

1701.

of the Towne, Certifying that she was English Built and belonged to His Majestys Subjects, and altho the Master of the said Ship had by His Petition to the Governor prayed that he might be permitted to Depart the Island without Breaking Bulk, or to Trade there, giving Security to procure a Register in Convenient time. [On security being given, the Council agree to hear the appeal the first Council day in June.]

Memorandum. That the said Thomas Symcocks and Daniel Alford of London Merchants did enter into Bond of Five hundred Pounds, to prosecute the Appeal according to the above Order, the 24th day of September, 1701. [p. 256.]

(1703.)  
27 May.

[The Committee for the Affairs of Jersey and Guernsey remit a petition of Symcocks to the Board of Trade desiring their Lordships to speak with Lord Grey and return their opinion. Symcocks' appeal against the seizure of the *Rebecca* in Barbados had been depending before the Committee for twelve months until answers should be received to letters written by the Board of Trade to colonial Governors at the desire of the Committee to determine a question which had arisen as to the authority by which Admiralty Courts in the plantations are constituted. The only reply yet received was from the Governor of the Leeward Islands, but Lord Grey, who was Governor of Barbados at the time of the seizure, was now in England, and Symcocks petitioned that he be summoned to answer to this point and that the case be heard.] [p. 395.]

[838.] [The Council refer to the Committee for Appeals the petition of Anthony Monteyro and others owners of the *Experience and Susanna* and cargo condemned in the Antigua Court of Admiralty on her arrival there from Boston in New England, under pretence that the master and three fourths of the crew were not English, whereas the petitioners maintain that they were duly qualified under the Navigation Acts.] [p. 257.]

16 Sept.  
Antigua.

[839.] [The Council refer to the Committee for Appeals the petition of Samuel Barron, owner of the *America*, seized

16 Sept.  
Leeward  
Islands.

# 378 ACTS OF THE PRIVY COUNCIL (COLONIAL).

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in March 1701 at Antigua by Colonel Codrington, complaining of Governor Codrington's reversal of the sentence of the Leeward Islands Court of Admiralty in favour of the ship. Barron] had Appealed to the High Court of Admiralty here in England, But is since Advised and accordingly doth humbly pray leave to Appeal to His Majesty in Council from the said Sentence. [p. 258.]

18 Dec.

[On the report of the Committee for Appeals the Council reverse the sentence of condemnation given by Colonel Codrington on 18 March against the *America* and order that she and her cargo be restored to the owner.] [p. 286.]

(1702.)

30 Oct.

[The complaint of Barron or Barons that Colonel Codrington still refuses to restore the *America*, is referred to the Committee for Appeals, who are to be attended by the petitioner or his agents at 6 on Monday at Whitehall.]

[Anne, Vol. I. p. 230.]

(1702.)

17 Dec.

[On the Committee's report it is ordered that] Colonel Codrington do forthwith and without further delay give due and Punctuall Obedience to the said first Order . . . And . . . returne an Account to this Board, why he hath refused to Obey the said first Order as is alledged by the Petitioner. [p. 273.]

(1705.)

5 April.

[The Council refer to the Attorney and Advocate General the petition of Samuel Barons, complaining that, notwithstanding two Orders of Council and royal letters of 29 Jan. 1703 he hath not yet been able to obtain his ship, and praying an instruction to that end to the new Governor of the islands and satisfaction and damages from Colonel Codrington.]

[Anne, Vol. II. p. 316.]

(1705.)

9 July.

[Orders are given in accordance with the report of the Advocate and Attorney General, which gives the history of the case, and recommends that as the value of the ship and cargo cannot be appraised without some further proceedings, the new Governor give all necessary directions for the

1701.

recovery of ship and cargo or full value from the parties concerned, and that if difficulty be made about restitution, an action be commenced in Antigua for obtaining the same, and all the evidence be found specially that the facts may fully appear if there should be a further appeal to His Majesty.] [pp. 397-400.]

[840.] [The Council refer it to the Attorney and Solicitor General to examine and report upon] a Presentment from the Commissioners of the Customes dated the 23rd of this Month, concerning a Ship which came directly from the Bay of Campeach to Leghorne without having touched at any of His Majestys Plantations or any part of England, to Pay His Majestys Customes. [p. 263.] 25 Sept. Campeachy Bay.

[841.] The Petition of Theophilus Turner, setting forth his Services in discovering of Pyrates, and of being a Wittness against them, for which he has been inserted in His Majestys most Gracious Pardon; [and humbly praying the restitution and delivery out of the Court of Admiralty of his treasure, which was brought over by Admiral Benbow, is referred to the Admiralty for consideration and report]. [p. 272.] 11 Nov. Pennsylvania.

[Similar reference is made of the similar petition of Robert Bradenham, surgeon, an evidence against Captain Kidd and other pirates, whose treasure amounted in value to 350*l*.] together with the Cases of such others as have been lately Pardoned upon account of their being Evidences against Pirates. [p. 276.] 20 Nov.

[842.] [A presentment from the Customs of 28 October with an extract of a letter of 26 August from Henry Carpenter of Nevis] relating to the hardships and Ill Usage Received by the said Mr. Carpenter, who was appointed to Act as one of the Commissioners and Collectors of His Majestys Duty of Four and half per Cent. at Nevis, in the Execution of his Office, from Colonel Roger Elrington, the Lieutenant Governor of the said Island, [is referred to the Board of Trade to consider and write to Col. Elrington requiring him to permit 11 Nov. Novis.