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Vice Admiralty

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Brig Creole. Allegations

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Brig Creole, Andrew Newell Master

17th September 1808

Our Sovereign Lord the King against the said Brig Creole whereof the said Andrew Newell was Master her Tackle Apparel and Furniture and the Goods Wares and Merchandizes therein taken and seized by His Majestys Ship of War the Phaeton whereof Pownal Bastard Pellew Esquire was Commander and now riding at Anchor in the Roads of Madras and within the Jurisdiction of this Honorable Court and against all Persons in general

On which day Robert Orme procurator General for our Sovereign Lord the King by all lawful ways and means and to all effects in law whatsoever alledged pleaded and articulately propounded as follows - to wit

First That His Majesty by and with the advice and consent of his privy Council did by an order bearing date at St. James the Sixteenth day of May One thousand Eight hundred and three declare and order that general Reprisals be granted against the Ships Goods and Subjects of the French Republick so that as well his Majestys Fleet and Ships and all other Ships and Vessels that should be commissioned by Letters of Marque or General Reprisals or

otherwise by His Majestys Commissioners for executing the office of Lord High Admiral for the time being or by any Person or Persons duly empowered Should and might lawfully seize all Ships Vessels and Goods belonging to the French Republick or to any Persons being subjects of the French Republick or inhabiting within any of the Territories of the French Republick and bring the same to Judgement in any of the Courts of Admiralty within His Majestys Dominions which should be duly commissioned And further the said Order in Council did direct that a Commission should issue and a Commission did Accordingly issue under the Great Seal of Great Britain Authorising The Right Honorable the Lords Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland and the Lieutenant and Judge of the same Court and his Surrogate and also the several Courts of Admiralty within his Majestys Dominions which should be duly commissioned to take Cognizance of and judicially to proceed upon all and all manner of Captures Seizures Prizes and Reprizals of all Ships and Goods that were or should be taken and to hear and determine the same and According to the Course of Admiralty and the laws of Nations to adjudge and condemn all such Ships Vessels and Goods as should belong to the French Republick or to any Persons being Subjects of the French Republick or inhabiting within any of the Territories of the French Republick And this was and is true public and notorious and the Party proponent doth allledge and propound every thing in this and the subsequent Articles contained jointly and severally.

Second. That the said Brig Bride whereof the said Andrew Nicoll was Master was on or about the Twelfth day of May last

past seized and taken as Prize by His Majesty's Ship of War Shaton
Pownal Bastard Pellew Esquire Commander and was at the
aforesaid seizure thereof belonging to the French Republick
or to Persons being subjects of the French Republick or Persons
inhabiting within the Territories of the French Republick and as
such or otherwise liable to confiscation and ought to be confiscated
and condemned to our Sovereign Lord the King and that it ought
to be further adjudged and decreed that the said Pownal Bastard
Pellew Esquire the Commander of His Majesty's said Ship of War
the Shaeton and the Officers and Crew on board the said
Ship under his command were and are the Captors thereof
and the party proponent doth allege and propound as before.

Third. That the Goods Wares and Merchandizes on board the said
Brig Creole were at or about the said Twelfth day of May
last past taken and seized as Prize by His Majesty's said Ship
of War Shaeton Pownal Bastard Pellew Esquire Commander
and were at the time of the seizure thereof belonging to the
French Republick or to Persons being subjects of the
French Republick or to Persons inhabiting within the
Territories of the French Republick and as such or otherwise
liable to Confiscation and ought to be confiscated and condemned
to our Sovereign Lord the King And that it ought to be further
adjudged and decreed that the said Pownal Bastard
Pellew Esquire the Commander of His Majesty's said Ship
of War the Shaeton and the Officers and Crew on board
the said Ship under his command were and are the Captors
thereof and the party proponent doth allege and
propound as before.

Fourth - That all and singular the premises were and are true public and Notorious and thereof there was and is a public voice fame and report of which legal proof being made the party proponent prays right and Justice to be effectually done and Administered in the Premises by you The Honorable Sir Thomas Andrew Strange Knight Judge of His Majesty's Vice Court of Admiralty at Madras or your lawful Surrogate And that the said Brig Creder whereof the said Andrew Newell was Master her Tackle Apparel and Furniture and all and singular the Goods Wares and Merchandizes on board the same so seized and taken therein aforesaid be pronounced to belong at the time of the aforesaid Seizure to the French Republick or to Persons being Subjects of the French Republick or inhabiting within the Territories of the French Republick and as such or otherwise liable to Confiscation and Condemnation And that it may be pronounced Decreed and declared that the said Brig her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken and belong to Enemies of the Crown of the United Kingdom of great Britain and Ireland And that the said Brig her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken on board the same be adjudged and condemned as good and lawful Prize accordingly &c.

R. Orme
King's Proctor

C. Marsh
King's Advocate

Affedavit in Support of Claim

Vice Admiralty Prize Court

The Brig Creole Andrew Newell Master

Appeared personally Andrew Newell of Boston in the United States of America and made Oath that he is a Citizen and a Subject of the United States of America and was Master of the Brig Creole at the time of the detention thereof by His Majesty's Ship the Phaeton Pownall Bastard Pellew Esquire Commander and that the said Brig was so detained and Captured on the Twelfth day of May in the year One thousand Eight hundred and eight when about to sail on a Voyage from the Port of Madras aforesaid to Boston with a Cargo of piece Goods laden on board of her by this Appearant at the Port of Madras aforesaid for and on account of John Williams of Boston aforesaid and still detained in the Port of Madras and he further made Oath that the said John Williams who is also a Citizen and a Subject of the United States of America and now residing at Boston in North America was at the said Capture and detention aforesaid the true lawful and sole owner and proprietor of the said Brig her tackle Apparel and furniture as also of the said Cargo so put on Board by this Appearant as aforesaid except of Thirteen Bales of piece Goods the private venture of this Appearant and that no person or persons being a Subject or Subjects of France or Spain or the United Provinces or Inhabiting within any of the Territories of France or Spain or of

the said United Provinces nor their Factors or Agents nor any other Enemies of the Crown of Great Britain had at the time of the said Capture or now have directly or indirectly any right title or interest in the said Brig her tackle Apparel and furniture or in any part thereof or in the said Cargo or any part thereof And lastly that the Claim hereunto annexed is a true and just Claim and that he shall be able to make due proof thereof as he verily believes.

And^w Newell

Claimants Proctor

Sworn before me as Judge of the Vice Admiralty Court of Madras &c^a at my Chambers this eighth day of September 1808

T Strange

Claim

Vice Admiralty Prize Court

Brig Creole Andrew Newell Master

The Claim of Andrew Newell of Boston in North America a Citizen and a subject of the United States of America and Master of the Brig Creole on behalf of himself and of John Williams of Boston aforesaid also a Citizen and a subject of the United States of America the true lawful and sole owner and proprietor of the said Brig her tackle Apparel and furniture now detained at the

Port of Madras in the East Indies in consequence of the
seizure or detention of the Cargo of the said Brig and
also of the said Brig by the Commander Officers and
Crew of his Britannick Majesty's Ship of War called the
Phaeton at the said Port of Madras aforesaid as set
forth in the Affidavit hereto annexed for the said Ship
her Tackle Apparel and Furniture as the sole property
of Citizens and subjects by birth of and residents in
the United States of America as aforesaid and for the
Cargo of the said Ship also as American property and
for his the Claimants private Adventure consisting of
Thirteen Bales of piece Goods laden on board the said
Brig at the Capture aforesaid and for all such freights
Loss, Costs, Charges Damages demurrage and expences as
have arisen or shall or may arise by reason of the seizure
or detention aforesaid. And. Newell.

Wm. Sight
Claimants Proctor.

Depositions on the Standing Interrogatories

In his Majesty's Vice Admiralty Court of Madras and the territories thereto belonging.

Prize Jurisdiction

Depositions of Witnesses had and taken at the Post Office in Fort Saint George the twenty sixth day of August and following days in the year of our Lord Eighteen hundred and eight before Thomas Greenway and Luke Hauteville Sterling Esquires or one of us Commissioners named and appointed in and by a certain Commission to us directed jointly and severally bearing date the twenty third day of August issued out of and under the Seal of his Majesty's said Court, on the Standing Interrogatories annexed to the said Commission upon the Oaths of the Witnesses hereinafter named in the presence of Henry Gahagan Esq. Actuary.

Andrew Newell aged forty one Years Master of the brig Creole deposeth and saith as follows.

That is to say

1st. To the first Interrogatory this Deponent saith that he was born at Boston in North America and has there resided for the last seven Years, still lives there and from his infancy has lived there is a Subject of the United States of America, and always so has been - never hath been admitted a Freeman or Burgher of any City or town whatsoever

has two Children one at Boston, and the other at the Isle of France.

2d To the Second Interrogatory this Deponent saith That he was present at the taking and seizing of the Ship her Goods and Merchandizes. The Ship had no Commission.

3d To the third Interrogatory this Deponents saith that the Ship and Goods were seized in the Roads of Madras on or about the twelfth day of May last does not know upon what pretence or for what reasons they remained in Madras Roads before mentioned and the Ship sailed under the Colours of the United States of America she had no other Colours on board No resistance was made when the Ship was taken. the Ship was taken by a boat from his Majesty's Ship Phaeton a frigate and many other Ships were in sight at the time of the Capture, but does not know what they were.

4th To the fourth Interrogatory this Deponent saith That the name of the Master of the Vessel is Andrew Newell this Deponent, and he was appointed such, by Mr John Williams of Boston, he took possession of the Ship at Boston in September 1807 and the aforesaid Mr Williams deliver'd possession to Deponent. Mr Williams lives at Boston.

5th To the fifth Interrogatory this Deponent saith that the Ship taken is of the Tonnage of 148 tons. the number of Mariners was about Nine or ten they were all Americans except one who was a Swede. they all came on board at Boston. and were Shipped and hired at Boston by

Mr Williams aforesaid - One of the American Mariners ran away at the Isle of France and this Deponent shipped another American in his room and after this Deponent sail'd from the Isle of France he found another American secreted on board the said Ship -

6th To the Sixth Interrogatory this Deponent saith that he had no Share in the Vessel but had a small investment on board - The first Mate also had an investment on board - The Goods of this Deponent were Butter Cutlery Spying Glasses - The first Mate also had Cutlery - This Deponent belonged to the said Ship at the time she was seized and taken was Master of her has known her about twelve months first saw her at Boston and she was built at a Village called Bedford a few Miles from Boston -

7th To the Seventh Interrogatory this Deponent saith that the name of the Ship is The Creole, has been so called from the date of her Registry - knows of no other name by which she has been called - she had a Mediterranean Passport and a Sea Letter both signed by the Presidents of the United States of America so this Deponent thinks or believes as these papers are generally so signed - Before she was taken she sail'd to the Isle of France and to Madras and to no other place - The last Voyage began at Boston and was to have ended there or at some other Port in the United States unless she was sold - Her first Cargo consisted of Claret Wine Salted Provisions Beef Pork Ham Butter Hogshead Mackrell Tobacco also Hard Ware such as Birmingham Ware to the amount

from Boston to the Isle of France where all these Articles were delivered - At the Isle of France the said Ship took on board Cloves which were delivered and sold at Madras - At Madras said Ship took in piece Goods Punjam Cloths the Manufacture of the Country - She sailed the last time she went to Sea from the Isle of France on or about the fifteenth of February last - Madras was the last clearing Port of the said Ship; but she was seized there previously to her sailing - She was under the direction and management of Deponent on her Voyage from the United States and was consigned to Clerke and Cabot at the Isle of France - the Deponent corresponds with Mr Williams of Boston on the concerns of the Vessel and her Cargo.

8th To the Eighth Interrogatory this Deponent saith that the lading of the said Ship in her first setting sail from Boston on her last Voyage was Provisions. Wine Tobacco. Hard Ware and the sorts of lading at the time of her Capture was piece Goods - which was put on board in the Month of May last they were blue Cloths Punjam Cloths Long Cloths Chintzes Madras Handkerchiefs but this Deponent can not speak to the quantities without Reference to the Invoice -

9th To the Ninth Interrogatory this Deponent saith that Mr John Williams of Boston was owner of the said Ship at the time she was seized - knows him to have so been by his having built the said Vessel, the Papers of said Vessel

were taken out in his names she was Registerd in Russian and this Deponent received the command of said Ship from him Mr John Williams is an American - born in the vicinity of Boston - if not at Boston - he resided at Boston and has no Wife or family - has always resided there since Deponent hath known him - he is a subject of the United States of America.

10th To the tenth interrogatory this Deponent saith The Bills of Sale of the said Vessel was at any time made to the Knowledge of this Deponent.

11th To the Eleventh Interrogatory this Deponent saith The first lading of said Vessel was all put on board at Boston with respect to the quantity of each Article of lading put on board this Deponent can not speak without reference to Papers - The Second lading was all put on board at the Isle of France in Port Napoleon and the third lading was all put on board at Madras.

12th To the twelfth interrogatory this Deponent saith The owner of the Cargo and Owner generally of the said Goods from Boston is John Williams, and the Consignees of the said Goods generally were named Merle & Cabot - The name of a French Gentleman a passenger on said Ship who had a few Packages of Hard Ware was Grege - John Williams is an American Grege is a Frenchman - Merle is a Frenchman and Cabot a Native of America - John Williams lives and carries on his business and trade at Boston - Merle lives at the Isle of France - Cabot is now a prisoner at Poondicherry - Grege

lives at the Isle of France - Williams has always resided at Boston but this Deponent cannot say how long the other persons named have resided at the places respectively mentioned - Cabot formerly lived at Salem in America - but this Deponent does not know where the Frenchmen resided before - The said Goods shipped at Boston excepting the Packages above mentioned the property of Gage aforesaid and excepting the property of this Deponent (investment of the Chief mate) were to be delivered on the joint Account at the risk and for the benefit of John Williams of the Isle of France The Goods taken on board at the Isle of France were to be delivered at Madras or Calcutta on the Account at the risk and for the benefit of John Williams And they were consignes to this Deponent And the return Cargo taken in at Madras was to be delivered at Boston at the risk for the benefit and on the Account of John Williams and was consigned to him - The Consignees of the Cargo first above mentioned Merle & Cabot had nothing to do with it further than as Agents - The Cargo of said Cargo was owner of the same The Cargo taken in at the Isle of France was consigned to this Deponent and shipped on account of John Williams as Owner This Deponent had One thousand Pounds weight of Cloves and the Chief Mate Six or Seven hundred Pounds weights of the same - The return Cargo was laden by this Deponent at Madras on account of

John Williams, except thirteen small bales belonging to this Deponent, and he does not know whether the Chief Mate hath any private trade on board thereof Ship - This Deponent hath reason to believe that the said John Williams hath interest as owner in said Cargo because he hath never had heard, that any change or any alteration had taken place in the interest in said property - This Deponent taketh upon himself to swear that he does believe that at the time of the lading of the last mentioned Cargo and at the present time and also if the said Goods shall be restored Unladen at the destined ports, the Goods did, do, and will belong to John Williams and to none others - and this Deponent so believes because he doth not know, nor hath he heard of any change having taken place regarding the interest in said property -

13th. To the thirteenth Interrogatory this Deponent saith that He doth not recollect how many bills of lading were signed for the Goods seized on board said Ship that he is not aware of more than one bill having been signed that if there are more bills than one they are of the same tenor and date - The bill or bills were not false or Colorable and there were no Bills of Lading signed different in any respect from those which were on board at the time said Ship was taken -

14th To the fourteenth Interrogatory this Deponent saith that There are no bills of Lading Invoices Letters or Instruments relative to said Ship in Great Britain to this Deponents knowledge.

15th To the fifteenth Interrogatory this Deponent saith that
What there was an Agreement between Mr Cabot and Mr
Parkins which this Deponent attested signid at the Isle
of France but the contents thereof the Deponent do
not read - the said Agreement was rescinded at Madras
and the Deponent was also a Witness to the rescending
thereof - It was made at the Isle of France between
Mr Parkins of Calcutta and Mr Cabot of Merle
The Deponent saith that there was no other Charter
party of the said Agreement Deponent doth not
know the Contents -

16th To the Sixteenth Interrogatory this Deponent saith
that at the time of the Seizure of said Ship the Register
Sea letter Mediterranean Passport Shipping Paper Roll of
Equipage Port Clearance from Boston Bill of Health
Invoice and Bill of Lading from Boston invoice and
bill of lading from the Isle of France and Port
Clearance from Madras were on board said Ship -
There were also instructions from the Owner Mr Williams
to this Deponent and several private letters The Deponent
does not recollect any other papers being on board -
None of the papers were burnt, torn, thrown overboard,
destroyed or cancell'd or conceal'd or attempted to be conceal'd

17th To the Seventeenth interrogatory this Deponent saith
that They said Ship has never been previously seized as Prize
the said Ship concerning which Deponent has
been examined was seized in Madras Roads as Prize but
not condemned She remains in the Port where she was seized.

18th To this Interrogatory Deponent saith that He hath sustained a considerable loss by the seizure of said Ship hath lost one Anchor of value One hundred and fifty Pagodas, one Cable of value two hundred and fifty Pagodas the damage by wear and tear of two other Cables for three Months and a half and upwards at One hundred and fifty Pagodas, by Seaman's wages two hundred and forty Pagodas, by Provision three hundred Pagodas, by damage in rigging and sails One hundred, Interest of Money on Vessel and Cargo two thousand Pagodas, by damage to the two value uncertain. Has received no Indemnity Satisfaction or promise of satisfaction for any part of damage which Deponent hath sustained or may sustain by the Capture & detention from any body.

19th To the Nineteenth Interrogatory this Deponent saith That no Insurance was effected when said Deponent left America and this Deponent is not aware that any insurance has been effected since.

20th To the twentieth Interrogatory this Deponent saith that In case he had arrived at his destined Port the Cargo on being unladen (with the Exception of the private trade above mentioned) would have continued to be the property of said John Williams of Boston.

21st To the twenty first Interrogatory this Deponent saith that the lading of the Ship concerning which Deponent is now examined was the produce & Manufacture of the Coast of Coromandel.

22d To the twenty Second Interrogatory this Deponent saith That all the Cargo was taken from the Shore at the Beach of Madras by the Common Country boats to the Creole.

23d To the twenty third Interrogatory this Deponent saith That there are no bills of Lading in Great Britain or in any other Country, nor Letters, Invoices, Instruments Papers or Documents with the exception of those seized Taken in Madras Roads this Deponent saith that there is a letter on board the Brig Mattes which sailed from Madras to Corenga and from Corenga for New York on or about the last day of May that the said letter gave a general Account of his Voyage to the time of the clearing out of said Ship Creole from Madras that this Deponent inclosed in the said Letter the Account of Sales at the Isle of France and disbursements &c. that the said Letter was sent previously to the seizure of the said Ship. That this Deponent subsequently to seizure of said Ship despatched another Letter on board the said Brig Mattes giving an account of his detention and seizure to said Mr John Williams That this Deponent on or about the twelfth of July last wrote another letter to said John Williams of Boston which was put on board the Ship Gena which sailed from Madras on the fifteenth day of the said Month - That in the said Letter this Deponent informed the said John Williams that the said Ship Creole was

still detained and that he was uncertain when any
proceedings respecting her would take place.

24th To the twenty fourth Interrogatory this Deponent saith
That no Papers were delivered out of the said Ship or
carried away in any manner whatsoever except those
seized and taken away at the time of her seizure and
Capture of the said Ship

25 To the twenty fifth Interrogatory this Deponent saith
that Bulk was not broken at the time of seizure of
said Ship or since except that two Trunks containing fine
Handkerchiefs were Opened and Examined by the Captors
for the purpose of searching Papers as this Deponent believes.

26th To the twenty sixth Interrogatory this Deponent saith
That there were two Passengers on board at the time of the
Capture of the said Ship that they were not secreted
at the said time - that the names of said Passengers
are John Higginson Cabot and Allyn Mather that
the said John Higginson Cabot by profession a Merchant
and the said Allyn Mather a Ship Master - that
they had no Commission the said J. H. Cabot was
taken on board at the Isle of France on the fifteenth
day of February last - the said Allyn Mather was taken
on board at Madras on the twelfth days of May last
past the said two Passengers were bound to America
And as this Deponent believes returning to their Native

Countries that the said John Higginson Cabot had no property or Concern or authority directly or indirectly regarding the Ship and Cargo, no further than to give his advice about the purchase of Goods to this Deponent he the said J. H. Cabot being the friend of the said John Williams of Boston that the said J. H. Cabot was a Consignee of the outward Cargo from Boston to the Isle of Frana. That there were no Officers Soldiers or Mariners secreted on board said Ship, and that there were none of his Britannic Majesty's Subjects on board or secreted or confined at the time of the Capture -

27th To the twenty Seventh Interrogatory this Deponent saith That all the Passports Sea briefs, Charter Parties Bills of Sales Monies and Papers which were found on board were all true and fair and none of them false or colorable doth not know of any matter or circumstance to affect their Credit - The Passports or Sea briefs were obtain'd by this Deponent and the said John Williams from the collector of the Customs and the Naval Officers for the district of Boston and Charlestown - They were obtain'd for the Ship Creole only upon the Oaths of the owner and Master described therein and upon the Oath of no other person or persons - The said Papers are permanent - the time of their duration unlimited to the best of Deponents recollection and belief that fees are payable and the usual fees were paid for the same and

that duties and fees would be paid on the renewal thereof - That the Passport has not been received that the Ship was at Boston at the time the Passport and Sea brief were granted that this Deponent doth not know of any persons on board having any other pass or letters of safe conduct -

28th To the twenty eighth Interrogatory this Deponent saith that he hath given Orders letters concerning the Ship and her Cargo mentioned and answered unto in a former interrogatory and no others. -

29th To the twenty ninth Interrogatory this Deponent saith the Ship was at Anchor in Madras Road when seized. -

30th To the thirtieth Interrogatory this Deponent saith that the said Ship never hath been sold or transferred and this Deponent verily believes that if the Ship should be restored she will belong to the persons now asserted to be the owners and to none others. -

31st To the thirty first interrogatory this Deponent saith that no Guns whatever were mounted on board the said Ship and that there were no Arms or Ammunition belonging to her - and that there were no military or Naval Stores of description to which this Deponent hath been interrogated -

32d To the thirty second interrogatory this Deponent saith that he believes the said and true property of the

said Ship and Cargo to belong to the said John Williams of Boston and that the destination of the same was to Boston in North America.

Additional Interrogatories

1st To the first Additional Interrogatory this Deponent saith That the said Ship on the Voyage in which she was Captured and during any former Voyage did not sail under convoy of any Ship or Ships of War or other armed Vessel or Vessels - This Deponent had not any instructions or directions from any person for resisting or endeavouring to avoid or escape from Capture or for destroying concealing or refusing to deliver up the Ship's Documents and Papers or any other papers that might be or were put on board the said Ship -

2d To the Second Additional Interrogatory this Deponent saith That the said Ship did not during the Voyage in which she was captured or on any former Voyage sail to or attempt to enter any port under blockade by the Arms or forces of any of the belligerent powers

This Deponent further saith that at the Isle of Jana together with the Cloves the said Ship took on board as part of her Cargo about three thousand Spanish Dollars.

And.w Newell

Sworn before us

Tho.s Greenway
L. H. Sterling } Commissioners

In the presence of
Henry Gahagan } Actuary

John Langdon Aged twenty nine Years first Mate of the Brig Creole deposeth and saith as follows:-

That is to say

1st To the first Interrogatory this Deponent saith that He was born at Wescasset in the State of Massachusetts North America for the last fifteen Years hath resided generally at Boston is a Subject of the United States of America and never was admitted a Burgher or Freeman of any City or town this Deponent is not a married man.

2d To the Second Interrogatory this Deponent saith that He was not present at the time of taking and seizing the Ship concerning which he is now examined - He said Ship had not any Commission to the knowledge of this Deponent.

3d To the third Interrogatory this Deponent saith that the Ship concerning which he is now examined was seized in Madras Roads about the twelfth or twelfth day of May last past - doth not know upon what pretence or for what reason said Ship and Goods were seized the said Ship remain'd in the Roads after seizure - she sail'd under American Colours and she had no other colours on board - No resistance was made at the time of the seizure to the knowledge of this Deponent and the said Ship was taken by his Britannic Majesty's Frigate Phaeton Some Country Vessels were in sight at the time of the Capture.

4th To the fourth Interrogatory this Deponent saith The name of the Master of the Ship taken is Andrew Thrill this Deponent became acquainted with said Master about four days before the Ship sailed from the port of Boston, John Williams of Boston appointed said Master as this Deponent believes The said Master took possession of said Ship in the Port of Boston sometime in the month of September in the year 1807 the said John Williams delivered possession to said Master the said John Williams lives at Boston aforesaid said Master's fixed place of abode is also at Boston to the best of this Deponents knowledge can not say whether said Master is married.

5th To the fifth Interrogatory this Deponent saith that the Ship taken is about the tonnage of between one hundred and forty or fifty tons - The number of Mariners including Officers and men was ten they were all Americans they all came on board at Boston aforesaid with the exception of one boy who was afterwards shifted at the Island of France.

6th To the Sixth Interrogatory this Deponent saith That he believes the Master of the Ship concerning which he is now examined had some Concern in the Cargo but doth not know what - This Deponent hath only a few piece Goods on board As his privilege as an Officer but hath no interest in the Cargo - This Deponent belonged to the Ship at the time she was taken was

Chief Mate of the same - hath known her from
about the Sixth of September 1807 - can not say
where she was built but first saw her at Boston
7th To the Seventh Interrogatory this Deponent saith
The name of the Ship is the Creole she hath ben
so call'd ever since this Deponent hath known her
doth not know of any other name by which she
hath been call'd - can not say whether she had
any Passport or Sea Brief on board - She Sailed to
the Isle of France and from thence to Madras before
she was taken this is the first Voyage said Ship ever
made and the Voyage was to have ended at Boston
in America The Cargo brought by said Ship from
Boston consisted of Beef Pork Hams laird Butter
Tobacco and some crates of Ware and Salt fish and
was delivered at the Isle of France The Cargo
taken in at the Isle of France consisted of three
hundred bags and upwards of Cloves which were
discharged at Madras The Cargo
at Madras consisted of piece Goods - can not speak
to the quality of them The said Ship was cleared at
the Port of Madras but was taken possession of by the
Phaeton Frigate previously to her sailing from thence
The said Ship hath been usually under the direction
and management of Captain Newell in her Employment
in trade

8th. To the Eighth Interrogatory this Deponent saith At the time the said Ship was taken her lading on board consisted of piece Goods, the said lading was put on board in the Month of May last past but this Deponent doth not know the different species or the quantities of each sort of the said lading.

9th. To the ninth Interrogatory this Deponent saith that John Williams aforesaid was owner of the said Ship at the time she was taken the said John Williams shipped this Deponent on board he is an American and resides at Boston aforesaid doth not know how long he hath resided there the said owner hath no Wife or Family to the knowledge of this Deponent and he is a Subject of the United States of America.

10th. To the tenth Interrogatory this Deponent saith that no Bill of Sale of said Ship was at any time made to the knowledge of this Deponent.

11th. To the eleventh Interrogatory this Deponent saith that the said lading consisting of Piece Goods was all put onboard at one time at Madras.

12th. To the twelfth Interrogatory this Deponent saith that he believes that Newell aforesaid is the Lader and consignee of the said Goods And this Deponent knoweth of none other the said John Williams is owner of the same The aforesaid Andrew Newell and John Williams are Americans as this Deponent

believes they reside at Boston doth not know how
long they have resided there - The said Goods were
to be delivered at Boston aforesaid for the real
Account risk and benefit of the said John Williams
Andrew Newell aforesaid hath some interest in said
Cargo but this Deponent doth not know to what
extent - Goods came on board with the mark of
said Andrew Newell and this Deponent hath heard
interest in the said Cargo - This Deponent can
take upon himself to swear that he believes that at
the time of lading the said Cargo and at the present
time and if the said Goods shall be restored and
Unladen at the destined port the Goods did do
and will belong to the same persons and to none
others - The Grounds of his belief are that he
never heard any thing to the Contrary thereof and
this Deponent made an Agreement with the
said Owner John Williams to go out with one
Cargo and to return with another.

13th To the thirteenth Interrogatory this Deponent
saith that he doth not know how many bills
of lading were signed for the Goods seized and can
not say any thing relating thereto.

14th To the fourteenth Interrogatory this Deponent
saith That there are not in Great Britain any
bills of lading invoices letters or Instruments relative
to said Ship or Goods to the knowledge of this Deponent -

15th To the fifteenth Interrogatory this Deponent saith that this Deponent doth not know of any Charter party having been signed for said Ship.

16th To the Sixteenth Interrogatory this Deponent saith that he never saw any of the Ships Papers nor heard thereof doth not know of any having been burnt torn thrown overboard destroyed or cancell'd concealed or attempted to be concealed.

17th To the Seventeenth Interrogatory this Deponent saith That the Ship concerning which he is now examined hath not at any time been seezed as Prize and condemned as such.

18th To the Eighteenth Interrogatory this Deponent saith That he hath not sustained any loss by the seizure and taking the Ship concerning which he is now examined.

19th To the Nineteenth Interrogatory this Deponent saith That this Deponent doth not know that the Ship or any part of the Goods are insured

20th To the twentieth Interrogatory this Deponent saith that in case she had arrived at the destined Port the Cargo on being unladen would immediately have become the property of the said John Williams and Andrew Newell and to no other person according to the best of this Deponents knowledge.

21st To the twenty first Interrogatory this Deponent saith The lading of the said Ship concerning which

he is now examined is the produce and manufacture of the East Indies.

22d. To the twenty Second Interrogatory this Deponent saith that All the said Cargo was taken from the Shore at the Beach at Madras and shipped on board the Creole.

23d. To the twenty third Interrogatory this Deponent saith He doth not Know any Papers Instruments or Documents whatever belonging to the said Vessel.

24th. To the twenty fourth Interrogatory this Deponent saith He doth not Know of any Papers whatsoever being carried away in any manner out of the said Ship.

