

The Ames Foundation

Harvard Law School

LITERARY DIRECTOR: MARY SARAH BILDER

THE RECORD BOOKS OF THE MASSACHUSETTS BAY SUPREME COURT OF JUDICATURE: *ca. 1690 – ca. 1780*

EDITED FOR THE AMES FOUNDATION BY

SALLY E. HADDEN
PROFESSOR OF HISTORY
WESTERN MICHIGAN UNIVERSITY

TRANSCRIPTION OF MARITIME RECORDS,
1779–1783, 1788

THE AMES FOUNDATION
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¹ The town is in Maine, which was part of Massachusetts until 1820.

² This is designated as the ‘Fourth Tuesday of June’.

³ The entries begin in mid-page. This is Falmouth, Maine, not Falmouth, Massachusetts.

⁴ This is designated as the ‘Fourth Tuesday of June’. The session did not actually begin until 4 July.

⁵ Note the gap of more than five years from the previous entry. The last folio that has an entry on it is 102r.

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[1r]

State of Massachusetts-Bay in
New England
Middle District}

Essex Ss.} At the Superior Court of
Judicature, Court of Assize and
General Goal Delivery begun & held
at Ipswich within and for the County
of Essex on the third Tuesday of
June (being the 15th day of Said
Month) Anno Domini 1779.

By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Jedediah Foster} Justices
Nath^l. Peaslee Sargeant &}
David Sewall Esquires}

<<

Brown & Al^s. v^s. Cushing & Al^s. Brig^t. Hope

>>

John Brown, William Power & Al^s. [^& Jarvis Sammis^] Apell^{ts}.
v^s. John Cushing & Samuel White both
of Boston in the County of Suffolk Merchants
Appellees from the Decree of a Ma[^r^]itime Court
for the Middle District of the State of the Massa=
=chusetts-Bay held at Boston in the County of
Suffolk by the Honorable Nathan Cushing Esq^r.
Judge of Said Court on the twentieth day of
November A.D. 1778 When & Where, the Appellees
in behalf of John Grimes Commander of the
Armed Ship Minerva, the Officers Marines
and Mariners on board the Same, the Owners
thereof and all concerned therein were
Libellants of the Brigantine Hope her cargo &c
and the appellants were Claimants of the
said Brigantine Hope her Cargo &c each of them
his full Share thereof. And the Libellants by
their

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[1v]

their Bill filed in the Same Maritime Court
gave the said Court to understand and be in=
=formed that the said Grimes with his
Company on board said Ship on the high
Seas, on the thirtieth day of September AD 1778
attacked and took and on the fifth day of
October then next following, brought into the

Harbour of Boston in said District, the Brigantine Hope, of about one hundred and fifty tons bur=
=then and laden with the Articles mentioned in a Schedule to said Libel Annexed. “and the Libellants in their said bill, aver That the said Brigantine, at the time of her capture, was an armed Vessel, infesting the Sea Coast & making unlawful Attacks & depredations on the Navi=
=gation of the United States of America; that She was carrying Supplies to the fleet and army acting against said States; that she was employ=
=ed by the Enemies of Said States; and that She with her Cargo and Appurtenances was the Proper=
=ty of and belonging to Some of the Subjects of the King of Great Britain, other than the in=
=habitants of Bermuda Province or the Ba=
=hama islands: by means of all which, and by force of the laws of this State and the resolves of the Continental Congress in Such Case provid=
=ed, the said brigantine, her cargo & Appurtenan:
=ces are forfeit and to be distributed among the captors and other concerned therein and the libellants prayed advisement in the premisses, and that, by a due Course of proceedings, the said brigantine, her cargo & appurtenances may be decreed to be and remain forfeit and be distributed as the Law directs; and the time and place of tri:
=al having been duly notified, the said John Cushing and Samuel White appeared to wit,

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Image 023-Right

2

[2r]

Wit, at a Maritime Court for said Middle district holden by the said Judge at Boston aforesaid, on Thurs=
=day the nineteenth day of said November: And the said John Brown & William Power & others viz [^John Power^] John Fitz=
=gerald, Michael Chaise, John Bryant, John Casey, Jo=
=seph Condon, Daniel Callihan, Patrick Powers, Corne=
=lius, Crawley, Michael Obryen, Joseph Doiles, John Ryen, Walter Dunphy, Patrick Fitzgerald, James M^c. Mahone, William Divine, William Gould, Thomas Kelley, Francis Larey, Timothy Selley, Patrick Lamby,

Patrick Punch, James Cady, Nicholas Collaton, Dennis Bryan, Mathew Hampsey, John Adams, Philip Folley Flan Ghan Patrick Martin, James Murphey, Thomas Kelley, Edmund Callehan, James Tierney, James Neille, William Murphy, Derby Kean Richard Bradley Richard Sink, John Gee, Edmund Magee, Morris Nail, Morgan Bryan, John Doil, Patrick Keney, Patrick Connel, Derby Murray, John Korcoran Henry Graves, Abraham Bradley, Thomas Crowe (their Claim being duly filed) come into Court by Benjamin Hichborn Esq^r. and claimed their respective Shares and proportions of the Same brigantine her Cargo &c and Say'd "That they and each of them Shipt on board the Privateer Ship Minerva and were Aiding Assisting and Jointly Concerned with the said Grimes and the rest of his said Crew mentioned in said Libel on board said Privateer in taking and bringing into the Port of Boston the said Brigantine her Cargo &c by reason or [all?] which each of them is intitled to his full Share of Said Prize with all the goods taken and brought into said Port of Boston with her." Wherefore they Prayed that the Same may be [duly agreed?] to them as the law directs; and Jarvis Sammis (his Claim being duly filed) then and also came into Court and Claimed his reasonable Share and Proportion of the Same Brigantine cargo &c and said "That he was Carpenters Mate

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[2v]

Mate on board the privateer Minerva, when She took and bro't into the said Port of Boston the Said Brigantine Hope with her cargo &c and that he was aiding & assisting in taking and bringing into the said Port the Same Ship, her Cargo &c" and further said "That by the Articles of the said privateer, Minerva as well as the Cus=

=tom in Such cases observed he is entitled to
 one Mariners Share & an half" Wherefore
 he prayed the Same may be decreed to him as
 the laws and resolves in Such cases require
 And After a full hearing of the said John Cush=
 =ing and Samuel White upon their Bill afore=
 =said, and of the said John Brown and others
 upon their Claim and of the said Jarvis Sammis
 upon his Claim was by the said Nathan Cushing
 Judge as aforesaid, Considered, Adjudged order=
 =ed and decreed That the said Brigantine Hope
 and her Appurtenances and Cargo are forfeit;
 that the Same be Sold; and that the Moneys
 thence arising, after deducting the Charges
 of trial and Condemnation and the Charges
 of Sale, be delivered to John Grimes & his
 Company of the Armed Ship Minerva Captors
 as aforesaid, (the said John Brown and others
 claimants as aforesaid to have no Part thereof)
 their Agents or Attorneys, for the use and benefit
 of Such captors & others concerned therein &
 that the said Jarvis Sammis have one Ma=
 =riners Share Only: And now the Parties Appear
 and after a full hearing of the said Proponents
 and the said Claimants; the Bill aforesaid of the
 said Proponants & the Claims aforesaid of the
 said John Brown & others and of the said Jarvis
 Sammis the Claimants aforesaid are Committed
 to a Jury duly returned, impannelled & Sworn
 to Try the Same who return their Verdict therein
 upon oath that is to Say, they find the Brigantine
 Hope was taken and brought in as Set forth
 in the Libel and that She, her Cargo & Appurtenances
 at

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3

[3r]

at the time of her Capture were the property
 of certain Subjects of the King of Great Britain
 other than the Inhabitants of Bermuda, new
 Providence or Bahama Islands, and that the
 Claim of John Brown, William Power & others
 is not Supported, And that Jarvis Sammis hath
 a right to one Share and an half.

It is therefore Considered by the Court that
 the said Brigantine Hope, her Cargo and
 appurtenances be and hereby are Condemn=
 =ed to the use of the Said John Grimes & his
 company of the armed Ship Minerva Captors
 as aforesaid & that the said Jarvis Sammis
 have one Share and an half thereof and
 that the said John Brown, William Power
 & others take nothing by their Claim

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<<

Brown & al. v^s. Cushing & al. Ship Pinson.

>>

John Brown, John Power William Power
 John Fitzgerald, Michael Chaise, John Bryant
 John Casey Joseph Condon, Daniel Callehan
 Patrick Powers, Cornelius Crawley, Michael Obryen
 Joseph Doile, John Ryen, Walter Dunphy, Patrick
 Fitzgerald, James M^c.Mahone, William Divine
 William Gould, Thomas Kelley, Francis Larey
 Timothy Kelley, Patrick Lamby, Patrick Punch
 James Cady, Nicholas Collaton, Dennis Bryan,
 Matthew Hamesey, John Adams, Philip Foley,
 Flan Gan, Patrick Martin, James Murphy,
 Thomas Kelley, Edmund Callahan, James
 Tierney, James Neille, William Murphy, Derby
 Kean, Richard Bradley, Richard Sink, John
 Gee, Edmund Magee, Morris Nail, Morgan Bryan
 John Doil, Patrick Kiney, Patrick Connel Derby
 Murray, John Korcoran, Henry Graves, Abraham
 Bradley

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[3v]

Bradley and Thomas Crowe & also Jarvis Sammis
 Appellants v^s. John Cushing and Samuel White
 both of Boston in the County of Suffolk, Merchants,
 in behalf of John Grimes Commander of the
 armed Ship Minerva, the Officers, Marines and
 Mariners on board the Same, the owners thereof
 and all concerned therein Appellees from the
 Decree of a Maritime Court for the Middle Dis=
 =trict of the State of the Massachusetts Bay holden
 at Boston in the County of Suffolk, by the Honour=
 =able Nathan Cushing Esquire Judge of said Court,

on the twentieth Day of November in the year
of our Lord A~~D~~1778 When & Where the Appellees
were Libellants of the Ship Pinson her Cargo &c
and the Appellants were Claimants and the Libel=
=ants by their Bill filed in the Same Maritime
Court gave the said Court to understand and be in=
=formed, That the said Grimes and his Company
on board said Ship on the thirtieth day of September
A.D. 1778 Attacked and took, and on the fifth day of
October then next following brought into said dis=
=trict, the Ship Pinson of about one hundred and
fifty tons burthen, Commanded by one Person,
and laden with the Articles mentioned in a Sche=
=dule to said Libel Annexed. And the Libellants, in
their said Bill, aver That the said Ship Pinson, at
the Time of her Capture, was an Armed Vessel,
infesting the Sea Coast, and making unlawful at=
=tacks and depredations on the Navigation of the
United States of America; that She was carrying
Supplies to the fleet & army Acting Against said
States; that She was employed by the Enemies
of Said States; and that She with her Cargo and
Appurtenances was the property of and belonging
to Some of the Subjects of the King of Great Bri=
=tain other than the inhabitants of Bermud Pro=
=vidence and the Bahama Islands by means of all
Which and by force of the Laws of this State and
the resolves of the Continental Congress in Such
Case Provided, the said Ship Pinson, her cargo and
appurtenances

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Image 028-Right

4

[4r]

Appurtenances are forfeit and to be distributed
among the Captors and others concerned therein
and the Libellants prayed Advisement in the
premisses, and that by a dule Course of proceedings,
the said Ship, her Cargo and Appurtenances may
be decreed to be and remain forfeit and be dis=
=tributed as the Law directs. And the time and
place of trial having been duely Notified, the said
John Cushing and Samuel White Appeared
and [^the said^] John Brown, John Power, William Power, John
Fitzgerald, Michael Chaise, John Bryant, John Casey

Joseph Condon, Daniel Callehan, Patrick Power, Cornelius Crawley, Michael Obryen Joseph Doile, John Ryen, Walter Dunphy, Patrick Fitzgerald, James M^c.Mahone, William Divine, William Gould, Thomas Kelley, Francis Lary, Timothy Kelley, Patrick Lamby, Patrick Punch, James Cady, Nicholas Colton, Dennis Bryan; Matthew Hamesay, John Adams, Philip Foley, Flan Gan, Patrick Martin James Murphy, Thomas Kelley, Edmund Callahan James Tierney, James Neille, William Murphy Derby Kean, Richard Bradley, Richard Sink John Gee, Edmund Magee, Morris Nail Morgan Bryan, John Doil, Patrick Kiney, Patrick Connel, Derby Marray, John Korcoran, Henry Graves, Abraham Bradley [^&^] Thomas Crowe (their Claim being duly filed) came into Court, by Benjamin Hichborn Esq^r. and Claimed their respective Shares and proportion of the said Ship Pinson, her Cargo &c and Said "That, they and each of them Shipt on board the Privateer Ship Minerva and were aiding, assisting & Jointly Concerned with the said Grimes and the rest of his Crew on board Said Privateer in taking and bringing into the Port of Boston the said Ship Pinson, her Cargo &c by reason of all which each of them is entitled to his full Share of Said Prize with all the goods taken and bro't into said Port of Boston with her" Wherefore they Prayed that the Same may be decreed to them as

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[4v]

as the law directs; And Jarvis Sammis (his claim being duly filed) then also came into Court and Claimed his reasonable Share and proportion of the Same Ship Pinson, her Cargo &c and Said "That he was Carpenters Mate on Board the said Privateer Minerva, when She took and brought into the said Port of Boston the said Ship Pinson, her Cargo &c and that he was Aiding & Assisting in taking and bringing into Port the Same Ship her Cargo &c"

and further Said "That by the Articles of the said Privateer Minerva as well as the Custom in Such Cases observed he is entitled to one Mariners Share & an half" Wherefore he prayed the Same may be decreed to him as the law in resolves in Such Cases require: And after a full hearing of the said John Cushing and Samuel White upon their Bill aforesaid, and of the said John Brown and others upon their Claim and of the said Jarvis Sammis upon his Claim It was by the said Nathan Cushing Judge as aforesaid, Considered, adjudged ordered and decreed That the said Ship Pinson and her appurtenances and Cargo are forfeit; that the Same be Sold; and that the Moneys thence arising after deducting the Charges of trial & condemnation and the Charges of Sale, be delivered to John Grimes and his Company of the Armed Ship Minerva Captors as aforesaid (the said John Brown and others Claimants as aforesaid to have no part thereof) their agents or Attornies, for the Use and benefit of Such Captors and others Concerned therein and that the said Jarvis Sammis have one Mariners Share only: And now the Parties appear and after a full hearing of the said Proponants and the said Claimants; the Bill aforesaid of the said Proponants & the Claims aforesaid of the said John Brown & others and of the said Jarvis Sammis the Claimants aforesaid, are Committed to a Jury duly returned, impannelled & Sworn to try the Same Who Return their Verdict therein upon Oath that

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[5r]

that is to Say, they find that the Ship Pinson was taken and brought in as Set forth in the Libel, and that She, her Cargo and appurtenances at the time of her Capture were the property of Certain Subject of the King of Great Britain other than the Inhabitants of Bermuda, New Providence or Bahama Islands and that the Claim of John Brown, William Power & others is not Supported and that Jarvis Sammis hath a right to one Share and an half.

It is therefore Considered by the Court that the said Ship Pinson her Cargo and appurtenances are forfeit; and that the Same be and hereby are Condemned to the use of the said John Grimes and his Company of the armed Ship Minerva Captors as aforesaid; that the Same be Sold; & That the monies thence arising, after deducting the Charges of trial & Condemnation and the Charges of Sale, be delivered to the said John Grimes and his said Company their Agents or Attornies, for the use & benefits of Such Captors and others concerned therein and that the said Jarvis Sammis have one Share and an half- And that the said John Brown and others take nothing by their Claim.

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Brown & al. vs. Cushing & al. Schooner Drake

>>

John Brown, John Power, William Power, John Fitzgerald, Michael Chaise, John Bryant, John Casey, Joseph Condon, Daniel Callihan, Patrick Power, Cornelius Crowley, Michael Obryen, Joseph Doile, John Rein, Walter Dunphy, Patrick Fitzgerald, James M^c. Mahone, William Divine, William Gould, Thomas Kelley, Francis Lar^{^e^}y Timothy

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[5v]

Timothy Kelley, Patrick Lambly, Patrick Punch, James Cady, Nicholas Collaton, Denis Ryan, Mathew Hanesays, John Adams, Philip Foley, Flan Gang, Patrick Martin, James Murphy, Thomas Kelley, Edward Callahan, James Tierney, James Niel, William Murphy, Derby Kean, Richard Bradley, Richard Sink, John Gee, Edmund Magee, Morris Nail, Morgan Brian, John Doil, Patrick Kiney, Patrick Connel, Derby Mursy, John Corcoran, Henry Graves, Abraham Bradley and Thomas Crowe and also Jarvis Sammis Appellants v^s. John Cushing and Samuel White of Boston in the County of Suffolk Merchants, In behalf of John Grimes

Commander of the private Armed Ship Minerva, the Officers, Marines, and Mariners on board the Same, the owners thereof and all Concerned therein, Appellees from the Decree of a Maritime Court for the Middle District of the State of the Massachusetts Bay holden at Boston in the County of Suffolk, by the Honourable Nathan Cushing Esquire Judge of said Court, on the twentieth Day of November A.D. 1778. When and where the Appellees were Libellants of the Schooner Drake her Cargo &c. and the Appellants were Claimants. And the Libellants by their Bill filed in the Same Maritime Court gave the Said Court to Understand and be informed, That the said Grimes and his Company on board Said Ship, on the high Seas, on the twentieth day of September A.D. 1778, attacked and took, and, on the fifth day of October then next following, brought into the Port of Boston in Said district, the Schooner Drake, of about Seventy five Tons burthen, Commanded by and laden with the Articles mentioned in a Schedule to said libel Annexed: And the Libellants.

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6

[6r]

Libellants, in their said bill, aver That the said Schooner with her Cargo and Appurtenances was, at the time of her Capture, the Property of and belonging to Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda, Providence and the Bahama Islands; that, at the time of her Capture, the said Schooner Drake was an armed Vessel; infesting the Sea coast and making unlawful Attacks and depredations on the Navigation of the United States of America & was carrying Supplies to the fleet & army Acting against said States and was employed by the Enemies of said States: by means of all which and by force of the laws of this State and the resolves of the Continental Congress in Such case provided, the said Schooner, her Cargo &

Appurtenances are forfeited and to be distributed, to the Captors and Others Concerned therein And the Libellants Prayed advisement in the premisses, and that by a due Course of proceedings, the said Schooner, her Cargo and appurtenances may be decreed to be and remain forfeited and be distributed as the law directs. And the time and place of trial having been duly Notified, the said John Cushing and Samuel White appeared & the said John Brown, John Power, William Power, John Fitzgerald, Michael Chaise, John Bryant, John Casey, Joseph Condon, Daniel Callihan, Patrick Power, Cornelius Crowley, Michael Obryen, Joseph Doile, John Rien, Walter Dunphy, Patrick Fitzgerald James M^cMahone William Divine William Gould Thomas Kelley Francis Larey, Timothy Kelley, Patrick Lambly, Patrick Punch, James Cady, Nicholas Collaton Denis

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[6v]

Dennis Ryan, Mathew Hanesays, John Adams, Philip Foley, Flan Gang, Patrick Martin, James Murphy, Thomas Kelley, Edward Callahan, James Tierney, James Neil, William Murphy, Derby Kean, Richard Bradley, Richard Sink, John Gee, Edmund Magee, Morris Nail, Morgan Bryan, John Doil, Patrick Keney, Patrick Connel, Derby Mursy, John Corcoran, Henry Graves, Abraham Bradley and Thomas Crowe (their Claim being duly filed) Came into Court by Benjamin Hitchborn Esq^r. and Claimed their respective Shares and proportions of the said Schooner Drake, her Cargo &c and Said "That they and each of them shipt on Board the privateer Ship Minerva & were aiding, assisting and jointly Concerned with the said Grimes and the rest of his Crew on board s^d. Privateer in taking and bringing into the Port of Boston the said Schooner Drake, her Cargo &c

by reason of all which each of them is entitled to his full Share of said [[^]prizes[^]] Ship with all the goods taken and brought into the Said Port of Boston with her" Wherefore they Prayed that the Same may be decreed to them as the Law directs.

And [[^]the said[^]] Jarvis Sammis (his Claim being duly filed) also came into Court and Claimed his reasonable Share and Proportion of the s^d. Schooner Drake her Cargo &c & Said "That he was Carpenters Mate on board the said Privateer Mineorva when She took and brought into Said Port of Boston the Said Schooner Drake with her Cargo &c and that he was Aiding & Assisting in taking & bringing into the said Port the Same Schooner, her Cargo &c" and he further Said "That by the Articles of said Privateer Minerva as well as the Custom in Such cases Observed he is intitled to one Mariners Share and an half" Wherefore he Prayed the Same may be decreed to him as the laws and resolves in Such cases require: And after

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[7r]

after a full hearing of the said John Cushing and Samuel White upon their Bill aforesaid, and of the said John Brown and Others upon their Claim and of the said Jarvis Sammis upon his Claim, It was, by the Said Nathan Cushing Judge as aforesaid, Considered, adjudged, ordered and decreed That the said Schooner Drake and her appurtenances & Cargo are forfeit; that the Same be Sold; and that the Monies thence arising, after deducting the charges of trial and Condemnation and the Charges of Sale, be delivered to John Grimes & his Company of the Armed Ship Minerva Captors as aforesaid (the said John Brown & others Claimants as aforesaid to have no part thereof) their Agents or Attornies for the use and benefit of Such Captors & Others Concerned therein. And that the Said Jarvis Sammis have one Mariners Share only: And now the Parties appear and after a full hearing of the said Propositionants and the said Claimants the Bill aforesaid

of the Said Proponants and the Claims aforesaid
of the said John Brown & others and of the Said
Jarvis Sammis the Claimants aforesaid, are com=
=mitted to a Jury duly returned, impannelled
& Sworn to try the Same who return their Ver=
=dict therein upon Oath, that is to Say, they
find that the Said Schooner her Cargo &c were
taken and brought in as Set forth in the Libel,
and at the time of the Capture thereof the Same
were the property of Some of the Subjects of the
King of Great Britain, other than the Inha=
=bitants of Bermuda, New Providence or the Baha=
=ma Islands, and that John Brown & others named
in his Claim were Joint Captors thereof with the
Officers, Marines & Mariners on board the Ship
Minerva, and are entitled each of them to a
Share in said Schooners and Cargo equal to a
private

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[7v]

private hand on board said Ship Minerva &
that Jarvis Sammis is entitled to one Share and
an half therein: It is therefore Considered by
the Court that the said Schooner Drake her ap=
=purtenances & Cargo are forfeit; and that the
Same be and hereby are Condemned to the
Use of the said John Grimes and his Company
of the Armed Ship Minerva Captors as aforesaid;
that the Same be Sold; and that the Monies
thence arising, after deducting the Charges
of trial and condemnation And the Charges
of Sale, be delivered to the said John Grimes
and his said Company their agents or Attornies,
for the use and benefit of Such Captors & others
Concerned therein. And that the Said John
Brown and Others named in his Claim each of
them have one Share and that Jarvis Sam=
=mis have one Share and an half thereof.

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<<

Brown & al vs. Cushing & al. Brigantine Reconciliation

>>

John Brown, William Power, John Power, John
Fitzgerald, Michael Chaise, John Bryant, John Casey

Joseph Condon, Daniel Callihan, Patrick Powers
 Cornelius Crawley, Michael Obryen, Joseph Doile, John
 Ryen, Walter Dunphy, Patrick Fitzgerald, James M^c.Ma=
 =hone, William Divine, William Gould, Thomas Kelley
 Francis Larey, Timothy Kelley, Patrick Lamby, Patrick
 Punch, James Cady, Nicholas Collaton, Dennis Bryan,
 Matthew Hamsesey, John Adams, Phillip Folley,
 Flan Gan, Patrick Martin, James Murphy, Thomas
 Kelley, Edmund Callahan, James Tierney, James
 Neille, William Murphy, Derby Kean, Richard
 Bradley, Richard Sink, John Gee, Edmund Magee
 Morris Nail, Morgan Bryen, John Doil, Patrick Kiney,
 Patrick Connel, Derby Murray, John Korcoran.
 Henry

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[8r]

Henry Graves, Abraham Bradley, & Thomas Crowe
 and also Jarvis Sammis Appellants vs John
 Cushing and Samuel White both of Boston in
 the County of Suffolk Merchants, in behalf of
 John Grimes Commander of the Armed Ship
 Minerva, the officers, Marines and Mariners on
 board the Same, the owners thereof and all con=
 =cerned therein Appellees from the Decree of a
 Maritime Court for the Middle District of the
 State of the Massachusetts Bay holden at Boston
 in the County of Suffolk by the Honourable
 Nathan Cushing Esquire Judge of Said Court
 on the twentieth Day of November AD. 1778
 when and where the Appellees were Libellants
 of the Brigantine Reconciliation her Cargo &c
 And the Appellants were Claimants And the
 Libellants by their Bill filed in the Same Ma=
 =ritime Court gave the Said Court to understand
 and be informed, That the said Grimes and his
 Company on board said Ships, on the twenty Ninth
 day of September AD. 1778 on the high Seas, Attacked
 and took and on the fifth day of October then
 next following, brought into the harbour of
 Boston in said district, the brigantine Reconci=
 =liation, of about eighty tons burthen, Command=
 =ed by one Kettle and laden with the Ar=
 =ticles mentioned in a Schedule to Said Libel

Annexed, and the Libellants, in their said Bill, aver that the Said Brigantine was, at the time of her Capture, an Armed Vessel, infesting the sea Coast and making unlawful Attacks and depredations on the Navigation of the United States of America, that She was Carrying Supplies to the fleet and army Acting against said States; that She was employed by the Enemies of said States; and that She with her cargo and appurtenances was the property of and belonging to Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda, Providence and the Bahama Islands

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[8v]

Islands: by means of all which & by force of the Laws of this State and the resolves of the Continental Congress in Such case provided, the said Brigantine, her Cargo and appurtenances are forfeited and to be distributed to and among the Captors and others Concerned therein. And the Libellants prayed advisement therein and that by a due Course of proceedings, the said brigantine, her cargo and appurtenances may be decreed to be and remain forfeit and be distributed as the law directs. And the time and place of trial having been duly notified the said John Cushing and Samuel White appeared and the said John Brown, William Power John Power, John Fitzgerald, Michael Chaise, John Bryant, John Casey, Joseph Condon, Daniel Callehan, Patrick Powers, Cornelius Crawley, Michael Obryen, Joseph Doile, John Ryan, Walter Dunphy, Patrick Fitzgerald, James M^c.Mahone, William Divine, William Gould, Thomas Kelley, Francis Larey, Timothy Kelley, Patrick Lamby, Patrick Punch, James Cady, Nicholas Collaton, Dennis Bryan,

Mathew Hamsesey, John Adams, Philip Folley, Flan Gan, Patrick Martin, James Murphy, Thomas Kelley, Edmund Callahan, James Turney, James Neville, William Murphy, Derby Kean, Richard Bradley, Richard Sink, John Gee, Edmund Magee, Morris Nail, Morgan Bryen, John Doil, Patrick Kiney, Patrick Connel, Derby Murray, John Korcoran, Henry Graves, Abraham Bradley and Thomas Crowe (their Claim being duly filed) come into Court, by Benjamin Hichborn Esq^r. & claimed their respective Shares and proportions of the Same Brigantine, her Cargo &^c. and said "That they and each of them Shipt on board the Privateer Ship Minerva and were aiding, as=
=sisting and Jointly Concerned with the Said Grimes and the rest of his Crew on board said privateer

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[9r]

Privateer in taking and bringing into the Port of Boston the said Brigantine, her Cargo &c. by reason of all which each of them is entitled to his full Share of said prize with all the goods taken and brought into said port of Boston with her." Wherefore they prayed that the Same may be decreed to them as the law directs. And Jarvis Sammis (his Claim being duly filed) then also came into Court and Claimed his reasonable Share and proportion of the Same bri=
=gantine, Cargo, be and Said "That he was Carpen=
=ters Mate on board the said privateer Minerva when Shee took & brought into the said port of Boston the said brigantine Reconciliation, her cargo &c and that he was aiding and assisting in taking & bringing into the said port the said Ship, her Car=
=go &c" and further said "That by the Articles of said privateer Minerva as well as the Custom in such cases observed he is entitled to one Mari=
=ners Share & an half" wherefore he prayed the Same may be decreed to him as the law and resolves in Such cases require. And after a full hearing of the said John Cushing & Samuel White upon their bill aforesaid, and of the Said

John Brown And Others upon their Claim, And of the said Jarvis Sammis upon his Claim It was by the said Nathan Cushing Judge as aforesaid, Considered, adjudged, ordered and decreed, That the said brigantine Reconciliation and her appurtenances and Cargo are forfeit; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial & Condemnation and the Charges of Sale, be delivered to John Grimes and his Company of the armed Ship Minerva Captors as aforesaid (the said John Brown and others claimants as aforesaid to have no part thereof) their Agents or Attornies, for the Use and benefit of Such Captors and others concerned therein. And that the

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[9v]

the said Jarvis Sammis have one Mariners. Share only: And now the Parties appear and after a full hearing of the said Proponants, and the Said Claimants the Bills aforesaid of the said Proponants and the Claims aforesaid of the said John Brown and Others and of the Said Jarvis Sammis the Claimants aforesaid, are Committed to a Jury duly Returned impanelled and Sworn to try the Same who return their Verdict therein upon oath, that is to Say, they find that the said Ship, her Cargo &c were taken and brought in as Set forth in the Libel and at the time of the Capture thereof the Same were the property of Some of the Subjects of the King of Great Britain, other than the Inhabitants of Bermuda New Province or the Bahama Islands, and that John Brown and others named in his Claim were Joint Captors thereof with the Officers, Marines & Mariners on board the Ship Minerva and are entitled each of them to a Share in said Ship & Cargo equal to

a private hand on board said Ship Minerva,
 and that Jarvis Sammis is entitled to one Share
 and an half therein. It is therefore Considered
 by the Court that the said Brigantine Reconci=
 =liation her appurtenances & Cargo are forfeit;
 and that the Same be and hereby are Con=
 =demned to the use of the said John Grimes
 And his Company of the Armed Ship Minerva
 Captors as aforesaid; that the Same be Sold;
 and that the Monies thence arising after deduct=
 =ing the Cargos of trial and Condemnation &
 the Charges of Sale, be delivered to the Said John
 Grimes and his said Company their Agents or
 Attornies, for the Use and benefit of Such Captors
 and Others Concerned therein. And that the
 said John Brown & Others named in his Claim
 each of them have one Share & that Jarvis Sam=
 [:mis] have one Share & an half.

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[10r]

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Spencer & al^s. v^s Ship Sommersett

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Simeon Spencer, of Provincetown in
 the County of Barnstable Mariner and Simeon
 Spencer of Provincetown in the County of Barns:
 :table Mariner and Others viz. Isaiah Atkins,
 Henry Atkins and David Smith Mariners
 Appellants v^s. Robert Treat Paine Esq^r. in
 behalf of the Government and People of the
 Massachusetts Bay in New-England, Silvanus
 Snow of Truro in the County of Barnstable Mar=
 =riner as well for himself as for and in behalf
 of Ambrose Dyer, and Israel Grose Yeomen in=
 =habitants and Selectmen of said Truro and
 also for and in behalf of Richard Rich
 John Rich, Elisha Snow, Ambrose Snow Jun^r.,
 Noah Mayo, Jedediah Paine, Ebenezer Paine,
 Joshua Knowles Jun^r., Samuel Hopkins, William
 Thare, Richard Paine, Benjamin Lombard
 Ephraim Rich, Richard Rich 3^d., Joseph Cob,
 Jesse Rich, Thomas Cob, Benjamin Collins Jun^r.,

John Collins, John Kinny, Smith, Samuel
 Paine Jun^r., Richard Higgins Sylvanus Brown,
 Richard Rich 4th, Barnabas Pain, Richard
 Rich Jun^r., Samuel Treet, Thatcher Pain, Joseph
 Turner, Richard Cobb, Ezekiel Rich, Daniel
 Pain Jun^r., Jonathan Harding, Jedediah Higgins,
 James Dyer, Christopher Dyer, John Ridley, Silas
 Knowles, Lewis Lombard, Solomon Hinkley, Isa=
 =ac Hopkins, William Bigs, Thatcher Rich, Ja=
 =mes, Rich, John Cobb, Ebenezer Rich, Benjamin
 Rich, Jonathan Arey, Amasa Snow, Obadiah Snow,
 Sylvanus Collins, Isaac Rich, George Aury, Elisha
 Rich, Isaiah Rich, Lot Harding, Paul Knowles,
 John Lombard Jun^r., George Pike, Michael Gross,
 Nicholas Sparks, Simon Lombard, Barzilla Rich,
 Obadiah Rich, Obadiah Rich Jun^r., Paul Knowles,
 Andrew Collins, James Collins, Solomon Dyer, Samu=
 =el Paine 3^d., Ebenezer Dyer, Elkana Paine, [Zoath?]
 Rich, Uriah Rich, Israel Lombard, Matthais Rich,
 John

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[10v]

John Pike, John Small Jun^r., Joseph Dunbar,
 Caleb Hopkins, Moses Pain, Shebnak Dyer, Naph=
 =thaly Dyer, Ephraim Lombard, Thomas Dyer,
 Nathaniel Knowles, Job Avery, Oliver Bowles
 Benjamin Dyer, John Avery, John Savage, Tho=
 =mas Knowles, John Stevens, Joseph Rich Jun^r.,
 William Brown all inhabitants of said Truro,
 and Seth Nickerson, John Burgis, Ebenezer
 Rider, Samuel Atwood, Lot Rider, John Cook
 Jonathan Cook, Joshua Pierce, Ebenezer Hitchcock
 Robert Wilkson, Thomas Rider Jun^r., Simeon Smith,
 Nehemiah Nickerson, Solomon Cook, Jonathan At=
 =wood, Job Kinney, Robert Newcomb, John Conant,
 Barnabas Cook, Ebenezer Higgins, David Kilby,
 William Bush, Jonathan Nickerson, William
 Kilby, John Wharf, Nathan Atwood, James Smith,
 Joshua Nickerson, Jeremiah Newcomb, David
 Newcomb, Peurn Cowell Cook, Enoch Smith, Sa=
 =muel Rider, Allen Nickerson, John Burgis Jun^r.,
 David Rider, Phineas Nickerson, Seth Nickerson, Jun^r.
 John Larry, Atkins Smith, Gamaliel Smith,
 Eleazer Lewis, Paul Dyer, Francis Smally, Jesse

Harding, Jesse Newcomb, John Stevens, Joshua Atkins, Samuel Paine, David Dyer, Thomas Smalley, James Harding Dyer, Levi Stevens, Ephraim Harding, Henry Stevens, Nathaniel Smith, John Gross, Benjamin Dyer, Samuel Harding, Samuel Atkins, Silas Atkins, He[ill] Smalley, Isaac Smalley, Thomas Adams, Jonathan Hopkins, Solomon Lombard, Nathaniel Lewis, Elkanah Paine, Joseph Collings, Reuben Higgins all of said Truro. And John Gree=nough of the district of Wellfleet in the County of Barnstable Esquire, for and in behalf of Samuel Smalley, John Hill, John Avery, John Ridley, John Ridley Jun^r., Isaiah Atkins 3^d. Samuel Paine, Abra=ham Coan, Peter Coan, Elisha Dyer, Joseph Atkins, Richard Stevens, Barzilla Smith, Henry Paine Samuel Paine, Constant Hopkins, Phineas Paine, Joshua Paine Jun^r., Taylor Small, Reuben Higginson Jun^r., Adam Dyer, Shubel Coan, Nathaniel Morton Ridley,

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[11r]

Ridley, Elisha Paine, Stephen Paine Jun^r. Samuel Barber, William Dyer [^&^] William Allen all of said Truro Appellees from the Decree of a Maritime Court for the Middle District of the State of the Massachusetts Bay holden at Boston in the County of Suffolk, by the Hono[^u^]rable Nathan Cushing Esquire Judge of Said Court on the thirtieth Day of March A.D. 1779 when & where the Appellants were Libellants of the Ship of War Called the Somerset, her Guns, tackle and appurtenances together with all the Articles on board her And the Appellees viz Robert Treat Pain Esquire in behalf of the Government and People was Libellant of the Same Ship &c The said Silvanus Snow & others aforementioned as named in his Claim were Claimants of the Same Ship &c the said Seth Nickerson And Others aforementioned as Named in his Claim were Claimants of the same Ship &c and John Greenough Esq^r. in behalf of Samuel Smalley & others afore=mentioned as names in his Claim were

