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COLONIAL PENSACOLA
THE BRITISH PERIOD

PART III

The Administration of Governor Chester, 1770-1781

By CLINTON L. HOWARD

Governor Peter Chester arrived in Pensacola, capital of the province of West Florida, during the summer of 1770. On the eleventh of August the new governor, together with the members of his council, took the oaths and subscribed to the declaration required of all colonial officials.¹

At a meeting on the thirteenth of August Mr. Comyn produced a *Mandamus* appointing him a member of the council. The governor said that Messrs. Durnford, Clifton, Bruce, and Blackwell were appointed members of the council by His Majesty's instructions. Their mandamuses were made out in England and they must apply for them or the mandamuses would lose their authority. The governor himself named David Hodge, James Jones, George Raincock, and Philip Livingston, Jr., as members. All persons in public employment then appeared and took the oaths applicable to their offices.²

Note - Due to a misreading of original manuscript material, there is an error in Part II of the present series (p. 246 Jan. 1941). Instead of "until his [Browne's] departure for England in 1768" the text should read "until his removal from office in 1769 by the arrival of Governor Eliot . . ."

1. *Minutes of the Council, Public Record Office* (London) *C. O.*, 5: 629; Present were: Chester, Durnford, Clifton, Bruce, Hodge, Alexander Moore, James Jones, and Phillips Comyn. The required oaths are listed in the governor's instructions in *Public Record Office, C. O.*, 5: 599-600; they are printed in Leonard W. Labaree, *Royal Instructions to British Colonial Governors*, 1670-1776 (2 vols., New York and London, D. Appleton-Century, [1935]).
2. Unless otherwise attributed the materials in this study may be assumed to have been drawn from the *Minutes of the Council* (or Assembly) of the province in *Public Record Office, C. O.* 5, 623-628, 630-631, 633-635.

Governor Chester informed the council that he had found the house in the garrison untenable and had moved to a house which he leased from Brigadier-General Haldimand. He proposed to the council that an inspection be made of the house in the garrison with a view to the necessary repairs and also that an estimate be made of the cost of construction of a new house for the governor.

Concerning provincial affairs the governor told the council that Lord Hillsborough desired a full report of the lands granted in the colony, for he suspected large unfulfilled grants.

Chester seems to have spent the summer months putting the affairs of the province in order. The settlement of the western part of the province was again considered by the council, for they had received reports of the fertility of the land around Natchez and of the willingness of many settlers from the back country of Virginia and Pennsylvania to go there if they were given some assurance of protection against the Indians. Enthusiastic over the possibility of the western settlements, the governor applied to Haldimand for troops to protect the settlers but the latter replied that General Gage had received orders not to send troops inland to the Mississippi.

When the estimate on the cost of a new government house was submitted, it was found that the total cost would amount to 1500.

Alexander MacCulloch was appointed clerk of the council and Charles Stuart a member, and the first commission of the peace under Governor Chester was now appointed also. The governor had written to Lord Hillsborough giving notice of the appointment to the council of several gentlemen besides those named in his instructions "as there would not otherwise have been a sufficient Quorum in the Province to transact Public Business . . ." He

wrote to Hillsborough in terms which show that he understood the old quarrel between the civil and military officials : "The making of an application to General Haldimand of this sort by Public Letter, I did not think so eligible a step until I had in private character consulted him upon the propriety of this measure, being as yet a Stranger in the Province, and whether it was in his power to comply with the public requisition if made to him? For I was fearful that if such demand was made upon my first coming into the Province, and refused, it might by some evil-minded People be construed as the forerunner of future breach between Civil and Military commanders ; which has already proved so disadvantageous to the Settlement of this Province. Not that it would have had that effect as the General and myself are upon the best Terms, and I have always found him very ready and willing to communicate his opinion to me, and give me every information relative to the Province that is in his power, but I chose to avoid every appearance that could have a tendency to create even a suspicion. Upon mentioning this matter to the General he told me as I imagined . . . One regiment being thought proper to be fixed at Pensacola." The governor also wrote that since it was against military orders to send troops to the Mississippi and since he felt that it would be a want of humanity to deny any protection to the settlers he was setting aside some money from the contingent fund to provide at least some measure of protection.³

Chester soon received a report on the condition of the government house. The foundation had been found to consist of posts in the ground, the interstices filled up with stone about two feet above the surface and above that with clay and moss and

3. *Public Record Office, C. O.*, 5: 578: 59-67.

covered with a coat of plaster on the outside. The posts were entirely rotten at the surface of the ground and the house was supported only by a brick chimney which had been built by Governor Johnstone and a few cedar posts which ran as props through the center of the house underneath the large rooms. These were the entire support of a very heavy floor composed of large timbers and planks overlaid with two courses of brick. The kitchen, which was built of posts imbedded in the ground, had a new shingled roof but the sides were only of bark; the posts supporting the kitchen were very rotten and the greater part of it had fallen down. Adjoining the kitchen was a house built entirely of bark with posts in the ground much of which had already fallen in. It was their opinion that the house could not be repaired to any advantage because the roof of the greater part was very poorly built. The committee of inspection consisted of John Ames, John Coan, Andrew Allsop, and William Marshall.⁴

Colonial Taxation. An echo of the colonial taxation controversy which was to play such a large part in the beginnings of the American Revolution, was heard at this time at Pensacola when Governor Chester was requested by the lords of the treasury to ascertain the wishes and opinions of the merchants in the colony concerning the several articles on the customs list.⁵ This survey in West Florida was part of an all-colonial investigation of customs fees, and was intended to precede a thorough reorganization of the commercial fee system of the empire. It was intended to be authorized, when completed, by

4. *Public Record Office, C. O.*, 5: 518: 91.

5. John Robinson, for the Lords Commissioners of the Treasury, to Chester, from the Treasury Chambers, November 7, 1770. *Public Record Office, C. O.*, 5 : 578: 161. Chester sent a copy of his reply to Hillsborough.

an act of parliament.⁶ Their Lordships also suggested that if possible a tentative list be prepared with the joint consent of the commissioners of customs and the merchants.⁷

The assembly met in December. Philip Livingston, Jr., in his capacity as Chester's private secretary, certified Thomas Hardy, Gentleman, as clerk of the Commons House of Assembly, and Alexander MacCulloch was certified as clerk of the Council House of the Assembly.

