

QUEBEC, May 17, 1765.

Messieurs PRINTERS,

SOME People, from Ignorance and Prejudice, have so far influenced others, that an Opinion has prevailed, and still continues to be industriously propagated, That I endeavoured at the late Assizes held at Quebec, 28th March last, To throw Things into Confusion. Strange as it may seem to be, yet true it is, That from an arduous and well directed Intention in me to remove many Errors and Irregularities, which, from various Causes, had sprung up amongst us, to the Obstruction of Public Justice, and Subversion of the Law; and in Lieu thereof, to introduce good Order and Regularity in Law Proceedings, that its Opposites should be imputed to me. However conscious I may be of having discharged my Duty therein, and in other Respects, to the utmost of my Power, void of any of those Designs and Endeavours, which, without the least Foundation of Truth, are so unjustly imputed to me; yet, as Prejudices, from Misapprehensions, seem to run high, Silence any longer would be an Injustice to myself, and may add Strength and Credit to the Report; and therefore, in my own Defence only, but not by Way of Apology, I must beg Leave, through the Channel of your Paper, to represent my Conduct at the last Assizes, and as it lately appeared upon a strict Enquiry, made thereinto before His Excellency the Governor and Council: For,

On the 6th of March last, an Order of Council was made, in the following Words, viz.

In COUNCIL, at Quebec, 6th March, 1765.

Ordered further, "That the Attorney-General do prosecute, on the Part of the Crown, the several People suspected of the late outrageous Assault on the Body of Thomas Walker, Esquire, and also those Persons for the Breach of Prison at Montreal."

By what Means I failed in those Prosecutions will appear in the Sequel.

On the 22d of April last, the Minutes and Order of Council stand thus, viz.

Council-Chamber, 22d April, 1765.

"Read the Minutes of Council, dated the 9th March last, ordering the Attorney-General to prosecute, for the Crown, in the Affair of Mr. Justice Walker, and the Prison Breach at Montreal. And underneath, Ordered, "The Attorney-General to be sent to, and directed to give an Account, in Writing, to this Board, on Wednesday next, of what he had done in that Business, and by what Means he failed in those Prosecutions."

In Obedience to which I made my Report, in Writing, signed, and read the same openly before His Excellency the Governor, the Chief-Justice, and the rest of the Honorable Members of His Majesty's Council then present, in the following Words, viz.

Quebec, 22d April, 1765.

May it please Your EXCELLENCY,

IN obedience to your Order in Council, of the sixth of March last, by which (amongst other Things) I am directed, "to prosecute on the Part of the Crown the several People suspected of the late outrageous Assault on the Body of Thomas Walker, Esq; as also those Persons for the Breach of Prison at Montreal."

I sent a List of Witnesses to support the Prosecutions to the Clerk of the Crown, with Directions for Subpoenas to be issued immediately, for their Appearance at the Court of Oyer and Terminer, and General Goal-Delivery, to be held at Quebec the 28th of the same Month, most of the Witnesses, in the Prosecution for maiming Mr. Walker, particularly the said Mr. Walker, his Wife and two Servants, living at Montreal, and without whose Testimony a Bill of Indictment could not be found.

See the Examinations Subpoenas and Returns.

In Consequence of an Ordinance of Council of March last, directing that for the future Juries should be summoned and returned from the Body of the Province at large, without Regard to any particular District, a Precept issued, directed to the Provost-Marshal of the Province of Quebec, for summoning and returning Grand and Petty Juries of the said Province, but the Words (without Regard to any particular District) are omitted, which ought not to have been) to appear at the Court of Oyer and Terminer and General Gaol Delivery to be held in the City of Quebec, the said 28th Day of March last, and tested the 11th Day of the same Month, which being returned, a Grand Jury was sworn and charged.

See the Ordinance. See the Precept.

For some Time before the Test of the Precept, and till very near the Return thereof, Mr. Williams Coningham was at Montreal, and having been employed as an Attorney for the Soldiers suspected in being aiding in the Assault and Maim of the said Mr. Walker: And it being known, and publicly talked of, That Coningham had used his Endeavours to prevent the Witnesses for the Crown, and the Jurors intended to come from Montreal, from attending the said Court of General Gaol Delivery, and that he also had (being a Notary Publick) drawn up a scandalous and libellous Protest for the said Thomas Walker, against His Excellency the Governor and Council: And as neither the said Thomas Walker, his Wife, or Servants, appeared (tho' duly served with Subpoenas, and those Services duly proved in Court) or making any Excuse by Affidavit or otherwise, for such their Contempt.—For these Reasons I had but too much Cause to suspect some foul Practices.

Proofs, SAMUEL GRIDLEY, Esq; and others.

A few Days after the Grand Jury were sworn, I examined the Precept and Return, from which it appeared, by an Endorsement on the Back thereof, That the Juries had been summoned and returned by one Joseph Walker, who styles himself Deputy Provost-Marshal. As I knew of no other legal Deputy for executing the Office of Provost-Marshal, than only the Honorable James Goldfrap, Esq; I was the more alarmed, as I knew that Joseph Walker could not have any legal Authority to return Juries. And as the returning of Juries, by the proper Officer, is a Matter of the greatest Consequence, both to the Rights of the Crown and the Liberty of the Subject, because through any Irregularity of that Sort, not only the guilty may escape with Impunity, but the Life and the Liberty of the Subject may be forfeited. In Order therefore to prevent those Dangers, and to avoid any further Occasion of Divisions which have happened in this Town by the illegal returning of Juries; and not with an Intent to injure any Person whatsoever, or to throw Things into Confusion, as has been falsely and maliciously represented, I therefore moved, that for these Irregularities the Return was naught, but the Court adjourned: the Consideration thereof till the 6th of April, when the Case stood thus, viz.

See the Precept and Endorsement. Mr. GOLDFRAP. Jury for October Court of Quarter-Sessions.

