Escheat, before it was possible for the said Whitchurch to send any Direction to his Agent there for his Defence or could Informe his said Agent What title he had to the said Negroe Woeman, and her Children, and altho' the said Agent Desired time, to send for Instructions from hence, yet the said Brigadier, did make a grant of the said Negroe Woeman and Her Children to Richard Rigby provost Marshall, and Secretary of the said Island.

1708.

This being the state of the Case, as it has Appeared, unto Us, Wee sent the same, together with a Copy of the Act therein mentioned, to Your Majestys Solicitor Generall for his Opinion, Whether the Limitation of five Years, mentioned in the fore-said Act does bind the Crowne, Upon which he has reported to Us as follows, Vizt.

That the Crowns Title is not bound by any thing in the said Act because the plea of five Years possession, is only to barr a Plaintiff or Demandant that is not a Minor or under Coverture, both which Disabilitys, or rather protections, are in no wise applicable to the person that wears the Crowne, which shews the Designe of the said Act to be only to barr such Demandants and plaintiffs as are sometimes lyable to those Incapacities.

But that notwithstanding the petitioner cannot make Title against the Crowne by force of that Act of Assembly Yet he humbly Conceives, the Inquisition which finds Your Majestys Title is not Valid in Law, and that Consequently Mr. Whitchurch's Right to the Negroes mentioned in the Writ, is not thereby set aside, for that the Inquisition does not find the Negroes mentioned in the Writ to be the same as Charles Delamaine Dyed seized of but only says, That the Jurors do believe them to be the same and that therefore since it is asserted, That the Negroe Woeman from whom the rest have Issued, was many Years ago sold to the Wife of the petitioner by the Administrator of Wroth Delamaine, whose property she was at the time of his Decease, for a Debt owing bonâ fide from the said Wroth Delamaine, And that the said Charles Delamaine was never seized of Her, or any of Her Offspring which if true, will take away all pretences of an Escheat, and after so long and uninterrupted Enjoyment every thing ought to be presumed that can be thought of, in favour of the possessor; and since this Inquisition was sett on foot in the Absence of the petitioner even when he was out of the Island, after all his papers had been Destroyed by the Fire at Port Royall Your Majestys Solicitor Generall is of Opinion That it will be more for Your Majestys Service to direct a Grant

1708.

to be made ad Corroborandum Titulum of the Petitioner, than to give any Countenance to the grant which Brigadier Handasyde has made of these Eleven Negroes to the Provost Marshall and Secretary Mr. Rigby. With which Opinion Wee humbly Concurr, and further take leave to Represent to Your Majesty, That by one of Brigadier Handasyd's Instructions, he is directed not to remitt any Fines or forfeitures whatsoever above the sune of tenn pounds nor to Dispose of any Escheats, Fines, or Forfeitures whatsoever, untill upon Signifying to Your Majestys High Treasurer or the Commissioners of Your Majestys Treasury for the time being, and to Your Commissioners For Trade and Plantations, the Nature of the Offence and the Occasion of such Fines forfeitures or Escheats with the particular sums or Value thereof (which he is to do with all Speed) he shall have received Your Majestys Directions therein But that he may in the mean time suspend the payment of such Fines and Forfeitures; which Instruction he has not Complied with having granted the said Escheat without having signified the Nature and Occasion thereof, and received Your Majestys Pleasure thereupon as directed thereby. [pp. 97-8.]

[1066.] [Order is given in accordance with the representation of the Board of Trade as to a Bermuda bill to encourage the building of a house at the Ferry], which Bill setts forth That the Old Ferry house having been burnt, the Service of the Ferry could not be performed without a New one and that a proposall was made to the Governour by a person who was willing to undertake the said Service, and to Build a new house at his Own Charge provided the Country furnished the Materials and that he might have the said House, and the two Shares of Land thereunto belonging, with all other perquisites as hath been Customary for 31 Years, which the said Bill Enacts accordingly But that the said Governour had represented to Us that in pursuance of his Instructions he did not think fitt to pass the said Bill without Her Majestys Leave first Obtained by reason the same Grants

26 June.
Bermuda.

1708.

away the said 2 Shares of Crown Land for the said Term of 31 years and That the said Ferry House would not be rebuilt without the Encouragement aforementioned altho' very necessary for the Publick and Generall Service of the said Islands and Whereas the said 2 Shares of Land formerly belonged to the Ferry House tho' not granted for so Long a Term of Years and is worth but about five pounds a Share per annum, according to the Computation of the Shares allotted by the Governors Instructions for his Salary, and that the Building a House is absolutely necessary for the Keeping up the said Ferry for a Free passage for the Inhabitants between the Town and the Country, Therefore the said Lords Commissioners humbly Offer their Opinion that it will be for the Good of Her Majestys Subjects that Her Majesty be pleased to allow the Granting the said 2 Shares as proposed by the said Bill and that an Act be passed there accordingly. [pp. 113-4.]

1 Aug.
Jamaica.

[1067.] [Reference to the Committee for Appeals of the] Petition of Sir Charles Orby Baronet and Dame Anne Hopegood his Wife, late Dame Anne Hopegood Beeston Relict of Sir William Beeston of Jamaica Knight Deceased Setting forth that a Judgement being given against the Petitioner Dame Anne in the Supream Court of that Island in Relation to the Will of the said Sir William Beeston She Appealed to the Governour and Councill there, but that three of the Councill were Disabled for hearing the said Appeal by the Statute as being Factors in the Trade of Affrica in the Sale of Negroes, and three others of them Disabled as having been Judges of the Grand Court in the said Cause, Soe that there being no more than the Governour and one of the Councill Capacitated, there was not a Quorum according to Her Majestys Instructions for hearing the said Appeal, Therefore the Petitioners humbly Appeal from the said Judgement and pray the same may be Reversed. [p. 147.]

(1709.)

14 March. [Committee Minute. On 26 July, 1699, Sir W. Beeston made a will, leaving to his daughter Jane, then wife of

1708.

Sir Thomas Modyford and now of Charles Long Esq. 3000*l.*, and the remainder of his estate, under divers conditions, to Dame Anne Hopegood. On Sir William Beeston's death, Long and his wife took advantage of the fact that the will was in England, to secure the lands and some of the personal estate of the deceased, giving out that he had died intestate. The original will was then sent over by the petitioner, and an ejectment brought by James Allison, lessee of Anne Hopegood. At the trial in Aug. 1706, the jury found a special verdict—that the will was in the testator's handwriting, and executed, published and declared by him in the presence of four subscribing witnesses, who, however, attested it in another room out of his presence: also that the Statute of 29 Car. II. against frauds and perjuries was in force in Jamaica, and that a certain will void for non-pursuance of that Act was found to have been made good by an Act of the island. Judgment being given against the petitioner, she appealed by writ of error to the Governor and Council. The appeal came up on 17 June, 1707, when the 7 Councillors present resolved that 3 of them were disqualified by the Act of 9 and 10 William III, providing that no judge in her Majesty's plantations should be a factor of the African Company, and 3 others as having been judges in the case in the Grand Court, and that they were therefore not a quorum for the purpose of hearing the appeal. The petitioners therefore pray to be heard before Her Majesty in Council, while the defendants seek to have the appeal heard before the Governor and Council, of whom, as the petitioners point out, only five, a bare quorum, are possible judges in the case, Charles Long the defendant and the six mentioned being disqualified. The Committee submit along with this report a list of the Council of Jamaica.] [pp. 279-82.]

(1709.)

[Order that the Board of Trade propose] Two Other 31 March.
Persons duly Qualified to be Councillors in Jamaica, who may make up a Sufficient Number for Hearing this Cause and preventing the Failure of Justice in that Island. [pp. 285-7.]

566 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.
 (1709.) [The Board of Trade report that no answer has been made
 16 April. to their direction to the Governor to warn members of the
 Council to act no longer as factors in the slave trade, and their
 recommendation is adopted that, if the three members refuse
 to resign their agency, they be dismissed from the Council,
 and Francis Oldfield, John Copley, and John Carver appointed
 to complete the number of Councillors. The African Company
 is also to receive notice in order that they may appoint
 properly qualified factors in place of any who may resign
 in consequence of this order.] [p. 301.]
- (1710.)
 28 Aug. [Orby's petition and appeal from the confirmation by
 Governor and Council of the verdict of the Grand Court, is
 referred to the Committee for Appeals.] [V. p. 87.]
- (1710.)
 18 Dec. [Committee minute for reversing the judgment and the order
 affirming it. Costs of the suits in Jamaica are allowed as
 taxed by the officers of the Court where the judgment was
 affirmed, but no costs for the prosecution of the appeal to
 Her Majesty in Council.] [V. p. 170.]
- (1711.)
 9 Feb. [A petition from Charles and Jane Long alleging new
 matter which they desire to be heard before final judgment
 is given, is referred to the Committee for Appeals.] [V. p. 184.]
- (1711.)
 19 Feb. [Committee minute affirming their former report in favour
 of the appellants.] [V. p. 191.]
- (1711.)
 1 March. [Order in accordance with report of 18 Dec.] [V. p. 195.]
- (1713.)
 15 April. [Reference to the Committee for Appeals of the petitioner's
 complaint against Richard Rigby, one of the Council of
 Jamaica, now in London, who hinders them from reaping the
 benefit of the last order.] [VI. p. 93.]
- (1713.)
 3 June. [Committee minute. The appeal to be heard at the first
 meeting after the end of this term.] [VI. p. 185.]
- (1713.)
 17 Dec. [Committee minute. Rigby was alleged to have obtained
 the Council Books in the island, when Mr. Roderick Mackenzie

1708.

was Clerk, on purpose to strike out the ordering part of the order in favour of Sir Charles Orby. It is found that Rigby and another member of the Council, Stewart, were directed to revise the minutes in the case taken by one Mr. Stukeley as deputy for Rigby, who was at the time Clerk of the Council, but that Rigby did not strike out any part of the order to Orby's prejudice, and that the reason why a new suit had to be commenced was that the term of years laid in the ejectment was expired. The Governor and Council of the Island have sent resolutions in favour of Rigby and accusing Mackenzie of a notorious breach and neglect of his duty in omitting to enter the order of the Governor and Council which empowered Rigby and Stewart to revise the minutes, which omission seemed to have been made with design to occasion this complaint. On the whole matter their Lordships report that the complaint is wholly groundless, and that Mr. Rigby appears to have acted with great ability and perfect integrity, and is a person deserving his Majesty's royal favour.]

[VI. pp. 292-3.]

(1714.)

[On considering this report, the complaint is dismissed.]

20 Feb.

[VI. p. 336.]

[1068.] A presentment from the Commissioners of prizes To the Right Honourable the Lord Treasurer of Great Britain, relating to Comadore Wagers late success on the Spanish Galeons in the West Indies, Setting forth that the said Commissioners having Considered the two Acts of parliament about encouraging of Her Majestys ships of Warr and privateers and that according to the Clause in the Act for settling Cruizers and Convoys the Captors are Intitled to the whole of all that shall be taken from the Enemy after the 26th March 1708 But by that Act for Encouragment of Trade and Commerce in America the first Clause Determines all prize Offices in America the 24 June 1708 following which seems to Imply that Her Majesty should have the same benefit by prizes to the 24th June aforesaid in America as before the Making of that Act, [with the opinions of the Attorney

8 Aug.

West Indies.

568 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

and Solicitor General, is referred to the] Sollicitor Generall and Sir Charles Hedges, Judge of Her Majestys High Court of Admiralty Sir John Cook Her Majestys Advocate Generall and to Doctor Lloyd Her Majestys Advocate for prizes to Consider the above particulars and the Different Significations of the aforementioned Acts and thereupon to prepare a Draught of such Order which is to be perused and approved of by the Right Honourable the Lord High Chancellor of Great Britain whereby His Royall Highness Lord High Admirall and the Right Honourable the Lord High Treasurer may be Empowered to give the Necessary Directions for securing Her Majestys share of the said prizes And that the same be presented to Her Majesty at this Board for Her Royall Approbation thereof accordingly. [p. 149.]

18 Aug. [Order for preparing a Commission to persons to be nominated by Letters Patents to take care of prizes taken between 26 March and 24 June last; and for the Lord High Admiral and all officers under him to assist these Commissioners.] [pp. 151-3.]

18 Aug. [1069.] [Reference to the Lord Treasurer of the returns of Nevis and St. Christopher. the Commissioners appointed for inquiring into the losses sustained by the French invasion of St. Christopher and Nevis in 1705 and of the report of the Board of Trade on Stephen Duport's petition as to his losses in St. Christopher.] [p. 153.]

(1709.)

27 Jan. [The Lord Treasurer's report to be given to Mr. Secy. Boyle to be laid before the House of Commons pursuant to their Address to her Majesty in Mar. 1707.] [p. 246.]

(1711.)

19 Dec. [Board of Trade representation as to] Distribution of the Money allowed by Act of Parliament to such of the Inhabitants of Nevis and St. Christophers, as should resettle there, read. Her Majesty will consider of it. [V. p. 351.]

(1712.)

3 April. [The Board of Trade to recommend to the consideration of the House of Commons the] Petition of Joseph Martin, Rowland Tryon, Richard Merryweather, Stephen Duport and

1708.

James Campbell Agents for the Sufferers in the Islands of Nevis and St. Christophers by the late French Invasion, And also a Representation from the Lords Commissioners of Trade and Plantations, Relating to the Distribution of 103003*l.* 11*s.* 4*d.* granted by a Clause in a late Act of Parliament for Licensing and Regulating Hackney Coaches amongst such Proprietors and Inhabitants only of the said Islands, who have resettled, or shall resettle their Plantations in the same Islands respectively. [V. p. 405.]

(1713.)

24 June.

[Reference to the Board of Trade of an address from the Council and Assembly of St. Christopher and a petition of Stephen Duport that when the French part of the island ceded to her Majesty is disposed of, the poorest sort of the inhabitants may have shares gratis in regard of their necessitous circumstances and constant sufferings and hardships in defence of the said island with their lives and fortunes.] [VI. p. 197.]

(1714.)

28 Oct.

[Reference to the Board of Trade of the petition of Stephen Duport, Agent for St. Christopher], in behalf of himself, Mary Maillard, Francis Guyhard and others Praying to be considered in the Distribution of the French part of the said Island, And another Petition of the said Duport . . . relating to several Insolencies committed by several Irish and French Papists, Residing in the said Island, which the Inhabitants pray may be speedily Redressed. [George I., Vol. I., p. 108.]

(1715.)

14 March.

[Reference to the Board of Trade of the] Petition of Stephen Duport in behalf of severall French Protestants of St. Christophers touching their being restored to Lands in that Island, And praying that they may enjoy the same favor that His Majesty shall be pleas'd to grant to the Widow Salenave. [George I., Vol. I., p. 193.]

[1070.] [The Council approve a letter from the Board of Trade of 1 July to the Earl of Sunderland agreeing to the restoration of Lewis Morris to the Council of New Jersey, from which he had been suspended by Lord Cornbury, but

18 Aug. New Jersey.

570 ACTS OF THE PRIVY COUNCIL (COLONIAL),

1708.

proposing that room be made for him by leaving out not Mr. Cox or Mr. Sonmans, but John Harrison, the last of those proposed by the Board on 30 May; and the Earl of Sunderland is directed to] Cause to be prepared what is necessary for the signification of Her Majestys pleasure herein accordingly.

[pp. 155 and 157.]

18 Aug.
Jamaica.

[1071.] [Reference to the Committee for Appeals of the] petition of John Clarke of Jamaica Esq. setting forth That an Action of Trespass and Ejectment having been Commenced in the said Island by William Hutchins Lessee of the petitioner and Mary his Wife against James Russell of the Island aforesaid and Thomazine his Wife about the Recovery of some Lands and Tenements there which at the Supream Court of Judicature was adjudged in favour of William Hutchins Lessee to the petitioner Whereupon the Defendants James Russell and his Wife obtained a Writt of Error for Making Void the said Judgment before the Governour and Council of the said Island but Peter Heywood having been Chief Justice of the Court at the time of Giving Judgment in the said Cause, and Francis Rose and John Ayscough Esqrs. two of the Assistant Judges and all of them Members of the Council being Factors to the Trade to Affrica there remained not a sufficient Quorum of the Council to proceed to give Judgment on the said Writt of Error, And the petitioner Alledging that Such writt of Error is only to Delay his having Speedy Justice done him in the premisses Therefore humbly praying Her Majesty to remove such Obstruction of Justice as to her Great Wisdome and Goodness shall be thought proper.

[pp. 155-6.]

13 Oct.

[Minute of Committee. Ordering a copy of the petition to be sent to the Governor and Council of Jamaica, who are to] returne a true state of the matter with their opinion what may be fitly done for the petitioner's relief. [p. 173.]

20 Sept.
Newfound-
land.

[1072.] [On the desire of the Lord High Admiral, the Council authorise the Ordnance to make allowance in the

1708.

accounts of Captain Clifton of H.M.S. *Kinsale* for two barrels of powder which, on the petition of the inhabitants, he left at Ferryland, Newfoundland, for the defence of the harbour.]

[p. 167.]

[1073.] [Reference to the Committee for Appeals of Norman Mackaskell's petition praying a day for determining his appeal] setting forth, That John Robinson (as Lessee to Anne Ramsey Widow) and Rebecca Butler Spinster proceeded against the petitioner in the Court of Common pleas in that Island for a Certain plantation and Lands there which was adjudged to the petitioner but the said Defendants appealing from such Judgments to the Governour and Council, They on the 19th February 1707 Ordered that the said Judgments should be reversed and Given for the plaintiffs in Error, and upon which the said John Robinson was put into possession of the said Estate; From which Judgment and proceedings of the Court of Errors in Barbados, the petitioner was Admitted to Appeale to Her Majesty in Council. [p. 174.]

17 Oct.
Barbados.

[Committee Minute—order for all parties to be heard at the next meeting.] 27 Oct.
[p. 177.]

[Committee Minute—the appeal heard again and to be further considered.] 15 Dec.
[p. 221.] (1709.)

[Committee Minute recommending reversal of the judgment of 19 Feb. 1708 as imperfect for want of finding several matters of fact necessary to discover the merits of the case.] 5 March.
[p. 276.] (1709.)

[Order accordingly for the reversal of the judgment and the restoration of the petitioner to his estate.] 31 March.
[p. 287.]

[1074.] [Reference to the Ordnance for an estimate of the following extract from a report of the Board of Trade]:— 25 Nov.
The Province of New Hampshire lying to the Sea, and the Principall Settlements thereof being on the Piscataway a large and navigable River (among other Advantages in Trade) it is so well furnished with Ship-Timber of the best Sort and
New
Hampshire.

1708.

largest Size, that it supplies Masts and other materials fit for the use of your Majesty's Royall Navy, We are therefore of Opinion That all due Care should be taken, and fitting Provision made for the security of that Province, which (in Regard of the present Condition of your Majesty's Subjects there) will require a Supply from your Majesty of such Stores of War as may be proper for their Defence.

Colonel Dudley, your Majesty's Governor of that Province having omitted to transmit to the Commissioners of Trade and Plantations a State of Ordnance-Stores there (for the Doing whereof Circular Letters have lately been sent to him and to the other Governors in America) On this Occasion we writt to the Principall Officers of your Majesty's Ordnance for an Account of what Stores of War were last issued by them for the use of New Hampshire, and when issued, who having made a Return (whereof a Copy marked A. is hereunto annexed) we find that in July 1692 a Supply of Powder and smal Stores was sent thither from that Office, but it does not appear that any Cannon or small Arms were then sent, or that these last mentioned, Or any other Stores of War, have at any time since been odered for the use of that particular Province; However Supplies of Ordnance Stores having at severall times been sent to the Massachusetts Bay (as the said Principal Officers do alledge) the Province of New Hampshire might upon any Exigency have been supplied from thence.

For our further Information, and in Order to our Laying before Your Majesty a Proportion of Stores of War suitable to the present Want of that Province, We consulted Colonel Romer, one of your Majesty's Ingeniers (who for several years was employed in Raising Fortifications in those Parts of your Majesty's Dominions and particularly in the Province of New Hampshire till he was relieved by Ingenier Redknapp now in service there) and having received from the said Colonel Romer the annexed Account marked B. of Ordnance, Powder, Shott &c. remaining in your Majesty's fort William

1708.

and Mary in that Province, taken the 29th of September 1707, and signed by the Commander of the said Fort, We beg leave humbly to offer to your Majesty that a further Supply of Ordnance Stores (as mentioned in the annexed Paper marked C.) be sent to New Hampshire; Which supply we judge may be necessary, and do hope it will be sufficient to the Security of that Province.*

C.

A Proportion of Stores of War necessary for a Supply of the Province of New Hampshire, as delivered in by Colonel Romer late Engenier there.

One Hundred Barrils of Powder.—15 Barrils Ditto for small arms.—12 Minions of Iron with Feild Carriages, for each Town, 3.—25 Rounds for Each Gun.—15 Cartridges of Tinn fill'd with Carbine Bullets.—Powder in Proportion to the Rounds, Partridge-Shott, Ladles &c.

This will serve to alarm the Country, and to defend their Town Garrisons. I am humbly of Opinion that the Powder and Partridge-Shott should be delivered for Her Majesty's Service to some Justice of the Peace or Cheif Magistrate of the Place, for fear of Embezelment.

12 Fallin Axes.—4 Broad Ditto.—2 Cross Cutt Saws.—2 Great Sledges.—2 Ditto less.—2 large Hammers.—2 Ditto Ordinary.—12 Large Iron Crows.—100 Shovells.—25 Pick-Axes.—10 Spades.—4 Great Crows query Service.—2 Ordinary Muscovy Lanthens.—1 Extraordinary Ditto to hoist at the Flagg-Staff in Distress.—200 Yards of Hallyard Rope for the Flagg-Staff.—2 Tunns of Iron of Sorts, four Square of $\frac{1}{2}$ and $\frac{3}{4}$ Inch in the Square; and flatt Barrs of Sorts for to repair the Carriages, and for other necessary use.—Tread, Needles, Starch and Twine, to provide Cartridges for Thirty Guns, Viz. 14 Demy Cannon.—6 Demy Culverin.—8 Sakers.—2 Minion.—Cartridge Paper for 50 Rounds to each Gun, And for Spare Cartridges as the Ordnance commonly allows.—2 strong Feild Drumms, Two spare Skinns for each Drumm,

* [A. and B. are not given in the Register.]

574 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1708.

And One Spare Cord for each.—Sheefs and Ropes for One Gyn.—Cartridge-Paper, 3 Rheams.—Pouch-Barrills, Two.—4 Dozen of Needles.—4 Pound of Thread.—4 Powder Horns.—20 Priming Irons.—5 Pound of Twine.—100 Weight of Match.—500 Forty-Penny Nails.—1000 Twenty-Penny Nails.—2000 Ten-Penny Nails.—3000 Eight-Penny Nails.

These nails I propose for the Finishing of the House, by me almost finished, for Officers and the Gunner, as likewise to build a half Ruff against the Rock, which will make the Back side between that and the Old Guardhouse, as the Carpenter, Mr. Davis, knows how I proposed the same. Likewise this Store of Nails is designed for Repairs as Occasion offers.

[pp. 209-12.]

30 Dec. [The Ordnance having returned an estimate of 1077*l.* 6*s.* 1*d.*, they are ordered to give an account of stores already sent to New Hampshire], and the Reasons why no Remain is before them. [p. 226.]

(1709.)

27 Jan. [Order to the Ordnance to send, to New Hampshire the stores mentioned in the schedule, and recommendation to the Lord Treasurer to issue monies to the Ordnance for that service; order to the Board of Trade to signify to the Governor to send an account of remains of stores.] [p. 247.]

30 Dec.
Barbados.

[1075.] [On consideration of the following report from the Board of Trade of 3 Dec.]:—Having received Letters from Colonel Sharpe, Mr. Walker and Mr. Berresford, Three of the Members of Your Majesty's Council in Barbados Complaining of the Proceedings of Mr. Crowe, Your Majestys Governor of that Island, Wee humbly Represent to Your Majesty That they set forth in their Letter to Us, that it was hoped, after Sir Beville Granvilles departure from that Island, the Measures which were then taken, would have allay'd and pacified the Heats and Animositys, which had long and unhappily divided that Island, But that upon Mr. Crowe's Arrivall, they were soon convinc'd of their Error, for upon his first Entrance upon the Government as they allege, he has been so farr from endeavouring or promoting an accomodation, that he has

added Heat and Violence to their Animositys by countenancing sometimes One Party, sometimes another, By turning in and out most of the Cheif Officers of the Militia, according to the temper of the Party he was engaged with, By rejecting the Advice and Aid of your Majestys Councill, By adjourning the Councill, and let the Assembly sit and dispose of the Public Money, without the Concurrence of the Councill, By determining Causes himself cognizable only in Your Majestys Established Courts; And by Imprisoning and Oppressing Your Majestys Subjects contrary to Law.

This Behaviour of Mr. Crowe's obliged the aforesaid Three Councillors to draw up a Representation of some of his Mifeazances, which they presented to himself; and which he acknowledges in his Letter to us to have received, and says, he hopes it will make no Impression till the next opportunity, when he shall vindicate himself, a Copy of which Representation from the said Three Councillors is hereunto annexed; and Wee observe thereupon, though the Matter conteyned in their Representation has the appearance of Truth, From the manner it is drawn in, From their presenting it to himself, and offering to prove the same, and acquainting him with their Design of transmitting it to Us to be laid before your Majesty, Yet Wee do not think it agreeable to Justice to condemn the said Governor without his being heard. However the severall matters laid to his Charge, as set forth in the said annexed Representation, are of so high a nature, that Wee are humbly of Opinion that he be required to give an immediate answer thereunto; But whether the said Answer shalbe given in here by himself in Person, or he be strictly required by Your Majesty to transmit hither his Answer, in the same manner as Sir Beville Granville was, upon Complaints against him by Your Majestys Letter of the 30th of November 1704, a Copy whereof is hereunto annexed, Is most humbly submitted.

[Letters are ordered to be prepared to be sent to Mr. Crowe] taking notice of the aforesaid Letter of Complaint, a Copy

1708.

whereof may be likewise transmitted unto him for his Answer, which he is forthwith to return to the said Lords Commissioners of Trade and Plantations, with such Depositions to other Proofs in his own behalf, and relating to the said Complaint, as he or any other Person concern'd shall think fit or send to their Lordships. It being Her Majestys further Will and Pleasure, that free Liberty be given to the Complainants and other Persons concerned, to make Affidavit before any Judge or Magistrate of what they know in the said Matters, and that such Judge or Magistrate do summon before them such Persons, as the Complainants shall name, which the said Governor is to signify to such Judge or Magistrate as soon as may be, Her Majesty likewise Requiring that the Complainants do give unto the said Governor Authentic Copies of such Affidavits as they shall make in those Matters, As also that the said Governor do deliver unto the said Complainants Copy of his Answer so to be transmitted, and of such Depositions as he shall think necessary for his Defence within the space of One Month after the publishing of Her Majestys Letters (which he is to do as soon as he shall receive the same) As also that within Twenty days after receiving each others Proofs, the said Governors do in like manner Exchange with the said Complainants the Replies that shalbe made by Affidavits or otherwise, before they be transmitted to Her Majestys Commissioners of Trade and Plantations as aforesaid. And Her Majesty is further pleased to Direct, that an authentic Copy or Duplicate of such Her Majestys Letters be delivered to the said Complainants for their better Guidance herein. [pp. 225-6.]

(1709.)

13 Feb.

[Sharpe, Walker, and Beresford are restored to the Council of Barbados, on a representation from the Board of Trade of 11 Feb., that, if a Governor may suspend all who complain of his conduct, no check on his administration will be left.]

[p. 258.]

(1709.)

29 June.

[On a petition from the three Councillors and an Address from the Assembly showing that the Governor has not

1708.

complied with the last Order, a letter is ordered to be prepared] Taking notice of the said Governors Disobedience and Disrespect to Her Majestys Pleasure signified to him, And requiring him forthwith to swear and admit the Petitioners into the said Council, And that he forthwith comply with all other Matters directed by Her Majestys Order in Council of the 30th of December 1708, as he will answer the contrary. [p. 342.]

(1709.)

11 July.

[The petition of William Heysham and John Royle of London, merchants, agents for Barbados, praying to be heard in this matter on behalf of the island, will be considered when the order for re-instating Sharp, Walker, and Beresford has been complied with.] [p. 391.]

(1709.)

22 Aug.

[Mr. Crowe is ordered to come over without delay to answer the complaints against him, the Board of Trade having represented on 19 August]:—In December 1708 Wee humbly laid before Your Majesty a Representation from Mr. Sharpe, Mr. Walker and Mr. Beresford three of the Members of Your Majestys Council of Barbados Containing Severall Articles of Complaint against Mr. Crowe Your Majesties Governour of that Island, upon which Your Majesty was pleased by Your Letters Mandatory, Dated the 22d of January 1708 to require the Governour to Send Over his Answer to the said Articles of Complaint, with Such Affidavits as should be taken in his behalfe And that the Complainants be Allowed to take Affidavits, and Transmitt the same for the Support of their Charge, And both the Governour and Complainants, were further Directed to Interchange their prooff in One Month after the receipt of Your Majestys said Letter.

But before the Receipt thereof the Governour (to whom the Complainants had Delivered a Duplicate of their Representation) Transmitted to Us his Answer with such Affidavits and other Papers as he thought necessary for his Defence.

When Your Majestys said Letter arrived in Barbados the Complainants applied to Mr. Crowe for an Order to One of

1708.

the Judges there to Issue Summons and take Affidavits according to Your Majestys Directions but the Governour refused to Comply therewith upon pretence that he had not received with your Majestys said Letter a Copy of the representation of the Complainants mentioned to be there Inclosed, and that he had already transmitted his Answer. However Pursuant to Your Majestys Directions, the Complainants at the expiration of a Month attended the Governour with such Affidavits and other proofs as they had been able to procure which he absolutely refused to receive, whereupon they have transmitted to Us those papers which they intended to have presented to him, this has been further Confirmed to Us by a Letter from Mr. Cox, and Mr. Pilgrim two other Members of Your Majestys Councill there.

Wherefore there being Just Cause to beleive that these proceedings of the Governour tend only to Delay an enquiry into the said Complaints and that in the mean time Your Majestys Subjects of that Island may Suffer by a Continuance of the Administration of that Government in the hands of one against whom there are so many other great Complaints; Wee humbly represent to Your Majesty

That the said Governour has taken upon himselfe, out of Court, to sett aside Orders Solemnly made in the Court of Chancery, which has been proved by Certificates from the Register in Chancery particularly in the Case of Manasses Gillingham, to which the Governour was a party and in Some other Instances.

Another Article of Complaint is that the Governour has rented Out the Office of his private Secretary for an Excessive Annuall Sume, greater than the Legall ffees would amount to, And the better to Enable his said Secretary to pay the said Rent, The two following Methods were taken Vizt. Fees were Exacted from Plaintiff and Defendant, and the Governour took Sole Cognizance, by way of petition of matters Cognizable only in Your Majestys Courts of Law and Equity as in the Case of Mr. Summers, where the matter in Dispute was a

promissory Note, which the Governour upon a petition Comanded to be paid on pain of Imprisonment. In the Case of Bamfield and Waterman where the Governor Ordered Severall Negro Slaves to be Surrendered on the same penalty, besides Severall other Instances, where, the Governour has taken upon him at his own House by way of petition to give Judgment in Cases of Debt &c. which last mentioned Cases have been fully proved. And that Mr. Crowe did rent Out the place of his private Secretary to Mr. Alexander Skeene for 400*l.* per Annum (which place of Right belonged to the said Skene by Virtue of Your Majestys Letters patent) was fully laid before Your Majesty by Our Representation of the 18th of Aprill last, And upon which Your Majesty has been pleased to Direct Mr. Crowe to restore him to his said place of private Secretary.

It has been Likewise proved by Severall Affidavits, that while Suits have been Depending in the Courts of Chancery, Error and Grievances the Governour has received Considerable presents from parties Concerned in Such Suites as in the Case of Mr. Slingsby Mrs. Chamberlain and Mr. Gibbs and others, which practice has drawn his justice very much in Question.

And further that the Governour has taken upon him to Imprison Mr. Buckworth Sole Judge of Your Majestys Court of Admiralty there, for Supposed Contempts in Not Obeying Illegall Orders made by him as Ordinary, And that too in Cases where Such Orders were not Served upon the said Buckworth.

That the Governour has also Imprisoned your Majestys Subjects for Supposed Contempts of his Extrajudicial Orders has kept them in prison Severall Weeks without Bail or Mainprize till they have been necessitated to lay downe Offices of proffit thereby takeing an Opportunity of Conferring the said places upon his Creatures in the Case of Mr. Small, and Paule Manier.

That the Governour has Oblidged Masters of Ships to have their petitions to him for leave to Sail drawn by his private

1708.

Secretary even when they had their petitions already drawne by others so that they have doubly paid for the same, which is a Burthen upon Trade.

This They say may be proved by the Masters of Ships that were then there And upon this, Wee take Leave to Observe that by Our Representation of the 18th February 1708 Wee had Occasion to lay this matter before Your Majesty. Upon which Your Majesty was pleased to Signifye Your Pleasure that it should not be done any more.

That by frequent and Unusuall Adjournment of the Assembly to prevent their Complaints of the Governours undue Administration the Excise Bill for 1708 was not renewed till Severall Months after the Expiration of the former dureing which time a Considerable Quantity of Liquors was Imported without paying the Dutys to the prejudice of the publick Revenue of that Island.

That the Governor has made many and unreasonable changes in the Militia in Turning Out the best Qualified Officers of the Island, and granting Commissions to others to Serve his private Ends.

The Affidavits Certificates and other Proofs which have been Produced to Us on one part and the other and which Wee have fully Considered upon the Examination of the Complaints, are so Voluminous that Wee have forbore to repeat the same or to annex them to this Report But they are ready to be laid before Your Majesty whensoever Wee shall be thereunto required.

There are severall other Articles of the said Charge which Have been in like manner proved, But Wee do not trouble Your Majesty with them these being the most Materiall.

Upon the whole matter it Appearing by the Aforesaid proofs that the Governour has been Guilty of such High Crimes, and Maladministrations as are Contained in the said Severall Articles of Complaint against him, and in regard he is involved in many Law Suits there, in the Right of his Wife, which have had an Influence upon him in the Administration of Justice.

1708.

To which Wee must Add, That he has not paid that due Obedience to Your Majestys Express Commands, as he Ought to have done, Wee do therefore humbly Submitt to Your Majesty whether a person under Such Circumstances, is to be any Longer Entrusted in the Administration of Your Majestys Government of that Island. [pp. 407-11.]

(1710.)

[On the petition of Governor Crowe, now arrived in England, the complaints against him are appointed to be heard on 21 Sept.] [V. p. 81.]

20 Aug:

(1710.)

[Heysham and Royle, on behalf of the Assembly, presenting several complaints against Sharpe, Walker and Beresford, their agent or agents are to receive copies of, and prepare answers to, the complaints.] [V. p. 85.]

28 Aug.

(1710.)

[On the petition of the three complainants, their case against Mr. Crowe is postponed till 19 Oct.] [V. p. 95.]

10 Sept.

(1710.)

[On the petition of Heysham and Royle for a short day for hearing their complaints against the three Councillors, 12 October is appointed.] [V. p. 107.]

26 Sept.

(1710.)

[On the petition of the complainants against Mr. Crowe that the case be postponed till Sharpe's arrival, the hearing is peremptorily fixed for 9 Nov.] [V. p. 128.]

19 Oct.

(1710.)

[Further hearing of the case against Mr. Crowe referred to a Committee of the whole Council.] [V. p. 159.]

30 Nov.

(1710.)

By the Committee of the Lords of the Council for Hearing the Complaints against Mr. Crow late Governor of Barbados. [The opinion is offered] That the said Articles against Mr. Crow have not been proved. [V. pp. 160-1.]

11 Dec.

(1710.)

[On this report, and 3 Addresses of the General Assembly, clergy and inhabitants of Barbados in favour of Mr. Crowe, the complaints are dismissed as frivolous.] [V. p. 161.]

13 Dec.

(1711.)

[No person attending for Sharpe, Walker and Beresford, though their agent, Mr. Gillibrand, had notice, the Address

9 Feb.

582 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1708-9. of the Assembly and petition of the Barbados agents against them are referred to the Committee for Appeals. Gillibrand is then to give an account of the reason of his contempt aforesaid.] [V. p. 184.]
- (1711.)
19 Feb. [Committee minute. No regular notice of the complaints or copies of the Address and petition having yet been transmitted to the three Councillors, order is given that this be now done, and that they return their answers within a month after receipt of the copies. Both parties are to be free to take depositions, which are to be sent over under the seal of the island.] [V. p. 191.]
- (1714.)
19 Jan. [Committee minute: Walker having returned his answer to the complaints of Heysham and Royle, but the others not having been served with notice before they left the island or since, and a petition in behalf of the 3 Councillors having been read, Sharpe is directed to put in his answer in order to a determination of this matter.] [VI. p. 319.]
- (1714.)
26 June. [Committee minute for dismissing the complaints in accordance with an instruction of the General Assembly of Barbados to their agents passed on 20 May 1712.] [VI. p. 369.]
- (1714.)
25 Oct. [Order accordingly.] [George I., Vol. I., p. 106.]
- 30 Dec. Barbados. [1076.] [Reference to the Board of Trade of Thomas Pilgrim's petition for restoration to his estate, of which he has been dispossessed by the Governor of Barbados without any form of law or process whatsoever.] [p. 229.]
1709.
27 Jan. [The Board of Trade reporting that the Governor appears to have proceeded by due course of law, the petition is dismissed.] [p. 247.]
- 9 Jan. Maryland and Pennsylvania. [1077.] [Reference to the Board of Trade of Lord Baltimore's petition as to the disputed boundary between Maryland and Pennsylvania.] [p. 236.]
- 27 Jan. [On the petition of Mr. Penn, the Order of 9 Jan. is annulled, and the petition dismissed; the boundary having,

- as Penn alleges, been settled by an Order in Council of 7 Nov. 1709.
1685, and acquiesced in by Lord Baltimore ever since.]
- [*pp.* 245-6.]
- [Reference to the Board of Trade of Penn's petition that the boundaries be settled according to former orders and instructions.] 16 April.
[*p.* 304.]
- [On Lord Baltimore's petition for relief from the Order of 7 Nov. 1685, as having been obtained on false suggestion by Penn, by which there was granted to Penn half an isthmus of the petitioner's land in Maryland, the matter is ordered to be heard at the Board on 9 June.] 19 May.
[*p.* 316.]
- [Hearing postponed to 23 June.] 9 June.
[*p.* 331.]
- [The petition is dismissed], it appearing by Authentick Copies of Proceedings at this Boord, that aswell the Petitioner as the said Mr. Penn had been divers times heard before the Making of the said Order. 23 June.
[*p.* 340.] (1720.)
- [Reference to the Board of Trade of the petition of Hannah, widow of Wm. Penn, that peremptory order be given to enforce the settlement of the boundaries.] [Geo. I., Vol. III. *p.* 2.] 13 Sept.
- [1078.] [It being represented that the Newfoundland convoys are now being prepared, the Board of Trade are ordered to consider what stores and necessaries must by sent by the convoy to Newfoundland] aswell for the Defence of the Forts and Garrisons at St. Johns, as for the Improvement of the Trade and Fishery in those parts. 9 Jan.
Newfound-land.
[*p.* 235.]
- [In accordance with the report of the Board of Trade, reference is made to the Ordnance of the estimate of Capt. Vane, the engineer there, for fixing a new boom to defend the harbour of St. Johns in place of the weak one fixed in 1704 at a cost of 300*l.* and since destroyed by the violence of the winds: the Commodore of the Convoy is to command on land during his stay and is to report to the Victuallers of the Navy as well as to the Board of Trade what provisions are left in the garrison at the time of his departure: a year's provision for the 27 Jan.

1709.

garrison with money in lieu of malt and hops is to be taken out as usual: the accounts of the stores brought by the Commodore of the last convoy are so intricate and contradictory that they are referred to the Victuallers of the Navy as better able to check them and to report on them with all speed: a list of necessary expenses is referred to the Lord Treasurer—a year's pay, 96*l.* 12*s.* 6*d.*: four years' contingent money to 1 Sep. 1709, 200*l.* with a separate account for clothing: a chest of medicines is also required and is to be satisfied by a deduction from the Company.] [pp. 244-5]

13 Jan.
Virginia and
Carolina.

[1079.] [The report of the Board of Trade of 7 January is read]:—Having lately received a Letter from the President of Your Majesties Council of Virginia, relating to Incroachments made on that Colony, by the Proprietary Government of Carolina, whereby great Inconveniencies do Arise for want of a due Settling the Bounds, between those Governments Wee have had that matter under Our Consideration and do humbly beg leave to Represent to your Majesty That for Severall Years past, there have been Frequent disputes about their Bounds, and that those Disputes are of late much increased, it being Affirmed on the part of Virginia that North Carolina (as mentioned in their Charter) is bounded by Weyanoak Creek, whereas the Government of Carolina does pretend to Carry their Bounds to Nottoway River upon a suggestion that the said River and Weyanoak Creek, are one and the same place.

For putting an end to the said Disputes Wee find that Depositions have been taken to support their Respective claims, as Likewise persons appointed on one part, and the other to view those Boundaries, and that Severall other Transactions have passed between the Governments of Virginia and Carolina, but without any Success hitherto, notwithstanding the reasonable advances which seem to have been made for that purpose, by the Government of Virginia.

While these Disputes continue (which are like to last, till the Bounds between those Countries are Setled) many of Your

1709.

Majestys Subjects of Virginia who (by the Laws and Constitution of that Colony) have a Right to take out patents for Lands lying in that part of the Colony, will be great Sufferers in being Debarr'd of their Right and thereby Your Majesty will Loose a Considerable Increase of Quit Rents, Issuing out of so large a Tract of Land, which as computed does Contain Severall Thousands of Acres, besides, that under Colour of this Claim, the Maharine Indians (who are Tributary to, and by Treaty, ought to have the protection of that Your Majestys Government of Virginia) have been fallen upon, and in an Hostile manner Threatned to be Dispossess'd of their Settlements by some of the Inhabitants of North Carolina, not only to the Lessening as much as in them lay, the Honor and Authority of Your Majestys Government of Virginia but Tending to an Open Rupture with those Indians who will no Longer continue Tributary, than they find Themselves protected, and it is to be apprehended, that the like mischeifs will hardly be prevented till the Bounds between those Neighbouring Governments are Settled.

Wee further humbly Represent to Your Majesty That the making Grants of those Lands lying on the South Side of Black Water Swamp and Elsewhere, in the manner and on the Terms or Conditions the same were made, haveing been judged a Less'ning of Your Majestys Revenue, and not so Beneficial as might be to that Colony in the Year 1705, a particular Instruction for Granting Lands was given to Colonel Nott, the then Governour which Instruction was afterwards communicated to the Council there, and some Difficulties arising upon it, the said Governour forbore to make any Grants of Lands till Your Majestys further pleasure were known therein. In the Year 1707, the like Instruction (a Copy whereof marked A is hereunto annexed) was renewed to Colonel Hunter the present Governour, but he falling into the Hands of the Enemy, as he was going to that Government, and Continuing still a prisoner in France, the president of Virginia (in whom the power of Granting Lands, with the Advice and Consent of

1709.

the Council does reside, in the absence of the Governour Subject nevertheless to the Strict meaning of the said Instruction) has hitherto forbore to make any Grant of Lands till Your Majestys further pleasure be Declared ; which restriction and Forbearance gives occasion to Severall of Your Majestys Subjects of that Colony to take Grants of those Contested Lands, upon easy Terms from the Government of Carolina, though the same persons would much rather take them from Your Majesty, were they allowed so to do, upon as easy Terms.

For preventing all which Disputes and Inconveniencies for the future Wee are humbly of Opinion it is absolutely necessary that the Bounds between Virginia and Carolina be Settled, and do therefore propose that Commissioners duly qualified, be respectively appointed on the part of each of those Governments with full powers, to take Depositions to survey or Cause a Survey to be made of the Lands in Dispute, and to do whatever may be further necessary for the better Ascertaining and Fixing the said Bounds by a Line or Lines of Division to be drawn between Virginia, and North Carolina. And if the said Commissioners so to be appointed shall not Ascertain and Settle those Bounds (within a reasonable time to be for that purpose prefix'd) in such Case the proprietors of Carolina shall Oblidge themselves (by a Clause to be Incerted in their Commission, or by some other Instrument in Writing, previous to the Issuing such Commission) to Submit the final Determination of that matter to Your Majesty.

It seems reasonable that the Charge of performing this Service be defray'd by those Countries respectively, but in regard the Inhabitants of Virginia under their present Circumstances from the Decay of the Tobacco Trade will look upon it as an hardship to be put upon this Expence, Wee humbly Offer that Your Majesty be pleased to allow a Certain sune, such as your Majesty shall think fitt out of Your Quit Rents, towards their proportion of the said Charge, (The Duty of two Shillings per Hogshead on Tobacco being already

burden'd by other payments) which Revenue of Quitt Rents will be Considerably increased by the Addition of many Thousand acres to that Colony, if as has been mentioned the said proprietors of Carolina, are Confined to Weyanoak Creek the Bounds prescribed by their Charter.

As to the patenting Lands in that Your Majestys Colony of Virginia Wee begg leave to Offer that the said annexed Instruction (containing a proposall for a New Method to be Observed in the passing such Grants) having been communicated to the Councill There, as Wee have already mentioned, they have returned the Annexed Answer to it marked B, wherein they affirme That the method proposed by the said Instruction, is Contrary to their Charter the Laws of that Colony, and to Express agreements made with severall of Your Majestys Subjects, who under the Directions and powers in the said Charter and Laws, have purchased Rights to Lands and actually paid the Consideration money for the same. They further add That the Terms of purchase prescribed by the said New Method are so impracticable; that no persons will take up Lands upon such hard Terms; while there is Land to be had at much Easier Rates in the Neighbouring proprietary Government of Carolina for which purpose 'tis said great Numbers of people have lately removed and others are removing thither.

Wherefore Wee humbly Offer That the Governour or Commander in Cheif of Virginia now, and for the time being be impowered and directed by and with the Advice and Consent of the Councill there to make Grants of Your Majestys Lands lying on the South Side of Blackwater Swamp, or Elsewhere, in such Forme and manner and under the like Conditions Covenants, and Reservation of Quit Rent as are by the Charter and Laws of that Colony allowed and directed to be made, and as were by Your Majesty permitted to be made before the said Instruction given to Colonel Nott due Care being taken that all Such Grants of Lands hereafter to be made, be as Beneficiall with regard to Your Majestys Revenue

1709.

as may be Consistent with the Charter and Laws of Virginia, and with the particular Rights of any of Your Majestys Subjects of that Colony. All which is most humbly Submitted

And the said Representation being approved in Council, It was thereupon Ordered That the Lords Commissioners of Trade and plantations doe propose to the proprietors of Carolina the Issuing such a Commission as mentioned in their said Representation with such powers and numbers and Qualifications of Commissioners as shall be thought fitting, and as to the Charge of such a Commission and Commissioners That it be, and it is hereby Referred to the Right Honourable the Lord High Treasurer to Consider in what manner the same or what proportion on the part of Virginia may be fitly borne by Her Majesty out of the Quit Rents in that Colony as proposed by the said Report or otherwise. And it hereby further Ordered that in Refference to the manner of taking up and patenting or Granting Lands in Virginia the Methods proposed by Her Majestys president and Council in that Colony as by their Answer Annexed to the said Representation be Observed so far forth as shall be agreeable with, or Consonant to the Laws and Customes of that Colony, notwithstanding any late Instruction Contradicting the same or Interfering therewith. [pp. 237-40.]

- 31 March. [Order is given in accordance with the report of the Board of Trade of 14 March that they having written to the proprietors of Carolina, who have acquiesced in the Order of 13 Jan. and appointed John Lawson and Edward Mosely as Commissioners, instructions should be sent to the Governor and Council of Virginia to appoint two Commissioners to act with these, and to return to her Majesty an account of their proceedings: directions are also given for defraying the charges of the Virginia commissioners from her Majesty's revenue in Virginia.] [pp. 292-5]

(1711)

- 1 March. [Order is given in accordance with a representation from the Board of Trade]:—In pursuance of Your Majesty's Pleasure, Commissioners have been Appointed on the Part

1709.

of Your Majesty's Colony of Virginia, as likewise on the Part of the Province of Carolina, for Setling the Bounds between those Governments, And they have met Several times for that purpose, but have not agreed upon any one Point thereof, by reason of the trifling Delays of the Carolina Commissioners, and of the many Difficultys by them Raised in relation to the proper Observations and Survey they were to make; However the Commissioners for Virginia have deliver'd to Your Majesty's Lieutenant Governor of that Colony an Account of their Proceedings, which Account has been under the Consideration of Your Majesty's Council of Virginia, And they have made a Report thereon to the said Lieutenant Governor, who having lately Transmitted to Us a Copy of that Report, We take Leave humbly to lay the Substance thereof before Your Majesty, which is as follows,

That the Commissioners of Carolina, are both of them Persons Engaged in Interest to Obstruct the Setling the Boundaries between That Province and the Colony of Virginia; For One of them has for Several Years past, been Surveyor General of Carolina, has Acquir'd to himself great Profit by Surveying Lands within the Controverted Bounds, And has taken up several Tracts of Land in his own Name, and Sold the same to Others, for which he Stands still Obliged to Obtain Patents from the Government of Carolina: The Other of them is at this time Surveyor General, And has the Same Prospect of Advantage by making future Surveys within the said Bounds: That the Behavior of the Carolina Commissioners has tended visibly to no Other End than to protract and Defeat the Setling this affair; And particularly Mr. Mosely has us'd so many Shifts and Excuses to disappoint all Conferences with the Commissioners of Virginia, as plainly Shew his Aversion to proceed in a Business that tends so manifestly to his Disadvantage; his prevaricating on this Occasion has been so indiscreet and Unguarded, as to be discover'd in the presence of the Lieutenant Governor of Virginia; he Started so many Objections to the Powers Granted to the Commissioners

1709.

for that Colony, with design to render their Conferences ineffectual, that his Joint Commissioners could hardly find an Excuse from him; And when the Lieutenant Governor had with much ado prevail'd with the said Mr. Mosely, to Appoint a Time for Meeting the Commissioners of Virginia, And for bringing the necessary Instruments to take the Latitude of the Bounds in Dispute (which Instruments he owned were ready in Carolina) he not only fail'd to Comply with his own Appointment, but after the Commissioners of Virginia had made a Journey to his house, And Attended him to the Places proper for Observing the Latitude, he would not take the Trouble of Carrying his own Instrument, but Contented himself to find fault with the Quadrant produced by the Virginia Commissioners, though that Instrument has been approved by the best Mathematicians, and is of Universal use. From all which it is evident how little hopes there are of Setling the said Boundaries in Concert with the present Commissioners for Carolina. That though the Bounds of the Carolina Charter are in express Words limited to Weyanoak Creek, lying in or about 36 Degrees and 30 Minutes of North Latitude, Yet the said Commissioners for Carolina have not by any of their Evidences pretended to prove any such Place as Weyanoak Creek; the Amount of their Evidence reaching no further than to prove which is Weyanoak River, and even That is Contradicted by Affidavits taken on the Part of Virginia; by which Affidavits it Appears, That before the Date of the Carolina Charter, to this day, the Place they pretend to be Weyanoak River, was, and, is still Call'd Nottoway River; but Supposing the same had been Call'd Weyanoak River, it can be nothing to their Purpose, there being a great Difference between a River and a Creek: Besides, in that Country there are divers Rivers and Creeks of the same Name, as Potomack River and Potomack Creek, Rappahanock River and Rappahanock Creek, and several Others, though there are many Miles in distance between the Mouths of those Rivers and the Mouths of those Creeks. It is also Observable,

1709.

that the Witnesses on the part of Carolina are all very ignorant Persons, And most of them of ill Fame and Reputation, on which Account they were forced to remove from Virginia to Carolina. Further, there Appear to be many Contradictions in their Testimonies ; Whereas on the Other hand, the Witnesses to prove that the Right to those Lands is in the Government of Virginia, are Persons of good Credit, their knowledge of the Tract of Land in Question is more antient than any of the Witnesses of Carolina, And their Evidence fully Corroberated by the Concurrent Testimony of the Tributary Indians. And that Right is further Confirm'd by the Observations of the Latitude lately taken in those Parts, by which it is plain, that the Creek proved to be Weyanoak Creek by the Virginia Evidences, and Sometimes call'd Waycocon, Answers best to the Latitude describ'd in the Carolina Charter ; for it lyes in 36 Degrees and 40 Minutes (which is 10 Minutes to the Northward of the Limits prescrib'd in the Carolina Grant) whereas Nottoway River, which they pretend to have been Call'd Weyanoak River, lyes exactly in the Latitude of 37 Degrees, and can by no Construction be Suppos'd to be the Boundaries Describ'd in their Charter. So that upon the whole Matter, if the Commissioners of Carolina had no Other View than to Clear the just Right of the Proprietors, such Undeniable Demonstrations would be Sufficient to Convince them ; But the said Commissioners give too much Cause to Suspect, that they mix their own private Interest with the Claim of the Proprietors, And for that reason Endeavor to gain Time, in Order to Secure Grants of the Lands already unwarrantably taken up, And to Survey the Rest : On this Occasion, We take Notice that they proceed to Survey the Land in Dispute, notwithstanding the Assurance given by the Government of Carolina to the Contrary, by their Letter of the 17th of June 1707 to the Government of Virginia, by which Letter they promist that no Lands should be taken up within the Controverted Bounds, 'till the same were Settled.

1709.

Whereupon We humbly propose, that the Lords Proprietors be Acquainted with the foregoing Complaint of the trifling Delays of their Commissioners; which Delays, 'tis reasonable to believe, have proceeded from the Self Interest of those Commissioners, And that therefore Your Majesty's Pleasure be Signified to the said Lords Proprietors, That by the first Opportunity they Send Orders to their Governor or Commander in Chief of Carolina for the Time being, to Issue forth a New Commission, to the purport of that lately Issued, thereby Constituting Two Other Persons (not having any Personal Interest in, or Claim to any of the Lands lying within the Boundaries now in Dispute) to be Commissioners for the Setling the 'foresaid Boundaries in the room of Edward Mosely and John Lawson, The Carolina Commissioners So to be appointed, being Strictly Required to finish their Survey, And to make a Return thereof in Conjunction with the Virginia Commissioners, within Six Months to be Computed from the time that due Notice shall be given by Your Majesty's Lieutenant Governor of Virginia to the Governor or Commander in Chief of Carolina, of the Time and Place which Your Majesty's said Lieutenant Governor shall appoint for the first Meeting of the Commissioners on One part and the other. In Order whereunto We humbly Offer, that Directions be sent to the said Lieutenant Governor to give Such Notice Accordingly. And if after Notice so given the Carolina Commissioners shall refuse or Neglect to Joyn with those on the Part of Virginia, in the Making Such Survey, as likewise a Return thereof within the Time before Mentioned, That then and in such Case the Commissioners on the part of Virginia be Directed to draw up an Account of the proper Observations and Survey, which they shall have made for Ascertaining the Bounds between Virginia and Carolina, And to deliver the Same in Writing under their Hands and Seals to the Lieutenant Governor and Council of Virginia, to the end the Same may be laid before Your Majesty for Your Majesty's final Determination therein, with regard to the

1709.

Setling of those Boundaries, the Lords Proprietors having by an Instrument under their hands, Submitted the same to Your Majesty's Royal Determination; Which Instrument dated in March 1708, is lying in this Office.

And Lastly, We humbly propose that your Majesty's further Pleasure be Signified to the said Lords Proprietors, And in like manner to the Lieutenant Governor of Virginia, That no Grant be Passed by either of those Governments of any of the Lands lying within the Controverted Bounds, untill such Bounds shall be Ascertain'd and Setled as aforesaid, whereby it may Appear whether those Lands do of Right belong to Your Majesty or to the Lords Proprietors of Carolina.

[V. pp. 204-7.]

[1080.] [Reference to the Committee for Appeals of the appeal of Manuel Manasses Gilligan and Butler his wife, from a decree of the Barbados Courts of 1 Oct., 1707, in favour of Mitford Crowe and Oriana his wife, touching a portion bequeathed to the petitioner's wife by her father Edward Chamberlain.]

27 Jan.
Barbados.

[p. 248.]

[Committee Minute. All parties to attend on Saturday to fix a day for hearing the appeal.]

16 Feb.

[p. 262.]

[Committee minute recommending reversal of the decree of Oct. 1707 and affirming a judgment of July 1704 in favour of the appellants.]

5 March.

[p. 277.]

[Order accordingly.]

[p. 288.] 31 March.

[Petition for liberty to appeal in a similar case relating to property in negro slaves, referred to Committee for Appeals.]

16 April.

[p. 305.]

[Committee minute recommending that the appeal be admitted. The number of slaves is given as 16.]

10 May.

[p. 314.]

[Order accordingly: copies of proceedings to be transmitted to the Board.]

29 May.

[p. 324.]

594 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709.
18 July. [The petitioners complaining that the Governor has failed to comply with the order of 31 Mar., it is ordered that the Secretary of State prepare a letter for her Majesty's signature, by which he is admonished and required to give immediate effect to the order.] [p. 368.]
- (1711.)
17 Sept. [The petition of Mitford Crowe Esqr. and Dame Oriana his wife, sole executrix of Sir Willoughby Chamberlain, her late husband, praying a day for hearing their appeal from a judgment of the Court of Common Pleas of Barbados of 15 Sep. 1710, and confirmed by the Governor and Council on 20 Feb. 1711, relating to a parcel of land in the parish of St. George, is referred to the Committee for Appeals.] [Vol. V. p. 315.]
- (1711.)
29 Dec. [Committee minute for reversing decrees in favour of Smithell Matson, Anne his wife and Rebecca Butler spinster, and restoring the appellants to all they have lost by the said judgments.] [V. p. 353.]
- (1712.)
10 Jan. [Order accordingly.] [V. p. 355.]
- (1712.)
19 Feb. [Committee minute on the appeal of Mitford and Oriana Crowe] from divers Proceedings against them in Barbados in favour of Manasses Gilligan and Butler his wife, on a judgment obtained by the said Butler Gilligan before her intermarriage. [On the said Oriana's agreement of marriage with Sir Willoughby Chamberlain, the Chapple Plantation with the buildings, appurtenances, negroes, cattle and stock was settled on her for life in order to secure her an annuity of 500*l.* payable quarterly, with power of entry in case of non-payment. The Committee recommend that the petitioners be immediately restored to possession of the plantation, and that they come to an agreement with Gilligan and his wife in the Barbados Court of Chancery as to the receipts of the petitioners from the plantation since Sir Willoughby's death. If all arrears of the annuity are satisfied to the date of the account, Gilligan and his wife are to have again the estate and pay the annuity regularly—subject to entry for non-payment. If the annuity

1709.

has been overpaid the surplus is to go towards meeting a judgment obtained by Mrs. Gilligan against Sir Willoughby before her marriage. If the annuity is in arrear, Crowe is to retain the plantation till it is satisfied.] [V. pp. 380-1.]

(1712.)

[Order accordingly.]

[V. pp. 387-8.]

8 March.

(1713.)

18 May.

[Reference to the Committee for Appeals of the petition of Gilligan and his wife complaining of hardships and injuries done them by Crowe and his wife as to a debt of 4242*l.*, and of the injustice of the Chancery Court of Barbados in putting in execution an order of Council, against which they had appealed.] [VI. p. 109.]

(1713.)

13 Sept.

[Reference to the Committee for Appeals of the petition of Gilligan and his wife, relating to a debt of 12,000*l.*, and praying that Dame Crowe being now dead and the jointure determined, they may have possession of the estate on giving security to pay the arrears of the jointure.] [VI. p. 236.]

(1713.)

11 Oct.

[Committee minute for granting the petition, and reversing the judgment of the Court of Chancery on 11 June 1712. on Gilligan giving security of 5000*l.* to Crowe to abide the final decision of the Court of Chancery of Barbados. In coming to an account, Mr. Crowe is to include such profits as he and his wife might have received without their wilful default.]

[VI. pp. 251-2.]

(1713.)

[Order accordingly.]

[VI. p. 267.]

9 Nov.

(1718.)

9 Feb.

[Reference to the Committee for Appeals of Crowe's petition of appeal from a judgment of the Barbados Chancery confirming the report of three referees relating to the arrears of the annuity.] [Geo. I. Vol. II. p. 104.]

(1718.)

20 March.

[Committee. Crowe alleges that there were to be two referees on each side and an umpire, and that his referees were not consulted: but it is recommended that his appeal be dismissed, the verdict of the referees upheld that no arrears

596 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709. can be due, and Gilligan's recognisance for 5000*l.* discharged.
 5*l.* costs are allowed to Gilligan.] [Geo. I., Vol. II. *p.* 125.]
- (1718.)
 31 March. [Order accordingly.] [Geo. I., Vol. II. *p.* 128.]
- 27 Feb. [1081.] [The Governor and Council of Barbados to receive
 Barbados. a copy of, and return their answer to, the complaint of Norman Mackaskell, Deputy Clerk of the Crown there, against Mitford Crowe, the Governor, for committing him to gaol for refusing to answer questions as to the proceedings of the Court of Grand Sessions of December last.] [*p.* 264.]
- 22 Aug. [Reference to the Board of Trade of Mackaskell's petition complaining of Crowe's disobedience of the above order and other unjust proceedings.] [*p.* 417.]
- 31 March. [1082.] [Reference to the Board of Trade of the complaint
 Barbados. of Alexander Skene, Secretary of Barbados, of several encroachments on his office, and praying redress.] [*p.* 297.]
- 28 April. [Order for restoring Skene to all the rights, profits, advantages and fees of his offices according to the report of the Board of Trade of 15 April which showed that Governor Crowe had refused to admit Skene as Secretary till he paid 400*l.*, which he paid for one year, but found to be more than he could justly make of the said office: on his refusal to pay again, the Governor appointed one Arthur Upton to be his private secretary, who took various books from the Secretary's office and secured fees for various matters of right belonging to the petitioner—which the Board declare an encroachment on her Majesty's patent and prejudicial to the people of the island: in case the Governor shall think fit to employ a private secretary he himself ought to make him an allowance for it.]
- (1710.) [*pp.* 308–10.]
- 30 March. [Reference to the Board of Trade of Skene's complaint that the Governor refuses to obey the Order of 28 April and praying that it be enforced.] [*p.* 565.]
- (1715.)
 22 Nov. [Reference to the Committee for Appeals of the petition of Arthur Upton for a day for hearing his appeal from a decree

1709.

of the Barbados Chancery, 2 Sep. 1714, in favour of Alex. Skene, touching fees received by the appellant while acting as private secretary to Governor Crowe.] [Geo. I. Vol. I. p. 312.]

[1083.] [Reference to the Board of Trade of a petition from several members of the Assembly, gentlemen, freeholders, merchants and other inhabitants of Antigua, and of another from divers merchants trading to the Leeward Islands, against Col. Daniel Park, the Governor.] [p. 297.]

31 March.
Leeward
Isles.

[On the report of the Board of Trade, it is ordered that Col. Park and the petitioners each prepare affidavits and other proofs and exchange these within a month after publication of the letter mandatory to Col. Park, and that within twenty days thereafter they exchange replies, and that then the whole be transmitted to the Board by the first conveyance. —Marginal note says, “Not Issued.”] [p. 401.]

8 Aug.

[The last order to be stayed, and the complainants and Mr. Perry, agent for Col. Park, to be heard at the Board on 5 Sept.] [p. 406.]

22 Aug.

[The case postponed till 26 Sept. on the petition of Micaiah Perry.] [p. 419.]

28 Aug.

[On Perry's petition, Capt. Burr and Lieut. Ekins, who had been ordered to their posts in the Leeward Islands, are directed to attend the hearing of the complaints against Col. Park on 26 Sept.] [p. 420.]

5 Sept.

[On the petition of the complainants, the following witnesses are directed to attend on the 26th :—Nathaniel Blakiston, Esq., Archibald Hutchinson, Esq., Joseph Torey, Esq., Richard Carey and Richard Merryweather, merchants, Nathaniel Estwick and Jerediah Hutchinson, gents., Peter Adams, merchant, Peter Hayfield, surgeon, John Moulton, Samuel Cozens, John Walton, gent., and Samuel Trouard, mariner.] [p. 430.]

16 Sept.

[It is referred to] the Lords of the Council in a Committee of this Board for hearing of Appeals from the Plantations

3 Oct.

1709. [to examine the complaints against Col. Park, and report the state of the case with their opinion for her Majesty's determination upon the whole matter.] [p. 443.]
- (1710.) 5 Feb. [Copies of all complaints are to be delivered to Col. Park, who is to come over to England without any delay prepared to make his defence: the complainants are to be free to take depositions in support of their charges, and before Col. Park's sailing copies of all affidavits are to be interchanged by the parties, and all the papers are then to be transmitted under the seal of the Leeward Islands.] [p. 533.]
- (1710) 2 Nov. [Reference to the Lords of the Committee of this Board of Mr. Perry's petition that the complaints be not heard till Col. Park's arrival, but that inquiry be made into great irregularities which, he alleges, have been used in taking and transmitting depositions against the Governor.] [V. p. 144.]
- (1710) 13 Dec. [Reference to the Lords of the Committee of the Council of an Address from the Assembly and inhabitants of Antigua and a petition of William Nevins in behalf of the complainants touching Col. Park's disobedience to the orders commanding him home and praying that he be suspended from his government.] [V. p. 163.]
- (1711.) 5 March. [Committee minute: the complaints heard and adjourned till 27 Mar.] Memorandum: News arriving of the Murder of this Gentleman, there was no further Hearing. [V. p. 210.]
- 16 April. Barbados. [1084.] [Reference to the Committee for Appeals of the petition of William Arnoll, Elizabeth widow of Robert Arnoll, and Matthew Gray of Barbados, praying leave to appeal from illegal proceedings in the courts of the island against William Arnoll for reflecting words alleged to be spoken by him against Sarah Harris, a carpenter's daughter.] [p. 305.]
- 10 May. [Committee minute recommending that the appeal be admitted and proceedings stayed in the meantime upon the recognizances entered into by William Arnoll and his sureties in the civil suit and upon the fines imposed on him for slander, contempt, and perjury.] [p. 314.]

1709.

[Order accordingly.] [p. 319.] 19 May.

[The proceedings having been transmitted, the Committee 24 Oct.
for Appeals are to hear the parties and report.] [p. 456.] (1710.)

[Committee minute recommending dismissal of appeal in 14 July.

the civil case as not regularly transmitted, but reversal of the sentences of fines and discharge of the recognizances entered into by Arnoll and his sureties. It is also represented that Simon Lambert, one of the Justices of the Peace in Barbados, has very much promoted the many vexatious and violent prosecutions against the appellants.] [V. p. 22.] (1710.)

[Order accordingly. Lambert is to be put out of the 31 July.
Commission of the Peace.] [V. p. 45.]

[1085.] [Reference to the Attorney and Solicitor General 28 April.
of the petition of Jeremiah Wischamer of Jamaica for a patent Jamaica.
for a new sugar mill or engine invented by him.] [p. 310.]

[Order in accordance with the Attorney General's report 2 June.
that the petition of Jeremiah Wischamer sets forth that he has been an inhabitant of Jamaica] near Twenty years, And observing the great Expence and Labour of the Planters there were obliged to in their Sugar Mills for pressing and grinding the Sugar Canes, Every Sugar Mill requiring for the Service thereof Fourty Oxen, which Mills are found to be so hard a Draught, that they kill 20 or 30 Oxen yearly to the damage of the Proprietors, and Discouragement of New Beginners, That the Petitioner by many years Study and Industry, and with very great Charge before he could bring his Project to perfection, hath invented a Mill or Engine which grinds and presses the Sugar Canes and answers all the ends of the antient and present Mills in use, and wilbe perform'd by Eight or Ten Horses or Cattle at most; That the Petitioner is come over from Jamaica at great expence to beg your Majestys most gracious Favour towards his New Invention, He being encouraged by the Planters of the said Island, who are sensible of the Advantage that will accrew to them thereby . . .

1709.

I have considered the Allegations of the said Petition, and have discoursed with severall Persons, who are well versed in the affairs of the Plantations, and some of them have seen the Modell of this Engine, and are acquainted with the Methods now used for grinding and Pressing the Sugar Canes in the West Indies, and they do inform me, that they look upon this Engine of the Petitioner to be a new Invention, and in all probability wilbe of great use to the Plantations, Wherefore I do humbly conceive, the Petitioner may be intituled to the sole making of this New invented Engine for Fourteen Years, if your Majesty shalbe graciously pleased to grant him your Royall Letters Patents according to the Prayer of his Petition. [p. 329.]

- 28 April. [1086.] [Reference to the Board of Trade of the petition of Jamaica. Richard Lloyd of Jamaica for the pardon of Sherry, one of his negro slaves, sentenced to be transported for poisoning a negro child], in Consideration he is soe usefull on the petitioners plantation. [p. 310.]
- 28 April. [1087.] [On reading a report from the Attorney General as Newfoundland. to the manner of bringing to trial John Chambers and Simon Churchouse now in Winchester and Dorchester gaols respectively for murdering two of her Majesty's subjects beyond the seas, the whole matter is referred to the Committee of the Lords of the Council.] [p. 311.]
- 10 May. [Committee minute for examining Chambers on the 21st instant.] [p. 313.]
- 21 May. [Committee minute of the examinations:] Tho' there was an Affidavit of a Young Lad of 14 Years of Age, against Simon Church-house for being the person who killed one William Fish in Newfoundland, Yett the said person (tho' Ordered to Attend to make good the same) did not appear, it being Reported he was gone out of the Country, and that by many Circumstanciall proffs, it did appear that the said Simon Churchhouse, had never been in Newfoundland, But for many Years past was a Soldier in Her Majestys Army in

1709.

Flanders under Major General Webb, and Lately Returned from thence; Whereupon my Lord Chief Justice Holt took Bail for him in Order to his Legal Discharge at the Next Assizes. [Chambers' alleged offence was committed at Barcelona.] [p. 323.]

[Order for a special commission for trying Chambers.] 29 May

[p. 324.]

[1088.] [Reference to the Board of Trade of an Address from the Assembly of Barbados relating to the evading a trial of William Walker on a bill of indictment found against him for prosecuting George Lillingston in Sir Bevil Grenville's time on a pretended charge of high treason, and forcing Lillingston to compound for 2000*l.* to save his life and secure his liberty.] 19 May.
Barbados.

[p. 321.]

[On the petition of Lillingston that on receiving the Order in Council of 13 Dec. 1705 for restoring to him a fine of 2000*l.*, he was imprisoned for high treason, and by the menaces of Walker compelled to sign a receipt for the said 2000*l.*, although he never received any part thereof; and setting forth that Norman Mackaskell, Deputy Clerk of the Crown, entered an erroneous judgment of acquittal of William Walker for the offence mentioned at the Court of Grand Sessions in December last, although the Petty Jury was never charged with the same, the petition, and the Address from the Assembly, are referred to the Committee for Appeals, and the Order of 19 May is revoked.] 11 July.
[pp. 345-6.]

[Committee minute. The defendants having waived their objections to the irregularity of the complaint without entering any appeal thereupon, the case is to be heard on 22 Aug.] 30 July.
[p. 394.]

[Reference to the Committee of Walker's petition touching unfair proceedings against him by the Governor and others on Lillingston's complaint.] 8 Aug.
[p. 405.]

[Hearing of the case postponed till Chief Justice Holt returns to town.] 22 Aug.
[p. 418.]

1709.
19 Dec. [Committee minute for affirming the verdict of Dec. 1708 acquitting Walker, and for stopping proceedings against Walker and Mackaskell or any other in this matter. The address from the Assembly of Barbados is recommended for her Majesty's further consideration.] [p. 494.]
- (1710.)
26 Jan. [Order accordingly with reference of the Address to the Board of Trade to report what they shall judge most proper for preventing irregular proceedings in the courts of justice in Barbados for the future.] [p. 517.]
- 2 June. [1089.] [Reference to the Board of Trade of the petition of James Campbell merchant for reward for] his Extraordinary Services and Sufferings on account of the Colony and Trade to Newfoundland. [p. 326.]
Newfound-land.
- (1711.)
1 March. [Board of Trade report referred to the Treasury.] [V. p. 204.]
- 2 June. [1090.] [Reference to the Board of Trade of] a Memoriall from the Right Honourable Peregrine Marquis of Carmarthen, Setting forth the great advantages that might accrue to Her Majesty and the Public by suppressing and reclaiming the Pirates at Madagascar and those Parts, which had induced his Lordship by his Solicitation to obtain the late Address from the House of Commons to Her Majesty for Suppressing the said Pirates, And further Representing, That one Breholt taking advantage of the delays in performing thereof for want of Shipping, is upon some indirect or unlawfull Design, in endeavouring to draw severall Persons into some Project for setting out Ships for those Parts, where the said Pirates reside. [p. 327.]
Piracy.
- (1711.)
19 Dec. Petition of Capt. Breholt and others relating to the Wreck near Madagascar. Read. nothing. [V. p. 351.]
- 2 June. [1091.] [Upon reading the petition] of Captain Roger West Indies. Holland, Setting forth his Services and Sufferings in Ireland, and of his being deprived of his allowance of Half Pay on pretence of his refusing to go to the West Indies, [and

1709.

praying for relief, it is referred to the Lord Lieutenant of Ireland to do therein as he shall think fit.] [p. 328.]

[1092.] [Reference to the Lord Treasurer of the petition of the wives, widows and other relations of the seamen of H.M.S. *Sheerness* for wages for four years' services in the West Indies] to preserve them and their distressed Families from utter Ruine. 2 June. West Indies. [p. 329.]

[1093.] [On reading a representation from the Board of Trade upon the petition of George Gordon, Provost Marshall General of Barbados representing] That by Two Acts passed in the Generall Assembly in Barbados in the years 1707 and 1708, the Committees and Commissioners of Assemblys in the said acts mentioned, have been Empowered to appoint their own Marshalls to attend them, And that the Judges of the Courts of Common Pleas, and Court of Admiralty have likewise taken upon them to do the same Refusing to admit the Deputys nominated by the Petitioner as has been usuall, under colour of an Act pass'd in the Generall Assembly in that Island the 5th of September 1667, which Act nevertheless had not been put in use from the making thereof, till the year 1696, Since which there continuing to be but one Prison in that Island, whereof the Provost Marshall Generall is Keeper, He remains answerable for all Escapes, whilst others go away with the Profit, Which being an Encroachment upon the Rights and Privileges of Her Majestys Patent Officer, and a Lessening of the just Rights of his said Office, Her Majesty with the Advice of Her Privy Council having been thereupon pleased to signify Her Disapprobation and Disallowance of such Clause or Clauses in the said Act pass'd in the Generall Assembly of Barbados in the year 1667, Entituled, An Act Directing how the Clerks and Marshalls of the severall Courts of Common Pleas with this Island shalbe appointed, and what Fees they shall receive, Whereby the said Judges are Empowered to appoint their own Marshalls. Her Majesty is further pleased to Order, That the Governour or Commander in Cheif of that Island Endeavour with the Generall Assembly 9 June. Barbados.

1709.

there, that such Clause or Clauses in the said Act pass'd in the year 1708 Entituled, An Act appointing a Committee for settling the Public Accompts of this Island, and appointing the Excise of strong Liquors, whereby the Committee or Commissioners of Assemblys are Empowered to Appoint their own Marshalls, Be repealed, Or that he return an Account to Her Majesty of the Objections against Repealing the same. And that he take particular Care not to passe any Law hereafter in the Assembly there, wherein any thing shalbe conteyned, which shall take away, lessen, or be prejudiciall to the just Rights, Fees and Perquisites of the Office of Provost Marshall Generall of that Island, But that he give all just countenance and Protection to the Petitioner in the due Execution of his office, and in the full Enjoyment of all Rights, Fees, Privileges and Perquisites to the same belonging. [p. 332.]

15 Dec. [Reference to the Board of Trade of George Gordon's complaint of the refusal of Richard Downes, Judge of the Precinct of St. Michael's, to admit the petitioner's deputy in the Court of Common Pleas there.] [p. 488.]
(1710.)

26 Jan. [Upon further consideration, the order of 9 June is revoked and made void.] [p. 519.]

[Mr. Gordon setting forth] that several Considerable Planters and Inhabitants of the said Island having Petitioned her Majesty to Repeal the whole Act, which will be a great Diminution of the Profits of the Petitioner's Place, yet since 'tis a Generall good and ease to the Inhabitants of the said Island he nevertheless prays Her Majesty will be pleased to repeal the whole of the aforesaid Act [the matter is referred to the Board of Trade]. [p. 524.]

[A petition from Alex. Skene praying for the total repeal of the Act is similarly referred.] [p. 524.]
(1710)

18 Feb. [On the Board of Trade report, the Act is repealed, and the Governor directed to move the Assembly to pass an Act for settling a salary or reasonable fees on the several judges, and for restoring to the clerks and marshals the fees mentioned in the aforesaid Act.] [pp. 539-40.]

1709.

[1094.] [Reference to the Lord Admiral of the petition of Richard Walton, surgeon, for 1100*l.* due to him for medicines and instruments for the supply of the Government of Jamaica during the last ten years, before his dismissal by the Commissioners of the Navy by reason of his old age.] [p. 333.]

9 June.
Jamaica.

[1095.] [Reference to the Committee for Appeals of the petition of Stephen Remington of James Town in Rhode Island, lessee of William Sandford, for a date for hearing his appeal from a decree of the General Assembly at Providence in Oct 1708 in favour of Jahleel Brenton.] [p. 334.]

9 June.
Rhode
Island.

(1710.)

[Committee minute recommending reversal of the decree, as the proceedings were erroneous and the Court had no jurisdiction therein.] [V. p. 23.]

14 July.

[Order accordingly.] [p. 46.]

31 July.

[1096.] [Reference to the Committee for Appeals of the petition and appeal of John Colleton and Elizabeth his wife, from a sentence given against them in Barbados 27 Oct. 1708] in favour of Thomas Prideaux of the said Island, Executor of Nicholas Prideaux deceased, from a Plea of the Statute of Limitations, against accounting with the Petitioner for matters transacted by the said Nicholas Prideaux his Testator, complained of in the Petitioners Bill exhibited in the Court of Chancery in the said Island. [p. 335.]

9 June.
Barbados.

[Committee minute. Mrs. Colleton was widow of Henry Drax and administratrix during the minority of her son Henry. Thomas Prideaux obtained a letter of Attorney from Mr. Codrington the only surviving acting executor of Henry Drax, uncle of the said Thomas, and in virtue thereof managed his estate, and instead of accounting to the petitioner for the same, pleaded the Statute of Limitations, and obtained the verdict appealed against. The Committee, on due consideration, recommend its reversal.] [p. 493.]

19 Dec.

(1710.)

[Order accordingly.] [p. 502.]

5 Jan.

[1097.] [On the report of the Board of Trade of 15 July 1708, to whom the case was referred by Order in Council on

16 June.
Bermuda.

606 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709.

27 June 1707, it is found that the bail of 500*l.* demanded in 1706 for the appearance of Matthew Newman was excessive and that the fine imposed on him at the next sessions was also excessive in view of his mean circumstances and contrary to the Bill of Rights: and that as the petitioner has lain in prison for two years, this may be sufficient punishment for his crime of repeatedly threatening and abusing in a very gross manner the Governor, Judges and Justices of the island: he is therefore to be released on condition of departing the island within a reasonable time, or of finding personal security of 100*l.* and two sureties in 50*l.* each for his future good behaviour.] [p. 337.]

23 June.
Virginia.

[1098.] Petition of Thomas Lord Fairfax touching a Proposall for exchanging some Lands in Virginia with the Crown, for the Lot and Cope and Office of Bergmaster in the Wapentake of Wirksworth in Derbyshire. Nothing.

[p. 341.]

18 July.
Barbados.

[1099.] [Reference to the Board of Trade of the petition of John Bentley and Elizabeth his wife for relief in their claims against Richard Downes, which are tryable in Barbados only in the Court of Common Pleas where Downes himself is Chief Judge.] [p. 367.]

8 Aug.

[Order in accordance with the report of the Board of Trade of 2 Aug., setting forth that they have examined the petition and also heard one of Bentley's counsel, lately arrived from Barbados, and find that as the only means of securing the debt of 800*l.* due to him from Downes, Bentley commenced a suit in the Court of Common Pleas. Downes was Judge, and of his four assistants William Roberts, as a factor in the slave trade, was incapacitated from acting in civil cases, and another declined to be present owing to the small-pox being rife. Hereupon the Governor, on being applied to, instead of nominating another assistant to make up the quorum of three, referred the whole matter to Downes himself—whence the appeal to the Council. The Governor is instructed to appoint such assistants as shall be willing and

1709.

qualified to attend the duty of their place, and to take care that a quorum may be present to prevent any delay of justice. For the irregularity in this case, Downes is to be removed from being Judge of the Common Pleas for the precinct of St. Michael's.] [p. 400.]

[1100.] [Reference to the Board of Trade of the petition of Robert D'Oyly, brother and administrator to Cope D'Oyly, and guardian of his two sons, Charles and Cope, setting forth that Cope D'Oyly dying intestate, the Governor of Virginia put the children and the estate under the care of the Court of York County, which converted the estate into money and remitted it to England for the use of the children. Part of it has been drawn back, and converted to his own use by Benjamin Harrison, an attorney, whom the children were induced to accept as guardian. The petitioner therefore desires that the children be sent over to his care and tuition in England.] 18 July. Virginia. [p. 367.]

[1101.] [Reference to the Board of Trade of the petition of John Sober of Barbados forced to leave the island, his business and family, by an unjust prosecution formed against him by the Governor.] 25 July. Barbados. [p. 390.]

[On reading the report of the Board of Trade of 25 August, stating that Sober has presented an affidavit that he was so exasperated by the indecent and unbecoming manner in which the Governor behaved to his wife and sister that he declared that though he must respect her Majesty's Governor], if Mr. Crowe had been a Private Man, he would then have said he was a scout and a Scoundrell, [and that being threatened with an infamous punishment, Sober designed to go off the island, but, though his name was up in the Secretary's office above 21 days, as by law required, he could not obtain a ticket, and was obliged to come away without leave, and in his passage was taken by the French, and recommending that he have leave to return to his estate and to take affidavits in support of his case against the Governor, and that letters mandatory 5 Sept.]

1709.

be sent to Mr. Crowe that when he comes to England in accordance with a late Order, he come prepared to make his defence against the said complaint. Order accordingly.] [*pp.* 421-3.]

8 Aug.
Barbados.

[1102.] [Reference to the Lord Admiral of the complaints of the Council and Assembly of Barbados of the disobedient and contemptuous carriage of Captain Legg of the *Weymouth* and Captain Norbury of the *Lark*, appointed to protect the trade of the island.] [*p.* 404.]

22 Aug.
Virginia.

[1103.] [Order in accordance with the following report of the Board of Trade to the Earl of Sunderland] :—In Obedience to Her Majestys Command Signified to Us by Your Lordships Letter of 28th June last Wee have Considered the petition of Severall Inhabitants of the Canton of Berne praying that they may be permitted to make a Settlement on the Frontiers of Virginia, And Wee have been Attended by Mr. Christopher de Graffinried and Mr. Louis Mitchell who have been sent from the said Canton to prosscute that affair here.

And Whereas by the abovesaid petition Severall Concessions were desired, which would be Chargeable to Her Majesty and which are not granted to Her Majestys Subjects, who take up Lands to Settle and plant there, the foresaid Graffinried and Mitchell who are authorized from the Canton of Berne, have with drawn the said Petition and given Us another proposall, a Copy whereof is hereunto Annexed, by which they propose to Settle a Colony in Virginia of about 5 or 600 persons, at their Own Charge But at first they intend only to Carry over 60, to prepare and begin a Settlement there, and they pray

That Her Majesty would be graciously pleased to grant them Lands for such A Settlement upon the South West Branch of Potomac River.

That they may enjoy the same Advantages Liberties and Priviledges which Her Majestys Naturall born Subjects do enjoy in those parts.

That they may have a minister from their own Country who speaking their own Language will be the better able to teach and instruct them in their Religious Concerns.

1709.

They are willing to be Subject to the Laws and Government of Virginia and in all matters, Ecclesiasticall, Civil and military they will be Conformable to the Constitution of that Colony.

Whereupon having Consulted with some of the principall persons Concerned in Virginia who have testified to Us their ready Concurrence therewith, Wee pray Your Lordship to represent to Her Majesty Our humble Opinion, That the Settlement of Such a Colony in the place desired will be a publique benefitt and Advantage, By Strengthening the Frontier of Virginia against the French of Canada and Missisipi and by the increase of Trade and Navigation, and therefore Wee see no Objection why Her Majesty may not be graciously pleased to grant their Desire and to Direct Her Governour upon their Arrivall to Allot them Lands on the South West Branch of Potomac (which is a piece not yet Seated by any of her Majestys Subjects) in such manner and forme, and under the like Conditions Covenants and reservations of Quitt Rent, as are by the Charter and Laws of that Colony Allowed and Directed to be made, due Care being taken in all such Grants of an Equal Distribution of the profitable and unprofitable Acres; And particularly that every patentee be Oblidged in the best and most Effectuall manner to cultivate and improve three Acres part of every fifty Acres granted to them within the Terme of Three Years, after the passing such Grant, and in Case of failure thereof, such Grant or Grants to be Void and of none Effect, according to her Majestys Additionall Instructions to Colonel Hunter Dated 19th February 170 $\frac{8}{9}$ provided always that in all things they duely Conform Themselves to the Severall Acts and Laws of Trade and Navigation heretofore made or which hereafter shall be made relateing to Her Majestys forreigne plantations.

[pp. 412-3.]

[1104.] [On a representation from the Board of Trade that Col. Ingoldsby has assumed the Government of New York on Lord Lovelace's death, and that it appears that he has

5 Sept.
New York.

610 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709. not been notified of the revocation of his commission as Lieutenant Governor in 1706, the revocation is now ordered afresh.] [p. 425.]
- 24 Oct. [Col. Ingoldsby's commission revoked, and all grants of lands in New York since the death of Lord Lovelace to be void.] [p. 450.]
- 16 Sept. [1105.] [Reference to the Board of Trade of the petition of
Leeward Islands. Walter Hamilton, Lieutenant Governor of Nevis, that, in consideration of his 25 years' service, he be granted a commission as Lieutenant General of the Leeward Islands, of which he alleges there are several Presidents, and that in the absence or death of the Captain General] he may have the salary and perquisites usually allowed Lieutenant Generals, in like cases. [p. 428.]
- 15 Dec. [Representation from the Board of Trade with a certificate from the Clerk of the Council about precedents.] Her Majesty will consider of it. [p. 492.]
- 26 Sept. [1106.] [Order in accordance with the following representation of the Board of Trade of 6 Sept.]:—Having received a Complaint from Edmund Jennings Esqr. president of Your Majestys Council of Virginia, and Commander in Cheif there That the Government of South Carolina had lately seized some Goods, which the Indian Traders of Virginia were Carrying to the Westerne Indians, to the great Interruption and prejudice of That Trade, Wee acquainted The Lords proprietors of Carolina therewith, and Desired to be Informed by their Lordships whether the said Seizure was made by Virtue of any Orders from Them, and on What Account.
In Answer Whereunto they say that a Law was lately passed in Carolina for the Support and Maintenance of their Clergy, whereby a Small Duty is laid upon all Skins Exported out of that province and that by Virtue of the said Law, Some Skins were stopped till the said Duty was Paid, but on payment thereof, were immediately Discharged.

Whereupon Wee humbly take leave to Represent to Your Majesty the State of that matter, as Sett forth in the Minutes of Councill in Virginia of the 28th of Aprill 1708, And in Other Accounts Transmitted to Us from thence, whereby it appears, That Severall Indian Traders Inhabitants of that Colony, having in September then foregoing, been Tradeing with the Westerne Indians, and having purchased a Considerable Quantity of Skins and Furr's which they left in the Towns of a Certain Nation of Indians, Called the Usherees ; The Government of South Carolina, called all the said Skins, with other Goods belonging to those Virginia Traders to be Seized and Carried to Carolina, And at the same time gave Orders (as one of them was Informed) to Seize the said Traders in their returne, to Strip them of all they had and send them back to Virginia, That one of them went afterwards to Charles Towne, to know the Cause of the Seizure ; At last after an Attendance of severall Weeks, and a Considerable Expencc in presents to the Governour and other Persons, upon his Entering into Bond, with a penalty of 500*l*. Sterling never to Cross Santee River again he procured Restitution of some of the said Goods but the rest were Detained without any Satisfaction made or Reason given for such Treatment.

It further Appears by the said Minutes and Accounts That the president and Councill of Virginia Writ to the Governour of South Carolina to Complain of such Unjustifiable proceedings Desiring that the Bond so Extorted might be Cancelled and the abovementioned Restriction taken off, But Wee do not find that the same has yet been Complied with.

Wherefore Wee humbly Offer to Your Majesty that the Western Indians with whom the said Trade has long been Carried on, by the Virginia Indian Traders, are not under the Government of Carolina and Consequently that Government has no power to lay Duties on Goods Carried to those Westerne Indians, or brought from thence, That the laying Duties on European Goods Carried through one plantation to another, has ever been and ought Still to be Discouraged ;

1709.

That the Goods Vended in this Trade being Coarse Cloaths, Gunns, Hatchets, Beads, Powder, Shott, and other European Manufactures which the Inhabitants of Virginia Import Directly from Great Britain. The Consumption thereof will be much Lessened, if the Trade between that Colony and the said Western Indians is interrupted, and Carolina permitted to Ingross the same, In regard the Inhabitants of Carolina have a Constant Clandestine Trade with Currasao, and St. Thomas, and Import European Goods from those places, which they Purchase with Rum and Spirits, Nor have they Such Conveniency of Shipping from Great Britain to Supply them with European Goods as Your Majestys Subjects of Virginia have for which Reason those of Carolina Cannot Export from Great Britain so great Quantities, nor Afford to Sell what Goods they do Export at so Cheap Rates. To all which Wee may Add, That the Stopping the Indian Trade from Virginia, and permitting it to be Ingrossed by the few Inhabitants of Carolina Concerned therein will be attended with Consequences very Dangerous to Your Majestys Service and to the peace of Your Colonies in America For the Inhabitants of Carolina not being able to Supply the Indians with European Goods, for want of Conveniency of Shipping from Great Britain as has been Observed) when they have Shutt Out the people of Virginia from Tradeing, they will raise the price of their Goods as they think fitt, the Consequence Whereof will be, that, those Indians who are near Neighbours to the French at Mishasipi, will be Supplied from thence whereby the Trade will be in Danger of being Entirely Lost, And the French have it in their power to make Use of those Indians to annoy Your Majestys Subjects in those parts. Whereas on the other hand, if this Indian Trade is left Open the Cheapness of Brittish Goods will not only Secure the Friendship of the Indians already known but give an Incouragement to Your Majestys Subjects there to Attempt the Opening a Trade with other Indians Yet Undiscovered.

For these reasons Wee look upon this Duty (which as Wee are Informed is heavy and Equal to a prohibition) or any

1709.

other restriction on that Trade with regard to the Virginia Indian Traders to be highly Injurious and prejudicial to Your Majestys Subjects, and are therefore of Opinion that the same ought to be taken off and the Trade left Free and Open to Virginia.

In Order Whereunto Wee humbly propose, That Your Majesty will be pleased to Signifye Your Royall pleasure to the Lords proprietors of Carolina That they give Directions to their Governour not to Demand or Levy the said Duty upon any goods or merchandizes which shall be Carryed by the Virginia Indian Traders to the Western Indians or which shall be brought back from thence by Way of Trade but that the said Trade be permitted to be Carryed on Without any let hindrance or molestation whatever, And that the said Governour of Carolina be Required to Transmitt to the Commander in Cheif Virginia the Bond so Extorted in Order to be Cancelled. [pp. 430-3.]

(1713.)
8 Jan.

[Orders in accordance with a representation from the Board of Trade of 19 Dec., 1712.] A Complaint having been made from Virginia in 1709 of Obstructions the Virginia Indian Traders mett with in their Trade with the Western Indians from the People of Carolina by reason of a Law passed in that Province for Laying Duty on Skins Exported out of Carolina, and that matter having been fully Laid before Your Majesty with the Consequences of the said Obstructions, Your Majesty was pleased to direct the Lords Proprietors of Carolina to Give Orders to their Governor there not to demand or Levy the said Duty, upon any Goods or Merchandizes, which Shall be Carryed by the Virginia Indian Traders to the Western Indians, or which shall be brought back from thence by way of Trade, But that the said Trade be permitted to be Carryed on without any lett, hindrance or molestation whatsoever.

Notwithstanding which Wee are informed by a Letter from Colonel Spotswood Lieutenant Governor of Virginia, that the Government of Carolina did in July 1711 pass an other Act, whereby they Impose the Duty and all the hardships upon

1709.

the Virginia Indian Traders which your Majesty Graciously intended to remedy by the forementioned directions a Copy of which Act as transmitted to Us by Colonel Spotswood, We take Leave to annex thereunto.

The pretence for Exacting the said duty and imposing the said Hardships, is, that the Virginia Indian Traders in Going to the Western Indians pass through the Province of Carolina the Boundaries whereof are not yet settled: And notwithstanding the Signification of your Majestys pleasure the 1st March 1710 to the Lords Proprietors, to appoint Commissioners to meet with others on the part of Virginia, the Same has not yet been done, though the Lieutenant-Governor of Virginia has often prest the Government of Carolina to it, they pretending they had no directions; Wherefore Wee humbly Offer that your Majesty be pleased to renew your Majestys directions to the said Lords Proprietors, that they may immediately Appoint Commissioners to Meet with those of Virginia for that purpose.

Wee further humbly Offer that your Majesty be likewise pleased to signify your Royall pleasure to the said Lords proprietors of Carolina, that they immediately (if the same be not already done) take care that the foresaid Act passed in July 1711 so prejudiciall to your Majesty's Subjects of Virginia be repealed. [VI. p. 66.]

28 Sept.
North
Carolina.

[1107.] [Reference to] the Commissioners for Settling and Disposing of the said Poor Distressed Palatines [of the petition of 40 or 50 families from the Palatinate now living in St. Catherines Street London and praying transportation into America with the Swiss now going to North Carolina.]

[p. 438.]