Late in December illness, combined with bad weather, caused Governor Chester to defer a trip to Natchez until February. He remained in Pensacola and spent much of his time writing to the Earl of Hillsborough,⁸ among other matters a letter asking for more troops in the province. In another long letter he inclosed the laws which had been passed at the last session of the assembly and commenting at some length on other laws of the province. He felt that legislation against fraudulent mortgages and conveyances and legislation to allow foreign converts to transfer their estates and to make valid deeds of bargain and sale would greatly increase the security of property. The Governor doubted that the recent act for regulation of the Indian trade would be effective "for want of proper Evidence from the Indian Country against delinquents, most of the Traders of the Indian Nation being in a league, and they will not readily accuse each other." He noted that several of the other acts appeared to be useful, but could have been

6. This tariff reorganization was only one aspect of the extended and far reaching imperial reorganization, which got under way at the close of the Seven years' War and was only partially disrupted in its North American and West Indian aspects by the successful revolt of the thirteen colonies.

7. This procedure was authorized by 10 Geo. III Cap. 2, which provided sanction for existing fees until information for a new table could be gathered.

8. **Public Record Office, C. O.**, 5: 578: 9-12.

more correctly drawn and might need revising. He added :

"In reading over the Laws of Province I find several Acts which formerly passed here in the administration of Governor Johnstone and Lieutenant-Governor Browne, which appear liable to objection, and may be thought to require His Majesty's Disallowance."

"The first of these," wrote the governor, "is an act entitled 'An Act for Granting of licenses to retailers of Spirituous Liquors, imposing a duty on said Licenses: and for regulating of Taverns and Public Houses, passed 2nd of January, 1767.' The objection to this act is that the payment of the Duty imposed is to be applied in the building of a public Market House in the Town of Pensacola, in such manner as the Justices, Church Wardens and Vestry shall appoint; and the money levied within the District of Mobile to be applied in such manner as the Justices in Quarter Session shall think necessary: whereas all public monies should be paid into the hands of His Majesty's Treasurer; and no monies should be applied to any purposes without an Order of the Governor in Council."⁹

Among other former acts which Governor Chester questioned was one entitled "An Act for the Order and Government of Slaves, passed the 2d of June, 1767." This measure directed the mode of trial of slaves for capital offenses and authorized the major part of the court, one of them being a Justice, if they judged the accused guilty of a capital offense, to give sentence of death. This sentence, by virtue of a warrant of the Court directed to the provost marshal, was to be carried out at once by

9. Few points show more clearly, probably, how similar the constitutional structure of West Florida and most of the colonies was to that of England under Charles I.

the common or any other executioners. Such an action, the governor pointed out, deprived the Crown of its power of reprieving, pardoning, or extending mercy in any shape to the criminal.¹⁰

About this time the home government, in pursuance of its policy to decrease absenteeism in colonial offices, brought pressure upon non-resident officials to go to their provinces or be removed. The news of the enforcement of this policy was received by Chester in a letter from John Ellis, agent for the colony in London. James Macpherson, provincial secretary and registrar, reputed translator and editor of the Ossian poems, was one of the outstanding absentee office holders of West Florida. Philip Livingston, Jr., Governor Chester's private secretary, was Macpherson's deputy and he, upon receipt of the news, applied for Mr. Macpherson's offices should that gentleman decide to remain in England.¹¹

In March 1771 the governor received a report from a Mr. Flowers, an engineer, stating that in consequence of His Excellency's application to Brigadier-general Haldimand, he, Mr. Flowers, had been desired by Haldimand to inform the governor that there were no other fortified works going on in the province than those which the general had previously mentioned to the governor, *viz.* four batteries at Red Cliffs, one opposite Santa Rosa, one on Tartar Point, and one at Signal House. Each had a powder magazine and a block house in the

10. There is a good deal of scattered material on indentured service and negro slavery in West Florida. F. J. Klingberg of the University of California, Los Angeles, has done a great deal of work on the negro in America, especially in connection with the activities of the Society for the Propagation of the Gospel in Foreign Parts. One of his students is at present working on slave codes in the old South.

11. His application was dated the twenty-sixth of December, 1770, and was accompanied by a letter from Governor Chester to the Earl of Hillsborough recommending him ; **Public Record Office, C. O.**, 5: 578: 107, 115-117.

rear, a battery to protect it, and a block house to lodge the troops to work the guns. The buildings were all of wood and the facines were on a loose sandy soil which was the very worst of materials for constructing works of this kind, for it required the expenditure of much time and labor because of the thickness of construction necessary to make them proof against cannon. Even so, when completed the works lasted only a short time. All of the guns which could be spared would be mounted, but they were only small caliber and not much good, so Haldimand had applied to General Gage for eight twenty-four pounders, sixteen eighteen-pounders, and some large mortars. The stockaded fort in the center of Pensacola had new pickets in it because of the Indian menace. As for the Mobile fort, nothing had been done there except to repair the officers' barracks and stockade the entrance to it as a protection against the Indians. This was in accordance with a joint decision made earlier by the governor and Haldimand.

During March Chester wrote to Hillsborough that he was glad that Superintendent Stuart was coming to Pensacola, because the Indian trouble was causing him concern. He wrote ". . . most of the towns to which the traders resort who obtain their business from hence, are in the Creek, Choctaw and Chickasaw Nations beyond the limits and Jurisdiction of this Province, so that the breach of any Regulation committed there, can not [be] cognizable in our Courts . . ." ¹² At a meeting of the council on the eighth of April a letter from Deputy Superintendent Charles Stuart concerning Indian affairs was read. Stuart said that the Chickasaws complained of encroachment on their lands and of the actions of the traders, particularly in bringing rum

12. *Public Record Office, C. O.*, 5: 578, 129-134.

so freely among their people. The Choctaws especially objected to the importation of rum. The Chickasaws also complained that white settlers were hunting on their lands; the Creeks were less exposed to the whites. "They are a more haughty, stirring, Interprising, warlike Nation, restless in their own disposition and relentless, they are so self Conceited as to think no other Nation like them and are fond of mischief." White vagabonds, wrote Stuart, gave the Creeks a bad opinion of whites in general.

The deputy superintendent likewise discussed in his letter the chaotic state of the Indian regulations and added: "Nor can it ever Well be otherwise while the Colonies severally have [the] making [of] laws and regulations and the granting particular of general luxuries, as it is in some measure to be apprehended that each Colony will consult its own Interest, and particularly those where the principal People Concerned in the Indian Trade composed part of the Legislature." He wrote that the Mortar¹³ was a handsome fellow, who was also very wily and was certainly up to no good at that time. He thought it especially necessary to retain the friendship of the Chickasaws.¹⁴ "Wherefore the greatest Caution becomes necessary," he wrote, "as well to avoid giving the Indians in General cause of discontent as to avoid involving us in a Indian war the Expenses and Calamities of which are but too well known for me to Enumerate here, particularly at this Juncture when we may by the Warlike preparations making in Europe be upon the eve of a War, if it is not already declared . . ."