Claimants of the Same Ship &c And the Li=
 =bellants by their three Several Libels filed
 before the said Honourable Nathan Cushing
 Esquire as Judge of the Maritime Court for
 the Southern District of Said State of the
 Massachusetts Bay, to wit, one Libel on the
 ninth day of November A.D.1778 by the said
 Simeon Spencer exhibiting an Information,
 to wit, That on the third day of November afore=
 =said, the said Simeon Spencer discovered
 a Certain Ship of War, Called the Somerset
 of the burthen of fifteen hundred tons or
 there abouts Ourry Esq^r. Commander,
 last on Shore, between the Said Town of Pro=
 =vincetown & Truro, & within the Jurisdiction of
 the

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[11v]

the Maritime Court for the said, Southern District,
 and did then and there Attack and take the
 Same Ship, her guns, tackle & Appurtenances
 together with all Articles on board her, and
 the Said Simeon further informed That the
 said Ship, her guns, tackle and Appurtenan=
 =ces together with all Articles on board her
 were the Property of the King of Great Britain,
 or of Some of the Subjects of the King of Great
 Britain other than the Inhabitants of the
 Bermudas & New Providence or Bahama Islands,
 and was infesting the Sea Coasts of America,
 and was part of the fleet Actually employ=
 =ed in hostilities against the United States
 of America, all which the said Simeon
 Saith is repugnant to the resolves of Congress
 and the laws and Acts of this State in Such
 case made and Provided, and by force there=
 =of, the Said Ship, her guns, tackle & Appurte=
 =nances together with all other Articles on
 board her, ought to be disposed of in Such
 Manner as by the said Resolves of Congress

and the laws and Acts of this State in Such Case Made, is Provided. And the said Simeon Prayed advisement on the Premises, & that a due Process of Law might be has thereon, and that the said Ship, her guns, tackle & Appurtenances together with all other Articles on board her may be decreed to remain forfeit, & be disposed of in Such Manner as by the resolves of Congress and laws & Acts of this State is, in Such case Provided. And another Libel, on the Same ninth day of November aforesaid, by the said Simeon Spencer as well for himself as Isaiah Atkins, Henry Atkins & David Smith, exhibiting an Information, to wit, That they on the said third day of November, on the high Seas, Attacked and took, and on the Same day brought within

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[12r]

within the Jurisdiction of the said Maritime Court for said Southern District the Ship of War named the Somerset, Ourry Commander burthened about fifteen hundred tons together with her guns, tackle and Appurtenances and Cargo. And the said Simeon in the Same bill further informed That the said Ship Somerset with her guns, tackle Appurtenances and Cargo, afterwards, to wit, on the Same day was cast on the Sea Shore within the Jurisdiction of the said Maritime Court for said Southern District, and the said Simeon, Isaiah Henry & David then and there, to wit, on the Same day, between high and low Water Mark, found, Seized, took, Secured & Saved the Same And the said Simeon further informed That the said Ship with her guns &c on and before the said third day of November, was the Property of Some of the Subjects of the King of Great Britain other than the Inhabitants of Bermuda, New Providence or the Bahama Islands, and had been and was then infesting the Sea Coast and Navigation of the United States of America, and was part of the fleet employ=

=ed against these States; Contrary to the laws of this States and the resolves of the Congress in Such cases made and Provided; by force where=
 =of the Said Ship Somerset with her guns, tackle furniture, Appurtenances, Cargo and every thing on board her (the said Simeon Saith) are forfeited to the Use of the said Simeon, Isaiah, Henry & David. And the Said Sime=
 =on Prayed Advisement in the Premisses that a due Course of law and Proceedings might be had thereon and that the Same Ship, her guns, tackle, furniture, Cargo &c. may be decreed to be and remain forfeited to the Use of the said Simeon, Isaiah, Henry and David, as the law directs. And one other Libel

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[12v]

Libel, on the first day of February in the Year of our Lord 1779 by Robert Treat Pain Esquire, in behalf of the Government & People of the Massachusetts Bay in New England; ex=
 hibiting and Information, to Wit, That on the Second day of November aforesaid, a Certain Ship of War, Called the Somerset, belonging to the King of Great Britain, lately Command=
 =ed by George Ourry Esquire, of about Fifteen hundred tons burthen, with her guns, tackle, apparel, Provision Ammunition, Stores, Masts, yards, Spars, boats and Appurtenances as descri=
 =bed in a Schedule to the Same Libel Annexed was by the Act of God Cast upon the banks of Truro and Provincetown in the County of Barns=
 =table in this State, and within the Said Southern District, below low water Mark, & was thereby Stranded and disabled from getting away, and was thrown within the Jurisdiction, Power & Pos=
 =session of the government and People afore=
 =said, by means whereof, by the law of Nations & of this State, the said Ship and all her Con=
 =tents and Appurtenances as aforesaid became the Property of the Government & People afore=
 =said with reasonable Salvage to those Persons who were Aiding and Assisting in Securing &

preserving the Said Ship, her Contents & Appur=
 =tenances as aforesaid or any part thereof.
 And the Proponent Prayed the Said Ship; her
 Contents and appurtenances as aforesaid
 may be Condemned to the use of the Govern=
 =ment and People aforesaid and that rea=
 =sonable Salvage may be Allowed to the Sal=
 =vors. And the time and Place of Trial having
 been duly Notified the said Simeon Spencer and
 Simeon Spencer & Others, & Robert Treat Pain Esq^r.
 Appeared. And the said Silvanus Snow as well for
 himself as for and in behalf of the said Ambrose
 Dyer and Israel Grose & also for and in behalf of
 the

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[13r]

the said Richard Rich and others aforementioned
 and as named in the Schedule Annexed to the
 Claim of the said Silvanus Snow (their Claim being
 duly filed) came into Court and Claimed the said
 Ship of War Called the Somerset with the guns, tackle,
 Apparel, & furniture belonging to Said Ship and
 also all the Stores, goods, wares and Merchandizes
 found on board the Same and the said Snow said
 "That the said Ship of War was owned by and in
 the Actual Service of the King of Great Britain
 an Enemy of this and the other United States
 of America and was infesting the Sea Coast of
 this State on the fourth day of said November
 and was by the Claimants, on the said fourth
 Day of November, found Stranded within the
 Jurisdiction of the Maritime Court for Said
 Southern District, and boarded, Captured and
 taken into possession of said Claimants without
 low water Mark and with her appurtenances
 Saved, Secured and brought into said Truro
 within the Same District" Wherefore the said
 Snow for himself and all the other Claimants
 aforesaid prayed that the Said Ship Somerset,
 her guns, tackle, apparel & furniture with all
 the Stores, goods, wares and Merchandizes found
 on board her may be decreed to remain for=
 =feited agreeable to the resolves of Congress &

laws of this State in Such case made and provided to be disposed in Such Shares to &c Amongst all the Claimants Aforesaid as is Provided & directed in & by the said resolves and laws. And the said Seth Nickerson and others aforementioned & as Named in the Schedule Annexed to his Claim, Came into Court, by John Greenough Esq^r. their Attorney (their Claim being duly filed) and Claimed their reasonable Shares proportions of said Ship, her Cargo &c and there upon said "That at the time & place and for the Causes and

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And under the circumstances Mentioned in the said Libel of Simeon Spencer and Others, they & each of them Jointly with the said Simeon Spencer and others mentioned in the Same libel, Attacked, took and bro't within the said Southern district & saved the said Ship Somerset her Cargo &c by reason of which they and each of them are intitled to receive their reasonable Shares and proportions thereof." Wherefore the said Seth Nickerson and others the claimants Prayed that by a decree of this Court they and each of them May receive Such reasonable Shares & Proportions of Said Ship Somerset, her Cargo &c. as by law they are intitled to. And John Greenough of the district of Wellfleet in the County of Barnstable Esq^r. came into Court and for and in behalf of Samuel Smalley and others aforementioned and as Named in the Schedule annexed & the Claim exhibited by the said Greenough, Claimed the said Ship of War called the Somerset with the guns, tackle, furniture and Apparel belonging to Said Ship and also all the goods, Stores, Wares and Merchandize found on board the Same and Said "That the Said Ship of War was owned by & in the Actual Service of the King of Great Britain an Enemy of this and the Other United States

of America, and was infesting the Sea coasts of this State, on the third day of November last, and was, by the Same Claimants, on the said third day of November, boarded, captured & taken upon the high Seas, & Secured & bro't into Said Truro within the Jurisdiction of this Court "Where=
=fore the said Greenough for and in behalf of the Same Claimants Prayed that the Said Ship, her guns, tackle, apparel and furniture with all the Stores, goods, Wares & Merchandizes found on board her may be decreed to remain forfeited, agreeable to the resolves of Congress and laws of this State in Such case made and Provided & to be disposed in Such Shares and Amongst all

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all the [^same^] Claimants aforesaid as is Provided and directed in and by said resolves and laws. And the said Robert Treat Pain being fully heard upon the Said Libel in behalf of Said Government and People, and the Said Simeon Spencer and Simeon Spencer & Others being heard on their respective libels, and the said Sylvanus Snow and the said Seth Nicker=
=son and Others and the said John Greenough being heard upon their Several & respective Claims; It was by the Said Nathan Cushing Judge of the Maritime Court for the said Mid=
=dle District as aforesaid, Considered, Adjudged, ordered and decreed That the Said Ship Som=
=erset and her guns, tackle, Apparel, Furniture, Provisions, Ammunition, Stores, Wares & mer=
=chadizes on board, Masts, Yards, Spars, boats & Appurtenances Saves and Secured, are forfeit; that the Same be Sold; and that the Monies thence arising, after deduucting the Charges of trial & Condemnation and the Charges of Sale, be de=
livered, to Wit, two third Parts thereof to the Said Government & People of the Massachusetts Bay in New England for their Use One Sixth Part there=
=of to Simeon Spencer and Others Claiming with him, namely Isaiah Atkins, Henry Atkins and

David Smith to their Use & benefit and the other Sixth Part to Seth Nickerson and Others Claiming with him to their Use and benefit: And now the Parties Appear and after a full hearing of the said Proponants, and the Said Claimants the Several Bills aforesaid of the Said Proponants and the Several Claims aforesaid of the Said Claimants, are Committed a Jury duly returned, impannelled & Sworn to try the Same, who return their Verdict therein upon oath, that is to Say, they find that the said Ship Sommersett and her Cargo and Effects were the Property of the King of Great Britain; Said

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[14v]

said Ship being his Ship of War and employed in Committing hostilities Against the United States of America and that s^d. Ship was by the Act of God Cast on the Shores of this State near the Towns of Truro and Province Town in the County of Barnstable and there Stranded. And the Jury Adjudge one half of the neat proceeds of said Ship her Cargo & Effects to the Government and People of this State, one Sixth part thereof to Simeon Spencer & others Claiming under him, one twelfth Part thereof to Sylvanus Snow & Others Claiming under him, And the remainder thereof being one fourth to Seth Nickerson and Others Claiming under him, the said Seth Nickerson & others first paying out of said remainder to Samuel Small^[^e^]y, John Hill, John Ridley, Abraham Coan, Elisha Dyer, Richard Stevens, Barzillai Smith, Constant Hopkins, Taylor Small, Joshua Payne Jun^r. and William Dyer each Such Sum of money as will Amount to a Single Share of the one twelfth Part Adjudged to Sylvanus Snow & others Claiming under him. It is therefore Considered by the Court that the said Ship Sommersett and her Cargo and Effects are forfeit; And that the Same be and hereby are Condemned; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of

trial and Condemnation And the Charges
 of Sale, be delivered, to Wit, one half thereof
 to the Government and People of this State,
 one Sixth Part thereof to Simeon Spencer &
 Others Claiming under him, one twelfth part
 thereof to Sylvanus Snow & others Claiming under
 him, and the remainder thereof being one
 fourth to Seth Nickerson & Others Claiming Un=
 =der him the said Seth Nickerson and others
 first Paying out of said remainder to Samuel
 Smalley, John Hill, John Ridley, Abraham Coan,
 Elisha

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[15r]

Elisha Dyer, Richard Stevens, Barzillai
 Smith, Constant Hopkins, Taylor Small, Jo=
 =shua Payne Jun^r. and William Dyer each
 such Sum of Money as will Amount to a
 Single Share of one twelfth part Adju=
 =dged to Sylvanus Snow and Others Claim=
 =ing under him.

<_>

Ipswich June 19th. 1779 Judgment
 According to Law, and the Court is
 Adjourned without day.

Attest And. Henshaw, Cler

This Term Recorded

By Cha^s. Cushing Cler

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[16r]

State of Massachusetts-Bay in

New-England.
Middle District}
Suffolk Ss.}

At the Suprior Court
of Judicature Court of Assize
and general goal delivery begun
and held at Boston within &
for the County of Suffolk on the
last Tuesday of August (being
the 31st. day of said month)
Anno Domini 1779
By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Jedediah Foster}
Nath^l. Peaslee Sargeant} Justices
David Sewall and}
James Sullivan Esq^{rs}.}

<<

Mitchel & al. v^s. Ship Maria

>>

Henry Mitchel, James Mays & Thomas
Barclay Appellants v^s. Thomas Harris of Bos=
=ton in our County of Suffolk Merchant in
behalf of John Wilson Commander of the
Private Armed Brigantine Called the Gene=
=ral Stark's and Nathan Miller of Warren in
the County of Bristol of State of Rhode Island
Merchant in behalf of Benjamin Pierce Com=
=mander of the Private Armed Sloop Called
the General Starks, the Officers, Marines & Ma=
=riners on board Said Private Armed Vessels the
owners thereof and all concerned therein Ap=
=pellees from the Decree of a Maritime Court
for the Middle District of the State of the Massachusetts
Bay

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[16v]

Bay held at Boston in the County of Suffolk by
the Honourable Nathan Cushing Esquire Judge
of said Court on the twentieth Day of Nov=
=ember in the Year of our Lord 1778 when
and where the Appellees were Libellants
of the Ship Maria, her Cargo and Appurtenances
and the Appellants were Claimants of the
Same Ship her Cargo &c And the Libellants

by their Bill filed in the Same Maritime Court gave the said Court to Understand & be informed that the said Wilson and Peirce and their Company in Said Vessels, on the twenty Ninth day of September A.D. 1778, on the high Seas, at=
 =tacked & took, and on the first day of October then next following, bro't into the Port of Boston in said district, the Ship Called the Maria, of about three hundred tons burthen, Commanded by one Robert Farrah and lade with the Articles Mentioned in a Schedule to said libel Annexed. and the libellants in their said Bill, aver That the Said Ship Maria was, at the time of her Cap=
 =ture an Armed Ship, infesting the Sea Coast, & Making unlawful Attacks and depredations on the Navigation of the United States of America; that She was carrying Supplies to the fleet and Army Acting against said States; that She was employed by the Enemies of said States; and that Shee with her Cargo and Appurtenances was the Property of and belonging to Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda, Providence, or the Bahama Islands: by Means of all which and by force of the laws of this State and by the resolves of the Continental Congress in Such Case Provided, the said Ship, her Cargo and appurtenances are forfeit and to be distributed among the Captors And Others Concerned. And the libellants Pr=
 =ayed Advisement in the Premisses, and that, by a due Course of Proceedings, the said Ship, her

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[17r]

her Cargo and Appurtenances may be decreed to be and remain forfeit & be. distributed as the law directs. And the time and place of trial having been duly Notified, the said Thomas Harris and Nathan Miller Appear=
 =ed. And the said Henry Mitchell James Mays and Thomas Barclay (their Claim be=
 =ing duly filed) then Came into Court & Claim'd=
 =the said Ship Maria, her Appurtenances &c

as owners thereof, and said "That the said Ship
 her Appurtenances &c are not by law forfeit=
 =ed" and Prayed that the Same may be res=
 =stored to them, with their reasonable dama=
 =ges & Costs: And After a full hearing of the
 Said Thomas Harris and Nathan Miller up=
 =on the said bill by them preferred against
 the said Ship, her Appurtenances & Cargo as
 aforesaid, and of the said Henry Mitchell,
 James Mays and Thomas Barclay upon
 their claim aforesaid; It was, by the said
 Nathan Cushing Judge as aforesaid Consider=
 =ed, adjudged, ordered and decreed That the said
 Ship Maria and her Appurtenances and,
 Cargo are forfeit; that the Same be Sold, and
 that the Monies thence arising, after deduct=
 =ing the Charges of trial & Condemnation
 & the Charges of Sale, be delivered to John
 Wilson and his Company of the Private
 Armed Brigantine General Starks and
 Benjamin Peirce and his Company of the
 Private Armed Sloop General Starks Joint
 Captors as aforesaid, their Agent or Attornies
 respectively, for the use and benefit of Such
 Captors and Others Concerned therein:
 And now the Parties appear and After a
 full hearing of the said Proponants and the said
 Claimants the Bill aforesaid of the Said Pro=
 =ponants and Claims aforesaid of the Said
 Claimants

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[17v]

Claimants are Committed to a Jury duly
 returned, impannelled and Sworn to try
 the Same who return their Verdict therein
 upon Oath, that is to Say, they find that the
 Ship Maria her Cargo and Appurtenances
 were taken as Set forth in the Libel & at
 the time of said Capture were the Property
 of Certain Subjects of the King of Great Bri=

=tain other than the Inhabitants of Bermuda,
 Providence & the Bahama Islands & so lawful
 Prize to the Captors & that the Claim of Henry
 Mitchell & others is not Supported. It is
 therefore Considered by the Court that
 the said Ship Maria her Cargo and Appur=
 =tenances are forfeit; and that the Same be
 and hereby are Condemned; that the Same
 be Sold; and that the Monies thence arising
 after deducting the Charges of trial and
 Condemnation and the charges of Sale be
 delivered to John Wilson and his Company
 of the private Armed Brigantine General
 Starks. and Benjamin Peirce and his Com=
 =pany of the Private Armed Sloop General
 Starks Join captors as aforesaid their Agents
 or Attornies respectively, for the use & bene=
 fit of Such captors and Others concerned
 therein. and that Henry Mitchell and
 Others take nothing by their Claim.

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<<

Don Joachim Luca v^s. Ship Francisco De Paula Alias Valenciano

>>

Don Joachim Luca late Master of the Ship
 Francisco De Paula Alias Valenciano Appellant
 vs. Stephen Cleaveland of Salem in the County
 of Essex Merchant for and in behalf of Hugh
 Hill Commander of the Private Armed Ship
 named the Pilgrim, the Officers Marines and
 the Mariners on board the Same the Owners
 thereof and all Concerned therein Appellees
 from

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[18r]

from the Decree of a Maritime Court for
 the Middle District of the State of the Massa=
 =chusetts Bay holden at Boston in the County
 of Suffolk, by the Honourable Nathan Cush=
 =ing Esquire Judge of said Court, on the Sixth
 Day of April A.D. 1779 when and where the
 Appellee in behalf of the said Hugh Hill &c
 as aforementioned was Libellant of the Said

Ship Francisco de Paula alias Valenciano
 her Cargo and Appurtenances, and the Appel=
 =lant was Claimant And the Libellant by
 his Bill filed in the Same Maritime Court, gave
 the Same Court to understand and be inform=
 =ed that the said Hill and his Company, in
 said Ship named the Pilgrim, on the twenty first
 day of February 1779, Attacked and took, on the
 high Seas, and on the twenty fifth day of the
 Same February, brought into Beverly in said dis=
 =trict, the Ship Francisco De Paula Alias Valnai=
 =sano of about two hundred tons burthen, Command=
 =ed by one Peter White, and laden with diverse
 Articles of Merchandise. And the said Stephen
 Cleaveland, in his said Bill Avers that the Same
 Ship was, at the time of her Capture, with her
 Cargo & Appurtenances the Property of & belong=
 =ing to Some of the Subjects of the King of Great
 Britain Other than the inhabitants of Bermu=
 =da, Providence or the Bahama Islands, and was
 then on a Voyage from a Port in Spain to the
 Port of London in the Island of Great Britain;
 and the said Vessel was then loaded with diverse
 goods, wares and Merchandizes which were by Some
 of the Subjects of the said King freighted. injured
 and risqued. And the said Stephen further
 Avers That the Master of the Same Ship took
 on board the Same Cargo, knowing the Same
 to be British Property; the Same Master know=
 =ing that an Open War Subsisted between the
 said

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[18v]

said King of Great Britain his Subjects and
 the United States of America, at the time when
 he took on board Said goods, wares & Merchandize=
 =es and at the time of Said Capture, and yet refus=
 =ed to be Searched by said Hill and his Company
 and Attempted to Cover and Secure the said Vessel
 and her Cargo from Capture, by false papers &
 false pretences Suggesting that the Same were
 the Property and in the employ of Certain Sub=
 =jects of the King of Spain in amity with said
 States, and the Same Master at the time of said

Capture threw overboard into the Sea Certain Ship Papers relative to Said Voyage and Vessel which were thereby irrecoverably lost. And further the Libellant avers That at the time of Said Capture, the Same Ship was Carrying Supplies to the Enemies of said United States and was then employed by said Enemies. By means Whereof and by force of the laws of Nations the resolves of the Continental Congress, the laws of this State and all other laws touching the Same (the libellant Saith) the same Ship, her Cargo and Appurtenances are forfeit and to be distributed to and among the Captors and Others concerned therein And the said Cleaveland Prayed advisement in the Premises, And that by a due Course of Proceedings, the Same Ship Cargo & Appurtenances may be decreed to be and remain forfeit & be distributed as the Law directs: And the time and place of Trial having been duly notified the said Stephen Cleaveland Appeared And the said Joachim Luca late Master of said Ship Francisco de Paula alias Valenciano Came into Court, by Benjamin Hichborn Esquire and in behalf of himself and the Other Owners of said Ship her Cargo and appurtenances and all the Articles on board the Same Ship at the time of her Capture Claimed the Same and Said "That the said Ship her Cargo and

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[19r]

and appurtenances are the property of himself and of Certain other Subjects of His Most Catholic Majesty the King of Spain who is in amity with this and the Other United States of America, and not liable by the laws of this State, or the Acts or resolves of the "Congress or the laws of Nations, to forfeiture" And the said Joachim further Said "That at the Capture of said Ship, her Cargo and Appurtenances, he was Prosecuting in Said Ship a Voyage for the said Owners thereof, from Cadiz to London, and by reason of the illegal and groundless Capture thereof as

aforesaid and bringing the Same within this State as aforesaid, he from Prosecuting his intended Voyage aforesaid, is altogether Prevented; by reason of all which the Said owners of said Vessel, her Cargo and Appurtenances have Suffered great damage." Wherefore the said Joachim prayed that the said Vessel, her Cargo and Appurtenances and all the Articles on board of her at the time of her Capture may be restored to him the Said Joachim for the use of the Proper Owners thereof and that reasonable damages & Costs for the illegal Capture and detention of the Same may be decreed to him for the use of said Owners as the law directs: And after a full hearing of the said Stephen Cleaveland upon his Bill aforesaid and of the said Joachim Luca upon his said Claim, It was by the said Nathan Cushing Judge as Aforesaid, Considered, Adjudged, ordered and decreed, That the said Ship Francisco De Paula alias Valenciano and her Appurtenances and Cargo Excepting the Articles Mentioned in the Manifest and bill of Lading N^o. 14 and the Boatswains Property on board, Said Ship are forfeit; that the same be Sold; and that the Monies thence arising, after deducting the charges

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[19v]

Charges of trial and Condemnation and the Charges of Sale, be delivered to Hugh Hill his Company of the private Armed Ship the Pilgrim Captors as aforesaid their Agents or Attornies, for the Use & benefit of Such Captors and others concerned therein, and it was further decreed, by the said Judge, That the Articles Mentioned in the Manifest and Bill of Lading N^o. 14. be restored to the Proper owners thereof and that the Boatswains property on board said Ship Francisco De Paula Alias Valen-

=ciano be restored to him-And now the Par=
 =ties Appear And after a full hearing of the said
 Proponant and the said Claimant. The Bill
 Aforesaid of the said Proponant & the Claim
 Aforesaid of the said Claimant are Committed
 to a Jury duly returned, impannelled and
 Sworn to try the Same who return their Verdict
 therein upon Oath, that is to Say, they find
 that the Ship Valenciano & her Cargo & Appur=
 =tenances were taken and brought in as Set
 forth in the Libel, and that the Same are the
 Property of British Subjects and are lawful
 Prize to the Captors and other Concerned there=
 =in, excepting the Merchandize Contained in
 Rapallo's Invoice Marked B^BC, and except the
 Boatswain's Property Mentioned in the Schedule
 by him exhibited and Sworn to, which the Jury
 find are the Property of Persons not Subjects
 of the King of Great Britain. It is therefore
 Considered, Adjudged, Ordered and Decreed by
 the Court that the Ship called the Valenciano
 with her Cargo and Appurtenances are law=
 =ful Prize and to be distributed According to
 Law, expect the Boatswains Property Menti=
 =oned in his Invoice and the Merchandize con=
 =tained in Rapallo's Invoice Marked B_BC, which
 are the Property of Persons not Subjects of the
 King of Great Britain, and so not liable to
 Condemnation

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[20r]

Condemnation. From which Sen=
 =tence, order and Decree relative to the Ship
 Valenciano, Don Joachim Luca on the eleventh
 Day of September Appealed to the Congress
 of the United States of America, which Appeal
 was granted by the Court, and Security was
 given for Prosecuting said Appeal to Effect.
 John Larraguy, of Boston, Gentleman, and
 Benj^a. Hichborn & Perez Morton both of
 Boston Esq^{rs}. have Jointly & Severally bound
 themselves for said Purpose in the Sum
 of Ten Thousand Pounds.

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<<

De Llano v^s. Brigantine Holy Martyr's

>>

Joseph De Llano late Master of the Brigantine Called the "Holy Martyrs" Appellant v^s. Nathaniel Tracy & John Coffin Jones both of Newbury-Port in the County of Essex Merchants Agents for the owners of the letter of Marque Schooner Called, the Success Commanded by Philip Trask, And John Fletcher of the Same Newbury-Port, Agent for the Commander, Officers, Marines and Mariners of the Same letter of Marque Appellees from the Decree of a Maritime Court for the Middle District of the State of the Massachusetts Bay held at Boston in the County of Suffolk, by the Honourable Nathan Cushing Esquire Judge of said Court, on the Sixth Day of April A.D.1779 when & where the Appellees were Libellants of said Brigantine Holy Martyrs and the Appellant was Claimant. And the Libellant by their Bill filed in said Maritime Court gave the Same Court to Understand and be informed, That the said

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[20v]

said Commander & Crew on board said Letter of Marque, on the high Seas, and within the Jurisdiction of said Court on the thirtieth day of December [^{then}] last Past, Attacked and took & afterwards on the first day of March A.D.1779 Sent into the Port of Newbury Port aforesaid a Certain Brigantine Called "the Holy Martyrs" burthen'd about one hundred and twenty Tons, Commanded by Joseph de Llano, laden with divers goods, Wares and Merchandizes a Schedule whereof is to Said Libel Annexed. And the Libellants, in their said Bill, aver That said Captur'd Brigantine, at the time of her Capture aforesaid, was

an Armed Vessel employed in infesting the Navigation of America and that She her Cargo and Appurtenances were the Property of the Subjects of the King of Great Britain other than the inhabitants of Bermuda, Bahama or Providence Islands and that the said Brigantine, at the time of her Capture aforesaid, was bound from the Port of London in the Island of Great Britain to the Port of Cadiz laden with a Cargo the growth, Produce and Manufacture of Said Island, and laden on board her at said Port of London on the Account and for the Use of the inhabitants of said Island. By force of all which and of the laws Usages & Customs of Nations, of the Civil law, the resolves of Congress and the laws of this State, the said Captured Brigantine her Cargo & Appurtenances are lawful prize to the Owners, Commander and Crew of the said letter of Marque and are liable to be Condemned and distributed to and Amongst the owners, Commander and Crew aforesaid in Such proportion as has been and is Agreed upon by and between the said Owners on the one Part and the said Commander and Crew on the other Part, that is to Say, two third Parts thereof to the Said Owners and one third Part thereof to the said Commander

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[21r]

Commander and Crew. And the said Libellants Prayed advisement thereupon and that, by a legal Course, of Proceedings, Said Captured Brigantine her Cargo & Appurtenances may be Decreed lawful Prize and be Condemned & distributed to and amongst the owners Commander and Crew aforesaid in the Proportion aforesaid mentioned. And the time and Place of trial having been duly Notified, the said Nathaniel Tracy, John Coffin Jones & John Fletcher appeared; And Joseph De Llano aforementioned late Master of the said Brigantine (his Claim being duly filed) Came then into Court

by Benjamin Hichborn Esquire, and in behalf of himself and the Other owners of the said Brigantine her Cargo and Appurtenances and all the Articles on board said Brigantine at the time of her Capture, Claimed the Same and thereupon said That the said Brigantine her Cargo and Appurtenances are the Property of himself and Certain other Subjects of the King of Spain who is in Amity with this and the United States of America and not liable by the laws of this State or the Acts for resolves of the Congress or the laws of Nations to forfeiture." and the said Joseph De Llano further said "That at the time of Capture of said Brigantine her Cargo and Appurtenances he was prosecuting in said Brigantine a Voyage for the said Owners thereof from London to Cadiz and by reason of the illegal and groundless Capture thereof as aforesaid and bringing the Same within this State he from prosecuting said Voyage is altogether prevented; by reason of all which the said Owners of said Vessel, Cargo and Appurtenances have Suffered great Damage." Wherefore the said Joseph De Llano Prayed the said Vessel, her Cargo and Appurtenances and all the Cargo on board her at the time of Capture may be restored to him for the use of all the proper owners thereof & that reasonable damages and Costs for the illegal Capture

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[21v]

Capture and detention aforesaid May be decreed to him for the use of said Owners as the law directs. And after a full hearing of the said Nathaniel Tracy, John Coffin Jones and John Fletcher upon their Bill aforesaid and of the said Joseph De Llano upon his said Claim; and the cause being Argued by Counsel on both Sides; It was by the said Nathan Cushing Judge as aforesaid, considered, Adjudged, Ordered and decreed That the Cargo of the said Brigantine the "Holy Martys" is forfeit; that the Same after the Charges of trial and Condemnation are Paid be divided into three equal Parts and that two third parts thereof be delivered to the said Nathaniel Tracy & John Coffin

Jones, Agents for the Owners of the Letter of Marque Schooner Success for the Use of said Owners, and the other third Part thereof to the said John Fletcher Agent for the Commander Officers Marines and Mariners of the same Letter of Marque Schooner for the Use of said Commander, Officers, Marines & Mariners. And it is further decreed by the said Judge that the said Brigantine the Holy Martyrs and her Appurtenances be Restored to the said Joseph De Llano for the use of the Proper Owners thereof: And now the Parties Appear and After a full hearing of the said Nathaniel Tracy, John Coffin Jones & John Fletcher upon their Bill aforesaid and of the said Joseph De Llano upon his said Claim the Bill aforesaid of the said Proponants & the Claim aforesaid of the said Claimant are Committed to a Jury duly returned, impannelled and Sworn to Try the Same Who return their Verdict therein upon oath, that is to say, they find that the Brigantine Named the Holy Martyrs, together with her Cargo and Appurtenances and were taken & brought in as set forth in the Libel, and were at the time of Capture, the Property of Certain Subjects of the King of Spain and not liable to Condemnation; except the Goods & Merchandize, Mentioned

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22.

[22r]

Mentioned in two Bills of Lading wherein no Account & risque is expressed being N^o.25, Marked SH} and N^o.27 Marked MH N^o.18a 20, the N^o.17}

Shippers in the former being Errecante del Rico and C^o. in the latter Bustamente and Rullett, which the Jury find to be the Property of Certain Subjects of the King of Great Britain, other than the Inhabitants of the Bermudas, Providence or the Bahama Islands.

It is therefore Considered Adjudged ordered and decreed by the Court that the Vessel Called the Holy Martyrs with her Appurtenances & Cargo (Except the Goods Mentioned in the

Bills of Lading N^o.25 and 27) be restored to Joseph De Llano the Claimant for himself and Others concerned, and that the Goods and Merchandize Mentioned in the Bills of Lading N^o.25 & 27 are adjudged and decreed as lawful Prize and After the freight due for the Same is deducted and paid to the Captain to be distributed According to Law. From which Sentence order and Decree relative to the Brigantine Holy Martyrs, Nathaniel Tracy and Others Libellants of said Brigantine on the Eleventh day of September Appealed to the Congress of the United States of America, which Appeal was granted by the Court, and Security was given for Prosecuting said Appeal to Effect Nathaniel Tracy John Lowell & John Fletcher have jointly and Severally bound themselves for said Purpose in Ten Thousand Pounds.