24 Oct.
Pennsyl-
vania.

[1108.] [On a representation of the Board of Trade of 8 Sept. upon divers laws transmitted from Pennsylvania, they are directed to recommend Mr. Penn to have all Acts passed in the Assembly of Pennsylvania transmitted for her Majesty's approbation as soon as convenient after the passing thereof: as several whole Acts have been disallowed merely by reason

1709.

of some unsuitable clause, the Board of Trade are to give notice to the respective colonial governments or their agents of the reason for repealing such Acts: if in the disallowed Act for the further securing the administration of Pennsylvania a clause be inserted that on the death or absence of the Lieutenant Governor the proprietary do nominate another and obtain her Majesty's approbation within six months, then the Act will be confirmed: Mr. Penn is also to endeavour to get a law passed for renouncing the Pretender and declaring the allegiance of the inhabitants to her Majesty.] [p. 452.]

(1714.)
20 Feb.

[The Board of Trade representing] that by the Powers Granted in the Charter to Wm. Penn Proprietary of that province for Making and Enacting Laws, there is 5 years time Allowed to him to lay his Laws before Her Majesty, and but 6 Months to Her Majesty to Consider thereof; whereby it may happen, that so great a Number of Laws may be at one time transmitted, as that it may without difficulty be impossible, Considering the other Business That may intervene, to Examine the same as they ought to be; And also representing another ill Consequence of a Clause in the said Charter, That temporary Laws prejudicial to the Trade of Her Majestys other Subjects may be Enacted there which will Expire before Mr. Penn is Obliged to Lay the Same before Her Majesty Which the said Lords Commissioners judge unreasonable, and a Burthen on the Trade and Navigation of this Kingdom, as well as an invading Her Majestys right of repealing such Laws as may be prejudicial to Her Majestys interest and the Trade of Her Subjects: And Her Majesty being likewise informed that there is the like practice in most of her plantations in America for Making Laws to Continue and be in force one Year only whereby her Prerogative of disapproving or Confirming such Laws is also invaded. It is Ordered by Her Majesty in Council That the Consideration of these matters be and it is hereby referred to a Committee of the whole Council, Who are at the same time to Examine into the State of the Agreement with Mr. Penn for surrendring the Government of Pensilvania into Her

616 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1709. Majestys Hands, and to report their Opinion upon the several particulars abovemention'd to Her Majesty at this Boord And it is further Order'd by Her Majesty, That it be also referr'd to Mr. Attorney and Mr. Sollicitor General to Consider of the Abovesaid matters, and to attend their Lordships with their Opinion thereupon.] [Vol. VI. *pp.* 335-6]
- (1714.)
20 Mar. By the Lords of Her Majesty's Most Honourable Privy Council in a Committee of the whole Council. Their Lordships . . . finding by a Minute at the Treasury Chambers Read at the Board that an agreement hath been made there with Mr. Penn and others proprietors [for surrendering the propriety of Pennsylvania to the Crown for 12,000*l.* to be paid in four years time, recommend that the agreement be perfected by Act of Parliament by reason of the incapacity of Mr. Penn, and that provision be made to obviate the inconvenience in the passing and transmitting of laws occasioned by the present form of the Charter]. [VI. *p.* 348.]
- (1714.)
21 April. [Order accordingly : with instruction to Committee of whole Council to examine into similar evasions of the prerogative of the Crown in the other plantations.] [*p.* 355.]
- (1714.)
5 June. [Committee for Appeals refer the matter to the Board of Trade to Examine and report on the best methods of setting aside the said practices.] [*p.* 365.]
- 24 Oct.
Barbados. [1109.] [Reference to the Committee for Appeals of the petition of Othniel Haggatt and Mary his wife, relict and administratrix of Henry Gibbs of Barbados, for liberty to appeal from a decree of the Governor of Barbados, setting forth that Joseph and Daniel Alford of London, merchants, exhibited a bill in Chancery in Barbados against the petitioners for a discovery of Gibbs' estate in order to satisfy a judgment of the Barbados Court of Common Pleas of 20 June 1706, awarding the Alfords 173*l.* 17*s.* 6½*d.* On hearing the case on 20 Mar. 1709, the Governor ordered the sum to be levied on Othniel's own estate], although the Bill was brought against

1709.

the petitioners as the said Mary was administratrix as afore-
said, and not pretended to be proved against either of the
petitioners.] [p. 455.]

[Committee minute—recommending dismissal of appeal as
the sum involved is less than 500*l*.] 15 Dec. [p. 487.]

[Order accordingly.] [p. 490.] 15 Dec.

[1110.] [Reference to the Board of Trade of] a Petition in 15 Dec.
behalf of Francis Pouch of Antegoa and Daniel Gashet of Antagua.
Martinico, Setting forth That the Ship Society belonging to
the said Gaschet, which was sent as a Flag of Truce with
English Prisoners from Martinico to Antegoa, where her Lading
was made Prize, And that the St. John Baptist belonging to
the said Pouch, which was sent as a Flag of Truce with French
Prisoners from Antegoa to Martinico, was plundered by Two
French Privateers, part of the value of which Goods so
plundered was deteyned by the French as a Reprizall, And
therefore Praying satisfaction may be made, and some method
taken to prevent such Violences to be used on either side.

[p. 488.] (1710.)

[Orders are given in accordance with the report of the 30 March.
Board of Trade]: We have considered a Petition in behalf of
Francis Pouch of Antegoa and Daniel Gashet of Martinico,
Setting forth, That a french Sloop called the Society, belonging
to the said Gashet, having on board Brandy, Wine and other
Goods for Guardaloupa, was in June 1708 by Order of the
Governor of Martinico pressed, and not allowed Time to unlade,
to carry the English Prisoners as a Flagg of Truce to
Guardaloupa, where she was to take in One Lapoterye, ap-
pointed to manage the Exchange of Prisoners, and from thence
was to sail to Antegoa; That being near Guardaloupa, the
English Prisoners on board, coming in Sight of Her Majesty's
Ship the Hector, forced the said flagg of Truce to Change
her Course, and bear down upon Your Majesty's said Ship who
took her, and Carried her into Antegoa, where, upon a Tryal,
the Sloop was Cleared, but the goods on board Condemn'd
as Prize.

1709.

That some time after this the Sloop St. John Baptist, belonging to the Petitioner Pouch, was laden with Goods for Montserrat, and in like manner pressed without having time to Unlade, by Order of Colonel Parke to go as a Flagg of Truce with french Prisoners to Martinico, and in her Voyage thither was mett and plundered by a french Privateer; That upon Complaint thereof the Governor of Martinico caused Restitution to be made of all, but so much as amounted to an Equivalent for the Goods taken on board the french Sloop Society, which he detained as Reprizal; Wherefore the Petitioners humbly pray, That Satisfaction may be made, and some method taken to prevent Such Violences to be Used on either side for the future.

Upon this We humbly take Leave to Represent, that though Several Papers under the hands and Seals of the Governor, Intendant and Notary Publick of Martinico have been produced to Us, in Order to make Good the Allegations in the said Petition, relating to the french Sloop; Yet We have reason to believe from Several Instances, that the whole proceeding was with intent to Colour an Illegal Trade; Some of which Instances We shall humbly lay before Your Majesty as follows,

The Two Sloops were in the like Case; The french Sloop was pretended to be loaded for Guardaloupa, but pressed to go to Antegoa, and the British Sloop was likewise pretended to be loaded for Montserrat, but pressed to go to Martinico: This has the appearance of a Contrivance to Carry on an Illegal Trade, especially Considering that the said British Sloop Carried but Two french Prisoners as We find by a memorial presented to Colonel Parke and the Council of Antegoa by the aforementioned L'aposterye, which in Our humble Opinion did not deserve the Expence of a Flagg of Truce, if there was no other Intention in the Voyage.

It further appears by the Tryal of the said french sloop at Antegoa (a Copy whereof has been laid before Us) That one of the Witnesses who had been a Prisoner at Martinico,

1709-10.

Declared upon Oath, That the Petitioner Gashet told him There, That he had Goods on board the said Sloop which were to be landed at St. Christopher's. In Answer to which the said Gashet Said, That part of the loading of the said Sloop Consisting of Beef, it was not reasonable to believe the Same was Intended for Your Majesty's Islands, from whence the french commonly have such Provisions, which is another Confirmation of such Illegal Trade being Carried on there.

We further find, That another fflagg of Truce had been sent from the Leeward Islands in May 1708 loaden with Beef for Martinico, where it was publickly Sold.

There are several Other Instances of an Illegal Trade Carryed on from the Leeward Islands, Barbadoes, and Other of Your Majesty's Plantations, by means of such fflaggs of Truce; But We think These are sufficient to trouble Your Majesty with at present, And therefore are of Opinion, that there is no Reason why Your Majesty should Gratify the Petitioners, by Directing a Restitution as is desired by the Petition.; And That for preventing the like Illegal Practices for the future, Your Majesty's Pleasure be Signified to the Several Governors, That whenever they have Occasion to send out Flaggs of Truce, no more Goods or Provisions be permitted to be laden on board such Vessells than what shall be necessary for the Voyage.

[pp. 562-4.] (1711.)

13 Aug.

Report from the Commissioners of Trade about settling a Cartell with Martinico, And the preparations of the French against Antegua. Ordered to be returned back to my Lord Dartmouth Secretary of State. [V. p. 288.]

1710.

5 Jan.
Barbados.

[1111.] [Reference to the Committee for Appeals of the petition of Arthur Slingsby and Susanna his wife for liberty to appeal from an unmerciful fine imposed on them by the Court of Common Pleas in Barbados on pretence of scandalous words alleged to have been spoken by Susanna against Sarah, the wife of John Legay.] [p. 507.]

[Committee minute recommending that the appeal be admitted.] 14 July.
[V. p. 23.]

620 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.

- 31 July. [Order accordingly.] [V. p. 46.]
- 5 Jan. [1112.] Petition of the Lord Baltimore praying to be
Maryland. Restored to his Government of Maryland Collonell Seymour
the late Governor being Dead. Nothing. [p. 508.]
- 18 Feb. [1113.] [On reading the petition] of Captain George
Jamaica. Camock, and the officers and Seamen of Her Majestys Ship
Speedwell, Praying to be Allowed Salvage as a Reward for
their Service in retaking from the French Privateers an English
Merchant Ship called the Ruth, richly loaded from Jamaica,
Decreed by the High Court of Admiralty to be restored to the
Owners, paying One Eighth part of the appraised value for
Salvage, which is a Perquisite of Admiralty, [it is ordered that
Sir Charles Hedges, Judge of the Admiralty, consider and
report.] [p. 538.]
- 20 June. [Order vacated ; case referred to Admiralty.] [V. p. 13.]
- 28 Aug. [In accordance with the Admiralty report, it is ordered
that the petitioners receive five-eighths of the salvage,
amounting to 334*l.* 4*s.* 5*d.*, and that the Treasury give direc-
tions accordingly.] [V. p. 86.]
- 20 March. [1114.] [Reference to the Commissioners for Sick and
Jamaica. Wounded Seamen of the petition of Charles Crosseley, surgeon,
for a reward for his pains and expense in attending the recruits
for Jamaica who were wounded when their transport, the
Bonaventure, was taken by two French men-of-war after an
obstinate fight.] [p. 566.]
- 11 May. [Reference to the Admiralty of the Commissioners' report
of 2 May that Crosseley expended 22*l.* in medicines and deserves
20*s.* a head for voluntary attendance on nineteen wounded
soldiers, but that a payment of this sort relating to the land
forces had never been made by their office, a branch of the
Navy establishment.] [p. 580.]
- 20 June. [The Admiralty concurring in the above report, the Lord
Treasurer is directed to enquire] whether there be any Remains

1710.

of Deductions, or other Money belonging to the Regiment at Jamaica, out of which the Reimbursement and Allowance proposed . . . may be made. [V. p. 13.]

[1115.] [Reference to the Lord Treasurer of the petition of 30 March. Jeffery Power and John Marks. executors of John Smith, late ^{Plantation Trade.} of Bideford, a great dealer to the plantations and other parts to the great increase of the revenue of the Crown, who at last had fallen under many misfortunes and died indebted to her Majesty upwards of 8000*l.* for customs: with difficulty the petitioners have paid near 2300*l.* and they now seek remission of a moiety of the arrears.] [p. 567.]

[1116.] [Reference to the Lord Treasurer of the] petition of 20 April. Peter Schuyler an Inhabitant of Albany within the Province ^{New York.} of New York, Setting forth his being a successful Instrument in preserving the Five Nations of the Warlick Indians firm in their Obedience to the Crown of Great Britain, notwithstanding the frequent Attempts of the French to seduce them, and also his many Services during the last Warr against Canada, And Praying consideration thereof, and to be reimbursed 1840*l.* 2*s.* by him expended for furnishing the Forts of Albany and Schenectada with Firewood for seven years, with Interest for the same, and also Three Hundred pounds laid out in bringing to London the Four Indian Princes, now arrived in an Embassy to Her Majesty from those Five Nations. [p. 571.]

[Reference to the Lord Treasurer of the petition of 20 April. Abraham Schuyler of Albany for a reward for his many ^{New York.} services since 1688 for the safety of the province]: by his Conversation with the Indians he has arrived to the Knowledge of their Language, and was alwaies employed as Interpreter by the Commissioners for Indian Affairs in the City of Albany, for which he has had no Compensation, and is now come over as Interpreter to the Four Sachems of the Five Nations. [p. 571.]

622 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1710.
- 20 April. [1117.] [Reference to the Board of Trade of the petition of
Tobago. Capt. Edward Cowley for some equivalent or compensation
by way of employment in consideration of his care and trouble
in settling a colony in Tobago at a cost of 600*l.*, and other
services, and on account of 248*l.* arrears due to him on the
Civil List.] [p. 571.]
- 5 Oct. Representation from Commissioners of Trade . . Her
Majesty will consider the Petitioners Services. [V. p. 119.]
- 20 April. [1118.] [On reading a presentment of 16 March from the
Navigation Laws. Customs to the Lord Treasurer, it is ordered that the com-
missions of 1696 for administering the oath to enforce the Acts
of Trade be renewed to members of the Council and others in
each plantation. The form of the oath is given and the names
of the colonies to which commissions are to be sent] :—
I A.B. Governor or Commander in Cheif of do
solemnly swear, That I will do my utmost, that all the Clauses,
Matters and Things conteyned in the several Acts of Parliament
heretofore pass'd in the Kingdom of England, and now in
force relating to Her Majestys Plantations in Asia, Africa and
America, Vizt. One Act of Parliament made in the 12th Year
of the Reign of King Charles the 2nd Entituled An Act for
Encouraging and Encreasing of Shipping and Navigation.
Another Act made in the 15th year of the Reign of his said late
Majesty Entituled An Act for the Encouragement of Trade,
Another Act made in the 22nd and 23rd years of his said late
Majestys Reign Entituled An Act to prevent the Planting of
Tobacco in England, and for Regulating the Plantation Trade.
Another Act made in the 25th year of the Reign of his said late
Majesty Entituled An Act for the Encouragement of the
Greenland and Eastland Trades, and for the better securing
the Plantation Trade. And One other Act made in the 7th
and 8th years of his late Majesty King William the 3rd
Entituled An Act for preventing Frauds and Regulating Abuses
in the Plantation Trade, Shalbe punctually and bona fide
Observ'd according to the true intent and meaning thereof, so
farr as to me apperteyneth So help me God. [p. 572.]

1710.
11 May.
New
England.

[1119.] [Reference to the Board of Trade and to the Attorney or Solicitor General of the] Petition of Wait Winthrop, Elisha Hutchinson etc., in behalf of Themselves and the rest of the Associated Proprietors of that part of the Narraganset Country in New England called the Mortgage Land, etc., Praying Her Majesty to Confirm unto Them their Grant of those Lands, which They have been deprived off for many years by persons settling thereon without Right.

[p. 581.]

ANNE, VOL. V. (2 June, 1710—28 July, 1712.)

[The following petitions are granted of owners of ships praying that they may not be embargoed in the Plantations] :—

[*Constantine*, 250 tons, Edw. Joye master, 20 guns and 40 men; *Honest Endeavour*, 70, Fra. Fisher, 4 and 14; *Elton* galley, 150, Wm. Grane, 10 and 30, all for Jamaica; *Carter* frigate, 450, Ben. Graves, 20 and 30, for Virginia, etc.; *James*, 350, Thos. Fogg, 18 and 35, for Virginia, etc.; *Colchester Adventure*, 200, Jer. Samson, 8 and 20, for Virginia, etc.; referred 11 May [Vol. IV. p. 582]; granted 2 June [Vol. V. p. 8]. *Catherine*, 400, Tho. Graves, 14 and 28, for Virginia; *Mary and Elizabeth*, 220, Rd. Sparkling, 6 and 18, for Virginia and Maryland; *Elizabeth and Mary*, 250, Tho. Read, 14 and 25, for Virginia and Maryland; referred 28 August [p. 90]; granted 21 September [pp. 99-100]. On 26 September, petition of several unnamed ships; marked "not issued" [p. 111]. *Francis and Mary*, 130, Wm. Watkins, 4 and 18, for Barbados; *Britannia*, 300, John Wilcox, 12 and 22, for Maryland; *Benefactor*, 180, John Long, 16 and 20, for Barbados; *Anne* galley, 80, Ben. Rumsay, 6 and 12, for Barbados; no order as to reference; granted on Admiralty report on 19 Oct. [pp. 133-4]. *Ann* galley, 160, Thomas Arnall, 10 and 18, for Barbados; *Anne*, 180, Wm. Finch, 6 and 15, for Virginia; *George*, 150, John Burton, 6 and 15, for Maryland; *Robert and John*, 250, Cha. Broadwater, 8 and 25, for Maryland; *Concord*, 300, Luke Nott, 8 and 30, for Maryland; *Lusitania*, 500, Thos. Holland, 24 and 40, for Barbados; *Granville*, 350, James Waldie, 22 and 35, for Barbados; *York Merchant*, 400, Cha. Barellet, 24 and 40, for Barbados; *Anne* hagboat, 350, Math. Pope, 14 and 28, for Virginia; referred 13 Dec. [p. 171]; granted 21 Jan., 1711 [p. 180]. *Rebecca*, 120, Thos. Stringer, 2 and 12, for Virginia; *Hester* frigate, 150, John Stone, 12 and 36, for Barbados; *Offley* frigate, 200, Sam. Cousens, 14 and 24, for Antigua; no order as to reference; granted on Admiralty report on 15 March [pp. 220-1]. *Popley* frigate, 250, Peter Bartlett, 18 and 36, for Pennsylvania; no order as to reference; granted on Admiralty report 24 March [p. 223]. *Tiger* galley, 300, Rich. Welsh, 20 and 40, for Barbados; *Betsy* brigantine, 80, Rich. Quince, 6 and 12, for Maryland; *Society*, 150, Wm. Lax, 4 and 12, for

624 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.

Virginia; referred 20 May [p. 247]; granted 14 June [p. 254]. *Robert and Thomas*, 350, Thos. Bagwell, 18 and 30; *Crown*, 300, Rich. Hubbard, 16 and 25; *Northampton*, 200, Rich. Robins, 10 and 20; all for Virginia; referred 30 July [p. 228]; granted 13 August [p. 286]. *Page* frigate, 400, John Jones, 18 and 25, for Virginia; *Elizabeth and Martha*, 450, Rob. Redhead, 20 and 50, for Maryland; *Colchester Adventure*, 200, Jer. Sampson, 8 and 16, for Maryland; *Mary and Elizabeth*, 200, Rd. Sparkling, 6 and 14, for Maryland; *Bradley*, 330, Rd. Burbridge, 12 and 24, for Maryland; *Sarah and Hannah*, 250, Thos. Marking, 10 and 20, for Maryland; *Higginson* frigate, 220, Thos. Dansey, 10 and 18, for Maryland; *Hester*, 180, Dan. Groom, 8 and 18, for Maryland; *William and John*, 180, Wm. Ellis, 2 and 18, for Maryland; *Friendship*, 150, Geo. Akers, 8 and 12, for Maryland; *Mary of London*, 170, Sam. Ingram, 12 and 20, for Maryland; *Six Sisters*, 150, Wm. Young, 2 and 12, for Maryland; *London* galley, 200, Ch. Halifax, 14 and 20, for Maryland; *Hermitage*, 120, Arth. Hill, 6 and 9; *Berkshire* brigantine, 100, Hen. Comely, 10 and 20, for Barbados; *Sophronia* galley, 180, Rd. Shewbrick, 12 and 20, for West Indies; *South River Merchant*, 200, John Reas, 12 and 24, for Maryland; *Mary Ann*, 220, Dan. Maud, 2 and 18, for Maryland; *Bayly*, 450, Wm. Harvey, 16 and 30, for Virginia, etc.; referred 3 September [p. 299]; granted 19 September [pp. 316-7]. *Virginia*, 250, —, 14 and 40, for West Indies; *Lion*, 440, John Thompson, 30 and 60, for Maryland; *Carter* frigate, 400, Ben. Graves, 20 and 30, for Virginia; *Recovery* pink, 100, Wm. Russell, 4, for Maryland; *York Merchant*, 400, Ch. Bartlet, 16 and 36, for Maryland; *Catherine*, 400, — Bayly, 16 and 30, for Virginia; *Fortune* galley, 150, Hugh Arbuthnot, 6 and 16, for Virginia; referred 13 December [p. 341]; granted 19 December [p. 351]. *London* frigate, 400, John Swan, 26 and 40, for Barbados; *Lusitania*, 500, Thos. Holland, 24 and 36, for Barbados; *America Merchant*, 160, Rob. Boyd, 12 and 22, for Virginia; *Manchester* galley, 170, Fra. Fisher, 12 and 30, for Jamaica; *George* frigate, 400, John Brooks, 20 and 40, for Virginia; *Martha* pink, 170, Tho. Hum, 4 and 14, for Virginia; *Diggs* frigate, 370, Ed. Whitaker, 20 and 30, for Virginia; *Cranfield* frigate, 200, John Walker, 10 and 24, for Virginia; *Murdock*, 200, John Gerard, 8 and 20, for Maryland; *Dunckley*, 350, Hen. Clear, 20 and 30, for Maryland; *Mary and Elizabeth*, 140, John Wilmott, 10 and 24, for West Indies; referred 10 January, 1712 [p. 362]; granted 26 January, 1712 [pp. 371-2]. *Granville* frigate, 340, Rob. Smith, 22 and 32, for Barbados; referred 3 April [p. 406]; granted 2 May. There is a space, apparently left for other names, but not filled in. [p. 417].

31 July. [1120.] [Reference to the Lord High Treasurer of the
Jamaica. petition of severall Merchants, Traders and Inhabitants of
Jamaica, Complaining of the High Dutys laid upon Prize
Goods in that Island, And of the severe Collecting the same
There, and praying Her Majesty's Consideration of what
They have to Offer upon Two late Reports of the Lords
Commissioners of Trade and Plantations, and of the Commis-
sioners of the Customes in that Matter; And that Her Majesty
would be pleased to Remitt the said Dutys, And Recall the

1710.

powers sent for Collecting the Same, And that the Bonds already taken or putt in Suit may be for the present Respitted.

[p. 46.]

[1121.] [On a presentment from the Customs, the Governor and Attorney General of Maryland are ordered to cause execution to be levied forthwith in accordance with judgments given twelve years since but constantly evaded by them, in favour of Colonel Quarry, Surveyor General of the Southern Continent of America, upon four bonds in the penalty of 1000*l.* each for illegal trade in enumerated goods.] [p. 84.]

28 Aug.
Maryland.

[1122.] [Reference to the Treasury of Capt. Hunt's petition setting forth his long and faithful services to the Crown, and of his being now reduced to the greatest necessity, and praying relief, either by payment of what is due to him for his journeys from Bermuda, New York, and New England, or otherwise.]

28 Aug.
Plantations.

[p. 92.]

[1123.] [On reports from the Board of Trade and the Attorney and Solicitor General, it is ordered that the nomination by the Assembly of Barbados of a Treasurer in the Excise Bill depending there, be no longer opposed by the Council, but allowed of.]

26 Sept.
Barbados.

[p. 107.]

[1124.] [The Ordnance not being empowered by the establishment of their office to provide with more than 30 small arms each the two sloops (to carry 100 men each) recently built on the Thames to cruise about Jamaica, an Admiralty memorial proposing that orders be given for issuing to each 50 muskets and cartouche boxes, 50 swords, and 10 pair of pistols, is referred to the Ordnance for consideration, and, if favourable, for an estimate.]

19 Oct.
Jamaica.

[p. 124.]

[The additional arms are ordered, on the Ordnance estimate of 67*l.* 17*s.* The report holds that it is an extraordinary charge, and that if many ships are to receive additional munitions], it would be for Your Majestys Service that We should receive Your Majestys Directions that a Demand may be made by Us in Parliament for the same.

2 Nov.

[p. 139.]

1710.
2 Nov.
New York.

[1125.] [An instruction for Colonel Hunter is to be prepared in accordance with the following representation of the Board of Trade of 26 Oct.]—Having Received Letters from Collonell Hunter Your Majesty's Governor of New York wherein he gives An Account of some Difficulty he Meets with in seating the Frontiers, We humbly take leave to Represent to your Majesty.

That by One Clause of his Instructions he is Required, To take Care that in all Patents of Lands for the future, there be a Covenant to Oblidge the Patentees to Plant, Settle and Effectually Cultivate at least 3 Acres of Land for every 50 Acres within 3 years after the Date of their respective Patents, upon Penalty of Forfeiture of every such Grant.

Upon which the said Governor Observes, that most of the Unpatented Lands lye Remote and very much Exposed to the French of Canada, and their Indians, so that during the War, no Settlement can with safety be Attempted on the Frontiers, whereby your Majesty loses so much of Quit-Rents as would Arise from the Grants of such Lands, Wherefore We humbly Offer that Your Majesty be pleased to Allow of an Alteration in the said Instructions, vizt. That the Covenant in every Grant of Land on the Frontiers be to Plant, Settle and Effectually Cutlivate at least 3 Acres for every 50 Acres of Lands in 3 Years after the End of the present War with France, which will Encrease Your Majesty's Quit Rents in the mean while, and Facilitate the Seating of the Frontiers after a Peace, and that Your Majesty's Pleasure herein be Signified to the said Governor. [pp. 142-3.]

2 Nov.
Jamaica.

[1126.] [Reference to the Treasury of the following representation of the Board of Trade of 31 Oct.] :—Major General Handasyd having Some while ago Transmitted to Us an Account of Escheats found for your Majesty at a Grand Court in Jamaica in May 1709 (a List whereof is hereunto Annexed) upon which he Observed, that most of the said Escheats were Lands that had lain Uncultivated for 30 or 40 years, and therefore paid no Quit Rent to Your Majesty and that if Your

1710.

Majesty were pleased the Same should be Disposed of, They might be of Service to some poor Family's that were come from St. Christophers and the Other Windward Islands, from whence They had been forced by the Enemy to Retire, and Quit their Settlements and Places of Abode.

When We received the said Letter, there was then a Proposall under Consideration for Settling Some Palatines at Jamaica, towards which the said Escheats might have been of Use, but the said Palatines having been Disposed of otherways, We humbly Offer that the Governor may be Directed to Grant the same as shall be of greatest Advantage.

A Dockett of the Judgments upon Escheats which were Affirmed for the Queen in May Grand Court 1709.

For a certain Lott of Land in Kingston Containing in Length from North to South 90 Feet and in Breadth from East to West 30 Feet &c. For these Negro Slaves following 6 Negro Women, One Negro Man, and 2 Pickennineys: which Land and Negroes were Valued at 100*l*.

For 500 Acres of Land in Burnt Savannah in Cabaretta in the Parish of Westmorland, which was Valued at 2*l*. 1*s*. 8*d*.

For 5 Negro Slaves which were Valued at 95*l*.

For 5 Parcels of Land scituate in the Parish of St. James's which were Valued at 27*l*. 14*s*.

For 2 Parcels of Land in the Parish of St. Elizabeths One whereof Containing by Estimation 60 Acres, the Other Containing by Estimation 300 Acres, which were Valued with One Negro Man at, 10*l*. 15*s*.

For a Parcell of Land scituate in Kingston Containing in Length from East to West 28 Feet, and in Breadth from North to South 18 Feet which was Valued at 4*l*. [p. 143.]

[1127.] [Reference to the Treasury of the petition of George Daniel on behalf of the master and sailors of the ship *Valentine* of Jamaica for some consideration for their services in recovering about five years since an iron chest of money which, they are informed, was sent home by the Governor and paid into her Majesty's Exchequer.] [p. 144.]

2 Nov.
Jamaica.

628 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1710.
 28 Nov. Barbados. [1128.] [Mr. Cater of Lincoln's Inn enters an appearance for Margaret Sutton, widow, to the appeal of Edmund Sutton of Barbados.] [p. 159.]
- 13 Dec. [Reference to the Committee for Appeals of Edmund Sutton's petition that a day be appointed for hearing his appeal from a judgment of the Barbados Court of Chancery on 18 Aug. last in favour of Margaret, late wife of John Sutton of Barbados], in relation to his personal Estate, whereof the Petitioner by his last Will was Executor.
 (1712.) [p. 166.]
- 19 Feb. [Committee minute recommending that Mrs. Sutton's plea be overruled, and that she answer Edmund Sutton's bill for the discovery of his father's estate and pay him 5*l.* costs.]
 (1712.) [p. 380.]
- 8 March. [Order accordingly.] [p. 386.]
- 30 Nov. Barbados. [1129.] [Mr. Cater of Lincoln's Inn enters an appearance for Middleton Chamberlain Esqr. to the Appeal of Richard Husbands of Barbados Esqr. and Margaret his wife. [p. 159.]
 (1711.)
- 20 May. [Reference to the Committee for Appeals of the appeal of Richard Husbands and Margaret his wife from a decision of the Governor and Council of Barbados on 8 Aug. 1710 in favour of Middleton Chamberlain touching a debt of 148*l.* 13*s.* 7*d.* due by him to them.] [p. 247.]
 (1711.)
- 18 Oct. [Committee minute. Chamberlain having died since the prosecution of this appeal and his executors being unrepresented, they are to appear by themselves or their agents within one month of receiving this notice.] [p. 331.]
 (1712.)
- 27 Aug. [Committee minute. As notice has been served on Dorothy, widow and executrix of Middleton Chamberlain, and on her attorney here, the case is to be heard at the first meeting in September.] [VI. p. 9.]
 (1712.)
- 27 Sept. [Letter to Lord Chief Justice Parker enclosing papers in this case remaining in the Council office,] which your Lordship is desired to peruse against the next meeting of the Council. [VI. p. 27.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 629

[Committee minute. Notice appearing to have been duly served but no one attending for Mrs. Chamberlain, the decree of 8 Aug. 1710 is reversed, and a judgment of the Barbados Court of Common Pleas of 24 Aug. 1709 affirmed, awarding the petitioners execution for a debt of 1785*l.* 4*s.* 3½*d.* 5*l.* costs is also awarded to the petitioners.] [VI. p. 39.] 1710.
(1712.)
31 Oct.

[Order accordingly.] [VI. p. 50.] (1712.)
24 Nov.

[1130.] [On reading a letter from the Board of Trade to the Earl of Dartmouth with three addresses from Maryland, they are referred back to the Board of Trade.] 13 Dec.
Maryland.

Address from the Council and Assembly of this Province, against the Governors having the custody of the Seal of the said Province.

Address from the Assembly relating to Sir Thomas Lawrence's Claim to the Ordinary Licences in that Province.

Address from the Assembly relating to Two Acts repealed by Her Majesty The One about Gauge of Tobacco Hogsheads, The other against cropping and defacing the same, etc.

[Reference to the Board of Trade of Sir T. Lawrence's petition], Setting forth, That he is informed that the Council and Assembly of that Province have in their Address to Her Majesty denied the Petitioners Right to the Benefit of Fines payable on the granting Licences to Ordinarys or Public Houses contrary to the Determination of His late Majesty King William in several Orders of Council, Her Majestys Letters to the Governor and the Report of Mr. Attorney, as well as their own practice for Ten years together, during which time they passed several Acts for granting the Petitioner the Benefit of the said Licences. And therefore Praying Her Majesty willbe pleased to inforce the former Orders in his behalf and to Direct that he may have ful satisfaction for his Losses and Sufferings. [pp. 163-4.] 13 Dec.

1711.

14 June. [An instruction for the Governor of Maryland ordered to be prepared in accordance with the following report of the Board of Trade of 8 May]—Wee have considered the Address of the General Assembly of Maryland, wherein they complain of some Hardships they lye under with regard to the Freight of British Shipping, employed in the Tobacco Trade of that Province particularly, in that the Gauge of the Tobacco Hogsheads is not allowed to be Two Inches in the Diameter of the Head longer than those of Virginia, To justify which Encrease of Measure, they say that Maryland Tobacco being more Chaffy, and consequently much lighter than that of Virginia, 3200*li*. weight of the Virginia is generally brought hither as cheap as 2200*li*. weight of the Maryland Tobacco And therefore pray they may be permitted to pass a Law for the making their Tobacco Hogsheads Two Inches in the Diameter of the Head, larger then those of Virginia, yet of equal length with them.

Whereupon Wee take Leave to Represent to your Majesty That an Act having been sometime since pass'd by the General Assembly of that Province, whereby it was Enacted That the Gauge of Tobacco Hogsheads to be made there, should be larger than that of Virginia Hogsheads according to the abovementioned difference of Proportion And Wee having laid the said Act before Your Majesty the 23rd of March 170 $\frac{7}{8}$ with our humble Opinion that for the Reasons then given the same was unfit to be approved, Your Majesty was pleased by your Order in Council of the 20th of April 1708, to repeal the said Act, and notwithstanding any thing in the said Address, We are still of Opinion, that the Maryland Hogsheads ought to be of the same size as those of Virginia.

That though the sweet sented Virginia Tobacco will bear Pressing better than the Maryland Tobacco, and consequently a Hogshead of the former sort will weigh considerably more than a Hogshead of the latter ; Yet the Virginia Tobacco by being press'd too close, dos frequently become Black and of less value, whereby, the Owner thereof looses in Price, what

he gets in Freight. Besides Wee are inform'd, That in several parts of Virginia particularly on James's River, the same sort of Tobacco is produced as in Maryland so that it were but reasonable, that the like Encrease of Measure in the size of Tobacco Hogsheads should be allowed to the Planters in those parts of Virginia as is desired by the People of Maryland, which would be a considerable Loss to the Owners of Shipping with regard to Stowage, The Ships employed in the Tobacco Trade being built to the Size of the Virginia Hogsheads, that is, to contain in the Hold seven Hogsheads in depth, Whereas should the Maryland Hogsheads be Two Inches larger in the Diameter of the Head, those ships would contain but six Hogsheads and an half in depth, were a Hoghead divided into Two, So that the Owners of Shipping wilbe under a necessity, either of Cropping the Hogsheads of building New Ships, or of leaving off that Trade.

Wee have likewise been inform'd, that if the Maryland Planters should take the same care (which some of them do) in Packing their Tobacco, as is taken by the Planters in Virginia, every Hoghead would contain near a Fourth part more than it now usually contains, for 'tis found by Experience, that sometimes a Maryland Tobacco Hoghead is from seven to 800 weight, which is as heavy as a Hoghead of the light sort of Tobacco from Virginia.

The Generall Assembly dos complain in this their said Address of frequent abuses committed by the Masters of Ships in Cropping the Hogsheads, whereby great Quantities of Tobacco are much damaged; For remedy whereof the Assembly say they found it necessary to pass an Act, but the same has since been repealed by your Majesty Whereupon Wee further take Leave humbly to Represent to your Majesty, That the abovementioned Act concerning the Gauge of Tobacco Hogsheads, and the other against Cropping them, were Repealed at the same time by Your Majestys aforesaid Order in Council, in regard it was not thought reasonable, that One should continue in force, and not the other, that is the Masters of Ships

1711.

subject to a Penalty of Cropping the Hogsheads, and yet the Planters under no Tye as to a reasonable Gauge of them, Besides that the Penalty in the Act against Cropping was much greater than in the other.

As to the passing a New Law in Maryland for preventing the Cropping Tobacco Hogsheads, The Owners of Shipping employed in that Trade, who have attended us on this occasion, do say they have no Objection thereto, Provided a Law be passed there at the same time to reduce the Maryland Hogshead to the Size of that made in Virginia, and that the Penalty be the same in both Laws which appears to us very reasonable. Wherefore Wee humbly offer, that your Majestys Pleasure be signified to the Governor or Comander in Chief of the Province of Maryland for the time being to acquaint the said General Assembly, that they may pass Two Acts for the several purposes with a like Penalty for enforcing the same as aforesaid.

Lastly, They desire that when any Merchant or other Person dos apply to Your Majesty in opposition to any of their Laws, they may have an opportunity of being heard in support of them. This wee have always lookt upon as a Rule of Common Justice, and have accordingly observed it in all Matters that have come before Us, with regard to such of the Plantations as have an Agent or Agents, which at present is not the Case of the People of Maryland, who for some years past has had no Agent here. But when a Law pass'd there shalbe transmitted hither in order to its being laid before Your Majesty and the same shalbe lyable to such Objections as not to be fit for your Royall Assent, Wee cannot think it advisable, that the said Act should nevertheless continue in force, till those Objections are communicated to the General Assembly of Maryland, and Answers thereto returned from them, whereby the Mischiefs or Hardships complained of in such Law must necessarily continue a much longer time than would be fitting.

Therefore Wee humbly propose, that it be recommended to them to appoint some fitt Person or Persons residing here

to be Agent or Agents for that Province, who being fully empowered and instructed may from time to time, as occasion shall require take care of and negotiate all such Matters as may concern the said Province. [pp. 252-3.]

1711.

[The objection made by the President, Council, and General Assembly of Maryland to the Governor's having the Seal is that in an appeal from the Chancery Court to the Governor and Council, the Governor acts as judge of his own decree. Order is given in accordance with the report of the Lords of Trade] that the Inconvenience complained of is occasioned by an Act passed in October 1704 Entituled an Act for Appeals and Regulating Writs of Error, whereby all the Matters and Clauses that were conteyned in an Act with the same Title which passed in July 1699 are Revived and Reenacted And therefore humbly Offering their Opinion, That Her Majesty would be pleased to signify her Disallowance of both the said Acts, Which being repealed, a Power of bringing Appeals and Writs of Error from the inferior Courts to the Governor and Council, and from thence to Her Majesty in Council here will subsist by Her Majestys Instructions to the Governor, in like manner as is practised in other Plantations in America, and will best answer the abovementioned Address.

14 June.

[p. 253.]

[1131.] Petition of the Earl of Limerick to be recommended to the Parliament for his Services against the French and Indians of Canada, etc. Nothing.

9 Feb.
New York.

[p. 187.]

[1132.] [Reference to the Committee for Appeals of the] Petition and Appeal of Jane Lyte Widdow John Mills Esqr. and John Mills junr. of the Island of Barbados, Praying That a short time may be appointed for hearing their appeal as Executors of Paul Lyte late of the said Island Esqr. deceased, from a Decree of the Court of Chancery in the said Island Obliging them to pay unto Constance Lyte, now Shatterden, Daughter of the said Paul the Father a Legacy of Two Thousand pounds by him devised to his son Wm. Lyte deceased Brother of the said Paul the Younger.

9 Feb.
Barbados.

[p. 189.]

634 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.
(1712.) [Committee minute affirming the decree and dismissing the
23 Jan. appeal with 5*l.* costs. The decree of 9 Aug. 1710 awarded to
Constance Shatterden 2000*l.* to be paid by the appellants,
executors of Paul Lyte junr., with interest at 6% from the filing
of the bill and the current exchange to make the 2000*l.* sterling
English money.] [p. 367.]
- (1712.)
31 Jan. [Order accordingly.] [p. 376.]
- 9 Feb.
Bermuda. [1133.] The Petition of David Creagh and John Clark of
Barbados was read and Ordered to be sent to the Right
Honourable Sir Charles Hedges to consider thereof, and to give
his Opinion thereupon at the next Meeting of the Council.
[p. 189.]
- 15 March. [It is ordered that the Board of Trade] do Transmitt unto
this Board the Papers now in their Office relating to the
Petition and Business of David Creagh and John Clark
touching the Sloop *St. James* of Barbadoes and her Cargo,
which will be proceeded upon by the Lords of the Council
as a Court of Appeal. [p. 213.]
- 10 April. [The Board of Trade having this day laid before the
Board the papers they had received from Colonel Bennett of
Bermuda relating to the *St. James*, condemned in the Court
of Admiralty of Bermuda for having contraband goods on
board, they are sent to the Lords Commissioners for hearing
Appeals for Prizes, who are to hear and determine the cause
with all convenient speed.] [p. 233.]
- 1 March.
Newfound-land. [1134.] [On the following report to the Board of Trade
from William Keen, merchant, inhabitant of Newfoundland]:—
I am in Duty bound to discover several Abuses and Imposi-
tions upon the Government by the commanding Officer in
Newfoundland.
1. Notwithstanding the Commanding Officer is forbidden
to trade, yet it has been daily practis'd since November 1706,
and several Commodities as Rum, Molosses and Tobacco have
been purchas'd by the Officers, and Payment made by Bills

1711.

of Exchange drawn by the Engineer upon the Honourable The Pay-Masters of Her Majesty's Ordnance, the truth of which may be known by Reviewing the Accounts for the Year 1707, wherein Your Lordships will find Charg'd upon the Government three Setts of Bills of Exchange drawn by Robert Latham for three Hundred and odd pounds, Value received of William Keen, which Value was Rum, Molosses and Tobacco Sold Major Lloyd by Messrs. Andw. and Jona. Belcher, and deliver'd by me according to a Contract between the said Belcher and Lloyd. Mr. Belcher being to Supply Lloyd with Rum, Molosses and Tobacco, to the Value of Fifteen Hundred or Two Thousand Pounds Sterling, And to receive in Exchange Good Bills payable to them or their Order.

2dly. Your Lordships will find the Government Charged with Several Summs of mony paid for Palisadoes, and Repairing the Garrisons, which Article is Utterly false, the Inhabitants of Newfoundland having constantly Supply'd the Commanding Officer with what Palisadoes have been demanded at their own proper Charge from the year 1706, untill the taking of the Garrisons by the french.

3. At the Yearly Survey of Provisions, such as were Condemned (instead of being thrown into the Sea) were resalted, And the Condemned Bread pack'd in Cask and Serv'd out to the Soldiers, And the good Provisions, under pretence of being lent to the Inhabitants were Sold them, And the Value paid to the Order of Major Lloyd. The Steward that deliver'd the Provisions was One Mr. William P'anson Factor for Major Lloyd and Quarter Gunner to the Garrison.

4. It has been the Custom of the Officer to lett out Soldiers to hire, during the ffishing Season, for which the Officer receiv'd from Twelve to Eighteen pounds each man. The Hardships the Soldiers underwent during Major Lloyd's command, put them upon Committing Several Robberies, as breaking open Her Majesty's Store for Provisions, and Several Merchants Storehouses, taking Provisions and Cloathing to a Considerable Value.

1711.

5thly. Some time before the taking of St. John's, Her Majesty's Arms and Ammunition were deliver'd out to the Several Commanders of the Militia for their respective Companys, with Two Charges of Powder and Ball for each man and no more, although Major Lloyd Oblig'd the Commanders of the Militia to give their Receipts for four Charges of Powder and Ball upon his promise of delivering the remaining Two Charges before they should have Occasion, which Promise was never performed.

6. On the 2nd of November 1708, One Neal a Canadian and french Prisoner at St. John's, was Transporting himself in the William Pink for New England in Order to be Exchang'd; But Major Lloyd Ordered him on Shore and made him Officiate as Gunner. This Neal was Officer of the Guard the Morning the Fort was taken and not punished by the french as an Offender, when an other Prisoner that had taken up Arms in the English Service, was Condemn'd to the Gallies.

7. The 21st December about 4 in the Morning the Garrison was attackt by 156 french men and four Indians, And taken in less than half an hour, no Defence being made, nor One Cannon fired from the Fort, although the Centinel in the New Garrison (where the Inhabitants Guard was kept) Advertis'd the Centinel of the Fort of the Enemy's Approach, neither did the Soldiers come out of their Barracks, excepting Some Eight or Ten Men of which One was a Serjeant. Major Lloyd was taken in his Gown just risen from his Bed, Capt. Gully in his Chamber Sick of the Gout, and Mr. Phillips Lieutenant had been suspended by Major Lloyd some time before.

After the Surrender of the Fort the Castle took the Alarm, but for want of an Officer, it was Surrendered the 22nd December without firing a Gun.

Her Majesty taking the said Memorial into Consideration is pleased with the Advice of Her Privy Council to refer the Same to the Principal Officers of Her Majesty's Ordnance, and to the Lords Commissioners of Trade and Plantations, who are to take Care to stop the Payment of any Monys, that shall

1711.

be found due to the late Major Thomas Lloyd for his Pay or for Disbursements at Newfoundland during his Command There, or in any Other manner whatsoever: And are to be also Carefull to prevent for the future the Abuses Sett forth in the said Memorial, whenever Her Majesty shall think fit to send another Commander into those Parts. [pp. 197-8.]

[David Lloyd, brother and executor of Major Lloyd, is 24 March. to be heard against the above Order on the first Thursday after Easter week. The Board of Trade are to have a copy of his petition and to send the necessary papers and proofs.] [p. 223.]

[Reference to the Committee for Appeals of a letter from 23 June. the Lords of Trade and of Mr. Keen's memorial: Mr. Keen's charges of embezzlement of public stores are referred to the Lord Treasurer.] [p. 255.]

[Committee minute on the other charges. Mr. Keen having 16 Aug. failed to appear, the matter was nevertheless examined, and it was recommended that Major Lloyd's executor do not remain further charged with such part of the said articles as have been under consideration.] [p. 287.] (1715.)

[Reference to the Treasury of John Thurston's petition to 30 April. be discharged of moneys belonging to Major Lloyd, detained by the petitioner in accordance with the Order of 1 Mar. 1711.] [Geo. I. Vol. I. p. 217.]

[1135.] [Her Majesty's pleasure to be signified to the 1 March. Governor of the Leeward Islands in accordance with a representation of the Board of Trade on the complaint of the Assembly of St. Christopher against the Lieutenant Governor and Council for not agreeing to a Bill for raising a public revenue for repairing the fortifications and for the support of the Government.] [p. 199.] St. Christopher.

[1136.] [On the following representation from the Board 1 March. of Trade]:—Having laid before Your Majesty such Account New York. as We received from Your Majesty's Governor of New York,

1711.

of the Settlement of the Palatines, and of their being Employed in the Production of Naval Stores in that Province, We now beg Leave humbly to Represent to Your Majesty the Difficulties he has met with from the Assembly, in relation to his procuring the Grant of a Revenue There.

The last Act of Assembly whereby a Revenue was Granted to Your Majesty for Defraying the publick Charges of that Government, Expired the 18th of May 1709; The Governor who Arrived There in June 1710, did on the first of September following, in his Speech at his Opening the first Session of Assembly, among other things earnestly Recommend to them, the providing a fitting and necessary Supply for the Service of Your Majesty's Government, And that they would take Care to restore the Publick Credit. In Order whereunto, at the Desire of the Assembly an Estimate of the Yearly Charge of that Government was laid before them, Part of which Estimate they disallow'd, And prepared another Estimate of the Charges of that Government.

On the 25th of October following, the Assembly Voted Two thousand Five Hundred Ounces of Silver, towards Defraying the Governor's necessary Expences for One Year; The Value of which Quantity of Silver he computes at little more than half of what Your Majesty has been pleased to appoint for his Salary; Whereupon he Communicated to them, that Part of Your Majesty's Instructions, whereby he is Impowered to receive to his own Use as Governor Twelve Hundred Pounds Sterling a Year, out of the publick Revenue of that Province, And Added, that he presumed They would not Dispute Your Majesty's Right of appointing a Salary for the Use of Your Governor.

They struck out some Entire Articles in the said Estimate of the Yearly Charge of that Government, And Retrenched Others to less than One half, though some of the Members proposed, That what the Governor Offered, might be further Considered, and one of them having prest it with some Warmth was Thereupon Expell'd the Assembly. Afterwards on the

2nd of November they Voted Twelve Hundred Pounds more, for Defraying the Charge of the Government and for the Security of the Frontiers.

On the 6th of November following a Bill was brought into the Assembly, giving a Power to the Treasurer of that Province, out of the Publick Treasure lying in his hands (un-appropriated) to Issue Five Thousand, Six Hundred and sixty seven Ounces and a Half of Silver, for the Use of the Garrison and other the Uses therein particularly mentioned: Which Summ the Governor informs Us was little more than half of what was necessary, and very much less than what has Usually been Allowed for those Services.

To this Bill the Council made an Amendment, by which the Mony was Directed to be issued by Warrant of the Governor, by and with the Advice and Consent of the Council, Conformable to Your Majesty's Instructions in that behalf, And to former Practice there. The Assembly Disagreed to this Amendment, And there were several Conferences between the Council and Assembly on the Subject Matter of that Amendment, without any good Effect. Whereupon the Governor found himself Obliged on the 25th of the said November last to prorogue the Assembly to the first of March next, in hopes they will Then meet in a better Temper. In the mean time by this Proceeding of the Assembly there is no Provision made for the Payment of the said Governor's Salary, or for Defraying the Other Publick and Necessary Charges of that Government; Except what may Arise from the Two Acts past that Session for settling an Excise on Strong Liquors, and for laying Dutys on the Tonage of Vessells and Slaves; All which 'tis Computed will fall much short of the 'forementioned Services.

The Governor has inform'd Us, of what Reasons some of the Members of the Assembly give for their not providing for the Support of that Government as formerly, with his Observations upon Such their pretended Reasons. And We further beg Leave humbly to lay the same before Your Majesty.

1711.

They pretend that the Expence of that Province on Account of the late intended Expedition against Canada, has so Impoverish'd them, That they are not able to Raise Mony to Answer the Usual Charge of the Government : Upon which the Governor Observes, that the Service of that Expedition was defrayed by a Land-Tax (the greatest part whereof we presume was spent among themselves) whereas the Mony given for the Charge of the Government, was usually Raised by Dutys on Goods Imported and Exported, and on Excise.

Another Reason they give is, That the Misapplication of Revenues formerly Granted, has, as they Alledge, brought a Considerable Debt on the Country.

To Remove that Objection the Governor proposed to several Members of the Assembly, That a Clause might be inserted in the Revenue Bill, to Oblige the Receiver General to be Accomptable to the Assembly as well as to Your Majesty ; That such other Clauses might be Added, as would Effectually Restrain the Governor and Council from loading the Country with further Debts by any Payment to be Issued out of the Revenue.

But 'tis believ'd the true Reasons of this Proceeding of the Assembly, are, First, That in a Great Measure some of the Neighbouring Governments are Exempted from so great a Charge.

As to this, the Governor Observes, That the Province of the Massachusetts Bay is at Twenty Thousand Pounds yearly Charge, for the Defence of their frontiers, whilst those of New York, are for the most Part Defended and Secured by Your Majesty's Regular Forces There.

Another Reason is, That by Act of Assembly every Assembly man being allowed Six Shillings a day, during the sitting of the Assembly, the better to secure his being Chosen from time to time, he only Considers the saving of the Country's mony, without having any manner of Regard to the necessary Services of the Government.

Lastly, the Governor adds, That of late a Notion has very much prevailed among those People, that Your Majesty has

not a Power of Appointing Salaries out of the Revenue Raised by them, and the pretended Right they have Assumed to themselves of Retrenching the Governor's Salary, in the manner beforementioned, is founded on that Notion, which in Our Opinion, should not be Countenanced.

This being a State of the Difficulties the Governor has met with from the Assembly, in relation to his procuring the Grant of a Revenue, as it appears to Us from the Journal of Assembly, and from the Governor's Letters, We beg Leave to Offer to Your Majesty Our humble Opinion,

That Your Majesty's said Governor be Directed to Represent to the Assembly, That it being Your Majesty's Undoubted Prerogative to Constitute a Governor of that Province, with an appointment of such Salary as your Majesty in Your Royal Wisdom, has judged Suitable to the Character, and necessary for the Support and Maintenance of that Government, it has therefore been justly displeasing to Your Majesty, to find they have Refused or Neglected to make the like Sufficient Provision for the 'foresaid purpose, as has been made in the time of Your Majesty's late Governors. And Thereupon that the said Governor be further Directed in the most Effectual manner to Recommend to them the Granting the like Revenue for the Support and Maintenance of that Government, as has Usually been Granted. And the better to induce the Assembly to Comply therein, We humbly Conceive it may be proper to intimate to them, that if they shall persist in refusing or Neglecting to provide for the Necessary Support and Maintenance of that Government under the Administration of Your Majesty's present Governor, in like manner as the same has hitherto been Supported and Maintained, they must Expect, that such their Refusal or Neglect will give a just Occasion to the passing an Act by the Parliament of Great Britain, for Granting to Your Majesty the like Revenue to Arise, and be paid there, for the Support and Maintenance of that Government as has Usually been granted by Act of Assembly for that Service.

642 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.

Her Majesty in Council Approving of the said Representation is pleased to Order, as it is hereby Ordered, that the Right Honourable The Lords Commissioners of Trade and Plantations do forthwith draw up Heads of a Bill to be layd before the Parliament of Great Britain for Enacting a Standing Revenue of what has been Usually Allowed within the Province of New York for the Support of the Governor there, and the necessary Expences of the Government, according to former Acts of Assembly: And that they present the same to Her Majesty at this Board, in Order to Her Majesty's further Pleasure Therein. [pp. 199-202]

19 Dec. Representation from the Commissioners of Trade, about settling a Revenue for the support of the Government of New Yorke and the Letters thereunto relating, with the Draft of an Act of Parliament for that purpose, ordered to be delivered to the Earl of Dartmouth. [p. 351]

(1713)

4 May. [The Board of Trade complain of the Assembly of New York for attempting to abridge her Majesty's royal prerogative, and submit a bill for granting a revenue to her Majesty in New York for the support of the government there This is ordered to be laid by the Board of Trade before the House of Commons.] [VI. p. 102]

1 Mar.
Virginia

[1137.] [Reference to the Earl of Orkney, Governor of Virginia, of a representation from the Board of Trade touching the granting, seating, and planting of lands in Virginia.] [p. 203]

24 March. [In accordance with the recommendation of the Board of Trade, permission is given to the Assembly of Virginia to pass as an Act a clause in the Governor's instructions]—Whereas it has been Represented to Us by the President and Council of Our said Colony, that the Method of Granting of Lands as Directed by Our Instructions to Robert Hunter Esqr. bearing Date at Our Court at St James's the 30th of April 1707 is not Agreeable to the Laws Constitution and Practice of Our said Colony; Our Will and Pleasure therefore

1711.

is that for the future the Method of Granting of Lands be in such Form and Manner, And under the like Conditions, Covenants and Reservations of Quit Rent, as are by the Charter and Laws of that Our Colony allowed and Directed to be made, and as were by Us permitted to be made, before the Instruction to Robert Hunter aforesaid. Provided due Care be taken that in all such Grants hereafter to be made Regard be had to the Profitable and Unprofitable Acres, And particularly that every Patentee be oblig'd in the best and most Effectual Manner to Cultivate and Improve three Acres part of every Fifty Acres so granted within the Term of three years after the passing of such Grant, and in Case of failure thereof, such Grant or Grants to be voyd and of None Effect.

[pp. 228-9.]

[1138.] To the Right Honourable the Lords of the Council appointed a Committee for the Plantations [are referred two petitions, one from London merchants, the other from Bristol, praying confirmation of all judgments given in Jamaica,] Grounded on the Laws and Statutes of England and the known Customs of that Island. 15 March. Jamaica.

[p. 219.]

[1139.] [On a memorial from the Admiralty, the Ordnance are directed to allow on the accounts of Capt. Aldred of H.M.S. *Rochester*, commander of the Newfoundland convoy last year, certain gunners' stores from the *Rochester* and the *Portland* left by him for the defence of Fort William on the petition of the inhabitants of St. John's.] 24 March. Newfoundland.

[p. 224.]

[Similar order for Capt. Douglas of the *Arundel*, who left four guns at Fort William on the order of Capt. Crow of the *Warspite*, commander of the Newfoundland convoy this year.] 19 Dec.

[p. 345.] (1712.)

[Reference to the Ordnance of several captains who left stores at Newfoundland and elsewhere—no particulars given.] 10 Jan.

[p. 363.] (1712.)

[On the Ordnance report of 24 Jan. that allowance of these stores cannot be made without her Majesty's special order, the required order is given.] 31 Jan.

[p. 375.]

644 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.
 (1712.) [Order that Capt. Douglas be allowed by the Ordnance for
 8 March. a barrel of powder put ashore at Fox Island in Newfoundland.] [p. 392.]
- (1712.)
 8 March. [Reference to the Ordnance of a memorial from the Admiralty as to stores left at Ferryland in 1710 by Capt. Gunman of the *Lyme* by order of the commander of the convoy, and proposing that the Ordnance be directed to allow all stores left in pursuance of such orders.] [p. 393.]
- (1712.)
 3 April. [The Ordnance presenting a list of stores left at Newfoundland in 1710 it is ordered that they be allowed on showing proper vouchers for their receipt]—From Her Majestys Ship *Lyme* at the Isle of Buys, 26 Sep. 1710 : Corn Powder 2 barrels ; Round Short for 3 Pounders 10 ; Ditto for Falconet, 60 ; Match $\frac{1}{4}$ Cwt. ; Paper Royall $\frac{1}{2}$ Rheme ; Ladle for Minion, 1 ; Heads and Banners Great 1 pair, small 1 pair.
- From the Newport at Newfoundland to the Governor of Harbour Grace Powder 4 Barrels ; To the Governor of Carbonier Island Powder, 4 Barrels ; Round Shot for 3 Pounders 100 ; Musket Shot 100.
- From Her Majestys Ship *Rochester* to John Collins Esqr. Governor of Fort William at St. Johns in Newfoundland, 14th October 1710, Ordnance of 12*l.* Bullet, 2 ; Carriages, 2 ; Match, $\frac{1}{2}$ Cwt. ; Sheet Lead, $\frac{1}{2}$ Cwt. ; Hand Crow Leaver, 1 ; Corn Powder 8 Barrels ; Barras 12 Ells ; Wyre 1*l.* ; Fine Powder 1 Barrel ; Round Shot for 12 Pounders 100 ; Cases of Wood for Saker 2 ; Coins 4 ; 6*d.* Nails 60 ; Sheep Skins 5 ; Twine 2*l.* ; Junk $\frac{3}{4}$ Cwt. ; Paper Royal 6 Quire.
- From the Portland to Governor Collins 14th October 1710, Match $\frac{1}{2}$ Cwt. ; Musket Shot 84*l.* ; Tampeons Great 10 ; Paper Royall 1 Rheme ; Wadhook 1 ; Flints 100 ; Corn Powder 8 Barrels ; Cases of Wood for Saker 2 ; Starch 2 ; Needles 2 dozen ; 2*d.* Nails 600 ; Heads and Rammers 3 pair ; Thread 14*l.* ; Linstocks 3 ; Shot of 12*l.*, 5 ; Ditto for Demi Culver 2 ; Ladles and Spunges for ditto 1 Ladle, 1 Spunge. [p. 406.]

[On a memorial from the Admiralty of 23 Sept., it is ordered that Capt. Crow be allowed for stores left last year, and that the officers who received them be accountable to the Board of Ordnance.] [VI. p. 28.]

1711.
(1712.)
28 Sept.

[1140.] [Reference to the Board of Trade of Samuel Barwick's petition to be restored to the Council of Barbados.]

24 Mar.
Barbados.

[p. 226.]

[The Board of Trade representing that Barwick had replaced one of the three suspended Councillors and was ousted on their restoration, it is ordered that if, as he alleges, there is a vacancy by the death of Middleton Chamberlain, he is to have the place.]

10 April.

[p. 233.]

[1141.] [Reference to the Board of Trade of the petition of Edward Buncombe of Montserrat, complaining that the Lieutenant Governor, Council and Assembly refuse to satisfy him, according to an Act of General Assembly, for 1330*l.* 11*s.* 6*d.* damages sustained by him in 1708 from a French privateer.]

24 March.
Montserrat.

[p. 226.]

[In accordance with the report of the Board of Trade of 19 April, Governor Douglas is directed to recommend the petitioner's case to the Assembly of the Leeward Islands or to that of Montserrat that justice may be done him. The Lords of Trade report that the case is based on a Leeward Islands Act confirmed in 1703, in which it is enacted]—
Whereas in case a Warr should ensue, it may so happen that the Enemy out of their Ships of Warr, Privateers or other Vessells may land upon any or every the respective Islands aforesaid, to rob, plunder, burn and destroy, although they did not intend to conquer the same, which may prove to the extreme Damage, if not to the utter ruine, of some particular Persons. Therefore Be it further Enacted by the Authority aforesaid, that if any such Landing to rob, plunder, burn and destroy should happen, which God forbid, on any of the respective Islands aforesaid, and any Person or Persons shall receive Loss or Damage thereby, the said Loss and Damage

1711.

so susteyned, be it more or less, shalbe made good to the Person or Persons so damnified, by the Treasurer for the time being, out of the Publick Stock of each such respective Island, where any such Accident shall or may happen, according to an Estimate, as shalbe taken and made by Three able and discreet Freeholders of the Vicinage, upon their Oaths, and returned under their Hands and Seals, which shalbe thereto directed and appointed by the Governor in Cheif, Lieutenant Governor or President, Council and Assembly of such Island for the time being, Any Law, Usage or Custom to the contrary in any waies notwithstanding.

In proof of the Petitioner having susteyned a Damage in the manner and to the value mentioned in his Petition, John Buncombe, Son of the Petitioner, has produced to Us a Copy of a Warrant of Appraisement Signed by Your Majestys then Captain General of the said Islands, and directed to Colonel Bartho: Rees, Captain John Bramley and George Millward Gentleman, and a Copy of the appraisement by them made under their Hands and Seals, all which the said John Buncombe has upon Oath, made before Thomas Gery Esqr. a Master in Chancery attested to be true Copies of the Originals. He has likewise produced to Us a Copy of a Minute of Council dated at St. Christophers the 30th of March 1710, and attested as aforesaid, whereby it appears, that the said Governor and Generall Council were of Opinion, that the Petitioner ought to have Reparation made for his said Damage, and that they recommended him to the then Generall Assembly for that purpose. But the said John Buncombe Affirms, that the said General Assembly was adjourned before they came to any Resolution therein, And that the Petitioner did afterwards to the Lieutenant Governor Council and Assembly then sitting at the said Island of Montserrat, but could not obtain any Reparation for his said Damage. And lastly He has declared upon Oath, that he has been credibly informed, that in pursuance of the aforesaid Act, Reparation has been made to severall Persons in the other Three Islands

1711.

for the Damage by them so susteyned respectively, particularly to Colonel Christopher Codrington in Antegoa, to Walker in Nevis, and to Colonel John Garnett and Burrian in St. Christophers; And further that he never heard that Reparation was refused to any Person, who had suffered a Damage by the Landing of the Enemy since the Commencement of the said Act, till the same was refused to the Petitioner. [p. 237.]

[1142.] [Reference to the Committee for Appeals of the] 20 May.
Petition of Edward Chester of Antigua Complaining of an Antigua.
Illegal Seizure of severall Bagg's of Cocoa, and the proceedings in the Courts of that Island relating thereunto, which is Transmitted under seal to Her Majesty in Council for her Direction therein. [p. 248.]

[Committee minute. The cocoa was seized for non-payment 16 Aug.
of duties, and on 10 Oct. 1710 the local Admiralty Court forwarded its proceedings to the Privy Council for advice as to the judgment to be given and ordered the cocoa to be delivered to the petitioner on his giving security. He alleges that he has done this, but has not received the cocoa. The Committee recommend that the case be sent back to be decided without further delay by the Admiralty Court in Antigua, from whose judgment either party may appeal to the Council. Meanwhile Chester is to have his cocoa, if he has given security.] [p. 287.]

[Order accordingly.] [p. 295.] 3 Sept.

[1143.] [Upon reading a letter from the Board of Trade to 14 June.
Lord Dartmouth] relating to the late Rebellion and Murther of Antigua.
Colonel Park at Antegoa, together with a Letter presented to them by Mr. Michael Ayon, Provost Marshall of the Leeward Islands from Mr. Thomas Morris a Member of the Council of Antegoa, who communicated to them several Affidavits relating to the said Murder, And there having been also laid before the Boord, a Letter from Colonel Hamilton Lieut.-Governor of the said Island, with Addresses from the

1711.

Assembly of Antegoa, From the Lieut. Governor and Council there, and from the President Council and Assembly of Nevis, and the Lieutenant Governor and Council of St. Christophers, concerning the said Fact, [all the papers are] Referred to a Committee to consider the Same. [p. 250.]

- 14 June. [To a Committee of the whole Council is referred the petition of Micaiah and Richard Perry, Park's executors,] Setting forth, That they have lately received more particular Advices of the imparaleld and inhumane Murder of the said Daniel Parke, and having also several Affidavits as also Eye Witnesses, who are ready to prove and give an account of the heynous and aggravating Circumstances that attended that Fact, and of the treasonable and rebellious Speeches and actions of several of the Cheif Actors therein, [and praying] to be permitted to lay the said Proofs before Her Majesty that so the Memory of Her Majestys said Captain General may be vindicated, and the guilty Aggressors brought to their deserv'd Punishment. [p. 250.]
- 23 June. [Three letters to Lord Dartmouth from Col. Hamilton, Commander in Chief in the Leeward Islands, with addresses from the Council and Assembly of those islands and depositions touching the late disorders there, are referred to] the Lords of Her Majesty's most Honourable Privy Council, who are to meet in a Committee to consider thereof, and to Report . . . [p. 255.]
- 18 July. [Minute of the Committee for Appeals: the papers etc. confirm the information already laid before her Majesty, and there is good ground for the commission and directions given to Col. Douglas in the matter.] [p. 266.]
- 19 Dec. [Reference to a Committee of the whole Council of] a Letter from Major Walter Douglas Governor of the Leeward Islands transmitting several Evidences and Depositions against Captain Joseph Rokeby, Lieutenant Thomas Watts, Ensign Henry Smith, Officers in the Regiment commanded by Colonel James, whom he had sent over Prisoners in Her Majestys

1711.

Ship the Lark, as being concernd in the Murther of Colonel Park late Governor of the said Islands; And a Petition of Micajah Perry and Richard Perry of London Merchants Executors of the said Colonel Parke, being this day likewise read at the Board, Representing the Obstructions that hinder the Execution of Her Majestys Orders for bringing to condign Punishment the Persons principally concern'd in the said Murder, and Praying such Orders may be given as shalbe effectual to bring the notorious Criminals to their deserved Punishment, and the aforesaid Officers removed from their Comissions.

[p. 343.]

(1712.)

3 Jan.

[Committee of the whole Council (16 present) recommend that the Attorney and Solicitor General ascertain how far the evidence on this side is sufficient for the trial in England of Ensign Smith, now in Newgate: that the case of Rokesby and Watts be referred to the Court of General Officers at Whitehall; that Col. Jones's Regiment, whose officers and soldiers appear to have had correspondence with the persons concerned in the murder, be changed for another; and that the Board of Trade examine how far Major Douglas has complied with his instructions.]

[p. 354.]

(1712.)

10 Jan.

[Orders accordingly.]

[p. 364.]

(1712.)

8 March.

[Reference to the Duke of Ormond, Captain General of the forces, of the report of Lord Lansdowne, Secretary at War, as to the method of changing the regiment.]

[p. 394.]

(1712.)

3 April.

The Petition of Ensign Henry Smith, Prisoner in Newgate . . . to be discharged on Bail. Read. Nothing.

[p. 408.]

(1712.)

17 April.

[The report from the Board of General Officers, a petition of Captain Rokesby relating thereto, a petition of Micaiah and Richard Perry for bringing to justice the persons concerned in the murder, and a petition from the Antigua merchants for a general pardon to the inhabitants of the Island are] referred to the Right Honourable the Lords of Her Majesties most Honourable Privy Council.

[p. 412.]

650 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.
(1712.) [Apparently a Minute of the Committee of the whole
26 April. Council: These papers read: further consideration to be
had on 30 Ap.] [p. 412.]
- (1712)
30 April. [Committee of the whole Council. The Depositions are
referred to the Attorney and Solicitor General to give] an
Account of such Offenders, as appeared most active and
instrumental in the said Disorders. [It is recommended that
Capt. Rokesby be discharged her Majesty's service for dis-
obeying the Governor's orders and encouraging his soldiers
to do the same: four months time is allowed Lieutenant Watts
and his accusers to produce proofs, his commission and the
profits thereof being in the meantime suspended.]
[pp. 412-3.]
- (1712.)
2 May. [Committee of the Council. Governor Douglas has not
obeyed his instructions to seize and send over three to six of
the ringleaders, and then to issue a general pardon with
exceptions named. It is recommended that such a proclama-
tion be issued under the seal of the island, and that the persons
excepted be seized and sent over for trial along with the
necessary witnesses on both sides.] [p. 414.]
- (1712.)
2 May. [Orders in accordance with Committee findings of 30 Ap.
and 2 May.] [pp. 415-6.]
- (1712.)
12 May. [Draft of proclamation approved: to be sent to Col. Douglas
and published within 24 hours of receipt.] [p. 421.]
- (1712.)
23 May. [Reference to the Lords of the Council of two letters from
Col. Douglas, one to the Lord Treasurer, one to Lord Dart-
mouth, both of 6 Feb., and a copy of the proclamation pub-
lished in Antigua and the Assembly's address thereon.]
[p. 433.]
- (1713.)
4 May. [Reference to the Lords of the Council of the report of the
Attorney General of 20 Jan., upon the petition of Thomas
Kirby, a prisoner in Newgate on account of the murder of
Col. Park, to be admitted to bail and tried in Antigua.]

1711.

[Similar reference of the petition for their expenses of witnesses sent over for the prosecution—Dr. Gousse Bonin, George French, and Richard Oglethorpe of Antigua.]

[Similar reference of the petition of Gilbert Pepper and Evelyn his wife and other relations of Col. Park, complaining of Col. Douglas's partiality to the principal actors in the rebellion and murder and praying directions to the Attorney General to bring Kirby, Smith, &c., to trial here], there being none left on those Islands, that dare appeare against them there. [VI. p. 103.]

(1713.)

[Committee of the whole Council. In view of the difficulty in bringing the accused to justice in the Leeward Islands, Smith, Daniel Mackenny and Watkins are to be prosecuted by the Attorney General here, and the case of Kirby is left for her Majesty's determination : Mr. Borrett, Solicitor to the Treasury, is to see to the witnesses' expenses : and there is reason to summon Col. Douglas to answer the heinous matters alleged against him.] [VI. p. 113.]

27 May.

(1713.)

The Lords of Her Majestys Most Honourable Privy Council Appointed a Committee to Consider Several Petitions and Memorialls relating to the Murder of Colonel Park . . . having considered the same . . . and in regard the Terms draws near and that no Council day is appointed, [the Clerk of the Council, on the instructions of the Lord President, writes requesting the Attorney General to make the necessary dispositions for bringing the three prisoners to trial.]

30 May.

[VI. p. 116.] (1713.)

[Formal order to Attorney General as above.] [VI. p. 116.]

31 May.
(1713.)

[The report of the Committee being read, the Earl of Dartmouth is ordered to receive her Majesty's pleasure about the recall of Col. Douglas.] [VI. p. 188.]

8 June.

(1715.)

[Reference to the Treasury of the petition for an adequate maintenance of George French and Richard Oglethorpe, sent over as witnesses for the Crown by Col. Douglas, and paid

23 Feb.

652 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711.
only 20*l.* each during the two years they have been in
England.] [Geo. I. Vol. I. p. 188.]
(1715.)
29 March. [Sir Edward Northey, Attorney General, and Nicholas
Lechmere Esqr., Solicitor General, having reported] upon
the Case of Thomas Kirby, Henry Smith, Daniell Mackinnen
and Samuell Watkins now under prosecution in the Court
of King's Bench for High Treason and Rebellion charged to
have been Committed by them upon the Murther of Daniell
Parke Esqr. [the Attorney general is ordered to proceed with
their prosecution in due manner as the law directs.]
(1715.) [George I. Vol. I., p. 199.]
30 June. [Kirby petitions that after many delays of the Attorney
General his trial was appointed to be on 4 July next, but
that this has been countermanded by the Attorney General;
he prays that he may be brought to a trial this present term,
or that the Attorney General confess his plea, and enter a
Noli Prosequi. Order is given to the Attorney General to
bring him to trial this present term.]
(1718.) [George I. Vol. I. p. 244.]
16 March. [Reference to the Treasury of Richard Oglethorpe's petition
for a further reward for his services and the loss of his time
while detained in England from 1712 till the close of the
trials as a witness against the murderers of Col. Park.]
(1718.) [II. p. 122.]
11 June. [Reference to the Treasury of George French's petition for
compensation for great damages to his goods, lands, and
negroes in Antigua, as well as for the loss of his time and
business there, in attending here as evidence against the
murderers of Col. Park.] [II. p. 274.]
(1721.)
14 Jan. [Order for discharge of ex-Governor Douglas, who was sen-
tenced to 5 years imprisonment and fine in Michaelmas Term
1716, and was confined six months before the sentence. He
and his wife and family are now in great necessity, and in
regard to his sufferings he petitions for his discharge.]
[III. p. 103.]

1711.

[1144.] Address from the Council and Assembly of St. Christophers, Recomening to Her Majesty's Favour, Michael Lambert Esq. their Lieutenant Governor. Read. Nothing. [p. 251.]

14 June.
St.
Christopher.

[1145.] [Reference to the Board of Trade of a memorial from the Proprietors of Carolina] setting forth, That they have alwaies given Instructions to their Governor of the said Province to Appoint a Deputy for the better and more regular Government of that part of the Province, that lyes North and West of Cape Fear, by reason of the great Extent of that Country and the Necessity of corresponding and trafficking with the severall Nations of the Indians, and therefore Recomening to Her Majesty for Her Royall Approbation, according to an Act of Parliament made in such cases Edward Hyde Esqr. being a Person of Integrity and Capacity, and well affected to Her Majestys Government. and every way qualified for that Trust. [p. 254.]

14 June.
Carolina.

[On the report of the Board of Trade Hyde's appointment is confirmed on security of 1000*l.* being given—not the usual 2000*l.*, in regard the trade in that part is inconsiderable.]

30 July.

[p. 272.]

[1146.] [Reference to the Committee for Appeals of the petition of Thomas Macnamara of Annapolis to be restored to his practice as an attorney, of which he was deprived on] being found guilty of homicide by Chance Medley. [p. 256.]

23 June.
Maryland.

[Committee minute of reference to the Attorney General for his opinion.]

5 July.

[p. 265.]

[Committee minute]—That the Petitioner being found Guilty of Homicide per Infortunium he Ought to have been Discharged, and not burnt in the hand, and that he Ought not for that reason to have been Discharged from his Practice of an Attorney, And therefore it may be proper for Her Majesty to Give leave to the Petitioner by Writt of Error to Remove the said Proceedings on the said Indictment against him, and to Command the Courts in Maryland forthwith to

16 Aug.

1711.

Restore the Petitioner to his Liberty of Practising as an Attorney, he being Discharged for the Causes alledged.

[p. 288.]

3 Sept. [Order accordingly, with addition in margin—] And it is hereby further Ordered that the Justices of the Provincial Court of Maryland for the time being on Notification hereof Transmit the Record and Process of the Indictment aforesaid together with all Proceedings Concerning the same to Her Majesty in Council that full and speedy Justice may be done the said Thomas Macnamara.

[p. 295.]

30 July. [1147.] [Reference to the Ordinance of a letter of 29 June from the Board of Trade to the Earl of Dartmouth with an extract of Lieut.-General Hamilton's letter of 25 April and an address of 23 March from the General Assembly of the Leeward Islands to Lieut.-Gen. Hamilton relating to stores of war.]

Leeward
Islands.

[p. 272.]

13 Aug. [Ordinance report] to be put into my Lord Dartmouth's hands.

[p. 288.]

30 July. [1148.] [Reference to the Lord Treasurer of a representation of the Board of Trade upon the petition of Berkeley Seymour for half of the 12*d.* per hogshead duty on exports of tobacco between the date of his father's death and that of the succeeding Governor's commission]

Maryland.

[p. 274.]

30 July. [1149.] [Reference to the Board of Trade of the] Address of the Minister, Church-Warders and Vestry of the Church of St. Mary in Bridlington in Her Majesty's Province of New Jersey, upon Her Majesty's having rejected a Bill lately pass'd in the Assembly of that Province whereby the Quakers were enabled to give Evidence in Criminal Cases, serve on Juries, and enjoy Places of Profit and Trust in the Government there contrary to the Laws of Great Britain; And Representing that an Act is pas'd in the adjoining Province of Pennsylvania, Constituting a new Form of Protestation Repugnant to the Affirmation enjoined by Act of Parliament.

New Jersey.

[p. 274.]

[1150.] [Reference to the Attorney or Solicitor General of the petition of Samuel Lillie, late of Boston, merchant, for a Commission of Enquiry into the unjust proceedings of the Courts of Massachusetts Bay against him, whereby he and his family are almost ruined.] [p. 278.]

1711.
30 July.
Massachusetts Bay.

(1715.)

[On the Attorney General's report, Lillie is allowed to appeal from the judgments of the Inferior Court of Massachusetts Bay of 7 Oct. 1707 in suits between him and Edward Bromfield and Francis Burroughs, and another of the same Court, 4 Nov. 1707, in a cause between him and Elias Adams, though all are under the value for which the Governor is directed to allow appeals; security being given to prosecute the appeals within a year and abide his Majesty's determination. Lillie may prosecute his appeals from the Admiralty Court of Massachusetts in the High Court of Admiralty here.] [George I. I. p. 201.]

29 March.

[1151.] [On the report of the Attorney General, patents of denization are granted to several persons, including Rodrigo Pacheco, merchant, of New York, who has resided there for several years and desires to settle there.] [p. 294.]

3 Sept.
New York.

[1152.] [Reference to the Board of Trade of the petition of Capt. John Walton, late Lieutenant Governor of the Virgin Islands, for a grant of the islands or a commission for their government. A former petition was objected to by the Board of Trade, but Walton now alleges that he has new matter to offer.] [p. 298.]

3 Sept.
Virgin Island.

(1715.)

[Reference to the Board of Trade of Capt. Walton's petition], Setting forth, his having been Constituted in September 1706, Lieutenant Governor of the Virgin Islands, where he Continued 2 Years in which time he made such Observations for the Improvement of that Country, that it was thought Advizable he Should Come over, and lay the same before her late Majesty which he accordingly did, and was referred to the Lords Commissioners for Trade, who made a Report thereof without hearing the Petitioner thereupon; Whereupon the Petitioner Complained, and was referred back again

17 June.

1711.

to the said Commissioners to be fully heard, but he could never Obtain such hearing in the late Queens time; And humbly praying his Majestys Direction to the present Lords Commissioners of Trade to make a full Report of the whole matter. [George I. I. p. 236.]

(1715.)

18 Oct.

[On reading the report of the Board of Trade of 9 Sept., proposing] that before any such Grant be made, Instructions should be Given to the next Ship of Warr, that goes to Jamaica to touch at the Virgin Islands and Examine into their present State and Condition with respect to the Harbours, Soil, production, and Conveniencys thereof for Trade, as also to the Condition of the Inhabitants there; And there having been also this day read at the Board, a further petition of the said Captain Walton humbly proposing to go with the said Man of Warr to Inform the Commander of the Severall particulars, which will be necessary in order, to the making a Report whether it be Advizeable to make a Settlement there or not, provided he may but be Allowed a Competency Sufficient in Such an Undertaking, or otherwise to be Considered for his past Services and Sufferings, [order is given to the Admiralty that a ship be sent accordingly, and the further petition is referred to the Board of Trade]. [I. p. 298.]

(1716.)

13 Sept.

[Reference to the Treasury to do as they shall think proper on considering a report of the Board of Trade that] the said Walton deserves a Gratification, not only for his past Services, But a Competent Allowance for his present undertaking if Ordered on Board the Ship of Warr Appointed to Enquire into the Present State and Condition of the said Virgin Islands. [I. p. 441.]

17 Sept.
Jamaica.

[1153.] [Reference to the Board of Trade to make a strict enquiry into] the Petition of Thomas Simpson and the widow of Charles Gandy of Port Royall in Jamaica Esqr. Praying to be relieved from an unjust Prosecution by Charles Chaplain Her Majestys Collector there, for Moneys Pretended to be Issued from him to Thomas Finch One of the Commissioners

1711.

Authorized by An Act of the Assembly to fitt out two Sloops to Cruize about the said Island for the Security thereof Notwithstanding the Money was not Applied to the said Service.

[p. 313.] (1712.)

[Upon reading the report of the Board of Trade, and also 8 March. a further petition of the same petitioners for the repeal of an Act for vesting the estate real and personal of Thomas Finch in trustees, the better to enable his sureties to pay the sum of 3800*l.* due from the said Finch as Commissioner to the public of this island, the report and both petitions are referred back to the Board of Trade to consult the Attorney and Solicitor General.]

[p. 390.]

[1154.] [Reference to the Committee for Appeals of the petition of Mitford and Oriana Crow for a day for hearing their appeal from an order of the President and Council of Barbados, 29 Dec. 1710, relating to an estate of which the petitioners are deprived by Mrs. Butler Chamberlain.]

17 Sept.
Barbados.

[p. 315.] (1712.)

[Committee minute. On the petition of Thomas Pindar for the defendant, the case is postponed for ten days, Pindar paying Crow's expenses in attending this day.]

10 Jan.

[p. 368.]

[1155.] [Reference to a Committee of the whole Council of a letter of 29 Nov. from the Board of Trade to the Earl of Dartmouth, with a letter of 15 Oct. from Col. Spotswood] Giving an Account, that the Tuscaruro Indians bordering upon North Carolina had taken Arms and murdered many of Her Majestys Subjects in that Province, And there being likewise presented and read at the Boord a Memorial of the Lords Proprietors of the Province of Carolina relating to the aforesaid Disorders, of which they expect a more perfect Account to lay before Her Majesty, and Praying in the mean time that Colonel Thomas Cary and the other Persons sent over by Colonel Spotswood as the Principal Fomenters of the said Disorders may be secured.

19 Dec.
Carolina.

[p. 343.] (1712.)

[Committee minute recommending that orders be given for sending a supply of arms and ammunition, as the militia of

10 Jan.

658 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1711-12.

Carolina are so destitute thereof that the Governor can make neither a defensive nor an offensive war : the Attorney General has also reported (in answer to a letter inserted in the Register), that Levy Truhit, George Lumley, Collingwood Ward, and Edmund Porter, sent over by Col. Spotswood as fomentors of the disturbances, have entered into recognizances of 500*l.* each with two sureties in 250*l.* each for their appearance before the proprietors when called upon, and for their good behaviour in the meantime, but that Colonel Thomas Cary is not to be found] [pp. 368-9]

(1712.)

8 March. Report about the Disorders in North Carolina Read. To remain till Her Majesty may have further Information. [p. 396.]

19 Dec.
Virginia.

[1156.] [Reference to the Board of Trade of Gawen Corbin's petition to be restored to his post of Naval Officer at Rappahannock River, from which he was dismissed by Governor Spotswood for not discovering an alteration in a letter of license from her Majesty for a ship not to be embargoed in Virginia.] [p. 345.]

1712.

10 Jan.
Barbados.

[1157.] [Reference to the Committee for Appeals of the petition of Edward Denny and Martha his wife for liberty to appeal from a judgment of the Governor and Council of Barbados of 29 Nov. 1709 in favour of William Cleland]

(1714.)

[p. 362.]

19 Jan.

[Committee minute for admitting the appeal.]

(1714.)

[VI. p. 320]

20 Feb.

[Order accordingly.]

[VI. p. 336.]

(1715)

22 Nov.

[Reference to the Committee for Appeals of Denny's petition for a hearing.] [Geo. I. Vol. I. p. 312.]

10 Jan.
Barbados.

[1158.] [Reference to the Committee for hearing Appeals for Prizes of papers sent by] Dudley Woodbridge Esqr. Judge of Her Majestys High Court of Admiralty in Barbados to the Right Honourable the Earle of Dartmouth Her Majestys Principall Secretary of State, setting forth that Raynes Bate

1712.

and Thos. Stewart Merchants, Agents and Factors to the Royall African Company of England had appealed from a Sentence Given against them in the High Court of Admiralty in Barbados on the 12th of October 1711 in Favour of Captain Thomas Legg and Captain Robert Chadwick Commanders of Her Majestys Ships the Anglesey and Foye, relating to the Ship Camwood Merchant lately belonging to the African Company which was taken by the French on the Coast of Guinea in Africa, and Retaken by the said Captains Legg and Chadwick. [p. 365.]

[1159.] [Reference to the Committee for Appeals of the petition of Robert Stewart of London and Hugh Agnew of Barbados that a day be fixed for hearing their appeal from a judgment of the Barbados Chancery, 24 Jan. 1711, in favour of William Davies and Alice his wife, and from other proceedings relating to a pretended will of James Willson of Barbados, deceased.] [p. 371.] 26 Jan. Barbados.

[Committee minute for reversing the decree and restoring the petitioners to all they have lost thereby.] [VI. p. 82.] (1713.) 26 Feb.

[Order accordingly.] [VI. p. 90.] (1713.) 15 April.

[1160.] [Reference to the Ordnance of a representation of the Board of Trade as to ordnance stores for Nevis and St. Christopher.] [p. 391.] 8 March. Nevis and St. Christopher.

[Ordnance report] Read. To be further considered. [p. 408.] 3 April.

[1161.] [Reference to the Lord Treasurer of the] Petition of Albert Blacklock, Patrick Magary, John Allen and other Mariners belonging to the Eagle Transport Praying to be Rewarded for their good Services in saving out of the Wreck of the Colchester Transport, cast away in the River Canada in August last several officers and 167 souldiers of Major Generall Seymours Regiment. [p. 407.] 3 April. Canada.

[Reference to the Lord Treasurer of the petition for compensation of Sir Wm. Phippard and other part owners of 24 June.

660 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1712. transports lost in the St. Lawrence in the expedition to Canada.] [p. 439.]
- 28 July. [Reference to the Admiralty of the petition for relief of the widows of seamen cast away in the River of Canada in her Majesty's service on 22 Aug. 1711.] [p. 454.]
- 18 Aug. Petition . . . rejected. [VI. p. 7.]
- 8 Sept. [Report from the Admiralty] nothing. [VI. p. 21.]
(1714)
- 21 June. [Reference to the Lord Treasurer of the petition of Thomas Coulturst for the value of his ship *Neptune*, lost] by being forced up the River Canada without a Pilot to carry Provisions to Her Majestys Forces there.] [VI. p. 367.]
(1715)
- 30 April. [The same, or a similar, petition referred to the Treasury.] [Geo. I. Vol. I. p. 217.]
(1715)
- 18 Oct. [Reference to the Treasury of] the Petition of the five Canada Widows whose Husbands were cast away in the late expedition at Quibek, praying to be allowed some small Bounty, whereby they may be enabled to return to their respective Countries. [Geo. I. Vol. I. p. 299.]
- 2 May. [1162.] [Reference to the Board of Trade so far as it concerns the Governor, and to the Lord Treasurer so far as it concerns the Customs, of the complaint of Philip Freke and John Day of Bristol against Governor Lowther of Barbados for seizing and detaining without trial the ship *Oxford* (300 tons, 20 guns and 70 men), the petitioners suffering thereby to the amount of 300*l.* monthly besides the hazard of losing the whole.] [p. 418.]
Barbados.
- 23 May. [1163] [Reference to the Board of Trade of Governor Lowther's petition as to his controversy with Alex. Skene, Secretary of Barbados, concerning certain fees, perquisites, and emoluments.] [p. 428.]
Barbados.
- 24 Nov. [Order in accordance with the report of the Board of Trade]—In Obedience to Your Majestys Commands Signified

to us by the Earl of Dartmouth, we have Considered the Petition of Alexander Skene Esqr Secretary of Your Majesty's Island of Barbados, complaining that the Governors of the said Island, have of late years contrary to Your Majesty's Letters Patents and the Laws of the said Island, made severall Encroachments upon the Petitioners Office, and particularly that Robert Lowther Esqr. the present Governor, did soon after his arrivall there demand of the Petitioner Four hundred pounds per Annum as of right belonging to him, for his Perquisites arising from the Secretary's Office.

That upon the Petitioners refusing to comply with the said demand the said Governor put some of the Councill and Assembly upon enquiring whether the Perquisites of the said Office, or some parts thereof did not belong to him, By this means Submitting Your Majesty's Patent to the Jurisdiction of a Committee of the Councill and Assembly there.

That the said Committee did stretch their Enquiry into matters not recommended to them and examin'd Severall Persons upon Oath, in order to charge the said Skene, with Crimes and Misdemeanors, some of which, were for taking Exorbitant Fees, And upon their Report the Petitioner (not complying with the Governor's demand as aforesaid) was suspended from the Execution of all his Offices, Granted him by Your Majesty's Letters Patents.

In further Obedience to Your Majesty's Order in Councill of the 23rd of May last, we have also considered the Petition of the said Robert Lowther Esqr. setting forth, that a Controversy having arisen between him and the forementioned Alexander Skene, about severall Fees and Perquisites, he had referr'd the matter in dispute to the Councill and Assembly of that Island; That they had upon Examination reported the said Governor's Right to the said Fees and therefore praying that Your Majesty will be graciously pleas'd to permit such person as he shall appoint to be his Private Secretary to receive the same.

1712.

We have also heard both the Petitioners by their Council, And thereupon humbly take leave to Represent to Your Majesty.

That Your Majesty in the first year of Your Reign was pleas'd to Grant to the said Skene by Letters Patents the severall Places following Vizt. The Office of Secretary of Barbados, The Office and Place of Secretary to the Governor, The Office and Place of Secretary to the Governor and Council for the time being, and to the Council in the Absence of a Governor, together with the Office and Place of Clerk to the Severall Courts in that Island, with all the Rights Profits, Advantages, Fees Rewards, Powers and Emoluments, to the said severall Offices respectively belonging.

In the time of the late Governor a Dispute upon the same Account happen'd between him and the said Skene and upon a hearing of that matter before Your Majesty's then Commissioners of Trade and Plantations and their Representation to Your Majesty thereupon, Your Majesty was pleas'd to Order, that the said Skene be restored to the Severall Places granted him by Your Majesty, and to the Enjoyment of all the Rights, Profits, Fees and Advantages thereunto belonging, and upon the passing of the present Governor's Instructions a Clause was inserted by Your Majesty's Order, taking notice, that though Your Majesty had been pleas'd to send the fore-mentioned Orders to the former Governor, the same had not been complied with, and therefore directing him the present Governor immediately upon his arrivall in Barbados to admit the said Skene to his Places and to the Enjoyment of his Fees as aforesaid.

Upon the whole, we are humbly of Opinion, that the Governor has no Right to any of the Fees which are Settled on the Secretary by an Act of Assembly pass'd the 21st of October 1670. And that the Governor's demanding the same or any part thereof is an Encroachment upon Your Majesty's Patent.

That there appears to Us no good reasons for Suspending the Petitioner for that had he been Guilty of taking undue

1712.

Fees (as alledged in the foresaid Report of the Councill and Assembly) he might have been proceeded against there, by virtue of the abovesaid Act, to the Forfeiture of his Office, That in Case the said Governor shall think fit to employ a private Secretary he himself ought to make him an Allowance for it, and We humbly offer that Your Majesty's Royal Pleasure and express Commands be Signified to the Governor, that he immediately restore the said Skene to the Severall Places granted him by Your Majesty's foresaid Letters Patents and to the Enjoyment of all the Rights Profits Advantages and Fees thereunto belonging on pain of Your Majesty's Highest Displeasure.

We are further humbly of Opinion in case Your Majesty shall approve hereof, that the said Skene is justly Entitled to all the Fees and Profits that have Accrued since his Suspension to the time of his Restoration.

And we further humbly Offer if any Patent Officer shall at any time for the future be suspended, the Persons appointed to Execute the Place, do give Sufficient Security to the Party Suspended to be answerable to him for the Profits accruing during such Suspension, in Case he be restored.

[VI. pp. 51-2.]

(1713.)

8 Jan.

[Reference to the Board of Trade of Skene's petition showing his sufferings from frequent and unjust suspensions by the Governors of Barbados, whereby they enjoy the revenue of his office during his suspension, and praying that for preventing such abuses the Governor be directed not to suspend any patent officer for the future till her Majesty's pleasure be first known.]

[VI. p. 67.]

(1713.)

30 July.

[Reference to a Committee of the Council of Skene's complaint of Col. Samuel Barwick and Arthur Upton for refusing to obey the order as to the profits and fees of his places received by them during his suspension, and setting forth his apprehension of being suspended for the same things for which he was suspended before and acquitted by her Majesty.]

[VI. p. 211.]

664 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1712.
(1713.) [At the Committee for Plantation Appeals, it is ordered
11 Oct. that Governor Lowther, Barwick and Upton answer Skene's
petition within five months, proofs on both sides being
freely taken and transmitted to this Board.] [VI. p. 253.]
- 24 June. [1164.] [Reference to the Lord Treasurer of the petition of
New York. Roger Mompesson, Judge, John Reynor, Advocate General,
and Robert Robinson, Register of the Vice Admiralty Court
of New York, for payment of arrears of salary since Lady
Day 1709, the Collector having refused to pay them without
an order from hence, and there being no general revenue raised
there for the purpose.] [p. 440.]
- 17 July. [1165.] [Reference to the Committee for Appeals of John
Macarell's petition that his ship the *St. John Baptist*,
Andrew Fitzgerald master, seized at Philadelphia, be restored
to him on giving security to abide the determination of her
(1713.) Majesty in Council.] [p. 447.]
- 9 Nov. [Order in accordance with the Committee recommendation that
permission be granted him to appeal from] the Illegal Seizure
and Condemnation of the Ships *St. John Baptist* and *St. Joseph*
with their Cargoes in the Court of Common Pleas or
County Court in Pensilvania where they refused an Appeal,
and the Master Thomas Parks neglected making any Legal
Defence or to produce the Queen's and King of Spain's Pass
for the said Ships but combined with Divers Persons to
Defraud the Petitioner, [and that the ship be restored to him
on giving security to abide by the decision of the Council.]
(1713.) [VI. pp. 268-9.]
- 9 Nov. [Security given by John Macarell, Robert Finlay and
(1713.) Robert Shaw of London merchants.] [VI. p. 269.]
- 17 Dec. [Committee minute : Mr. Penn or any others opposing the
petition to attend the first meeting after the Christmas
(1714.) holidays.] [VI. p. 293.]
- 14 Jan. [Committee of the whole Council. An answer from Mr. Penn
having been read, it is recommended] that Restitution
of the said 2 Vessells be made, upon giving good security

ACTS OF THE PRIVY COUNCIL (COLONIAL). 665

according to the Value upon a legal Appraisement in the province [New York] where they lie. [VI. pp. 303-4.]