13. "The most influential [Creek] warrior, the one whom the French entitled *Chef de Guerre*, was called by the English 'the Mortar,' and by the French, whose cause had always espoused, **Le Loup**. His native name was Yaha Tasky Stonake, but Adair spells it Yahyah Tustenage." Peter J. Hamilton, *Colonial Mobile* (Boston, 1910), 229.

14. *Public Record Office, C. O.*, 5: 629: 42 *et seq.*

Defense seems to have been one of the pressing problems of the province in these years as well as earlier. The merchants of Pensacola and Mobile as well as the planters were concerned over it. During March Haldimand asked Chester to send Durnford to Iberville to estimate the cost of making a channel there for vessels; a Captain Sawers had already been sent there by General Gage. Chester replied that he would send Durnford. He himself had not yet gone to Iberville but he was awaiting information from Captain Sawers ; he was busy in Pensacola and was awaiting the arrival of the Indian presents. He wrote to Hillsborough that he was very greatly concerned over the threat of the Spanish danger to which Hillsborough had referred in his letter of the twentieth of September.¹⁵

Reports of Indian troubles continued to come in to the council. On April eighth Andrew Hampton and Thomas Fleming testified before the council that the Indians had sacked some of the settlements on the Alabama river. On April twenty-third the council heard a petition from the settlers on Point Coupee for protection; they "apprehended by sundry accounts that we are on the point of having a war with the Spaniards." They also complained of Indian troubles, which they said were in large part caused by liquor distributed among the Indians and the lack of any regulation of the traders.

On the twenty-third of April the governor and council ordered writs to be issued for an election to the Assembly. The writs were dated April twenty-seventh and were returnable within forty days. Eight members were to be elected from Pensacola and eight members from Mobile and Charlotte county together.¹⁶

15. Chester to Hillsborough, March, 1771; *Public Record Office, C. O.*, 5: 578 : 141.

16. Since Campbelltown was now apparently entirely deserted,

On April twenty-fifth Major Farmar addressed the council on the recent Indian trouble in Mobile. The Indians said this trouble was caused by the encroachment of the whites on their lands.

Instructions arrived from General Gage for Thomas Hutchins, acting engineer at Fort Chartres, to proceed down the Mississippi to observe the river, the Spanish settlements, troops, forts, etc., and from thence to proceed to Pensacola.¹⁷ Chester wrote to Hillsborough that he was more and more convinced of the benefits of the Mississippi and Natchez settlements.¹⁸

The assembly, which was due to meet on June 6 but had been twice prorogued, was to meet on the twenty-fourth of June. Mr. Wegg,¹⁹ summoned to the council, reported that there were only six members at his house but that several were hourly expected from Mobile. The House could not be formed until their arrival, and the governor "dissolved" the assembly, but this dissolution may actually have been a prorogation, for the assembly met from

the Governor felt that no writ need be issued for it ; however, Elias Durnford, told the council that he knew of several electors in Campbelltown, "And as many of the Mobile Members seldom attended there is very often so few Members in Town that Busines can not be carried on." He therefore suggested that two memberships in the assembly be allotted to Campbelltown. The council agreed to this suggestion. Presumably, however, they intended these writs to be issued, not at once, but at the next general election. **Public Record Office, C. O.**, 5: 629.

17. On the eighth of May 1777, Hutchins was in England petitioning for a reimbursement of his expenses; **Public Record Office, C. O.**, 5:580: 71-83. Hutchins; American born, had been an ensign, lieutenant, and captain in the British army in America; he took no part in the Revolution, and after it went to the United States, where he became Geographer General. In 1784 he published his **Historical Narrative, and Topographical Description of Louisiana and West Florida**. **Public Record Office, C. O.** 5: 578: 209.
18. Edmund Rush Wegg, attorney general for the province. He had earlier been suspended by Governor Johnstone as a result of a quarrel with that governor. See the writer's "Governor Johnstone in West Florida" in this **Quarterly** for April, 1939.

June 25 to July 30, when it was prorogued until April 23, 1772.²⁰

As a whole the first session of the Fifth Assembly was extraordinarily quiet; little business was done. Major Farmar played a prominent part in the session. The governor had informed the council on the second of April that the government house and the garrison house were in danger of collapsing. The council had ordered Mr. Durnford to inspect them. On the basis of Durnford's report the council on the second of August ordered the necessary repairs to be made rather than rent another building.

Chester wrote to Hillsborough on the twenty-fifth of August reporting the death of the Reverend Mr. Nathaniel Cotton, the Pensacola minister. He named no possible successor but suggested that the post be combined with that of chaplain of the garrison ;

20. Unless I am mistaken in my reading, the minutes of the council for the twenty-fourth of June, 1771, (**Public Record Office, C. O.**, 5: 628) state that the governor "dissolved" the assembly. On the other hand, however, the minutes of the assembly for the twenty-fifth of June, 1771, (**Public Record Office, C. O.**, 5: 628) carry Chester's opening speech to the assembly. Likewise, the minutes of the assembly show that that body transacted business throughout June and July, and that it was prorogued on July 30. As nearly as I am able to work it out, the schedule of meetings of the assembly after the twenty-third of April, 1771, was as follows:

- April 23, writs ordered to be issued as of April 27.
- June 6, assembly to meet in accordance with original writs of summons, but prorogued until
- June, when it was prorogued until
- June 24, when the governor "dissolved" or prorogued it until
- June 25, when it (apparently the same session) met and continued in session until
- July 30, at which time the governor again prorogued it (whether once or several times I am uncertain) until
- April 23, 1772, when what was apparently intended to be the second session of the fifth assembly was summoned to meet. This session, however, was dissolved by the governor, apparently before it met. (See *infra*.)

each of the appointments carried a salary of 100 a year and so the two posts together would provide a living salary. The governor said that he could not recommend Mr. Gordon, the minister in Mobile, because he was unpopular in Pensacola, both as a person and as a preacher.²¹

During this summer the old dispute between the civil and military authorities in the colony flared up once more.²² The argument revolved about the wording of the clause in the king's regulations which read: "That the Civil Governor of the Province shall give the word [*i.e.* pass-word, countersign] in all places when he shall be within His Province except when the Commander in Chief *Brigadier General* shall be in the *same place*." The Governor interpreted "the same place" to mean Pensacola, whereas Brigadier-General Haldimand thought it meant the province.²³

This dissolution involved a quarrel which had arisen between the governor and the Mobile electorate (see *infra*.) Chester refused to summon any more assemblies until the provincial situation forced him to do so in 1778. The first session of the sixth assembly was summoned to meet on June 6, 1778, but the governor prorogued it at various times; it finally met on October 1 of that year, but it seems at that time to have been called the first session of the seventh assembly. I find, however, no record of a new election. On November 5, the assembly was again prorogued, to meet on the first Monday in September, 1779. (**Public Record Office, C. O.**, 5: 628).

