

About 24 Aug. 1727 the Governor brought a civil action for scandal against Browne, who was committed to prison by special order of the Governor and not admitted to bail. When the sheriff represented the illegality of such commands, "the Governor said he would protect the sheriff right or wrong, and that he expected to be obeyed."

On 26 Sept. 1727 David Lloyd, Judge of the Supreme Court, issued a prohibition against Browne's taking cognisance of the case of David Lupton, even before the case had been received.

Sir H. Penrice reports that, to support the Admiralty jurisdiction in Pennsylvania, application should be made to his Majesty in Council, as in the similar case of Robert Quarry in 1699. The proprietors should be directed by the Privy Council to instruct their Lieutenant Governor to support the Vice Admiralty Court and prevent encroachments on its jurisdiction.

Nineteen documents are referred to in the margin, but are not found in this bundle.

———. Admiralty memorial.

3 July.

———. B. of T. report.

7 Sept.

[431.] CONNECTICUT. *Law for dividing the estates of intestates.* B. of T. report on the petition of J. Belcher and J. Dummer. His Majesty may comply with the request as to the quieting of possessions, by his licence to pass an Act for that purpose, but the course of succession ought not to be established for the future on a footing different from that of Great Britain. In return for so great a favour, the people of Connecticut ought to accept an explanatory charter, and become as dependent upon the Crown as the people of Massachusetts Bay, whose charter was formerly the same with theirs. The people of Connecticut have not for many years transmitted their laws or any account of their public transactions: "their Governors, whom they have a right to choose by their charter, ought always to be approved

31 Dec.
III. pp.
274-5.

1730-1. § 431 *cont.*]

by the King, but no presentation is ever made by them for that purpose; and they, though required by law to give bond to observe the Laws of Trade and Navigation, never comply therewith; so that we have reason to believe they do carry on illegal commerce with impunity; and in general we seldom or never hear from them, except when they stand in need of the countenance, the protection or assistance of the Crown." If this method of giving them relief is not thought advisable, they may apply to Parliament, which, it is to be hoped, will take care to secure their dependence on the Crown.

1731.

1731.

6 Feb. [432.] CONNECTICUT. *Law of inheritance in case of*
 II. *pp.* *intestacy.* Petition of J. Winthrop against that of Belcher and
 274-5. Dummer (*cf.* 431). Besides the partition of estates, objection
 is made to the power given to the (spiritual) Court of Probates
 to hold pleas of freehold estates, which by law can only be
 subject to the jurisdiction of temporal courts.

The Assembly, far from paying any deference to the Order
 of 15 Feb. 1728, have obstinately refused to receive or comply
 with it.

31 July. [433.] PENNSYLVANIA. *Vice Admiralty jurisdiction.* Answer
 V. *p.* 287. of Deputy Gov. Gordon to Browne's complaints (35 *pp.*), with
 39 enclosures. There were four subjects of complaint relating
 respectively to (A) the condemnation of certain goods in the
 Vice Admiralty Court in Feb. 1727; (B) the trial of the
Sarah in July 1727; (C) Browne's arrest and the refusal of
 bail; (D) the prohibition issued to Browne by D. Lloyd,
 Judge of the Supreme Court.

The Governor's answer gives an account of all his
 enclosed proofs. 1-11 relate to (A). 1, which is missing
 from the bundle, is Moore's affidavit and is similar to 2—
infra. Browne has imposed on Sir H. Penrice in making
 it be believed that the condemnation was on 21 Feb.; it
 was on 11 Feb., and the decree of 21 Feb. was made only