

728 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1765.

him by Thomas Forsey, whereby he was condemned in 1,500*l.* damages and 75*l.* 19*s.* 6*d.* costs, and also from an order of the Lieut.-Governor and Council denying him an appeal to them.]

[*p.* 262.]

28 July. [On the Committee report of 17 July, it is ordered that Cunningham's appeal be admitted by the Governor and Council as a Court of Errors, and if either party is aggrieved by their determination, that an appeal be admitted to his Majesty in Council.] [*pp.* 289-91, 311.]

2 Oct. [Reference to the Committee of the petition of Robert Charles, agent for New York, on behalf of the Council and Representatives, that the above order be suspended till the merits of Cunningham's petition are fully examined into and final order made therein consonant to the practice of the Common Law of England.] [*p.* 366.]

10 July. [616.] [Reference to the Committee of the petition of Antigua. Robert Fulton, agent for Richard Tyrrell, Rear Admiral of the White Squadron, and the officers and seamen now serving on the Leeward Island station under his command, on behalf of Admiral Tyrrell and the officers and seamen of H.M.S. *Princess Louisa*, Joseph Norwood commander, for leave to appeal from so much of a sentence of the Vice Admiralty Court of Antigua, 19 April, 1764, as divided the condemned schooner *Mary Ann* and her cargo, $\frac{1}{3}$ to the Crown, $\frac{1}{3}$ to the Governor, and $\frac{1}{3}$ to Norwood as informer, and from a subsequent order of 2 Aug., 1764, refusing to admit their claim of a division in moieties between the crown and the captor.

[Other similar petitions concern the sloop *Union*, condemned on 20 Jan., 1764, sugar seized on board the sloop *Sarah* and condemned on 13 Jan., 1764, and the schooner *Pastor*, condemned on 23 March, 1764—all taken by the *Princess Louisa*.] [*pp.* 264-6.]

26 July. [On Committee reports of 17 July, the Vice Admiralty Court is directed to receive the petitioner's claim and proceed

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thereon according to law : either party may then appeal to the Privy Council.] [pp. 291-4, 311-3.]

[617.] [Reference to the Committee of the petition of Governor Lyttelton, James Innes, Advocate General, and Robert Graham, Receiver General of Jamaica, that the Council dismiss with costs for non-prosecution the appeal of Augustine Merida and Jacob Bravo from the condemnation of the schooner *Isabella*, Don Joseph de Micolto master, in the Vice Admiralty Court of Jamaica, 22 Oct., 1762.] [p. 315.]

26 July.
Jamaica.

[On the Committee report of 14 Aug., the appeal is dismissed for non-prosecution.] [pp. 324, 343.]

6 Sept.

[618.] [Reference to the Committee of the petition of John Payne, vintner, of Antigua, for leave to appeal from the condemnation of his small schooner *Freemason* in the Vice Admiralty Court of Antigua, 22 Feb., 1765, in favour of William Abdy, commander of H.M.S. *Beaver*, for taking goods on board before the master had made the oath or affirmation required by statute.] [p. 320.]

1 Aug.
Antigua.

[On the Committee report of 14 Aug., the appeal is admitted. Security is given on 18 Sept. by Richard Oliver, merchant, and Michael Lovell, gent., of Goulds Square, London.]

6 Sept.

[pp. 323, 343.]

[On the Committee report of 10 June, that part of the sentence which condemned the ship is reversed. On the trial in the Vice Admiralty Court, the judge declared that he was convinced no illegal trade was intended, yet by the letter of the law he was obliged to declare the ship forfeit for want of having the proper papers on board. At the same time, he restored to the petitioner five slaves who were on board, and allowed a plea of Edward Horne to the jurisdiction of the Court, in respect of 3,500*l.* gold and silver money of Antigua currency. Joseph Richardson was master of the *Freemason* at the time of the seizure.] [V. pp. 326-8, 358.]

(1767.)
26 June.

[619.] [Reference to the Committee of a Board of Trade representation of 27 Aug. upon papers transmitted by the

6 Sept.
Ohio.