

142 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1751.

of Great Britain, for a day for hearing his appeal from a decree of the Jamaica Chancery, 16 Jan., 1751, on his bill against Thomas Biggs and Elizabeth his wife in relation to a bond entered into by the petitioner on 25 March, 1739, in the penalty of 1,000*l.*, to Paul Crean, deceased.] [*p.* 356.]

(1760.) [On the Committee report of 10 July, the decree is reversed
11 July. and Crean's bond ordered to be cancelled, satisfaction to be entered on the judgment and a perpetual injunction. The other demands of the plaintiff are dismissed and he is left to his remedy at law. The case was heard *ex parte*, no appearance having been entered for the respondents. Other names occurring in the report are John Fagan and Mrs. Anne Dufresny. Elizabeth Biggs was formerly wife of Paul Crean, brother of the appellant.] [XVIII. *pp.* 303, 430, 431-4, 442.]

.31 Oct. [158.] [Reference to the Committee of the petition of
Rhode Robert Rodman for a day for hearing his appeal from a
Island. judgment of the Superior Court of Rhode Island reversing a judgment of the Inferior Court, on an action of trover brought against him in May, 1750, by John Bannister for conversion of the ship *Jacob* (lately called the *Noble Jane*) and her appurtenances of the value of 346*l. stg.*] [*p.* 357.]

(1753.) [Order, in accordance with the Committee report of 23 Jan.,
7 Feb. reversing the judgment of the Superior Court of April, 1751, and affirming that of the Inferior Court of 29 May, 1750 in favour of Rodman. The appeal set forth] That Noble Park, Master and part Owner of the Ship *Noble Jane* late of Great Britain in the Year 1749 was bound out on a Voyage from Newcastle to Newport in the said Colony of Rhode Island, where being arrived, and on application to Mr. John Bannister Merchant there for a supply of money, he took of him certain Sums for which he drew Bills of Exchange to the amount of three hundred forty Six Pounds Sterling, payable in ten days after the Ships arrival in London, and as a Collateral security, gave the said Bannister his Bond of Hypothecation of the said Ship; wherein it was stipulated, that if the said Ship should be taken by Enemies, lost, or

otherwise miscarry before she should arrive at London, That then the said Noble Park his Executors &c. were to make good the Payment. But as to the Ship itself together with her Appurtenances they were in that Case to be totally discharged, for she was thereby only liable 'till her arrival in London (which never happened) For that after she was fitted at Rhode Island she proceeded on her Voyage to Virginia, where she arrived and when loaded departed from thence intending for London, but in her Passage in the Bay near New York meeting with very violent Weather was cast away and Wrecked. That the said Master used his utmost Endeavours to save what he could of the said Vessell and Cargo (being in a Miserable Condition) which when he had done, the same was sold to the best Bidder at Publick Auction in the City of New York, whereof notice was properly Published, and at which Sale the Hull or Wreck of the Ship only was sold to Cornelius Wynkoop for thirty five Pounds New York Currency, who sold it afterwards to Jacob Isaacks by a proper Bill of Sale and The Tackle and her Appurtenances were sold at the same Auction to several other Persons. That the said Isaacks with a very great expense, fitted the Hull or Wreck of the said Ship up, so as to make her Capable of proceeding to Sea, wherein he laid out many thousand Pounds Rhode Island Currency, and put the Appellant Robert Rodman in Master of her, and then from New York sailed on a Voyage to the said Colony of Rhode Island, where being arrived The said Bannister at the Inferior Court of the said Colony held in May 1750 brought his Action of Trover against the said Appellant the Petitioner for the Conversion of the said Ship.

[XIV. *pp.* 122, 161, 162, 255, 289–90, 309.]

[159.] [Reference to the Committee of the petition of sundry merchants of London trading to Virginia with two memorials annexed from the Merchant Adventurers of Bristol and from the merchants of Liverpool respectively, complaining of a clause in a Virginia Act of 10 May, 1749, declaring the law concerning executions and for relief of insolvent debtors,] By which Clause

26 Nov.
Virginia.