25th. To the twenty fifth Interrogatory this Deponent saith that bulk was not broken at or since the capture of the said Vessel to the best of this Deponents knowledge.

26th. To the twenty sixth Interrogatory this Deponent saith that there were two Passengers on board the said Ship. they were not secreted their names were Cabot and Mather they are Americans as this Deponent believes. he doth not know their rank profession or occupation. he doth not know that they had any Commission. Cabot was taken on board at the Island of France and Mather came on board at Madras. they were destined to America but on what business the Deponent doth not know the Passengers had not any

property concern or authority directly or indirectly concerning the said Ship or Cargo that this Deponent knoweth of There were no Officers Soldiers or Mariners secreted on board said Ship None of his Britannick Majesty's subjects were on board or secreted or Confined at the time of the Capture.

27th To the twenty seventh Interrogatory this Deponent saith That to the best of his knowledge all the Passports Sea briefs Charter parties bills of Sales Invoices or Papers on board said Ship were entirely true and fair knoweth of no matter or circumstance to affect their Credit That John Williams obtained the Passports and Sea briefs from the American Government as this Deponent believes and obtained them for the said Ship only this Deponent cannot say whether they were given upon Oath or not - Can not tell how long a time they were to last doth not know of any fees payable for the same or of the renewal thereof - The said Ship was in a Port in the Country where the Passports and Sea briefs were granted - the Deponent doth not know of any person on board having at least pass or Letters of safe conduct.

28th To the twenty Eighth Interrogatory this Deponent saith that he hath not signed any Letters or papers concerning the said Ship and her Cargo.

29th

30th To the thirtieth Interrogatory this Deponent saith that the said Ship hath never been sold or transferd since the said John Williams hath owned her — and believes her to have been built on his Account — This Deponent merely believes that if the Ship should be restored she will belong to the person now asserted to be the owner and to no others.

31st To the thirty first Interrogatory this Deponent saith No Guns were mounted on board the said Ship and there no Arms or Ammunition belonging to her No Naval or Military Stores whatever were on board the said Ship except a pair of Pistols and a Cutlass which belonged to the Captain.

32d To the Thirty Second Interrogatory this Deponent saith That according to the best of his Knowledge and belief the said Ship and Cargo were the Property of John Williams and their destination was to America direct from the Port of Madras at the time of the Capture.

Additional Interrogatories.

1st To the first Additional Interrogatory this Deponent saith That the said Ship did not any time sail under Convoy of any Ship of War or other Armed Vessel. Had no instructions for resistance or endeavouring to avoid or escape from Capture or for destroying concealing or refusing to deliver up the Ships documents and papers.

2d To the Second Additional Interrogatory this Deponent saith That the said Ship did not at any time sail to or attempt to enter any port under blockade by the Arms or forces of any of the belligerent Powers.

John Langdon

Sworn before us
Wm Greenway — Commissioner

In the presence of
Henry Gahagan
Actuary
August 27th

John Higginson Cabot Passenger on board the brig Creole Aged twenty six deposeth and saith as follows. that is to say

1st To the first Interrogatory this Deponent saith that he was born at Salem in America for the last six Years he hath lived at the Isle of France the Year foreroom was spent in his passage from Salem to the Isle of France this Deponent was on his return to Salem at the time of the seizures of the Ship He is a subject of the United States and never was at any time admitted a burgher or freeman of any City or town he is not married.

2d To the Second Interrogatory this Deponent saith that he was present when an Officer from on board the

Phaeton came on board the Brig and took this Deponent and another Passenger and the Crew in the Phaeton's boat to the said Ship Phaeton. This Deponent doth not know that the Ship had any Commission.

3d. To the third Interrogatory this Deponent saith that the Ship concerning which he is now examined was seized in the Road of Madras on the tenth or Eleventh of May last past as this Deponent believes doth not know on what pretence or for what reasons said Ship was seized can not possibly divine. The said Ship sailed under American colours. doth not know that any other Colours were on board. No Resistance was made that this Deponent perceived No Guns were on board and the Ship was taken by the Phaeton. his Britannic Majesty's frigate. does not recollect what other Ships were in the Road at the time of the Capture.

4th. To the fourth Interrogatory this Deponent saith that the Name of the Master of the Ship taken is Andrew Newell has known the said Master about three years and presumes that the said Master was appointed by the owner M. Williams doth not know where the Master took possession; nor who delivered possession. believes that the said Masters usual place of abode is at Boston believes that the said Master was born in that neighbourhood that the said Masters Wife is dead, and that part of his family resides at

this Deponent believes at Boston said Master has
left one Child in the Isle of France at Port
5th To the fifth Interrogatory this Deponent saith that
the Ship taken he believes is of the burthen of one
hundred and forty six or forty seven tons or thereabouts
The number of Mariners (exclusive of Officers) were
about six, who are Americans as this Deponent
imagines doth not know where or when they came on
board or who shipped them -
6th To the Sixth Interrogatory this Deponent saith that
He hath no part Share or Interest in the said Ship
or her lading and doth not know that the Officers
or Mariners was passengers on the Ship when taken
first saw the Ship at the Isle of France - about the
latter end of December or beginning of January last
past - and can not say where she was built but
believes at Medford -
7th To the Seventh Interrogatory this Deponent saith
The name of the Ship is the Creole, doth not know
how long she hath been so call'd, nor that she
hath been called by any other name - Has seen a
Sea Letter on board from the President of the
United States - She sailed to the Isle of France and from
thence to Madras before she was taken, her last Voyage
began at Boston and was to have ended at Boston
to the best of this Deponents knowledge and belief -
She brought to the Isle of France Beef, Pickled Fish

Corks Red Wine and so forth which were delivered and sold there. Piece Goods were taken in at Madras From the Isle of France she brought to Madras a Cargo of Cloves and some dollars. She sailed from port North West now called port Napoleon on the Sixteenth of February last Madras was her last clearing port but she did not sail from thence. She has been under the direction and management of the Captain with respect to her employment in trade she was at the Isle of France and there she was under the direction and management of the Consignees jointly with the advice of the Captain - this Deponent corresponds with Mr John Williams of Boston the Owner on the Concerns of the Vessel and her Cargo and the Vessel was built at this Deponent believes at Medford

8th To the Eighth Interrogatory this Deponent saith that the said Ship brought from America Beef Red Wine Corks and so forth from the Isle of France. Cloves and some Dollars at Madras Piece Goods were taken on board believes that the Master had a few Cheroots as an adventure - The piece Goods were put on board in May last - they were blue Cloths and handkerchiefs and other like Goods but does not remember the particular quantities -

9th To the Ninth Interrogatory this Deponent saith that John Williams of Boston was owner of the Ship concerning which he is now examined at the time she was seized to the best of this Deponents knowledge and belief - but

every reason to presume so from his the said John Williams's letter to this Deponent - The said owner was born at Salem resides at Boston and has no Wife - is a Subject of the United States the said Owner in the Younger part of his life resided at Salem and from thence to Boston. -

10th To the tenth Interrogatory this Deponent saith that He has always understood the said Ship was built for the said owner on his own account and believes that there was no bill of Sale made to the owner. -

11th To the Eleventh Interrogatory this Deponent saith that the said lading was put on board at Madras on two different days to the best of his recollection -

12th To the twelfth Interrogatory this Deponent saith that the name of the owner the lader and the consignee of the said Goods is John Williams - The said John Williams is lader through the Agency of the Captain - said Owner is an American resides at Boston before resided at Salem The said Goods were to be delivered at Boston for the real account at the risk and for the benefit of the said John Williams - The said Lader and consignee his Interest in the said Goods - this Deponent believes he is sole owner of the same, and has every reason to believe so from his the said John Williams Correspondence and from the information of the Captain this Deponent ~~takes upon~~ himself to swear that he believed that at the time of lading the Cargo and at the present time and

also if the said Goods shall be restored and unladen at the destined port the Goods did do and will belong to the said John Williams and to no other persons and so believes from the Correspondence of the owner said John Williams and information of the Captain

13th. To the thirteenth Interrogatory this Deponent saith that he believes three or four bills of lading were signed for the Goods seized on board the said Ship None of them were false or Colorable to the best of this Deponents knowledge and belief and there were not any bills of lading different in any respect from those which were on board the said Ship at the time she was taken to the best of this Deponents knowledge.

14th. To the fourteenth Interrogatory this Deponent saith yt there are not in Great Britain any bills of lading invoices letters or instruments relative to the said Ship that he knows of.

15th. To the fifteenth Interrogatory this Deponent saith There was a Charterparty a Contract signed for the Voyage in which the said Ship was taken — it is he presumes in possession of the Court the Ship did not go to Calcutta. The Charterparty was made by this Deponent and his partner as Agents for the said Mr John Williams it was made at the Isle of France can not say when but believes about the latter end of January last past between the Consignees at the Isle of France as Agents for the said John Williams

and a Mr Parkins The Contents of said Charterparty were that Mr Parkins should put on board a quantity of freight at Calcutta The Arrival of the Prows bringing the News of the Orders of Council was the Cause of the cancellation of the Charter party about five days after the Arrival of the Creole at Madras.

16th To the Sixteenth Interrogatory this Deponent saith That there were on board the Vessel several papers of the said Vessel and letters to America, before her being taken None of them that this Deponent knows of, were burnt, torn thrown overboard destroyed or cancell'd concealed or attempted to be conceal'd.

17th To the Seventeenth Interrogatory this Deponent saith that the Ship concerning which he is now examined was never seized as Prize previous to her seizure in Madras Roads to the best of his Knowledge.

18th To the Eighteenth Interrogatory this Deponent saith that he hath sustained the loss of two Dollars which he conceives to have been stolen and a pencil case.

19th To the Nineteenth Interrogatory this Deponent saith that He knows of no Insurance having been made upon the said Ship or Goods.

20th To the twentieth Interrogatory this Deponent saith that Incase the Vessel had arrived at the destined port he has every reason to presume that the Cargo would immediately on being unladen have become the property of the Owner said John Williams.

21st. To the twenty first Interrogatory this Deponent saith The lading he presumes was the growth and produce of the Coast of Coromandel -

22d. To the twenty Second Interrogatory this Deponent saith That the said Cargo was shipped from the beach on board the Common boats he believes -

23d To the twenty third Interrogatory this Deponent saith That there are not any bills of lading invoices letters papers documents relative to the said Ship in any Country or on board any Ship other than the Ship or Vessel concerning which he is now examined to the best of his knowledge and belief -

24th. To the twenty fourth Interrogatory this Deponent saith that No papers were carried away from the said Ship to his knowledge nor delivered out of the same -

25th. To the twenty fifth Interrogatory this Deponent saith that Bulk was not broken at the time nor since the Capture, that he knows of.

26th. To the twenty Sixth Interrogatory this Deponent saith - There were two Passengers on board this Deponent and Mr Mather - they were not secreted at the time of Capture. This Deponent is of America a Merchant the said Mather is also an American Merchant Supercargo of the Danish Ship Nancy Captured by his Britannick Majesty's Ship Monmouth this Deponent had no Commission, presumes the said Mather had not - The said Deponent was taken on

Depositions

board at the Isle of France on the Sixteenth of February
the said Mather was taken on board at Madras they
were going to Boston this Deponent was returning to
his family and presumes the said Mather was doing the same
This Deponent as Consignee at the Isle of France had
authority to advise with the Captain jointly to manage
the business At present having been the Consignee
conceives that his advice would be rather attended
to than that of a Stranger has no concern or property
in the said Ship or Cargo the said Mather had no
authority concern or property in said Ship or Cargo to
the best of this Deponents knowledge the said Mather
had three hundred Dollars in his Chest private property.
No Officers Soldiers or Mariners secreted on board None
of his Britannick Majesty's subjects were on board to the
best of this Deponents knowledge.

2nd To the twenty Seventh Interrogatory this Deponent saith
That all the Passports Sea briefs Charter parties Invoices
and papers were true and fair to the best of his knowledge
knows of no matter or circumstance to affect their Credit The
Passports and Sea Briefs were obtained he presumes from
the Naval authority the President of the United States
and supposes for this Ship only believes that they were
obtained in the usual manner doth not know how long they
last as Fees payable on them or of the renewal thereof
the Ship must have been in the Port when the Sea
Brief and Passport were granted according to American usage

but doth not know that she was there No person on
board had a Sett pass or Letters of safe conduct that
this Deponent knows of.

28th To the Twenty Eighth Interrogatory this Deponent saith
that he hath not written or signed any Letters or papers
concerning the Ship or her Cargo except the Contract
mentioned in a former Interrogatory the said Contract
signed in his aforesaid Capacity of Consignee and
Agent for the Owner.

29th To the twenty Ninth Interrogatory this Deponent
saith that the Ship had not got under weigh at the
time of her being taken.

30th To the thirtieth Interrogatory this Deponent saith
To the best of his knowledge and belief the said Ship
was built by the Order and on the Account of the said
John Williams hath never been transferred or sold. This
Deponent verily believes that if the Ship should be
restored she will belong to the Person now asserted to be
the Owner and to no other.

31st To the thirty first Interrogatory this Deponent saith
that there were no Guns mounted on board the Ship and
no Arms or Ammunition belonging to her. There were on
board two pair of pistols No Military or warlike Stores
besides of any description

32nd To the thirty Second Interrogatory this Deponent saith
according to the best of his knowledge and belief the
real and true property of the Ship and Goods concerning

which he is now examined belongs to the said John Williams, and their destination was Boston at the time of the Capture.

Additional Interrogatories

1st To the first Additional Interrogatory this Deponent saith That he doth not know that the Ship at any time sailed under Convoy of a Ship of War or Armed Vessel knows of no instructions for resistance, or for endeavouring to avoid or escape from Capture or for destroying concealing or refusing to deliver up, Papers.

2nd To the Second Additional Interrogatory this Deponent saith the said Ship did not sail to or attempt to enter any Port under Blockade by the Arms or forces of any of the belligerent powers to the best of this Deponent's knowledge.

John H. Cabot

Thos. Greenway
S. H. Sterling } Commissioners

Henry Lahagan
Actuary

August 29th

Charles Tokes second Mate of the Brig Creole aged twenty five Years deposeth and saith as follows

That is to say

1st. To the first Interrogatory this Deponent saith that He was born at Reading a few Miles from Boston has lived at Boston for the Seven Years last past that he served his time there now lives at Reading is a Subject of the United States of America has never been admitted a Burgher or Freeman of any City or town is a Married Man his Wife resides at Boston.

2nd. To the Second Interrogatory this Deponent saith that He was on board the Ship concerning which he is now examined at the time of her seizure - The Ship had no Commission that this Deponent know of.

3d. To the third Interrogatory this Deponent saith that the Ship and Goods concerning which he is now examined were seized in the Port of Madras on or about the 10th of May 1808 does not know upon what pretence or for what reasons, except that he heard the Persons who seized the Ship say that she was bound to the Isle of France - The said Ship remained after seizure in Madras Roads, sailed under American Colours - has no other Colours on board - No resistance was made - No Guns were fired - and the said Ship was taken by his Majesty's Frigate Phaeton - An American brig and several other Craft were in the Roads at the same time.

4th To the fourth Interrogatory this Deponent saith he knows of the Master of the Ship taken as Andrew Newell Burham he has known ten Years Mr John Williams appointed the said Master and delivered possession to said Master in 1807 on the Eighth of September at Boston said Master's fixed place of abode is Boston the said Master was born at a Village to the Westward of Boston the said Master has Lost his Wife has two Children one at Daughter at Boston and the other at School at the Isle of France.

5th To the fifth Interrogatory this Deponent saith that the Ship taken is of the Burthen of about One hundred and fifty tons. The number of Men before the Mast was five one Swede the rest Americans exclusive of Officers the Cook and the Cabin boy they all came on board at Boston John Williams shipped them.

6th To the Sixth Interrogatory this Deponent saith that Mr Langdon the Chief Officer had a small adventure his privilege two or three barrels half barrels of tongues this Deponent had no part, Share or Interest in the said Ship or lading - The Captain also had an adventure on board, but what it was this Deponent doth not know this Deponent was Second Officer of the Ship at the time she was taken - has known her since the 20th of August 1807. first saw her at Boston She was built at Medford.

7th To the Seventh Interrogatory this Deponent saith

that the name of the Ship is the Creole and she hath not been called by any other name since she was launch'd — He never saw any of her Papers but Shipping Papers she sailed from Boston to the Isle of France from the Isle of France to Madras — her Voyage began at Boston and was to have ended there — A Cargo of Beef Pork Crates of Ware Hogsheads of Tobacco and Fish and some Cases of dried Goods Butter & Lard was landed at the Isle of France about three or four hundred bags of Cloves were taken on board and delivered at Madras — At Madras 7/8 Bales of dry Goods were taken on board doth not know their qualities The Ship had her Port Clearance from Madras on board, but had not weigh'd Anchor when she was seized by the Phaeton — She hath been usually under the direction and management of Captain Newell with respect to her Employment in trade — doth not Correspond with any person about the Vessel or Cargo —

8th To the Eighth Interrogatory this Deponent saith that the said Ship at her first setting sail carried Lading delivered at the Isle of France — At the time of her Capture she had Seventy four bales of Goods on board which were put on board in the beginning of May last.

9th To the Ninth Interrogatory this Deponent saith that John Williams was the Owner of the Ship concerning which he is now examined — he knows it because he was Shipped by a Mr Williams and agreed with him about the

Voyage. said Williams lives at Boston is a Single Man does not know how long he has resided there, and said Williams is a subject of the United States.

10th To the tenth Interrogatory this Deponent saith that he does not know of any bills of Sale relative the said Ship.

11th To the Eleventh Interrogatory this Deponent saith that the last loading was taken on board at Madras all taken in about five days.

12th To the twelfth Interrogatory this Deponent saith that John Williams is the Lader or owner and Consignee of the Cargo now on board. Some bales and two trunks on board belong to the Captain his privilege they are marked with his name. The said Williams is an American and carries on his trade at Boston and resides there, does not know how long he hath resided there. The said Goods were to be landed at Boston for the real Account, risk and benefit of the said John Williams the said John Williams hath Interest in the said Goods he is owner thereof and believes so because he was shipped by the said Williams to bring one Cargo out and to take another back to him. Cannot take upon himself to swear that he believes at the time of lading the Cargo and at the present time and also if the said Goods shall be restored and unladen at the destined port the Goods did do and will belong to the said John Williams and to no other person.

13th To the thirteenth Interrogatory this Deponent saith that

He doth not know how many bills of lading were signed and doth not know any thing of any bill of lading.

14th To the fourteenth Interrogatory this Deponent saith that he knows nothing at all about bills of lading invoices letters or instruments relative to the Ship Concerning which he is now examined

15th To the fifteenth Interrogatory this Deponent saith that no Charter party was signed for the Voyage on which the Ship Concerning which he is now examined was taken, that he knows of.

16th To the Sixteenth Interrogatory this Deponent saith that He never saw any papers bills of lading, letters or other writings burnt, torn, thrown overboard, destroyed or cancelled or concealed or attempted to be concealed and knows nothing about them.

17th To the Seventeenth Interrogatory this Deponent saith that the Ship, concerning which he is now examined was never seized except by the Phaeton Frigate in Madras Roads.

18th To the Eighteenth Interrogatory this Deponent saith that He hath lost his things out of his Chest the Bottom of which gave way as it was into the Phaeton. A Watch some books, some Clothes and a thousand Cheroots two pair of Shoes, fell into the Sea Computes the loss at thirty dollars or thereabouts hath received no Satisfaction or endemnity for the loss sustained.

19th To the Nineteenth Interrogatory this Deponent saith That he doth not know whether the said Ship or Goods or any part thereof is insured.

20th To the Twentieth Interrogatory this Deponent saith In case the Ship had arrived at the destined Port the Cargo on being unladen would have immediately become the property of John Williams aforesaid.

21st To the Twenty first Interrogatory this Deponent saith That the last lading he believes was of the growth produce and manufacture of the Coast of Coromandel.

22d To the Twenty Second Interrogatory this Deponent saith The said Cargo was taken from the Shore into Masoolah Boats from the Beach at Masaras in the beginning of May last past.

23d To the Twenty third Interrogatory this Deponent saith That he knoweth not whether there are any bills of lading Invoices, letters, instruments papers or Documents relative to the said Ship and Cargo in any Country or on board any Ship or Vessel other than the Ship concerning which he is now examined.

24th To the twenty fourth Interrogatory this Deponent saith That he never saw, or heard of any papers carried away or delivered out of said Ship.

25th To the twenty fifth Interrogatory this Deponent saith that he hath heard that while he was on board the Shaston the first and Second Lieutenants of the said Shaston search'd some trunks for Papers and moved some of the Cases

and that when this Deponent returned on board the said Ship he perceived that some Bales had been removed from the places in which they were shewn - doth not know for what purpose -

26th To the twenty Sixth Interrogatory this Deponent saith that there were two Passengers on board they were not secreted as Mr. Cabot and Captain Mather the said Cabot was an American as he hath heard.- the said Mather is also an American was Captain of a Danish Ship Captured - he was taken on board at Madras at the time the Ship was seized the said Cabot was taken on board at the Isle of France in February this Deponent believes - knows nothing of their having a Commission - they were destined to Boston, can not say on what business - said Mather he believes was going home - The said Passengers had no Authority concerning property directly or indirectly in the said ~~Ship~~ Ship or Cargo that this Deponent knoweth of - No Officers Soldiers or Mariners were secreted on board - None of his Britannick Majesty's subjects were on board.-

27th To the Twenty Seventh Interrogatory this Deponent saith that he knoweth nothing of any Passports Sea briefs. Bills of Sale invoices or papers which were found on board - No person on board had any Letter Pass or Letter of safe conduct to the knowledge of this Deponent -

28th To the Twenty Eighth Interrogatory this Deponent saith that he hath not signed or written any Letters or

papers concerning the said Ship or her Cargo except the Shipping Paper at Boston which contained her Articles of Agreement with the owner - does not know what is become of it -

20th To the Twenty Ninth Interrogatory this Deponent saith That the said Ship was lying at Anchor at the time of her seizure -

30th To the Thirtieth Interrogatory this Deponent saith that the said Ship hath never been sold or transferred to his knowledge - This Deponent verily believes that if the said Ship should be restored she will belong to the persons now asserted to be the owner and to no other person -

31st To the Thirty first Interrogatory this Deponent saith that no Guns were mounted on board - No Arms or Ammunition belonging to the said Ship - there was a pair of Pistols & Cutlass belonging to Captain Newell There were no Military, or Naval or Warlike Stores of any description whatever -

32nd To the Thirty Second Interrogatory this Deponent saith that the whole that he knows and believes of the Ship and Cargo is that they are the real and true property of the said John Williams of Boston and their destination was Boston at the time of the Capture -

Additional Interrogatories

1st To the first Additional Interrogatory this Deponent saith That the said Ship did not at any time voluntarily Convoy of any Ship of War or Armed Vessel - Had no instructions or directions for resisting or endeavouring to avoid or escape from Capture or for destroying or Concealing or refusing to deliver up the Ships Papers and Documents or any other papers -

2nd To the Second Additional Interrogatory this Deponent saith That the said Ship did not at any time sail to or attempt to enter any Port under blockade by the forces of any of the belligerent Powers. -

Charles Fokes

Tho.s Greenway
L. H. Sterling } Commissioners

in the presence of
Henry Gahagan
Notary
August 31st

Statement Concerning Ships Papers admitted by Consent

Vice Admiralty Court

Prize Creole.

The King's Proctor states that since the last Court Day he has seen Capt.n Pebbles, who upon further recollection informs the Proctor that the Letter and enclosure, with the Ships Papers, No.s 18 and No.s 19. were received by him on the 13th day of May last, and were forwarded by one of the Officers from on board the Creole to Capt.n Pebbles in consequence of Orders previously given for all Letters and Papers sent on board the Creole were forwarded to him to be opened. And Capt.n Pebbles believes that the same Letter and Enclosure, were afterwards put into one of the Writing Desks, and were never in the possession of Mr. J. H. Cabot to whom the Letter is addressed.

The above Statement is admitted by the Advocate for the Captors and the Claimant.

Sentence of Condemnation.

In the name of God Amen. We Sir Thomas Andrew Stranger Knight Commissary of the Vice Admiralty Court of Antigua and the territories thereunto belonging and presiding and Judge thereof and also to hear and determine all and all manner of Causes and Complaints as to Ships and Goods

seized and taken as Prize specially constituted and appointed having heard seen and understood and fully and maturely discussed the merits of a certain busines of seizing and taking of a certain Brig called the Creole; whereof Andrew Newell was Master her tackle Apparel and furniture and the Goods Wares and Merchandizes laden on board the same seized and taken by his Majestys Ship of War - The Phaeton Donnal Barland Pellew Esquire Commander, in the Roads of Madras, which was lately and still is depending before us on the part and behalf of our Sovereign Lord the King against the said Ship her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden on board the same and against all persons in general who have or pretend to have any right title or interest therein. And we rightly and duly proceeding therein and the Procurator General for our Sovereign Lord the King appearing before us and praying sentence to be given and Justice to be done and all persons in general who have or pretend to have any right title or interest in the said Ship her tackle Apparel and furniture and the said Goods Wares and Merchandizes being duly and legally cited and intimated and called - And the said Andrew Newell by Sight his Proctor appearing having first enquired into and duly considered the whole proceeding had and done before us in the said business and having observed what by law ought to

be observed on this behalf have thought fit and
thinke fit this to proceed to the giving and promulging
of our definitive Sentence or final decree in the cause
business in manner and form following that is to say
Foresmeick as we have by the Acts enacted deduced
alledged, pleaded propounded and proved on the said
business found and clearly discovered that the
Procurator General for our Sovereign Lord the King
hath sufficiently founded his intention deduced on a
Certain Allegation given and admitted on his behalf
in the said business and now remaining in the
Registry of this Court which said Allegation and
other matters propounded exhibited and admitted we
take and will have taken as if here read and inserted
for us to pronounce for the Condemnation of the said
Ship her tackle Apparel and Furniture and the
said Goods Wares and Merchandizes as belonging to
the French Republic or to some person or persons
being subjects of the French Republic and as
such, or otherwise liable to confiscation and condemnation
as hereinafter mentioned, and that nothing at law
effectual hath been excepted, deduced alledged pleaded
propounded or proved by any person whatsoever which
may or can any ways defeat prejudice or weaken
the intention of the Procurator General therefore
We Sir Thomas Andrew Knapp Knight the Judge
aforesaid first calling upon the Name of Christ and

having God alone before our Eyes and having heard
Counsel learned in the Law thereupon do hereby pronounce
and decree and declare that the said Brig Creole whereof
the said Andrew Newell was Master her tackle Apparel
and furniture and the said Goods Wares and Merchandizes
laden on board the same were rightly and duly taken
and seized as aforesaid by his Majesty's Ship of War
the Phaeton Pownal Bastard Pellew Esquire Commander
and that the said Brig her tackle Apparel and
furniture and the said Goods Wares and Merchandizes did
at the time of the taking and seizing thereof
(so far as appears to us) belong to the French Republic
or to some person or persons being subjects of the French
Republic or inhabiting within the territories of the French
Republic and as such ought to be accounted and reputed
liable to and subject to Confiscation and to be adjudged
and condemned as and for good and lawful Prize to our
Sovereign Lord the King And we do also pronounce decree
and declare that the said Brig her tackle Apparel and
Furniture and the Goods Wares and Merchandizes laden on
board the same be adjudged and condemned as good and
lawful Prize to our Sovereign Lord the King taken and
seized by His Majesty's Ship of War the Phaeton Pownall
Bastard Pellew Esquire Commander by this our Definitive
Sentence or final decree which we read and promulge by
these presents -

L. A. Strange

This Sentence was read, signed and promulged by the Judge aforesaid upon the eleventh day of October in the year of our Lord 1808 in the said Court in Fort Saint George Madras in presence of the two credible Witnesses named in the Act of Court -

Which Sattest

Henry Gahagan

Registrar.

October 11th 1808

This Proxy should have been inserted before the Claim

In the Vice Admiralty Court of Madras &c. Prize Jurisdiction

The Brig Creole

Andrew Newell - Master

Know all Men by these Presents that I Andrew Newell Master of the American Brig Creole belonging to the Port of Boston in the United States of America and whereof John Williams of Boston aforesaid is Owner do hereby Constitute and appoint William Sight one of the Proctors of the Vice Admiralty Court of Madras &c. to appear before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court and to exhibit for and on my behalf as Master and on the behalf of the said

John Williams as Owner of the said Brig and Cargoe
Claim for the Restitution of the said Brig and Cargo
lately seized and taken in the Port of Hanavai by his
Britannic Majesty's Ship of War Phaeton - And to do
every thing that shall be needful and necessary to
be done for me the said Andrew Newell in the
defenitive Sentence shall be pronounced by the said Court
for or against the Validity of such seizing and taking
And I the said Andrew Newell for myself as Master
and for the said John Williams as owner of the said Brig
and Cargo do hereby promise to allow as firm and Valid
all and whatsoever my said Proctor shall lawfully do or
cause to be done for me in and touching the premises -
In Witness whereof I have hereunto set my hand and
affixed my Seal this Eighth day of September in the
year of our Lord One Thousand Eight hundred and
Eight.

Signed Sealed and delivered
at Hanavai in the presence of
John Hewitt

And Newell

(57)

Certificate of Condemnation

In Pursuance of an Act of Parliament Passed in the twenty sixth Year of the Reign of his Majesty, intituled "An Act for the further Increase and Incouragement of Shipping and Navigation."—

I Thomas Andrew Strange Knight Judge of the Vice Admiralty Court of Madras and the territories thereunto belonging do hereby Certify that it appears by the Records of the said Court that on the 12th Day of October in the Year of our Lord 1808 the Brig Creole was Condemned in the said Court of Vice Admiralty as Good and Lawful Prize Seized and taken by his Majesty's Ship of War the Phaeton Pownall "Bastard Pellew Esquire Commander and I do appoint Henry Hall of Madras aforesaid Esquire to survey the said Ship According to the Tenor of the said Act of Parliament:—

In Witness Whereof I have hereunto set my Hand and Seal of Office this 26th day of October in the Year of our Lord 1808.—

(Signed) T. A. Strange

(58)

Ketch Anna Sophia

In the Vice Admiralty Court at Madras.

