

§ 26 *cont.*]

1767.

the Appellant refused. . . but the Respondent still Insisting on his Demand, without which he would not clear out the Ship and Slaves from his Office, the Appellant for fear of loosing the opportunity found himself under a necessity of Complying, and accordingly paid the Respondent the several Sums of 315*l.*, and 521, making together 836*l.* Currency, as the Import and Export Duties on Negroes, but Protesting at the same time against the Exaction, and declaring to the Respondent that he would bring an Action against him for Repayment of the Money—That the Ship and the remaining part of the Negroes were cleared out from the Receiver Generals Office 31st January 1763, as bound for the Havannah for which they were then Actually Destined, but just as the Ship was going to Sail, the Appellant received Advice from his Agent at the Havannah to whose Care he had in the Preceding October Sent a Cargo of two hundred Slaves for Sale, that it would not be Prudent or Adviseable for him to send this Cargo thither on Account of the Governor of the Havannah's Grant to a person resident there of an Exclusive Right of Importing and Vending Slaves, whereby this Correspondent had been prevented from Selling such Cargo in Open Market, and laid under the necessity of selling the whole Cargo thereof at an under price, and great loss to the above mentioned person ; so the Appellant finding his Scheme of selling the Negroes at the Havannah frustrated, sent the Affrica and her Cargo to Hispaniola where the Negroes were Sold for his Account and Ship never after returned to Jamaica.

That the Appellant in pursuance of his Declaration to the Respondent, brought an Action against him for Recovery of the 315*l.*, and 521. . . [VI. *pp.* 233–8, 248.]

[27.] [Reference to the Committee of the petition of William Nash of St. Michael parish, Barbados, that the Council dismiss for non-prosecution the appeal of Capt. Thomas Taylor of H.M.S. *Griffin* from a judgment of the Barbados Chancery, 27 Nov., 1765, dismissing Taylor's bill for continuing

27 Mar.
Barbados.

56 ACTS OF THE PRIVY COUNCIL (COLONIAL).

1767. § 27 *cont.*
 an injunction against Nash's taking out execution on a judgment for 1,000*l.* [pp. 88, 193.]
- 26 June. [On the Committee report of 10 June, the appeal is dismissed for non-prosecution.] [pp. 329, 360.]
- 13 April. [28.] [In accordance with the Committee report of 2 April, the petition of Sir Charles Saunders, Admiral Keppel, and others for a grant of the island of St. John is dismissed (*cf.* Vol. IV. pp. 658-9). The Committee found no reason to deviate from the system of making grants founded upon the experience of former times and confirmed by the Order of 9 May, 1764. The rejection of the petition is without prejudice to applications for separate grants on these conditions.] [pp. 203, 218.]
- Prince Edward Island.
 23 May. [The Committee refer to the Board of Trade the following petitions for lands in St. John:—For 20,000 acres each, William Mathew Burt and thirteen others, Robert Adair, Major Patrick Gordon, John Murray, John Dickson, Hon. Capt. Robert Moore, Capt. Daniel Shaw, Joshua Mauger, John Pownall, Secretary of the Board of Trade, Capt. James Smith, Samuel Doggat, John Tutté, Richard Cumberland, Jacob Nelstrup, Zachary Macaulay, Chauncy Townshend, Capt. David Higgins (who also asks for a small island), Edward Lewis, Lieut. Col. Stuart Douglas, Capt. William Douglas, Capt. Stair Douglas, R.N., John Pringle, Colonel Richard Maitland, Col. Alexander Maitland, Major General James Murray, James Montgomery, Lord Advocate of Scotland, George Spence, John Mill, Huchinson Mure, Robert Cathcart, Francis Mackay, Samuel Mackay, Hugh Finlay.—For 10,000 acres each, Capt. Alexander McLeod, Lieut. David Forbes, Lieut. John Hayter.—For 5,000 acres each, Capt. John Saxton, Capt. John Carden.—For 30,000 acres, Col. Richard Worge.—For 146,000 acres, Col. Simon Frazer and the other Officers of the 78th Regiment.—For a lot each, Major Thomas Moncrief, Capt. William Shirreff, Hugh Owen.] [p. 302.]
- 24 Aug. [Committee. The Board of Trade having reported that they had given public notice by advertisement in the *Gazette*