

466 ACTS OF THE PRIVY COUNCIL (COLONIAL).

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legacies to Hyde, and the residue to his cousin, William Sanders. Hyde and Gale were his executors. March claimed under the will of William Sanders, who is dead.] [pp. 411, 412-3, 424.]

16 Jan. [436.] [Reference to the Committee of the petition of
^{St.}
 Christopher. Benjamin Herriott, of St. Christopher, late master and owner of the ship *Pitt*, on behalf of himself and John Willett, merchant of St. Christopher, late owner of the cargo of the said ship, for a day for hearing his appeal from the condemnation of the ship and cargo by the Vice Admiralty Court, 4 Aug., 1759, on a libel filed by Alexander Home, searcher of customs at Basseterre, for shipping goods there to be carried out to sea from thence contrary to divers Acts of Parliament.] [p. 149.]

2 July. [On the Committee report of 27 June, the appeal is dismissed.] [pp. 362, 409, 426.]

28 Jan. [437.] [Reference to the Committee of the petition of
 Nevis. David Chollet, owner of 600*l.* 6*s.* condemned as part of the cargo of the sloop *Hunter*, for a day for hearing his appeal from this sentence pronounced in the Vice Admiralty Court of Nevis on a libel filed by Alexander Mackay, waiter of the customs in the port of Nevis.] [p. 185.]

(1762.) [Order in accordance with the Committee report of 16 March,
 5 April. which shows that the appeal set forth] that the said Alexander Mackay on the 23d of February 1760 Exhibited a Libel in the Court of Vice Admiralty of Nevis . . . thereby Stating that between the 1st of February 1760 and the Day of Exhibiting the Libel, certain Persons to the Informant unknown, did at Montserrat (One of the Leeward Charribbee Islands) Load or Cause to be laden on Board the Sloop called the *Hunter*, whereof John Furlong was Master (being of less than One hundred Tons Vizt. of Eighty Tons burthen) two Casks of Indigo of the growth and produce of his Majestys Plantations in America without having first given Security of One thousand Pounds or having produced a Certificate from the Officers of any Customhouse of Great Britain, England, Ireland, Wales or the Town of Berwick upon Tweed that such

Bond or Security had been duly given before the Loading of the said two Casks of Indigo, to carry the said two Casks of Indigo in the said Sloop to some other of his said Majestys British or English Plantations or to some part of Great Britain, England, Wales or the Town of Berwick upon Tweed and there to unload and put the same on Shore against the form of the several Statutes made in the 12th 15th 22d and 23d Years of the Reign of his late Majesty King Charles the Second and in the 7th and 8th years of his late Majesty King William the Third or some or one of them . . .

—That between the said 1st of February 1760 and the Day of Exhibiting the said Libell certain Persons to the said Informant unknown at the said Island of Montserrat did lade on Board a certain other Sloop called the Hunter, the Master whereof was unknown to the Informant divers other Goods and Commodities (Vizt.) Two Casks of Indigo, Three hundred and Sixty five Firkins of Butter, One Box of Foreign Gold and Silver Coin, and one Box of Silk Cloaks and other things to be carried in the said Ship out of the said Island of Montserrat to the Island of St. Eustatia belonging to the States General the said Sloop not being . . . duly Registred and qualified to Trade from, or in the said Island of Monserrat [as required by Acts of 7 and 8 Wm. III. and 15 and 16 Geo. II.]. To which Libel William Davies Esquire the Proctor for the Appellant put in a Claim and thereby (amongst other things) claimed the said Box of Foreign Gold and Silver Coin in the said Libel contained on his giving Security in the Penalty of Thirty Pounds pursuant to Act of Parliament and pleaded not guilty and Issue was joined and several Witnesses were Examined. And on the 23d of February 1760 the said Cause came on to be heard when the Judge of the said Vice Admiralty Court, upon Reading the Depositions and Proofs and hearing Counsel on both sides was pleased by his Sentence to adjudge the said Sloop Hunter with all her Boats, Tackle Apparel and Furniture and two Casks of Indigo, Three hundred and Sixty three firkins of Butter, a Box of Foreign

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Gold and Silver Coin, a Box of Silk Cloaks and other things, laden and found on Board the said Sloop to be forfeited and lost, to be divided and distributed according to the Prayer of the Libel, and that the Claimants thereof should be respectively Condemned in Costs to be Taxed. [On the hearing by the Committee,] the Counsel for the Respondents Alledging that several other Appeals were Allowed from the said Sentence with respect to the Sloop and the rest of the Cargo, which have never been prosecuted—Their Lordships do therefore agree humbly to report as their Opinion to your Majesty that so much of the said Sentence of the Vice Admiralty Court of the Island of Nevis of the 23d of February 1760 as relates to the Gold and Silver Coin should be Reversed and that the Appeals of the other Parties should be dismissed.

[Geo. III. Vol. II. *pp.* 125–7, 167.]

28 Jan.
Jamaica.

[438.] [Reference to the Committee of the petition of Robert Mantle, late commander of the *Thurloe* privateer, for a day for hearing his appeal from part of a decretal order of the Jamaica Chancery, 24 Sept., 1759, relating to his seizure of the French brigantine *Mentor*, and praying that the appeal of Charles Le Conte, commander of the *Mentor*, from the other part of the order, be dismissed with costs for non-prosecution. The *Mentor* was condemned in the Vice Admiralty Court, 26 Aug., 1758 : Le Conte filed a bill in Chancery for restitution.] [p. 185.]

(1762.)
5 April.

[On the Committee report of 16 March, part of the decree is reversed and part affirmed. The case was heard *ex parte*, no appearance having been entered for Le Conte. The appeal set forth] That the Appellant being on a Cruize against his Majestys Enemies Seized a French Brigantine called the *Mentor*, Loaded with Provisions and Stores of every kind, bound from Jamaica for the French at Mississippi Charles Le Conte Commander and brought her into the Island of Jamaica and Libelled the said Brigantine and her Cargo in the Vice Admiralty Court there ; and the usual Preparatory Examinations being taken and the Ship's Papers