Prize Jurisdiction

Danish Ketch Anna Sophia

Wilhelm Pontoppidan Master

January 1809.

Our Sovereign Lord the King against the said Ketch Anna Sophia whereof the said Wilhelm Pontoppidan was Master her tackle Apparel and Furniture and the goods ware and Merchandizes therein, taken and seized by his Majesty's Ship of War the Victor Thomas Goube Esquire Commander and against all Persons in General &c.

On which day Robert Orme Procurator General for our Sovereign Lord the King by all lawful ways and to all effects in the law whatsoever alledged pleaded and articulately propounded as follows, to wit,

First That his Majesty by and with the Advice and consent of his privy Council did by an Order bearing date at the Queens Palace the fourth day of November One thousand eight hundred and seven, order that general Reprisals be granted against the Ships goods and subjects of the King of Denmark / save and except the Vessels to which his Majesty's licence had been granted or which had been directed to be released from the Embargo and had not since arrived at any foreign Port / so that as well his Majesty's Fleets and Ships and also all other Ships and Vessels that should be commissioned by letters of Marque or general

Allegations

general Reprisals or otherwise by His Majesty's Commissioners for executing the Office of Lord High Admiral of great Britain should and might lawfully seize all Ships Vessels and Goods belonging to the King of Denmark or his Subjects or others inhabiting within the territories of the King of Denmark and bring the same to Judgment in any of the Courts of Admiralty within his Majesty's Dominions And further the said Order in Council did direct that a Commission should issue and a Commission did accordingly issue under the Great Seal of the United Kingdom of Great Britain and Ireland authorizing the Commissioners for executing the Office of Lord high Admiral or any Person or Persons by them empowered and appointed to issue forth and grant Letters of Marque and Reprisals to any of his Majesty's Subjects or others whom the said Commissioners should deem qualified in that behalf for the apprehending seizing and taking the Ships Vessels and goods belonging to Denmark or any inhabiting within his Countries Territories or Dominions Except as aforesaid And this was and is true public and notorious and the Party proponent doth allege and propound every thing in this and the subsequent Articles Contained jointly and severally.

Second. That the said Ketch Anna Sophia whereof the said Wilhelm Pontoppidan was Master and the Goods Wares

and

and Merchandizes on board the same were on or about the Third day of April in the year One thousand Eight hundred Eight seized and taken as Prize by his Majesty's Ship of War the Victor Thomas Lyeabe Esquire Commander and was were at the time of the aforesaid seizure thereof belonging to subjects of the King of Denmark or to Persons inhabiting within the territories of the King of Denmark and as such or otherwise liable to confiscation and ought to be confiscated and condemned to our Sovereign Lord the King not being within the exception in the said order mentioned And that it ought to be further adjudged and decreed that the said Thomas Lyeabe the Commander of his Majesty's said Ship of War the Victor and the Officers and Crew on board the said Ship under his Command were and are the Captors of the said Ketch the Anna Sophia and of the Goods Wares and Merchandizes on board the same and the Party Proponent doth allege and propound as before.

Third That the said Ketch the Anna Sophia her tackle Apparel and Furniture and the goods Wares and Merchandizes taken thereon were within and are subject to the Jurisdiction of this Honorable Court and the Party Proponent doth allege and propounds as before.

Lastly That all and singular the Premises were and are true public and notorious and thereof there was and is a public voice fame and report of which legal proof being made the Party Proponent prays right and Justice

&

to be effectually done and administered in the Premises by you The Honorable Sir Thomas Andrew Strange Knight Judge of His Majesty's Vice Court of Admiralty at Madras or your lawful Surrogate and that the said Ketch Anna Sophia whereof the said Wilhelm Pontoppidan was Master her Tackle Apparel and Furniture and all and singular the Goods Wares and Merchandizes on board the same so seized and taken therein as aforesaid be pronounced to belong at the time of the aforesaid seizure to subjects of the King of Denmark or to Persons inhabiting within the territories of the King of Denmark and as such or otherwise liable to confiscation and condemnation - And that it may be pronounced decreed and declared that the said Ketch her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken therein did belong to Enemies of the Crown of the United Kingdom of Great Britain and Ireland - And that the said Ketch her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken on board the same be adjudged and condemned as good and lawful Prize accordingly -

(Signed) C: Marsh.

(Signed) R Orme
Kings Proctor

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Depositions on the standing Interrogatories

In his Majesty's Vice Admiralty Court of Madras and the Territories thereto belonging

Depositions of Witnesses sworn and taken at the Office of the Commissioner in Tranquebar the 11th day of January in the year of our Lord 1809. before William Macleod and Edward William Stevenson Commissioners named and appointed in and by a certain Commission to us directed jointly and severally bearing date the fifth day of January, issued out of and under the Seal of his Majesty's Vice Admiralty Court of Madras. and the territories thereto belonging on the Standing Interrogatories annexed to the said Commission upon the Oaths of Witnesses hereinafter named, by the Interpretation of Jacob Johnson who was first sworn duly to interpret in that behalf in the presence of the Actuary.

Wilhelm Pontoppidan. Aged twenty six years. late Master of the Ship Anna Sophia duly sworn on the Holy Evangelists as follows. (that is to say)

1st To the first Interrogatory this Deponent saith that he was born in Jutland; that during the last seven years he has been at Sea and in various parts of Europe and Asia, that he now lives at Tranquebar, where he has resided for the last 8 Months that he is a subject of the King of Denmark. that he has been admitted a Burgher of Tranquebar for nearly 18 Months, having at that time petitioned the Danish Government.

to

to be so admitted that he has resided 8 Months there since he was admitted; that he paid two Porto Novo Pagodas for such admission that he is not married —

2nd To the Second Interrogatory this Deponent saith that he was present at the time of taking the Ship Anna Sophia that she had no Commission —

3d To the Third Interrogatory this Deponent saith that the Coast of Coromandel on the 3d of April 1808 that she was taken from what he was told owing to a disturbance between the two Governments of Denmark & England; that they were carried into the Roads of Tranquebar; that the Ship sailed under Danish Colours that there was only besides an Old English Jack on board; that this Colour was on board the Ship when purchased & remained but for no use; that no resistance was made at the period of taking the Ship that they were taken by the Victor Sloop of War that no other Ships were then in sight. —

4th To the fourth Interrogatory this Deponent saith that he was the Master of that Vessel; that I was appointed Master by Mr Jansen that he took possession of her at Nagore in September 1807 from Captain Kingsmill he lived at Negapatam. —

5th To the Fifth Interrogatory this Deponent that the Ship was of the Burthen of 40 Tons, that the numbers of Mariners was twelve who were of this Country, i.e. of India, that they all, except one Lascar, came

on

on board at one port, that he shipped them in August 1807 at Tranquebar.

6th: To the Sixth Interrogatory this Deponent saith, that half of the Ship and Cargo belonged to himself: the goods in which he had an interest were Pepper, Dollars & Redwood that he belonged & was Master of the said Vessel when taken that he has known her since September 1807 that he first saw her at Nagore in Septr 1807 that he does not know where she was built.

7th: To the Seventh Interrogatory this Deponent saith that the name of the Ship is the Anna Sophia; that she has been so called since Septr 1807 that he cannot recollect her former name, that she had a Passport from the late Danish Government of Tranquebar; that in the Voyage in which she was taken she sailed from Tranquebar to the Isle of France & Acheen that the last Voyage was the only one he made in the Vessel & was to have ended at Tranquebar that her Cargoes during the only Voyage he knew the Ship consisted of Blue Cloth, Rice & Salt to the Isle of France Dollars Stick Lack Coffee & some Liqueurs & from Acheen Pepper & Redwood, that she sailed last from Acheen previous to the Capture that she has been under the direction and management of Mr Jansen that he corresponds with Mr Jansen regarding the Ship or her Cargoes; that he is uncertain but believeth she was built on the Malabar Coast.

8th: To the Eighth Interrogatory this Deponent saith, that

at

at the time of setting sail on the last Voyage she carried out Blue cloth, Rice & Salt & at the time she was taken, she was laden with Pepper, Redwood, Stick lack, Coffee, liqueurs & Dollars; that in December 1807 Stick lack, Dollars, Coffee & liqueurs were put on board & the rest in March 1808. that of the Stick lack there were about 24 or 26 Bags, of the Dollars there were about 6500, of Coffee 2 bags & 2 Cases of liqueurs.

9th To the Ninth Interrogatory this Deponent saith that the Owners were Mr Jansen himself, who bought & paid for the Ship & obtained the Ships papers in Mr Jansen's name; that both of these owners are Natives of Denmark by birth, that they live at Tranquebar, that Mr Jansen's Wife & both their families reside in Denmark where they have always resided; and that they are subjects of the King of Denmark.

10th To the tenth Interrogatory this Deponent saith that there was a Bill of Sale given to the owners by Mr Davidson in September 1807; that it was made at Nagore that Mr Jansen having got that Bill he doth not know who were the Witnesses that no other engagement was entered into.

11th To the Eleventh Interrogatory this Deponent saith, that the last Cargo was put on board at the Isle of France and at Acheen the Dollars, Stick lack, Coffee & liqueurs at the former & Pepper & Redwood at Acheen.

12th To the Twelfth Interrogatory this Deponent saith that he himself & Mr Jansen the Owners & the Consignees

himself

himself, Mr Jansen & Mr Koefoed these are all Danes & they all live at Tranquebar where the two latter carry on their business that Mr Jansen has resided there 18 Months but he knoweth not how long Mr Koefoed has resided there; that he knoweth not where Mr Koefoed formerly lived but Mr Jansen formerly resided at Copenhagen; that these Goods were to be delivered at Tranquebar on account, at the risk & for the benefit of himself, Mr Jansen & Mr Koefoed that the Goods were paid for on his own & Mr Jansens account & that 4000 Dollars were on freight to Mr Koefoed, that he declareth upon the Oath he hath taken that the Ship & Goods were they restored would belong to these persons & none others.

13th To the Thirteenth Interrogatory this Deponent saith that there was no bill of lading for the goods on board.

14th To the fourteenth Interrogatory this Deponent saith, that there are no bills of lading or other papers about this Ship in Great Britain.

15th To the Fifteenth Interrogatory this Deponent saith, that there was no Chaster party.

16th To the Sixteenth Interrogatory this Deponent saith that she had on board a Certificate and Manifest from the Danish Consul at the Isle of France & her regular papers at the time she was taken, that none of these was in any manner destroyed or concealed or attempted to be concealed.

17th To the Seventeenth Interrogatory this Deponent saith that

that he knoweth not of the Ship Anna Sophia ever having been taken before.

18th To the Eighteenth Interrogatory this Deponent saith that he hath sustained loss by the taking the said Ship, that his loss might be nearly 3000 Porto Novo Pagodas, but hath not received any indemnity satisfaction or promise of satisfaction for such loss. —

19th To the Nineteenth Interrogatory this Deponent saith that neither the Ship nor the Goods belonging to himself & Mr Jansen were ensured but he doth not know whether Mr Koefoeds Dollairs were ensured or not

20th To the Twentieth Interrogatory this Deponent saith that had they arrived at their destined port the Cargo would have belonged to the Consignees &c none others —

21st To the Twenty first Interrogatory this Deponent saith that he doth not know where the Cargo was produced grew or was Manufactured.

22nd To the Twenty Second Interrogatory this Deponent saith that all the Cargo was taken on board from boats which brought it from shores of the Isle of France & Achen. —

23d To the Twenty third Interrogatory this Deponent saith that there are no papers whatever to his knowledge regarding the said — in any other Country besides Great Britain or in any other Vessel except the said Vessel.

24th

24th To the Twenty fourth Interrogatory this Deponent saith that no papers, except those given to the Commander of the Sloop of War were delivered out of the Vessel.

25th To the Twenty fifth Interrogatory this Deponent saith that bulk was not broken during the Voyage but he knoweth not whether it hath been broken since the Capture.

26th To the Twenty sixth Interrogatory this Deponent saith that there were no passengers on board the said Ship that there were no Officers Soldiers or Mariners secreted on board nor were any of his Britannick Majesty's Subjects on board.

27th To the Twenty Seventh Interrogatory this Deponent saith that all the Papers on board the said Vessel were fair & true that the Passports were obtained by Mr Jansen from the Danish Government that they were obtained for the Ship only on the Oath of Mr Jansen & were delivered on his behalf that they were for the Voyage only; that there are fees payable on these but he knoweth not the amount as Mr Jansen paid them, that the passports were not renewed that the Ship was in Tranguebar Roads when the passports were granted, that no person on board to his knowledge had any Letts pass or Letters of safe Conduct.

28th To the Twenty Eighth Interrogatory this Deponent saith that he signed only the Manifest of the Cargo, which was delivered among the other papers to the Captain of the Victor

29th

29th To the Twenty Ninth Interrogatory this Deponent saith that the Ship when taken was steering for Tranquebar that her course was not altered at the time of seeing the Vessel by which she was taken & it was at all time when the weather permitted directed to Tranquebar: that before and at the period of Capture she was sailing direct for that port: that at the period of Capture she was about 12 English Miles from her destined port: that her Course was not on any occasion altered except going from the Isle of France to Acheen.

30th To the Thirtieth Interrogatory this Deponent saith that he knoweth only that she was sold from a Mussulman to Mr Kingsmill & from him to Mr Jausen himself that he knoweth nothing of the first Sale but the last took place in Sept. 1807 at Nagore for the sum of 600 Porto Nove Pagodas which have been paid & were a true & equivalent price then, that he knows & declares that such Sale actually took place & that were she now restored she would belong to himself & Mr Jausen & to none others that there are no private agreements for the return of the Ship at any period.

31st To the Thirty first Interrogatory this Deponent saith that there were no Guns mounted on board the said Ship & there was only one Musket belonging to her that there were no other warlike or Military Stores of any denomination on board. —

32nd

32nd. To the Thirty Second Interrogatory this Deponent saith that according to the best of his knowledge & belief the Ship & Cargo belonged to himself & Mr Jansen & the 4000 Dollars belonging to Mr Koefoed & that they were bound for Tranquebar when taken.—

Additional Interrogatories.—

1st. To the first Interrogatory this Deponent saith that he knoweth not of the said Ships having ever sailed under Convoy of any Ship of War or Armed Vessel; that they had no instructions to resist, avoid or escape Capture nor for destroying, Concealing or refusing to deliver up the Ships or any other papers.—

2nd. To the Second Interrogatory this Deponent saith that the said Ship to the best of his knowledge never entered a Port under blockade.—

Sworn before us

(Signed) W. Pontoppidan

(Signed) Wm Leod.

(") E. W. Stevenson
Commissioners

(") I. Jahnsen
Interpreter

In the presence of

(Signed) Alexr H. Kelso
Actuary

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Sentence of Condemnation

In the Name of God Amen We Sir Thomas Andrew Strange Knight Commissary of the Vice Admiralty Court of Madras and the territories thereunto belonging and President and Judge thereof and also to hear and determine all and all manner of causes and Complaints as to Ships and Goods seized and taken as Prize specially constituted and appointed, having heard seen, and understood and fully and maturely discussed the merits of a certain business of seizing and taking the Ship or certain Ketch called the Anna whereof Wilhelm Pontoppidan was Master her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden on board the same seized and taken by His Majesty's Ship of War the Victor Thomas Groube Esquire Commander which was lately and still is depending before us on the part and behalf of our Sovereign Lord the King against the said Ship her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden on board the same and against all persons in general who have or pretend to have any right title or interest therein. And we lightly and duly proceeding therein and the Procurator General for our Sovereign Lord the King appearing before us and praying sentence to be given and Justice to be done and all persons in general who have or pretend to have any right title or interest in the said Ship her Tackle Apparel and Furniture and the said Goods Wares and Merchandizes being duly and legally cited and intimated and called and not appearing having first enquired into and duly considered the whole proceeding had and done before us in the said business and having observed what by law ought to be observed in this behalf

have

thought fit and do think fit thus to proceed to the giving and promulging of our definitive sentence or final decree in the said business in manner and form following that is to say

Forasmuch as we have by the Acts enacted, deduced, alledged, pleaded propounded and proved in the said business found and clearly discovered that the Procurator General for our Sovereign Lord the King hath sufficiently founded his intention, deduced in a certain Allegation given and admitted in his behalf in the said business and now remaining in the Registry of this Court which said Allegation and other matters propounded exhibited and admitted we take and will have taken as if here read and inserted for us to pronounce for the condemnation of the said Ship her Tackle Apparel and Furniture and the said Goods Wares and Merchandizes as belonging to the King of Denmark or to some person or persons being subjects of the King of Denmark or inhabiting within the territories of the King of Denmark and as such or otherwise liable to confiscation and condemnation as hereinafter mentioned and that nothing hath been objected deduced alledged pleaded propounded or proved by any person whomsoever which may or can any ways defeat prejudice or weaken the intention of the Procurator General therefore We Sir Thomas Andrew Strange Knight the Judge aforesaid first calling upon the name of Christ and having God alone before our Eyes and having heard Counsel learned in the Law thereupon do hereby pronounce decree and declare that the said Ketch Anna Sophia whereof the said Wibbelm Pontoppidan was Master her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden on board the same were

rightly

rightly and duly taken and seized as aforesaid by his
Majesty's Ship of War the Victor Thomas Growdie Esquire
Commander and that the said Ketch her Tackle Apparel
and Furniture and the said Goods Wares and Merchandize
did at the time of the taking and seizing thereof (as
far as appears to us) belong to the King of Denmark or
to some person or persons subjects of the King of Denmark
or inhabiting within the territories of the King of Denmark
and as such ought to be accounted and reputed liable to
and subject to confiscation and to be adjudged and condemned
as and for good and lawful Prize to our Sovereign Lord the
King And we do also pronounce decree and declare that
the said Ketch her Tackle Apparel and Furniture and
the Goods Wares and Merchandizes laden on board the
same be adjudged and condemned as good and lawful Prize
to our Sovereign Lord the King taken and seized by
His Majesty's Ship of War the Victor Thomas Growdie
Esquire Commander by this our Definitive Sentence or
final Decree which we read and promulge by these presents.

Signed J. A. Strange

This Sentence was read, signed, and promulged by the
Judge aforesaid in the Court of Vice Admiralty Fort St George
Madras on Tuesday the Fourteenth day of February in
the year of our Lord One Thousand Eight hundred and
Nine.

Which I Attest

Henry Gahagan
Registrar

(74)

Certificate of Condemnation

In Pursuance of an Act of Parliament passed in the Twenty Sixth Year of the Reign of his Majesty, intituled "An Act for the further Increase and Incouragement of Shipping and Navigation."—

I Thomas Andrew Strange Knight Judge of the Vice Admiralty Court of Madras and the territories thereunto belonging &c. do hereby Certify that it appears by the Records of the said Court that on the fourteenth day of February in the Year of our Lord 1809 the Ketch Anna Sophia was Condemned in the said Court of Vice Admiralty as Good and Lawful Prize Seized and taken by his Majesty's Ship of War Victor Thomas Groube Esquire Commander and Did Appoint Penny Hall of Madras aforesaid Esquire to survey the said Ship According to the tenor of the said Act of Parliament.—

In Witness Whereof I have hereunto set my Hand and Seal of Office this 18th day of February in the Year of our Lord 1809.

(Signed) T A Strange

(L S)

18 Feby 1809
M Gabriyan
Registar

Certificate of Ship Sailing under Enemy's Flag and Pass. —

Vice Admiralty Prize Court
Madras

I Sir Thomas Andrew Strange Knight
Judge of the Vice admiralty Court of Madras and
the Territories thereunto belonging hereby Certify
and declare that it appears by the Records of the
said Court that the Ketch Anna Sophia Condemned
as Good and Lawful Prize taken and Seized by
His Majesty's late Sloop of War Victor Thomas
Groube Esquire Commander was Captured Sailing
under the Danish Flag and with the Passport of
the Danish Government of Tranquebar. —

Given under my Hand
this 31st day of July 1809. —

T. A. Strange

Which I attest

Henry Gahagan
Registrar

Order for Distribution of Proceeds

Vice Admiralty Prize Court
Madras

Wednesday the 2d day of August 1809

Before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court &c. at his Chambers present Henry Gahagan Esquire Registrar. —

In the business of the Hetch.
Anna Sophia — }

On motion of the Kings advocate and on reading the Petition of the Kings Proctor It is ordered that the proceeds of the said Hetch Anna Sophia and her Cargo Condemned on the 14th day of February last past as Good and Lawful Prize. Seized and taken by his Majesty's late Ship Victor Thomas Groube Esquire Commander now in the hands of Henry Hale and William Edward Stevenson or one of them Agents to the Captors be by them distributed before the time for appeal lapsed Subject nevertheless to the liability of the Captor to answer any Appeal that may be instituted hereafter during the time limited by law for appeals. —

T. A. Strange

In the Vice Samuratty Court at Madras.

Prize Jurisdiction

Danish Brig Candu Bux (2)

Chunna Bappoo Master.

January 1809.

Our Sovereign Lord the King against the said Brig Candu Bux whereof the said Chunna Bappoo was Master her Tackle Apparel and furniture and the Goods Wares and Merchandizes therein taken and seized by his Majesty's Ship of War the Victor Thomas Groube Esquire Commander and against all Persons in General.

On which day Robert Ormie Procurator General for our Sovereign Lord the King by all Lawful Ways and to all effects in Law Whatsoever alledged pleaded and Articulately Propounded as follows to Wit.

First That his Majesty by and with the advice and Consent of his Privy Counsel did by an order bearing date at the Queens Palace the fourth Day of November one Thousand Eight hundred and Seven Order that General Reprizals be granted against the Ships Goods and Subjects of the King of Denmark (Save and except the Vessels to which his Majesty's Licence had been granted or which had been directed to be Released from the embargo and had not since arrived at any foreign Port &c) so that as well his Majesty's Fleets and Ships and also all other Ships and Vessels that should be Commissioned by Letters of Marque or General Reprisals or otherwise by his Majesty's Commissioners for executing the office of Lord High Admiral

of

of Great Britain should and might lawfully seize all Ships Vessels and Goods belonging to the King of Denmark or his Subjects or others inhabiting within the Territories of the King of Denmark and bring the Same to Judgement in any of the Courts of Admiralty within his Majesty's Dominions. And further the said order in Council did direct that a Commission should issue and a Commission did accordingly issue under the great Seal of the United Kingdom of Great Britain and Ireland Authorising the Commissioners for executing the office of Lord High Admiral or any Person or Persons by them empowered and Appointed to issue forth and Grant Letters of Marque and Reprisals to any of his Majesty's Subjects or others whom the said Commissioners should deem Qualified in that behalf for the Apprehending seizing and taking the Ships Vessels and Goods belonging to Denmark and the Vessels and Subjects of the King of Denmark or any Inhabiting within his Countries Territories or Dominions (except as aforesaid) And this was and is true Public and notorious. And the Party Proponent doth alledge and Propound every thing in this and the Subsequent Articles Contained Jointly and Severally. –

Second That the said Brig Lauder Bux (2) whereof the said Hinna Bappoo was Master and the Goods Wares and Merchandizes on board the Same were on or about the Thirteenth day of March in the Year one Thousand Eight hundred and Eight seized and taken as Prize by his Majesty's Ship of War the Victor Thomas Searle Esquire Commander

Commander, and Were at the time of the aforesaid Seizure thereof belonging to Subjects of the King of Denmark or to Persons inhabiting within the Territories of the King of Denmark. and as such or otherwise liable to Confiscation and ought to be Confiscated and Condemned to our Sovereign Lord the King not being within the Exception in the said order mentioned, and that it ought to be further adjudged and decreed that the said Thomas Groube the Commander of His Majestys said Ships of War the Victor and the officers and Crew on Board the said Ship under his Command were and are the Captors of the said Brig the Lawder Bux (2) and of the Goods Wares and Merchandizes on Board the Same And the Party Proponent doth Alledge and Profound as before.—

Third That the said Brig the Lawder Bux (2) her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken thereon were within and are subject to the Jurisdiction of this Honble Court and the Party Proponent doth alledge and Profound as before.—

Lastly That all and Singular the Premises were and are true Public and notorious and thereof there was and is a Public Voice fame and Report of which Legal Proof being made the Party Proponent Prayes right and Justice to be effectually done and administered in the Premises by You the Honble Sir

Thomas

Thomas Andrew Strange Knight Judge of Her Majesty's Vice Court of Admiralty at Madras or Your Lawful Surrogate And that the said Brig Lauder Bux (2) Whereof the said Chenina Bapiyo was Master her Tackle Apparel and Furniture and all and singular the Goods Wares and Merchandizes on Board the same so seized and taken therein as aforesaid he Pronounced to belong at the time of the aforesaid seizure to Subjects of the King of Denmark or to Persons inhabiting within the Territories of the King of Denmark and as such or otherwise liable to Confiscation and Condemnation And that it may be pronounced decreed and declared that the said Brig her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken therein did belong to Enemies of the Crown of the United Kingdom of Great Britain and Ireland And that the said Brig her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken on Board the same be adjudged and Condemned as Good and Lawful Prize Accordingly.—

(Signed) C. Marsh

(Signed) R.: Orme
King's Proctor

Deposition on the Standing Interrogatories -

82

In Her Majesty's Vice Admiralty Court

of Madras and the Territories thereto belonging &c &c

Prize Jurisdiction.

Depositions of Witnesses had and taken at the

Post office in Fort Saint George Madras on the 3d and 4th

days of January in the Year of our Lord 1809 before

Thomas Greenway and Lake Hauteville Sterling Esquires or one

of the Commissioners Named and Appointed in and by a

certain Commission to us directed jointly and severally

bearing date the 30th Day of December 1808 issued out of

and under the Seal of Her Majesty's said Court on the

Standing interrogatories referred to in the said Commission

upon the oaths of the Witnesses hereto Named by the

Interpretation of Streenevausaloo Malabar Interpreter

who was first Sworn duly to interpret in that behalf

in the Presence of the Actuary. —

Chinna Bappoo late Master of the Brig

called the Cawder Bux /2/ about

35 Years of Age deposeth and saith as

follows

follows. That is to Say. —

1st To the first Interogatory this Deponent Saith That he was born at Peringapatam / Porto Novo / where he has lived for the last Seven Years. He is Subject to the English Government. He is Maried and his Family

2d To the Second Interogatory this Deponent Saith that he was Present at the time of taking and Seizing the Brig and lading Concerning Which he is now examined. he was on Board. The Brig had no Commission. —

3 To the third Interogatory this Deponent Saith that the Brig and Goods Concerning Which he is now examined Were taken and Seized about three Miles North of Tranquebar. about Ten Months ago the 2d Second or third of March last. Because the Brig was under Danish Colours. He was Kept at Tranquebar after being Seized, about Two days. The Said under Danish Colours She has one Large Cholejan Colours beside. They Got the Danish Colours from the Danes when the latter were Friends with the English in order to prevent Capture by the French. No Resistance was made at the time of Capture. The

Brig

Brig was taken by a Ship Commanded by Captain Crooke - He does not Know the Name of that Ship. no other Ships of War in Sight at the time of Capture. —

4 To the fourth Interrogatory this Deponent Saith that he is Master of the Brig taken and his Name is Chenna Bambo - He was Appointed to the Command by Comarapah Daick - about eight Months previous to her Capture he took Profession of her at Cuddalore by order of Comarapah Daick who lives at Cuddalore - The Deponent Said Place of abode is at Porto Novo he was there born and is now Subject to the English Government - And has a Wife and Family —

To the fifth Interrogatory this Deponent Saith that he doth not Know the Tonnage of the Brig taken - She had about Sixty Marinors on Board belonging Some to Porto Novo and Cuddalore - Some Came on Board at Porto Novo Some at Cuddalore, Some at Pulo Penang, Some at Geddah - they were hired by Comarapah Daick. When the Brig Sailed from Cuddalore —

6. To the Sixth Interrogatory this Deponent Saith that

that neither he nor any of the Officers or Mariners had any Part, Share or interest in the Brig or her lading - He belonged to the Brig as her Captain - he knew her one Year previous to taking the Command of her, he first saw her at Porto Novo but does not Know where she was built. —

7. To the Seventh Interrogatory this Deponent Saith that the Name of the Brig is the Cavalier Busa - & She has been So called ever Since he Knew her he never Knew her by any other Name - She had a Danish Passport on board from the Danish Commander of the Fort at Tranquebar - Before She was taken She had Sailed from Cuddalore to Pulo Penang - The Voyage began at Cuddalore and was to have ended at Cuddalore - Tobacco and Piece Goods were taken on Board at Cuddalore and delivered at Pulo Penang - Elephants were received on Board at Geddah - And these Elephants were taken at Tranquebar - She last Port She Sailed from before Capture was Geddah - She was under the direction and Management of himself and Father Said - he Corresponds with Comarapah Naick on the Concerns of the Brig and Cargo - he does not Know the Country in which the Brig was built. —

8-

8 To the Eighth Interrogatory this Deponent Saith that at her first Sailing from Cuddalore the Brig had lading of Tobacco and Piece Goods and at the time of being taken She had Elephants - The Tobacco and Piece Goods were put on Board at Cuddalore about eight Months previous to the Capture - & about the Month of February last Year the Elephants were taken on Board at Geddah 12 Elephants. —

9 To the Ninth Interrogatory this Deponent Saith that Comaraspah Pavick was the owner of the Brig at the time she was taken and he knows it because he received his Pay from Comaraspah Pavick who is a Native of Cuddalore and has always resided there with his Wife and Family - they are Subject to the Company. —

10 To the Tenth Interrogatory this Deponent Saith that he does not know any thing about any Bill of Sale. —

11 To the Eleventh Interrogatory this Deponent Saith that the lading of the Brig was taken on Board partly at Cuddalore and Partly at Porto Novo, that is the Tobacco and Piece Goods - The 12 Elephants were all taken on Board at the Same time at Geddah. —

12 To the Twelfth Interrogatory this Deponent Saith that Comaraspah Pavick is owner Lader and Consignee of the said

said Goods that he is a Native of Cuddalore and has always resided there - That the Goods were to be delivered at Cuddalore for the real account, risk and benefit of Comarapah Saieb - This Deponent takes upon himself to swear that he believes that at the time of lading the Cargoes and at the Present time and also if the Goods shall be restored and unladen at the destined Ports the Goods did do and will belong to Comarapah Saieb - And to nobody else - The Ground of his belief is by reason of his having been appointed to Command the Ship and having received his Pay from Comarapah Saieb, and also having received a Letter of instructions from Comarapah to dispose of the Goods -

13. To the Thirteenth Interrogatory this Deponent Saith that the Bills of Lading Were Signed for the Goods Seized on Board the said Brig -

14 To the Fourteenth Interrogatory this Deponent Saith that there has no Bills of lading of the Brig or Goods any where -

15 To the Fifteenth Interrogatory this Deponent Saith that there was no Charter Party Signed for the Voyage in which the Brig Concerning which he is now examined was taken -

16 To the Sixteenth Interrogatory this Deponent Saith that there

there was a Passport Which, they obtained from the Danes,
and a Clearance obtained at Pulo Penang before the Brig was
taken as Prize. They were not burnt, torn, thrown overboard
distroyed or Concealed or attempted to be Concealed. -

17 To the Seventeenth Interrogatory this Deponent Saith that
previous to the Brigs Seizure at Trangambar, She never was, to his
Knowledge, Seized or Condemned as Prize. -

18 To the Eighteenth Interrogatory this Deponent Saith that
he has Sustained loss by the taking of the Brig in Provision
in Jowls and Sugarcandy. he Computes the loss to be Value
of five or Six Pagodas - he has not Received nor has he been
promised any indemnity or Satisfaction for his loss. - ÷

19 To the Nineteenth Interrogatory this Deponent Saith that
the Brig and Goods were not insured nor any part of them

20 To the Twentieth Interrogatory this Deponent Saith -
In Case the Brig had arrived at her distined Port, the Cargo
in being unladen would have become the Property of the
Comarapah Naick. -

21. To the Twenty first Interrogatory this Deponent Saith
the Elephants Came from Giddalur, and the Tobacco and Piece
Goods from Cuddalore and Porto Novo.