1712.

[Order accordingly.]

[VI. p. 319.]

(1714.)

17 Jan.

[1166.] [Reference to the Board of Trade of the petition of Valentine Mumby and Edmond Edlyne, members of the Council of Jamaica, for leave to stay some time longer in England on private business.] [p. 447.]

17 July.
Jamaica.

[1167.] [Reference to the Board of Trade of the petition of the Mayor and magistrates of Dartmouth that a company of soldiers may be sent to Newfoundland, as they are obliged to man the fort out of their own ships' crews to the great hindrance of their fishing voyages.] [p. 448.]

17 July.
Newfound-
land.

[1168.] [Reference to the Board of Trade of a representation from the Society for the Propagation of the Gospel in Foreign Parts setting forth the hardships suffered by Thomas Poyer, clerk, in New York, and submitting that in such a case the rule as to appeals—to the Governor if not under 100*l.* : to the Crown if not under 300*l.*—may be dispensed with.] [p. 451.]

28 July.
New York.

[Orders are given for admitting appeals to the Governor and Council and thence to her Majesty in all cases where the clergy are immediately concerned, the Board of Trade reporting on Poyer's case]:—Upon the Death of Mr. Urquhart late Rector of the parish of Jamaica in long Island, Colonel Hunter Your Majestys Governor of New York, inducted Mr. Thomas Poyer a person duly Qualify'd according to your Majestys Instructions in that behalf to the Rectory of the said parish, notwithstanding which by the Violence of some Sectary's disaffected to the Church, the said Poyer hath been wrongfully kept out of the Parsonage House and Glebe, That the said Poyer is unwilling to seek his remedy at Law, being apprehensive that if a Cause of the church should be Tryed and Judged by Dissenters, he Would not find Justice, and the Value of the said House and Glebe being small an Appeale would not Lye from the Inferiour Courts to your Majestys Governor and Council there. [VI. pp. 64-5.]

(1713.)

8 Jan.

1712.

ANNE VOL. VI. (18 August 1712—31 July 1714.)

- 18 Aug. [1169.] [Reference to the Admiralty of the petition for
Hispaniola. relief of Mary, widow of James Nevill, late purser of H.M.S.
Rupert, slain by the enemy in Feb. 1711 in Hispaniola, where
he had been sent on shore with 12 men to cut wood for the
use of the ship.] [p. 7.]
- 20 Oct. [In accordance with an Order in Council of 11 Ap. 1706,
Mrs. Nevill is declared entitled to the same allowance as if
her husband had been killed in fight on board ship.]
[p. 33.]
- 8 Sept. [1170.] [On a report from the Admiralty of 18 August,
Nova Scotia. the Ordnance are ordered to allow in the accounts of Capt.
George Martin of H.M.S. *Dragon* for provisions delivered by
him in 1710 to the Governor of Annapolis Royal and the
masters of several transports taken up there to carry the
French Governor and garrison of Port Royal to France.]
[p. 15.]
- 8 Sept. [1171.] [Reference to a Committee of the Privy Council
New York. of a representation of the Board of Trade concerning an
attempt of some negroes at New York to murder the
inhabitants.] [p. 16.]
- 27 Sept. [Committee minute approving the representation.] [p. 25.]
- 20 Oct. [Order accordingly for the pardon of Mars, a negro, who
had been twice tried and acquitted but condemned on a third
trial, and of Hosea and John, Spanish Indians, condemned
for the conspiracy but replevied by the Governor.] [p. 31.]
- 8 Sept. [1172.] [Reference to the Ordnance of a representation of
New York. the Board of Trade as to the stores of war remaining in New
York and an account of the stores wanting there, which should
be sent by the first opportunity.] [p. 16.]
- 20 Oct. [On reading a report from the Ordnance that the stores
deemed necessary are estimated at 1183*l.* 16*s.* 2*d.*, and that

1712.

this sum should be included in the estimate to be laid before Parliament this year, as last year's grant included no money for services of this kind, it is ordered that the Ordnance send the stores and the Treasury find the money.] [p. 32.]

[1173.] [Reference to a Committee of the Council of a representation of the Board of Trade on the complaints of Robert Cunningham, a member of the Assembly of St. Christopher, imprisoned there since 15 April last under pretence of being guilty of high crimes and misdemeanours.] [p. 19.] 8 Sept. St. Christopher.

[On reading a letter from the Board of Trade of 31 Oct., and the letter of Cunningham alleging that 4000*l.* bail has been offered and refused, he is ordered to be released on bail not exceeding 500*l.* for himself and 250*l.* for each of his sureties. His complaints are referred to a Committee of the Council.] 24 Nov.

[p. 49.] (1713.)

[Minute of the Committee for Appeals. Cunningham's complaint includes also a charge against Lt. Gen. Lambert of making away with several of her Majesty's field-pieces and defrauding the inhabitants of St. Christopher and Nevis of her Majesty's royal bounty. It is recommended that depositions be taken on the island by all parties and replies exchanged and all proceedings transmitted to the council.] [p. 184.] 3 June.

(1713.)

[Order accordingly—depositions to be taken before Geo. Lyddal, John Burryan, John Willet, and Ralph Willet, members of the Council.] [p. 195.] 24 June.

[1174.] [Reference to the Committee for Appeals of a representation from the Board of Trade on several letters received from Colonel Hunter as to the removal of several members from the Council of New Jersey who obstruct the peace and quiet of the province.] [p. 31.] 20 Oct. New Jersey.

(1713.)

[Committee minute upholding the representation and recommending the removal of four Councillors.] [p. 74.] 20 Jan.

(1713.)

[Order accordingly. See Appendix II.] [p. 88.] 15 April.

668 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1712.
- 20 Oct. [1175.] [Reference to the Committee for Appeals of the
New Jersey. Petition of Mary Crowley and John Borrow Executors to John
Roys Esqr. of East New Jersey in America deceased relating
to an Estate of Two hundred pounds, purchased by the said
Roys, which he Mortgaged to Charles Windar of the said
Island, Who being since dead, the Estate was putt in trust for
his Brother James Windar, which Trustees with One Willeox
have Surreptiously obtained Letters of Administration in
Order to Deprive the Petitioners of the said Estate. [p. 35.]
- 20 Oct. [1176.] [Reference to the Committee for Appeals of the
Barbados. petition of Nathaniel Rouse of London and James Aynsworth
of Barbados for a day for hearing their appeal from a sentence
of the Barbados Chancery of 5 Sept. 1711 in favour of John
Rouse, as to a debt of 1204*l.* 1*s.* due to them from John Rouse,
executor of Thomas Rouse, of London, deceased.] [p. 36.]
- (1713.)
- 3 June. [Committee minute recommending that the appeal be dis-
missed.] [p. 185.]
- (1713.)
- 24 June. [Order accordingly.] [p. 196.]
- 24 Nov. [1177.] [On a representation from the Board of Trade,
Jamaica. Lord Lexington is instructed to use his best endeavours at the
Court of Spain, as are also the Plenipotentiaries at Utrecht, to
procure satisfaction for a debt due for negroes from the factors
of the Assiento to Thomas Onslow, Edward Broughton, Ben-
jamin Way, Thomas Bernard and other merchants of
Jamaica.] [pp. 46-7.]
- 24 Nov. [1178.] [Reference to the Committee of the Council of an
Pennsyl- address of the clergy of Pennsylvania complaining of pro-
vania. ceedings of the General Assembly in contempt of her
Majesty's authority.] [p. 47.]
- 24 Nov. [1179.] [Reference to the Committee for Appeals of the
Barbados. petition of William Rawlins of Barbados for a short day for
hearing his appeal from an order of the Council of the island
setting aside a judgment obtained by him against Edward
Burke, now deceased.] [p. 48.]

1713.

[Committee minute. Rawlin's petition sets forth that Burke died indebted to Rawlins in 1000*l.*, but his widow, Hester, fraudulently disposed of all the estate save a 99 years lease of 100 acres in the island. On this judgment was levied, the land appraised, and possession delivered and a bill of sale executed to Rawlins by the Provost Marshal : but on 18 Mar. 1712, the Governor and Council, sitting as a Court of Grievances, gave a judgment in favour of John Frere, one of the Council, who pretends that Burke conveyed the lands to his father in trust for Hester, by way of jointure. The estate has been forcibly taken from the appellant, and he is in danger of losing his debt. The Committee recommend that Rawlins be restored to possession of the premises, and that the jointure claimed by Hester Burke be left to the determination of the law.]

22 May.

[p. 112.]

[Order accordingly.]

[p. 194.] 24 June.

[1180.] [Reference to the Committee for Appeals of the petition of John Walker of London, son of Richard Walker of Barbados deceased, and Alexander Walker and Thomas and Reynold Alleyne of Barbados, his attorneys, for a short day for hearing their appeal from a sentence of the Barbados Chancery of 6 Aug. 1712 in favour of George Nicholas and Susannah, his wife, touching a mansion house, plantation, negroes, etc.]

8 Jan.
Barbados.

[p. 67.]

[Committee minute for dismissing the appeal.]

[p. 82.] 26 Feb.

[Order accordingly.]

[p. 90.] 15 April.

[1181.] Reference to the Ordnance for an estimate of a letter of the Board of Trade to the Earl of Dartmouth of 29 Jan. recommending the sending of a supply of arms and ammunition desired by Col. Spotswood, Governor of Virginia.]

30 March.
Virginia.

[p. 86.]

[The Ordnance estimate of 2475*l.* 1*s.* 4*d.* for sending necessary stores to Virginia is to be laid before the House of Commons in order to obtain a grant for the same. The necessary directions are to be given by the Lord Treasurer.]

4 May.

[p. 102.]

670 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1713.
15 April. [1182.] [Reference to the Admiralty of Capt. Christopher
Jamaica. Billop's petition for satisfaction for the hire of the ship *Hawk*
employed by the Victualling Office to carry provisions to
Jamaica.] [p. 93.]
- 15 April. [1183.] [Reference to the Admiralty of the] Petition of Mary
Jamaica. Brooks, Widow of Captain Brooks late Owner and Com-
mander of the Ship Joseph Burthen 330 Tons, 34 Guns and
157 Men. Setting forth That the said Ship being upon a
Trading Voyage at Port Royal in Jamaica was by the
Governor and Council impressed in March 1691 as a Ship of
Warr on an Expedition against the French, which succeeded
and saved the Island of Jamaica by the Destruction of the
Enemy's Ships in their Harbour. In which Service the Hire,
Victualling and other Necessarys upon strict Examination
appear to be 1147*l.* 8*s.* 10*d.*, which summe the Petitioner after
several expensive Applications hath not been able to obtain,
And being advised that the said Debt is properly now, as it
originally was a Debt of the Navy, and consequently within
the Provision made for the Deficiencys thereof in the Southsea
Company, humbly Prayed, That the summe reported to be
due by the Commissioners of Transports, who have fully
examined and stated the whole Account, may be paid in
Southsea Stock, or otherwise as Her Majesty shall think fit.
[p. 93.]
- 15 April. [1184.] [Reference to the Committee for Appeals of the]
Jamaica. Petition of Robert Saunders Gentleman, Praying Liberty to
proceed against Gersham Elye Esqr. a Member of the
Assembly of the Island of Jamaica notwithstanding his
Privilege, for the Recovery of a considerable Real and Per-
sonal Estate in that Island, particularly a Plantation called
Marta Brea belonging to the Petitioner in right of his late
Wife deceased, who was Daughter of the late Dr. Stapleton
of the said Island. [p. 94.]
- 22 May. [Committee minute. Reference to the Board of Trade to
examine into the privilege of members of Assembly in Jamaica.]
[p. 112.]

[Committee minute agreeing with the report and submitting it for her Majesty's opinion.] [p. 115.]

1713.
30 May.

[On the Committee's report, it is ordered that as there is no reason for claiming such privilege and as the Governor has no right by his Commission or Instructions to grant the same, Saunders is to have liberty to proceed with his case. No such privilege is to be allowed for the future to any member of the Assembly.] [p. 116.]

31 May.

[1185.] [Order for publishing in the plantations the treaties of peace and commerce lately made with France.] [p. 102.]

4 May.
Proclamation
of Peace.

[1186.] [Reference to the Lord Treasurer of Thomas Perryn's petition for release from the Fleet on giving good security to surrender when required. Perryn for many years carried on a considerable trade to Virginia, Maryland, etc., and contributed near 100,000*l.* to her Majesty's Customs, but by losses at sea fell into debt to the customs, and his person and goods have been seized, so that his wife and children are starving.] [p. 108.]

18 May.
Plantation
Trade.

[1187.] [Reference to the Admiralty of the petition of Lieut. George Trotter of H.M.S. *Newcastle* for 350*l.* expenses for curing wounds received by him, besides the loss of his right arm, in the attack on the Leeward Islands in June, 1711.] [p. 110.]

18 May.
West Indies.

[Reference to the Admiralty of the petition of Lieutenant Trotter late of H.M.S. *Newcastle*.] [Geo. I. Vol. I. p. 110.]

(1714.)
29 Oct.

[Order in accordance with the Admiralty report of 28 Nov. : Trotter's petition sets forth that he had the] Misfortune in an Engagement with a French Ship belonging to Martinico, Which was going with Others to Attack his Majestys Leeward Islands, to receive four Severe Wounds, with Muskett Shott, the Cure whereof Cost him two hundred and Six pounds Six shillings but that Charge has never yet been Allowed him by reason of a Defect in an Order in Council of the 11th day of December 1690 : Which Entitles an Officer to the Value

(1714)
6 Dec.

1713.

of a Year's pay for the loss of the Use of an Eye, or a Lymb ; Whereby if an Officer receive many Wounds, And One of them Amount either to the Loss of an Eye or Lymb, he cannot be Entitled but to a Year's pay ; And therefore praying that he may receive the benefitt of the Second paragraph of an Order in Councill in his late Majestys Reigne for Allowing him the Charge of the Cure of his Wounds.

Wee have in Obedience to his Majestys Commands, Considered of the Petitioners Case, And do find, that bills have been made out to him, by the Navy Board for the Sums following Vizt.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
One years Wages as Lieutenant of a third rate Ship	73	0	0
Wages during his Cure from the 8th day of January 1712 : the day succeeding his discharge from the New Castle to the 29th following the time his Cure was perfected	4	8	0
	77 8 0		

And the Petitioner upon his Application for an Allowance upon the Account of the Charge he has been at, for the Care of his wounds, having been referr'd to the Examination of the Masters Governors and Assistants of the Company of Barbers and Surgeons, and they having reported to Us.

That they find by their owne Register, that when the said Lieutenant Trotter was Viewed by them, on the 29th of January 1711 pursuant to the Order of his late Majesty aforesaid, on Account of 4 Severe Wounds received in Fight on board his Majestys Ship New Castle ; they were of Opinion that One of the said Wounds was Equall to the Loss of a Limb, and that Since they were of that Opinion, they did not Enquire into the Charges of the Cure of any of the said Wounds, not looking upon it to be in their power so to do ; because All the said Wounds were received at the same

time, And the said Order in Council (under the Authority whereof they Acted) Does not Enable them to make that Enquiry, in Such Cases only Where the Wounds received do not Amount, either to the Loss of an Eye or Lymb, or to the totall Loss of the Use of a Limb, or are not in All the Effects thereof, of equall Prejudice to the health of the body, with the Loss of a Limb ; in each of Which Cases, the said Order of Council does it Self prescribe the Allowance ; And under the last of Which Cases, they took the said Lieutenant Trotters wounds to be ; But that having now Examined into his Expences relating to the Cure of his said Wounds, they have Inspected the particulars of Such said Expences, Amounting in the whole to the Sum of Two hundred and Six pounds Six shillings And do think the Same may have necessarily been Expended by the said Lieutenant Trotter, in, and about the Cure of his said Wounds ; And that it may be reasonable to Allow him Such said Sum of 20*l*. Six shillings in regard to the great length of time he lay under Cure, to the Expensiveness of the place, where the Same was in a great measure performed, And for that it Appears by his Affidavitt, and the Certificates from Severall persons, that it really Cost him such said sum of two hundred and Six pounds Six shillings And that he was not fully Cured of his Wounds, before the 20th of June 1712 : within Less than which time, they are of Opinion, that Such a Cure could not be performed.

This being the Petitioners Case, And it being Directed by an Order of his late Majesty King William in Council, that where the wounds received, Amount not either to the Loss of an Eye or Limb, or the totall Loss of the Use of a Limb, or such as upon a Search made by the Master, Wardens, and Assistants of the Company of Surgeons, Shall be by them Certified to be in all the Effects thereof, of equall prejudice to the health of the Body, with the Loss of a Limb ; In Such Cases the person Wounded, Shall be Continued during the time of his Cure, in the pay he Enjoyed at the time of his being so Wounded, And be further Allowed such Expences, relating to

674 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1713.

his said Cure, as upon produceing the particulars thereof from his Doctor, Nurse, Apothecary and Surgeon respectively Shall be found reasonable and Attested to be so, under the hands of the Master, Wardens, and Assistants, of the Company of Surgeons: We do Most humbly Report unto his Majesty Our Opinion, That the Petitioner hath a right by Virtue of the said Order in Council, to be paid for the Charges he hath been at for the Cure of his wounds as aforesaid.

[Geo. I. Vol. I. pp. 135-7.]

24 June. [1188.] [Reference to the Committee for Appeals of the
Jamaica. petition of Penelope Knight, widow, for a day for hearing her appeal from a judgment of the Jamaica Chancery of 19 Jan. 1713] in Favour of John Marshall and Mary his Wife and Richard Gregory and Susanna his Wife, whereby the Petitioner is deprived of the sum of 2205*l.* 2*s.* 6*d.*, due to her as Executrix of Samuel Knight the elder, out of the Estate of Thomas Cox the younger. [p. 197.]

27 June. [Committee minute fixing the hearing for the first meeting
in November.] [p. 200.]

(1714.)
14 Jan. [Committee of whole Council. The defendants making no
appearance, though duly served with notice, the appeal is
to be peremptorily determined at next meeting.] [p. 304.]

(1714.)
19 Jan. [Committee minute: Marshall's agent representing that
the papers are but just come over and that he is not yet pre-
pared, the hearing is put off till the second meeting of the
Committee.] [p. 321.]

(1714.)
27 Feb. [Committee minute recommending] that the said sentence
be reversed and the Demurrer putt in to the Plaintiff's bill in
bar to her demands be Overruled. [p. 340.]

(1714.)
28 Feb. [Order accordingly.] [p. 344.]

30 July. [1189.] [Reference to Committee for Appeals of the petition
Antigua. of John French and Anne his wife late widow of Jonas
Langford of Antigua complaining of not being allowed to appeal

1713.

from an injunction of the Antigua Chancery which they allege to have been irregularly issued, relating to a legacy of 100,000lbs. of Muscovado sugar, payable out of the petitioner's estate.] [p. 213.]

[1190.] [Reference to the Board of Trade of the petition of Capt. Cyprian Southack of the *Province* galley, belonging to Massachusetts Bay. He could only equip the vessel for the Canada expedition, as ordered, by becoming surety for payment of the expenses. Being now under arrest for the same, he prays her Majesty to order that payment be made by the Commissioners of the Navy, Victualling, and Ordnance, or by the Massachusetts Assembly.] [p. 222.]

8 Aug.
Massachu-
setts Bay.

[1191.] [Reference to the Board of Trade of the petition for exchange or discharge of Thomas Abbot and other inhabitants of Nevis, for seven years prisoners in Fort St. Pierre, Martinique, as hostages for Nevis, and destitute even of the common support of life.] [p. 223.]

8 Aug.
Nevis.

[Reference to the Board of Trade of the petition of Thomas Abbot and Charles Earle for exchange or discharge after eight years captivity in Martinique] as Hostages till a Ransome of 1400 Negroes should be paid, according to Agreement with the French upon Quitting [Nevis].

(1715.)

[Geo. I. Vol. I. p. 206.]

[1192.] [Reference to the Board of Trade of the petition of Johanna Kupins widow, relating to the estates left by Wm. Kupins in Jamaica, of which several persons have taken possession as escheated to the Crown, but which by an Act of the island should belong to the petitioner.] [p. 244.]

1 Oct.
Jamaica.

[1193.] [Reference to the Committee for Appeals of the petition of John Whetstone of Barbados and his wife Elizabeth, for a day for hearing their appeal against a sentence of the Governor and Council of the island, 2 Oct. 1711, in favour of John Carter relating to a partition of a plantation and buildings, etc.] [p. 264.]

25 Oct.
Barbados.

676 ACTS OF THE PRIVY COUNCIL (COLONIAL).

- 1713-14.
(1715.) [Committee minute for dismissing the appeal.]
- 16 June. [Geo. I. Vol. I. *p.* 225.]
(1715.)
- 17 June. [Order accordingly.] [I. *p.* 231.]
- 9 Nov. [1194.] [Reference to the Secretary at War of Captain
Leeward Philip Walsh's petition for half pay as Captain in considera-
Islands. tion of services in Col. Jones's regiment in the Leeward
Islands and of hardships suffered by him.] [*p.* 269.]
- (1714.)
21 April. Report . . . read. The Petition rejected. [*p.* 358.]
- 30 Nov. [1195.] [Reference to the Lord Treasurer of the Earl of
Virginia. Orkney's petition] relating to some Discoveries lately made
in [Virginia] of an Ore that has greatly the Semblance of Silver
in it, and setting forth that it may be very advantagious to
Her Majesty if proper Encouragement be given to the
Inhabitants of the said Colony for the making further pro-
gress therein. [*p.* 281.]
- 30 Nov. [1196.] [Reference to the Admiralty of a petition of
Plantations. traders and planters in Virginia and Maryland for a small
man of war as convoy, to secure from pirates] the ships
now going thither and also to the West Indies. [*p.* 281.]
1714.
10 Jan. [1197.] [Reference to the Committee for Appeals of the
Antigua. petition of William Codrington of Antigua for a short day for
hearing his appeal, transmitted and ready for hearing, from
a judgment of Col. Douglas, Governor of the Leeward Islands,
in favour of Col. Lambert, relating to an estate left him by
Christopher Codrington, and unjustly claimed by Lambert.
[*p.* 302.]
- 27 Feb. [Committee minute recommending that the decree of the
Chancery, 9 Nov. 1710, in favour of Michael Lambert]
relating to a plantation in St. Johns in the said Island
together with the Negroes and Living Cattle that was there-
upon, and all Sugar, Molosses, Rum, Lime and other product
thereof, [be affirmed save as regards the sugar, rum, molasses
and lime, which are to go to the appellant]. [*p.* 340.]
- 28 Feb. [Order accordingly.] [*p.* 344.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 677

[1198.] [Reference to the Committee for Appeals of the petition and appeal of Henry Grey, Esq., executor of Ralph, Lord Grey, of Barbados, deceased, from a verdict of the Chancery there, 10 June 1713, in favour of Burch Hothersall relating to a debt of 2273*l.* 19*s.* 7*d.* due from Hothersall to the testator for negroes, men, women, and children, and for cattle, horses, and plantation utensils.] [p. 303.]

1714.
10 Jan.
Barbados.

[Committee minute for reversing the decree.]

(1715.)
19 July.

[Geo. I. Vol. I. p. 249.]

[Order accordingly.]

[I. p. 257.]

(1715.)
20 July.
(1725.)

[Reference to the Committee for Appeals of the petition of Henry Grey of Horton in Northumberland, formerly Henry Nevill, for reversal of a decree of the Barbados Chancery, 18 March 1723, and subsequent orders thereon in favour of Burch Hothersall relating to the sum of 2273*l.* 19*s.* 7*d.* due from Hothersall to the late Lord Grey.] [Vol. V. p. 78.]

22 June.

[Committee. The original cause was to have satisfaction for the balance of an account amounting to 2273*l.* 19*s.* 7*d.* with interest from the time it was stated between the guardians of Hothersall during his minority and the attorney of Lord Grey on account of a plantation leased to Lord Grey by Hothersall's guardians. By Chancery decree of 11 July 1722 and subsequent orders of 21 Feb. and 18 Mar. 1724 in cross actions by Grey and Hothersall respectively, only 71*l.* 2*s.* was awarded. It is recommended that the decree and orders be reversed, that the account annexed to the original bill be taken as a stated account, and the balance, 2273*l.* 19*s.* 7*d.*, paid with 10% interest from 1 July 1706, on which day by the said account interest was to commence, and that Hothersall's cross bill be dismissed.] [V. p. 213.]

(1726.)
30 April.

[Orders accordingly.]

[V. p. 218.]

10 May.

[1199.] [Reference to the Attorney General of Sibilla Masters' petition for a patent for] her New Invented Engines for hulling, Cleansing, and preparing the Indian Corn, by making it fitt for wholsom food, Physick and Exportation, And

14 Feb.
Bermuda.

1714.

also for Working up the platt of the Leafe of the palmeta Tree, That Grows in the Island of Bermuda into Bon'etts for the head. [p. 329.]

21 April. Report . . . Read. The Petition rejected. [p. 358.]

20 Feb. Barbados. [1200.] [In accordance with a representation of the Board of Trade on a memorial of the Agent of Barbados], Complaining of the great Detriment to her Majestys Sugar Plantations and the Trade and Navigation of this Kingdom, by the Importing Rum, Sugar and Molloses from Surinam to New England, and other Her Majestys Provinces on the Northern Continent, and for preventing thereof the said Commissioners humbly Offering that the same may be prohibited by Law, It is Ordered by Her Majesty in Council That Mr. Attorney and Mr. Sollicitor General do prepare a Draft of a bill to be Offered this parliament to be passed into an Act for prohibiting the aforesaid Trade. [p. 336.]

24 May. Barbados. [1201.] [Reference to the Committee for Appeals of the petition of Hannah, widow and administratrix of Richard Peers of London, that her appeal be admitted from an order of the Governor of Barbados in favour of Samuel Barwick who unjustly detains the profits of her husband's estate there.] [p. 362.]

(1715.)
2 March. By the Right Hon. the Lords of the Committee for Considering of the Mourning and for hearing of Appeals from the Plantations.* [The appeal of Hannah Peers is allowed, provided that she give security to prosecute her appeal within one year.] [George I. Vol. I. p. 191.]

(1715.)
29 March. [Order accordingly.] [p. 197.]

(1716.)
10 March. [Reference to the Committee for Appeals of Mrs. Peers petition for a short day for hearing the appeal.] [Geo. I. Vol. I. p. 350.]

* To this Committee had been referred a petition of the Turkey Company, Italian Merchants, and Silk Weavers of London and Canterbury, complaining that their trade was destroyed by the prevalence of mourning and by the proceedings of the French trading to Turkey and the West Indies. [p. 190.]

[Committee minute : Appeal heard in part, and adjourned.] 1714.
 (1716.)
 [I. p. 433.] 12 July.
 (1716.)

[Committee minute. The appeal of Mrs. Peers, and of 12 Dec.

John Peers an infant, eldest son of the late Richard, is from a decree of the Barbados Chancery of 3 Oct. 1711 on a bill brought by Barwick against Conrade Adams, attorney of Richard Peers, and John Peers, for stating the accounts of the plantations of Rendezvous and Staplegrove, late belonging to John Peers, deceased, father of Richard, and now held in trust by Barwick for uses mentioned in the will. The Committee offer their opinion that the decree be affirmed,] with this Explanation that Interest be allowed to . . . Barwick for his Disbursements exceeding the profits of the said plantations, from the filing of his said Bill only, and not before ; And that no Comission be Allowed the said Berwick ; But that the Same be Deducted out of his Accounts, And in Case Interest be otherwise Computed in the Accounts taken, the Same be Altered according to this Determination, and in all other particulars the Accounts stated to the 31th of December 1711, are to stand : And that . . . the Revivor of the said Decree after the Death of the said Richard Peers ; And all proceeding thereupon be Reversed and sett aside, And that in any Account to be futurely taken, the said Berwick be Examined on Oath upon Interrogatorys touching the Items thereof, if the Appellants or either of them desire it.

[I. p. 472.]

[Order accordingly.]

[I. p. 481.]

(1716.)
 17 Dec.

[1202.] [Reference to the Committee for Appeals of the petition of Benjamin Ballard for a short day for hearing his appeal from a judgment of the Governor and Council of Barbados, 11 Aug. 1713, in favour of Hester Burke, relating to a debt of 988*l.* current money due from her late husband Edward Burke to the petitioner.] [p. 362.]

24 May.
 Barbados.

[Committee minute for dismissing the appeal with 5*l.* costs.]

10 Dec.

[George I. Vol. I. p. 144.]

680 ACTS OF THE PRIVY COUNCIL (COLONIAL),

1714.
(1715.) [Order accordingly.] [I. p. 173.]
- 11 Jan.
24 May.
Barbados. [1203.] [Reference to the Committee for Appeals of the petition of Isaac and Moses Mendez for a short day for hearing their appeal from a judgment of the Governor and Council of Barbados, 1 Sep. 1713, in favour of William Rees Battyn, relating to a debt of 1600*l.* due from Battyn's father to the petitioners.] [p. 362.]
- 3 July. [Committee minute]. Petition . . . Read and Judgment Suspended till some proposall can be made to put the matter in a way of Tryal. [p. 371.]
- 6 Dec. [Committee minute recommending that the judgment be reversed], and that the Provost Marshall for the time being, do proceed upon the said Levy's as he Ought to have done in Case the said Order of the Court of Greivances had not been made. [George I. Vol. I. p. 143.]
- (1715.)
11 Jan. [Order accordingly.] [I. p. 172.]
- (1720.)
13 Sept. [Reference to the Committee for Appeals of the petition of Isaac Mendez of London and Jacob De Medina of Barbados for a short day for hearing their appeal from a decree of the Barbados Chancery, 2 Sep. 1719, granting a perpetual injunction against the petitioners proceedings on their levies upon Battyn's estate.] [III. p. 2.]
- (1722.)
25 July. [Committee recommend that the decree of 2 Sep. 1719, obtained by Edward Jordan, Battyn's guardian, be reversed and the bill dismissed.] [IV. p. 78.]
- (1722.)
31 July. [Order accordingly.] [IV. p. 81.]
- 24 May.
Antigua. [1204.] [Reference to the Committee for Appeals of the petition of Thomas Williams of Antigua, Elizabeth his wife, Edward Byam, and John Fry that the appeal of Valentine and Elizabeth Morris from a judgment of the Governor of the Leeward Islands in their favour relating to a plantation and goods left by Rowland Williams, father of the petitioner Thomas, be dismissed with costs for non-prosecution.] [p. 362.]

- [Committee minute recommending that the appeal be dismissed.] [George I. Vol. I. p. 222.] 1714.
(1715.)
11 May.
- [Order accordingly.] [I. p. 230.] (1715.)
17 June.
- [1205.] [Reference to the Committee for Appeals of the petition of Benjamin Bennet, late Governor of the Bermuda Islands], Complaining against the proceedings of Mr. Pulleine the present Governor there, in Issuing a Writt of Ne Exeat Insulam against him relating to his Accounting with Mr. Jones, late provost Marshall and Secretary . . . for the profits of the said place. [p. 363.] 24 May.
Bermuda.
- [Committee minute. Bennet complains that he has had to enter into recognizances of 1500*l.* to remain in the islands till the determination of a suit in Chancery. It is recommended that on 2000*l.* security being given before a Master in Chancery in Great Britain to abide by the decision of the Court in Bermuda as to his case with Mr. Jones, Bennet may leave the islands and his recognizances in Bermuda be vacated.] [p. 371.] 3 July.
- [Order accordingly.] [George I. Vol. I. p. 106.] 25 Oct.
- [2000*l.* security given by Sir John Bennet and John Bennet Esq. before Henry Lovibond, Master in Chancery.] [I. p. 113.] 6 Nov.
- [1206.] [Reference to the Committee for Appeals of the petition of Margaret Walter of Barbados, widow, and her son John Walter of London praying relief in their appeal from a sentence of the Common Pleas, 27 May 1713, confirmed by the Governor and Council, 18 Aug. 1713, in favour of George Nicholas, and Susanna his wife, relating to a plantation and buildings belonging to the petitioners in the parish of St. Peter's.] [p. 364.] 24 May.
Barbados.
- [1207.] This day — Tilden of Johnson's Court in Fleet Street Entred an Appearance in behalf of Frances Jones of Barbados Widow, to the Appeal of Col. Henry Peers of the same Island. [p. 371.] 3 July.
Barbados.

- 1714.
- 16 Nov. [Reference to the Committee for Appeals of Henry Peers' appeal from an order of the Barbados Court of Errors, 16 Mar. 1714], in favour of Francis Widow of Jesurun Jones and of John Jones a Minor Heir to the said Jessurun touching an Estate Purchased by the Petitioner at Publick Outcry, of the Marshall of the said Island. [George I. Vol. I. p. 117.]
- (1715)
13 Jan. [Committee minute for reversing the judgment complained of, and affirming the judgment of the Court of Common Pleas in favour of the appellant.] [I. p. 174.]
- (1715.)
18 Jan. [Order accordingly.] [I. p. 182.]

GEORGE I. VOL. I. (1 Aug. 1714—2 March, 1717.)

- 5 Aug.
The new
reign. [1208.] [All officers, civil and military, in Great Britain and the plantations, are continued in office, and are to take the respective oaths with the first opportunity.] [pp. 34-5.]
- 10 Aug. [Draft of a proclamation for proclaiming the king in the plantations, with a letter sent to Governors of plantations to summon the Council and the principal planters and inhabitants, and to proclaim the King and continue officers in office. The Governors of Nova Scotia and Newfoundland, not having a Council, are to summon the officers of the garrison at Annapolis Royal.] [pp. 36 and 43-5.]
- 4 Oct.
Algerme
Passes [1209.] A Proclamation Requiring all ships and Vessels, Trading from the Plantations in the way of the Algerines, to furnish themselves with Passes.

[This had been recommended in a paper of proposals from the Commissioners of the Admiralty, dated 12 August 1714, which is entered below. The proposal of the Admiralty was also approved, that] in the mean while, a fitting Number of Passes be sent to the Governors of the Plantations to continue in force a year, and to be delivered by them upon proper Certificates from the Collectors of the Customs there, and

1714.

their Masters and Owners entring into Bond, and making Oath as usual, The said Collectors of the Customs to be a Cheque upon the Governors, and one as wel as the other to send accounts of what Passes shalbe delivered out, with the time when, the Names of the Vessels and Masters, and in what Place they do belong. [pp. 91-2.]

[Orders in accordance with a memorial from the Admiralty of 17 Nov. that as the Government of Algiers insists on Admiralty passes for plantation ships, and is not satisfied with certificates from the respective Governors, and as the sending of certificates to England, and of passes based on them to the plantations, will take up five or six months at least, a number of passes be at once sent to the plantation governors, to be filled up and delivered upon receipt of properly detailed certificates from the Officers of the Customs there. 22 Nov.]

It is also recommended that for the future such passes] may continue in full force until further Order instead of their being returned as is usual here, at the end of every respective Voyage, but that when each Voyage shall be at an end the Governors do demand the Masters of the Ships to produce the Passes . . . that so they may be satisfied no indirect use hath been made of the said Passes. [p. 120.]

[1210.] [Reference to the Treasury of a report from the Board of Trade] Relating to the Settlement of that Part of the Island of St. Christophers, which was lately in the Possession of the French . . . their Lordships agreeing to consider further of this matter in Council on Thursday next. 25 Oct. St. Christophers. [p. 102.]

[On consideration of the Treasury report] wherein they Represent their agreeing intirely with the Commissioners for Trade, as to the Method by them proposed, for setling the said Lands to the Highest Bidder, as also for Allowing such Encouragement to the poorer sort of Inhabitants, as is mentioned in their said Report, And that they have no (1715.) 30 April.]

1714.

Objection to the restoring of the French protestant Refugees, to the Lands they lost on Account of their Religion [the Treasury are instructed to] Appoint Commissioners for Sale of the said Lands, with such powers and under such regulations as are mentioned in the said Report of the Council of Trade. And whereas severall of the said Lands have belonged to the popish Clergy; His Majesty is farther pleased to Order, that the same shall not be sold; but that a particular Account of their Quantity and Value be laid before his Majesty in Council, for his farther pleasure therein. [pp. 208-9.]

(1716.)
6 July.

[Reference to the Board of Trade of] the Petition of George Liddale and Robert Clayton Esqrs. in behalf of themselves and severall other planters in the late French part of St. Christophers, Setting forth the uncertainty of their present tenure of the said Lands and the Discouragements Arising thereby to their improving thereof, and the Detriment to his Majestys Revenues and Customs and to Trade and Commerce; And praying His Majesty would be pleased to ascertaine their tenure, untill his Majestys further pleasure in the Disposition of the said Lands shall be Signified. [p. 427.]

(1716.)
12 Nov.

[The report of the Board of Trade of 17 Aug. is read and referred to the Treasury.] [p. 459.]

25 Oct.
Jamaica

[1211.] [Reference to the Committee for Appeals of a representation from the Board of Trade of 16 July as to a Jamaica Act passed 13 February, for the more effectual relief of the freeholders and inhabitants of Kingston, and of a petition of Samuel Bernard in favour of it on behalf of the freeholders and inhabitants of Kingston.] [p. 102.]

8 Nov.

[Committee minute giving opinion] That until provision be made for Indemnifying such Persons whose Houses are by the said Act to be pulled down, they cannot advise His Majesty to Confirm the said Act. But if the Generall Assembly of Jamaica choose rather to prepare a New Act for preventing any further Buildings, And permitting those already Erected to remain as they are, in regard of the Expence the Proprietors

1714.

thereof have been at, and of their having been Invited and Encouraged thereto; Their Lordships would then have nothing to Object against His Majestys Confirming such an Act.

[*p.* 114.]

[Order accordingly.]

[*p.* 122.] 22 Nov.

(1717.)

15 July.

[Reference to the Board of Trade of Col. Charles Long's petition showing that no steps have been taken by the Assembly pursuant to the Order and praying that in regard to the pernicious consequences of the Act it be rejected.]

[II. *p.* 22.]

(1717.)

31 July.

[The same or a similar petition read, the Act repealed, and the Board of Trade discharged from proceeding on the petition.]

[II. *pp.* 24 and 28.]

[1212.] [Reference to the Committee for Appeals of the petition of Anthony Revell of Montserrat and Mary his wife, for a day for hearing their appeal from a sentence of the Montserrat Chancery, 24 Nov. 1713, in favour of George Lyddell, son of Mrs. Revell, touching the yearly rent of 150*l.* which by agreement he was to pay for his mother's dower.]

25 Oct.
Montserrat.

[*p.* 104.]

(1715.)

4 March.

[Committee minute: Revell's petition sets forth that, by the Chancery decree, an agreement by which Lyddell was to pay 150*l.* annually in lieu of one third of the profits of two estates in the island was vacated on account of his losses on these plantations during the invasion. It is recommended that the decree be reversed and the agreement again enforced, 150*l.* being allowed Lyddell by the petitioners in consideration of his losses.]

[*p.* 192.]

[Order accordingly.]

[*p.* 198.] 29 March.

[1213.] [Reference to the Committee for Appeals of the petition of John Gardner (*or* Gardiner) of London, merchant, Alexander Walker and Thomas and Reynold Alleyne of Barbados, from an order of the Governor and Council of Barbados, as a Court of Chancery, 12 Aug. 1713] for confirming

25 Oct.
Barbados.

686 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1714.

a Report in a Cause between the Petitioners and Michael Tirrell [*or Tyrrell*] Son of the Administrator of Michael Tirrell senior touching a Debt due to the Petitioners. [p. 105.]

(1715.)

15 July. [Committee minute: the parties to agree upon Commissioners for settling the accounts in question, and present them at the next meeting of the Committee.] [pp. 248 and 495.]

(1719.)

2 July. [Committee: On Gardner's petition, order is given that Commissioners be named by both parties within six months] and that if either side shall fail therein, that then Commissioners may be named *ex parte*. [II. p. 282.]

(1720.)

1 March. [Committee. Gardner has named two Commissioners in London: Tirrell two in Barbados. On Gardner's petition that his books are in London, order is given that the Barbados Commissioners be discharged, and that Mr. Tilden, Tirrell's solicitor, nominate two commissioners in London.] [p. 389.]

(1720.)

28 April. [Committee: Tilden to name commissioners within one week: failing which, Gardner's commissioners, Sir Gilbert Heathcote and Sir William Humphreys, may proceed to take the account *ex parte*.] [p. 402.]

(1720.)

27 May. [Committee: Edward Lascelles and John Baker are approved as commissioners for Tirrell: the four nominees, or any two of them, of whom Heathcote or Humphreys is to be one, are now to proceed, giving four days' notice to the adverse side: they are desired to speed their report to the Board.] [p. 420.]

(1721.)

9 Aug. [Committee: the appeal of the attorneys of John Gardner against Michael Tirrell an infant, by his guardian, set forth that] the Respondent brought his Bill in Chancery in Barbados to be relieved against Two Judgments Confessed by Michael Tirrell his Father in May 1704 to the petitioner, [one for 1275*l.* 11*s.* 6*d.*, the other for 726*l.* 15*s.* for interest thereof], and for an Injunction to stay proceedings at Law on the same which accordingly Issued, and on hearing the Cause an Account

was Directed to be taken and a Report was made on the 27th of June 1710, to which the Appellants took exceptions, but the same were overruled and the Report was afterwards confirmed by an order of the 12th of August 1713. [On the report of the four Commissioners, it is recommended that Tirrell's bill be dismissed, and the injunction dissolved.]

[Order accordingly.] [III. p. 271.] (1721.)
[III. p. 272.] 10 Aug.

[1214.] [Reference to the Treasury of] a Representation of the Society for the Propagation of the Gospell in Forreign Parts, Relating to the great Necessity and Want, the Inhabitants of His Majestys Plantations and Colonies in America lye under for want of Bishops to preside there, for the better Foundation of their Religion, and the more orderly Administration of the Holy Word and Sacraments, and Proposing proper maintenance for them. 28 Oct. Colonial Church.
[p. 107.]

[1215.] [Reference to the Committee for Appeals of Col. Douglas's petition for a short day for hearing the complaints against his government in the Leeward Islands.] 16 Nov. Leeward Islands.
[p. 117.]

[Committee of the Council : case of Col. Douglas to be heard on 7 Jan : all parties to attend.] 20 Dec. (1715.)
[p. 148.] 7 Jan.

[Committee of the whole Council : The charges consist of 7 articles signed by a great number of merchants.] The first article Containing in Substance That Colonel Douglas had Abused the Trust reposed in him by her late Majestys Commission and Instructions, by which he was Directed to Cause a Proclamation of General pardon, of the Rebellion and Murther of Colonel Park in Antegua, to be published in the said Island, for Quieting the minds of the Inhabitants ; That in breach of these Instructions the said Colonel by long and Affected Delays, kept those Islands under the Terror of her Majestys Displeasure, till he had by his Agents, Worked them up to the Payment of 5,000*l.* : And that not content with that, he still delay'd the publishing the Pardon, till He had

1714.

Obtained from the Assembly of the Island, a Gift of 20 Negro Slaves and a Punch bowle, worth Sixty Guineas, and from Severall particular persons, Such Summs as he could Extort from them by Threats, and Imprisonments; And that being Directed by her Majestys Instructions to make no other Exceptions in the General Pardon but of such who Should be found the most Guilty not Exceeding Six in Number: He on the Contrary had Clogged the said Pardon with generall, uncertaine, and ensnaring Exceptions; All which matters Appeared to their Lordships sufficiently made out.

That the Second Article Charging him with having sent Doctor Daniel Mackinnen and Samuel Watkins, Prisoners to Great Britain for the said Insurrection, and Murther, Several Months after publishing the General Pardon, under pretence that they had Attempted the like practices since, And were therefore excepted out of the pardon; but did not Send over any Charge upon Oath or Wittness against them; though he Attempted to Induce Nicholas Blake by the Promise of 100*l.* and other Rewards, and many Threats to Swear a Second Rebellion against them.

And the third Article Chargeing him contrary to her Majestys Instructions, by Which he was prohibited from taking any other reward from the Islands than 400*l.* per Annum for the Hire of a House, had notwithstanding prevailed on the Several Assemblies to make him the following Allowances; Vizt. From Antegoa, 1000*l.* per Annum and a present of 500*l.* and soon after in Lieu thereof; the Imposts on Liquors, which had always been Applyed as the clearest Revenue towards the Expences of the Government 100,000 Weight of Sugar from St. Christophers and 300*l.* per Annum from Montserrat with a present of Sugar, and Indicoe, both which Articles were sufficiently made out.

As to the 4th and 5th The Charge Contained in them, being general for want of Conduct against the French at their Invasion, and for Corruption in Administring Justice as Chancellor, Their Lordships did not Enter into the Examination of them.

The 6th Article Chargeing him, with having Entered in the Council Book of Antegoa a Minute, that his Behavior as Governor was honourable Prudent and fortunate ; it Appeared to their Lordships the same was done by the Governors means, without privity of the Council.

The 7th Article by which he is Accused to have sent to Great Britaine, for his own Use, the plate Given by her Majesty for the Service of the Governors Chappell in the Leeward Islands, was made out by Captaine Constable, Who brought it over by the Colonels Directions, as old fashioned plate his Wife had no Occasion for, and has been since Secured by the proper Officers, and restored to the Island.

The Complainants having in this manner made out their Charge, and Colonel Douglass having not Offered any thing materiall in his Defence ; Their Lordships thought it incumbent on them to take Care, that Crimes so heinous should not Escape the Punishment due to them by Law did therefore Committ Colonel Douglass to the Custody of a Messenger, till he Should find Sufficient Security for his Appearance, And Do Agree humbly to Offer their Opinion to His Majesty That he will be pleased to Direct Mr. Attorney General to prosecute Colonel Douglass according to the Nature of his Offences.

[The warrant to the messengers follows to take Colonel Douglas into custody, and to bring him before the Lord Chief Justice of the King's Bench.]

[pp. 157-9.]

(1715.)

11 Jan

[On reading the report of the Committee concerning Colonel Douglas, the Attorney General is ordered to take care that he be prosecuted according to the utmost severity of the law, and that all persons who gave evidence against him be bound over to appear.]

[A letter follows from Sir Christopher Musgrave, one of the Clerks of the Council, to Mr. Borrett, Solicitor of the Treasury, giving a list of witnesses who are to be carried before Lord Chief Justice Parker, and bound over to appear. Their names are] :—Dr. Daniel Mackinen, Samuel Watkins, Toby Lisle Esqr., William Dowley Servant to Colonell Douglass,

690 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1714. Anthony Revell, Captain Constable, Nicholas Blake, William Hynde (Depositions). [p. 172.]
- (1715.) 30 April. [Col. Douglas to deliver to the Clerk of the Council in writing the original instructions he received touching the murder of Col. Park, and the pardon and proclamation published thereupon, in order to the proceeding against Thomas Kirby, Henry Smith and others.] [p. 208.]
- (1715.) 5 May. [The papers delivered by Col. Douglas to the Committee for the affairs of the Plantations, and by them transmitted to the Attorney General.] [p. 220.]
- (1716.) 28 April. *Petition of Walter Douglas . . . for staying proceedings at Law upon an Indictment etc. read, and rejected.* [p. 383.]
- 22 Nov. Colonial Officials. [1216.] A Proclamation Declaring His Majesty's Pleasure for Continuing the Officers in His Majesty's Plantations till His Majesty's Pleasure shall be further declared [is read, approved, and ordered to be printed and published]. [p. 119.]
- 6 Dec. Plantations. [1217.] [Reference to the Board of Trade of the petition of Daniel Hall, William Armstrong etc. on behalf of themselves and others of the Officers and Soldiers Disbanded from the late Services, setting forth their having Applied to her late Majesty for some Uninhabited Lands in America; proposing to Carry several poor Soldiers etc. to Dwell there; whereby they may be Enabled to Supply his Majestys Yards with Masts and other Timber to build shipping; but the late Lord Treasurer not Consenting thereunto; the said Lands were putt into the hands of the Spaniards, Who now build their Shipping there: And praying in Consideration of their long Services etc. that Letters patents may be Granted them for the said Lands.] [p. 142.]
- (1717.) 2 March, [To the Board of Trade is referred] a Petition of William Armstrong and severall other late Officers and Soldiers in the Service of the Crown praying a settlement for themselves and other Families in certain uninhabited Lands belonging to His Majesty in North America. [II. p. 4A.]

[1218.] [Reference to the Committee for Appeals of the petition of Elizabeth Stewart for a short day for hearing an appeal of her late husband, Robert Stewart, from a judgment of the Governor and Council of Barbados, 1 Sep. 1713, in favour of William Rees Battyn, about a debt of 3164*l.* 19*s.* due to him from Battyn.]

1715.
5 Jan.
Barbados.

[*p.* 154.]

[Committee minute for reversing the judgment of the Governor and Council, sitting as a Court of Grievances.]

18 July.

[*p.* 248.]

[Order accordingly.]

[*p.* 257.]

20 July.

[1219.] [Order in accordance with the petition of John Darby, keeper of the Marshalsea prison, setting forth that Jonathan Underwood, master of the brigantine *Friend's Adventure* of Boston in New England, was arrested on a warrant from the High Court of Admiralty of 27 Aug. 1710 at the suit of Dominic Kirwan and Company of Galway, in an action of 2000*l.* for damages for seizing their ship the *Two Brothers* under pretence that it belonged to subjects of France. As Underwood could not give bail, he was kept close prisoner in the Marshalsea, but escaped on 28 Aug. 1711, whereby the petitioner, failing to retake him, was adjudged by the King's Bench to pay the 2000*l.* with costs. As Underwood is said to be at Boston, the petitioner prays for an order to the Governor of New England and to the Governors of all the American Plantations to assist in retaking him.]

23 Feb.
Massachu-
setts Bay.

[*p.* 187.]

[1220.] [Reference to the Committee for Appeals of the petition of Humphrey Sheppard and Mary Bowden of the Island of St. Christophers Setting forth the great Losses they Sustained by the French Invading the said Island, whereby their plantations were utterly Spoyled and ruined ; And humbly praying his Majesty in Consideration thereof to Renew their Grants for their said plantations . . . for such Term of Years as shall be tho't fitt.]

23 Feb.
St.
Christopher.

[*p.* 188.]

[1221.] [Reference to the Ordnance of the] Petition of Alexander Strahan Agent for the four Independant Companys at New York, Setting forth the Great hardships his Majestys

23 Feb.
New York.

692 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715. Forces in those parts Suffer for want of Bedding, and the Noisomness and Inconveniencys to which the poor Soldiers are Exposed, by want of Necessarys of that kind ; And humbly praying in regard no Beds hath been sent there these Seven Years, that Orders may be Given for the providing such a Supply thereof as shall be thought necessary. [p. 189.]
- 29 March. [The Ordnance report of 22 March is referred to the Treasury.] [p. 199.]
- 14 March. [1222.] [Reference to the Board of Trade of] the Petition of New York. Sam. Mulford in behalf of himself and severall others Inhabitants of Easthampton in New-York setting forth the Discouragements they lye under in their Whale Fishery and praying that a Stop may be put to a Prosecution commenced against the Petitioner upon that account until the said Fishery be put under such Regulations as His Majesty shall see fitting. (1717.) [p. 194.]
- 15 July. [Reference to the Committee for Appeals of] the Petition of Samuel Mulford of Easthampton in the Province of New York complaining of severall unjust prosecutions (as he alledges) carried on against the Petitioner and his son by Direction of the Governor of that Province and praying Relief in the premises. (1717.) [II. p. 18.]
- 16 Nov. [Committee for the Affairs of the Plantations and of Jersey and Guernsey. Governor Hunter to have a copy of the petition and to return his answer within six weeks of receipt thereof.] (1718.) [II. p. 69.]
- 29 Jan. [Committee for Appeals : all proceedings upon the Information in the Supreme Court of New York against Mulford for matters mentioned in his petition and upon the recognizances of the petitioner and Messrs. Rip van Dam and Delancy are stayed, till Mulford's complaints against the Governor are heard.] (1718.) [II. p. 84.]
- 10 March. [Committee. On the petition of the Governor's agent, he is to have a copy of Mulford's complaint, which he is required to answer on Monday morning.] [II. p. 113.]

[Committee. As the Governor's answer is daily expected, 20 March. (1718.)
 the case is delayed till the first meeting in May. Mulford is
 to have a copy of the answer within four days of its arrival.
 If the answer is transmitted to the Board of Trade, they are
 to send it to the Board.] [II. p. 126.]

[Reference to the Attorney and Solicitor General of (1719.)
 Mulford's petition for redress from the hardship of] 6 Jan.
 being
 Obligated to take Licences at a great Expence before they are
 permitted to go on Whalefishing, And also against their
 Allowing a Twentyeth part of the produce of the Whales so
 Catch't and Killed by them, and Alledging that . . . no
 Law or Act of the province . . . directs any such payments
 or Allowances to be made for their said Licences. [II. p. 213.]

[1223.] Petition of the Wives of severall Officers at New 14 March
 York and Placentia touching their Husbands Pay Referr'd New York
 to the Secretary at War. [p. 195.] and New-
 foundland.

[Order to the Paymaster General to advance such sums as 17 June.
 he thinks requisite to the persons named, to transport them to
 their husbands in America, the Secretary at War having
 reported on 17 May]: On the Petition of Hannah Buckhurst,
 Mary Price, Elizabeth Kitchiner, Mary Gee and Susannah
 Matthews, I have Examined the Same, and do humbly Report
 to your Lordships that it Appears by the Books of my Office,
 Philip Buckhurst is Ensign to an Independant Company at
 Placentia in Newfoundland, and that the other Petitioners
 Husbands are Officers in America on half pay, who have
 left Letters of Attorney to their Severall Wives (which have
 been produced to me) to receive their pay ; By Virtue whereof
 the said Mary Price, Elizabeth Kitchiner, Mary Gee, and
 Susannah Matthews, have lately received four pounds Six
 Shillings each, part of 86 days half pay due to their Husbands
 from the 30th September 1714 to the 24th of December
 following, and Hannah Buckhurst five pounds Seven Shillings
 and Sixpence, from the Agent of the Garrison of Placentia on
 Account of her Husbands Subsistance from the 25th December

694 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715.

last to March following, Which Appears by Certificates hereunto annexed ; But as the distance at which their Husbands are, have often rendered the Payments to the Petitioners as well as to other Officers Wives, who are in the same Case with them, very uncertaine, for want of proper Certificates of their Husbands being alive, whereby they have often been reduced to great Extremity, they are all very desirous of being sent over to their said Husbands, to Avoid being Exposed to the like Hardships and Uncertainties for the future. [p. 234.]

30 April.
Jamaica,

[1224.] [The draft of instructions for Lord Archibald Hamilton, Governor of Jamaica, sent by the Board of Trade, containing some alterations from the usual form, is, together with two Acts passed by the Assembly of Jamaica], Referred to a Committee of the whole Councill, to Examine into and Consider of the present State of the said Island, and to Report the Same to his Majesty at this Board with their Opinion, what is fitt to be done thereupon. [p. 208 and P.R.]

5 May.

The Committee for the affairs of the plantations [order that the instructions and Acts, referred to them on 30 April, should pass : and propose that reference be made to the Board of Trade of the part of the representation] touching the weak and dangerous Condition the said Island is in at present, on Severall Accounts, and particularly by the Decrease of White people, Occasioned in part by the late Warrs, and by the Loss of their Trade to the Spanish Coast, which was considerable, the Inhabitants not being able to provide for all that may be necessary to people that Island, and that there is too much reason to Apprehend that Island is in danger of being lost, unless it be some ways Assisted from hence. [p. 220.]

17 June.

[Reference to the Board of Trade accordingly.] [p. 229.]

30 April.
St.
Christopher.

[1225.] [On reading the report from the Treasury upon the representation of the Board of Trade of 5 May 1714, the petitions of various French Protestant refugees for restoration to estates in St. Christopher are granted : of Elizabeth Renoult, who had 5,000 acres of land in the French part before

1715.

1688, and on consideration of being a Protestant was left 336 acres on the taking of the French part in 1690 ; but on the restoration by the Treaty of Ryswick she refused the offer of the restoration of her whole estate if she would change her religion, and was forced to flee to England, and now claims to have the estate of 336 acres restored to her : of Aletta de la Cousay, daughter of Captain Vandelbourgh, who had owned a plantation of about 200 acres in Cabesterre, but had been forced for the sake of his religion to fly to the English quarters, where he died ; Paul Minvielle de Bonnemere, nearest relative and considerable creditor of Daniel de Bonnemere, who] was possessed of a Plantation of about two hundred Acres of Land, called Bonnemeres plantation in Pentecoste Division in the aforesaid French part of that Island, which he was forced to abandon on the persecution of the protestants there, and fled himself to Jamaica, and his son to England where they died : [of Mary and Margaret de Nampons, similarly expelled from a plantation in Cabesterre on account of their religion ; of Catherine Fraise, formerly owner of a small plantation of five or six acres in Cabesterre ; and of Martha Assailies, whose father during the persecution was forced to fly to New England, whence he returned to the island at the peace, but was again forced to fly at the Peace of Ryswick, and whose plantation was at the re-conquest of the island granted by General Codrington to Walter Hamilton Esqr.] [pp. 210-13.]

(1716.)

[Reference to the Committee for Appeals of the complaint of Martha Assailés that Governor Hamilton refuses to obey the Order for putting her in possession of her estate.] [p. 470.]

6 Dec.

(1717.)

[Committee minute : Rowland Tryon, merchant, on behalf of the Governor having alleged that the Order was obtained by gross misrepresentations by the petitioner and having given other reasons for not complying with it, and both parties having been heard without convincing the Committee, it is proposed that the Governor be ordered fully to state the matter in question and to show by what right he enjoys the

6 March.

696 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715. profits thereof, that the petitioner also take examinations on oath, and that all the papers be transmitted to the Board.]
 (1717.) [II. p. 4B.]
- 30 March. [Order accordingly.] [II. p. 6.]
 (1718.)
- 20 March. [Committee: Governor Hamilton makes no claim to the estate and was not in possession for several years before the warrant was served on him. About 1685 or 1686 one Joubert, a French subject and Roman Catholic, purchased the estate from the petitioner's father, but only two-thirds of the purchase money was paid. His Majesty is recommended to grant one-third of the estate to the petitioner, one of three daughters of Peter Assaillés, the residue remaining the property of the Crown. The Governor has discharged his duty in delaying to pass the grant till he had acquainted his Majesty with the state of the case.] [II. p. 126.]
 (1718.)
- 31 March. [Order accordingly.] [II. p. 129.]
 (1720.)
- 28 Feb. [Reference to the Board of Trade of the petition of Katherine Assaillés for a third of her father's estate, as such has already been granted to her youngest sister.] [II. p. 388.]
- 30 April. [1226.] [Reference to the Committee for Appeals of the appeal of Caesar Rodney against] illegall and unwarrantable proceedings against him in the Island of Antegoa; in a Cause depending in the Court of Chancery between the Petitioner as Executor of Daniel Park late Governor . . . and Edward Chester of the said Island touching a plantation heretofore mortgaged to the said Daniel Park by George Gamble late of the said Island. [p. 216.]
 Antigua.
- 8 Dec. [Committee minute for reversing the Chancery verdict and restoring Rodney to full possession.] [p. 323.]
- 13 Dec. [Order accordingly.] [p. 325.]
- 30 April. [1227.] [Reference to the Treasury of Governor Hunter's New York. petition] praying payment of the Monies by him Disburst for

1715.

the subsistence of 3,000 palatines, Employed in the Province of New York, in the production of Naval Stores, according to her late Majesty's Order and the Estimate thereof settled at the Treasury. [p. 216.]

[1228.] [The Board of Trade represent the necessity of sending new seals to each of his Majesty's plantations in America. The Treasury is accordingly ordered to supply the necessary charge, and the Board of Trade to prepare the seals, and lay them before his Majesty for his royal approbation at the Board.] 17 June. Seals. [p. 227.]

[1229.] [Reference to the Committee of the Council of Windsor Sandys' petition for passing his patent, and another of Morgan Randyll for recalling the order for passing this grant to Sandys] for recovering a Considerable Treasure (he Alleges to have been Several Years since) Wreckt and lost in the American Seas, between the Latitude of 12 and 27 Degrees of North Latitude, Which the said Randyll hath already her late Majesty's Grant for. [The Attorney General had reported that Sandys might be granted a patent despite the prior grant to Randyll.] 17 June. Treasure Trove. [p. 235.]

[Committee of the Council : Sandys' patent may be granted, with proviso] that if Mr. Randyll or any other prior Patentee Shall find any Wreck, and Continue to take up the Same, Mr. Sandys shall not Disturb them or fish upon the said Wreck, till they have left it. 24 June. [p. 238.]

[Order accordingly.] [p. 243.] 30 June.

[1230.] [Reference to the Committee for Appeals of the petition of Thomas Bannister of Boston in New England for a day for hearing his appeal] from a Judgement Given against him in the Superior Court of Judicature in that Island the 4th day of May 1714 in favor of Margaret Bowe relating to the Sum of 400*l.* 1*s.* 2*d.*, which the Petitioner was Obligated by the said Judgement to pay to the said Bowe. 17 June. New England. [p. 235.]

698 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715.

- 8 Dec. [Committee minute : the sum was made up of 392*l.* 4*s.* said to be due to the defendant from one Jeremiah Garvan, whose goods were supposed to be in the appellant's custody, but were not, and of 7*l.* 17*s.* 2*d.* costs. They recommend that the judgment be reversed, and that the defendant pay the appellant 6*l.* costs.] [p. 323.]
- 13 Dec. [Order accordingly.] [p. 325.]
- 17 June. [1231.] A Letter from Major Caulfield Lieutenant Governor
Nova Scotia. of Annapolis Royall dated the 12th of January 1714 together with Severall other Papers relating to the Oaths that the Inhabitants have taken there to his present Majesty, [is sent to the Board of Trade]. [p. 236.]
- 17 June. [1232.] [To the Board of Trade is referred] the humble
Bahamas. Petition of John Graves, Collector of the Customs in the Bahama Islands in behalf of himself and the poor distressed Inhabitants there, Setting forth the great Losses they have Suffered for want of a Governor to reside with them, and also for want of Warlike Stores and other necessarys for the defence of the said Islands, They having been plundered 4 several times, their Houses burnt downe, Their Forts Demolished, and their Guns Carried off, whereby they are now left in a miserable Condition, And humbly Praying his Majesty to Appoint them a Governor to Settle those Islands againe, and also send such Supplys thither as shall be thought requisite. [p. 236.]
- (1716.)
- 12 Jan. [Reference to the Committee of the Council of a report from the Board of Trade] On the Petition of the Proprietors of the Bahama Islands, touching the Settlement thereof. [p. 335.]
- (1716.)
- 23 Feb. [Committee minute : they approve the Board of Trade report, viz.] :—That as to the Report made by the said Commissioners in pursuance of his Majestys Order in Council of the 31st of August last, wherein his Majesty (upon the humble Representation of the Lords Proprietors of the Bahama Islands) was pleased to Approve of Roger Mosteyn Esqr. (whom they

had nominated) to be Governor of the said Islands, And to refer it to the said Lords of Trade to Report what was further necessary to be done therein : In which Report they Sett forth the ruinous Condition of the Bahama Islands for these ten Years last past, through the great Neglect of the Lords Proprietors, and that the Said Islands have been twice during the late War, Over-run and plundered by the French and Spaniards, and Deserted by their Governor, Since Which time there has been no forme of Government amongst his Majestys Subjects, Inhabiting the Same ; And Severall Complaints having been made thereof to the House of Lords ; Who Addressed her late Majesty to take such Methods as she should think proper for resuming the said Islands into her own Hands ; Which Address was referred to the then Lords of Trade ; Who upon a full Hearing of all Partys, as likewise with the Concurrent Opinions of Severall Attorneys and Sollicitors Generall Recommended it to her late Majesty to Resume the said Islands by due Course of Law, and in the mean time to Send over a Governor of her own Appointing, to provide for the Security of her Subjects there ; And the present Lords Commissioners of Trade further Setting forth the great Consequence of the Said Islands to the British Trade and Nation, and the Danger of their becoming a Refuge for Pyrates, if not of falling into the hands of the Spaniards, and being of Opinion, that for preventing the Same, and preserving the said Islands to Great Britain, and for Encouraging the Planters to Resettle on them, the immediate Government thereof be resumed into the Crowne and that his Majesty would be pleased forthwith to Send over a Governor, well Experienced in Civill and Military Affairs of his own Appointing which may legally be done according to the Forementioned opinions . . . And are further of Opinion that (in the mean time) His Majesty would be pleased to Order the Said Mr. Mosteyn . . . to proceed thither forthwith ; And for his Encouragement that his Majesty would Grant him a Commission under the Great Seale of Great Britain to be Governor ; That so by the Resump-

700 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715. tion of the Charter (which will Vacate the Comission, that the Proprietors have Given him by his Majestys Approbation) He may not be deprived of that Station after he has been at the Expence, and Hazard of a Voyage thither. [*pp.* 343-4.]
- (1716.)
- 10 March. [Report of Committee approved.] [*p.* 346.]
- (1720.)
- 26 July. [Sir Fullwarr Skipwith petitions as guardian of William, Lord Craven, an infant, praying to be heard as to his right to the Bahama Islands. The Attorney General objects, as the islands are forfeited to the Crown: he is therefore to be heard on behalf of the Crown on Tuesday next.] [*p.* 452.]
- (1720.)
- 2 Aug. [On considering the petition, complaining of the surrender of privileges, powers and jurisdictions to his Majesty during Lord Craven's minority and of a lease made by others of the proprietors of all the lands and several royalties, and seeking restitution; and on hearing counsel for all parties and the Attorney General for the Crown, a *scire facias* is ordered to be brought for vacating the letters patents granted by King Charles II to the Proprietors, and for resuming the same into the Crown pursuant to the Address of the House of Lords in 1705.] [*p.* 456.]
- 30 June. [1233.] [Reference to the Treasury of] the humble petition of
 St. John Salkeld Clerk, Setting forth his having been posest of
 Christopher. a Considerable plantation in the Island of St. Christophers, which was destroyed by the French when they plundered the said Island, and himself taken prisoner when they again invaded the Island of Nevis, where he lost all his worldly Substance; and being desirous of Resettling in his said plantation [if his Majesty will grant him a patent]. [*p.* 247.]
- 25 July. [1234.] [Reference to the Board of Trade of] an Address
 Virginia. from the Council and Burgesses of Virginia, Setting forth the great Decrease of the Revenue of 2 pence per Hogshead, arising in, and Appropriated to the Support of that Government, And praying that his Majestys Revenue of Quitt Rents arising likewise in the Same Colony, may be given in Aid of

1715.
 the Former, And to supply any emergent Occasion of the Government there. [p. 266.]
- [The report from the Board of Trade of 2 Sep. is referred to the Treasury.] 9 Sept. [p. 281.]
- [1235.] [Reference to the Board of Trade of the] petition of Stephen Duport in behalf of Captain Andrew Thanvett an Inhabitant of St. Christophers, Setting forth that in the Year 1696 Christopher Codrington Esqr. then Governor of the Leeward Islands did (by Virtue of a Speciall power from King William the third) Grant to him, and his Heirs for ever Severall parcells of Land there ; Which he hitherto Enjoyed and made great Improvements thereupon, and humbly praying in Consideration of the great Hardships He Suffered on Account of his Religion, being French Refugee, and the great Expence He hath been at in Cultivating the said Lands, That the said Grant may be Confirmed to him. [p. 271.] 29 Aug. St. Christopher. (1716.)
- [The report from the Board of Trade of 20 Dec. is referred to the Treasury.] 21 Dec. [p. 485.]
- [1236.] [Reference to the Ordnance of the petition] of Robert Hunter, Governor of New York and New Jersey, setting forth the pressing occasions they have for a supply of stores of war, the Indians being up in arms in the neighbouring provinces, and enclosing a schedule of stores necessary. [p. 277.] 31 Aug. New York.
- [1237.] [Reference to the Ordnance of the petition of Walter Mitchell, ensign in the Independent Company of Bermuda, praying for a supply of beds for the Company, none having been sent these ten years.] 31 Aug. Bermuda. [p. 277.]
- [1238.] [Reference to the Treasury of the petition of Alice Stephens, setting forth that, some years after marriage, her husband John Stephens was appointed Comptroller of Customs in Barbados, agreeing to allow her a sufficient maintenance for herself and five children, but that for eleven years past he
- 9 Sept. Barbados

702 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715. has taken no notice of her ; she therefore prays that directions may be given to the Commissioners of the Customs for stopping a part of his salary. [p. 282.]
- 14 Sept. [1239.] [On the petition of Walter Hamilton, Governor of
Leeward the Leeward Islands, copies of all articles of complaint or
Islands. affidavits against him, are ordered to be delivered to him, to which he is to return a written answer.] [p. 283.]
- 4 Nov. [Committee of the whole Council exonerate Hamilton from the frivolous and malicious charges brought against him by Gilbert Pepper and Evelyn his wife and George French, and by Michael Ayon, late Provost Marshal of Antigua. The complainants declined their charge of disaffection to his Majesty and made no proof of the other articles, while several gentlemen of credit testified to the Governor's loyalty to the Protestant succession. The Committee therefore] Offer their Opinion that the said Walter Hamilton is very deserving of the Trust reposed in him by His Majesty in Appointing him Cheif Governor of the said Islands, So that His Majesty may please to permit and direct him to repair forthwith thither to take upon him that Charge and Command. [p. 304.]
- 8 Nov. [Order accordingly.] [p. 309.]
- 4 Oct. [1240.] This day Mr. Robert Inledon Entered an Appearance in behalf of Samuel Seldon of Virginia to the Appeale of
Virginia. Robert Beverly. [p. 292.]
- 18 Oct. [1241.] [Orders are given in accordance with the report
Antigua. from the Board of Trade of 16 Sept.] :—In Obedience to your Majestys Order in Council of the 9th instant We have Examined the Petition of John Dean of London Merchant Owner of a Small Ship called the three Sisters, and her Cargo, Setting forth, That the Said Ship was taken as Prize by the Dutch from the French in the late War, After which She was Severall Years employed in the Service of the Crown as a tender, and then Sold to the Petitioner who fitted her out with an English Master and Mariners on a Voyage bound to the Maderas and from thence to the Coast of Africa, where She putt

into the River Gambia, was freighted with Negroes and Sailed for Cadiz But in her Voyage Sprung a Leake, Whereupon they bore away to the first Harbour they could make, and Arrived at St. Johns in Antegoa, where they were Obliged to run her on Shore, by Which means She was lost, though the Negroes and greatest part of the Goods were Saved; Upon which they were Seized by the Governor, or some of your Majestys Officers in that Island, for that the said Ship was not English built. That the Petitioners Correspondents there, in order to prevent further Damage, entered into a Bond of one thousand pounds penalty, to produce a Certificate of the Said Ships being duly Qualified to trade to your Majestys Plantations, Which is impossible for them to do; For that the Said Ship was Foreign built as aforesaid and has not been made free in this Kingdome though that was unknown to the Said Correspondents, at the time the Said Bond was Given; Wherefore the Petitioner prays that Directions may be Given to the Judge of the Admiralty in that Island, to Stop all further proceedings for the Condemnation of the said Ship and Cargo, and that the aforementioned Bond may be given up. All which We have Considered, and for any thing that appears to Us, the Allegations therein Contained seem to be true; Upon which, We are humbly of Opinion, Supposing the Case is fairly Stated, the Ship being Foreign built and not made ffree in Case She went to trade there was with her Lading liable to be forfeited, by the Act of the 7th and 8th of King William; But if She was forced into Antegoa, for the preservation of the Ship and Men, as set forth in the petition without any Intention of unloading Goods there as Appears by affidavits, the Ship or Goods would not be forfeited thereby; And the Owners having Claimed the Goods, may Appeale to your Majesty in Councill, if the Goods shall be Condemned in Antegoa. We further humbly Offer that your Majestys pleasure be Signified to your Governor of Antegoa, that the forementioned Bond be given up.

[pp. 295-6.]

704 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715.
8 Nov. Barbados. [1242.] [Reference to the Committee for Appeals of the petition and appeal of Bernard Cook of London, mariner, and Sarah his wife, and Susannah King of London, spinster, from a decree of the Barbados Chancery, 12 Jan. 1715, in favour of Robert Lettice Hooper touching a plantation with buildings and negroes, claimed by the petitioners on the death of John Perrot and Mary his wife and unjustly withheld from them by Hooper.] [p. 309.]
- 15 Dec. [Committee minute: agreed to recommend that the decree of the Barbados Chancery be reversed, that Hooper do at once answer the appellant's bill, and that he pay 10*l.* costs.] (1716.) [p. 326.]
- 12 Jan. [Order accordingly.] (1718.) [p. 335.]
- 31 March. [Reference to the Committee for Appeals of Hooper's petition that the appeal be dismissed for non-prosecution.] (1718.) [II. p. 131.]
- 23 July. [Committee—for dismissing Cook's appeal from the Chancery decree against him on 31 Oct. 1716, which was admitted 20 months since, and has not been prosecuted.] (1718.) [II. p. 162.]
- 27 Aug. [Order accordingly.] [II. p. 169.]
- 22 Nov. Barbados. [1243.] [Reference to the Committee for Appeals of the petition of William Heysham of London, and William Roberts and Thomas Withers of Barbados, merchants, his attorneys, for a day for hearing their appeal a decree of the Barbados Chancery of 25 Nov. 1714 in favour of Aynsworth, who with Robert Corlet was attorney for Heysham, touching a bond given by Aynsworth and Corlet for performance of an agreement between them and Heysham.] (1716.) [p. 311.]
- 27 Jan. [Committee minute. Heysham terminated the first agency on 15 July 1704 by appointing Roberts and Withers. The decree of perpetual injunction against proceedings on the bond should be reversed: remittances made by Aynsworth, Corlet, and Roberts jointly are not to be reckoned in discharge

1715.

of what is due from the first agency, for which the bond was given: the accounts of the first agency are to be stated by the Chancery Court and decree given according to equity.]

[p. 337.] (1716.)

[Order accordingly.]

[p. 349.] 10 March.

[1244.] [Reference to the Committee for Appeals of another appeal of Heysham's attorneys from a Chancery decree of 21 Jan. 1715 in favour of Alexander Walker, touching a parcel of sugars bought by them from him.]

22 Nov.
Barbados.

[p. 311.] (1718.)

[Committee. The decree was one dismissing the appellants' bill for relief from a judgment at law in favour of Walker for 124*l.* 12*s.* 2*d.* for 91 hogsheads and 3 teirces of muscovado sugar, whereupon they had to pay Walker 918*l.* 10*s.* and 111*l.* 8*s.* 4*d.* costs. Part of the sugars, Roberts and Withers allege, were delivered to them as agents of Robert and William Heysham in discharge of a debt due to the latter by Walker, and the remainder on an agreement for assigning to Walker four judgments obtained by them as agents of William Heysham on 3 Ap. 1710 against the estate of William Battyn, deceased, for 88*l.* 18*s.* 2*d.*, Walker then intending to purchase Battyn's estate. The Committee recommend that the decree be reversed, and the money if already paid refunded with interest and costs: and that the appellants then assign to Walker the judgments obtained against Battyn's estate, with covenants that no part of the moneys for which the judgments were given has been paid to them or their order or for the use of Heysham, and that they have done no act whereby Walker may be hindered from the benefit of the said judgments.]

5 March.

[Vol. II. p. 110.]

[Order accordingly.]

(1718.)
[II. p. 117.] 16 March.

[1245.] [Reference to the Attorney General of the petition of Hannah, widow of Henry Harvey, for redress for] the Death of her said Husband Occasioned by the Bruises and Wounds given him by his Comander Peter Papillion in New England, for which he was Indicted at the Old Bailey, but discharged,

5 Dec.
New
England.

706 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715-16.

the Court having no Cognizance thereof, as being done beyond the Seas : [Also of the petition of Captain Papillion that he may not on account of the irregular proceedings of the prosecutor be put to the expense of a second trial].

[pp. 320-1.]

5 Dec. [1246.] [Reference to the Treasury of the petition] of Daniel
^{St.}
 Christopher. Bolton Esqr. with reasons humbly offered for Selling here, the Lands of the Island of St. Christophers in the West Indies, which were taken from the French, and a Proposall for purchasing the same, which if agreed to, such sale will Deprive the petitioner of the prospect he had of being one of the Commissioners for Disposing of the said Lands : and therefore praying some Provision may be made for him Suitable to his Service herein.

[p. 321.]

5 Dec. [1247.] [Reference to the Treasury of the petition of William
 Antigua. Dowley for the allowance usually made to witnesses in cases such as his, who came over from Antigua as a witness against Governor Douglas, and was bound over by Lord Chief Justice Parker to stay in England and prosecute Colonel Douglas ; since which time, being now ten months, he is detained from his family and almost starved.]

[p. 321.]

1716.
 10 March. [1248.] [On the memorial of the Admiralty, the Ordnance
 Montserrat. are ordered to allow, on the production of regular vouchers] Twenty Barrels of Powder spared out of His Majesty's Ship the Chester in the year 1709 by Captain Thomas Matthews then Commander of the said Ship to the Governor of Montserrat for the Defence of that Island and also of Ammunition and Gunners Stores expended in taking a French Privateer by a small Vessel Mann'd and furnished with suitable Stores for that service by the said Captain Matthews.

[p. 347.]

10 March. [1249.] [Reference to the Committee for Appeals of the
 Jamaica. petition of William Axtell and others, executors of Thomas Clarke the younger, for a day for hearing their appeal from an order of the Court of Chancery of Jamaica of 20 June, 1715, upon a bill exhibited against them by John Clarke.]

[p. 350.]

1716.
8 June.

[Committee minute : the bill of John Clarke] pray'd relief against a Bond entered into by him to the said Thomas Clarke the younger and injunction to stay proceedings at Law, as well on the said Bond, as on an Ejectment brought at law for certain Lands and Hereditaments in the said Island, whereof the said Thomas Clarke the younger died possessed ; —and further praying to open an account duly stated by himself, and an Injunction to stay proceedings at Law on the said account stated ; and a commission to examine Witnesses in perpetuam rei memoriam ; and also to have an account of profits received by the said Thomas Clarke the Younger of the Estate late of Thomas Clark the elder deceased, the said John Clarks Father, and to have a parole Lease made by the said Thomas Clarke the younger confirmed : [the Committee recommend that the order of the Jamaica Chancery be affirmed, and that the appellants pay the defendant 10*l.* costs]. But in regard it was Insisted by the Council of the Appellants, that by the aforementioned Order (as Conceived in Jamaica) the Account Stated is opened, and the Bond entered into by the said John Clarke sett aside, and the Injunction perpetuall : [Their Lordships decide against this construction of the order], the same being to be considered when the Cause shall be heard, and that the said Injunction is to continue till the hearing of the Cause. . . . [p. 412.]

[Orders accordingly.] [p. 422.] 6 July.

[1250.] [Reference to the Committee for Appeals of the 10 March. petition of John Halstead and William Gibbons for a short day for hearing their appeal from a decree of the Jamaica Chancery, 18 July 1715, in a case between them and Robert Needham.] Jamaica. [p. 350.]

[Committee minute : the appellants having] failed in their proofs by not producing under the Seale of the Island some Deeds refer'd too, [they are given further time to send for them, on payment of 6*l.* costs.] 8 June. [p. 413.]

708 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1716.

10 March. [1251.] [Reference to the Committee for Appeals of the
New York. petition of Abraham Gouverneur and others of New York
complaining of a delay of justice in a cause depending before
the Governor between them and Isaac De Biemer, senior.]
[p. 350.]

10 March. [1252.] [Reference to the Lords of the Committee for the
Rhode Affairs of the Plantations, of] the Petition of Richard Partridge
Island. Agent for the Colony of Rhode Island and Providence Plan-
tation praying to be heard against a Clause in the Commission
or Instructions of Colonel Burgess His Majesty's Governor of
New England touching the Command of the Militia of that
Colony. [p. 350.]

28 April. [A similar petition of Partridge, praying that the clause
may not be inserted in the next Governor's commission or
instructions is referred to the Board of Trade.] [p. 381.]

28 April. [1253.] [Reference to the Committee for Appeals of the
Jamaica. petition of Josiah Jordan of Jamaica and Elizabeth his wife
for a short day for hearing their appeal from a sentence of
the Jamaica Chancery] the 15th day of August 1715 in favour
of Thomas Brayne and Mary his wife, touching the last Will
and Testament of Henry Tennant Brother to Elizabeth the
Appellant, and Father to Mary the Defendant, wherein the
said Tenant Bequeaths all his Estate's etc. to the said
Appellant, but the Defendants (taking Advantage of the
Appellants Absence) possess themselves of the said Estate
and Will, whereby they are deprived of their just right.

(1717.) [p. 382.]

8 Jan. [Committee minute : recommending that the decree of the
Jamaica Chancery, allowing of a demurrer of Brayne and his
wife, be reversed, and the demurrer overruled ; and that
Brayne and his wife shall further answer the Bill of Complaint
of Jordan and his wife.] [p. 486.]

(1717.)
10 Jan. [Order accordingly.] [p. 487.]

28 April. [1254.] [Reference to the Board of Trade of] the humble
Barbados. Petition of Sir Edward Ernley, for and on behalf of his

1716.

Brother John Colleton of Barbados Esqr. Setting forth that by the Decease of Mr. Pilgrim, there is a vacancy in his Majestys Council there, And humbly praying in regard Mr. Colleton had been formerly Appointed a Member of the said Council, hath always been a zealous promoter of his Majestys interest there, as well as a Gentleman of one of the best Estates in the said Island; That he may (notwithstanding Sir John Colletons Opposition) Supply the said Vacancy. [p. 381.]

[On the report of the Board of Trade that a suit is at present depending before the Governor and Council of the island between the said John Colleton Esqr. and Sir John Colleton, which is in a fair way of being determined in a few months, his appointment is ordered to be deferred till the next vacancy after the settlement of the case.] 6 July. [p. 423.]

[1255.] [The report of the Board of Trade on a representation by the Governor of the Leeward Islands of stores of war wanted there is referred to the Ordnance for an estimate.] 6 July. Leeward Islands. [p. 423.]

[Reference of the Ordnance report to the Board of Trade.] 19 July. [p. 436.]

[On 17 Dec. 1716, the report of the Board of Trade and the Ordnance estimate were referred to the Treasury. The agents for the islands represent that the Treasury had directed the Ordnance to deliver the stores and promised payment therefor: but the Ordnance require an Order from the Council. As the stores are much wanted, the Ordnance are directed to deliver the stores, provided the Treasury have no objection.] (1718.) 9 Feb. [II. p. 103.]

[1256.] [Reference to a Committee of the whole Council of the] Petition of Peter Sonmans of New Jersey Esqr. (with Mr. Attorney Generals report thereupon) . . . touching Severall undivided Shares of Land in New Jersey purchased (as the Petitioner alledges) by his late Father Arent Sonmans deceased: And now claimed by Joseph Ormstone in right of his Wife, 6 July. New Jersey.

710 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1716.

one of the Petitioners sisters : [also of the petition of Joseph Ormstone of London, merchant, and his wife Rachel] praying that the Governor and Council of New Jersey may be directed to Transmitt hither a true state of all proceedings relating thereto, and that any proceedings upon the Report of Mr. Attorney General . . . may till then be stayed.

(1717.)

[p. 425.]

25 Oct.

[Committee minute. Ormstone for the fifth time professes to be unprepared and prays an extension of time. As he has had sufficient notice, he is to pay the petitioner 10*l.* and the hearing is peremptorily fixed for 13 Nov.]. [II. p. 53.]

(1717.)

16 Nov.

[Committee. Case heard in part and put off to 14 Jan. 1718.] [II. p. 69.]

(1718.)

14 Jan.

[Committee. Joseph Wright declining to pursue the claim of his wife, also a daughter of Arent Sonmans, it is recommended (1) that all properties in New Jersey patented or surveyed and registered by virtue of any purchase by Arent Sonmans be confirmed to Peter Sonmans and his heirs, discharged of any claim on behalf of Joseph or Rachel Ormstone, or of Joseph or Johanna Wright ; (2) that all properties in New Jersey purchased by Arent Sonmans but not patented, surveyed or registered be similarly confirmed to Joseph Ormstone ; if this does not amount to one propriety, or one undivided twenty-fourth part in East New Jersey, which was purchased by Arent Sonmans in the name of Gawen Lawry, and conveyed by Lawry's daughters and heirs, Mary Haig and Rebecca, wife of Miles Forster, by deeds of lease and release 1 and 2 March 1698, with the consent of Peter Sonmans and Joseph and Johanna Wright, the deficiency is to be made up from the patented lands ordered to Peter Sonmans ; (3) that the grant of letters patent and all other proceedings by virtue of the warrant or sign manual or directions of her late Majesty of 10 Sep. 1705 or subsequent directions thereon, be declared null and void. This is to be a final settlement of the lands purchased by Arent Sonmans in New Jersey.] [p. 81.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 711

[Orders accordingly.]

[II. p. 90.]

1716.

(1718.)

2 Feb.

(1720.)

12 July.

[Reference to the Committee for Appeals of Peter Sonman's petition that the order of 2 Feb. 1718 be enforced, as he has not yet been able to obtain possession of what was awarded him.] [II. p. 442.]

[1257.] [Reference to the Board of Trade of the petition of Captain Priswick in behalf of Joshua Jones of Antigua, setting forth that there are several vacancies in the Council of the Leeward Islands, and praying that the said Joshua Jones may be appointed thereto.] [p. 426.]

6 July.

Antigua.

[1258.] [Reference to the Board of Trade of the] Petition of Sir John Lambert in behalf of himself and others late Owners of the Ship called the Count De Paix, richly Laden from St. Domingo, and Plundered by the Bermudians. [p. 426.]

6 July.

Bermuda.

[1259.] [Reference to the Board of Trade of the] Petition of Colonel William Partridge of New England, praying His Majestys confirmation by Patent under the Great Seale of some Lands purchased by the Petitioner in New-England in Order to his Settling the same. [p. 426.]

6 July.

New
England.

[On reading the report of the Board of Trade of 16 Aug.] In Obedience to His Majestys Order in Councill of the 6th of the last month, Wee have considered the Petition of Colonel William Partridge Setting forth, That there is a Tract of Land between the Rivers Kennebeck and Pemaquid to the Eastward of New England in America belonging to the Petitioner solely, as also another Tract contiguous to it belonging joyntly to the Petitioner and Christopher Toppan, by Virtue of Purchases from the Indians Proprietors thereof in 1661, 1662 and 1674 as will more fully appear by the Abstract of the Original Indian Deeds hereunto annexed ; Which Lands they possessed till they were Driven away, and their Settlements destroyed by the Indians in the late Warrs, since which the said Lands have laid waste and unimproved :—That if His Majesty shall be Graciously pleased to Confirm their Titles to these Lands

20 Sept.

1716.

by Grant under the Great Seale of Great Brittain, They are willing to resettle the Same at their own Expence without any Charge to the Crowne : And therefore the Petitioner prays for His Majestys confirmation accordingly. We have also Severall times been attended by the Petitioner and other persons acquainted with that Country, and discoursed with them thereupon.

The Petitioner proposes to build three Towns on those Lands to Consist of at least 40 Familys each at the first Settlement, and to Give them such Encouragement as he Doubts not in a few Years to make a considerable Improvement; The first Town to be Compleated and Settled in two Years from the 1st of May 1717 the Second in two Years, after that, and the third in two Years more ; Provided there be during that Term no Warr with the French or Indians which in that case would Obstruct his proceedings. Upon which Wee humbly take leave to represent to your Royal Highness that these Lands are in a very good climate, the Soil is fertile and capable of producing Hemp ; It has plenty of Trees fitt for Masts and other Navall Stores with Navigable Rivers and good Harbours, as also a good Fishery on the Coast, From all which it may be reasonably presumed that in a little time such a Settlement may turn to the Advantage of this Kingdom in furnishing of Navall Stores, and otherways in return for Our Woollen and other Manufactures : Besides it will be a great Security to his Majestys Northern Provinces, by having their Frontiers Strengthened by such a Number of people : And therefore We think it will be of Service, that the Petitioner be Gratified in what he desires. But We must here humbly take leave to Observe to Your Royal Highness, that the whole Country between the River Sagadehoc and Nova Scotia has already, by his late Majesty King Williams Royall Charter of the 7th October 1691 to the Inhabitants of the Province of the Massachusetts Bay been Granted to them with power to make and pass Grants of particular Tracts of Land within that province, but with a Reservation nevertheless that no Grants

of any Lands between the River Sagadehoc and the Gulph of St. Lawrence (in which the Lands petitioned for are included) Should be of any Force until His Majesty His Heirs or Successors Shall have Signified His or Their Approbation of the same : But as the Purchasers from the Indians were in possession Thirty Years before the Grant of the abovementioned Charter to the Massachusetts Bay, They Conceive the said Charter will not be any Impediment to His Majestys Confirmation of their Titles ; and Mr. Dummer late Agent of that Colony has Assured us that He had formerly Directions from them to Encourage as much as possible the Settlement of the Eastern parts, and, not to Oppose a proposition then made of the like nature ; And that he has reason to believe they would be very well pleased with such a Settlement from the Advantage they would receive by it.

If his Majesty Shall be Graciously pleased to Gratify the Petitioner, We do most humbly propose that as there are upon those Lands great Numbers of Trees fit for Masts for the Royal Navy, there be a Clause in the Patent reserving to His Majesty His Heirs and successors all Pine Trees of the Diameter of 24 Inches and upwards at 12 Inches from the Ground, which are to be Marked by the Surveyor of the Woods there, or in his Absence by One to be Appointed by the Governor Whom the Petitioner is willing to fetch from New England to main-taine while he is upon the Survey, and to send back to New England again at his own Expence : And in Order to preserve a Nursery of Trees for the future, that the Said Surveyor do mark out such parcel or parcels of that Land not Exceeding ten thousand Acres as He Shall judge most proper for that purpose ; out of which no Person Shall be Allowed to Cut any Pine Trees whatsoever, but Such as Shall be marked by the Surveyor as unfitt for the Royal Navy.—That there be also another Clause in the Patent Obliging the Patentees to Compleat their Settlement in the time abovementioned, provided there be no War as aforesaid, upon penalty of Forfeiture.—And that the Patentees be restrained from Exporting to any

714 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1716.

Foreign parts, not in His Majestys Dominions, any Deals, Masts, Planks, or other ship Timber, Hemp, Pitch, Tar or other Naval Stores whatsoever.

[Order is given in accordance with the report and the Treasury are directed] to Consider of another Clause to be inserted therein for Reserving to His Majesty a Proper Quitt Rent for the said Lands; And such other Clauses as their Lordships shall judge necessary for His Majestys Service.

[pp. 447-9.]

6 Dec.

[The petition of Thomas Coram against the Order of 20 Sep. is referred to the Board of Trade, and all proceedings on the Order stayed in the meantime.]

[p. 471.]

6 July.
Jamaica.

[1260.] [Reference to the Board of Trade of the] Petition of Henry Thompson in behalf of the Lord Archibald Hamilton, praying that Samuel Page and Walter Arlington, who have accused the said Lord Hamilton of being concerned in severall piracy's and Robbery's committed on the Spaniards, may be obliged to give security for their Appearances at the Examination of the said Accusations.

[p. 427.]

12 Nov.

[On Thompson's petition, the Board of Trade are directed to prepare an instruction to the Governor now going to Jamaica to have Page and Arlington, now on their way thither, examined and] bound in a Recognizance for their Appearance at the King's Bench Barr at Westminster within as short a time as the distance of the place will allow in order to prosecute and maintain their accusation.

[p. 460.]

(1717.)
30 March.

[On Lord Archibald Hamilton's petition for a speedy decision, the complaints against him are referred to the Committee of the whole Council, who are to meet for this purpose on 24 April.]

[II. p. 8.]

(1718.)
9 Jan.

[In accordance with a report from the Board of Trade of 24 Oct., Page is removed from being Secretary of the Island, and from all offices of trust under his Majesty in Jamaica.]

[II. p. 81.]

1716.
12 Nov.

[1261.] [Reference to the Board of Trade of the petition of Henry Thompson] setting forth that the said Lord Hamilton during the time of his being Governor of Jamaica did advance severall summs of Mony out of his own private Fortune for the Publick Service of the said Island, and also that by reason of the Deficiency of those Revenues there are severall considerable summs due to his Lordship for salary and therefore praying that the Governor now going thither may be Instructed to recommend the said Publick Debts to the Assembly there. [p. 461.]

[On reading the report of the Board of Trade that the statements of the petitioner are true, and his demands very reasonable, they are ordered to prepare the requisite Instruction to the new Governor.] [p. 470.]

6 Dec.

(1720.)
8 Jan.
Jamaica.

[On the following report of the Board of Trade of 5 Dec. order is given to the Governor to repay the debts in question with lawful interest out of the first and readiest revenue of Jamaica]:— In Obedience to the Comands of the Lords Justices Signified to Us by Mr. Delafaye, We have considered the Memoriall of the Lord Archibald Hamilton, late Governor of your Majestys Island of Jamaica, Setting forth, That when he was Governor of that Island, He and the Councill did Advance out of their own private Fortunes the sum of 2706*l.* 6*s.* 3*d.* for the necessary subsistence of your Majestys Soldiers there; And that there is further due to him for the like Service, and for his Salary the Sum of 938*l.* 17*s.* 6*d.* for the payment whereof, He had Orders before He left Jamaica, which have not however yet been complied with; That the Assembly having refused to Reimburse the Money Advanced for the Soldiers, Your Majesty was pleased by Your Royall Letter of 10th Aprill 1716, To Direct him to Reimburse himself and others as well as Subsist the Soldiers for the future out of the first and Readiest of Your Majestys Revenues there: But by reason that His Lordship was recalled soon after the Receipt of the said Letter, the same proved ineffectuall; That your Majesty when Sir Nicholas Lawes went over Governor

1716.

was pleased to Direct him by an Article in his Instructions, to recomend to the Assembly the payment of the aforesaid Money, but notwithstanding their having reimbursed the late Lieutenant Governor Mr. Heyward what he had advanced upon the like Occasion with an Interest of 12 per Cent. and the present Governor Sir Nicholas Lawes with an Interest of 10 per Cent. ; And though the Assembly have Ordered the Additionall Subsistence for the Officers for such time as His Lordship Subsisted the Common Soldiers ; They did on the 19th August 1718, Resolve, That the Lord Archibald Hamilton and others, ought not to be paid the Money Advanced by him and others for the Subsistence of the Soldiers : And therefore He humbly prays that since the Assembly have refused to Comply with your Majestys Commands herein, Such Directions may be given as Shall be thought proper. Upon which Wee humbly Represent to your Majesty, that We find the Allegations in the said Memoriall to be true ; That if this Debt be not Discharged, it may have very ill Consequences ; For no Man would for the future Advance any Money even upon the most pressing Occasions for the Service of that Island, in Subsisting the Soldiers or otherways ; That this is a very just debt ; That the Money Advanced by His Lordship and Council, was a very necessary Service, For that the Soldiers must have Starved if they had not done it, The Act for their Additionall Subsistence being expiring, and the Assembly not then Sitting ; ffor which reasons, We are humbly of Opinion, that it is necessary the Lord Archibald and Council, be repaid the said Money with lawfull Interest ; But since the Assembly of Jamaica have absolutely refused to Comply therewith. Wee must humbly Submitt to your Majesty, what other Method shall be taken for doing the same. [II. pp. 365-6.]