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[22v]

<<

Collier & al^s. v^s. Ship Nancy

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Isaac Collier and John Selman Agent for the Owners Commander Officers Marines & Mariners of the Schooner Springbird being a Private Armed Schooner (whereof John Patten of Marblehead is Commander, and libellant of the Ship Named the Nancy) and Ebenezer Parsons Agent for the Owners, Commander Officers Marines and Mariners of the armed Private Schooner Called the Wasp (Commanded by John Solmes) Appel= lants v^s. John Tucker (who with Samuel Tucker & Henry Gibbs were Agents for the Owners, Commander, officers Marines and Mariners of the Private Armed Ship the Harlequin) Appel= lee from the Decree of a Maritime Court for the Middle District of the State of the Massachu=

=setts Bay held at Boston in the County of Suf=
 =folk by the Honourable Nathan Cushing Esquire
 Judge of the Said Court, on the eleventh Day of August
 in the year of Our Lord 1779 when and where
 the Appellants in behalf of the Said Schooner
 Springbird were Libellants & the Appellant
 in behalf of the said Schooner Wasp was Claim=
 =ant of the Armed Ship Called the Nancy and
 the Appellee in behalf of the Private Armed Ship
 the Harlequin Francis Bowden Dennis Commander
 was Libellant- and the Appellee by his Bill
 Filed, in Said Maritime Court by Francis
 Dana Esquire for and in behalf of the Said Fran=
 =cis Bowden Dennis Commander of the Said
 Private Armed Ship the Harlequin, and the
 Officers, Marines & Mariners on board the
 Same Ship the Owners thereof and all concern=
 =ed therein, gave the Same Court to Under=
 =stand and be informed That the said Dennis
 and his Company on board said Ship on the
 third day of June 1779 on the high Seas, did Attack
 and take, and, on the twenty Seventh day of the
 Same Month, bring into the Port of Salem a
 Certain Armed Ship called the Nancy a Letter
 of Marque, of about two hundred & Sixty Tons
 Burthen

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[23r]

Bur then, Commanded by one David Hunter
 and laden with the Articles mentioned in
 a Schedule to said libel annexed. And the
 said Francis Dana in his said Bill; avers
 That the said Ship Nancy, at the time of her
 Capture aforesaid was an Armed Vessel
 infes ting the Sea Coasts, and making unlaw=
 =full Attacks and depredations on the Navi=
 =gation of the United States of America, that
 She was carrying Supplies to the fleet & Army
 employed Against said States; that she was
 employed by the enemies of said States; and
 that she her Appurtenances & Cargo were
 at the time of her capture the Property of
 and belonging to Some of the Subjects of

the King of Great Britain, other than the inhabitants of Bermuda: By Means of all Which, and by force of the laws of this State and the resolves of the Continental Congress in Such Cases Provided (the proponant Saith) the said Ship Nancy, her Cargo and Appurtenances are forfeited and ought to be so adjudged, and to be distributed to and among the captors and Others concerned therein Wherefore the said Dana prayed advisement therein, And that by a due Course of Proceedings, the said Ship Nancy, her Cargo & Appurtenances may be decreed to be and remain forfeit and be distributed as the law directs. And the time and place for trial of the Justice of the said Capture being duly Notified, the said Francis Dana appeared. And the Other Libellant in behalf of the said Schooner Springbird then came into Court viz. John Patten of Marblehead in the County of Essex in said Middle District by William Wetmore Esquire and

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[23v]

and, for and in behalf of the officers; Marines and Mariners of the private Armed Schooner Named the Springbird whereof the said Patten, is Commander as Captors, and the owners of said Schooner Springbird and all concerned therein, for and in behalf of whom a libel; was also filed before the said Judge by said Patten against the said Ship Nancy her Cargo Stores & Appurtenances, Claimed the said Ship Nancy; her Cargo; Stores and Appurtenances and Said "That by Means of the Several Matters and things in the Same Libel of said Patten alledged as causes of forfeiture to Wit, That the Same Ship was then and even Since the Nineteenth day of April Anno Domini 1775, hath been an Armed Vessel ingaged in Making unlawful invasions Attacks and depredations on the sea Coasts and Navigation of the United States of America, and Used in Supplying the fleets & Armies of the King of Great Britain which have been employed Against the said States; that

she was employed by the said King, an enemy to said States; that She was then & has been carrying Supplies and Contraband goods to the Said enemy, to wit, to Hallifax and Quebec, places. Garrisoned by the said enemies, and invested and besieged by the fleets And Armies of said United States; that She was then returning from the said enemy after having Carried Supplies as aforesaid; that the Master and Super cargo had then designs of Carrying the lading of the Same Ship, being Supplies, to the Said enemy; and that she, her Cargo and Appurtenances, were then the Property of Certain Subjects of the King of Great Britain enemies to the Said States. and by force of the laws in Such Cases made and provided, and by the Laws and Usages of Nations the said Ship Nancy her Cargo Stores and Appurtenances are become forfeit to those for & in behalf of whom he Claimed." and

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[24r]

And prayed the Same Ship, her Cargo, Stores & Appurtenances may be so Adjudged, & distributed According to law. And Ebenezer Parsons of Newbury Port in the district aforesaid Merchant, by Theophilus Parsons Esquire, Came into Court (his Claim being duly filed) and on behalf of John Solmes Commander of the Armed Privateer Schooner Called the Wasp, the Officers, Marines, Mariners & Owners thereof for all of whom the said Ebenezer is Agent, Claimed a reasonable part & share of the said Ship Nancy her Cargo & Appurtenances; and said "That true it is that Said Ship Nancy, her Cargo & Appurtenances ought to be condemned and decreed forfeit for the Causes set forth in said libel of said Patten" But said Ebenezer further Avered "That said Commander, officers, Marines and Mariners of said Armed Schooner Wasp were Joint Captors of said Ship Nancy, her Cargo & Appurtenances. And after a full hearing

of the said Francis Dana upon his Bill aforesaid
 and of the said John Patten and the said Ebenezer
 Parsons upon their Several Claims aforesaid;
 It was by the said Nathan Cushing Judge as afore=
 =said, Considered, Adjudged, ordered & decreed, That
 the said Ship Nancy and her Appurtenances
 and Cargo are forfeit; that the Same be Sold; and
 that the Monies thence arising, after deduct=
 =ing the Charges of trial & Condemnation &
 the Charges of Sale be delivered to Francis Bow=
 =den Dennis and his Company of the private
 armed, Ship Harlequin Captors as aforesaid
 their Agents or Attornies, for the use & benefit
 of Such Captors and others Concerned therein
 And Now the parties Appear and the Case after
 a full hearing was Committed to a Jury duly
 returned; impannelled & Sworn according to
 Law

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[24v]

Law to Try the Same who return their Verdict
 therein upon Oath, that is to Say, they find
 that the Ship Nancy taken and brought into
 Port as Set forth in the Libel with her Appur=
 =tenances and Cargo were at the time of the
 Capture the Property of and belonging to some
 of the Subjects of the King of Great Britain
 other than the Inhabitants of the Island of
 Bermuda, that therefore she is a lawful prize.
 -that it appears by the Evidence exhibited on
 Trial the Schooners Springbird and Wasp were
 influential of her Surrender to the Harlequin,
 and consequently by Law the Harlequin is en=
 =titled to Ninety three one hundred and fifty
 Parts The Springbird to twenty two one hun=
 =dred and fifty parts And the Wasp to Thirty
 five one hundred and fifty Parts.
 And now a Motion is made by John Lowell
 Esquire for an Arrest of Judgment, Which is
 overruled by the Court It is therefore

considered Adjudged and decreed by the Court that the said Ship Nancy her Cargo and Appurtenances were Jointly taken and brought into the Middle District by the Commanders officers Marines and Mariners of and in the Said Privateer Ship Harlequin the said Privateer Schooner Springbird and the said Privateer Schooner Wasp, And that the said Ship Nancy her Cargo and Appurtenances were at the time of the Capture aforesaid the Property of Some of the Subjects of the King of Great Britain other than the Inhabitants of the Island of Bermuda, and that the Same are lawful Prize and became forfeit, and be Condemned & distributed in the following Manner, that is to say Ninety three Undivided one Hundred & Fifty Parts to John Tucker, Samuel Tucker and Henry Gibbs for the use of the owners Commander, Officers, Marines and Mariners of the said Ship

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Image 086-Right

25

[25r]

ship Harlequin for whom they are Agents, twenty two Undivided one hundred and Fifty Parts to Isaac Collier and John Selman for the use of the Owners Commander officers Marines and Mariners of the said Schooner Springbird for whom they are Agents, and thirty five Undivided one hundred and fifty parts, being the residue thereof, to Ebenezer Parsons for the use of the Owners, Commander Officers, Marines and Mariners of the said Schooner Wasp for whom he is Agent.

< _ >

<<

Patten & al. v^s. Low Brig Necessity.

>>

John Patten & Al Ap^{ts}. & Lib^{ts}. v^s. Rob^t. Low
Claimant of Brig Necessity &c
And now neither party appears

< _ >

Boston Dec^r. 7th. 1779 Judgment According

to Law, and the Court is adjourned Without
 Day Attest. And Henshaw, Cler
 This Term Recorded.
 By Cha^s. Cushing Cler

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 [25v]
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 26
 [26r]

State of Massachusetts-Bay
 In New England.

Suffolk ss. At the superior Court of
 Judicature, Court of Assize and
 general goal delivery begun and
 held at Boston within and for the
 County of Suffolk on the third Tues=
 =day of February (being the 15th: day
 of said Month) Anno Domini 1780.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
 Nath^l: Peaslee Sargeant
 David Sewall and
 James Sullivan Esq^{rs}: Justices

<<

Tufts & al. v^s. Cleaveland Brig^{tin} Triton

>>

Samuel Tufts and Joseph Marquand both
 of Newbury Port in the County of Essex in the
 Middle District of the State of Massachusetts Bay
 Merchants Libellants of a certain Brigantine
 called the Triton. Appellants v^s. Stephen Cleave=
 =land of Salem in the County of Essex Mariner
 in behalf of Hugh Hill Commander of the Armed
 ship called the Pilgrim and all Concerned there=
 =in Claimant of said Brigantine Triton Ap=
 =pellee and also at the Same Court Relative to
 the same Brigantine Triton The said Stephen
 Cleveland was appellant v^s. the Same Samuel
 Tufts and Joseph Marquand who were appel=
 =lees, from the Decree of a Maritime Court for
 the Middle District of the State of the Massachu=
 =setts Bay held at Boston in the County of Suffolk

by

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[26v]

by the Honourable Nathan Cushing Esquire Judge
of said Court on the eleventh day of August in
the year of our Lord 1779 when and where the
said Samuel Tufts and Joseph Marquand on
behalf of John Obrian Commander of the Armed
Privateer Schooner called the Hybernian the Officers
Mariners, Marines & owners thereof and all con=
=cerned therein [[^]were[^]] Libellants and the said Stephen
Cleaveland was Claimant And the Libellants
by their Bill Filed in the said Maritime Court
gave the Same Court to understand and be
informed, to wit, "That the said John Obrian
with his said Crew in said Armed Schooner, on
the high Seas on the twenty first day of June
A.D. 1779 Attacked Seized and took and afterwards
on the first day of July then next Sent into
Newbury Port aforesaid a certain brigantine
called the Triton burthened about one hundred
and ten tons, whereof one William Coll[o?]rwood
was late Master, laden with diverse goods, wares
and Merchandizes a Schedule whereof is to
said Libel Annexed And the said Tufts and
Marquand in their said Bill further Say
That at the time of the Capture aforesaid of
said Brigantine, She was an Armed Vessel
employed in infesting the Sea coasts and Na=
=vigation of America, and at the Same time
She her Cargo and Appurtenances were the
property of Some of the Subjects of the King
of Great Britain other than the inhabitants
of Bermuda Islands By force of all which
and the laws in Such cases made and pro=
=vided, Said Captured Brigantine her appur=
=tenances and cargo (the proponants Say) are
become lawful prize and are to be condemned
and distributed to and Among the Captors and
Owners aforesaid and others concerned therein Where=

=fore the Said Tufts and Marquand prayed advise=
=ment

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[27r]

=ment thereupon, that, by a due course of proceedings
said captured Brigantine, her appurtenances and
Cargo may be decreed forfeit and be Condemned and
distributed to and among the Captors and Owners
aforesaid and others concerned therein And
the time and place of trial having been duly
notified the said Samuel Tufts and Joseph
Marquand appeared. And Stephen Cleave=
=land of Salem in the County of Essex Mariner
(his Claim being duly filed) in behalf of Hugh
Hill Commander of the Armed Ship called
the Pilgrim and all concerned therein came
into Court and Claimed the said Brigantine
Triton her cargo and Appurtenances and Said
"That the said Hill and his Company, on the high
Seas, on the tenth day of May last, attacked and
took and on the first day of said July brought
into Newbury Port in said district the said
Brigantine her Appurtenances and cargo, &
that for the causes Set forth in the said Libel
She Ought to be decreed forfeited, but not adjudg=
=ed to the use of the said Obrian and all con=
=cerned in the Schooner Hibernia, but to the
use of the said Hugh Hill and all concerned
in the Ship Pilgrim." And the said Cleaveland
in behalf of said Hill and all Concerned in said
Ship, then also claimed nine tenth parts of a
Certain Brigantine called the Triton, her Appur=
=tenances and Cargo Against which he Supposed
a libel to be filed in said Court in behalf of
John Obrian and all concerned in the Schooner
Hibernia And the said Cleaveland Said "That
on the day on which the Libellants aver that
the Same Brigantine, her Appurtenances and
Cargo were taken by the said Schooner Hibernia;
the said Brigantine, Appurtenances & Cargo
were not taken by the said Schooner Hibernia
alone, but by the said Schooner Hibernia and
the said Ship Pilgrim Jointly for causes Set forth

in

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[27v]

in the Libel” Wherefore the said Cleveland pray’d that the Same Brigantine, Appurtenances & Cargo. may be decreed forfeit and be distributed one, tenth part thereof to all concerned in the said Schooner Hibernia and nine tenth parts thereof to the said Hugh Hill and all concerned in the Ship Pilgrimage And after a full hearing of the said Samuel Tufts and Joseph Marquand upon their Bill aforesaid and of the said Stephen Cleveland upon his Claim aforesaid: It was by the said Nathaniel Cushing Judge as aforesaid, Considered and adjudged, ordered and decreed That the said Brigantine Triton and her Appurtenances & Cargo are forfeit; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial and Condemnation and the charges of Sale be delivered, to wit, five eighth parts thereof to John Obrian and his Company of the Armed privateer Schooner Hibernia Captors as aforesaid, their Agents or Attornies, for the use and benefit of Such Captors & others Concerned therein as owners of said Schooner Hibernia; and the remaining three eighth parts thereof to Hugh Hill and his Company of the said Armed Ship Pilgrim, their Agents or Attornies, for the Use and benefit of the said Hugh and his said Company of said Ship Pilgrim and all concerned therein: And Now the Parties appeared and after a full hearing of the said Proponants and the said Claimant the Bill aforesaid of the said Proponants and the Claim aforesaid of the said Claimant are Committed to a Jury duly returned, impannelled, & Sworn according to Law to Try the Same who return their Verdict therein upon Oath, that is to Say, they find the Brigantine Triton was taken and brought into Port, as Set forth in the Libel, and that She, her Appurtenances and cargo, were at the time of Capture, the Property of and belonging to Some of the Subjects of the King of Great Britain other than the Inhabitants of the Island of Bermuda, and

that

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28

[28r]

that she, her Appurtenances and Cargo, are
a lawful Prize to the Schooner Hibernia and
all Concerned therein It is therefore Con=
sidered adjudged, ordered and decreed by the
Court That the said Brigantine Triton and
her Appurtenances and Cargo are forfeit, and
that the Same be and hereby are Condemned;
that the Same be Sold; and that the monies
thence arising, after deducting the Charges
of trial and condemnation and the Charges
of Sale, be delivered to John Obrian and
his Company of the Armed Privateer Schooner
Hibernia Captors as aforesaid, their Agents
or Attornies, for the Use and benefit of Such
Captors and other concerned therein as
Owners of said Schooner Hibernia; and that
Stephen Cleveland the Claimant in behalf
of Hugh Hill commander of the Armed
Ship called the Pilgrim and all concerned
therein, take nothing by his Claim.

< _ >

<<

Centipede Schooner v^s. Tufts Lib^t of the Brig^t. Experim^t.

>>

The Officers Marines and Mariners, the
owners of and all Concerned in the private
armed Schooner named the Centipede Com=
manded by Gideon Henfield, Appellants
v^s. Samuel Tufts of Newbury Port in the County
of Essex in the Middle district of the State of
the Massachusetts Bay merchant in behalf
of William Obrian Commander of the armed
privateer Brigantine Called the Hibernia,
the officers and crew and owners thereof
for all of whom said Samuel is agent, Ap=
pellee from the Decree of a Maritime Court
for the Middle District of the State of the Massachusetts
Bay

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[28v]

Bay held at Boston in the County of Suffolk, by the Honourable Nathan Cushing Esquire Judge of said Court, on the tenth day of December in the Year of our Lord 1779 when and where the Appellee was Libellant of a Certain Brigantine called the Experiment, her Cargo & Appurtenances and the Appellants were Claimants of the Same Brigantine Experiment be and the Libellant by his Bill filed in said Maritime Court gave the Same Court to understand and be informed That William Obrian Commander of the Armed Privateer Brigantine Called the Hibernia the Officers and Crew in said Brigantine, on the high Seas, on the twenty Fifth day of October A.D. 1779 Attacked, Seized & took and afterwards on the second day of November then next follow=
=ing, brought into the Port of Newbury Port afore=
=said a certain Brigantine Called the Experi=
=ment, burthened about eighty tons, whereof William Black was Master, and laden with diverse goods wares and Merchandize a Schedule whereof is to said Libel Annexed. & the said Tufts, in his said Bill, avers That said Captured Brigantine, her cargo & Appurtenan=
=ces were at the time of the Capture afore=
=said, the property of Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda. By force of all which and of the laws in Such cases provided, Said Captured Brigantine; her Cargo & Appur=
=tenances (the said Tufts Saith) are become forfeit and are to be Condemned and decreed to the said Captors and owners aforesaid. Wherefore the said Tufts prayed process might issue against the Same and that the Same may be Condemned and decreed as afore=:
=said And the time and place of trial of the Justice of said Capture having been duly notified, the said Samuel Tufts, by Theophilus Parsons

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[29r]

Parsons Esquire appeared And no person ap=
 =peared to Shew cause why the said Brigantine
 Experiment with her cargo and Appurtenances
 Should not be condemned And the
 Officers, Marines and mariners, the owners
 and all concerned in the Private armed
 Schooner named the Centipede Commanded
 by Gideon Henfield (their Claim being duly
 filed) came into Court, by William Wetmore
 Esquire, and Claimed a reasonable part of said
 Brigantine Experiment and of her Cargo and
 Appurtenances to be adjudged and decreed to
 them and thereupon, said "That the said Cha=
 =rges set forth in the libel aforesaid for Causes
 of Condemnation of the Same Brigantine,
 her Cargo and Appurtenances are true; &
 that the said Officers, Marines & Mariners of
 the said Schooner Centipede, in the Said Schoo=
 =ner, on the day mentioned in the said libel,
 did Jointly with the Officers, Marines & Mari=
 =ners in the said Brigantine Hibernia take
 the said Brigantine Experiment with her
 Cargo and Appurtenances." Wherefore they
 Prayed that a reasonable part thereof may be
 adjudged to them the said Officers, Marines
 and Mariners the owners and all Concerned
 in the said Schooner Centipede And after
 a full hearing of the said Samuel Tufts up=
 =on his Bill aforesaid and of the said Officers,
 Marines, Mariners, Owners of and others
 concerned in the said private armed Schoo=
 =ner Centipede upon their Claim aforesaid:
 It was by the said Nathan Cushing Judge
 as aforesaid Considered adjudged ordered
 and decreed That the said Brigantine Expe=
 =riment and her appurtenances & Cargo
 are forfeit, that the same be sold; and that the
 Monies thence arising, after deducting the
 charges

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[29v]

Charges of trial and Condemnation and the
Charges of Sale, be delivered to William Obri=
=an and his Company of the privateer
Armed Brigantine Hibernia Captors as afore=
=said, their Agents or Attornies, for the use &
benefit of Such Captors and Others as owners
of Said Brigantine Hibernia Concerned
therein: And now the Parties appear
and After a full hearing of the said Pro=
=ponant and the said Claimants the
Bill aforesaid of the said Proponant &
the Claim aforesaid of the said Claimants
are Committed to a Jury duly returned im=
=pannelled and Sworn according to Law to
try the Same who return their Verdict
therein upon Oath, that is to Say, they find
that the Brigantine Experiment was taken
and brought in as Set forth in the Libel;
that at the time of her Capture, She with her
Cargo and Appurtenances were the Property
of Some of the Subjects of the King of Great-
Britain, Other than the Inhabitants of Bermu=
=da and is a lawful Prize to the Hibernia &
all concerned therein the Claim of the
Centipede not being Supported.
It is therefore Considered, Adjudged
Ordered and Decreed by the Court That
the said Brigantine Experiment and her
Appurtenances and Cargo are forfeit; that
the Same be and hereby are Condemned,
that the Same be Sold; and that the Monies
thence arising, after deducting the Charges
of trial and Condemnation and the Charges
of Sale, be delivered to William Obrian and
his Company of the privateer armed Bri=
=gantine Hibernia Captors as aforesaid, their
agents or attornies, for the use and benefit
of Such captors and Others as owners of said
Brigantine Hibernia concerned therein
and

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Image 095-Right

30

[30r]

and that the officers Marines and Mariners
the owners of and all concerned in the pri=
=vate armed Schooner named the Centipede
take nothing by their Claim

<_>

Boston 13th. March 1780 Judgment
[^according^] to Law and the Court is adjourned
without Day

Attest And Henshaw, Cler.

This Term Recorded
By Cha^s: Cushing Cler

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[30v]

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[31r]

State of Massachusetts Bay in New
England
York ss.

At the Superior Court of Judica=
=ture, Court of Assize, and general Goal
Delivery begun and held at york, within
and for the County of York on the fourth
Tuesday of June (being the 27th. day of
said Month) anno Domini 1780

<<

Parsons v^s. Nickels

>>

Timothy Parsons apl^t. and Claim^t of
Sloop Elizabeth v^s. William Nickels Libellant

Continued by Agreement to the
next Superior Court at Salem to be held
on the first Tuesday of November next

Recorded By Cha^s. Cushing Cler

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[31v]

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32.

[32r]

State of Massachusetts Bay in

New England.

Suffolk ss.

At the Superior Court of Ju=

=dicature Court of Assize and General

Goal Delivery begun and held at Bos=

=ton within and for the County of Suf=

=folk on the last Tuesday of August

(being the 29th. day of said Month)

Anno Domini 1780.

By the Hon^{ble}. William Cushing Esq^r. Chief JusticeNath^l. Peaslee Sargeant}

David Sewall and} Justices

James Sullivan Esq^{rs}.}

<<

Cook Claim^t. of Brig['] Tabitha v^s. Costin Libellant

>>

Stephen Cook of Boston in the County of Suf=

=folk and State aforesaid Merchant, Claimant

of the Brigantine Called the Tabitha her Cargo

and Appurtenances Appellant v^s. John

Codman of Boston in the County of Suffolk Mer=

=chant Libellant of the said Brigantine her

Cargo and appurtenances, in behalf of Joseph

Costin [^Commander of y^e. Brig^t. Fame, y^e. officers Marines & Mariners on board theSame y^e. owners thereof & all Concernd therein,^] Appellee from the Decree of a Ma=

=ritime Court for the Middle District of

the State of the Massachusetts Bay held

at Boston in the County of Suffolk, by the

Honorable Nathan Cushing Esquire Judge

of the same Maritime Court on the twenty

eighth Day of July A.D. 1780 when and where

the Appellee was Libellant & the Appellant

was Claimant and the Libellant by his

Bill

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[32v]

Bill filed in the Same Maritime Court gave the said Court to understand and be informed, to wit, "That the said Joseph with his Crew on board said Brigantine [[^]Fame[^]] on the high Seas, on the eighth day of June A.D. 1780 Attacked and took and on the ninth day of the Same Month brought into the Port of Boston in said district the Brigantine Tabitha, burthen about one hundred & fifty tons lately Commanded by Peter Hearn & laden with the Articles Mentioned in a Schedule to said Libel Annexed. And the said Codman in his said Bill, avers That the said Brigan=
=tine Tabitha was, at the time of said Capture an Armed Vessel infesting the Sea-Coast and making unlawful Attacks & depredations on the navigation of the United States of America; that She was employed by the enemies of said States; that She was carrying Supplies to the Fleet and Army Acting against Said States; and that She with her cargo and Appurtenances was the property of and belonging to Some of the Subjects of the King of Great Britain other than the inha=
=bitants of Bermuda: By means of all which and by force of the laws of this State and the resolves of the Continental Congress in Such case provid=
=ed, the Same Brigantine her Cargo & Appurtenan=
=ces (the said Codman Saith) are become forfeit=
=ed and remain to be distributed to and among the Captors and others Concerned therein Wherefore the Said Codman prayed advisement thereon; and that, by a due Course of proceedings, the Same Brigantine, her Cargo and appur=
=tenances may be decreed to be and remain forfeited and distributed as the law directs" And the time and place of trial of the Justice of said Capture having been duly Notified, the said John

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Image 102-Right

33.

[33r]

John Codman, by his ~~said~~ advocate appeared and the said Stephen Cooke in behalf of Peter Hern late Master of said Brigantine Tabitha; Henry Tuck=
=er and John Ester & others Merchants of Bermuda and owners of the Same Brigantine, her Cargo & Appurtenances, then came into Court and clai=
=med the Same; and thereupon Said "That the Same Brigantine her Cargo and appurtenances are not by law forfeited" And prayed that the Same may be restored to him the Claimant for the use of the proper owners thereof and that he be allowed his Costs. And after a full hear=
=ing of the said John Codman upon his bill aforesaid and of the said Stephen Cooke upon his said Claim: It was by the said Nathan Cushing Judge as aforesaid, Considered, adjudged, ordered & decreed That the said Brigantine Tabitha and her Appurtenances and Cargo are forfeit; that the Same be Sold; and that the monies thence arising, after deducting the Charges of trial and Condemnation and the Charges of Sale, be deli=
=vered to Joseph Costin and his Company of the Brigantine Fame Captors as aforesaid, their Agents or Attornies, for the use and benefit of Such Captors and Others concerned therein." And now the Parties Appear and after a full hearing of the said Proponent and the said Claimant, the Bill aforesaid of the said Proponent and the Claim aforesaid of the Said Claimant are Committed to a Jury duly returned, im=
=pannelled and Sworn According to Law to Try the Same who return their Verdict therein upon Oath, that is to Say, they find that the Brigantine Tabitha was taken and brought in as Set forth in the Libel & at the time of her Capture was an Armed Vessel as is

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[33v]

is also therein set forth, that the whole of her

Cargo except fourteen hogsheads of Tobacco, the Property of John Ester of the Island of Bermuda, thirteen hogsheads of Tobacco the Property of John Sterling of the Same Island and four Hogsheads of Tobacco the Property of Henry Tucker and Sons of the Same Island and Six bags of Cotton Wool the Property of the Same John Ester, is the Property of Some of the Subjects of the King of Great Britain Other than the Inhabitants of Bermuda or is so intimately Mixed and blended with the Property of Such Subjects as to be incapable of being distinguished therefrom and liable to Forfeiture but that the thirty one hogsheads of Tobacco and the six bags of Cotton aforementioned are not liable to Forfeiture It is therefore considered ordered Adjudged and Decreed by the Court that the Brigantine Tabitha her Cargo and Appurtenances (except thirty one hogsheads of Tobacco and Six bags of Cotton Wool) are forfeit and that the Same be distributed among the Captors and Others Concerned According to Law And that the fourteen hogsheads of Tobacco and the Six bags of Cotton Wool abovementioned be restored to John Ester his Agent or Attorney, for his the said Ester's use That Thirteen Hogsheads of Tobacco be restored to John Sterling his Agent or Attorney for his the said Sterlings use that four Hogsheads of Tobacco be restored to Henry Tucker and Sons their Agents or Attorney for their use

Boston 9th. Sep^r. 1780 Judgment According to Law and the Court is Adjourned without Day Attest. And: Henshaw, Cler
This Term Recorded
By Cha^s: Cushing Cler

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Image 103-Right

34.

[34r]

The Commonwealth of Massachusetts
Essex ss.

At the Superior Court of Judicature, Court of Assize and General Sessions

=eral Goal Delivery begun and held
at Salem within and for the
County of Essex on the first Tuesday
of November (being the 7th. day of
said month) Anno Domini 1780.

By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Nath^l. Peaslee Sargeant and
David Sewall Esq^{rs}. Justices

<<

Parsons v^s. Nickells.

>>

Cont.^d Act.ⁿ Timothy Parsons Ap^t. & Claimant of
Sloop Elizabeth
v^s.
William Nickells Libellant
And now neither party Appears

Salem Nov^r. 10th. 1780 The Court is
adjourned without Day
Att. And. Henshaw, Cler

This Term Recorded
By Cha^s. Cushing, Cler

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[34v]
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[35r]

The Commonwealth of Massachusetts.
Middlesex ss.

At the Superior Court of Judica=
=ture, Court of Assize and General
Goal Delivery begun and held at
Cambridge within and for the County
of Middlesex on the Second Tuesday of
November (being the 14th. day of s^d. Month)
Anno Domini 1780, by Adjournment

of the General Court or Assembly to
that time
By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant}
David Sewall and } Justices
James Sullivan Esq^{rs}. }

<<

Bryant v^s. Buffinton Brig^t. Susannah

>>

William Bryant late Master of the Brigantine
called the Susannah Appellant v^s. Nehemiah
[[^]Buffinton,[^]] Commander of the private Armed Ship of
War, named the Rhodes who as well for the
Officers and Crew on board and belonging to
said Ship as for and in behalf of the owners
and all Concerned therein, Appellee from
the Decree of a Maritime Court for the Middle
District of the State of Massachusetts Bay holden
at Boston in the County of Suffolk, by the Hono=
=rable Nathan Cushing Esquire Judge of Said
Court, on the Ninth Day of October, in the
year of our Lord 1780 When and Where the
Appellee was Libellant of the said Brigantine
Called the Susannah her Cargo and appurtenan=
=ces and the Appellant was Claimant of the
Same Brigantine her Cargo &c And the Libel=
=lant

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Image 107-Left

[35v]

=lant by his Libel filed in said Maritime Court
gave the Same Court to understand & be in=
=formed, to Wit, "That he the said Nehemiah
Buffinton being duly Commissioned from the
Congress of the United States, under the Great
Seal of this State by and with the Said Ship
and Crew to Attack, Subdue and take all Ships
and other Vessels Carrying Supplies and Contra=
=band goods to the Armies & Ships of War employed
Against the said States and all other Vessels be=
=longing to the inhabitants of Great Britain with
their Appurtenances and Cargoes on the high
Seas and between high and low water Marks, as
by the Said Commission among other things
May Appear, on or about the twenty fourth

Day of August A.D. 1780, he the said Nehemiah, with the said Ship of War and the Crew thereof, on the high Seas, by Virtue of Said Commission and pursuant to the laws in Such Cases made and provided, did Attack take and bring into the port of Salem in said district a Certain brigg named the Suz anna of about fifty tons burthen, whereof one William Bryan was then Master, and laden with Molasses and Salt as mentioned in a Schedule to Said Libel Annexed. And the said Nehemiah in his said Bill, Alledges, as causes of forfeiture & Condemnation, That the Same Brigg, her Appurtenances and Cargo were, at the time of Capture, the property of Certain Subjects of the King of Great-Britain, other than the inhabitants of the Island of Bermuda; that the Same Brigg was then and ever Since the Nineteenth day of April A.D. 1775, hath been employed by the Enemy in Carrying Supplies and Contraband goods to the Armies and Ships of War employed against the said States, and to places Garrisoned by the said Enemy, and invested and besieged by

NP

Image 107-Right

36

[36r]

by the Fleets and Armies of the said States, to wit, to New-York; and that the Master and Supercargo had their designs of carrying Supplies as aforesaid. By means whereof, and by force of the laws and pursuant to the laws and usages of Nations the same Brigg, her cargo and appurtenances (the proponant Saith) are become forfeit to the owners, Captors and all concerned as aforesaid, Wherefore the said Nehemiah prayed advise=ment in the premisses; that proper process might issue and by due course of law and proceeding the Same Brigg her cargo and Appurtenances may be adjudged to be and remain forfeit and be distributed Accord=ing to law." And the time and place of the trial of the Justice of said Capture having been duly Notified, the said Nehemi=

=ah Buffinton by his Attorney, appeared
 and the said William Bryan then came
 into the Same Maritime Court and Claimed
 the said Brigantine her cargo and appur=
 =tenances; and thereupon the said William
 said "That he is Sole owner of the said Brigan=
 =tine, her cargo & appurtenances; that he
 was, at the time of the Capture Set forth in the
 Libel an Inhabitant of the Island of Bermuda
 and that he was then coming in said Brigan=
 =tine with an intention of becoming a Setler in
 and a Subject of the United States of America,
 and that the said brigantine, her Cargo nor ap=
 =purtenances nor any part thereof is liable to for=
 =feiture." Wherefore he prays the same may be
 restored to him for his Use, as the proper owner
 thereof, and for his Costs and damages: And
 after a full hearing of the said Nehemiah Buf:
 :finton upon his Bill aforesaid and of the said
 William

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[36v]

William Bryan upon his Claim aforesaid. "It
 was by the said Nathan Cushing Judge as aforesaid;
 Considered adjudged, ordered and decreed That the
 said Brigantine Susannah and her appurtenan=
 =ces and cargo are forfeit; that the Same be Sold;
 and that the Monies thence arising, after deduct=
 =ing the Charges of trial and Condemnation
 and the charges of Sale, be delivered to the said
 Nehemiah Buffinton and his Company of the
 private Armed Ship of War the Rhodes, captors
 as aforesaid, their Agents or Attornies, for the
 use and benefit of Such captors, the owners of
 the said Ship of War and others concerned there
 =in": And now the Parties Appear and after
 a full hearing of the said Proponant and the
 said Claimant, the Bill aforesaid of the said
 Proponant, and the Claim aforesaid of the
 said Claimant are Committed to a Jury duly

returned, impannelled & Sworn According to Law to try the Same who return their Verdict therein upon Oath, that is to Say, they find that the Brigantine Susannah was taken and brought in as Set forth in the Libel and She her Appurtenances and Cargo were at the time of Capture, the Property of Some of the Subjects of the King of Great Britain, other than the Inhabitants of the Island of Bermuda and that She her Appurtenances and Cargo are a lawful Prize to the Captors and all Concerned therein the Claim of William Bryant not being Supported. It is therefore Considered Adjudged, ordered and decreed by the Court That the said Brigantine Susannah and her Appurtenances and Cargo are forfeit, and that the same be and hereby are Condemned; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial and Condemnation and the Charges of Sale, be delivered to the said Nehemiah Buffinton and

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Image 110-Right

37.

[37r]

and his company of the Private armed Ship of War the Rhodes captors as aforesaid, their Agents or Attornies, for the use and benefit of such captors, the owners of the said Ship of War and others concerned therein, and that the said William Bryant take nothing by his Claim

Cambridge Nov^r: 18: 1780 Judgment According
to Law and the Court is adjourned
Without Day
Att. And. Henshaw, Cler

This Term Recorded
By Cha^s: Cushing Cler

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[37v]

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[38r]

Commonwealth of Massachusetts
Middlesex ss.

At the Supreme Judicial Court of the
Commonwealth of Massachusetts begun
and held at Concord within and for
the County of Middlesex on the Second
Tuesday of April (being the 10th: day of
Said Month) Anno Domini 1781.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
James Sullivan Esq^{rs}: Justices

<<

Brown v^s. Sampson & al^s. little Porgey

>>

John Brown late Commander of the Brigantine
called the little Porgey Appellant v^s. Simeon
Sampson of Plymouth in the County of Plymo=
=uth Esquire Commander of the armed Ship
of War Called the Mars owned by the Common=
=wealth of Massachusetts, and, in behalf of
himself, his Officers, Marines & Mariners on
board said Ship, and the owners of the Same
and all concerned therein and Thomas
Mason of Salem in the County of Essex Mer=
=chant for himself and the other owners
of the Letter of Marque Brigantine Called
the Union, the commander, Officers and Crew
of the same Brigantine and all concerned
Appellees from the Decree of a Maritime
Court for the Middle District of the Commonweal=
=th of Massachusetts holden [[^]At Boston[^]] in the County of Suffolk
by

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Image 114-Left

[38v]

by the Honorable Nathan Cushing Esquire Judge of said Maritime Court on the fourth Day of April A.D. 1781. when and where the Appellees in part viz the said Simeon Sampson in behalf of himself, his Officers, Marines & Mariners on board said Ship Called the Mars, and the owners of the Same and all concerned therein, was Libellant of the Brigantine called the little Porgey her Cargo & appurtenances & the other appellee viz. Thomas Mason for himself and the other owners of the Letter of Marque Brigantine Called the Union, the Commander, Officers and Crew of the Same Brigantine and all concerned, were Claimants of the said Brigantine Called the little Porgey her Cargo and appurtenances and [^{also}] the Appellant was Claimant of the Same Brigantine Called the little Porgey her Cargo & appurtenances, And the Libellant by his Libel filed in said Maritime Court gave the same Court to Understand and be informed, to Wit, "That the said Sampson, and his Company in said Ship, did on the Sixth day of February A.D. 1781, on the high Seas, attack and take and on the twenty eighth day of said February bring into the harbour of Boston within said district the Brigantine called the little Porgey, of about one hundred and thirty tons burthen, commanded, at the time of her Capture, by one John Brown, and laden with the articles mentioned in a Schedule to said Libel Annexed. And the proponent in his said Bill, further informs That, at the time of the Capture aforesaid, the said Brigantine, her appurtenances and Cargo were the Property of and belonging to Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda; that She was an Armed Vessel, making unlawful Attacks & depredations on

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Image 114-Right

39

[39r]

on the Navigation of the Subjects of the United States

of America; that She was carrying Supplies to the fleet and armies acting against said States, having on board contraband goods viz. Arms ammunition, cloathing for the Soldiers of the British Army and Sailors and Mariners of the British Navy, Enemies of these States and Acting against said States and having on Board other goods for the Supply of said Enemies; that the said Brigantine has been Since the nineteenth day of April A.D. 1775, employed in carrying like supplies to the Enemies of said States and by said Enemies, and that She was when Captured as aforesaid returning after having carried Such Supplies, and that the Master and Super=
=cargo of her had, at the same time designs of carrying Such Supplies to said Enemy; and that on the twenty eighth day of January being before said Capture the said Brown and Others under his Command had with force & Arms on board said Brigantine made an hostile Attack upon certain Subjects of this Commonwealth and inhabitants of this State and had Subdued and imprisoned them on board the Same Brigantine and was when captured by the proponant and his Company in said Ship carrying the said persons so imprisoned to the Enemies of these States to have been Con=
=fined as prisoners of War By means of all which and by force of the laws of this Common=
=wealth and the resolves of the Continental Congress in Such case provided, the said Bri=
=gantine; her Appurtenances and Cargo (the proponant Saith) are forfeit and ought to be distributed to the Captors aforesaid and all con=
=cerned in said Mars. Wherefore the proponent prayed advisement thereon; and that by a due course

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[39v]

Course of proceedings, the Same Brigantine, her Appurtenances and Cargo may be decreed to be and remain forfeit and be distributed as the law directs." And the time and place of trial of the Justice of Said Capture having

been duly Notified, the proponent Appeared. and Thomas Mason aforenamed (his Claim being duly filed) Came into Court, and for himself and the other owners of the Letter of Marque Brigantine called the Union, the Commander, Officers and Crew of the Same Brigantine and all Concerned, Claimed the said Brigantine the Little Porgey her cargo and appurtenances and Said "That the said Brigantine Little Porgey her Cargo and Appurtenances, for the Causes and reasons Set forth in the Libel aforesaid (excepting that the said Brown and others did with force and Arms make an hostile Attack upon Certain Subjects of this Commonwealth and Subdue and imprison them as set forth in the Libel aforesaid) are lawful prize, but that the said Commander Officers and Crew of the said Letter of Marque Brigantine Union were the true and Sole Captors thereof, and not the said Commander Marines & Mariners of the said Ship Mars as Set forth in the Libel aforesaid. And also that Jonathan Gardiner Jun^r. Commander of the Letter of Marque Brigantine called the Union with his Officers and Crew on board the Same Letter of Marque, being bound on a Voyage therein, from the Havanna to the Island of St. Eustatia, did, on the Seventeenth day of January last, fall in with Attack and take a Certain other Brig Called the Little Porgey other than

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40.