22.

SS 139

I not being able to Beg
Thousand Pa

28

of the Brig- in Provision

computes to

of five or six — he has not

promised any indemnity

Brig Cawder Buse Tinna Baupoo Master Proceedings on further Proof. -
on behalf of Claimant affidavit of M. Hinchant from Cuddalore. - 135

In the Vice Admiralty Court
at Fort Saint George Madras
Prize Jurisdiction.

The Brig
Cawder
Buse 12 -
Tinna Baupoo - Nacodah

Richard Hinchant of Cuddalore Esquire in the Civil Service of the Honorable Company and Commercial Resident and Collector of Government Customs at that Place Maketh oath and Saith That he has Known Comaraporte Naick the Claimant of the above mentioned Brig Cawder Buse and her Cargo, since the Year [A] one Thousand Seven hundred and Seventy-two - That during the whole of that period of time the said Comaraporte Naick has Constantly Resided under the British Government at Cuddalore aforesaid - And that Since this Deponent has Known him he has always been Considered as one of the most respectable Native Merchants in Cuddalore - And this Deponent further saith he Verily believes the said Comaraporte naick did never at any time Reside or Trade at Tranquebar but this Deponent has heard that on account of the War with the French the said Comaraporte Naick has found it Expedient from time to time to obtain a Danish Pass and Flag from the late Government at Tranquebar for the protection of his Vessels. And this Deponent Saith he hath also heard and believes that to

enable

[a] Deponent not being able to Swear to his Knowledge of Comaraporte Naick from the precise period here mentioned begs to substitute the Words "many Years" therefor. And is Sworn to them accordingly. -
John G. Ravenshaw
E. H. Cruttenden.

enable him to obtain the same the said Comarapah Naickwai (in compliance with the Danish forms) obliged about four years ago to purchase a House in Tranquebar but that neither the said Comarapah naick or his family have ever resided there as this Deponent Verily believes - And this Deponent further Saith that the said Brig Camden Bux sailed from the Ports of Cuddalore aforesaid and Porto Novo in the Month of September one Thousand eight hundred and seven to the Eastern Coast with a Cargo under a Certificate of the Duty having been paid at Cuddalore - And this Deponent further Saith that the Paper Writing hereunto annexed Marked A is the identical Certificate or Port Clearance granted upon that occasion Signed by this Deponent - And that the Paper Writing hereunto also annexed Marked B is a true Copy of the Register of Exports by Sea at Porto Novo aforesaid for the Months of August and September in the Year of our Lord one Thousand Eight hundred and Seven - And this Deponent Saith that the said Brig Camden Bux in the said Register Mentioned is the same Vessel now in litigation in this Cause -

Sworn to before us at Cuddalore
this twenty Seventh day of June
one Thousand eight hundred & Nine
John G. Ravenshaw
E. B. Cuttenden.

R. Kenchant

Paper referred to in Mr Kinchant's Affidavit

No. 171. **A** 137.

Cuddalore. Port Clearance.

For the Brig Lawder Buxee Nazoda Srinivapoo 135 Tons under

Asiatic Colours bound for Soloperang. —

This is to certify to whom it may Concern That

the owners of the above Mentioned Brig have rendered an

Account of her Import and Export Cargoes have discharged

all Duties and Complied with all the Regulations of

this Port. —

Cuddalore Govt Custom House
7th September 1807. }

Export Cargo Brigt J. Crump.
Capt. of Govt Customs

Sales of Goods	Marks or Numbers	Quantity	Where Shipped	By whom Shipped	To whom Consigned
Piece Goods		51 Bales	Cuddalore	Coomarapah Naick	Srinivapoo
Tamarinds		29 Bundles			
Ghee		7 Dubbers & 1 Jarr			
Onions		13 Baskets			
Rice		30 Bags			
Pots and Chatties		1000 No.			

Stone Colony

R. Kinchant
Collector of Govt Customs.

(B)

Register of Exports by Sea at Porto Novo for August and September 1807.

whom Exported	Names of the Vessel	under what Colours	Whether bound	No. & Nature of Packages	Sorts of Goods	Place of manufacture or Produce	Quantity of Goods (Orgs Pieces Candy Sh N.)	Rate per Corge &c. (Ps. ps. C)	Amount Value of Goods (Ps. ps. C)	Rate of Customs	Amount of Government Customs	Total amount of Government Customs
[illegible]napah Naick	Mahomed Bux	Moore	Polopinang	51 Bales 44 Parcels 29 Bags	Piece Goods &c.	Trippolore and Arcot	321 8		4,458 " 45 @ 6 per Cent		267 21 50	
					Tamarand		" " 64 82					
D°	Brig Cawder Bux	D°	D°	34 Bales and 10 Parcels 5 Bags	Piece Goods		201 10		2,535 38 20 at D°		152 0 64	
					Dates		87 3/8					

(Sigd.) E. W. Stevenson
Superintendant of Govt. Customs.

This is to Certify the above duties were Received from me from Comarapah Naick

(Sigd.) E. W. Stevenson
Superintendant of Govt. Customs

A true Copy
(Sigd.) R. Kinchant
Colr. of Govt. Customs

15 July 1809
H. Ghoshegan
Registrar

Sir,

I have this day been favored with Your letter of the 20th Instant. -

Comarapah Bark has to my knowledge Resided at Cuddalore for many Years past, and is generally Considered I believe to be one of the most opulent and respectable Merchants at that place. -

I remain
Sir
Your most Obedient
Servant

E. W. Fallofield

Pondicherry
25th June 1809

D. Seale Esqre

15th July 1809

Registered

Affidavit of Latchmana Iyer in further Proof of Claim

140

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction } The Lawder Box [2] Ghennee Baupoo " Dacodah

Appeared Personally Latchmana Iyer an Inhabitant of Cuddalore who made oath and declared that he has Knowen Comarapah Naick of the same place the Claimants of the above mentioned Ship Lawder Box and her Cargo for the Period of Fifty Years and upwards during the whole of which time the said Comarapah Naick has resided at Cuddalore aforesaid as a Merchant and the Appearer further made oath and declared that during such the Period of his acquaintance with and Knowledge of the said Comarapah Naick and as he the Appearer verily believes at any Period of time whatever neither he the said Comarapah Naick or his family have been Subjects of the King of Denmark or Citizens or Inhabitants of Tranquebar. —

Fort Saint George this 5th day of July 1809 Sworn before me. The Contents having been first explained by the Interpreter to the Supreme Court .....

T. A. Strange

5 July 1809

Elizabeth

Claimants Proctor

D. Clark

D 29 H 10 W 10 S 00 E

Latchmana - Iyer

Affidavit of Heelanoor Soobramoonia Pillay in further Proof of Claim

141

In the Vice admiralty Court
at Fort Saint George Madras
Prize Jurisdiction
} The Cawder Bux (2) Chunna Baipoo Nacodah

Appeared personally Heelanoor Soobramoonia Pillay
of Madras Inhabitant who made oath that he has known
Comarapah Nauk the Claimant of the above mentioned
Ship the Cawder Bux (3) and her Cargo for a period of thirty
five Years last past. That during the whole of that time the
said Comarapah Nauk has resided at Cuddalore as a
Merchant (4) and that for about Ten Years of that period he
was in Partnership with the said Comarapah Nauk (5)
and the Appearer further made oath (6) and declared
that during the whole of the said Period of time that he
has known the said Comarapah Nauk (7) neither he
the said Comarapah Nauk or any of his Family
have been Subjects of the King of Denmark (8) or
Citizens or Inhabitants of Tranquebar -

Fort Saint George 5th Day of July 1809
Sworn before Me - The Contents having been
first Explained by the Interpreter to
the Supreme Court - - - -

T. A. Strange (9)

Heelanoor Soobramoonia

5 July 1809
Elgabayan

Further Proof on behalf of Captors - Affidavits &c.
from Tranquebar

142

In His Majesty's Vice Admiral Court
at Madras
Prize Jurisdiction

Cawder Bux /2/ Chinna Boopoo
Master

Appeared Personally James
Hocsted Esquire of Tranquebar late Chief
Secretary to the Danish Government at Tranquebar
aforesaid Johan Rehling Esquire of Tranquebar
aforesaid late Magistrate and City Judge of that place
and Johan George Reinhardt Esquire of Tranquebar
aforesaid late Cashier Taxing Master and Search
Master at the Same place and upon the Holy
Evangelists Severally deposed the truth and made
oath as follows - And first the Deponent Johan
Rehling did depose and say that the annexed Danish
Extracts (viz: 1) from the Register of Ships Passports
issued at Tranquebar in the Name of the Danish
Government are true and faithful Extracts from the
Public Register of Ships Passports of the late
Danish Government at Tranquebar now under

the

of James Rocfoed, Johan Rehling, and Johan George Meinhardt Esquires

the Charge of the Commissioner for the British Nation, the same Extracts having been compared by the Deponent with the original Register And the Deponent Did further Depose that Commarapah Narick the owner of the Brig Lauder Busc /2/ and the Several other Persons whose names are mentioned in the Column of the said Annexed Extracts under the head "Name of the owner" did Severally appear before the Deponent at Tranquebar as Magistrate and City Judge of that place and subscribe and swear to the several Declarations of the persons mentioned and set forth in the Annexed Copy of a Danish Paper /Nr 2/ Which is a Copy of the Declarations and Certificates made and granted in relation to the above on Brig Lauder Busc /2/ whereof Chinna Banpoo was Master and the said Commarapah Narick the owner and which Copy is a true Copy of the original Declarations and Certificates now deposited /as well as the several other Declarations and Certificates/ with the other Records of the Government at Tranquebar and the Deponent did further depose and say that on the deposit of such Certificates with the other Deponent James Rocfoed as Said late Chief Secretary as aforesaid and not before, the Danish Passes and other Danish Ships papers from the Danish Government

were

were delivered to the owners of Vessels, and the said
Deponent John Rehling did further depose that the several
sums set opposite the Names of the owners of Vessels in the
said Extracts named as the Tax paid for and in respect
of such Vessel to the Danish Government at Tranquebar were
paid by the several owners in the said Annexed Extracts
named to the Deponent on delivering the Danish passes &
Papers made out for each Vessel.

And the other Deponent Johan Georg Leinhardt
did depose and say that all the several Vessels whose Names
are mentioned in the said Annexed Extracts did severally
clear out and sail from the Roads and Port of Tranquebar on
the several Voyages therein mentioned under Danish
Colours and with Danish Passes and Papers.

And the other Deponent James Hoepes did
depose that he has for the purpose of making this
Deposition, examined and Compared the several
Declarations with the Certificates annexed made by the
Several owners of Vessels in the said Annexed Extracts
named with the the said Declaration and Certificate /No 2/
hereunto annexed and the Deponent is from such
Examination and Comparison enabled to depose and does
hereby depose that the whole of such Declarations

and

and Certificates agree in substance and only vary in the names of the owners and the Names of the Vessels and Dates. —

And all the above named Deponents did further declare and add that before any person can by the Regulations is declared by the late Government of Tranquebar have the Danish Burgher Brief, Letters Patent from the Danish Government for his Vessel it is required that such Person should purchase or have possession of Land in Tranquebar in order to become a Citizen of Tranquebar and a Subject of the King of Denmark and that the said Comarapah Naick and the several Mouriers of Vessels in the said Extract named did severally purchase and possess Land within Tranquebar as part of the Territories of the King of Denmark. —

All Sworn at Tranquebar
this 12th day of June 1809.
Before us —

Alex. H. Kelso. }
W. McLeod } Commissioners

I. Koefoed
I. Rehleng
I. G. Meinhardt

15 July 809

Register

Paper referred in proceeding Affidavit No.

Translation of Extracts from the Register of Ships Passports

146

No. of the Passports	Date of Expedition	Name of the Vessel	From whence the Vessel is	Where she is bound	Name of the owners	Name of the Captain
4	8th June 1809.	Machaiden Hadeu Box	Tranquebar	Poolopenang and all ports in India	Lewapanaheir	Lewapanaheir
27	8th September 1804	Hadeu Box	Tranquebar	Poolopenang Achin and all Port in India	Abirkasutty Mare Kan	Mahtin Saib
24	14th Sept. 1805	Mahamader Box	Tranquebar	Achin Poolopenang and all ports east of Cape	Lowanapahn Naick	Akinnigamaden Sithetain
26	16th Sept. 1805	Machadin Hadeu Box	Tranquebar	Achin, Poolopenang and all ports east of Cape	Lewapanahein	Lewapanahein
28	17 Sept. 1805	Mugamaden Hadeu Box	Tranquebar	Achin, Poolopenang and all Ports east of Cape	Chratkar Sethy Mankan.	Perusaib
4	24th April 1806.	Sophea	Tranquebar	Sholaf Tranner & all Ports east of Cape	Peter Johnstrup	Peter Dunstrup
12	20th August 1806	Mahomader Box	Tranquebar	Achin, Poolopenang and all ports east of Cape	Lowanapahn Naick.	Akinnigamaden Sithetain
13	20th August 1806	Hadeny	Tranquebar	Achin Malacca and all ports east of Cape	Lowanapahn Naick	Naracusen
14	22d August 1806	Machaiden Hadeu Box	Tranquebar	Achin poolopenang and all ports east of Cape	Lewapanahein	Hasena Marcekan
16	24th August 1806	Hadeu Box	Tranquebar	Poolopenang and all ports east of Cape	Malen Saib	Seseenalwey
17	30th August 1806	Machadin Box	Tranquebar	Achin poolopenang and all ports east of Cape	Machamadin Alymeya	Machamaden Alymeya
26	27th Sept. 1806.	Hadeu Box	Tranquebar	Achin, poolopenang and all ports east of Cape	Abirkasutty Nonkan	Pattanesaib

of the late Danish Government at Tranquebar.

Date of the Certificate of Vessel	If she has Certificate of Goods its Date	By whom the Certificate of Goods was Granted	The Last of the Burden of the Ship in Tons at 125 Rds per 100 Tons	The amount of Last Rds	Sh.	When and Date of Payment	Remark
8th June 1804	8th June 1804	Government	150	37½	6	8th June 1806	Agreeably to the Declaration on oath given before the Court it is evident that this Vessel being plundered by Malays and the Pass lost thereby lost. —
8th September 1804	8th Sept. 1804	Government	240.	60.	"	8th Sept. 1904.	21st Augt 1805
16th Sept. 1805	16th Sept. 1805	Government	160.	40.	"	16th Sept. 1805	21st April 1806
16th Sept. 1805	16th Sept. 1805	Government	150.	37½	6.	16th Sept. 1805	12 August 1806
17th Sept. 1805	17th Sept. 1805	Government	75.	18.	9	17th Sept 1805	
24th April 1806	24th April 1806	Government	240.	60	"	24th April 1806	
20th Augt 1806	20th Augt 1806	Government	160	40	"	20th Augt. 1806	
21st Augt 1806	21st Augt 1806	Government	188.	47½	"	21st Augt 1806	
22d Augt 1806	22d Augt 1806	Government	150.	37½	6.	22d Augt 1806.	20th Augt 1807.
24th Augt 1806	24th Augt 1806	Government	100	25	"	24th Augt 1806	
30th Augt 1806	30th Augt 1806	Government	225	56.	3.	30th Augt 1806	6th June 1807.
27th Sept 1806	27th Sept 1806	Government	240.	60.	"	27th Sept 1806	17th Sept 1807.

No. of the Passport	Date of Expedition	Name of the Vessel	From whence the Vessel is	Where she is bound	Name of the owner	Name of the Captain
1	27th January 1807	Sophia	Tranquebar	Isle of France and all Ports east of Cape	Peter Johnston & Co	George Meinhardt
9	4th June 1807	Nancy	Tranquebar	Bourbon and all Ports east of Cape	Peter Johnston & Co	Peter Holmberg
12	10th June 1807	Muchadin Rose	Tranquebar	Achin, Poolopenang and all ports east of Cape	Muchamadee Ahmeja	Muchamadee Ahmeja
13	15th June 1807	Sophia	Tranquebar	Isle of France & all ports east of Cape	Boalth & Co	George Meinhardt
14	15th June 1807.	Mugamadee Rose	Tranquebar	Achin, poolopenang and all ports east of Cape	Comanapah Naick	Mohmmugamadee Sulutan
15	17th June 1807.	Kadery	Tranquebar	Achin, Malacca and all ports east of Cape	Comanapah Naick	Seinnavapos Saib
22	30th Augt 1807.	Sathelay	Tranquebar	Achin, poolopenang and all ports east of Cape	Meechamadee Ally Meeja	Saibmaiekkar
28	22nd Augt 1807.	Muchadin Kader Rose	Tranquebar	Achin, poolopenang and all ports east of Cape	Lewapamahin	Nasena Maiekkar
31.	12th Sept 1807.	Kadu Rose	Tranquebar	Achin, poolopenang and all ports east of Cape	Abukkadutty Marikkar	Mahtim Saib
36	21st Oct 1807.	Anna Sophia	Tranquebar	Isle of France and all ports east of Cape	D. G. Jansen	Arithelem Pontoppedan

Date of the Certificate of Vessel	If the last Certificate of Goods is to Date	By whom the Certificate of Goods is granted	Tax of the Burden of the Ship in Rubles Tons at 25 Rb. per 100 Tons	The amount of Tax	Part is paid, when and and Date of when Payment is rendered	Remark
	27.th Jany 1807.	Government	240.	60. Rbs	27.th Jany 1807.	16.th June 1807.
27.th Jany 1807						
	4.th June 1807.	Government	140.	35. "	4.th June 1807	
4.th June 1807.						
	8.th June 1807.	Government	225	56.	8.th June 1807.	
8.th June 1807.						
	15.th June 1807.	Government	252.	63. "	15.th June 1807	
16.th June 1807.						
	15.th June 1807.	Government	160. "	40 "	15.th June 1807.	
15.th June 1807.						
	17.th June 1807.	Government	188.	47. "	17.th June 1007.	
17.th June 1807.						
	30.th August 1807	Government	112	28 "	30.th aug.t 1807	
30.th August 1807						
	28.th augt 1807.	Government	150	37. 6	28.th augt 1807.	
23.th Augt. 1807.						
	12.th Sept.r 1807.	Government	240.	60. "	12.th Sept.r 1807	
12.th Sept.r 1807.						
	21.st Oct.r 1807.	Government	40.	10. "	21.st Oct.r 1807.	
21.st Oct.r 1807.						

Extracts
True Translation
P. Helso
Lond

15 July 1809
Elgabayen

No.

150.

Danish Paper Translated by D. Rottler

I the under Signed Burgher and Inhabitant of Tranquebar
declare herewith according to the order of the 1st May 1803
that the Ships Valery bearing 188 Tons destined to Atchin
Malacca, Puls Pinang and other Ports of India and
returning here again under the Command of Capt.n
Knudsen does belong alone to me and other Kings
Subjects. –

Tranquebar
June 15th 1807.

So help me God and his holy Word.
/signed/ Somanapanaicken

That Somanapah Naicken has in my
presence made the before mentioned declaration
and according to the law and the orders given has taken
his oath for it. – I attest with my Hand Writing
and Seal of Justice. –

/Sigd/ Rehling
Magistrate in Tranquebar

Tranquebar ut Supra

L: S:

That this is a true Copy attests. –
/Sigd/ J. Hoefgod

5 July 1809
Henry Gehagen
Register

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I the undersigned Burgher and Inhabitant at Tranquebar declare hereunto according to the orders of the 4th May 1803 that the Ship Katey bearing 180 Tons destined to Atchin, Malacca Pulopenang and other Ports of India and returning here again under the Command of Capt.n Meiansen does not Certain any thing that according to the establish'd Regulations is Contraband of War but only Goods which belong to me and other Danish Subjects. —

So help me God and his holy Word.

Tranquebar
15.th June 1807. }

Sign.t / I Comaraspahnaicken

That Comaraspah Naicken have my presence made the before mentioned Declaration and according to the law and the orders Given has taken his oath for it. I attest with my Hand Writing and Seal of Justice. —

Sign.t / P. Rehling
Registration Tranquebar

Tranquebar ut Supra

L. S

This is a true Copy Attest

Sign.t / I. Hoefoed

July 15 — 1809
Henry Gahagen
Register

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order for decree of Restitution

Vice Admiralty Prize Court
Madras

Saturday the 15th day of July 1809.

Before the Honorable Sir Thomas Andrew
Strange Knight Judge of the said Court &c.

present Henry Gahagan Esquire Registrar

In the business of the Cawder Brig
Chenna basapa Master and
Comaraputh Davidien Claimant

} Taken by his Majesty's late Ship Victor Captain Goube.

This Cause having been heard and debated on the further proofs adduced both by the Captors and Claimants and the said proofs having been read and due Consideration being had thereon - The Judge pronounced the said Brig & Cargo to belong to Comaraputh Davidien a Native Merchant residing and trading at Cuddalore under the British Government and subject thereto as Claimed and by interlocutory decree decreed the proceeds of the Sale of the said Brig and Cargo to be restored to the Claimant the Costs and Expences of the said Court being first deducted and paid and after such payment & Restitution to proof the Seal.

T. A. Strange

Decree of Restitution

George the Third by the Grace of God of the united Kingdom of Great Britain and Ireland King defender of the Faith to Henry Hall of Madras Esquire and to all others in whose possession or Custody the proceeds of the Sale of the under mentioned Brig and Cargo or any part thereof be or remain Greeting. Whereas our beloved the Honorable Sir Thomas Andrew Strange Knight our Commissary in our Vice Admiralty Court of Madras and the Territories thereunto belonging and President and Judge thereof said also to hear and determine all and all manner of Causes and Complaints as to Ships and Goods Seized and taken as Prize Specially Constituted, and appointed in a certain business moved and prosecuted before him in our said Court on the 30th day of December last past and from time to time Continued unto the day of the date hereof for Bompoo was Master her Tackle Apparel and furniture and the Goods, Wares and Merchandizes laden thereon taken by our late Ship Victor Thomas Fraube Esquire Commander and against Comanaporam Nauick Claimant of the said Brig and Cargo intervening rightly and duly proceeding at the Petition of the Proctor of the Claimant on motion of Counsel and with Consent of our Procurator

in

in our said Court admitted the Claim of the said Commandant Bauck and by interlocutory decree pronounced the said Brig and Cargo to belong as Claimed and decreed the proceeds of the Sales of the same to be detained and restored to the Claimant upon payment of all Costs and Expences attending the adjudication of the same and whereas on the day of the date hereof such Costs and Expences have been paid Accordingly. We do therefore by these presents Authorize and empower You jointly and severally and do strictly Charge and Command You to deliver and restore all the proceeds of the Sale of the said Brig and Cargo and every part thereof in Your Custody or possession being or remaining unto the said Claimant or his Proctor and hereof You will not. —

Given at Madras in our aforesaid Court under the Seal thereof the 29th day of July in the Year of our Lord 1809. and of our Reign the Forty Ninth. —

L. S.

Henry Gahagan

Order for leave to Appeal & Security Given 155

Vice admiralty Prize Court Madras

Saturday the 29th day of July 1809.

Before the Honorable Sir Thomas Andrew Strange Knight

Judge of the said Court at His Chambers in Fort

St George present Henry Gabayan Esquire Registrar Deputy

In the business of the Brig Camden Burthen 72 Taken by His Majesty's late Ships

Chemia Bampas Master - - } Victor Capt.n Groube - -

On motion of the Kings advocate and on reading the Petition

of Thomas Groube Esquire late Commander of His Majesty's late Ship Victor

It is ordered for the reasons in the said Petition assigned that

leave be given to the said Petitioner to appeal from the Decree

of Restitution of the proceeds of the sale of the said Brig and Cargo

pronounced in this Court on the 15th day of July instant to the

Lords Commissioners of appeal in Prize Causes and that the said

Petitioner give Sufficient Security that He will

duly and effectually prosecute such appeal and abide the

event thereof and pay such Costs as shall be awarded in

Case the Decree shall be affirmed - And that it be referred

to the Registrar to take such Security -

T. A. Strange

Ly

6. Certificate of Security taken on Appeal

In the Vice Admiralty Prize Court Madras.

In the business of the Brig Camden Burr /2/

Chennia. Banpoo Shunker seized and taken by His

Majesty's Ship Victor Thomas Groube Esquire Commander

I do hereby Certify that in pursuance of an order of this

Honble Court dated the 29th day of July last past Thomas Groube

Esquire Petitioner for Leave to Appeal in this business has

given Sufficient Security before me duly and effectually to

prosecute an Appeal from the Decree of Restitution pronounced

in this business as well as to Pay or Cause to be paid all such

Costs and Charges as may be awarded

against him by the Lords Commissioners

of Appeal in Prize Causes or by this Honorable

Court in Consequence of or relating to such

Appeal. -

Hy

Witness my Hand this 2d day of

September 1809.

Henry Gahagan

Registrar

To The Right Honorable The Lords Commissioners
of Appeal in Prize Causes.

The Humble Petition and Appeal of
Thomas Groube Esquire late Commander of
His Majesty's Ship of War the Victor.—

Humbly Sheweth unto Your Lordships.

That on or about the Thirteenth day of March in the Year one Thousand eight hundred and eight the Danish Brig the Camden Brig /2/ whereof one Chinna Bamjee was Master and the Goods Wares and Merchandize on board the same were taken as Prize by Your Petitioner and the Officers and Crew of His Majesty's Ship of War the Victor, when the said Brig was sailing under the Danish Flag and with a Danish Pass and as being the property of subjects of the King of Denmark.—

That His Majesty's Vice Admiralty Court at Madras was soon afterwards Established, and the Brigs' Papers, with the usual Affidavit annexed were brought into the Registry of the said Vice Admiralty Court, and three of the Crew belonging to the said Brig were examined on the Standing Interrogatories.—

That a Claim to the said Brig and her Cargo was soon afterwards made by one Cassarapa Nauck Styling himself a Native Merchant residing and trading at Cuddalore, and stating himself to be the Sole owner of the said Brig and her Cargo.—

That on the Eighteenth day of March in the Year one Thousand eight hundred and Nine the Consideration of the

Adjudication of the said Brig and her Cargo as Prize Came on
to be heard and debated, before the said Vice Admiralty Court on
the Brigs Papers and the Depositions of the Witness to the
Standing Interrogatories with the Affidavits filed by the
Claimant in Support of his Claim when after hearing
His Majestys advocate for the Captors and the advocate
for the Claimant the said Vice Admiralty Court was pleased
to direct the Claimant to make further proof by Affidavits
of his Claim as a Native of Curdalore trading there under the
British Government Subject to the Question whether the
said Brig was notwithstanding liable to Condemnation
so seized, sailing under the Danish Flag and Pass And it
was further ordered that the Captors should also be at liberty
to exhibit Affidavits in further proof of the property both
in Brig and Cargo being liable to be Condemned as Danish

That Pursuant to such order the Proctor in behalf of the
Captors did exhibit further Affidavits, and it was Satisfactorily
shewn by such Affidavits, and by the Authentic Exhibits thereto
Annexed that (besides the Danish Pass and Papers admitted by
the Claimant to be genuine) the said Claimant was a Danish
Inhabitant and Burgher of Tranquebar and that he had purchased
Land there, and Solemnity attested on oath that the said Brig and
her Cargo belonged alone to himself and other Danish Subjects,
and it further appeared by the Extracts from the Danish
Register that on every Voyage on which the said Brig Sailed

She Cleared out from Tranquebar and on each Voyage paid Duties to that Government

That Such further proof being Completed on both sides, the further Consideration of the adjudication of the said Brig and her Cargo as Prize Came on to be heard and debated on the Fifteenth day of July in the Year one Thousand eight hundred & nine when the said Vice Admiralty Court was pleased to pronounce and Decree that the said Brig and her Cargo did belong to the said Claimant and the said Court further Decreed the Proceeds of the Sale of the said Brig and her Cargo to be restored to the Claimant, the Costs and Expences of the Captors being first deducted and paid

That Your Petitioner feels himself aggrieved by the said Decree of the said Vice Admiralty Court, and has obtained Leave from that Court to Appeal therefrom for the following Amongst other reasons, Viz.t

First For that the said Brig and her Cargo were Captured after the Sweden King out of Hostilities with Denmark the said Brig when taken sailing under a Danish Flag and Pass —

Secondly For that the Papers taken on board the said Brig, and by the Claimant admitted to be genuine Amount to unanswerable evidence of her Nationality and that it is not for the Claimants at one and at the same time to admit their genuineness and to Controvert the inference as a National Character deducible from them —

Thirdly For that it is an established Rule of the

Law of Nations, that if a Ship is Navigating under the Pass
of a foreign Country she bears the National Character of that
Nation under whose pass she sails, and makes a part of its
Navigation. —

Fourthly For that the Papers manifestly Characterize the Brig
and Traffic as Danish and Contain amongst other Documents a
Solemn attestation on oath that the Brig and Goods belong to
Danish Subjects and that the owner is a Danish Inhabitant or
Burgher entitled to the Rights of Danish Burgherships. —

Fifthly For that although the Claimants have Committed no
offence against British Commerce, Yet being invested with the
hostile Character, the Brig and Cargo, now both are liable to
Confiscation, and that all Reasonings deduced from the hardships
of the Case might Apply to all Similar Cases, where the breaking
out of Hostilities Converts a Neutral or friendly State into an Enemy. —

Lastly For that the Claimants are not entitled
to any mitigated interpretation of the Established Laws
of Nations as Subjects of a barbarous Country; but on
the Contrary their own Acts to protect, as they say,
their property from the French evince an
Acquaintance with the General Principles of
international Law among European States. —

For all which Reasons and such others
as may be offered by Counsel before Your
Lordships. —

Your Petitioner humbly
Prays that the said Decree or
Sentence of the said Vice
Admiralty Court at Madras
may be reversed and that the
said Brig and her Cargo may be
adjudged lawful Prize to
Your Petitioner and to the
Officers and Crew of His Majesty's
said Ship of War the Victor -

And Your Petitioner
Shall Ever Pray &c.