(1720.)
14 Dec.

[Reference to a Committee of the Lords of the Council of the petition of Sir Nicholas Lawes, Governor of Jamaica, that the order to pay Lord Archibald Hamilton the sums of 2706*l.* 6*s.* 3*d.* and 938*l.* 17*s.* 6*d.* be not interpreted to require the present Governor not to take his salary till these claims

1716.

have been satisfied ; also of Lord A. Hamilton's petition for confirmation of the order to Sir N. Lawes.]

[Vol. III. pp. 85-6.]

(1721.)
20 Jan.

[Committee of Appeals recommend that the debts to Lord Hamilton being prior to all others be discharged before any other demands and without further delay, and that Sir Nicholas Lawes] do in the Strongest Terms Recommend to the Assembly, the making good the Dificiencys that may be occasioned by the payments of the Debts aforementioned, as having been laid out for their own Security. [III. p. 112.]

[Order accordingly.]

[III. p. 118.]

(1721.)
1 Feb.
(1721.)
18 Nov.

[Reference to the Committee for Appeals of a letter from Sir N. Lawes, with the proceedings of the Assembly on the last Order.]

[III. p. 364.]

(1721.)
18 Nov.

[Reference to the Treasury of part of Sir N. Lawes' letter proposing that Mr. Beckford be removed from being Comptroller of the Customs], as being a Chief contriver and promoter of Faction, and always opposed both in his and his predecessors Government, what ever has been Recommended for the King's Service.

[III. p. 365.]

(1722.)
3 Jan.

[Committee : The Assembly having resolved that his Majesty's revenue was no ways chargeable with the said sums, and that the Receiver General ought not to be allowed the same in his accounts, it is recommended that the former Order be enforced, and that if the Receiver General do not pay the debt without delay, he be prosecuted for contempt and his patent made void. Peter Beckford's unruliness having been proved, the Duke of Portland, now going as Governor, should have power to remove him from his post, if he find it to be for his Majesty's service.]

[III. pp. 441-2.]

(1722.)
20 Jan.

[Order accordingly.]

[III. p. 461.]

[1262.] The Petition of the Widow Weekes . . . Setting forth the good Service of her Husband, and the Loss of her

6 July.
New
England.

718 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1716.

Son in his Voyage to proclaim his present Majesty in New England etc., and praying that her younger son may be preferred in the Service, and She allowed his Majestys Bounty [is referred to the Admiralty to do therein as they shall think proper]. [p. 429.]

13 Sept.
Virginia.

[1263.] [Reference to the Board of Trade of the petition of Anne Stannard, an infant, by William Stannard, her father, for speedy relief in her appeal (now transmitted under the seal of the colony) from a sentence of the General Court of Virginia, 26 Ap. 1716, in favour of John Wormeley as to the possession of several acres of land there.] [p. 442.]

(1717.)

6 March. [Committee minute for dismissing the appeal.] [II. p. 4B.]

(1717.)

30 March. [Order accordingly.] [II. p. 6.]

6 Dec.

[1264.] [Reference to the Attorney and Solicitor General of the] petition of Joseph Micklethwaite Esqr. Setting forth his having been appointed by patent under the Great Seale Secretary to the Island of Barbados, and Clerk to the Severall Courts there; by virtue of which patent, He conceives he hath a right to the place of Clerk, or Remembrancer of the Exchequer belonging to the said Island; And therefore praying, that in case it doth appear that He hath such right, He may be putt into the possession thereof. [p. 471.]

(1729.)

22 May.

[Reference to the Board of Trade of the petition of Joseph, Viscount Micklethwaite, formerly Secretary of Barbados, that his Majesty will recommend to the Government of the said island the payment of 793*l.* 3*s.* 9*d.*, which he alleges to be due to him for making copies and duplicates of the Minutes of Council and Acts of Assembly for the Secretaries of State and Board of Trade, and for his other services during tenure of his office from 12 Mar., 1715, to 2 April, 1719.]

(1729.)

18 Aug.

[Geo. II. Vol. I. p. 510.]
[The Board of Trade having been informed by Viscount Micklethwaite that he received no salary as Secretary of Barbados and no profit but the customary and reasonable fees

1716-17.

of the office, report that his request is very reasonable. The Governor and Council of Barbados are directed to examine and settle his accounts, and the Governor to recommend to the Assembly the payment of what shall be found due upon proper vouchers according to the usual and accustomed fees given upon the like occasions]. [II. p. 46.]

(1731.)
28 Oct.

[The Assembly refusing to comply with the Orders in Council for payments to Viscount Micklethwaite and Francis Whitworth due them for their services as Secretaries, and desiring that their accounts be first laid before them, and the Governor awaiting his Majesty's commands thereon, the Council refer to a Committee a petition of Micklethwaite and Whitworth that the accounts be accordingly laid before the Assembly and an earnest recommendation made by the Governor for payment of the sums due and to become due.]

[Geo. II. Vol. II. p. 461.]

[Committee refer the petition to the Board of Trade.]

(1731.)
23 Nov.

[Geo. II. Vol. II. p. 472.]

[1265.] A Representation of Ambrose Weston, and William Cleeves, Fishing Admirals at the Island of St. Peters, Adjacent to Newfoundland, relating to some irregularitys committed in the Fishing Trade there, As also a Journall of their proceedings [is referred to the Board of Trade, who are to get information from Mr. George Lewen, and any others they think proper]. [p. 485.]

21 Dec.
Newfound-
land.

[1266.] [Reference to the Secretary at War of Charles Huddy's petition for relief in the matter of his being dismissed by Governor Hunter from his post of Lieutenant of the Independent Company of Fusiliers in New York, without giving him any reason or trying him by a Court Martial.]

21 Dec.
New York.

[p. 485.]

1717.

[1267.] [An Act for raising and making a fortification having been passed, a petition of the Governor, Council and Assembly of Nevis for a supply of warlike stores and materials and for an engineer, is referred to the Ordnance.] [p. 491.]

23 Jan.
Nevis.

720 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1717.
23 Jan. [1268.] [Reference to the Committee for Appeals of the
New Jersey. petition of] severall Traders, Inhabitants, and Proprietors of
New Jersey . . . In behalf of themselves and many others,
Complaining of the arbitrary and illegall proceedings [of
Governor Hunter]. [p. 491.]
- 16 Nov. [Committee minute. In Feb. the hearing was deferred on
the petition of George Bampfield representing that the Governor
had obtained licence to come over and was expected to arrive
in a very short time. As Hunter is not yet arrived nor
expected over, and as the complainants are at great charge
in maintaining their witnesses here, they seek a short day for
hearing their complaint. It is ordered to be transmitted
to the Governor, who is to return his answer within six weeks
of receiving it.] [II. p. 68.]
- (1718.)
23 July. [Committee : On the petition of William Mowbray for the
complainants, the hearing is fixed for 1 Aug.] [II. p. 163.]
- (1718.)
25 July. [Committee : On the petition of George Bampfield on behalf
of the Governor, it is put off till 8 Aug.] [II. p. 163.]
- (1718.)
8 Aug. [The complainants alleging that the Governor's agent
obtained the appointment of this day without their knowledge,
and that their counsel is now out of town, the hearing is
peremptorily fixed for the first meeting in October.] [II. p. 165.]
- (1719.)
19 Feb. [Committee : 23 Feb. fixed for the hearing, provided the
complainants before then give 100*l.* security to abide his
Majesty's determination.] [II. p. 224.]
- (1719.)
23 Feb. [Committee : Complaints heard in part and adjourned to
26th.] [II. p. 226.]
- (1719.)
26 Feb. [Committee : Further hearing, and adjournment till after
the circuits.] [II. p. 226.]

GEORGE I. VOL. II. (2 Mar. 1717—25 Aug. 1720.)

- 15 July. [1269.] [Reference to the Committee for Appeals of] the
New York. Petition of Thomas Summers and others of Liverpool

1717.

Merchants setting forth the seizure and Condemnation in New-York of the ship Good Intent belonging to the Petitioner upon pretence (as they alledge) of Illegal Trade, and praying Relief in the premises.] [p. 19.]

[170.] [Reference to the Committee for Appeals of the petition of John Oulton and Cornelius Waldo of Boston for leave to appeal from a judgment of the Superior Court of Suffolk County, Massachusetts Bay, 6 Nov. 1716, in favour of Arthur Savage, master of the *Province* galley, in a suit commenced by the petitioners for 2000*l*.] [p. 19.] 15 July.
New
England.

(1718.)

[Committee—for dismissing the appeal, as the petitioners have not applied for a review in New England, as they may still do.] [p. 93.] 5 Feb.

(1718.)

[Order accordingly.] [p. 116.] 16 March.

[1271.] [On the representation of the Board of Trade of 29 June, three Virginia Acts are disallowed, and orders given in accordance with their representation] That the Indian Trade with that Colony may admit of severall Regulations which would render the same more beneficial to His Majesty's Subjects by preventing the Evils arising from the Abuses committed by the Indian Traders ; That the Indian Company of the said Colony (as they are inform'd) have built at their own charge a Magazine and been at other Publick Expenses, which the said Lords Commissioners are of Opinion ought to be reimbursed the said Company as farr as the same shall appear to have been for the benefit of the said Colony ; And . . . that an Additional Instruction be prepared for all His Majesty's Governors in America, that they do not pass any Act which may any ways affect the Trade or Shipping of this Kingdom without a Clause Declaring that the said Acts shall not be in Force until they be Approv'd and Confirm'd by His Majesty. [p. 24.] 31 July.
Virginia.

[1272.] [Reference to the Committee for Appeals of the appeal of Daniel Smith, Lieutenant Governor of Nevis, and Elizabeth, his wife, from a sentence of the Leeward Islands 29 Aug.
Antigua.

722 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1717.

Chancery, 24 July 1716, in favour of Maine Sweet of Nevis relating to a plantation in the parish of Falmouth, Antigua.]

(1718.)

[p. 35.]

17 March.

[Committee minute. The decree in favour of Sweet was] Upon a Bill brought by the Appellants in the Court of Chancery there against the said Sweet who was gott into possession of a certain plantation or parcell of Land . . . And for a Discovery of his pretended title to the said plantation or Lands, and for an account of the Rents and profitts thereof, from the time of his entry thereon. [It is recommended] that the said Decree be Reverst; and that the said Plea of the Defendant Sweet do stand for an answer, with Liberty for the plaintiff to Except, and the Cause to proceed.

[p. 124.]

(1718.)

31 March.

[Order accordingly.]

[p. 129.]

29 Aug.
Barbados.

[1273.] [Reference to the Board of Trade of Samuel Barwick's petition for leave to prolong for one year more the leave of absence granted him by the Governor of Barbados, as he has not yet been able to despatch his business.]

[p. 36.]

8 Oct.

[On the report of the Board of Trade the petition is granted and Barwick is allowed to retain his place and precedency in the Council although this is already forfeited by his absence of over two years without his Majesty's approval: he came over as respondent to an appeal, applied in Feb. for the leave now asked, and is well affected to the Government and qualified to act as a Councillor in Barbados.]

[p. 43.]

29 Aug.
St.
Christopher.

[1274.] [Reference to the Board of Trade of the petition of Col. Wm. Codrington, son and heir of Col. Christopher Codrington, deceased, formerly Governor of the Leeward Islands, who took St. Christopher from the French and received as sole reward 763 acres in the island in trust for himself]; Upon which Ground, he Erected Buildings, and Stockt it with Negroes and proper Utensills; Which was no Sooner finisht, but Col. Park going over Governor Dispossessed him thereof immediately, to his very great Loss and Damage. [His son prays

1717.

that, if the grant may not be confirmed to himself, at least he may be permitted to purchase it at an easier rate.] [p. 36.]

[Reference to the Board of Trade of Col. Codrington's petition for a year's extension of his leave of, absence, and retention of his rank in the Council, he having come over to settle several donations left by his father to persons in England, and on private affairs of his own, which he has not yet been able to despatch.] 17 Oct. [p. 47.]

[1275.] [Reference to the Board of Trade of Stephen Browne's petition setting forth his services and losses in the French invasion of St. Christopher and making proposals for purchasing lands there.] 29 Aug. St. Christopher. [p. 36.]

[1276.] A Proclamation for Suppressing of Pyrates [is read and approved]. 5 Sept. Piracy. [p. 38.]

(1718.)
30 Jan.

[On the representation of the Board of Trade of 18 Sept. that the Act, 11 William III for the more effectual suppressing of piracy, was renewed for five years by an Act of 1 George I, and that some pirates have been seized in New York and in Bermuda, order is given that commissions be issued similar to those of 1700 for trying pirates taken in the plantations. Warrants are to be prepared by one of the principal Secretaries of State, and the Board of Trade are to present the names of persons fit to be comprehended in each Commission.] [pp. 85-6.] (1718.)

9 Feb.

[On considering a letter from the Board of Trade, with the following answers of the Attorney and Solicitor General to queries relating to the proclamation for suppressing of pirates, the Board of Trade are directed to prepare instructions for the Governors of plantations, and particularly to Sir Nicholas Lawes, Governor of Jamaica, to inquire into the piracies complained of by the Spaniards and endeavour to procure them satisfaction.]

1st Query. Whether the proclamation is a full and Sufficient Pardon to any persons, Who may have Comitted Pyracys and Robberys upon the High Seas in America, within the time therein mentioned, or if

1717.

not what Steps must be taken to Obtaine it of the
Governors of America.

Answer. Wee are of Opinion that the Proclamation does not contain a pardon of pyracry, but only His Majestys gracious promise to Grant Pirates such pardon on the Terms mentioned in the proclamation on which every Subject may safely rely, but that it will be reasonable for His Majesty to give Instructions to his Governors in America to Grant the persons surrendring themselves according to the Terms of such proclamation His Majestys Most gracious pardon for Pyracies and Robberys on the High Seas.

2dly. Whether by this proclamation, Murthers Comitted by such pirates are pardoned.

Ansr. We are of opinion, that where the Murther is comitted in the piracy It was his Majestys Intentions, to pardon the Murther so Comitted ; And that therefore it may be reasonable in the Instructions to His Majestys Governors to direct them to insert in the pardons by them to be passed of the piracys and Robberys comitted on the High Seas, a pardon of all Murthers Comitted in the same.

3dly. Whether the persons who have comitted any Robberys or piracys, or any other by that Title, can hold the Moneys and Effects they may be so possessed of, and not be liable to be prosecuted for them.

Ansr. Wee are of Opinion that as to the proper Goods of the pyrates, they being pardoned, the same will not be forfeited, but they may retain them to their own Use ; but as to the Goods of other persons which they have taken unlawfully from them, the property thereof by such taking is not altered, but the Owners notwithstanding any pardon, may retake them, or they may recover the same, by an Action to be brought against the Robbers for the same. .

4thly. Whether if any Persons having Notice of this proclamation should between such Notice and the 5th day of January next, Comitt any pyracies or Robberys, are entitiled to the benefitt of it.

1717.

Ansr. We are of opinion that there is no Exception of any Notice in the proclamation, and His Majesty has been pleased to Give His Royall Promise, which He will never break to pardon Pyrates Surrendring themselves, all pyracys comitted or to be Committed before the said 5th day of January, and for preventing the Mischiefs hinted at in this Query, His Majestys Officers are to be diligent in apprehending all pyrates ; for His Majesty has not been pleased to promise pardon to any pyrates but such as Surrender voluntarily according to the Terms of the proclamation. [pp. 97-8.]

(1718.)

13 Feb.

[On reading a representation from the Board of Trade proposing the names of suitable persons and of the plantations proper to be included in each Commission, the Secretary of State is ordered to insert the names accordingly.] [p. 107.]

(1718.)

23 April.

Memo. This day the Draught of a Comission for Pardoning Pyrates in Bermudas, was, by Direction of the Lords of the Councill, Left with the Lord Chief Justice Parker for his perusall. [p. 134.]

(1718.)

1 July.

[The Board of Trade deem an instruction inadequate; and submit a Commission under the Great Seal to empower the Governor to pardon such pirates as come in under the proclamation. The draft for Bermuda is approved, and like Commissions ordered to be prepared for the other plantations. P.R.]

[p. 149.]

(1718.)

10 Dec.

Draught of a Commission empowering the Courts of Admiralty to pccceed upon the Tryalls of Pyrates that shall be taken [approved.] [p. 193.]

(1718.)

21 Dec.

[Proclamation for suppressing piracy and Commission empowering Governors to pardon pirates who come in before 1 July, 1719—approved.] [p. 206.]

(1719.)

6 Feb.

[Reference to the Board of Trade of two Admiralty memorials of 3 Jan., one for annulling the 54th article in the instructions to Governors of plantations as to pirates' goods,

726 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1717.

and the other desiring that a stop be put to encroachments on the jurisdiction of Admiralty Courts in the plantations.]

(1720.)

[p. 219.]

12 July.

[The report from the Board of Trade of 2 July, 1720, and a representation from Mr. West thereon, are referred to the Admiralty.]

[p. 440.]

(1720.)

23 Aug.

[Commission to be prepared for the senior captain of His Majesty's ships on the coast of Africa to try and execute pirates], without which, if they Chance to take any Number of Pirates, They must either keep them on Board his Majestys Ships, till they can arrive at Some Government or Plantation where they Can be Tryed, during which time, they must Eat on his Majestys Provisions, which will render the Ships Un- capable of Staying Abroad, so long as the Service may require, or otherwise they must put them on Shore without bringing them to deserved Punishment.

[p. 473.]

[The present Commission is for Capt. Chaloner Ogle of H.M.S. *Swallow*, and in case of his death or inability, for Capt. Mungo Herdman of H.M.S. *Weymouth*. Orders are given on 5 Oct. supplying the names of the Commissioners (III. p. 12) : on 18 Oct. for consulting the Attorney and Solicitor General (III. p. 21) : on 14 Dec. the Commission is approved for the chief naval commanders to act with the Governor and officers of any English colony or factory upon the coast of Africa, as well as with the chief commissioned and warrant officers of their ships (III. p. 82) : on 14 Jan. 1721 the names of these additional Commissioners are ordered to be supplied from a list of the principal persons employed by the African Company in their several settlements abroad (III. p. 104) : on 1 Feb. 1721 the drafts are approved. Numerous similar commissions were issued later for the trial of pirates on the African coast and in the East Indies.]

(1720.)

20 Sept.

[Order for a Commission for trying pirates in South Carolina, now a royal province, similar to those passed for the other plantations by the order of 30 Jan. 1718.]

[III. p. 5.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 727

- [Board of Trade to present the names of persons to act as Commissioners in South Carolina.] [III. p. 13.] 1717.
(1720.)
11 Oct.
(1720.)
15 Nov.
- [The names are approved and the Commission is to be passed.] [III. p. 53.]
- [1277.] [Reference to the Admiralty of the petition of John Smith of New York for relief by letters of reprisal or otherwise for the seizure of his ship, the *Three Brothers*, taken when trading between Jamaica and New York in time of peace by a French captain of M. Chateau Renault's squadron, and converted to his own use, so that the petitioner has never received satisfaction.] [p. 40.] 5 Sept.
New York.
- [Order in accordance with the Admiralty report of 8 April, finding] That the petitioner obtained in June 1713, her late Majesty's Order to her then Minister in France, Mr. Prior, to Demand the said Ship and her Loading, who by his Letter to the person that Solicited this matter in England, informed him that the reason why the Cause was not Determined at the Court of France, was, that the 11th Article of the Treaty of peace, had not been fully explained. We have also demanded the Opinion of the Judge of the High Court of Admiralty hereupon, who hath represented to Us, That either the Determination of the Commissarys to be appointed, by Virtue of the aforesaid Eleventh Article of the Treaty ought to be still expected, or that it should appear, that no Such Commissarys will be permitted to proceed. But that in the whole he is of opinion, that the utmost the petitioner can expect, is, that His Majesty will be most graciously pleased to Renew to His Minister in France the like orders with those the petitioner obtained in June 1713 from the late Queen, Which is most humbly submitted to His Majesty. [pp. 160-1.] (1718.)
21 July.
- [1278.] [Reference to the Board of Trade of the petition of the Court of Directors of the South Sea Company, that his Majesty would disallow a Jamaica Act of Nov. 1716] for laying a Duty of 20 shillings per Head on every Negro Exported 31 Oct.
Jamaica.

1717.

by way of Merchandize in any Ship Sloop or Vessel belonging to the said Island, or to the said Company; [and that the Governor be instructed to pass no such Act till his Majesty's pleasure be first known.] [p. 57.]

(1718.)
9 Jan.

[On reading the report of the Board of Trade of 21 Dec., that] how just soever it may be that the people of Jamaica should be left at Liberty to lay such dutys as they shall think necessary for the support of His Majestys Government there, on Negroes bought in their own Island, it cannot be reasonable that they should lay a Tax upon Negroes landed there by the South Sea Company for refreshment and much less on such as do only putt into their Harbour for Wood and Water, because this would be an oppression upon the South Sea Company, and consequently support Jamaica at the Expence of the British Trade; Nor can precedents of the like duty drawn from Former times, whilst the Assiento was in the hands of Foreigners in any sort justify the like proceedings in the present case, the said Contract being now Vested in His Majestys own subjects, in whose Loss or Gain the whole Kingdome of Great Britaine is imediately concerned, And therefore humbly offer that his Majestys pleasure be Signified to the Governor of Jamaica not to pass any Law for the future, that shall lay a duty on the Re-exportation of Negroes that have been brought thither only for Refreshment and much less on such as touch in the ports of Jamaica without landing there; And that the said Governor be likewise made acquainted with the following Objections Vizt.

That the Act lays a higher duty upon the Trade and Shipping of all other his Majestys Subjects than those of Jamaica.

That the Inhabitants of the two parishes of St. Iago de la Vega and Kingston are to pay twelve pence per pound for the rent of every House, although the rest of the Island is not charged with any Tax on that Account.

That by the said Act Commissioners are appointed to receive and to Distribute the Money arising thereby, with an Allowance of $7\frac{1}{2}$ per Cent. in Diminution of His Majestys Royall

prerogative, and in prejudice of the Receiver Generall, His Majestys patent Officer. These Commissioners are to give Bond of Eight Thousand pounds for the due Execution of the Act, and notwithstanding they shall have performed all that is required by the Act, and by consequence the Bond become void, it is not to be cancelled but in the presence of the president of the Councill, and of the Speaker of the Assembly, and if any person shall presume to do, or advise the contrary, they Shall forfeit double the penalty of the Bond, without allowing any pardon, or Non vult ulterius prosequi.

Besides, in Several other clauses of the Act, His Majestys prerogative of pardon, or granting a Non Vult ulterius prosequi is taken away.

[The Act, renewed in August 1717, is repealed and the Governor instructed not to pass another affecting negroes brought into the island only for refreshment. He is also] particularly enjoyned carefully to observe the Severall Instructions given him by his Majesty with relation to the passing of Laws in that Island, more especially in such cases where his Majestys Royall prerogative or The Trade of Great Britaine may be any ways affected: Which Precaution will be still more necessary in the passing of Money Bills than those of any other nature; because generally these have their Duration but for one year and frequently have their effect before his Majestys Royall pleasure can be known concerning them.

[pp. 79-81.]

[1279.] [Reference to the Committee for Appeals of the petition of William Fortescue of Barbados, an infant, by his guardian Thomas Beckles, for a speedy day for hearing his appeal from a sentence of the Governor and Council, 4 Sep. 1716, in favour of John Bromley as to the possession of certain lands there.]

14 Nov.
Barbados.

[p. 67.] (1718.)

[Committee—for dismissing the appeal, which relates to land in the parish of St. Philip's in the precinct of Christ-church.]

29 April.

[p. 134.] (1718.)

[Order accordingly.]

[p. 137.] 14 May.

730 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1717.
14 Nov. Jamaica. [1280.] [Reference to the Committee for Appeals of the petition of Thomas Roose of Jamaica and Elizabeth his wife for a short day for hearing their appeal from a Chancery decree there of 10 Jan. 1717] in favour of Francis Roose and Peter Beckford, as well as Mary and Ann Fuller Sisters to the petitioner, to whom the said Francis Roose and Peter Beckford were Guardians as likewise to the petitioner Elizabeth in her Minority, relating to the said Guardians accounting for the profits of the Estates received by them, as also touching the payment of the said Mary and Anne Fullers portions. [p. 67.]
- (1719.)
20 March. [Committee—for dismissing the appeal of Thomas Roose and Elizabeth his wife, from an Order of the Jamaica Chancery, 10 Jan. 1717, whereby was dismissed the petitioners' bill against the claims of Mrs. Roose's sisters, Mary and Anne Fuller, for their portions, and they were left to choose whether they would take 2000*l.* each as left by their father's will or their thirds of his entailed estate.] [p. 243.]
- (1719.)
4 April. [Order accordingly.] [p. 248.]
- (1723.)
26 Feb. [Reference to the Committee for Appeals of the petition of Thomas Roose and Peter Beckford of Santiago de la Vega, and Elizabeth Roose, widow, from a decree of the Jamaica Chancery, 26 May 1722, in favour of Edmund Kelly and Mary his wife, obliging Thomas Roose to pay to Edmund Kelly 2,000*l.* with interest and costs of suit.] [III. p. 220.]
- (1723.)
31 July. [Committee for dismissing the appeal. (The 2000*l.* was a legacy to Kelly in right of his wife according to the will of her father Charles Fuller.)] [III. p. 296.]
- (1723.)
6 Aug. [Order accordingly.] [III. p. 304.]
- 14 Nov. St. Christopher. [1281.] [Reference to the Board of Trade of the petition of Christopher Stoddard, of St. Christopher, planter, to be reinstated in some plantations of which he was lately dispossessed by James Milliken under pretence of a grant from the Governor, General Hamilton.] [p. 68.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 731

[On their report, copies of the petition are ordered to be sent to Governor Hamilton and Mr. Milliken, who are to transmit their answers forthwith.] [p. 103.]

1718.
9 Feb.

[1282.] [Reference to the Board of Trade to consult with the Attorney and Solicitor General upon William Byrd's petition against the instruction to the Governor of Virginia to name judges without the advice of his Council for the two Courts of Oyer and Terminer yearly appointed to determine criminal cases : Byrd prays that the Judges of the General Court, who formerly had cognizance of such cases, be Justices of the Courts of Oyer and Terminer, except in cases of an extraordinary nature.] [p. 92.]

2 Feb.
Virginia.

[1283.] [On reading a representation of the Board of Trade of 18 Sept., 1717, on the petition of Francis Melmoth on behalf of James Knight, Deputy Receiver General of Jamaica, which was referred to them on 19 July] That this Board did give their Opinion upon a former Petition of the said Melmoth, that if the Clause of the Additionall Duty Bill should pass, it would be a great Injustice to the Receiver Generall, who had regularly issued the Money, for the Service and Support of the Government, pursuant to His Majestys Commission and Instructions to the Governor—That the Additionall Duty Bill, being since passed into a Law, the Receiver Generall has been Allowed to Re-imburse himself the Severall Sums of money mentioned in the petition to have been issued by him [except 620*l.* disbursed by him for the necessary subsistance of the soldiers on the same authority as the other sums ; Order is given, in accordance with the report, that the Governor move the Assembly to reimburse Knight the 620*l.* he paid from his own stock to the Recever appointed by the Assembly, and to allow him the current rate of interest.] [p. 100.]

9 Feb.
Jamaica.

[Reference to the Committee of the Council of Henry Thompson's petition on behalf of James Knight to be reimbursed 723*l.* paid by Knight on the orders of the late Governor, and not refunded by the Assembly in spite of his Majesty's Order.] [III. p. 467.]

(1722.)
20 Jan.

732 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.

(1722.) [Committee : no sufficient vouchers appear for more than
2 March. 620*l.* ; it is recommended that the former Order be enforced,
and that the Receiver General pay that sum with interest to
Knight out of the first and readiest of his Majesty's revenue
under penalty of] prosecution had to make void his patent.

[III. *pp.* 497-8.]

(1722.)
10 March. [Order accordingly.]

[III. *p.* 516.]

9 Feb.
Jamaica.

[1284.] [The grant of the escheated estate of Anna
Williamina Bernarda Kupius is confirmed to Edward Pennant
and Anthony Swymmer, on the representation of the Board
of Trade of 16 Oct.] That by a Law passed in that Island,
and confirmed by the Crown in 1682, Entituled, An Act for
prevention of Law Suits, the Governor for the time being is
impowred to pass Grants under the Broad Seale of that Island
of any Estate Escheated to the Crowne, provided the Value
found by a Jury upon Oath be Secured to be paid by the
patentee into the Treasury of the Island in three Years, in case
no Heir appears in the mean time ; and that by another Law
passed and Confirmed in 1703, All Fines Forfeitures and Escheats
are Appliyed and appropriated to the Support of the Govern-
ment of the Island and the Contingent charges thereof :—
That it appears to Us That the Estate late Wilhelmina Kupius's
escheated to the Crown, in the year 1711, was Valued by
a Jury at one thousand ffour hundred and fifty Six pounds ;
That the Lord Archibald Hamilton, then Governor of the
Island (though he was empowered by the first of the before-
mentioned Laws to make immediately a Grant of the said
Escheated Estate, yet being Restrained by his Instructions
from her late Majesty from granting any Escheats, till upon
his having Signified to the Lord High Treasurer, or to the
Lords Commissioners of the Treasury for the time being, the
Value, Nature, and Occasion of such Escheats, he should
receive her Majestys pleasure thereupon) He forbore making
any Grant of the said Escheated Estate, but agreable to his
Instructions, represented it to the then Lord High Treasurer,
and at the same time recomended Anthony Swymmer Esqr.

one of the present petitioners as a person properly deserving the said Grant, for reasons which we find mentioned in a Letter from this Board, to the then Lord High Treasurer.—That however this matter continued undetermined, 'till his Majestys Accession to the Crown, when upon a Complaint that the aforesaid Instruction given by her late Majesty, concerning Escheats, was contrary to the Laws of that Island; His Majesty was pleased, upon a Representation from this Board, and the opinion of the Attorney Generall to Direct that the Governor of Jamaica should be left to Act in the granting of Escheats, pursuant to the Laws of that Island; And the Lord Archibald Hamilton received Instructions accordingly, dated the 6th May 1715. Upon receiving Which Instructions Wee find that Lord Archibald Hamilton, did Grant, on the 23d of July 1715, the Escheated Estate of Anna Williamina Bernarda Kupius to the petitioners by Letters patents under the Great Seale of that Island, agreeably to the forementioned Act for prevention of Law Suits, and that these Letters Patents, were duly Entered, Recorded and Enrolled in the Secretarys Office of Enrollments, Established in that Island.

Wee Observe indeed, that His Majestys Warrant for Granting the said Escheats to Edward Nichols Esqr. is dated the 30th of Aprill preceding the date of the Grant made by the Lord Archibald Hamilton, but that Mr. Secretary Stanhopes Letter to the Lord Archibald, Signifying to him, His Majestys pleasure concerning that Warrant, and accompanying the Warrant itself, was dated on the 28th of November Subsequent to the Grant made in Favour of the Petitioners and that The said Letter from Mr. Secretary Stanhope with the Warrant were not delivered to the Lord Archibald Hamilton, till the 6th of February following being in 1715/6: Which was seven Months after the Grant had been made to the petitioners Which Wee find his Lordship mentions in a Letter to Mr. Secretary Stanhope of the 10th of the same February, as the reason why it was not in his power to Execute his Majestys Commands in favour of Edwd. Nichols Esqr.

1718.

Wee find nothing further done in this matter till the 17th of July 1716, of which Date there was a Warrant from his Royall Highness the prince of Wales then Guardian of Great Britaine to Peter Heywood Esqr. Commander in Chief of Jamaica directing him to Vacate the patent granted by Lord Archibald Hamilton, and to pass another in Favour of Edward Nicholls Esqr. pursuant to His Majestys above-mentioned Warrant in that behalfe.—Upon Consideration of the whole it appears to us, that the Grant made by the Lord Hamilton to the Petitioners was agreeable to his Instructions, and upon a valuable Consideration according to the Laws of that Island ; That his Lordship had no Notice of His Majestys Warrant in favour of Edward Nicholls, till Seven Months after the Letters patents were duly and legally passed and Executed in Favour of the Petitioners.—That though it should appear that the Lord Archibald Hamilton had received any Knowledge of His Majestys Intentions in favour of the said Nichols, before he passed the Grant in favour of the petitioners, Yet the Grant would still, as Wee conceive, Stand good in their Favour, as well by reason of the aforementioned Act for prevention of Law Suits, as of another Law, entituled, An Act for ascertaining the Quit Rent and manner of Receipt thereof, whereby it is Enacted, That a patent Sealed under the Great Seale and recorded in the Office of Inrollments of that Island, Shall evidence the patentees just Right and Title, and be a good Barr to the Right and Title of His Majesty His Heirs and Successors : Wee are therefore humbly of Opinion that the Grant in favour of the petitioners is, and ought to Stand good, and that an attempt to Vacate it, unless the Petitioners should have done anything to forfeit their just Right and Title, might very much Disquiet the minds of His Majestys Subjects in that Island, by giving them apprehensions for the Severall Lands they enjoy, by Virtue of like Grants from former Governors.

[pp. 101-2.]

9 Feb.
Carolina.

[1285.] [Reference to the Board of Trade of a presentation from the Proprietors of Carolina recommending to his Majesty

1718.

as tending to the security and advantage of the rest of his Majesty's subjects in America, a proposal of Sir Robert Montgomery] to Carry over at his own expence and Charge severall Familys for the Settling and Fortifying the most Southern part of the said province beyond the Savana River, upon Condition that the Land so Settled may be Erected into a New Government, and the said Sir Robert Montgomery appointed Governor of the same during his life. [p. 103.]

[The report of the Board of Trade is referred to the Lords of the Committee of the Council.] 1 July. [p. 152.]

[1286.] [Reference to the Committee for Appeals of the reports of the Board of Trade and of the Attorney General on William Cockburn's appeal from a sentence lately given against him in Jamaica in favour of Mr. Beckford.] 9 Feb. Jamaica. [p. 104.]

[Reference to the Committee for Appeals of the petition of William Congreve, Secretary of Jamaica, to be heard for himself and Samuel Page, his late Deputy, against allowing Mr. Cockburn liberty to appeal from a decree in a suit as to the fees of the Secretary's office received by Cockburn while he officiated therein.] 9 Feb. [p. 104.]

[Committee: Determination suspended till all the proceedings are brought over in due form. Cockburn to be allowed authentic copies by the Governor of Jamaica.] 5 March. [p. 111.]

[1287.] [Reference to the Committee for Appeals of the petition of John Morton gent. for leave to appeal from a judgment passed in Jamaica during his infancy in a suit between the executors of his uncle and a person in trust for him, by which he alleges that he has been deprived of a great part of a legacy left him by his uncle, Emanuel Morton of Jamaica.] 9 Feb. Jamaica. [p. 104.]

[Committee: Elizabeth, widow of Emanuel Morton, married John Carver. On her death Matthew Gregory, attorney for the petitioner's guardian in England, brought a bill in Chancery] 13 March.

736 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.

to recover from Carver a small estate with the profits from the death of the said Elizabeth, and to obtain satisfaction for a legacy of 2000*l.* sterling left to the petitioner by the testator at the decease of the said Elizabeth. It is recommended that the appeal from the decision thereon of 16 Oct., 1710, be admitted.] [p. 114.]

16 March. [Order accordingly. Memd. that security of 200*l.* for prosecuting the appeal was given on the 18th by the said John Morton, John Serocold, merchant, and Wm. Russell, gent.] [p. 118.]

31 March. [The said John Morton of Tackley, Oxon., petitioning for a short day, his petition of appeal is referred to the Committee for Appeals.] [p. 131.]

(1719.)

19 Feb. [Committee: Morton] praying to be relieved against an Accident which hath befell certain Records transmitted under the Seale of Jamaica, Which He hath occasion to make use off in the Prosecution of his Appeale, [Carver is directed to show reason on Monday why the deficiencies] in the Petitioner's proceedings may not be sett right by his, or why the said Carver's proceedings may not be used at the hearing of the appeale. [p. 224.]

12 March. [Committee: the hole eaten through several of the sheets of Morton's papers not affecting any material points, the case is to be heard on 20 March. As Carver has lost his copy of the proceedings, he is to receive at his own expense a copy from Morton.] [p. 230.]

9 Feb. [1288] [Reference to the Board of Trade of the petition of the churchwardens and vestry and other parishioners of St. Philip's, Antigua, that an Act obliging them to rebuild their parish church be disallowed, as they already have a church and chapel of ease, well situated and in good repair.] [p. 105.]

9 Feb. [1289.] [Reference to the Board of Trade of the petition of Connecticut. Richard Gull, master of the ship *Fisher* of London] Setting

1718.

forth his having purchased of the Originall Indian proprietors of Connecticut in New England a Tract of Land of about 40 Miles in Length, and one in Breadth, but being apprehensive He may Meet with Obstructions in the Enjoyment thereof, From An Act made by the Governor and Assembly of Connecticut, against purchasing any Lands unlaied out, without leave from the Crowne; And therefore humbly prays, that His Majesty will please to Grant him His Royall Lycence for the peaceable Enjoyment thereof, under Such Quitt Rents as are usuall in like cases. [p. 105.]

[1290.] [Reference to the Lords of the Committee of the 16 March. petition of Manuel Manasses Gilligan of Barbados for liberty Barbados. to appeal] from the Dismission of his petition to the Governor of the said Island for Letters of administration to the estate of Tankerville Chamberlain, his Wives Sister, and giving the same administration to one Mr. Ramsay, who (as the Petitioner alledges), has no right thereto. [p. 118.]

[Committee defer determination till next meeting, when 20 March. Gilligan is to come prepared to show that the law for distribution of intestate estates is now in force in Barbados.] [p. 125.]

[After consideration, it is left to Gilligan's counsel to declare 29 April. at the next meeting whether it will be best for him to have his appeal now granted or to commence a suit in the Barbados Chancery.] [p. 135.]

[Reference to the Committee for Appeals of the petition (1719.) 6 Feb. of James Hannay, Othniel Haggatt, and Charles Irvine, clerk, administrators of Tankerville Chamberlain, in trust for Mr. and Mrs. Gilligan, for a short day for hearing their appeal from a judgment of the Barbados Chancery which declared that the death of Mrs. Gilligan abated and terminated the case between the petitioners as her trustees and William Ramsay, administrator *ae bonis non etc.* of Sir Willoughby Chamberlain, brother of Mrs. Gilligan.] [p. 220.]

738 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.
 6 Feb. [Also of Gilligan's petition for a short day for hearing his appeal against the refusal of the Barbados Chancery to admit him and the trustees named above as parties to a bill brought by David Chamberlain and Jane Ramsay or Saer for recovering from William Ramsay Tankerville Chamberlain's portion, and against their judgment decreeing the portion to Ramsay.] [p. 220.]
- (1720.)
 4 Aug. [Committee. Gilligan petitions that his appeal from two sentences in favour of Mr. Ramsay be put off from the 22nd inst. as his counsel are gone on Circuit. The hearing is peremptorily fixed for the first meeting after the circuits.] [p. 462.]
- (1720.)
 17 Dec. [Committee : appeal put off to 21 Dec. owing to the absence of counsel for the appellant. Gilligan is therefore to pay Ramsay the costs of this day.] [III. p. 89.]
- (1721.)
 20 Jan. [Committee : for reversing the Chancery judgment which declared the cause abated, but for dismissing the other appeal.] [III. p. 113.]
- (1721.)
 1 Feb. [Orders accordingly.] [III. p. 119.]
- 16 March.
 New Jersey. [1291.] [Reference to the Board of Trade of a petition of several inhabitants of, and traders to New Jersey, against the Order of Council of 13 Mar. confirming an Act for the relief of Quakers.] [p. 119.]
- 31 March.
 Barbados. [1292.] [Reference to the Committee for Appeals of the petition of Andrew Cassally of Bayonne, a French subject, for a short day for hearing his appeal from a sentence given in Barbados, 1 Oct. 1717, as to the condemnation of his ship, *Ste. Luce*.] [p. 131.]
- 15 Aug. [Committee. Cassally alleged that the condemnation was for coming to the island contrary to two laws made there, to which he was an utter stranger. It is recommended that the appeal be dismissed, but that his security to prosecute the appeal within six months be discharged, as he should have been allowed a longer time.] [p. 167.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 739

- [Order accordingly.] [p. 171.] 1718.
27 Aug.
- [1293.] [Reference to the Board of Trade of the petition of several merchants trading to New York to be relieved from an Act passed there in Dec. 1717 for paying and discharging several debts of that province and putting several quantities of plate into the hands of the Treasurer to be applied to public uses; and for making bills of credit for 41,517½ ounces of plate for that purpose.] [p. 133.] 23 April.
New York.
- [The report of the Board of Trade of 4 June, and a further petition of the merchants that the Act be disallowed are referred to the Lords of the Committee.] [p. 278.] (1719.)
25 June.
- [Committee: Heard in part and adjourned till 3 May.] [p. 402.] (1720.)
28 April.
- [Committee opinion] That (in regard Bills of Credit have been made out Pursuant to the said Act, which have come into the hands of Divers of his Majestys Subjects for Valuable Consideration) His Majesty will be pleased to Declare his Royall approbation of the said Act.—Nevertheless Their Lordships are further humbly of Opinion, That Instructions or Circular Letters be sent to the Respective Governours of all his Majestys Plantations in America, that for the future, They do not Pass any Law, whereby Bills of Credit may be Struck or Issued, or any Law for Payment of Money to the Governour or any of the Councill or assembly of their Respective Provinces, or other Person Whatsoever, without a Clause inserted therein, Declaring that such Acts shall not be in Force untill they be approved and Confirmed by his Majesty :—Excepting Laws for Raising and Settling A Publick Revenue for defraying the Necessary Charge of the Government of the said Provinces Respectively, According to the Instructions Given to the Respective Governours of such Provinces. [pp. 403–4.] (1720.)
3 May.
- [Orders accordingly.] [pp. 410–1.] 19 May.
(1720.)
- [Draft of the Instructions approved.] [Vol. III. p. 5.] 20 Sept.

1718.

14 May.
Carolina.

[1294.] [Order is given in accordance with the following representation from the Board of Trade of 1 May]: Having received from the Commissioners of your Majestys Customs the Extract of a Letter to them from Colonel Rhett Surveyor and Comptroller of the Customs in Carolina, dated in December last . . . whereby it appears that an Act was then passed in that province of a pernicious Consequence to the Trade and Navigation of this Kingdome laying a Duty of 10 per Cent. upon all Goods of British Manufactory, imported into that Province from Great Britaine.—Although We do not yet find the said Law has hitherto been transmitted to the Lords Proprietors for their Approbation, Yet, considering the ill consequence of such an Act, And that it is of force till repealed We thought it necessary to have the opinion of Your Majestys Sollicitor Generall in relation to the said Act, upon the Information given in the aforementioned Extract of the Letter from Carolina, Who has thereupon reported, that the said Law not being consonant to reason, nor agreeable to the Laws of Britain He apprehends the Power of making Laws by the Charter to the Proprietors is in this Instance exceeded. Agreeable to this, likewise was the Opinion of Sir Edward Northey and Sir Simon Harcourt in 1706, at that time Attorney and Sollicitor Generall upon two Acts then passed in Carolina, Who reported, that the said Laws not being consonant to reason and repugnant to the Laws of England, were not Warranted by the Charter and therefore did not bind or Oblige the Inhabitants of that Colony, and that her then Majesty might lawfully declare those Laws, as to the matters therein conteyned, to be null and void, Which was accordingly done by Order of Councill the 10th of June 1706. Considering therefore that this Law is in force till it shall be repealed, Wee most humbly Offer that your Majesty's Pleasure be Signified to the Lords Proprietors of Carolina, that they immediately send over to that province their Disallowance of the Same, with directions to their Governor there, never to Give His Assent to any Law of the like Nature, for the future.

[p. 141.]

[1295.] [Reference to the Committee for Appeals of William Franklyn's petition for a short day for hearing his appeal from a sentence of the Governor and Council of Antigua] in favour of — Buraston, whereby the petitioner is dispossessed of a plantation in the Charibee Islands, which he alledges to have been purchased by his Father for the consideration of 1700*l*. [p. 142.]

1718.
14 May.
Antigua.

[Committee—On Stephen Buraston's petition that Franklyn's appeal from a judgment of 1 Feb. 1717 be dismissed for non-prosecution, the hearing of the appeal is postponed till the first meeting in Michaelmas Term.] [p. 195.]

15 Dec.

[Committee: for reversing the judgment given in Antigua, restoring the premises to the appellant, and satisfying him for the profits during such time as possession was withheld from him.] [p. 405.]

(1720.)
11 May.

[Order accordingly.]

[p. 412.]

(1720.)
19 May.
(1723.)
6 Aug.

[Reference to the Committee for Appeals of Mary, widow, and William Henry, infant son, of Wm. Franklyn deceased, and of Mayne Sweet and Grace his wife, joint guardians of William Henry Franklyn, complaining that Buraston has brought a new execution against the petitioner for the said premises, whereon a verdict has been given, and as the same is general, no appeal can be had to his Majesty, and praying that the former Order be enforced.] [IV. p. 310.]

(1723.)
14 Aug.

[Committee, for sending a copy of the petition to Buraston for his explanation why the Order of 19 May, 1720, has not been obeyed: and a copy to the Judges in the second trial, for them to certify] the State of the Facts complained off, and what appeared to them upon the Tryal. [IV. p. 319.]

[Order accordingly.]

[IV. pp. 331–2.]

(1723.)
27 Aug.
(1725.)
14 Oct.

[Reference to the Committee for Appeals of the petition of Ann, widow of William Franklyn, that, as the proceedings are duly transmitted, a short day be appointed for hearing

1718

her appeal from a decree of the Antigua Chancery, 14 Jan. 1725, in favour of Stephen Buraston.] [V. p. 118.]

(1727.)
20 Jan.

[Committee. Order that the appeal be heard on 8 Feb. and] that a Summons might be affixed on the Royal Exchange giving Notice of the said time in regard the said Buraston hath not Entered his appearance to the said Appeale altho' above Twelve month are Expired. [V. p. 306.]

(1727.)
15 Feb.

[Committee hear counsel for the appellant, no one appearing for Buraston, and report that Buraston's bill should be dismissed with costs and any money paid thereupon returned to Mrs. Franklyn. The judgment of the Governor and Council in Feb. 1717 upheld a judgment of the Inferior Court of 2 June 1710 (? 1716) and awarded to Buraston the moiety of a plantation in Rendezvous Bay which had been bought by Franklyn's father from Buraston's father. These judgments were reversed by the Order in Council of 19 May 1720, and the profits of the plantation while in Buraston's possession ordered to be paid to Franklyn. These were assessed by a jury at 1065*l.* 16*s.* 5*d.*, but Buraston brought a new ejectment in the Court of King's Bench and Common Pleas, and, in spite of the Order of the Council, secured a general verdict in his favour. While Franklyn's appeal was before the Council, Buraston was successful in another action in Antigua for the profits of the plantation from 1712, the time of his bringing his first action, to 1716 when he recovered it, and levied execution for 500*l.* on a messuage belonging to Franklyn which was sold for payment thereof. After all these proceedings he filed a bill in Chancery for an account of the profits of the plantation from the time of his first action and to be relieved against the judgment for 1065*l.* 16*s.* 5*d.* and to have a stay of all proceedings at law. In spite of the Order of the Council an injunction was granted and decree made on 14 Jan. 1725] that the 500*l.* Recovered from William Franklyn in his lifetime. . was included by the Jury of Inquisition 1065*l.* 16*s.* 5*d.* given by them to the said Franklyn . . [Further, the profits from 1712 to 8 Dec. 1720, the day of taking the inquisition

1718.

under the Order of the Council, were assigned to Buraston, the sum of 1065*l.* 16*s.* 5*d.* found for Franklyn by the jury being accepted as the value, and] the Master should enquire into and Borraston recover the Mesne profitts of his said Moyety received by the said William Henry Franklyn from that time to the day of the said Decree and Borraston to be at Liberty to take out Execution on the Judgment at Law for his said Moiety of the said Lands.

[Besides recommending reversal of the decree, the Committee report], as it appears that no regard hath been paid to Your Majestys Royall Pleasure Signified by Your Order made in Council the 19th of May 1720 . . . But that these proceedings have been since carried on in direct opposition to Your Majestys said Commands, . . . the Persons who sat in the Court of Chancery . . . and concurred in making the said Decree, are guilty of a High Contempt and Disobedience of Your Royal Authority. And . . . it may be advisable for Your Majesty to order a Letter to be sent from Your Majestys Privy Council, Signifying Your High Displeasure of their said Contempt and undutifull proceedings, And directing that for the future they do not upon any pretence whatsoever presume to Disobey or in the least delay Complying with any order of Your Majesty in Council and carrying the same into Execution, but that they do pay an exact and Speedy obedience to the same, as they will answer the contrary.

[V. p. 327.]

(1727.)

[Order and letter accordingly.]

[V. p. 340.] 28 March.

[1296.] [Reference to the Committee for Appeals of the petition of Peter Ford of Rotherhithe, Surrey, for a short day for hearing his appeal from three decrees passed in Rhode Island, in the General Court in Mar. and Sep. 1717, and by the General Assembly, Oct. 1717, in favour of Daniel Hodgson, master of the *John* galley, in the petitioner's suit for his share of goods in the said ship, which he alleges Hodgson has disposed of as his own.]

1 July.
Rhode
Island.

[p. 153.]

[Hodgson enters his appearance to the appeal.]

[p. 187.] 10 Nov.

744 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.
14 Nov. [Hodgson's agent pleading want of instructions to defend and praying time to send over for the same, the hearing is peremptorily fixed for the first meeting in May.] [p. 189.]
- (1719.)
10 July. [Committee recommend by consent of both parties, that if Ford pay within a month the costs incurred by Hodgson through the appeal, which costs are to be taxed by Mr. Vernon, the case be tried *de novo* : otherwise, the appeal is to be dismissed and the verdicts affirmed.] [pp. 287-8.]
- (1719.)
25 Aug. [Order for a new trial, Mr. Vernon certifying that the costs (2*l.* 1*s.*) have been paid.] [p. 306.]
- 1 July.
Massachu-
setts Bay. [1297.] [Reference to the Committee for Appeals of the petition of William Tunley and Christian, his wife, widow of Florence Maccarty, for liberty to appeal from proceedings in the courts of Massachusetts Bay and from the appraisement of the estate of Florence Maccarty, alleged to be in favour of William Maccarty to the prejudice of the petitioners.] [p. 154.]
- 1 July.
Massachu-
setts Bay. [1298.] [Reference to the Committee for Appeals of the petition of Henry Flint of Cambridge, Massachusetts Bay, for liberty to appeal from a judgment of the General Court of Trials at Newport, touching his right to part of an estate left by Thomas Willett, his grandfather.] [p. 154.]
- 8 Aug. [Committee—for dismissing the appeal ; as the proceedings both on the part of the defendant Ann Willett and on the part of the petitioner were] Erroneous, and without form and no Judgment regularly given, And that therefore the petitioner can't be relieved altho' an Appeale should be Granted him, and altho' the Judgment should thereupon be Reversed, But a New Suit must be Commenced.] [p. 164.]
- 27 Aug. [Order accordingly.] [p. 170.]
- 21 July.
Nova Scotia. [1299.] [Reference to the Lords of the Committee of the Council of the petition of Jeremiah Dummer, agent for Massachusetts Bay, to be heard upon the report of the Board of Trade of 26 Sep. 1717, on the petition of Sir Alexander

1718.
 Cairnes, James Douglas, and Joshua Gee, merchants, relating to a grant of land on the coast of Nova Scotia.] [p. 161.]
- [Committee—referring to Board of Trade to consider] 15 Dec.
 whether any, and what Liberty ought to be Reserved in the patent desired to be Granted for said Lands, For all His Majestys Subjects to Fish and Cure the Fish on the Beach there, And whether any Acknowledgement ought to be required by the Grantees for the same, And, if any, what they shall judge reasonable to be Allowed. [p. 195.]
- (1720.)
 [Committee : Reference of the petition and of the report 18 June.
 of the Board of Trade to the Treasury and to the Admiralty. The limits of the grant are given]. five Leagues to the North East of the River and Harbour of Chibouton, and ten leagues deep into the Country, with the Islands along the same District within three Leagues of the Main Land. [p. 429.]
- [1300.] [Reference to the Lords of the Committee of the 21 July.
 Council of the petition of William West, Peter Longueville Nova Scotia.
 and others to be heard on the report of the Board of Trade of 21 May touching a grant of land between Nova Scotia and Maine.] [p. 161.]
- [The Report of the Committee] was not drawn up and 16 Dec.
 perfected,—The Duke of Hamilton, Lord Cobham and Mr. Temple having petitioned His Majesty, praying to be first heard as to their Claims to the Lands in and about Nova Scotia etc. By which means it was delayed till the 17th of December 1720. When the whole Affair was Reheard, and a Report made and Entered. [p. 204.]
- (1719.)
 [The petitions of the Duke of Hamilton as to Newfoundland 6 Jan.
 and of Lord Cobham as to Nova Scotia are referred to the Lords of the Committee of the Council.] [pp. 211–2.]
- (1720.)
 [Committee : the Duke of Hamilton, Lord Cobham and 13 July.
 Mr. Temple not being yet ready, the hearing is peremptorily fixed for 10 Aug.] [p. 447.]

1718.
 (1720.) [Committee: West, Longueville and others seek lands
 17 Dec. extending 190 miles along the sea-coast, to settle there and
 raise hemp and naval stores for the supply of England, under
 the care of some nobleman or other person or persons (not
 proprietors), and will pay as quitrent 28lbs. of good hemp for
 every hundred acres settled. On hearing the petitioners, the
 Duke of Hamilton, the Massachusetts Bay Agent, and General
 Nicholson, who recovered the land from the French in 1710,
 and on perusing certain drafts and maps, it is recommended]
 That the whole Tract of Land and Islands, between the
 province of Main at the River of Sagadahock alias Kennebeck
 and St. Croix may be Erected by Your Majesty into a Govern-
 ment under such Governor as Your Majesty shall think fitt
 to appoint:—That the Lands lying within the said Tract
 from the River of Kennebeck to the Banks of the River of
 Penobscott shall be Enjoyed by the present proprietors and
 possessors according to their Severall Rights and Titles, and
 that so much of it as has not been Granted to any particular
 person, the same shall be at the Disposall of the Colony of the
 Massachusetts Bay, paying such Quit Rent as Your Majesty
 shall think fit, upon Condition that the said Colony Do renounce
 and give up to Your Majesty all Right Title or Claim of theirs
 to any of the Lands to the North of the River Penobscot,
 either in the province of Main or in Nova Scotia, and all Claim
 to the Right of Government in any of the Lands to the East
 of the River of Kennebeck, and on Condition, that they Mark
 out the said Lands in One Year after the Grant shall be made,
 and Settle the same in Two Years afterwards:—That as to
 the Lands to the North of the River of Penobscot on to the
 River of St. Croix, The petitioners have made out Your
 Majestys Right, to Grant the said Lands, to such persons,
 and under such Quitt Rent, and reservation as Your Majesty
 shall think fitt. [III. p. 89.]

(1724.)
 21 Feb. [Reference to a Committee of the Council of the petition
 of William West and others] Setting forth . . . that they
 have at great Expence and trouble proved His Majestys right

1718.

and Title to the said Land notwithstanding the pretensions of Sundry Persons thereto, as will appear by a Report of the Committee of Council, and therefore humbly praying that the said Report may be read, and the said Land Erected into a Province under His Majestys Government and the Soil Granted to them, in order to Carry on Trade and Merchandize there, and that they may be allowed such other Encouragement for executing the same as His Majesty in his Great wisdom shall think fit. [IV. p. 482.]

(1724.)

17 April.

[The Committee refer to the Board of Trade the petition, report and other papers] to Consider the same and of the properest Method for peopleing the said Tract of Land, together with all proposals that at any time have been, now are, or shall be Layd before them, by proper Persons willing to Seat and Plant the said Land, or any other Tracts of Land in Nova Scotia, And . . . to Report the same to this Committee with their opinion, upon what Terms it may be proper to admit such Persons to undertake the Seating and Planting thereof together with what else shall occur to them as necessary towards Improving the said Lands. [p. 501.]

[1301.] [Reference to the Committee for Appeals of the petition of Nicholas Carr of Rhode Island for a short day for hearing his appeal from a sentence given in Rhode Island in March 1718 in favour of John Holmes and Thomas Martin, his tenants, who keep him out of a dwelling house and land at Newport of the value of 500*l*. New England money, left him, as he alleges, by William Holmes, his brother-in-law, to whom he is administrator.] [p. 174.]

27 Aug.

Rhode
Island.

[Committee minute. The case received two several verdicts, without any judgment being entered thereon. Further hearing is therefore respited till the appellant enter up judgment on the said verdict. The Rhode Island courts are to perfect their records by entering up judgment without any charge to the parties, and to transmit them, with an account of their method of procedure and whether the case stated in

15 Dec.

748 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718. the record produced here is a complete statement of the proceedings on both sides.] [p. 194.]
- (1719.) [Committee, for dismissing the appeal.] [p. 351.]
- 18 Nov. (1720.) [Order accordingly.] [p. 362.]
- 29 Aug. [1302.] [Reference to the Committee for Appeals of the petition of Christopher Taylor of Boston, gent., eldest son and heir-at-law of James Taylor of Lynn, deceased, for liberty to appeal from the decree of the Judge for Probate of Wills, confirmed by the Governor and Council, 20 Feb. 1717, approving a will made by his father after he was deprived of his reason; whereby the petitioner's stepmother, Rebecca Taylor and her daughter, Sarah, are executors.] [p. 175.]
- 27 Aug. [1303.] [Reference to the Committee for Appeals of the complaint of Col. John Staunton], That the Treasurer of Antegoa had made a fraudulent Sale of an Estate left the Petitioner . . . of 3000*l.* per Annum to one David Martin the said Treasurer's brother for 50*l.* [p. 175.]
- 15 Dec. [Committee. Staunton's petition sets forth that having commenced a suit in Chancery here for the estate left him by Col. Foxon and sold by Martin in 1693, he] did Obtain a Commission from the said Court for Commissioners to meet in the said Island of Antegoa to Examine Wittnesses and other matters relating to the said Estate and the Petitioner went over to see the same duly Executed, but his Adversarys Commissioners refused not only to Act themselves, but Bribed off, One of the Petitioners Commissioners whereby the Execution of the said Commission was frustrated. And further Alleges that he could not Commence a prosecution in those Islands for said Estate in regard all the Lawyers there were Attacht to the Interest of his Adversarys being every one of them Reteyned by them; Wherefore praying to be relieved in the premises: Their Lordships this day, taking the same into Consideration together with the Petitioners long Services in the Army and particularly of said Colonel Foxon and Family

1718.

in the Wars of Ireland and Flanders under whom He claims the said Estate, And their Lordships having taken the Petitioners Affidavitt as to the truth of the above Allegations, Do thereupon Agree humbly to Report their Opinion to His Majesty that the Governor of the Leeward Islands be Directed (if the Petitioner shall choose to take out a new Comission) to support his Commissioners in Acting by Virtue of the said Commission : Or if he Chooses to Commence a prosecution there, That the said Governor Do forthwith upon his request without delay, Assigne him Councill, and support them in Acting for him according to Law.

[p. 195.]

(1719.)

[Order accordingly.]

[p. 269.]

11 June.

[1304.] [On the petition of Edward Minshull, M.P. for Bramber, order is given to colonial governors to arrest Benjamin Pickman, who ran away with, and converted to his own use, the *Providence* galley and its cargo, which he had assigned to the petitioner as security for a debt. Pickman was arrested on judgments for 4200*l.*, but escaped from the Kings Bench Prison. No relief could be had from Mr. Broughton, the Marshal of the Prison, who died insolvent, a prisoner within the rules of the said prison. Pickman is said to have been seen in New England, but an Order in Council is necessary for the execution in the plantations of a warrant issued from the Courts at Westminster Hall.]

[p. 179.]

29 Sep.
New
England.

[1305.] [Reference to the Committee for Appeals of Edward Chester's complaint that by the demand of 4000*l.* security he is prevented from appealing from a decree of the Leeward Islands Chancery condemning him and Edward Chester jun. to pay to the Royal African Company, whose agents they were, 2000*l.* more than was due.]

[p. 187.]

6 Nov.
Antigua.

[Committee—delaying their determination till the Monday after New Year's Day, on Chester's representation that he has something to offer by way of accomodation to the Company.]

[p. 194.]

15 Dec.

750 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1718.
(1719.)
9 Jan.

[Committee. Chester's petition sets forth that in 1714 the African Company exhibited a bill in Chancery in Antigua for an account of his agency. Some of his evidences were in England, and a Commission issued from the said Court to examine them there, but the time limited for this being too short, the parties mutually agreed to enlarge publication in the cause for a month or longer, if necessary. Examinations were accordingly made, but the petitioners' agents attempting an amicable settlement with the Company, the depositions have not yet been sent to Antigua. The agents of the Company there, in breach of the agreement, hurried the suit to a hearing on 21st July 1718, and on the 28th Chester was ordered to pay 36785*l.* 1*s.* 11*d.* whereas he alleges that less than 16000*l.* is justly due, which he has always been able and willing to pay. As he cannot give sufficient security to obtain an appeal, he prays an order for rehearing the case, after the depositions taken in England have been returned to Antigua, and that all process against him and his effects be stopped in the meantime. It is recommended with the consent of both sides that Chester pay to the Company's agents in Antigua 16000*l.* Antigua money within six months in indigo, cotton, sugar, or other current commodity, and alienate no stock on the land above the value of 500*l.*, which is to be laid out for the benefit of the said land: all proceedings are to be stayed so long as the petitioner does nothing in breach of this agreement, and the Chancery are to rehear the case with the English depositions. But if Chester shall not comply with the agreement, then the Company may proceed on the decree already obtained and sequestration issue at the first process. Chester consents not to appeal against the Governor's interlocutory order by which a rehearing was denied.]

(1719.)

6 Feb.

[Order accordingly.]

[*p.* 215.]

[*p.* 218.]

(1721.)

24 March.

This day Mr. Francis Peters of the Temple Entered an Appearance for the Royal Affrican Company, to the Appeal of Edward Chester from the Leeward Islands. [III. *p.* 171.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 751

[1306.] [Reference to the Committee for Appeals of the petition of appeal of Benjamin Eversden of Antigua, merchant, for copies of papers transmitted from Antigua and for a day for hearing his appeal from a sentence of the Governor and Council of the Leeward Islands, 14 July 1718, in favour of Henry Douglas, the Provost Marshal, relating to a bond for 1600*l.* current money entered into by Eversden to Douglas for one Daniell's delivering up some negroes etc.]

1718.
21 Dec.
Antigua.

[p. 209.]

[Committee : The Governor of Antigua is to provide Eversden, on payment of the usual fees, with a copy of the Act mentioned in his plea.]

(1719.)
9 Jan.

[p. 216.]

[Reference to the Committee for Appeals of the petition of Eversden and John Wright for a short day for hearing their appeal from a Chancery Order of 17 July 1709, dismissing their bill against Henry Douglas, Nathaniel Crump and others, relating to the bond above-mentioned.]

(1720.)
8 Jan.

[p. 371.]

[Committee : Crump as executor of John Martin, senior, obtained a judgment for 1790*l.*, upon which Douglas as Provost Marshal levied on Richard Daniel for certain negroes and effects. For the delivery of these Eversden and Wright were securities in 1600*l.* each, by a bond entered into on 24 Aug., 1713, to Douglas, and the Court of Errors gave verdict for the recovery of this sum from each of them, 14 July 1718. Executions have been issued accordingly and that on Wright has actually been levied. It is recommended that the order of dismissal of 17 July 1719 of the appellant's bill in Chancery be reversed, and that they be relieved against the bond entered into and the judgments obtained thereon. Douglas is to deliver up the bond to them, and to acknowledge satisfaction upon the record of the said judgments ; the executions are to be discharged, and restitution awarded to the appellants.]

(1720.)
24 March.

[pp. 399-400.]

[Order accordingly.]

(1720.)
[p. 401.] 28 March.

752 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.
6 Jan. Barbados. [1307.] [Reference to the Committee for Appeals of the] Petition of the Society for the Propagation of the Gospell in Foreign Parts, Complaining of the Governor of His Majestys Island of Barbados, ffor requiring their Attorneys there by 3 severall Orders to Deposite in the hands of Mr. Lenoir Deputy Clerk of the Councill there, All the Accounts, Books, and Papers relating to the Management of the Estate bequeathed to the Petitioners by the late Generall Christopher Codrington for pious and Charitable Uses ; for the inspection of one Mr. Cunningham, notwithstanding all the instances made by their said Attorneys to the contrary ; And humbly praying in regard their Said Attorneys have daily Occasion to Use the said Books, Accounts and Papers, that the said Governor be directed forthwith to Cause them to be Returned to their said Attorneys, And to Grant the Petitioners such further redress as shall be thought meet. [p. 212.]
- 12 March. [Committee : a copy of the petition to be transmitted to the Governor for his answer.] [p. 230.]
- 6 Jan. Barbados. [1308.] [Reference to the Committee for Appeals of the petition of Francis Lansa, part owner of the cargo of the ship *St. Louis* of Lisbon, for redress from the Governor, Secretary, and Collector of Customs in Barbados for extorting from John de Moracin, master of the ship, 2000*l.* in gold dust and sugars, before they would permit the ship to sail thence, though she had put in only to refit, having sprung a leak.] [p. 212.]
- 12 March. [Committee : The Barbados officials to have copies of the petition and to return their answer : both parties to be free to take depositions and exchange copies and replies, the whole to be returned to the Board within six months of this date.] [p. 229.]
- (1720.)
8 Jan. [Reference to the Committee for Appeals of Lansa's complaint of the unexampld and unwarrantable proceedings of the Governor on the above order.] [p. 371.]
- (1720.)
1 March. [Committee : finding the Governor guilty of arbitrary proceedings in committing Mr. Bleinman, Lansa's counsel, to

1719.

prison for a pretended crime of forgery not charged upon him, and detaining him till he gave bail for 1000*l.*; in taking the Order of 12 Mar. 1719 from Bleinman and refusing to return it; and in detaining his letter of attorney on pretence of forgery. His recognisance is to be at once returned.] But their Lordships humbly submit to his Majesty, whether the Examination ordered by this Committee shall at Present proceed, and if it shall, in what manner. [p. 390.]

(1720.)
2 Aug.

[Order for delivery of the recognisance to Bleinman, and for return to him of the Order of 12 March, 1719.] [p. 458.]

(1720.)
13 Sept.

[Bleinman's complaint that Lowther detains from him the Order lately granted for his relief to be heard on 4 Oct.]

[III. p. 2.] (1720.)
[III. p. 9.] 4 Oct.

[The Order repeated.]

[1309.] [Reference to the Board of Trade of the petition of Lord Guilford, for Lord Baltimore, a minor, that John Hart, Governor of Maryland, may have twelve months leave for the recovery of his health, and that his place be supplied in his absence by the first member of the Council.] [p. 219.]

6 Feb.
Maryland.

[On the report of the Board of Trade of 4 March the petition is granted. The deputy is to give to the Lt.-Gov. of Virginia 2000*l.* security for observing the Acts of Trade.] [p. 242.]

6 Feb.
Barbados.

[1310.] [Reference to the Committee for Appeals of the petition of William Gordon of Barbados, clerk], praying that a complaint against him by the Agents of that Island, and now lying before His Majesty undetermined and unprosecuted, Whereby he is accused of some heinous crimes amounting to a Praemunire, may, in regard to his having come from Barbados in order to clear himself of the same, be forthwith heard, [and that he may have a copy of the complaint, and of the proceedings hitherto.] [pp. 219-20.]

[The Committee] finding that the said Complaint is not before this Board . . . Order that the said Gordon's petition be Dismist. [p. 230.]

754 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

15 March. [On the petition of William Gordon, rector of the parish of St. Michael, the complaint of the Barbados agents against him, the report of the Board of Trade thereon, and his own former petition, are referred to the Committee for Appeals.]

[*p.* 232.]

25 June. [Committee : on taking into consideration these papers, as also a letter from the Governor of Barbados against Gordon, and the answer thereto ; and the ecclesiastical authority not being entered upon, but only whether Gordon's conduct as Commissary has been arbitrary, illegal and in excess of his commission, and whether his character and principles are as alleged ; the affidavits offered on this point are not read, being insufficient proof : and it is ordered that both parties are to take depositions in Barbados, cross-examine each other's witnesses and exchange copies of their depositions, the originals of which are to be transmitted to the Board within six months from this date.]

[*p.* 280.]

(1720.)

4 March. [Committee : Gordon returned to Barbados with the order, and on 29 Sep. had the Governor regularly served with it ; instead of taking proofs the Governor caused a copy of his former letter to be published in a declaration by beat of drum in Bridgetown on 15 Oct., and in all the churches of the island on 18 Oct. On 25 Nov. Gordon was sent to the Common Gaol on a warrant without cause stated, and signed by John Lenoir, deputy secretary and private secretary to the Governor. On 12 Dec. Gordon was still in Barbados, but no preparation had been made for taking any depositions. It is recommended that the charges against him be dismissed, as altogether groundless.]

[*pp.* 391-2.]

(1720.)

20 Sept. [Gordon's petition for an Order confirming the Committee's report, and for relief from arbitrary proceedings of the Governor against him since the exhibition of the complaint, is ordered to be heard on 4 Oct., with the other complaints against Lowther.]

[Vol. III. *p.* 6.]

(1720.)

4 Oct. [Order in accordance with the report of 4 March.] [III. *p.* 10.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 755

[To the Committee of the Council is referred the report of the Attorney General on the petition of ex-Governor Lowther, praying that execution may be stayed on any judgment obtained against him in a suit brought against his attorney in Barbados by Gordon for 10,000*l.* damages.] [IV. p. 147.]

1719.
(1722.)
29 Nov.

[Mr. Lowther's petition sets forth that there has been an extraordinary modelling of the Council and of the Court of Common Pleas for the precinct of St. Michael's, and two Acts have been repealed—one for obliging appellees to give security to restore what they have received under local judgments, if these are reversed on appeal, and the other obliging judges to direct juries to bring in a special verdict at the instance of either party to a suit in order to enable them to lay their case fully before his Majesty on appeal. Lowther has reason to apprehend that this is all part of a plan to further the action brought by Gordon in the said Court of Common Pleas against Gallatius MacMahon, Lowther's attorney, for 10,000*l.* damages, in consequence of the declaration as to Gordon's character, which Lowther affirms that he published in his public capacity, by the advice of his Council. As the levying of this on his estate would be very injurious, even if he had the judgment reversed on appeal, and as he greatly questions Gordon's ability to refund the money, were the judgment reversed, he petitions that execution be stayed on any judgment in favour of Gordon, upon his giving security to prosecute an appeal and abide by his Majesty's determination thereon. It is recommended that Lowther be allowed to appeal, even if the damages are under 500*l.*, and that execution be respited till Gordon give full and sufficient security both for restitution of the money, if necessary, and for payment of costs and damages.] [IV. p. 164.]

(1722.)
14 Dec.

[Order accordingly.]

[IV. p. 170.]

(1722.)
20 Dec.

[1311.] [Reference to the Committee for Appeals of the petition of Robert Jones and his wife, Elizabeth, of the colony and dominion of Virginia, for a short day for hearing

6 Feb.
Virginia.

756 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

their appeal from a sentence given in Virginia, 2 May 1718, in favour of Thomas Toleson and William Williams, tenants to Elizabeth Winder, widow, and Richard Kenner, and his wife, Elizabeth, daughter of Mrs. Winder, whereby of 10 messuages, 20 tobacco houses, 10 gardens, 10 orchards, 5000 acres of land etc. in St. Stephen's parish, Northumberland Co., Virginia, two-thirds were decreed to the said tenants.]

[p. 220.]

(1720.)

8 Jan.

[Reference to the Committee for Appeals of the petition of Elizabeth Winder and Richard and Elizabeth Kenner that at the same time as the above there be also heard their appeal from the part of the verdict in favour of Mr. and Mrs. Jones] touching a Right to some Estates in the said Island.

[p. 370.]

(1720.)

24 Feb.

[Committee: the land in question consisted of 3000 acres of wood and 2000 marsh; the title to two-thirds of 2000 acres mentioned in a deed of 4 Nov. 1671 is with Mrs. Winder, and the judgment so far is to be affirmed; but the finding of the jury as to the residue is imperfect, and there should be a new trial, in which, if either partly require it, evidence is to] be put down in writing, Touching the Will of Col. Thomas Brereton and the Recording thereof, and likewise touching the Possession of the Widdow of Captain Thomas Brereton and her Assignement of Dower, if she had any.

[p. 381.]

(1720.)

22 March.

[Order accordingly.]

[p. 396.]

(1722.)

13 Sept.

This day Elizabeth Winder widow, John Kenner and Uxor, Entered their appearance to the appeal of Robert Jones and Uxor, from Virginia.

[IV. p. 106.]

(1722.)

6 Oct.

[Reference to the Committee for Appeals of the petition of appeal of R. Jones and wife from the judgment given against them in the General Court of Virginia, 27 Oct. 1721, on the new trial ordered 22 Mar. 1720.]

[IV. p. 111.]

(1723.)

20 June.

[Similar reference of the appeal of the other parties from the same judgment.]

[IV. p. 264.]

[Committee : according to the decree of the General Court], it is adjudged that the estate given by the said Will to Thomas Brereton his son (to whom the Petitioner Elizabeth Jones is Daughter by a Second Venter) is an Estate in Fee Simple,—and that the Lands mentioned in a writing dated the 7th of November 1700, and subscribed Leonard Howson, George Cooper and Thomas Hobson were legally assigned to Mary Relict of Thomas Brereton the Son for her Dower ; [Mr. Jones should therefore recover these lands as dowry with one shilling damages and costs of suit :—this the Committee affirm, but on] the Cross appeale of Elizabeth Winder and Richard Kenner and Elizabeth his wife (which Elizabeth the Mother is Aunt of the whole Blood and Heir at Law to Thomas Brereton the Grandson who is also deceased) from that part of the said Judgment which Orders that as to the residue of the Lands in the Possession of the Defendants, the Plaintiff take nothing by his Bill, [that part of the judgment is reversed.]

1719.
(1723.)
24 July.

[IV. p. 283.] (1723.)
[p. 304.] 6 Aug.

[1312.] Embargo laid [p. 232] : taken off the *King George*, 15 March. 200, Parker Rae, Milford Haven to Pennsylvania with 100 Embargo.
passengers, 30 Mar. [p. 245] : embargo taken off, 4. Ap. [p. 247].

[1313.] [On reading a memorial from the Board of Trade of 19 March, Col. Thomas Morris, suspended 3 Feb. 1718, is restored to the Council of Antigua. Only one positive witness testifies to the disrespectful words alleged to have been spoken by Morris of his Majesty, the hearsay witnesses vary in some points, and several persons of credit who were present testify on oath that they heard no such words and do not believe they were spoken by Morris. Morris's witnesses were not examined in the Council before he was suspended by Governor Hamilton, and he has done nothing, as a member of the Council of Antigua since 1703, to give the Board distrust of his affection to the Government.] 4 April.
Antigua.
[p. 248.]

[1314.] [Order is given in accordance with the representation of the Admiralty of 2 Jan. that Capt. Thomas Smart of 9 May.
Nova Scotia.]

758 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

H.M.S. *Squirrel*, appointed to attend the Government of New England, seized at Canso on 5 Oct. 1718, two French vessels which were fishing there contrary to the treaty: that they were condemned in the Court of Admiralty there and the captain allowed to dispose of them after appraisement; that the Governor of New England] arbitrarily endeavoured to take them from him, and after the Decree of the Judge of the Admiralty, sent the marshall of the Vice Admiralty on board, by Virtue of a Warrant under his own hand and Seale, to take them out of his possession, under pretence, that his Security was not sufficient, and that the Country must be answerable. [This is really in the hope of procuring from his Majesty a grant of the said ships, the *Katherine* brigantine, and the *Abigail* or *Latrois Anne* sloop, by alleging that Captain Smart had acted under his orders. As in the late war, the prize is to be granted to the captors as an encouragement to naval officers to do the like for the future.] [p. 257.]

(1721.)
24 Aug.

[Reference to the Committee of the Council of] a Memorial of Monsieur Chammorel, Secretary of France, Setting forth that about September 1718, Captain Smart Commander of His Majestys Ship the *Squirrell*, went and attacked the French who were in peaceable Enjoyment of the Island of Canseau, and took away all their Vessels and Effects, and That notwithstanding Their Excellencys the late Lords Justices orders, for the Delivering back the Ships and Effects so Seized, yet Captain Smart, hath refused to comply therewith as appears by a memorial of the said Mr. De Hiriberry and other papers hereto annexed, and humbly praying that Satisfaction be made the said proprietors for the same. [Capt. Smart is to have a copy of the papers and attend the Committee.]

(1721.)
22 Oct.

[III. p. 291.]
[Smart's answer to be returned to the Committee by 30 Oct. the case to be heard by them on 6 Nov.] [III. p. 334.]

(1721.)
6 Nov.

[Committee: No one appearing in behalf of the petitioners, Capt. Smart should be dismissed from further attendance in connection with the complaint.] [III. p. 350.]

[Order accordingly.]

[III. p. 359.]

1719.
(1721.)
11 Nov.
26 May.
Massachu-
setts Bay.

[1315.] [Order in accordance with a representation from the Board of Trade of 24 April on a Massachusetts Act (*cf.* Appendix III.).] Having received the Opinion of the Commissioners of your Majestys Customs thereupon, Wee humbly take leave to represent to your Majesty.—That by the Act of Trade 15^o Caroli 2di. No Goods of the Growth or Manufacture of Europe can be imported into any of the plantations but from Great Britain, excepting Salt for the Fisherys, Wines of the Madera and Western Islands, Servants Horses and Provisions from Ireland, and also except Irish Linnen from Ireland by the Act, the 3^o and 4^o Annæ ; Whereas this Act of the Massachusetts Bay, not only Allows the importation of All Sorts of Wines and Commoditys directly from the place of their Growth, but charges the said Commoditys with a double duty, if Imported from this Kingdom, from whence only they can legally be imported, except in the cases abovementioned, besides that there are no Words to Restrain the Importation of such Goods into that Plantation to Such Ships only as by Law may trade thither:—This Act likewise lays a duty of one per Cent. on all English Merchandizes when at the same time it lays not half that duty on any other Goods, and Merchandize, and as a farther discouragement to the British Trade and Navigation, lays a Duty of Tonnage on all Shipping except that of the Massachusetts Bay, and of some few of its neighbouring Colonies : It is further observable that the Ship, with her Tackle Apparell and Furniture is lyable to Answer such Penaltys and Forfeitures as the Master shall incurr by not observing the directions of this Act, Which would be very unreasonable, and a great hardship on British and all other Owners of Shipping, Who are legally intituled to trade thither:—This Act was but very lately transmitted to Us, and Will have had its full Effect before Your Majestys Pleasure thereon can be known in that province, for it expires in May next ; However considering that it is of so very Extraordinary a Nature, Wee would humbly propose, that Your Majesty may Declare Your Disapprobation

1719.

thereof, it being repugnant to the Laws of this Kingdom, by which the plantations are and ought to be bound, and consequently, illegall, null and Void, to all intents and purposes whatsoever: And forasmuch as this Act seems Designed to be an Annuall one, We would propose, that in Case it shall have been re-enacted this year, before the said Governor receives Your Majestys Orders on this Head, He may be enjoyned forthwith to Declare your Majestys Disapprobation thereof, And not to permitt the Said Act or any part of it to be putt in Execution:—And to prevent so pernicious a Practise for the future, We would further propose that your Majestys Governor of the Massachusetts Bay, may have Orders to Represent to the Councill and Assembly of that Province, that as the power of making Laws, which was granted to them by their Charter from their late Majestys King William and Queen Mary, is restrained to the Condition, that Such Laws shall not be repugnant to the Laws of this Kingdom, they will do well to Consider how farr the breaking this Condition, and the laying any Discouragements on the Shipping and Manufactures of this Kingdom, may endanger their Charter; And We believe it necessary that at the same time the Governor himself should be putt in mind of the Obligations he lyes under by the Oath he took before his Entrance on the Government (in pursuance of a Clause in an Act of the 7th and 8th of William the 3d. for preventing Frauds and regulating Abuses in the plantation Trade) to putt the Laws of Trade and Navigation in due Execution, as well as by Your Majestys Instruction to him of the 27th of September 1717: not to pass any Act which may Affect the Trade or Shipping of this Kingdom, without a Clause therein to be inserted, declaring, that the said Act shall not be in force, untill the same shall be Approved and Confirmed by your Majesty Your Heirs and Successors.

[pp. 262–3.]

26 May.
Leeward
Islands.

[1316.] [Reference to the Committee for Appeals of the petition of Stephen Cabibell, Peter Soulgre [Soulegré] and William Harris for a short day for hearing their appeal from

1719.

a sentence of the Admiralty Court in the Leeward Islands, 3 Jan. 1719, condemning their ship the *St. Christopher* frigate, under pretence of having prohibited goods on board.]

[p. 264.]

[The Committee, by consent of the parties, recommend that the sentence, so far as it relates to the European goods, vizt. beef, butter and pork, which were sold by appraisement there for 183*l.* 17*s.* 1*d.*, together with 10 quart bottles of tea, and one box of spice, be reversed, and that the money and goods be restored.] But that that part of the said sentence, relating to the Candles, Cards and Starch, together with the ship, furniture and Tackle, amounting to 882*l.* 15*s.* 2*d.*, as they were also appraised and sold there, be affirmed. [p. 352.]

25 Nov.

[Order accordingly.]

[p. 362.]

(1720.)

8 Jan.

[1317.] [Reference to the Board of Trade of the petition of Walter Newberry, William Wilkinson and Richard Partridge of New England, in behalf of themselves and their suffering Friends, people called Quakers in the province of Massachusetts Bay in New England, setting forth, the great hardships they suffer by not paying the Demands of the Priests there, And humbly praying in regard the charter granted to that Colony by King William, Allows a free Exercise and Liberty of Conscience to all subjects that should settle there (except papists) That His Majesty will Commiserate their Case, and Direct the Governor of said Province to Relieve them herein.

26 May.
Massachu-
setts Bay

[p. 265.]

[1318.] [Reference to the Board of Trade of John Usher's petition for his Majesty's interposition on his behalf, as, notwithstanding his having obtained several orders and instructions to the Governor of New England to pass his accounts as late Treasurer of several colonies there and to pay him what shall appear his due, he has never been able to obtain any relief.]

11 June.

Massachu-
setts Bay.

[p. 273.]

[1319.] [Reference to the Board of Trade of the petition of Lewis Piers that], in regard all the records of the Island of

11 June.
Montserrat.

762 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

Mountserratt have been either Burnt or taken away by the Enemy, whereby His Title to a certain plantation there, containing about 24 Acres is destroyed, That the said plantation may be confirmed to him and his Heirs by Letters Patents under the Great Seale. [p. 273.]

25 June. [1320.] [Orders are given to the Secretary of the Lords
Newfound- Justices in Council in accordance with a representation of the
land and Board of Trade of 19 June, enclosing the Commission and
Nova Scotia. Instructions prepared for Col. Philips and recommending
that as these are not as extensive as those for other more
populous plantations, he] should have with him a Copy of
His Majestys Instructions to the Governour of Virginia, which
may be of use to him so far as they shall be Applicable to Cases
that may happen, and are not Sufficiently provided for by
these Instructions, till His Majestys further pleasure be known ;
And the said Comissioners also Representing it as necessary
that a Reservation should be made of certain Tracts of Land in
proper places to be sett apart for the Production and Preserva-
tion of Timber for the Use of the Royall Navy, Agreeable to
a Clause in the said Instructions whereby the Governour is
restrained from making any Grants till the said Country shall
have been Surveyed, And that the Surveyor Generall of the
Woods on the Continent of America, should therefore have
Directions forthwith to Repair to Nova Scotia, and Mark out
such parts thereof, as are proper to be reserved for the said
purpose. [pp. 276-7.]

25 June. [1321.] [Reference to the Lords of the Committee, of a repre-
Virginia. sentation from the Board of Trade of 9 April for removing
Mr. Byrd from the Council of Virginia for his long absence
without leave and recommending Peter Beverley as his suc-
cessor ; and of Mr. Byrd's petition, giving the reason of his
absence and praying for leave to prolong it for a year.]
[p. 278.]

28 Oct. [Committee for Appeals—for continuing Mr. Byrd in the
Council, he having engaged to return with the first shipping

1719.

to Virginia. Three years ago Mr. Byrd, then Receiver General of his Majesty's Revenue, had leave from the Treasury to come over to England, and his detention has been due to several accidents.] [p. 348.]

[Order accordingly.]

[p. 362.]

(1720.)
8 Jan.

[1322.] [Reference to the Board of Trade of the complaint of George Vaughan, late Lt. Gov. and a member of the Council of New Hampshire, against Governor Shute] for Removing him from the Councill, and for holding an Assembly which was Dissolved, And for doing many other unwarrantable Acts to the prejudice of the Government, as well as private persons. [p. 295.]

21 July.
New
Hampshire.

[1323.] [Reference to the Board of Trade of the complaint of John Tuck of Hampton, New Hampshire, against Governor Shute], relating to the Meeting, Dissolution and Election of a New Assembly there, and of the Seizure of severall of the Assembly Men, Who were Obliged to Give Bonds with Security for their Appearances, on Account of a Lybell, and Condemning them to pay Costs and Fees, Under Which Bonds the Petitioner Alledges to be still held. [p. 295.]

21 July.
New
Hampshire.

[1324.] [Reference to the Ordnance of the petition of Lt.-Gov. Bennet, Captain of the Independent Company in Bermuda, for bedding and eight brass kettles for the said Company.] [p. 295.]

21 July.
Bermuda.

[Ordnance report and further petition of the Agent for Bermuda read.] The Agent to be acquainted, That the said Expencc ought to be bore by that Island, as by other plantations, or that he Shows a reason to the contrary.

6 Aug.

[p. 301.]

[1325.] [Reference to the Board of Trade of the petition of Col. Vetch and other officers who served at the capture of Annapolis Royal], praying in regard her late Majesty was pleased to Signify her pleasure, that as an Encouragement for the Vigorous Carrying on the said Expedition, those, Who were

21 July.
Nova Scotia.

764 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1719.

concerned therein, Should have a preference to any other Subjects, as to a Grant of the said Soil, and Trade of the Country, when reduced: That therefore His Majesty will please to Grant them Some Tracts of said Lands, to make a Settlement upon, Which at present they Alledge to be uncultivated and in a great mesasure barren. [p. 296.]

(1720.)

19 May.

[Reference to the Committee] to whom the said officers and others stand referred, [of the petition of William Temple of Mile End, Old Town, Stepney, to be heard as to his claims in Nova Scotia, before a grant be made on the above petition.] [p. 414.]

(1723.)

22 Oct.

[On reading the report of the Board of Trade of 4 Sept., the matter is referred to] a Committee of the Lords of His Majesty's most Honourable Privy Council.

[Vol. IV. p. 345.]

(1724.)

17 April.

[Committee approve the report and direct the Board of Trade to] Consider of all such Conditions, Restrictions and Limitations as are proper to be Contained in a Grant of the said Lands in Case His Majesty shall be inclined to Dispose of the same, and make Report thereof to this Committee. [The report is as follows]:— . . . We have Considered a Petition of Colonel Vetch, Richard Mullins, Charles Davison, David Pegeon, Charles Brown, James Abercrombye, Cutts Hassan, Alexander Wilson, Francis Sullivan, George Lee, Peter Capon, Charles Bruce, William Cook, John Woodin, John Cockridge, and Seare Matthews on behalf of themselves and others. . . . We have likewise received Proposals from the Petitioners, relating to the manner of Settling and Cultivating the Land Petitioned for, and have discoursed with Colonel Philips His Majestys Governor of Nova Scotia, concerning the Subject matter of the said Petition, whereupon we beg leave to represent to Your Excellencies, That in the Year 1710, the Petitioners upon the Encouragement given by Her late Majesty, did engage in an Expedition for the Reduction of Port Royal now Annapolis Royal in Nova Scotia, with

severall other Persons, and reduced the said Province to the obedience of the Crown of Great Britain, on which Service they Ground their pretentions, and are without Doubt proper objects of His Majestys Grace and Favour, But the Compass of Land they at first petitioned for, being pretty large, upon Discourse with them they have reduced their Request to a Tract extending from the Harbour of Le Have Six Leagues Northwards up into the Country, two Leagues Eastward of the said Harbour and River of Le Have, along the Coast towards a Place called Marlegas and Eight Leagues Westward of the said River with the Islands along the Continent, Three Leagues Distant from the Coast, And We are humbly of opinion that Considering the present State of Nova Scotia, where the King has very few or no Subjects except the Garrison of Annapolis, and some Persons Settled at Cape Canco for the Sake of the Fishing there, It would be very much for His Majestys Service to Grant the Petitioners the said Tract upon proper Conditions. The Petitioners do voluntarily oblige themselves to make a Settlement on or near the Harbour and River of Le Have of Four hundred Familys in the Space of three Years if no War should happen in the mean while with France, and to build one or more Stockaded Towns for the Security of their Plantation. But in Case Your Excellencies should incline to Grant the Petitioners Request many other Conditions and Restrictions will be necessary with Relation to the Quit Rents, Cultivation, Naval Stores, Fishery and Government which we shall lay before Your Excellencies when You shall Command us so to do. [p. 499.]

[1326.] [Reference to the Committee for Appeals of the petition of Daniel Mackinnen and William Kennedy for a short day for hearing their appeal from a judgment of the Governor and Council of Antigua, 25 Aug. 1718, in favour of Thomas, John, and Mary de Witt, about lands in Antigua.]

25 Aug.
Antigua.

[p. 307.]

[Committee for reversing the judgment of the Court of Error and affirming that of 16 July 1717 in the Court of King's

(1720.)
25 Feb.

766 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720. Bench and Common Pleas in favour of the appellants concerning the possession of $66\frac{3}{10}$ acres of land with buildings etc. in which the appellants are to be immediately reinstated. The third defendant is here called Mercy de Witt, an infant.] [p. 381.]
- 28 Feb. [Order accordingly.] [p. 386.]
- 8 Jan. [1327.] [Reference to the Committee for Appeals of Gawen Virginia. Corbin's petition for a short day for hearing his appeal from a sentence of the Virginia Chancery, 30 Ap. 1719], in favour of James Roscow and Jane his Wife, relating to the Executing conveyances of certain Lands, according to articles entered into by the said Petitioner on his Marriage of Jane Wilson, mother of the said Jane Roscow, in whose right he Claims a Title to the Premisses. [p. 371.]
- 24 Feb. [Committee : the Chancery sentence (1) awarded to Mr. and Mrs. Roscow the possession of two tracts of land against Corbin and his heirs—this is to be altered to give possession for the life of Corbin but not against his heirs, and Corbin is to account for the profits of the lands since Mrs. Roscow attained the age of 21 : (2) Corbin was directed to deliver to Roscow all papers relating to the lands—this is to be reversed : (3) the award of costs to Roscow is confirmed.] [p. 379.]
- 28 Feb. [Order accordingly.] [p. 386.]
- 8 Jan. [1328.] [Reference to the Committee for Appeals of Samuel Barbados. Cox's complaint of proceedings against him for duties on wines imported.] [p. 372.]
- 4 March. [Committee. The complaint is against an execution issued against Cox by Edmund Sutton, the Treasurer of the island, and unjustly levied for 1575*l.* 14*s.* 6*d.* It is ordered that all parties be at liberty to examine witnesses upon oath before Thomas Beckles and George Walker nominated on behalf of the petitioner, and Thomas Withers and Robert Warren nominated on behalf of the Committee of Public Accounts. The

ACTS OF THE PRIVY COUNCIL (COLONIAL). 767

examinations to be transmitted to the Committee under the seal of the Island.] [p. 393.]

1720.

[Committee on reference of 4 Mar. 1720. In 1718 the Committee of Public Accounts for Barbados delivered to Edmund Sutton, then Treasurer, 14 excise bonds entered into by Cox in 1702 to Richard Downes, then Treasurer, in penalty of 1575*l.* 14*s.* 6*d.* for securing the payment of duties to the amount of 637*l.* 5*s.* Cox alleges that he had already paid the bonds to Downes, when Sutton compelled him, by an Act of Assembly 15 July 1718, to pay the 1575*l.* 14*s.* 6*d.* The enquiry ordered on 4 March, having been made in Barbados, and it being found that the penalty has been applied by an Act of Assembly to public uses, and that it is now a dispute of private property, their Lordships recommend that the petition be dismissed and Cox left to take his remedy at law.]

(1723.)
31 July.

[Order accordingly.]

[IV. p. 295.]

(1723.)
6 Aug.

[IV. p. 305.]

[1329.] [Reference to the Board of Trade of Sir Charles Cox's petition that his brother Samuel, eldest member of the Council of Barbados, be not suspended by the Governor,—or, if already suspended, be restored to his place and precedence,—until the reasons for the suspension are heard and his Majesty's pleasure thereon known.] [p. 398.]

22 March.
Barbados.

[Sir C. Cox's petition partly heard and adjourned till to-morrow.] [Vol. III. p. 14.]

11 Oct.

[A further petition of Sir C. Cox setting forth that since the last petition his brother has been suspended by Lowther; there appears not the least ground for this in the six reasons offered by the Governor, whose action was arbitrary and illegal. It is therefore ordered that Cox be restored to his place and precedency, and act as deputy in the absence of the Governor, while John Frere, who took over the administration from Lowther, is to come to England to answer for his having acted in contempt of his Majesty's orders signified in a letter of 11 June.] [III. p. 17.]

