

1724.

express leave for that purpose first obtained from Your Majesty upon a full Representation to be made by the said Governor to Your Majesty, and to the Commissioners for Trade and Plantations of the reason and necessity for passing such Law—Yet Notwithstanding which Instructions, it appears this last Act was past by the said Governor immediately after the Repeale of the said former Act was Notified to him, without having obtained any leave from Your Majesty, or representing the necessity of Renewing the said Act Which Their Lordships cannot but Report as a willfull and Notorious Breach of Your Majestys said Instructions.

The reason of the passing this Act is alledged in the Preamble to be that the former Act was Repealed by Their Excellencies the Lords Justices but not Signified to Bermudas in form, which Reason Their Lordships Conceive to be an aggravation of his Crime, in acknowledging that the Act was Repealed and then presuming to pass this New Act under the pretence that the order of Repeale was not transmitted in form. And Their Lordships must further humbly observe that such order was transmitted in the usuall Form.

That the said Governor is also required by his Instructions not to pass or Give his assent to any Act that may affect the Trade or Shipping of this Kingdom, without inserting a Clause therein to prevent such Act from taking Effect till Your Majestys pleasure should be known thereupon—Whereas in this Act, which so highly affects Trade and Navigation, no such Clause is inserted. [pp. 608-9.]

[Report approved.]

[p. 613.] 22 Aug.

[67.] [Reference to the Committee for Appeals of the petition of Margaret Cressey of Nevis, widow, that, as the proceedings are duly transmitted, a short day be appointed for determining her appeal from an order of the Chancery there, 20 Aug., 1723, in favour of John Fausset and Mary his wife] about the Moiety of a Plantation called Clay Gutt. By which order the appellants alledge that their Bill brought in the said Court of Chancery

4 July.
Nevis.

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was Dismist with Costs and the Injunction obtained by them for stay of the said Fossetts proceedings at Law was Dissolved.

[p. 565.]

7 Nov.

[Order in accordance with Committee report of 4 Nov. dismissing the appeal.]

[p. 594: V. pp. 6, 13.]

23 July.
Jamaica.

[68.] [It is represented by the Board of Trade] that they have had under Consideration, an Act Sent from Jamaica by the Duke of Portland; Entitled an Act for Granting a Revenue to His Majesty His Heirs and Successors for the Support of the Government of this Island, and for perpetuating the Acts and Laws thereof as they now stand And are used ; And do find that it will require so much time to Consider the same that there will not be time Sufficient for the same to pass before the present Revenue Law and the Acts depending on it, will expire. And as the Consequence of this Expiration will be, That without fresh authoritys from His Majesty, No Assemblies can be held there ;—The Law for Establishing Assemblies ; being one of those that Expire with the Revenue Act, And that those likewise for regulating the proceedings of Courts of Judicature being of the same Number—It will be impossible to have any proceedings in the Courts of Justice there. [His Majesty approves of the representation, and orders the Board of Trade to prepare the draft of an instruction to the Duke of Portland] to pass an act for continuing the Revenue and Laws of Jamaica depending upon the present Revenue Act for the space of one Year ; and that they do insert therein the necessity of passing such an Act, and the ill consequences that will otherwise attend the said Island according to the Report of Mr. Attorney and Mr. Solicitor Generall upon the state of the Island of Jamaica. [pp. 569–70. P.R.]

10 Dec.

[Reference to the Board of Trade of the petition of the merchants trading to Jamaica, praying his Majesty to disallow two Acts of the Assembly of Jamaica imposing great duties on the import and export of negroes and of flour, and to restrain the Assembly from passing any similar Acts, as] the same