

1741.

GEORGE II. VOL. VIII. (22 Oct., 1741—29 Sept., 1743.)

[526.] [Reference to the Committee of the petition of Mathew Concannen, Attorney General of Jamaica,] that the appeal of Edward Manning Esqr. from a Judgment given by the Governor and Council of the said Island as a Court of Errors on the 2d of July 1740 Affirming a Judgment of the Supreme Court of Judicature of the last Tuesday in May 1737 upon an action brought by the Petitioner on behalf of His Majesty against the said Edward Manning as Executor of Edward Pratter deceased for the Dutys of several Parcells of Negroes Imported into and Exported out of that Island—May be Dismist with Costs for Non Prosecution. [p. 13.]

19 Nov.
Jamaica.

(1742.)

[In accordance with the Committee report of 15 March Manning's appeal is dismissed for non-prosecution, with 10*l.* stg. costs.] [pp. 110, 118.]

1 April.

[527.] [Reference to the Committee of the appeal of Vincent Pearse, late Captain of H.M.S. *Flamborough*] from a Judgment given in the Court of Errors of the Province of New York on the 17th of April 1741 Affirming a Judgment given in the Court of Kings Bench in that Province in favour of George Cummysns whereby a Prohibition was adjudged against the Court of Admiraltys Proceeding to Condemnation of a Snow or Vessell called the *Restoration* which Vessell was Seized by the Appellant pursuant to his Majestys Orders for General Reprizals against Spain as belonging to the Subjects of the King of Spain or to Persons inhabiting within the Territorys of the King of Spain. [p. 13.]

19 Nov.
New York

(1743.)

[Order, in accordance with Committee report of 31 Jan., that both judgments in New York be reversed,] and that a Writ of Consultation do issue and the Admiralty Court Directed to proceed in the Original Cause. [The point at issue between Captain Pearse and George Cummysns, owner of the snow *Restoration*, Alexander Forbes master, was

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whether, when captured, she was lying within the body of the city of New York or on the high seas.]

[pp. 210, 259, 308, 345.]

19 Nov. [528.] [Similar reference of the similar appeal of Captain
New York. Vincent Pearse against a similar judgment of the New York
Court of King's Bench in favour of John Key and Michael
Hubbard relating to the ship *Canary Merchant*.] [p. 14.]

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23 Mar. [A similar order, in accordance with the Committee report
of 31 Jan.] [pp. 210, 259, 261, 305, 344.]

19 Nov.
Leeward
Islands.

[529.] [Reference to the Committee of the petition of
Gilbert Fleming, Lieut.-General of the Leeward Islands and
Lieut.-Governor of St. Christopher, praying his Majesty to
take into consideration the proceedings of Governor Mathew]
against Capt. Alexander De Lavaux an Engineer, employed
by the Petitioner and the Council of St. Christophers to View
the Forts in that Island. [p. 14.]

26 Nov. [The Committee order a copy of the petition to be sent to
Governor Mathew, who is to return his answer in writing.]

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[p. 18.]

13 Feb. [To the Committee is referred Governor Mathew's memorial
setting forth that he] apprehended himself under an absolute
necessity in Discharge of his Duty to take up one Monsieur
Lavaux who he was credibly Informed was come to
St. Christophers as a French Spy ; and that . . Gilbert Fleming
Esqr. Lieutenant General of the said Islands had taken the
said Lavaux under his Protection, and in Order to Countenance
and Support the said Lavaux behaved in a very extraordinary
manner towards the Memorialist and the Authority with
which the Memorialist is Invested by His Majesty and
towards the Persons Employed by the Memorialist in this
Affair. [p. 78.]

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25 Jan. Upon a Motion this day made to their Lordships praying
liberty for George Leigh of the Island of St. Christophers Esqr.