That by an unauthenticated Copy of Letters Patent, produced by Mr. Goldfrap, it appeared that His present Majesty, by his Letters Patent, bearing Date the 23d Day of September, in the Third Year of his Reign, granted the Office and Place of Provost-Marshal of the Province of Canada to Nicholas Turner, Esq; for Life, to be executed by himself or his sufficient Deputy or Deputies. See the Copy of the Grant.

That Mr. Turner, the Grantee, afterwards, by Deed, dated the 16th June, 1764, deputed Mr. Goldfrap for five Years (with some Clauses in the Deputation exceeding the Power given by His Majesty to Mr. Turner the Patentee.) See the Deputation.

That Mr. Goldfrap afterwards, by Deed, dated 3d November, 1764, (drawn by Mr. Coningham) appoints Joseph Walker Deputy Provost-Marshal to Mr. Turner. See the Deed.

As the Words Sheriff, or Provost-Marshal, are synonymous Terms, expressive of the same Office, I insisted that an Under Sheriff cannot make an Under Sheriff. That it was a frivolous Subterfuge to say that a Deputy could appoint a Deputy to the Grantee, or in Words more clear and expressive, That Mr. Goldfrap, being only a Deputy to the Provost-Marshal, could not legally depute Joseph Walker (or any other Person) to be Deputy to Mr. Turner the Provost-Marshal: That even Mr. Goldfrap, as an Under Sheriff or Deputy Provost-Marshal, cannot act or return Writs in his own Name; much less then can a Deputy's Deputy. And the Reason is, as has been often resolved, That an Under Sheriff must (and always does) act in the Name of his Principal, because the Writ is directed to the High Sheriff, or Provost-Marshal; and the Under Sheriff or Under Provost-Marshal acts under the Authority and Command of the Writ, and therefore must act in the Name of him to whom the Writ is directed, and not in his own Name; for which Reasons, among many others, I insisted that the Return of the Precept was naught, and ought to be set aside.

But the Chief Justice over ruled me, and determined, That the Deputy in this Case might "appoint a Deputy, and that the Deed drawn by Coningham, and executed by Mr. Goldfrap, appointing Mr. Walker Deputy to Mr. Turner was good, and the Appointment valid."

However in other Respects I may be inclinable to pay all due Deference to the Chief-Justice's Determinations, yet in this I cannot avoid subscribing to my Opinion, That this Determination was clearly contrary to the Principles, and best Authorities in the Law.

As the Object and Intent of your Excellency, for directing a special Commission to be made out, for holding a Court of Oyer and Terminer, and General Goal-Delivery, at the City of Quebec, on the 28th of March last, was especially for the trying several Offences which had been committed at Montreal; and in Order to remove any legal Objection that could possibly be made, as to the Vicinity of Jurors, the Ordinance principally directed, "That all Juries for the Future should be summoned and returned from the Body of the Province at large, without Regard to any particular District." This was all that the Ordinance directed as to Juries; and consequently the Mode of summoning and empannelling them ought to have been according to the Directions of the Laws of Great-Britain, as no Regulations relative thereto had been made by the Government here. These Things I premise in Order to shew, that neither the Grand or Petty Juries, for the said Court of Oyer and Terminer, &c. were summoned and empannelled either according to the said Ordinance or the Laws of Great-Britain, but directly opposite to both.

I. Because the Summons of the Grand Jury expresses their being summoned for the District of Quebec, to appear at the Supreme-Court, to be held the 28th March.

II. That the Pannel of Jurors returned by Joseph Walker, as Deputy-Provost-Marshal (who appears to be the only acting Person in the Execution of the Precept) was for the District of Quebec only; yet from this Pannel, and from no other, were the Grand Jury called and sworn, in direct Opposition to the Spirit and Letter of the Ordinance.

III. That the Jury so returned have not their Additions, and were not empannelled agreeable to the Directions of the Act of 7. W. III. C. 32. Sec. 4. as they ought to have been.

IV. That one Edward Chinn, who styles himself Deputy-Provost-Marshal for the District of Montreal, he also annexes a Pannel of Jurors for that District to the Precept, but does not indorse the Writ as Mr. Walker has done; however, none of the Jurors mentioned in Chinn's Pannel were ever called over; as it would have been to no Purpose, the Chief-Justice well knowing that the Juries from Montreal would not come down to Quebec: And they were under no Fear of the Consequences, as the Chief-Justice declared he would not fine one of them for Non-Attendance.

V. That from the Evidence of these Facts the Jury returned and impannelled for the District of Quebec, could not be the Jury for the Province at large; as directed by the Ordinance, and consequently they could not be a lawful Jury to enquire of all Crimes and Misdemeanours committed in the Province at large, agreeable to the Chief Justice's Commission and the Ordinance of Council; therefore their being summoned and impannelled contrary thereto, must render all the Bills of Indictment for Crimes and other Offences done in the District of Quebec, as Jurors of that District, illegal and dangerous.

VI. That the Grand Jury, so empannelled for the District of Quebec, frequently complained of these Matters to the Court, but were told that they were the Grand Jury for the Province at large, and that they ought not to take upon themselves to be Judges of Law.

These were unforeseen Difficulties, and seemed purposely thrown in my Way; in Order to render the Prosecutions with which I was charged ineffectual: However, that nothing should be wanting on my Part to remove these Difficulties, I represented to the Chief Justice, in open Court, all these several Irregularities, in Hopes of meeting with Redress, that the King's Business might no longer be obstructed: But he was pleased likewise to over-rule me in this, declaring it as his Opinion, "That the Ordinance was a clear Direction, and that it was not necessary to pursue the Statutes in the Empannelling of the Juries."

And ordered me to prefer Bills of Indictment in the Prosecutions with which I was charged.

It was very easy to guess at the Result of my being over-ruled in the Manner before set forth (so contrary to Law and the plain Dictates of

Reason) and the dangerous Consequences which must attend the Prosecutions with which I was charged; for upon the Bills of Indictment being preferred, the Grand-Jury acquainted the Chief-Justice in open Court, That they could not in their Consciences proceed on the Bill of Indictment for the Riot and Rescue at Montreal, because they looked upon themselves as a Grand Jury returned for the District of the City of Quebec only, and not for the Province at large; and therefore, for those Reasons, and not for Want of Evidence, they returned the Bill into Court without acting upon it: And as to the Bill of Indictment against the Abettors, in maiming Mr. Walker, at Montreal, they could not (if even they had been a legal Jury) have found it for Want of Evidence: This Defect of Evidence was owing to the Intrigues of Mr. Conyngham when at Montreal, as before set forth.