The minutes of the council and assembly were sent to England and were read there on March 16, 1779 (**Public Record Office, C. O.**, 5: 627). This assembly of 1778 had an interesting representation, which tells something of the growth of the provincial population. There were four representatives from the town of Pensacola, four from the district of Pensacola, four from the district of Mobile, four from the district of Manchac, and four from the Natchez district. It is to be noted that there was, apparently, no representation from the town of Mobile.

21. **Public Record Office, C. O.**, 5: 578: 243.
22. See "Governor Johnstone in West Florida" in this *Quarterly* for April, 1939.
23. Chester to Hillsborough, August 27, 1771: **Public Record Office, C. O.**, 5: 578: 255.

In August the governor again wrote to Hillsborough concerning a dispute with Haldimand over the control of the garrison. The governor had heard of a parliamentary grant for a government house to be erected in the garrison, but Haldimand claimed the control of the garrison. It seems that at this time Haldimand was at the Red Cliffs battery at Pensacola.²⁴

Chester announced to Hillsborough the appointment of Philip Livingston, Jr., as His Majesty's receiver-general to collect the quit-rents which were now due from all of Governor Johnstone's land grants and some of Lieutenant-Governor Browne's grants.²⁵

During September the governor was concerned, among other things, with Indian troubles around Natchez.²⁶

On the fifth of November the council thanked a Captain Onslow for his crew's help in assisting the inhabitants of Pensacola in extinguishing a fire "last night" and asked if the crew could make fire buckets if the council furnished the canvas and paid their wages. In a letter of the twenty-third of the month the captain assented to the council's request and stipulated the wages of three "bitts" a day.

Meanwhile at Saint James' the home government had disallowed (on June 7, 1771) some of the acts of the West Florida assembly. These were: an act which regulated attachments and the provost marshal's proceedings; an act making liable to attachment the real and personal estate of absent debtors in the custody or power of any person or

24. *Ibid.*, 265-68. There is a contemporaneous colored plan and sections of these batteries, of which there were two, and the blockhouses and quarters, all as of March 1771, in the library of J. C. Yonge, Pensacola.

25. *Ibid.*, 283; See Beverley W. Bond, *The Quit-Rent System in the American Colonies*. (New Haven, Yale Univ. Press, 1919).

26. *Public Record Office, C. O.*, 5: 578: 319.

persons within the province; and an act empowering the magistrates and freeholders of Charlotte occasionally to prohibit the selling of rum or other strong liquors to the Indians. The governor, on July 9, 1772, issued a proclamation of the disallowance of these laws.²⁷

On the twenty-third of April 1772, Governor Chester informed the council that the assembly had been prorogued until that day, but that since there was not yet a sufficient membership the question arose whether he should further prorogue the assembly or dissolve it. There had been no return from Campbelltown, and the Mobile officials had refused to sign the indenture unless a time limit of a year was set. The council accordingly advised the governor to dissolve the assembly, which he did.

At a meeting on the seventh of October, the council passed an ordinance forbidding the firing of muskets and fuses in the streets of Pensacola except for purposes of defense. At the same meeting a proclamation was ordered published warning the inhabitants that "a great Number of light half Johannies²⁸ have lately been brought into this Town and are now passing Current, which Customs of passing light Gold may in the future become very detrimental to the Inhabitants of this Province." The practice was forbidden.

During the spring of 1773 the governor was negotiating with Haldimand for the purchase of the latter's house which he would sell for 1600, to be paid in two annual installments. He would relinquish 133-16s-6d which had been paid to "the London office"²⁹ for insurance on the house. Like-

27. The disallowances mentioned in this study are selected, not inclusive. There were many others; for instance on January 15, 1772, the Crown disallowed "An Act to Erect Mobile into a County and to Establish a Court of Common Pleas therein" and "An Act for the Order and Government of Slaves."

28. A Portuguese gold coin worth about 2-16s-6d.

29. Apparently a London insurance firm, perhaps Lloyd's.

wise, he was agreeable to the terms of the lease, which was then due.³⁰ In May Chester wrote to Dartmouth³¹ that the old government house would be demolished and recommended that the government purchase Haldimand's house for use as a church, court house, and government offices. He inclosed Haldimand's letter to him and added "but should there be any plan intended for removing the seat of Government from hence to the Mississippi which has been before recommended," then he would recommend that the 1600 be appropriated to the government house there.³²

At its meeting on the twentieth of October 1773, the governor laid before the council a letter from James Rodney, dated the nineteenth : "On my Arrival here [Pensacola] I found in the absence of the men of war the inhabitants of this place had totally destroyed the Navy Guard ; as I think this treating the Navy in General with Great Disrespect I cannot pass it over unnoticed therefore I have taken this Method of Applying to Your Excelency for Redress and I make no doubt you will enquire into it and have the offenders Punished or oblige them to repair the damages they have done there." The council said that the fence had blown and the ground left waste during Captain Hay's and Captain Cornwallis' time in the Province-beyond that it was the work of vagabonds and implied no more disrespect to the navy than to anyone else.

On the twenty-fourth of November the governor appointed Alexander Dickson and William Johnston members of the council.

30. **Public Record Office, C. O.**, 5: 579: 353.

31. On the seventeenth of February 1773, Governor Chester wrote to Dartmouth offering him congratulations on his succession to Hillsborough as Secretary of State for the American Colonies; **Public Record Office, C. O.**, 5 : 579: 313.

32. **Public Record Office, C. O.**, 5: 579: 349.

On the eleventh of February 1774, the council ordered all who had ordnance firearms to turn them in at once for inspection and cleaning. Others might get firearms from the Ordnance upon application. It seems likely that this order was caused by fear of trouble with the Creek Indians, for on the thirteenth of June the governor laid before the council a letter from Governor Wright of Georgia, dated the fifteenth of April, desiring a West Florida proclamation to forbid all trade with the Creeks until the latter gave satisfaction for the murders which they had committed. This was done. Earlier, on the twenty-eighth of March, Chester and the council had ordered a proclamation forbidding the sale or gift of rum or ammunition to the Indians.