[40r]

than that mentioned in the Libel aforesaid, but like the Same and against which a like libel is filed in behalf of the said Simeon Sampson Commander of the Ship Mars and all concerned therein, to be tried at the Same Maritime Court, and on the first day of March last the said Commander and Crew of the said Brigantine union Continuing their Capture aforesaid, brought the Same brig' Little Porgey into the Port of Bos=

=ton, and the said Mason further Said "That the Same Brig Little Porgey, her Cargo & Appurtenances were; at the time of the Same Capture, the property of Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda; that She was Carrying Supplies to the fleet and Army employed Against the United States of America and was laden with contraband goods and bound from a port of the public Enemies of these States to a port belonging to the Same Enemies; that She was then in the Service of Said Enemies, and employed by them; and that the Cargo of Said Brig Little Porgey were goods of the growth and manufacture of the island of Great Britain and were imported from that island to the island of Bermuda and intended for the Consumption of these States." and the said Mason also said "That by force of the resolves of Congress, the laws of Nations and the Acts and Statutes of this Commonwealth, the said Brig Little Porgey, her Cargo and Appurtenances are lawful prize to the Captors and others concerned therein who are those for whom said Claim is exhibited" Wherefore the said Mason prayed that the said Brig Little Porgey her Cargo & Appurtenances may

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Image 118-Left

[40v]

may be adjudged to be and remain forfeit to the use of the Captors and others in said Claim Concerned And John Brown also came into said Maritime Court, and (his Claim being duly filed) in behalf of himself as owner of part of the cargo of said Captured Brigantine the little Porgey and in behalf of the owners of the Same Brigantine and the other parts of her Cargo, Claimed the Same and thereupon Said "That the alligations Set forth in said

Libel are not true, that at the time of the Capture of Said Brigantine &c as set forth in the Libel, the said Brown in said Vessel was on a lawful Voyage to the Island of Bermudas, carrying Merchandise and permitted goods to the inhabitants of said island; that said Brigantine together with her appurtenances, and the goods, wares and Merchandises on board her, at the time of her Capture, were the property of the inhabitants of the Island of Bermudas, and by the Acts of Congress and the laws of this State were and are exempted from forfeiture." Wherefore the said Brown prayed that the said Brigantine with her appurtenances and all and Singular the goods, wares and Merchandizes on board her at the time of her capture and libelled as aforesaid may be restored to him for the proper use of himself and the other owners of the Same, and that he may be allowed his Costs and damages for the illegal and unreasonable Capture of the Same And After a [^full^] hearing of the said Simeon Sampson upon his bill aforesaid, and of the said Thomas Mason & John Brown upon their respective Claims aforesaid, It was; by the said Nathan Cushing Judge as aforesaid,"Considered, adjudged, ordered and decreed That the said Captured Brigantine the Little

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Image 118-Right

41.

[41r]

Little Porgey mentioned in the Libel aforesaid and her appurtenances and cargo are forfeit; that the Same be Sold; and that the monies thence arising, after deducting the charges of trial and condemnation and the charges of Sale, be delivered to Simeon Sampson Esquire and his company of the Armed Ship of War the Mars captors as aforesaid, their agents or Attornies, for the use and benefit of Such Captors, the owners of the Same Ship and others concerned therein": And now the Parties Appear and after a full hearing of the said Proponent

and the said Claimants the Bill aforesaid of the said Proponent and the Several and Respective Claims aforesaid of the Said Claimants are Committed to a Jury duly returned, impannelled and Sworn According to Law to try the Same who return their Verdict therein upon Oath, that is to Say, they find that the Brigantine Little Porgey, her Cargo and Appurtenances at the time of her Capture were the Property of Some of the Subjects of the King of Great Britain other than the Inhabitants of the Island of Bermuda And that she was an Armed Vessel making unlawful Attacks upon the Navigation of America, wherefore they find her condemned to the use of Simeon Sampson Commander of the Ship Mars his Ships Company and all concerned therein they also find the Claim of Thomas Mason not Supported: It is therefore Considered, Adjudged, ordered and Decreed by the Court, That the said Brigantine Little Porgey her Cargo and Appurtenances are forfeit; and that the Same be and hereby are Condemned; that the Same be Sold, and that the Monies thence arising after deducting the charges

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[41v]

Charges of trial and condemnation and the Charges of Sale, be delivered to Simeon Sampson Esquire and his Company of the armed Ship of War the Mars Captors as aforesaid, their Agents or Attornies, for the use & benefit of Such Captors, the owners of the Same Ship and others concerned therein And that the said Thomas Mason and John Brown take nothing by their Several Claims.

Whereupon a Motion is made for an appeal to Congress, which Motion being heard and understood by the Court they are of Opinion that the s^d. Brown having appealed from the Maritime Court to this Court his right if any he had to Appeal to the Court of Appeals established by Congress was waved And as he is not the Subject of any Kingdom or State in Amity with

the United States of America, he is not intit=
=led by the Laws of this Commonwealth to
any further Appeal

<_>

Concord April 14: 1781 Judgment
According to Law and the Court
is Adjourned without Day
Attest. And. Henshaw, Cler

This Term Recorded
By Cha^s: Cushing Cler

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Image 119-Right

42.

[42r]

Commonwealth of Massachusetts
Essex ss. At the Supreme Judicial
Court begun and held at Ipswich
within and for the County of Essex
on the third Tuesday of June
(being the nineteenth Day of
said Month) Anno Domini 1781

By the Hon^{ble}: Nath^l: Peaslee Sargeant
David Sewall and
James Sullivan Esq^{rs}: Justices

<<

Smith & al. v^s. Snow Hope

>>

John Smith Claimant of the Snow Hope
her Cargo and appurtenances [[^]and Samuel Howard Claimant of the Same Snow Hope
&c[^]] Appellants
vs. Francis Mulligan of Boston in the County
of Suffolk in the Middle District of the Common=
=wealth of Massachusetts Merchant in be=
=half of Thomas Holland, Commander of
the Snow aforesaid, Called the Hope, Appelle
from the Decree of a Maritime Court for the
Middle District of the Commonwealth of Mas=
=achusetts, held at Salem in the County of
Essex, by the Honorable Nathan Cushing Esq^r.
Judge of said Court on the twenty third
Day of May A.D. 1781, when & Where the
Appelle was Libellant of the said Snow Hope
&c and the Appellants were Claimants of

the Same Snow Hope &c. And the Libellant
by his Libel filed in said Maritime Court
gave the said Court to understand and be in=
formed to wit, "That on the thirtieth day of Decem^r.
in

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Image 122-Left

[42v]

in the Year of our Lord Seventeen hundred and
Seventy Nine, the said Thomas Holland being
on board and Master of said Snow, bound on a
Voyage from a Port in Great Britain to New-
-York, Seized and took the Said Snow and on
the twelfth day of March next following brought
into the Port of Boston in said District the Said
Snow. And the Proponent in his Said Bill,
Saith That the said Snow, her Cargo and ap=
purtenances were, at the time of her said Cap=
ture, the Property of and belonging to Some
of the Subjects of the King of Great Britain other
than the Inhabitants of Bermuda and were
the growth and manufacture of Great Bri=
tain and that the Supercargo on board Said
Snow, designed and intended to carry part
of the Cargo to New-York to Supply the fleets
and Armies employed Against the United
States of America and the residue thereof
to import into this State Against the Ordinance
and resolves of Congress and the laws of Na=
tions and this State. Wherefore the propo=
nent Saith that by force of the laws and Sta=
tutes of this State and the resolves of Congress
in Such Case made and provided, the Said
Snow, her Cargo and Appurtenances are &
ought to be and remain forfeit to the use
of the Captor." Wherefore the said Francis
prayed advisement in the premises; and
that by a due Course of proceedings, the
aforesaid Snow, her cargo and appurtenan=
ces may be decreed to be and remain
forfeited to the use of the Captor as the law

directs. And the Trial of the Justice of
the said Capture having been duly Notified
the proponent, by his Advocate, appeared
And the said John Smith by William Tudor
Esquire

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Image 122-Right

43.

[43r]

Esquire his Attorney, comes into Court & Claims the said
Snow &c, and Saith "That the Allegations Set forth in
said Libel are false and that the said Snow &c were
the Property of him the said Smith and are not
liable to condemnation." and therefore he prays
that the Same may be restored to him for the use
of himself the proper owner thereof

And the Said Samuel Howard by his attorney,
comes into Court and Claims the said Snow and her
appurtenances, and Saith "That the said Snow
and her appurtenances are the property of him
the said Samuel, who is, and at the time of the
Supposed capture of said Snow as mentioned
in the said Libel, was an inhabitant of Said
Commonwealth; and that the Facts alledged
in said Libel are not true, nor are the said
Snow and her Appurtenances liable to for=
=feiture." all which the said Samuel is ready
to Verify. Wherefore the said Samuel prays that
the Same Snow and her appurtenances may
be adjudged to him, and Such damages decre=
=ed him as are equitable and that he may be
allowed his costs. And after a full hearing
of the said Francis Mulligan upon his Bill
aforesaid and of the said John Smith and
Samuel Howard upon their Several Claims
aforesaid: It was, by the said Nathan Cushing
Judge as aforesaid, considered, adjudged, ordered
and decreed That the said Snow the Hope and
her appurtenances & Cargo are forfeit; that
the Same be Sold; and that the monies thence
arising, after deducting the charges of trial
and condemnation and the Charges of Sale,
be delivered to the said Thomas Holland Cap=
=tor as aforesaid, his Agents or Attornies for
the use and benefit of said Captor: And

now the Parties Appear and after a full
hearing of the said Proponent and the said
Claimants

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[43v]

Claimants- the Bill aforesaid of the said Pro=
=ponent and the Several Claims aforesaid of
the said Claimants are Committed to a Jury
duly returned, impannelled and Sworn
according to Law to try the Same who return
their Verdict therein upon Oath, that is to Say,
they find that the Libellant took and brought
in as Set forth in the Libel a Certain Trunk of
Merchandise marked [symbol depicts the letter "c" within a diamond] Shipped by
Edward and

René Payne and that the Same was at the Time
of the Capture the Property of Some of the
Subjects of the King of Great Britain other than
the Inhabitants of Bermuda, and that the residue
of the Libel is unsupported by evidence: It is
therefore Considered, adjudged, ordered and de=
=creed by the Court that the said Trunk [^of Merchandize^] or Bail
of Goods marked [symbol depicts the letter "c" within a diamond] are forfeit; [^&^] that
the same be

& hereby are condemned & confiscated to the use
of the Libellant; that the same be Sold; and
that the monies thence arising, after deduct.
=ing the charges of trial and Condemnation
and the charges of Sale, be delivered to the
said Thomas Holland Captor as aforesaid, his
Agents or Attornies, for the use and benefit
of said Captor; and as to the Vessell her
appurtenances and the residue of the Cargo,
that the Libellant take nothing by his Bill
aforesaid.

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<<

Howard v^s. Holland Lib^t. of Snow Hope

>>

Samuel Howard Claimant of the Snow
 Hope &c Appellant v^s. Francis Mulligan
 of Boston in the County of Suffolk in
 the Middle District of the Common=
 =wealth of Massachusetts Merchant
 Libellant in behalf of Thomas Holland
 Commander of the Snow aforesaid Called
 the Hope, Appellee This Action was Con=
 =sidered

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Image 126-Right

44.

[44r]

=sidered at the same time with the preceed=
 =ing action and was Committed to the
 Same Jury at the Same time and was
 determined in the preceeding Verdict.

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Essex ss. Ipswich June 22^d. A.D. 1781.

Judgment According to Law
 and the Court is Adjourned
 without Day

Att. Cha^s: Cushing Cler

This Term Recorded.

By Cha^s: Cushing Cler

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[44v]

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[45r]

Commonwealth of Massachusetts
 Cumberland ss.

At the Supreme Judicial
 Court of the Commonwealth of
 Massachusetts begun and held at
 Falmouth in the County of Cum=
 =berland and for the Counties of
 Cumberland and Lincoln on the

Tuesday next following the Fourth
 Tuesday of June (being the Third
 Day of July) Anno Domini 1781.
 By the Hon^{ble} William Cushing Esq^r Chief Justice
 Nath^l: Peaslee Sargeant}
 David Sewall and} Justices
 James Sullivan Esq^{rs}:}

<<

Norwood v^s. Jordan Lib^t. of Hallifax Bob

>>

Ebenezer Norwood of Pepperrelborough in
 the County of York Mariner, Claimant of
 the Schooner called the Hallifax Bob
 her Cargo & appurtenances, Appellant
 v^s. Samuel Jordan of Biddeford in the County
 of York Esq^t. in behalf of Solomon Coit, Com=
 =mander of the Armed Schooner Called
 the William, and of the Crew on Board whose
 Names are Annexed to the Libel, and in
 behalf of Samuel Jordan Morril, (at
 and for whose Account and Risque the
 said Schooner William was fitted and
 sent out to cruize against the Enemies of
 these

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[45v]

these United States) and of all others Con=
 =cerned therein, Libellant of the said Schoo=
 =ner Hallifax Bob her Cargo and Appur=
 =tenances, [^and^] Appellee from the Decree
 of a Maritime Court for the Eastern Dis=
 =trict of the Commonwealth of Massachusetts
 held at Falmouth in the County of Cum=
 =berland, by the Honorable Timothy Langdon
 Esq^t. Judge of said Court on the twenty
 Ninth day of June A.D. 1781. when & where
 the Appellee was Libellant as aforesaid
 and the Appellant was Claimant as afore=
 =said And the Libellant by his Libel
 filed in the same Maritime Court, in

behalf of Solomon Coit and Others as afore=
 =mentioned, gave the said Court to under=
 =stand and be informed, to wit, "That the said
 Solomon Coit, with his Crew on Board Said [[^]Armed[^]]
 Schooner [[^]Called the William[^]] on the third day of May last, on
 the high Seas and within thirty Leagues
 of the Sea Shore of America, Attacked and
 took, and on the Same day brought into
 the Port of Pepperelborough in said District
 the Schooner Hallifax Bob, of about the bur=
 =then of Forty Tons, Commanded by one
 Peter Henderkin, and laden with the Ar=
 =ticles mentioned in the Schedule Annexed
 to the Libel, that the said Schooner was at
 the time of her Capture an Arm'd Vessell
 infesting the Sea Coast and Making unlaw=
 =full Attacks, and depredations on the Navi=
 =gation of the United States of America, and
 was employed by the Enemies of said States,
 and was with her Appurtenances and Cargo
 at the time of her Capture the Property of &
 belonging to Some of the Subjects of the King
 of

NP

Image 130-Right

46

[46r]

of Great Britain By means of all which, and
 by force of Resolves of the American Congress.
 and the Laws and acts of this Commonwealth
 the Schooner Hallifax Bob aforesaid, her
 Appurtenances and Cargo are forfeited and
 to be distributed as by said Laws are directed."
 And praying Advisement thereon, and
 that in a due Course of Law and Proceedings
 the said Schooner, her Appurtenances and
 Cargo may be adjudged to be and remain
 forfeit, and to be divided and applied in
 manner aforesaid: And the time and Place
 of Trial having been duely Notified the
 said Samuel Jordan the Proponent
 appeared (by Theophilus Bradbury Esq^r. his
 Attorney) And the said Ebenezer Norwood
 Comes into Court (by George Thatcher Esq^r.
 his Attorney) and Claims the Said Schoo=

=ner Halifax Bob and Says "that the said Schooner Halifax Bob was taken and brought into Port by the Schooner William, at the time Set forth in the Libel, that at the time of the Capture of the said Schooner Halifax Bob, he the said Ebenezer was the Legal owner of the said Schooner William That at, and immediately before the Capture of the said Schooner Halifax Bob, he the said Ebenezer, Armed, Victual'd and fitted out the said Schooner William, Commanded as aforesaid, & that he appointed the said Solomon Coit to the Command of the Same," & Prays that the said Schooner Halifax Bob her Appurtenances & Cargo may be decreed to him as the Law in Such Case has

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[46v]

has provided. An after a full hearing of the said Proponent (by his Counsell) and the said Claimant (by his Counsell). It was thereupon by the said Timothy Langdon Judge as aforesaid considered and by him Decreed, "That the said Schooner her Cargo and Appurtenances are forfeited to & for the use of the Captors mentioned in the Libel, and that the same be disposed of Accordingly": And now the Parties appear and after a full hearing of the said Proponent and the said Claimant The Bill aforesaid of the said Proponent and the Claim aforesaid of the said Claimant are Committed to a Jury duly returned, impannelled and Sworn according to Law to Try the Same; who return there Verdict therein upon oath, that is to Say they find a Confirmation of the former Judgment and that the Claimant has not Supported his Claim: It is therefore Considered, adjudged, ordered & Decreed by the Court that the said Schooner Called the Halifax Bob with her Cargo and

appurtenances are forfeit; and that the
 Same be and hereby are Condemned;
 that the Same be Sold; and that the Monies
 thence Arising, after deducting the Charges of
 trial and condemnation and the Charges of Sale,
 be delivered to the said Captors mentioned in
 the Libel, their Agents or Attornies, for the Use
 and benefit of said Captors and all others Con=
 =cerned therein And that the said Ebenezer
 Norwood take Nothing by his Claim.

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Image 131-Right

47.

[47r]

Cumberland ss. Falmouth July 7th: 1781.

Judgment According to Law and
 the Court is Adjourned without
 Day Att Cha^s: Cushing Cler

This Term Recorded
 By Cha^s: Cushing Cler

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Commonwealth of Massachusetts

Suffolk ss. At the Supreme Judicial
 Court of the Commonwealth of
 Massachusetts begun and held
 at Boston within and for the
 County of Suffolk on the last Tues=
 =day of August (being the 28th:
 Day of said Month) Anno Domini 1781.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
 Nath^l: Peaslee Sargeant}
 David Sewall and } Justices
 James Sullivan Esq^{rs}: }

<<

Bruce v^s. Barber Lib^t. of Sloop Hero

>>

Stephen Bruce Claimant of the Sloop
 Called the Hero her Cargo &c in behalf of himself
 and the other owners of said Sloop her Cargo &c
 Appellant v^s. Nathaniel Barber Esq^r. Naval
 officer

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[47v]

officer for the Port of Boston within the Middle District of the Commonwealth of Massachusetts Libellant of the said Sloop Hero her Cargo &c and Appellee from the Decree of a Maritime Court for the Middle District of the Commonwealth of Massachusetts held at Boston in the County of Suffolk by the Honorable Nathan Cushing Esquire Judge of said Court, on Thursday the fifth Day of April A.D. 1781, when and where the appellee was Libellant, in behalf of said Commonwealth, of said Sloop Hero, her Cargo & appurtenances as aforesaid & the Appellant was Claimant as aforesaid, and the Libellant by his Libel filed in said Maritime Court gave the Same Court to Understand and be informed "that on the Second day of March last, the said Sloop called the Hero, burthened about eighty tons, Benjamin Frizzel Master,. and her Cargo and Appurtenances were found in the Harb^our of Boston within the Middle District aforesaid, by the said Nathaniel Barber and by him taken and Seized in behalf of the Commonwealth aforesaid; and that the said Sloop and Appurtenances on the first day of January last past and from that day to the time of the Seizure aforesaid had been employed by and was carrying Supplies to the Fleet and Army of the King of Great Britain employed against the United States of America; and that the said Sloop and appurtenances was employed by the said Benjamin Frizzel on account of himself and others concerned with him in carrying on an illegal trade and Commerce to and from places under the dominion of the King of Great Britain and in possession of his Fleets And Armies employed against the said United States, in Violation of the law

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Image 134-Right

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[48r]

law of Nations, and the rights of War." By rea=
 =son of all which and by the force of the Acts
 and resolves of Congress, the laws of Nations,
 and of this Commonwealth, the said Sloop,
 her appurtenances and cargo are liable to
 forfeiture for the use of this Commonwealth
 Wherefore, the proponent prayed Advise=
 =ment in the premisses, and due process
 to be had thereon, and that the Same may be
 decreed to be and remain forfeit for the use
 of the Commonwealth aforesaid According
 to Law. And the time and place of trial
 of the Justice of said Capture having been
 duly Notified, the proponent appeared.
 And John Merchant of Boston aforesaid
 Merchant came, then, into Court and Claimed
 the said Sloop Hero, her appurtenances
 and Cargo and Captor thereof, and said "That
 he the said Merchant, on the second day
 of March last, on the high Seas, to wit, in
 the Harbour of Boston Attacked, Seized and
 took the said Sloop Hero with her Cargo and
 Appurtenances, and the Same, on the
 Same day, brought within the Middle Dis=
 =trict aforesaid; that at the time of his
 Seizing and taking said Sloop, She her
 Appurtenances & Cargo were the proper=
 =ty of Some of the Subjects of the King
 of Great Britain other than the inhabi=
 =tants of Bermuda, and had been Carry=
 =ing Supplies to the fleet and Armies em=
 =ployed against the United States of Ame=
 =rica, and was returning after having
 carried Such Supplies, and Said Frizzel
 had Such designs of carrying Supplies; and
 that

<duplicates previous>

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Image 136-Left

[48v]

that the said Sloop and her Cargo, by the Laws of this State and resolves of Congress, are lawful prize to him the said John Merchant" And the said Merchant prayed the said Sloop and her cargo may be adjudged lawful Prize for his use. And Stephen Bruce then also Came into Court, and in behalf of him=
=self and the other owners of said Sloop, her Cargo &c Claimed the Same and Said "That the said Sloop, her cargo &c are the property of himself and certain other Subjects of this State and not liable to forfeiture; that the facts Set forth in Said Libel are not true; that said Sloop was prosecuting under his orders a lawful Voyage from the Port of Boston to the Island of Eustatia or S^t. Martins in the West=
Indies, and by the Act of God and without any design in him or any person under him but against their intentions, their wishes and their interest, the Master of the Sloop was obliged to go into Some port in the island of Bermu=
=da, for the immediate preservation of the lives of the persons and property on board said Sloop: all which he the said Bruce is ready to Verify and prove." Wherefore he the said Bruce prayed the said Sloop and her cargo &c may be restored to him for the use of himself and the other owners thereof, and that he be Allowed his reaso=
=nable damages and costs. And after a full hearing of the said Nathaniel Barber upon his Bill aforesaid, and of the said John Merchant and the said Stephen Bruce upon their respective Claims afore=
=said: It was by the said Nathan Cushing Judge as aforesaid, Considered, adjudged, order=
=ed and decreed That the said Sloop the Hero and

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Image 136-Right

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[49r]

and her appurtenances & cargo are forfeit; that the Same be Sold; and that the monies thence arising, after deducting the charges of trial

and condemnation and the Charges of Sale,
 be delivered to the said Nathaniel Barber
 for the use of the said Commonwealth of
 Massachusetts: And now the Parties appear
 and after a full hearing of the said Propo=
 =nant and the said Appellant the Bill
 aforesaid of the said Proponant and the
 Claim aforesaid of the said Stephen Bruce
 the Appellant, are Committed to a Jury
 duly returned, impannelled & Sworn Ac=
 =cording to Law to try the Same who return
 their Verdict therein upon Oath, that is to
 Say, they find that the Libel filed by the
 Appellee is unsupported, and that the
 Sloop Hero Benjamin Frizel late Master,
 with her Appurtenances & Cargo are to be
 restored to Stephen Bruce the Appellant.
 It is therefore Considered Adjudged, ordered
 and Decreed by the Court that the said Sloop
 Hero, Benjamin Frizel late Master, with her
 Appurtenances and Cargo be and hereby
 are restored to [^the said^] Stephen Bruce.

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<<

Davidson & al. v^s. Knap Lib^t. of Sloop Andrew & Eliz^a.

>>

Alpheus Davidson of Norwich in the County
 of New-London and State of Connecticut
 Mariner, James Hyde, William Jackson,
 John Chapman, David Clark & Dudley
 Wade of the same place Mariners, Cham=
 =pion Lamphier of Westerly in the State
 of Rhode Island Mariner and Charles Brown
 of New-London in said State of Connecticut
 Mariner

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[49v]

Claimants of the Sloop called the Andrew and
 Elizabeth her Appurtenances and Cargo, Appellants
 v^s. Anthony Knap of Newbury Port in the County

of Essex Mariner and John Fowler Appellees
 From the Decree of a Maritime for the Middle
 District of the Commonwealth of Ma^{ss}achusetts
 held at Boston in the County of Suffolk, by the
 Honorable Nathan Cushing Esquire Judge of
 said Court, on the twentieth Day of July A.D.
 1781, when and where the said Anthony Knap
 was Libellant of the said Sloop Called the An=
 drew and Elizabeth her Appurtenances & Cargo
 and the Appellants were Claimants, and the
 Libellant by his Bill filed in said Maritime
 Court gave the Same Court to understand and
 be informed, to wit, That he the said Knap, on
 the high Seas, on the Fifteenth [^{day}] of May last
 with the Assistance of one John Fowler Attacked,
 Seized and took and Afterwards on the Twenty
 Seventh day of the Same May brought into the
 port of Newbury Port aforesaid, a certain Sloop
 Called the Andrew and Elizabeth, burthened about
 Ninety tons, whereof one John Richie was Master,
 ladened with Sugar, Melasses and other Articles.
 And the said Knap, in his said Bill, avers That
 the said Sloop, her Appurtenances and Cargo were,
 at the time of Capture, the property of Some
 of the Subjects of the King of Great Britain:
 By force of all which and of Law, the Same
 (the proponent Saith) are lawful prize and
 are to be Condemned to the use of the said
 Knap and Fowler, in the proportion following,
 to wit, to the said Knap three undivided fourth
 parts thereof, and the residue to said Fowler.
 And the said Knap prayed due process Against
 the Same and that the Same may be decreed
 forfeit and be distributed in the manner &
 proportion aforesaid. And the time &
 Place of trial of the Justice of said Capture
 having

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[50r]

having been duly notified, the proponent ap=
 peared by his advocate. And the said Al=
 pheus Davison, James Hyde, William Jackson,
 John Chapman, David Clark and Dudley Wade,

Champion Lamphier and Charles Brown came then into Court, by Benjamin Hichborn Esq^r. their Advocate, and Said "That they were Severally Aiding, Assisting and concerned with the said Knap and with the libellants, for the causes Mentioned in the Libel, in the taking and bringing in of the said Sloop called the Andrew and Elizabeth, her Appurtenances & Cargo; and that they ought each of them to have a reasonable Share and proportion of said Vessel Appurtenances and Cargo" and prayed that the Same may be allowed them respectively. And after a full hearing of the proponent upon his bill aforesaid and of the Claimants upon their Claim aforesaid, It was by the said Nathan Cushing Judge as aforesaid, considered, adjudged, ordered and decreed That the said Sloop the Andrew and Elizabeth and her Appurtenances and Cargo are forfeit; that the Same be sold; and that the monies thence arising, after deducting the Charges of trial and condemnation and the charges of Sale, be delivered to the said Anthony Knap and John Fowler Captors as aforesaid, their Agents or Attornies, for the Use and benefit of Such Captors, to Wit, to the Use of said Knap three fourth parts thereof and the residue thereof to the use of said Fowler: And now the Parties Appear and after a full hearing of the said Proponent and the said Claimants the Bill aforesaid of the said Proponent & the Claim aforesaid of the said Claimants are Committed to a Jury duly returned, impannelled and Sworn According to Law to try the Same who return their Verdict therein upon oath

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[50v]

Oath, that is to Say, they find that Anthony Knap and John Fowler did on the fifteenth day of May Anno Domini one Thousand Seven hundred & Eighty One Seize and take a Certain Sloop called the Andrew and Elizabeth from Barbadoes bound. for Halifax whereof John Richie was Master, and whereas it appears that the said Sloop her Ap=

appurtenances and Cargo were at the time of the said Capture the Property of one or more of the Subjects of the King of Great Britain, the Jury determine that the said Sloop Andrew and Elizabeth with her appurtenances and Cargo be condemned to the aforesaid Anthony Knap and John Fowler, as their Property, they being the only Captors thereof the Claims of Alpheus Davidson and others not being Supported It is therefore Considered Adjudged ordered and Decreed by the Court that the said Sloop called the Andrew and Elizabeth with her appurtenances and Cargo are forfeit; and that the Same be and hereby are condemned; that the same be Sold; and that the Monies thence arising, after deducting the Charges of trial and Condemnation & the Charges of Sale, be delivered to the said Anthony Knap and John Fowler the only Captors thereof as aforesaid, their Agents or Attornies, for the Use and benefit of Said Captors And that[?] Alpheus Davison and others take nothing by their Claim.

< _ >

<<

Cole v^s. Jackson Claim^t of Sch^r. Delight

>>

Benjamin Cole Commander of the Private Armed Schooner named the Surprise Complain'd that at; the Maritime Court for the Middle District of the Commonwealth of Massachusetts held at Boston in the County of Suffolk, by the Honorable Nathan Cushing Esq^r.

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Image 140-Right

51.

[51r]

Esquire Judge of said Court, on the nineteenth Day of July A.D. 1781, a Libel was filed in behalf of himself Commander of the said Arm'd Schooner Surprise, the Officers Marines & Mariners on board the Same the owners thereof and all Concern'd therein Against the Schooner Delight burthen about forty Tons whereof one

John Reynolds was late Master, at which Maritime Court came Samuel Jackson of Plymouth in the County of Plymouth Merchant and claim'd the said Schooner Delight her tackle and Appurtenances as his property upon which Libel a Verdict being found in favour of the Libellants aforesaid Judgment was rendered by the the said Nathan Cushing Esqr. Judge of said Maritime Court, that the said Schooner Delight her cargo & Appurtenances are forfeit; that the Same be Sold; and that the monies thence arising, after deducting the Charges of Trial and condemnation and the Charges of Sale, be delivered to Benjamin Cole and his company of the private armed Schooner the Surprise Captors as aforesaid their Agents or Attornies, for the use and benefit of Such Captors, the owners of the same Schooner [[^]Surprise[^]] and others in said Capture concerned, from which Judgment the said Samuel Jackson the Claimant Appealed to this Court and recognized to prosecute said appeal to effect, but failed so to do, wherefore the Claimant pray'd for Affirmation of the Said Judgment and Decree with Costs; It is therefore Considered [[^]Adjudged, ordered & Decreed[^]] by the Court that the said Schooner Delight and her appurtenances and Cargo are forfeit; and that the Same be

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[51v]

be and hereby are Condemned; that the Same be Sold; and that the monies thence arising, after deducting the Charges of trial and condemnation and the Charges of Sale, be delivered to Benjamin Cole and his Company of the Private armed Schooner the Surprise captors as aforesaid, their Agents or Attornies, for the use & benefit of Such

Captors, the owners of the Same Schooner
 Surprize and others in said Capture con=
 =cerned and also that the said Benjamin
 Cole. Recover against the said Samuel
 Jackson Costs of this Court only Taxed at
 £

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Boston Sep^t. 8th: 1781 Judgment ac=
 =cording to Law and the Court is
 Adjourned without Day
 Attest. And. Henshaw, Cler

This Term Recorded
 By Cha^s: Cushing Cler

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 Image 143-Right
 52.
 [52r]

Commonwealth of Massachusetts
 Bristol ss.

At the Supreme Judicial
 Court begun and held at Taunton
 Within and for the County of Bristol
 on the third Tuesday of October
 (being the 16th: Day of said Month)
 Anno Domini 1781 by Adjournment
 of the General Court to that time.

By the Hon^{ble} William Cushing Esq^r: Chief Justice
 Nath^l: Peaslee Sargeant}
 David Sewall and} Justices
 James Sullivan Esq^{rs}:}

<<

Hussey & al. v^s. Claghorn & al

>>

William Hussey Jun^r. et al ap^{ts}
 v^s.

George Claghorn et al Lib^{ts} of a two Mast [^Boat^]
 Jury half fees
 Cont^d. at the Motion of the Libellants
 to Barnstable Court
 Taunton Octo^r. 18th: 1781. The Court is
 Adjourned without Day
 Attest. And Henshaw, Cler

Recorded By
Cha^s. Cushing Cler

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Image 144-Left
[52v]

Commonwealth of Massachusetts.
Middlesex ss.

At the Supreme Judicial
Court of the Commonwealth of Mas=
=sachusetts begun and held at Cam=
=bridge within and for the County of
Middlesex on the last Tuesday of
October (being the thirtieth day
of said Month) Anno Domini 1781.

By the Hon^{ble}. William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
James Sullivan Esq^{rs}: Justices

<<

Dean v^s. Libell^{ts} of Brig^t. Crow Lane

>>

Ephraim Dean Ap^t. v^s. Libell^{ts}: Brig^t. Crow Lane
And now the Appellant Altho' Solemnly
Called to come into Court does not Come in
but makes default the Libellants Appear.

Cambridge Nov^r. 3. 1781. The Court
Adjourns without Day
Attest. And. Henshaw Cler

This Term Recorded
By Cha^s: Cushing Cler

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Image 144-Right
53.
[53r]

Commonwealth of Massachusetts.
Essex ss.

At the Supreme Judicial
Court of the Commonwealth of Mas=
=sachusetts begun and held at Salem
within and for the County of Essex
on the first Tuesday of November

(being the Sixth Day of said Month)
Anno Domini 1781.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
James Sullivan Esq^{rs} Justices

<<

Breck & al v^s. Derby Claim^t. Brig^t. Union

>>

Samuel Breck and Joseph Green both
of Boston in the County of Suffolk and in
the Middle District of the the Common=
=wealth of Massachusetts Merchant, Agents
for the Ship L' Astrea lying in the Harbour
of Boston, Appellants v^s. Elias Hasket Der=
=by, in behalf of the Owners, Officers and Crew
of the Armed Ship Exchange commanded
by John Collins, Claimant of the Brigantine
Union, her appurtenances and Cargo, Ap=
=pellee from the Decree of a Maritime Court
for the Middle District of the Commonwealth
of Massachusetts holden at Boston in the Coun=
=ty of Suffolk, by the Honourable Nathan Cush=
=ing Esquire Judge of Said Court on the twelfth
Day of October in the year of our Lord one
thousand Seven hundred and Eighty One
when and where the Appellants were Libellants
of

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[53v]

of the Brigantine Union, her Appurtenances
and Cargo, in behalf of Monsieur De la Pe=
=rouse Commander of the [^said^] Ship L' Astrea
and the Officers, Marines and Mariners be=
=longing to the Same and for all Concerned
therein And the Appellee was Claimant
as aforesaid And the Libellants by their
Libel filed in the Same Maritime Court,
gave the said Court to understant, and be

informed, "that the said Monsier De la Pe=
 =rouse commander of the said Ship together
 with his Crew on board the Same bound on a
 Cruize against the Enemies of the United
 States of America, and duly Commissioned
 therefor by his Most Christian Majesty, did,
 on the high Seas, on the fourth day of Sep=
 =tember last, Attack, Seize and take and on
 the eleventh day of the Same Month bring
 into the Port of Boston aforesaid a Certain Bri=
 =gantine Called the Union bound on a Voyage
 from Cork in Ireland to New York with Arti=
 =cles of Merchandize. And the proponents,
 in their said Bill, Say That the said Brigan=
 =tine, her Cargo and appurtenances were,
 at the time of her said Capture, the proper=
 =ty of and belonging to Some of the Subjects
 of the King of Great Britain and were
 then employed in the Service and to the
 use of the Enemies of the United States
 of America aforesaid and of his said Most
 Christian Majesty." And the proponents
 Say that by force of the laws and Statutes
 of this Commonwealth and the resolves
 of Congress in Such case made & provide=
 =ed, the said Brigantine, her cargo and
 appurtenances are and ought to be and
 remain forfeit to the use of the Captors and
 all concerned therein". And the proponents
 prayed

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54.

[54r]

prayed advisement in the premisses: and
 that by a due Course of proceedings, the afore=
 =said Brigantine her Cargo and Appurte=
 =nances may be decreed to be and remain
 forfeit to the Use of the Captors and all Con=
 =cerned therein, and be distributed as the
 law directs; And the time and Place of
 trial having been duly Notified, the
 proponents Appeared by their Advocate.

