

## 122 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1767-8. § 55 *cont.*]

alleged that they had suffered by depredations of stores etc. on board the vessels by the inhabitants after the removal of the workmen, besides the loss of the profits they had counted on making by the voyages: they also claimed that Christie had acted "of his own wrong" in taking away the workmen. In Knipe's action] a venire was thereupon awarded for a Jury to come before the Honourable William Gregory Esquire Your Majesty's Chief Justice Assigned to hold Pleas in your Majesty's said Supreme Court for the Province of Quebec aforesaid at the City of Quebec on Saturday the 24th day of August 1765, to Try the said Issues so Joined between the Parties—But instead of Trying the said Issues so Joined by a Jury before the said Chief Justice the said Francis Noble Knipe did enter up an Interlocutory Judgment in the said Action by Default against the Petition as if no Plea had been put in or no Issue had been Joined therein And without ever Trying the said Issues so Joined did award a Writ of Inquiry directed to the Provost Marshall to enquire what Damages the said Francis Noble Knipe had Sustained and to return the Inquisition on Tuesday the 21st Day of January then next 1766, And the said Francis Noble Knipe on the 14th day of September 1765 having Convened a Jury before the Deputy Provost Marshall proceeded to Assess Damages.

[Knipe's claim for the profits which his voyage might have made swelled the amount awarded (including costs) to 2,574*l.* 4*s.* 6*d.* currency. Christie brought a writ of error before the Lieut.-Governor and Council, but the former verdict was affirmed and 70*l.* 18*s.* 11½*d.* added to the costs. In the other case, after similar proceedings, damages and costs were awarded to the amount of 3,533*l.* 4*s.* 6*d.*, and 71*l.* 4*s.* 11*d.* costs of the writ of error.] [VI. *pp.* 3, 183-91, 203.]

1768.

GEORGE III. VOL. VI. (Jan., 1768—April, 1769.)

15 Jan.  
Massachu-  
setts Bay.

[56.] [Reference to the Committee of the petition of Richard Pateshall, of Boston, administrator of Robert Pateshall,

§ 56 *cont.*]

who died intestate, that the Council dismiss for non-prosecution the appeal of Charles Ward Apthorpe from a judgment of the Superior Court in June, 1766, on his writ of review, by which Apthorpe was adjudged to pay the petitioner 542*l.*]

[*p.* 7.]

[On the Committee report of 9 Feb. the appeal is dismissed with 20*l. stg.* costs for non-prosecution.] 17 Feb. [*pp.* 55, 60.]

[57.] [Reference to the Committee of the petition of Ann, widow and executrix of Isaac Seguin, master of the ship *Diadem*, that her husband's appeal from the condemnation of the ship in the Vice Admiralty Court at Halifax, 11 Dec., 1765, in favour of William Nesbitt, Attorney General, Henry Newton, collector of customs, Thomas Hayward, commander of H.M.S. *Senegal*, and Henry Hervey, commander of the schooner *Magdalene*, be revived in her name and a day appointed for hearing it.] 1 Feb. Nova Scotia. [*p.* 50.]

[At the request of Mrs. Seguin's solicitor and on the Committee report of 30 Jan., the appeal is allowed to be withdrawn without costs.] (1770.) 9 Feb. [VII. *pp.* 223, 228.]

[58.] [An appearance for Henry Stanyford, gent. of London, George Garrett, weaver of Spitalfields, and John Stevens, silkman of London, to the appeal of Samuel Adams from Jamaica is entered by Mr. Elbro Woodcock of Lincoln's Inn.] 5 Feb. Jamaica. [*p.* 52.]

[Reference to the Committee of the petition of the respondents that the appeal—from a Chancery order of 23 Sept., 1767,—be dismissed for non-prosecution. The case concerns the petitioners' mortgage on certain estates from Henry Strudwick, jun.] (1769.) 25 Oct. [VII. *p.* 118.]

[On the Committee report of 22 Dec. the appeal is dismissed for non-prosecution with 20*l. stg.* costs]. (1770.) 5 Jan. [VII. *pp.* 182, 200.]

[59.] [Two Jamaica acts of Aug., 1766,—to make void all bills, bonds, mortgages, judgments, recognizances, fines and amerciements and all and every other writings obligatory whatsoever whereon no payment hath been or shall be made, or