12 Oct.

768 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.
(1721.)
5 March. [Reference to the Committee for Appeals of the petition of several persons interested in Barbados that persons more worthy of the trust may be substituted in the Council of Barbados for John Frere, Thomas Maycock, Guy Ball, and William Carter, who] have Consented and Concurred with Robert Lowther . . . in his highest Acts of Violence, Injustice and Oppression, and also advised him in Acting Contrary to His Majestys Directions. [III. p. 162.]
- (1721.)
30 March. [Reference to the Committee for Appeals of the petition of Robert Heysham, Joseph Eyles, Richard Tilden, George Newport, Joseph Mayne, and George Lillington, setting forth that they are well acquainted with the characters of the four Councillors petitioned against, and] that none of the Inhabitants . . . are better Qualified to Serve His Majesty in that Capacity, either on account of their Fortunes, Ability, or principles; [and praying to have a copy of the petition and to be heard in Council]. [III. p. 173.]
- (1721.)
30 March. [Similar reference of Sir Charles Cox's petition] in behalf of his brother, Samuel Cox of Barbados, touching his Suspending Severall Members of the Council there who had voted for, and persisted in the avowed violation of the prerogative of the Crown, and appointing others in Their Stead, who (He alledges) to be persons of known probity and Affection to His Majesty, of great Experience, and of the best Estates there. [III. p. 173.]
- (1721.)
14 April. [Reference to the Committee for Appeals of articles exhibited by Sir R. Davers etc. relating to their petition referred on 5 March: and of a letter of 30 Mar. from the Board of Trade to Lord Carteret, Secretary of State, together with a representation on the suspensions.] [III. p. 181.]
- (1721.)
26 April. [Committee: the case heard in part and adjourned to 10 May.] [III. p. 182.]
- (1721.)
7 May. [Reference to the Committee of an Address from the Assembly of Barbados complaining of Mr. Cox's proceedings], as also of an illegal Trade carried on openly between that and the French Islands. [III. p. 197.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 769

[Committee: Mr. Cox's counsel not attending, he is to pay the other party's expenses of attendance; the case is put off till Friday next.]

1720.
(1721.)
10 May.

[III. p. 201.]

[Committee. Mr. Cox acted contrary to Article 9 of his Instructions in suspending Thomas Maxwell, John Lucy Blackman, Francis Bond, Thomas Maycock, Guy Ball, and William Carter.] And it appearing by the said address of the assembly that the said president hath turned Seven of the Eight Colonels of the Regiments, The Masters in Chancery, and all the Judges of the Courts of Common plea's, and likewise changed the Commission of the peace, whereby the said Island is in great Disorder, and the said president hath not Transmitted his Reasons for so doing, [they are therefore restored. An Act for the tranquility of the island passed on 7 June 1720 is to be disallowed as containing particulars injurious to his Majesty's prerogative: other matters will be better examined into in Barbados and Lord Belhaven should have a commission for the purpose].

(1721.)
12 May.

[III. p. 202.]

[Orders accordingly.—John Frere is excepted in the restoration of officials. Copies of the following documents are delivered to Lord Belhaven, Governor of Barbados, for examination there]:—First, the humble petition of Sir Richard Davers and others together with Articles of Complaint against John Frere, Thomas Maycock, Guy Ball and William Carter Esqs. Four Members of His Majestys Councill in Barbados, praying they may be removed from the said Councill.—2dly. The petition of Alexander Walker Esq. praying to be restored to His place in the Councill of Barbados from which he was dismist by means of the late Governor.—3dly. The petition of Robert Heysham Esq. and others on behalf of the said Four Counsellors.—4thly. The petition of Sir Charles Cox in behalf of His Brother Samuel Cox Esq. president of the Councill in Barbados touching his having Suspended Several members of the said Councill.—5thly. A Report from the Lords Commissioners of Trade and Plantations on an Address from the Assembly of Barbados and Two petitions of

(1721.)
28 May.

770 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

Thomas Maxwell, Thomas Maycock, Guy Ball, John Lucy Blackman, William Carter and Francis Bond Esqs. Complaining of Mr. Coxes having lately suspended them from being Members of the Council there.—6thly. An Address from the Speaker and others the Members of the Generall Assembly of Barbados against the proceedings of the said Mr. Cox in removing Several Officers both Civill and Military in that Island.

[III. pp. 214-5.]

(1721.)

11 June. [Reference to the Committee for Appeals of John Frere's petition for restoration to the Council, setting forth that he has obeyed the Order of the Council by delivering the Commission and Instructions and Seal of the island to Mr. Cox, and coming over to England.] [III. p. 239.]

(1721.)

11 June. [Similar reference of Sir C. Cox's petition for a copy of Frere's petition, in which he sets forth that Frere stayed 18 weeks in the island after service of the Order of 12 Oct. endeavouring to embarrass the administration by forming cabals etc. : in his petition he now casts unjustifiable reflections on the most considerable gentlemen in Barbados and takes very indecent liberties with the character of Samuel Cox.] [III. p. 239.]

(1721.)

29 June. [Similar reference of a petition of Frere complaining of Cox's petition, and praying such determination as shall tend most for the relief and quiet of the inhabitants of Barbados.]

[III. p. 249.]

(1721.)

13 July. [Committee. Frere has been disobedient, but as this may have been by a mistake and not wilfully, Lord Belhaven, the new Governor, may reinstate him in the Council if he judge it expedient.]

[III. p. 262.]

(1721.)

10 Aug. [Order accordingly.]

[III. p. 272.]

(1721.)

24 Aug. [On reading a representation from the Board of Trade with the instructions for Lord Belhaven, it is ordered that in the list of Councillors Samuel Cox be inserted, that John Frere, Samuel Barwick, and Samuel Broom be left out ; Lord Belhaven is to peruse the Order of 10 Aug. and to restore

Mr. Barwick in the same way as Frere, if he see fit ; he is to examine into the conduct of Mr. Cox, and to continue or remove him as he sees fit ; to fill any vacancies so made, and to return a written report.] [III. pp. 284-5.]

(1721.)
11 Nov.

[Reference to Lord Belhaven of the petition of Sir R. Davers, Sir C. Cox, John Walker and others against six Councillors (*see* 12 May), who attempt to subvert the constitution of Barbados by declaring the present Assembly illegal and refusing to act in conjunction with them.] [III. p. 359.]

(1722.)
13 Aug.

[Governor Worsley to examine the matters referred to Lord Belhaven on 28 May and 24 Aug. 1721, as also] The humble Representation and petition of the General Assembly of Barbados Dated the 22th of August 1721, The humble Representation of severall Members of the Council of Barbados Dated the 2d. of November 1721, A Letter from the Board of Trade dated the 17th of January [1722], with a petition of Seven Members of the Council in Barbados and Letter from Mr. Carter Attorney Generall there and also with four Letters from Mr. Cox president of the Council in that Island, and Mr. Coxes reasons for removing Mr. Sutton from Chief Judge of the Court of Common pleas. [IV. p. 90.]

[1330.] [Reference to the Committee for Appeals of Simon Clement's petition on behalf of the widow of William Penn, praying the disallowance of an Act transmitted for his Majesty's approval, whereby fines and forfeitures are taken away from the proprietor under pretence of applying them to the use of the Government, which tends to a breach of the contract between her late Majesty and Mr. Penn as to the proprietorship.] [p. 372.]

8 Jan.
Pennsyl-
vania.

[1331.] [Reference to the Board of Trade of the petition of John Moody], Setting forth that during the time he was Governour of Placentia in Newfoundland, he did, for the Encouragement of that Place, Purchase some Houses and Lands, for which he Actually paid 1687*l.* and lett them to English Inhabitants, Who have greatly improved the same and having

8 Jan.
Newfound-
land.

772 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

lately received advice, that the same are Seized for his Majestys use, to Erect a fort upon etc. : and his Tenants left to Seek for Habitations, and forbid to pay the Petitioner any rent, which will tend to the ruin of the Petitioner and Family ; Therefore most humbly Prays, his Majesty will be Graciously pleased to give Orders for an enquiry to be made into the affair, And that if his Majestys Service do require the same, he may, with his Tenants, be reimburs't all such moneys with Interest, as they can make appear to have paid for the Purchace or Improvement of the same. [p. 372.]

(1722.)

6 Oct.

[On reading a report from the Board of Trade of 29 Aug. last, the report is referred to a Committee of the Council.]

[IV. p. 110.]

(1722.)

9 Nov.

[The Committee refer the report to the Treasury. The report recommends that satisfaction be given to Col. Moody for the part of his lands taken for building fortifications, which was valued at 732*l.* 3*s.* 4*d.* and let by him for 70*l.* per annum.]

[IV. p. 133.]

8 Jan.
Pennsyl-
vania.

[1332.] [Reference to the Board of Trade of the] Petition of Capt. Charles Gookin late Deputy Governour of Pensilvania, Setting forth his many Years faithfull Service in the Government of Pensilvania ; and for supporting the Dignity whereof, he expended what small fortune he had before Saved ; And humbly praying in regard thereto, His Majesty will be Graciously pleased to bestow on him, a Grant of some small Barren Islands, lying on the River Delaware between Pensylvania and the Jerseys not included in either of their Grants.

[p. 372.]

(1721.)

28 Dec.

[Reference to the Committee of the Council of the report of the Board of Trade, of Mrs. Penn's petition against the report, and of a further petition of Mr. Gookin thereon.]

[III. p. 437.]

(1722.)

3 May.

[Committee for Plantation Affairs. On considering the report of the Board of Trade that they have heard all parties, and taken the opinion of the Attorney and Solicitor General,

1720.

who report that no part of Delaware River or the islands therein are comprised in the grants of New Jersey and Pennsylvania and that the right remains in the Crown ; that settlements and improvements have been made in some of the islands by his Majesty's subjects in those parts who would be prejudiced by a grant to Gookin ; and recommending that if a grant be made the present occupiers be excepted, or that the present occupiers be confirmed in possession on paying a quit-rent to his Majesty ; that no restriction be placed by the grant on the fishery and navigation of the Delaware, and that Gookin be required to settle the lands granted him within a reasonable time and a quitrent be reserved thereon and that the government be annexed to that of New Jersey : and on considering Gookin's later petition to have a grant of all the islands on making allowance for improvements already made, to be estimated by impartial arbiters : and on Mrs. Penn's petition claiming the lands as included in Pennsylvania : it is recommended that orders be given in accordance with the report of the Board of Trade, who are therein to particularise which of the islands appear to be improved, and whether they should be left to the improvers on paying a quitrent to the Crown or compensated by a grantee taking over the islands.]

[III. pp. 571-3.]

(1722.)
17 May.
(1722.)
31 May.

[Order accordingly.]

[III. p. 603.]

[Reference to the Treasury of the petition of Robert Hunter, late Governor of New York, that he may have the grant of the islands in the Delaware] in regard he hath a Considerable summ due to him for subsisting some Germans sent over to New York by Her late Majestys orders.

[III. p. 620.]

[1333.] [Reference to the Committee for Appeals of the petition of Henry Peers of Barbados that a law lately passed there empowering the Governor to commute into money the value of powder, arms and ammunition found wanting in the accounts of the storekeepers of the magazine may be repealed,

28 Feb.
Barbados.

774 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

or that proceedings against him under the law may be stayed till his petition be heard.] [p. 387.]

4 March. [Committee. The proceeding complained of is an execution issued by the Committee of Public Accounts against the estate of George Peers, deceased, father of Henry, for stores due from him as storekeeper. It is ordered that, if Peers give proper security to the Committee of Public Accounts, proceedings be stayed, while the matter is examined upon interrogatories before four commissioners in Barbados—Thomas Beckles and George Walker for the petitioner, and Thomas Withers and Robert Warren for the Committee—and then transmitted for his Majesty's pleasure.] [p. 392.]

(1721.)

23 Oct. [Reference to the Committee for Appeals of the remonstrance of the Committee of Public Accounts against the nomination of two commissioners without their consent or knowledge.]

[III. p. 340.]

(1722.)

21 Feb.

[Committee. The petition of Henry Peers sets forth that George Peers was storekeeper 6 Feb. 1702–18 July 1707, and Henry Peers from July to 18 Nov. 1707, when he delivered all the stores not expended to William Leslie, the new storekeeper, and took his receipt. In May 1718 he was called on by the Committee of Accounts to lay before them accounts of all stores received or issued while he or his father was in charge, but by this time the vouchers which should have been kept in the Secretary's Office were lost; and the Committee made use of the entries in the petitioner's book as evidences for the receipt of stores, but refused to allow him any article on the debit side unless he could also produce a written order from the Governor—although the stores were usually issued on a verbal direction on taking a receipt from the officer to whom they were delivered. Such receipts Peers offered, but the Committee deemed themselves unauthorised to admit them: yet, as the accounts appeared just and regular, they desired that a law might pass for allowing these receipts. Notwithstanding this, the Committee, about 12 July 1718, levied an execution on

1720.

Peers' estate for all the stores in the receipts and an Act was passed to subject his estate to the execution. Peers' petition for the repeal of the law, or for the stay of proceedings thereon till he have time to prove his allegations, has been examined by Commissioners in Barbados, and on their report, the Committee recommend that he be relieved by the discharge of the execution against him for 1457*l.* 16*s.* 2*d.* : that the Committee of Accounts be empowered to re-examine Peers' accounts and make allowance for all such deliveries as shall appear to have been fairly and justly issued for the public service ; and that no issues be allowed for the future, but where regular orders in writing are produced, and that no accountant be permitted to delay so long the settling of his accounts.] [III. *pp.* 485-7.]

[Order accordingly.]

[III. *p.* 510.]

(1722.)

4 March.

[1334.] [Reference to the Committee for Appeals of Bernard Cook's petition for an inquiry into, and relief] against the Governour and some of the Justices there, for binding him over to a Petit Sessions of the Peace, in Order to be punished on a false Pretence of having uttered some Words reflecting on the Modesty of the Wives of Mr. Warren and Mr. Adams, And without allowing him Liberty to Traverse the same to the Grand Sessions, Condemned him to be Publicly Whip't, and to have twice thirty-nine lashes on his bare back, tho' he alledges they never Convicted him thereof. [p. 396.]

22 March.
Barbados.

[Committee : a copy of the petition to be transmitted to the Governor, Robert Warren, Samuel Adams, Guy Ball, and the other Justices of the Peace who sat at the Petit Sessions, for their answer. Both parties to take depositions before four Commissioners (Robert Harrison and William Forbes for the petitioner, and James Elliott and Edward Chanley for the Governor and others); who are empowered to call before them for examination persons named by the complainant. Answers and depositions are to be exchanged within a month of receipt of this Order : replies within 20 days thereafter ; and then the whole is to be transmitted to the Board.] [p. 404.]

11 May.

776 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.
(1721.)
29 Dec.

[Committee. No proof supports Cook's allegation that the proceedings against him were due to Mr. Lowther's displeasure and revenge against him for discovering his contemptuous treatment of his Majesty's letter to him concerning Cook's estate, unjustly detained by John Frere, the Governor's nephew, and other persons of great interest and authority in Barbados. The facts alleged, however, are all substantiated: Cook was sentenced to pay 100*l.* to Adams and Warren before leaving the Court, and failing to do so, was whipped in open court by the common whipper of slaves, receiving twice 39 lashes in an inhuman and barbarous manner. The Justices present] have taken upon them to Try the matter of Fact without a Jury, and to deny the petitioner liberty to Traverse and remove the proceedings to the Grand Sessions of the Island. . . The Justices present . . . who were Guy Ball, Francis Bond, Thomas Maycock jun. Robert Bishop, George Barry, John Fercherson, Stephen Thomas, and William Kirkham Esqrs. have proceeded Arbitrarily and illegally for that, they had not proper Cognizance of the matters before them, and have taken upon them to Examine Witnesses and determine Matters of Fact without a Jury, and have given Two Sentences which were arbitrary and Cruell.

[III. pp. 439-40.]

(1722.)
20 Jan.

[On the Committee report the eight Justices are removed from the Commission of the Peace, and Ball and Bond from the Council also.]

[III. p. 464.]

19 May.
Barbados.

[1335.] [On the petition of his attorneys, the Hon. Anthony Lowther and James Lowther Esqr., it is ordered that no further proceedings be had on complaint against Governor Robert Lowther of Barbados till his arrival in England, which is expected in June.]

[p. 410.]

19 May.

[Two petitions against Lowther referred to the Committee for Appeals. Sir Robert Davers, John Walter, Abel Alleyne, Thomas Pindar, William Walker, and George Stroud, complain of his oppression, and of his having so intimidated them that

1720.

no proofs can be had against him while he continues in the Government. Samuel Cox, Alexander Walker, and Timothy Salter complain of his publishing a declaration by beat of drum and in the churches charging them with endeavouring to raise a rebellion by attempting to force the administration out of his hands.] [p. 413.]

[Lowther having arrived, the complaints against him are to be heard on 4 Oct.] 13 Sept. [III. p. 1.]

[The occasion when Cox, Walker, and Salter were alleged to have attempted to force the administration out of the Governor's hands was when he was recalled under Queen Anne's signet and sign manual of 7 Feb. 1714 and directed to deliver the seals and all public papers and ensigns of government to the President or senior member of the Council. When Cox and Salter remonstrated in Council against the publication of Lowther's declaration, the latter declared that they should be punished for rebellion against him. The Council find no ground for Lowther's charges against the petitioners, and order that no prosecution be made on such pretences.] 12 Oct. [III. p. 19.]

[The Governor and Council appearing from some of the complaints against Lowther to have exceeded the bounds of their jurisdiction, they are ordered to govern themselves in accordance with the declaration of the Privy Council that their proper jurisdiction] in matters cognizable in any of the Courts of Common Law in the said Island is only to Correct the Errors and Grievances arising in the proceedings of the said Courts, and not to proceed originally in any Causes except upon petitions in matters of equity. 12 Oct. [III. p. 20.]

[Sir R. Davers and others petitioning against the tyranny of the Governor, and instancing as offences justifying his recall his defiance of his instructions in accepting large sums of money as presents from the Council and Assembly to the extent of 28,000*l.* Barbados currency, and in allowing a Spanish 18 Oct.

778 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720. vessel to trade contrary to the Navigation Laws, they are held to have made out their particular allegations, and are permitted to exhibit articles on the general charge accordingly.] [III. p. 20.]
- 25 Oct. [It is declared that the charges brought by the Admiralty against Governor Lowther are fully made out. He imprisoned Capt. Horwood of H.M.S. *Rye* and Capt. Smart of H.M.S. *Squirrel* for refusing to deliver the piratical ship *Royal James*, Edward England master*; he suspended Mr. Westlake, who had been constituted Judge of the Vice Admiralty Court by the Admiralty in England; and he refused to return to Mr. Hall the Commission for that post which had been sent him by the Admiralty, and instead appointed an unfit person, John Lenoir.] [III. p. 22.]
- 25 Oct. [Warrant to a messenger to take Robert Lowther into custody for several high crimes and misdemeanours in order to his trial before Sir John Pratt, Chief Justice of the King's Bench.] [III. p. 23.]
- 25 Oct. [Order to the Attorney General that Lowther be prosecuted according to the utmost severity of the law.] [III. p. 23.]
- 14 Dec. [Reference to the Committee for Appeals of the articles exhibited by Sir R. Davers etc. in accordance with the Order of 18 Oct.] [III. p. 85.]
- 19 May.
Carolina. [1336.] [Reference to the Board of Trade of the petition of John, Lord Carteret, and the other proprietors of South Carolina], Setting forth that great Numbers of the Inhabitants of his Majestys said Province have been animated tumultuously to Assemble and take up Armes with a Design to Abolish the Lawfull Government there, and to Depose the Deputy

* [On 5 May, 1722, a petition of the captains named for the produce of the *Royal James* taken by them off Barbados and condemned in New England is referred to the Admiralty (III. p. 578); and on 17 May the Admiralty report is referred to the Treasury (III. p. 604).]

1720.

Governour, and humbly Praying his Majesty to give Effectuall Orders, for Suppressing the said Riott and Rebellion.

[p. 412.]

[The Council and Assembly petition against the government of the Proprietors and pray to be taken under his Majesty's immediate protection. The Attorney General, who has something to offer on behalf of the Crown, and the proprietors, who wish to instruct their counsel, both petitioning for some delay, the hearing is put off to 30 Aug.] 11 Aug. [p. 463.]

[In consideration of the great importance of Carolina on account of its products and as a frontier province, and the danger of its being lost in this critical juncture by the confused state of its present government, it is ordered that the government be forthwith taken provisionally into the hands of the Crown, and that the Board of Trade prepare a Commission and Instructions for a royal Governor, and make whatever other proposals they judge necessary for the safety of the province.] 11 Aug. [p. 463.]

[On the petition of the Proprietors, they are to receive copies of all papers and complaints against them and the hearing is put off till 13 Sep.] 25 Aug. [p. 480.]

[The Proprietors seeking further delay as Lord Carteret was not yet arrived, whose presence they alleged to be very material, peremptory order was given for hearing the complaints on the 27th.] 13 Sept. [Vol. III. p. 1.]

[The Board of Trade representing that there is need of seals for Carolina, and submitting drafts] which on the one side are to bear His Majestys Arms, Garter, Crown, Supporters and Motto, with this Inscription round it, Georgius Dei Gratia Magnae Britaniae Franciae et Hiberniae Rex, Fides defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperi Archi-Thesaurarius et Elector; and on the other side His Majestys Effigies, and a Woman Crowned with a Mural Crown kneeling before him, with this Motto at the bottom, Propius res adspice 20 Sept.

780 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

Nostras, and round it this inscription *Sigillum plagae australis provinciae Nostrae Carolinae* [the Secretary to the Lords Justices is ordered to prepare a warrant to the engravers of his Majesty's seals to prepare the same, and] in Case the said Seal cannot be got ready as soon as there will be occasion to make use thereof, that impressions in Lead be made of that side only, on which are His Majestys Arms and Titles, to be used by the said Governor till the other can be made; and that proper Warrants be likewise prepared, for the Authorizing the making and Using the same accordingly. [p. 6.]

27 Sept. [The proprietors again pray for delay, alleging that Lord Carteret, who is still absent has in his custody as Palatine papers necessary for their defence; but as they produce no proof of their allegation, the hearing is proceeded with, and nothing being offered in defence by counsel for the Proprietors, the Attorney General is directed to bring a *scire facias* against the patent granted by Charles II.] [III. p. 7.]

(1721.)

23 Oct.

[New silver seal for S. Carolina approved: the temporary leaden seal to be defaced.] [III. p. 340.]

12 July.
Virginia.

[1337.] Their Excellencys the Lords Justices in Council, taking into Consideration the many Inconveniencys arrising to the Publick from several Projects sett on foot for Raising of Joynt Stocks for various Purposes, and that a Great many of his Majesty's subjects have been drawn in to part with their money, on Pretense of Assurances, that their Petitions for Patents and Charters to Enable them to Carry on the Same, would be granted. To Prevent such Impositions, Their Excellencys this day ordered the said Severall Petitions, together with such Reports from the Board of Trade and from his Majestys Attorney and Sollicitor Generall, as had been obtained thereon, to be laid before them; and after Mature Consideration thereof were pleased by advice of his Majestys Privy Council, to order, that the said Petitions be Dismist. [Thirteen petitions follow, among them]: Petition of Jos. Galeno of London, Snuff Maker, praying a Patent for his Invention to Prepare

ACTS OF THE PRIVY COUNCIL (COLONIAL). 781

1720.

and Cure Virginia Tobacco for Snuff in Virginia And making it into the same, within all his Majestys Dominions. [p. 439.]

[1338.] [Reference to the Committee for Appeals of the petition of Charles Irvin, clerk, rector of the parish of St. Philip's, Barbados, for an examination of some proceedings against him.] [p. 442.]

12 July.
Barbados.

[Committee : petition considered] ; nothing ordered thereon. [Marginal note : " Dismist."] [p. 462.]

4 Aug.

[1339.] [Reference to the Committee for Appeals of the petition of Jonathan Forward for liberty to appeal from several unjust proceedings against him in the Maryland Courts, at the suit of Gilbert Poulson, master of the ship *Dolphin*, touching an agreement between them for Poulson to transport 131 servants from England to Maryland and Virginia.]

26 July.
Maryland.

[p. 454.]

[Committee : Forward alleges that Poulson has obtained two attachments against his effects in Maryland, one of which for 160*l.* he has already received, the other for 700*l.*, for which he has got good part of the petitioner's effects. It is recommended that upon Forward's giving security deemed sufficient by the Governor and Council of Maryland, the goods in specie are to be restored to him, or if they have been sold, the money arising from their sale ; and that the Provincial Court then determine the case, with liberty for either party to appeal.]

2 Aug.

[p. 459.]

[Order accordingly.]

[p. 463.]

4 Aug.

(1724.)

[Reference to the Committee for Appeals of Forward's petition for enforcement of the previous Order.]

21 Feb.

[IV. p. 481.]

(1724.)

[Reference to the Committee for Appeals of Forward's petition that, as all the proceedings are duly transmitted, a day may be appointed for hearing his appeal from a decree of the Maryland Court of Appeals and Errors, 7 May 1723, confirming a judgment of the Provincial Court there condemning

21 Feb.

782 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

him to pay Poulson 600*l.* sterling and several thousand pounds weight of tobacco for costs and damages on pretence of freight due for carrying 131 servants to Maryland and Virginia.

[IV. *p.* 481.]

(1724.)
17 April. [The Committee find that the Order sent to the Deputy Governor of Maryland has not been enforced, and recommend that he be directed to] Command the Courts there, to Carry the said order into immediate Execution. [IV. *p.* 499.]

(1724.)
30 April. [Order accordingly. The Deputy Governor] forthwith to send an account to this Board, why the said order was not Carried into Execution, together with his reasons for the same. [IV. *p.* 509.]

(1724.)
21 May. [Committee. As Poulson has not entered his appearance although above twelve months are expired, orders are given that the appeal be heard at the first meeting of the Committee after the expiration of 14 days, and that a summons be affixed on the Royal Exchange and at the Maryland Coffeehouse giving notice of the said time and requiring all parties to attend.] [*p.* 530.]

(1724.)
12 June. [Committee. No one having appeared on behalf of Poulson, it is ordered, on Forward's motion, that the appeal be heard *ex parte* on 17 June.] [*p.* 535.]

(1724.)
24 June. [Committee, on hearing the case *ex parte*, recommend that the judgment be reversed and Forward restored to all he has lost by it. Forward's petition sets forth that on 5th September 1717 he entered into charter party with Gilbert Poulson to transport 131 servants to Maryland or Virginia and bring a homeward bound cargo back, within ten days after delivery of which in the Thames, Forward was to pay 50*l.* for every month the ship should be out on the voyage. Poulson delivered the servants, but instead of bringing back the cargo delivered by Forward's factors, brought an action in the Provincial Court for 360*l.* 7*s.* 6*d.* due for freight and 750*l.* damages for non-payment thereof. On 20 Sep. 1720 the Court

declared Poulson should recover and returned his damages at 600*l.* sterling and 6451 pounds of tobacco, with costs amounting to 1273*lbs.* of tobacco. A writ of attachment on this judgment was several times executed on Forward's goods in the hands of his factors there. When Poulson also took out a *Fieri Facias*, Forward's attorney brought a writ of error, but in spite of this Forward's effects in the hands of Thomas Cockey, one of his factors, were condemned to satisfy the judgment and costs. On arguing the writ of error, 7 May 1723, the first judgment was affirmed and Forward condemned in 1803 pounds of tobacco as further costs. Notwithstanding the appeal to the Council and 900*l.* sterling given thereon, the Maryland Court obliged Cockey to draw a bill of exchange on Forward for 600*l.* sterling for the effects condemned in his hands. This bill of exchange has been brought into the Provincial Court, where it is threatened to be put in suit.]

[*p.* 540.]

(1724.)

[Order accordingly.]

[*p.* 563.]

4 July.

(1725.)

12 April.

[Reference to the Committee for Appeals of the answer of Charles Calvert, Deputy Governor of Maryland, to Forward's complaint that a former Order in Council made on his behalf had not been carried into execution, and also Calvert's representation upon another Order in Council on Forward's appeal against Poulson.]

[*V. p.* 49.]

(1725.)

1 June.

[Reference to the Committee for Appeals of papers transmitted by Calvert] containing his proceedings upon the orders of His Majesty in Council on the Petition and Appeal of Jonathan Forward and also containing the proceedings of the Vice Admiralty Court upon the said Orders in Council.

[*V. p.* 73.]

(1725.)

4 Nov.

[Reference to the Committee for Appeals of Forward's petition setting forth several extraordinary proceedings that have been carried on against him in the courts of Maryland and praying that, as he has not been able to obtain any redress, a speedy day may be appointed for hearing his petition, with summons for Lord Baltimore to attend in person,

784 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

and Charles Calvert, Samuel Young, Judge of the Admiralty Court of Maryland, and Thomas Boardley to attend by themselves or their respective agents.] [V. pp. 121-2.]

(1726.)

24 June.

[Committee : Forward complains that even the re-enforced Order in Council has been ineffectual in obtaining redress and that Lord Baltimore has not fulfilled his promise to send over directions for his full satisfaction. On hearing counsel on both sides, the Committee agree to report that the petition should be dismissed, as it appeared] That all proper Endeavours had been used by the Lord Baltimore and the Deputy Governor for making the Petitioner Satisfaction according to His Majestys orders, but that the same were rendered ineffectual by the said Poulsons having withdrawn himself from the said Province and leaving no Effects behind him. [V. p. 240.]

(1726.)

24 June.

[Committee : On Forward's complaint that, despite the previous Orders in Council, Thomas Boardley, Poulson's attorney, has got into his hands and is putting in suit the bill for 600*l.* sterling drawn by Cockey and another for 720*l.* which Cockey has also been obliged to sign, and that Lord Baltimore has sent no order for his relief, the Committee report that, as it does not appear that Boardley and Cockey had notice of this petition, a copy be sent to them and their answer required with all convenient speed.] [pp. 241-3.]

(1726.)

5 July.

[Orders in accordance with the reports of 24 June.]

[pp. 251-2.]

(1728.)

10 Jan.

[Reference to the Committee for Appeals of the] Petition of Jonathan Forward of London merchant, Thomas Cockey, Robert Gordon and William Rogers and Mary his wife, all of the Province of Maryland, Setting forth the severall proceedings that have been carried on against them in the Courts of that Province, and that they have appealed from four severall Judgments given by the Court of Errors on the 2d of June 1726, in favour of Thomas Bordley—who coming over in Person is since dead in England, but having by his Will Constituted William Hunt of London Merchant his Executor

1720.

the Petitioners humbly pray that the said appeale may be revived against the said Hunt, and a Short day appointed for hearing and Determining the same.

[George II. Vol. I. p. 207.]

(1728.)

[Committee order for reviving the appeal and hearing it at the first meeting in July.]

6 June.

[Geo. II. Vol. I. p. 308.]

(1729.)

[Committee. The decrees now appealed against condemned Cockey, Gordon and Rogers severally to make payment to Boardley on bonds of 1440*l.* entered into by them for the acceptance by Forward of the bills drawn by Cockey for 600*l.* and 720*l.* The bill for 720*l.* was "the increase of the said first Bills being Protested." Cockey, Gordon and Rogers were taken up in execution by Boardley, and Cockey to regain their liberty paid the sum recovered in satisfaction of the said execution. On hearing all parties the Committee recommend that the decrees be reversed and the appellants relieved against the bills of exchange and bond: that a perpetual injunction be awarded to stay proceedings either upon any of the judgments or upon any of the bills: and that by mutual consent 850*l.* be paid by Hunt to Forward within three weeks in satisfaction of 828*l.* admitted to be paid by Cockey to Boardley, Hunt being thereupon excused from the payment of costs of the proceedings in Maryland and on this appeal.] [pp. 472-4.]

29 March.

(1729.)

[Orders accordingly.]

[p. 475.]

10 April.

[1340.] [Reference to the Committee for Appeals of Elinor, widow of John Tankard, for a short day for hearing her appeal from three orders of the Antigua Chancery in favour of Archibald Cockran and Baptist Looby relating to her being paid her dower or thirds of the produce of her husband's plantations.]

26 July.

Antigua.

[p. 454.]

[Committee—for dismissing the appeal.]

[III. p. 76.]

9 Dec.

[Order accordingly.]

[III. p. 81.]

14 Dec.

[1341.] [Reference to the Treasury of William Wood's petition] Setting forth his having been at great Expence and

26 July.

Coining.

786 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1720.

Charges for Severall Years past, in fluxing, Refining and Mixing of Severall Mineralls and Mettalls, whereby he hath found out the Art of making a Metall exceeding all others in purity, Except Silver and Gold; and humbly praying a Patent for the Sole making Half pence, Pence, and twopences of the said Metall for the use of the Plantations in America, where the same is much wanted. [p. 455]

GEORGE I. VOL. III. (25 Aug. 1720—31 Dec. 1720.)

13 Sept. Barbados. [1342.] [Timothy Salter's complaint of his suspension from the Council of Barbados by Governor Lowther and prayer for reparation to be heard with the other complaints on 4 Oct.] [III. p. 2.]

12 Oct. [Order for restoration to place and precedency in the Council of Timothy Salter, suspended without reason after 12 years loyal service.] [III. p. 18.]

(1721.)
5 March. [Reference to the Committee for Appeals of the petition of Alexander Walker to be restored to the Council of Barbados, from which he was removed by Governor Lowther, who conceived a displeasure against him.] [III. p. 163.]

25 Oct. Barbados. [1343.] [Mr. Lowther to answer Bernard Cook's complaint against him for ordering the Jury at the Grand Sessions in Barbados to bring in James Grazet, informed against by the petitioner, not guilty of having cursed King George and drunk the Pretender's health; and for having Cook's wife Sarah on pretence of her having drunk the Pretender's health, pilloried three times when seven months gone with child, whereby she miscarried of a dead child and is in a decaying and languishing condition.] [III. p. 23.]

(1721.)
28 May. [Reference to the Committee for Appeals of Cook's complaint that Mr. Lowther has not obeyed the Order of 25 Oct.] [III. p. 224.]

ACTS OF THE PRIVY COUNCIL (COLONIAL). 787

[Reference to the Committee for Appeals of Cook's petition
for redress against illegal proceedings against his late wife.] 1720.
(1722.)
5 May.

[Committee, for putting the petition in the hands of Gov.
Worsley, to be examined on his arrival.] [III. p. 577.] (1722.)
11 May.

[Order accordingly.] [III. p. 603.] (1722.)
17 May.

[Reference to the Treasury of Cook's petition for a further
allowance for his and his wife's expenses as evidences for the
Crown against Ex-Governor Lowther, they having as yet received
but 100*l.*, especially as] the said Complaints are now refused
the Examination of Henry Worsley Esqr. [IV. p. 102.] (1722.)
25 Aug.

[1344.] [On the petition of Tempest Holms that order was
given 20 Aug. 1719 for Governor Lowther to deliver to Holms
certain goods put on board his ship the *Wright* galley by a pirate
in lieu of others taken by the pirate, or, if Holms' allegations
were denied, to return a state of the case, as Lowther has not
obeyed, the Order is renewed to the Governor, President or
Commander for the time being and to the Custom House officer
in whose custody the goods are, or have been.] 15 Nov.
Barbados.
[III. p. 54.]

APPENDICES.

APPENDIX I.

COMMISSIONS AND INSTRUCTIONS TO COLONIAL GOVERNORS (1680-1720).

1707.—17 April. A general instruction ordered to be prepared for preventing controversies between the President and Councillors.—29 April. Approved. [P.R.]—4 Aug. Instruction ordered to be prepared that effectual care be taken to oblige members of the Councils to due attendance, so as to strengthen the administration and prevent cause of complaint. General Instructions.

1713.—15 April. Instructions to Francis Nicholson, Commissioner for inquiring into several matters in our provinces of North America relating to arrears of prizes and to arrears of the rights and perquisites of Admiralty arising in the said provinces and the islands thereunto belonging, since our accession to the Crown, which have been either concealed or embezzled, or not regularly accounted for. (*See also* Appendix IV.)

1720.—20 Sept. Instruction to all Governors not to pass bills of credit approved (*cf.* 1293). [P.R.]

1697.—Nicholas Webb.—11 Feb. Appointment approved. Bahamas.
[C.S.P. X. 710.]—25 March. Oath taken. [C.S.P. X. 855.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent to proprietors.

1702.—23 July. Edward Birch's appointment confirmed, security of 2,000*l.* having been given.—22 Oct. Trade instructions approved similar to those of same date for Carolina. [P.R.]

1715.—Roger Mostyn.—31 Aug. Nomination by proprietors approved, but referred to Board of Trade for further consideration.

1716.—10 March. Appointment approved, commission and instructions to be drawn up by Board of Trade.

1718.—Captain Woodes Rogers.—9 Jan. Commission and instructions approved. [P.R.] Commission considered adequate till a more ample account of the island is provided; two changes made in proposed instructions.

Barbados 1680.—Sir Richard Dutton.—20 Oct. Commission and instructions approved (*cf.* 16).—3 Nov. Oaths taken.

1685.—Edwin Stede.—27 March. Commission approved.

1689.—James Kendall.—15 July. Commission approved.—2 Dec. Instructions and additional instructions approved. [C.S.P. VIII. 614.]

1692.—1 Oct. Additional instruction. *See* 470.

1693.—Francis Russell.—23 Nov. Commission approved.

1694.—4 Jan. Instructions approved.—15 March. Oaths taken.

1695.—8 Aug. Letter to Governor Russell as to provision for clergy, and as to the law-officers of the Crown. [C.S.P. IX. 1997.]

1697.—Ralph Grey.—24 June. Commission approved. [P.R.]—4 Nov. Instructions approved. [P.R.]

1698.—5 Jan. Instructions relating to trade approved, and ordered to be sent to Governor.

1702.—Mitford Crowe.—29 Jan. Commission approved. [P.R.]—18 March. Two sets of instructions approved. [P.R.]—Sir Bevil Grenville.—24 Aug. Instructions approved. [P.R.]—22 Oct. Additional (trade) instructions approved. [P.R.]

1703.—An instruction approved on the petition of Sir John Colleton, complaining of an obstruction of justice in a case in which he is concerned. [P.R.]

1706.—Mitford Crowe, Esq.—21 Oct. Commission approved. [P.R.]

1707.—2 Jan. Two sets of instructions. [P.R.]

- 1710.—Robert Lowther.—31 July. Commission. [P.R.]
—28 Aug. Two sets of instructions with two new clauses relating to the Secretary and Provost Marshall. [P.R.]
- 1714.—22 Nov. Commission renewed. [P.R.]
- 1715.—23 Feb. Instructions approved. [P.R.]
- 1684.—Richard Coney.—17 Dec. Short commission to be prepared. [C.S.P. VI. 2011.] Bermuda.
- 1686.—Richard Coney.—22 Jan. Commission and instructions to be prepared. [C.S.P. VII. 553.]—Sir E. Andros.—6 June. Commission and instructions to settle the government of Bermuda on his way to New England to be prepared. [C.S.P. VII. 715.]
- 1688.—Richard Coney.—26 Oct. Commission and instructions to be prepared. [C.S.P. VII. 1923.] *See* 271.
- 1689.—Isaac Richier.—26 Sept. Commission approved.
- 1693.—John Goddard.—2 Feb. Commission and instructions as Lieut.-Governor in place of Isaac Richier to be prepared. [C.S.P. IX. 50.]—9 Feb. Commission approved. [C.S.P. IX. 64.]—2 March. Instructions approved.
- 1697.—Samuel Day.—25 Nov. Commission and instructions approved. [C.S.P. XI. 67. P.R.]
- 1700.—Captain Benjamin Bennet.—5 Sept. Commission and instructions approved. [C.S.P. XIII. 760-1. P.R.]
- 1702.—Benjamin Bennet.—9 July. Commission approved. [P.R.]—24 Aug. Instructions. [P.R.]—22 Oct. Additional (trade) instructions. [P.R.]
- 1704.—17 Aug. Instructions to Lieut.-Governor referred back to Board of Trade to add “piracy” after felony and such other words and clauses as they shall think requisite thereupon.
—6 Sept. Ordered not to pass.
- 1713.—Henry Pullein.—15 April. Commission and two sets of instructions. [P.R.]—18 May. Additional instructions relating to an allowance for houserent and an augmentation of salary upon a prohibition of receiving any presents. [P.R.]

- 1715.—Benjamin Bennet.—30 April. Commission approved. [P.R.]—30 June. Instructions approved. [P.R.]
- Carolina. 1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent to proprietors.
- 1702.—Sir Nathaniel Johnson.—2 July. Appointment approved on usual conditions—giving security and taking the oaths.—22 Oct. Trade instructions for the proprietors. [P.R.]
- 1709.—Major Edward Tynt.—30 Dec. Confirmed as Governor on usual conditions.
- 1711.—Charles Craven.—9 Feb. The proprietors' nomination referred to Board of Trade.—1 March. On Board of Trade report, confirmed on usual conditions.—19 April. Trade instructions to proprietors.
- 1713.—Robert Johnson.—15 April. Board of Trade to consider his nomination as successor to Charles Craven, whose affairs require his return to England.—18 May. Nomination approved on usual terms.—30 July. Trade instructions for proprietors. [P.R.]
- 1716.—Robert Johnson.—12 Nov. Proprietors' petition in his favour in place of Charles Craven, resigned, is referred to Board of Trade.—6 Dec. On their report, appointment approved on usual terms.
- 1717.—2 March. Trade instructions to proprietors approved. [P.R.]
- 1720.—Francis Nicholson.—13 Sept. Commission and two sets of instructions referred to Attorney and Solicitor General.—20 Sept. Commission and instructions approved, with a few alterations in commission. [P.R.]—27 Sept. Oaths taken.
- Connecticut. 1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.
- Jamaica. 1680.—Charles, Lord Carlisle.—3 Nov. Powers and instructions approved. [C.S.P. V. 1570-1572.]
- 1681.—Sir Thomas Lynch.—28 July. Commission and instructions approved (*cf.* 42). [C.S.P. VI. 194.]

1685.—Sir Philip Howard.—21 Jan. Commission approved.
[C.S.P. VI. 2060.]

1687.—Duke of Albemarle.—4 Feb. Instructions approved.
[C.S.P. VII. 1121.]

1689.—Colonel Hender Molesworth.—8 July. Commission approved. [C.S.P. VIII. 234.]

1689.—Earl of Inchiquin.—19 Sept. Commission approved.
—2 Dec. Instructions approved.

1692.—William Beeston.—18 Aug. Commission as Lieut.-Governor approved.—25 Aug. Two clauses to be omitted. [C.S.P. VIII. 2412.]—12 Sept. Instructions approved.—15 Sept. Oaths taken.

1692.—1 Oct. Additional instructions. *See* 470.

1693.—Samuel Bernard.—30 June. Dormant Commission as Lieut.-Governor to be prepared. [C.S.P. IX. 430.]

1697.—Peter Beckford.—25 Nov. Dormant Commission as Lieut.-Governor. [C.S.P. XI. 66.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.

Sir William Beeston.—30 Nov. Commission approved.

1701.—Brigadier Wm. Selwyn.—28 June. Commission approved. [P.R. only.]—17 July. Commission approved with alteration at *p.* 11, *ll.* 8-9, "according to law" instead of "according to the law of arms."—12 Aug. Two drafts of instructions approved. [P.R.]—16 Sept. Additional instruction relating to the stores of war to be sent to Jamaica, approved. [P.R.]

1702.—24 Aug. Commission and instructions approved for Governor to be appointed by his Majesty. [P.R.]—22 Oct. Additional (trade) instructions [P.R.]—10 Dec. Instructions to Earl of Peterborough altered to extend from March to October the time allowed for submitting a Revenue Act, since the Governor has not yet been despatched.

1703.—Col. Thomas Handasyde.—8 July. Instructions as Lieut.-Governor approved. [P.R.]—8 July. Additional instruction as to quarters for the regiments there approved. [P.R. only.]

1704.—Commission approved. [P.R.]

1708.—Additional instruction as to vexatious proceedings in trying titles to land and negroes. (*See* 1065.) [P.R.]

1710.—Lord Archibald Hamilton.—31 July. Commission. [P.R.]—28 Aug. Two sets of instructions. [P.R.]

1715.—11 Jan. Commission renewed. [P.R.]—30 April. Instructions referred to a Committee of the whole Council. (*See* 1224.)—5 May. Instructions approved with some few alterations. [P.R.]

1716.—21 May. Commission revoked. [P.R.]

1716.—Peter Heywood.—21 May. Appointed till his Majesty's further pleasure be known.—27 May. Instructions approved by the Lords of the Committee for the Irish Bills, and other affairs. [P.R.]

1716.—Thomas Pitt.—25 June. Commission approved. [P.R.]

1717.—Sir Nicholas Lawes.—25 July. Commission approved. [P.R.]—18 Dec. Two sets of instructions approved, with some few changes made by the Board of Trade in the first draft. [P.R.]

Leeward
Islands.

1683.—Sir W. Stapleton.—26 April. Instructions approved. [C.S.P. VI. 1053 and 1066.]

1687.—Sir N. Johnson.—11 Feb. Oaths taken.

1689.—Colonel Codrington.—19 Sept. Commission approved.—2 Dec. Instructions and additional instructions approved. [C.S.P. VIII. 614.]

1689.—Thomas Hill.—14 Nov. Commission as Lieut.-Governor approved. [C.S.P. VIII. 558.]

1692.—1 Oct. Additional instructions. *See* 470.

1699.—Francis Collingwood.—31 May. Appointed Lieut.-Governor. [C.S.P. XII. 481.]

Christopher Codrington.—22 Aug. Commission and instructions approved. [P.R.]

1702.—Christopher Codrington.—9 July. Commission approved. [P.R.]—24 Aug. Instructions. [P.R.]—22 Oct. Additional (trade) instructions. [P.R.]

1704.—Col. Wm. Matthew.—7 Jan. Commission. [P.R.]—23 Feb. Instructions. [P.R.]—23 March. Trade instructions. [P.R.]

1705.—Col. Daniel Park.—29 March. Commission. [P.R.]—17 May. Two sets of instructions. P.R. gives in this and other cases an additional instruction for enforcing a recent Imperial Act which increased the proportion of non-British seamen allowed to navigate vessels to one-half during the present war. [P.R.]

1711.—Walter Douglas.—1 April. Commission. [P.R.]—10 April. Two sets of instructions, with addition as to trials for the murder of Col. Park, for which the Governor is to have a Commission under the Great Seal of Great Britain. [P.R.]

1715.—Walter Hamilton.—23 Feb. Commission approved, and the petition of Christopher Prissick and Michael Ayon against its being passed, rejected. [P.R.]—9 Sept. Instructions approved. [P.R.]

1690.—9 Oct. Order for preparing a Commission. Maryland. [C.S.P. VIII. 1098.]

1691.—15 Jan. Chief Justice Holt and the Attorney General to prepare for the Committee a draft Commission for Lionel Copley. [C.S.P. VIII. 1288.]—29 Jan. Lord Baltimore's objections to be heard on 5 Feb. [C.S.P. VIII. 1307.]—12 Feb. Commission approved. [C.S.P. VIII. 1317.]—2 April. Order to Commissioners of Privy Seal to despatch the Commission at once or inform the Council why they stop it. [C.S.P. VIII. 1381.]—9 April. Commissioners to be informed it is his Majesty's pleasure that they pass it. 27 Oct. Instructions approved. [P.R.]

1692.—1 Oct. Additional instructions. *See* 470.

1693.—Francis Nicholson. Commission and instructions as Governor in place of Colonel Copley to be prepared. [C.S.P. IX. 753.]—18 Jan., 1694. Commission approved.—15 March. Oath taken.

1698.—Nathaniel Blakiston.—8 Sept. Instructions approved. [C.S.P. XI. 807. P.R.]—29 Sept. Commission and instructions approved. [C.S.P. XI. 864-5. P.R.]—20 Oct. Oaths taken.

1702.—Nathaniel Blakiston.—9 July. Commission approved. [P.R.]

1703.—Col. John Seymour.—14 Jan. Commission approved. [P.R.]—20 March. Two sets of instructions approved. [P.R.]

1705.—23 April. Additional instructions as to the settlement of ports approved. [P.R.]

1710.—John Corbet.—31 July. Commission. [P.R.]
—2 Nov. Two sets of instructions with a new clause as to the passing of laws affecting the property of her Majesty's subjects resident in Great Britain. [P.R.]

1714.—John Hart.—17 Jan. Commission. [P.R.]—31 Jan. Two sets of instructions. [P.R.]

1715.—23 Feb. Commission renewed. Lord Baltimore's petition for his appointment referred to Board of Trade.—29 March. Appointment approved.—30 April. Appointment again approved, on proper security being given.

On the decease of Benedict Leonard, Lord Baltimore, a second order is issued, on the petition of Francis, Lord Guilford, in behalf of Charles, Lord Baltimore, a minor.—17 June. The Board of Trade report that proper security has been given.—17 June. Instructions approved. [P.R.]

1720.—Charles Calvert, Captain in the 1st Regiment of Foot Guards.—19 May. Nomination approved, on the usual conditions.—23 June. Trade instructions approved. [P.R.]

- 1691.—Sir William Phipps.—3 Dec. Commission approved. Massachusetts Bay.
[C.S.P. VIII. 1916.]—31 Dec. Oaths taken.
- 1701.—Joseph Dudley.—28 June. Commission approved.
[P.R. only.]
- 1702.—18 March. Two sets of instructions approved.
[P.R.]—12 April. Oaths taken.
- 1703.—8 July.—Further instructions approved.
- 1715.—Elizeus Burgess.—23 Feb. Commission approved.
[P.R.]—15 Sept. Instructions approved. [P.R.]
- 1716.—Samuel Shute.—17 May. Commission approved.
[P.R.]—24 July. Instructions approved. [P.R.]
- 1695.—Major Thomas Delavall.—21 Nov. Appointed Lieut.-Governor. Montserrat.
- 1701.—Col. Anthony Hodges appointed in place of Delavall, deceased.
- 1692.—Samuel Gardiner. Commission as Lieut.-Governor confirmed. Nevis.
[C.S.P. VIII. 2661.]
- 1699.—Captain Roger Elrington.—21 Dec. Commission as Lieut.-Governor approved.
- 1704.—Col. John Johnson.—6 Sept. Confirmed Lieut.-Governor, salary to date from his appointment by Col. Codrington, 1 July, 1703.
- 1688.—Sir E. Andros.—23 March.—Commission approved. New England.
[C.S.P. VII. 1674.]
- 1697.—Lord Bellomont.—8 April. Commission approved.
[C.S.P. X. 910-11. P.R.]—15 April. Instructions approved.
[C.S.P. X. 940. P.R.]
- 1682.—Edward Cranfield.—3 Feb. Commission and instructions ordered to be prepared. New Hampshire.
[C.S.P. VI. 395.]—23 May. Oaths taken.
- 1692.—Samuel Allen and John Usher.—21 Jan. Commissions as Governor and Lieut.-Governor to be prepared.
[C.S.P. VIII. 2018.]—11 Feb. Allen's Commission approved.
—1 March. His instructions approved.

1701.—Joseph Dudley.—28 June. Commission approved. [P.R. only.]

1702.—18 March. Two sets of instructions approved. [P.R.]—12 April. Oaths taken.

1703.—8 July. Further instructions approved.

1703.—10 June. John Usher approved as Lieut.-Governor. (*See* 901.) [P.R.] Commission approved.—8 July. Further instructions approved.

1715.—Elizeus Burgess.—23 Feb. Commission approved.—15 Sept. Instructions approved.

1716.—Samuel Shute.—17 May. Commission approved. [P.R.]—24 July. Instructions approved. [P.R.]

New Jersey. 1688.—Sir E. Andros.—23 March. Commission approved. [C.S.P. VII. 1674.]

1699.—Andrew Hamilton.—31 May. Petition of proprietors of West New Jersey for confirmation. [C.S.P. XII. 482.]

1702.—Lord Cornbury.—24 Aug. Commission and instructions approved. [P.R.]—22 Oct. Additional (trade) instructions.

1705.—23 April. Additional instructions. [P.R.]

1708.—John, Lord Lovelace.—22 April. Commission approved. [P.R.]—26 June. Two sets of instructions approved. [P.R.]—26 June. Instruction as to grants of public lands ordered to be prepared.

1709.—Robert Hunter.—26 Sept. Commission approved. [P.R.]—25 Dec. Instructions approved, and additional instructions, including a clause ordered on 15 Dec. to be inserted directing the revision of the table of fees, so as to make a reasonable provision for the officers of the Government (*see* Appendix III.): and an instruction for composing the differences between Council and Assembly. [P.R.]

1715.—23 Feb. Commission renewed. [P.R.]—17 June. Instructions approved. [P.R.]

1720.—William Burnett.—19 May. Commission approved. [P.R.]—11 June. Two sets of instructions approved. [P.R.]

1688.—Sir E. Andros.—23 March. Commission approved. New York. [C.S.P. VII. 1674.]

1689.—Henry Sloughter.—14 Nov. Commission approved. [C.S.P. VIII. 560.]

1692.—Benjamin Fletcher.—11 Feb. Commission approved. —1 March. Instructions approved.—31 March. Oath taken.

1697.—Earl of Bellomont.—8 April. Commission approved. [C.S.P. X. 910-11. P.R.]—15 April. Instructions approved. [C.S.P. X. 940. P.R.]

1698.—Earl of Bellomont.—2 Aug. Additional instruction approved. [P.R.]—8 Sept. Additional instruction approved. [C.S.P. XI. 807. P.R.]—20 Oct. Additional instruction approved. [C.S.P. XI. 909. P.R.]

1701.—Lord Cornbury.—28 June. Commission approved [P.R.]—21 Aug. Instructions referred to the Treasury for report as to the Governor's salary.—25 Sept. The blank left for the Governor's salary having been filled up—600*l.* sterling—two drafts of instructions are approved. [P.R.]

1703.—14 Jan. Trade instructions approved. [P.R.]—21 Jan. Instructions approved. [P.R.]

1708.—John, Lord Lovelace.—22 April. Commission approved. [P.R.]—26 June. Two sets of instructions approved. [P.R.]—26 June. Instruction ordered to be prepared as to grants of public lands.

1709.—Robert Hunter.—26 Sept. Commission approved. [P.R.]—25 Dec. Instructions approved, and additional instructions, including a clause ordered on 15 Dec. to be inserted directing the revision of the table of fees, so as to make a reasonable provision for the officers of the Government. [P.R.]

1710.—22 Jan. Additional instructions as to settlement of Palatines. [P.R.]

1715.—23 Feb. Commission renewed. [P.R.]—17 June. Instructions approved. [P.R.]

1720.—William Burnett.—19 May. Commission approved. [P.R.]—11 June. Two sets of instructions approved. [P.R.]

North
Carolina.

1713.—Charles Eden.—4 May. Nomination referred to Board of Trade.—18 May. Confirmed on same terms as his predecessor, Edward Hyde (now deceased).

Nova Scotia
and
Annapolis
Royal.

1713.—Francis Nicholson.—15 April. Trade instructions with a clause relating to boundaries between Virginia and Carolina, and between Maryland and Pennsylvania; and heads of inquiries as to trade and fishing like those given to the commander of the Newfoundland convoy; and instructions for recovering arrears of prizes and Admiralty rights and perquisites. [P.R.]—27 April. Oaths taken.

1719.—Colonel Philips.—25 June.—Commission and two sets of instructions approved for him as Governor of Placentia, and Captain General and Governor of Nova Scotia. [P.R.]

Pennsyl-
vania.

1692.—Benjamin Fletcher—1 July. Commission approved. [C.S.P. VIII. 2311.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.

1703.—John Evans.—11 July. Approved Lieut.-Governor on the usual conditions.—30 July. The conditions being fulfilled, Evans is approved without limitation of time Governor of Pennsylvania and of the three lower counties during her Majesty's pleasure.—30 July. Trade instructions for Mr. Penn. [P.R.]

1708.—20 May. Reference to Board of Trade of Mr. Penn's petition for approval of Charles Gookin as Lieut.-Governor.—26 June. The Board of Trade, having received a good character of him from Lieut.-General Erle, in whose regiment he had served for many years, approve on the usual conditions.—18 July. The Council approve.—18 July. Instructions as to trade for Mr. Penn. [P.R.]

1716.—William Keith.—13 Sept. Petition of proprietors for his appointment referred to Board of Trade.—12 Nov. Approved on usual conditions.—17 Dec. Approved; trade instructions issued to Mr. Penn. [P.R.]

1699.—5 Jan. Instructions relating to trade approved, and ordered to be sent.

Rhode
Island,

1703.—Col. Walter Hamilton.—30 July. Appointed Lieut.-Governor.

St.
Christopher.

1685.—Lord Howard of Effingham.—24 Oct. Oaths taken.—14 Dec. Additional instructions approved. [C.S.P. VI. 1464.]

Virginia.

1689.—Francis Nicholson.—14 Nov. Commission as Lieut.-Governor approved. [C.S.P. VIII. 556.]

1690.—Lord Howard of Effingham.—30 Sept. Commission approved.

1692.—Sir E. Andros.—11 Feb. Commission approved. [C.S.P. VIII. 2050.]—1 March. Instructions approved. [C.S.P. VIII. 2099.]—31 March. Oaths taken.

1692.—1 Oct. Additional Instructions. *See* 470.

1698.—Francis Nicholson.—23 June. Commission approved. [C.S.P. XI. 602. P.R.]—25 Aug. Instructions approved. [C.S.P. XI. 773. P.R.]—8 Sept. Further instructions approved. [C.S.P. XI. 807. P.R.]—15 Sept. Additional instruction approved. [C.S.P. XI. 826. P.R.]

1702.—Francis Nicholson.—9 July. Commission approved. [P.R.]—22 Oct. Instructions. [P.R.]—22 Oct. Additional (trade) instructions. [P.R.]

1705.—Col. Edward Nott.—5 April. Commission. [P.R.]—23 April. Two sets of instructions. [P.R.]

1707.—Robert Hunter.—17 April. Commission approved. [P.R.]—29 April. Two sets of instructions. [P.R.]

1710.—“Memd. The Commission and Instructions for the Right Honourable the Earl of Orkney to be Governor General of the Colony and Dominion of Virginia in America having

been past in Feb. 1709-10, without being considered in Council by reason of the necessary Expedition required therein, Entries are made thereof (by Particular Directions) in the Plantation Book, from the Entries made in the office of the Council of Trade and Plantations." [p. 532. P.R.]

1714.—Earl of Orkney.—4 Aug. Oaths taken as Privy Councillor and Governor of Virginia.

1715.—15 Jan. Commission approved. [P.R.]—29 March. Instructions approved. [P.R.]

APPENDIX II.

NOMINATIONS, ETC., TO COLONIAL COUNCILS, 1680-1720.

1687.—4 March. Thomas Belchamber. Appointed at the same time to Councils of Montserrat and St. Christopher. Is Commissioner of the $4\frac{1}{2}$ per cent. duty at Nevis; has frequent occasion to visit the other islands to inspect the inferior officers. Antigua.

1689.—21 Nov. Lawrence Wright. Appointed also to Barbados, Montserrat, Nevis, St. Christopher. [C.S.P. VIII. 581.]

1690.—30 Oct. Thomas Belchamber. Appointed also to Montserrat and St. Christopher. He is "again admitted into that trust."

1691.—15 Oct. Thomas Duncombe.

1698.—31 March. John Corbet. [C.S.P. XI. 336.]

1699.—22 Aug. Colonel Francis Collingwood, Lieut.-General of all the said Leeward Islands, John Yeomans, Rowland Williams, Francis Carlisle, John Fry, senr., John Hamilton, Edward Byam, Samuel Martin, Thomas Duncombe, Edward Parsons, John Corbet and James Thynne Esqrs., list given in instructions to Col. Codrington. [P.R. only.]

1702.—24 Aug. John Yeomans, Lieut.-Governor of the said Island, Rowland Williams, John Hamilton, Edward Byam, James Thynne, Henry Pearn, William Codrington, Henry Lyons and John Lyons Esqrs., list given in instructions to Christopher Codrington. [P.R. only.]

1704.—23 Feb. John Yeomans, Lieut.-Governor of the said Island, Rowland Williams, John Fry, senr., John Hamilton, Edward Byam, James Thynne, Henry Pearn, Wm. Codrington, Charles Matthew, Henry Lyons, Barry Tankard,

and Thomas Morris Esqrs., named in instructions to Wm. Matthew. [P.R. only.]

1705.—17 May. John Yeomans, Lieut.-Governor of the said Island, Christopher Codrington, Rowland Williams, John Hamilton, Edward Byam, Henry Pearn, William Codrington, Charles Matthew, Henry Lyons, Barry Tankard, Thomas Morris and George Gambell Esqrs., named in instructions to Governor Park. [P.R. only.]

1707.—21 July. Lawrence Crabb, to fill one of two vacancies, Henry Pearn having died, and Charles Matthew not intending to return from England.

1708.—20 May. William Thomas and Richard Oliver, recommended by Col. Park for two vacancies.—25 Nov. William Byam, *vice* Barry Tankard, who is dismissed for non-attendance.

1711.—10 April. John Yeomans, Lieut.-Governor of the said Island, Rowland Williams, John Hamilton, Edward Byam, William Codrington, Henry Lyons, Thomas Morris, George Gambell, William Thomas, Richard Oliver, and William Byam Esqrs., named in instructions to W. Douglas. [P.R. only.] In view of the state of the Leeward Islands, all vacancies are to be kept open till Gov. Douglas on his arrival submits suitable names.—14 June. Richard Lightfoot, for one of two vacancies.—19 Dec. Walter Hamilton. As Lieut.-General of the Leeward Islands, commanding in the absence of the Captain General, he is also to preside in the Councils in his absence. The Lieut.-Governor of Antigua had disputed his sitting in the Council there.

1712.—8 March. Wm Matthew and Ed. Warner.

1715.—9 Sept. William Matthew Esqr., Our said Lieut.-General, Edward Byam Esqr. Lieut.-Governor of Our Said Island of Antigua, John Hamilton, William Codrington, Thomas Morris, William Thomas, Richard Oliver, William Byam, Edward Warner, Barry Tankard, Val. Morris, Nathaniel Crump and John Crey Esqrs., named in Walter Hamilton's instructions. [P.R. only.]

1715. William Matthew, Lieut.-General of the Leeward Islands, and of St. Christopher, is appointed to the Council of all the Leeward Islands; Barry Tankard, Valentine Morris. Nathaniel Crump, John Crey [or Trey], to Antigua.

1717.—30 March. Archibald Cochran, *vice* Barry Tankard, resigned.

1718.—1 July. John Gamble, *vice* Richard Oliver, deceased.
—3 Dec. John Yeomans, *vice* Col. Wm. Thomas, deceased.

1681.—11 March. Alexander Ruddock, Judge of the Common Pleas; *vice* Colonel Standfast, deceased, and in preference to the Governor's nominee, Benjamin Knights. Barbados.
[C.S.P. VI. 38.]

1683.—10 Jan. Sir Timothy Thornhill.

1684.—8 Aug. Stephen Gascoigne, *vice* Col. Samuel Newton.

1685.—27 March. John Hallet, Henry Quintin, John Hethersall, and John Gibbs.

1689.—21 Nov. Lawrence Wright. Appointed also to Antigua, Montserrat, Nevis, St. Christopher. [C.S.P. VIII. 581.]

1691.—28 May. Samuel Crisp. [C.S.P. VIII. 1540.]—
15 Oct. Patrick Mein, "as conducing very much to their Majesties' service, he being employed by the Commissioners of the Customs, as Surveyor Generall of the Customes in those parts."

1692.—1 Oct. Tobias Frere and John Read.

1693.—28 Dec. Col. James Kendall, to be first of the Council under Col. Russell, his successor as Governor. [C.S.P. IX. 749.]

1694.—29 March. George Andrews and John Bromley, suspended by Gov. Kendall, restored to their places. *See* 549.

1695.—8 Oct. Robert Bishop, Jonathan Langley, Robert Scot, John Boteler, Benjamin Cryer, Burch Heathersall, [or Hothersall], Richard Wallop.

1697.—15 April. David Ramsay. [C.S.P. X. 938.]—29 July. Francis Bond, John Hallet, John Gibbs, Edward Cranfield, John Farmer, Richard Salter, Richard Lillington, George Andrews, John Bromley, William Sharpe, Patrick Mein, Tobias Frere, Burch Heathersall, Michael Terrill and David Ramsey Esqrs., list of Council in instructions to Ralph Grey. [P.R. only.]—4 Nov. Benjamin Cryer, Richard Walter, and Thomas Merrick. [C.S.P. XI. 27.]

1698.—25 Oct. George Lillington readmitted, having been accidentally excluded by the insertion in Mr. Grey's instructions of his name as Richard Lillington. [C.S.P. XI. 934.]

1701.—23 Jan. Samuel Cox, one of the Commissioners of the $4\frac{1}{2}$ per cent. duty, appointed on a presentment from the Customs.

1702.—18 March. John Farmer, Richard Lillington, George Andrews, William Sharpe, Patrick Mein, Tobias Frere, Michael Terrill, David Ramsey, Richard Scott, Benjamin Cryer, Thomas Merrick and Samuel Cox Esqrs., list given in instructions to Mitford Crowe. [P.R. only.]

1702.—24 Aug. Same list given in instructions to Sir B. Grenville. [P.R. only.]

1703.—17 May. Col. Thomas Maxwell, *vice* Col. Andrews, deceased.

1704.—16 Nov. John Mills, already appointed by Sir B. Grenville, in place of Tobias Frere, who had stated in open court that he would attend the Council no more.

1705.—29 Nov. Alexander Walker, *vice* Sir Henry Pickering, deceased. Walker is appointed, as having precedence in the list of fitting persons of the Governor's appointee, Middleton Chamberlain.

1706.—3 Jan. Tobias Frere dismissed.—10 June. Abel Alleyne, William Cleland, James Colleton, and Middleton Chamberlain appointed.

1707.—2 Jan. George Lillington, Wm. Sharpe, Rich. Scot, Patrick Mein, Thomas Merrick, Samuel Cox, Wm. Cleland,

John Mills, James Colleton, Alexander Walker, Middleton Chamberlain, and Thomas Alleyne Esqrs., named in instructions to Mitford Crowe. [P.R. only.]—5 June. Samuel Beresford, Rector of St. Michael's Parish, *vice* James Colleton, deceased.—18 Dec. Col. Tobias Frere and Major John Pilgrim, *vice* Col. Wm. Cleland and John Holder dismissed. Frere is now desirous to serve again.

1708.—22 Jan. Colonels Sharpe, Cox, Mills, and Walker, turned out of the Council by the Governor, are reinstated, the Board of Trade disapproving of his action.—20 Sept. John Hallet, *vice* Tobias Frere, deceased.—30 Dec. Col. John Frere, *vice* Col. Richard Scott, absent six years in this Kingdom.

1709.—31 March. Timothy Salter, *vice* Patrick Mein, come from thence and not intending to return.

1710.—28 Aug. George Lillington, William Sharpe, Samuel Cox, John Mills, Alexander Walker, Middleton Chamberlain, Thomas Alleyne, Samuel Beresford, John Pilgrim, John Hallet, Timothy Salter and John Frere Esqrs., named in Lowther's instructions. [P.R. only.]

1711.—10 April. Samuel Barwick, *vice* Middleton Chamberlain, deceased. *See* 1140.—19 Dec. Thomas Maxwell, *vice* George Lillington, deceased.

1712.—8 March. Col. John Frere is restored to his precedence, Timothy Salter's name having by a mistake been inserted before his in Gov. Lowther's instructions.

1715.—23 Feb. Samuel Cox, John Mills, Thomas Alleyne, John Pilgrim, John Hallet, John Frere, Timothy Salter, Samuel Barwick, Thomas Maxwell, Thomas Maycock, Guy Ball, and John Lucy Blackman Esqrs., named in instructions to Robert Lowther. [P.R. only.]—23 Feb. Thomas Maycock, Guy Ball, John Lucy Blackman, *vice* William Sharpe, Alexander Walker, Samuel Beresford, dismissed.

1716.—6 July. William Carter, Speaker of the General Assembly and Chief Judge of the Court of Common Pleas, *vice*

John Pilgrim deceased.—24 July. Colonel Francis Bond, *vice* John Hallet, deceased. Order granted on report of Board of Trade on petition of Joseph Micklethwaite.

1717.—5 Sept. John Colleton, *vice* Thomas Alleyne, deceased.

1719.—22 Oct. Richard Lightfoot, *vice* John Mills, deceased.

Bermuda. 1697.—29 July. William Penniston, Samuel Trott, William Outerbridge, Gilbert Nelson, Richard Penniston and John Tucker Esquires, list given in instructions to Samuel Day. [P.R. only.]

1700.—5 Sept. Richard Penniston, John Tucker, Charles Walker, Anthony White, Thomas Harford, Michael Burrows, Robert White, Benjamin Wainwright, St. George Tucker, Benjamin Hinson, Patrick Downing and Samuel Spofferth Esqrs., list given in instructions to Benjamin Bennet. [P.R. only.]

1702.—24 Aug. List repeated. [P.R. only.]

1706.—15 July. Capt. Thomas Brooks, Capt. Thomas Jenour, and Col. John Trimmingham.

1709.—18 July. Samuel Shirlock, Samuel Smith, William Outerbridge, Leonard White, George Peasley, to fill five vacancies.

1713.—15 April. John Tucker, Thos. Harford, Michael Burrows, St. George Tucker, Benjamin Hinson, Thomas Brooks, John Trimmingham, Samuel Shirlock, Samuel Smith, Wm. Outerbridge, Leonard White, John Peasley, named in instructions to Henry Pullein. [P.R. only.]

1715.—30 June. Michael Burrows, Benj. Hinson, Thos. Brooks, John Trimmingham, Saml. Sherlock, Saml. Smith, Wm. Outerbridge, Leonard White, John Peasley, Hen. Tucker, Wm. Tucker, and Robt. Burton Esqrs., named in instructions to Benjamin Bennet. [P.R. only.]—30 June. Henry Tucker, William Tucker, Robert Burton, to fill vacancies.

1688.—18 May. George Muschamp, Collector of Customs there. Carolina.

1687.—18 June. Robert Treat and John Allen. [C.S.P. VII. 1308.] Connecticut.

1683.—23 Feb. Col. John Colbeck, *vice* Col. Whitfield, deceased. [C.S.P. VI. 965.]—25 July. John Bourden, *vice* Col. Colbeck, deceased. [C.S.P. VI. 1162.]—7 Dec. Col. Samuel Barry. Jamaica.

1687.—4 Feb. James Walker. [C.S.P. VII. 1121.]

1688.—20 May. Col. Needham.—1 June. Col. John Bourden suspended. [C.S.P. VII. 1769.]

1690.—27 Nov. Samuel Bernard, John Towers, Andrew Orguill, Francis Blackmore, Nicholas Lawes, Charles Penhallow, and Charles Knight; Sir F. Watson and Colonel Ballard being unfit, Col. Ivy and Col. Fuller dead, and Col. Walker returned to England.

1691.—12 Nov. Francis Hanson, Walter Ruding, Thomas Sutton, and John Peake.

1693.—30 June. Fulke Rose and Henry Low [Lowe, or Love]. [C.S.P. IX. 429.]

1694.—8 March. Col. Edward Stanton, *vice* Major Read, deceased.—13 Dec. John Corsley.

1695.—23 May. William Brodrick. [C.S.P. IX. 1852.]

1696.—30 April. Thomas Ayscough, Richard Dawkins, Edward Broughton, James Bannister, Josiah Heathcote.

1701.—13 Feb. Lieut.-Col. Charles Sadler, John Walters, Thomas Clarke junr.

1701.—12 Aug. Peter Beckford, Peter Haywood, Charles Knights, Nicholas Lawes, Henry Lowe, Thomas Ayscough, Charles Chaplin, Josiah Heathcote, Charles Sadler, Thomas Clarke junr., John Walters Esqrs. and Sir Thomas Modyford Baronet, named in instructions to William Selwyn. [P.R. only.]

1702.—23 July. Emanuel Moreton, *vice* Josiah Heathcote, who has certified that he does not intend to return thither.

1702. Peter Beckford, Peter Haywood, Charles Knights, Nicholas Lawes, Henry Lowe, Thomas Ayscough, Charles Chaplin, Charles Sadler, Thomas Clarke junr., John Walters Esqrs., Sir Thomas Modyford Baronet, and Emanuel Moreton Esqr., named in instructions with name of Governor left blank. [P.R. only.]

1704.—10 Feb. Richard Thompson and Charles Long, to supply vacancies.

1705.—11 Oct. Colonel Edmond Edlyn, *vice* Col. Thomas Ayscough, deceased.

1707.—20 March. John Stewart, and John Ayscough, *vice* Chas. Knights and Dan. Walters, deceased.

1708.—18 Aug. John Peeke, *vice* Charles Sadler, deceased.
—20 Sept. Valentine Mumby, *vice* John Ayscough, coming to England and not intending to return.

1709.—14 March. Peter Beckford, Peter Haywood, Henry Lowe, Charles Chaplin, Thomas Clarke junr., Francis Rose, Richard Thompson, Charles Long, Edmund Edlyn, John Stewart, John Peck, and Valentine Mumby, list given apropos of a dispute. *See* 1067.

1710.—28 Aug. Peter Haywood, Henry Lowe, Charles Chaplin, Thomas Clarke junior, Francis Rose, Richard Thompson, Charles Long, Edmund Edlyn, John Stewart, John Peck, Valentine Mumby, and Francis Oldfield Esqrs., named in Lord A. Hamilton's instructions. [P.R. only.]

1711.—1 March. Richard Rigby, *vice* Richard Thompson, who does not intend to return from England.—30 July. John Carver, *vice* Thomas Clarke, deceased.

1713.—25 Oct. Thomas Bernard, *vice* Charles Long, many years absent in England without leave.

1714.—25 Oct. James Archibald, to succeed Henry Lowe, deceased.

1715.—30 April. Peter Haywood, Francis Rose, John Stewart, John Peck, Valentine Mumby, Francis Oldfield, Richard Rigby, Thomas Barnard, James Archbould, John Ayscough, John Sadler, Richard Elliston, named in instructions to Lord A. Hamilton. [P.R. only.]—5 May. John Ayscough, John Sadler, *vice* Charles Chaplin and J. Blair, who have from time to time obstructed public business. Ayscough had been admitted to Council in 1707, but had come to England for his health. On 23 Feb. 1715, his petition for restoration to the Council on his return to Jamaica had been referred to the Board of Trade and favourably reported on.—5 May. Richard Elliston, *vice* Edmond Edlyn, long absent from the island.

1716.—10 March. William Broderick, Attorney General of Jamaica, *vice* Francis Oldfield, resigned.

1716.—21 May. Peter Haywood, Cha. Chaplin, Francis Rose, John Peck, Valentine Mumby, Thomas Bernard, John Blair, William Broderick, James Risby, Ezekiel Gomersal, Thos. Beckford, and George Bennet Esqrs., named in instructions to Peter Haywood. [P.R. only.]

1717.—18 Dec. Francis Rose, Thos. Bernard, James Archbould, John Ayscough, John Sadler, Ezekiel Gomersal, John More, Edward Pennant, Thomas Harrison, Saml. Moore, John Gregory, and John Morant Esqrs., named in instructions to Sir Nicholas Lawes. The names are given both in the Register and in the Plantation Register, in the former with a note that Peter Haywood, Charles Chaplin, John Blair, James Risby, Thomas Beckford, and George Bennet are omitted for particular reasons mentioned in a representation from the Board of Trade; this however, is not given. [P.R.]

1691.—27 Oct. Sir Thomas Lawrence, Col. Henry Jowles, Maryland. Cap. Nehemiah Blakiston, Cap. Nicholas Greenberry, Charles Hutchins, Col. George Robotham, Col. David Browne, Thomas Tench, Cap. John Addison, Cap. John Courts, James Frisby, and Thomas Brookes, named in Col. Copley's instructions. [P.R. only.]

1698.—29 Sept. Sir Thomas Lawrence Baronet, Henry Jowles, Thomas Tench, Charles Hutchins, John Addison, John Courts, Thomas Brooke, James Frisby, Robert Smith, John Hammond, Thomas Tasker and Francis Jenkins Esquires, list given in instructions to Governor Blakiston. [P.R. only.]

1701.—8 May. Edward Lloyd, William Holland, James Saunders.

1703.—20 March. Thomas Tench, John Addison, Thomas Brooke, Robert Smith, John Hammond, Francis Jenkins, Edward Lloyd, William Holland, James Saunders, Hennelan Chittleton, William Coursey, Thomas Ennals, and Robert Quarry Esqrs., named in instructions to John Seymour. [P.R. only.]

1708.—15 Feb. John Contee, Samuel Young, Thomas Greenfield, and Seth Biggs, *vice* John Addison, Robert Smith, and James Saunders, deceased, and Thomas Brooke, removed for non-attendance.

1708.—30 Dec. Philip Lynes, Thomas Addington, John Hall, William Whittington, to fill four vacancies.

1710.—2 Nov. Philemon Lloyd, Richard Tilghman, and John Dorset, *vice* three members deceased.

1710.—9 Nov. Edward Lloyd, William Holland, William Coursey, Thomas Ennals, Samuel Young, Thomas Greenfield, Thomas Addison, John Hall, William Whittington, Philemon Lloyd, Richard Tilghman, John Dorsey and Robert Quarry Esqrs., named in John Corbet's instructions. [P.R. only.]

Montserrat. 1687.—4 March. Thomas Belchamber; appointed also to Antigua and St. Christopher; Commissioner of 4½ per cent. duty at Nevis; has frequent occasion to visit the other islands to inspect the inferior officers.

1689.—21 Nov. Lawrence Wright; appointed also to Antigua, Barbados, Nevis, St. Christopher. [C.S.P. VIII. 581.]

1690.—30 Oct. Thomas Belchamber, "again admitted into that trust," and also in Antigua and St. Christopher.

1699.—22 Aug. Col. Thomas Delavall, Lieut.-Governor of the said Island, Col. Francis Collingwood, Lieut.-General of all the said Islands, Edward Parsons, William Fox, Anthony Hodges junr., Thomas Lee, Richard Clayton, John Irish, William Fry, John Scott, and James Thynne Esqrs., list given in instructions to Col. Codrington. [P.R. only.]

1702.—24 Aug. Anthony Hodges, Lieut.-Governor of the said Island, William Fox, Thomas Lee, Richard Clayton, William Fry, John Scott, James Thynne, John Daly [or Dawley], Joseph Little and Crow Esqrs., list given in instructions to Christopher Codrington. [P.R. only.]

1704.—23 Feb. Anthony Hodges junr., Lieut.-Governor of the said Island, William Fox, Thomas Lee, William Fry, John Scott, James Thynne, John Daly, Joseph Little, William Bedingfield, George Milward, George Lydell, and Charles Matthew Esqrs., named in instructions to Wm. Matthew. [P.R. only.]

1705.—17 May. Anthony Hodges junior, Lieut.-Governor of the said Island, Thomas Lee, William Fry, John Daly, Joseph Little, William Bedingfield, George Milward, George Lydell, Charles Matthew, William Broderick, George Wike and William Gerrish Esqrs., named in instructions to Daniel Park. [P.R. only.]

1711.—10 April. John Pearn, Lieut.-Governor of the said Island, Thomas Lee, William Fry, John Dawley, Joseph Little, William Bedingfield, George Milward, George Lydell, William Broderick, George Wike, and William Gerrish Esqrs., named in instructions to W. Douglas. [P.R. only.]—10 April. In view of the state of the islands, all vacancies in the Leeward Islands are to be kept open till Gov. Douglas, on his arrival, submits suitable names.—19 Dec. Walter Hamilton, appointed to each of the Leeward Islands. As Lieut.-General of the Leeward Islands, commanding in the absence of the Captain General, he is also to preside in the Councils in his absence. The Lieut.-Governor of Antigua had disputed his sitting in the Council there.

1715.—9 Sept. William Matthew Esqr., Our said Lieut.-General, Talmash Esqr. Lieut.-Governor of Our said Island of Montserrat, Thomas Lee, William Fry, John Dawley, George Wike, William Gerrish, Edward Parsons, Daniel Ravell, William White, John Bramble, Anthony Fox, and William Barsey Esqrs., named in instructions to Walter Hamilton. [P.R. only.]

1715.—9 Sept. Talmash, Daniel Ravell, William White, John Bramble, Anthony Fox, William Barsey, to fill vacancies. William Matthew to all the Leeward Islands.

1719.—9 July. John Cockran, Wm. Irish, Richard Cook, *vice* Thomas Lee, and William Barsey (or Barzey) deceased; and John Bramble, who refuses to act.

Nevis. 1689.—21 Nov. Lawrence Wright. Also to Antigua, Barbados, Montserrat, St. Christopher.

1699.—22 Aug.—Colonel Francis Collingwood, Lieut.-General of all his Majesty's said Leeward Islands, Samuel Gardiner, Michael Smith, John Smergin, Edward Parsons, Azariah Pinney, James Bevon, William Butler, William Ling, Walter Hamilton and William Mead Esquires, list given in Col. Codrington's instructions. [P.R. only.]

1700.—5 Sept. William Burt, continued in his rank as first of the Council, though accidentally omitted in Col. Codrington's instructions.

1702.—24 Aug. William Burt, John Smergin, Azariah Pinney, James Bevon, William Butler, William Ling, Walter Hamilton, William Mead, Daniel Smith, Richard Abbott, John Horne and Thomas Minor Esqrs., list given in instructions to Christopher Codrington. [P.R. only.]

1704.—23 Feb. William Burt, John Smergin, Azariah Pinney, James Bevon, William Butler, William Ling, James Thynn, Daniel Smith, Richard Abbott, Phineas Andrews, Philip Broom, and Thomas Butler Esqrs., named in instructions to Wm. Matthew. [P.R. only.]

1705.—17 May. John Johnson Lieut.-Governor, the rest as in 1704, with James Thynn omitted, named in instructions to Daniel Park. [P.R. only.]

1707.—20 May. Thomas Bellman, Laurence Broadbelt, James Milliken, already appointed by the Lieut.-Governor, on Col. Park's direction, in view of the difficulty in getting a quorum, owing to the death or absence of members.

1708.—11 July. Thomas Goar, Robert Ellis, Michael Smith, and John Richardson, recommended by Gov. Park for four vacancies.

1711.—10 April. Walter Hamilton Esqr. Our Lieut.-General of Our Leeward Islands and Our Lieut.-Governor of Nevis, Azariah Pinney, James Bevon, William Ling, Daniel Smith, Richard Abbott, Laurence Broadbelt, James Milliken, Thomas Goar, Robert Ellis, Michael Smith and John Richardson Esqrs., named in instructions to W. Douglas. [P.R. only.]—10 April. In view of the disturbed state of the islands, all vacancies in the Leeward Islands are to be kept open till Gov. Douglas, on his arrival, reports suitable names.—19 Dec. Walter Hamilton, appointed to each of the Leeward Islands; as Lieut.-General of the Leeward Islands, commanding in the absence of the Captain General, he is also to preside in the Councils in his absence. The Lieut.-Governor of Antigua had disputed his sitting in the Council there.

1715.—9 Sept. William Matthew Esqr., Our Lieut.-General of Our Leeward Islands, Daniel Smith Esqr. Lieut.-Governor of Our said Island of Nevis, Richard Abbott, James Bevon, Azariah Pinney, Laurence Broadbelt, James Milliken, Robert Ellis, John Richardson, Michael Smith, John Choppin, Charles Bridgewater, and John Pinney Esqrs., named in instructions to Walter Hamilton. [P.R. only.]

1715.—9 Sept. William Matthew, John Choppin, Charles Bridgewater, John Pinney, to fill vacancies.

1687.—4 Nov. Samuel Shrimpton, William Brown junr., Simon Lindes, and Richard Smith. [C.S.P. VII. 1499.]

New
England.

New
Hampshire.

1697.—15 April. . . . Partridge Esqr., Our Lieutenant Governor of Our said Province, John Usher, John Hincks, Nathaniel Fryer, Thomas Crawford, Peter Coffin, . . . Green, Robert Elliott, John Parish, John Ware and John Love Esqrs., list given in instructions to Lord Bellomont. [P.R. only.]

1702.—18 March. William Partridge, John Hincks, Nathaniel Fryer, Peter Coffin, Robert Elliott, John Gearish, John Ware, William Vaughan, Samuel Penhallow, George Jeffrey, John Plaisted and Henry Dow Esqrs., named in Joseph Dudley's instructions. [P.R. only.]

1705.—20 Dec. Richard Waldron, *vice* John Hincks, who left that country without the Governor's leave.

1707.—20 March. Winthrop Hilton, *vice* Nathaniel Fryer, deceased.—20 March. Joseph Smith, *vice* John Ware, dismissed at his own desire because of his great age and infirmities.

1709.—31 March. Mark Hankins [or Hunkins] and Thomas Packer, *vice* George Jeffrey and Henry Dow, deceased.

1712.—31 Jan. John Wentworth, *vice* Winthrop Hilton, deceased.

1715.—15 Sept. Shadrach Walton, Thomas Phipps, Theodore Atkinson, Richard Gerrish, George Jeffrey, Thomas Westbrook, Richard Wybird, to fill vacancies.

1716.—24 July. George Vaughan Esqr., Lieut.-Governor, Samuel Penhallow, Joseph Smith, Mark Hunkins, John Wentworth, Shadrach Walton, Thomas Phipps, Theodore Atkinson, Richard Gerrish, George Jeffrey, Thomas Westbrook, and Richard Wybird Esqrs., named in instructions to S. Shute. [P.R. only.]

New Jersey.

1702.—24 August. Edward Hunlock, Lewis Morris, Andrew Bowne, Samuel Jennings, Thomas Revell, Francis Davenport, William Pinhorn, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sandford and Robert Quarry Esqrs., named in Lord Cornbury's instructions. [P.R. only.]

1705.—29 Nov. Daniel Cox, Richard Townley, Roger Mompesson, the Governor's appointees, confirmed.

1707.—20 May. Peter Sonmans, *vice* Mr. Jennings, who has desired leave to resign.

1708.—26 June. William Hall and John Harrison, *vice* Thomas Revell and Daniel Leeds, who have been concerned in arbitrary proceedings.—26 June. Andrew Bowne, Francis Davenport, William Pinhorn, George Deacon, William Sandford, Richard Townley, Daniel Cox, Roger Mompesson, Peter Sonmans, Hugh Hoddy, Robert Quarry, named in instructions to Lord Lovelace. [P.R. only.]

1709.—25 Dec. Thomas Gordon, Thomas Gardner, appointed. Lewis Morris restored, having been suspended by Col. Ingoldsby for reasons which appear to the Board of Trade not sufficient.

1709.—25 Dec. Lewis Morris, Andrew Bowne, Francis Davenport, William Pinhorn, George Deacon, William Sandford, Richard Townley, Daniel Cox, Roger Mompesson, Peter Sonmans, Hugh Hoddy, William Hall, . . . Quarry Esqrs., named in Robert Hunter's instructions. [P.R. only.]

1713.—15 April. John Anderson, John Hamilton, John Redding, Elisha Parker and Thomas Byerley, *vice* Wm. Pinhorn, Daniel Cox, Peter Sonmans, and Wm. Hall dismissed, and another Councillor deceased.

1715.—17 June. Lewis Morris, George Deacon, Roger Mompesson, Hugh Hoddy, Thomas Gordon, John Anderson, William Morris, John Hamilton, John Redding, Elisha Parker, Thomas Byerley, David Lyoll, named in instructions to Robert Hunter. [P.R. only.]—17 June. David Lyoll.

1717.—27 Nov. John Parker, Peter Tretwell, John Wells, *vice* Hugh Hoddy and Elisha Parker, deceased, and George Deacon, resigned owing to age and infirmity.

1718.—21 July. John Hugg appointed to W. New Jersey, on the death or inability of several of the members.

1720.—11 June. John Johnston junior, for E. New Jersey, John Reading and Peter Band for W. New Jersey, to be inserted in Gov. Burnet's instructions.

1720.—11 June. Lewis Morris, Thomas Gordon, John Anderson, John Hamilton, Thomas Byerley, David Lyoll, John Parker, John Wells, John Hugg, John Johnston junior, John Reading and Peter Band Esqrs., named in instructions to William Burnet. [P.R. only.]

New York. 1691.—6 Aug. Thomas Johnson, Peter Schuyler, John Lawrence, Richard Townley, John Young, *vice* Francis Rombolt, Nicholas de Meyre, and John Haynes, recently deceased. [C.S.P. VIII. 1688.]

1693.—16 Feb. Joseph Dudley and William Pinhorn, suspended by Col. Fletcher, are to be removed from the Council, in case they will not reside within the province. [C.S.P. IX. 98.]

1695.—8 Aug. Caleb Heathcote.

1696.—22 Oct. Caleb Heathcote, and another to be nominated by the Governor, *vice* J. Dudley and W. Pinhorn.

1697.—15 April. Frederick Flypson, Stephen Cortland, Nicholas Bayard, William Smith, Gabriel Mienvielle, Chidley Brooke, William Nicholls, Thomas Willet, William Pinhorn, Peter Schuyler, John Lawrence, Richard Townley and John Young Esquires, list given in Bellomont's instructions. [P.R. only.]

1700.—4 April. Robert Walters. [C.S.P. XIII. 286.]

1701.—25 Sept. William Atwood, William Smith, Peter Schuyler, Abraham Depeyster, Samuel Staats, Robert Walters, Thomas Weaver, Sampson Shelton Broughton, Wolfgang William Romer, William Lawrence, Gerardus Beckman, and Rip van Dam Esqrs., list given in instructions to Lord Cornbury. [P.R. only.]

1702.—24 Aug. William Smith, Peter Schuyler, Sampson Shelton Broughton, Wolfgang William Romer, William Lawrence, Gerardus Beckman, Rip van Dam, John Bridges, Caleb Heathcote, Thomas Wenham, Matthew Ling, Killian van Rensselaer Esqrs., named in instructions to Lord Cornbury. [P.R. only.]

1703.—21 Jan. The same list is repeated, five of them being recommended by Lord Cornbury in place of Wm. Atwood, Thos. Weaver, Abraham Depeyster, Samuel Staats and Robert Walters, suspended by him for irregular proceedings and now removed. *See* 890. [P.R.]

1705.—9 July. Roger Mompesson, John Barbarie, Adolphus Phillips.

1707.—20 March. Col. Wm. Peartree, *vice* William Lawrence removed.

1708.—6 June. Peter Schuyler, Gerardus Beckman, Rip van Dam, Caleb Heathcote, Tho. Wenham, Killian van Rensselaer, Roger Mompesson, John Barberie, Adolphus Phillips, William Peartree, Abraham Depeyster and David Provost Esqrs., named in instructions to Lord Lovelace. [P.R. only.]

1709.—25 Dec. Dr. Samuel Staats, *vice* William Peartree, dismissed for acting contrary to the Act for the Encouragement of the Trade to America. Robert Walters, *vice* Thomas Wenham, deceased. Staats and Walters, being former members of the Council, are to have their old precedence.

1709.—25 Dec. Peter Schuyler, Gerardus Beckman, Rip van Dam, Caleb Heathcote, Thomas Wenham, Killian van Rensselaer, Roger Mompesson, John Barbarie, Adolphus Phillips, William Peartree, Abraham Depeyster and David Provost Esqrs., named in Robert Hunter's instructions. [P.R. only.]

1705.—17 June. Peter Schuyler, Samuel Staats, Robert Walters, Gerardus Beckman, Rip van Dam, Caleb Heathcote, Killian van Rensselaer, Roger Mompesson, John Barberie, Adolphus Phillips, Abraham Depeyster, David Provost, named in instructions to Robert Hunter. [P.R. only.]—9 Sept. George Clarke, Secretary of the province of New York, *vice* Roger Mompesson, deceased.

1716.—6 April. John Johnston, *vice* Samuel Staats, deceased.

1720.—8 Jan. Francis Harrison, *vice* K. van Rensselaer, deceased.—11 June. John Johnston and Francis Harrison, to be inserted in Gov. Burnet's instructions.

1720.—11 June. Peter Schuyler, Abraham Depeyster, Robert Walters, Gerardus Beckman, Rip van Dam, Caleb Heathcote, John Barberie, Adolphus Phillips, Thomas Byerley, George Clarke, John Johnston, and Francis Harrison Esqrs., named in instructions to William Burnet.

St.
Christopher.

1687.—4 March. Thomas Belchamber; appointed also to Antigua and Montserrat; Commissioner of $4\frac{1}{2}$ per cent. duty at Nevis; has frequent occasion to visit the other islands to inspect the inferior officers.

1689.—21 Nov. Lawrence Wright; also to Antigua, Barbados, Montserrat, Nevis. [C.S.P. VIII. 581.]

1690.—30 Oct. Thomas Belchamber, "again admitted into that trust," and also in Antigua and Montserrat.

1699.—22 Aug. James Norton, Lieut.-Governor of the said Island, Colonel Francis Collingwood, Lieut.-General of all the said Islands, John MacArthur, John Estridge, Edward Parsons, Michael Lambert, Henry Burrell, William Willet, Samuel Crook, John Garnet, William Mead and Stephen Paine Esqrs., list given in instructions to Col. Codrington. [P.R. only.]

1702.—24 Aug. John MacArthur, Lieut.-Governor of the said Island, Michael Lambert, Henry Burrell, Samuel Crook, John Garnet, William Mead, Stephen Paine, John Davis, Robert Cunningham and John Panton Esqrs., list given in instructions to Christopher Codrington. [P.R. only.]

1704.—23 Feb. Walter Hamilton, Lieut.-Governor of the said Island, John MacArthur, Michael Lambert, Henry Burrell, Samuel Crook, John Garnet, Stephen Paine, John Davis, Charles Matthew, James Thynn, Joseph Crisp, and John Pogson Esqrs., named in instructions to Wm. Matthew. [P.R. only.]

1705.—17 May. Walter Hamilton, Lieut.-Governor of the said Island, John MacArthur, Michael Lambert, Henry Burrell, Samuel Crook, John Garnet, Stephen Paine, John

Davis, Charles Matthew, Joseph Crisp and John Pogson Esqrs., named in instructions to Daniel Park. [P.R. only.]

1708.—11 July. John Peters, John Burryan, John Estridge, and John Willet, recommended by Gov. Park to fill four vacancies.—25 Nov. Francis Phipps, *vice* Col. Crisp, deceased.