And Elias Hasket Derby by William Wet=
 =more Esquire came into said Maritime Court &

in behalf of the owners, Officers and Crew of the armed Ship Exchange Commanded by John Collins, Claimed the said Brigantine, her Cargo &c and said "That the Same Officers and Crew in the Same Ship originally took the said Brigantine Union her Cargo &c as prize on the high Seas, and had the Same in possession for twenty days when the Same were retaken by a Certain British frigate and in possession of the said frigate Sixteen hours and no more; when she was again taken by the frigate L' Astrea as Set forth in the said Libel." Wherefore be the said Derby prays that the Same Brigantine & Cargo may be Adjudged and decreed to the said Officers and Crew and the owners of the said Ship the Exchange Captors thereof to whom the Claimant Saith "the Same by law ought to be decreed". And Proclamation being three Several times made for any persons to Come into Court and Shew Cause (if any they have) why the said Brigantine the Union with her Cargo & appurtenances should not be "Condemned; no person appeared for that purpose. And after a full hearing of the proponents upon their Bill aforesaid

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Image 148-Left

[54v]

aforesaid and the said. Claimant upon his claim aforesaid; It was by the said Nathan Cushing Judge as aforesaid Considered, adjudged, ordered and decreed That the Said Brigantine Union and her Appurtenances and Cargo are forfeit; that the Same be Sold; and that the Monies thence arising after deducting the charges of trial & Condemnation and the charges of Sale, be delivered to wit, two third parts thereof to the said John Collins and his Company of the Armed Ship the Exchange original Captors as aforesaid, their Agents or Attornies, for the Use and benefit of Such Captors and the Owners of the Same Ship Exchange. And the Other one third to Monsieur De la Prouse and his Company of the Ship

L.'Astrea recaptors as aforesaid, their Agents or Attornies for the Use and benefit of Such recaptors and all Concerned in the Same recapture: This Appeal was bro't forward at the last term of this Court held at Cambridge in and for the County of Middlesex, within the Middle District aforesaid, on the last Tuesday of October last; when and where the parties Appeared and after a full hearing of the said Proponents and the said Claimant. the Bill aforesaid of the said Proponents and the Claim aforesaid of the said Claimant were Committed to a Jury duly returned, impannelled and Sworn According to Law to try the Same who returned their Verdict therein upon Oath, that is to Say, they find [[^]Specially viz^t.[^]] that the Brigantine Union her Cargo and Appurtenances was taken by the Ship Exchange John Collins Master (and was at the time of Such Capture the Property of Some of the Subjects of the King of Great Britain) and remained in the Possession of the said John Collins and his Crew for the Space of

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[55r]

of Twenty Days, that afterwards on the high Seas the Union was retaken by a British Vessel, who had her in Possession for the Space of Sixteen Hours only, when she was taken by his most Christian Majestys Frigate L'As-trea, and bro't into Port as set forth in the Libel And now the Jury pray Advisement of the Court, and if on these facts the Owners and Mariners of the Ship Exchange, are by Law intitled to any part of the said Brigantine Union her Cargo and Appurtenances, The Jury find that Such part be distributed to them Accordingly, and the Residue to the Ship L'Astrea, but if by Law the Ship L'Astrea is intitled to the Whole of the Brigantine Union her Cargo and Appurtenances then they find that the whole be decreed to them Accordingly";

and thereupon the said Case was Continued to this Term for Advisement on said Verdict, And now the Parties Appeared, and after Mature Advisement had upon said Verdict; It is Considered Adjudged, Ordered and decreed by the Court That the said Bri=gantine Union and her Appurtenances and Cargo are forfeit; that the Same be and hereby are Condemned, that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial and Condemnation and the Charges of Sale, be delivered to Monsieur De la Perouse and his Company of the Ship L' Astrea recaptors as aforesaid, their Agents or Attornies for the use and benefit of Such recaptors and all concerned

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[55v]

concerned in the Same recapture. And that the said Elias Hasket Derby Claimant in be=half of the owners, Officers and crew of the Said Armed Ship Exchange take nothing by his Claim

Essex ss. Salem Nov^r. 10th: 1781.

Judgment According to Law and the Court is adjourned without Day.

Attest^f. Cha^s: Cushing, Cler

This Term Recorded

By Cha^s: Cushing, Cler

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[56r]

Commonwealth of Massach^[^u^]setts
Suffolk ss

At the Supreme Judicial
Court of the Commonwealth of Mas=

Massachusetts begun and held at Boston
within and for the County of Suffolk
on the third Tuesday of February
(being the Nineteenth Day of Said
Month) Anno Domini 1782.

By the Hon^{ble}. William Cushing Jun^r. Chief Justice
Nath^l. Peaslee Sargeant &
David Sewall Esq^{rs} Justices

<<

Prebble & al^s. v^s. Sloop Patty Alias Lark

>>

John Prebble of Machias in the County
of Lincoln and Commonwealth of Mas=
sachusetts in behalf of himself and in
behalf of John Stone and Jonathan Sanborn
Libellant of a Certain Sloop Called the Lark
Appellant v^s. Henry Johnson and Diamond
Morton both of Boston in the County of
Suffolk. Merchants, in behalf of themselves
and the Other Owners of the private Armed
Schooner called the Cato, the Commander, Of=
ficers, Marines and Mariners of the Same
Schooner Libellants [[^]also[^]] of said Sloop Called the
Lark, Appellees from the Judgment & Decree
of a Maritime Court for the Middle District
of the Commonwealth of Massachusetts held
at Boston in the County of Suffolk, by the
Honorable Nathan Cushing Esquire Judge of
said Court, on the twenty fourth Day of Au=
gust last when and where the Appellant
was Libellant as aforesaid of said Sloop Lark
and

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[56v]

and the Appellees also were Libellants as
aforesaid of the Same Sloop Called the Lark,
and the Appellant, who was Libellant as afore=
said by his Bill filed in said Maritime
Court, gave the Same Court to Understand &
be informed That he the said John Prebble
and John Stone and Jonathan Sanborn be=
tween high and low water Mark, on the
twentieth day of October A.D. 1780 Seized and took

and on the first day of December then next following brought into the port of Boston with=
 =in the District aforesaid a certain Sloop called the Lark Abraham Nolton late Master, of about Seventy tons burthen, and laden with boards and Spars. And the said Preb=
 =ble, in his said Bill, avers That the said Sloop her Cargo and Appurtenances were, at the time of her said Capture, the property of and belonging to Some of the Subjects of the King of Great Britain other than the inhabitants of Bermuda; that She was then employed by the Enemies of the United States of America in Carrying Supplies to said Enemies, and had been trading to the Ports in the Possession of the Fleets and Armies of said King by means of all which and by force of the Resolves of Congress, and the Laws of this State in Such case made and provided, the said Sloop her Cargo and Ap=
 =purtenances (the Proponant Saith) are forfeited and ought to be distributed as the law directs and the said Prebble Pray'd Advisement thereon, that by a due Course or Proceeding, the said Sloop, her Cargo and Appurtenances may be decreed to be and remain forfeited and distributed as the law directs. And the time and Place for trial of the Justice of the Said Capture, to wit, at a Maritime Court for said Middle District

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Image 152-Right

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[57r]

District holden by said Judge at Boston afore=
 =said on Tuesday the Twenty Seventh day of March last, having been duly Notified, & the trial having been from thence Adourn'd (from time to time) untill the twenty fourth day of August aforesaid at ten of the Clock in the forenoon. The Proponant by his Advocate Appeareth. And the said Henry Johnson and Diamond Morton came into Court, by their Advocate, and as well in be=

:half of themselves and others as owners of
 the Private Arm'd Schooner Called the Cato,
 as for and in behalf of the Commander,
 Officers, Marines and Mariners of the said
 Schooner as Captors of the said Sloop called
 the Patty Alias the Larke, Claimed the Same
 with her Cargo & Appurtenances And Pray'd,
 the Same may be Adjudged to be and re=
 :main forfeit and distributed to the Use
 of the Captors and Others Concern'd therein
 as the Law directs And George Stillman
 comes into Court by his advocate, and in
 behalf of himself and John Curey, Claims
 the said Sloop, her Cargo &c as owners there=
 :of, & Says "the Same are not liable to for=
 :feiture" and prays the Same may be
 restored to him for the Use of himself
 and the other owners thereof. & for his
 Costs: At [^Which said Maritime Court^] after a full hearing of the proponent
 Prebble upon his bill aforesaid, and of the Said
 Johnson and Morton upon their Claim, and
 of the said Stillman upon his Claim, It was
 by the said Nathan Cushing Judge as aforesaid,
 Considered, Adjudged, ordered & decreed That the
 said Sloop the Charming Patty Alias Lark and
 her Appurtenances and Cargo are forfeit;
 that the Same be Sold; and that the Monies
 thence

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[57v]

thence arising, after deducting the Charges of
 trial and Condemnation and the Charges of
 Sale, be delivered to the Commander Officers
 Marines and Mariners of said private armed
 Schooner the Cato as Captors, their Agents or At=
 =ornies for the use and benefit of Such Captors,
 the Owners of the Same Schooner & others Con=
 =cerned therein." This Appeal was brought for=
 =ward at the last Term of this Court held at
 Boston within and for the County of Suffolk

within the Middle District aforesaid on the last Tuesday of August last and from thence Continued from Term to Term within said Middle district to this [[^]present[^]] Court: And now the Parties appear and the Case after a full hearing was Committed to a Jury Sworn According to Law to Try the Same, who returned their Verdict therein upon Oath, that is to Say they find the Sloop Patty Alias Lark to have been the Property of Some of the Subjects of the King of Great Britain and find her to be a lawful Prize to John Preble and Others the Appellants, the Libel of Henry Johnson and others not being Supported. It is therefore Considered Adjudged ordered and Decreed by the Court that the said Sloop Patty Alias Lark is forfeit; and that the Same be and hereby is Condemned to the Use and benefit of the said John Prebble and Others the Appellants

Whereupon Perez Morton Esq^r. Counsel for Henry Johnson & others moves the Court for an Appeal to Congress, which is Objected to by William Tudor Esq^r. Counsel for John Preble and Others And now on [[^]further[^]] Motion by Perez Morton Esq^r. for an Appeal to Congress which is Granted by the Court Bonds to be given for £300 with Sufficient Surety for prosecuting said Appeal Bonds are Accordingly given & on file.

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[58r]

<<

Geyer & al^s. v^s. Eastman Brig^t. None Such

>>

Peter Geyer, Dimond [[^]Morton,[^]] Edward Baker, William Pirkins, John M^c.Elroy, Henry Hilt and John Ingersol Libellants of a certain Brigantine Called the None Such, Appellants v^s. David Eastman, Claimant of said Brigantine, Appellee from the Judgment and Decree of a Maritime Court for the Middle District of the Commonwealth of Massachusetts held at Boston in

the County of Suffolk, by the Honorable Nathan Cushing Esquire Judge of Said Court on the fifteenth Day of February in the Year of our Lord one thousand Seven hundred & eighty two, When and where the Appellants were Libellans and the Appellee was Claimant, And the Libellants by their Bill Filed in said Maritime Court, gave the said Court to Understand and be informed that on the Sixteenth day of November last the said Geyer and Others the Libellants Aforenamed did, in a boat with Small Arms and Other Implements of War, within thirty leagues from the Shore of this Commonwealth, Attack, Seize and take and on the Same day bring into the Port of Boston a Certain brigantine Called the None Such, of about one hundred tons burden, and Commanded by one David Eastman and having on board two Six pound Iron Cannon, a Number of Six pounds Shot a Quantity of Ammunition Small Arms and one Barril of Powder as mentioned in a Schedule to Said Libel Annexed and the proponents in their said Bill Say That said Brigantine her appurtenances and Articles on board her were, at the time of her aforesaid Capture, the property of and belonging to the King of Great Britain or Some of the Subjects of the said King at open War

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Image 156-Left

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War with the Subjects of the United States of America, and their public Enemies That She was then Carrying Supplies to the Fleet and Army employed Against said United States, and the Master thereof then had Such designs; and that said Brigantine was then employed by and in the Service of the said Enemies of the said United States, and then had on board goods of a Contraband Nature in time of War which She was Carrying to the Enemies of the United States: That She was an Armed Vessel infesting the Sea Coast and Naviga=

=tion of America and her Allies and the
 Libellants further Say That on the day afore=
 =said that the said brigantine Since the
 tenth day of March Anno Domini 1781,
 was a Vessel Carrying a Flagg, and Arrived
 at a place Called Cape Ann or Gloucester
 a Port within this Commonwealth from
 Bermuda a Port in Possession of the Enemy,
 and all the Articles, goods, wares and Mer=
 =chandize mentioned in the Schedule
 to Said Libel Annexed, were found on board
 the same, without permission Specially Ob=
 =tained from the General Court; and that
 said Articles were illegally imported into
 this Commonwealth, and were intended
 to have been so imported from the Island
 of Bermuda a port or place under the
 Dominion of the King of Great Britain in
 said Brigantine. By reason of all which
 and by force of the resolutions and Or=
 =dinances of Congress, the laws and Sta=
 =tutes of this Commonwealth and the Laws
 and Customs of all Nations, the said Brigan=
 =tine, her appurtenances and the Articles
 found on board the Same (the proponents Say)
 are

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Image 156-Right

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[59r]

are lawful prize to the Captors. Wherefore
 the Libellants prayed advisement in the
 premisses; and that by a due Course of pro=
 =ceedings the said brigantine, her Appur=
 =tenances and all the Articles found on
 board her may be adjudged and decreed
 to be and remain forfeit to and for the
 use of the Captors aforesaid, and be distri=
 =buted as the law directs

And David Eastman late Commander of the
 said Brigantine the No ne Such came into the
 Same Maritime Court, by his Advocate, and in
 behalf of, himself and all concerned in said
 brigantine, Claimed the said Brigantine &
 her appurtenances; and thereupon Said "That

the facts Set forth in said Libel are not true-
 the Same are the property of Pendock Neale Es=
 =quire of the Island of Bermuda and Commis=
 =sary of Prisoners there; and that the Same, at
 the day and time when the said brigantine
 is said to have been Seized and taken, was a
 Vessel bearing a Flag of Truce and came into the
 harbour of Boston and Still Continues Such; that
 she brought American prisoners of War from
 Bermuda to this State for the purpose of Ex=
 =change, and was waiting only to receive Bri=
 =tons prisoners of War to carry to Some port with=
 =in the Jurisdiction of the King of Great Bri=
 =tain; and that the Same Vessel was & ought to
 be under the protection of this State and of
 the United States and by the Laws of Nations; the
 Laws of War, and the laws and regulations of
 the United States and of this State was not
 liable to Seizure or forfeiture." Wherefore, the
 said Eastman prayed Advisement, and that
 the Same may be restored to the possession
 of the Same, and that Such damages and Costs
 as he has Sustained by the illegal detention
 aforesaid

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aforesaid may be decreed him, At which [^said Maritime Court^] after a full
 hearing of the proponents Geyer and others upon
 their Bill aforesaid, and of the said Eastman
 upon his Claim aforesaid, It was by the said
 Nathan Cushing Judge as aforesaid Considered,
 Adjudged, ordered and decreed That the said bri=
 =gantine the None such with her appurtenances
 be restored to the said David Eastman the Clai=
 =mant for the use of the Owners thereof

The Parties now appear and after a full
 hearing of the said Proponents Geyer and Others
 and of the said Claimant Eastman, the Bill
 aforesaid of the said proponents and the
 Claim aforesaid of the said Claimant are

Committed to a Jury duly returned, impan-
 =nelled and Sworn According to Law to Try the
 Same, who return their Verdict therein upon
 Oath, that is to Say they find that the Libellants
 have not Supported the Charges Alledged in the
 Libel therefore the said Brig and Appurte=
 =nances ought not to be forfeited but be restor=
 =ed to the Claimant for the use of the Owners,
 It is therefore Considered Adjudged, Ordered
 and Decreed by the Court that the said Bri=
 =gantine the None Such with her Appurtenan=
 =ces be restored to the said David Eastman
 the Claimant for the Use of the Owners
 thereof and on Motion for Costs the
 Court will Advise thereon

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<<

Tufts & Al^s. v^s. Dean Crow Lane

>>

Samuel Tufts and George Searl both of Newbury.
 -Port in the County of Essex and Commonwealth
 of Massachusetts Merchants on behalf of John
 Obrian Commander of the Armed Brigantine
 Privateer Called the Hibernia the Officers Ma=
 =rines and Mariners belonging to the Same the
 owners thereof and all concerned therein for
 all

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Image 159-Right

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[60r]

all whom they are agents [^& Libellants of a Certain Brigantine Called the Crow lane^]

Complain'd that

at a Maritime Court for the Middle District
 of the Commonwealth of Massachusetts held
 at Boston in the County of Suffolk on Saturday
 the twenty Fifth Day of August last It was Con=
 =sidered ordered Adjudged and decreed that the
~~said~~ Brigantine the Crow Lane and her Appurte=
 =nances and cargo are forfeit, that the Same be
 Sold; and that the monies thence arising, after
 deducting the Charges of trial and Condemna=
 =tion and the Charges of Sale, be delivered to
 John Obrian and his Company of the Armed

brigantine privateer the Hibernia Captors,
 their Agents or Attorneys, for the use and benefit
 of Such Captors, the owners of the Same brigan=
 =tine Hibernia and Others in said capture
 concerned" from which Judgment and Decree
 Ephraim Dean late Master of said Brigantine
 Crow Lane and Claimant of the Same her
 appurtenances and Cargo Appealed to the
 Supreme Judicial Court then next to be holden
 at Boston within and for the County of Suffolk
 on the last Tuesday of August last and recog=
 =nized to prosecute said Appeal to Effect. but
 failed so to do wherefore the Complainant at
 the Supreme Judicial Court held at Cam=
 =bridge within and for the County of Mid=
 =dsex & within the Middle District of the
 Commonwealth of Massachusetts, on the
 last Tuesday of October last Pray'd [^for^] Affirmation
 of [^the^] Said Decree, which Complaint was from
 thence continued to the next Supreme Judici=
 =al Court held at Salem within and for the
 County of Essex within the Middle District
 Aforesaid on the first Tuesday of November
 last & from thence Continued to this Court,
 and now the Complainants Again Appear &
 Pray

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[60v]

Pray [^for^] affirmation of the said Decree, It is
 therefore Considered by the Court that Said
 Decree be & it hereby is Affirmed & That the
 said Brigantine the Crow Lane and her ap=
 =purtenances and Cargo are forfeit; that
 the Same be Sold; and that the Monies thence
 Arising, after deducting the Charges of trial
 and condemnation and the charges of
 Sale, be delivered to John Obrian and his
 Company of the Armed brigantine priva=
 =teer the Hibernia Captors as aforesaid, their
 Agents or Attornies, for the Use and benefit
 of such Captors, the owners of the Same
 Brigantine Hibernia and others in said
 Capture concerned

Boston March 11th. 1782 Judgment
according to Law and the Court is ad=
=journed without Day

Attest. And. Henshaw, Cler

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61.

[61r]

Barnstable ss. Commonwealth of Massachusetts.

At the Supreme Judicial Court
of the Commonwealth of Massachu=
=setts begun & held at Barnstable
within the County of Barnstable
and for the Counties of Barnstable
& Dukes County on Thursday the Six=
=teenth day of May Anno Domini
1782 by Adjournment from the
Wednesday next preceeding the
third Tuesday of May (being the
15th. day of Said Month) Anno
Domini 1782, by two of the Justices
of the Same Court by Writ & Procla=
=mations According to Law

By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Nath^l. Peaslee Sargeant & } Justices
David Sewall Esquires }

<<

Hussey & al. v^s. Claghorn & al.

>>

William Hussey Junior, Benjamin Allen
and Bartlett Allen Appellants v^s. George
Claghorn for & in behalf of himself, William
Cook, Obed Cushman, Elisha Smith, Stephen
Potter & Benjamin Gunnell Appellees
from the Decree of a Maritime Court
~~for the Decree of a Maritime Court~~ [^for the Southern District of said Commonwealth^]
held at
Plymouth for the Counties of Plymouth
Barnstable, Bristol, Nantuckett & Dukes
County on the twenty Fifth day of July last
when and where the Appellees were Libel=
=lants of a Small two Mast Cedar Boat of
About Six Tons & her appurtenances & the

Appellants were Claimants & the Libel=
:lants by their Bill filed in said Maritime
Court gave the Same Court to understand
and

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[61v]

and be inform'd that on the thirteenth day
of April A.D. 1781 the said George Claghorn, William
Cook, Obed [xxx] Cushman, Elisha Smith, Stephen
Potter, & Benjamin Gunnell, did take and seize a
Small two mast Cedar Boat of about six Tons then
at Holmes hole on Marthas Vineyard within three
Leagues of the Shore of this state or between high
water and Low water mark and have brought her
with her Cargo into the port of Dartmouth within
said District which Boat was bound from said
Holmeshole to Long Island or some other place under
The Dominion of the King of Great Britain and that
the said boat with her Cargo which was thirty
Seven Boxes of Spermacæti Candles three barrells of
Flour and four Casks of Molasses. at the time of
the Caption aforesaid with said Cargo belonged to the
subjects of the King of Great Britain and also that the
s^d Boat at the time aforesaid, was imployed in Carry=
=ing supplies to the Enemies of this and the other United
States of America and Infesting the Sea Coasts thereof,
and had false and double papers on board relative to said
Cargo and had destroyed other papers relative thereto and
had been Employ'd since the nineteenth day of April 1775
in Carrying such supplies, and the Master or Supercargo
at the time of Capture had designs to Carry like supplies
and by force of the Resolves of Congress, acts & Laws of this
Commonwealth in such Cases made & Provided, The said boat
with her Cargo and Appurtenances are forfeited and Ought
to be Condemned and disposed of as in such Cases is provided

And the time and place of tryal having been duly
notified the said George Claghorn Proponant in Court
appears and Hussey. Benjamin Allen, and Bartlett
Allen by Benjamin Hitchborn Esq^r. their Attorney come
into Court and Claim the s^d Two mast Boat & Thirty

Seven Boxes of Spermacæti Candles three Barrels flour and four Casks of Molasses and thereupon say that the facts set forth in said Libel are not true, that the said Boat her appurtenances and Cargo are not liable to forfeiture and therefore pray the same may be decreed to them for their use and that they may be allowed their Costs. At which said Maritime Court after a full hearing of the proponents upon their bill aforesaid, and of the said Hussey & others upon their Claim aforesaid, It was by the same Court considered Adjudged, ~~ordered~~ and decreed that the said Two Mast

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62.

[62r]

Mast Boat with her takel apparel & furniture & the Goods Wares [^&c.^] Merchandize found on board her at the time of her Capture aforesaid be considered as Prize and sold and that the money thence arising, (after deducting the Charge of tryal & condemnation) be delivered to the Captors of said Boat their Agents or Attorney for the use and benefit of the Captors & others concerned therein, This appeal was bro^t forward at the Supreme Judicial Court held at Taun=
=ton within and for the County of Bristol on the third Tuesday of October last within the southern District aforesaid when and where the parties appeared and said Appeal was from thence continued at the motion of the Libellants to this Court when and where the Parties appeared; And now the Libellants pray leave to amend their Libel which is granted by the Court upon the Common Rule, And the Appellants choose Costs instead of a continuance, And [^then^] the Case after a full hearing was committed to a Jury sworn according to Law to try the same who returned there Verdict therein upon oath that is to say they find that the Boat Libelled has since the Nineteenth of April 1775 been carrying supplies to the Enemies of the unit=
=ed States. And that the Master and Supercargo of s^d Boat had designs of carrying supplies to s^d. Enemies at the time of her being stranded, and that it was taken and brought in as set forth in the Libel and now neither party appears

Barnstable May 18. 1782 The Court adjourned without
Day Attest Andrew Henshaw Cler

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[62v]

York ss Commonwealth of Massachusetts

At the Supreme Judicial Court of
the Commonwealth of Massachusetts
begun and held at York within and
for the County of York on the fourth
Tuesday of June (being the 25th: day
of said Month) Anno Domini 1782.

By the Hon^{ble}. William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant &} Justices
David Sewall Esquire}

<<

Stanwood v^s. Warren

>>

William Stanwood Appellant v^s. George
Warren Appellee from the Decree of a Ma=
=ritime [^Court^] for the Eastern District of said Common=
=wealth held at Falmouth in the County of
Cumberland on the twenty Ninth Day of June
last when and where the Appellee was Libel=
=lant, of the Sloop Speedwell her Cargo & Appur=
=tenances, as Agent for Philip Crandell and
other Captors, as well as the Owners of the Arm'd
Boat Roebuck and the Appellant was Claimant
of said Sloop Speedwell And the Libellant
by his Bill filed in said Maritime Court
gave the same Court to understand and be
informed that the said Philip Crandell & others
being out on a Cruise in the Armed boat Roe=
=buck, duly Commissioned did on the Twenty
Second Day of May A.D. 1781. Seize and take a cer=
=tain Sloop in Penobscot River called the Speed=
=well eighty five tons burthen or thereabouts
Andrew Reed late Master, and did Carry the
said Sloop into the Harbour of Falmouth
where She now lies, within the Jurisdiction
of said Maritime Court, that the Sloop aforesa=
=id with her Cargo on board, (a Schedule of which is annex=
=ed to the Libel;) was the Property of some subject or subjects
of the King of Great Britain, now at open war with the

united States of America, and was then in possession of

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Image 164-Right

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[63r]

of the Enemies of s.^d States more than twenty four hours, that the said Sloop is not within any of the exceptions of the resolves of Congress or the Laws and acts of this State, By means of all which, and by force of Resolves of the American Congress and the Laws and acts of this Commonwealth the Sloop aforesaid her Appurces.. and Cargo are forfeited and to be distributed as by said Laws are directed and Praying advisement thereon, and that in a due Course of Law and proceedings the s.^d. Sloop with her Appurces.. and Cargo may be adjudged to be and remain forfeit and to be divided and applied in manner aforesaid, And the time and place of Trial having been duly Notified the said George Warren the Proponent appears (by Theophilus Bradbury Esq^r. his Attorney) and W^m.. Stanwood of Brunswick in the County of Cumberland mariner, comes into Court (by John Pickering Esq^r. his Attorney) and claims the said Sloop Speedwell her Appurces.. and Cargo against which a Libel is filed in behalf of Phillip Crandell and others, and says that the s.^d. Sloop Speedwell her Appurces.. and Cargo are his property, that they are not liable to forfeiture, and that they have been unreasonably detain'd from him by the s.^d. Crandell & others for a Long time and prays they may be restor'd to him and Damages for the detention and for his Costs. After a full hearing of the said Proponent, and the said Claimant, At which said Maritime Court Judgment was rendred, that the said Sloop her Cargo and Appurces.. are forfeited to & for the use of the Captors mention'd in the Libel, and that the same be disposed of Accordingly, This appeal was bro^t. forward at the Supreme Judicial Court, held at Falmouth in the County of Cumberland and for the Counties of Cumberland & Lincoln on the tuesday next following the fourth tuesday of June last within the Eastern district aforesaid when and where the parties appeared and the Case after a full hearing was committed to a Jury sworn according to Law to try the same who return'd their Verdict [[^]therein[^]] upon Oath that is to say they find that the Vessel at the time of her Capture was the property of some

British Subject and that the facts sett forth in the
Libell

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[63v]

Libel are true Then the Appellant by Mr. Pickering
made a Motion for a New Trial, upon which said Appeal
was continued to this Court for advisement, And
now the parties appear, and after mature advisem=
=ent: It is Considered Adjudged Ordered and decreed by
the Court that the s^d. Sloop her Cargo and Appurten=
=ances are forfeit; and that the same be and hereby are
Condemned, to and for the use of the Captors mention'd
in the Libel, and that the same be disposed of accordingly.

York ss. June 28th. 1782. The Court adjourns
without day

Attest Charles Cushing Cler

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[64r]

Commonwealth of Massachusetts.

Cumberland ss. At the Supreme Judicial Court of
the Commonwealth of Massachusetts
begun & held at Falmouth in the County
of Cumberland and for the Counties
of Cumberland and Lincoln on Thurs=
=day the Fourth day of July A.D. 1782
by Adjournment to that time from
the Tuesday next following the Fourth
Tuesday of June (being the Second
day of July) Anno Domini 1782 by
two of the Justices of the Same Court
by Writs & Proclamations Accord=
=ing to Law

By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Nath^l. Peaslee Sargeant &} Justices
David Sewall Esquires}

<<

Farnsworth v^s. Nickels

>>

Jonas Farnsworth of Machias in the Coun=
 =ty of Lincoln Esq^r. Appellant v^s. William
 Nickels of Narraguagus so called in the County
 of Lincoln Gentleman Appellee from the
 Decree of a Maritime Court for the Eastern
 District of said Commonwealth held at
 the East Precinct of Pownalborough on Thurs=
 =day the Second day of May last, when and
 Where the appellee was Libellant of the
 Schooner Dove her Cargo &c and the Ap=
 =pellant, as Agent for Cap^t. Elijah Ayers,
 Jonathan Eddy, Samuel Rogers, & Stephen
 Hall, was Claimant of the said Schooner
 her Appurtenances & Cargo, and the Li=
 =bellant by his Bill filed in the Said Ma=
 =ritime Court, gave the Same Court to Un=
 =derstand & be informed to wit. That he the
 said William Nickels, being at Narraguagus
 aforesaid did on the twentieth day of January
 last

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Image 168-Left

[64v]

last, within thirty leagues of the American
 Shore, and within the Jurisdiction of this
 Maritime Court, Attack Seize & take into
 possession a Certain Schooner then laying in
 the Harbour of Narraguagus where She now
 now lies called the Dove, burthen about fifteen
 tons, William Cock late Master, with her Car=
 =go on board, a Schedule whereof is annex'ed
 to the Libel; that the Schooner aforesaid, at the
 time of the Seizing & taking aforesaid, was the
 property of Some Subject or Subjects of the King
 of Great Britain now at open War with the
 United States of America, and not employ'd
 in bringing warlike Stores to the said States;
 That the Schooner Aforesaid had at Divers
 times, Since the Nineteenth of April A.D. 1775.
 And at the time of the Seizure aforesaid, been
 employed in carrying supplies of divers kinds to the
 Enemy aforesaid, And that the Schooner afores^d.. at the

time of the Capture, was employ'd in importing into the united States afores^d.. Goods, wares & Merchandize being the produce and Manufacture of Great Britain or Ireland, contrary to the Regulations established by Congress, & the Laws of this Commonwealth, By reason of all which the said Schooner her Cargo & Appur^{ces}.. by force of resolves of the American Congress, & the Laws & acts of this Commonwealth are become a Lawfull prize and are forfeited to the said William Nickels for his own use. And praying advisement thereon, & that in a due Course of Law & proceedings, the said Schooner her Cargo & Appur^{ces}.. may be adjudged to be and remain forfeit to, And to be applied in manner aforesaid. And the time and Place of Trial having been duly Notified the said William Nickels the Proponent Appears by his Attorney; And Jonas Farnsworth Esq^r. as Agent for Cap^t. Elijah Ayers & Others Appears and Claims the said Schooner her Appurte=
=nances & Cargo & Says they are not forfeit to Said Nickels as he has set forth in said Libel, For that the said Ayers & Others (mentioned in said Claim, being duly Commissioned there=
=for, Did on the Eighth day of February last in the

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Image 168-Right

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[65r]

the harbour of Narraguagus (so called) Attack, take & Seize the said Schooner Dove her appurte=
=nances & Cargo consisting of Two hundred and Sixteen Grindstones for the Causes set forth in said Libel, & Says that said Schooner Dove her Cargo & Appurtenances is become a law=
=ful Prize to the said Captors & Prays the Same may be decreed forfeit to & Remain for the use of the said Ayers & others who are the Captors; After a full hearing of the said Pro=
=ponent, by his Counsell, and the said Claimant At which said Maritime Court Judgment was Rendred that the Said Schooner her Cargo and Appurtenances are forfeited to and for the Use of William Nickels the Libellant, & that the Same be disposed of Accordingly This Appeal was bro't forward at the Supreme

Judicial Court of the Commonwealth of Massachusetts held at York within & for the County of York on the fourth Tuesday of June A.D. 1782 when & where the Parties appeared & on Motion The Libellants & Claimant had leave of the Court to Assign further Causes of forfeiture viz. "And now William Nickels Libellant of the Schooner Dove her Appurtenances & Cargo by leave of the Court & Consent of the Claimants Assign a further Cause of Capture viz that on the day of Capture Mentioned in the libel, at s^d. Narraguagus, in the County of Lincoln & Commonwealth aforesaid he being an Inhabitant & leige Subject of said Commonwealth Captured & Seized Said Schooner her appurtenances & Cargo, because She then had on board Goods wares & Merchandizes viz^t. a large quantity of Grindstones, which had then lately been illegally imported in & with said Schooner from Some Port or Place under the Dominion of the King of Great Britain viz from the province of Nova-Scotia whereby and by force of a law of Said Commonwealth in Such case made and provided said Cargo together with the said Vessel and Appurtenances so illegally importing the Same

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<duplicates following>

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[65v]

Same are forfeited & ought to be Condemn'd to his use which he prays may be done According^{ly} And now the said Elijah Ayer, Jonathan Eddy, Samuel Rogers & Stephen Hall by leave of the Court and Consent of the libellant, file a further reason for their Claim Viz. They say that on the eighth day of February last at said Place called Narraguagus in the County of Lincoln and Commonwealth of Massachusetts, they being leige Subjects as well as inhabitants of said Commonwealth Seized & Captured the Same Said Schooner having then on board goods

wares & Merchandizes, viz a large quantity of Grindstones which had then lately been illegally imported in and with said Schooner from Some Port or place under the Dominion of the King of Great Britain viz from the province of Nova Scotia; Whereby & by force of a Law of s^d.. Commonwealth in such case made and provided said Cargo [^&^] said Schooner & Appurtenances are forfeited and ought to be condemned to their use, which they pray may accordingly be done; and then the Case after a full hearing was committed to a Jury Sworn Accord=
=ing to Law to Try the Same, who Return'd their Verdict therein upon Oath, that is to Say, they find that the Schooner Dove at the Time of her Capture was the Property of Some of the Subjects of the King of great Britain and that there had been illegally imported from Nova Scotia in the Same Schooner a large quantity of Grind:
=stones, and that the Same Schooner Dove her Cargo and appurtenances are forfeited to the Libellant and that the Claim of Elijah Ayer &c is not Supported" and then this Case was from thence continued unto this Court for Judgment; And now at this Term It is considered, Adjudged, ordered and decreed by the Court that the Said Schooner Dove her Cargo and Appurtenances are forfeited; and that the Same be and hereby are condemned, to and for the use of the Libellant, and that the Same be disposed of Accordingly And that

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[66r]

that the Claim of Elijah Ayer and others is not Supported.

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Cumberland ss. July 6th. 1782

The Court Adjourns with=
=out day

Attest^f. Cha^s: Cushing Cler

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[66v]

Suffolk Ss Commonwealth of Massachusetts

At the Supreme Judicial Court
of the Commonwealth of Massa:
chusetts begun & held at Boston
within & for the County of Suffolk
on the Third Tuesday of November
{being the 19th. of said Month)
Anno Domini 1782.

By the Hon^{ble}. William Cushing Esq^r. Chief Justice
Nath^l. Peaslee Sargeant
David Sewall and
Increase Sumner Esq^{rs}. Justices

<<

Adams & al Lib^t. of The two Brothers v^s. Sears & al

>>

Samuel Gardiner of Boston in the County of
Suffolk &c Middle district of said Commonwealth [[^]merchant[^]]
Libellant of the Brigantine called the Two Bro:
:thers her Crago &c, in behalf of himself the
owners & all concerned in the Arm'd Sloop
Lively, and in behalf of Daniel Adams Com:
:mander of the Same [[^]Sloop[^]] the officers, Marines
and Mariners thereof, Appellant v^s. Isaac
Sears & Pascal Nelson Smith of said Boston
Merchants Libellants of the Same Brigantine
called the Two Brothers Cargo &c, in behalf
of Amos Potter Commander of the private
Armed Zugger The Dreadnought the officers
and Marine[[^]r[^]]s on board the Same the owners
thereof & all concerned therein, together
with John Baker of Salem in the County of
Essex Merchant in behalf of Samuel Foster
Commander of the private armed Schooner
the Penguin the officers & Crew on board
the Same, the owners thereof & all Con=
=cerned therein, Appellees from the Judg=
=ment & Decree of a Maritime Court for
the said Middle District held at Salem
in the County of Essex on Thursday the twenty
Second Day of August last, when and where
the

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67.

