

706 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1715-16.

the Court having no Cognizance thereof, as being done beyond the Seas : [Also of the petition of Captain Papillion that he may not on account of the irregular proceedings of the prosecutor be put to the expense of a second trial].

[pp. 320-1.]

5 Dec. [1246.] [Reference to the Treasury of the petition] of Daniel
^{St.}
 Christopher. Bolton Esqr. with reasons humbly offered for Selling here, the Lands of the Island of St. Christophers in the West Indies, which were taken from the French, and a Proposall for purchasing the same, which if agreed to, such sale will Deprive the petitioner of the prospect he had of being one of the Commissioners for Disposing of the said Lands : and therefore praying some Provision may be made for him Suitable to his Service herein. [p. 321.]

5 Dec. [1247.] [Reference to the Treasury of the petition of William
 Antigua. Dowley for the allowance usually made to witnesses in cases such as his, who came over from Antigua as a witness against Governor Douglas, and was bound over by Lord Chief Justice Parker to stay in England and prosecute Colonel Douglas ; since which time, being now ten months, he is detained from his family and almost starved.] [p. 321.]

1716.

10 March. [1248.] [On the memorial of the Admiralty, the Ordnance
 Montserrat. are ordered to allow, on the production of regular vouchers] Twenty Barrels of Powder spared out of His Majesty's Ship the Chester in the year 1709 by Captain Thomas Matthews then Commander of the said Ship to the Governor of Montserrat for the Defence of that Island and also of Ammunition and Gunners Stores expended in taking a French Privateer by a small Vessel Mann'd and furnished with suitable Stores for that service by the said Captain Matthews. [p. 347.]

10 March. [1249.] [Reference to the Committee for Appeals of the
 Jamaica. petition of William Axtell and others, executors of Thomas Clarke the younger, for a day for hearing their appeal from an order of the Court of Chancery of Jamaica of 20 June, 1715, upon a bill exhibited against them by John Clarke.] [p. 350.]

1716.
8 June.

[Committee minute : the bill of John Clarke] pray'd relief against a Bond entered into by him to the said Thomas Clarke the younger and injunction to stay proceedings at Law, as well on the said Bond, as on an Ejectment brought at law for certain Lands and Hereditaments in the said Island, whereof the said Thomas Clarke the younger died possessed ; —and further praying to open an account duly stated by himself, and an Injunction to stay proceedings at Law on the said account stated ; and a commission to examine Witnesses in perpetuam rei memoriam ; and also to have an account of profits received by the said Thomas Clarke the Younger of the Estate late of Thomas Clark the elder deceased, the said John Clarks Father, and to have a parole Lease made by the said Thomas Clarke the younger confirmed : [the Committee recommend that the order of the Jamaica Chancery be affirmed, and that the appellants pay the defendant 10*l.* costs]. But in regard it was Insisted by the Council of the Appellants, that by the aforementioned Order (as Conceived in Jamaica) the Account Stated is opened, and the Bond entered into by the said John Clarke sett aside, and the Injunction perpetuall : [Their Lordships decide against this construction of the order], the same being to be considered when the Cause shall be heard, and that the said Injunction is to continue till the hearing of the Cause. . . . [p. 412.]

[Orders accordingly.]

[p. 422.] 6 July.

[1250.] [Reference to the Committee for Appeals of the 10 March. petition of John Halstead and William Gibbons for a short day for hearing their appeal from a decree of the Jamaica Chancery, 18 July 1715, in a case between them and Robert Needham.] Jamaica. [p. 350.]

[Committee minute : the appellants having] failed in their proofs by not producing under the Seale of the Island some Deeds refer'd too, [they are given further time to send for them, on payment of 6*l.* costs.] 8 June. [p. 413.]