

ACTS OF THE PRIVY COUNCIL (COLONIAL). 457

§ 358 *cont.*]

1777-8.

having been dismissed for diffidence and error of judgment but recommended to his Majesty's clemency by a court martial at New York in Nov. 1780, on account of his conduct in an action with the French in the West Indies on 12 April, 1780.]

[XIX. *p.* 150.]

[359.] [An Antigua act of Feb. 1777,—for the regulation of H.M. forts and fortifications in this island, and for the better government and payment of the gunners and matrosses employed therein—is disallowed, on the Committee report of 7 Feb., agreeing with a Board of Trade representation of 6 Jan., referred to them on 23 Jan. Mr. Jackson objected] that it does in great measure exclude the Governor from any Share in the Exercise of what is certainly a necessary part of the Executive power of the Crown, by authorizing the Committees of both Houses not only to muster, but to discharge the Matrosses and Gunners and to approve of the appointment of new ones, and put the Forts under their Command.

1778.
20 Feb.
Antigua.

[*pp.* 464, 491, 528.]

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1778.

[360.] [Reference to the Committee of the petition of 15 April. Henry Lynch, merchant of Galway, for leave to appeal from Nova Scotia. the condemnation of the *Maria Theresa* at Halifax, 19 Sept., 1777, the master, Philip Withers, having apparently neglected to appeal or to give security. The captor was Henry Mowat, commanding H.M. sloop *Albany*.]

[*p.* 31.]

[On the Committee report of 15 Feb., the appeal was admitted. (1780.) Depositions were produced from Daniel Wood, Wither's 23 Feb. advocate, and Robert McLintock, merchant of Halifax, to show that Withers was not sufficiently known in Halifax to procure the required security.]

[XVII. *pp.* 542, 570.]

[On the Committee report of 9 May, the sentence was reversed. (1781.) The case was heard *ex parte*, no appearance having been 18 May. entered for the respondent. Other names in the report are,

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William Nesbitt, the Attorney General, James Brenton, surrogate of Jonathan Sewal, and Messrs. Bewick and Mourgue.]

[XVIII. *pp.* 54, 460 ; XIX. *pp.* 319-22, 347.]

13 May. [361.] [A Quebec ordinance—concerning the distribution
Quebec. of the estate and effects of persons leaving the province without paying their debts—is disallowed, on a Committee report of 4 May, agreeing with a Board of Trade representation referred to them on 22 April. Mr. Jackson objected that] the provisions of it are extended as well to persons having left the province before as to those who have left it since the passing an Ordinance for preventing persons leaving the province without a pass to which Ordinance this in some measure applies, That by this Extension the Ordinance in question is an *Expost facto* Law and however peculiar Circumstances at the time may have warranted its being past, seems too dangerous a precedent to stand in force in any part of your Majestys Dominions. [*pp.* 47, 68, 94.]

22 May. [362.] [Petitions for the distribution of condemned prizes
Prizes. amongst the captors are referred to the Treasury, as follows :—

(a) Benjamin Sandford, merchant of Dominica, owner of the sloop *Abraham*, Gilbert Grant master, which took the brigantine *Guillaume*, owned at Martinique and trading to the rebel colonies, and had her condemned at Dominica.

(b) William Matthews, merchant of London, who fitted out the brigantine *Favourite Betsey*, George Moore master, to carry provisions to Halifax for the army, and having there received a license from Governor Arbuthnot, in May, 1776, to proceed to New York, whither the army had been removed, captured on his voyage the *Molly*, carrying wheat and flour to the rebel colonies.

(c) William Goodricke, by his agent, Anthony van Dam of New York, for the schooner *Neptune*, Arthur Wharf master, Virginia to Boston on congress account, taken by his ship *Hammond* in July last and condemned at New York. Goodricke had been taken prisoner in Virginia and carried to