

quantity of prohibited goods is believed to have been run ; while Moore himself took no steps to recover the vessel. (4) His desire for further delay is also suspicious. (5) He will refuse his aid at the trial at his peril.

VIII. Additional observations. (1) Although he had 14 strong evidences, Moore neglected to seize the ship and allowed it to discharge for a whole day. (2) The person he sent on board was not qualified by any oath and was evidently corrupted. (3) Moore's refusal to join in the prosecution and the withdrawal of his evidences might have enabled the parties to be cleared, had not the Governor sent the Naval Officer with a warrant to search, and so made a discovery of arrack, which made them confess to the information. (4) By 14 Car. II. c. 17 Moore's failure to prosecute forfeits all his right, the second seizure having been prosecuted to effect. (5) There is no excuse for Moore's failure to go or send after the ship when she was carried from the wharf ; no one with any authority was refused access or resisted ; his pretended fears were altogether groundless and his neglect or connivance evident to the whole people of the place.

IX. Copy of the Pleas at the Special Court on 19 Nov.—the condemnation of the *Fame*. Keith's letter of 25 Nov. complains of Moore's conduct and asks for assistance and protection in matters of this kind for the future.

1725.

1725.

[329.] ANTIGUA. *Hamilton v. Horne*. Petition, and Order of reference.

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III. p.111.

[330.] BERMUDA. *Complaint of S. Eveleigh against Gov. J. Hope*. Hope's answer (on left hand page) to 16 Articles (on right hand page)—in all 32 pp. (1) Hope asserts that, while Eveleigh's sloop *George and Elizabeth* was cleared from South Carolina for Barbados, it was manifestly intended for Martinique, as appears by the original invoice. (2) Eveleigh professed that he intended to assist the colony sent to St. Lucia by the Duke of Montagu ; the

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III. pp.
84-7.