Barbados

Be it known to all to whom these Presents shall Come that the papers writing hereunto annexed being or purporting to be and by me Attested as true Copys of an Information Exhibitted in the Court of Vice Admiralty for this Island Established by Francis Grant Esquire Commander of his Majesty's Ship Greyhound who as well as Prosecuted for Condemnation Of a Certain Ship or Vessell called the Patient Mary with her Boat Tackle furniture, Ammunition and Apparel with three Casks of Tanned hides, One large Case of French Brandy and Genova containing twenty Seven Gallons, Three hampers of Claret Containing twenty Dozen and two Quart bottles, One Case of Claret Two Cases of Cordial waters, and one hand Basket with Cordial Waters, on Board the s.d Ship by him seized in Carlisle Bay in the Island aforesaid and of the Claim Admitted by the said Court to be made of the said Ship or Vessell with her Boat &c and the Cargo on board her, and of the Proceedings had thereon and of the Final Decree of the said Court made on hearing the said Cause Are true Copies of the Original Information Claim Proceedings and Decree whereof they purport to be and are Copies and were by me John Ross Estwick Deputy Register of the said Court carefully compared and examined with the Original Information Claim Proceedings and Decree now remaining in my office of Register of the said Court

In Testimony whereof I have hereunto subscribed my Name and Affixed the Seal of the Court of Vice Admiralty for the Island of Barbados Established at Bridge Town in the said Island this Fifth day of October —— One thousand Seven hundred & Sixty five And in the fifth Year of Our Reign.

John Ross Estwick
Dep.y Reg.r Cur. Vice Adm.y

Barbados
In Cur. Vice Adm } To the Honourable John Maynard Esquire, Judge of the Court of Vice Admiralty for this Island Established

The Information of Francis Grant Esqr. Captain of his Majesty's Ship Grey hound late Commander of his Majesty's Sloop Merlin and the Officers of the Customs to Seize prohibited and Uncustomed Goods: who as well for his said Majesty as for himself the said Francis Grant and the Officers and Crew of his Majesty's said Ship Grey hound in this behalf Prosecuteth

The said Informant who as well for his said Majesty as for himself and the officers and Crew of his Majesty's said Ship Grey hound in this behalf Prosecuteth giveth your Honour in the Court here to Understand and be informed that notwithstanding a certain Act or Statute made at Westminster in the fifteenth year of the Reign of his late Majesty King Charles the Second Intituled "an Act for the encouragement of Trade" and one Other Act or Statute made at Westminster aforesaid in the third year of the reign of his Present Majesty entituled "An Act for the further improvement of his Majesty's Revenue of Customs and for the encouragement of officers making Seizures and for the Prevention of the clandestine running of goods into any part of his Majesty's Dominions and one Other Act or Statute made at Westminster aforesaid in the fourth year of the Reign of his said Present Majesty entituled "An Act for granting certain duties in the British Colonies and Plantations in America for continuing amending and making perpetual an Act passed in the Sixth Year of the reign of his late Majesty King George the Second intituled "an Act for the better securing and encouraging the "Trade of his Majesty's Sugar Colonies in America" for applying the Produce of such duties and of the duties "to arise by virtue of the said Act towards defraying the expences of defending Protecting and "securing the said Colonies and Plantations: for explaining an Act made in the twenty fifth "Year of the reign of King Charles the Second intituled "an Act for the encouragement of the Greenland and Eastland Trades and for the better securing the Plantation Trade" and for altering and disallowing several drawbacks

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On exports from this Kingdom, and more effectually preventing the Clandestine conveyance of Goods to and from the said Colonies and Plantations and improving and securing the Trade between the same and Great Britain" and diverse other acts & Statutes of Great Britain in such cases made and Provided all now in full force, One William Singleton Master and Commander of a certain Ship or Vessell called the Patient Mary and having the charge thereof and of the Goods and Merchandize therein Laden the Owners and Proprietors whereof are unknown to this Informant did on or about the Eighteenth day of June instant And before the exhibitting this Information import into Carlisle Bay in this Island within the Jurisdiction of this Court in the said Ship Patient Mary diverse Goods Ware and Merchandizes to wit Three Casks of Tanned hides. one large Cave of French Brandy and Geneva containing twenty Seven Gallons or thereabouts, Three hampers of Claret containing twenty Dozen and two Quarterbottles or thereabouts. one Case of Claret. Two Cases of Cordial waters And one hand basket with Cordial Waters. all of them Commodities of the growth Production or manufacture of Europe whereupon this Informant having received a Deputation or Commission from the Commissioners of his Majesty's Customs for that Part of Great Britain called England (they having full Power to grant the same) to seize Prohibited and uncustomed Goods and for that Purpose to enter into any Ship. Bottom. Boat or other Vessel and also into any house. Shop. Cellar. Warehouse or other place whatsoever: And having also received Instructions from the said Commissioners of the Customs whereby after being directed to observe that by the aforesaid Statute made in the fifteenth year of the reign of his late Majesty King Charles the Second no Commodities of the growth Production or manufacture of Europe or the East Indies can be imported into any British Plantation other than such as shall be brought directly from the Kingdom of Great Britain (except Salt for the fisheries of New England Newfoundland. Pensylvania and New york and Salt by British subjects into Nova Scotia. Wines laden in the Madera or Western Islands or Azores of the growth of either of them. Servants and horses and all sorts of Provisions Shipped or laden in Ireland of the growth or Production thereof respectively and Linnen Cloth of the Manufacture of Ireland exported directly from thence to the British Plantations) he was ordered That if any Ship or Vessel should import Any other commodities of the growth Production or manufacture of Europe or the East Indies than ~~xxx~~ as aforesaid of which

