

§ 369 *cont.*]

1779.

[On the Committee report of 5 March, the order of 21 May (1782.) is affirmed, and that of 22 May reversed. Other names in 13 Mar. the report are Thomas Harrison, Matthew Wallen, Henry Brown, and James Pinnock.] [XX. *pp.* 202-6, 229.]

[370.] [Reference to the Committee of the petition of the 21 April. Hon. Elias Durnford, Lieut.-Governor of West Florida, for West Florida. leave to appeal to the Council, or for order to the Governor to grant a writ of error, from a judgment of the Court of Common Pleas in April, 1778, in his action of trespass against Alexander Macculagh.] [*p.* 409.]

[Committee.] Counsel called in and heard. Nothing 3 June. ordered. The party to make affidavit before the Governor of the Quantum of the Damages. [*p.* 499.]

[371.] [Appearance for John Bertrand to the appeal of 3 June. Matthew Craymer from Nevis.] [*p.* 501.] Nevis.

[On the Committee report of 3 Feb., sentences of the Vice (1781.) Admiralty Court of Nevis of 5 Sept. 1776, and 13 Jan. 1777, 16 Feb. are reversed. About 10 June, 1776, the ship *The Brothers*, of which Craymer was master, arrived at Nevis from St. Vincent :] having performed a Voyage to the Coast of Africa she had on board Thirty Camels consigned for Sale to Daniel Ross of Nevis Esquire with Directions from James Baillie of Grenada Esquire to get the said Ship loaded at Nevis for London being capable of carrying about six hundred Casks of Sugar with Rum [the ship having in Sept., 1775, carried 590 hogsheads of tobacco from Maryland to Great Britain.] That the Petitioner on his Arrival at Nevis waited on the President of the Island with his Papers and regularly entered his Ship at each of the offices in the usual and Customary manner and required of John Bertrand Esquire the Deputy Collector of the Customs there a Permit to Land his Camels who informed the Petitioner that he might begin to land them as soon as he pleased as permits in Writing were deemed unnecessary and never given to Vessels that made a regular Entry and came to the Island either to load or unload Whereupon the Petitioner landed his

1779. § 371 *cont.*]

Camels as expeditiously as he could and in a day or two afterwards a Hogshead of Sugar having been carted to the Custom house Scales there for the payment of Your Majesty's Duty of 4 and  $\frac{1}{2}$  per Cent. the Petitioner applied to the Officers of the Customs for leave to take on Board the Hogshead in order to begin the Loading of his intended Cargo which was accordingly granted him and the Petitioner required of Mr. Arrendell a Clerk in the Custom House a permit to load the said Ship but was informed that such permit was unnecessary and that Mr. Bertrand the Collector never granted any—That about [1 July, 1776,] the Petitioner took on Board Twelve Ton and an half of Fustick which had been imported in the Sloop Betsey Captain Miller and regularly cleared by Certificate from the Island of Tortola and had been duly entered at the Custom house in Nevis and about the same Time the Petitioner took on board Sixty Ton of Fustick out of the Sloop Polly from the Island of Saint Thomas which last mentioned Fustick also had been regularly entered at the Custom House in Nevis and was permitted to be taken on Board by the Collector—That on Thursday [1 Aug., 1776,] the Petitioner having Completed the Loading of his said Ship except about Ten Casks was preparing his Manifest Cockets and Depositions at the Custom house in order to Sail in the Evening to the Road of Basseterre in the Island of Saint Christopher and proceed from thence under Convoy for England while the Petitioner was so employed the Mate of the Ship between Twelve and Two of the Clock in the afternoon of that day for the purpose of accomplishing the Loading and with no other Intent took on Board out of a Sloop called the Irish Gimlet Captain Ray a Drogher belonging to the Island of Nevis Ten Casks of Sugar which afterwards appeared to be Foreign Sugars but before these Ten Casks were taken on Board the Petitioner returned from the Custom house and also Mr. Bertrand the Collector and Mr. Arrendell the Comptroller in Consequence of an Information came on Board and made a Seizure of the said Ship the

§ 371 *cont.*]

1779.

Brothers and of the said Ten Casks of Sugar then in view the said Daniel Ross to whom the said Ship was addressed in the interim went to the Custom house in Order to pay the Duty on the Foreign Sugars above mentioned and waited there until the return of the Collector and then made a Tender of the Duty and offered to produce satisfactory proofs that no other foreign Sugars were on Board except the said Ten Casks and requested the Collector to allow the said Ten Casks to be landed and to clear out the said Ship and the remainder of the Cargo in order that the Ship might join the Convoy but the Collector declined to comply therewith—That on [9 Aug., 1776,] a Monition issued out of the Vice Admiralty Court in Nevis against the said Ship and Cargo . . . Contrary to all Expectations the Judge thought fit to Order that the said Ship should be unloaded and that all Papers not filed before [30 Aug. 1776 should be set aside for irregularity, and on 5 Sept. he decreed the ship forfeited.] That on the sixth of September the Petitioner was forced by a Violent Storm of Wind and Rain to put out to Sea with the said Ship and Cargo and to proceed to Great Britain where upon his arrival he made a regular protest by which it appears the Petitioner was necessarily drove to take that Measure. [On the petition of Daniel Ross the case was re-heard in Nevis in Jan. 1777, and the former sentence affirmed.] [XIX. *pp.* 84–6, 126.]

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GEORGE III. VOL. XVII. (July, 1779—Feb., 1780.)

1779.

[372.] [Reference to the Committee of a Board of Trade representation of 1 July, proposing an instruction to the Governor of Quebec to frame an ordinance to amend certain ordinances of 1777 for establishing civil and criminal courts and regulating proceedings therein.] [*p.* 21.]

14 July.  
Quebec.

[On the Committee report of the same date, the instruction, ordered by the Committee on 15 July, is approved. The Board of Trade representation was founded on directions from

16 July.