

National Archives of Canada

Manuscript Division

Archives nationales du Canada

Division des manuscrits

Joshua SHARPE fonds

MG 23, I 13

Finding Aid 756 / Instrument de recherche n° 756

Prepared in May 1972, revised
in August 1987, and upgraded
in January 2000
by Patricia Kennedy
of Manuscript Division.

Préparé en mai 1972 et
révisé en août 1987, et
révisé encore en janvier 2000
par Patricia Kennedy de
la division des manuscrits.

Table of Contents**INTRODUCTION**

Inventory Entry	iii
Biographical notes on the Sharpe family	iv
Notes on the provenance and physical condition of the documents	v
Notes on the arrangement and numbering of the documents, and recommendations for citation style	vi

DESCRIPTION

Detailed listing of the documents within each file	
file 1	1-6
file 2	6-9
file 3	10-11
file 4	11
file 5 (parts 1-3)	12-17
file 6	17-18
file 7	18
files 8-9	19
Nominal and subject index to the foregoing listings	20-23

MG 23, I 13

SHARPE, Joshua (fl. 1750-1775)

Originals, 1760-1772, 564 pages. Finding Aid 756.

Joshua Sharpe (fl. 1750-1775), an attorney of Lincoln's Inn, London, assisted in the presentation of appeals to the Judicial Committee of the Privy Council. His clientele included residents and officials of British colonies in North America.

Acquired in 1913. Formerly part of the Sir Thomas Phillipps collection.

Finding Aid 756 provides a detailed descriptive listing of the documents within this fonds.

After microfilming in 2000, the complete collection will be withdrawn from general circulation. Researchers must use the microfilm for consultation and reproduction purposes. Photography from the originals may be permitted for exhibition or publication purposes.

The fonds brings together correspondence, petitions, depositions, notes, and briefs relating to legal cases handled by Joshua Sharpe, 1760-1772. The documents have been arranged in nine files focused on specific cases:

Charges against James Murray, Governor of Quebec, 1765-1767;

[volume 1, file 1, pages 112-216, 263-264, 309-318]

Charges against Ralph Burton, military governor of Three Rivers, 1760-1772;

[volume 1, file 2, pages 220-244, 252-262, 265-308]

Gabriel Christie vs. Francis Noble Knipe & John LeQuesne, 1763-1768;

[volume 1, file 3, pages 3-84, 217-219, 245-251]

Claims of Thomas Peckham, Ordnance storekeeper at Quebec, against the Board of Ordnance, 1766-1767;

[volume 1, file 4, pages 154-173, 177-183]

Charges against Sir Hugh Palliser, Governor of Newfoundland, 1764-1769.

[volume 2, file 5, part 1, pages 3-151, 174-176; part 2, pages 136-152]

Nova Scotia legislation relating to debtors, Customs duties and trade with the Indians, c. 1760;

[volume 2, file 6, pages 212-222 and 320-331]

Claims of Joshua Mauger against the Lords of Trade for expenses incurred in Nova Scotia settlement schemes, 1763-1764;

[volume 2, file 7, pages 223-231]

Charges against Robert Linthorne, master of the *Phoenix*, for violation of Customs regulations, 1769;

[volume 2, file 8, pages 232-246]

John Barrell vs. Joseph Gerrish, concerning naval stores at Halifax, 1764;

[volume 2, file 9, pages 249-250, 252-259]

Biographical Notes

Joshua Sharpe (fl. 1750-1772) has been identified, on the basis of evidence within the fonds, as a solicitor and a member of Lincoln's Inn, London. The assertion that he worked as a solicitor for the Treasury does not withstand investigation: he has not been identified on the establishment of that ministry [see J. C. Sainty's *Office Holders of Modern Britain - I - Treasury Officials* (London, 1972)]. The fonds contains evidence of his contacts with Charles Yorke (1722-1770), second son of Philip, first Earl Hardwicke, who served as Solicitor General, 1756-1761, and as Attorney General, 1762-1763 and 1765-1766; and with Sir Fletcher Norton (1716-1789), first Baron Grantley, who served as Solicitor General for a short period in 1762 and as Attorney General, 1763-1765. Both Yorke and Norton were also members of Lincoln's Inn.

John Sharpe (d. 1756) served as Solicitor to the Lords Commissioners of the Treasury from 27 July 1742 until his death on 22 October 1756. He was also MP for Lincoln's Inn and Agent for several West Indies islands.

The names Josiah and Joseph Sharpe also appear on the documents in this fonds. There is not sufficient evidence to identify or explain the relationships amongst Joshua, Josiah, Joseph and John Sharpe. It is worth noting that Philip Sharpe (d. 1772) succeeded William Sharpe (d. 1767) as Clerk of the Privy Council. William Sharpe's brother Horatio served as Governor of Maryland, 1753-1769.

Provenance

The papers attributed to Joshua Sharpe once formed part of the Sir Thomas Phillipps Collection. Over a period of years, the Public Archives of Canada was able to purchase a number of lots from this collection at sales; those now found in the Sharpe fonds were acquired in May 1913. Other lots known or suspected to have been associated with manuscripts acquired by the Archives passed from the Phillipps collection into the hands of dealers and collectors. These included documents relating to the case of Hugh Palliser and to Newfoundland affairs long in the possession of the late Chief Justice Furlong of Newfoundland.

