

At the same time the expediency and indeed necessity that the Regulations should be established in the Virgin Islands, induces us to Represent to Your Majesty, That if it shall be Your Gracious pleasure to wave in this Instance your Right to Lands settled in those Islands without a Grant, which Right will be barred by the first of those Bills, it will be highly proper that they should have operation, if made seperate and distinct ; observing however, that in the sixth Clause of the first Bill the word *not* is omitted in two places, which we suppose to be an Error in the Transcriber, if not it should certainly be inserted.

[The second bill] gives a power to prosecute Civil Suits against absentees, even such as have neither House nor Agent in the Islands, and that without any exception of persons who have never resided therein, and of course is contrary to the Spirit and Letter of Your Majesty's 18th General Instruction . . it may not on this occasion be improper for us to submit to your Majesty's attention, That the Relief proposed to be given to Absentees by the Instruction last mentioned has been represented to us as inadequate to the Intended purpose, because it often happens that persons engaged in Commerce in Great Britain, and who might be materially injured by Suits of Attachment being brought against their Effects in the Colonies, have at times resided therein, and of course are not within the exception of any Acts of Attachment, even if passed agreeable to Your Majesty's said Instruction.

[It was submitted that the Governor might be instructed to inform the Council and Assembly that he had his Majesty's command to assent to the bills if presented to him separately and free from the objections stated.] [*pp.* 311, 327-9, 335-6.]

[423.] [Reference to the Committee of the petition of Elizabeth Edlyne, widow, for a day for hearing her appeal from an order of the Chancellor of Jamaica, 12 Jan. 1781, overruling her exceptions to a report by Samuel Howell, master in Chancery, in pursuance of a decree of 19 Aug. 1779, in a case 26 June. Jamaica.]

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1782. § 423 *cont.*
concerning a mortgage on Hampton Court plantation brought by Robert Bontine against the petitioner and Waldron Fearon and Mary, his wife.] [p. 419.]
- (1783.) [On the Committee report of 28 Jan., the appeal is withdrawn
31 Jan. by consent without costs.] [XXI. pp. 148, 166.]
- 28 Aug. [424.] [In accordance with a letter from Thomas
Nova Scotia. Townshend, the following changes were made in the Governor's Instructions, on the appointment of John Parr (*cf.* Appendix I):—] to the 26th the following Words are now added. "In case such Court shall not have been already Settled and Established" . . In the 32d after the Word Emergencies The following Words are now added—"In case the same shall not have been regulated and established by any Act or Acts of the Legislature." The reason of this addition is to prevent any misapprehension of the Instruction, by which His Majesty's Governor may think himself with the Advice of his Council authorized to alter Fees established by Law . .
- In the 34th The Words of the said offices are Expunged, and the Words "Office of Judge within our said province" Inserted as the former seemed to apply to a possibility of exercising the office of Justice of Peace by Deputy.
- In the 35th The Words "or Suspend" are added, that the Governor may not suppose himself authorized on every occasion to displace, and the alteration has in several Instances been approved by His Majesty . .
- To the 41st a Clause is added enforcing the observation of the Act passed in the last Sessions of Parliament respecting future patentees of offices in the plantations.
- The 45th Article of the former Instructions prohibiting the Governor to Grant Lands is totally omitted, as it is presumed in the present situation of things it will be agreeable to sound policy to Strengthen the Province of Nova Scotia as much as possible by an Admission of Useful Settlers; and the usual Instructions for Granting Lands which formerly obtained in that province are inserted and form from the 45th to the 60th Article inclusive.