

1740.

(whose Number by the Charter is limited to Twenty Eight) and the Assembly that this Method of Splitting and Multiplying Old Towns is entirely unnecessary and so is that likewise of Erecting of other Townships with a Power of sending Members to the Assembly For if the Ancient Towns should increase in the Number of Inhabitants they may be Divided without any Inconvenience into New Parishes and Districts and all future Plantations of New Settlers may likewise be erected into Precincts Parishes or Villages with all the Offices and Priviledges of a Township except that of sending Representatives However as there is reason to believe the Acts abovementioned have been carried into Execution and that Precepts or Writs have been issued to the said Towns thereby erected to send Representatives to the Assembly They would humbly Submit whether Your Excellencys may not be advised to Confirm the said Acts But they would at the same time Submit whether it may not be for His Majestys Service that for the future the Governor be Instructed not to give his Assent to any Bill for Erecting a New Town or Dividing an Old One without a Clause therein inserted deferring and Suspending the Execution thereof untill His Majestys Pleasure shall be known.

[VIII. pp. 444-7.]

(1743.)

[The laws are confirmed, and the Board of Trade ordered to draft a suitable instruction.]

[VIII. pp. 453-7.]

30 June.

(1743.)

[The draft instruction, presented by the Board of Trade with their report of 27 July, is approved. P.R.]

[VIII. p. 514.]

11 Aug.

[502.] [A Jamaica Act of May, 1739, to dissolve the marriage of Edward Manning with Elizabeth Moore and to enable him to marry again, referred to Committee, with Board of Trade representation of 7 Aug. for its disallowance. Manning's petition against the representation is referred on 29 Jan., 1741.]

23 Oct.  
Jamaica.

[pp. 224, 229, 379, 508.]

(1741.)

[The Act is disallowed in accordance with the Committee report of 26 June. The Board of Trade representation sets

16 July.

1740.

forth that they have considered the Act], And have heard Counsel as well in Support of as against the said Act and . . that this is the first Instance of an Act of Divorce that has ever past in any of His Majestys Colonys in America on which Account the said Lords Commissioners thought it incumbent upon them to examine very particularly if in carrying this power into Execution the Legislature of Jamaica had conformed itself to the usual Practice commonly Observed in passing Acts of this Nature by the Legislature of Great Britain, But upon hearing Counsel on both sides and enquiring into the Steps taken by Mr. Manning The said Lords Commissioners did not find that there was any Action Commenced or any Verdict Obtained at Common Law for him previous to the passing of the Bill in Jamaica a Step which has generally preceeded all Bills of this Nature in England neither did they find upon reading the Affidavits that were taken upon this Occasion before the Council and Assembly of Jamaica that the Fact of Adultery was possitively proved by any Evidence though from many indiscreet and indecent Familiaritys which were plainly Sworn to there are strong presumptions of it for which reasons the said Lords Commissioners proposed that the said Act should be repealed—[The Committee] thinking it would be proper before they Entred into the Evidence touching the Allegations upon which the said Act was founded to consider the matters Stated in the said Representation previous to the examination of the said Allegations and likewise to consider whether a Suspending Clause ought not to have been inserted in the said Act as required by His Majestys Instructions to the Governor of that Island upon passing all Acts of an unusual and Extraordinary Nature—Their Lordships did therefore direct the Counsel to proceed upon the said previous matters and likewise as to the not inserting a Suspending Clause in the said Act and having duly Considered all that was Offered by the Counsel on both sides thereupon—Do Agree to Report to Your Excellencys that it appeared to them that Acts of this Nature were unprecedented in the

1740.

Plantations and were liable to be attended with many and great inconveniencys should they be allowed and that a Suspending Clause ought indispensably to have been inserted in this Act in Order to have prevented the many ill consequences that might have attended the carrying the same into Execution before His Majestys Pleasure was known thereupon—And that their Lordships Do for these reasons Agree in Opinion with the said Lords Commissioners for Trade and Plantations that the said Act should be Repealed.

[pp. 509–11, 534.]

[503.] [Reference to the Committee of the petition of Gov. Tinker that two experienced gunners be sent to the Bahamas, there being no person resident there skilled to act in the capacity of gunner.] 23 Oct. Bahamas. [p. 225.]

[Referred by the Committee to the Ordnance.] [p. 227.] 27 Oct.

[The petition is dismissed in accordance with the Committee report of 5 Dec. The Ordnance having reported] that they do not think it Adviseable for Your Majesty to send any Gunners from hence to the said Islands for that if this should be Complied with others of Your Majestys Plantations would expect the like especially at this Juncture which would bring a great expence upon the Office of Ordnance for which they have no fund . . the Committee . . in regard there is an Independant Company Constantly in the said Islands and that a great part of the Inhabitants consist of Seafaring People amongst whom it is hardly possible to conceive but that some Persons may be found Sufficiently Qualified to Act in the Capacity of Gunners, [agreed with the Ordnance] that it is not Adviseable for Your Majesty to Comply with the Petitioners Request. 6 Dec. [pp 295, 305.]

[504.] [Reference to the Committee of the petition of several merchants of London on behalf of themselves and many traders and inhabitants of Massachusetts Bay] complaining of a Scheme lately Projected and Publishd at Boston called the 23 Oct. Massachusetts Bay.