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Due proof should not be made that they were shipped on board in some part of Great Britain, to seize and Prosecute the same as forfeited with all her Gunns Tackle and apparel and also all such commodities And the said Commissioners by their said Instructions having observed that several masters of Ships not contenting themselves with the Priviledges allowed by Law for carrying Provisions from Ireland to the Plantations had expressly contrary thereto taken in with their Provisions several sorts of goods of the manufacture of that Kingdom And furnished the Plantations therewith to the manifest wrong and Injury of the Trade navigation and revenue of the Customs of Great Britain They direct this Informant to be particular cautious and exact in regard to all Ships, more especially Provisions shipped from Ireland And where they should be found any European Goods that should not appear by the Cocquets and Certificates to have been first shipped or laden in some part of Great Britain to seize such Vessels importing the same as forfeited by the aforesaid act of the fifteenth year of the reign of his said late Majesty King Charles the Second: and this Informant having also received Instructions from the Right Honourable the Lords Commissioners of the Admiralty requiring him to use his utmost endeavours to put the said act of the fifteenth year of the reign of his said late Majesty King Charles the second and other the acts therein mentioned into execution and to seize and proceed to condemnation of all Ships and Vessels offending against the same And being further required and directed by the said Instructions to conform and pay the strictest regard to the aforesaid Instructions from the said Commissioners of his Majesty's Customs and to exert his utmost diligence in the Execution of the same And this Informant being legally authorised to enter upon the execution of his said Office by taking the usual Oaths enjoined by Law: he on or about the said Eighteenth day of June instant before the exhibiting this Information being on his Station in Carlisle bay aforesaid and duly Authorised and impowered in manner aforesaid did in Carlisle bay aforesaid seize And to the use of our said Lord the King and of him this Informant and the officers and Crew of his Majesty's said Ship Greyhound as forfeited belonging did arrest the said Ship Patient Mary together with all her Guns Tackle furniture Ammunition and apparel and also the said three barrs of tanned hides. The said large case of French Brandy and Geneva. The said three hampers of Clarret, the said Case of Claret, the said two Cases of Cordial waters and the said Basket of Cordial waters

the

the s^d three Casks of tanned hides, the s^d large Case of French Brandy and Geneva, the s^d three hampers of Claret
the s^d Case of Claret, the s^d two Cases of Cordial Waters and the said Basket of Cordial Waters —
Being then laden on board and then part or parcel of the Cargo
of the said Ship Patient Mary, for that, to wit, Because the
said Ship Patient Mary was on a secret clandestine and illicit
Trade and Because the said three Casks of tanned hides, the
said Case of French Brandy and Geneva, the said three hampers
of Claret, the said Case of Claret, the said two Cases of Cordial
Waters and the said Basket of Cordial Waters being all and
every of them commodities of the growth Production or manu-
facture of Europe, the said William Singleton being the Master
and Person having the charge of the said Ship Patient Mary
did not Produce a Cocquet or clearance from any officer of his
Majesty's Customs certifying that the said three Casks of tanned
hides, the said Case of French Brandy and Geneva, the said
three hampers of Claret the said Case of Claret the said two Cases
of Cordial Waters and the said Basket of Cordial Waters were
laden on board the said Ship Patient Mary in some Port of
Great Britain AND Because the said three Casks of tanned
hides, the said Case of French Brandy and Geneva, the said
three hampers of Claret, the said Case of Claret, the said two Cases of Cordial Waters and the said Basket of Cordial Waters
being Commodities of the growth Production or manufacture
of Europe as aforesaid were on or about the said Eighteenth
day of June instant before the exhibiting of this Informa-
tion contrary to the form of the Statutes in that case made
and Provided imported as aforesaid into Carlisle Bay aforesaid
by the said Ship Patient Mary from the Port of Cork in Ireland
none of which said three casks of tanned hides, Case of French
Brandy and Geneva three hampers of Claret, Case of Claret,
two Cases of Cordial Waters and basket of Cordial Waters
had been bona fide and without fraud laden & Shipped in
England Wales or the Town of Berwick upon Tweed or in
Great Britain and carried directly from thence as by law
is required WHEREFORE the said Francis Grant as well
for our said Lord the King as for himself and the officers
and Crew of the said Ship Greyhound prays the advisement
of this honourable Court in and upon the Premisses and
that the usual Process thereof may for that Purpose issue
against the said Ship Prudent Mary with her Guns
Tackle Ammunition and apparel and also against the
said three Casks of Tanned hides the said Case of French Brandy
and Geneva, the said three hampers of Claret, the said Case of
Claret.

Claret the said two Cases of Cordial Waters and the said basket of Cordial Waters seized by him the said Informant as aforesaid And that the said Ship Prudent Mary with all her Guns Tackle furniture Ammunition and apparel and also the said three barrels of tanned hides. the said Case of French Brandy and Genova, the said three hampers of Claret, the said Case of Claret, the said two Cases of Cordial Waters and the said basket of Cordial Waters for the Causes aforesaid be forfeited and confiscated and that such forfeiture and confiscation may be applyed divided and distributed in such manner as by the aforesaid Acts made in the third and in the fourth years of the Reign of his Present Majesty is directed and appointed.

Wm Moore
Hon: Duke

Filed June the 25th 1765. Ver: Cop: Exam.
Proclamation issued thereon.

John Rous Ottwick
Dep: Reg: Cur: Vice Adm:

Barbados
In Cur. Vice Adm } At a Court of Vice Admiralty for this Island Established held at the Town Hall By the Honble John Maynard Esqr. Sole Judge of the said Court On Friday the 28th day of June 1765

Mr. Duke of Counsel for Capt. Grant On his Information against the Ship Patient Mary acquainted his Honour the Sole Judge that there had been a Mistake in the copying of the Information in that Part where they prayed Process against the said Ship. as they had called her the President Mary instead of the Patient Mary. and therefore Prayed the same may be amended. which was accordingly Granted.

June the 27th 1765. } Petition for leave to claim. filed. And the Prayer thereof Granted.

July the 4th ..... } Petition for further time to Plead. Answer or Demurr filed _____ & the Prayer thereof Granted.

5th ..... } Caveat to stop any other Proceedings of the Coll. against the said Ship. filed. _____

Ver: Cop: Exam:
John Rous Ottwick
Dep: Reg: Cur: Vice Adm:

Barbados.

Barbados } To the Honorable John Maynard Esq.
In Cur. Vice Adm. } Sole Judge of his Majesty's Court of Vice Admiralty for this Island Established.

