

1757.

Colonies, as seem well adapted to the Situation and Circumstances of the Massachusetts Bay, making the same Conformable to what has been approved by Your Majesty in the Instructions given to such of the said Governors, as have lately been appointed.

We have also inserted in this Draught (Article 40 and 20) two Additional Instructions which were given to Mr. Shirley, the one in the Year 1743, for preventing the Inconveniences which were found to arise from the practice of dividing Old Townships and erecting each part into a new Township; the other in the Year 1752, directing the Governor, with the Council and Assembly to revise the Laws of the Province, and to frame and digest them into a New Body.

And as in the present Situation of Affairs in America, Your Majestys said Governor may frequently be required by the Commander in Chief of Your Majestys forces there, to repair to other Governments on the said Continent, We have in the 64th Article (whereby provision is made for the support of the Lieutenant Governor during the absence of the Governor) added such Cause of Absence to the other Cases therein excepted, in which such Provision for the Lieutenant Governor is not to take place.

[The trade instructions are conformable to those approved for other colonial governors.] [pp. 447-8.]

16 Feb.
New York.

[330.] It is this day Ordered by His Majesty in Council, that Sir Charles Hardy the present Governor and Commander in Chief of His Majestys Province of New York, Be, and he is hereby permitted and allowed to resign the Government of the said Province, agreeable to the request made by him in his Letter to the Lords Commissioners for Trade and Plantations, dated the 2d day of August last. [p. 437.]

26 Mar.
Rhode
Island.

[331.] [Reference to the Committee of the petition of Jacob Isaacs, of Newport, R.I., for a day for hearing his appeal from a judgment of the Superior Court, 23 March, 1756, affirming another of the Inferior Court, 17 Dec., 1755,

1757.

condemning him to pay to John Merrett 165*l.* 14*s.* 9*d.* New York currency with 120*l.* 18*s.* 4*d.* interest, on a judgment obtained at New York, and 74*l.* 6*s.* Rhode Island currency as costs of suit.] [p. 471.]

[The case concerns a promissory note given by Abraham Isaacs to John Merrett. His widow and administratrix, Hannah, died before completing the administration, and the appellant, being granted administration of the residue, on condition that the plaintiff would forbear suing him, promised in April, 1749, to pay the money sued for in a short time. On the Committee report of 17 Feb., the judgments as against Isaacs personally are reversed, without prejudice to Merrett's right to recover from him as administrator of the intestate's estate.] (1758.) 24 Feb. [XVII. pp. 33-5, 40.]

[332.] [Reference to the Board of Trade of a letter of 12 Dec., 1756, from Lieut.-Governor Henry Moore, submitted by them with a representation of 22 April. The letter encloses] a Copy of the Proceedings in Council on the 4th of that Month, whereby it appears, that a Paper signed by Seven Members of the Council, having that day been presented to the said Lieutenant Governor containing their Advice and Opinion, That, for the Reasons therein set forth, a New Assembly should be called, and the Lieutenant Governor having refused to dissolve the Assembly then in being, in compliance with such their Advice, the said Members came to a Resolution not to sit in their Legislative Capacity, And that thereupon the Lieutenant Governor had thought proper to suspend the said Members until His Majestys Pleasure should be known. [The representation and reference also include a letter of 18 Jan. from Mr. Moore,] inclosing a Representation from the New Council, and an Address of the Assembly to him, expressing their Sense of the said Transaction. 10 May. Jamaica. [p. 490.]

[Reference to the Committee, and by them on 19 Dec. 16 Dec. to the Board of Trade, of three petitions from the suspended councillors, one from John Scott, one from Philip Pinnock,