The Consequence of these Bills of Indictment being returned, in the Manner before set forth, was, that all the Prisoners, and those upon Bail, were discharged upon Proclamation, and set at Liberty.

And by the several Means before set forth, I could not further proceed in those Prosecutions; all which is humbly submitted to Your Excellency in Council,

By, Your EXCELLENCY, and Honours,
Most devoted, and most obedient
Humble Servant,

GEO: SUCKLING."

Exd. A true Copy from the
Original in my Custody,

HEN: KNELLER, D: C: C:

After which I retired, and the next Day, being the 25th April, it was ordered in Council, That I should make Answer the next Morning to the following Questions, viz.

Question first. "Why no Challenges were made to the late Grand-Jury of the last Assizes for the Province of Quebec, held at the City of Quebec, when the same were respectively sworn?"

2d. "Why no Objections were made sooner, to the Illegality of the Appointment of the Deputy-Provost-Marshal of this Province?"

To which I answered, in Writing, signed, and read the same openly before His Excellency the Governor, the Chief-Justice, and the rest of the Honorable Members of His Majesty's Council then present, in the following Words, viz.

Answer to the first Question. "At the Time that the Grand-Jury were sworn I did not know, or even suspect, that there was Cause of Challenge against them; nor did I know, or suspect, That His Majesty's Chief-Justice of this Province could be Privy to a Matter of such great Consequence, as a legal Cause of Challenge, to the whole Pannel of Grand-Jurors, without disclosing it from the Bench before any of them were sworn, that I might have done my Duty therein."

Answer to the second Question. "I could not make Objections to the Illegality of the Appointment of the Deputy-Provost-Marshal (by which I understand is meant the Appointment made by the Honorable James Goldfrap, Esq; to Mr. Joseph Walker) before I was sufficiently acquainted therewith; but as soon as I knew thereof, with sufficient Certainty, I did make Objections thereto as my Duty required."

GEO: SUCKLING."

Being asked by the Board, What I meant by the Word Privy, I answered, That I meant by that, the Chief-Justice was Conscious to.

Several Papers were called for and read, and several Persons examined, and their Depositions taken in Writing, in support of what I alledged. And at the

Council-Chamber, 3d May, 1765.

Present His Excellency the Governor, the Chief-Justice, &c. &c.

"The Opinion of the Board being asked, Whether they thought that George Suckling, Esq; His Majesty's Attorney-General, was faulty in not having succeeded with the late Prosecutions of Mr. Walker, and the Prison Breach? Are UNANIMOUSLY of Opinion, that he did every Thing in his Power to bring the same to an Issue, and that the said Prosecutions would have been tried, but through the Obstinacy and Intrigues of said Thomas Walker, Esq; instigated and supported by Mr. Wms. Conyngham; and moreover, that any Failure in the under Officers of the Crown, appeared to have proceeded from Ignorance and Inexperience in their several Offices, and not from any ill Intentions in their different Administrations."

"The Attorney General was likewise this Day ordered to give his Opinion, in a full and ample Manner, whether the Protest lately made against this Board, by the said Thomas Walker, Esq; and drawn by said Williams Conyngham, is not highly Seditious and Libellous, striking at the very Root of Government, and what Methods ought best to be taken, for bringing the Offenders to speedy and proper Justice."

By Command of His EXCELLENCY in Council,

HEN: KNELLER, D: C: C:"

I am, Gentlemen,

Your humble Servant,

GEO: SUCKLING,

Attorney-General.

ADVERTISEMENTS.

THIS IS TO GIVE NOTICE,

To Merchants and Dealers in Corn, &c.

THAT the large Building adjoining to the Queen's Battery at Cape-Diamond, Quebec, is well repaired and fitted as a Store-house and Granary; where Corn, Salt, Oil, or other Goods, will be taken in by the Ton, monthly or otherwise, on reasonable Terms. Any Person having Occasion for such Store Room, may treat with Mr. David Algeo, Clerk of the Market at Quebec, or Mr. Henry Boone, Clerk of the Market at Montreal. Wheat to be sold at said Granary, Wholesale and Retail.

N. B. A Vessel of any Burthen may lie very near said Granary, and load or unload without the Expence of Cartage.

Imported in the Apthorp, from GLASGOW and BELFAST, and to be Sold by MOORE & FINLAY,

PORK in Barrels,
Butter in Firkins,
Moulded and dipt Candles,
Blankets of 2 and an half, 3, 3
and an half, and 4 Points,
Coarse Yarn Stockings,
Oznaburgs,
Druggets,
Irish Linens and Sheetings,
Striped Holland,
Bed Ticks,
Fishers Boots,
Honey,

Men and Women's Lamb-skin'd
Shamoy Gloves,
Coarse Hats,
Tobacco-Pipes,
Brown Earthen-ware in Crates,
Iron Lamps,
Iron Pots with Covers,
Ivory Combs,
Strip'd Calimanco,
Camblets,
Men and Women's coarse Shoes.
A few Chaldrons of Coals for
Black-Smiths,
And a few Barrels of Herrings.

* * Any Farmer, applying to MOORE & FINLAY, may have a small Quantity of Hemp Seed for a Trial, on Condition that he obliges himself to sow it.