The Humble Petition of William Singleton late Master and Commander of the Ship Patient Mary and of Samuel Welch Merchant Owners of the said Ship Patient Mary with her Boats Guns Tackle Furniture, Ammunition and Apparel and also Owners of the Goods Wares and Merchandizes on board the said Ship ——————

Sheweth,

That on the twenty fifth day of June last Francis Grant Esquire Captain of his Majesty's Ship Grey hound (late Commander of his Majesty's Sloop Merlin) being or Pretending to be impowered as an Officer of the Customs to seize Prohibited and Uncustomed Goods &c. filed his Information in this Honourable Court Praying Condemnation of the aforesaid Ship Patient Mary with her Guns Tackle Ammunition and Apparel and also such of the Goods Wares and Merchandizes as in the said Information are mentioned Seized by the said Informant in Carlisle Bay within the Jurisdiction of this Court for the Causes in the said Information mentioned and set forth.

That the Usual Process of this Court having issued against the said Ship and the Goods Wares and Merchandizes in the said Information set forth a Return thereof hath been made.

That your Petitioners were admitted to Claim the said Ship and the Goods Wares and Merchandizes in the said Information set forth on the usual terms.

That Your Petitioners afterwards (to wit) on the day of this Instant July Preferred their Petition to your Honour Praying a Week's further time for the Reasons in the said Petition set forth. to file their Claim and to Plead Answer or Demurr, to commence from the expiration of the time before allowed them for that Purpose. the Prayer whereof your Honor was Pleased to Grant.

That Your Petitioners have since been advised by

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Their Counsel that they ought to have Oyer of the said Informants Deputation and Instructions set forth in the said Information before they can make a proper Defence to the said Information and your Petitioners have accordingly applied to the Proctor for the said Informant as well as to the Deputy Register of this Honorable Court and craved Oyer of the aforesaid Deputation and Instructions which Your Petitioners have not been able to obtain.

Your Petitioners therefore humbly Pray your Hono^r to Order and direct that the said Informants or his Proctor do give your Petitioners Oyer of the Deputation and Instructions mentioned in his said Information before your Petitioners be compelled to file their said Claim or to Plead Demurr or Answer to the said Information And also to Grant them a Weeks time to put in their said Claim and to Plead Demurr or Answer to the said Information to commence from the time of Oyers being given.

And your Petitioners shall ever Pray &c

July the 10th 1765 Filed.

J. Stone
Chas Brandford.

The Prayer of this Petition is hereby Granted Unless Cause be shewn to the Contrary by 11 o'Clock to Morrow. — J. Maynard.

July 12th 1765.

Barbados
In Court Vice Adm.

Ver: Cop: Exam^d
John Ross Estwick
Dep: Reg^r

At a Court of Vice Admiralty for this Island Established held at the Town Hall by the Honble John Maynard Esquire Sole Judge of the said Court On Saterday the 13th day of July 1765.

Grant Quitance & Ship Patient Mary

THEN the Petition of the Claimants and Defendants Samuel Welch and William Singleton craving Oyer of the Informants Deputation and Instructions was read and Counsel On both sides having spoke fully thereto His Honor the Sole Judge was Pleased to Order that Oyer of the said Informants Deputation

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And Instructions be given & that the said Claimants & Defendants depositt in their Defence within Eight Days after such Oyer has been given.

Then a Motion by the Advocates for the Defendants was made, that all the Papers belonging to the said Ship Patient Mary should be lodged with the Register of this Court which the Judge was pleased to Order Accordingly.

Ver: Cop: Exam:
John Ignc Ethsick
Dep: Regr: Cur: Vice Ad:

BARBADOS
In Cur: Vice Adm } The Claim and Demurrer of William Singleton Mariner late Master and Commander of the Ship Patient Mary and of Samuel Welch Merchant Owners as well of the said Ship Patient Mary with her Boats, Guns, Tackle, furniture Ammunition and Apparel as of all the Goods On board the said Ship (by the Court Specially Admitted to Claim and Defend the said Ship Patient Mary with her Boats, Guns, Tackle, Furniture, Ammunition and apparel and also the Goods Wares and Merchandizes on board the said Ship in the Informants Information mentioned to the Information of Francis Grant Esquire Captain of his Majesty's Ship Grey-hound (late Commander of his Majesty's Sloop Merlin).

The said Claimants and Defendants come and Pray Oyer of the said Informants Deputation and Instructions from the Commissioners of his Majesty's Customs in Great Britain and of the said Informants Instructions from the Right Honourable the Lords Commissioners of the Admiralty in the said Informants Information mentioned and set forth and they are read to them in these words, to wit. We the Commissioners for Managing and causing to be levied and collected His Majesty's Customs Subsidies and other Duties Do Hereby Depute and Impower Francis Grant Esquire Commander of his Majesty's Sloop the Merlin to be an Officer of the Customs to seize Prohibited and Unaccustomed Goods by Virtue whereof He hath Power to enter into any Ship, Bottom, Boat or other Vessell and also at all Lawful times to enter into any house, Shop, Cellar, Warehouse or other Place whatsoever there to make diligent Search into any Trunk, Chest, Case, Pack, Truss or any other Parcell or Package whatsoever for any Goods Wares or Merchandize Prohibited to be Exported or Imported or whereof the Customs or other Duties have

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Not. been duly paid and the same to Seize to His Majesties use and to put and secure the same in the warehouse of the Port next the Place of Seizure: In all which Premisses he is to Proceed in such manner as the Law Directs. Hereby praying and requiring all and every His Majesties Officers and Ministers and all others whom it may Concern to be aiding and assisting to him in all things as beareth. GIVEN under Our hands and Seal at the Custom House London this Twenty second day of June in the third Year of the Reign of Our Sovereign Lord King

(Seal) George the third, and in the Year of Our Lord One Thousand Seven hundred and Sixty three.

W. Musgrave E. Amyand. T. Frederick. H. Pelham.

Rochester 25 June 1763.

Security given L. Nightingale Coll.r

By the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland &c.