R. Arnee
Proctor for the
Appellant

C. Marsh
Advo

HG

Answer to the Petition and Appeal

162 Filed the 6th of February 1810

In the Vice Admiralty Court Madras. Prize Jurisdiction } The Brig Cawder Bux &c / Chenna Pattapoo Nacodah

The Answer of Conoraparah Naick (the Claimant of the above Brig and Cargo) To the Petition and Appeal of Thomas Grable the Appellant and the Officers and Crew of His Majesty's Ships of War the Victor &c &c

This Respondent for answer unto the said Appeal saith he admits that at or about the time in the said Petition and Appeal mentioned the said Vessel called the Cawder Bux and the Goods Wares and Merchandizes on board the same were taken as Prize by the said Thomas Grable the Appellant and the Officers and Crew of His Majesty's said Ships of War the Victor whereof the said Brig was sailing under the Danish Flag and with a Danish Pass - And this Respondent doth further admit that His Majesty's Vice Admiralty Court at Madras was soon afterwards Established and that the said Brig's Papers with the usual Affidavit annexed were brought into the Registry of the said Court and that three of the Crew belonging to the said Brig were examined on the Standing Interrogatories - And this Respondent also admits that a Claim to the said Brig and her Cargo was soon afterwards made by this Respondent Stiling himself a Native Merchant residing and trading at Cuddalore and stating himself to be the Sole owner of the said Brig and her Cargo - and that on the Eighteenth day of March one thousand eight hundred and nine the Consideration of the Adjudication of the said Brig and her Cargo as Prize came on to be heard

and debated before the said Vice Admiralty Court on the Ships Papers & the Depositions of the Witnesses to the Standing Interrogatories with the affidavits filed by this Respondent in support of his said Claim and that after hearing his Majesty's Advocate for the Captors and the Advocate for this Respondent the said Vice Admiralty Court was pleased to direct this Respondent as the Claimant to make further proof by affidavits of his Question whether the said Brig was not at all events liable to Condemnation as seized sailing under the Danish Flag and pass, and that it was further ordered that the Captors should be at liberty to exhibit Affidavits in further proof of the property to the Brig & Cargo being liable to be Condemned as Danish And this Respondent did further admit that pursuant to such order the Proctors on behalf of the Captors and of this Respondent as Claimant as aforesaid did exhibit further proof by Affidavits accordingly & that such further proof being Completed on both sides the further Consideration of the adjudication of the said Brig and her Cargo as Prize Came on to be heard and debated on the fifteenth day of July one thousand eight hundred and nine when the said Vice Admiralty Court was pleased to pronounce and decree that the said Brig and her Cargo did belong to this Respondent and that the proceeds of the sale of the said Brig and her Cargo should be restored to this Respondent the Costs and Charges of the Captors being first deducted and paid and this Respondent humbly insists that the said Judgement or Decree was and is just and proper and that the same ought not to be reversed and that the Appeal of the said Appellants is vexatious and ought to be dismissed with exemplary Costs for the following amongst other Reasons.—

First That the Conduct of the Claimants as British Subjects in taking a pass of Colors from Neutral was legal, and was known to them to be by the Case as this Ship Le

Polymanery under Danish Colors from the same place under similar Circumstances and belonging to Native Subjects of British India Restored after Recapture from the French in the Year one Thousand Seven hundred and ninety nine by a Decree in the high Court of Admiralty made about two or three Years afterwards. —

Second That the oath of Burghership taken by the Claimant is shewn to have been merely a form of obtaining Burghership and was not in future that it was an Act practicable at the time by Subjects of Britain. —

Third That the whole outward and Homeward Cargo were British and the Trade being therefore British and Contributing to the Strength of the British Commerce ought to have all the benefits of that Character. —

Fourth That the Rule by which the national Character is determined from the flag has only been Applied to the Case of British Subjects or Neutrals Carrying the Enemies flag not to British Subjects Carrying a flag at the time neutral. —

Fifth That the positive Rules adopted among the European Nations for their Neutral intercourse in Peace or War are not Applicable to the nations of Asia to whom the whole European Policy is unknown and that it is not to be applied only for the purposes of Forfeitures and Penalties. That this distinction is recognized in the Case of our Inhabitants of Morocco and must be more Applicable in India. —

D. Neale
Proctor for the Respondents

a Anstruther

8 Feb.y
1810

Henry Gipps
Registrar.

Brig Tathalayee

Allegations

In the Vice admiralty Court at Madras

Prize Jurisdiction

Danish Brig Tathaly - Saibu Shankan Master

January 1809.

Our Sovereign Lord the King against the said Brig Tathaly her Tackle Apparel and Furniture and the Goods Wares and Merchandize therein taken and Seize by His Majesty's Ship of War the Victor, Thomas Groube Esquire Commander and by His Majesty's Brig the Dasher Thomas Langhorne Commander and against all Persons in general. —

On which Day Robert Orme Procurator General for our Sovereign Lord the King by all lawful Ways and to all effects in the Law whatsoever alledged pleaded and articulately propounded as follows, to wit

First That His Majesty by and with the advice and Consent of his Privy Counsel and by an order bearing date at the Queens Palace the Fourth day of November one Thousand eight hundred and Seven order that General Reprisals be granted against the Ships Goods and Subjects of the King of Denmark (save and except the Vessels to which His Majesty's Licence had been granted or which had been directed to be released from the Embargo and

had not since arrived at any foreign Port. (So that as well His Majesty's Fleets and Ships and also all other Ships and Vessels that should be Commissioned by Letters of Marque or General Reprisals or otherwise by His Majesty's Commissioners for exercising the Office of Lord High Admiral of Great Britain should and might lawfully Seize all Ships Vessels and Goods belonging to the King of Denmark or his Subjects or others inhabiting within the Territories of the King of Denmark and bring the same to Judgement in any of the Courts of Admiralty within His Majesty's Dominions, And further the said order in Council did direct that a Commission should issue and a Commission did accordingly issue under the Great Seal of the United Kingdom of Great Britain and Ireland Authorizing the Commissioners for executing the Office of Lord High Admiral or any Person or Persons by them empowered and appointed to issue forth and Grant Letters of Marque and Reprisals to any of His Majesty's Subjects or others whom the said Commissioners should deem qualified in that behalf for the Apprehending Seizing and taking the Ships Vessels

and Goods belonging to Denmark and the
Vessels and Subjects of the King of Denmark or
any inhabiting within his Countries Territories
or Dominions (Except as aforesaid) And this was
and is true public and notorious and the Party
proponent doth allege and propound every
thing in this and the Subsequent Articles Contained
Jointly and Severally:—

Second That the said Brig Sathaly whereof the
said Soeben Skaitken was Master and the
Goods Wares and Merchandizes on board the
Same were on or about the Second day of April in the
Year one thousand eight hundred and Eight seized
and taken as Prize by His Majesty's Ship of War
Company with his Majesty's armed Brig
the Saucer Thomas Langhorne Commander
and were at the time of the aforesaid Seizure Thereof
belonging to Subjects of the King of Denmark
or to Persons inhabiting within the Territories of
the King of Denmark and as such or otherwise
Liable to Confiscation and ought to be Confiscated
and Condemned to our Sovereign Lord the King
not being within the Exception in the said order

mentioned. And that it ought to be further adjudged and decreed that the said Thomas Groake the Commander of her Majesty's said Ship of War the Victor, and the said Thomas Langhorne the Commander of his Majesty's said Armed Brig the Saracen and the respective Officers and Crew on board the said Ship Victor and the said Brig Saracen under the Command of the respective Commanders of those two Vessels were and are the Captors of the said Brig Tathaly and of the Goods Wares and Merchandizes on board the same And the party proponent doth allege and propound as before.-

Third That the said Brig Tathaly her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken thereon were within and the proceeds thereof are subject to the Jurisdiction of this Honble Court And the Party Proponent doth allege and propound as before.-

Lastly That all and Singular the Premises were and are true public and notorious and thereof there was and is a public Voice fame and Report of which legal proof being made the Party Proponent prays right and Justice to be effectually done and administred in the premises by You the Honorable Sir Thomas Andrew Strange Knight Judge of his Majesty's Vice Court of Admiralty at Madras or Your lawful Surrogate And that the said Brig Tathaly whereof the said Saracen

Hankin was Master her Tackle Apparel and
Furniture and all and Singulor the Goods Wares and
Merchandizes on board the same to Seize and take him
Herein as aforesaid be pronounced to belong at the time
of the aforesaid Seizure to Subjects of the King of Denmark
or to Persons inhabiting within the Territories of the King
of Denmark and as such or otherwise liable to Confiscation
and Condemnation, And that it may be pronounced decreed
and declared that the said Brig her Tackle Apparel and
Furniture and the Goods Wares and Merchandizes
taken thereon did belong to Enemies of the Crown
of the United Kingdom of Great Britain and
Ireland - And that the said Brig her Tackle
Apparel and Furniture and the Goods Wares and
Merchandizes taken on board the same be adjudged
and Condemned as good and lawful Prize
Accordingly -

C. Marsh

R. Orme

Kings Proctor

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Depositions

Tampoo Marian Naven aged about 43 Years late Pacodah or Master of the Brig Tallajee deposeth & saith as follows, that is to Say —

1st To the first Interrogatory this Deponent answering saith that he is a Native at Porto Novo and has lived there for the last Seven Years - now lives there and is Subject to the East India Company was never admitted a Burgher or Freeman of any place — Is Married has his Wife and Family Resident at Porto Novo —

2d To the Second Interrogatory this Deponent answering saith that he was in the Ship at the time she was taken She had no Commission —

3d To the Third Interrogatory this Deponent answering saith that the Ship was Seized in the offing of Tranquebar between Tranquebar and Porto Novo - In the month of Pangoney (23d) of Probava Year - The Ship was taken because - She had hoisted Danish Colours - Mules taking into Tranquebar and Sailed under Danish Colours - They had Cooleah Colours besides - They belonged to the Brig - They hoisted Danish because they saw the Ships which Captured them under French Colours - no Resistance was made at the time of Capture - He does not Know by what Ship he was taken She had two Masts - no other Ships were in Sight at the time —

4 To the fourth Interrogatory this Deponent
answering Saith that Deponent is the Master
and is Name Vaupoo Sharakaer - Mahomed
Ali Sheyahi Appointed him to the Command who
Lives at Porto Novo -

5 To the fifth Interrogatory this Deponent
Answering Saith that he does not know the
Tonnage of the Brig taken - there were 31 Mariners
on board - all of Porto Novo - All Came on board
there, and were hired there by Mahomedali Mayah

6 To the Sixth Interrogatory this Deponent
Answering Saith that neither he nor any of the
officers and Mariners had any interest in the
Brig or Cargo - He was master of the Brig -
has known her three Years - first saw her at
Porto Novo - does not know where she was built

7 To the Seventh Interrogatory this Deponent
Answering Saith the name of the Brig is the
Fathalayee - he has never known her by any other
name - She had a Danish Passport on board -
Before she was taken She sailed to Salang and Porto
Novo the Voyage began at Porto Novo and was to
have ended there - She Carried from Porto Novo Blue Cloth
White Cloths, Chintz - they landed part of these Goods

at Salang - And they landed part at Pulo Penang where they took on board Muslins and dollars - which they sold at Salang and there brought Elephants 17 Elephants and 64 Candies of Lead - they sailed with these to Porto Novo and on their way were Captured - The Brig for merly to Captain sailed from Porto Novo to Salang - from Salang to Pulo Penang thence back to Salang - There he got a Port Clearance - Mahomed Ali Sheyah had the management of the Trade of the Ship - Deponent Corresponds with nobody about the Brig - does not know when She was built

8 To the Eighth Interrogatory this Deponent answering saith that the time of her first setting sail the Brig had Blues and white Cloths and Chintz - when taken She had 16 Elephants and 64 Candies of Lead (one of the Elephants had died) - In the month of Avany Porabava Year the Cloths were put on board he does not remember the Quantity - Elephants and Lead were put on board in the month Pangony in the Same Year. -

9 To the ninth Interrogatory this Deponent Answering saith that Mahomed Ali Sheyah is the owner of the Ship - he employed the Deponent and Mariners and paid them their Wages - Mahomed Ali Sheyah was born at Porto Novo and resides there with his Wife and Family - Deponent has known them to reside there from his Infancy - They are Subjects

to the Company ÷

10 To the Tenth Interrogatory This Deponent answering Saith That he does not Know of any bill of Sale made - He Knows nothing about a bill of Sale -

11 To the Eleventh Interrogatory This Deponent answering Saith That the Cloths were put on board at Porto Novo at one time - The Elephant and Lead were put on board at one time at Salary -

12 To the Twelfth Interrogatory this Deponent answering Saith Mahomed Ali Meyah is the Leader and owner of the Brig and Goods - he belongs to Porto Novo and Carries on his Trade and business there - he has always resided there - the Goods were to have been delivered at Porto Novo on account of Mahomed Ali Meyah - Deponent believes that had the Goods been landed at the destined Port - they would have belonged to Mahomed Ali Meyah and to nobody else - because Mahomed Ali Meyah Supplied the Goods he paid men their Wages - and employed them -

13 To the Thirteenth Interrogatory this Deponent Answering Saith he Knows nothing about any bills of Lading of the Goods -

14 To the fourteenth Interrogatory this Deponent answering Saith That he Knows nothing of the documents enumerated in this Interrogatory -

15 To the fifteenth Interrogatory this Deponent
answering Saith he knows nothing about
any Charter party —

16 To the Sixteenth Interrogatory this Deponent
answering Saith that there was a Danish
Pass port on board when the Brig was taken it was
not thrown overboard, or destroyed — he knows nothing
of any other papers on board —

17 To the Seventeenth Interrogatory this Deponent
answering Saith that the Brig was never before seized
as Prize —

18 To the Eighteenth Interrogatory this Deponent
answering Saith that he has lost some Goods,
provisions — he has received no indemnity or
promise of any for his loss —

19 To the Nineteenth Interrogatory this Deponent
answering Saith that the Brig and Cargo
were not insured —

20 To the Twentieth Interrogatory this Deponent
answering Saith that the Brig arrived at Porto
Novo, the Cargo would have belonged to Muhamed
Ali Mujah and to no other Person —

21 To the Twenty first Interrogatory this Deponent
Answering Saith he does not know where the

Cloths were manufactured - The Elephants and lead are the

produce of Salang -

22 To the Twenty Second Interrogatory this Deponent answering

saith that the Cargoes were all taken from the shore at Porto

Novo and at Salang -

23 To the Twenty Third Interrogatory this Deponent

answering saith that he does not of any papers relating

to this Ships except the Danish Passport -

24 To the Twenty fourth Interrogatory this Deponent answering

saith that the Pass was taken out of the Ship by Captain

Langhame who Came on board - He does not know where

it is -

25 To the Twenty fifth Interrogatory this Deponent saith

that the Ship was not broken during the Voyage or since

the Capture to his Knowledge -

26 To the Twenty Sixth Interrogatory this Deponent

answering saith that there were ten Passengers

Choleair - they Came on board at Porto Novo - they went

to Salang - to carry their livelihood there - they had

no interest in the Vessel or Cargo - there were no Soldiers

or officers or Englishmen on board -

27 To the Twenty Seventh Interrogatory this Deponent

saith that the Pass port was a true and genuine pass -

he knows nothing to affect its Credit - It was obtained by

Mahomed Ali Sheyah from the Danish Government

Mahomed Ali Sheyah sent to Tranquebar from Porto Novo for the Danish Pass- He understood so when the Passport was sent into his hands- He does not Know upon whose oath the pass was obtained- he does not Know whether any fees were paid upon it- when the Ship obtained the Passport She was at Porto Novo nobody on board had any but pass or letter of safe Conduct-

28 To the Twenty Eighth Interrogatory this Deponent Saith That he has written no letters or Signed no papers relative to the Ship. —

29 To the Twenty Ninth Interrogatory this Deponent answering Saith when the Ship was taken She was Steering for Porto Novo- She did not alter her Course on the Appearance of the Vessel that took her- That he does not Know the Contents of the Danish Pass- Therefore does not Know what port She was destined to by that. —

30 To the Thirtieth Interrogatory this Deponent answering Saith he does not Know whether the Ship was ever Sold- he Verily believes if the Ship was restored she would belong to Mahomed Ali Meyah and to nobody else. —

31. To the Thirty first Interrogatory this Deponent answering Saith That there were two Guns which

were taken on board for ballast - none were mounted -

There were no warlike Stores of any description or

denomination whatever -

32 To the Thirty Second Interrogatory this Deponent answering

saith That all he knows about the Ships and Cargo & their

destination is that they are the property of Mahomed Ali

they sh and were going to Porto Novo -

Additional Interrogatories -

1st To the first additional Interrogatory this Deponent

answering saith that the Ships never to his knowledge sailed

under Convoy of Ships of War - had no instructions to destroy

any papers or to make any Resistance -

2d To the Second additional Interrogatory this Deponent

Answering saith that the Ships never did to his knowledge attempt

to enter any blockaded ports

Sworn before me

Thos Greenway Com.

In the presence of

Henry Gahagan

Actuary &

Steenevan Sulvo

Interpreter

Golam Mohedeen Fourth officer of the Brig Mahalaye aged about 25 Years deposeth and saith as follows —

1st To the first Interrogatory this Deponent answering saith that he was born at Porto Novo - and has lived there for the last Seven Years - has always lived there and is subject to the English Government was never admitted a Burgher or Freeman of any place - is married and his wife and family reside at Porto Novo —

2d To the Second Interrogatory this Deponent answering saith He was present when the Ship and Cargo were taken - she had no Commission —

3 To the Third Interrogatory this Deponent answering saith that the Ship was taken about the Month Pangony Pondava Year near Sremila Vassel - because she had Danish Colours hoisted - was Carried to Tranquebar - when the Ship that took her Came into View she had French Colours hoisted; therefore the Brig hoisted Danish - they had Choleas Colours their proper Colours - no resistance was made - does not Know by what Ship he was taken - believes a Ship of War - no other Ships in sight at the time of Capture —

4 To the Fourth Interrogatory this Deponent answering saith that the name of the Commander of the Ship is Vanspos Marakaier - at the time he was employed first in the Ship he became acquainted with him - Mahomed Ali

Meyah Appointed Vaupoo Marakaier - Vaupoo Marakaier

took profession at Porto Novo and received profession from

Mahomed ali Meyah - Vaupoo Marakaier was born and lives

at Porto Novo - is married, is subject to the Company and

his family reside at Porto Novo -

5 To the fifth Interrogatory this Deponent answering saith

that he does not Know the tonnage of the

Ships - There were 31 Seamen on board all from Porto

Novo - Mahomed ali Meyah hired them all

at Porto Novo -

6 To the Sixth Interrogatory this Deponent answering

saith that the Deponent and none of the Officers or

Seamen had any interest in Ships or Cargo - He was

sworn the Macodate of the Ships - first saw the Ships at

Porto Novo - has known her for two Years does not know

where She was built

7 To the Seventh Interrogatory this Deponent answering

saith that Thadalagee is the name of the Ship she has

always been so Called since he Knows her - She had a

Danish Passport on board - Before she was taken she

had Sailed to Salang and to Porto Novo - The Voyage

began at Porto Novo - at Porto Novo when the Ships

first Sailed she took on board different Coloured

Cloths and Chintz - Sailed to Salang and delivered

part of. these Goods there - Sailed with the
remainder to Puto Penang and sold them
at Puto Penang - at Puto Penang they took
on board some Cloth, returned to Salang and sold
these Goods and bought 17 Elephants and 64 Candies
of Lead and set Sail with these to Porto Novo
but were Captured on their way near
Tremiel Vassel - the Brig Sailed from Porto
Novo to Salang from Salang to Puto Penang
from Puto Penang back to Salang - but does
not Know which was the last Clearing Port
The Brig was under the management of the
Nacodah, and Mahomed ali Meyah was also
on board - Deponent does not hold any Correspondence
about the Ship - He does not Know where
She was built one of the 17 Elephants died
before Capture. -

8 T. the Eighth Interrogatory this Deponent
answering Saith that that at first Setting Sail the
Brig Carried a Lading of different Coloured Cloths and
Chintz which were put on board in the Probava Year,
Month Avany - does not Know the Quantity - at the
time the Brig was taken She had on board 16 Elephants
and 64 Candies of Lead - which were put on board

at Salang - but forgets the exact time : -

9 To the ninth Interrogatory this Deponent answering
saith that Mahomed Ali Meyah is the owner of the Brig
taken he knows it because he received his Cargo
from Mahomed Ali Meyah - Mahomed Ali Meyah
resides at Porto Novo with his wife and Family
and has always resided there to the best of Deponents
knowledge - Mahomed Ali Meyah is Subject to the
Company - Mahomed Ali is a Merchant there -

10 To the Tenth Interrogatory this Deponent answering
saith that he does not know any thing about a bill of Sale -

11 To the Eleventh Interrogatory this Deponent
answering saith the lading of Cloths and Chintz
were put on board at one time at Porto Novo - also at
Penang - at Salang they took on board the Elephants
and Lead at one time -

12 To the Twelfth Interrogatory this Deponent
answering saith that Mahomed Ali Meyah is the
named the owner of the Goods - he is now at Madras
but has always Carried on his trade and resided
at Porto Novo - the Goods were to have been delivered
at Porto Novo on Account of Mahomed Ali Meyah
his interest in the Goods was that of owner - he
Supplied the Goods believes at the time of lading the

Goods and now and if they shall be restored they will belong to Mahomed ali Meyah and to no body else because Mahomed ali Meyah bought the Goods. —

13 To the Thirteenth Interrogatory this Deponent answering Saith he does not Know any thing about a bill of lading. —

14 To the fourteenth Interrogatory this Deponent answering Saith he does not Know any thing of the documents mentioned in this Interrogatory. —

15 To the fifteenth Interrogatory this Deponent answering Saith he does not Know any thing about any Charter Party. —

16 To the Sixteenth Interrogatory this Deponent answering Saith he does not Know any thing of any Paper except the Danish Passport which was not destroyed or Cancelled

17 To the Seventeenth Interrogatory this Deponent answering Saith that the ship was never before taken as Prize to his Knowledge. —

18 To the Eighteenth Interrogatory this Deponent saith that he has suffered no loss by the Capture of the ship. —

19 To the nineteenth Interrogatory this Deponent answering saith that the ship and Goods were neither of them insured: —

20 To the Twentieth Interrogatory this Deponent answering Saith In Case the Ship had arrived at Porto Novo the Cargo on lading would have belonged to Mahomed Ali Meyah and to no body else —

21 To the Twenty first Interrogatory this Deponent answering Saith that he does not Know of what Countries the Cargoes were the manufacture or produce —

22 To the Twenty Second Interrogatory this Deponent answering Saith that all the Cargoes were laden from the Shore at Porto Novo Puto Penang and Lastly from Salang —

23 To the Twenty third Interrogatory this Deponent answering Saith that he Knows nothing of the Documents in this interrogatory mentioned —

24 To the Twenty fourth Interrogatory this Deponent answering Saith that the Danish Pass port was Carried away by a person who Came on board from the Vessel that Captured the Brig but he does not Know where it is now —

25 To the Twenty fifth Interrogatory this Deponent answering Saith that Bulk was broken at Salang part of Cargo landed there also at Penang — after Capture the Elephants and Lead were Landed at Porto Novo — by order of the Captors but he does not Know for what purpose —

26 To the Twenty Sixth Interrogatory this Deponent answering Saith that there were ten Persons Chelias

tathem on board at Porto Novo, going to Pulo Penang - for their livelihood: none of them were Concerned in the Vessel or Cargo. There were no officers or Soldiers or Englishmen on board —

27 To the Twenty Seventh Interrogatory this Deponent answering saith That the Danish Passport was a genuine one to his knowledge nothing to affect its Credit - Mahomed ali Meyah sent to Trangueban for it - he does not know how it was obtained or whether any fees were paid for it. The Ship was at Porto Novo when the pass was obtained at Trangueban. nobody on board the Ship had letters of protection -

28 To the Twenty eight Interrogatory this Deponent answering saith that he was not Written or Signed any papers Concerning the Ship or Cargo —

29 To the Twenty ninth Interrogatory this Deponent answering saith that the Ship was steering her Course to Porto Novo when first pursued - She did not alter her Course on the appearance of the Vessel that took her - he does not know for Certain by the Ships papers but it was directed to Porto Novo. —

30 To the Thirtieth Interrogatory this Deponent answering saith that he does not know of the Ship having been sold at all - he Verily believes if she is restored she will belong to Mahomed ali & to no one else. —

31 To the Thirty first Interrogatory this Deponent answering saith that there were no Guns mounted, but there were two fowling Pieces two Swords, Fifteen Boyonets, No gun Carriages there were no other warlike Stores of any denomination. —

32 To the Thirty Second Interrogatory this Deponent answering Saith that the property of the Ships and Cargo is in Mahomed Ali Sheyah, and their destination was to Porto Novo. —

Additional Interrogatories —

1 To the first Additional Interrogatory this Deponent answering Saith that the Ships never to his knowledge Sailed under any Convoy of Ships of Wars they had no Instructions to destroy Papers or to Resist. —

2 To the Second Additional Interrogatory this Deponent answering Saith That the Ships never to his knowledge Attempt to enter any Blockaded Port. —

his
Jno Z Greenway
mark

Before me
Thos Greenway
Com.

In the presence of
Henry Gahagan
Secretary

&
Steenevandeloo
Interpreter

186.