Notice of the growing revolution in the northern colonies was taken in the minutes of the council.³³ Eighteen artificers in the Engineers Department, engaged on "Works carried on at this Place having been lately discontinued," were discharged and were to have been sent back to New York at His Majesty's expense. They chose to remain in West Florida "on Account of the Encreasing Troubles in that and the West of the Northern Provinces." One petitioner for land moved from South Carolina to avoid trouble in the northern provinces. Some of the petitioners learned that the governor "can now pass Grants to such Persons as have taken such Previous Steps as in Equity can give them a claim thereto."³⁴

33. The council records are undated but are probably those of January 6, 1776.

34. This may be in accordance with Chester's proclamation of the eleventh of November, 1775; *Public Record Office, C. O.*, 5: 631.

Immigration

The year 1776 saw the beginning of immigration to West Florida in large numbers. The land grant petitions show immigration from Connecticut, Georgia, North Carolina, South Carolina, Pennsylvania, New York, and Jamaica. Several petitioners seem to have come from New York City and Philadelphia. A number of residents of Georgia, which was becoming rebellious, moved to East Florida and Bermuda, where they engaged chiefly in viniculture.

A letter to Governor Chester from Major Dickson, laid before the council on the twenty-seventh of February 1776, reenforced the sense of danger from the Indians. "I think it proper to represent to Your Excellency in Council that the present State of the Colonies in Open Rebellion and their late attack upon Canada makes it a probable conjecture that some attempt may be made on the Colony not only to gain over all the Southern Indians to their Interests to effect which will no doubt be thought Necessary to prevent any Person in this Colony Supplying them with Ammunition and Goods the only place they can now with Safety be sent from. Besides there are other Capital Reasons that might be assigned was it Necessary. I am of the opinion the small Number of Troops in this Province ought to be kept together in a Body either at this place at the Harbours Mouth, or at Mobile . . ." ³⁵

In March of 1776 the Governor issued a proclamation forbidding persons to tamper with the Spanish Indians.

Apparently the influx of immigration into the province, presumably down the Mississippi and the long valleys of the Appalachians, was considerable, for in the same month the Governor issued a proclamation admonishing certain persons, lately come

35. *Public Record Office, C. O.*, 5: 631.

into the province, and who lived chiefly by hunting, for having built themselves huts on the lands reserved for the Indians.

Hillsborough had written to Chester on the eleventh of February 1771, that the lords of trade proposed to allow 2550 for the building of the governor's house and that the cost was not to exceed this sum. On the twenty-second of April 1775, Chester wrote to Dartmouth that in spite of the assurances of Mr. Durnford, who was now in England, the cost had exceeded this sum. It had originally been planned for the house to cost 2000 and fences, etc., 550. Chester asked permission to draw on the balance from the Indian contingent funds of former years to the extent of 800 to be expended for the governor's house and the remainder of the balance to be expended for roads, bridges, etc.³⁶

Influence of the Revolution. The revolution to the north appears to have accelerated the development of the province and with it, no doubt, Pensacola. The development to the west continued strong, and the council on the twenty-seventh of February 1776 ordered Mr. Durnford to lay out a town on the reserved land at Natchez. The council minutes of the sixth of May, however, show the clearer approach of the revolution. A report had been brought from Jamacia by the schooner *Sally Thomas* that Americans had arrived at New Providence with seven armed vessels and had seized Governor Browne and his secretary and the cannon and military stores. The council ordered West Florida put in a state of defense and the works mentioned in Durnford's report of defense completed.³⁷

36. **Public Record Office, C. O.**, 5: 580: 13-17.

37. These were: (1) Bay front, six feet parallel, ten feet thick, ditch, palisades, cannon mount to lower bay and flank fort; (2) Swivels mounted on stockade banquet within for troops to stand and fire over, small ordnance (1 piece) each block house; (3) Each block house salient angles covered with small Redan with good parapet and ditch contain four cannons or two mounted; **Public Record Office, C. O.**, 5: 631.

On the twentieth or twenty-eighth of May ³⁸ the Governor appointed John Stephenson and Andrew Rainsford to the council in the places of Jacob Blackwell, deceased, and George Raincock, who was in England. At the same meeting the council sent a request to the commanding officer to bring to Pensacola the troops from Red Cliffs, Tartar Point, and Rose Island and four or six large guns.

On the thirteenth of August 1776 the governor and council agreed that good and loyal people of New Providence were entitled to the bounty which, by the Earl of Dartmouth's letter of the fifth of July 1775, was to be given to all well affected people in America who should remove to West Florida as an asylum. The governor's proclamation of the eleventh of November 1775 had offered these terms to settlers from North America who should prove their disapprobation of and nonconcurrence in the rebellion.

On the fourth of September 1776, there was laid before the council an extract from a letter of Alexander Fraser which had been sent to John Stuart by his brother Charles. "No news at present in the Choctaws only that they have got a talk amongst them that the Virginians [a general name for all the Northern colonists] have sent a talk in to the Chickasaw Nation that they are like the trees in the woods and their intention is to take Mobile and that they have sent word to the Chickasaws either to fight for them or sit still and not trouble themselves with either party."

"We have nothing of this talk," Stuart added, "from any white People, only some Chickasaws that are coming here told the flats [?] of it."

The council was of the opinion that the communications received manifested the designs of the rebels

38. I am unable to decipher the date of this meeting of the council.

to attack West Florida. On the fourth of November Colonel William Stiell of the third battalion of the Sixtieth Regiment of Foot wrote the governor concerning a letter from Mr. McIntosh, the commissioner of the Creek nation, which had been sent by express to Pensacola on the previous Tuesday. The letter had been received by John Stuart, Superintendent of Indian Affairs, and its contents communicated to the governor. Mr. McIntosh reported that a large body of the rebel army had penetrated into the Creek country and that this had occasioned the sudden return of the Creek chiefs to their nation. Colonel Stiell wrote the governor that since this body of troops might be intended to attack Pensacola he thought it his duty in order to prevent a surprise to lay before him the necessity of having a horse patrol established immediately between Pensacola and the Escambia River. Stuart wrote that the bearer of his letter would be willing to act as conductor of the patrol between Pensacola and the ford of the Escambia, at the old Spanish cowpen. The conductor should receive five shillings a day and should be accompanied by ten men who should receive forty shillings each a month in addition to provisions,³⁹ guns, and ammunition. The men should find their own horses. An Indian interpreter should accompany the party and should receive 40 a year. The council recommended this plan and likewise, on November seventh, ordered the provincial sloop to Rose Island to protect Pensacola and to transport such guns as might be necessary.