Whereas, by the Act of Navigation of the 12th Year of King Charles the Second, and by an Act of the Seventh and Eighth Year of King William the third, and other Acts of Parliament, it is Provided that no Goods or Merchandizes whatsoever shall be imported into, or exported out of any Colony or Plantation belonging to or in the Possession of his Majesty in Asia, Africa, or America, or shall be laden in or carried from any one Port, or place in the said Colonies or Plantations to any other Port or Place in the same in any Ship or bottom, but what is of the built of Great Britain, or of the built of Ireland or of the said Colonies or Plantations and wholly owned by the People thereof, or any of them and navigated with the Masters and three fourths of the mariners of the said Places only, under pain of forfeiture of Ships and Goods. And whereas by an Act of the fifteenth Year of King Charles the Second & Other acts of Parliament, several regulations are made to Prevent the importation of goods into any of the British Colonies or Plantations from any Part of Europe except from Great Britain and also to prevent the carrying Goods from

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ANY of the British Colonies or Plantations to any part of Europe except Great Britain, under the penalty of Confiscation of Ships and Cargoes, subject to the exceptions therein contained which together with such other exceptions as have been made by subsequent Acts of Parliament, will be more Particularly Pointed out to you in the Instructions you will receive from the Commissioners of his Majesty's Customs; You are hereby required and directed to use your utmost endeavours to put the several Acts of Parliament above mentioned, or referred to, into execution, within the limits of your Station and to seize and Proceed to Condemnation of all such Ships and Vessels as you shall find offending against the said Laws.

AND whereas you will receive a Deputation from the Commissioners of his Majesty's Customs empowering you to Seize any Goods Wares and Merchandizes Prohibited to be exported, out of, or imported into, any of his Majesty's Dominions with instructions for your better guidance and Proceedings therein. We do hereby Further Require and direct you to conform and pay the strictest regard thereto and to exert your utmost diligence in the Execution of the said Powers.

GIVEN under our hands the 1st July 1763.

Sandwich.

Sandwich.

Howe.

To

Capt. Grant Commanding of His Majesty's Sloop the Merlin at Sheerness

By Command of their Lordships

Ph. Stephens.

Instructions

Instructions

To Francis Grant Esq.r

Commander of his Majestys Sloop the Merlin

Whereas in Consequence of an Act of the third of Geo. III for the more effectual Prevention of the infamous Practice of Smuggling, and at the request of the Right Honourable the Lords Commissioners of the Admiralty, we have thought fit to grant you our Commission, empowering you to Seize Prohibited and Uncustomed Goods. Now to the End you may be the better informed of the Nature and Importance of the Trust thereby reposed in you And that the Purposes thereby intended may be the more fully Answered, we do hereby Recommend to you the observance of the following Instructions.

I. You are, on the first Opportunity after your arrival at your Station, to take the usual Oath before the Governor of the Island to whom you have our Letter for that Purpose) for the true & faithful Discharge of the Trust reposed in you, pursuant to which you will not be legally authorized to enter upon the Execution thereof.

II. In Case you shall discover any Ship or Vessel in any Bay, Creek or other place, within your Station with any foreign Goods, which you shall find to have privately broken Bulk and to have put any Part of her Lading on Shore, you shall make Stay of such Vessel or Vessels and Seize all the Prohibited Goods on Board, and Deliver her, with the Remainder of her Lading to the Collector of the next Port, without any Manner of Embezzlement with an Account of your Proceedings & the Proofs of such Vessell having broke Bulk, and you are also to seize the Boat or other Vessel into which the Goods were unladen, and also the said Goods, if you can discover them; otherwise to give the best Information you can thereof to the next officer or officers on Shore, for the better enabling him or them to search for the same

III. We recommend to your frequent Perusal and attention the several Laws relating to the Plantation Trade particularly the Act of 12 Charles II for encouraging and encreasing the Shipping & Navigation

and

AND the Act of 7th and 8th of William the third for preventing of Frauds and regulating abuses therein: and if in the Execution of your Trust any Doubts should arise, you are to Apply to the Surveyor General of the Customs for the time being, who has our directions to give you all the Information and Assistance in his Power for the good of the Service, and to furnish you with a List of the Several officers of the Customs within your Station, in Order that you may correspond with them in such matters as may be Necessary for the better execution of the said Laws.

IV. If in your cruizing you shall meet with any Ship which upon Inquiry or Observation, you shall have Cause to suspect to have any Commodities on Board, intended to be Smugled or Privately landed, you are diligently to attend the motion of such Vessell and keep her Company till you see her clear of the Coast within your Station, taking care she does not unload Any Goods by the Way into Boats or put them a shore in Creeks or other Private Places: And if any Ship or Vessel laden as afore said in Part or in whole, shall Voluntarily come into any Harbour, Bay, Creek or other Place within your Station, (although you cannot discover that such Ship or Vessel hath broken Bulk) and shall, without ~~some~~ Just Cause, delay to prosecute her Voyage with the first Opportunity of Wind and Weather, you shall make Stay of such Vessel and Lading, and deliver the same to the next Collector within your Station, or other chief officer of the next Port, with Proof of her voluntary coming in, having herein a more special regard to such Small Vessels whose built & Bulk bespeaks them only for a Smuggling Trade, and not for a foreign Trade, to which they will often Pretend to be bound: and when you make Stay of, or Seize any Ship, you are to Seal up the Hatches and take Care to deliver the same to the next Collector within your Station, without any manner of Embezzlement.

V. You are to take Notice, that, by the Act of Navigation, no Goods or Commodities whatsoever are to be Imported into, or exported out of any of his Majesty's Colonies or Plantations in any other Ship or Vessel whatsoever, but in such as do truly)

Truly, and without Fraud, belong only to the People of Great Britain or Ireland, or are of the Built of, or belonging to any of the said Colonies or Plantations as the Proprietors and right owners thereof, and whereof the Master and three fourths of the Mariners at least are British under the Penalty of the Forfeiture and Loss of all the Goods and Commodities which shall be imported or exported in any Ship or Vessel importing or exporting the same, and to direct Prosecution thereof, as in the said Act is provided. And whereas it is required that the Master and three fourths of the Mariners at least are British you are to Understand that any of his Majesty's Subjects of Great Britain, Ireland, Guernsey and Jersey or the Plantations are to be accounted British, and no others, and that the Number of Mariners are to be accounted according to what they shall have been during the whole Voyage.

VI Upon your seizing of any Ship or Goods, you are to send or carry the same to the next Port within your Station to be delivered to the Collector of such Port to be Proceeded against according to Law: for which Purpose, you are to furnish such Collector with the Quantity and Quality of the Goods seized, the Grounds of Seizure, and the particular Circumstances attending the same.