Evidence survives to allow correlation with the Phillipps collection and auction lots:

file 1 - James Murray	Phillipps MSs 16541, 16997, 42230	auction lot 141
file 2 - Ralph Burton	Phillipps MS 47190	auction lot 146
file 3 - <i>Christie v. Knipe</i>	Phillipps MSs 16997, 43040	auction lot 123
file 4 - Peckham		auction lot 142
file 5 - Hugh Palliser	Phillipps MSs 21746, 33404, 48890	auction lots 434-435
file 6 - Nova Scotia laws	Phillipps MS 11569	auction lot 443
file 7 - Joshua Mauger		auction lot 443
file 8 - R. Linthorne	Phillipps MS 20946	

Physical State

Extensions and thread-holes provide evidence that these documents once were bound up in volumes. Stains and holes along inner margins offer evidence of how certificates by the notary David Allgeo and other statements attesting to the authenticity of copies were once attached to those documents by ribbons and cords. Some oversize documents exhibit loss of text along outer margins and major folds. The paper quality varies; some documents exhibit ink-bleed or off-set, and staining from red sealing wax on adjacent pages, or from the adhesives of mending-tapes. Researchers interested in the seals should request access to the contact proof files to see photographic reproductions of the most intact items. Few seal impressions retain precise details; some were poorly made, while others have cracked or eroded over time.

The documents include signed originals, copies with certificates attesting to their origin and authenticity, and copies with no indication of when and by whom they were prepared.

File Arrangement and Page Numbering

The various documents have been retained in a file arrangement reflective of their order while bound into volumes, presume to date from the Phillipps collection. The pencilled page numbers, also believed to originate with that early volume structure, exhibit significant gaps, possibly caused by division of the documents into lots for sale at auction. The legal briefs and certain other large documents bear a duplicate sequence of page numbers, one in ink specific to the document and one in pencil relating it to the file. There are several distinct numbering sequences evident: pages 3-84 and 112-318 relating to the cases of Murray, Burton and Christie; pages 3-183 relating to the cases of Peckham and Palliser; pages 212-259 and 320-331 relating to Nova Scotia; and pages 136-152 for statements of Palliser's case.

The sequence of documents within the files shows little adherence to principles of chronological or other order. Covering letters and commentaries on affidavits are generally found immediately adjacent to the items to which they relate. Some files include duplicates of certain items.

Citations

Because there is no single, complete page sequence in this fonds, *citations must specify the file as well as the page*. In preparation for microfilming, the files have been numbered 1-9; citations may be abbreviated by referring to the file numbers rather than their full titles, or to the key words (highlighted in the listing below). The volume number serves to locate the files within their containers, but may be ignored in citations or when locating the files on the microfilm. Citations should follow the models below.

- MG 23, I 13, file 1, pages 185-186: deposition of Eleazar Levy, 24 November 1766.
- MG 23, I 13, file 2, pages 304-306: letter of R. Burton to H. Kneller, 10 Dec. 1764.
- MG 23, I 13, file 8, pages 232-246: Proceedings in Vice Admiralty Court against Robert Linthorne, [1769], @ 239.

Requests for reproductions must specify the file (by name or number) and pages or folios. Copies for reference purposes will be made from the microfilm. Photographs from the originals will be made only for exhibition or publication purposes.

File 1 Murray

Charges against James Murray, Governor of Quebec, 1765-1767

[volume 1, pages 112-216, 263-264, 309-318]

[Further records of the charges made against James Murray, including duplicates of the documents in this file, can be found in the Hardwicke MSS -- see MG 21, Add. MSS 35915, folios 123-161, 167-180, 199-248 and 257-258.]

- | | | |
|------------------|---|------------|
| 24 March 1766 | Deposition of Capt. Lt. William Johnston, concerning brandy supplied to the French in 1759 - copy attested by David Allgeo, NP, 18 June 1766 [Phillipps 16997, vol. 1] | pp 112-114 |
| 24 March 1766 | Deposition of Capt. Lt. William Johnston, concerning an assembly of seigneurs at the order of James Murray on 21 February 1766 - copy attested by David Allgeo, 18 June 1766 | pp 115-117 |
| 11 June 1766 | Deposition of Thomas Walker concerning James Murray's refusal to appoint him to the Commission of the Peace and to apprehend certain soldiers who had assaulted him - copy attested by David Allgeo, 21 June 1766 | pp 118-121 |
| 25 July 1765 | Deposition of Thomas Hall concerning James Murray's refusal to grant him a licence to practice as an attorney - copy attested by William Gregory, CJ, and by David Allgeo, NP, 21 June 1766 | pp 122-124 |
| 18 November 1766 | Deposition of Christophe Pellissier, concerning James Murray's order that he depart the colony before 1 September 1766 [Phillipps 16997, vol. 2] | pp 125-127 |
| 18 November 1766 | Deposition of Christophe Pellissier concerning brandy and wine supplied to the French in 1759-1760 | pp 128-129 |

- | | | |
|------------------|--|--------------------|
| 15 November 1766 | Deposition of sieur Elie Lapparre [sic] concerning a fur trading licence granted by James Murray in 1760, the seizure of certain furs, and attempts to obtain justice - copy by David Allgeo, with his certification | pp 131-136 & 130 |
| 11 March 1760 | Licence signed by James Murray, permitting Elie Lapare [sic] to engage in the fur trade - copy by David Allgeo, with his certificate of 17 November 1766 regarding the signatures to the original licence | page 137 & 138-139 |
| 17 August 1760 | Statement of Thomas Ainslie regarding furs seized from Elie Lapparre [sic], alleged to belong to the King's Domain of Sept Isles - copy by David Allgeo, with his certificate of 17 November 1766 | pp 140 & 141 |
| 25 November 1766 | Deposition of George Allsopp, as agent for Anthony Merry, concerning his efforts to prevent the issue of a passport from James Murray to John Rowe, a debtor | pp 142-143, |
| 20 June 1766 | Deposition of Peter Faneuil, concerning an assembly of French landowners on 9 April 1766, with the text of the address read to them by [F-J] Cugnet - copy, with certificate of David Allgeo, 24 November 1766 | pp 145-146 & 144 |
| 20 June 1766 | Deposition of Samuel Eldridge concerning an assembly of French landowners [seigneurs] on 9 April 1766 - copy by David Allgeo | pp 147-148 |
| 22 November 1766 | Deposition of Samuel Sills, innkeeper, concerning an assembly of French landowners at his tavern on 9 April 1766 | pp 149-150 |