A VENDRE par MOORE & FINLAY,

Les Marchandises suivantes, qui viennent d'arriver dans l'APTHORP, de GLASGOW & de BELFAST,

DU Lard en barils, Du Beurre en firkins, De la Chandelle moulée et à la baguette, Des Couvertes de deux et demi, 3, trois et demi, et 4 Points, Des gros bas de laine, Des Toiles d'Osnabourg, Des Droguets, Des Toiles d'Irlande, Idem propres à faire des Draps, De la Toile rayée d'Hollande, Du Coëtil, Des Gands d'homme et de femme, de Quelques chaudrons, ou mesures, de charbon de terre pour l'usage des forgerons, et quelques barils d'harangs.	chamois de peau d'agneau, Des gros chapeaux, Des pipes à fumer, De la poterie en cages, Des Lampes de fer, Des Marmites de fer avec des couvercs, Des Peignes d'Yvoire, Des Camelots, De la Calemande rayée, Des gros fouliers d'hommes et de femmes, Des Bottes pour des pêcheurs, Du Miel, Des Bouteilles pour des forgerons.
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N. B. Tout habitant ou fermier pourra, en s'adressant à Moore & Finlay, avoir une petite quantité de graine de Chanvre, pour essayer la culture de cette denrée, pourvu qu'il s'oblige de la semer.

HENRY TAYLOR, Surgeon and Apothecary,

Has removed to the Lower-Town, in the House of Monsr. St. Germain, where he has to sell,

DRUGS of all Sorts, Surgeons Pocket Instruments, Lancets, &c. &c. Anchovies, Walnuts, Capers, French Olives, Salt Petre, sweet and bitter Almonds, Currants, Cinnamon, Nutmegs, Mace, Cloves, Allspice, Pepper, Ginger, confectioned Almonds, Caraway and Coriander Seeds ditto, Barley Sugar, best Sugar-candy, Prunes, Hair-powder, Powder-blue, Prussian ditto, Starch, Shaving-powder, Lavender, Hungary, Honey and Rose Waters, Daffy's Elixir, Turlington's Balsam, Locker's and Anderson's Pills, fresh, soft, and hard Pomatum, Wash-Balls, Copperas, Alum, red and white Lead, black ditto, red and yellow Oker, Litharge, Lamp-black, Vermilion, Spirits of Turpentine, Olive Oil, and boiled Linseed Oil, with Paints of all Sorts, at the lowest Prices.

HENRY TAYLOR, CHIRURGIEN et APOTHECAIRE,

A descendu de la Haute Ville à la Basse, où il demeure présentement dans la Maison de Monsr. Germain, où il vend,

DES Drogues de toutes sortes, des instrumens portables pour des Chirurgiens, des lancettes, &c. des anchois, des noix, des capres, des olives de France, du sal-pêtre, des amandes douces et amères, des raisins de Corinthe, de la canelle, des noix de muscade, de la fleur de muscade, du clou de girofle, des têtes de cloux, du poivre, du gingembre, des amandes cointises, de la graine de carvi et de coriandre, du sucre d'orge, du sucre candi de la meilleure qualité, des prunes, de la poudre à cheveux, du bleu en poudre et du bleu de Prusse, de l'amidon, de la poudre à poudrer, de l'eau de lavande, idem de la Reine d'Hongrie, de miel et de rose, des elixirs de Daffy ou baume de Turlington, des pillules de Lockyer et d'Anderson, de la pomade fraîche dure et molle, des savonnettes, de la couperose, de l'alun, du rouge du blanc et du noir de plomb, de l'ocre rouge et jaune, du litharge, du noir de fumée, du vermillon, de l'esprit de terbenline, de l'huile d'olive, de l'huile de lin préparée, et toutes sortes de couleurs pour peindre, aux prix les plus raisonnables.

ALL Persons who are indebted to the Estate of JOHN BONDFIELD, of this City, either by Bond, Note, or Book Debt, are desired to make speedy Payment to JAMES STRACHAN, who is properly authorized for that Purpose; and as he is obliged to leave the Province, early the ensuing Summer, requests they may be punctual to their Engagements, as longer Indulgence cannot be granted.—All those who have Demands on him, are desired to apply for Payment.

N. B. He has got a few Goods on Hand, which he will dispose of at Prime Cost, as also a Parcel of choice Bricks to sell cheap. The Estates and Mortgages formerly advertised, are yet to be sold.

TOUTES Personnes qui doivent au bien de Jean Bondfield de cette ville, soit par Obligations, Billets ou Comptes, sont priés d'en faire un prompt payement, à Jacques Strachan, qui est dûment autorisé pour cet effet; et comme il est obligé de quitter la Province de bonne heure l'été prochain, il les prie de faire honneur ponctuellement à leurs engagemens, comme il ne peut plus accorder de délai.—Tous ceux qui ont quelques demandes à lui faire, sont priés de s'adresser à lui pour en recevoir le payement.

N. B. Il a quelque peu de marchandises desquelles il disposera au prix courant, comme aussi une quantité d'excellentes briques à vendre à bon compte. Les Biens et Constituts qui étoient autrefois en avertissement sont encore à vendre.

SUPPLEMENT à la GAZETTE de QUEBEC, le 23 de May, 1765: SUPPLEMENT to the QUEBEC GAZETTE, May 23, 1765.

De par le R O I.

LES Commissaires du Roi nommés pour la vente et disposition des terres dans les îles de la Grenade, les Grenadines, St. Vincent, la Dominique et Tabague; et pour arranger et régler avec les habitants François de St. Vincent et de la Dominique, les termes et conditions sous lesquelles il a plu à sa Majesté d'ordonner que les dits habitants peuvent devenir sujets de la Grande Bretagne, et continuer en possession des terres defrichées qu'ils occupoient à la reddition des dites îles; ayant reçu avis qu'il s'est formé des doutes et difficultés au sujet de la teneur et signification des dits termes et conditions; les Commissaires ont donné ordre que l'extrait qui suit de l'Ordonnance du Roi soit traduit en François, et répandu dans les dites îles, à fin que les dits habitants puissent comprendre clairement les dits termes et conditions.

Extrait des Termes et Conditions contenus dans l'Ordonnance du Roi, relatifs aux Habitants François des Îles de St. Vincent, et la Dominique.