[67r]

the appellant was Libellant of the Brigantine called the Two Brothers her Cargo &c in behalf of himself & others as aforementioned and the appellees were Libellants also of the same Brigantine, Called the Two Brothers her Cargo &c in behalf of Amos Potter and others & also in behalf of Samuel Foster and others as aforementioned, and the Said Samuel Gardiner by his Libel or Bill filed in the said Maritime Court, gave the Same Court to Understand & be informed, to Wit, That the said Daniel Adams Commander of the said Sloop together with his Crew on board the same bound on a Cruise against the Enemies of the United States of America and their property, did on the high Seas, on the twentieth day of June last, Attack, Seize and take and on the twentieth day of July last bring into the Port of Boston aforesaid a certain brigantine called the Two Brothers commanded by and the said Gardner, in his said bill, alleges that the said Brigantine, her Cargo and appurtenances were at the time of her said Capture, the property of and belonging to some of the Subjects of the King of Great Britain and were, at the time of said capture, employed in the service of the Enemies of the United States aforesaid Whereupon the proponent saith that by force of the Laws and Statutes of this Commonwealth and the Resolutions of Congress in such case made and provided, the said Brigantine her Cargo and appurtenances are and ought to be and remain forfeit to the use of the captors and all concerned therein, Wherefore the said Gardner prayed advisement in the premisses and that by a due course of proceedings, the said Brigantine her Cargo and appurtenances may be decreed to be and remain forfeited to the use of the Captors and all concerned therein, and be distributed as the Law directs. And the filing of the said Libel being, notified as well as the time and place appointed for trial of the Justice of [^the^] said Capture, And proclamation being made for any person to come into Court and show cause (if any he have) why the said Captured Brigantine with her Cargo and appurtenances should not be Condemned, no person appearing for

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[67v]

for that purpose, And the said Isaac Sears and
 Pascal Nelson Smith of Boston within said District
 Merchants together with John Baker of said Salem
 Merchant having on the twenty Second day of July
 aforesaid, in behalf of Amos Potter commander of the
 Private armed Lugger the Dread nought, the Officers &
 Mariners on board the same, and in behalf of Samuel
 Foster commander of the private armed Schooner the
 Penguin, the Officers and Crew on board the same as
 Captors and in behalf of the respective owners of said Lugg=
 =er and Schooner and all concerned therein, come by their
 advocate, before the said Judge [[^]of said Maritime Court[^]] and filed their Libel agai=
 =nst the Brigantine two Brothers described as being
 of about Sixty tons burthen, commanded by one John
 Quesne and Laden with the articles mentioned in a
 schedule to their said Libel annexed, came into the
 same Maritime Court, by their advocate, and, in beha=
 =lf as aforesaid claimed the said captured Brigantine,
 her Cargo and appurtenances, ~~And after a full hearing~~
~~of the said Gardner and the said Sears, Smith & Baker~~
~~upon their respective bills aforesaid,~~ At which said Ma=
 ritime Court after a full hearing of the said Gardner
 and the said Sears, Smith and Baker upon their Respec=
 =tive bills aforesaid Judgment was rendered, That the
 said Brigantine the Two Brothers and her appurtenan=
 =ces and Cargo are forfeit; that the same be sold; and that
 the Monies thence arising, after deducting the Charges of
 Trial and condemnation and the Charges of Sale be delivered,
 to wit, one moiety thereof to the said Amos Potter & his
 Company of the private armed Lugger, the Dreadnought
 Joint captors, their agents or attornies, for the use & benefit
 of such captors, the owners of said Lugger & others concerned
 therein and the other moiety to the said Samuel Foster &
 his Company of the private armed Schooner the Penguin
 joint captors, their agents or attornies, for the use and
 benefit of such captors, the owners of the same Schooner
 and others therein concerned,: The parties now app[[^]e[^]]ared
 and the Case after a full hearing was Committed to

a Jury Sworn according to Law to try the same, who returned their Verdict therein upon Oath that is to say they find that the Brigantine two Brothers was a Merchant Vessel, that she was taken on the High Seas & brought into port as set forth in the Libels filed & that She was Captured by Amos Potter & Company with the Aid

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Image 175-Right

68.

[68r]

Aid of Samuel Foster & Company & that said Brigantine her Cargo & Appurtenances were at the time of Capture the Property of some of the Subjects of the King of Great Britain and the Jury give one Moiety of the said Brigantine & Cargo &c as a Lawful Prize to the said Amos Potter and Company & the other Moiety to the said Samuel Foster & Company, Commander of the ~~Brigantine~~ [^Penguin^] & that the Libellants Daniel Adams & others for the Sloop Lively have not Supported their Libell, It is therefore Considered by the Court that the said Brigantine [^The^] Two Brothers & her Appurtenances & Cargo are forfeit; that the same be and hereby are Condemned; that the same be sold; & that the Monies thence arising after deducting the Charges of trial and Condemnation and the Charges of sale be delivered, to Wit, One Moiety thereof to the said Amos Potter and his Company of the Private Armed Lugger the Dreadnought Joint Captors their Agents or Attornies for the use & benefit of such Captors, the Owners of said Lugger & others Concerned therein, & the other Moiety to the said Samuel Foster & his Company of the private Armed Schooner the Penguin Joint Captors their Agents or Attornies for the use and benefit of such Captors the Owners of the Same Schooner and others therein Concerned. and that the Libellants Daniel Adams & others for the Sloop Lively take nothing by their Bill.

Suffolk ss Boston Dec^r. 7th 1782.

Judgment according to Law &
the Court is Adjourn without Day

Attest. Cha^s: Cushing Cler

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[68v]

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[69r]

Commonwealth of Massachusetts
Middlesex ss.

At the Supreme Judicial Court
of the Commonwealth of Massachusetts
begun and held at Cambridge within and
for the County of Middlesex on the second
Tuesday of December (being the 10th: day of
said Month) Anno Domini 1782, by
Adjournment to that time, from the
last Tuesday of October last said ad=
=journment being made by a Special
Resolve of the General Court.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
Increase Sumner Esq^{rs}: Justices

<<

Brown Claim^t. v^s. White Lib^t. of Brigⁿ. Lovely Betty

>>

William Brown of Salem in the County of Essex
and Middle District of said Commonwealth Merchant,
Claimant of the Brigantine Lovely Betty her Cargo &c
for himself and in behalf of Jeremiah Longerray
Commander of the private Armed Schooner Called the
Surprize the Marines and Mariners on board said
Schooner, as Captors, the owners of said Schooner and
all Concerned therein, Appellant v^s. Henry White
Commander of the private Armed Sloop Named
the Banter, who as well for the Officers, Marines &
Mariners of the Same Sloop, as for the owners thereof
and all Concerned therein Libellant of said Brigant=
=tine &c and Appellee, from the Judgment and
Decree of a Maritime Court for the said Middle
District held at Boston in the County of Suffolk on
Friday the fourth day of October last, when and Where
the Appellee was Libellant of the Brigantine Lovely
Betty her Cargo &c as aforesaid, and the Appellant
was

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[69v]

was Claimant of said Brigantine &c as aforesaid. and the Libellant by his Libel filed in said Maritime Court, gave the Same Court to Understand and be informed, to Wit, That the Said Henry being on a Cruise in said Sloop, with the Crew thereof against the Enemy, and being duly Commissioned, on the high Seas, on the first day of July last, did Attack and take and on the eighteenth day of the Same July, bring into Safe port, to wit, into the Harbour of Salem in the District aforesaid, a certain Brigantine named the Lovely-Betty, of about one hundred and twenty tons burthen, whereof one Archibald Picker was late Master, and laden with one hundred and Sixty two puncheons of Rum and five Trunks of Merchandize and the proponent, in his said Libel, doth Alledge, that the Same Brigantine with her Cargo and Appurtenances were then the property of certain Subjects of the King of Great Britain and others inhabiting within the territories and possessions of the said King. By means whereof and by force of the Laws, and by the ordinances and Resolves of Congress, the said Brigantine, Cargo and appurtenances, the proponent Saith, are become forfeit to the owners captors and all concerned as aforesaid; and the proponent prayed the said court would take Cognizance thereof and by a due Course of Law adjudge and decree the said Brigantine Cargo & appurtenances to be and Remain forfeit and distribute the Same according to Law. and the said William Brown, his Claim being duly filed, came then into said Court, by his his advocate, and for himself, and in behalf of Jeremiah Longeray Commander of the private Armed Schooner Called the Suprize, the Marines and Mariners on board said Schooner, as Captors, the owners of said Schooner and all concerned therein, Claimed the said Brigantine the Lovely-Betty and prayed that the said Brigantine may be condemned to the Use of the said Jeremiah the Commander

of said Schooner, the owners thereof and all concerned therein, and be distributed According to Law

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Image 179-Right

70.

[70r]

Law; At which said Maritime Court, after a full hearing of the Said Henry White upon his Libel aforesaid and of the said William Brown the Claimant upon his Claim aforesaid, Judgment was Rendered, that the said Brigantine the Lovely-Betty and her appurtenances and Cargo are forfeit; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial & Condemnation and the Charges of Sale, be delivered, to wit, Seventeen twenty Sixths thereof to Henry White and his Company of the private armed Sloop the Banter Joint Captors, their agents or attornies, for the use & benefit of Such Captors, the owners of said Sloop & others Concerned therein, and the remaining nine twenty Sixths thereof to Jeremiah Longerray and his Company of the private Armed Schooner the Surprise, Joint Captors, their Agents or Attornies, for the use and benefit of Such Captors, the Owners of Said Schooner and others Concerned therein." From which Judgment the said William Brown the Claimant appealed to this Court; And now the parties appeared & the Case after a full hearing was Committed to a Jury Sworn according to Law to try the Same, who Returned their Verdict therein upon Oath, that is to Say, they find that the Brig Lovely Betty was British Property and therefore that she and her Cargo & appurtenances are a Lawful Prize to the Schooner Surprise and Sloop Banter and all concerned therein, The Sloop Banter having thirty Seven Men & eight Six Pounds & the Schooner Surprise twenty three Men, Six three Pounds & one Four Pounder." It is therefore Considered and Decreed by the Court, that the said Brigantine the Lovely-Betty and her Appurtenances and Cargo are forfeit; and that the Same be and hereby are Condemned; that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial and Condemnation, and the Charges of

Sale, be delivered, to wit, Seventeen twenty Sixths thereof to Henry White and his Company of the private Armed Sloop the Banter, Joint Captors, their Agents or Attornies, for the use & benefit of Such Captors, the Owners of Said Sloop & Others concerned

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[70v]

concerned therein, and the Remaining Nine twenty Sixths thereof to Jeremiah Longerray and his Company of the private Armed Schooner the Surprize Joint Captors their Agents or Attor= nies, for the use and benefit of Such Captors, the Owners of Said Schooner and others Concern= ed therein.

Middlesex ss. Cambridge December 21st: 1782.

Judgment According to Law and the
Court is Adjourned without Day
Att. Cha^s: Cushing Cler

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71.

[71r]

Commonwealth of Massachusetts
Suffolk ss.

At the Supreme Judicial Court
of the Commonwealth of Massachusetts
begun and held at Boston within
and for the County of Suffolk on
the Third Tuesday of February (being
the 18th: day of said Month) Anno
Domini 1783.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
Increase Sumner Esq^{rs}: Justices

<<

Buffington v^s. Le Ballister

>>

John Buffington Claimant and Ap^t.
v^s.

Charles Le'Ballister Lib^t: of Schooner Lark aplee

and now neither party Appears

<<

Loring v^s. Gardner Agent of Wellman & al Lib^t. of Schooner Neptune

>>

Caleb Loring Claimant of the Schooner called the Neptune and Appellant v^s. Jonathan Gardner the third of Salem in the County of Essex & Middle District of said Commonwealth Merchant, Agent of Adam Welman Commander of the private armed Schooner called the Jackall, the Owners thereof, the Officers, Marines and Mariners on board the same and all Concerned therein, Appellee from the Judgment & Decree of a Maritime Court for the said Middle District held at Boston in the County of Suffolk on Thursday the Ninth day of January last, when

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[71v]

when and where the Appellee on behalf of said Adam Welman and others as aforementioned, was Libellant of the said Schooner Neptune her Cargo &c and the Appellant was Claimant of the Same Schooner Neptune And the Libellant by his Libel filed in said Maritime Court, gave the Same Court to Understand and be informed, to wit, That the said Welman being on a Cruise Against the Enemies of the United States of America in said Schooner Jackall, with the said Crew, and being duly Commissioned & Authorized for this purpose, on the high Seas on the twenty Sixth day of Sep=
=tember last, Attacked overpower'd & took possession of, and on the fourteenth day of October last, Sent into the Port of Salem aforesaid, a Certain Schooner Called the Neptune, of about fifty tons burthen, where=
=of John Currie was Master & laden with Masts, Spars, boards, Staves, Shingles & other Articles, and the proponent in his said Libel avers that the said Schooner Called the Neptune, together with her rigging, tackle, apparel & furniture & Cargo aforesaid were at the time of the Capture aforesaid,

the property of an Enemy of the United States, to wit, of Some of the Subjects of the King of Great-Britain, by force of all which, the Ordinances of the United States in Congress assembled and the laws of this Commonwealth, the said Schooner Called the Neptune, with her said riggin, tackle, Apparel furniture and Cargo, the proponent Saith, are lawful prize and so ought to be decreed. And the proponent prayed Advisement in this behalf, and that, after legal proceedings thereon had, the said Schooner Called the Neptune, with her said rigging tackle, Apparel and furniture & Cargo aforesaid may be decreed to the use of the said Commander, Officers, Marines & Mariners & owners aforesaid and all Concerned therein, and that distribution thereof be made according to Law. And the said Caleb Loring, by his Advocate Comes into Court, and Claims the said Schooner Neptune and Saith, "that the Same is his property and not liable to forfeiture," and therefore, the said Caleb pray'd, the [Said?] Schooner might be restored to him, he paying
a

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72.

[72r]

a Reasonable salvage for recovering the Same Schooner from the hands of the enemy; At which said Maritime [^Court,^] after a full hearing of the proponent upon his Libel aforesaid and the said Claimant upon his Claim aforesaid, Judgment was rendered that the said Schooner the Neptune & her appurtenances & Cargo are forfeit; that the Same be Sold; and that the Monies thence arising, after deducting the charges of trial and condemnation and the charges of Sale, be delivered to the Said Adam Welman & his Company of the private armed Schooner the Jackall, Captors, their Agents or Attornies for the Use & benefit of Such Captors, the owners of the Same Schooner & others in said Capture concerned." From which Judgment the said Caleb Appealed to this Court; And now the parties Appeared and Agreed to Submitt this Cause to the Court upon the State of Facts agreed on, by their counsel, which are in the words following

Viz^t. "The parties agree on the following facts and
 "that the Judgment of the Court thereon, be final
 "without a Verdict That on the tenth day of April
 "1782 the said Schooner was laying in the River Ken=
 "=nebeck & near the Shore; loaded with wood and
 "was bound for Boston; & was taken by the British
 "Privateer Penobscot, Cap^t. Long; & Carried to Penobscot
 "where she was loaded with lumber by a M^r. Pagan
 "there Chartered for Bermudas by him & on the
 "passage & within about a league of the Shore of
 "Bermudas, & on the 28th. or 29th. of September last
 "about two of Clock in the afternoon, She was taken
 "by the Libellants about eight o'Clock the Same
 "afternoon, She was retaken by the British priva=
 "=teer Experiment, & ordered for Bermuds. After hav=
 "=ing been in possession of the British Privateer
 "thirty eight hours, She was again taken by the
 "Libellants & brought to Salem The parties also
 "agree that the papers, Signed Robert Pagan, and
 "Rob. & Tho. Pagan & C^o. & the Brittish Commission,
 "were found in the Schooner The Cargo is not
 "claimed, and the question upon these facts is Whe=
 "=ther the Libellants are intitled to the Whole Schooner
 "& appurtenances or to a fourth part only for Salvage
 "William Tudor for Claimant, William Wetmore for the
 "Libellants." and after a full hearing of the Counsel
 for

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[72v]

for the parties on both Sides; It is Considered &
 Decreed by the Court that the said Schooner the
 Neptune and her Appurtenances & Cargo are
 forfeit; that the Same be and hereby are Condemn=
 =ed; that the Same be Sold; And that the Monies
 thence arising after deducting the Charges of
 Trial and Condemnation and the Charges of
 Sale, be delivered to the Said Adam Welman
 and his Company of the private armed Schoo=
 =ner the Jackall, Captors as aforesaid, their Agents
 or Attornies for the Use & benefit of Such Captors
 the owners of the Same Schooner & others in
 said Capture concerned.

Suffolk ss. Boston March 10th. 1783.

Judgment according to Law and
the Court is Adjourned without Day.
Att. Cha^s: Cushing Cler

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Image 184-Right

73.

[73r]

Commonwealth of Massachusetts
Middlesex ss

At the Supreme Judicial Court
of the Commonwealth of Massachusetts
bugun and held at Concord within
and for the County of Middlesex on
the Second Tuesday of April
(being the 8th: Day of said Month)
Anno Domini 1783.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant
David Sewall and
Increase Sumner Esq^{rs}: Justices

<<

Chaffie v^s. Morgan Lib^t. of Schoon^r. Sally

>>

James Chaffie, Claimant of the Schooner Sally
and her appurtenances and Cargo & Appellant v^s.
William Morgan of Boston in the County of Suffolk
Mariner, in behalf of himself Commander
of the Armed Schooner Cato, the Officers, Marines
and Mariners on board the Same, the Owners
thereof & all Concerned therein, Libellant of
the said Schooner Sally her Cargo & appurtenances,
and Appellee From the Judgment and Decree of
a Maritime Court for the Middle District of the
Commonwealth of Massachusetts held at Boston
in the County of Suffolk on Monday the twenty
Seventh day of August A.D. 1781, when and where
the Appellee was Libellant of Said Schooner Sally
as aforesaid, and the Appellant was Claimant
of Said Schooner Sally &c as aforesaid And the
Libellant by his Libel filed in the said Maritime
Court, gave the Same Court to Understand & be
informed Viz. That the said Morgan with his Crew
on board said Armed Schooner, on the high Seas,
on

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[73v]

on the thirty first day of May A.D. 1781, attacked and took, & afterwards on the Same day brought into the port of said Boston in said District a Certain Schooner Called the Sally, of about twenty tons burthen, late Commanded by James Chaffie, and laden with Salt &c and the proponant, in his said bill Avers, That the said Schooner Sally, was, at the time of said Capture, an Armed Vessel infesting the Sea Coast, & making unlawful Attacks and depredations on the Navigation of the United States of America; that She was employed by the Enemies of Said States, and was Carrying Supplies to the Fleet and Army Acting against said States, was infesting the Sea Coast of said States, & at the time of Capture aforesaid, was the property of and belonging to Some of the Subjects of the King of Great-Britain, had on board double and false papers, had thrown over board Certain Other papers relative to said Schooner, her Cargo and appurtenances, and was then Carrying on an Unlawful Trade between Some port or Place in possession of said Enemies & Some Other Port in Said United States, by Means of all which and by force of the laws of this Commonwealth and the Resolves of the Continental Congress in Such case made and provided, the Said Schooner Sally, her Cargo and Appurtenances (the proponant Saith) are become forfeited, and Remain to be distributed to and Among the Captors and Others Concerned therein, wherefore, the proponant prayed Advisement thereon and that by a due course of proceedings the said Schooner Sally, her Cargo & Appurtenances may be decreed to be and Remain forfeited, & be distributed as the law directs And the time and place for trial of the Justice of said Capture having been duly Notified; the proponant

by his Advocate Appeared And the Said James Chaffey, by his Attorney came into Court, and Claimed the said Schooner Sally, her Cargo &c and,

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[74r]

and Says "That the said Schooner, her Cargo &c are his property, and that the facts Set forth, in the Libel are not true and that the said Schooner, her Cargo &c are not liable to forfeiture," wherefore he prays the Same may be Restored to him and that he be Allowed his reasonable damages and costs for the illegal Capture and detention thereof,

At which said Maritime Court, after a full hearing of the proponent upon his Bill aforesaid and of the Said James Chaffey upon his Claim aforesaid, Judgment was rendered, "that the [[^]said[^]] Schooner Sally and her Appurtenances and Cargo are forfeit, that the Same be Sold; and that the Monies thence arising, after deducting the Charges of trial & Condemnation and the Charges of Sale, be delivered to William Morgan and his Company of the Armed Schooner the Cato, Captors as aforesaid, their Agents or Attornies, for the use and benefit of Such Captors, the Owners of the Same Schooner & others in said Capture Concerned"; This Appeal was brought forward at the Supreme Judicial Court held at Boston within and for the County of Suffolk within the Middle District aforesaid on the last Tuesday of August A.D. 1781 and from thence said Appeal was Continued from term to term within the Middle District aforesaid to the Supreme Judicial Court, held at said Boston for said County of Suffolk & Middle District aforesaid, on the Third Tuesday of November last, when & where the parties appeared, and the case after a full hearing was Committed to a Jury Sworn According to Law to Try the Same, who returned their Verdict therein upon oath, that is to say, "they "find the Schooner Sally, James Chaffie late Master was taken and brought in as Sett forth in the Libel; and that She, her Appurtenances and Cargo, were at the time of Capture, the property of Some of the Subjects of the King of

Great-Britain and are lawful prize to the Captors and all concerned therein." Afterwards and before Judgment the Counsel for Chaffie moved for a new Trial because David Clap one of the Jurors, was one of the Jurors in the former trial; and then this cause was Continued unto the then next Supreme Judicial Court held at Boston aforesaid for said County of Suffolk & Middle District on the third

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[74v]

third Tuesday of February last, when & where the parties appeared, and the said Motion for a New Trial after Advisement was over ruled and the said cause was Continued unto this Court for Judgment And now at this Term, It is Considered and Decreed by the Court that the said Schooner Sally and her Appurtenances and Cargo are forfeit; that the Same be and hereby are Condemned; that the Same be Sold; and that the Monies thence arising after deducting the charges of trial and condemnation and the charges of Sale, be delivered to William Morgan and his Company of the Armed Schooner the Cato, Captors as aforesaid, their agents or attornies for the use and benefit of Such Captors the owners of the Same Schooner & others in said Capture Concerned." From which Judgment the Claimant asks an appeal to the Court of Appeals, and it is Granted upon the Claimants giving Bond in the Sum of Two hundred Pounds The Libellants acknowledge they have Received Bonds as Required.

<<

Williams Ag^t. for Donaldson & al, Claim^t. v^s. Joy & al Lib^t. of Brig. Lark &c

>>

Henry Williams of Salem in the County of Essex and Middle District of the Commonwealth of Massachusetts Mariner, Agent for and in behalf of John Donaldson Commander of the Armed Privateer Brigantine Called the Captain & the Officers Marines, Mariners & Owners thereof, Claimant

of the Brigantine Called the Lark her Appurtenances & Cargo, and Appellant v^s. Peter Joy of Shearbourne in the County of Nantucket Mariner in behalf of himself and Several other persons to Wit, Samuel Marshall, Charles Russel, Stephen Fish, Lowe, Simeon Harlow, Stephen Harris & and Phillip Drescall, Libellant of the said Brigantine called

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[75r]

called the Lark her appurtenances & Cargo, and appellee from the Judgment and Decree of a Maritime Court for said Middle District held at Boston in the County of Suffolk on Friday the Eleventh Day of January A.D. 1782 when & where the Appellee was Libellant as aforesaid and the appellant was Claimant as aforesaid And the said Libellant by his Libel filed in said Maritime Court gave the same Court to Understand & be informed, to wit, That the said Peter Joy with the persons before mentioned, on the high Seas, on the twentieth day of August in the Year of our Lord one thousand Seven hundred and eighty one, attacked & took, and on the twenty fifth day of said August brought into the port of Salem in said District, the brigantine Lark, of about one hundred tons burthen, then lately Com-manded by one Green; and the proponent, in his said bill, avers that the said brig was, at the time of her said Capture, with her Cargo and appurtenances, the property of and belonging to Some of the Subjects of the King of Great Britain; By means of which and by force of the Laws of this State and the resolves of the Continental Congress, in Such case provided, the said brig, her Cargo and Appurtenances (the proponent Saith) are become forfeit, and remain to be distributed to and among the Captors wherefore the proponent prayed Advice-ment upon the premises; and that by a due course of proceedings, the said brig, her Cargo and appurtenances may be decreed to be and remain forfeit and be distributed as the law

directs. And the said Henry Williams came into Court by his Advocate, and in behalf of the said John Donaldson Commander of the Armed privateer Brigantine Called the Captain, the Officers, Marines & Mariners thereof as Captors, and the Owners of the Same Brigantine, for all whom the said Henry Williams is agent, Claimed the said brigantine the Lark her Appurtenances and Cargo of Salt and other articles; Alledging that the said Donaldson and his crew

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[75v]

Crew in said brigantine the Captain, on the high Seas, attacked, Seized and took the said Brigantine the Lark on the twenty first day of Said August, and afterwards, on the twenty sixth day of the Same August, Sent her into the port of Salem aforesaid, and for causes of forfeiture, besides the aforementioned, that the Same Brigantine was employed in Carrying Supplies to the Fleets and Armies and Garrisons of the said King; and that She then had on board and was possessed of double papers, by Some of which she and her Cargo appeared to be the property of Some Subjects of the said King, and by others, of which She & her Cargo, appeared to be the property of Some of the Inhabitants of the Island of Nantucket; At which said Maritime Court, after a full hearing of the said Peter Joy upon his Bill aforesaid, and of the said Henry Williams upon his Claim afore=
=said Judgment was Rendered, "That the said Brigan=
=tine the Lark and her appurtenances and Cargo are forfeit that the Same be Sold; and that the Monies thence arising, after deducting the charges of trial and condemnation and the Charges of Sale, be delivered to the said Peter Joy, Samuel Marshall, Charles Russele, Stephen Fish, Lowe, John Long, Stephen Harris & Charles Dickson and Harlow Captors, their Agents or Attornies, for the use and benefit of the

said Captors; This appeal was brought forward at Supreme Judicial Court held at Boston in & for the County of Suffolk on the third Tuesday of February A.D. 1782 and from thence said Appeal was continued from Term to Term within the Middle District aforesaid to our Supreme Judicial Court held at Boston aforesaid, for said County on the third Tuesday of February last when and where the parties appeared and entered into a Rule to Refer this cause to Azor Orne & Edward Wigglesworth Esq^{rs} and M^r. Samuel Pote the Report of them or any two of them to be final, Judgment to be entered and execution to issue thereon According to the Same, from any Term in the Middle District; and from thence said Cause was Continued unto this

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Image 191-Right

76.

[76r]

this Court; and now at this Term the said Refferees Report in writing as on file viz^t. "We the Subscribers have Convened the parties, heard their Claims and examined the Evidences, and on Mature delibe=
=ration do find (in our Judgment) the prize Bri=
=gantine Lark, with her appurtenances & Cargo, was British property when Captured by the Armed Brigantine Captain, and that the said Brigan=
=tine Lark, with her Cargo and appurtenances as aforesaid ought to be adjudged, legal prize to the Owners and Captors, of the Armed Brigantine Captain." which Report having been Read is accepted by the Court pursuant thereto; It is Considered And Decreed by the Court, That the Said Brigantine the Lark, her cargo and appur=
=tenances, are forfeit; that the Same be and hereby are condemned; that the Same be Sold; and that the Monies thence arising, after deducting the charges of Trial, and Condemna=
=tion, and the Charges of Sale, be delivered to the said Henry Williams as he is Agent for and in behalf of John Donaldson and his Company of the Armed privateer Brigantine, called the captain [[^]captors[^]], the owners thereof and all concerned therein, for the use and benefit

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Samuel Crosby, Josiah Sampson, Gershom Drew, and Others all of Sherburne in the County of Nantucket and Southern District of the Commonwealth of Massachusetts, Second Libellants of a Certain Schooner Called the Fanny, her Cargo & appur-

=tenances, Appellants v^s. Levi Barlow Commander of the Armed Boat Called the Speedwell (duly & Legally Commissioned) for and in behalf of himself, as well as for the Marines & Seamen and all Others belonging to or Concerned in the said Armed Boat first Libellant of the said Schooner Fanny, her appur=
 =tenances & Cargo, Appellee from the Judgment and Decree of a Maritime Court for said Southern District held at Plymouth in the County of Plymouth and for the Counties of Plymouth, Barnstable Bristol, Nantucket and Dukes County, on the twenty first day of January last, when & where the appellee was first Libellant of the said Schooner Fanny &c as aforesaid and the Appellants were Second Libellants of the Same Schooner Fanny &c as

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[77r]

as aforesaid, and the said first Libellant by his Libel filed in said Maritime Court, gave the Same Court to Understand and be informed, to Wit, that the Said Boat Speedwell being equipped, Victualled, fit=
 =ed out and armed at the expence of Sundry per=
 =sons, Inhabitants of the United State of America and the said Levi Barlow being duly Commissioned authorized and appointed with his Mariners and Seamen (and all being inhabitants of these United States) on board the said Boat Speedwell Sailing on the high Seas, on the twenty Sixth day of May in the Year of our Lord Seventeen hundred and Eighty two (and within the Jurisdiction of this Court) did discover, pursue, Apprehend, and as Lawful Prize take the schooner, called the Fanny, Commanded by John Barnard, burthen about Seventy Tons together with her tackle, apparel, furniture and Cargo and the Same Schooner, did bring into the Harbour of Sandwich within said District, and the said Schooner her tackle Apparel, furniture and Cargo at the time of her Capture aforesaid was the property of and belonging to Some Subject or Subjects of the King of Great Britain Enemies to these United States of America and was then des=
 =tined & employed in Carrying goods, wares and

Merchandizes to and for the use of the British Army and Navy then within the United States of America and Enemies to the said States, and that the said goods Wares and Merchandize then on board said Schooner were of the growth, production & Manufacture of Great Britain or of Some territory depending thereon, and destined for Some Port or Place within the United States of America, and then being within three Leagues of the Coast of said Commonwealth, that the said Schooner was then Carrying on an illicit trade with the Enemies of these United States of America, had on Board double and false papers relative to said Cargo, and that the Master thereof had thrown overboard and destroyed certain other papers relative to said Schooner and Cargo and that at the time of the capture of said Schooner and before she was employed in Carrying Supplies to the Enemy and at the time of

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[77v]

of the Capture of said Schooner and before she had designs of Carrying supplies to the said Enemy, and that at the time of the Capture aforesaid the said Schooner was bound to Some Port or Place in the Dominions of the King of Great Britain and in possession of said Enemy and in the Power of his Fleets and Armies Contrary to the Ordinances of Congress in such cases made & provided, the Laws of this Commonwealth and the Law of Nations; Wherefore for all or any of the causes and Reasons aforesaid alledged in the aforesaid Libel the said Levi Barlow for himself and for & in behalf of the said Mariners, Seamen & all others concerned in the said Boat Speedwell, prays that the said Schooner her tackle apparel, furniture & Cargo may be Adjudged forfeited to the Use of the Captors thereof and all Concerned in said Boat according to the Ordinances of Congress in Such cases made and provided and the Laws of this

Commonwealth And the said Samuel Crosby Josiah Sampson, Gershom Drew and others the said Second Libellants Came into said Court & gave the Same Court to understand & be informed, that on the twenty Sixth Day of May aforesaid being Subjects of this Commonwealth, did attack, take and bring into the port of Barnstable within said District a certain Schooner Called y^e. Fanny of about Seventy Tuns, whereof John Bernard was late Master, the Same Schooner being found and taken within three Leagues of the Coasts of the United States of America, and the Cargo of the Same Schooner (a Schedule of which is annexed to the Same Libel) were of the growth, produce and Manufacture of Great Britain & of the Territories depending thereon and the said Samuel, Josiah & Gershom further gave the Same Court to understand & be informed that the Same Schooner Fanny, her Cargo and appurtenances were at the time of her Capture aforesaid the property of & belonging to Some of

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[78r]

of the subjects of the King of Great Britain & was then employed in a commerce repugnant to the Laws of Nations, all which is repugnant to the resolves & Ordinances of Congress and the Laws & Acts of this Commonwealth in such case made and provided. Wherefore the said Samuel, Josiah & Gershom pray'd the Advise=
=ment of the said Court in the premises, and that a due Course of Law may be had thereon and that the Same Schooner Fanny her Cargo and appurtenances may be Decreed to be and remain forfeit and be disposed of in Such manner as by the Resolves & ordinances of Congress and the Laws & Acts of this Common=
=wealth in Such Case provided; At which said Maritime Court after a full hearing of the parties upon their Respective Libels Judgment was rendered that the said Schooner called the Fanny with her tackle apparel and

furniture and the goods wares and Merchan=
 =dize found on board her at the time of her
 Capture aforesaid be Condemned as Prize
 and Sold and that the Money thence arising
 after deducting the Charges of Trial and
 condemnation be delivered to the Captors of
 Said Schooner their Agents or Attornies for the
 use and benefit of the Captors & others Con=
 =cerned therein: This Appeal was bro't forward
 at the Supreme Judicial Court held at Barns=
 =table in the County of Barnstable & for the
 Counties of Barnstable & Dukes County in the
 Southern District aforesaid on Friday the Six=
 =teenth Day of May Instant by Adjournment
 and from thence continued unto this Court;
 And now the parties appeared and the case after
 a full hearing was committed to a Jury Sworn
 according to Law to Try the Same, who returned
 their Verdict therein upon Oath, that is to Say, they
 "find that the Schooner Fanny was carrying on
 an illicit Trade with the Enemy as Set forth in the
 Libel & that She ought to be Condemned also they
 find

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[78v]

find the Libel filed by Crosby, Sampson, Drew
 and others not Supported, and they find the
 Libel filed by Barlow and Company to be well
 Supported." It is therefore Considered and
 Decreed by the Court that the said Schooner
 Fanny her Cargo &c with her Appurtenances
 and Merchandize found on board her at the
 time of her Capture be and hereby are Con=
 =demned as forfeited, that the Same be Sold
 and that the Monies thence arising after deduct=
 =ing the Charges of Trial and Condemnation
 and the Charges of Sale be delivered to Levi
 Barlow Commander & his Company of the Arm=
 =ed Boat called the Speedwell Captors of Said
 Schooner Fanny her Cargo &c their Agents
 or Attornies for the Use & benefit of the Same
 Captors & others with them Concerned there=
 =in. From which Judgment & Decree
 The said Josiah Sampson & others appealed

to the Court of appeals, established by the United States in Congress assembled and the said Josiah gave Bonds with Surety in the Sum of two hundred Pounds for prosecuting said Appeal to Effect.