- 9 April 1766 *A Messieurs les Anciens Sujets de sa Majesté Britannique dans le District de Québec* - an address [in French] signed by 29 French residents, concerning the election of representatives to meet with Governor Murray - copy by David Allgeo, with his certificate of 24 November 1766 pp 152 & 151
- 24 March 1766 Deposition of Capt. Lt. William Johnstone, [sic] concerning an assembly of seigneurs on 21 February 1766 - copy by David Allgeo, with his certificate of 24 November 1766 pp 153-154 & 155 [see also 115-116]
- 22 November 1766 Deposition of John Welles concerning an assembly of seigneurs on 21 February 1766 - copy attested by David Allgeo, 24 November 1766 pp 156-159
- 3 March 1766 Bilingual deposition [or *Public Instrument*] by Edward William Gray, NP, recording the protest against the assembly on 21 February 1766 by certain seigneurs [namely, Contrecoeur, St. Ours, Chaillion, Rouville, Montecon & Niverville, Normandville, Laveltrie, Linctot de Vercheres, Cuisy, Tonnancourt, Neveux, deLorme de Masqua, Normand de Repentigny, St-François, DesChambeaux, LeFebvre, LaBruère de Bourcherville, and M. Montgolfier of the Séminaire de Montréal] -- signed by John Welles, Joseph Howard, Lawrence Ermatinger, Mathew Wade, James Price, Thomas Baron, Jonas Desaulles, Richard Dobie, William Haywood, John Blake, John Neagle, R. Stenhouse and G. Young; and 55 French residents of Montreal region [whose signatures were largely limited to surnames] - copy by David Allgeo pp 161-168 & 160 [English on odd-numbered pages; French text on even-numbered]
- 24 November 1766 Deposition of Thomas Walker, concerning James Murray's refusal to apprehend certain soldiers who had assaulted him pp 169-170 [see also pp 118-119]

- March 1766 Deposition of Thomas Scott, concerning an assault by Sergeant McDonald of the Highland Regiment in July 1763 pp 171-173
- 24 March 1766 Deposition of Capt. Lt. William Johnstone, [sic] concerning brandy supplied to the French in 1759 - copy by David Allgeo, with his certificate of 24 November 1766 pp 174-175 & 176 [see also pp 112-114]
- 24 November 1766 Deposition of Thomas Hall concerning James Murray's refusal to licence him to practice as an attorney pp 177-178 [see also pp 122-124]
- 22 November 1766 Deposition of John Malcom [sic], master and owner of the ship *Sally*, concerning charges of trading with the French made against him in November 1759, seizure of his ship and his imprisonment at the order of James Murray pp 179-184
- 24 November 1766 Deposition of Eleazar Levy, concerning a tax levied on horses in 1765 pp 185-186
- 20 December 1765 Deposition of René Picard, concerning the tax levied on horses by James Murray - copy by David Allgeo, with his certificate of 24 November 1766 pp 187 & 188
- 24 November 1766 Deposition of George Allsopp concerning supplies furnished by his partners Watkin Jenkins and James Frye in 1762 to Athanase, [LaPlaque] a Huron of Lorette charged with illegally trading with the Montagnais of the King's Posts - copy attested by David Allgeo, 24 November 1766 pp 189-191
- 19 December 1765 Deposition [in French] by Athanase LaPlaque, Huron of Lorette, concerning his fur trading activities of 1762 with the Montagnais of the Saguenay region - copy by David Allgeo, with his certificate 24 November 1766 [see also MG 21, Add. Mss 35915, ff 138-139 for this text] pp 193-196 & 192

- | | | |
|------------------|---|--------------------------------------|
| 2 October 1761 | Deposition of George Gregory, master of the ship <i>Isaac & William</i> , protesting the detention of his ship and its cargo by Customs officials; this protest being supported by Samuel Sills, Michael Francklin, James Frye, George Allsopp, John Lees, Joseph Hill, John Collins, Thomas Woder and John LeQuesne - copy by David Allgeo, with his certificate of 24 November 1766 | pp 197-199 & 196 |
| 22 November 1766 | Deposition of Thomas Leamy, concerning the trial of John Hay, merchant of Quebec, on charges of supplying liquor to British soldiers in 1759 | pp 201-202 |
| 21 December 1765 | Deposition of Philip Payn concerning the detention of the ships <i>Young Isaac</i> and her cargo of brandy, and of the <i>Isaac & William</i> and her cargo of wines; difficulties in landing cargo from the ships <i>Post</i> and <i>Dolphin</i> , and accusations of smuggling - copy by David Allgeo, with his certificate of 22 November 1766 | pp 203-210 & 200 |
| 25 November 1766 | Deposition of Isaac Levy concerning molasses and other trade goods offered to him in January 1760 by James Murray for purchase | pp 211-212 [page 213 not found here] |
| 27 January 1770 | Letter of J. Hagen & Son to Jos ^r . Sharpe concerning the charterparty contract for a voyage to be undertaken by Capt. [Crozier] [Phillipps MS 16451] | pp 214-216 |
| 25 November 1766 | Deposition of Isaac Levy concerning the abusive language used by James Murray toward merchants in November 1760 | pp 263-264 |
| 25 February 1766 | Deposition of John Malcom, concerning charges of trading with the French in 1759, the loss of his ship <i>Sally</i> and his imprisonment by James Murray - copy by David Allgeo, with his certification statement of 18 June 1766 [both leaves bear a Tax Stamp] | pp 309-312 [see also pp 179-184] |