At a meeting of the council on the fifth of November Daniel McGillivray was granted land in the province⁴⁰ with one thousand acres as a bounty. He

39. One ration per diem or the money equivalent.

40. About fifty miles up the Mobile river, adjoining the land of John McGillivray.

had had to leave Georgia because of the troubles there and he set forth in his petition that one of his ships in the harbor of Savannah had been burnt by the rebels. The governor told the council that he expected a letter from England by the next packet in answer to his request to spend emergency money for defense of the province.

At its meeting on the seventh the council advised the repair of Fort Charlotte in Mobile⁴¹ and accepted John McGillivray's offer to raise two companies of volunteers to hold the fort if necessary. An embargo had been laid on vessels going down the Mississippi but this was cancelled on the advice of Attorney-General Wegg.

November saw no letdown in the excitement. William Struthers was examined by the council on the accusation of being a rebel officer, but was set free under bond upon taking the oath of allegiance. Apparently, however, the rebel scare did not deter a great many would-be grantees. The council records for the year 1777 were almost wholly devoted to land grants to Loyalist refugees.⁴²

On the fifth of November 1777 John Stuart asked Governor Chester to prohibit trade with the Creek Indians temporarily. The request arose from talks which he had had with Emistisegu and some other Creek chiefs concerning the proceedings of some of their towns against the King's Commissioners [Mr. Cameron, Mr. Taitt, and Mr. William McIntosh] in plundering them and dragging them out of the

41. At a cost of "\$930."

42. *Public Record Office, C. O.*, 5: 631. An interesting grant during this period was to Sir William Dunbar. Ordinary sources, as J. F. H. Claiborne, *Mississippi as a Province, Territory and State* (Jackson, Miss., 1880), I, 200, and Franklin L. Riley in the *Publications of the Mississippi Historical Society*, II (1889, reprinted 1919), 86, discuss the grant he received in 1773; the records show that in addition, on September 16, 1777, he petitioned for 1200 acres on Thompson's Creek, and was granted 200 acres as of right and 1000 by purchase. *Ibid.*, p. 161.

Creek country. The Creek chiefs assured Stuart that the situation was difficult because of the ferment of affairs in their nation brought about by the great influence of the rebel agent Galphin. His talks had much influence upon the minds of their chiefs and head men. They also pointed out to Stuart that the traders on the east side of Pensacola Bay gave much rum to their young warriors.

In January 1778 the council set aside four acres on the north side of the run at Pensacola for use as a burial ground.

Matters were disturbed in West Florida during 1777 and continued to be so throughout the next year. The list of the council members sent home by Chester shows that the meetings had by no means a full attendance.⁴³ Elias Durnford and William Clifton were present at most of the meetings; James Bruce had been at his plantation on the Amite River since 1773 without the governor's permission. Philip Comyn was deceased; Philip Livingston, Jr., had gone to his Amite River plantation without permission. Alexander Dickson, John Stephenson, and Andrew Rainsford were present in Pensacola for most of the meetings of the council. On the eighteenth of June 1778 Governor Chester wrote to Lord George Germain that he had suspended James Jones from the council for being absent without leave since October 1773 and for taking the oath of allegiance to the crown of Spain.⁴⁴

In the autumn of 1778 the assembly convened. In his opening speech addressed to the upper house the governor said: "At this Critical Conjunction of Public affairs I flatter myself that you are all met with hearty dispositions to exert your most Vigorous endeavours to promote his Majesty's service and the true Interest of the Province.

43. *Public Record Office, C. O.*, 5: 580: 101.

44. *Public Record Office, C. O.*, 5: 580: 97.

"The Calamitous and distressed Situation to which the Western parts of the Colony have been reduced by the unexpected Invasion of the Rebels in the last Spring has created me the most anxiety ... " ⁴⁵

The governor also informed his hearers of the new commission of conciliation with America, of which former Governor George Johnstone was a member. The governor pointed out that the commission, it was hoped, "would re-establish Peace on the basis of Equal Freedom and perpetuate a Cordial and Permanent union between the Mother County and the Colonies: so essential to the Welfare and prosperity of the whole British Empire." ⁴⁶ The governor informed the council that His Majesty, having been informed of the order of the French king that a treaty of amity and commerce had been signed between the court of France and "Certain Persons employed by His Majesty's revolted Subjects in North America," had withdrawn his Ambassador from the court of France and had ordered his governors to warn all faithful subjects to be on their guard to prevent any surprise or sudden mischief; at the same time Chester was instructed to inform the inhabitants of West Florida that in the event of war the province would receive every protection which could be afforded and that the

45. Kathryn T. Abbey, in "Peter Chester's Defense of the Mississippi after the Willing Raid," *Mississippi Valley Historical Review*, XXII (July, 1935), 17-32, accepts and attempts to substantiate Chester's apologia that "every measure has been taken that the King's Principal servants in this Colony thought most conducive to His Majesty's service. . . ."
46. Johnstone was later removed after the American charged him with an attempt to tamper with the American delegates and the Continental Congress had passed a resolution that "it is incompatible with the honor of Congress to hold any manner of correspondence or intercourse with the said Governor Johnstone, Esq., especially to negotiate with him upon affairs in which the cause of liberty is interested." *Journals of the Continental Congress* (34 vols., Washington, 1904-1937), XI, 770-774.

Jamaica station would be considerably re-enforced. The governor likewise informed the council that a body of troops had been detached from the main army of America and might be daily expected in the province. He recommended, however, that the assembly adopt every precautionary measure in its power and especially recommended to them the passage of an act for the establishing and proper regulating of a militia "which as the Province Encreases in Numbers must add greatly to our Safety and defence." He informed the assembly that he would apply to them to make provision for maintenance and other expenses which might attend the confinement of any such prisoners as might be taken in any rebel privateer or armed cruiser or of such other rebel prisoners as might be brought into the province.

The governor concluded ". . . impressed with the most favourable Opinion of your real wishes to promote the Public welfare I think it unnecessary at this time (when the disposition of His Majesty and Parliament are to settle and fix a permanent Constitution for all the Colonies) to recommend to you to cultivate Union and Harmony between the different Branches of the Legislature as you may be Conscious that such Conduct will be the most likely means of recommending the Colony to the favor and protection of Government . . ."

