

1753.

7 Mar.

[Order, in accordance with Committee report of 27 Feb., allowing proceedings in the Court of Errors and an appeal therefrom. The sugar was taken in at sea by a small sloop, brought to Basseterre by night, and there put on board the *Sarah and Elizabeth*, bound to Bristol, without any notice to the authorities. Yet, after the seizure on 23 April, 1752, Henry Brouncker, Collector of Customs at Basseterre, admitted the sugar to an entry, because it had not been actually landed. The Assembly, hearing that the seizure was taken off without any previous trial at law, ordered the petitioner to renew his claim. On a very extraordinary special verdict, the Court of King's Bench gave judgment against the seizor. In the Court of Errors, which quashed his writ of error because the value of the sugar was under 300*l.*, Brouncker sat as one of the judges, though objected to, as in some measure interested.]

[*pp.* 326-8, 345.]

[197.] [Reference to the Committee of the petition of James Innes, Advocate for the Vice-Admiralty of Jamaica, on behalf of his Majesty and Governor Trelawny, and Benjamin Hume, Receiver General of Jamaica, that the Council dismiss for non-prosecution the appeal of John Bontin master of the sloop *Jupiter*, from its condemnation by the Vice-Admiralty Court, 18 May, 1751, for breach of the Navigation Laws.]

25 Jan.
Jamaica.

[*p.* 297.]

[On the Committee report of 27 Feb., Bontin's appeal is dismissed with 80*l. stg.* costs.]

7 Mar.

[*pp.* 328-9, 346.]

[Reference to the Committee of the petition of Gideon Cornell of Rhode Island, sole owner of the sloop *Jupiter*, John Bontin late master, praying that the order dismissing Bontin's appeal be discharged and leave given to prosecute the appeal.]

(1754.)
21 June.

[XV. *p.* 175.]

[The petitioner having explained that] this delay was unavoidably occasioned by the Petitioners Correspondent becoming a Bankrupt, and neglecting to take the necessary steps [the Committee order that, if he pay the 80*l.* costs

(1754.)
17 Dec.

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awarded by the order of dismissal, he shall be then at liberty to make application for leave to appeal.] [XV. pp. 205, 276.]

(1756.) [The costs having been paid, the appeal is admitted, on
2 Mar. the Committee report of 19 Feb. Security is given on 6 March by Cornell and Richard Partridge of London.]

[XVI. pp. 49, 85.]

(1758.) [On the Committee report of 4 July, the sentence is reversed,
28 July. and ship, tackle and cargo are ordered to be restored with interest and 100*l.* costs. The case was heard *ex parte*, no appearance having been entered for the respondent. Bontin's appeal set forth] That in 1750 the said Gideon Cornell fitted out the said Sloop Jupiter, which was built in the British Plantations, with a Cargo of Lumber and Horses from Newport in Rhode Island, for the Island of Hispaniola, there to dispose of the said outward bound Cargo, and purchase another Lading of Merchandize there, with which the said Sloop was to return to Rhode Island, and the said Gideon Cornell appointed the Petitioner John Bontin, who was born in France, but had been Naturalized and made a Subject of Great Britain, Master of the said Sloop for that Voyage, with three fourth parts of the Mariners on board English agreeable to the Acts of Trade and Navigation That about the 26th of September 1750 the said Sloop sailed from Newport aforesaid to Hispaniola, where she safely arrived on the 10th of November following, and disposed of the said Cargo, and in Return took on board a Cargo of Sugar and Molasses for and on Account of the said Gideon Cornell, and also took in some Passengers and some small Quantities of Goods on Freight, and some Goods belonging to the Master, Officers and Mariners, and some Mariners that went out in the said Sloop, deserting at Hispaniola, the Petitioner was obliged to procure others in their Stead. That about the 19th of January 1750 the said Sloop sailed from Hispaniola on her return to Rhode Island, but in the Course of the said Voyage, on the 26th of the same Month met with a fresh Gale of Wind that broke the Boom of the said Sloop, which rendered her incapable of proceeding