- | | | |
|-------------------|---|--|
| 19 December 1765 | Deposition of Athanase LaPlaque, concerning a fur trading venture of 1762 in Montagnais territory [English translation]; copied by George Allsopp | pp 313-315
[see also pp 192-195] |
| 23 February 1767 | Order of Robert Walpole that all persons wishing to submit petitions and complaints against James Murray present themselves at the Cockpit, Whitehall, London on 10 March 1767 | pp 316-317 |
| 20 December 1765 | Deposition of René Picard, concerning the tax on horses levied by James Murray [English translation]; copied by Peter Farguis | page 318
[see also pp 187-188] |
|
 | | |
| File 2 | Burton | |
| | Charges against Ralph Burton, military governor of Three Rivers, 1760-1772;
[volume 1, pages 220-244, 252-262, 265-308]
<i>[Copies of the Appellant's and Respondents' cases in the suit of Levy v. Robertson et alia are to be found in MG 21, Add. MSS 15491, pages 25-40 and 41-58, respectively. Records of lawsuits brought at Quebec may be found in RG 4, B 16.]</i> | |
| 26 September 1764 | Letter of William Conyngham to Ralph Burton, announcing the suit brought against him by Eleazar Levy for a seizure of goods | pp 220-221 |
| 21 November 1770 | Letter of Ja. Meyrick to Joseph Sharpe, concerning the appeal of the suit Levy v. Burton, by Robert Burton as Executor to the estate of Ralph Burton | pp 222-223 |
| 10 July 1762 | Commission from George III, promoting Ralph Burton to the rank of Major General - copy | pp 224-225 |
| 11 October 1763 | Order from Jeffrey Amherst to Ralph Burton to take over the post of military governor at Montreal in the absence of Thomas Gage - copy certified by J. Bruyère, with docket by David Lynd regarding its presentation in evidence on 24 August 1765 | pp 226-227;
another copy at pp 237-238 lacks the docket |

- 17 October 1761 Regulations for the administration of justice in the government of Montreal [in French] - copy extracted from the original *Registres du gouvernement de Montréal* by J. Bruyère; with annotations by David Lynch regarding its presentation in court in 1765 pp 228-233
- 21 October 1765 Authorization from General Thomas Gage for Lt. Col. Gabriel Christie to arrange for the supplying of ships and wagons - copy certified by Dan. Robertson pp 234-236
- 21 September 1760 Instructions from Jeffrey Amherst to Thomas Gage as military governor of Montreal - copy pp 239-244
- n.d. [1765] *La très humble Requete des loyals & fidels nouveaux sujets de votre Majesté les Negociants & Bourgeois de la Ville & district de Montréal tant en leur nom & que pour leur Concitoyens residents dans les autres parties de la Province du Québec* - concerning their grievances against James Murray's administration of the province pp 256-262
- n.d. [1765] English translation of the foregoing petition from the merchants and citizens of Montreal, concerning difficulties created by recent Ordinances regulating land titles, trade with the Indians, administration of justice, etc. [The text in MG 21, Add. MSS 15491, pp 1-6 differs slightly.] pp 252-255
- 28 March 1767 Deposition of Jean-Baptiste Vallé, dit Sansouci concerning the decision of the military court against Eleazar Levy; with attestations by William Weir and Guy Carleton pp 265-268

- 13 October 1761 Regulations issued by Thomas Gage, military governor of Montreal, for the administration of justice [in French] - copy from the original *Registres du gouvernement de Montréal* made and certified by J. Bruyère, for the suit of *Burton v. Levy*; docketed **B** pp 269-275
- 29 October 1763 Proclamation of Ralph Burton announcing his assumption of the military government of Montreal - copy certified by James Potts, Clerk of the Court of Error and Appeal including the annotation of presentation in evidence 24 August 1765; docketed **C** pp 276-277
- 11 October 1763 Order from Jeffrey Amherst to Ralph Burton to take over the post of military governor at Montreal in the absence of Thomas Gage - copy certified by J. Bruyère; docketed **A** pp 278-279 [see also pp 226-227 & 237-238]
- 27 October 1763 Sentence of the Military Court of Montreal on the suit of Lt. Daniel Robertson against Eleazar Levy, an action of debt - copy certified by James Potts, Clerk of the Court of Error and Appeal; docketed **D** pp 280-283
- 15 July 1771 Notice by W. Blair summoning the parties in the appeal of Eleazar Levy against Robert Burton (executor for Ralph Burton) to the Cockpit, Whitehall, London, on 20 July 1771 pp 284-285
- n.d. [1765 ?] Memorial of Lt. Daniel Robertson to Governor James Murray concerning his claims against Eleazar Levy, attorney for trustees of Thomas Willson, a bankrupt merchant of Montreal - copy; docket by H. Kneller noting presentation of the original in Council pp 286-288