IL sera permis aux Caraïbes, natifs de St. Vincent, de vivre dans leurs cases et sur leurs terres paisiblement et sans trouble ni molestation; et les François dans la dite île, ainsi qu'à la Dominique, seront encouragés de rester sur les terres qu'ils ont defrichées, et d'en jouir en vertu de Baux à Ferme tenus du Roi, en manière et sous les conditions suivantes, à sçavoir: Le preneur doit prêter serment de Fidélité et d'Abjuration. Il lui sera permis de tenir, en vertu de son Bail, seulement les terres defrichées qu'il possédoit à la reddition des dites îles, et qu'il possède actuellement, excepté qu'il paroitra que sa commodité le rend nécessaire d'y faire quelque changement; dans quel cas on peut lui donner quelques morceaux de terre contiguë (qui y seront compris) selon ce que les Commissaires jugeront raisonnable. Si il survient des cas où certaines terres ont été occupées avant la paix dernière par plusieurs propriétaires conjointement, dont quelques uns s'en sont retirés, les dites terres seront divisées en plusieurs parties, et on aura égard dans le partage de faire grace à ceux qui seront contents de rester et prendre leurs parts. Mais les terres qui ont été occupées par des Sociétés Religieuses ne sont pas comprises dans l'intention de ces conditions, comme n'ayant aucune prétention à la même grace, et par conséquent on en disposera autrement. Si il se trouve quelque habitant François qui a occupé plus de 500 arpens de terre (comme ci dessus exposé) dans St. Vincent, ou 300 dans la Dominique, on retranchera ses possessions jusques aux susdites quantités. Ni les Baux, ni aucune partie baillée ne sont transportables à qui que ce soit, sans la permission du Gouverneur Général de la Grenade, &c. et le consentement de mes Seigneurs les Commissaires des Colonies: On inferera aussi dans le Bail une Convention par laquelle le preneur sera obligé de rester la moitié de l'année, pour le moins, dans l'île particulière où sont ses terres. Au cas qu'il sera nécessaire d'approprier au service du public des terres defrichées et occupées par quelque habitant François, on fera une évaluation juste des bâtimens, &c. qui se trouvent la dessus, qu'on lui payera, et on lui donnera des terres en friche, au lieu des terres defrichées et appropriées au public comme ci dessus.

Sujet à ces restrictions, et sous ces conditions, on accordera des Baux signés par les Commissaires et passés au Sceau des îles, pour les termes de quatorze, vingt un, trente deux, ou quarante ans, comme les preneurs jugeront convenable; ou bien (si ils voudroient mieux) pour quatorze ans, qu'on renouvellera à l'option des preneurs pour un terme plus long, mais lequel ne passera pas quarante ans en tout. Ce considéré, tout preneur payera comptant certains reliefs; et on réservera au Roi certains Cens, selon la nature et les circonstances du cas. Cependant, si il y a quelque habitant François qui ne se trouve pas disposé d'occuper les terres qu'il a déjà defrichées sous les conditions requises par son Bail, il lui sera permis de prendre des terres en friche que les Commissaires lui donneront, déchargées des dits termes et conditions, au lieu des terres defrichées, et on lui payera les bâtimens, &c. suivant leur juste évaluation.

On avertit le public aussi que les Commissaires se proposent de se rendre, au plutôt, à l'île de St. Vincent, et de là à la Dominique, pour déterminer les diverses matières et choses qui doivent s'établir avec les dits habitants conformément à la susdite Ordonnance. De plus, pour faciliter et expédier le dit établissement, on requiert des dits habitants, préalablement, de préparer pour l'inspection des dits Commissaires d'abord sur leur arrivée, un détail plein et exact des articles qui suivent, sçavoir:

- I. Le nombre et les noms de tous les blancs, et autres personnes libres dans chaque famille.
- II. Le nombre et les noms de tous les esclaves, tant travaillans qu'autres appartenans à chaque famille.
- III. Un inventaire des terres defrichées occupées par chaque famille, décrivant le nombre de quarrées, ou leur étendue, les parties qui sont actuellement cultivées, et de quel plant chaque partie est plantée. On fera aussi un détail des bâtimens, &c. qui sont la dessus.
- IV. Les déclarations des dits habitants au sujet des termes et conditions ci-devant expliqués dans l'extrait précédent, dénotans lequel des deux alternatives ils veulent adopter, à fin qu'ils puissent devenir sujets du Roi de la Grande Bretagne, et jouir des privilèges et avantages de ce gouvernement libre et heureux.

Et de peur que des insinuations mal à propos pourroient avoir gagnées sur l'esprit des dits habitants, et leur avoir donné des mauvais préjugés, les Commissaires déclarent que l'information ci-dessus requise n'est faite que pour se mettre en état de faire l'établissement dont il s'agit, avec plus de facilité et de promptitude.

Il est nécessaire cependant d'expliquer plus particulièrement qu'aucun Marché, ni Convention quelconque que les dits habitants auront fait avec d'autres personnes, concernant terres et maisons depuis la reddition des dites îles, ne seront d'aucune validité, on ne leur accordera rien non plus pour les bâtimens, ni autres progrès de quel espèce que ce soit, faits en conséquence de pareilles procédures insoutenables. Toutes terres et maisons (excepté vingt cinq lots pour la ville de Charlotteville, accordés par le Gouverneur Dalrymple, dans l'île de la Dominique) que les dits Commissaires jugeront ne pas appartenir aux habitants François qui les occupent, appartiendront au Roi, et on fera la disposition suivant l'Ordonnance de sa Majesté.

Par Ordre des Commissaires,

JOHN GREG, Secrétaire.

BARBADOS, January 19, 1765.

By the KING's Authority.

PUBLIC Notice is hereby given, That the Commissioners appointed by his Majesty for the Sale and Disposal of Lands in the Islands of Grenada, the Grenadines, Tobago, St. Vincent, and Dominica, are in Con-

By the KING's AUTHORITY.

