

562 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1763.

Mate, Gunsmith, Cooper, Swabber, Ordinary Trumpeter, Barber, Able Seamen, Ordinary Seamen, and Marine or other Soldiers, and all other Persons doing Duty or assisting on Board any such Ship or Vessel, to be equally divided amongst them. Provided, that if any Officer or Officers, on Board of any such Ships or Sloops, at the time of making such Seizures, shall have more Commissions or Offices than One, he or they shall be entitled only to the Share, which according to the abovementioned Distribution, shall belong to his or their respective superior Commissions, or Offices. [pp. 23-5.]

(1764.) [Letter from Philip Sharpe, Clerk of the Council, to William
21 Sept. de Grey, Solicitor General, to consider the above order with the Act referred to therein and a subsequent Act (for granting certain duties in the British Colonies in America and for applying the same, etc.) wherein a clause is inserted respecting the shares of seizures made in America, and also the late Attorney General's opinion with regard to the distribution of seizures in America under the Order of Council, and desiring him, if he considers that the clause in the new Act makes it necessary to issue a new Order of Council that he prepare a draft of such an Order.] [p. 622.]

(1764.) [A new order is issued repeating the provision for the
12 Oct. distribution of seizures made at sea and rehearsing a clause of the later Act for distributing seizures made in the colonies, $\frac{1}{3}$ to the King, $\frac{1}{3}$ to the Governor, and $\frac{1}{3}$ to the seizor.]

[IV. pp. 17-20.]

15 June. [510.] [Reference to the Committee of the petition of
Virginia. Thomas Buchanan, merchant of Hanover co., Virginia, that the Council dismiss with exemplary costs the appeal of Charles Steuart, merchant, of Portsmouth co., Virginia, from a judgment of the General Court, 10 April, 1762, affirming a judgment of a court for Hanover county, 2 Aug., 1759, in favour of the petitioner and other creditors of William Dickenson, John Smith, and William Green, late of Newcastle, Hanover co., merchants, and declaring void a mortgage to

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Steuart of all their lands, etc., of which Dickenson had continued in possession.] [p. 36.]

[On the Committee report of 15 Dec., the appeal is dismissed.] [pp. 180, 194.] 21 Dec.

[511.] [A Virginia Act of Dec., 1762—for relief of insolvent debtors, for the effectual discovery and more equal distribution of their estates—is disallowed, in accordance with the Committee report of 9 July, agreeing with the Board of Trade representation of 6 July referred to them on 7 July, which set forth] that as this Act appeared to the said Lords Commissioners to affect the Property of British Creditors, they Communicated a Copy of it to the Principal Merchants of London trading to Virginia, to the end, that if the Act should in their judgment be prejudicial to their Interests, they might have an opportunity of being heard against it. And that the said Lords Commissioners having accordingly been attended by several of the said Merchants in behalf of themselves and the Merchants of Bristol, and also by the Agent of the Colony, and having heard what each party had to offer in Objection to, and in support of the said Act, it appeared, that the Operation of this Act being not confined to Insolvents in Prison, but extended to Debtors in general, it was principally in the Nature and Spirit of a Bankrupt Law, which although just and equitable in its abstract principle, had always been found in its execution to afford such opportunities for fraudulent practices that even in this Country, where in most cases the whole number of Creditors are resident on the spot, it might well be doubted whether the fair Trader did not receive more detriment than benefit from such a Law ; But in a Colony where it is computed that not above a tenth part of its Creditors reside, a Bankrupt Law had hitherto been deemed inadmissable on account of the Injustice of its Operation with respect to the other Nine tenths of the Creditors residing in Great Britain. And that upon this Consideration, His late Majesty was pleased, in consequence of a Representation of the said Lords Commissioners dated the 29th of June 1758, 20 July. Virginia.