- n.d. [1765 ?] Memorial of Daniel Disney, Town Major of Montreal, and William Jones, Provost Marshall, to James Murray concerning execution of the the 1763 sentence of the Military Court on Eleazar Levy - copy; docket by H. Kneller noting presentation of the original in Council pp 289-290
- 20 September 1764 *An Ordinance for Ratifying and Confirming the Decrees of the several Courts of Justice ... prior to the establishment of Civil Government throughout this Province upon the 10th Day of August 1764* - copy certified by H. Kneller pp 291-294
- 10 December 1764 *Summary of the Affair of Mr Eleazar Levy Mercht. whereupon a Writ has been issued against Brigr. General Burton the 26th of Sepr. 1764* - copy by H. Kneller noting presentation of the original in Council pp 294-297
- 22 Dec. 1769 Order of the Lords of the Committee of the Privy Council for hearing Appeals from the Plantations, for reopening the case of Levy v. Burton, signed by Phil. Sharpe - copy pp 298-300
- 22 November 1764 *An Ordinance for Amending and explaining an Ordinance ... made the Twentieth Day of September last ... for Ratifying and Confirming the Decrees of the several Courts ... and for enlarging the Time for Lodging Appeals from the Decrees* - copy certified by H. Kneller pp 301-303
- 10 December 1764 Letter of Ralph Burton to H. Kneller, Deputy Clerk of the Council, concerning service of the Writ at the suit of Eleazar Levy - copy by H. Kneller noting presentation in Council pp 304-306
- 2 May 1772 Letter of D. Sill to J. Smith concerning service of a Writ on Robert Burton at the suit of Eleazar Levy - including the text of the writ pp 307-308

File 3 Christie v. Knipe*Gabriel Christie v. Francis Noble Knipe & John LeQuesne*, 1763-1768;

[volume 1, pages 3-84, 217-219, 245-251]

[Copies of other documents in the case are to be found in MG 21, Add. MSS 15491, while records of the original lawsuits may be found in RG 4, B 16, volume 1.]

- | | | |
|-------------------|---|------------------------------------|
| n.d. [1768] | Brief for the Appellant in <i>Gabriel Christie, appt. vs. Francis Noble Knipe, respt.</i> on a plea of trespass, in December 1763 - annotated <i>The Cause is to abide the Event of the other agt. Knipe & LeQuesne, & that Cause alone is to be argued.</i> | pp 3-14v;
duplicate pp
63-74 |
| n.d. [1768] | Brief for the Appellant in <i>Gabriel Christie, appt. vs. Francis Noble Knipe & John LeQuesne, respts.</i> , on a plea of trespass in July 1763 - annotated <i>To be Heard before the ... Privy Council ... at Whitehall on Tuesday the 21st Day of May 1768</i> | pp 15-34;
duplicate pp
35-54 |
| n.d. [1767] | Proceedings before Guy Carleton and the Council of Quebec [sitting as the Court of Appeal] in appeal by Writ of Error, on the case of Gabriel Christie, plaintiff, vs. Francis Noble Knipe, defendant - copy, from the text prepared by James Potts, Clerk of the Court | pp 55-62 |
| n.d. [1768 ?] | Statement of the Appellant's case ... Gabriel Christie, appellant, vs. Francis Noble Knipe & John LeQuesne, respondents - draft | pp 75-84 |
| 21 March [1768 ?] | Memorandum by [Col. Gabriel Christie] to Josiah [sic] Sharpe, requesting the date for hearing testimony from Sir Jeffry Amherst and General Ralph Burton | page 217 |
| 28 October 1766 | Letter from [Col. Gabriel Christie] to Jos. Sharpe regarding the arrival of Mme de Repentigny at Dover | pp 218-219 |
| n.d. [1768 ?] | <i>Additional Observations</i> on the case of Christie v. Knipe, prepared for the office of J. Sharpe | pp 245-248 |

- | | | |
|---------------|---|------------|
| 5 May 1768 | Account of Mr. Smith's proposals concerning the appeal case of Christie v. Knipe, recorded for Gabriel Chrisite | page 249 |
| n.d. [1768 ?] | Analysis of arguments in the case of Christie v. Knipe - untitled, unsigned rough draft | pp 250-251 |

File 4 Peckham

Claims of Thomas Peckham, Ordnance storekeeper at Quebec, against the Board of Ordnance, 1766-1767;
[volume 1, pages 154-173, 177-183]

- | | | |
|-----------------|--|-------------------------|
| 2-20 July 1766 | Copies of 19 letters exchanged between Lt. Col. Valentine Jones and Thomas Peckham, with comments by Peckham on his actions as Storekeeper for the garrison at Quebec | pp 154-173 |
| 21 July 1766 | Letter of Thomas Peckham to the Principal Officers of His Majesty's Ordnance, London, incorporating a copy of his deposition of 17 July regarding the assault made upon him by Captain Martine | pp 177-178 |
| 10 January 1767 | Letter of Thomas Peckham to the Board of Ordnance, with his petition requesting an allowance for office expenses and lodging | pp 179-180 &
181-183 |

File 5 Palliser

Charges against Sir Hugh Palliser, Governor of Newfoundland, 1764-1769.

[volume 2, pages 3-151, 174-176 and *folios* 136-152]*[Further documents relative to the charges against Hugh Palliser can be found in the Hardwicke MSS -- see MG 21, Add. MSS 35915, folios 74-75, 82-89, 94-106 and 110-120. See also MG 23, 15.]*

1 August 1766	Orders of Hugh Palliser respecting American [colonial] vessels and regulating the Whale Fishery on the Coast of Labrador [Phillipps MS 21746]	pp 3-6
6 May 1769	Affidavit of Nicholas Darby in the case of Daniel Bayne & William Brymer vs. Hugh Palliser	pp 7-10
n.d. [1768 ?]	<i>Copy of my Representation of the case to the Secretary of State to be laid before the King - Palliser's defence of his conduct in protecting the fisheries of Newfoundland and Labrador</i>	pp 11-20
24 January 1765	Letter from J. Fremantle, on behalf of the Board of Customs, to Hugh Palliser requesting documentation on his seizure of three ships for Customs violations - with a draft reply	pp 21-22
16 October 1769	Letter from Michael Gill to Hugh Palliser concerning the Newfoundland fisheries and shipping	pp 23-25
14 August 1765	Orders from Hugh Palliser to Lt. George R. Walters of <i>HMS Guernsey</i> , to land the surveyor Mr Lane at Belle Isle; to investigate the nationality of fishermen in the Bay of St Louis; and to avoid contact with the Indians - copy, attested by John Horsnail	pp 26-27
3 August 1763	Warrant from James Murray, to Jean-Marie Philibot, granting him a lease of the post La Forteau on the Labrador shore, formerly held by M. DesMarets - copy	pp 28-29

