

En-
closure

When Mr. Jenkinson gave to the King the Duke of Richmond's Letter, and the Papers to be refer'd, Lord Amhurst had not mentioned to him his ever having communicated to the Duke of Richmond His Majesty's Sentiments on the subject so long ago as September last. He never heard of any such Letter until yesterday — Lord Amhurst then shew'd it to Sir Charles Gould, who gave through Mr. Lewis the first information of it to Mr. Jenkinson.

Inclosed is a Copy of it.

Mr. Jenkinson always understood till very lately that Lord Amhurst approved of the Reference to a Board of General Officers.

There appears to be three things to be done:

1^{stly} ... To write to the Duke of Richmond to refer him to Lord Amhurst's Letter of September last, and rest the business there: but the Judge Advocate is clear that the Duke is entitled under the Articles of War which are founded on the Meeting Act, to serve in a higher Rank than that Letter gives him: Mr. Jenkinson therefore can on no account advise this measure.

2^{dly} ... That Lord Amhurst should give the Order, and Mr. Jenkinson write to the Duke

1780

see
3912

3912

Duke of Richmond the Letter, of both which Copies are annexed — If Lord Amherst approves of this, Mr Jenkinson has no objection. It puts the Question aside, and implies that there is a doubt about the Rank; but it won't put an end to the Dispute, for the Duke of Richmond may then apply to serve according to his Rank of Colonel in the Army, and the Business will in that shape be revived again.

3. 1/2

That a Reference should be made according to the Papers given by Mr Jenkinson to the King, and sent to Lord Stormont.

After so positive an opinion as is given in the King's Name by Lord Amherst, in his Letter of September last, it would not be right to make this Reference unless Lord Amherst would himself recommend it to the King — A Board of General Officers will never give their Opinion, whatever the Law may be, that the Duke of Richmond ought to serve as Lieut. General contrary to the King's intention; they will therefore put the Duke in the wrong in that point: what their Opinion may be respecting his Rank as Colonel may be doubtful; for it is to be observed that how decisive
soever

sower the King's Sentiments are declared
 on one side of the Question by Lords
 Amherst's Letter, the King's Commissions
 of Colonel given to the Colonels of Militia
 last year, and Lord Amherst's Decision
 in the Case of Colonel Gladwyn, are
 even higher Authorities on the other side
 of the Question, and prove that at least
 as far as the Rank of Colonel inclusive,
 an Officer of the Militia is to take Rank
 according to his Commission in the Army
 if it is a higher or older one than he
 bears in the Militia — The Decision of
 the General Officers would probably afford
 sufficient ground for issuing the Order
 mentioned under the second head.

Paper, containing
Mr. Pennington's letter
relative to what can
be done in the Duke
of Richmond's
baronies; a copy of
which Mr. Pennington
intends to give Lord
Stromont.

9 Sept 1779