VII. You are to observe that, by the Several Laws in the Margin, no Tobacco, Cotton, Wool, Indico, Ginger, Fustic or other Dying wood, Molasses, Hemp, Copper Ore, Beaver Skins or other Furs, Pitch, Tar, Turpentine, Masts, Yards and Bowsprits, nor any Sugar or Rice (except by License and under the Regulations of the 3d Geo. II. C 28. and 12 Geo. II C 30) of the growth, Production or Manufacture of any of the British Plantations, can be carried from thence, unless to some other British Plantation or to the Kingdom of Great Britain to be there Landed, upon Forfeiture of the Goods or their Value and of the Ship and Furniture.

12 Car. II C 18 §. 18
22 and 23 Car II C. 26 §. 10
11 and 12 25 Car. II C 7 §. 3
3 and 4 Ann C 5 §. 12
C 10 §. 7
12 Ann C. 9 §. 1
8 Geo. 1 C 15 §. 25
C 18 §. 22

VIII. You are also to observe, that by the 10 and 11 William III C 10 Sect. 2 & 19. no Wool, Wool Fells, Shortlings, Mortlings, Wool Flocks, Worsted Bays or Woolen Yarn, Cloth, Serge Bays, Kerseys, Sheep Skins, Druggets, Cloth-Serges, Shalloons, or any other Diapery Stuffs or Woolen Manufactures of the Product or Manufacture of the British Plantations in America, nor any Hat or Felt by the 5th Geo II C 22. may be laden on board any Ship or Vessel within the said Plantations, upon any Pretence whatsoever, upon Forfeiture of the Ship and Goods, and 500 L.

IX. Whereas by the act of the 7th & 8th William III. no Ship or Vessel

Shall from and after the 25th. of March 1690 be deemed as passes as a Ship of the Built of Great Britain, Ireland, Guernsey or Jersey or any of his Majesty's Plantations in America, so as to be Qualified to Trade to and from, or in any of the said Plantations until the Person or Persons claiming Property in such Ship or Vessel shall Register the same, in form and manner as is thereby appointed. If any Ship or Vessel shall be found trading to, from, or in your Station, and not having made Proof of her Built and Property as is thereby directed, such Ship or Vessel will be liable to such Forfeiture and Forfeiture as any foreign Ship should be liable to by this Law for trading to the Plantations: In which Law it is Provided, that all such Ships as have been, or shall be taken at Sea by Letters of Mart or Reprisal, and Condemnation thereof made in the High Court of Admiralty of Great Britain as Lawful Prize, shall be specially registred, mentioning the Capture and Condemnation, instead of the time and Place of Building, with Proof also, upon Oath, that the entire Property is British, before any such Prize shall be allowed the Privilege of a British Built Ship, according to the meaning of the said act; wherein you will observe it is further Provided, that nothing therein shall be construed to require the registering any Fishing Boats, Hoys, Lighters, Barges or any other open Boats or Vessels (though of British or Plantation Built) whose Navigation is confined to the Rivers or Coast of the same Plantation or Place where they trade respectively, but only such as Cross the Seas, to or from any the Lands, Islands, Places or Territories, in the said Act Recited, or from one Plantation to another; nor shall any Ships Name registered, be afterwards changed without registering such Ship de Novo, which by the last Clause in the aforesaid Act is required to be done upon any Transfer of Property in another Port, and delivering up the former Certificate to be Cancelled, under the same Penalties and the like method therein before directed.

X You are to Observe, that by the 15 Charles II Cap. intitled an Act for the Encouragement of Trade, and the 7 Geo. I C. 20. Sect. 9 no Commodities of the Growth, Production or Manufacture of Europe, or the East Indies can be imported into any British Plantation, other than such as shall be bought directly from the Kingdom of Great Britain, and in such Shipping

and

AND so Navigated according to Law, (except Salt for the fish-
15 Car II, ries of New England, Newfound land, Pensylvania and New York &
C. 18. 7 Salt by British Subjects into Nova Scotia, Wines laden in the Madei-
3 & 4 ann ra or Western Islands, or Azores of the Growth of either of them;
C 8 §. 1 Servants and Horses, and all Sorts of Provision shipped or laden
3 Geo. 1 in Ireland of the Growth or Production thereof respectively, in Ships
C 18 §. 1 Qualified and Navigated as aforesaid, and Linen Cloth of the
3 Geo. 2 Manufacture of Ireland exported directly from thence to the British
C 12 §. 1 Plantations by British or Irish), and if any Ship or Vessel shall
2 Geo. III import any other Commodities of the Growth, Production or Manu-
C 24 §. 1 facture of Europe, or of the East Indies than as aforesaid, of which
as to the Exceptions due Proof shall not be made, that they were shipped on Board in some
Part of Great Britain, the same Ship or Vessel is forfeited with
all her Guns, Tackle and apparel &c. and also all such Commo-
-dities, which you are to seize and Prosecute according to Law.

XI AND because ~~that~~ we Observe that several Masters of
Ships, not contenting themselves with the Priviledges allowed by
Law, for carrying all sorts of Provisions from Ireland to the
Plantations, have expressly contrary thereunto, taken in
with their Provisions Several sorts of Goods of the Manufacture
Of that Kingdom and furnished the Plantations therewith, to
the manifest wrong and Injury of the Trade, Navigation and
Revenue of the Customs in Great Britain. you shall be particularly
Cautious and Exact in regard to all Ships, more especially Pro-
-visions shipped from Ireland, and where there shall be found any
European Goods that shall not appear by the Cocquets and
Certificates to have been first shipped or laden in some Part
of Great Britain. you are to seize such Vessels importing the
Same, as forfeited by the Act for the Encouragement of Trade
made in the 15th Charles II except in the Cases herein before
Expressed.

XII The better to prevent a abuse practised by Ships which come
from Holland and other places, and enter for the Plantations;
and under Pretence of carrying stores, do carry Considerable
Quantities of Cordage, Sails, Arms, Powder, and other Ammuni-
-tion without regular Cocquets for the same, we have given
Direction to the officers of the Ports in this Kingdom where such
Ships usually clear that they do not, for the future, allow more
than a Barrel of Powder containing 112 lb to every four Guns
mounted, and so in Proportion, and one Sett of Small Arms to
each man, and one sett of Spare Sails to each Ship, and

As much Cordage as may be necessary for her Navigation: and having directed the said officers to deliver to the Master of every Ship a Certificate under their Hands and Seals, of the Quantity of Ammunition and Stores allowed, agreeable to the Rules above mentioned: We direct you, in case any of the Ammunition or Stores which shall be allowed as above-mentioned, be afterwards landed in the Plantations, or if any shall be imported without regular Cocquets being first produced of their being entered Outwards, or put on Board in some Port of this Kingdom to seize and Prosecute the same according to Law.