- | | | |
|------------------|---|--------------------------------------|
| 29 December 1769 | Letter from Mr Litchfield, Comptroller of Customs, to Joshua Sharpe concerning the registration of shipping in Newfoundland | pp 30-31 |
| 27 February 1765 | Statement by J. C. Bankes, E. Hooper, J. Frederick and J. Pennington concerning the seizure of the brig <i>John & Ann</i> , under master Hezekiah Thurman, by Hugh Palliser and current beliefs regarding the registration of shipping for Newfoundland; with their memorial to the Commissioners of the Treasury requesting a decision on the question of registration | page 32

page 33 |
| 14 June 1765 | Response from the Commissioners of the Treasury to Bankes, Hooper, Frederick and Pennington, enclosing a letter from John Pownall on behalf of the Commissioners for Trade & Plantations, conveying the decision that Newfoundland be considered a Plantation and thus its shipping subject to the Laws of Trade, with copies of the statement and memorial, response and letter, with annotations - docketed <i>Added to Brief</i> | pp 34-35

pp 36-39 |
| n.d. [1765] | <i>Memorandum relating to the Distribution of the Seizure of the ship John & Ann</i> - an opinion on the case of Thurman v. Palliser - two copies | pp 40-42 & 43-45 |
| 12 October 1764 | Order of the Privy Council for a hearing on appeal by Hezekiah Thurman, master of the brig <i>John & Ann</i> ; John Elliot, her owner; and the owners of her cargo, against Hugh Palliser - copy | pp 46-47 |
| n.d. [1764] | Petition and appeal of Hezekiah Thurman and John Elliott to the King in Council - copy, with marginal annotations | pp 48-51 |

- n.d. [1769 ?] *Case* - an outline of the arguments made for Daniel Bayne and William Brymer against Hugh Palliser, relative to his jurisdiction over Labrador pursuant to the Royal Proclamation of 7 October 1763 - annotated pp 52-59
- n.d. [1768 ?] *The Case of Governor Palliser* - outlining action taken by Hugh Palliser from August 1765 onward with respect to grants of exclusive fishing rights in Labrador made by the Governor of Quebec, specifically against Daniel Bayne and William Brymer - draft pp 60-62
- n.d. [1768 ?] *Mr Pallisers reason for the necessity of annulling Mr Murrays [sic] grants of Labrador* - Palliser's argument against exclusive, monopolistic fishing rights such as those granted by James Murray - draft pp 63-66
- n.d. [1768 ?] Further questions to be asked of Mr Nicholas Darby - draft, with Palliser's recommendation that Darby be examined under oath pp 67-70
- [21 November 1767] *Governor Pallissers Narrative* - commentary on the case of Bayne and Brymer, received with Palliser's letter of 21 November 1767 pp 71-76
- n.d. [1768 ?] An opinion on a Reply [by Hugh Palliser ?], stating his premises pp 77-79
- 27 October 1744 Letter from W. Wood, late Secretary to the Board of Customs, to the Collector and Comptroller of Customs at each of the Outports, concerning the registration of ships clearing for Newfoundland - copy pp 82-83
- n.d. [1768 ?] *Mr Pallissers observation upon those articles of the Appellents printed case which he has numbered* - refuting the allegations made by Brymer and Bayne - with annotations pp 80-81 & 84-90

n.d. [1768 ?]	<i>Observations</i> and remarks on the case put forward by Brymer and Bayne against Hugh Palliser - annotated copy	pp 91-96a
28 April 1768	<i>Note for Palliser about the Grants</i> - an opinion on the granting of lands and monopolies, with a note on the availability of Nicholas Darby to testify	pp 97-98
n.d. [1768 ?]	<i>Govr. Pallissers observations of what he did & how justified in dissallowing exclusive possions. &c.</i>	pp 99-100
1 December 1768	<i>Defts Notes - for the Consideration of his Council</i> - Palliser's statement for the use of his legal counsel in defending him against the suit of Bayne and Brymer	pp 101-109 [lettered a-f]
n.d. [1768 ?]	<i>Govr Pallissers observations & motives for asking in manner as within</i> - justification of his actions taken to bring order to the Labrador fisheries - draft	pp 110-111 [lettered g]
n.d. [1768 ?]	Statement of John Hills, mate of HMS Guernsey, concerning action taken by Lt. G. R. Walters on orders from Hugh Palliser, against employees of Bayne & Brymer at Cape Charles River - copy	pp 112-113 [lettered h]
18 April 1768	Letter from Lt. George Robinson Walters to Hugh Palliser, incorporating his statement concerning actions taken at his order in July 1765 against fishermen in Labrador	pp 114-117 [lettered i-j]
24 April 1768	Letter from John Hills to John Horsnail, secretary to Hugh Palliser, regarding the veracity of his statement	pp 118-119 [lettered K]
n.d. [1768]	List of questions, numbered 1-15, to be asked of John Hills in court	pp 120-123 [lettered l-m]

