

334 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1699. in Council, But were Refused ; Wherefore humbly praying to be admitted to Appeal from the aforesaid Judgement. .
[p. 345.]
- (1700.)
20 June. [His petition for a short day for hearing is referred to the Committee for Appeals. The defendant's agent, Mr. Mountague, is required to attend their Lordships from time to time.]
[Vol. VI. p. 57.]
- (1700.)
31 Dec. [Committee for Appeals. On consideration of the case of the *Turtle* of Barbados referred on 20 June, it is alleged that the informer against the vessel or his executors had not been duly summoned, and the Committee recommend that the hearing of the case be further postponed till 1 June 1701.]
[VI. p. 123.]
- (1700.)
31 Dec. [Order accordingly.]
[VI. p. 125.]
- (1701.)
17 July. [The petitioners seek a hearing, copies of the proceedings having been transmitted and all the parties summoned. They are referred to the Committee for Appeals.]
[VI. p. 233.]
- (1701.)
11 Sept. [The Committee agree to hear their appeal.]
[VI. p. 256.]
- 15 June. [748.] [The Council refer to the Admiralty the petition of West Indies. Elizabeth, widow of Charles Coates, late captain of the *Owners' Content* under the command of Col. Russell to be considered for the loss of her husband in his Majesty's service.]
[p. 348.]
- 22 June. [749.] [Order as to Robert Chaplain of London.—C.S.P. Barbados. XII. 544.]
[p. 349.]
- (1700.)
20 June. [The Council refer to the Committee for Appeals the petition of Robert Chaplin of London, merchant, for a speedy hearing of his appeal against a sentence of the Governor and Council of Barbados in favour of Captain Alexander Cunningham, the petitioner having obtained authentic copies of all proceedings relating to the said appeal.]
[VI. p. 56.]

1699.
(1700.)
2 Nov.

[The Committee report that it appears to them] that Alexander Cunningham the Defendent, having in the year 1677, taken a Lease from John Peers Esqr. of Staple Grove Plantation, at the Yearly Rent of Eight hundred Pounds ; The Defendant and the said Peers did on the 23th of May 1684, Enter into Covenants concerning a further Lease, And that in consideration of two hundred Pounds per annum to be advanced in the Rent, The said Peers should put fifty negros more on the Plantation, within Three years after the said Lease ; That a new lease was accordingly Granted to the Defendant the first of March 1685, at the yearly Rent of One Thousand Pounds, And Accompts Stated between him and the said Peers the 10th day of June following, Upon the Balance whereof there remained due to the said Peers the Sum of two thousand Three hundred and Ninety Pounds, for the Payment Whereof the Defendant Entred Securitys according to Agreement between them. That the said Peers having Omitted to put the said fifty Negros on the said Plantation, within the said Three Years, Dyed ; And the Petitioner as administrator to him, suing the Defendant in Barbados, for arrears of Rent for the said Plantation, Commissioners were appointed by the Court of Chancery there, to state and adjust Accompts between them, who, not taking notice of the stated Accompt in 1686, Proceeded to Retrospect and New Examine the Accompts relating to the Plantation from the year 1680, And allowed the Defendant Damages at the Rate of five hundred Pounds per annum for want of the said fifty Negros from that time, tho' four years before the said Covenant, Thereby making the Appellant Indebted to him in the sum of Twelve hundred and fourteen Pounds seventeen Shillings five pence and one third of a Penny ; Whereupon a Decree was past laying a perpetuall Injunction upon the Appellant, and from an other Decree for the said Sum of 1214*l.* 17*s.* 5½*d.*, in favour of the Defendant, And the mony levyed accordingly. Upon the whole matter, Their Lordships agree humbly to offer their Opinion to His Majesty, That the Decree for the

1699.

Injunction and the Decree for the said 1214*l.* 17*s.* 5½*d.* be Reversed and set aside by His Majesty, And the appellant permitted to take his Remedy at Law in Barbados against the Defendant [and] that in the Hearing and Determining the said Differences between the said Parties, The Courts in Barbados do allow of the Balance of the Accompt Stated between the Defendant and the said Peers in the year 1686, And that the Accompts be Stated between the said Parties from the said Balance without Retrospect before that time ; As also that the Damages to be Allowed to the Defendant for the said Peers not having put the said fifty Negroes on the Plantation within Three years from the Lease in 1685, according to the Covenant in 1684, be Tryed and Assessed, by a jury of twelve Men upon Oath in Barbados, and be Reckoned only from the first of March 1688, being three years after the making of the said Second Lease.

[VI. *pp.* 93-94.]

(1700.)

5 Nov. [Order accordingly.]

[VI. *p.* 97.]29 June.
Bermuda.

[750.] [The Council refer to the Committee for Appeals the] Petition and Appeale of Martha Johnstowne, Widdow and Relict of Captain Edward Johnstowne, late of the Island of Bermudas, and formerly the Relict and Executrix of Thomas Outerbridge the Elder, and of William Outerbridge junior Son and another Executor of the said Thomas, Praying to be releived as to their Pretensions to a House and One Share of Land in Hambleton Tribe in the said Island, which was mortgaged by William Outerbridge Father of the said Thomas, to Robert Wood Esqr.

[*p.* 352.]

(1701.)

24 April.

[Their further petition is similarly referred, the hearing of the case on the former reference having been prevented by the death of John Place and some hopes of accommodation.]

[Vol. VI. *p.* 192.]

(1702.)

29 Jan.

[On the report of the Committee for Appeals the Council reverse the judgment of the Court of Chancery in Bermuda