1711.—10 April. Michael Lambert, Lieut.-Governor of the said Island, Henry Burrell, Samuel Crook, Stephen Paine, John Davis, John Panton, William Willet, John Peters, John Burryan, Joseph Estridge, John Willet, and Francis Phipps Esqrs., named in instructions to W. Douglas. [P.R. only.]—10 April. In view of the state of the islands, all vacancies in the Leeward Islands are to be kept open till Gov. Douglas, on his arrival, submits suitable names.—19 Dec. Walter Hamilton, appointed to each of the Leeward Islands. As Lieut.-General of the Leeward Islands, commanding in the absence of the Captain General, he is also to preside in the Councils in his absence. The Lieut.-Governor of Antigua had disputed his sitting in the Council there.

1715.—9 Sept. William Matthew, Esq.; Our Lieut.-General and Lieut.-Governor of Our said Island of St. Christophers, John Davis, John Panton, John Burryan, Joseph Estridge, John Willet, Francis Phipps, George Milward, George Liddell, Ralph Willet, John Helden, and John Duport Esqrs., named in instructions to Walter Hamilton. [P.R. only.]

1715.—9 Sept. William Matthew, Ralph Willet, John Helden, John Duport, to fill vacancies.

1719.—15 March. Stephen Duport, Charles Paine, John Garnet, and William Macdowell, *vice* John Panton, Ralph Willet, and John Duport, deceased; and John Helden, who refuses to act.

1685.—8 May. Col. John Custis, who had been supposed dead, and another nominated in his place. [C.S.P. VII. 180.]

Virginia.

1691.—15 Oct. Col. John Page, Edmund Jennings, and Christopher Robinson. Col. Page, omitted in the last nomination, as supposed to be dead, is restored to his place and precedency.

1694.—8 March. Henry Hartwell and James Blair. Blair is the Bishop of London's commissary in Virginia.

1695.—5 Sept. John Lightfoot and Daniel Park.

1697.—28 Jan. Col. Richard Johnson and Col. Charles Scarborough.

1698.—25 Aug. Ralph Wormley, Richard Lee, William Bird, Edward Hill, Edward Jennings, Daniel Park, Richard Johnson, Charles Scarborough, John Lightfoot, John Armstead, Matthew Page and Benjamin Harrison senior, Esquires, list given in Nicholson's instructions. [P.R. only.]

1699.—14 Dec. Robert Carter and John Custis. [C.S.P. XII. 1260.]

1700.—5 Sept. Lewis Burwell, *vice* Richard Lee, dismissed at his own request by reason of his age and infirmities.

1702.—14 May. Philip Ludwell, William Bassett, and Henry Duke. Lewis Burwell, on his own desire, is excused from serving by reason of age and infirmity.—22 Oct. William Bird, Edmund Jennings, Charles Scarborough, John Lightfoot, Matthew Page, Benjamin Harrison senr., Robert Carter, John Custis, Doctor Blair, Philip Ludwell, William Bassett, Henry Duke and Robert Quarry Esqrs., named in instructions to Francis Nicholson. [P.R. only.]

1704.—23 Feb. Dudley Diggs, *vice* Charles Scarborough, deceased.

1705.—23 April. William Bird, Edmund Jennings, John Lightfoot, Dudley Diggs, Benjamin Harrison senr., Robert Carter and John Custis Esqrs., James Blair Clerk, Commissary to the Lord Bishop of London, Philip Ludwell, William Bassett, Henry Duke, Robert Quarry and William Churchill Esqrs., named in instructions to Edward Nott

[P.R. only.]—20 Dec. Col. John Smith, *vice* Col. Bird, deceased. Smith was admitted by Col. Nicholson, but omitted in instructions to Col. Nott. He is restored to his former place and precedence, as John Lewis, similarly omitted, will be on the first vacancy.

1707.—29 April. Edmund Jennings, John Lightfoot, Dudley Diggs, Benjamin Harrison senr., Robert Carter, John Custis, James Blair, Clerk, Commissary to the Lord Bishop of London, Phi. Ludwell, Henry Duke, Robert Quarry, John Smith, Wm. Churchill and John Lewis Esqrs., named in instructions to Robert Hunter. [P.R. only.]

1708.—18 Aug. William Bird, Receiver of her Majesty's revenue there, *vice* Col. John Lightfoot, deceased.

1710.—Feb. Edmund Jennings, Dudley Diggs, Benjamin Harrison senior, Robert Carter, John Custis, James Blair, Philip Ludwell, Henry Duke, John Smith, John Lewis, William Churchill and Robert Quarry Esqrs., named in instructions to the Earl of Orkney. [P.R. only.]

1711.—19 Dec. Wm. Bassett and Wm. FitzHugh, *vice* Dudley Diggs and Wm. Churchill, deceased.

1713.—8 Aug. Wm. Cock and Edmund Berkeley, *vice* Edmund Jennings, who intends to return no more, and Benjamin Harrison senior, deceased.

1715.—29 March. Edmund Jennings, Robert Carter, James Blair, Philip Ludwell, John Smith, John Lewis, William Bird, William Bassett, William Cock, Nathaniel Harrison, Mann Page, and Edmund Berkeley Esqrs., named in instructions to Lord Orkney. [P.R. only.]

1719.—9 May. Cole Diggs, *vice* Edmund Berkeley, deceased.

1720.—28 June. Peter Beverley, *vice* John Smith, deceased.
—14 Dec. John Robinson, *vice* William Cock, deceased.

APPENDIX III.

COLONIAL ACTS CONFIRMED OR DISALLOWED BY
THE PRIVY COUNCIL, 1680—1720.

[The usual custom of the Privy Council, in dealing with Acts passed by colonial legislatures, was until May 1696 to refer them to the Committee for foreign trade and plantations, and after that date to the Board of Trade, or in some cases to the Law Officers of the Crown, and to act in accordance with their report. The entry in the Register consists usually of a formal notice of their confirmation or disallowance, with sometimes the report on which this was based. Very rarely is anything given of the Act other than its title. As accessible printed collections exist of most of these Acts, in many cases with a marginal note of the date of their confirmation or disallowance, we have simply referred to such Acts by their number in the collection. The letters P.R. after an entry mean that the law or laws are given in full in the Plantation Register.]

Antigua. *See also* Leeward Islands.

(The References are to Laws of Antigua 1668-1804, London 1805-18.)

1682.—8 Feb. Nos. 55-8 confirmed. [P.R. only.]

1683.—19 Dec. No. 13 disallowed on the petition of London traders as prejudicial to creditors. C.S.P. VI. 1478.]

1688.—24 Feb. Act of 25 March 1685 for a fort on the north side of the harbour of St. Johns confirmed. The inhabitants are to send an able negro to the work for every 30 negroes they possess under penalty of 30*lbs.* of sugar per day for each negro not duly sent; the officers of each Company are in turn to oversee the work under penalty of 1000*lbs.* of

sugar; the port at Falmouth is also to be repaired; a previous Act for the fort of St. John's (24 Aug. 1681) is repealed. An order of the Deputy-Governor and Council of April 1687 for the settling of fees upon the judges is also confirmed. The fees are: for every warrant in an action 18*d.*; for signing every warrant of arrest 18*d.*; for signing every execution 3*s.*; for proving every letter of attorney 6*s.*; for every attachment 18*d.*; for every deed proved before them 6*s.*; for every habeas corpus 18*d.*; for every fine and recovery 20*s.* The order is signed by the clerk, Walter Quarme, and the members of Council present were Col. Ed. Powell (Dep. Gov.), Wm. Barnes, John Parry, John Vernon, John Fry, Francis Carlisle, John Yeamans, and Archibald Cochrane.

1694.—11 Jan. Nos. 76-7, 80, 83 confirmed, and also An Act for easing of Tenants from the great Taxes already Raised and to be Raised during this warr and assessing of Landlords. [P.R. only.]

1696.—31 Dec. No. 94 confirmed, and also An Act Naturalizing Anthony Monteyro of this Island merchant being an Alien borne.

1697.—25 Feb. Nos. 93-4 confirmed.

1700.—22 Oct. Nos. 95-8, 101-2, 104-7, 109-11 confirmed; 103, 108 disallowed. [*p.* 91. C.S.P. XIII. 859-60. P.R.]

1703.—8 May. Nos. 126-32 confirmed, and also an Act for Raising a Tax of Nine Thousand five hundred Pounds money for paying Publick Debts and Charges. [*p.* 381. P.R.]

1705.—13 Dec. No. 134 confirmed. [P.R.] 133, 135 disallowed. [II. *pp.* 41-3.]

(References are to "The Acts of Assembly of Barbados," Barbados. London, 1721, and 1732.)

1685.—10 July. No. 307 disallowed. [Jas. II. *p.* 111. C.S.P. VII. 273.]

1687.—22 Oct. No. 321 confirmed. [*p.* 517.]

1690.—9 Jan. No. 313 disallowed. [Wm. III. Vol. I. p. 331. C.S.P. VIII. 700.]

13 Nov. 1690, 21 Jan. 1692, and 1 Dec. 1692 ; confirmations of grants to Governor James Kendall of 1500*l.*, 1500*l.*, and 2000*l.* respectively, stated in the first and third cases to be made from the excise on wines and other strong liquors. [I. pp. 49 and 314, and II. 37. C.S.P. VIII. 1134, 2021, 2660.]

1692.—1 Dec. No. 362 confirmed. (Given in full in Register.) [II. p. 40. C.S.P. VIII. 2659.]

1693.—2 March. No. 371 disallowed. Grant to Sir T. Thornhill confirmed. *See* 499. [p. 1056. C.S.P. IX. 151-2.]

1694.—22 March. Act of 14 Dec. 1692 for regulating the exorbitant rates demanded and received by masters of ships and others for freight or sugars &c. for Europe, disallowed. [p. 380. C.S.P. IX. 978.]

1694.—29 March. No. 370 confirmed. *See also* 538. (Given in full in Register.) [p. 386. C.S.P. IX. 995.]—17 May. Confirmation of two grants of 500*l.* each to Governor Kendall, the first for his better support in the government and for his expenses in removing from the Governor's residence to make way for Col. Russell ; the other as a gratuity from the country. [p. 414. C.S.P. IX. 1053.]

1697.—28 Jan. No. 416 confirmed. (Given in full in Register.) [p. 576. C.S.P. X. 641.]

1699.—18 May. No. 439 disallowed. [Vol. V. p. 334. C.S.P. X. 424.]

1701.—4 Jan. Nos. 451 and 460 confirmed. [Vol. VI. p. 294.]

1702.—2 July. No. 469 confirmed. [Anne, Vol. I. p. 168.]
—9 July. *See* 878.—9 July. Nos. 428-30, 434-5, 447-50, 453-5, 457, and an Act to enable the Commissioners of the Fortifications to make the new entrenchments or other works of defence in any man's land ; and that the owners of such land may be recompensed their damages out of the public treasury of this island, confirmed. [p. 180. P.R.]

1704.—3 Feb. Act setting 500*l.* a year on Sir B. Grenville for houserent during his government—*cf.* 918—confirmed. [Anne, II. *p.* 45.]

1706.—4 April. No. 474 disallowed. [III. *p.* 164.]—26 June. Nos. 485, 492-3, 497, 500-2, 505-6 confirmed. Nos. 456, 475, 482 disallowed. [*p.* 228.]—21 Oct. No. 525 disallowed. *See* 1007. [*p.* 252.]

1707.—2 Jan. Act for ascertaining the continuance of the General Assemblies of this island, disallowed. [*p.* 279.]—28 July. No. 535 confirmed. [*p.* 419. P.R.]

1708.—5 March. No. 536 disallowed, on the report of the Board of Trade, “That it having been thought fit to Restrain all Governors in the plantations from receiving presents, Sir Bevil Granville late Governor of the said Island, was by your Majesty’s Instructions to him, forbid to receive any Gift or Present from the Assembly or Others, on any Account or in any manner whatsoever, excepting only, that there being no House appoynted or Set apart for him, the Assembly was permitted to make a Temporary Provision of a House, or Rent for the same, out of the publick Levies, not exceeding the Summ of Three Hundred pounds Sterling per Annum, untill a House should be built for the Governor’s Residence, with a proviso, that the Assignment of such a house or Rent for the same, should be made at the first Session of Assembly, after his arrival in the said Government, or after the Receipt of the Signification of your Majesty’s Royal Pleasure in that Behalf.

Some while after this, the Assembly passed an Act, viz. on the 12th of September 1704, Entituled,

An Act to Secure the payment of the Annual Rent of Certain Lands and Buildings hired at the Charge of the Publick.

Which Act was Confirmed by your Majesty in Council the 26 of June 1706. And this Board not having been informed, that anything had been done in pursuance of this last mentioned Act, the like Instructions were given to your Majesty’s present Governor, but It having since appeared to Us, that a

Lease of a House, called Pilgrim House, with 20 acres of Land in your Majesty's said Island, was made to the Then Treasurer for 21 years, at the annual Rent of One Hundred and Twenty pounds for the Residence of your Majesty's Governors for the Time being, and Signed the 7th of February 1705, And That another Act was past the fourth of September 1706 for Confirming the said Case Entituled,

An Act to Confirm a Lease made by the Attorneys of Thomas Pilgrim Merchant to the Treasurer of this Island and his Successors, and to secure the payment of the Rent Therebye Reserved.

We take Leave to Represent to your Majesty, That We have been informed by several Considerable planters and Merchants Concerned in that Island, That the Assembly having found, that the said House was very Convenient for the Residence of the Governor It being situated near the Chief Town in that Island, in a Good Air, supplied with plenty of good Water, and in view of the Chief Forts, and from whence the Governor might see all Ships and Vessels that come in and go out of the principal Road There, and particularly that the Masters of all such Ships and Vessels could with less trouble and Danger of their Health, in regard to the heat of the Country, wayt on the Governor, to give him an Account of their Lading &c. as they are Obliged to do at their first Arrival in the said Island ; And We are further Informed that the said Assembly had been at about Ten Thousand pounds Expence, in Adding new Buildings, Stables and Out Houses &c. to the said House, to make the same Commodious, Usefull and Agreeable.

In regard therefore that the Assembly have taken a Lease for the said Term of years, and have been at so great an Expence, in Enlarging and making the said House Commodious, whereby your Majesty's said Instruction in that particular has been fully Complied with, We humbly Offer, That your Majesty be pleased to signify your Disallowance and Disapprobation of the said Act, And That Mr. Crowe be directed not to pass any such Act for the future. [pp. 1-2.]

1709.—18 Nov. No. 547, passed 11 May 1708, confirmed. No. 555, passed 16 May 1709, disallowed. [*pp.* 473-4.]

1710.—18 Feb. No. 69, passed in 1667, repealed.

1712.—31 Jan. No. 559 confirmed. [*p.* 374.]—8 March. No. 558 disallowed. [*p.* 392.]—8 Sept. No. 526 disallowed. [*p.* 14.]

1713.—9 Nov. No. 564, passed 1 Aug. 1712, confirmed. [*p.* 270.]

1716.—10 March. No. 554 confirmed. [*Geo. I. Vol. I. p.* 348.] (Referred, 12 Jan. Committee report, 23 Feb.)

1716.—12 Nov. No. 599 confirmed. [*p.* 460.]

1717.—29 Aug. No. 605, passed 18 Dec. 1716, confirmed. [*p.* 35.]—17 Oct. No. 560, passed April 1711, confirmed. No. 598, passed March 1716, confirmed. [*p.* 46.]

1720.—15 Nov. Act of Feb. 1719, to empower the Governor or Commander in chief and Council for the time being to commute the value of powder, arms and ammunition or other stores found wanting in the accounts of storekeepers, and to reduce the same into money. Disallowed. *See* 1333. [*p.* 53.]

(The references are to “Acts of Assembly, made and enacted in the Bermuda or Summer-Islands, 1690 to 1713-4.” London 1719; reprinted 1737.) Bermuda.

1702.—14 Nov. Act to prevent the oppression and extortion of officers, *p.* 60 § 1, disallowed, on the opinion of the Board of Trade, “that the said Act does lay such Restrictions upon all future Provost Marshalls and Secretaries there as are derogatory to Her Majesty’s Prerogative and Right of appointing such officers.” [*p.* 244.]

1704.—3 Aug. Revenue Act, *p.* 65 § 2, confirmed. *See* 941. [*p.* 161.]

1704.—3 Aug. 34 Acts confirmed, and 4 disallowed. Nos. 2-9, 12-29, 32-3, 38, 40, 42-3, 44, 46 confirmed; 30-1, 36, 43 disallowed. [*pp.* 158-60.]

1705.—26 April. An Act to prevent the insolvency of negroes and other slaves, *p.* 68 § 2, disallowed. [*p.* 333.]

1708.—20 Feb. 24 Acts confirmed and 5 disallowed. All these may be identified by the marginal date in the printed collection, *pp.* 8-68. [*pp.* 535-7.]

1708.—26 June. 2 Acts, *p.* 70 § 1, and *p.* 71 § 1, confirmed. [*p.* 114.]

1717.—31 July. Act, *p.* 79 § 1, confirmed. [*p.* 25.]

Carolina. 1706.—10 June. Two Acts as to religious worship disallowed. (*See* 1002.) [*Anne*, III. *pp.* 211-3.]

1708.—20 Feb. North Carolina Act to encourage the settlement of this country, disallowed. [*p.* 533.]

1718.—14 May. Act laying a duty upon British goods disallowed. *See* 1294. [*p.* 141.]

Connecticut. 1705.—11 Oct. A Representation from the Lords Commissioners of Trade and Plantations being this day read at the Board, upon an Act Passed in Her Majesty's Colony of Connecticut Entituled only Hereticks, whereby it is Enacted, That all who shall entertain any Quakers, Ranters, Adamites and other Hereticks are made lyable to the Penalty of Five pounds, and five Pounds per wak for every Towne that shall so entertain them ; That all Quakers shall be Committed to Prison or be sent out of the Colony, That whoever shall hold unnecessary Discourse with Quakers shall Forfeit Twenty shillings, That whoever shall keep any Quakers books (The Governor, Magistrates and Elders Excepted) shall forfeit Ten shillings, and that all such Books be suppress ; That no Master of any Vessell do land any Quakers without Carrying of them away again, under the Penalty of Twenty Pounds, and the said Lords Commissioners humbly offering that the said Act be Repealed by Her Majesty, it being contrary to the Liberty of Conscience, Indulged to Dissenters by the Laws of England, as likewise to the Charter granted to that Colony, Her Majesty with the advice of Her Privy Councill is pleased to Declare Her Disallowance and

Disapprobation of the said Act and pursuant to Her Majesty's Royall Pleasure thereupon, the said Act Passed in Her Majesty's Colony of Connecticut in New England, Entituled Hereticks, is hereby repealed and Declared Null and Voyd and of None Effect.

(The references are to "Acts of Assembly, passed in the Island of Jamaica from 1681 to 1737." London 1738.) Jamaica.

1683.—23 Feb. 28 Acts confirmed for seven years. Nos. 1-28. The Act for raising a public impost, of which the title only is given in the printed collection, laid duties on imports, chiefly of strong liquors and West Indian commodities, and directed precautions to be taken against smuggling. A tax of 5*l.* was imposed on licenses to sell or retail strong liquors on the island. The revenue arising by the Act, together with his Majesty's quitrents, was appropriated to the support of the Government of Jamaica. 1250*l.* was to be set aside annually for 21 years for building and repairing fortifications. Provision was made for taking security from the Collector or Receiver and for the Governor's control over all warrants for the issue of money. [*p.* 637. C.S.P. VI. 968. P.R.]

1683.—23 Feb. Act of 28 Oct. 1681 declaring the laws of England in force, disallowed. [*p.* 637. C.S.P. VI. 969.]

1684.—17 April. Nos. 29-41 confirmed for 21 years, and confirmation of the above 28 extended for the same period. [*p.* 144. C.S.P. VI. 1639. P.R.]

1684.—17 April. Three Acts of Sept. 1683 repealed: (a) for the better ordering of slaves in order to prevent the wilful and wanton killing of negroes—until some further penalty be imposed in that behalf: (b) an Act to repeal several laws (together with all the laws intended thereby to be repealed): (c) an Act against engrossing and forestalling—on the opinion of the Committee and of the Commissioners of the Customs that it is "contrary to that freedom of Trade which we are willing to encourage amongst our subjects." [*p.* 114. C.S.P. VI. 1640.]

1689.—17 Oct. Act of 20 July 1688 for regulating the weight and value of foreign coins and ascertaining of interest, disallowed. [*p.* 267. C.S.P. VIII. 494.]

1695.—26 Dec. Nos. 42-58 confirmed, as also An Act to Enable certaine persons to sell Landes for the payment of Debts of Thomas Ballard Junior, Esqr. Deceased. [P.R. only.] Act of 1693 to prevent engrossing, forestalling, and exporting of provisions, arms and ammunition, disallowed. [Wm. III. Vol. IV. *p.* 249. C.S.P. IX. 2214.]

1697.—18 March. An Act to invest Henry Lowe Esqr. in the quiet Possession of the Estate late of Sir Francis Watson Knight, deceased, confirmed. [P.R. only.]

1697.—29 July. Two Private Acts for settling a parcel of land and negroes on William Truxton and his heirs, and for enabling John Childermas gent. to sell lands for payment of debts and to settle a jointure, confirmed. [V. *p.* 59. C.S.P. X. 1213. P.R.]

1699.—5 Jan. Nos. 60, 62, 63, 67, 70 confirmed. [P.R. only.]

1700.—14 March. Nos. 61 and 75-79 confirmed. [*p.* 436. C.S.P. XIII. 229. P.R.]—18 April. No. 73 confirmed. [Vol. VI. *p.* 4.] (Confirmed 5 Jan. 1699, but defaced, and Board of Trade had to prepare a duplicate before it could be engrossed and transmitted.) [P.R.]—2 May. No. 81 disallowed. [*p.* 19. C.S.P. XIII. 382.]

1703.—17 May. Nos. 80, 82-4, and 90 confirmed. [*p.* 393. P.R.]—11 Nov. No. 105 disallowed. [*p.* 451.]

1704.—10 Feb. Nos. 101-2, 115 disallowed, the Board of Trade having several times heard those concerned in petitions from Jamaica and from Bristol, and the Jamaica petition having been considered also by the Council. [II. *p.* 50.]—18 May. No. 97 confirmed. [*p.* 117. P.R.]—18 May. Nos. 98, 107-8, 113 confirmed. [P.R. only.]—6 July. No. 95 confirmed. [*p.* 140.]

1704.—17 Aug. Act for raising a revenue to her Majesty, her heirs and successors for the support of the government of this island and for maintaining and repairing her Majesty's forts and fortifications. [Vol. II. *p.* 165. P.R.]

1706.—14 Nov. No. 128 disallowed. [Vol. III. *p.* 257.]

1707.—21 July. No. 126 disallowed. Nos. 118, 122-5, 129, and 133 confirmed (*cf.* 1036). [*pp.* 414-5. P.R.]—18 Dec. No. 136 disallowed. [*p.* 482.]

1708.—26 June. Nos. 141-2 confirmed. [Vol. IV. *pp.* 111-2.]—18 Nov. No. 144 disallowed, with note that if an Act be passed not subject to the objections raised by the Board of Trade, it will be confirmed. [*p.* 472.]

1710.—3 Jan. No. 155 confirmed. [*p.* 502.]—30 March. Nos. 149 and 151 confirmed. [*p.* 560.]

1713.—8 Aug. No. 169 disallowed. [*p.* 220.]

1714.—21 April. No. 163 confirmed. [*p.* 356. P.R.]

1714.—22 Nov. No. 185 disallowed (*cf.* 1211). [Geo. I. Vol. I. *p.* 122.]

1715.—5 May. Nos. 166 and 171 confirmed (*cf.* 1224). [*p.* 220.]

1716.—12 Nov. No. 110 confirmed. [*p.* 460.]

1717.—31 July. No. 185 disallowed—passed Feb. 1714. [II. *p.* 24.]

1717.—31 July. No. 196 confirmed—passed Nov. 1716. [*p.* 25. P.R.]

1718.—9 Jan. No. 203 disallowed, on petition from the South Sea Company—passed 31 Aug. 1717 (*cf.* 1278). [*p.* 79.]

1718.—9 Feb. Nos. 178-9 (passed 1711), 183 (1712), 188 (1716) confirmed. [*p.* 98.] and Nos. 165, 172 and 177 (1711) and 191-2, 195, and 197-9 (1716) repealed. [*p.* 99.] Nos. 182 (1712) and 189 (1716), postponed.

1719.—26 May. Nos. 186 (1714) and 189 (1716) disallowed. (As 186 is contrary to the Acts of Trade, the Governor is not

to pass any Act for increasing the number of ports of entry without a clause suspending its execution till his Majesty's pleasure be known.) [p. 261.]

Leeward
Islands.

See also under Antigua, Montserrat, Nevis, St. Christopher. (References are to Laws of the Leeward Islands, included in the Laws of Antigua. London 1805-1818.)

1691.—28 May. Nos. 1-2 confirmed. [p. 190. P.R.]

1694.—11 Jan. No. 4 confirmed: another Act referred to the Assembly of the Leeward Islands to insert a clause preserving the King's prerogative of pardon. [p. 314. C.S.P. IX. 806.]

1694.—11 Jan. Nos. 2, 7, 6, 8, 9 confirmed. [P.R. only.]

1696.—31 Dec. Nos. 10-16 confirmed. Also An Act for the Impost on Liquors. An Act for the opening of Courts for the due Execution of the Laws. An Act for securing the payment of Four hundred and Fifty pounds Lawfull Money of England with Tenn per Cent. unto Captain John Perry &c. in the City of London. [P.R. only.]

1702.—23 July. Nos. 120-2 confirmed. [p. 188. P.R.]

1703.—4 March. Act granting 1200*l.* to Gov. Codrington confirmed. [p. 331.]—20 March. Nos. 19-20 disallowed. [p. 340.]—3 April. Act to naturalise Col. Walter Hamilton confirmed. [p. 348.]—17 May. Nos. 23-6 confirmed. [P.R.] No. 17 disallowed. [p. 389.]

1708.—8 Jan. Two Acts about houserent for the Governor disallowed (*cf.* 1043). [p. 491.]—30 Dec. Act of 1705 for establishing courts and settling due methods for the administration of justice throughout all your Majesty's Leeward Charibee Islands in America, disallowed. [p. 226.]

1715.—5 Dec. No. 141 confirmed. [Geo. I. Vol. II. p. 318.]

1716.—12 Nov. No. 151 confirmed. [II. p. 460.]

1717.—31 July. No. 157 confirmed. [II. p. 25.]

1718.—30 Jan. No. 147 disallowed; No. 150 confirmed. [p. 87.]

1718.—1 July. No. 148 disallowed. [*p.* 151.]

1719.—26 May. Nos. 152 and 160 disallowed. [*p.* 260.]

1720.—19 May. No. 159 confirmed. [*p.* 411.]

1693.—2 March. Act for regulating of Ordinaries, repealed Maryland.
on the Committee's report on the petition of Sir T. Lawrence.—
See 485. C.S.P. IX. 150. [Wm. III. Vol. III. *p.* 103.]

1696.—4 Jan. Act for the service of Almighty God and the establishment of the Protestant religion, repealed as containing a clause of another nature than what is set forth by the said title; an Additional Act to the Act of Religion, 1694; and an Act for erecting free schools, 1695, disallowed.—C.S.P. IX. 2230. [*p.* 253.]

1699.—30 Nov. Another Act for the service of Almighty God disallowed for the same reason as in 1696. Act for ascertaining the laws of this province, disallowed.—C.S.P. XII. 1018. [*p.* 396.]

1703.—18 Jan. An Act for the establishment of religious worship in this province, according to the Church of England; and for the maintenance of ministers, confirmed. *See* Acts of Assembly of Maryland, 1692-1715 (London 1723) No. 5. [Anne, I. *p.* 293.]

1706.—3 Jan. Two Acts against Popery disallowed. *Cf.* 988.

1708.—1 April. Act ascertaining the gauge of tobacco hogsheads (3 Oct. 1704), and Act to prevent cropping, cutting and defacing tobacco taken on board ships and vessels upon freight (15 April, 1707), disallowed. [IV. *p.* 45.]—25 Nov. Act passed in 1707 giving power to the Farmers of Lord Baltimore's rents to recover arrears after expiration of their lease, disallowed, in accordance with the report of the Board of Trade of 23 Nov. :—

We have considered the same, and heard the Lord Baltimore by his Council thereupon, who urged,

That the said Act is granted upon Two mistakes in Law :
First, that altho' the Remedy by Distress is gone after the end of the Term of Eight Years (mentioned in the

said Act) yet the Remedy by Action of Debt remains good to the Farmers, which is as much as this Act provides, and such Remedy is, and ought to be had only, in the Provincial Court in that Province, and no Statute of Limitation can bar or hinder the said Farmers, but by their own neglect.

The second is, that the Act supposes that the Lord Baltimore's Receipt of a Year's Rent, after the end of the Term aforesaid, will extinguish or discharge the Arrears due to the said Farmers; which is an error; for his Lordship's Receipt of a subsequent Rent might debar his Loss of a former Rent due to himself, but cannot prejudice the Right and just Demands of others &c.

Besides, there is a Clause in the said Act, that no Orphan shall be sued in an Action of Debt, for Arrears of Rent till five years after such Orphan attains his Age, which is to introduce an unjust law.

The foregoing Objections being in our Opinion well grounded, we humbly offer, That Your Majesty be pleased to Disallow and Repeal the said Act.

1709.—24 Oct. Act of Dec. 1708 for Relief of poor Debtors and Languishing prisoners, disallowed. [*p.* 456.]—15 Dec. Act for Advancement of Trade and Erecting Ports and Towns (April 1706); A Supplementary Act to the last (15 March 1707); an Act additional to the last, and for Sale of Public Lands in the Town of St. Mary's (17 Dec. 1708); An Act Ascertaining what Damages shall be allowed upon protested Bills of Exchange (11 Dec. 1708)—repealed.

1710.—2 Nov. 15 Acts passed in Nov. 1709 after Col. Seymour's death, and "assented to by the Councillors as Governor in Chief" are disallowed as irregular in view of the instruction to the Governor that, on the death or absence of a Governor where there is no Lieut.-Governor, the President of the Council for the time being act as Deputy-Governor.—An Act reviving an Act intituled an Act for limitations of officers' fees :—

An Act to repeal a certain clause of an Act entitled an Act ascertaining fees to attorneys and practitioners of the law in the courts of this province and for levying the same by way of execution.

An Act to allow the importation of bread, flour and Indian corn, from the end of this sessions of Assembly to the end of the next sessions.

An Act reviving and continuing an Act of Assembly of this province entitled an Act for the ordering and regulating the militia of this province for the better security and defence thereof and for supplying some defects therein.

An Act to reform the ill practice of High Sheriffs within this province.

An Act reviving and continuing of all process and proceedings in St. Mary's County Court, Dorchester County Court, Baltimore County Court, from the 1st and 2nd Tuesdays in November 1709 to the last Tuesday of the same month.

An act suspending the execution of an Act of Assembly entitled an Act for relief of poor debtors and languishing prisoners.

An Act appointing how long suspected runaways shall lie in prison and for the discharge of Indian Harry late a prisoner in Summerset County.

An Act for the naturalisation of Daniel Pacquet of Ann Arundell County labourer.

An Act for relief of Tobias Pollard and John Pollard of Dorchester County gentleman.

An Act confirming and making good and effectual in law a certain deed or lease made by Susannah Tracy, wife of John Tracy, late of Ann Arundell County carpenter, to James Heath of the same county gentleman.

An Act empowering Thomas Edmondson of Talbot County, surviving executor of his father John Edmondson to sell and dispose of the lands by the said John Edmondson left, for the payment of his debts.

An Act for the removing of John Egerton late of St. Marys County planter now lying under execution for debt in the custody of the sheriffs of Calvert County.

An Act confirming and making good and valid in law a certain lease or deed of demise made between Robert Smith late of Talbot County Esqr. deceased and Mathew Mason of the same county planter.

An Act confirming the title of the lands therein mentioned under Col. William Holland, Richard Harrison and Samuel Chud. [*pp.* 141-2.]

1711.—14 June. Acts of 1699 and 1704 for Appeals and Regulating Writs of Error, repealed. [*p.* 253.]

Massachu-
setts Bay.

(References are to numbers of titles in 1724 edition of Acts of Massachusetts Bay.)

1695.—22 Aug. 35 Acts confirmed. 22 of these are Nos. 1-22; the others are :—

An Act for Enforceing the Collecting and Paying in the Arrears of Publick Assessments &c.

An Act for Collecting the Arrears of Town and County Rates.

An Act for the Granting to Their Majesties an Assessment upon Polls and Estate.

An Act for Impost Excise and Tunnage of Shipping.

An Act for makeing the former Bills of Credit to passe Currant in future payments.

An Act for Transporting of part of the Militia of the Province or Obligeing them to March to the Relief of the Neighbouring Provinces or Colonies.

An Act for Impost and Excise.

An Act for Regulateing the former Assesment and for granting an Additionall Supply of Money.

An Act for payment of Five hundred pounds to his Excellency.

An Act for granting an Allowance to the Members of the Council for their Necessary Charges and Expences, dureing the Sessions of the Generall Assembly.

An Act for Enabling the Justices of the Superiour Courts to hold a Court of Assize and Generall Goal Delivery, within the County of Essex, upon Tuesday the Third of January next.

An Act for the Proportioning and Settling of the Tax or Assessement of Thirty thousand pounds granted unto Their Majesties.

An Act for the Reviveing and Continueing of the Dutyes upon Goodes, Impost, Excise and Tunnage of Shipping and the Act for Granting the same.

1695.—22 Aug. 15 Acts are disallowed. The reasons for repeal are given in a letter to the colony of 26 Dec. 1695.
—C.S.P. IX. 1874. [p. 250.]

(1) An Act for Continueing the Locall Lawes to stand in Force, till November the 10th 1692.

(2) An Act for Erecting of a Navall Office.

(3) An Act for the holding of Courts of Justice. Inferior Courts are to be held by the Justices of the Peace, and the Justices of the Peace in Suffolk County are to be specially appointed by the Governor with the consent of the Council, "whereby the Power of His Majesties Charter is Enacted and Established into a Law, and Distinction made in the manner of appointing Justices for the County of Suffolke and other Counties."

(4) An Act for Incorporateing of Harward Colledge att Cambridge in New England.

(5) An Act for setting forth Generall Priviledges. "A Clause in the said Act . . . Enacted, that all the Landes and Heritages within the said Province shall be free from Year day and Wast, Escheats and Forfeitures upon Death of Parents or ancestors Naturall, Casuall or Judiciall and that for Ever. Except in Cases of High Treason, which is Repugnant to the Lawes of England and for that the said Act requires Bayle to be taken in all Cases Except Treason and Felony, plainly exprest in the Warrant of Commitment, which with other Priviledges proposed by

the said Act, not having been as yet granted by His Majesty in any of the Plantations. It was not thought fitt in His Majesties Absence to allow the same.

(6) An Act for the Quieting of Possessions and Settling Titles.

(7) An Act for the Equall Distribution of Insolvent Estates.

(8) An Act for the Punishing of Capitall Offenders

(9) An Act for the making of Lands and Tenements Lyable to the payment of Debts.

(10) An Act against the Counterfeiting, Clipping, Rounding, Filing and Impaireing of Coines :—“ the Punishment thereby Inflicted being only Forfeiture of double the Vallue of the Coin Impaired and standing in the Pillory and looseing an Eare it being thought fit that these crimes ought to be Punished as in England.”

(11) An Act for the Establishing of Judicatories and Courts of Justice within this Province.

(12) An Act for the Establishing of Proecedents and Formes of Writts and Processes.

(13) An Act against Conjuraton, Witchcraft and Dealeing with Evill and wicked Spirits—as it does not agree with the Statute of 1 James I, “ whereby the Dower is saved to the Widdow and the Inheritance to the Heire of the Party Convicted.”

(14) An Act for the better secureing the Liberty of the Subject and for Prevention of Illegall Imprisonment.

(15) An Act for the Riviveing of an Act for Continueing of the Locall Lawes and one other Act for sending of Soldiers to the Relief of the Neighbouring Provinces and Colonies. [pp. 194-6. C.S.P. IX. 2019-20.]

The letter of 29 Dec. 1695, after giving the reasons for repealing these Acts, proceeds

“ And Wee are further to take Notice to you that in the Formeing the said Lawes, diverse acts are joynd together under the same Title, whereby it has been

Necessary for the Repealing of such of them, as have not been thought fitt to be Confirmed, to Vacate such others as have been comprehended under such Titles as may be observed in the act Intituled an Act for punishing Capitall Offenders the preventing of which Inconvenience, Wee cannot but Recommend to your Care for the Future." [pp. 250-2.]

1695.—29 Dec. Act for coasting vessels within this province ; and Act to restrain the exportation of raw hides and skins out of the province of the Massachusetts Bay and for the better preservation and increase of deer in the said province, disallowed. [p. 249. C.S.P. IX. 2216.]

1696—5 Nov. Act for regulating the building of ships ; and Act encouraging a Post Office (both of 1693), disallowed. [p. 534. C.S.P. X. 366.]

1696.—10 Dec. Five Acts of 1693-4 disallowed.—C.S.P. X. 484, with reasons as given in the report of the Board of Trade. —C.S.P. IX. 2235. [p. 558.]

1698.—24 Nov. Nos. 47-57, 59-77, and an Act for the further continuing of the Act for writs and processes, confirmed. (No. 58, which is not in the Register, is an addition to the poll-tax.) Six Acts of 1695-7 are at the same time disallowed.

(1) An Act of Supplement and Addition to severall Acts therein mentioned.

(2) An Act that all Persons not being Free Holders or settled Inhabitants commencing Suit shall give Security before Process be granted.

(3) An Act for continuing of severall Acts therein after mentioned that are near Expiring.

An Act for the Reviving and Establishing of Judicatories and Courts of Justice, and the Forms of Writts and Processes.

An Act for Establishing of Courts.

An Act for Incorporating Harvard Colledge at Cambridge in New England. . . . The same not being framed

according to His Majestys former Order in Councill.
[pp. 271-3. C.S.P. XI. 1010-1.]

1700.—22 Oct. Nos. 78-109 confirmed, together with
5 other Acts.

An Act for granting unto his Majesty a tax upon polls and estates (two of this title).

An Act for applying the sum of 1000*l.* part of the tax upon polls and estates granted to his Majesty by this Court unto the use of his Excellency Richard, Earl of Bellomont.

An Act to empower Joan Papillio to sell two ten-acre lots belonging to the estate of Peter Papillio late of Bristol deceased.

An Act to enable Samuel Searle, son of Daniel Searle, formerly of the island of Barbados, Esq. deceased, and Jonathan Tyng Esq. son and heir of Edward Tyng Esq. deceased to sell a house and land in Boston.

[The following Acts are disallowed] :—

An Act for the Establishing of Precedents and Forms of Writs and Processes in Civill Causes.

An Act Establishing of Sea Ports within this Province, and for Asscerteyning the Fees for Enttring and Clearing of Vessells inward and outward bound.

An Act for Regulating and Inspecting the Building of Ships.

An Act for the Regulating and directing the Proceedings in the Courts of Justice Established within this Province.

An Act for the better preventing of the Spreading of Infectious Sicknesse. [*p.* 89. C.S.P. XIII. 863.]

1701.—12 June. Nos. 110-117 confirmed, together with five money bills :—

An Act for the continuing and further granting unto his Majesty severall Dutys of Impost and Tonnage of Shipping.

An Act for granting unto his Majesty an Excise upon Wines, Liquors and Strong Drink sold by retaile.

An Act for reviving and continuing of the Act Intituled, An Act for giving necessary Supplys to the Eastern Indians, and for Regulating Trade with them.

An Act for granting unto his Majesty a Tax upon Polls and Estates and

An Act granting the sume of One Thousand pounds unto his Excellency Richard Earle of Bellomont.

[In a separate section the special sanction required for such a present is granted and the money directed to be paid to Lord Bellomont's executor, the Governor himself being dead.] [p. 217.]

1719.—26 May. No. 292, passed in May 1718, disallowed (*cf.* 1315). [p. 262.]

See also Leeward Islands.

Montserrat.

(The references are to "Acts of Assembly passed in the Island of Montserrat 1668-1740." London 1740.)

1682.—8 Feb. Nos. 31 and 33, confirmed. [P.R. only.]

1691.—28 May. Act to prevent the making and receiving bad and corrupted indigo, confirmed. [p. 191. C.S.P. VIII. 1543. P.R.]

1696.—31 Dec. 34-39 confirmed. [P.R. only.]

1703.—8 May. Nos. 45 and 49 repealed, and Col. Codrington instructed to prepare a proper law in place of the latter. 46-8 and 50 confirmed. Those confirmed are in P.R.

[Anne, I. p. 384.]

See also Leeward Islands.

Nevis.

(References are to "Acts of the Assembly of Nevis." London 1740.)

1682.—8 Feb. Nos. 2-9 confirmed. [P.R. only.]

1690.—9 Jan. Act of 15 April 1686 for the rebels to serve ten years—*i.e.* the men transported from the West after Monmouth's rebellion—disallowed. [Wm. III. Vol. I. p. 331. C.S.P. VIII. 700.]

1691.—28 May. Nos. 11-13 confirmed. [p. 191. C.S.P. VIII. 1544. P.R.]

1694.—11 Jan. Nos. 14-15 confirmed. [P.R. only.]

1700.—22 Oct. Nos. 16-8 and 25-33 confirmed. [P.R.]; 19-23, 34, and two given in C.S.P. XIII. 860 disallowed. No. 24 is referred to a Committee of the whole Council, and, on their recommendation, is confirmed, 20 Nov. [Wm. III. Vol. VI. *pp.* 90-3 and 276. C.S.P. XIII. 859-60.]

1701.—16 Sept. Nos. 37-41 confirmed [P.R.]; 36 disallowed; 42 (to encourage the late disbanded soldiers to remain and enlist themselves in the service of the island) referred back to the Board of Trade, their Excellencys having been Informed that some Indirect means have been used to Deprive them from the Liberty of returning Home contrary to His Majesty's Gracious Intentions. On 20 Nov. it is confirmed [P.R.] [*pp.* 260-1.]—21 Dec. Nos. 45-50 confirmed [P.R.]; 43 and an Act for the militia to meet and exercise every month, disallowed. [*p.* 288.]

1703.—12 Aug. Another Act for the better securing and confirming the titles of land—the same title as No. 43, disallowed. [*p.* 440.]

1704.—11 May. Nos. 52-3 confirmed. [II. *p.* 113.]

1705.—13 Aug. No. 56 confirmed. [*p.* 419. P.R.]

1706.—2 May. Nos. 57-8 confirmed [P.R.]; Acts to settle the Secretary's and the Marshal's fees, disallowed. [III. *pp.* 185-6.]

1708.—30 Dec. No. 54 disallowed. [IV. *p.* 226.]

1716.—13 Sept. No. 79 confirmed, on report of Board of Trade. [Geo. I. Vol. I. *p.* 441.]

1716.—6 Dec. Nos. 78 and 80 confirmed. [Geo. I. Vol. I. *p.* 468.]

1718.—1 July. No. 81 confirmed. [*p.* 151.]

1720.—8 Jan. No. 83 confirmed. [*p.* 364.]

New Hampshire. 1700.—22 Oct. Act for a tax or assessment of 500*l.*, which is intended for the proper use of the Earl of Bellomont, confirmed. Act for the restraining and punishing of privateers and pirates, disallowed. [*pp.* 88. C.S.P. XIII. 865-6.]

1702.—17 Dec. Act granting a tax of 500*l.* to her Majesty confirmed, and Gov. Dudley permitted to receive 250*l.* therefrom, as provided by the Act. [*p.* 272.]

1703.—11 Nov. Two Acts for the confirmation of town grants; and to prevent contentions and controversies that may arise concerning the bounds of the respective towns within this province, disallowed. [*p.* 453.]

1704.—18 May. Act for obliging the inhabitants to do military service, and for raising money for a stock of provisions to be in each town ready for a march against the enemy. [*p.* 116.]

1706.—19 Nov. 13 Acts confirmed and 13 disallowed.

Disallowed :—

An Act Entituled An Addition to a late Act entituled an Act to compell Constables to do their Duties in Collecting Rates.

An Act for the Settling and Distribution of Intestates Estates, and such as prove Insolvent.

An Act concerning Marriages, Births and Burials.

An additional Act concerning Marriages, Births and Burials.

An Act for maintenance and Supply of the Ministry within this Province.

An Act for the Acknowledging of Deeds.

An Act for Restraining inhumane severities.

An Act for the Punishment of Criminal Offenders.

An Act for recording Deeds and Conveyances.

An Additional Act for Settlement of Intestates Estates, Thereto added Insolvent Estates how to be disposed of.

An Act for taking Affidavits out of Court.

An Act for Regulating of Tryalls in Civill Cases.

An Act for establishing Courts of Publick Justice within this Province.

Confirmed :—

An Act for settling the Militia.

An Act for Killing of Wolves.

An Act for the Allowance of Representatives.

An Act against shipping of Horses without Entering.

An Act for Regulating of Cattle, Corn-Feild and Fences.

An Act for Regulating of Weights and Measures.

An Act to prevent the Prophanation of the Lord's Day.

An Act to Compell Constables to do their duty in Collecting Rates.

An Addition to the Law entituled Corn-Feilds and Fences.

An Act to prevent Concealing Estates from Assessors.

An Act for the Payment of the Cure of soldiers that are wounded.

An Act for Repairing His Majesty's High Ways.

An Act about Powder-Money. [P.R.]

1718.—27 Aug. Three Acts disallowed: against high treason; for the relief of idiots and distracted persons; providing for posthumous children. [p. 172.]

Of these New Hampshire laws, only the last two are given in "Acts and Laws of His Majesty's Province of New Hampshire, (Portsmouth N.H. 1771), and to them is added the note "This Act was disallowed soon after it was passed, but was not signified to the Government till an additional Act was past and sent home 1769."

New Jersey. 1709.—24 Oct. Act of Dec. 1704 for Regulating Negro, Indian, and Mulatto Slaves within this Province, disallowed. [p. 450.]

1711.—1 March. Act of 1709 for Ascertainning the Place of the Sitting of the Representatives to meet in General Assembly, confirmed. [p. 203.]

1715.—31 Aug. Act of 16 Feb. 1713 to enable Thomas Gordon Esqr. Treasurer of this Province to pay the Sum of 999*l.* 13*s.* 3*d.*, towards the Support of the Government, and for Discharging the Said Treasurer thereof, confirmed. [p. 273.]

1718.—13 Feb. Acts of 11 March 1714 and Jan. 1716-7 confirmed—that the solemn affirmation and declaration of

the people called Quakers shall be taken instead of an oath in the usual form, and for qualifying and enabling the said people to serve as jurors, and to execute any office or place of trust and profit within this province :—to repeal a former Act for the ascertaining the place of the sitting of the representatives to meet in General Assembly. [*p.* 107.]

(References are to Acts of Assembly of New York 1691-1718, London, 1719.) New York.

1694.—11 Jan. No. 5 on *p.* 18 confirmed.—C.S.P. IX. 805. [*p.* 313.]

1697.—11 May. Confirmation of Acts on *p.* 1 ; *p.* 6 (two) ; *p.* 8 Nos. 1, 4, 5, 8 ; *p.* 9 ; *p.* 12 last No. ; *p.* 13 ; *p.* 16, *p.* 17, *p.* 18 Nos. 3, 7, 8 ; *p.* 21 No. 2 ; *pp.* 23 and 24 ; and three other Acts continuing for 12 or 18 months an Act for satisfying and paying the debts of the Government. The second of these appropriates the money to the rebuilding of the chapel in the fort, the mounting of 16 great guns, and the defraying of the debts of the Government. An Act for restraining and punishing privateers and pirates is disallowed. [Vol. V. *p.* 10. C.S.P. X. 1011-2.]

1700.—5 Sept. Confirmation of Acts on *p.* 26 No. 10 ; *p.* 29 No. 2 ; *pp.* 32, 33 ; *p.* 38, Nos. 1-3 ; *p.* 39 Nos. 1-4, and Acts for the raising a yearly rate to pay the respective collectors in each respective city and county in this province for their pains in collecting and paying the public and taxes ; and reviving an Act expired by its own limitation entituled an Act for the regulating the retaining Attorneys at Law. An Act, *p.* 29 No. 1, is disallowed. [Vol. VI. *p.* 80. C.S.P. XIII. 754-5 and 757.]

1702.—31 Dec.—6 Acts disallowed :—

An Act for continuing the Revenue Established by Law unto His Majesty for two years longer.

An Act for paying the Debts of this Government made in the time of the late happy Revolution.

An Act for Declareing, Confirming and Explaining the Libertys of the Cittys of New Yorke relating to the Election of their Magistrates.

An Act for Out-Lawing Philip French and Thomas Wenham Merchants and Inforcing Process of Out-Lawry.

An Act for Augmenting the Number of Representatives of this Province to serve in the General Assembly.

An Act for the better regulating the Elections of Trustees and Magistrates for the Towne of Kingston in the County of Ulster. [*p.* 282.]

1703.—11 Feb. An Act, *p.* 43 No. 1, disallowed. [*p.* 314.]—20 March. Act, *p.* 61 No. 2, confirmed. (Grant to Lord Cornbury.) [*p.* 338.]

1704.—30 March. 2 Acts, *p.* 72 Nos. 2-3, confirmed. [Vol. II. *p.* 94.]

1706.—11 April. 2 Acts, confirmed:—An Act for the better explaining and more effectually putting in execution an Act of General Assembly entituled, an Act for settling a ministry and raising a maintenance for them in the city of New York, County of Richmond, West Chester and Queen's County; and An Act to enable William Bradford of the city of New York printer to sell and dispose of the real estate of John Dewsbury, late of Oyster Bay in Queen's County within this colony deceased for the payment of debts. [III. *p.* 176. P.R.]

1708.—8 Jan. 2 Acts, both entituled, An Act Declaring the Illegality of the proceedings against Col. Nicholas Bayard and Alderman John Hutchins for pretended High Treason and for Revising and making Null and Voyd the said Judgement and all proceedings thereon, confirmed. An Act of 1705 relating to them but not quoted by its title is repealed. [*pp.* 493-4.]—20 May. Act *p.* 19 No. 1, disallowed.—26 June. Act on *p.* 35, confirmed; *p.* 62 No. 7, disallowed.

1709.—3 March. Act *p.* 89 No. 3, disallowed. [*p.* 267.]—15 Dec. Acts *p.* 123 No. 1; *p.* 89 No. 1 (*cf.* Appendix I. under this date); and *p.* 93 No. 6, disallowed. Acts *p.* 95 Nos. 1 and 5, and an Act for levying 4,000*l.* to be further considered.

Acts *p.* 83 No. 1, *p.* 87 Nos. 1-2, *p.* 88 No. 1, *p.* 89 Nos. 2 and 4, *p.* 90 No. 1, *p.* 91 No. 1, and *p.* 93 No. 7, confirmed. [*pp.* 491-2.]

1715.—17 June.—*p.* 152 No. 1 and *p.* 160 No. 3, confirmed. [Geo. I. Vol. I. *p.* 227.]

1717.—24 Oct. *p.* 145 No. 3, confirmed. [II. *p.* 52.]

1718.—13 Feb. *p.* 199 No. 1, confirmed. [*p.* 103.]

1719.—26 May. *p.* 196 No. 1, disallowed. [*p.* 260.]

1719.—9 July. *p.* 289 No. 1, disallowed. [*p.* 285.]

(The revival of the old Act would be admitted, but by an additional clause all tenants in common are after partition by mutual agreement to hold their lands to them and their heirs, so that a life tenant or other tenant in fee would thus have the right to transmit an estate to the prejudice of the person entitled to it after his death.)

1720.—9 May. *p.* 244 No. 1, confirmed. [*p.* 410.]

(References to "The Charters and Acts of Assembly of the Province of Pennsylvania." Philadelphia 1762.)

Pennsylvania.

1694.—9 Aug. Nos. 1, 4-11, 13, 15-9, 21, 25, 28-9 confirmed; 22 and 30 disallowed. [*p.* 457. C.S.P. IX. 1211 and 1214.]

1703.—30 July. Act appointing the rate of money or coin within this province, disallowed. (*See* 905.) [Anne, I. *p.* 434.]

1706.—7 Feb. 105 Acts are considered and 52 disallowed. The Register entry is quoted in the 1762 edition of the Laws (*pp.* 6-9), and some of the Acts are quoted in the preceding pages. [*pp.* 94-102.]

1708.—8 Jan. No. 146 disallowed.

1709.—28 April. The Pennsylvania Acts of 1705 are referred to the Board of Trade (titles not given). [*p.* 310.]

1709.—24 Oct. 6 Acts of 1705 disallowed. *See pp.* 44-45 of printed collection. [*p.* 451.]

1711.—19 Dec. Act directing an affirmation to such who for conscience sake cannot take an oath. Disallowed, the affirmation differing from that enjoined here. [*p.* 346.]

1714.—20 Feb. Sixteen Acts of 1708-12 disallowed and 12 confirmed. *See pp.* 51-2 of printed collection.

1719.—26 May. No. 222 confirmed. [*p.* 261.]—21 July. Eleven Acts disallowed. *See* printed collection, *p.* 74. [*pp.* 292-3.]

1719.—25 Aug. Two Acts Disallowed; directing appeals to Great Britain; and for regulating and establishing fees for preventing of extortion and undue executions of fees by several officers and practitioners in the law. [*p.* 305.]

1720.—8 Jan. Act repealed. *See* printed collection, *p.* 75. [*p.* 364.]

Rhode
Island.

1704.—28 Jan. Act relating to Admiralty jurisdiction disallowed (*cf.* 917). [*Anne*, II. *p.* 40.]

St.
Christopher.

See also Leeward Islands.

(References after 1711 to “Acts of Assembly of the Island of St. Christopher.” London 1791.)

1682.—8 Nov. Act for the better Re-settlement of the English part in this Island with his Majesty’s native Subjects &c., confirmed on the Committee’s recommendation. (Planters are within twelve months to provide themselves with as many able menservants who are native born subjects to his Majesty as they have French persons in their families of 12 years of age and upwards.) [P.R. only.]

1683.—19 Dec. Act for the speedier payment of debts (passed in June 1683), disallowed.

1702.—17 Dec. Act of 1702 for the settling and strengthening his Majesty’s part of this island, disallowed. [*p.* 269.]

1704.—14 Dec. 2 Acts confirmed; for raising a Levy of 5*s.* per Poll on all Slaves to make good the Defeciency of a Former Levy by an Act Entituled an Act for raising a Levy of 20*s.* per Poll on Slaves to Defray the Publick Charges of that Island; and for Raising the Sume of 500*l.* for Dischargeing the Rent of a Convenient house for his Excellency Sir William Mathews abode, dureing his Government in these Islands. [*p.* 218. P.R.]

1711.—1 March. Act of 5 June, 1704, for the Treasurer's Receiving and paying the publick Stock of this Island, disallowed. [*p.* 198.]

1717.—31 July. Act to enable William Matthew Esq. an Infant to convey a certain parcel of land called Brimstone Hill and to vest the inheritance thereof in his Majesty for the use of the fortifications of this island, and for settling other lands therein mentioned upon the said William Matthew and his heirs in lieu thereof, and for the payment of 500*l.* unto the Hon. William Matthew Esq. his father in consideration of the same and for other considerations therein mentioned, confirmed. [*p.* 26.]

1718.—30 Jan. 2 Acts of 27 Nov. 1716 and 26 March 1717 respectively, confirmed—to prevent danger by fire in towns; and to empower the Surveyor of the Highways to turn the windward common path to the Eastward of Clay Hill in the quarter of Basseterre. [*p.* 87.]

(References are to the Acts of Virginia 1662-1715. London 1727.)

Virginia.

1692.—30 June. *See* 453. [*p.* 429. C.S.P. VIII. 2308.]

1704.—17 Aug. *See* 945.

1707.—17 April. *p.* 260 No. 21, disallowed. [*p.* 347.]

1708.—25 Jan. *p.* 265 No. 26, disallowed. *See* 1049. [*p.* 519.]

1708.—1 April. *p.* 298 No. 46, confirmed. [*p.* 44.]

1709.—15 Dec. *p.* 296 No. 42, repealed.

1711.—24 March. *p.* 81 No. 20, repealed (*cf.* 1137). [*p.* 227.]

1712.—20 Oct. *p.* 361 No. 5, confirmed. [*p.* 31.]

1715.—31 Aug. *p.* 230 No. 4, disallowed. [Geo. I. Vol. I. *p.* 274.]

(On the recommendation of the Board of Trade, they are ordered to instruct the Governor "That a New Law may be passed there, to the Same Effect, so it be no liable to the Objections therein mentioned.")

1716.—6 July. *p.* 375 No. 12, confirmed. [*p.* 422.]

1717.—31 July. *p.* 372 No. 10; *p.* 381, No. 5; *p.* 379, No. 1, disallowed. [*p.* 24.]

1718.—13 Feb. *p.* 61, No. 1; *p.* 64, No. 10, disallowed. [*p.* 108.]

APPENDIX IV.

THE PLANTATION REGISTER.

The entries in the Plantation Register 1677-1720 have already been dealt with and marked P.R. in the extracts and Appendices preceding, with the following exceptions :—

VOL. II. 1700-02.

- (1). An Indenture Tripartite between the Queen and the two English Companies trading to the East Indies.

VOL. III. 1702-08.

- (2). 20 May 1707.—Commission for the Privy Council of Scotland approved.
- (3). 5 June 1707.—Form of a writ to the Privy Council of Scotland about the Parliament.

VOL. IV. 1709-18.

- (4). 13 Aug. 1711.—Charter of the South Sea Company.
- (5). 15 April 1713.—Heads of inquiry for Francis Nicholson, Commander in Chief of the Forces in Newfoundland.
- (6). Scheme of the fishery of Newfoundland.
- (7). List of prizes taken and carried to North America and accounted for to the Prize Officers.
- (8). 10 Dec. 1718.—Commission empowering Admiralty to grant letters of reprisal against Spain (repealed on 30 Dec).
- (9). 10 Dec. 1718.—Commission for the Admiralty to empower the Court of Admiralty to try prizes taken from Spain (repealed on 30 Dec.)
- (10). Instructions to be observed by persons who take out letters of marque against Spain.

(855)

I N D E X .

INDEX.

A

- Abbott, Thomas, 1191.
 —, Richard, *pp.* 816-7.
 Abercromby, James, *p.* 764.
Abigail, 467(24), 859, *p.* 758.
 Abingdon, John, 364(13).
Abraham and James brigantine, 364(8).
 Acadia. *See* Nova Scotia.
 Acts confirmed or disallowed. *See*
 under separate colonies.
 Acts of Trade. *See* Navigation Acts.
 Adams, Conrade, 1201.
 Adams, Elias, 1150.
 —, Henry, 634.
 —, Mrs., 1334.
 —, Peter, 1083.
 —, Samuel, dismissed, 1334.
 Adderley, Henry, 875.
 Addington, Thomas, *p.* 814.
 Addison, John, *pp.* 813-4.
 —, Thomas, 364(77).
 Admiral, Lord High (Prince George of
 Denmark), *p.* 196, 412, 854, 860-1,
 865, 870, 879-80, 882, 884, 888,
 891-4, 898-9, 902-3, 908, 912,
 915-6, 926, 929, *p.* 471, 935,
 940, 950, 986, 999, 1016, 1026-8,
 1035, 1044-5, 1051-3, 1068, 1072.
 — (Thomas, Earl of Pembroke),
 1094, 1102.
 Admiralty, in 1680, 2, 9.
 in 1681, 35, 52.
 in 1682, 79, 91.
 in 1683, 106, 108, 120, 130, 138.
 in 1684, 147.
 in 1685, 171, 173-4.

Admiralty—*cont.*

- in 1689, 274, 284, 292, 294, 296,
 300-1, 310, 319, 323, 328, 331,
 335, 339.
 in 1690, 340, 343, 358, 362, 369,
 373, 379, 380-2, 385, 389.
 in 1691, 364(32), 409, 416, 423.
 in 1692, 439, 451, 454-5, 459-61,
 466-7, 470, 471, 472, 477, 479,
 482.
 in 1693, 467, 470, 471, 472, 479,
 483, 488, 490, 494, 498, 503, 507,
 509, 514, 516-7, 521, 530.
 in 1694, 467, 470, 471, 472, 521, 525,
 527, 530, 536-7, 545, 547, 559,
 562, 568, 572, 574, 577-8, 580.
 in 1695, 577-9, 588, 592, 594, 606.
 in 1696, *p.* 277, 577, 579, 606, 613,
 615, 619, 628-9, 631, 634-6, 645,
 652, 655.
 in 1697, 568, 606, 659, 668, 672, 689,
 696.
 in 1698, 696, 704-5, 708-9.
 in 1699, 728-9, 731, 737, 740, 743,
 748.
 in 1700, *p.* 305, *p.* 342, 771, 777,
 779-80, 787, 790, 793, 809.
 in 1701, *p.* 342, 809, 811, 819, 830,
 832, 834-6, 841.
 in 1702, *p.* 196, 859, 865.
 in 1703, 897, 907.
 in 1704, 903, 934-5, 948.
 in 1705, 974, 986.
 in 1706, 991, 994-5, 999, 1000, 1008,
 1015.
 in 1707, 1015.
 in 1710, 1113-4, 1124, *p.* 623.
 in 1711, 1139.
 in 1712, 1161, 1169-70.
 in 1713, 1182-3, 1187.
 in 1714, 1209.
 in 1716, 1248, 1262.

- Admiralty—*cont.*
 in 1717, 1277.
 in 1718, 1277, *p.* 854.
 in 1719, 1312, 1314, *p.* 725.
 in 1720, *p.* 745.
 in 1722, *p.* 778 (note).
 High Court of, 159, 221, 539, 839,
 841, 888, 1028, 1041, 1113, 1150,
 1219, 1277, *pp.* 568, 854.
 Courts in Plantations. *See under*
 the separate colonies, *and under*
 Piracy.
 Judge of the, 332, 361, 433, 715,
 855.
See also Hedges, Sir C.
 Secretary of. *See* Pepys, S.
- Adventure*, 274(13), 364(10), 467(18,
 49), 577(20), 831, 859, 860 (5, 9),
 864, 974 (2).
- Advocate General, 839, 1044, 1068.
 Advocate for prizes, *p.* 568.
 Adye, Mr., 21.
 Africa, *p.* 59, 470, 859, 915(5), 1241.
See also Guinea.
 indigo planting in, 462.
 suppression of piracy, 740.
- Africa* frigate, 577(6).
- African Co. Royal, 66, 67, 76, 103,
p. 58, 165, 280, 347, 462, 467(2,
 48), 725, 755, 836, 860(4), 948,
 1099, 1158, 1305.
 complaints against interlopers, 10,
 19, 34, 125, 146, 179, 238, 467(7).
 illegal conduct of factors, 1067, 1071.
- Agnew, Hugh, 1159.
Agreement, 62, 364(19, 131).
 Akers, Geo., *p.* 624.
 Alain, Robert, *p.* 546.
 Aland, J. F., Solicitor General, 1264.
- Albany (N.Y.), 442, 469, 526, 539, 593,
 604, 898, 1116.
- Albemarle, Christopher, Duke of,
 Governor of Jamaica, 38, 226, 234,
 236, 261, 429, 812, 1004.
 —, —, granted a patent for
 saw-mills, 235.
 —, —, granted leave of absence,
 239.
 —, —, his actions nullified, 273,
 277.
 —, —, instructions, *p.* 795.
- Albemarle, Duchess of, 261.
 Albin, Onesiphorus, 216.
 Albion galley, 859.
Alborough, 467(4), 490.
 Alcock, Simon, 577(4).
 Aldred, Capt., 1139.
Aleppo Merchant, 364(51, 63).
 Alexander, Strachan, 1221.
 —, William, 554.
Alexander, 859, 975, 1052.
 Alford, Daniel, 837, 1109.
 —, Joseph, 614, 1109.
 Algiers, 2, 311, 364(64), 696, 1209.
 Allen, Jacob, 467(21).
 —, John, 1161, *p.* 811.
 —, Robert, 364(116).
 —, Samuel, Governor of New
 Hampshire, 400, 440, 501, 630,
 775.
 —, —, claim to lands in New
 Hampshire, 818, 889, 901, 972,
 1006.
 —, —, commission and instruc-
 tions, *p.* 799.
 —, Thomas, his son, 818, 1006.
 —, Captain Thomas, 173, 192.
 Alleyne, Abel, 1335, *p.* 808.
 —, Reynold, of Barbados, 1180,
 1213.
 —, Thomas, of Barbados, 1180,
 1213, *pp.* 809–10.
- Allison, James, 1067.
 Almy, Christopher, 512.
 Alsop, Richard, 800.
 Alston, John, 1053.
 Alured, Matthew, 412.
 Amazeen, John, 123.
 America, surveyor general of woods
 on continent of, 1320.
America, 839.
America Merchant, 274(7, 12), *p.* 624.
Amity, 274(12), 364(20, 40), 467(62),
 859.
 Amory, Jonathan, 747.
Amsterdam, 229.
 Anderson, John, *pp.* 819–20.
Andrew, 274(7, 9), 691.
 Andrews, Capt. Elias, 138.
 —, George, 549, *pp.* 807–8.
 —, Phineas, *pp.* 816–7.
 Andros, Sir Edmund, 433, 467(45).

- Andros, Sir Edmund, his accounts, 417.
 —, —, in New England, 244, 246,
 p. 125, 307, 352.
 —, —, transport to Virginia, 441.
 —, —, in Virginia, 446, 548, 558.
 —, —, to settle affairs in Bermuda,
 p. 793.
 —, —, commissions and in-
 structions, *p.* 799, *p.* 801, *p.* 803.
 —, John, 417.
 H.M.S. *Anglesea*, 1158.
 Angola, 34, 859.
 Ann or *Anne*, 364(16, 68, 116), 577
 (1), 975, 1053, *p.* 623 (*passim*).
Ann Arundel, 364(20), 975.
Ann and Francis, 975, 1053.
Ann and Hannah, 577(20).
Ann and Mary, 364(131), 1053.
 Ann Arundel Co. (Md.), *p.* 839.
 Annapolis (Md.), 610, 1028, 1146.
 Annapolis Royal (N.S.), 1170, 1208.
 grants to captors of, 1325.
Anne. See *Ann*.
Antelope, 916.
 Antigua, 172, 220, 222, 433, 935, 1053,
 1062, *p.* 647, 1215, 1239, 1247,
 1257.
 appeals from, 60, 204, 402, 567, 741,
 751, 1057, 1142, 1189, 1197, 1204,
 1226, 1241, 1272, 1295, 1303,
 1305-6, 1326, 1340.
 members of Council of, 1313, *p.* 805.
 Acts confirmed, *p.* 826.
 Acts disallowed, *p.* 826.
 Admiralty Courts in, 852, 1142,
 1241.
 house rent for Governor, 1043.
 salary of Lieut.-Governor, *p.* 429.
 Governor of Leeward Islands to
 reside at, *p.* 536.
 church rebuilt in, 1288.
 ships for, 364(100), 577(20), 859,
 860(2, 5), 915(4), *p.* 623.
 illegal trading at, 221, 735, 838-9,
 p. 407, 1110.
 defences of, 263, 697, *pp.* 407, 826-7.
 complaints against Col. Park, 1083.
 murder of Col. Park, 1143, 1215.
 behaviour of Walter Douglas in,
 1215.
 Appleby, Francis, 210.
 Appleby, Thomas, 210.
 Applethwaite, Henry, 928.
Arabella, 274(10).
 Aram, Arnold, 299.
 Arbuckle, William, of Glasgow, 309.
 Arbuthnot, Hugh, *p.* 624.
Archangel, 364(3, 18), 381.
 Archer, Henry, 364(26).
 Archibald, or Archbould, James, *pp.*
 812-3.
Arden, 975.
 Arlington, Henry, Earl of, 43.
 —, Walter, 1260.
 Armitage, Timothy, 44.
 Armstead, John, *p.* 824.
 Armstrong, William, 1217.
 Arnold, Berechiah, 364(59).
 —, Thomas, 270.
 —, William, *p.* 545.
 Arnoll, Elizabeth, 1084.
 —, Robert, 1084.
 —, Thomas, *p.* 623.
 —, William, 1084.
 Arran, James, Earl of, 137, 155, 181,
 560.
 Arrington, William, 414.
 H.M.S. *Arundel*, 1139.
 Ascension Island, 406.
 Ashby, John, 412.
 —, Stephen, *p.* 546.
 Ashton, Joseph, 364(63).
 —, William, 1003.
 Ashurst, Sir Henry, 550, 602, 631, 636,
 pp. 460, 481.
Asia, 15.
 Assailés, Katherine, 1225.
 —, Martha, 1225.
 —, Peter, 1225.
 Assiento, 347, 1177, *p.* 728.
 See also Spain, negroes, &c.
Assistance, 296, 566.
Assurance, 482.
 Athlone, Earl of, 525.
 Atkey, Captain, 364(10).
 Atkins, Sir Jonathan, 15, 21.
 —, —, complaints against, 66.
 Atkinson, James, *p.* 545.
 —, Theodore, *p.* 818.
 Attorney General. See Harcourt, Sir
 S.; Lechmere, Sir N.; Lvinge,
 Sir C.; Montague, Sir James;

Attorney General—*cont.*

- Northey, Sir Edward; Pollexfen, Sir Henry; Powis, Sir Thomas; Raymond, Sir Robert; Sawyer, Sir Robert; Somers, Sir John; Treby, Sir George; Trevor, Sir Thomas; Ward, Sir Edward.
- Attorney Generals of Plantations. *See under* Plantations, *and* individual colonies.
- Atwood, William, 815, 875, 890, *pp.* 820-1.
- Averilla*, 1053.
- Axtell, William, 1249.
- Aylesbury, Robert, Earl of, 1.
- Ayleway, Robert, 303.
- Aylmer, Capt., 454.
- Aynsworth, James, 860(4), 1176, 1243.
- Ayon, Michael, 1143, 1239, *p.* 797.
- Ayres, Mary, 115.
- , Robert, 115.
- , Thomas, 115.
- Ayscough, John, 1031, 1071, *pp.* 812-3.
- , Thomas, *pp.* 811-2.

B

- Bachelor*, condemned at Quebec, 161.
- Bachelor's Adventure*, 333.
- Bachelor's Delight*, 44.
- Bachelor's Island (Hudson's Bay), 161.
- Bacon, Nathaniel, junr., 418-9.
- Badcock, Nicholas, 64.
- Bagnall, John, 203.
- Bagwell, James, *p.* 546.
- , Thomas, *p.* 624.
- Bahamas, list of Governors, *p.* 791.
- See also* Clarke, R.; Haskett, Elias. salary of Governor, *p.* 432.
- tyranny of Governor, 663, 664.
- proceedings against charter, 209, 1002, 1004.
- resumed by Crown, 1232.
- illicit trade in, *p.* 432, 873.
- defences of, 873, 884, 1060.
- Vice-Admiralty jurisdiction in, 832.
- piracy-at, 760, 873, 1232.
- report on, 1004.

Bahamas—*cont.*

- deserted state of, in 1708, 1060.
- condition of, in 1715, 1232.
- ravaged by French and Spaniards, 148, 159, 190, 746, 760, 1232.
- Baker, Capt., 364(19).
- , John, 860(10), 1213.
- , Samuel, 809.
- , William, 364(120).
- Ball, Guy, 973, 1329, 1334, *p.* 809.
- , James, 361, 364(121).
- Ballard, Benjamin, 1202.
- , Francis, 909.
- , Rebecca, 909.
- , Thomas, *p.* 811, *p.* 834.
- Balopin, Capt. (or Chalopin), 332.
- Balston, Nathaniel, 860(4).
- Baltic Merchant*, 364(23).
- Baltimore, Benedict Leonard, fourth Lord, *p.* 798.
- , Charles, third Lord, 48-9, 51, 119, 173, 467(46), 607, 1042, *pp.* 797, 837.
- , —, disputes as to Customs, revenue, &c. in Maryland, 64, 193, 383, 399, 474, 493, 497, 543, 804.
- , —, petition for restoration refused, 1112.
- , —, his claim to Delaware, 198, 1077.
- , —, dispute with Sir Thomas Lawrence. *See* Lawrence.
- , Charles, fifth Lord, 1309, 1339, *p.* 798.
- Baltimore*, 861, 1053, *p.* 545.
- Barnfield, Mr., of Barbados, *p.* 579.
- Bampffield, George, 1268.
- Bampton (Oxon), 984.
- Band, Peter, *pp.* 819-20.
- Banks, James, 150.
- , John, 150.
- Bannister, James, 342, *p.* 811.
- , Thomas, of Boston, 1230.
- Bant, Gilbert, 274(13), 364(121).
- Barbados, 15, 66, 73, *p.* 61, *p.* 62, 139, 160, 266, 272, *p.* 126, 325, 366, 406, 422, 528, 608, 700, 756, *p.* 445, 935, 975, 1009, 1020, 1028, 1053, 1102, 1238, 1273, *p.* 805, *p.* 844.
- list of Governors, *p.* 792.

Barbados—*cont.*

- transport of Governors to, 21, 330, 692, 863.
 presents to Governors, 197, 499, 529, 707.
 Governor's salary in, 896.
 house built for Governor, *p.* 830.
 appointments, &c., to Council, 378, 549, 690, 946-7, 989, 1022, 1038, 1140, 1254, 1329, 1342, *p.* 807.
 disputes between Assembly and Council, 947, *p.* 478, 949, 1011, 1021-2, 1123.
 Acts approved, 499, 640, 701, 878, 918, 1055, *p.* 827.
 Acts disallowed, 520, 538, 878, 1007, 1055, 1093, *p.* 755, *p.* 769, *p.* 827.
 Attorney-General of, 169, *p.* 342, 739, 756, 760, 973.
 rules as to residence of officials, leave of absence, &c., 16, 124, 944, 966.
 seals for, 862, 967.
 legal appeals from, 69, 115, 145, 169, 172, 202, 206, 208, 217, 260, 265, 302, 506, 586, 595, 599, 747, 749, 774, 816, 837, 846, 848, 856, 883, 900, 928, 953, 969, 976-8, 979, 981, 984, 1010, 1013-4, 1025, 1055, 1064, 1073, 1080, 1082, 1084, 1087, 1096, 1099, 1109, 1111, 1128-9, 1132-3, 1154, 1157-9, 1163, 1176, 1179-80, 1193, 1198, 1201-3, 1206-7, 1213, 1218, 1242-4, 1279, 1290, 1292, 1307-8, 1310, 1328, 1333-4, 1338.
 delay of justice in, 149, 763, 808, 843, 939.
 fortifications in, 868, 877, 1012, *p.* 828.
 troops and militia in, 141, 223, 306, 336, 388, 516, 557, 651, 697, 882, 931, 1012, 1054.
 naval defence of, 521, 568, 689, 711, 882, 932, 1016.
 ships sailing to, 274, 345, 364, 424, 467, 577, 859-60, 915, *p.* 623, *p.* 624.
 convoy for ships, 300, 364, 367-8, 370, 411, 472, 594, 606, 915.
 forcible impressment in, 957.

Barbados—*cont.*

- quarantine imposed, 459, 514.
 Admiralty Courts in, 503, *p.* 579, 1093, 1158.
 piracy in, 227, 229, 562, 760, *p.* 778, 1344.
 illegal trade in, 559, 745, 837, 946, *p.* 619, 1329, 1335.
 slave trade, 10, 125, 182-3, 347, 860(5).
 transportation to, 82, 388, 729.
 4½% duty in, 305, 327, 364(34), 817, 868, 896, 923, 1012, *p.* 808.
 regulation of trade with, 135, 186, 369, 385, 463, 470, 472, 509, 520, 606.
 stores, &c., for, 465, 587, 661, 860(4), 868, 923, 974(2), 1333.
 religion in, 31, 45, 293, 336, 542, 596, 600, 1307, *p.* 792.
 famine in, 882.
 banking in, 1055.
 Earl of Carlisle's creditors, 27.
 Sir T. Thornhill's case, 218.
 Alex. Skene's troubles in, 791, 973, 1163.
 case of Viscount Micklethwaite, 1264.
 career of Sir Richard Dutton in. *See* Dutton.
 complaints against Governor Crowe. *See* Crowe.
 complaints against Robert Lowther. *See* Lowther.
Barbados Merchant, 364(4), 859, 860(4).
Barbara, 577(21).
 Barbary, 586.
 Barberie, John, *pp.* 821-2.
Barbuda, 860(5).
 Barefoot, Walter, 123.
 Barellet, Chas., *p.* 623.
 Barnard, Thomas. *See* Bernard.
 Barnes, Caleb, 274(3).
 —, William, 364(13), 531, *p.* 827.
 Barnstaple, 274(7), 364(99), 467(23), 470, 477, 648.
Baron, 498.
 Barons, S. *See* Barron.
 Barrill, John, 467(24).
 Barron (or Barons), Samuel, 839.
 Barrow, Thomas, of Bermuda, 1032.

- Barrow, Thomas, of Jamaica, 1032A.
 Barry, George, 1334.
 —, James, 364(101).
 —, Samuel, p. 811.
 Barsey or Barzey, William, p. 816.
 Bartlett, Charles, p. 546, p. 624.
 —, Peter, p. 623.
 Barwick, Samuel, 860(2), v. 770,
 p. 809.
 —, —, restored to Council of
 Barbados, 1140.
 —, —, Alex. Skene's complaint
 against, 1163.
 —, —, appeal against, 1201.
 —, —, leave extended, 1273.
 Bass, Philip, 577(3).
 Bassett, William, p. 824-5.
 Bate, Raynes, 1158.
 —, Richard, 599, 756.
 Battyn, William Rees, 843, 883, 1203,
 1218, 1244.
 Baugh, Edward, 849.
 Baxter, Anne, 206.
 —, James, 206.
 Bayard, Nicholas, 744, 875, p. 820,
 p. 850.
 Bayer, Col. Bastian, 397.
 Baylie, Anne, 848.
 —, Edward, 848.
 —, John, 848.
 —, William, 848.
 Bayly, Arthur, 467(20).
 —, Captain, p. 624.
 —, Richard, 916.
 —, William, 467(57).
Bayly, 274(12), 364(49, 60), p. 624.
 Bayonne, 1292.
 Beach, Lieut. George, 229, 272.
 Beachy Head, 577(2).
 Beake, Samuel, 189.
 Beale, Anthony, 414.
 —, Audrey, 166.
 —, John, p. 546.
 Beard, Benjamin, 150.
 Beasant, Richard, 274(8).
 Beaumaris, 313, 467(10), 577(21).
Beaver, 364(91).
 Beckford, Peter, 1280, 1286, p. 795,
 pp. 811-2.
 —, —, his unruliness, p. 717.
 —, Robert, 364(41).
 Beckford, Thomas, p. 813.
Beckford galley, 792.
 Beckles, Thomas, 1279, 1328, p. 774.
 Beckman, Gerardus, 434, pp. 820-22.
 Bedingfield, Edmund, 791.
 —, William, p. 815.
 Beef Island, 121.
 Been, Giles, 798.
 Beesley, Matthew, 915(2).
 Beeston, Anne Hopegood, 1067.
 —, Jane, daughter of Sir William,
 1067.
 —, Sir William, Governor of
 Jamaica, 455, 466, 503, 565, 881.
 —, —, commission and instruc-
 tions, p. 795.
 —, —, additional instructions,
 581, 771-2.
 —, —, his will, 1067.
Beeston, 467(14).
 Beezley, John, p. 545.
Beginning, 364(24).
 Belchamber, Thomas, pp. 805(twice),
 814, 822.
 Belcher, Andrew, 1134.
 —, Jonathan, 1134.
 Belfast, plantation trade with, p. 86.
 Belgrave, Elizabeth, 1064.
 —, William, 1064.
 Belhaven, Lord, 1329.
 Belisha, Thomas, 634.
 Bell, Mr., an engineer, 835.
 Bellman, Thomas, p. 817.
 Bellomont, Richard, Earl of, 398,
 p. 198, 722, 830, p. 818, p. 820,
 pp. 844-5.
 —, —, commissions and instruc-
 tions, pp. 799-801.
 —, —, additional instructions,
 602, 682.
 —, —, transport for, 676, 684.
 —, —, grant to, p. 846.
 —, —, to inquire into state of
 Rhode Island, 727.
 —, —, his executors, 898.
Bellomont, 859.
 Benbow, Vice-Admiral John, 841,
 860(6), 880, 882, 891.
 —, —, death of, 894.
Benefactor, p. 623.
Bengal, 467 (38, 45).

- Bengal Merchant*, 364(73).
 Bengar, James, 1048.
 —, Mary (*née* Kirke), 1048.
Benjamin, 412, 672, 898.
 Bennet or Bennett, Benjamin, Governor of Bermuda, p. 355, 833, 1133, 1324, p. 810.
 —, —, commission and instructions, pp. 793-4.
 —, —, imprisons George Larkin, 902.
 —, —, quarrel with Edward Jones, 910, 1205.
 —, —, quarrel with Henry Pullein, 1205.
 —, Elisha, 467(69, 72, 73).
 —, George, p. 813.
 —, Sir John, 1205.
 —, John, 459, 1205.
Bennet, 859.
 Bentley, Elizabeth, 1099.
 —, John, 1099.
 Beresford, Samuel, 1075, p. 809.
 Berkeley, Edmund, p. 825.
 —, George, Earl of, 170, 317, 1004.
 —, Sir William, 393.
Berkshire brigantine, p. 624.
 Bermuda, 33, 162, 175, 215, 271, 376, 624, 742, 935, 997, 1066, 1122.
 list of Governors, p. 793.
 salary of Governor, p. 430.
 passage for Governor, 329, 494, 705.
 petition for Governorship of, 778, 789.
 Council of, 761, p. 810.
 appeals from, 70, 243, 603, 750, 757, 794-5, 801, 1032, 1097, 1133.
 complaints against Governors of, 46, 484, 544, 753, 902.
 quarrels of officials, 476, 910, 1205.
 Acts approved, 941, 1066, p. 831.
 Acts disallowed, p. 831.
 seal for, 706, 967.
 Admiralty Court of, 1133.
 garrison of, 656, 968, 1324.
 piracy in, 754, 902, 1258, 1276, p. 793.
 ships for, 364, 860.
 stores for, 290, 491, 833, 835, 1237, 1324.
 illicit trade at, 769.
- Bermuda—*cont.*
 whale fishing at, p. 430.
 new industries in, 1199.
 Company, *Quo Warranto* against charter of, 25, 33, 136.
 —, debts of, 163.
 Bernard, John, 975.
 —, Samuel, p. 112, 277, 1211, p. 795, p. 811.
 —, Thomas, 1177, pp. 812-3.
 Berne, emigration from, 1103.
 Berry, Gilbert, 860(1).
 Berwick-upon-Tweed, 364(109), 471.
H.M.S. Berwick, 1052.
Betsy brigantine, p. 623.
Betty, 467(50), 974(2), 1028, p. 545 (twice).
 Beveridge, George, 1053.
 Beverley, Peter, 1321, p. 825.
 —, Robert, 909, 1240.
 Bevon, James, pp. 816-7.
 Bickley, Mr., of New York, 1033.
 Bideford, 232, 298, 439, 467(17, 23), 470, 477, 613, 648, 860(1, 2, 5), 975, 1115.
 Biggs, Giles, 274(3, 5), 389.
 —, Seth, p. 814.
 Bilbao, 369.
 Billop, Captain Christopher, 89, 100, 133, 200, 1182.
 Binckes, Elizabeth, 50.
 Binyon, Elizabeth, 883.
 Birch, Edward, p. 791.
 Bird. *See* Byrd.
Biscay Merchant, 504.
 Bishop, Dorothy, 774.
 —, Robert, 1334, p. 807.
 —, William, 646.
 Blackburne, John, 860(5).
 Blackiston, Peter, p. 545.
 Blacklock, Albert, 1161.
 Blackman, John Lucy, 1329, p. 809.
 Blackmore, Francis, 342, 571, p. 811.
 Blackwater Swamp, p. 585.
 Bladen, William, p. 532.
 Blair, James, 457, 970, p. 813, pp. 824-5.
 Blake, Nicholas, p. 688, p. 690.
 Blakiston, Colonel Nathaniel, Lieut.-Governor of Montserrat, 264, 621, 1083.

- Blakiston, Colonel Nehemiah, Governor of Maryland, 714, 715, 802, 813-4.
 —, —, commission and instructions, p. 798.
 Bland, Sarah, 88.
 Blathwayt, William, 180, 574.
 Bleinman, Mr., 1308.
Blenheim, 975, p. 545.
 Bletso, Thomas, 636.
 Blowers, Piam, 364(9).
 Blubber Valley (Antigua), 1057.
 Board of Trade, Secretary of. *See* Popple.
 instituted, 632.
 Boardley, Thomas, 1339.
 Bockenham, Captain Robert, 121.
 Bollard, Nathaniel, 44.
 Bolton, Charles, Duke of, his regiment, 321, 327, 339, 343, 364(16), 373, 382, 450.
 —, Daniel, 1246.
 —, Robert, 975.
Bonaventure, 364(8), 915(2), 1114.
Bonavista (Nid), 389.
 Boncle, Mounteney, 402.
 Bond, Elizabeth, 846.
 —, Francis, 846, 900, 1329, 1334, p. 808, p. 810.
 —, Susan, 414.
 —, Capt. Wilham, 414.
Bond, p. 545.
 Bonin, Dr. Gousse, 1143.
 Bonnemere's Plantation (St. Kitts), 1225.
Bordeaux Merchant, 364(25, 29).
 Boreland, John, 1017.
 Borrett, John, pp. 651, 689.
 Borrow, John, 1175.
 Boston (Mass.), 177, 309, 355, 389, 401, 838, p. 445, 1017, 1219, p. 844.
 appeals from, 361, 480, 716, 803, 972, 985, 990, 1006, 1230, 1270, 1302.
 trade to, 274, 364, 467, 577, 860.
 illegal trade at, 44.
 stores for, 951.
 forts at, 244, p. 438.
 misconduct of Government of, 72, 380.
 threatened by French, 431.
 French prisoners at, 464.
 Boteler, John, p. 807.
 Botting, Edward, p. 545.
 Bourchier, Charles, 342.
 —, Susan, 189.
 Bourden, John, 277, p. 811.
 Bowden, —, 274(7).
 —, Mary, 1058, 1220.
 Bowe, Margaret, 1230.
 Bowles, Major, 932.
 Bowne, Andrew, pp. 818-9.
 Bowtell, William, 632.
 Boyd, James, 402.
 —, Robert, p. 624.
 Boyle, Henry, Secretary of State, 1062-3, 1069.
H.M.S. Boyne, 955.
 Boynton, Francis, 412.
 Bradenham, Robert, 841.
 Bradford, William, p. 850.
Bradley, 1053, p. 624.
 Bragg, William, 187.
 Bramber, 1304.
 Bramble, John, p. 816.
 Bramley, Capt. John, 1141.
 Bramston, Dr., Surrogate Judge of Admiralty, 1028.
 Brandenburg, Envoy of, 332.
 Brasier, Abraham, 434.
 Brathwaite, John, 54.
 Brattle, Thomas, 251.
 Bray, Rev. Thomas, 699.
 Brayne, Benjamin, 344, 860(2, 4).
 —, James, 344, 467(42).
 —, Mary, 1253.
 —, Richard, 122.
 —, Thomas, 1253.
 Brazil, 406.
 Breda, Treaty of, p. 58.
 Breholt, Capt., 1090.
 Brenton, Jahleel, 251, 480, 523, 716, 867, 1095.
 Brereton, Mary, p. 757.
 —, Col. Thomas, p. 757, 1311.
 —, Thomas, jun., p. 757.
 Brest, 691.
 Brice, George, 979.
 —, Mary, 979.
 Bridge, Sir Tobias, 141, 223.
 Bridgeman, Henry. *See* Every.
 —, James, 860(9).
 Bridger, John, 636, 908.

- Bridges, John, *pp.* 820-1.
 —, William, 570.
 Bridgetown (Barbados), 364(34).
Bridgetown, 467(49).
 Bridgewater, 860(5).
 —, Charles, *p.* 817.
 —, John, Earl of, 365, 641.
 Brimstone Hill (St. Christopher),
p. 407, *p.* 853.
 Brinley, Francis, 732.
 —, Thomas, 178.
 Briscoe, John, 405.
 —, Robert, 1034.
 Brissac, Paul de, 567.
 Bristol, 7, 38, 172, *p.* 301, 919, 975,
 1005, 1031, 1053, 1138, *p.* 834,
p. 844.
 shipping of, 274, 313, *p.* 174, 364,
 392, 467, 470, 477, 488, 577, 860,
 915-6, 974, 1162.
 illegal trade of, 44.
 rate on sugar imported to, 95.
 breaches of embargo at, 577(15).
 representatives of, 859.
 tobacco planting near, 535.
Bristol, 915(2), 975.
 Bristol Channel, 471, 477.
Bristol Factor, 313, 467(72).
Bristol Merchant, 467(38, 45, 72).
 Bristow, Robert, 860(2).
Britannia, 364(46), 1053, *p.* 623.
 Broadbelt, Laurence, *p.* 817.
 Broadwater, Charles, 975, *p.* 623.
 Brock, Capt. George, 789.
 —, John, 44.
 Broderick or Brodrick, William, *p.* 811,
p. 813, *p.* 815.
 Bromfield, Edward, 1150.
 Bromley, John, 549, 1279, *pp.* 807-8.
 Brook, Edward, 364(63).
 Brooke, Chidley, 744, *p.* 820.
 Brookes, Thomas, *pp.* 813-4.
 Brooks, John, 975, *p.* 624.
 —, Mary, 1183.
 —, Capt. Thomas, 1183, *p.* 810.
 Brookhoven, John, 538.
 Brookin, John, 2.
 Broom, Francis, 364(56).
 —, Philip, *pp.* 816-7.
 —, Samuel, *p.* 770.
 Broughton, Edward, 1177, *p.* 811.
 Broughton, Mr., 1304.
 —, Sampson Shelton, 815, 875, 1033,
p. 820.
 —, Sampson, junior, Attorney
 General of New York, 1033.
 Brown, Benjamin, 712.
 —, Charles, *p.* 764.
 —, Nathaniel, 536.
 —, Susannah, 536.
 —, William, 712.
 —, William, jun., *p.* 817.
 Browne, Arnold, 38.
 —, Capt., 1026.
 —, Daniel, 860(5).
 —, David, *p.* 813.
 —, Elizabeth, 1026.
 —, John, 364(60).
 —, Peregrine, 975.
 —, Stephen, 1275.
 Browning, Richard, 313.
 Bruce, Charles, *p.* 764.
 Brunet, Henry, 87.
 Brussels, Envoy Extraordinary at,
 614.
 Buccaneers, *See* Piracy.
 Buck, George, 975.
 —, John, 860(2).
 Buckhurst, Hannah, 1223.
 —, Philip, 1223.
 Buckworth, Mr., *p.* 579.
 Budge, —, 1041.
 Bugdon, Capt. Edmunder, 790.
 Bulfinch, John, 412.
 Bulkeley, Thomas, 664.
 Buller, Richard, 113.
 Buncombe, Edward, 1141.
 —, John, 1141.
 Buraston, Stephen, 1295.
 Burbridge, Richard, 860(2), *p.* 624.
 Burchett, Josiah, 861, 1045.
 Burgess, Elizabeth, 969.
 —, Elizeus, Commission and in-
 structions, 1252, *pp.* 799-800.
 Burghill, Francis, 778.
 Burke, Edward or Edmund, 984, 1179,
 1202.
 —, Hester, 1179, 1202.
 —, Mary, 984.
 —, Richard, 119.
 Burley, William, 427.
 Burnet, William, *pp.* 819-22.

- Burnet, William, Commission and instructions, pp. 801-2.
 Burnham, Charles, p. 545.
 Burnt Savannah (Ja.), 1126.
 Burr, Capt., 1083.
 Burrell, Henry, pp. 822-3.
 —, Joseph, 1053.
 Burrige, John, 860(7).
 —, Richard, 1053.
 Burroughs or Burrows, Charles, p. 545.
 —, Francis, 1150.
 —, John, 599, p. 545, 860(5).
 —, Michael, p. 810.
 —, Nicholas, 860(2).
 Burryan, John, 1173, p. 647, p. 823.
 Burt, William, pp. 816-7.
 Burton, John, p. 623.
 —, Mary, 794.
 —, Robert, p. 810.
 —, Thomas, 794-5.
 Burwell, Lewis, p. 824.
 Butler, Capt., p. 215, 777.
 —, Rebecca, 1013, 1073, p. 594.
 —, Richard, 251, 1003.
 —, Thomas, pp. 816-7.
 —, William, pp. 816-7.
 Burwash, Edward, 364(27).
 Bushell, Edward, 302.
 Byam, Edward, 1204, pp. 805-6.
 —, William, pp. 806-7.
 Byerley, Thomas, pp. 819-20, p. 822.
 Byfeild, Thomas, 364(62), 930.
 Byndloss, John, 189.
 Byram river, 784.
 Byrd, John, 364(103).
 —, William, 825, 866, 1282, 1321, p. 825.
- C
- Cabaretta (Ja.) 1126.
 Cabibell, Stephen, 1316.
 Cadiz, 577(14), 613, 1241.
Cadiz Merchant, 364(123, 127).
 Caermarthen, Peregrine, Marquis of, 1090.
Caesar, 364(63, 72, 76).
 Cage, Robert, 860(5).
 Cage, Capt. Vavasor, 860(5).
 Cagway, Point in Jamaica, 184.
 Cairnes, Sir Alex., 1299.
 Calabar, 915(5).
 Calais, 480.
 Calvert, Charles, 1339, p. 798.
 Calvert Co. (Md.), p. 840.
 Cambridge (Mass.), 985, 1298.
H.M.S. Cambridge, 709.
 Camock, Capt. George, 1113.
 Campbell, James, 1069, 1089.
 Campeachy Bay, 746.
 illegal trade from, 840.
Camwood Merchant, 1158.
 Canada, 161, 414, 430.
 invades New England, 278, 951.
 war with New York, 866, 898, 1062, 1116, 1125, 1131, p. 640.
 threatens Virginia, p. 609.
 Indians of, 951, 961, 1017, 1125, 1131.
 prisoners in, 943, p. 503.
 prisoners from, 666, 942, p. 636.
 Walker's Expedition against, 1161, 1190.
 illicit trade of New England with, 1017.
 River of, map, 537.
 Canary Islands, 369, 467(62, 64).
 regulation of trade with, 579.
Canary Merchant, 859.
 Cann, Sir William, 577(4).
 Canso, 1314, p. 765.
 Canterbury, Archbishop of, 699, 783, 898.
Canterbury, 546, p. 546.
 Cape Fear, 1145.
 Cape of Good Hope, 146, 855.
 Cape Mountserade (Mesurado?), 819.
 Cape Verde Islands, p. 87.
 Capon, Peter, p. 764.
 Carbonear (Nfd.), 865, 1139.
 Carbonell, William, 568.
 Carey, Captain Nathaniel, 951.
 —, Richard, 1083.
 —, Col. Thomas, 1155.
 Caribbee Islands. *See* Leeward Islands.
 Carleton, Dudley, 860'17).
 —, Edward, 860(17).
 Carlisle, 274(14), 364(80, 87), 471.
 Carlisle, Capt., 133.