- | | | |
|----------------|---|------------------------------|
| n.d. [1768] | List of questions, numbered 1-12, to be asked of Mr Lymeburner in court | pp 124-127
[lettered n-o] |
| n.d. [1768] | Questions to and replies by Sir Thomas Adams, commander of the <i>Niger</i> , regarding actions taken on the Labrador coast, July-October 1765 by order of Hugh Palliser | pp 128-138
[lettered p-u] |
| n.d. [1768] | List of questions to be asked of Lord Rutherford in court | pp 139-141
[lettered v-w] |
| n.d. [1768] | Deposition of David, Lord Rutherford, concerning his actions at Cape Charles River in July 1765, at the order of Admiral Sir Thomas Adams, to seize French (fishing) vessels encroaching on the coast - copy | pp 142-143
[lettered x] |
| 26 April 1768 | Letter of Lord Rutherford to Hugh Palliser, wishing him success in litigation | pp 144-145 |
| 9 October 1764 | Sentence of Condemnation of the snow <i>Industry</i> , under master Laurence Hearne, made by Michael Gill, Commissary and Judge of the Vice Admiralty Court at St. John's, Newfoundland; with an invoice of her cargo seized at Harbour Grace by order of Gov. James Webb; - copied from the court registry | pp 146-147 &
148-149 |
| 9 October 1764 | Sentence of Condemnation of the brig. <i>John & Ann</i> , master Hezekiah Thurman, by Michael Gill, Commissary and Judge of the Vice Admiralty Court at St. John's, Newfoundland - with court seal | pp 150-151 |
| n.d. [1768 ?] | Draft of a deposition concerning William Brymer's assertion that James Murray granted him a monopoly of the fishery off the Labrador coast in 1763 and actions taken in response by Hugh Palliser and others - docketed <i>Propos'd to be offerd to Mr Byrmer</i> | pp 174-176 |

- | | | |
|------|--|---|
| n.d. | <i>The case of Commodore Hugh Palliser, Governor of Newfoundland, with respect to his removing some settlers under Grants from General Murray from that Coast - a brief relative to the the suit of Bayne & Brymer and the Labrador fisheries - docketed Case - Mr Yorke for your Opinion</i> | file 5, part 2;
pp 136-143 |
| n.d. | <i>Case - of Hugh Palliser - duplicating the text on pages 136-139</i> | file 5, part 2;
pp 144-148 |
| n.d. | <i>Case - of Hugh Palliser - a continuation of the copy, duplicating the text on pages 140-143 [Phillipps MS 33404; America; 434]</i> | file 5, part 2;
pp 149-152 |
| n.d. | Wrappers found with the Palliser documents, bearing rough summary identifications of the documents, including attributions of several as in Palliser's own hand. The reverse sides of these wrappers bear text from a totally-unrelated draft brief. They are retained only as evidence of provenance and past handling. | file 5, part 3;
folios A-Z,
AA-EE |

File 6 Nova Scotia

Nova Scotia legislation relating to debtors, Customs duties and trade with the Indians, c. 1760;

[volume 2, pages 212-222 and 320-331]

- | | | |
|-----------------|--|---|
| 15 October 1761 | Letter from William Nesbitt, Speaker of the House of Assembly, to its Agent requesting that he present a memorial to Governor Ellis concerning an act to repeal the Act for the protection of debtors; with an address from the House of Assembly to Jonathan Belcher, administrator of Nova Scotia on the matter - copies, annotated as having been signed by Nesbitt in the original [Phillipps 11569] | pp 212-213;
[page 214 not found here
January 2000]
&
pp 215-218 |
|-----------------|--|---|

- | | | |
|-----------------|--|----------------|
| 14 January 1751 | <i>Nova Scotia: An Act for explaining, amending and continuing an Act ... to Protect the Persons and Estates of Settlers for Debts Contracted out of the Province</i> passed 14 January 1750/51 and recorded January 1754 - contemporary copy | pp 220-222 |
| n.d. [1761] | <i>Remarks upon the protection Act at Nova Scotia</i> - unsigned | ff 320-323 |
| n.d. [1761] | <i>Remarks on the State of the Indian Affairs at Nova Scotia</i> - unsigned | ff 324-327 |
| n.d. [1761] | <i>Remarks on the State of the Duties on spirits. liquors at Nova Scotia</i> - unsigned | folios 328-331 |

File 7 Mauger

Claims of Joshua Mauger against the Lords of Trade for expenses incurred in Nova Scotia settlement schemes, 1763-1764;

[volume 2, pages 223-231]

[Related documents are to be found in the Joshua Mauger fonds, see MG 23, D 11.]

- | | | |
|------------------|---|--|
| 11 February 1764 | Minute of the Board of Trade concerning the memorial of Joshua Mauger - copy signed by John Pownall (Secretary) | page 223 |
| 15 March 1764 | Extract from the Minutes of the Board of Trade, concerning the proposal by Joshua Mauger to supply funds to the Treasury of Nova Scotia - copy | page 224 |
| [1764] | Petition of Joshua Mauger to the Lords Commissioners of His Majesty's Treasury for recovery of monies owed him; with a revised text
- docketed as having been presented 25 January 1764 and revised to present again on 16 February 1764 | pp 225-228,
230-231;
&
page 239 |

File 8 Linthorne

Charges against Robert Linthorne, master of the *Phoenix*, for violation of Customs regulations, 1769;

[volume 2, folios 232-246]

[Further records relating to the Vice Admiralty Court case are to be found in the Linthorne papers, MG 23, C 5.]

n.d. [1769] *Proceedings in His Majesty's Court of Vice Admiralty before ... Richd. Bulkeley esqr. Commissary and Judge ... agst. Robt. Linthorne, Master of the Brigantine Phenix for the breach of the Acts of Trade - copy* pp 232-246
[Phillipps 20946]

File 9 Barrell v. Gerrish

John Barrell v. Joseph Gerrish, concerning naval stores at Halifax, 1764;
[volume 2, pages 249-250, 252-259]

n.d. [1764] *Queries to the Council* by the Storekeeper and Naval Officer of Halifax, concerning John and Joseph Gerrish and John Barrell - copy, unsigned, with minor corrections pp 249-250

n.d. [1764] *Joseph Gerrishs Answer to Jno Barrells amended Bill dated March 17, 1764 - rough draft with extensive revisions* pp 252-259