on the said Voyage, and was therefore obliged to bear away for the Nearest Place, which was the Island of Jamaica, in order to refit. That the said Sloop arrived at Jamaica on the 30th of the same Month of January and coming to an Anchor off Port Royal the Petitioner immediately went to the Captain of the Fort, and acquainted him with the Occasion of the Sloops coming thither, that she was in Distress and wanted to refit, upon which the Captain bid the Petitioner to bring the said Sloop into the Harbour of Kingston, which the Petitioner accordingly did, and the next Morning went to Spanish Town in the said Island of Jamaica, attended the several Officers and entered his Vessel giving the usual Security, and the Officers there told the Petitioner he had no Occasion to report his Cargo as he did not intend to land it, But in a few Hours after Benjamin Hume Esqr. Receiver General of the said Island caused the said Sloop and her Cargo to be Seized as forfeited under a pretence that she was not Navigated according to Law ; And on the 18th of March 1750, a Libell was exhibited in the Vice Admiralty Court at Jamaica against the said Sloop and Cargo [which alleged that] on the 2d of February the Goods following Vizt. Eighty Three Tierces of French Sugars, Twenty four Hogsheads and twenty Tierces of Molasses were brought into Jamaica, and imported into Kingston in Jamaica, in the said Sloop called the Jupiter, Built as pretended at Rhode Island, and not navigated with the Master and three fourths of the Mariners Subjects of Your Majesty, but navigated with Foreigners contrary to the said Act, and further alledged that the said Sloop ought not to be deemed a Vessel of the Built of Rhode Island, because not registered in the precise manner required by the said Act. . . That on the 4th of April 1751 the Petitioner as Master of the said Sloop as well on behalf of himself his Officers and Mariners as of the said Gideon Cornell of Rhode Island Merchant sole owner of the said Sloop, and also of the said Cornell and several others of Rhode Island Merchants Subjects of Your Majesty, part Owners of the Cargo of the said Sloop, and also of Jowin

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De Pond and other Subjects of the French King also part Owners of the said Cargo, put in a Claim for the said Sloop and Cargo. [The name of the Captain, who was naturalised in Ireland in 1724, was spelled "Botang" on the ship's register.]

[XVI. *pp.* 86, 95; XVII. *pp.* 75, 190, 194-8, 222.]

- 25 Jan. [198.] [Reference to the Committee of the petition of
Virginia. James Shields, gent., of Virginia, that the Council dismiss with costs for non-prosecution the appeal of Robert Jones, jun., and Sarah his wife, and Dudley Richardson and Martha his wife, from a decree of the General Court, 10 Oct., 1751, affirming a decree of the County Court of Chancery for York co., 20 Nov., 1749, dismissing a bill of complaint exhibited by them against the petitioner.] [*pp.* 205, 298.]
- 30 Jan. [The Committee hear counsel for the petitioner, but postpone making any report for two months, as the time allowed is not elapsed above three months.] [*p.* 301.]
- 7 Mar. [The appellants' petition for a day for hearing is referred to the Committee.] [*p.* 351.]
- 20 Mar. [Committee order that the appeal may be heard on 10 April on the appellants paying 5*l.* *stg.* costs to the respondent: otherwise the appeal is to be dismissed.] [*p.* 358.]
- 10 May. [On the Committee report of 10 April—when all parties were heard—the appeal is dismissed with 10*l.* *stg.* costs. The case concerns some negroes left by William Pinkethman in 1712 to his daughter Rebecca, who married Robert Cobbs, and left an only daughter, Elizabeth. Robert Cobbs married a second wife, Elizabeth, by whom he had two daughters, the appellants Sarah and Martha. Shields married Elizabeth, Cobbs, daughter by the first marriage. Cobbs left as executors his widow and one Daniel Allen, both of whom, as well as Elizabeth Shields, are now deceased.] [*pp.* 383-5, 409.]
- 5 Feb. [199.] [On reading a letter of 30 Jan. from the Ordnance to
Jamaica. Earl Granville, the Lord President of the Council,] Complaining, of the Orders given by the Governor of the Island of Jamaica to the Engineer employed by that Island, to take in the Land