Brig Tathalayee

Sheerah Hoseein - late Tindal of the Brig Thadalayee aged about 33 Years Deposeth and saith as follows -

1st To the First Interrogatory this Deponent answering saith that he was born at Porto Novo and has there resided for the last Seven Years and still lives there - he is subject to the English Government was never admitted a Freeman of any Town or City - is married and his Wife and family reside at Porto Novo -

2d To the Second Interrogatory this Deponent answering saith that he was present at the Capture of the Ship was on board does not know whether she had a Commission -

3 To the Third Interrogatory this Deponent answering saith that the Ship was taken off Tremul Cauzel in the Pangony mouth, Parabara Year - because she was under Danish Colours which were hoisted on Seeing a Strange Sail under French Colours - the Ship was Carried to Porto Novo, She sailed before Capture, under Choleir Colours - they had Danish Choleir Colours on board - they had Danish Colours to prevent Capture by the French - no resistance was made at the time of Capture He was taken by a European Ships of two Masts - no other Ships in Sight at the time -

4 To the fourth Interrogatory this Deponent saith that the Masters name is Vanspol - he has known the Master Seven Years - Ali Meyah appointed the Master, who took possession

of the Ship at Porto Novo in away month Probava Year - Ali
meyah delivered profession - Ali Meyah and the master both live at
Porto Novo - the Master is married and hath life and family
reside at Porto Novo —

5 To the 5th Interrogatory this Deponent answering saith
that he does not Know the tonnage of the Ship - there were Twenty
one Mariners on board - all Came on board and were all hired
& shipped by Ali Meyah at Porto Novo in away Probava Year —

6 To the Sixth Interrogatory this Deponent answering saith that
that neither he nor any of the officers or Mariners had any interest
in the Ship or Cargo - he was Tindal of the Ship when she was
Seized - has known the Ship two or three Years - first saw her
at Porto Novo does not know where she was built

7 To the Seventh Interrogatory this Deponent answering saith
that the name of the Ship is the Thalalayee - She has been so
Called ever since he Knew her - She had a Danish Pass first on
board - before she was taken She sailed from Porto Novo to Salang
from Salang to Puto Penang thence back to Salang from which
place on her way to Porto Novo She was taken - Her last
Voyage began and was to have ended at Porto Novo at setting
sail from Porto Novo the Ship Carried white and blue
Cloth, & Chintz which she took to Salang and there Landed
part of the Goods in part payment for some Elephants &
Lead - with the remaining Goods they proceeded to Puto Penang

Brig Tallaqee

and there sold them, purchased muslins, Chintz and procured ready Cash with which they returned to Salang and delivered them in further payment of the Elephants 17 and lead 64 Candies which they took on board and they Sailed from Salang to Porto Novo and were taken on their Voyage thither - he does not know the last Clearing Port - Vanpoo and Ali Meyah who was on board the Ship had the management of the Ship in her trade. He does not Correspond with any one about the Concerns of the Ship nor does he know where she was built one Elephant died at Sea before the Capture. -

8 To the Eighth Interrogatory this Deponent answering Saith That at her first Setting Sail the Ship had blue & white Cloth and Chintz put on board in Ivory, mouth Probava Year - but does not know the Quantity - 17 Elephants & 64 Candies of lead were taken on board at Salang about a month previous to the Capture. -

9 To the ninth Interrogatory this Deponent answering saith That Mahomed Ali Meyah was the owner of the Ship when she was taken - he hired the Deponent & paid him his Wages - Ali Meyah with his Wife and family reside and have long resided at Porto Novo they are subject to the English Government -

10 To the Tenth Interrogatory this Deponent answering saith That he knows nothing about any bill of Sale. -

11 To the Eleventh Interrogatory this Deponent answering Saith that the Lading of blue and white Cloth was put on board at Porto Novo at one time. the Elephants and 64 Candies of Lead were put on board at one time at Salary. Cannot speak to the Quantities of the Piece Goods. —

12 To the Twelfth Interrogatory this Deponent answering Saith that the name of the owner of the Goods is Ali Alleyah of Porto Novo is now at Madras but Carries on his business and trade at Porto Novo. the Goods were to have been delivered at Porto Novo on Account of Ali Meyah. Ali has the entire interest in the Goods. he suspects the Goods and employed the Deponent. he believes that if the said Goods were unladen & restored at the destined port they would belong to Ali Alleyah and no other person. —

13 To the thirteenth Interrogatory this Deponent answering saith he does not know of any bill of lading having been signed for the Goods. —

14 To the fourteenth Interrogatory this Deponent answering Saith that he does not know any thing of the Several Documents Enumerated in this Interrogatory. —

15 To the fifteenth Interrogatory this Deponent answering Saith that he does not know any thing about any of the said party. —

16 To the Sixteenth Interrogatory this Deponent answering Saith he knows no other papers but the Danish Passport which was not Concealed or Conceiled or

and there sold them, purchased muslins, Chintz and proceeded readily Cash with which they returned to Salang and delivered them in further payment of the Elephants 17 and lead 64 Candies which they took on board and they Sailed from Salang to Porto Novo and were taken on their Voyage thither - he does not know the last Clearing Porto-Novo and Ali Meyah who was on board the Ship had the management of the Ship in her trade. He does not Correspond with any one about the Concerns of the Ship nor does he know where she was built one Elephant died at Sea before the Capture.-

8 To the Eighth Interrogatory this Deponent answering Saith that at her first setting Sail the Ship had three white Cloths and Chintz, put on board in Vavay from the Probava Year. but does not know the Quantity - 17 Elephants & Candies of lead were taken on board at Salang about a month previous to the Capture.-

9 To the ninth Interrogatory this Deponent answering saith that Mahomed Ali Meyah was the owner of the Ship when she was taken - he hired the Deponent & paid him his Wages. Ali Meyah with his Wife and family reside and have long resided at Porto Novo they are subject to the English Government.

10 To the Tenth Interrogatory this Deponent answering saith that he knows nothing about any bill of Sale.-

11 To the Eleventh Interrogatory this Deponent answering Saith That the Lading of blue and white Cloth was put on board at Porto Novo at one time. the Elephant and 64 Candies of Lead were put on board at one time at Salary. Cannot speak to the Quantities of the Prece Goods. —

12 To the Twelfth Interrogatory this Deponent answering saith That the name of the owner of the Goods is Ali Alleyah of Porto Novo is now at Madras but Carries on his business and trade at Porto Novo. the Goods were to have been delivered at Porto Novo on account of Ali Meyah. Ali has the entire interest in the Goods. he suspects the Goods and employed the Deponent. he believes that if the said Goods were unladen & restored at the destined port they would belong to Ali Alleyah and no other person. —

13 To the thirteenth Interrogatory this Deponent answering saith he does not know of any bill of lading having been signed for the Goods. —

14 To the fourteenth Interrogatory this Deponent answering Saith That he does not know any thing of the Several Documents Enumerated in this Interrogatory. —

15 To the fifteenth Interrogatory this Deponent answering Saith That he does not know any thing about any of the said party. —

16 To the Sixteenth Interrogatory this Deponent answering Saith he knows no other papers but the Danish Passport which was not Concealed or Concelled or

Attempted to be so. —

17 To the Seventeenth Interrogatory this Deponent answering saith that the Ship was never to Deponent's knowledge taken as Prize before the late Capture. —

18. To the Eighteenth Interrogatory this Deponent answering saith that he knows nothing of the Capture of the Ship. —

19 To the Nineteenth Interrogatory this Deponent answering saith that neither the Ship nor Goods nor any part were insured. —

20. To the Twentieth Interrogatory this Deponent Answering saith that had the Ship arrived at her destined port, the Cargo on being unladen would have become the property of Ali Moyah & no one else. —

21 To the Twenty first Interrogatory this Deponent answering saith that he does not Know of what Country the piece Goods were the manufacture. The Elephants and Lead were the produce of Salang. —

22 To the Twenty Second Interrogatory this Deponent answering saith that all the Cargoes were taken from the Shore at Ponto a Pao, Salang & Pulo Penang. —

23 To the Twenty Third Interrogatory this Deponent answering saith that he does not know of any Papers Relative to the Ship any where. —

24 To the Twenty Fourth Interrogatory this Deponent answering Saith That the Danish Passport was taken away by the people of the Vessel who Captured the Brig he does not Know where it is now. —

25 To the Twenty fifth Interrogating this Deponent answering Saith That Cutch was broken during the Voyage at Salang & at Pulo Penang at Porto Novo. the people of the European Ships Cutch the head of Elephants does not Know for what purpose. —

26 To the Twenty Sixth Interrogatory this Deponent answering Saith That there were ten passengers on board - Chokias who went in board at Porto Novo and were landed at Pulo Penang they went to seek a livelihood - they had no Concern in the Ship or Cargo. no Soldiers or officers or Englishmen on board —

27 To the Twenty Seventh Interrogatory this Deponent saith That the Danish Pass was perfectly true & Sincere it was obtained by Ali Alleyah who sent people to Tranquebar for it, and it was for the Ship only, but he does not Know the Contents of it nor how it was obtained - The Ship was at Porto Novo when the Passport was obtained at Tranquebar - no one on board had letters of safe Conduct to his Knowledge. —

Davy Tathalayee

28 To the Twenty Eighth Interrogatory this Deponent
Saith he has not Written or Signed any papers
Concerning the Ship or Cargo —

29 To the Twenty ninth Interrogatory this Deponent
answering Saith that the Ship was proceeding
was going to Porto Novo - She did not alter her Course
on the Appearance of the Vessel - that Captured her -
he does not Know what her Course was by the Ships
papers but it was always towards Porto Novo —

30 To the Thirtieth Interrogatory this Deponent
answering Saith that he does not Know that the
Ship was ever sold before Capture - If the Ship shall be
restored She will belong to Ali they are sued
to no other person —

31 To the Thirty first Interrogatory this Deponent
answering Saith that no Guns were mounted, but there
were two for boarding - There was a Sword and a few 16
Baigonets but no Warlike Stores of any other
description whatever —

32 To the Thirty Second Interrogatory this
Deponent answering Saith that he believes the
real and true property of the Ship
and Cargo is in Ali Mayah and their
destination was to Porto Novo —

Brig Tattalaya 193

Additional Interrogatories -

1st To the first additional Interrogatory This Deponent Answering Saith That he does not Know That the Ship ever Sailed under Convoy of any Ships of War - he had no instructions to Resist or avoid Capture or to destroy or Refuse to deliver up papers -

2 To the Second additional Interrogatory This Deponent Answering Saith That the Ship never did to His Knowledge make any attempt to enter any blockaded port -

2

Before me
Thos Greenway
Com.
In the presence of
Henry Gahagan
Actuary
&
Steenevanculoo
Interpreter

Brig Fathalayee

194

The Claim of

Mahomed ali Meyah the Sole owner of the Ship and Cargo

In the Court of Vice Admiralty at Fort Saint George Madras Prize Jurisdiction

The Fathalay
Vanpoo Maarcoyer
Master or Nacodah

The Claim of Mahomed Ali Meyah a Mahomedan Inhabitant of Porto Novo on the Coast of Coromandel Residing under the British Government there - which said Mahomed Ali Meyah is the true lawful and Sole owner and Proprietor of the Ship Fathalay her Tackle Apparel and Furniture and her Cargo Seized and detained by his Britannick Majesty's Ship of War Sadeur Commanded by Thomas Langharne Esquire as set forth in the Affidavit hereunto annexed - And for all such Freight Losses Costs Charges Damages and Expences as have arisen or shall or may arise by Reason of the Seizure and detention aforesaid -

D Steele

Proctor

Brig Tathalayer

Affidavit of Vaupoo Maurcoyer

In Support of the Claim of Mahomed Ali Sheyah 195

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction

The Tathalay

Vaupoo Maurcoyer

Nacodah

Appeared Personally Vaupoo Maurcoyer a Mahomedan Inhabitant of Porto Novo the Nacodah of the Ship Called the Tathalay and made oath That he is a Resident of that place under the British Government and that Mahomed ali Sheyah who is also an Inhabitant of Porto Novo was and is the true lawful and sole owner of the said Ship Tathalay her Tackle Apparel and Furniture and he further saith That the said Ship Tathalay Sailed from Porto Novo on or about the first day of September one thousand Eight hundred and Seven under Cholcah or Cocoa Colours with a Cargo of Blue Cloth White Cloth and Chintz the property of the said Mahomed ali Sheyah bound on a Voyage to Sunk Ceylon - That on the arrival of the said Ship Tathalay at Sunk Ceylon one quarter part of the Cargo was Bartered there as and for payment of one half of the Price of a Cargo of Seventeen Elephants after which the said Ship departed to Pulo Penang with the intention of returning to Sunk Ceylon to receive on board the said Cargo of Elephants and the Deponent did further make oath that the said Ship arrived at Pulo Penang

Brig Tathalayer

and there sold and disposed of the remainder
of her Cargo with the produce of which the
said Mahomed ali Meyah who was himself on
board the said Ship purchased Cloths such as were
best Suited and Calculated for the South Ceylon
Market. That the said Ships Tathalay
with the said Cargo of Cloths on board
then departed from Pulo Penang on her
return to South Ceylon, and having
arrived at the last mentioned Place the
said Mahomed ali Meyah paid
the remaining price of the Elephants
so purchased by him as before
mentioned in Cloths so bringing it
from Pulo Pinang as aforesaid
And that such of the said Cloth
as remained after so paying the
remaining price of the said Elephants was bartered
by the said Mahomed ali Meyah for Sixty
four Candies of Tin. And the Deponent further
made oath and declared that the said Ships
Tathalay with the said Seventeen Elephants and the
said Sixty four Candies of Tin and Sundry other
Articles on board then departed from South Ceylon

on her Return Voyage to Porto Novo and that
when the said Ship had arrived at about half way
between that place and Tranquebar a Vessel was
perceived under French Colours Standing towards
the said Ship Fathalay and firing Guns That
on Seeing the French Colours it was immediately
Concluded by the said Mahomed ali Mayah Him
the Deponent and as he the Deponent believes
by every person on board the said Ship Fathalay
that the Strange Vessel then in sight was French
and that under that idea and belief and
on no other account whatever the said Ship
Fathalay immediately hoisted Danish Colours
with the View of protecting herself from Capture
and the Deponent further made oath that
the said Ship Fathalay was shortly afterwards
boarded by the Captain and one or two other
persons belonging to the Strange Vessel which
afterwards proved to be His Majesty's Ship
Sarcin Commanded by Lieutenant
Langhorne and the said Captain demanded the
Papers of the said Ship Fathalay which were
accordingly delivered to him That whilst the
French Colours Continued flying on His Majesty's

Said Ships Ale Captain belonging to Seer
rubo to Come on board the Fatthalay Spoke
in the French Language and that Soon after
the Ships papers of the Fatthalay were delivered
to him he Spoke thro a Interpetor from the Said
Ship Fatthalay to his own people on board the
Saseur Ordering them to take down the French
Colours and to hoist English which was accordingly
done. That the said Ship Fatthalay and her
Cargo were then Seized and taken possession of
by his Majesty's said Ship Saseur and sent into
Porto Novo under the belief that the same was
Danish property as the said Ship Fatthalay had
hoisted Danish Colours and had a Danish pass on board
altho' every explanation and assurance was given by
the said Mahomed ali Meyah that the said Ship & her
Cargo were not Danish property but that the same belonged
to him, and that he was a British Subject residing at
Porto Novo. And the Deponent further made oath &
Declared that the said Ship Fatthalay and her Cargo and
every part thereof are respectively the bona fide
and absolute property of the said Mahomed ali Meyahs
and of no other person or persons whomsoever and that

he the Deponent has known the said Mahomed
Abi Sheyah from his infancy he the Deponent being
an Inhabitant of Porto Novo where the said Mahomed
Abi Sheyah has always resided under the British
Government Since that place has been in the
possession of the English and further the Deponent
made oath and declared that the only reason of
the said Ship Sathalay having Danish Colours
and a Danish Pass on board was to protect her
from Capture in the event of her meeting with
French Cruizers whilst at Sea and for no other
Account whatever. —

Seal

Fort Saint George this 16th
day of August 1809 — —
Sworn before me (The Contents
having been previously
explained to the Deponent —
by the Supreme Court Interpreter)

Henry Goodwin Harvey.

J. A. Strange

Said Ships the Captain belonging to her
who to Came on board the Fatthalay spoke
in the French language and that soon after
the Ships papers of the Fatthalay were delivered
to him he spoke theo a Trumpet from the said
Ship Fatthalay to his own people on board the
Jaseur ordering them to take down the French
Colours and to hoist English which was accordingly
done. That the said Ship Fatthalay and her
Cargo were then Seized and taken possession of
by his Majesty's said Ship Jaseur and sent into
Porto Novo under the belief that the same was
Danish property as the said Ship Fatthalay had
hoisted Danish Colours and had a Danish pass on board
although every explanation and assurance was given by
the said Mahomed ali Moyah that the said Ship & her
Cargo were not Danish property but that the same belonged
to him, and that he was a British Subject residing at
Porto Novo. And the Deponent further made oath &
Declared that the said Ship Fatthalay and her Cargo and
every part thereof are respectively the bona fide
and Absolute property of the said Mahomed ali Moyah
and of no other person or persons whomsoever and that

he the Deponent has known the said Mahomed
Ali Sheyah from his infancy he the Deponent being
an Inhabitant of Porto Novo where the said Mahomed
Ali Sheyah has always resided under the British
Government since that place has been in the
possession of the English and lastly the Deponent
made oath and declared that the only reason of
the said Ship Fathalay having Danish Colours
and a Danish Pass on board was to protect her
from Capture in the event of her meeting with
French Cruizers whilst at Sea and on no other
account whatever. —

Seal

Fort Saint George This 18th
day of August 1809 — —
Sworn before me (The Contents
having been previously — —
explained to the Deponent — —
by the Supreme Court Interpreter)

J. A. Strange

Entered Goods for Exp.

Brig Fathalayee

Affidavit of Meera Hoosain

In Support of the Claim of Mahomed ali Meyah

200

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction } The Fathalay Vanpoo Maurcoyer Nacodah

Appeared Personally Meera Hoosain a Mahomedan Inhabitant of Porto Novo in the Dundah of the Ship Called the Fathalay and made oath that he is a Resident of that place under the British Government and that Mahomed Ali Meyah who is also an Inhabitant of Porto Novo was and is the true lawful and sole owner of the said Ship Fathalay her Tackle Apparel and Furniture - And he further saith that the said Ship Fathalay Sailed from Porto Novo on or about the First day of September one thousand eight hundred and Seven under Chokah or Red Colours with a Cargo of blue Cloth &c. the property of the said Mahomed ali Meyah aforesaid on a Voyage to Saint Ceylon - That on the Arrival of the said Ship Fathalay at Saint Ceylon one quarter part of the Cargo was bartered there and for payment of one half of the price of a Cargo of Sentien Elephants after which the said Ship departed to Pulo Penang with the intention of returning to Saint Ceylon to receive on board

the said Cargo of Elephants - And the Deponent did further make oath that the said Ship arrived at Pulo Penang and there sold and disposed of the Remainder of her Cargo with the produce of which the said Mahomed Ali Alleyah in behalf of himself on board the said Ship purchased Cloths such as were best Suited and Calculated for the Sunk Ceylon market. That the said Ship Fathalay with the said Cargo of Cloths on board then departed from Pulo Penang on her return to Sunk Ceylon and having arrived at the last mentioned place the said Mahomed Ali Alleyah paid the remaining price of the Elephants so purchased by him as before mentioned in Cloth so brought from Pulo Penang as aforesaid - And that such of the said Cloth as remained after so paying the remaining price of the said Elephants was bartered by the said Mahomed Ali Alleyah for Sixty four Candies of Tin - And the Deponent further made oath and declared that the said Ship Fathalay with the said Seventeen Elephants and the said Sixty four Candies of Tin and Sundry other Articles on board then departed

Brig Sathalaye

From Point Ceylon on her return Voyage to Batavia and that when the said Ship had arrived at about half way between that place and Trincomalee a Vessel was perceived under French Colours Sailing towards the said Ship Sathalay and firing Guns - That on seeing the French Colours it was immediately Concluded by the said Mahomed ali Sheyah Serin the Deponent and as the Deponent believes by every person on board the said Ship Sathalay that the Strange Vessel then in sight was French and that under that idea and belief and on no other account whatever the said Ship Sathalay immediately hoisted Danish Colours with the View of protecting herself from Capture - And the Deponent further made oath that the said Ship Sathalay was shortly afterwards boarded by the Captain and one or two other persons belonging to the Strange Vessel which afterwards proved to be His Majesty's Ship Iaseur Commanded by Lieutenant Laing Laine and the said Captain demanded the papers of the said Ship Sathalay which were accordingly delivered to him That whilst the French Colours Continued flying

on his Majesty's said Ship the Captain belonging
to her who to Came on board the Fatkalay Spoke in the
French Language and that soon after the Ships
papers of the Fatkalay were delivered to him he Spoke
thro a Trumpet from the said Ship Fatkalay to his
own people on board the Saseur ordering them to
take down the French Colours and to hoist English which
was accordingly done - That the said Ship Fatkalay & her Cargo
were then seized and taken possession of by his Majesty's
said Ship Saseur and sent into Porto Novo under
the belief that the same was Danish property as the
said Ship Fatkalay had hoisted Danish Colours and
had a Danish pass on board altho every Explanation
and assurance was given by the said Mahomed Ali
Mogab that the said Ship and her Cargo were not
Danish property but that the same belonged to him
and that he was a British Subject residing at Porto
Novo - And the Deponent further made oath & Declared
that the said Ship Fatkalay and her Cargo and every
part thereof were respectively the bona fide and
absolute property of the said Mahomed Ali Mogab
and of no other person or persons whomsoever and that
he the Deponent has known the said Mahomed

Brig Fathalayee

Ali Meyah from his Infancy he the Deponent being an Inhabitant of Porto Novo where the said Mahomed Ali Meyah has always resided under the British Government since that Place has been in the possession of the English And lastly the Deponent made oath and declared that the only reason of the said Ship Fathalay having a Danish Colours and a Danish Pass on board was to protect her from Capture in the event of her meeting with French Cruizers whilst at sea and on no other account whatever +

Fort Saint George this 21st day of August 1809 Sworn before me - The Contents having been previously explained to the Deponent by the Supreme Court Interpreter

J. A. Strange

The mark 2 of Chinna Hoosain.

J. Beale
Clerk to Crown Office

Brig Fathalaye

Affidavit of Goolaum Moideen

In Support of the Claim of Mahomed Ali Meyah 205

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction — The Fathalay Vaupoo Maracoyer Nacodah

Appeared Personally Goolaum Moideen a Mahomedan Inhabitant of Porto Novo Fourth Officer of the Ship called the Fathalay and made oath that he is a Resident of that place under the British Government and that Mahomed Ali Meyah who is also an Inhabitant of Porto Novo was and is the true lawful and sole owner of the said Ship Fathalay her Tackle apparel and Furniture - And this further saith that the said Ship Fathalay Sailed from Porto Novo on or about the first day of September one thousand eight hundred and Seven under Colours with a Cargo of blue Cloth white Cloth and Chintz the property of the said Mahomed Ali Meyah bound on a Voyage to Sunk Ceylon - That on the arrival of the said Ship Fathalay at Sunk Ceylon one quarter part of the Cargo was bartered there as and for payment of one half of the Price of a Cargo of Seventeen Elephants after which the said Ship departed to Port Penang with the intention of returning to Sunk Ceylon to receive on board

Brig Fathalayee

Ali Meyah from his Infancy he the Deponent being an Inhabitant of Porto Novo where the said Mahomed Ali Meyah has always resided under the British Government since that Place has been in the possession of the English And lastly the Deponent made oath and declared that the Master of the said Ship Fathalay having Danish Colours and a Danish pass on board was to protect her from Capture in the event of her meeting with French Cruizers whilst at sea and on no other account whatever.

D. Peale
Clerk to Counts' Roster

Fort Saint George this 21st day of August 1809 Sworn before me. The Contents having been previously explained to the Deponent by the Supreme Court Interpreter

The mark 2 of Chinna Hoosain.

J. A. Strange

Brig Fathalaye

Affidavit of Goolaum Mordeen

In Support of the Claim of Mahomed Ali Meyah 205

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction — } The Fathalay Vanpoo Maincoyer Dacodah

Appeared Personally Goolaum Mordeen a Mahomedan Inhabitant of Porto Novo - fourth officer of the Ship Fathalay and made oath that he is a Resident of that place under the British Government and that Mahomed Ali Meyah who is also an Inhabitant of Porto Novo was and is the true lawful and sole owner of the said Ship Fathalay her Tackle apparel and Furniture - And this further saith that the said Ship Fathalay Sailed from Porto Novo on or about the first day of September one thousand eight hundred and Seven under Colours with a Cargo of blue Cloth, white Cloth and Chintz the property of the said Mahomed Ali Meyah bound on a Voyage to Trunk Ceylon - That on the arrival of the said Ship Fathalay at Trunk Ceylon one quarter part of the Cargo was bartered there as and for payment of one half of the Price of a Cargo of Seventeen Elephants after which the said Ship departed to Puto Penang with the intention of returning to Trunk Ceylon to receive on board

Brig Fathelayer

the said Cargo of Elephants and the Deponent did further make oath that the said Ships arrived at Pulo Penang and there sold and disposed of the remainder of her Cargo with the produce of which the said Mahomed Ali Meyah who was himself on board the said Ships purchased Such as were best suited and Calculated for the Junk Ceylon Market - That the said Ship Fathalay with the said Cargo of Cloths on board then departed from Pulo Penang on her return to Junk Ceylon and having arrived at the last mentioned place the said Mahomed Ali Meyah paid the remaining price of the Elephants so purchased by him as before mentioned in Cloths so brought from Pulo Penang as aforesaid - And that such of the said Cloths as remained after so paying the remaining price of the said Elephants was bartered by the said Mahomed Ali Meyah for Sixty four Candies of Tin And the Deponent further made oath and declared that the said Ship Fathalay with the said Seventeen Elephants and the said Sixty four Candies of Tin and Sundry other Articles on board then departed from Junk Ceylon on or about Voyage to Porto Novo and that when the said Ship had arrived at about

half Way between that place and Tranquebar a Vessel was perceived under French Colours sailing towards the said Ship Tathalay and seeing Gains That on seeing the French Colours it was immediately Concluded by the said Mahomed Ali Meyah Lavin the Deponent and as he the Deponent believes by every Person on board the said Ship Tathalay That the Strange Vessel then in sight was French And that under that idea and belief and on no other Account whatever the said Ship Tathalay immediately hoisted Danish Colours with the View of Protecting herself from Capture And the Deponent further made oath that the said Ship Tathalay was shortly afterwards boarded by the Captain and one or two other Persons belonging to the Stranger Vessel which afterwards proved to be His Majesty's Ship Sarcen Commanded by Lieutenant Langhorne and the said Captain demanded the Papers of the said Ship Tathalay which were accordingly delivered to him That whilst the French Colours Continued flying on his Majesty's said Ship the Captain belonging to her who so Came on board the Tathalay Spoke in the French Language and That

Prize Jathalayer

Soon after the Ships papers of the Jathalay were delivered to him he spoke this a Trumpet from the said Ships Jathalay to his own people on board the Jaseur ordering them to take down the French Colours and to hoist English which was Accordingly done - That the said Ships Jathalay and her Cargo were then seized and taken possession of by His Majesty's said Ships Jaseur and sent into Porto Novo under the belief that the same was Danish property as the said Ships Jathalay had hoisted Danish Colours and had a Danish Pass on board all this every Explanation and Assurance was given by the said Mahomed Ali Meyah - That the said Ships and her Cargo were not Danish Property but that the same belonged to him and that he was a British Subject residing at Porto Novo and the Deponent further made oath and declared that the said Ships Jathalay and her Cargo and every part thereof are respectively the bona fide and absolute property of the said Mahomed Ali Meyah and of no other person or Persons whomsoever - and that he the Deponent has known the said Mahomed Ali Meyah from his Infancy - he the Deponent being

an Inhabitant of Porto Novo where the said
Mahomed ali Mugah has always resided under
the British Government. Since that place
has been in the possession of the English. And
lastly the Deponent made oath and declared
that the only reason of the said Ship Tathalay
having Danish Colours and a Danish Pass on
board was to protect her from Capture in
the event of her meeting with Spanish Cruizers
whilst at Sea and on no other account
whatever. —

Fort Saint George
this 21st day of August 1809
Sworn before me (the
Contents having been
previously explained to the
Deponent by the Supreme
Court Interpreter —

T. A. Strange

Mark
Ibrahim Goolam Noordeen

Brig Tathalame

order for decree of Restitution of Proceeds on Costs paid &c.

210

Vice Admiralty Prize Court Madras

Saturday the 9th day of Septr 1809

Before The Honorable Sir Thomas Andrew Strange Knight Judge of the said Court &c. &c. present

Henry Gahagan Esquire Registrar —

Mahomed Ali Moyake Claimant — } Taken by his Majestys late Ships Victor & Thomas Searle Esquire Commander

This Cause having been Argued by Counsel on the part of the Captors and Claimant the Ships papers with the Depositions of the Witnesses examined upon the Standing Interrogatories and the Claim and Affidavits in Support of the same together with the proofs Admitted on each side having been read and duly Considered The Judge pronounced the said Brig and Cargo to have belonged to Mahomed Ali Moyake an Mahomedan Inhabitants of Porto Novo a port and place within the Territory dependant upon the Government of Tanjore and Subject thereto as Claimed and by decree decreed the proceeds of the Sale of the said Brig & Cargo to be restored to the Claimant the Costs and Expences of the said Cause being first deducted and paid, and after such payment Restitution to pass the Seal —

T. A Strange

Brig Fathalaye
Police of Costs paid

211.

Vice Admiralty Court
Madras.

Danish Brig
Fathalaye

Sir,

I beg leave to inform You that
the Costs directed by the Court to be
paid to the Captors, have been
Received by me from the Prize
Agents —

Your &c.

R. Orme
King's Proctor

Madras
28th Sept. 1809

To
The Registrar

Brig Tattalaque

Decree of Restitution

George the Third by the Grace of God of the united Kingdom of Great Britain and Ireland King defender of the Faith To Henry Hall of Madras Esquire and to all others in whose possession or Custody the proceeds of the Sale of the undermentioned Brig and Cargo or any part thereof be or remain Greeting. Whereas our beloved the Honorable Sir Thomas Andrew Strange Knight our Commissary in our Vice Admiralty Court of Madras and the Territories thereunto belonging and Present and Judge thereof and also to hear and determine all and all manner of Causes and Complaints as to Ships and Goods seized and taken as Prize Specially Constituted and Appointed in a certain Cause moved and prosecuted before him in our said Court on the 14th day of March last and from time to time Continued unto the day of the date hereof against the Brig Called the Tattalay whereof Nourpoo Nakaren was Master Her Tackle Apparel and Furniture and the Goods Wares and Merchandizes laden therein taken by our late Ship Victor Thomas Groube Esquire Commander and against Mahomed Ali Alleyah Claimant of the said Brig and Cargo intervening Rightly and duly proceeding at the Petition of the Proctor of the Claimant on motion of Counsel and with Consent of our Procurator in our said Court admitted the Claim of the said Mahomed Ali Alleyah and by interlocutory decree pronounced the said Brig Cargo to belong as

Claimed and decreed the proceeds of the Sale of the same to be delivered and restored to the Claimant upon payment of all Costs and Expenses Attending the Adjudication of the same and Whereas on the day of the date hereof such Costs and Expenses have been paid accordingly - We do therefore by these presents Authorize and empower You jointly and Severally and do Strictly Charge and Command You to deliver and restore all the proceeds of the Sale of the said Brig and Cargo and every part thereof in Your Custody or possession being or remaining unto the said Claimant or his Proctor and hereof fail not.

Given at Madras in our aforesaid Court under the Seal thereof the 13th day of September in the Year of our Lord 1809 And of our Reign the Forty ninth -

L.S.

Henry Gahagan
Registrar

HG

214

Brig Jathalayee

In the Instance of } Saturday the 23rd day of September 1809.
The Brig }
Jathalayee } taken by H.M. Hosp. Vector
Thomas Graube Esquire Commander

It is mutually agreed between the parties by the Consents of the Kings Proctor and by the Captors and by the Consent of W. Heale Proctor for the Claimants that the Execution of the Decree of Restitution herein shall be Stayed, and shall await, abide by, and follow the final Decree to be made by the Lords Commissioners for Appeals in Prize Causes in the two appealed Causes of the Brigs Lavedan Brig /2/ and the Rosedeen Brig. And that this agreement be filed as of Record In Writing by Notice of the Proctors severally put to their hands. -

R. Browne
Kings Proctor

D. C. Heale
Claimts Proctor

Whereto I attest

Henry Gahagan
Registrar.