This session of the general assembly, meeting in October and November, was a short-lived but tumultuous one. The town of Pensacola was represented by Arthur Strothers, John Miller, John Mitchell, and James Amross. The district of Pensacola was represented by George Gauld, Robert Tait, Elihu Hall [?] Bay, and Daniel Holmes [?]. The districts of Mobile, Manchac, and Natchez were represented in the assembly but the town of Mobile had

no representatives.⁴⁷ The governor opened the session on the first of October and the following days were spent in organization, the drafting of standing rules, and similar business. The business of the assembly was interrupted for six days in the middle of October.

The Hurricane of 1778 - The reason for the interruption was noted in the margin of the minute book of the House: "N. B. The Reason of no business being done in the House of Assembly from the 9th to the 15th of October was owing to a very melancholy cause-the severest Hurricane ever felt or known in this part of the world since West Florida has belonged to the Crown of Great Britain happened on the night of the 9th with such irresistible fury and violence as entirely to Sweep away all the wharfs, Stores and Houses contiguous to the Water Side, with part of the front Batteries of the Garrison besides destroying Several Houses and making a general Havock of the Ferries in the Town of Pensacola. All the Ships and Vessels in the Harbour were either lost, or driven ashore, except His Majesty's Sloop of War the Sylph which with difficulty rode out the Gale. The great loss of property by this General Calamity affected the whole Community and particularly some Members of the Assembly, which prevented their Attending the House, and therefore it was thought proper to put a stop to going on Business till matters were a little Settled and all the Members Could and with Some degree of Convenience Attend . . ." ⁴⁸

The standing rules of the Commons House were adopted on the nineteenth of October. The great dispute which characterized this assembly first appeared in the council record for the twenty-third of October, when a bill regulating representation

47. See note 22.

48. *Public Record Office, C. O.*, 5: 628; 246.

came before the council for a first reading. On the twenty-sixth a second reading was postponed and a committee of the council composed of Colonel Stiell, Mr. Stuart, and Colonel Dickson waited upon the governor and asked why no writs had been issued for the town of Mobile. So began again a long stubborn quarrel between the governor and the assembly which interrupted other business. At the request of the council Mr. Livingston secured from the governor copies of the article of his instructions that said that: "you do not upon any pretence whatsoever, give your assent to any Law or Laws to be Passed in our Province under Your Government by which the number of the assembly shall be enlarged or diminished, the duration of it ascertained, the Qualification of the Electors or the Elected Fixed or altered or by which any Regulations shall be Established with respect thereto, inconsistent with our Instructions to you our Governor, as prejudicial to that right or Authority which you derive from us in Virtue of our Royal Commission and Instructions."⁴⁹ The governor also sent his own explanation through Mr. Livingston to the council: "In answer to your message . . . why Writs were not Issued for Electing the same number of Members to represent the Town and District of Mobile as has been usual in former assemblies I think it proper to acquaint you that in consequence of the Irregular and unwarrantable proceeding of the Electors of Mobile (when Writts were issued for

49. This will be found in Labaree, *op. cit.*, I, No. 174. This struggle between the executive and the legislature to control the duration of sessions was of course an old one in England. Cf. the Triennial Act of 1641 (16 Car. I Cap. 1) ; the Triennial Act of 1694 (6 and 7 Will. and Mar. Gap 2) ; the Septennial Act of 1716 (1 Geo. I. Stat. 2, Cap. 38) ; and the Parliament Act of 1911 (1 and 2 Geo. v. Cap. 13). For a discussion of this same question in the American colonies, see Leonard W. Labaree, ***Royal Government in America*** (New Haven, Yale University Press, 1930).

calling the last assembly) in refusing to Execute any other Indenture between the returning officer and the Electors than such as limited the term for which the representative was to serve to one year, His Majesty did think proper to leave to my discretion whether or not in a future assembly to issue any Writt for Mobile unless it should appear that the Electors were entitled to representatives by some law of the Colony."

In reply to a request from the committee appointed by the House the council replied that their assistance to the House in memorializing the governor to issue writs for Mobile would be ineffectual. Each house urged the provision for public defense in the present crisis as a reason for settling the issue according to its desires: "we might proceed to business with that unanimity which is necessary at all times, but more especially the present time when perhaps the very Existence of the Province is at Stake."

On the fifth of November the governor adjourned the assembly until the first Monday of the following September, saying : "But sorry am I to say that instead of Attending to those important matters after so long a delay only one Bill has passed Your House and that a Bill Ascertaining the Number of Members, and limiting the duration of Assemblies ; and I am equally Sorry to find from a Report lately entered upon Your Journals and from the General tenor thereof that you have matters of Privileges more in view than His Majesty's Interests and the Internal Economy and Defence of the Colony . . . I flatter myself I shall meet you with minds more truly disposed to promote the Interest of the Province. . . ."

Last Session of the Assembly. This was the last session of the general assembly in West Florida. The official records show only a small degree of

the agitation which was seething in the province. Quarrels between the governor and the fur-trading and land-jobbing parties in the province, temporarily in alliance against him, broke into open warfare after the dissolution of this assembly and were carried on in the committee rooms and council chambers at Whitehall even after Bernardo de Galvez had conquered West Florida for Spain. The population in the western part of the province had been growing steadily since 1767, and with its growing influence there naturally arose a demand for the extension of all the functions of civil government on a status equal with that of Pensacola and Mobile and this demand was complicated by the infiltration of rebel ideas from the north, added to the natural ferment of a frontier population and the presence of ardent adherents of the rebel cause or opportunists who saw the advantage of dickerings with the government of Spanish Louisiana.

In 1779 a petition for the recall of Governor Chester was sent home. It seems to have been the work largely of those classes mentioned as opposing him.⁵⁰ The story of this long quarrel is of no

50. The chronology of this case against Chester is involved and long-drawnout. The signers of the memorial against him prayed for relief from the problems besetting them and that a "Gentleman of Talents, spirits and . . . [missing] . . . may be appointed governor . . ." On the sixteenth of November 1779 the governor wrote to the lords of trade that he thought the petition for his removal was probably by the party of factious land-jobbers in the province. On the eleventh of May 1780 he wrote that he would show that the charges were false and that almost all the signers had been collected from among the lowest classes of the people who had been persuaded by the leaders of the faction which took its origin in the assembly of 1778. Later, in support of his "Defence," he forwarded to the lords of trade depositions of a number of persons who had been persuaded to sign the memorial against him and now regretted it. He likewise forwarded an itemized list of the persons signing the complaint showing that many of them were connected with John McGillivray and Company; Thomas Kirton, the deputy provost marshal, accused this company of circulating the memorial against the governor. Chester also forwarded favorable testimonials from persons

immediate concern here, save perhaps the conclusion which bears some interesting reference to Pensacola. On the nineteenth of February 1782 Lord George Germain, secretary of state for the American Colonies, sent to the board of trade the petitions of Governor Chester and Elias Durnford addressed to the secretary.⁵¹ On the twelfth of April the governor wrote a second letter to the treasury⁵² to re-enforce his petition. He had, he wrote, been appointed governor of West Florida in 1769. He had embarked for Pensacola early in 1770 and had remained in that province until the Spanish took it. He flattered himself that he was in no way responsible for the loss of the province. He himself had suffered considerably; his own house and furniture had been burnt by the Indians and he had been obliged by the Spanish general to leave his personal furniture in the Government House to accommodate several Spanish officers there. The governor then detailed his career in the army since he was commissioned as a lieutenant in 1740.⁵³ His petition had desired that in the annual estimates an allowance be continued to him as the late governor until His Majesty should confer some other mark

in Natchez, Mobile and Pensacola.