XIII. And whereas by Certain Clauses in an Act made in the 5th Year of the reign of his late Majesty King George the 1st intitled, an Act against clandestine Running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs, the officers of the Customs are empowered to go On Board every Ship or Vessel of the Burthen of 50 Tons or under, laden with Customable or prohibited Goods which shall be found hovering on the Coasts within the Limits of a Port and not proceeding on her Voyage Wind & Weather Permitting to take an Account of the Lading, and to demand Security from the Master by his own Bond, to be entered into unto his Majesty his Heirs and Successors for the said Ships regularly proceeding on her Voyage, and in Case of the Masters Refusal to enter into such Bond, or not proceeding regularly On his Voyage, the officers of the Customs were by the said Act impowered to bring on Shore all the Foreign Goods found on Board such Vessels, and in Case the said Goods were Customable, that the Customs and Duties should be paid for the same. And in Cases of Wool, or other Goods liable to Forfeiture which might be found on Board such Ships, the same were declared Subject to forfeiture, and might be Prosecuted accordingly. And whereas the said Laws are now extended to the rest of his Majesty's Dominions. You are therefore to be very attentive to the Motions of such Ships which you may find so hovering, with a view of carrying on some illicit Trade, and to oblige the Masters of such Ships or Vessels to Proceed on their respective Voyages, or give the Security by Law required and also to give Notice thereof

to

To the Collector, that a Proper Account may be taken of her Lading And Secured according to the directions of the Act

XIV. And whereas, we have thought fit, at the Request of the Lords Of the Admiralty to grant our Commission to Richard Murray belonging to his Majesty's Ship under your Command: You are to take care that the said Persons do also Qualify themselves for the execution of the Trust thereby reposed in them, the first Opportunity after your Arrival in your Station; and if either of them should die, or be removed from such Ship, you are to take Possession of their Commissions and Instructions And deliver the same either to the Surveyor-General of the Customs for the time being, or to the Collector of the Customs at the first Port at which you may arrive, and if you find it Necessary for the Service that Persons should be appointed to Succeed them, you are in that Case to apply to the said Surveyor General, who has a Proper Authority to make such Appointments until the Same can be Represented to us, and our Commissions obtained.

XV. Whereas by an Act passed in the 6th Year of his Majesty King George the 11d. intitled an Act for the better Securing and Encouraging the Trade of his Majesty's Sugar Colonies in America, certain Duties are laid upon all Foreign Rum or Spirits, Sugars, Molasses, or Syrups and Panales, imported into any of his Majesty's Plantations, you are to use your utmost endeavours to Prevent any of the said Commodities being landed in the said Plantations without payment of the said Duties: and if you discover any of those Commodities to have been landed or put on shore before due Entry or Payment of Duty, you may seize and Prosecute the same.

XVI You shall not yourself, nor any of your Ship's Company, to the best of your knowledge directly or indirectly either in your Name, or in the Names of any other Person or Persons, or in Company or Partnership with any other trade as Merchants for yourselves, or as Factors or Agents for any Other, in any Goods, Wares, or Merchandize, by way of Importation or Exportation.

XVII. You are in all these, as well as such further instructions as You may from time to time receive from us, or the Surveyor General of the Customs for the time being relating to the Trust reposed in you, faithfully and diligently to demean yourself and not wittingly or willingly do, or abett, conceal, or Suffer to be done, abetted or Concealed, any Act or thing, whereby or wherein the aforesaid Acts,

(or

Or either of them. or any thing therein contained may be violated or broken, or wherein his Majesty's Duties, either in Great Britain or the Plantations may be lessened or damaged.

Custom House London
8 July 1763.

Herewith you receive Copy of our Instructions given to the Commander of his Majesty's Ship the Merlin to which we refer you for your Government, in executing the Trust Committed to your Charge, relating to the revenue of Customs.

H Pelham.

J Cennington
Edw.d Hooper
Cn Morris.

Instructions, to Mr Richard Murray Lieutenant of his Majesty's Sloop the Merlin. which being read and heard the said Claimants and Defendants by Protestation not confessing or acknowledging all or any the Matters and things in the said Informants Information alledged and set forth to be true in such Manner and form as the same are thereby set forth do demur to the said Informants Information and for Cause of Demurer show that it appears by the said Informants own shewing that he was not duly and legally Authorized to Seize And Prosecute the said Ship called the Patient Mary and the Goods Wares and Merchandizes in the said Information particularly mentioned and set forth, under the particular Circumstances of this Case in as much as it appears on the face of the said Informants Information that the said Seizure was not made at Sea or beyond the limits of his Majesty's Port but in Carlisle bay one of his Majesty's Ports in this Island after the said Ship Patient Mary had actually arrived in that Port & before the Time allowed by Acts of Trade still in Force to Merchantmen on coming to an Anchor to produce their Ships Papers, And also the said Claimants and Defend.ts for further Cause of Demurer show, that supposing, but not admitting, that the said Informant was legally Authorized

to

To Seize and prosecute the said Ship Patient Mary, yet it appears that the Informants Information is instituted on the Behalf of his Majesty himself and officers and Crew of his Majesty's Ship the Grey hound, whereas the said Information ought to have been instituted by the said Informant on the behalf of His Majesty His Excellency Charles Pinfold Esquire Governor Of this Island, and the said Informant himself, and the said Claimants and Defendants also for further Cause of Demurer show that supposing (but not admitting) that the Informant was legally authorized to Seize and prosecute the said Ship Patient Mary and the Goods wares and Merchandizes in the said Information mentioned and set forth under the particular Circumstances of this Case Yet the said Information is in itself informal uncertain and insufficient in as much as it doth not strictly pursue the words of the Statute made in the fifteenth Year of the Reign Of his late Majesty King Charles the Second which creates the supposed offence and on which the Information is or ought to be grounded, nor doth charge the said Offence against the said Ship Patient Mary directly and Positively as it ought to have done. And also for further Cause of Demurer show that the Informants Deputation from the Commissioners of his Majesty's Customs and the Instructions attending the said Deputation are manifestly grounded On the Act of Parliament made in the third Year of his Present Majesty King George the third which gives Power to Commanders of Ships of War to Seize in the Cases there Pointed out and must therefore be construed (as they were undoubtedly intended to be) consistent with and correspondent thereto. whereas it is Evident that this hath not been done by the said Informant who on the Contrary by the Seizure and Prosecution of the said Ship Patient Mary and the said Goods Wares and Merchandizes in the said Information set forth has made such Construction thereof as supposeth the said Act made in the fifteenth Year of the Reign of his said late Majesty King Charles the Second to be repealed as to the Distribution of the Forfeiture therein mentioned And also in Respect to the time allowed to the Masters of all