INDEX

Adams, Sir Thomas	file 5	Cape Charles River	file 5
Ainslie, Thomas	1	Carleton, Guy	2, 3
Allgeo, David	1	Christie, Gabriel	2, 3
Allsopp, George	1	Collins, John	1
Amherst, Sir Jeffry	1 & 3	Conyngham, William	2
Bankes, J. C.	5	Crozier, Captain	1
Baron, Thomas	1	Cugnet, [François-Joseph]	1
Barrell, John	9	Customs, Board of	5
Bay of St. Louis, fishing at	5	Customs duties - Newfoundland	5
Bayne, Daniel	5	Customs duties - Nova Scotia	6 & 8
Belcher, Jonathan	6	Customs duties - Quebec	1
Blair, W.	2	Darby, Nicholas	5
Blake, John	1	Debtors in Nova Scotia	6
Board of Trade	5 & 7	Desaulles, Jonas	1
Brandy - trade in	1	Disney, Daniel	2
Bruyeres, J.	2	Dobie, Richard	1
Brymer, William	5	ship <i>Dolphin</i>	1
Burton, Ralph	2	Eldridge, Samuel	1
Burton, Robert	2	Elliott, John	5
Bulkeley, Richard	8	Ermatinger, Lawrence	1
		Faneuil, Peter	1

Francklin, Michael	file 1	Horsnaill, John	file 5
Frederick, J.	5	Howard, Joseph	1
Fremantle, J.	5	Huron Indians	1
Frye, James	1	Indians - of Labrador	5
fur trade - Quebec	1	Indians - of Nova Scotia	6
fur trade - Nova Scotia	2	Indians - of Quebec	1
fur trade - Labrador	5	ship <i>Industry</i>	5
Gage, Thomas	2	ship <i>Issac & William</i>	1
Gill, Michael	5	Jenkins, Watkin	1
Gray, Edward William	1	ship <i>John & Ann</i>	5
Gregory, George	1	Johnston(e), Capt.-Lt. William	1
<i>HMS Guernsey</i>	5	Jones, Lt. Col. Valentine	4
Gerrish, John	9	Jones, William	2
Gerrish, Joseph	9	King's Posts - trade at	1
Hagen, J. & Son	1	Kneller, Henry	2
Hall, Thomas	1	Knipe, Francis Noble	3
Hay, John	1	Labrador - fishing grounds	5
Haywood, William	1	- fishing regulations	5
Hearne, Lawrence	5	- whale fishing	5
Hill, Joseph	1	La Forteau - post of	5
Hills, John	5	LaPlaque, Athanase	1
Hooper, E.	5	Lapparre [Laparré, Lappare], Elie	1
Horses - tax on, in Quebec	5	Leamy, Thomas	1
		Lees, John	1

LeQuesne, John	file 1 & 3	Newfoundland - fisheries	file 5
		- shipping, registration of	5
Lessey, Mathew	1	- Vice Admiralty Court	5
Levy, Eleazar	1 & 2	<i>HMS Niger</i>	5
Levy, Isaac	1	Nova Scotia - debtors in	6
		- relations with Indians	6
Linthorne, Robert	8	- House of Assembly	6
		- legislation	2
Liquors - duties on	6	- public funds	7
- trade in, Nova Scotia	6	- settlement	7
- trade in, Quebec	1	- Vice Admiralty Court of	8
Litchfield, Mr (Comptroller of Customs)	5	Ordnance, Board of	4
Lym[e]burner, [Adam]	5	Palliser, Hugh	5
Lynd, David	2	Payn, Philip	1
Martine, Captain	4	Peckham, Thomas	4
Malcom, John	1	Pellissier, Christophe	1
Mauger, Joshua	7	Pennington, J.	5
Montagnais Indians - trade with	1	Philibot, Jean-Marie	5
Meyrick, Ja.	2	ship <i>Phoenix</i>	8
Montreal, military government of	2	Pownall, John	5, 7
Montreal, confirmation of decrees by military courts at	2	Price, James	1
Montreal, petition of residents	2	Quebec - address by residents of	1
Murray, James	1, 2, 5	Quebec - Ordinances regulating courts	2
Neagle, John	1	Registration of shipping for Newfoundland	5
Nesbitt, William	6	Repentigny, Madame de	2

Robertson, Lt. Daniel	file 2	Thurman, Hezekiah	file 5
Rowe, John	1	Treasury, Lords Commissioners of the	5, 7
Rutherford, David, lord	5	Vallé, Jean-Baptiste, dit Sansouci	2
ship <i>Sally</i>	1	Wade, Mathew	1
Sansouci, Jean-Baptiste Vallé, dit	2	Walker, Thomas	1
Scott, Thomas	1	Walpole, Robert	1
Sept-Isles - King's Domain at (domaine du Roi à)	1	Walters, Lt. George Robinson	5
Sharpe, Jos.	1	Webb, James	5
Sharpe, Josiah	3	Weir, William	2
Sharpe, Joseph	2	Welles, John	1
Sharpe, Joshua	5	Whale fishery - regulation of	5
Sharpe, Philip	2	Willson, Tomas	2
Shipping - registration of, for Newfoundland	5	Woder, Thomas	1
Sill, D.	2	Wood, W. (Secretary to Board of Customs)	5
Sills, Samuel	1	Wine - trade in	1
Smith, J.	2	Yorke, Charles	5
Smuggling - at Quebec	1	Young, G.	1
Stenhouse, John	1	ship <i>Young Isaac</i>	1
Stenhouse, R.	1		
Three Rivers - confirmation of decrees by military courts at	2		