The original drafts of Chester's "Defence" are in the Manuscript Division of the New York Public Library; see Evarts B. Greene and Richard B. Morris, **A Guide to the Principal Sources for Early American History (1600-1800) in the City of New York**. (New York, Columbia University Press, 1929). See also in **Public Record Office, C. O.**, 5: 580: 13, 223, 227-28, 231-53, 261-63, 261-71, 279-81, 335-37.

51. **Public Record Office, C. O.**, 5: 581. The governor's petition had been submitted on the thirty-first of January, 1782. He stated that upon application to the lords of the treasury for his salary he had been informed that the salaries were paid only to the time of the capitulation to Spain and that his salary had been paid to that date and would be paid no further.
52. On the first of April he had addressed a letter from Holles Street, Cavendish Square, to the lords of the treasury.
53. **Public Record Office, C. O.**, 5: 581.

of favor upon him. The lords of trade recommended his petition to the lords of the treasury.

Mr. Durnford also had submitted a petition. He stated that at the begining of 1778 provisions and baggage had been sent to the river Amite for his use and for that of a party of men to explore the inland parts of the Mississippi to establish communication with Pensacola by land. The provisions and baggage had been taken by the rebels, causing a loss of 112-12s-9d. In May of 1779 his baggage had been taken by the Spanish troops at Iberville ; it had been sent there for his use in building a fort on the Mississippi in accordance with the order of Lord George Germain and General Campbell. He thereby incurred a loss of 59-7s-5 1/2d. In February of 1780 the Spanish Indians had destroyed his plantations and other properties on Mobile Bay while he was repairing Fort Charlotte, resulting in a loss to him of 500. Likewise the Spaniards seized his boat "it having been hastily used against them," causing a loss of 210. In 1780-81 his plantation near Belle Fontaine had been burnt by the enemy. His stock of fourteen hundred cows and horses, pastured near Pensacola to supply the army and navy under his contract of the previous six years, had been destroyed by the Spaniards or Spanish or English Indians. Their value had been not less than 4 apiece, which made a total loss of 5600. Two of his slaves had been captured and killed by the enemy, causing him a loss of 200. His Pensacola house had been taken over by the Spaniards, a loss of 800. Also he had been deprived of his land grants in West Florida. His total loss he therefore computed at 7369-7s-5 1/2d, and he petitioned for some reimbursement.⁵⁴ In all probability the losses of Chester and Durnford were typical of those of the larger land-holders of loyalist sym-

^{54.} *Ibid.*

pathies in Pensacola and throughout the province. The imperial government later tried to reimburse many of them, if not always in money, at least with grants in Canada.⁵⁵

APPENDIX

GOVERNORS OF BRITISH WEST FLORIDA

The dates of the governors' administrations of West Florida are as follows:

George Johnstone arrived in the Province October 21, 1764. The last meeting of the Council at which he presided was January 10, 1767. He had been granted a leave of absence which seems to have been taken by him during that month and word of his dismissal was received from England in February of 1767.

Montfort Browne was in charge of the Province by virtue of his commission as lieutenant governor from January (presumably January 10) 1767 until April 3, 1769. John Eliot's commission as governor was published on April 3, 1769 and he died on the morning of May 2, 1769, according to an announcement made by Lieutenant Governor Browne to the Council at its meeting on May 3. Browne was automatically in charge of the Province by virtue of his commission from the time of Eliot's death until his removal from office in 1769. Browne ceased to preside at the Council meetings and presumably ceased to be in charge of the Province sometime after November 7, 1769. His removal from office took place sometime after November 7 and he was replaced by Elias Durnford as lieutenant governor

55. See Additional Instructions to Haldimand, July 16, 1783, and Instructions to Lord Dorchester, August 23, 1786, in Adam Shortt and Arthur George Doughty, ed., *Documents relating to the Constitutional History of Canada*, 1758-1791 (second edn., Otta, 1918), I, 730-732 and 816-840.

sometime between November 7 and December 29, 1769.

Durnford's name as the presiding officer at the Council meetings first appears on December 29, 1769. He continued in charge of the Province as lieutenant governor until August 11, 1770, on which day Governor Peter Chester's commission was published. Governor Chester continued in charge of the Province until the capitulation to Spain on May 10, 1781.

These dates are somewhat varied in their significance since they are based upon a variety of evidence. October 21, 1764, is the date of Johnstone's arrival and January 10, 1767, is the date of his last Council meeting. Presumably, his leave of absence took effect at the end of that meeting but we are not certain. Browne was presiding from sometime in January, 1767, until April 3, 1769, at which meeting Eliot's commission was published. Browne was again presiding at the Council meeting on May 3, 1769, at which time he announced Eliot's death. The last Council meeting at which Browne presided was on November 7, 1769. The Council records are incomplete at this point and the next legible record is that of December 29, 1769, at which meeting of the Council Durnford was acting in the capacity of Lieutenant Governor. Browne was given permission by the Council on February 18, 1770, to leave the Province and he presumably left soon thereafter. He continued in that office and in charge of the Province until the Council meeting of August 11, 1770.

The capitulation of the Province on May 10, 1781, was certainly the *de facto* termination of Chester's governorship and the home government appears to have accepted it as the official termination also. Most of the dates given above are applicable in the Province. Appointments and removals by the home

government were made in England as a rule several months earlier. I have not given these dates of official action by the English Privy Council because the actual arrival of the new governor is usually of greater importance than the date of his official appointment in London. In any case, too, presumably the new governor's commission would take effect only upon his arrival in the Province and his commission would be presumably a dormant one until that time. The dates of the official appointments in England are in the original minute books of the Privy Council.

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