

1765.

[612.] [Reference to the Board of Trade of a memorial of the Ohio Company addressed to his Majesty, and a memorial of Colonel George Mercer, on behalf of the Company, that the instruction of 16 March, 1749, in their favour (*see pp.* 55-8) be renewed, or that some provision be recommended to Parliament for reimbursing their expences, or that they receive compensation by way of a grant of land in some other part of his Majesty's American dominions.] [p. 244.]

21 June.  
Ohio  
Company.

[The Committee order a copy of the Board of Trade report on Mercer's petition] to be sent to the Earl of Shelburne in order to write to the Governor thereupon. [V. p. 425.]

(1767.)  
24 Aug.

[613.] [Reference to the Committee of the petition of Thomas Wilson, William Huggins and Anne, his wife, John Wilson, William Wilson, and Isaac Hobday and Elizabeth, his wife, for a day for hearing their appeal from a decree of the Virginia Chancery, 11 April, 1763, upon a bill filed against them and Lewis Almond and Jane, his wife, to account for all the personal estate of Sampson Darrell, the elder, and pay the same with interest, and deliver the real estate to Sampson Darrell, George Turner and Elizabeth, his wife, William Sansom and Ann, his wife, John Noble and Elizabeth, his wife, and William Slaughter.] [pp. 261, 280.]

10 July.  
Virginia.

[Appearance for the respondents entered by Mr. Walton of Girdlers Hall, Basinghall Street.] [VI. p. 468.]

(1769.)  
8 Mar.

[614.] [Reference to the Committee of the petition of Elisha Whittlesey for leave to appeal from a resolution of the General Assembly of Connecticut in May, 1763, whereby certain agreements between him and Jacob Pierpoint for the purchase of each other's lands were declared null and void and prohibited from being given in evidence in any court in the colony.] [p. 262.]

10 July.  
Connecticut.

[615.] [Reference to the Committee of the petition of Waddell Cunningham for leave to appeal from a judgment of the Supreme Court of New York in October term, 1764, on an action of trespass, assault and battery brought against

10 July.  
New York.

1765.

him by Thomas Forsey, whereby he was condemned in 1,500*l.* damages and 75*l.* 19*s.* 6*d.* costs, and also from an order of the Lieut.-Governor and Council denying him an appeal to them.]

[*p.* 262.]

28 July. [On the Committee report of 17 July, it is ordered that Cunningham's appeal be admitted by the Governor and Council as a Court of Errors, and if either party is aggrieved by their determination, that an appeal be admitted to his Majesty in Council.]

[*pp.* 289-91, 311.]

2 Oct. [Reference to the Committee of the petition of Robert Charles, agent for New York, on behalf of the Council and Representatives, that the above order be suspended till the merits of Cunningham's petition are fully examined into and final order made therein consonant to the practice of the Common Law of England.]

[*p.* 366.]

10 July. [616.] [Reference to the Committee of the petition of Antigua. Robert Fulton, agent for Richard Tyrrell, Rear Admiral of the White Squadron, and the officers and seamen now serving on the Leeward Island station under his command, on behalf of Admiral Tyrrell and the officers and seamen of H.M.S. *Princess Louisa*, Joseph Norwood commander, for leave to appeal from so much of a sentence of the Vice Admiralty Court of Antigua, 19 April, 1764, as divided the condemned schooner *Mary Ann* and her cargo,  $\frac{1}{3}$  to the Crown,  $\frac{1}{3}$  to the Governor, and  $\frac{1}{3}$  to Norwood as informer, and from a subsequent order of 2 Aug., 1764, refusing to admit their claim of a division in moieties between the crown and the captor.

[Other similar petitions concern the sloop *Union*, condemned on 20 Jan., 1764, sugar seized on board the sloop *Sarah* and condemned on 13 Jan., 1764, and the schooner *Pastor*, condemned on 23 March, 1764—all taken by the *Princess Louisa*.]

[*pp.* 264-6.]

26 July. [On Committee reports of 17 July, the Vice Admiralty Court is directed to receive the petitioner's claim and proceed

740 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1765.  
with a Board of Trade representation, are referred to the Committee, and by them on 3 Oct. to the Ordnance.]  
[pp. 365, 370.]
- (1766.) [On the Committee report of 13 June, stores are ordered  
18 June. to be sent to the value of 2,612*l.* 18*s.* 10*d.* A detailed estimate is given. The Ordnance prepared the list of what is necessary by comparing the accounts transmitted to them with the original proportion granted. The expence is to be made an article in the next Ordnance estimate laid before Parliament.]  
[pp. 665, 669-71.]
- 3 Oct. [629.] [The Committee refer to the Attorney and Solicitor  
New York. General the draft instructions for Sir Henry Moore as Governor of New York, as a change has been made by the Board of Trade in the article relating to the admission of appeals.]  
[p. 370.]
- 15 Nov. [On the law officers' report that it was inadvisable to make any alteration till the appeal of Cunningham against Forsey (615) had been determined, the Committee directed the Board of Trade to restore the former instruction, which was done accordingly. See Appendix I.]  
[p. 406.]
- 18 Oct. [630.] [Reference to the Committee of the petition of  
Jamaica. Nicholas Bourke, Esq., of Jamaica, for a day for hearing his appeal from a decree of the Governor as Ordinary, 6 Dec., 1764, in favour of Matthew Gregory and Foster March, receiving a certain paper as the will of Andrew Arcedeckne, deceased.]  
[pp. 384, 399.]
- 22 Nov. [631.] [Lieut. Robert Dugdale, R.N., commander of the  
Nova schooner *Magdalen*, was dismissed the service by court  
Scotia. martial on 18 Nov., 1764, for receiving freight for carrying 85 barrels of beef and pork from Louisbourg to Halifax. On a report of 12 Nov. from the Admiralty to whom his petition for restoration to his rank was referred on 6 Sept., he is not restored, but placed on the half-pay list] [pp. 359, 421.]
- (1767.) [Reference to the Admiralty of Dugdale's petition that the  
7 Oct. sentence of the court martial be reversed, and that he be put on the public list of officers.] [V. p. 482.]

## APPENDIX I.

## COMMISSIONS AND INSTRUCTIONS.

From 1745 to 1766 the notice in the Register of the approval of a Governor's commission and instructions generally mentions any changes from the instructions given to his predecessor, and these are given in the body of the book. The following, however, were approved without special comment. Where three dates are given they are respectively those of the order referring the draft to the Committee, of the Committee report, and of the order approving it. If the date of the Board of Trade representation with the draft appears in the register it is given in brackets. If a reference to the Committee is followed by a reference by them to the Board of Trade, the two dates are connected by "and."

Instructions for altering the prayers for the royal family are given on 22 March 1751 (P.R.) on the death of Frederick, Prince of Wales : on 24 April, 1751, on making his son, George, Prince of Wales : on 30 Oct., 1760, approving a draft ordered on 29 Oct. on the accession of George III. : on 24 Sept., 1761, approving a draft ordered on 11 Sept. on the King's marriage : and on 29 Sept., 1762, approving a draft ordered on 17 Sept. on the birth of an heir (Geo. IV).

General.

1753.—Instructions relative to the admitting of appeals in cases of error—as sent to the Leeward Islands (*p.* 185).—12 July. Board of Trade proposal to send the like to all governors.—19 July. Committee approve and order drafts.—11 Dec. The instructions approved on Committee report of 10 Dec.