THE Commissioners appointed by the King for the Sale of Lands in the Islands of Grenada, the Grenadines, St. Vincent, Dominica, and Tobago, and for adjusting and settling with the French Inhabitants of St. Vincent and Dominica the Terms and Conditions on which his Majesty has been graciously pleased to direct that the said Inhabitants may become British Subjects; and remain in Possession of the cleared Lands they occupied at the Time of the Surrender of the said Islands, &c. &c. being informed that some Misapprehensions and Doubts have arisen concerning the Tenor and Meaning of the said Terms, the Commissioners, the better to enable the said Inhabitants clearly to comprehend the same, have directed the subsequent Abstract, taken from his Majesty's Instructions, to be translated into French, and dispersed in the said Islands.

Abstract of the Terms and Conditions contained in his Majesty's Instructions, relative to the French Inhabitants of the Islands of St. Vincent and Dominica.

THE native Caribbees of St. Vincent are permitted to remain undisturbed in their Cottages and Grounds, and the French Inhabitants in that Island and Dominica are encouraged to continue on the Lands which they have cleared, and to enjoy their Possessions, by Virtue of Leases under the Crown, in the following Manner, and subject to the following Conditions, that is to say: The Lessee is to take the Oaths of Allegiance, and make and subscribe the Declaration of Abjuration; he is to hold by his Lease only such cleared Lands, as he was at the Surrender of those Islands, and still is possessed of, excepting where his very great Conveniency makes some small Alterations necessary, in which Case small Parcels of contiguous Lands may be added, and comprised therein, as the Commissioners shall judge reasonable. In Cases where Lands were held before the late Peace by several French Proprietors jointly, some of whom are since retired from them, the said Lands are to be severed into Parts, and Indulgence shewn in the Division to those who are contented to remain and receive their Portions. But the Lands which have been occupied by religious Societies are not included within the Meaning of these Provisions, nor intitled to the same Favour, but are to be otherwise disposed of. And if any French Inhabitant there happens to be, who has occupied more than Five Hundred Acres of Land, as above described, in St. Vincent, or Three Hundred in Dominica, his Possessions are to be reduced to those Numbers. Neither the Leases, or any Part of the Lands thereby demised, are assignable to any other Person, without a Licence first had from the Governor-General, and the Approbation of the Lords Commissioners for Trade and Plantations: And a Covenant is also to be inserted in the Lease, that the Lessee shall reside at least one Half of the Year, in the Island where the Lands lie. If it shall be found necessary to appropriate to public Uses cleared Lands in the Possession of any French Inhabitant, he shall be paid for any Buildings or Improvements thereon by fair Appraisement, and be allotted uncleared Lands in Lieu of his cleared Lands so appropriated as above mentioned.

Under these Restrictions, and with these Conditions, Leases to be signed by the Commissioners, and passed under the Seal of the Islands, may be granted for the Terms of fourteen, twenty-one, thirty-two, or forty Years, at the Option of the Lessees, or (if they prefer it) for fourteen Years, renewable at the Pleasure of the Lessees for a further Number of Years, not exceeding forty in the whole. And, in Consideration hereof, certain Fines are to be paid down, and Quit-rents reserved to the Crown, according to the Nature and Circumstances of the Case. But if any French Inhabitant shall not be disposed to occupy the Land he has already cleared, upon the Terms of the Lease required of him, he will be permitted to take up uncleared Lands, unincumbered with those Terms, to be allotted him by the Commissioners, in Lieu of the former, and be moreover paid for the Buildings thereon, by fair Appraisement.

Notice is also hereby given, That the Commissioners intend to repair, with all convenient Speed, first to the Island of St. Vincent, and from thence to Dominica, in Order to determine in each Island the several Matters which are to be settled with the said Inhabitants, in Conformity with the above Instructions: And moreover, in Order to facilitate and expedite such Settlement, the said Inhabitants are required previously to prepare, and have in Readiness to be given in to the said Commissioners on their Arrival, a full and exact Account of the following Particulars:

- I. The Number and Names of all white Persons, and of all other free Persons in each Family.
- II. The Number, Names, and Ages of the able Slaves and others belonging to each Family.
- III. A descriptive Account of the cleared Lands possessed and occupied by each Family, expressing the Number of Quarries, or Extent which the same consists of, what Parts thereof are under particular Culture, and with what planted; also a Description of the Buildings and Improvements thereon.
- IV. The Determination of the said Inhabitants with Regard to the Terms and Conditions explained in the preceding Abstract, declaring which of the Alternatives offered they severally prefer, in Order to become British Subjects, and enjoy the Privileges and Advantages of that free and happy Government.

And, lest any improper Insinuations should be used to alarm or prejudice the said Inhabitants, it is declared, that such Information is required with no other View, than to enable the Commissioners the more easily and speedily to settle the Business that is to be concluded with them.

It may not, however, be improper particularly to explain, that no Bargain or Agreement whatever can be sustained, which any of the said Inhabitants may have made or entered into with other Persons respecting Lands or Houses, since the Time of the Surrender of the said Islands, nor will any Allowance be granted for Improvements of any Kind, made in Consequence of such unwarrantable Proceedings. All Lands and Houses (excepting the Town Lots granted by Governor Dalrymple, in Charlotteville, in the Island of Dominica) which shall not be judged by the said Commissioners actually to belong to French Inhabitants occupying the same, will be the Property of the King, and disposed of according to his Majesty's Royal Instructions.

By Direction of the Commissioners,

JOHN GREG, Secretary.

sequence of Resolutions taken at a Board held in Barbados the fifth Day of January, One Thousand Seven Hundred and Sixty-five) about to proceed immediately to the several Islands that are the Object of their Commission, for the more speedy and effectual Execution of his Majesty's Instructions.

That they shall accordingly, in Conjunction with the Governor-General of the Grenades and Neutral Islands, or in his Absence, with the Lieutenant-Governor of each Island, respectively, proceed to divide the Islands of Tobago and St. Vincent into convenient Districts or Parishes; and set apart, in these and the other Islands, such Lands (in the most convenient Situations) as shall be thought most proper for Fortifications, Yards for the Use of the Navy, and other military Purposes.

