

1725.

Land, parcell of the Lands in his Possession, as Tenant at will to Your Majesty, comprized in the Letters Patent granted to Mr. Cunyngham, were never any part of Mrs. Salenaves Plantation, nor belonging to her, and that this is not counterproved by any evidence offerered for Mr. Cunyngham,—That Consequently it must be taken as the facts at present appear, that the inserting those Lands in the Letters Patent, whereby Your Majesty intended only to Grant such as had formerly belonged to Mrs. Salenaves, was a Deceipt and Surprize upon the Crown, to the loss of the Crown, and the prejudice of the said Spooner, for which reason those Letters Patent ought in point of Law to be repealed, if it should be Your Majestys pleasure to give Directions for that purpose—And their Lordships having heard the said Mr. Cunyngham as well as Mr. Spooner by their Counsell learned in the Law, and what was alledged on both sides, and finding that Your Majesty was pleased upon the aforementioned Report, to order Your Attorney Generall to Sue out a Writt of Scire facias, or to take such other legal Methods for repealing and vacating the said Grant to Mr. Cunyngham, as Your Majestys learned Counsell shoud advise. And that thereupon Mr. Attorney Generall had brought a Bill in the High Court of Chancery for that purpose, Do agree humbly to offer their opinion to Your Majesty, That the proceedings in Chancery for repealing Mr. Cunynghams Patent, be not Stayed, untill Mr. Cunyngham does surrender his present Grant, and agree to accept a New Grant exclusive of the Lands now in Possession of Mr. Spooner—And their Lordships Do humbly recommend Mr. Spooner to Your Majesty, to enjoy the said Lands during Your Majestys Pleasure. [pp. 43-4.]

[Order accordingly.]

[p. 46.] 27 Mar.

[80.] [Reference to the Committee for Appeals of the petition of appeal of Daniel Axtell from a decree of the Jamaica Chancery, 18 Aug., 1724, in favour of Peter and John Bonfils, subjects of France, by which he is condemned to pay 6,600l.

3 Mar.  
Jamaica.

116 ACTS OF THE PRIVY COUNCIL (COLONIAL)

1725.

with interest from 12 June, 1716, in all 12,001*l.* 3*s.* with costs on account of a ship called the *Amiable Mary* and her cargo which formerly belonged to Bonfils. Axtell prays that stay be made of proceedings on the decree and on a bond for his performance thereof given by Leopold de Stapleton and Samuel Page, and the Governor of Jamaica ordered to certify all the proceedings and proofs under the seal of the island.]

[*pp.* 36, 81, 83, 92, 103, 212, 262.]

(1726.)

9 Aug.

[Order dismissing the appeal with 20*l.* costs in accordance with Committee report of 25 July.]

[*pp.* 262, 275.]

3 Mar.  
New York.

[81.] [Reference to the determination of the Treasury of the petition] of Mark Legaur, Setting forth That he was a Marinor on board a New England vessel which was taken in her passage to Virginia by Pirates, who put five of their Crew on board the said Ship to take care of her—That having an Opportunity the Petitioner Engaged the said Pirates, and Three of them Surrendered themselves to him, whereupon he sailed with them to New York, where they were Convicted of Piracy and Executed for the same And therefore humbly Praying he may receive the reward for the said Pirates as promised by His Majesty Proclamation issued in the year 1718.

[*p.* 38.]

27 Mar.  
Florida.

[82.] [The petition of John Wilson, gent., agent for the owners and insurers of the *St. Christopher* and the *Phoenix* and their cargoes, praying relief from their seizure on the coast of Virginia in June, 1720, by a Spanish privateer with commission from the Governor of Florida, and condemnation in Florida in August, 1720, is ordered to be transmitted to his Majesty's Ambassador at the Court of Spain to make proper instances for obtaining satisfaction.]

[*p.* 47.]

15 May.  
Barbados.

[83.] [Reference to a Committee of an Admiralty representation] relating to the Examination of Witnesses before a Committee of Council in order to the issuing a Speciall Commission to Try Robert Elston late Master of the *St. Christophers Gally*,