- Carlisle, Charles, Lord, 22, 121.
 —, —, Commission and instructions, p. 794.
 —, Francis, pp. 805, 827.
 —, James, first Earl of, grant of Leeward Islands to, p. 58, 756.
 —, —, his creditors, 27, 41.
Carlisle, 974(2).
 Carlton, Arden, 975.
 —, Edward, 975.
 Carmichael, Archibald, 391.
 Carolana, 773.
 Carpenter, Henry, 842.
 Carolina, 862, 950. *See also* North Carolina, South Carolina.
 list of Governors, p. 794.
 appointment of officials, 2, 639, 1145, p. 811.
 colonists for, 9.
 suppression of piracy, 142.
 enforcement of Navigation Acts, 162.
 French refugees sent to, 191.
 charter threatened, 209, 1002.
 illicit trade to, 237, 747, 798, p. 432.
 ships for, 364, 467, 577, 860, 1053.
 spiriting to, 390.
 to be put in a state of defence, 884.
 salary of Governor, p. 432.
 naval stores from, p. 466.
 Acts disallowed, 1002, p. 614, 1294, p. 832.
 Church in, 1002, 1106, p. 832.
 dispute with Virginia, 1079, p. 614, 1106.
 trade with Indians, 1106, 1145.
 small importance of trade to, 1145.
 British manufactures taxed, 1294.
 seal for, p. 779.
 boundaries of, p. 802.
Carolina, 390.
Carolina Merchant, pink, 860(5).
 Carr, Nicholas, 1301.
 —, Sir Robert. 1.
 —, Samuel, 857.
 Carter, John, 1193.
 —, Robert, pp. 824-5.
 —, William, 848, 1329, pp. 771, 809.
Carter, 1053, pp. 623-4.
 Carteret, Dame Elizabeth, 3.
 Carteret, Sir George, 3.
 —, John, Lord, p. 768, 1336.
 Carver, John, 1067, 1287, p. 812.
 Cary, John, 364(54, 57).
 —, Richard, 364(42).
 Cassally, Andrew, 1292.
 Castillo, Don St. Iago del, 298, 347.
 Castle Island, Boston, 244, 951.
 Catalena, a negress, 1065.
 Cater, Mr. of Lincoln's Inn, 1128, 1129.
Catherine. *See Katherine*.
 Caulfield, Major, 1231.
 Cayman Islands, 121.
 Ceane, Henry, 860(2).
 Chadwick, Capt. Robert, 1158.
 Chalopin, Capt. Michael (*or* Balopin), 332.
 Chamberlain, Mrs. Butler, p. 579, 1154.
 —, Clifford, 272.
 —, David, 1290.
 —, Dorothy, 1025, 1129.
 —, Edward, 1080.
 —, Dr. Hugh, p. 58.
 —, John, 980.
 —, Middleton, 1025, 1129, pp. 808-9.
 —, —, death of, 1140.
 —, Oriana. *See Crowe, Oriana*.
 —, Richard, 13.
 —, Tankerville, 1290.
 —, William, 858.
 —, Sir Willoughby, 1080, 1290.
 —, Lord (1703), 895.
 Chambers, John, 1087.
 Chambré, Sieur de, 116.
 Chammorel, Monsieur de, p. 758.
 Champante, John, 860(4).
 Chancellor, Lord, 254, 1046, p. 568.
 Chanley, Edward, 1334.
 Chaplain *or* Chaplin, Charles, 1153, pp. 811-12.
 —, Robert, 749, 810.
 Chapman, John, 364(31).
 —, Robert, 697.
 Chappel Plantation, 1080.
 Charles II, death of, 171.
Charles, 860(10), 915(6), 975, p. 545.
Charles the Second, 562, 634.
 Charleston (S.C.), 747, 1106.
 Charlestown (Mass.), 401.

- Chateau Renault, Monsieur de, *p.* 407, 1277.
 H.M.S. *Chatham*, 525.
 Chebucto (N.S.), 1299.
 Cheek, Thomas, Lieutenant of the Tower, 117.
 Cheeke, Robert, 274(7, 9).
 Chelsea, Royal Hospital at, 886.
 Cheltenham, tobacco grown in, 299.
 Cherbourg, 860(5).
Cherubin, 467(36).
 Cheseldyn, Kenelm, 383.
 Chester, 379, 470.
 Chester, Edward, 1142, 1226, 1305.
 —, —, jun., 1305.
 —, William, 260, 900.
 —, —, jun., 900, 1025.
Chester, 577(20), 580, 588, 1248.
 Chesterfield, Philip, second Earl of, added to Committee, 1.
 H.M.S. *Chichester*, 903.
 Child, Richard, *p.* 545.
 Childermas, John, *p.* 834.
 Chilton, Edward, 739, 944.
 —, —, suspended, 981.
 Chimay, Monsieur and Company, 161.
 Chittleton, Hennelan, *p.* 814.
 Choppin, John, *p.* 817.
 Christ Church (Barbados), 538, 1279.
 Christopher, Richard, 913.
 Chud, Samuel, *p.* 840.
 Church. *See also* under separate Colonies.
 in Plantations, 31, 214.
 declaration of indulgence issued, 226.
 petition of London Quakers, 542.
 titles in prayer book changed at Union with Scotland, 1023.
 Lutherans sent to Colonies, 1062.
 privilege of appeal in clerical cases, 1168.
 proposed colonial episcopate, 1214.
 Churchill, William, *pp.* 824-5.
 Churchill River (H.B.C.), *p.* 133.
 Churchouse, Simon, 1087.
 Circassia, tobacco from, *p.* 488.
 Claisby, Capt. Thomas, 1048.
 Clarendon, Edward, First Earl of, 317.
 —, Henry, Earl of, 1, 207.
 Clarke or Clerk, George, *pp.* 821-2.
 —, James, 364(64).
 —, John, 1071, 1133, 1249.
 —, Judah, 190.
 —, Robert, Governor of Bahamas, 190.
 —, Thomas, 860(5), *pp.* 707, 811-2.
 —, —, jun., 1249.
 —, William, 274(12), 467(59), 975, *p.* 545.
 —, Wylde, 586.
 Clark's Island (New England), 884.
 Clarkson, Matthew, 325, 744.
 Clay, James, 467(1).
 —, Steven, 44.
 Clayton, Richard, *p.* 815.
 —, Robert, 1210.
 —, William, 975.
 Clear, Henry, *p.* 624.
 Cleeves, William, 1265.
 Cleland, William, 1022, 1038, 1157, *pp.* 808-9.
 Clement, Simon, 1330.
 Clerk. *See* Clarke.
 Cleverly Point (St. Kitts), *p.* 407.
 Clifford, Jeronimy, 551.
 Clifton, Capt., 1072.
 Clippingdale, John, 191.
 Coates, Capt. Charles, 586, 748.
 —, Elizabeth, 748.
 Cobb, Joshua, 928.
 Cobbett, Thomas, 364(107).
 Cobham, Richard, Viscount, 1300.
 Cochrane, Archibald, 751, 1340, *pp.* 807, 827.
 —, John, 751, *p.* 816.
 —, Robert, 751.
 —, William, 751.
 Cock, George, *p.* 545.
 —, James, 860(2).
 —, Joshua, *p.* 545.
 —, Walter, 975, *p.* 545.
 —, William, 364(57), *p.* 825.
 Cockburn, William, 1286.
 Cockey, Thomas, 1339.
 Cockridge, John, *p.* 764.
 Codd, Colonel St. Leger, 88.
 Codlin, Jonathan, 414.
 Codrington, Christopher, senior, 386-7, 402-3, 519, 573, 629, 647, 685, 694, 710, 751, 1235, *pp.* 805, 815-6, 822.

- Codrington, Christopher, senior, commission and instructions, 481, 771, p. 796.
- , —, takes St. Kitts, 489.
- , —, death of, 718.
- , —, jun., 799, 829, 837, 852, p. 407, 932, 1225, 1274, pp. 799, 805-6, 815-6, 822, 845.
- , —, commission and instructions, 738, 771, p. 797.
- , —, transport for, 973.
- , —, complaints against, 839, 844-5.
- , —, losses in war, p. 647.
- , —, grant to, p. 836.
- , —, his bequests, 1307.
- , Col. William, son of Christopher, jun., 1096, 1197, 1274, pp. 805-6.
- , William, of Antigua, pp. 805-6.
- Codrington*, 916.
- Coffin, Ebenezer, 1017.
- , Peter, p. 818.
- Colbeck, John, 199, p. 811.
- , Robert, 199.
- Colchester*, p. 545, 1161.
- Colchester Adventure*, 1053, pp. 623-4.
- Cole, James, 364(130), 467(9).
- , John, 799.
- , Michael, 860(4, 9).
- , Robert, 2, 364(97, 107).
- , Simon, 364(2, 69), 860(4).
- , William, Secretary of Virginia, 325, 478.
- Cole and Been galley*, 798.
- Coleraine, 577(21).
- Collet, Daniel, 831.
- Colleton, Elizabeth, 1096.
- , James, 763, 1022, pp. 808-9.
- , Sir John, 763, 1254, p. 792.
- , John, 1096, 1254.
- , Sir Peter, 763.
- , Peter, junior, 763.
- Collingwood, Francis, pp. 797, 805, 815, 816, 822.
- Collins, John, 1139.
- Colwell, George, 313, 364(47).
- Comeley, Henry, p. 624.
- Commissary General, 364(43, 57), 721.
- Commissioners for General Gaol Deliveries, 153.
- Commissioners of the Navy, 364 (16, 49, 68, 110, 117, 129-30), 380, 382, 412, 467(4, 9, 13), 500, 525, 631, 636, 714, 865, 867, 898, 908, 1190.
- Commissioners of prizes, 324, 344, 361, 525, 888, 1068, 1133.
- Commissioners of the Revenue (Ireland), 137, 155.
- for sick and wounded seamen, and exchange of prisoners of war, 332, 364(77), 414, 464, 592, 679, 942, 1114.
- for Trade and Plantations, appointed, v., 632.
- for Transportation, 364(50, 88), 477, 570, 1183.
- Committee of Trade and Plantations, appointments to, 1, 170.
- reorganised, 249, 275.
- Committee for plantation appeals, appointed, 657.
- development of, vi.-xi.
- Compear, Leonard, 188, 758.
- Compier, Robert, 187.
- Compton, John, 274(12), 364(48).
- Concord*, 364(19, 131), 467(8, 40, 65, 67), 975, p. 623.
- Coney, Richard, 175, 243, 271.
- , —, commission and instructions, 167, p. 793.
- , William, 412.
- Congnard, David, 412.
- Congreve, William, 1286.
- Conly, S., 593.
- Connecticut, 230, p. 444.
- charter of, 194, 278, 667.
- salary of Governor, p. 432.
- Treat and Allen made Councillors, p. 811.
- Act against Quakers disallowed, p. 832.
- appeals from, 733-734, 913.
- Attorney General proposed for, 639.
- complaints concerning, 940, 952.
- trade in, 162, p. 794.
- illicit trade in, 815, p. 432.
- piracy in, 815.
- Indians in, 925, 1289.
- petition for incorporation of Narragansett, 143.

- Connecticut—*cont.*
 boundary dispute with N.Y., 784.
 defence of, 495, 830, 884.
 to aid in defence of New York, 469.
 refuses aid to Massachusetts Bay,
 922.
- Consent*, 364(57).
- Constable, Captain, *pp.* 689–90.
 —, William, *p.* 112.
- Constantine*, *p.* 623.
- Constant Love*, 364(14).
- Constant Thomas*, 364(82).
- Contee, John, *p.* 814.
- Content*, 859.
- Convoys. *See* under separate planta-
 tions.
- Conway, Edward Earl of, 86.
- Coode, John, 383.
 —, Mary, 995.
 —, Captain Peter, 995.
- Cook. *See also* Cook.
- Cook, Bernard, 1242, 1334, 1343.
 —, Sir John, 1068.
 —, Joshua, 975.
 —, Richard, 364(82), *p.* 816.
 —, Sarah, 1242, 1343.
 —, Thomas, 213.
 —, William, 299, *p.* 764.
- Cooper, George, *p.* 757.
 —, John, 577(5).
- Copley, John, 1067.
 —, Lionel, Governor of Maryland,
 438, 493, 497, 545, 1042. *p.* 797,
p. 813.
 —, —, passage for, 416.
 —, —, salary of, 420, 556.
 —, —, death of, 556.
 —, —, junior, 556.
- Copp, William, 1064.
- Coram, Thomas, *p.* 714.
- Corbet, John, Governor of Maryland,
 1121, *p.* 805, *p.* 814.
 —, —, instructions, *pp.* 630, 798.
 —, Thomas, 364(97).
- Corbin, Gawen, 1156, 1327.
 —, John, 364(2, 69).
 —, Thomas, 860(5), 975.
- Corbin*, 915, 975, *p.* 545.
- Cork, 274(10), 364(29, 55), 467(35),
 477, 859, 860(2, 5).
- Corlet, Robert, 1243.
- Cornbury, Edward, Lord, 412, 859, 875,
p. 454, *p.* 460, *p.* 481, 960, 1033,
 1070, *p.* 818, *pp.* 820–1.
 —, —, appointed Governor of
 New York, 830.
 —, —, commission and instruc-
 tions, 890, *pp.* 800–1.
 —, —, salary of, *p.* 831.
 —, —, report on fortifications of
 New York, 898.
 —, —, appeal against, 1041.
 —, —, grant to, *p.* 850.
- Cornish, John, 364(38).
- Coronation*, 459, 568.
- Corsley, John, *p.* 811.
- Corso, Captain John, 185.
- Cortland, Stephen, 593, *p.* 820.
- Corunna, 562, 608, 634.
- Cornwall, 823.
 —, Robert, 110.
- Cornwallis, Charles, Baron, *p.* 215.
- Cosley, John, 412.
- Cotterell, John, *p.* 545.
- Cotton, Thomas, 785.
- Couch, Thomas, 502.
- Coulthurst, Thomas, 1161.
- Councils, Colonial, nominations to,
 dismissals from, &c. *See* Appen-
 dix II, and under individual
 colonies.
- Council of Trade, appointed v., 632.
- Count de Paix*, 1258.
- Courland, Duke of, 138, 736.
- Coursey, William, *p.* 814.
- Courteen, Mindert, 434.
- Courts, John, *pp.* 813–4.
- Cousins or Cousens, John, 843.
 —, —, jun., 843.
 — or Cozens, Samuel, *p.* 545, *p.* 623,
 1083.
- Covell, Richard, 234.
- Cowes, 364(18), 470, 577(27), 860(9).
 —, Elizabeth, 816.
 —, James, 816.
- Cowley, Capt. Edward, 1117.
- Cowslip*, 915(2, 5).
- Cox, Sir Charles, 1329.
- Cox, Charles, 412, 860(2).
 —, Daniel, 251, 354, 412, 773, 1070,
pp. 818–9.
 —, Edmond 251.

- Cox, Samuel, Councillor of Barbados, 946, 1328, *pp.* 808-9.
 —, —, complaints against, 1021.
 —, —, quarrel with Mitford Crowe, 1047, *p.* 578.
 —, —, quarrel with Robert Lowther, 1329, 1335.
 —, —, Thomas, jun., 1186.
 Crabb, Laurence, *p.* 806.
 Cranfield, Edward, 59, 83, *p.* 808.
 —, —, commission and instructions, *p.* 799.
 —, —, petition against, 156.
 —, —, leave of absence, 158.
 —, —, appointed to Barbados, 528.
Cranfield, frigate, *p.* 624.
 Craven, Charles, appointed, *p.* 794.
 —, William, Earl of, 1, 1004, 1232.
 Crawford, Thomas, *p.* 818.
 Cray, James, 634.
 Creagh, David, 1133.
 Creech, John, 467(57).
 Crey, John, *pp.* 806-7.
 —, William, 412.
 Crisp, Major Joseph, 403, *pp.* 822-3.
 —, Samuel, 422, *p.* 807.
 Crispin, James, 860(2).
 Crissoope, William, 1053.
 Croft, Mary, 984.
 Crofts, Thomas, 860(5).
 Crook, Samuel, *pp.* 822-3.
 Crosse, John, 798.
 Crossley, Charles, 1114.
 Crouch, William, 364(121), 467(78).
Crow, *p.* 546.
Crowder, 859.
 Crowe, Captain, 364(19), 1139.
 —, —, of Montserrat, *p.* 815.
 Crow or Crowe, Mitford, Governor of Barbados, 973, 1013, 1093, *pp.* 808-9.
 —, —, instructions, 808, *p.* 792.
 —, —, transport of, 863.
 —, —, quarrel with S. Cox, 1047, *p.* 578.
 —, —, law suits of, 1080, 1154.
 —, —, complaints against, 1075-6, 1081-2, 1101.
 —, —, grant to, disallowed, *p.* 830.
 —, Oriana, 1080, 1154.
- Crowley, Mary, 1175.
 Crown, John, 813.
Crown, 364(9, 14). *p.* 624.
 Cruger, Valentine, 767.
 Crump, Nathaniel, 1306, *pp.* 806-7.
 Cryer, Benjamin, 947, *pp.* 807-8.
 Cuba, ship seized near, 746.
 letter to Governor of, 582.
See also Havana.
 Culliford, Charles, 860(2).
 Culpeper, Alexander 404.
 —, Thomas, Lord, 43, 52, 57, 78, 79-80, 84, 178, 320.
 —, Lady, 404.
 Cullun, Jasper, 975.
 Cumberland, 364(70).
 Cumby, John, 860(4, 9).
 Cunningham, Capt. Alexander, 749.
 —, Robert, 747, 1173, 1307, *p.* 822.
 Curacoa, clandestine trade with Carolina, *p.* 612.
 Curtis, Robert, 467(30).
 Custis, Edward, 274(12).
 —, John, *pp.* 823-5.
 Customs, Commissioners of the, 26, 64, 78, 93, 95, 108, 130, 137, *p.* 58, 155, 162, 186, 191-2, 195, 207, 220-1, 241-2, 270, 274, 298-9, 305, 345, 357, 359, 364 *passim*, 369-70, 374-5, 379, 384-5, 408, 424, 451, 459, 462-3, 467 *passim*, 470-2, 476, 480, 523, 528, 558, 577 *passim*, 579, 608, 612, 635, 659, 696, 708, 725, 745, 765-6, 840, 842, 868, 914, *p.* 465, 993, 1044, *p.* 538, 1120-21, 1162, 1238.
 Receiver General of the, 64, 399.
 officers of, in plantations, 743.
 Cutler, Nicholas, 405.
 Cutts, John, Lord, 700.

D

- Dade, Thomas, 577(1).
 Dains or Daines, Sir William, 975, 1053.
 Dalison, Mr., 21.
 Daly, John, *pp.* 815-6.

- Dampier, Capt. William, 893.
 Danby, Thomas, Earl of, 78, 408.
 Daniel, George, 1127.
 ———, Josias, 364(16).
 ———, Richard, 1306.
 ———, Thomas, 364(85).
Daniel pink, 860(2).
 Dann, John, 634.
 Dansey, Thomas, *p.* 624.
 Dansie, Thomas, *p.* 545.
 Dantzig, *p.* 59.
 Darby, John, 1219.
 Darien, Scotch Co., 616.
 Darnell, Col. Henry, 395.
 Darrell, George, 757.
 ———, John, 757.
 ———, More, 757.
 Dartmouth, 274(7), 364(84), 385, 467
 (28), 860(3, 4), 1167.
 ———, George, Lord, 85.
 ———, William, Lord, Secretary of
 State, *p.* 619, 1130, *p.* 642, 1143,
 1147, 1155, 1158, 1163, 1181.
 Darvall, Thomas, 32.
 Davenport, Francis, *pp.* 818-9.
 Davers, Sir Robert, 274(7), 364(12),
 1329, 1335.
David, 494, 860(2).
David and Joseph, 975, *p.* 545.
 Davies, Alice, 1159.
 ———, Edward, a pirate, 279.
 ———, William, 1159.
 Davis, John, *pp.* 822-3.
 Davison, Charles, *p.* 764.
 Dawes, Capt. Philip, 597.
 Dawkins, Richard, *p.* 811.
 Dawley, John. *See* Daly.
 Dawson, Joseph, 634.
 ———, Samuel, 634.
 ———, William, 971.
 Day, John, 1162.
 ———, Peter, 975.
 ———, Samuel, 754, 769, *p.* 810.
 ——— ———, commission and instruc-
 tions, *p.* 793.
 ———, ———, passage for, 705.
 ———, ———, charges against, 753.
 ———, ———, his death, 997.
 ———, Sir Thomas, 753, 997.
 Deacon, George, *pp.* 818-9.
 Deane, James, 364(58).
 Deane, John, of London, 1241.
 ———, Stephen, 157.
 ———, Thomas, 178.
 de Biemer, Isaac, 1251.
 de Bonnemere, Paul Minvielle, 1225.
 Deerham, Thomas, Consul at
 Leghorn, 2.
Defiance, 975.
 de Kocherthal, Joshua, 1062.
 de la Cousay, Aletta, 1225.
 Delafoye, Mr., 1261.
 Delamaine, Charles, 1065.
 ———, Wroth, 1065.
 Delancey, —, 1222.
 de la Noy, Peter, collector at New
 York, 445.
 de la Potherie, Mr. 1110.
 Delavall, Thomas, *pp.* 799, 815.
 Delawafer, Lionel, a pirate, 279.
 Delaware, 885.
 Quo Warranto against, 194.
 Lord Baltimore's claim to, 198.
 river, 1332.
 de Medina, Jacob, 1203.
 de Meyre, Nicholas, *p.* 820.
 de Nampons, Margaret, 1225.
 ———, Mary, 1225.
 Denmark, King of, 112.
 Dennet, Alexander, 64.
 Denny, Edward, 1157.
 ———, Martha, 1157.
 Depeyster, Abraham, 617, 767, 890,
pp. 820-22.
 Deptford, 9.
Deptford, ketch, 89, 133.
 Derbyshire, 1098.
 Derham, Sir Richard, 138, 277.
 Dering, Sir Edward, 216, 411.
Dering, frigate, 350, 364(108).
Desire, 274(3, 5), 859.
 d'Estrées, Count, *p.* 59.
 Devonshire, rogues transported from,
 82.
 trade to Newfoundland, 232.
 Dew, George, 480.
 de Witt, John, 1326.
 ———, Mercy, 1326.
 ———, Thomas, 1326.
 Dewsbury, John, *p.* 850.
Diamond, galley, 467(6), *p.* 545.
 Diggs, Cole, *p.* 825.

- Diggs, Dudley, *pp.* 824-5.
Dingle, Peter, 274(12).
Dispatch brigantine, 859.
Dobbins, Edward, 364(131).
Dockwra, William, 871, 938.
Dolby, Martha, 482.
—, William, 482.
Doliff, James, 860(3).
Dolphin, 64, 195, 364(100, 120), 467(3),
614, 769, 860(2, 3), 915(5), 957,
973, 975, 1053, 1339.
Don Carlos, 859, 975.
Dondee, Peter (a Frenchman), 776.
Dongan, Thomas, 224, 233, 246, 475,
505.
—, —, petitions for grant of a
ship, 525.
—, —, petition for employment,
1131.
Dorcas, 364(84).
Dorchester Co. (Md.), *p.* 839
Dorchester gaol, 1087.
Dorn, John, 1021.
Dorothy, 332, 974(3).
Dorrell, Capt. Robert, 587.
Dorsey or Dorset, John, *p.* 814.
Doughty, Mr., 21.
Douglas, Capt., of *Arundel*, 1139.
—, Henry, 1306.
—, James, 1299.
—, John, 364(96).
—, Walter, Governor of Leeward
Islands, 1141, *pp.* 806, 815, 817,
823.
—, —, commission and instruc-
tions, *p.* 797.
—, —, orders as to trial of Park's
murderers, 1143.
—, —, appeals against, 1197,
1204.
—, —, complaints against, 1215.
—, —, trial of, 1247, *p.* 689*sq.*
—, —, imprisonment of, *p.* 652.
Dover, 385, 467(5), 470.
Dover Merchant, 860(4).
Dow, Henry, *p.* 818.
Dowles, Giles, 81.
Dowley, William, 1247, *p.* 689.
Down, William, 634.
Downes, Richard, 947, 1099, *p.* 604,
p. 767.
Downing, Sir George, 93.
—, Patrick, *p.* 810.
D'Oyley, Charles, 1100.
—, Cope, 1100.
—, —, jun., 1100.
—, Robert, 1100.
H.M.S. Dragon, 1170.
Drake, Thomas, 860(2).
Drake, 209, 296.
Drax, Henry, sen., 1096.
—, —, jun., 1096.
Dreadnought, 433.
Drysdale, John, *p.* 545.
Dryver, John, 414.
Dublin, 137, 364(43), 577(4).
Du Bois, Thomas, 900.
Dudgeon, John, Secretary of Bermuda,
742.
Dudleston, Sir John, 364(48, 88).
Dudley, Joseph, Governor of New
England, 700, *p.* 390, 864, 867,
889, *pp.* 431-2, 899, *p.* 454, 925,
940, *p.* 481, 1074, *pp.* 818, 820.
—, —, commission and instruc-
tions, 901, *pp.* 799-800.
—, —, appointment of, 830.
—, —, powers over Rhode Island,
917.
—, —, complaints against, 1029.
—, —, grant to, *p.* 847.
—, Captain Joseph, 364(51), 467
(57).
—, Sir Matthew, 412.
—, Thomas, 860(9).
Duke, Henry, *p.* 824.
—, Robert, 975.
Duly, Thomas, 860(6).
Dumbarton frigate, 423.
Dummer, Jeremiah, 1299, 1300, *p.* 713.
Duncan, James, 467(5), 915(4).
Dunckley, Robert, 860(5), 916.
Dunckley, *p.* 624.
Duncombe, Thomas, *p.* 805.
Dunkirk, 614.
Dunkirk, man-of-war, 566.
Dupin, Nicholas, 736.
Duport, John, *p.* 823.
—, Stephen, 201, 486, 679, 1235,
p. 823.
—, —, his losses, 1069.
Durham, 364(46).

Durham Yard, 577(20).
 Dutch. *See* Holland.
 Dutton, Sir Richard, Governor of
 Barbados, 50, 96, 138, 197.
 —, —, commission and instruc-
 tions, 16, p. 792.
 —, —, transport of, 21.
 —, —, salary, 71.
 —, —, complaints against, 69,
 115, 169, 180.
 —, —, church books embezzled by,
 31, 293.
 —, Mr., 21.
 Dyer, William, 47, 195.
 Dymock, William, 979.

E

Eagle, 467(69, 72, 73), 1053, 1161.
 Earl, Charles, 1191.
 —, John, 1057.
 —, Joseph, 364(65), 438.
 —, Sarah, 1057.
 Eason, Robert, 860(7).
 Easthampton (N.Y.), 1222.
 East India Co., 86, 179, 634, 726,
 p. 854.
East India Merchant, 459.
 East Indies, convoy for ships from,
 300.
 regulation of trade, 470.
 piracy in, 634, 726, p. 726.
 East New Jersey. *See* New Jersey.
 Eden, Charles, p. 802.
 Edgecombe, Leonard, 274(2), 350,
 364(32, 108).
 Edgeley, William, 975.
 Edgington, Egginton or Eginton,
 John, 846, 900, 1025.
 —, Sarah, 900.
 Edlyne, Edmond, 1166, pp. 812-3.
 Edmondson, John, p. 839.
 —, Thomas, p. 839.
Edward and Francis, 577(26).
Edward and Mary, 364(95), p. 545.
 Edwards, Talbot, 447, 697.
 —, Thomas, 392.
 Edwin, Sir Humphrey, 412.
 Egerton, John, p. 840.
 Ekins, Lieut., 1083.
 Eldredge, Joseph, 467(74).
Elinor ketch, 364(61).
Elizabeth, 35, 274(7), 364(93), 577(4,
 5, 20), 859, 860(4), 975, pp. 545-6.
 Elizabeth Town (N.J.), 641.
Elizabeth and Ann, 364(56), 859.
Elizabeth and Catherine, 274(8), 872.
Elizabeth and Martha, pp. 545, 624.
Elizabeth and Mary, 467(42), 860(4),
 p. 623.
 Elletson, Roger, 205, 277, 426.
 Elliot, Diana, 208.
 —, Elizabeth, 1057.
 —, James, 1334.
 —, John, 208.
 —, Mary, 880.
 —, Robert, p. 818.
 —, Stephen, 467(55), 572, 880.
 —, Thomas, 1057.
 Ellis, James, 860(2).
 —, Robert, p. 817.
 —, Thomas, 364(83).
 —, William, p. 624.
 Elrington, Col. Roger, Lieut-Governor
 of Nevis, 842, p. 799.
 Elton, Andrew, 364(18), 860(5).
Elton galley, p. 623.
 Ely, Thomas, 467(55).
 Elye, Gersham, 1184.
 Embargo, 171, 270, 274, 364, 451, 467,
 577, 620, 859-60, 915, 974, 1312.
 in plantations, 861, 916, 975, 1053,
 p. 623.
 Emberby, Simon, 364(19).
 Emery, Priscilla, 1031.
 Emett, James, 744.
Employ, 860(2).
Employment, 859.
Endeavour, 467(14), 859, 860(6), p. 545.
 England, Edward, a pirate, p. 778.
 Ennals, Thomas, p. 814.
 Erle, Lieut.-General Thomas, p. 802.
 Ernley, Sir Edward, 1254.
Escape, 364(107).
 Essex Co. (Mass. Bay), p. 841.
 (N.J.), 641.
Essex frigate, 859.
Essex Love, p. 545.
 Estridge, John, pp. 822-3.

Estwick, Christopher. 949.
 —, Nathaniel, 1083.
European, 467(44, 78, 80).
 Evans, John, 744, p. 802.
 Evans or Evance, Sir Stephen, 530,
 631, 755.
 —, William, 860(5), p. 545.
 Everard, Thomas, 364(13).
 Everden, Aaron, 563, 860(5).
 Eversden, Benjamin, 1306.
 Everson, Samuel, 860(2).
 Every, Henry (*alias* Bridgeman), 634,
 646.
Exchange ketch, 586, 850, 860(2).
 Exeter, 379, 467(31), 470, 509, 860(5).
Expectation, 44, 916.
Expedition, 44, p. 545.
Experience and Susanna. 838.
Experiment, 577(20), 586.
 Eyles, Francis, 364(19, 131), 707.
 —, Joseph, 1329.
 Eyre, Robert, Solicitor General, p. 551,
 1085, p. 616.
 Eyres, Matthew, 82.
 Eyton, James, 361.

F

Fairfax, Katherine, Lady, 404.
 —, Thomas, Lord, 404, 1098.
 H.M.S. *Falcon*, 225, 536, 584.
 Falconer, Charles, 634, 646.
 —, John, 1033.
 Falconier, Captain, *alias* Ulrick, 608.
 Falkland, Anthony, Viscount, 234.
 Fallony, Jonathan, 860(2).
 Falmouth, 300, 364(75), 370, 385, 577
 (28), 859.
 (Antigua), 1272, p. 827.
Flame, 893, 1053, 1158.
Fancy, 634.
 Farmer, Katherine, 846.
 —, John, 816, 846, p. 808.
 Farneley, Thomas, 325.
 Farquharson, John, 1334.
 Faulkinham, John, p. 546.
 Fawket, James, 45.
 Fay, John, 467(44).

Fellowship, 364(107).
 Ferdinando, Francisco, 746.
 Ferryland (Nfd.), 358, 865, 1072.
 attacked by French, 598.
 plundered by French, p. 540.
 disputed possession of, 1048.
 stores for, 1139.
 Fibber, Caleb, 766.
Fidelia, 467(72).
 Field, Thomas, 980.
 Fifield, Abraham, 364(8).
 Finch, Hon. Heneage, Solicitor
 General, 5, 86.
 —, Thomas, 1153.
 —, William, p. 623.
 Finlay, Robert, 1165.
 Fish, William, 1087.
 Fisher, Francis, p. 545, pp. 623-4.
 —, William, 40.
Fisher, 577(8), 1289.
 Fitzgerald, Andrew, 1165.
 —, Redmond, 157.
 Fitzherbert, Mr., 21.
 Fitz Hugh, William, p. 825.
 Flanders, 1087, p. 749.
 Fleet, Sir John, 500.
 Fleming, John, of Barnstaple, 274(7).
 —, Dr. William, 569.
 Fletcher, Benjamin, Governor of New
 York, 364(91), 434, 464, 469, 539,
 593, 604, 638, 642-4, 776, 954,
 p. 820.
 —, —, commission and instruc-
 tions, pp. 801-2.
 —, —, New Jersey and Pennsyl-
 vania placed under, 437.
 —, —, transport for, 441.
 —, —, charges against, 721, 744.
 —, —, his land grants annulled,
 1062.
 —, Capt. John, 704.
 —, Mary, 704.
 Flint, Henry, 1298.
 Florida, Cape, 950.
 Florida, gulf of, 1004, 1060.
Flying Horse, 467(67).
 Flypse or Flypson, Frederick. *See*
 Philips.
 Fogg, Thomas, 975, p. 623.
 Forbes, William, 1334.
 Ford, Bridget, claim against Penn, 1046.

- Ford, Henry, 794-5.
 —, John, 274(2).
 —, Peter, of Rotherhithe, 1296.
 —, Philip, 1046.
 H.M.S. *Foresight*, 592.
 Forest, Gabriel de la, 679.
 Forrest, Edward, 860(4).
 Forrester, Edmond, p. 545.
 —, Thomas, 139.
 Forster, John, 860(2).
 —, Miles, 744, p. 710.
 —, Rebecca, p. 710.
 Fort Nelson (H.B.C.), p. 133, 679.
 Fort St. Andrew (W. Africa), p. 58.
 Fort William (Nfd.), 1139.
 Fort William and Mary (N.H.), 1074.
 Fort William Henry (N.Y.), 526.
 Fortescue, William, 1279.
Fortitude, 974(2), p. 545.
Fortune, 502, p. 624.
 Forward, Jonathan, 1339.
 Fosdick, Samuel, 913.
 Foster, Jacob, 412.
 —, Matthew, 861.
 —, Thomas, 860(5).
 Foulis, Capt., 577(11).
Fountain, 138.
 Fowle, William, 1053, p. 546.
 Fowler, Christopher, 260, 577(26), 900.
 Fox, Anthony, p. 816.
 —, Stephen, 525.
 —, William, p. 815.
Fox, 439.
 Fox Island (Nfd.), 1139.
 Foxcroft, Isaac, 234.
 Foxon, Col., 1303.
 H.M.S. *Foye*, 1158.
 Fraise, Catherine, 1225.
 France, Paul de Barillon, Ambassador of, 109, 150.
 —, John, Earl of Stair, Ambassador to, 1277.
 France, war with, 286, 467(79), 627, p. 472.
 —, declaration of, 860(8).
 —, in Bahamas, 873, 1004, 1232.
 —, in Barbados, 882.
 —, in Hudson's Bay, 284, 350, 414, 679, 704.
 —, in Jamaica, 109, 111, 150, 296, 364(96), 628, 1114.
- France—*cont.*
 —, in Leeward Islands, 287, 499, 521, 870, p. 688.
 —, in Montserrat, 1141, 1248.
 —, in Nevis, 1030, 1069, p. 536.
 —, in Newfoundland, 577(7), 598, 992, 1001, 1045, p. 540, 1051, p. 635.
 —, in New England, 517, 537, 899, 922.
 —, in New York, 278, 442, 469, 475, 525, 539, 593, 637, 643, 898, 960, 1062, 1125.
 —, in Pennsylvania, 437, 869.
 —, in St. Christopher, 394, 489, 914, 1069, 1220, 1233, 1275.
 —, in Virginia, 446, 467(8).
 —, in West Indies, 107, 134, 364 (39), 929, 955, 1016, 1037, 1110.
 —, peace concluded, 688, 1185.
 intrigues with Indians, p. 460, 1116.
 ravages the Palatinate, 1062.
 on the Mississippi, pp. 609, 612.
 in Canada, 943, 951, 1017, 1062, 1125, 1131, p. 609.
 garrison of Port Royal restored to, 1170.
 exchange of prisoners, 394, 464, p. 503.
 protestant exiles from, 94, 831.
 —, in Jamaica, 106.
 —, in Leeward Islands, 258.
 —, in New York, 859.
 —, in Virginia, 102, 783.
 capture of ships by, 344, 364(100), 389, 691, 1114.
 capture of ships from, 357, 1028, 1183, 1314.
 recapture of ships from, 361, 364(35, 40), 433, 1028, 1113, 1158, 1241.
 capture of stores for New York by, 960.
 tobacco trade with, 1044.
 trade with Newfoundland, 865.
 illegal trade with, in West Indies, 480, 589, 1110, 1329.
 Francis, Lieutenant Samuel, p. 400.
 —, Stephen (an Italian), 776.
Francis, 6, 133, p. 545.
Francis and Mary, 364(10), p. 623.

Francis and Thomas, 444.
 Franklyn, Ann, 1295.
 —, Mary, 1295.
 —, William, 1295.
 —, William Henry, 1295.
 Franquenay, Monsieur, Lieut.-General
 of Petit Guaves, 150.
Frederick, 389.
 Freeman, William, 127, 845.
Freeman, 64, 364(77).
 Freke, Philip, 1162.
 French, Anne, 1189.
 —, George, 1143, 1239.
 —, John, 1189.
 —, Philip, outlawed, p. 850.
 Frennier, Francis, 634.
 Frere, John, 1179, 1329, 1334, p. 809.
 —, Tobias, 378, 953, 989, pp. 807-9.
Friendly Society, 467(30).
Friend's Adventure, 467(12, 69, 72-3),
 557, 859, 860(2, 4, 9), 975, 1219.
Friend's Goodwill, 975, p. 545.
Friendship, 364(5, 20), 467(11, 59).
 470, 577(4), 746, 859, 975, pp.
 545-6, p. 624.
 Frisby, James, pp. 813-4.
 Frobisher, Sir Martin, 405.
 Fry, John, 1204, pp. 805, 827.
 —, William, pp. 815-6.
 Frye, John, 364(100).
 Fryer, Nathaniel, p. 818.
 Fryer's Island (New England), 884.
 Fuller, Ann, 1280.
 —, Charles, 1280.
 —, Mary, 1280.
 —, Mr., 21.
 Fullerton, James, 641.
 —, John, 414.
 —, Thomas, 939.
 Furzer, Benjamin, 636.

G

Gaillardet, Peter, 589.
 Galeno, Joseph, 1337.
 Gallop, George, 54.
 Galway, trade with plantations, 157,
 p. 86, 221, 837, 1219.

Gambia, river, p. 58, 1241.
 Gamble or Gambell, George, 1226.
 —, John, p. 807.
 Gandy, Charles, 1153.
 Gardner, John, 274(7), 1213.
 Gardner, Captain Robert, 937.
 Gardiner, Samuel, pp. 799, 816.
 Gardner, Thomas, 418, p. 819.
 Garford, John, 364(42).
 Garnett, Colonel John, pp. 647, 822-3.
 Garrett, John, 253.
 Garrish, Richard, 879.
 Garvan, Jeremiah, 1230.
 Gaschet, Daniel, 1110.
 Gascoigne, Stephen, 984, p. 807.
 Gassaway, Nicholas, 1019.
 —, Thomas, 1019.
 Gath, Thomas, 763.
 Gearish [? Parish], John, p. 818.
 Gee, Joshua, 860(5), 1299.
 —, Mary, 1223.
Genoa Merchant, 210.
George, 274(12), 364(104, 119, 131),
 975, pp. 623-4.
 Gerard, John, p. 624.
 Gerrish, Richard, p. 818.
 —, William, pp. 815-6.
 Gery, Thomas, 1141.
 Gery, George, commission of, 297.
 Gibbons, William, 1250.
 Gibbs, Edward, 299.
 —, Henry, 364(61), 1109.
 —, John, p. 579, pp. 807-8.
 —, Mr., 21.
 —, Thomas, 975.
 Gibson, Sir John, 695, 702.
 —, —, planter in Nevis, 118.
 —, Capt., 562.
Gift, 577(4).
Gift of God, 44.
Gilbert and Anne, 364(7), 859.
 Gill, Abraham, 165.
 Gillam, Benjamin, 467(63), 577(24).
 Gillibrand, Mr., p. 581.
 —, Nicholas, 819.
 Gilligan, Butler, 1080, 1290.
 —, Manuel Manasses, p. 578, 1080,
 1290.
 Glasgow, 309.
 Gleane, Mr., 21.
 Gleave, Thomas, 467(69, 72, 73).

- Gloucestershire, tobacco grown in, 7, 38, 81, 299.
- Gloucester*, 577(11), p. 545.
- Goar, Thomas, p. 817.
- Goddard, John, Lieut.-Governor of Bermuda, 544, 624, 753.
- , —, commission and instructions, p. 793.
- Godin, David, 364(131).
- , Stephen, 860(2).
- Godolphin, Sidney, Lord High Treasurer, 365, p. 251, 525, 535, 554, 868, 874, 888, 898, pp. 443-4, 904, 911, 915, 921, 923, p. 460, 936, 1032, 1039, p. 535, 1044-5, 1050, 1061, 1068-9, 1074, 1078, p. 588, 1092, 1114-6, 1118, 1120.
- Godwyn, manor of (St. Christopher), 845.
- Gold, Nathaniel, 971.
- Golden Lion*, 861, 915(4).
- Goldingham, John, 202.
- Gomersal, Ezekiel, p. 813.
- Good, John, 975, 1053.
- Good Intent*, 467(47), 1269.
- Good Intention*, 221.
- Good Success*, 467(13).
- Goodwill*, p. 546.
- Goodfellow, Robert, 364(90).
- Goodman, Charles, 765.
- , John, 860(2).
- Goodricke, Sir Henry, 20, 339.
- , Joseph, 770.
- Gookin, Charles, 1332, p. 802.
- , Samuel, 985.
- Gordon, George, of Barbados, 1093.
- , Robert, 1339.
- , Thomas, pp. 819-20, 848.
- , William, complaints against, 1310.
- Gore, William, 361.
- Gorges, Henry, 208.
- , Sir Ferdinando, 1006.
- , Lord, 410.
- Gosfright, Francis, 467(32).
- Goss, Joseph, 634.
- Gottley, Richard, 364(102).
- Goulding, Roger, 364(49).
- Gouverneur, Abraham, 434, 1251.
- Gove, Edward, to be pardoned, 151.
- Graffinried, Christopher de, 1103.
- Grammont, a pirate, 229.
- Grand Canary*, 1051.
- Grane, William, p. 623.
- Granville, John Lord, 950.
- Granville*, 915(4), pp. 545-6, pp. 623-4.
- Graves, Ben, pp. 623-4.
- , John, 1232.
- , Thomas, 1004, p. 623.
- Gravesend, 101, 138, 364(17), 467(61), 860(15), 915(1), 1052.
- (Long Island), 110.
- Gray, Dorothy, 535.
- , John, 265, 535.
- , Matthew, 1084.
- Graydon, Vice-Admiral John, 865, 912.
- Grazet, James, 1343.
- Great Island (N.H.), 123.
- Grecian, Thomas, 44.
- Green, —, of New Hampshire, p. 818.
- Greenberry, Nicholas, p. 813.
- Greenfield, Thomas, p. 814.
- Greenhill, David, 1053.
- Greenland, 93, 405.
- Greenwell, James, 861.
- Gregory, John, p. 813.
- , Matthew, 1287.
- , Richard, 1188.
- , Susanna, 1188.
- Grenville, Sir Bevil, 760, 763, 932, 939, 946-7, 1088, p. 808.
- , —, commission and instructions, p. 792.
- , —, presents for, 918.
- , —, his arbitrary conduct, 949, 978, 1009, 1075.
- , —, grant to, p. 829.
- Gretton, Enoch, 949.
- Grevell, Silvanus, p. 545.
- Grey, Henry, 1198.
- , Ralph, Lord, Governor of Barbados, 760, 763, 768, 837, p. 405, p. 808.
- , —, commission and instructions, 763, 808, p. 792.
- , —, transport to Barbados, 692.
- , —, presents for, 707.
- , —, complaints against, 843.
- , —, his death, 1198.
- Greyhound* privateer, 364(41, 42), 859, 915(3), 974(2, 3).
- Griffith, Sarah, 1039.

- Griffin, Edward, 39.
 —, Thomas, 480.
 Grimington, Capt. Michael, 350, 364 (108).
 Groom, Daniel, *p.* 545, *p.* 624.
 Grove, Sylvanus, 860(5).
 Guadeloupe, 589, 955, 1037, 1110.
 Guernsey, 44, 471.
Guernsey frigate, 150.
 Guiball, James, 102.
 Guinea, 115.
 ships for, 364(76), 467(7, 20, 48), 766, 859, 860(4, 5), 975, 1052-3, 1158.
 trade with, 10.
 Coast, piracy on, 819.
 Guise, Christopher, 281.
 Guilford, Francis, Lord, 1309, *p.* 798.
 Gull, Richard, 1289.
 Gully, Capt., *p.* 636.
 Gulston, Mary, 562.
 Gundry, John, 861.
 Gunman, Capt., 1139.
 Guy, Henry, 408, 459, 517.
 Guyhard, Francis, 1069.
- H
- Hackshaw, Robert, 412.
 Hacombe, George (a German), 776.
 Haggatt, Mary, 1109.
 —, Othniel, 1109, 1290.
 Haig, Mary, *p.* 710.
 Haistwell, Edward, 364(25), 971.
 Hales, John, 1053.
 Halifax, Charles, *p.* 624.
 Hall, Daniel, 1217.
 —, John, 361, 860(5), *p.* 814.
 —, Joseph, 364(4), 390.
 —, Mr., *p.* 778.
 —, Peter, 1035.
 —, Richard, 32, 141.
 —, William, *p.* 819.
 Hallam, John, 733-4.
 —, Nicholas, 734, *p.* 460.
 Hallett, John, 260, 506, 846 900, *pp.* 807-10.
 —, Richard, 260, 900.
 Hallidge, James, 351.
 Halstead, John, 1250.
 Hambleton tribe (Bermuda), 750.
 Hamburg, 782.
 Hamilton, Andrew, 796, 871, 885, *p.* 800.
 —, Anne, Duchess of, 560.
 —, Lord Archibald, *pp.* 812-3.
 —, —, instructions, 1224, 1284, *p.* 796.
 —, —, complaints against, 1260.
 —, —, his arrears, 1261.
 —, John, *pp.* 805-6, 819-20.
 —, Walter, 1105, 1143, 1147, 1255, 1281, *p.* 749, 1313, *pp.* 803, 806, 815-7, 822-3.
 —, —, commission and instructions, *p.* 797.
 —, —, transferred from St. Christopher to Nevis, 1030.
 —, —, quarrel with Martha Assaillés, 1225.
 —, —, charges against, dismissed, 1239.
 —, —, naturalised, *p.* 836.
 —, William, Duke of, 560, 1300.
 Hammond, John, *p.* 814.
Hampshire, 577(20), 704.
 Hampton (N.H.), 1323.
 Hancock, Judith, 712.
 —, Richard, 712.
 Handasyde, Thomas, Governor of Jamaica, 886, 964, 1018, 1036, 1071, 1127.
 —, —, commission and instructions, 906, 1059, *p.* 796.
 —, —, instructions as to escheats, 1059, 1126.
 —, —, in Newfoundland, 702.
 —, —, illegal conduct of, 1031, 1065.
 Hankin, Edward, *p.* 546.
 Hankins or Hunkins, Mark, *p.* 818.
 Hannay, George, 69, 145.
 —, James, 966, 1290.
Hanover galley, 860(5).
 Hanson, Francis, *p.* 811.
 —, Samuel, 69, 169.
Happy Jane, 467(69, 72, 73), 546.
Happy Return, 364(37, 38), 859-60(5)
Happy Union, 859.
 Harbour Grace (Nfd.), 1139.

- Harcourt, Sir Simon, Attorney General, 1022, *p.* 529, 1044, 1123.
 —, —, Solicitor General, *p.* 198, *p.* 343, 875, 890, 911, 930, 940, *p.* 478, 949, 952, 973, 1002, *pp.* 508-9, 1294.
Hardereen, 229.
 Harding, John, 44.
 Harford, Thomas, 761, *p.* 810.
 Harman, Elizabeth, 929.
 —, John, 364(20).
 —, Captain William, 929.
Harman, 470.
 Harris, Andrew, 980.
 —, Charles, 2.
 —, George, 413.
 —, Lieut. Henry, 829.
 —, John, 860(5).
 —, Richard, 860(2).
 —, Sarah, 1084.
 —, William, 1316.
 Harrison, Benjamin, 1100, *pp.* 824-5.
 —, Francis, *pp.* 821-2.
 —, John, 364(13), 1070, *p.* 819.
 —, Josias, 977.
 —, Captain Mark, 184.
 —, Nathaniel, *p.* 825.
 —, Richard, *p.* 840.
 —, Robert, 1334.
 —, Samuel, 364(21).
 —, Sarah, 184.
 —, Thomas, *p.* 813.
Harrison, *p.* 545.
 Harry, an Indian, *p.* 839.
 Hart, John, commission and instructions, *p.* 798.
 —, —, leave granted, 1309.
 —, Sir Richard, 95.
 Hartwell, Henry, *p.* 824.
 Harvard College incorporated, *pp.* 841, 843.
 Harvey, Hannah, 1245.
 —, Henry, 1245.
 —, Joseph, 1032.
 —, Richard, 860(5).
 —, Thomas, 844.
 —, William, *p.* 624.
 Harvey's Plantations (Nevis), 844.
 Haskett, Capt. Elias, Governor of Bahamas, 786, 873, 892.
 Hassan, Cutts, *p.* 764.
 Hastings, John, 916, 975.
Hastings, 564, 606.
 Hatch, Robert, 860(3).
 Hathway, James, 274(12).
 Hatley, Benjamin, 975.
 Havana, 190, 210, 364(105), 1004.
 —, prisoners at, 240.
 Haviland, —, 101.
Hawk, 433, 566, 1182.
 Hawke, Anthony, 467(30).
 Hawkins, Isaac, 599, 808.
 Hawles, Sir John, Solicitor General, 687, 721, 726, 755-6, 762, 776, 788, 791, 840.
 Hayes, Sir James, 234.
 —, John, 964.
 Hayes River (Hudson's Bay), 704.
 Hayfield, Peter, 1083.
 Hayman, Captain, 1051.
 —, Sir William, 274(7).
 Hayne, William, 364(84), 467(28).
 Haynes, John, *p.* 820.
 —, Joseph, 881.
 —, Richard, 274(3), 364(4), 513.
 Hayter, Whitfield, 818.
 Heywood, Peter. *See* Heywood.
H.M.S. Hazardous, 1026.
 Heath, James, *p.* 839.
 —, Mary, 588.
 —, Capt. Thomas, 588.
 Heathcote, Caleb, 381, 744, 851, *pp.* 820-22.
 —, Gilbert, 274(12), 364(62, 122), 467(22), 577(1), 593, 1213.
 —, Josiah, *pp.* 811-2.
 —, Samuel, 971.
 Heathersall, Burch. *See* Hothersall.
 —, John, *p.* 807.
Heart pink, 859.
H.M.S. Hector, 1110.
 Hedges, Sir Charles, 295, 612, 634, 646, 853, 885, *p.* 461, 937, *p.* 481, 968, 992, *p.* 535, 1051, 1068, 1113, 1133.
 Helden, John, *p.* 823.
Henbury, *pp.* 545-6.
 Henderson, Charles, 204.
 Hendricksen, Garrett, 357.
 Henley, Lieut. Robert, 968.
 Henriques, Manoel, naturalised, 219.
 Henriquez, Peter, 364(66).

- Henry*, 859.
 Herbert, Vice Admiral Arthur, afterwards Lord Torrington, 2.
Herbert, 916, 975, pp. 545-6.
Hercules, 1053.
 Herdman, Capt. Mungo, p. 726.
 Heretordshire, tobacco in, 7, 38, 81, 299.
Heritage pink, 274(12).
Hermitage, p. 624.
 Herne, Sir Joseph, 364(84), 405, 412, 467(28, 72).
 —, Nathaniel, 467(32).
Hester, 364(43), pp. 545, 623-4.
 Heydon, Sir John, complaints against, 46.
 Heysham, Robert, 577(17), 782, 860(2), 1244, 1329.
 Heysham, William, p. 577, p. 581, 1243-4.
 Heyward Hugh, 1053.
 Heywood Captain, 91.
 —, Peter, 1071, pp. 716, 734, 796, 811-3.
 Hebbs, Thomas, 412.
 Hickman, Rev. Charles, D.D., 372.
 Hide, Captain William, 563, 686.
 Higgins, Robert, 364(61).
Higginson, frigate, p. 624.
 Hill, Arthur, p. 624.
 —, Margaret, 315.
 —, Mr., 21.
 —, General Thomas, 250, 315, 326, 521, 611, 685.
 —, —, Commission, p. 796.
 Hilton, Winthrop, p. 818.
 Hincks, John, p. 818.
 Hinson, Benjamin, p. 810.
 —, John, a pirate, 279.
 Hiriberry, Monsieur de, p. 758.
 Hispaniola, 107, 547, 582, 1169, 1258.
 seizures by Governor of, 109, 111.
 treasure seeking near, 234, 261.
 Hite, John, 1035.
 Hix, Paul, 357.
 Hoar, Edward, 364(55).
 Hobson, Thomas, p. 757.
 Hoddy, Hugh, p. 819.
 Hodges, Anthony, p. 799, p. 815.
 —, Thomas, 808, 1009, 1010.
 Hodgings, John, 1034.
 Hodgson, Daniel, 1296.
 Hodson, Daniel, 274(15).
 Hog Island (R.I.), 987.
 Holberton, William, 860(5).
 Holder, John, 816, 848, 1014, 1022, 1055, p. 809.
 —, Margaret, 848.
 —, Melaliah, 816.
 —, Richard, 586.
 Holdsworth, Capt. Arthur, 1051.
 Hole Haven, 364(63), 459.
 Holford, Robert, p. 451.
 Holland, West India Company of, 15.
 St. Eustatius and Saba restored to, 24.
 Ambassador from, 24, 295, 344, 357, 608.
 in Tobago, pp. 58-9.
 in West Indies, 229.
 illegal trade of, 231, p. 612.
 ships to and from, 274(10), 364(120), 459, 467(5), 577(27).
 to be assisted against French, 334.
 vessels captured from French by, 344, 357, 1241.
 surrender of Surinam to, 551.
 Ambassador to, 551, 608, 690
 ship *Isaac* seized by, 608.
 powder imported into Massachusetts from, 864.
 its vessels not to be molested, 933.
 men of war of, 1044, 1052.
 Holland, —, of Barbados, 206.
 —, George, 364(58).
 —, John, 364(20), 412.
 —, Captain Roger, 1091.
 —, Thomas, pp. 445, 623-4.
 —, William, pp. 814, 840.
 Hollister, Edward, 975, p. 545.
 —, Lawrence, 975.
 Holloway, James, 172.
 Holmes, John, 1301.
 —, Sir Robert, p. 58, 279.
 —, William, 598, 1301.
 Holms, Tempest, 1344.
 Holt, Col. Henry, 327, 570, 621, 685.
 —, Sir John, 544, 762, 1087-8, p. 797.
 —, Martha, 984.
 —, Richard, 984.
 Honduras, illegal trade from, 766.
 Bay, 185.

- Honest Endeavour*, p. 545, p. 623.
 Hooper, Robert Lettice, 1242.
 Hope, the, 459, 514.
Hope, 364(6, 86, 89, 131), 467(6, 26),
 563, 566, 860(1, 5).
Hopefor, 860(4, 9).
Hope for Betty, p. 545.
 Hopegood, Anne, 1067.
Hopewell, 364(58), 467(37, 63), 853,
 859.
 Horne, John, p. 816.
 Horse Guards, the, 669.
 Horton (Northumberland), 1198.
 Horton, John, 467(71).
 —, Richard, alderman of Liverpool,
 467(51, 55).
 Horwood, Capt., p. 778.
 Hosea, a Spanish Indian, 1171.
 Hosier, Charles, 860(5).
 Hoskyns, Sir John, 406.
 Hothersall or Heathersall, Burch,
 1198, pp. 807-8.
 Houblon, Sir James, 562.
 Hoxon, Walter, 1053.
 Howard of Effingham, Francis, Lord,
 130, 171, 173, 203, 279, 320, 418,
 p. 803.
 —, —, appointed Governor of
 Virginia, 128.
 —, —, leave of absence granted,
 256.
 —, Sir Philip, 187, p. 795.
 —, Samuel, 405.
 Howson, Leonard, p. 757.
 Hubbard, John, Sheriff of Bermuda,
 333.
 —, Richard, 860(4), p. 546, p. 624.
 —, Samuel, 603.
 Huddy, Charles, 1266.
 Hudson river, 784, 1062.
 Hudson's Bay, war with French, 284,
 297, 414, 679, 704.
 forts and factories in need of relief,
 350, 467(77).
 regulation of trade with, 463, 470.
 Company, 161, 216, 253.
 —, ships of, 274(2), 364(32, 36,
 108), 467(29, 77).
 —, convoy (1690), 350.
 —; letters of marque for, 284.
 —, monopoly of, 86, 255, 297.
Hudson's Bay frigate, 364(108).
 Hudson's Strait, p. 133.
 Hugg, John, pp. 819-20.
 Huling, John, 44.
 Hull, 364(33, 86).
 Humphreys, Sir William, 1213
 Hun, Thomas, p. 624.
 Hunkin, Richard, p. 545.
 Hunkins, John, 44.
 Hunlock, Edward, p. 818.
 Hunt, Capt., 1122.
 —, Charles, 860(2).
 —, Lieut. Daniel, 821.
 —, John, pp. 545-6.
 —, Thomas, 1053.
 —, William, pp. 784-5.
 Hunter, Robert, 1168, pp. 819, 825.
 —, —, commissions and instruc-
 tions, p. 609, 1125, 1137, pp.
 800-801, 803.
 —, —, imprisonment in France,
 p. 585.
 —, —, petition for a grant of
 land, p. 773.
 —, —, his clemency, 1171.
 —, —, petition for repayment,
 1227.
 —, —, quarrels with Assembly as
 to permanent revenue, 1136.
 —, —, quarrels with New Jersey,
 1174.
 —, —, complaints against, 1222,
 1266, 1268.
 —, —, petition for arms, 1236.
 Hurst, Robert, 1053.
 —, Thomas, 975.
 Husbands, Margaret, 1129.
 —, Richard, 1129.
 Hutching, Nicholas, 860(18).
 Hutchins, Charles, pp. 813-4.
 —, John, 875, p. 850.
 —, Mary, 1071.
 —, Samuel, 860(5).
 —, William, 1071.
 Hutchinson, Archibald, 1083.
 —, Eliakim, 161.
 —, Elisha, 251, 1119.
 —, Jerediah, 1083.
 —, John, 44.
 Hyde, Edward, of N. Carolina, 1145,
 p. 802.

Hyde, John, 364(70), 915(4), 916, 975, 1053.
 —, Richard, 364(54).
 —, Robert, 210.
 Hynde, William, p. 690.

I

I'Anson, William, p. 635.
 Ilfracombe, 860(1, 2).
 Inchequin, William, Earl of, 323, 330, 342, 364(111), 372, 467(35).
 —, —, —, commission and instructions, p. 795.
Inchiquin, 364(76).
 Inledon, Robert, 1240.
Increase, 364(35).
 Indentured servants, 82, 90, 99, 101, 118, 153, 281, 683, 693, 703, 729, 1339.
 registry for, 99, 281.
 India. *See* East Indies.
 Indian Harry, p. 839.
Indian King, 974(2).
 Indians, of Canada, 951, 961, 1017, 1125, 1131.
 of Carolina, 1106, 1145, 1155.
 of Connecticut, 925, 1289.
 of Hudson's Bay, p. 133, 364(36).
 in Leeward Islands, 61.
 in London, 1116.
 of Maine, 177.
 of Maryland, 48.
 in New England, 177, 431, 517, 676, p. 443, 922, 1259.
 in New York, 338, 637, 954, 1062, 1116, 1136, 1236,
 —, presents for, 318, 593, 643, 961, 1061.
 —, missionaries sent among, 898.
 —, incited by French priests, 898.
 in Nova Scotia, 899.
 of Virginia, p. 585, 1271.
 Western, trade with, 1106.
Industry, 44, 467(59), 859, 860(9).
 Ingoldesby, Col. Richard, 434, 469, 898, p. 819.

Ingoldesby, Col. Richard, commission in New York revoked, 996, 1104.
 Ingram, Samuel, p. 545, p. 624.
 Instructions as to ships coming in convoys, 470.
 for expedition to Jamaica, 581.
 as to Naval Offices in plantations, 723.
 as to deserters, 935.
 as to stores, 956.
 as to Acts to be reserved, 1271.
 as to bills of credit, 1293.
 as to pirates, p. 725.
See also Appendix I, and under individual Governors.
 Inverser, Henry, p. 545.
 Ireland, 313, p. 214, 525, 696.
 Ireland, Lord Lieutenant of, 137, 155, 157, 1091.
 Lord Justices of, 364(43).
 Commissioners of the Revenue in, 207, 837.
 trade to Plantations, 137, pp. 86-7, 274(10), 345, 364 *passim*, p. 207, 451, 467(17, 75), 558, 613, 859, 860(2, 3, 5), 915,(2, 4) 916, 975, 1315. *See also* Galway.
 illegal trade with Carolina, 237.
 duty on tobacco imported, 155.
 tobacco seized in, 157.
 quit rents in, 43.
 Every the pirate in, 634.
 war in, 303, 402, 477, 698, p. 749.
 Irish in St. Christopher, p. 569.
 Irish, John, p. 815.
 —, William, p. 816.
 Iroquois. *See* Indians.
 Irvine, Charles, 1290, 1338.
 Isaac, Samuel, 364(11).
Isaac brigantine, 608, 859.
Isabella, 364(70).
 Isle of Buys (Nfd.), 1139.
 of May, 364(131), 467(11), 860(3, 5).
 of Wight, 364(120), 467(26), 606, 860(2, 6).
 Islington, 984.
 Italy, 232.
 Ive, John, 614.
 Ivy, Ann, 562.
 —, John, 364(22).
 —, Col. William, 144, 342.
 —, —, jun., 342.

J

Jackson, Benjamin, 636.
 —, Joseph, *p.* 546.
 —, Mr., minister in Newfoundland,
p. 400.
 —, Robert, *p.* 546.
 Jamaica, 11, 39, 91, 323, 330, 406, 455,
 536, 551, 565, 623, 708, 777, 880,
 903, 934-5, 1032A, 1152, *p.* 695.
 list of Governors, *pp.* 794-6; *and*
see Carlisle.
 Governor's salary in, 772.
 illegal conduct of Governor Han-
 dasyde, 1031, 1065.
 actions of the Duke of Albemarle
 negatived, 273, 277.
 appointments of councillors, 277,
 571, *p.* 811.
 officials appointed, displaced, &c., 55,
 122, 144, 269, 325, 372, 413, 479,
 569, 730, 785, *p.* 561.
 power of making laws for, 5.
 laws confirmed, 111, 937, 1036, 1224,
 1283-4, *p.* 833.
 laws repealed, 53, 111, 277, 671, 906,
 919, 1036, 1211, 1278, *p.* 833.
 legal appeals from, 6, 164-5, 184,
 187-9, 199, 205, 225, 269, 341-2,
 426, 510, 597, 618, 810, 849,
 881, 1031, 1034, 1067, 1071, 1086,
 1138, 1153, 1184, 1188, 1192,
 1211, 1249-50, 1253, 1280, 1286-7.
 disorderly assembly of, 243, 308,
 429, 907.
 ships to and from, 274(7, 12, 16),
 345, 364 *passim*, 428, 467 *passim*,
 509, 577(1, 4, 9, 20, 28), 859, 860(2,
 5, 10), 916, 975, 1053, *pp.* 623-4.
 convoy, 367-8, 370, 411, 472, 578.
 stores, &c., for, 8, 345, 461, 826, 636,
 915(6), 974(2, 3), 1094, 1182.
 regulation of trade with, 369, 385,
 424, 428, 463, 470, 472.
 slave trade with, 34, 103, 146, 165,
 182-3, 347, 584, 1086, 1177.
 war with France, 109, 111, 150,
 364(96), 575, 1183, 1277.

Jamaica—*cont.*

military defence of, 114, 304, 316,
 566, 575, 622, 628, 882, 906, 1018,
 1114, 1261, *pp.* 833, 835.
 release of transported rebels to
 strengthen militia, 388.
 engineer at, 645, 697, 835, 931.
 ill-treatment of soldiers in, 1036.
 naval defence of, 285, 296, 301, 500,
 518, 547, 566, 625, 628-9, 689,
 882, 994, 1114, 1124.
 Sub-Commissioners of prizes at, 324,
 552.
 Admiralty Court at, 152, 466, 503,
 1113.
 piracy in, 36, 53, 77, 109, 111, 140,
 285, 562, 771, 1260, 1276.
 establishment reduced, 18, 959.
 Church books for, 31.
 indentured servants in, 82, 101, 729.
 emigrants for, 106, 662.
 turtle fishing in, 174.
 freight on sugar from, 186.
 declaration of indulgence in, 226.
 small coinage for, 236.
 treasure found near, 261, 362, 964,
 1127.
 post office in, 268.
 value of coins in, 280, *p.* 834.
 Dutch ship seized at, 295.
 execution of laws of trade, 305.
 plague in, 459, 1018,
 indigo planting in, 462.
 earthquake at, 472, 500, *p.* 561.
 seals for, 473, 967.
 impressment in, 547, 907, 912.
 Jews in, 596.
 proposals of its Agents, 729.
 revenue of, 812.
 price of beer in, 1005.
 escheats in, 1059, 1126, 1284.
 petition as to Bahamas, 1060.
 not suitable for Palatines, 1062,
 1126.
 invention for grinding sugar in,
 1085.
 duty on prize goods, 1120.
 question of Assembly's privileges,
 1184.
 weak state of, 1224.
 (N.Y.), 1168.

- Jamaica Merchant*, 313, p. 545.
 James II, accession of, 171.
 James, John, 364(131), 860(2).
 —, Thomas, 364(15).
James, pass for, 274(6), 364(19),
 467(11), 916, 975, p. 623.
James and John, p. 545.
James and Mary, 364(127), 577(1),
 915(6).
James and Robert, 364(94).
 James River (Va.), 986.
 Jamestown (R.I.), 1095.
 Jameson, David, 593.
 Janon, Jeremiah, 44.
 Jarvis, Elizabeth, 419.
 —, Thomas, 419.
 Jeaffreson, Christopher, 104.
 Jeffars, Thomas, 577(27).
 Jeffrey, George, sen., p. 818.
 —, —, jun., p. 818.
 Jeffreys, Sir George, Lord Chief
 Justice, 136.
 —, Sir Jeffrey, 755, 915(3, 4).
 —, Susan, 97.
Jeffreys, 270.
 Jenkins, Francis, p. 814.
 —, Sir Leohne, 20, 24, 42, 53, 62,
 77, 106, 109, 128.
 Jennings, Edmund, 825, 1106, p. 824.
 —, Admiral Sir John, 1027.
 —, S., pp. 818–9.
Jenny galley, 975.
 Jenour, Thomas, p. 810.
Jeremiah, 577(24).
Jeremiah and Anna, p. 546.
Jeremy, 364(98).
 Jersey, 471, 858.
 illegal trade to Virginia, 858.
Jersey ketch, 364(114), 790.
 Jersey, Earl of, 746, 754.
 Jica Lanoga Apatan (island), 121.
Joanna, 246, 860(2).
 John, a Spanish Indian, 1171.
John, 274(10), 364(13, 25, 26, 72, 74,
 86), 859, 860(2, 7), p. 546, 1296.
John and Catherine, 191.
John and Margaret, 696.
John and Samuel, 467(74).
John and Susanna, 364(88), 467(56).
John and Thomas, 364(2, 18, 78, 85).
John and William, 364(115).
John's Adventure, 364(131), 577(12).
 Johnson, Ann, 562.
 —, Elizabeth, 454.
 —, Jeremiah, 361, 412, 467(63, 78),
 577(24).
 —, John, pp. 799, 817, 819–22.
 —, —, his murder, 1024, 1030.
 —, Sir Nathaniel, 220, 231, 258, 267,
 p. 794, p. 796.
 —, —, allowed to receive presents,
 252, 264.
 —, Richard, p. 545, p. 824.
 —, —, his gallantry, 1028.
 —, Robert, appointed, p. 794.
 —, Samuel, 141.
 —, Capt. Thomas, 454, 634, 975,
 1053, p. 820.
Johnson frigate, 577(16).
 Johnstowne, Capt. Edward, 750.
 —, Lewis, 794–5.
 —, Martha, 750.
 Jollers, John, 809.
Jonathan and Anne, p. 545.
Jonathan and Mary, 859.
 Jones, Ann, 1019.
 Jones, Edward, Secretary of Bermuda,
 742.
 —, —, his quarrels in Bermuda,
 910, 1205.
 —, Elizabeth, 1311.
 —, Frances, of Barbados, 1207.
 —, Francis, of Plymouth, 433.
 —, Geoffrey, 641.
 —, Jesurun, 1207.
 —, John, 975, p. 624.
 —, Joshua, 1257.
 —, Matthew, 1053.
 —, Capt. Samuel, 364(126, 128)
 1059.
 —, Robert, 1311.
 —, Col., 1143.
 —, —, his regiment, 1194.
 Jope, Thomas, 634.
 Jordan, Edward, 1203.
 —, Elizabeth, 1253.
 —, Josiah, 1253.
 Jory, Joseph, agent for Nevis, 847, 860
Joseph, 364(55), 500, 860(11), 1183.
Joseph and Mary, 975.
Joseph and Thomas, 975.
Josiah, 364(126, 128), 467(14).

Joubert, a Frenchman, 1225.
 Jowles, Henry, *pp.* 813-4.
 Joye, Edward, *p.* 623
 Joys, John, 1175.

K

Katherine, 274(7, 12), 364(64, 67, 79),
 467(7, 20, 27), 670, 860(3, 6, 9),
 864, 975, *pp.* 623-4, *p.* 758.
 Keel, Daniel, 757.
 Keene, William, complaints against
 Newfoundland, 1134.
 Keeper, Lord, 869.
 Keith, William, *p.* 803.
 Kelland, Walter, 82.
 Kelly, Edmund, 1280.
 —, Mary, 1280.
 —, Samuel, 364(6, 131).
 —, Smith, restored to his place in
 Jamaica, 277.
 Kelsick, Richard, 467(55).
 Kelso, William, 68.
 Kempthorne, Capt. Samuel, 364(123).
 Kendall, James, Governor of Barbados,
 302, 336, 364(23), 391, 503, 516,
 549, *p.* 807.
 —, —, commission and instruc-
 tions, *p.* 792.
 —, —, grants to, *p.* 828.
 Kennebec. *See* Sagadahoc.
 Kennedy, William, 1326.
 Kenner, Elizabeth, 1311.
 —, Richard, 1311.
 Ketchner, John, 364(3).
 Kidd, Captain William, 771, 821, 841.
 Kilby, Thomas, 1034.
 King, a pirate, 819.
 —, Edward, 38.
 —, John, 467(12), 634.
 —, Samuel, 1053.
 —, Susannah 1242.
 —, William 7.
King George, 1312.
King William, 357, 364(15, 66, 111),
 467(56).
 Kingston (Ja.), 1126, 1211, *p.* 728.

Kingston—*cont.*
 Act concerning, 906.
 (N.Y.), *p.* 850.
 Kinnoull, Catherine, Countess of, 41.
 —, William Earl of, *p.* 409, 896.
 Kinsale, 364(29), 467(21).
H.M.S. Kinsale, 1072.
 Kirby, Thomas, accused of murder of
 Col. Park, *p.* 650*sq.*
 Kirke, —, 1048.
 Kirke, Sir David, 1048.
 —, David (jun.), 1048.
 —, Mary, 1048.
 —, Philip, 1048.
 —, Robert, 364(46).
 Kirkham, William, dismissed, 1334.
 Kirton, John, 538.
 —, Philip, 640, 949.
 Kirwan, Dominic, 1219.
 —, John, 221.
 Kirwood, Edward, 634.
 Kitchiner, Elizabeth, 1223.
 Kittery, 44.
 Knap, John, 189.
 Knight, Charles, 623, *pp.* 811-2.
 —, James, 1283.
 —, Sir John, 154.
 —, John, 364(35).
 —, Mr., 556.
 —, Penelope, 1188.
 —, Ralph, 308.
 —, Samuel, sen., 1188.
 Knights, Benjamin, 260, 900, *p.* 807.
 —, John, 260.
 —, Richard, 260, 900.
 Kupins, Johanna, 1192.
 —, William, 1192.
 Kupius, Anna Williamina Bernarda,
 1284.

L

Lacy, John, 251.
 Lahave (N.S.] *p.* 765.
 Lake, Mathias, 848.
 —, Thomasin, 848.
 Lamb, Capt. Robert, 636.

- Lamb*, 313, 364(47), 467(60).
Lambert, Sir John, 1258.
 —, Michael, of St. Christopher,
 1030, 1144, 1173, 1197, *p.* 822.
 —, Simon, of Barbados, 1084.
Laming, Roger, *p.* 546.
Lancaster, 467(54), 470, 859.
Lands, Heber, 697.
Land's End, 52.
Lane, Henry, 274(7).
 —, Major, 459.
 —, Ralph, 202, 302.
 —, Sir Thomas, 412.
 —, Thomas, 364(113).
Langford, Jonas, 1189.
Langley, Jonathan, *p.* 807.
Lansa, Francis, 1308.
Lansdowne, George, Lord, 1143.
Lansons, merchant of Zealand, *p.* 58.
La Rochelle, 414, 521.
Lark, 364(86, 97, 107), 859.
H.M.S. Lark, 1102, 1143.
Larkin, George, 760, 902.
Lascelles, Edward, 1213.
Lascelles frigate, 859.
La Seine, 942.
Lason, George, 990.
Latham, Robert, 1134.
Latrois Anne, *p.* 758.
Laurel, 467(14), 860(5).
Lavington, Richard, 222.
Lawes, Sir Nicholas, 1276, *pp.* 811-3.
 —, —, commission and instructions, 1261, *p.* 796.
Lawrence, a privateer, 140.
 —, John, *p.* 820.
 —, Col. Nicholas, 409.
 —, Capt. Nicholas, 807.
 —, Sir Thomas, Secretary of Maryland, 416, 427, 432, 610, 802, *pp.* 813-4, 837.
 —, —, appointed, 325.
 —, —, reappointed, 828.
 —, —, complaints of, 485, 515, 607, 717, 1042, 1130.
 —, —, leave of absence extended, 983.
 —, Thomas, jun., 802.
 —, William, *p.* 820.
Lawry, Gawen, *p.* 710.
Lawson, George, 480, 498.
Lawson, John, ill conduct of, *p.* 588 *sq.*
 —, Roger, 1017.
Lax, William, *p.* 623.
Laycock, Richard, 364(83).
Layfield, Samuel, 412.
Leader, Capt. John, 525.
Leake, Commodore, *p.* 540.
Lechmere, Sir Nicholas, Attorney General, 412, *p.* 652, *p.* 693.
Lechmere, Thomas, 412.
Lee, Francis, 957, 973.
 —, George, *p.* 764.
 —, Mr., 364(90).
 —, Richard, 975.
 —, Robert, 554.
 —, Thomas, *pp.* 815-6.
Leech, John, 364(16).
Leeds, Daniel, *pp.* 818-9.
Leeds, 467(59).
Leeward Islands, 132-3, 138, 247, 456, 531, 665, 694, 718, 790, 1030, 1105.
See also Antigua, Montserrat, Nevis, St. Christopher.
 list of Governors of, *p.* 796.
 appointments to Council of, 1257.
 Acts confirmed, 806, *p.* 836.
 Acts disallowed, *p.* 836.
 petition against law of debt, 129.
 appeals from, 845, 924, 1272, 1295, 1316.
 ships trading to, 191, 335, 345, 364(3, 6, 39, 70, 78, 81), 467(22), 509, 577(19, 21), 916, 974(2), 975, *p.* 545.
 regulation of trade with, 162, 220, 369, 424, 470, 606, 891.
 convoy for ships to and from, 367, 368, 370, 411, 467(64, 66), 577(13), 606, 915(5), 948, 974(3).
 stores for, 4, 314, 316, 326, 541, 570, 847, 859, 921, 1147, 1255.
 slave trade in, 183, 238.
 Dutch illegal trade in, 231.
 illegal trade with French, *p.* 619.
 4½% duty in, 3, 220, 305, 327, 436, 611, 852, 868, 896, 958.
 naval defence of, 287, 397, 511, 521, 564, 580, 629, 688, 870, 932, 1016.
 military defence of, 287, 348, 382, 499, 511, 519, 521, 541, 570, 651, 685, 697, 932, 1194.

- Leeward Islands—*cont.*
 release of transported rebels to
 strengthen militia, 388.
 neutrality proposed, 563.
 report on defences of, 868.
 French attack on, 1141, 1187, *p.* 688.
 church books for, 31.
 Indians in, 61.
 French Protestants in, 258.
 titles to land in, 267.
 mines in, 447.
 quarantine imposed, 459.
 maintenance of ministers, 481.
 convicts transported to, 683.
 Admiralty Court in, 839, 1316
 Governor's salary in, 896.
 seals for, 967.
 house rent for Governor, 1043.
 complaints against Park, 1083.
 complaints against Walter Douglas,
 1215.
- Legay, Johu, 1111.
 —, Sarah, 1111.
 Legg, Col. John, 281.
 —, Capt. Thomas, 1102, 1158.
- Leghorn, 2.
 illegal trade with, 840.
- Leisler, Jacob, sen., 356, 434, 617.
 —, —, jun., 434.
- Lenham, —, 109.
- Lenoir, John, of Barbados, 1307, 1310,
p. 778.
- Leonard, Samuel, *p.* 818.
Leopard, 467(67), *p.* 545.
- Le Sage, Benjamin, 357.
- Lesley, John, 949.
- Leslie, William, *p.* 774.
- Lethun, John, 274(10).
- Levant* galley, 1053.
- Levett, Sir Richard, 467(7, 20), 915(5).
Levett, 916.
- Levinge, Sir Creswell, Attorney
 General, 5.
- Lewis, James, 634.
 —, John, *p.* 825.
 —, Robert, 364(18).
 —, Thomas, 975.
- Lewen, George, 1265.
- Lexington, Robert, Lord, 1177.
- Liddell, George. *See* Lyddall.
- Ligham, Mary, 1057.
- Lightfoot, John, *p.* 824.
 —, Richard, *pp.* 806, 810.
- Lillie, Samuel, 1150.
- Lillingston, Col. Luke, 581, 622.
- Lillington, George, 947, 976, 1088,
 1329, *pp.* 808–9.
 —, Richard, *p.* 808.
- Lilly, Christian, 697.
- Lily* pink, 364(6).
 Limerick, 467(56).
 Earl of. *See* Dongan.
- Lincoln's Inn, 1128, 1129.
- Lindes, S., *p.* 817.
- Ling, Matthew, *pp.* 820–1.
 —, William, *pp.* 816–7.
- Lion*, 859, 975, *p.* 624.
- Lisbon, 210, 498, 775, 916, 975, 1027,
p. 545, 1308.
- Lisle, Thomas, 809.
 —, Toby, *p.* 689.
- Lister, Richard, 364(23).
- Little, Joseph, *p.* 815.
Little Baltimore, 467(46).
Little Falcon, 467(75).
Liveen, 913.
- Liverpool, 64, 364(9, 43, 131), 379,
 467(56, 59, 60), 470, 859, 975,
 1269.
- Livesay, Col. John, 886, 906.
- Livingston, Robert, 359, 604, 954.
- Lloyd, David, *p.* 637.
 —, Edward, 39, *p.* 814.
 —, Sir Nathaniel, *p.* 568.
 —, Philemon, *p.* 814.
 —, Sir Philip, 39.
 —, Richard, 325, 1059, 1086.
 —, Major Thomas, 963, 992, 1048,
 1051, 1053.
 —, —, charges against, 1063,
 1134.
 —, —, his death, *p.* 637.
- Locke, Mr., 21.
- Lodwick, Charles, 875.
- London, 6, 64, 78, 95, 115, 150–1,
 153, 159, 161, 186, *p.* 86, 219, 234,
 241–2, 274, 299, 300, 361, 364, 369,
 385, 389, 402, 405, 424, 439, 447,
 467, 470–1, 542, 562, 568, 577, 579,
 585–6, 614, 691, 698, 744, 749,
 770, 775, 782, 798, 854, 859,
 860–1, 867, 891, *p.* 444, 915–6,

- London—*cont.*
 975, 1000, 1013, 1019, 1034, 1053,
p. 577, 1138, 1159, 1176, 1180,
 1203, 1241, 1289, 1337, *p.* 836.
 Bishop of, 31, 106, 310, 609, 857,
 988, *p.* 400, *pp.* 824-5.
 Lord Mayor of, 99, 251.
 Sheriffs of, 176.
 Tower of, 847, 860(2).
 Palatines in, 1107.
 Iroquois Chiefs at, 1116.
London, 467(14), *pp.* 546, 624.
London Merchant, 577(10).
 Londonderry, 860(2).
 Long, Charles, 1067, 1211, *p.* 812.
 —, John, *p.* 623.
 —, Captain Richard, 467(65),
 1050.
 —, Samuel, 11, 22.
 Long Island, 110, 317, 1168.
 Longland, Charles, 2.
 Longueville, Peter, 1300.
 Looby, Baptist, 1340.
 Lopdell, Luke, 504.
 Lopez, Andrew, 596.
 —, Manoel, 596.
 Lordell, John, 860(18).
 Lorimore, Alexander, 577(4).
 Love, Giles, 975.
 —, John, *p.* 818.
 —, William, 975.
Love, 467(56).
 Lovelace, John, Lord. 1061-2, *pp.*
 819, 821.
 —, —, —, commission and
 instructions, *pp.* 800, 801.
 —, —, —, death of, 1104.
 Lovell, William, 502.
 Lovibond, Henry, 1205.
 Lowe, Henry, *pp.* 811-2, 834.
 —, Nicholas, 48.
 —, William, 915(5).
 Lowndes, William, 930.
 Lowth, Capt., 855.
 Lowther, Hon. Anthony, 1335.
 —, James, 1335.
 —, Robert, 1273, *p.* 809.
 —, —, commission and instruc-
 tions, *p.* 793.
 —, —, complaints against, 1162-3,
 1307-8, 1329, 1334-5, 1342-4.
- Lowther, Robert, quarrel with William
 Gordon, 1310.
Loyalty, 364(36), 467(25, 26, 51, 54
 58), 859.
 Lucas, Anthony, 364(86).
 —, John, 741.
 Lucy, Colonel, 936.
 —, Samuel, 44.
Lucy, 467(62), 860(5).
 Ludwell, Philip, 320, 393, *pp.* 824-5.
 Luggier, Anthony, 274(13).
 Lumley, George, 1155.
 Lupton, Samuel, 274(8).
 Lurting, Robert, 744.
Lusitania, *p.* 545, *pp.* 623-4.
 Luxton, Adam, 467(47).
 Lyddall, George, 1173, 1210, 1212,
pp. 815, 823.
Lydia, 860(4).
 Lyme Regis, 379, 467(31), 470, 860(7).
 H.M.S. *Lyme*, 1048, 1139.
 Lymen, Joseph, *p.* 545.
 Lynch, Sir Thomas, Governor of
 Jamaica, 53, 91, 106, 109, 111,
 122, 150, 187, 205, *p.* 123.
 —, —, commission and instruc-
 tions. 42, *p.* 794.
 Lynes, Philip, *p.* 814.
 Lynn (Mass.), 44, 1302.
 H.M.S. *Lynn*, 777.
 Lyoll, David, *pp.* 819-20.
 Lyons, Henry, *pp.* 805-6.
 —, John, *p.* 805.
 Lyon's Point, 784.
 Lytcot, Anne, 953.
 Lytcot, Giles, Comptroller General of
 Accounts, 375.
 Lyte, Constance, 1132.
 —, George, 1014.
 —, Jane, 1132.
 —, Paul, 1132.
 —, William, 1132.

M

- Macarell, John, 1165.
 MacArthur, John, *p.* 822.
 Macarthy, Florence, 1297.
 —, William, 1297.

- Maccowell, William, *p.* 823.
 Mackaskell, Norman, 1073, 1181, 1088.
 Mackenzie, Roderick, Clerk of the
 Jamaica Council, 1067.
 Mackinnon, Doctor Daniel, 1215, *p.*
 651, *p.* 689, 1326.
 MacMahan, Gellatius, *p.* 755 *sq.*
 Macnamara, Thomas, 1146.
 Madagascar, pirates at, 1090.
 Madeira, ships to and from, *p.* 87,
 364(62, 100, 131), 467(49, 55, 79),
 509, 860(2, 5), 916, 1241.
 regulation of trade to, 470, 606,
 1315.
Madeira Merchant brigantine, 364(7,
 104).
 Magary, Patrick, 1161.
Maidenhead, 44.
Maidstone, 859.
 Maillard, Mary, *p.* 569.
 Maine, settlement of, 177, 1300.
 fisheries in, 177.
 appeal from, 972.
 boundary with Nova Scotia, 1300.
 Majestez y Borrás, Joseph, 210.
 Malaga, 364(64).
Malaga frigate, 364(3).
Malaga Merchant, 169.
 Man, Isle of, 459.
 Man, Joseph, 809.
 —, Thomas, 577(26).
Manchester galley, *p.* 624.
 Manier, Paul, of Barbados, *p.* 579.
Margaret, 364(48, 122), 467(5), 525,
 p. 545.
 H.M.S. *Margate*, 787.
 Marin, Abraham, *p.* 59.
 Markham, William, 758.
 Markin, Nicholas, 975.
 —, Thomas, 860(17), 975, *p.* 624.
 Marks, John, 1115.
 —, Nathaniel, 860(5).
 Marlborough, John Duke of, 874, 920.
Marlborough, *p.* 546.
 Marlegas (N.S.), *p.* 765.
 Mars, a negro, 1171.
 Marshall, John, 500, 1188.
 —, Mary, 1188.
 —, Peter, *p.* 488.
 —, William, 482.
 Marshalsea, 1219.
 Marta Brea (Ja.), 1184.
Martha pink, *p.* 624.
Martha and Sarah, 860(5).
 Martin, David, 1303.
 —, Capt. George, 1170.
 —, John, 274(12).
 —, Joseph, 364(42), 467(22), 860(2),
 971, 1069.
 —, Samuel, of Antigua, 1303, *p.* 805.
 —, —, of London, *p.* 488.
 —, Thomas, of Jamaica, 6, 187–8.
 —, —, of Rhode Island, 1301.
 —, William, 364(76).
Martin, 274(12), 467(17).
 Martin Vaz, 406.
 Martindale, Edward, 364(14).
 Martinique, 588, 629, *p.* 407, 1187.
 illegal trade with, 559, 1110.
 privateers from, 1037.
 British prisoners at, 1191.
Martin's Adventure, 577(17).
Martin's Delight, 477.
Mary, 44, 115, 309, 344, 361, 364(22,
 31, 54, 101, 105, 130), 454, 459,
 467 (2, 6, 9, 13, 19, 34), 480, 775,
 859, 860(5), 975, 1048, 1053, *p.*
 545, *p.* 624.
Mary and Anne, 1053.
Mary Ann, 577(3), *p.* 624.
Mary and Elizabeth, *pp.* 623–4.
 H.M.S. *Mary Rose*, 229, 272.
Mary and Sarah, 860(2).
 Maryland, 262, 395, 804, 971, 982, 995,
 1112, 1186.
 Governors of, *pp.* 797–8.
 Council of, 802, *p.* 813.
 Acts confirmed, 814, *p.* 837.
 Acts repealed, 814, 988, 1056, 1130,
 p. 837.
 irregular passage of Acts, *p.* 838.
 appeals from, 533, 1019, 1146, 1339.
 transport of officials, 416, 545, 714.
 leave of absence for officials, 983.
 Attorney General of, 1121.
 Quo Warranto against Charter of,
 64, 193.
 ships to and from, 364 *passim*, 467
 passim, 859, 860(4, 5, 17), 861(2),
 935, 975, 1028, 1053, *pp.* 623–4.
 convoy for, 331, 367, 370, 411, 471,
 854, 891, 915(5), 1016, 1196.

- Maryland—*cont.*
 stores for, 48, 421.
 regulation of trade with, 162, 369, 385, 424, 470, 579.
 state of trade to in 1707, 1016.
 tobacco in and from, 64, 157, 242, 399, 497, 556, 579, 609, *p.* 430, 916, 1016, *p.* 533, 1056, 1130, 1148, *p.* 837.
 illegal trade of, 346, 558, 659, 1121.
 Church books for, 31, 857.
 defence-against Indians, 48.
 collection of customs in, 64.
 defence of, 130, 399, 423, 884.
 Coode's rising in, 383.
 revenue of, 346, 399, 474, 497.
 Governor's salary, 420, *p.* 430.
 Col. Nicholson to act in absence of Col. Copley, 438.
 Sir E. Andros to act on death of Col. Nicholson and absence of Col. Copley, 438.
 to aid in defence of New York, 469.
 value of coins in, 605, 905.
 passing of grants of land in, 607.
 his Majesty's picture and arms sent to, 610.
 libraries for, 699.
 naturalisation in, 776.
 Church in, 51, 660, 699, 814, 857, 988, *p.* 837.
 Quakers in, 814.
 pirates' goods seized at, 853.
 seals of, 967, 1130.
 protestant intolerance in, 988.
 Vice Admiralty Court of, 1028, 1339.
 boundaries of, 1040, 1077, *p.* 802.
 licences in, 1042.
 slaves for, 1052.
 servants for, 166, 1339.
See also Baltimore, Lord; Rousby, C.; Lawrence, Sir T.; Payne, John.
 coffeehouse, *p.* 782.
Maryland Factor, 1053.
Maryland Merchant, 364(39), 859, 975.
 Mason, George, 427.
 —, Joseph, 979, 981.
 —, Mary, 979.
 —, Matthew, *p.* 840.
- Mason, Robert, 12, 59, 75.
 —, Stephen, 480.
 Massachusetts Bay, 602, *p.* 444.
See also Boston; New England.
 Governors of, *p.* 799.
 Acts confirmed, *p.* 840.
 Acts repealed, 1315, *p.* 840.
 appeals from, 409, 713, 762, 803, 985, 990, 1006, 1150, 1270, 1297 8, 1302.
Quo Warranto against Charter of, 29, 168.
 new charter for, 278, 396.
 debts of, 322, 398, 417, 534, 1190, 1318.
 defence of, 677, 864, 884, 899, 920, 922, *p.* 572, *p.* 640.
 to aid in defence of New York, 469.
 dispute as to Mason's claim to lands, 12, 75.
 disobedience of, 12.
 Randolph's complaints of, 29.
 to restore guns and records to New York, 355.
 illegal trade at, 389, 480, 762, 815.
 witchcraft in, 487.
 Governor not to command militia of Connecticut, 495.
 addresses for union of New Hampshire with, 501.
 naval stores from, 550, 553.
 Attorney General proposed for, 639.
 Governor's salary, 673, *p.* 431.
 boundary of, 784.
 Admiralty Courts of, 830, 1150.
 seals for, 967.
 claim to fishing rights in Nova Scotia, 1299.
 infringes on Acts of Trade, 1315.
 attempted tax on British imports, 1315.
 persecution of Quakers in, 1317.
 Church in, *p.* 842.
 Masters, Sibylla, 1199.
 —, Thomas, 274(12).
 Mather, Increase, 278, 364(95).
 Matson, Anne, *p.* 594.
 —, Smithell, *p.* 594.
Matapony galley, *p.* 545.
 Matthew, Abednego, 267.
 —, Charles, 267, *pp.* 805-6, 815 822-3.

- Matthew, Sir William, 958, *pp.* 806-7,
 815-7, 822-3, 852-3.
 —, —, commission and instruc-
 tions, *p.* 797.
 —, William, his son, *p.* 853.
Matthew, 364(51).
 Matthews, Seare, *p.* 764.
 —, Susannah, 1223.
 —, Capt. Thomas, 1248.
 Maud, Daniel, 1053, *p.* 624.
 Mauritz, Jacob, 444.
 Maxwell, Thomas, 949, 978, 1329,
pp. 808-9.
 May, Jane, 562.
 —, William, 562.
 Maycock, Thomas, 939, 949, 977,
 1329, 1334, *p.* 809.
 Mayne, Joseph, 1329.
 Mead, Henry, 364(97).
 —, Thomas, 364(107).
 —, William, 844, 852, *pp.* 816, 822.
 Mearne, Samuel, H.M. Stationer, 31.
 Mears, Robert, 975.
Medford, *p.* 546.
 Meese, Capt. Carey, 827.
 —, Elizabeth, 731.
 —, Rear Admiral George, 731, 827.
Mehitabell of Boston, 274(13).
 Mein, Charles, 528.
 —, Patrick, 305, 528, *pp.* 807-8-9.
 Melmoth, Francis, 1283.
 Mendez, Abraham, 860(5).
 —, Isaac, 1203.
 —, Joseph, 229.
 —, Moses, 1203.
 —, Solomon, 229.
Merchant's Adventure, 577(19).
Merchant's Goodwill, 364(65).
 Meraguana, Bay of, 150.
Mermaid, 587, 915(5).
 Merrett, Solomon, 274(7, 9), 364(2, 69,
 86), *p.* 541.
 —, Thomas, 364(4).
 Merrimac, River, 12.
 Merrick, Thomas, *p.* 808.
 —, Major William, 744.
 Merry, Anthony, 480.
 Merryweather, Richard, 1069, 1083.
Messenger, 859, 995.
 Meverall, Matthew, 164.
 Mexico, English prisoners in, 337.
 Mexico—*cont.*
 Gulf of, 1004.
Michael and Samuel, 859.
 Micklethwaite, Joseph, Viscount, 1264,
p. 810.
 Middelburg, 357.
 Middle Row (London), 699.
 Middlesex, 69, 153, 699, 984.
 Middleton, Benjamin, 60.
 Mienville, Gabriel, *p.* 820.
 Milborne, Jacob, attainder reversed,
 434.
 Milbourn, William, 175.
 Milbury, Edward, 274(12).
 Mile End, Stepney, 1325.
 Miles, William, 35.
Milford, 947, 949.
 Milford Haven, 274(10), 467(20), 470,
 991, 1015, 1045, 1312.
 Miller, Catherine, 414.
 —, James, 414.
 —, John, 634.
 Milliken, James, 1281, *p.* 817.
 Millner, Isaac, 975.
 Mills, John, 1132, *pp.* 808-9.
 —, —, jun., 1132.
 Millward, George, 1141, *pp.* 815, 823.
 Minehead, plantation trade with, *p.* 86,
 364(86), 859.
 Mingham, Dorothy, 6.
 —, Capt. Francis, 6.
 Minor, Thomas, *p.* 816.
 Minshull, Edward, M.P., 1304.
 —, Elizabeth, 936.
 —, Major Peter, 936.
 Mississippi, French of, *p.* 612.
 Mitchell, Louis, 1103.
 —, Walter, 1237.
 Mitford, Michael, 893.
Mitford, 1053.
 Moason, Thomas, 364(77).
 Mocher, Richard, 274(3).
 Modyford, Sir Thomas, 1067, *pp.*
 811-2.
 Mogul, the Great, 634.
 Molesworth, Hender, 174, 205, 301,
 304.
 —, —, complaint against, 188.
 —, —, dormant commission for,
 131.
 —, —, commission, *p.* 795.