That the said Commissioners shall determine on a proper Situation in every Parish for a Town convenient for Trade and Navigation; such Towns to consist of Lots of different Size and Extent for Houses, to which Gardens or Fields will be annexed, not exceeding six Acres, to any one Town-Lot: And that in laying out such Town-Lots, they shall reserve convenient Places for Wharfs and Quays, and for all other necessary public Uses; and reserve in every Parish such Wood-lands as shall seem necessary for the Construction and Repair of Fortifications and public Buildings, and to prevent that Drought which in these Climates is the usual Consequence of a total Removal of the Woods.

That they shall also trace out the Direction of all great Roads in each Island respectively, for the Convenience of Communication between Town and Town, and set out Roads between the Allotments of Plantation Lands, for the Convenience of the Purchasers thereof.

That uncleared Lands shall be set apart in each Parish for such Poor Settlers as shall apply to the Governor-General of the Grenades and Neutral Islands, or the Lieutenant-Governor of the Island where such Lands lie, for the same.

That the native Caribees of St. Vincent are to continue undisturbed in the Possession of their Cottages and Grounds.

That with Respect to the cleared Lands in the Islands of St. Vincent and Dominica, as the same have been occupied by the French in open Violation of the Faith of Treaties made between the Crowns of Great-Britain and France, and in express Contradiction to the public Orders issued by the Court of France; and as no Authority has been given to any of the Governors to make Grants thereof, the Commissioners are forbid to allow of any Establishment of the French, in Consequence of the Settlements made by them in the said Islands: But his Majesty has nevertheless been graciously pleased to encourage the present French Inhabitants to continue under his paternal Care and Protection, on certain Terms, Restrictions, and Reservations; and the Commissioners accordingly shall and will, with all convenient Speed, proceed to execute his Majesty's Instructions on that Head, as follows:

That is to say, To such of the French Inhabitants of the said Islands as shall take the Oath of Allegiance, and make and subscribe the Declaration of Abjuration, Leases shall be prepared and granted by the Commissioners, which shall also pass under the Seal of the Government of Grenada, and be registered in the Office of the Secretary of the Island where the Lands lie, of such cleared Lands as were in the Possession of the said French at the Time of the Surrender of the Islands aforesaid, and still are in their Possession (together with such small Parcels of contiguous Lands in Wood as may be convenient to the Lessee, and which the Commissioners may think reasonable to insert in such Lease) unless such cleared Lands are found necessary for public Uses; in which Case other Lands shall be allotted them in Lieu thereof, and the full Value and Improvements shall be ascertained, and Compensation made for them in the most fair and equitable Manner.

That such Leases shall be for Fourteen, Twenty-one, Thirty-two, or Forty Years, at the Option of the Lessees; or 14 Years, renewable at the Pleasure of the Lessee; for a Number of Years not exceeding Forty in the Whole: And, in Consideration of which Leases, such Fines and Quit-rents shall be paid down, as are thought proportionable to the Term of Years and Quality of Land.

That the Lands so demised shall not be assignable to any other Person, without a Licence first had from the Governor-General of the Grenades and Neutral Islands, or Commander in Chief for the Time being, and approved by the Lords Commissioners for Trade and Plantations.

That the Lessee shall reside one Half of the Year in the Island where the Lands lie. And in Cases where Lands were held before the late Peace by several French Proprietors jointly, some of whom are since retired from them, they are to be severed into Parts, and Indulgence shewn in the Division to those who are contented to remain and receive their Portions, and who will also enjoy every Advantage that peculiarly belongs to British Subjects.

That in Case any French Inhabitants should rather prefer uncleared Lands in any of the Islands, to the cleared Lands on the Terms above-mentioned, uncleared Lands, unincumbered with the Terms of the Lease, shall be allotted them in Lieu thereof by the said Commissioners; and they shall moreover be paid the Value of the Buildings they leave.

That these Provisions shall not however extend to such as occupy more than 500 Acres in the Island of St. Vincent, and 300 Acres in the Island of Dominica: If any such there be, the Commissioners shall reduce their Possessions to those Numbers, and dispose of the Surplus in the same Manner as of Lands not occupied by French Inhabitants.

That the Commissioners are empowered by his Majesty to determine who are to be deemed French Inhabitants, and what Lands they shall be deemed possessed of, within the Meaning of the King's Instructions: That religious Communities are not to be considered as included herein; such Lands as they have been possessed of will be sold for the public Benefit.

That no Grants, Bargains, or Sales whatever, hitherto made (excepting legal Sales in Grenada and the Grenadines) will be attended to or allowed of, as his Majesty has been pleased to declare that no Authority has been granted to any of his Governors for this Purpose. His Majesty has notwithstanding been pleased to except twenty-five Town-Lots, consisting of forty Feet in Front and one hundred and fifty Feet in Depth, granted by Governor Dalrymple in the Town of Charlotville in the Island of Dominica: And the Commissioners are directed to confirm these Grants, by giving to the several Grantees Certificates that the said Lots were so conveyed to them; which shall intitle them to Grants thereof under the Seal of the Islands, provided they agree to insert in such Grants the same Conditions as are in all other Grants of Town-Lots.

That with Respect to all Lands in any of the Islands which are the Object of the Commission, and which are not comprised within the above Description of Lands reserved for public Uses; Lands set apart for poor Settlers; Lands which are the rightful Property of the Inhabitants of Grenada and the Grenadines; or that may be leased out to the French Inhabitants of Dominica or St. Vincent, or possessed by the native Caribees; they shall be divided into Allotments for Plantations; to consist, in the Islands of Grenada and the Grenadines, Tobago, and St. Vincent, of not less than 100, nor more than 200 Acres; and in the Island of Dominica, of not less than 50, nor more than 300 Acres of Land. In doing of which, Care will be taken that each

Lot shall have every Convenience that the Circumstances and Nature of the Ground will admit of.