<<

Norton Lib^t. of Schooner Sally &c. v^s. Nye &c

>>

Ichabod Norton of Dartmouth in the County of Bristol Mariner for himself & for and in behalf of John Beard & the Other [^{four}] persons whose names are annexed to the Libel First Libellant of the Schooner Sally her Cargo & Appurtenances Appellant vs Joseph Nye of Sandwich in the County of Barnstable Esq^r. Agent in behalf of himself and in behalf of John Persival Commander of the Armed Boat Called the Antismugler & in behalf of the Mariners & Seamen and all others belonging to or Concerned in said Armed Boat Second Libellant of said Schooner Sally her Cargo & Appurtenances Appellee from the Judgment & Decree of a Maritime Court

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[79r]

Court for said Southern District held at Plymouth in the County of Plymouth & for the Counties of Plymouth, Barnstable, Bristol Nantucket & Dukes County on the twenty first day of January last When & where the appellant was first Libellant of the said Schooner Sally her Cargo &c as aforesaid and the appellee was Second Libellant of the same Schooner Sally her Cargo &c as aforesaid, and the said first Libellant by his Libel filed in said Maritime Court gave the same Court to Understand and be informed, to Wit, that they the said Ichabod Norton, John Beard and the [^{said}] other four persons being Inhabitants of the Commonwealth of Massachusetts did on the twenty Eighth day of August in the year of our Lord One thousand Seven hundred and eighty two within Cannon Shot of the Shore of the Island of Nantucket below high water Mark & on the high seas (and within the Jurisdiction of the said Maritime Court) discover pursue & Attack and as Lawful Prize take the Schooner Called the Sally burthen about Fifty Tons whereof John Darling was then Master and the same Schooner did

bring into Hyannis Harbour so Called within the said District and the said Schooner her tackle apparel furniture and Cargo at the time of her Capture aforesaid was the property of & Belonged to some Subject [^or^] Subjects of the King of Great Britain Enemies to the United States of America had on Board double and false papers and was Employed by and in the service of the Enemies of the said United States and was then bound on a Voyage from Bermudas to Turks Islands Contrary to the Ordinances of Congress, the Acts And Laws of this Commonwealth in such Case made & provided Wherefore for the Reasons Alledged in the aforesaid Libel the said Ichabod Norton in behalf of himself & for & in behalf of the said John Beard and the Other four persons Prayed that the said Schooner her Tackel Apparel furniture and Cargo might be adjudged forfeited

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[79v]

forfeited to the use of the said Captors thereof according to the [^Said^] Ordinances of Congress & the Acts and Laws of said Commonwealth And the said Second Libellant by his Libel filed in said Maritime Court gave the same Court to Understand & be informed, to wit, that the Said Boat Called the Anti Smugler being Equipped Victualled fitted out and Armed at the Expence of Sundry Persons Inhabitants of the United State of America and the said John Percival being duly Commissioned, Authorized and appointed with his Mariners and Seamen on Board the said [^Boat^] Antismugler Sailing on the high seas on the fourth day of Septem=
=ber in the year of our Lord Seventeen hundred and Eighty two and within the Jurisdiction of the said Maritime Court did discover pursue apprehend and as Lawful Prize take the Schooner Called the Sally burthen about 100 Tons Commanded by John Darling together with her Tackle apparel furniture &c and the same Schooner did Bring into the Harbour in Barnstable within said district and the said Schooner her apparel and Cargo at the time of her Capture

aforesaid was the property of & Belonged to Some Subject or Subjects of the King of Great Britain Enemies to these United States of America and was then destined and Employed in Carrying Goods wares & Merchandize to and for the Use of the British Army and Navy then within the said United States & Enemies to said States and that the said Goods wares and Merchandize then on Board said Schooner ware of the Growth Production & Manufacture of Great Britain or of some Territory depending thereon & destined for some port or Place within the United States aforesaid and then being within three Leagues of the Coast of said Commonwealth that the said Schooner was then Carrying on An illicit Trade with the Enemies of the said United States had on Board double and false papers relative to said Vessel and Cargo and that the

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[80r]

the Master thereof had thrown Overboard and destroyed Certain other papers relative to said Vessel and Cargo and at the time of the Capture aforesaid and before the said Vessell was Employed in Carrying Supplies to the said Enemy and at the time of the Capture aforesaid and before the said Schooner and the Master & Supercargo thereof had designs of Carrying Supplies to the [^said^] Enemy and that at the time of the said Capture the said Schooner was Bound to Some port or place in the Dominions of the King of Great Britain or to some other port or place in the Power and possession of the Fleets and Armies of the said King Enemies to said States Contrary to the ordinances of Congress & the Laws of this Commonwealth in such Cases made and Provided & the Law of Nations

Wherefore for all or Any of the Causes in the same Libel expressed the said Joseph Nye Agent for himself and in behalf of the said John Percival the Mariners Seamen and all others Concerned in said Boat Antismugler Prayed the said Maritime Court that the said Schooner her appurtenances Cargo &c might be Adjudged forfeited to the Use of the Captors mentioned in said Second Libel According to the Resolve of Congress & the Laws of said Commonwealth in such Cases made & provided and the

Law of Nations: At which said Maritime Court after a full hearing of the parties upon their respective Libels and upon the Verdict of the Jury there, Judgment was Rendered that the said Schooner called the Sally with her takle Apparel & furniture & the goods wares and Merchandize found on Board her at the time of her Capture aforesaid be Condemned as Prize & Sold and that the money thence Arising (after deducting the Charges of Tryal & Condemnation) be delivered to the Captors of said Schooner their Agents or Attorneys for the use and Benefit of the Captors & others Concerned therein:

This appeal was bro't forward at the supreme Judicial Court held at Barnstable in the County of Barnstable and for the Counties of Barnstable & Dukes County in the Southern

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[80v]

Southern District aforesaid on Friday the Sixteen day of May Instant by adjournment and from thence [^Continued^] unto this Court; And now the parties Appeared and the Case after a full hearing was Committed to a Jury sworn According to Law to try the same who returned their Verdict therein upon Oath, that is to say, they "find the Schooner Sally her Cargo &c are British property and that the Libel filed for the Capture of the Schooner Sally in behalf of the Armed Boat Antismugler John Percival Commander & Company to be well Supported & the Libel of Ichabod Norton & Others not Supported" It is therefore Considered and Decreed by the Court that the said Schooner [^Sally^] her Cargo &c with her appurtenances & Merchandize found on Board her at the time of her Capture be and hereby are Condemned as forfeited, that the same be sold, and that the monies thence Arising after deducting the Charges of tryal & Condemnation & the Charges of Sale, be delivered to John Percival Commander & his Company of the Armed Boat Anti-Smugler Captors of said Schooner Sally her Cargo &c their Agents or Attorneys for the Use and Benefit of the same Captors & Others with them Conserved therein From which Judgment and Decree Ichabod Norton & others by James Sullivan Esq. their Attorney Appealed to the Court of Appeals Established by the United States in Congress Assembled And the said James with Surety Gave Bonds

in the sum of two hundred pounds for prosecuting
said Appeal to Effect

<<

M^cFarling Claimant v^s. Freeman Lib^t. of Schooner Peggy

>>

Reuben M^c.Farling of the Island of Bermuda
Claimant of the Schooner Peggy her Cargo, tackle, appa=
=rel &c and appellant v^s. Nathaniel Freeman A=
=gent in behalf of Levi Barlow, Commander of the
Armed Boat Speedwell as well as, for the Owners
of said Boat, Mariners, Seamen and all others
Concerned therein, Libellant of the Same Schooner
Peggy her Cargo, tackle apparel &c and Appellee
from the Judgment & Decree of a Maritime Court for
said

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Said Southern District held at Plymouth in the County of Ply=
=mouth and for the Counties of Plymouth, Barnstable
Bristol, Nantucket and Dukes County on the twenty
First Day of January last, when & where the Appellee
was Libellant of said Schooner &c as aforesaid and the
Appellant was Claimant of the Same; And the said
Libellant by his Libel filed in said Maritime Court
gave the Same Court to Understand & be informed
to Wit, that the said Boat Speedwell being Equiped
Victualled, fitted out and Armed at the expence of
Sundry Persons, Inhabitants of the United States of A=
=merica, and the said Levi Barlow being duly Com=
=missioned, Authorized and Appointed with his Mari=
=ners and Seamen on board the Said Boat Speedwell
Sailing on the high Seas on the Eighteenth day of
August in the year of our Lord Seventeen hundred
and Eighty two, and within the Jurisdiction of the said
Maritime Court, did pursue, apprehend & as lawful
Prize take, a certain Schooner Called the Peggy of about
Forty Five Tons burthen, Reuben M^cFarling Master
together with her ta[^]c[^]]kle, apparel, Furniture, Rigging
and Cargo consisting of Stores, and the Same Schooner
Peggy brought into the Harbour in Sandwich within
the said District, and the said Schooner, her tackle, ap=
=parel, furniture & Cargo, at the Time of the Capture
aforesaid was the property of and belonged to Some

Subject or Subjects of the King of Great Britain Enemies to these said United States, and was then destined and Employed in Carrying, goods, Wares and Merchandizes to and for the use of the British Army & Navy then within the United States, and Enemies to the said States that the said Schooner was then Carrying on an Illicit Trade with the Enemies of the said United States, had on board, double and False papers relative to said Schooner and Cargo, and that the Said Master had thrown overboard and destroyed Certain Other papers, relative to said Cargo and that at the time of the Capture, the said Schooner and before was employed and had designs of Carrying Supplies to the Enemy, and was designed to Some Port or Place in the Dominions of the King of Great Britain and in the power of his Fleets and Armies, Enemies to Said United States, Contrary to the resolves & Ordinances of Congress & the Acts & Resolves of this Commonwealth and the Law of Nations; wherefore for all or any of the Aforesaid Causes Alledged, the said Nathaniel Freeman in behalf of the said Levi and in behalf

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[81v]

behalf of the owners, Mariners Seamen & all Concerned in the said Armed Boat Speedwell Pray'd that the said Schooner Peggy her Tackle Apparel, furniture and Cargo might be adjudged forfeited to the Use of the said Captors and all Concerned in said Armed Boat according to the Resolves, Ordinances & Laws aforesaid; And the said Reuben M^c:Farling, by his attorney James Sullivan Esq^r., Came into the Same Maritime Court and Claimed the said Schooner Peggy her tackle & appurtenances and the Goods, Provisions & whatever, else was on board her at the time of her Capture by Levi Barlow, as Set forth in said Libel, as the property of him the said Reuben who is an Inhabitant of the said Island of Bermuda; And thereupon the Said Reuben Saith that the Same Vessel at the time of her Said Capture was a Flag Ship Owned by the said Reuben and was duly Commissioned as a Cartel and was Under the Protection of a Cartel

Flagg returning with Prisoners from Boston to the said Island and by distress was driven into the Island of Nantuckett, and that while She was there repairing Certain Injuries, which She had Suffered, and was refitting to pursue her design of going to Bermuda, the said Levi Barlow in Violation of the rights of a Flagg of Truce and the Law of Nations, took the Same Vessel from the said Reuben And the said Reuben further Avers that all the facts in the said Libel which are in Contradiction to those Set forth in this Claim, are false and Groundless; wherefore the said Reuben Says that the Same Vessel with whatever was on board her at the time of Capture Ought to be restored to him; At which said Maritime Court after a full hearing of the Parties upon said Libel & Claim, and upon the Verdict of the Jury there Judgment was Rendered that the Schooner Called the Peggy with her tackle apparel and furniture and the goods wares and Merchandize found on board her at the time of her Capture aforesaid, be Condemned as Prize, and Sold, and that the money thence arising, after deducting the Charges of Trial & Condemnation, be delivered to the Captors of Said Schooner their Agents or attorneys, for the use and benefit of the Captors & others concerned therein; This appeal was bro't forward at the Supreme Judicial Court held at

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[82r]

at Barnstable in the County of Barnstable and for the Counties of Barnstable and Dukes County in the South=
=ern District aforesaid on Friday the Sixteenth Day
of May Instant by Adjournment, and from thence
continued unto this Court: and now the Parties
appeared and the case after a full hearing was
committed to a Jury Sworn According [^{to}] Law to Try
the Same, who returned their Verdict therein
upon oath, that is to Say, they find the Libel
filed in behalf of Levi Barlow and others against
the Schooner Peggy (as British Property) to be Well Sup=
=ported, we also find the Claim of Reuben M^c:Farling
not Supported." It is therefore considered and

Decreed by the Court, that the Said Schooner Peggy
 her Cargo &c with her appurtenances and Merchan=
 =dize found on board her at the time of her Cap=
 =ture be & hereby are Condemned as forfeited;
 that the Same be Sold and that the Moneys
 thence arising after deducting the charges of
 Trial & Condemnation and the Charges of Sale
 be delivered to Levi Barlow Commander and his
 Company of the Armed Boat Called the Speed=
 =well Captors of Said Schooner Peggy her cargo &c
 their Agents or Attornies for the Use and benefit
 of the Same Captors & others with them Con=
 =cerned therein

Plymouth ss. Plymouth May 24th. 1783
 Judgment is entered up Accord=
 =ing to the Verdicts and the Court is
 Adjourned without Day
 Att. Cha^s: Cushing Cler

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[82v]

Essex ss. Commonwealth of Massachusetts.

At the Supreme Judicial Court
 of the Commonwealth of Massachusetts
 begun and held at Ipswich within
 and for the County of Essex on the
 Third Tuesday of June (being the
 17th: day of said Month) Anno
 Domini 1783.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
 Nath^l: Peaslee Sargeant
 David Sewall and
 Increase Sumner, Esq^{rs}: Justices

<<

Hammond v^s. Benson Shoon^r. Rosea

>>

Micah Hammond, late Master of the Schooner
 Rosea, in behalf of the owners of said Schooner & all
 Concerned therein, Claimant of the Same Schooner
 her Cargo & Appurtenances, & Appellant v^s: Thomas
 Benson, Commander of the Private Armed Ship
 Named the Hendrick, who as well for & in behalf
 of the Officers, Marines, & Mariners of the Same
 Ship, as [^{for}] the owners thereof & all Concerned therein

Libellant of the said Schooner Rosea her Cargo
&c and appellee, from the Judgment & Decree
of a Maritime Court for the Middle District of the
Commonwealth of Massachusetts holden at Boston
in the County of Suffolk within the Middle District
aforesaid on Saturday the Eighteenth Day of
January last; when & where the appellee was Li=
bellant of the said Schooner Rosea her cargo & ap=
=purtenances

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[83r]

=purtenances, as at large Set forth in his Libel
on file; and the Appellant was Claimant of the
Same Schooner &c as aforesaid, as at large Set forth
in his Claim on file: At which said Maritime
Court after a full hearing of the Parties upon said
Libel and Claim, & upon the Verdict of the Jury there
Judgment was Rendered, "that the said Schooner the
Rosea and her Appurtenances and Cargo be & are
forfeit; that the Same be Sold; and that the Mo=
=nies thence arising, after deducting the Charges
of trial and condemnation and the Charges of
Sale, be delivered to the said Thomas Benson &
his Company of the private armed Ship the Hen=
=drick captors, their Agents or Attornies, for the
use and benefit of Such captors, the Owners of the
Same Ship at the time of Said Capture & others
in said Capture Concerned": This Appeal was bro't
forward at the Supreme Judicial Court held at
Boston in & for the County of Suffolk & Middle
District aforesaid on the Third Tuesday of Fe=
=bruary last, and from thence continued from Term
to Term within said Middle District to this present
Term; And now the Appellant altho' Solemnly
called to Come into Court, does not appear but
makes default; the appellee appears

<<

Proctor & al v^s. Jones & al Firebrand

>>

Edward Proctor & al^s. Lib^{ts}. of Brigantine Firebrand
and Cargo, and appellants v^s. Edward Jones & al
Claimants & appellees And now Neither party Appears

<<

Trowbridge v^s. Proctor & al

>>

Caleb Trowbridge ap^t. v^s. Edw^d: Proctor & al. Lib^{ts}
of Firebrand And now Neither party appears

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<duplicates following>

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[83v]

<<

Benson v^s Hammond Schooner Rosea

>>

Thomas Benson Commander of the Private Armed Ship named the Hendrick, who, as well for and in behalf of the Officers Marines & Mariners of the Same Ship, as for the owners thereof & all Concerned therein Complained, that at a Maritime Court for the Middle District of said Commonwealth, holden at Boston in the County of Suffolk in said District by the Honorable Nathan Cushing Esquire, Judge of the said Court on Saturday the eighteenth Day of January last, on his Libel against the Schooner Named the Rosea of About Sixty Tons burthen, her Cargo & appurtenances; and upon the Claim thereof by Micah Hammond late Master of the said Schooner Rosea, in behalf of the owners thereof & all Concerned therein the Same Schooner Cargo & Appurtenances, after due proceedings had thereon, were adjudged ordered & Decreed forfeit, and that the Same should be sold, and the Monies thence arising after deducting the Charges of trial & Condemnation, and the Charges of Sale, Should be delivered to the said Thomas Benson and his Company of the private armed Ship the Hendrick Captors, their Agents & Attorneys for the [^use^] & benefit of Such captors, the owners of the Same Ship at the time of Said Capture and others in said Capture Concerned; from which Decree the said Micah Hammond Claimant as aforesaid appealed to the then next Supreme Judicial Court holden at Boston in & for the County of Suffolk, within the said Middle District on the Third Tuesday of February then next & gave Security According to Law for prosecuting said Appeal to effect, all which by Copies of the said proceedings in the said Maritime Court, here in Court produced Mani=

=festly Appears: And the said Micah did enter his said Appeal at the said Supreme Judicial Court, holden at Boston aforesaid in February aforesaid, from whence the said appeal hath been Continued from Court to Court to this time, and now the said Micah hath failed to prosecute his said Claim & appeal any further, but hath Relinquished the Same & made Default; Wherefore the said Thomas Benson Libellant as aforesaid prays for Affirmation of the Decree aforesaid of the said Maritime Court with Damages and Costs; It is therefore Considered and Decreed by the Court, that the said Schooner the Rosea and

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[84r]

and her appurtenances and Cargo be and hereby are Condemned as forfeit; that the same be sold; and that the Monies thence arising after deducting the Charges of Trial and Condemnation and the Charges of Sale, be delivered to the said Thomas Benson and his Company of the Private Armed Ship the Hendrick Captors, their Agents or Attornies for the use and benefit of Such Captors, the Owners of the Same Ship at the time of said Capture, and others in said Capture Concerned, and Costs

Essex ss. Ipswich June 21st: 1783.

Judgment according to Law

and the Court is Adjourned without Day.

Att. Cha^s: Cushing Cler

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[84v]

Suffolk ss. Commonwealth of Massachusetts.

At the Supreme Judicial Court
of the Commonwealth of Massachusetts, begun
and held at Boston within and for the
County of Suffolk on the last Tuesday
of August (being the 26th: Day of said
Month) Anno Domini 1783.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice

Nath^l: Peaslee Sargeant
 David Sewall and
 Increase Sumner Esq^{rs}: Justices

<<

Hussey v^s. Ruddock

>>

Sylvanus Hussey of Lynn in the County of Essex
 in said Commonwealth Merchant, Appellant v^s. Abiel
 Ruddock Esq^f. Deputy Naval Officer for the Port of Boston
 within the Middle District of said Commonwealth Ap=
 =pellee from the Judgment & Decree of a Maritime Court
 for the said Middle District holden at Boston in the County
 of Suffolk on Tuesday the eleventh Day of February last
 when and where the Appellee was Libellant of one
 Matted Box Containing ten peices of Black Callamanco
 and Six peices of Shalloons, and the appellant was Clai=
 =mant of the Same, and the said Libellant by his
 Libel filed in said Maritime Court, gave the Same
 Court to understand and be informed, to Wit, That, on
 the twenty first day of October in the year of our Lord
 one thousand Seven hundred & Eighty two, he the
 Libellant Captured and Seized, at Boston aforesaid
 within the said District the following Goods, weres &
 Merchandizes viz^t. One Matted Box Containing ten pieces
 of Black Callamanco and Six pieces of Shalloons. &
 the Libellant in his said Libel Alledges, that the said
 Goods, wares and Merchandizes are British Manufactures
 and

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[85r]

and are the produce and Manufacture of Some place
 under the Dominion of the King of Great Britain and
 were then at the said time of the Seizure thereof illegally
 imported into this Commonwealth from Some port or
 place under the Dominion of the King of Great Britain;
 By reason of all which the Resolves of Congress and the
 Laws of this Commonwealth in Such Case Made and
 provided, the Same goods Wares and Merchandize,
 the Libellant Saith, are forfeited to the Use of the said
 Libellant, wherefore the said Abiel prayed advisement
 thereon and that the Same goods wares & Merchandize
 may be adjudged forfeited to the Use of the said Libellant
 According to Law: And the Said Sylvanus Hussey came

into the Same Maritime Court, by his advocate, and Claimed the said Matted box Containing ten pieces of black Callamanco of Six pieces of Shalloons and Said "That the facts Set forth in said Libel are false and groundless; that said box & the Callamancoe & Shalloon therein Contained are his said Hussey's property and were legally imported into this District," Wherefore he the said Hussey prayed that the Same box, Calli=mancoes & Shalloons might be Restored to him, and for his Costs; At which said Maritime Court after a full hearing of the said Abiel upon his Libel aforesaid and of the said Sylvanus upon his Claim aforesaid and upon the Verdict of the Jury there, Judgment was Rendered, that the said Matted box, and ten pieces of black Callimancoe & Six pieces of Shalloons therein contained be & are forfeit; that the same be Sold; & that the Monies thence arising, after deducting the Charges of Trial & condemnation and the charges of Sale be delivered to the Said Abiel Ruddock who Seized & Captured the Same, his Agent or attorney for the use of him the said Abiel: This Appeal was brought forward at the Supreme Judicial Court held at Boston in & for the County of Suffolk & Middle Dis=trict aforesaid on the Third Tuesday of February last, & from thence said appeal was Continued from Term to Term within said Middle District unto this Court, and now the parties appear and the case after a full hearing is Committed to a Jury Sworn according to Law to try the Same, who Return their Verdict therein upon Oath, that is to Say, they find, "that the Box Containing ten pieces of Callimanco and Six pieces of Shalloon, were Legally Imported into this Commonwealth and that they were the

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[85v]

the Property of the Claimant and therefore ought not to be Condemned to the Libellant, but Restored to the Claimant." It is therefore Considered & Decreed by the Court that the said Box Containing ten Pieces of Callimanco and Six Pieces of Shalloon be Restored

to the said Sylvanus Hussey the Claimant.

<<

Winslow v^s. Parsons Lib^t. of Schooner Polly

>>

John Hayward Winslow Appellant v^s. Eben Parsons of Boston in the County of Suffolk, in the Middle District of said Commonwealth Merchant Agent on behalf of Nathaniel Sargeant Commander of the Armed privateer Schooner Called the Wasp, the Officers, Marines, Mariners & owners thereof, Appellee from the Judgment and Decree of a Maritime Court for the said Middle District holden at Boston in the County of Suffolk on Tuesday, the thirtieth Day of July A.D. 1782 when and where the appellee, agent as aforesaid, was Libellant of a Certain Schooner Called the Polly, her appurtenances & Cargo, and the appellant was Claimant of the Same, and the Libellant by his Libel filed in said Maritime Court, gave the Same Court to understand and be informed, to wit, That said Commander & Crew in said Privateer, being duly Commissioned, on the high Seas, on the first day of December in the year of our Lord one thousand Seven hundred and Seventy Nine, Attacked and took and afterwards on the fifteenth day of the Same December sent into Boston aforesaid, a Certain Schooner Called the Polly, Benjamin Brown late Master, burthened about thirty tons, laden with divers goods, wares and Merchandise a Schedule whereof is to said Libel annexed, and the proponent in his said Libel avers, That said Captured Schooner her appurtenances and Cargo were at the time of the Capture aforesaid, the property of Some of the Subjects of the King of Great Britain, other than the Inhabitants of Bermuda, By Reason of all which and of the Laws of this State, the Same (the proponent saith) are forfeit and are to be Condemned and distributed to and amongst the owners and Captors aforesaid, Wherefore the Libellant prayed advisement thereupon and that by a due Course of proceeding, said Captured Schooner, her appurtenances and Cargo may be decreed forfeit, and be Condemned and distributed according

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according to Law; And no Claim being then filed nor any Claimant or Claimants appearing as Joint Captor or Captors, or Original Owner or Owners, of the said Captured Schooner, her appurtenances or Cargo; and proclamation having been made for any person to Come into said Maritime Court and Shew Cause (if any he have) why the said Schooner the Polly with her Cargo and appurtenances Should not be Con= demned, and no person appearing upon Such proclamation, for that purpose; and after a full hearing of the proponent upon his Libel aforesaid; It was by the Judge of Said Maritime Court Con= sidered, adjudged, Ordered and decreed, that the said Schooner the Polly and her appurtenances & Cargo, as being the property of Some of the Subjects of the King of Great Britain, other than the Inhabi= tants of Bermuda, at the time of said Capture, are forfeit; that the Same be Sold; and that the Monies thence arising after deducting the Charges of Condemnation, and the Charges of Sale, be de= livered to Nathaniel Sargent, and his Company of the armed privateer Schooner the Wasp, Captors their Agents or Attornies, for the Use & benefit of Such Captors, the owners of the Same Schooner Wasp and others in said Capture Concerned." And the Said John Hayward Winslow, after the Rendering the Decree aforesaid, came into said Maritime Court by his, Advocate, and brought his Claim, which by Consent of parties was filed, and Claimed the said Schooner Polly her Cargo & appurtenances: and it having been agreed by the parties that the said Winslow should have the same Liberty to appeal and the Same advantages at the trial upon the appeal as if the Same Claim had been filed in due form of Law: The said Winslow then appealed from the Judgment & Decree afore= going to the then next Supreme Judicial Court to be holden at Boston in & for the County of Suffolk & for the Middle District aforesaid and gave Se= curity for prosecuting said appeal with effect: This Appeal was brought forward at the Supreme Judicial Court held at said [^Boston^] for said County & Middle District on

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on the third Tuesday of November A.D. 1782 and from thence said Appeal was continued from Term to Term within the Middle District aforesaid, to this Court and now the parties appear and the Case after a full hearing is Committed to a Jury Sworn according to Law to try the Same, who return their Verdict therein upon Oath, that is to Say, they find "that the Vessell and Cargo were taken & brought in as set forth in the Libel, and that the said Vessell and Cargo at the time of Capture were the property of Some of the Subjects of the King of Great Britain other than the Inhabitants of Bermuda." It is therefore Considered and Decreed by the Court, that the said Schooner Polly her Cargo &c with her appurtenances & Merchandize found on board her, at the time of her Capture, be and hereby are Con=
=demned as forfeited; that the Same be sold, and that the Monies thence arising, after deducting the Charges of Trial & Condemnation & the Charges of Sale be de=
=livered to Eben Parsons, the Libellant in behalf of Nathaniel Sargent Commander of the Armed Pri=
=vateer Schooner called the Wasp, the Officers, Marines and Mariners & owners thereof for all whom he the said Eben Parsons is Agent, for the Use & benefit of the said Nathaniel Sargent, the said Officers, Marines & Mariners & owners thereof & others with them concerned therein.

<<

Thayer v^s. Downer

>>

Levi Thayer of Milford in the County of Worcester Yeoman Appellant v^s. Eliphalet Downer of Roxbury in the County of Suffolk Physician Appellee from the Judgment and Decree of a Maritime Court for the Middle District of the Commonwealth of Massachusetts holden at Boston in the County of Suffolk on Monday the Seventeenth Day of February last, when and where the appellee was Libellant of Six Hogsheads & an half of Salt Seized at said Milford, and Sixty two Hogsheads of other Salt Seized at said Roxbury, and the Appellant was Claimant of the Same; and the said Libellant by his Libel filed in said Maritime Court, gave the

Same Court to understand & be informed, to Wit, That
 he the said Eliphalet, on the twenty fifth day of September
 in the Year of our Lord one Thousand Seven Hundred and
 Eighty two, at a Place Called Milford within said District
 Seized

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seized and took possession of Six Hogsheads and an half of
 Salt Containing in the whole eighty two Bushels, the Same
 being in the Store and Shed of one Levi Thayer, and also
 afterwards, on the same day, at Roxbury in said District, he
 the said Eliphalet did Seize and take sixty two Hogsheads
 of other salt, each Hogshead Containing twelve and half
 bushels, the Same then being in the Stores and custody of
 Ralph Smith and Joseph Ruggles of said Roxbury, and
 the Libellant, in his said Libel, avers, that the said Salt
 was illegally imported into the said Commonwealth
 from Some Port or Place under the Dominion of the
 King of Great Britain: By Means of Which and by
 force of the Laws of this Commonwealth and the Ordi=
 =nances of the United States of America in such case
 made & provided, the said Salt, the Libellant Saith
 is become forfeited to the use of the said Eliphalet
 Wherefore, the Libellant prayed that the Same Salt
 may be decreed to be and Remain forfeited to his
 use, as the Law directs: And the said Levi Thayer of
 Milford in the County of Worcester Yeoman came into
 the said Maritime Court, by his Advocate and Claimed
 all the said Salt, and said, "that the Same was his
 the said Levi's property and not liable to forfeiture
 and that all the facts set forth in said Libel as
 causes of forfeiture against said Salt were false and
 groundless." Wherefore he the said Levi prayed the
 same Salt might be Restored to him, and for his
 costs: At which said Maritime Court after a full
 hearing of the Parties upon said Libel and Claim
 & upon the Verdict of the Jury there Judgment was
 rendered, That the said six Hogsheads & an half
 of Salt and also Sixteen Hogsheads of Salt part of
 the said Sixty two hogsheads of Salt be and are forfeit;
 that the Same be Sold; and that the Monies thence
 arising, after deducting the Charges of trial and
 condemnation & the Charges of Sale, be delivered

to the said Eliphalet Downer who seized the Same
his Agent or Attorney, for the use and benefit of him
the said Eliphalet: and that the Residue of the Said
sixty

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[87v]

Sixty two hogsheads of Salt be restored to the Claimant
for the use of the proper Owners thereof."': This appeal
was bro't forward at the Supreme Judicial Court held at
Boston in & for the County of Suffolk & Middle District
aforesaid on the Third Tuesday of February last & from
thence Continued from Term to Term within said Mid=
=dle District to this Present Term; And, now the par=
ties appear and the said Libellant & Claimant
by their Attornies John Lowell & Perez Morton Esq^{rs}
agree, that forty Six Hogsheads of Salt, said to be seized
at Roxbury, be Considered as not Libelled, and that
the Libel extend to Six & an half hogsheads of Salt
Seized at Milford & Sixteen at Roxbury only"; the Case
after a full hearing is Committed to a Jury Sworn
according to Law to try the Same, who return their
Verdict therein upon [^oath^] that is to say, they find, that
Twenty two and a half Hogsheads Salt Libelled by
Doctor Eliphalet Downer were Legally Imported and
Ought to be Restored to the Claimant." It is therefore
Considered and Decreed by the Court, that the said twen=
=ty two and an half Hogsheads of Salt be Restored to
the said Levi Thayer the Claimant.

<<

Vernon Lib^t. of Schooner Mary v^s. Silsby Caim^t.

>>

Thomas C. Vernon, for himself & in behalf
of George Wait Babcock Commander of the private Armed
Galley Hero, his Officers & Crew, the Owners & all Concerned
therein, Appellant v^s. Nathaniel Silsby appellee
from the Judgment & Decree of a Maritime Court
for the Middle of the Commonwealth of Massachusetts
held at Boston in the County of Suffolk on Thursday
the twenty Sixth day of September A.D. 1782 when and
Where the appellant was Libellant of a certain Schooner
Called the Mary of about eighteen Tons burthen, her Car=
=go & Appurtenances, for himself & in behalf of the said
George Wait Babcock, his officers & Crew, the owners & all
Concerned in the said Galley Hero; and the appellee

was Claimant of the Same Schooner &c, and the Libellant by his Libel filed in said Maritime Court gave the Same Court to understand & be informed, to wit, That the said Babcock with his Crew on board said Galley

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Galley, on the high Seas, did on the twenty Sixth day of June in the Year of our Lord One thousand Seven hundred & eighty two, attack & take & on the fourth day of July then next following, bring into the Port of Boston a certain Schooner called the Mary of about eighteen tons bur=
=then, Commanded by David Corning, and laden with about forty Quintals of Green Fish, and the proponent in his said Libel, doth alledge; that the said Schooner her Cargo & Appurtenances, were, at the time of said Capture, the property of and belonging to Some of the Subjects of the King of Great Britain; that the said Schooner was then Carrying Supplies to the Fleets and Armies of said King employed against the United States and to a besieged Garrison and was returning after having Carried such Supplies; that she had been and was Carrying on an illicit & Clandestine trade with the Enemy, & was intending to import into this Commonwealth, goods, Wares & Merchandizes from a Port in possession of the Enemy of the United States; and that the Master of Said Schooner or Some of the Crew had destroyed the Official papers belong=
=ing thereto, and were in possession of false or double papers: by Reason of all which & by force of the Law of Nations the Ordinances of Congress and the statutes & Acts of this Commonwealth, the said Schooner, her Cargo & Appurtenances, the proponent saith, are lawful prize. Wherefore the Proponent prayed advisement hereon, and that by a due Course of proceedings, the said Schooner her Cargo & appurte=
=nances may be decreed to be & remain forfeit to the Use of the Captors and all Concerned, & be dis=
=tributed as the law directs. And Nathaniel Silsby Owner of said Schooner Mary then came into the Same Maritime Court, by his Attorney, and Claimed the Same Schooner her Appurtenances & Cargo, and said “that the said Schooner with her Cargo & Appur=

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=tenances then, and at the time of the Capture, were the property of some of the Subjects of these United States of America; and that the facts, al=
=ledged in said Libel, are not true, nor are the said Schooner, her Cargo & appurtenances liable to forfeiture." Wherefore the said Silsby prayed that the same Vessel with her Cargo & appurtenances may be Restored to him, and for Costs & Damages: At which said Maritime Court, after a full hearing of the Parties upon said Libel and Claim, and upon the Verdict of the Jury there Judgment was Rendered "that the said Schooner the Mary with her Cargo and [[^]appurtenances[^]] be Restored to the Claimant for the use of the proper Owners thereof." This Appeal was bro't forward at the Supreme Judicial Court held at Cambridge in and for the County of Middlesex & for the Middle District aforesaid on the second Tuesday of December A.D. 1782 by Adjournment to that time from the last Tuesday of October then next preceeding; when and where the parties appeared and the Case after a full hearing was committed to a Jury Sworn according to Law to try the Same, who Returned their Verdict therein upon Oath, that is to Say "they find that the Schooner Mary at the time of her Capture was the Property of Some of the Subjects of the United States of America, and that the Charges of Forfeiture alledged in the Libel are not Supported, and that the said Schooner her Cargo & appurtenances are to be restored to the proper Owners and all Concerned - they further find that there was probable Cause for taking & bringing the same Vessell into Port." It was therefore Considered & Decreed by the Court that the said Schooner the Mary with her Cargo & Appurtenances be restored to the Claim[ant?] for the use of the proper Owners thereof. the appel[ill] then made a Motion for Costs, which was Continued from term to term within said Middle District, for Advisemement, to this Term, And now after

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Mature advisement; It is Considered by the Court here that the said Nathaniel Silsby Recover against the said Thomas C. Vernon, George Wait Babcock and others the Appellants, Costs,

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Davis & al v^s. Atwood Lib^t. of Schooner Pitt &c

>>

William Davis and Samuel Pitts both of Boston in the County of Suffolk and Middle District of the Commonwealth of Massachusetts Merchants, Claimants of the Schooner Pitt her Cargo & Appurtenances, Appellants v^s. Joseph Atwood of Boston aforesaid Mariner, Libellant of the said Schooner her Cargo &c, Appellee from the Judgment and Decree of a Maritime Court for the said Middle District held at Boston in the County of Suffolk on Friday the fifteenth Day of August in the Year of our Lord one thousand Seven hundred & eighty three, when and where the Appellee was Libellant of the said Schooner her Cargo &c and the Appellants were Claimants of the Same; and the Libellant by his Libel filed in said Maritime Court, gave the Same Court to Understand and be informed, to Wit, That he the said Joseph, on the Sixth day of January last, Sailed from the Port of Boston aforesaid in said District, in and upon the Schooner Called the Pitt, of about Forty tons burthen, as Master and Commander thereof, bound on a Voyage to the Island of Hispaniola in the West Indies; that on the twenty third day of January aforesaid, the said Schooner Pitt with her Cargo & Appurtenances then being under his Command, and on her said Voyage to Hispaniola, on the high Seas, was Captured by the Letter of Marque Schooner called the Renown, William Raddon Master, the property of Certain British Subjects, and bound on a Voyage from the Port of Hallifax in Nova Scotia, to the Island of S^t. Thomas in the West Indies, and that Six Men belonging to the said Schooner Renown were put on board the Schooner Pitt to keep possession and make prize of the said Schooner Pitt, and the Crew of the said Schooner Pitt except the said Atwood &

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[89v]

two small boys were taken on board the said Schooner Renown, and said Schooner Pitt was ordered by the said Captors to proceed to the Island of Bermudas a place within the Dominions of the King of Great-Britain: And the Libellant, in his said Libel, further informs and Avers; that before the arrival of the said Schooner Pitt in any Port, to Wit, on the eleventh day of February last, the said Atwood being a Prisoner on board said Schooner Pitt, and one of the former Crew, rose upon the said Schooner Pitt & forcibly took the same Schooner with her cargo & Appurtenances from the possession of said Captors, and on the first day of July last brought the same Schooner with her Cargo & Appurtenances into the port of Boston aforesaid. By Means of which and by force of the Ordinances of the United States of America and the laws of said Commonwealth the said Schooner Pitt with her Cargo & appurtenances the Libellant Saith, are become forfeited and remain to be decreed to the Use of him the said Joseph Atwood: Wherefore the Libellant prayed advisement on the premises and that by a due Course of proceedings, the said Schooner Pitt with her Cargo and Appurtenances might be decreed to be and remain forfeited to his Use, And the said William Davis and Samuel Pitts then came into said Maritime Court, by their Attorney & claimed the said Schooner Pitt and her Cargo, and thereupon said "That the Facts Set forth in said Libel are not true, & that the Same Schooner and Cargo are their property are not forfeited nor liable to Condemnation." Wherefore they the said Davis and Pitts prayed a restoration of the Same to their use; At which said Maritime Court after a full hearing of the parties upon said Libel & Claim and upon the Verdict of the Jury there, Judgment was Rendered "that the said Schooner Pitt and her Cargo & Appurtenances be

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be and are forfeit; that the same be sold; and that the Monies thence arising, after deducting the charges of trial and Condemnation & the Charges of Sale, be delivered to the said Joseph Atwood Captor, his Agents or Attornies, for his the said Joseph's Use & benefit." And now the parties appear & the case after a full hearing is Commit=
=ed to a Jury Sworn according to Law to Try the Same who return their Verdict therein upon Oath, that is to Say, they, "find the said Schooner Pitt and Cargo is a Legal Prize to said Atwood, and his Libel is fully Supported; and that the Claim made by Mess^{rs}: Davis & Pitts is not Supported." It is therefore Considered and Decreed by the Court, that the said Schooner Pitt, & her Cargo, and appurtenances be & hereby are Condemned as forfeited; that the Same be Sold; & that the Monies thence Arising, after deducting the Charges of trial and Condemnation and the Charges of Sale be delivered to the said Joseph Atwood Captor, his Agents or Attornies, for his the Said Joseph's Use & benefit.