- Molesworth, Hender, appointed Governor of Jamaica, 273, 277.
 —, —, dispute with Duke of Albemarle, 261.
 Molesworth, Sir John, p. 112.
 Mompesson, Roger, 1164, pp. 818-9, 821.
 Montagu, Charles, 525.
 —, Sir James, Attorney General, p. 551, p. 616, 1085, 1087, 1119.
 —, —, Solicitor General, 1044, 1060, p. 557, p. 562.
 —, Mr., 747.
 Monteyro, Anthony, 838, p. 827.
 Montgomery, Sir Robert, 1285.
 —, Sir Thomas, 366.
 Montserrat, 698, p. 805.
 Lieut.-Governors of. *See* Blakiston, Sir N.; Delavall, Major Thomas; Hodges, Col. Anthony.
 Councillors of, pp. 814-6.
 Acts confirmed, p. 845.
 Acts disallowed, p. 845.
 appeals from, 127, 1141, 1212.
 ships to and from, 274(12), 364(27, 48), 691, 860(2).
 illicit trade of, 1110.
 stores for, 1027, 1248.
 gifts to Governor, 264.
 salary of Lieut.-Governor, p. 429.
 Douglas's corrupt practises in, 1215.
 mines in, 447.
 defences of, p. 408.
 records destroyed, 1319.
 Moody, John, p. 502, p. 545, 1331.
 Moor, Edward, 577(1).
 Moore, Samuel, p. 813.
 Moracin, John de, 1308.
 Morant, John, p. 813.
 H.M.S. *Mordant*, 364(129), 547.
 More, John, p. 813.
 Morgan, Sir Henry, 6, 42, 53, 77, 144.
 Morris, Edward, 860(5).
 —, Elizabeth, 1204.
 —, John, 744.
 —, Lewis, 1070, pp. 818-20.
 —, Thomas, 1143, 1313, p. 806.
 —, Valentine, 1204, pp. 806-7.
 —, William, 744.
Morris galley, 860(5).
 Mortimer, William, 569.
 Morton, Elizabeth, 1287.
 —, Emanuel, 1287, p. 812.
 —, John, 1287.
 Moscow, p. 488.
 Moseley, Edward, ill-conduct of, pp. 588 sq.
Moses brigantine, 859.
 Mosteyn, Roger, appointed Governor of Bahamas, 1232, pp. 791-2.
 Motes, Jonas, 975.
 Moulton, John, 1083.
Mount Etna, 608.
Mountjoy, 467(72), 859.
 Mowbray, William, 1268.
 Moxham, Capt., 1051.
 Moxon, Ralph, 172.
 Mudd, Captain, 185.
 —, Ruth, 459.
 Mudge, John, 467(8).
 Mulford, Samuel, 1222.
 Mullins, Richard, p. 764.
 Mumby, Valentine, 1166, pp. 812-3.
 Munday, Capt., 853.
 Munford, Richard, 405.
Murdock, p. 624.
 Murray, James, 634.
 —, John, 569, 581.
 Muschamp, George, p. 811.
 Muscovy. *See* Russia.
 Musgrave, Sir Christopher, 133, p. 689.
 —, Simon, 187, 277.
 Musketto Cöve (Antigua), 1057.

N

- Nanfan, Elizabeth, 1025.
 —, Capt. John, 830, 898, 1025.
 Nantes, 357.
 Napper, Mr., 459.
 Narborough, Sir John, 234.
 Narragansett, 830.
 petition for incorporation in Connecticut, 143.
 claims to, 178, 181, 410, 560, 590, 1119. *See also* Allen; New Hampshire.
 Nash, Capt., 459.
Nassau, 467(25), 859.
 Naumkeock river, 12.

- Navigation Acts, 162, 345, 364(120),
p. 175, 528, 635, 1271, *p.* 821,
p. 835.
 breaches of, 10, 44, 64, 108, 182-3,
 359, 480, 558, 626, 659, 747, 766,
 831, 837-40, 858, 872, 924, *p.* 612,
 1110, 1200, 1315, 1335. *See also*
 under individual colonies.
 oath to observe, 1118.
 relaxed, *p.* 797.
 doubtful points explained, 26, 93,
 192, 451, 776.
- Navy, expense of carrying passengers,
 120.
- Navy Board. *See* Commissioners of
 the Navy.
 Treasurer of the, 525, 731.
 Victuallers of, 314, 364(123, 125),
 477, 483, 496, 557, 587, 670, 1078.
- Neal, —, *p.* 636.
- Neale, Thomas, 412, 796.
- Needham, Col., of Ja., *p.* 811.
- Needham, Edward, 390.
 —. George, 295, 390.
 —. Robert, 1250.
- Negroes, 100-1, 163, 747, 749, 766,
 859, 860(5), 924, 953, *p.* 494, 1052,
 1067, *p.* 579, 1080, 1180, 1197-8,
p. 652, 1241-2, 1274, 1306, *p.* 796,
p. 826.
 laws concerning, 111, 146, *p.* 637,
 1278, *pp.* 832-3, 848.
 trade with Spain in, 182, 183, 298,
 347, 364(105), 1177. *See also*
 Africa, Royal Company of.
 escheated, 1059, 1065, 1126.
 food of, 725.
 treatment of, 1086.
 rise in New York, 1171.
 given as ransom for Nevis, 1191.
 presented to Walter Douglas, *p.*
 688.
 Jamaican export duty on, 1278.
- Nelson *alias* Fort Bourbon (Hudson's
 Bay), 679.
- Nelson, Gilbert, 364(16), 801, *p.* 810.
 —. John, 679.
- Neptune*, 459, 461, 1161.
- Netherlands. *See* Holland.
- Nevell, Vice Admiral John, pension to
 widow of, 709, 731.
- Nevill, Captain, 121.
 —. Henry, 1198.
 —. James, 1169.
 —. Mary, 1169.
- Nevis, William, 1083.
- Nevis, 118, 1173, *p.* 805.
 Lieut.-Governors of, *p.* 799. *And*
see Hamilton, Walter; Johnson,
 John.
 salary of Lieut.-Governor, *p.* 429.
 Governor of Leeward Islands to
 reside at, *p.* 535.
 presents to Governor, 247, 252.
 Councillors of, *pp.* 816-7.
 Acts confirmed, 1267, *p.* 845.
 Acts disallowed, *p.* 845.
 appeals from, 213, 674, 844, 924,
 1272.
 ships for, 364(54, 58), 467(22), 577
 (11), 859.
 stores for, 133, 847, 860(2), 1027,
 1160, 1267.
 illegal trade at, 831.
 defence of, 327, *p.* 407.
 French attack on, 1030, *p.* 536,
 1069, *p.* 647, 1233.
 hostages given to French, 1191.
 collection of 4½% duty at, 220, 842.
 mines in, 447.
 Admiralty Court in, 852.
 grant in aid of, 1069.
 evidence from, as to Park's murder,
 1143.
 political prisoners transported to,
p. 845.
- Newberry, Walter, 1317.
- Newbury, 44.
- Newcastle, 364(33, 122), 379, 467(72),
 859.
 H.M.S. *Newcastle*, 1187.
New Edward and Mary, *p.* 545.
New Employment, 467(62).
- New England, 74, 151, 235, 498, 629,
 775, 813, 951, 1122, *p.* 636, 1245,
 1262, 1304, *p.* 778 *note*, 1314.
See also under individual colonies.
 claims to Narragansett. *See* Narra-
 gansett.
 Governors of, *p.* 799.
 Governor's salary, 680.
 New Governor for, 283, 288.

New England—*cont.*

- Councillors of, *p.* 817.
 Acts disallowed, 1017.
 appeals from, 98, 123, 682, 972, 1230.
 new charter for, 278.
 proposed union with New York, 781.
 ships to and from, 62, 274(12, 13),
 361, 364 *passim*, 467 *passim*, 577
passim, 614, 859, 860(2, 4, 5),
 1053.
 convoy for, 52, 677, 999.
 stores for, 360, 415, 563.
 regulation of trade with, 369, 370,
 385, 463, 470.
 illegal trade of, 246, 359, 480, 523,
 838, 865, *p.* 559, 1200. *See also*
 Randolph, Edward.
 naval stores from, 251, 412, 517,
 550, 553, 636, 779, 860(5, 7), 867,
 908, 1259.
 trade with West Indies, 629.
 wrecked timber &c. from, 823.
 revenue of in 1687, 244.
 defence of coasts, 431, 517, 940,
 1000.
 expedition against the French, 537.
 attack on Port Royal, *p.* 437.
 to aid in defence of New York, 469.
 exchange of prisoners of war, 464.
 given possession of Pemaquid, 211.
 William Partridge's claim to lands
 in, 1259.
 church books for, 31.
 clergyman for, 196.
 mines in, 251, 412.
 fisheries, 177, 241.
 coinage in, 212, 700.
 Indians of, 177, 431, 517, 676, *p.* 443,
 922, 1259.
New England frigate, 568.
New England Charity, 364(106).
New England Merchant, 364(131).
 Newfoundland, 241, 389, 509, 1089,
 1331, *p.* 854. *See also* Ferryland;
 Placentia; St. John's.
 instructions for Col. Philips, 1320.
 petition of Hugh Redman to be
 made Governor of, 585.
 garrison of, 358, 670, 695, 702, 737,
 865, 926, 963, 991-2. 1045, 1051,
 1063.

Newfoundland—*cont.*

- attempt to found a militia, *p.* 503.
 French attacks on, 598, 648, 672,
 992, 1001, 1045, *p.* 540, *p.* 635.
 cleared of French privateers, 1051.
 ships for, 160, 274 *passim*, 311,
 364 *passim*, 467 *passim*, 577(6, 7,
 25), 859, 860 *passim*, 915(2, 5), 975.
 convoys, 35, 232, 311, 358, 439,
 577(6,25), 613, 655, 668, 811, 865,
 926, 974(2), 991, 994, 1015, 1045,
 1078, 1139, *p.* 802.
 the Convoy to report on, 147.
 stores for, 289, 737, 811, 865, 897,
 926, 992, 1072, 1139.
 regulation of trade with, 369, 370,
 463.
 illegal trade of, 1063, *p.* 559, 1134.
 duties of Fishing Admirals, 993.
 illegal fishing at, 1063, 1265.
 abuses at, 865, *p.* 557, 1134.
 murder in, 1087.
 minister at, 310, *p.* 555.
 distress in 1690, 274(3, 5, 8), 392.
 map of, 537.
 disputed claim to Ferryland, 1048.
 claim of Duke of Hamilton in, 1300.
 proclamation of William and Mary,
 358.
 proclamation of George I, 1208.
Newfoundland frigate, 364(2).
New Frisby, 859.
 Newgate prison, *p.* 649.
 New Hampshire, 151, 158, 322.
 Governors and Lieut.-Governors of,
pp. 799-800. *See also* Partridge, W.
 royal Governor appointed, 74.
 disputes with Governors, 156, 901,
 1322-3.
 salary and allowances of Governor,
 59, *p.* 432.
 Council of, *p.* 818.
 laws confirmed, *p.* 846.
 laws repealed, *p.* 846.
 appeals from, 123, 775, 818, 1006.
 Secretary appointed, 13.
 seals for, 83, 458, 706, 967.
 jurisdiction over pirates and illegal
 traders, 815, *p.* 846.
 naval stores from, 553, 631, *p.* 444,
 1074.

New Hampshire—*cont.*

- petition for union with Massachusetts Bay, 501.
- ship for, 364(106).
- ship condemned at, 480.
- defence of, 864, 884, 899.
- stores of war for, 440, *p.* 572
- piracy in, *p.* 846.
- disorders in, 681.
- Church books for, 31.
- Mason's claim to, 75.

New Hopewell, 860(3).

Newichawanock, 1006.

New Industry, 364(73).New Jersey, Governors of, *p.* 800.

- salary of Governor, *p.* 431.
- salary of Lieut.-Governor. *p.* 431.
- new Governor for (1689), 283, 288.
- Ingoldesby's commission to continue, 996.
- complaints against Hunter, 1268.
- Council of, 996, 1070, 1174, *pp.* 818-9.
- Acts confirmed, 1291, *p.* 848.
- Acts disallowed, 1149, *p.* 848.
- appeals from, 1175, 1256.
- salary of Attorney General, 1039.
- seals for, 967.
- jurisdiction over pirates and illegal traders, 815.
- command of militia in, 830.
- Quo Warranto* against, 194.
- Quakers in, 1149, 1291, *pp.* 848-9.
- ship for, 364(43).
- naval stores from, 513.
- enforcement of Navigation Acts, 162.
- regulation of trade with, 463.
- trading company to, 513.
- boundary dispute, 1332.
- East, 862.
- , *Quo Warranto* against, 195.
- , illicit trade in, 195, 765.
- , as to ports, 233, 687.
- , placed under Col. Fletcher, 437.
- , Attorney General proposed for, 639.
- , appeal from, 641.
- , complaints against proprietors of, 805.

New Jersey—*cont.*

- East, surrender by proprietors, 850.
- , Governor proposed for, 871.
- , claim to Staten Island, 938.
- West, 862, 871.
- , placed under Col. Fletcher, 437.
- , Attorney General proposed for, 639.
- , surrender by proprietors, 850.
- Newland* galley, *p.* 545.
- Newman, Matthew, 1097.
- Newnham*, 860(5).
- New Plymouth, 278.
- Newport in Glasgow, 309.
- Newport (R.I.), 712, 1298, 1301.
- Newport, George, 1329.
- Newport*, 364(27), *p.* 546, 1139.
- New Providence. *See* Bahamas.
- New Severn (H.B.C.), *p.* 133.
- Newton, Barbara, 599, 808.
- , Col. Samuel, *p.* 807.
- , Thomas, 522, 987.
- New York, 185, 233, 359, 509, 532, 1122.
- Governors of, *p.* 801. *See also* Dongan, Thomas.
- Governor's salary, 673, 680, *p.* 431.
- Governor of, to assume government of Pennsylvania, 539.
- new Governor for (1689), 283, 288.
- Ingoldesby's commission revoked, 996.
- Council of, 443, 720, 890, *p.* 461, *p.* 820.
- Acts confirmed, 875, 898, 1062, 1293, *p.* 849.
- Acts repealed, 875, *p.* 849.
- appeals from, 32, 47, 110, 200, 444, 767, 800, 872, 1041, 1251, 1269, 1277.
- clerical appeals allowed in all cases, 1168.
- Secretary of. *See* Clarkson, M.
- Solicitor General of. *See* Weaver, T.
- Attorney General of. *See* Broughton, S. S.; Rayner, J.
- Chief Justice and Attorney General appointed, 815.
- salaries in arrears, 1164.
- dispute in 1707 as to Attorney Generalship, 1033.

- New York—*cont.*
 quarrels as to permanent revenue, 1136.
 stores for, 328, 442, 526, 546, 563, 617, 643, 649, 684, 752, 830, 864, 998, 1061, 1172.
 —, captured by French, 960.
 deficiency of stores in, 960.
 naval stores from, *p.* 198, 898, 1062, 1227.
 ships for, 364 *passim*, 467 *passim*, 577(18,27), 859, 860(4,9), 1053.
 convoy, 356, 364(3,4), 606.
 enforcement of Navigation Acts, 162.
 regulation of trade with, 463.
 illegal trade at, 782, 872, 1269.
 whale fishery in, 1222.
 troops in, 319, 338, 507, 527, 566, 574, 644, 669, 720, 898, 915(3), 962, 1221, 1266.
 naval defence of, 338, 368, 381, 490.
 other colonies to aid in defence of, 469, 866.
 engineer at, 697, 724.
 fortifications in, 898, *p.* 849.
 Governor to command militia of Connecticut, 495.
 pay of officers at, 371, 1223.
 pay of troops, 490, 576, 686.
 French prisoners at, 464.
 Vice Admiralty Court of, 1164.
 Church in, 851, 898, *p.* 850.
 Church books for, 31, 857.
 proposed union with New England, 654, 781.
 deprived of Pemaquid, 211.
 Earl of Stirling's claim in, 317.
 boundary dispute with Connecticut, 784.
 right to Staten Island, 938.
 French Protestants for, 859.
 Palatines in, 1062, 1136, 1227, *p.* 773, *p.* 801.
 Indians in, 318, 338, 593, 637, 643, 898, 954, 961, 1061-2, 1116, 1125, 1136, 1236.
 land grants in, 720, 1104, 1125.
 negro rising in, 1171.
 party strife in, 898.
 pirates in, 720, 1276, *p.* 849.
- New York—*cont.*
 denization in, 776, 1151.
 Leisler's usurpation, 356, 434.
 Bayard and Hutchins pardoned, 875.
 account of duties collected at, 445.
 seals, 862.
 guns and records to be restored, 355.
 William and Mary to be proclaimed in, 312.
 New York City, *pp.* 849-50.
New York Merchant, 577(27).
 Niccoll, Benjamin, 798.
 Nicholas, George, 1180, 1206.
 —, Susanna, 1180, 1206.
 —, William, 860(2).
Nicholas, 577(7).
 Nicholls, Edward, *p.* 733.
 —, Eli, 44.
 —, William, 744, *p.* 820.
 Nicholson, Clement, 467(55).
 —, Francis, 234, 1300, *pp.* 824-5.
 —, —, commissions and instructions, 945, *pp.* 791, 794, 798, 802-3, 854.
 —, —, in New York, 312, 434.
 —, —, in Maryland, 438, 545, 558, *p.* 302, 659.
 —, —, in Virginia, 425, 502, 809, 861, 866, 874, 904.
 —, —, complaints from Virginia against, 927, 970.
 —, —, arrears as Lieutenant-Governor of New England, 534.
Nicholson, 975, 1053.
Nightingale, 860(5).
Ninion and Benjamin, 670.
Nisbett, 659.
 Noden, Charles, 860(5).
 Nodine, Arnold, 719, 776.
Nonesuch, 364(95).
 Norbury, Capt., 1102.
 Norfolk, Thomas, Duke of, Earl Marshal, 895.
 Norfolk County (Va.), 783.
 Norman, James, 860(11).
 Norrington, William, 274(12).
 North, Arthur, 364(13).
Northampton, *p.* 624.
 North Carolina. *See also* Carolina.
 Governors of, *p.* 802.
 Palatines sent to, 1107.

North Carolina—*cont.*

- Swiss sent to, 1107.
 weak condition of, 1155.
- North West America, company for, 405.
- North West Fox*, 274(2).
- North West Passage, 405.
- Northern Neck (Va.), 404.
- Northey, Sir Edward, Attorney General, 412, 753, 831, *p.* 342, 839, 840, 850, 875, 890, 905, 909, *p.* 449, 911, 914, 930, 940, *p.* 478, 949, 952, 973, 976-7, 1002, 1033, 1130, *p.* 649, 1146, 1150-1, 1155, *p.* 650, 1199, 1200, 1229, 1245, *p.* 652, *p.* 689, *p.* 690, 1256, 1264, 1276, 1282, 1286, 1294.
- Northumberland, 1198.
- Northumberland Co. (Va.), *p.* 756.
- Norton, Lieut.-Colonel, 343.
- , Capt. James, 678, 685, 799, *p.* 822.
- Norway, 364(33).
- Norwich, 260.
- Norwich* frigate, 4, 85, 91, 467(6), 588.
- Nott, Edward, 450, 965, 1079, *pp.* 803, 824-5.
- , Luke, *p.* 623.
- Nottaway Creek, 1079.
- River, 1079.
- Nottingham, Daniel Earl of, 120, *p.* 127, 281, 364(91), 469, 477, 873, 877, 897-9.
- Nova Scotia, 677, *pp.* 712-3.
- Governors of, *p.* 802.
- instructions for Col. Philips, 1320.
- defence of coasts, 431.
- map of, 537.
- French in, 899.
- provisions for, 1170.
- new reign announced in, 1208.
- oaths taken in, 1231.
- land grants in, 1299, 1300, 1320, 1325.
- naval stores from, 1300, 1320.
- French vessels seized at, 1314.
- Admiralty Court of, 1314.
- Noyes, John, 860(5).
- Nugent, Thomas, 698.
- Nunes, Nuno Fernandes, 596.

O

- Oakley, Captain Edward, 185, 518.
- O'Brien*, 213.
- Officers of Prizes, 332, 361.
- Offley, Thomas, 435.
- Offley* frigate, *p.* 545, *p.* 623.
- Ogle, Captain Chaloner, *p.* 726.
- , Dr. Nicholas, 934.
- Oglethorpe, Richard, 1143.
- Oldfield, Francis, 1067, *pp.* 812-3.
- Olive, William, 1008.
- Oliver, Richard, *pp.* 806-7.
- Onslow, Thomas, 1177.
- Opie, Thomas, 364(14).
- Orby, Sir Charles, 1067.
- Orchard, Richard, 72.
- Ordnance, commissioners and officers of, 4, 306, 316, 321, 326, 328, 358, 382, 421, 442, 460-1, 467(21), 491, 507, 526, 541, 591, 617, 668, 670, 677, 684, 697, 702, 737, 752, 764, 826, 830, 833, 835, 847, 859, 864-5, 868, 874, 898, 920-1, 923, 931, 951, 955-6, 959-60, *p.* 502, 998, 1001, 1027, 1045, 1060-1, 1072, 1074, 1078, 1124, 1139, 1160, 1172, 1181, 1190, 1221, 1237, 1248, 1255, 1267, *pp.* 464, 635, 636.
- Lieut.-General of the. *See* Goodricke, Sir Henry; Musgrave, Sir C.
- Master General of the. *See* Dartmouth, Lord; Marlborough, Duke of; Romney, Earl of; Schomberg, Duke of.
- Treasurer of the, 541, 874.
- Orguill, Andrew, *p.* 811.
- Orkney, George Earl of, *p.* 825.
- , —, commission and instructions, 1137, 1282, *p.* 803.
- , —, claim to mining rights, 1195.
- Ormond, James Duke of, 155, *p.* 649.
- Ormstone, Joseph, 1256.
- , Rachel, 1256.
- Orris, David, 955.
- Ortolon*, gallant capture of, 1028.

- Ostend, ship taken by man-of-war from, 614.
- Oulton, John, 1270.
- Oursell, Nicholas, 577(30), 859.
- Oursell* frigate, 577(30).
- Outerbridge, Elizabeth, 794.
- , Thomas, sen., 750.
- , William, sen., 750, p. 810.
- , —, jun., 750, 794.
- Outlaw, John, 253.
- Overton, Mr., 364(91).
- Owner's Content*, 748.
- Owsley, Richard, 101.
- Oxenden*, 670, 860(2).
- Oxford, Aubrey, twentieth Earl of, 7.
- , Robert, Earl of, Lord High Treasurer, 551, 971, p. 637, p. 650, 1148, 1161-2, 1164, 1181, 1186, 1195, 1284.
- Oxford*, 1162.
- Oxfordshire, 984, p. 736.
- Oyster Bay (N.Y.), p. 850.
- P
- Pacey, Henry, 1003.
- Pacheco, Rodrigo, 1151.
- Pacquet, Daniel, p. 839.
- Padstow, 274(14).
- Pagan or Paggen, Peter, 364(19, 98), 399, 556.
- Page, John, p. 824.
- , Mann, p. 825.
- , Matthew, p. 824.
- , Col. Nicholas, 409.
- , Samuel, 1260, 1286.
- Page* frigate, 975, p. 545, p. 624.
- Paice, Joseph, 364(86), 860(7).
- Paine, Charles, p. 823.
- , Stephen, p. 822.
- Palatines, sent to New York, 1062, 1136, 1227, pp. 773, 801.
- , commissioners for settlement of, 1107.
- , proposed settlement in Jamaica, 1062, 1126.
- Palmer, John, 665.
- , Thomas, 916.
- Palmes, Edward, 733-4, 913.
- Panton, John, pp. 822-3.
- Papillio or Papillion, Joan, p. 844.
- , Peter, 1245, p. 844.
- Pargiter, John, 364(105).
- Parham (Antigua), p. 407.
- Parish, John, p. 818.
- Park, Daniel, 839, 974(2), 1024, 1057, pp. 618, 806, 815, 817, 823-4.
- , —, commission and instructions, p. 797.
- , —, appointments made by, 1030.
- , —, his house rent, 1043.
- , —, complaints against, 1058, 1083, 1274.
- , —, murder of, 1083, 1143, 1215.
- , —, his executors, 1226.
- Parker, Elisha, p. 819.
- , Francillia, 770.
- , John, pp. 819-20.
- , Sir Thomas, Chief Justice, 1129, p. 689, 1247, p. 725.
- , Thomas, 770.
- Parks, Thomas, 1165.
- Parr, Ralph, 274(12).
- Parry, John, p. 827.
- Parsons, Edward, 665, pp. 805, 815-6, 822.
- Partenson, Andrew, 201.
- Partis, Francis, 1053.
- Partridge, Richard, 1252, 1317.
- , William, 630-1, 636, 775, 822, 1259, p. 818.
- Partridge*, 860(18).
- Paston, Lord, his regiment, 992.
- Patten, William, 274(12).
- Patience*, 364(48).
- Patuxent, 980.
- , River, 173, 427, 1052.
- Patuxent Merchant*, 467(58), 975.
- Paul, Elizabeth, 903.
- , Richard, 903.
- Paymaster-General of the Forces, 327.
- Payne, John, 353, 427.
- , Samuel, 1053.
- Paz, Samuel de, 229.
- Peake, or Peck, John, pp. 811-2-3.
- Pearl* galley, p. 545.
- Pearn, Henry, pp. 803-6.
- , John, p. 815.

- Pears, Elias, 860(2).
 Pearse, Richard, 860(2).
 Peartree, William, 364(28), p. 821.
 Peasley, George, p. 810.
 Pedder, Andrew, 903.
 —, Elizabeth, 903.
 Peers, George, 747, 763, p. 774.
 —, Hannah, 1201.
 —, Henry, 1207, 1333.
 —, John, 749.
 —, —, an infant, 1201.
 —, Richard, 1201.
 Peirce, Daniel, 712.
Pelican (2), 364(69).
 Pegeon, David, p. 764.
 Pemaquid, p. 445.
 annexed to New England, 211.
 fort and garrison at, 244, 355, 398,
 884, 899, 940.
 river, 1259.
Pembroke, 35, 459, 467(55), 588.
H.M.S. Pendennis, 880, 903, 1008.
 Penhallow, Charles, p. 112, p. 811.
 —, S., p. 818.
 Penn, George, 245.
 —, Hannah, 1330, 1332.
 —, —, dispute with Maryland,
 1077.
 —, William, 209, 539, 743, 885,
 1165, pp. 802-3.
 —, —, charter for Pennsylvania,
 28.
 —, —, surrender of charter,
 1108.
 —, —, complaints of Quarry
 against, 869.
 —, —, dispute with Bridget Ford,
 1046.
 —, —, dispute with Maryland,
 1077.
 —, —, illness of, p. 616.
 Pennant, Edward, 1284, p. 813.
 Penniston, Richard, p. 810.
 —, William, p. 810.
 Pennsylvania, 262.
 disapproval of William Markham's
 appointment, 758.
 Andrew Hamilton approved con-
 ditionally, 885.
 salary of Governor, p. 432.
 Acts confirmed, p. 851.
- Pennsylvania—*cont.*
 Acts disallowed, 759, 905, 1108,
 1330, p. 851.
 appeal from, 1330.
 Attorney General proposed for,
 639.
 charter granted, 28.
 charter threatened, 539.
Quo Warranto against, 209.
 Agents for the Charter, 555.
 surrender of Charter, 1108.
 placed under Col. Fletcher, 437,
 561.
 boundary dispute with Maryland,
 1040, 1077, p. 802.
 trade to, 274(12), 364(21), 467(12),
 577(14), 860(5), p. 623, 1312.
 enforcement of Navigation Acts, 162.
 illegal trade with, 558, 659, 743,
 869, 885, p. 432, 1165.
 company trading to, 513.
 naval stores from, 513, 930.
 claims of the Earl of Stirling to, 554.
 Ford's claim on, 1046.
 to aid in defence of New York, 469.
 aid to New York refused, 539.
 danger from French, 869, 884.
 piracy in, 869.
 transportation to, 176.
 minister and schoolmaster for, 609.
 value of coins in, 905, p. 851.
 form of oath in, 1149.
 clergy complain of Assembly, 1178.
 land grants in, 1332.
Pennsylvania, 467(59).
Pennsylvania Merchant, 364(21), 467
 (59).
 Penobscot river, p. 746.
 Pensax, Daniel, 274(10).
 Pentecost division (St. Kitts), 1225.
 Penzance, 459.
 Pepper, Evelyn, 1239, p. 651.
 —, Gilbert, 1239, p. 651.
 Pepys, Samuel, Secretary of the
 Admiralty, 171, 174, 182, 192, 221,
 232, 270, 272, 389.
 Perrot, John, 1242.
 —, Mary, 1242.
 Perry, Captain John, p. 836.
 —, Micaiah, 279, 364(98), 860(4), 916,
 1083, 1143.

- Perry, Richard, 500, 860(2), 915(4), 975, 1053, 1143.
Perry, 364(108).
 Perryn, Thomas, 1186.
 Persia, 634.
 Perth Amboy (N.J.), 641, 765.
Peter and Elizabeth, 364(118).
Peter and Mary, 577(28).
 Peterborough, Charles Earl of, 812, p. 470, p. 795.
 Peters, Francis, p. 750.
 —, John, p. 823.
 Peterson, Anthony, 674.
 —, Christian, 674.
 Petit Guaves, 109, 150, 929.
 Pew, Francis, 110.
 Philadelphia, ship seized at, 1165.
Philadelphian, 860(5).
 Philips, Adolphus, pp. 820-1.
 —, Daniel, 467(63).
 —, Frederick, 444, 782, 784, p. 820.
 —, John, 1017.
 —, Philip, 467(34).
 —, Richard, p. 636, p. 764.
 —, —, commission and instructions, 1320, p. 802.
 —, William, 634.
 Phippard, Sir William, 735, 860(3), 1161.
 Phipps, Francis, p. 823.
 —, Thomas, 412, p. 818.
 Phips, Sir William, 278, 364(95,98), 464, p. 239, 487, 495, 517.
 —, —, commission, p. 799.
 —, —, discovers treasure, 234.
 —, —, complaints against, 523-4.
 —, —, recall of, 540.
Phoenix, 274(12), 364(77), 577(1), 859.
 Pickering, Sir Henry, 700, p. 808.
 —, James, 412.
 Pickman, Benjamin, 1304.
 Piers, Lewis, 1319.
 Pike, Nathaniel, 634.
 Pilgrim, Major John, 816, pp. 809-10.
 —, John, complaints against Crowe, p. 578.
 —, —, death of, 1254.
 —, Thomas, p. 830.
 —, —, complaint against Crowe, 1076.
 Pilgrim House (Barbados), p. 830.
- Pindar, Thomas, 1154, 1335.
 Pinhorn, William, pp. 818-9-20.
 Pinnell, Francis, p. 545.
 Pinney, Azariah, pp. 816-7.
 —, John, p. 817.
 Piracy, 185, 229, 240, 612, 853, 1196.
See also Algiers, Every, Kidd, Ryder, *and under* individual colonies.
 in Hispaniola, 107, 109, 111.
 in East Indies, 726, p. 726.
 suppression of at Madagascar, 1090.
 on West coast of Africa, 740, 819, 836, p. 726.
 proclamation for suppressing, 227, 248, 760, 1276.
 pardon to those who surrender, 349, 855.
 (in proprietary colonies), order for suppression of, 142.
 cases to be tried in England, 760.
 commissions for trying cases of in America, 760.
 petitions of informers, 841.
 Admiralty Courts for trying, p. 725.
 Piscataqua, 44, 244, 431, 899, p. 445.
 garrison withdrawn, 517.
 river, 884, 1074.
 Pitt, Thomas, 1260-1.
 —, —, commission, p. 796.
 Place, John, 750.
 —, Rhoda, 750.
 —, William, 750.
 Placentia, p. 540, 1331.
 Governor of, p. 802.
 French garrison at, p. 463.
 prisoners at, 992.
 pay of officers at, 1223.
 Plaisted, John, p. 818.
 Plaister, (Plater), Mr., 556.
 Plampin, Edward, 203.
 Plantations. *See also under* individual colonies.
 piracy in. *See* piracy.
 religion in. *See* Church.
 rules as to leave of absence, 17, 257.
 trade, monthly reports required, 65.
 rules as to denization in, 93, 219, 776.
 indentured servants in. *See* Indentured Servants.

Plantations—*cont.*

food of passengers on men-of-war, 120.
 enforcement of Navigation Act, 162, 626, 1271.
 illicit trade in, 182, 183, 241, 743, 745, 1200.
 freight on sugar from, 186.
 trade with Ireland, *pp.* 86-7, 207.
Quo Warranto against, 194, 228.
 games and lotteries in, 245.
 news of an heir sent to (1688), 262.
 declaration of indulgence sent to, 226.
 mills to be erected in, 235.
 post offices in, 268, 796.
 proclamation of William and Mary in, 276.
 defence of, 282, 286, 627, 629, 728, 884.
 advice boats for, 291, 619.
 Crown dues from, 305.
 new colony proposed, 354.
 passports not required for passengers to, 374.
 ships of war to bring home goods on their Majesties' account, 375.
 regulation of trade with, 379, 463, 470, 594.
 duty on ginger from, 408.
 general pardon in (1692), 449.
 impressment in, 629, 652-3, 907.
 Admiralty Courts in, 635, 830, 837.
 Attorney General in, 635, 639.
 provisioning of Navy in, 652.
 Committee for hearing appeals from, 657.
 peace to be published in, 688, 1185.
 ships, Algerine passes for, 696, 1209.
 coining in, 700.
 Naval Officers in, 723.
 Governors to give an account of judicial procedure in, 797.
 proprietary, state of, 820, 940.
 presents to Governors, 824, 896, *p.* 829.
 colours for ships having commissions from Governor of, 834.
 ships not to be embargoed in, 861, 916, 975, 1053, *p.* 623.
 new seals for, 862, 1228.

Plantations—*cont.*

proclamation of Queen Anne in, 862.
 value of coins in, 885, 905, 911.
 rules for prizes taken in, 888, 1068.
 arms and picture of Queen Anne sent to, 895.
 report as to salaries of Governors of, 896.
 all colonies to be put under the Crown, *p.* 432, 952.
 naval stores from, 930, 1217.
 privateering in, 933.
 Governors to aid merchants, 935.
 Governors to return an account of all stores, 956.
 ordinance to account for stores sent to, 998.
 use of English goods in, 1003.
 instructions as to bills of credit, 1007, 1293.
 changes in prayer book in 1707, 1023.
 voyages of discovery in, 1050.
 oath for Governors, 1118.
 accession of George I, 1208, 1216.
 passage of temporary laws forbidden, *p.* 615.
 treasure seeking in, 1229.
 Wood's half-pence for, 1341.
Planter, 467(60).
Play, prize, 577(20).
 Plymouth, 44, *p.* 86, 274(12), 291, 295, 339, 343, 357, 361, 364 *passim*, 370, 385, 433, 459, 467(31,47), 470, 502, 525, 566, 570, 576, 577(6), 613, 823, 835, 859, 860(2).
 Pogson, John, 1024, *p.* 822.
 Pollard, John, *p.* 839.
 —, Tobias, *p.* 839.
 Pollexfen, Sir Henry, Attorney General, 268, 281.
 Poole, 64, 274(9), 364(57), 379, 860(3).
 Poole Plantation (Nfd.), 1048.
 Pope, Mathew, *p.* 623.
Popley frigate, *p.* 623.
 Pople, Mr., 633, *p.* 481.
 Porcio, Don Nicholas, 347.
Porcupine, 389.
 Porter, Edmund, 1155.
 Portland, William Henry Duke of, *p.* 717.
 H.M.S. *Portland*, 1139.

- Portray, Lyson, 364(25).
 Port Royal (Jamaica), 6, 1153, 1183.
 post office in, 268.
 earthquake at, *p.* 561.
 (N.S.), retaken by French (1691),
 431.
 —, French prisoners taken at,
 464.
 —, proposed garrison at, 677.
 —, capture of, 899, 1170, *p.* 764.
 See also Annapolis.
 Portsmouth, 343, 364(16, 18, 68), 470,
 570, *p.* 444, 1052.
 Portugal, 364(86), 369, 579, 915(1).
 trade with Newfoundland, 232,
 364(69), 389, 467(72), 865.
 salt from. for Newfoundland, 467(72),
 613, 860(5), 991, 1015, 1045,
 p. 559.
 tobacco trade in, 1044.
 Potomac Creek, *p.* 590.
 Potomac river, *p.* 590.
 Swiss on, 1103.
Potomac Merchant, 577(11).
 Potts, James, 975.
 Pouch, Francis, 1110.
 Poulson, Gilbert, 1339.
 Povey, John, 633, *p.* 481.
 Powell, Capt., 450.
 —, —, in Newfoundland, 865.
 —, Edward, 402, *p.* 827.
 —, Elizabeth, 751.
 —, Capt. Garret, 751.
 —, George, 751.
 Power, Jeffery, 1115.
 —, Peter, 298.
 —, Thomas, jun., 860(1).
 Powis, Sir Thomas, Attorney General,
 209, 268.
 —, —, Solicitor General, 221, 228.
 Pownoll, Philemon, 780.
 Poyer, Thomas, 1168.
 Poyntz, Capt. John, 138.
 Prall, Joseph, 860(18).
 Pratt, James, 364(86).
 —, Sir John, *p.* 778.
 President, Lord, 211, 243.
 Preston, Richard, Viscount, 109, 150.
 Price, Francis, 364(47).
 —, Mary, 1223.
 —, William, 893.
 Prideaux, Nicholas, 848, 1096.
 —, Thomas, 1096.
Primrose, 860(2).
 Prince, Thomas, 364(7).
Prince of Orange, 274(7, 12), 364(16),
 467(17), 477.
Prince George, 974(2).
Prince Louis of Baden, 859.
Princess Anne, 708, 859.
 Prior, Matthew, 1277.
 Prissick, Christopher, 599, 1257, *p.*
 797.
 —, George, 364(4).
 Privy Council, extra salary for clerks
 of the, 675.
Prosperous, 274(3,5), 350, 364(108).
Prosperous Hannah, 859.
 Providence, (R.I.) 44.
 Providence Island, 634, 873, 1004.
 See also Bahamas.
Providence, 364(2, 18, 47, 131), 467(22,
 32), 860(2, 17), 975, *pp.* 545-6,
 1053, 1270, 1304.
 Province, John, 860(18).
Province galley, 1190.
 Provost, David, *p.* 821.
Prudence, 364(42).
 Prudence I'd. (New England), 712.
Prudent Sarah, 467(63), 577(24).
 Puckle, Nathaniel, 860(5).
 Pugh, Anne, 588.
 —, Capt. Richard, 588.
 Pullein, Henry, 333, 1205, *p.* 810.
 —, —, commission and instruc-
 tions, *p.* 793.
 Puts, Thomas, 364(10).

Q

- Quakers. *See* Church; *and under*
 individual colonies.
 H.M.S. *Quaker*, ketch, 173, 192.
 Quarantine on ships from West Indies,
 459, 514.
 Quarne, Walter, *p.* 827.
 Quarry, Robert, 609, 743, 869, 1121,
 pp. 814, 818-9, 824-5.
 Quebec, 161, 1161. *See also* Canada.

Queen Mary, 357
 Queen's County (N.Y.), p. 850.
 Quince, Richard, p. 623.
 Quintin, Henry, p. 807.

R

Raby, 916.
Rachel, 858.
 Rae, Parker, 1312.
Rainbow, 860(4).
 Rainsford, Dame Ayliffe, 208.
 Raley, Corporal William, 986.
 —, Jean, 986.
 Ramsay, Anne, 1013, 1073.
 —, David, 947, p. 808.
 —, Jane, 1290.
 —, Robert, 141.
 —, William, 1290.
 Randle, William, 975.
 Randolph, Edward, 364(34).
 —, —, ships seized by, 44.
 —, —, complaints against New
 England, 29, 168, 194, 359, 380,
 612.
 —, —, in Bermuda, 753.
 Randyll, Morgan, 1229.
 Ranelagh, Richard Earl of, 39.
 Rappahanock Creek, p. 590.
 Rappahanock River, p. 590, 1156.
 Rappee, Gabriel, 94.
 Ratcliffe, Robert, 196.
 Ravell, Daniel, p. 816.
 Rawlins, William, 21, 816, 1179.
 Rawstone, Richard, 533.
 Raymond, Sir Robert, Attorney
 General, p. 700, p. 726, p. 755,
 p. 772, 1336-7, p. 794.
 —, —, Solicitor General, p. 551,
 1119, 1123, pp. 649-50, 1150,
 1200.
 Rayner, Eleanor, 1064.
 —, John, Attorney General of New
 York, 1033.
 —, —, his salary in arrears, 1164.
 —, William, 1064.
 Raynes, Peter, 364(101).
 Read, John, p. 807.
 —, Major, p. 811.

Read, Richard, 975, p. 545.
 —, Robert, 860(7).
 —, Thomas, p. 623.
 Reading, or Redding, John, pp. 819-
 20.
 Reas, John, pp. 546, 624.
 Reaux, Jean, 532.
Rebecca, 364(28), 837, p. 623.
Rebecca and Elizabeth, 467(53).
Recovery, 577(2), 860(5), p. 624
 Reddy, John, 634.
 Redhead, Robert, 975, p. 545, p. 624.
 Redknap (Belknap?), engineer, 1708,
 p. 572.
 Redman, Hugh, 585.
 Red Sea, pirates in, 634.
 Rees, Bartholomew, *alias* Ross, 843,
 969, 1141.
 Reeves, Capt. George, 121.
Reformation, 860(18).
 Reid, George, 426.
Relief, 364(33).
 Religion. *See* Church.
 Remington, Samuel, 1090.
 Rendezvous Bay (Antigua), 1295.
 Rendezvous plantation (Barbados),
 1201.
 Renew, Peter, 364(50), p. 469.
 Renoult, Elizabeth, 1225.
 Renselaerwyck (N.Y.), 492.
 H.M.S. *Reserve*, 566.
Resolution, 364(13, 91, 110), 467(56).
Reswick, 859.
 Revell, Anthony, 1212, p. 690.
 —, Mary, 1212.
 —, Thomas, pp. 818-9.
 Reybridge, William, 364(34).
 Rhett, Col., 1294.
 Rhode Island, 887.
 enforcement of Navigation Acts,
 162, p. 803.
Quo Warranto against, 194.
 restoration of Charter, 278.
 to aid in defence of New York, 469.
 command of Militia, 512, 1252.
 boundary dispute, 512, 560.
 grievances of, 512.
 congratulations to William III after
 Fenwick's plot, 620.
 Attorney General proposed for, 639.
 Charter of, 667, 788.

- Rhode Island—*cont.*
 appeals from, 712, 732, 980, 1095, 1296, 1301.
 commission of Inquiry into state of, 727.
 jurisdiction over pirates and illegal traders, 815.
 Vice-Admiralty jurisdiction in, 830.
 defence of, 884.
 salary of Governor, *p.* 432.
 illicit trade in, *p.* 432.
 piracy &c. in, 917.
 Acts disallowed, 917, *p.* 852.
 refuses aid to Massachusetts Bay, 922.
 complaints against, 940, 952.
 claim to H. g. Island, 987.
- Ribson, George, 364(77).
 Ricaut, Sir Paul, 782.
 Rich, Robert, 634.
Richard, 389, *p.* 545.
Richard and James, 861, 916, *p.* 545.
Richard and John, 364(102).
Richard and Michael, 274(12), 577(26).
Richard and Sarah, 467(4), 500, 860(4).
 Richards, Captain, *p.* 463.
 Richardson, Catherine, 763.
 —, John, 364(82), *p.* 817.
 —, Robert, 763.
 —, William, 755.
- Richier, Isaac, 329, 476, 544, 753.
 —, —, commission, *p.* 793.
- Richinson, Richard, 975.
- Richmond County (N.Y.), *p.* 850.
- Richmond*, frigate, 507.
- Rickards, Samuel, 916.
- Righton, William, 175.
- Rigby, Richard, of Jamaica, *pp.* 561, 563, 812-3.
 —, —, accused but exonerated, 1067.
- Risby, James, *p.* 813.
- Roach, John, 364(47).
- Robert, 467(21), 577(18), 975.
Robert and Francis, 860(5).
Robert and John, 975, *p.* 623.
Robert and Mary, 364(83).
Robert and Richard, 467(22).
Robert and Thomas, *p.* 546, *p.* 624.
Robert and William, 577(1).
 Roberts, David, 860(4).
- Roberts, William, 1099, 1243-4.
 —, a widow, 1001.
- Robins, John, 281.
 —, Richard, *p.* 624.
 —, Stephen, 1053.
- Robinson, Capt., 332.
 —, Christopher, Secretary of Virginia, 478, 508, *p.* 824.
 —, Edward, 364(33).
 —, John, 1073, *p.* 825.
 —, Sir R., 271.
 —, Robert, 1164.
- Robotham, George, *p.* 813.
- Rochdale, Edward, 975.
- Rochester, Laurence Earl of, Lord Treasurer, 168-9, 172-3, 186-8, 191-2.
 —, —, Post Master General, 268.
Rochester, 1139.
- Rockett, Hugh, 860(3).
- Rodney, Caesar, 1226.
- Rogers, Francis, 860(5).
 —, Mary, 1339.
 —, Robert, 274(10).
 —, Thomas, 975.
 —, William, 1339.
 —, Woodes, commission and instructions, *p.* 792.
- Rokeby, Capt. Joseph, accused of murder of Governor Park, 1143.
- Rolles, John, 860(3).
- Rombalt, Francis, *p.* 820.
- Romer, Wolfgang William, 697, 724, 830, 884, 899, 1074. *p.* 820.
- Romney, Henry Earl of, 279, 326, 527, 541, 549, 563, 570. 577(20), 600, 643, 865, 874.
- Ronquillo, Don Pedro de, Spanish Ambassador, 347.
- Roscoe, James, 1327.
 —, Jane, 1327.
- Roose or Rose, Elizabeth, 1280.
 —, Francis, 1071, 1280. *pp.* 812-3.
 —, Thomas, 1280.
- Rose, Fulke, *p.* 811.
Rose, 467(50), 859.
- Ross, Robert, 364(43).
 —, William, *alias* Rees, 969.
- Rotherhithe, 1296.
- Rotten Row (London), 699.
- Rotterdam, 274(6).

Rotterdam Merchant, 859.
 Rousby, Christopher, 37, 64.
 —, —, murder of, 173.
 Rouse, John, 1176.
 —, Nathaniel, 1176.
 —, Thomas, of London, 1176.
 —, William, 1017.
 Rouze, Dr. de la, 756.
 Rowland, Robert, 189.
Royal Hudson's Bay frigate, 274(2),
 350, 364(32,36).
Royal James, p. 778.
Royal Sun, 588.
 Royle, John, of London, p. 577, p. 581.
 H.M.S. *Ruby*, 566.
Ruby of Bideford, 975.
 Ruddock, Alexander, p. 807.
 Rudeing, Walter, pp. 112, 811.
Rumbo galley, 915(4), 916.
 Rumsay, Benjamin, p. 623.
 H.M.S. *Rupert*, 780, 1030, 1169.
 Russell, Francis, Governor of Barbados,
 549, 615, 692, p. 807, p. 828.
 —, —, commission and instruc-
 tions, 600, p. 792.
 —, —, presents for, 529.
 —, —, transport for, 530.
 —, —, his regiment, 557, 570, 748.
 —, Sir James, his misbehaviour, 247.
 —, James, of Jamaica, 1071.
 —, Penelope, 247.
 —, Thomasine, 1071.
 —, William, p. 624, p. 736.
 Russia, tobacco trade in, p. 488, 971,
 1044.
Ruth, 185, 1113.
 Rycroft, Henry, 364(98).
 Ryder, Matthew, 364(90, 98).
 —, —, a pirate, 792.
 H.M.S. *Rye*, p. 778.
 Ryswick, Peace of, 489, 1225.
 Ryves, Thomas, 187-8, 426.

S

Saba, restored to Dutch, 24.
 Sadler, Charles, 269, pp. 811-2.
 Saer, Jane, 1290.
 Saffin, John, 590.

Sagadahoc river, 1259, p. 746.
St. Albans, prize, 494.
 St. Christopher, 116, 125, 201, 1058,
 1225, pp. 646, 805, 807, 853.
 Lieut.-Governors of. *See* Hamilton,
 Walter; Hill, Thomas; Lambert,
 Col. Michael; Norton, Capt. James.
 stores for, 4, 117, 764, 1027, 1160.
 troops in, 63, 92, 104, 259, 287.
 ship seized at, 87.
 convicts to be sent to, 153.
 present to Sir N. Johnson, 252.
 taken by French, 287.
 French trade from, 357.
 taken from French, 364(42), 914,
 1210, 1274.
 settlement of, suspended, 386.
 French prisoners at, 394.
 mines in, 447.
 resettlement of, 468, 647, 1069, 1210,
 1233, 1235, 1246, 1274-5, p. 852.
 French protestants restored to
 estates in, 489, 1069, 1210, 1225,
 1235.
 Codrington to appoint a Lieut.-
 Governor, 829.
 complaint against Governor Cod-
 rington, 845.
 ships for, 859.
 fortifications in, p. 407, 1135.
 salary of Lieut.-Governor, p. 429.
 4½% duty in, 914.
 appeals from, 924, 1173, 1281.
 house rent for Governor, 1043.
 grant in aid of, 1069.
 French attack on, 1069, 1126 p. 647,
 1220, 1233, 1275.
 insolence of Papists in, p. 569.
 illegal trade in, p. 619.
 emigration from, 1126.
 evidence from, as to Park's murder,
 1143.
 Douglas's corrupt practices in, 1215.
 Council of, p. 822.
 Acts confirmed, p. 852.
 Acts disallowed, p. 852.
St. Christopher, 1316.
 St. Croix river, p. 746.
 St. Domingo, 582, 1258.
 St. Elizabeth (Ja.), 1126.
 St. Eustatius restored to Dutch, 24, 387.

- St. Francisco de Campeche (port of), 121.
- St. George*, of London, 64, 150.
privateer, 893.
- H.M.S. *St. George*, 860(3).
- St. George's Channel, 467(59), 471.
- St. Giles Cripplegate parish, 699.
- St. Iago de la Vega (Ja.). 1126, 1280,
p. 728.
- St. Iago del Castillo, Don, 298, 347.
- St. Iago de la Victoria*, 295.
- St. Ives, 364(80, 87), 471.
- St. Jago*, 577(13).
- St. James*, 1133.
- St. John's (Antagua), 1197, 1241,
pp. 826-7.
- St. John's (Nfd.) 389, p. 540. *See also*
Newfoundland.
fort at, 358, 865, 926, pp. 462-3,
1139, 1167.
garrison at, 677, 865, 991, 992, 1015,
1045, 1078.
new boom at, 865, 1078.
attacked by French, 1001, 1015,
p. 636.
- St. John's Island (New England), 884.
- St. John Baptist*, 1051, 1110, 1165.
- St. Joseph*, 1165.
- St. Lawrence river, 1161.
- St. Loe, Captain George, complaints
against, 221, 957, 973.
- St. Louis*, of Lisbon, 1308.
- St. Lucia, right of Britain to, 768.
- Ste. Luce*, 1292.
- St. Malo*, 364(100), 389, 525.
- St. Martin's* prize, 477.
- St. Mary's (Maryland), 64, pp. 838-40.
- St. Mary in Bridlington (N.J.), 1149.
- St. Michael's parish, Barbados, 1099,
p. 754, p. 809.
- St. Paul*, 459.
- St. Peter*, 298, 444.
- St. Peter's (Barbados), 1206.
- St. Peter's (Newfoundland), 1265.
- St. Philip's (Antigua), 1288.
parish (Barbados), 1279, 1338.
- St. Pierre, Martinique, 1191.
- St. Stephen's parish (Virginia), 1311.
- St. Thomas, 112, 915(2), 924.
clandestine trade with Carolina,
p. 612.
- St. Thomas*, 270.
- Salem, 44.
- Salenave, Elizabeth, 489, p. 569
—, Jordain, 489.
- Salisbury* ketch, 364(7).
- Salkeld, John, 1233.
- Sallee, 146.
- Salmon, Thomas, 364(74).
- Salter, Richard, p. 808
—, Timothy, 1335, 1342, p. 809
- Salt Tortudas, trade with New
England, 629, 677
- Sampson, Hugh, 361.
—, Jeremiah, 1053, pp. 623-4.
- Sampson* frigate, 332.
- Samuel*, 364(10, 13, 19), 467(59), 860
(2), 915(4).
- Samuel and James*, 364(131).
- Samuel and Mary*, 364(39).
- Sandford, John, 1021.
—, William, 1095, pp. 818-9.
- Sands, Thomas, 78, 915(2).
- Sandys, Samuel, p. 451.
—, Windsor, 1229.
- Santee River, p. 611.
- Santen, Lucas, 224.
- Sarah*, 274(8), 364(130), 467(31, 60),
860(5), p. 545.
- Sarah and Hannah*, p. 624.
- Sarah Mary*, 859.
- Saunders, James, p. 814.
—, Robert, 1184.
- Saunderson, Alexander, 975.
- Savage, Arthur, 1270.
- Savannah river, proposed colony south
of, 1285.
- Savill, Edward, 634.
- Sawyer, Sir Robert, Attorney General,
2, 25, 86, 101, 108, 118, 136, 169,
179, 193-5, 209, 221, 228, 278,
288.
- Scarborough, Charles, p. 824.
—, Edmund, 203.
- H.M.S. *Scarborough*, 880.
- Scarth, John, 1053.
—, Jonathan, 1053.
- Scawen, William, 364(7, 15, 111), 467
(56).
- Schenectady, 442, 1116.
- Schomberg, Frederick Duke of, 299,
304.

- Schomberg, Meinhard third Duke of, 669.
- Schuyler, Abraham, 1116.
- , Peter, 1116, *pp.* 820–22.
- Scilly Islands, 459, 691, 860(2).
- Scituate, 44.
- Scotland, 364(122), 459, 634, 696.
- trade to plantations, 467(10).
- illegal trade with plantations, 237, 558, 807, 885.
- Darien Company, 616.
- union with England, 1023, *p.* 854.
- Scott, Sir Edward, 254.
- , John, *p.* 815.
- , Richard, 217, *pp.* 808–9.
- , Robert, *p.* 807.
- , William, 860(2).
- Scottin, Robert, 274(7).
- Scotting, Joseph, 364(85).
- Scuse, John, 364(39).
- Seaflower*, 634, 766, 853.
- Sea Venture*, 364(62).
- Searle, Daniel, *p.* 844.
- , Dorothy, 827.
- , Capt. Henry, 827.
- , Samuel, *p.* 844.
- Secretary at War, 1194, 1223, 1266.
- Selden, Samuel, 909, 1240.
- Selwyn, William, Governor of Jamaica, 835, 849, *p.* 811.
- , —, grant to his heirs, 937.
- , —, commission and instructions, *p.* 795.
- Selwyn*, 859.
- Serjeant, Peter, 990.
- Serocold, John, *p.* 736.
- Serra, Anthony Gomez, 596.
- Serranillas, 362.
- Seven Brothers*, 467(30).
- Severn, 313.
- Sewall, Nicholas, 427.
- , Samuel, 590.
- Seymour, Berkeley, 1148.
- , Governor John, 982, *p.* 814, *p.* 838.
- , —, commission and instructions, *p.* 798.
- , —, his quarrel with Sir T. Lawrence, 1042.
- , —, death of, 1112, 1148.
- , Major General, his regiment, 1161.
- Shallet, Arthur, 274(12), 364(62).
- Sharpe, Barbara, 816.
- , John, 816.
- , William, senr., 595, 745, 763, 816.
- , —, jun., 816, 1055, *pp.* 808–9.
- , —, —, complaints against, 1022.
- , —, —, quarrel with Crowe, 1075.
- Shatterden, Constance, 1132.
- Shaw, Sir John, *p.* 86.
- , Mr., 21.
- , Peter, 809.
- , Robert, 1165.
- H.M.S. *Sheerness*, 1092.
- Shepherd, Capt., 64.
- Sheppard, Humphrey, 1220.
- Sherborne, Mr., 21.
- Sherry, a negro, 1086.
- Shewbrick, Richard, *p.* 624.
- Shipman, Mary, 844.
- , William, 844.
- Shippen, John, 1000.
- Shirley, Thomas, 459.
- Shirlock, Samuel, *p.* 810.
- Shoreham*, 809.
- Short, Capt. Richard, 524.
- Shorter, Sir John, Lord Mayor, 251, 274(7).
- Shrewsbury, Charles Duke of, 283, 614, 634.
- Shrimpton, Elizabeth, 716.
- , Col. Samuel, 716, *p.* 817.
- Shute, Samuel, *p.* 758, 1318, *p.* 818.
- , —, commission and instructions, *pp.* 799–800.
- , —, complaints against, 1322–3.
- Sibthorpe, Christopher, 176.
- Simms, Hugh, 697.
- Simpson, John, 364(130), 414.
- , Thomas, 1153.
- Siveret, Philip, 44, 246.
- Six Sisters*, *p.* 624.
- Skene, Alexander, 791, 973, *p.* 604.
- , —, complaints against Crowe, *p.* 579, 1082.
- , —, controversy with Robert Lowther, 1163.
- Skinner, Martin, 364(24).
- Skipwith, Sir Fulwarr, 1232.

- Slanning, Sir Nicholas, 291.
 Slavery. *See* Africa; negroes.
 Slingsby, Arthur, *p.* 579, 1111.
 —, Susannah, 1111.
 Sloper, William, agent for New York, 998.
 Sloughter, Col. Henry, 328, 355, 377, 434, 442.
 —, —, commission, *p.* 801.
 Smailes, James, 243, 333, 494.
 —, Mary, 243.
 —, Richard, 333.
 Small, Mr., of Barbados, *p.* 579.
 Smart, Capt. Thomas, 1314, *p.* 778.
 Smergin, John, *pp.* 816–7.
 Smith, Aaron, 434.
 —, Brockett, 634.
 —, Daniel, a pirate, 754.
 —, —, Lieut.-Governor of Nevis, 1272, *pp.* 816–7.
 —, —, his gallantry, 1030.
 —, Elizabeth, 1272.
 —, Ensign Henry, accused of murder of Governor Park, 1143, *p.* 690.
 —, James, 309, 364(6).
 —, John, 975, 1053.
 —, —, of Bideford, 860(5), 1115.
 —, —, of London, 234.
 —, —, of New York, 1277.
 —, —, of Virginia, *p.* 825.
 —, Joseph, *p.* 818.
 —, Michael, *pp.* 816–7.
 —, Peter, a minister, 310.
 —, Richard, *p.* 817.
 —, Robert, *pp.* 814, 840.
 —, Capt. Robert, 115.
 —, Robert, Major-General of forces in Virginia, 126.
 —, Samuel, *p.* 810.
 —, Sarah, 985.
 —, Tobias, 364(116).
 —, William, 1053, *pp.* 820–21.
 Smithsend, Capt. Richard, 414, 430.
 Soanes, Peter, 634.
 Sober, John, complaints against Crowe, 1101.
 Society for the propagation of the Gospel in foreign parts, 1168, 1214, 1307.
Society, 467(55–6), 859, *p.* 545, 1110, *p.* 623.
 Solicitor-General. *See* Aland, J. F.; Eyre, Robert; Finch, H.; Harcourt, Sir S.; Hawles, Sir J.; Montagu, Sir J.; Powis, Sir T.; Raymond, Sir R.; Somers, Sir J.; Trevor, Sir T.; Yorke, Sir P.
 of Ireland, 698.
 Somers, Sir John, Attorney General, 364(116), 404, 412.
 —, —, Solicitor General, 281, 288, 320.
 Somersall, Israël, 70.
 —, Joan, 70.
 —, Capt. John, 70.
 Somerskell (Somerscales?), Solomon, *p.* 546.
Somerset, 859.
 Somerset County (Md.), *p.* 839.
 Sonmans, Arent, 1256.
 —, Peter, 871, 938, 1070, 1256, *p.* 819.
Sophonía galley, *p.* 624.
 Sothell, Seth, 2.
 Soulegré, Peter, 1316.
 Southack, Capt. Cyprian, 389, 467(69, 72–3), 537.
 —, —, takes part in expedition against Canada, 1190.
 Southampton, 47, 379, 467(31).
 Southampton, Thomas Earl of, Lord Treasurer, 408.
Southampton, 274(12).
 Southampton tribe (Bermuda), 757.
 South Carolina, 860(9). *See also* Carolina.
 stores for, 860(4).
 clergy of, 1106.
 piracy in, *pp.* 726–7.
 settlers for, 1285.
 made a royal province, 1336.
 South Keys, 150.
South River Merchant, *p.* 546, *p.* 624.
 South Sea Company, 1183, 1278, *p.* 854.
Southwark, 860(2).
 Southwell, Sir Thomas, 467(56).
 Spain, 232, 369, 582, 608, 613, 634.
 Ambassador from, 20, 62, 121, 159, 174, 190, 210, 279, 349.
 violence of in West Indies, 62, 105, 121, 160, 185, 210, 240, 337, 746.

Spain—*cont.*

- plundered in West Indies, 77, 1260, 1276.
 in the West Indies, 109, 150, 933.
 attacks Bahamas, 148, 159, 190, 873, 1004, 1232.
 attacks turtle fishers in Jamaica, 174.
 trade with, in negroes. *See* negroes.
 English Ambassador at Court of 190, 746, *p.* 733.
 illegal trade with New England, 480, 716.
 letter to commander of fleet in West Indies, 582.
 declaration of war with, 860(8).
 trade with Newfoundland, 865.
 tobacco trade in, 1044.
 defeated in West Indies, 1068.
 ship passes from, 1165.
 new colonies of, 1217.
 illegal trade with Barbados, 1335.
 letters of reprisal against, *p.* 854.
- Spair, Col. Thomas, 953.
- Spanish Merchant*, freship, 9.
- Sparkes, John, 634.
- Sparkling, Richard, *pp.* 623-4.
- Sparling, Catherine, 1031.
- Speedwell*, 859, 860(3), 1113.
- Spencer, Humphrey, 1006.
 —, William, 825.
- Spilman, James, *p.* 488.
- Spithead, 340, 343, 467(25), 477, 514, 1045.
- Spofferth, Samuel, *p.* 810.
- Spooner, Thomas, 364(51).
- Spotswood, Alexander, *p.* 613, 1155-6, 1181.
- Spotted Calf*, 467(35).
- Spragg, Captain, 209, 364(41).
- Springham, William, 953.
- Squire, Charles, 1020.
- H.M.S. *Squirrel*, 1314, *p.* 778.
- Staats, Samuel, 890, *pp.* 820-1.
- Stafford, John, 755.
- Stamford, Thomas Earl of, 641.
- Standfast, Colonel, *p.* 807.
- Stanhope, James Earl, 746, *p.* 733.
- Stanley, Peter, 82.
 —, Richard, 82.
 —, Thomas, 82.
- Stannard, Anne, 1263.
 —, William, 1263.
- Stanton, Edward, *p.* 811.
- Staple Grove plantation (Barbados), 749, 1201.
- Staples, John, jun., 467(59).
 —, Michael, 364(95).
- Stapleton, Dame Anne, 254.
 —, Dr., 1184.
 —, Sir Philip, 31.
 —, Sir William, Governor of Leeward Islands, 24, 62, 112, 133, 154, 201, 247, 267.
 —, —, instructions, *p.* 796.
 —, —, *vs.* Christopher Billop, 89, 100.
 —, —, leave of absence granted, 132.
 —, —, his executors, 254
- Starke, Thomas, 467(8), 770.
- Starman, Lawrence, 364(29).
- Staten Island, 505, 938.
- Staunton, Col. John, 1303.
- Stede, Edwin, 124, 227.
 —, —, commission and instructions, *p.* 792.
 —, John, 325.
- Steele, Layton, 414.
- Stephens, Alice, 1238.
 —, Ephraim, 1053.
 —, John, 1238.
 —, Paul, 223.
 —, Sibylla, 223.
 —, Walter, 172.
- Stepney, *p.* 764.
- Stewart, Elizabeth, 1218.
 —, John, 1059, 1067, *pp.* 812-3.
 —, Robert, 1159, 1218.
 —, Thomas, 1158.
- Stirling, Henry Earl of, 317, 554.
- Stockton, 379, 470.
- Stockton*, 364(116).
- Stoddard, Christopher, 1281.
- Stokes, Diana, 208.
 —, William, 208.
- Stokes Bay, 467(26).
- Stone, John, *pp.* 545-6, 623.
- Stonehenge* galley, 1053.
- Stoughton, William, 830.
- Straits, the, 367, 467(67), 582, 668.
- Streamstown (co. West Meath), 698.

Streight, Walter, 121.
 Stringer, Thomas, *p.* 623.
 Stroger, John, 634.
 Stroud, George, 1335.
 Strutt, Joseph, 390.
 Styles, George, 210.
Success, 253, 364(29), 577(2).
 Suffolk County (Mass. Bay), 1270,
 p. 841.
 Sugar, engines for making, 345.
 Sullivan, Francis, *p.* 764.
 Summer Islands. *See* Bermuda.
 Summers, Mr., of Barbados, *p.* 578.
 —, Robert, 975.
 —, Solomon, 73, 364(56).
 —, Thomas, of Liverpool, 1269.
 Summerton, Thomas, 634.
 Sunderland, Charles Earl of, 911,
 1018, 1054, 1070, 1103.
 —, Robert Earl of, Secretary of
 State, 12, 13, 28, 136, 150, 173-4,
 190, 203, 206, 219.
Supply ketch, 467(1, 79).
 Surat, 634.
 Surinam, 551.
 illegal trade with New England,
 1200.
 Surrey, 1296.
Susanna, 54, 364(83, 96), 467(56-8).
 Sutton, Edmund, 1128, 1328.
 —, Henry, 270, 467(18, 37).
 —, John, 1128.
 —, Margaret, 1128.
 —, Thomas, 467(40), 571, *p.* 811.
Swallow, 225, 467(2, 21), 915(2, 5),
 974(2), *p.* 726.
 Swan, John, *pp.* 546, 624.
Swan, 368, 454, 577(2), 582, 852,
 859.
 Sweden, imprisons Duke of Courland,
 p. 58.
 naval stores from, *p.* 465.
 tobacco trade in, 1044.
 Sweet, Grace, 1295.
 —, Mayne, 1272, 1295.
 Sweetapple, John, 412.
Swift, 364(131), 975, 1053.
 Swiss, in North Carolina, 1103, 1107.
 in Virginia, 783, 1103.
 Swymmer, Anthony, 1284.
 —, John, 364(52).

Swymmer, William, alderman of
 Bristol, 467(50), 975, 1053.
 Symcocks, Thomas, 837.
 Symms, Mr., 577(15).

T

Tackley (Oxon.), *p.* 736.
 Talbot, Capt. Charles, 225.
 —, Col. George, murders Rousby,
 173.
 —, William, 456.
 Talbot County (Md.), *p.* 839.
 Talmash, —, *p.* 816.
 Tankard, Barry, *pp.* 805-7.
 —, Elinor, 1340.
 —, John, 1340.
 Tapan (Conn.), 784.
 Tarleton, Edward, 64.
 Tasker, Thomas, *p.* 814.
 Taylor, Anthony, 364(37), 467(13).
 —, Christopher, 1302.
 —, James, 364(10).
 —, —, of Massachusetts Bay,
 1302.
 —, John, 517, 553, 1019.
 —, Michael, 364(33).
 —, Mr., 364(8).
 —, Nevison, 860(5).
 —, Rebecca, 1302.
 —, Sarah, 1302.
 —, Thomas, 364(10).
 Temple, Captain, 272.
 —, William, claim to lands in Nova
 Scotia, 1300, 1325.
 Tench, Thomas, *pp.* 813-4.
 Teneriffe, 210.
Teneriffe Merchant, 364(119).
 Tennant, Henry, 1253.
 Terminos (island), 121.
Terrible fireship, 566.
 Terrill. *See* Tyrrell.
 Terrey, Joseph, 240.
Thamer, 364(90, 98).
Thanet, 860(7).
 Thanvett, Captain Andrew, 1235.
 Thayre, Richard, 98.
 Thomas, Dalby, 274(7).
 —, James, 577(10).

- Thomas, John, 21.
 —, Mr., 21.
 —, Stephen, 1334.
 —, William, *pp.* 806-7.
Thomas, 364(62).
Thomas and Francis, 54.
Thomas and John, 859.
Thomas and Mary, 859.
Thomas and Samuel, 860(5).
Thomas and Sarah, 1053.
Thomas and Susan, 364(13).
Thomasine, 274(12).
 Thompson, Edward, 281, 860(2).
 —, Henry, 1260-1, 1283.
 —, John, *p.* 624.
 —, Richard, *p.* 812,
 —, Sir Samuel, 412.
 —, Stephens, 904.
 Thornborough, William, 364(23), 763.
 Thornhill, Sir T., 218, 499, *pp.* 807,
 828.
 Thornton, Henry, *p.* 545.
Three Brothers, 364(59), 480, 1277.
Three Friends of London, 274(15).
Three Johns, 364(112).
Three Sisters, 1241.
 Thurston, John, 865, *p.* 637.
 Thynn or Thynne, James, *p.* 805,
pp. 815-7, *p.* 822.
Tiger, 274(7), 452, 587, 859, 916, *p.* 623.
 Tilden, —, solicitor, 1207, 1213.
 —, Richard, 1329.
 Tiler, William, 274(12).
 Tilghman, Richard, *p.* 814.
 Till, James, 364(10).
 Ting. *See* Tyng.
 Tobacco. *See also* Maryland; Virginia.
 English, destroyed, 7, 38, 81, 299,
 535.
 re-exported from England to Ireland,
 155.
 from Bermuda, 163.
 from West Indies, 313, 332.
 cargo forfeited at Boston, 480.
 from Circassia, *p.* 488.
 in Russia, 971, 1044.
 rules as to trade in, 1044, 1056,
 1130.
 illicit trade in, *p.* 559, 1134.
 Tobago, history of, *pp.* 58-9.
 settlement of, 138, 736, 876.
- Tobago—*cont.*
 claimed for Britain, 768.
 Capt. Cowley's colony, 1117.
Tobias, 860(4).
 Toleson, Thomas, 1311.
 Toms, Josias, 860(3).
 Toppan, Christopher, 1259.
 Topsham, 467(31), 859, 860(5, 18).
 Torey, Joseph, 1053.
 Tortola (New Tertholen), 658.
 Tothill, Jeremiah, 744.
 Toton, John, 40, 393.
 Totterdale, —, 313.
 Towers, John, 341-2, *p.* 811.
 Townley, Richard, *pp.* 818-19-30.
 Townsend, Elizabeth, 777.
 —, Capt. Horatio, 777.
 —, Capt. Isaac, 592.
 —, Richard, 364(46).
 Tracy, John, *p.* 839.
 —, Susannah, *p.* 839.
 Trant, Sir Patrick, 254.
 Travers, Samuel, 577(4).
 —, Trial, 577(4).
 Treasurer, Lord. *See* Godolphin,
 Sidney Lord; Oxford, Robert
 Earl of; Rochester, Lawrence
 Earl of; Southampton, Thomas
 Earl of.
 Treasury, Commissioners of the :
 1680 : 3, 23.
 1681 : 31, 45.
 1682 : 58, 63, 78, 95.
 1683 : 108, 126, 134, 138.
 1684 : *p.* 58, 141, 153, 155, 157,
 163.
 1685 : 168-9.
 1687 : 223-4, 236, 241, 245, 247.
 1688 : 270, *p.* 112.
 1689 : 274, 279, 298, 309, 324.
 1690 : 345, 357, 359, 362, 364, 369,
 375, 379, 385.
 1691 : 399, 408-9, 424.
 1692 : *p.* 112, 447, 451, 457, 459,
 470-2, 475.
 1693 : *p.* 195, 467(18, 53), 471-2,
 489-90, 494, 496, 500, 514, 519,
 521, 523, 525.
 1694 : *p.* 195, 467(72), 521, *p.* 258,
 p. 261-2, 534-5, 541, 558, 570,
 576.

Treasury—*cont.*

- 1695: 570, 577(2, 11), 587, 593, 601, 608.
 1696: *p.* 273, 612, 621, 625, 635, 636.
 1697: *p.* 275, *p.* 302, 673, 678, 695-6.
 1698: 609, 696, 699, 714, 725.
 1699: 737, 744, 752, 766.
 1700: 609, 796, 807.
 1701: 811, 821.
 1702: 859, 860.
 1703: 897.
 1704: *pp.* 460, 462.
 1705: 958, 960, 961-5.
 1706: 992, 997, 1012, 1015.
 1710: 1113, 1122, 1126-7.
 1711: 1089.
 1712: 1161, 1172.
 1714: 1210, 1214.
 1715: *p.* 244, 1221, 1225, 1227-8, 1233-5, 1238, 1246-7.
 1716: 1255.
 1718: 1255, 1284, *p.* 652.
 1719: 1321.
 1720: 1341, *p.* 745.
 1721: *p.* 717.
 1722: *pp.* 772-3, 778 (*note*), 787.
 Solicitor to the. *See* Borrett.
- Treat, Robert, *p.* 811.
- Treby, Sir George, Attorney General, *p.* 126, 288, 293, 320, 333, 364(99), 405, 408, 412, 447, *p.* 797.
- Trenchard, Henry, 364(57).
 —, Sir John, 549.
- Tretwell, Peter, *p.* 819.
- Trevor, Sir Thomas, Attorney General, 607, 612, 639, 687, 699, 712, 715, 726, 755, 762, 776, 785-6, 788, 791.
 —, —, Solicitor General, 497, 561.
- Trey. *See* Crey.
- Trial, 274(12), 467(71).
- Tribby, James, *p.* 545.
- Trimingham, John, *p.* 810.
- Trinidad, 406.
- Trinity Bay (Nfd.), 274(9).
- Trist, 121.
- Trotman, John, 241.
- Trott, Hamilton, 801.
 —, John, 801.
 —, Nicholas, 476, 544.

- Trott, Nicholas, jun., 624.
 —, Perient, 801.
 —, Samuel, 376, 801, *p.* 810.
- Trotter, Lieut. George, 1187.
- Trouard, Samuel, 1083.
- Truhit, Levi, 1155.
- Trumbull, Mr. Secretary, 641.
- Truxton, William, *p.* 834.
- Tryon, Rowland, 1069, 1225.
Tryon, 859.
- Tuck, John, 1323.
- Tucker, Henry, *p.* 810.
 —, John, 711, *p.* 810.
 —, Mr., 70, *p.* 451.
 —, St. George, *p.* 810.
 —, William, *p.* 810.
- Tuckey, John, 860(2).
- Tunley, Christian, 1297.
 —, William, 1297.
- Turner, Richard, 101.
 —, Theophilus, 841.
 —, Thomas, 860(5).
- Turrell, Samuel, 860(4).
- Turtle*, 747.
- Two Brothers*, 467(10), 480, 1219.
- Two Sisters*, 44.
- Twyford, James, 351.
- Tymewell, Stephen, 1035.
- Tyng, Edward, *p.* 844.
 —, Jonathan, 803, *p.* 844.
- Tynt, Edward, appointed, *p.* 794.
- Tyrrell, Michael, 947, 1213.
 —, Usher, 618.
 —, William, 949, 981.
- Tyzack, John, 646.

U

- Ulrick, Captain, *alias* Falconier, 608.
- Ulster County (N.Y.), *p.* 850.
- Underdown, Captain, 1051.
- Underwood, Jonathan, 1219.
- Union*, 364(86, 89), 467(22), *p.* 545.
- United Provinces. *See* Holland.
- Unity*, 364(7), 589, 577(4, 14), 860(5).
- Upington, Walter, 364(39).
- Upton, Ambrose, 480.
 —, Arthur 1082, *p.* 663 *sq.*

Urquhart, Rev. Mr., death of, 1168.
 Urry, Elizabeth, 787.
 —, Captain Thomas, 787.
Urseley, 859.
 Usher, Hezekiah, 803.
 —, John, Lieut.-Governor of New Hampshire, 364(106), 818, *pp.* 799-800, 818.
 —, —, commission for, 901.
 —, —, his debts, 322, 1318.
 Usheree Indians, 1106.
 Utrecht, negotiations at, 1177.
 Treaty of, 1185, 1277.

V

Valentine, 964, 1127.
 Vallet, John, 35.
 Van Bael, Henry, 860(6, 9).
 Van Belle, Peter, 924.
 Van Dam, Rip, 1222, *pp.* 820-22.
 Vandelbourgh, Capt., 1225.
 Vane, Capt., 1078.
 Van Rensselaer, Killian, 492, *pp.* 820-21.
 —, Richard, 492.
 Vaudall, Audrey, 800.
 Vaudois, settled in Virginia, 783.
 Vaughan, George, 1322, *p.* 818.
 —, William, 156, 901, *p.* 818.
 Vauteman, John, 860(2).
 Vavator, Roger, 577(7).
 Veazey, Joseph, *p.* 545.
 Venice, trade with plantations, 766.
 Vera Cruz, letter to Governor of, 337.
 Vermuillen, Johannes, 434.
 Vernon, Mr. Secretary James, 736, 760, 813, 832.
 —, John, *p.* 827.
 —, Mr., 1296.
 Vetch, Samuel, 1017, 1325.
 Viall, Hester, 880.
 —, Capt. John, 880.
 Vicary, John, *p.* 545.
 Vice Admiralty Courts. *See under* separate colonies.
 Viele, Arnout, 855.
 Villago, Don Philip de Varrera, 121.
 Vincent, Francis, 1065.
 —, Samuel, 459.
 Vir, Henry, *p.* 545.
Virgin, 20.
 Virgin Islands, 112, 573.
 attempted improvement of, 1152.
 Virginia, 97, 192, 340, 351, 427, 482, 592, 986, 1098, 1186, 1309.
 Governors of, *p.* 803.
 appointments &c. to Council of, 1321, *pp.* 823-5.
 complaints from the house of Burgesses of, 320.
 Acts confirmed, 1056, *p.* 853.
 Acts amended or disallowed, 14, 320, 339, 453, 945, 1049, 1271, *p.* 853.
 legal appeals from, 88, 203, 393, 632, 770, 909, 1100, 1240, 1263, 1311, 1327.
 judicial procedure in, 1282.
 Secretary of. *See* Cole, Col. W.; Jennings, Edmund; Robinson, Christopher; Wormeley, Ralph.
 Receiver General of H.M.'s revenue in, 874.
 S. Thompson Attorney General, 904.
 rules as to leave of absence, 128.
 absentee officials in, 303.
 seals for, 706, 967.
 boundary dispute with Carolina, 1079, *pp.* 614, 802.
 land grants in, *p.* 247, 1079, 1137.
 quit rents in, 43, 446, 601, *p.* 585.
 tobacco, 78, 242, 320, 579, 609, 614, 807, 860(5), 916, 971, 1016, 1130, *p.* 756, 1337, 1339.
 stint of tobacco in, 23.
 tobacco-cutting riots in, 79, 80, 84.
 export of tobacco prohibited, 448.
 other manufactures than tobacco discouraged, 1016.
 low state of tobacco trade, *p.* 586.
 decreased revenue from tobacco, 1234.
 ships to and from, 270, 274(6, 7, 10, 12), 309, 344, 364 *passim*, 467 *passim*, 490, 494, 614, 696, 860(1, 2, 4, 5), 861, 916, 935, 974(2), 975, 1026, 1053, *pp.* 623-4, 1156.

Virginia—*cont.*

- convoy for ships to and from, 52, 300, 331, 340, 367, 370, 411, 467 (19, 26, 45, 64, 71), 471, 477, 546, 579, 854, 891, 915(5), 1016, 1196.
stores &c. for, 316, 415, 591, 859, 860(15), 874, 1181.
enforcement of Navigation Acts, 162.
regulation of trade with, 369, 379, 385, 424, 463, 470, 579.
state of trade to in 1707, 1016.
illegal trade, 504, 558, 858.
ports in, 965.
piracy in, 130, 279, 809.
trade with Indians, 1106, 1271.
Indians of ill-treated by Carolina, p. 585.
Indian Company of, 1271.
Bacon's rebellion in, 85, 126, 418-9.
troops in, 56, 58, 446.
to aid in defence of New York, 469, 866.
naval defence of, 130, 423, 884.
quarrels with French, p. 609.
Capes of, 995
Swiss sent to, 1103.
servants for, 1339.
discovery of silver in, 1195.
salt for fisheries in, 241.
negroes for, 467(7), 860(5).
church books for, 31.
education in, 457.
claims to the Northern Neck of, 404.
French refugees settled in, 102, 783.
Virginia, p. 624.
Virginia Merchant, 364(5), 467(88), 859, 975.

W

- Wadleigh, Robert, 123.
Wager, Commodore, 1068.
Wainwright, Benjamin, p. 810.
Wait, Thomas, dismissed, 277.
Wake, Elizabeth, 872.
—, John, 872.
Waldie, James, pp. 545-6, 623.
Waldo, Cornelius, 1270.

- Waldron, Richard, 818, p. 818.
Walford, Jeremy, 123.
Walker, Alexander, of Barbados, 1180, 1213, 1244, pp. 808-9.
—, —, complaints against Crowe, 1075.
—, —, complaint against Lowther, 1342, p. 769.
—, Charles, 761, 795, p. 810.
—, George, 1328, p. 774.
—, Sir Hovenden, in West Indies, 932.
—, —, in Canada. *See* Canada.
—, James, p. 811.
—, John, p. 545, 1180, p. 624, p. 771.
—, Joseph, 364(25).
—, Mr., p. 647.
—, Richard, of Barbados, 1180.
—, Samuel, p. 818.
—, William, 1088, 1335.
Waller, Sir William 736.
Wallis, James, 860(5).
—, Thomas, 467(54, 56).
—, William, 860(5), 867.
Wallop, Richard, p. 807.
Walrond Edward, 710.
—, H., 197, 266.
Walsh, Patrick, 798.
—, Capt. Philip, 1194.
Walter, John, 1206, 1335.
—, Margaret, of Barbados, 1206.
—, Richard, p. 808.
Walters, Jacob, 364(119).
—, John, pp. 811-2.
—, Robert, 890, pp. 820-2.
Walton, George, 123.
—, John, 1083, 1152.
—, Richard, 1094.
—, Shadraeh, p. 818.
Wanley, Lieut. Nicholas, 957.
Want, John, 364(8).
Warber-ton, Anne, 118.
—, Thomas, 118.
Ward, Abel, 860(6).
—, Collingwood, 1155.
—, Sir Edward, Attorney General, 486, 513, 528, 538-9, 558, 560-1.
—, Sir Patience, 364(54).
Ware, John, p. 818.
Warewell, 157.
Warner, Edward, p. 806.

- Warner, Sir Thomas, *p.* 58.
 Warren, Capt. George, 588.
 —, Hannah, 588.
 —, Robert, 1328, 1334, *p.* 774.
 —, Mrs., 1334.
 Warwick, tobacco grown in, 299.
 H.M.S. *Warwick*, 974(2), 1035.
 Washington, Ann, 807.
 —, John, 807.
 Wassell, William, 860(5).
 Waterfield, Mr., of Barbados, *p.* 579.
 Waterford, 364(27), 477.
 Waterhouse, David, 691, 975.
 Waterman, Humphrey, 816.
 —, Nathaniel, 980.
 Waterson, Mr., officer of the Customs, 408.
Watervall, *p.* 545.
 Watkins, Samuel, *p.* 651 *sq.*, 1215, *p.* 689.
 —, William, *p.* 623.
 Watson, Sir Francis, 42, *p.* 811, *p.* 834.
 —, Francis, *p.* 545.
 —, John, 412.
 —, Mr., 21.
 —, Philip, *p.* 451.
 Watts, Daniel, 975.
 —, Lieut Thomas, accused of murder of Governor Park, 1143.
 Way, Benjamin, 1177.
 — or Wray, George, 975, 1053.
Way galley, 859.
 Weare, Nathaniel, 156.
 Weaver, Mr., 570.
 —, Thomas, Solicitor General of New York, 875, 890, *pp.* 820-1.
 Webb, George, 364(5).
 —, Major General, 1087.
 —, Nicholas, 663, 853, *p.* 791.
 —, Thomas, 853.
 Webster, Sir Thomas, 1052.
 Weekes, Mrs., 1262.
 Weemes, Capt. James, 398, 686, 898.
 Weiles, Robert, 364(62).
 Weishamer or Wischamer, Jeremiah, 1035.
 Welch, John, *p.* 545.
 Wells, John, 975. *pp.* 819-20.
 Welsh, Richard, *p.* 623.
 Wenborne, Thomas, 632
 Wenham, Thomas, 744, *pp.* 820-1, *p.* 870.
 Wentworth, John, 879, *p.* 545, *p.* 818.
 West, Robert, 412, 796.
 —, William, 1300.
 —, Mr., *p.* 726.
 Westbroke, Thomas, *p.* 818.
 Westchester County (N.Y.), 851, *p.* 850.
 Westlake, Mr., *p.* 778.
 West Meath, 698.
 Westminster, 544.
 Treaty of in 1674, 24.
 Westmorland (Ja.), 1126.
 Weston, Ambrose, 1265.
 West Indies, 54, 332, 482, 780, 1008, 1035, 1091. *See also* under separate islands.
 ships to and from, 274(4), 300, 313, 345, 364 *passim*, 467 *passim*, 509, 859, 860(2, 5, 6), 916, 975.
 convoy for, 367, 370, 385, 477, 488, 594, 606, 1196.
 squadron, 334, 339-40, 384, 407, 577(19, 20), 668, 777, 882, 891, *p.* 437, 934, 1027.
 —, stores for, 384, 407, 577(19, 20), 615.
 stores for, 382, 460, 477.
 defective provisions to be transported to, 364(16, 43).
 troops for, and in, 292, 294, 321, 327, 343, 373, 450, 483, 496, 678, 886.
 petitions of widows of sailors who died in, 454, 588, 731, 748, 787, 880, 894, 903, 929, 1092.
 Spanish violence in, 62, 105, 121, 185, 190, 210.
 defeat of Spaniards in, 1068.
 war with French, 134, 349.
 regulation of trade with, 463, 470.
 illicit trade in, 89, 108, 221, 766, 1110.
 slavery in, 298.
 slaves for, 467(48).
 pardon for pirates (1690), 349.
 pardon for Western rebels transported to, 363.
 distribution of prizes in, 583.
 advice boats sent to, 645.
 impressment in, 650, 859, 912.

- West Indies—*cont.*
 letters of marque concerning, 933.
 neutrality proposed, 30.
 losses in, 827.
 Admiralty Courts in, 888.
 epidemic in, 459, 709.
 Wexford, 364(26).
 Weyanoak Creek, 1079.
 Weyanoak River, *p.* 590.
 Weymouth, 332, 467(31).
 H.M.S. *Weymouth*, 1102, *p.* 726.
 Whaitefield, Thomas, 860(5).
 Wharton, —, 1053.
 —, Richard, 177–8, 251.
 —, Thomas, 916, 975.
 —, William, 178, 412.
Wharton galley, *p.* 545.
 Wheateley, George, 860(2).
Wheel of Fortune, 160.
 Wheeler, Sir Francis, 514, 709.
 —, Joseph, 855.
Wheeler frigate, 860(4).
 Whetham, Col. Thomas, 886.
 Whetstone, —, 44.
 —, Elizabeth, 1193.
 —, John, 1193.
 —, Sir William, 994.
 Whiston, —, 462.
 Whitechurch, James, 1065.
 —, Sarah, 1065.
 White, Anthony, 761, *p.* 810.
 —, John, restored to Jamaica
 Council, 277.
 —, Joseph, 625.
 —, Leonard, *p.* 810.
 —, Nicholas, 157.
 —, Sir Richard, 510.
 —, Robert, *p.* 810.
 —, Samuel, 577(16), 860(4).
 —, William, 559, *p.* 816.
 Whitefield, Jonathan, 975.
 Whitehall, Mr., 459.
 Whitehaven, plantation trade with,
p. 86, 364(77), 467(54, 57–8, 60),
 470.
 Whitehorn, Bartholomew, *p.* 545, 1053.
 Whiteing, John, 364(55).
 Whitewell, Nathaniel, 364(43).
 Whitfield, Colonel, *p.* 811.
 Whitley, Roger, 99.
 Whittington, William, *p.* 814.
- Whitworth, Francis, 1264.
 Wight, Isle of, 274(6, 10).
 Wike, George, *pp.* 815–6.
 Wilcox, George, 97.
 —, John, 1053, *p.* 623.
 —, —, 1175.
 Wilkinson, Capt. Henry, 9.
 —, Thomas, 480, *p.* 545.
 —, William, 1317.
 Wilkinton, Leonard, 389.
 Wilks, John, 881.
 Willet, Ann, 1298.
 —, John, 1173, *p.* 823.
 —, Ralph, 1173, *p.* 823.
 —, Thomas, 1298, *p.* 820.
 —, William, *pp.* 822–3.
William, 364(34, 79), 577(9), *p.* 636.
William and John, 859, *p.* 624.
William and Mary, 364(60), 467(6),
 598, 1053.
 Williams, Elizabeth, 1204.
 —, John, 274(12).
 —, Richard, 414.
 —, Rowland, 325, 1204, *pp.* 805–6.
 —, Thomas, of Antigua, 1204.
 —, —, of New York, 434, 851.
 —, William, 1311.
 Williamsburg (Va.), 825, 904.
 Willie, Edmund, 712.
 —, Margaret, 712.
Willing Mind, 991.
 Willis, John, 364(5).
 Willoughby of Parham, Lady Ann,
 265.
 —, William, Lord (1666), 756.
 Wills, Colonel, 932.
 Wilmer, Nathaniel, 577(10).
 Wilmot, John, *p.* 624.
 —, Capt. Robert, 581–2, 625, 777.
 —, Ruth, 777.
 Wilson, Alexander, *p.* 764.
 —, Bigley, 860(5).
 —, Ebenezer, 744.
 —, James, 1159.
 —, Jane, 1327.
 —, Mr., 21.
 —, Reginald, 55.
 Winbourne, —, 2.
 Winchester Gaol, 1087.
 H.M.S. *Winchester*, wreck of, 950.
 Windar, Charles, 1175.

Windar, James, 1175.
 Winder, Elizabeth, 1311.
 —, Samuel, 47.
 Wingfield, Lieut. George, 829.
 Windward Islands, emigration from,
 1126.
 Winter, Captain William, 118.
 Winthrop, Fitzjohn, 734, 913.
 —, John, 913.
 —, Wait, 590, 803.
 —, —, his claim to Narragansett,
 1119.
 Wise, John, 975.
 Wishart, Capt., 361.
 Witham, Sir John, 265.
 —, —, quarrel with Sir R. Dutton,
 180.
 Withers, Thomas, 1243-4, p. 774, 1328.
 Wolley, Robert, 251, 412.
 Wolsley, Mr., 614.
 Wood, Benjamin, 794.
 —, Rebecca, 794.
 —, Robert, 750.
 —, William, 1341.
 Woodbridge, Dudley, 1158.
 Woodcock, John, 427.
 Woodin, John, p. 764.
 Wood Island (New England), 884.
 Woods, Jonathan, 849.
 —, Thomas, 849.
 Woodward, Enoch, 260, 900.
 —, John, 260, 900.
 Worcestershire, tobacco in, 7, 38, 81,
 299.
 Workington, 364(70), 77).
 Wormall, William, 577(8).
 Wormeley, John, 1263.
 —, Ralph, 508, 825.
 Worsham, Richard, 843, 928.
 Worsley, Governor Henry, p. 771,
 1343.
 Wren, Captain, 272, 454.

Wren, Ellen, 454.
 Wray or Way, George, 975, 1053.
 Wright, Capt., 367-8, 397.
 —, Johanna, 1256.
 —, John, 1306.
 —, Joseph, 852, 1256.
 —, Lawrence, pp. 805, 807, 814,
 816, 822.
 —, Robert, 110, 969.
Wright galley, 1344.
 Wybird, Richard, p. 818.
 Wye, Valentine, 975, pp. 545-6.

Y

Yarmouth, 379.
 Yeomans or Yeamans, John, pp.
 805-6, 827.
 Yoakley, Stephen, 1053, p. 545.
 York, James Duke of, 317, 554.
 York County (Va.), 1100.
York Merchant, 916, pp. 545-6, 623-4.
 Yorke, Sir Philip, Solicitor General,
 p. 726, 1337, p. 772, p. 794.
 Youghall, 62.
 Young, Capt. James, 350, 364(36).
 —, John, p. 820.
 —, Martha, 134.
 —, Richard, 169.
 —, Samuel, pp. 784, 814.
 —, William, 274(8), 860(4), p. 624.
Young St. Quinton, 1053.

Z

Zant, 975.
 Zealand, p. 58, 357.