

That there is also another Strong Objection to this Act from the manner in which it was passed, for it appears from the Journals of the Assembly at that time, that His Majestys Governor when the said Act was first presented to him by the Assembly without a Clause suspending the Execution of it untill His Majestys Pleasure should be known, thought Proper in pursuance of His Instructions, and according to his Duty, to refuse his Assent thereto, after which the Assembly compelled him to give his Assent to it without such a Clause by keeping back an Annual Bill usually Passed for raising several Sums of Money for defraying the necessary Charges of the Government; And the said Lords Commissioners are of Opinion, that this Practice, which has all the Effect of a Tack, and is so fundamentally destructive of His Majestys Authority, ought to be Discouraged whenever it Occurs.

And the said Lords Commissioners further represent, That it does not Appear, that the Repeal of this Act, can in anyways affect the Legallity of the Assembly now sitting, because the last Assembly, which Commenced on the 24th of September 1745 was dissolved by the Governor by Proclamation some Days before it would have Determined in Consequence of this Act.—

For which Reasons the said Lords Commissioners humbly laid the said Act before His Majesty for His Majestys Disapprobation

[XIV. pp. 117, 124-6, 147.]

[115.] [Reference to the Committee of the petition of William Beckford Ellis, Esq., of Jamaica, one of the devisees of George Ellis, Esq., deceased, by his guardians specially appointed, Rose Fuller and Richard Beckford, Esqrs., of Jamaica, for a day for hearing his appeal from a judgment of the Court of Errors, 27 Feb., 1749, reversing a judgment of the Supreme Court on a declaration of partition filed by Richard Halked against him,] averring that he the said Richard Halked and the Petitioner did together and undivided hold a Plantation called Rio Flora formerly containing 1200 acres but since on a Resurvey found to contain

5 Oct.
Jamaica.

92 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1749.

only 913 Acres of Land with the Appurtenances, whereof it belonged to the said Richard and his Heirs (as he pretended by his Declaration) to have 600 acres and to the Petitioner it belonged to have the residue of the said Plantation and premises. [p. 318.]

(1752.) [In accordance with the Committee report of 14 Nov., the
20 Dec. appeal is dismissed.] [p. 323 ; XIV. pp. 210, 212-4, 260.]

23 Nov. [116.] [A New Jersey Act of Feb., 1748, for punishing
New Jersey. the coiners and counterfeiters of foreign coin passing current and the counterfeiters of bills of credit of this province, is repealed on the Committee report of 2 Nov. agreeing with a Board of Trade representation referred to them on 5 Oct., which showed that] as this' Act appeared to contain Provisions of an Extraordinary Nature The said Lords Commissioners have taken the Opinion of Your Majestys Attorney and Sollicitor General thereupon Who have Reported to them That they did not see any Objection to that part which concerns the Coiners of Foreign Coin made Current by lawful authority but the extending the Penalty to Coiners of Foreign Coin that is or shall be by Common Consent usually passed and taken or received as full Satisfaction for Debts appears to them very improper both on Account of the great Uncertainty of the Description on which a Capital punishment is to Depend and the too great Credit that is given to what is called Common Consent not founded on the Act of Your Majesty or of the General Assembly . . and . . there is no Clause inserted therein Suspending the Execution thereof until Your Majestys Pleasure might have been known conformable to Your Majestys Instructions. [pp. 317, 327-8, 355.]

23 Nov. [117.] [Reference to the Committee of the petition of
Rhode Island. doleance of George Taylor, schoolmaster, of Providence, R.I., and Mary his wife, for leave to appeal from a judgment of the Inferior Court of Common Pleas for Providence, 21 June, 1748, and from a verdict of the Superior Court of Judicature, Court of Assize and general gaol delivery at Providence,