Merchants

Merchants Vessels to Produce their Ships Papers which yet the said Act made in the third Year of his Present Majesty King George the third does by no means import / And the same Cause is humbly Assigned with Regard to the instructions from the Right Honourable the Lords Commissioners of the Admiralty to the said Informant as far as the said Instructions may be supposed to extend or Relate to the Present Seizure and Prosecution of the said Ship Patient Mary and the said Goods wares and Merchandizes in the said Information mentioned and set forth, Wherefore, and for other good Causes of Demurrer Ready to be shewn at the Bar of this Honble Court to the Matters and Charges in the said Information contained, these Claimants & Defend.ts do Demurr and demand the Judgment of this Honble Court whether they shall be compelled to make any further Answer thereunto or otherwise than as aforesaid And these Claimants and Defend.ts humbly Pray Restitution of the said Ship Patient Mary together with the Goods Wares and Merchandizes in the said Information particularly mentioned and all other the Cargo on board the said Ship and to be hence dismissed with their Costs and Charges in this behalf most wrongfully sustained ——

J. Stone.

Filed July the 19th 1765

Ch.r Brandford

H. J. Beckles

Barbados } Ver: Cop: Exam: John Ross Atwick Reg: Reg.r Cur: Vice Adm.
In Cur. Canc. } To the Honourable John Maynard Esq.r Sole Judge of the Court of Vice Admiralty for this Island Established.

The Humble Petition of William Singleton late Master and Commander of the Ship Patient Mary And of Samuel Welch Merchant Owners of the said Ship Patient Mary with her Boats Guns Tackle Furniture Ammunition and Apparel and also Owners of the Goods Wares and Merchandizes on board the said Ship

Sheweth.

That on the twenty fifth day of June last past Francis Grant Esq.r Captain of his Majestys Ship Greyhound

Late

Late Commander of his Majesty's Sloop Merlin / being or Pretending to be empowered as an Officer of the Customs to seize Prohibited ~~Goods~~ and Uncustomed Goods &c. filed his Information in this Honble Court praying Condemnation of the aforesaid Ship Patient Mary with her Guns Tackle, Ammunition and apparel and also such of the Goods Wares and Merchandizes as in the said Information are mentioned seized by the said Informant in Carlisle Bay within the Jurisdiction of this Court for the Causes in the said Information mentioned and set forth.

That the usual Process of this Court having issued against the said Ship and the Goods Wares and Merchandizes in the said Information set forth, a Return thereof hath been made

That your Petitioners were admitted to Claim the said Ship and the Goods Wares and Merchandizes in the s.d Information set forth and to plead, Answer or Demurr to the said Information on the Usual Terms.

That your Petitioners have accordingly filed their Claim And Demurrer in this Honble Court to the said Informants Information and Citation to Judgment hath since issued.

That the said Informant not being a Resident Inhabitant in this Island but a Seafaring Person. your Petitioners humbly conceive that by the Rules and Practice of this Honble Court the said Informant ought to give Security for payment of Costs in Case your Petitioners Demurrer on the Arguing thereof should be allowed good.

Your Petitioners therefore most humbly Pray your Honour to Order and Direct that the said Informant do accordingly give Security for payment of Costs in the Registers office of this Honble Court in case Judgment should be in favour of your Petitioners, before the hearing of the said Demurrer.

And your Pet.rs shall ever pray &c.

J. Stone
Chas. Brandford
J. Blenman

Filed July the 19th 1765.

I do hereby Order the Merits of this Petition to be heard before me On Tuesday next being the 23. Inst. at the Town Hall by Eleven o'Clock & that all Parties concerned have due Notice. J. Maynard
July 20th 1765

Citation

July the 22. 1765, Citation to Judgment, issued.

Ver: Cop: Exam:
John Pons Etwick
Dep: Reg.r Cur: Vice adm.r

Barbados } At a Court of Vice Admiralty for this Island
In Cur. Vice adm } Established held at the Town Hall By the Honble
John Maynard Esq.r Sole Judge of the said Court
On Tuesday the 23 day of July 1765.

Grant Quitamet } Claimants Petition to Oblige the Informant
v } to give Security for Payment of Costs (in Case Judg-
The Ship Patient Mary } -ment should be in favour of the Petitioners) before
the hearing the Demurrer in this Cause.

Then Mr. Duke Advocate for the Informant moved His Honour to continue the said Petition as he had not time to prepare himself, in Order, to a defence of the said Petition. His Honour was thereupon pleased to Adjourn the Court 'till Thursday Next at Eleven O'Clock.

Thursday the 25th day of July 1765.

The Court being sat pursuant to Adjournment the above Petition was read and Counsel on both Sides having Spoke fully thereto His Honour the Sole Judge was pleased to Order that the said Informant do give Security for payment of Costs in One hundred Pounds Sterling money of Great Britain, being the usual Security before Monday Night next ensuing ~~before~~ the date hereof in Case Judgment be in favour of the Petitioners on the hearing of the said Demurrer and His Honour shall be of Opinion that Costs ought to be allowed the said Petitioners.

Ver: Cop: Exam:
John Pons Etwick
Dep: Reg.r Cur: Vice adm.r

Barbados } At a Court of Vice Admiralty for this Island Estab-
In Cur. Vice adm } -lished held at the Town Hall By the Honble Jno.
Maynard Esq.r Sole Judge of the said Court On
Friday the 9th day of August 1765.