The Brig Commerce

Master unknown

Affidavit as to Proceeds Sale - 215

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Danish Brig Commerce

Master unknown

Appeared Personally John Bunny

Junior of Madras Merchant the Brig Agent for

Thomas Gordon Caulfield Esquire Captain of His Majesty's

Ship Russell and for the Other Officers and Crew of the

said Ship as Captors of the said Brig Commerce

being Sworn to depose the truth made oath

that the said Brig the Commerce and her Cargo

were delivered into the Charge of the Deponent

as such Agent and were Sold by Public

outcry at Madras and the net proceeds

Sale thereof are now in the hands and charge

of the Deponent within the Jurisdiction

of this Court

John Bunny Junr.

Sworn at Fort Saint George
this 3d day of July with Jan 1809
Before me

J. A. Strange

Brig. Commerce

216. Allegations

In the Vice Admiralty Court at Madras

Prize Jurisdiction

Danish Brig Commerce

Master unknown

July 1809.

For our Sovereign Lord the King against the said Brig Commerce whereof the Master is unknown her Tackle Apparel and Furniture and the Goods Wares and Merchandizes therein taken and seized by His Majesty's Ship of War the Russell Thomas Gordon Caulfield Esquire Commander and against all persons in General.—

On which Day Robert Orme Procurator General for our Sovereign Lord the King by all lawful ways and to all effects in Law whatsoever alledges pleaded and articulately propounded as follows to wit

First That His Majesty by and with the advice and Consent of his privy Council did by an order bearing date at the Queens Palace the Fourth day of november one thousand Eight hundred and seven order that General Reprisals be granted against the Ships Goods and Subjects of the King of Denmark Cause and except the Vessels to which his Majesty's Licence had

been granted or which had been directed to be released
from the embargo and had not since arrived at any
foreign Port / do That as well His Majesty's Fleets
and Ships and also all other Ships and Vessels that
should be Commissioned by Letters of Marque or
General Reprisals or otherwise by his Majesty's
Commissioners for executing the Office of Lord High
admiral of Great Britain Should and might lawfully
seize all Ships Vessels and Goods belonging to the King of
Denmark or his Subjects or others inhabiting within
the territories of the King of Denmark and bring
the same to Judgement in any of the Courts of
Admiralty within His Majesty's Dominions and further
the said order in Council did direct That a Commission
should issue and a Commission did accordingly issue under
the Great Seal of the United King dom of Great Britain
and Ireland Authorizing the Commissioners for executing
the office of Lord High admiral or any Person or Persons
by them empowered and appointed to issue forth and
Grant Letters of marque and Reprisals to any of His
Majesty's Subjects or others whom the said Commissioners
should deem Qualified in that behalf for the apprehending
Seizing and taking the Ships Vessels and Goods belonging

Brig Commerce

to Denmark and the Subjects and Subjects of the King of Denmark or any inhabiting within his Countries Territories or Dominions / Except as aforesaid / and this was and is true public and notorious and the Party Proponent doth allege and propound every thing in this and the Subsequent Articles Contained Jointly & Severally.—

Second That the said Brig Commerce whereof the Master is unknown and the Goods Wares and Merchandizes on board the same were in the month of February in the Year one thousand Eight hundred and Eight seized and taken as Prize by His Majesty's Ship of War the Rupell Thomas Gordon Caulfield Esquire Commander and were at the time of the aforesaid Seizure Thereof belonging to Subjects of the King of Denmark or to persons inhabiting within the Territories of the King of Denmark and as such or otherwise liable to Confiscation and ought to be Confiscated and Condemned to our Sovereign Lord the King not being within the exception in the said order mentioned and that it ought to be further adjudged and decreed that the said Thomas Gordon Caulfield the Commander of His Majesty's said Ship of War the Rupell and the Officers and Crew on board the said Ship under his Command

were and are the Captors of the said Brig the Commerce and of the Goods Wares and Merchandizes on board the same and the party proponent doth allege and propound as before —

2ly Said That the said Brig the Commerce her Tackle Apparel and Furniture and the Goods Wares and Merchandizes taken thereon were within and the Records thereof are Subject to the Jurisdiction of this Honorable Court And the Party Proponent doth allege and propound as before —

Lastly That all and Singular the Premises were and are true public and notorious and thereof there was and is a public Voice fame and Report of which legal proof being made the party proponent prays right and Justice to be effectually done and administred in the premises by the Honorable Sir Thomas Andrew Strange Knight Judge of His Majesty's Vice Court of Admiralty at Madras or Your Lawful Surrogate And that the said Brig Commerce whereof the Master is unknown her Tackle Apparel and Furniture and all and Singular the Goods Wares and Merchandizes on board the same to seize and take thereon as aforesaid be pronounced to belong at the time of the aforesaid Seizure

to Subjects of the King of Denmark or to Persons
inhabiting within the Territories of the King of Denmark
and as such are liable to Confiscation and
Condemnation and that it may be pronounced
decreed and declared that the said Brig her Tackle
Apparel and Furniture and the Goods Wares and
Merchandizes taken thereon did belong to Enemies of the
Crown of the united Kingdom of Great Britain and Ireland
And that the said Brig her Tackle Apparel and
Furniture and the Goods Wares and Merchandizes
taken on board the same be adjudged and condemned
as Good and lawful Prize Accordingly. –

E. Marsh
King's Advocate

R. Orme
King's Proctor

Brig Commerce

Order dismissing Allegations and directing Monition to issue to Captors' Agents to bring into the Registry the Account and Proceeds of Sale. —

221

Vice Admiralty Prize Court Madras

Saturday the 9th day of September 1809

Before the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court Vice &c. present Henry Gahagan Esqr.

In the business of the Brig Commerce Charles unknown } Seized and taken as Prize by His Majesty's Ships Russell Thomas Gordon Caulfield Esquire Commander. —

The Judge having heard the Kings Advocate on behalf of the Captors in Support of the Allegations against the said Brig and Cargo, and having enquired into and duly Considered the whole proceeding had and done in this business / there being no Ships papers before the Court, nor the Depositions of any witnesses examined upon the Standing Interrogatories, nor any other Evidence whatever adduced in proof of the said Allegations / pronounced and decreed the said Allegations to be dismissed as it did not appear / as therein alledged / that the said Brig and Cargo at the time of the Capture thereof belonging to Subjects of the King of Denmark or to any Person or Persons inhabiting within the Territories of the King of Denmark and therefore

they were not as such liable to Confiscation
and Condemnation as Prize - And further decreed
that the Account of the Sales of the said Brig
and Cargo together with the produce monies
arising from such Sales be brought into
the Registry of this Court on or before the
Thirteenth day of September Instant there to be
kept and deposited for the use of the person
or persons who may be entitled thereto, and
that a Monition do issue to John Binny Junior
of Madras Merchant Agent to the Captors
to bring and deliver in the said Accounts and
Produce Monies Accordingly -

J. A. Strange

Proceedings taken thereupon an Account
thereof brought and delivered into Court
the 8th of October 1809. by John Binny
Junior Prize Agent to the
Captors -

Kly

In the Business of certain Hemp and Cordage

Proofs for Claimants —

In the Vice Admiralty Court
at Fort St. George Madras
Prize Jurisdiction

} In the business of certain Hemp and Cordage taken on
board the Spanish Ship St. Francisco —

Know all Men by these presents, that We George —
Arbuthnot, John Dumante and William Mac Taggart of Madras
Merchants and Copartners trading under the firm of Messrs. —
Arbuthnot Dumante & Co. the agents for and on behalf of the persons and persons
exercising the powers of the Government at Manilla belonging to and subjects
of His Catholic Majesty the King of Spain the true lawful and sole —
owners and Proprietors of sundry quantities of Hemp and Cordage being
a part of the Cargo on board the said Ship St. Francisco as hereby —
constitute and appoint Fortunes Delmey one of the Proctors of
the Vice Admiralty Court at Fort St George Madras to appear before
the Right Honble Sir Thomas Andrew Strange Knight Judge of the said
Court, and to exhibit for and on behalf of the said Government of Manilla as
such owners and Proprietors of the said Hemp and Cordage a Claim for the
restitution of the said Hemp and Cordage lately seized and taken on board
the Spanish Galley the St. Francisco by the Sepoy Schooner a Tender to
His Majesty's Ship the Lion, and to do every thing that shall be —
needful and necessary to be done for the said Government of —

In the Lieutenancy of Certain Exemptions & Privileges

Manilla until a definitive sentence shall be pronounced by the said Court for or against the Validity of such Seizure And We the said George Arbuthnot John DeMonte and William Mac Taggart do hereby promise to allow as firm and valid all and whatsoever the said Trustee shall lawfully do or cause to be done for us on behalf of the said Government of Manilla in and touching the premises.

In Witness whereof we the said George Arbuthnot John DeMonte and William Mac Taggart have hereunto set our hands and seals this second day of May in the Year one thousand eight hundred and ten.

Signed Sealed and Delivered (whereon Stamped paper is to be had) In the presence of
L. VanSomeren
Comandt Cavalry

George Arbuthnot (L.S.)
J. DeMonte (L.S.)
Will Mc Taggart (L.S.)

In the business of Certain Ramps and Cordage

Claim of Messrs Arbuthnot D'Monte & Co - 225

In the Vice Admiralty Prize Court } In the business of Certain Ramps & Cordage taken
at Fort St George Madras - - } on board the Spanish Ship S. Francisco -

The Claim of George Arbuthnot, John D'Monte and William
MacTaggart of Madras Merchants & Copartners, trading under the Firm of
Messrs Arbuthnot, D'Monte & Company as the Agents and on behalf of the
person or persons exercising the powers of Government at Manilla belonging
to & subjects of His Catholic Majesty the King of Spain the true lawful and
sole owners and Proprietors of one hundred and fifty nine Coils of Manilla
Cordage weighing Four hundred and seventy two hundred & eight & two quarters
and thirteen pounds or one hundred and five Candies, seventeen maunds
and eight pounds and three hundred and fifty five bundles of Ramps
weighing Fifty three hundred & eight & two quarters and twelve & three
quarter pounds or twelve Candies, one maund and seven and three quarter
pounds being part of the Cargo on board the Spanish Ship the S. Francisco
taken as Prize to His Majesty's Ship The Lion Neal Thesiger Esquire
Commander by the Topaz schooner a Tender to the said Ship Lion which said
Ramps & Cordage were afterwards put on board the Dutch Brig Virginia Prize
to His Majesty's Ship Dedaigneuse and brought into the Roads of Madras as
aforesaid within the Jurisdiction of this Honble Court as set forth in the
Affidavit & Documents annexed, and for all such freight, losses, costs, charges, damages
and Expences as have arisen, or shall or may arise by the Reason of the Captain
and detention aforesaid -

Towner Dismey }
Proctor for the Claimants }

Attestation of Geo. Arbuthnot Esqre in Support of Claim for a quantity of Nemp & Cordage.-

226.

In the Court of Vice Admiralty at Fort Saint George Madras.- Prize Jurisdiction.

In the business of Certain Nemp & Cordage taken on board the Spanish Ship S. Francisco.-

Appeared personally George Arbuthnot of Madras Merchant a Partner in the Name or Firm of Messrs Arbuthnot D'Monte & Co at Madras aforesaid, and made Oath that the late Firm of Messrs. Lautour & Co in which the Deponent was a Partner have been the agents of the Government of Manilla, belonging to His Catholic Majesty the King of Spain, and that as successors to that Firm the Deponent and his Partners John D'Monte and William M.c Taggart Consider themselves as the agents of that Government- That the Deponent and his their Partner Joseph Gerbin having been informed that Sundry quantities of Nemp & Cordage, taken as Prize on board a Spanish Galley named the S.t Francisco, captured by the Topaz Schooner a Tender to His Britannick Majesty's Ship the Lion Matthew Esquire Commander, had been put on board a Dutch Brig called the Virginia, a Prize to His Majesty's Ship the Dedaigneuse, and brought to Madras within the Jurisdiction of this Honble Court, and had there been disposed of, and the proceeds deposited in the Registry of this Honble Court, and having been also informed, and believing that the said Nemp & Cordage were the Property of subjects

Camp & Codage

belonging to the said Catholic Majesty residing at Manilla aforesaid did on or about the fifteenth day of May in the Year one thousand eight hundred and nine address a letter in the name of the then Firm of Frances Lawton & Co. of which the Deponent was a Partner to Mr. Paul Declompier their agent at Manilla aforesaid intimating to him the circumstance aforesaid, and requesting that he would obtain information to whom the said property belonged. And the Deponent further made oath that in consequence of the Communication aforesaid he the Deponent and his present Partners, on or about the twentieth day of January last, received Sundry papers & Documents in the Spanish Language which were forwarded to the said Firm of Francis Lawton & Co. by His Excellency Don Mariano Fernandez De Folgueras the Governor of Manilla aforesaid, or by his direction, which said Documents with translates thereof into the English Language are hereunto subjoined and the Deponent saith that it appears from the said Papers and Documents, and he verily believes that the said

Ninth Hereday

Ninth and Hereday forming a part of the
Cargo of the said Spanish Ship the St.
Francisco Xavier as Prize to His Majesty's said
Ship the Leda and sent on board the Dutch
Brig Virginia as aforesaid are the
property of His said Catholic Majesty's Government
at Manilla aforesaid, and were so taken on the
Ninth day of January in the Year one thousand
eight hundred and nine - -

George Arbuthnot

Sworn at my Chambers in
Fort St George this 4th day of
May 1810 -

Before me -

J. A. Young

Memo + Cortlage

Ybor 1809.

Copy of what has been
Actuated in Manilla upon the taking
of some Manilla Rope belonging
to the Government of Manilla
and embarked by the Alcade of
the Provnce of Camarines upon the
Spanish Galey S.t Francisco & Anz
belonging to the said Alcade. —

Manila & Coridaje

Extract of a Letter from Messrs Lantoon & Co to W. P. DeCampsen Dated 15th May 1809.

You will have the Goodness to get information to whom might belong a quantity of Manila Rope taken on board of a Spanish galley by the Schooner of the Ship Leon at the latter end of last Year. This Rope was brought last Year by the Brig Virginia the Court of admiralty took Possession of it, and had it sold, the produce of it which is two Thousand Pagodas, remains here in deposit, and will probably be returned to the Spanish proprietors if they could justify that the said Rope belongs to them and for that effect it is necessary that they should send their declaration Sworn before a Judge of Alicante, and we would then present it to the Court of admiralty, & perhaps be able to recover the said property. —

Copy of a Letter from W. P. DeCampsen to the Governor of Manila. —

I have the Honor to send Your Lordship the Extract of a Letter I have received from Madras from Messrs Lantoon & Co as I have been informed that the Manila Rope mentioned in the above mentioned Extract belongs to the Government, I take upon myself to inform Your Lordship of what

In the business of Certain Rempt Cordage 231-

has been determined to me on the Subject so that the necessary measures which may be thought Convenient to be taken for the Recovery of the said property may be adopted by Your Lordships if Judged Convenient

Shall the Honor to be Your

Manila 2d October 1809

(Signed) P. Dalampier

Decree of the Governor of Manila

Mess.rs J.s Lantaon & Co requesting in the extract of their letter to Mr. Dalampier the necessary document and it being Certain that the Manilla Rope which was shiped in the Pactow or galley Wm.s & Ann from the Province of Camarines, was sent by the alcalde of the said Province for account and risk of this Government, these papers will be sent to the fiscal to have his opinion on the Subject. Manila 2d October 1809. (Sig.d) Folgueras

Opinion of His Catholic Majesty's Fiscal.—

The fiscal of his Majesty says, That in the Vessel named St Francisco de asis belonging to the alcalde of the province of Camarines and taken by the English Schooner Sofrazie, the month of January last on the Coast of Batangas, as per advices from the alcalde of Batangas, it is Certain that in the Vessel Called the San Francisco de asis was shiped

Hemp & Cordage

for account of this Government 2502 arobas and five pounds of Manila Rope, as bought over by the bill of lading and letter of advice, and the fiscal of opening that an authorized Copy of these documents be given to Mrs. Dulamprier for their remission to Messrs. J. Lawton & Co. which documents are thought sufficient for the recovery of the amount of the said Rope which it appears was sold at Madras -

Manila 5th October 1809. Signed Pereira Fiscal -

Decree of the Governor of Manila -

Manila 5th Oct. 1809 - The Asstor General will give his opinion upon what is to be done - /sig.d/ Folgueras -

---

Opinion of the Asesor General -

To give Certain proof that the manila Rope which came in the Portin S. Francisco de Asis belongs to Government and that it is the same which was taken by an English Brigg - Your Lordship shall order that a legalized Copy of the Bill of Lading signed by the Master of the said portin may be delivered to Mrs. Dulamprier and also a Copy of the letter of advice of the alcalde of the province of Camarines to this Govt. so that these documents may be remitted to Madras & the amount of the said Rope recovered - Manila 13th Oct. 1809 /sig.d/ Sinaes Asesor Genl.

Decree of the Governor of Manila

Manila 19th October 1809.

The Public Notary will make out the Copies noted
as mentioned in the Opinion of the Asesor General
and will immediately deliver them.

(Signed) Folgueras

Note: To draw the Copys of the Bills of Lading &
letter of advice - Signed Jon Meyer Public Notary -

Copy of the Bill of Lading -

I declare that I have received on board the Galley called
the S. Francisco de asis in the road of Paracas, and which
Vessel belong to the Alcalde of this province of Camarines
Don Francisco xavier Valanco, the quantity of five thousand
five hundred and sixty two arobas and five pounds of
Abacca Rope in good order and Condition, and of the
denominations mentioned hereafter: and oblige myself
to deliver the same to the Government of Manila to whom
it belongs having signed two bills of lading of the same
tenor and date the one of them being discharged the
other is to stand Void -

Paracas 28th December 1809.

Pieces	Thread	arobas	Libras
25	50-	540-	4
25	40	521-	5
50	30	784-	3-
50	24-	610-	23-
150-	11-	2502-	5

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Manifest & Cockage

I Don Mariano de Natividad Curate of the Holy Church of this place do hereby Certify that it is true that the above quantity of Manila Rope has been shipped on the Vessel Called S.t Francisco de asis that this Vessel belongs to D.n Francisco Fuentes de Velasco alcalde of this provincia of Camarines and that the said quantity of Manila is going for account and risk of the Government of Manila: and have signed two Certificates of this tenor and date in this City of Nueva Caceres 28.th December 1809.

/signed/ Mariano de Natividad

Copia de La Carta de Cura de D.n Francisco de Velasco alcalde -

I have shipped on my Vessel Commanded by D.n Antonio Atienza and for account of the Government of Manila two thousand and five hundred and sixty Arabas and pive pounds of Abaca Rope of the Dimensions mentioned in the annexed list this is part of the six thousand arabas ordered to be sent on account of the Revenues as per decree from the Governor of this month of November 1805 the freight will be paid to my agent according to that is in use. Manila Cavite 29.th Dec.r 1809

/sign.d Francisco Velasco -

Rempe & Cordage

Pieces	Attached	Arrobas	Pounds
25	50-	040-	4
25.	40.	521-	11-
50.	30-	784-	3
50-	24-	010-	23.
150-	11-	2502.	5-

This Document agree with the Rest originals and this Copies are dated 14th October 1809 Signed by

Jeronimo Jose Mayo Notary

Policarpio Lopez
Policarpio Hernandez
Patricio Molera
} as Witnesses-

Decree of the Governor

Manila 22d of November 1809 two Copies will be made of the Bill of Lading and letter of advise which Contain the quantity of Abaca Rope belonging to this Government and which was taken in the Galley Sto Francisco de Asis by the English Schooner Topaze the one of these Copys must be sent to the Governor of Madras with a letter on the Subject for no Claim this property and the other will be delivered to Mr Dalampier for its remission to Messrs Js Lantaon & Co it must be stated that the Vessel which had this Rope on board had also 437 Arobas more - belonging to the Alcalde Dn Js Velasco and as the Cause which has lately been Celebrated between the two Courts first the Court of Admiralty

Hemp & Cordage

of Madrias in Situation to between the above
mentioned property. The Government of Manila
hopes that the amount of the Rope and Vessel of
Serve at other things which were taken belonging
to Spaniards will be put at the disposition
of this Government so that the distribution of the
said property may be executed to the punctual
proprietors.-

/Signed/ Folgueras

Before me John Allyn

Notary Public

This Copy of all the actuated is a true one, of its
original which is deposited with the Secretary of Govt.
of this Archipelago made this 23d of November 1809. in presence
of Witnesses

/Sig.d/ Jimmin De Los Olivos

Public Notary.

Policarpio Lopez
Mamerto Ramos
Catarto Molina
} Witnesses.

The public Notary undersigned do hereby
Certify that Jimmin De Los Olivos is Notary public
attached to the Government of these Islands and that
his above signature is his own hand Writing-

Manila 23d of November 1809.

Signed.

Manuel Scalle.
Notary public

Domingo Villegas
Notary Public

Pedro Mat. Vergara
Notary Public

Hemp and Cordage

Petition for Monition to proceed to Adjudication.

In the Vice Admiralty Court at Madras.

Prize Jurisdiction } In Re business of Certain Hemp & Cordage

The humble Petition of George Arbuthnot, John D'Monte & William Sk^e

Taggart of Madras Merchants and Copartners. —

Sheweth

That sundry quantities of Hemp & Cordage taken as Prize on board a Spanish Galley named the St Francisco Captured by the Topaz Schooner, a Tender to His Britannic Majesty's Ship the Lion Near the Coast of Coromandel on or about the ninth day of January in the year one thousand eight hundred & nine were transhipped and put on board a Dutch Brig Called the Virginia a Prize to His Majesty's Ship the Dedaigneuse and brought to the Roads of Madras within the Jurisdiction of this Honble Court sometime about the Month of march in the said Year. —

That the said Goods upon the Petition of Sol^r Robert Orme Proctor for our Sovereign Lord the King and by Virtue of a Commission of Joint survey Appraisement and Sale issuing for that purpose out and under the Seal of this Honble Court were landed from the said Brig Virginia and sold at Madras aforesaid, & the produce Money arising from such Sale (after deducting the Charges of obtaining the said Commission, & of the Appraisement and Sale) amounting to the Sum of one thousand one hundred & ninety eight Pagodas, Thirty five Fanams and Thirty Cash, hath been brought into and now remains in the Registry of this Honble Court, to abide the further order thereof. —

3 Manifesto and Bondage

That in Consequence of a Letter written by the late Firm of Francis Lantaum & Co. [who] were the Agents of the Government of Manilla, belonging to Her Catholic Majesty the King of Spain [on] the fifteenth day of May in the said Year one Thousand eight hundred & nine to Mr. Paul Duclampeir their agent at Manilla aforesaid Your Petitioners the said last mentioned Firm of Francis Lantaum & Co. on or about the Seventeenth day of January last received Sundry papers and documents in the Spanish Language which were forwarded to the said Firm of Lantaum & Co. by His Excellency Don Mariano Fernandez De Folqueras the Governor of Manilla aforesaid or by his directions which said documents with a translation thereof are annexed to the Attestation of Your Petitioner George Arbuthnot, and to which Your Petitioners crave leave to Refer. —

That it appears from the said papers and documents and Your Petitioners verily believe that the said Goods at the time of Capture thereof as aforesaid were the property of His said Catholic Majesty's Government at Manilla aforesaid, and were so taken on the ninth day of January in the said Year one thousand eight hundred & nine.

That notwithstanding the Capture and Seizure aforesaid no proceedings whatever have been had to bring the said Goods to adjudication. —

Your Petitioners therefore humbly Pray that

process of monition may issue directed to the said
Neatherte, and to the said Robert Rome to
appear before this Honble Court at a certain day &
time to be therein specified, then and there to proceed
to the legal adjudication of the said Goods whether good
and lawful Prize or not, or to shew and allege
Reasonable and lawful Cause (if any they have)
why the said Sum of one thousand one hundred
and ninety eight Pagodas thirty five Fanams
and thirty Cash the produce money aforesaid
arising from the sale of the said Goods should
not be decreed to be paid and delivered to Your
Petitioners for the use of the said Government
of Manilla, the owners and Proprietors thereof
together with all such Costs damages and expences
arising or to arise from or by means of the
said Capture and seizure, and further to do
and receive to Justice shall appertain —
And Your Petitioners shall ever pray

Townes Disney
Proctor for the
Petitioners —

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23

Hemp and Cordage

Order for Monition to proceed to adjudication

Vice Admiralty Prize Court Madras

Wednesday the 16th day of May 1810.

In the business of Certain Hemp and Cordage landed from the Brig Virginia . . .

On Motion of Mr. Austruther and on reading the Petition of Mr. Proctor for Messrs Arbuthnot La Monte & Co. Claimants for the persons or person exercising the Powers of Government at Manilla. It was ordered that a Monition do issue Calling upon the Captors of the said Hemp & Cordage and upon the King's Proctor, to appear on the sixth day after Service of the said Monition and to shew Cause why the Proceeds of the sale of the said Hemp and Cordage, now deposited with the Registry of this Court, should not be paid and delivered over as Claimed. —

T. A. Strange

Hemp and Cordage

241.

Order for Restitution of Proceeds of Sale -

Vice Admiralty Prize Court Madras

Tuesday the 22d day of May 1810 -

In the business of certain quantities of Hemp & Cordage } Landed from on board the
taken as Prize to H. M. Ship Leven Capt.n Heathcote ... } Prize Brig Virginia

On motion of Mr. Arbuthnot and with Consent of Mr. Hemp

Proctor the Judge admitted the Claim of Messrs. Arbuthnot & Co. for the above goods and on reading the Attestation of Mr. Arbuthnot with the papers annexed thereto in support of the said Claim, pronounced the said Goods to have belonged at the time of the Capture to the Person or Persons Exercising the powers of Government at Manilla, Subject or Subjects of his Catholic Majesty the King of Spain, and in pursuance and under the Authority of the second article of the Treaty of Peace with his said Catholic Majesty the King of Spain signed in London on the fourteenth day of January in the Year of our Lord 1809 -

Decreed the Proceeds of Sale of the said Hemp and Cordage now deposited in the Registry of this Court to be paid and delivered over to the Claimants for the use of the owners and Proprietors of the said Goods, the Court Charges and Expences of this Cause being first paid and satisfied -

J. A. Strange

242

Receipt for Proceeds of Sale of Hemps and Cordage

Vice Admiralty Prize Court

Madras

Friday the 1st day of June 1810.

In the Business of Certain Hemps and Cordage

Received of Henry Gahagan Esquire Registrar the Sum of Nine hundred and Ninety Six Star Pagodas Thirty Fanams and Thirty cash /Pags 996- 30- 30-/ being the Balance of Nett Proceeds of Sale of the above Hemps and Cordage after deduction and payment of all Costs and Charges.—

J. Shaw

for

W. Townes Disney.

Proctor for the

Claimants—

H4

Claim

246 In the business of Certain Dollars taken in the ship

2 Nancy

In the Vice Admiralty Court
at Fort St George Madras
Prize Jurisdiction

} The Nancy
Peter Wohnberg
Master

The Claim of Joseph Genepy a Citizen of
the united States of America late a Passenger on
board the Danish ship Nancy at the time of her
Capture by Her Majesty's ship of War the Monmouth
for five bags containing Four Thousand two hundred
and seventy four Spanish Dollars being the
private property of him the said Joseph Genepy
which said Dollars were seized by the Captors
upon a dispossession of the same being Danish
Property as set forth in the Notarial act Verified
by the affidavits of the said Joseph Ganepy
and of Allyn Mather the Supercargo of the
said ship Nancy and for all such Loss Costs
Charges Damages and Expences as have arisen
or shall or may arise of reason of the Seizure
aforesaid. —

Daniel Neale
Proctor for M.
Joseph Genepy

Affidavit of Daniel Neale

247.

In the business of Certain Dollars taken in the Ship Nancy.

In the Vice Admiralty Court at Fort Saint George Madras ... Prize Jurisdiction ... } The Danish Ship Nancy - Rolmberg - Master

Appeared personally Daniel Neale Gentleman one of the Proctors of this Honorable Court and made oath that he hath for a length of time past dwelt and practised at Fort St. George Madras as a Notary public by lawful authority duly admitted and Sworn as such and that he the Deponent being so dwelling & practising was on or about the twenty seventh day of February in the Year one thousand Eight hundred and eighteen to key W. Joseph Geniesy who stated himself to be a Subject of the united States of America and to have been then late a Passenger on the Danish Ship Nancy which had been Captured by his Majesty's Ship Nonsuch whose Pennant bearing the Flag of Rear Admiral Drury. he the further Stated to the Deponent that certain Dollars being his private property and in Number Four Thousand two hundred and Seventy Four had been taken from him the said Joseph Geniesy at the time of the Capture of the said Danish Ship the Nancy upon the belief that the said Dollars were Danish property which he the

said

In the business of certain Dollars taken in the Ship Nancy

said Joseph Geneffy denied to be true and the Deponent
saith that the said Joseph Geneffy did therefore desire of him the
Deponent a Public Notarial act touching the Seizure of the
said Dollars and that he the Deponent did accordingly
prepare the Notarial act which is hereunto annexed Marked
No. 1. And that he the said Joseph Geneffy did subscribe his
Name to the affidavit at the foot of the said Notarial act
in the presence of the Deponent And the Deponent saith
that Allyn Mather the Supercargo of the said Ship
Called the Nancy did subscribe the other affidavit
annexed to the said Notarial act in the presence of the
Deponent And the Deponent saith that the said Two
Several affidavits were respectively duly sworn before
George Taswell Esquire one of his Majestys Justices of the
Peace for the Town of Madras And that when the said
Joseph Geneffy applied to the Deponent as aforesaid
he brought with him and Exhibited to and left with
the Deponent the paper Writing hereunto annexed
Marked No. 2 which he informed the Deponent he had
just before Received from Mr. Bromley the Secretary
to Rear Admiral Drury And the said Joseph
Geneffy did also at the same time inform the
Deponent that he had been Appointed by the said

W.

