

[The Committee refer to the Ordinance for a report and estimate, the address with lists of the stores now belonging to the islands and of those judged necessary by the legislature.] [XVII. p. 135.]

1757.

(1758.)

9 May.

[337.] This Day Henry Wilmot of Grays Inn Esqr. entered an appearance for William Warner Deputy Collector of the Customs in Antigua, to the Appeal of the Owner and Commander of the Ship *Duke of Queensberry* condemned as forfeited in the Vice Admiralty Court of Antigua. [p. 555.]

8 July.  
Antigua.

[Reference to the Committee of the appeal of Robert Davis, the master, from the sentence of the Vice Admiralty Court, 4 Aug., 1756, condemning the ship *Duke of Queensberry* and imposing on him a fine of 100*l. stg.* for unlawful trade.]

(1758.)

29 Mar.

[XVII. p. 69.]

[Orders are given in accordance with the Committee report of 4 July, which showed that Warner exhibited an information in the Vice Admiralty Court about 28 July, 1756,] Setting forth, That between the 16th day of the said Month of July 1756, and the day of exhibiting the said Information, the said Ship *Duke of Queensberry*, whereof the Appellant was then Master, came to an Anchor in the Harbour of St. Johns and did there unlade Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow, before the Master had made known to the Governor or Naval Officer of Antigua the Arrival of the said Ship with her Name or the Name of the Master, or delivered an Invoice of her Lading or the Place in which the same was taken into the said Ship, against the Form of the Statute of the 15th Charles 2d . . . That the Appellant within the time aforesaid did unlade or suffer to be unloaded from the said Ship the said Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow, in the said Island, before he made Oath of the Identity or Ownership of the said Ship before the Governor or Collector of the Customs of the said Island, as directed by the Statute of the 15th and 16th of Your Majesty's Reign . . . That the Appellant between the Times aforesaid did unload or suffered to be

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discharged from the said Ship in the said Island, the said Candles and Tallow, being Goods laden on Board the said Ship and brought from Parts beyond Sea, before the Appellant or any Person having Charge of the said Ship declared in Writing under his hand unto the Persons appointed for managing the Custom of the said Port of St. Johns, the names of the Laders with the Numbers and Quantities of every Parcel of Goods on board the said Ship, and had answered upon Oath such Questions concerning the same as should be administered to him in the open Custom House of the said Port; contrary to the Form of the Statutes of the 13th and 14th of King Charles the second, and of the 7th and 8th of King William the Third whereby the said Information alledged the Appellant did forfeit the Sum of One hundred Pounds . . . To which Information the Appellant as Master of the said Ship, put in a Claim, and thereby claimed the said Ship, her Guns, Ammunition, Tackle and Furniture and also the Goods and Merchandise on Board, And also Ten Boxes of Candles Numbered 1 to 10 and five Boxes of Soap Numbered 11 to 15 and ten Keggs of Tallow Numbered 1 to 10, as the property of Thomas Eaton, John Ruscomb, and James Stevens of Bristol Merchants. And as to the several Matters in the first Count in the said Information, the Appellant pleaded the general issue not guilty. And as to the several Matters contained in the second Count the Appellant pleaded specially, protesting that the said Ship did not unlade Sixty Seven Boxes of Candles and Seventeen Keggs of Tallow but admitting that she did unlade Ten Boxes of Candles, Five Boxes of Soap, and ten Keggs of Tallow and other Goods and Merchandise before the Master made such Oath as required by the said Act of the 15th and 16th Years of Your Majesty's Reign, and pleaded that on Friday the 16th of July 1756, the Day of the arrival of the said Ship, the Appellant made known to the said Governor the Arrival of the said Ship and her Name, and the

Name of her Master, and delivered to him all such Papers relating to the said Ship and her Lading as were required by him, and that the next morning the Appellant did the like to the Deputy Collector of the said Port (the Collector not being then upon the Island) and that the Deputy Collector gave the Appellant leave to land the Goods as soon as he pleased, and that the Appellant immediately entered the Ship in the Treasurers Office, and went into the Custom-house and delivered to the Deputy Naval Officer the Ships Register and all his Cockets, and Clearances relating to the Cargo on Board and offered to make the Oath directed by the said Statute of the 15th and 16th of Your Majesty's Reign, and required him to Enter the said Ship, but the said Naval Officer redelivered all the said Papers to the Appellant, saying he was very busy and could not then Enter the Ship, but that the Appellant might land whenever he pleased. And as to the last Count in the said Information which sought to charge the Appellant with the Penalty of One hundred Pounds, The Appellant pleaded not Guilty and prayed Restitution of the said Ship and the Cargo. That Diverse Witnesses were examined in the said Cause, and the Appellant made out in proof the several Matters set forth and insisted on by his Plea, Notwithstanding, which, [ship and cargo were declared forfeited, save the candles, tallow and soap claimed by the appellant. The Committee recommended that the sentence be reversed, and that an account be taken in the Vice Admiralty Court of the value of the ship and cargo, and restitution made of the same and 100*l.* costs.]

And in regard it appeared to this Committee in the Course of their Examination into the Proceedings in this Cause, in the said Vice Admiralty Court, and by the Evidence therewith transmitted, that the Respondent William Warner (being the Deputy Collector of the Customs) gave permission to the Appellant to land his Goods without making a proper and Legal Entry, and then made such landing of the Goods a Pretext for seizing both Ship and Cargo—Which

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being a Proceeding of a very extraordinary nature—Their Lordships are of Opinion that the said Respondent William Warner ought to be removed from his said Employment, of Deputy Collector of the Customs at St. Johns in Antigua, for the same. [XVII. *pp.* 190, 191-4, 222.]

(1761.) [Reference to the Committee of Davis's petition that the  
25 June. Council dismiss with costs for non-prosecution Warner's appeal from an order of the Vice Admiralty Court of Antigua relating to the award by the Register of the Vice Admiralty Court on 23 May, 1759, of 3,573*l.* 17*s.* 7*d.* currency to the petitioner for his ship and cargo.] [*Geo.* III. *Vol.* I. *p.* 394.]

(1761.) [On the Committee report of 29 June, the appeal is dismissed  
2 July. with 50*l.* *stg.* costs.] [I. *pp.* 414, 427.]

9 Aug. [338.] Whereas by an Act passed the last Session of Parlia-  
New York. ment, Entituled, "An Act to prohibit for a limited time the Exportation of Corn, Grain, Meal, Malt, flour, Bread, Biscuit, Starch, Beef, Pork, Bacon, and other Victual (except Fish and Roots and Rice to be exported to any part of Europe, Southward of Cape Finisterre), from His Majestys Colonys and Plantations, in America, unless to Great Britain or Ireland, or to some of the said Colonys and Plantations, and to permit the importation of Corn and flour into Great Britain and Ireland in neutral Ships; and to allow the exportation of Wheat, Barley, Oats, Meal, and Flour, from Great Britain to the Isle of Man, for the use of the Inhabitants there"—It is provided amongst other things, that in Case His Majesty at any time, or times during the continuance of the said Act, shall (in his Royal discretion) judge it to be expedient to permit the exportation of Corn and other the Commodities aforesaid, or any of them, from the said Colonys and Plantations, that then it shall and may be lawfull to and for His Majesty by His Royal Proclamation or Proclamations to be issued, by and with the advice of His Privy Council, or by His Majestys Order in Council from time to time to permit and suffer all and Singular His Majestys Subjects (but not any particular Person or persons) to export or carry out of all or any of the