

1707.

Upon the whole matter Wee are humbly of Opinion that in due Obedience to Your Majestys foresaid Letters Mandatory, the Lord Cornbury ought to have admitted the said Broughton in the Office of Attorney Generall ; the not doing whereof has been Injurious to him in Depriving him thus long of the Sallarys and Fees belonging to the said Office ; And if his Lordship after Tryall of him, had any Just Objections to the said Broughtons being Continued in that Employment, he should have made them known to one of Your Majestys principall Secretarys of State, or to Your Commissioners for Trade and plantations, for Your Majesties further pleasure therein. This Method ought to have been Observed, but in the Case before Us, Wee find neither Want of Ability, nor any Misbehaviour proved upon the said Broughton nor any Legal Objection made against the manner of Obtaining Your Majesty's Letters Mandatory ; for as to the Objection of their being Obtained without any Report first made to Your Majesty from the Commissioners for Trade and plantations, there is no weight in that, the Disposition of places and Offices being entirely in Your Majesty ; Nevertheless if Your Majesty shall be Graciously disposed to Gratify the petitioner Rayner by a Grant of the said Office of Attorney Generall (his Qualifications for the Discharge of that Trust appearing very fully by the said Annexed Certifycate) Wee have no Objection to the said Rayner's receiving the benefitt of such Your Majestys Royall Favour. [Vol. IV. pp. 129-32.]

- 1 July. [1034.] [The Council refer to the Committee for Appeals
Jamaica. the petition of Robert Briscoe of London to be admitted to appeal from a decree of the Jamaica Chancery in favour of John Hodgings, for the transmission of copies of all records, and the stay of proceedings on a second bill exhibited by Hodgings.] [p. 400.]
- 11 July. [The Committee report in favour of allowing the appeal.] [p. 402.]
- 21 July. [Order accordingly ; the hearing of the appeal is fixed for the first Council day in February next.] [p. 409.]

[Robert Briscoe and Thomas Kilby of London, druggists, enter into 200*l.* bail to prosecute the appeal.] [p. 410.] 1707.
9 Sept.

[1035.] [The Council refer to the Lord Admiral the petition of John Hite and Peter Hall, who became bound to Her Majesty eight years since for Stephen Tymewell, late purser of H.M.S. *Warwick*, to be acquitted in the matter of waste of provisions occurring in a voyage to the West Indies while Tymewell was sick.] [p. 401.] 1 July.
West Indies

Report read . . . nothing. [p. 468.] 24 Sept.

[1036.] [The Board of Trade report of 9th June on several Jamaica Acts of Apl.–June 1704, July–Augt. 1705, and Feb. 1707, is approved, and order given for compliance with its proposals.] And Whereas for divers Reasons mentioned in the said Report relating to the Act for Providing an Additional Subsistance for Her Majestys Officers and Soldiers Their Lordships have humbly Represented to Her Majesty That they do not think it for Her Majestys Service, That the said Act be disapproved for the present, but that it be Suffered to continue till nearer the Term of Expiration which will be the First of February next ; Her Majesty is pleased to agree thereunto, And their Lordships are to take Care, Her Majesty be in due Time again moved for the Repeal of the said Act ; And in the mean while the Draught of a Letter is to be prepared by their Lordships from Her Majesty to the Governor of Jamaica, taking Notice of the Assembly's Disregard to Her Majestys Order in Passing an Act with the same Clauses as those formerly repealed by Her Majesty, And directing the said Governor to move the Assembly in the most effectual Manner That they do not in any future Act lay such Hardships upon the Soldiers sent thither by Her Majesty for their Defence and security : Which Draught of a Letter to Her Majesty's said Governor is to be presented by One of Her Majesty's Principall Secretaries of State for Her Royall Signature. [p. 413.] 21 July.
Jamaica