Grant Quitamet } Information
v }
The Ship Patient Mary }

The Information of Francis Grant Esq.r
And the Claim and Demurrer of William Singleton Mariner & Samuel Welch Merchant Owners of the said Ship Patient Mary & her Cargo &c to the said Information were read and the

The advocates on both sides having fully spoke thereto, Mr Solliciter moved for Judgment upon the said Demurrer, but his Honour was pleased to declare that he should take time to consider of the case And would give his Judgment at the next sitting of the Court

Then Mr Advocate Moved the Court for an Attachment against the said Informant for not complying with the Order of Court made on the hearing of the Defendants Petition at the sitting of the last Court which his Honour was pleased to grant unless Cause be shown to the Contrary at the next sitting of the said Court.

Then His Honour the Judge was pleased to adjourn the said Court to Tuesday the 13th Instant

Ver: Cop: Exam:
John Rous Estwick
Dep: Reg: Cur: Vice Adm:

Barbados } At a Court of Vice Admiralty for this Island
In Cur. Vice Adm } Established held at the Town Hall By the Honble John Maynard Esquire Sole Judge of the said Court on Tuesday August the 13th 1765.

The Courts being sat according to Adjournment, the Rule for an Attachment against the said Francis Grant was upon Motion of Mr Advocate, made absolute. No Cause having been shown to the Contrary.

Then the Advocates for the Claimants and Defendants prayed Judgment on the Demurrer in the said Cause Grant Quitam against the Ship Patient Mary. whereupon His Honour the Judge, having first deliberated very fully upon the Pleadings & the Arguments which had been offered by the Advocates on both sides at the hearing of the Cause was Pleased to allow the Demurrer and to Decree a dismission of the said Information, and a Restitution of the said Ship Their Cargo &c to the said Claimants and Defendants. they giving Security to Account for the Value thereof to the said Informant, in case the said Informant should hereafter pray an Appeal from the Judgment of this Court & the same be reversed on such appeal. & that a Warrant of Appraisement do issue as usual in the like Cases. Then the Advocates for the Claimants and Defendants moved for Costs On the Demurrer, but His Honour was pleased to reserve the point of Costs till the next sitting of the Court.

Then His Honour was Pleased to Adjourn the Court to Friday the 16th Instant.

Friday

Friday August the 16th. 1765.

His Honour the Judge being much Indisposed, the Court was Adjourned to Friday August the 23. 1765. at 11 O'Clock.

August 21st 1765 Warrant of Appraisement issued.
... 22. Appraisers Report returned and filed ...

Barbados
St Eustatius Adm.

To the Honourable John Haynard Esqr.
Sole Judge of his Majestys Court of Vice Admiralty for this Island Established.

Francis Grant Esquire Quitam &c Informant
William Singleton and Samuel Welch Owners of the Ship Patient Mary and her Cargo &c Defendants

The Humble Petition of the Informant

Sheweth,

That on Tuesday the thirteenth day of August Instt. Your Honour pronounced Judgment in this Cause when you were Pleased to allow the Defendants Demurrer and to decree a dismission of your Petitioners Information and a Restitution of the said Ship Patient Mary and her Cargo &c. to the Defendants.

That your Petitioner is advised to appeal from Your Honours said Judgment and Decree.

Your Petitioner therefore humbly prays Your Honour to grant him leave to Appeal from Your Honours said Judgmt. And Decree Your Petitioner being Ready to give Proper Security if any should be requisite and necessary in such a Case as the Present.

And Your Petitioner shall ever pray

Filed Aug. 22. 1765.

Hen: Duke.

As no Compleat Judgment has yet been given in this Cause, the present Petition is certainly irregular & must therefore be rejected. but as the Court will sit again to morrow in order to determine the point of Costs, when that is over, the Petitioner will be at Liberty to pray an Appeal which will then be readily Granted upon the usual Terms.

J. Haynard

Ver: Jos: Gam:
John Henry Ottwell
Dep: Reg: Cur Vice Adm.

August 23. 1765

Friday August the 23. 1765.

His Honour the Judge, being informed that the advocates concerned in the Cause Grant Quitam & Singleton ad were obliged to attend the Court of Common Pleas held for the Precinct of St. Andrew & was pleased to Adjourn this Honble Court to Eleven O'the Clock to Morrow morning.

Saturday Augt. 24th: 1765. 11 O'Clock

Grant Quitam &c
&
The Ship Patient Mary

The Court being set pursuant [illegible]

His Honour was pleased to Observe that as Capt Grant had thought fit Since the last sitting of the Court, to purge his Contempt & give the Security for Costs agreeable to the Order of the Court, he had therefore supersoded the Attachment which had issued against him & was then ready to hear whatever his advocates might have to offer in his behalf Relative to the Point of Costs which had been reserved by the Court to be spoke to at its next sitting which Point being thereupon fully debated by the Advocates on both sides, His Honour was pleased to award good Costs against the said Informant: whereupon the Informants Advocate moved for Leave to appeal from the Sentence of the Court which was granted upon the usual terms.

It was then moved by the Defendants advocate, that as the Informant was not a Resident of this Island & might never return again that a short day should be fixed for giving the Security required upon Granting the appeal, since otherwise the Defendant might [illegible] be put to a considerable Expence in taking out the Appeal Papers on his Part & pursueing the proper measures for bringing the said appeal to a hearing in Great Britain & be left, at last, without remedy against the Informant, should he think proper to waive his appeal. to this it was answered by the Informants advocate that if a short day should be appointed for giving the Security, the Informant being a Stranger in this Island might meet with great difficulty in procuring the same, & therefore he Concluded with praying that three Months might be allowed for that purpose, in which time the Informant might have an Opportunity of consulting w.th his Admiral to whom he was then going, what it was Proper for him to do therein, whereupon his Honour the Judge was pleased to Order that Six Weeks be allowed for giving the said Security required by the Practice of

(the)

the Court, but if Capt. Grant returned to this Island in less time, that such Security should Nevertheless be given in two Days after such his Arrival in this Island.

September the 27th. 1765 Appeal Bond Entered into

Ver: Cop: Exam:

John Rous Ostwick

Dep: Reg: Cur: Vice Adm:

his Island in lat.
be given in his
ed into

Grant
ag.t
Singleton

18th June 1766 Recd
from Mr Dalrug