That the said Town-Lots, and Garden, or Pasture Ground, shall be laid out with all convenient Speed, in order that, if uncleared, the Governor-General of the Grenades and Neutral Islands, or the Lieutenant-Governor of each Island respectively, may dispose thereof to such as apply for them; or, if consisting of cleared Land, that they may be sold, in like Manner, as the Plantation Lands hereafter mentioned, by public Auction; subject in either Case to the Conditions, that a Dwelling-house, Shop, Ware-house, or Out-house, shall be erected thereon within the Space of two Years from the Date of the Grant; and a Quit-rent of One Penny Sterling per Foot in Front for the Town Lot, and Six-pence Sterling per Annum for every Acre of Garden or Pasture Ground: And the Sale and Grants of such Town and Pasture Lots, and also Grants to poor Settlers, shall be irrevocable.

That the Plantation Allotments aforesaid, as well of uncleared Lands as those cleared, which have been occupied by religious Societies, or which, by Reason of the Absence or Refusal of French Inhabitants, shall not be granted on Lease in the Manner above directed, shall be put up to Sale, at a Price not less than Five Pounds Sterling per Acre, if the Lands are cleared, and not less than One Pound Sterling per Acre, if the Lands are uncleared; and be sold by public Auction to the highest Bidder, at the general Sale to be held twice in every Year, in the most healthy Seasons, either at Grenada or the Island where such Lands are situated, on the following Terms and Conditions, that is to say:

That no Person shall be permitted to purchase from the Crown, either in his own Name or in the Name of others in Trust for him, more than Allotments to the Amount of 500 Acres in the Island where the Lands lie, or more than 300 Acres if in the Island of Dominica.

That the highest Bidder for each Lot shall be declared the Purchaser, who shall thereupon pay down twenty per Cent. of the whole Purchase-money, and Six-pence Sterling for each Acre of which his Lot shall consist, to defray the Expence of surveying the same; whereupon he shall receive a Bill of Sale and a Certificate from the Commissioners of his being the highest Bidder; upon producing which Bill of Sale and Certificate to the Governor-General of the Grenades and the Neutral Islands, or Commander in Chief for the Time being, he shall be intitled to a Grant in Fee Simple, (under the Seal of the Islands) of the Lands by him purchased, and take Possession thereof, such Grant to be registered in the Secretary's Office of the respective Island where the Lands lie.

That in Case of Fraud, Collusion, or other Contravention to the King's Instructions, and not otherwise, the Grant shall be revokable for the Space of Twelve Months from the Date thereof, by the Lord High Treasurer, or the Lords Commissioners of his Majesty's Treasury for the Time being; but if not revoked, within that Term, the same shall then be absolute; if revoked, Notice thereof shall be immediately given, and the Money immediately given to the Purchaser, with the usual Interest of the Island, and Compensation also made for all Sums of Money which shall, bona fide, have been laid out for the Clearing, Improving, or Building on any Part of the Lands contained in such Grant, to be ascertained by Arbitration, and the Lands shall be again put up to Sale.

That of the Purchase-money remaining due, ten per Cent. more than the 20 per Cent. above mentioned, shall be paid within the first Year after the Date of the Bill of Sale, ten per Cent. the second Year, and twenty per Cent. every successive Year, until the Whole shall be paid: But, in Default of any of the said Payments, the Lands shall be liable to be forfeited, and again sold, in order that the King may be first paid, and the Residue shall be the Property of those before intitled to it.

That from twelve Months after the Date of the Grant, the Purchaser shall clear away at the Rate of five Acres in the Hundred annually, until one Half of the cultivable Land shall be cleared, under a Penalty of Five Pounds Sterling per Annum for every Acre not cleared, in Pursuance of this Condition.

That for every hundred Acres of cleared Land, the Purchaser is or shall be possessed of, he shall keep thereon one white Man, or two white Women, under a Penalty of Forty Pounds Sterling for every white Man, and Twenty Pounds Sterling for every white Woman that shall be wanting; and pay an annual Quit-rent of Six-pence Sterling per Acre, on whatever cleared Land he has purchased, or shall clear in Pursuance of the Conditions required.

That a Reservation shall be made to the King of all Gold or Silver Mines which are now, or may hereafter be discovered in the said Islands.

That the first Sale shall commence in the Island of Tobago, on Tuesday the 14th Day of May next.

That Tuesday the 28th Day of May next, shall be the first Day of Sale in the Island of St. Vincent.

That Tuesday the 11th Day of June next, shall be the first Day of Sale in the Island of Dominica.

That each Sale shall be continued every successive Day, until the same shall be completed.

That the Commissioners in the mean Time, shall proceed to settle Terms with the French Inhabitants of St. Vincent and Dominica, and execute Leases with them, as directed by his Majesty.

That all Payments of Fines for Leases, as well as of purchase Money, shall be made conformable to the King's Instructions to the Receiver, in good Gold Specie, to be taken by Weight, at the Rate of Three Pounds Eighteen Shillings and Three Pence Sterling, per Ounce.

That Advertisements descriptive of the Situation and Soil of each Allotment shall be published as soon as Possible; and,

That although no particular Description can yet be given of the Land to be sold at the first Sale in each Island, yet, in general, it may be proper to inform the Public, that the Lots to be sold in Tobago, will lie chiefly in the Neighbourhood of Great Courland Bay, Man of War Bay, Great Rockley Bay, Cochongras Bay, (now called Barbados Bay) and Little Hog Bay.

That Towns shall be laid out in each of these Bays with all convenient Speed.

That the Sale in St. Vincent, shall consist of uncleared Lands, as well as the valuable Tracts of cleared Land that may have been occupied by religious Societies, or not granted on Lease, by Reason of the Absence or Refusal of the late French Possessors: And,

That Towns shall be laid out contiguous to the Bay of Waffigunty and Barowally, or elsewhere, as may be thought expedient.

That the Sale in Dominica, will consist of uncleared and valuable cleared Lands, as has been explained concerning St. Vincent, including the Estates possessed by the Society of Jesuits, near Grand Bay, so well known for their superior Excellency and Improvements: And,

That in particular, a Town and Plantation Allotments, shall be laid out at Prince Rupert's Bay.

By Direction of the Commissioners,
JOHN GREG, Secretary.