Suffolk ss. December 24th: 1783. Judgment according to Law and the Court is Adjourned without Day.

Att. Cha^s: Cushing Cler

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Bristol ss Commonwealth of Massachusetts

At the Supreme Judicial Court of the Commonwealth of Massachusetts, begun & held at Taunton within and for the County of Bristol on the last Tuesday of November (being the 25th: Day of said Month) Anno Domini 1783, by Adjournment from the Tuesday next pre=
=ceeding the last Tuesday of October last, the day by Law prefixed for holding the Same, said adjournment being made by a Resolve

of the General Court
 By the Hon^{ble}: William Cushing Esq^r: Chief Justice
 David Sewall and
 Increase Sumner Esq^{rs} Justices

<<

Mayhew v^s. Barlow Lib^t. of Boat Rain=bow

>>

Jeremiah Mayhew Jun^r: one of the Subjects
 of the United States of America, Claimant of a two
 Mast-Boat Called the Rainbow, her Cargo & Appurtenan=
 =ces and also of five hundred & twenty six Dollars taken
 on board the said Boat, Appellant v^s. Levi Barlow
 Commander of the Armed Boat, Called the Speedwell
 (duly and legally Commissioned) for and in behalf
 of himself as well as for the Mariners & Seamen
 and all others belonging to or Concerned in the Said
 Armed Boat, Libellant of the said Boat Called the
 Rainbow, her Cargo & Appurtenances & also of said
 Dollars, Appellee, from the Judgment and Decree of
 a Maritime Court for the Southern District of said Com=
 =monwealth held at Plymouth, in the County of Plymouth
 &

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and for the Counties of Plymouth, Barnstable, Bristol
 Nantucket, and Dukes County on the twenty first day
 of January last; when and where the Appellee was
 Libellant as aforesaid of the said Boat Rainbow, her
 Cargo & appurtenances & also of Five hundred & twenty
 Six Dollars, taken on board of the Same Boat, and the
 Appellant was Claimant of the Same as aforesaid, And
 the said Libellant by his Libel filed in said Maritime
 Court, gave the same Court to understand & be informed
 to Wit, that the said Boat Speedwell, being Equiped
 Victualled, fitted out, and Armed, at the expence
 of Sundry Persons, Inhabitants of the United States
 of America, and the said Levi Barlow being duly
 Commissioned, authorised and appointed with his
 Mariners & Seamen (and all being Inhabitants of
 these United States) on board the said Boat Speedwell
 Sailing on the high Seas on the ninth day of May
 in the Year of our Lord one Thousand Seven hundred
 and Eighty two, and within the Jurisdiction of the

same Maritime Court, did, discover, pursue, apprehend and as lawful Prize take the Boat Called the Rainbow, Commanded by Freeman Norton burthened about, five Tons, together with her tackle, apparel furniture and Cargo, and also five hundred & twenty Six Spanish Milled Dollars and the Same did bring into the Harbour of Sandwich within said districk and the said Boat her tackle, apparel, furniture, Cargo & Dollars, at the time of her Capture aforesaid was the property of and belonged to Some Subject or Subjects of the King of Great Britain Enemies to these United States of America and was then detained and employed in Carrying Goods, wares and Merchandizes, to and for the use of the British Army and Navy, then within the United States of America and Enemies to the said States, and that the

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the said goods wares and Merchandizes then on Board said Boat, were of the Growth, production & Manufacture of Great Britain or of Some Territory depending thereon, and destined for some Port or Place within the United States of America and then being within three Leagues of the Coast of said Commonwealth, that the said Boat was then Carrying on an illicit Trade with the Enemies of these United States of America, had on board double & false papers, relative to said Cargo, and that the Master thereof had thrown over board and destroyed Certain other papers relative to said Boat and Cargo, and that at the time of the Capture of said Boat, and before she was employed in Carrying supplies to the Enemy and at the time of the Capture of said Boat and before she had designs of Carrying Supplies to the said Enemy, and that at the time of the Capture of said Boat she was bound to Some Port or Place in the Dominions of the King of Great Britain and in the possession of said Enemy and in the Power of his Fleets & Armies, Contrary to the Ordinances of Congress in Such Cases made & provided, the laws of this Commonwealth and the Law of Nations Wherefore for all or any of the Causes & Reasons aforesaid in said Libel Alledged, the said Levi Barlow

for himself and for and in behalf of the said Mariners, Seamen and all Others Concerned in the said Boat Speedwell, prayed that the said Boat [^Rainbow^] her tackle, apparel, furniture & Cargo may be adjudged forfeit, to the use of the Captors thereof & all Concerned in said Boat Speedwell according to the ordinances of Congress in such Cases, and for such purposes made and provided, and the laws of said Commonwealth: and the said Jeremiah Mayhew Jun^r Came into said Maritime Court & Claimed the

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the said two Mast Boat, Called the Rainbow, burthen About Five Tons, lately Commanded by Freeman Norton, with her Cargo & appurtenances, and also Five hundred and twenty six dollars, taken on board the said Boat Rainbow; whereupon the said Mayhew Avered that the Same Boat her Cargo and Appurtenances, and the said Money, were his property, and that the Facts set forth in said Libel were False and groundless, and that as he is a liege Subject of the aforesaid Commonwealth, the Same Property ought to be restored to him; and that his damages by Reason of the taking and detention of the Same Property may be awarded to him Wherefore he prayed the Advise[^ment^] of the Court in the premises and that a Decree for the restoration of the same Vessel, Cargo & Appurtenances and also the Money aforesaid might be made in his Favour: At which said Maritime Court, after a full hearing of the Parties upon said Libel & Claim, and upon the Verdict of the Jury there, Judgment was Rendered, "that the Five hundred twenty Six Spanish Milled Dollars, found on board the Boat Rainbow at the time of her Capture aforesaid be Condemned as Prize (and after deducting the Charges of Trial & Condemnation) be delivered to the Captors of said Dollars, their Agents or Attorneys, for the use and benefit of the Captors and Others Concerned therein; and also that the said Boat called the Rainbow, with her tackle apparel and furniture and the Remainder of her Cargo found on board her at the time of her Capture aforesaid

be Restored to the Claimant Jeremiah Mayhew for the uses sett forth in said Claim." This Appeal was brought forward at the Supreme Judicial Court held

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held at Barnstable within the County of Barnstable & for the Counties of Barnstable & Dukes County, within the Southern District aforesaid on Fryday the sixteenth Day of May last, by Adjournment, and from thence said appeal was Continued from Term to Term within said District to this Term, And now the parties appear & the Case after a full hearing is Committed to a Jury Sworn according to Law to try the Same, who Return their Verdict therein upon Oath, that is to Say, they find "all the Money, together with the Cargo taken on board the Boat Rainbow were at the time of the Capture; the Property of Some of the Subjects of the King of Great Britain; that the Same were Captured and brought into Port, in Man=
=ner as Set forth in the Libel, and that the Same are a lawful prize to the Captors; they further find that the Boat Rainbow with her Tackle & apparel was at the time of the Capture, the property of the Claimant Jeremiah Mayhew Jun^r. a Subject of the Commonwealth of Massachusetts, and not liable to Confiscation." It is therefore Considered and Decreed by the Court, that the five hundred twen=
=ty Six Spanish Milled Dollars, found on board the Boat Rainbow at the time of her Capture aforesaid together with her Cargo, found on board of Said Boat at the Same time, be and hereby are Condemned as forfeited; that the Same Cargo be Sold; and that the Monies thence arising together with said Five hundred, twenty Six Spanish Milled Dollars, after deducting the Charges of Sale & Condemna=
=tion, be delivered to Levi Barlow Commander & his Company of the Armed Boat, Called the Speedwell, Captors of said Dollars & Said Cargo, their Agents or Attornies, for the use & benefit of the

Same Captors, and others Concerned therein:
And also that the said Boat Called the Rainbow
with her Tackle & apparel & furniture found on
Board

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Board her at the time of her Capture aforesaid be Restor=
=ed to the Claimant Jeremiah Mayhew Jun^r.

From which Judgment and Decree the said Jeremiah
Mayhew Jun^r Appealed to the Court of Appeals, established
by the United States in Congress Assembled; And the
said Jeremiah gave Bond with Surety in the Sum of
Eight hundred Pounds, for prosecuting said appeal
with Effect which Bond was approved off, by
the Court, and filed

<<

Doane & al Lib^{ts}. v^s. Parsons & al Claim^{ts}. of Brig^{ne}: Joseph & Clark

>>

Joseph Doane & al Lib^{ts}: of the Brigantine
Joseph and Clark her Cargo &c Appellants
v^s.

Eben^r Parsons & al Claimants, Appellees
and now neither party Appears

<<

Barlow Lib^t. v^s. Coffin & al Claim^{ts}: of Sloop Fanney &c

>>

Levi Barlow Commander of the Armed Boat
Called the Speedwell (duly and Legally Comissioned)
Libellant, for and in behalf of himself, as well as for the
Mariners and Seamen and all others belonging to, or
Concerned in, the said Boat, of the Sloop, Called the
Fanney, Commanded by one Joseph Nash, burthen
about Sixty Tons, together with her tackle, apparel
furniture and Cargo, Appellant v^s: John Coffin of
Sherburne in the County of Nantucket Merchant
Claimant of said Sloop her Cargo &c and Joseph
Nash of the Kingdom of Great Britain Mariner, Clai=
=mant of the said Cargo & all the Goods on board the
said Sloop, Appellees, from the Judgment & Decree
of a Maritime Court for the Southern District of said
Commonwealth held at Plymouth in the County of
Plymouth & for the Counties of Plymouth, Barnstable
Bristol, Nantucket & Dukes County on the twenty

first day of January last, when & where the Ap=
=pellant was Libellant as aforesaid and the Appellees
were

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were Claimants as aforesaid; and the Libellant by
his Libel filed in said Maritime Court, gave the Same
Court to Understand and be informed, to Wit, that
the said Boat Speedwell being Equipped, Victualled,
fitted out and armed at the Expençe of Sundry Persons
Inhabitants of the United States of America, and the
said Levi Barlow being duly Commissioned, autho=
=rized and appointed, with his Mariners & Seamen
on board the said Boat Speedwell, Sailing on the
high Seas, on the twenty Seventh day of April in the
Year of our Lord one Thousand, Seven hundred and
Eighty two (and within the Jurisdiction of this Court)
did discover, pursue, apprehend, and as lawful prize
take the Sloop Called the Fannee, Commanded by
one Nash Burthen about Sixty Tons, together with
her tackle apparel, furniture and Cargo, and the
Same Sloop did bring into the Harbour of Sandwich
within said District, and the said Sloop her tackle
apparel, furniture and Cargo at the time of her
Capture aforesaid, was the property of and belonged
to Some Subject or Subjects of the King of Great
Britain, enemies to these United States of America
and was then destined and employed in carrying
Goods wares and Merchandizes to and for the use
of the British Army and Navy, then within the
United states of America & enemies to the said States,
and that the said Goods, wares & Merchandizes, then
on board said Sloop were of the growth, production
and Manufacture of Great Britain, or of Some
Territory depending thereon, and destined for
Some Port or Place within the United States of
America, and then being within three Leagues
of the Coast of said Commonwealth, that the said
Sloop was then Carrying on an illicit trade with
the Enemies of these United States of America, had
on

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[94r]

on board double and false papers, relative to said Cargo and that the Master thereof had thrown over= board and destroyed certain other papers relative to said Sloop and Cargo, Contrary to the Ordinances of Congress in such Cases made and provided, and the Law of Nations. Wherefore for all or any of the reasons aforesaid, alledged in said Libel, the said Levi Barlow for himself and for and in behalf of the said Mariners & Seamen and all others Concerned in said Boat Speedwell, Prayed, that the said Sloop her tackle, apparel, furniture and Cargo might be adjudged forfeited to the use of the Captors thereof and all concerned in said Boat, according to the Ordinances of Congress in Such Cases and for such purposes made and provided and the laws of this Commonwealth; and the said John Coffin, by his Attorney, James Sullivan Esq^r came into said Maritime Court, and Claimed the Sloop Fanney with her Cargo, tackle & appurtenances, and said that the same Sloop, her Cargo and Appurtenances, at the time mentioned in the Libel, against her, was his pro= perty, and in his possession in Sherburne [[^]aforesaid[^]] and that the Libellant unlawfully, and without any Such Cause as Set forth in his Libel, took the Same Sloop from him, wherefore in as much as he was a true and faithful Subject of the Commonwealth aforesaid he prayed that the same Vessel her Cargo & Appurte= nances might be Restored to him with Damages; and likewise Joseph Nash, of the Kingdom of Great Britain, aforenamed, by James Sullivan Esq^r his Attor= ney, came into the same Maritime Court & Claimed the Cargo, and all the Goods on board the Sloop Fanney Libelled, by Levi Barlow as aforesaid, and Said that he

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[94v]

he being taken prisoner in the State of Virginia by the allied Fleets & Armies of France & America upon the nineteenth day of October A.D. 1781. was per= mitted by Letters of Safe Conduct legally given to

pass from the said Allied Fleets & Armies in said Virginia to Hallifax with the aforesaid Sloop and her aforesaid Cargo, and that on his passage there he was driven into the Island of Nantuckett by distress, when and where, his said Goods in the same Vessel were taken by the Libellant; Wherefore he prayed a Restoration of the same, according to the Laws of Nations, to proceed therewith to said Hallifax. At which said Maritime Court, after a full hearing of the parties upon the said Libel & Claims; and upon the Verdict of the Jury there Judgment was Rendered, that the Sloop called the Fanny, with her tackle, apparel, and furniture and the Goods wares and Merchandize found on board her at the time of her Capture aforesaid be restored to the Claimants John Coffin and Joseph Nash for the uses set forth in said Claims." This appeal was brought forward at the Supreme Judicial Court held at Barnstable in the County of Barnstable, and for the Counties of Barnstable & Dukes County within the Southern District aforesaid, on Friday the Sixteenth Day of May last, by Adjournment and from thence said appeal was Continued from term to Term within said District to this Term; And now the Libellant appears, and the said John Coffin one of the Claimants also appears, but Joseph Nash the other Claimant altho' Solemnly Called, to come into Court & prosecute his Claim against the Libellant does not appear but makes Default and abandons his Claim, and the case after a full hearing is Committed to a Jury Sworn according to Law to try the Same who Return their Verdict therein upon Oath, that is to Say, they find the Same Sloop and her Tackle and appurtenances

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[95r]

appurtenances, were at the time of the Capture the Property of John Coffin the Claimant, who is & at that time was a Subject of the Massachusetts, and that the allegations of the Libellant in his Libel alledged are not Supported." It is therefore Considered and Decreed by the Court, that the said Sloop Fanny her Tackle & appurtenances, found on board her at the time of her Capture aforesaid be Restored to the Claimant

John Coffin; and as to the Cargo & all the Goods found on board said Sloop Fanny, at the time of said Capture, mentioned in the Claim of the said Joseph Nash & Claimed by him; It is Considered & Decreed by the Court, that the Claim of the said Nash is not Supported and that the same Cargo and Goods Claimed by the said Nash be and hereby are Condemned as forfeited; that the Same be sold, & that the Monies thence arising after deducting the Charges of Sale & Condemnation, be delivered to Levi Barlow Commander & his Company of the Armed Boat Called the Speedwell Captors their Agents, or Attorneys, for the use & benefit of the same Captors & others Concerned therein.

From which Judgment & Decree Respecting the said Sloop Fanny, the said Levi Barlow Appealed to the Court of Appeals established by the United States in Congress Assembled. and the said Barlow gave Bond with Surety in the Sum of Eight hundred Pounds for prosecuting said Appeal with effect. which Bond was approved of, by the Court & filed

Bristol ss. Taunton Nov^r: 29th: 1783. Judgment is
entered up according to the Verdicts
& the Court is Adjourned without Day
Att. Cha^s: Cushing Cler

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[95v]

Middlesex ss Commonwealth of Massachusetts.

At the Supreme Judicial Court of
the Commonwealth of Massachusetts be=
gun and held at Concord with and for
the County of Middlesex on the Second
Tuesday of April (being the thirteenth
Day of said Month) Anno Domini 1784.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Nath^l: Peaslee Sargeant

David Sewall and
Increase Sumner Esq^{rs}; Justices

<<

Hathaway v^s. Ingersoll Lib^t. of Sloop Polly

>>

Burton Hathaway Claimant of a Certain Sloop Called the Polly of about fifty tons burthen, with her Cargo and appurtenances, Appellant v^s. Samuel Ingersoll Commander of the private armed Brigantine named the Experiment, Libellant, of the said Sloop Polly her Cargo and appurtenances, as well for the officers, Mariners and Mariners of the said Brigantine as for the Owners thereof and all concerned therein, & Appellee, from the Judgment & Decree of a Maritime Court for the Middle District of said Commonwealth held at Salem in the County of Essex, on Thursday the twenty Second Day of August in the Year of our Lord one thousand Seven hundred & Eighty two when and where the Appellee was Libellant as aforesaid and the Appellant was Claimant as aforesaid, and the Libellant by his Libel filed in said Maritime Court, gave the same Court to Understand and be informed, to Wit, That he the said Samuel being on a Cruise, in the said Brigantine, against the Enemies

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Enemies of the United States of America, & being duly Commissioned, on the high Seas, on the Seventeenth day of June in the Same Year of our Lord one thousand seven hundred and eighty two, did attack & take, and on the last day of the Same June, bring into the harbour of Salem in the said District a certain Sloop named the Polly, of about fifty tons burthen, whereof one John Villot was then Master, laden with forty thousand feet of Merchantable pine boards, ten Spars, and three thousand of white Oak hogshead & barrel Staves; and the said Samuel in his said Libel, doth Charge and Say, that the same Sloop with her said Cargo & Appurtenances, were then the property of Certain Subjects of the King of Great Britain, & others inhabiting within the territories and possessions of the said King, and the said Sloop being then recaptured

by him as aforesaid, from the Enemy, after being possessed by said Enemy, more than twenty four hours, was then & long before, had been employed by the Enemy and was with her Appurtenances and Cargo before the Capture thereof by the Enemy, destined for the Use of the Enemy, to wit, at New York, and proceeding for the Same place, being a Place blockaded and invested by the fleets and armies of the United States & of their Allies; And the said Samuel doth further alledge and Charge that the former master and Supercargo of the Same Sloop, before the capture thereof by the Enemy, intended to go to New-York with said Sloop and her Cargo, being Supplies; and was possessed of Certain papers concerning said Sloop and Cargo, which were double, false and fraudulent, and were afterwards fraudulently destroyed by him; by means of all which & by force of the Laws & ordinances of Congress in

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[96v]

in such case provided, the said Sloop, cargo & appurtenances (the proponent saith) are become forfeit to the Owners, captors, and all concerned as aforesaid. Wherefore the said Samuel prayed advisement thereon and that a Decree, for the Condemnation & distribution thereof according to Law, might be given." And the Said Burton Hathaway, by his Attorney, came into said Maritime Court, and Claimed as his property the said Sloop, her Cargo and appurtenances, and said "that the said Sloop, her Cargo and appurtenances, then and at the time of the recapture were his property; that he is a Subject of the United States of America; that the said Sloop, her cargo and appurtenances, were Retaken from the Enemy, as Set forth in the Libel; and that Salvage only is due to the said Libellants, which exceeds not one quarter of said Sloop her Cargo and appurtenances," all which the said Hathaway was Ready to Verify. wherefore the said Hathaway prayed that the said Sloop her Cargo & appurtenances

may all, on payment of Salvage, be Restored to him:
 At which said Maritime [[^]Court[^]] after a full hearing of the
 parties upon said Libel & Claim, and upon the
 Verdict of the Jury there, Judgment was Rendered
 that "the said Sloop the Polly and her appurtenances
 and Cargo are forfeit; that the same be Sold; and
 that the Monies thence arising, after deducting
 the charges of trial and Condemnation and the
 Charges of Sale, be delivered to the said Samuel Ingersoll
 and his Company of the private armed Brigantine
 the Experiment, captors, their Agents or Attornies for
 the Use and benefit of such Captors, the owners of
 said Brigantine and others in said Capture Concern=
 =ed." This appeal was bro't forward at the Supreme Judicial
 Court held at Boston in & for the County of Suffolk in the
 Middle District of said Commonwealth, on the Third Tues=
 =day of November in the Year of our Lord one thousand
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Seven hundred and eighty two, and from thence Conti=
 =nued from term to term within said Middle District
 to our Supreme Judicial Court held at Boston aforesaid
 for said County of Suffolk, in said District on the
 third Tuesday of February last, when and where
 the parties appeared & the Case after a full hearing
 was Committed to a Jury Sworn according to Law
 to try the Same who Returned their Verdict therein
 upon oath, that is to Say, they find "that the Sloop Polly
 John Vellet late Master, her Cargo & Appurtenances
 were taken and brought in, as Set forth in the Libel,
 and that the facts therein Charged are Supported, and
 that the Claim of the Appellant Burton Hathaway is
 not Supported." and then said appeal was Conti=
 =nued unto this present term for Judgment;

It is now Considered & Decreed by the Court, that the
 said Sloop the Polly and her Appurtenances and Cargo
 be & hereby are Condemned as forfeited; that the Same
 be Sold; and that the monies thence arising after
 deducting the Charges of trial & Condemnation &
 the Charges of Sale be delivered to the said Samuel
 Ingersol and his Company of the private Armed
 Brigantine the Experiment the Captors, their Agents

or Attornies for the Use and benefit of Such Captors, & the Owners of said Brigantine and others in said Capture Concerned; and that the said Burton Hathaway the Appellant take nothing by his Claim

From which Judgment & Decree the said Burton Hathaway Claims an Appeal to the Court of Appeals, established by the United States in Congress Assembled; which is granted upon Condition he give Bond in the Sum of three hundred Pounds, with Sufficient Surety or Sureties to prosecute his said Appeal to Effect, and pay Such Damage and Cost, as the said Court Shall Order and Decree, said Bond given agreeable thereto and filed.

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[97v]

<<

Elkins & al v^s. Plaisted 2^d. Lib^t. of Sloop Good Intent &c

>>

John Elkins, Hezekiah Russell, Henry Coffin, John Lock, Nathaniel Russell and Gideon Drew all of Sherburn in the County of Nantucket & Commonwealth of Massachusetts Mariners, first Libellants of the Sloop called the Good Intent, her tackle & furniture & Appellants v^s. Ichabod Plaisted of Sherburn aforesaid Naval Officer, Second Libellant of said Sloop, her Tackle & furniture, appellee; from the Judgment and Decree of a Maritime Court for the Middle District of the Commonwealth of Massachusetts, held at Boston in the County of Suffolk, on Friday, the Fifteenth Day of August last, when and where the appellants were first Libellants of the said Sloop Good Intent as aforesaid & the Appellee was second Libellant of the Same as aforesaid, and the said first Libellants by their Libel filed in said Maritime Court, gave the Same Court to Understand and be informed, [^to^] Wit, that they the said John Elkins, Hezekiah Russell, Henry Coffin, John Lock, Nathaniel Russell and Gideon Drew, on the high Seas, on the thirteenth Day of December in the Year of our Lord one thousand Seven hundred and eighty one, attacked & took and on the said thirteenth Day of December brought into the Port of Sherburn aforesaid in the Southern District of said Commonwealth, the Sloop called the Good Intent, of about Seventy tons burthen, then Comanded by one William Moores, together with all her the said Sloop's tackle and furniture, and the

said Libellants, in their said Libel alledge, that the said Sloop, tackle & furniture were, at the time of said Capture, the property of & belonging to Some of the Subjects of the King of Great Britain, & were employed by the Enemies of the United States of America, and were captured & Seized within five leagues of Certain of the Shores of this Commonwealth and

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and were illegally imported and intended to be import=
=ed from a place & port under the Dominion of the Said King. By means of all which, and by force of the Laws of this Commonwealth and of the Resolves of the Continental Congress in such case provided, the Said Sloop, tackle and furniture, the said Libellants Say are become forfeit and remain to be distributed to & among the said Captors; wherefore the said Libellants prayed Advisement in the premises, and that by a due Course of proceedings, the said Sloop and her said tackle and furniture might be decreed to be and remain forfeit and be distributed as the Law directs. and afterwards, to wit, on the twenty Seventh day of February in the Year of our Lord one thousand Seven hundred and eighty two, on the petition of the said John Elkins, Hezekiah Russell, Henry Coffin, John Lock, Nathaniel Russell and Gideon Drew, it was Resolved by the General Court of the said Commonwealth as follows, to wit, "that the trial for the Justice of said Capture may be removed from the Maritime Court in Southern Districts, and that the Judge of the Maritime Court for the Middle District may be Authorized and impowered to hear & determine the Same, at his next Maritime Court; That said Libellants have leave to alter the direction of the said Libel, and direct it to the Judge of the Middle District and that the Judge of the Middle District be Authorized & impowered to take Cognizance of of said Libel and Consider it as having been filed before him as Judge of the Middle District and that the said Judge be Authorized & impowered to Ad=
=vertize Said Trial, amongst his other Advertizements

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[98v]

for the Middle District and to use all other process touching the Same as fully and absolutely as [[^]tho'[^]] the said Sloop had been brought in said Middle District." and the said Ichabod Plaisted, Naval Officer for the Port of Nantucket, by his Attorney, then came into said Maritime Court and claimed the said Sloop, her tackle apparel & furniture for the use of Said Commonwealth, Alledging, that on the ninth day of January in the Year of our Lord one thousand Seven hundred and eighty two, he Seized the said Sloop the Good Intent, with all her the said Sloop's tackle apparel and furniture; which Sloop, tackle, apparel & furniture were, at the time of Said Seizure, within the Port of Nantucket aforesaid, and were illegally imported and arrived and intended to be illegally imported into the said port of Nantucket, within the said Southern District from a place and Port Under the Dominion of the King of Great Britain; By means of which and by force of the Laws of this Commonwealth and of the Resolves of Congress in Such case provided, the said Sloop, tackle, apparel and furniture are become forfeit to the use of this Commonwealth." Wherefore the said Ichabod prayed advisement in the premises; and that the said Sloop, her tackle, apparel & furniture might be decreed to be & Remain forfeit, and be distributed as the Law directs. At which said Maritime Court after a full hearing of the Parties upon their Respective Libels, and upon the Verdict of the Jury there Judgment was Rendered "that the said Sloop, the Good Intent, with her tackle apparel furniture and appurtenances be and are forfeit; that the Same be Sold; and that the monies thence arising

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arising, after deducting the charges of trial and Condemnation and the Charges of Sale, be delivered to the said Ichabod Plaisted for the use of the said Commonwealth of Massachusetts." This Appeal was brought forward at the Supreme Judicial Court, held at Boston in and for the County of Suffolk in the Middle District aforesaid on the last Tuesday of August last, and from thence Continued to our Supreme Judicial Court, held at said Boston for said County of Suffolk, on the Third Tuesday of February last, when and where the parties appeared, and the Case after a full hearing was Committed to a Jury Sworn according to law to try the Same, who Returned their Verdict therein upon Oath, that is to Say, they find that John Elkins &c, the first Libellants did not take Seize and bring into Port the said Sloop in the Manner and for the purposes they in their said Libel have Alledged, and they further find, the facts alledged in the second Libel, are fully Supported, and that the Same are Sufficient Causes of forfeiture and condemnation." and then said appeal, was from thence Continued unto this present Term for Judgment; It is now Considered and Decreed by the Court here that the said Sloop, the Good Intent, with her tackle Apparel, Furniture and appurtenances be and hereby are Condemned as forfeited; that the Same be Sold; and that the monies thence arising after deducting the Charges of trial & Condemnation, and the Charges of Sale, be delivered to the said Ichabod Plaisted, for the Use of the said Commonwealth, and that the said John Elkins and Others the first Libellants take nothing by their Libel. From which Judgment & Decree the said John Elkins & others the first Libellants, by their Attorney, Claim an Appeal to the court

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[99v]

Court of Appeals Established by the United States in Congress Assembled, which is Granted upon Condition the said Libellants give Bond in the Sum of three Hundred Pounds, with Sufficient Surety to prosecute their said Appeal to Effect, and pay Such

Damage & cost as the said Court Shall Order and
Decree. Bond given Accordingly & filed.

Middlesex ss. Concord April 17th: 1784.

Judgment according to Law, and the
Court is Adjourned without Day
Att. Jn^o: Tucker Cler

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Bristol ss. Commonwealth of Massachusetts.

At the Supreme Judicial Court of the
Commonwealth of Massachusetts begun and
holden at Taunton within and for the
County of Bristol on the Tuesday next
preceding the last Tuesday of October
(being the twenty first day of said
month) Anno Domini 1788.

By the Hon^{ble}: William Cushing Esq^r: Chief Justice
Francis Dana and
Increase Sumner Esq^{rs}: Justices

<<

Nye v^s Todd

>>

David Nye Commander of the Armed Sloop
Called the Sea Flower for & in behalf of himself as
well as for the Officers Marines & Mariners and all
others belonging to, or Concerned in the said Sloop,
Libellant of the Schooner Pepperrelborough, her
Tackle, apparel, furniture and Cargo, Appellant
v^s. William Todd of Boston in the County of Suffolk
late Master of Said Schooner Pepperrelborough and
Claimant of the Same Schooner her Cargo and
Appurtenances, Appellee from the Judgment &
Decree of a Maritime Court for the Southern District
of the Commonwealth aforesaid holden at Ply=
mouth in the County of Plymouth, for the Counties
of Plymouth, Barnstable, Bristol, Nantucket and
Dukes County on the twenty first day of January
A.D. 1783 when and where the appellant was Li=
bellant as aforesaid and the appellee was Clai=
mant as aforesaid; and the Libellant by his
Libel filed in said Maritime Court, gave the Same

Court to Understand and be informed, to wit, that on the first day of July in the year of our Lord Seventeen hundred & Eighty two, David Nye Commander of the armed

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armed Sloop Called the Sea Flower (duly and legally Commissioned) for and in behalf of himself as well as for the officers Marines and Mariners and all others belonging to, or Concerned in the Same Sloop, that the said Sloop Sea Flower being equiped, Victualled, Fitted out, and armed, at the expence of Sundry persons Inhabitants of the United States of America and the said David Nye, being duly Commissioned Authorized & appointed with his officers, Marines and Mariners (and all being Inhabitants of these United States) on Board the said Sloop Sea-Flower, Sailing on the high Seas, on the twenty Seventh day of June in the Year 1782 aforesaid (and within the Jurisdiction of the said Maritime Court) did discover pursue, apprehend & as lawful Prize take the Schooner Pepperrelborough Commanded by William Todd, burthen about Forty Tons, together with her Tackle, apparel, furniture & Cargo, and the Same Schooner did bring into the Harbour of Wareham within said District, and the said Schooner, her tackle, apparel, Furniture & Cargo, at the time of her Capture afore=
=said, was the property of and belonged to Some Subject or Subjects of the King of Great Britain, Enemies to these United States of America, & was then destined and employed in Carrying Goods, Wares & Merchandizes to & for the use of the British Army & Navy then within the United States of America, and Enemies to Said States, and that the said Goods Wares & Merchandizes then on Board said Schooner, were of the growth, pro=
=duction & manufacture of Great Britain or of Some Territory depending thereon, and destined for Some Place or Port within the United States of America, & then being within three Leagues of the Coast of said Commonwealth; that the said Schooner was

then Carrying on an illicit Trade with the Enemies of the United States of America; and had on Board double and false papers Relative to Said Schooner and Cargo; and that at the time of the Capture of said Schooner & before, She was employed in Carrying Supplies to the Said Enemy and that at the time of the Capture of

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of the said Schooner she was bound to Some part or place within the dominions of the King of Great Britain, and in the possession of said Enemy, and in the power of his Fleets & armies, Contrary to the Ordinances of Congress in Such Cases made & provided, the Laws of this Commonwealth, and the Laws of Nations Wherefore for all or for any of the Causes & Reasons aforesaid Alledged in the Libel aforesaid, the said David Nye, for himself, and for & in behalf of the said Officers Marines & Mariners, & all others Concerned in the said Sloop Sea Flower prayed, that the said Schooner her tackle apparel, furniture and Cargo might be adjudged to be and remain forfeit to the use of the Captors thereof, and of all Concerned in said Sloop Sea-Flower, according to the ordinances of Congress in Such cases made & provided, and the Laws and Acts of this Commonwealth": And the time & place of trial at the said Maritime Court having been duly Notified the said David Nye the Libellant appeared, and the said William Todd late Master of the Said Schooner Pepperrelborough came into the Same Maritime [^Court^] and in behalf of himself and all Concerned Claimed the said Schooner with her Cargo and appurtenances, against which a Libel was filed in said Court, in behalf of David Nye Commander of the Armed Sloop Sea-Flower, and all Concerned therein. Whereupon the said William said, that the said Shooner Pepperrelborough, her Cargo and appurtenances before & at the time of her said Capture was the property of & belonging to Some of the Subjects of the said Commonwealth & others Inhabitants of Some of the United States of America, that the Same Vessel & her Cargo were Captured and brought into Port at the time Set forth in the Libel

without any Cause or Colour of Cause therefor, and that the other Facts Contained in said Libel are false and groundless. wherefore the said William prayed that the said Schooner Pepperrelborough with her Cargo & appurtenances might be Restored to

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[101v]

to him for the use of all concerned as aforesaid, and for his Costs: At which said Maritime Court after a full hearing of the parties upon the said Libel and Claim and upon the Verdict of the Jury there Judgment was Rendered, "that the said Schooner Called the Pepperrelborough with her tackle apparel & furniture & the goods wares & Merchandize found on board her at the time of her Capture aforesaid be Restored to the Claimant William Todd for the Uses Set forth in said Claim." This appeal was brought forward at the Supreme Judicial Court, held at said Barnstable for the Counties of Barnstable and Dukes County in the Southern district aforesaid on the fourth Monday of May A.D. 1785, by Adjournment from the Wednesday next preceding the third Tuesday of the Same May, the day by law appointed for holding said Court, by Virtue of a Resolve of the General Court passed the Eleventh day of November A.D. 1784 permitting the said Nye to enter his said Appeal at the Supreme Judicial last aforementioned which Supreme Judicial Court by the Same Resolve was impowered to Sustain said Appeal, and the Same proceedings might be had thereon, as if the said appeal had been Seasonably entered according to Law viz. at the Supreme Judicial Court held at Barnstable aforesaid on Wednesday next preceding the third Tuesday of May in the Year of our Lord Seventeen hundred & Eighty three being the term of the said Court, to which the said Nye appealed; and from thence said appeal was Continued from Term to Term within the Southern District aforesaid to the Supreme Judicial Court held at said Barnstable for said Counties of Barnstable and Dukes County on the first Wednesday of June A.D. 1787 by Adjournment, when & where the parties appeared and agreed to refer the above

Libel and Claim to the determination of David Cobb, Seth Padelford and Ebenezer Thayer Esquires their Report to be made at the next August Supreme Judicial Court to be holden at Boston, and Judgment thereon to be final, and Execution to issue

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issue accordingly; and from thence said appeal was Continued (under said Rule) from Term to Term in said District unto this Term, and now the Referees Report in Writing as on file, which is Read and accepted and pursuant thereto; It is Considered and Decreed by the Court, that the said Schooner Pepperrelborough, together with her Tackle, Apparel, Furniture, and Cargo be and hereby are Condemned as forfeited; that the Same be Sold, and that the monies thence arising after deducting the Charges of Trial and Condemnation in the Maritime Court, and the Charges of Sale, be to the use of the said David Nye and his Company belonging to the owners of the armed Sloop Called the Sea-Flower, the Captors and any others in said Capture Concerned, And It is further Considered by the Court here that the said David Nye recover against the said William Todd his Costs taxed at £

N.B. Costs upon the appeal only to be taxed

Bristol ss. Taunton October 25th: 1788 Judgment
According to Law and the Court is Adjourned
without Day Att. Jn^o. Tucker Cler

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