In the Recovery of Certain Dollars taken in the Ship Nancy

W. Bromley or by Captain King Commanding his Majesty's said Ship Monmouth (Clear which the Deponent cannot at this distance of time Recollect) that he would have the Dollars Restored to him upon the production of the Affidavits Herein mentioned as being Requisite: And the Deponent saith that the Paper Writing in the French language hereunto Annexed Marked N°3 was left with the Deponent by the said Joseph Geneffy previous to his departure from Madras to Calcutta as a true and faithful Statement or Narrative of the Circumstances attending the Seizure of the said Four thousand two hundred and Seventy four Dollars And the Deponent saith that he verily believes the whole of the said last mentioned paper Writing to be in the proper hand Writing and to bear the proper Signature of the said Joseph Geneffy for the Deponent having had Several opportunities of seeing the said Joseph Geneffy write during his Stay at Madras and having also Received Several letters from him during that period. And lastly the Deponent saith that previous to the departure of the said Joseph Geneffy from Madras to Calcutta as aforesaid he did produce to the Deponent Two Several Papers Writing (which he Stated and which the Deponent has no

doubt

290 In the Insurance of Certain Dollars taken in the Ship Nancy.

doubt and do verily believe to be original Documents)
the one being a Pass from the American Government
in the Name of the said Joseph Geneffy and the other
a Letter from Thomas Barclay Esquire British Consul
at New York, dated New York Twenty Fourth July one
Thousand Eight Hundred and Seven addressed to
Commanders of His Majesty's Ships of War three Copies
whereof as taken from and Compared with the said
originals by the Deponent at the instance of the said
Joseph Geneffy to Serve as Evidence of his Claim to the
said Four thousand Two hundred and Seventy four
Dollars the Deponent hath hereunto annexed
Marked respectively No 4 and No 5.

Fort Saint George this
19th Day of April 1809.
Sworn before me

D. Neale

T. A. Strange

Notarial Declaration of Mr Joseph Eneffy

In the business of Certain Dollars taken in the Ship Nancy 2nd.

By this Public Notarial act be it known unto all Persons whom it doth or may Concern That on this day Friday the twenty sixth day of February in the Year of our Lord one thousand Eight hundred and Eight personally appeared before me Daniel [illegible] Public Notary by Royal authority duly admitted and Sworn and dwelling and Practising at Fort Saint George Madras on the Coast of Coromandel in the East Indies at my office in Fort Saint George aforesaid Joseph Eneffy who declared to me Notary for truth That he is a Citizen of the united States of America and that he Came to the Port of Madras a Passenger on Board the Danish Ship Nancy Commanded by Captain [illegible] Nolmesberg lately Captured by his Britannick Majesty's Ship Monmouth bearing the flag of Rear admiral Drury - And the said Appearer did further declare that the day on which the said Ship Nancy was so Captured by His Majesty's Ship Monmouth as aforesaid he the Appearer had in his Chests on board the said Ship Nancy Five Bags of Dollars that is to say Four Bags Containing one thousand Dollars each (Marked C. G. B.) Making together Four thousand Dollars and one Bag not marked Containing Two

 In the Lieuwing of Certain Dollars taken in the Ship Nancy.

Hundred and Seventy four Dollars making the whole number of Dollars in the said five Bags Four Thousand Two Hundred and Seventy four - And the said Appearer did moreover declare for truth to me Notary that the said Four Thousand two hundred and Seventy four Dollars and every part thereof are bonâ fide the real and absolute property of him the said Appearer and that the same were taken from him the Appearer at the time of the Capture of the said Danish Ship the Nancy by order of Captain Ring of His Britannic Majesty's said Ship the Monmouth under a belief that the same Danish Property and therefore lawful Prize and the Appearer did at the said time and place desire of me Notary this my Public Act touching and Concerning the Premises aforesaid which I Notary have accordingly granted to serve and avail as occasion may require in the Manifestation of the said Four Thousand two hundred and Seventy four Dollars so seized as aforesaid being the entire and absolute Property of him the said Appearer as aforesaid.

In Testimony whereof I Notary have hereunto set my Hand and Caused my Seal of Office to be affixed in St. Davids George Nasrad.

aforesaid the day and year above Written

Danl Deale (L.S.)

Notary Public Madras -

Joseph Geneesy in the foregoing Notarial

Act Mentioned Maketh oath and saith that the

Matters of fact therein mentioned are Respectively

true

Fort Saint George } J. Geneesy

this 22d day of Febry 1808 -

Sworn before me -

G: Taswell

Justice of Peace

Allyn Mather Supercargo of the Danish Ship Nancy

in the foregoing Public Act Named Maketh oath and saith that

all the Dollars which were in the Chests belonging to

Mr Joseph Geneesy on board the said Ship Nancy were the

bona fide and absolute property of the said Mr Joseph Geneesy -

Allyn Mather

Fort Saint George }

this 22d day of Febry 1808 -

Sworn before me -

G. Taswell

Justice of Peace

 In the business of certain Dollars taken on the Ship Harvey

It will be perfectly necessary for Mr Gurney to make affidavit that the Cash found in his Chest was actually his own Property - It will be equally requisite for the Master and the Supercargo of the Harvey to give Testimony by taking similar Measures before the Circumstances Can be made appear so far satisfactory as to induce Mr Bromley to lay the Case before the Captors -

The Deposition to be made before a Person duly authorized to Administer the oath -

In the business of Certain Dollars taken in the Ship Nancy

254

To all to whom these Presents shall

Come Greeting. +

Be it Known that Joseph Geney a Citizen of

the united States of America, having occasion to pass

into foreign Countries about his lawful affairs,

these are to pray all whom it may Concern to permit

the said Joseph Geney (he demeaning himself

well and peaceably) to pass wheresoever his Lawful

pursuits may Call him, freely and without Let

or Molestation in going, staying or returning and to

give to him all friendly aid and protection, as these United

States would do in the like Case. +

In faith whereof I have Caused the

Seal of the Department of State for the said

United States to be hereunto affixed. Done

at Washington this Twenty first day of

June in the Year of our Lord 1809 &

of the Independence of these States the

Thirty first.

L. S.

(Gratis)

James Madison

Secretary of States

Secretary

W. Buchanan

Port Napoleon 24th November 1809

256. In the business of certain Affairs taken in the Ship Nancy

British Consul General's Office

New York 24th July 1807.

Gentlemen,

The Bearer Mr. Gurney is one of those unfortunate Frenchmen termed Royalists. He has resided many years in these States, whereof he is a naturalized Citizen, and a Merchant of Respectability. I have known him upwards of five Years and Consider him a very worthy, Amiable, honorable Character. He is now bound on a Circuitous Voyage from hence in the Catharine to the Isle of France from thence to Madras and Calcutta and either back to these States, or else where as he may Conceive most for his Interest. You will lay me under an obligation by shewing him any little acts of Civility in your power or rendering him any Aid which from Accident or misfortune he may stand in need of. He is merely a Passenger in the Catherine to the Isle of France.

I have the honor to be with great Regard

Gentlemen

Your very obedient humble Servant

Thos. Barclay

The Commanders of
His Majesty's Ships of War.

His Majesty's Ships

1

Petition of Daniel Neale

254.

In the business of Certain Dollars taken in the Ship Nancy

In the Vice Admiralty Court at Fort Saint George Madras Prize Jurisdiction — } The Nancy Peter Holmsberg Master

To the Honorable Sir Thomas Andrew Strange Knight Judge of the said Court

The humble Petition of Daniel Neale

Gentleman - the Proctor of Joseph Genery a Citizen of the United States of America and late a Passenger on board the said Ship Nancy a Claimant for the Restitution of Four thousand two hundred and Seventy four Spanish Dollars. —

Sheweth,

That the said Claimant Joseph Genery having for a Considerable time past been Resident in Bengal no sufficient proof hath on that account been hitherto Adduced on his behalf in support of the Claim preferred by him in this Court for the Restitution of Four thousand two Hundred and Seventy four Spanish Dollars found and taken in the Chests of the said Joseph Genery at the time of the Capture of the said Ship Nancy and now in possession of the Captors. —

That in order to Verify his said Claim by Affidavit it is therefore expedient and necessary that a Commission should issue out of and under the Seal

In the Insurance of Certain Dollars taken in the Ship Nancy

of this Honorable Court directed to some persons at Calcutta empowering them to swear the said Joseph Genesy to the truth of such affidavit as he may be willing to make in support of his said Claim —

Your Petitioner therefore humbly Prays Your Lordship that a Commission may forthwith issue out of and under the Seal of this Honorable Court directed to William Faithie, Allen Gilmore, Thomas Raban, John Stapleton and William Blackstone at Calcutta for the purpose aforesaid. —

And Your Petitioner

Will Ever Pray &c.

D. Neale

Proctor

In the business of Certain Dollars taken in the Ship Nancy

Order for Commission to Calcutta 259.

Vice Admiralty Prize Court Madras

Tuesday 27th day of June 1809

Before The Honorable Sir Thomas Andrew

Strange Knight Judge of the said Court, present

Henry Gahagan Esquire Registrar

In the business of Certain Dollars seized
and taken in the Ship Nancy

On motion of Mr Austruther and on
reading the Petition of Daniel Neale Proctor for
Joseph Geneny the Claimant of the said Dollars - It is
ordered that a Commission do issue directed to
Calcutta Empowering Certain Persons in the said
Petition Named to Swear the said Joseph Geneny
to the truth of such Affidavit as he may be willing
to make in support of his Claim

T A Strange

Letter

260 Inv. the Invoice of Certain Dollars taken in the Ship Nancy

Nancy Pahajan Esquire

Registrar Vice Admiralty Court Madras

Sir,

I was duly favoured with Your letter of 27th June
Covering a Commission from Your Court to take the Attestation
of Mr. Geneay in support of the Claim interposed on his behalf
in the Case of the Nancy and sorry I can make no better return
than that You will find in Messrs Faithe & Gelmores letter
to me on the subject which I have forwarded with the Commission
and letter to Mr Geneay: -

I am Sir,
Your most obedient Servant
Wm Blackstone
Rgr

Vice Admiriality Court
Calcutta
28st July 1809 -

Enclosure in above -

Calcutta 18th July 1809 -

William Blackstone Esqre -

Sir, We have to acknowledge Receipt of Your letter of the 15th instant & beg leave to Return Thanks for Mr Geneay who we are informed proceeded from hence in the American Ship Silenus bound for New York which Ship was Captured in the Bay by the French Frigate Caroline - Recaptured by H.M.S. Victor and sent to Penang We know nothing further of Mr Geneay, but understand Messrs Satur & De Monte are his Agents at Madras. -

We are Sir,
Your most obedt
Wm Faithe
A. Gelmore

Order for Commission to Penang

In the business of Certain Dollars taken in the Ship Nancy 261.

Vice Admiralty Prize Court Madras -

Saturday the 9th day of September 1809 -

Before the Honorable Sir Thomas Andrew Strange Knight

In the business of Certain Dollars taken in the Ship Nancy } Judge of the said Court & present Nancy Gahagan Esquire Registrar -

On motion of Mr Anstruther and on reading the return made to the Commission issued to Calcutta in this business It is ordered that a Commission do issue to Fort Cornwallis in Prince of Wales Island directed to Thomas Stamford Raffles and George Caunter Esquires empowering them jointly and severally to swear Joseph Genesy to an attestation in support of his Claim for the said Dollars as his private property and that six Months be allowed for the return of the said Commission - And it is further ordered that if the said Joseph Genesy shall have quitted Penang and if the said Commission shall be returned within the time aforesaid unexecuted, that his Agents at Madras be at liberty to apply again on his behalf to this Court -

T. A. Strange

Letter

260 . In the business of Certain Dollars taken on the Ship Nancy

Henry Pakenham Esquire

Registrar Vice Admiralty Court Madras

Sir,

I was duly favoured with Your letter of 27th June
Covering a Commission from Your Court to take the attestation
of Mr. Geneny on support of the Claim intervened on his behalf
in the Case of the Nancy and sorry I Can make no better return
than that You will find in Messrs Fairlie & Gilmores letter
to me on the subject which I have forwarded with the Commission
and letter to Mr. Geneny: -

Vice Admiralty Court
Calcutta . . .
28th July 1809 . . .

I am Sir,
Your most obedient Servant
Wm Blackstone
Regr

Enclosure in above -

Calcutta 18th July 1809.

William Blackstone Esqre -

Sir,

We have to acknowledge Receipt of Your letter of the 15th
instant & beg leave to return Thanks for Mr. Geneny who we are informed
proceeded from hence in the American Ship Salamis bound for
New York which Ship was Captured in the Bay by the French
Frigate Carolina - & Carried by H.M.S. Victor and sent to Penang
We know nothing further of Mr. Geneny but understand
Messrs Satur & De Monte are his Agents at Madras. -

We are Sir,
Your most obedt
Wm Fairlie
A. Gilmore

Order for Commission to Penang

In the business of Certain Dollars taken in the Ship Nancy 261.

Vice Admiralty Prize Court Madras.

Saturday the 9th day of September 1809.

Before the Honorable Sir Thomas Andrew Strange Knight

Judge of the said Court & present Henry Gahagan

In the business of Certain Dollars taken in the Ship Nancy } Esquire Registrar.

On motion of Mr Anstruther and on reading the return made to the Commission issued to Calcutta in this business. It is ordered that a Commission do issue to Fort Cornwallis in Prince of Wales Island directed to Thomas Stamford Raffles and George Carnter Esquires empowering them jointly and severally to swear Joseph Genery to an attestation in support of his Claim for the said Dollars as his private property and that six Months be allowed for the return of the said Commission - And it is further ordered that if the said Joseph Genery shall have quitted Penang and if the said Commission shall be returned within the time aforesaid unexecuted, that this Agents at Madras be at liberty to apply again on his behalf to this Court

T. A. Strange

Letter

262 I in the Lessine of Certain Dollars taken in the Ship Nancy

To Henry G. Chagan Esqre
Registrar of the Vice admiralty Court
Madras

Sir,

We Joseph Gunsby not being at this Residency at the time We received the Commission under the Seal of the Vice admiralty Court at Madras Authorizing his Affidavit being taken by us, We delayed acknowledging Your letter for some time in the expectation that he might probably arrive here at an early period — But having at this date not heard any tidings of him whatever, We avail ourselves of the present opportunity to apprize You of the Circumstance and to return the Commission. —

We are

Prince of Wales Island
26th July 1810 — }

Sir,
Your most obedient humble Servants
Tho: Raffles
Geo: Caunter

Order for Commission to New York

In the business of certain Dollars taken in the Ship Nancy 263

Vice Admiralty Prize Court Madras

Wednesday the 16th day of May 1810.

In the business of certain Dollars taken in the Ship Nancy — } Captured by H.M. Ship Monmouth Captain Pring

It is ordered that a Commission do issue to Robert Lennox Archibald Grant Peter Renon, Anthony Stafford, Gould Wright and Henry Whitney of New York in the United States of America, requiring them jointly or severally to take Attestations of Witnesses in support of the Claim of Joseph Gomez (a Citizen as is alledged of the said United States) for the said Dollars, and that the said Commission be returnable and returned to this Court in eighteen Months from and after the issuing thereof —

T. A. Strange

The Commission issued under this order was forwarded to New York by the American Brig Clarissa, Captain Page, which sailed from Madras for Boston in the United States, on the day of July 1810 -

Dutch Brig Echo
Christian Shraap Master

264 Affidavit of Paul Walker Midshipman of H.M. Cutter Sylvia

In the Vice Admiralty Court at Madras
Prize Jurisdiction

Dutch Brig Echo
Christian Shraap Master

Appeared Personally Paul Walker Midshipman Serving on board His Majesty's Cutter Sylvia Lieutenant Augustus Vere Drury Commander and being duly Sworn on the Holy Evangelists to Depose the Truth made oath that the annexed Dutch Log Book was delivered to the Deponent by the said Augustus Vere Drury as the only Paper found on board the Dutch Brig Echo taken & Captured as Prize on the Twenty first day of April last by His Majesty's said Cutter Sylvia at which Capture this Deponent was present on board the said Cutter Sylvia and the Deponent did further depose that he has been informed and believes that there were no other Ships papers either found on board the said Brig Echo or delivered up to the said Augustus Vere Drury Commander or to any other Person belonging to the said Cutter Sylvia and the Deponent did further depose that he lately arrived at Madras on board the said Dutch Brig Echo as Prize Master thereof which is now riding at Anchor in the Roads of Madras and within the Jurisdiction of this Honble Court. —

Sworn at Fort St. Georg
this 3d day of August 1810.
Before me
J. A. Strange

Paul Walker

Echo. Continued

Depositions of Witnesses on the Standing Interrogatories - 265.

Vice Admiralty Prize Court Madras.

Friday the 10th day of August 1810. -

In the business of } Taken by His Majesty's Cutter Sylvia
The Brig Echo - - - } Lieutenant Drury. -

Depositions of Witnesses

had and taken at the office of Henry Gahagan
Esquire Registrar before Thomas Greenway Esquire
one of the Commissioners Named and Appointed
in the Standing Commission to take Examinations
on the Standing Interrogatories, upon the oaths of
the Persons hereinafter Examined by the
Interpretation of J. L. Reefke who
was first Sworn duly to interpret
on behalf on the Prosecution of
the Actions. -

Jean Lubin Roorengeuer

Pro Continued

Jean Jacques Roorenyerson aged about 46 Years Deposeth and saith as follows-

1st To the first Interrogatory this Deponent answering saith That he is a Native of Amsterdam in Holland - has for the last seven Years been at Sea and at Surak Bay some time he is a Subject of the King of Holland -

2 To the Second Interrogatory this Deponent answering saith That he was present when the Brig Eche was taken - He does not Knows whether she had a Commission She was a Kings Man Brig -

3 To the third Interrogatory this Deponent answering saith the Brig was taken about Nine Miles Distant from Batavia on the 26th April She was taken under Dutch Colours - because the Dutch and English are at War - She was taken after Capture to Bencoolen from there she was sent to Madras the Brig was taken by an English Cutter after an Action - there were three Transports under Convoy of the Brig at the time they were also taken by the Cutter, one of the Transports is brought to Madras the other be Subpoena at Pangalore -

4 To the fourth Interrogatory this Deponent answering saith That the Name of the Commander of the Eche he does not Know the Captain Witness has heard is a Native of Denmark but is in the Dutch Service the Dutch Government at Surak Bay put the Captain into Command of the Brig -

5 To the fifth Interrogatory this Deponent answering saith That he does not Know the Tonnage of the Brig there were forty Seamen

on board - fifty one souls were on board, three of them were English Prisoners. the Sailors some were Europeans and the rest Jamaica Mulays & Moors -

6 To the sixth Interrogatory this Deponent answering saith that he belongs to the Brig as a Boatswains mate at the time of Capture -

7 To the seventh Interrogatory this Deponent answering saith that the Name of the Brig is the Echo. She had no Cargo on board -

8 To the eighth interrogatory this Deponent not Knowing Cannot answer -

9 To the Ninth Interrogatory this Deponent answering saith that the Dutch Government owned the Brig -

10 To the tenth Interrogatory this Deponent answering saith that he Knows nothing of any papers whatever belonging to the Brig -

11 To the eleventh interrogatory this Deponent, not Knowing Cannot answer -

12 To the twelfth interrogatory this Deponent not Knowing Cannot answer

13 To the thirteenth Interrogatory this Deponent Can not answer -

14 Of the matters in this Interrogatory this Deponent Knoweth not

15 To this Interrogatory this Deponent, not Knowing answereth not

16 To this Interrogatory this Deponent, not Knowing Cannot answer

17 To this Interrogatory Deponent not Knowing answereth not

18 To the eighteenth Interrogatory this Deponent answereth not

19 Of the Matters in this Interrogatory Deponent is ignorant

20 To the twentieth Interrogatory this Deponent cannot answer -

Echo Continued

21 To the Twenty first Interrogatory this Deponent answereth not

22 To the Twenty Second Interrogatory this Deponent Cannot Answer —

23 Of the matters in this Interrogatory this Deponent knoweth not

24 Of the matters in this Interrogatory Deponent Knoweth not

25 To this Interrogatory Deponent answereth as

26 To this Interrogatory this Deponent Answereth not

29 Of the matters in this Interrogatory Deponent Knoweth not

28 To this Interrogatory this Deponent answereth not Knowing the matters thereof —

29 To the twenty seventh Interrogatory this Deponent Answereth not —

30 To the Thirtieth Interrogatory this Deponent not Knowing Cannot answer —

31 To this Interrogatory Deponent answering Saith that the Brig had 8 Guns pounders on board — She was a Brig of War and armed for fighting — had five Cutlass — and Muskets —

32 To the Thirty Second Interrogatory this Deponent Answering that the ship was a Dutch Brig of War — Converged

Echo Continued

the two Transports to Batavia.-

Addational Interrogatories-

1 Knoweth not

2 Knoweth not

Jam Jeer Rogers-

Sworn before me

Thomas Greenway

Com.-

J. L. Reefke

Sworn Interpreter

In the presence of

Nenny Gahagan

Registrar

and

Actuary-

E the Continued

Joan Maspaged about 61 Years being Sworn Deposeth and saith —

1 To the first Interrogatory this Deponent answering saith that he was born at Bologne - for the last Seven Years he has been at Sea in the Dutch Service - is Subject to the King of Holland - so he Considers himself —

2 To the Second Interrogatory this Deponent answering saith that he was present at the Capture of the Brig Zebo - She had a Commission from the Dutch Government

3 To the Third Interrogatory this Deponent answering saith the Brig was taken on the 26th of April last about four Wales from Batavia - She was taken as a Brig of War by a British Cutter - There was an Action - the Brig hoisted Dutch Colours was taken to some place to the Eastward from whence she was brought to Madras - There were two Brigantines in sight - There were two Padewaw Kes in Company under Convoy of Zebo - they were taken by the Cutter also - they are Dutch one of them is brought to Madras - he does not know where the other is but believes at Bencoolen —

4 To the fourth Interrogatory this Deponent answering saith that the name of the Captain of the Brig he does not know he has just in Command by the Dutch authority at Batavia Boy the Captain is a Dane but in the Dutch Service —

Echo Continued

5 To the fifth Interrogatory this Deponent answering saith that he does not know the tonnage of the Brig. There were about 32 men on board some Europeans some malays Lascars.

6 To the sixth Interrogatory this Deponent answering saith that the belonged to the Brig, was in the Capacity of Constable who took Charge of the Ammunition or Gunner.

7 To the Seventh Interrogatory this Deponent answering saith that the Name of the Brig is the Echo. She had only ballast and Ammunition on board no lading, she was going to Batavia where to know.

8 To the Eighth Interrogatory this Deponent, not knowing, Cannot answer.

9 To the Ninth Interrogatory this Deponent answering saith that the Brig belonging to the Dutch Government

10 Of the matters herein interrogated Deponent doth not know.

11 To the eleventh Interrogatory this Deponent answereth not

12 To the twelfth Interrogatory this Deponent answereth not

13 To the Thirteenth Interrogatory this Deponent answereth not

14 Of the matters in this Interrogatory Deponent knoweth not

15 To the fifteenth Interrogatory this Deponent Answereth not

16 To the matters in this Interrogatory Deponent Cannot speak.

17 To this interrogatory Deponent not knowing Cannot answer.

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Ellis Continued

18 To this Interrogatory Deponent answereth not

19 To this Interrogatory Deponent not knowing Cannot say

20 To this Interrogatory Deponent answereth not -

21 To the Twenty first Interrogatory this Deponent answereth not -

22 To the Twenty Second Interrogatory this Deponent saith not

23 of the matter in this Interrogatory Deponent knoweth not

24 of the matter in this Interrogatory Deponent knoweth not

25 To the matter in this Interrogatory Deponent answereth not

26 To the Matter in this Interrogatory Deponent answereth not

27 of the matter in this Interrogatory Deponent knoweth not -

28 of the matter here interrogated Deponent knoweth not

29 To this Interrogatory Deponent answereth not

30 To this Interrogatory Deponent not knowing Cannot say -

31 To the Thirty first Interrogatory this Deponent answereth that the Brig had 8 four pounders on board - Armed for Defence Against Enemies pirates and a few Cutlasses and Ammunition for fighting was on board -

32 To the Sixty Second Interrogatory this Deponent
Answering Saith that the Said the Echo was a Dutch Brig
of War and was bound to Batavia with Convoy.-

Additional Interrogatories-

1. 2. Of the matters in these Interrogatories Deponent
knoweth nought.

Jean Map;
x mark

Sworn before me
Jno. Greenway
Com.r

J. L. Reefke
Sworn Interpreter

In the presence of
Henry Gahagan
Actuary

A true Copy
Henry Gahagan
Registrar-

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Dutch Brig Echo

Allegations

In the Vice Admiralty Court at Madras

Prize Jurisdiction

25th August 1810.

Dutch Brig Echo!

Kristian Shraauf commander

Our Sovereign Lord the King against the Dutch Brig Echo!

wherein the said Christian Shraauf was commander her Tackle

Apparel and Furniture taken and seized by His Majesty's armed

Cutter Sylvia Lieutenant Augustus Vere Drury Esquire Commander

and now riding at Anchor in the Roads of Madras, and within the

Jurisdiction of this Honorable Court, and against all Persons in General —

On which day Robert Orme Procurator General for our Sovereign Lord

the King by all lawful ways and means and to all effects in Law

whatsoever alledged pleaded and articulately propounded as follows to wit —

First That His Majesty by and with the advice and Consent of His

Privy Council by an order in Council bearing date at the Court at Saint

James's the Sixteenth day of June in the Year of our Lord one thousand

Eight Hundred and three did order that General Reprizals be granted

against the Ships Goods and Subjects of the Batavian Republic So

that as well His Majesty's Fleets and Ships and also all other Ships

and Vessels that should be Commissioned by Letters of marque or

General Reprizals or otherwise by the Commissioners for executing the

Office of Lord High Admiral of the United Kingdom of Great Britain

and Ireland there and for the time being should and might

lawfully seize all Ships Vessels and Goods belonging to the

Batavian

Batavian Republic or to any Persons being Subjects of the Batavian Republic or inhabiting within the Territories of the Batavian Republic and bring the same to Judgment in any of the Courts of Admiralty within the Dominions of His Majesty which Ought to be duly Commenced And this was and is true public and Notorious and the party proponent doth allege and propound every thing in this and Subsequent Article Contained Jointly and Severally -

Second That the said Brig Echo whereof the said Christian Nicaup was Master was on the Twenty sixth day of April in the Year of our Lord one Thousand Eight Hundred and nine seized and taken as Prize by His Majesty's Armed Cutter Sylvia Lieutenant Augustus Vere Drury Esquire Commander and was at the aforesaid seizure Thereof belonging to the Batavian Republic or to Persons being Subjects of the Batavian Republic or inhabiting within the Territories of the Batavian Republic and as such or otherwise liable to Confiscation and ought to be Confiscated and Condemned to our Sovereign Lord the King And that it ought to be further Adjudged and Decreed that the said Augustus Vere Drury the Commander of His Majesty's said armed Cutter Sylvia and the Officers and Crew on board the said Cutter under his Command were and are the Captors thereof And the party proponent doth allege and propound as before -

Third - That all and Singular the premisses were and are true

Public

Echo Continued

publick and notorious and thereof there was and is a publick Voice fame and report upon which legal proof being made the party proponent prays right and justice to be effectually done and administered in the premises by You the Honorable Sir Thomas Andrew Strange Knight Judge of His Majesty's Vice Court of Admiralty at Madras or Your lawful Surrogate And that the said Brig Echo! whereof the said Christian Shraamp was Master her Tackle Apparel and furniture be seized and taken as aforesaid be pronounced to belong at the time of the aforesaid seizure to the Batavian Republic or to Persons being subjects of the Batavian Republic or inhabiting within the territories of the Batavian Republic & was such or otherwise liable to Confiscation Condemnation and that it may be pronounced and Decreed that the said Brig Echo! her tackle Apparel and furniture did belong to Enemies of the Crown of the United Kingdom of Great Britain and Ireland and that the said Brig Echo! her Tackle Apparel and furniture be Adjudged and Condemned as Good and lawful Prize accordingly –

Herbert Compton

R. Stone
Kings Proctor

Echo Continued

Order for Sentence of Condemnation

Vice Admiralty Prize Court Madras

Saturday the first day of September 1810.

In the business of the Brig Echo } Taken by His Majesty's Cutter Sylvia
Christian Shaap Commander } Lieutenant A. V. Drury. —

The Judge having heard the King's advocate on behalf of the Captors praying Condemnation of the said Brig, and having Examined the Log Book belonging to the said Brig and read the Depositions of the Witnesses severally Examined upon the standing Interrogatories, pronounced decreed and declared the said Brig her tackle Apparel Furniture and Stores to have been lawfully and duly taken by His Majesty's Cutter Sylvia and Condemned the same as good and lawful Prize so taken as aforesaid. And ordered Sentence of Condemnation to be issued unless Parties Claimant or Appellant intervene in due time. —

J. A. Strange

Echo Continued

278 Sentence of Condemnation

In the Name of God Amen - We Sir Thomas Andrew Strange Knight Judge of the Vice Admiralty Court of Madras and the Territories thereunto belonging and also to hear and determine all and all manner of Causes and Complaints as to Ships and Goods Seized and taken as Prize, Specially Constituted and appointed, having heard seen and understood, and fully and maturely discussed the merits and Circumstances of a certain Seizing and taking of a Certain Brig Called the Echo whereof Christian Stead was Commander and the Arms Stores and Ammunition taken by His Majesty's Ship Aglaia Carter Sylvia Lieut. Augustus Vere Drury Commander & brought to the Port of Madras which was Lately and still is depending before us, on the part and behalf of our Sovereign Lord the King against the said Brig, her Tackle Apparel and Furniture and the Arms Stores and Ammunition taken therein and therewith, and against all Persons in General who have or pretend to have any right title or interest in the said Brig, her Tackle Apparel and Furniture and the Arms Stores and Ammunition taken on board the same; and the rightly and duly proceeding thereon, the Procurator for our Sovereign Lord the King, appearing before us, and praying Sentence to be given, and Justice to be done, and all others in General who have or pretend to have any right title or interest in the said Brig, her Tackle Apparel & Furniture and the Arms Stores and Ammunition taken

Seized